



**CURRITUCK COUNTY  
NORTH CAROLINA**

October 13, 2020

Minutes – Regular Meeting of the Planning Board

**WORK SESSION**

The Currituck County Planning Board held a work session at 5:30 PM in the Historic Courthouse Board Meeting Room with six board members present. Staff members present were: Laurie LoCicero, Planning Director, Jason Litteral, Planner II, and Larry Lombardi, Economic Development Director. The board members were briefed concerning the text amendment on the agenda. Informal discussion followed until 6:00 PM.

**CALL TO ORDER - 6:00 PM**

The Planning Board met for a regular meeting in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
C. Shay Ballance	Chairman	Present	
Garry Owens	Vice Chairman	Present	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Anamarie Hilgendorf	Board Member	Present	
Juanita S Krause	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Laurie LoCicero	Planning Director	Present	
Jason Litteral	Planner II	Present	
Larry Lombardi	Economic Development Director	Present	
Cheri Elliott	Clerk to the Board	Present	

Chairman Ballance called the meeting to order at 6:00 PM.

**A. Pledge of Allegiance & Moment of Silence**

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

**B. Ask for Disqualifications**

Chairman Ballance asked if any board member had a conflict of interest with the item on the agenda tonight. No conflicts were noted.

**C. Announce Quorum Being Met**

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

**D. Approval of Agenda**

Chairman Ballance asked if there were any changes needed to the agenda tonight. With no changes noted, Mr. Bass motioned to approved as presented. Mr. Owens seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member
<b>ABSENT:</b>	J. Timothy Thomas, Board Member

**APPROVAL OF MINUTES FOR JULY 14, 2020**

Chairman Ballance asked if there were any changes needed to the minutes for July 14, 2020. Mr. Doll motioned to approve as presented. Mr. Owens seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member
<b>ABSENT:</b>	J. Timothy Thomas, Board Member

**E. PB Minutes - July 14, 2020****OLD BUSINESS**

No old business discussed.

**NEW BUSINESS****A. PB 20-15 Tractor Supply Company - Text Amendment:**

Jason Litteral, Planner II, presented the staff report. He gave the background information for why the current ordinance language for outdoor display and storage limits the overall size of outdoor display areas to be proportionate to the building containing the use and when this language was enacted outdoor displays were a problem with cluttering in the County. The main problem was in Corolla, along NC 12. The purpose of this text amendment is to allow large outdoor display and storage areas for agricultural support and services only. This proposed amendment will also allow display areas that are not directly adjacent to the building and may be located between the principle structure and the street. Mr. Litteral discussed the reasons Tractor Supply requires outdoor display and presented a PowerPoint showing the display diagram. He also noted an additional change for welding gas to be added to the staff report. Mr. Litteral said staff recommends approval of this text amended, along with the additional change noted. He gave the review standards and read the Statement of Consistency and Reasonableness.

Cathleen Saunders with Quible & Associates came before the board to answer questions from the board.

Chairman Ballance closed the public hearing. There were no citizens present to speak.

Chairman Ballance said he was happy to see Tractor Supply coming to Currituck County.

Mr. Owens motioned to **approve PB 20-15** with the additional changes from tonight because the request is consistent with the goals, objectives, and policies of the Land Use Plan including:

- **POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES** should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

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

- Tractor Supply Company's product line is in harmony with the rural lifestyle of Currituck County and will provide a needed retail service to the community.

Ms. Krause seconded the motion and the motioned carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member
<b>ABSENT:</b>	J. Timothy Thomas, Board Member

## ANNOUNCEMENTS

Ms. LoCicero gave an update on the campground survey and upcoming work session. She said the Board of Commissioners directed staff to do neighborhood meetings for campgrounds. Staff also created a survey and mailed the information to adjacent property owners within 1,000 feet of any campground. Staff has held in person meetings with three of the four campgrounds to receive their input and will meet with KOA before the Board of Commissioner's November 2nd Work Session concerning campgrounds.

## ADJOURNMENT

Mr. Doll motioned to adjourn the meeting. Mr. Bass seconded the motion and the motion carried unanimously with the meeting adjourning at 6:18 PM.



## CURRITUCK COUNTY NORTH CAROLINA

July 14, 2020

Minutes – Regular Meeting of the Planning Board

### WORK SESSION

The Currituck County Planning Board held a work session at 5:30 PM in the Historic Courthouse Board Meeting Room with six board members present. Staff members present were: Laurie LoCicero, Planning Director, and Donna Voliva, Assistant Planning Director. The board members were briefed concerning the text amendment on the agenda. Informal discussion followed until 6:00 PM.

### CALL TO ORDER - 6:00 PM

The Planning Board met for a regular meeting in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina.

Attendee Name	Title	Status	Arrived
C. Shay Ballance	Chairman	Present	
Garry Owens	Vice Chairman	Present	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Anamarie Hilgendorf	Board Member	Present	
Juanita S Krause	Board Member	Present	
J. Timothy Thomas	Board Member	Absent	
Laurie LoCicero	Planning and Community Department Director	Present	
Donna Voliva	Planning and Community Development Assistant Planning Director	Present	

Chairman Ballance called the meeting to order at 6:01 PM.

#### A. Pledge of Allegiance & Moment of Silence

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

#### B. Ask for Disqualifications

Chairman Ballance asked if any board member had a conflict of interest with the item on the agenda tonight. Chairman Ballance said he will not vote on the text amendment tonight. There were no other conflicts noted.

Communication: PB Minutes - July 14, 2020 (Approval of Minutes for July 14, 2020)

**C. Announce Quorum Being Met**

Chairman Ballance announced a quorum being met with six board members present and five voting board members for the case tonight.

**D. Approval of Agenda**

Chairman Ballance asked if there were any changes needed to the agenda tonight. With no changes noted, Mr. Bass motioned to approve as presented. Mr. Doll seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	K. Bryan Bass, Board Member
<b>SECONDER:</b>	David Doll, Board Member
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member
<b>ABSENT:</b>	J. Timothy Thomas, Board Member

**APPROVAL OF MINUTES FOR JUNE 9, 2020 & JUNE 11, 2020**

Chairman Ballance asked if there were any changes needed to the minutes for June 9th and June 11th. Chairman Ballance referenced one change needed to the June 11, 2020 minutes in the motion on page 7, "Mr. Owens added changed Item 2 from ~~20,000~~ 40,000 square feet or smaller to 25,000 square feet or smaller."

