



# MEMORANDUM

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**TO:** Mayor and City Councilors

**FROM:** Rich Olson, City Manager  
June Brooks, Planning & Community Development

**DATE:** May 20, 2015

**REF:** Consideration - Call for a Public Hearing for RZ 01-15 filed by Northeastern Professional Associates, Inc. to rezone approximately 5.5 acres of a 13.52 acre tract from Residential R-15 to General Business (GB) at 1149 N Road Street (PIN 891402860580)

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***BACKGROUND:***

This request is for the City Council to call for a Public Hearing to be held on Monday, June 8, 2015 for RZ 01-15. Northeastern Professional Associates Inc., (William Owens) requests to rezone approximately 5.5 acres of a 13.52 acre tract on the west side of N. Road Street from Residential R-15 to General Business (GB).

***ANALYSIS:***

The applicant intends to purchase a portion of the property from its current owners, Ms. Judith Hurdle Edwards and Mr. James Hurdle, Jr. upon approval of the rezoning request. (Ms. Edwards and Mr. Hurdle have submitted the appropriate owner authorization in connection with the Rezoning Application.) It is the applicant's intention to utilize the property for future expansion of the Northeastern Professional Associates medical offices located adjacent to the site.

The application was reviewed by the Planning Commission during their meeting on May 5, 2015. After hearing the testimony of several residents from the adjacent Villa Acres neighborhood who expressed concerns about severe flooding in the area, the applicant amended the initial request to include 5.5 acres on the front portion of the site that was outside of the floodplain. This modification to the request was unanimously approved by the Planning Commission.

