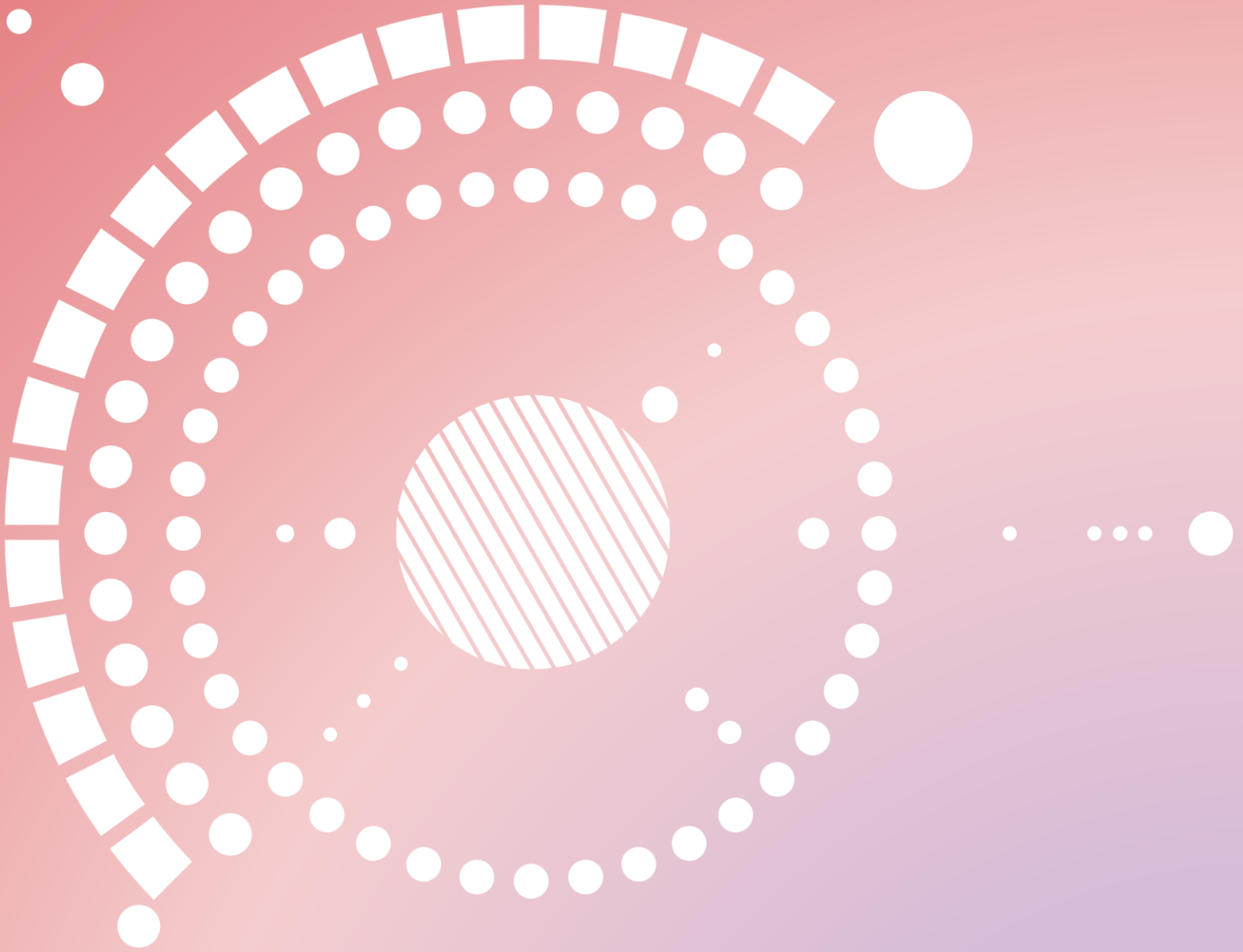


# Planning Board Staff Report

## February 13, 2024



**ROCKY MOUNT**  
DEVELOPMENT SERVICES  
THE CENTER OF IT ALL



**AGENDA**  
**ROCKY MOUNT PLANNING BOARD MEETING**  
**FEBRUARY 13, 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 James Tharin

**Edgecombe County:** Vacant

**Nash County:** Vacant

- 1. Call to Order**
- 2. Approval of Agenda**
- 3. Approval of Meeting Minutes:** January 9, 2024
- 4. Development Review**

**4.1 Maple Creek Major Cluster Subdivision Floodplain Development Permit #762**

Requested Action:	Class 2 Floodplain Development Permit
Location:	1930 Bethlehem Road [PINs 373908986297, 373908988825U, 373908983727]
Existing Land Use:	Dwelling, single-family detached; Undeveloped
Proposed Land Use:	Dwellings, single-family detached
Site Plan Data:	<u>±</u> 21.60 acres
Applicable Regulations:	LDC Sec. 909.D.
Owner:	Oak Level Ventures LLC
Applicant:	Marvin Shearin; Oak Level Ventures LLC
Prepared By:	Nick Rightmeyer, PE; Joyner Keeny, PLLC
Case Manager:	JoSeth Bocook, Deputy Director of Development Services
Voting Representatives:	City Members

**4.2 Maple Creek Preliminary Major [Cluster] Subdivision Plat #762 [APPEAL]**

Requested Action:	Appeal of Denial of Preliminary Major Subdivision Plat
Location:	1930 Bethlehem Road [PINs 373908986297, 373908988825U, 373908983727]
Existing Land Use:	Dwelling, single-family detached; Undeveloped
Proposed Land Use:	Dwellings, single-family detached
Site Plan Data:	<u>±</u> 21.60 acres
Applicable Regulations:	LDC Sec. 712.D.5.
Owner:	Oak Level Ventures LLC
Applicant:	Marvin Shearin; Oak Level Ventures LLC
Prepared By:	Nick Rightmeyer, PE; Joyner Keeny, PLLC
Case Manager:	JoSeth Bocook, Deputy Director of Development Services
Voting Representatives:	City Members

#### **4.3 Estee's Village Preliminary Planned Building Group #764**

Requested Action: Preliminary Planned Building Group  
Location: 2947 Old Battleboro Road  
Existing Land Use: Religious institution  
Proposed Land Use: Dwellings, single-family attached; Religious institution  
Site Plan Data:  $\pm 9.09$  acres  
Applicable Regulations: LDC Sec. 712.D.3.a  
Owner: New Covenant Church of Deliverance Outreach Ministries  
Applicant: Kupona Properties  
Prepared By: Nick Rightmeyer, PE; Joyner Keeny, PLLC  
Case Manager: JoSeth Bocook, Deputy Director of Development Services  
Voting Representatives: City Members

### **5. Zoning Review**

#### **5.1 Rezoning Request # 11-02-24**

Requested Action: R-10 to B-2  
Location: 1144 & 1156 Benvenue Road  
Site Data:  $\pm 2.19$  acres  
Existing Land Use: Vacant  
Applicant: Joel M. Boseman  
Property Owner(s): Joel M. Boseman; Boseman Family, LLC  
Case Manager: Stephanie Goodrich, Senior Planner  
Voting Representatives: City Members

#### **5.2 Rezoning Request # 12-02-24**

Requested Action: I-1 to B-5  
Location: 809 & 813 Carter Street  
Site Data:  $\pm 0.34$  acres  
Existing Land Use: Dwelling, single-family detached; Undeveloped  
Applicant: R. Heath King  
Property Owner(s): R. Heath King; Quality Rental, LLC  
Case Manager: JoSeth Bocook, Deputy Director of Development Services  
Voting Representatives: City Members

### **6. Planning Review**

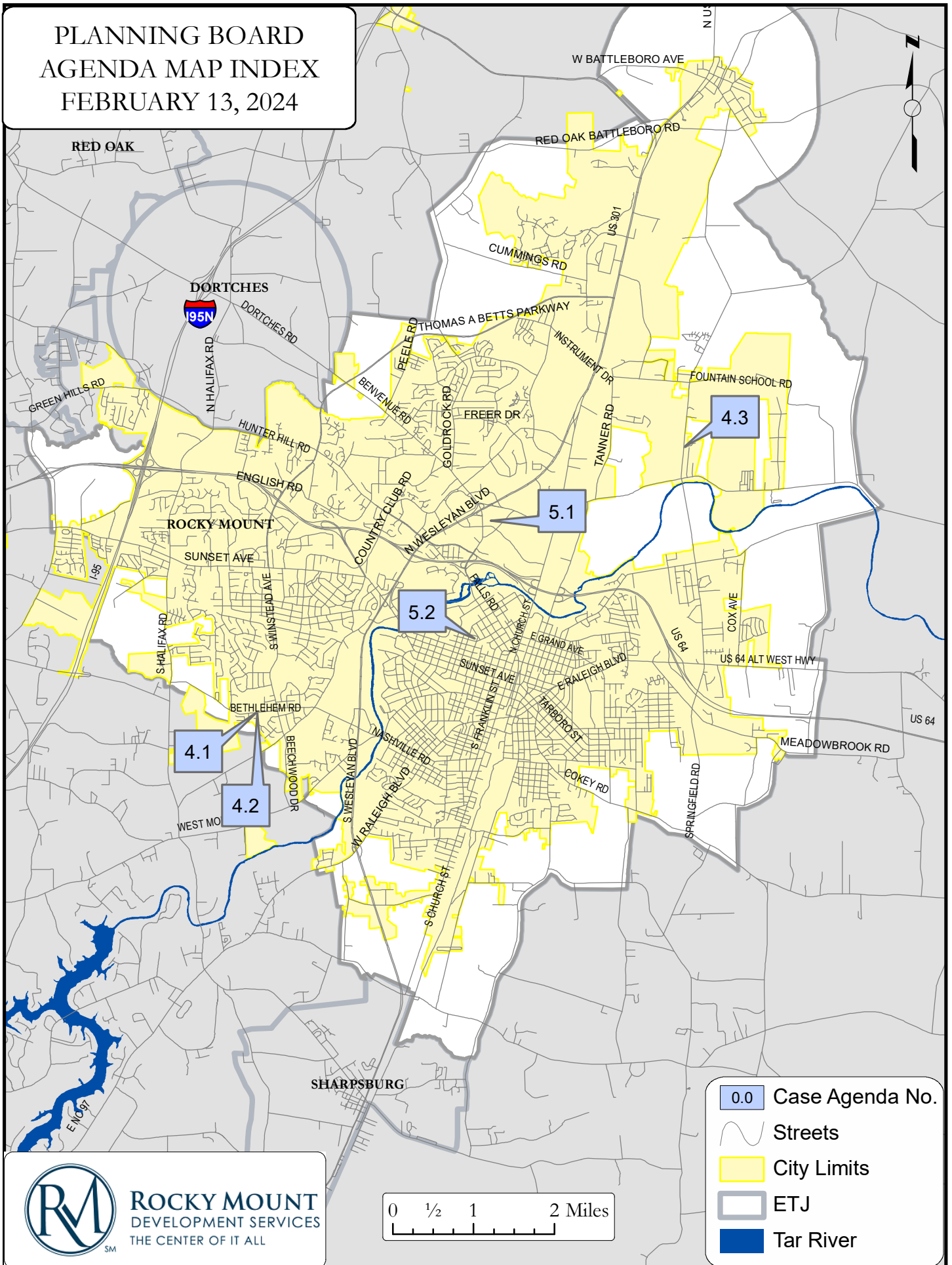
### **7. Other**

### **8. Items from the Planning Board**

### **9. Items from the Secretary**

### **10. Adjournment** (Next regular meeting: March 12, 2024)

# PLANNING BOARD AGENDA MAP INDEX FEBRUARY 13, 2024



**ROCKY MOUNT**  
DEVELOPMENT SERVICES  
THE CENTER OF IT ALL

0 1/2 1 2 Miles

- 0.0 Case Agenda No.
- Streets
- City Limits
- ETJ
- Tar River



**MINUTES OF THE  
ROCKY MOUNT PLANNING BOARD MEETING  
HELD JANUARY 9, 2024, 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  
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 not any changes; the board approved the agenda as presented.

**3. Approval of the Meeting Minutes: December 12, 2023**

The chair presented the December 12, 2023, meeting minutes to the board. A motion was made by Mr. Tharin, seconded by Mr. Davis, and unanimously carried to approve the minutes as presented.

