

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
TUESDAY, January 06, 2015
4:00 PM**

MEMBERS PRESENT

Ernest Sutton, Chairman
Sonny DiGirolamo
Suzanne Stallings
Carlton O'Neal
Don Witosky

Also present were June Brooks, Planning Director, Kaitlen Alcock, Planner and Cheryl Eggar, Planner.

Chairman Sutton called the meeting to order and stated that there was a quorum. He asked for a motion to approve the minutes from the October 7th meeting. Mr. DiGirolamo made a motion to **APPROVE** the minutes from the October 7, 2014 meeting. Mr. O'Neal seconded the motion. **ALL IN FAVOR: SUTTON, DIGIROLAMO, STALLINGS, O'NEAL and WITOSKY. NONE OPPOSED. MOTION PASSED.**

Chairman Sutton asked for a motion to approve the agenda for the meeting tonight. Ms. Stallings made a motion to **APPROVE** the January 6th Agenda as presented. Mr. Witosky seconded the motion. **ALL IN FAVOR: SUTTON, DIGIROLAMO, STALLINGS, O'NEAL and WITOKSY. NONE OPPOSED. MOTION PASSED.**

Chairman Sutton: For our new business, we have our first case, SUP 02-14 Special Use Permit filed by Kenneth Wayne Smith for property located at 811 Jones Avenue. This property is zoned Residential (R-8). The applicant is proposing to utilize an existing 900 square foot addition to the home as a bed & breakfast. Chairman Sutton asked for Staff's report.

Ms. Alcock provided the following overview.

STAFF REPORT

The case before you today is Special Use Permit request 02-14 made by Mr. Smith to operate a one-bedroom bed and breakfast at his residence. The physical address of the property is 811 Jones Avenue; it is approximately a quarter of an acre located on the corner of Jones Avenue and Agawam Street.

The property is zoned R-8 Residential which according to Table 9-3-1 of the Unified Development Ordinance allows bed and breakfast operations in the R-8 zoning district dependent upon the approval of a special use permit by the Board of Adjustment. To be granted approval the bed and breakfast must meet the following development standards listed in Article 11-4.14:

- It must be owned and operated by a resident owner
- It must be located within a structure that was originally constructed as a dwelling
- Meals served on the premises of a bed and breakfast located in a residential district shall only be for guests of the facility
- A sign permit shall be obtained from the Zoning Administrator prior to erecting any sign on the premise, in a residential zone, only 1 freestanding sign is permitted
- All parking lots are required to be screened from adjoining single-family residential uses by a buffer yard in accordance with Section 11-3.1(B) of the UDO

According to the Pasquotank County Tax Assessment Online Database, the current one-story bungalow was built in 1939 and later remodeled in 1960. The applicant, who purchased the home in 2006, added a 930 square foot addition in September 2013. It is this portion of the home that he wishes to utilize for the bed and breakfast. The home has a total of 3 bedrooms, only one of which will be used for the bed and breakfast, 2 and a half baths and a combined living space of 2,108 square feet. It is Mr. Smith's belief that a bed and breakfast would help address a need for temporary lodging within the City, specifically within the Riverside area. Along with a basic breakfast, Mr. Smith plans to provide guests with access to bicycles, kayaks and a canoe. He intends to utilize the driveway off of Jones Avenue to provide the necessary parking for the bed and breakfast and will reserve the driveway off of Agawam Street for personal use.

The request was heard and approved by the Technical Review Committee at their November meeting. The comments from TRC members were brief. The Fire Department suggested the addition of backup lights and other precautionary measures; however, due to the size and number of bedrooms for the proposed bed and breakfast, it was noted that these were mere suggestions and would not be required for operation. Another comment came from Albemarle Regional Health Services who advised the applicant a permit would be required for the facility since they would be serving food to guests. The Health Department will be facilitating the permitting process.

Staff has determined the property and the applicant satisfy the UDO requirements for bed and breakfast operations mentioned earlier and has not received any objections from adjacent property owners or other community members. Staff reminds the Commission to consider the UDO requirements for Special Use Permits as well as the recommended conditions listed on pages 9 and 10 respectively of the provided staff report. And although it is not the duty of the Commission to approve or deny the request, but rather to make a recommendation to the Board of Adjustment, the discussion held today will be presented to the Board and aid them in making their final decision. Staff has no objections to the proposed use and advises that the Commission recommend the seven conditions stated on page 10 of the staff report to the Board if the permit is approved. This concludes my presentation. Thank you.

