



# **Minutes of the Roanoke Rapids City Council**

A regular meeting of the City Council of the City of Roanoke Rapids was held on Tuesday, February 21, 2017 at 5:15 p.m. in the Council Chambers at the Lloyd Andrews City Meeting Hall.

**Present:** Emery G. Doughtie, Mayor  
Carl Ferebee, Mayor Pro Tem  
Ernest C. Bobbitt)  
Suetta S. Scarbrough)  
Carol H. Cowen)  
Wayne Smith)  
Joseph Scherer, MPA, MS, City Manager  
Gilbert Chichester, City Attorney  
Leigh Etheridge, Finance Director  
Traci Storey, City Clerk  
Kathy Kearney, Deputy City Clerk/Human Resources Manager  
Chuck Hasty, Police Chief  
Kelly Lasky, Planning & Development Director  
John Simeon, Parks & Recreation Director  
Larry Chalker, Public Works Director  
Stacy Coggins, Fire Chief

## **Council Members**

**Absent:** Christina Caudle, Main Street Director

Mayor Doughtie called the meeting to order and opened the meeting with prayer.

## **Adoption of Business Agenda**

Mayor Doughtie asked if anyone from the Dr. James Edward Cheek, Sr. family was in attendance. He said since no one was present to accept the Resolution, he asked Council to remove the Special Recognitions item until the City could reconnect with the Cheek family. He also asked members if there were any known conflicts of interest with respect to the matters before them this evening and if there were any revisions to agenda.

Motion was made by Mayor Pro Tem Ferebee, seconded by Councilman Bobbitt and unanimously carried to adopt the amended business agenda for February

21, 2017 with the removal of Item 3 - Special Recognitions until someone from the Cheek family could be here and the addition of Chaloner Pool under Item 4 a).

### **Public Comment (Scheduled)**

#### **Brenda Norris**

Ms. Norris introduced her son, Matt Sanders. She said he was born in 1993 and at nine months old they discovered he was deaf and at ten months old he had hearing aids and at two years old he had cochlear implants. She said in 5<sup>th</sup> grade he was diagnosed with autism. He went all through school and graduated and then they tried to figure out what he could do. She stated he spent all his graduation money on a riding lawnmower. She said he loved to draw so they went to Walmart and bought some popsicle sticks. She said he began to make houses out of them using only scissors and a glue gun. She said he does not measure anything. She said he started gathering cardboard and making replicas of buildings in the city. She said it used to take him two days to do one, but now he can do one in an evening. She showed some of his work to the audience and had them displayed for the public to see. She said she thought she would have to teach her child about the world, but she found she had to teach the world about her child. She concluded with one of her favorite quotes about autism, “why fit in when you were born to stand out.”

Councilwoman Scarbrough added that when a friend of the family brought Matt over to her house and showed her the model of the skate park, she told him he was very talented and smart. She said Matt’s reply was that he had a good heart.

Mayor Doughtie thanked Matt for coming and sharing his talent and presented him with a City pin.

### **Public Comment (Unscheduled)**

#### **Kaileb Harrison**

Mr. Harrison stated he really enjoys swimming, but he did not swim last summer because the pool was not open. He asked the Council to vote to open the Chaloner pool this summer. He said he was looking forward to cooling off there this summer.

### **Columbus Jeffers**

Mr. Jeffers said he had attended the meeting several months ago and thought things had been resolved concerning the Chaloner pool. He stated he was here again to discuss the Chaloner pool and asked City Council to consider opening at least the pool again. He said between the City and the citizens, maybe they can get the pool house project done at a later date. He said the pool was in the fix it's in because of almost 40 years of neglect. He said he was a lifeguard at Chaloner pool for three years back in 1967-1969. He said he knows what the pool means to that community and he knows there have been times when the wheel needed to be greased and it didn't get greased. He said if you don't grease a wheel in 40 years, it's probably going to break. He stated there were other pools in the area and he was not sure if they squeaked but they were greased because they were still operating today. He asked the City Council to get the pool open for the kids. He said he heard the lady just say her son spent a lot of time at the recreation center and it would be nice for them to have a pool where Kaleb and the kids could spend their time. He said it was important; swimming is important. He said if they could get the pool back open, he believed it could be managed with support of the community and give some other kids the opportunity to have a job, make money and become outstanding citizens. He said he thought he heard the Mayor say the City lost 500 people in the last census; there was nothing here for them, not even a pool to swim. He stated if they were going to keep the kids here, they have to provide facilities for them. He asked for the City Council's unanimous vote to keep the Chaloner pool open. He said he hoped he could come back next month and give them a big thank you for keeping the pool open.

### **Vernon Bryant**

Mr. Bryant stated this was the second time he stood before the City Council. He said the last time was on February 7th. He reminded the Council he was there not as Chairman of the County Board of Commissioners, but as a Roanoke Rapids resident and tax payer. He concurred with what Mr. Jeffers said. He said he supports the recommendation of Mayor Pro Tem Ferebee regarding repairing the Chaloner pool now and later making repairs to the rec house. He stated the Chaloner Recreation Center was the pillar of the Hodgestown/Chaloner community. He respectfully asked each Council person to vote in favor of the recommendation.

### **Terry Buffaloe**

He said he had been praying about two of the issues coming before the Council tonight. He said one being the senior affordable housing and the swimming pool. He stated he read on RRspin and in the Daily Herald there was a Kate B.

Reynolds grant that was issued in 2014 to give \$10 million over the next 10 years, but he did not know what happened in between. He said the grant was earmarked for improvements for parks along Hwy. 158. He said no work has been done on that at all. He stated he was thinking about contacting Kate B. Reynolds because he was looking at how tax dollars were being distributed here. He said there was some discrimination involved. He said the grant money was channeled in the same direction the tax money was being channeled. He said he, Mr. Ferebee, the NAACP, the Halifax County Black Caucus or Southern Christian Leadership Conference should contact Kate B. Reynolds so when they send grant money here they can be here with a magnifying glass to see to it that it was spent the way it was earmarked for. He said they needed to develop some kind of apparatus to meet the needs of this community. He stated not only have they neglected the pool, but also the recreation center and its roads and passageways. He said this was under one city government, one recreation department and the amenities were not being distributed fairly and they should be ashamed of themselves for that.

### **Nancy Mueller**

Ms. Mueller stated she lived at the end of Hunting Ridge Road toward where the senior development would be. She said she had strong feelings against building new buildings when there was a dead mall, dead parking lots and dead buildings all over town. She suggested instead of taking a soccer field why not tear down the Kmart building and put the senior center there and the mall could become a senior village/shops. She said why not be creative and use existing ugly spaces instead letting them lay there and build a new building.

