



**CURRITUCK COUNTY  
NORTH CAROLINA**

July 13, 2021

Minutes – Regular Meeting of the Planning Board

**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 |         |
| Lynn L. Hicks     | Board Member                  | Absent  |         |
| Thomas Hurley     | Board Member                  | Present |         |
| Juanita S. Krause | Board Member                  | Absent  |         |
| Kevin Kemp        | Development Services Director | Present |         |
| Jennie Turner     | Planner II                    | 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 for consideration on the agenda. There were no conflicts noted.

**C. Announce Quorum Being Met**

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

**D. Approval of Agenda**

Chairman Ballance asked if there were any changes needed to the agenda tonight. Vice Chairman Owens motioned to approve as presented. Mr. Hurley 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, Thomas Hurley, Board Member |
| <b>ABSENT:</b> | Lynn L. Hicks, Board Member, Juanita S. Krause, Board Member                                                                               |

### APPROVAL OF MINUTES

Chairman Ballance asked if there were any changes needed for the June 8, 2021 meeting minutes. Mr. Doll motioned to approved as presented. Vice Chairman 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, Thomas Hurley, Board Member |
| <b>ABSENT:</b> | Lynn L. Hicks, Board Member, Juanita S. Krause, Board Member                                                                               |

### E. Planning Board Minutes - June 8, 2021

#### OLD BUSINESS

There was no old business discussed.

#### NEW BUSINESS

##### A. PB 21-12 Currituck County Text Amendment:

Jennie Turner presented the staff report, gave the preliminary plat expiration and extension background from 1984 to present along with an example of how a past project was hindered from the current regulation. Ms. Turner read the added language to the subdivision expiration of development approval section 2.4.8.(d)(ii) making clear the two year start date for the extension begins with the date notice is provided to the applicant of the county utility being available. Ms. Turner gave the review standards and the statement of consistency showing the proposed text amendment is consistent with the 2006 Land Use Plan, Goal #10 and Policy PP2.

Chairman Ballance asked if any board members had questions. Vice Chairman Owens pointed out the use of the word "may" opposed to "shall" for the Director to approve the extension to the preliminary plat. Ms. Turner said this was intended so the Director could approve at their discretion for each situation. Mr. Bass asked if this text amendment would only apply to county water and sewer. Ms. Turner confirmed it would only pertain to county utilities.

Chairman Ballance closed the public hearing with no one present to speak.

Chairman Ballance asked for a motion.

Mr. Bass motioned to **approve PB 21-12** because the request is consistent with **Land Use and Development Goal #10** and **Policy PP2** of the 2006 Land Use Plan.

Mr. Doll seconded the motion and the text amendment was approved unanimously with a 5-0 vote.

|                |                                                                                                                                            |                               |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <b>RESULT:</b> | <b>RECOMMENDED APPROVAL [UNANIMOUS]</b>                                                                                                    | <b>Next: 8/2/2021 6:00 PM</b> |
| <b>AYES:</b>   | C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member |                               |
| <b>ABSENT:</b> | Lynn L. Hicks, Board Member, Juanita S. Krause, Board Member                                                                               |                               |

**ANNOUNCEMENTS**

Chairman Ballance welcomed the new Development Services Director, Kevin Kemp. Mr. Kemp said he was looking forward to working with the board and it was a pleasure to meet everyone at tonight's meeting.

**ADJOURNMENT**

Vice Chairman Owens motioned to adjourn the meeting. Mr. Bass seconded the motion and the meeting adjourned at 6:14 PM.



## CURRITUCK COUNTY NORTH CAROLINA

June 8, 2021

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 five board members present. Staff members present were Laurie LoCicero, Planning and Community Development Director; Donna Voliva, Assistant Planning Director; Jennie Turner, Planner II; and Cheri Elliott, Clerk to the Planning Board. The board members were briefed concerning the agenda items; the work session concluded at 6:00 PM.

### CALL TO ORDER - 6 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 |         |
| Lynn L. Hicks    | Board Member                | Absent  |         |
| Thomas Hurley    | Board Member                | Present |         |
| Juanita S Krause | Board Member                | Absent  |         |
| Laurie LoCicero  | Planning Director           | Present |         |
| Donna Voliva     | Assistant Planning Director | Present |         |
| Jennie Turner    | Planner II                  | 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 agenda items tonight. There were no conflicts noted.

