



Currituck County

Development Services Department
Planning and Zoning Division
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To: Board of Commissioners

From: Planning Staff

Date: December 13, 2022

Subject: PB 22-16 Currituck County Campgrounds - Access

Background

The enclosed text amendment submitted by Currituck County Board of Commissioners is intended to revise Chapter 4, Sections 4.2.4.J.3.(b) and (c) of the Unified Development Ordinance (UDO) as it relates to accessing a campground.

At its July 18, 2022, meeting, the BOC approved the conditional rezoning for the campground component of the H2OBX Waterpark with an entrance entirely on the waterpark property, parallel to the paved access easement currently used as access. At the time of the rezoning, per the UDO, the access for the campground had to be on the H2OBX property, so plans were shown to create a new access driveway and abandon the use of the existing easement. At the meeting, it was discussed by the BOC and users of the existing easement that using the existing entry would be better than a parallel entry and support was stated for a text amendment (See Attached Minutes from the July 18, 2022 meeting). The BOC directed staff to process this text amendment so the paved shared access easement could continue to be used by parties allowed to use the easement. To meet the intent of the campground text amendment adopted by the BOC, it was determined that the best option would be to still require campgrounds to abut a major arterial street but allow access from an easement.

It should be noted that text amendments apply countywide and are not specific to one property. Staff does not foresee an issue with this text amendment countywide.

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 this request as submitted and suggests the text amendment is consistent with the goals, objectives, and policies of Imagine Currituck including:

Planning Board Recommendation

The Planning Board recommended approval of PB 22-16 Currituck County Board of Commissioners Campground Access Text Amendment on December 13, 2022, with a 4-0 vote. Chairman Ballance recused himself from board participation and voting due to a conflict of interest.

Ms. Krause motioned to recommend **approval of PB 22-16 Currituck County Board of Commissioners (Campground Access)** because the request is consistent with Land Use Plan policies including:

- Land Use Goals and Policy 2
- Economic Development Goals and Policy 1
- Transportation Goals and Policy 1.

The request is reasonable and in the public interest because it is consistent with the goals, objectives, and policies of Imagine Currituck.

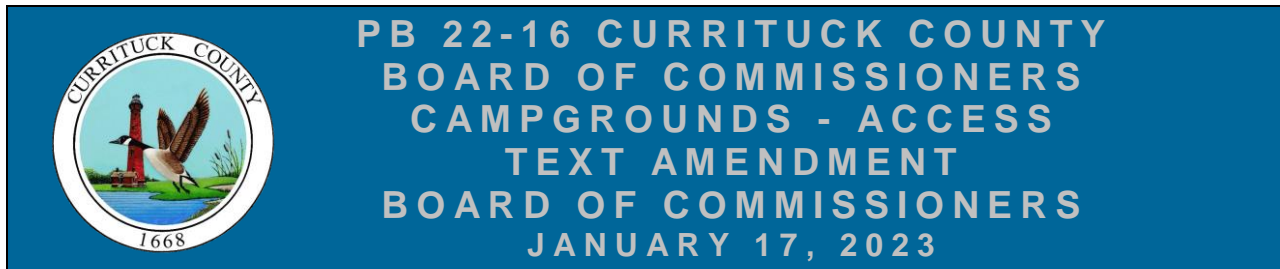
Mr. Bass seconded the motion and the motion carried unanimously 4-0.

Goals and Policies

Land Use 2: Carefully consider the design and location of intensive and potentially incompatible and uses to mitigate compatibility issues such as environmental quality, safety, overburdening local infrastructure, scale, use, design, location, and adverse effects.

Economic Development 1: Support the retention and expansion of existing businesses and promote the development of new businesses, especially those that help diversity the local economy and are compatible with the county's natural amenities and environment.

Transportation 1: Improve safety, traffic flow, access, and appearance of major highways and roads.



