



MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Rich Olson, City Manager
Angela Cole, Interim Community Development Director

DATE: November 8, 2019

REF: Consideration – Hold a Public Hearing for RZ 01-19 filed by CES & SRS Inc. to rezone approximately 2.3 acres from Residential R-15 to Office and Institutional (O&I).
(PINs 890302882808, 890302884911, 890302885933)

BACKGROUND:

On October 28, 2019, the City Council called for a public hearing to consider rezoning request RZ 01-19. The applicant, CES & SRS INC., represented by Shirley Sample requests to rezone approximately 2.3 acres of the above referenced parcels from Residential R-15 to Office and Institutional (O&I). The property fronts on Church Street Extended near the intersections of Church Street Extended and Ulster and Cosmo Drive.

To the east and south, the property is bordered by vacant parcels that are zoned light Industrial (I-1), with a vacant Residential R-15 parcel to the west. The proposed Office & Institutional (O&I) zoning district is primarily intended for the development of office and community institutional uses. In support of the office and institutional uses, this district also allows for business, professional and personal services along with limited support retail uses. The maximum density, setbacks, and on-site parking requirements will be determined by the City Council. One of the objectives of this district is to encourage land uses which serve as a buffer between intensive nonresidential and residential uses.

ANALYSIS:

The three lots that are requested to be rezoned are currently vacant with no specific use. It is the applicant's intention to sell the properties as is. The rezoning application was reviewed by the Planning Commission at their meeting on October 1, 2019. Two residents of the adjacent properties were in attendance at the Planning Commission meeting and showed concerns regarding drainage and increased traffic to Forest Park Road, if these parcels were to be developed. It was explained to the adjacent property owners that it would be hard to provide an analysis of the site drainage and traffic impact without a specific use or development proposed. Staff explained once development is proposed, a site plan review would include comments from the North Carolina Department of Transportation and North Carolina Department of Environmental Quality, as well as all City Departments.

It should be noted that the property in question is located within the City's Extraterritorial Jurisdiction (ETJ). Since the site is located outside of the City's corporate limits, the site will need to be annexed into the City prior to any development. It should also be noted that the maximum density, minimum setbacks, and on-site parking requirements in the Office and Institutional zoning district are determined by City Council. It is staff's recommendation that if the lots are developed for commercial uses, that a 20-foot setback be required for all property lines, a minimum parking requirement be required based upon the allowable use, and determined at the time of plan review; and the site density be in keeping with the land use regulations affecting the property, including landscaping, parking areas, site drainage, site triangles, ingress/egress, drive aisles, etc., such that there is only one building per lot.

During the Planning Commission meeting on October 1, the Commission asked for clarity regarding the single parcel in-between the 2.3 acres that is being proposed. Staff explained that the property owner of lot 37, which is zoned Residential R-15 has been sent an adjacent property owner notification letter, however the letter did not ask or request the property owner to consider adding their parcel to the rezoning application. Staff's attempt for further contact with the property owner has been unsuccessful. After considering the proposed rezoning's compatibility with the surrounding mixed land uses, the Land Use Plan, as well as the public comments, the Commission found the request to be in harmony with the area and consistent with the City's Land Use Plan. By a 4-0 vote, the Planning Commission voted in favor of the Office and Institutional Zoning District rezoning request including the aforementioned conditions requested by staff concerning the maximum density, minimum setbacks, and on-site parking requirements.

