MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Montre' Freeman, City Manager
Deborah Malenfant, Interim Community Development Director
Kellen Long, Planner II

DATE: May 24, 2021

REF: **Consideration -** Call for a public hearing for CZ 01-21 filed by J. D. Lewis Construction Management Inc. for the redevelopment of the former Elizabeth City Middle/High School located at 306 North Road Street. The applicant is requesting to create 84 residential units within the confines of the existing buildings on-site, along with amenities for residents.

BACKGROUND:

This request is for City Council to call for a Public Hearing to be held on Monday, June 14, 2021 for CZ 01-21. The applicant is requesting to conditionally rezone the subject properties from R-6, Residential to R-6, Residential Conditional Zoning R-6(CZ). The project is an adaptive reuse of the existing buildings located at 306 North Road Street into 84 residential market rate apartments. The project area and land will also include 308, 310, 312 North Road Street for a total of 139 parking spaces (included 5 ADA parking spaces) on-site. The developer has been working with Parks and Recreation and the PAL program to determine requested improvements to the gym and to allow for continued use via a lease agreement. The amenities to be included with the apartment project include a swimming pool, a workout facility, community room, indoor storage, pet amenities, outdoor BBQ area, music room, and roof top deck. The developer is also proposing the dedication of 15,029 square feet of land to the City's Parks and Recreation Department as required in the development standards for the use of multifamily. The two parcels for proposed dedication are located on North Pool Street (891420806651 and 891420807538) abutting the project area.

ANALYSIS:

The conditional zoning district (CZ) is a zoning district in which the development and use of the property is subject to mutually agreed upon predetermined rules and standards, regulations or other conditions. Conditional zoning permits are established only in accordance with specific standards and conditions pertaining to each individual development project. To encourage innovative design, the petitioner for a conditional zoning district may request that specific Unified Development Ordinance standards, such as density, dimensional, and parking standards be modified, provided the spirit of the regulations is maintained.

Conditional zoning has the highest level of flexibility for the design of the development. The owner would have the freedom to develop their own unique list of permitted uses and design standards. The conditional zoning district would not be subject to all of the traditional standards for the general zoning district. Instead, site-specific design elements are determined for the development and are written into the zoning change. The district shall be designed to maintain the integrity and characteristics of the surrounding community as well as conform to the spirit and intent of the Ordinance, the Pasquotank County/Elizabeth City Land Use Plan, and other approved plans.

The current conditional zoning request would allow for the reuse of the existing buildings to allow for a mix of one- and two-bedroom apartments, for a total of 84 units; 139 parking spaces within the confines of the existing properties; and various amenities including a swimming pool, a workout facility, community room, indoor storage, pet amenities, outdoor BBQ area, music room, and roof top deck. As required by the Ordinance, the applicant held a community meeting on April 12, 2021, inviting all 61 property owners within 500 feet of the subject properties. Four adjacent property owners were in attendance at this meeting. Overall the feedback was positive and questions primarily pertained to individual details of the project, such as the amenities including in the project, the number of bedrooms in each unit and clarification of project details and timeline.

The case was reviewed by the Technical Review Committee (TRC) at their March 2021 regularly scheduled meeting. The Committee recommended approval of the request subject to the requirement by staff that an administrative site plan must be submitted for review and that the North Carolina Department of Transportation must approve the proposed Elizabeth Street access to the property.

The case was subsequently reviewed by the Planning Commission at a special called meeting on May 11, 2021. After hearing the staff report presented and questions answered by the applicant, the Commission unanimously recommended approval of the request subject to the following conditions:

- Increase density in the R-6 zoning district, from ten to twelve units per acre to 25 units per acre (this density would include any future use of the gymnasium as additional apartments should the renting entity choose to non-renew the lease)

- A decrease in the parking requirements for the 0-1 bedroom units, from 1.50 parking spaces per unit to 1 parking space per unit.
- The ability to extend the use and enjoyment of the project's current and future amenities to nonresidents for a fee.
- Dedication of 15,029 sf (Required to dedicate 14,984 sf) of green area on Poole Street to the City's Parks and Recreation department, in conjunction with a lease for the use of the gymnasium for both Parks and Recreation and PAL.

STAFF RECOMMENDATION:

By motion, call for a Public Hearing to be held on Monday, June 14 at during the 7:00 p.m. Regular Session meeting of the City Council, directly following the public comment period, for the purpose of gathering citizen input regarding CZ 01-21.

