



**STAFF REPORT**  
**PB 22-12 FLORA COMMERCIAL**  
**CONDITIONAL ZONING**  
**BOARD OF COMMISSIONERS**  
**FEBRUARY 6, 2023**

**APPLICATION SUMMARY**

<b>Property Owner:</b> North-South Development	<b>Applicant:</b> North-South Development
<b>Case Number:</b> PB 22-12	<b>Application Type:</b> Conditional Rezoning
<b>Parcel Identification Number:</b> 0015-000-085D-0000	<b>Existing Use:</b> Vacant
<b>Imagine Currituck Classification:</b> G-2 Controlled Growth	<b>Parcel Size (Acres):</b> 21.99 acres
	<b>Zoning History:</b> 1975-AG 1989-AG
<b>Current Zoning:</b> AG	<b>Proposed Zoning:</b> Conditional GB
<b>Request:</b> <i>The applicant is requesting to conditionally rezone 21.99 acres from Agriculture to Conditional General Business for development of a shopping center.</i>	

**REQUEST**

**NARRATIVE**

The applicant is requesting conditional rezoning of a 21.99-acre parcel from Agriculture to Conditional-General Business. The parcel was originally part of the same parent parcel as the Flora subdivision, which was conditionally rezoned to C-MXR. During the Flora major subdivision process, this 21.99-acre tract was set aside for the purpose of commercial development. The proposed uses for the site require General Business zoning making the conditional rezoning request a necessity. There is an existing cluster of parcels across Survey Rd. that are zoned General Business.

The first phase of development will consist of the anchor store and the attached commercial units. The second large commercial building, as well as the outparcels, will be developed based on market conditions. The site will include outdoor seating, open spaces, and pedestrians' circulation.

The applicant has proposed the following conditions for the approval of the project. 1) Up to 120,000 square feet of non-residential floor area, excluding the three outparcels, and 2) site plan and building elevations to be in general conformance with the preliminary drawings provided.

The Imagine Currituck 2040 Vision Plan designates the proposed site G-2 Controlled Growth. This approval would require that the land use designation be changed to G-3, which would be consistent with the parcels across the street. The Moyock Small Area Plan shows the parcel located in a full-service area, which is appropriate for the proposed development.

**COMMUNITY MEETING**

A community meeting was held for the proposed Flora Commercial rezoning at 6:00 PM on Tuesday July 26, 2022, at the Moyock library. There were four persons in attendance: Justin Old (developer), Mark Bissell (project engineer), Donna Voliva (County staff) and Angela Mays (resident). The meeting began a few minutes after 6:00 PM and lasted until about 7:15 PM.

The resident who lives across the street from the subject parcel, Mrs. Mays, asked a number of questions and concerns that can be found in the full meeting summary. There were also discussions regarding the development in general, the approval process and timing, and what notifications will be given for the Planning Board and Board of Commissioner meetings.

SURROUNDING PARCELS		
Direction	Land Use	Zoning
North	Single Family Dwellings (across Highway)	General Business
South	Vacant (Flora subdivision)	Conditional-MXR
East	Fost Subdivision	Planned Development-Residential
West	Moyock Middle School	Agriculture

LAND USE PLAN	
<p>The Imagine Currituck 2040 Vision Plan classifies the parcel as G-2, Controlled Growth, which does not support commercial development of this scale. The proposed shopping center is a more appropriate use within the G-3 transect which allows for regional commercial centers with national brands. This will require amendment of the 2040 Vision Plan. If the rezoning is approved, the 2040 Vision Plan will be updated accordingly. However, neither the Vision Plan amendment, nor the rezoning will take effect until the 2040 Vision Plan is officially certified by the Division of Coastal Management. The proposed development is consistent with the Goals and Policies of the plan, some of which are:</p>	
Land Use	<b>Goal 3</b> - Support new and existing commercial developments that adhere to quality community appearance and design standards, including landscaping improvements and signs tailored to achieve a unique community character.
Economic Development	<b>Goal 1</b> - Support the retention and expansion of existing businesses and promote the development of new businesses, especially those that help diversify the local economy and are compatible with the county's natural amenities and environment.

