



# MEMORANDUM

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**TO:** Mayor and City Councilors

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

**DATE:** January 7, 2016

**REF:** Consideration-Call for a public hearing on RZ 02-15 filed by Mark Gregory of MaSuKi, Inc. to rezone approximately 21.265 acres from Residential R-15 to Apartment District (AD). The property is located on the southwest side of Halstead Boulevard abutting Millbrooke Circle and Body Road. (PINs 891303431311, 891303420383, and a portion (14.193 acres) of PIN 891303326681)

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***BACKGROUND:***

This request is for the City Council to call for a Public Hearing on January 25, 2016 at 7:30 p.m. to gather public input on RZ 02-15. MaSuKi Inc., (Mark Gregory) requests to rezone approximately 21.265 acres of the above referenced parcels from Residential R-15 to Apartment District (AD). The applicant is further requesting to annex 16.022 acres of the total 21.265 acres into the City Limits.

***ANALYSIS:***

The applicant intends to purchase the aforementioned properties from its current owners, JACQUE S. PAGELS, TRUSTEE OF THE RALPH O. DAVIS TESTAMENTARY TRUST, ELIZABETH L. STALLINGS, TRUSTEE OF THE RALPH O. DAVIS TESTAMENTARY TRUST, AND ET AL. It is the applicant's intention to utilize the property to develop an apartment complex consisting of 216 market-value units, a club house, swimming pool, exercise room, business center, playground, dog walk, walking trail and picnic area. Once the annexation and rezoning are approved, the applicant will submit a site plan for review process.

The application was reviewed by the Planning Commission during their meeting on December 16, 2015. One resident of the adjacent Millbrooke neighborhood expressed concerns about increased traffic volumes and impacts to property values. The Planning Commission considered the proposed rezoning request for compatibility of the surrounding mixed land uses and found that the proposed rezoning request would be in harmony with the area. The Planning Commission voted in favor of the AD-Apartment District rezoning request contingent upon annexation by the City Council.

***STAFF RECOMMENDATION:***

By motion, call for a Public Hearing to be held on Monday, January 25, 2016 at 7:30 p.m. in Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue to gather citizen input regarding rezoning request RZ 02-15.



**Case No.**

RZ 02-15

**Description/Location**

The 21.265 acre tract is located southeast of the intersection of Halstead Boulevard and Millbrooke Circle. The tract is comprised of three parcels, one of which is within the City Limits.

**Parcel Information**

Parcel Identification Number 891303431311, Tax Map P90-29-2;  
Parcel Identification Number 89130420383, Tax Map P90-29-1;  
Portion of Parcel 891303326681, Tax Map P90-29C

**Owner**

Jacque S. Pagels, Executive  
268 Ainsley Road  
Herford, NC 27944

**Applicant**

MaSuKi, Inc.  
P.O. Box 374  
Camden, NC 27921

**Existing Zoning**

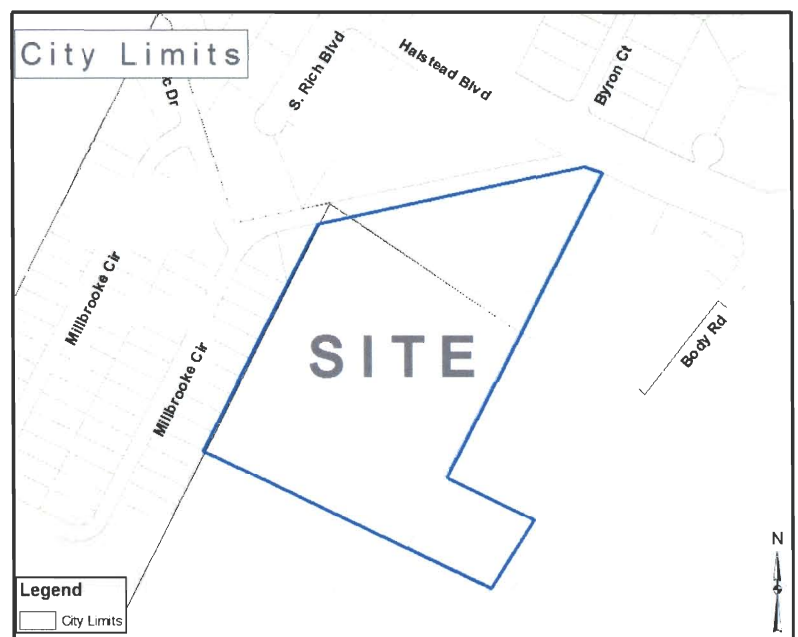
R-15 Residential (R-15)

**Proposed Zoning**

Apartment District (AD)

**Floodplain**

The site is located within the 100 year floodplain.





