



MEMORANDUM

TO: City Council

FROM : Rich Olson, City Manager

DATE: May 28, 2013

REF: RZ 01-13 Call a public hearing to rezone the Brite property located on the Halstead Boulevard Extension from Residential R-15 to General Business (GB), Highway Business (HB), and Residential R-8

PREPARED BY: June C. Brooks, Planning & Community Development

Background:

This request is for City Council to Call a Public Hearing on June 10, 2013 for RZ 01-13. Miles and Barbara Brite requests to rezone their 162± acre tract located on the north and south sides of Halstead Boulevard Extension.

Analysis:

The Brite's request to rezone approximately 66 acres of the tract to General Business (GB), 45 areas to Highway Business (HB), and approximately 50 acres to residential R-8. It is envisioned that the commercial portions of the site will be developed with uses such as restaurants, unique shops, small shopping centers, business and services for daily conveniences while the residential portion will provide housing which will support the commercial development along the Halstead Corridor. It was noted that there was no mention of intermingling the commercial and residential uses.

Staff met with the applicant and suggested that they consider the Conditional Zoning option for the site. Since the Conditional zoning is not appropriate for sites without firm development plans, this zoning was not appropriate due to the lack of future plans.

The Halstead Boulevard Extension Corridor Overlay District was created to develop an efficient and attractive gateway into Elizabeth City. The vision was to create a mix of uses and not a highway developed with strip shopping centers

along its entire length. This rezoning request does not promote that vision and is not consistent with the Pasquotank County and Elizabeth City joint land use plan. As requested this application adds additional commercial zoning between the commercial nodes of the Highway 17 By-Pass to the west and City Center West to the east. For this reason, planning staff recommended denial of the rezoning application.

The Planning Commission considered this application at their regularly scheduled meeting on April 2, 2013. At the meeting the applicant requested to amend their application to change the requested Residential R-15 zoning to the Residential R-8 zoning. The Planning Commission did not agree with staff and recommended approval of this rezoning request.

The Staff analysis is attached for more information.

Recommendation:

Call for a public hearing to consider rezoning application RZ 01-13 at your June 10, 2013 meeting.

STAFF ANALYSIS

CASE NO.
RZ 01-13

MEETING DATE
April 2, 2013

DESCRIPTION/LOCATION

The 162± acre tract is located adjacent to the Halstead Boulevard Extension, contiguous to the eastern portion of Stockbridge at Tanglewood. The west end of the tract is approximately 1,700' east of the Mount Everest Drive South intersection. This site is located within the Halstead Overlay District and is outside of the City limits and the City's extraterritorial jurisdiction (ETJ).

PARCEL INFORMATION

Tax Map P88, Parcels 3A and 104

OWNER

Miles J. & Barbara Brite
820 Sun Gro Drive
Elizabeth City, NC 27909

APPLICANT

Hyman & Robey, PC
PO Box 339
Camden, NC, 27921

EXISTING ZONING

County Agriculture (A-1)

PROPOSED ZONING

General Business (GB), Highway Business (HB) and Residential (R-15)

