

**CITY OF ELIZABETH CITY  
PLANNING COMMISSION  
REGULAR MEETING  
TUESDAY, JULY 2, 2019  
4:00 PM**

**MEMBERS PRESENT**

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

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

Vice Chairman Biggs called the meeting to order at approximately 4:02 pm and stated a quorum.

Vice Chairman Biggs called for a motion to amend the agenda. Ms. Stallings made a motion to **AMEND** the agenda to allow Chairman Sutton to listen in on the meeting via cell phone but is not allowed to vote. Mr. O'Neal seconded the motion. **ALL IN FAVOR: O'NEAL AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

Vice Chairman Biggs called for a motion to approve the agenda as presented. Ms. Stallings made a motion to **APPROVE** the agenda as presented. Mr. O'Neal seconded the motion. **ALL IN FAVOR: O'NEAL AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

Vice Chairman Biggs called for a motion to approve the Tuesday, April 2, 2019 Planning Commission minutes. The approval of the minutes was tabled until the next Planning Commission meeting due to Ms. Stallings not being in attendance when the Tuesday, April 2, 2019 meeting took place. Therefore, the minutes were tabled due to the lack of a quorum in order to vote on the minutes.

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.

Vice Chairman Biggs asked if any Commissioner had a disclosure of interest in case number SUP 02-19. No Commissioner had a disclosure of interest in the case of SUP 02-19.

**CASE NO. SUP 02-19** –submitted by Charles Brown for the construction of a 320 square foot billboard. The billboard will be located near the center of the lot at 1017 north Road Street, adjacent to the railroad and Knobbs Creek. The site is zoned General Business (GB).

Ms. Eggar presented the following Staff report:

Special Use Permit 02-19 is a request to allow a 25' tall, 320 sf billboard to be constructed at 1017 North Road Street. The half-acre site triangular shaped lot is located adj. to the railroad R/W and Knobbs Creek, approx. 500' SW of the new Knobbs Creek bridge.

According to the Elizabeth City Unified Development Ordinance Table of Permitted Uses, a Special Use Permit is required for billboards located within the General Business District. The UDO standards established for this use are:

- Maximum height 30' – Max. sign area of 320 square feet
- 300' from another billboard on same side of street
- 150' from residences or residential zoning
- Minimum 10' setbacks from property lines and 20' from power lines
- All structures, blank surfaces, and supports shall be uniformly painted in a neutral finish when exposed to any street and shall be maintained in good repair.

An additional requirement is that it must be determined that the size of the billboard is compatible with adjacent land uses and will not be injurious to adjacent properties.

Now some background about the site:

As part of the Knobbs Creek Bridge replacement, NCDOT required additional land and went through eminent domain proceedings on several properties in the vicinity of the bridge. At this time the subject site was improved with a commercial building which was located just a few feet off the right-of-way. Since the taking made the site unusable for commercial purposes, NCDOT purchased the complete parcel and razed the building.

In addition to the subject property, NCDOT found it necessary to procure use of a portion of land from the adjoining site, 1015 North Road Street owned by Messrs. Brewer and Swimme. In 2015 in lieu of a cash payment, NCDOT settled the claim by conveying to them the 1017 North Road Street property.

The site of the proposed billboard. On the last sheet of your packet there is a site plan depicting the proposed billboard to be located approximately in the center of the property with 29' – 30' setbacks from the edge of the billboard to the property lines.

The request was heard and conditionally approved by the Technical Review Committee at their April 23, 2019 meeting. A summary of the TRC comments can be found on pages 7 & 8 of the staff report. The primary concern centered around the location of existing underground utilities that were relocated in conjunction with the Knobbs Creek bridge replacement. Representatives from Public Utilities conducted a site inspection and did not find any underground utilities on the subject property. Since the application did not state if the billboard was to be digital, Planning Staff, stated that the SUP would stipulate regulations for a digital billboard.

Staff is of the opinion that the proposed billboard is compatible with the adjacent land uses and is generally consistent with the UDO requirements and the joint Land Use Plan.