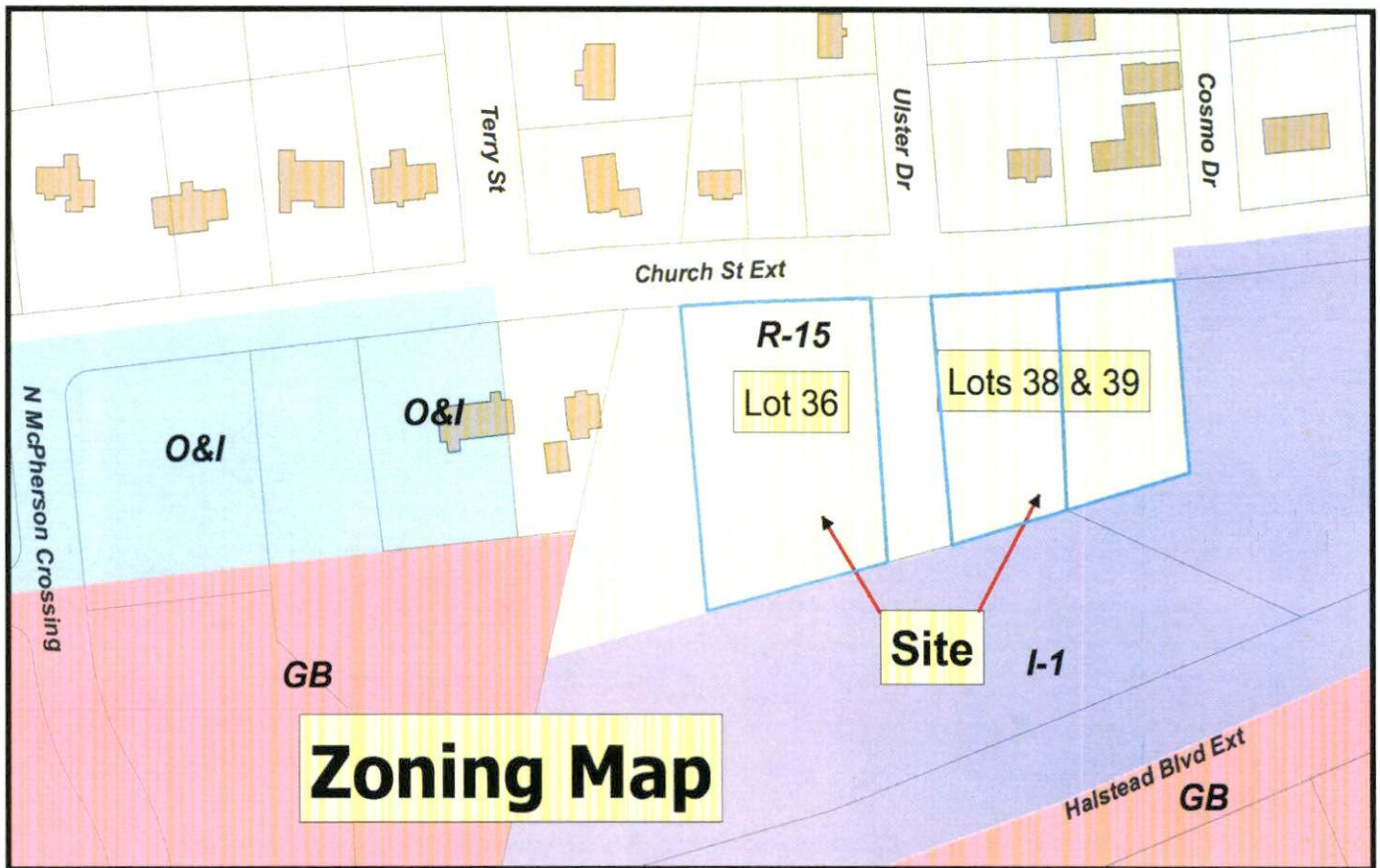
AT THE CONCLUSION OF THE PUBLIC HEARING:

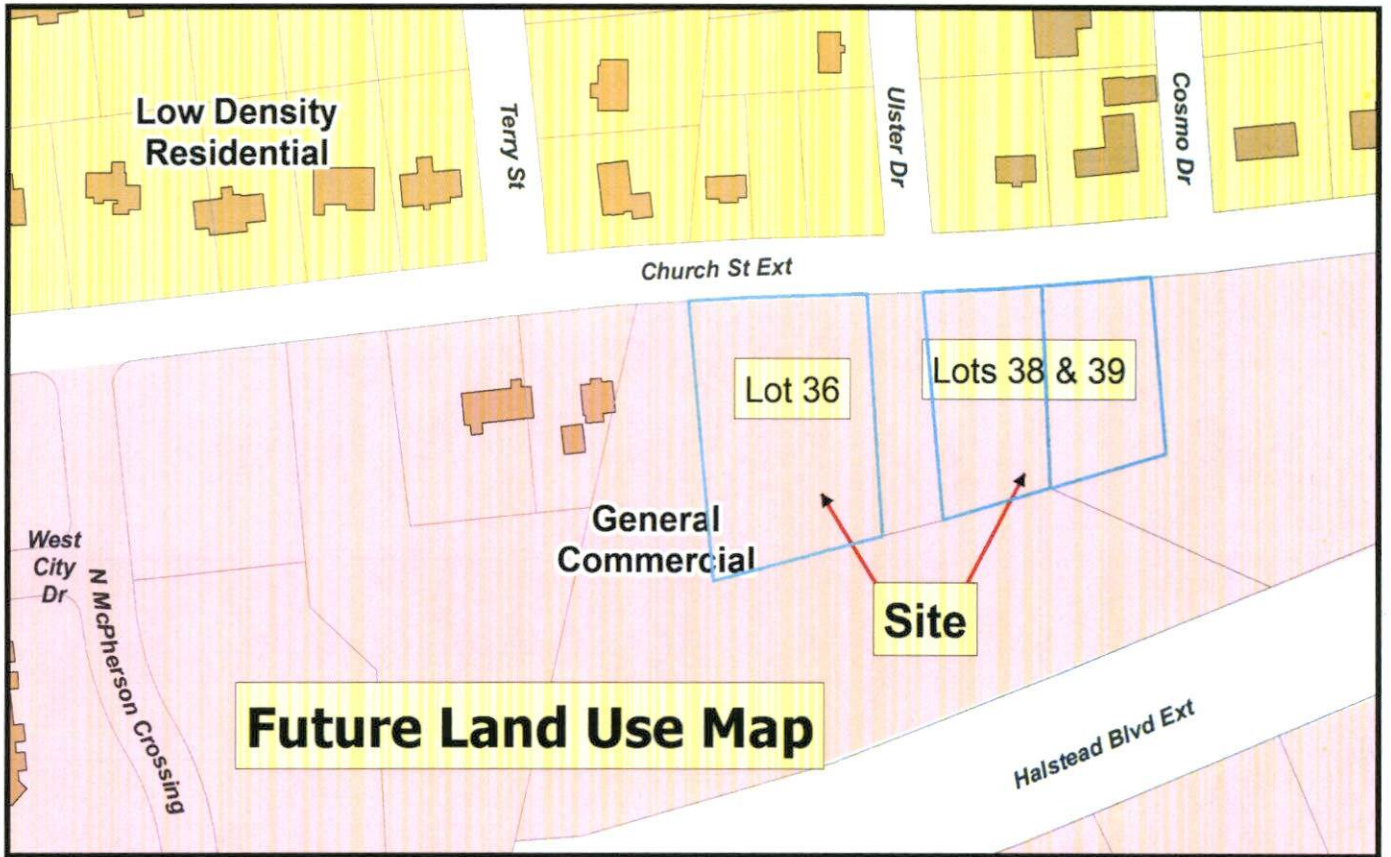
STAFF RECOMMENDATION:

By motion, adopt a consistency statement and ordinance to approve the Rezoning Request RZ-01-19 to rezone approximately 2.4 acres from Residential R-15 to Office and Institutional (O&I).

Consistency Statement

The City Council of the City of Elizabeth City finds the action to rezone the referenced parcels to Office and Institutional (O & I) of the Official Zoning Map to be consistent with the future land use map found in the joint Pasquotank County/Elizabeth City Advanced Core Land Use Plan adopted by Council in January 2012.







**Ordinance #2019 11-01
Rezoning Request RZ-01-19
(PINs 890302882808, 890302884911, 890302885933)**

WHEREAS, on October 1, 2019, the Planning Commission reviewed Petition RZ-01-19 by CES & SRS Inc., (Shirley Sample) to rezone approximately 2.4 acres from Residential R-15 to Office and Institutional (O&I)

WHEREAS, the Planning Commission considered public comment given at that meeting; and

WHEREAS, the allowed uses in the Office and Institutional (O&I) zoning district will be compatible with the areas mixed land use; and

WHEREAS, the proposed zoning will be consistent with the areas mixed zoning patterns; and

WHEREAS, the Joint Pasquotank County/Elizabeth City Land Use Plan was considered; and,

WHEREAS, after consideration of the technical merits of the request, the Planning Commission recommends approval; and,

NOW THEREFORE, BE IT ORDAINED that the City Council of the City of Elizabeth City does hereby approve this request to amend the Official Zoning Map to show the above referenced parcels as Office and Institutional (O&I).

ADOPTED, this the 12th day of November, 2019.

