

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
TUESDAY, March 3, 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; Cheryl Eggar, Planner and applicant.

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 January 6, 2015 meeting. Mr. DiGirolamo made a motion to *APPROVE* the minutes from the January 6th meeting. Ms. Stallings 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 revised agenda for the meeting tonight. Mr. Witosky made a motion to *APPROVE* the revised agenda for the March meeting. Mr. DiGirolamo seconded the motion. ***ALL IN FAVOR: SUTTON, DIGIROLAMO, STALLINGS, O'NEAL and WITOKSY. NONE OPPOSED. MOTION PASSED.***

Ms. Harris was asked to 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 governmental 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 the public record, as per City of Elizabeth City Code of Ordinances Section 2-113. Any member of the Planning Commission who has an interest, as defined in Section 2-111 of the City of Elizabeth City Code of Ordinances, in any official act or action before the Commission shall publicly disclose on the record of the Commission the nature and extent of such interest, and shall withdraw from any consideration of the matter if excused by the Board pursuant to G.S. 160A-75.

New business for the Commission was **CASE NO.: SUB 08-14** Preliminary Subdivision Plat Application filed by Land Planning Solutions on behalf of Hearndon Stockbridge Builders, LLC for Phase II of Stockbridge at Tanglewood. The property is zoned Residential (R8) and is located off Mt. Everest Drive South in the Halstead Boulevard Overlay District. The applicant is

proposing 129 single-family residential units. Mr. Scott Stamm with Land Plan Solutions came forward as representative for the applicant.

Mr. Stamm stated that the project is 129 units and is phase 2 of a previously approved plan for 425 units at this location. Originally it was for phase 4, but they have switched the phases for stormwater management purposes. He stated that it makes more sense to build this section next. There is no commercial in this portion. There was a small portion of commercial in phase 1. There is no commercial until phase 5. There are two more residential phases following phase 2.

Chairman Sutton asked for Staff's report. Ms. Eggar presented the following.

STAFF REPORT

Stockbridge is located south side Halstead Boulevard accessed by Mt. Everest Drive South. Owners are seeking preliminary plat approval for Stockbridge Phase 2. It is a 47 acre site composed of 129 single-family residential lots. This site is zoned R-8 and located in the Halstead District Overlay which imposes design guidelines over the entire district. This phase is being developed as a cluster development with R-6 zoning standards and a gross density of 2.7 dwelling units per acre. Lots range from approximately 6,900 square feet to 14,000 square feet with predominate lot size of about 8,200 square feet. For cluster developments UDO requires 15% of the cluster site area be dedicated for open space. All residential developments are mandated to dedicate a park and recreation area, or pay fee in lieu of public dedication.

Improvements in Phase 1 include a clubhouse with pool and tot lot in addition to a multi-purpose trail in the open space surrounding the detention ponds. Phase 2 will continue the trail in addition to a 1.4 acre developed as gathering area for the residents. The home owner association is responsible for all of the maintenance of the drainage facilities and open scape improvements. Street access to this phase will be by Mt Everest Drive South.

BACKGROUND INFORMATION

In April 2008 the Stockbridge site was annexed into the City with R-8, R-6 and O&I, zoning districts. The sketch plan with 425 single family lots and 13 commercial lots was approved in August 2008. There was an amended sketch plan to add a portion of Parkway South at Tanglewood Phase 2 and was approved in April 2009. In September 2010 the O&I portion was rezoned from O&I to GB. The Preliminary Plat for Phase 2 was reviewed and conditionally approved at the November 25, 2014 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, a Traffic Impact analysis (TIA) was prepared for the proposed development and submitted to NCDOT for review and comment. NCDOT is requiring that a stop light be installed at the intersection with Mt. Everest and that it be interconnected and coordinated with the stop light at Tanglewood Parkway. The stop light is required when approximately 50% of Phases 1 & 2 of the Stockbridge development is built out. Under the TIA the developer was to pay for 100% of the installation cost. However, in the interim Tanglewood Pavilion Shopping Center was approved for development. An

access point to the shopping center will be via Mount Everest Drive North and they will share in the cost of the stop light installation.

