

**CITY OF ELIZABETH CITY  
PLANNING COMMISSION  
REGULAR MEETING  
TUESDAY, FEBRUARY 5, 2019  
4:00PM**

**MEMBERS PRESENT**

Ernest Sutton - Chairman  
Johnson Biggs - Vice Chairman  
Carlton O'Neal  
Suzanna Stallings - Absent  
Gary White

Also, present were Matthew Schelly, Community Development Director; Kellen Long, Planner I; Cheryl Eggar, Planner II; and Yvette Chamblee, Secretary to the Commission.

Chairman Sutton called the meeting to order at approximately 4:08pm and stated a quorum.

Chairman Sutton called for a motion to approve the agenda as presented. Mr. White made a motion to **APPROVE** the agenda as presented. Mr. Biggs seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton called for a motion to approve the Tuesday, November 6, 2018 minutes. Mr. White made a motion to **APPROVE** the Tuesday, November 6, 2018 minutes. Mr. Biggs seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

Ms. Chamblee, secretary to the Commission read the **STATEMENT OF DISCLOSURE** as follows:

Elizabeth City Code of Ethics provides that public officials and employees be independent, impartial, and responsible to the public; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals and in keeping with the ethical standards of conduct for city public officials and its employees, disclosure of interest in legislative action must be stated for public record, as per City of Elizabeth City Code of Ordinances Section 32.04. Any official act or action before the Planning Commission shall be publicly disclose on the record of the Commission the nature and extent of such interest and the Commissioner shall withdraw from any consideration of the matter if excused by the Commission pursuant to G. S. 160A-75.

Chairman Sutton asked if any Commissioner had a disclosure of interest in case number SUB 08-18. No Commissioner had a disclosure of interest in the case of SUB 08-18.

**CASE NO.: SUB-08-17** submitted by Land Planning Solutions for development of Stockbridge at Tanglewood Phases 5-8 located at Halstead Blvd Extended and Mount Everest Drive. The applicant is requesting a preliminary plat approval of 14 commercial lots and a 14-acre multi-family residential lot (zone R-6). The commercial lots are located on Patrick Way and the multi-family lot fronts on Mount Everest Drive South.

Ms. Eggar presented the following Staff report:

Stockbridge at Tanglewood Phases 5-8, Preliminary Plat

There is a correction in the number of commercial lots – there are only 14 – not 15. You have been provided updated pages.

**NARRATIVE:**

- Stockbridge is located south side Halstead Boulevard at Mt. Everest Dr. South within the Halstead District Overlay which imposes design guidelines over the entire district
- The 213-acre project is slated to have 425 single family lots, 20 commercial lots and a 14-acre multi-family parcel. The first two phases of Stockbridge contained 247 single family lots and 6 commercial lots
- Owners are seeking preliminary plat approval for Stockbridge Phases 5-8 located on 47 acres
- These phases are comprised of the remaining 14 commercial lots, located on Patrick Way, and a 14-acre multi-family parcel located on Mt Everest South which will be developed at a later date
- The density of the commercial development is 0.5 units per acre and is in conformance with the Land Use Plan. The maximum allowable multi-family density in the R-6 district is 12 units per acre
- A portion of the multi-family lot will be improved with a detention pond which will be improved with a multi-purpose trail including benches and lighting. The pond will serve the lots on the western portion of Patrick Way

- Perpetual maintenance of the detention ponds, drainage facilities, and open space is the responsibility of the Property Owners Association
- Interconnectivity to the adjacent subdivision to the west, Parkway South at Tanglewood, will be provided by Patrick Way and Mount Everest Dr. South
- Along the eastern boundary, a 100' street right-of-way will be dedicated to provide future connectivity from Halstead Boulevard to the future extension of Patrick Way and the adjacent Sunnyside Management Inc. property
- Along the southern portion of the western boundary, there will be future connectivity to the Steven Berry property

#### **BACKGROUND:**

- In April 2008 the Stockbridge site was annexed into the City with R-8, R-6 and O&I, zoning districts.
- The sketch plan for 425 single family lots and 13 commercial lots was approved in Aug 2008. An amended sketch plan to add a portion of Parkway South at Tanglewood Phase 2 was approved in April 2009. This brought the total number of commercial lots to 21
- In Sept 2010 the O&I portion was rezoned from O&I to GB.
- For the proposed development of the Lidl Grocery store, the Sketch Plan was amended again in December 2015 to incorporate a parcel located within Phase 5 into the expansion of the existing Parcel 3. With this amendment, the number of commercial lots for the subdivision was reduced from 21 to 20
- The preliminary Plat for Phases 5-8 was reviewed and conditionally approved at the November 28, 2017 TRC meeting.

