

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
Tuesday, August 1, 2017**

MEMBERS PRESENT

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

Also present were Matthew Schelly, Community Development Director; Kaitlen Alcock, Planner; Yvette Chamblee, Secretary to the Board; and members of the audience.

Chairman Sutton called the meeting to order at approximately 4:00pm and stated there was a quorum. Chairman Sutton asked for a motion to APPROVE the agenda as presented. Mr. White made a motion to **APPROVE** the agenda as presented. Mr. DiGirolamo seconded the motion. **ALL IN FAVOR: WHITE, SUTTON, DIGIROLAMO, O'NEAL, AND JOHNSON. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton asked for a motion to **APPROVE** the minutes from the Wednesday, July 5, 2017 meeting. Mr. White made a motion to approve the minutes from the Wednesday, July 5, 2017 meeting. Mr. O'Neal seconded the motion. **ALL IN FAVOR: WHITE, JOHNSON, O'NEAL, SUTTON, AND DIGIROLAMO. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton asked for Ms. Chamblee 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 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.

Audience was informed to sign in to speak before the Planning Commission. Mr. Matthew Schelly introduced Mr. Jonathan Aman, an intern for the Community Development Division.

New Business is CASE NO.: SUP 01-17 submitted by Helen Williams for property located at 701 North Road Street. This property is zoned Residential (R-6). The applicant is requesting to operate a rooming house at this location.

Ms. Kaitlen Alcock presented the following report:

The first item on the agenda this afternoon is SUP 01-17 filed by Helen Williams to operate a rooming house at 701 North Road Street. Should the permit be approved, it is the Applicant's intention to rent the four-bedroom house on a monthly basis. The Elizabeth City Unified Development Ordinance places certain development standards on a rooming house operation which was detailed on pages 7 and 8 of the staff report provided to the Commission. Two of the main standards include the following:

- The use must be operated by a resident owner or manager
- The use permit must be renewed annually

The Technical Review Committee reviewed the request at their June meeting and, after a lengthy discussion, recommended approval of the request subject to the Committee's conditions. The Fire Department set the maximum occupancy at five individuals and noted that should the occupancy exceed that threshold, different Fire and Building Code Standards would apply and certain safety measures, such as an alarm and sprinkler system, would be required. Although not required, Fire did strongly recommend the installation of smoke detectors in every room, carbon monoxide detectors on each floor, fire extinguishers, and exit signs. Staff conducted an on-site visit in early June and does note that every room did contain a smoke detector. The Inspections Department provided the Applicant with a list of repairs that must be completed prior to final approval. Staff was provided an update this morning from one of the Inspectors that the repairs were underway but not yet complete. 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 comments made by the Technical Review Committee shall be satisfactorily addressed prior to the permit issuance;
- Continued adherence to the development standards found in Article 11-4.17 of the Unified Development Ordinance;
- The special use permit shall be renewed annually. It shall be the responsibility of the applicant or property owner to contact Planning Staff in a timely manner to ensure the permit is renewed prior to the noted expiration date;

- A list of current residents shall be provided to the Planning Department monthly. The list shall include the complete given name of all tenants residing at the home and indicate how long each tenant has lived on the premises;
- City Staff shall be authorized to conduct on-site inspections as deemed necessary to ensure compliance with the conditions of the permit;
- The applicant shall have the approved permit recorded with the Pasquotank County Register of Deeds within ten (10) business days after notification of the decision.

This concluded Ms. Alcock's report.

Ms. Helen Williams, the property manager, came forth. Ms. Williams informed the Commission her intentions to establish a licensed rooming house. Mr. DiGirolamo questioned were there current residents staying in the house. Ms. Williams responded the resident manager and his two brothers are occupying the house. Mr. DiGirolamo questioned is the house a four bedroom house. Ms. Williams responded the house is a four bedroom house with two bathrooms and a kitchen. Mr. DiGirolamo questioned does the resident manager and his brothers take up one bedroom or two bedrooms in the house. Ms. Williams responded the resident manager and his brothers use one bedroom a piece which leaves an extra bedroom to rent. Mr. DiGirolamo questioned is this one bedroom to be determined by the Commission. Ms. Alcock explained the rooming house would be rented out property to unrelated individuals on a monthly basis with the maximum capacity set at five people.

Mr. White stated the rooming house wouldn't be used as a bed and breakfast. Ms. Williams responded, no. Mr. Schelly explained the definition of a rooming house and a boarding house.

Mr. DiGirolamo questioned are people looking to rent a room from month to month. Ms. Williams responded, yes and most of those individuals are local.