**Adjacent Zoning & Land Use**

North: General Business and Highway Business; car dealership, gas station, restaurant

South: R-15 Residential; vacant properties

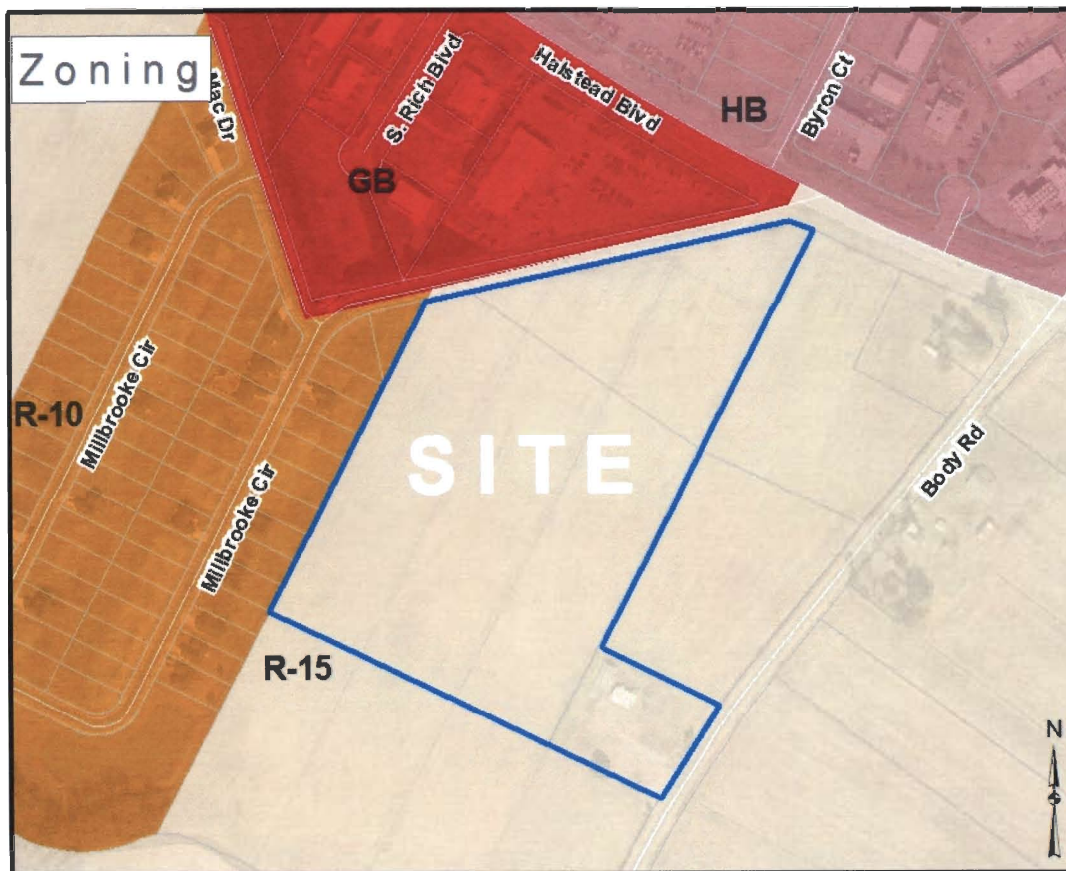
East: R-15 Residential; single-family residential, vacant properties

West: R-10 Residential and General Business; single-family residential, car dealership

