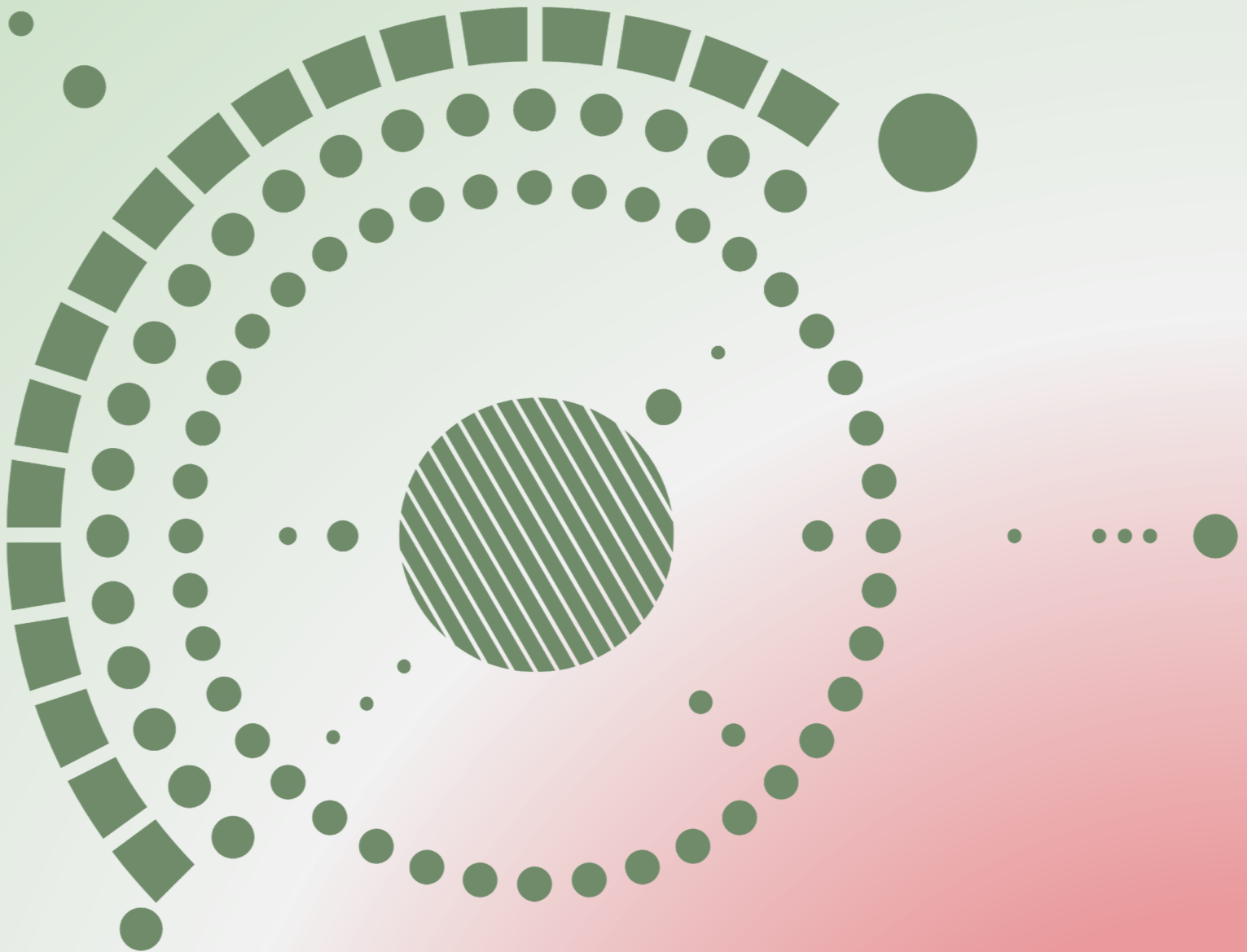


# Planning Board Staff Report

December 12, 2023



ROCKY MOUNT  
DEVELOPMENT SERVICES  
THE CENTER OF IT ALL





AGENDA  
ROCKY MOUNT PLANNING BOARD MEETING  
DECEMBER 12, 2023, AT 5:30 P.M.  
GEORGE W. DUDLEY CITY COUNCIL CHAMBER, FREDERICK E. TURNAGE MUNICIPAL BUILDING  
**JOIN MICROSOFT TEAMS MEETING**

**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:** November 14, 2023
- 4. Development Review**

**4.1 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: 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

**4.2 Home 2 Suites Construction Planned Building Group #764**

Requested Action: Construction Planned Building Group  
Location: 447 Wellspring Drive  
Existing Land Use: Undeveloped  
Site Data: ±5.07 acres  
Applicable Regulations: LDC Sec. 712. D. 3. b  
Owner: Bharat Patel; Gateway Hotels, LLC  
Applicant: Ron Patel; Mycroft Construction, Inc.  
Prepared By: Paul Meder, PLA & Brian Edwards, PE;  
Rivers & Associates, Inc.  
Case Manager: JoSeth Bocook, Deputy Director of Development Services  
Voting Representatives: City Members



**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:  $\pm 7.78$  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

**5.2 Rezoning Request # 09-12-23**

Requested Action: B-1 to B-5  
Location: 14500 US64 Alt West Hwy  
Site Data:  $\pm 1.44$  acres  
Existing Land Use: Undeveloped  
Applicant: Omar Bayyari Mohammad;  
A.M.E Automotive & Services Xpress  
Property Owner(s): Omar Bayyari Mohammad  
Case Manager: Stephanie Goodrich, Senior Planner  
Voting Representatives: City Members

