

The Morehead City Planning Board conducted a regularly scheduled meeting on Tuesday, October 21, 2008, in the Municipal Building Auditorium, 202 South Eighth Street, Morehead City, NC, at 5:30 p.m. The following people were present:

MEMBERS: John Creech, Vice-Chairman  
Curtis Fleshman, Corinne Geer, Jackie Maucher, and Sally Smith

ABSENT: Bill Taylor and Gordon Thayer

Others present: Planning Director Linda Staab, Zoning Enforcement Officer Joyce Veltman, Secretary Jeannie Vaughan, Deputy City Clerk Janet Hill, Mike Shutak of the Carteret County News-Times, Jennifer Stallings of the GAM, Ron Cullipher, John Maucher, and Commissioner John Nelson.

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

The roll was called and 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 Creech led the Pledge of Allegiance.

Vice-Chairman Creech introduced newly appointed Extraterritorial Member Jacquelyn Maucher, and Deputy City Clerk Janet Hill recited the Oath of Office with Ms. Maucher.

**MINUTES: August 19, 2008:** Corinne Geer made **MOTION**, seconded by Sally Smith, to adopt the minutes as written and dispense with the reading. The motion carried unanimously.

***NEW BUSINESS:***

***A. Request from East Coast Seafood, Inc. to rezone property located at 4251 Arendell Street from CM (Commercial Marina) to CH (Commercial Highway).***

**Rezoning Request from East Coast Seafood, Inc. to rezone Tax PIN 636616838407000 located at 4251 Arendell Street from CM [Commercial Marina] to CH [Highway Commercial]**

Larry Holler has submitted a rezoning request on behalf of East Coast Seafood, Inc. to rezone approximately 1.36 acres located at 4251 Arendell Street from CM [Commercial Marina] to CH [Highway Commercial]. The property is located within the corporate limits and adjacent property is zoned as follows: IP and CM to the north, R10 to the south, CH and R7 to the east, and CH and R10 to the west. Surrounding development includes a contractors' plant/storage yard to the north, residential to the south, Pizza Inn to the east, and Auto-Brite to the west.

The property is located in Neighborhood 6 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.

The applicant received a special situation permit from the Board of Adjustment to allow 8' landscaped strips along each front property line (Arendell Street, Raleigh Avenue, Savannah Avenue) and 4' landscaping strips bordering the proposed structure in

lieu of the required 10' landscape strips along the front property lines. A Screen Type "B" will continue to be required along the south property line. The number of required plantings has not been reduced as a result of issuance of the special situation permit.

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 November 4<sup>th</sup>. The property has been posted.

Planning Director Linda Staab introduced the request.

No one spoke in opposition of the request.

The Board Members indicated that they had all presumed that the property was already zoned Highway Commercial. Jackie Maucher questioned the presence of other Commercial Marina property in the area and Ms. Staab said that the only other property in the vicinity zoned CM is across the street. Curtis Fleshman said that the rezoning is an appropriate change and all Members agreed.

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

Corinne Geer made **MOTION**, seconded by Sally Smith, to adopt Planning Board Resolution 2008-0011. The motion carried unanimously.

***B. City-initiated request to rezone property located at 106 Savannah Avenue (Lot 45 Block 18 Morehead Bluffs) from CM (Commercial Marina) to R10 (Single-Family Residential).***

**City-initiated request to rezone Tax PIN 636616848310000 located at 106 Savannah Avenue (L45 B18 Morehead Bluffs) from CM [Commercial Marina] to R10 [Single-Family Residential]**

During the preparation of the Planning Board Staff Report for the East Coast Seafood rezoning request, it was noted that rezoning the site would leave a 25' strip of CM zoned property. Tax records indicated the property was owned by James and Lucy Bond. The parcel is being used in a residential manner along with at least two other parcels within the vicinity. Mr. James Bond has contacted Staff, indicating he supports rezoning his property.

The property is located within the corporate limits and adjacent property is zoned R10 to the south, R7 to the east, and a request is pending for the property to the north and west to rezone from CM to CH. Surrounding development consists of residential to the east and west, and a proposed professional office building to the north.

The property is located in Neighborhood 6 of the CAMA Land Use Plan and is identified 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 November 4<sup>th</sup>. The property has been posted.

Planning Director Linda Staab introduced the request.

No one spoke in opposition of the request.

Corinne Geer said that the rezoning is an appropriate change and all Members agreed.

Corinne Geer made **MOTION**, seconded by Curtis Fleshman, to recommend approval of the request and to adopt Planning Board Resolution 2008-0012. The motion carried unanimously.