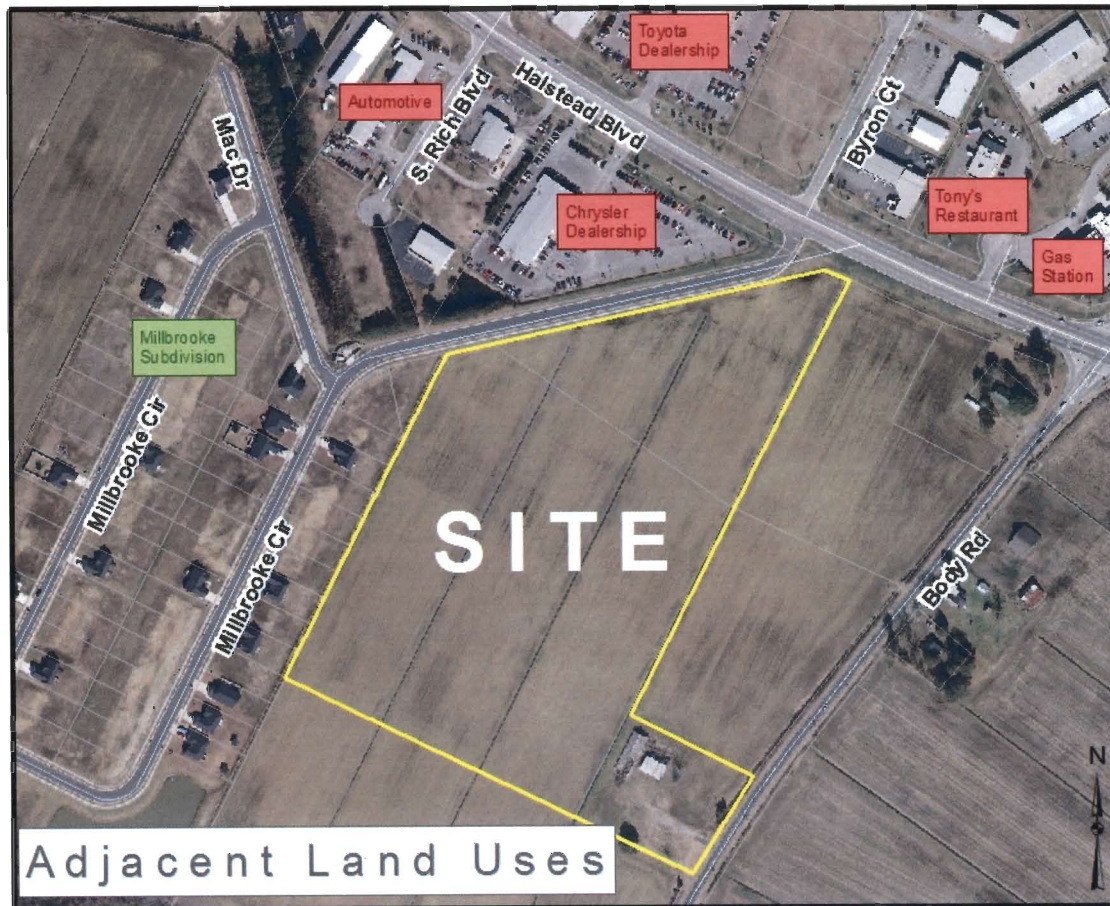
**Zoning Summary**

**Existing—R-15 Residential District**

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 in this district.