DRAINAGE

A new detention pond will be constructed in conjunction with Phase 2. The detention pond from Phase 1 will discharge into this pond and then eventually flow into an existing field ditch that runs southward to Sun-Gro Drive and discharge into the existing ditch alongside of the railroad track. Since your package was sent out, the stormwater permit has been obtained.

UTILITIES

They will have 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 necessary state permits to construct the sanitary sewer and water facilities have not yet been secured. It is anticipated that the proposed wastewater and water demand for this phase will be approximately 46,440 gallons per day (GPD).

OPEN SPACE

Cluster developments require that a minimum of 15% of the total development area be dedicated open space. There will be 15%, or 7 acres, of the site for open space. In addition to open space requirements, the residential developments are required to make a park and recreation space dedication to the city, or pay a fee in lieu of the dedication. Based upon 129 residential lots, the parks and recreation requirement is 1.15 acres. There are recreation facilities constructed in Phase 1 that include a Clubhouse with in-ground pool, tot-lot and multi-purpose trail. In Phase 2 a 1.4 acre open space area will be dedicated for a gathering place and will be developed with a gazebo and seating. The multi-purpose trail will continue along the ponds. Due to the recreation facilities offered at the site, the recreation fee will be reduced by fifty percent. The developer is requesting that a fee be paid to the City in lieu of dedicating the required parks and recreation area. It is at the discretion of City Council (UDO, Section 10-7.16 D) as to whether the fees in lieu is acceptable, or if dedicated public open space will be required. The recreation fee is a total of \$7,686.

SCHOOLS

It is anticipated that this phase of the development will generate approximately 1.7 schoolchildren per household for a total of 210 schoolchildren. The Pasquotank-Elizabeth City School Board has been duly notified of the proposed subdivision. No comments were received from the School Board.

LAND USE PLAN

The Joint Elizabeth City and Pasquotank County Land Use Plan designates Phase 2 of the subject property 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. The proposed residential density for the 129 lots is 2.7 housing units per gross acre and is consistent with the adopted Land Use Plan.

RECOMMENDATION

Staff recommends approval with the following conditions:

1. Prior to being heard by the City Council:
 - a. The City Engineer's approval shall be required
 - b. Required State authorization to construct sewer and water improvements shall be secured
 - c. Authorization for off-site grading shall be secured
 - d. Corrected plans shall be submitted reflecting all of the TRC comments
2. Prior to final plat approval:
 - a. The developer shall complete the necessary road improvements as per the traffic analysis
 - b. Provide adequate fire protection for the development
 - c. A contract with the City for the installation of the stop light at Mount Everest Drive South and Halstead Boulevard Extended shall be executed
 - d. A copy of the supplemental property/homeowners conditions, covenants and restrictions shall be submitted for review
 - e. A fee in the amount of \$7,686 shall be paid into the City's Park and Recreation fund

This completed Ms. Eggar's report.

Ms. Stallings asked how much the common area over the minimum requirement in phase 1. Ms. Eggar stated it was about 15%. They are in compliance with all the requirements. Ms. Stallings stated that the second phase will not have as much common area, but it does have the large trail that will be nice for runners. Ms. Eggar stated that it will also have some land toward the railroad tracks and the gathering area.

Mr. DiGirolamo asked if the recreation fee was a one-time fee. Ms. Eggar stated yes, it is a one-time fee. She stated that the fee is based on the taxed assessed value of the land.

Mr. Witosky asked if we have ever gotten comments from the School Board. Ms. Eggar stated that there were no comments when this project was initially proposed. Mr. Witosky stated that this project could have an impact especially the elementary school.

Chairman Sutton stated that was a question he had also. He stated that it may not have an immediate impact, but eventually it will. He recommended that Staff follow up with the School Board. Mr. Stamm stated if it will help any, they are selling about two units per month. Mr. DiGirolamo asked if he was to understand based on this conversation that in phase 1 it was not taken into consideration. Ms. Eggar stated that it was. The School Board is notified of the Sketch Plans and notified of the Preliminary Plats. Mr. DiGirolamo asked if they had commented with phase 1. Ms. Eggar stated no.