**6. Planning Review**

**7. Other**

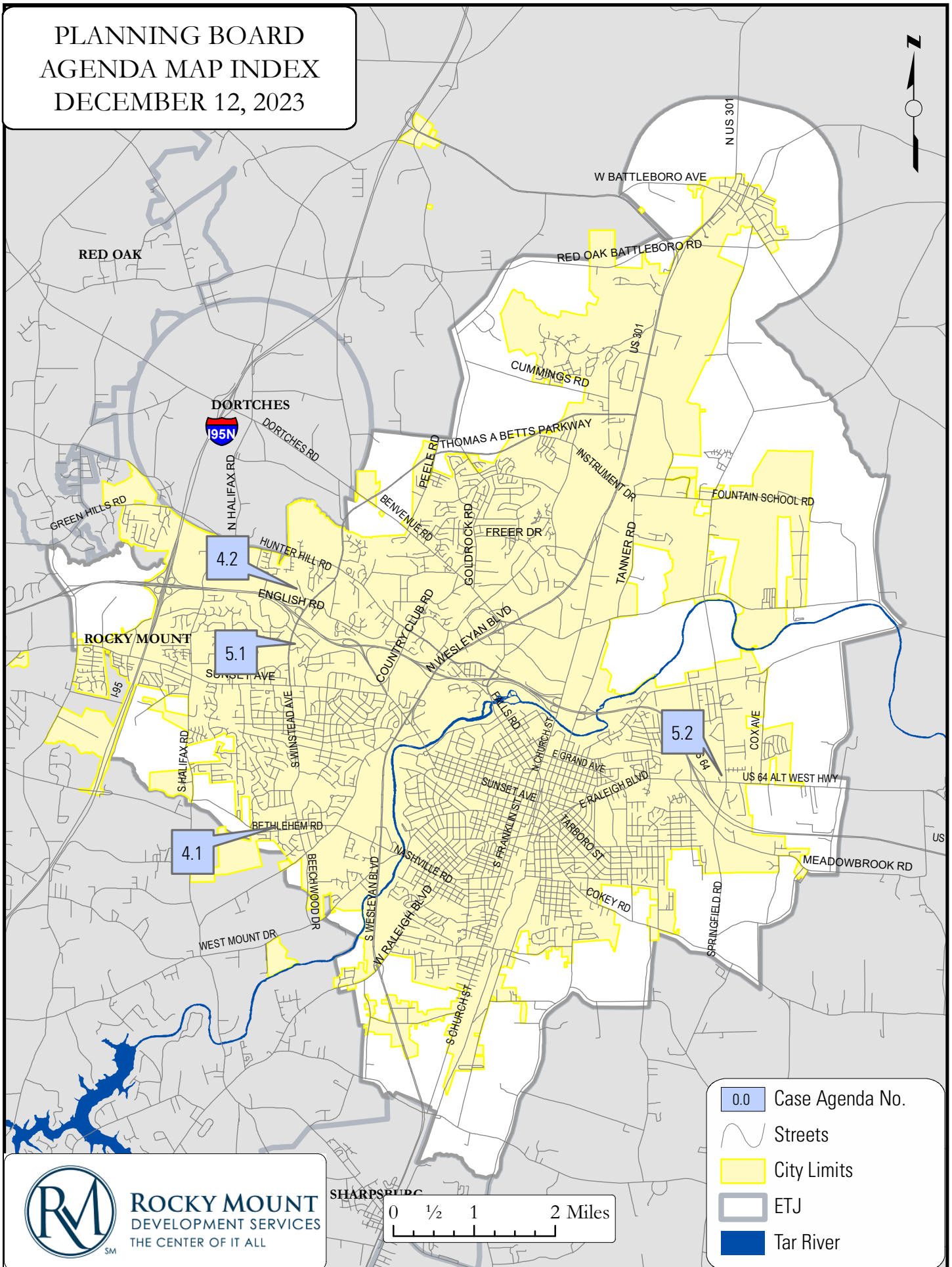
**8. Items from the Planning Board**

**9. Items from the Secretary**

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



PLANNING BOARD  
AGENDA MAP INDEX  
DECEMBER 12, 2023



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



**MINUTES OF THE  
ROCKY MOUNT PLANNING BOARD MEETING  
HELD NOVEMBER 14, 2023, AT 5:30 P.M.  
IN THE FREDERICK E. TURNAGE MUNICIPAL BUILDING, GEORGE W. DUDLEY CITY COUNCIL CHAMBER**

**MEMBERS PRESENT**

Matthew Sperati, chair  
Johnnie Mayo, Jr., vice chair  
Bruce Berry  
James Davis  
Robert Hudkins  
Robert Davis (via MS Teams)

**MEMEBERS ABSENT**

**STAFF PRESENT**

Emilie Pinkston, Development Services Director  
JoSeth Bocook, Deputy Director  
Samantha Andelin, Administrative Assistant  
Stephanie Goodrich, Senior Planner  
Bernetta Smith, Planner  
Gabrielle Bryson, Storm Water Engineer  
Ramon Muckle, Traffic Engineer



**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: October 10, 2023**

The chair presented the October 10, 2023, meeting minutes to the board. A motion was made by Mr. Berry seconded by Mr. Mayo and unanimously carried to approve the minutes as presented.

**4. Development Review**

There were no items for review.

**5. Zoning Review**

**5.1 Rezoning Request #05-10-23**

At the request of the chair Bernetta Smith presented the request for rezoning submitted by Thomas White; Axiom Development, LLC., representative of Clifton Price Harper, Jr., and Jessica Creech Williams property owner. The subject site is a  $\pm$ 50.14-acre parcel, having PIN 382008972953U and a  $\pm$ 9.47-acre portion of the property having PIN 382012960747 located on Sunset Avenue. The subject properties are zoned Heavy Industrial District (I-2) and Nash County General Industrial (GI). The property owner has submitted a petition for annexation of the subject site; presently, only approximately two acres are within the city's extraterritorial jurisdiction (ETJ). The properties to the north of the subject site, across Sunset Avenue, are zoned B-2 (Commercial Corridor District) and contain commercial buildings and a gas station/convenience store.

The subject site surrounds a parcel along its frontage on Sunset Avenue that is zoned O-I (Office and Institutional) and contains a detached single-family dwelling. To the west of the subject site, along Sunset Avenue, are properties zoned I-2 (Heavy Industrial) and O-ICD (Conditional Office & Institutional District) containing automobile sales and multifamily dwellings, respectively. Also west of the subject site, is the Westry Crossing Subdivision that is a mix of R-6 (Medium Density Single-family Residential District) and R-6MFA (Medium Density Multifamily Residential District) containing detached single-family dwellings. To the south is a railroad and properties zoned Nash County GI (General Industrial) and Nash County R-30 (Single- and Two-Family Residential District) across Ron's Country Lane, containing detached single-family dwellings. To the east are properties zoned, B-2, MHP (Manufactured Home Park), O-I and O-ICD containing single-family dwellings, a manufactured home park, office, and childcare center.

Ms. Smith advised that there has been one amendment to the city's zoning map approved within the vicinity of the subject site since the adoption of the current comprehensive plan, in 2003. In 2021, the parcel at 4513 Sunset Avenue, was rezoned from MHP to B-2.

Ms. Smith advised that the Together Tomorrow: Tier I Smart Growth Comprehensive Plan identifies the subject site as being in a "Developed Area" and "West 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 the construction of Nash Central High School resulted in infrastructure that will make future development likely and possible with little or no government investment.

Ms. Smith advised that at this location, Sunset Ave is a three-lane, two-way with center turn lane, major arterial, with estimated practical capacity of about 38,000 vehicles per day (VPD) and an estimated average annual daily travel (AADT) of about 11,500 VPD per NCDOT (2021) data. Sunset Avenue is currently under construction at this location to expand from the current two-lane configuration to a four-lane divided configuration. The subject parcel direct access to Tar River Transit Route 8 (NCC/Little Easonburg Shuttle). The parcel does not have direct access to bicycle amenities. The ongoing NCDOT widening project, U-5026, will add a 10-foot multiuse path on the North side of Sunset Avenue, for cyclists and pedestrians alike. Sidewalks do not currently exist at the location, but they will be constructed on the south side of Sunset Avenue as part of the ongoing NCDOT widening project. According to the Institute of Transportation Engineers "Trip Generation Manual" rezoning about 60 acres into a R-6MFA could potentially generate about 750 new vehicle trips per day on an average weekday.

Ms. Smith stated that an NCDOT Driveway Permit will be required for access to the site on Sunset Avenue. The driveway permit will be reviewed concurrently by the City of Rocky Mount and NCDOT. Any new developments at this site will require payment in lieu of installing sidewalk due to the existing widening project. 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. Smith stated that this request will not result in an increase in zoning intensity of the immediate area. The R-6MFA district is intended to provide for urban residential development, which is designed to provide for medium density areas for multifamily, triplex, duplex and single-family units with related recreational facilities protected from intrusion of commercial and industrial activity. Permitted uses are designed to stabilize and protect the essential characteristics of the area and permit certain home occupations as set forth in the Land Development Code.

Ms. Smith advised that the applicant conducted a neighborhood/informational meeting was conducted with area stakeholders on October 5, 2023. Notification of this public hearing was sent to property owners within 250' of the subject site and the entirety of the Westry Crossing Subdivision (see attachments). A notification sign was posted on the subject property and the Planning Board agenda is listed on the City's website.

Ms. Smith 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. Sperati asked if when this rezoning initially came in front of the board it was for just the smaller portion and inquired if it had already been annexed. Mr. Bocook stated that a petition has been received to annex the entire property. NC Statue does allow for the Planning Board to consider the rezoning in anticipation that it will be annexed. The annexation request is still pending City Council's approval.

