

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
Tuesday, June 5, 2018**

MEMBERS PRESENT

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

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

Chairman Sutton called the Planning Commission meeting to order at approximately 4:00pm and determined there was a quorum. Chairman Sutton called for a motion to approve the agenda. Mr. White made a motion to **APPROVE** the agenda. Mr. O'Neal seconded the motion. **ALL IN FAVOR: O'NEAL, STALLINGS, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

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

Chairman Sutton asked Ms. 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.

Chairman Sutton asked if any Commissioner had a disclosure of interest in case number SUB 09-17. No Commissioner had a disclosure of interest in the case of SUB 09-17.

CASE NO.: SUB-09-17 submitted by Eastern Carolina Engineering, PC for Preliminary Plat of City Center West – Section II located at the intersection of Forest Park Road and Halstead Boulevard. The applicant is requesting to create eleven (11) commercial lots within the General Business Zoning and the Halstead Boulevard Extension Overlay District.

Mr. Schelly presented the following report:

The owners are seeking Preliminary Plat approval for Section II of City Center West. Preliminary Plat approval allows the developer to construct the public improvements, such as streets, sidewalks, street trees, and public utilities, which they must complete before building on any of the lots. This application is for Section II of City Center West, consisting of 22 acres, with 11 commercial lots, ranging in size from 1.1 acres to 2.23 acres with an average lot size of about 1.7 acres, plus one 3.7-acre common area lot. The first section of City Center West included the 30 lots north and east of Phase II. Therefore, this proposal brings the total for City Center West to 41 commercial lots. They will be seeking approval from the Council to annex the entire 22 acres to the City.

First, the Background:

In November 2005, the City Center West project began with a three lot minor subdivision for the creation of the Fairfield hotel and a Sketch Plan for 30 commercial lots.

The first section of City Center West was annexed into the City in 2006 – 30 acres north of Halstead Boulevard Extended and 18 acres south of Halstead Boulevard Extended. In April 2006, City Council approved the Preliminary Plat for this first section for the 30 lots.

The initial Sketch Plan for Section II of the development included nine commercial lots and one common area lot, but was later modified to create 11 commercial lots and one common area lot to be built in at least 2 phases. The initial Sketch Plan was heard by the Technical Review Committee (TRC) on December 19, 2017 and approved. In May 2018, a modified, 11-lot Sketch Plan was submitted, reviewed, and then approved on May 22, 2018.

The Preliminary Plat for Section II for nine commercial lots and one common area lot was reviewed by the TRC on January 16, 2018, and granted conditional approval. During the TRC presentation, the TRC members were informed that the lot layout was

to be increased from 9 commercial lots to 11 commercial lots. The Preliminary Plat was then modified to 11 lots and revised according to the conditions of the January 16th approval. In May, 2018, TRC members reviewed and commented on the revised plans.

So now, about the Plat:

The applicants are proposing to do the public improvements in two phases: the three lots in the SE corner, near the existing pond, will be phase one. Of these three, the largest one, the one along the railroad tracks, is for a new detention pond for all 11 lots, and they are proposing to build it as part of phase 1 improvements. The limits of the phases and the final state of the public improvements are seen on sheet C200 of the plans.

The street will be an extension of City Center Boulevard. The applicants are proposing to build the street to full, final, city standards in the phase one area only, and a "rural standard" along the rest of the length of the street. Later, and before construction can begin on phase 2 lots, the public improvements would have to be fully completed throughout Section II. On sheet C900, you can see the full-standard street cross section. The full-standard street would have a 27-foot paved width, the 2 2.5-foot gutter and curb sections, and 2 5-foot sidewalks, for a total of 42 feet within a 60-foot right-of-way. This is only for the phase one area. During phase one and before construction may begin on the plots in phase one, the rest of the street will be constructed to the "rural standard." There is no detail for this yet, and should be provided.

A crosswalk, ADA curb ramps, and one new stop sign at the S. McPherson Crossing intersection, plus a stop sign at Forest Park Road will be part of phase one.

The water and sewer utilities will become an extension of the city water and sewer systems, but the water line will also connect to the County water system on Forest Park & Halstead, creating a loop. The sewer line is shown to extend along the new street to within about 175 feet of the property line at Forest Park Road.

The electric utilities will be provided by the City.

Each lot will be individually developed over time.

List the issues (TRC, etc.)

The full TRC only saw the 9-lot plan, but when it was revised to 11 lots, the TRC members who had comments the first time reviewed the 11-lot plan and provided comments.