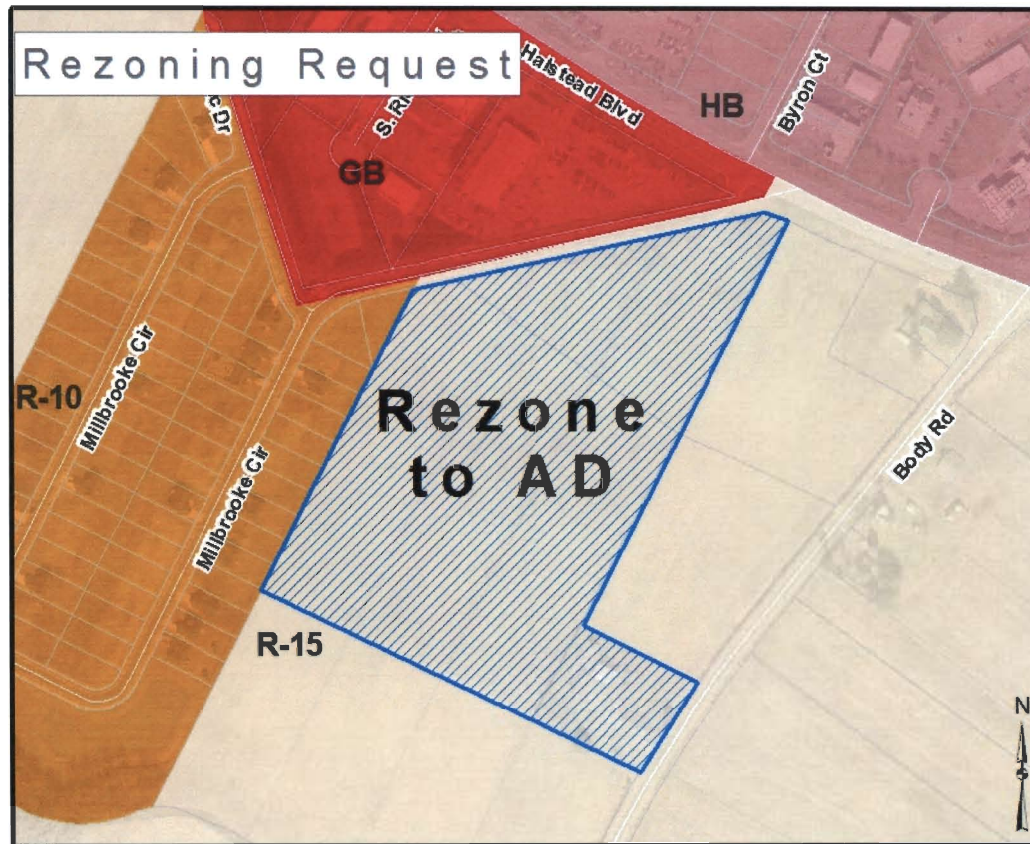




### Proposed—AD Apartment District

The AD Apartment District is primarily intended to accommodate a variety of high density single-family detached dwellings, modular homes, two-family dwellings, and multi-family dwellings. Maximum densities within the AD District include approximately 7 dwelling units per gross acre for single-family detached dwellings, 9 dwelling units per gross acre for two-family residences, and 20 to 22 multi-family dwelling units per gross acre. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the high density residential character of the AD District.

Some of the permitted uses with the Apartment District zoning classification include: multifamily dwellings (subject to development standards), duplex, single-family detached dwelling, public park or recreational facility (subject to development standards), and a church (with the issuance of a special use permit). A complete list of permitted uses is included with this report.



### **Transportation**

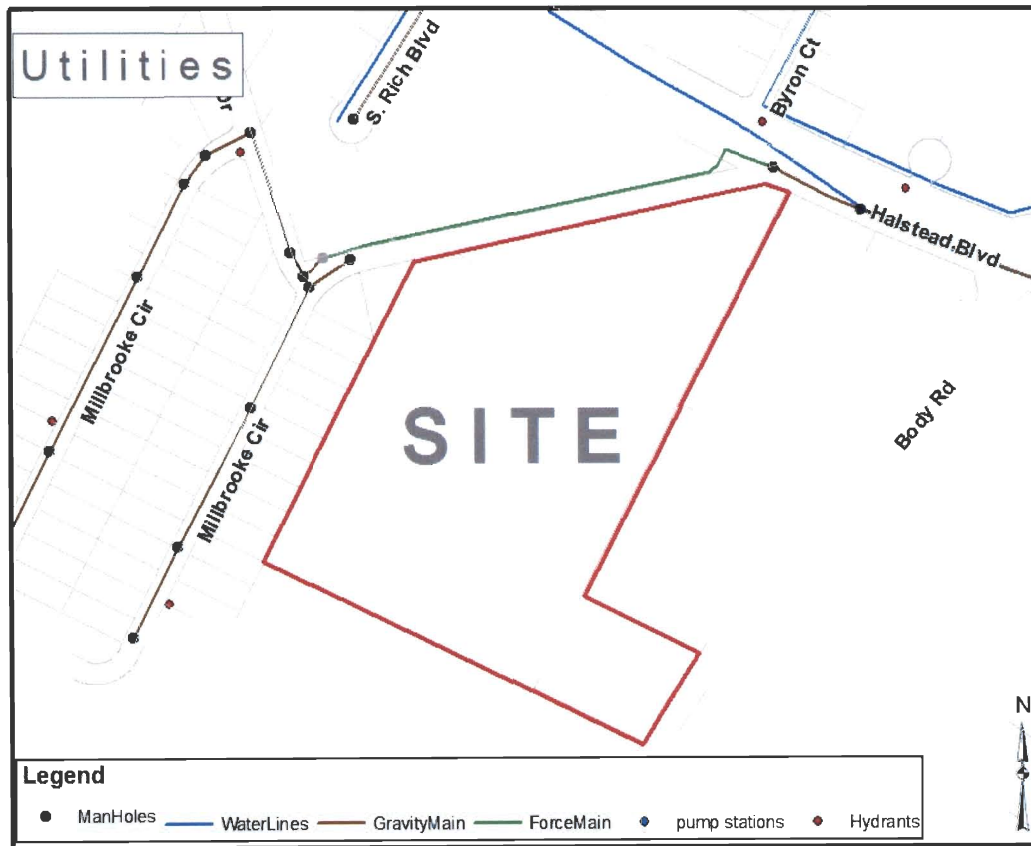
Access to the property is via Halstead Boulevard, Milbrooke Circle and Body Road. The Elizabeth City Thoroughfare Plan adopted in 1996 classifies Halstead Boulevard as a major thoroughfare, more specifically, a loop facility intended to handle traffic between outlying areas and act as a connector between radials. Halstead Boulevard is the primary loop for the southern part of the area. It connects major radials with each other and with U.S. 17.

