

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
TUESDAY, NOVEMBER 5, 2019
4:00 PM**

MEMBERS PRESENT

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

Also present were Kellen Long, Planner; Yvette Chamblee, Secretary to the Commission; and members of the audience.

Vice Chairman Biggs called the meeting to order at approximately 4:00 PM and stated a quorum.

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

Vice Chairman Biggs called for a motion to approve the Tuesday, October 1, 2019 Planning Commission minutes. Ms. Stallings made a motion to **APPROVE** the Tuesday, October 1, 2019 Planning Commission minutes. Mr. O'Neal seconded the motion. **ALL IN FAVOR: 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.

CASE NO.: SUP-03-19, filed by Thomas Reese, Jr., for the property located at 602 East Colonial Ave. This property is located in the central business zoning district. The applicant is requesting to move the taproom for the Ghost Harbor Brewing Company to this location.

Ms. Long presented the following Staff report:

The only item on the agenda this afternoon is SUP 03-19 filed by Thomas Reese Jr. for the property located at 602 East Colonial Ave. The applicant is requesting to move the taproom for the Ghost Harbor Brewing Company to this location. The applicant will have a small amount of production at the new proposed location, however, majority of the production for the microbrewery will be held in its existing location at 606 B East Colonial Ave. The proposed taproom space is located in the Central Business Zoning district. This particular building makes an "L" shape, fronting on both Colonial Ave. and Poindexter Street. The property owner is currently renovating the space with plans to divide the interior with a fire wall. The proposed taproom will only be accessible on Colonial Ave., also known as the Former Thumpers entrance/exist and through Pailin's Alley. A sketch showing the ingress/egress and proposed layout of the interior space is provided with the staff analysis.

Staff is of the opinion that the request as presented satisfies all said standards. The Technical Review Committee reviewed the request at their September meeting and unanimously recommended approval of the request subject to the following:

- Administration requested that the applicant obtain an alleyway encroachment agreement for this space.
- The Fire Department requested the applicant to stay in touch with the Fire Marshal's concerning fire extinguisher placement and occupancy number. A fire inspection will have to be concluded before opening.
- The Electric Distribution Department requested that the applicant provide a load letter to request the size of the electrical service that will be needed for the new use. This request has since been satisfied by the property owner.
- The Public Utilities Director stated for the record that if the waste material and grain from the brewery operations becomes a certain amount, it will need to be disposed of properly.
- If the Commission deems the request appropriate and recommends approval to the Board of Adjustment, Staff offers the following as conditions of the approval:

- All necessary state and local permits, including zoning permit, business registration, and ABC permits, be secured prior to commencing operations; and
- Continual adherence to the development standards as stated in the City of Elizabeth City Unified Development Ordinance.

This concluded Ms. Long's presentation.

Mr. Thomas Reese, the applicant came forth and explained to the Planning Commission about his request to move the taproom of Ghost Harbor Brewing Company to 602 East Colonial Avenue. The space will also hold a small amount of production, along with the existing space at 606B East Colonial Avenue.

Mr. White inquired about maintaining the two places for manufacturing and distributing. Mr. Reese commented they will be adding fermentation tanks, while moving majority of their tasting room or sales to the new facility and the other room would be used for overflow on busy nights or private events.

Ms. Long discussed Ghost Harbor needs to acquire an Encroachment Agreement for access of the alleyway.

Mr. Frankie Meads, adjacent property owner, was present and he had the following concerns in reference to SUP 03-19:

How late will they be staying open?

Will they abide by the City's noise ordinance?

Who's policing the alleyway when people leave trash in the alleyway?

Ms. Long read the following conditions in which Ghost Harbor has to maintain and they are as follows:

- Shall include one (1) or more accessory use such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other use incidental to the brewery and open and accessible to the public.
- Where permitted by local ordinance, state and federal laws, retail carryout sale of beer produced on the premises shall be allowed in specialty containers holding no more than a U.S. gallon. These containers are commonly referred to as growlers.

- Microbreweries are also permitted to sell food and unfortified wine; however, the sale of fortified wines, spirituous liquors, or mixed spirit/liquor beverages shall not be permitted.
- Activities shall not generate traffic, noise, fumes, or odors beyond what normally occurs in the zoning district in which it is located.
- Must adhere to all applicable Federal and State laws regarding the production, sale, and distribution of alcoholic beverages as well as the preparation and handling of food.

Mr. Reese stated Ghost Harbor Brewing Company hours of operation as follow:

Wednesdays and Thursdays - 5:00pm until 10:00pm

Fridays and Saturdays - 3:00pm until 11:00pm

Sundays - 1:00pm until 7:00pm

May add Tuesdays with the hours of 5:00 pm until 10:00 pm

After much discussion about the conditions and concerns of SUP 03-19 among the Planning Commissioners, applicant, and Mr. Frankie Meads, Vice Chairman Johnson Biggs called for a motion. Ms. Stallings made a motion to **APPROVE** SUP 03-19 with all recommendations from staff and the Technical Review Committee. Mr. O'Neal seconded the motion. **ALL IN FAVOR: O'NEAL, STALLINGS, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

STAFF REPORTS

- Interim Community Development Director Angela Cole informed the Planning Commission the training with the School of Government is still pending.

No **MEMBERS CONCERNS** were given.

Mr. White made a motion to **ADJOURN** the Tuesday, November 5, 2019 Planning Commission meeting. Ms. Stallings second the motion. **ALL IN FAVOR: O'NEAL, STALLINGS, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

The Tuesday, November 5, 2019 Planning Commission meeting adjourned at approximately 4:21pm.