

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
Tuesday, July 3, 2018**

MEMBERS PRESENT

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

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

Chairman Sutton called the Planning Commission meeting to order at approximately 4:05pm 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. 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, June 5, 2018 Planning Commission minutes. Mr. White made a motion to **APPROVE** the Tuesday, June 5, 2018 Planning Commission minutes. Mr. Biggs seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton asked staff 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 CUP 01-18. No Commissioner had a disclosure of interest in the case of CUP 01-18.

CASE NO.: CUP-01-18 submitted by Elizabeth City Pawn and Jewelry Inc. seeking to relocate in the old S & R Supermarket building, which is a 16,000 square foot structure, located at 700 North Hughes Boulevard. The site is zoned General Business (GB). The purposed use would be to renovate 4000 square feet in the front part of the building and the remaining portion of structure to be used as warehouse or possible retail space(s).

Cheryl Eggar presented the following report:

Request before you is for a Conditional Use Permit to operate a pawnshop at 700 N Hughes Blvd, site of the vacant S&R Grocery store. The ex. building is 16,000 sf of which 4,000 will be renovated for the pawn shop operation. The site is zoned General Business and is surrounding by various commercial uses including the Salvation Army Thrift Store, Van's restaurant, Nu-Quality Ice Cream, and Mr. Auto.

According to the Elizabeth City Unified Development Ordinance Table of Permitted Uses, pawnshops to be located within the General Business District must first receive a Conditional Use Permit prior to commencing operations and meet the following development standards:

- It shall not be located within 50' of residentially-zoned property, church, elementary or secondary school, college, or public park.
- The hours of operation shall be compatible with the adjacent land uses adjacent. When the use adjoins residential zoned or used property operation between the hours of 10 pm and 8 am is prohibited.
- The use will not be detrimental to surrounding properties.

The applicants began their pawnshop operation in 2011 with their first shop at 900 West Ehringhaus. When they outgrew that space they relocated to the old Family Dollar store site at 1501 West Ehringhaus. In addition to the pawning operations the business will be buying and selling guns and precious metals. The gun sales are not anticipated to be a large portion of their operation.

The applicants will be installing state of the art security camera and systems. The renovation project includes constructing secured gun and jewelry rooms. The gun room will be constructed with cinder block walls, the ceiling will be reinforced with rebar and the door will be a steel bank vault door. The jewelry room will have a roll up security gate. The front windows to the store will be reinforced with security bars. The proposed hours of operation are 9 am till 8 pm 7 days a week.

The 2 acre site occupies the complete block on North Hughes Blvd between Gregory Street and Sawyer Streets. Currently there are two driveway to North Hughes Blvd and two to Sawyer Street. There are over 90 parking spaces available on site which is more than adequate for the pawn operation. The building and site have been vacant for decades and reflect deferred maintenance. The applicants desire to have a nice looking location and intend on renovating the parking lot and adding landscaping along the street frontages.

The request was heard and conditionally approved by the Technical Review Committee at their May meeting. A summary of the departmental comments was provided with the staff analysis. Staff and NCDOT expressed concern with the proximity of the eastern driveway access on Hughes Blvd to the intersection with Sawyer St. There is less than a 50' separation (page 7 of the staff analysis has an aerial view of this area). For safety reasons it is requested that this access point be closed. In conjunction with closing the eastern driveway NCDOT will permit them to widen the mid-block driveway along Hughes Blvd. to 40'.

City Administration is requiring sidewalk improvements be installed along both North Hughes Blvd and Sawyer Street. The sidewalk installation may be deferred until after the NCDOT access improvement project for North Hughes Blvd is completed. However, if the NCDOT project is deferred indefinitely, or beyond January 1, 2020, the property owner, Elizabeth City Pawn and Jewelry, shall be required to install the requisite sidewalk as per the approved CUP site plan.

Staff is of the opinion that the proposed pawnshop is compatible with the adjacent land uses and consistent with the UDO requirements and the joint Land Use Plan. If the Planning Commission recommends approval of the Conditional Use Permit Staff recommends it adopt the following conditions in their recommendation to City Council:

- 1) Comply with the Conditional Use Permit criteria for pawnshops found in Article 11-4.56 of the Unified Development Ordinance;
- 2) The eastern-most driveway access to North Hughes Boulevard shall be closed;
- 3) Streetscaping consisting of six trees and 36 shrubs along both North Hughes Boulevard and four trees and 24 shrubs along Sawyer Street shall be required;
- 4) The dumpster area shall be adequately lit and have adequate truck access with a 50-foot minimum clearance;
- 5) Four foot wide sidewalks shall be installed along both North Hughes Boulevard and Sawyer Street;

- a. The installation of the sidewalk along North Hughes Boulevard and Sawyer Street may be delayed until after the completion of the NCDOT project for North Hughes Boulevard. If the NCDOT street widening project is deferred indefinitely, or beyond January 1, 2020, the property owner, Elizabeth City Pawn and Jewelry, shall be required to install the requisite sidewalk along North Hughes Boulevard;
- 6) To verify the completion of the sidewalk improvements the initial CUP will require an administrative renewal by the Planning Division Community Development Department by March 1, 2020;
- 7) Vehicle sales will be permitted under a separate Zoning Permit;
- 8) After the pawn use has ceased, the permit shall become null and void;
- 9) The renovated 4,000-square-foot area for the pawnshop shall provide additional exits for adequate ingress and egress;
- 10) The record owner of the property shall record the permit with the Pasquotank County Register of Deeds. The authorized use shall not commence until the property owner provides documentation that the permit has been recorded and indexed under the record owner's name as grantor.

