



STAFF REPORT
PB 22-21 GREEN MEADOWS INVESTMENTS
REZONING
BOARD OF COMMISSIONERS
FEBRUARY 6, 2023

APPLICATION SUMMARY	
Property Owners: Green Meadows Investments, LLC 479 Puddin Ridge Road Moyock, NC 27958	Applicant: Green Meadows Investments, LLC 479 Puddin Ridge Road Moyock, NC 27958
Case Number: PB 22-21	Application Type: Zoning Map Amendment
Parcel Identification Number: 0023-000-0008-0000	Existing Use: Undeveloped
Imagine Currituck Classification: O-2: Reserved Lands G1: Low Density Growth	Parcel Size (Acres): 39.9 (Application)
Imagine Currituck Subarea: Northern Mainland	Zoning History: A-01 (1970); A-01 (1971); A-40 (1974); Rezoned from A-40 to M 10/4/1976; HM (1989); and HI (2013)
Moyock Small Area Plan: Rural and Conservation Land Use Classification	
Current Zoning: Heavy Industrial (HI)	Proposed Zoning: General Business (GB)
Request: The applicant requests a zoning map amendment to rezone 39.9 acres from Heavy Industrial (HI) to General Business (GB)	

REQUEST

Narrative

The applicant is requesting a conventional rezoning of approximately 39.9 acres from Heavy Industrial (HI) to General Business (GB). A conventional rezoning does not include conditions or a conceptual development plan and the rezoning, if approved, would allow the property to be developed in accordance with the GB zoning district and permitted uses.

The property was rezoned in 1976 from A-40 to M, a manufacturing zoning district.

A comparison list of uses allowed in GB and HI zoning districts is included at the end of this report for reference.

Community Meeting

A community meeting is not required to establish a less intense zoning district.

SURROUNDING PARCELS

	Land Use	Zoning
North	Guinea Mill Run/Rowland Creek/ Undeveloped lands	AG
South	Caratoke Highway/Undeveloped lands	AG
East	Undeveloped lands/Low Density Residential	AG
West	Auto Sales/Office	GB

Imagine Currituck 2040 Vision Plan

Imagine Currituck 2040 Vision Plan classifies this property as G1 Low Density Growth and O-2 Reserved Lands and is located in the Northern Mainland subarea. The G-1 transect is intended for agricultural lands and compatible low-density rural residential growth that may be supported by limited small-scale neighborhood retail. Special consideration should be given to protect historically agricultural and wooded areas. The O-2 transect is comprised of wetlands, environmentally sensitive areas, significant natural heritage areas, sensitive habitat areas, and prime agricultural lands that should be targeted for conservation or farmland preservation. The O-2 classification also allows for limited development of low-density single family residential. This area should not be targeted for public or private water and sewer infrastructure or other growth inducing activities. Appropriate Land Uses and Development Types for the O-2 classification: County parks, public water access, and related amenities; greenways; forestry; cultivated farmland and accessory agricultural structures; low-density single family rural residential that prioritizes preservation of open space and natural landscapes.

LAND USE	<p>GOAL 1: Encourage development to occur at densities appropriate for their location and consider factors, including but not limited to: environmentally suitable areas, suitable soils; adequate infrastructure; the type and capacity of sewage treatment available to the site; the adequacy of transportation facilities providing access to the site; and compatibility and proximity of the site to existing and planned County services.</p> <p>POLICY 1.2: Consider adopted small area plan policies and civic master plans.</p> <p>POLICY 1.4: Protect the uniqueness of the County through preservation of farmland, wooded areas, open space and water views from roads, walkways, and other public spaces.</p>
INFRASTRUCTURE AND COUNTY SERVICES	<p>GOAL 1: Ensure sufficient provision of services to support associated growth and development and continue to enforce the adequate public facilities ordinance.</p> <p>GOAL 8: Ensure that all public services remain at sufficient level to provide superior service to the growing population.</p>
TRANSPORTATION	<p>GOAL 1: Improve safety, traffic flow, access, and appearance of major highways and roads.</p>