Mr. Doll motioned to approve the minutes for June 9, 2020 as presented and to approve the minutes for June 11, 2020 with the requested change. Ms. Krause seconded the motion and the motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	David Doll, Board Member
<b>SECONDER:</b>	Juanita S Krause, Board Member
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member
<b>ABSENT:</b>	J. Timothy Thomas, Board Member

**E. PB Meeting Minutes - June 9, 2020****F. PB Meeting Minutes - June 11, 2020****OLD BUSINESS**

There was no old business discussed.

**NEW BUSINESS****A. PB 20-11 Steven W. Craddock**

Chairman Ballance stepped down and Garry Owens, Vice-Chairman, presided over the

hearing for PB 20-11 Steven W. Craddock, Text Amendment request. Vice-Chairman Owens introduced the case, gave a detailed summary of the request, and introduced Ms. Voliva as the staff presenter.

Donna Voliva, Assistant Planning Director, presented the staff report and a PowerPoint presentation. She said that typically mining operations are greater than one acre and accessory mining excavation is less than one acre. Ms. Voliva said the original request from Mr. Craddock had language that would render most existing mining operations nonconforming so he worked with staff to change his request. The revised request/staff report was emailed to the board members yesterday. The changes resolves most of the issues and now leaves three active existing mines nonconforming. Ms. Voliva said the requested text amendment is actually two parts. The first being the modified request for the Extractive Industry which will revise the current ordinance language in an effort to require mining operations to have an improved direct access to major arterial streets, prepare an access impact report for operations that utilize an easement or private right of way, remove the extension of expiration time period language, and to require all expansion to go through the same process as a new permit. She said that currently existing mines are allowed to expand up to 40 percent with only receiving administrative approval. With the text amendment they would no longer be able to do this and must go through the board approval process. Ms. Voliva said this text amendment would impact expansions and modifications to some existing mining operations as well as new applications. Some of the active mining operations will become nonconforming. She referenced a spreadsheet provided to the board members with the list of active and inactive mining operations that would be impacted. She went over the mines that would be affected.

Ms. Voliva asked the board if they had any questions. Mr. Bass asked about the mines that are in nonconforming zones.

Ms. Voliva said the second part of the text amendment is for Excavation that would require excavation accessory uses (ponds less than one acre) to use the excavated material removed from the pond on the subject property. Ms Voliva explained how the fill would be used on property; example fill around septic systems.

Ms. Voliva asked if the board had any questions concerning the second part of the text amendment. Mr. Bass asked some questions concerning the accessory excavation and having stumps or wood that would need to be removed from the fill. Ms. Voliva said you could add language to be allowed to remove that from the property.

Ms. Voliva went over the review standards in determining whether to adopt or deny the proposed text amendment and said staff recommends approval of the request as submitted and gave a suggested Statement of Consistency and Reasonableness.

Vice Chairman Owens asked if there were anymore questions from the board to staff. With no more questions, Vice Chairman Owens called the applicant to present his case.

The applicant, Steven Craddock, of 102 Hickory Hill Drive in Grandy came before the board. Mr. Craddock said he is any appraiser in the county, electrical board certified, and he has served on the Planning Board and on the Steering Committee for the Land Use Plan. Mr. Craddock said he knows from his time on the Planning Board how some things get passed that has details that were overlooked and need to be addressed to make the change. The changes that I am proposing to you are to protect the public's rights. Mr. Craddock said he

agrees that landowners should be able to excavate on their property to use the fill as needed on their property, but when landowners start using it as a business and excavating and selling the fill, then they are just doing it to make money. Mr. Craddock continued to review the changes and gave reasons for how they would benefit the public. He also said this text amendment puts the Extractive Industry's expansions and modifications back into the hands of the Board of Commissioner's as it should be since it is quasi-judicial. Mr. Craddock gave the history of how the excavation language came about and how it was originally intended for farmers to maintain their roads. He gave some examples of how it is now being abused to make money. One example is when a landowner has a contractor dig a pond on their property and the contractor sells the fill which came from digging the pond (this acts as a mining operation).

Clay Cartwright of North Gregory Road in Shawboro came before the board to speak. He said he operates a mine and also does site work. Mr. Cartwright said his main concern was the text amendment changes concerning ponds that are one acre or less. When asked by Mr. Doll if he was in favor or opposed to the text amendment, he said he could see good and bad in the text amendment.

Ken Elliott of Elliott Road in Aydlett came before the board to speak in opposition of the text amendment. Mr. Elliott is owner of Elliott Consulting and manages several mines. He said changing the allowed location of the mines to only major arterial roads would be a mistake. Many of the mines are located on secondary roads and would become nonconforming. Mr. Elliott said secondary roads are better locations for the mines and keeps the industrial use off of the main roads. He also said one of the larger mines is used by NCDOT and they would not be happy if they can no longer have use of their required products. Mr. Elliott doesn't believe the roads are being damaged by the mine equipment and if they were NCDOT would deal with the company that had damaged the road; bonding would be increased. Mr. Elliott also spoke of the bond being \$1,800 per every thousand feet. Mr. Elliott did not have an issue with the 200 feet requirement going into the parcel, but did object to this section not being able to use millings. He said the State of NC defines impervious surfaces to include millings the same as concrete so millings should be allowed for the 200 feet section of the road. Mr. Elliott also spoke of the changes to the one acre ponds not being allowed to sell their sand. He said one acre ponds barely break even and are not just for aesthetics but are used for horses and irrigation. He said he has priced a one acre pond at the cost of \$15,000. If the property owner can lower his cost of digging the pond by giving the sand to the contractor, they should be allowed to do so.

Shay Ballance came before the board. He said he fully supports the text amendment. Mr. Ballance said if you are digging and selling without a permit than it is not right. He likes the 200 feet of concrete requirement and said it is to protect the roads. He has personally witnessed a mile of pavement destroyed near his residence due to the heavy equipment used in the mining operation.

Steven Craddock came before the board to give his 5 minute rebuttal. He said all existing mines can continue to operate and this will not have an affect on them negatively. Mr. Craddock said NCDOT's budget is currently low and they do not have the money to fix all the damage caused by the mining operations.

Ms. Krause said she has a problem with the regulation of one acre ponds. She said she owns ten acres and if she wanted to dig a pond, she should be able to remove the fill from the property.

The board continued their discussion on changes they would like added to the text amendment. Ms. Krause said she feels that the regulation of keeping property owners from removing the fill from their ponds is an overreach of regulation by the County. Although she did feel that the roads are being damaged by the mining operations. Ms. Voliva tried to give the board some options to help the board come to a decision.

Mr. Ballance come before the board again. He gave examples of what permitted mines have had to do in order to operate. But when you allow the abuse by home owners to do an accessory use of mining without having to meet all of the site requirements, etc., it is not fair to the major operations that have jumped through the hoops of regulation. He said the millings would not work since they are loose and are the same as rocks that would track onto the roadways and do damage.