The chair called for questions/comments from the Board for the applicant. Ethan Avery with Stocks Engineering representing Axiom Development was present. Mr. Avery stated that they believed R-6MFA is the most appropriate zoning for this property if annexed into the city limits since it is adjacent



to Westry Crossing which is also zoned R-6MFA. He stated that a neighborhood meeting was held with 46 people in attendance representing 29 properties. He stated 457 notification letters were sent out and five phone calls were received asking for additional information. Also in attendance at the neighborhood meeting was Mayor Sandy Roberson, Council Member Lige Daughtridge and Director of Development Services Emilie Pinkston. Some of the concerns from the meeting were not to allow modular homes or tiny homes in future development. He stated that he spoke with the developer, and they do not have an issue with concurring with the request. Mr. Avery stated that there are currently two existing roadway stubs that extend to the property from Westry Crossing. He stated that residents were made aware that city planning along with Fire and EMS that at least one of those connections would be made. He stated that since the proposed subdivision would likely include more than 100 homes it would require a traffic impact analysis and the developer agrees to participate in any roadway improvement required by the city of Rocky Mount and NCDOT from the TIA. He stated that some residents are concerned about the noise from I-95 because of the removal of trees during the development. He stated that they only control a small southeast corner and they had already mapped some of the wetlands that are jurisdictional. They will be leaving approximately 300' at minimum of wooded area between the subject property and the I-95 right away. Residents also had concerns about storm water runoff which will be more closely analyzed during the subdivision application process, however all ordinances will be met. He stated that some residents would like to see a buffer between the subject site and the existing Westry Crossing subdivision, which is not mandatory, but the developer is willing to look into, however, this is something they think would be best discussed during the subdivision approval process. Mr. Avery stated that on the preliminary plat for a single-family subdivision, that has been submitted, shows a 20-foot landscape buffer that noted for existing trees to remain wherever possible. He stated another resident noted the need for an investigation of endangered species and habitats. He stated that they have had the property flagged by an environmental scientist. He stated that one resident brought up the strain on the school system and the need for an additional fire department closer to the area. Mr. Avery stated that was a concern that would need to be addressed by city staff. Residents also asked about property values and Mr. Avery stated that it is their opinion rezoning to a similar existing zone will not affect the current values. In conclusion, Mr. Avery stated that they believe it will be a greater benefit to the community to transition between the R-6MFA to the west and the MHP to the right, to develop a residential neighborhood than to have heavy industrial use as it is currently zoned.

Mr. Sperati stated that at last month's meeting he asked if the developer would consent to remove cluster development. Mr. Avery stated that the developer does consent to that, and the preliminary plat submitted is not clustered, it is all single family residential.

Mr. Sperati stated that one of the concerns they have had is a broader plan for development near the interchange and seems to him that with it being so close to an interchange it's best and highest use would have been sort of commercial zone and asked if that was even a discussion. Mr. Avery stated that it was not, and the reason was because of the frontage and the view. Because of the southern corner there is no access to I-95 or a view to the public with a bottleneck up front. They did not think commercial would be the best option with consideration of a cluster development and strip mall. He stated that they thought the residents would prefer like use instead of commercial adjacent to their back yard.

Mr. Berry stated that he did not think that rezoning to R-6MFA was the best use for the area. He stated that with the new "front door" coming off I-95 there is one shot to plan that area to lure people into that area. Rezoning to R-6MFA would break the property up into smaller lots and he felt as if there would be more of a benefit if left as a larger area, especially with the growth in the area.

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.

Gerald Brabham (4548 Lily Walk) stated that he is located at the bottom left-hand side of the subject site. He stated that currently there are woods directly behind his house. He stated that he has security video cameras that show deer, otter, red fox, a pair of grey fox, opossums, coyote and of course rabbit that come into his yard, and doing away with the woods will do away with a lot of the wildlife and does not think that is necessarily a good thing. He stated that if the plan is to push forward with anything that it needs to be considered that all of the current wooded area stay as it is. He stated that as mentioned, the I-95 exchange is going to change things dramatically, including increase in traffic, and waiting until the impact of the exchange is going to have may be best.

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

There was a discussion among board members regarding possibly placing conditions on the rezoning request.

A motion was made by Mr. Berry to recommend to the Rocky Mount City Council for denial of the request to rezone the parcel totaling +/-50.14 acre parcel, having PIN 382008972953U and a +/- 9.47 acre portion of the property having PIN 382012960747 located on Sunset Avenue from I-2 to R-6MFA. There was not a second on the motion, therefore the motion was not considered.

A motion was made by Mr. James Davis to recommend to the Rocky Mount City Council for approval, with no conditions, of the request to rezone the parcel totaling +/-50.14 acre parcel, having PIN 382008972953U and a +/- 9.47 acre portion of the property having PIN 382012960747 located on Sunset Avenue from I-2 to R-6MFA 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 motion was seconded by Mr. Mayo and carried with a majority vote with only Mr. Barry objecting.

## **5.2 Rezoning Request #07-11-23**

At the request of the chair Stephanie Goodrich presented the request for rezoning submitted by Thomas Wayne Hopkins, property owner. The subject site is a ±.856-acre parcel located at 52 Green Pasture Road, on the corner of Cokey Road. The subject property is zoned Commercial Services District (B-5), and the property owner is requesting rezoning to Agricultural District (A-1) with the intended purpose of converting the structure to a single-family dwelling. The property is in the city's extraterritorial jurisdiction (ETJ).

The majority of properties in the general area are zoned A-1, Agricultural and are either being used as agricultural or developed with very low-density single family residential. The closet commercial area is on the corner of S Fairview Road. Those parcels are undeveloped.

Ms. Goodrich advised that have been no zoning map amendments approved within the vicinity of the subject site since the adoption of the current comprehensive plan, in 2003.

About a quarter of a mile away on S Glendale drive there was a rezoning to R-6MFA in January 2023, but the area has remained agricultural with detached single-family dwellings for the last few decades.

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 this location is an approximate .84-acre parcel located in Edgecombe County, on the west side of Green Pasture Rd., and at the intersection of Cokey Rd. The parcel has an approximate 220 feet of road frontage on Green Pasture Rd., and an approximate 156 feet of frontage on Cokey Rd. The property has a somewhat circular driveway that allows access to Green Pasture Rd. in two locations on the property, with about 60 feet between these driveway openings.

At this location, Green Pasture Road is a two-lane, two-way undivided local road with an estimated practical capacity of 9,000 vehicles per day (VPD) and an estimated average annual daily travel (AADT) of about 1240 VPD per NCDOT data (2023). At this location, Cokey Road is a three-lane, two-way minor arterial, with a center turn lane. It has an estimated practical capacity of 13,000 vehicles per day (VPD) and an AADT of about 3,432 (per 2023 NCDOT data).

The subject parcel has direct access on Cokey Road to Tar River Transit Route 10. The subject parcel does not have direct access to bicycle amenities. Sidewalks do not exist at the subject site on either Green Pasture Rd or Cokey Rd.

According to the Institute of Transportation Engineers "Trip Generation Manual, 9th Edition" rezoning less than an acre of land into an Agricultural District could potentially generate about six new vehicle trips per day on an average Saturday at peak hour.

Ms. Goodrich stated that this request will not result in an increase in zoning intensity of the immediate area. The A-1 district is intended to provide for land situated on the fringe of the urban area that is agricultural in nature and is customarily situated in the city's extraterritorial jurisdiction. It is not intended that this district provide a location for a lower standard of residential development than is authorized in other districts. The types of uses, required areas, and the intensity of use of land permitted in this district are designed to provide for both rural character and very low-density residential development. This district is defined as a very low-density residential area and additional open areas where similar residential development will be a viable land use. Since land in this district may contain residences in close proximity to agricultural activities, agricultural activities conducted in this district should not be deemed detrimental to urban density uses.

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.

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

The applicant and owner of the subject site, Thomas Hopkins was present and stated that he would like to rezone the property so that he would have the ability to turn it into a residence in the future for his son's, who are public servants in Rock Mount.



Mr. Sperati asked if the building that is currently on the property is structurally sound, or would it have to be demolished to put a residence on the site and if he was planning on using it. Mr. Hopkins stated that the building was structurally sound and possibly planning on using it.

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. Mayo seconded by Mr. Berry and carried unanimously to recommend to the Rocky Mount City Council approval of the request to rezone the parcel totaling  $\pm 0.856$  acres, located at 52 Green Pasture Road from B-5 to A-1 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 stated that he had a concern that over the past several meetings had piqued his interest. He asked if there has been any thought on revising some of the rules when doing development review including providing citizens with a map. Mr. Bocook stated that there have been ongoing discussions at the staff level about how to best inform and engage the public on those projects. Currently Development Services staff are working with other departments and staff to update the City's website to include a link that would access a map with current developments and projects so that the public could follow.

Mr. Berry asked if someone could appeal an approval from the Planning Board. Mr. Bocook stated that yes someone could. Mr. Sperati stated that someone would have to have a standing in that appeal, such as an adjacent property owner.