***C. Request from Stroud Engineering, on behalf of RJP Newport, LLC, for Preliminary Plat Approval for Pinnacle Point, zoned R15M (Single-Family Residential/Mobile Home).***

**Request from Stroud Engineering, on behalf of RJP Newport, LLC, for Preliminary Plat Approval for Pinnacle Point.** Flood Zone: AE6. Zoning: R15M. Minimum Lot Size: 15,033.79

*Sketch Plan Review – Planning Board: February 20, 2007*

*Sketch Plan Review – Council: March 13, 2007*

The developer is requesting preliminary approval of this 9.4 acre, 15 lot subdivision located in Crab Point north of Oglesby Road and east of Mariners Pointe subdivision. As proposed, the lots would be accessed through Olde Farm Road which runs through Mariners Pointe.

State permits for Sedimentation and Erosion Control, Stormwater, CAMA, and Water/Sewer line extension have been received. The maximum built upon area permitted for each lot per the Stormwater permit is 4800 square feet.

The subdivision would generate less than half an acre of recreation area, so the ordinance requires a fee be paid. A recreation fee of \$41,000 must be paid prior to final plat approval.

Street lights must be installed at a rate of one per every 400' linear feet as well as at intersections and major alignment changes. Utilities must be located underground. A 10' utility easement is shown along the front of all lots. Twenty (20) foot drainage easements are shown between lots 1&2, 2&3, 7&8, 11&12, and 13&14. A 20' sewer easement is shown between lots 1&15.

Fifteen (15) foot water access easements are shown within the common area and between lots 6&7 and 10&11. Total shoreline linear frontage is 2,570.83 feet.

The upland/wetland areas are shown on the plat.

The restrictive covenants for the subdivision have been received. The submittal appears to comply with the preliminary plat submittal requirements.

Planning Director Linda Staab introduced the request.

Ron Cullipher spoke in favor of the request. He indicated that the restrictive covenants will be reviewed to ensure that they state that the water access areas are to be maintained by the surrounding property owners. Mr. Cullipher said that the streets are designed to be at a "level 4" per Morehead City's requirements and therefore rain water will drain from the streets into the ditches. There will be standing water in the ditches during storms but the ditches are designed to hold and disburse the water over time.

Curtis Fleshman stated his support for the project. Corinne Geer stated her concern for potential water problems because of the low elevation of the area and about public water access between lots. Jackie Maucher asked if owners will be able to build docks and Ms. Staab said yes, as long as CAMA permits are granted.

Curtis Fleshman made **MOTION**, seconded by Sally Smith, to approve the request. The motion carried unanimously.

***D. City-initiated request to amend Unified Development Ordinance Articles 4-29 and 4-32 to amend the following subdivision-related ordinances:***

- i. Article 4-29.3(C): Adjustment to length of time preliminary plat is valid;*
- ii. Articles 4-29.1(D), 4-29.2(C), 4-29.3(C), 12-1.7: Adjustment of submittal dates;*
- iii. Article 4-29.2(B): Revisions between sketch and preliminary approvals;*
- iv. Article 4-32: Submittal of electronic copies of plats with subdivision applications.*

**Request to amend Articles 4-29 and 4-32 of the Unified Development Ordinance to adjust various subdivision regulations.**

In recent months, the Council and Planning Committee have had discussions about the subdivision review process. As a result of those conversations, the following amendments are being submitted for review and consideration:

**1) ARTICLE 4-29.3(C) Adjustment to Length of Time Preliminary Plat is Valid**

Under Article 4-29(c), final plats are required to be submitted to the Planning Board for approval within 12 months of preliminary plat approval. For developers who are interested in guaranteeing the improvements, this has not been an issue. For developers who desire to construct the subdivision prior to receipt of final plat approval, it seems that 12 months is not quite long enough to finish construction and they have to request an extension.

Staff is recommending that this be changed to 24 months with the opportunity to have only one (1) 12 month extension. If the work is not completed, the approval will be considered null and void and the developer will need to resubmit

*4-29.3(C)* The subdivider shall submit the final plat, so marked, at least twenty-one (21) days prior to the Planning Board meeting at which it will be reviewed. Further, the final plat for the subdivision shall be submitted not more than **twenty-four (24) months** ~~twelve (12) months~~ after the date on which the preliminary plat was approved. **One twelve (12) month extension may be granted by the Planning Board for good cause such as substantial progress towards improvements. Preliminary plat approval shall be null and void upon expiration of the twenty-four (24) month period unless an extension has been granted. Otherwise, the preliminary approval shall be null and void, unless a written extension of this limit is granted by the Planning Board for good cause such as substantial progress towards improvements but not full completion on or before the twelve (12) month anniversary of the approval.**

**2) ARTICLES 4-29.1(D); 4-29.2(C); 4-29.3(C) Adjustment of Submittal Dates.**

In an effort to allow all departments and agencies an adequate amount of time to review proposed subdivisions, the submittal deadline is being proposed to be changed from 21 days prior to the meeting to 28 days prior to the meeting.

