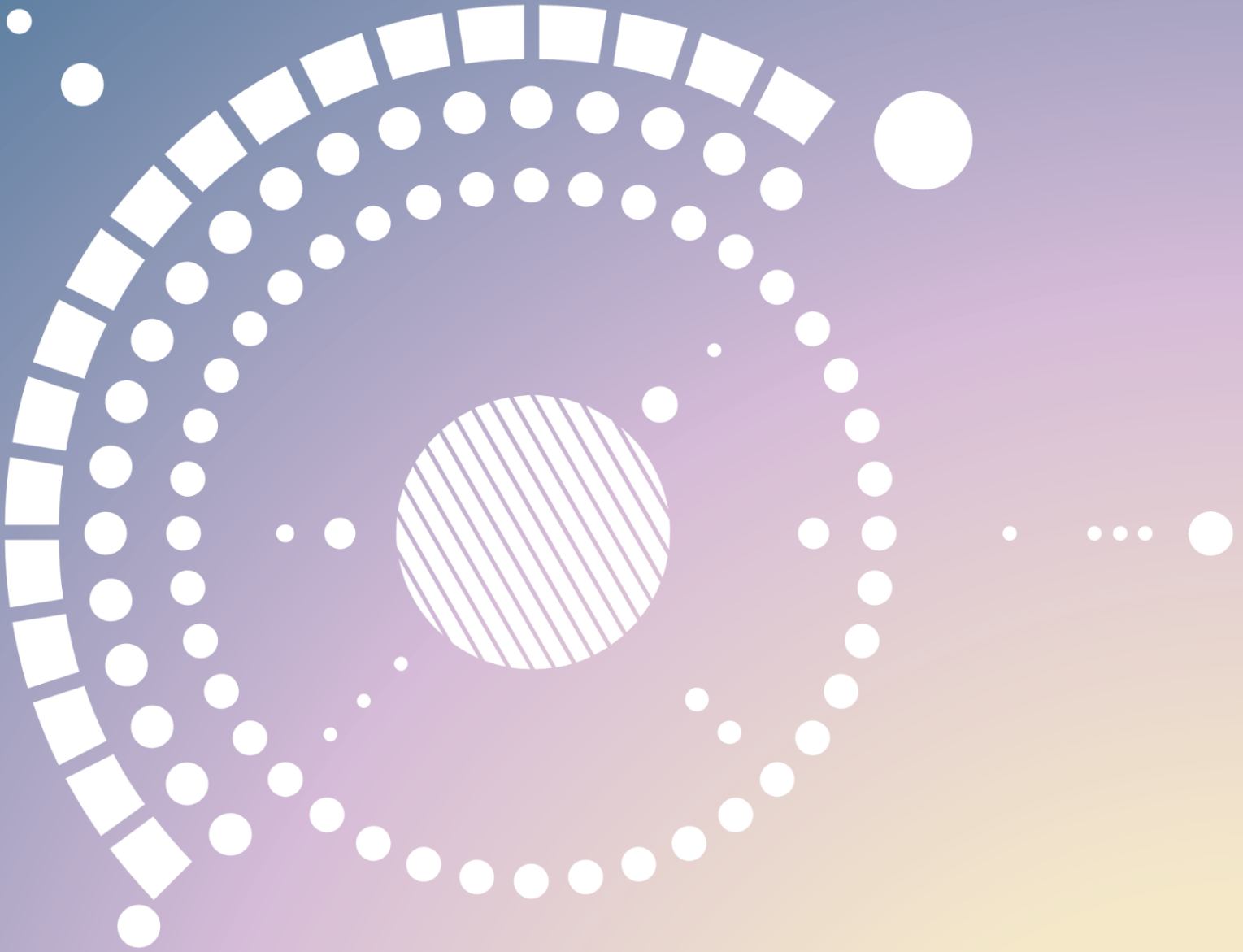


Planning Board Staff Report

January 9, 2024



ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL



AGENDA
ROCKY MOUNT PLANNING BOARD MEETING
JANUARY 9, 2024, AT 5:30 P.M.
GEORGE W. DUDLEY CITY COUNCIL CHAMBER, FREDERICK E. TURNAGE MUNICIPAL BUILDING

Board Membership

Rocky Mount: Bruce Berry, James Davis, Robert Davis, Robert Hudkins, Johnnie Mayo Jr., Matthew Sperati (chair), and Monika Underhill

Edgecombe County: Vacant

Nash County: Vacant

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Approval of Meeting Minutes:** December 12, 2023
- 4. Development Review**
- 5. Zoning Review**

5.1 Rezoning Request # 08-12-23

Requested Action: O-I to B-2CD
Location: 551 N. Winstead Avenue, 2320 & 2400 Professional Drive
Site Data: ±7.78 acres
Existing Land Use: Financial Institution, Undeveloped
Applicant: Chad J. Post; Rocky Mount (Winstead Ave) WW, LLC
Property Owner(s): Centura Bank Inc 09, Centura Bank Inc 4205
Case Manager: JoSeth Bocook, Deputy Director of Development Services
Voting Representatives: City Members

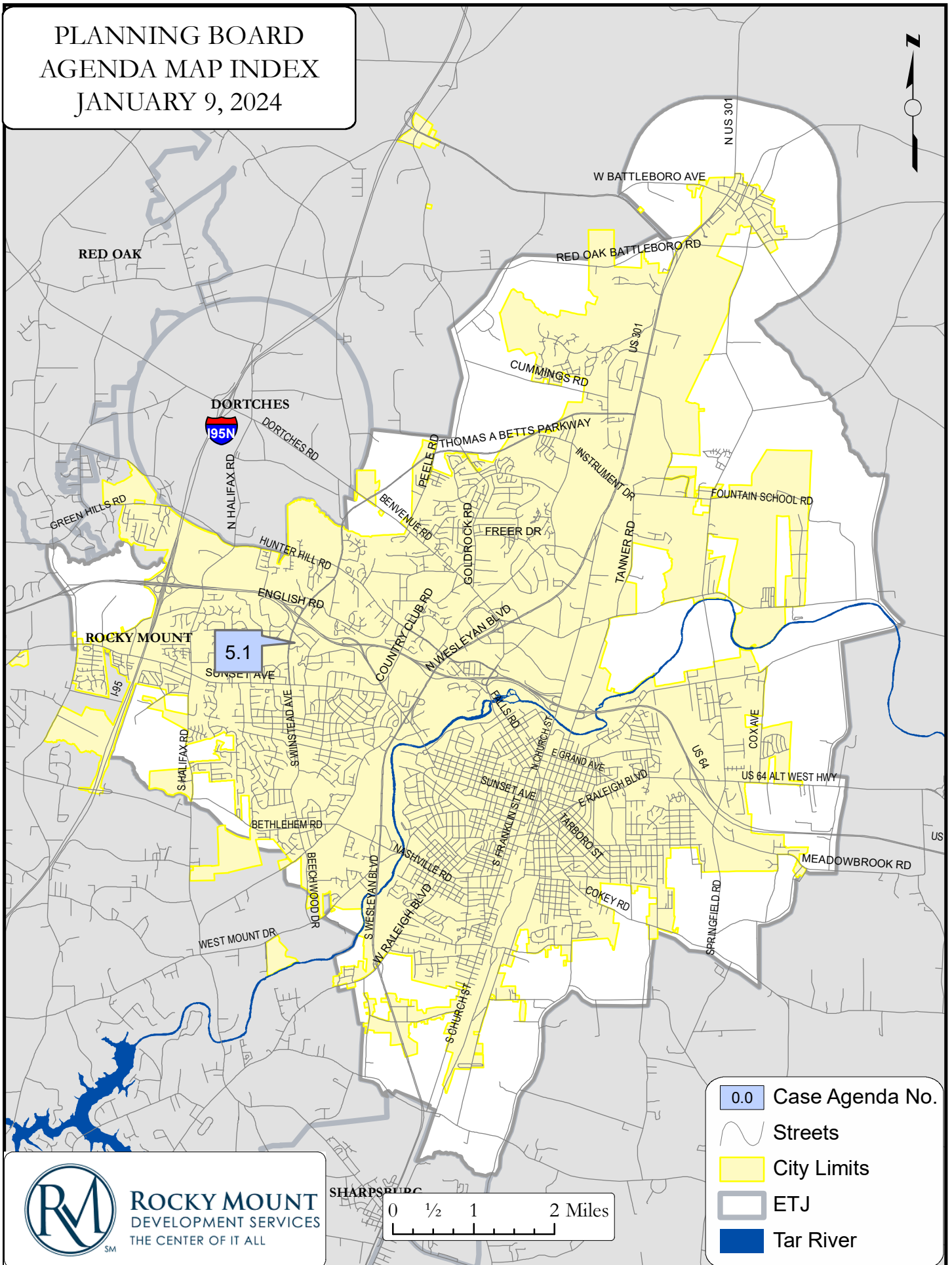
6. Planning Review

6.1 Text Amendment # 10-01-24

Requested Action: Text Amendment – To amend the Land Development Code (LDC) to reassign responsibility of notice for City Council public hearings related to zoning map and text amendments, clarify notice requirements, and reflect recent changes to state statute regarding citizen comments
Location: Citywide
Applicable Regulations: LDC Sec. 512
Case Manager: Emilie Pinkston, Director of Development Services
Voting Representatives: City, Edgecombe & Nash Members

- 7. Other**
- 8. Items from the Planning Board**
- 9. Items from the Secretary**
- 10. Adjournment** (Next regular meeting: February 13, 2024)

PLANNING BOARD
AGENDA MAP INDEX
JANUARY 9, 2024



ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL

**MINUTES OF THE
ROCKY MOUNT PLANNING BOARD MEETING
HELD DECEMBER 12, 2023, AT 5:30 P.M.
IN THE FREDERICK E. TURNAGE MUNICIPAL BUILDING, GEORGE W. DUDLEY CITY COUNCIL CHAMBER**

MEMBERS PRESENT

Bruce Berry
James Davis
Robert Hudkins
Johnnie Mayo, Jr., vice chair
Matthew Sperati, chair
James Tharin

MEMEBERS ABSENT

Robert Davis

STAFF PRESENT

Samantha Andelin, Administrative Assistant
JoSeth Bocook, Deputy Director of Development Services
Stephanie Goodrich, Senior Planner
Scott Miles, Assistant City Engineer – Water Resources
Ramon Muckle, Traffic Engineer
Emilie Pinkston, Director of Development Services
Jordan Reedy, Principal Transportation Planner

1. Call to Order

The chair called the meeting to order at 5:33p.m.

