MEMORANDUM

TO: Mayor and Members of City Council

FROM: Reginald Goodson, City Manager

DATE: July 9, 2025

RE: Consideration- CASE NO: SUB 01-25

BACKGROUND:

During the July 1, 2025 Planning Commission meeting, the above referenced item was presented to the Planning Commission. After staff presentation and public comments, the Planning Commission voted to delay action on this item. On July 3, 2025, I received a letter from Mr. Scott Stamm, PE, design professional for D.R. Horton, who has a tentative deal to purchase this property and build 54 single-family dwellings and 80 multi-family dwellings.

In his letter, Mr. Stamm stated that "One of the largest developers in the United States, D. R. Horton, is developing the subdivision. Time is of the essence with developing this property and D.R. Horton may decide to back out of the contract with Mr. Gilbert Baccus if further delays occur. Therefore, please consider this request to place this PUD development on the City Council July 14, 2025 City Council meeting agenda."

ANALYSIS:

8-3 PLANNING COMMISSION REVIEW AND RECOMMENDATION

(A) Upon receipt of a petition for an amendment, the Zoning Administrator shall forward the request to the Planning Commission for its consideration.

(B) The Planning Commission shall review the proposed amendment and submit its recommendation to the City Council. **The Planning Commission shall have 45 -days within which to submit its recommendation.** The Planning Commission shall provide a written recommendation that addresses plan consistency with adopted plans and other matters deemed appropriate buy the Commission. Failure of the Planning Commission to submit its recommendation within this time period shall constitute a favorable recommendation. (Section Amended 4/26/2021)

(C) The Planning Commission may, at its discretion, hold a separate public hearing from that held by the City Council. Public hearings held by the Planning Commission need not

adhere to the hearing requirements outlined in Section 8-5 for public hearings held by the City Council. The Zoning Administrator shall provide first class mail notice of the Planning Commission meeting to the record owners for tax purposes of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties within 100 feet of the property, excluding street and railroad right-of-ways, proposed to be rezoned by the amendment.

8-4 CITY COUNCIL REVIEW AND ADOPTION

(A) Upon receipt of a recommendation from the Planning Commission, the City Council shall set a date for a public hearing on the proposed amendment. The public notice required for the public hearing shall be in accordance with Section 8-5.

(B) At the conclusion of a public hearing on the proposed amendment, the City Council may proceed to vote on the proposed amendment, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(C) The City Council need not await the recommendations of the Planning Commission before taking action on a proposed amendment nor is the City Council bound by any recommendations of the Planning Commission that are before it at the time it takes action on a proposed amendment.

§ 160D-604. Planning board review and comment.

(a) Initial Zoning. - In order to exercise zoning powers conferred by this Chapter for the first time, a local government shall create or designate a planning board under the provisions of this Article or a local act of the General Assembly. The planning board shall prepare or shall review and comment upon a proposed zoning regulation, including the full text of the regulation and maps showing proposed district boundaries. The planning board may hold public meetings and legislative hearings in the course of preparing the regulation. Upon completion, the planning board shall make a written recommendation regarding adoption of the regulation to the governing board. The governing board shall not hold its required hearing or take action until it has received a recommendation regarding the regulation from the planning board. Following its required hearing, the governing board may refer the regulation back to the planning board for any further recommendations that the board may wish to make prior to final action by the governing board in adopting, modifying and adopting, or rejecting the regulation.

(b) Zoning Amendments. - Subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment. **If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.**

(c) Review of Other Ordinances and Actions. - Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to this Chapter may be referred to the planning board for review and comment. Any development regulation other than a zoning regulation may provide that future proposed amendments of that ordinance be submitted to the planning board for review and comment. Any other action

proposed to be taken pursuant to this Chapter may be referred to the planning board for review and comment.

(d) Plan Consistency. - When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive or land-use plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive or land-use plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

(e) Separate Board Required. - Notwithstanding the authority to assign duties of the planning board to the governing board as provided by this Chapter, the review and comment required by this section shall not be assigned to the governing board and shall be performed by a separate board. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-88, s. 1(c).)

STAFF RECOMMENDATION:

Based on Mr. Stamm's letter stating that "time is of the essence" staff recommends that the City Council call-up this item from the Planning Commission, and hold a Public Hearing at the first meeting in August 2025.