*4-29.1(D)* The sketch plan shall be submitted at least **twenty-eight (28)** ~~twenty-one (21)~~ calendar days prior to the Planning Board meeting at which it will be reviewed.

*4-29.2(C)* Eighteen (18) copies of the preliminary plat as well as any additional copies which the Planning Director determines are needed to be sent to other agencies shall be submitted at least **twenty-eight (28)** ~~twenty-one (21)~~ calendar days prior to the Planning Board meeting at which it will be reviewed.

*4-29.3(C)* The subdivider shall submit the final plat, so marked, at least **twenty-eight (28)** ~~twenty-one (21)~~ calendar days prior to the Planning Board meeting at which it will be reviewed.

*12-1.7* Site development (master plan) approval. Eighteen (18) copies of the site development master plan shall be submitted to the planning director not less than **twenty-eight (28)** ~~twenty-one (21)~~ calendar days before the regular Planning Board meeting at which the site development plan is to be considered.

**3) ARTICLE 4-29.2(B) Revisions Between Sketch and Preliminary Plat Approvals**

This amendment clarifies what type of revisions between a sketch and preliminary plat require a re-review of the sketch plan by Council. Any change in density, vehicular traffic routes, open space dedication or other substantial changes as determined by the Planning Director.

*4-29.2(B)* The preliminary plat shall consistent in concept with the previously submitted and approved sketch plan. The preliminary plat may constitute a portion of the sketch plan. **Minor changes and revisions to the previously approved plan may be permitted, provided said changes or revisions do not result in:**

- 1) **An increase in the density of the subdivision;**
- 2) **A change in the design of vehicular traffic routes;**
- 3) **A change in the open space dedication; or**
- 4) **Other substantial changes as determined by the Planning Director.**

**Any such changes shall only be made in accordance with the procedures set forth for sketch plan approval.**

**4) ARTICLE 4-32 Submittal of Electronic Copies of Plats with Subdivision Applications**

In order to provide reduced copies of plats it is necessary to either reduce the plat in-house or request a digital copy from the developer. The proposed amendment would require the submittal of a digital copy of a plat with applications for major sketch, preliminary, and final plat approval and for final plat for minor subdivisions.

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

The preliminary and final plat shall depict or contain the information contained in the following table.

	Minor		Major		
	P	F	S	P	F
Digital copy of plat (i.e. PDF, JPEG)		X	X	X	X

Vice-Chairman John Creech combined this Item, Subdivision Ordinances, with Item F, Records Retention, for voting purposes.

Planning Director Linda Staab introduced the request.

Jackie Maucher asked if there is a set timetable for construction and Ms. Staab said no. John Creech stated he supports the amendments and all agreed.

Jackie Maucher made **MOTION**, seconded by Curtis Fleshman, to recommend approval of Item D, Subdivision Ordinances and Item F, Records Retention. The motion carried unanimously.

***E. City-initiated request to amend Articles 2-2, 14-1, and 14-31 of the Unified Development Ordinance to establish additional zoning requirements for fences.***

**City-initiated Request to amend Articles 2-2, 14-1, and 14-31 of the Unified Development Ordinance to establish additional zoning requirements for fences.**

The following proposal was drafted as a result of questions and difficulties that came about since the requirement of a permit for fence installation in January of this year. The proposal would amend three separate areas of the UDO, specifically, fence definition (Article 2), general fence regulations (14-1) and specific swimming pool fence regulations (14-31).

The major issues are:

- 1) Defining specifically what “solid” fence is (less than 50% can be seen through).
- 2) Maintaining the 3’ height limit for solid fences in front yards but adding allowance for taller fences if not solid.
- 3) Specifying the difference between residential and commercial fences.

**DEFINITION**

2-2.98 *Fence.* A structure, other than a building, which is a barrier and used as a boundary or means of protection or confinement. This definition includes chain-link, split rail, **stockade, picket, shadow box**, and other types of ~~open~~ fences ~~unless otherwise specified, screens, and retaining walls including planted, vegetated screens.~~

**ARTICLE 14. EXCEPTIONS, MODIFICATIONS, AND SPECIAL REQUIREMENTS FOR CERTAIN USES**

**~~14-1 Walls and Fences~~ Fences and Retaining Walls**

~~The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any planted buffer strip, fence, or wall. However, no planted buffer strip, solid fence, or solid wall shall exceed a height of three (3) feet in any front or six (6) feet in the remaining yard.~~

**It is the intent of this section to regulate materials, location, height and maintenance of fences and retaining walls to prevent nuisances and protect the safety and general welfare of the public.**

**14-1.1 Permit required:**

**(A) No person may construct or cause to be constructed or erected any fence or retaining wall without first obtaining a fence permit.**

(B) No person may repair or replace or cause to be repaired or replaced, in whole or in part, a fence or retaining wall without first obtaining a fence permit.