Although Milbrooke Circle was not constructed when the Thoroughfare Plan was adopted, it would, by definition, be considered a local access street designed to provide access to an abutting property. Such streets are not intended to carry heavy volumes of traffic and should be located such that only traffic with origins and destinations on the streets could be served.

### **Public Utilities**

City water, sewer, and electric are available to the subject property.





### Land Use Plan

The Joint Elizabeth City and Pasquotank County Land Use Plan (LUP) classifies this tract as primarily low density residential with a small section of general commercial at the northern end of the tract closest to Halstead Boulevard.

The Low Density Residential Classification is intended to delineate lands where the predominate land use is low density detached residences. The residential density within this classification is generally two to four dwelling units per acre. The maximum building height will be approximately three to four stories with a maximum lot coverage ranging from approximately 50% to 80%. Single-family detached residences and manufactured homes on individual lots are the predominant types of dwellings within these areas. Land uses within the Low Density Residential are compatible with the Residential zoning designation. Commercial and industrial land uses are considered incompatible with this land use classification.

The City's goals and policies support the continued use of land in Low Density classified areas for low density dwellings and for public and institutional uses that support and are compatible with this type of residential development. Generally, non-residential density is anticipated to average one public or institutional use per five acres. Future development is projected to be no more than five dwelling units per acre. As the City core expands and



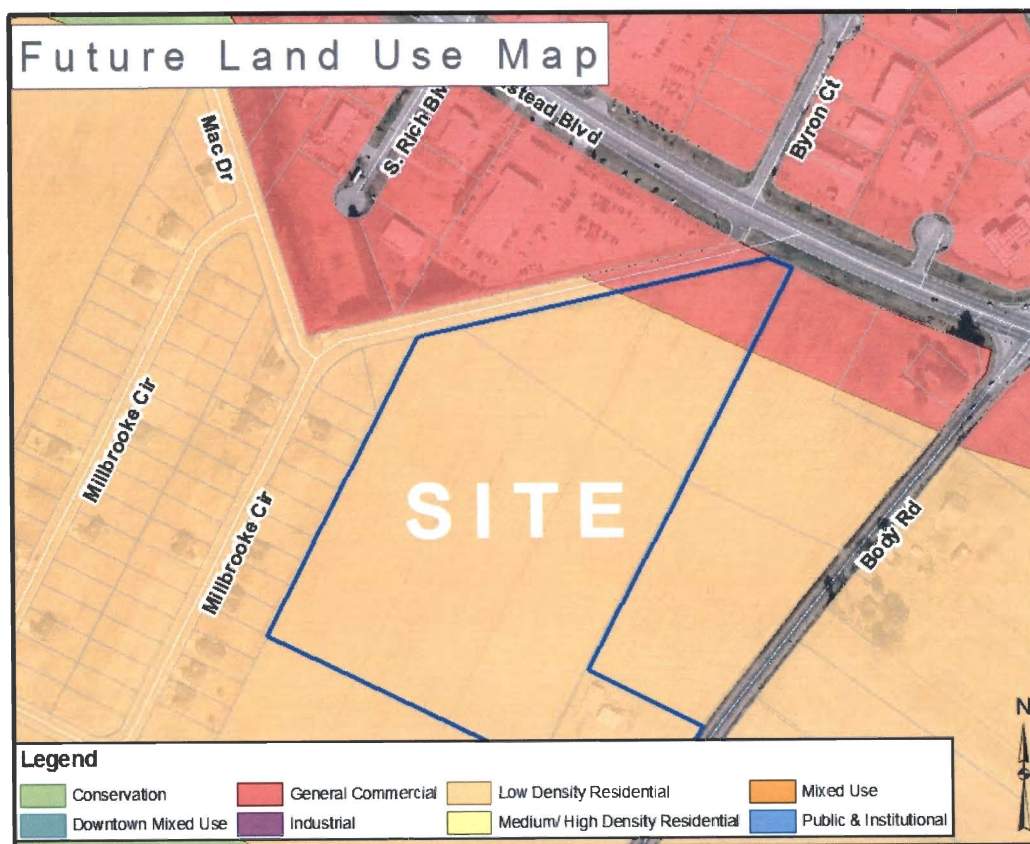
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public utilities become accessible, some areas adjacent to more intense land uses may transition into a medium/high density residential land use and density over time. If public sanitary sewer is available, cluster development is encouraged in this designation.