Currituck County Board of Commissioners request an amendment to the Unified Development Ordinance, Chapter 4 Use Standards, to amended campground access requirements.

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 underlined strikethrough language and adding the underlined bold language in Section 4.2.4.J.3:

- b. **Except access**, all land used for the campground must be one parcel and under the same ownership.
- c. Campground shall ~~be accessed from~~ **abut** a major arterial street.

Item 2: Staff suggested Statement of Consistency:

The requested zoning text amendment is consistent with the goals, objectives, and policies of Imagine Currituck including:

Goals and Policies

Land Use 2: Carefully consider the design and location of intensive and potentially incompatible and uses to mitigate compatibility issues such as environmental quality, safety, overburdening local infrastructure, scale, use, design, location, and adverse effects.

Economic Development 1: Support the retention and expansion of existing businesses and promote the development of new businesses, especially those that help diversity the local economy and are compatible with the county's natural amenities and environment.

Transportation 1: Improve safety, traffic flow, access, and appearance of major highways and roads.

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.

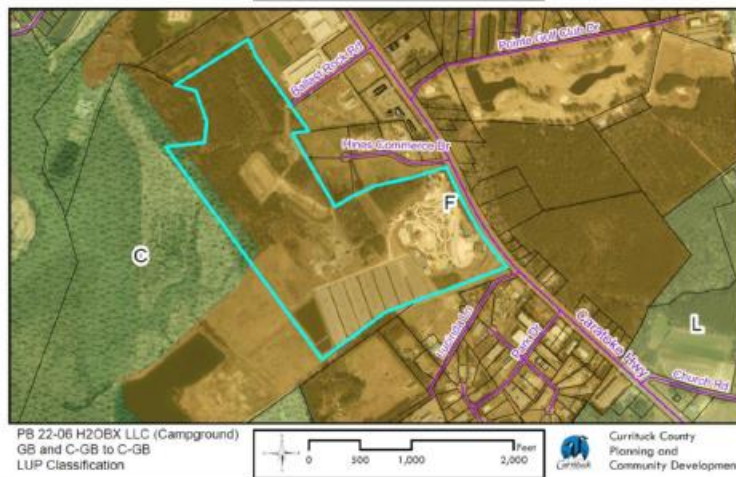
Item 4: This ordinance amendment shall be in effect from and after the _____ day of _____, 2022.

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: December 13, 2022
PLANNING BOARD RECOMMENDATION: Approval
VOTE: 5AYES0NAYS
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____



Development Services Director, Kevin Kemp, presented an overview of the Conditional Rezoning application that would allow for a campground to be constructed at the H2OBX Waterpark location. A conceptual site plan was displayed on the overhead for a review of amenities, access roads, and a phasing plan to accommodate wastewater capacity needs for the Recreational Vehicle (RV) park. Supporting Land Use Plan (LUP) policies, consistency statements, and review standards were presented. Mr. Kemp said the Technical Review Committee (TRC) recommended approval with conditions, as did the Planning Board. He responded to questions related to acreage, density, and reorientation of an existing pond. He confirmed the North Carolina Department of Transportation (NCDOT) had no comments pertaining to traffic.

Applicant and owner of H2OBX, Ken Ellis, addressed the Board. He said a campground would complement both the area and the waterpark and would not result in a lot of additional traffic. He reported an easement for the entry to the park is progressing forward, and he is working on a way to combine the parallel roadway in the current design. He said the amenities shown in the conceptual plan will be included when the item comes back to the Board for site plan approval.

Commissioners expressed concerns with the parallel roadways, and Mr. Ellis clarified he will work to find a solution for the road situation. County Manager, Ike McRee, reviewed the language in the campground text amendment that required parallel access roads in this instance.

Chairman Payment opened the Public Hearing.

Diane and Jerry Siever of Lucinda Lane, next to the H2OBX Waterpark, voiced their concerns with increased traffic and wanted assurance that large campers would not travel down Lucinda Lane. Mrs. Siever is opposed to allowing the RV park. Mr. Siever said there needs to be a traffic signal at the location.

