



# MEMORANDUM

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**TO:** Mayor and Members of the City Council

**FROM:** Reginald Goodson, Interim City Manager  
Dylan Lloyd, Planner II

**DATE:** January 10, 2025

**RE:** Consideration - Call for a Public Hearing- CASE NO: RZ 01-25

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***BACKGROUND:***

On January 7, 2024, the Elizabeth City Planning Commission voted unanimously to request that the City Council approve a partial rezoning of 42.8 acres of Parcel #8903158669 located at 00000 Halstead Blvd from General Business (GB) to Residential 8 (R-8). Staff is requesting the Council Call for a Public Hearing on this matter during the January 13<sup>th</sup> Regular Session for consideration on January 27, 2025.

***ANALYSIS:***

This property is currently in use as agricultural land and has a split-zoning designation. The General Business portion of the property starts along the highway and extends back approximately 1,170 feet; however, the remainder of back section is zoned as R-8. Enlarging the R-8 zoning section by 42 acres would allow a similar density as the Stockbridge Subdivision to the west. This neighboring project contains 425 lots with three and four-bedroom homes. Assuming a split between three and four bed single-family units, there could be a maximum build-out of 210 units with 756 people. This would also necessitate 1.89 acres of Parks and Recreation space according to UDO Article 10-7.16.

Staff recommends **Approval** of the request as presented, which will require a public hearing and adoption of the following consistency statement:

**Consistency Statement**

"The City Council of the City of Elizabeth City approves the rezoning from I-2 to AD as fostering growth for economic vitality and preservation and repurposing of historic structures are consistent with the Elizabeth City Future Land Use Plan."

***STAFF RECOMMENDATION:***

By motion, call for a public hearing to be held on January 27, 2025 during the City Council's 7:00 p.m. Regular Session to consider RZ 01-25, a partial rezoning of 42.8 acres of parcel #8903158669 located at 00000 Halstead Boulevard from General Business (GB) to Residential 8 (R-8).



CITY OF ELIZABETH CITY  
DEVELOPMENT SERVICES DEPARTMENT

PLANNING COMMISSION  
REZONING REQUEST  
STAFF ANALYSIS

**CASE NO.**  
RZ-01-25

**MEETING DATE**  
January 7th, 2025

**DESCRIPTION / LOCATION**

This parcel is an 83.9-acre vacant lot situated on the south side of Halstead Blvd approximately 0.25 miles east of Mt Everest Way

**PARCEL INFORMATION**

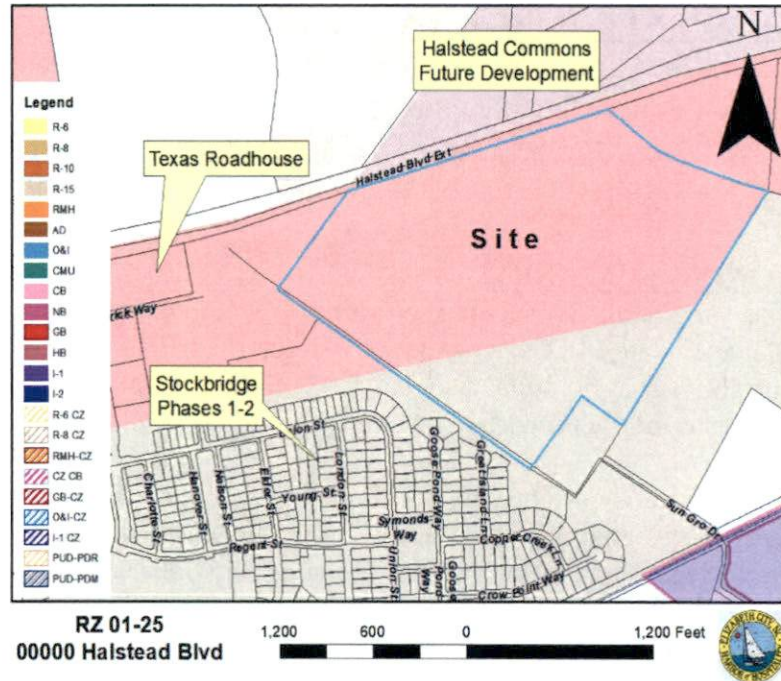
Parcel ID 8903 158669  
Tax Map P88-3A  
Deed Book 1239 PG 928

**OWNER**

Sunnyside Management, LLC  
2968 Frying Pan Rd  
Columbia, NC 27925

**APPLICANT**

Sam Davis  
501 Continental Drive  
Elizabeth City, NC 27909



**REZONING REQUEST**

The applicant is requesting a partial rezoning from the current zoning status of General Business (GB) to Residential (R8) for a 42.8 acre portion of the 83.9 acre parcel.

