



# MEMORANDUM

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**TO:** Mayor and City Councilors

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

**DATE:** April 18, 2017

**REF:** Consideration - Call for a Public Hearing for CUP 01-17 filed by the Northeast Academy for Aerospace and Advanced Technologies.

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***BACKGROUND:***

This request is for the City Council to call for a Public Hearing to be held on Monday, May 8, 2017 for CUP 01-17. 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 the 24,000 square foot structure located at 111 Kitty Hawk Lane as a permanent location for the NEAAAT, which is presently housed on the campus of Elizabeth City State University (ECSU). The current enrollment is 262 students, grades 7-10; and is anticipated to increase to approximately 350 students next year, grades 7-11. At build out, the school will include grades 6-12, with a total enrollment of approximately 490 students. Since upperclassmen (grades 10-12) will take the majority of their courses on the campus of ECSU, the subject building should never have more than 300-330 students at any given time. The subject property's close proximity to ECSU will allow students to be bused back and forth to campus for classes as well as to the University's cafeteria. Furthermore, the site's previous use by TCOM to build aerostats will, according to the Applicant, provide a unique learning environment for students. As presented, the application satisfies all development standards for secondary schools as found in Article 11 of the Unified Development Ordinance.

The use permit application was reviewed by the Technical Review Committee during their March 2017 meeting. 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;
- If the use requires a change in voltage, the Applicant would need to work with the Electric Department to determine if a different transformer would be required; and
- The Health Department would be required to make annual inspections of the facility.

The application was subsequently reviewed by the Planning Commission during their April 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:***

By motion, call for a Public Hearing to be held on Monday, May 8, 2017 at 7:30 p.m. in Council Chambers of the Municipal Administration Building, 306 E. Colonial Avenue to gather citizen input regarding CUP 01-17 filed by the Northeast Academy for Aerospace and Advanced Technologies.

RCO/vdw



CITY OF ELIZABETH CITY  
COMMUNITY DEVELOPMENT DEPARTMENT

STAFF ANALYSIS

**CASE NO.**

CUP 01-17

**DESCRIPTION/LOCATION**

111 Kitty Hawk Lane; approximately 4.06 acres located southeast of the intersection of Weeksville Road and Industrial Park Drive; Pasquotank County Registry Deed Book 527 at Page 607; Parcel Identification Number: 892205192588; Tax Map P122-36

**OWNER**

TCOM LP

7115 Thomas Edison Drive  
Columbia, MD 21046



**APPLICANT**

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

**EXISTING ZONING**

Light Industrial (I-1)

**ADJACENT ZONING & LAND USE**

North: Light Industrial—ICPTA  
South: Light Industrial—vacant fields  
East: General Industrial—substation  
West: Light Industrial—Hockmeyer Equipment

**ZONING/PROPERTY HISTORY**

The property currently maintains the original industrial 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 light industrial and manufacturing. The subject property is located in the EC Industrial Park subdivision.