Need to provide sheet for temporary conditions – 2 phases

Staff recommends APPROVAL with the following conditions:

Prior to the City Council hearing, the applicant shall address all remaining TRC concerns including, but not limited to:

- a. The property shall be annexed to the City;
- b. All required state permits shall be secured;
- c. Add a sheet that shows the full, final buildout of all public improvements, plus, on other sheets clearly label the improvements to be constructed during phase one that are not at full, final buildout that they are temporary and shall be constructed according to the full buildout plan before any construction will be permitted in Phase 2;
- d. Provide a street section detail for the “rural” portion of City Center Boulevard and clarify the drainage and necessary improvements;
- e. Show the fire hydrant at Forest Park Road and City Center Boulevard;
- f. Provide a three-way stop sign intersection at City Center Boulevard and South McPherson Crossing;
- g. Show water stub-outs and sanitary cleanouts for the individual lots;
- h. Extend the sewer line to Forest Park Road;
- i. Assign a lot designation for the lot with the stormwater management pond, such as “Common Area Lot D;” and
- j. Provide landscaping for the pond area according to the Overlay District requirements.

Prior to Final Plat approval:

- a. All Preliminary Plat improvements shall be constructed or bonded;
- b. A copy of the supplemental Property Owners Association (POA) conditions, covenants and restrictions shall be submitted for review and approval by the City Attorney. This document shall clearly state the POA maintenance responsibilities

for all drainage facilities, including the pond.

- c. Based on approximately 1,100 lineal feet of property frontage along Halstead Boulevard Extended, a payment of \$19,679 shall be paid to the Halstead Trail Fund.
- d. In lieu of the installation of approximately 420 lineal feet of a 4-foot wide sidewalk along Forest Park Road, a payment of \$7,514 shall be paid to the Sidewalk Fund.

This concluded Mr. Schelly's report.

Chairman Sutton asked the audience, if anyone was present to speak on behalf of SUB 09-17. Mr. Sean Robey, representing Eastern Carolina Engineer, PC, came forth.

Mr. Robey commented currently he's opposed to extending the sewer to Forrest Park Road. There's no benefit in extending the sewer, in fact the sewer is designed only deep enough to serve the lots that are in City Center West Section II. There's no plan of extending that sewer. We've stopped at a service point so we can pick up our last plots. Sewer at that point would probably be approximately five foot deep.

Mr. Arthur McPherson, who is representing the applicant, McMor Development, for the project, and Mr. Briant Robey, who is an Eastern Carolina Engineer assisting with the project, were both present at today's meeting as well.

Mr. White questioned, "No extending City sewage service to this project?" Mr. Robey responded, "No." We are extending gravity sewer for this project along the roadway extension. The sewer will actually be constructed in the center of the road just as we do to all city streets. One of our comments was the last manhole stops 175 feet short of Forest Park Road because it's at the point of our last lot. So our last two lots can actually drain to that manhole. One of the comments was to extend that manhole, in our opinion unnecessarily, all the way to Forest Park Road. Mr. White questioned, "Was this a Technical Review Committee comment?" Mr. Robey responded, "The comment wasn't heard in the Technical Review Committee meeting. The comment came after the Technical Review Committee meeting." Mr. Schelly stated the comment was made during the second review by the Technical Review Committee. Mr. White requested to see the Technical Review Committee comments.

Chairman Sutton asked Mr. Schelly if he was familiar with the opposition. Mr. Schelly stated he didn't think so. Mr. Robey commented he wasn't familiar with the requirement to extend the sewer until today. Mr. Schelly explained the reasoning for the comment about extending the City sewer. Mr. Schelly commented the sewer line

extends within 175 feet of Forest Park Road. There's a large empty field across the street on Forest Park Road and the anticipation is that at some point the empty field may become developed and need a sewer connection as well.

Mr. Robey made reference to sheet C400 of the plans in which displays the location of the manhole, which is labeled as SMHD46. The depth of the manhole is approximately 5 1/2 feet. By the time, we extend the sewer to Forest Park Road or get to the other side, the sewer would be about three foot deep. Chairman Sutton commented the Technical Review Committee hasn't considered that matter. Mr. Schelly responded the Technical Review Committee hadn't considered the technicalities of the matter and the matter is desired from planning to have the sewer extended out to the road for future expansion.