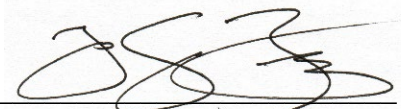
#### **9. Items from the Secretary**

Mr. Bocook stated that he is looking into if Development Review Items are open for public comment. Such items are posted on the website with the meetings agenda but notification is not sent out. In practice we have always asked for the public's input.

#### **10. Adjournment (Next regular meeting December 12, 2023)**

There being no further business, the meeting was adjourned at 6:12p.m.

Respectfully submitted,



Rocky Mount Planning Board  
JoSeth Bocook, Secretary



# **Development Review**



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.

## 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.

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.

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.

**RECOMMENDATION:**

City 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. Planning: Obtain a Class 2 floodplain development permit from the Planning Board.
2. Planning: Provide legal and practical access to the proposed common area.



3. Planning: Establish a homeowners' association (HOA) in accord with LDC Sec. 713.
4. Fire: Show location of proposed Fire Department Connection (FDC) on the plan to ensure proposed hydrant location is acceptable.



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

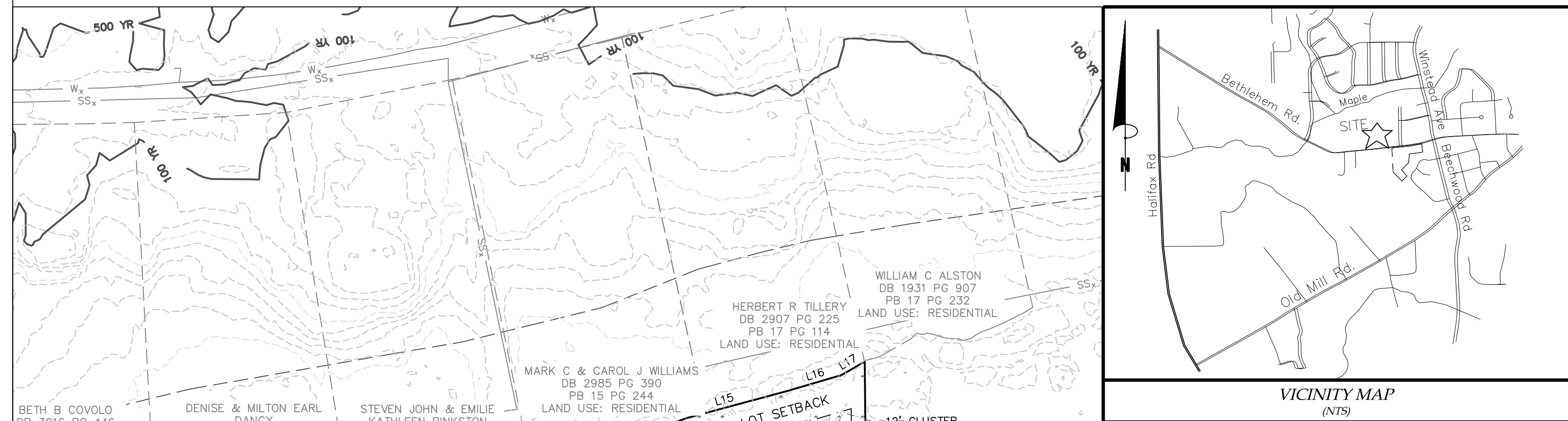
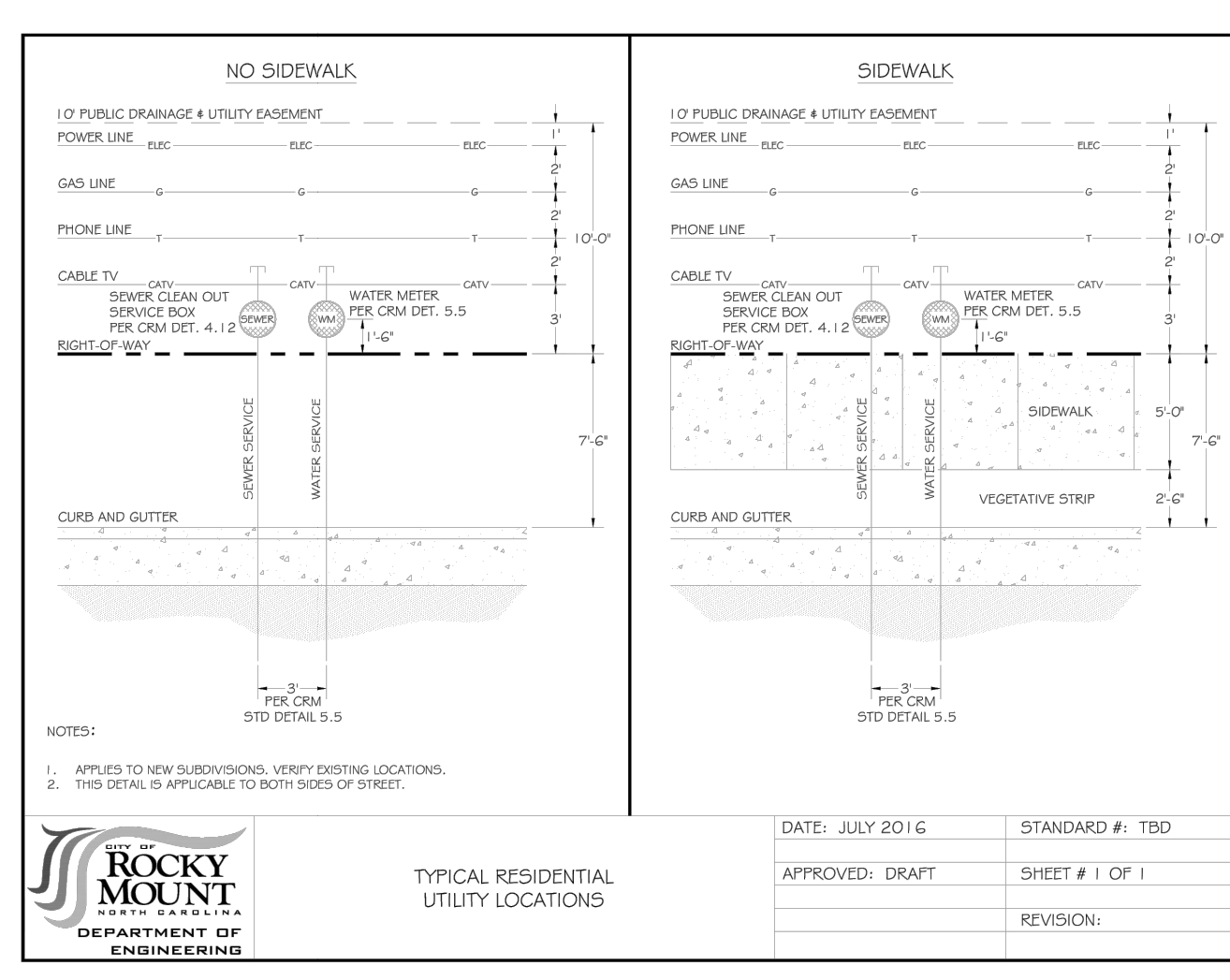


- obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential sites in the development. If the sum is not paid by the 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.









