



CURRITUCK COUNTY NORTH CAROLINA

January 11, 2022

Minutes – Regular Meeting of the Planning Board

WORK SESSION

The Currituck County Planning Board held a work session at 5:30 PM in the Conference Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, with six board members present. Staff members present were Kevin Kemp, Development Services Director; Laurie LoCicero, Planning Director; Tammy Glave, Senior Planner; and Cheri Elliott, Clerk to the Planning Board. The board members were briefed on the agenda items with the work session concluding at 5:55 PM.

CALL TO ORDER

Chairman Ballance called the meeting to order at 6:06 PM.

Attendee Name	Title	Status	Arrived
Michael Corbell	Board Member	Present	
C. Shay Ballance	Chairman	Present	
Garry Owens	Vice Chairman	Present	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Thomas Hurley	Board Member	Present	
Juanita S. Krause	Board Member	Absent	
Kevin Kemp	Development Services Director	Present	
Laurie LoCicero	Planning Director	Present	
Tammy Glave	Senior Planner	Present	
Cheri Elliott	Clerk to the Board	Present	

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 concerning the agenda items tonight. Chairman Ballance announced his conflict with items A, C, & D; he will hear item B first as the chair, then Vice Chairman Owens will chair the remainder of the meeting. Chairman Ballance will recuse himself and remain in the audience (refraining from discussion or voting) during the public hearing of items A, C, & D.

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 necessary for tonight's agenda. Ms. Glave said Item E. (PB 21-31 Gardner Rezoning) was withdrawn by the applicant and requested it be removed from the agenda. Mr. Doll motioned to approve the agenda with the removal of Item E. Mr. Bass seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Doll, Board Member
SECONDER:	K. Bryan Bass, Board Member
AYES:	Michael Corbell, Board Member, C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member

APPROVAL OF MINUTES FOR DECEMBER 14, 2021

Chairman Ballance asked if there were any changes needed for the minutes for December 14, 2021. Mr. Bass motioned to approve as presented. Mr. Doll seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	K. Bryan Bass, Board Member
SECONDER:	David Doll, Board Member
AYES:	Michael Corbell, Board Member, C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member

E. PB Meeting Minutes - December 14, 2021

OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

A. PB 21-29 Currituck County:

Chairman Ballance recused himself due to a conflict of interest. Vice-Chairman Owens took over as chair for the remainder of the meeting.

Laurie LoCicero presented the staff report along with a PowerPoint presentation giving the background of campgrounds in the county. Ms. LoCicero said in June 2020, after public input regarding a potential text amendment concerning existing campgrounds, the Board of Commissioners directed staff to draft language to allow new campgrounds in the county since they are not currently allowed as a use in the Unified Development Ordinance (UDO). Ms. LoCicero said the Board of Commissioners held several work sessions since June 2020 and the text amendment is a culmination of input and direction from those work sessions. With this text amendment, new campgrounds will be allowed with conditional zoning approval in certain districts with specific use standards. Ms. LoCicero went over the specific use standards, the changes to the use

table, what the conceptual development plan must illustrate, and the changes to the Chapter 10. Definitions of the UDO for the campground text amendment.

Board members made comments and asked questions during Ms. LoCicero's presentation. Mr. Bass showed concern for restricting fixed units, such as camping cabins and alternative units, will force more campers and RVs on the highway.

Board discussion was held on the 20 percent seasonal allowance, short term, and the 30-day closure period. Ms. LoCicero said no vehicles will be allowed to be parked at the campground during their closure period. Mr. Doll asked how this would be regulated and Ms. LoCicero said Code Enforcement would have this duty.

Mr. Bass asked if Occupancy Tax could be used to pay for the Code Enforcement required to regulate the campgrounds and Ms. LoCicero said it might be a possibility. Mr. Bass said it would be better coming from those tax dollars instead of paying from our general fund.

Ms. LoCicero reviewed the goal and policy of the Land Use Plan which supports the requested text amendment and said staff is recommending approval based on the input from the Board of Commissioners. She gave the statement of consistency and reasonableness and presented the text amendment review standards on a slide for the board's review. Spreadsheets were given to board members with parcels in the county containing 50 or more acres created by Larry Lombardi, Currituck County Economic Development Director.

Vice-Chairman Owens asked if Mr. Lombardi would like to address the board. Mr. Lombardi gave his concerns with the standards for private campgrounds, (d), (e), and (f), on page 15 of the agenda packet. Mr. Lombardi said, specifically for item (e), by not allowing campgrounds within 5 miles of each other goes against diversity by eliminating the competition. Diversity creates competition which in turn keeps prices down and gives added amenities. Mr. Lombardi said, specifically for item (d), making the minimum parcel size for a campground 50 acres is huge, a minimum of 20 to 25 acres makes more sense.

Mr. Doll said he is in favor of the 5 mile separation between campgrounds and does not believe campgrounds are the best use or give the best appearance for the land. Mr. Lombardi said the campgrounds require buffers and are setback off the road which obstructs their view from the road. Mr. Doll said he does not believe the campgrounds will be well run or well maintained. Mr. Lombardi made several points: Competition gives better service, a family purchasing a \$200,000 recreational vehicle does not go to substandard campgrounds, the past is not what it is today, and the county has control over the past by setting the operational standards.

Mr. Hurley agreed with Mr. Lombardi's assessment of the set standards (d), (e), and (f) being unfair and excessive which would not allow competition.

Board and staff discussion was held on KOA's size and number of campsites. Mr. Corbell said it is harder to respond to an emergency with a very large campground. Discussion continued with Ms. LoCicero answering the boards questions concerning

parcel sizes in the county. Vice Chairman Owens asked whether two 25 acre parcels could be combined to have the required 50 acres for a campground. Ms. LoCicero said parcels could be combined to meet the requirement.

With no further questions from the board, Vice Chairman Owens asked for public comment. Jeff Foster, 160 Baxter Estates Road, came before the board. Mr. Foster said he is an avid camper, currently owns a business in Norfolk, and he is interested in opening a campground in Currituck County. He spoke against the 50 acre requirement, saying his idea was for a smaller, more upscale campground which would be more profitable. Mr. Foster asked how the conversation went from 20 acres to 50 acres. Ms. LoCicero said the change was made by four of the Board of Commissioners at their work session. Mr. Foster asked if this number was set. Vice-Chairman Owens said the Board of Commissioners gave staff a directive to put this language in a text amendment, the Planning Board makes their recommendation, then the Board of Commissioners will make the final decision.

Mr. Hurley asked Mr. Foster what acreage he needed to have a Return on Investment and Mr. Foster said 10 to 20 acres.

Mr. Hurley asked if anyone considered a noise study to compare a 50 acre campground to a 10 acre campground. Ms. LoCicero said no.

Mr. Foster asked Mr. Doll why he was against campgrounds and Mr. Doll said in the past we have had people living in the campgrounds and the children are attending schools from there.

Discussion was held on the campgrounds not having limits to the months they are open. Mr. Foster said the campgrounds should not be open between January 1st through March 1st. Vice-Chairman Owens said the language does say full time residence is not allowed.

Vice-Chairman Owens gave clarification to Mr. Foster that the Planning Board does not bind the Board of Commissioners in anyway and can only advise them.

Board discussion was held on recommending changes.

Mr. Hurley motioned to approve PB 21-29 *with the following recommended changes:*

1. Remove the 5 miles distance between campgrounds
2. Minimum parcel size reduced from 50 acres to 15 acres
3. No limit on percent of cabins
4. Increase closing period from 30 days to 60 days
5. Reduce maximum number of campsites from 500 to 250

Because the request is consistent with Land Use and Development Goal #10 and Policy ED1 of the 2006 Land Use Plan.

The request is reasonable and in the public interest by providing language to allow for a greater variety of tourist-oriented businesses and visitor accommodations to locate

within the county.

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

RESULT:	RECOMMENDED APPROVAL [5 TO 0]	Next: 2/7/2022 6:00 PM
MOVER:	Thomas Hurley, Board Member	
SECONDER:	Michael Corbell, Board Member	
AYES:	Michael Corbell, Board Member, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member	
RECUSED:	C. Shay Ballance, Chairman	

B. PB 21-30 Currituck County:

Kevin Kemp presented the staff report saying direction for the text amendment was given by the Board of Commissioners at their work session on September 20, 2021, and the need for revision arose from the inability to allow private utilities that are State regulated by the Utilities Commission to be eligible for 'Performance Guarantees' under Section 6.3 of the Unified Development Ordinance. Mr. Kemp gave the example of the Fost Planned Development connecting to the Eagle Creek subdivision's septic system and gave the general information concerning performance guarantees regarding public infrastructure as part of a subdivision, public infrastructure as part of a site plat, and private site improvements that are part of a site plan. The definition of performance guarantee was explained along with a slide showing the highlighted additional wording to Public Infrastructure. Mr. Kemp said the Land Use Plan, specific policies WS1, WS3, and WS7 are in support of the text amendment and staff is recommending approval.

Chairman Ballance asked if the board had questions for staff. Short discussion was held on private utilities being regulated by the state. Ms. LoCicero explained the specific regulations.

Chairman Ballance asked for public comment. Hearing none, the public hearing was closed.

Chairman Ballance asked for a motion.

Mr. Bass motioned to approve PB 21-30 Currituck County text amendment to change the definition of public infrastructure because the request is consistent with the 2006 Land Use Plan because it allows for flexibility and creativity for infrastructure within the County. (Policies WS-1, WS-3, W-7).

The request is reasonable and in the public interest because it addresses a need for infrastructure solutions that will help accommodate the growth within the County in efficient and responsible methods.

Mr. Hurley seconded the motion and the motion carried unanimously 6-0.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 2/7/2022 6:00 PM
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	Thomas Hurley, Board Member	
AYES:	Michael Corbell, Board Member, C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member	

C. PB 21-27 H2OBX:

Vice-Chairman Owens called for a recess at 8:15 PM.

Vice-Chairman Owens called the meeting back to order at 8:26 PM.

Tammy Glave presented the staff report and gave the background information saying the Board of Commissioners approved the Conditional-General Business zoning for the water park on May 2, 2016. This approval included a dormitory type building to house employees of the waterpark. This requested text amendment is necessary to allow seasonal employee housing as an allowable use in General Business zoning district. Ms. Glave said the text amendment would apply county wide and is not specific to the waterpark so all businesses that meet the criteria set in the proposed text amendment could also have seasonal housing. Ms. Glave said the employee housing will only be allowed through a conditional zoning approval and the use of Class B or Class C Manufactured Homes, travel trailers, campers, recreational vehicles, or similar vehicles as a seasonal employee housing units is not allowed. Ms. Glave went over the specific added language, said the request is consistent with the Land Use Plan policies, ED1, ED2, and ED3, said staff is recommending approval, gave the statement of consistency and reasonableness, and directed the board to review the text amendment review standards provided on a slide and in the staff report.

Vice Chairman Owens asked if board members had questions for staff. There were no questions for staff.

Mr. Doll motioned to recommend **approval** of **PB 21-27 H2OBX** because the request is consistent with the 2006 Land Use Plan because it allows for housing for the volume of employees necessary to run new and expanding tourist oriented businesses in targeted tourist growth areas and allows for continued economic growth of our tourist industry. (Policies ED1, ED2, and ED3)

The request is reasonable and in the public interest because it addresses a need for tourist oriented businesses to be able to provide housing for seasonal employees in order to operate businesses for tourists and local residents alike.

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

RESULT:	RECOMMENDED APPROVAL [5 TO 0]	Next: 2/7/2022 6:00 PM
MOVER:	David Doll, Board Member	
SECONDER:	K. Bryan Bass, Board Member	
AYES:	Michael Corbell, Board Member, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member	
RECUSED:	C. Shay Ballance, Chairman	

D. PB 16-05 H2OBX LLC:

Tammy Glave presented the staff report and a PowerPoint presentation for the requested conditional rezoning. Ms. Glave said the Board of Commissioners approved the original Conditional-General Business zoning on May 2, 2016, for the outdoor recreation facility including the waterpark with associated infrastructure and amenities for the restaurants, water slides, restroom facilities, employee housing/dorms, stormwater management, on site sewer treatment/disposal, parking, and all other required features as required by county, state, and federal regulations. Ms. Glave said these uses previously approved will not change; this request is for temporary seasonal employee housing to be approved until the end of the tourist season 2025, or until permanent seasonal housing has been constructed. Ms. Glave said only employees of the waterpark will be allowed to reside in the seasonal employee housing, she went over the site plan provided by Quible & Associates, P.C., showing the requested location for the temporary housing and the where the permanent housing will be located. Ms. Glave said the request was consistent with the 2006 Land Use Plan policies ED1, ES1, and ML4, she gave the conditions recommended by the Technical Review Committee (TRC), the staff recommended conditions requiring property owner's agreement, statement of consistency and reasonableness, and directed the board to consider the conditional rezoning standards from the Unified Development Ordinance presented on a slide and in the staff report.

Mr. Doll asked how many temporary units are requested and Ms. Glave said 10 units. Mr. Doll asked what a unit consist of. Ms. Glave asked Michael Strader to provide the answer. Mr. Strader introduced himself as an engineer with Quible & Associates, P.C. He said four employees would be in each unit for a total of 40 employees. Mr. Cobell asked what the units would be made of. Mr. Strader said they were looking in to pre-built units and they are aware of the restrictions. Ms. Glave said they could use a pre-manufactured Class A modular which is similar to a double wide trailer. Mr. Corbell asked how many employees would live in the permanent housing. Ms. Glave said she has a handwritten note from the TRC meeting saying they needed housing for up to 100 employees.

With no one else present to speak, Vice-Chairman Owens closed the public hearing and asked for a motion.

Mr. Bass motioned to recommend **approval** of **PB 16-05 H2OBX**, amended Conditional-General Business zoning district, with agreed upon conditions, because the request is consistent with Land Use Plan policies:

- ED1
- ED2
- ED3

And the request is reasonable and in the public interest because it addresses a need for tourist-oriented businesses to be able to provide housing for seasonal employees in order to operate businesses for tourist and local residents alike.

Ms. Glave asked to interrupt the motion with a question for the applicant. Ms. Glave asked Mr. Strader if the property owners were okay with the conditions set. Mr. Strader said, yes, the property owners agree to the set conditions.

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

RESULT:	RECOMMENDED APPROVAL [5 TO 0]	Next: 2/7/2022 6:00 PM
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	David Doll, Board Member	
AYES:	Michael Corbell, Board Member, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member	
RECUSED:	C. Shay Ballance, Chairman	

E. PB 21-31 Gardner Rezoning:

This item was removed from the agenda as requested by the applicant.

RESULT:	WITHDRAWN
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ANNOUNCEMENTS

Kevin Kemp gave the Planning Board updates on the Board of Commissioner's decisions from their last regular meeting: The new developments, Fost (Phases 6-9) and Flora Preliminary Plats/Special Use Permits were approved with a 3-0 vote after a lengthy discussion concerning school capacity. Townhouses will start being built in the front portion of the developments. Royal Farms was approved to be built in Grandy. This will be the first of their convenience store/gas stations to be built in North Carolina.

Mr. Kemp gave an update on the County Manager search. The Board of Commissioners have an upcoming meeting with the search firm to review their current list of candidates in order to have the County Manager in place by May 2022.

ADJOURNMENT

Mr. Corbell motioned to adjourn the meeting. Mr. Doll seconded the motion and the meeting adjourned at 8:50 PM.



CURRITUCK COUNTY NORTH CAROLINA

December 14, 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 Conference Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina, with six board members present. Staff members present were Donna Voliva, Assistant Planning Director; Jason Litteral, Planner II; and Cheri Elliott, Clerk to the Planning Board. The board members were briefed concerning the agenda items with the work session concluding at 5:55 PM. Board members moved to the Board Room for their regular meeting.

CALL TO ORDER - 6:00 PM

Attendee Name	Title	Status	Arrived
Michael Corbell	Board Member	Present	
C. Shay Ballance	Chairman	Present	
Garry Owens	Vice Chairman	Present	
K. Bryan Bass	Board Member	Present	
David Doll	Board Member	Present	
Thomas Hurley	Board Member	Present	
Juanita S. Krause	Board Member	Absent	
Donna Voliva	Assistant Planning Director	Present	
Jason Litteral	Planner II	Present	
Cheri Elliott	Clerk to the Board	Present	

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 concerning the agenda items tonight. There were no conflicts 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 for tonight's agenda. Hearing none, he asked for a motion. Mr. Hurley motioned to approve as presented.

Communication: PB Meeting Minutes - December 14, 2021 (Approval of Minutes for December 14, 2021)

Vice-Chairman Owens seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Thomas Hurley, Board Member
SECONDER:	Garry Owens, Vice Chairman
AYES:	Michael Corbell, Board Member, C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member
ABSENT:	Juanita S. Krause, Board Member

APPROVAL OF MINUTES FOR OCTOBER 12, 2021

Chairman Ballance asked if there were any changes necessary for the minutes for October 12th, 2021. Mr. Doll motioned to approve as presented. Mr. Hurley seconded the motion and the motion carried unanimously.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Doll, Board Member
SECONDER:	Thomas Hurley, Board Member
AYES:	Michael Corbell, Board Member, C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member
ABSENT:	Juanita S. Krause, Board Member

E. Planning Board Minutes - October 12, 2021

OLD BUSINESS

There was no old business discussed.

NEW BUSINESS

A. PB 21-26 Royal Farms Conditional Rezoning:

Mr. Litteral presented the staff report along with a presentation for Royal Farms' conditional rezoning request. The rear property will be mostly septic system which will create a buffer between the business and the subdivision. He reviewed the zoning map, site plan, and landscaping plan, saying there will also be a visual buffer on the front side of the property since the business is located on a main arterial road. There will be two entrances; one on Walnut Island Road and the other on Caratoke Highway. Mr. Litteral said Royal Farms is going above and beyond with their visual design of the building. He noted the backside of the building will also be visually pleasing for the houses located on the rear side. Mr. Litteral said the request is consistent with the Land Use Plan policies CD2, CD4, and ED1. He reviewed the agreed upon conditions and said staff is recommending approval of the conditional rezoning.

Chairman Ballance asked if the board had any questions for staff. There was a short discussion concerning the treed area in the rear parcel. Mr. Hurley asked if the heritage trees policy would be complied with and Mr. Litteral said, yes.

Chairman Ballance asked for the applicant or representative to present their case. Attorney Clint Clogburn with Ward & Smith P.A. from Asheville, North Carolina, came before the board to represent Two Farms, Inc. He introduced Tom Ruszin as the Fuel and Environmental Leader for Royal Farms and Bill McAnally as the Senior Project Manager for BL Companies. He said Royal Farms was a high end convenience store based out of Maryland. They have 250 stores and are excited about the Grandy site since it will be their first store in North Carolina. He said the site will include four parcels and the parcel facing the highway has been a business for many years. He highlighted some of the special design attributes they will be doing for the Grandy location and said they were happy to accommodate these plans to fit in with the community. He said they held a community meeting to introduce their business plans and the meeting was met with positive feed back.

Tom Ruszin came before the board. He said Two Farms, Inc. is a family owned business since 1920 and they are currently working with third and fourth generation family members. He said North Carolina is a new state for them and they plan on hiring 35-40 employees from within the community. Mr. Ruszin said the convenience store is focused on food as well as gas.

Bill McAnally came before the board. He said they plan on having eight gas pumps which will set 208 feet back from Caratoke Highway, the two existing entrances will be removed and two new entrances will be made with one on Walnut Island Road and one on Caratoke Highway, there will be very little stormwater run off with a water basin in rear of property.

Mr. Hurley asked if the stormwater basin will have a separator for the fuel run off. Mr. McAnally said no, but there is product kept in close proximity in case there is any fuel spillage. Mr. Ruszin said training is given to employees on how to respond to fuel spills, also there is a 24 hour phone number for a team to dispatch to the store if there were ever a major fuel spillage.

Mr. Corbell asked if there was a NCDOT traffic study done. Mr. McAnally said that is not required since they only have eight gas pumps; the requirement is for nineteen pumps or more.

Don Raymond with current address 126 Shell Drive, Walnut Island, came before the board. He said he is the President of Walnut Island Association. Mr. Raymond was concerned that the traffic might back up on Walnut Island Road. He requested Royal Farms to add a sidewalk or bike path since many people in his community walk across the highway to access the stores there. Mr. Clogburn responded by saying Royal Farms would be good stewards of the community and will work with NCDOT to do what they can. He said a sidewalk is not feasible since the space is limited given the utility poles. Chairman Ballance said the Walnut Island Association needs to discuss these things, such as crosswalks with NCDOT. Mr. Hurley said their concerns are legitimate so maybe the landscaping can be removed. Mr. Litteral said that would be reviewed with the Major Site Plan.

Chairman Ballance asked for a motion.

Mr. Bass moved to move to **approve PB 21-26**, with agreed upon conditions, because the request is consistent with Land Use Plan policies:

- CD2
- CD4
- ED1

And the request is reasonable and in the public interest because it results in a logical and orderly development pattern.

Mr. Hurley seconded the motion and the motion carried unanimously 6-0.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 1/3/2022 6:00 PM
MOVER:	K. Bryan Bass, Board Member	
SECONDER:	Thomas Hurley, Board Member	
AYES:	Michael Corbell, Board Member, C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member	
ABSENT:	Juanita S. Krause, Board Member	

B. PB 21-24 W & J Development, LLC:

Ms. Voliva presented the staff report and a presentation for the requested text amendment which would amend Chapter 3 dimensional standards for the Mixed Residential (MXR) zoning district and allow commercial buildings up to 10,000 square feet on lots fronting major arterial streets. She said in addition the request includes a language to amend Chapter 4 to allow restaurants, grocery stores, retail sales establishments, and shopping centers in MXR district with a zoning compliance permit. Ms. Voliva said this change will be less restrictive and that General Business currently does not allow multi-family. Ms. Voliva reviewed the Land Use Plan slide and said staff recommends denial of the proposed text amendment because the proposed amendment is in conflict with the UDO by creating intensity discrepancies between the MXR zoning district and the business districts and that it is not consistent with the purpose and intent of the MXR zoning district.

Chairman Ballance asked if the board members had questions for staff.

Mr. Bass asked for some examples of the MXR zoning districts. Ms. Voliva gave the examples of Windswept Pines and Countyside Estates. She said higher density is allowed in these.

Chairman Ballance asked for the applicant or the representative to present their case. Mr. Bissell came before the board and presented a PowerPoint presentation and gave examples of why this text amendment is needed. He went over the benefits of the amendment, reviewed the Grandy Village site plan, and gave his summary, saying this would only change the MXR along the highway. Mr. Bissell introduced Jim Breathwaite as one of the owners of the property. Mr. Corbell asked how many units are involved in his plan and Mr. Bissell said 50 units. Mr. Bissell said they chose a text amendment since a Small Area Plan would take 18 months to complete.

Paul O'Neal came before the board saying the property owner has tried since 2011 to put something on this property and nothing has worked out. He believes this text amendment should be approved and that the Grandy Village is a good plan. Mr. O'Neal said the county is in need of diversity of housing since right now the options are to pay \$500,000 for a home or rent a trailer and currently there is nothing in-between the two options. Also this text amendment affects property that fronts the highway so there would be no additional traffic.

Chairman Ballance asked for public comment. There was no one present to speak; public comment was closed.

Mr. Hurley asked why the applicant does not want to do a Small Area Plan. Mr. O'Neal said they did discuss the time involved and the property owners have went through two crashes of the real estate and the Small Area Plan takes too much time to complete. Mr. O'Neal said there is not time to wait with what is happening in the world and what is going on with real estate. Mr. Hurley said he respects what the applicants are saying and what has been designed, but another person may not have a design as nice. Mr. Doll clarified that the applicant can still build without this text amendment, but can only do 38 units instead of the 50. Mr. Bissell reiterated this change only applies to property that fronts the highway. Mr. Corbell asked what the price point would be for the town-homes and Mr. O'Neal said \$275K to \$300K.

Chairman Ballance asked for a motion.

Mr. Doll moved to **deny** **PB 21-24** because the request is not consistent with the Unified Development Ordinance and will not result in a logical and orderly development pattern because:

1. The amendment establishes intensity and use discrepancies between the MXR zoning district and the business districts; and,
2. Is not consistent with the purpose and intent of the MXR zoning district.

The request is not consistent with Policies CD2, CD5, and CD8 of the 2006 Land Use Plan and will not result in a logical and orderly development pattern since the proposed language increased the intensity of business use types in a residential district and creates inconsistencies between the MXR, a residential zoning district, and business districts.

Chairman Ballance asked for a second on the motion to deny the request. There was no second and the motion failed.

Chairman Ballance motioned to **approve** **PB 21-24** because the request is consistent with the Land Use Plan and Unified Development Ordinance and is in the public interest.

Mr. Hurley seconded the motion and the motion was approved with a 5-1 vote; Mr. Doll voting nay.

RESULT:	RECOMMENDED APPROVAL [5 TO 1]	Next: 1/3/2022 6:00 PM
MOVER:	C. Shay Ballance, Chairman	
SECONDER:	Thomas Hurley, Board Member	
AYES:	Michael Corbell, Board Member, C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, Thomas Hurley, Board Member	
NAYS:	David Doll, Board Member	
ABSENT:	Juanita S. Krause, Board Member	

C. PB 21-28 Currituck County Text Amendment:

Ms. Voliva presented the staff report and presentation for the text amendment. She said the need for this text amendment became evident when reviewing the submittal criteria for the Moyock Middle School expansion and the new elementary school proposed in Moyock. Ms. Voliva reviewed the summary slide, zoning districts slide, the consistency and reasonableness statement and gave the review standards on page 59 of the agenda packet. She said staff was recommending approval of this request subject to the suggested Consistency Statement. This amendment will make the approval process easier for the elementary and middle schools.