ENVIRONMENT	<p>GOAL 1: Preserve and protect the county's environmentally significant and sensitive lands and surrounding areas.</p> <p>POLICY 1.1: Preserve coastal and non-coastal wetlands and riparian buffers for their natural resilience benefits.</p> <p>POLICY 3.1: Preserve riparian buffers along canals, wetlands, sounds, rivers, and the Atlantic Ocean.</p> <p>POLICY 4.5: Conserve and protect coastal and non-coastal wetlands for the valuable functions they perform in protecting water quality, absorbing floodwaters, filtering pollutants from stormwater runoff, recharging the ground water table and providing critical habitat for many plant and animal species.</p>
NORTHERN MAINLAND LAND USE	<p>POLICY 1.1: Foster growth and development while maintaining the distinctive natural environment (wildlife habitat, natural beauty, critical areas) and rural character of the community (farms and pastures, open space, forests, and farmland).</p>

MOYOCK SMALL AREA PLAN

The Moyock Small Area Plan designates this property as Rural and Conservation area. The Rural designation is intended to provide for low density, scattered residential, institutional, agricultural, and other traditional rural uses such as small-scale farm operations. Residential densities in this designation are low at less than one unit per acre and rural view sheds in this designation are important and should be preserved from road and waterways. The conservation designation offers protection to significant, limited, and irreplaceable sensitive areas. The conservation designation encompasses wetlands, estuarine and coastal shorelines, public trust and estuarine waters, areas mapped as floodplains and floodways, Significant Natural Heritage Areas, and other similar lands that are environmentally significant because of their natural role in the integrity of the coastal region. Conservation areas should be preserved and not developed. Small areas of uplands may be appropriate for limited development provided it is performed in a very controlled, low impact manner through careful planning and cautious attention to the preservation of key environmental features or habitats

POLICY CC1	Encourage and foster development that is compatible with rural atmosphere, transitional areas, and a small town, main street feel consistent with the vision, policies, and future land use map of this plan.
POLICY ST1	Promote the establishment of an area dedicated to community serving businesses that foster a small town, main street feel.
POLICY ST 2	Support local entrepreneurs that establish community serving businesses that diversify the local economy, are in close proximity to residential areas, and promote community interaction.

UDO

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

A zoning comparison of the request is provided below:

Heavy Industrial (Existing)	
Single Family	<ul style="list-style-type: none"> • Not an allowable use
Multi-Family	<ul style="list-style-type: none"> • Not an allowable use
Nonresidential Lots	<ul style="list-style-type: none"> • 80,000 square foot minimum lot size
General Business (Requested)	
Single Family	<ul style="list-style-type: none"> • 40,000 sf minimum lot size* • 30% open space (39.22 acres) *wetlands may impact development potential
Multi-Family	<ul style="list-style-type: none"> • Not an allowable use
Nonresidential	<ul style="list-style-type: none"> • 40,000 sf minimum lot size

For reference, Section 2.4.3.C of the UDO advises that an amendment to the Official Zoning Map 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 proposed map amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed amendment:

1. Is 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 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 compatible with existing and proposed uses surrounding the land subject to the application, and is the appropriate zoning district and uses for the land;
6. Adversely impacts nearby lands;
7. Would result in a logical and orderly development pattern;
8. 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;
9. 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);
10. Would not result in significantly adverse impacts on the land values in the surrounding area; and,
11. Would not conflict with the public interest, and is in harmony with the purposes and intent of this Ordinance.

RECOMMENDATION

PLANNING STAFF

Outstanding Planning Staff Concerns

The proposed request to rezone 39.9 acres from HI to GB is considered a downzoning to a less intense zoning district from a commercial/industrial use perspective. The GB rezoning would allow other uses such as residential development on the property that are not currently allowed in the HI zoning district.

Beginning in 2007, conditional zoning has been a tool to help guide development to align with the community values and character 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 more appropriately address the impacts expected to be generated by the development. It provides predictability in the rezoning application to ensure that the development and use(s) will conform to the county's adopted plans including the Imagine Currituck transects, goals, and policies listed above. The conventional rezoning request does not allow for conditions to be placed that would ensure that the result of development of these parcels will be compatible development.

The National Wetland Inventory Maps and the Currituck County GIS map layer indicate that wetland characteristics may exist on the property. The proposed rezoning provides no assurances that the development of the site will be consistent with the Imagine Currituck 2040 Vision Plan and the Moyock Small Area Plan (MSAP) where wetlands would be protected.

A conditional zoning application initiated by the applicant that would more adequately address the compatibility elements of the MSAP and the Imagine Currituck 2040 Vision Plan including but not limited to protection of environmentally sensitive areas, preservation of wooded areas, land use, access control, pedestrian elements, signage, buffers, scale, and design features could be supported by staff.