<h3><b>Chaloner Pool</b></h3>
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Mayor Pro Tem Ferebee stated the community had been here quite a few times soliciting to Council. He said it started 8-9 months ago, they came and thought they had a good processing bid for the pool and pool house. He stated Council saw fit that they did not want to go that route so it was denied. He said they were back tonight to at least get the pool back open for right now.

He said Council had heard several people speak already about that. He asked Parks & Recreation Director Simeon what was the estimate for just the pool. Parks & Recreation Director Simeon replied the low bid was \$225,000, which was an oral informal quote.

Mayor Pro Tem Ferebee said he had talked with each of the Council members at some point about it.

Mayor Pro Tem Ferebee made a motion to solicit funding/financing for the Chaloner Pool repairs in the amount of \$225,000.

He said the Council had looked at a lot of things. He said last time they looked at the budget and how they could do it. He said as a group they were saying they did not know, but at some point in time they had to make a stand, look at where they were and move forward. He said they know whatever may be coming down the pipes and hopefully some good things were coming in the horizon.

Mayor Pro Tem Ferebee asked Attorney Chichester if the Council could reconsider the motion made last meeting concerning the Chaloner pool. Attorney Chichester replied that Council could reconsider the motion made in the previous meeting but that was for the pool and pool house and a different amount of money.

Mayor Pro Tem Ferebee restated his motion to solicit funding/financing for the Chaloner Pool repairs in the amount of \$225,000; seconded by Councilwoman Cowen. Mayor Doughtie asked if there was any discussion on the matter.

Mayor Doughtie stated he knew this was something that Mayor Pro Tem Ferebee had put a lot of time and effort into. He said he was very sincere in his dedication on what he was asking for. He said on the other hand, he knew the City's financing was not where they would like for it to be. He said the individuals that have come before Council and what they have addressed Council with have been on target for the most part. He said Mayor Pro Tem Ferebee has stated he had always been a team player and in his seven years being on Council, he would agree. He said people tend to come out to Council meetings when it was something that affected them and it should be that they come out when something interests them in the community. He said he understands that it was about more than just a pool because a pool was a very temporary thing. He said he feels Mayor Pro Tem Ferebee was exemplifying what a leader should be which means a leader stands out when it is very difficult to make a decision and stand up for what you feel like is the right thing to do. He said reflecting on the status of the City's financing right now, although he was not a voting member of the Council, he would be in support of Mayor Pro Tem Ferebee.

Councilman Smith said one of the Council members suggested in the last meeting to wait and find out what monies they would have to operate next year.

He said they already knew the City Manager was going to request the department heads to cut back on their spending. He said he was in District 2 and the majority of his district wants him to make sure the City has enough money to carrying on. He said they have potholes that Public Works can't fix. He said he was not against the pool although a lot people think that he is. He said he would like to hold off until they see what the budget was going to be next year and that they have the money to do it. He said he tries to look out for the whole city. He stated he heard tonight that they try to keep things away from that part of the city; they were part of Roanoke Rapids. He said they have the same opportunity to go to T.J. Davis Recreation Center and use every facility they had. He said they do not restrict anyone from going or using any of the City's facilities. He said it was hard to convince somebody that they don't have the money. He said although \$300,000 may be coming off the books, the City lost \$300,000 from merchant taxes that the State took away. He said there were other things the City needs too. He said if there were not two other facilities in the city that people could go to then he would back Mayor Pro Tem Ferebee 100%. He said sometimes you have to bite the bullet and do what you think is best for everybody. He said other neighborhoods did not have swimming pools and asked if they were supposed to build swimming pools in those neighborhoods. He stated a lot of this stuff happened in the 1950s, but we are not in the 1950s anymore. He said he was hoping we were a town that was not segregated. He said as of right now, we do not have the funds to do it. He said the City could borrow money, but we cannot keep borrowing money because eventually it was going to come due and we've got to make the payments.

Mayor Pro Tem Ferebee said at the last meeting, they went through the books and showed how they usually get/buy things. He said there were hundreds of thousands of dollars that were coming off the books. He stated the payment would not be due until one year from the date it was signed, which would make it even better. He said they see that; he worked in finance too so if he didn't see that, he would fully agree. He said but we see it, we've done it and we've set precedent on it and we've done it and done it. He said last meeting they also talked about the value and maybe the value was not there for some. He said the value was there because the people have come and poured their hearts out time and time again. He said he hoped other Council members would see that and know that need was there as well as the mechanism was there. He said he hoped the other Council members would agree with him, the Mayor and Councilwoman Cowen. He said he knew it would help with the confidence in the Council that has been lost some.

Mayor Pro Tem Ferebee asked City Manager Scherer and Finance Director Etheridge could they do it.

City Manager Scherer replied they could do it but there would have to be some cuts somewhere else or some decisions made to do or not do with regard to the City. He said he was not ready to say right now that they could do it and it would not affect anything else.

Mayor Pro Tem Ferebee said with the dollars that was coming off the books which was much greater than \$300,000 versus \$50,000 going on. City Manager Scherer added that the amounts were still in the same budget year; so budget wise it still affects us for the entire budget year.

Councilman Smith stated the question was whether the City wanted to keep going into debt and staying in debt forever. He said years ago Council made a big mistake and they have not gotten over it yet. He said that was the problem; they needed to watch what they spend. He said they need to make sure they have the funds to do this. He said they had a payment of \$108,000 coming up in the next budget year to pay for what they borrowed in this budget year. He said he understood what Mayor Pro Tem Ferebee wants to do for the people in his district.

Mayor Pro Tem Ferebee said he heard what Councilman Smith was saying but when looking at the numbers that were there and they looked at them time and time again. He said when Council fixed the other pool, the City was not in as good of shape as they were now, however they did it. He added they took those funds right out of the fund balance that went straight to the bottom line and we did that. He said now they were asking to spread that out so that some of that, one year later, would not affect the fund balance for one whole year. He said that was a big difference. He said that was what he was appealing to the other Council members. He said they had worked together on other things.

With no further discussion, Mayor Doughtie called for a vote to Mayor Pro Tem's motion.

Mayor Pro Tem Ferebee and Councilwoman Cowen voted in favor of the motion. Councilman Smith, Councilman Bobbitt and Councilwoman Scarbrough voted against the motion; Motion was denied by a vote of 3-2.

## Approval of Council Minutes

Motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried to approve the February 7, 2017 Regular Meeting Council Minutes as written.

Mayor Dougtie called for a 5 minute recess before the Public Hearing.