The properties classified as General Commercial are located primarily along major road corridors including US Highway 17 Business, Hughes Boulevard, Ehringhaus Street, and Halstead Boulevard. The General Commercial classification is intended to delineate lands that can accommodate a wide range of retail, wholesale, office, business services, and personal services. Areas classified as General Commercial may also include some multi-family uses, heavy commercial uses, light manufacturing and warehousing uses as well as intensive public and institutional land uses. Generally, the density of commercial development is projected to average one commercial establishment per acre with a multi-family density of approximately 12 to 30 units per acre.

Land uses within the Commercial designated areas are generally compatible with the Business and Office and Institutional zoning districts. Incompatible land uses would be mobile home developments, low and mid density single family, and heavy industrial uses.

Zoning classifications are considered conditionally consistent with the Future Land Use Map (FLUM) categories when the uses or intensity of development permitted in the Zoning Classification would, under prescribed conditions and safeguards, be compatible with the uses anticipated in the FLUM category.







### **Staff Comments & Recommendations**

When making a determination, to approve or deny a rezoning, Planning Staff considers the area's zoning pattern, adjacent land uses, the Joint Elizabeth City and Pasquotank County 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 is approximately 21 acres, the majority of which lies outside the City Limits. The site is currently vacant and lies adjacent to the Millbrooke Subdivision and the Carolina Chrysler Dealership. There are currently a mix of uses within the general vicinity; including, vacant land, single-family residences, two automotive dealerships, several automotive parts and repair shops, a gas station, restaurant, and other general commercial uses. The site is just south of Halstead Boulevard, which is considered a major thoroughfare of the City.

As mentioned in the report above, the site is currently zoned R-15 Residential and the applicant is requesting to rezone the property to the Apartment District designation. The applicant intends to develop an apartment complex on-site consisting of 216 units with various community amenities including a pool, business center, gym, playground, dog walk, walking trail and picnic area. Staff reminds the Commission to consider all allowable uses within the Apartment District zoning classification when considering this request. The proposed apartment complex will be subject to additional review by the Technical Review Committee after a formal site plan is received by the Planning Department. Staff does note that a landscape buffer will be required between the apartment complex (if approved) and all single-family residential uses or zones. This site also abuts MilBrooke Circle, Halstead Boulevard and Body Road which will offer multiple means of ingress and egress to the site.

The Land Use Plan states that as the City core expands and public utilities become accessible, some areas adjacent to more intense land uses may transition into a medium/high density residential land use and density over time. The Medium/High Density Residential land use is considered generally consistent with the Apartment District zoning category.

The applicant has met with City Staff from various departments regarding the rezoning and satisfactorily conducted all necessary due diligence prior to submitting the request,



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including conducting a stormwater study on the site. As such, Staff recommends ***APPROVAL*** of the request as presented.