Mr. Owens closed the public hearing and asked for a motion.

Mr. Bass motioned to approve **PB 20-11** because the request is consistent with the following policies of the 2006 Land Use Plan:

- **POLICY ID8:** MINING ACTIVITIES, or secondary impacts of mining activities not subject to permit approval by the State of North Carolina, may be subject to review and management by Currituck County. Activities to be addressed may include, but not be limited to, the adequacy of roads serving the mine site, visual impacts during operation and after closing of the mine site, noise and dust considerations, etc.
- **POLICY TR11:** ACCESS TO HIGHER INTENSITY DEVELOPMENT shall generally not be permitted through an area of lower intensity development. For example, access to a multi-family development, a major park facility or other large traffic generator shall not be permitted through a local street serving a single-family residential neighborhood.

The request is reasonable and in the public interest because:

- The proposed amendment is not in conflict with provisions of the Unified Development Ordinance since the amendment requires mine expansions to be subject to a quasi-judicial decision.
- The proposed amendment would identify potential transportation impacts to easements and private rights of way that are used by others and provide mitigation methods to reduce adverse impacts on nearby properties.

Mr. Bass said this motion is for all of the text amendment, as written.

Ms. Hilgendorf seconded the motion.

Mr. Doll said he wanted to amend the motion and Ms. Krause said she would also like to amend the motion. Discussion was held on the amendments that would be added.

Mr. Bass amended his motion to include the following to 4.3.3 Specific Standards for Certain Accessory Uses:



- A. Excavation
  - Woody debris can be removed
  - Minor excavation for the primary purpose
  - Any access road shall remain free of dust and sediment

Ms. Krause seconded the amended motion and the amended motion carried unanimously.

<b>RESULT:</b>	<b>RECOMMENDED APPROVAL [UNANIMOUS]</b>	<b>Next: 8/17/2020 6:00 PM</b>
<b>MOVER:</b>	K. Bryan Bass, Board Member	
<b>SECONDER:</b>	Juanita S Krause, Board Member	
<b>AYES:</b>	C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Anamarie Hilgendorf, Board Member, Juanita S Krause, Board Member, J. Timothy Thomas, Board Member	

## ANNOUNCEMENTS

Chairman Ballance returned to chair the meeting. He asked if anyone had any announcements and there were none.

## ADJOURNMENT

Chairman Ballance asked if there was a motion to adjourn. Vice-Chairman Owens motioned to adjourn. Mr. Bass seconded the motion and the meeting adjourned unanimously at 8:31 PM.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 2934

**Agenda Item Title:** PB 20-15 Tractor Supply Company - Text Amendment:

**Submitted By:** Cheri Elliott – Planning & Community Development

**Item Type:** Legislative

**Presenter of Item:** Jason Litteral

**Board Action:** Action

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**Brief Description of Agenda Item:**

Request to amend the Unified Development Ordinance, Chapter 4. Use Standards and Chapter 10. Definitions and Measurement, to allow large outdoor display and storage areas and display areas that are not directly adjacent to the principle structure for agricultural support and services uses.

**Planning Board Recommendation:** Approval

**Staff Recommendation:** Approval

**TRC Recommendation:**

**Currituck County**

Planning and Community Development Department  
 Planning and Zoning Division  
 153 Courthouse Road Suite 110  
 Currituck NC 27929  
 252-232-3055 Fax 252-232302

To: Board of Commissioners

From: Planning Staff

Date: 11/2/2020

Subject: PB 20-15 Tractor Supply - Text Amendment

**Background**

The current ordinance language regarding outdoor display and storage limits the overall size of outdoor display areas to be proportionate to the building containing the use. One intent of this language was to address the cluttering effect that displayed items might have when located between the front of the retail structure and the street. At the time the language was enacted, outdoor display of retail items was a problem, particularly along NC 12 in Corolla. The language also offered protection of the aesthetics along Caratoke Highway. At that time, the needs of large-scale retail businesses such as Tractor Supply where day to day operations are dependent on a large outdoor display and/or storage areas were not considered.

The purpose of the text amendment is to allow large outdoor display and storage areas for agricultural support and services uses only. The proposed amendment also will allow display areas that are not directly adjacent to the building and that may be located between the principle structure and the street.

The applicant submitted the following language as justification of the text amendment:

***Text Amendment Justification***

*Tractor Supply's store and site layout are designed to maximize the efficiency and security of its operation. This operation includes outdoor display adjacent to and detached from the building for its various larger item product lines. These items are a major component of Tractor Supply's sales and success.*

*The current ordinances do not allow adequate outdoor storage and display area for Tractor Supply to successfully operate in Currituck County.*

*There are two main areas where Tractor Supply requires outdoor display:*

- *Adjacent to the building, which includes its Sidewalk Display and Fenced Outdoor Display Areas. These areas include products such as farm/ranch equipment and maintenance products; general maintenance products; lawn and garden equipment and*

Attachment: staff report final (PB 20-15 Tractor Supply)

products; all-terrain vehicles, mowers, troughs, gates, fencing, propane, etc. These items are too large and unsuitable for display within the store. For access, security and operational purposes, they need to be adjacent to the store.

- Detached from the building, which includes the Permanent Trailer and Equipment Display Area. This area typically contains large equipment including items which can be towed behind cars and trucks and therefore needs full accessibility. Customers must be able to back up to this equipment, hook it up or load it onto their vehicle and drive away. The Permanent Trailer and Equipment Display provides this access. For security, operational and advertising reasons, Tractor Supply locates the Permanent Trailer and Equipment Display Area adjacent to the road, across its parking lot in front of the store.

### Text Amendment Review Standards

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans:

*The proposed text amendment is consistent with the following 2006 Land Use Plan Policies:*

***Northern Mainland Currituck County contains significant areas of agricultural zoning that could benefit from a rural retail supplier. The Currituck County Northern Mainland Future Land Use (within the DRAFT Imagine Currituck 2040 Master Plan) indicates the proposed area should be considered "mixed use centers and corridors" POLICY CD1: NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS and POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES. In addition to this, the Moyock Small Area Plan expresses a desire to protect the community's rural character and promote Moyock as a prime location for small businesses and light industrial development. The proposed development is consistent with these goals and objectives.***

*Staff adds the following policies to further demonstrate consistency with the 2006 land use plan.*

***POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES*** should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity based economy of Currituck County.

