



STAFF REPORT
PB 22-14 PORPOISE, L.L.C.
CONDITIONAL ZONING
BOARD OF COMMISSIONERS
JANUARY 17, 2023

APPLICATION SUMMARY

Property Owner: Porpoise, L.L.C.	Applicant: Porpoise, L.L.C.
Case Number: PB 22-14	Application Type: Conditional Rezoning
Parcel Identification Number: 013200000080000	Existing Use: Manufacturing
Imagine Currituck Classification: G-3 Mixed Use Centers and Corridors	Parcel Size (Acres): 1.29 acres
	Zoning History: General Business - 1989
Current Zoning: SFM – with valid use permit	Proposed Zoning: Conditional - LI
Request: <i>The applicant is requesting to conditionally rezone 1.29 acres from Single Family Mainland to Conditional Light Industrial.</i>	

REQUEST

NARRATIVE

The applicant is requesting a conditional rezoning of a 1.29-acre parcel from Single Family Mainland to Conditional-Light Industrial district. The parcel was granted a Use Permit for light manufacturing by the board of Adjustment in 1986. The business has been continuously operating on the subject parcel since that time. The parcel is currently zoned residentially making the existing manufacturing use nonconforming. The applicant wishes to expand the business with the development of an additional building. Therefore, the proposed expansion of the use requires a conditional rezoning.

The proposed building will be located in the front of the site between the existing building and Caratoke Highway. Parking area will be added to the site to provide the required parking.

COMMUNITY MEETING

The community meeting was held on August 9, 2022 in the meeting area of the office of Quible & Associates P.C. The meeting began with an “open house” viewing of the exhibits involving the proposed conditional rezoning. The applicant’s representative, Michael Strader from Quible & Associates, then discussed county procedures and the scope of work of the project. It was emphasized by the applicant that the proposed development will be consistent with allowed uses and requirements of the Light Industrial zoning district.

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 by county staff in regard to the land use classification of the parcel and whether it is in compliance with the new Imagine Currituck plan. The new land use plan was briefly discussed and it was confirmed the parcel is located within the G-3 Mixed Use
2. The applicant’s engineer inquired if legal council and expert testimony is required. County staff addressed this stating that though some hearings have encountered issues in the past,

this application is not a Special Use Permit, and therefore would not be required to meet SUP review standards. It was assured that the owner and engineer would be present at the hearing.

3. County staff noted that substantial changes from the submitted site plan may require the project to go back through the Board of Commissioners for review and approval.
4. All community members present expressed support for the application. Additionally, one member provided an email in support.

An additional site visit was conducted on August 16, 2022. In attendance was the applicant's engineer, Michael Strader from Quible and Associates, and Ryan Thibodeau who represented Big Box, LLC who is the property owner of the adjoining properties. The proposed additional development and potential activities on the site were discussed. Upon completion of the site visit, Mr. Thibodeau expressed his support of the application.

CONDITIONS OF APPROVAL

The applicant proposed the following condition:

All proposed development will be consistent with and as allowed within the LI zoning, including uses, dimensional standards, dimensional standards, and County Land Use Plan.

SURROUNDING PARCELS		
Direction	Land Use	Zoning
North	Vacant	General Business (GB)
South	Outdoor Storage	Light Industrial (LI)
East	Residential (Across Highway)	General Business (GB)
West	Vacant/Large Pond	Single Family Mainland (SFM)

LAND USE PLAN	
Imagine Currituck classifies this site as G-3 Mixed Use Centers and Corridors within the Point Harbor subarea. The G-3 Transect Profile lists light industrial facilities as appropriate land uses. The point harbor sub area encourages incentivizing revitalization of existing businesses to achieve a higher quality business image. The proposed plan is consistent with the Goals and Policies of the plan, some of which are:	
Land Use	Goal 3 - 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	Goal 1 - 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.

RECOMMENDATION

Technical Review Committee

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

1. The building design standards of the Unified Development Ordinance shall be met or exceeded to ensure consistency with Land Use Goal 3.

RECOMMENDATION

Planning Board

The Planning Board recommended approval of PB 22-14 Porpoise, LLC on December 13, 2022, with a 5-0 vote.