MOYOCK SMALL AREA PLAN	
<p>The Moyock Small Area Plan classifies this site as Full Service. The policy emphasis for Full Service includes a mix of retail, restaurant, office and medical services, employment, institutional, and higher intensity residential uses. The proposed plan is consistent with the policies of the plan, some of which are:</p>	
Policy BI 3	Promote economic growth proportionate to population growth in order to ensure growth of the local tax base is proportionate to increased demand for public services.

## RECOMMENDATION

### Technical Review Committee

The Technical Review Committee recommends approval of the conditional rezoning subject to the following conditions:

1. The Imagine Currituck 2040 Vision Plan shall be officially certified by the Division of Coastal Management prior to either the conditional rezoning, or any amendments to the 2040 Vision Plan, becoming effective.

## Planning Board

On January 10, 2023, the Planning Board recommended approval of the conditional rezoning with the three agreed upon conditions.

Vice-Chairman Owens moved to recommend approval of PB 22-12 Flora Commercial because the request is consistent with Land Use Plan Goal 3 and Economic Development Goal 1. The request is reasonable and in the public interest because it:

- would result in a logical and orderly development pattern.
- would not conflict with the public interest and is in harmony with the purposes and intent of this Ordinance.

And also add the three conditions of approval:

1. The Imagine Currituck 2040 Vision Plan shall be officially certified by the Division of Coastal Management prior to either the conditional rezoning, or any amendments to the 2040 Vision Plan, becoming effective.
2. Up to 120,000 square feet of non-residential floor area, excluding 3 out parcels. 4
3. Site plan and building elevations to be in general conformance with preliminary drawings provided.

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

## CONSISTENCY AND REASONABLENESS STATEMENT

**A 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.**

This conditional zoning request is:

- 1) consistent with the goals, objectives, and policies of the Land Use Plan, other applicable county-adopted plans, and the purposes of this Ordinance.
- 2) 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.

It is reasonable and in the public interest because it:

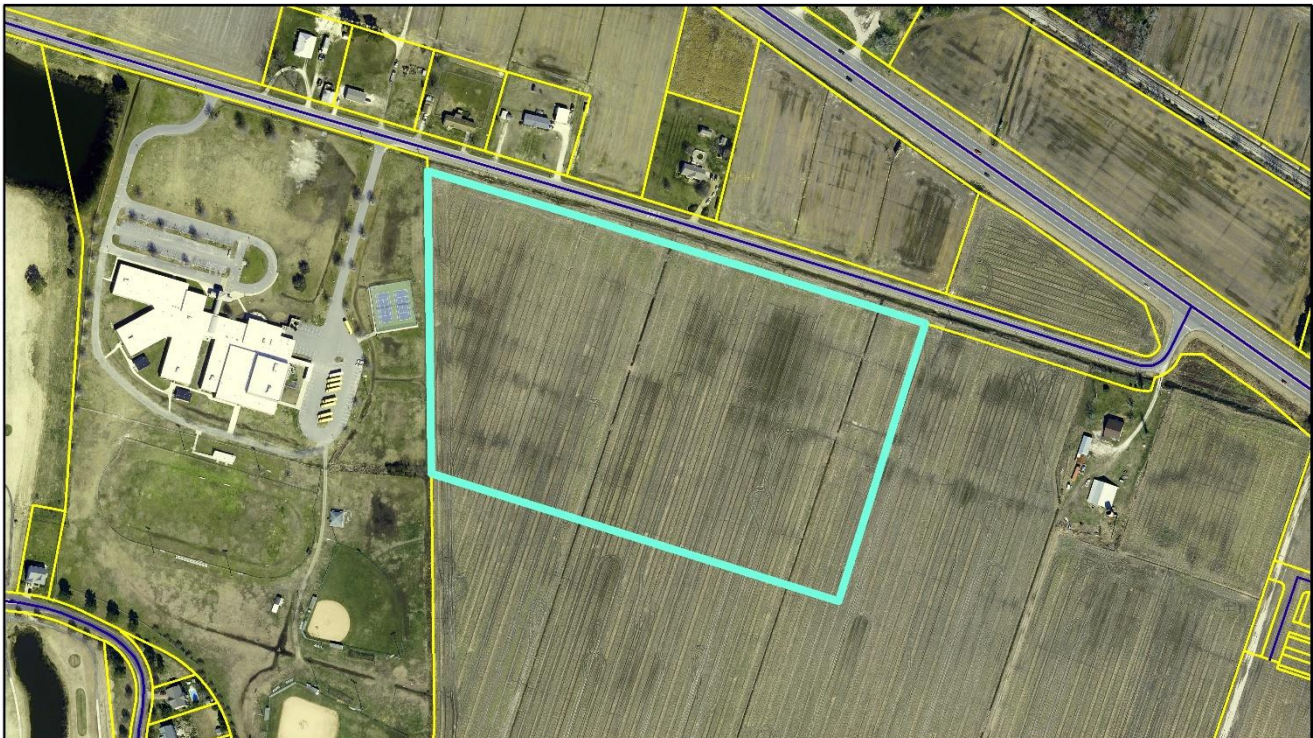
- 1) would result in a logical and orderly development pattern.
- 2) would not conflict with the public interest and is in harmony with the purposes and intent of this Ordinance.