The applicant may also consider a modification to the request that would include Agriculture (AG) zoning request for the lands determined environmentally sensitive (wetlands) on the site and reduce the GB acreage to include for the remaining lands. The modification would be to the current application and would not include conditions or a conceptual development plan. This modification would better align the conventional rezoning with the adopted plans and would reduce the intensity of the development for the O-2 Reserve Lands.

The Board may determine that the location, size of the property, and district allowable uses are consistent with plans and compatibility can adequately be addressed through the UDO requirements and review processes. If the board approves the conventional rezoning application as presented, an amendment to the Imagine Currituck 2040 Vision Plan land use designations may be necessary.

Recommendation

It is staff's opinion that the applicant's request does not adequately address the compatibility elements of the MSAP and the Imagine Currituck 2040 Vision Plan which could be better addressed through a conditional zoning district. At this time, staff recommends denial of the zoning map amendment application as presented by the applicant. It is staff's opinion that in the absence of agreed upon conditions and a development plan it is not possible to determine consistency of the proposed development with adjoining properties, Imagine Currituck, and the MSAP.

PLANNING BOARD

On January 10, 2023, the Planning Board recommended approval of the requested rezoning 5-0.

Ms. Krause moved to recommend approval of PB 22-21 Green Meadows zoning map amendment because the request is consistent with the Imagine Currituck 2040 Vision Plan because the request:

- Will result in a less intensive zoning district.
- Will result in future non-residential uses that will meet higher quality design standards along Caratoke Highway and community compatibility standards of the UDO.
- The request will reduce the potential for non-compatible, highway oriented industrial uses.
- Imagine Currituck 2040 Infrastructure County Services: Goal 1 and Goal 8

The request is consistent with the Moyock Small Area Plan policies:

- ST1 and ST2

The request is reasonable and in the public interest because:

- The request will reduce the potential for adverse impacts of HI uses on nearby lands.

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

CONSISTENCY AND REASONABLENESS STATEMENT

A zoning map amendment is a legislative decision of the Board of Commissioners. In determining whether to approve or deny a zoning map amendment the Board of Commissioners shall adopt a written statement of consistency and reasonableness.

It is staff’s opinion that in the absence of agreed upon conditions and development plan it is not possible to determine consistency of the proposed development with adjoining properties, Imagine Currituck, and the Moyock Small Area Plan.

USE COMPARISON	
Uses Allowed in HI	Uses Allowed in GB
Agriculture/Horticulture Animal Husbandry Agricultural processing; Agribusiness; Nursery Agricultural research facility; Distribution hub for agricultural and agronomic products; Farm machinery sales, rental, and service; Agricultural Retail Facility; Stockyard/Slaughterhouse (u); Silviculture Vocational or trade school Government maintenance, storage, or distribution facility Cemetery, columbaria, mausoleum Correctional facility (u) Law enforcement, fire, or EMS facility Airport (u) Helicopter landing facility (u) Telecommunications antenna collocation on tower or building; Telecommunications tower (u); Utility, major (u); Utility minor Adult Entertainment (u) Animal shelter; Kennel Parking lot Automobile racing (u) Outdoor shooting range (u)	Agriculture/Horticulture Agri-education; Agri-entertainment; Agribusiness; Equestrian facility; Farmer’s and roadside market; Nursery Agricultural research facility; Distribution hub for agricultural and agronomic products Silviculture Dwelling (live/work, manufactured, single-family detached, upper story) Dormitory; Family care home; Rooming or boarding house Community Services Day Care Educational Facilities Government Facilities Health Care Facilities Assisted living facility; Auditorium, conference, and convention center; Club or lodge; Halfway house (u); Nursing home; Religious institution Arboretum or botanical garden; Community garden; Park Law enforcement, fire, or EMS facility Airport (u); Helicopter landing facility (u) Passenger terminal (surface transportation) Telecommunications antenna collocation on tower or building; Telecommunications tower (u); Utility, major (u); Utility, minor Animal Care Eating Establishments

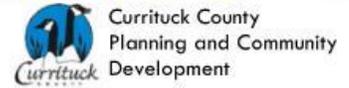
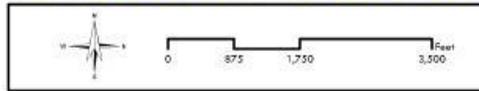
USE COMPARISON