FLOOD PLAIN

The property is located outside the 100 year flood zone

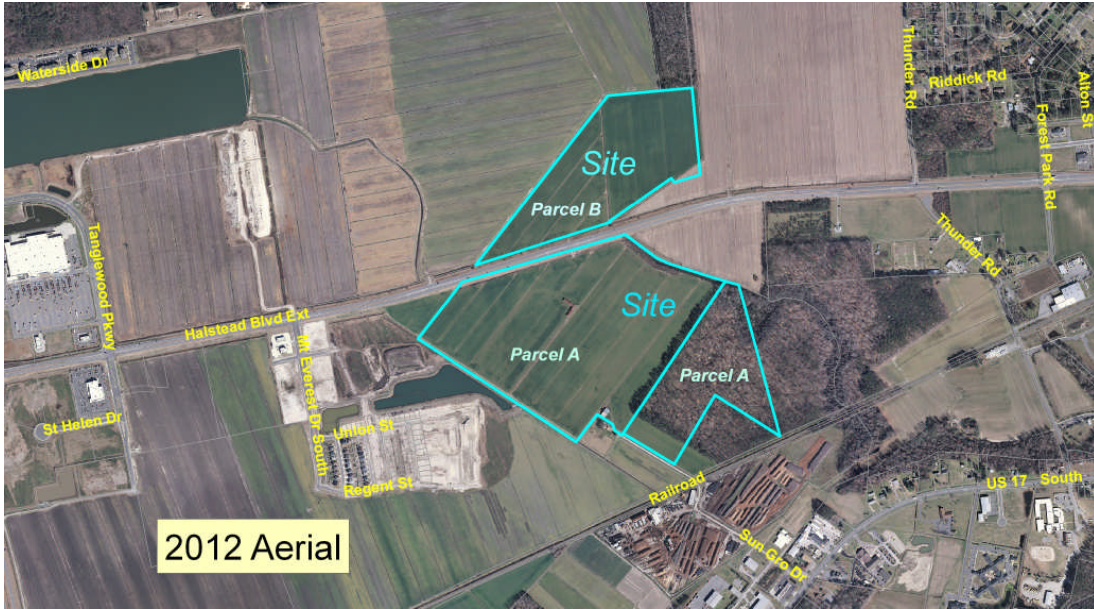
ADJACENT ZONING & LAND USE

North: Residential (R15), Apartment District (AD) & Industrial (I-2) - Cropland
South: Residential (R-8) & Agricultural (County A-1) –Future single family residential lots in Stockbridge at Tanglewood, crop and woodlands
East: Agricultural (County A-1), General Business (GB), Highway Business (HB) – Crop and woodlands
West: General Business (GB), Residential (R-15 & R-8) – Future commercial and residential lots in Stockbridge at Tanglewood, croplands

ZONING SUMMARY

This property is presently zoned County A-1, Agricultural District and is intended for large open land area with a limited number of permissible uses. The A-1 zoning designation appears to be the original zoning designation assigned to this property by the County at the time the Halstead Overlay and Joint Land Use plans were adopted. Since the property is located outside of the City limits and ETJ, the site will need to be

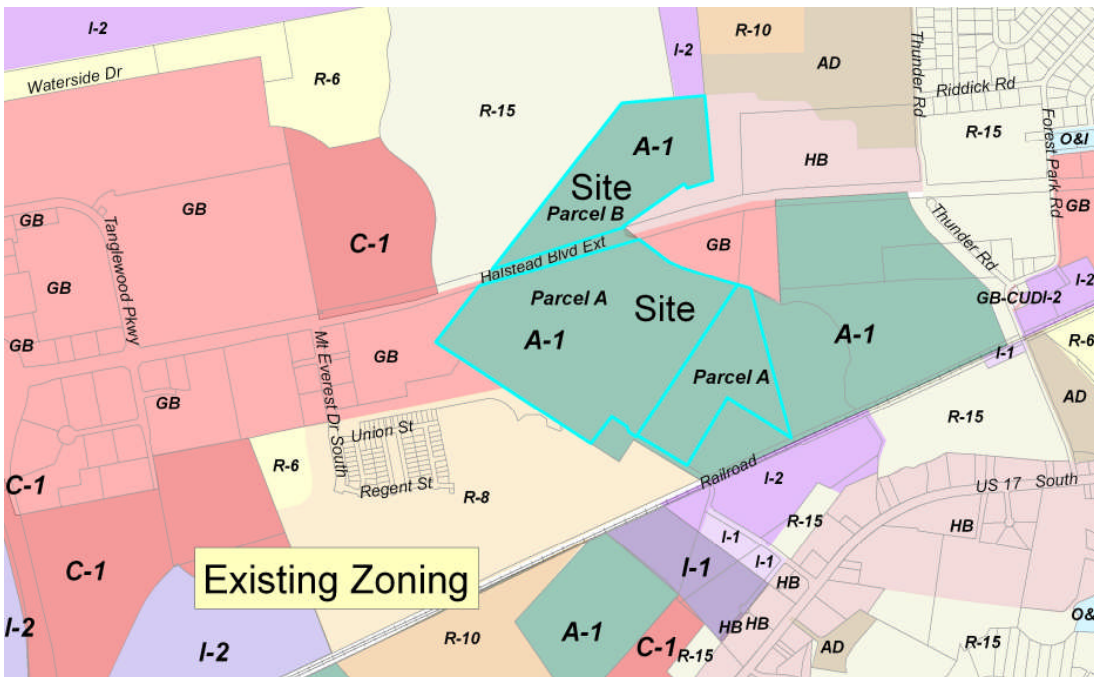
annexed to the City prior to any development.



