

**CITY OF ELIZABETH CITY  
PLANNING COMMISSION  
REGULAR MEETING**

Tuesday, April 4, 2017  
4:00 PM

**MEMBERS PRESENT**

Ernest Sutton, Chairman  
Gary White  
Sonny DiGirolamo  
Suzanne Stallings  
Carlton O'Neal  
Johnson Biggs

Also present were Matthew Schelly, Community Development Director; Cheryl Eggar, Planner; Kaitlen Alcock, Planner; members of the audience.

Chairman Sutton called the meeting to order and stated there was a quorum. Chairman Sutton asked for a motion to approve the agenda presented for tonight's meeting. Mr. Gary White made a motion to APPROVE the agenda written for the April 4, 2017 meeting with one motion to add. Motion was the Planning Commission needs a new Vice Chairman to replace the outgoing Vice Chairman. Chairman Sutton stated the motion and the amendment. Mr. Sonny DiGirolamo seconded the motion. Chairman Sutton stated the addendum be approved and add an item of voting on the Vice Chairman.

Chairman Sutton asked for a motion to approve the minutes from the February 7, 2017 meeting. Mr. White made a motion to APPROVE the minutes for the February 7, 2017 meeting. Mr. DiGirolamo seconded the motion. Dawn Harris, Secretary to the Planning Commission Board, interrupted and apologized. Mrs. Harris stated she needed a motion to finalize the amendment to the agenda. The motion to amend the agenda was brought forth by Mr. White. Seconded by Mr. DiGirolamo. ***ALL IN FAVOR: SUTTON, WHITE, STALLINGS, DIGIROLAMO, O'NEAL, AND BIGGS. NONE OPPOSED. MOTION PASSED.***

Chairman Sutton asked for Mrs. Harris to read the Statement of Disclosure. (PAUSE) Chairman Sutton opened the floor up for nominations of Vice Chairman to the Planning Commission Board. Mrs. Suzanne Stallings nominated Mr. DiGirolamo for the position of Vice Chairman. Mr. Carlton O'Neal nominated Mrs. Stallings for the position of Vice Chairman. Mrs. Stallings withdrew her nomination. Chairman Sutton stated the withdrawal of a nominee and one nominee left. Chairman Sutton asked for a motion on the nominee. (PAUSE) Chairman Sutton stated that a motion has been made that Mr. Sonny DiGirolamo become the Vice Chairman of the Planning Commission. Mr. White seconded Mrs. Stallings motion. ***ALL IN FAVOR:***

***SUTTON, WHITE, STALLINGS, DIGIROLAMO, O'NEAL, AND BIGGS. NONE OPPOSED. MOTION PASSED Mr. DiGirolamo is Vice Chairman of the Planning Commission.***

Chairman Sutton asked for Mrs. 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 32.04. Any official act or action before the Planning Commission shall 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.

**New Business is CASE NO.: CZ 01-17** submitted by Tooley Harbor, LLC and 3N1, Inc. for property located in the Tooley Harbor subdivision; specifically lots 1 through 28. The subdivision is located off of River Road—Tax Map #P123-41B. The applicant is seeking a Conditional Zoning Permit and requesting a rezoning from Residential (R-15) to Residential (R-8).

Chairman Sutton asked the audience was anyone present to speak. Ms. Kim Hamby, an East Carolina Engineer, came forth to speak on behalf of Tooley Harbor, LLC. Mr. Troy Brinkley with the development group was in attendance with Mrs. Hamby. Mrs. Hamby addressed the Commission by stating the goal is to rezone lots 1 through 28 of Tooley Harbor Phase One to a conditional R-8 zoning. The purpose of the R-8 zoning is to be able to build a two family dwelling. The dwellings were referred to as Carriage Homes, while they are technically duplexes. The homes have been constructed to appear as large single family homes. Documentation and images of the Carriage Homes were submitted and placed in the Commission's agenda packets. The infrastructure, water lines, and the sewer collection system were discussed for the duplexes. Ms. Hamby discussed the lot's width and conditions for what is required as an R-8 zone. The conditions consist of footprints of 50 foot deep by 45 foot wide; building materials that will vary in elevations and colors; the use of two meters for each unit; a setback of 35 feet with the exception of a few lots having the set back of 25 feet; and a Property Owner's Association that will maintain ground keeping. Ms. Hamby talked about a Community meeting that was held and how some residents were concerned about not putting a fence along the rear property lines of these lots. The residents were assured that the single family homes would appear to have a fenced in patio area in the back of each unit. Ms. Hamby concluded her information and was happy to answer any questions.

