

May 21, 2025

Mr. Jason Litteral, CFM
Currituck County
Planning & Community Development
153 Courthouse Road, Suite 110
Currituck, North Carolina 27949

Re: Conditional Rezoning Application
Conditional Rezoning – Lot 5 Hampton
Poplar Branch, Currituck County, North Carolina

Mr. Jason Litteral,

Thank you for the TRC review comments for the Conditional Rezoning Application submittal of the above referenced project dated April 10, 2025. On behalf of CRMP, Inc., WithersRavenel, hereby submits, for your review and approval, the following documentation:

1. One (1) PDF digital copy of the revised application.
2. One (1) PDF digital copy of the NCDOT confirmation email.
3. One (1) PDF digital copy of the revised Plan Set.

Please find our responses listed below in **green** to your review comments.

Planning, Jason Litteral, 252-232-6019

Reviewed

1. The application is incomplete. Not all owner's signatures have been included on the application.
Please see attached revised application that shows signatures for all owners. These were provided via email on 4/14/2025 as well.
2. Do not make reference to a Land Use Plan amendment in the application. Such a change may not be necessary or appropriate.
Acknowledged and agreed that the proposed use is considered low density and will fit within the G-1 classification. Please see attached revised application that shows no reference to land use plan amendment.
3. The 10 acre exempt subdivision needs to be complete ASAP, and certainly before the planning board meeting, because you can't split zone a property between straight zoning and conditional zoning.



Acknowledged. A copy of the 10 acre exempt subdivision plat will be provided before the planning board meeting. It is preferred not to record the plat until successful conditional rezoning of the subject parcel. However, we recognize the need to obtain approval of the proposed exempt subdivision as soon as possible.

4. Items that are already required by the UDO are not appropriate for use as a zoning condition. Examples of zoning conditions could be increased buffers, limiting trips per day, hours of operation, declaring the height of silos won't exceed 65 feet even though the ordinance exempts them from the height regulations, increased setbacks.

Acknowledged. Please see attached updated application that references extended concrete driveway entrance apron length, a gated entrance, as well as millings or washed aggregate driveway that would minimize dust.

5. If the site will be gated, please show the gate and any fencing on the conceptual plan.

Please refer to the enclosed conceptual development plan updated to include a proposed gate. No additional security fencing is proposed.

6. The parcel ID is incorrect

Please see the attached revised plan and application which shows the correct parcel ID.

7. The conex box shown in the example photo will not be allowed in Currituck County.

Acknowledged. The Applicant does not intend to have any Conex boxes on site.

8. Will a deceleration lane be required by DOT?

The Applicant has been in dialogue with NCDOT and NCDOT has provided the attached written documentation on the following two items: continued usage of the existing southern entrance having a storm pipe, and confirmation that a deceleration lane will not be required by NCDOT. NCDOT is aware of the proposed use as well as the adjoining use and given the timing of anticipated usage and number of trips, states acceptance of the existing entrance location and no added turning lanes. A Driveway Location Permit application will be required at the time of site plan development.

9. This conditional rezoning request may be considered spot zoning. The following article by the UNC School of Government may be useful:

<https://www.sog.unc.edu/resources/legal-summaries/spot-zoning>. Please consider the following factors, if applicable.

The size and physical attributes of the site;

The benefits and detriments to the landowner, the neighbors, and the community;

How the actual and previously permitted uses of the site relate to newly permitted uses;

Any changed conditions warranting the amendment; and

Other factors affecting the public interest.

Acknowledged. After review by our legal counsel, it is our opinion that our proposed conditional rezoning request does not qualify as illegal spot zoning. We are prepared to address the reasons for this opinion at any future forum where our request is to be considered.

10. No accessory structure shall be less than 10 feet from another structure.

Acknowledged. The detailed site plan will be subject to County major site plan review at the time of said application.

11. The following Land Use Plan policies are particularly relevant and should be considered when building your case for conditional rezoning.

LUP Classification

G-1: LOW DENSITY GROWTH The G-1 classification is intended for agricultural lands and compatible low-density rural residential growth that may be supported by limited small scale neighborhood retail. Residential and non-residential uses should be in keeping with community character.

Economic Goals and Policies:

5. Attract compatible industrial operations and support existing industries.

5.1 Industrial Development shall be located on land that is physically suitable and has unique locational advantages for industry

AYDLETT/WATERLILY/CHURCHES ISLAND Sub Area

3.1 Continue to encourage predominately low-density residential development.



MID COUNTY BRIDGE AREA Sub Area

- O 3.1 Continue to discourage access from Bridge Road into Aydllett.
- O 3.2 Commercial development should locate near US 158.
- O 3.3 Location and design of development in this area should not compromise traffic moving function of new bridge.

Acknowledged. The use is low density, surrounded by agricultural uses and abutting the Muddy Mud Sports Park, which is anticipated to have hours of operation that do not coincide with the subject property's hours (i.e., no conflicts). The subject parcel is best suited for the proposed use given no nearby residences or potential complaints. The proposed use would serve the needs of the community within the vicinity given the distance from the next nearest concrete plants, and this location is equidistant between the others. The Mid-Currituck Bridge Area plans have been reviewed and the subject conceptual development plan maintains adequate distance from the corridor and does not propose to limit access, rather maintain it's existing entrance to Caratoke Highway. Furthermore, it should be noted that the intent of the Owner of the surrounding land is to preserve the residual area as agricultural use.

Currituck County Building Inspections & Fire, Rick Godsey, 252-232-6020

1. Just a reminder, accessible parking and access will need to be hard, stable, regular and slip resistant. Driveway will need to support min 75,000 lbs for emergency vehicles

Acknowledged. The site plan design will accommodate ADA accessible parking and adequate drive surface to support 75,000 lbs.

US Post Office

1. Contact the local post office for mail delivery requirements

Acknowledged.

Sincerely,
WithersRavenel

Nadeen Dashti