**4. Development Review**

There were none.

**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 property owner Centura Bank Inc 09, Centura Bank Inc. This request was presented and tabled at the December 12, 2023, Planning Board meeting as conditions were sent in the morning of the meeting. The board voted that more time was needed for stakeholders to review the conditions. 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. As highlighted at the December 12, 2023, meeting, planning staff along with input from transportation staff in the Engineering Division of the Public Works Department has assessed the land uses, zoning history, transportation impacts, and community impacts and determined that this request does comply with the Together Tomorrow: Tier I Smart Growth Comprehensive Plan and will have no negative impact on the area. Since the meeting last month, the applicant has amended the proposed conditions. The request is to rezone the property from Office and Institutional District (O-I) to Conditional Commercial Corridor (B-2CD) the conditions would limit the permitted uses 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]. It has been specified that “Vape/Tobacco Shops” and “Storage, outside” [Exterior self-storage facilities shall be prohibited at the subject properties.

In addition, they have also added the following: 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; and 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.

Mr. Bocook stated that the applicant was present and has provided a sketch plan for the sake of conversation.

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

Mr. Tharin asked for clarity on what is specifically prohibited under retail and if Pawn Shops were included.

Mr. Sperati asked if the law firm that spoke in opposition at last month's meeting agreed with the new proposed conditions. Mr. Bocook advised that they were.

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

Clint Cogburn, Land Use & Litigation attorney with Ward and Smith, PA stated that his client, Capital Growth Buchalter, is seeking to rezone this property from O-I to B-2CD with conditions staff had outlined in their presentation. He stated that their complete team was present to answer any questions. He stated what they had heard from the board, stakeholders and members of the community requesting additional clarity, which they have sought to provide through the conditions and adding additional conditions than what was reviewed previously. Mr. Cogburn presented to the board a concept plan that showed two of the three contemplated uses if the rezoning is approved, and the site is developed. The two confirmed uses would be a WAWA and a Texas Roadhouse sit down restaurant. The third is not finalized and cannot commit to anything, however, they are trending towards a fast casual restaurant. Mr. Cogburn stated that with the conditions the request is consistent with the surrounding area, including zoning and use. He stated that this request is also consistent with the Comprehensive Plan and the Future Land Use Plan. The Comprehensive Plan specifically notes that it is located on/near a major throughfare and highlights it for Infill Development, which is what is being proposed.

Mr. Cogburn stated that significant conversations have been made with city staff since the submission of the application. A community meeting was held in November, and since then have had conversations with members of the community and stakeholders addressing concerns of uses which has been resolved with specific conditions being added. He addressed the question from Mr. Tharin regarding prohibited uses. Mr. Cogburn stated that if something is not expressly called out in the permitted uses and conditions that it is expressly prohibited from their standpoint. He stated that from his review of the permitted use table and the B-2 general district, a Pawn Shop and Tattoo Parlor would be permitted, however, because it is not included in the permitted list those would be prohibited by his client.

Mr. Mayo asked for clarity on a steak house being proposed as there are already two in the general area. Mr. Cogburn stated that was correct. To the far north what is planned is the WAWA location, which would be at the peak of the site. The second location, which is to the south, is proposed a Texas Roadhouse. He stated that across from a significant use along with due diligence and data collected during their site review that the area would not only support but would thrive with both proposed uses.

Mr. Tharin stated that Mr. Cogburn was very thorough with his presentation and as the only member voting in opposition at last month's meeting he is very satisfied, and all his concerns have been met.

Mr. Sparti asked if the metal fence be specific to a 4-foot black aluminum fence with a chain link fence being prohibited. Mr. Bocook advised that was permissible and the applicant agreed.

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

The chair called for questions/comments from the public in opposition of 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. Davis and carried unanimously to recommend to the Rocky Mount City Council approval of the request to rezone the parcel totaling  $\pm 7.78$  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, with all the conditions being proposed including prohibiting a chain link fence, 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**

### **6.1 Text Amendment #10-01-24**

At the request of the Chair, Mrs. Pinkston presented the proposed amendment to the City of Rocky Mount 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.

Mrs. Pinkston 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.

Mrs. Pinkston advised that 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 Chair called for questions/comments from the Board for staff as the applicant.

Mr. Sperati asked if a budget change would be needed as publications could be costly. Mrs. Pinkston stated yes, as that budget currently comes from the City's Clerk office. Citywide it is a wash as that specific budget would just be transferred from one Department to another.

Mr. Mayo asked that once the changes are voted on and ratified will the Planning Board receive a hardcopy of the changes in the LDC. Mrs. Pinkston stated that the Department of Development Services will get the Planning Board a hardcopy.

The Chair called for questions/comments from the public in support or in opposition to the request; there being none, the public portion of the meeting was closed.

Board action: A motion was made by Mr. Mayo seconded by Mr. Davis and carried unanimously to recommend to the Rocky Mount City Council the approval of the text amendment on the basis that the proposed amendment to the City of Rocky Mount Land Development Code to reassign the 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.

**7. Other**

There were none.

**8. Items from the Planning Board**

Mr. Berry asked for an update on items that have been submitted to City Council for approval that was on the City Council agenda on Monday, January 8, 2024.

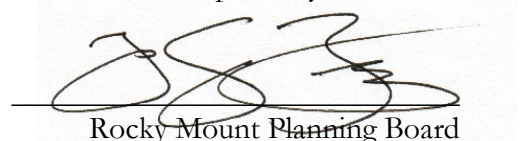
**9. Items from the Secretary**

JoSeth Bocook advised the Board of City Councils response to the Planning items on the City Council agenda at the Monday, January 8, 2024, meeting. The request by Race Trac, Inc. to rezone  $\pm$  7.01-acre site located on Wesleyan Blvd and Thomas Betts Pkwy from I-2 to B-5 was approved. The request by Thomas Wayne Hopkins to rezone  $\pm$  .856-acre site at 52 Green Pasture Rd from B-5 to A-1 was approved. The request by Omar Bayyari Mohammad (A.M.E. Automotive & Services Express) to rezone  $\pm$  1.44-acre site at 14500 US 64 Alt from B-1 to B-5CD – with the condition that a salvage operations and junk yards are prohibited on the subject property was deferred until the January 22, 2024, meeting. The City Managers recommendation to postpone the public hearing and Explanation of Feasibility Study relative to Annexation No. 332 – Harper & Williams (Sunset Ave) to February 12, 2024, was approved. The City Managers recommendation to postpone the public hearing to rezone  $\pm$  48.9-acre site and a  $\pm$  9.45 acre site from I-2 and GI (Nash County General Industrial) to R-6MFA, requested by Thomas White (Axiom Development, LLC) to February 12, 2024, was approved.

**10. Adjournment (Next regular meeting February 13, 9, 2024)**

There being no further business, the meeting was adjourned at 6:01p.m.

Respectfully submitted,



Rocky Mount Planning Board  
JoSeth Bocook, Secretary

# **Development Review**

Requested Action:	Class 2 Floodplain Development Permit
Location:	1930 Bethlehem Road
Existing Land Use:	[PINs 373908986297, 373908988825U, 373908983727]
Proposed Land Use:	Dwelling, single-family detached; Undeveloped
Site Plan Data:	Dwellings, single-family detached
Applicable Regulations:	±21.60 acres
Owner:	LDC Sec. 909.D.
Applicant:	Oak Level Ventures LLC
Prepared By:	Marvin Shearin; Oak Level Ventures LLC
Case Manager:	Nick Rightmeyer, PE; Joyner Keeny, PLLC
Voting Representatives:	JoSeth Bocook, Deputy Director of Development Services

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## ANALYSIS:

The applicant has requested a Class 2 Floodplain Development Permit to create a subdivision containing 72 lots for single-family detached dwellings, and one common area lot. The common area and 20 of the lots encroach on the 100-year floodplain, requiring compliance with the floodplain protection zoning overlay district standards. A floodplain development permit is required before any land disturbance activity, new construction, or substantial improvement, alteration or expansion of an existing structure or building may take place in the floodplain protection zoning overlay.

The following criteria shall be considered, and conditions may be placed on the applicant to ensure that they are addressed sufficiently to ensure the public health, safety, and general welfare are protected to the degree possible.

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.



**STAFF RECOMMENDATION:**

Staff recommends approval on the basis that the application of the city's floodplain protection zoning overlay district standards will ensure the subdivision has minimal to no negative impact on the area and complies with the Together Tomorrow: Tier 1 Smart Growth Comprehensive Plan.







## Stakeholders Notified – Maple Creek Cluster Major Subdivision Preliminary Plat

Michelle Denise Adkins  
1000 Spring Forest Dr  
Rocky Mount NC 27804

William C Alston  
2016 Joelene Dr  
Rocky Mount NC 27803

Ralph T Barnes  
908 Pamela Ln  
Rocky Mount NC 27803

Ronald J Berna  
2028 Joelene Dr  
Rocky Mount NC 27803

Shawnda Blackwell  
940 Pamela Ln  
Rocky Mount NC 27803

Mary & Robert E Michaud Carbonaro  
936 Pamela Ln  
Rocky Mount NC 27803

City Of Rocky Mount  
Po Box 1180  
Rocky Mount NC 27802

Beth B Covolo  
2128 Joelene Dr  
Rocky Mount NC 27803

Denise & Milton Earl Dancy  
2124 Joelene Dr  
Rocky Mount NC 27804

Spurgeon L & Diane W Davidson  
913 Pamela Ln  
Rocky Mount NC 27803

Sharon F & Stephen C Drake  
1824 Mapleton Dr  
Rocky Mount NC 27803

Malisha Eley  
120 Beth Eden Ct  
Rocky Mount NC 27803

First Free Will Bapt Church  
1825 Bethlehem Rd  
Rocky Mount NC 27803

Linster Jr & Tiffany N Frazier  
1004 Spring Frst  
Rocky Mount NC 27803

William S Hill & Naweah P Attia  
Gibson  
209 Allendown Ln  
Knightdale NC 27545

Terry Lee Griffin  
Po Box 8391  
Rocky Mount NC 27804

Steven Louis Gupton  
924 Pamela Ln  
Rocky Mount NC 27803

John Edward & Sharon Hakenson  
108 Spring Frst  
Rocky Mount NC 27803

Willis H & Margaret W Harper  
2140 Joelene Dr  
Rocky Mount NC 27803

Andrew N & Esther T Hirschberg  
941 Pamela Ln  
Rocky Mount NC 27803-

James Allen Jr & Sybil Hodge  
933 Pamela Ln  
Rocky Mount NC 27803

Tiffany Danielle Hunt  
1009 Garden Gate Dr  
Rocky Mount NC 27803

Charles William Jr & Essie Ruth  
Johnson  
1005 Spring Forest Dr  
Rocky Mount NC 27803