LEGEND	
PROPERTY LINE SURVEY	_____
PROPERTY LINE NOT SURVEYED	_____
RIGHT-OF-WAY	_____
100 YEAR FLOOD	_____
500 YEAR FLOOD	_____
FLOODPLAIN	_____
PROPOSED SANITARY SEWER	_____ SS
PROPOSED WATER LINE	_____ W
PROPOSED MANHOLE	○
PROPOSED FIRE HYDRANT	⊗
EXISTING SANITARY SEWER	SS
EXISTING WATER LINE	W

Total Area (Ac)	21.97
R/W Area (Ac)	2.80
Net Area (Ac)	19.17
Lot Area (Ac)	11.26
Open Area Required (Ac)	4.39
Open Area Shown (Ac)	7.91
Number of Lots Allowed	88
Number of Lots Shown	73

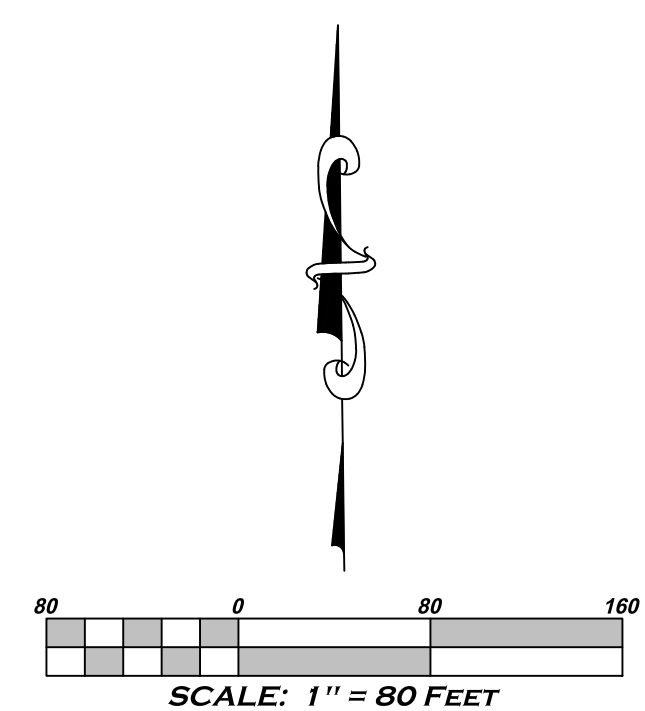
Line Table		
Line #	Bearing	Distance
L1	N86° 53' 22.99"E	8.80'
L2	N33° 49' 46.70"E	14.41'
L3	S86° 21' 37.49"E	49.15'
L4	N66° 19' 05.25"E	44.24'
L5	N15° 58' 26.14"W	59.19'
L6	N81° 58' 11.02"E	42.69'
L7	N66° 54' 20.70"E	63.54'
L8	N87° 27' 53.91"E	24.98'
L9	S72° 04' 24.35"E	23.74'
L10	N88° 56' 31.36"E	89.65'
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' 34.77"E	48.83'
L17	N59° 48' 18.72"E	22.94'

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

<b>DATE</b> 5/22/23
<b>SCALE</b> 1" = 80'
<b>DRAWN BY</b> WDB
<b>JOB NUMBER</b> 230226A
<b>DRAWING FILE</b> 230226A - Prelim Plot
<b>LAYOUT TAB</b> Prelim Plot

#	DATE	DESCRIPTION	BY
RE			
EE			
VV			
II			
SS			
II			
ON			
NS			

 **JoynerKeeny** PLLC  
Planning, Surveying & Engineering

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**1051 N. Winstead Avenue - P.O. Box 753  
Rocky Mount, North Carolina 27804  
North Carolina Firm No. P-0551  
V: 252.977.3124  
F: 252.985.6026**

PRELIMINARY  
NOT FOR CONSTRUCTION

C-01

Case Photo'd - Sep 08, 2021 - 12:21am Photo'd By: NRICHTMYER Z\ CAD 2021 230226A Redhelem Road Subdivision\ CIVIL\ Design\ Drawings\ CAD\ 230226A - Preliminary Plat v.3 R10 Perimeter.dwg



Requested Action:	Construction Planned Building Group
Location:	447 Wellspring Drive
Existing Land Use:	Undeveloped
Site Plan Data:	$\pm 5.067$ acres
Applicable Regulations:	LDC Sec. 712. D. 3. b
Owner:	Bharat Patel; Gateway Hotels, LLC
Applicant:	Ron Patel; Mycroft Construction, Inc.
Prepared By:	Paul Meder, PLA & Brian Edwards, PE; Rivers & Associates, Inc.
Case Manager:	JoSeth Bocook, Deputy Director of Development Services
Voting Representatives:	City Members

**Recommendation:** City staff recommend approval of the Construction Planned Building Group. All comments from the Development Review Committee have been resolved.



# SITE MATERIALS HATCH LEGEND

- HEAVY DUTY ASPHALT PAVEMENT
- LIGHT DUTY ASPHALT PAVEMENT
- 5" THICK 4,000 PSI CONCRETE AT HC SPACES AND ACCESS AISLES.
- 4" THICK CONCRETE SIDEWALK
- 8" CONCRETE OVER 6" COMPACTED ABC AT DUMPSTER ENCLOSURE

# CENTER LINE AND CURVE TABLE

NUMBER	LENGTH	BEARING/DELTA	RADIUS
C1	72.47'	95°27'27"	43.50'
C2	37.31'	14°15'00"	150.00'
C3	52.19'	59°48'03"	50.00'
C4	40.85'	58°13'54"	40.00'
C5	76.50'	9°54'59"	442.00'
C6	19.07'	21°51'07"	50.00'
C7	72.05'	41°16'58"	100.00'
C8	24.58'	56°20'38"	25.00'
C9	45.85'	29°03'40"	90.00'
L1	167.47'	S 67°53'55" W	
L3	125.52'	S 27°33'32" E	
L5	194.14'	S 41°48'32" E	
L7	78.45'	N 78°23'24" E	
L8	77.39'	N 48°26'28" E	
L12	12.96'	N 41°33'32" W	
L16	63.04'	N 27°33'32" W	

CHARLES M. MULLEN & PAMELA T. MULLEN  
D.B. 2571 PG. 229  
P.B. 37 PG. 258  
AREA - 1.87 AC.

CONSERVATION EASEMENT  
NON-BUILDABLE  
45,197 SQ. FT.  
1.038 AC

CONSERVATION EASEMENT  
NON-BUILDABLE  
59,753 SQ. FT.  
1.372 AC

PIN # 384113130806  
PAR ID - 300735  
N/F  
MULLEN & COMPANY INC  
D.B. 2167 PG. 753  
P.B. 37 PG. 258  
AREA - 3.2 AC.

# SITE DATA

PROJECT: HOMES 2 SUITES BY HILTON  
DEVELOPER / OWNER: BHARAT PATEL  
GATEWAY HOTELS, LLC.  
255 GATEWAY BLVD  
ROCKY MOUNT, NC 27804  
NC PIN: 384113130806 AND 384113047155  
SITE ADDRESS: 447 WELLSPRING DR, ROCKY MOUNT, NC 27804  
SITE AREA: 15,067 AC  
EXISTING BUILDING FOOTPRINT AREA: +/- 18,082 SF  
PROPOSED BUILDING FOOTPRINT AREA: +/- 18,082 SF  
PROPOSED TOTAL BUILDING AREA: +/- 71,283 SF  
EXISTING ZONING: B-5  
TOWNSHIP: STONY CREEK  
CURRENT LAND USE: VACANT  
PROPOSED LAND USE: HOTEL, 4 STORY (119 GUESTROOM SUITES)

# SETBACKS -

FRONT REQUIRED - 25' MIN. (FROM PUBLIC R/W)  
SIDE REQUIRED - 10' MIN.  
REAR - 10' MIN.

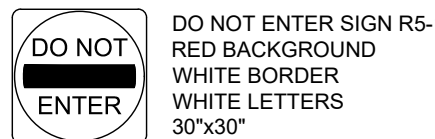
# PARKING -

REQUIRED - HOTELS AND MOTELS  
1 SPACE PER SLEEPING ROOM, PLUS 1 PER EMPLOYEE PER SHIFT, PLUS 1 PER SEATS FOR MEETING, ASSEMBLY ROOMS, LOUNGES AND RESTAURANTS OR OTHER ASSEMBLY ROOMS OR AREAS.  
111 GUEST ROOMS = 111 SPACES  
+/- 6 EMPLOYEES PER SHIFT = 6 SPACES  
NO ASSEMBLY AREAS = 0 SPACES  
TOTAL LDG REQUIRED SPACES = 117 SPACES  
PROVIDED SPACES: 120 SPACES  
HC PARKING REQUIRED - FOR 101-150 SPACES = 5 (1 VAN)  
HC PARKING PROVIDED - FOR 120 SPACES = 6 (4 VAN)  
EXISTING = 0 SF (0 AC)  
PROPOSED = 18,080 SF (0.42 AC)  
ROOF = 53,185 SF (1.22 AC)  
PARKING LOT = 4,745 SF (0.11 AC)  
SIDEWALK = 7,475 SF (0.17 AC)  
NET CHANGE = ADD. ± 78,010 SF (1.75 AC)  
TOTAL IMPERVIOUS AREA (POST-CONSTRUCTION) = 34.5 % OF SITE.  
TOTAL DISTURBED AREA = 2.5 AC