STAFF ANALYSIS

Case No:
CZ 01-21

Parcel Information
306 North Road Street, 891420804481, Tax Map 12, Block J, Lot 4
308 North Road Street, 891420802560, Tax Map 12, Block J, Lot 3
310 North Road Street, 891420802574, Tax Map, Block J, Lot 2
312 North Road Street, 891420802599, Tax Map 12, Block J, Lot 1
North Pool Street, 891420806651, Tax Map 12, Block G, Lot 9-13
North Pool Street, 891420807538, Tax Map 12, Block G, Lot 14B, 15B, and 16B

Owner

J.D. Lewis Construction Management
503 East Main Street
Richmond, VA 23219

Applicant

Pasquotank County
PO Box 39
Elizabeth City, NC 27907

Existing Zoning
R-6, Residential

Requested Zoning
R-6, Residential Conditional Zoning R-6(CZ)

Flood Plain

306, 308, 310, 312 North Road Street, and North Pool Street Parcel ID: 891420806651 and 891420807538 are located in AE and Shaded X flood zones (100 and 500-year Flood Plains-Flood Map Attached)

Adjacent Zoning & Land Use

North: Residential (R-6) —Single Family Residential
South: Central Business (CB) — Law Offices, Single Family Residential, Municipal Bldgs
East: Central Business (CB) — Vacant Lot, Church, Single Family Residential
West: Residential (R-6) — Elementary School, Single Family Residential

Transportation

The subject properties are located at the corner of East Elizabeth Street and North Road Street at a direct signalized intersection. Both East Elizabeth Street and North Road Street are considered minor arterial roads. Urban minor arterial roads provide service for trips of moderate length and at a lower level of mobility. They connect with urban principal arterial roads and rural collector routes.

Summary of Request

This project will be an adaptive reuse of the existing buildings located at 306 North Road Street into 84 residential market rate apartments. The project area and land will also encompass 308, 310, 312 North Road street for on-site parking. These parcels will be combined into one property. The developers are proposing the dedication of 15,029 square feet of land to the City's Park and Recreation Department as required in the development standards for the use of multifamily. The two parcels for proposed dedication are located on North Pool Street (891420806651 and 891420807538) abutting the project area. The primary use of the main building and annex building on site will be used for 84 residential units, including 59 zero to one (0-1) bedroom units, and 25 two (2) bedroom units. Access to the property will be via Elizabeth Street and North Road street. The proposed project will entail a one-way ingress and two-way ingress/egress from Elizabeth Street with a combination of 20 parallel and 60-degree parking spaces directly in front of the annex building. The parking lot will connect to an additional 17 parking spaces on the side of the gymnasium and annex building. On the north side of the main building, there will be an additional 102 parking spaces provided. Total, the project will include 139 parking spaces (included 5 ADA parking spaces). There also will be egress and ingress access to the property from North Road Street. The gymnasium will be continued to be utilized by the City's Police Athletic League (PAL) and Parks and Recreation via a lease agreement. The developers we be working with Parks and Recreation and the PAL program to update the gymnasium to include improvements. The amenities to be included with the apartment project include a swimming pool, a workout facility, community room, indoor storage, pet amenities, outdoor BBQ area, music room, and roof top deck.

Property History & Narrative

The property currently maintains the original (R-6) residential zoning classification designated at the time the Unified Development Ordinance and official zoning map were adopted by the City of Elizabeth City. This property also resides in the Northside National Historic District. 306 North Road Street was approved for local landmark designation on March 22, 2021. This will also be a historic tax credit project, so all renovations will be required to meet the Secretary of Interior Standards. Since the project will encompass both the land mark designation and state historic tax credits, all renovations will be required to be reviewed by the City's Local Historic Preservation Commission and the State Historic Preservation Office.

Community Meeting

The applicant held the required community meeting on April 13th, 2021 from 6 PM to 7 PM on site of the former middle/high school. The applicant notified all property owners within 500 feet of the subject location. Of the 61 property owners notified, four were in attendance, including Elizabeth City-Pasquotank County Public School System. After providing an overview of the project, the applicant asked if there were any questions. The following feedback was gathered.

- Clarification of what amenities would be on site. The applicant explained the different amenities that would be available to the tenants and they would also be available for residents of Weatherly Lofts.
- Inquiry of layout of the project. The developer showed the attendees the different layouts for each floor, showing the number of bedrooms for each unit. The developer also explained that in order to receive historic tax credits for this type of project (School), it is required that the developers to keep the original circulation layout of the building. He will also be restoring some key elements of the school such as lockers, wood chalk boards, etc.
- Clarification of the project area. One property owner thought there would be a taking of her land. The applicant explained that no taking of land would occur, all land being purchased is currently owned by Pasquotank County.
- Inquiry on project timeline once approved. The developer answered that the timeline is expected to be 18 months from very beginning to end of construction. He stated that he would also be mindful of noise and of hours of construction.
- Questions regarding the proposed ingress and egress on Elizabeth Street from the School System. Staff also met with the School System regarding their concerns with the proposed ingress and egress and how this could potentially affect further backup of morning traffic with school drop off at Sheep Harney. City staff and the applicant explained that NC DOT would have to first review and approve the proposed driveways off of Elizabeth Street. Other traffic mitigation strategies will also be considered, such as encouraging residents to leave from the North Road egress/ingress, potentially providing an additional access point to North MLK Drive if an access easement is approved by property owner to the east of the property.

Based on the feedback received from the meeting, all attendees showed support of the proposed project.

(A copy of the adjacent property owner letter and project information that was sent to all property owners within 500 feet of the subject property has been attached to this report, along with a list of all property owners within 500 feet of the subject properties.)

