



# Minutes of the Roanoke Rapids City Council

A Special Meeting of the City Council of the City of Roanoke Rapids was held on **Tuesday, December 7, 2021** the Council Chambers at the Lloyd Andrews City Meeting Hall.

**Present:** Emery G. Doughtie, Mayor  
Carl Ferebee, Mayor Pro Tem  
Sandra Bryant)  
Suetta S. Scarbrough)  
Wayne Smith)  
Rex Stainback)

## **Council Members**

Kelly Traynham, City Manager  
Geoffrey Davis, City Attorney  
Leigh Etheridge, Finance Director  
Traci Storey, City Clerk  
Kathy Kearney, Deputy City Clerk/Human Resources Manager\*  
Bobby Martin, Police Chief  
Christina Caudle, Main Street Director  
Larry Chalker, Public Works Director  
Jason Patrick, Fire Chief  
John Simeon, Parks & Recreation Director

Mayor Doughtie called the meeting to order and offered an invocation.

Mayor Doughtie recognized former Roanoke Rapids Mayor and County Commissioner/Chairman, Gene Minton and former Police Chief and Councilman Greg Lawson for being in attendance.

He introduced NC House Representative Michael Wray and stated he has been the Representative for both Halifax and Northampton Counties for nine terms. He serves on the Agricultural Committee, Public Utilities and Energy Committee, Ethics Committee, Finance Committee as well as the Rules, Calendar and Operation of the House Committee.

## **Guest Speaker – NC House Representative Michael Wray**

Representative Wray stated he was here to talk about some positive things. They had a tremendous session this time. This year has been a blessing for him and for this community and the communities he represents. There has also been some

challenges and Covid-19 has been one of them. One of the biggest blessings for him was his family had come back together to sit around the dinner table.

He said every two years they send out letters to the local county commissioners and municipalities and ask for their needs and requests. They would be surprised that sometimes they do not hear from some of them while others you hear their needs and cries. Unfortunately the State has not had a budget the past few years, but this year they have a budget. He was proud to say that working together works is a philosophy that a lot of people have and he has tried to use and live by that slogan. He was proud to vote for the budget the first time and proud to be appointed a conferee and proud to stand up with bipartisanship to help negotiate and craft the budget. He went up there the first of October and met with Tim Moore and Phil Berger where they talked about a lot of important things.

Representative Wray stated some of the success stories were that the state employees will be looked after such as retirees, school teachers and school system employees. They got over a billion dollars for broadband which is very important to all of NC. He encouraged buying local but noted one of the positive things about the internet is when people purchase items online, the sales tax comes back to Halifax County and the municipalities. He stated there was a lot of funding for the City to apply for such as grants for parks and recreation.

He reported in this year's budget they put in \$3.5M for economic development for Roanoke Rapids. That money is in the budget and it has been passed. The City can use this money as they see fit, but everyone knows the big bad wolf of Roanoke Rapids is the Theatre. This money will help take the burden off the taxpaying citizens. He said the House Majority Leader, John Bell, asked him to find some areas in his district that had flood issues. He contacted Public Works Director Chalker to see how \$1M could help Roanoke Rapids. Public Works Director Chalker told him there were 30-40 projects and \$1M could help with over 20 of them. They were able to get the \$1M for storm water projects. They were able to get monies for Rich Square and Enfield to help with flooding issues as well. He stated Roanoke Rapids has a very active Main Street program. Roanoke Rapids is a vital part of Halifax County; it's the hub of the community. They were able to put \$250,000 toward the Main Street program. Small town businesses are the heart of the community.

Representative Wray said although Lincoln Heights was not in the city limits of Roanoke Rapids they are a vital part of the Roanoke Valley community. They were able to get \$500,000 for the Lincoln Heights Community Center and they have also applied for \$750,000 CDBG grant funding. He hopes they will hear from that soon.

He said it was a pleasure to be in attendance to share some of the positive things and asked the City to be good stewards of the money. He said they were able to spread a lot of monies across the communities and announced the district he represents got over \$42M.

He stated the community was fortunate to have Ronnie Keeter, NCDOT State Engineer, who grew up and still lives here in Halifax County. They were able to get the bridge superseded between West Rock and Gaston in 2024. They were going through the public hearing process now. Roanoke Avenue has been resurfaced and he understands the complaints about potholes on Tenth Street, but nothing happens overnight.

Representative Wray recognized Parks & Recreation Director Simeon and his staff for a good job on the Christmas Parade again this year. He also commended Chief Martin with his department as well.

Mayor Doughtie said Representative Wray had been working on getting the City some funding past couple of years and they almost had it before COVID came. He has shown his ability to work across the aisle. When he attended the meetings in Raleigh and in the HCIA meeting last week, the lady from Senator Burr's Office spoke very highly of Representative Wray and told how other people in the General Assembly felt about him. That means a lot to them when they have someone who can walk in, be noticed and listen to what they have to say. On behalf of the City of Roanoke Rapids and the surrounding areas, they are very appreciative of Representative Wray's efforts. This money will make a big difference.

Representative Wray also mentioned Fire Chief Patrick was very instrumental in keeping in contact with him about the cancer situation of a City firefighter, Kevin Hawkins, who passed away. They were able to implement that in the budget to help firefighters diagnosed with cancer.

Councilman Smith thanked Representative Wray for answering his phone calls and for him always willing to work to help the City of Roanoke Rapids. He really appreciates what he did for them.

## Public Hearings

City Manager Traynham stated they had two rezoning requests on the agenda and they were relatively close by one another. The first request is from Gil Cunningham, owner of Dirt LLC seeking to rezone property at 395 Wallace Fork Road back to its

original classification of B-4 Commercial District. The second request is for property along the Premier Blvd. and American Legion Road corridor of the NCDOT project that should be finishing up in the coming months.

She mentioned when considering rezoning requests, please consider the zoning and all possible uses that are allowed within that district. They are not approving a specific project or discussing a specific development.

**Rezoning Request by Gil Cunningham - applicant and representative of owner of property Carolina Dirt LLC (395 Wallace Fork Road) from I-2 Industrial District to B-4 Commercial District**

City Manager Traynham said before she turns the presentation over to City Planner, Joe Hatch, she gave a brief background on the first item. When the City took this property into its jurisdiction it gave it a B-4 zoning classification. Several years ago when the market was looking another way, the owner requested a rezoning to I-2 Industrial District. Since COVID, outdoor entertainment has become especially attractive and permissible. The property has asked to go back to the B-4 Commercial District so it can be a part of the Entertainment District.