Mr. DiGirolamo asked Mr. Stamm if the ponds had been submitted to the state for inspection and certification. Mr. Stamm stated yes. Mr. DiGirolamo asked if the phase 1 ponds were certified.

Mr. Stamm stated that he believed there is still one to be certified. He stated that he may be confusing this with another development. Both ponds maybe certified. He will have to check.

Chairman Sutton stated that in the Staff Recommendations it states, "A copy of the supplemental property/homeowners conditions, covenants and restrictions shall be submitted for review." He asked if this was just a review or is it a review and approval. Ms. Eggar stated that it is reviewed by Planning Staff and the City Attorney to make certain that items that need to be addressed in it are addressed. They make sure that it mandates the maintenance responsibilities for drainage and open space.

Mr. DiGirolamo stated based on this change of units per acre it's now rated an R8 zoning. He asked if it will be changed to an R6 zoning. Ms. Eggar stated no. The ordinance allows developments to have smaller lots with the same density that is allowed under R8. You can have 6,000 square foot lots, but you cannot increase the density because of that. The lot size reduction is going into the 15% open space.

There being no further comments or questions, Chairman Sutton called for a motion.

Mr. Witosky made a motion to ***APPROVE SUB 08-14*** Stockbridge at Tanglewood, Phase 2 with 129 residential lots with the conditions stated by Staff prior to being heard by City Council and prior to Preliminary Plat approval. Mr. DiGirolamo seconded the motion. ***ALL IN FAVOR: SUTTON, DIGIROLAMO, STALLINGS, O'NEAL and WITOSKY. NONE OPPOSED. MOTION PASSED.***

Chairman Sutton asked Staff for any reports they may have. Ms. Brooks stated that Staff is working with two new entities to come to Elizabeth City. One is a small industrial use. The other is a new retail establishment. Staff has not received anything formal, but they will be coming soon.

Chairman Sutton asked if there was an update on the Tanglewood project. Ms. Brooks stated that Tanglewood Pavilions is moving forward. The weather has slowed them down a little. She stated that she had spoken with Don Potter and they have been approached by a couple of new businesses. It has not been finalized yet, but they are still receiving interest in tenants for their new building and they are also in preliminary stages for phase 2.

Mr. DiGirolamo stated that he has a question that has surfaced from a phone call he received regarding runoff concerns. There is a new development in the process going over at the Farm Fresh. He asked if that project will come before the Planning Commission. Ms. Brooks stated that the development is permitted by right. The site plan has not been submitted as of today. They were funded through the North Carolina Housing Agency for some tax credits in 2014. City Council has seen some preliminary plans for that project. The developers were supposed to go to Oxford Heights and have a meeting with the residents and address the concerns with the stormwater runoff with them. From what they presented at City Council, they will be expanding the existing retention pond from a 10-year storm runoff to a 25-year storm runoff. Nothing official has been received in the Planning Department.

Chairman Sutton stated he did not have a Chairman's Report.

[Inaudible dialogue]

Ms. Stallings asked about Ms. Council. Ms. Harris stated that she was going to request that Chairman Sutton contact her. Her email address is not working.

Mr. DiGirolamo asked if there was anything for the April meeting. Ms. Harris stated yes, the convenience store on Harney Street.

There being no further business, Chairman Sutton called for a motion to adjourn. Mr. DiGirolamo made a motion to **ADJOURN** the March 3, 2015 Planning Commission meeting. Ms. Stallings seconded the motion. **ALL IN FAVOR: SUTTON, DIGIROLAMO, STALLINGS, O'NEAL and WITOSKY. NONE OPPOSED. MOTION PASSED.**

Respectfully submitted by:

Dawn Harris
Secretary to the Board

**Minutes approved at the April 7, 2015 Planning Commission meeting.*