

**CITY OF ELIZABETH CITY  
PLANNING COMMISSION  
REGULAR MEETING  
Tuesday, October 4, 2016  
4:00 PM**

**MEMBERS PRESENT**

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

Also present were Kaitlen Alcock, Planner; Dawn Harris, Secretary to the Board; and applicant.

Chairman Sutton called the meeting to order and stated that there was a quorum. Chairman Sutton asked for a motion to approve the agenda as presented for tonight's meeting. Mr. White made a motion to **APPROVE** the agenda as written for the October 4, 2016 meeting. Mr. Witosky seconded the motion. **ALL IN FAVOR: SUTTON, DIGIROLAMO, O'NEAL, WHITE, AND WITOSKY. NONE OPPOSED. MOTION PASSED.**

Chairman Sutton asked for a motion to approve the minutes from the June 7, 2016 Meeting. Mr. DiGirolamo made a motion to **APPROVE** the minutes as read from the June 7, 2016 Planning Commission meeting. Mr. O'Neal seconded the motion. **ALL IN FAVOR: SUTTON, DIGIROLAMO, O'NEAL, WHITE AND WITOSKY. NONE OPPOSED. MOTION PASSED.**

Chairman Sutton asked for Ms. Harris 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 governmental 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 the public record, as per City of Elizabeth City Code of Ordinances Section 2-113. Any member of the Planning Commission who has an interest, as defined in Section 2-111 of the City of Elizabeth City Code of Ordinances, in any official act or action before the Commission shall publicly disclose on the record of the Commission the nature and extent of such interest, and shall withdraw from any consideration of the matter if excused by the Commission pursuant to G.S. 160A-75.

There was one item on the agenda: **ORIGINAL CASE NO.: SP 05-05**, submitted by Eastern Carolina Engineering, P.C. for 47.85 acres in Heron's Ridge Subdivision Phases 2, 4, and 5. The subdivision is located off of River Road and currently zoned R-10 (residential). Chairman Sutton asked for the representative to come forward. Ms. Kim Hamby from Eastern Carolina Engineering came forward.

Ms. Hamby stated that Heron's Ridge is an existing subdivision that is located across the street from River Road Middle School on River Road. This is a development that was originally designed and approved in 2004/2005. Phases 1 and 3 were built in 2006/2007 and then the real estate bubble burst. The property went into foreclosure. It was bank owned for some time. Sam Miller has purchased the

remaining property and intends to complete the development that was already started. Ms. Hamby stated that there has been a 105 lots recorded already in the first two phases. There are 140 lots left and the owner plans to develop them in three phases. Water and sewer infrastructure was installed when the first two phases were developed including a pump station. At this time the stormwater permits are current; the sewer permits are current; they are required to obtain a new erosion control permit. There are a couple of reasons for the new erosion control permit. One is that the rules changed in 2008 and they are a little more restrictive now. The second is because the erosion control permit is a financially linked permit that they want to issue to whoever is building it now. The waterline permit is still valid; however an extension request had to be made of the original authorization to construct. That permit is held in the City's name. It will be City infrastructure. Ms. Hamby stated that is the one place where they are making some minor changes. The subdivision is intended to be built as originally designed as far as the roadway out, the drainage, stormwater ponds were already installed; however, there have been a few minor changes in the rules for public water supply that is requiring that they deepen some sections of water lines under the storm sewer for protection of the water lines. Ms. Hamby stated that they are also making a change that is not required by the State. She stated that she had met with the fire department and they are requesting that some of the hydrant locations be moved to better suit their needs. She has worked that out with Chris Carver of the EC Fire Department. She stated that they have decided that they are going to shift a few of the locations. Ms. Hamby stated that other than what has been stated there are no other changes planned. They are seeking approval so the owner can continue with the construction.

Mr. DiGirolamo asked if Ms. Hamby had met with the fire department. Ms. Hamby stated yes, she had met with Chris Carver the day before the Technical Review Committee meeting. He wasn't able to be at TRC so they met before. They agreed on some locations and marked them on the plans. Ms. Hamby stated that they are in the process of updating the plans. Mr. DiGirolamo asked if it had to be approved by the fire department. Ms. Hamby stated that the location has been approved she just hasn't resubmitted to get the final blessing.

Chairman Sutton asked for Planning Staff's report. Ms. Alcock gave the following overview.

### **STAFF REPORT**

The case today is a preliminary plat approval for the remaining three phases of Heron's Ridge subdivision, consisting of 140 single family lots, located on approximately 48 acres. The site is zoned R-10 Residential with lot sizes ranging from 10,000 square feet to approximately 21,000 square feet, with an average lot size of about 11,500 square feet. The initial sketch plan for the development included 245 single-family lots located on 98 acres to be built in 5 phases. The sketch plan was heard and approved by the Technical Review Committee in November 2004. Final plats have since been approved for Phases 1 and 3. To date, Phase 1 of the development is almost entirely built out while only a couple houses have been built in Phase 3. Access to the subdivision is via Aydlett Drive which intersects River Road directly across from River Road Middle School. Once the development is complete, Aydlett Drive will provide connectivity to Edgewood subdivision to the northwest. Water, sewer, and electric will be provided by the City. A pump station was installed with the initial phases.