Existing Zoning Designations

County A-1, Agricultural District – Approximately 162 acres

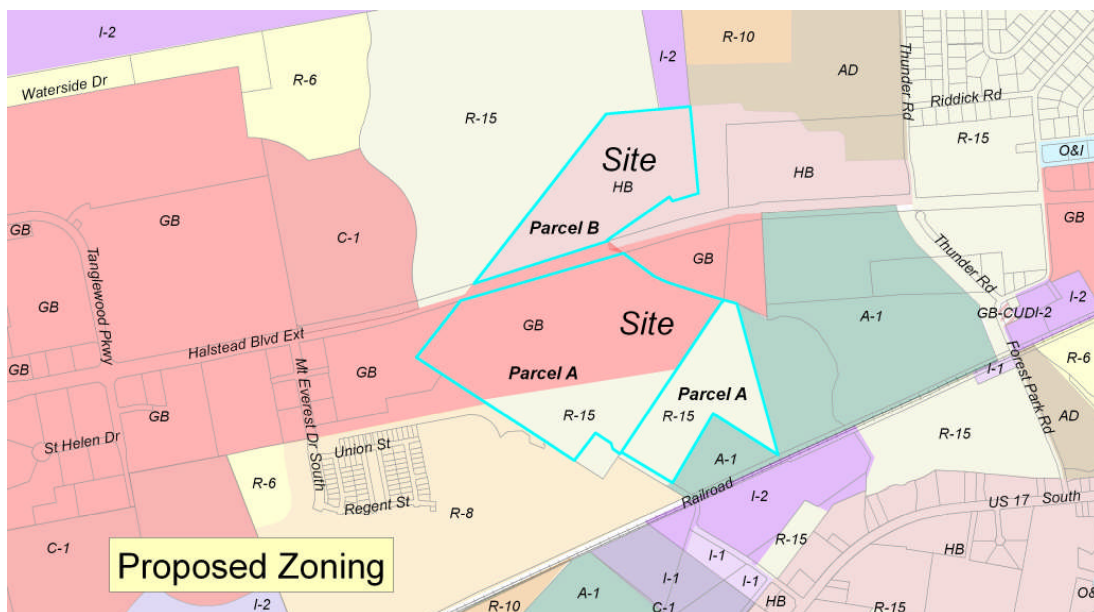
This district is defined as large, open land areas. The regulations are designed to retain the open characteristics of the land. For that reason, the permitted uses are limited in number. Residential development shall be allowed only when division of a tract or parcel of land does not constitute a subdivision as defined on the Pasquotank County Subdivision regulations.



Proposed Zoning Designations

Highway Business District, HB - Approximately 45 acres of the site

The purpose of the Highway Business District (HB) is to accommodate highway oriented retail and commercial service businesses which generally have a large market area. The objective behind this district is to encourage planned commercial and office parks which are accessed from local commercial streets and service drives and discourage the development of small lots along major highways. This district provides locations for major shopping facilities and large commercial lots. Provisions for controlled traffic movement, ample parking and loading, and suitable landscaping are essential since the uses permitted in this district are oriented towards vehicular traffic and are subject to be viewed from the highways. Multifamily development with a maximum density of approximately 10 to 12 dwelling units per gross acre is permitted.



General Business District, GB - Approximately 66 acres of the site

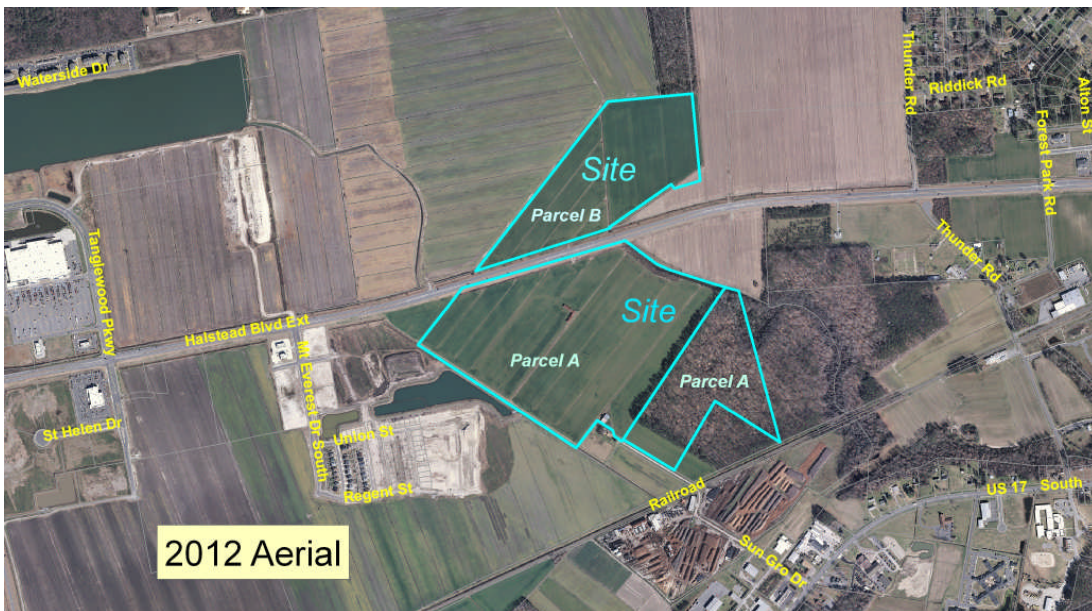
The proposed General Business (GB) provides for a diverse range of land uses including retail, business, professional and personal services, limited wholesale, and multi-family developments. The maximum residential density allowed within the GB District is approximately 10 to 12 multi-family dwelling units per gross acre.

