

Planning Board
September 15, 2009
Minutes

The Morehead City Planning Board conducted a regularly scheduled meeting on Tuesday, September 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: Vice-Chairman John Creech, Curtis Fleshman, Corinne Geer, Jackie Maucher, and Gordy Patrick

ABSENT: Chairman Bill Taylor and Gordon Thayer

Others present: Planning Director Linda Staab, Planner Sandi Watkins, Secretary Jeannie Vaughan, Mike Shutak of the Carteret County News-Times, John Maucher, Commissioner John Nelson, Commissioner Demus Thompson, Commissioner George Ballou, Lindsay Sewell, Hunter Gibson, and Brad Rhinehalt.

Vice-Chairman John Creech called the meeting to order and delivered the invocation.

The roll was called and Chairman Bill Taylor and Gordon Thayer were absent. Curtis Fleshman made **MOTION**, seconded by Corinne Geer, to excuse the called-in absences. The motion carried unanimously.

Vice-Chairman John Creech led the Pledge of Allegiance.

MINUTES: August 18, 2009: Gordy Patrick made **MOTION**, seconded by Jackie Maucher, to adopt the minutes as written and dispense with the reading. The motion carried unanimously.

NEW BUSINESS:

A. Request from Vinings at Morehead, LLC, on behalf of Sailfish Wildwood, LLC, to rezone 133 Wildwood Road from CH-CU (Highway Commercial Conditional-Use) to RMF-CU (Residential Multi-family Conditional-Use) and CH-CU.

Hunter Gibson, agent for Sailfish Wildwood, LLC, has submitted a request to rezone approximately 46 acres located at 133 Wildwood Road CH-CU (Highway Commercial Conditional-Use) to RMF-CU (Residential Multifamily Conditional-Use) and CH-CU. The property is located at the intersection of Highway 70 and Wildwood Road. A request to annex the property into the corporate limits has been submitted by the developer. Adjacent property is zoned as follows: R20 to the east, west and north and, with the exception of one small parcel which is zoned R20, CH to the south. A variety of commercial establishments and vacant land is located to the south, while a variety of single-family residential development is located to the east, west and north.

In July of 2005, the Council rezoned the property to CH-CU. The current zoning on the total 46 acres allows up to 300,000 square feet of commercial space plus the three (3) outparcels with the following conditions:

1. Reservation of a drainage easement for the City along the northern property line;
2. The overall development not exceed 300,000 square feet;
3. This limit does not bind the outparcels;
4. The City engineer will review the stormwater plan before final approval;
5. The owner shall periodically clean trash and debris from the drainage culvert under the Atlantic & East Carolina Railroad track near the northeast corner of the property as needed;

6. The owner shall implement all traffic control features required by NCDOT;
7. The owner must submit proposed development plans, to include building elevations and types of materials and color schemes, to the Planning Department for comments by the planning staff with respect to aesthetics for the proposed construction prior to application for building permit;
8. Buildings, driveways and parking areas as shown on the site plan dated March 3, 2005, define the maximum extent of the area to be built upon, excluding out parcels and detention ponds [Wetlands and open areas shown on the site plan to remain as buffers. Detention ponds and landscaping are allowed in the wetlands and open areas subject to state requirements. Actual location of buildings, driveways and parking areas may be rearranged within the built upon areas.];
9. Access to the property is to be as shown on the site plan unless the NCDOT requires changes;
10. Receipt of all state and federal permits;
11. Landscaping to be installed in accordance with Ordinance requirements;
12. Submittal of a lighting plan;
13. The first seven inches (7") of water will be retained on site to ensure that the discharge rate will not exceed the predevelopment discharge rate;
14. A one (1) time fee of \$20,000 subject to acceptance by the City for an initial clean out of the drainage ditch discussed at the Town Council Meeting on July 12, 2005; and,
15. No outside storage containers on-site after construction is completed.

General (CH-CU): The developer is proposing to construct a shopping center up to 150,000 square feet with three (3) outparcels on 24.48 acres of the 46 acre tract. It is important to note that the conditional-use permit is for up to 150,000 square feet of commercial area. However, the configuration and/or footprint of the structures may be adjusted based upon the establishment which initially locates on the property. Permitted uses, landscaping, signage and parking will be reviewed and approved in accordance with Articles 11, 15, 19 and 20, respectively upon receipt of the final site plan. Access to the property is via two driveways, one accessing Wildwood Road and the second access Highway 70 directly. The outparcels will be accessed via an internal drive. Beyond being identified as an outparcel, the three (3) outparcels have no additional requirements beyond the Unified Development Ordinance except as conditions apply. Also, the subsequent subdivision approval shall be in the same layout as the approved conditional use plat.