**EXISTING ZONING**

*GB- General Business*

The GB General Business District is primarily intended to accommodate a wide range of businesses, professional services and retail, including offices and limited wholesale.

**PROPOSED ZONING**

*R-8 Medium Density Residential*

The R-8 District is intended to suit medium density residential development in the form of single-family homes and two-family homes on minimum sized 8,000 square foot lots. Maximum densities prescribed for this district are 5 units per acre for single family homes and 7 dwelling units per acre for two-family homes. The R-8 zoning district also allows educational, recreational, institutional and customary accessory uses.



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**ADJACENT ZONING & LAND USE**

North: General Business (GB) – Halstead Commons (currently vacant)

South: Residential (R-8) – Stockbridge Subdivision Phase 2

West: General Business (GB) – Texas Roadhouse restaurant

East: General Business (GB) & Residential (R-8) – Agricultural Lands

**ZONING SUMMARY**

The Applicant is seeking a partial rezoning on behalf of the owner, Sunnyside Management, LLC to change 42.8 acres of the property from GB to R-8. The land is currently in agricultural use and free of structures, albeit one dilapidated barn / shed in the center of the property.

While there is currently no conceptual plan for the portion of the property being rezoned, the R-8 designation would allow a similar density as the Stockbridge Subdivision to the west. This neighboring project contains 425 lots with three and four bedroom homes. Assuming a split between three and four bed single-family units, there could be a maximum build-out of 210 units with 756 people. This would also necessitate 1.89 acres of parks and recreation space according to UDO Article 10-7.16.

The property is currently in use as agricultural land and has a split-zoning designation with General Business starting along the highway and extending back approximately 1,170 feet and the remaining back portion zoned as R-8. To the North and East are currently vacant parcels also used as farmland. To the South and West is the Stockbridge residential subdivision, which is also of an R-8 designation. Also to the west are several emerging businesses along Patrick Way including the Texas Roadhouse, Chipotle and Express Oil & Lube. Patrick way is anticipated to extend eastward across the entirety of the parcel.

**FUTURE LAND USE PLAN**

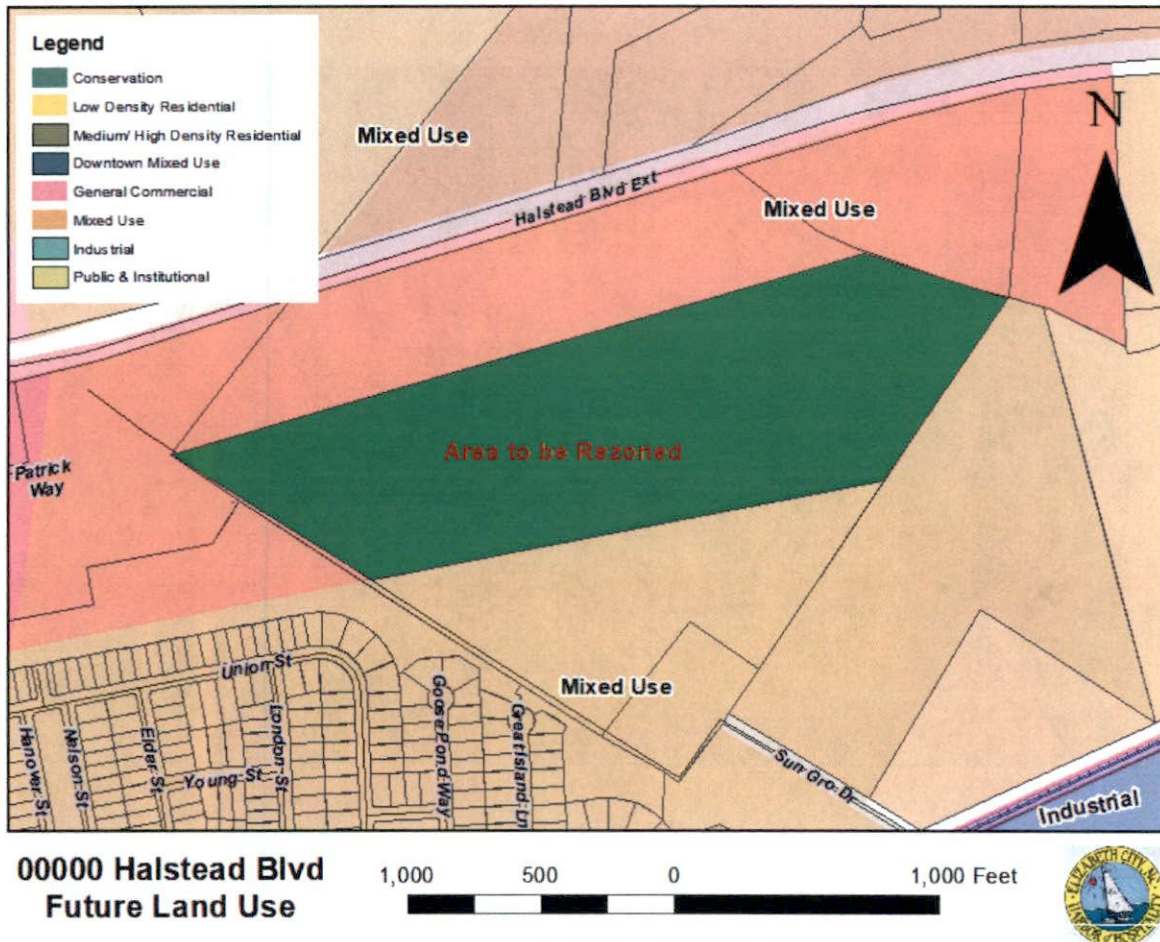
The Joint Elizabeth City and Pasquotank County Land Use Plan (FLUP) has the future land use designation as Mixed Use, which can accommodate residential and commercial use types, as well as office and institutional. This site is in the Halstead Overlay District, which would require any development to adhere to standards set forth in UDO Article 12-10.