Residential District, R-15 - Approximately 50 acres of the site

The R-15 Residential District is primarily intended to accommodate a variety of low density single-family detached dwellings. 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.

For tracts ten acres, or larger, that are served by public sewer and water, may be developed as cluster developments. The objective of cluster development is to place the single-family detached homes closer together on smaller lots than would be required by the underlying zoning district. The cluster development allows the lots cluster lots to be developed with the R-10 residential district lot sizes and dimensional requirements. The total number of permitted lots shall not exceed the number of lots permitted in the R-15 zoning district. The excess land from the lot size reduction is than placed into a common area as open space. The minimum amount of land required for common area or open space dedication, in excess of the parks and recreation space requirements, is 15% of the total tract area.



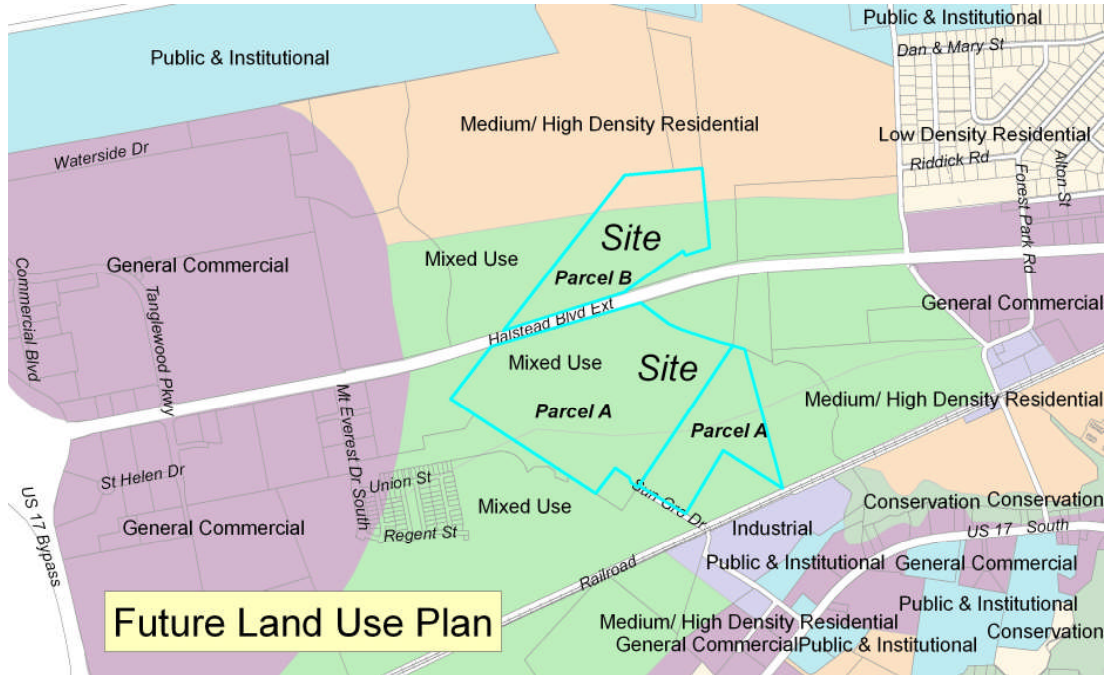
TRANSPORTATION

Access to the property is via Halstead Boulevard Extension. The Elizabeth City Thoroughfare Plan, adopted in June 1996, designated the proposed Halstead Boulevard Connector as a major radial between the southern portion of Elizabeth City and the proposed US 17 Bypass. As a radial street, Halstead Boulevard Extension will provide for traffic movement between points located on the outskirts of the city and the central area of the City. In April 2009 the Albemarle Rural Transportation Planning Organization was advised by NCDOT the Halstead Boulevard Extended was upgraded to a "Minor Arterial" classification.