# GENERAL NOTES:

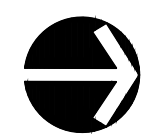
- ALL MECHANICAL AND HVAC EQUIPMENT SHALL BE SCREENED FROM VIEW ALONG THE ENTIRE LENGTH OF THE PUBLIC RIGHT-OF-WAY.
- THE CITY OF ROCKY MOUNT WILL NOT ISSUE A CERTIFICATE OF OCCUPANCY FOR THIS PROJECT UNTIL THE DEVELOPER OR CONTRACTOR PROVIDES A LANDSCAPE MAINTENANCE BOND IN THE AMOUNT OF 30% OF THE TOTAL COST OF REQUIRED VEGETATION FOR THE BUFFERS AND LANDSCAPING.
- FOR FIRE DEPARTMENT VEHICULAR ACCESS, NO LESS THAN 18 FEET IN WIDTH SHALL ALWAYS BE PROVIDED TO ALL STRUCTURES UNDER CONSTRUCTION. IN AREAS WHERE GROUND SURFACES ARE SOFT OR LIKELY TO BECOME SOFT, HARD ALL-WEATHER SURFACE ROADS SHALL BE PROVIDED.
- FIRE PROTECTION WATER SUPPLY SYSTEM INCLUDING FIRE HYDRANTS, SHALL BE INSTALLED AND IN SERVICE PRIOR TO THE PLACING OF COMBUSTIBLE BUILDING MATERIALS FOR STRUCTURES OR COMBUSTIBLE PRE-TESTED FABRICATED BUILDING ASSEMBLIES ON THE PROJECT SITE OR UTILIZING THEM IN THE CONSTRUCTION OF BUILDING STRUCTURES.

# REGULATORY SIGN LEGEND



# TRAFFIC CONTROL NOTES

- ALL SITE SIGNAGE SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) AND NCDOT STANDARDS.
- ALL SIGNS SHALL BE MOUNTED WITH 5-FT VERTICAL CLEARANCE TO THE BOTTOM OF THE SIGN ON 2-LB. GALV. STEEL U-CCHANNEL POST SET IN 3-FT DEEP X 12" DIA. CONCRETE FOOTING.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF ROCKY MOUNT AND NCDOT STANDARDS AND SPECIFICATIONS.
- ALL SIGNAGE SHALL BE FIELD STAKED AND THE LOCATIONS APPROVED BY CITY INSPECTOR OR ENGINEER (WHERE APPROPRIATE) PRIOR TO SIGN INSTALLATION.
- CONTRACTOR SHALL PROVIDE TRAFFIC CONTROL AS REQUIRED BY CITY.



20' 0 10' 20'  
SCALE 1 inch = 20 ft

PIN # 384113140037  
PAR ID - 300732  
N/F  
MULLEN & COMPANY, INC.  
D.B. 2167 PG. 753  
P.B. 37 PG. 258  
VACANT, MULTI-ZONE

Certification by the Director of Development Services and the Director of Public Works that this Planned Building Group Construction Plan was approved by the Planning Board on (date) and meets the standards set forth in the Land Development Code.

Director of Public Works

Director of Development Services

GATEWAY HOTELS, LLC

HOMES 2 SUITES

PLANNED BUILDING GROUP CONSTRUCTION PLAN - CITY OF ROCKY MOUNT - NC

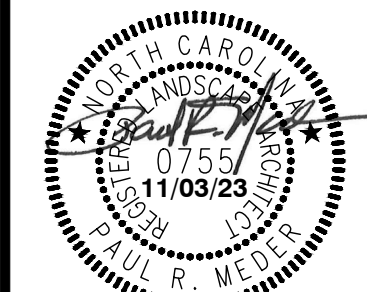
ENLARGED SITE PLAN

DATE:

DESIGNED BY: PRM, SBF  
DRAWN BY: SBF  
CHECKED BY: PRM  
PROJECT No.: 2022029  
DRAWING No.: W-4026  
SCALE: AS SHOWN  
SHEET No.

C2.02

NC License: F-0324  
**Rivers**  
RIVERS AND ASSOCIATES, INC.  
Since 1918  
Engineers  
Planners  
Surveyors  
Landscape Architects  
Six Forks Place III, Ste. 230  
363 E. Six Forks Road  
Raleigh, NC 27609  
919.594.1626



# ISSUE/REVISIONS:

NO.	DATE	BY	DESCRIPTION
1	11/17/23		PLANNED BLDG. GROUP CONST. PLAN - SUBM. 4
2	11/03/23		PLANNED BLDG. GROUP CONST. PLAN - SUBM. 3
3	08/23/23		ARCHITECTURAL FRANCHISE REVIEW
4	08/21/23		PLANNED BLDG. GROUP CONST. PLAN - SUBM. 2
5	05/09/23		PLANNED BLDG. GROUP CONST. PLAN - SUBM. 1



# **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

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## 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;
  - Storage, outside; and
  - Storage, warehouse
- 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.
- 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.



**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.

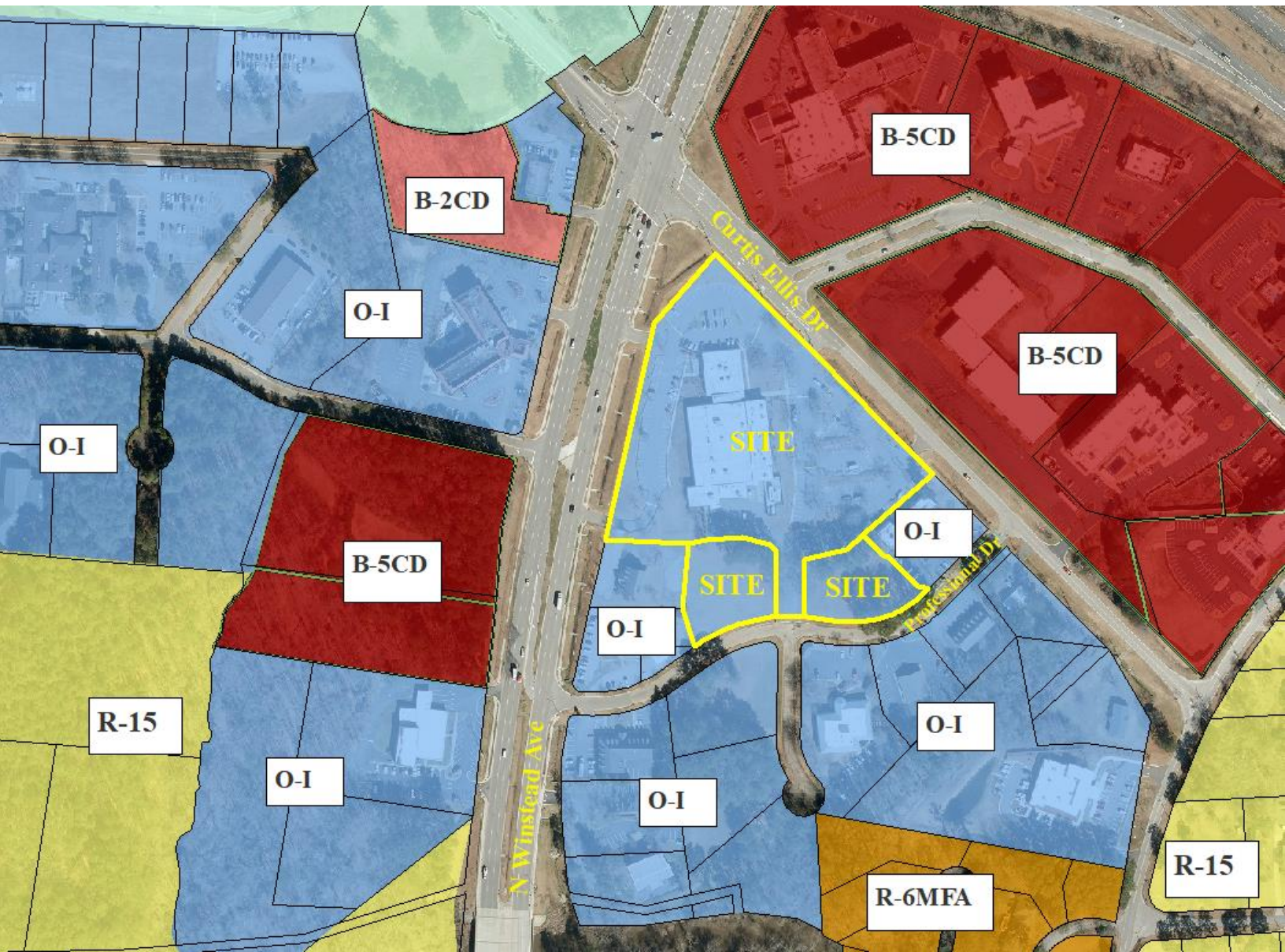
**STAFF RECOMMENDATION:**

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.