City Planner Joe Hatch called attention to the advertisement where is called a legislative hearing instead of a public hearing. The statutes were changed about a year ago. Rezoning hearings before City Council are considered legislative and should be advertised as such. Special Use Permits and other permits that are quasi-judicial are not considered legislative. He reviewed and summarized the following report dated November 30, 2021:

**Rezoning Request – Amendment to the Roanoke Rapids Zoning Map to rezone 83.3+/- acres of property at 395 Wallace Fork Road to B-4, Commercial District-Entertainment Overlay District from I-2, Industrial District.**

**Summary Overview**

<i>Subject Property</i>	<i>83.3+/- acres of property located at 395 Wallace Fork Road with road frontage along Wallace Fork Rd and Aurelian Springs Rd</i>
<i>Proposal</i>	<i>Rezone to B-4, Commercial District with Entertainment Overlay District, from I-2, Heavy Industrial District</i>
<i>Applicant</i>	<i>Gil Cunningham</i>
<i>Property Owner</i>	<i>Carolina Dirt LLC</i>
<i>Present Use</i>	<i>Cleared, undeveloped land, previously utilized as an outdoor concert venue</i>
<i>Proposed Use</i>	<i>Not stated in application</i>
<i>Staff Recommendation</i>	<i>Approve.</i>

WHEN EVALUATING A REZONING REQUEST, IT IS APPROPRIATE TO CONSIDER ALL PERMISSIBLE USES IN THE REQUESTED ZONING DISTRICT. CITY COUNCIL CANNOT SPECIFICALLY LIMIT WHICH USES ARE ALLOWED (OR NOT) AS A RESULT OF ANY REZONING CONSIDERATION.

CONSIDER IMPACTS ON/FROM:

- POTENTIAL USES
- NEIGHBORS
- GENERAL PUBLIC
- TRAFFIC
- UTILITIES
- NEIGHBORHOOD CHARACTER
- SCHOOLS

OMIT FROM CONSIDERATION:

- ETHNICITY
- RELIGION
- INCOME
- RENT OR OWN



### **Analysis and Detail:**

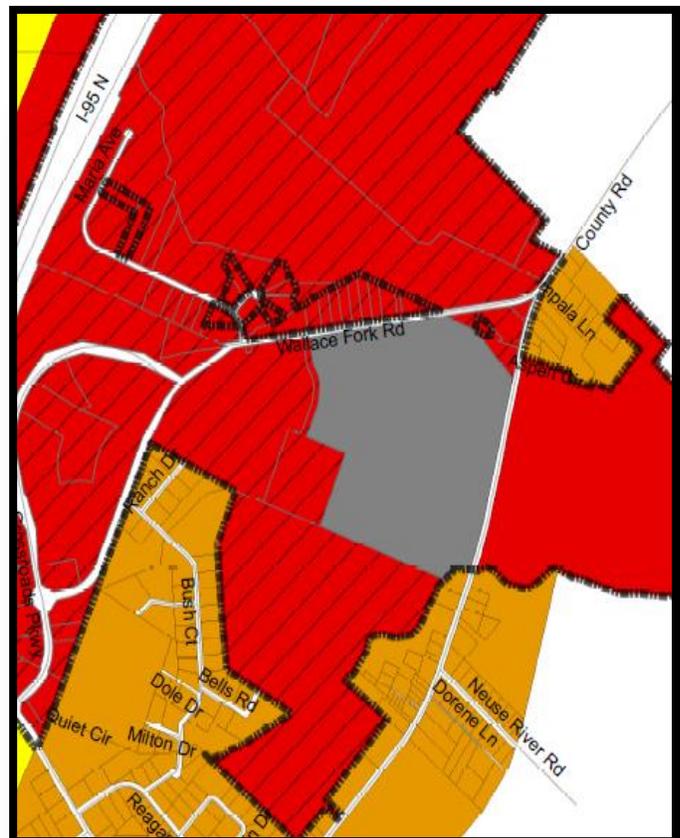
#### **1. Applicant and Property Owner**

The applicant is Gil Cunningham, 1243 Monarch Way, Brentwood, TN 37027; (615)497-3822. According to the Halifax County tax listing, the property owner is Carolina Dirt, LLC, 1585 Mallory Lane, Suite 204, Brentwood, TN 37027.

#### **2. Location/Area Description**

The site proposed for rezoning is located east of Interstate 95 in the area referred to as “Carolina Crossroads” Music and Entertainment District. In the year 2006, the site was originally part of the establishment of the Roanoke Rapids Entertainment, LLC subdivision and sold to Carolina Dirt LLC in September 2010. The Entertainment District is popularly the location of a Hilton Garden Inn, the Roanoke Rapids Theater, and the Carolina Crossroads (RV) Recreational Vehicle Park.

The location of the site proposed for rezoning is addressed 395 Wallace Fork Road. The 83.3+/- acre site has approximately 1,372 feet of street frontage along Wallace Fork Road (SR 1692) and 1,800 feet of street frontage Aurelian Springs



Road (SR 1600). The site is currently zoned I-2 Industrial District with Entertainment Overlay District (EOD) jurisdiction.

Adjacent areas to the east, north, south and west of the site proposed for rezoning are commercially zoned B-4 with EOD. The rezoning site is located adjacent (east of) the Carolina Crossroads RV Park (a conforming use in the EOD District).

An area to the southeast of the site proposed for rezoning has an R-20, Residential zoning classification and is developed as single-family residential use.

There are nine (9) properties along Wallace Fork Road (north of the subject site) that are developed as single-family residential mobile homes. There is one property to the northeast of the site along Aurelian Springs Road that is developed as single-family residential, conventional home. **The residential use of these properties is designated as a grandfathered, legal, non-conforming use of the land in the B-4 EOD District.** The single-family residential use of these properties was made unlawful by the Land Use Ordinance use regulations when the B-4 Commercial District was established in the area. Since the residential use was lawful prior to the establishment of the current zoning classifications, the nonconforming residential use of the properties may continue subject to Article VIII of the Ordinance.

The property to the east and south of the site proposed for rezoning is generally characterized as undeveloped and rural, with agricultural uses.

### 3. Existing and Proposed Zoning

The excerpt of the zoning map (item 2, page 2) delineates the existing zoning of the area being considered for rezoning and the zoning of the adjacent parcels. The requested rezoning area is currently zoned I-2, Industrial District with Entertainment Overlay District (EOD) jurisdiction. The requested zoning is B-4, Commercial District. The subject rezoning site is predominantly surrounded by the B-4, Commercial District with Entertainment Overlay District, however, a small portion of the southern boundary has an adjacent area zoned R-20, Residential District.

**The rezoning request is a change from I-2 (Heavy) Industrial District to B-4, Commercial District with EOD.**

*The following provides general descriptions of the existing and proposed zoning districts:*

The uses allowed in each zoning district are identified in Section 151-149 Table of Permitted Uses **(attached)** of the City of Roanoke Rapids Land Use Ordinance. The specific uses permitted in the Entertainment Overlay District are indicated in Article XXIV, Overlay Districts, Section 151-363.

**Industrial districts (I-1 and I-2)** are established primarily to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. **Please refer to the attached table of Industrial District Uses.** The districts differ primarily in the permitted intensities of the development (I-1, light industry and I-2, heavy industry) and differ in the minimum dimensional requirements. There are no minimum density (square footage) requirements in the industrial districts. An **I-1 (light industry)** zone is designed for a minimum lot width of 50 feet and building setbacks of 30-feet from the street right-of-way property line and 15 feet from all other property boundaries. An **I-2 (heavy industry)** zone is designed for a minimum lot width of 100 feet and building setbacks of 40 feet from the street right-of-way property line and 25 feet from all other property boundaries. Building height (highest vertical elevation) is limited to 45 feet in both industrial zones (building height in a residential district is limited to 35 feet).