## Public Hearing

### Consideration of Amendments to the Roanoke Rapids Land Use Ordinance

Mayor Doughtie called on Planning & Development Director Lasky.

Planning & Development Director Lasky presented the proposed rezoning request from The Woda Group, Inc., applicant and Bones Quality Automotive, property owner, to rezone approximately 2.52 acres located on the corner of Hunting Ridge Road and Becker Driver from B-4, Commercial District to B-3, Commercial District. She explained the property was vacant and had been used in the past for recreational purposes and Christmas tree sales.

Planning & Development Director Lasky reviewed the following staff report:



### CITY OF ROANOKE RAPIDS PLANNING & DEVELOPMENT DEPARTMENT

1040 Roanoke Avenue, PO Box 38  
Roanoke Rapids, NC 27870  
Phone: 252-533-2844 Fax: 252-533-2870

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#### MEMORANDUM

To: Joseph Scherer, City Manager  
From: Kelly Lasky, Planning & Development Director  
Re: **Rezoning Request – Amendment to the Roanoke Rapids Official Zoning Map to rezone approximately 2.52± acres (Halifax Co. Parcels 0900056, 0900057, 0900058, 0900059, 0900060) from B-4 Commercial District to B-3 Commercial District. The adjacent properties comprise the northwest corner of the Hunting Ridge Road intersection with Becker Drive.**

Date: February 13, 2017

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Summary Overview

<i>Subject Property</i>	<i>2.523 acres (109,890± sq. ft.) of property with 271± feet of frontage located along Becker Drive and 369± feet of frontage on Hunting Ridge Road.</i>
<i>Proposal</i>	<i>Rezone from B-4, Commercial District to B-3, Commercial District</i>
<i>Applicant</i>	<i>Denis Blackburne, The Woda Group, Inc.</i>
<i>Property Owner</i>	<i>Bone's Quality Automotive, Inc.</i>
<i>Present Use</i>	<i>Vacant lot</i>
<i>Proposed Use</i>	<i>Senior apartments (age-restricted)</i>
<i>Staff Recommendation</i>	<i>Approve.</i>

WHEN EVALUATING A REZONING REQUEST, IT IS APPROPRIATE TO CONSIDER ALL PERMISSIBLE USES WITHIN 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



FIGURE 1 PARCEL MAP PROPERTY LOCATION

Analysis and Detail:

1. Applicant and Property Owner

The applicant is Denis Blackburne, Senior Vice President, The Woda Group, Inc., 128 Habersham Street, Savannah, GA 231401; (912) 224-2169. The Woda Group has a contract to purchase five contiguous lots from the current owner, Bone's Quality Automotive, Inc., represented by Troy Lee Bone, Jr., President. (*Application for Rezoning and Supplemental Information Attached*)

2. Location/Area Description - (*See Figure 1, p 1*).

The site proposed for rezoning includes five vacant lots located on the northwest corner of the Hunting Ridge Road intersection with Becker Drive in the City of Roanoke Rapids. The property requested for rezoning contains approximately 110,000 sq. ft., 2.52± acres, with frontage of 271± feet on the north side of Becker Drive and 368.8± feet along the west side of Hunting Ridge Road.



Figure 2 Roanoke Rapids Zoning Map Excerpt

### 3. Existing and Proposed Zoning - (See Figure 2, p 2)

The Roanoke Rapids Zoning Map identifies the existing zoning classification for the lot being considered for rezoning as B-4 Commercial District. The requested zoning is B-3, Commercial District

On the north side of the subject property are three (3) lots with single-family homes that are in a R-12 Residential District. Two (2) of those lots have frontage at the end of the Steeplechase Run cul-de-sac, with the third lot fronting on Hunting Ridge Road. All properties fronting on Becker Drive within a block of the subject property have a B-4, Commercial District zoning. Development along Becker Drive is primarily service and office establishments. Exceptions to that are a restaurant west of and adjacent to the subject property, and an auto sales business west of the restaurant. In contrast to the smaller commercial establishments, Becker Village Mall is located to the west on the opposite side of Becker Drive less than one block away near the Becker Drive intersection with E. 10<sup>th</sup> Street, and go one block east on the opposite of Becker Drive there is a large church occupying the southwest corner of the intersection with Old Farm Road.

#### **The rezoning request is a change from B-4, Commercial District to B-3, 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. **See attached list of uses by district.**

*The following provides general descriptions of the existing and proposed zoning districts. The commercial districts are created to accomplish the purposes and serve the objectives within each classification:*

**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.

**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 fall primarily within the 3.000 classification in the Table of Permissible Uses (office clerical, research, services, etc.). This district will also generally constitute transition or buffer zones between major arterials or 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, FIRE DEPARTMENT AND CODE ENFORCEMENT.**

#### 4. Traffic Considerations

All traffic considerations will be evaluated when a proposed use and a preliminary site development plan are 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 Engineer will review any proposed development plans involving any new driveway/access on State roads, and would be responsible for approving any new access onto a State maintained road.

If the request for rezoning is approved, the Applicant has stated that the intended use of the property is a senior citizen apartment development. According to the Institute of Transportation Engineers, Trip Generation Manual, 7<sup>th</sup> Edition, the standard trip generation rates for “**Senior Adult-Housing Attached**” land use are provided including estimates of vehicles added to Becker Drive.

<u>Land Use</u>	<u>Units</u>	<u>AM Peak Hour</u> <u>(1 hour between 7-9am)</u>	<u>PM Peak Hour</u> <u>(1 hour between 4-6pm)</u>
<b>Senior Adult Housing-Attached</b>	<b>Units = #apartments</b>	<b>0.08 (#units)</b>	<b>0.11 (#units)</b>
<b>Proposed Senior Development</b>	<b>Units=50 apartments</b>	<b>4 trips AM Peak Hr = (0.08)(50)</b>	<b>5.5 trips PM Peak Hr = (0.11)(50)</b>

#### 5. Utility Considerations

There are no specific utility considerations that should negatively impact this property, at the present time. The area is served by Dominion Power 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. Opaque screening between potential commercial uses and existing residential uses will be 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.

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 inside 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.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.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

The notice of request and public hearing meeting was advertised in the *Daily Herald* on February 3, February 12, and February 19, 2017. Written notice of the public hearing was sent by First Class Mail to property owners within 100-feet of the subject property on January 30, 2017. The property proposed for rezoning was posted with a notice of public hearing on Friday, February 10, 2017.

As of February 13, 2017, written citizen comments have been received from Stephen Falbe, owner of property at 119 Steeplechase Run. (see attached comment letter, p.7).