Mr. Sutton questioned could an individual rent a bedroom with a child. Ms. Williams stated she's limiting renting bedrooms to individuals with infants due to safety issues within the home but individuals with older children would be considered. Mr. Sutton questioned do you have standard rates for renting. Ms. Williams responded the standard rate for renting is \$450 a month, which includes utilities, cable, internet, and etc.

Mr. DiGirolamo questioned the structural condition of the property. Ms. Williams responded the house was inspected and any minor repairs have been completed. Ms. Alcock stated there wasn't anything major on the inspector's report and minor issues have been completed. Mr. DiGirolamo questioned was any correspondence received from the adjacent property owners. Ms. Alcock stated individuals were present and in the audience.

Mr. Biggs needed clarification on limiting five residents to the house. Ms. Alcock stated the Fire Code limits the home to only five residents including the resident manager. Ms. Alcock also stated allowing more than five residents to rent would cause resubmitting the Special Use Permit and according to the Fire Code this would cause major upgrades to the house.

Chairman Sutton asked were there any speakers in the audience and Ms. Selma White came forth.

Ms. White stated 701 North Road Street is adjacent to her property. Ms. White read an article about the rooming house in the local newspaper and she has some concerns. Ms. White stated over the last two years, there have been problems at the rooming house such as constant police calls and numerous people living in the house. Ms. White stated as of right now there's seven people living in the rooming house. Ms. White felt Ms. Williams hasn't been truthful about the rooming house. Ms. White stated the article in the local newspaper made a comment about anything can happen in Sawyer town. Ms. White gave background about how she became a homeowner in the area called Sawyer town and how the area of Sawyer town had a lot of drug activity but, now the Sawyer town area has been cleaned up. Ms. White stated within the last two years, the rooming house has been occupied and the police have been called a lot. Ms. White stated she's concern with the number of people residing at the rooming house and who is actually renting the rooms. Ms. White informed the Commission that she's hurt from the untruthfulness from the article in the local newspaper. Ms. White talked about how the owners of the property had refurbished the home sometime back but the house doesn't even look appealing now. Ms. White stated the people who were loitering at the house in the past either lived there or knew someone that lived there as well as in the past there's been at least ten children living in the house. Ms. White stated she doesn't want to prohibit someone from having something beneficial to the community but she also don't want someone to have something that would be detrimental to the community either. Ms. White stated she hoped the Commission would make a good decision in regards to allowing Ms. Williams to operate a rooming house and whatever the Commission decides Ms. White would abide by their decision.

This concluded Ms. White's presentation.

Mr. White questioned Ms. White if all she wanted was peace and quiet. Ms. White responded, yes. Mr. DiGirolamo applauded Ms. White for her efforts in the community. Ms. White responded she gives her all for her community. Ms. White informed Ms. Williams that her appearance before the Commission today isn't against her personally but the truth needed to be heard.

Mr. DiGirolamo questioned were the police reports obtained for this meeting. Ms. Alcock notated she would send out a reminder to the Chief of Police to request the 911 police reports in regards to the location of 701 North Road Street.

Mr. DiGirolamo asked Ms. Williams if she would like to respond to Ms. White. Ms. Williams came forth again and responded to the statement about a woman with some children living in the house. Ms. Williams stated a lady with children was residing at the house at one time and that's why she is skeptical about having younger children living in the house. Ms. Williams stated the neighborhood did have its problems but all she can do is make sure the residents comply or they would be asked to leave.

Mr. Biggs questioned Ms. Williams how long has she been affiliated with the property and is there an executed lease on the property. Ms. Williams responded, no to the executed lease but, she's been friends with the property owner for some time and they have a non-verbal agreement. Ms. Williams stated previously, when the property wasn't being occupied, there had been vandalism to the property and issues with people sitting on the porch. Ms. Williams stated the vandalism is now frequent since the property is being occupied. Mr. Biggs questioned the arrangement of Ms. Williams as property manager and how long has she been affiliated with the property. Ms. Williams responded she started managing the property last May or June 2016 and she actually got involved before Christmas 2016. Mr. Biggs asked seven to eight months is how long you've been acting property manager. Ms. Williams responded, yes. Mr. Biggs questioned about the gentleman, who's living at the house now. Mrs. Williams responded, he's the resident manager. Mr. Biggs asked Ms. Williams is there a management agreement in which she's being compensated for overseeing this property since the Commission is looking to approve recommendations for the Special Use Permit but there's nothing written from the property owners in the Commission's agenda packets. Ms. Alcock stated there is an Authorization agreement from the property owners and the property owners' names would appear on the Special Use Permit if granted. Ms. Williams stated there is constant communication between her and the property owners.