2. Approval of the Agenda

The chair presented the agenda and staff advised there were no changes; the board approved the agenda as presented.

3. Approval of the Meeting Minutes: November 14, 2023

The chair presented the November 14, 2023, meeting minutes to the board. A motion was made by Bruce Berry seconded by James Davis and unanimously carried to approve the minutes as presented.

4. Development Review

4.1 Maple Creek Preliminary Major [Cluster] Subdivision Plat #762

At the request of the chair, DeLeon Parker with The Parker Law Office, representative of the applicant and landowner, made a presentation. Mr. Parker stated it was initially requested to be rezoned to an R-6MFA with townhomes and multi-family homes. Based on community meetings and the initial Planning Board Meeting, there was a significant amount of the local community that was not in favor of multi-family use. Before the rezoning went to the City Council the Developer pulled the application and reconsidered for a single-family use, which aligned with the community's feedback that single-family is more appropriate with the existing neighborhood. Therefore, the developer explored a cluster option. One of the things a significant number of residents in the community spoke about was how they enjoyed the wildlife and natural areas. Exercising the cluster option gave the developer the ability to reach the 6,000 sq. ft. lot size and allowed them to set aside permanently a large area that is currently woodland. He stated that the cluster subdivision was denied and now it is back in front of the Planning Board. He stated that there have been a few changes from the prior design. He stated that he wanted to go over some of the primary issues that were raised at the last meeting, which includes flooding, property values, and maintenance of the property. He stated that it has been recommended that the subdivision go back to the Planning Division for further review and be heard at the January Planning Board Meeting after further validations have been completed, which the Developer supports. As far as flooding, he stated that flood development permits are needed, which staff stated could be heard at the January meeting as well, which would cover all the requirements. As far as property values are concerned, the Developer is intending to build equivalent to the Beth Eden subdivision, which is across the street. He stated that in the community meetings attendees voiced their opinions about not wanting townhouses but something that matched the Beth Eden subdivision would be fine. He stated that the LDC requires a cluster development to have a common area set aside which an HOA is responsible for maintaining; this is the Developer's intent. He stated that as far as what things would look like, with his experience with the Developer, they tend to be on the strict side assuring things maintain a nice uniform look that complements the area. Mr. Parker presented to the Board two large-scaled maps, showing more details, that were not included in the staff report. Mr. Parker addressed concerns that have been looked into by the Developer and Engineers that could affect the Boards decision: 1. Should properties that abut Pamela Lane be 6,000 or 10,000 square feet? 2. Is the common area legally and practically accessible? This adjustment has been made since the last meeting to clarify where the access is located. 3. Is the location and arrangement of the common area sufficient? The LDC states that if you have a wooded area, it should be left in its natural, undisturbed state at the time of development except for cutting trails for walking or jogging, which is the intent. 4. The area set aside for the cluster is from a portion that is not buildable or useful, and the developer's engineers have determined that the density requirements have been met without including the floodway area in the density calculation. Mr. Parker reiterated that the Developer does support sending this request back to the Planning Department for further review and hearing it again at the January meeting.

Mr. Parker stated that he had looked at the DOT traffic data for the area. Data indicates that traffic volume is down from 20 years ago and the road is designed as more of a throughfare than what data is currently showing. Mr. Parker stated that he anticipates, as the area grows more residential, that speed limits will be decreased.

The chair called for questions/comments from the Board for the applicant.

Mr. Berry stated it was mentioned that the applicant was not given any reason as to why the Board voted to deny the request at the last meeting and wanted to reiterate his reason for voting to deny. He stated that his feelings were due to the portion of the subdivision in the floodway being used to meet the requirements of the cluster development. He stated that the area in the floodway, in his opinion, should not be considered in the density calculation. Mr. Parker stated that even if you removed that area from the calculation, it still supports that number of lots proposed.

At the request of the chair, Development Services Deputy Director JoSeth Bocook stated that at its September 12, 2023, meeting, the Planning Board reviewed the Maple Creek Major Subdivision Preliminary Plat (Residential Cluster Development), which proposed a total of 72 new lots along Bethlehem Road in the R-10 (Low Density Residential) zoning district. The request made use of the Land Development Code's Residential Cluster Development alternative for single-family residential development.

Several neighboring property owners spoke in opposition to the request, citing concerns with flooding, property values, and property maintenance.

The Planning Board denied the preliminary major subdivision plat by a vote of 4 to 0. No reasons were provided for the denial. In early October, the property owner filed an appeal of the Planning Board's decision to City Council for consideration.

At their meeting on November 27, 2023, the City Council referred the subdivision back to the Planning Board for further consideration and to develop findings specifying the reason for its decision.

Mr. Bocook stated that a residential cluster development is defined as a development design wherein conventional zoning standards are relaxed to permit modifications in lot area, lot width, lot frontage, lot coverage, rear and side required yards, sidewalks, and public street access, and to save infrastructure development cost, environmental damage, energy use and land resources by concentrating dwellings in specific areas of the site without increasing the net density above that which would normally be allowed pursuant to LDC Sec. 601 – District Dimensional Standards.

The City's LDC Sec. 712.D.5. grants the Planning Board the option to determine the following aspects of the development: Should the first tier of lots on the east side of the proposed cluster development, which is immediately adjacent to an existing single-family subdivision, be developed without utilizing the residential cluster development regulations?; Is the common area legally and practically accessible to the residents of the development?; Is the location and arrangement of the proposed open space sufficient?

Mr. Bocook explained that an approximately 21.60-acre site would allow for about 94 lots having the R-10 zoning district's minimum allowed lot area of 10,000 sq.ft. Though this does not account for the area necessary for right-of-way access to the properties. Approximately four-acres of the subject site is floodway, which does not permit any development (man-made changes to the land). Accounting for this prohibition on development in the floodway, the maximum number of lots that could be expected in a typical single-family development in the R-10 district is about 76. With cluster subdivisions a minimum of 20% of the net acreage must be designated as a common area maintained as outdoor recreational and/or open space.

He stated that on both versions of the cluster subdivision presented for consideration, the number of lots proposed [73; 65 alternative] are less than the number of lots allowed at the R-10 density. However, if the floodway and the minimum 20% common area were excluded from the density calculation, a maximum number of approximately 61 lots would be permitted; and on both versions of the cluster subdivision presented for consideration there are 20 proposed lots that encroach on the 100-year floodplain, requiring compliance with the floodplain protection zoning overlay district standards. A major subdivision requires a Class 2 floodplain development permit be reviewed and approved by the planning board.

Mr. Bocook advised that staff recommends the residential cluster preliminary major subdivision plat be referred to the Development Review Committee to resolve the following concerns prior to a board decision: 1. Obtain a Class 2 floodplain development permit from the Planning Board. 2. Provide legal and practical access to the proposed common area. 3. Establish a homeowners' association (HOA) in accord with LDC Sec. 713. 4. Show location of proposed Fire Department Connection (FDC) on the plan to ensure proposed hydrant location is acceptable.

Mr. Bocook stated that the City's LDC Sec. 712 outlines the required contents for site development plans, highlighting cluster developments and Sec. 713 outlines the requirements of the establishment of a homeowner's association.

The chair called for questions/comments from the Board for staff. Mr. Sperati questioned if one of the issues was whether the Board had to decide if the common area was legally and practically accessible, the Board would need more information on how it would be accessed. Also, if it is in the floodplain and already stays wet 70% of the time the people residing there would not be able to use it.

Mr. Parker stated that if the vote was to refer it back to the Development Review Committee the Developer is prepared to provide additional information. If not, he referred the Board to one of the larger scaled maps he presented.

The chair called for questions/comments from the public in support to the request, there were none.

The chair called for questions/comments from the public in opposition to the request.

Tim Ward on behalf of his son who resides at 929 Pamela Lane. He wanted clarity on whether an HOA was going to be established. Mr. Parker stated that an HOA would be established. Mr. Ward asked if the houses, including size, would be equivalent to the houses in the Beth Eden subdivision. Mr. Parker stated that they would be.