RECEIVED  
FEB - 6 2017

To: City of Roanoke Rapids, NC  
Planning & Development Dept.  
And City Council members. (Governing Board)

Subject: Rezoning request from Woda Group Inc. & Bones Quality Automotive Inc.  
Properties 0900056, 57, 58, 59 and 60. On Becker Drive and Hunting Ridge Rd.

From: Stephen E Falbe  
119 Steeplechase Run  
Owner of Parcel #: 0910881

Statement: I am totally against the rezoning from B-4 to B-3.  
I would not have bought my property if it was B-3 or have allowed any  
Multi-family housings there. And would not have paid very high dollar taxes  
Over 18 years if I thought it would be rezoned in the future.

Woda Group: Their home web site states:

The Woda Group, Inc. and its affiliates are nationally recognized and experienced developers, general contractors, and property managers. Woda specializes in the design, construction and management of affordable multi-family apartments, senior communities, and single family homes.

Reminder: Governing Boards, it is "illegal" to rezone a property on the basis of a single project.  
And the project can't be subdivided to circumvent the law.  
Example Housing Development and office for same project.

Request: Please do not rezone the properties listed above.

Thank You,

Stephen Falbe

*Stephen E. Falbe*

## 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 recommends in favor of the petitioner's request.** The owner of the subject property has owned it for many years, as County records show no sales data. This subject property is vacant and suitable for in-fill development as promoted by the Comprehensive Plan. While the Comprehensive Plan indicates a commercial use preference, the location is good for senior citizen housing. Within one quarter mile are other apartment developments, including seniors housing. The Comprehensive Plan designates the already developed apartment housing area as suitable for high density residential. While the neighborhood is not laid out for walking to nearby businesses, healthy individuals could easily walk to a grocery store at a distance less in than ½ mile. It is less than one mile to major shopping areas, and it is only a block to J. C. Penney's. Staff finds the proposed rezoning request to be consistent with the area land uses and supported by the Comprehensive Plan. **Staff requests that the rezoning be recommended to the City Council for approval.** Staff notes that currently the only sidewalk is on the south (opposite) side of Becker Drive. Development should include sidewalks along Becker and Hunting Ridge street frontage.

## 10. Planning Board Recommendation

During the January 19, 2017 Planning Board meeting, a motion was carried to continue deliberation on the rezoning request to the next regular meeting on February 16, 2017 at 5:30 p.m. in the Lloyd Andrews City Meeting Hall, 700 Jackson Street, Roanoke Rapids, NC. The Planning Board's recommendation will be presented to City Council during the public hearing.

Planning & Development Director Lasky reported at the end of the deliberations, the Planning Board's motion was to recommend a denial of the requested rezoning by a vote of 5-3. She added that one Planning Board member did leave prior to the vote which by rules of procedure was recorded as an affirmative vote to the motion.

Planning & Development Director Lasky asked if Council had any questions concerning the report.

Councilman Smith asked about the statement in the letter from Mr. Falbe concerning it being illegal to rezone a property on the basis of a single project.

Planning & Development Director replied there was a ruling stating rezoning cannot be approved on the basis of one project. She said all the permissible uses in a zoning district must be considered when approving a rezoning. She stated that was why they included all the types of uses allowed in both zoning districts so they would not be focused on the merits of one project that was proposed to be developed. She added that some municipalities do not allow the applicants to say what their intended use would be so that the decision makers and public do not get focused on one development.

Mayor Doughtie called upon the applicant to make a presentation.

Toby Coleman, attorney for the applicant (The Woda Group), said this was a rezoning request for approximately 2.5 acres located at Hunting Ridge Road and Becker Drive. He stated this was a down zoning request. He said currently it was zoned B-4 which was highway business and was considered the most intense commercial zoning that was allowed in the City's ordinance. He said it allowed manufacturing, bars, restaurants, mini storage and many other uses that were considered appropriate for commercial uses but not necessarily something you would want next door. He stated the down zoning request was for a B-3 zoning district and it contains uses that were more compatible with residential uses. He said this would be appropriate for the area because this property was a transitional property with other properties nearby zoned B-3.

Denis Blackburne, Senior Vice President of The Woda Group, gave a powerpoint presentation to Council and the public. He stated The Woda Group, Inc. was a national leader in development of affordable housing. He said they were headquartered out of Westerville, OH and he was located in Savannah, GA where he manages the southeast operations. He said they were a fully integrated development company which means they develop, construct and manage/own all the properties. He said most importantly they own and remain the owner of all their properties. He said they were active in 13 states with over 200 properties. He said they had only sold one property for a particular reason. He said they were fairly new to North Carolina but had been successful. He said they currently have operations fully leased in Elizabeth City and in Hickory and have two under development/construction in Rocky Mount and Zebulon.

He restated they were asking for the property to be rezoned from B-4 to B-3. He said they were not submitting the site or building plans at the meeting tonight. He said the development was for a 50 unit senior housing for seniors aged 55 years and older. He stated it would have 24 one-bedroom units and 26 two-bedroom units with a multipurpose room, fitness facility and computer center. He said the units would be for rent with income restrictions under the affordable housing program. He explained the facility would be "L" shaped with the largest portion of the building being located on Becker Drive. He said they selected the site because of the numerous amenities nearby that were "walkable" for seniors. He stated they feel their proposed development was a good transition between commercial activities and more residential activities. He said they would be running a business where they would be hiring staff and maintenance property managers and rent units where they seek to make a profit. He said they would be paying property taxes and would bring jobs to the area. He stated they were proposing a 3-story facility.

Mr. Blackburne addressed some of the citizen's concerns from the initial Planning Board meeting concerning privacy, 911 calls and property values. He said they would comply with all rules concerning privacy: setbacks, privacy screening, and height. He stated since the initial meeting, they repositioned the building into an "L" shaped building along Becker Drive which puts it further

away from the residential area. He said it did not foresee traffic being an issue. He reported 911 calls from a similar property at River Towne Manor for a one year time frame showed the property had no EMS calls between midnight and 6 a.m. He submitted several quotes from agencies stating studies had found there were no negative impacts on property values due to affordable housing.

He said the majority of questions during the last Planning Board meeting included: rents, income level of tenants, definition of senior housing for 55 years or older, terms of the Affordable Housing contract with the NC Housing Finance Agency, when could the contract be modified and criminal records of tenants. He stated all these questions were in clear violation of fair housing when considering a rezoning request. He said he still would address the questions. Mr. Blackburne explained the Affordable Housing Program was based on issuance of Federal Tax Credits and the NC Housing Finance Agency manages the program in NC. He said for tenants to be eligible to rent, they cannot earn more than 50% and 60% of the Area Median Income (AMI). He said max rents were restricted, but the tenants pay the rent; it was not subsidized. He said they did not have property based rental assistance vouchers, they were not a Section 8 development. He said that was not the intention of this development. He said rents were adjusted annually based on the maximum rents published by HUD for Halifax County. He added the tenants pay for water, sewer and electricity; they do not provide that.

