

**CITY OF ELIZABETH CITY  
PLANNING COMMISSION  
REGULAR MEETING  
TUESDAY, OCTOBER 1, 2019  
4:00 pm**

**MEMBERS PRESENT**

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

Also, present were Angela Cole, Assistant City Manager/Interim Community Development; Kellen Long, Planner; Yvette Chamblee, Secretary to the Commission; and members of the audience.

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

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

Chairman Sutton called for a motion to approve the Tuesday, September 3, 2019 Planning Commission minutes. Vice Chairman Biggs made a motion to **APPROVE** the Tuesday, September 3, 2019 Planning Commission minutes. Mr. O'Neal seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

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.

Chairman Sutton notated none of the Commissioners had a disclosure of interest in case RZ 01-19.

Ms. Long presented the following Staff report:

The request before you today are RZ 01-19, filed by Shirley Sample on behalf of CES & SRS Inc. to rezone three separate lots from Residential R-15) to Office and Institutional. The properties in question are located on Church Street Extended across from Ulster Drive. The properties are located within the City's Extraterritorial Jurisdiction (ETJ). Since the site is located outside of the City's corporate limits, the site will need to be annexed into the City prior to any development. Currently, the property is for sale and there is no proposed use.

In the last 15 years, the corridor where the subject properties are located have been undergoing a transformation from vacant farmland to a mix of commercial and office uses. Along this section of Church Street Extended, the properties on the north side of the road are zoned and developed for single family residential dwellings. While majority of the land south of the subject properties are zoned light industrial and office and institutional, with the exception of the three lots that are parallel to the subject properties, all of which are zoned R-15, residential, with the residential lot closest to the office and institutional district having one single family dwelling.

The joint Pasquotank County and Elizabeth City Land Use Plan includes the properties in question within the Halstead Boulevard Corridor Planning Area. This particular area is classified in the Land Use Plan as General Commercial. The general commercial classification is intended to delineate lands that can accommodate a wide range of retail, wholesale, office, business, and personal services. staff is of the opinion that the proposed Office and Institutional Zoning District is consistent with the General Commercial Land Use designation and the vision for the future development of Halstead Boulevard Corridor.

When making a determination on a rezoning request, Staff considers the area's zoning pattern, adjacent land uses, the joint Pasquotank County and Elizabeth City Land Use Plan as well as the impact on City infrastructure including roads and utilities. Staff also takes into account the impact the proposed rezoning will have on adjacent property owners. Our Department has only received one call from an adjacent property owner concerning this case. The property owner asked for clarity concerning the adjacent property letter notice, however did not give any inclination that they were opposed or supportive of the proposal.

When the property is developed, the maximum density, setbacks, and on-site parking requirements will be established by City Council. For multi-family developments the required setback is pre-set at 30 feet from all of the property lines. If the lots are developed with commercial uses, Staff recommends a 20-foot setback along all of the property lines; a minimum parking requirement based upon the allowable use and determined at the time of plan review; and the site density in keeping with land use regulations affecting the property, including landscaping, parking areas, site drainage, sight triangles, ingress/egress, drive aisle, etc. such that there is only one building per lot.

The proposed zoning request from R-15 Residential to Office and Institutional is found to be consistent with the General Commercial LUP designation.

Considering the aforementioned elements, staff is of the opinion that the proposed zoning is appropriate for the area and is consistent with the Elizabeth City & Pasquotank County Land Use Plan and recommends APPROVAL of this application with the stipulations governing setback, parking and density.

This concluded Ms. Long's presentation.

Mrs. Shirley Sample, the applicant, came forth and explained to the Planning Commission about her request for rezoning her property from a R-15 Residential District to an Office and Institutional District (O & I).

Mr. Dean Schain, an adjacent property owner, came forth and expressed his concerns about the traffic flow in the vicinity of the rezoning and he wanted the Commission to take in consideration the residential area surrounding the rezoning.