Ms. Cheryl Eggar, Planner gave the following report:

## **STAFF REPORT**

Ms. Cheryl Eggar stated this is the first time the Commission has encountered conditional zoning in the R-8 zone district that will allow single family units and duplexes. The Conditional zoning district allows for flexibility and creativeness with the projects as long as all the conditions have been mutually agreed upon by both city and the developer. Parks and Recreation will obtain a slight increase in some land that was dedicated to the South Park Community Park in order to provide additional recreation space for these additional homes. The proposed conditions for this project is as follows: reduce the required minimum 100 foot lot width for two-family dwellings, duplex, to the width of the platted lots which reflect a typical width of 90 feet; increase the setbacks from 25 feet to 35 feet with the exception of Lots 4 through 9; add two street trees per lot; duplexes will provide the appearance of a single family home with an approximate height of 30 feet on each lot; and establish a Home Owner's Association.

Chairman Sutton asked had the landscaping plans been submitted. Mr. Brinkley and Ms. Eggar confirmed that the landscape diagram was located in the agenda packet.

Ms. Stallings asked would the single family homes be allowed to have a fence around their backyards. Ms. Hamby stated there will be no additional fences permitted in the backyards except around the individual patios.

Ms. Stallings asked would these single family homes be for sale or rental property. Ms. Eggar stated the properties can be considered for sale or rental property with restricted covenants. Mr. Troy Brinkley, manager with Tooley Harbor LLC, addressed the Commission and states that the covenants have been drafted by an attorney.

Ms. Eggar continues her report.

The joint Elizabeth City & Pasquotank County Land Use Plan classifies the east side of River Road as being a low density residential area while the west side of River Road is considered to be a medium high density residential area. The development is further supported by the Land Use compatibility and environment concern policies. The proposed density for residential units per acre for this CZ R-8 zoning district and development is consistent with the density for the low density residential classification. Across the street from the development, along the western side of River Road from Asbury Drive to Weeksville Road, the residential land has a medium/high residential density of 4 to 7 single family homes per acre which is compatible with the R-8 zoning designation. In accordance with the Land Use Compatibility and Environmental Use Policy, the development is reducing conflicts with existing land uses by incorporating additional zoning and preserving an expansive open space along Asbury Drive. The duplexes will provide a mix density development as the remaining portion of the Tooley Harbor subdivision is developed for single family homes. The duplex units will assist in providing a variety of affordable single family house types within the city. For the majority of the lots exceeding 18,000 square feet in size, combined with the architectural styles that have the

appearance of large single family homes, this will make the development harmonious with the surrounding homes within the area. Along Ashbury Drive the rears of the duplex structures are approximately 125 feet from the rear property line which will provide a large open space area that will be maintained by the Home Owners Association. A minimum building separation of 45 feet will be provided for relatively generous spaces between the houses.

**Staff concerns and considerations are as follows:** The conditional zoning process provides an opportunity for an applicant to propose limitations on use or development conditions as well as suggest modifications to the Unified Development Ordinance dimensional requirements that will ensure that the development proposals are consistent with the policies that are set forth in the adopted plans. The maintenance of the triangular portion of land that is located at the intersection of Asbury Drive and River Road is noted on the plat that this area is dedicated to the North Carolina Department of Transportation.

**Staff recommendations are as follows:**

1. The maintenance of the triangular portion of land that is located at the intersection of Asbury Drive and River Road is noted on the plat that this area is dedicated to the North Carolina Department of Transportation. Staff would recommend the landscaping for the added area be maintained by the Home Owners Association.
2. No privacy fencing shall be installed within 60 feet of the right-of-way for Asbury Drive and within 20 feet of the right-of-way for River Road.
3. A mix of 23 understory trees and 135 shrubs shall be installed along Asbury Drive. The plant material is to be located such that it will not interfere with the existing underground utilities. A landscape plan shall be submitted for staff approval.

The Technical Review Committee recommends approval of the conditional zoning request from Residential R-15 to Conditional Zoning R-8 (CZ R-8) provided the outstanding concerns and considerations can be addresses and agreed to by the applicant.

This completed Ms. Eggar's report.

Chairman Sutton called for any additional questions.

Sonny DiGirolamo asked will the Home Owners Association maintain the upkeep of the development. Mr. Brinkley stated that the Home Owners Association of this development will merge with the Mariner's Point Association with an additional Condominium Association that will oversee the rules and regulations that will govern the subdivision.