Communication: Planning Board Minutes - June 8, 2021 (Approval of Minutes)

**C. Announce Quorum Being Met**

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

**D. Approval of Agenda**

Chairman Ballance asked if there were any necessary changes to the agenda tonight. Mr. Bass motioned to approve as presented. Mr. Owens 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> | Garry Owens, Vice Chairman                                                                                                                 |
| <b>AYES:</b>     | C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member |
| <b>ABSENT:</b>   | Lynn L. Hicks, Board Member, Juanita S Krause, Board Member                                                                                |

**APPROVAL OF MINUTES FOR MAY 11, 2021**

Chairman Ballance asked if there were any changes needed for the May 11<sup>th</sup>, 2021 meeting minutes. Mr. Doll motioned to approve as presented. Mr. Bass 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> | K. Bryan Bass, Board Member                                                                                                                |
| <b>AYES:</b>     | C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member |
| <b>ABSENT:</b>   | Lynn L. Hicks, Board Member, Juanita S Krause, Board Member                                                                                |

**E. Planning Board Minutes - May 11, 2021****OLD BUSINESS****A. PB 20-12 Carolina Club Homeowner's Association:**

Donna Voliva presented the staff report, reviewed information from the last meeting along with the specific standards, reviewed the changes to the text amendment which included an amendment to Chapter 7, Section 7.1.3, requiring shared parking and storage of major recreational equipment to have the possibility of being counted as required open space or not to be counted as required open space. Mr. Voliva also presented a PowerPoint presentation during the staff report. She said staff is recommending approval of the requested text amendment with the shared parking and storage of the major recreational equipment not being counted as required open space.

Chairman Ballance asked for questions from board members.

Mr. Bass asked for clarification on the motion concerning the open space. Ms. Voliva said changes to open space requires a signature from all property owners within the subdivision which can be difficult to obtain. She also stressed the importance of this text amendment being countywide. Having the restriction of not counting the shared parking and storage of

major recreational equipment with the open space will limit the number of subdivisions that can make this change. Ms. Voliva pointed out this is a different situation for the applicant tonight since their subject parcel is owned separately and is not part of their original open space. If they are consistent with the rules of their bylaws, they can have the parking area with the restriction of not being counted as required open space.

Chairman Ballance asked the applicant to present his case.

Mr. Hood, who resides at 173 Carolina Club Drive, came before the board. He thanked the staff for working with him and said their HOA board realizes this text amendment affects the entire county, so they wanted to make sure it was done correctly. Mr. Hood thanked the Planning Board for hearing the case and requested their support.

Chairman Ballance agreed with the necessity of a parking area for Carolina Club since they have a nice marina without a place to park the boats.

Chairman Ballance closed the public hearing with no one present to speak.

Chairman Ballance asked for a motion.

Mr. Owens moved to approve PB 20-12 Carolina Club HOA and recommended the request include an amendment to Chapter 7, Section 7.1.3 requiring shared parking and storage of major recreational equipment to **not** be counted as required open space:

This approval is recommended because the request is consistent with the 2006 Land Use Plan Vision Statement and Land Use and Development Goals #10 and the request is in keeping with provisions of the Unified Development Ordinance and the County Code of Ordinances: Results in a logical and orderly development pattern and establishes an evidentiary process that will evaluate the location, design, and operations of the shared parking to determine compatibility with the surrounding land uses.

Mr. Doll seconded the motion and the motion carried unanimously 5-0.

|                  |                                                                                                                                            |                                |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| <b>RESULT:</b>   | <b>RECOMMENDED APPROVAL [UNANIMOUS]</b>                                                                                                    | <b>Next: 7/19/2021 4:00 PM</b> |
| <b>MOVER:</b>    | Garry Owens, Vice Chairman                                                                                                                 |                                |
| <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, Thomas Hurley, Board Member |                                |
| <b>ABSENT:</b>   | Lynn L. Hicks, Board Member, Juanita S Krause, Board Member                                                                                |                                |

## NEW BUSINESS

### A. PB 21-10 Currituck County Text Amendment:

Jennie Turner handed out a revised staff report and presented the case. Ms. Turner reviewed staff's concerns saying the board should carefully consider the impacts of this text amendment since it relaxes the road standards that are currently in place for family subdivisions by allowing certain family subdivisions to be built off private gravel access roads which are not state maintained. A PowerPoint presentation was presented to explain the different standards between Minor Subdivisions and Family Subdivisions, proposed standards for the requested text amendment, the text amendment review standards, and the consistency statement.

