

Planning Board  
August 18, 2009  
Minutes

The Morehead City Planning Board conducted a regularly scheduled meeting on Tuesday, August 18, 2009, in the Municipal Building Auditorium, 202 South Eighth Street, Morehead City, NC, at 5:30 p.m. The following people were present:

MEMBERS: Bill Taylor, Chairman  
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, Attorney Melissa Berryman, George Phillips, Commissioner Demus Thompson, Cindy Hicks, Clyde Young, and Dwight Fulcher.

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.

Chairman Bill Taylor introduced newly appointed Extraterritorial Member Gordon Patrick. Deputy City Clerk Janet Hill recited the Oath of Office with Mr. Patrick as well as with four other members who were all re-appointed (In-City Members Corinne Geer, Bill Taylor, and Gordon Thayer and Extraterritorial Member Jacquelyn Maucher).

**MINUTES: June 16, 2009:** John Creech made **MOTION**, seconded by Curtis Fleshman, to adopt the minutes as written and dispense with the reading. The motion carried unanimously.

**NEW BUSINESS:**

***A. Request from Kirkman Whitford Brady & Berryman, P.A., on behalf of Narron Real Estate Holdings, Inc., for Final Plat Approval for Narron Business Park.***

**Request from Kirkman Whitford Brady & Berryman, P.A., on behalf of Narron Real Estate Holdings, Inc., for Final Plat Approval for Narron Business Park. Flood Zone: AE 9' and X. Zoning: IP. Minimum Lot Size: 35,005 square feet. Average Lot Size: 46,066 square feet.**

*Sketch Plan Review – Planning Board: 8/21/2007 (continued)*

*Sketch Plan Review – Planning Board: 9/18/2007*

*Sketch Plan Review – Council: 10/9/2007*

*Preliminary Plat Approval – 7/22/2008*

*Preliminary Plat Extension – 6/16/2009*

The applicant is requesting final plat approval of this 12.89 acre, 8 lot subdivision accessed from Arthur Farm Road (10.44 acres excluding railroad right-of-way).

An easement has been reserved for a 390' right-of-way on the east side of the property between Lots 6 and 7 for the potential future extension of Narron Business Drive to Bridges Street Extension in accordance with an agreement reached between the City and the Coastal Federation which maintains an easement over the right-of-way reservation. A

20' drainage easement is reserved between Lots #2 and #3. A 10' utility easement is reserved along both sides of Narron Business Drive and along side lot lines.

Copies of the State Stormwater permit, Sedimentation and Erosion Control Permit, and the water extension certification have been received. Public Works Director David McCabe has requested a \$5,000 bond to insure the costs of street signs, speed limit signs, and street lights. Public Utilities Director Steve Hamilton has requested approval of the final plat be made contingent upon receipt of the sewer certification.

The \$5000 bond and the sewer certification have been received.

Planner Sandi Watkins introduced the request.

Attorney Melissa Berryman was present on behalf of the applicant to answer any questions.

Gordon Thayer made **MOTION**, seconded by Jackie Maucher, to approve the request. The motion carried unanimously.

***B. City-initiated request to rezone all properties currently zoned CS (Shopping Center) to CH (Highway Commercial) and to amend Articles 9, 11, 13 and 15 of the Unified Development Ordinance to eliminate language referencing the CS District.***

Following a review of the City's Zoning Map, it was discovered that there are only thirty-eight (38) parcels totaling 79.5 acres which are currently zoned CS. Both districts were evaluated and, following review with the Planning Committee, it was determined that the differences in the permitted and special uses and the development standards are minimal. Following the review, it was recommended that the CS classification be eliminated and all properties (and portions thereof) currently zoned CS be rezoned to CH. Property owners as identified in Carteret County tax information were notified of the proposal in early June. All properties are located within the corporate limits.

**Rezoning:**

Uses within the existing CS zoned areas currently include "Retail and wholesaling, indoor", "Restaurant", "Personal services", "Recreation use, for profit", "Retail, marine-related", "Motor vehicle sales", "Financial institution", "Mobile home park", "Office, all", "Theater", and "Single-family dwelling".

CAMA Land Use Plan classifications are as follows:

Cypress Bay Plaza Area: Neighborhood 10/General Commercial

Parkway Shopping Center Area: Neighborhood 6/General Commercial & Medium Density Residential

Taco Bell/Bistro by the Sea: Neighborhood 6/General Commercial & Medium Density Residential

Sports Center: Neighborhood 5/Low Density Residential

Morehead Plaza Area: Neighborhood 4/General Commercial

The proposal does not appear to conflict with the policy statements contained in the CAMA Land Use Plan.

Property owners within 300 feet of the properties were notified of the Planning Board meeting as well as the date of the public hearing which is scheduled for September 8<sup>th</sup>, 2009. The property has been posted.

**Ordinance Amendments:**

1. 9-12.1 [Established.] The following commercial districts are hereby established: CD, CM, DB, CN, **and CH, and CS.** These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this section.