<p>Crematory (u); Flea market; Repair establishment; Tattoo parlor/body piercing establishment Aircraft parts, sales, and maintenance; Automotive wrecker service; Boat and marine rental, sales, and service Extractive industry (u) Contractor service; Crabshedding; Fuel oil/bottled gas distributor; General industrial service and repair; Heavy equipment sales, rental, and service; Laundry, dry cleaning, and carpet cleaning plants; Manufactured home and prefabricated building sales; Research and development Manufacturing and Production Cold storage plant; Outdoor storage; Self-service storage; Truck or freight terminal; Warehouse; Warehouse Medical Waste (u) Incinerator (u); Landfill, land clearing and inert debris or construction debris (u); Public convenience center/transfer station (u); Recycling center (u); Salvage and junkyard (u); Waste composting (u) Wholesale Sales</p>	<p>Offices Parking lot Recreational/Entertainment, Indoor Arena, amphitheater, or stadium(u); Athletic facility; Golf driving range; Marina; Outdoor tour operator (u); Outdoor Recreation Artisan food and beverage producer; Bar, nightclub, or cocktail lounge; Convenience store; Drug store or pharmacy; Entertainment establishment; Financial institution; Funeral home; Grocery store; Laundromat; Pawn shop (u); Personal services establishment; Repair establishment; Retail sales establishment; Shopping center (u); Winery Boat and marine rental, sales, and service Vehicle sales and service, light (Automobile sales or rentals (u)) Visitor Accommodations Contractor service Crabshedding; Research and development Public convenience center/transfer station (u)</p>
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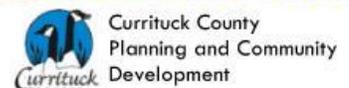
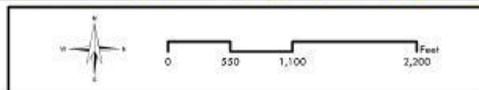
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
 Planning Board: www.co.currituck.nc.us/planning-board-minutes-current.cfm