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Use Type	SIC	R-15	AD
<b>AGRICULTURAL USES</b>			
Agricultural Production (crops)	0100	Z	
Agricultural Production (livestock), except Animal Feeder/Breeder Operations	0200	Z	
Animal Aquaculture	0273	Z	
Animal Feeder/Breeder Operation	0000		
Fish Hatchery	0920	Z	
Forestry	0810		
<b>MINING USES</b>			
Mining, Quarrying, Sand Pits, and Mineral Extraction	1000		
<b>RESIDENTIAL USES</b>			
Bed and Breakfast	7011	S	D
Boarding and Rooming House	7021	S	S
Congregate Care Facility	0000		
Family Care Home	0000	Z	Z
Group Care Facility	0000		S
Homeless Shelter	0000	S	
Manufactured Home Park	0000		
Manufactured Home, Class A	0000		
Manufactured Home, Class B	0000		
Manufactured Home, Class C	0000		
Modular Home	0000	Z	Z
Multifamily Dwelling (including condominium)	0000		D
Planned Unit Development	0000		
Single-Family Detached Dwelling	0000	Z	Z
Temporary Shelter	0000		C
Townhouse Dwelling	0000		D
Two-Family Conversion	0000		D
Two-Family Dwelling (duplex)	0000		Z
<b>ACCESSORY USES AND STRUCTURES</b>			
Accessory Dwelling Unit	0000	D	D
Accessory Uses and Structures (customary)	0000	Z	Z
Caretaker Dwelling	0000	D	D
	Ref.		
Use Type	SIC		AD
<b>ACCESSORY USES AND STRUCTURES (cont.)</b>			
Communication Tower Under 60' in Height	0000	D	
Emergency Shelter	0000	Z	Z
Home Occupation	0000	D	D
Portable On-Demand Storage Containers ("POD")	0000	Z	Z
Satellite Dish Antenna	0000	D	D
Swimming Pool	0000	D	D
<b>RECREATIONAL USES</b>			





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Amusement or Water Parks, Fairgrounds	7996	C	
Athletic Fields	0000		C
Auditorium, Coliseum or Stadium	0000		
Batting Cages	7999		
Billiard Parlor	7999		
Bingo Games	7999		
Bowling Center	7933		
Club	8640	S	S
Coin-Operated Amusement, except Adult Arcade	7993		
Country Club with Golf Course	7997	S	S
Dance School, Music Instruction	7911		
Fortune Tellers, Astrologers	7999		
Go-Cart Raceway	7999		
Golf Course	7992	S	S
Golf Course, Miniature	7999		
Golf Driving Range	7999		
Physical Fitness Center	7991		
Internet Sweepstakes Café/Electronic Gaming			
Private Campground/RV Park	7033	S	
Private Club or Recreation Facility, Other	7997	S	
Public Park or Recreational Facility, Other	7990	D	D
Race Track Operation	7948		
Riding Academy	7999	D	
Shooting Range, Indoor	7999		
Shooting Range, Outdoor	7999		
Skating Rink	7999		
Sports and Recreation Club, Indoor	7997		
	Ref.		
<b>Use Type</b>	SIC		AD
<b>RECREATIONAL USES (cont.)</b>			
Swim and Tennis Club	7997	S	S
<b>EDUCATIONAL AND INSTITUTIONAL USES</b>			
Ambulance Service	4119		
Cemetery or Mausoleum	0000	S	
Cemetery or Mausoleum on Same Property as Church	0000	S	S
Church or Other Place of Worship	8661	S	S
College, University, Technical Institute	8220		
Correctional Institution	9223		
Day Care Center, Adult and Child	8322	D	D
Fire Station/Emergency Medical Service	9224	C	C
Government Office	9000	C	C
Hospital	8062		
Library	8231	D	D
Museum or Art Gallery	8412		



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National Guard /Military Reserve Center	0000		
Nursing and Convalescent Home	8050	S	S
Orphanage	8361	S	
Police Station	9221	Z	Z
Post Office	0000		
Psychiatric Hospital	8063		
Retreat Center	0000	S	
School Administration Facility	9411		
School, Elementary or Secondary	8211	C	C
Blacksmith	7699	Z	
Kennels or Pet Grooming	0752	D	
Landscape and Horticultural Services	0780	Z	
Pet Cemetery/Cremation	6553	S	
Taxidermist	7699	Z	
Veterinary Clinic	0742	D	
Animal Shelter	0752	S	
Horse Shows	7999	D	
Outdoor Fruit & Vegetable Markets	5431	Z	