~~2. Remove Article 9-12.7: 9-12.7 CS Shopping Center District. The purpose of this district is to provide convenient shopping and service facilities for pedestrian traffic, to promote a compact development of commercial uses, and to ensure that off-street parking will be controlled, that pedestrian walkways and suitable landscaping will be developed, and the buildings will be located and constructed in a manner which reflects an appropriate appearance. The minimum lot size for a CS district shall be 2.18 acres (94,960 square feet).~~

3. Remove "CS" district from Article 11-1 Table of Permissible Uses.

4. Buffers and Screens: Removed "CS" District from 15-1.3: Group 3.

5. Remove "CS" district from Article 13-1 Schedule of Development Requirements.

Planner Sandi Watkins introduced the request.

Cindy Hicks of US Properties, George Phillips of Morehead Motors, and Dwight Fulcher of 2816 Fulcher Lane spoke in support of the request.

Clyde Young of 2719 Homes Drive questioned whether or not his property was also being rezoned. He was assured by Staff that his property would remain residential.

John Creech and Corinne Geer commented that the rezoning request makes good sense and all Members agreed.

Gordon Thayer made **MOTION**, seconded by Corinne Geer, to recommend approval of the rezoning request and Planning Board Resolution 2009-0005. The motion carried unanimously.

***C. City-initiated request to amend Articles 4, 14, and 15 of the Unified Development Ordinance to revise landscaping and buffering requirements.***

***Staff update for August, 2009 Planning Board meeting:***

*The Planning Board reviewed the proposal at its March, 2009 meeting and received various comments from staff and public. The item was tabled and the comments/suggestions were referred back to the Landscape Committee for further consideration. The attached document is the product of the Committee's meeting. The document was changed by incorporating the plants from the Carteret County Tree Awareness Group's (CCTAG) lists (canopy and understory) and then re-alphabetizing the lists by common plant name. A list of trees that could be used cautiously was also inserted from CCTAG's documents.*

*The draft was changed to require planting plans for new subdivisions for areas fronting along major and minor thoroughfares. Also, the tree protection area was increased from the dripline to an area 1.25 X the diameter of the tree for additional protective measures.*

*In general, reference to any plantings/plans will be considered landscaping whether it's a landscape strip, screen or buffer required around outdoor storage or forestry/agricultural areas. Screening is a protective measure between incompatible uses, buffering is screening without the fence. Landscaping is supposed to help beautify.*

*Commercial developments will no longer be allowed the option of a buffer adjacent to a different, less intensive zoning district or use but will be required to install a screen which will hopefully add additional protection from noise, lights, dust and trash.*

*(Original March, 2009 report)*

The Landscaping Committee is forwarding its proposed draft landscaping/screening regulations to the Planning Board. The Landscaping Committee met with landscaper Greg Garner and also gathered information from the County's Agricultural Extension office during the review process.

Listed below are the major changes:

- Reformatted for clarification;
- Removed the buffer option under buffers and screening;
- Allowed the opportunity to construct a berm as a screen;
- Required a minimum 6' height of evergreens for screens in general and outdoor storage areas;

- Clarified that landscaping strips abutting vehicular access and parking areas may be planted along the perimeter of the parking area rather than along the property line;
- Reduced the number of shrubs required in side/rear landscaping strips and reduced the width to 2.5 feet rather than 5 feet;
- Allowed understory trees as an alternative to canopy trees in parking lot planters;
- Specified when protected trees (minimum 18" diameter at breast height) need to be preserved and what situations are exempt;
- Increased the tree credit for saving existing trees;
- Required Planning Board review of landscaping plans for parcels five acres or greater in area;
- Exempted parcels one acre or less from protected tree requirements.

#### **4-32 Information to be Contained in or Depicted on Preliminary and Final Plats**

Add "**Landscaping Plan**" to the list of items which need to be included with preliminary and final subdivision applications.

#### **14-37 Accessory Outdoor Storage**

Accessory outdoor storage is permitted in the CH (Highway Commercial) district subject to the following conditions:

- a) The outdoor storage area is screened from adjoining and adjacent properties with plantings. Plantings shall be evergreens, planted on five-foot centers, **to** form a hedge ~~and reach and be installed at a~~ minimum height of six (6) feet. ~~Within two (2) years of initial plantings.~~
- b) The outdoor storage area is located no closer to the street than the wall of the principal use building that is closest to the street.
- c) **The outdoor storage area is not the** ~~Not allowed as the~~ principal use of the lot.

Planning Director Linda Staab introduced the request by summarizing the proposed landscaping regulations and distributing a hand-out to the Board Members.

Dwight Fulcher questioned protected trees and Ms. Staab explained which trees will be protected and how much will be credited for tree preservation.

Chairman Bill Taylor commented that the revised regulations are simpler, easier to understand, and easier to enforce than the current regulations.

