



MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Rich Olson, City Manager
Matthew Schelly, Community Development

DATE: November 20, 2017

REF: Consideration – Hold Public Hearing for CUP 02-17 filed by the Northeast Academy for Aerospace and Advanced Technologies. The applicant is requesting to utilize property located at 1409 W Ehringhaus Street as a permanent location for the STEM school.

BACKGROUND:

During the November 13, 2017 City Council meeting, a Public Hearing was called for November 27, 2017 to consider conditional use permit request CUP 02-17. The applicant requests a conditional use permit to utilize the subject property as a permanent location for the Northeast Academy for Aerospace and Advanced Technologies (NEAAAT).

ANALYSIS:

The applicant seeks to utilize approximately 65,000 square feet of the existing structure located at 1409 W Ehringhaus Street as a permanent location for the NEAAAT, which is presently housed on the campus of Elizabeth City State University (ECSU). As you will recall, a conditional use permit was approved for the NEAAAT in May of this year to use the former TCOM facility located at 111 Kitty Hawk Lane. According to the application, the cost for renovations was significant; and the site would leave little room for future expansion. As such, the rear portion of the current Southgate Mall was identified as a more favorable location. The subject property's proximity to ECSU, as well as the College of the Albemarle is ideal since many of the school's upperclassmen take courses on the respective campuses. As presented, the application satisfies all development standards for secondary schools as found in Article 11-4.67 of the Unified Development Ordinance.

The use permit application was reviewed administratively by the Technical Review Committee. Comments from committee members were brief and included the following:

- Once available, the Fire Department would need a set of building plans to ensure life safety concerns were adequately addressed;
- Applicant shall advise the Electric Department if they intend to place the school on a single meter or if they will continue to utilize the existing meters on-site;
- The applicant shall supply the Building Inspections Division with two sets of building plans once available;
- Public Utilities noted for the record that the water, wastewater, and stormwater infrastructure on-site were private. They also recommended a change in the traffic routing to utilize the existing signalized intersections or that a Traffic Impact Analysis (TIA) be completed to show that the use does not warrant a signalized intersection;
- The Health Department will require the school to meet the *Rules Governing the Sanitation of Public, Private, and Religious Schools 15A NCAC 18A.2400*. Furthermore, any food provided must come from a permitted food establishment whether it is on the school grounds or they have it catered in.

The application was subsequently reviewed by the Planning Commission during their November 2017 meeting. After hearing the testimony of both Staff and the applicant, the Commission recommended approval of the conditional use permit subject to the conditions recommended by Staff. Said conditions are as follows:

1. All comments made by the Technical Review Committee shall be satisfied prior to commencing operations;
2. Continued compliance with the development standards for secondary schools found in Article 11, §11-4.67 of the Elizabeth City Unified Development Ordinance;
3. All renovations, excluding cosmetic work, shall require a building permit;
4. Any future signage shall be reviewed and approved by both the Planning Department and Building Inspections prior to installation; and
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 owners name as grantor.

STAFF RECOMMENDATION:

At the close of the public hearing:

By motion, adopt the attached resolution to approve CUP 02-17, allowing the Northeast Academy for Aerospace and Advanced Technologies to utilize property located at 1409 W Ehringhaus Street as a permanent location for the STEM school.

RCO/ado

If the conditional use permit request is approved, Staff recommends the following conditions be adopted:

1. All comments made by the Technical Review Committee shall be satisfied prior to commencing operations;
2. Continued compliance with the development standards for secondary schools found in Article 11, §11-4.67 of the Elizabeth City Unified Development Ordinance;
3. All renovations, excluding cosmetic work, shall require a building permit;
4. Any future signage shall be reviewed and approved by both the Planning Department and Building Inspections prior to installation; and
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 owners name as grantor.

RESOLUTION #11-03
Conditional Use Permit CUP 02-17

WHEREAS, the City Council considered a request by the Northeast Academy for Aerospace and Advance Technologies for a conditional use permit to utilize 1409 W Ehringhaus Street as a permanent location for the STEM school. The property is further identified by Parcel Identification Number 891310360793.