***POLICY ED2: CAPITAL EXPENDITURES*** for the purpose of economic development shall be targeted toward areas that are most suited for development. Targeted areas should include raw land as well as the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure. Targeted areas primarily include those located within the Full Service Areas identified on the Future Land Use Map and to a lesser extent

those included in the Limited Service Areas.

2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;  
***The site is not in conflict and will be developed in accordance with the County's TRC review process including development and infrastructure standards. Changes to the County's use standards are proposed to allow for more outdoor display and sales areas to account for the size and scale of the specialty items available for retail sale. POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES***

*The text amendment request is consistent with the provisions of the UDO and the County Code of Ordinances.*

3. Is required by changed conditions;

***Tractor Supply Company has unique site conditions as the specialty products they offer are larger than those typically stored within a retail structure. Additional outdoor display areas are required due to the size and scale of retail products. POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES***

4. Addresses a demonstrated community need;

***Retail specific stores are sparse within the Moyock area and the proposed development would allow residents a location to purchase necessary items without travelling out of state or to Elizabeth City. POLICY CD1: NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS; POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES***

5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;

***The parcel is zoned GB and retail is a permitted use within this zone. An outdoor sales and display area is permitted within this zone. POLICY CD3: LARGE COMMERCIAL CENTERS ; POLICY CD8: MIXEDUSE DEVELOPMENTS***

6. Would result in a logical and orderly development pattern; and

***The proposed development is consistent with the surrounding area and required buffers will be provided between the GB zoning along the Caratoke Highway and the adjacent mixed residential zoning. POLICY CD1: NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS; POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES***

7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

***The proposed development would not result in adverse environmental impacts. It should be noted that central wastewater is already permitted for the site and stormwater will meet or exceed County storage requirements. A retail use is not expected to impact air or noise quality. POLICY WS3: Currituck County endorses UTILITIES EXTENSION POLICIES***

### **Staff Recommendation**

Staff recommends **approval** of this request subject to the staff suggested Statement of Consistency and Reasonableness listed in the staff report.

### **Planning Board Recommendation – October 13, 2020**

Planning Board recommends approval.

Mr. Owens motioned to approve PB 20-15 with the staff recommended changes at the meeting because the request is consistent with the goals, objectives, and policies of the Land Use Plan including:

- POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES should be especially encouraged that: 1) diversify the local economy, 2) train and utilize a more highly skilled labor force, and (3) are compatible with the environmental quality and natural amenity-based economy of Currituck County.

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

- Tractor Supply Company's product line is in harmony with the rural lifestyle of Currituck County and will provide a needed retail service to the community.

Ms. Krause seconded the motion and the motion carried unanimously (6-0).



**PB 20-15 TRACTOR SUPPLY  
COMPANY  
TEXT AMENDMENT  
BOARD OF COMMISSIONERS  
11/2/2020**

Tractor Supply Company request an amendment to the Unified Development Ordinance, Chapter 4 Use Standards and Chapter 10 Definitions and Measurement, to allow large outdoor display and storage areas, and display areas that are not directly adjacent to the principle structure, for agricultural support and services uses.

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 is amended by adding the bold and underlined language in Section 4.2.1:

4.2.1

Agricultural Uses

A. (unchanged)

B. (unchanged)

C. Agricultural Support and Services (Not Directly Related)

(1) General

All agricultural support and services (not directly related) uses shall have direct access onto a railway, major arterial street, or collector street.

(2) Stockyard/Slaughterhouse (unchanged)

(3) Agronomic Uses (unchanged)

**(4) Agricultural Retail Facilities**

**(a) The following items are allowed within outdoor display and sales within the agricultural support and services use:**

i. **Fencing materials**

ii. **Pet and Livestock Equipment and feed.**

iii. **Piping**

iv. **Trailers**

v. **Tool Rental**

vi. **Pedal Boats**

vii. **All-Terrain Vehicles/Utility Vehicles**

viii. **Lawn and Garden Equipment including, but not limited to, mowers, plows, tillers, cultivators, fertilizer spreaders, seeders, bale carriers, etc.**

ix. **Lawn and Garden Materials including, but not limited to, bagged fertilizer, bagged mulch, bagged feed, etc.**

(b) Outdoor display areas associated with agricultural support and services are exempt from section 4.3.3.Q.2 and 4.3.3.Q.4 and shall meet the following criteria:

- i. All outdoor display of goods shall be located immediately adjacent to the storefront, or building sides, with the exception of a non- building-adjacent or detached outdoor display area up to 17% of the building square footage allowed between the building and street frontage. Outdoor display areas are not to be placed in drive aisles, loading zones, fire lanes, or parking lots.
- ii. Non-building adjacent or detached outdoor display areas shall be screened with a type A buffer yard (option 2 with shrubs) or a type B buffer yard (option 1 or 2).
- iii. Outdoor display areas associated with agricultural support and services shall not be limited by length and shall be limited in size to 125% of the overall building square footage.
- iv. Outdoor display areas adjacent to the building (excluding sidewalk display areas) shall be contained by a fence for aesthetics and security reasons. The fence shall be either wrought iron, powder coated aluminum, or similar material, with decorative columns (for example stone or brick) adjacent to any street frontage.

**Item 2:** That Chapter 4 is amended by adding the bold and underlined language in Section 4.3.3

#### 4.3.3 Specific Standards for Certain Accessory Uses

##### R. Outdoor Display and Sales

Outdoor display or sales may be allowed as an accessory use for all retail sales and service uses and wholesale sales uses. It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items is unsightly, impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition.

The outdoor display/sales of goods shall comply with the following standards:

1. Outdoor display/sales areas shall be depicted upon a site plan (see Section 2.4.7. Site Plan).
2. All outdoor display of goods shall be located immediately adjacent to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, or parking lots. Outdoor display areas not adjacent to the principal building are only allowed within agricultural support and services use classification as specified under UDO Section 4.2.1.



3. Containers or racks used for display shall be anchored in a manner capable of withstanding 120 mph winds, or shall be capable of being moved indoors.
4. Outdoor display areas shall be limited to no more than one-half of the length of the store front or building side, **for all use classifications except Agricultural Support and Services. Outdoor display areas associated with agricultural support and services shall meet the criteria specified under UDO Section 4.2.1.**
5. In the case of a shopping center, the “storefront” shall include the entire frontage of the shopping center façade, meaning that the total amount of display for all the in-line tenants combined shall not exceed 50 percent of the aggregate store front length of the shopping center.
6. The area of outdoor display or sales shall not encompass the width of the entrance doors to the establishment as projected straight out from the facility. (For example, if the width of the entrance doors is ten feet, there shall be at least a ten-foot clearance from the doors as projected straight out and away from the facility.)
7. No goods shall be attached to a building’s wall surface.
8. The height of the outdoor display area shall not exceed nine feet, except in the case of live or recently cut trees or similar vegetation.
9. The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.
10. At least three feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
11. Outdoor sales shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides, and similar items. **Sites designated as agricultural support and services use may include storage and sale of propane and welding gas. All storage and handling must meet the applicable North Carolina Fire Code and all appropriate State and Federal Regulations.**
12. No additional signage shall be permitted in association with outdoor display areas.
13. Outdoor display of large items (e.g., heavy equipment, vehicles, manufactured homes, prefabricated structures, etc.) shall comply with the standards applied to these activities when they occur as principal uses (see Section 4.2, Use Specific Standards).