Zoning Category Summary

Existing Zoning-(R6)-Residential

The (R-6) Residential District is primarily intended to accommodate a variety of medium density single-family detached dwellings, modular homes, two-family dwellings, and multi-family dwellings. Maximum densities within the R-6 District include approximately seven dwelling units per gross acre for single-family detached dwellings, nine dwelling units per gross acre for two-family residences, and ten to twelve multi-family dwelling units per gross acre. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the medium density residential character of the R-6 District.

Proposed Zoning Designation-R-6, Residential Conditional Zoning R-6(CZ)

Conditional Zoning (CZ) permits uses allowed in the corresponding general zoning district. The development and allowable uses are established in accordance with site specific standards and conditions designed to maintain the characteristics of the surrounding neighborhood and conform to the spirit and intent of the Unified Development Ordinance (UDO). The CZ zoning district allows for flexibility in the design of the proposed development by allowing the applicant to request modifications to the UDO's density, dimensional and parking standards for the general zoning district. Mutually agreed upon site specific design elements are determined for the development and are written into the zoning change.

Proposed Conditions

- Increase density in the R-6 zoning district, from ten to twelve units per acre to 25 units per acre (this density would include any future use of the gymnasium as additional apartments should the renting entity choose to non-renew the lease)
- A decrease in the parking requirements for the 0-1 bedroom units, from 1.50 parking spaces per unit to 1 parking space per unit.
- The ability to extend the use and enjoyment of the project's current and future amenities to nonresidents for a fee.
- Dedication of 15,029 sf (Required to dedicate 14,984 sf) of green area on Poole Street to the City's Parks and Recreation department.

Land Use Plan

The joint Elizabeth City and Pasquotank County Land Use Plan designates the subject property as having a future land use of medium/high density residential. The Medium/High Density Residential classification is intended to delineate lands where the predominant land use is higher density single-family residential developments and/or multifamily developments. Long-term, the Medium/High Density Residential–classified areas are projected to develop at an average density of approximately six dwelling units per acre. Limited neighborhood commercial use is considered acceptable for this classification.

The City's goals and policies support the use of land in Medium/High Density classified areas for single-family and multifamily dwellings where adequate public utilities and

streets are available or can be upgraded to support the higher residential densities encouraged in this classification. The higher density residential developments anticipated to occur during the planning period are encouraged within the Medium/High Density classified areas.

Public Utilities

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

Technical considerations

This application was heard at the Technical Review Committee meeting on March 25, 2021. Comments made by Committee members are as follows:

Administration

1. Details of gymnasium improvements to be approved by Parks and Recreation and details of proposed lease agreement to be reviewed and approved by City Administration and/or City Council.
2. The four crepe myrtles planted on Elizabeth Street by NC DOT as part of the linear parks need to either remain or get replanted in another location.
3. Clarification was requested on amenities extended to nonresidents.
    a. Developer clarified that, for amenities such as storage space, office space, etc., if additional capacity exists over and above tenant usage, they have the ability to allow for rental by members of the community, by contract/agreement. They would not be amenities simply "open to the public" for use.

Electric Distribution

1. No comments at this time.

Public Works

1. Assistant Public Utilities Director, Ryan Howell requested peak flow capacity for new use of building.
    a. Developer is working with engineering's to obtain requested information.

Police Department

1. No comments at this time, working with the Developer and Parks and Recreation Department on dedication of land and improvements to gymnasium.

Parks and Recreation

1. In communication with the developer; No additional comments at this time.

Fire Department

1. Our Chief Fire Marshal, Dena Richardson stated that she had been working with the developers in regards to the apartment complex; no additional comments.

Inspections Department

1. No comments at this time. Will await construction plans.

Coastal Area Management Act (CAMA)

No Comments

NC Department of Transportation

No comments received thus far. NC DOT will also be a part of the site plan review process once an official site plan is submitted.

Planning Department

1. An administrative site plan will be sufficient for the proposed parking and drive to be added.
2. Will need copies of NC DOT driveway permits. Site plan to be submitted to NCDOT and Public Utilities through our department for consideration of impervious surface.
3. Confirm the new location of the dog park/fenced in dog area?
    a. **Applicant:** Previously shown on East side of gymnasium, looking to move it to the west side of gymnasium to the north of the paved parking area. This amenity is for tenant use only and will not be open to the public.
4. Now that the structure has been official approved for landmark status, any exterior changes or signage will have to be approved by the Historic Preservation Commission.
5. I know there has been discussion on an access point to the gymnasium from North MLK Street. Anymore development on this?
    a. **Applicant:** Developer has met on site with city personnel: Sean Clark, Angela Judge, Deborah Malenfant, Kellen Long, and City Manager, Montre' Freeman to discuss. Plan is to keep the majority of the space to the East of the gymnasium as parking for Park and Recreation/PAL use. Looking at the possibility of accessing that lot via a parcel currently owned by NC DOT that would direct access from North MLK Drive. Planning requested that any access/additional drive from MLK be shown on the administrative site plan once submitted.