WHEREAS, North Carolina General Statutes §160A-364 requires a public hearing be held in order to consider the request; and,

WHEREAS, the Conditional Use Permit 02-17 was reviewed administratively by the Technical Review Committee; and,

WHEREAS, the Planning Commission considered and held a public meeting regarding Conditional Use Permit 02-17 on November 7, 2017; and,

WHEREAS, there were no comments made by the public at the public hearing in opposition or agreement of the conditional use permit request; and

WHEREAS, the Elizabeth City Planning Commission recommended approval with the following conditions:

- 1) All comments made by the Technical Review Committee shall be satisfied prior to commencing operations;
- 2) Continued compliance with the development standards for secondary schools found in Article 11, §11-4.67 of the Elizabeth City Unified Development Ordinance;
- 3) All renovations, excluding cosmetic work, shall require a building permit;
- 4) Any future signage shall be reviewed and approved by both the Planning Department and Building Inspections prior to installation; and
- 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 owners name as grantor.; and,

WHEREAS, the City Council of the City of Elizabeth City found this application to be consistent with the Joint Elizabeth City and Pasquotank County Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that this request be approved this the 27th day of November 2017.

Joseph W. Peel,
Mayor

April D. Onley
Interim City Clerk

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
Tuesday, November 7, 2017**

MEMBERS PRESENT

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

Also present were Matthew Schelly, Community Development Director; Kaitlen Alcock, Planner; Cheryl Eggar, Planner; Yvette Chamblee, Secretary to the Commission; 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. Biggs seconded the motion. **ALL IN FAVOR: DIGIROLAMO, WHITE, O'NEAL, STALLINGS, AND BIGGS. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton asked for a motion to **APPROVE** the minutes from the Tuesday, October 3, 2017 meeting. Mr. White made a motion to approve the minutes from the Tuesday, October 3, 2017 meeting. Mr. DiGirolamo seconded the motion. **ALL IN FAVOR: STALLINGS, BIGGS, WHITE, O'NEAL, AND DIGIROLAMO. NONE OPPOSED. MOTION CARRIED.**

Chairman asked for Yvette Chamblee, secretary to the Commission, 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.

New Business is Case CUP 02-17 - Conditional Use Permit filed by the Northeast Academy for Aerospace and Advanced Technologies (NEAAAT) to utilize space in the existing Southgate Mall located at 1409 W Ehringhaus Street as the new home for the STEM school presently located on the campus of Elizabeth City State University. This property is zoned General Business (GB) which allows secondary school uses with the issuance of a conditional use permit.

Ms. Kaitlen Alcock presented the following report:

The first case before you this afternoon is CUP 02-17 filed by the Northeast Academy for Aerospace and Advanced Technologies (NEAAT) for property located at 1409 W Ehringhaus Street. The applicant requests approval of a conditional use permit to utilize the subject property as a permanent location for the STEM school which is presently housed on the ECSU campus. With its continued success and ever-growing enrollment, the school would soon outgrow its current facilities and thus hopes to utilize approximately 65,000 square feet of the current mall facility. After interior renovations, the space will be completely separate from the mall and comprised of classrooms, labs, studios, offices, and storage with a main entrance on the rear elevation. The request was reviewed administratively by the Technical Review Committee. Committee comments were summarized on pages 5 and 6 of the staff report provided to the Commission. Staff does not think that the North Carolina Department of Transportation will require a traffic impact analysis be done to determine whether or not the proposed use would necessitate any additional traffic improvements, such as new traffic signals. Furthermore, the Health Department will require the school to meet the Rules Governing the Sanitation of Public, Private, and Religious Schools as found in Title 15A, Subchapter 18A of the North Carolina Administrative Code and that any food provided on-site be from a permitted food establishment. The request, as presented, satisfies all UDO requirements relating to secondary schools and is consistent with the joint City/County Land Use Plan. If the Planning Commission recommends approval of the request, Staff recommends the following conditions be adopted by the City Council:

- All comments made by the Technical Review Committee must be satisfied prior to commencing operations;
- Continued compliance with the development standards for secondary schools as found in Article 11-4.67 of the Elizabeth City Unified Development Ordinance;
- All renovations, excluding cosmetic work, shall require a building permit;
- Any future signage be reviewed and approved by both the Planning Department and Building Inspections prior to installation; and,
- 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 owners name as grantor.