There was no board discussion.

Chairman Ballance asked for a motion.

Vice-Chairman Owens moved to **approve PB 21-28** because the request is consistent with Policy SF1 and SF2 of the 2006 Land Use Plan.

Mr. Bass seconded the motion and the motion was approved unanimously 6-0.

RESULT:	RECOMMENDED APPROVAL [UNANIMOUS]	Next: 1/3/2022 6:00 PM
MOVER:	Garry Owens, Vice Chairman	
SECONDER:	K. Bryan Bass, Board Member	
AYES:	Michael Corbell, Board Member, C. Shay Ballance, Chairman, Garry Owens, Vice Chairman, K. Bryan Bass, Board Member, David Doll, Board Member, Thomas Hurley, Board Member	
ABSENT:	Juanita S. Krause, Board Member	

ANNOUNCEMENTS

Mr. Kemp gave board members an update on the Board of Commissioners' hearing and consent items for their recent meeting and gave updates on upcoming planning items. He also provided the board members with a wastewater information sheet for businesses in Currituck County. The spreadsheet gave general information along with State requested design calculations.

Chairman Ballance and Vice-Chairman Owens welcomed Mike Corbell as the newest Planning Board member.

ADJOURNMENT

Mr. Bass motioned to adjourn the meeting. Vice-Chairman Owens seconded the motion and the meeting adjourned at 7:43 PM.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3316

Agenda Item Title: PB 21-29 Currituck County:

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Laurie LoCicero

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance to allow new campgrounds through conditional zoning approval in specified zoning districts and to revise existing language regarding use of recreational vehicles.

Planning Board Recommendation: Approval

Staff Recommendation: Approval

TRC Recommendation: Application Reviewed



Currituck County

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

To: Board of Commissioners

From: Planning Staff

Date: January 27, 2022

Subject: PB 21-29 Currituck County Text Amendment
 Campgrounds

The enclosed text amendment, submitted by the Currituck County Board of Commissioners, will allow **NEW** campgrounds through conditional zoning approval in specified zoning districts.

- Item 1 Revise terminology from "travel trailer" to "recreational vehicle" in Section 4.1.1. Prohibited Uses and remove "private campgrounds" as a prohibited use. Amend Summary Use Table 4.1.1.A to allow campgrounds with conditional zoning approval in Agriculture (AG), Single Family Mainland (SFM), Single Family Isolated (SFI – Knotts Island) and General Business (GB)
- Item 2 Provide Use Specific Standards for new campgrounds. (4.2.4.J)
- Item 3 Provide parking standards for campgrounds. (Table 5.1)
- Item 4 Add private campgrounds to "Visitor Accommodations" Use Category (10.4.5) and amend definitions to clarify campground terminology (10.5).

BACKGROUND

The 1982 Currituck County Zoning Ordinance did allow campgrounds but did not permit the expansion of the district which allowed the use.

The 1989 Unified Development Ordinance did not allow for the expansion of the zoning district that allowed campgrounds (RR). This restriction did not permit campgrounds created on property not zoned RR.

In 1992, a text amendment was approved that allowed the expansion of the RR zoning district when a property contained two zoning districts one of which was RR with a maximum overall density of 4.5 units per acre. The density was later increased to 5.5 units per acre.

In early 2011, a request was submitted to the county to allow new RR zoning districts to be created and was later withdrawn.

In 2013, the UDO specified campgrounds were nonconforming uses and could no longer be expanded.

In 2016, Blue Water Development Corp. submitted a request to allow private campgrounds in the Single Family Residential-Mainland (SFM) zoning district. After meeting with staff, the applicant

modified the request to only allow the expansion of existing campgrounds subject to specific standards. The Planning Board recommended denial of the request at the March 14, 2017 meeting. The request was withdrawn by the applicant and was not heard by the Board of Commissioners.

In 2020, planning staff and the county attorney brought forward language to address concerns over existing, non-conforming campgrounds. After public input in June 2020, the Board gave staff direction to consider language to allow for new campgrounds. Several work sessions were held over 2021 with the Board. The attached language is the consensus of the Board to allow NEW campgrounds. At the direction of the Board, existing, non-conforming campgrounds are **not** addressed in this amendment.

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

Economic Development Director Larry Lombardi submitted input regarding the 5-mile distance between campgrounds. Mr. Lombardi recommends removing the 5-mile distance between new campgrounds. His email, along with the supporting documents noted in the email, are enclosed.

Planning staff recommends approval of the request as submitted and suggests the following statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of 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 ED 1: NEW AND EXPANIDNG 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.

The request is reasonable and in the public interest by providing language to allow for a greater variety of tourist-oriented businesses and visitor accommodations to locate within the county.

Planning Board Recommendation

On January 11th, 2022, the Planning Board recommended approval of PB 21-29 Currituck County Campgrounds Text Amendment with the following changes:

1. Remove the 5 miles distance between campgrounds
2. Minimum parcel size reduced from 50 acres to 15 acres
3. No limit on percent of cabins
4. Increase closing period from 30 days to 60 days
5. Reduce maximum number of campsites from 500 to 250

Motion

Mr. Hurley motioned to approve PB 21-29 *with the following recommended changes*:

1. Remove the 5 miles distance between campgrounds
2. Minimum parcel size reduced from 50 acres to 15 acres
3. No limit on percent of cabins
4. Increase closing period from 30 days to 60 days
5. Reduce maximum number of campsites from 500 to 250

Because the request is consistent with Land Use and Development Goal #10 and Policy ED1 of the 2006 Land Use Plan.

The request is reasonable and in the public interest by providing language to allow for a greater variety of tourist-oriented businesses and visitor accommodations to locate



**STAFF REPORT
PB21-29 CURRITUCK COUNTY
CAMPGROUNDS
BOARD OF COMMISSIONERS
FEBRUARY 7, 2022**

Amendment to the Unified Development Ordinance Chapter 4: Use Standards, Chapter 5: Development Standards, and Chapter 10: Definitions and Measurements, to add private campgrounds as an allowable use.

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 deleting the following struck-through language and adding the underlined language:

4.1.1 Explanation of Use Table Structure

G. Prohibited Uses

- (2) The following activities or use types are not identified in Table 4.1.1.A. and Table 4.1.1B but are prohibited in all zoning districts in the county.
 - (a) Use of a parked motor vehicle to buy, sell, or store goods or services, except as allowed in Section 4.3 Accessory Use Standards or Section 4.4 Temporary Use Standards.
 - (b) Use of a boat, houseboat, or other floating structure as a temporary permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily docked while in transit on navigable waters;
 - (c) Use of a ~~travel-trailer~~ recreational vehicle as a permanent residence or use of a ~~travel-trailer~~ recreational vehicle as a temporary residence outside of approved campgrounds;
 - (d) The operation of a principal (non-accessory) commercial use located solely on the beach strand (uses simply transporting customers to the beach from an approved off beach location are exempted); and
 - (e) Manufactured home parks ~~or private campgrounds~~ as a principal use.

TABLE 4.1.1.A: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

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	
COMMERCIAL USE CLASSIFICATION														
Visitor Accommodations	<u>Private Campgrounds</u>		<u>CZ</u>	<u>CZ</u>			<u>CZ</u>		<u>CZ</u>					<u>4.J.3</u>

Item 2: That Chapter 4, Section 4.2.4.J. is amended by adding the following underlined language and numbering accordingly:

(3) **Private Campgrounds**

Private campgrounds shall comply with all applicable standards in the county Code of Ordinances and the following standards:

- (a) Camping is an allowed use of land only in campgrounds and camper subdivisions.
- (b) All land used for the campground must be one parcel and under the same ownership.
- (c) Campgrounds shall be accessed from a major arterial street.
- (d) The minimum parcel size for a campground shall be 50 acres.
- (e) No campground shall be located within 5 miles from another campground as measured from exterior property lines of the campgrounds.
- (f) The maximum number of campsites permitted for a campground shall be 500 and a campsite density not exceeding 12 campsites per acre of land, whichever is less. CAMA and 404 wetland areas shall not be included in the density calculation.
- (g) The application shall include a conceptual development plan. The conceptual development plan shall be in accordance with Section 3.6.5 and shall also include the following:
 - (i) Campsites, amenities, recreation areas and facilities, associated with campground use.
 - (ii) General location and total square feet of storage areas for recreational vehicles, boats, watercraft, and all associated trailers only.

- (A) Storage areas shall be used only by the owner of the facility, full-time employees, seasonal guests, or short-term guests.
- (B) The storage areas shall not exceed five acres or 10 percent of the total area of the campground. CAMA and 404 Wetlands shall not be included in the calculation.
- (C) All storage areas facing interior to the campground shall be screened by a minimum Type "B" buffer. Storage areas shall be screened from off-site views in accordance with Table 4.3.3.S, Outdoor Storage Screening.
- (iii) General location of all required and proposed infrastructure.
- (iv) All campsites, amenities, restroom, kitchen and laundry facilities, food service areas, recreation areas, camp stores, welcome centers, offices, and infrastructure facilities shall be setback 100 feet from all property lines of the campground. The setback may be reduced by up to fifty feet from a property line, provided a Type "D" buffer is installed and maintained along all property lines where the setback is less than 100 feet.
- (v) A Type "C" buffer shall be provided as a perimeter landscape buffer between campground projects and all adjacent properties, not separated from the property by a right-of-way greater than 20 feet in width, except as provided for in Section 4.2.4.J(10)(h)(iv).
- (vi) Only recreational vehicles, camping cabins, alternative camping units or tents shall be allowed in campgrounds.
- (vii) Total number of campsites and the type of camp site shall be designated:
 - 1. Recreational Vehicle
 - 2. Tent
 - 3. Camping cabins
 - 4. Alternative camping units
- (viii) No more than 20 percent of the total number of campsites may contain camping cabins or alternative camping units.
- (ix) Campsites shall be designated as seasonal or short-term. No more than 20 percent of the total campsites may be seasonal.

- (x) Only one residential dwelling unit may be in the campground. The residential dwelling unit may only be occupied by the campground owner and/or full-time employees and members of their families.
- (h) After conditional zoning approval, the applicant shall submit an operational plan with the Major Site Plan application. The operational plan shall include the following:
 - (i) Designation of a 30 day period between November first and March first of each year when the campground is closed. An opening and closing date shall be designated.
 - (ii) The total number of employees and any related persons residing at the campground during seasonal operation.
 - (iii) The number of employees and any related persons residing at the campground as full-time residents during the time of closure.
- (i) Full-time residents at the campground, other than the campground owner and their family and full-time employees and their families, as specified in this ordinance, are not permitted at the campground.
- (j) Amendments to the operational plan may be approved by the Director if all standards of this ordinance are met. Minor modifications to the conceptual design plan in accordance with Section 2.4.4.I may be approved by the Director.
- (k) Inspection for compliance with the approved conditional zoning and operational plan shall be required prior to obtaining licensure from the County. It shall be the responsibility of the campground operator to apply for renewal of the license and schedule the inspection with county staff prior to designated opening date.

Item 3: That Chapter 5 is amended by adding the underlined language:

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS		
USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
COMMERCIAL USE CLASSIFICATION		
Visitor Accommodations	Bed and breakfast inn	2 spaces + 1 per guest bedroom
	Hotel or motel	1 per every guest room + 75% of spaces required for on-site accessory uses
	Hunting Lodge	1 per bedroom + 2
	<u>Private Campgrounds</u>	<u>1 per campsite + 1 visitor space for each 10 camp sites</u>

Item 4: That Chapter 10 is amended by adding the following underlined language and deleting the struck-through language and renumbering accordingly:

10.4.5. Commercial Use Classification

L. Visitor Accommodations

(1) Characteristics

The Visitor Accommodations Use Category includes use types that provide lodging units or space for short-term stays of less than 30 days for rent, lease, or interval occupancy. Accessory uses may include pools and other recreational facilities, limited storage, restaurants, bars, supporting commercial, meeting facilities, offices, and parking.

(2) Examples

Example use types include hotels or motels, bed and breakfast inns, private campgrounds, and hunting lodges.

(3) Exceptions

Rooming houses are classified as Group Living.

10.5 DEFINITIONS

ALTERNATIVE CAMPING UNIT

A camping unit constructed of canvas or other similar materials, not to exceed 400 square feet in area, to intended to locate in a campground and used as temporary quarters for shelter during period of recreation, vacation, leisure time of travel and shall not be used for permanent living quarters. Alternative camping units shall be constructed for

compliance with the applicable North Carolina Building Code and Section 7.4 of this ordinance. The unit may or may not include kitchen and restroom facilities. The term alternative camping unit includes terms such as yurts, eco-tents, safari tents or other similar names.

CAMPER

See "Recreational Vehicle". A portable dwelling (as a special equipped trailer or automobile vehicle) for use during casual travel and camping.

CAMPGROUND

Any area, place, parcel or tract of land on which two or more campsites are occupied or intended for occupancy or facilities established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of campsites and facilities is granted gratuitously, or by rental fee, lease or conditional sale, or by covenants, restrictions and easements. Campground includes but not limited to, a travel camp, recreational camp, family campground, camping resort, recreational vehicles park and camping community. Campground does not include a summer camp, migrant labor camp or park for manufactured homes, or a construction camp, or storage area for unoccupied camping units.

CAMPING CABIN

A structure located in a campground, not exceeding 400 square feet and constructed to the North Carolina Building Code. Camping cabins may or may not include restroom and kitchen facilities. Such cabins shall be compliant with Section 7.4 of this ordinance.

CAMPSITE

A designated space designed for parking a recreational vehicle or for the location of a camper cabin, alternative camping unit or a tent along with picnic tables, infrastructure hook-ups pedestal, fire rings and constructed platforms.

RECREATIONAL VEHICLE

A vehicle built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable; designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use; fully licensed and ready for highway use; that does not exceed 8.5 feet in width in the transport mode; and of a size and weight that does not require a special highway movement permit when towed by a motorized vehicle. Recreational vehicles shall not have any permanent (hard) wiring, plumbing, or mechanical connections. The term "recreational vehicle" does not include a "manufactured home".

~~For the purposes of Section 7.4., Flood Damage Prevention, a vehicle, which is:~~

- ~~a. — built on a single chassis;~~
- ~~b. — 400 square feet or less when measured at the largest horizontal projection;~~

- c. ~~designed to be self-propelled or permanently towable by a light duty truck;~~
- d. ~~designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and,~~
- e. ~~is fully licensed and ready for highway use.~~

SEASONAL CAMPSITE

A campsite designated for use by a campground guest for a period exceeding thirty consecutive days.

SHORT TERM CAMPSITE

A campsite designated for use by a campground guest for a period of less than thirty days.

TRAVEL TRAILER

See "Recreational Vehicle". A structure that is:

- a. ~~Intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and~~
- b. ~~Is for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a manufactured home.~~

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 _____, 2022.

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: 1/11/2022
 PLANNING BOARD RECOMMENDATION: Approved with Recommended Changes
 VOTE: 5AYES 0NAYS
 ADVERTISEMENT DATE OF PUBLIC HEARING: 1/26/2022 & 2/2/2022
 BOARD OF COMMISSIONERS PUBLIC HEARING: 2/7/2022
 BOARD OF COMMISSIONERS ACTION: _____
 POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
 AMENDMENT NUMBER: _____



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: PB 21-29
 Date Filed: 10/28/2021
 Gate Keeper: ST
 Amount Paid: 70

Contact Information
APPLICANT:

Name: County of Currituck
 Address: 153 Courthouse Road Suite 204
Currituck, NC 27929
 Telephone: 252-232-2075
 E-Mail Address: leeann.walton@currituckcountync.gov

Request

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

Amend Chapter(s) 4, 5, 10 Section(s) 4.1.1, 4.1.2, 4.2.4, 5.1, 10.4, 10.5 as follows:

Remove private campgrounds as a prohibited use.

Allow private campgrounds through conditional rezoning in AG, SFM, SFI & GB Zoning
Districts subject to specific standards.

Add parking standards for private campgrounds.

Add private campgrounds to Visitor Accommodations use category.

Add definitions and modify existing definitions related to campgrounds

*Request may be attached on separate paper if needed.

M. A. Payment
 Petitioner

10/28/21

Date

Attachment: Application (PB 21-29 Currituck County)



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: PB 21-29
 Date Filed: 10/28/21
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:

Name: Currituck County Board of Commissioners
 Address: 153 Courthouse Road, Suite 206
Currituck, NC 27929
 Telephone: (252) 232-2075
 E-Mail Address: leeann.walton@currituckcountync.gov

Request

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

Amend Chapter(s) 4, 8, and 10 Section(s) 4.2.4.J, 8.2.6, 10.5 as follows:

This text amendment will amend the existing regulations for non-conforming
 camgrounds, establish regulations for new camgrounds, and update the applicable
 definitions to reflect the amendments. Detailed description listed below:

- 1) Section 4.2.4.J.(3) is created to permit private camgrounds and establish the requirements for approval, rules and regulations governing them.
- 2) Section 8.2.6 "Nonconforming Campgrounds" is amended to reflect the updated definition of a recreational vehicle, to require exiting camgrounds to require registers, to require designation of camping sites, and to prohibit storage areas.
- 3) Chapter 10.4.5.L. is amended to include "private camgrounds". Chapter 10.5, definition section is amended to reflect changes in the UDO.

*Request may be attached on separate paper if needed.

Walter A. Payment
 Petitioner

10/20/2021

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: 10/21/2021

Project Name: Campground Text Amendment

Applicant/Property Owner: Currituck County Board of Commissioners

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 Multiple dates and the following people were present:

Several Board of Commissioner workshops were held to discuss this matter at length.

Comments

From: [Larry Lombardi](#)
To: [Laurie LoCicero](#); [Kevin Kemp](#)
Subject: Text Amendment(draft) for Campgrounds
Date: Thursday, November 18, 2021 12:42:54 PM
Attachments: [2021_10_04- draft Campground Text Amendment.docx](#)
[50_Acre_Tracts_November_2021.xlsx](#)
[Parcels Greater Than 50 Acres November 2021.pdf](#)

Hello Laurie,

Per your request, below are my comments regarding the proposed Campground Text Amendment that I would like to be on the record. Thank you...

Comment: Chapter 3 Paragraph E (page 2 of 9): *"no campground shall be located within 5-mile radius from another campground"* is restrictive and it should be eliminated because this should be determined by the market as to how far a campground should be located from another campground.

My 3 data points below provide as to why the 5-mile radius restriction is not necessary and only hinders economic development for new Campgrounds in the County. Based on the language in the Campground Text Amendment, the visitors to these campgrounds would be no different than the visitors who rent homes in the Currituck Outer Banks. In other words, the visitors stay and spend their money with our local merchants and then leave to go home. Hence, very little impact to the County infrastructure, i.e. schools.

1. Currently there are 38 parcels starting from the Aydlett area down to Point Harbor, which would meet the 50-acre minimum (see Excel spreadsheet), and more in likely sites (not all the parcels) can be or want to be developed as potential new campgrounds.
2. Looking at the parcel map, the most likely site for the initial new campground would be the H2OBX site area. If the 5-mile radius was enacted, there couldn't be any new campgrounds south to the Wright Memorial Bridge. Looking to the north using the 5-mile radius from the H2OBX site area, the next new campground site would be around the Jarvisburg area. Heading north from Jarvisburg and using the 5-mile radius once again, then the next area for new campgrounds would be in the Aydlett area.
3. Bottom line: if the 5-mile radius is implemented and the H2OBX waterpark area is the first submittal to be approved under the new Campground Text Amendment, there will be only three (3) new campgrounds allowed south of the Coinjock Canal.

Best regards,
Larry

Larry J. Lombardi
 Economic Development Director
 County of Currituck
 153 Courthouse Road
 Currituck, NC 27929

Attachment: Larry Lombardi Email and documents (PB 21-29 Currituck County)

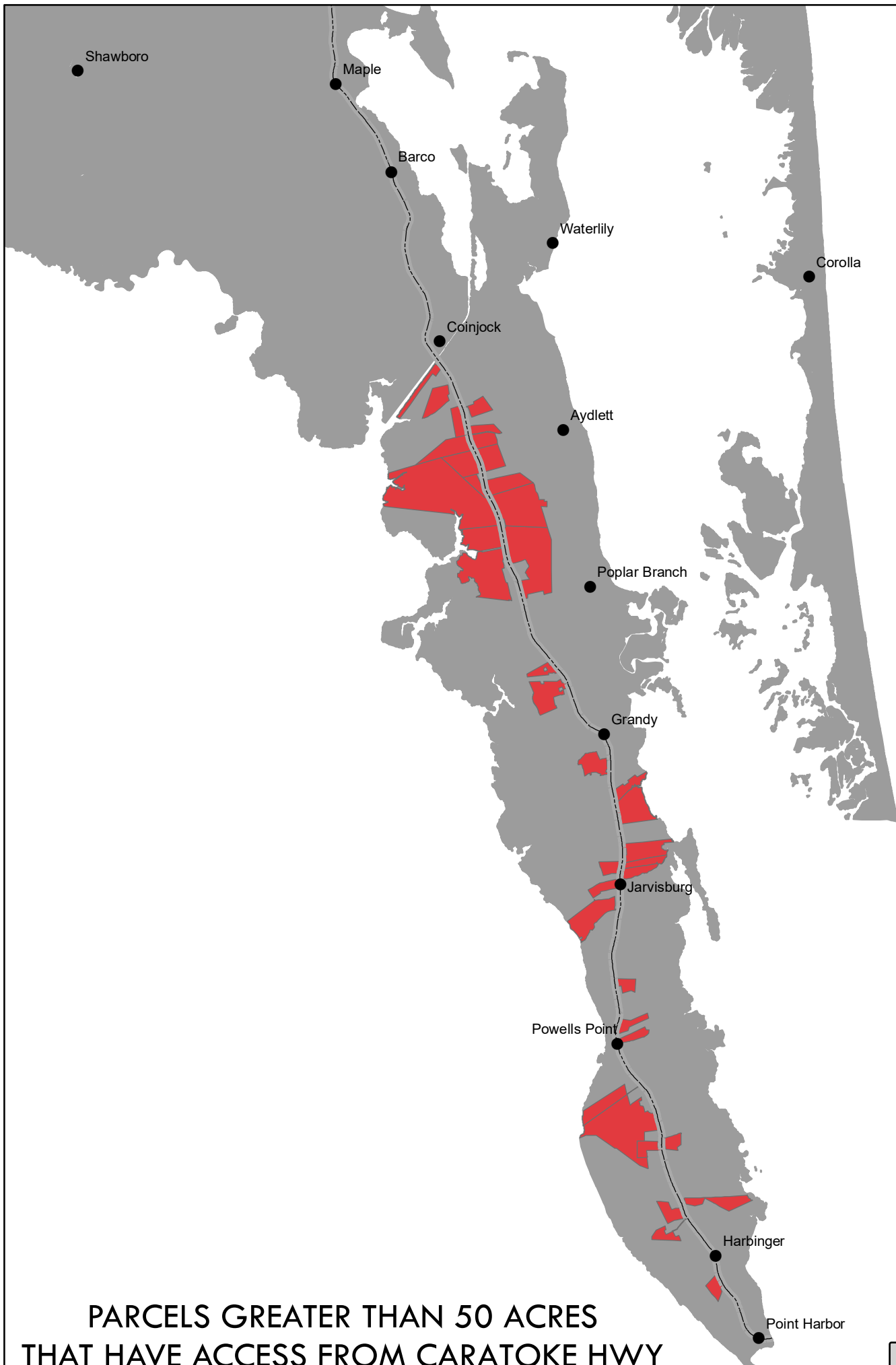
252-232-6015 (O)

301-237-8951 (M)

Email: Larry.Lombardi@CurrituckCountyNC.gov

Website: www.thinkcurrituck.com

PARCEL_ID	ESTIMATED ACREAGE
0084000030A0000	444.86
007100000810000	69.87
007100000800000	115.77
0082000059F0000	69.46
0083000007B0000	51.16
0084000001B0000	602.97
0084000030A0000	208.9
0094000084A0000	57.41
0108000062R0000	80.58
010800000270000	230.04
010800000390000	173.34
010900000040000	67
010900000050000	71.16
010900001280000	58.08
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0109000156B0000	227.45
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0110000021A0000	53.31
0111000013A0000	141.08
012300000910000	57.79
012400000420000	66.43
012400000830000	132.6
0124000139M0000	59.18
0132000017A0000	58.21
012300000740000	640.5
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008200000660000	56.43
008300000040000	159.16
008300000040000	84.92
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008300000050000	160.97
008300000080000	149.09
007200000040000	1103.2
0083000009A0000	423.47
0108000095H0000	118.02
0124000137L0000	80



PARCELS GREATER THAN 50 ACRES
THAT HAVE ACCESS FROM CARATOKE HWY

Attachment: Larry Lombardi Email and documents (PB 21-29 Currituck County)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3314

Agenda Item Title: PB 21-30 Currituck County:

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Kevin Kemp

Board Action: Action

Brief Description of Agenda Item:

Request to amend the Unified Development Ordinance definition of public infrastructure to include utilities regulated by the NC Utilities Commission.