If the Commission recommends approval of the Special Use Permit, Staff recommends it adopt Staff's recommendations found on pages 9 & 10 of the staff report. The recommendations include:

That the billboard shall comply with the UDO and TRC requirements. Since the applicant has the option to go digital, we recommend establishing requirements for regulation of the illumination and changeable copy of a digital billboard in addition to the allowable brightness. See recommendation #5 on page 10.

To ensure that the billboard stays compliant to the factory pre-sets, Staff is recommending that an annual recertification from the manufacturer that the maximum light intensities are being met.

Staff is recommending that the billboard be available for emergency communications.

Should an event occur where the billboard is required to be relocated, relocation of the billboard into the Central Business District (CB) and the Halstead Boulevard Extended Overlay District is prohibited.

The process mandated by the UDO requires that the Planning Commission report to the BOA whether it agrees in whole or in part with the TRC and Staff proposed findings and recommendations. The Planning Commission may propose its own recommendations.

The BOA will need to determine that the proposed billboard complies with the findings found on page 7 of the staff report – that the billboard:

- 1) Will not endanger the public health or safety;
- 2) Will not injure the value of adjoining or abutting property;
- 3) Will be in harmony with the area in which it is located; and
- 4) Will be in conformity with the Unified Development Ordinance, Land Use Plan, Thoroughfare Plan, or other plans officially adopted by the City Council.

The BOA may also impose reasonable and appropriate conditions to the permit and may attach a condition limiting the duration of a SUP. The Planning Commission can provide a recommendation to the BOA about this.

This concluded Ms. Eggar's presentation.

Mr. Charles Brown, the applicant, representing M. C. Brewer and Mark Swimme was present and was in attendance to the Planning Commission to just answer questions.

Ms. Geraldine White, representing the owners of the Circle D Gas Station, was present and addressed the Planning Commission. Ms. White commented the owners of the Circle D Gas Station's concern was whether the billboard will be blocking the Circle D's store sign. Vice Chairman Biggs commented it would be hard to determine if the Circle D's store sign would be blocked by the proposed billboard.

Ms. Stallings questioned Mr. Brown if the property owners would mind sliding the billboard sign to the west to be feasible to not block the Circle D's store sign. Mr. Brown commented yes, we can have the sign moved west as long as we're within the setbacks.

Ms. Stallings commented would the billboard be a digital billboard. Mr. Brown commented he wasn't sure and digitized billboards are types of signs that are costly to build.

Ms. Stallings commented are you the sign company for the billboard. Mr. Brown commented no, I'm the surveyor representing Mr. Swimme.

Mr. O'Neal had no comments about the billboard.

Vice Chairman Biggs called for a motion for SUP 02-19. Ms. Stallings made a motion to **APPROVE** SUP 02-19 based upon the conditions set forth from the Board of Zoning Adjustment, accepting the conditions from the Technical Review Committee, and asking the sign owner and the property owner if they would be so kind to adjust the billboard to the furthest point west that is comfortably possible staying within the perimeters of the setbacks, utilities, etc. Mr. O'Neal seconded the motion. **ALL IN FAVOR: O'NEAL AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

#### **STAFF REPORT**

Mr. Schelly gave an update on the Community Development Department projects.

#### **CHAIRPERSON REPORT**

Vice Chairman Biggs wished everyone a wonderful Fourth of July and holiday weekend.

#### **MEMBERS' CONCERNS**

Ms. Stallings inquired about the Landscape Ordinance.

Mr. O'Neal commented he delayed his birthday dinner to attend tonight's meeting.

Vice Chairman Biggs called for a motion to adjourn. Ms. Stallings made a motion to **ADJOURN** the Tuesday, July 2, 2019 Planning Commission meeting. Mr. O'Neal seconded the motion. **ALL IN FAVOR: O'NEAL AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

The Planning Commission meeting adjourned at approximately 4:30pm.

Respectfully submitted,

Yvette M. Chamblee  
Secretary for the Planning Commission