1403 Greenbrier Pkwy, Suite 205
Chesapeake, Virginia 23320
O. 757.935.9014 F. 757.935.9015
www.landplanningsolutions.com

July 3, 2025

City of Elizabeth City
2820 Waterford Lake Drive, Suite 204
Midlothian, VA 23112

RE: Stoney Creek PUD

To the Honorable Mayor Rivers and City Council:

At the Planning Commission meeting on July 1, 2025, the Planning Commission decided to defer action on the Stoney Creek Planned Unit Development (PUD). One of the largest developers in the United States, D. R. Horton, is developing the subdivision. Time is of the essence with developing this property and D. R. Horton may decide to back out of the contract with Mr. Gilbert Baccus if further delays occur. Therefore, please consider this request to place this PUD development on the City Council July 14, 2025 City Council meeting agenda.

If you wish to further discuss this project, please do not hesitate to contact me.

Sincerely,

Scott Stamm, PE
LPSNC, PLLC

(D) Technical Review Committee Review and Planning Commission Review and Recommendation to the City Council

Upon receipt of the requisite copies of the proposed preliminary plat, the Planning Director shall schedule a meeting of the Technical Review Committee (TRC) to review the plat. The TRC shall review the preliminary plat and any other reports or recommendations pertaining to the plat and shall recommend approval, approval with conditions, or disapproval of the preliminary plat to the Planning Commission.

(1) If the Planning Commission recommends the conditional approval of the preliminary plat, the conditions and reasons thereof shall be stated in writing.

(2) If the Planning Commission recommends the disapproval of the preliminary plat, the reasons for disapproval shall be stated in writing and reference shall be made to the specific section(s) of the Ordinance with which the plat does not comply.

If the Planning Commission fails to render a recommendation on the preliminary plat within 60 days from the date that the plat is initially reviewed by the Planning Commission, the Planning Director shall forward the application to the City Council for its review and approval. In such case, the City Council shall grant conditional approval, disapprove, or approve the preliminary plat.

(E) City Council Review and Action

Following the review of the preliminary plat by the Planning Commission, the Planning Director shall forward the preliminary plat to the City Council. The City Council shall review the preliminary plat, recommendations of the Planning Commission and TRC, and any other reports or recommendations pertaining to the plat and shall approve, approve conditionally, or disapprove the preliminary plat.

(1) If approval is granted, written confirmation shall be made on six copies of the preliminary plat. One copy of the approved preliminary plat shall be returned to the applicant. Approval of the preliminary plat is authorization for the applicant to proceed with the construction of the necessary improvements. A final plat must be submitted and approved within 12 months of preliminary plat approval. Preliminary approval shall be valid for a period of 12 months from the date of approval of the plat by the City Council unless a longer time period is established under the vested rights provisions as outlined in Section 4-15. Preliminary plats whose approval has elapsed shall be resubmitted in accordance with Section 10-3.2.

(2) If the City Council conditionally approves the preliminary plat, the conditions and reasons thereof shall be stated in writing.

