

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
Tuesday, March 6, 2018**

MEMBERS PRESENT

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

Also present were Matthew Schelly, Community Development Director; Kaitlen Alcock, Planner; Yvette Chamblee, Secretary to the Planning Commission; and members of the audience.

Chairman Sutton called the Planning Commission meeting to order at approximately 4:10pm. Chairman Sutton called for a motion to approve the agenda. Mr. White made a motion to **APPROVE** the agenda. Mr. Biggs seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, STALLINGS, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton called for a motion to approve the Tuesday, January 2, 2018 Planning Commission minutes. Mr. White made a motion to **APPROVE** the Tuesday, January 2, 2018 Planning Commission minutes. Mr. O'Neal seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, STALLINGS, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

Chairman asked Yvette Chamblee, secretary to the Commission, 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 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.

NEW BUSINESS CASE NO.: CZ-01-18 submitted by Weatherly Lofts, LLC for the redevelopment of the former Mattress Outlet & Weatherly Candy Factory located at 211-229 North Water Street. The applicant is requesting to create 43 residential units within the confines of the existing building including first floor parking.

Ms. Kaitlen Alcock presented the following report:

The case before you this afternoon is CZ 01-18 filed by Weatherly Lofts, LLC for the redevelopment of 211, 215, 225, and 229 N Water Street to be used for apartments. More specifically, the space would include a combination of one and two bedroom apartments for a total of 45 units, and 35 parking spaces within the first floor of the structures. The applicant also intends to provide rooftop amenities including a community room. The applicant is seeking a conditional rezoning as it allows for greater flexibility in the redevelopment process and allows the applicant and the City to establish a set of mutually agreed upon conditions that would be written into the zoning change. While the applicant intends to include all uses presently permitted within the Central Business zoning district with the conditional rezoning, the following design conditions are proposed:

- Allow for a parking ratio of .75 spaces per unit
- Allow for a minimum parking space width of 7'6" and minimum length of 15'
- Allow for a minimum one-way drive aisle width of 14'
- Reduction of the parks and recreation fees required, exact fee to be determined by the applicant and City

Staff will note that 2 of the conditions reflect a slight change from the information provided in the staff report. First, the parking ratio has been reduced from a 1:1 ration to .75 spaces per unit. The reasoning behind this change was to allow for the parking demand to be entirely satisfied within the confines of the existing building. It is the applicant's intent to provide an additional 10 spaces in the Poindexter St parking lot to residents of the apartments through an agreement with the City. The exact details of this arrangement are still being finalized. A second change from the staff report has to do with the parks and rec fees stipulated by the UDO. City staff is still working with the applicant to reach a mutually agreeable solution. The basic idea is two-fold:

1. A reduction in the parks and rec fee required by the Ordinance
2. The applicant will improve the open space at the north end of the property in exchange for the parking spaces within the City's lot on Poindexter Street.

Staff is working on developing an improvement plan for the open space to present to the applicant. Further discussion has been had between the applicant and the City

regarding cost sharing of the trash compactor screening since the compactor would service businesses along the E Colonial alley in addition to the subject property.

As required by the UDO, the applicant held a community meeting on February 2nd, inviting all property owners within 500' of the subject property to attend. Of the 79 owners notified, 46 were in attendance. Feedback provided at the meeting was summarized on page 2 of the staff report. Overall, the feedback was positive and questions primarily pertained to individual details such as the screening of the trash compactor and use of the rooftop amenities.

The case was heard and conditional approved by the Technical Review Committee at their January meeting. Comments made by the committee are summarized on pages 6 and 7 of the staff report. One of the primary changes that came out of the meeting was the addition of landscape islands or planters adjacent to the public entrances along N Water Street. In addition to satisfying building code requirements, this modification also improves the aesthetic value of the project.

Staff is of the opinion that the proposed conditional zoning request is appropriate for the area, and recommends APPROVAL of the request subject to satisfactorily addressing all TRC comments. If the Planning Commission makes a positive recommendation to the City Council, Staff recommends the following plan consistency statement be adopted by Council:

"We the City Council of the City of Elizabeth City find the proposed conditional zoning request to be consistent with the City of Elizabeth City Unified Development Ordinance, the joint Pasquotank County Elizabeth City Land Use Plan, and the Elizabeth City Comprehensive Transportation Plan. The proposed central business conditional zoning district is generally consistent with the downtown mixed use future land use designation found in the joint Land Use Plan and is harmonious with the surrounding mix of uses within the Central Business District. Furthermore, the request, as presented, should not adversely affect public health, safety, or welfare. "

This concluded Ms. Alcock's report.

Chairman Sutton asked the audience if anyone was present to speak on behalf of Weatherly Lofts, LLC. Mr. James Flanigan, who is one of the developers for the Weatherly Loft, LLC project, came forth.

Mr. Flanigan commented Ms. Alcock's gave a very detailed overview of the Weatherly Lofts project. Mr. Flanigan added the project will be providing market rate apartments with a high end finish. Mr. Flanigan gave a brief background of himself and how he

came across the Weatherly Loft, LLC project. Mr. Flanigan asked the Planning Commission if they had any questions about the Weatherly Loft, LLC project.