**Item 3:** That Chapter 4 is amended by adding the bold and underlined language in the Summary Use Table 4.1.1.A

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]													ADDITIONAL REQ. (4.2.____)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI		
Agriculture Support and Services (Not Directly Related)	Agricultural research facility			Z						Z	Z	Z		Z	Z	1.C
	Distribution hub for agricultural and agronomic products			Z						Z	Z			Z	Z	1.C
	Farm machinery sales, rental, and service			Z						Z	Z	Z		Z	Z	1.C
	<u><b>Agricultural Retail Facility</b></u>			<u>Z</u>						<u>Z</u>	<u>Z</u>	<u>Z</u>		<u>Z</u>	<u>Z</u>	<u>1.C</u>
	Stockyard / Slaughterhouse			U											U	1.C

**Item 4:** That Chapter 10 is amended by deleting the following bold and underlined strikethrough language and adding the bold and underlined language in Section 10.5

### **AGRICULTURAL RETAIL FACILITY**

**A facility where the principal use is retail sales of products related to agriculture.**

**Item 4:** Staff suggested Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals objectives and policies of the 2006 Land Use Plan referenced in the text amendment review standards:

The request is reasonable and in the public interest because:

It will allow Tractor Supply to maintain their typical operations within Currituck County where the business will provide citizens with much needed retail services.

**Item 5:** 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 6:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

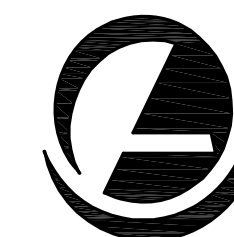
\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

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

PLANNING BOARD DATE: 10/13/20  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_ Approval \_\_\_\_\_  
VOTE: 6 AYES 0 NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: 10/21/20 & 10/28/20  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_

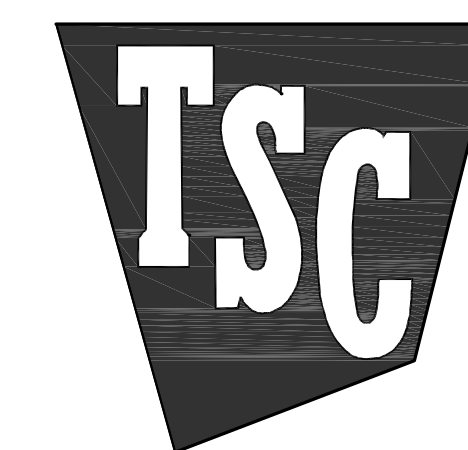
Attachment: staff report final (PB 20-15 Tractor Supply)



**GLEN P. OXFORD  
ARCHITECT**

2934 Sidco Drive  
Suite 120  
Nashville, TN 37204

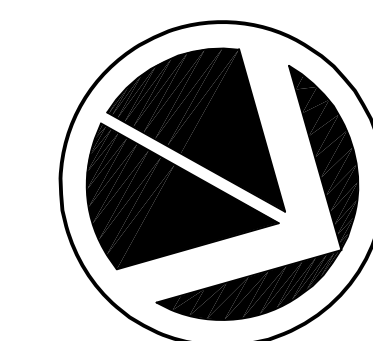
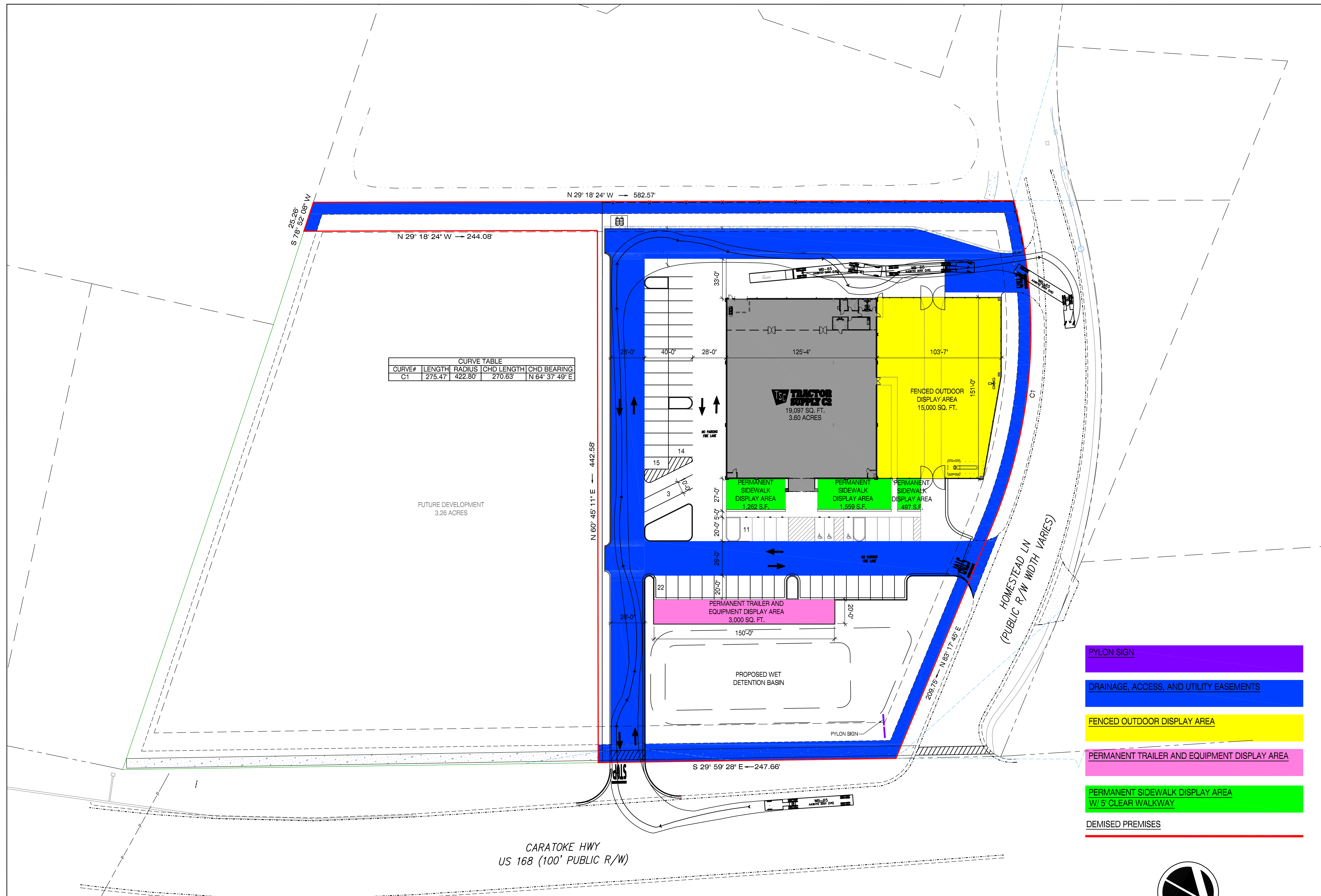
Architecture  
Planning  
Interior Architecture