## CONDITIONS OF APPROVAL

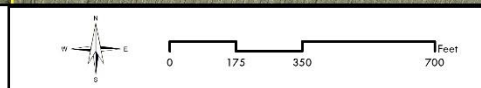
Only conditions mutually agreed to by the owner(s) may be approved as part of a conditional zoning district. Conditions shall be limited to those that address conformance of development and use of the site with county regulations and adopted plans and that address the impacts reasonably expected to be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

### Agreed upon conditions of approval:

1. The Imagine Currituck 2040 Vision Plan shall be officially certified by the Division of Coastal Management prior to either the conditional rezoning, or any amendments to the 2040 Vision Plan, becoming effective.
2. Up to 120,000 square feet of non-residential floor area, excluding 3 out parcels.
3. Site plan and building elevations to be in general conformance with preliminary drawings provided.



Flora Commercial  
Parcel ID 0015-000-085D-0000  
Aerial



Currituck County  
Planning and Community  
Development

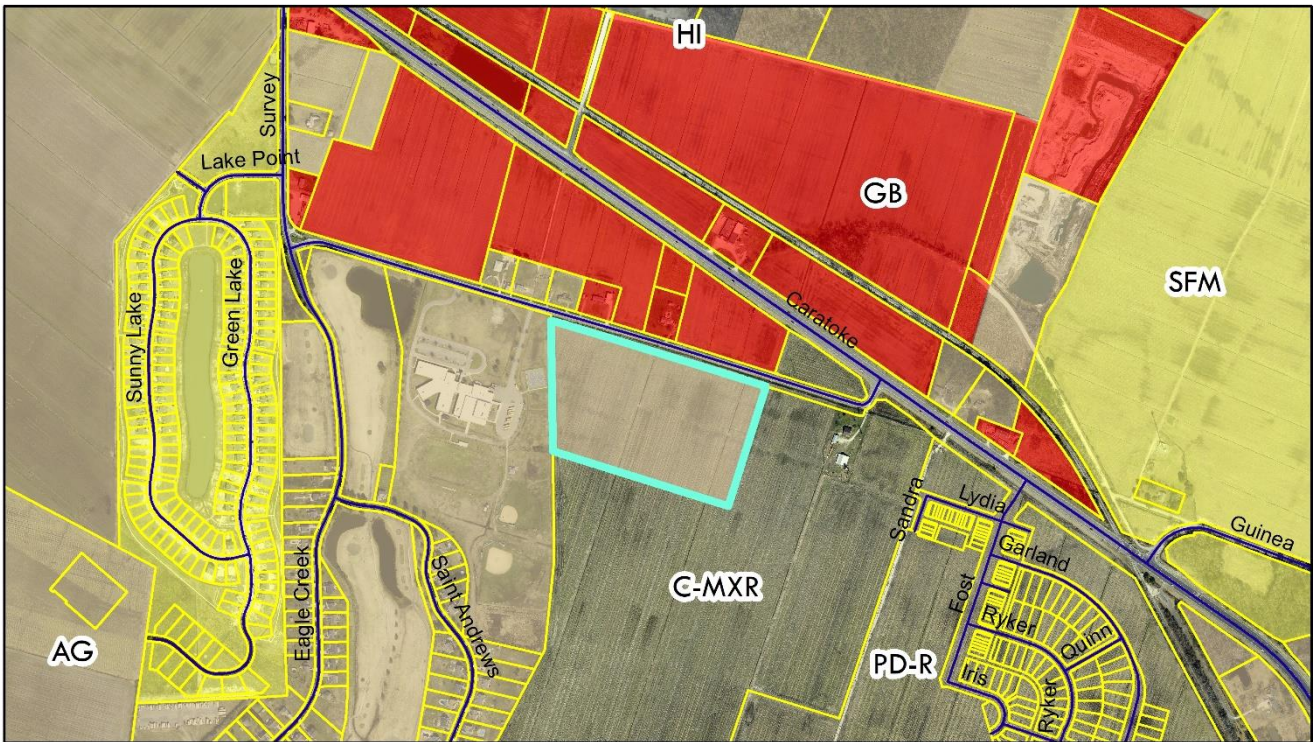




Flora Commercial  
Parcel ID 0015-000-085D-0000  
Vicinity



Currituck County  
Planning and Community  
Development

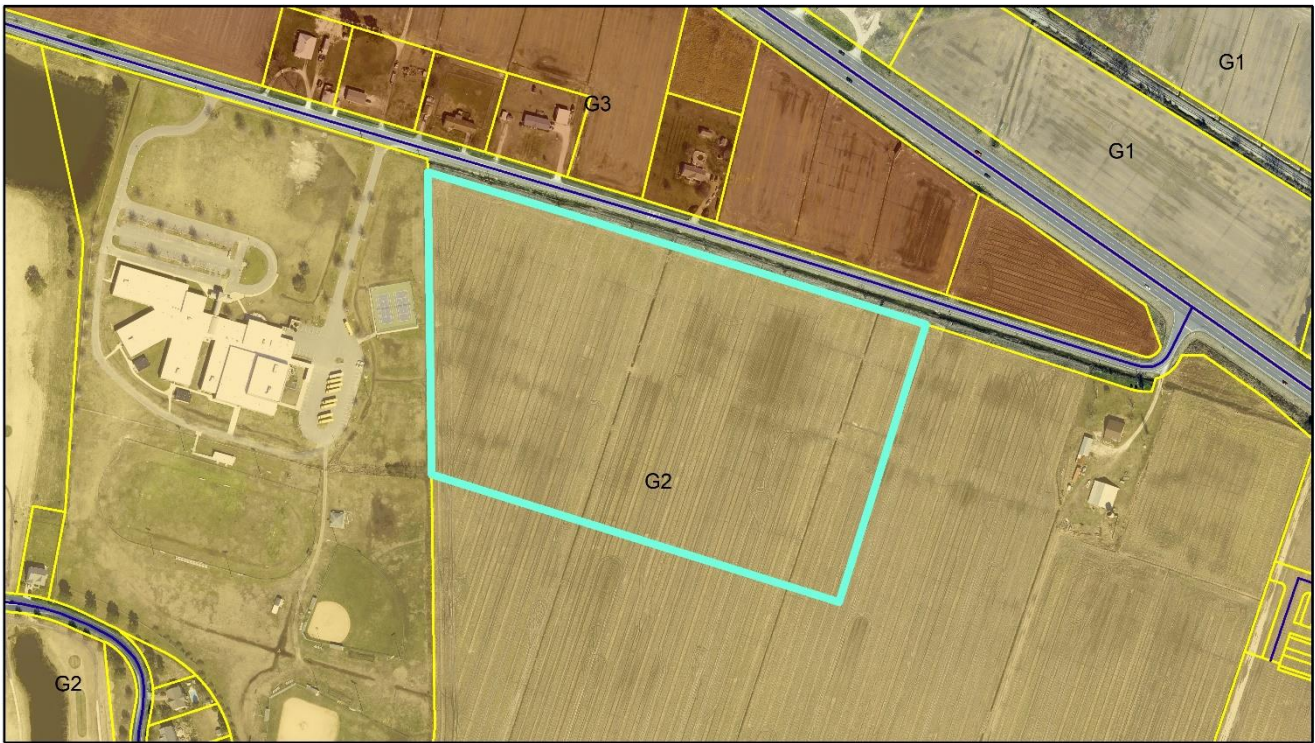


Flora Commercial  