Ms. Stallings commented on the Weatherly Lofts, LLC being efficiency apartments. Mr. Flanigan responded the Weatherly Lofts apartment sizes would vary from unit to unit but the true loft units would consist of an upstairs and downstairs.

Mr. O'Neal commented on the entrances to the Weatherly Lofts being accessible through the alleyway. Mr. Flanigan responded there's a plan to have four units along the alleyway that will have individual entrances along the alleyway.

Mr. White commented on the ingress and egress entrances to the Weatherly Lofts. Mr. Flanigan responded there would be a one way entrance off of Elizabeth Street then, you could turn left or right to exit onto Water Street, depending on if Water Street stays a two way street. The Weatherly Loft, LLC project is being supported by the North Carolina Department of Transportation.

Chairman Sutton questioned the overall project investment after purchasing the building and completing the project. Mr. Flanigan responded the overall cost would be 5 million dollars on the project.

Mr. White questioned the employment of numerous persons for the project. Mr. Flanigan responded there would be a select number of contractors from Richmond, Virginia as well as local sub-contractors to work on the Weatherly Loft project.

Ms. Stallings questioned the determination of parking spaces for the renters of the Weatherly Lofts. Mr. Flanigan responded the renters would have an option to pay a premium fee to obtain a parking space at the Weatherly Loft, if not then, the renter's option would be to park on Poindexter Street.

Mr. White questioned the Weatherly Lofts as being rental or for sale apartments. Mr. Flanigan responded the lofts were total rental apartments due to the project being a tax credit project, which means he's mandated to keep the building as an income reducing property for at least five years.

There weren't any further questions from the Planning Commission for Mr. Flanigan.

Mr. Josh Tunnell, an adjacent property owner, came forth to address his concerns to the Planning Commission. Mr. Tunnell concerns were as follows:

- When the North Carolina Department of Transportation finished Elizabeth Street, Mr. Tunnell had seven parking spaces and now he's down to three parking spaces;
- The downtown lunch crowd uses the City's parking spaces on Poindexter Street, which leaves Mr. Tunnell without enough parking spaces for his customers during lunch time;
- A building was torn down to increase more parking spaces and when this happened Mr. Tunnell offered to lease some of those parking spaces for his business but, he was denied by the City Manager; and
- Mr. Tunnell favors the Weatherly Loft project but, he doesn't feel that the Weatherly Loft shouldn't be allowed to lease parking spaces on Poindexter Street since, those same parking spaces weren't allowed to be leased to him.

Ms. Stallings commented on the purpose of the existing gravel lot in regards to the Weatherly Loft project. Ms. Alcock explained the gravel lot will provide a green space for the project.

After much discussion between the Planning Commission and Mr. Josh Tunnell in regards to the parking area located on Poindexter Street and how Mr. Tunnell was turned down for leasing some of the parking spaces by the City Manager, Chairman Sutton questioned Mr. Schelly about having any recommendations regarding the issue of parking on Poindexter Street. Mr. Schelly's recommendations for the parking issue were as follows:

- Mr. Tunnell could revisit the idea to lease the parking spaces with the City's Administration again;
- Businesses aren't required to have any parking in the downtown area wherein housing in the downtown area is required to have parking; and
- Modifying the concept of reserved parking for the downtown area in order to accommodate additional parking for the businesses downtown.

Mr. Biggs commented on the economic development aspect of the Weatherly Loft project in conjunction with downtown businesses.

Ms. Deborah Malenfant addressed the Planning Commission about the parking downtown with the businesses.

Mr. Biggs questioned about renters having overnight guest and how the issue would affect parking. Mr. Biggs also commented on using the green space as additional parking. Chairman Sutton interjected and commented the parking issue wouldn't be resolved in tonight's meeting but, the business owners and the City's staff should continue to strive and stay in contact with the City's administration until something can be resolved in regards to downtown parking that would be beneficial for all parties involved.

Chairman Sutton called for a motion. Mr. Biggs made a motion to **APPROVE CZ 01-18** with the recommended amendments. Mr. White seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, STALLINGS, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

Mr. Biggs also made a motion to APPROVE that all involved parties work to find a mutual beneficial solution to the parking issue for the eight leased parking spaces on Poindexter Street. Mr. White seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, STALLINGS, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

STAFF REPORT

Mr. Matthew Schelly, Director of Community Development Division, asked the Planning Commission, if they had any comments or concerns in regards to the Waterfront Master Plan and the Charles Creek Park Plan.

MEMBERS' CONCERN

- Mr. Biggs recommended and Chairman Sutton supported additional monies be added to the Planning Commission's budget in order to accommodate an increase in training and educational workshops for the Commissioners.
- Mr. White inquired about Elcinoca Drive being cited.

No **CHAIRPERSON'S REPORT** given.

Chairman Sutton called for a motion to adjourn the Planning Commission meeting. Mr. White made a motion to ADJOURN the Tuesday, March 6, 2018 Planning Commission meeting. Mr. Biggs seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, STALLINGS, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

The Planning Commission meeting adjourned at approximately 5:45pm.