Sharon McLaughlin, 1940 Bethlehem Road. She stated that her property is on Bethlehem Road with the proposed subdivision on all three sides. She asked if there will be a buffer for her property since there will be one between the proposed subdivision and the properties on Pamela Lane. Ms. McLaughlin stated that if houses in the floodplain had to be raised up, they would have to build the property up past the flood stage. Mr. Bocook corrected Ms. McLaughlin by stating that the structure would have to be built up but not by adding fill to the land. Ms. McLaughlin asked if that was done, wouldn't that cause more flooding as the water would run to the lowest point. Mr. Bocook stated that concerning the buffer issue, the Board could consider giving the lots adjacent to her property the standard R-10 dimensional requirements. Mr. Parker stated that the plans show a 20-foot buffer around Ms. McLaughlin's property, it would be a vegetative "landscape" buffer.

Mr. Tharin asked if the Floodplain Development Permit would answer some of the questions regarding the concerns of water being displaced. Mr. Bocook stated the Permit would come to the Planning Board

as a public hearing and the designer would have to demonstrate how the proposed development is in the best interest of the city.

Robert Michaud, 936 Pamela Lane. He stated that he believes there has been a lot of deception with the project. He stated that residents on Beechwood had not been invited because they are not within the 250-foot required notification circumference. He stated that that area floods and there are 5 houses on Beechwood and Pamela Lane that are not there any longer. He stated that if the property is raised up even a fraction that it would cause more flooding issues. He stated that his backyard stays wet. Mr. Michaud stated that currently the property is not being maintained and he is concerned about future maintenance.

Mr. Davis asked if the Developer would be entertaining any type of retention pond? Scott Miles stated yes, that would be part of the Development process. The purpose will be to handle the water coming off the site and roadways.

Mr. Tharin asked what the recourse is for homeowners if flooding is caused by the new subdivision. Mr. Miles stated that Public Works is reviewing the subdivision design to minimize that problem. He explained that the floodplain would not be caused by the subdivision. The floodplain is existing and is due to the creek rising. If the Developer is negligent and does something to divert the natural flow of the water there could be recourse, however that is our job as a city to make sure that doesn't happen. Mr. Tharin asked about who would be liable for flooding in that situation. Mr. Miles stated that it would be on whoever owns the property at that time.

There being no further questions/comments from the public, the public portion of the hearing was closed.

A motion was made by Mr. Tharin seconded by Mr. Berry to refer the Maple Creek Preliminary Major [Cluster] Subdivision Plat #762 back to the Development Review Committee for further review and that the following concerns be resolved 1. Obtain a Class 2 floodplain development permit from the Planning Board. 2. Provide legal and practical access to the proposed common area. 3. Establish a homeowners' association (HOA) in accord with LDC Sec. 713. 4. Show location of proposed Fire Department Connection (FDC) on the plan to ensure proposed hydrant location is acceptable. The motion passed unanimously.

4.2 Home 2 Suites Construction Planned Building Group #764

At the request of the chair, Paul Meder, PLA with Rivers and Associates on behalf of Gateway Hotels, LLC. He stated that they are seeking to develop a hotel at 447 Wellspring Drive which is currently undeveloped and consists of 5.06 acres. It is zoned B-5 and is in an area with several existing hotels. There is a 1-acre conservation easement in front of where they plan to develop which will be maintained as-is. There is a retention pond on the south side of the property and will be upgraded to handle the flow from the proposed development. The proposed development is a 4-story hotel with 119 guest rooms with outside seating amenities. The landscaping complies with LDC requirements; however, the franchiser, Hilton Hotels, will insist additional landscaping be provided. Mr. Meder presented 2 large scale renderings of the hotel and site plan.

The chair called for questions/comments from the Board for the applicant. There were none.

At the request of the chair, Development Services Deputy Director JoSeth Bocook reiterated the information given by the applicant. He stated that staff recommend approval of the Construction Planned Building Group; and that all comments from the Development Review Committee have been resolved. Mr. Bocook took the opportunity to inform the Board and audience what departments make up the

Development Review Committee or what aspects are being reviewed which are zoning concerns, planning, floodplain, development regulations, E911 Coordinator who works with the counties to assign addresses and street names, water and sewer, environmental services, stormwater management, erosion control, surveying, traffic, transportation and parking concerns, life safety issues from the fire and police departments and also utilities including electricity and gas.

The chair called for questions/comments from the public in support to the request, there were none.

The chair called for questions/comments from the public in opposition to the request. There were none.

There being no further questions/comments from the public, the public portion of the hearing was closed.

A motion was made by Mr. Berry seconded by Mr. Tharin to approve the Home 2 Suites Construction Planned Building Group #764 located at 447 Wellspring Drive. The motion passed unanimously.

5. Zoning Review

5.1 Rezoning Request #08-12-23

At the request of the chair JoSeth Bocook presented the request for rezoning submitted by Chad J. Post; Rocky Mount (Winstead Ave) WW, LLC; representative of Centura Bank Inc 09, Centura Bank Inc. The subject site is comprised of three parcels having a combined area of approximately 7.78 acres, located at 551 N. Winstead Avenue and 2320 & 2400 Professional Drive, at the southeast corner of the intersection of N Winstead Ave and Curtis Ellis Drive. Mr. Bocook advised that as of the morning of the meeting the applicant had amended their initial request from Commercial Corridor District to Conditional Commercial Corridor District. The request is to rezone the property from Office and Institutional District (O-I) to Conditional Commercial Corridor (B-2CD) with the following conditions: 1. Permitted uses limited to: Accessory building; Accessory use; Automobile/vehicle wash (automatic or hand wash); Convenience store; Financial institutions (bank, savings and loan companies, and other financial activities); Office use (of a doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist, or other medically-oriented profession); Office use (with no on-premise stock of goods for sale to the general public and the operation and services of which are customarily conducted by means of written, verbal, or mechanically reproduced communication material); Restaurant; Retailing or servicing 50,000 or less gross sq. ft. per unit with operations conducted and merchandise displayed inside and/or outside a building and not otherwise listed herein; Retailing or servicing with operations conducted and merchandise displayed inside and/or outside a building and not otherwise listed herein; Storage, outside; and Storage, warehouse. 2. Vehicular access points and/or points of vehicular ingress, egress, or regress to the subject property from Professional Drive shall be prohibited. 3. The property line adjoining Professional Drive shall include a 10-foot wide, Type B buffer yard. 4. In addition to the proposed buffer yard, the property line adjoining Professional Drive shall be screened with a minimum four (4) foot high metal fence.

The largest of the three parcels contains an office building with associated off-street parking and has frontage along N. Winstead Ave, Curtis Ellis Dr, and Professional Dr. The properties addressed as 2320 & 2400 Professional Drive contain roughly 0.83-acres and 0.74-acres, respectively. These lots are undeveloped and have frontage on Professional Dr only.

The properties immediately adjacent, along Professional Dr and Plaza Drive, are zoned O-I and contain a variety of office uses and undeveloped parcels. Across Curtis Ellis Drive is the Gateway Complex containing hotels, a restaurant, and a multi-unit commercial suite on properties zoned Conditional Commercial Services District (B-5CD). Across N Winstead Ave are existing properties zoned Medical

Arts (MA), Conditional Commercial Corridor (B-2CD), O-I, and B-5CD, containing a hospital, medical office, hotel, financial institution, and undeveloped properties.

Mr. Bocook advised that there have been four zoning map amendments approved within the vicinity of the subject site since the adoption of the current comprehensive plan, in 2003. Two of the amendments approved were for property along Jones Road, between Gateway Boulevard and Curtis Ellis Dr, that went from residential to commercial [currently Tru Hotel], in 2009 and 2015. The other two approved map amendments were for property at the corner of Jones Rd and Curtis Ellis Dr that changed from residential to transitional [currently Rocky Mount Eye and a detached single-family dwelling], in 2017 and 2021. Beginning in the 1970s through the late 1990s the area surrounding the subject site saw numerous rezoning requests approved. That transitioned the area from one with residential zoning to the present mix of office and commercial development.

Mr. Bocook advised that the Together Tomorrow: Tier I Smart Growth Comprehensive Plan identifies the subject site as being in a “Developed” and “Planned Infill Growth” area.

Mr. Bocook advised that the transportation comments that were prepared by CRM Public Works Department, Engineering/Traffic Division stated that the subject properties include three contiguous parcels with a total of approximately 7.75 acres. The three parcels share approximately 534 feet of combined road frontage on Professional Drive.

The first parcel, 551 N Winstead Ave, sits at the intersection of Curtis Ellis Dr and North Winstead Ave. This parcel measures 6.22 deeded acres and is accessed from five different driveways – two on North Winstead Ave, two on Curtis Ellis Drive, and one on Professional drive. The driveway on Professional Drive lies in between the other two vacant parcels in this rezoning request.

The second parcel, with an address of 2320 Professional Drive, is an approximate .74-acre vacant parcel, and is located to the south of the first parcel, on the east side of the Professional Drive entrance. This parcel sits to the east of the third parcel. This parcel has approximately 287 feet of road frontage on Professional Drive.

The third parcel, located at 2400 Professional Drive, lies to the south of the first parcel, to the west of the driveway into the first parcel from Professional Drive. It lies to the west of the second parcel. This parcel is about .83 calculated acres and has approximately 187 feet of road frontage on Professional Drive.