Bettie J. Parker
Mayor

April Onley
City Clerk

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
TUESDAY, OCTOBER 1, 2019
4:00 pm**

MEMBERS PRESENT

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

Also, present were Angela Cole, Assistant City Manager/Interim Community Development; Kellen Long, Planner; Yvette Chamblee, Secretary to the Commission; and members of the audience.

Chairman Sutton called the meeting to order at approximately 4:02 pm and stated a quorum.

Chairman Sutton called for a motion to approve the agenda as presented. Vice Chairman Biggs made a motion to **APPROVE** the agenda as presented. Mr. O'Neal seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton called for a motion to approve the Tuesday, September 3, 2019 Planning Commission minutes. Vice Chairman Biggs made a motion to **APPROVE** the Tuesday, September 3, 2019 Planning Commission minutes. Mr. O'Neal seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

Ms. Chamblee, 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 notated none of the Commissioners had a disclosure of interest in case RZ 01-19.

Ms. Long presented the following Staff report:

The request before you today are RZ 01-19, filed by Shirley Sample on behalf of CES & SRS Inc. to rezone three separate lots from Residential R-15) to Office and Institutional. The properties in question are located on Church Street Extended across from Ulster Drive. The properties are located within the City's Extraterritorial Jurisdiction (ETJ). Since the site is located outside of the City's corporate limits, the site will need to be annexed into the City prior to any development. Currently, the property is for sale and there is no proposed use.

In the last 15 years, the corridor where the subject properties are located have been undergoing a transformation from vacant farmland to a mix of commercial and office uses. Along this section of Church Street Extended, the properties on the north side of the road are zoned and developed for single family residential dwellings. While majority of the land south of the subject properties are zoned light industrial and office and institutional, with the exception of the three lots that are parallel to the subject properties, all of which are zoned R-15, residential, with the residential lot closest to the office and institutional district having one single family dwelling.

The joint Pasquotank County and Elizabeth City Land Use Plan includes the properties in question within the Halstead Boulevard Corridor Planning Area. This particular area is classified in the Land Use Plan as General Commercial. The general commercial classification is intended to delineate lands that can accommodate a wide range of retail, wholesale, office, business, and personal services. staff is of the opinion that the proposed Office and Institutional Zoning District is consistent with the General Commercial Land Use designation and the vision for the future development of Halstead Boulevard Corridor.

When making a determination on a rezoning request, Staff considers the area's zoning pattern, adjacent land uses, the joint Pasquotank County and Elizabeth City Land Use Plan as well as the impact on City infrastructure including roads and utilities. Staff also takes into account the impact the proposed rezoning will have on adjacent property owners. Our Department has only received one call from an adjacent property owner concerning this case. The property owner asked for clarity concerning the adjacent property letter notice, however did not give any inclination that they were opposed or supportive of the proposal.

When the property is developed, the maximum density, setbacks, and on-site parking requirements will be established by City Council. For multi-family developments the required setback is pre-set at 30 feet from all of the property lines. If the lots are developed with commercial uses, Staff recommends a 20-foot setback along all of the property lines; a minimum parking requirement based upon the allowable use and determined at the time of plan review; and the site density in keeping with land use regulations affecting the property, including landscaping, parking areas, site drainage, sight triangles, ingress/egress, drive aisle, etc. such that there is only one building per lot.

The proposed zoning request from R-15 Residential to Office and Institutional is found to be consistent with the General Commercial LUP designation.

Considering the aforementioned elements, staff is of the opinion that the proposed zoning is appropriate for the area and is consistent with the Elizabeth City & Pasquotank County Land Use Plan and recommends APPROVAL of this application with the stipulations governing setback, parking and density.

This concluded Ms. Long's presentation.

Mrs. Shirley Sample, the applicant, came forth and explained to the Planning Commission about her request for rezoning her property from a R-15 Residential District to an Office and Institutional District (O & I).

Mr. Dean Schain, an adjacent property owner, came forth and expressed his concerns about the traffic flow in the vicinity of the rezoning and he wanted the Commission to take in consideration the residential area surrounding the rezoning.