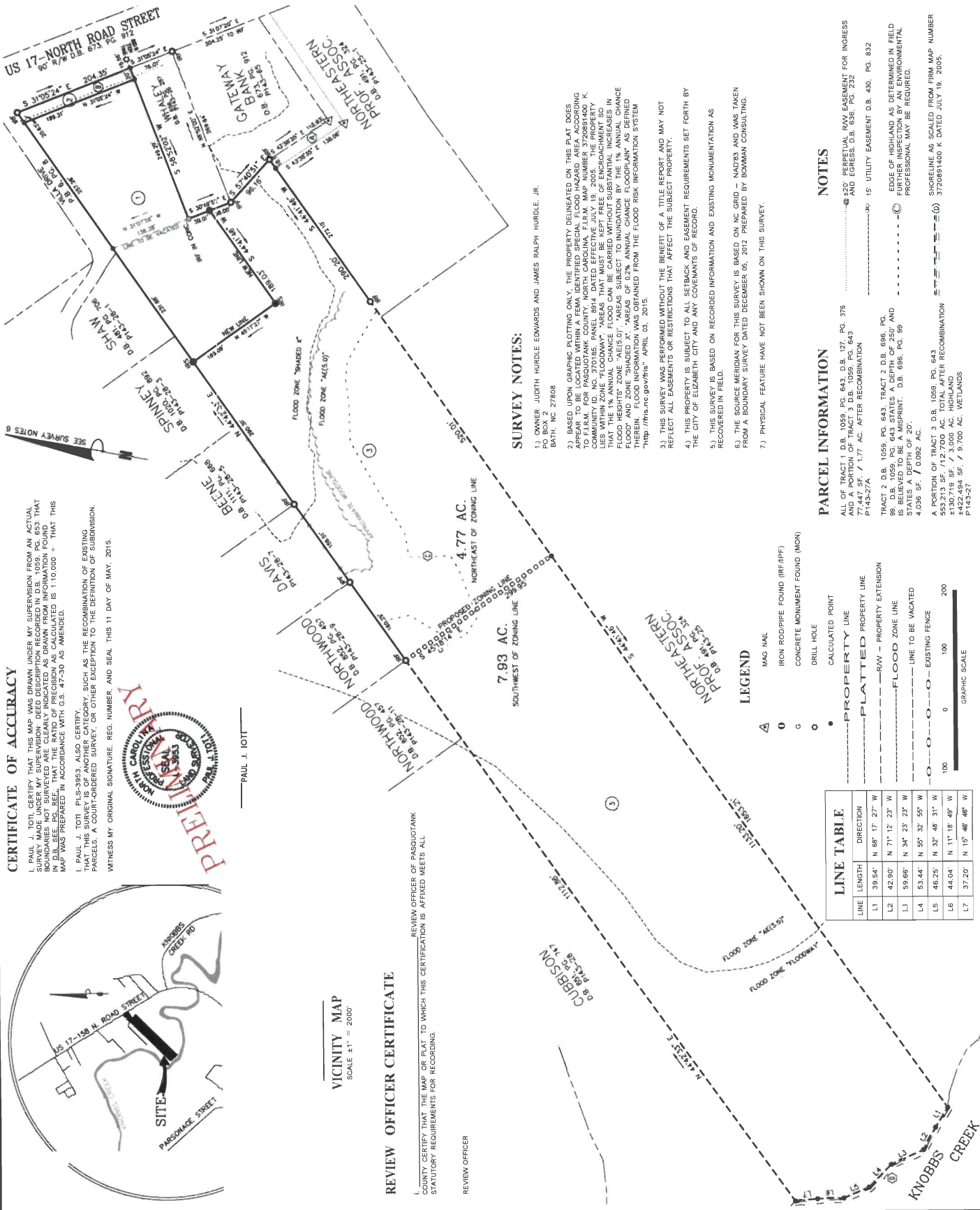
***STAFF RECOMMENDATION:***

By motion, call for a Public Hearing to be held on Monday, June 8, 2015 at 7:30 p.m. in Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue to gather citizen input regarding RZ 01-15 filed by Northeastern Professional Associates, Inc.

RCO/vdw



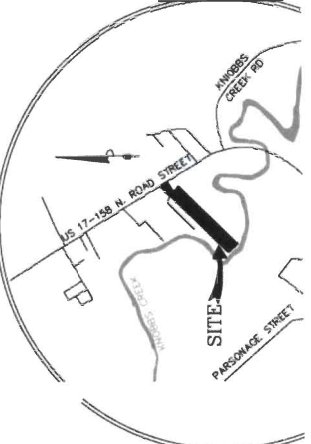
RECOMBINATION SURVEY  
 OF D.B. 1059, PG. 643 TR.  
 PROVIDENCE TOWNSHIP  
 PASQUOTANK COUNTY  
 NORTH CAROLINA  
 JUDITH EDWARDS & JAMES HURDLE, JR.  
 1 OF 1



**CERTIFICATE OF ACCURACY**  
 I, PAUL J. TOTI, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE PROPERTY. I HAVE CONDUCTED A FIELD CHECK OF THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN D.B. SEE PG. BEE. THAT THE RATIO OF PRECISION AS CALCULATED IS 1:110,000 + THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.  
 I, PAUL J. TOTI, PLS-3953, ALSO CERTIFY, THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION. WITNESS MY ORIGINAL SIGNATURE, REG. NUMBER, AND SEAL THIS 11 DAY OF MAY, 2015.



PAUL J. TOTI



**VICINITY MAP**  
 SCALE 1" = 2000'

**REVIEW OFFICER CERTIFICATE**

I, REVIEW OFFICER OF PASQUOTANK COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