CITY OF ELIZABETH CITY
DEVELOPMENT SERVICES

STAFF ANALYSIS

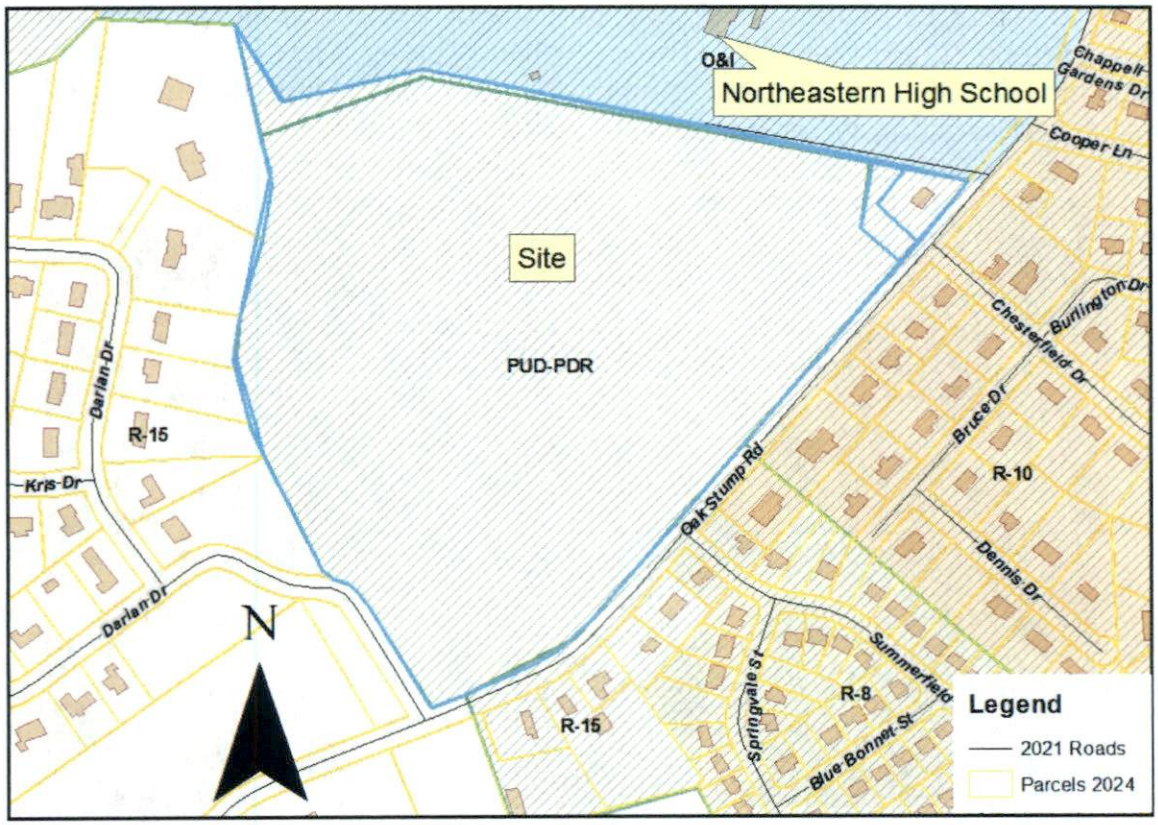
CASE NO.
SUB-01 25

MEETING DATE
July 1, 2025

ITEM: SUB 01-25 Preliminary Plat for Stoney Creek PUD-PDR for the subdivision of a single parcel for the creation of 80 townhome lots and 54 single family lots.

LOCATION/DESCRIPTION

This project lies on a 39.51 acre parcel adjacent 899 Oak Stump Road just south of Northeastern High School approximately 200 feet south of the intersection of Oak Stump Road and Coopers Lane. This project contains one parcel which is 39 acres of open field as well as an existing residential parcel of 0.46 acres. Both parcels abut Northeastern High School to the north and existing single-family residential uses to the east, south and west. This parcel is not in an Overlay District.