This concluded Ms. Alcock's report.

Mayor Joseph Peel came forth and addressed the Commission. Mayor Peel commented the T-Com building cost a lot to renovate and had no room for expansion for the Northeast Academy for Aerospace and Advanced Technologies (NEAAT) School. Once Southgate Mall is transitioned into a strip mall, the NEAAT School will utilize the area from Hibbett's down to Belk on the backside of Southgate Mall.. NEAAT School will be totally separate from the mall with access from the back of the mall to allow employees to enter and exit the school as well as provide drop off and pick up availability for students. Mayor Peel provided exterior and interior layout plans for the Commission to view. Mayor Peel also introduced Mr. Andrew Harris, who is the Chief Executive Officer (CEO) of the NEAAT School, to the Planning Commission.

Chairman Sutton requested a brief narrative of how the NEAAT School will be constructed. Mayor Peel commented the structure of the NEAAT School will consist of eighteen classrooms, a large multi-purpose room, four bathrooms, and including an egress to be built to allow access into the hallway. Mayor Peel informed the Commission a new architect had been hired.

Ms. Stallings commented on the elevation and how the facade would look. Mayor Peel responded he doesn't have an elevation but, the facade would be a canopy with the school's name on it. Mayor Peel also commented Department of Transportation will pay for any traffic changes because the NEAAT School is a public school.

Chairman Sutton commented about how many students the NEAAT School will accommodate. Mr. Harris responded the minimum number of students would be 500 and the maximum students would be 800. Mr. Harris also responded the current number of NEAAT students is approximately 490 with full potential for growth to be grades sixth through twelve with 500 students. Chairman Sutton commented about the complete cost for the build out of the NEAAT project. Mayor Peel responded the estimated cost would be 2.6 million before adding a two hour fire wall.

Mr. White commented about the non-accessibility to the NEAAT School from the general public. Mayor Peel and Mr. Harris responded the NEAAT School will be totally separate and quite secured from the strip mall.

Chairman Sutton commented the front of the NEAAT School will be facing the back of the strip mall. Mayor Peel responded yes.

Mr. DiGirolamo commented is the NEAAT School going to be owned, rented, or leased. Mayor Peel responded the NEAAT School is buying the property.

Chairman Sutton commented what are some of the major challenges facing the NEAAT school project. Mayor Peel responded some of the major challenges are water, sewer, two hour firewall, and a common roof.