At this location, North Winstead Ave is a six-lane, two-way divided major arterial with an estimated practical capacity of 39,400 vehicles per day (VPD) and an estimated average annual daily travel (AADT) of about 26,787 VPD per NCDOT data (2023).

At this location, Curtis Ellis Drive is a 2-lane collector street. The NCDOT does not provide AADT data for Curtis Ellis Dr. Also at this location, Professional Drive is a 2-lane undivided local street. The NCDOT does not provide AADT data for Professional Dr. Additionally, these three parcels have direct access on North Winstead and Curtis Ellis Road to Route 7 (Transit Center to and from Nash Health Care System/NGH) on the Tar River Transit system. The subject parcels do not have direct access to bicycle amenities. Sidewalks exist along North Winstead Ave, but not on Curtis Ellis Dr or Professional Dr. All adjacent parcels are currently zoned O-1.

According to the Institute of Transportation Engineers (ITE) “Trip Generation Manual, 9th Edition” (page 1294), every 1,000 square feet of medical-dental office development (acceptable use in B-2 zoning) could potentially generate about 36 new vehicle trips per day on an average weekday.

It is recommended that an NCDOT Driveway Permit is obtained for any new driveways, alterations, or changes in use. The driveway permit will be reviewed concurrently by NCDOT and the City of Rocky Mount. Any new developments at this site will require a payment in-lieu of installing sidewalks along the ditch-lined road frontage. A traffic impact analysis (TIA) will be required if the new development adds 1000 new trips per day, or 100 new peak hour trips. Other mitigation measures may be required as site development plans are reviewed.

Mr. Bocook stated that this request will not result in an increase in zoning intensity of the immediate area. The surrounding area has properties zoned B-5 and B-2 with established commercial uses. The B-2 district is established for major retail and service activities removed from the central business district, with major arterial access and with adequate open space and parking. This district is intended to serve the residents, non-residents, and transient traffic using major arterials that run through or around the city. Conditional districts are designed to provide site specific plans or individualized development conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable to the parallel base conventional zoning district.

Mr. Bocook advised that the applicant conducted a neighborhood meeting with area stakeholders on November 14, 2023; minutes from the meeting were enclosed. Notification of this public hearing was sent to property owners within 250' of the subject site also a notification sign was posted on the subject property and the Planning Board agenda is listed on the City's website.

Mr. Bocook advised that staff recommends that the request be forwarded to the Rocky Mount City Council recommending approval on the basis that the proposed rezoning of the subject site will have minimal to no negative impact on the area and complies with the Together Tomorrow: Tier 1 Smart Growth Comprehensive Plan.

The chair called for questions/comments from the Board for staff.

Mr. Berry asked if the sale of fuel was included with the use of a convenient store. Mr. Bocook replied that it was.

The chair called for questions/comments from the Board for the applicant.

Clint Cogburb, Land Use & Litigation attorney with Ward and Smith, PA reiterated the report given by city staff. He stated that the conditions would limit the total uses that would be allowed at the site which they believe is compatible with the surrounding area. He stated that the fence and buffer off of Professional Drive would minimize or eliminate any real impact to those adjoining properties. He stated that part of this process what they are looking to do is for a beneficial commercial use for the city of Rocky Mount, the surrounding area, people passing through and for the constituents of the city to benefit from as well.

The chair called for questions/comments from the public in support to the request, there were none.

The chair called for questions/comments from the public in opposition to the request.

Dee Whitley, attorney at law located at 2343 Professional Drive. He stated that it is called Professional Drive for a reason. There are currently accountants, physical therapists, attorneys, medical doctors, and engineers on Professional Drive which is exactly what it should be in that area. He stated that the Board needs to compare the uses proposed to what is currently in the area. He stated that he believes receiving the conditions the morning of the meeting is problematic as there has not been adequate time to digest

it. He stated that his office was in attendance at the community meeting and that he does appreciate all of the information given, however they are not satisfied with exactly what the development may look like. The closest retail is The Classy Couturier which is 1.5 miles away. He stated that at this point in time, without knowing the conditions they will be restricting it to, they are requesting the zoning stay O-I and that the rezoning request be denied. Mr. Whitley stated that visitors existing 64 HWY will judge Rocky Mount by the businesses they see when they exit, and he does not think that such a wide-open use is what we want to project for that area.

Mr. Berry stated that he likes hearing from the stakeholders. He stated that one of his big concerns is that there are two big offices that are zoned O-I and they are not being utilized. He believes there could be more offices and wonders if the area is saturated with offices.

Mr. Whitley stated that what he suspects is going to be developed there is going to have 24-hour access and is concerned about the vagrants in the area.

Mr. Sperati asked Mr. Whitley if he would still be opposed to the requested rezoning if he and those he represents had proper time to review the proposed conditions.

Mr. Whitley stated that he would be happy to have the opportunity to review and have input with a little more certainty about what would be and could be proposed. Mr. Whitley was given a copy of the conditions to review.

Keith Ballentine submitted an email addressed to Emilie Pinkston, JoSeth Bocook, Stephanie Goodrich, Bernetta Smith and Ramon Muckle with subject line Planning Board Meeting 12/12/23 Item 5.1 Rezoning request #08-12-23 dated December 12, 2023, at 11:20am. The email was in opposition to the request. There was one attachment included, which was titled North Winstead Avenue Corridor Land Development Plan (Draft) October 1995 completed by the Department of Planning and Development at the City of Rocky Mount. These documents were printed and presented to all members present.

There being no further questions/comments from the public, the public portion of the hearing was closed.

Mr. Sperati stated that with the conditions coming in the morning of the meeting an alternative motion could be to table it to the next meeting. Mr. Berry stated that everyone would like a little more time to consider and review the conditions.

A motion was made by Mr. Berry seconded by Mr. Hudkins to table the request to rezone the parcel totaling ± 7.78 acres, located at 551 N. Winstead Avenue and 2320 & 2400 Professional Drive, at southeast corner of the intersection of N Winstead Ave and Curtis Ellis Drive from O-I to B-2CD until the next meeting, January 9, 2024. The motion passed with a four to one vote; Mr. Tharin was opposed.

5.2 Rezoning Request #09-12-23

At the request of the chair Stephanie Goodrich presented the request for rezoning submitted by Omar Bayyari Mohammad; A.M.E. Automotive & Service Xpress, property owner. The subject site is a ± 1.44 -acre parcel located at 14500 US 64 Alt West Hwy [formerly 2330 N Ralieg St; PIN 386081853000], on the NW corner of Springfield Road and US 64 Highway Alternate West. The subject property is zoned Neighborhood Commercial District (B-1), and the property owner is requesting rezoning to Commercial Services District (B-5) with the intended purpose of outside storage and warehouse with possible automotive in the future.

Most nearby properties are zoned B-5 or Commercial Corridor District (B-2), with some Low-Density Residential (R-10) and Agricultural Residential (A-1) in the area. The US 64 Alternate West corridor has been slowly transitioning from a more rural and residential nature to a commercial corridor. Nearby land uses include convenience store and fueling station, restaurant, fire station, natural gas supply and equipment, light fabrication, automobile sales and salvage, and detached single-family dwellings.

Ms. Goodrich advised that there has been one zoning map amendment approved within the vicinity of the subject site since the adoption of the current comprehensive plan, in 2003, when the parcel on the same block containing the Dollar General was rezoned from R-10 to B-5. There were two other rezonings in the area prior to the comprehensive plan's adoption: the adjacent parcel [54 Therapy Lane] was rezoned in 1999 from R-10 to B-5CD, and 831 Springfield Road was rezoned in 2000 from B-2 to O-I.

Ms. Goodrich advised that the Together Tomorrow: Tier I Smart Growth Comprehensive Plan identifies the subject site as being in the Southeast "Smart Growth" area. Smart Growth Areas were designated to encourage future growth to these specific areas by positive policies such as pedestrian-friendly communities with transportation choices and an intensity of development. These Smart Growth Areas will consist of a majority of residential uses with neighborhood and community services as appropriate. The West Smart Growth Area was designated considering transportation infrastructure that will make future development likely and possible with government incentives.

Ms. Goodrich advised that the transportation comments that were prepared by CRM Public Works Department, Engineering/Traffic Division stated that the subject parcel, located at 14500 US64Alt West Hwy, and situated in Edgecombe County, sits at the intersection of US64 Alt West and Springfield Rd. This parcel measures 1.44 acres and is accessed from two driveways, one on N. Raleigh and one on Springfield Rd. There are currently no improvements on the parcel. The subject parcel has about 118 feet of road frontage on N. Raleigh Rd., and about 203 feet on Springfield Road. The adjacent parcel to the west is also currently zoned B-5CU, and there are numerous zoning designations for other parcels that are located on opposite sides of both roadways.

At this location, N Raleigh Rd is a 4-lane, two way, undivided, major arterial with an estimated practical capacity of 21,400 vehicles per day (VPD) and an estimated average annual daily travel (AADT) of about 10,740 VPD per NCDOT data (2023).

Springfield Dr., at this location, is a 2-lane, two-way minor arterial with an estimated practical capacity of 21,400 vehicles per day (VPD) and an estimated average annual daily travel (AADT) of about 3,242 VPD per NCDOT data (2023).

Additionally, this parcel does not have direct access to the Tar River Transit system, access to bicycle amenities and sidewalks in this vicinity do not exist.