Mr. DiGirolamo asked would the setbacks on Asbury Drive be common ground just to be maintained. Mr. Brinkley stated that this area will be maintained as a greenway to be maintained by the Condominium Association.

Mr. White asked will the units primarily be for sale but not rule out entirely for rental. Mr. Brinkley stated that Tooley Harbor will not rule out rental.

Mr. DiGirolamo asked about how the Pasquotank-Elizabeth City Public Schools will be affected. Mr. Brinkley was unsure. Ms. Eggar stated that the Pasquotank-Elizabeth City School Board has calculated a formula using a count of 1.7 children per household to determine that the additional dwellings will create an increase of approximately 48 students to ride from this subdivision.

Mr. DiGirolamo asked about any parking issues to be anticipated in this subdivision. Mr. Brinkley stated there's no parking issues to be anticipated because; the single family home units would accommodate the parking with the garages attached to the homes.

Mr. O'Neal asked about the prices for the single family units, whether the units would be for rental or for sale. Mr. Brinkley stated that Tooley Harbor sale the units without a rental option. Someone may choose to buy the units and then rent the units but, Tooley Harbor doesn't have any calculations for anybody, who may want to come in and rent the units. All the units are for sale.

Mr. DiGirolamo asked about the 50 or so letters that went out for the Community meeting that was held. Carol Allen, who lives at 202 Captain Court, stated that she didn't receive a letter. Ms. Allen questioned the landscaping of the subdivision. Ms. Stallings explained the landscaping for the subdivision to Ms. Allen. Ms. Stallings asked about the plans for the subdivision. Ms. Eggar took the plans to Ms. Stallings.

Mr. George Thompson commented that his mother-in-law didn't receive a letter for the Community meeting on February 3, 2017.

Mr. Phillip Harrington, who owns Pelican Pointe subdivision and lives at 314 Harriot Court, addressed the Commission about Asbury Drive in regards to the landscaping. Mr. Harrington's concern is having too much landscape to maintain or not to be maintained. Mr. Harrington is against having a big landscape buffer.

Mr. DiGirolamo stated that once the development is completed Mr. Harrington will no longer have to maintain the landscape. Mr. Harrington stated he maintains everything right now in regards to the landscape even for the Home Owners Association for Pelican Pointe. Mr. DiGirolamo asked what is the Home Owners Association fee for having the landscape maintained. Mr. Harrington states the Home Owners Association fee is \$150 a year. No further comments from Mr. Harrington.

Mr. White stated that he was unable to make a decision at this point about CZ 01-17. Mr. White has concerns about the landscaping issues and the River View Estates covenant. Mr. White makes a motion to delay action in CZ 01-17. Ms. Stallings seconds the motion. Commission agrees that there needs to be more specifics about CZ 01-17. **ALL IN FAVOR: SUTTON,**

***WHITE, STALLINGS, DIGIROLAMO, O'NEAL, AND BIGGS. NONE OPPOSED.  
MOTION CARRIED.***

**New Business is Case No.:** CUP-01-17 submitted by Northeast Academy for Aerospace and Advanced Technologies (NEAAT) for 4.06 acres located at 111 Kitty Hawk Lane. This property is zoned I-1 (Industrial). The applicant proposes to use the existing 150' X 121' structure as the new home for the STEM school presently located on the campus of Elizabeth City State University. Ms. Alcock gave the following report:

**STAFF REPORT**

The case of CUP-011-17 was filed by Northeast Academy for Aerospace and Technologies for property located at 111 Kitty Hawk Lane. The applicant request approval of a Conditional Use Permit to utilize the subject property as a permanent location for the STEM school, which is presently being housed on the campus of Elizabeth City State University. Current enrollment at the STEM school is approximately 260 students in Grades 7 through 10 and enrollment is anticipated to increase next year with 350 students in Grades 7 through 11. The STEM school will continue to utilize the facilities and classrooms at ECSU. The subject site is in close proximity to ECSU, which allows the STEM school students to be bused to and from the ECSU campus. The former T-COM warehouse and hanger will allow the STEM school students to build aerostats and will provide a unique learning environment experience. The Technical Review Committee received and approved the case on March 28, 2017 after hearing all noted comments. The request as presented does comply with the Unified Development Ordinance requirements relating to secondary schools and complies with the joint Elizabeth City and Pasquotank County Land Use Plan. If the Planning Commission recommends approval of the permit, Planning Staff recommends the following conditions be adopted by City Council:

1. All comments made by the Technical Review Committee must be satisfied prior to commencing operations.
2. Continued compliance with the development standards for secondary schools found in Article 11-4.67 of the Elizabeth City Unified Development Ordinance.
3. All interior renovations/remodeling will require a building permit.
4. Any future signage must be reviewed and approved by both the Planning Department and Building Inspections prior to installation.
5. The record owner of the property shall record the permit with the Pasquotank County Register of Deeds. The authorized use shall not commence until the property owner provides documentation that the permit has been recorded and indexed under the record owner's name as grantor.