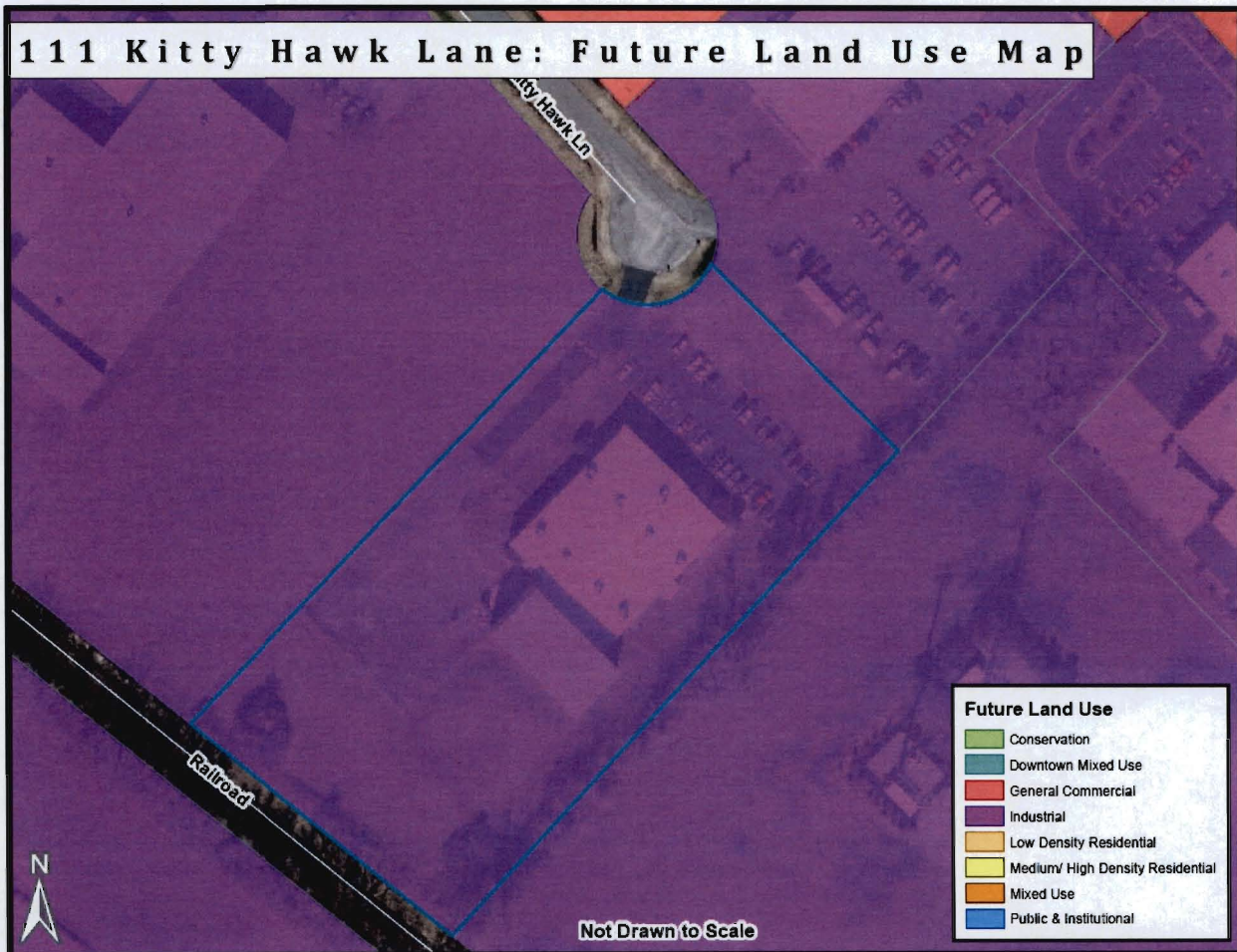
## 111 Kitty Hawk Lane: Zoning



### LAND USE PLAN

The Joint Elizabeth City and Pasquotank County Land Use Plan classifies the subject property as Industrial. This classification delineates lands that can accommodate industrial and manufacturing establishments. Some heavy commercial uses as well as services and businesses that support industrial land uses are also appropriate within the industrial classification. Public water and sewer services are needed to support the land uses characteristic of this classification. Streets with the capacity to accommodate higher traffic volumes are also necessary.

The City's goals and policies support the use of land in the Industrial classified areas for a wide variety of manufacturing and heavy commercial services uses where adequate public utilities and streets area available to support the intensity of development. Public and institutional land uses as well as commercial services that support and are compatible with this type of industrial development are also encouraged. The City's policy is to ensure the compatible location of industrial land uses and to require the necessary measures to mitigate any adverse impacts.



### **TRANSPORTATION**

The property is accessed via Kitty Hawk Lane, southeast of the intersection of Weeksville Road and Industrial Park Drive.

### **PUBLIC UTILITIES**

Public water, sewer and electric are available to the subject property.

## **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, 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 would soon outgrow its current facilities. According to the applicant, the subject site is optimal given its close proximity to ECSU and Hockmeyer Equipment with whom the school has a partnership. The former use of the warehouse and hanger by TCOM to build aerostats will provide NEAAAT with a unique learning environment for students. Since the school will continue to utilize classroom space on ECSU's campus, students will be bused from the subject property to campus as necessary.

## **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 heard by the Technical Review Committee at their meeting, March, 28, 2017. The following concerns were expressed:

- Fire Department—life safety concerns; applicant will need to provide building plans once available to determine occupancy and ingress/egress requirements are satisfied
- Electric Department—if a different voltage is required from the current service (three-phase 277 voltage) it will require a different transformer; once requirements are determined, applicant should notify the Electric Department
- Building Inspections—two sets of building plans will be required once available
- Public Works—had no present concerns since no proposed changes to the site or utilities
- Parks & Recreation—inquired about recreational programs and potential need for future recreational facilities
- Health Department—concerned with food service; applicant stated they will continue to utilize ECSU cafeteria and may look at bringing the food from the cafeteria to the subject site, but would not undertake food preparation on-site; Health Department is required to conduct annual inspections
- Planning Department—would like to see a copy of the floor plan once available; future signage would require a permit

Following the discussion, a motion was made to approve the request with all noted comments. The motion passed unanimously.

### **PLANNING COMMISSION RECOMMENDATIONS**

The application was subsequently reviewed by the Planning Commission during their April 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.

## **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 collector street; request satisfies §11-4.67 (B)
- The nearest residentially-zoned property lies approximately 250 feet from all buildings on the site, 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 City Council recommends approval of 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.