**SURVEY NOTES:**

1. OWNER: JUDITH HURDLE EDWARDS AND JAMES RALPH HURDLE, JR., PO BOX 2, BATH, NC 27808
2. BASED UPON GRAPHIC PLOTTING ONLY, THE PROPERTY DELINEATED ON THIS PLAT DOES APPEAR TO BE LOCATED WITHIN A FEMA IDENTIFIED SPECIAL FLOOD HAZARD AREA ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 19053C0248D, DATED JULY 19, 2005. THE PROPERTY COMMUNITY ID. NO. 370185, PANEL 8914 DATED EFFECTIVE JULY 19, 2005. THE PROPERTY LIES WITHIN ZONE "FLOODWAY", AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD DEPTH. ENCROACHMENTS ARE TO BE KEPT FREE OF ENCROACHMENT IN ZONE "FLOOD" AND ZONE "SHADED X", AREAS OF 0.2% ANNUAL CHANCE FLOODPLAIN" AS DEFINED THEREIN. FLOOD INFORMATION WAS OBTAINED FROM THE FLOOD RISK INFORMATION SYSTEM "http://flris.nc.gov/flris", APRIL 03, 2015.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT REFLECT ALL EASEMENTS OR RESTRICTIONS THAT AFFECT THE SUBJECT PROPERTY.
4. THIS PROPERTY IS SUBJECT TO ALL SETBACK AND EASEMENT REQUIREMENTS SET FORTH BY THE CITY OF ELIZABETH CITY AND ANY COVENANTS OF RECORD.
5. THIS SURVEY IS BASED ON RECORDED INFORMATION AND EXISTING MONUMENTATION AS RECOVERED IN FIELD.
6. THE SOURCE MERIDIAN FOR THIS SURVEY IS BASED ON NC GRID - NAD83 AND WAS TAKEN FROM A BOUNDARY SURVEY DATED DECEMBER 05, 2012 PREPARED BY BOWMAN CONSULTING.
7. PHYSICAL FEATURE HAVE NOT BEEN SHOWN ON THIS SURVEY.

**PARCEL INFORMATION**

- ALL OF TRACT 1 D.B. 1059, PG. 643, D.B. 197, PG. 376 AND A PORTION OF TRACT 3 D.B. 1059, PG. 643 77,447 SF. / 1.77 AC. AFTER RECOMBINATION P143-27A
- TRACT 2 D.B. 1059, PG. 643, TRACT 2 D.B. 696, PG. 896, D.B. 1059, PG. 643 STATES A DEPTH OF 250' AND IS BELIEVED TO BE A MISPRINT. D.B. 696, PG. 95 4,038 SF. / 0.092 AC.
- A PORTION OF TRACT 3 D.B. 1059, PG. 643 3430,718 SF. / 3,000 AC. HIGHLAND 4522,484 SF. / 9,700 AC. WETLANDS P143-27

**NOTES**

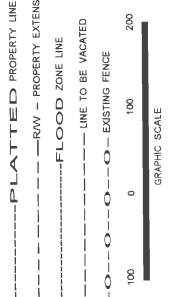
- 200 PERPETUAL EASEMENT FOR INGRESS AND EGRESS D.B. 698, PG. 292
- 15' UTILITY EASEMENT D.B. 430, PG. 832
- EDGE OF HIGHLAND AS DETERMINED IN FIELD SURVEY INSPECTIVE BY ENVIRONMENTAL PROFESSIONAL, MAY BE REQUIRED.
- SHORELINE AS SCALED FROM FIRM MAP NUMBER 3720891400 K DATED JULY 19, 2005.

**LEGEND**

- MAG. NAIL
- IRON ROD/PIPE FOUND (IR/PIPF)
- CONCRETE MONUMENT FOUND (MCON)
- DRILL HOLE
- CALCULATED POINT
- PROPERTY LINE
- PLATTED PROPERTY LINE
- R/W - PROPERTY EXTENSION
- FLOOD ZONE LINE
- LINE TO BE VACATED
- EXISTING FENCE

**LINE TABLE**

LINE	LENGTH	DIRECTION
L1	39.54'	N 68° 17' 27" W
L2	42.90'	N 71° 12' 23" W
L3	59.66'	N 34° 23' 23" W
L4	53.44'	N 55° 32' 55" W
L5	46.25'	N 32° 48' 31" W
L6	44.04'	N 11° 18' 49" W
L7	37.20'	N 15° 46' 46" W



May 14, 2015

Dear Elizabeth City Planning and Community Development Office:

The Northeastern Professional Associates, Inc. would like to amend the Rezoning Application RZ-01-15 for the 13.52 acre tract located on the south side of North Road Street between Villa Drive and Medical Drive, adjacent to the Northeastern Professional Center and Gateway Bank. We are requesting a rezoning from R-15 (Residential) to GB (General Business). Upon review by the Elizabeth City Planning Commission it was recommended that the approximately 7.93 acres of wetlands be removed from the rezoning request since that portion has no development potential and does not meet the standards set for "GB" zoning. Therefore we are requesting that our application be amended to reflect that change as recommended by the Planning Commission. An amended map is attached showing the 7.93 acres to be removed from the rezoning consideration.