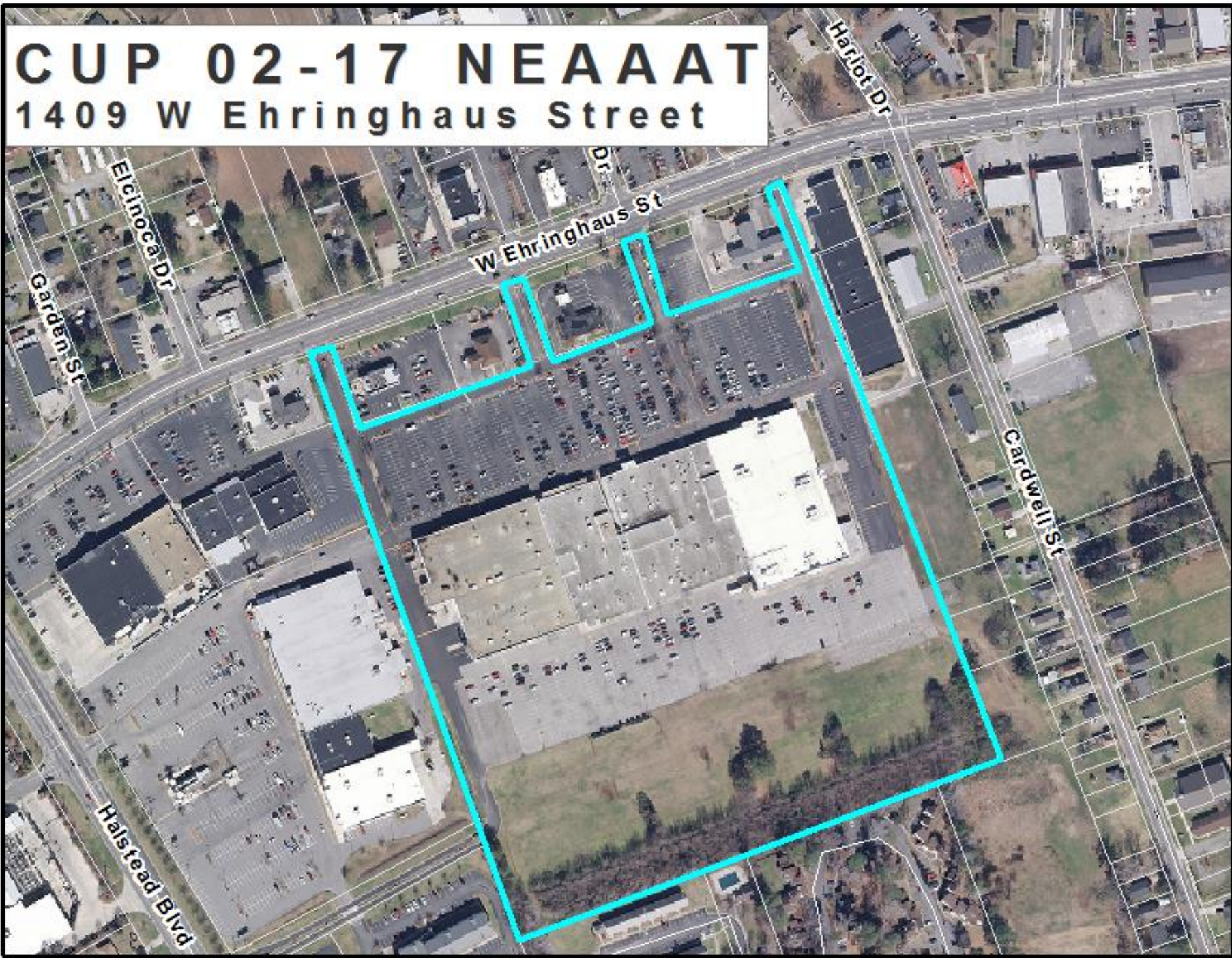
Mr. DiGirolamo commented about the transportation for the students getting to and from the NEAAT School. Mr. Harris responded 60% of the students are provided transportation every day with attendance from eight counties.

Chairman Sutton commented are other schools across the state of North Carolina mirroring this type of school structure. Mayor Peel responded yes there are some schools in malls.

Mr. Biggs commented will there be onsite food for the students. Mayor Peel responded there will be onsite food provided for the students but, food will not be prepared at the school.

Mr. White made a motion to **APPROVE** CUP 02-17 with all recommendations made by staff. Mr. Biggs seconded the motion. **ALL IN FAVOR: WHITE, BIGGS, DIGIROLAMO, STALLINGS, AND O'NEAL. NONE OPPOSED. MOTION CARRIED.**

CUP 02-17 NEAAAT
1409 W Ehringhaus Street





CITY OF ELIZABETH CITY
COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION
STAFF ANALYSIS

CASE NO.