Chairman Sutton: Do we have anyone to speak for the request?

Ms. Smith: Yes sir, that's me.

Chairman Sutton: Please state your name.

Ms. Smith: Becky Smith. I am Ken Smith's wife, it is our house and I would be the one doing most of the renting, cooking, cleaning and running the business.

Mr. DiGirolamo: I just have a question, a couple questions actually, fairly simple ones. Are there separate entrances on the two spaces?

Ms. Smith: Yes, there is a front entrance to the bed and breakfast, per say, off of the front porch which is separate from the house. There is also a back entrance with a wheel chair ramp which is separate from the house as well.

Mr. DiGirolamo: How many bedrooms are in the main house? Is it two?

Ms. Smith: Well, we have two bedrooms, but one of them is turned into an office. So we only have one, our one bedroom, the master bedroom in the other part of the house.

Mr. DiGirolamo: Ok, so this has its own bathroom facility?

Ms. Smith: Yes.

Mr. DiGirolamo: Ok, I just wanted to clarify these few things.

Mr. Witosky: I just have a question for Staff. Is this going to go to the Board of Adjustment after us?

Ms. Alcock: Yes

Chairman Sutton: I have one question. Have you had previous experience running a bed and breakfast?

Ms. Smith: No, but I have lots of experience in cooking and managing. I have 30 years of management experience. Being a mother and a wife for so long, I think I can handle the rest of it.

Chairman Sutton: What type of management experience?

Ms. Smith: I was a manager for a transit authority in Pennsylvania for 10 years, dispatching. And I have been a manager for 20 years at Godsmith Heating and Air Conditioning, customer service. Most of my experience is with customer service as far as management goes.

Chairman Sutton: Thank you. Any other questions? [There were none]

Chairman Sutton asked for a motion. Mr. Witosky made a motion to **APPROVE** SUP 02-14 with the 7 stipulations stated by Staff. Mr. DiGirolamo seconded the motion. **ALL IN**

FAVOR: SUTTON, DIGIROLAMO, STALLINGS, O'NEAL and WITOSKY. NONE OPPOSED. MOTION PASSED.

Chairman Sutton: The next case up is SUP 03-14 filed by the City of Elizabeth City on behalf of Visions of Hope Emergency Shelter and Outreach Center. The applicant is proposing a homeless shelter to be located at 709 Herrington Road. Zoning classification for this property is Residential (R-6). Chairman Sutton asked for Staff's report.

Ms. Brooks provided the following overview.

STAFF REPORT

The City of Elizabeth City purchased 709 Herrington Road in 2006 with Community Development Block Grant funds. The 1,500 square foot, two-story residential structure sits on a 0.95 acre parcel and is zoned R-6 Residential. Because this property was purchased with CDBG funds it has to be used to serve low to moderate income individuals. A Special Use Permit was issued in 2006 to operate a homeless shelter for woman and children at this facility. Over the past several years, several nonprofit groups have operated the homeless shelter. However, the economy forced the shelter to close almost 2 years ago. Now the City has found a new sub recipient to occupy the building and a new special use permit is required. Under the previous special use permit, the shelter had a maximum occupancy of 8 persons, 1 full-time staff permit, volunteers and on-site parking. Staff received comments from City Departments and all indicate they have no concern about the facility resuming as a homeless shelter. The Fire Department has set a maximum occupancy of 8 individuals. The proposed request is consistent with the Joint Pasquotank County Elizabeth City Land Use Plan and the Elizabeth City Thoroughfare Plan. Staff recommends approval of the special use permit with the conditions that they comply with the development standards listed in the Unified Development Ordinance and the occupancy be limited to 8 individuals. That concludes my presentation. We do have members from the nonprofit organization here if you have questions for them.

Chairman Sutton: Alright, lets here from them.

Ms. Bowe: I am Rita Bowe and I am the Director and Co-founder of Visions of Hope. I am not sure what I am supposed to be saying Chairman Sutton, but I will try and take any questions.