Regards,

William Owens  
Northeastern Professional Associates, Inc.  
P.O. Box 1764  
Elizabeth City, NC 27906  
Phone: 252-202-9661  
wwowens7@gmail.com



**Case No.**

RZ 01-15

**Description & Location of Property**

The site in question is composed of one lot on the south side of N Road Street between the intersections of Villa Drive and Medical Drive. The total land area according to the Pasquotank County Tax Assessment Online Database is 13.52 acres, the majority of which is considered swamp land. The subject parcel is adjacent to Gateway Bank and the Northeastern Professional Associates medical offices.



**Parcel Information**

Deed Book 1059, Page 643 in the Pasquotank County Registry; Parcel Identification Number 891402860580; Tax Map P143-27

**Owner**

Judith Hurdle Edwards and James Ralph Hurdle Jr  
P.O. Box 2  
Bath, NC 27808

**Applicant**

Northeastern Professional Associates, Inc. %William Owens  
P.O. Box 1764  
Elizabeth City, NC 27909

**Existing Zoning**

Residential R-15 (R-15)

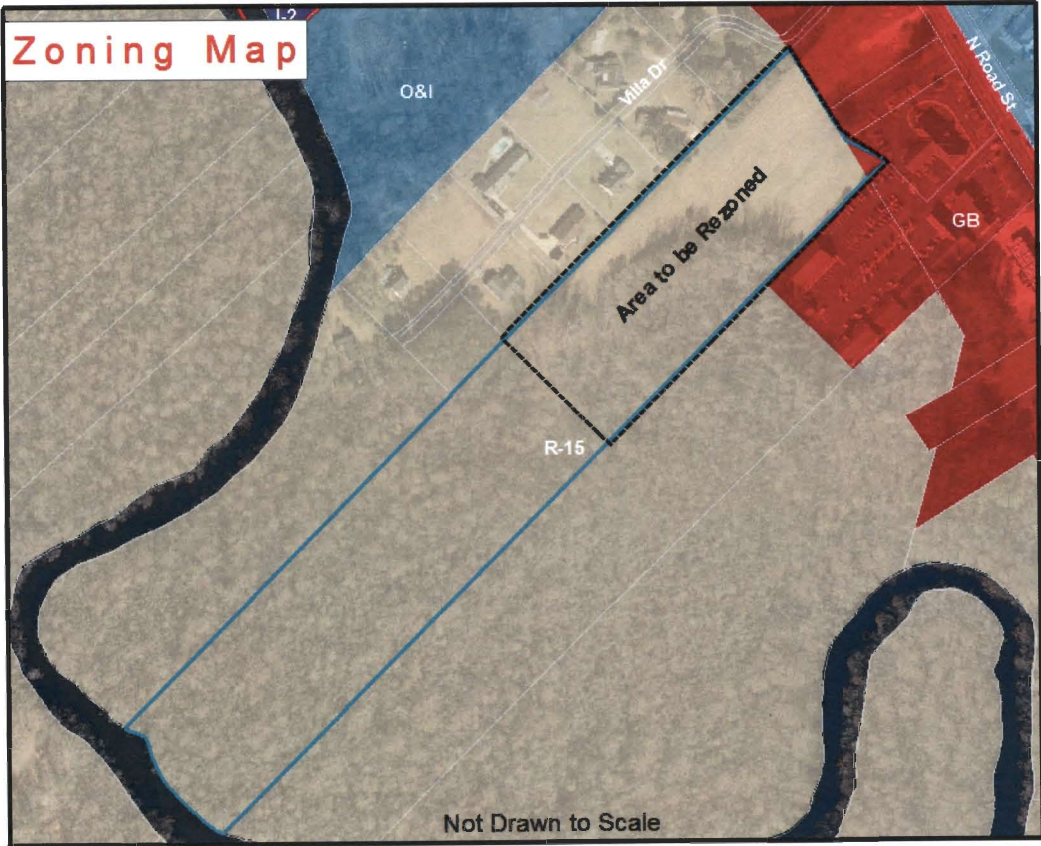
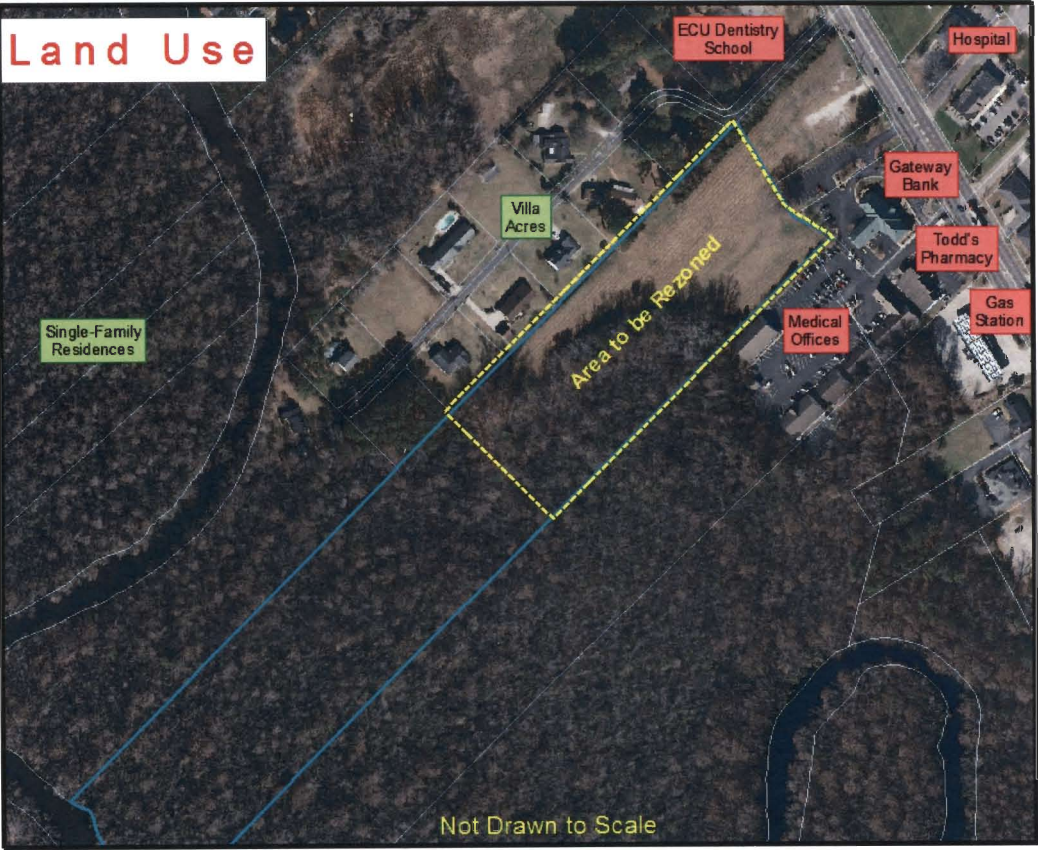
**Proposed Zoning**