This concluded Ms. Eggar's report.

Chairman Sutton asked the audience, if anyone was present to speak on behalf of CUP 01-18. Mr. Eric Rainwater, applicant and representing Elizabeth City Pawn and Jewelry, came forth and addressed the Planning Commission.

Mr. Rainwater explained how this was the third time Elizabeth City Pawn and Jewelry has been before a committee from the City of Elizabeth City, once in 2007, when Elizabeth City Pawn and Jewelry first opened; secondly in 2011, when they moved over by Food Lion and Sears; and today about opening a second location at the old S & R Supermarket location. Mr. Rainwater made reference to an aerial map about the entrances or driveways to the S & R location as well as the comparison of other businesses driveways or entrances. Mr. Rainwater expressed his concern about the relationship Elizabeth City Pawn and Jewelry has with the City of Elizabeth City and how he and his partner have purchased and made plans to renovate the S & R Supermarket location with the highest level of care, even when they had viewed other locations within the City but, they chose this location. As businessmen, Mr. Rainwater and Mr.

Kevin Stroud do not want to absorb extra cost because, they prefer to retain two driveway entrances and not limit an entire city block business to one driveway entrance. As a valuable compromise at some point, Mr. Rainwater is willing to move their driveway south to align with Pitts Road's driveway across the street and they are willing to correlate with NCDOT. Mr. Rainwater commented the alignment of the driveway would cost them money or they could ultimately defer the driveway alignment until NCDOT widen the road. Mr. Rainwater discussed his disagreement with installing sidewalks along North Hughes Boulevard and Sawyer Street and how he would like to work with NCDOT instead of being mandated to a January 1, 2020 deadline. Mr. Rainwater used a map to discuss how surrounding businesses and streets do not have current sidewalks. Mr. Rainwater proposed what would happen if NCDOT defers the widening project beyond January 1, 2020 and how would that affect Elizabeth City Pawn and Jewelry. Mr. Rainwater also proposed the possibility if Elizabeth City Pawn and Jewelry did install the sidewalks, what would happen if NCDOT decides to widen the road and tear up the installed sidewalks.

Mr. Kevin Stroud came forth and addressed the Planning Commission. Mr. Stroud commented South Hughes Boulevard currently doesn't have a turning lane so, having two entrances of ingress and egress would be vital to Elizabeth City Pawn and Jewelry. Mr. Stroud noted most business traffic wouldn't be coming from side streets but, would be coming from South Hughes Boulevard and the traffic flow would be beneficial to Elizabeth City Pawn and Jewelry. Mr. Stroud commented his preference is to postpone the installation of sidewalks until NCDOT widens the road. So, NCDOT wouldn't have to tear up the sidewalks Elizabeth City Pawn and Jewelry is required to install. Mr. Stroud also discussed with description where pieces of sidewalks are located or not located in the vicinity of Elizabeth City Pawn and Jewelry.

Mr. Alex Rich, representing Rich Company came forth and addressed the Planning Commission. Mr. Rich commented Mr. Rainwater and Mr. Stroud are his clients in the matter of purchasing the S & R Supermarket. Mr. Rich spoke how he wanted to make sure the City of Elizabeth City wasn't using the Conditional Use Permit process to squeeze business owners any harder than any other business owners that try to open new businesses or expand businesses in Elizabeth City. Mr. Rich felt the Conditional Use Permit process is allowing planning to ask for the sidewalks to nowhere and tie Elizabeth City Pawn and Jewelry into a process with NCDOT that they have absolutely no control over.

Mr. Peter Thomson, representing Nortech Commercial Realty, came forth and addressed the Planning Commission. Mr. Thomson is also the broker for the Roebuck Family, who owns the property and building that Elizabeth City Pawn and Jewelry is acquiring. Mr. Thomson commented on the structure square footage of the building; the struggle in trying to find a buyer for the building; and how Elizabeth City Pawn and Jewelry will be

developing a building to a level they would be able to make money and get businesses in.

Mr. Biggs questioned City Staff about the sidewalk issue being something new that the Community Development Department is implementing as far as sidewalk requirements. Ms. Eggar responded when the City of Elizabeth City gets the opportunity to expand sidewalks within the business districts, we like to expand sidewalks because, we hope eventually all sidewalks would be connected.