TAX ID: Tax Map P89-88

ZONING DISTRICT: PUD-PDR

OWNERS

Gilbert Baccuss
626 Swing Gate Rd
Hertford, NC 27944

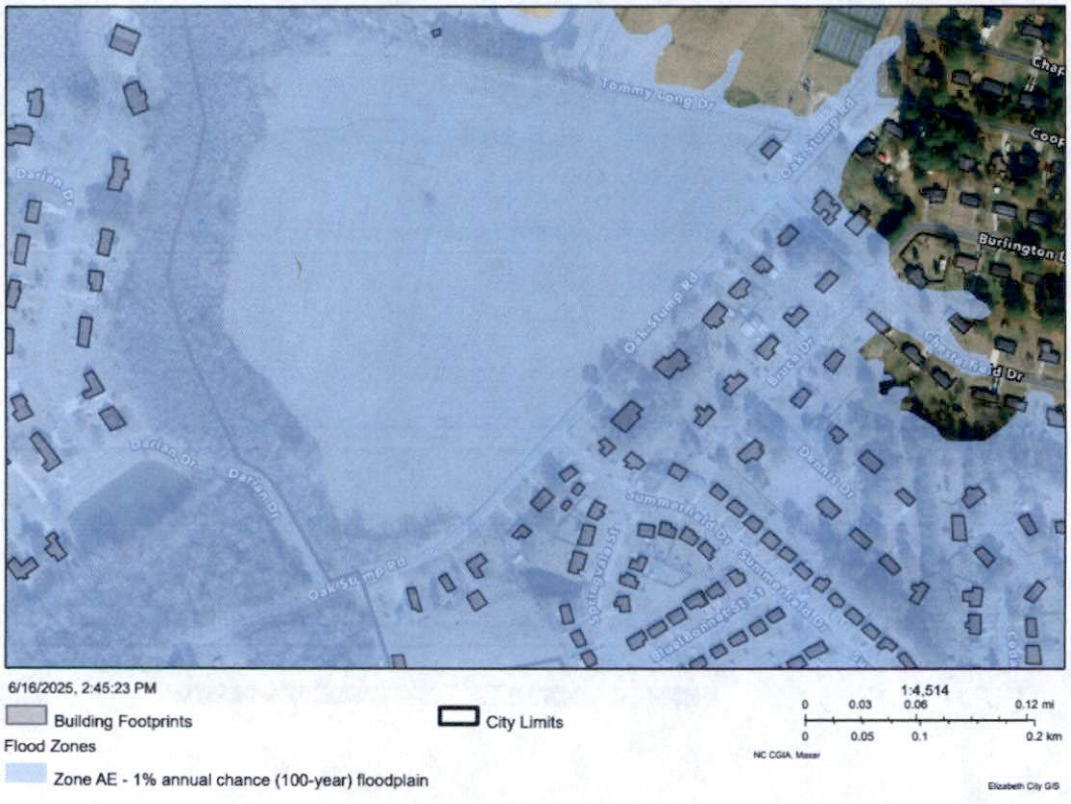
APPLICANTS

Land Planning Solutions
1403 Greenbrier Pkwy St 205
Chesapeake, VA 23320

ADJACENT ZONING AND AND USE

North: Office & Institutional (O&I) – Northeastern High School
South: Residential (R-15) – Single Family Homes
East: Residential (R-10) – Single Family Homes
West: Residential (R-15) – Single Family Homes

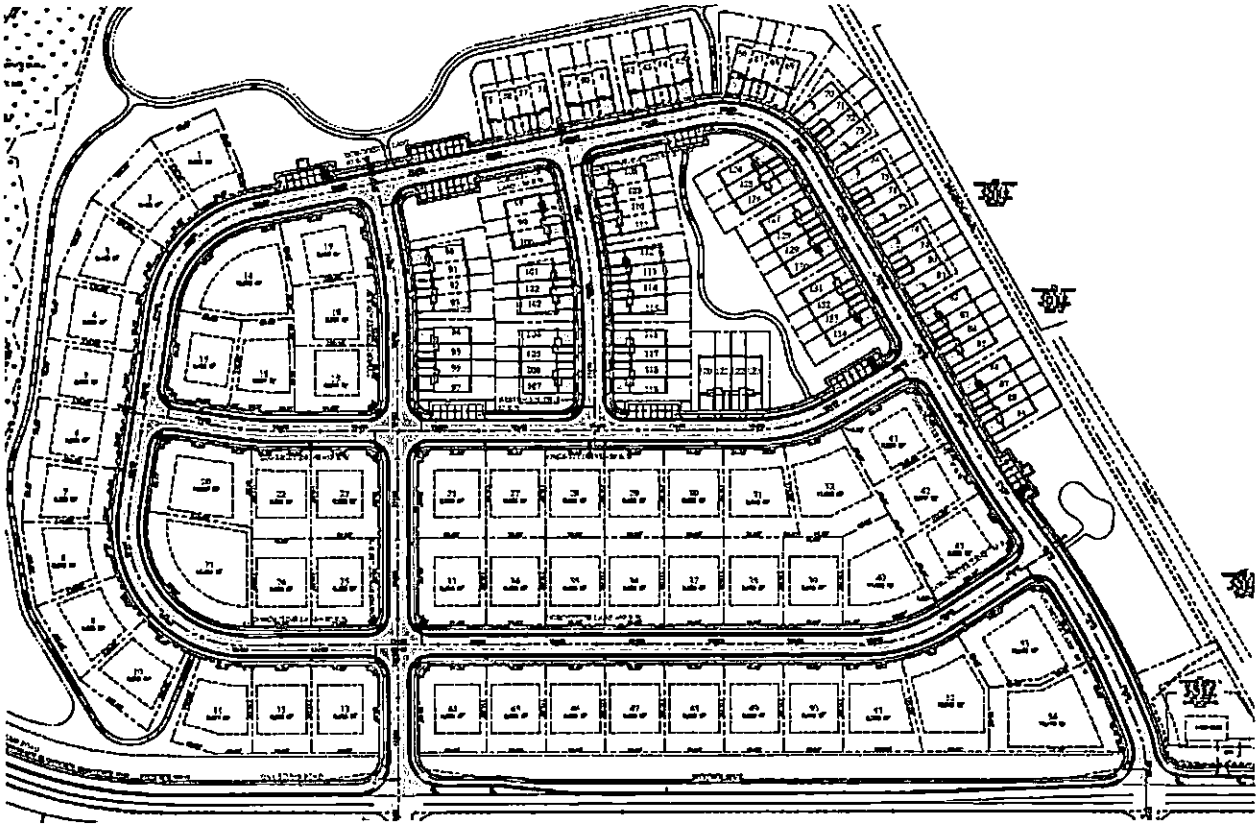
FLOOD ZONE: The subject property is located in a AE Floodzone according to FEMA panel # 3701858903. This means that the parcel is in the 100-year floodplain and has a 1% annual chance of experiencing flooding. The western edge of the parcel fronts a tributary of Knobbs Creek and portions of wetlands that parallel this water feature extend onto the site. These wetland areas were delineated by Bay Environmental on August 18th, 2024 and mostly are contained in open space and areas to be utilized as storm water ponds. Any portion of the wetlands contained on newly created lots shall remain outside of the disturbed areas for construction.



