

**CITY OF ELIZABETH CITY  
PLANNING COMMISSION  
REGULAR SCHEDULED MEETING  
TUESDAY, March 7, 2023  
4:00 PM**

**MEMBERS PRESENT**

Ernest Sutton  
Kevin Johnson  
Gary White  
Cameron Reynolds  
Adam Swain

Also present were Cheryl Eggar, Planner; 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 strike the Tuesday, February 7, 2023 Planning Commission minutes from the agenda. Commissioner Johnson made a motion to **APPROVE** the motion. Commissioner Swain properly seconded the motion. **ALL IN FAVOR: REYNOLDS, SWAIN, WHITE, AND JOHNSON. NONE OPPOSED. MOTION CARRIED.**

Acting Chairman White called for a motion to approve the agenda. Commissioner Johnson made a motion to **APPROVE** the agenda. Commissioner Goodson properly seconded the motion. **ALL IN FAVOR: GOODSON, SWAIN, WHITE, AND JOHNSON. 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.

Acting Chairman White began to describe the first item on the agenda under new business as follows:

- **CASE NO:** HV-01-23 is a variance requested by Architectural Graphics, Inc. for several signs to be erected on Sentara Hospital Campus on Halstead Boulevard.

Planner Eggar began her presentation.

This is a request for a variance for several proposed signs that the owner wants to erect on the Sentara Hospital Campus that is located within the Halstead Overlay Zoning District ("HOZD"). Section 12-10.2(B)(5) regulates signs within the HOZD.

Planner Eggar stated that sign number one is a temporary Entry Marker to be located at the northwest intersection of Halstead Boulevard and Thunder Road. The applicant stated that this is a temporary location for this sign until the entry drive to the hospital has been completed and the sign relocated there. Once removed, the sign will be replaced with Entry Marker sign number three, that complies with the sign ordinance.

The temporary Entry Marker will be equipped with a digital message board to provide public information about various events such as blood drives, vaccinations, and cancer screenings. Entry Marker Signs are permitted at intersections with Halstead Boulevard Extension. The temp sign shall not exceed a maximum height of 10 feet above the adjacent road grade, a maximum width of 15 feet, and a maximum message area of 100 square feet.

Planner Eggar stated that the proposed Entry Marker is 12 feet high, 16 feet in width, with a message area is 125 square feet. Digital message boards are not permitted on Entry Markers. The proposed sign exceeds the height requirement by 2 feet, the width requirement by 1 foot the message area requirement by 25 square feet, and the width requirement by 1 foot and includes a digital message board.

Sign number two is a freestanding ground sign to be located at the entrance on Thunder Road (see map above). Freestanding signs associated with a commercial lot shall be a solid based monument style with a maximum height of 8 feet above the highest adjacent road grade and a maximum length of 12 feet (including supports) and have a message area of not more than 32 square feet. The proposed sign is 11 feet high and 4 feet, 9 inches in width, and the message area is 52 square feet in size.

The applicant stated that increased height of the sign "allows the EMERGENCY band to be elevated into a prominent position, which is critical to help guests find their destination quickly while under duress." The applicant further stated that the sign will include directional messages for MEDICAL CENTER, AMBULANCES, MEDICAL OFFICE BUILDING, and RADIATION ONCOLOGY' which is the reason for the increased

message board. The proposed sign exceeds the height requirement by 3 feet and the message board requirement by 20 square feet.

Planner Eggar stated that sign number one will be removed from the northwest intersection of Halstead Boulevard and Thunder Road (see map above) to the main entrance on Halstead Boulevard when construction of the hospital is completed. Entry Marker signs located off Halstead Boulevard shall not exceed a maximum height of 6 feet, and a maximum message area of 100 square feet. The proposed sign is 12 feet high, 16 feet in width, and the message area is 125 square feet. The proposed sign exceeds the height requirement by 6 feet, and the message area requirement by 25.

Sign number three is the permanent Entry Marker that will replace Sign Number one, the temporary Entry Marker, when that sign it is removed from the northwest intersection of Halstead Boulevard and Thunder Road. Sign Number 3 (Type B1) conforms to the dimensional requirements for an Entry Marker, 9.67' above street grade with a message area of 99 square feet.

Signs number four is a Freestanding Monument Sign that will be located at the western entrance of the hospital when construction is completed. Freestanding Monument signs shall not exceed a maximum height of 8 feet, and a message area not to exceed 32 square feet. The proposed sign is 10 feet, 8 inches high, and the message area is 99 square feet. The proposed sign exceeds the height requirement by 2 feet and 8 inches, and the message area requirement by 67 square feet.

Planner Eggar expressed that the applicant proposes to have up to 8 Directional Signs on the parcel. Directional signs shall not exceed 2.5 feet in height and six square feet in area. The applicant stated that "our experience has shown that directional signs of this size are impractical for hospital facilities because they overly restrict the number and size of the destination message required.

This sign type is comparable to the signs currently in use at the existing Sentara Medical Center." The applicant proposes to erect directional signs that are 6 feet in height and 19 square feet in area. The proposed directional signs exceed the height limit by 3.5 feet, and the message area requirement by 13 square feet.

The following depicts land uses and adjacent zoning information:

**ADJACENT ZONING & LAND USES**

North: R-10, R-15, AD, & I-2 – Vacant Land

South: R-15, GB, County Zoning – Vacant Land

East: R-15 – Vacant Land and Single-Family Dwellings

West: R-15, County Zoning – Vacant Land

Planner Eggar listed the following as the criteria for a Variance

**VARIANCE CRITERIA**

Section 7-2.1 of the Unified Development Ordinance, UDO, states that a variance may be granted if it is concluded that strict enforcement of the Ordinance would result in unnecessary hardships for the applicant upon a showing of all of the following:

- (1) Unnecessary hardship would result if the applicant complies strictly with the provisions of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
- (2) The hardship results from conditions that relate to the applicant's land and are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship;
- (4) The variance will neither result in the extension of a nonconforming situation in violation of Article VI nor authorize the initiation of a nonconforming use of land; and
- (5) The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

This concluded Planner Eggar's presentation.

