

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
SPECIAL CALLED MEETING
TUESDAY, AUGUST 16, 2022
4:00 PM**

MEMBERS PRESENT

Ernest Sutton - Chairman
Kevin Johnson
Suzanne Stallings
Alyn Goodson
Gary White
Adam Swain

Also present were Kellen Long, Director of Community Development; Brian Hall, Secretary to the Commission, and the applicants.

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

Chairman Sutton called for a motion to approve the Tuesday, June 7, 2022 Planning Commission minutes. Commissioner White made a motion to **APPROVE** the minutes. Commissioner Johnson properly seconded the motion. **ALL IN FAVOR: GOODSON, SWAIN, WHITE, JOHNSON, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton called for a motion to approve the agenda. Commissioner Stallings made a motion to **APPROVE** the revised agenda. Commissioner Johnson properly seconded the motion. **ALL IN FAVOR: GOODSON, SWAIN, WHITE, JOHNSON, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

Mr. Hall, 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 began to describe the first item on the agenda under new business as follows:

- **CASE NO: TA 02-22**, filed by the City of Elizabeth City, to amend the City's Floodplain Ordinance, specifically Chapter 154.01 under statutory authorization to reflect the changes made in Chapter 160D of the North Carolina General Statutes.

Director Long began her presentation.

Director Long noted that the text that is being proposed has been put into the staff analysis in each packet for all of the Commissioners. Items in "red" that are crossed through, showcases said items that are being proposed to be changed. Items that are crossed through in red are currently in the ordinance, but staff is proposing to have them removed. Items that are both in red and underlined represent something new that is being proposed to be added to the ordinance.

Staff has been working steadily with the North Carolina Department of Emergency Management, who assisted in crafting this draft of the text amendment. One edit that needs to be made is in regard to page 13, which is text that needs to be removed that is currently in the ordinance along with the text already in front of the Commission.

Director Long stated that these two texts possess nothing that changes the rules and regulations of the current floodplain ordinance or its content to Elizabeth City and its citizens. It is simply an update the general statutes that need to be referenced, which the Department of Emergency Management pointed out to staff that needed to be updated.

For reference, the City does have a floodplain ordinance, in which there are also some areas in the city that are considered "special flood hazard areas." This includes anything from an AE flood zone and greater than said zone. This, however, does not include anything in flood zone X of which designates that one is not in a floodplain. These maps are created by FEMA, and handed down to staff. This ordinance allows for staff to enforce their "Floodplain Management Program," which requires that any new construction or remodel of any sort of structure has to be reviewed by staff, who then utilizes the FEMA flood maps to locate the property of the person proposing to build said structure.

The overall plan for the structure, along with where it will be positioned on the property due to the fact that flood plains do not follow property lines. Staff can then identify if the property in question is in a flood hazard area. If it is in said area, then it automatically triggers the attention of staff who then have to gather more information from FEMA about what type of base flood elevation is there.

Base flood elevation is not even across Elizabeth City as some areas have a high base flood elevation, while others may have a three or four-foot base flood elevation. Base flood elevation mean that the structure has to be elevated to at least the minimal of what the City requires so that they may be out of said elevation.

Director Long expressed that the heightened standards are also enforced by the City, of which were adopted in 2018 where the City also received new FEMA flood maps. The County also enforces this standard, of which is known as a "freeboard." The base flood elevation from FEMA is the minimal requirement, while the City and County both have a two-foot freeboard.

This means that structures located in a special flood hazard area must meet the base flood elevation from FEMA as well as the two-foot free board. Thus, none of the current data in the ordinance is not changing. The two text amendments in question, per the request of the Department of Emergency Management, are for reference in regard to general statutes that changed with general statute 160D within the past year.

One thing that occurs is that a planner from the Department of Emergency Management specifically visits staff and requests all if the records from the Building Inspections Department from the past five years. Staff then has to go through all of the permits they have. Staff was contacted in April to partake in this requirement, in which staff inquired with outside sources who have been through this process before in order to properly handle this matter due to there being a complete 100 percent turnover in the department within the past five years.

Director Long stated that permitting systems had completely changed during that time, as well as the flood maps. This was an overall extreme task, but staff ultimately was able to get all in order. All of the permits pulled that were in the flood map at the period of being built involved everything from new constructions all the way down to new homes, businesses, and even sheds.

Director long noted the organizational system staff used to get all of the permits in order, which was found to be quite efficient. The planner from the Department of Emergency Management was quite pleased with the permits presented. This was a learning experience for staff, of whom feel confident that they can tackle this process with no issues for the next encounter. There were only minor issues identified, which were the two changes mentioned in the text amendments for this case.

There was a mention of the County having a "velocity zone," which involves there being a higher intensity of wave action. The City currently does not have that floodplain in the City limits, but the planner from the Department of Emergency Management did want language for such a zone added into the City ordinance so that it can be cohesive with the County. This particular change would more than likely be brought to the September Meeting so that a cohesive document may be presented to City Council

afterwards.