Hannah V Jones  
120 Warrington Ct  
Rocky Mount NC 27803

Alvin Ray Joyner  
928 Pamela Ln  
Rocky Mount NC 27803

Kka Properties Llc  
2156 Joelene Dr  
Rocky Mount NC 27803

David M & Teresita Lavelly  
2132 Joelene Dr  
Rocky Mount NC 27803

James N & Suzanne D Matthews  
104 Spring Frst  
Rocky Mount NC 27803

William Jr & Sharon Mclaughlin  
1940 Bethlehem Rd  
Rocky Mount NC 27803

Thomas V & Sandra B Miller  
4185 Meadowview Ln  
Rocky Mount NC 27804

## Stakeholders Notified – Maple Creek Cluster Major Subdivision Preliminary Plat

Abraham Moreno  
916 Pamela Ln  
Rocky Mount NC 27803

Corey & Ashley Nida  
2012 Joelene Dr  
Rocky Mount NC 27803

Larry S & Anita F Odom  
921 Pamela Ln  
Rocky Mount NC 27803

Norma J Payne  
2136 Joelene Dr  
Rocky Mount NC 27803

Brenda F Phillips  
944 Pamela Ln  
Rocky Mount NC 27803

Arthur Lee Ray Jr  
925 Pamela Ln  
Rocky Mount NC 27803-1522

Tyronda Ricks  
1008 Spring Forest Dr  
Rocky Mount NC 27803

Lisa W & Donna Harding Roberds  
1036 Kingsway Dr  
Apex NC 27502

Slack Family Trust  
404 Elliot Ln  
Pittsburgh PA 15229

Elton Bernice Stokes  
2655 Sun Valley Dr  
Waldorf MD 20603

Stewart E Stroud  
920 Pamela Ln  
Rocky Mount NC 27803

Ruth L Tabron  
912 Pamela Ln  
Rocky Mount NC 27803

Herbert R Tillery  
2020 Joelene Dr  
Rocky Mount NC 27803

Pamela Ward & Jane Ward  
1001 Spring Forest Dr  
Rocky Mount NC 27803-

Timothy Justin & Ashley Nicole Ward  
929 Pamela Ln  
Rocky Mount NC 27803

Margaret P Williams  
Po Box 1398  
Rocky Mount NC 27802-1398

Mark C & Carol J Williams  
2024 Joelene Dr  
Rocky Mount NC 27803

Patricia Wong & Tammy L Simmons  
1004 Garden Gate Dr  
Rocky Mount NC 27803

Woodruff Irrev Trust  
1036 Kingsway Dr  
Apex NC 27502

William Grant Wooten  
7389 Cedar Grove School Loop Rd  
Nashville NC 27856-8471

Requested Action:	Appeal of Denial of Preliminary Major Cluster Subdivision Plat
Location:	1930 Bethlehem Road [PINs 373908986297, 373908988825U, 373908983727]
Existing Land Use:	Single-Family Dwelling, Undeveloped (Agricultural)
Site Plan Data:	±21.60 acres
Applicable Regulations:	LDC Sec. 712. D. 5.
Owner:	Oak Level Ventures LLC
Applicant:	Marvin Shearin; Oak Level Ventures LLC
Prepared By:	Nick Rightmeyer, PE; Joyner Keeny, PLLC
Case Manager:	JoSeth Bocook, Deputy Director of Development Services
Voting Representatives:	City Members

## BACKGROUND:

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. Subsequently, at their December 12, 2023 meeting the Planning Board referred the project to the Development Review Committee for additional review.

## PLANNING BOARD CONSIDERATIONS:

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.

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?

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.

The 73 lots proposed is 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.

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.

## RECOMMENDATION:

City staff recommends approval of the residential cluster preliminary major subdivision plat with consideration given to the noted development alternatives and on condition that the following comments are resolved:

1. Planning: Obtain a Class 2 floodplain development permit from the Planning Board.
2. Planning: Establish a homeowners' association (HOA) in accord with LDC Sec. 713.

LDC Sec. 712. – Site development plans. D. *Required contents for site plans.*

5. Residential cluster developments. Residential cluster development provides an alternative to conventional single-family residential development. Plans for the construction of a residential cluster development shall be approved by the planning board in accordance with the requirements of the subdivision ordinance.

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 [section 601 District Dimensional Standards](#).

It is the intent of this section to allow a reduction in lot size with the result that land area "saved" by so doing will become usable open space (common area) accessible by all residents of the residential cluster development.

1) General requirements.

- a) Residential cluster developments shall contain not less than five (5) net acres. For the purposes of this section, "net acres" shall be the total area of all lots and common area(s) exclusive of public street rights-of-way. Addition to any existing residential cluster development may be allowed provided such addition meets or exceeds all other applicable requirements.
- b) Residential cluster development is a use-by-right in A-1, O-I, R-15, R-10, R-8, R-6, R-6MFA and PDR districts. Such development shall be exempt from the conventional zoning standards relative to lot area, lot width, lot frontage, lot coverage, and required yards, normally applicable to such districts provided such development complies with minimum standards set forth in this section.
- c) Land uses specified as a special use in the applicable districts by the table of permitted uses shall meet all of the requirements as identified in this LDC.
- d) In locations where the residential cluster development is proposed to be developed immediately adjacent to a developed or undeveloped single-family subdivision which is recorded in the register of deeds office and is zoned solely for single-family land use, the planning board may require at its discretion one (1) tier of lots not utilizing the residential cluster development regulations to be developed around the perimeter or a portion thereof of the property in which the residential cluster development design is to be employed.
- e) Streets may be offered for public dedication or may be privately owned by homeowners' association. Streets must meet the applicable design requirements set forth in the subdivision ordinance.
- f) The director shall have the authority to authorize the developer to substitute sidewalks with alternate pedestrian walkways, such as nature trails.



- 2) Density. The maximum number of dwelling units allowed per acre are shown in the residential cluster development density table below. These requirements for residential cluster development supersede the requirements of the table of area, yard and height requirements of this LDC.

Table 7-9.  
Density for Cluster Developments

(District)	(Dwelling Units Per Acre)
A-1	2
R-15	3
R-10	4
R-8	5
R-6	6
R-6MFA	10*/6**
O-I	10*/6**
PDR	6

\*For cluster developments with more than five (5) net acres and less than ten (10) net acres.

\*\*For cluster developments with greater than ten (10) net acres.

- 3) Lot design and minimum dimensional standards.
- Because the dwelling unit density identified in the preceding section is consistent with conventional single-family development within the district in which the development is located, no minimum lot size or width is required for the subdivision of a residential cluster lot.
  - For all of the residential cluster subdivision construction plats approved by the Planning Board prior to June 13, 1994, the following yard setback provisions shall apply. There are no yard setbacks required for buildings constructed for residential cluster development purposes from interior lot lines for residential cluster lots.
  - Any residential or nonresidential building construction shall setback a minimum of twenty (20) feet from any public or private street right-of-way line as identified on the planning board approved construction plat and the initial tract of land of the residential cluster development perimeter.
  - For residential cluster development construction plats approved by the planning board after June 13, 1994, the following shall apply. The conventional lot setbacks identified in the Table of Area, Yard and Height Requirements for each district shall apply to each cluster lot. In instances where a dwelling shares a common wall with another dwelling unit on one (1) or both sides, there shall be no side yard setback from the built-on side lot line. Minimum side and rear yard setbacks shall be five (5) feet from all interior side and interior rear lot lines.
  - There shall be a minimum setback of twenty (20) feet from the perimeter of the initial tract of land of the residential cluster development. This area may be counted toward the dwelling density if the area is dedicated as common area and is accessible to the residents of the development.
  - Each lot shall abut a public or private street right-of-way.

- 4) Common area. A residential cluster development shall provide open space subject to all of the following requirements:
  - a) Such open space shall be greater or equal in area to the total amount of area by which each lot was reduced below the minimum lot size requirement of the prevailing zoning district, or as provided under subsection b) below, whichever is greater.
  - b) Residential cluster developments shall reserve not less than twenty (20) percent of the net acreage as common space.
  - c) Such area shall not be used as a residential building site. For the purposes of this section, picnic areas or shelters, ball fields, walking or jogging trails, boat ramps and docks or similar recreational facilities may be allowed.
  - d) Such area shall not be devoted to any public street right-of-way or private street easement, private driveway, or parking area.
  - e) Such area shall be left in its natural or undisturbed state if wooded at the time of development, except for the cutting of trails or walking or jogging or, if not wooded at the time of development, is improved for the uses listed under subsection c) above, or is properly vegetated and landscaped with the objectives of creating a wooded area or other area that is consistent with the objective set forth in subsection f) below.
  - f) Such area shall be capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation or for horticulture if not devoted to other allowable uses in this subsection.
  - g) Such area shall be legally and practically accessible to the residents of the development.
  - h) A minimum of one-half ( $\frac{1}{2}$ ) of the required open space shall be contained in one (1) continuous undivided part. An open space area designed around the perimeter of the cluster development shall not constitute any portion of this required open space.
  - i) Such area shall be perpetually owned and maintained for the purposes of this section by the homeowners' association.
  - j) The location and arrangement of any open space shall be subject to planning board approval.
  - k) There shall be no further subdivision of homeowners' association owned property when the final plat of the initial subdivision of the residential cluster development has been recorded in the register of deeds office.
- 5) Homeowners' association. See [section 713](#) of this LDC for regulations relative to homeowners' associations.
- 6) Validity. Approved site development plans shall be valid for a period of two (2) years from the date of approval. Upon the expiration of said two (2) year period of validity, a revised site development plan shall be required to be submitted as a new project.