Gary Dunston of Kitty Hawk, and business owner adjacent to the proposed campground, thinks it will be a good thing for the County. Concerns expressed included the parallel entry road design and a lack of highway signage noting the water park entrance. He also suggested large vehicles will have difficulty turning into the southern entrance. Mr. Dunston said he is in favor of the project, but recommended changes for easier entry and a text amendment to remedy some of the easement issues.

Responding to comments, Mr. Ellis reiterated changes will be made to the site plan to provide for easier access.

Shay Balance of Jarvisburg Road represents the adjacent land owner and also does not agree with the parallel road. He said he developed an agreement that allows the use of the existing entry, and he supports a text amendment or variance to allow it. He said the road was previously used to access a mining operation, but the mine has reached its excavation limit and no mining traffic has been generated in the last few years. He reported NCDOT agreed to reassess traffic if needed, and no accidents have been reported at the location.

No others were signed up nor wished to speak and the Public Hearing was closed.

Commissioners discussed their concerns with possibly needing a traffic signal at the location, the parallel entry, and the potential for large campers to stack up in the deceleration lane on the highway. Mr. Ellis clarified there is one entry from the highway, after which the road splits. He said he will work with NCDOT to alleviate traffic and stacking on the roadway, and that ample space will be available for stacking within the park area. Mr. McRee confirmed that a campground licensing ordinance would be coming before the Board in thirty to sixty days.

Discussion concluded and Commissioner Jarvis moved for approval of PB 22-06:

H2OBX LLC (Campground) because the request is consistent with Land Use Plan policies ED1, ML4, ES1, ES2, and PP2. The request is reasonable and in the public interest because it addresses a need to operate a desired business for tourists and perhaps an economic stimulus to local businesses that may share the customer base and residents who may work at the facility. Conditions include:

1. All proposed development will be consistent with and currently allowed within GB zoning.
2. The entire entrance to the campground shall be on the same parcel as the campground and under the same ownership as the campground unless otherwise modified by law.
3. "Private Access - Not for campground use" signage shall be placed where Ballast Rock Road terminates at the subject property line. The guard shack amenity and any other campground entrance/exit feature will be eliminated at this location.
4. Since the total wastewater capacity for the development is expected to exceed 60,000 gpd and wastewater capacity beyond 60,000 gpd is not available to the project at this time (per project engineer), the project will be developed in two phases:
 - a. Phase 1 shall include no more camp sites and amenities than will bring the total wastewater usage up to 60,000 gpd for the development.
 - b. Phase 2 (remaining campsites and amenities) shall not be developed until the proper state permits are issued and required system expansion is complete and operating in compliance with the state permits.
5. The project engineer shall designate the number of campsites and which amenities Phase 1 will include prior to site plan approval.
6. A traffic study be conducted by the applicant prior to the site plan approval process.

Applicant, Ken Ellis, confirmed agreement with the stated conditions.

Commissioner White seconded the motion. The motion carried, 6-0.

A brief recess was called at 7:15 PM. The meeting was reconvened at 7:26 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Selina S. Jarvis, Commissioner
SECONDER:	Bob White, Commissioner
AYES:	Michael H. Payment, Chairman, Paul M. Beaumont, Vice Chairman, Mary "Kitty" Etheridge, Commissioner, Selina S. Jarvis, Commissioner, Kevin E. McCord, Commissioner, Bob White, Commissioner

B. PB 22-10 Beach Buggy, LLC: Use Permit request for Auto Sales and Rental Use to sell low speed electric vehicles located at 5760 Caratoke Highway, Tax Map 84, Parcel 30E, Poplar Branch Township.

Attorney for the applicant addressed Commissioners and requested the matter be continued to the August 15, 2022, Board of Commissioners meeting. Chairman