Ms. Krause moved to recommend **approval of PB 22-14 Porpoise L.L.C.** to include the TRC recommended condition 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.

Mr. Owens 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.

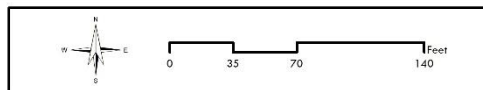
Agreed upon conditions of approval:

1. ***All proposed development will be consistent with and as allowed within the LI zoning, including uses, dimensional standards, dimensional standards, and County Land Use Plan.***

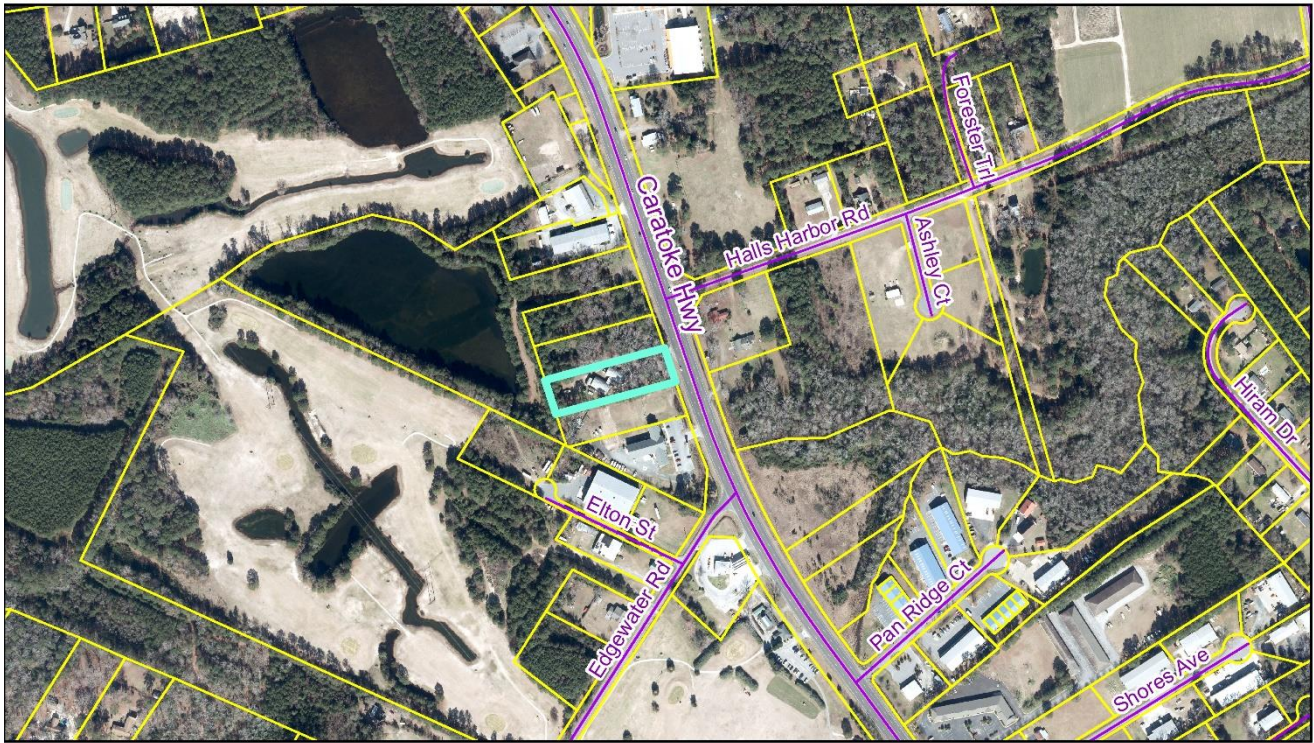
THE APPLICATION AND RELATED MATERIALS ARE AVAILABLE ON THE COUNTY'S WEBSITE
Board of Commissioners: www.co.currituck.nc.us/board-of-commissioners-minutes-current.cfm