CUP 02-17

MEETING DATE

November 7, 2017

DESCRIPTION/LOCATION

1409 W Ehringhaus Street; approximately 28.24 acres located on the south side of W Ehringhaus Street between Cardwell Street and Halstead Boulevard; Pasquotank County Registry Deed Book 1276 at Page 458; Parcel Identification Number: 891310360793; Tax Map P89-40

OWNER

VGEC LLC

720 St Sebastian Way Suite 4
Augusta, Georgia 30901

APPLICANT

Northeast Academy for Aerospace & Advanced Technologies (NEAAAT)
P.O. Box 2889
Elizabeth City, NC 27906

EXISTING ZONING

General Business (GB)

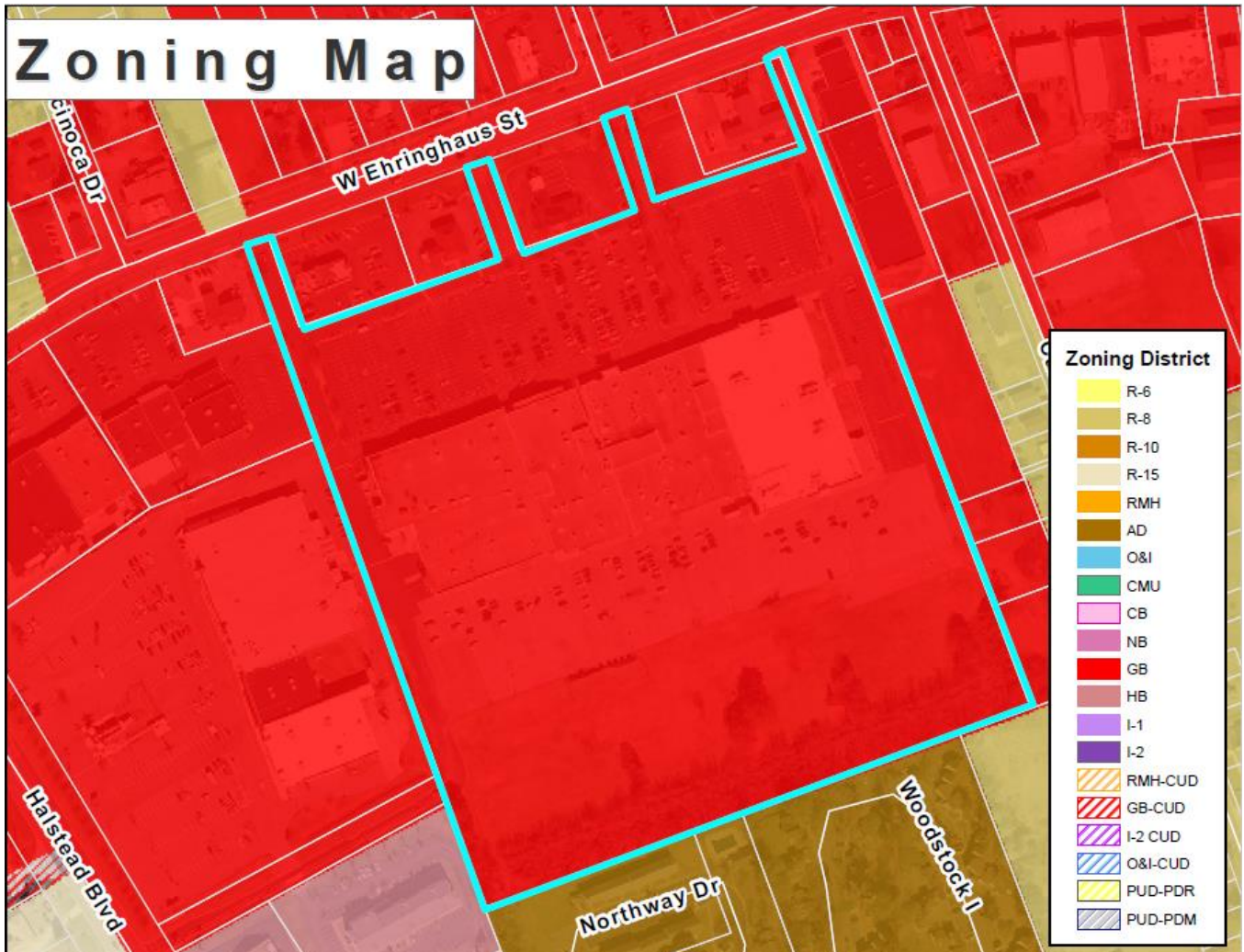
ADJACENT ZONING & LAND USE

North: General Business (GB)—Various Retail/Office Uses
South: Apartment District (AD)—multi-family
East: General Business (GB)—Various Retail/Office Uses
West: General Business—Various Retail

ZONING/PROPERTY HISTORY

The property currently maintains the original commercial zoning classification designated at the time the Unified Development Ordinance (UDO) and Official Zoning Map were adopted by the City of Elizabeth City. Most of the land use activity in this zoning district is retail and office use. The subject property part of the Elizabeth City Centre subdivision. The preliminary plat for the

subdivision was approved by the City Council in August of this year; however, a final plat has not been submitted. The property owner must establish an Owner's Association to assume responsibility for the private water and sewer lines on-site prior to final plat approval.