All newly created streets and sidewalks will be built to NCDOT and Elizabeth City's Design and Construction Standards. There will be interconnectivity with Stockbridge at Tanglewood via a future extension of Patrick Way. The southern portion of the tract, Parcel A, will have two access points to Halstead Boulevard Extension, while the northern portion, Parcel B, will only have one access point to Halstead Boulevard Extension. The parcel may offer a future connectivity to Highway US 17 South via Sun Gro Drive.

PUBLIC UTILITIES

Public sewer and electric services will be provided by the City of Elizabeth City. There is no City water available in the area so the development will be required to connect to the County's water system. The water lines constructed within the development will be City water lines. According to the Public Works Department, the development of this site will require the installation of new wastewater pump stations.



LAND USE PLAN

The joint Elizabeth City & Pasquotank County Draft Land Use Plan (LUP) has the site located within the Halstead Boulevard Corridor Planning area, a.k.a. the Halstead Boulevard Overlay District. The recommended future land use pattern for this planning corridor includes commercial at the intersection of Halstead Boulevard Extension and the US 17 Bypass, with mixed land use, and medium/high density residential uses for the remaining portion. The LUP envisions the creation of design standards for mixed use developments. Due to the undeveloped nature of the overlay area, together with the highway's

restricted access and wide right-of-way, it offers a significant opportunity to establish design guidelines for a creating a grand entranceway into the City.

In the LUP, the majority of site is designated by Pasquotank County as Mixed Use with the northern most portion designated Medium/High Residential. Mixed Use classified areas designate properties that are suitable for multiple land uses in areas where there is no established urban land use pattern, areas that can accommodate traditional and multi-family residential, general commercial, and support institutional land uses or a mixture of these land uses in a single development. The areas identified as Mixed Use are potential growth areas that may develop primarily as one use type or may evolve into multi-use areas. Commercial uses include a variety of retail, wholesale, office, business services, and personal services. Land uses within the Mixed Use-designated areas are generally compatible with commercial, office and institutional, medium to high-density residential and multi-family zoning classifications. Generally, the density of development in the Mixed Use designated areas is projected to average one to three commercial establishments per acre with approximately ten dwelling units per acre. Along the Halstead Boulevard Extension, it is envisioned that these properties will be a mix of single and multi-family uses intermixed with limited office and commercial development. Development of sites for commercial use only is discouraged.

The northern most portion of Parcel B has the Medium/High Density Residential classification. This designation is intended to delineate lands where the predominant land use is higher density single-family residential developments and/or multifamily developments. Cluster development is encouraged for this land use. The residential density in this classification should generally range from approximately four to seven single family homes per acre with the multi-family density ranging from 12 units per acres in the general residential district up to 25 units in the apartment district. Incompatible land uses would include industrial and commercial uses, with the exception of neighborhood commercial uses.

Public water and sewer service are required to support the intense commercial uses and the residential densities in these classifications. Streets with the capacity to accommodate higher traffic volumes are also necessary to support both Mixed Use and Medium/High Density Residential developments.

The proposed General Business (GB) and Highway Business (HB) zonings are not conducive with the Mixed Use land use designation and the vision for the future development of the Halstead Boulevard Corridor. The proposed low

density R-15 Residential is not compatible with the Mixed Use and the Medium/High Residential the land use designations.

PUBLIC SCHOOLS

The Pasquotank-Elizabeth City has been duly notified of the proposed rezoning. No comments have been received.

STAFF COMMENTS and RECOMMENDATION

When making a determination, as to whether to approve or deny a rezoning, Planning 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 roads and City services such as utilities and fire protection. Planning Staff also takes into account the impact the rezoning will have on the adjacent property owners and neighbors.

The site to be rezoned has a total area of approximately 162 acres and is located outside of the City Limits and the ETJ. Currently the majority of the site is used as cropland while the southeastern portion of the site is woodlands. The adjacent properties have similar land uses. The site is outside of the 100 year flood zone.