Chairman Sutton: Is there anything you would like to say to emphasize or add to [inaudible]

Ms. Bowe: As far as staff, we already have a staff in place, professional, educated, certified, individuals as well as those that have had prior experience working in and running a homeless shelter. As the Director, I also have prior experience working with the homeless as well as Bachelor's Degree in Criminal Justice, a Master's Degree in Forensic Psychology, and am presently working on a PhD in Mental Health Counseling.

Mr. DiGirolamo: This building is quite familiar to me; I use to watch the security cameras around Elizabeth City as a part of another volunteer sector of mine and this house was always on one of our cameras. There were women living there at that time and it was from the surveillance to maintain that no one went in there except who was supposed to go in there. Has that property

been vacated since then? I am going back about a year, has the property been empty since then? Is this a new beginning or is this a carryover from what it has been used for in the past?

Ms. Bowe: Actually, the property has been vacated. But it also is a carryover as to what it has been used for before, an emergency shelter for women and children as well as for outreach. As far as security, my understanding is that will continue as it has previously done as well as we are collaborating with the Sherriff's Department and Police Department.

Ms. Stallings: I have one question. In the notes here it says that nonprofit organizations have done homeless shelters and due to the economy, it forced the shelter to close. How do you fund your outreach program? Is it funded through a trust? How do you feed and stuff like that?

Ms. Bowe: We are also collaborating with the Albemarle Food Bank. Garden of Hope when they ran it, we are doing basically the same thing, purchasing food for 19 cents a pound. As far as the upkeep and having a place to continue to run, yes we are going off of donations. And I hope that I am not out of order by saying this, but I am dependent on my faith in God, because I believe that when you are serving others and it is good, I believe that He is going to take care of all of that. Now I am not just saying that we sit and say "ok God take care of it." But I believe that faith is what is going to carry this through.

Chairman Sutton: Any other questions?

Mr. DiGirolamo: Is this going to be under annual review?

Ms. Brooks: Yes, that is a part of the UDO.

Chairman Sutton: Without any other questions or comments, the chair will entertain a motion.

Ms. Brooks: I think we have another individual who would like to speak.

Dr. Williams: Good afternoon. My name is Dr. Andrea Williams and I am speaking on behalf of my mother, who is the owner of an adjacent property, I have power of attorney for her. I would like to be on record to note that I am so glad that this organization has decided to take on this endeavor because this property has been vacant for a while. My mother owns property adjacent to the property you all are deciding on. And yes there have been cameras there. My mother's home has been rented to an individual for 17 years, she does have health problems and she has moved in with her daughter now. My concern is that since the property has been vacant the care of it has been a concern, particularly with the City, I was wondering if individuals could call the City Manager and let him know that the air conditioning unit had been stripped. And there are several large trees in the back of the property and my concern about that which may be a concern with your organization regarding insurance. Our insurance company had contacted us and they thought that the large trees were on our property and wanted us to do something about that. And I hope that the City will clean up the property, I know some people are there working now. I have seen painters there and there is a new air conditioning unit there. But I am concerned with the large trees particularly in the back and its hanging in the back over our property but also with the facility you are planning to have it may be a safety concern. We are

indeed pleased that this organization is taking this endeavor because this is needed for the City. But we want to make sure it is safe and while the property is going through process of them getting it we hope the City will clean it up. While the other organization was there, the yard was not taken care of. We try to do what we can to make the neighborhood a good neighborhood because what many of you may not know that across the street is the Elk's Hall, but that was original site for Elizabeth City State University and so it has some historical meaning in that area. But we want to make sure that when they get the house that it is good working order and that it is safe there and I really hope that someone from the Staff or City will take a look at that large tree and make some adjustments on that. Thank you and I will say that this is my cousin, my first-cousin and she is doing a wonderful job with this endeavor and she has a lot of support from this community but we want to make sure that the residents as well as the staff are in a safe environment. Now one of the things that was mentioned about parking would be available, I was not sure how much parking space was needed or how it was determined if there was enough space particularly since it was going to be covered for 8 people and whether that parking recommendation included the street. I needed some clarification on that as well. Thank you.