NARRATIVE OF REQUEST:

The applicant is seeking preliminary plat approval for a 135 lot subdivision consisting of 80 townhome units and 55 single family lots. One of the single family lots, currently addressed as 899 Oak Stump Rd, is already in existence and is to be included and recorded in to the subdivision. This subdivision is being drawn up as a Planned Unit Development parcel (PUD-PDR) for residential lots of different types and intensities as allowed under section 9-10 of the UDO.

The development is designed to have single family lots located around the eastern, southern and western edges of the parcel while concentrating the townhome units on the northeastern portion of the site adjacent the school. Guest parking, trails and mail kiosks are also located nearby. An amenity area is located near the main entrance.



BACKGROUND:

The property at 899 Oak Stump Road was originally rezoned to a PUD-PDR in November of 2005. According to transcripts from the time, "The PUD-PDR will permit single-family detached, two-family, townhouse, and multi-family dwellings at an average overall density as approved by the City Council on a case-by-case basis. On November 28, 2005, the Elizabeth City Council approved the rezoning of a PUD for this site consisting of 55 single-family lots and 80 multi-family units."

This parcel then lay dormant for 19 years until mid-2024 when the current applicant contacted planning with a conceptual design to create the 55 single family and 80 townhome lots as originally permitted. The applicant however was required to create a

new Master Site Plan as the old one had expired. This updated Master Site Plan was approved by Technical Review Committee on December 18, 2024.

PUBLIC UTILITIES

This location would be served by Elizabeth City electricity through proposed underground wire connections via transformers and meters installed near the front corners of the townhome blocks and throughout locations in the single family home area. Water service would also be provided by the city via a 6-inch line running along the opposite side of Oak Stump Rd, for which a connection would have to be made by a saw-cut underneath the roadway and into the development. Sanitary sewer would run through Pump Station 27 then through a force main just to the northeast of the property, which has been upgraded per agreement with the developer. On site sewer would be pumped by an 8" line connecting to a 12" gravity main directed to the pump station then carried away by a 6" force main. Storm water would be directed internally to two storm water ponds on the western and northern portions of the site.

PUBLIC SCHOOLS

Dr. Keith Parker, superintendent of Elizabeth City Pasquotank County Public Schools, has expressed willingness to accept all children from new subdivisions into our area schools and accommodate whatever growth occurs therein. However, according to Dr. Parker, "Central Elementary School received an unexpected increase in enrollment this past year of approximately 100 students. Due to this, the school is currently over capacity. Additional enrollment would require modular units in the short-term, potential rezoning or new school construction in the long-term." This subdivision would generate 42 school-aged children according to calculations from the US Census Bureau.

TRANSPORTATION

Access to the subject property is via Oak Stump Road which is a public street and is maintained by the North Carolina Department of Transportation. Traffic Volumes as provided by the 2016 Pasquotank Comprehensive Transportation Plan show a volume of 8,400 vehicles per day and a capacity of 14,500 vehicles per day. Future projections for 2040 traffic volumes show an increase to 10,200 vehicles per day against a static capacity of 14,500, indicating that added traffic from this development would be well within the capacity allowance well into the future.