Ms. Stallings questioned the lot between Lot 36 and Lot 38. Ms. Long commented she had tried to make contact with the property owners but her attempts had been unsuccessful. Assistant City Manager/Interim Community Development Director Cole commented if the Planning Commission decides to honor rezoning the Sample's property to an Office & Institutional District (O & I), then the R-15 classification of the lot in question would affect the two lots on either side of the lot in question for setbacks, landscaping, and buffering. So, there is an impact to be had if the subject lots are developed prior to the lot in question. Ms. Stallings asked for clarification on the comment Ms. Long tried to reach out to the property owners of the unknown lot. Ms. Stallings questioned was a letter sent out to the property owners. Ms. Long commented yes, and a letter was sent to all property owners within a 100-foot buffer around the Sample property.

Chairman Sutton questioned are the notification letters sent to the adjacent property owners as Certified letters or Registered letters. Ms. Chamblee answered the letters are

sent as regular First Class mail. Chairman Sutton commented do we know if the letters were received or not. Ms. Chamblee commented there has not been any notification letters from adjacent property owners returned to our office. Assistant City Manager Cole stated for the record the notification letters that were mailed to the adjacent property owners were letters of notice that case RZ 01-19 is moving forward and not a specific request would you add your property to this application.

Ms. Stallings questioned which lot has the residence on it. Using page two of the Staff Analysis report, Ms. Long describes the property with the drive way leading to the house as the property with a residence on it. Ms. Stallings questioned Lots 36, 38, 39, and the slither of Lot 37 are all vacant lots. Ms. Long commented, yes including the slither triangle lot next to R-15 beside Lot 36.

Vice Chairman Biggs commented as far as the traffic concern, these lots do not go all the way back out to Halstead Boulevard Extended so, really the only way to access them would be from coming off Church Street Extended. Vice Chairman Biggs commented he understands the traffic concern but there's not a whole lot can be done around the traffic. Assistant City Manager/Interim Community Development Director Cole commented North Carolina Department of Transportation (NCDOT) controls the extended (Halstead Blvd Extended and Church Street Extended). So granting access from individual lots egress and ingress is not an option. The subject property would have to gain its access off of Church Street Extended to the degree we can affect development and have combined driveway access wide enough to accommodate multi-traffic patterns. This would only happen if the properties were developed together such as Lot 38 and Lot 39 instead of Lot 36.

Vice Chairman Biggs questioned would becoming zoned as an Office & Institutional District allow for multi-family dwellings. Assistant City Manager/Interim Community Development Director Cole commented, yes.

Margie Marvels, an adjacent property owner, came forth and expressed her concern about how would developing the land effect the residential area as far as the drainage system, the garbage disposal, and that the area has not flooded in years. Ms. Marvels commented as a resident she wanted to make sure the area would be safe for her and other residents in order to live there for a long time.

Ms. Long commented any development on the subject property would require connections to the City's utilities. There are some utilities which are connected and some which are not connected. Because this property is not currently in the City's municipal limits and our Extraterritorial Jurisdiction (ETJ) and before any development happens on this property, the property would need to be annexed into the City, which we would address utilities.

Chairman Sutton called for a motion for RZ 01-19. Ms. Stallings made a motion to **APPROVE** RZ 01-19 with the recommendation that RZ 01-19 moves from being zoned R-15 Residential District to Office & Institutional District (O & I). Vice Chairman Biggs seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

### **STAFF REPORT**

Ms. Long discussed the following:

- Preparing the Landscape Ordinance to be a Text Amendment by January 2020.

Assistant City Manager Cole/Interim Community Development Director discussed the following items:

- Staff fluctuations
- Case related business with Cheryl Egger, Planner II, needs to be redirected to Ms. Chamblee or myself.

### **CHAIRMAN REPORT**

Chairman Sutton's concerns or questions were addressed and answered by Assistant City Manager/Interim Community Development Director Cole.

### **MEMBER'S CONCERN**

Ms. Stallings jokingly was concerned about Ms. Long being the only planner in the Community Development Department. Ms. Long commented everyone is pulling together as a team to make sure the office runs smoothly.

Chairman Sutton called for a motion to adjourn. Vice Chairman Biggs made a motion to **ADJOURN** the Tuesday, October 1, 2019 Planning Commission meeting. Ms. Stalling seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

The Tuesday, October 1, 2019 Planning Commission meeting adjourned at approximately 4:28pm.

Respectfully submitted,

Yvette M. Chamblee  
Secretary to the Planning Commission