Gordon Thayer and Curtis Fleshman both commented on the tremendous effort put forth by Zoning Enforcement Officer Joyce Veltman and Staff to revise the current regulations.

John Creech made **MOTION**, seconded by Corinne Geer, to recommend approval of the request. The motion carried unanimously.

#### ***D. City-initiated request to amend the Unified Development Ordinance to establish "Itinerant Merchant" as a use under Article 11.***

##### **Proposed Ordinance Amendment - Establish "Itinerant Merchant use in Article 11**

###### 1. Use:

Presently, itinerant merchants are allowed to locate in the CH District. This has been done by policy, rather than written regulation. Due to increased number of inquiries, staff feels it better to formally regulate the location of the use. Chapter 8, *Licenses, Permit and Business Regulations*, defines itinerant merchant as:

*Itinerant merchant/transient merchant/itinerant vendor:* Any person other than a merchant with an established retail store in the town, who transports an inventory of goods to a building, vacant lot, or other location in the town, and who, at that location, displays the goods, for sale and sells or offers to sell the goods at retail including, without limitation, a merchant who sells goods at such location for less than six (6) consecutive months.

Some itinerant merchants are exempt from the fee requirements but the proposed UDO amendment would not exempt any from the location requirement. Staff proposes amending Article 11 to establish the use “itinerant merchant/vendor” as a use in the permitted and special use table and to allow the use in the CH district, and any other the Board would suggest.

2. Exceptions, modifications, and special requirements for certain uses:

Additional requirements for itinerant merchants should be that neither signage, merchandise or displays may be located within required parking spaces, required landscape areas, travel paths/vehicle access areas in a manner that impedes travel.

3. Signage:

The Code of Ordinances allows itinerant merchants the following signage allowance:

c. Itinerant merchants shall not place more than one freestanding sign per lot on any one street in order to advertise/identify the location of the itinerant merchant (signs must be in accordance with section 12 of the zoning ordinance)

Staff also recommends amendment of Article 19 to add the following wording:

19-8.5 *Itinerant merchant signs.* Itinerant merchants are allowed one freestanding sign which shall not exceed sixteen (16) square feet. Such signs may be posted on private property but not within a right-of-way or travel path. The sign must be removed at the end of each business day.

Planning Director Linda Staab introduced the request.

Gordon Thayer made **MOTION**, seconded by John Creech, to recommend approval of the request. The motion carried unanimously.

***E. City-initiated request to amend Articles 12 and 13 of the Unified Development Ordinance to correct clerical errors.***

Amend Article 12-2.4(C) to Provide Consistency with Article 11-1:  
12-2.4(C): *Building height.* No building or structure shall exceed a height of fifty (50) feet **in the CD District. No building or structure in the DB district shall exceed a height of seventy (70) feet, unless a conditional-use permit has been issued by the Council permitting an increased height of said building or structure.**

Amend Article 13 to Correct Typographical Error:  
\*\*\*\*\*No minimum required on **Bridges Bridge** Street from 4<sup>th</sup> Street to 13<sup>th</sup> Street.

Planner Sandi Watkins introduced the request.

Curtis Fleshman made **MOTION**, seconded by Gordon Thayer, to recommend approval of the request. The motion carried unanimously.

***REQUESTS/COMMENTS:***

- 1. Cindy Hicks of US Properties had a few updates to share with the Board:***
  - a.*** Retail store Rue 21 will be opening in the Cypress Bay Plaza on Thursday, August 20, 2009. Rue 21 sells childrens’ apparel.
  - b.*** US Properties is working with the Planning Department to improve the egress and ingress at the intersection of US 70, Cypress Bay Plaza, and the Crystal Coast Shopping Center.

c. US Properties has purchased the property to the west of Cypress Bay Plaza to provide more parking and better access around the shopping center. No new structures are planned because of the wetlands located on this property.

2. *CAMA Grants* -

a. The CAMA Grant for the extension of the fishing pier at 301 Highway 70 has been received and construction has already begun.

b. The CAMA Grant for the JIB property has been awarded verbally but because of the State's Budget issues, the money has been delayed.

5. *Census* - The Town has received a \$2900 Grant from the Census for Complete Count Advertising.

6. *35<sup>th</sup> Street* - John Creech commented on 35<sup>th</sup> Street needing to be paved.

7. *Cape Lookout Ferry Site* - Both Beaufort and Morehead City are being considered for a ferry site to and from Cape Lookout National Seashore. There will be informal meetings to discuss sites next Wednesday, August 26<sup>th</sup> at the Piver's Island Duke Marine Lab from 1:00-3:00 pm and from 6:30-8:30 pm. Bill Taylor suggested that all Members attend one or the other of the meetings. Linda Staab will compile a talking points memo for those attending the meetings.

**ADJOURNMENT:** There being no further requests or comments, the meeting adjourned at 6:43 p.m.

---

Jeannie Vaughan  
Secretary