Mr. Arthur McPherson, representing the applicant, McMor Development, came forth to address the Planning Commission. Mr. McPherson commented from an engineering point of view, to make the sewer service feasible for use across the other side of Forest Park Road, the entire section that is being added that leaves the current completed section at the intersection of South McPherson Crossing and City Center Boulevard would have to be lowered. In early discussions, pre-dating Mr. Schelly, we made an offer to the City, if they would like for us to entertain that entire section so that whoever ends up across the street could potentially tap into the sewer service. We could do the cost analysis between what we have designed that would service everything we need to design and what could be done to potentially call for service over there and they (the City) was not interested in taking us up on that offer. So, we went ahead and proceeded to design what was necessary for our project. Chairman Sutton questioned, "And that offer was made to whom?" Mr. McPherson responded, "Mostly to the City Manager and the Assistant City Manager along with some of the staff out of Mr. Schelly's office that is no longer employed with the City of Elizabeth City and then, the prior Public Works Director found out. Chairman Sutton asked Mr. Schelly, "If there was any documentation about the offer made to the City." Mr. Schelly responded, "He didn't know." Mr. McPherson commented, "I doubt there would be. It was just a discussion in pre-planning meetings."

Chairman Sutton asked, "Any comments or questions by the Commissioners?" Mr. White responded, he would like to review the Technical Review Committee comments and minutes that he inquired about. Chairman Sutton adjourned the Planning Commission meeting for ten minutes to allow Ms. Chamblee to obtain copies of the Technical Review Committee comments and minutes for the Planning Commission. Time was approximately 4:23PM

Chairman Sutton reconvened the Planning Commission meeting at approximately 4:30PM. Ms. Chamblee provided the Planning Commission with a copy of the Tuesday, January 6, 2018 Technical Review Committee meeting minutes.

Chairman Sutton asked Mr. Schelly to give an overview of the Tuesday, January 6, 2018 Technical Review Committee meeting. (Mr. Rich Olson, City Manager is present at this time.)

Mr. Schelly commented Mr. Olson was in attendance at the Tuesday, January 6, 2018 Technical Review Committee meeting, when the discussion of the extension of the sewer line was discussed. The notes referred to a drop manhole however, when we did the notes we didn't exactly know what drop manhole meant at the time. Mr. Olson would like to take the opportunity to explain.

Mr. Rich Olson, the City manager, came forth and addressed the Planning Commission. Mr. Olson commented the discussion at the January 6, 2018 Technical Review Committee meeting centered around two items. First, is the City willing to enter into a developmental agreement with McMor Development to allow the sewer line to be placed at a greater depth to allow future expansion across Forest Park Road? The discussion at the Technical Review Committee was the City would not. The City, about 12 years ago, spent 1.2 million dollars putting in the Halstead Interceptor Line, which is the force main that runs down Halstead that feeds Walmart and everything else. The City did this in anticipation of a great deal of development very rapidly along that corridor. That has not occurred so, I have six hundred and some thousand dollars on my books right now for accounts receivable because, the only time we can collect that money is when someone comes in and annexes their property and do a subsequent development. So there is a surcharge of 0.22 cents per square foot of every lot out there gets charge to pay off that sewer assessment on 1500 acres because, that is the service area. The City had number of agreements. The last one the City had with a developer was the Country Club Golf Club Drive with Lucien Morrisette and his development company. The development agreement was entered into 1998. The City usually don't do those development agreements because the City does not have the financial wherefore all to front the cost of these improvements. Dropping that sewer line down to the depth it needs to be extended would cost at least another \$200,000. This is the reason for the drop manhole, elevation, and everything else. The Halstead Corridor only had six or seven locations for lift stations to be located in that area. A lift station is near the site across from Sherman Williams. There is another lift station contemplated on the property that is own by Savish Rilas. Another one, on the old Gene Meads property that was recently sold to a corporation from the hospital, which is called the Straw Buyers Agreement. The whole area has been modeled for sewer in the future. In theory, it would be nice if that manhole could give depth at another 1000

feet west of Forrest Park Road but, the City is not willing to put that money up to do that.

Mr. White questioned, "Why annex, what is the purpose, and the good of spot annexation, if you're not gonna provide City services that far out?" Mr. Olson responded, "Not a spot annexation, it would be a continuous annexation. City has no plans to annex anything west of Forrest Park Road. In 2010, the State's Annexation Laws changed, which prohibits us from doing that. It has to be a Voluntary Annexation. The property in question is not in the City limits right now but running parallel with the subdivision preliminary plat is a petition for annexation, which is being reviewed by the City's attorney.

Mr. White asked, "Would it be your desire to be annexed?" Mr. McPherson responded, "Yes."