Ms. Brooks: To answer some of your questions, I will be glad to go to the City Manager and address the tree and maintenance since it is City owned property. The parking will be required on site, and that will be for staff. It is my understanding that your clients typically do not own vehicles, so it will be for staff that comes to the facility. And if you have a service or bus there will have to be parking on-site for that. And I will be glad to get back to you Dr. Williams on your other concerns.

Dr. Williams: That is a concern on parking, because you have the dimensions of the lot there and the amount of space, so we want to make sure it is consistent with what their needs are.

Chairman Sutton: Any other comments?

Mr. DiGirolamo: This is City owned property so they are responsible for security and upkeep right? Has Mr. Olson been made aware of this situation?

Ms. Brooks: I am not sure. The City does have a sub recipient agreement with the City and a memorandum of agreement I will double check with that and also discuss it with Mr. Olson.

Mr. DiGirolamo: You just indicated that there were people there working on the property?

Ms. Brooks: Right, and Council has provided funding for maintenance of the building that is going on now.

Chairman Sutton: Thank you Dr. Williams for your comments and they will be a part of the official record. Chair will entertain a motion.

Mr. DiGirolamo made a motion to **APPROVE** case number SUP 03-14 as written and add one caveat I would add to it is to ensure that Mr. Rich Olson is brought up to speed on the current situation. Mr. O'Neal seconded the motion. **ALL IN FAVOR: SUTTON, DIGIROLAMO, STALLINGS, O'NEAL and WITOSKY. NONE OPPOSED. MOTION PASSED.**

Chairman Sutton: We want to commend you for taking on this challenge in our community and I am sure you have a lot of support. Case number SUB 06-14 Preliminary Subdivision Plat Application filed by Horton & Dodd, P.C. on behalf of Tanglewood Development, LLC for a 68.7 acre commercial subdivision. Property is located \pm 1200 feet north of Halstead on the north side of Tanglewood Parkway. This property is zoned General Business (GB) and is located in the Halstead Boulevard Overlay District. Chairman Sutton asked for Staff's report.

Ms. Eggar provided the following overview.

STAFF REPORT

This site is located on Tanglewood Parkway approximately 1500 feet north of Halstead Boulevard. It is part of a larger parcel; the parent parcel is 180 acres and was annexed to the City in 2007. At that time it was zoned General Business. This property is also located with the HBOD and the Overlay District imposes guidelines over the entire district included architectural, landscaping, traffic circulation and amenities around ponds and so forth. What is being requested is a preliminary site plan for a 5 lot commercial subdivision and it is a portion of a 90 acre tract. This 90 acre tract includes a 60 acre regional stormwater pond that is the old Barnhill borrow pit that is adjacent to the Tanglewood Apartments. Approximately 11 acres of the area will be dedicated for the 5 lots. The lot sizes range from 1.25 acres to 4 acres and the typical size is 1.25 acres. Phase 1 consists of 1 lot of approximately 4 acres in size and that includes an existing detention pond. Lot 1 will be accessed via private access drive to Tanglewood Parkway. The remaining acreage in the development will include 4 lots and an existing stormwater pond is located on a parcel there. These lots have access to Tanglewood Parkway and these lots will be individually serviced and developed. Currently there is existing sanitary sewer, water and electric facilities going down Tanglewood Parkway. The area is served by County water but the City will provide water to the site via purchase agreement with Pasquotank County. The site has a commercial designation so no open space is required. The Land Use Plan designation for this site is commercial which agrees with the development that is being proposed. The sketch plan for the subdivision was approved on November 18, 2014. At the time of the sketch plan there was discussion with regards to the acquisition of additional right-of-way for a future street to be located in the existing 60 foot access easement reserved for Tanglewood Development, LLC, they are the developer of this project. With the development of this subdivision that access easement will be widened to 70 feet. This is a 70 foot section that is adjacent between the pond and the City's pump station right around the bend from Walmart. There is a little street out there that's the area we are getting the additional right-of-way in. In the early planning stages of the north portion of Tanglewood Parkway there is a road depicted in that area that was extending all the way over to the eastern portion of Tanglewood, staff envisioned that there is potential for a large amount of traffic to potentially be using that road sometime in the future. So while we had the opportunity we tried to get as much right-of-way as we could to be dedicated along with this project. Being that the project has existing utilities and is on an existing street, the TRC comments were brief. It was reviewed at the November 25, 2014 meeting and it was granted unanimous approval provided that the applicant adheres to all TRC comments and conditions. Staff recommends approval of this preliminary plat with the following conditions:

- That corrected plans be submitted reflecting TRC comments

- Lots 2, 3, 4 and 5 will be permitted cross access easements for access to Tanglewood Parkway
- The final plat shall contain a note that the drainage utility easement shall remain free of substantial structures and that the repair to any structure or landscaping within the easement following access to the facilities by the City or utility provider shall be at the expense of the property owner
- For the utilities located within the existing access easement, the final plat shall have a statement allowing the City access to those sewer and water utilities for maintenance purposes
- Prior to final plat approval, a Property Owners Association shall be formed to ensure perpetual maintenance of the stormwater facilities including the detention pond on Parcel A
- Prior to final plat approval, a copy of the Property Owners conditions, covenants and restrictions shall be submitted for review and approval
- Prior to final plat approval a Master Property Owners Association shall be formed to ensure perpetual maintenance of the stormwater facilities including the regional detention pond and the outfall drainage ditch
- Prior to final plat approval, a copy of the Property Owners conditions, covenants and restrictions shall be submitted for review and approval

That is all of my comments.

Chairman Sutton: Any questions from members? [There were none.]

Mr. Dodd from Horton & Dodd PC came forward to speak on behalf of the applicant.

Mr. Dodd: This is unique in that all of the improvements were basically in the ground before we started this, but we feel that the time is right now for having these lots ready for commercial development. The new shopping center going on and there has been 1 user identified for lot 1. I am not at liberty to share that with you yet because there are still “i’s” to dot and “t’s” to cross in the negotiations but I feel like the time is right now to have these ready for commercial development as new users may be identified once this kick start with the shopping center and this one user gets going. I will be glad to answer any questions you have for me and look forward to building in Elizabeth City.

Mr. Witosky: On Phase 2, would that be contingent on you finding tenants for the particular phase?

Mr. Dodd: What we were trying to structure is a means by once we found additional users we wouldn’t have to come back through this protracted process to get that user in the ground. So we have shown those 4 additional lots, which quite frankly if we find a user that needs more than 1.25 acres that may turn into 3 lots but we still feel like that could be an administrative change to this preliminary plat. But yes the answer would be that once users are identified those lots would be subdivided in phases and go forward.

Mr. DiGirolamo: Any traffic impacts at all? That road ends back at the apartments is that correct?

Ms. Eggar: Tanglewood Parkway does. This site is located across from the detention pond by Walmart just north of the Thompson Thrift property. It's adjacent to the south end of the pond, the big barrow pit pond. Is where this is going to be.

Mr. DiGirolamo: I am familiar with where this property is going to be, I was just questioning any traffic implications?

Ms. Brooks: Sonny, let me try to explain that, with the development of Tanglewood Pavilion there was additional traffic impact analysis done at that point. There will be some upgrades at the intersection on Halstead Blvd, there will be additional turn lanes and there will be a second light installed right in front of the 7-11 and there will be another stop light right at the second entrance of the Walmart. So with the development currently going on, there are going to be improvements in Tanglewood Parkway and Halstead Blvd.

Mr. DiGirolamo: You mentioned a second entrance into the Walmart?

Ms. Brooks: Yes, the first one down by the McDonald's and the second one is right at the face of Walmart. There will be a new traffic light installed there to accommodate Tanglewood Pavilion and the traffic going into the Walmart.

Chairman Sutton: Commission is there any other questions? [There were none] Chair will entertain a motion.

Mr. Witosky made a motion to **APPROVE** SUB 06-14 with the 8 conditions recommended by staff. Mr. DiGirolamo seconded the motion. **ALL IN FAVOR: SUTTON, DIGIROLAMO, STALLINGS, O'NEAL and WITOSKY. NONE OPPOSED. MOTION PASSED.**

There being no staff reports or member concerns, Chairman Sutton adjourned the meeting.

*Minutes **APPROVED** at the March 3, 2015 Planning Commission meeting.*