

The Morehead City Board of Adjustment conducted a regular monthly meeting on Thursday, October 23, 2008, in the Municipal Building Auditorium, 202 South Eighth Street, which started at 5:30 p.m. The following were present:

MEMBERS: Chairman James Walker
Holly Briggs, Dick Gambill, Joe Green, Tripp Mudge, Dave Robertson, Beth Taylor, and Bill Ward

ABSENT: Laura Drewyor

OTHERS PRESENT: Planning Director Linda Staab, Secretary Jeannie Vaughan, City Attorney Nelson Taylor, Mike Shutak of the Carteret News-Times, Jennifer Stallings of the Gam, Glenn Lowe, Jim Davis, and John Hancock.

Chairman James Walker called the meeting to order and gave the invocation.

The roll was called and Bill Ward made **MOTION**, seconded by Joe Green, to excuse the called-in absence (Laura Drewyor). The motion carried unanimously.

MINUTES: *September 25, 2008*

Chairman James Walker called for changes or amendments to the minutes. Holly Briggs made **MOTION**, seconded by Dick Gambill, to adopt the minutes as submitted and dispense with the reading. The motion carried unanimously.

BUSINESS:

A. Request submitted by Diane B. Davis for a special-use permit under Article 11 of the Unified Development Ordinance (UDO) to allow a bulk petroleum plant/storage facility at 5120 Business Drive which is zoned IP (Port Industrial District).

Bill Ward made **MOTION**, seconded by Beth Taylor, to open the public hearing. The motion carried unanimously. Joe Green, Tripp Mudge, and Dave Robertson were excused from voting on this case as only five members were needed.

Those wishing to give testimony were sworn in (Linda Staab, Glenn Lowe, and Jim Davis).

Planning Director Linda Staab introduced the request. Slides were shown depicting the location of the property which is zoned IP (Port Industrial District) and is surrounded by IP. The Jones Brothers operation is to the north and there is vacant property to the east, west, and south. Ms. Staab addressed the special-use criteria: A written application was received. The request will not adversely affect general plans of the Town. Bulk petroleum plant and storage is allowed by the UDO with a special-use permit. The proposed site is of sufficient size to satisfy the space requirement of said use. Parking requirements have been met and all development standards appear to have been met. A State DOT Driveway Permit will have to be obtained. A State Stormwater Permit may be required and possibly a Sedimentation and Erosion Control Permit. All Building Codes including the Spill Prevention Control and Countermeasures Rules will have to be met.

The hearing has been advertised, and notices were mailed to property owners within one hundred (100) feet to notify them of the request.

The applicants, Glenn Lowe, Vice President of JM Industries, and Jim Davis, son of the owner of JM Industries, spoke in favor of the request and addressed the special-use criteria: 1) the proposed use will not adversely affect the health and safety of residents or workers in the town; bulk petroleum storage is a highly regulated business. There are many state and federal regulatory agencies that will have to permit and inspect every step of this project. If anything is

missed during construction, the project will be immediately halted by those agencies. 2) The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses; this is an industrial project in an industrial area. 3) The proposed use will not be adversely affected by the existing uses because the uses are similar; and 4) the proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, of the vehicular movement, or noise or fumes or of the type of physical activity. Only a few customers come to the site each day. The business has been at the NC Port for many years with no problems. The Port facility will be closed when this one opens, so there will only be one location.

Beth Taylor questioned how the product is delivered to the property and Mr. Lowe said that it is trucked to the site each day from Selma, North Carolina. The railroad is not used to transport the product.

No one spoke in opposition to the request; however, a neighboring property owner (Larry Styron) inquired about the project and was informed of the public hearing date.

Bill Ward made **MOTION**, seconded by Holly Briggs, to close the public hearing. The motion carried unanimously.

CONSIDERATION AND DETERMINATION OF CASE HEARD:

Bill Ward commented that the reason Morehead City has industrial zoning is specifically for these types of projects and he supports the request. All Members agreed.

Bill Ward made **MOTION**, seconded by Holly Briggs, to grant the special-use permit. The motion carried unanimously.

NEW BUSINESS:

No new business was discussed.

Bill Ward made **MOTION**, seconded by Holly Briggs, to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 5:56 p.m.

Jeannie Vaughan
Secretary