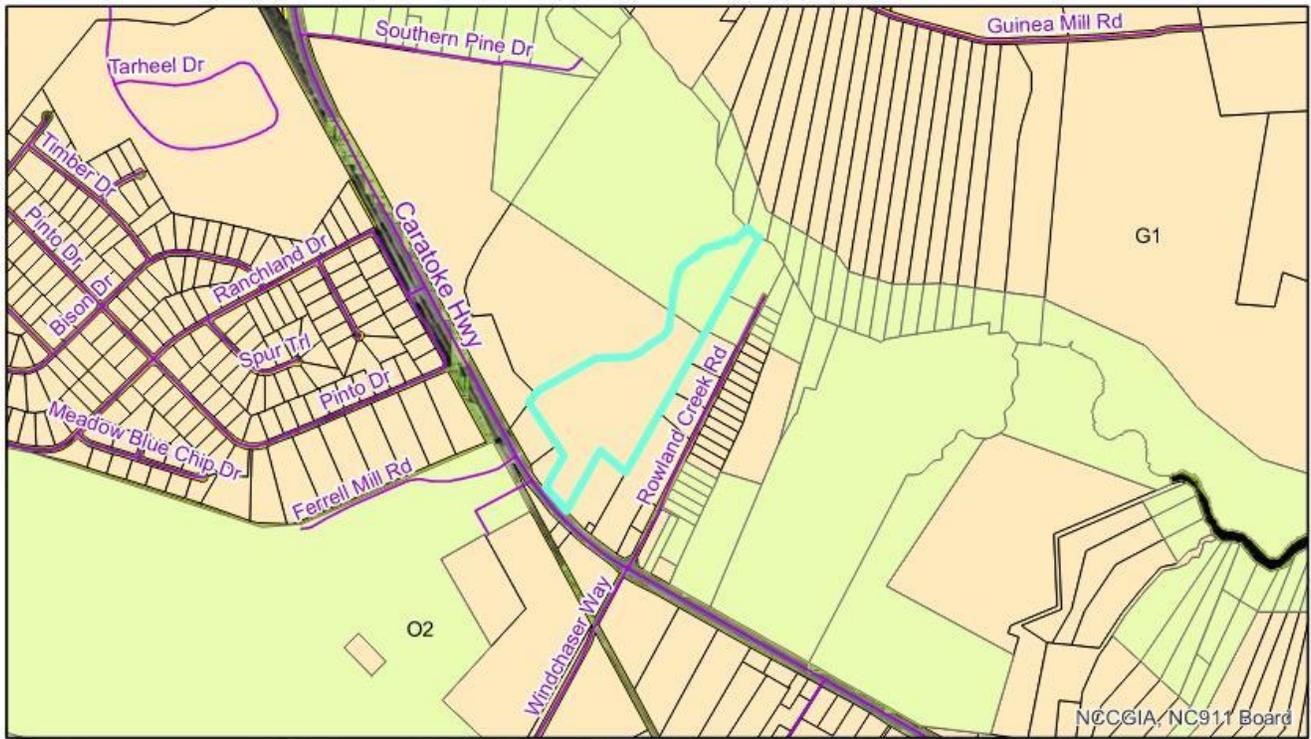


PB 22-21
Green Meadows Investments
Context

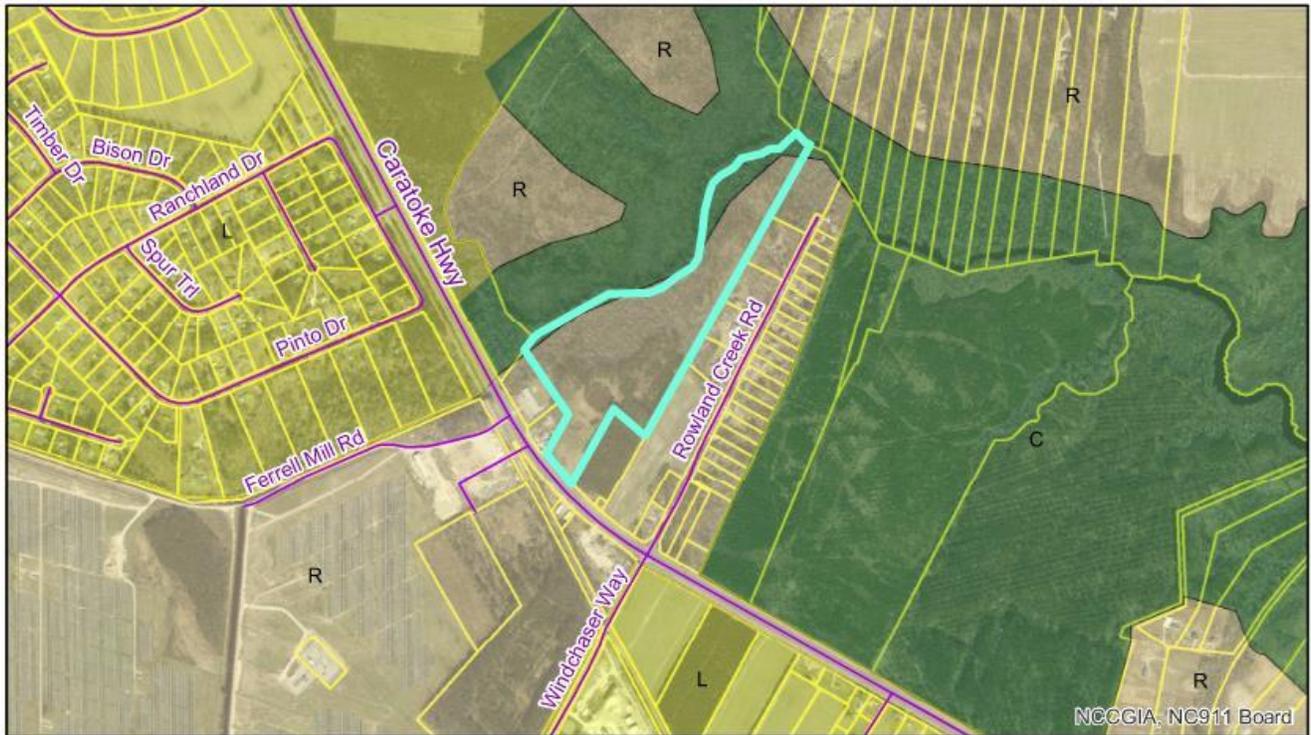
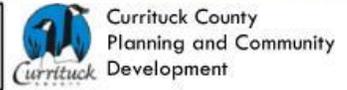
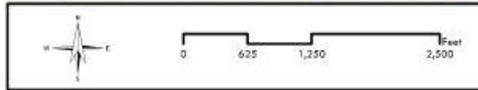


PB 22-21
Green Meadows Investments, Inc.
Zoning





PB 22-21
Green Meadows Investments
Imagine Currituck Future Land Use Map



PB 22-21
Green Meadows Investments
MSAP