The **B-4** district is designed to accommodate the widest range of commercial activities with no minimum density (square footage) and a lot width of 70 feet. Setbacks from the street right-of-way property line are 20 feet and the distances from other property lines are determined by the rating of the exterior wall of construction.

The **R-20** district is designed to accommodate single-family dwelling units. Lots in the R-20 district are required to have a minimum density of 20,000 square feet, 100 feet in width and building setbacks of 30 feet from the street right-of-way property line and 10 feet from all other property lines.

The **Entertainment Overlay District (EOD)** is located over all B-4 commercial district properties in the designated *Carolina Crossroads* area. The density and dimensional requirements of the B-4 district are applicable in the EOD. The EOD is unique in that it allows only uses permitted in the Table of Permissible Uses in the Entertainment Overlay District (Land Use Ordinance Article XXIV, Section 151-363, *attached*).

Any proposed construction and site plans are evaluated by city staff and the Development Review Committee to ensure a proper design. The Development Review Committee includes the Sanitary District, NCDOT, Public Works, NC Dominion Power, Fire Department and Code Enforcement.

#### **4. Traffic Considerations**

The site may be accessed by Wallace Fork Road (SR 1692) and/or Aurelian Springs Road (SR 1600). Since the site is located along state routes, the North Carolina Department of Transportation (NCDOT) regulates allowable access and driveway permitting. All traffic considerations will be evaluated when a proposed use is identified, and a preliminary site development plan is presented by a future developer.

#### **5. Utility Considerations**

There are no specific utility considerations at the present time. The area is served by Roanoke Electric Cooperative and the Roanoke Rapids Sanitary District. All connections, extensions and responsibilities for services will be the responsibility of the developer.

#### **6. Other Considerations**

Future development of the site will be evaluated for appropriate screening, drainage, stormwater retention/detention and other items during the site plan and/or construction plan review process by the Development Review Committee.

The proposed request for rezoning is considered to be reasonable. Reasonableness is determined by considering the size and nature of the tract, any special conditions or factors regarding the area, the consistency of the zoning with the land use plan, the degree of the change in the zoning, the degree it allows uses different from the surrounding area, and the relative benefits and/or detriments for the owner, the neighbors, and the surrounding community.

#### **7. Comprehensive Development Plan**

The property is located in existing City Limits and the following implementing strategies may be considered from the City of Roanoke Rapids Comprehensive Plan, adopted by City Council on June 17, 2014:

***I.1 Support infill development.** Infill development is development or redevelopment of land that has been bypassed, remained vacant, undervalued and/or is underused as a result of the continuing urban development process. Generally, the areas and/or sites are not particularly of prime quality; however, they are usually served by or are readily accessible to the*

*infrastructure (services and facilities). Use of such lands for new housing and/or other urban development is considered a more desirable alternative than to continue to extend the outer development pattern. The use of infill development, among others, promotes the best use of resources and also will tend to have a positive impact upon the tax and other fiscal policies.*

*I.7 Provide effective buffering and/or landscaping where commercial development adjoins existing or planned residential uses.*

*I.15 Consider locating light industrial uses in urbanized areas to take advantage of available services and to minimize travel distances. Careful design and/or buffering shall be required to ensure compatibility with surrounding areas.*

*I.18 Utilize the mixed use areas as a tool to aid in regulating/reducing strip commercialization, stimulate compact development, encourage infill development, reduce trip generation, provide flexible development options, and utilize existing infrastructure.*

*I.29 Consider expanding opportunities (both public and private) for employment and procurement by using local vendors when state and federal procurement procedures permit such selection.*

*I.31 Encourage new and expanding industries and businesses which: (1) diversify the local economy, (2) utilize a more highly skilled labor force, and (3) increase area resident's incomes.*

*I.32 Protect, enhance, and encourage a high quality of life, image, and cultural amenities as an effective approach to economic development.*

*I.33 Economic development efforts should encourage the revitalization and reuse of currently unused or underutilized structures, sites, and infrastructure in appropriately located areas.*

*I.37 Continue to support the Halifax County Economic Development Commission's business/industrial development efforts.*

*I.39 Actively recruit and retain a younger workforce to the City by supporting diverse affordable workforce housing.*

## **8. Public Response to Notice**

On November 22, 2021, letters were mailed to owners of property within 100-feet of the requested rezoning giving notice of the public hearing and opportunity to comment. The notice of City Council meeting was advertised in the *Daily Herald* on December 4, 2021.

## **9. Staff Recommendation**

The Planning and Development Staff recommends in favor of the petitioner's request. The staff finds the proposed rezoning request to be consistent with the surrounding land uses and supported by the Comprehensive Plan. Staff requests that the rezoning be recommended to the City Council for approval.

## **10. Planning Board Review and Recommendation**

At the initiation of discussion on the *Carolina Crossroads* zoning change Board Member, Ellen Heaton, stated that she had a conflict due to involvement in a real estate transaction and asked to be recused from the discussion and decision. Board members voted to recuse Ellen Heaton from participation on this matter.

The Roanoke Rapids Area Planning Board reviewed the requested rezoning on November 18, 2021. The Board unanimously approved the Recommendation of Consistency on a 5-0 vote. Following discussion, the Board unanimously voted 5-0 to forward a favorable recommendation to City Council for approval

of the requested rezoning.

#### 11. City Council Action

Following the legislative hearing, City Council is requested to make a motion concerning a Statement of Consistency. That should be followed by a motion concerning approval or denial of the rezoning request.

Statement of Consistency – *If City Council concurs with the approval of the statement, the following motion is appropriate:*

Final Decision – *If City Council concurs with approval of the rezoning request, the following motion is appropriate:*

#### Attachments

1. Gil Cunningham Application
2. Article XXIV: Overlay Districts, Entertainment Overlay District
3. Section 151-149 Table of Permissible Uses (Includes Industrial District Uses)
4. Statement of Consistency

Mayor Pro Tem asked Planner Hatch if there was any additional specific interest since he mentioned they may want to have some outdoor concerts there. He replied about ten years ago there were concerts held on that property. He heard from Mrs. Heaton that the owner may want to start that up again. The application did not say one way or another what they wanted to do with the property. City Manager Traynham reminded City Council that is why they need to consider all the potential uses within the zoning ordinance. If it were to be used as a concert site, staff would still need to review the layout, driveways and so forth to ensure the residents that live nearby are sheltered potential impacts.

Mayor Pro Tem Ferebee asked what the Planning Board recommends. Planner Hatch stated they unanimously recommended its approval.

Mayor Doughtie declared the public hearing open and called upon anyone wishing to speak.

Ellen Heaton with Heaton Real Estate stated she represents Carolina Dirt, LLC, Gil & Elizabeth Cunningham and Jeff Copper. They are looking to zone it back to what it was. With COVID hopefully over, she believes they are all looking forward to getting out and doing more things. Rezoning the property would be helpful.

With no one else wishing to speak, Mayor Doughtie officially closed the public hearing.