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

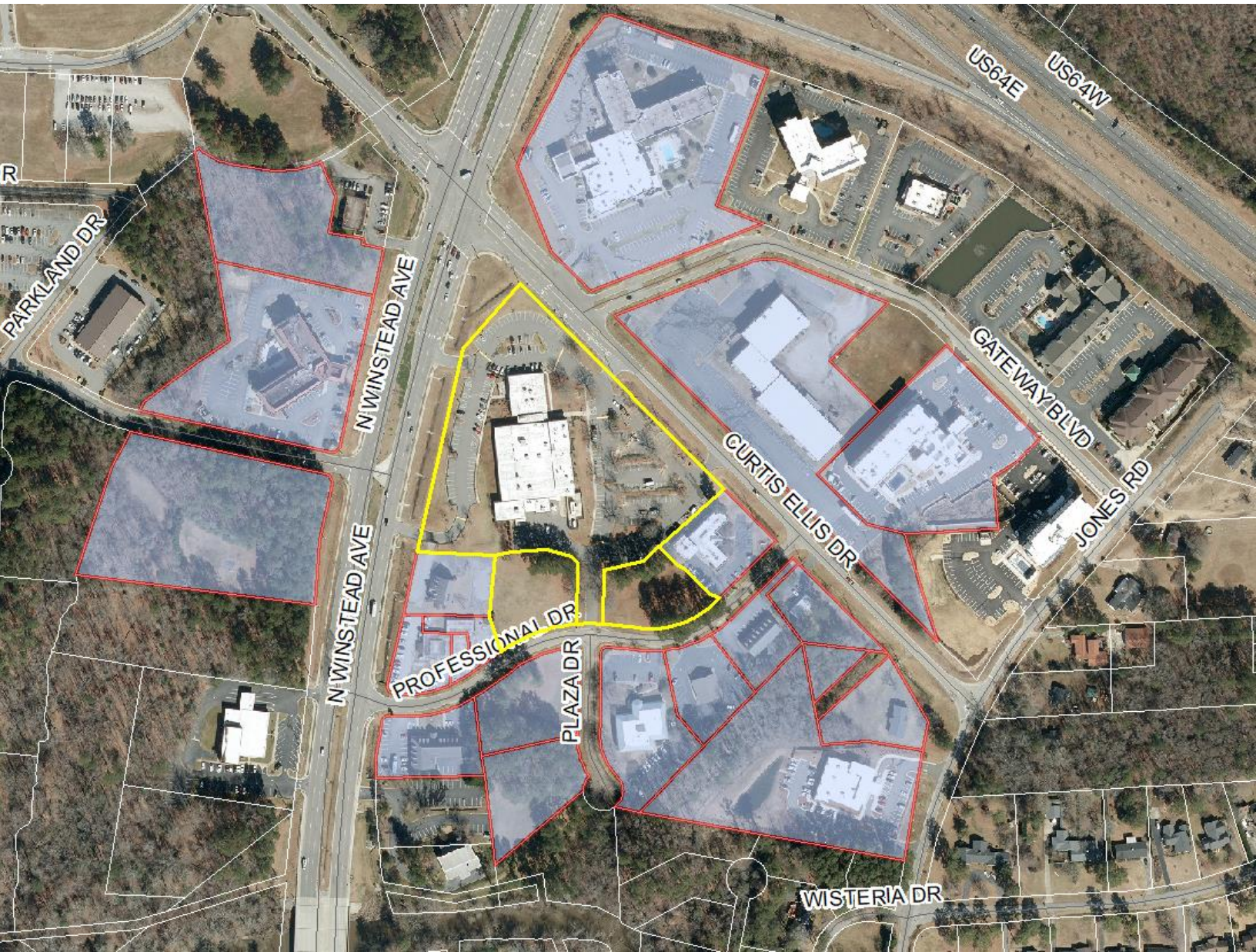
0-I to B-5  
[Ward 2]





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

**0-I to B-5**  
[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

Creekside 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:**

<b>Name</b>	<b>Organization</b>	<b>Phone #</b>	<b>Email</b>
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 14<sup>th</sup> 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@bwsow.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@bwsow.com](mailto:kfisher@bwsow.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@bwsow.com](mailto:kfisher@bwsow.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](http://www.bwsb.com)

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Requested Action: B-1 to B-5  
Location: 14500 US 64 Alt West Hwy  
Site Data: ±1.44 acres  
Existing Land Use: Undeveloped  
Applicant: Omar Bayyari Mohammad; A.M.E Automotive & Services Xpress  
Property Owner(s): Omar Bayyari Mohammad  
Case Manager: Stephanie Goodrich, Senior Planner  
Voting Representatives: City & Edgecombe Members

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**ANALYSIS:**

## a) Land uses: Subject site and vicinity

The subject site is a +/-1.44-acre parcel, located at 14500 US 64 Alt West Hwy [formerly 2330 N Raliegth 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.

## b) Zoning history

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.

## c) Conformance with comprehensive plan

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 Southeast Smart Growth Area was designated considering transportation infrastructure that will make future development likely and possible with government incentives.



## 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 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.

## 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 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 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).

Other information:

- This parcel does not have direct access to the Tar River Transit system.
- The subject parcel does not have direct access to bicycle amenities.
- Sidewalks in this vicinity do not exist.

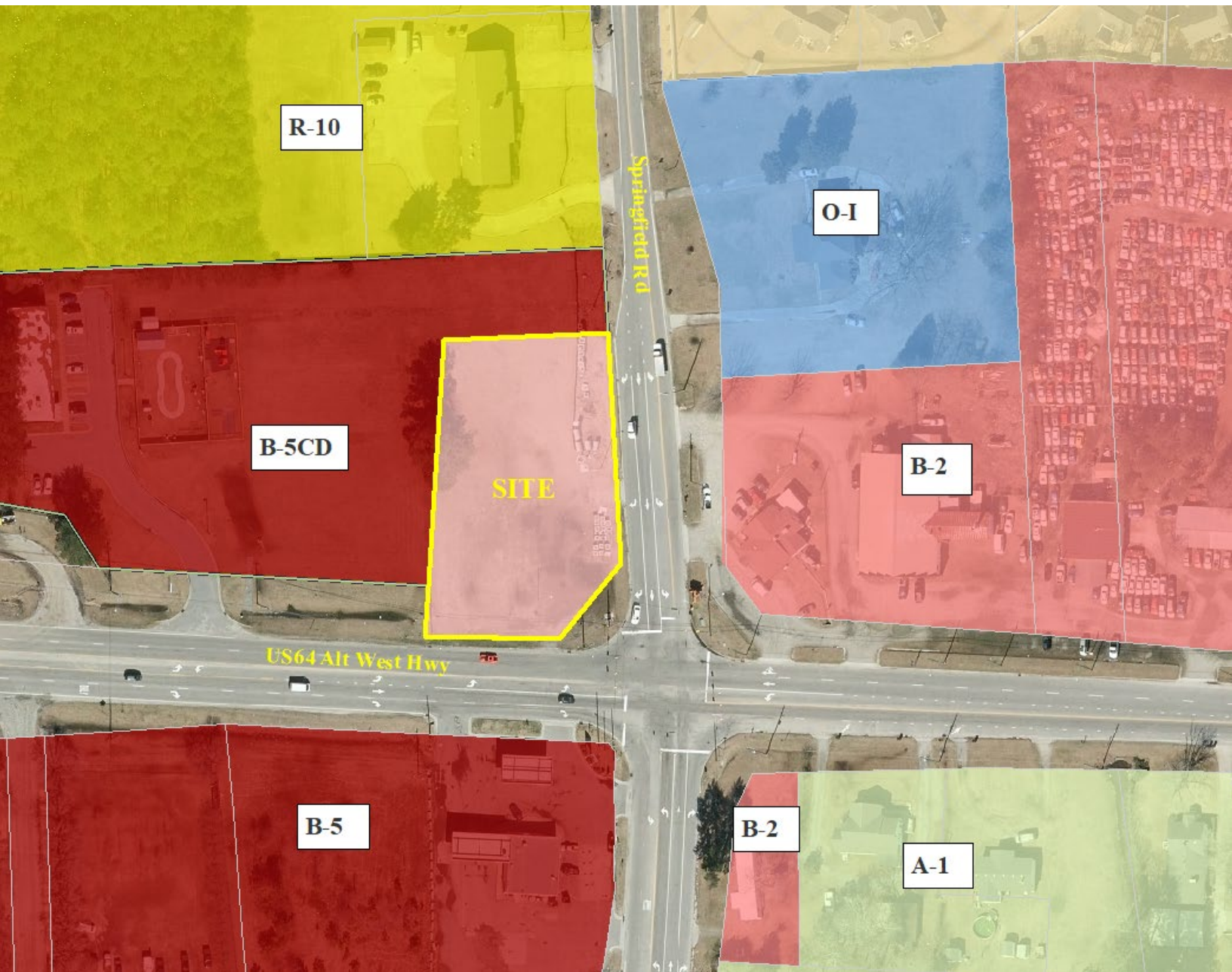
According to the Institute of Transportation Engineers “Trip Generation Manual, 9<sup>th</sup> Edition” (page 221), every 1000 square feet of warehouse building development (acceptable use in B-5 development) could potentially generate about 2.5 new vehicle trips per day on an average weekday.