Mr. Blackburne reported they had a third party conduct a market survey which showed the elderly population was projected to increase between 2016 and 2019 of approximately 370 people and the elderly households was projected to increase 240 and the number of elderly renters would go up to 66. He said not only was there was a shortage of rentals, but when they find somewhere to rent, they were rent overburdened. He said that meant they were paying over 30% of their income in rent and some were paying over 50%.

He explained the definition of senior housing for 55 years or older. He reported at least 80% of the units must have at least one occupant who is 55 years or older. He said if one person meets the age requirement the rest of the family can live there. He said if the tenant had custody of a minor or handicapped person, they would be able to live there as well. He stated the tenant would have to prove they had legal custody of the minor.

Mr. Blackburne said the tax credits must comply with Section 42 of the Internal Revenue Code and they register the facility as an affordable housing development which is registered for 30 years. He said the contract could not be modified for the next 30 years. He stated they do credit and background checks on tenants. He said their tenants were typically individuals or couples with ties to the area who either live here or wish to move here. He said this development allows many professionals who have jobs, but may not pay that well, the opportunity for a nice place to live. He added there was a need for senior housing because the population of the nation was aging faster.

Mayor Doughtie thanked Mr. Blackburne for a very thorough report.

Councilwoman Cowen asked the applicant to address to statement that it was illegal to rezone a property on the basis of a single project. Mr. Coleman replied that he was unclear about the concept they were getting at, but there was not a case law that specifically said that. He said there was the concept of spot zoning which did not allow a rezoning to eliminate a specific use. He said they were proposing to take multiple lots to down zone which was done all the time.

Attorney Chichester stated he believed Planning & Development Director Lasky touched on that in her presentation. He said it would be inappropriate to rezone a piece of property for a specific use; that was why she presented all the different uses available in B-4 and B-3 and some overlapped in both zoning districts. He said Council was considering the rezoning based on all the uses allowed in B-3, not just one specific business.

Mr. Coleman added that it was important to note the property was currently zoned for a wide array of uses and the only reason it had been used as a soccer park and not something else was that the owner had decided not to sell it for any of those uses. He said their request for the rezoning was for a district with a less intense allowance of uses. He said they were being very open to the City and the neighbors on what the intent was moving forward.

Councilwoman Cowen stated again that it says that it was illegal to rezone a property on basis of a single project and she was not getting the answer to that question. Mr. Coleman replied based on what has been said from staff and Attorney Chichester, there were two ways to do land use. He said one was a general use zoning which was what they were talking about that had a set of uses that it can be used for. He said the other was conditional use zoning and that was where one would come before the board for a special use permit for a specific use. He said they were requesting general use zoning where the area would be rezoned from B-4 to B-3 which allowed a number of uses and one of the allowed uses was multi-family.

Attorney Chichester stated the rezoning request from B-4 to B-3 was being made for all the available uses in the City's Land Use Plan for B-3. He said what was being requested and what was being considered by Council did not run afoul of the law in North Carolina.

Mr. Coleman said The Woda Group had no intention of coming before the Council and going into a long and detailed presentation on what they wanted to do when they submitted the application to ask for the rezoning. He said they had planned to submit the application to request the rezoning from B-4 to B-3. He said they had not planned to come before the Council and ask for a specific use, but the questions were raised by the neighbors based on the name of the applicant. He said they decided to get ahead of that and try to answer the questions that had been raised.

Councilwoman Cowen stated she was representing a number of people in the audience and they did not understand it and felt they were not getting the correct information.

Mr. Coleman said that was why they were trying to address the neighbor's questions.

Attorney Chichester explained there were court cases in North Carolina that stated if a request was made for one specific use then that could be invalidated. He said in this case the applicant could have made the request to rezone from B-4 to B-3 and never stated a use and all the permitted uses within the City's Land Use would have been available. He said they could have come in later, if they were successful with the rezoning, and made an application for the project and it would already be B-3. He stated they did not have to tell anyone anything about what they wanted to do, but they have done so in an effort to address the concerns of the citizens and Council.

Mayor Doughtie declared the public hearing open for public comment.

### **Becky Spragins**

Mrs. Spragins, 103 Devonshire Circle, said all the property between 10<sup>th</sup> and 7<sup>th</sup> Streets on Becker Drive was zoned commercial including an insurance company, counseling service, eye doctor, loan company, car dealership, restaurant, chiropractor, electronic store, nail salon, home furnishings store, a closed bar, food distributor store, bank, frame shop, church, attorney's office, investment office, hair salon, pharmacy, offices, another bank and a mall. She said rezoning this one lot to include subsidized housing was inconsistent with the current landscape. She said behind these zoned commercial lots was residential. She stated one of the fundamental truths of land use law was that equal property should be treated equally. She asked if Council rezoned the lot was it a logical and desirable land use pattern. She asked Council to also determine whether this was spot zoning. She read the definition she had of spot zoning: the application of zoning to a specific parcel(s) of land within a larger zoned area when the rezoning is usually at odds with the city's master plan and current zoning restrictions. She continued to say while the zoning regulates the land use in whole districts, spot zoning makes unjustified exceptions for parcel(s) within a district. The defining characteristic was the narrowness and unjustified nature of the benefit to the particular property owner to the detriment of a general land use plan or public goals. The rezoning may provide unjustified special treatment that benefits a particular owner while undermining the preexisting rights and use of adjacent property owners. A change in zoning for a small land area should be consistent with and furthers the purposes of the general area plan. If rezoned, the residential nature of area would be harmed by a conflicting land use. When the change in zoning does not advance the general public purpose in land use, courts may rule spot zoning as illegal. Spot zoning should be avoided to be seen as fair, please keep in mind that decisions should be based on logical and sound analysis. She asked if this rezoning was done to benefit some at the expense of others, is it fair and just to rezone one lot in the middle of a commercial area for

a single purpose that was not consistent with the landscape that was already there. She said she was a baby boomer so she thinks 55 was young too. She said the older she gets, 80 was looking young and she realizes there was a need for housing; not everybody has the benefit of a good salary. She said they were in a depressed area. She said what concerned her was that this area could have been rezoned and nobody would have known. She said she believed that was what the public was concerned about. She said she believes it only fair that people should be advised and considered. She said this would have gone over a lot better had this been done on the front end rather than the back end. She said she knew each of the Council members had a hard job to do and asked them to consider her comments.