**Statement of Consistency with Plans to Amend the Official Zoning Map**

**Amendment to the Roanoke Rapids Zoning Map to rezone 83.3+/- acres of property at 395 Wallace Fork Road to B-4, Commercial District-Entertainment Overlay District from I-2, Industrial District.**

The Roanoke Rapids City Council met on Tuesday, December 7, 2021 at 5:30 p.m. and determined that the above mentioned request is consistent with the Roanoke Rapids Comprehensive Plan, adopted by City Council June 17, 2014, and with the Roanoke Rapids Land Use Ordinance. Comprehensive Development Plan Policies:

*I.1 Support infill development. Infill development is development or redevelopment of land that has been bypassed, remained vacant, undervalued and/or is underused as a result of the continuing urban development process. Generally, the areas and/or sites are not particularly of prime quality; however, they are usually served by or are readily accessible to the infrastructure (services and facilities). Use of such lands for new housing and/or other urban development is considered a more desirable alternative than to continue to extend the outer development pattern. The use of infill development, among others, promotes the best use of resources and also will tend to have a positive impact upon the tax and other fiscal policies.*

*I.7 Provide effective buffering and/or landscaping where commercial development adjoins existing or planned residential uses.*

*I.15 Consider locating light industrial uses in urbanized areas to take advantage of available services and to minimize travel distances. Careful design and/or buffering shall be required to ensure compatibility with surrounding areas.*

*I.18 Utilize the mixed use areas as a tool to aid in regulating/reducing strip commercialization, stimulate compact development, encourage infill development, reduce trip generation, provide flexible development options, and utilize existing infrastructure.*

*I.29 Consider expanding opportunities (both public and private) for employment and procurement by using local vendors when state and federal procurement procedures permit such selection.*

*I.31 Encourage new and expanding industries and businesses which: (1) diversify the local economy, (2) utilize a more highly skilled labor force, and (3) increase area resident's incomes.*

*I.32 Protect, enhance, and encourage a high quality of life, image, and cultural amenities as an effective approach to economic development.*

*I.33 Economic development efforts should encourage the revitalization and reuse of currently unused or underutilized structures, sites, and infrastructure in appropriately located areas.*

*I.37 Continue to support the Halifax County Economic Development Commission's business/industrial development efforts.*

*I.39 Actively recruit and retain a younger workforce to the City by supporting diverse affordable workforce housing.*

Upon review of the request, it is the City Council's determination that the above mentioned request is reasonable and in the public interest of the City of Roanoke Rapids in that it provides for the organized commercial growth that will help to ensure the health, safety, and general welfare of the citizens of Roanoke Rapids.

ADOPTED BY THE ROANOKE RAPIDS CITY COUNCIL ON THE 7<sup>th</sup> DAY OF DECEMBER 2021.

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Emery Doughtie, Mayor

Motion was made by Councilman Smith, seconded by Mayor Pro Tem Ferebee and unanimously carried to approve and adopt the presented Statement of Consistency to amend the Zoning Map for 83.3 acre property addressed as 395 Wallace Fork Road (Halifax Co. Parcel 1205730) described in the staff report dated November 30, 2021.

**Final Decision on Rezoning Request**

Motion was made by Councilman Smith, seconded by Mayor Pro Tem Ferebee and unanimously carried to approve an amendment to the Roanoke Rapids Zoning Map to change the zoning classification to B-4, Commercial District for property identified as the 83.3 acres addressed as 395 Wallace Fork Road (Halifax Co. Parcel 1205730) described in the staff report dated November 30, 2021.

**Rezoning Request to amend the Roanoke Rapids Zoning Map to rezone a portion of Halifax Co. Parcels 1200801, 1202426, 1200850, 1205291 from R-40 Residential to B-4 Commercial along with Parcel 1200847 from R-12 Residential to B-4 Commercial**

City Manager Traynham stated the next item has been a vision for many years with the completion of the extension of Premier Blvd. and American Legion Road that will connect Exit 171 and Exit 173. It would give travelers, local and commerce a road to travel parallel to I-95. NCDOT is moving forward and it should be open soon. In considering the NCDOT project, they looked back at the zoning map when zoning was established in that area. She referred to the Figure 2 their packet. She explained the B-4 district showing in red initially was thought to be the area where the road would be located. Due to environmental constraints, wetlands and so forth, the road location was altered to accommodate the changes in order to make it a successful project.

She continued to say City Council long ago had seen this vision and planned for this to be a commercial corridor. When staff aligned the new highway on top of the zoning map, the B-4 District did not align with the new road. They are proposing to match that commercial zoning classification up to Premier Blvd., this highway project area and American Legion Road. They would maintain the residential zoning of the existing residential Nature's Trail subdivision to give them a buffer from any potential negative impacts of commercial classifications. It would essentially make

a correction zoning wise to what the original plans were. She added that personnel from the City, Halifax County, Roanoke Rapids Sanitary District, Halifax Utilities and Roanoke Electric have been involved in a series of meetings. There is a lot to consider including utilities and transportation. Zoning is one portion of this to make development in this area sustainable. Halifax County and the RRSD are working together on this as far as the water part of the project.

Planner Joe Hatch stated over the past year he and City Manager Traynham had several conversations about the rezoning. She took it to the Planning Board several times to try to figure out how to best deal with it. This was something that needed to be done to ensure the City had a zoning designation that was reasonable and comprehensible. He referred to the current zoning map.

He summarized the staff report dated December 1, 2021 enclosed in their agenda packets. They are proposing to make the western border of the B-4 zone be Premier Blvd. Anything east of it between Premier Blvd. and I-95 would be B-4 with the exception of a couple parcels at the north end and adjacent to Chockoyotte Creek which is wetlands and the southern end that is also wetlands.

He referred to a letter enclosed in their packets from Edward Dickens who owns the two parcels at the north end. Only a small portion of his property is R-40; most of it is already zoned B-4. He said the request is to rezone lots owned by Edward Dickens, the Minton family, Anna Marie Edwards and Mason and Lauren Price. Each of these properties have been split by Premier Blvd. Most of their land is on the west side of Premier Blvd. and is farmland except the southern end where the Nature's Trail subdivision is located. He received a phone call from one of the homeowners there concerned the City was going to rezone land adjacent to her property as commercial. He told her he did not think they were going to do that since in earlier discussions they had decided not to cross Premier Blvd. with any B-4 designations as they are proposing now.

Mayor Pro Tem Ferebee asked Planner Hatch for clarity on the proposed property to be rezoned. The red areas are already B-4 while the proposed areas are in yellow and brown (R-12). He replied he calculated the area between Premier Blvd. and I-95. He did not separate what was already B-4, R-40 and R-12 so when he says its 44 acres is already B-4.

City Manager Traynham added that the zoning change does not alter or change any current uses of the property. These changes will not render any current uses as non-conforming. Property owners will be allowed to maintain and do what they are doing right now with their property. She stated property values are not affected by

zoning changes. In one of the corridor committee meetings they had months back, they had representatives from the Halifax County Tax Office at the meeting who confirmed that the changes would not change the property owner's tax bills. Any proposed future commercial uses within the project area would go through the application review with the Planning Department and the Development Review Committee.

Councilman Smith asked if the zoning was suitable with Halifax County and the property owners. City Manager Traynham replied yes, for a majority of the sites. They looked at some other potential options for the ones closer to the Nature's Trail residential subdivision; they are going to maintain what they have right now. This will achieve the purposes for economic development of that highway corridor.