General Business (GB)

**Adjacent Zoning & Land Use**

North: General Business—vacant lot, parking lot, Gateway Bank  
South: Residential R-15—vacant lots  
East: General Business and Residential R-15—medical offices  
West: Residential R-15—single-family subdivision





## **Zoning Category Summary**

### **R-15 Residential**

The R-15 Residential District is primarily intended to accommodate a variety of low density single-family detached dwellings and modular homes. Maximum densities within the R-15 District include approximately 3 dwelling units per gross acre for single-family detached dwellings. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low density residential character of the R-15 District. Because much of the City's extraterritorial jurisdictional area is transitioning from a rural character to an urban character and is included within the R-15 District, some limited agricultural uses are also allowed within this district.

### **General Business**

The General Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale uses. Multi-family developments are also permitted within this district. The maximum residential density allowed within the GB District is approximately 10 to 12 multi-family dwelling units per gross acre.

### **Floodplain**

According to the Pasquotank County online FEMA Flood Map 3720891400 J panel 8914, the subject property lies within the Special Flood Hazard Areas (SFHAs) identified as "Shaded X", "AE" and "AEFW" (floodway). SFHAs are defined as the area that will get inundated by the flood event having a one-percent chance of being equaled or exceeded in a given year. The one-percent annual chance flood is also known as the base flood or 100-year flood. The "Shaded X" areas are considered moderate flood hazard areas that lie between the limits of the base flood and the 0.2 percent annual chance (or 500-year) flood. The "AE" and "AEFW" zones are subject to inundation by the one-percent annual chance flood. The base flood elevation for the "AE" and "AEFW" on the subject property is between five and five and a half feet. The "AEFW" zone designates a floodway lying within the "AE" zone and signifies the channel of a stream plus any adjacent floodplain areas that must be kept free from encroachment so that the one-percent annual chance flood can be carried without substantial increases in flood heights.

*—Report Continues on Next Page—*





**Property History and Narrative**

The property has maintained its R-15 Residential zoning designation since the City first adopted its Zoning Ordinance and Zoning Map in July 1973. According to the Pasquotank County Tax Department, 3.17 acres of the 13.52 acre parcel is undeveloped, while the remaining 10.35 acres is swamp land. If rezoned, the applicant intends to use the property to extend the medical offices and parking lot of Northeastern Professional Associates, Inc. located directly to the east of the site. It is the applicant’s belief that as Sentara Albemarle Hospital expands their medical services additional medical office space will be necessary.

At the recommendation of the Planning Commission, the applicant has revised the original request and now intends to rezone only the front portion of the property, approximately 5.5 acres to General Business, leaving the rear portion zoned Residential R-15. It was the Commission’s belief that reducing the amount of land to be rezoned may alleviate concerns neighboring residents had with regards to new development increasing already serious flooding issues. If the rezoning is approved, it is the applicant’s intention to purchase all but 0.816 acres from the current owners to utilize for future expansion. A recombination application will be required detailing the portion of the property to remain under current ownership and what the applicant intends to purchase. The recombination application and plat will be reviewed and approved by Planning Staff.