Chairman Sutton questioned, "Do you have an estimate of what the cost would be to you?" Mr. McPherson responded, "It would roughly cost \$200,000. We, McMor Development are gonna be running City service throughout the entire project of what you're looking at today. This would potentially allow some property that we have no interest in at this time on the other side of Forrest Park Road, one day to be able to tap in and utilize the gravity fed sewer. But, if there was any concern that we are running full level services throughout this entire project. We are doing it in two phases.

Mr. White asked, "Where does the line stop at now?" Mr. Olson responded, "Line stops right where the road goes up the last manhole dead end right there." Mr. McPherson commented the corner of South McPherson Crossing and City Center Boulevard. Mr. Olson commented Sherman Williams is approximately 400 feet to the west. What they are going to be required to do is take it from that manhole all the way to Forrest Park and they are going to do that at adequate enough slope so it can gravity feed into the manhole right there. Mr. Schelly commented you meant to say almost all the way to Forrest Park Road. Mr. Olson commented where ever the last lot line is. What you are referring to is lower the overall depth of the sewer so that it could be extended even further.

Chairman Sutton asked, "How will that impact you?" Mr. McPherson responded, "It does not impact me." Mr. McPherson and Mr. Olson reiterated again why the City didn't extend the sewer connection to Forrest Park Road. The City was not interested at the time.

Chairman Sutton commented were there any further comments in reference to SUB 09-17. Ms. Patsy Bright came forth and addressed the Planning Commission.

Ms. Bright commented her family owns the property in the curb of Forrest Park Road where SUB 09-17 will be developed. When they put Adam's Landing in, the development caused major flooding on Thunder Road and at her curb. Ms. Bright has lived there for over 50 years and never gotten water in the garage. Now, when it rains she gets four to five inches of rain in her garage. Is this development going to affect that? Mr. Robey responded, "Without knowing the exact storm or what put water in her garage, we have designed the pond for this project as we have a lot of the more recent ponds that have been done for the City, and we've design for the 25 year storms. We are designing for a 4.6 rainfall event and we are matching pre and post on a 25 year storm. So, you should not see any more water coming off this property in a 25 year storm than its already coming off of this property in 25 year storm.

Ms. Bright commented all the residents in the six houses from Thunder Road to Halstead Boulevard would probably like this to be considered as commercial property. Can this project be grouped with the other commercial properties? Mr. Schelly responded, "I'm not familiar with the zoning map in that location. The City will always entertain a rezoning request at any time." Ms. Bright commented with Jackson being the major property owner there, it would not be considered even if the rest of the residents wanted that, correct? Mr. Schelly responded all those facts would be considered during the process. Ms. Bright commented, "Ok."

Mr. White commented that's currently a county zoning, where Ms. Bright is describing in the curb of Thunder Road between the old beer distributor and the current beer distributor. Mr. Olson commented he's pretty sure that's been in the City's Extra Territorial Jurisdiction (ETJ) for a number of years. Mr. Olson shared his experience and attested to the flooding in the curb on Forrest Park Road when it has rained tremendously.

Chairman Sutton called for a motion for case SUB 09-17. Mr. White made a motion to **APPROVE** with the contingences of SUB 09-17. Ms. Suzanne Stallings seconded the motion. **ALL IN FAVOR: O'NEAL, STALLINGS, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

STAFF REPORT

- Ms. Kaitlen Alcock is no longer employed with the City of Elizabeth City.

CHAIRMAN'S REPORT

- The Planning Commission received a handout called, Planning Commission Improvement Discussion. Chairman Sutton informed the Commission that he,

Mr. Schelly, and Johnson Biggs had a conversation in regards to how the Planning Commission could be more effective to the citizens in the community. Chairman Sutton asked the Commission to read, review, and report back to the next Commission meeting in July 2018 with some comments in regards to the handout the Commission was given.

- Ms. Stallings commented on mandatory workshops, which would consist of some type of continuing education with the ability to earn a certain amount of credit hours.
- Chairman Sutton commented he would like to see the boards and commissions work more closely together. Chairman Sutton also commented on the discussion he had with the Mayor in regards to how to be more effective with the selection of boards and commissions.

MEMBER'S CONCERNS

- Mr. Schelly distributed the description of the Planning Commission's responsibilities from the Unified Development Ordinance (UDO).
- Mr. O'Neal commented he had a technical issue in not understanding some of the blue print maps or plans that were discussed in the meeting today but, he's willing to commit to learning and educating himself on those items and terminology.

Chairman Sutton called for a motion to adjourn. Mr. White made a motion to **ADJOURN**. Ms. Stallings seconded the motion. **ALL IN FAVOR: O'NEAL, STALLINGS, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

The Planning Commission's Tuesday, June 5, 2018 meeting adjourned at 5:01pm.