Mayor Pro Tem Ferebee asked Planner Hatch to show him what would be left after it is changed to B-4.

Councilwoman Scarbrough recalled there being a proposed bridge in that area crossing the stream and asked if that was still the plan. Planner Hatch replied yes, NCDOT is building a bridge across the creek on Premier Blvd and it will come out on Hwy. 125 beside the New Dixie Mart.

Councilman Smith said he believed there were some property owners on American Legion Road that wanted their properties zoned commercial. Planner Hatch replied he had not heard anything about that. City Manager Traynham said Mr. Minton's property is where Premier Blvd. and American Legion Road meet. She said that parcel is included. There was some confusion whether that was shown correctly on the map.

City Manager Traynham reported the software program used to create the map is outdated, but the way they were proposing and advertising the rezoning does include the American Legion portion that is owned by Mr. Minton. Councilman Smith confirmed that if City Council passes the rezoning request that that parcel will be part of it. She replied that was correct.

**Rezoning Request (map attached) – Amendment to the Roanoke Rapids Zoning Map to rezone a portion of Halifax Co. Parcels 1200801 (6± acres), 1202426 (8.82± acres), 1200850 (12.13± acres) and 1205291 (8.4± acres) from R-40 Residential District to B-4 Commercial District, along with Parcel 1200847 (9.58± acres) from R-12 Residential District to B-4 Commercial District. These properties total 44.93± acres with approximately 4,018± feet of frontage on the eastern right-of-way of Premier Boulevard, currently under construction.**

Summary Overview

<i>Subject Property</i>	<p>-Parcel 1200801: Proposed B-4 zoning for 6 ± acres east of Premier Blvd., with Premier Blvd. frontage of approximately 1,200 feet. Consists of a portion of Parcel 1200801 which contains 41 acres. Remaining parcel acreage is west of Premier Blvd.</p> <p>-Parcel 1202426: Proposed B-4 zoning for 8.82± acres east of Premier Blvd., with Premier Blvd. frontage of approximately 905 feet. Total parcel is 30.3± acres. Remaining parcel acreage is west of Premier Blvd.</p> <p>-Parcel 1200850: Proposed B-4 zoning for 12.13± acres east of Premier Blvd., with approximately 750 feet of Premier Blvd. frontage. Total parcel is 27.8± acres. Remaining parcel acreage is west of Premier Blvd.</p> <p>-Parcel 1205291: Proposed B-4 zoning for 8.4± acres east of Premier Blvd., with approximately 500 feet of Premier Blvd. frontage. Total parcel is 11.5± acres. Remaining parcel acreage is west of Premier Blvd.</p> <p>-Parcel 1200847: Proposed B-4 zoning for 9.58± acres east of Premier Blvd., with approximately 600 feet of Premier Blvd. frontage. Total parcel is 29.3± acres. Remaining parcel acreage is west of Premier Blvd.</p>
<i>Proposal</i>	<i>In response to the completion of Premier Boulevard from Chockoyotte Creek to Highway 125, establish that all land between Premier Blvd. and Interstate 95 be designated with a B-4 Commercial zoning designation, with the exception of flood-prone land adjacent to and south of Chockoyotte Creek and a wetland area at the south end of the proposed area to be rezoned.</i>
<i>Applicant</i>	<i>Department of Planning &amp; Development</i>
<i>Property Owners</i>	<p><i>Parcel 1200801 – Edward L. Dickens</i></p> <p><i>Parcel 1202426 – Edward L. Dickens</i></p> <p><i>Parcel 1200850 – Minton Family LLC.</i></p> <p><i>Parcel 1200847 – Anna Maria K. Edwards</i></p> <p><i>Parcel 1205291 - Mason J. Price and Lauren S. Price</i></p>
<i>Present Use</i>	<p><i>Parcel 1200801 – Partially cleared, crops grown.</i></p> <p><i>Parcel 1202426 – Cleared with crops grown.</i></p> <p><i>Parcel 1200850 – Cleared with crops grown.</i></p> <p><i>Parcel 1200847 – Cleared with crops grown.</i></p> <p><i>Parcel 1205291 – Cleared with crops grown.</i></p>
<i>Proposed Use</i>	<i>No specific uses proposed.</i>
<i>Staff Recommendation</i>	<i>Approve.</i>

**WHEN EVALUATING A REZONING REQUEST, IT IS APPROPRIATE TO CONSIDER ALL PERMISSIBLE USES IN THE REQUESTED ZONING DISTRICT. CITY COUNCIL CANNOT SPECIFICALLY LIMIT WHICH USES ARE ALLOWED (OR NOT) AS A RESULT OF ANY REZONING CONSIDERATION.**

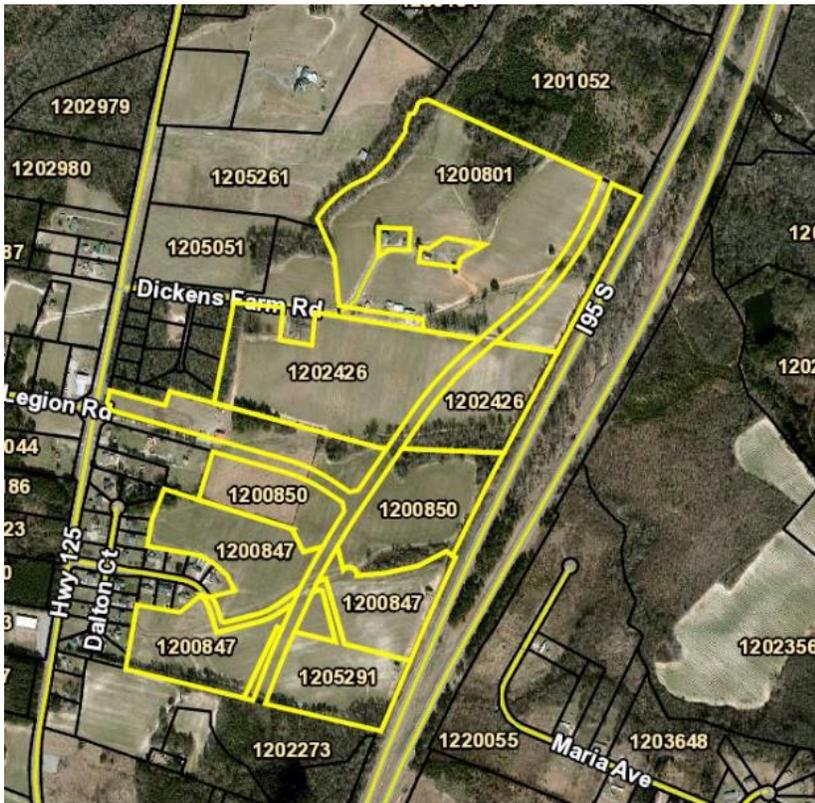
**CONSIDER IMPACT ON/FROM:**

- POTENTIAL USES
- NEIGHBORS
- GENERAL PUBLIC
- TRAFFIC
- UTILITIES
- NEIGHBORHOOD CHARACTER
- SCHOOLS

OMIT FROM CONSIDERATION:

- ETHNICITY
- RELIGION
- INCOME
- RENT OR OWN

Figure 1 Aerial Image of Subject Property



**Analysis and Detail:**

**1. Applicant**

The applicant is the Roanoke Rapids Department of Planning and Development.