According to the Institute of Transportation Engineers "Trip Generation Manual, 9th Edition" (page 221), every 1000 square feet of warehouse building development (acceptable use in B-5 development) could potentially generate about 2.5 new vehicle trips per day on an average weekday.

It is recommended by city staff that an NCDOT Driveway Permit for any new driveways, alterations, or changes in use is obtained. The driveway permit will be reviewed concurrently by NCDOT and the City of Rocky Mount. A traffic impact analysis (TIA) will be required if the new development adds 1,000 new trips per day, or 100 new peak hour trips. Other mitigation measures may be required as site development plans are reviewed.

Ms. Goodrich stated that this request will not result in an increase in zoning intensity of the immediate area. Although the zoning change from Neighborhood Commercial to Commercial Services represents an increase for the subject site, the surrounding area already has properties zoned B-5 with long established commercial uses. The B-1 district is intended for local retail and personal services of limited size and service area that provide for the regular needs and convenience of those residing in the adjacent residential neighborhoods, whereas the B-5 district is designed to support a wide variety of commercial uses in the adjacent rail sidings and primary streets adjacent to the traditional downtown central business district and related areas of mixed commercial enterprises.

Ms. Goodrich advised that notification of this public hearing was sent to property owners within 250' of the subject site (see attachments). A notification sign was posted on the subject property and the Planning Board agenda is listed on the City's website.

Ms. Goodrich advised that staff recommends the request be forwarded to the Rocky Mount City Council recommending approval on the basis that the proposed rezoning of the subject site will have minimal to no negative impact on the area, is more compatible with existing conditions and complies with the Together Tomorrow: Tier 1 Smart Growth Comprehensive Plan.

The chair called for questions/comments from the Board for staff. There were none.

At the request of the chair Omar Bayyari Mohammad; A.M.E. Automotive & Service Xpress, property owner stated that his family has owned the land for 20 years and they would like to further their endeavors by having a trailer rental/outside storage facility and possibly in the future an automobile repair shop. He stated that they have no intentions of the site becoming a salvage yard. He stated that he would agree to a condition that prohibited such use. Mr. Mohammad signed a document provided by city staff that stated he agreed to the condition that prohibited the use of an automobile salvage yard.

The chair called for questions/comments from the Board for the applicant, there were none.

The chair called for questions/comments from the public in support to the request, there were none.

The chair called for questions/comments from the public in opposition to the request. Mrs. Linda Ruffin of 14385 US Alt W stated that she was not opposed to the rezoning, however she wanted to know more of what use was intended. Mr. Sperati clarified that the Board must consider all uses that are allowed in the zone. Mrs. Ruffin stated that she was opposed to a junk yard, and that she just doesn't want to see another one close to her residence.

There being no further questions/comments from the public, the public portion of the hearing was closed.

A motion was made by Mr. Berry seconded by Mr. Tharin and carried unanimously to recommend to the Rocky Mount City Council approval of the request to rezone the parcel totaling ± 1.44 -acres, located at 14500 US 64 Alt West Hwy from B-1 to B-5 with the condition that an automotive salvage yard is prohibited, on the basis that the proposed rezoning of the subject site will have minimal to no negative impact on the area and complies with the Together Tomorrow: Tier 1 Smart Growth Comprehensive Plan.

6. Planning Review

There were no items for review.

7. Other

There were no items for review.

8. Items from the Planning Board

Mr. Sperati introduced the newest member of the board, Mr. James Tharin. Mr. Tharin comes to the Planning Board from the Board of Adjustment. Mr. Tharin gave a brief detailed introduction of himself.

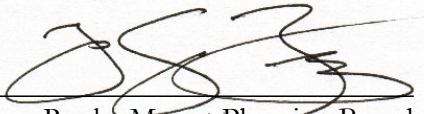
9. Items from the Secretary

Mr. Bocook informed the Board that a new GIS (geographic information system) portal was available on the city's website. This new GIS should be more user friendly with many options in addition to the previous zoning information, including three-dimensional viewing capability.

10. Adjournment (Next regular meeting January 9, 2024)

There being no further business, the meeting was adjourned at 7:05p.m.

Respectfully submitted,



Rocky Mount Planning Board
JoSeth Bocook, Secretary

Zoning Review

Requested Action: O-I to B-2CD
Location: 551 N. Winstead Avenue, 2320 & 2400 Professional Drive
Site Data: ±7.78 acres
Existing Land Use: Financial Institution, Undeveloped
Applicant: Chad J. Post; Rocky Mount (Winstead Ave) WW, LLC
Property Owner(s): Centura Bank Inc 09, Centura Bank Inc 4205
Case Manager: JoSeth Bocook, Deputy Director of Development Services
Voting Representatives: City Members

CONDITIONS:

- The permitted uses shall be limited to the following:
 - Accessory building;
 - Accessory use;
 - Automobile/vehicle wash (automatic or hand wash);
 - Convenience store;
 - Financial institutions (bank, savings and loan companies, and other financial activities);
 - Office use (of a doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist, or other medically-oriented profession)
 - Office use (with no on-premise stock of goods for sale to the general public and the operation and services of which are customarily conducted by means of written, verbal, or mechanically reproduced communication material)
 - Restaurant;
 - Retailing or servicing 50,000 or less gross sq. ft. per unit with operations conducted and merchandise displayed inside and/or outside a building and not otherwise listed herein;
 - Retailing or servicing with operations conducted and merchandise displayed inside and/or outside a building and not otherwise listed herein; and
 - Storage, warehouse [Interior, climate-controlled self-storage facilities only]
- Vehicular access points and/or points of vehicular ingress, egress, or regress to the subject property from Professional Drive shall be prohibited.
- The property line adjoining Professional Drive shall include a 10-foot wide, Type B buffer yard.
- The property line adjoining the property located at 2300 Professional Drive (Tax PIN: 384117102233) shall include a 10-foot wide, Type B buffer yard.
- In addition to the proposed buffer yard, the property line adjoining Professional Drive shall be screened with a minimum four (4) foot high metal fence.
- "Vape/Tobacco Shops" and "Storage, outside" [Exterior self-storage facilities] shall be prohibited at the subject property.

ANALYSIS:

a) Land uses: Subject site and vicinity

The subject site is comprised of three parcels having a combined area of approximately 7.78 acres, located at 551 N. Winstead Avenue and 2320 & 2400 Professional Drive, at southeast corner of the intersection of N Winstead Ave and Curtis Ellis Drive. The subject site is zoned Office and Institutional District (O-I). The largest of the three parcels contains an office building with associated off-street parking and has frontage along N. Winstead Ave, Curtis Ellis Dr, and Professional Dr. The properties addressed as 2320 & 2400 Professional Drive contain roughly 0.83-acres and 0.74-acres, respectively; these lots are undeveloped, and have frontage on Professional Dr only.

The properties immediately adjacent, along Professional Dr and Plaza Drive are zoned O-I and contain a variety of office uses and undeveloped parcels. Across Curtis Ellis Drive, is the Gateway Complex containing hotels, a restaurant, and a multi-unit commercial suite on properties zoned Conditional Commercial Services District (B-5CD). Across N Winstead Ave, exist properties zoned Medical Arts (MA), Conditional Commercial Corridor (B-2CD), O-I, and B-5CD, containing a hospital, medical office, hotel, financial institution, and undeveloped properties.

b) Zoning history

There have been four zoning map amendments approved within the vicinity of the subject site since the adoption of the current comprehensive plan, in 2003. Two of the amendments approved were for property along Jones Road, between Gateway Boulevard and Curtis Ellis Dr, that went from residential to commercial [currently Tru Hotel], in 2009 and 2015. The other two approved map amendments were for property at the corner of Jones Rd and Curtis Ellis Dr that changed from residential to transitional [currently Rocky Mount Eye and a detached single-family dwelling], in 2017 and 2021.

Beginning in the 1970s through the late 1990s the area surrounding the subject site saw numerous rezoning requests approved, that transitioned the area from one with residential zoning to the present mix of office and commercial development.

c) Conformance with comprehensive plan

The Together Tomorrow: Tier, I Smart Growth Comprehensive Plan identifies the subject site as being in a “Developed” and “Planned Infill Growth” area.

d) Transportation

See attachments.

e) Community impact

The rezoning of the subject site will not result in an increase in zoning intensity of the immediate area. Although the zoning change from Office and Institutional to

Commercial Corridor represents an increase for the subject site, the surrounding area already has properties zoned B-5 and B-2 with established commercial uses.

The B-2 district is established for major retail and service activities removed from the central business district, with major arterial access and with adequate open space and parking. This district is intended to serve the resident, non-residents and transient traffic using major arterials that run through or around the city.

Conditional districts are designed to provide site specific plans or individualized development conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable to the parallel base conventional zoning district.

f) Notice and public response

The applicant conducted a neighborhood meeting with area stakeholders on November 14, 2023; minutes from the meeting are enclosed.

Notification of this public hearing was sent to property owners within 250' of the subject site (see attachments). Also, a notification sign was posted on the subject properties and the Planning Board agenda is listed on the City's website.

STAFF RECOMMENDATION:

Staff recommends that the request be forwarded to the Rocky Mount City Council recommending approval on the basis that the proposed rezoning of the subject site will have minimal to no negative impact on the area and complies with the Together Tomorrow: Tier 1 Smart Growth Comprehensive Plan.