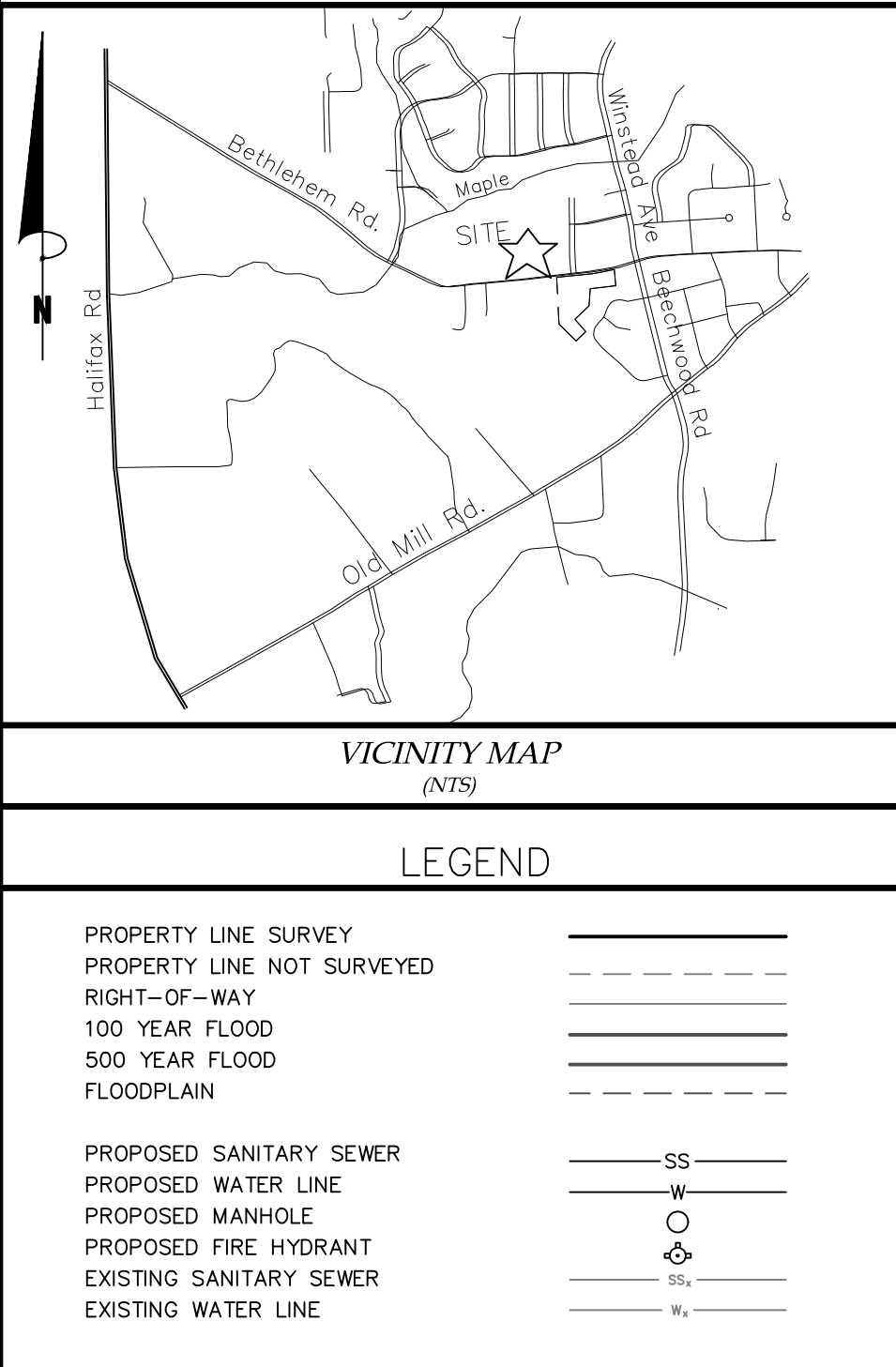
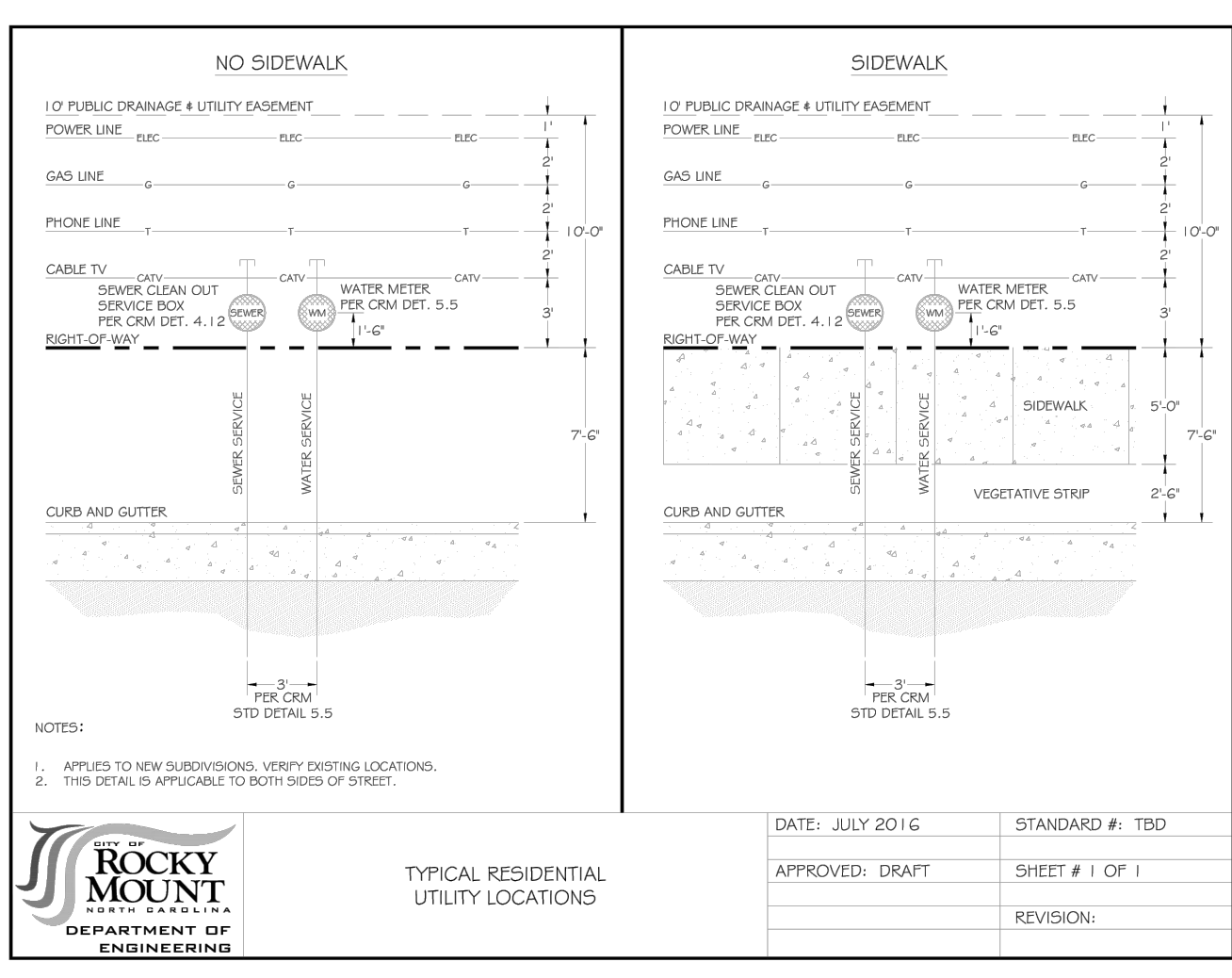
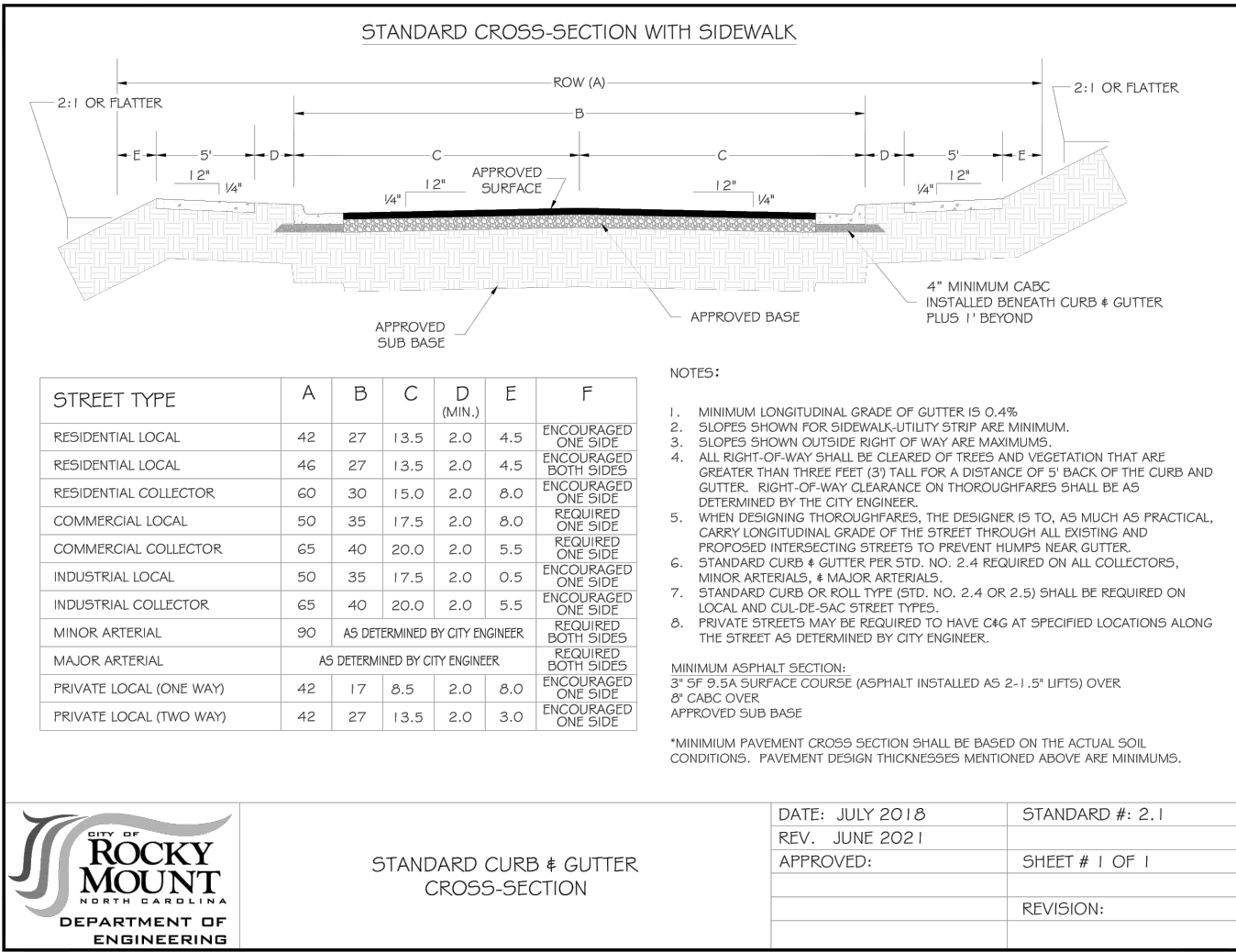
Sec. 713. – Homeowners association.

The establishment of a homeowner's association shall be mandatory for all land subdivisions and developments involving and including commonly owned open spaces and easements.

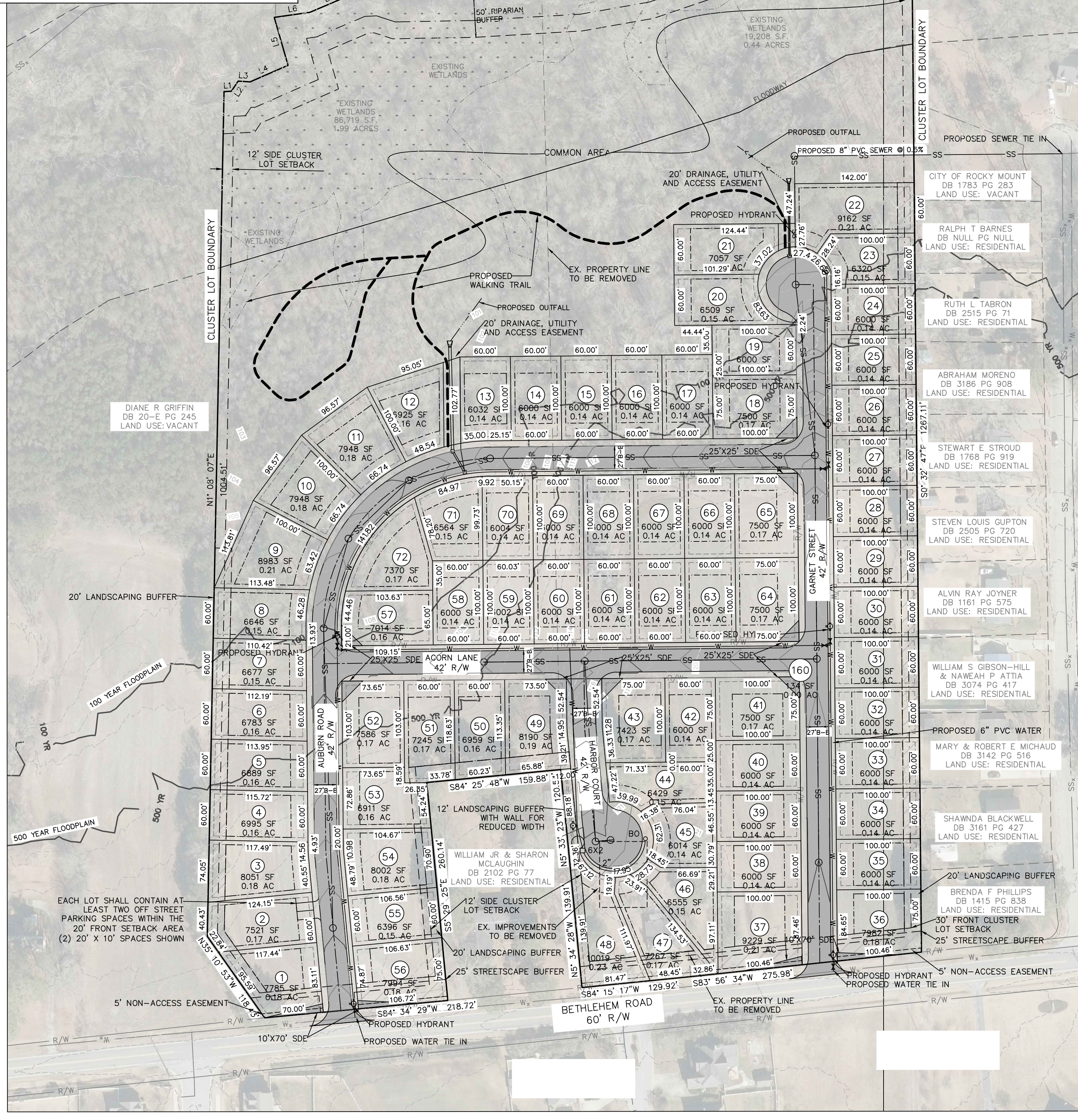
- A. *Proposed articles of incorporation for the association.* Such articles of incorporation shall provide for homeowners control when over fifty (50) percent of the dwelling units are sold.
- B. *Proposed bylaws of the association.* Such bylaws shall contain provisions which will facilitate the selection of the most capable officers of the association. The bylaws shall also contain provisions requiring an annual audit and distribution of that audit to all the members of the association.
- C. *Annual assessments.* Proposed annual budget of the association showing monthly assessments. The monthly assessments must be set at a sufficient level to ensure success of the association.
- D. *Budget.* Proposed ten (10) year income and expense budget reflecting the establishment of a sinking fund for capital replacement.
- E. *Right of entry.* Proposed document granting right of entry to the common areas by rescue officers, firefighting personnel, police officers and service personnel while performing their duties.
- F. *Proposed information packet for prospective buyers.* The packet shall include a complete listing of all land, buildings, equipment, facilities, and other existing or proposed holdings of the association; time schedule for maintenance of major facilities and information regarding the association's assessments and fiscal program.
- G. *Covenants.* Proposed restrictions and covenants for the common area and residential sites.
- H. *Easements.* Easements over the common areas for access, ingress and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a residential site.
- I. *Organization.* The homeowner's association shall be organized and established as a legal entity prior to or as part of the final plat approval and recording process. Membership in the homeowner's association shall be mandatory for each original purchaser and each successive purchaser of a residential site as follows:
  - 1. The homeowner's association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance of recreational and other facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair of the exterior of all attached residences located within the development or other common area facilities. It shall be further provided that upon default by the homeowners association in the payment to the government authority of any ad valorem taxes levied against the common areas or of assessments for public improvements to the common areas, should default continue for a period of six (6) months, then each owner of a residential site in the development shall become

- obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential sites in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, then the sum shall become a continuing lien on the cluster real estate of the then owner, heirs, devisees, personal representatives and assigns, and the taxing or assessing governmental authority may either bring any action at law against the owner obligated to pay the same or may elect to foreclose the lien against the cluster real estate of the owners.
2. The homeowner's association shall be empowered to levy assessments against the owners of the residential sites within the development for the payment of expenditures made by the homeowner's association for the items set forth in the preceding paragraph and any such assessments not paid for by the owner against whom such are assessed shall constitute a lien on the cluster site of the owner. However, assessments levied by the homeowner's association for common area improvements may be exempted from the developer owned lots prior to the initial sale of the individual lots or a period of three (3) years, whichever occurs first.





