

Planning Board
December 15, 2009
Minutes

The Morehead City Planning Board conducted a regularly scheduled meeting on Tuesday, December 15, 2009, in the Municipal Building Auditorium, 202 South Eighth Street, Morehead City, NC, at 5:30 p.m. The following people were present:

MEMBERS: Chairman Bill Taylor, John Creech, Curtis Fleshman, Corinne Geer, Jackie Maucher, Gordy Patrick, and Gordon Thayer

ABSENT: None

Others present: Planning Director Linda Staab, Planner Sandi Watkins, Secretary Jeannie Vaughan, Mike Shutak of the Carteret County News-Times, John Maucher, Cass Flowers, James Walker, City Manager Randy Martin, Vern Mountcastle, John Thomas, Tanya Scott, Rusty Anderson, Don Lawrence, Theodore Barnes, Michelle Duval and others.

Chairman Bill Taylor called the meeting to order and delivered the invocation.

The roll was called and all members were present.

Chairman Bill Taylor led the Pledge of Allegiance.

MINUTES: November 17, 2009: John Creech made **MOTION**, seconded by Curtis Fleshman, to adopt the minutes and dispense with the reading. The motion carried unanimously.

NEW BUSINESS:

A. Request from Flowers Development Corporation Inc. to rezone 5112 Highway 70 and 111 Willis Road from IP (Port-Industrial) and CH (Highway Commercial) District to CH.

Rezoning Request from Flowers Development Corp. Inc. to rezone Tax PIN #s 635612979008000 and 636609060810000 located at 5112 Highway 70 and 111 Willis Road from IP [Port Industrial District] and CH [Highway Commercial District] to CH – Flood Zone: X

Mr. Cass Flowers has submitted a request to rezone approximately 7.25 acres located at 5112 Highway 70 and 111 Willis Road from IP [Port Industrial District] and CH [Highway Commercial District] to CH. The zoning classification of surrounding properties includes IP across the railroad right-of-way to the north, IP and R15M [Single-Family Residential/ Mobile Home District] to the east, and CH to the south and west. Surrounding development includes undeveloped land across the railroad right-of-way to the north, an assortment of commercial uses across Highway 70 to the south, a mixture of single-family residential uses and a church to the east, and a shopping center to the west. An annexation request is pending and the parcel is occupied by a retail establishment, concrete plant and mobile home.

The property is located in Neighborhood 10 of the CAMA Land Use Plan and is classified as General Commercial. The proposal does not appear to conflict with any policies of the Land Use Plan.

Property owners within 300 feet of the property were notified of the Planning Board meeting as well as the date of the public hearing which is scheduled for January 12th. The property has been posted.

Planner Sandi Watkins introduced the request.

Engineer John Thomas spoke in favor of the rezoning and asked the Board to approve the request.

Melva Harper Tuck of 140 Willis Road did not object to the rezoning as long as her property was not included.

Rusty Anderson, owner of 117 Willis Road, stated that he was interested in rezoning his property to CH.

Gordon Thayer suggested that City Staff ask the owner of the only other adjacent IP-zoned parcel if he/she would also like to rezone to CH. Dr. Thayer commented that the CH rezoning will be a great improvement over the current IP zoning. All Board Members agreed.

Curtis Fleshman made **MOTION**, seconded by Gordon Thayer, to recommend approval of the rezoning request and Planning Board Resolution 2009-0009. The motion carried unanimously.

B. Request for Sketch Plan Review for Flowers Development Corporation, Inc., 4 lots located on the north side of Highway 70.

Request for Sketch Plan Review for Flowers Development Corporation, Inc., 4 lots located on the north side of Highway 70. Zoning from IP & CH to CH Pending. Minimum Lot Size: 40,400 square feet.

Flowers Development is requesting sketch plan review for this four lot subdivision on the north side of Highway 70. As proposed, the lots will be accessed from a main road running north from Highway 70 which will terminate as a cul-de-sac. The proposed right-of-way will have a width of fifty (50) feet and a length of five hundred thirty (530) feet. A five foot wide sidewalk will be required along both Flowers Lane and Highway 70. The developer has indicated that the area identified as "Proposed Wet Detention Basin Site" will be shown as an easement on Parcel D on the preliminary plat.

An annexation application is on file for this property and the developer plans to serve the lots with City water and sewer.

State Stormwater, Sedimentation and Erosion Control, Water/Sewer Line Extension, and NCDOT permits will be applicable at preliminary. Since this is a commercial subdivision, no recreation fee is due.