Board members discussed concerns of the potential damage to the private roads. Chairman Ballance said he was concerned with the commercial traffic and the affect it would have on the people living on that road. He gave an example of crab shedding being allowed in residential zoning and the damage the trucks would cause to the road.

Board discussion was held over the parent parcel's maximum number of splits resetting every ten years.

Chairman Ballance closed the public hearing and asked for a motion.

Mr. Doll moved to recommend denial of PB 21-10 because the request is not consistent with the 2006 Land Use Plan:

Land Use and Development Goal #10 to properly distribute development forms in accordance with the suitability of land, infrastructure available, and the compatibility of surrounding land uses.

And the text amendment may not result in a logical and orderly development pattern because extension of sub-standard private access streets for family subdivision purposes may detrimentally impact existing property owners along the streets.

Chairman Ballance seconded the motion and the motion carried 3-2 with Mr. Owens and Mr. Bass voting nay.

|                  |                                                                                   |                                |
|------------------|-----------------------------------------------------------------------------------|--------------------------------|
| <b>RESULT:</b>   | <b>RECOMMENDED DENIAL [3 TO 2]</b>                                                | <b>Next: 7/19/2021 4:00 PM</b> |
| <b>MOVER:</b>    | David Doll, Board Member                                                          |                                |
| <b>SECONDER:</b> | C. Shay Ballance, Chairman                                                        |                                |
| <b>AYES:</b>     | C. Shay Ballance, Chairman, David Doll, Board Member, Thomas Hurley, Board Member |                                |
| <b>NAYS:</b>     | Garry Owens, Vice Chairman, K. Bryan Bass, Board Member                           |                                |
| <b>ABSENT:</b>   | Lynn L. Hicks, Board Member, Juanita S Krause, Board Member                       |                                |

## ANNOUNCEMENTS

Richard Edmonds of Tulls Creek Road came before the board to voice his concerns about the flooding on his road. Chairman Ballance said he was aware of the area of concern and said the Board of Commissioners were currently working on a solution. Mr. Hurley asked Mr. Edmonds about the cause of the problem. Mr. Edmonds said the ditches are the problem; they need to have larger pipes and to be dug deeper. Chairman Ballance volunteered to pass along the information. Ms. Voliva instructed Mr. Edmonds to contact the County Manager's office since he had missed the watershed meeting.

## ADJOURNMENT

Mr. Bass motioned to adjourn the meeting. Mr. Owens seconded the motion and the meeting adjourned at 6:47 PM.



## Currituck County Agenda Item Summary Sheet

**Agenda ID Number** – 3172

**Agenda Item Title:** PB 21-12 Currituck County Text Amendment:

**Submitted By:** Jennie Turner – Planning & Community Development

**Item Type:** Legislative

**Presenter of Item:** Jennie Turner

**Board Action:** Action

---

**Brief Description of Agenda Item:**

Request to amend the Currituck County Unified Development Ordinance, Chapter 2. Administration, to allow a subdivision preliminary plat approval to be extended when a committed county utility cannot be provided.

**Planning Board Recommendation:**

**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 252-232-3026

To: Planning Board

From: Planning Staff

Date: July 1, 2021

Subject: PB 21-12 Currituck County Text Amendment  
Extension of Preliminary Plat/Use Permit

### Request

The proposed text amendment initiated by the Board of Commissioners will allow for a subdivision preliminary plat approval to be extended when a committed county utility cannot be provided. The Board gave staff direction to address this situation in the 2021 Retreat.

### Background

Under the current Unified Development Ordinance, approval of a preliminary plat vests a subdivision project and allows it to move forward to construction drawing phase. Construction drawings are the detailed, engineered drawings showing individual lots and all the information necessary to install required public improvements. Upon approval of preliminary plat, an applicant typically invests time and resources to engineering the project, applying for any state permits (such as CAMA, stormwater, wastewater, and erosion control), and finalizing the design of the subdivision, including access to public utilities. State permits are required prior to approval of construction drawings. After construction drawings are approved, the next step is installation of the proposed improvements. Once the improvements are installed, certified, and verified, a project can move toward final plat. When a final plat is approved, the plat can be recorded, and individual lots may be sold.

| Ordinance                  | Preliminary Plat Expiration and Extension                                     |
|----------------------------|-------------------------------------------------------------------------------|
| 1984 Subdivision Ordinance | One year with potential one-year extension.                                   |
| 1989 UDO                   | One year with potential one-year extension.                                   |
| 1992 UDO                   | Two years with potential two-year extension.                                  |
| 2007 & 2013 UDO            | Two years if a complete application for final plat not received. <sup>1</sup> |
| April 2019 UDO Amendment   | Three years with no extension. <sup>2</sup>                                   |

<sup>1</sup>During this time, the Board heard numerous requests for extensions to allow time for full project design, application for all state permits and improvement installation.