(C) Temporary, construction and agricultural fences are exempt from obtaining a permit.

**14-1.2 Location:**

(A) Fences and retaining walls shall not be installed within easements.

(B) Property owners are responsible for installation of fences and retaining walls on their property. If the exact location of property lines is unknown, a survey may be required.

(C) Plantings may only be placed within drainage and utility easements with the approval of the City's Public Works Director and/or Public Utilities Director.

**14-1.3 Height:**

(A) For purposes of this section, solid fence is defined as having less than fifty percent (50%) opening as viewed from outside the fence.

(B) When a fence transitions from one height to another the height of the fence will be measured from the ground to the tallest portion of the fence, excluding support posts.

(C) Height will be measured from the average grade 3' on each side of the fence.

*(D) Residential Districts:*

1. Solid fences and retaining walls located within a front yard may not exceed 3' in height. No fence may exceed a height of 4' in a front yard.

2. No fences in remaining yards of residential districts may exceed a height of 6'.

*(E) Districts other than Residential:*

1. Solid fences and retaining walls located within a front yard may not exceed 3' in height. Properties zoned CD or DB are exempt from this requirement.

2. Fences in yards of districts other than residential may not exceed a height of 8'.

**14-1.4 Maintenance:**

(A) Any fence or retaining wall which is, or has become dangerous to public safety, health or welfare, is considered a public nuisance.

(B) Fences and retaining walls shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger or to constitute a nuisance, public or private.

**14-1.5 Additional:**

(A) In no event shall any fence, retaining wall, or other structure or planting be placed or maintained in a location or manner relative to a public or private street, alley, driveway or other means of ingress or egress such that the sight of on-coming vehicular or pedestrian traffic is impaired for users of such means of ingress and egress.

(B) Fences and privacy screens shall only be installed with finish sides facing away from the property (i.e., construction side in). All fence posts must be located on the side of the fence facing the fence owner's property.

(C) No fence erected within the city limits shall be electrically charged except fencing designed to be installed underground (invisible) to retain pets.

(D) Fences, and privacy screens shall be constructed of new or like new materials that are designed for the intended purpose.

14-31.2(G) Swimming pool – Swimming pools ~~permanently or semi-permanently constructed below ground level and exceeding forty (40) square feet in water area shall be protected by a five-foot fence and latching gates to keep children and animals from having unsupervised access;~~ shall be installed in accordance with applicable North Carolina State Building Codes.

Zoning Enforcement Officer Joyce Veltman introduced the request.

John Creech commented that the Planning Staff did a great job on the ordinance and all members agreed.

Corinne Geer commended the Planning Staff for all of their hard work and support of the Board Members.

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

***F. City-initiated request to delete Article 6-5 of the Unified Development Ordinance due to inconsistencies with the Municipal Records Retention and Disposal Schedule.***

**City-initiated Request to delete Article 6-5 of the Unified Development Ordinance due to inconsistencies with the Municipal Records Retention and Disposal Schedule.**

The Municipal Records Retention and Disposition Schedule governs cities as to how long records, recordings, files, etc. should be held. This section of the City's Unified Development Ordinance is in conflict. It has been recommended by the City Attorney that this section be removed.

**~~6-5 Record~~**

~~6-5.1 A tape recording shall be made of all hearings required by section 6-1, and such recordings shall be kept for at least two (2) years. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.~~

~~6-5.2 Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made part of the record of the proceedings and shall be kept by the town for at least two (2) years.~~

Earlier in the meeting Vice-Chairman John Creech combined this Item, Records Retention, with Item D, Subdivision Ordinances. The vote was as follows:

Jackie Maucher made **MOTION**, seconded by Curtis Fleshman, to recommend approval of Item D, Subdivision Ordinances and Item F, Records Retention. The motion carried unanimously.

***REQUESTS/COMMENTS:***

**A.** Corinne Geer commented on the ongoing Harborline Study.

**B.** John Creech asked about new construction projects in Morehead City and Linda Staab said that renovations/remodels are up, residential single-family dwellings are down, and commercial projects are steady. Sally Smith said that sales of resort properties on the island are also down.

**C.** Curtis Fleshman commented on celebrating his 1-year anniversary on the Planning Board and he thanked everyone for their support. He said he is enjoying his service to the Town.

**D.** John Creech again welcomed Jackie Maucher as a Member of the Planning Board.

***ADJOURNMENT:*** There being no further requests or comments, the meeting adjourned at 6:17 p.m.

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Jeannie Vaughan  
Secretary