TRACTOR SUPPLY COMPANY

**MOYOCK  
NORTH CAROLINA**

Attachment: 2 Site Plan Tractor Supply (PB 20-15 Tractor Supply)



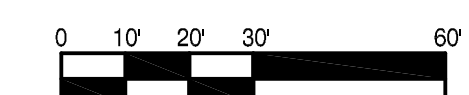
3.60 ACRES

PARKING PROVIDED = 65 SPACES

**SITE PLAN**

SCALE: 1" = 30'

MOYOCK, NORTH CAROLINA



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Job Number: 0820.062

Date: 09.28.2020

Revisions:

Revisions:

Revisions:

Sheet Number:

**SITE**





## Text Amendment Application

**OFFICIAL USE ONLY:**

Case Number: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

**Contact Information**
**APPLICANT:**

Name: MOYOCK DEVELOPMENT GROUP, LLC  
 Address: 155 W. NEW YORK AVE., SUITE 200  
SOUTHERN PINES, NC 28387  
 Telephone: 910-695-3694  
 E-Mail Address: \_\_\_\_\_

**Request**

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

Amend Chapter(s) 4. Section(s) 4.3.3.Q as follows:

SEE ATTACHED SUPPORTING DOCUMENTATION  
AND REQUESTED CHANGES.

\*Request may be attached on separate paper if needed.

Petitioner

Carl A. Long, Manager & Member 8/18/2020  
 Date

## Text Amendment Submittal Checklist

Staff will use the following checklist to determine the completeness of your application. Only complete applications will be accepted.

## Text Amendment Submittal Checklist

Date Received: \_\_\_\_\_

Project Name: TSC - MOYOCK, NC

Applicant/Property Owner: Maple Development Group, LLC Eastlong  
Manager or Member

## Text Amendment Submittal Checklist

1	Complete Text Amendment application	✓
2	Application fee (\$300)	✓
3	2 hard copies of ALL documents	✓
4	1 PDF digital copy of all documents (ex. Compact Disk – e-mail not acceptable)	✓

## For Staff Only

## Pre-application Conference

Pre-application Conference was held on \_\_\_\_\_ and the following people were present:

\_\_\_\_\_  
\_\_\_\_\_

## Comments

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NARRATIVE:**

Tractor Supply Company (NASDAQ: TSCO), the largest **rural lifestyle retailer** in the United States, has been passionate about serving its unique niche, as a one-stop shop for recreational farmers, ranchers and all those who enjoy living the rural lifestyle, for more than 80 years.

Tractor Supply offers an extensive mix of products necessary to care for home, land, pets and animals, men's and women's workwear, with a focus on product localization, exclusive brands and legendary customer service that addresses the needs of the "Out Here" lifestyle. With more than 33,000 team members, the Company leverages its physical store assets with digital capabilities to offer customers the convenience of purchasing products they need anytime, anywhere and any way they choose at the everyday low prices they deserve. Each store team includes welders, farmers and animal owners who provide an exceptional depth of knowledge and resources.

At March 28, 2020, the Company operated 1,863 Tractor Supply stores in 49 states and an e-commerce website at [www.TractorSupply.com](http://www.TractorSupply.com).

During the 2020 epidemic, Tractor Supply stores have remained open, having been classified across the nation as an "essential business".

The proposed store consists of a 19,000 +/- square foot building with a 15,000 sq. ft. fenced outdoor display area, sidewalk display areas, and a 3,000 sq. ft. Trailer and Equipment display area.

**Text Amendment Justification**

Tractor Supply's store and site layout are designed to maximize the efficiency and security of its operation. This operation includes outdoor display adjacent to and detached from the building for its various larger item product lines. These items are a major component of Tractor Supply's sales and success.

The current ordinances do not allow adequate outdoor storage and display area for Tractor Supply to successfully operate in Currituck County.

There are two main areas where Tractor Supply requires outdoor display:

- Adjacent to the building, which includes its Sidewalk Display and Fenced Outdoor Display areas. These areas include products such as farm/ranch equipment and maintenance products; general maintenance products; lawn and garden equipment and products; all-terrain vehicles, mowers, troughs, gates, fencing, propane, etc. These items are too large and unsuitable for display within the store. For access, security and operational purposes, they need to be adjacent to the store.
- Detached from the building, which includes the Permanent Trailer and Equipment Display area. This area typically contains large equipment including items which can be towed behind cars and trucks and therefore needs full accessibility. Customers must be able to back up to this equipment, hook it up or load it onto their vehicle and drive away. The Permanent Trailer and Equipment Display provides this access. For security, operational and advertising reasons, Tractor Supply locates the Permanent Trailer and Equipment Display area adjacent to the road, across its parking lot in front of the store.

**Proposed Amendments**

## 4.2.1 Agricultural Uses

A. (unchanged)

B. (unchanged)

**C. Agricultural Support and Services (Not Directly Related)**

## (1) General

All agricultural support and services (not directly related) uses shall have direct access onto a railway, major arterial street, or collector street.

## (2) Stockyard/Slaughterhouse (unchanged)

## (3) Agronomic Uses (unchanged)

**(4) Agricultural Retail Facilities****(a) The following items are allowed within outdoor display and sales within the agricultural support and services use:**

- i. Fencing materials
- ii. Pet and Livestock Equipment
- iii. Piping
- iv. Trailers
- v. Tool Rental
- vi. Pedal Boats
- vii. All-Terrain Vehicles/Utility Vehicles
- viii. Lawn and Garden Equipment including, but not limited to, mowers, plows, tillers, cultivators, fertilizer spreaders, seeders, bale carriers, etc.
- ix. Lawn and Garden Materials including, but not limited to, bagged fertilizer, bagged mulch, bagged feed, etc.