**2. Location/Area Description**

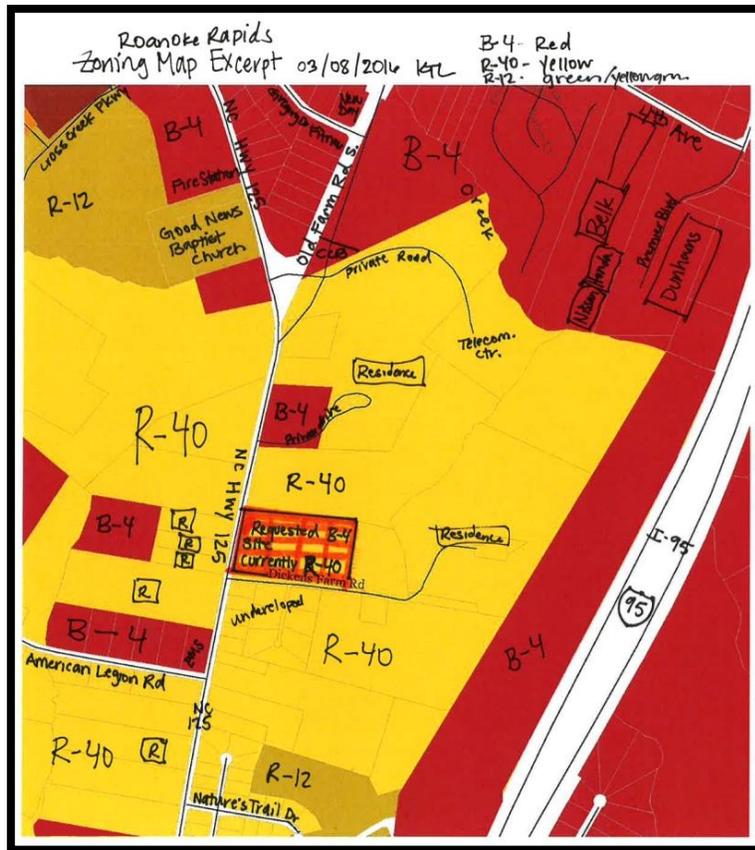
The total area proposed for rezoning consists of the eastern portion of 5 parcels divided by the newly constructed extension of Premier Boulevard, consisting of 45± acres, and is limited to land between Premier Blvd. and Interstate 95. The subject property is not in the City Limits but is in the City's Planning & Zoning Jurisdiction known as the Extraterritorial Jurisdiction (ETJ). (See Figure 1, p 2) There is a City corporate line along the western right-of-way line of I-95 bringing into the City land eastward across I-95.

Two parcels between Premier Boulevard and I-95 are excluded from the proposed zoning change due to the existence of wetlands that make these properties less desirable for development. They are a parcel at the north end of the proposed rezoning on the south side of Chockoyotte Creek. The other parcel is at the south end of the area proposed for the zoning change.

**3. Existing and Proposed Zoning**

The Roanoke Rapids Zoning Map identifies the existing zoning classifications of the area being considered for rezoning as three zoning designations, R-40 and R-12 Residential and B-4 Commercial. The request is for the primary zoning between Premier Boulevard and I-95 to be B-4, Commercial.

The uses allowed in each zoning district are identified in Section 151-149 Table of Permitted Uses of the City of Roanoke Rapids Land Use Ordinance.



(Figure 2, Existing Zoning)

**The rezoning request is a change from R-40 and R-12, Residential District to B-4, Commercial District.**

The uses allowed in each zoning district are identified in Section 151-149 Table of Permitted Uses of the City of Roanoke Rapids Land Use Ordinance.

The following provides general descriptions of the existing and proposed zoning districts:

**B-4:** designed to accommodate the widest range of commercial activities with no minimum density (square footage) and a lot width of 70 feet. Setbacks from the street right-of-way property line are 20 feet and the distances from other property lines are determined by the rating of the exterior wall of construction.

**R-40:** intended to accommodate some types of uses that would be appropriate in more sparsely populated areas but would not be appropriate in more intensely developed residential zones. Single-family dwelling units and mobile homes used as single-family residences are permitted. The district is characterized for agricultural and woodland protection and production.

**R-12:** is designed to accommodate single family dwelling units on lots with a minimum of 12,000 sq. ft.

*Other commercial districts are as follows with purposes and objectives within each classification:*

**B-1:** *designed to accommodate a wide variety of commercial activities (particularly pedestrian oriented) that will result in most intensive and attractive uses of the city's central business districts (Roanoke Avenue – Main Street class)*

**B-2:** *designed to accommodate a transition between B-1 and a residential zone or may provide for a smaller scale shopping center that primarily serves one neighborhood or area of the city (as opposed to a regional shopping center)*

**B-3:** *designed to accommodate a mixture of residential uses and uses that are primarily related to office, clerical, research and services, etc.). This district serves as a transition or buffer area between major roads and more intensively developed commercial areas and residential districts.*

**B-5:** *designed to accommodate the offices and clinics of physicians and those uses customarily associated with hospital patients or visitors.*

**ANY PROPOSED CONSTRUCTION AND SITE PLANS ARE EVALUATED BY CITY STAFF AND THE DEVELOPMENT REVIEW COMMITTEE TO ENSURE A PROPER DESIGN. THE DEVELOPMENT REVIEW COMMITTEE INCLUDES THE SANITARY DISTRICT, NCDOT, PUBLIC WORKS, NC DOMINION POWER OR ROANOKE ELECTRIC, FIRE DEPARTMENT AND CODE ENFORCEMENT.**

#### **4. Traffic Considerations**

All traffic considerations will be evaluated when development is proposed and a preliminary site development plan officially submitted for review by a future developer. The North Carolina Department of Transportation (NCDOT) regulates placement of access and driveway permitting for properties on state roads. NCDOT Highway Division 4, District 1 District Engineers would be responsible for granting Premier Boulevard access.

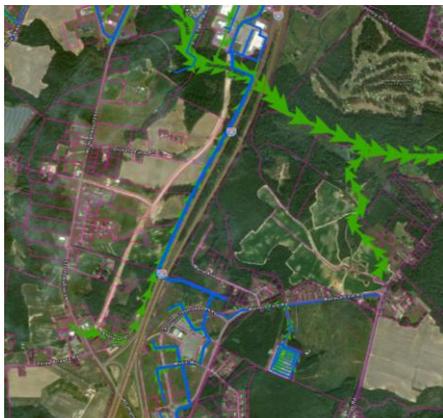
It is to be noted that NCDOT improvements to Premier Boulevard should be complete in early 2022.

At such time as development proposals are presented, such development review would include NCDOT review for traffic concerns.

#### **5. Utility Considerations**

The area receives electrical service from either Dominion Energy or Halifax Electric depending on the location. American Legion Road is considered the dividing line between the two providers.