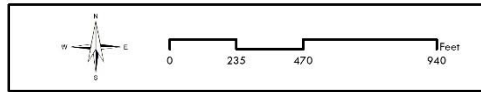
Porpoise LLC
8778 Caratoke Hwy
Aerial



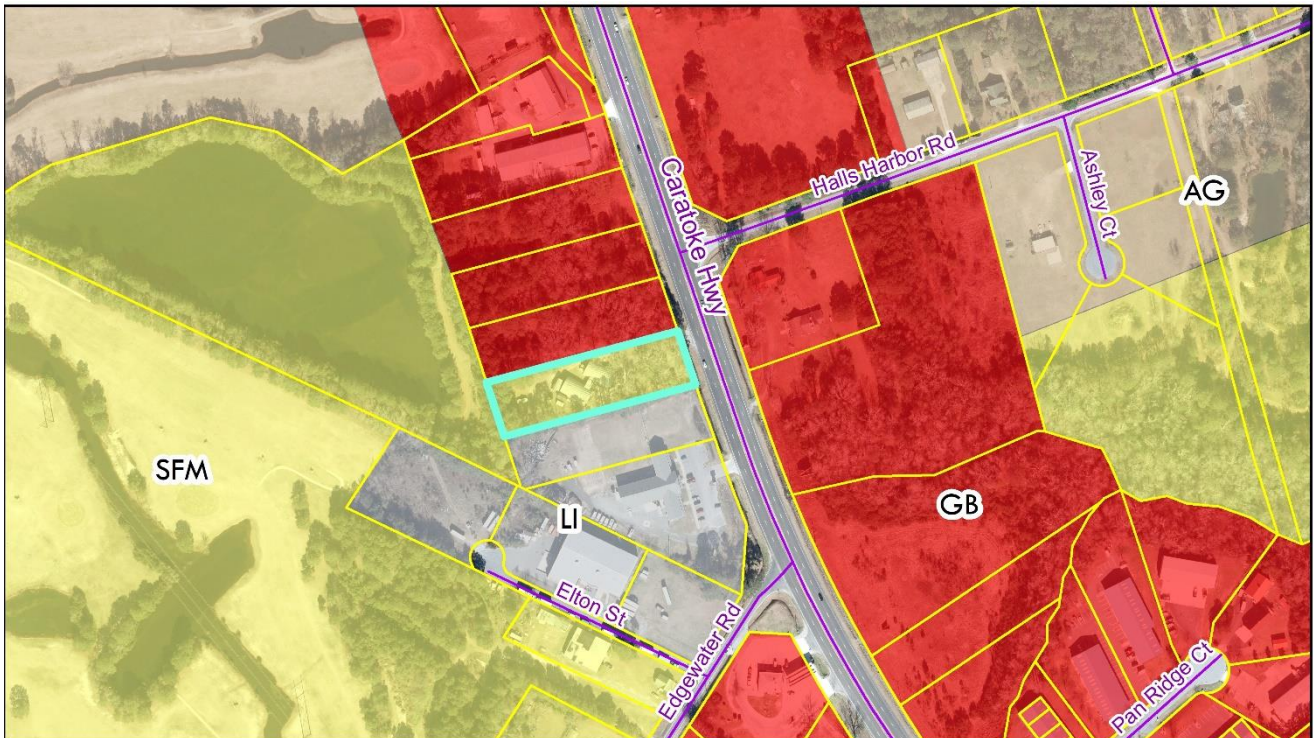
Currituck County
Planning and Community
Development



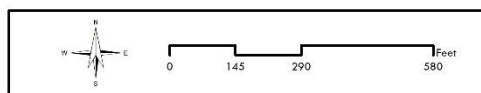
Porpoise LLC
8778 Caratoke Hwy
Vicinity Map



Currituck County
Planning and Community
Development



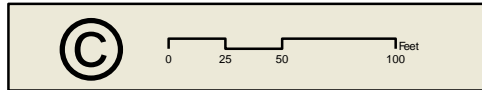
Porpoise LLC
8778 Caratoke Hwy
Zoning Map



Currituck County
Planning and Community
Development



Porpoise LLC
8778 Caratoke
Future Land Use



Currituck County
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Development