The proposal is to rezone approximately 162 acres to commercial zoning designations, GB and HB, along Halstead Boulevard Extension and low density residential, R-15 to the south end of the site. The commercial element comprises approximately 70%, approximately 112 acres, of the site with the remaining 30%, or approximately 50 acres, being designated for residential R-15 development. The site is divided by the Halstead Boulevard Extension creating two parcels with the 117 acre Parcel A being located on the south side and Parcel B, approximately 45 acres, located on the north side of Halstead Boulevard Extension.

The western edge of Parcel A abuts the Stockbridge at Tanglewood development. The northern portion of Stockbridge along Halstead Boulevard Extension has a GB designation with a residential designation of R-8 to the south. The proposed GB portion is an extension of the existing GB zoning found at Stockbridge while the R-15 portion is adjacent to land zoned R-8. As proposed, the zoning lacks a step-down approach in the transitioning in land use intensity from the proposed General Business uses to the low density single family development found in the R-15 zoning classification. The western edge of Parcel B abuts land zoned R-15 with HB along the eastern edge. It should be noted that the parcel to the west was rezoned in May of 2005, prior to the adoption of the Halstead Boulevard Extension Overlay District. The proposed

HB zoning is an extension of the existing zoning to the east. The applicant predicts that the commercial areas, GB and HB, will be developed with uses such as restaurants, unique shops, small shopping centers, businesses, and daily conveniences while the R-15 portion will provide housing which will support the commercial development along Halstead Boulevard Extension. It should be noted that there is no mention of intermingling the residential and commercial uses.

Since the inception of the Halstead Boulevard Extension, the City Council was aware of the unique opportunities offered to them and envisioned creating an efficient and attractive gateway into Elizabeth City. Their vision was to create a pleasing visual travel corridor and not a highway developed with a string of strip developments along its length. Council's mission is reflected in the design standards which have been established for the Halstead Boulevard Extension Overlay District.

As noted in the LUP, it is envisioned that the most intensive commercial development patterns be concentrated at the Halstead Boulevard Extension and US 17 Bypass node. The remaining portion of the Halstead Corridor will be developed with lower intensity uses, a mix of single and multi-family uses intermixed with limited office and commercial development. Development of sites for commercial use only is discouraged. The Stockbridge development is located at the outer fringe of the Commercial land use designation.

The LUP states that in order to permit the type of mixed use development envisioned for the Halstead Boulevard Corridor, Elizabeth City may have to prepare amendments to its existing zoning ordinance and subdivision ordinance to establish specific conditions and standards for such development. The Halstead Boulevard Extension Overlay District was established to provide appearance and operational standards for the Halstead Boulevard Corridor. The original intent was that the overlay design would also include ordinance amendments for mixed use developments, signage, landscaping for all uses allowed in the overlay district. The Elizabeth City Council adopted this overlay district in April of 2006 and was the first step in creating comprehensive land use regulations and design standards for the Halstead Corridor. Since the adoption of the LUP, the City has developed and approved the Conditional Zoning classification. Planning staff envisions Conditional Zoning being incorporated in the development of the Halstead Corridor. This zoning district has the highest level of flexibility for the design of a development and is not subject to all of the traditional UDO standards for the general zoning district. The development and use of the site is subject to mutually agreed upon predetermined rules and

standards, regulations or other regulations. Site specific design elements are determined for the development and are written into the zoning change

The proposed General Business (GB) and Highway Business (HB) zonings are not conducive with the Pasquotank County Land Use Plan Mixed Use land use designation and the vision for the future development of the Halstead Boulevard Corridor. The proposed low density R-15 Residential is not compatible with the Mixed Use and the Medium/High Residential the land use designations. In addition, staff does not support the addition of approximately 112 areas of commercial zoned land to the Halstead Corridor without knowing what type of development will occur and if the development will be what is envisioned for the area. Currently there is approximately 490 acres of land with the GB and HB zoning designations in the Halstead Overlay District. To date, only approximately 40 acres of this land have been developed, this equate to 9.8 percent. This rezoning request would be 23 percent increase in the amount of commercial property located in the Halstead Boulevard Extension Overlay, bringing the total acreage to approximately 590. Currently there is approximately 1,630 acres of land zoned GB and HB within the City limit's of which approximately 30 percent is located in the Halstead Corridor.

Staff has met with the applicant and suggested that they consider the Conditional Zoning option. As proposed, staff is of the opinion that the proposed zoning is not appropriate for the area and recommends **DENIAL** of this application.

STAFF CONTACT

Cheryl Eggar

ceggar@cityofec.com

At the Planning Commission meeting on April 2, 2013, the applicant requested to amend their application to change the requested Residential R-15 zoning to the Residential R-8 zoning.