Ms. Stallings questioned the lot between Lot 36 and Lot 38. Ms. Long commented she had tried to make contact with the property owners but her attempts had been unsuccessful. Assistant City Manager/Interim Community Development Director Cole commented if the Planning Commission decides to honor rezoning the Sample's property to an Office & Institutional District (O & I), then the R-15 classification of the lot in question would affect the two lots on either side of the lot in question for setbacks, landscaping, and buffering. So, there is an impact to be had if the subject lots are developed prior to the lot in question. Ms. Stallings asked for clarification on the comment Ms. Long tried to reach out to the property owners of the unknown lot. Ms. Stallings questioned was a letter sent out to the property owners. Ms. Long commented yes, and a letter was sent to all property owners within a 100-foot buffer around the Sample property.

Chairman Sutton questioned are the notification letters sent to the adjacent property owners as Certified letters or Registered letters. Ms. Chamblee answered the letters are

sent as regular First Class mail. Chairman Sutton commented do we know if the letters were received or not. Ms. Chamblee commented there has not been any notification letters from adjacent property owners returned to our office. Assistant City Manager Cole stated for the record the notification letters that were mailed to the adjacent property owners were letters of notice that case RZ 01-19 is moving forward and not a specific request would you add your property to this application.

Ms. Stallings questioned which lot has the residence on it. Using page two of the Staff Analysis report, Ms. Long describes the property with the drive way leading to the house as the property with a residence on it. Ms. Stallings questioned Lots 36, 38, 39, and the slither of Lot 37 are all vacant lots. Ms. Long commented, yes including the slither triangle lot next to R-15 beside Lot 36.

Vice Chairman Biggs commented as far as the traffic concern, these lots do not go all the way back out to Halstead Boulevard Extended so, really the only way to access them would be from coming off Church Street Extended. Vice Chairman Biggs commented he understands the traffic concern but there's not a whole lot can be done around the traffic. Assistant City Manager/Interim Community Development Director Cole commented North Carolina Department of Transportation (NCDOT) controls the extended (Halstead Blvd Extended and Church Street Extended). So granting access from individual lots egress and ingress is not an option. The subject property would have to gain its access off of Church Street Extended to the degree we can affect development and have combined driveway access wide enough to accommodate multi-traffic patterns. This would only happen if the properties were developed together such as Lot 38 and Lot 39 instead of Lot 36.

Vice Chairman Biggs questioned would becoming zoned as an Office & Institutional District allow for multi-family dwellings. Assistant City Manager/Interim Community Development Director Cole commented, yes.

Margie Marvels, an adjacent property owner, came forth and expressed her concern about how would developing the land effect the residential area as far as the drainage system, the garbage disposal, and that the area has not flooded in years. Ms. Marvels commented as a resident she wanted to make sure the area would be safe for her and other residents in order to live there for a long time.

Ms. Long commented any development on the subject property would require connections to the City's utilities. There are some utilities which are connected and some which are not connected. Because this property is not currently in the City's municipal limits and our Extraterritorial Jurisdiction (ETJ) and before any development happens on this property, the property would need to be annexed into the City, which we would address utilities.

Chairman Sutton called for a motion for RZ 01-19. Ms. Stallings made a motion to **APPROVE** RZ 01-19 with the recommendation that RZ 01-19 moves from being zoned R-15 Residential District to Office & Institutional District (O & I). Vice Chairman Biggs seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

STAFF REPORT

Ms. Long discussed the following:

- Preparing the Landscape Ordinance to be a Text Amendment by January 2020.

Assistant City Manager Cole/Interim Community Development Director discussed the following items:

- Staff fluctuations
- Case related business with Cheryl Egger, Planner II, needs to be redirected to Ms. Chamblee or myself.

CHAIRMAN REPORT

Chairman Sutton's concerns or questions were addressed and answered by Assistant City Manager/Interim Community Development Director Cole.

MEMBER'S CONCERN

Ms. Stallings jokingly was concerned about Ms. Long being the only planner in the Community Development Department. Ms. Long commented everyone is pulling together as a team to make sure the office runs smoothly.

Chairman Sutton called for a motion to adjourn. Vice Chairman Biggs made a motion to **ADJOURN** the Tuesday, October 1, 2019 Planning Commission meeting. Ms. Stalling seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND STALLINGS. NONE OPPOSED. MOTION CARRIED.**

The Tuesday, October 1, 2019 Planning Commission meeting adjourned at approximately 4:28pm.

Respectfully submitted,

Yvette M. Chamblee
Secretary to the Planning Commission