Planning Board Recommendation: Approval

Staff Recommendation: Approval

TRC Recommendation: Application Reviewed


Currituck County

Development Services 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: January 27, 2022

Subject: PB 21-30 Currituck County Text Amendment
 Amend Definition of "Public Infrastructure"

Background

The enclosed text amendment submitted by staff is intended to revise Chapter 10 of the Unified Development Ordinance (UDO) as it relates to the inclusion of privately-owned utilities regulated by the NC Utilities Commission into the definition of "Public Infrastructure."

*Definition: **Public Infrastructure**- Aspects of the public realm owned and maintained by the county or the state, or a utility regulated under the jurisdiction of the NC Utilities Commission, that serve the public at large, including streets, highways, sidewalks, curb and gutter, potable water distribution systems, sanitary sewer systems, stormwater drainage retention and conveyance features, street lights, on-street parking spaces, and similar aspects located within a public right-of-way of public easement.*

Based on direction given by the Board of Commissioners at the September 20, 2021 work session, staff has evaluated the definition of "public infrastructure" and found that it is logical and reasonable to include privately-owned utilities that are regulated by the state in this definition. Currently, unless a utility is owned and maintained by the county or state a performance guarantee cannot be considered. The issue of handling public and privately-owned utilities differently was recently discussed due to the inability of a residential development to provide a performance guarantee because their wastewater system connects to a private wastewater system, rather than the County's. Despite being a privately-owned and operated utility, it is still evaluated and regulated by the State's Utility Commission and Department of Water Resources.

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

Though private utilities are not owned and maintained by the county or state, as the current definition identifies, they are still regulated and held to standards by the same state agencies that regulate public utilities (NC Utilities Commission and Department of Environmental Quality.) This text amendment provides for equity between public and private utilities so long as they are regulated by the same state agencies. The amendment also provides for the possibility of creative options regarding utility service and providers which is critical given the growth that the county is experiencing.

Staff recommends approval of this request and suggests the following Consistency Statement:

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

POLICY WS1: Currituck County shall support a variety of means of obtaining potable water for the county, thereby keeping open MULTIPLE OPTIONS FOR FUTURE WATER SUPPLIES. These options may include ground water from shallow and deep aquifers, surface water sources (if available), and cooperative arrangements with other public and private sources. Treatment may be conventional, reverse osmosis or other innovative methods.

POLICY WS 3: Currituck County endorses UTILITIES EXTENSION POLICIES that focus water and sewer services (1) within existing developed areas and in nearby targeted growth areas identified as Full Service and Limited Service areas, (2) where development densities would make the provision of all public services more efficient, (3) where the land is particularly well suited for development and (4) away from environmentally sensitive areas, such as areas with extensive wetlands or the norther beaches of the Outer Banks.

POLICY WS7: Currituck County allows for the appropriate use of PACKAGE SEWAGE TREATMENT PLANTS as a means of achieving more efficient land use, while properly disposing of waste. Such systems shall have a permanent organizational ownership to guarantee their proper management, including operation, maintenance, and replacement needs. Depending on their location in the county, such systems may be required to have a design that allows for assimilation into a centralized system at a future date.

Planning Board Recommendation

On January 11, 2022, the Planning Board recommended approval of PB 21-30 Currituck County Public Infrastructure Text Amendment.

Motion

Mr. Bass motioned to approve PB 21-30 Currituck County text amendment to change the definition of public infrastructure because the request is consistent with the 2006 Land Use Plan because it allows for flexibility and creativity for infrastructure within the County. (Policies WS-1, WS-3, W-7).

The request is reasonable and in the public interest because it addresses a need for infrastructure solutions that will help accommodate the growth within the County in efficient and responsible methods.

Mr. Hurley seconded the motion and the motion carried unanimously 6-0.



**PB 21-30 CURRITUCK COUNTY
TEXT AMENDMENT
BOARD OF COMMISSIONERS
FEBRUARY 7, 2022**

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 10 Definitions and Measurement, Section 10.5 Definitions to amend the definition of Public Infrastructure to include utilities regulated under the jurisdiction of the NC Utilities Commission.

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 10 is amended by deleting the following underlined strikethrough language and adding the underlined language in Section 10.5:

PUBLIC INFRASTRUCTURE

Aspects of the public realm owned and maintained by the county, ~~or the state,~~ or a utility regulated under the jurisdiction of the NC Utilities Commission, that serve the public at large, including streets, highways, sidewalks, curb and gutter, potable water distribution systems, sanitary sewer systems, stormwater drainage retention and conveyance features, street lights, on-street parking spaces, and similar aspects located within a public right-of-way or public easement.

Item 2: Staff suggested Statement of Consistency:

The requested text amendment is consistent with the 2006 Land Use Plan Policies WS-1, WS-3, and WS-7.

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 _____, 2022.

Attachment: PB 21-30 Currituck County - Definition of Public Infrastructure (PB 21-30 Currituck County)

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: 1/11/2022
PLANNING BOARD RECOMMENDATION: Approved
VOTE: 6AYES 0NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 1/26/2022 & 2/2/2022
BOARD OF COMMISSIONERS PUBLIC HEARING: 2/7/2022
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

Attachment: PB 21-30 Currituck County - Definition of Public Infrastructure (PB 21-30 Currituck County)



Text Amendment Application

OFFICIAL USE ONLY:

Case Number:

Date Filed:

Gate Keeper:

Amount Paid:

PB 21-30
10/28/21
C.E.
\$0

Contact Information

APPLICANT:

Name: Currituck County Development Services Department

Address: 153 Courthouse Drive, Suite 110

Currituck, NC 27929

Telephone: (252) 232-3026

E-Mail Address: kevin.kemp@currituckcountync.gov

Request

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

Amend Chapter(s) 10 Section(s) 10.5 as follows:

At the direction of the Board of Commissioners from their September 20th workshop,

amend Section 10.5 of the Unified Development Ordinance to include

"state regulated private utilities" into the definition for "Public Infrastructure."

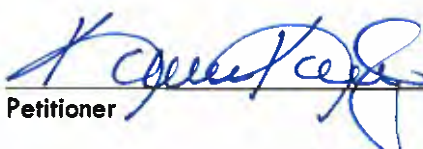
This amendment will allow for the opportunity to place a performance guarantee

for state regulated private utilities, where the existing UDO requirements limit

performance guarantees to infrastructure that is owned and maintained by the

state or county.

*Request may be attached on separate paper if needed.


Petitioner

10/27/2021
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: 10/27/2021

Project Name: Performance Guarantee

Applicant/Property Owner: Currituck County Development Services Department

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 September 20, 2021 and the following people were present:
Board of Commissioners, County Manager/Attorney, Clerk of the Board,
Development Services Director, and Justin Old.

Comments

DRAFT TEXT AMENDMENT – PERFORMANCE GUARANTEES**10.5. DEFINITIONS****PUBLIC INFRASTRUCTURE**

Aspects of the public realm owned and maintained by the county or the state or a regulated public utility under the jurisdiction of the NC Utilities Commission, that serve the public at large, including streets, highways, sidewalks, curb and gutter, potable water distribution systems, sanitary sewer systems, stormwater drainage retention and conveyance features, street lights, on-street parking spaces, and similar aspects located within a public right-of-way or public easement.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3317

Agenda Item Title: PB 21-27 H2OBX:

Submitted By: Tammy Glave – Planning & Community Development

Item Type: Legislative

Presenter of Item: Tammy Glave

Board Action: Action

Brief Description of Agenda Item:

Text amendment to allow seasonal employee housing for tourist oriented businesses located on the same principal lot as the business with a minimum lot size of five acres.

Planning Board Recommendation: Approval with Conditions

Staff Recommendation: Approval with Conditions

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: Board of Commissioners
 From: Planning Staff
 Date: January 12, 2022
 Subject: PB 21-27 H2OBX

Request

The request is to amend the Unified Development Ordinance with language to allow seasonal employee housing for tourist-oriented businesses through conditional zoning approval. As drafted, employee housing will be accessory to a tourist-oriented business and located on the same lot as the business with a minimum lot size of five acres. The housing shall only be inhabited during the tourist season for the residential use of unrelated persons employed on site for the duration of the tourist season. The accessory employee housing will only be allowed through a conditional zoning approval (legislative). The use of Class B or C Manufactured Homes, travel trailers, campers, recreational vehicles, or similar vehicles as a seasonal employee housing unit is prohibited.

Background

On May 2, 2016 the BOC approved the Conditional GB Zoning to allow a water park to locate at 8528 Caratoke Highway. That approval included a dormitory type building to house employees of the waterpark. This text amendment is necessary to allow seasonal employee housing (formerly referred to as dormitories) as an allowable use in the GB zoning district. The text amendment applies county wide and is not specific to the waterpark property. This amendment would be applicable to all businesses that meet the criteria set forth in this language.

2006 Land Use Plan

The Land Use Plan (LUP) does not provide detailed policies related particularly to workforce housing; however, the following policies are relevant to general economic development, and do generally support the amendment:

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.

POLICY ED3: The County supports COORDINATION OF ECONOMIC DEVELOPMENT ACTIVITIES among various economic development agencies and encourages regional cooperation and interaction among areas with shared economic interests.

Staff commentary: As confirmed by Larry Lombardi, Economic Development Director, one of the biggest tourist industry needs in Currituck County is the ability to house the employees necessary to run those tourist-oriented businesses.

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

Staff recommends approval of the request as submitted and suggests the following Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the goals, objectives, and policies of the 2006 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.
- **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.
- **POLICY ED3:** The County supports COORDINATION OF ECONOMIC DEVELOPMENT ACTIVITIES among various economic development agencies and encourages regional cooperation and interaction among areas with shared economic interests.

The request is reasonable and in the public interest because:

1. It addresses a need for tourist-oriented businesses to be able to provide housing for seasonal employees in order to operate businesses for tourists and local residents alike.

Planning Board Recommendation

On January 11, 2022, the Planning Board recommended approval of this text amendment as presented.

Motion

Mr. Doll motioned to recommend **approval** of **PB 21-27 H2OBX** because the request is consistent with the 2006 Land Use Plan because it allows for housing for the volume of employees necessary to run new and expanding tourist-oriented businesses in targeted tourist growth areas and allows for continued economic growth of our tourist industry. (Policies ED1, ED2, and ED3)

The request is reasonable and in the public interest because it addresses a need for tourist-oriented businesses to be able to provide housing for seasonal employees in order to operate businesses for tourists and local residents alike.

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

Attachment: 1 PB 21-27 H2OBX Seasonal Employee Housing TA (PB 21-27 H2OBX)



**PB 21-27 CURRITUCK H2OBX
TEXT AMENDMENT
BOARD OF COMMISSIONERS
FEBRUARY 7, 2022**

Amendment to the Unified Development Ordinance, Chapter 6. Use Standards

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 10 is amended by adding the underlined bold language:

10.4.5. Commercial Use Classification

H. Recreation/Entertainment, Outdoor

(1) Characteristics

The Outdoor Recreation/Entertainment Use Category includes use types that are large, generally commercial, and provide continuous recreation or entertainment-oriented activities that primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, parking, **seasonal employee housing**, and maintenance facilities.

Item 2: That Table 4.3.2.E Table of Common Accessory Uses is amended by adding the underlined bold language:

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES P= Permitted by-right Z= Zoning Compliance Permit U= Special Use Permit MP= Allowed with Master Plan blank cell= Prohibited														
ACCESSORY USE TYPE	ZONING DISTRICT													ADDITIONAL REQ. (4.3--)
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	
<u>Seasonal Employee Housing</u>								<u>CZ</u>						<u>3.AB</u>

Attachment: 1 PB 21-27 H2OBX Seasonal Employee Housing TA (PB 21-27 H2OBX)

Item 3: That Chapter 4 Section 4.3 Accessory Use Standards is amended by adding the underlined language:

4.3.3. Specific Standards for Certain Accessory Uses

4.3.3.AB Seasonal Employee Housing Shall:

1. **Be limited to tourist-oriented businesses;**
2. **Provide annual occupancy dates;**
3. **Be located on the same principle lot as the business with a minimum lot size of five acres;**
4. **Be inhabited only during the tourist season for the residential use of unrelated persons employed on site for the duration of the tourist season; and,**
5. **The use of Class B or Class C manufactured homes, travel trailers, campers, tractor trailers, recreational vehicles, or similar vehicles as a seasonal employee housing unit is prohibited.**

Item 4: That Table 5.1.3.C Minimum Off-Street Parking Standards is amended by adding the underlined language:

GROUP LIVING	Dormitory/ <u>Seasonal Employee Housing</u>	1 per every 2 resident beds
	Family care home	1 per every 3 resident beds
	Rooming or boarding house	1+1 per guest bedroom

Item 5: That Section 10.5 Definitions is amended by adding the bold and underlined language:

Seasonal Employee Housing

Property used seasonally for the residential use of unrelated persons employed by the business and located on the same site of the business for the duration of the tourist season.

Tourist-Oriented Business

Business that is usually seasonal in nature catering primarily to tourist. If a business could equally cater to either tourists or local residents, it is included within this definition.

Item 6: Staff recommends approval and suggests the following Statement of Consistency and Reasonableness:

The requested zoning text amendment is consistent with the 2006 Land Use Plan because:

- It allows for housing for the volume of employees necessary to run new and expanding tourist-oriented businesses in targeted tourist growth areas and allows for continued economic growth of our tourist industry. (Policies ED1, ED2, and ED3)

The request is reasonable and in the public interest because:

- It addresses a need for tourist-oriented businesses to be able to provide housing for seasonal employees in order to operate businesses for tourists and local residents alike.

Item 7: 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 8: This ordinance amendment shall be in effect from and after the _____ day of _____, 2022.

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: January 11, 2022
PLANNING BOARD RECOMMENDATION: Approval
VOTE: 5AYES 0NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: 1/26/2020 & 2/2/2022
BOARD OF COMMISSIONERS PUBLIC HEARING: 2/7/2022
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm

Attachment: 1 PB 21-27 H2OBX Seasonal Employee Housing TA (PB 21-27 H2OBX)



Text Amendment Review Process

Contact Information

Currituck County
Planning and Community Development
153 Courthouse Road, Suite 110
Currituck, NC 27929

Phone: 252.232.3055
Fax: 252.232.3026

Website: www.co.currituck.nc.us/planning-community-development

Step 1: Pre-application Conference

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submittal requirements and the procedures and standards applicable to an anticipated text amendment application. A pre-application conference is also intended to provide an opportunity for county staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed text amendment, as it relates to the standards in the Unified Development Ordinance (UDO).

The applicant shall submit a written description of the nature and purpose of the text amendment to the Planning and Community Development Department during the pre-application conference.

Step 2: Application Submittal and Acceptance

The applicant must submit a complete application pack on or before the application submittal date. Applications may be initiated by the Board of Commissioners, the Planning Boards, the Planning Director, the TRC, or any other interested party. A complete application packet consists of the following:

- Completed Currituck County Text Amendment Application.
- Application Fee (\$300)
- Number of Copies Submitted:
 - ☐ 2 Hard copies of ALL documents
 - ☐ 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all documents

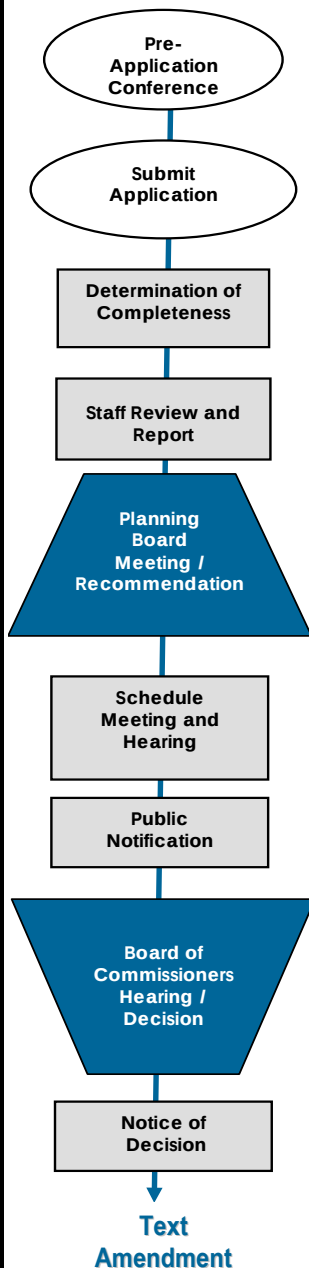
On receiving an application, staff shall determine whether the application is complete or incomplete. A complete application contains all the information and materials listed above, and is in sufficient detail to evaluate and determine whether it complies with appropriate review standards. If an application is determined to be incomplete, the applicant may correct the deficiencies and resubmit the application for completeness determination. Incomplete applications will not be processed.

Step 3: Staff Review and Action

After accepting the text amendment application, staff shall review it, prepare a written report, and provide a recommendation on the application. The recommendation may include a second option that will include text to address conflicts with the existing ordinance or adopted plans.

Step 4: Advisory Body Review and Recommendation

After the staff prepares a staff report and provides a recommendation on the application, staff shall schedule the application for a public meeting with the Planning Board. At the public meeting, the Planning Board shall consider the application, relevant support materials, staff report, and any public comments. It shall then



recommend approval, approval of a modified version, or denial, and clearly state that factors considered in making the recommendation. The Planning Board shall provide a recommendation on an application it reviews within two months from the date of its initial meeting to consider the application.

Step 5: Public Hearing Scheduling and Public Notification

After the Planning Board provides a recommendation on the application, staff shall ensure that the public hearing on it is scheduled for a regularly scheduled Board of Commissioners meeting or a meeting specially called for by the Board of Commissioners. The required public hearing with the Board of Commissioners shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.

The application shall meet the following public notification requirements:

- **Published Notice**

Staff shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county. The first time notice is published, it shall not be less than 10 days nor more than 25 days before the date fixed for the hearing.

Step 6: Public Hearing Procedures, and Decision-Making Body Review and Decision

The applicant must be in attendance at the public hearing. During the public hearing, the Planning Director will present the staff report and any review body findings and recommendation to the Board. The applicant will then have the opportunity to present any information they deem appropriate. The public may be permitted to speak in accordance with the Board of Commissioners rules of procedure, or at their discretion, as appropriate, in support of or in opposition to the application. The applicant and Planning Director may respond to any comments, documents, or materials presented.

The Board of Commissioners shall make one of the following decisions on the application:

- Adoption of the text amendment as proposed;
- Adoption of a revised text amendment;
- Denial of the text amendment; or
- Remand of the text amendment application back to the Planning Board for further consideration.

A text amendment 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 a conditional rezoning, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the application:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO;
- Is in conflict with any provision of the UDO, or the County Code of Ordinances;
- Is required by changed conditions;
- Addresses a demonstrated community need;
- 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;
- Would result in a logical and orderly development pattern; and
- Would result in significant 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;

OFFICIAL USE ONLY:

Case Number: _____
Date Filed: _____
Gate Keeper: _____
Amount Paid: _____

APPLICANT:

Name: _____

Address: _____

Telephone: _____

E-Mail Address:

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

Amend Chapter(s) _____ Section(s) _____ as follows:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

*Request may be attached on separate paper if needed.

James L. S.

Petitioner

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: _____

Applicant/Property Owner: _____

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



Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING
SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

November 18, 2021

Ms. Tammy D. Glave, CZO
Currituck County Development Services Department
Planning & Zoning Division
153 Courthouse Road, Suite 110
Currituck, NC 27929

Re: Text Amendment Application
Seasonal Employee Housing
Currituck County, North Carolina

Ms. Glave,

On behalf of H2OBX, LLC, Quible & Associates, P.C. hereby submits for your review the following responses to the TRC Comments provided by County staff. For ease of review, the comments are reproduced, and our responses are in red italics.

- A different terminology than “dormitories” should be used. Perhaps the term could be more related to seasonal housing as an accessory to recreation/family entertainment/tourist-oriented uses. Perhaps call the use “Seasonal Housing for Employees of Tourist Oriented Businesses.” I’ve pasted a section of the UDO below where Tourist Oriented Businesses are defined. It is the ‘signs’ chapter, but we could move it to its own definition section in Chapter 10. This definition can be revised accordingly. The use could be added to the accessory use table.
The term seasonal employee housing is used instead of dormitories, and the proposed text amendment has been revised to include seasonal employee housing as an accessory use in the Outdoor Recreation/Entertainment Use Category. A definition for seasonal employee housing has been added to Section 10.5 Definitions along with a definition for tourist-oriented business.
- Perhaps allow this new use through *conditional zoning only* for either temporary or permanent year-round or seasonal employee housing. Not a bad idea. You are proposing this for your project already. This language would require other businesses to following the same path since the text amendment would apply county wide.
The proposed text amendment has been edited to include seasonal employee housing as an allowable use with conditional rezoning in Table 4.3.2 E Table of Common Accessory Uses.
- Perhaps require minimum property size or minimum employees for allowing this use.
The text amendment proposes to include property size minimums of five acres and other specific limitations as listed in Section 4.3.3 AB Seasonal Employee Housing as listed on

Attachment: 3-P15004-Resubmittal-TextAmendment-2021-11-18 (PB 21-27 H2OBX)

*Text Amendment Application
Seasonal Employee Housing*

the attached text amendment. Off street parking standards of 1 space per 3 resident beds are proposed.

- **Limit number of units/density permitted.**

A limitation on the number of units or density are not proposed with the current text amendment. Limitations on density are typically driven by soils, sewer availability and other site constraints. If a limit on number of units or density is required, the applicants are amenable to a discussion on this topic.

The following documents are included and shall be considered part of this re-submittal package:

- One (1) original and One (1) copy of the Complete Text Amendment Application;
- One (1) PDF digital copy of the complete Text Amendment application package.

Please review the enclosed application and do not hesitate to contact us at 252.491.8147 or mstrader@quible.com if you have any questions, concerns, or requests for additional information.

Sincerely,

Quible & Associates, P.C.



Michael W. Strader, Jr., P.E.

Encl.: As stated
Cc: H2OBX, LLC
File

Attachment: 3-P15004-Resubmittal-TextAmendment-2021-11-18 (PB 21-27 H2OBX)

Amendment 1

Chapter 10: Definitions and Measurement

SECTION 10.4: USE CLASSIFICATIONS, USE CATEGORIES, AND USE TYPES

Subsection 10.4.5: Commercial Use Classification

H. Recreation/Entertainment, Outdoor

(1) Characteristics

The Outdoor Recreation/Entertainment Use Category includes use types that are large, generally commercial, and provide continuous recreation or entertainment-oriented activities that primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting. Accessory uses may include concessions, parking, seasonal employee housing and maintenance facilities.

Amendment 2

Chapter 4: Use Standards; Section 4.3 Accessory Use Standards; Subsection 4.3.2
General Standards and Limitations

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES P= Permitted by-right Z= Zoning Compliance Permit U= Special Use Permit MP= Allowed with Master Plan blank cell= Prohibited														
ACCESSORY USE TYPE	ZONING DISTRICT													ADDITIONAL REQ. (4.3--)
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	
<u>Seasonal Employee Housing</u>								<u>CZ</u>						<u>3.AB</u>

Amendment 3

Chapter 4: Use Standards Section 4.3 Accessory Use Standards Subsection 4.3.3: Specific
Standards for Certain Accessory Uses

4.3.3.AB Seasonal Employee Housing shall:

- 1. Be limited to tourist oriented businesses;**
- 2. Provide an opening and closing date of the tourist season;**
- 3. Be located on the same principle lot as the business with a minimum lot size of five acres;**
- 4. Be inhabited only during the tourist season for the residential use of unrelated persons employed on site for the duration of the tourist season; and,**
- 5. The use of manufactured homes, travel trailers, campers, tractor trailers, or similar vehicles as a seasonal employee housing unit is prohibited.**

Amendment 4

Chapter 5: Development Standards Section 5.1: Off-Street Parking and Loading Subsection
5.1.3: Off Street Parking Standards
Table 5.1.3.C: MINIMUM OFF STREET PARKING STANDARDS

GROUP LIVING	Dormitory	1 per every 2 resident beds
	Family care home	1 per every 3 resident beds
	Rooming or boarding house	1 + 1 per guest bedroom

Amendment 5

Chapter 10: Definitions and Measurements
Section 10.5 Definitions

Seasonal Employee Housing

Property used seasonally for the residential use of unrelated persons employed by the business and located on the same site of the business for the duration of the tourist season.

Tourist-Oriented Business

Business that is usually seasonal in nature catering primarily to tourist. If a business could equally cater to either tourists or local residents, it is included within this definition.



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3318

Agenda Item Title: PB 16-05 H2OBX LLC:

Submitted By: Tammy Glave – Planning & Community Development

Item Type: Legislative

Presenter of Item: Tammy Glave

Board Action: Action

Brief Description of Agenda Item:

Amended C-GB zoning request to provide temporary seasonal employee housing units at the waterpark located at 8526 Caratoke Highway, Map 124, Lot 137L, Poplar Branch Township.