The Preliminary Plat for phases 2, 4, and 5 was heard by the Technical Review Committee at their September meeting. During the meeting concern was raised by both Public Works and the Fire Department regarding the 23 foot road width of Alameda Ct, Palmetto Ct, Verde Ct, and Bonita Ct. After further clarification from the applicant's representative, Public Works has okayed the 23' widths due to the 2 foot roll curb on each side; however, Fire still has concerns with accessibility, particularly

with the longer Palmetto Ct and Bonita Ct, and would like to see the pavement width widened to 26 foot. Further concern was expressed by the Fire Department regarding location of the fire hydrants and their desire to have them relocated. The applicant is ok with the proposed relocations. Another issue raised during TRC was that of open space. The applicant intends to have 70 3-bedroom units and 70 4-bedroom units, which would require 1.26 acres of dedicated open space per the UDO. According to the Ordinance, no more than one-fourth of the open space shall consist of floodplains, wetlands, or any area the topography of which renders it substantially unusable for typical recreational activities. Thus of the 3.45 acres dedicated on the plan, the 1.38 acre detention pond could not be counted, leaving just over 2 acres of open space. Parks and Recreation is concerned with the accessibility and usability of the open space as presented and as such would like to see payment in lieu of dedication. Ultimately, the final decision whether or not to accept the open space is at the sole discretion of the City Council. A final issue discussed at TRC involved Pond 3, which was included in the initial phases of development, but never annexed into the City Limits. As such, it must be annexed prior to final plat approval.

Ultimately, Staff recommends APPROVAL of the plat with the following conditions:

**Prior to being heard by City Council:**

- All issues expressed by the Technical Review Committee, including the road widths, must be satisfied;
- The Erosion and Sediment Control Permit must be updated and submitted to the Planning Department; and
- The Waterline Extension Permit must be submitted to the Planning Department.

**Prior to Final Plat Approval:**

- All applicable fees must be paid to the City of Elizabeth City;
- Pond 3 must be annexed into the City Limits; and
- A recombination plat showing vacated property lines must be reviewed and approved by the City prior to recordation with the Register of Deeds.

This concluded the Staff Report. Chairman Sutton asked for questions from the Commission.

Mr. DiGirolamo stated that he had questions relative to the detention/retention ponds. He asked with some of the new additions and the three phases that will be built if there had been accommodations made and when this project first started the retention pond requirements were different than they are now. Ms. Hamby stated that the requirements have changed; however, stormwater permits once a certain amount of the development has been constructed as long as the permits are renewed periodically, they do not expire and this site is grandfathered. She stated that all five phases were taken into consideration during the original design of the stormwater ponds.

Mr. DiGirolamo stated that he saw noted that there is a HOA in place. He asked if it was in place in phases 1 and 3. Ms. Hamby stated yes it is already in place. She stated that it is active but still operated by the owner because of the percentage of lots that need to be built out, but there is an HOA and they do maintain the ponds. Mr. DiGirolamo asked if the HOA would encompass these three new phases. Ms. Hamby stated yes. Chairman Sutton clarified that the HOA is the Home Owners Association.

Mr. Witosky asked with the three phases will they complete one phase before moving on to the next phase. Ms. Hamby stated that it is the current plan. Mr. DiGirolamo stated that there are still lots in phase 1 and 3. Ms. Hamby stated that the owner has actually been building some homes in phase 3. Mr. Witosky asked when they would go from Aydlett Drive to Crescent and then go into Hopkins Drive.

Ms. Hamby stated that it would probably be done with the final phase. Mr. Witosky asked if now there is only one entrance into the entire subdivision. Ms. Hamby stated that is correct.

Chairman Sutton asked if Mr. Miller had done work here in Elizabeth City/Pasquotank County before. Ms. Hamby stated he has actually done quite a bit of work in Currituck, but she is not aware of any work here.

With there being no further questions, Chairman Sutton asked for a motion. Mr. Witosky made a motion to **APPROVE** SP-05-05 for Heron's Ridge Subdivision Phases 2, 4 and 5 with the recommendations from Staff. Mr. White seconded the motion. **ALL IN FAVOR: SUTTON, DIGIROLAMO, O'NEAL, WHITE AND WITOSKY. NONE OPPOSED. MOTION PASSED.**

Ms. Alcock stated that the Commission will have a meeting in November. The Commission will be hearing a text amendment for microbreweries/pubs. Mr. Witosky asked if Staff was getting information from other municipalities. Ms. Alcock stated yes, she has quite a large folder.

Chairman Sutton asked the Commission if it would be helpful for the Commission to get an FYI when there are things "in the hopper." Mr. White stated it would help so they could do research. The City Manager's FYI was mentioned. It is accessible on the City's website. There was discussion regarding food sales or not. Ms. Alcock stated some of the regulations in that if an establishment serves liquor than their food sales has to be a certain percentage.

Mr. DiGirolamo ask about the supermarket that was coming in the Tanglewood area. Ms. Alcock stated that the applicant had changed the design of the building without approval and it does not meet the Halstead Overlay requirements. Staff is working with them to get this corrected so the project can move forward.

With no further business, Mr. White made a motion to adjourn. Mr. DiGirolamo seconded the motion. All were in favor. Motion passed and meeting was adjourned.

Respectfully submitted by,

*Dawn Harris*, Secretary to the Board

*\*Minutes were APPROVED at the November 1, 2016 Planning Commission Meeting.*