

**MINUTES
CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
TUESDAY, August 5, 2014
4:00 PM**

MEMBERS PRESENT

Ernest Sutton, Chairman
Sonny DiGirolamo
Carlton O'Neal
Don Witosky

Also present were June Brooks, Planning Director and Cheryl Eggar, Planner.

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 July meeting. Mr. Witosky made a motion to APPROVE the July 1, 2014 meeting. Mr. DiGirolamo seconded the motion. ***ALL IN FAVOR: SUTTON, DIGIROLAMO, O'NEAL and WITOSKY. NONE OPPOSED. MOTION PASSED.***

Chairman Sutton asked for a motion to approve the agenda for the meeting tonight. Ms. Brooks requested that the agenda be amended by reversing the order of the cases to be heard. Mr. DiGirolamo made a motion to APPROVE the August 5, 2014 Agenda to include the reversing and the order in which the cases are to be heard. Mr. Witosky seconded the motion. ***ALL IN FAVOR: SUTTON, DIGIROLAMO, O'NEAL and WITOSKY. NONE OPPOSED. MOTION PASSED.***

First item to be heard was **CASE NO.: SUB 05-14** filed by Kim Hamby of Hyman and Robey on behalf of Thompson Thrift Development, Inc. for Tanglewood Pavilion. This is a 28.40 acre commercial subdivision with a total of seven lots. This property is zoned General Business (GB) and falls within the Halstead Boulevard Extension Overlay District (HBEOD). This property is located at the north east corner of Halstead Boulevard Extension and Tanglewood Parkway.

Ms. Eggar gave the following report.

STAFF REPORT

This is a commercial subdivision and a 28 acre site. Eighteen acres of this site will be dedicated to a commercial shopping center with six commercial outlots. The lots will be developed individually. They will range in size from 1.1 to 1.6 acres. The Planning Commission has seen a subdivision similar to this back in June 2009. A sketch plan was approved for Tanglewood Plaza. That was a 10 lot commercial subdivision. At that time the primary concern was traffic issues with prohibiting traffic from crossing at the McDonald's access street to the shopping center. That eventually was resolved by designing a right-in and right-out configuration at the new intersection. In October 2009 the Preliminary Plat was approved by City Council. Since construction for Tanglewood Plaza never started, the Preliminary Plat expired. Thompson Thrift became interested in reviving the project and began negotiations with the City of Elizabeth City and Pasquotank County. The project evolved into the Tanglewood Pavilion subdivision and shopping center.

Prior to the TRC submittal there were several discussions about various aspects of the site development which were resolved including the configuration of the southern entrance to the development off of Tanglewood Parkway across from the McDonald's service road.

The Tanglewood Pavilion preliminary plat was reviewed at the July 22, 2014 TRC meeting and was conditionally approved.

The main street in this subdivision is Conlon Way. It is at the south end of the subdivision. It will be connecting over at the McDonald's. Conlon Way will provide interconnectivity between Tanglewood Parkway and North Mt. Everest Drive. This street will also provide access to the shopping center. There will be three access points to the shopping center. There will also be connectivity to future development. As mentioned there will be a right-in and a right-out for the development. The Traffic Impact Analysis recommended for this development that there be road improvements for Mt. Everest Drive out to Halstead Boulevard and a traffic signal at Mt. Everest and Halstead Boulevard be required when the shopping center opens. A revised traffic pattern for Tanglewood Parkway was also recommended. The NCDOT permits have not yet been secured for this project.

The stormwater drainage for this site is designed for a 10-year storm. The stormwater is basically collected in culverts and roadside swales and then directed to the detention basin that is onsite. The overflow will go to the overflow borrow pit pond. The Stormwater and Erosion Control permits have not yet been secured.

Regarding the utilities in this area, there is an existing 12" sanitary sewer force main and a pump station that serves this area. The City serves electricity to this site. The water is coming off a County line. It comes down Halstead Boulevard and the City has a purchase agreement for the water for this site. Waterlines will be City owned once the project is complete. Authorizations to construct sewer and water improvements have not yet been secured.

Staff recommends approval with the following conditions:

1. Prior to the start of construction:
 - a. The City Engineer's approval shall be required;
 - b. All required state permits shall be secured; authorization to construct water and sewer improvements and finalized NCDOT permits.
 - c. A notarized letter from the adjacent property owner shall be submitted authorizing the off-site grading work and the granting of drainage easements.
 - d. Corrected plans shall be submitted reflecting the TRC comments including:
 - i. Out Parcels 1 and 2 shall have a shared driveway
 - ii. Out Parcel 6 shall not be permitted to have to have ingress/regress to Conlon Way
 - iii. Add a minimum 4-foot wide sidewalk to the south side of Conlon Way
 - iv. Show all required traffic and street signage and markings
 - v. It shall be noted on the plans what jurisdiction has control of the streets
2. Prior to final plat approval:
 - a. The developer shall complete the necessary road improvements as per the NCDOT driveway permit;
 - b. A Property Owners Association shall be formed to ensure perpetual maintenance of the proposed stormwater facilities, detention ponds, outfall drainage ditch, and the open space areas;
 - c. All necessary off-site drainage and slope easements shall be recorded; and

- d. A copy of the Property Owners by laws, conditions, covenants and restrictions shall be submitted for review.

This completed Ms. Eggar's report.

Chairman Sutton called for the applicant to come forward. Ms. Hamby came forward and gave the following overview.

Ms. Hamby stated that Ms. Eggar had covered the project; however, she had a few highlights to go over. This is a 26.7 acre site. Conlon Way is the road that will pass through this subdivision. It will contain water and sewer infrastructure for the outlots, as well as the storm drainage that will be collected and routed to the large detention pond that will be located on the shopping center parcel. Ms. Hamby stated that they are in the process of obtaining permits. They have already applied for the water line. They have met with DENR about both the Erosion Control and Stormwater permits. They plan to submit for express review permitting by the first of next week. The Water Line Permit Applications have been submitted to the State for review and approval. Ms. Hamby stated that she has handed the Sewer Application to Mr. Fredette for his review and execution so they can be submitted as well. They do not have NCDOT permits yet, but have run the plans by DOT and have received verbal approval from the district engineer and division traffic engineer. The engineers believe that all of the concerns of the TIA have been addressed.

Ms. Hamby stated that she would be happy to answer any questions the Commission may have.

Chairman Sutton asked if Ms. Hamby knew how long it would be before she hears from the State. Ms. Hamby stated that they are doing all express reviews with the exception of the water line. She stated that they expect to have all permits in hand by the end of August. The express review program with DENR allows a three-day review for erosion control and a two-week review for stormwater. She stated that they did get the water line submitted back in July. They are hoping by the time this application goes to City Council they will have all permits in hand; if not the permits should be arriving any day following Council meeting.

Chairman Sutton asked for questions from the Commission. Mr. DiGirolamo had a question regarding the stacking. Ms. Brooks stated that the stacking issue would be covered in the variance portion of the next case.

Mr. Witosky asked assuming the applicant gets all government approvals and City Council approval when do they anticipate moving earth. Ms. Hamby stated that they are ready to begin digging September 1st if all permits are in hand. They want to start as soon as possible.

With there being no further questions or comments Mr. Witosky made a motion to **APPROVE SUB-05-14** for the Tanglewood Pavilions Phase 1 for seven lots with the recommendations that Staff included in their report. Mr. DiGirolamo seconded the motion. **ALL IN FAVOR: SUTTON, DIGIROLAMO, O'NEAL and WITOSKY. NONE OPPOSED. MOTION PASSED.**

Next item on the agenda was **CASE NO.: V-02-14(H)** filed by Thompson Thrift Development, Inc. The applicant is seeking a variance from Article XII Environmental and Special Purpose Regulations, 12-10 Halstead Boulevard Extension Overlay District Regulations; specifically §12-10.2(B)3(b) Parking and Circulation. The applicant is requesting a stacking reduction of 60 feet. Ms. Brooks gave the following report.

STAFF REPORT

This is a request by Thompson Thrift for a variance from §12-10.2(B)3(b) Parking and Circulation and the Halstead Overlay District. The ordinance requires when you have a point of access from a street that you have 100' length to stack vehicles to get out. In this case there are some extenuating circumstances which they are asking for a variance. The need for the variance comes from the previous development of the Wal-Mart site. Thompson Thrift is proposing a 158,000 square foot shopping center on a portion of a 28 acre parcel which is proposed to be subdivided into 7 lots. The Shopping center will be located on an 18 acre tract. The design of the subdivision will have 6 outparcels on the southernmost side of the tract with a new road that will be aligned on Tanglewood Parkway across from the existing road of McDonalds and the Wal-Mart parking lot. This street, Conlon Way, will extend and be connected with Mt. Everest to the east. The shopping center parcel will abut Conlon Way and have access from both Conlon Way (3ingress/egresses) and Tanglewood Parkway. An entrance off Tanglewood Parkway will be across from the second entrance to Wal-Mart approximately 550 feet north of Conlon Way. The Department of Transportation will be requiring the installation of a stop light for this entrance. The 18 acre shopping center parcel has been designed to contain the retention ponds for the entire subdivision, and 775 parking spaces and landscaping to meet the overlay zoning of the UDO. Parking has been designed in front of the building, on the west side (as required by the UOD) and loading to the stores in the rear. Because the UDO requires parking on a minimum of two sides the applicant cannot meet the minimum stacking distance of 100 feet from an access point off Tanglewood Parkway.

The design and traffic safety circulation of Tanglewood Parkway limits location of ingress and egress from this street. Based on a Traffic Impact Analysis when the Wal-Mart shopping center was constructed, a median was constructed down the center of Tanglewood Parkway which limits vehicular turning movement. The proposed northern access of Tanglewood Pavilions is restricted by the existing median cut which limits their ability to comply with parking and stacking requirements of the UDO. Moving the access point further north or south would force all exiting traffic on Tanglewood Parkway to a right turning movement and require them to make a U turn to exit back to Halstead Boulevard. In order to facilitate vehicular circulation and have it where the stop light is to be installed encumbers the applicant to have the 100' stacking.

Chairman Sutton asked how many feet of stacking would they have. Ms. Brooks stated approximately 40 feet. She stated in order to meet the 100' stacking the applicant would have to take off five units of their building. Chairman Sutton asked what safety issues would this create or are they concerned with safety issues. Ms. Brooks stated as far as internal safety issues no, because they are creating three additional entrances and exits onto Conlon Way where traffic can meet the stacking requirements coming back out of the site. It is only on the further north end where the variance is needed. Mr. DiGirolamo stated that they will be coming in from Mt. Everest. Ms. Brooks stated right. There are three entrances into this particular shopping center lot. Mr. Witosky asked if the stacking requirement was universal. Ms. Brooks stated no, it is just a requirement of our UDO.

Mr. DiGirolamo asked if this ordinance had ever been an issue prior to this case. Ms. Brooks stated no. This is the first case Staff has had like this. Because of the design of Tanglewood Parkway it does limit any type of development adjacent to Tanglewood Parkway. DOT limits where the entrances and exits can go. Mr. DiGirolamo asked if the stacking goes down from 100' to 40' how many cars will that stack. He asked if it would be four cars. Ms. Brooks stated probably two cars maybe three; however there are other entrances and exits to the shopping center so there should not be a "bottle neck." It will only take maybe one time to learn and they will use the other exits.

Mr. Witosky asked when the entire development is developed, could this variance create an issue "down the road." Ms. Brooks stated not on Tanglewood Parkway. Mr. DiGirolamo asked if it would affect Halstead. Ms. Brooks stated no. You will still have the entrance and exit off of Halstead onto Tanglewood. There will be a secondary entrance at Mt. Everest. She stated that this is basically a tertiary exit to come onto to Tanglewood to alleviate some of the traffic congestion. Mr. DiGirolamo asked where the stacking cars would be located. Ms. Brooks answered that the cars will be on the shopping center site not on Tanglewood Parkway.

Chairman Sutton asked for the representative to come forward. Ms. Hamby came forward to answer questions. She stated that regarding the stacking there will actually be two lanes leaving the site. There are two exit lanes. There is a right turn with a straight through and a dedicated left turn lane. She stated that they do feel that it is safe. The only possible concern would be a little frustration on the part of a handful of people in the parking lot if it were to stack too much. However, there are three other driveways accessing on Conlon Way where they could go out to Halstead or could come to the front of the shopping center and get out onto Tanglewood Parkway.

Mr. DiGirolamo asked if each outlot would be supported by individual parking lots. Ms. Hamby stated yes. Mr. DiGirolamo asked if there was a service road behind the parcels. Ms. Hamby stated that behind the shopping center there is an access road across. There will not be a service road for the outlots. The gray strip shown on the plans is the required bike path that is being installed. In the master planning thought processes they have assumed that some of these lots will have cross connections across the back. Mr. DiGirolamo was concerned with deliveries to the outlots. Ms. Hamby stated that the outlots will be directly accessed through Conlon Way. Depending on the businesses that come, the site will be designed for loading as necessary.

There were no further questions.

Mr. Witosky made a motion to **APPROVE V 02-14(H)** to reduce the minimum stacking distant of 100' from an access point on Tanglewood Parkway. Mr. DiGirolamo seconded the motion. **ALL IN FAVOR: SUTTON, DIGIROLAMO, O'NEAL and WITOSKY. NONE OPPOSED. MOTION PASSED.**

With no further business, Mr. DiGirolamo made a motion to **ADJOURN**. Mr. O'Neal seconded the motion. **ALL IN FAVOR: SUTTON, DIGIROLAMO, O'NEAL and WITOSKY. NONE OPPOSED. MOTION PASSED.**

Respectfully Submitted,
Dawn Harris, Secretary of the Board