- GENERAL NOTES**
1. **Property Information**
- Tax Map Parcel ID Number: 37390898825U & 373908983727
- Zoning: R-10
- Physical Address: Bethlehem Rd
- Rocky Mount, NC 27804
- Existing Land Use: Vacant
- Proposed Land Use: Residential
- Minimum Setback Requirements for Cluster Lot (R-10)
- Front: 30'
- Side: 12'
- Rear: 30'
- Minimum Setback Requirements For Interior Lot Lines:
- Front (R/W): 20'
- Side: 5'
- Rear: 5' (20' shown on layout)
- Total Site Area = 21.60 AC
2. Legal Reference: Being a portion of that property described in Deed Book 2956, Page 453, and also Deed Book 1934, Page 1056 Stony Creek Township, Nash County Registry. Boundary Survey has not been performed.
3. This map does not depict encumbrances that are found during a thorough & complete Title Search.
4. All Right-of-Ways are Public, unless noted otherwise.
5. Surveyor did not visibly see any cemeteries in any open areas unless noted otherwise.
6. The Contractor/Owner shall be responsible for verifying all minimum building setback requirements with the Building Inspections Department prior to construction.
7. The Contractor shall be responsible for all work zone traffic control in or adjacent to NCDOT or City of Rocky Mount Right-of-Way. All methods shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) and/or NCDOT standards & specifications.
8. Call NC One Call Center at 800.632.4949 before digging to locate existing utilities
9. There is a 5' Drainage and Utility Easement around the perimeter of each lot unless otherwise noted.
10. Boundary and Topographic survey prepared by: Bartlett Engineering
- 1906 Nash Street North
- Wilson, NC 27893-1723
- Tele: (252) 399-0704
11. Wetland information provided by Bartlett Engineering. Wetlands information is approximate.
12. Common Area shall be perpetually owned and maintained by homeowners association.
13. All development within the 100-yr floodplain will require a floodplain development permit and/or an elevation certificate in accord with the city's Floodplain Protection Zoning Overlay District standards.
14. A payment in-lieu of sidewalk installation will be due before conditional acceptance of roadways per LDC section 706. The rate is \$39/sydw for a standard 5-foot wide sidewalk stretching the total frontage along Bethlehem Rd.
15. There is a 5' non-access easement along lot frontage of Bethlehem Road.
- Standard Notes**
1. All required improvements shall conform to the City of Rocky Mount's Land Development Code and Manual of Specifications and Details, latest edition. All lots shall equal or exceed the minimum development standards specified in Chapters 4, 5, and 6 of the Land Development Code.
2. This plan is valid for two (2) years from the date of approval.
3. All stop/street signs and sign placement shall conform to Tables 7-6 and 7-7 of the Land Development Code and MUTC-D (latest edition)
4. The City of Rocky Mount will not record a final plat for this project until the developer or contractor provides a landscape maintenance bond.
5. The disturbed area for this project is greater than 0.5 acre. Therefore, stormwater detention and nutrient management are typically required. Nutrient management for this project is accomplished utilizing in-lieu fee payment. The increase in peak flow between the pre-development and post-development conditions does not exceed 10%. Therefore, stormwater detention is not required for this project.
6. The disturbed area for this project is greater than 1.0 acre. Therefore, a formal sedimentation and erosion control plan and permit are required prior to any grading or construction on the site.
7. Copies of all permits and approved plans must be kept on site in a permit box that is conspicuously located and easily accessible during construction. This includes approved construction plans, encroachment agreements, and driveway permits.
8. Contours on these plans were obtained from an actual field survey performed by William A Bartlett on 3/30/23. Reference horizontal datum is NAD 83 and reference vertical datum is NAVD 88.
9. Portions of the Site lie in Flood Zone AEFW, AE, and X, per FEMA FIRM # 3720373900K & 3720374900K dated 6/18/13. Base flood (100-year) elevation is 107.6. A Class 2 Floodplain Development Permit is required to be approved by the Planning Board.
10. Contractor/Developer shall contact City of Rocky Mount Construction Inspector Bill Pridgen at 252/343-3156. Major Subdivision Preliminary Plat Checklist. Revised 12/21/2011. 3 of 3. one week prior to beginning construction.
11. Contractor/owner/developer shall contact City of Rocky Mount Public Utilities at 252/467-4808 to coordinate the installation of electric services and 252/467-4827 to coordinate the installation of natural gas services.
12. The electric customer shall own and be responsible for the installation of electric service to the point of delivery identified by Rocky Mount Public Utilities.
13. The developer/owner is responsible for all costs related to the relocation of any existing utilities.
14. For underground utilities, the developer/owner is responsible for all costs of borings, conduit, pavement patching and landscaping replacement.
15. The property owner shall provide an executed right-of-way easement prior to the installation of gas or electric utilities.
16. The contractor is responsible for calling the NC One Call Center at 811 to locate existing utilities prior to beginning work.
17. The contractor shall provide the Fire Department with vehicular access to all structures under construction at all times. In areas where ground surfaces are soft or are likely to become soft, the contractor shall provide and maintain stable all weather surfaces.
18. A geotechnical report and pavement design sealed by a N.C. registered professional engineer must be approved by the Director of Engineering prior to construction of any roadway improvements.
19. Roadway sub-grade soil conditions must be evaluated by a geotechnical engineer for conformance with pavement design conditions. A proof-roll must be witnessed and approved by a City of Rocky Mount Department of Engineering representative prior to placement of stone base.
20. Construction may not begin until a Major Subdivision Construction Plan showing all required design details and calculations is approved by the Development Review Committee.
21. Water and sewer fees may be due on this project. Please contact Negrete Silver at 252/972-1126 for fee information.
22. Ensure all hydrants are oriented so that the large diameter discharge outlet is facing the street/intersection.
23. At least one (1) large tree and one (1) small tree shall be provided on all single-family residential lots.



	SF	Ac.
Total Area	956836	22.0
R/W Area	121866	2.8
Net Area	834970	19.2
Lot Area	487704	11.2
Open Area Required	166994	3.8
Open Area Shown	349884	8.0
Open Area Outside Floodway	168579	3.8
Number of Lots Allowed	88	
Number of Lots Shown	73	

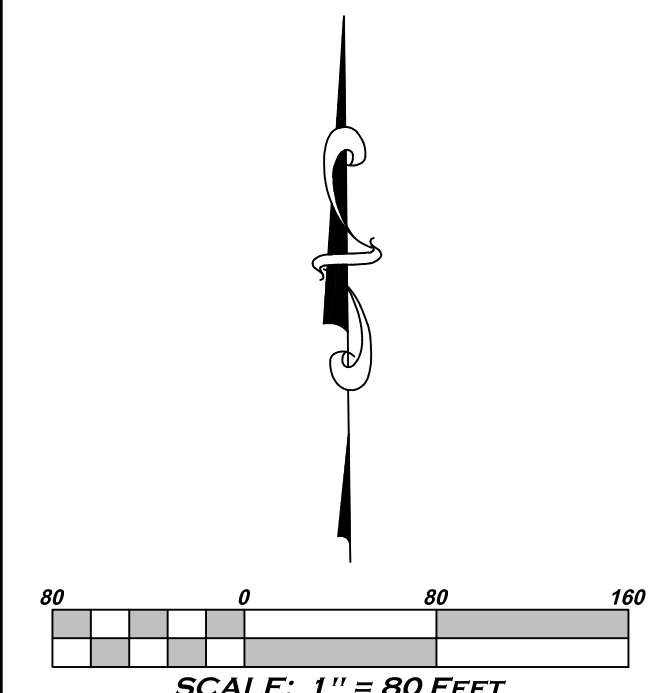
Line Table		
Line #	Bearing	Distance
L1	N86° 53' 22.99"E	8.80'
L2	N33° 49' 46.70"E	14.43'
L3	S86° 21' 37.49"E	14.14'
L4	N66° 19' 05.25"E	49.25'
L5	N15° 58' 26.14"W	59.19'
L6	N81° 58' 11.02"E	42.69'
L7	N66° 54' 20.70"E	63.54'
L8	N87° 27' 53.91"E	24.98'
L9	S72° 04' 24.43"E	23.74'
L10	N88° 56' 31.36"E	89.65'
L11	N86° 34' 50.37"E	123.11'
L12	N79° 59' 14.49"E	78.80'
L13	N71° 17' 11.47"E	103.79'
L14	N68° 40' 54.74"E	72.67'
L15	N74° 56' 07.83"E	89.49'
L16	N73° 32' 34.67"E	48.83'

Certification by the department of development services that this preliminary plat was approved by the city planning board on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Date  
Director of Development Services

Certification by the city engineering department that this preliminary plat meets the appropriate city standards

\_\_\_\_\_  
Date  
Director of Public Works



RESIDENTIAL CLUSTER DEVELOPMENT  
MAJOR SUBDIVISION PRELIMINARY PLAT  
MAPLE CREEK SUBDIVISION

DATE  
5/22/23

SCALE  
1" = 80'

DRAWN BY  
WDB

JOB NUMBER  
230226A

DRAWING FILE  
230226A - Prelim Plat

LAYOUT TAB  
Prelim Plat

DATE	DESCRIPTION
5/22/23	PRELIMINARY NOT FOR CONSTRUCTION

JK JoynerKeeny  
Planning, Surveying & Engineering

1051 N. Winstead Avenue - P.O. Box 7533  
Rocky Mount, North Carolina 27804  
N. Carolina Firm No. P-0551  
V: 252.977.3124  
F: 252.955.0095

C-01



## Stakeholders Notified – Maple Creek Cluster Major Subdivision Preliminary Plat

Michelle Denise Adkins  
1000 Spring Forest Dr  
Rocky Mount NC 27804

William C Alston  
2016 Joelene Dr  
Rocky Mount NC 27803

Ralph T Barnes  
908 Pamela Ln  
Rocky Mount NC 27803

Ronald J Berna  
2028 Joelene Dr  
Rocky Mount NC 27803

Shawnda Blackwell  
940 Pamela Ln  
Rocky Mount NC 27803

Mary & Robert E Michaud Carbonaro  
936 Pamela Ln  
Rocky Mount NC 27803

City Of Rocky Mount  
Po Box 1180  
Rocky Mount NC 27802

Beth B Covolo  
2128 Joelene Dr  
Rocky Mount NC 27803

Denise & Milton Earl Dancy  
2124 Joelene Dr  
Rocky Mount NC 27804

Spurgeon L & Diane W Davidson  
913 Pamela Ln  
Rocky Mount NC 27803

Sharon F & Stephen C Drake  
1824 Mapleton Dr  
Rocky Mount NC 27803

Malisha Eley  
120 Beth Eden Ct  
Rocky Mount NC 27803

First Free Will Bapt Church  
1825 Bethlehem Rd  
Rocky Mount NC 27803

Linster Jr & Tiffany N Frazier  
1004 Spring Frst  
Rocky Mount NC 27803

William S Hill & Naweah P Attia  
Gibson  
209 Allendown Ln  
Knightdale NC 27545