### **George Parrish**

Mr. Parrish, 100 Live Oak Place, said he had lived in Roanoke Rapids since 1965. He said his home was four blocks from the site in question so they may conclude that this project would have no negative affect on his home. He said they could also conclude that this project would have no negative effects on any home. He said they cannot possibly know now what kind of effects this rezoning request, if approved, would have on adjoining or nearby properties in the future. He said he believed everybody here knew what positive effects it would be in the future – none. He said from his experience he believed this project would do nothing to increase any adjoining or nearby residential property values. He said he believed this because the 3-story, “L” shaped building was not architecturally attractive and would look out of place on the site. He said at some of the meetings questions were asked that could not be answered because of confidentiality. He stated the project would have been easier to sell if it this information would have been positive and known. He said the unanswered questions had negative connotations, making the project harder to sell here. He said it was a good site, there was nothing wrong with the site. He said when he was on the Planning Board and then City Council, there was a term, spot zoning, not down zoning. He said spot zoning was not considered a positive for the boards he served on. He said from time to time they looked at different areas of the city to establish zoning maps that were compatible with the needs of the City and in regard to adjoining properties. He said the problem was once you start doing this, you start cherry picking, the process of changing zones for individual requests. He said spot zoning was not good, spot zoning had never been good and this was spot zoning. He said it was okay if you don’t know what’s going there, you can do whatever you want to, but if you know what’s going there, you are supposed to act like you don’t know. He said you are supposed to rezone from B-4 to B-3 because that was what the request was; that makes no sense to him. He said it was his opinion that this request should not be approved and requested Council not to approve the request.

### **Gregory Browning**

Mr. Browning, 105 Landfall Court, said he was the current Chairman of the Planning Board. He stated one of his duties was to keep the Planning Board focused and in compliance with the rules and regulations of the Land Use

Ordinances. He said in the hearings on this project, he was encouraging the members not to make a decision based on the project, but the actual request to change the zone, which they had done on other occasions. He said Ms. Lasky had done a tremendous job giving them the permissible uses for B-3 zoning and B-4 zoning. He said upon the meeting they cautioned the board members not to make decisions based on the project because their job was to look at a recommendation for consistency of uses in the Land Use Ordinances. He said the questions went into a direction of what he called the "gray" area. He said he appreciated Mr. Blackburne telling them what the proposed project was but he did not have to do that. He stated the Planning Board continued the first meeting because some members wanted to know more about the project itself which the applicant did not have to do and it was not the Planning Board's job to know that to make a decision on the rezoning request. He said he appreciated what Ms. Spragins said earlier but she did not mention a hotel which was in the permissible uses that could go up 3-4 stories. He said that was not their job to be talking about that. He said then it came up about what were the income levels, it was almost like they had the applicant on trial interrogating him until there was a statement made that they would not want it in their neighborhood. He said he then asked the board members if they had read the package. He said the package said their duty was to look at the rezoning request, not the proposed usage. He stated that clearly in the package it said looking at the project was illegal. He said then they started talking about usage and housing. He stated he was not saying whether he was for or against the project, he was just speaking on behalf of the Planning Board. He said with his experience as chairman for many years, he had the feeling it was coming when the applicant touched on discrimination based on the NC Fair Housing Act. He said in the NC Fair Housing Act it talked about condensed areas and what was legal. He said the question came up about what was density. He said talking about age, the baby boomers were coming at 10,000 a month across the country. He said it was projected by 2050, the average age was going to be 100 years old. He said there was going to be a need. He said he tried to keep the board focused. He said there was a Coates' Canon blog that talked about the NC Fair Housing Act and how the City of Durham and some other places got in trouble because they did not take into consideration that you cannot discriminate based on the Fair Housing Act. He said with the permissible uses in B-4 now, what if the current owner, Mr. Bone, wanted to put a low income hotel there 3 or 4 stories high; it would be perfectly legal. He said Mr. Bone had allowed the youth of the area to use it as a soccer field and organizations to sell Christmas trees. He said he tried to keep the Planning Board focused on the zoning request and the permissible uses in both zoning districts, B-4 and B-3. He reported they were training the board so they will know what their duties were formally.

### **Jessica Dickens**

Ms. Dickens, 117 Steeplechase Run, said she was glad they got some of the answers concerning the project that they were unable to obtain at the other meetings, but said she wanted to focus on the rezoning. She stated as the Chairman of the Planning Board said, Mr. Bone could put a hotel there and make

no money. She said they were talking about developing something that was actually going to be profitable for the City. She stated putting a hotel there would not be profitable for any developer. She said she has seen two gas stations on either end of that road close down so she did not see that coming either. She said if they look at the permissible uses, there a lot of apartment complex allowances, nursing home care facilities and the fact of the matter was any kind of facility like that, low income or luxury, would affect their quality of life. She said they would be able to see right into their backyards. She said they saw a concept, but if this group did not get the grant it could be a different concept. She asked Council to consider that and the uses for this land and think about themselves, their children and how any apartments would affect them, their life, and home value. She said they knew the area and that was why they held the chairs on the board. She stated the public voted them in because they thought them best for their voices to be heard. She said some study or statistic from a different city or state does not know what the home buyers in this area want or need. She said from personal experience, they sold one home in the middle of Steeplechase and brought another there because they liked the area, they felt safe and loved their neighbors; it was a good financial decision at the time. She said if the Council allows this area to be rezoned or down zoned, it will affect their quality of life. She said they needed to consider the schools. She said if this ends up not being a senior living facility and just an apartment complex then how big could they go on that property and how would it affect parking and traffic. She stated the schools were already at capacity so think about that when considering rezoning to anything residential. She said it was this imaginary line right behind their houses that the businesses back up to. She said although there were apartments off of Hunting Ridge Road, they were only 2 stories high and they did not invade their privacy. She stated an apartment complex would spike the population density and they would see a higher call volume for fire, EMS and police. She said it would absolutely affect their lives. She said there have been studies done that prove higher renter concentration does affect property value. She asked Council to take into account the peoples' interest into consideration. She said as homeowners, there was only so much they could do; try to improve their homes and protect their homes. She said that was what they were doing tonight, trying to protect their home values and their neighborhood from any big apartment complex that would infringe on multiple things such as traffic and density. She said the nice long presentation they saw was great, but was not guaranteed; they still have to apply for the grant and receive it. She said if they don't and it's rezoned then they would have no voice to say no they do not want that apartment complex or that facility. She reminded them that the B-3 district allowed an array of different types of uses.

