

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR SCHEDULED MEETING
TUESDAY, October 4, 2022
4:00 PM**

MEMBERS PRESENT

Ernest Sutton - Chairman
Kevin Johnson
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, August 16, 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, AND JOHNSON. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton called for a motion to approve the agenda. Commissioner White made a motion to **APPROVE** the agenda. Commissioner Swain 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.

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 and 154.07 to reflect the changes made in Chapter 160D of the North Carolina General Statutes.

Director Long began her presentation.

Director Long noted that this proposed text amendment was previously brought before the Commission several meetings ago. Staff was, at the time, researching information provided by the state in regard to this matter. Since then, contact was made Eryn Futral of whom is a National Flood Insurance Program (NFIP) Planner with the North Carolina Department of Public Safety, in the Emergency Management Division.

Mrs. Futral visited the Community Development Department office in May of 2022, in which a floodplain audit was held. This audit, or Community Assistance Visit (CAV), is a routine visit that is conducted about every five years by a NFIP Planner for municipalities along the coast due to them they having special flood hazard areas. The purpose of a CAV is to provide technical assistance to the community and assuring that the community is adequately enforcing its floodplain management regulations.

Director Long stated that in preparation of this meeting, staff had to go through each building permit that was issued from January 1, 2017 to the meeting date, May 26, 2022. If the permit was issued for a structure located in a special flood hazard area, that file had to be pulled for the planner to review during their visit to make sure it had the proper elevation certifications and documentation.

The NFIP planner then visited some properties on the list to verify that they were built to the elevation that was stated in the certificates. Staff had a very pleasant meeting with the NFIP Planner, with little to no follow-up needed.

One minor item that was identified during the visit was the 160D update to the City's floodplain ordinance. Staff brought a large text amendment before the Commission in the spring of 2021 that was a required text amendment by the State of North Carolina to update all of the City's ordinances to reflect the new 160D general statutes.

Director Long stated that the City's floodplain ordinance is not located in the Unified Development Ordinance (UDO), but in the City Code of Ordinances. Staff has been asked to update the following section of our floodplain ordinance to reflect the following changes of the 160D update of the North Carolina General Statutes:

154.01 STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; ~~Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety,~~

and general welfare. Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

154.07 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated December 21, 2018, for Pasquotank County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto. ~~Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of The City of Elizabeth City are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted by the City within 3 months of notification by FEMA.~~

These amendments would provide no change to the City's current floodplain requirements or enforcement, this is simply a reference update that reflects the general statute updates to 160D.

Director Long noted that, after much communication with the NFIP Planner, said planner was pleased with the results and gave staff a stamp of approval. The changes made reflected exactly what the NFIP requested.

This concluded Director Long's presentation.

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

Commissioner White stated that the information provided was straight forward and matches with all requirements held by the North Carolina General Statutes.

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 **ADOPT** the request for **CASE No: TA 02-22** as it complies with the North Carolina General Statutes provided by the legislature of North Carolina, specially Chapter 160D. Commissioner Swain properly seconded the motion. **ALL IN FAVOR: GOODSON, SWAIN, WHITE, AND JOHNSON. NONE OPPOSED. MOTION CARRIED.**

This concluded the new business items.

Old Business

There were no cases on the agenda for old business.

Staff Report

Director Long stated that she had updates on the status of current developments, referencing the Technical Review Committee meeting that was held earlier that morning in regard to two new commercial site plans. Staff has been hard by the high number of commercial developments, as the site plans being received are of a much larger quantity than what has come in from previous years.

Commissioner White inquired into whether it was in regard to the Starbucks that will be going to Jordan Plaza, and Petco.

Director Long confirmed that inquiry, noting that Petco will be located within the outparcel lots in front of Walmart.

Commissioner White inquired about Royal Farms.

Director Long stated that Royal Farms will be located closer to the Aldi site, but with it being a raw piece of land, more work will have to be done. In conjunction with those plans, staff conditionally approved two site plans at the previously mentioned TRC meeting. This means that said plans are in the same holding pattern as the other site plans.

Staff is working through the all comments and concerns to make sure that all parties involved are satisfied. One of the developments is for a large U-Haul facility, as it will be close to three-storey's. One of the buildings alone is 129,000 square-feet, which is larger than the Medical Office Building for the Sentara Hospital project that is currently in development. The actual impervious surface area being taken up is about 43,000 square-feet.

Wendy's was the second site plan that was proposed at the meeting, in which it would be located further down Halstead Boulevard. With this being a smaller site, the process for this development should take a shorter amount of time. The deadline for next month's TRC meeting is quickly approaching, but the expectation is for there to be a few more site plans to be submitted.

Although it takes much time to get through one site plan, let alone 12, staff feels that they have a good grasp and are getting through some of them.

Director Long mentioned the Hockmeyer development that was pushed through. Said development is expected to provide the City with more job opportunities. The Food

Bank has done a lot of work as well, in which an Administrative Site Plan was recently done for parking improvements to go along with some of their other improvements.

Director Long noted that one topic to discuss at the next meeting would involve selecting a Vice Chairmen under Chairmen Sutton, with hopes that all Commissions would be able to attend.

Chairman Sutton stated that said discussion had been on his mind as well and that he looks forward to finding a proper nominee.

Chairman Sutton inquired into where Royal Farms is located at.

Director Long stated that she believes it is located near the Eastern Shore area, but will verify that information for the Commission.

Chairman Sutton asked about whom the contact person for them would be.

Director Long stated that she has dealt with several different lead people throughout this process, noting an attorney out of Greenville that was handling the annexation and rezoning process. Recently she has been working with the engineer for the project. Information for both individuals can be provided to the Commission.

Chairman Sutton inquired about the status of the Community Development Department's staffing level.

Director Long gave a brief synopsis of the departments staff, noting that there are no full-time planners on staff, but that there is one part-time/retired planner by the name of Cheryl Eggar. Planner Eggar has been vital as she is able to handle the same heavy loads in as efficient of a manner as Director Long, plus her vast experience and knowledge has been crucial. The previous full-time planner left a week prior to this meeting, but said position has been posted.

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

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