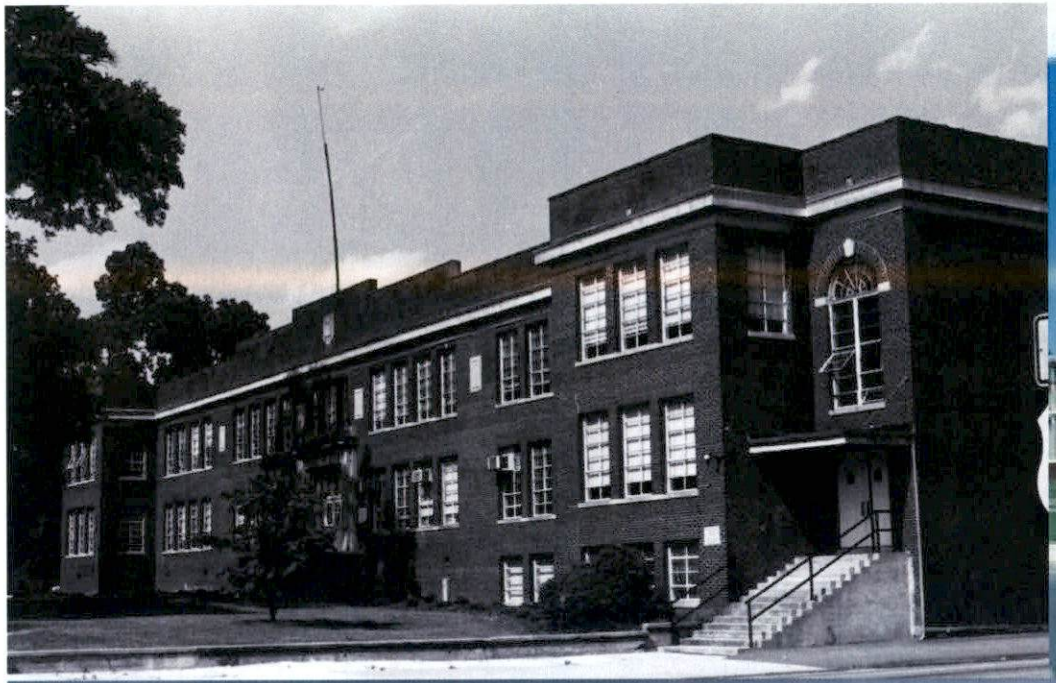
6. Confirm the edit on the master plan of number of units in the annex and main building on the premise?
    a. **Applicant:** 53 in Main building; 31 in annex
7. Further negotiation will have to take place between the developer, Parks and Recreation, and the PAL program, on the proposed donation of land, and the contract for Parks and Recreation/PAL use of the gymnasium.
8. Specified parking ratio is noted. I'm assuming since you are technically over the amount of parking right now based on the standard in our ordinance, for the number of units provided, that even if was agreed upon to reduce the parking standard that the current number of projected parking spaces will stay. Will there be additional parking for PAL? Also, will there be a van handicap accessible space? Facilities for other modes of transportation, i.e. bike?
    a. **Applicant:** Providing 139; 133 required. Asking that one of the conditions include 1 parking space per 0-1-bedroom unit. Van handicap space will be provided if required.
9. Increased density is noted. Do you know the projected number of units for the gymnasium space, if that were to ever be converted?
    a. **Applicant:** We are hoping to never develop the gymnasium to additional units, however, if for some reason Parks and Rec and the PAL program decided not to renew their lease of the gym in the future, we would like the option of additional residential units in the space if it were ever approved by the State Historic Preservation Office. If that were to happened, we would potentially look at 30 additional units. The main purpose of the gym is to keep it a gym with Parks and Rec and PAL utilization.
10. Will any additional transportation parking options be considered such as bike, van, etc.? Also, 5 ADA compliant spaces plus 1 handicap van accessible space are required.
    a. **Applicant:** Developer will provide. Developer anticipates installing bike racks at various locations, as well as possibly motorcycle/scooter spaces.
11. For ECPPS purposes, the formula that has been used for multifamily complexes to project number of students residing at the facility is .3 students per unit. Right now, the projected number of 84 apartments would equate to .3 x 84=projection of 25.2 students.
    a. **Applicant:** Weatherly lofts has 0 students out of 43 units, so number will likely be smaller than projected.