### **Troy Williams**

Mr. Williams, 130 Hunting Ridge Road, said he was not a great speaker, but he speaks from his heart. He stated this project would affect his house worse than any other because his house was the one right behind the soccer field. He said he noticed the pictures/videos they took in the air were taken at Becker Drive. He said if it was moved back 100 feet, you would see his son's soccer ball in the

backyard. He said he had an in ground pool in his backyard. He said he spent \$15,000 on a privacy fence so he could have privacy in his backyard, but if a 2-3 story apartment complex was built by his house, he would not have any privacy. He said he moved into his house 10 years ago. He said they had worked hard to get where they were at. He said when he first moved into the house, they paid \$1,200/year in taxes and \$650 in homeowners. He said today, he pays \$3,000/year in taxes and \$1,250 in homeowners. He stated he had talked to several real estate agents to ask if it would affect his home value and they did not want to get involved but told him he should hurry and put his home up for sale before they start building. He said they told him to put it up for \$150,000 so it would sell quickly. He said the house appraised eight years ago for \$230,000 and he had invested \$45,000 in eight years. He said today, he would be lucky to get \$180,000-\$190,000 for his house. He said if he was trying to buy a house in this neighborhood and saw a 3 story apartment complex beside it, he would not buy it; it would affect his decision to buy or not. He also had a small child and the traffic there was already horrible. He said he had complained many times to the police and asked for speed bumps. He said if Council approves the rezoning there was no telling what they would put there if this company did not build this building. He said he bet the man that presented the project tonight did not have one beside his house. He said everybody on the Council makes decisions for people that live in this town. He said the last time a decision was made, they were still paying for it and haven't seen any benefit from it.

### **Matt Glenn**

Mr. Glenn, 107 Devonshire Circle, said he felt he had somewhat of a professional opinion on the assessment of the 911 issue at a proposed facility. He said the developer had statistics based on River Towne Manor but he had nothing on Becker Manor, which was the same type of facility. He said last year Becker Manor had 21 fire related calls; that was information from the fire department. He said right now, this area has no reason for a thoroughfare of emergency vehicles. He stated the route taken from both fire stations go down Old Farm Road and head east to Becker Manor or they go down 10<sup>th</sup> Street and head west to River Towne Manor. He said nothing goes down Becker Drive unless there was a specific call for an address on Becker Drive. He said as far as EMS, it was the same thing. He said there would be an influx of emergency traffic that was not there now and it would be immediate because there would be 75-80 people at least staying there. He said he thought the statistical information was a little askew because the developer may have selectively picked River Towne Manor versus all the applicable residences. He said the decibel level of the sirens, according to a federal website, was 123 decibels. He said according to OSHA Safety Standards, hearing damage begins at 80 and becomes permanent starting at about 90 decibels. He said Ms. Dickens gave him copies of a letter she forgot to give to Council. He asked Planning & Development Director Lasky if the developer would be required to submit an application for the business use/permit to Council at some point.

Planning & Development Director Lasky replied that any proposed development would require a full submittal and review of the plans and appropriate permits. She said a multi-family development was a permitted use so it would not have to come back before the Council for approval.

### **Richard Bolton**

Mr. Bolton, 75 Monroe Street, stated he was on the Planning Board and the vote he cast was not based on the proposed project. He said the vote he cast was because he sits on the Planning Board representing the citizens of Roanoke Rapids; the citizens spoke and he heard them. He stated he can not only read, but he can hear. He said there was a lot of information that came before the Planning Board that the Council did not see tonight. He said he saw photographs at 35 feet looking into Mr. Williams' backyard and he could see his child's soccer ball. He said in the Planning Board meeting, he asked the gentleman with The Woda Group what other sites they looked at before choosing this site. He said he tried to talk his way out of the question and said they did not look at any other site. Mr. Bolton said no other sites were considered and there were plenty of dormant land in Roanoke Rapids. He said he wanted Council to know he did not vote based solely on the proposed project, but because the citizens in that community asked there be no rezoning for this parcel of land. He said he did not care who Mr. Bone sells the property to and if was zoned B-4, then build a Hilton Garden Inn on it; he had that privilege. He said the citizens and adjoining land owners asked that we not consider this rezoning request.

### **Lee Bone**

Mr. Bone, 637 Arbutus Drive, stated he was a native of Roanoke Rapids and he knew the entire history of every inch of land since 1970 before a bull dozer went into a section now called Becker Farms. He said in its development, Charlie Edwards like many developers, ran out of money many times. He explained that in the process of the development of the land they were talking about, he personally owned all four corners at one time. He said he owned five lots in Becker Farms and picked two lots to build his home on. He said he knew the development of this area. He said one dream he had that did not come to fruition, was to have car lots on two of the corners. He said this was all before the mall; it was just dirt. He said all this relating to a rezoning back in August 22, 1978 where he stood before the City Council to request a rezoning so it would accommodate a car dealership on two corners. He said the City Council thought he was crazy because it was just dirt. He stated in a lot of cases when someone wants to develop a new area of town, there was usually a lot of skepticism. He said but it was funny that afterwards how so many people want to live in that section of town. He said back in 1978, the City Council was flexible and did not want a lot of heavy business. He said they flexed with the request which wanted to go from B-2 to B-3, but B-3 allowed too heavy of industry in it. He said the City listened to the request and to the people and changed it from B-3 to B-2a. He said B-2a did allow for car dealerships. He said that was not spot zoning, but that was trying to get a business into town that was requesting a business. He said this town needs people, business and money. He said businesses create

people and that creates money. He said this revenue will far outdo a lot of other applications of this property. He stated he had been offered a phenomenal amount of money per month that he could easily retire on for a communications tower. He said the engineer said it couldn't fall outside a certain perimeter and he said he refused to believe that. He said if it did fall outside that perimeter, it would fall on your house. He said Gene Minton was the mayor at the time and came to him to see if he was going to allow the tower and he told him no. He said he requested the rezoning for the benefit of this town and asked that Council grant a business the right to rezone this from B-4 to B-3.

Planning & Development Director Lasky stated if there were no further public comments, Mayor Doughtie could close the public hearing but at that time no additional public comments would be allowed.

Mr. Matt Glenn stated he just received new information that the fire department alone was dispatched to Becker Manor 69 times since February of last year; that did not include EMS or police calls.

Attorney Chichester informed the Council that the structure being proposed was not compatible with Becker Manor; it was a completely different type of facility.

### **John Pittman**

Mr. Pittman, 113 Appleton Drive, said the developer stated if someone that lived in the building could have a minor child live there so conceptually everyone that lived in that building could have a child living with them. He said that would make that many more children so the information mentioned earlier concerning the school buses and the school system could happen. He said with that type of rent, there would be a lot people trying to get into the Roanoke Rapids school system.