<sup>2</sup>This standard is effective for all preliminary plats that received approval after April 2019.

With the existence of the Moyock Regional Wastewater Treatment Plant, the county committed to serve Moyock Commons residential subdivision with sewer. The 55-lot Moyock Commons subdivision received preliminary plat approval in June 2017 and an extension in June 2019. The project did not move forward with construction drawings phase until the Moyock Regional WWTP was under Special

Order of Consent from NC Division of Water Resources that limits sewer availability. The project cannot move forward with this limitation. State permits for construction drawings cannot be issued under the SOC. This language was drafted to give any applicant relief who is relying on a committed county utility but access to the utility cannot be provided in the appropriate time span. Staff is proposing an administratively approved extension when a committed county utility cannot be provided.

### **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;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
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;
6. Would result in a logical and orderly development pattern; and
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.

### **Staff Recommendation/Statement of Consistency**

Staff recommends approval of the text amendment.

The proposed text amendment is consistent with the 2006 Land Use Plan including:

Land Use and Development Goal #10 To properly distribute development forms in accordance with the suitability of the land, infrastructure available and the compatibility of surrounding land uses.

POLICY PP2: Currituck County shall continue to implement a policy of ADEQUATE PUBLIC FACILITIES, sufficient to support associated growth and development. Such facilities may include but not be limited to water supply, school capacity, park and open space needs, fire fighting capability, and law enforcement.



**PB 21-12 CURRITUCK COUNTY  
TEXT AMENDMENT  
PLANNING BOARD  
JULY 13, 2021**

Amendment to the Unified Development Ordinance, Chapter 2. Administration:

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 2 is amended by adding the underlined language and numbering accordingly:

**2.4.8. Subdivision**

**E. Major Subdivision**

**(4) Preliminary Plat Standards, Effect, Amendment, and Expiration**

**(a) Preliminary Plat Review Standards**

An application for a type I or type II preliminary plat shall be approved only upon a finding the applicant demonstrates the preliminary plat complies with:

- (i) All applicable standards in Chapter 6: Subdivision and Infrastructure Standards, and other applicable standards in this Ordinance;
- (ii) The standards in 2.4.6.D, Special Use Permit Standards, if applicable;
- (iii) The Currituck County Stormwater Manual;
- (iv) All standards or conditions of any prior applicable development permits and approvals; and
- (v) All other applicable requirements in the County Code of Ordinances.

**(b) Effect of Development Approval**

Approval of a type I or type II preliminary plat authorizes:

- (i) The submittal of construction drawings for the subdivision or an approved phase of the subdivision, in accordance with this section; or
- (ii) Review and decision on construction drawings by the Technical Review Committee, if submitted concurrently with the preliminary plat application.

**(c) Amendment of Development Approval**

Applicable (see Section 2.3.14).

**(d) Expiration of Development Approval**

- (i) Approval of a type I or type II preliminary plat shall automatically expire if a complete application for approval of a

final plat is not submitted within three years after the date of approval of the type I or type II preliminary plat.

- (ii) If the county cannot provide a committed county utility, the Director may, on receiving a written request for extension before the expiration date of the preliminary plat (including extensions granted prior to the effective date of this text amendment), grant an extension of the expiration time period of the preliminary plat for a period of two years from the date notice is provided to the applicant that the county utility is available.

**Item 2:** Statement of Consistency

**Item 3:** 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 4:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
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: PB21-12  
 Date Filed: \_\_\_\_\_  
 Gate Keeper: \_\_\_\_\_  
 Amount Paid: \_\_\_\_\_

### Contact Information

APPLICANT:

Name: Currituck County  
 Address: 153 Courthouse Road  
Currituck, NC 27929  
 Telephone: 252-232-3055  
 E-Mail Address: ben.stikeleather@currituckcountync.gov

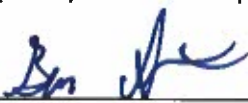
### Request

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

Amend Chapter(s) 2 Section(s) 4.8 as follows:

to allow extension of preliminary plat/use permit when a committed county utility  
cannot be provided.

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

  
 Petitioner

4/22/2021

Date