#### **STREETS:**

- All streets will be built to NCDOT Design and Construction Standards. The streets within this development will be dedicated to the City of Elizabeth City.
- In August 2008, Traffic Impact analysis (TIA) was prepared for the proposed development and submitted to NCDOT for review and comment.
- NCDOT required that a traffic light be installed at the intersection of Mt. Everest and Halstead Boulevard and that it be interconnected and coordinated with the stop light at Tanglewood Parkway

- This traffic signal has been installed in conjunction with the development of the Tanglewood Pavilions Shopping Center
- With the complete Stockbridge build out, the southbound lane of Mount Everest Drive South will need to be modified to receive two left turn lanes of traffic from westbound Halstead Boulevard Extended

**DRAINAGE:**

- A new detention pond will be constructed in conjunction with these phases
- The stormwater overflow is diverted into an existing field ditch that runs southward to Sun-Gro Drive and discharges into the existing ditch alongside of the railroad tracts.
- The required state permit has been secured

**UTILITIES:**

- Public water, sewer and electric services are provided by the City of Elizabeth City. A new wastewater pump station was constructed with Phase 1.
- The waterline will be extended on Patrick Way and Mount Everest South to the western boundary to provide for future connections to Parkway South at Tanglewood.
- At the eastern end of Patrick Way, there is a blow off valve on the waterline to allow a future connection to the Sunnyside Management Inc. property.
- The necessary state permits to construct the sanitary sewer and water improvements have been secured.

**PARKS and RECREATION SPACE:**

- The commercial lots are not required to dedicate any parks and recreation space.
- When the multi-family lot is developed a park and recreation space dedication or fee in lieu of will be required. The amount of land required for parks and recreation will be determined at a later date when the multi-family lot is developed

**SCHOOLS:**

- The commercial lots will not generate any schoolchildren. There will be school children associated with the future development of the multi-family lot.

**LAND USE PLAN:**

- The Joint Elizabeth City and Pasquotank County Land Use Plan designates Phases 5, 7, 8 and the western portion of Phase 6 as General Commercial.
- A wide range of retail, wholesale, office, business services, and personal services are encouraged within this classification. 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. The proposed commercial density of 0.5 lots per acre is consistent with the Land Use Plan.
- The eastern portion of Phase 6 is designated as Mixed Use. SFR, duplexes and multi-family dwelling are encouraged in the mixed-use district.
- Generally, the density of development in the mixed-Use designated areas is projected to average one to three commercial establishments with approximately ten dwelling units per acre.

**RECOMMENDATION:**

All of the TRC comments and concerns have been addressed. All of the required state permits have been secured. Staff recommends approval with the following conditions:

1. Prior to final plat approval:
  - a. Adequate fire protection shall be provided for the development;
  - b. A bond shall be posted for the completion of the road and drainage improvements at the eastern end of Patrick Way to the eastern boundary; and
  - c. A copy of the supplemental Property Owners conditions, covenants, and restrictions shall be submitted for review prior to recordation.

This concluded Ms. Eggar's presentation.

Mr. Scott Stamm representing Land Planning Solutions was presented. Mr. Stamm came forth to address the Commission. Mr. Stamm commented the presentation provided by Ms. Eggar was well said and if the Commission had any questions, he would be willing to answer them.

Chairman Sutton had no comments.

Mr. Biggs had no comments.

Mr. O'Neal had no comments.

Mr. White commented about who is picking up the tab for the sewage connection to the City for this subdivision. Ms. Eggar commented the responsibility for constructing the sanitary sewer lines belongs to the developer. Mr. Stamm commented a pump station was built in Phase 1 and the pump station is now complete. The connection would be an extension of those sewer lines to the subdivision.

Mr. White commented were the lots for sale and/or for lease. Mr. Stamm commented the intent of the applicant is probably for sale now but, I'm not positive on this comment. I would have to get back with the Commission. Mr. White commented he would like a response to his comment. Mr. Stamm commented he would relay the information to Ms. Eggar when he retrieves the answer from the applicant.

Chairman Sutton commented about the housing average cost in this subdivision. Mr. Stamm commented the homes being built are currently beginning between \$230,000 and \$300,000. Mr. White questioned single family units and what about the multi-family dwelling units. Mr. Stamm commented the developer is not proposing to develop the multi-family dwelling units. Chairman Sutton commented about the different vendors or single vendors financing those homes and how does that work. Mr. Schelly interrupted and commented to Chairman Sutton that the application has nothing to do with the homes, other than the homes are there now currently. The Commission is to only consider the commercial lots and the one multi-family lot. Chairman Sutton agreed and called for a motion.

Mr. Biggs questioned were there any other comments from staff or adjacent property owners. Ms. Chamblee commented no. Mr. Biggs made a motion to **APPROVE** with all considered all staff and Technical Review Commission's comments and conditions as long as they're met and forward this case onto City Council. Mr. White seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

**CASE NO: TA 03-18** Text amendment TA 03-18 filed by the City of Elizabeth City is to be considered a recommendation to Council regarding changing the Unified Development Ordinance from a reference to the Historic Preservation Commission and Certificates of Appropriateness brochure to a reference to the recently adopted Local Historic District and Landmark Design Guidelines.