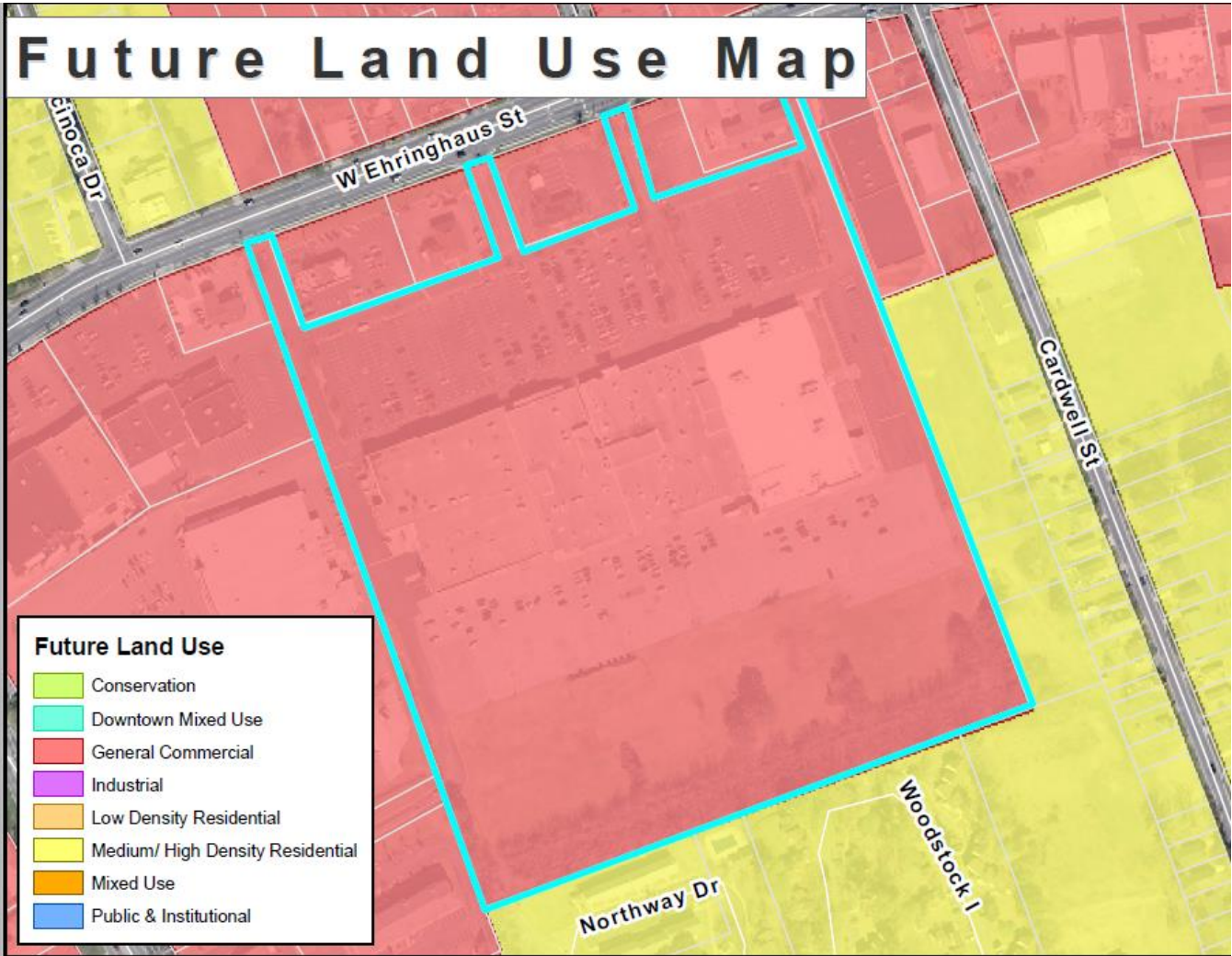


LAND USE PLAN

The Joint Elizabeth City and Pasquotank County Land Use Plan classifies the subject property as General Commercial. This classification delineates lands that can accommodate a wide range of retail, wholesale, office, business services, and personal services. Areas classified as General Commercial may also include some multi-family uses, heavy commercial uses, light manufacturing and warehousing uses as well as intensive public and institutional land uses. Land uses within the Commercial designated areas are generally compatible with the Business and Office and Institutional zoning districts. Public water and sewer is needed to support the land uses characteristic of this classification. Public sewer service is needed to support the most

intensive commercial uses. Streets with the capacity to accommodate higher traffic volumes are necessary to support commercial development.

General Commercial classified areas are anticipated to accommodate some of the most intensive land uses found in the City’s planning jurisdiction. The City’s goals and policies support the use of land in General Commercial classified areas for a wide variety of retail and commercial services uses where adequate public utilities and streets are available or can be upgraded to support the intensity of the development encouraged in this classification. Public and institutional land uses that support and that are compatible with this type of commercial development are also encouraged.



TRANSPORTATION

The property is accessed from the west via Halstead Boulevard and from the north via W Ehringhaus Street. Both streets are considered major thoroughfares according to the 2016 Pasquotank County Comprehensive Transportation Plan. The North Carolina Department of Transportation (NCDOT) was given the opportunity to comment on the proposal since Halstead Boulevard and W Ehringhaus Street are both state roads. The NCDOT will require a traffic impact analysis to be done to see if the proposed use would necessitate any traffic improvements, such as new traffic signals.