A Traffic Impact Study (TIA) was performed by Timmons Group in March of 2025 in which many different aspects of current traffic volumes and patterns were evaluated from four nearby intersections, showing a daily traffic volume of 1,170 at build-out. Based on the analyses performed, no improvements were recommended for the construction of this project.

Table 1-1: Trip Generation Summary

AM Peak Hour			PM Peak Hour			Daily Traffic
In	Out	Total	In	Out	Total	
22	69	91	71	41	112	1,170

SOURCE: ITE *Trip Generation Manual* 11th Edition (2021)

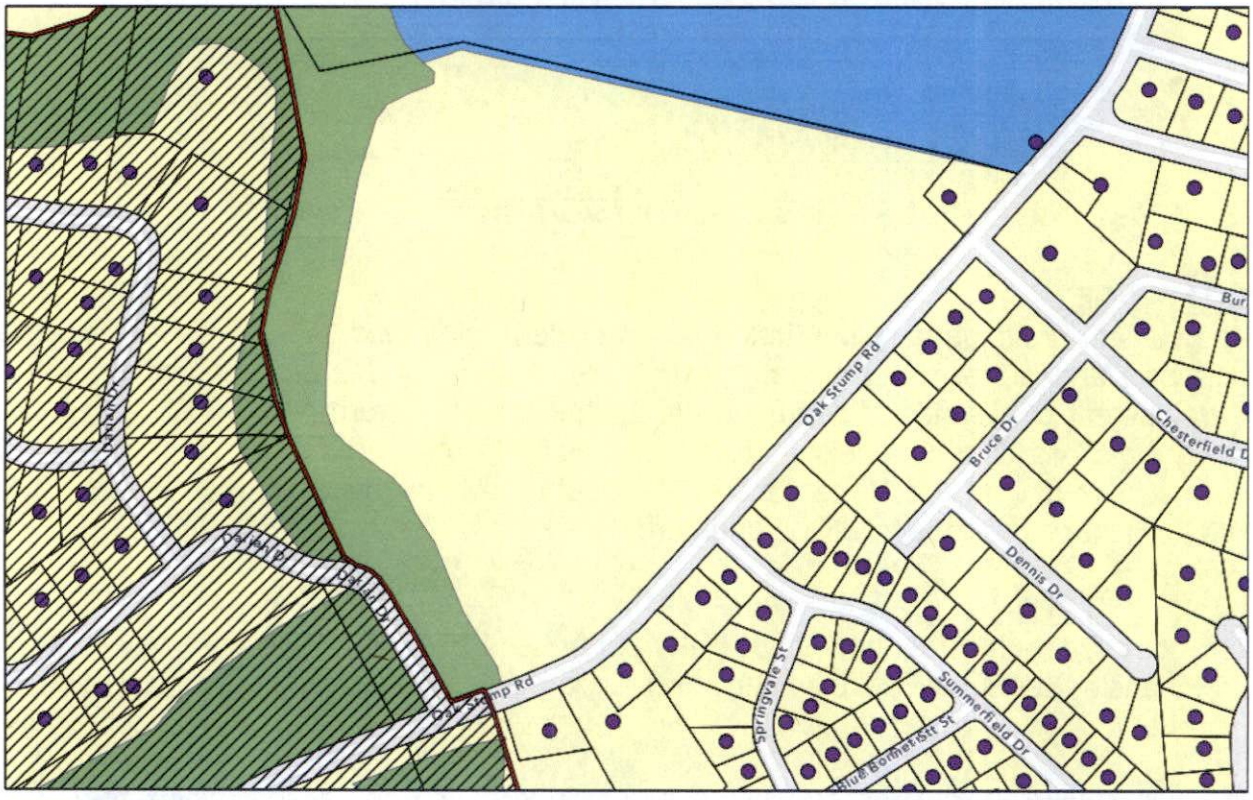
DRAINAGE

The current drainage narrative has a series of curb inlets and 15"-24" pipes collecting and diverting surface storm water from the northern and eastern portions of the development to a series of ponds on the southern and western portions of the parcel. Once the City's Third Engineer Party review has been completed for pond capacity and downstream flow at the 10-year storm, as required by Appendix 6 in the Elizabeth City UDO, drainage projections will be updated.

LAND USE PLAN

The Joint Elizabeth City and Pasquotank County Land Use Plan (LUP) currently calls for Low Density Residential development for this parcel as well as the ones surrounding its periphery.