Overall, it was a good feeling for a representative from the state level to come down and put a seal of approval the ordinance. It lets staff know that they are up to the required standards and doing all that they should be doing. Another topic that will be brought up through this ordinance in the future will involve the floodplain requirements for historical structures, as the floodplain ordinance still applies to said structures with some limitations.

Issues may arise in dealing with negotiations amongst developers as it can be difficult to the floor in certain historical structures. If one has a historical structure that is contributing and they wish to keep as such, then they may go for a "variance." This will be brought before the Board of Adjustment so that that do not have to raise their bottom floor. Further research will be done to properly assess this matter.

Chairman Sutton inquired into whether this was a precedent for this matter.

Director Long stated that she needed to get the specifics on said matter as it is currently unknown as to if it is even an option for staff to change it.

Director Long reference a local developer, Mr. James Flannigan, who most recently went through a variance process for Elizabeth City Middle School at 306 North Road Street. This also involved matters dealing with the floodplain. After further research done, staff will contact other communities to gauge if they have gone through a similar situation.

This concluded Director Long's presentation.

Chairman Sutton asked if there were any questions held by the Commission.

Director Long noted that she would like to tailor the decision for this case to the September meeting, just so that all the needed information can be put together and sent to the City Council

There were no questions or comments held.

Chairman Sutton asked the Commission if they were ready to entertain a motion.

Commissioner White made a motion to **APPROVE** the request for **CASE No: TA 02-22**. Commissioner Johnson properly seconded the motion. **ALL IN FAVOR: GOODSON, SWAIN, WHITE, JOHNSON, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

This concluded new business items.

Old Business

There were no cases on the agenda for old business.

Staff Report

Director Long stated that she wanted to update the Commission of several development projects that are ongoing. She also stated that from July 2021 to June 30, 2022 the department had a revenue from building permit fees of over 1.4 million dollars' gross. Staff incorporated over 4380 inspections, 1292 permits issues, and 2919 records created. Said records were done by the Code Enforcement division. There were 16 new commercial projects that grossed over 43 million dollars in investment, or the value of the total project. The true value of the project is how building permit fees are determined.

Commissioner Stallings asked if the new hospital was included in said fees.

Director Long confirmed that the Media Office Building was included, but the new hospital itself was not.

Director Long noted that there were 107 new single-family residences permitted, in which the value of those was over 21 million dollars. Some of the projects currently under review involve the following:

- **Petco**- This is at the corner of 117 Tanglewood Parkway, with Murphy Oil right beside it and the Volcano Restaurant that is being built in the corner to the North.
- **Starbucks**- This will be at 1313 West Ehringhaus Street, which used to be the Kangaroo Gas Station that was demolished. They have been out there doing site work replacing soil and doing other tasks.
- **Velocity Urgent Care**- This was just submitted to staff and will go to the August Technical Review Committee meeting. It is on one of the last parcels on Conlon Way that has not been sent to staff for development review.
 - *Commissioner White inquired into where Conlon Way was located.*
 - *Director Long stated that it was near the construction site between the currently being constructed Dunkin Donuts units, and the street that you access Aldi from.*
- **Halstead Apartments**- This is in Stockbridge neighborhood for 168 market rate units with a few amenities such as a pavilion, green space, pool, dog park, and private garage spaces.
- **Royal Farms**- This will be at the corner of Halstead Boulevard Extension and Mount Everest Drive North. This project came before the Commissioner during a

rezoning and annexation phase. It will be directly across the smaller street by Aldi.

There are five bigger projects ongoing as well. Hockmeyer is still under review and pushing forward for their expansion. Freedom Baptist Ministries has presented revised plans to staff on Body Road and is still under review.

This concluded the Staff Report.

Chairman's Report

Chairman asked the Commission to give their newest member, Mr. Adam Swain, a brief introduction of who they are and the field they come from. He asked Mr. Swain to do the same following said introductions.

Each member of the Commission, as well as Director Long and Secretary Hall, gave a brief description of their career and educational background.

Commissioner Swain gave a brief introduction of his personal and professional background, as well as providing information about his soon to be finished private bar "Juniper."

Chairman Sutton thanked the Commission for their introductions, and stated that this makes for better relationships and helps everyone get to know each other better. When you know each other better it helps allow everyone to work together better when you know their background.

This concluded the Chairman's report.

Member Concerns

Commissioner Goodson stated that he wanted to close the loop on the capacity issue that was mentioned in previous meetings. Staff at Elizabeth City State University was told that the pump station that said university and the Coast Guard control did not have any capacity. They went to the Legislator, along with the City, and were able to get funding to have a new pump station appropriated.

This is mentioned as this was an example of how working together, even for the small things, can get some real things accomplished for the City. He thanked the effort and support from the Commission as it was of great help in accomplishing this feat.

This concluded the Member Concerns.

Commissioner White made a motion to **ADJOURN**. Commissioner Swain properly seconded the motion. **ALL IN FAVOR: GOODSON, SWAIN, WHITE, JOHNSON, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

The meeting concluded at approximately 4:46 PM.

Submitted Respectfully,

Brian Hall-Secretary of the Commission

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