General (RMF-CU): The developer is proposing to locate 168 multifamily units with a clubhouse, pool, and playground on 21.6 acres. This conditional use review will meet the requirement of Article 13-2 which requires Planning Board review of multi-family developments on parcels over 18,000 square feet.

Minimum Lot Size: The minimum area required under Article 13-2 of the Unified Development Ordinance (UDO) for 60 one-bedroom units and 108 2+ bedroom units is 10.9 acres. As proposed, the area encompassing the multifamily development would contain 21.6 acres.

Lot Coverage: The UDO limits the amount of area covered by building or roof area in the RMF district to 40%. The amount of area covered by building or roof area is 79,755 square feet, or 8% of the multifamily site.

Access: The main access to the multi-family is via Wildwood Road. A 50' access easement has been reserved along the driveway. A secondary access is provided on the west side of the property via Highway 70 for emergency vehicle access.

Density: The maximum allowable density on 21.6 acres is between 312 and 374 units (Article 13-2.2: varies based upon number of bedrooms). The applicant proposes 168 units at a density of 7.8 units per acre.

Open Space: The UDO requires a minimum of twenty-eight (28) percent of the site be preserved as open space: eighteen (18) percent natural and ten (10) percent useable open space. As proposed, this project exceeds the minimum requirements with forty-seven (47) percent (438,524 square feet) natural open space and eleven (11) percent (105,241 square feet) useable open space.

Height: The maximum height permitted in the RMF district is 50'. The developer is proposing to develop three (3) story buildings with an approximate height of 42 feet. They have requested that the maximum height of the multi-family portion of the project be limited to 45 feet.

Minimum Setbacks:

Front: 25'

Sides: 40' combined with minimum 18' one side

Rear: 25'

Regarding setbacks, this plan meets and/or exceeds the minimum requirements for three-story multifamily buildings.

Parking: The UDO requires two spaces per unit plus one space per six units for overflow $((168 \times 2) + 28 = 364)$. The parking requirement has been met with 366 parking spaces plus twenty-four spaces located within the four garages.

Landscaping: The developer has proposed to utilize the wetlands areas to the north, east, and west as a modified landscaping buffer, with a Buffer "A" proposed along the south side of the multifamily development.

Utilities: An annexation request is pending which would result in the extension of water and sewer lines to the area via a lift station and gravity lines (per Public Utilities Director Steve Hamilton). Extension of the City's utility lines to the site is the financial responsibility of the property owner.

The developer has proposed the following conditions:

1. Reservation of a drainage easement for the City along the northern property line;
2. The retail portion of the development will not exceed 150,000 square feet;
3. The limit does not bind the outparcels;
4. The City engineer will review the stormwater plan before final approval;
5. The owner shall periodically clean trash and debris from the drainage culvert under the Atlantic & East Carolina Railroad track near the northeast corner of the property as needed;
6. The owner shall implement all traffic control features required by NCDOT;
7. The owner must submit proposed development plans, to include building elevations and types of materials and color schemes, to the Planning Department for comments by the planning staff with respect to aesthetics for the proposed construction prior to application for building permit;
8. Access to the property is to be as shown on the site plan unless the NCDOT requires changes;
9. Receipt of all state and federal permits;
10. Landscaping to be installed in accordance with Ordinance requirements;
11. Submittal of a lighting plan;
12. The subject property will comply with local drainage requirements as stated in sections 13-2 and 13-3 of the Morehead City Unified Development Ordinance. Also, all developed property will meet the current requirements for stormwater controls per the North Carolina Division of Water Quality (NC-DWQ) standards; and,
13. No outside storage containers on site after construction is completed.

The property is located in Neighborhood 10 of the CAMA Land Use Plan and is classified as General Commercial and Low Density Residential. 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 October 13th. The property has been posted.

Planner Sandi Watkins introduced the request, and Planning Director Linda Staab reviewed the proposed changes between the existing conditional-use and the current request.

Hunter Gibson, agent for the applicant, Sailfish Wildwood, LLC, spoke about Phase I of the proposed project as well as a development name change. Phase I is expected to be all residential, work-force housing, in the range of \$700-\$1000 per month depending upon the size of the apartment. Mr. Gibson said that some of their management and maintenance staff will live on site in order to ensure upkeep of the development. As far as the development name, "Vinings at Morehead" is being changed to "Vinings at Wildwood."