The Roanoke Rapids Sanitary District has a water and sanitary sewer lines along the west side of I-95 through-out the area of the proposed zoning change. The following picture shows water lines as blue and sanitary sewer lines as green. All connections, extensions and responsibilities for services will be the responsibility of a developer.



## 6. Other Considerations

Future development of the site will be evaluated for appropriate **screening, drainage, stormwater retention/detention** and other items during the site plan and/or construction plan review process by the Development Review Committee. Opaque screening between potential commercial uses and existing residential uses are generally required at the burden of the commercial developer. The ordinance requires opaque screening from the ground to a height of at least eight feet, which may be a wall, fence, landscaped earth berm, planted vegetation or existing vegetation.

The subject property is located in the District of the Rheasville Volunteer Fire Department, the primary responding agency for the site. Per request, the City of Roanoke Rapids Fire Department may respond for mutual aid. Future development of the site will be evaluated for adequate water supply for firefighting operations and that driveways meet the requirements for apparatus ingress/egress.

## 7. Comprehensive Development Plan

The property is located outside City Limits and within the Planning & Zoning Jurisdiction. The following implementing strategies may be considered from the City of Roanoke Rapids Comprehensive Plan, adopted by City Council on June 17, 2014:

*I.7 Provide effective buffering and/or landscaping where commercial development adjoins existing or planned residential uses.*

*I.10 Encourage office and institutional development to located as a transitional land use between activities of higher intensity and those of lower intensity.*

*I.18 Utilize the mixed use areas as a tool to aid in regulating/reducing strip commercialization, stimulate compact development, encourage infill development, reduce trip generation, provide flexible development options, and utilize existing infrastructure.*

*I.20 Encourage developers to utilize thoroughfares and natural topographic features to define the boundaries of a neighborhood and concentrate higher intensity uses at the outer boundaries of the neighborhood.*

*I.32 Protect, enhance, and encourage a high quality of life, image, and cultural amenities as an effective approach to economic development.*

*I.33 Economic development efforts should encourage the revitalization and reuse of currently unused or underutilized structures, sites, and infrastructure in appropriately located areas.*

## 8. Public Response to Notice

On November 22, 2021, letters were mailed to owners of property within 100-feet of the requested rezoning giving notice of the public hearing and opportunity to comment. The notice of City Council meeting was advertised in the *Herald* on December 4, 2021.

## 9. Staff Recommendation

The proposed request for rezoning is considered reasonable. Reasonableness is determined by considering the size and nature of the tract, any special conditions or factors regarding the area, the consistency of the zoning with the land use plan, the degree of the change in the zoning, the degree it allows uses different from the surrounding area, and the relative benefits and/or detriments for the owner, the neighbors, and the surrounding community.

Planning and Development Staff supports the proposed rezoning request as being consistent with the area land uses and supported by the Comprehensive Plan. In addition, taking this action would clarify the western alignment of B-4 designated property on the west side of I-95 as Premier Boulevard. Much of the land under consideration was designated B-4 in 2005, including all I-95 frontage on the west side of I-95 from Chockoyotte Creek south to Highway 125. At that time the alignment of the Premier Boulevard extension was undetermined. Now that Premier Boulevard has created a very obvious edge for zoning purposes, this zoning action would provide clarity as to what is or is not designated B-4. As a result, staff requests that the rezoning be recommended to City Council for approval.

## 10. Planning Board Review and Recommendation

The Roanoke Rapids Area Planning Board on November 18, 2021, heard a presentation by planning staff on a staff proposal to rezone property on the east side of the newly constructed Premier Blvd extension in an effort to establish certainty as to the zoning boundaries. **Staff believes that the completion of an extension to Premier Blvd. created an unwieldy mix of zoning designations (B-4, R-40 and R-12) and with a previous designation of land adjacent to I-95 as B-4, Commercial establishing an intent that commercial development is desirable, be it declared that the portion of parcels described in the staff report dated December 1, 2021, east of Premier Blvd. be declared to have a zoning designation as B-4 District.**

This presentation included a letter from Edward Dickens, owner of two (2) parcels under consideration for a zoning change, in which Mr. Dickens requested that there be no zoning change to his property. Mr. Dickens owns two of the five parcels involved in this zoning action. The only person in attendance who spoke was a Ms. Rosa Easter. She said she is a property owner seeking information. Ms. Easter said she did not oppose the zoning change under discussion.

Following discussion, the Board unanimously approved the Recommendation of Consistency on a 7-0 vote. Following discussion, the Board voted 6-1 to forward a favorable recommendation to City Council to approve the requested zoning change of the southern three (3) parcels proposed by planning staff and exclude the northern two (2) parcels owned by Edward Dickens.

(Planning Board member Virginia Lewis arrived at the meeting after the Board concluded its consideration on its first rezoning item, the Carolina Crossroads site, but in time to participate in the consideration of the Premier Blvd. zoning change.)

## 11. City Council Action

Following the legislative hearing, City Council is requested to make a motion concerning a Statement of Consistency. That should be followed by a motion concerning approval or denial of the rezoning request.

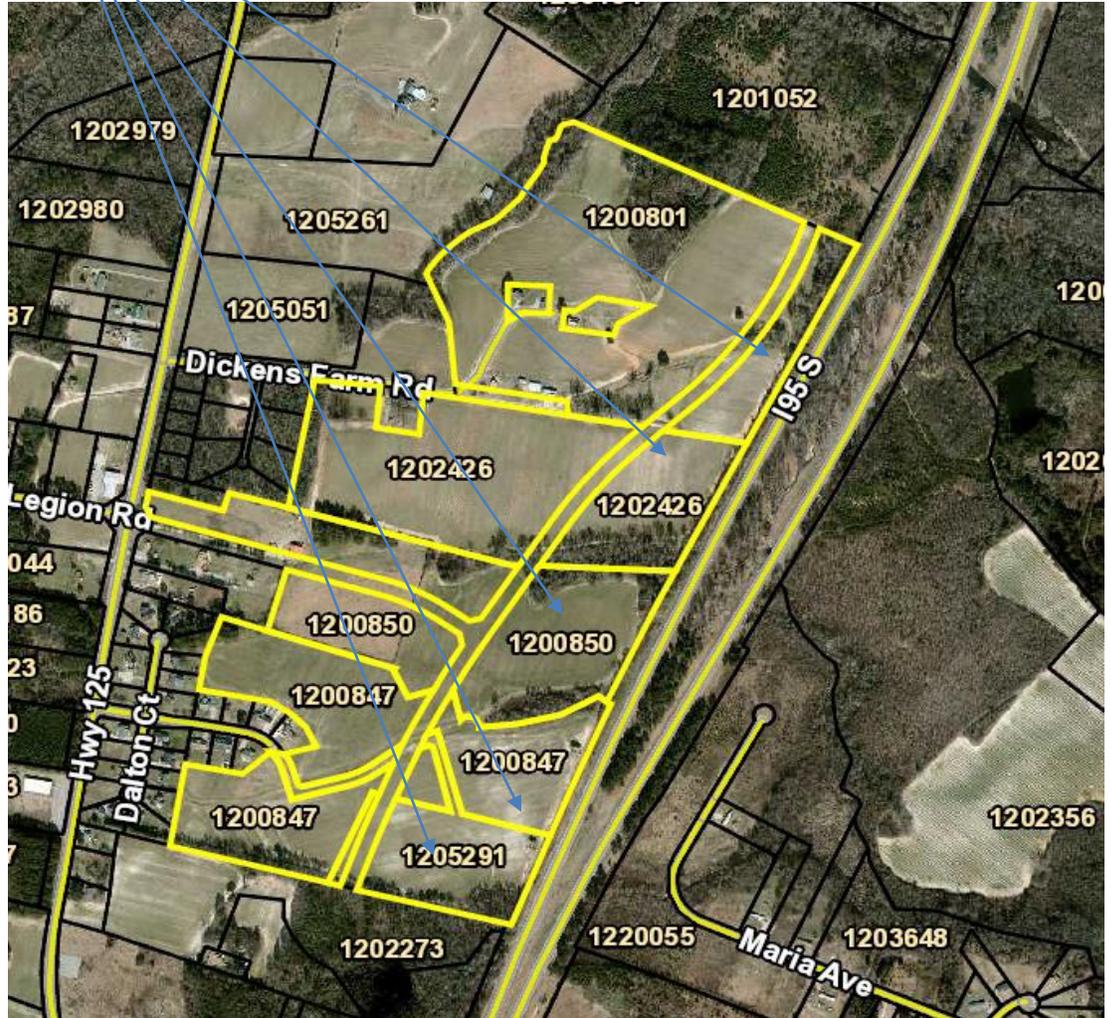
Statement of Consistency – *If City Council concurs with the approval of the statement, the following motion is appropriate:*