Chairman Sutton questioned Ms. Williams about a screening process for the renters or if she doesn't have a screening process, do you anticipate having a process. Ms. Williams responded, since going through the Special Use Permit application process, she has been streamlining and improving what the renter's application would look like in order to wean out undesirable renters. Chairman Sutton requested Ms. Williams to give the Commission a brief overview of what questions would be on the renter's application. Ms. Williams stated the questions on the renter's application would consist of the following: demographics; the last place the renter resided and what happened; when was the last time the renter had to rent on their own; family member contacts; employment; disability; and questions pertaining to criminal history. Chairman Sutton recommended Ms. Williams consider the importance of having an application process. Chairman Sutton questioned was there any management maintaining the upkeep of the house in the past, since Ms. White mentioned how the house was treated previously. Ms.

Williams responded the owner had new windows put in, the owner had someone to cut grass and pick up empty bottles and cans in the yard, there was debris after Hurricane Matthew, and there's been times when people walk through the property or sat on the porch and left trash as they come and go. Ms. Williams stated the resident manager and herself are trying to stay on top of things and make sure the yard is presentable. Mr. DiGirolamo questioned is this still going on. Ms. Williams stated she has seen trash in the street and not really in the yard. Mr. DiGirolamo questioned the time gap on seeing the trash in the yard. Ms. Williams responded, over a weekend. Mr. DiGirolamo questioned how long ago has it been since she's seen the yard trashy. Ms. Williams responded since last year in the spring. Mr. DiGirolamo questioned how long have the owners been from the property. Ms. Williams responded she doesn't know but the property was vacant at some point.

This concluded Ms. Williams' presentation.

Another speaker, Ms. Marilyn Barclift, an adjacent property owner, was called and came forth. Ms. Barclift provided pictures to the Commission to show a dead tree and a tree limb located on the rooming house property (701 North Road Street) had broken Ms. Barclift's fence and damaged her roof. Ms. Barclift was requesting the dead tree and limb be removed. Mr. Barclift stated she had notified Mr. Goodwrench, one of the tenants at the rooming house about the tree but nothing has been done. Ms. Barclift had notified the Assistant City Manager's office about the tree, also. Mr. DiGirolamo questioned Ms. Barclift's property location. Ms. Barclift responded her property is right beside the rooming house and the dead tree is adjacent to her fence. Mr. Biggs questioned was the tree her only concern about the property. Ms. Barclift responded, no. Ms. Barclift stated she could have repeated some of the same things but the tree is her major concern. Mr. DiGirolamo questioned had the property owners been notified of the tree. Ms. Barclift responded she had spoken with some of the tenants, she had given one of the tenants a written note with her contact information, she had spoken with the handyman of the property, Mr. Goodwrench, and nothing has been done. Ms. Barclift stated if stipulations were going to be made on this rooming house, she wanted the removal of the dead tree to be included. Mr. White asked Ms. Barclift did she agree with Ms. White's statements about the rooming house. Ms. Barclift responded, yes.

This concluded Ms. Barclift's presentation.

Mr. Biggs stated when you have four or five unrelated tenants living at one property, you can have multiple visitors at one point in time with additional traffic with only four parking spaces. The Commission is teetering on turning a residential property into commercial property with very limited public safety. Mr. Biggs also stated at what point can the Commission put higher stipulations on this property in regards to public safety and can staff provide the Commission with some direction. Mr. White questioned is the rooming house unenforceable with

stipulations and restrictions. Mr. Biggs responded what constitutes an overnight guest or will overnight guest be allowed. Ms. Alcock responded to the parking issue in which the city's ordinance standard requires one parking space per bedroom plus one onsite staff parking space, which would be the resident manager's parking space. The Technical Review Committee agreed to four parking spaces since the resident manager occupies a bedroom. The standard has been set and the Commission can't place a higher standard on the possibility of an overnight guest. Ms. Alcock stated Ms. Williams informed her that most of the tenants do not have a vehicle but do walk or use bicycles and public transportation. The only thing that can be enforced is the standard in the City's ordinance. Ms. Alcock stated in terms of the overnight guest the occupancy of five people in the rooming house was set by the Fire Code.

There weren't any other speakers present in regards to SUP 01-17.

Mr. DiGirolamo questioned Ms. Williams about the tree issue. Ms. Williams responded she knew about the tree and the fence but she didn't know about the roof. Ms. Williams stated she would get the tree cut down, the debris removed, and discuss with Ms. Barclift about the cost of the roof repair. Ms. Williams also stated the owner of the rooming house was aware of the fence but not Ms. Barclift's roof. Therefore, Ms. Williams will be communicating with the owner in regards to the damage to Ms. Barclift's roof.