### Land Use Plan

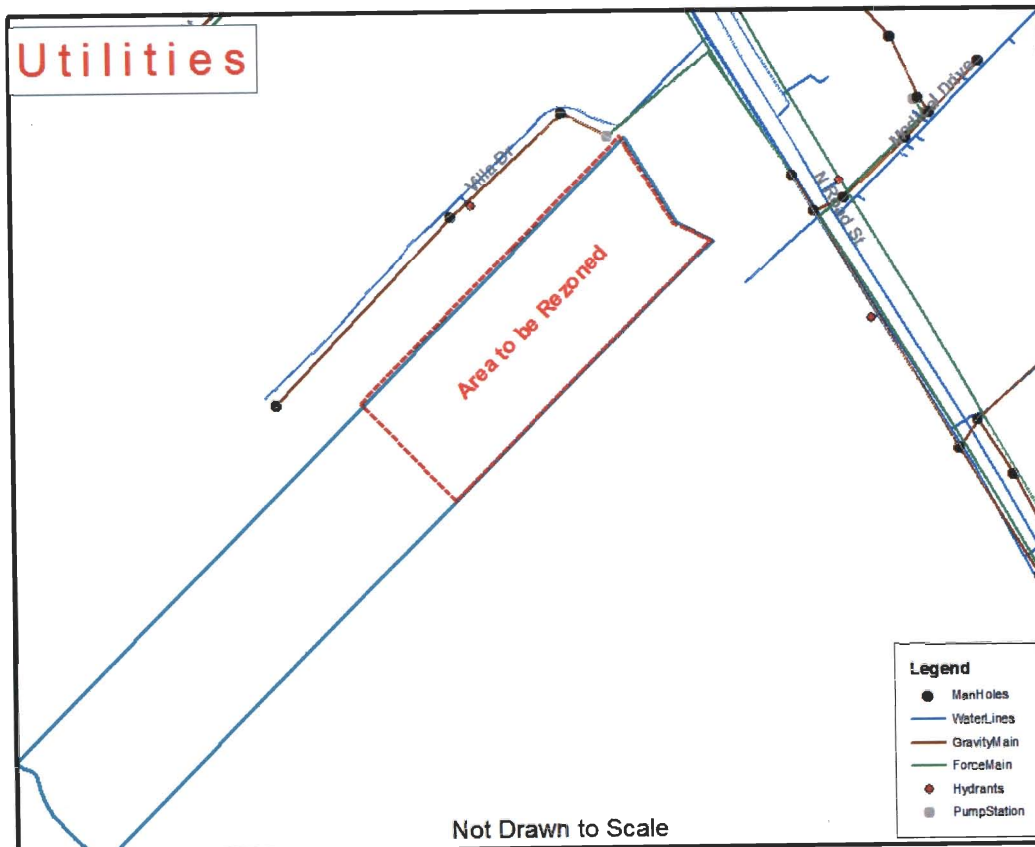
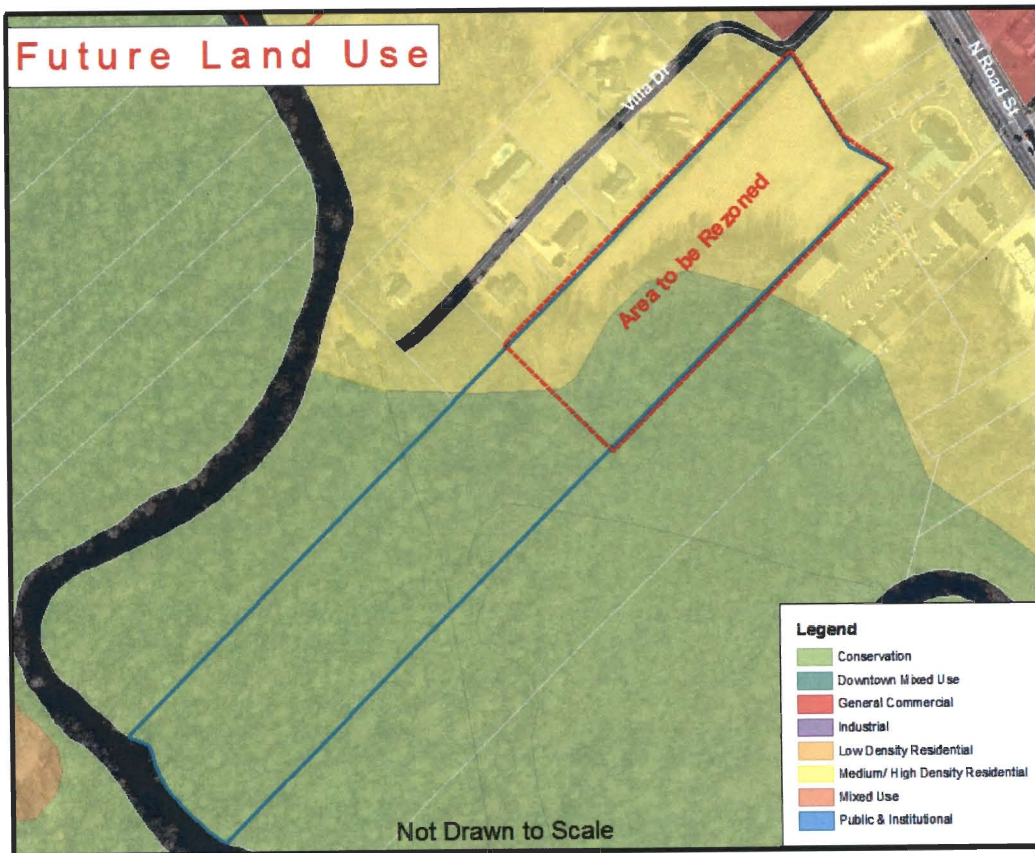
The Joint Pasquotank County and Elizabeth City Land Use Plan and Future Land Use Map (FLUM) classifies the front portion of the site as Medium/High Density Residential while the back, wooded portion is classified as Conservation/Open Space.

The Medium/High Density Residential classification is intended to delineate lands where the predominant land use is higher density single-family residential developments and/or multifamily development. Land uses within the Medium/High Density Residential areas are generally compatible with the Residential and Apartment zoning districts. Cluster development is encouraged for this land use. Incompatible land uses would include industrial and commercial uses with the exception of neighborhood commercial uses.