Mr. Schelly presented the following staff report:

Over the years, as many property owners have come before the Historic Preservation Commission for approvals, the Historic Preservation Commission (HPC) has used a number of sources of information for their decisions and their best judgement. These sources include the National Park Service's Secretary of the Interior Standards, The Park Service's Technical Preservation Service's Preservation Briefs, the analysis and recommendations of the City Staff, the presentations by the applicants and their representatives, as well as testimony from interested parties. The applicant, on the other hand, does not have the benefit of this information and often has no idea what the HPC will approve. City Staff has been attempting to bridge this gap, but must always leave the applicant with the caveat that the staff is not the HPC and it is only the HPC which can decide to approve or not.

The Historic Design Guidelines is devised to provide the public an easy to understand set of principles so that when they are considering major changes to their property in the regulated historic district, they can use the guidebook to help them know what is more likely to be approved and what might not be approved. They also fulfill the requirements of state statutes that the HPC "adopt principles and guidelines ... for new construction, alterations, additions, moving, and demolition."

The guidelines were written by former City Planner Kaitlen Alcock as her capstone thesis at Virginia Tech, reviewed by her professors, reviewed by the NC State Historic Preservation Office, and reviewed and revised by the HPC and city staff.

The HPC, at their meeting on September 27th, unanimously recommended adoption of the guidelines by City Council. These Guidelines were then adopted by the City Council on October 22nd as a general policy. However, these were not adopted as a part of the City Code, namely the portion that dictates the procedures of the HPC, just as the Code also dictates the procedures of the Planning Commission.

Therefore, these this text amendment is on the agenda tonight for consideration by the Planning Commission as an amendment to the UDO in the City Code.

City staff recommends that the Guidelines be added to the Zoning requirements in the UDO, thereby requiring the HPC to reference the guidelines in their deliberations, essentially making the Guidelines enforceable and defensible, which protects the HPC, the City, and the public. To do this requires a text amendment. If the Planning Commission finds the text amendment acceptable, you should make a motion and vote to add the Guidelines, by reference, into the UDO according to the text as written in the staff analysis.

Mr. Schelly read excerpts from Attorney William H. Morgan, Jr.'s letter in regards to the Historic Preservation Guidelines.

This concluded Mr. Schelly's presentation.

Mr. Biggs commented the document has already been in place as far as policy and the new revised document would take the place of the brochure. There would be no recommendation for any policy that has change. Mr. Schelly agreed and commented

adopting the policy as a portion of the Unified Development Ordinance by reference. Mr. Schelly also referred to the Staff Analysis in regards to show what the brochure currently states and what the document would be changed to. The brochure would be referenced in the guidelines.

Mr. White made a motion to **ADOPT** to recommend to City Council to adopt the Text Amendment. Mr. Biggs seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

No **STAFF REPORT**

### **Chairperson's Report**

- Chairman Sutton discussed how the Planning Commission can strategize in educating our community on what the Planning Commission does.
- Mr. Schelly discussed the meeting he and Chairman Sutton had with Dr. Hezekiah Brown in regards to participating in Dr. Brown's WRVS 89.8 radio broadcast in order to inform the community about the Planning Commission.
- Chairman Sutton read his email to Mr. Schelly and Dr. Hezekiah Brown. Chairman Sutton commented we're not keeping the City Manager and Assistant City Manager out of the loop. We have requested to meet with them prior to the meeting with Dr. Hezekiah Brown and I'm sure Mr. Schelly has kept them a breast in what we're trying to do. I haven't heard any opposition from them therefore, I take it as consent.
- Mr. Biggs commented on the Community Development Department having a Facebook page in where the community could receive another source of information.

### **MEMBER'S CONCERN**

Mr. Biggs commented City Administration and City Council need to find some funds for the Planning Commission to receive training at or by the School of Government. Hopefully these funds will be available in next year's budget (2019/2020).

Mr. Schelly commented he needs to have the TA 03-18 motion amended to include there was a public meeting held in reference to the Historic Preservation Guidelines with twenty-four people in attendance that took place on Tuesday, December 4, 2018. Mr. Biggs made a motion to **AMEND** the discussion to include the reference to the meeting on Tuesday, December 4, 2018 and reference the sign in sheet with the twenty-four attendees. Mr. White seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**



Mr. Schelly gave an update on Community Development Department projects such as:

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- RFQ applicant for the Historic Survey;
- Retention basin at City Center West II where the new movie theater is coming;
- Upcoming proposed training from the School of Government;
- Taco Bell proposal;
- Bed and Breakfast Special Use Permit application;
- Dental Office Site Plan;
- Billboard application,
- Lounge Conditional Use Permit; and
- ETJ expansion on Wellfield Road.

Mr. Biggs made a motion to **ADJOURN** the Tuesday, February 5, 2019 Planning Commission meeting. Mr. White seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

The Tuesday, February 5, 2019 Planning Commission meeting was adjourned at 5:07pm.

Respectfully submitted,

Yvette M. Chamblee  
Secretary to the Planning Commission