



CURRITUCK COUNTY NORTH CAROLINA

August 14, 2018
Minutes – Regular Meeting of the Planning Board

WORK SESSION

The Currituck County Planning Board held a work session at 6:30 PM in the Historic Courthouse Conference Room. Jason Litteral, Planner II, reviewed the text amendment request submitted by David Stumph to modify Chapter 4 of the Unified Development Ordinance to allow veterinary clinics with no outdoor facilities to locate on lots smaller than two acres.

Discussion was held for the text amendment minimum square feet lot size to match the requirement to the General Business (GB) zoning district minimum lot size of 40,000 square feet.

The work session adjourned at 6:55 PM.

CALL TO ORDER

The Planning Board met in a regular session at 7:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
Fred Whiteman	Chairman	Present	
C. Shay Ballance	Vice Chairman	Present	
Carol Bell	Board Member	Absent	
Steven Craddock	Board Member	Present	
John McColley	Board Member	Present	
Jeff O'Brien	Board Member	Absent	
Jane Overstreet	Board Member	Absent	
J. Timothy Thomas	Board Member	Present	
Jason Litteral	Planning and Community Development Planner I	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Whiteman called the meeting to order.

A. Pledge of Allegiance & Moment of Silence

Chairman Whiteman asked everyone to stand for the Pledge of Allegiance and a moment of silence.

B. Ask for Disqualifications

Chairman Whiteman asked if any board member had a conflict of interest with the matter coming before the board. There were no conflicts noted.

C. Announce Quorum Being Met

Chairman Whiteman announced a quorum being met with five board members present.

D. Approval of Agenda

Chairman Whiteman asked if there were any changes to the agenda for tonight's meeting. With no changes noted, Mr. Craddock motioned to approve the agenda as presented. Mr. Ballance seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, John McColley, Board Member, J. Timothy Thomas, Board Member
ABSENT:	Carol Bell, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

APPROVAL OF MINUTES FOR JULY 10, 2018

Mr. Whiteman asked if any changes were needed for the meeting minutes of July 10, 2018. Mr. McColley noted he had voted nay for PB 18-17 Jay Winslow and Jason Graham, a text amendment to the Unified Development Ordinance to allow paint/body shops in the General Business (GB) zoning district and his vote was recorded incorrectly. Cheri Elliott, Clerk to the Board, will make the correction to the minutes. Mr. Craddock motioned to approve the minutes with the change. Mr. Thomas seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
AYES:	Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, John McColley, Board Member, J. Timothy Thomas, Board Member
ABSENT:	Carol Bell, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member

E. PB Minutes July 10, 2018**OLD BUSINESS**

There was no old business discussed.

NEW BUSINESS**A. PB 18-18 David Stumph, Veterinary Clinics:**

Chairman Whiteman asked the applicant to come before the board to state their name and address. David Stumph appeared and stated his address as 3916 Tabor Ridge Drive, Kitty Hawk. Chairman Whiteman asked the applicant to take a seat while staff presented his case.

Jason Litteral, Planner II, presented the staff report. The text amendment is requesting to modify Chapter 4 of the Unified Development Ordinance (UDO) to allow veterinary clinics with no outdoor facilities to locate on lots smaller than two acres.

Planning Board members were concerned with the repercussions of an applicant choosing a nonconforming lot. Mr. Litteral said there is a section in the UDO concerning the nonconforming lots with the purpose of providing a means whereby the county may require certain nonconforming site features to be brought into compliance.

Mr. Craddock asked which zoning districts currently allow veterinary clinics. Mr. Litteral said they are allowed in the Agriculture (AG) zoning district with a Use Permit and in the General Business (GB), Limited Business (LB) and Light Industrial (LI) zoning districts without a Use Permit.

David Stumph introduced himself and his wife Jessica Stumph, who is also a veterinarian. He said she runs a mobile service, but it is getting increasingly more difficult with more cliental. They had started looking for a site to locate their business in Currituck County and found the rules as stated in the UDO made it difficult for new veterinary clinics.

Mr. McColley asked if they had a site in mind for the business and Mr. Stumph said the 1,100 square foot space was located beside the Post Office in Point Harbor.

Mr. Litteral noted this text amendment would also be an opportunity to bring the two existing veterinary clinics in the county into compliance since they do not have dog runs.

Chairman Whiteman asked if other businesses were located in the building they are considering and what is the zoning district. Mr. Stumph said the post office and an antique store are in the same connected building. Mr. Litteral said it is zoned GB.

Mr. Craddock noted the discussion in the work session to change the minimum lot size requirement for the veterinary clinic to match the requirements of the zoning districts it is located in. Chairman Whiteman asked the applicant if they were okay with the noted change and Mr. Stumph said the change was acceptable to their requested text amendment. Mr. Litteral said he will modify the text amendment as noted.