The subject properties include three contiguous parcels with a total of approximately 7.75 acres. The three parcels share approximately 534 feet of combined road frontage on Professional Drive.

The first parcel, 551 N Winstead Ave, sits at the intersection of Curtis Ellis Dr and North Winstead Ave. This parcel measures 6.22 deeded acres and is accessed from five different driveways – two on North Winstead Ave, two on Curtis Ellis Drive, and one on Professional Drive. The driveway on Professional Drive lies in between the other two vacant parcels in this rezoning request.

The second parcel, with an address of 2320 Professional Drive, is an approximate .74-acre vacant parcel, and is located to the south of the first parcel, on the east side of the Professional Drive entrance. This parcel sits to the east of the third parcel. This parcel has approximately 287 feet of road frontage on Professional Drive.

The third parcel, located at 2400 Professional Drive, lies to the south of the first parcel, to the west of the driveway into the first parcel from Professional Drive. It lies to the west of the second parcel. This parcel is about .83 calculated acres and has approximately 187 feet of road frontage on Professional Drive.

At this location, North Winstead Ave is a six-lane, two way divided major arterial with an estimated practical capacity of 39,400 vehicles per day (VPD) and an estimated average annual daily travel (AADT) of about 26,787 VPD per NCDOT data (2023).

At this location, Curtis Ellis Drive is a 2-lane collector street. The NCDOT does not provide AADT data for Curtis Ellis Dr. Also at this location, Professional Drive is a 2-lane undivided local street. The NCDOT does not provide AADT data for Professional Dr.

Other information:

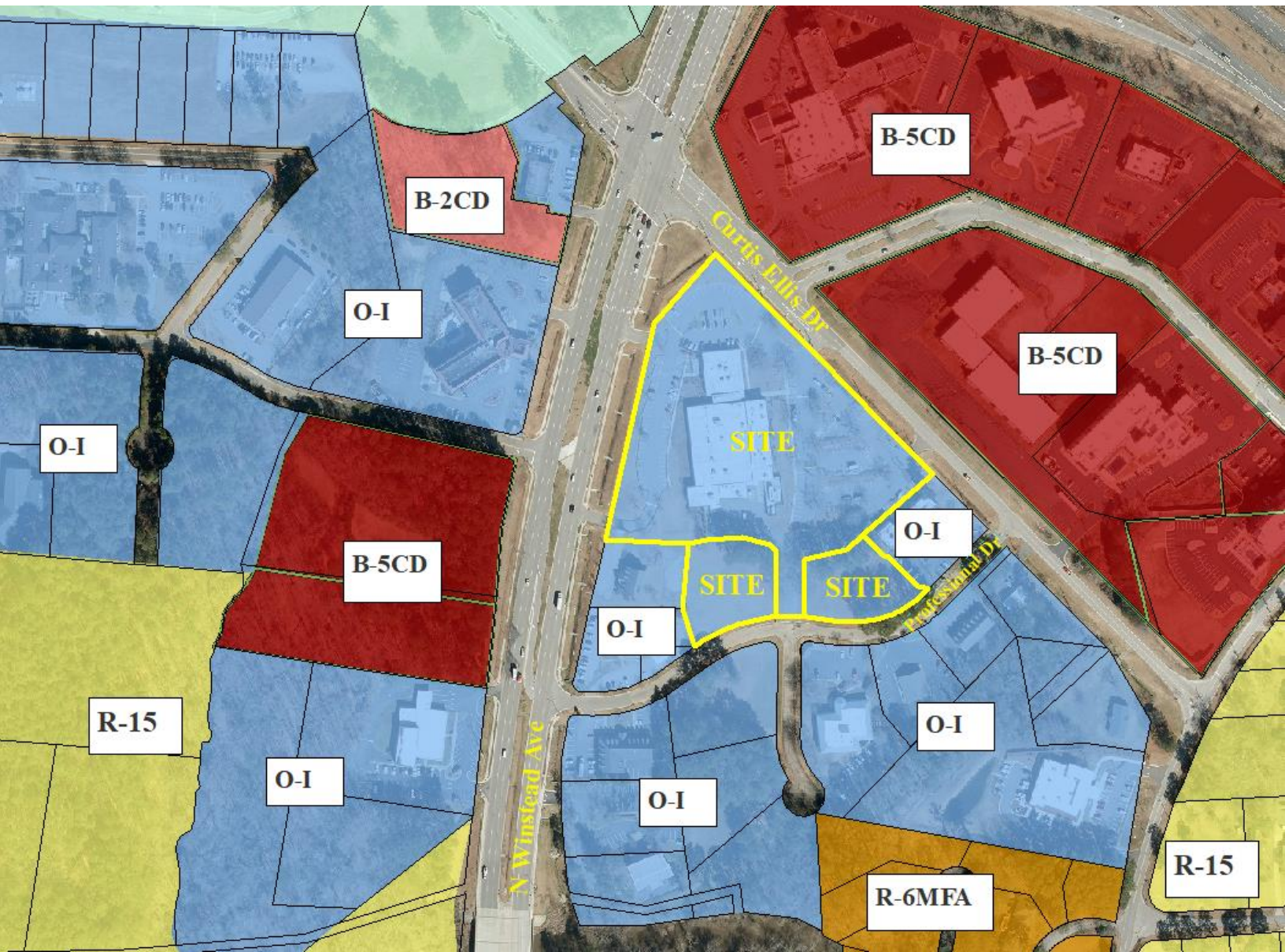
- These three parcels have direct access on North Winstead and Curtis Ellis Road to Route 7 (Transit Center to and from Nash Health Care System/NGH) on the Tar River Transit system.
- The subject parcels do not have direct access to bicycle amenities.
- Sidewalks exist along North Winstead Ave, but not on Curtis Ellis Dr or Professional Dr.
- All adjacent parcels are currently zoned O-1.

According to the Institute of Transportation Engineers “Trip Generation Manual, 9th Edition” (page 1294), every 1000 square feet of medical-dental office development (acceptable use in B-2 zoning) could potentially generate about 36 new vehicle trips per day on an average weekday.

Recommendations: Receive NCDOT Driveway Permit for any new driveways, alterations, or changes in use. The driveway permit will be reviewed concurrently by NCDOT and the City of Rocky Mount. Any new developments at this site will require a payment in-lieu of installing sidewalk along the ditch-lined road frontage. A traffic impact analysis (TIA) will be required if the new development adds 1000 new trips per day, or 100 new peak hour trips. Other mitigation measures may be required as site development plans are reviewed.

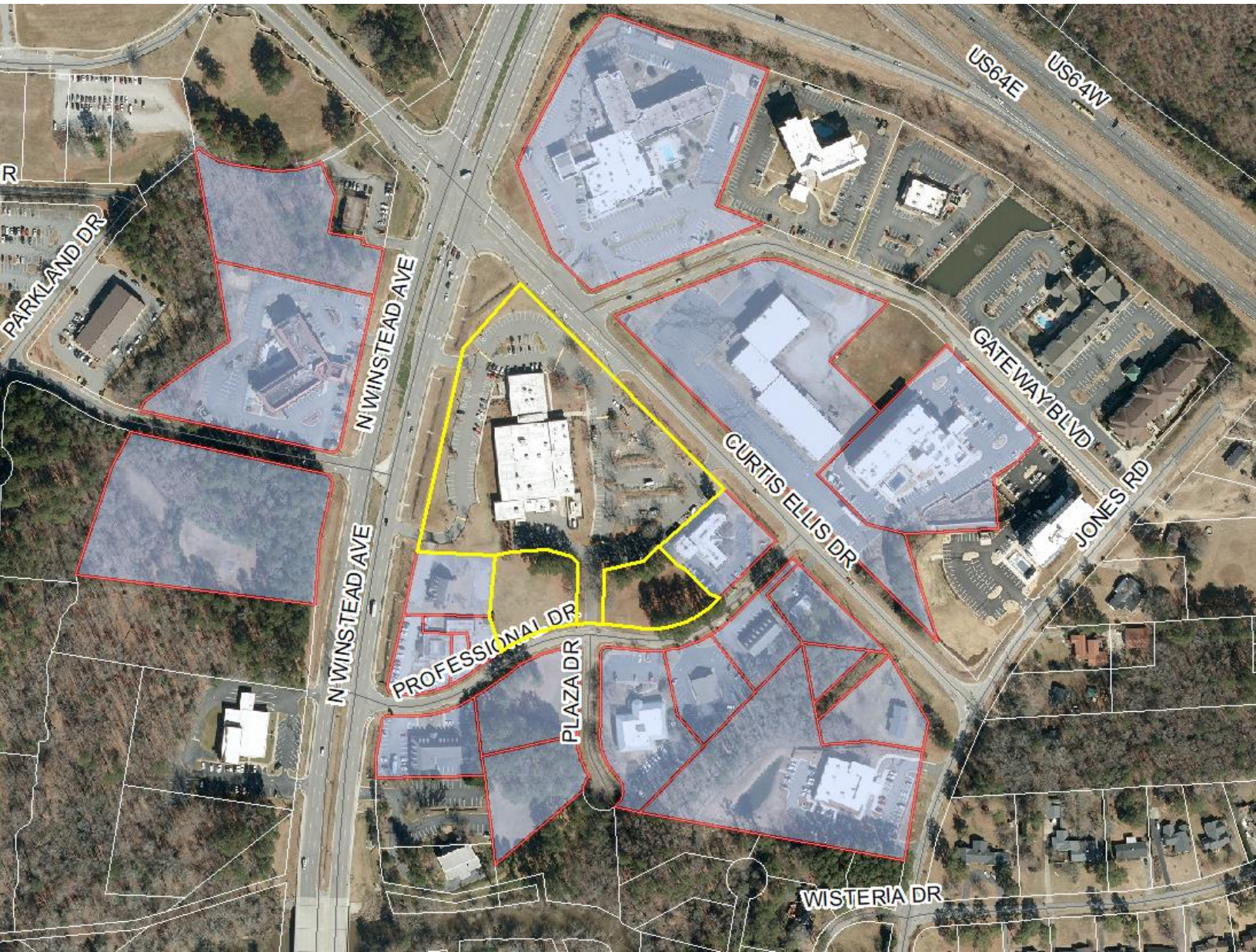
5.1 – Rezoning Request # 08-12-23
Zoning Map