Planning Board Recommendation: Approval with Conditions

Staff Recommendation: Approval with Conditions

TRC Recommendation: Approval with Conditions



STAFF REPORT
PB 16-05 H2OBX LLC
AMENDED CONDITIONAL ZONING
BOARD OF COMMISSIONERS
FEBRUARY 7, 2022

Attachment: 1 PB 16-05 H2OBX A C-GB Staff Report PB 1-11-2022 (PB 16-05 H2OBX LLC)

APPLICATION SUMMARY

Property Owner: H2OBX LLC 13 Green Mountain Dr Cohoes NY 12047	Applicant: H2OBX LLC 13 Green Mountain Dr Cohoes NY 12047
Case Number: PB 16-05	Application Type: Amended Conditional Rezoning
Parcel Identification Number: 0124000137L0000	Existing Use: Outdoor Recreation (Waterpark)
Land Use Plan Classification: Full Service	Parcel Size (Acres): 80
Zoning History: HI to C-GB 5/2/2015	Proposed Zoning: C-GB

REQUEST
NARRATIVE

The BOC approved the current C-GB zoning on May 2, 2016 to allow an outdoor recreation facility including a waterpark with associated infrastructure and amenities including restaurants, water slides, restroom facilities, employee housing/dorms, stormwater management, on site sewer treatment and disposal, parking, and all other required features as required by county, state, and federal regulations. While the uses approved by the original C-GB will not change, the applicant is requesting to amend the request to be allowed to provide *temporary* seasonal employee housing units until the end of the tourist season 2025, or until permanent seasonal housing has been constructed. Only employees of the waterpark will be allowed to reside in the seasonal employee housing.

COMMUNITY MEETING

A community meeting was held on October 25, 2021. Approximately seven members of the public attended the meeting. Questions primarily involved site safety during unoccupied times, number of occupants, temporary units becoming permanent units, needing an end date when units would be removed, and access. A complete summary of the community meeting provided by the applicant is available in the supporting documentation attached to the staff report.

SURROUNDING PARCELS

	Land Use	Zoning
North	Commercial Park, Sand Mine	HI & GB
South	Commercial Park, Residential	LI, GB, AG
East	Residential	GB & MXR
West	Sand Mine, Wetlands	HI & GB

LAND USE PLAN

The 2006 Land Use Plan classifies this site as Full service within the Point Harbor subarea. The policy emphasis for the Point Harbor subarea is to allow portions of the Point Harbor area to continue to evolve as a full service community, but with better attention to the planning needed to protect residential areas and the natural features that work to make the area attractive. On May 2, 2015, the BOC found the proposal consistent with the policies of the plan, including:

Policy ED1	It promotes a new and expanding industry that diversifies the local economy, trains and utilizes a more highly skilled labor force, and is compatible with the environmental quality of the county.
Policy ES1	County water is available to the site and the use will help grow the water system. The development will provide its own wastewater treatment plant.
Policy ML4	With limited access from US 158 and a focus on landscaping and appearance standards, the request can have a positive impact on the long-term economic prospects for residents and property owners

TECHNICAL REVIEW COMMITTEE RECOMMENDATION

Only conditions mutually agreed to by the owner(s) may be approved as part of a conditional zoning district. Conditions shall be limited to those that address conformance of development and use of the site with county regulations and adopted plans and that address the impacts reasonably expected to be generated by the development or use. No condition shall be less restrictive than the standards of the parallel general use zoning district. All conditions of the original approval remain valid (see attached conditional zoning approval order).

Agreed upon conditions of approval:

1. All proposed development will be consistent with and currently allowed within GB zoning.
2. Only employees of the waterpark will be allowed to reside in the seasonal employee housing.
3. Temporary seasonal employee housing will only be allowed until the end of the tourist season 2025, or until a permanent seasonal housing has been constructed, *whichever is earlier*.
4. Class B or C Manufactured Homes, travel trailers, campers, recreational vehicles, or similar vehicles as a seasonal employee housing unit is prohibited.
5. That the text amendment to allow seasonal employee housing is adopted by the BOC.

CONSISTENCY AND REASONABLENESS STATEMENT

An amended conditional zoning is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a conditional rezoning the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

The requested amended conditional zoning is consistent with the 2006 Land Use Plan because:

- It allows for housing for the volume of employees necessary to run new and expanding tourist-oriented businesses in targeted tourist growth areas and allows for continued economic growth of our tourist industry. (Policies ED1, ED2, and ED3)

The request is reasonable and in the public interest because:

- It addresses a need for tourist-oriented businesses to be able to provide housing for seasonal employees in order to operate businesses for tourists and local residents alike.

PLANNING BOARD RECOMMENDATION

On January 11, 2022, the Planning Board recommended approve of the amended C-GB request with the noted conditions and consistency and reasonableness statements.

Motion

Mr. Bass motioned to recommend **approval** of **PB 16-05 H2OBX**, amended Conditional- General Business zoning district, with agreed upon conditions, because the request is consistent with Land Use Plan policies:

- o ED1
- o ED2
- o ED3

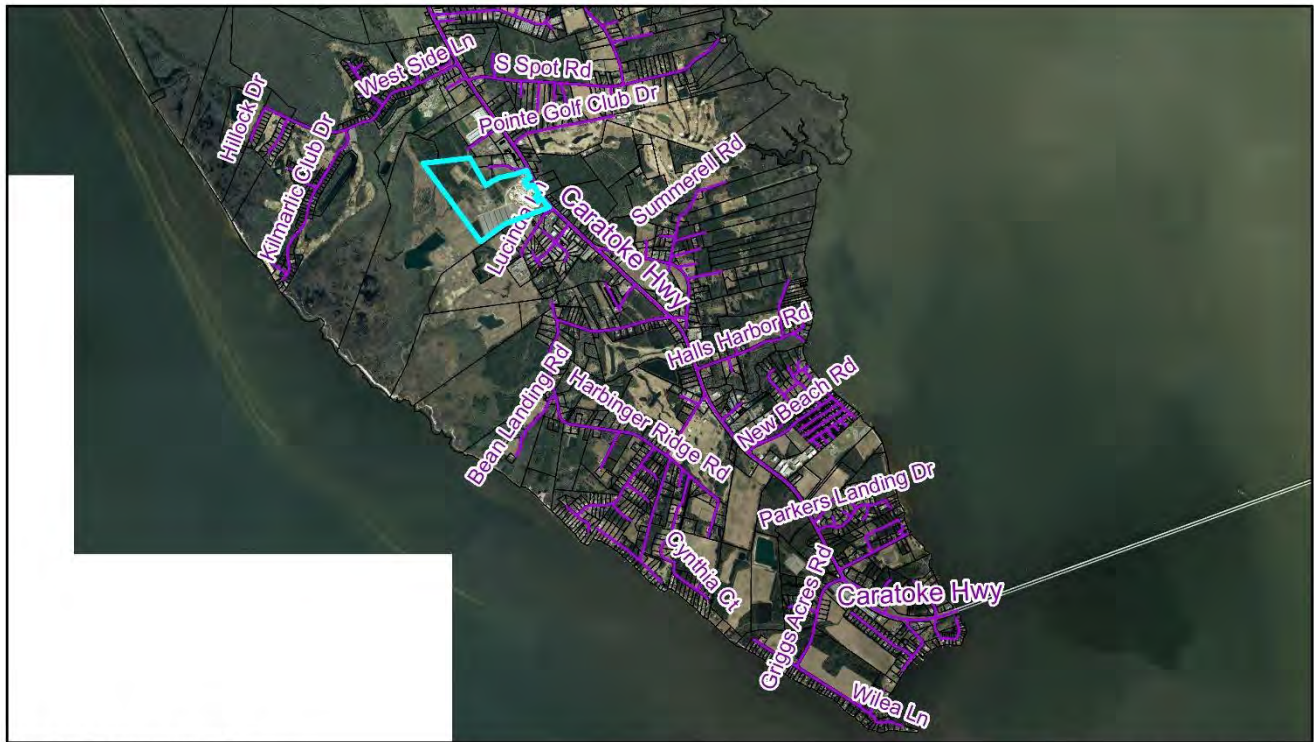
And the request is reasonable and in the public interest because it addresses a need for tourist-oriented businesses to be able to provide housing for seasonal employees in order to operate businesses for tourist and local residents alike.

Ms. Glave asked to interrupt the motion with a question for the applicant. Ms. Glave asked Mr. Strader if the property owners were okay with the conditions set. Mr. Strader said, yes, the property owners agree to the set conditions.

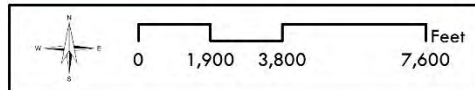
Mr. Doll seconded the motion and the motion carried unanimously 5-0.

Attachment: 1 PB 16-05 H2OBX A C-GB Staff Report PB 1-11-2022 (PB 16-05 H2OBX LLC)

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



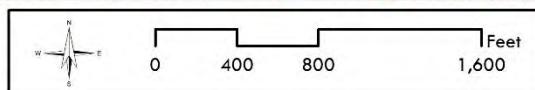
PB 16-05 H2OBX LLC
Amended C-GB
Context Map



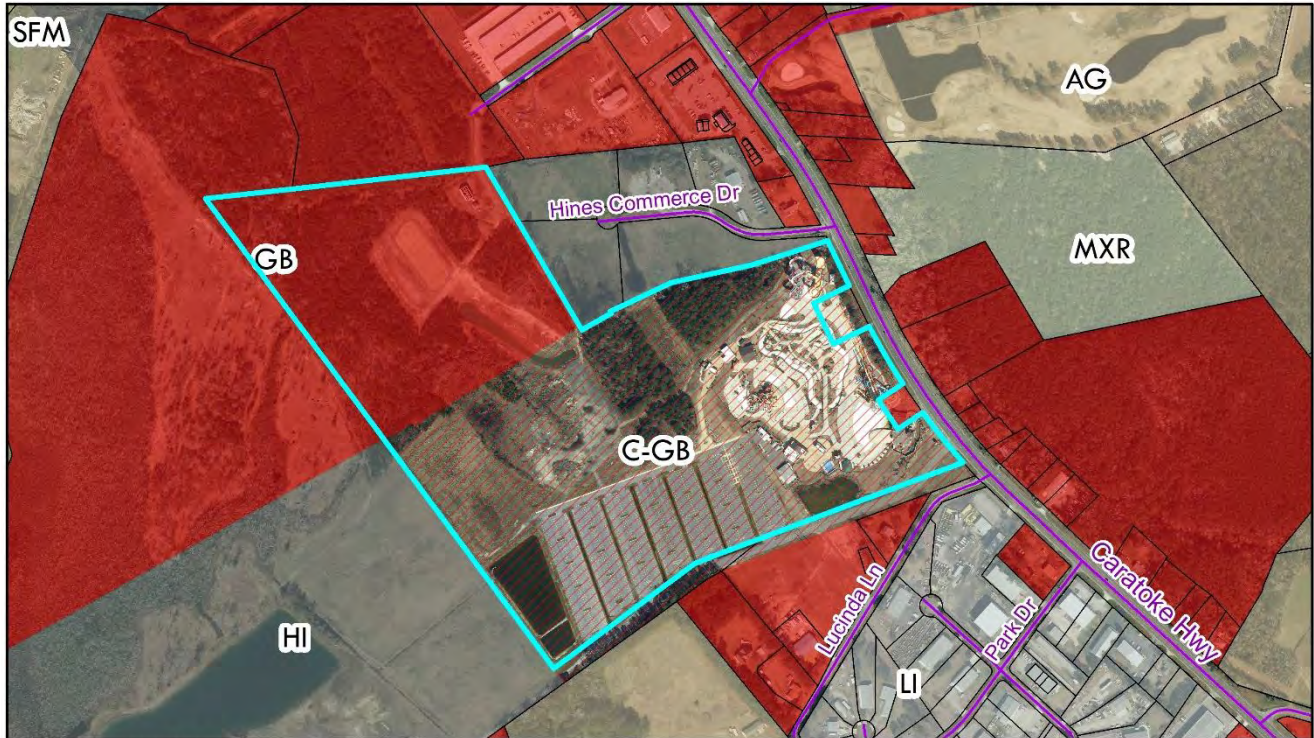
Currituck County
Planning and
Community Development



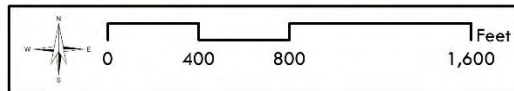
PB 16-05 H2OBX LLC
Amended C-GB
2020 Aerial Photo



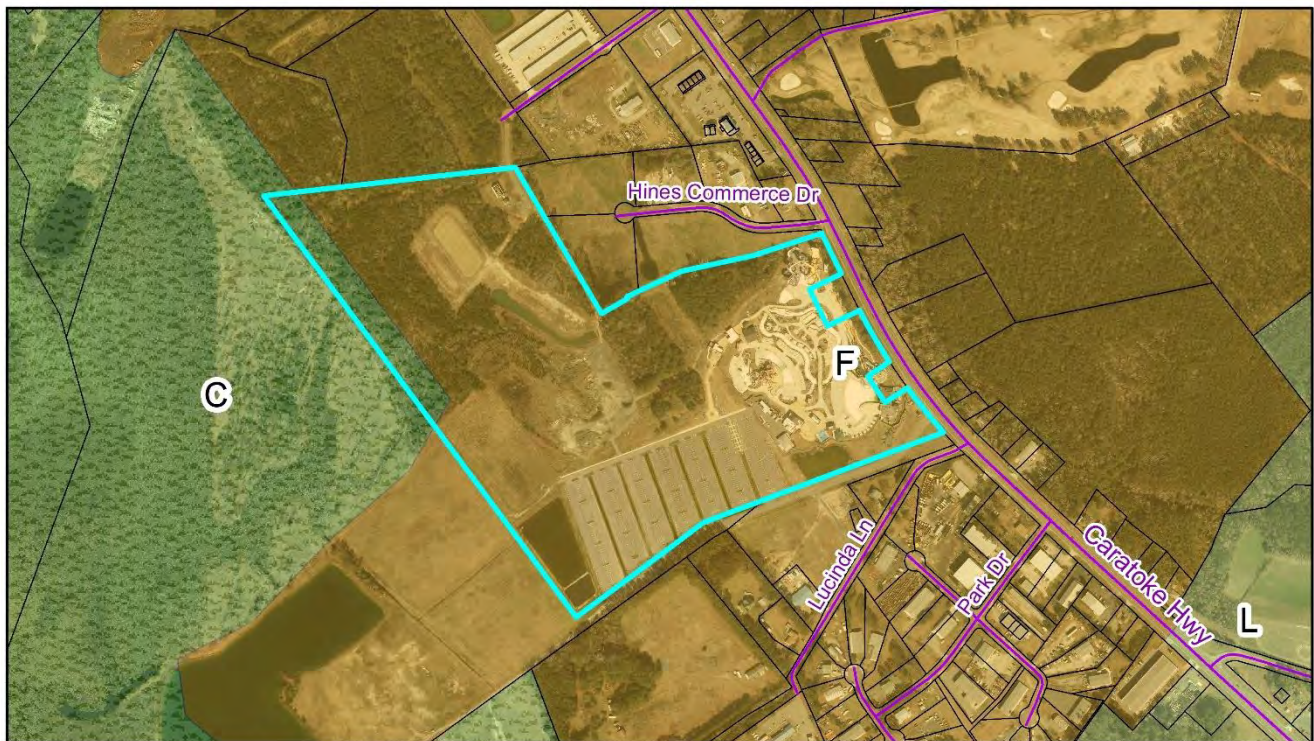
Currituck County
Planning and
Community Development



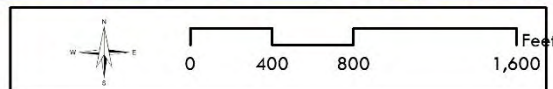
PB 16-05 H2OBX LLC
Amended C-GB
Zoning



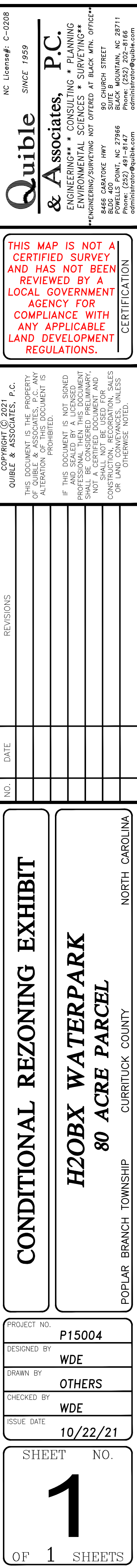
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Community Development



PB 16-05 H2OBX LLC
Amended C-GB
LUP Classification



Currituck County
Planning and
Community Development





Currituck County

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

MEMORANDUM

To: Michael Strader, PE, Quible & Assoc
 H2OBX LLC

From: Planning Staff

Date: November 10, 2021

Re: PB 16-05 H2OBX (formerly Aquatic Development Group) Amended C-GB

The following comments have been received for the November 10, 2021 TRC meeting. In order to be scheduled for the January 12, 2022 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on November 18, 2022. TRC comments are valid for six months from the date of the TRC meeting.

Planning (Tammy Glave, 252-232-6025)

Reviewed with comments:

1. Staff understands the need for the temporary dormitories and supports the request; however, more specific conditions of approval are recommended so that staff can support the amended plan:
 - a. Place a time limit on the length of time the temporary units will be on-site. I believe at the community meeting, it was mentioned that 2025 would be a satisfactory end date.
 - b. While staff understands the purpose of the dormitory is for employees of the business only, perhaps clarify the fact that only employees of the business will be allowed to live in the units.

Currituck County Building Inspector/Fire Official (Rick Godsey, 252-232-6020)

Reviewed with comment:

1. Fire flow calculations for dorms, hydrant locations, sprinkled buildings? Dorms are R-2 Occupancy classifications.

Currituck County Economic Development (Larry Lombardi, 252-232-6015)

Reviewed without comment.

Currituck County Engineer (Eric Weatherly, 252-232-6035)

Reviewed without comment.

Currituck County GIS (Harry Lee, 252-232-4039)

Reviewed without comment.

Attachment: 3 PB 16-05 H2OBX Amended C-GB TRC Comments 11-10-2021 (PB 16-05 H2OBX LLC)

Currituck County Parks and Recreation (Jason Weeks, 252-232-3007)

Reviewed without comment.

Currituck County Soil and Stormwater (Dylan Lloyd, 252-232-3360)

Approved with comments:

1. Please identify which stormwater BMPs are existing vs which ones are proposed, if any new ponds or conveyances are being proposed at all.
2. What do the purple squares next to the smaller dorms represent?

Currituck County Utilities Director (Will Rumsey, 252-232-2769)/Water Department – Distribution Supervisor (Dave Spence, 252-232-2769)

Reviewed without comment.

Currituck County Public Utilities/Backflow (Chas Sawyer, 252-232-6060 ext. 4221)

Reviewed without comment.

Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)

Reviewed with comment:

1. CONSULT WITH KEVIN CARVER RS CONCERNING SEPTIC SYSTEM APPROVAL FOR PROPOSED TEMPORARY HOUSING AT EXISTING WATER PARK.

NC Division of Coastal Management (Charlan Owens, 252-264-3901)

Reviewed without comment.

Comments not received from:

NC Department of Transportation – District Engineer (David Otts, 252-331-4860)

US Army Corps of Engineers (Anthony Scarbraugh, 910-251-4619)

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans (if necessary)
- 1 – 8.5 x 11" reduced copy (If necessary)
- 1- PDF digital copy of all revised or new documents and plans.

Attachment: 3 PB 16-05 H2OBX Amended C-GB TRC Comments 11-10-2021 (PB 16-05 H2OBX LLC)

A use permit hearing is an evidentiary hearing where the Board of Commissioners must make a Quasi-Judicial Decision.

- An evidentiary hearing will be held for the Board of Commissioners to gather competent, material and substantial evidence to establish the facts of the case.
- All testimony is made under oath.
- The applicant or opposing parties shall establish written findings of fact and conclusions of law.
- Parties with standing may participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments.
- Non-parties may present competent, material, and substantial evidence that is not repetitive.

Typical Use Permit (Quasi-Judicial) Hearing at BOC

- Swearing in of witnesses/speakers
- Presentation by County Staff on Application
- Required Presentation by Applicant or Authorized Agent (20-25 minutes)
 - Applicant to Present Findings of Fact
- Public Comment Period (typically 3 minutes each)
- Applicant Rebuttal (typically 5 minutes)
- BOC Deliberation & Decision

**Kim Mason, NC Area Director**
kmason@mediacomcc.com

216 B Shannonhouse Road

Edenton NC, 27932

Edenton: 252-482-5583

Plymouth: 252-793-2491

Mobile: 252-497-0328

RE: New Build & Development

Dear Development manager;

As you know the key need for all homes in this 21st Century is a solid internet connection, be it for business, education or entertainment, the public demand is here.

With this in mind, as you plan for your development and build out, we would like to encourage you to reach out to us, as you do for other essential utilities. It is most economical and reasonable for you to work with us and have this valuable infrastructure in advance of selling and building the homes. Any build out costs can easily be recouped as the lots are developed and make your neighborhoods more appealing to families and professionals.

We invite, you to partner with us and contact us locally. We will process a ROI for your location to determine partnership feasibility and estimated cost to ensure your development has access to the best internet services available.

Our key contacts are, Kim Mason, Director for North Carolina – information above and our construction coordinator Nathaniel Harris at 252- 793-5256 or 252-339-9375.

Mediacom launched 1-Gig broadband speeds in the following areas of North Carolina and operates customer service offices in Edenton and Plymouth.

Bertie County	Martin County	Chowan County	Perquimans County
Colerain	Jamesville	Arrowhead / Chowan Beach	Hertford
Kelford	Northampton County	Edenton	Winfall
Lewiston	Conway	Currituck County	Tyrrell County
Powellsville	Galatia	Barco	Columbia
Roxobel	Jackson	Currituck	Washington County
Windsor	Rich Square	Grandy	Creswell
Camden County	Seaboard	Moyock	Plymouth
Camden	Severn	Point Harbor	Roper
Shiloh	Woodland	Poplar Branch	
South Mills		Tulls Bay	

About Mediacom Communications

Mediacom Communications Corporation is the 5th largest cable operator in the U.S. serving over 1.3 million customers in smaller markets primarily in the Midwest and Southeast. Mediacom offers a wide array of information, communications and entertainment services to households and businesses, including video, high-speed data, phone, and home security and automation. Through Mediacom Business, the company provides innovative broadband solutions to commercial and public sector customers of all sizes and sells advertising and production services under the OnMedia brand. More information about Mediacom is available at www.mediacomcable.com.

We look forward to partnering with you to ensure your projects are successful and your development has the best services available for your buyers.

Best regards,

Kim Mason

Operations Director, North Carolina



Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING
SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 27, 2021

Ms. Tammy Glave
Currituck County Planning and Community Development
153 Courthouse Rd., Suite 110
Currituck, NC 27929

RE: **Community Meeting Report**
Conditional Rezoning Application for H2OBX Waterpark
Parcel ID No. 0124000137L0000
Powells Point, Currituck County, NC

Ms. Glave,

A community meeting for the proposed Conditional Rezoning Application of the above referenced parcel within H2OBX was held on Monday, October 25, 2021 at 4:00 p.m. at Quible & Associates, P.C. The meeting was conducted by Quible & Associates, P.C. (Quible) on behalf of H2OBX, LLC, with representatives from H2OBX, LLC, Currituck County, and members of the local community in attendance.

Purpose

The purpose of the meeting was to inform the community in the vicinity of the subject parcel of the intent to apply for a Conditional Rezoning of C-GB to allow for temporary modular dormitories which will serve as employee housing at H2OBX Water Park. It was explained that the previously approved C-GB zoned 80 acre parcel's uses would be expanded to allow for temporary modular dormitories in addition to the previously approved waterpark (outdoor recreation facility), WWTF, permanent dormitories, and associated site and utility improvements.

Meeting synopsis

The community meeting presentation documents were set up within the meeting area of Quible & Associates P.C. by 3:30pm. The office of Quible & Associates P.C. was open to the public and attendees began arriving at approximately 3:45 pm. Prior to beginning the community meeting, an "Open House" viewing of the conditional rezoning exhibit, along with the existing zoning exhibit, Conditional Rezoning Application, surrounding property owner notification letters, County Conditional Rezoning Review Process and Procedures, County Application Submittal Schedule, and copies of the previously approved Conditional Rezoning Exhibits were available to the public. The conditional rezoning exhibit and existing zoning exhibit were mounted on poster boards and placed on an easel for ease of viewing.

As attendees arrived, they were asked to provide their contact information on the sign-in sheet at the check in table and were advised to please utilize the provided comment sheets to remit comments. Attendees were also advised that comments could be received by Quible & Associates, P.C. either by email or telephone.

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

At 4:00 pm a presentation of the proposed conditional rezoning and use of temporary modular dormitories within H2OBX was provided by Quible & Associates, P.C. A copy of the agenda was distributed to everyone in attendance and the sign-in sheet was routed throughout the room. The presentation setting was as casual as possible and loosely followed the Agenda (Exhibit 1), to allow for a comfortable atmosphere allowing the community to ask questions throughout the meeting.

Quible & Associates (Michael W. Strader, Jr., P.E.) began with a brief discussion about the County procedures for reviewing and approving the proposed project and purpose for the community meeting and the proposed development.

The parcel proposed for conditional rezoning and the proposed temporary modular dormitories were described and identified on the exhibits. The proposed conditional rezoning exhibit and Conditional Rezoning application were described as in compliance with the current Currituck County UDO requirements and in keeping with the surrounding neighborhoods and County Land Use Plan. It was reiterated that the permanent dormitories not yet constructed are already included within the previous approvals, and that the reason for the current application was for the purposed temporary modular dormitories. The need for providing adequate housing for seasonal employees was expressed. It is important for the operations of the waterpark to have seasonal employees for the duration of the season, and the primary mechanism of assurance is providing accommodations, and to do so prior to the next upcoming season.