The board asked staff the minimum lot size requirements for the allowed zoning districts for veterinary clinics. Mr. Litteral gave the following minimum lot sizes:

Agriculture - 30,000 (on county water supply)

General Business - 40,000

Limited Business - 40,000

Light Industrial - 60,000

Mr. Craddock motioned to approve PB 18-18 David Stumph, Veterinary Clinics text amendment for the requested change to the UDO to allow veterinary clinics with no outdoor facilities to locate on lots smaller than two acres provided they meet the minimum lot size requirements for the zoning district. A line item #2 shall be added to the text amendment for the minimum lots size requirement. The requested text amendment is in the public's interest; it will not injure adjoining property owners and public facilities are adequate for the change. Mr. McColley seconded the motion and the motion carried unanimously.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 9/4/2018 6:00 PM
AYES:	Fred Whiteman, Chairman, C. Shay Ballance, Vice Chairman, Steven Craddock, Board Member, John McColley, Board Member, J. Timothy Thomas, Board Member	
ABSENT:	Carol Bell, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member	

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT

Mr. McColley motioned to adjourn the meeting. Mr. Thomas seconded the motion and the motion carried unanimously. The meeting adjourned at 7:40 PM.



**CURRITUCK COUNTY
NORTH CAROLINA**

July 10, 2018
Minutes – Regular Meeting of the Planning Board

WORK SESSION

A work session was held at 3:30 PM in the Senior Center before the regular meeting with staff and board members. Senior Planner Tammy Glave reviewed the text amendment request to allow automotive painting/body shops in the General Business (GB) Zoning District. The work session adjourned at 3:55 PM.

CALL TO ORDER

The Currituck County Planning Board met at 4:00 PM in the Currituck County Senior Center, 103 Community Way, Barco, North Carolina.

Attendee Name	Title	Status	Arrived
Fred Whiteman	Chairman	Absent	
C. Shay Ballance	Vice Chairman	Present	
Carol Bell	Board Member	Present	
Steven Craddock	Board Member	Present	
John McColley	Board Member	Present	
Jeff O'Brien	Board Member	Present	
Jane Overstreet	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Laurie LoCicero	Planning and Community Department Director	Present	
Tammy Glave	Planning and Community Development Senior Planner	Present	
Cheri Elliott	Clerk to the Board	Present	

Vice Chairman Ballance called the meeting to order.

A. Pledge of Allegiance & Moment of Silence

Vice Chairman Ballance asked everyone to stand for the Pledge of Allegiance and a moment of silence.

B. Ask for Disqualifications

Vice Chairman Ballance asked if any board member had a conflict of interest with the matter coming before the board. Mr. Craddock said he has done business with Mr. Winslow in the past, but that it would not effect his decision. There was no opposition to this disclosure.

C. Announce Quorum Being Met

Vice Chairman Ballance announced a quorum being met with six board members present.

D. Approval of Agenda

Vice Chairman Ballance asked if there were any changes to the agenda for tonight's meeting. With no changes noted, Mr. Craddock motioned to approve the agenda as presented. Mr. O'Brien seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
AYES:	C. Shay Ballance, Vice Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member
ABSENT:	Fred Whiteman, Chairman, J. Timothy Thomas, Board Member

APPROVAL OF MINUTES FOR JUNE 12, 2018

Vice Chairman Ballance asked if any changes were needed for the meeting minutes of June 12, 2018. With no changes noted, Mr. Craddock motioned to approve the minutes as presented. Mr. O'Brien seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
AYES:	C. Shay Ballance, Vice Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, John McColley, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member
ABSENT:	Fred Whiteman, Chairman, J. Timothy Thomas, Board Member

OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

A. PB 18-17 Jay Winslow and Jason Graham:

Senior Planner Tammy Glave presented the staff report. The text amendment is requesting painting/body shops be allowed in the General Business (GB) zoning district. Currently automobile repair and servicing is allowed as a permitted use in GB. In the past, the noxious fumes and pollutants emitted from paint booths were an environmental concern and one reason automotive painting/body shops were placed in our industrial zoning districts. The Environmental Protection Agency (EPA) now strictly governs paint and auto body shops to reduce emissions (cadmium, chromium, lead, manganese, and nickel) emitted during the spray application surface coating operation. The EPA requires that all spray booths, stations, and enclosures catch at least 98% of the fumes. Ms. Glave also reviewed the Unified Development Ordinance (UDO) requirements and said painting /body shops standards are within the Light Automobile Repair and Servicing section.

Ms. Overstreet asked the zoning districts currently allowed for painting/body shops and Ms. Glave said the Light Industrial (LI) zoning district and the Heavy Industrial (HI) zoning district.