Planner Sandi Watkins introduced the request.

Engineer John Thomas and applicant Cass Flowers spoke and requested approval of the subdivision.

No one spoke against the request.

John Creech made **MOTION**, seconded by Gordon Thayer, to recommend approval of the Sketch Plan for Flowers Development Corporation, Inc. The motion carried unanimously.

C. Request to amend Articles 2 and 14 of the Unified Development Ordinance to establish appearance standards for mobile homes.

A recent court case (*Five C's Inc. v County of Pasquotank*) held that local governments may not enforce age limitations on mobile homes because such restriction conflicts with N.C.G.S. 160A-383.1. The same statute does allow cities to adopt and enforce appearance and dimensional criteria for manufactured homes in order to "protect property values, to

preserve the character and integrity of the community or individual neighborhoods within the community, and to promote the health, safety and welfare of residents.”

The following amendment is proposed to establish appearance standards for mobile homes. Currently, the UDO restricts the location of mobile homes onto privately owned lots to a manufacture date no greater than ten years. The proposed amendment would replace age limitation requirements with appearance standards for all mobile homes moved in and around Morehead City’s jurisdiction, including those on both private lots and in mobile home parks.

2-2.161 *Manufactured home.* A structure which is transportable in one or more sections, built on a permanent chassis to HUD standards and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities (see section 14-32). The term “manufactured home” does not include a “recreational vehicle”.

Existing (to be removed):

14-32 Mobile Homes on Individual (Privately) Owned Lots

No permit shall be issued for installation of a mobile home on an individually (privately) owned lot unless it is made to appear by satisfactory proof that the mobile home to be installed was manufactured within a period of ten (10) years from the date of the issuance of the permit. Presentation by the owner of a bona fide bill of sale, title, or manufacturer’s certificate of origin shall be deemed prima facie evidence of the manufacturer.

Proposed (to be added):

14-32 Mobile Homes

14-32.1 *General requirements.*

(A) *General.* Prior to release of electricity, the Building Inspector or his/her agent shall inspect the premises for compliance with these regulations. A wind zone designation map and third party inspection agency tag are required for any homes moved into or within Morehead City’s jurisdiction.

14-32.2 *Exterior structure.*

(A) *General.* The exterior of a structure shall be in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. When located on privately owned lots, the towing apparatus and transporting lights shall be removed. The home shall be permanently placed on a masonry foundation of brick, stone, stucco or split faced concrete masonry units. When on rental lots, the home shall be underpinned with weather resistant materials.

(B) *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, and trim, shall be in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be weather resistant and tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be repaired if necessary and stabilized and coated to inhibit future rust and corrosion.

(C) *Structural members.* All structural members shall free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

(D) *Exterior walls.* All exterior walls shall be free from holes, breaks and loose or rotting materials and maintained weatherproof and properly surface coated, where required, to prevent deterioration. The exterior of the home shall be of brick, stone, vinyl siding, aluminum lap siding, or wood lap siding.

(E) *Roofs and drainage.* The roof and flashing shall be sound, tight and free of defects that could or does admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roofs shall have a minimum of a 2:12 pitch and be finished with a type of covering that is commonly used in standard residential construction.

(F) *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. All glazing materials shall be free from cracks and holes. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(G) *Doors.* All doors, door assemblies and hardware shall be in good condition.

(H) Light, ventilation, plumbing facilities, mechanical, electrical, fire safety, sanitation. The provisions of this section shall be in accordance with those provisions and requirements of Article 23 of the Unified Development Ordinance.

Planner Sandi Watkins introduced the request.

Chairman Taylor opened the floor for public comment and no one spoke.

Curtis Fleshman made **MOTION**, seconded by Corinne Geer, to recommend approval of the ordinance amendment. The motion carried unanimously.

REQUESTS/COMMENTS:

A. Christmas Luncheon - Board Members were reminded of the Christmas Luncheon for City Employees scheduled for December 17, 2009, at 12 noon, at the Parks and Recreation Center, 1600 Fisher Street.

B. James Walker/Bayview Homes - Mr. Walker commented on the proposed development of the Bayview Homes' Property on Bay Street. He requested that the Planning Board make a recommendation to the Town Council to review the plans and consider invoking "eminent domain" on the property. Chairman Taylor stated that the packet from Mr. Walker would be forwarded to the Town Council for review.

ADJOURNMENT: There being no further requests or comments, the meeting adjourned at 6:22 p.m.

Jeannie Vaughan
Secretary