Chairman Sutton commented the Commission needed to consider there is some consideration for widening the area and installing sidewalks. Chairman Sutton also commented the Commission should defer until the sidewalks are installed because, it doesn't make sense to have businesses investing money into sidewalks, when NCDOT is probably going to come and tear up the sidewalks.

Mr. White reflected on his childhood and adult memories about the S & R Supermarket. Mr. White commented he supports anyone who is willing to go into the location to renovate and operate a successful business. Mr. White commented if it was in the authority of this Commission, he would exempt Elizabeth City Pawn and Jewelry from having sidewalk, shrubbery, and tree requirements. Mr. White spoke as a former Elizabeth City Police Officer and commented based on the type of business Elizabeth City Pawn and Jewelry conducts, they should be very visible.

Chairman Sutton questioned City Staff about a Unified Development Ordinance requirement to make sure the guns at the Elizabeth City Pawn and Jewelry are secure. Ms. Eggar responded the gun issue would be addressed by the Elizabeth City Police Department. Mr. Rainwater commented an agreement had transpired between Elizabeth City Pawn and Jewelry Inc. and the former and current Chief of Police requiring Elizabeth City Pawn and Jewelry to be responsible for securing handguns in safes at Elizabeth City Pawn and Jewelry but, there wasn't a requirement for long handguns to be stored in safes. Elizabeth City Pawn and Jewelry has decided to build a safe with cinder blocks and steel rebar in order to protect their assets and not because it's a requirement from the City of Elizabeth City. Mr. Rainwater gave a detailed description of the dimensions and appearance of the safe that will be installed. Mr. White questioned the number of breaking and entering of Elizabeth City Pawn and Jewelry. Mr. Rainwater responded Elizabeth City Pawn and Jewelry has had to report two breaking and entering. Chairman Sutton questioned out of how many years. Mr. Rainwater commented out of seven years.

Mr. Stroud reiterated his concerns about letting the Department of Transportation determine the sidewalk issue and let Elizabeth City Pawn and Jewelry have the two driveway entrances as requested.

Chairman Sutton called for a motion. Mr. White made a motion to **APPROVE** CUP 01-18 with the recommendations that Elizabeth City Pawn and Jewelry Inc. be exempted from sidewalk, shrubbery, and tree requirements based upon the condition that Elizabeth City Pawn and Jewelry Inc. renovates as per their written application submission. Mr. O'Neal seconded the motion. Mr. White amended his motion to include the two entrance ways at this this time to be exempt. Mr. Biggs seconded the amended motion. Mr. Schelly asked for clarification on the ten items on the recommended conditions from staff. Recommended conditions #3, #5, and #6 were exempt within the amended motion, while the remaining recommended conditions are to be complied. Mr. Biggs commented on the driveway entrances to the S & R location. Mr. Stroud requested to leave the driveways as they are and extend the main driveway coming from the south across from Spectrum. Chairman Sutton recommended the extension of the driveway as a vital option. Mr. Schelly added another amendment to the amended motion, which allows a 40 foot widening of the southern driveway to 40 feet. An amendment to the amended motion was seconded by Mr. Biggs. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

Mr. Schelly commented due to the press in the Planning Commission meeting, the Planning Commission's approval of CUP 01-18 is only viewed as a recommendation to City Council.

Mr. Stroud commented whether the 40 foot entrance in the amended portion of the motion was allowed or recommended. Chairman Sutton commented recommended.

No **STAFF REPORTS** given.

CHAIRMAN'S REPORT

- Chairman Sutton discussed the Planning Commission Improvement Discussion handout that was distributed to the Commission at the June meeting. Chairman Sutton asked if there were any comments or recommendations from the Commission and he informed the Commission that this dialogue will continue throughout Planning Commission meetings. Chairman Sutton commented the purpose is to have the Planning Commission more responsive, more, productive, and more sensitive to our business owners and our community at large as well as support the efforts of our staff in our capacity to be advocates for the community and our entrepreneurship. Mr. White agreed and requested further discussion when the Planning Commission is fully staffed. Chairman Sutton agreed and requested this item to appear on the agenda for the next meeting.
- Mr. O'Neal commented he had read the handout and he needed clarification as to what a "staggered term" is. Chairman Sutton and Mr. White responded. They

both informed Mr. O'Neal "staggered term" means an arrangement whereby only a certain number of Commissioners on the Planning Commission would have their terms of serving on the Planning Commission end in different years in order to not have the Commissioner's term end in the same year. Mr. O'Neal asked for clarity on the term "quasi-judicial procedure." The term was explained as having similar qualities or powers as a court proceeding. Mr. O'Neal commented he knew City Council makes the final decision but, he didn't know that the Planning Commission should be working closely with City Council.

Chairman Sutton called for a motion to adjourn. Mr. White made a motion to **ADJOURN** the Tuesday, July 3, 2018 Planning Commission meeting. Mr. Biggs seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

The Planning Commission's Tuesday, July 3, 2018 meeting adjourned at 4:50PM.