Parcel ID 0015-000-085D-0000  
Zoning



Currituck County  
Planning and Community  
Development





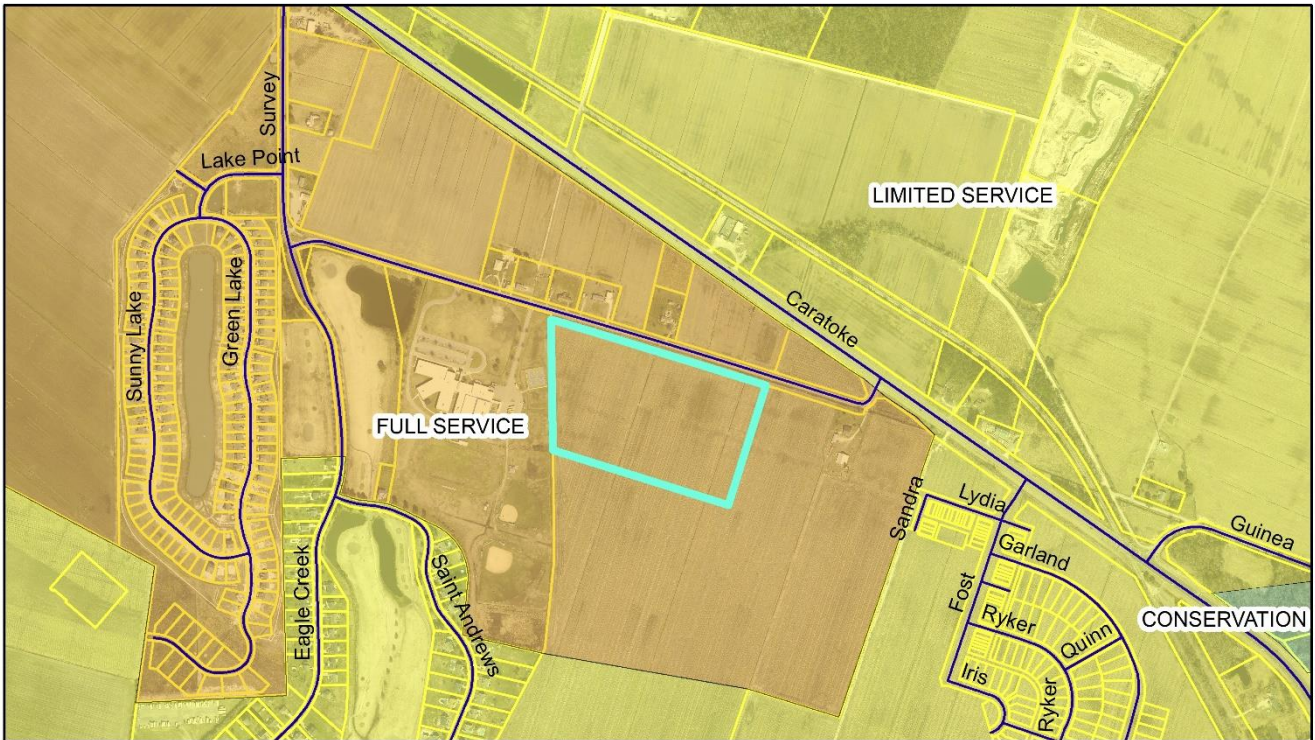
Flora Commercial  
Parcel ID 0015-000-085D-0000  
Imagine Currituck 2040 Vision Plan



0 175 350 700 Feet



Currituck County  
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Development



Flora Commercial  
Parcel ID 0015-000-085D-0000  
Moyock Small Area Plan (FLU)



0 410 820 1,640 Feet



Currituck County  
Planning and Community  
Development

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](http://www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm)