

**MINUTES**  
CITY OF ELIZABETH CITY  
**PLANNING COMMISSION**  
REGULAR MEETING  
TUESDAY, September 3, 2013  
4:00 PM

**MEMBERS PRESENT**

Ernest Sutton, Chairman  
Lena Council  
Sonny DiGirolamo  
Suzanne Stallings  
Don Witosky

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

Chairman Sutton asked for a motion to adopt the agenda. Mr. Witosky made a motion to adopt the agenda for September 3, 2013. Mr. DiGirolamo seconded the motion. ***ALL IN FAVOR: COUNCIL, DIGIROLAMO, STALLINGS, SUTTON and WITOSKY. MOTION PASSED.***

Chairman Sutton called the meeting to order. Chairman Sutton asked for a motion to approve the May 7, 2013 minutes. Mr. DiGirolamo made a motion to APPROVE the May 2013 Planning Commission minutes. Ms. Council seconded the motion. ***ALL IN FAVOR: COUNCIL, DIGIROLAMO, STALLINGS, SUTTON and WITOSKY. MOTION PASSED.***

First item on the agenda was CASE NO.: RZ-04-02 – presented by the City of Elizabeth City to rectify discrepancies between City Council Minutes and the adopted Ordinance #02041 for +2.8 acres located at the north end of Golf Club Drive in the Fairway Estates – Tax Map P142, Parcels 100 and 100A. (Minutes and Ordinance dated April 1, 2002.)

Ms. Eggar stated that there were zoning errors that need to be cleared up as Staff moves forward with the Zoning Map and its recertification. This case was reviewed and discussed with the Planning Commission Zoning Map Subcommittee. The case before the Commission RZ-04-02 has property located at the very end of Golf Club Drive in the Fairway Estates. The initial rezoning for this property was in March 2000 and was for Office and Institutional. This rezoning was denied by the City Council. In response to neighbors' concerns to having commercial traffic in a residential neighborhood the application as resubmitted for an O & I Conditional Use District. Conditions would be added for to restrict commercial vehicular traffic and increase buffering. The application was approved at the September 1, 2002 City Council meeting with conditions for access and screening. The Ordinance for the Rezoning did not make reference to any of the approved conditions.

Staff is requesting that the Tax Map P142, Parcels 100 and 100A be recertified as R9-CUD with the following conditions:

1. No commercial vehicular traffic or driveway access is permitted onto Golf Club Drive;

2. The landscape buffering between the incompatible land uses incorporates an eight foot high wooden fence.

Chairman Sutton asked if there were questions from the Commission.

Mr. Witosky asked how the discrepancies were found. Ms. Brooks stated that it was almost two years ago that Staff noticed a lot of discrepancies in the Zoning Map and the GIS Map. When Staff started looking at the items that they thought were discrepancies, they had to go back to the 1999 map. When Staff began looking going parcel by parcel they found that when the information was transferred to the GIS Map the zoning was off. Staff checked all the rezonings since 1999 and compared the Council minutes/ordinances and that is when the discrepancies were found. Ms. Brooks stated that Staff contacted the School of Government and the land use attorney. They gave legal advice on how to correct the map and to get back on track. This is the first step—correcting the Council’s adoptions and the minutes. The next thing to bring forward is the map amendments. Mr. Witosky asked if there could be others down the road. Ms. Brooks stated that Staff has gone back to the adoption of the current ordinance and it has been broken down section by section. There are Council actions that have discrepancies. Staff is planning to bring forward in October some map issues that has been identified as discrepancies Staff has also been advised that if they think zonings are inappropriate for certain areas then those properties should be brought forward as a third set of public hearings in order to correct the map.

Mr. DiGirolamo stated that as he read through the material it seems as if some of it was typo carryover. Ms. Brooks stated that is correct. Council discussion in the minutes reflects the conditions; however, when the ordinance/resolution was adopted the conditions were not included. Mr. DiGirolamo asked what it will take to get it corrected. Ms. Brooks stated that Planning Commission would need to make a recommendation to forward to City Council that they readopt the O&I CUD with the following conditions as those stated in Council minutes.

(Mr. Sutton was speaking at this time. Tape was not audible at this point.)

Chairman Sutton asked for a motion. Mr. Witosky made a motion to APPROVE RZ-04-02 with the recommendation of the Staff to change the existing O&I to O&I-CUD with the conditions that no commercial vehicular traffic or driveway access is permitted onto Golf Club Drive and that the landscape buffering between the incompatible land uses incorporates an eight foot high wooden fence. Ms. Council seconded the motion. ***ALL IN FAVOR: COUNCIL, DIGIROLAMO, STALLINGS, SUTTON and WITOSKY. MOTION PASSED.***

Next item on the agenda was CASE NO.: RR 96-100803 – presented by the City of Elizabeth City to rectify discrepancies between City Council Minutes and the adopted Ordinance #961102 for property located at 1300 Walker Avenue. (Minutes and Ordinance dated November 4, 1996.)

Ms. Eggar stated that this case was a request for a site to be rezoned from residential to a commercial designation. At Planning Commission meeting in October 1996 there were concerns raised for increased traffic and drug flow were expressed. The Planning Commission voted to deny the request. On November 4, 1996 the City Council heard the request. According to the minutes the Council voted to approve the rezoning while the Ordinance for this request states that the rezoning was denied. Since the time of the request, the site has since changed hands. In

1997 the site was purchased by Grace & Truth Community Church and has since then been improved with a church.

The initial staff report recommended denial based upon commercial traffic being added to the residential neighborhood on Walker Avenue. To resolve this inconsistency, staff is requesting that Tax Map P89, Parcel 33C retain the current residential zoning of R-8. With the exception of the rear portion of the site, the property is surrounded by single and multi-family zoning and developments. Churches are an allowable land use within the residential districts.

Chairman Sutton asked if there were questions from the Commission. There were none.

Chairman Sutton asked for a motion. Mr. Witosky made a motion that the Planning Commission go with Staff's recommendation for CASE No.: RR 96-100803 and APPROVE the Residential (R8) zoning be continued for this site. Mr. DiGirolamo seconded the motion. ***ALL IN FAVOR: COUNCIL, DIGIROLAMO, STALLINGS, SUTTON and WITOSKY. MOTION PASSED.***

Chairman Sutton asked for Staff's reports. Ms. Eggar stated that the only Staff Report is the continuation of the recertification of the Zoning Map. She stated that there will be two more phases. One to take care of mapping errors and the second will be to look at properties that Staff feels are improperly zoned.

Chairman Sutton asked if Staff knew how long it will take Planning Commission to go through the phases. Ms. Brooks stated that the next round will come forward in October. She is not sure how long it will take to get through Council. Hopefully, by the end of the year everything will be taken care of and be back on track.

Chairman Sutton stated that there is a name in the Mayor's office to fill the PC vacancy. Hopefully, by next week that individual will be appointed. He stated that the Commission still does not have a recommendation from the County. Chairman Sutton stated he will talk with the Mayor and City Manager to see if they can urge the County to get someone for the Commission. He asked if the Commission knows of someone to please let the County know. Recommended persons need to live within the City's ETJ which is one mile outside of the City's corporate city limits.

With no further business meeting was adjourned.

Respectfully Submitted,  
*Dawn Harris*, Secretary of the Board