Final Decision – *If City Council concurs with approval of the rezoning request, the following motion is appropriate:*

### Attachments

5. Parcel Map
6. Zoning Map
7. Letter From Edward Dickens, Property Owner
8. Section 151-149 Table of Permissible Uses
9. Statement of Consistency

*The subject properties currently are primarily zoned R-40, with a small portion being R-12, Residential District.*



**R-40:** designed to protect agricultural lands and woodlands within the city's planning jurisdiction. For this reason, larger minimum lot sizes are required. This district is intended to accommodate some types of uses that would be appropriate in the more intensely developed residential zones. Single-family dwelling units and some types of mobile homes uses as single-family residences are permitted.

**R-12:** designed to accommodate single family dwelling units on lots with a minimum of 12,000 sq. ft.

**B-4:** designed to accommodate the widest range of commercial activities.

Mayor Doughtie declared the public hearing open and called upon anyone wishing to speak.

Gene Minton said he did not believe the map shown includes the property on American Legion Road as discussed in the meetings they had. He asked if the property on American Legion was going to be rezoned or not. City Manager Traynham replied it would be included. When they made the presentation earlier you said it would just be the property west of Premier Blvd. City Manager Traynham replied she said it would be along the new corridor of American Legion and Premier Blvd. He asked if they had a map of the proposed rezoning. He just wanted to clarify this. City Manager Traynham stated the intent is for the American Legion extension to also be rezoned. She noted the map is showing how it is currently zoned. Main Street Director Caudle is working on the digital map now to fill in the areas proposed to be rezoned so everyone can see it. As the area was filled in, Mr. Minton stated that was what he understood to have been discussed previously. With the proposed rezone parcels now marked in red on the screen, all were satisfied the property in question would be included.

Attorney Davis reported the property in question is parcel number 1200850 and is part of the advertised subject property for the public hearing and he verified that by looking at the actual map with the parcel numbers in it.

With no one else wishing to speak, Mayor Doughtie officially closed the public hearing.

#### **Statement of Consistency with Plans to Amend the Official Zoning Map**

**Rezoning Request (map attached) – Amendment to the Roanoke Rapids Zoning Map to rezone a portion of Halifax Co. Parcels 1200801 (6± acres), 1202426 (8.82± acres), 1200850 (12.13± acres) and 1205291 (8.4± acres) from R-40 Residential District to B-4 Commercial District, along with Parcel 1200847 (9.58± acres) from R-12 Residential District to B-4 Commercial District. These properties total 44.93± acres with approximately 4,018± feet of frontage on the eastern right-of-way of Premier Boulevard, currently under construction.**

The property is located outside City Limits and within the Planning & Zoning Jurisdiction. The following implementing strategies may be considered from the City of Roanoke Rapids Comprehensive Plan, adopted by City Council on June 17, 2014:

***I.7** Provide effective buffering and/or landscaping where commercial development adjoins existing or planned residential uses.*

***I.10** Encourage office and institutional development to located as a transitional land use between activities of higher intensity and those of lower intensity.*

*I.18 Utilize the mixed use areas as a tool to aid in regulating/reducing strip commercialization, stimulate compact development, encourage infill development, reduce trip generation, provide flexible development options, and utilize existing infrastructure.*

*I.20 Encourage developers to utilize thoroughfares and natural topographic features to define the boundaries of a neighborhood and concentrate higher intensity uses at the outer boundaries of the neighborhood.*

*I.32 Protect, enhance, and encourage a high quality of life, image, and cultural amenities as an effective approach to economic development.*

*I.33 Economic development efforts should encourage the revitalization and reuse of currently unused or underutilized structures, sites, and infrastructure in appropriately located areas.*

ADOPTED BY THE ROANOKE RAPIDS CITY COUNCIL ON THE 7<sup>th</sup> DAY OF DECEMBER 2021.

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Emery Doughtie, Mayor

Motion was made by Councilman Smith, seconded by Mayor Pro Tem Ferebee and unanimously carried to approve and adopt a Statement of Consistency to amend the Zoning Map for approximately 45 acres of property located between Premier Boulevard and Interstate 95. The area consists of a portion of Halifax Co. Parcels 1200801, 1202426, 1200850, 1200847 and 1205291 described in the staff report dated December 1, 2021.

### **Final Decision on Rezoning Request**

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried to approve an amendment to the Roanoke Rapids Zoning Map to change the zoning classification from R-4 and R-12 to B-4 for property described within this report between Premier Boulevard and Interstate 95 and American Legion Road. This includes portions of parcels described in this staff report dated December 1, 2021, east of Premier Blvd. This zoning clarification establishes a practical B-4, District zoning boundary.

<b>Closed Session</b>
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Motion was made by Mayor Pro Tem Ferebee, seconded by Councilwoman Bryant and unanimously carried to go into closed session to consult with the City Attorney on a legal matter as allowed by NCGS 143-318.11 (a)(3).

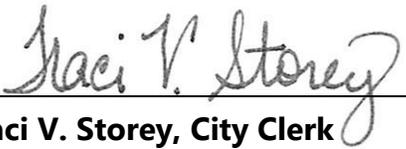
**[Remainder of page intentionally left blank]**

*Minute Book Pages 20634 - 20640 contain Minutes and General Account of a Closed Session which have been sealed until such time as public inspection of those minutes would not frustrate the purpose of the Closed Session.*

**Open Session/Adjournment**

City Council returned to open session. No action was taken.

There being no further business, motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Smith and unanimously carried to adjourn. The meeting adjourned at 7:40 p.m.

  
\_\_\_\_\_  
**Traci V. Storey, City Clerk**

**Approved by Council Action on: 2/15/2022**