Terry Lee Griffin  
Po Box 8391  
Rocky Mount NC 27804

Steven Louis Gupton  
924 Pamela Ln  
Rocky Mount NC 27803

John Edward & Sharon Hakenson  
108 Spring Frst  
Rocky Mount NC 27803

Willis H & Margaret W Harper  
2140 Joelene Dr  
Rocky Mount NC 27803

Andrew N & Esther T Hirschberg  
941 Pamela Ln  
Rocky Mount NC 27803-

James Allen Jr & Sybil Hodge  
933 Pamela Ln  
Rocky Mount NC 27803

Tiffany Danielle Hunt  
1009 Garden Gate Dr  
Rocky Mount NC 27803

Charles William Jr & Essie Ruth  
Johnson  
1005 Spring Forest Dr  
Rocky Mount NC 27803

Hannah V Jones  
120 Warrington Ct  
Rocky Mount NC 27803

Alvin Ray Joyner  
928 Pamela Ln  
Rocky Mount NC 27803

Kka Properties Llc  
2156 Joelene Dr  
Rocky Mount NC 27803

David M & Teresita Lavelly  
2132 Joelene Dr  
Rocky Mount NC 27803

James N & Suzanne D Matthews  
104 Spring Frst  
Rocky Mount NC 27803

William Jr & Sharon Mclaughlin  
1940 Bethlehem Rd  
Rocky Mount NC 27803

Thomas V & Sandra B Miller  
4185 Meadowview Ln  
Rocky Mount NC 27804

## Stakeholders Notified – Maple Creek Cluster Major Subdivision Preliminary Plat

Abraham Moreno  
916 Pamela Ln  
Rocky Mount NC 27803

Corey & Ashley Nida  
2012 Joelene Dr  
Rocky Mount NC 27803

Larry S & Anita F Odom  
921 Pamela Ln  
Rocky Mount NC 27803

Norma J Payne  
2136 Joelene Dr  
Rocky Mount NC 27803

Brenda F Phillips  
944 Pamela Ln  
Rocky Mount NC 27803

Arthur Lee Ray Jr  
925 Pamela Ln  
Rocky Mount NC 27803-1522

Tyronda Ricks  
1008 Spring Forest Dr  
Rocky Mount NC 27803

Lisa W & Donna Harding Roberds  
1036 Kingsway Dr  
Apex NC 27502

Slack Family Trust  
404 Elliot Ln  
Pittsburgh PA 15229

Elton Bernice Stokes  
2655 Sun Valley Dr  
Waldorf MD 20603

Stewart E Stroud  
920 Pamela Ln  
Rocky Mount NC 27803

Ruth L Tabron  
912 Pamela Ln  
Rocky Mount NC 27803

Herbert R Tillery  
2020 Joelene Dr  
Rocky Mount NC 27803

Pamela Ward & Jane Ward  
1001 Spring Forest Dr  
Rocky Mount NC 27803-

Timothy Justin & Ashley Nicole Ward  
929 Pamela Ln  
Rocky Mount NC 27803

Margaret P Williams  
Po Box 1398  
Rocky Mount NC 27802-1398

Mark C & Carol J Williams  
2024 Joelene Dr  
Rocky Mount NC 27803

Patricia Wong & Tammy L Simmons  
1004 Garden Gate Dr  
Rocky Mount NC 27803

Woodruff Irrev Trust  
1036 Kingsway Dr  
Apex NC 27502

William Grant Wooten  
7389 Cedar Grove School Loop Rd  
Nashville NC 27856-8471

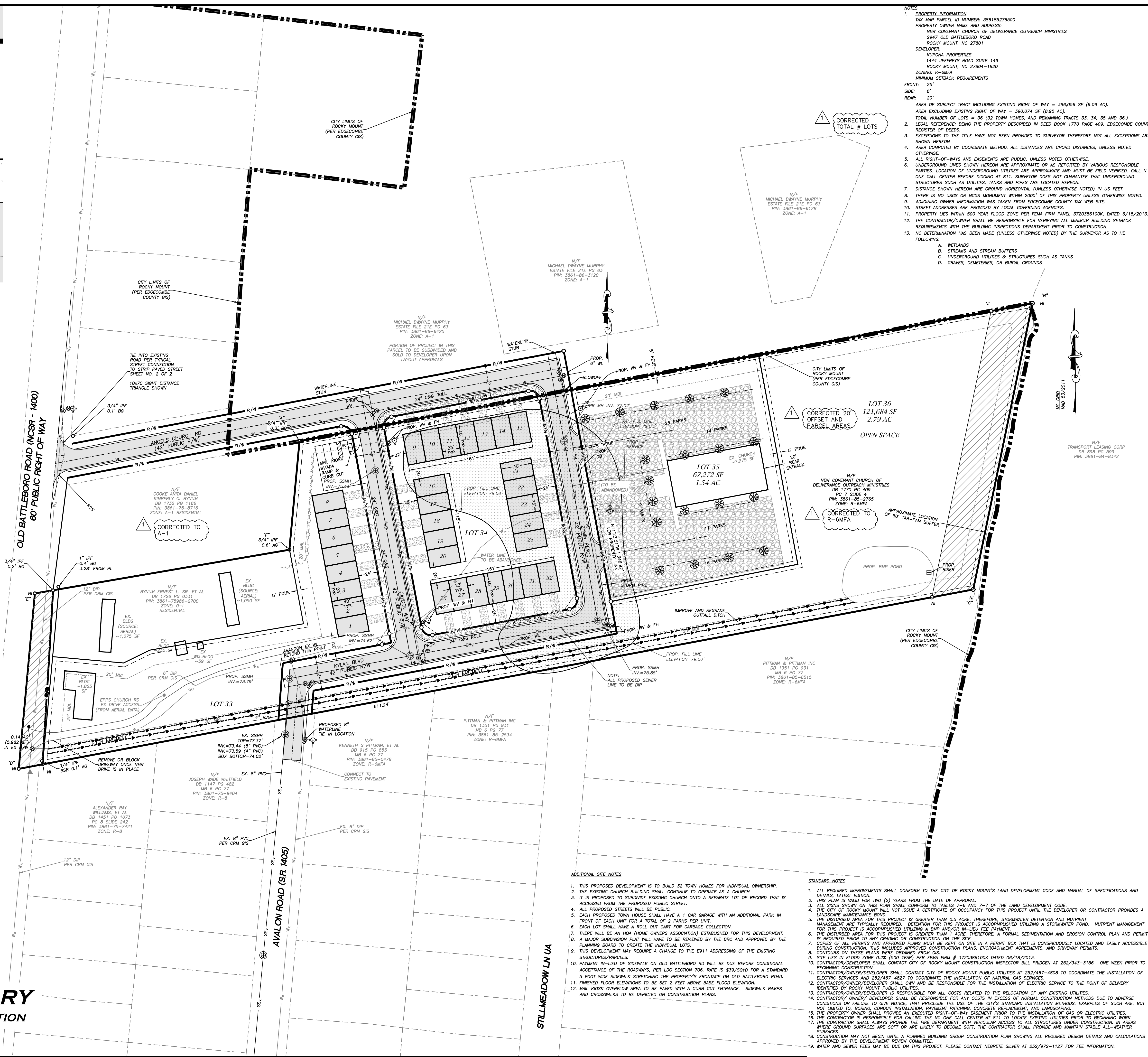
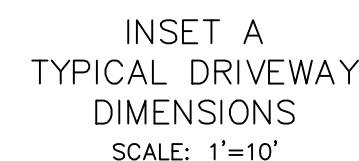


Requested Action:	Preliminary Planned Building Group
Location:	2947 Old Battleboro Road
Existing Land Use:	Religious institution
Proposed Land Use:	Dwellings, single-family attached; Religious institution
Site Plan Data:	±9.09 acres
Applicable Regulations:	LDC Sec. 712.D.3.a
Owner:	New Covenant Church of Deliverance Outreach Ministries
Applicant:	Kupona Properties
Prepared By:	Nick Rightmeyer, PE; Joyner Keeny, PLLC
Case Manager:	JoSeth Bocook, Deputy Director of Development Services
Voting Representatives:	City Members

**Recommendation:** City staff recommends approval of the preliminary planned building group on condition that the following comments are resolved:

1. Planning: Record a subdivision plat to create the proposed lots.





**PRELIMINARY**  
**NOT FOR RECORDATION**

1. PAIMER, W. RANDALL - I CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DB # \_\_\_\_\_) AND THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. THE INFORMATION IN BOOK # \_\_\_\_\_ PAGE(S) \_\_\_\_\_ WAS OBTAINED FROM INFORMATION FOUND IN BOOK # \_\_\_\_\_ PAGE(S) \_\_\_\_\_. THAT THE RATIO OF THE SURVEY TO THE CALCULATION OF THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY WITH G.S. § 40-2 AS A GUIDE. THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

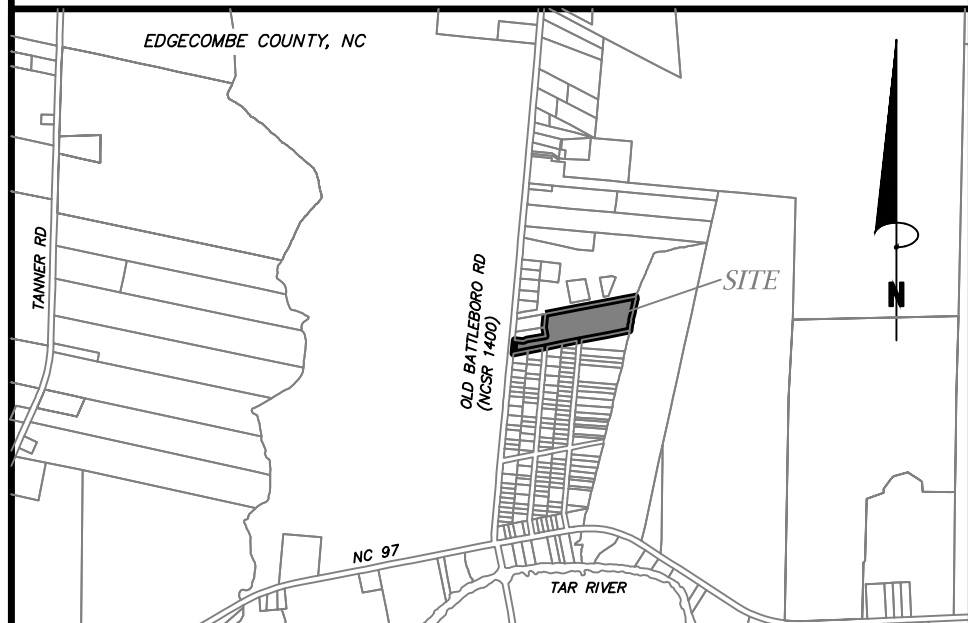
CLASS OF SURVEY: \_\_\_\_\_  
POSITIONAL ACCURACY: XXXX(HORIZONTAL), XXXX(VERTICAL)  
TYPE OF GPS FIELD MEASUREMENTS: \_\_\_\_\_  
DATES OF SURVEY: XX/XX/XXXX - XX/XX/XXXX  
DATA/ANALYSIS SOFTWARE USED: \_\_\_\_\_  
PUBLISHED/UNPUBLISHED CONTROL USED: PUBLISHED CONTROL  
UNDER MODEL (GSD) TYPE: \_\_\_\_\_  
COMBINED GRID FACTOR: XXXXXXXXXXXXXXXXXXXXXXXXXX  
UNITS US/IMPERIAL  
NOTE: TYPE OF GPS RECEIVER USED: TRIMBLE RB  
SURVEYING METHODS USED: \_\_\_\_\_  
ALL CONTROL POINTS AND OTHER POINTS LOCATED WITH VR6 WERE LOCALIZED AROUND POINT #X.  
WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

SURVEYOR: \_\_\_\_\_  
 LICENSE NUMBER: L-5025

I, PALMER W. RANDALL, JR. CERTIFY THAT:  
THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN  
THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS  
AN ORDINANCE THAT REGULATES PARCELS OF LAND.