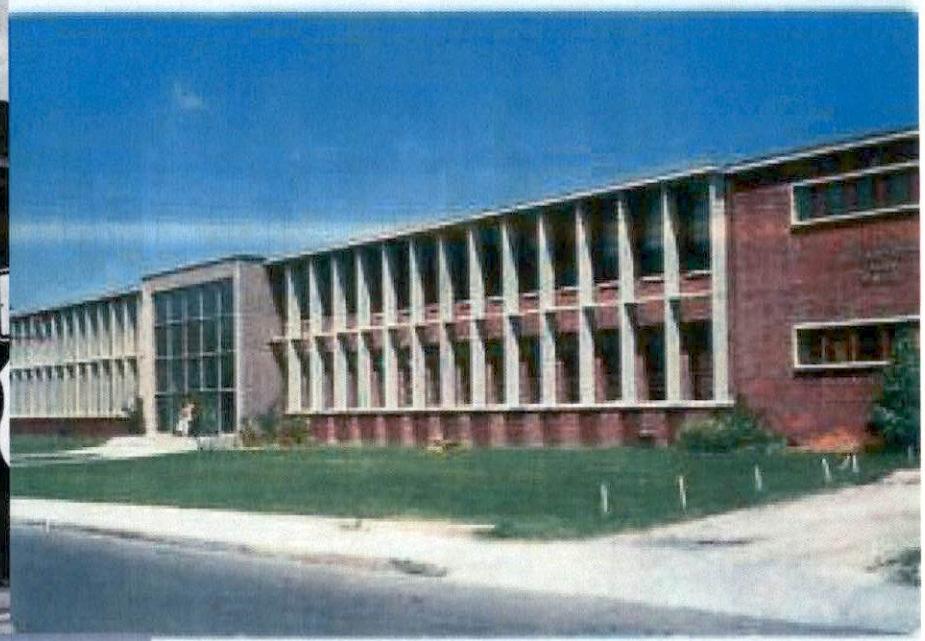
After brief discussion, the Technical Review Committee voted unanimously to move the application forward to the City's Planning Commission, pending that all comments and requirements are addressed.

Staff Recommendation

Staff is of the opinion that the proposed conditional zoning is appropriate for the area, subject to addressing the above comments from the technical review committee. If the Planning Commission recommends the application move forward to City Council, staff recommends the following plan consistency statement:

"We the City Council of the City of Elizabeth City find the proposed conditional zoning request to be consistent with the City of Elizabeth City Unified Development Ordinance, the joint Pasquotank County Elizabeth City Land Use Plan, and the Elizabeth City Comprehensive Transportation Plan. The proposed R-6 residential conditional zoning district is generally consistent with the Medium/High Density residential land use designation as found in the joint Land Use Plan. The proposed conditional zoning and use is harmonious with the surrounding residential, institutional, and commercial uses found in the R-6 zoning district and its adjacent central business zoning district and should not adversely affect public health, safety, or welfare."





EC Middle School

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Parcels

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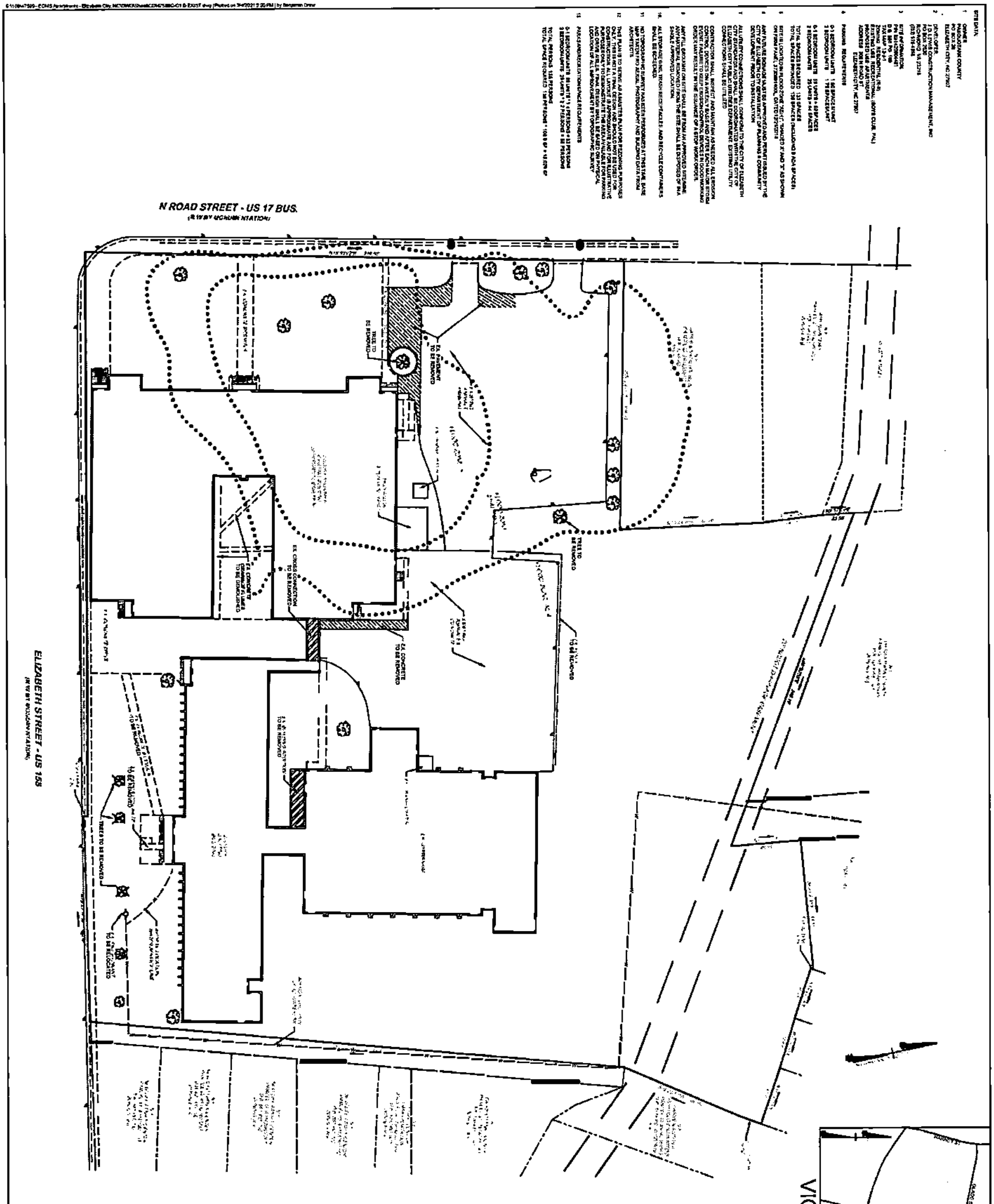