The Low Density Residential classification is intended to delineate lands where the predominant land use is low density single family homes, particularly properties where public water service is generally available. Long term, the Low Density Residentially classified areas are projected to develop at average densities of approximately 2-4 units per acre. Land uses within Low Density Residential designated areas are generally compatible with the A-1 Agricultural and Residential 15 zonings and all Pasquotank County and in areas of the ETJ.



The definition of Low-Density Residential is a parcel for habitable residential or agricultural use intended for a maximum of 4 units per acre. This definition recognized as compatible with R-10, R-15, RMH and PUD zoning designations.

While the Future Land Use Map (FLUM) depicts the general location of projected patterns of future land uses, the LUP states that the ultimate use and development of a particular parcel of land will be determined by the property owner's desires, overall market conditions, implementation tools employed by the City to regulate land use and development, and the availability of necessary infrastructure (water, sewer, roads, etc.) to support development. Ultimately, there are many relevant factors in addition to the FLUM that come into play to determine if a projected use is appropriate.

RECOMMENDATION:

Staff recommends **approval** with the following conditions:

1. Prior to being heard by the Elizabeth City, City Council:
    a. **State authorization to construct sewer and water improvements**
    b. **Storm water, Erosion and Sediment Control Permits must be submitted to the Planning Department**
    c. **NCDOT Driveway and Encroachment agreements must be submitted to the Planning Department**

d. **All conditions expressed by the Technical Review Committee must be submitted as corrections to the plat**

2. Prior to Final Plat Approval:
    a. Letter of acceptance of new water and sewer lines must be signed by the state
    b. Recombination Plat showing vacated property lines to be reviewed and approved by the City prior to recordation with the Register of Deeds; and
    a. The documentation for the formation of the Property Owners Association shall be submitted for review prior to record with the register and deeds

TRC Comments

May 2025

Stoney Creek TRC Review Comments

Preliminary Plat

May 28th 2025

General Comments

Remove 'Angela Judge' from endorsement block

39.5 ac Site (0.38 ac existing)

Are there no clubhouse or community buildings planned?

Need SSWP, DOT Driveway and Encroachment permits

Write 'Preliminary Plat' in the Title Bar

Planning Dept. – Cheryl Eggar / Dylan Lloyd

252-337-6672

C 001 – C 002 Overview

1. Confirm only 3 ADA spaces; move ADA spaces closer to the townhomes
2. Need handicap van space and provide sign detail for van ADA
3. Is there to be a gravel path connection at the amenities area?
4. Can we fit a NB turning lane from Oak Stump onto Dorchester?
5. Provide a legend on sheet C002
6. Will the project be developed in phases? If so, delineate the phases.
    a. Open space is to be provided within each phase in sufficient amounts to accommodate the population within that phase.
7. Delineate the 100-year flood zone and show the BFE
8. State the land area in the wetlands and flood zone
9. Include reference to FEMA Flood Panel 3720890300K
    a. Flood note –All improvements, structures, or machinery shall ***have at least a 2' freeboard.***

C 200 – C 207

10. On page C 200 it mentions a 15' utility easement, should be a 20' utility easement.
11. ADA spots should be located closer to entrances to the townhomes.

C 405

12. Label Oak Stump Road
13. detail the pavement interface / patch at Oak Stump Rd where necessary
14. Details for EX Pumpstation 27 shall be shown in Utility Page

C 600

15. Consider street trees for the single family home section

Electric Dept – Donnell White

252-621-7346

1. Just to confirm, the 20' utility easements are measured from the right-of-way line.
2. Regarding the electrical components, could you please provide the location for the light pole meter base?
3. Once the final site plan receives approval, please send the CAD drawing to Mike Dawson at Progressive Engineering Consultants, Inc. This is needed for the electric as-built and to finalize the transformer location.
4. For clarity, the transformers will be situated in front of the building. Additionally, the multi-family units require a meter gang to be placed on one side of the building.
5. Finally, to ensure efficient progress, we need the development to commence at the front and proceed towards the back.

Fire Dept – Dena Richardson

252-621-7090

1. Flow test will be required

Police – Darrell Felton

252-621-7104

1. No Comments at this time

Utilities – Randy Lassiter
252-621-7365

1. Connection to

NCDOT Street and Driveway Access Permit

NCDOT – Divisional Office – Caitlyn Spears

252-621-6400

1. No Comments at this time