PROFESSIONAL LAND SURVEYOR NUMBER L-5025

	LEGEND	
LINES SURVEYED	_____	
LINES NOT SURVEYED	-----	
RIGHT OF WAY	=====	R/W
WOODS/LINE		
IRON PROPERTY CORNER (SET UNLESS NOT OTHERWISE)	⊙	
SANITARY SEWER MANHOLE	⊕	
FIRE HYDRANT	⦿	
WATER VALVE	⊖	
CLEANOUT	⊕	
ABOVE GROUND	AG	
ADCE	AC	
BELOW GROUND	BG	
BEST MANAGEMENT PRACTICE	BMP	
BUILDING	BLDG	
CATCH BASIN	CB	
CITY OF ROCKY MOUNT	CRM	
CONCRETE	CON	
CURB AND GUTTER	C&G	
DEEP BEDDING	DB	
DUCTILE IRON PIPE	DIP	
EDGE OF PAVEMENT	EOP	
EXISTING	EX	
FIRE HYDRANT	FI	
HANDICAP	H/C	
IRON PIPE FOUND	IPF	
MAP BOOK	MB	
MINIMUM BUILDING LINE	NBL	
NO IRON SET OR FOUN	NI	
NORTH CAROLINA STATE ROAD	NCSR	
NOT TO SCALE	N/T	
NOW OR FORMERLY	N/F	
PAGE NUMBER	PG	
PARCEL IDENTIFICATION NUMBER	PIDN	
PEDESTRIAN WALKWAY	PW	
& UTILITY EASEMENT	PEUE	
PLAT CARRIER	PC	
POLYVINYL CHLORIDE	PVC	
PROPOSED	PROP.	
RIGHT OF WAY	R/W	
ROAD	RD	
SANITARY SEWER MANHOLE	SSMH	
SIDEWALK	S/W	
SQUARE FEET	SF	
TAR-PAVEMENT	TAR-PAM	
TOTAL	TOT	
TYPICAL	TYP.	
TYPE OF LINE	WL	
WATER VALVE	WV	

VICINITY MAP  
(NTS)

1051 North Winstead Avenue - P.O. Box 7533  
Rocky Mount, North Carolina 27804  
North Carolina Firm Number P-0551  
Office: 252.977.3124 Fax: 252.985.6026  
[www.jovnerkeenv.com](http://www.jovnerkeenv.com)

**PLANNED BUILDING GROUP PRELIMINARY PLAN:**

FOR:  
*ESTEE'S VILLAGE*



<b>TWSP: 07</b>		<b>COUNTY, STATE: EDGEcombe, NC</b>	
<b>DRAWN BY: BDE</b>		<b>CHECKED BY: NSR</b>	<b>DATE: 05/10/2023</b>
<b>DWG: 220097B_ESTEES VILLAGE_PBG.DWG</b>			
<b>JOB NO: 220097B</b>		<b>SHEET NO: 1 of 2</b>	



Nicholas Adam Batts  
2955 Avalon Rd  
Rocky Mount NC 278012827

Ernest L Bynum Sr et al  
2947 Old Battleboro Rd  
Rocky Mount NC 27801

Anita Daniel Cooke  
2969 Old Battleboro Rd  
Rocky Mount NC 27801

Leticia Landeros Garcia  
2911 Old Battleboro Rd  
Rocky Mount NC 27801

Golden Gate Temple No II  
PO Box 1246  
Rocky Mount NC 27802

Fred A Johnson  
1316 Proctor St  
Rocky Mount NC 27801

Michael Dwayne Murphy  
1976 NC Hwy 58  
Castalia NC 27816

Pittman & Pittman Inc  
5893 Tar River Cove  
Rocky Mount NC 27803

Kenneth G Pittman et al  
5864 Tar River Cove  
Rocky Mount NC 27803

Robert E Ransome et al  
3023 Old Battleboro Rd  
Rocky Mount NC 27801

Aide Rodriquez Reyes  
1512 Raymond St  
Rocky Mount NC 27804

Richard T Fountain Training Sc et al  
20301 Mail Service Center  
Raleigh NC 27699

Ricky Boyd Smith  
2855 Old Battleboro Rd  
Rocky Mount NC 27801

Transport Leasing Corp  
PO Box 7153  
Rocky Mount NC 27804

Margaret Joyner Webb  
3610 Old Battleboro Road  
Rocky Mount NC 27801

Joseph Wade Whitfield  
2960 Avalon Rd  
Rocky Mount NC 27801

Alexander Ray Williams et al  
2937 Old Battleboro Rd  
Rocky Mount NC 27801

# **Zoning Review**

Requested Action: R-10 to B-2  
Location: 1144 & 1156 Benvenue Road  
Site Data: ±2.19 acres  
Existing Land Use: Vacant  
Applicant: Joel M. Boseman  
Property Owner(s): Joel M. Boseman; Boseman Family, LLC  
Case Manager: Stephanie Goodrich, Senior Planner  
Voting Representatives: City Members

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## ANALYSIS:

### a) Land uses: Subject site and vicinity

The subject site is a +/-2.09 -acre site consisting of two parcels, located at 1444 and 1156 Benvenue Road (PIN 385118406847 and 385118406785) located on the eastern side of Benvenue between Hwy 301 and Independence Drive. The subject property is currently zoned Low Density Residential District (R-10), and the property owner is requesting rezoning to Commercial Corridor District (B-2).

Most nearby properties are zoned Commercial Services District (B-5) or Commercial Corridor District (B-2), with one Low-Density Residential (R-10) adjacent.

Nearby land uses are the one residential property to the north of the subject site, a bank with a drive-through, Affordable Suites, Office, retail and personal services; across Benvenue there are retail establishments, a church and a gas station. Further south along Benvenue there are some residential structures that have been rezoned to B-5. That is a currently unused residential structure.

In 2018, 1225 N Wesleyan, which fronts on Thorpe and Wesleyan and abuts the subject properties in the rear, was rezoned from I-2 to B-5.

### b) Zoning history

There have been several rezoning amendments since the adoption of the 2003 Comprehensive plan.

In 2004, 1120 Thorpe Road was rezoned from I-2, Heavy Industrial to B-5. The adjacent parcel at the corner of Thorpe and Benvenue was rezoned R-10 to B-5. This is currently the site of Standard Insurance. 1025 Benvenue was also rezoned R-10 to B-5.

### c) Conformance with comprehensive plan

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

This area has been mostly developed or redeveloped with commercial uses. Despite these parcels being residential in the past, residential is no longer appropriate considering the surrounding uses and zoning. The Comprehensive Plan encourages infill development in areas that have existing infrastructure as well as encouraging

developments that blend well with existing areas. Major corridors, including Wesleyan Boulevard, Sunset Avenue, and Benvenue Road, are intended to serve as the city's primary retail and office locations.

d) Transportation

*See attachment.*

e) Community impact

The rezoning of the subject site will not result in an increase in zoning intensity of the immediate area. The zoning change from residential to Commercial represents an increase for the subject site; however, the surrounding area already has properties with commercial zoning designations and long-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.

f) Notice and public response

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.

**STAFF RECOMMENDATION:**

Staff recommends that the request be forwarded to the Rocky Mount City Council recommending approval on the basis that the proposed rezoning to commercial of the subject site will have the intended amount of impact on the area, is more compatible with existing conditions, and complies with the Together Tomorrow: Tier 1 Smart Growth Comprehensive Plan.

The subject properties include two contiguous parcels with a total of approximately 2.19 deeded acres. 1156 Benvenue Rd., contains .99 deeded acres, and has approximately 122.5 feet of road frontage on Benvenue Rd. It sits directly east of where N. Wesleyan Blvd and the Benvenue Rd. Ramp meets Benvenue Rd. 1144 Benvenue Rd., having 1.20 deeded acres, sits behind another parcel, so does not have any frontage on Benvenue Rd. Both parcels are bordered to the south by parcels that are currently zoned B-2CU, and to the east by B-5 zoned parcels. Parcels opposite the subject properties across Benvenue Rd are zoned B-2.

At this location, Benvenue Rd is a four-lane, two-way major arterial with a center left turn lane, It has an estimated practical capacity of 39,400 vehicles per day (VPD) and an estimated average annual daily travel (AADT) of about 14,227 VPD per NCDOT data (2023).

Other information:

- The subject parcels have direct access on Benvenue Rd to Route 5 (Golden East) on the Tar River Transit system.
- The subject parcels do not have direct access to bicycle amenities.
- There are no sidewalks in this area.

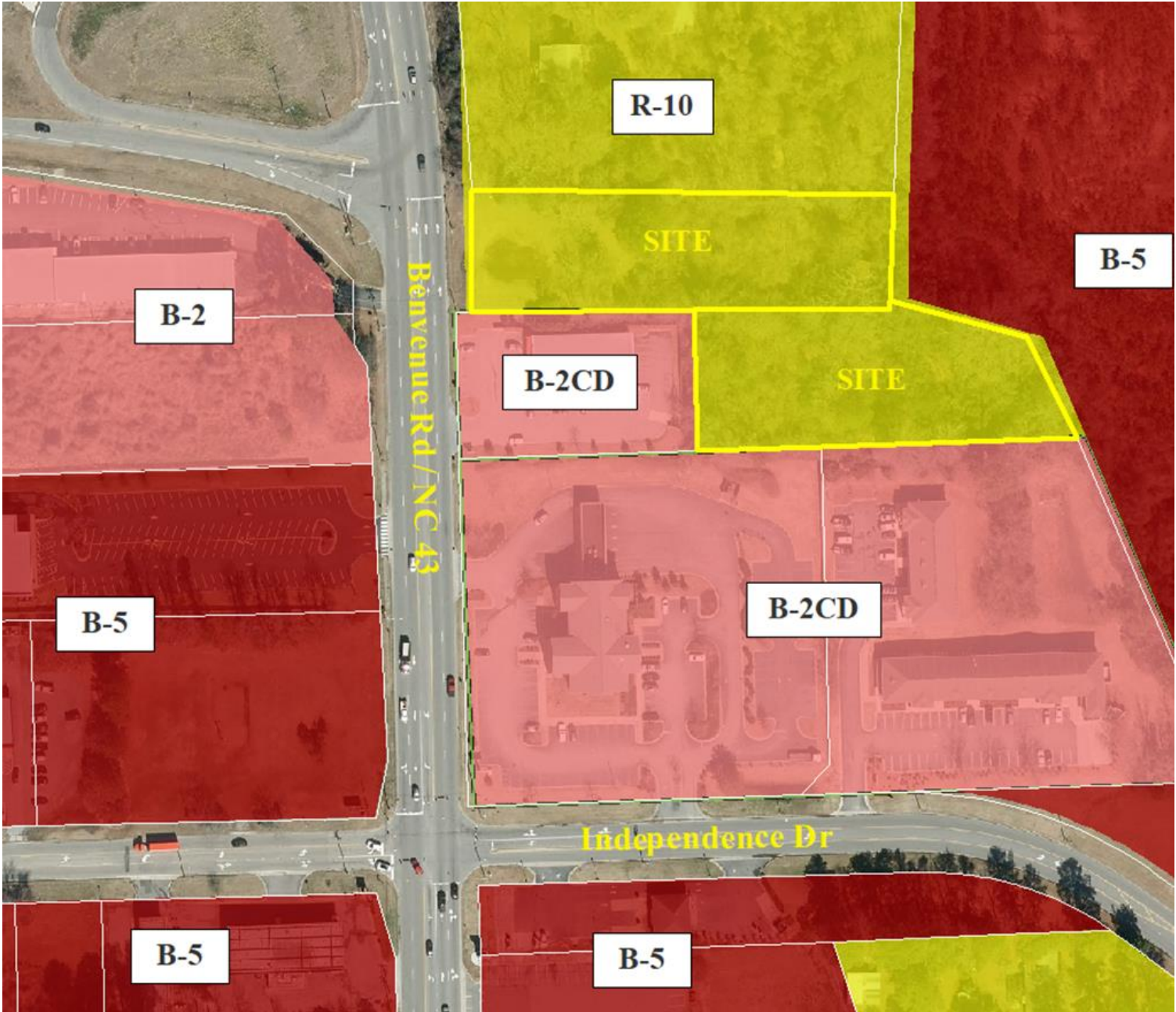
According to the Institute of Transportation Engineers "Trip Generation Manual, 9th Edition" (page 1294), every 1000 square feet of medical-dental office development (acceptable use in B-2 zoning) could potentially generate about 36 new vehicle trips per day on an average weekday.