TIMMONS GROUP

NORTH CAROLINA LICENSE NO. C-1652

PROGRESS PRINT
MAR 04, 2021
NOT FOR
CONSTRUCTION

DATE	REVISION DESCRIPTION

DATE	03/02/21
DRAWN BY	BCD
DESIGNED BY	
CHECKED BY	
SCALE	1" = 30'

BETSY TOWN FLATS

ELIZABETH CITY - PASQUOTANK COUNTY - NORTH CAROLINA

EXISTING CONDITIONS

JOB NO. 47599

SHEET NO. C1.0

SITE DATA

1. OWNER
PASQUOTANK COUNTY
PO BOX 39
ELIZABETH CITY, NC 27907

2. DEVELOPER
J.D. LEWIS CONSTRUCTION MANAGEMENT, INC
PO BOX 2530
RICHMOND, VA 23218
(703) 378-6062

3. SITE INFORMATION
PIN 8914208054481
D.B. 596 PG. 160
TAX MAP 12-J-1
ZONING: RESIDENTIAL (R-6)
EXISTING USE: RECREATIONAL (BOYS CLUB, PAL)
PROPOSED USE: APARTMENTS
ADDRESS: 306 N ROAD ST
ELIZABETH CITY, NC 27907

4. PARKING REQUIREMENTS

0-1 BEDROOM UNITS 1.50 SPACES/UNIT
2 BEDROOM UNITS 1.75 SPACES/UNIT

0-1 BEDROOM UNITS 59 UNITS = 89 SPACES
2 BEDROOM UNITS 25 UNITS = 44 SPACES

TOTAL SPACES REQUIRED: 133 SPACES
TOTAL SPACES PROVIDED: 136 SPACES (INCLUDING 8 ADA SPACES)

5. SITE IS LOCATED IN FLOOD ZONE "AE(4)", "SHADED X" AND "X" AS SHOWN ON FIRM PANEL 3720891400L, DATED 12/21/2018

6. ANY FUTURE SIGNAGE MUST BE APPROVED AND PERMIT ISSUED BY THE CITY OF ELIZABETH CITY DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT PRIOR TO INSTALLATION

7. ALL UTILITY CONNECTIONS SHALL CONFORM TO THE CITY OF ELIZABETH CITY STANDARDS AND SHALL BE COORDINATED WITH THE CITY OF ELIZABETH CITY PUBLIC UTILITIES DEPARTMENT. EXISTING UTILITY CONNECTIONS SHALL BE UTILIZED

8. CONTRACTOR SHALL INSPECT AND MAINTAIN AS NEEDED ALL EROSION CONTROL DEVICES ON A WEEKLY BASIS AND AFTER EACH MAJOR STORM EVENT. FAILURE TO KEEP EROSION CONTROL DEVICES IN GOOD WORKING ORDER MAY RESULT IN THE ISSUANCE OF A STOP WORK ORDER

9. ANY FILL BROUGHT ON SITE SHALL BE FROM AN APPROVED SITE/MINE. ANY MATERIAL REMOVED FROM THE SITE SHALL BE DISPOSED OF IN A SINGLE APPROVED LOCATION.