The adjacent FLUP use designations show Mixed Use, General Commercial and Medium/High Density Residential surrounding the proposed site. The aforementioned Stockbridge subdivision and a few minor businesses along Patrick Way, including the Texas Roadhouse, are the only existing developments adjacent to the site.



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**FLOOD PLAIN**

The property currently lies within the X Zone of the Flood Insurance Rating Maps. This signifies that there is Minimal Flood Risk or less than a 0.2% probability of flooding on any given year. The highest flood risks nearest the property expand toward the south and southeast approaching the Knobbs Creek watershed, yet dissipate to the south of the property.



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Flood Zones Web App



12/27/2024, 6:35:08 PM

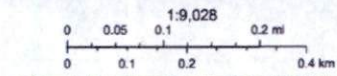
● Addresses2021

□ City Limits

Flood Zones

■ Zone AE - 1% annual chance (100-year) floodplain

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**Table 49 Elizabeth City Future Land Use Plan Compatibility Matrix**  
Consistency Review of Future Land Use Map Designations and Existing Zoning Districts

Zoning District	R-6	R-8	R-10	R-15	AD	RMH	O&I	CB	NB	GB	HB	CMU	I-1	I-2	PUD PDR	PUD PDM		
<b>Unified Development Ordinance Requirements</b>																		
Minimum Lot Size (SF)	6,000	8,000	10,000	15,000	6,000	6,000	None	None	None	None	None	None	None	None	None	None		
Minimum Lot Width	50'	65'	65'	90'	50'	50'	60'	0'	60'	75'	100'	100'	150'	75'	None	None		
Maximum Lot Coverage	50%	None	None	None	None	None	*	*	*	*	*	50%	*	*	None	None		
Maximum Building Height (Ft/Stories)	40**	40**	40**	40**	40**	40**	8 Story	Determined by City Council	None	None	None	3 Story	50'	None	Determined by City Council			
Land Use Designation	Residential (Un#Ac)	Non-Residential (Un#Ac)	Future Land Use Map Classifications (See Section 4.3.2)															
Conservation Open Space	1/5		--	--	--	☑	--	--	--	--	--	--	--	--	--	--		
Low Density Residential	2/1 to 4/1	1/5	✗	✗	▼	☑	✗	▼	▼	--	--	--	--	✗	✗	☑	--	
Medium-High Density Residential	4/1 to 25/1	1/30+	☑	☑	☑	▼	☑	☑	▼	--	▼	--	--	✗	✗	☑	☑	
General Commercial	Up to 30/1	1/1	--	--	--	--	▼	--	☑	☑	☑	☑	☑	▼	✗	☑	☑	
Downtown Mixed Use	50/1	10/1	▼	--	--	--	▼	--	☑	☑	☑	☑	✗	☑	✗	☑	☑	
Mixed Use	Up to 30/1	1 to 3/1	☑	☑	▼	--	☑	✗	☑	--	--	☑	▼		✗	✗	☑	☑
Public & Institutional		1/5	--	--	--	▼	--	--	☑	--	--	--	--	--	--	--	--	--
Industrial	1/2**	1/1-1/5	--	--	--	--	--	--	--	--	--	--	--	☑	☑	--	--	

\* 100% If outside of a watershed protection overlay and if public water and sewer service is available      + Intensity      ++ Non-Industrial Uses      ☑ Generally Consistent      ▼ Conditionally Consistent      ✗ Inconsistent  
 \*\* Bldg. setbacks increase one foot for every foot in height in excess of 40'      -- Not Applicable

**TRANSPORTATION**

Access to the subject property is via Halstead Blvd and a proposed future connection along Patrick Way. Patrick Way is projected to extend from west to east along the entirety of the property.

The 2016 Pasquotank Comprehensive Transportation Plan does give some base data on local traffic. However, since the latest data is from 2016, a new Traffic Impact Study (TIA) would be recommended. The CTP reported a 2015 traffic volume of 15,000 and a capacity of 24,500, indicating a Level of Service (LOS) grade of B. The 2040 traffic volume is predicted to be 19,900 VPD with the capacity remaining at 24500 VPD. This data was collected by pneumatic tubes and vehicle counters along Halstead Blvd Extension located approximately a quarter mile east of the proposed rezoning.

There are currently no sidewalks on the property or connecting at the adjacent parcels. The Halstead Overlay District would require construction of 5' sidewalks along public ROW.

**PUBLIC UTILITIES**



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The City has an 8" water line along the north side of Patrick Way that utilizes county water in respect to an agreement with Pasquotank Utilities. This line would be projected to expand to the site. Gallons per day has not been estimated at this time as a development plan is yet to be proposed. All developments within the Halstead Boulevard Overlay District are currently required to pay into the Halstead Sewer Forcemain Fee which is \$1,122 per acre.

**PUBLIC SCHOOLS**

This project will have no effect on public school capacity or operation.

**STAFF COMMENTS AND CONSISTENCY STATEMENT**

Staff is recommending that the rezoning of this property from GB General Business to (R-8) Medium/High Density Residential be approved as it will not result in increased densities and is consistent with the surrounding area and contiguous properties which are already zoned for uses. Elizabeth City Pasquotank Public Schools has expressed a willingness to accommodate all new students in this area.

The proposed rezoning would have a negligible impact on existing utilities and would not present a burden on Level of Service (LOS) for existing roadways, as this section of Halstead Blvd is at 90% of capacity according to the latest Comprehensive Transportation Plan (CTP). This change in zoning would reflect current changing land use patterns and demands in the surrounding community, as the current rental vacancy rate is at 6%, and would be consistent with overall growth patterns in Elizabeth City, which show an approximate 5.8% population increase in the last decade.

The proposed rezoning is consistent with the recommended zoning of the Future Land Use Plan, as it designates this parcel as Mixed Use. Furthermore, adjacent parcels are already zoned similarly (R-8) and services are in place to handle the amount of units that could be built under this designation.

**ORDINANCE**

**8-2 INITIATION OF AMENDMENTS**

(A) Any person or organization may petition the City Council to amend this Ordinance. The petition shall be filed with the Zoning Administrator and shall include, among the information deemed relevant by the Zoning Administrator:

- (1) The name, address, and phone number of the applicant;
- (2) A metes and bounds description and a scaled map of the land affected by the amendment if a change in zoning district classification is proposed; and
- (3) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this Ordinance.



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(B) Petitions for amendments shall be submitted to the Zoning Administrator 21 days prior to the date of the Planning Commission meeting at which the petition will be reviewed.

**8-3 PLANNING COMMISSION REVIEW AND RECOMMENDATION**

(A) Upon receipt of a petition for an amendment, the Zoning Administrator shall forward the request to the Planning Commission for its consideration.

(B) The Planning Commission shall review the proposed amendment and submit its recommendation to the City Council. The Planning Commission shall have 45 -days within which to submit its recommendation. The Planning Commission shall provide a written recommendation that addresses plan consistency with adopted plans and other matters deemed appropriate by the Commission. Failure of the Planning Commission to submit its recommendation within this time period shall constitute a favorable recommendation. (Section Amended 4/26/2021)

(C) The Planning Commission may, at its discretion, hold a separate public hearing from that held by the City Council. Public hearings held by the Planning Commission need not adhere to the hearing requirements outlined in Section 8-5 for public hearings held by the City Council. The Zoning Administrator shall provide first class mail notice of the Planning Commission meeting to the record owners for tax purposes of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties within 100 feet of the property, excluding street and railroad right-of-ways, proposed to be rezoned by the amendment.