**(b) Outdoor display areas associated with agricultural support and services are exempt from section 4.3.3.Q.2 and 4.3.3.Q.4 and shall meet the following criteria:**

- i. All outdoor display of goods shall be located immediately adjacent to the storefront, or building sides, with the exception of a non-building-adjacent or detached outdoor display area up to 25% of the building square footage allowed between the building and street frontage. Outdoor display areas are not to be placed in drive aisles, loading zones, fire lanes, or parking lots.
- ii. Non-building adjacent or detached outdoor display areas shall be screened with a type A buffer yard (option 2 with shrubs) or a type B buffer yard (option 1 or 2).
- iii. Outdoor display areas associated with agricultural support and services shall not be limited by length and shall be limited in size to 125% of the overall building square footage.
- iv. Outdoor display areas adjacent to the building shall be contained by a fence for aesthetics and security reasons. The fence shall be either wrought iron, powder coated aluminum, or similar material, with decorative columns (for example stone or brick) adjacent to any street frontage.



#### 4.3.3 Specific Standards for Certain Accessory Uses

- A. Accessory Dwelling Units (unchanged)
- B. Aggregate Storage and Processing (unchanged)
- C. Amateur Ham Radio (unchanged)
- D. Campground, Public (unchanged)
- E. Cemetery, Family or Religious Institution (unchanged)
- F. Child Care, Incidental (unchanged)
- G. Community Agriculture (unchanged)
- H. Drive-Through (unchanged)
- I. Electronic gaming Operation (unchanged)
- J. Excavation (unchanged)
- K. Gasoline Sales (unchanged)
- L. Home Occupations (unchanged)
- M. Housing for Poultry (unchanged)
- N. Ice House (unchanged)
- O. Inoperable Vehicles (unchanged)
- P. Land Application of sludge or Septage (unchanged)
- Q. Outdoor Display and Sales

Outdoor display or sales may be allowed as an accessory use for all retail sales and service uses and wholesale sales uses. It is the intent of this Ordinance to allow the display of merchandise for sale, but not where the display of such items is unsightly, impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition.

The outdoor display/sales of goods shall comply with the following standards:

- (1) Outdoor display/sales areas shall be depicted upon a site plan (see Section 2.4.7. Site Plan).
- (2) All outdoor display of goods shall be located immediately adjacent to the storefront, or building sides, and not in drive aisles, loading zones, fire lanes, or parking lots. **Outdoor display areas not adjacent to the principal building are only allowed within agricultural support and services use classification as specified under UDO Section 4.2.1.**
- (3) Containers or racks used for display shall be anchored in a manner capable of withstanding 120 mph winds, or shall be capable of being moved indoors.
- (4) Outdoor display areas shall be limited to no more than one-half of the length of the store front or building side: **for all use classifications except agricultural support and services. Outdoor display areas associated with agricultural support and services shall meet the criteria specified under UDO Section 4.2.1.**
- (5) In the case of a shopping center, the “storefront” shall include the entire frontage of the shopping center façade, meaning that the total amount of display for all the in-line

tenants combined shall not exceed 50 percent of the aggregate store front length of the shopping center.

- (6) The area of outdoor display or sales shall not encompass the width of the entrance doors to the establishment as projected straight out from the facility. (For example, if the width of the entrance doors is ten feet, there shall be at least a ten-foot clearance from the doors as projected straight out and away from the facility.)
- (7) No goods shall be attached to a building's wall surface.
- (8) The height of the outdoor display area shall not exceed nine feet, except in the case of live or recently cut trees or similar vegetation.
- (9) The outdoor display area shall take place on an improved surface such as the sidewalk or pavement.
- (10) At least three feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that handicapped pedestrians and others do not have to enter the parking lot or drive aisle to walk around the display.
- (11) Outdoor sales shall not include hazardous and flammable materials, such as gasoline, oil, antifreeze, kerosene, poisons, pesticides, and similar items. **Sites designated as agricultural support and services use may include storage and sale of propane. All storage and handling must meet the applicable North Carolina Fire Code and all appropriate State and Federal Regulations.**
- (12) No additional signage shall be permitted in association with outdoor display areas.
- (13) Outdoor display of large items (e.g., heavy equipment, vehicles, manufactured homes, prefabricated structures, etc.) shall comply with the standards applied to these activities when they occur as principal uses (see Section 4.2, Use Specific Standards).

Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO; ***Northern Mainland Currituck County contains significant areas of agricultural zoning that could benefit from a rural retail supplier. The Currituck County Northern Mainland Future Land Use (within the DRAFT Imagine Currituck 2040 Master Plan) indicates the proposed area should be considered "mixed use centers and corridors" POLICY CD1: NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS and POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES. In addition to this, the Moyock Small Area Plan expresses a desire to protect the community's rural character and promote Moyock as a prime location for small businesses and light industrial development. The proposed development is consistent with these goals and objectives.***

Is in conflict with any provision of the UDO, or the County Code of Ordinances; ***The site is not in conflict and will be developed in accordance with the County's TRC review process including development and infrastructure standards. Changes to the County's use standards are proposed to allow for more outdoor display and sales areas to account for the size and scale of the specialty items available for retail sale. POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES***

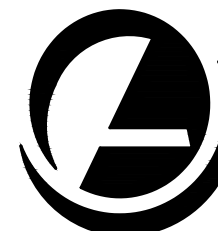
Is required by changed conditions; ***Tractor Supply Company has unique site conditions as the specialty products they offer are larger than those typically stored within a retail structure. Additional outdoor display areas are required due to the size and scale of retail products. POLICY ED1: NEW AND EXPANDING INDUSTRIES AND BUSINESSES***

Addresses a demonstrated community need; ***Retail specific stores are sparse within the Moyock area and the proposed development would allow residents a location to purchase necessary items without travelling outside of the County. POLICY CD1: NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS; POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES***

Is compatible with the purpose and intent of the zoning district in the UDO or would improve compatibility among uses and ensure efficient development within the County; ***The parcel is zoned GB and retail is a permitted use within this zone. Outdoor sales and display areas are permitted within GB Zoning. POLICY CD3: LARGE COMMERCIAL CENTERS ; POLICY CD8: MIXED-USE DEVELOPMENTS***