10. ALL STORAGE BINS, TRASH RECEPTACLES, AND RECYCLE CONTAINERS SHALL BE SCREENED.

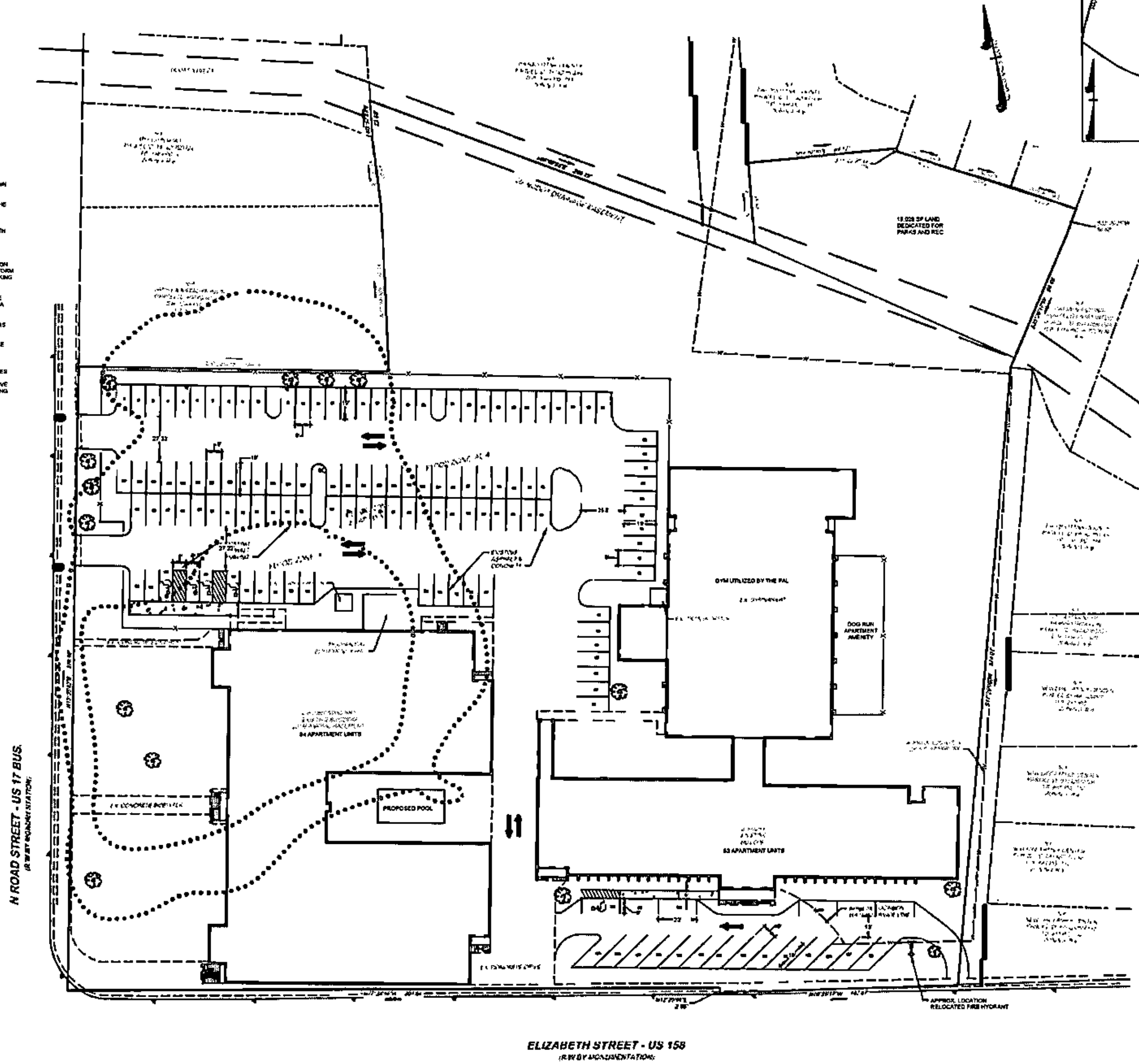
11. NO TOPOGRAPHIC SURVEY HAS BEEN PERFORMED AT THIS TIME, BASE MAP TAKEN FRO AERIAL PHOTOGRAPHY AND BUILDING DATA FROM ARCHITECTS.

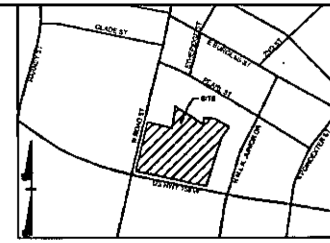
12. THIS PLAN IS TO SERVE AS A MASTER PLAN FOR REZONING PURPOSES ONLY. THIS IS NOT A FINAL DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION. ALL LAYOUT IS APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY TO DEMONSTRATE THE AREA AVAILABLE FOR PARKING AND DRIVE AISLES. FINAL DESIGN SHALL BE BASED ON PHYSICAL LOCATION OF ALL IMPROVEMENT BY TOPOGRAPHIC SURVEY

13. PARKS AND RECREATION SPACE REQUIREMENTS

0-1 BEDROOM UNITS 59 UNITS * 1.4 PERSONS = 83 PERSONS
2 BEDROOM UNITS 25 UNITS * 2.2 PERSONS = 55 PERSONS

TOTAL PERSONS: 138 PERSONS
TOTAL SPACE REQUIRED: 138 PERSONS * 108.9 SF = 15,029 SF





VICINITY MAP
NO SCALE

PROGRESS PRINT
MAR 04, 2021
NOT FOR CONSTRUCTION

DATE	REVISION DESCRIPTION

DATE	03/02/21
DRAWN BY	BCD
DESIGNED BY	KDH
CHECKED BY	KDH
SCALE	1" = 30'