0-I to B-2CD
[Ward 2]

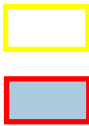


5.1 – Rezoning Request # 08-12-23
Aerial Image & Adjacent Owners Notice Map

0-I to B-2CD
[Ward 2]



ROCKY MOUNT
DEVELOPMENT SERVICES
THE CENTER OF IT ALL



Subject Property

Property Owners Mailed Notice

AD1 Rocky 1 LLC
1955 Harrison St Ste 200
Hollywood FL 33020

B D G H Investors
PO Box 7608
Rocky Mount NC 27804

B E R Trading Company LLC
9304 Red Oak Rd
Whitakers NC 27891

Blackacre
PO Box 7100
Rocky Mount NC 27804

Centura Bank Inc 09
130 S Jefferson St Suite 300
Chicago Il 60661-

Centura Bank Inc 4205
130 S Jefferson St Suite 300
Chicago Il 60661

Rich Cheney
521 N Winstead Ave
Rocky Mount NC 27804

Gerald P Cox Properties LLC
144 Steeplechase Rd
Rocky Mount NC 27804

Creeside Properties INC
111 W Church St
Nashville NC 27856

F C M Associates Rocky Mt Inc
PO Box 7246
Rocky Mount NC 27804

Helm Bernard L
2005 Nicodemus Mile Rd
Rocky Mount NC 27804

Holland Properties Holding LLC
PO Box 66
Statesville NC 28687

Nash Hospitals Inc
2460 Curtis Ellis Dr
Rocky Mount NC 27804-2237

Rabil Brothers LLC
821 Country Club Rd
Rocky Mount NC 27804

Theron L & Juanita C Riley
3217 Woodlawn Rd
Rocky Mount NC 27804

S C A Properties LLC
PO Box 2764
Rocky Mount NC 27804

Sallie Dixon Thomas
2106 Robert Bowie Dr
Upper Marlboro MD 20774-

Unique Hotels LLC
1101 Royal Ridge Dr
Rocky Mount NC 27804

Winterkins LLC
19197 NC 481 Hwy
Enfield NC 27823



Record of Meeting

Meeting Date/Time: November 14, 2023
6:00 PM (EST)

Meeting Location: 651 N Winstead Avenue, Rocky Mount, NC 27804

Subject: **Proposed Rezoning Request for Property Located at
South Corner of N Winstead Ave & Curtis Ellis Dr**

Attendees:

Name	Organization	Phone #	Email
Nadean Shovels	Kimley-Horn and Associates (KH)		
Jeffrey Lewin	Capital Growth Buchalter		
Robert Hicks	Capital Growth Buchalter		
Drake Brinkley	Ward and Smith, P.A.		
Keith Ballentine			
Bernard Helm			
Carla Helm			
Nick Corn	Battle Winslow		
Jason Brown			
Bill Warren			
Lige Daughtridge	Rocky Mount City Council		

The below statements were the key items discussed during the neighborhood meeting held on Tuesday, November 14th regarding the proposed rezoning request for a property located at the south corner of N Winstead Avenue and Curtis Ellis Drive. A sign in sheet (Attachment A) was provided, however some attendees declined to sign in.

1. Buffering
 - a. Nick Corn with Battle Winslow requested buffering be provided along the Professional Drive boundary line.
2. Permitted uses in the B2 zoning district
 - a. Drake Brinkley shared a list of permitted uses in the B2 zoning district.
 - b. Keith Ballentine raised a question on the intent to preserve the area as O&I/MA, based on recommendations provided in the 2004 land development code.
3. Proposed uses on the development

- a. Carla Helm requested that the developer consider providing breakfast options on the site.
 - b. Jason Brown asked that the site not be used for medical office use.
- 4. Timing of construction
 - a. Jeffrey Lewin shared an anticipated timeline for permitting and construction, noting it is subject to change.
- 5. Traffic impacts
 - a. Bill Warren lives in a nearby subdivision and expressed concerns about existing traffic and trash issues in the neighborhood. Kimley-Horn explained the TIA process and provided information on the current findings from the TIA.
 - b. Bill Warren asked that the City provide a police presence on Jones Road to slow drivers down.
- 6. Bernard and Carla Helm inquired about the 10'x100' strip of land separating their parcel from Professional Drive. It should be noted that this parcel is not a part of the rezoning request.

In addition to the key items listed above, an e-mail was received from Katherine Fisher with Battle Winslow. Correspondence with Ms. Fisher is included at Attachment B.

ATTACHMENT A - SIGN IN SHEET

Keith Ballentine -

Bernard & Carla Helm -

- Nick Corn -

ATTACHMENT B - 11/13/2023 EMAIL

From: Katherine Fisher <kfisher@bwsw.com>
Sent: Monday, November 13, 2023 1:26 PM
To: Lige Daughtridge
Cc: Shovels, Nadean; Sandy.roberson@rockymountnc.gov
Subject: Rezoning - Winstead Avenue

Follow Up Flag: Follow up
Flag Status: Completed

Categories: External

You don't often get email from kfisher@bwsw.com. [Learn why this is important](#)

Lige,

Our firm is in receipt of your letter related to the rezoning request submitted to the city of Rocky Mount for Rocky Mount (Winstead Avenue) WW, LLC.

We are a law firm whose office is located across Professional Drive, and we are concerned about the request to re-zone this property to B-2. Having operated our firm for more than 110 years in Rocky Mount, please understand that we are pro-Rocky Mount and pro-business; however, we believe that many of the permitted uses in a B-2 district would be contrary to the existing use of the surrounding properties. Additionally, we are concerned about possible stormwater issues which could arise from certain uses. Please provide more information regarding the intended use that the zoning request will support. It is unlikely that we will be able to attend the information session tomorrow night due to prior engagements.

I look forward to hearing from you so that we can assess the proposed use and determine whether we will support or oppose the zoning request.

Please do not hesitate to contact me to discuss our concerns further.

Best regards,

Katherine Fisher

Katherine Wiggins Fisher

ATTORNEY AT LAW

kfisher@bwsw.com | v-card



Battle, Winslow, Scott & Wiley, P.A.

P.O. Box 7100 | 2343 Professional Drive

Rocky Mount, NC 27804-0100

TEL: 252-937-2200 | FAX: 252-451-6836

www.bwsb.com

CONFIDENTIALITY NOTICE: This electronic mail transmission has been sent by a lawyer. It may contain information that is confidential, privileged, proprietary or otherwise legally exempt from disclosure. If you are not the intended recipient, you are hereby notified that you are not authorized to read, print, copy or disseminate this message, any part of it, or any attachments. If you have received this message in error, please delete this message and any attachments from your system without reading the content and notify the sender immediately of the inadvertent transmission. There is no intent on the part of the sender to waive any privilege, including the attorney-client privilege that may attach to this communication.

IRS NOTICE: IRS regulations require us to advise you that, unless otherwise specifically noted, any federal tax advice in this communication (including any attachments, enclosures or other accompanying materials) was not intended or written to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties. Furthermore, this communication was not intended or written to support the promotion or marketing of any of the transactions or matters it addresses.

Planning Review

Land Development Code Amendment: Amending the City of Rocky Mount Land Development Code Section 512 Zoning Map or Text Amendment

Applicant: Department of Development Services, City of Rocky Mount

Case Manager: Emilie Pinkston, Development Services Director

Intent of Proposed Changes: The intent of the proposed changes is to amend the Land Development Code (LDC) to reassign responsibility of notice for City Council public hearings related to zoning map and text amendments, as prescribed by North Carolina State Statute, to the Development Services Department. The proposed changes also clarify notice requirements and reflect recent changes to state statute regarding citizen comments.

Analysis: The proposed text amendment reflects a reorganization of departmental responsibilities, reassigning responsibility of notice for City Council public hearings related to zoning map and text amendments to the Development Services Department. Notice requirements for the City Council include publishing a notice of the public hearing once a week for two consecutive weeks in a local newspaper and, for zoning map amendments only, providing posted and written notice. Development Services has the capacity and resources to assume these responsibilities and doing so will be a continuation of the department's notice responsibilities for the Planning Board.