**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 # 09-12-23 Zoning Map

**B-1 to B-5**  
[Ward 1]



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



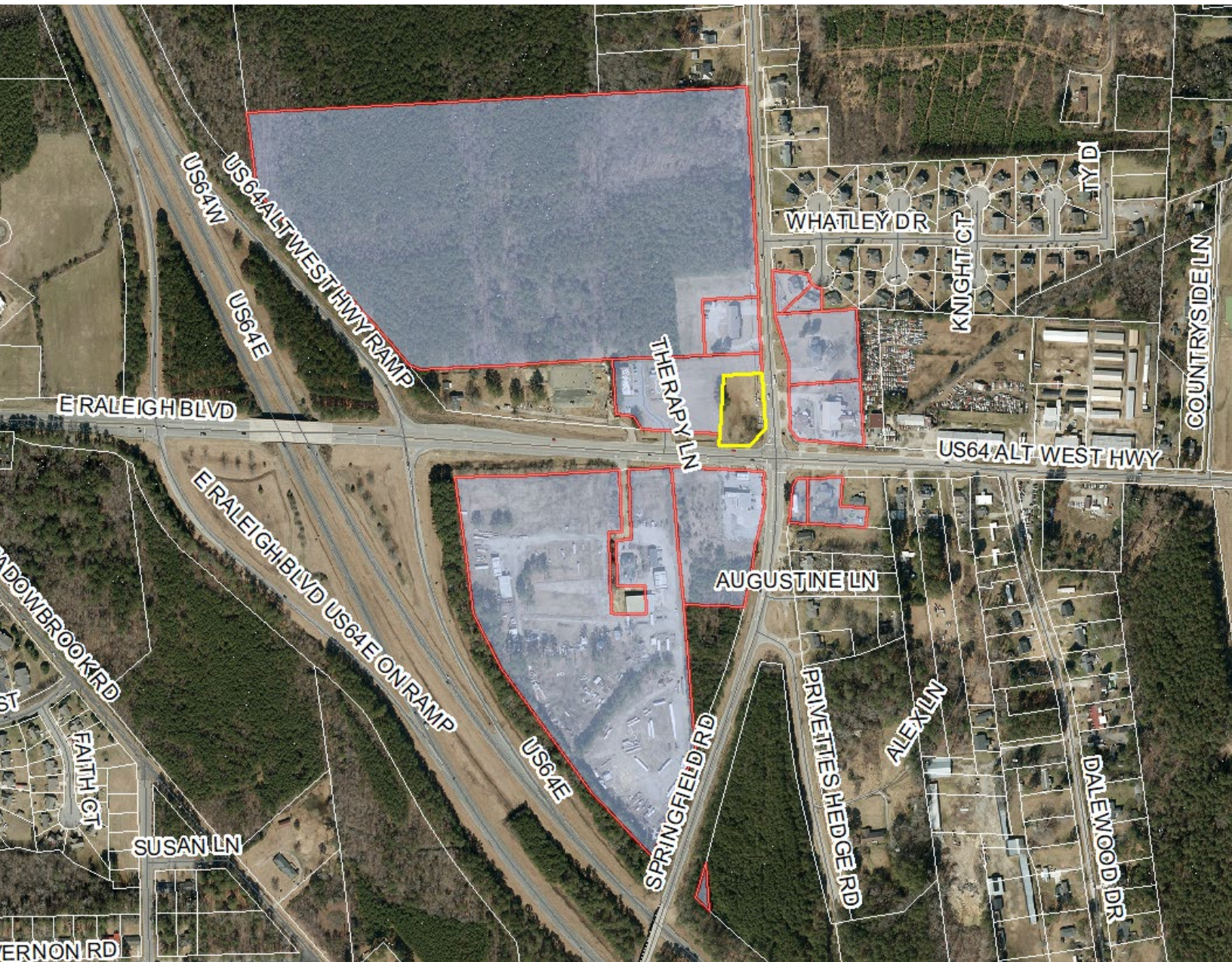


## 5.2 – Rezoning Request # 08-12-23

### Aerial Image & Adjacent Owners Notice Map

B-1 to B-5

[Ward 1]



ROCKY MOUNT  
DEVELOPMENT SERVICES  
THE CENTER OF IT ALL



Subject Property



Property Owners Mailed Notice



Sarita Battle  
104 Focus Court  
Rocky Mount NC 27801

Omar Bayyari Mohammad Al  
9712 Fayetteville Rd  
Raeform NC 28376

Orsinio L Bell Sr et al  
PO Box 945  
Rocky Mount NC 278020945

Cambridge Highway USA LLC  
PO Box 30671  
Greenville NC 27833-0671

City of Rocky Mount  
PO Box 1180  
Rocky Mount NC 27802

Daughtridge Enterprises INC  
1200 East St., PO Box 593  
Rocky Mount NC 27801

Tevis T Harris  
108 Focus Ct  
Rocky Mount NC 27801

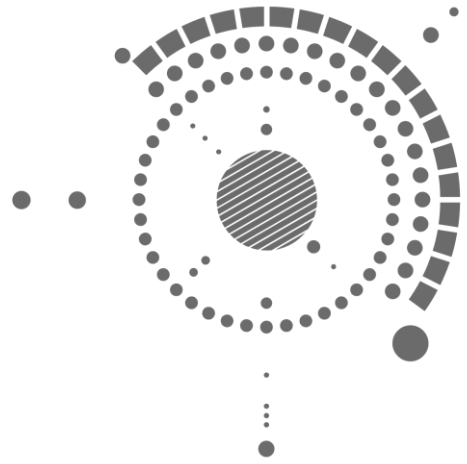
John B Medley  
PO Box 8197  
Rocky Mount NC 27804-1197

Powell Properties of Edgecombe Co  
LLC  
150 Moye Court  
Rocky Mount NC 27803

Linda D Ruffin  
14385 US 64 Alt West  
Rocky Mount NC 27801

Walter Leon Shearin  
14218 US 64 Alt West  
Rocky Mount NC 27801





## ATTENTION:

The next regular meeting of the  
City of Rocky Mount Planning Board  
is scheduled for  
**Tuesday, January 9, 2023 at 5:30 p.m.**