Conservation/Open Space areas are scattered throughout the Elizabeth City jurisdiction and include parks, coastal wetlands, estuarine waters, estuarine shoreline, public trust waters and non-coastal '404' wetlands. The standards of the Conservation/Open Space shall be applied in accordance with the site-specific information determined through special studies and/or the land development process. Much of the land in this classification is environmentally sensitive and would be protected through existing federal, state and local regulations. The Conservation/Open Space classification is intended to provide a long-term management and protection of significant, limited, or irreplaceable areas and open space. Land development, except extremely low-density residential development, open space, and park facilities, is not desired, nor expected to develop.

The proposed rezoning is generally inconsistent with the land uses designated in the FLUM; however, since commercial development is prevalent along this portion of the N Road Street corridor, a General Commercial designation would be more appropriate for the rezoning request. As such, if the rezoning request is approved, an amendment to the FLUM is recommended to ensure compatibility between current land uses and zoning and the future land uses proposed.

*—Report Continues on Next Page—*



### **Public Utilities**

Public utility service, including water and sewer, is available to the subject property via water and sewer in the N Road Street right-of-way.

### **Transportation**

Access to the subject property is via N Road Street which is considered a radial thoroughfare in the Elizabeth City Thoroughfare Plan adopted in January 1997. A radial thoroughfare is designed to provide for traffic movements between points in outlying areas and the central business district. The right-of-way for this section of N Road Street is approximately 90 feet.

### **Planning Commission Summary and Recommendations**

The rezoning request was heard by the Planning Commission on May 5, 2015. Mr. Owens, representing the applicant (Northeastern Professional Associates, Inc.) advised the Commission that Northeastern Professional Associates do intend to purchase the property from the current property owners, contingent upon the approval of the rezoning request. As previously mentioned, Ms. Judith Edwards and Mr. James Hurdle do intend to retain a portion of the site, approximately 0.8 acres, that lies directly behind their property.

In response to Commission members' questions, Mr. Owens advised that he had discussed the future need of medical offices with the staff of Sentara Albemarle Hospital; however, no concrete plans were made as the hospital is in the process of creating a Strategic Action Plan. When asked if he had done any research into the need for a retention pond on site, Mr. Owens advised that he had not as they do not plan to develop in the near future. He did state that he was aware that the standards for retention ponds and stormwater management have become more stringent since the medical offices were constructed.

Several residents of the Villa Acres neighborhood attended the meeting to address their concerns with flooding in the area. Due to the floodway running adjacent to Knobbs Creek flooding is a major issue for the residents of Villa Acres, especially for the residents towards the back of the neighborhood. While none of the citizens objected to the rezoning, they wanted to ensure that any future development would not increase flooding on their properties. Staff advised that any proposed development would be required to meet local and state regulations in terms of stormwater management prior to receiving approval by the Technical Review Committee. This would include an on-site retention pond designed to handle a 25-year storm event.

One recommendation made by the Commission to Mr. Owens was to limit the amount of land to be rezoned to only that which is able to be developed. Mr. Owens did not have an issue with this suggestion and agreed to amend his request.





**Staff Summary and Recommendations**

When making a determination as to whether to approve or deny a rezoning request, Staff considers the area’s zoning pattern, adjacent land uses, the joint Pasquotank County and Elizabeth City Land Use Plan (LUP) as well as the impact on City infrastructure including roads and utilities. Staff also takes into account the impact the rezoning will have on adjacent property owners.

The property currently abuts a variety of commercial and residential uses and the greater area along the N Road Street corridor is fairly evenly split between residential and nonresidential uses. Staff is of the opinion the requested rezoning is consistent with the current commercial and institutional development along N Road Street but contradicted by the Land Use Plan. Given the current commercial development adjacent to the subject property, which is also classified as Medium/High Density Residential, Staff believes a map amendment would be necessary if the rezoning is approved to ensure compatibility between zoning patterns, current land uses and future land use recommendations. Given that the rear portion of the property is located within a floodway and thus unable to be developed, Staff does not anticipate any major negative impacts on the surrounding residential properties. As such Staff recommends **APPROVAL** of the rezoning request with one condition that should the request be approved by both Planning Commission and City Council an amendment to the Future Land Use Map be required.