Lindsay Sewell, owner of Sailfish Wildwood, LLC, spoke about Phase II, the commercial section of the proposed project. Due to the economy, there are no plans to develop this phase in the near future. Ms. Staab commented that Phase II, if developed, will come back to the Planning Board for review and approval.

Brad Rhinehalt, Project Engineer, said that the proposed project has less impervious area than the existing plan approved in 2005. He explained that the new stormwater rules will have to be followed including the development of a plan to release water at a non-erosive velocity and at no greater rate than currently exists.

There was no public comment.

Planning Board Member Gordon Thayer sent comments via e-mail because he could not attend the meeting. He suggested that, if possible, two existing oak trees should be saved.

Corinne Geer commented on the lack of sidewalks/walking trails from the residential areas to the commercial areas; however, she said that she was satisfied with the answers given by the engineer concerning the drainage/stormwater issues. Ms. Staab responded to the sidewalk comments by saying that sidewalks are to be installed along the Highway 70 corridor per the UDO.

John Creech stated that Morehead City is in dire need of affordable housing and that the proposed concept is very attractive.

Jackie Maucher stated her concerns about drainage and the effects on surrounding properties, but she said that this request is better than the existing plan.

Curtis Fleshman made **MOTION**, seconded by Corinne Geer, to recommend approval of the rezoning request, the site plan dated September 3, 2009, and Planning Board Resolution 2009-0006, subject to the following conditions:

1. Reservation of drainage easement along the northern property line;
2. ALTERNATE CONDITION: The retail portion of the development shall not exceed 150,000 square feet, excluding outparcels;
3. City Engineer will review the stormwater plan before final approval;
4. The owner shall cleanout the drainage culvert prior to commencement of the project and periodically clean trash and debris from the drainage culvert under the railroad track near the northeast corner of the property as needed;
5. The owner shall implement all traffic control features required by NCDOT;
6. The owner must submit proposed development plans, to include building elevations and types of materials and color schemes to the Planning Department for comments by the Planning staff with respect to aesthetics for the proposed construction prior to application for building permits;
7. Buildings, driveways and parking areas as shown on the site plan dated September 3, 2009, define the maximum extent of the area to be built upon, excluding the outparcels and detention ponds. [Wetlands and maximum open areas shown on the site plan to remain as buffers. Detention ponds and landscaping are allowed in open areas subject to state requirements. Actual location of buildings, driveways and parking areas may be rearranged within the built upon area];
8. Access to the property is to be as shown on the site plan unless the NCDOT requires changes;
9. Receipt of all federal and state permits;
10. Landscaping to be installed in accordance with Ordinance requirements;
11. Submittal of a lighting plan;
12. The subject property will comply with local drainage requirements as stated in Sections 13-2 and 13-3 of the Morehead City Unified Development Ordinance. Also, all developed property will meet the current requirements for stormwater controls per the NC Division of Water Quality (NC-DWQ) standards;

- 13. No outside storage containers on-site after construction is complete;
- 14. Any subdivisions shall be in accordance with the Unified Development Ordinance; and
- 15. Dedicated emergency access to multi-family development shall be installed within 24 months of the certificate of occupancy issued for the project.

The motion carried unanimously.

B. City-initiated request to amend Article 22-7 of the Unified Development Ordinance to establish policy for providing a single notice to chronic violators of the nuisance ordinance.

Article 2-2.54.1 of the Unified Development Ordinance defines a chronic violator as, “A person who owns property whereupon, in the previous calendar year, the municipality gave notice of violation at least three (3) times under any provisions of the public nuisance ordinance.”

To comply with the requirements of Session Law 2009-287, the following amendment is proposed:

22-7.3 The town may notify a chronic violator of the town’s nuisance ordinance that, if the violator’s property is found to be in violation of the ordinance, the town shall, without further notice in the calendar year in which notice has been given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail.

Planner Sandi Watkins introduced the request.

Jackie Maucher made **MOTION**, seconded by Gordy Patrick, to recommend approval of the request.
The motion carried unanimously.

REQUESTS/COMMENTS:

John Creech thanked the Planning Staff for their hard work and for preparing the in-depth comparison of the plan approved in 2005 and the current request for 133 Wildwood Road

ADJOURNMENT: There being no further requests or comments, the meeting adjourned at 6:26 p.m.

Jeannie Vaughan
Secretary