PUBLIC UTILITIES

The site is serviced by private water and sewer. As a condition of the preliminary plat approval for the subdivision, the property owner is required to form an Owners' Association to assume responsibility for the private utility lines. The City does provide electric service for the site.

NARRATIVE

The current applicant is requesting a Conditional Use Permit (CUP) to establish the site as a permanent location for its STEM (Science, Technology, Engineering, and Mathematics) school. NEAAAT is currently located on the campus of Elizabeth City State University (ECSU); however, with its continued success and ever-growing enrollment, the school will soon outgrow its current facilities. According to the applicant, the subject site is optimal given its close proximity to ECSU and the College of the Albemarle (COA). The applicant will only utilize the rear portion of the existing mall facility, a diagram of which was included with the application. The space, which is approximately 65,000 square feet, will be divided into a combination of classrooms, labs, studio space, offices, and storage accessed off of a central corridor in the mall's interior. The building will be remodeled in such a way that the school will be completely separated from the retail stores with the main entrance being on the rear façade.

CONDITIONAL USE PERMIT CRITERIA

Conditional Use Requirements

11-4.67 School, Elementary or Secondary

(A) Where Required

All districts.

(B) Access

Access to the use shall be from a collector or higher classified street that has the capacity to accommodate the additional traffic projected to be generated by the school.