The applicant, Jay Winslow, came before the board and stated his current address as 115 Deerfield Drive in South Mills.

Mr. O'Brien asked Mr. Winslow his current Environmental Protection Agency (EPA) Compliance Report reading for his spray booth and Mr. Winslow stated 99.3 percent.

Discussion was held on whether the EPA required a yearly testing report for spray booths and Mr. Winslow said it is only required at the start up of the business and is not tested yearly as stated in the staff report. Mr. Glave reviewed the EPA requirements and said she had misread the requirement. She will make the corrections to the staff report memo and the text amendment to reflect the change.

Mr. McColley said he believes this should require a Use Permit. Ms. LoCicero explained the differences in Use Permits and Conditional Rezoning.

Mr. Craddock asked about the landscaping requirements for on the highway and off of the highway businesses of this type. Ms. Glave said both have the same requirements.

Vice Chairman Ballance asked for motion. Mr. Craddock motioned to approve PB 18-17 Jay Winslow and Jason Graham text amendment, striking the section discussed and changing the verbiage concerning the yearly EPA test report. The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- New and expanding industries and businesses are encouraged, especially those that diversify the local economy, train and use a more highly skilled labor force, and are compatible the environment.
- Small business start-ups are encouraged.
- Site and building design along major highway corridors require improved appearance and development standards (driveway access, landscaping, buffering, signage, lighting, and tree preservation).
- Adequate public facilities must be available to support the request.

Also the request is reasonable and in the public interest because:

- It is consistent with the purpose and intent of Section 1.3 of the UDO.
- It encourages business growth while protecting the aesthetic and environmental aspects of the county.

Mr. O'Brien seconded the motion and the motion carried 5-1 in favor with John McColley voting against the text amendment.

RESULT:	RECOMMENDED APPROVAL [5 TO 1]	Next: 8/6/2018 6:00 PM
AYES:	C. Shay Ballance, Vice Chairman, Carol Bell, Board Member, Steven Craddock, Board Member, Jeff O'Brien, Board Member, Jane Overstreet, Board Member	
NAYS:	John McColley, Board Member	
ABSENT:	Fred Whiteman, Chairman, J. Timothy Thomas, Board Member	

ANNOUNCEMENTS

There were no announcements.

ADJOURNMENT



Currituck County

Planning and Community Development Department
Planning and Zoning Division
 153 Courthouse Road, Suite 110
 Currituck, North Carolina 27929
 252-232-3055 FAX 252-232-3026

To: Planning Board
 From: Planning Staff
 Date: August 14, 2018
 Subject: PB 18-18 David Stumph, Text Amendment, Veterinary Clinics

The enclosed text amendment submitted by David Stumph revises Chapter 4 of the Unified Development Ordinance as it pertains to veterinary clinics. In the current ordinance a minimum lot area of two acres is required for all veterinary clinics. The minimum lot area is intended to provide space for, and separation from, outdoor facilities such as runs, kennels, or training areas. The text amendment proposes to allow clinics with no outdoor facilities to locate on lots smaller than two acres.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

Item 1: That Chapter 4 of the Unified Development Ordinance is amended by adding the following underlined language.

Animal Care Uses

Animal shelters, grooming, kennels (indoor and outdoor), and veterinary clinics shall comply with the following standards:

- (1)** Except for veterinary clinics with no outdoor facilities, the minimum lot area shall be at least two acres. Outdoor facilities include but are not limited to runs, kennels, and training areas.
- (2)** All fenced runs or training areas shall maintain a 25-foot setback from lot lines and be at least 50 feet from any adjacent single-family dwellings.
- (3)** Runs and training areas shall be enclosed with fencing at least six feet in height.
- (4)** All gates and entrances to the runs, kennels, and training areas shall remain locked when not in use.

Item 2: The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

Item 3: This ordinance amendment shall be in effect from and after the _____ day of _____, 2017.

Board of Commissioners' Chairman
Attest:

Leeann Walton
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____ AYES _____ NAYS
.....

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: _____ AYES _____ NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Text Amendment Application

OFFICIAL USE ONLY:
 Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:

Name: David Stumph

Address: 3916 Tarkle Ridge Dr

Kitty Hawk, NC 27949

Telephone: 252-256-7039

E-Mail Address: dstumph76@yahoo.com, firstflightvt@gmail.com

Request

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 4 Section(s) 4.2.4 B as follows:

Veterinary clinics with no runs, fenced areas, training areas, or outdoor kennels are excluded from the minimum lot area requirement of two acres. Any indoor kenneling at a vet clinic on a lot less than two acres must be used exclusively for observation of hospitalized animals.

*Request may be attached on separate paper if needed.

Petitioner

Date

6/26/18