Would result in a logical and orderly development pattern; ***The proposed development is consistent with the surrounding area and required buffers will be provided between the GB zoning along the Caratoke Highway and the adjacent mixed residential zoning. POLICY CD1: NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS; POLICY CD4: HIGHWAY ORIENTED COMMERCIAL USES***

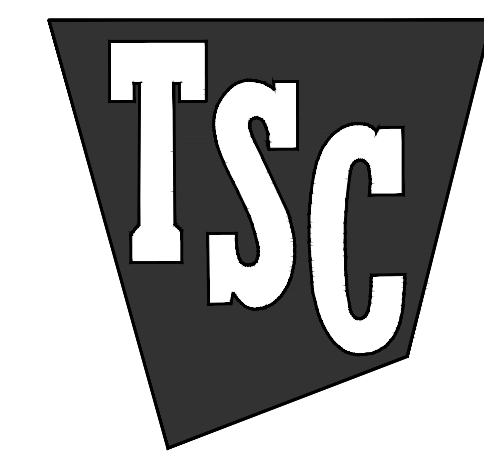
Would result in significant adverse impacts on the natural environment including, but not limited to, water, air, noise, stormwater management. ***The proposed development would not result in adverse environmental impacts. It should be noted that central wastewater is already permitted for the site and stormwater will meet County storage requirements at a minimum. A retail use is not expected to impact air or noise quality. POLICY WS3: Currituck County endorses UTILITIES EXTENSION POLICIES***



GLEN P. OXFORD  
ARCHITECT

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Suite 120  
Nashville, TN 37204

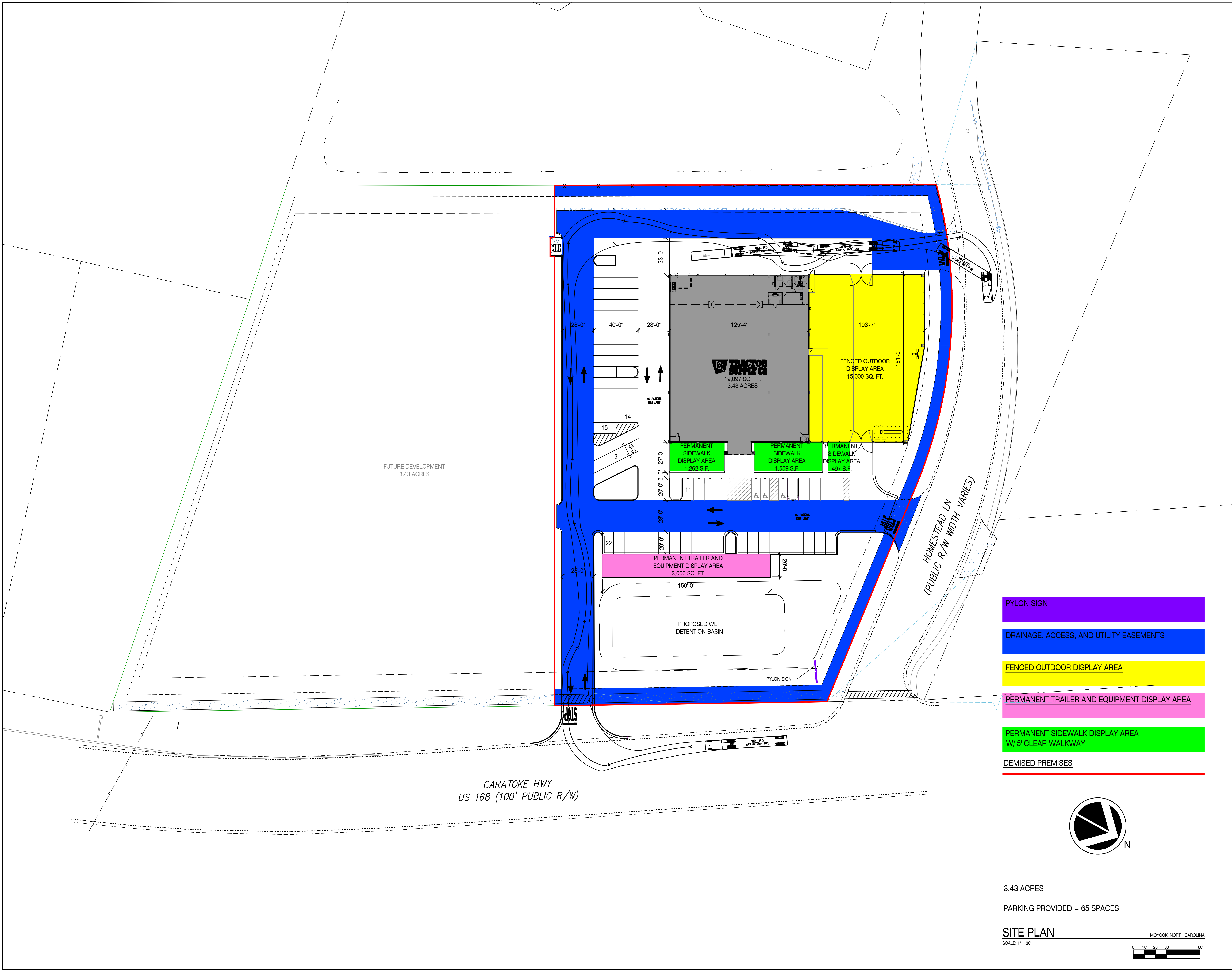
Architecture  
Planning  
Interior Architecture



TRACTOR SUPPLY COMPANY

MOYOCK  
NORTH CAROLINA

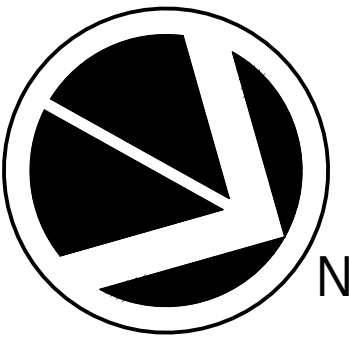
Attachment: 3 tractor-supply-nc-app-20sep20 (P8 20-15 Tractor Supply)



- PYLON SIGN
- DRAINAGE, ACCESS, AND UTILITY EASEMENTS
- FENCED OUTDOOR DISPLAY AREA
- PERMANENT TRAILER AND EQUIPMENT DISPLAY AREA
- PERMANENT SIDEWALK DISPLAY AREA  
W/ 5' CLEAR WALKWAY
- DEMISED PREMISES

3.43 ACRES  
PARKING PROVIDED = 65 SPACES

SITE PLAN  
SCALE: 1" = 30'  
MOYOCK, NORTH CAROLINA



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Job Number: 0820.062

Date: 08.25.2020

Revisions:

Revisions:

Revisions:

Sheet Number:

SITE