Throughout the presentation, the floor was open for questions and comments from the audience. Comments and questions received during the meeting were as follows:

1. A concern was raised about the proposed dormitories sitting vacant for 9 months without any security on site during off-seasons. It was explained that H2OBX does have year-round staff that work during off-seasons to ensure the safety and security of H2OBX.
2. A question was raised about the number of desired employees within the proposed temporary dormitories. It was recommended to Quible to propose the maximum number of dormitories to be built on the site. It was explained that each modular unit would likely have 3 to 4 bedrooms and 10 modular units were anticipated. H2OBX anticipates 40 employees, but if a maximum number of employees was required a total of 50 should be budgeted.
3. Another concern was voiced regarding the possibility of the temporary dormitories turning into permanent year-round housing. It was recommended to Quible to add the condition of no year-round housing to ensure this does not occur. H2OBX explained that the intent was to house international students and only actual employees of the waterpark; no other family members.
4. A note was made that the Board may want to be informed of a proposed end-date for the temporary modular dormitories. H2OBX explained that the temporary modular units are desperately needed for the upcoming season but that design for the permanent dormitories would commence with the hope that permanent dormitories may be available for the 2023 season (at no guarantee). If an end date were needed, H2OBX would offer 2025.
5. A question was raised asking how the dormitories would be accessed. It was described that the temporary modular dormitories would be accessed from the main waterpark

Community Meeting Report
Conditional Rezoning Application for H2OBX
Parcel ID No. 0124000137L0000
October 27, 2021

entrance off US Hwy 158. It was further explained that the permanent dormitories would be accessed from Ballast Rock Road.

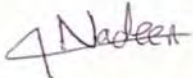
6. Members of the community present at the meeting all expressed their support of the subject application, some offering the best of support. One member provided documentation of their support in writing on the provided comment forms, others asked when documentation of their support may be needed. It was explained that if the application review process goes as planned, that there would be a public hearing at the February 7, 2022 Board of Commissioners meeting.

Upon the conclusion of the discussions, attendees were again reminded that any further questions or comments not addressed at the meeting can be forwarded to Quible & Associates and the meeting was adjourned. There did not seem to be any opposition or adversity to the application, but rather inquisitiveness. No written comments were received.

Copies of all handouts, exhibits, and other documents available at the meeting are provided in attachments to this document.

Please do not hesitate to contact me or Michael W. Strader, Jr., P.E., at (252) 491-8147 or mstrader@quible.com should you have any questions and/or concerns.

Sincerely,
Quible & Associates, P.C.



Nadeen Dashti, E. I.

cc: file
H2OBX, LLC

COMMUNITY MEETING EXHIBITS

EXHIBIT 1 : Meeting Agenda

EXHIBIT 2 : Presentation Posters – Conditional Rezoning Exhibit, Existing Base Districts Zoning Exhibit, Draft Conditional Rezoning Review Process and Application, previously approved Conditional Rezoning Exhibit dated 5/2/2016, previously approved Conditional Rezoning Exhibit dated 11/7/2016, Draft Text Amendment Review Process and Application, copy of County Application Submittal Schedule

EXHIBIT 3 : Attendance Sign-In Sheet

EXHIBIT 4 : Attendee Comment Sheet

EXHIBIT 5 : Letters to Property Owners

EXHIBIT 1 : Meeting Agenda



Community Meeting for the Conditional Zoning – H2OBX Water Park

Powells Point, Currituck County, NC

October 25, 2021

AGENDA

1. General Introduction

- a. Quible & Associates, P.C.
- b. H2OBX
- c. Currituck County

2. Property Location & Zoning

- a. PIN 0124000137L0000
- b. Parcel area: 80 Acres (H2OBX also owns 0124000137E0000 @ 0.80 ac, 012400001270000 @ 0.46 ac, and 0124000068J0000 @ 15.51 ac; for total of 96.77 ac)
- c. Current Land Use: C-GB—Site of Water Park (outdoor recreation facility), WWTF, and associated site and utility improvements.
- d. Approved Land Use: C-GB—Water Park (outdoor recreation facility), WWTF, Dormitories, and associated site and utility improvements.
- e. Site Zoning: C-GB
 - i. Subject parcel already zoned C-GB

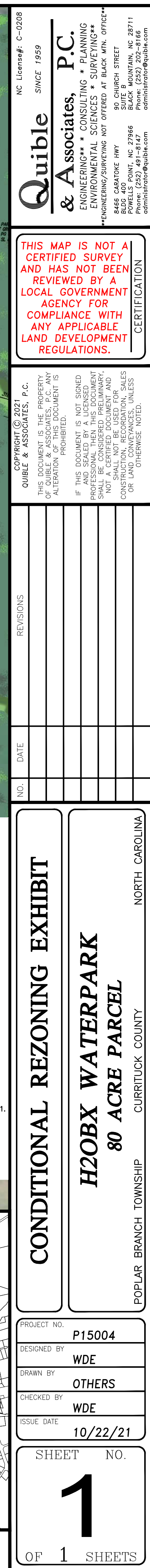
3. Development Proposal

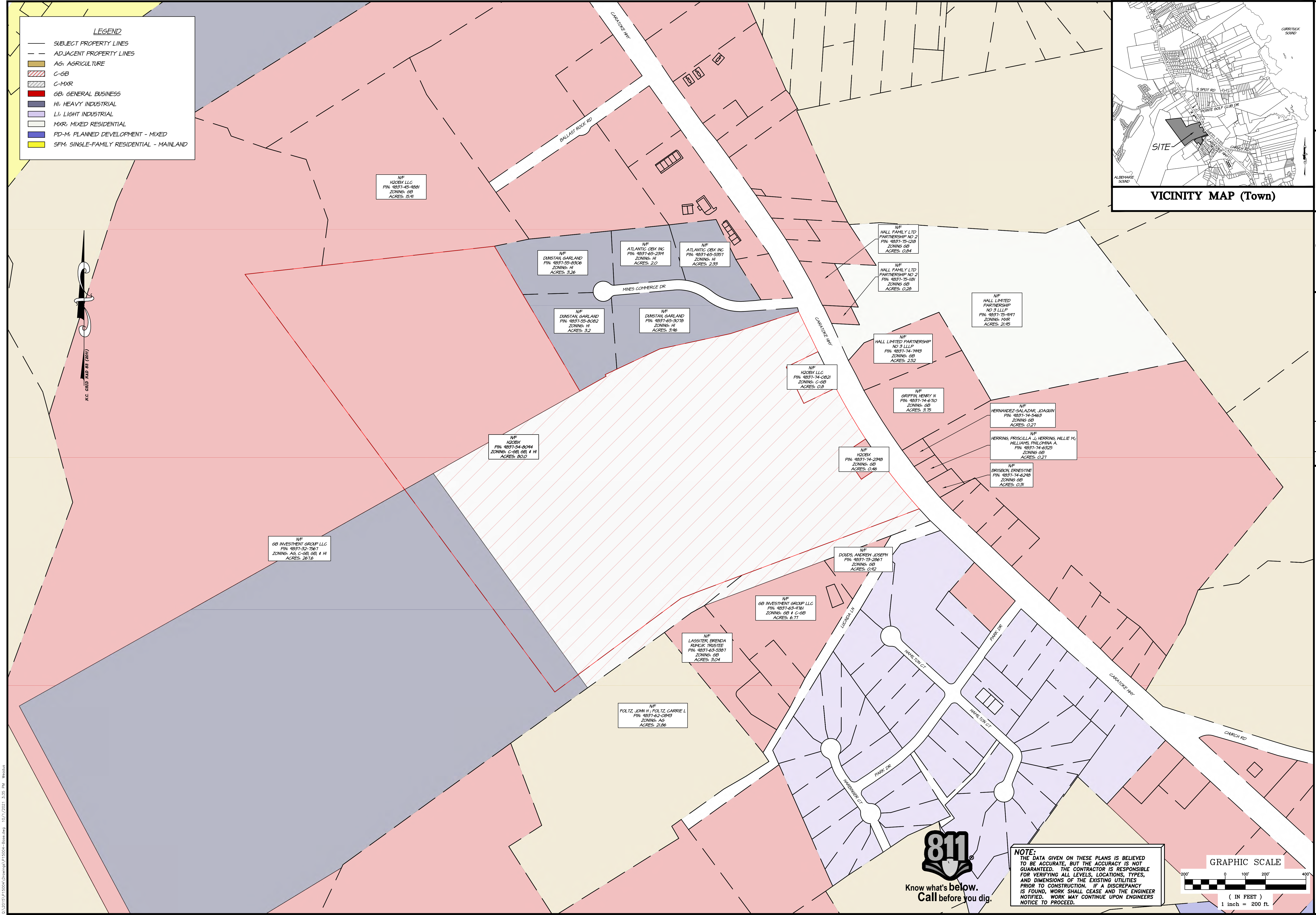
- a. C-GB to allow for temporary modular dormitories for water park use.
 - i. Please acknowledge that **Dormitories** are already included within the approved C-GB of the subject parcel. This request covers **temporary, modular dormitory units**.
 - ii. Please further acknowledge that a separate proposed text amendment application is being submitted by the Applicant requesting that the definition of **Dormitories** be expanded to allow dormitories to provide employee housing.

4. Questions & Comments

- a. Quible & Associates, Owner and County will be available to answer questions and comments
- b. Comments can be provided in writing on Comment Forms provided or they can be sent to Michael W. Strader, Jr., Quible & Associates, P.C. by email at mstrader@quible.com, phone at 252-491-8147 or by mail addressed to Quible & Associates, P.C. 8466 Caratoke Highway Powells Point NC 27966.

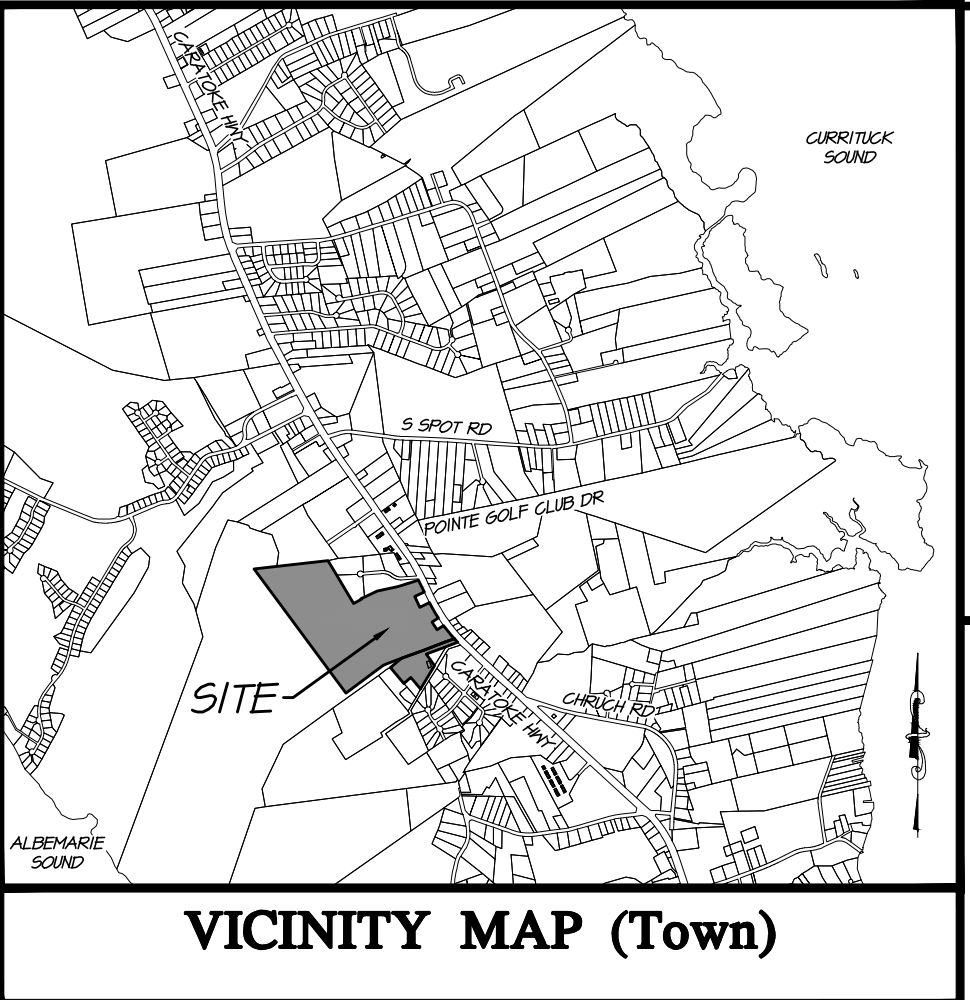
EXHIBIT 2 : Presentation Posters





LEGEND

- SUBJECT PROPERTY LINES
- ADJACENT PROPERTY LINES
- AG: AGRICULTURE
- C-GB
- C-MXR
- GB: GENERAL BUSINESS
- HI: HEAVY INDUSTRIAL
- LI: LIGHT INDUSTRIAL
- MXR: MIXED RESIDENTIAL
- PD-M: PLANNED DEVELOPMENT - MIXED
- SFM: SINGLE-FAMILY RESIDENTIAL - MAINLAND



Quible & Associates, P.C.
SINCE 1959
ENGINEERING & SURVEYING
ENVIRONMENTAL SCIENCES & SURVEYING
ENGINEERING/SURVEYING NOT OFFERED AT BLACK Mtn. OFFICE
8486 CARATOKE HWY
POWELL POINT, NC 27966
Phone: (252) 818-1477
FAX: (252) 822-8866
www.quibleandassociates.com

NC License# C-0208

CERTIFICATION

APPROVED FOR THE TOWN OF CURRITUCK
BY THE TOWN ENGINEER
MICHAEL STINEBAUGH

REVISIONS

NO.	DATE	DESCRIPTION

EXISTING BASE DISTRICTS ZONING

H2OBX LLC

8526 CARATOKE HIGHWAY

POPLAR BRANCH ML TOWNSHIP CURRITUCK COUNTY NORTH CAROLINA

PROJECT NO. **P15004**

DESIGNED BY **WDE**

DRAWN BY **QAT**

CHECKED BY **WDE**

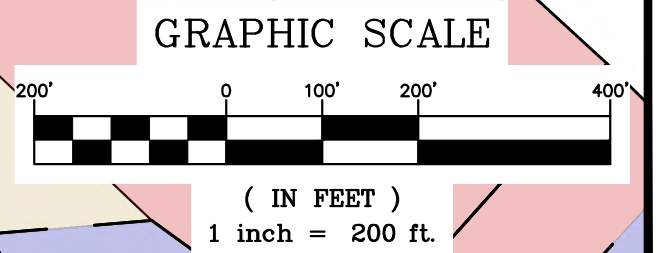
ISSUE DATE **09/16/21**

SHEET NO. **1**

OF 1 SHEETS



NOTE:
THE DATA GIVEN ON THESE PLANS IS BELIEVED TO BE ACCURATE, BUT THE ACCURACY IS NOT GUARANTEED. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL LEVELS, LOCATIONS, TYPES, AND DIMENSIONS OF THE EXISTING UTILITIES PRIOR TO CONSTRUCTION. IF A DISCREPANCY IS FOUND, WORK SHALL CEASE AND THE ENGINEER IS NOTIFIED. WORK MAY CONTINUE UPON ENGINEER'S NOTICE TO PROCEED.





Conditional Rezoning Review Process

Contact Information

Currituck County
Planning and Community Development
153 Courthouse Road, Suite 110
Currituck, NC 27929

Phone: 252.232.3055
Fax: 252.232.3026

Website: www.co.currituck.nc.us/departments/planning-community-development

Step 1: Pre-application Conference

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submittal requirements and the procedures and standards applicable to an anticipated development application. A pre-application conference is also intended to provide an opportunity for county staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed development, as it relates to the standards in the Unified Development Ordinance (UDO).

The applicant shall submit conceptual drawings that show the location, general layout, and main elements of the development to be proposed as part of the application to the Planning and Community Development Department at least three business days before the pre-application conference.

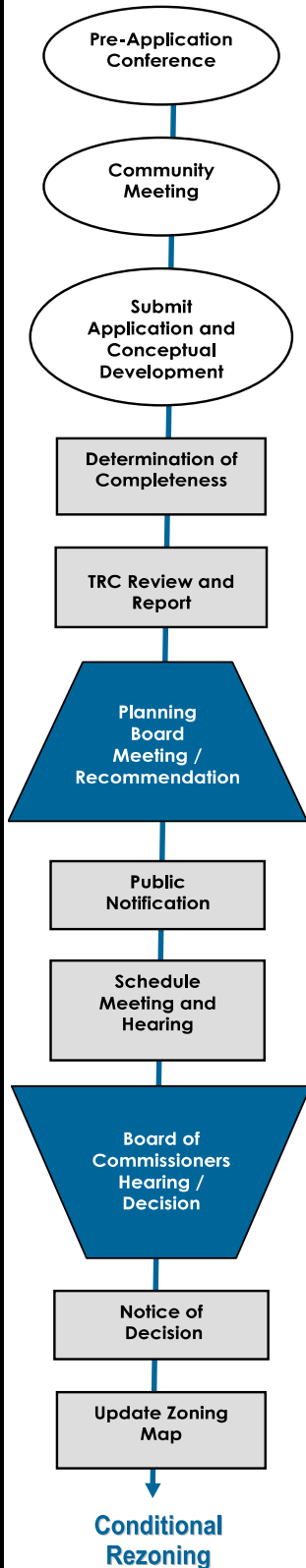
Step 2: Community Meeting

The purpose of the community meeting is to inform owners and occupants of nearby lands about the application for a conditional rezoning that is going to be reviewed under the UDO, and to provide the applicant an opportunity to hear comments and concerns about the application as a means of resolving conflicts and outstanding issues, where possible.

Community meetings are opportunities for informal communication between applicants and the owners and occupants of nearby lands, and other residents who may be affected by the application.

The community meeting shall comply with the following procedures:

- **Time and Place**
 - The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the proposed conditional rezoning.
- **Notification**
 - Mailed Notice
 - The applicant shall mail notice of the meeting a minimum of ten days in advance of the meeting to the Planning Director and to:
 - i. All owners of the land subject to the application;
 - ii. All owners of land within 500 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
 - iii. Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.



- Posted Notice
 - The applicant shall post notice of the community meeting on the land subject to the application for at least ten days before the date fixed for the meeting, in a form established by the Planning Director. Signs used for posted notice shall have a minimum size of six square feet per side.
- Notice Content
 - The notice shall state the time and place of the meeting and general nature of the conditional rezoning.
- **Conduct of Meeting**

At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process, respond to question and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.
- **Staff Attendance**

County staff shall attend the meeting for purpose of advising attendees about the applicable provisions of the UDO and the land use plan, but shall not serve as facilitators or become involved in discussions about the proposed conditional rezoning.
- **Written Summary of Community Meeting**

The applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments, discuss issues related to the conditional rezoning application, and any other information the applicants deems appropriate. The meeting summary shall be included with the application materials and be made available to the public for inspection.
- **Response to Summary**

Any person attending the community meeting may submit a written response to the applicant's meeting summary to the Planning Director within 30 days after the application is determined complete. The response may state their understanding of attendee comments, discuss issues related to the development proposal, and include any other information they deem appropriate. All written responses to the applicant's summary of the community meeting shall be transmitted to the applicant, included with the application materials, and made available to for public inspection.

Step 3: Application Submittal and Acceptance

The applicant must submit a complete application packet on or before the application submittal date. Conditional rezoning applications may not be initiated by anyone other than the landowner(s) of the subject land. A complete application packet consists of the following:

- Completed Currituck County Conditional Rezoning Application.
- Application Fee (\$200 plus \$5 for each acre)
- Written Summary of Community Meeting.
- A conceptual development plan drawn to scale. The plan shall include the items listed in the conceptual plan design standards checklist.
- Architectural drawings and/or sketches illustrating the design and character of the proposed structures.
- Number of Copies Submitted:
 - 2 Copies of conceptual site plans
 - 2 Hard copies of ALL documents
 - 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all plans AND documents

On receiving an application, staff shall, within ten business days, determine whether the application is complete or incomplete. A complete application contains all the information and materials listed above, and is in sufficient detail to evaluate and determine whether it complies with appropriate review standards. If an application is determined to be incomplete, the applicant may correct the deficiencies and resubmit the application for completeness determination. Failure to resubmit a complete application within 45 calendar days after being determined incomplete will result in the application being considered withdrawn.

Step 4: Staff Review and Action

Once an application is determined complete, it will be distributed to the Technical Review Committee (TRC). TRC shall review the application, prepare a staff report, and provide a recommendation on the application. The staff report may identify and recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the application might be mitigated.

Step 5: Advisory Body Review and Recommendation

After the TRC prepares a staff report and provides a recommendation on the application, staff shall schedule the application for a public meeting with the Planning Board. At the public meeting, the Planning Board shall consider the application, relevant support materials, staff report, and any public comments. It may suggest revisions to the proposed conditions including the conceptual plan with only those revisions agreed to in writing by the applicant being incorporated into the application. It shall then recommend approval, approval subject to revised or additional conditions agreed to by the applicant, or denial, and clearly state that factors considered in making the recommendation. The Planning Board shall provide a recommendation on an application it reviews within two months from the date of its initial meeting to consider the application.

Step 6: Public Hearing Scheduling and Public Notification

After the Planning Board provides a recommendation on the application, staff shall ensure that the public hearing on it is scheduled for a regularly scheduled Board of Commissioners meeting or a meeting specially called for by the Board of Commissioners. The required public hearing with the Board of Commissioners shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.

The application shall meet the following public notification requirements:

- **Published Notice**
Staff shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county. The first time notice is published, it shall not be less than 10 days nor more than 25 days before the date fixed for the hearing.
- **Mailed Notice**
Staff shall be responsible for preparing and mailing a written notice between 10 and 25 days before the public hearing. Notice shall be mailed to:
 - ☐ All owners of the land subject to the application;
 - ☐ The applicant, if different from the land owner;
 - ☐ All owners of land within 500 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and
 - ☐ Commanders of military bases located within five miles of the subject application when the development proposal affects the type of uses allowed.
- **Posted Notice**
At least 10 days before the public hearing, posted notice shall be made by staff. A sign shall be placed in a conspicuous location as to be clearly visible to the traveled portion of the respective street. Where the land subject to the notice does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation generally indicating the direction and distance to the land subject to the application.

Step 7: Public Hearing Procedures, and Decision-Making Body Review and Decision

The applicant must be in attendance at the public hearing. During the public hearing, the Planning Director will present the staff report and any review body findings and recommendation to the Board. The applicant will then have the opportunity to present any information they deem appropriate. The burden of demonstrating that an application complies with applicable review and approval standards of the UDO is on the applicant. The public may be permitted to speak in accordance with the Board of Commissioners rules of procedure, or at their discretion, as appropriate, in support of or in opposition to the application. The applicant and Planning Director may respond to any comments, documents, or materials presented.

The Board of Commissioners shall make one of the following decisions on the application:

- Approval of the conditional rezoning subject to the conditions included in the application;
- Approval of the conditional rezoning subject to any revised or additional conditions agreed to by the applicant, in writing;
- Denial of the conditional rezoning; or
- Remand of the conditional rezoning application back to the Planning Board for further consideration.

A conditional rezoning 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 a conditional rezoning, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the application:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO;
- Is in conflict with any provision of the UDO, or the County Code of Ordinances;
- Is required by changed conditions;
- Addresses a demonstrated community need;
- Is compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
- Adversely impacts nearby lands;
- Would result in a logical and orderly development pattern;
- Would result in significant 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;
- Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities.);
- Would not result in significantly adverse impacts on the land values in the surrounding area; and
- Would not conflict with the public interest, and is in harmony with the purposes and intent of the UDO.



Conditional Rezoning Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:

Name: H2OBX, LLC
 Address: 13 Green Mountain Dr
Cohoes, NY 12047
 Telephone: _____
 E-Mail Address: KenE@aquaticgroup.com

PROPERTY OWNER:

Name: H2OBX, LLC
 Address: 13 Green Mountain Dr
Cohoes, NY 12047
 Telephone: _____
 E-Mail Address: KenE@aquaticgroup.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: same

Property Information

Physical Street Address: 8526 Caratoke Highway
 Location: Powells Point
 Parcel Identification Number(s): 0124000137L0000
 Total Parcel(s) Acreage: 80
 Existing Land Use of Property: Water park, including associated site improvements & WWTF & undeveloped land

Request

Current Zoning of Property: C-GB Proposed Zoning District: C-GB

Community Meeting

Date Meeting Held: 10/25/2021 @ 4pm Meeting Location: Quible & Associates, PC

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

The undersigned respectfully requests that, pursuant to the Unified Development Ordinance, a conditional zoning district be approved for the following use(s) and subject to the following condition(s):

Proposed Use(s):

Development of an outdoor water park with ability to add additional outdoor and indoor entertainment features (adventure course etc.), associated infrastructure and amenities to include restaurants, water slides, climbing towers, employee housing/dormitories, the addition of temporary modular dormitories, and all associated stormwater, wastewater treatment and disposal, parking and any other site elements as required by County, State and Federal regulations.

Proposed Zoning Condition(s):

All proposed development will be consistent with and currently allowed within GB zoning.