Mr. White made a motion to **DELAY** action until the Commission receives further information as requested from staff particularly in regards to the Elizabeth City Police Department's 911 logs. Mr. Biggs seconded the motion. **ALL IN FAVOR: WHITE, SUTTON, DIGIROLAMO, BIGGS, AND O'NEAL. NONE OPPOSED. MOTION CARRIED.**

NEW BUSINESS is CASE NO.: SUP-02-17 submitted by Thomas E. Reese, Jr. for property located at 606 B East Colonial Avenue. This property is zoned Central Business District. The applicant is requesting to operate a Ghost Harbor Brewing Company, which is a microbrewery, with an attached tasting room.

Ms. Alcock presented the following report:

The second item on the agenda this afternoon is SUP 02-17 filed by Thomas Reese to allow for the operation of a microbrewery, Ghost Harbor Brewing Company, at 606B E Colonial Avenue. As the Commission will recall, Staff underwent a lengthy text amendment process in 2016 to add language to the UDO to define and regulate brewpubs and microbreweries within the City's Central Business District. The amendment was approved by the Council earlier this year. The structure, which lies within the Downtown Historic District, has historically been used for general storage. The property owner has made several petitions to the Historic Preservation Commission to allow various exterior modifications to the structure including the additional several doors and windows. All such requests have been approved and renovations to the structure are underway. The applicable development standards as found in Article 11-4.50.1 of

the UDO were included on pages 5 and 6 of the staff report provided to the Commission. Staff is of the opinion that the request as presented satisfies all said standards. The Technical Review Committee reviewed the request at their June meeting and unanimously recommended approval of the request subject to the following:

- Public Works requested further clarification of the disposal of waste materials and grain from the brewery operations. This item has since been satisfied.
- The Police Department stated for the record that all regulations found in Chapter 18B of the State Statutes shall be adhered to.
- The Fire Department requested the Applicant provide detailed specifications of the brewing equipment.
- An ABC License Inspection would be required by Building Inspections prior to opening.

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

This concluded Ms. Alcock's report.

Mr. Thomas Reese, the applicant for Ghost Harbor Microbrewery, came forth and informed the Commission about turning an old vacant storage facility into a microbrewery.

Mr. DiGirolamo made statements about the alleyway that will be adjacent to the microbrewery and what improvements will be taking place for the alleyway. Ms. Alcock stated Ms. Debbie Malenfant, the director of the Elizabeth City Downtown Incorporation, is spear heading the alleyway project. Each business has had the option to have a 10 x 35 section like an outdoor seating dining area in the alleyway. Since the alleyway will serve as the primary opening for the microbrewery, there will be a 10 feet clearance throughout the alleyway for pedestrians. The plans for the alleyway were approved by the Historic Preservation Commission.

Mr. White questioned had the Commission heard the microbrewery case before. Ms. Alcock explained the Commission heard the text amendment hearing several months ago defining microbreweries, brew pubs, and their development standards to be place into the ordinance, which allows Mr. Reese to come in and open up a microbrewery.

There weren't any other speakers present in reference to SUP 02-17.

Mr. White made a motion to **APPROVE** the recommendation for SUP 02-17 to move forward to the Board of Zoning Adjustments. Mr. Biggs seconded the motion. **ALL IN FAVOR: BIGGS, DIGIROLAMO, SUTTON, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

STAFF REPORT

Online training modules for the Planning Commission through the North Carolina School of Government are available and free. Ms. Alcock will be contacting the Interim Finance Director to obtain an email address in order to access the training modules. There were discussions about how to make the online training available to the Commission, could staff view the modules with the Commission and be able to entertain any questions about the modules, having an onsite instructor to teach the modules, and coming an hour earlier to Planning Commission meetings to view modules. There are fifteen modules averaging about thirty minutes per module. Mr. Biggs inquired about training for the Commission being incorporated into next year's budget.

No **MEMBERS CONCERNS** reported.

Mr. White made a motion to **ADJOURNED** the Tuesday, August 1, 2017 meeting. Mr. Biggs seconded the motion. **ALL IN FAVOR: SUTTON, O'NEAL, BIGGS, DIGIROLAMO, AND WHITE. NONE OPPOSED. MOTION CARRIED.** Meeting was adjourned at 5:22pm.

Respectfully Submitted,

Yvette M. Chamblee
Secretary to the Planning Commission Board