TIMMONS GROUP
NORTH CAROLINA LICENSE NO. C-1652

BETSY TOWN FLATS
ELIZABETH CITY - PASQUOTANK COUNTY - NORTH CAROLINA
MASTER PLAN

JOB NO.	47599
SHEET NO.	C2.0

Flood Zones Web App

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0 0.02 0.04 0.09 km

Parcels

Flood Zones

Unshaded Zone X - Minimal Flood Risk

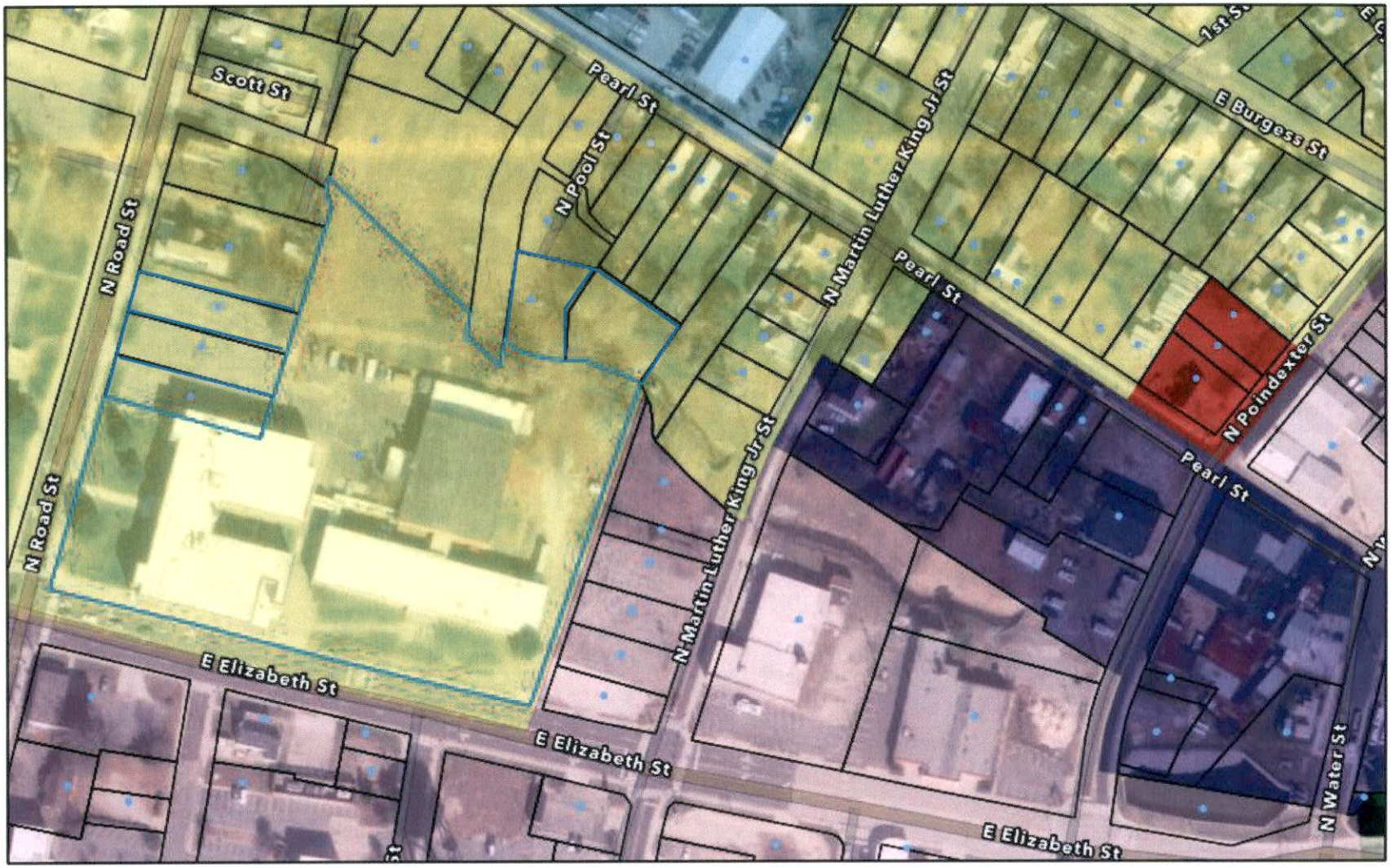
Shaded Zone X - 0.2% Annual Chance (500-year) floodplain

Zone AE - 1% annual chance (100-year) floodplain

City Limits

Esri Community Maps Contributors, City of Elizabeth City, State of North Carolina, Elizabeth City GIS

Zoning & Development Web App



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Addresses
Parcels
Zoning
R-6
O&I
CB
GB
I-2

1:2,257

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Esri Community Maps Contributors, City of Elizabeth City, State of North Carolina, Elizabeth City GIS

Zoning & Development Web App

5/7/2021, 7:00:22 PM

Addresses

Parcels

Future Land Use Plan

Downtown Mixed Use

Medium/ High Density Residential

1:2,257

0 0.01 0.03 0.06 mi

0 0.02 0.04 0.09 km

Esri Community Maps Contributors, City of Elizabeth City, State of North Elizabeth City GIS