Additionally, the proposed amendments to LDC Section 512.B.5. reflect changes in North Carolina State Statute. The North Carolina State Legislature repealed the protest petition and supermajority requirement currently included in the LDC, replacing it with language detailing how residents and property owners submit comments to city council related to proposed zoning amendments. The proposed text amendment reflects this updated statutory language.

Finally, the proposed amendments add language clarifying the notice requirements for both Planning Board and City Council public hearings.

Staff Recommendation: Staff recommends that the text amendment be forwarded to the City Council recommending approval on the basis that the proposal clarifies notice requirements for public hearings, reflects the reassignment of departmental responsibilities for public notice, and maintains compliance with North Carolina State Statute.

The following markup identifies language proposed to be added and removed from the noted sections of the Land Development Code:

Section 512. Zoning map or text amendment

A. Procedure.

1. *Amendment by own motion.* The city council may from time to time amend, supplement, change, modify or repeal the boundaries or regulations herein or subsequently amended. This may be done on the council's own motion ~~or as a result of a recommendation after~~ after following the procedures prescribed below for an amendment by petition, including a recommendation from the planning board and a public hearing ~~as prescribed below.~~

2. *Amendment by petition.* The city council may also desire to take such action as a result of a petition presented by a private citizen in accordance with the following procedures. An owner or a duly authorized agent or representative may petition by submission of an application for the amendment of this LDC by filing an application with the director. Such petition along with an application fee, which shall be as established by resolution of the city council and published in the city's manual of city policies, shall be presented to the secretary of the planning board at least ten (10) working days prior to the planning board meeting at which the petition will be heard, not including the date of the hearing. The amendment petition shall contain such information, and shall be presented in such a manner specified by the planning board. In advance of the planning board meeting, the director of development services shall also ensure the amendment proposal is noticed as described in LDC Section 312. No refund of the application fee shall be made unless the petition is withdrawn prior to the planning board hearing. The planning board, after studying the petition, shall prepare a recommendation ~~and submit the same to the city clerk~~ for consideration by city council. Upon receipt of an affirmative recommendation of the planning board to amend the zoning classification with respect to any property or to otherwise amend the zoning LDC of the city, the ~~city clerk~~ director of development services shall cause to be published a notice of a public hearing on such proposed change as prescribed by law. Notice of such public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper published in the city. The first such notice shall be published the first time no less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. Such period shall be computed in compliance with N.C.G.S. § 1-594, and shall not be subject to Rule 6(a) of the North Carolina Rules of Civil Procedure. In computing the ten (10) day and twenty-five (25) day periods, the date of publication shall be excluded and the date of the hearing shall be included. For zoning map amendments, the director of development services shall also provide mailed and posted notice as described in LDC Section 312. In cases where the applicant has not submitted the petition by the required date prior to the hearing, he or she may request the planning board to waive the submission date and consider the petition. Under this procedure, the applicant shall state to the board the nature of the request. The board shall then determine from the secretary whether or not a review of the request has been completed and if the secretary is ready with a recommendation on the applicant's petition. Upon receipt of this information, the board will then vote on the question to waive the submission date deadline requirement. Upon a unanimous affirmative vote of the board, the submission date deadline will be waived and the request will be heard. An affirmative vote to hear the request will not prevent the board from tabling the request

in the event that the Board determines it is desirable to do so. The city council will, before rejecting a recommendation of the planning board regarding a request for amendment to this LDC, discuss the recommendation at a joint meeting with the planning board according to a format approved by both the planning board and the city council. Such joint meeting between the city council and the planning board will be held at the beginning of the first regular meeting of the planning board following the public hearing at which the amendment to the LDC was considered or at such other time as the planning board and the city council may determine.

3. *Time limit between similar petitions.* When a petition for a zoning amendment has been denied by city council, no petition requesting the same or essentially the same amendment/conditions which affects the same property or a portion thereof, shall be considered within a period of twelve (12) months, unless the facts and circumstances applying to such case have substantially changed. The twelve (12) month period shall apply regardless of whether the proposed amendment is filed by the same or different petitioner(s).

4. *Changes and amendments to watershed protection provisions.* No amendments, supplements, or changes which would cause this LDC to violate the watershed protection rules adopted by the North Carolina Environmental Management Commission shall be adopted by the city. All amendments to this LDC relating to public water supply watershed protection shall be filed with the North Carolina Division of Environmental Management, the North Carolina Division of Environmental Health and the North Carolina Division of Community Assistance.

5. ~~¶Covenants.¶~~An applicant may voluntarily submit private covenants for any and all conditions, covenants, deed restrictions and similar limitations regarding the future use of the property. Enforcement of said private covenants and/or restrictions shall not be enforced by the city.

6. ~~¶Amendment application.¶~~ A representative of the city. ~~An~~ an owner, or a duly authorized agent or representative may make application for the amendment of the text of this LDC by filing an application with the director.

B. *Hearing and recommendation by planning board.* After notice and public hearing, the planning board shall vote to recommend to the city council that the amendment be approved as submitted, or be approved subject to modification; or recommend to the city council that the amendment be denied. The planning board has thirty (30) days to take action on such request. If the planning board has taken no action after thirty (30) days then city council may act on the request without a recommendation from the planning board.

C. *Hearing and action by city council.*

1. The application shall be transmitted to the city council with the report and recommendation of the planning board at the next scheduled second (2nd) Monday of the month regular city council meeting.

2. The city council shall hold a hearing on each application. Following the public hearing, the city council shall approve as submitted, or approve the application subject to modification, or deny the application based upon the criteria below.

D. *Protest of approval.* ~~If a protest against a zoning map amendment is filed three (3) days before the time of the scheduled public hearing by the owners of twenty (20) percent or more of the areas of the lots included in such proposal, or five (5) percent of one hundred (100) foot perimeter buffer, such amendment shall become effective by the favorable vote of four-fifths (4/5) of all the members of the city council.~~ *Citizen Comments.* If any resident or property owner in the city submits a written statement regarding a proposed amendment, modification, or repeal to this LDC to the city clerk at least two (2) business days prior to the proposed vote on such change, the city clerk shall deliver such written statement to the city council.

E. *Review criteria.*

1. Zoning districts designations should give consideration to their impacts upon adjacent property and existing land uses.
2. Transportation access and vehicular traffic generated must be considered when determining the most appropriate zoning district designation.
3. Downzoning to a less intensive use might be recommended in certain areas where the character of development has already changed or will change over time giving consideration to the existing zoning districts classification and resulting permitted land uses which have been in effect for twenty (20) years.
4. Land uses should be consistent with the Land Use Element of the Rocky Mount Comprehensive plan and adopted sub-area plans.
5. Public schools and parks should be located, as practically and economically feasible, near the clients served and with consideration given to both vehicular and pedestrian access.
6. Agricultural land uses should be located at the edge or fringe areas of Rocky Mount so potential land use conflicts can be minimized and so agricultural and other associated uses can be protected from encroaching urban uses.
7. High impact uses that create large amounts of noise, odor, traffic, or other forms of identified and verified nuisances on residential land uses should be located as far as possible from residential neighborhoods or, as an alternative, positive measures must be taken to mitigate negative impacts on nearby neighborhoods.
8. Commercial and industrial land uses, when located along major transportation entrance corridors to Rocky Mount, shall give care and concern for appearance, design, visual impact and traffic safety.
9. Spot zoning, the zoning of a small individual parcel of land different from the majority of other zoning district classifications in the surrounding area, shall be discouraged.
10. Single-family residential land uses should include small lots, medium sized lots, and provisions for large estate type lots, and all primary residential uses within neighborhoods should back or side onto arterial streets in order to encourage quiet, safe, and low-volume localized movements.

11. Higher intensity land uses should be strategically placed and developed with design features that utilize increased setbacks, landscaping, berms, fencing, buffers uses, and other separations to be compatible with low intensity development.

12. Large community-serving shopping areas, major retail and service activities should be located at the intersection of arterial or collector streets.

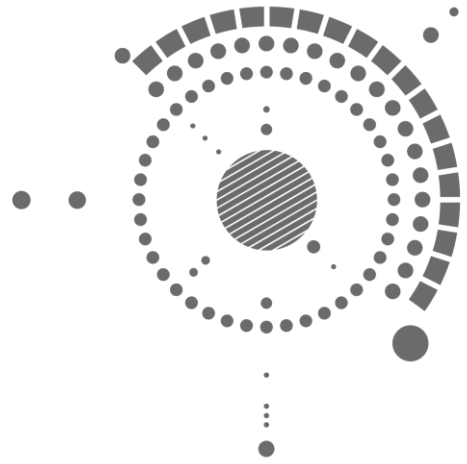
F. *Concurrent amendment of future land use map.* The city council may process a concurrent amendment to the Future Land Use Map of the Comprehensive Plan, provided that at least one (1) of the following criteria has been met:

1. Changed projections from those on which the boundary was based (for example, regarding public services of the extension of utilities);
2. Changed assumptions (for example, regarding demographic trends);
3. New issues not recognized in the comprehensive plan;
4. Recognition of a need for additional detail or comprehensiveness; or
5. Data, typographical or drafting errors.

~~(Ord. No. 0-2006-2, §§ 4a—4c, 1-9-06)~~

~~Strikethrough~~ = to be removed

Highlighted = to be added/corrected



ATTENTION:

The next regular meeting of the
City of Rocky Mount Planning Board
is scheduled for
Tuesday, February 13, 2024 at 5:30 p.m.