Planner Eggar asked the applicant to introduce herself to the Commission.

Kim Hamby, of Timmons Group, introduced herself to the Commission.

There were no questions or comments held by the Commissioners.

Acting Chairman White asked if there were any in attendance who signed the petitioner sign-in form, that would like to speak in regards to the case.

Ms. Deb Regel of 122 Ranch Drive stepped to the podium to speak. Petitioner Regel held concerns of previous flooding that occurred and feared that the pond would still be liable to flood. She also held concerns about the narrow nature of the road and the

lack of care its received from the state. She felt that the road would also need to be widened. It was expressed that the pond has been a concern since it was built.

Acting Chairman White asked if the petitioner was objecting to any further construction on the property, or the reduction from 15,000 square feet to 10,000 square feet.

Petitioner Regal stated that she is objecting to both, also noting the landlocked deer population.

This concluded Ms. Regal's comments.

Ms. Tama Glover of 148 Ranch Drive, was the next petitioner who stepped to the podium to speak. She felt that the road is too dangerous for additional houses, as the traffic would be much more horrendous with 14 houses. It will also be problematic for the high school children that have to cross the road. There has also been a rise in crime a more houses have come been developed.

This concluded Ms. Glover's comments.

Mrs. Mary Reynolds-Lykins of 123 Ranch Drive, was the next petitioner who stepped to the podium to speak. Petitioner Reynolds-Lykins referenced issues with flooding and criminals running afoot. She also mentioned the issue of speeding, as well as wildlife such as deer and Canadian geese.

This concluded the comments by Mrs. Mary Reynolds-Lykins.

Mr. Jay Regal of 110 Ranch Drive, was the next petitioner who stepped to the podium to speak. Petitioner Regal stated that more houses present more problems. With the street being so narrow, the water has no other place to go. The detention pond does not do anything for him as water drains towards the pond. In regard to paying the maintenance dues, Mr. Regal stated he purchased 153 Ranch Drive of which is a retention pond. Thus, he is owed said fees. The rezoning does not make any sense to him at all.

This concluded the comments for Mr. Jay Regal.

Ms. Evelyn Strader of 922 Oak Stump Road, was the last petitioner who stepped to the podium to speak. Petitioner Strader stated that her lot is the L-shape that backs up the flood area for Ranch Drive, as it sits at 1.52 acres. After looking at the adjacent property owner letter, it was noticed that the rezoning application required for a plan to be shown for what the developer was proposing. She was told by the city that there was nothing planned.

Interim Director Goodson stated that with his long history as a professional planner,

that it is not appropriate to have a plan during a rezoning. Its appropriate to consider if that land should be rezoned from that current zoning to the proposed zoning.

Petitioner Strader stated that mentioned the vehicle traffic is great concern. Her back lot backs flood terribly, and the wildlife will be excess with all of the trees that would have to be cut down. But overall, the criteria in the rezoning application does not seem to have been met. Also, with there not being a plan in place, it seems quite strange.

Acting Chairman White asked if there were any other petitioners that would like to speak.

There were no other petitioners left to speak.

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

Commissioner Johnson made a motion to **DELAY ACTION** for **CASE No: RZ 03-22** until the March Planning Commission as there were numerous complaints held by adjacent property owners, thus causing for more time to be needed to deliberate over the proper course of action to take. Commissioner Goodson properly seconded the motion. **ALL IN FAVOR: GOODSON, SWAIN, WHITE, AND JOHNSON. NONE OPPOSED. MOTION CARRIED.**

- **CASE NO: RZ 03-22**, presented by Jason Mizelle with the Timmons Group on behalf of West Bank Development for property located on between 119 and 123 Ranch Drive. The property is approximately 5.65 acres in size. The applicant is requesting to rezone the property from Residential R-15 to Residential R-10.

Interim Director Goodson began his presentation.

This concluded Interim Director Goodson's presentation.

Interim Director Goodson asked the applicant to introduce herself to the Commission.

Kim Hamby, of Timmons Group, introduced herself to the Commission.

There were no questions or comments held by the Commissioners.

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Ms. Deb Regel of 122 Ranch Drive stepped to the podium to speak. Petitioner Regel held concerns of previous flooding that occurred and feared that the pond would still be liable to flood. She also held concerns about the narrow nature of the road and the lack of care its received from the state. She felt that the road would also need to be widened. It was expressed that the pond has been a concern since it was built.

Acting Chairman White asked if the petitioner was objecting to any further construction on the property, or the reduction from 15,000 square feet to 10,000 square feet.

Petitioner Regel stated that she is objecting to both, also noting the landlocked deer population.

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This concluded the new business items.

### **Old Business**

There were no cases on the agenda for old business.

### **Staff Report**

Interim Director Goodson

This concluded the Staff Report.

### **Chairman's Report**

Chairman Sutton stated he wanted to thank staff for stepping up to the plate with all of the transition that has occurred over the past few years.

This concluded the Chairman's report.



## Member Concerns

This concluded the Member Concerns.

Chairman Sutton asked the if there was a motion on the floor for adjournment.

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

The meeting concluded at approximately 4:19PM.

Submitted Respectfully,

Brian Hall-Secretary of the Commission

DRAFT