(C) Use Separation

Outdoor recreational areas and all buildings shall be located a minimum of 50 feet from any adjacent residentially-zoned property.

(D) Signs

In residential zoning districts, there may be one freestanding sign erected per public street frontage. The sign(s) shall not exceed three feet in height and fifteen square feet in sign area when located within ten feet of the right-of-way. When located more than ten feet from the right-of-way, the sign(s) shall not exceed five feet in height and twenty-five square feet in sign area. Facilities located in commercial zoning districts can erect signs that conform to Article XI et. seq. of this Ordinance.

City Council Requirements for Conditional Use Permits

Pursuant to Section 4-7.8 of the UDO, City Council can impose reasonable and appropriate conditions agreed upon by the applicant to ensure compliance with the general goals, policies, or standards of the Ordinance. Such conditions may be imposed in order to prevent or minimize adverse impacts on surrounding properties. A Conditional Use Permit shall only be approved upon the determination that the proposed development complies with all findings set forth in Section 4-7.8 of the UDO. These findings include:

- (1) Will not endanger the public health or safety;
- (2) Will not injure the value of the adjoining or abutting property;
- (3) Will be in harmony with the area in which it is located; and
- (4) Will be in conformity with the land development plan, thoroughfare plan, and any other plan officially adopted by the City Council.

TECHNICAL REVIEW COMMITTEE RECOMMENDATIONS

The case was reviewed administratively by the Technical Review Committee. The following concerns were expressed:

- Fire Department—no concerns with the change in venue, will need to see a copy of the building plans once available
- Electric Department—requested clarification regarding the meter requirements for the school, if it would be placed under one meter or utilize the existing meters
- Building Inspections—two sets of building plans will be required once available
- Public Works—noted that the water, wastewater, and stormwater infrastructure on-site were private; recommended a change in the traffic routing to utilize the existing signalized intersections or that a Traffic Impact Analysis (TIA) be completed to show that the use does not warrant a signalized intersection

- Parks & Recreation—no comments received
- Health Department—school would be required to meet the *Rules Governing the Sanitation of Public, Private, and Religious Schools 15A NCAC 18A.2400*; furthermore, any food provided is required to come from a permitted food establishment whether it is on the school grounds or they have it catered in.
- Planning Department—would like to see a copy of the floor plan once available; future signage would require a permit
- Police Department—No comments received

PLANNING COMMISSION RECOMMENDATION

The case was reviewed by the Planning Commission at their meeting on November 7, 2017. The applicant’s representatives provided a brief overview of the operation, stating that the rear of the existing mall facility will be renovated to include classrooms, office space, and a large multipurpose room. The school space will not be accessible from the retail portion of the mall, with the two spaces being separated by a two hour fire wall as required by the NC Building Code. After questions from Commission members, the CEO of the school, Mr. Andrew Harris, explained that the school anticipates future enrollment to reach 500 students, grades 6 through 12; however, the space itself can accommodate up to 800 students thus allowing for future growth. When questioned about the increased traffic, Mr. Harris explained that the school currently utilizes four buses to provide transportation to approximately sixty percent of the student body. The school has the ability to increase the operation to include eight buses if future demand warrants such an increase. Following their discussion, the Commission voted unanimously in favor of recommended the permit to the City Council subject to Staff’s recommended conditions.

STAFF RECOMMENDATION

Staff is of the opinion that the proposed STEM school is compatible with adjacent land uses and generally consistent with both the Zoning Map and Future Land Use Map. With regards to the development standards included in this report, Staff has determined the following:

- Access to the property is via a major thoroughfare; request satisfies §11-4.67 (B)
- The nearest residentially-zoned property lies approximately 100 feet from potential outdoor recreational facilities, request satisfies §11-4.67 (C)
- All sign regulations must be met and a separate permit approved prior to the installation of any signage to satisfy §11-4.67 (D)

If the Council approves the permit, Planning Staff recommends the following conditions be adopted:

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 owners name as grantor.