This concluded Ms. Alcock's report.

Chairman Sutton asked for the applicant to come forward. Mr. Joseph Peel, Chairman of the STEM school, came forward and stated that Mr. Jeff Dixon, who is Vice Chairman of the STEM school, is present, also. Mr. Peel stated that since the Technical Review Committee, the STEM school has hired Boomerang Designs, which is an architectural firm out of Raleigh, North Carolina. Boomerang Designs has employed Kim Hamby to assist with the project. Mr. Peel also stated that the STEM students will continue to eat in the cafeteria at ECSU. The new STEM school will not be preparing food at its new location.

Mr. White asked about the population of the STEM school's students. Mr. Peel stated that right now the school has 266 students, next year predicting 350 students, and when the school has completely grown out the total of students should be 490. Mr. Peel also stated that there are a significant amount of students attending classes at ECSU.

Chairman Sutton asked was the maximum capacity of the school 350 students. Mr. Peel stated no.

Chairman Sutton asked about any drawbacks with the T-COM building. Mr. Peel stated lack of bathrooms and the traffic flow patterns.

Mr. DiGirolamo commended the STEM school for existing and bringing awareness to the Elizabeth City community. Mr. Dixon explained the concept of how students, who attend the STEM school, will have obtained a two year Associate Degree once they've completed grades 7 through 12 at the STEM school.

Chairman Sutton asked about the relationship between Elizabeth City State University and the STEM school. Mr. Peel stated the relationship has improved and the STEM school received the Golden Leaf grant. Chairman Sutton asked about the relationship between the Pasquotank-Elizabeth City Public Schools and the STEM school. Mr. Peel stated the relationship with Pasquotank-Elizabeth City Public Schools isn't good. Pasquotank-Elizabeth City Public Schools believe the STEM school is in competition with them and the Pasquotank-Elizabeth City Public Schools believe that the STEM school is taking money away from them.

Chairman Sutton asked about having a public meeting in which to include Elizabeth City State University, STEM school, College of the Albemarle, and Pasquotank-Elizabeth City Public Schools to discuss certain issues. Mr. Peel stated that the STEM school officials have met with the superintendent of the Pasquotank-Elizabeth City Public Schools once.

Chairman Sutton spoke about the myths of STEM schools and how to educate the community at large. Mr. Peel commented that the STEM school has sponsored community meetings.

Chairman Sutton asked has the STEM school considered incorporating educational drug programs into their curriculum. Mr. Dixon explained that his wife is working on a similar project.

Mr. Johnson Briggs asked about any additional parking at the T-COM building. Mr. Peel explained that the back of the T-COM building needs to have additional parking spaces for buses to loop around to pick up and drop off students as well as the front parking lot to allow pick-ups and drop offs.

Mr. DiGirolamo brought forth a motion to accept the application of CUP 01-17. Motion was seconded by Mr. White. ***ALL IN FAVOR: SUTTON, WHITE, STALLINGS, DIGIROLAMO, O'NEAL, AND BIGGS. NONE OPPOSED. MOTION PASSED.***

Chairman Sutton thanked Mr. Sonny DiGirolamo for accepting the position of Vice Chairman with the Planning Commission and thanked Mr. Johnson Briggs for accepting membership of the Planning Commission. Chairman Sutton talked about the possibility of having training available for the Planning Commission by the Institute of Government in Raleigh, North Carolina. Ms. Alcock stated that the fee for the Institute of Government to provide training would be \$1000. Ms. Alcock is working on an alternative way to receive assistance with the cost of the training.

Member's concern was the need for some direction in the landscape plan and the covenants for the case of CZ 01-17.

After much discussion about the issues of the landscape plans and the covenants for CZ 01-17, Mr. White made a motion to adjourn. Mr. Johnson Briggs seconded the motion. ***ALL IN FAVOR: SUTTON, WHITE, STALLINGS, DIGIROLAMO, O'NEAL, AND BIGGS. NONE OPPOSED. MOTION PASSED AND MEETING WAS ADJOURNED.***

Respectfully submitted by,

Yvette M. Chamblee  
Secretary to the Commission