Upon completion of permanent dormitory/housing, temporary, modular dormitory units shall be phased out of commission.

An application has been duly filed requesting that the property involved with this application be rezoned from: C-GB to: C-GB

It is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound to the conceptual development plan, use(s) authorized, and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Currituck County Unified Development Ordinance. It is further understood and acknowledged that final plans for any development be made pursuant to any such conditional zoning district so authorized and shall be submitted to the Technical Review Committee.

Property Owner (s)

Date

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

Conditional Rezoning Design Standards Checklist

The table below depicts the design standards of the conceptual development plan for a conditional rezoning application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

Conditional Rezoning

Conceptual Development Plan Design Standards Checklist

Date Received: 10/28/2021

TRC Date: 11/10/2021

Project Name: H2OBX

Applicant/Property Owner: H2OBX, LLC

Conditional Rezoning Design Standards Checklist		
1	Property owner name, address, phone number, and e-mail address.	✓
2	Site address and parcel identification number.	✓
3	A scaled drawing showing existing boundary lines, total acreage, adjacent use types, location of streets, rights-of-way, and easements.	✓
4	North arrow and scale to be 1" = 100' or larger.	✓
5	Vicinity map showing property's general location in relation to streets, railroads, and waterways.	✓
6	Existing zoning classification of the property and surrounding properties.	✓
7	Approximate location of the following existing items within the property to be rezoned and within 50' of the existing property lines: Pathways, structures, septic systems, wells, utility lines, water lines, culverts, storm drainage pipes, ditches, canals, streams, wooded areas, ponds, and cemeteries.	✓
8	Approximate Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County."	✓
9	Approximate location of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive on the property, such as Maritime Forest, CAMA, 404, or 401 wetlands as defined by the appropriate agency.	✓
10	Proposed zoning classification and intended use of all land and structures, including the number of residential units and the total square footage of any non-residential development.	✓
11	Proposed building footprints and usages.	✓
12	Proposed traffic, parking, and circulation plans including streets, drives, loading and service areas, parking layout, and pedestrian circulation features.	✓
13	Approximate location of storm drainage patterns and facilities intended to serve the development.	✓
14	Proposed common areas, open space set-asides, anticipated landscape buffering, and fences or walls (if proposed).	✓
15	Architectural drawings and/or sketches illustrating the design and character of the proposed uses.	✓
16	Proposed development schedule.	✓

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

Conditional Rezoning Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

Conditional Rezoning Submittal Checklist

Date Received: 10/28/2021

TRC Date: 11/10/2021

Project Name: H2OBX

Applicant/Property Owner: H2OBX, LLC

Conditional Rezoning Submittal Checklist		
1	Complete Conditional Rezoning application	✓
2	Application fee (\$200 plus \$5 for each acre or part thereof)	✓
3	Community meeting written summary	✓
4	Conceptual development plan	✓
5	Architectural drawings and/or sketches of the proposed structures.	✓
6	2 copies of plans	✓
7	2 hard copies of ALL documents	✓
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	✓

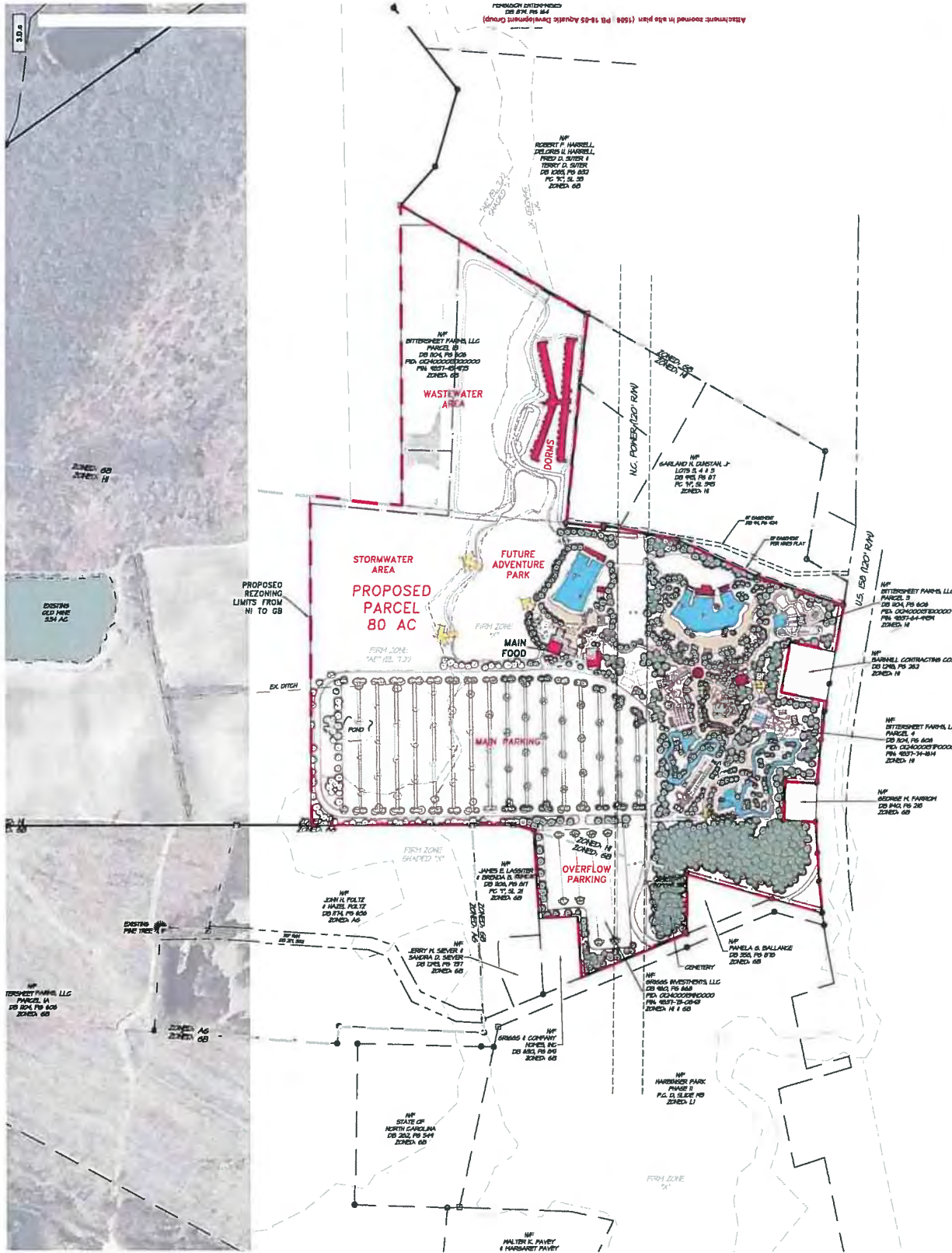
For Staff Only

Pre-application Conference

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

Comments

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



1. CURRENT OWNERS: BITTERSWEET FARMS, LLC & GROSS INVESTMENTS, LLC
PO BOX 100
HARRISBURG, NC 27941
2. APPLICANT/AQUATIC DEVELOPMENT GROUP
PO BOX 846
CHURCH, NY 12847
618-723-0028
AQUATIC GROUP.COM
3. PROPOSED REZONING: HEAVY INDUSTRIAL (H4) TO GENERAL BUSINESS (GB)
4. PROPOSED DEVELOPMENT AREA: 80 AC
5. OVERALL BOUNDARY INFORMATION SHOWN BASED ON A SURVEY BY NYMA ENTITLED "BOUNDARY SURVEY FOR WILBUR GROSS", DATED 11/16/01
6. EXISTING PROPERTY LINES ARE FOR RECORD INFORMATION & CURRENT USE INFORMATION AND ARE APPROXIMATE. THIS IS NOT A BOUNDARY SURVEY
7. AERIAL PHOTOGRAPHY SHOWN IS A 2012 IMAGE
8. PROPERTY IS LOCATED IN WFP FLOOD ZONES AS SHOWN AND SUBJECT TO BASED ON COMMUNITY CD NO. 370101, PARCEL 3037, SECTION 4 (MAP NUMBER 3750637064) EFFECTIVE DATE: 11/16/2005
9. THIS DRAWING IS SUBJECT TO ANY FACTS, INCLUDING BUILDING SETBACK, REE, EASEMENTS, COVENANTS, ETC., THAT MAY BE REVEALED BY A FULL AND TITLE SEARCH.

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

9/10/2015



Attachment: obxwaterparkplans-16sep21 (1691 : PB 16-23 OBX Waterpark Adventure)

11/7/2016



Text Amendment Review Process

Contact Information

Currituck County
Planning and Community Development
153 Courthouse Road, Suite 110
Currituck, NC 27929

Phone: 252.232.3055
Fax: 252.232.3026

Website: www.co.currituck.nc.us/planning-community-development

Step 1: Pre-application Conference

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submittal requirements and the procedures and standards applicable to an anticipated text amendment application. A pre-application conference is also intended to provide an opportunity for county staff to become familiar with, and offer the applicant preliminary comments about, the scope, features, and impacts of the proposed text amendment, as it relates to the standards in the Unified Development Ordinance (UDO).

The applicant shall submit a written description of the nature and purpose of the text amendment to the Planning and Community Development Department during the pre-application conference.

Step 2: Application Submittal and Acceptance

The applicant must submit a complete application pack on or before the application submittal date. Applications may be initiated by the Board of Commissioners, the Planning Boards, the Planning Director, the TRC, or any other interested party. A complete application packet consists of the following:

- Completed Currituck County Text Amendment Application.
- Application Fee (\$300)
- Number of Copies Submitted:
 - ☐ 2 Hard copies of ALL documents
 - ☐ 1 PDF digital copy (ex. Compact Disk – e-mail not acceptable) of all documents

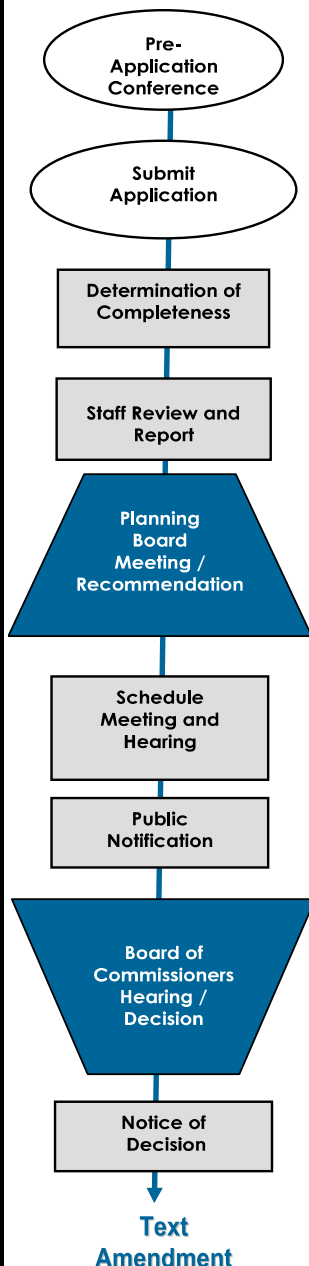
On receiving an application, staff shall determine whether the application is complete or incomplete. A complete application contains all the information and materials listed above, and is in sufficient detail to evaluate and determine whether it complies with appropriate review standards. If an application is determined to be incomplete, the applicant may correct the deficiencies and resubmit the application for completeness determination. Incomplete applications will not be processed.

Step 3: Staff Review and Action

After accepting the text amendment application, staff shall review it, prepare a written report, and provide a recommendation on the application. The recommendation may include a second option that will include text to address conflicts with the existing ordinance or adopted plans.

Step 4: Advisory Body Review and Recommendation

After the staff prepares a staff report and provides a recommendation on the application, staff shall schedule the application for a public meeting with the Planning Board. At the public meeting, the Planning Board shall consider the application, relevant support materials, staff report, and any public comments. It shall then



recommend approval, approval of a modified version, or denial, and clearly state that factors considered in making the recommendation. The Planning Board shall provide a recommendation on an application it reviews within two months from the date of its initial meeting to consider the application.

Step 5: Public Hearing Scheduling and Public Notification

After the Planning Board provides a recommendation on the application, staff shall ensure that the public hearing on it is scheduled for a regularly scheduled Board of Commissioners meeting or a meeting specially called for by the Board of Commissioners. The required public hearing with the Board of Commissioners shall be scheduled so there is sufficient time for a staff report to be prepared and for the public notification requirements to be satisfied under state law.

The application shall meet the following public notification requirements:

- **Published Notice**

Staff shall publish a notice of the hearing once a week for two successive calendar weeks in a newspaper having general circulation in the county. The first time notice is published, it shall not be less than 10 days nor more than 25 days before the date fixed for the hearing.

Step 6: Public Hearing Procedures, and Decision-Making Body Review and Decision

The applicant must be in attendance at the public hearing. During the public hearing, the Planning Director will present the staff report and any review body findings and recommendation to the Board. The applicant will then have the opportunity to present any information they deem appropriate. The public may be permitted to speak in accordance with the Board of Commissioners rules of procedure, or at their discretion, as appropriate, in support of or in opposition to the application. The applicant and Planning Director may respond to any comments, documents, or materials presented.

The Board of Commissioners shall make one of the following decisions on the application:

- Adoption of the text amendment as proposed;
- Adoption of a revised text amendment;
- Denial of the text amendment; or
- Remand of the text amendment application back to the Planning Board for further consideration.

A text amendment 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 a conditional rezoning, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the application:

- Is consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of the UDO;
- Is in conflict with any provision of the UDO, or the County Code of Ordinances;
- Is required by changed conditions;
- Addresses a demonstrated community need;
- 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;
- Would result in a logical and orderly development pattern; and
- Would result in significant 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;



Text Amendment Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:

Name: H2OBX LLC
 Address: 13 Green Mountain Drive
Cohoes, NY 12047
 Telephone: (518) 783-0038
 E-Mail Address: KenE@aquaticdevelopmentgroup.com

Request

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

Amend Chapter(s) 4 and 10.5 Section(s) 4.2.2.B Group Living (1) and 10.5 Definitions as follows:

4.2.2. B Group Living

(1) Dormitories

~~All~~ Dormitories shall be accessory to an educational facility located on the same site

or campus, and house only persons who are students at the educational facility.

Dormitories that provide employee housing shall be located on the same principal lot as the

business and only house those persons who are employees of that business.

10.5 Definitions- Dormitory

~~A~~ Buildings used principally to provide rooms for sleeping accommodations at an educational, public, private business

or religious institution. Common kitchen, sanitary, and social gathering rooms may also be provided.

*Request may be attached on separate paper if needed.

 Petitioner

 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: _____

Applicant/Property Owner: _____

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



Currituck County Planning & Zoning Application Submittal Schedule

PLANNING & ZONING – APPLICATION SUBMITTAL SCHEDULE							
RECOMMENDED PRE-APPLICATION MEETING WEEK	APPLICATION SUBMITTAL DATE	TRC MEETING	TRC COMMENTS TO APPLICANT	TRC REVISIONS DEADLINE	PLANNING BOARD MEETING	BOC MEETING 4:00 PM Preliminary Plat/Use Permit	BOC MEETING 5:00 PM Rezoning/Text Amendment
November 18, 2020	November 25, 2020	December 9, 2020	December 10, 2020	December 21, 2020	January 12, 2021	January 19, 2021	February 1, 2021
December 10, 2020	December 17, 2020	January 13, 2021	January 14, 2021	January 25, 2021	February 9, 2021	February 15, 2021	March 1, 2021
January 21, 2021	January 28, 2021	February 10, 2021	February 11, 2021	February 22, 2021	March 9, 2021	March 15, 2021	April 5, 2021
February 18, 2021	February 25, 2021	March 10, 2021	March 11, 2021	March 22, 2021	April 13, 2021	April 19, 2021	May 3, 2021
March 18, 2021	March 25, 2021	April 14, 2021	April 15, 2021	April 26, 2021	May 11, 2021	May 17, 2021	June 7, 2021
April 5, 2021	April 22, 2021	May 12, 2021	May 13, 2021	May 27, 2021	July 13, 2021	July 19, 2021	August 2, 2021
May 10, 2021	May 27, 2021	June 9, 2021	June 10, 2021	June 24, 2021	August 10, 2021	August 16, 2021	September 7, 2021
June 7, 2021	June 24, 2021	July 14, 2021	July 15, 2021	July 22, 2021	September 14, 2021	September 20, 2021	October 4, 2021
July 5, 2021	July 22, 2021	August 11, 2021	August 12, 2021	August 26, 2021	October 12, 2021	October 18, 2021	November 1, 2021
August 9, 2021	August 26, 2021	September 8, 2021	September 9, 2021	September 23, 2021	November 9, 2021	November 15, 2021	December 6, 2021
September 6, 2021	September 23, 2021	October 18, 2021	October 18, 2021	October 28, 2021	December 14, 2021	December 20, 2021	January 3, 2022
October 11, 2021	October 28, 2021	November 10, 2021	November 12, 2021	November 18, 2021	January 11, 2022	January 17, 2022	February 7, 2022
November 8, 2021	November 18, 2021	December 8, 2021	December 8, 2021	December 16, 2021	February 8, 2022	February 21, 2022	March 7, 2022
December 6, 2021	December 16, 2021	January 12, 2022	January 13, 2022	January 27, 2022	March 8, 2022	March 21, 2022	April 4, 2022

Applications to be reviewed by the Technical Review Committee (TRC), Planning Board (PB), or Board of Commissioners (BOC), must follow the specified submittal schedule. Submittal deadlines are firm and shall not be waived. To avoid late or incomplete submissions, it is recommended that an applicant submit all required materials in advance of the scheduled deadline. An appointment with the Planning Department, 252-232-3055, is necessary for all application submittals with an appointment deadline of 2:30 PM.

EXHIBIT 3 : Attendance Sign-In Sheet



Conditional Rezoning H2OBX Community Meeting Powells Point, Currituck County, North Carolina Quible & Associates Project No. 15004 The Following Persons Were in Attendance of the Community Meeting on October 25, 2021

#	Name	Company / Organization / Address	Telephone No.	Fax No.	Email
1.	Michael Strader	Quible & Associates, P.C.	(252) 491-8147	(252) 491-8146	mstrader@quible.com
2.	Dominic Dondoro	H2OBX	252-488-8402		ddondoro@h2obx.net
3.	Lyn Swan	SMALL GROUP PADD	252-256 3016		LYN@LSIMAPINEOBSA.COM
4.	Tammy Glave	Plus Staff			
5.	Kimberly Carroll	State Farm - Kimberly Carroll Agency	252-491-2727		Kimberly@kimcarrollagency.com
6.	Brad Griggs	Griggs & Co.	252-202-8005		Brad@Griggsandco.com
7.	Ken Griggs	Griggs & Co.			
8.	Nadeen Dashti	Quible & Associates, P.C.			Ndashti@quible.com
9.					
10.					
11.					
12.					
13.					
14.					
15.					
16.					
6.					
7.					
8.					

EXHIBIT 4 : Attendee Comment Sheet

Community Meeting for Conditional Zoning – H2OBX Water Park

8526 Caratoke Highway-PIN# 0124000137L0000

Powells Point, Currituck County, NC

Comments: AS AN ADJACENT P.D., I SUPPORT THIS CONDITIONAL
ZONING APPLICATION

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

Contact Information: LYN SMITH 252-256-3016

EXHIBIT 5 : Letters to Property Owners

8556 E CARATOKE HWY LLC		8556 CARATOKE HWY	POWELLS POINT	NC	27966
ARF HOLDINGS LLC	C/O CAROLINA CUSTOM CABINETS	PO BOX 252	KITTY HAWK	NC	27949
ATLANTIC OBX INC		PO BOX 2560	KITTY HAWK	NC	27949
BAY DISPOSAL PROPERTY HOLDINGS LLC	C/O WASTE CONNECTIONS US INC	3 WATERWAY SQUARE PLACE, STE 110	SPRING	TX	77380
BRISBON, ERNESTINE		8537 CARATOKE HWY	POWELLS POINT	NC	27966
CK CARROLL LLC		8474 CARATOKE HWY, UNIT 202	POWELLS POINT	NC	27966
CURRITUCK COUNTY	ATTN: DEVELOPMENT SERVICES DEPART.	153 COURTHOUSE ROAD, SUITE 110	CURRITUCK	NC	27929
DOUDS, ANDREW JOSEPH		122 LUCINDA LN	POWELLS POINT	NC	27966
DUNSTAN, GARLAND H. JR.		PO BOX 402	KITTY HAWK	NC	27949
FOLTZ, JOHN H	FOLTZ, CARRIE L	158 LUCINDA DR	POWELLS POINT	NC	27966
GB INVESTMENT GROUP LLC		345 JARVISBURG RD	JARVISBURG	NC	27947
GRIFFIN, HENRY N		223 SCUPPERNONG RD	MANTEO	NC	27954
GRIGGS & COMPANY HOMES INC		PO BOX 125	POINT HARBOR	NC	27964
GRIGGS, MINNIE S ESTATE		PO BOX 154	HARBINGER	NC	27941
H2OBX LLC		13 GREEN MOUNTAIN DR	COHOES	NY	12047
HALL LIMITED PARTNERSHIP NO 3 LLP		PO BOX 130	PORTSMOUTH	VA	23705
HERNANDEZ-SALAZAR, JOAQUIN	HERNANDEZ, TANESHA	PO BOX 854	CARRBORO	NC	27510
HERRING, PRISCILLA J	C/O CARLTON POWELL	245 FERNWOOD FARMS RD	CHESAPEAKE	VA	23320
JONES, JAMES H JR	OVERTON, MARY ELIZABETH JOHNSON	945 LEGACY LNDG APT 211	VIRGINIA BEACH	VA	23464
KITTY HAWK IRON AND STEEL		PO BOX 40	HARBINGER	NC	27941
LASSITER, BRENDA RUMCIK TRUSTEE		PO BOX 93	HARBINGER	NC	27941
NORRIS, HERSEY B		PO BOX 217	HARBINGER	NC	27941
OUTER BANKS BREWING LLC		PO BOX 2584	KILL DEVIL HILLS	NC	27948
PATTON, FLOYD JACKSON IV		849 SEAHAWK CIR	VIRGINIA BEACH	VA	23451
PINEY GROVE CHURCH		8482 CARATOKE HWY	POWELLS POINT	NC	27966
RAVA DEVELOPMENTS LLC		PO BOX 3009	KITTY HAWK	NC	27949
SAMPAT BLDG #200 OWNERS ASSOC	C/O CK CARROLL LLC	8443-F CARATOKE HWY	POWELLS POINT	NC	27966
SIEVER, JERRY W	SIEVER, SANDRA D	154 LUCINDA LANE	POWELLS POINT	NC	27966
SMALL GROUP PROPERTIES LLC		113 BALLAST ROCK DRIVE	POWELLS POINT	NC	27966
SPENCER, MATTHEW J	SPENCER, SARAH R	5012 RADCLIFF CT	KITTY HAWK	NC	27949
THE LAMPE RESERVES INC		618 N BOYLAN AVE, SUITE 1024	RALEIGH	NC	27603



Quible & Associates, P.C.

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SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

8556 E CARATOKE HWY LLC
8556 CARATOKE HWY
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

Dear Property Owner(s),

Please be advised that Quible & Associates, P.C. and H2OBX, LLC (Applicant) will conduct a community meeting on October 25th, 2021 at 4:00 p.m. at the offices of Quible & Associates, P.C. located at 8466 Caratoke Highway Suite 400 Powells Point (building behind the blue roofed ReMax building) within Sampat Professional Center.

The purpose of the meeting is to inform the community of H2OBX, LLC's intention to apply for a Conditional Rezoning of C-GB to allow for temporary modular dormitories at H2OBX Water Park. The subject parcel is identified as Parcel Number 0124000137L0000 and is located on Highway 158 at 8526 Caratoke Highway in Powells Point, Currituck County.

The Applicant proposes to construct temporary modular dormitories which will serve as employee housing.

All persons having an interest in this matter are invited to attend the informational meeting. We appreciate attendees honoring the CDC guidance that is in place at the time of the meeting. Further information regarding the proposed Conditional Rezoning may be obtained by contacting Michael Strader of Quible & Associates, P.C. by phone at 252-491-8147 or by email at mstrader@quible.com.

Sincerely,
Quible & Associates, P.C.

Michael W. Strader, Jr., P.E.

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

ARF HOLDINGS LLC
PO BOX 252
KITTY HAWK, NC 27949

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

Dear Property Owner(s),

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Quible & Associates, P.C.

Michael W. Strader, Jr., P.E.

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

ATLANTIC OBX INC
PO BOX 2560
KITTY HAWK, NC 27949

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

Dear Property Owner(s),

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Sincerely,
Quible & Associates, P.C.

Michael W. Strader, Jr., P.E.

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

October 11th, 2021

BAY DISPOSAL PROPERTY HOLDINGS LLC
3 WATERWAY SQUARE PLACE, STE 110
SPRING, TX 77380

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Sincerely,
Quible & Associates, P.C.



Michael W. Strader, Jr., P.E.

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

Quible & Associates, P.C.

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

BRISBON, ERNESTINE
8537 CARATOKE HWY
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Quible & Associates, P.C.



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cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

CK CARROLL LLC
8474 CARATOKE HWY, UNIT 202
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

CURRITUCK COUNTY
153 COURTHOUSE ROAD, SUITE 110
CURRITUCK, NC 27929

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

Dear Property Owner(s),

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Sincerely,
Quible & Associates, P.C.