**Recommendations: Receive NCDOT Driveway Permit for any new driveways, alterations, or changes in use; particularly considering the limited frontage adjacent to a signalized intersection. The driveway permit will be reviewed concurrently by NCDOT and the City of Rocky Mount. Sidewalk installation along Benvenue frontage will be required. 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 # 11-02-24  
Zoning Map

R-10 to B-2  
[Ward 2]



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## 5.1 – Rezoning Request # 11-02-24

Aerial Image & Adjacent Owners Notice Map

**R-10 to B-2**

[Ward 2]



**ROCKY MOUNT**  
DEVELOPMENT SERVICES  
THE CENTER OF IT ALL



Subject Property



Property Owners Mailed Notice

## 1144 & 1156 Benvenue Road – Stakeholders Notified

5.1

Suite Dev of RMNC LLC  
107 Kilson Dr Ste 205  
Mooresville, NC 28117

Hilltop Real Estate LLC  
1601 Herring Ln  
Wilmington, NC 28403

North Carolina District Council of  
the Assemblies of God  
PO Box 459  
Selma, NC 27576

Travis B. & Kristin R. Davenport  
3372 Timber Creek Dr  
Rocky Mount, NC 27804

Boseman Family LLC & Joel M Boseman  
PO Box 550  
Battleboro, NC 27809

Jenus LLC  
117 Hubbard Ln  
Rocky Mount, NC 27801

Hattie T Heirs Barrett  
3509 Sheffield Dr  
Rocky Mount, NC 27803

Boseman Family LLC  
PO Box 550  
Battleboro, NC 27809

Bay Foods Inc.  
PO Box 1908  
Rocky Mount, NC 27802

Branch Banking & Trust Company  
PO Box 167  
Winston Salem, NC 27102

Requested Action:	I-1 to B-5
Location:	809 & 813 Carter Street
Site Data:	±0.34 acres
Existing Land Use:	Dwelling, single-family detached; Undeveloped
Applicant:	R. Heath King
Property Owner(s):	R. Heath King; Quality Rental, LLC
Case Manager:	JoSeth Bocook, Deputy Director of Development Services
Voting Representatives:	City Members

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## ANALYSIS:

### a) Land uses: Subject site and vicinity

The subject site contains two parcels having an approximately 0.34-acre area located at 809 and 813 Carter Street. Currently, both parcels are zoned Light Industrial (I-1) and contains a detached single family dwelling and an undeveloped lot.

The properties within the immediate area are zoned I-1, Heavy Industrial (I-2), and Commercial Services (B-5) and contain a mix of commercial uses, warehouses, self-storage, single-family detached dwellings, and undeveloped lots.

The proposed Monk to Mill trail is located to the east within one block of the subject site.

### b) Zoning history

There has been one rezoning request approved in the immediate area since the adoption of the current comprehensive plan [2003]. The properties at 803 Carter Street and 612 N. Tillery Street were rezoned from I-1 to B-5 in 2023. Similarly, prior to the adoption of the current comprehensive plan, there were three requests nearby to rezone from I-1 to B-5, all of which were approved.

### c) Conformance with Comprehensive Plan

The Together Tomorrow: Tier I Smart Growth Comprehensive Plan identifies the subject site as a “Developed” area.

### d) Transportation

*See attachment.*

### e) Community impact

This request will not result in an increase in the zoning intensity of the immediate area. The city’s Land Development Code states “This District is intended for business and warehouse support services that support the regular needs of the primary activities in the (central business) district.” This is a less intensive use than the light industrial zoning which is designated for manufacturing activities.

f) Notice and public response

Written notice of this public hearing was mailed 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.

**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 two contiguous parcels with a total of approximately 0.33 calculated acres. Together they share approximately 100 feet of road frontage on Carter St.

They are surrounded to the south, east and west by parcels zoned I-1. To the north, across Carter St, parcels are zoned as B-5, as are the parcels surrounding the I-1 block of parcels described above.

At this location, Carter St. is a two-lane, two-way local street. It has an estimated practical capacity of 12500 vehicles per day (VPD) and an estimated average annual daily travel (AADT) of about 1186 VPD per NCDOT data (2023).

Other information:

- The subject parcels do not have access to the Tar River Transit system from this location.
- The subject parcels do not have direct access to bicycle amenities.
- There are no sidewalks in this area.

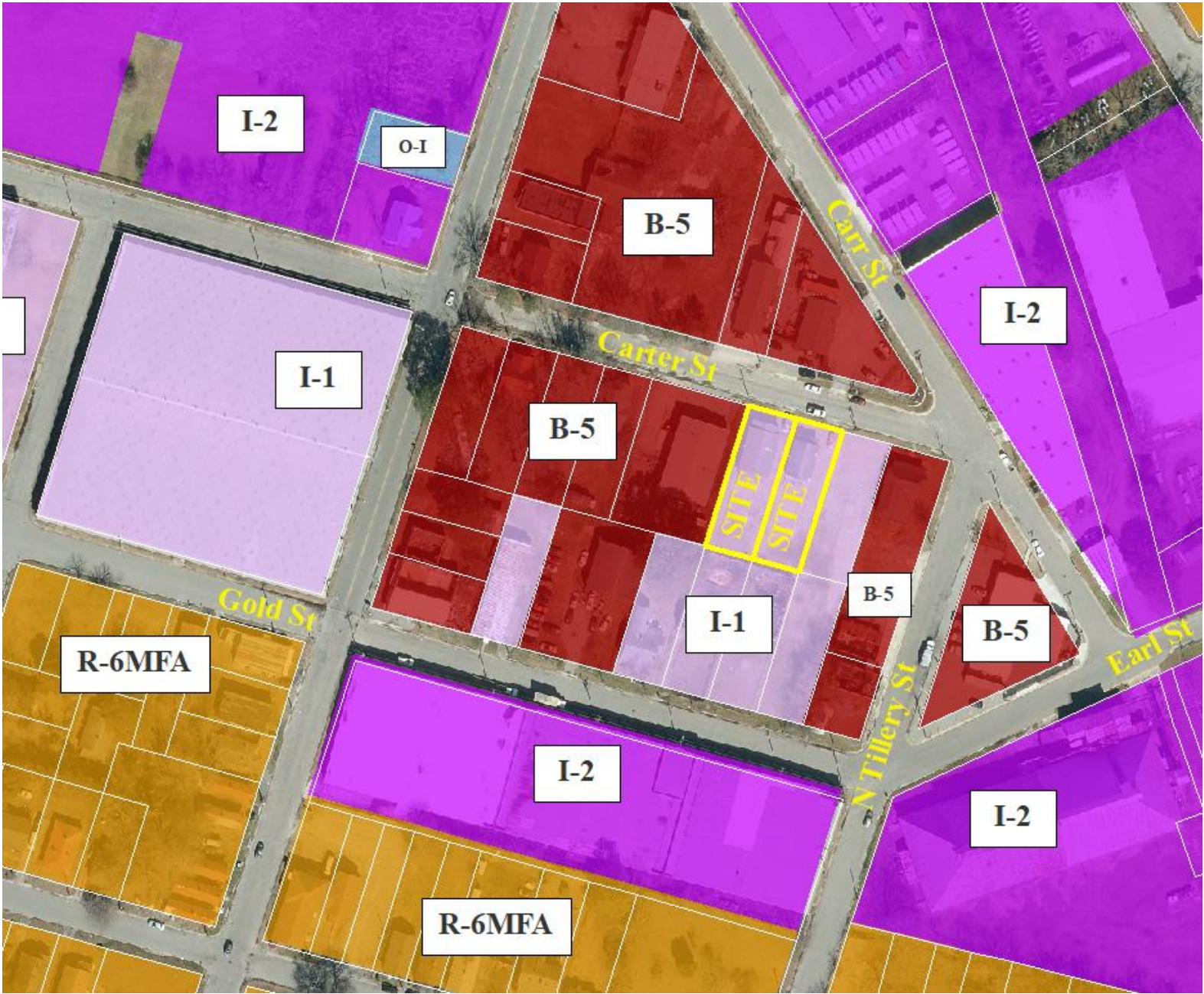
According to the Institute of Transportation Engineers “Trip Generation Manual, 9th Edition” (page 221), every 1000 square feet of warehouse building development (acceptable use in B-5 development) could potentially generate about 2.5 new vehicle trips per day on an average weekday.

**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. 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.**



5.2 – Rezoning Request # 12-02-24  
Zoning Map

I-1 to B-5



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5.2 – Rezoning Request # 12-02-24  
Aerial Image & Adjacent Owners Notice Map

I-1 to B-5



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DEVELOPMENT SERVICES  
THE CENTER OF IT ALL



-  Subject Property
-  Property Owners Mailed Notice



CJR Investments LLC  
PO Box 931  
Sharpsburg, NC 27878-0931

Danny H. Colbert Jr  
234 Ru Bob Ln  
Rocky Mount, NC 27801

Community Investment Prtnrs of  
NC LLC  
11164 NC Hwy 97 W  
Rocky Mount, NC 27801

Peggy Evans  
818 Gold St  
Rocky Mount, NC 27804

Timothy Earl Hick  
1733 Hackberry Dr  
Rocky Mount, NC 27804-7983

Kristy Horner  
1415 Serviceberry Way  
Odenton MD 21113

David B. Hulsey  
3669 Flat Rock Dr  
Battleboro, NC 27809

Jomeconn LLC  
PO Box 4128  
Rocky Mount, NC 27804

Donald Keith Moncus  
814 Gold St  
Rocky Mount, NC 27804

Kenneth W & Loretta C Moore  
732 Redgate Ave  
Rocky Mount, NC 27801

Nobis Properties LLC  
128 Steeplechase Rd  
Rocky Mount, NC 27804

Quality Rental LLC  
PO Box 7823  
Rocky Mount, NC 27804

R & L Builders & Sons LLC  
5189 Barnhill Farm Rd  
Battleboro, NC 27809

Kenneth R. Reynolds  
4102 Levick St  
Philadelphia PA 19135

Magnora Richardson  
827 Carter St  
Rocky Mount, NC 27804

Rocky Mount Village LLC  
2619 Western Blvd  
Raleigh, NC 27606

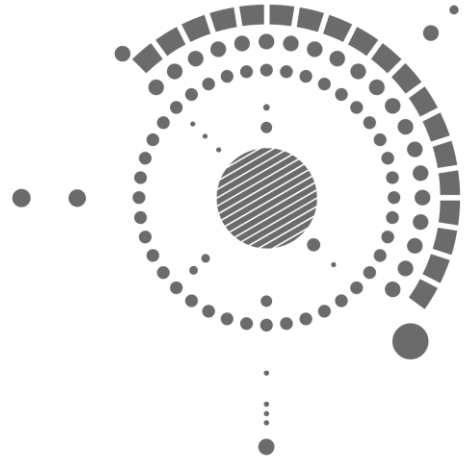
Shields Family Partnership Llp  
154 Scene A Rama Dr  
Boone, NC 28607

Keith B Spruill  
615 E 9th Ave  
Homestead PA 15120-1917

James S Jr & Gregory H Strickland  
200 Candlewood Rd  
Rocky Mount, NC 27804

Barbara Richardson Williams  
835 Carter St  
Rocky Mount, NC 27804

Vincent Edward Williams  
1526 S Church St  
Rocky Mount, NC 27803



## ATTENTION:

The next regular meeting of the  
City of Rocky Mount Planning Board  
is scheduled for  
**Tuesday, March 12, 2024 at 5:30 p.m.**