Mayor Doughtie declared the Public Hearing closed.

Planning & Development Director Lasky addressed the issue of spot zoning. She said spot zoning was complicated and was not about just one tract or piece of property. She said the courts have established several different evaluation factors when it comes to spot zoning. She said those factors were focused on: size and nature of the tract, consistency with the zoning and land use plan, degree of change, allowance of uses that were different from surrounding uses as well as relative benefits or detriments of the neighbors in the surrounding community. She said when considering these things, the size of the tract was not that small, it was relatively comparable to other size properties along Becker Drive. She stated the policies in the Land Use Plan support this. She said one of the evaluation factors for spot zoning was when one zoning district was not near or was isolated from other zoning districts that were consistent in the surrounding area. She pointed out on the zoning map that there were a variety of zoning districts in the area including B-4 and B-3. She stated based upon the criteria of evaluating spot zoning, she was confident that this not spot zoning.

Councilman Smith asked Planning & Development Director Lasky if the property owner wanted to put up a fence and store vehicles there on the lot, could he do that without any coming before Council. Planning & Development Director Lasky replied he could use the lot for the storage of vehicles with the appropriate screening between residential uses.

Mayor Pro Tem Ferebee asked to look at the site plan again. He asked the developer if he would consider a two-story facility as opposed to a three-story building. Planning & Development Director Lasky stated height was regulated by the underlying zoning district and 35 feet was the maximum height in the B-# zoning district and in all residential districts. He asked the petitioner if he would be willing to consider the option that it may make the project more palatable. Mr. Blackburne replied he was not sure if it would economically make sense to go with a 2-story building because it would be longer and would be closer to the existing residential. He added they had already redesigned the property to bring the building closer to Becker Drive. He said he would have to look at the cost efficiency of a very long 2-story building.

Planning & Development Director Lasky reminded Council that although those were considerations that could be mentioned, they cannot deprive someone to build to that height.

#### 11. City Council Action

A simple majority of all voting members is required to adopt a zoning amendment. City Council is required by NC Law to vote on a Statement of Consistency with the City's Plans & Policies, then follow that with a motion and vote for a final decision to the rezoning request. **If a motion is made for the denial of Statement of Consistency and/or Rezoning Request, then state the reason(s).**

Motion & Vote: ***Motion for adoption of the Statement of Consistency prepared by Staff***

Motion & Vote: ***Motion to adopt the Zoning Map Amendment to Rezone the Subject Property at Becker Dr. and Hunting Ridge Rd. to a B-3 Commercial District;***

#### Attachments

1. Statement of Consistency
2. Application & Supporting Documents
3. Citizen Comment Letter
4. Permissible Uses in the B-3, B-4 Districts

#### **Adoption of Statement of Consistency**

Councilman Smith made a motion to adopt the following Statement of Consistency; seconded by Councilman Bobbitt. Councilman Smith, Councilman

Bobbitt, Councilwoman Scarbrough voted in favor; Councilwoman Cowen and Mayor Pro Tem Ferebee voted against. Motion carried by a vote of 3-2.

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

**Reference: Amendment to the Roanoke Rapids Zoning Map to rezone Halifax Co. Parcels 0900056, 0900057, 0900058, 0900059 & 0900060 (109,890± sq. ft., 2.52± acre property) from B-4 Commercial District to B-3 Commercial District. The property is located at the northwest corner of the Hunting Ridge Road with Becker Drive**

The Roanoke Rapids City Council met on Tuesday, February 21, 2017 at 5:15 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.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.*

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 21ST DAY OF FEBRUARY 2017.**

**Final Decision for Rezoning Request**

Councilman Smith made a motion to adopt the zoning map amendment to rezone the subject property at Becker Drive and Hunting Ridge Road to a B-3 Commercial District; seconded by Councilwoman Scarbrough. Councilman Smith, Councilman Bobbitt, Councilwoman Scarbrough voted in favor; Councilwoman Cowen and Mayor Pro Tem Ferebee voted against. Motion carried by a vote of 3-2.

<p><b>New Business</b></p>
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**Consideration of Resolution (NCDEM Designation of Applicant's Agent)**

Public Works Director Chalker presented the following resolution for consideration by the City Council:

**RESOLUTION NO.: 2017.01**

**RESOLUTION**

**DESIGNATION OF APPLICANT'S AGENT**

**BE IT RESOLVED BY** the governing body of the City of Roanoke Rapids, North Carolina that Larry Chalker, Public Works Director (Primary Agent) and Joseph Scherer, City Manager (Secondary Agent) are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act. (Public Law 93-288 as amended) or as otherwise available.

**BE IT FURTHER RESOLVED** that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof.

**BE IT FINALLY RESOLVED THAT** the above-named agents are authorized to act severally.

**PASSED AND APPROVED** this 21<sup>st</sup> day of February, 2017.

\_\_\_\_\_  
Emery G. Doughtie, Mayor

ATTEST:

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

Motion was made by Councilwoman Scarbrough, seconded by Councilman Bobbitt and unanimously carried to adopt Resolution 2017.01 designating Larry Chalker, Primary Agent and Joseph Scherer, Secondary Agent as the Applicant's Agent for the NC Division of Emergency Management.

### **City Manager's Report**

City Manager Scherer stated they were working on both this fiscal's years' finances and the budget for next fiscal year. He said given their current economic development climate and limited revenue streams, it is important for the administration to insure expenses were kept to an affordable level.

He reported for the rest of the fiscal year, he has directed staff to make those purchases either only needed to maintain daily operations or have grant funding provided for the purchase. He said he was also looking at a hiring freeze for the rest of the fiscal year unless the hiring would help reduce overtime expenses.

City Manager Scherer said for next year's budget, they were looking at developing a draft budget based only on projected revenue without asking for additional funds from the undesignated fund balance. He stated he would have a budget calendar by the next meeting.

City Manager Scherer suggested to Council that due to the late hour, the Departmental reports be eliminated.

Council agreed.

Motion was made by Councilman Bobbitt, seconded by Councilman Smith and unanimously carried to go into Closed Session to discuss Privileged and Confidential Information as allowed by NCGS 143-318.11(a)(1).

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

***Minute Book Pages 18636-18639 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.***

City Council returned to Open Session.

Mayor Doughtie called the meeting to order in open session.

City Council discussed privileged and confidential matters in closed session. No action was taken.

<p><b>Other Business/Comments by Council Members</b></p>
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There being no further business, motion was made by Councilman Smith, seconded by Councilwoman Scarbrough and unanimously carried to adjourn.

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**Traci V. Storey, City Clerk**

**Approved by Council Action on: March 7, 2017**