Michael W. Strader, Jr., P.E.

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

DOUDS, ANDREW JOSEPH
122 LUCINDA LN
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Quible & Associates, P.C.

Michael W. Strader, Jr., P.E.

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)

October 11th, 2021

DUNSTAN, GARLAND H. JR.
PO BOX 402
KITTY HAWK, NC 27949

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

FOLTZ, JOHN H
158 LUCINDA DR
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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P.O. Drawer 870
Kitty Hawk, NC 27945
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

GB INVESTMENT GROUP LLC
345 JARVISBURG RD
JARVISBURG, NC 27947

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

GRIFFIN, HENRY N
223 SCUPPERNONG RD
MANTEO, NC 27954

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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Quible & Associates, P.C.

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

GRIGGS & COMPANY HOMES INC
PO BOX 125
POINT HARBOR, NC 27964

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

GRIGGS, MINNIE S ESTATE
PO BOX 154
HARBINGER, NC 27941

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

H2OBX LLC
13 GREEN MOUNTAIN DR
COHOES, NY 12047

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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October 11th, 2021

HALL LIMITED PARTNERSHIP NO 3 LLLP
PO BOX 130
PORTSMOUTH, VA 23705

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

Dear Property Owner(s),

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The purpose of the meeting is to inform the community of H2OBX, LLC's intention to apply for a Conditional Rezoning of C-GB to allow for temporary modular dormitories at H2OBX Water Park. The subject parcel is identified as Parcel Number 0124000137L0000 and is located on Highway 158 at 8526 Caratoke Highway in Powells Point, Currituck County.

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Sincerely,
Quible & Associates, P.C.



Michael W. Strader, Jr., P.E.

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING

SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

HERNANDEZ-SALAZAR, JOAQUIN
PO BOX 854
CARRBORO, NC 27510

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

HERRING, PRISCILLA J
245 FERNWOOD FARMS RD
CHESAPEAKE, VA 23320

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Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

JONES, JAMES H JR
945 LEGACY LNDG APT 211
VIRGINIA BEACH, VA 23464

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

KITTY HAWK IRON AND STEEL
PO BOX 40
HARBINGER, NC 27941

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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Quible & Associates, P.C.

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SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

LASSITER, BRENDA RUMCIK TRUSTEE
PO BOX 93
HARBINGER, NC 27941

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

NORRIS, HERSEY B
PO BOX 217
HARBINGER, NC 27941

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Quible & Associates, P.C.

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P.O., Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

OUTER BANKS BREWING LLC
PO BOX 2584
KILL DEVIL HILLS, NC 27948

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

PATTON, FLOYD JACKSON IV
849 SEAHAWK CIR
VIRGINIA BEACH, VA 23451

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Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING
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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

PINEY GROVE CHURCH
8482 CARATOKE HWY
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

RAVA DEVELOPMENTS LLC
PO BOX 3009
KITTY HAWK, NC 27949

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Currituck County Planning, Attn: Tammy Glave

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P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

SAMPAT BLDG #200 OWNERS ASSOC
8443-F CARATOKE HWY
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

SIEVER, JERRY W
154 LUCINDA LANE
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

SMALL GROUP PROPERTIES LLC
113 BALLAST ROCK DRIVE
POWELLS POINT, NC 27966

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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SINCE 1959

P.O. Drawer 870
Kitty Hawk, NC 27949
Phone: 252-491-8147
Fax: 252-491-8146
web: quible.com

October 11th, 2021

SPENCER, MATTHEW J
5012 RADCLIFF CT
KITTY HAWK, NC 27949

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Quible & Associates, P.C.

ENGINEERING • ENVIRONMENTAL SCIENCES • PLANNING • SURVEYING
SINCE 1959

P.O. Drawer 87
Kitty Hawk, NC 2794
Phone: 252-491-814
Fax: 252-491-814
web: quible.com

October 11th, 2021

THE LAMPE RESERVES INC
618 N BOYLAN AVE, SUITE 1024
RALEIGH, NC 27603

Re: Notice of Community Meeting
Conditional Rezoning - H2OBX Water Park
Powells Point, Currituck County, NC

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Please be advised that Quible & Associates, P.C. and H2OBX, LLC (Applicant) will conduct a community meeting on October 25th, 2021 at 4:00 p.m. at the offices of Quible & Associates, P.C. located at 8466 Caratoke Highway Suite 400 Powells Point (building behind the blue roofed ReMax building) within Sampat Professional Center.

The purpose of the meeting is to inform the community of H2OBX, LLC's intention to apply for a Conditional Rezoning of C-GB to allow for temporary modular dormitories at H2OBX Water Park. The subject parcel is identified as Parcel Number 0124000137L0000 and is located on Highway 158 at 8526 Caratoke Highway in Powells Point, Currituck County.

The Applicant proposes to construct temporary modular dormitories which will serve as employee housing.

All persons having an interest in this matter are invited to attend the informational meeting. We appreciate attendees honoring the CDC guidance that is in place at the time of the meeting. Further information regarding the proposed Conditional Rezoning may be obtained by contacting Michael Strader of Quible & Associates, P.C. by phone at 252-491-8147 or by email at mstrader@quible.com.

Sincerely,
Quible & Associates, P.C.

Michael W. Strader, Jr., P.E.

cc file
H2OBX, LLC
Currituck County Planning, Attn: Tammy Glave

Attachment: 4 Community Meeting Report (PB 16-05 H2OBX LLC)



Conditional Rezoning Application

OFFICIAL USE ONLY:

Case Number: _____
 Date Filed: _____
 Gate Keeper: _____
 Amount Paid: _____

Contact Information

APPLICANT:

Name: H2OBX, LLC
 Address: 13 Green Mountain Dr
Cohoes, NY 12047
 Telephone: _____
 E-Mail Address: KenE@aquaticgroup.com

PROPERTY OWNER:

Name: H2OBX, LLC
 Address: 13 Green Mountain Dr
Cohoes, NY 12047
 Telephone: _____
 E-Mail Address: KenE@aquaticgroup.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: same

Property Information

Physical Street Address: 8526 Caratoke Highway
 Location: Powells Point
 Parcel Identification Number(s): 0124000137L0000
 Total Parcel(s) Acreage: 80
 Existing Land Use of Property: Water park, including associated site improvements & WWTF & undeveloped land

Request

Current Zoning of Property: C-GB Proposed Zoning District: C-GB

Community Meeting

Date Meeting Held: 10/25/2021 @ 4pm Meeting Location: Quible & Associates, PC

Conditional Rezoning Request

To Chairman, Currituck County Board of Commissioners:

The undersigned respectfully requests that, pursuant to the Unified Development Ordinance, a conditional zoning district be approved for the following use(s) and subject to the following condition(s):

Proposed Use(s):

Development of an outdoor water park with ability to add additional outdoor and indoor entertainment features (adventure course etc.), associated infrastructure and amenities to include restaurants, water slides, climbing towers, employee housing/dormitories, the addition of temporary modular dormitories, and all associated stormwater, wastewater treatment and disposal, parking and any other site elements as required by County, State and Federal regulations.

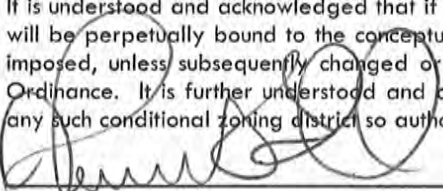
Proposed Zoning Condition(s):

All proposed development will be consistent with and currently allowed within GB zoning.

Upon completion of permanent dormitory/housing, temporary, modular dormitory units shall be phased out of commission.

An application has been duly filed requesting that the property involved with this application be rezoned from:
C-GB to: C-GB

It is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound to the conceptual development plan, use(s) authorized, and subject to such condition(s) as imposed, unless subsequently changed or amended as provided for in the Currituck County Unified Development Ordinance. It is further understood and acknowledged that final plans for any development be made pursuant to any such conditional zoning district so authorized and shall be submitted to the Technical Review Committee.


Property Owner (s)

10/28/21
Date

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

Conditional Rezoning Design Standards Checklist

The table below depicts the design standards of the conceptual development plan for a conditional rezoning application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

Conditional Rezoning

Conceptual Development Plan Design Standards Checklist

Date Received: 10/28/2021

TRC Date: 11/10/2021

Project Name: H2OBX

Applicant/Property Owner: H2OBX, LLC

Conditional Rezoning Design Standards Checklist		
1	Property owner name, address, phone number, and e-mail address.	✓
2	Site address and parcel identification number.	✓
3	A scaled drawing showing existing boundary lines, total acreage, adjacent use types, location of streets, rights-of-way, and easements.	✓
4	North arrow and scale to be 1" = 100' or larger.	✓
5	Vicinity map showing property's general location in relation to streets, railroads, and waterways.	✓
6	Existing zoning classification of the property and surrounding properties.	✓
7	Approximate location of the following existing items within the property to be rezoned and within 50' of the existing property lines: Pathways, structures, septic systems, wells, utility lines, water lines, culverts, storm drainage pipes, ditches, canals, streams, wooded areas, ponds, and cemeteries.	✓
8	Approximate Flood Zone line and Base Flood Elevation as delineated on the "Flood Insurance Rate Maps/Study Currituck County."	✓
9	Approximate location of all designated Areas of Environmental Concern or other such areas which are environmentally sensitive on the property, such as Maritime Forest, CAMA, 404, or 401 wetlands as defined by the appropriate agency.	✓
10	Proposed zoning classification and intended use of all land and structures, including the number of residential units and the total square footage of any non-residential development.	✓
11	Proposed building footprints and usages.	✓
12	Proposed traffic, parking, and circulation plans including streets, drives, loading and service areas, parking layout, and pedestrian circulation features.	✓
13	Approximate location of storm drainage patterns and facilities intended to serve the development.	✓
14	Proposed common areas, open space set-asides, anticipated landscape buffering, and fences or walls (if proposed).	✓
15	Architectural drawings and/or sketches illustrating the design and character of the proposed uses.	✓
16	Proposed development schedule.	✓

Conditional Rezoning Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

Conditional Rezoning Submittal Checklist

Date Received: 10/28/2021

TRC Date: 11/10/2021

Project Name: H2OBX

Applicant/Property Owner: H2OBX, LLC

Conditional Rezoning Submittal Checklist

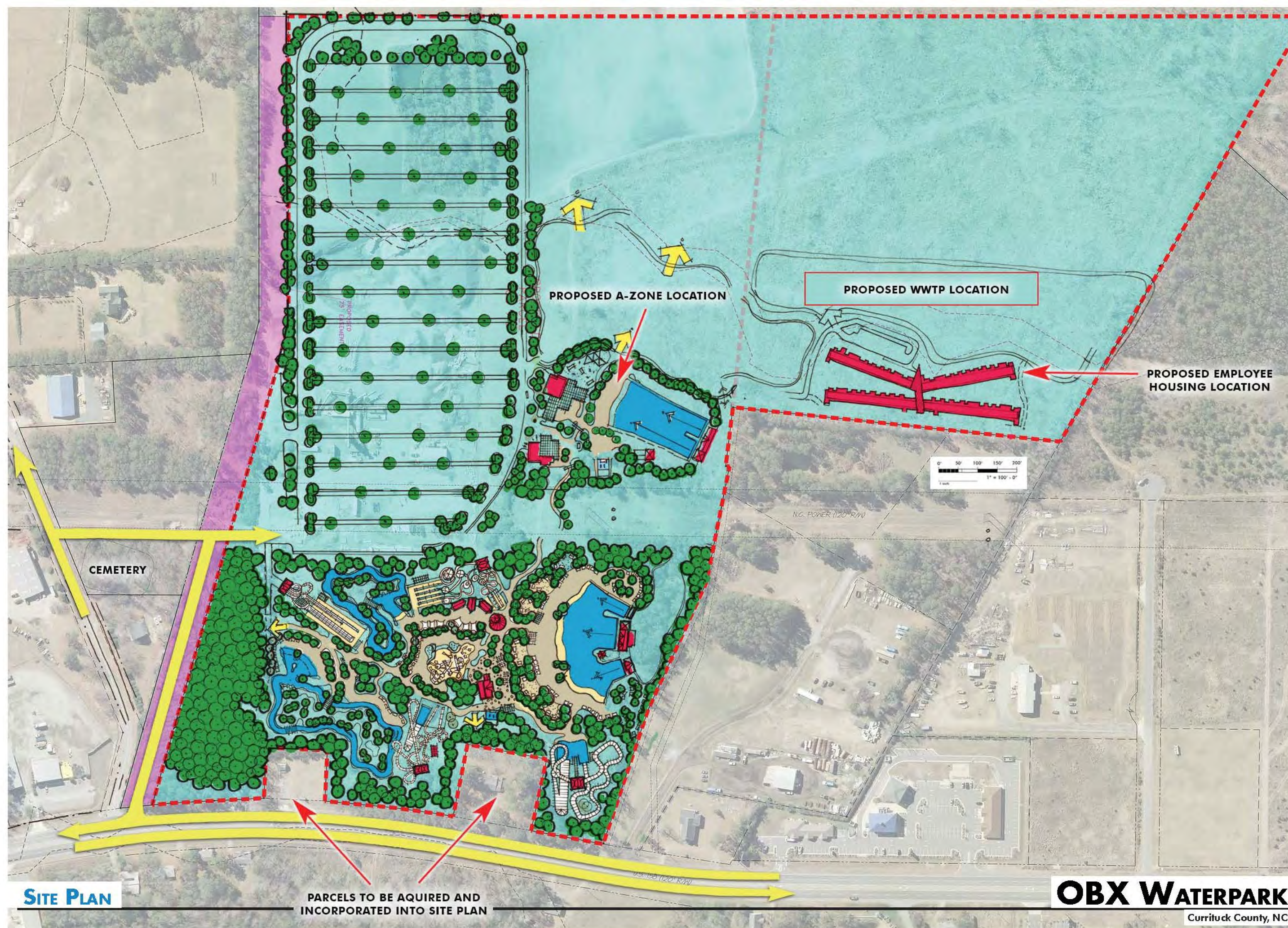
1	Complete Conditional Rezoning application	✓
2	Application fee (\$200 plus \$5 for each acre or part thereof)	✓
3	Community meeting written summary	✓
4	Conceptual development plan	✓
5	Architectural drawings and/or sketches of the proposed structures.	✓
6	2 copies of plans	✓
7	2 hard copies of ALL documents	✓
8	1 PDF digital copy of all plans AND 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





COUNTY OF CURRITUCK

Planning and Community Development Department
Planning and Zoning Division
 153 Courthouse Road, Suite 110
 Currituck, North Carolina 27929
 Telephone (252) 232-3055 / Fax (252) 232-3026

May 3, 2016

Bitter Sweet Farms, LLC
 PO Box 154
 Harbinger, NC 27941

Griggs Investments, LLC
 PO Box 125
 Point Harbor, NC 27964

RE: PB 16-05 Aquatic Development Group – Conditional Rezoning

Dear Owner/Applicant:

At its May 2, 2016 meeting, the Currituck County Board of Commissioners approved the request for conditional rezoning of approximately 52 acres from Heavy Industrial (HI) to Conditional General Business (C-GB) to allow a water park located at 8528 Caratoke Highway in Powells Point, Poplar Branch Township, Tax Map 124, Parcels 130, 137J, 137D, 137F, and 139N with the following conditions:

1. All proposed development shall be consistent with and currently allowed within GB Zoning.
2. That the fire marshal comments be approved by the TRC at site plan submittal.
3. That a Traffic Impact Analysis (TIA) be provided prior to site plan submittal. All TIA recommendations are incorporated into the site design, consistent with NCDOT approval.

If you have any questions, please call me at 252-232-6029.

Sincerely,

Ben E. Woody, AICP
 Planning and CD Director

BEW/st

Cc: Harry Lee, Currituck County
 Tracy Sample, Currituck County

Attachment: 7 BOC A Ltr 5.2.16 (PB 16-05 H2OBX LLC)



Currituck County Agenda Item Summary Sheet

Agenda ID Number – 3315

Agenda Item Title: PB 21-31 Gardner Rezoning:

Submitted By: Jennie Turner – Planning & Community Development

Item Type: Legislative

Presenter of Item: Jennie Turner

Board Action: Action

Brief Description of Agenda Item:

Request for conventional rezoning of 3.06 acres from Single-Family Residential Mainland (SFM) to General Business (GB). The property is located at 2844 Caratoke Highway in Currituck, NC.

Planning Board Recommendation:

Staff Recommendation: Denial

TRC Recommendation: Application Reviewed



STAFF REPORT PB 21-31 GARDNER REZONING PLANNING BOARD JANUARY 11, 2022

APPLICATION SUMMARY

Property Owner: Susan K. Gardner 2844 Caratoke Highway Currituck, NC 27929	Applicant: Woody Gardner 2844 Caratoke Highway Currituck, NC 27929
Case Number: PB 21-31	Application Type: Zoning Map Amendment
Parcel Identification Number: 0050-000-0621-0000	Existing Use: Single Family Dwelling
Land Use Plan Classification: Full Service	Parcel Size (Acres): 5.85
Land Use Plan Subarea: Courthouse	Zoning History: 1970 RA20, 1971 RA20, 1974 B/RA20, 1975 B/RA20, 1989 GB/RA, 2013 GB/SFM
Current Zoning: GB/SFM	Proposed Zoning: GB
Request: Request for a zoning map amendment to rezone entire property from GB/SFM to GB.	

REQUEST

Narrative

The applicant is requesting a conventional rezoning of 3.06 acres from Single-Family Residential-Mainland (SFM) to General Business (GB) at 2844 Caratoke Highway. The property is currently split zoned with 2.79 acres of GB and 3.06 acres of SFM.

Community Meeting

A community meeting was held on October 25, 2021. A meeting summary is included in the agenda packet.

SURROUNDING PARCELS

	Land Use	Zoning
North	Office/Farm/Wooded Area	GB/SFM
South	Office/Farm/Mining/Wooded Area	GB/SFM
East	Office/Gas Station/Fast Food/Farm	GB
West	Wooded Area	SFM

Staff Analysis

The 5.85-acre subject parcel is split zoned GB and SFM. This request proposes conventional GB zoning of the entire property. The request will extend GB zoning outside of the approximately 500' of existing GB zoning adjacent to Caratoke Highway. The portion of the property proposed for rezoning to GB is adjacent to SFM zoned property. A substantial portion of the property proposed for rezoning appears to be wetlands based on the National Wetlands Inventory maps as well as wetland layers on County GIS data.

This rezoning request was filed on October 28, 2021, by the owners Woody and Susan Gardner. The owners currently live in an existing dwelling on the property, a portion of the dwelling is zoned GB, most of the dwelling is in SFM. The owners operate a family nursery business in the GB zoned portion of the property.

A major site plan application on the front two acres of the subject property adjacent to Caratoke Highway was filed on November 18, 2021, by Cedar Run Capital, LLC. The project name on the application is Family Dollar Currituck. To review and process the major site plan application as proposed, subdivision of the property is required. The portion of the property where the Family Dollar improvements are proposed is currently zoned GB.

The subdivision options for this property are minor family subdivision or major subdivision. The number of splits of the parent parcel since 1989 precludes the conventional minor subdivision option.

The family subdivision option is the most likely as it has the least amount of cost; however, the Unified Development Ordinance (the "UDO") restricts use of the resultant family lot. Principal uses are limited to single-family detached dwellings and customary accessory uses. The owner may continue to operate a business on a family lot subject to the home occupation standards of the UDO. The UDO restriction on use of a family lot is one reason that staff does not support this rezoning request. It is not logical to rezone a property for business use when the property is restricted to residential use by the subdivision process.

This rezoning request will impact the review of the major site plan because the UDO requires community compatibility standards when commercial uses abut properties with existing single-family dwellings; however, the UDO provides an exemption to these standards when commercial development is adjacent to an existing dwelling on GB zoned property. Approval of this request will allow the Family Dollar Currituck to circumvent the community compatibility standards of the ordinance.

If a family subdivision is not created, staff suggests that a conditional rezoning of the property will more adequately address compatibility issues with future development in GB and may allow the owner to continue to use the property as a nursery.

The conditional zoning process was established in 2007 to offer an option to promote orderly growth in the county by providing tools to help guide development to be in line with the community values recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the property that are mutually agreed upon by the Board to tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. Since the adoption of the 2013 UDO, conventional rezoning approvals typically include properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts (these properties are typically rezoned to eliminate existing split zoning).

LAND USE PLAN

The 2006 Land Use Plan (LUP) classifies this site as Full Service within the Courthouse subarea. The policy emphasis is to allow this subarea to grow as a small community center. The following policies are relevant to the zoning map amendment request:

Policy HN9	Proposed residential development that would expose residents to the harmful effects of INCOMPATIBLE LAND USES or to ENVIRONMENTAL HAZARDS shall be prohibited. This would include, for example, residential development in locations adversely impacted by proximity to the airport or to activities involving excessive noise, light, odors, dust, fertilizers and insecticides (e.g. certain farm operations, mining activities, etc.).
Policy CD1	NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designated, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.
Policy CD5	Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large-scale commercial uses or automobile-oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like. (Also see Policy HN9)
Policy CD8	MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.

UDO

In North Carolina, it is illegal to impose conditions on rezoning to conventional zoning districts; therefore, this conventional zoning map amendment is a legislative decision of the Board of Commissioners and is not controlled by any one factor.

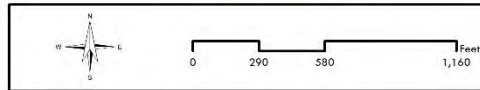
RECOMMENDATION**PLANNING STAFF**

In an effort to provide assurances that address the 2006 LUP compatibility policies, staff recommends the applicant submit a conditional zoning application with a plan that is more conceptual in nature. The conceptual plan could provide desired flexibility for the applicant with assurances that the application maintains the community values and consistency with the officially adopted plans.

THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



PB 21-31 Gardner
Zoning Map Amendment
Context Map



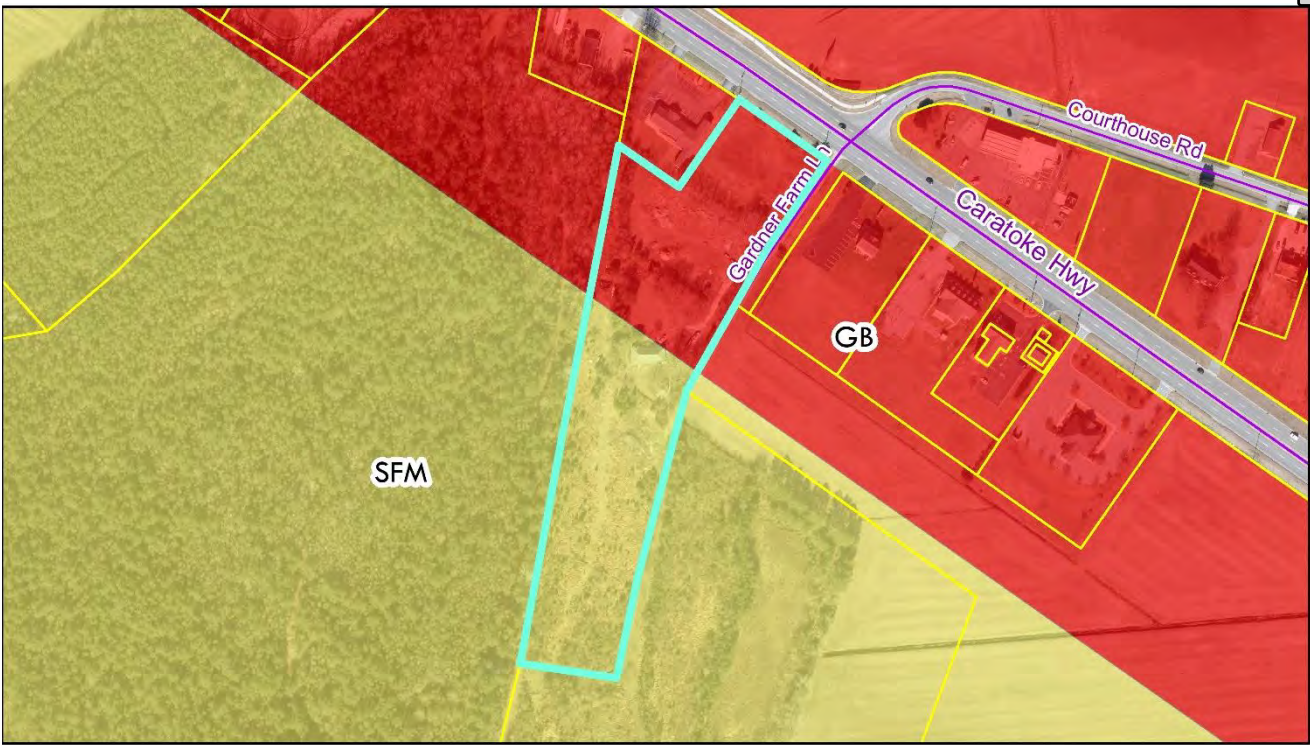
 Currituck County
Development Services
Department



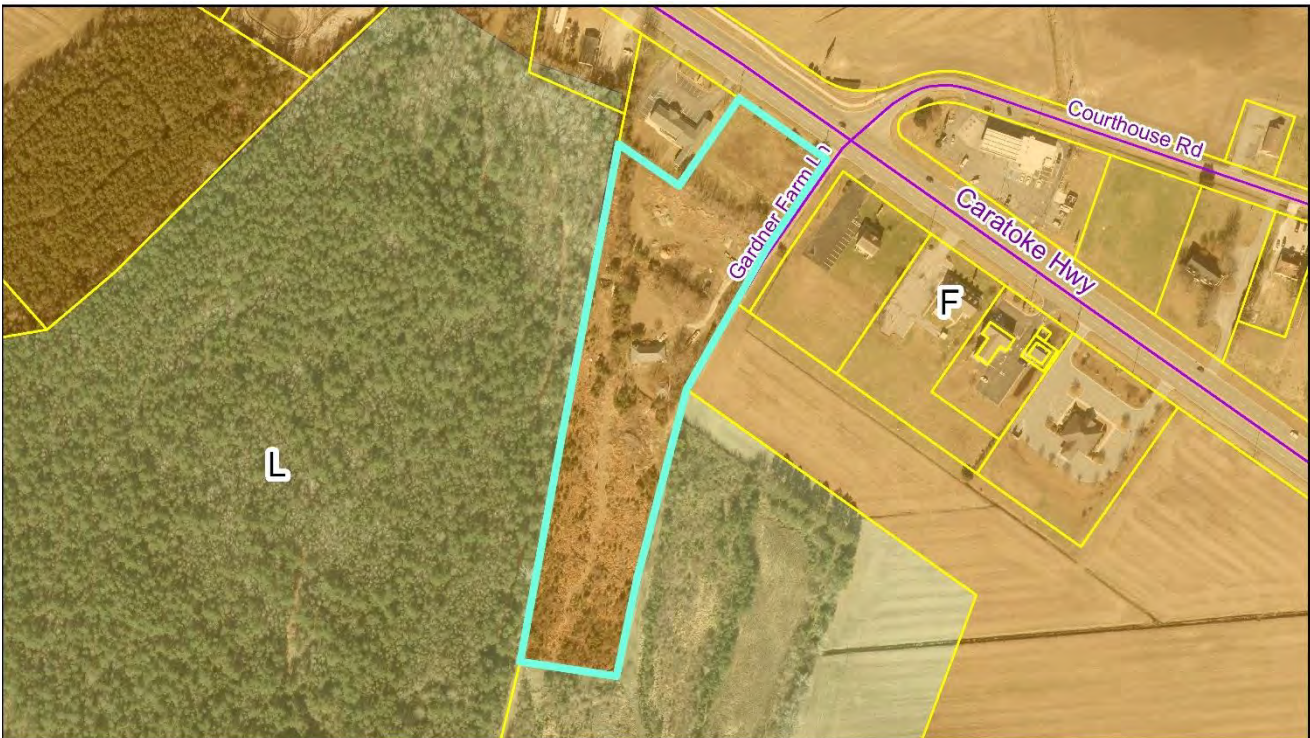
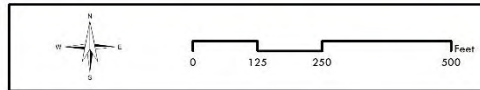
PB 21-31 Gardner
Zoning Map Amendment
2020 Aerial Photography



 Currituck County
Development Services
Department

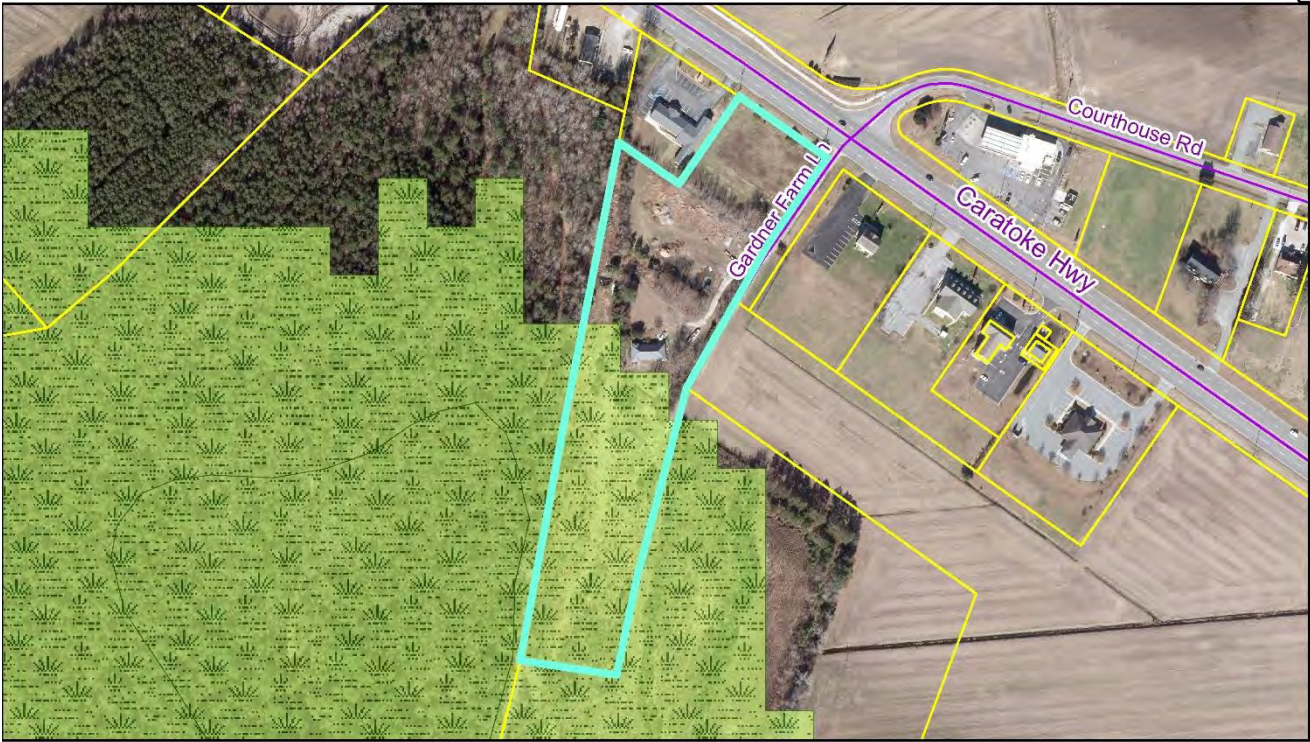


PB 21-31 Gardner
Zoning Map Amendment
Official Zoning Map

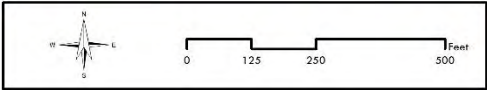


PB 21-31 Gardner
Zoning Map Amendment
Land Use Plan Classification





PB 21-31 Gardner
Online GIS
Wetland Layer





Zoning Map Amendment Application

OFFICIAL USE ONLY:

Case Number: PB 21-31
 Date Filed: 10/28/2021
 Gate Keeper: JE
 Amount Paid: \$220.00

Contact Information

APPLICANT:

Name: Woody Gardner
 Address: 2844 Caratoke Hwy.
Currituck, NC 27929
 Telephone: 252.207.6062
 E-Mail Address: woodygar@gmail.com

PROPERTY OWNER:

Name: Susan K. Gardner
 Address: 2844 Caratoke Hwy
Currituck, NC 27929
 Telephone: 252.2076062
 E-Mail Address: woodygar@gmail.com

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: spouse

Property Information

Physical Street Address: 2844 Caratoke Highway
 Location: Corner of Caratoke Highway and Gardner Farm Lane
 Parcel Identification Number(s): 005000006210000
 Total Parcel(s) Acreage: 5.85
 Existing Land Use of Property: residential

Request

Current Zoning of Property: GB & SFM Proposed Zoning District: GB
 Total Acreage for Rezoning: 3.06 Are you rezoning the entire parcel(s): Yes/No
 Metes and Bounds Description Provided: Yes/No

Community Meeting, if Applicable

Date Meeting Held: October 25, 2021 Meeting Location: CCP - Pavilion #1

I, the undersigned, do certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Further, I hereby authorize county officials to enter my property for purposes of determining zoning compliance. All information submitted and required as part of this application process shall become public record.

Flasterwood Gardner Susan K. Gardner 10/25/21
 Property Owner(s)/Applicant* Date

*NOTE: Form must be signed by the owner(s) of record, contract purchaser(s), or other person(s) having a recognized property interest. If there are multiple property owners/applicants a signature is required for each.

Zoning Map Amendment Design Standards and Submittal Checklist

The table below depicts the design standards of the site plan or map for a zoning map amendment application. Please make sure to include all applicable listed items to ensure all appropriate standards are reviewed.

Zoning Map Amendment Site Plan Design Standards and Submittal Checklist

Date Received: 10/28/2021

Project Name: 2844 Caratoke Hwy

Applicant/Property Owner: Woody Gardner

Site Plan or Map Design Standards Checklist

1	Lot/parcel dimensions.	✓
2	Zoning designation.	✓
3	All existing physical features (structures, buildings, streets, roads, etc.).	✓
4	Location and dimensions of any proposed construction.	N/A

Zoning Map Amendment Submittal Checklist

Staff will use the following checklist to determine the completeness of your application within ten business days of submittal. Please make sure all of the listed items are included. Staff shall not process an application for further review until it is determined to be complete.

Zoning Map Amendment Submittal Checklist

1	Complete zoning map amendment application	✓
2	Application fee (\$200 plus \$5 for each acre or part thereof)	✓
3	Community meeting written summary, if applicable	✓
4	Site plan or map	✓
5	Metes and bounds survey, if applicable	✓
6	2 copies of plans or maps	✓
7	2 hard copies of ALL documents	✓
8	1 PDF digital copy of all plans AND documents (ex. Compact Disk – e-mail not acceptable)	✓

For Staff Only

Pre-application Conference

Pre-application Conference was held on 9/1/2021 and the following people were present:

VIA Teams: Corrie Lacicava, Jason Lifford, Jason Mizelle (Timmons),
Kim Hamby (Timmons)

Comments

ZONING EXHIBIT FOR
PIN: 0050000062I0000
P.C. E, SLD. 174
D.B. 1158, PG. 752



THIS MAP IS FOR PRESENTATION PURPOSES ONLY AND IS NOT A FORMAL BOUNDARY SURVEY. SEE RECORDED REFERENCES.

NOW OR FORMERLY
 CHRISTOPHER L. DAILEY &
 CHRISTINE A. DAILEY
 D.B. 476, PG. 608



SCALE 1"=150'



PROPOSED ZONING:
 GB

NOW OR FORMERLY
 A. D. TAYLOR, JR. &
 CARLYLE M. TAYLOR
 ESTATE FILE BOOK
 08, PG. E/33

CURRENT ZONING LINE:
 SFM
 GB

ZONING LINE
 TO BE VACATED

NOW OR FORMERLY
 BROCK NORTH
 CAROLINA LLC
 D.B. 1170, PG. 84

SFM ZONING BEFORE: 3.06 AC
 GB ZONING BEFORE: 2.79 AC
 SFM ZONING AFTER: 0 AC
 GB ZONING AFTER: 5.85 AC

GARDNER FARM LANE
 PRIVATE (50' R/W) (P.C. E, SLD. 256)

PIN: 0050000062I0000

NOW OR FORMERLY
 C. A. HOWARD, JR.
 D.B. 350, PG. 288
 D.B. 376, PG. 623
 P.C. E, SLD. 256
 P.C. E, SLD. 400

S55°02'31"E
 141.44'

NOW OR FORMERLY
 FARM BUREAU
 D.B. 313, PG. 894
 P.C. E, SLD. 60

CARATOKE HIGHWAY
 US 168 (R/W BY MONUMENTATION)

THIS DRAWING PREPARED AT THE
 ELIZABETH CITY OFFICE

1805 West City Drive, Unit E | Elizabeth City, NC 27909
 TEL 252.621.5030 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

Crawford Township

Currituck County

Date: Aug. 18, 2021

Scale: 1"=150'

Sheet 1 of 1

J.N.: 48267

Drawn by: J. Sawyer

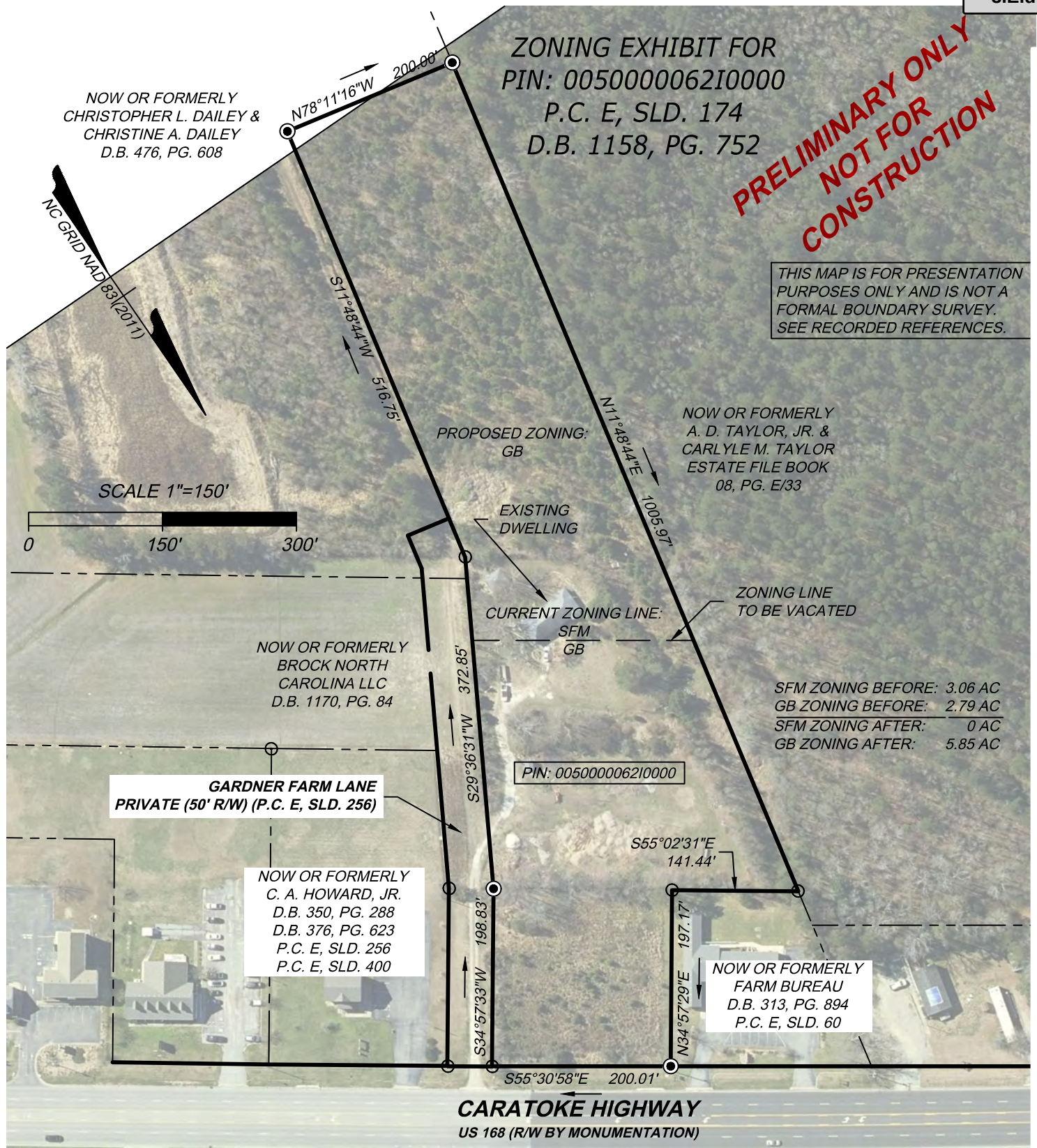
Checked by: J. Mizelle

TIMMONS GROUP

ZONING EXHIBIT FOR
PIN: 0050000062I0000
P.C. E, SLD. 174
D.B. 1158, PG. 752

PRELIMINARY ONLY
NOT FOR
CONSTRUCTION

THIS MAP IS FOR PRESENTATION PURPOSES ONLY AND IS NOT A FORMAL BOUNDARY SURVEY. SEE RECORDED REFERENCES.



Attachment: exhibit with aerial (PB 21-31 Gardner Rezoning)

THIS DRAWING PREPARED AT THE ELIZABETH CITY OFFICE 1805 West City Drive, Unit E Elizabeth City, NC 27909 TEL 252.621.5030 www.timmons.com	YOUR VISION ACHIEVED THROUGH OURS.	Crawford Township	Currituck County
		Date: Aug. 18, 2021	Scale: 1"=150'
		Sheet 1 of 1	J.N.: 48267
		Drawn by: J. Sawyer	Checked by: J. Mizelle

TIMMONS GROUP

Gardner Rezoning

Kim Hamby, PE received a call from Mr. A. D. Taylor, adjacent owner, on 10/18/21. He is not going to be available for the meeting and wanted to understand what was being proposed. I explained that the Gardner's intend to continue to live on the rear portion currently zoned residential, but that having the site as a single zone would be helpful in their effort to subdivide the land and sell the highway frontage for commercial use. He asked if there was a planned use and I told them that the plan was for construction of a Family Dollar store. Mr. Taylor indicated that he has no concerns.

Community meeting was held on October 25, 2021 at 5:30 pm in Pavilion #1 at Currituck Community Park

Attendees at the Community Meeting:

Kim Hamby, Timmons Group
Donna Voliva, Currituck County
Mr. & Mrs. Gardner

Adjacent owners who attended:

David "Joe" Smith, a representative of St. Luke's Episcopal Church came just to get information on what was being done. He indicated that he did not feel the church would be impacted.

Mr. & Mrs. Chris Daily were already aware of what was being done but came to hear more detail. Mr. Daily wanted to make sure that the future use of the land would not impact his access to his property. While the rezoning will have no affect at all, we did discuss that future development of the site frontage would not be allowed to impede his access.

Attached is a list of adjacent owners who were sent notices.

PARCEL ID 0050000044D0000
TAYLOR, A D JR
TAYLOR, CARLYLE M
159 COURTHOUSE RD
CURRITUCK, NC 27929

PARCEL ID 050C000COMM0000
EDEN DAY SPA LLC
FAT CAT COMPANY LLC
127 CAROTAUKE DR
CURRITUCK, NC 27929

PARCEL ID 005000000610000
CURRITUCK COUNTY
PO BOX 9
CURRITUCK, NC 27929

PARCEL ID 0500000062A0000
SUPREME PETROLEUM INC
PO BOX 1246
SUFFOLK, VA 23434

PARCEL ID 0050000062G0000
CURRITUCK COUNTY FARM BUREAU
PO BOX 280
CURRITUCK, NC 27929

PARCEL ID 0050000062B0000
KINGFISHER COVE INC
PO BOX 100
CURRITUCK, NC 27929

PARCEL ID 0050000062U0000
DAILEY, CHRISTOPHER L
DAILEY, CHRISTINE A
224 DOZIER RD
MOYOCK, NC 27958

PARCEL ID 0050000062T0000
BROCK NORTH CAROLINA LLC
7700 OCEAN FRONT AVE
VIRGINIA BEACH, VA 23451

PARCEL ID 0050000062M0000
HOWARD, C A JR
2854-A CARATOKE HWY
CURRITUCK, NC 27929

PARCEL ID 0050000062X0000
EPISCOPAL DIOCESE OF EAST
CAROLINA
FBO ST SWITHINS EPISCOPAL
CHURCH
PO BOX 1336
KINSTON, NC 28501



Currituck County

Department of Planning
 Post Office Box 70
 Currituck, North Carolina 27929
 252-232-3055
 FAX 252-232-3026

MEMORANDUM

To: Woody & Susan K. Gardner

From: Planning Staff

Date: November 10, 2021

Re: PB 21-31 Gardner
 Zoning Map Amendment
 2844 Caratoke Highway

The following comments have been received for the November 10, 2021 TRC meeting. Your case will be scheduled for the January 11, 2022 Planning Board meeting. If you wish to provide responses to any comments prior to the Planning Board meeting, please do so by November 18, 2021. TRC comments are valid for six months from the date of the TRC meeting.

Planning, Jennie Turner, 252-232-6031

Reviewed

Please provide narrative detailing the purpose of this rezoning request and proposed subsequent subdivision and/or development plans. Although guarantees may not be made nor conditions imposed during the request for a zoning map amendment, background on the purpose for this request may help the Planning Board and Board of Commissioners in deciding this application.

Staff's understanding is that the purpose of this application is to avert the UDO standards regarding Community Compatibility. The UDO requires community compatibility standards to be met when commercial uses abut properties with existing single-family dwellings. The purpose of the community compatibility standards is to provide a proper transition and ensure compatibility between single-family detached development and other more intense development including effective transitions, protecting the character of existing dwellings and limiting interruptions in vehicular and pedestrian connections.

The ordinance provides that commercial development on GB zoned property adjacent to an existing SFD on GB zoned property is not required to comply with community compatibility standards.

The conditional zoning process was established in 2007 to offer an option to promote orderly growth in the county by providing tools to help guide development to be in line with the community values recognized in officially adopted plans. Conditional zoning applications are generally preferred because it allows the applicant to impose conditions or restrictions to the

Attachment: PB 21-31 Gardner Rezoning TRC Comments (PB 21-31 Gardner Rezoning)

property that are mutually agreed upon by the Board to tailor a permitted use in such a way as to accommodate the property owner's interest, community values, and neighborhood character. Since the adoption of the 2013 UDO, conventional rezoning approvals typically include properties that are downzoned to a less intense zoning district or properties that contain bifurcated districts.

Staff's recommendation on this rezoning request will be provided to you in the staff report prepared for the Planning Board, this report is typically provided one week in advance of the Planning Board meeting.

The property is designated Full Service within the Courthouse Subarea. The policy emphasis for this area is to continue to grow as a small community center.

The following are some Land Use Plan policies that speak to the proposed request:

POLICY HN9: Proposed residential development that would expose residents to the harmful effects of INCOMPATIBLE LAND USES or to ENVIRONMENTAL HAZARDS shall be prohibited. This would include, for example, residential development in locations adversely impacted by proximity to the airport or to activities involving excessive noise, light, odors, dust, fertilizers and insecticides (e.g. certain farm operations, mining activities, etc.).

POLICY CD1: NEIGHBORHOOD SERVING COMMERCIAL DISTRICTS should be encouraged to locate where a collector or secondary street intersects with a street of equal or greater size. Appropriately designed, small-scale businesses may also be near other neighborhood serving facilities such as schools and parks.

POLICY CD5: Incompatible or poorly planned COMMERCIAL ENCROACHMENT within or immediately adjoining existing residential areas shall be prohibited. Such incompatible encroachments often include, but are not limited to, large-scale commercial uses or automobile-oriented commercial uses such as service stations, car lots, car washes, drive through restaurants, and the like. (Also see Policy HN9)

POLICY CD8: MIXED-USE DEVELOPMENTS, properly planned from the outset, which allow for a compatible mixture of residential and non-residential uses with a pedestrian scale and design, are encouraged. Similarly, businesses may be located adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed use development.

Feel free to provide additional policies you feel support your rezoning request.

Currituck Soil and Stormwater, Dylan Lloyd, 252-232-3360

No Comment

Currituck County Engineering, Eric Weatherly, 252-232-6035

No Comment

Currituck County Utilities, Will Rumsey & Dave Spence, 252-232-6060

Reviewed

Currituck County Water/Backflow, Chas Sawyer, 232-6060 ext. 4221

No Comment

Currituck County GIS, Harry Lee, 252-232-2034

Reviewed

Currituck County Building Inspections, Bill Newns

Reviewed

Currituck County Parks and Recreation, Jason Weeks, 252-232-3007

Reviewed

Currituck County Economic Development, Larry Lombardi, 252-232-6015

Reviewed

No Comment

NC Division of Coastal Management, Charlan Owens**Albemarle Regional Health Services, Joe Hobbs**

Reviewed

*CONSULT WITH KEVIN CARVER RS CONCERNING SEPTIC SYSTEM APPROVAL FOR PROPOSED FUTURE BUSINESS.

Attachment: PB 21-31 Gardner Rezoning TRC Comments (PB 21-31 Gardner Rezoning)

Thursday, November 18, 2021

To: Jennie Turner, Currituck County Planning Office

From: Susan Gardner

Re: Rezoning of property at 2844 Caratoke Hwy.

Per your request I am providing narrative concerning the purpose of the rezoning request. I would like to have the entire site zoned the same so that we can continue to operate our family nursery business as needed on any portion of the site. I understand that the rezoning may affect the building design for the proposed Family Dollar store, but I would like to proceed with the rezoning regardless of whether the store is built or not, as we were considering this rezoning before Family Dollar made an offer to purchase. And if Family Dollar does proceed, we would like to continue operation of our family business.

Attachment: Gardner TRC Response (PB 21-31 Gardner Rezoning)

Narrative for Gardner Rezoning

The purpose for the proposed rezoning for the Gardner property is to unify the zoning on the property owned by Susan Gardner.

The front two acres of the property is currently under contract for sale for a commercial use and staff recommended to the builder that a rezoning would allow the rear of the building an exemption from standards requiring a “store front” appearance. While the developer of the 2-acre site that is for sale will benefit from not having a single family zone adjacent to the development site, the rezoning is something that Mr. and Mrs. Gardner had been contemplating for some time and the potential development just helped them to decide to move forward.

The Gardners do not wish to go the route of a conditional rezoning as they do not want to restrict the uses on the front portion of the property to anything other than what is allowed by zone.