

The Morehead City Planning Board conducted a regularly scheduled meeting on Tuesday, May 20, 2008, 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, Sally Smith, and Gordon Thayer

ABSENT: Chairman Bill Taylor and Willie Guthrie

Others present: Planning Director Linda Staab, Planner Sandi Watkins, Secretary Jeannie Vaughan, City Manager Randy Martin, Commissioner John Nelson, Commissioner Demus Thompson, Commissioner Paul Cordova, Commissioner George Ballou, Mike Shutak of the Carteret County News-Times, Jennifer Stallings of the GAM, Lynn Hudson of Tide Lines, LLC, Attorney Edith Mason, Ron Cullipher, Mark Mansfield, Eugene Gurganus, Attorney Neil Whitford, Allen and Loretta Beaulieu, Donna Harman, Sandra Wagoner, Joe Arnoult, Beverly Funke, George Haskins, Ed Easter, Harold Gilbert, Gena Gilbert, Frank and Nancy Lee Palumbo, Jay Brewer, Jerry Barnes, Jamie Barnes, Robert King, Violet King, Jean Chappell, CB Chappell, Pat McMahon, Wendy Stoke, Carolyn Ryals, Donald Haithcock, Dave Lessner, Vincent Moreno, Ruth Peters, Barbara Lancaster, Jean Krumm, Pam Stone, Jim Stone, Linda Schriever, Garry Schriever, Judith Duris, Maggie Duris, Karen Bottomley, Jackie Maucher, John Maucher, George and Rene Briggs, David Nelson, Pamela Horton, William Horton, Robert Michaelis, Earl Ullman, Doris Ullman, Mark Roche, Myra Roche, Virginia Slachta, Ed Slachta, Buzz and Lee Hayes, Robert Featenby, Patricia Nolin, Lee Carroll, Mr. and Mrs. D. Dahlke, Kathy Kirwan, Steve Kirwan, Mickey Friend, Keith Friend, Lynn Harris, John Harris, Andrea Smith, Paul Wysocki, Evelyn Mallonn, Marilyn Zmoda, Barney Zmoda, Helene S. Murphy, Richard Jones, Tom and Denny Harris, Cecil Murphy, Ray Danielson, Mary Stuart, Elizabeth Ellyson, Craig Ellyson, Mr. and Mrs. Henry R. Hamilton, Charlotte Sheard, Bart Sheard, Paul Wolin, and John Quill.

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

The roll was called and Chairman Bill Taylor was absent. Willie Guthrie, an Extraterritorial Member, resigned from the Planning Board, effective May 15, 2008; his position on the Board is now vacant. Corinne Geer made **MOTION**, seconded by Gordon Thayer, to excuse the absence. The motion carried unanimously.

Vice-Chairman Creech led the Pledge of Allegiance.

**MINUTES: April 15, 2008:** Curtis Fleshman 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 Tide Lines, LLC for Preliminary Plat Approval for Tide Lines Planned Development, 14 single-family dwelling units located at 210 Radio Island Road.**

**Request from Tide Lines, LLC for Preliminary Plat Approval for Tide Lines, 14 single-family dwelling units located at 210 Radio Island Road. Flood Zone AE 7. Zoned PD:**

*Site Development (Master) Plan and Sketch Development Plan: Planning Board: 1/15/2008*  
*Site Development (Master) Plan and Sketch Development Plan: Council: 2/12/2008*

Lynn Hudson, on behalf of Tide Lines, LLC has submitted a request for preliminary plat approval for this 2.88 acre planned development located on Radio Island. The property is located within Morehead City's corporate limits and adjacent zoning consists of CM and County B2 to the north, CM to the east, and IP to the south and west. Adjacent development includes marinas to the north and east and vacant property to the south and west.

*General:* The developer is proposing to construct 14 single-family dwelling units with 28 boat slips.

*Density:* Fourteen (14) lots on 2.88 acres results in an approximate density of 4.9 units per acre.

*Height:* The maximum permitted height in the PD district is 70'.

*Access to Water:* The applicant will pay a water access fee in the amount of \$14,000. The boat slips will be deeded to lot owners for the sole use of occupants of the lots. Slips will not be available for rent or for use by the general public.

*Setbacks:* The minimum setback in the PD district is 10'. As drawn, the plan meets this requirement. In addition, a 30' CAMA setback has also been identified.

*Open Space:* Since the total area of this subdivision is less than five (5) acres, a recreation fee is due in the amount of \$38,567.49.

*Parking:* Two spaces per single-family lot are required. Parking will be reviewed on an individual basis as Building Permit Applications are reviewed.

*Utilities:* The development will be served by Morehead City water and sewer utilities.

Modified CAMA, State Stormwater, and State Sedimentation and Erosion Control permits have been submitted. The NCDOT driveway permit and a drainage impact statement have also been submitted. Approval should be contingent upon submittal of the restrictive covenants.

Planner Sandi Watkins introduced the request.

Sally Smith excused herself because her real estate firm is marketing the project.

Lynn Hudson spoke representing the developer. A similar request that had more units, 20 townhouses, was approved by the Planning Board and Town Council earlier this year. This revised request has fewer units, 14 homes, and is single-family instead of multi-family. All of the amenities that were included in the approved plan are in the current revised plan. Corinne Geer questioned the boat storage and extra parking. Mr. Hudson stated that each lot will have either three or four parking spots, one being in each garage. No recreational/boat storage parking will be allowed on site and that will be listed in the covenants.

John Creech commented that the request meets all the required criteria.

Corinne Geer made **MOTION**, seconded by Gordon Thayer, to approve the Preliminary Plat request from Tide Lines, LLC contingent upon receipt of the restrictive covenants and the inclusion of a statement within the restrictive covenants that the boat slips not be available for public use. The motion carried unanimously.

***B. Continuation of a request from Stroud Engineering, agent for Gene McClung, to rezone property located at 139 McCabe Road from R20 (Single-Family Residential) and PD (Planned Development) Districts to PD (Planned Development) District and for Revised Sketch Development Plan Approval for Point Royal located in the northwest section of Brandywine Bay.***

*Planning Board Update (4/15/2008): Chairman Taylor made MOTION, seconded by Curtis Flesman, to table the discussion of the rezoning request and Revised Sketch Development Plan for Point Royal pending receipt of a Drainage Impact Study and solutions from the engineer based upon the facts determined by the Study. The motion carried unanimously.*

Stroud Engineering, on behalf Gene McClung, has submitted a request to rezone a 1.3 acre portion of this property located on McCabe Road from R20 to PD, as well as revised sketch development plan approval for the entire tract.

The bulk of the lot is already zoned PD. The property is currently located outside of the City's corporate limits and is vacant. Adjacent property is zoned R20 and CH to the north, CH to the east, and PD to the south. Adjacent development includes an automobile repair garage, motor vehicle sales, self-service storage facility, offices and single-family residential to the north, the Brandywine Bay subdivision to the south, single-family residential to the east, and Morehead City Ford and single-family residential to the west.

*General:* The developers wish to construct forty-eight [48] townhouse units on approximately five (5) acres, which is part of the Brandywine Bay Development.

The required information to accompany a sketch development plan is as follows: anticipated pattern of development property lines, proposed building sites, utility easements and appurtenances, proposed density and any other information required by the Planning Board. The requirements for sketch development plan appear to have been met.

*Density:* Based upon 5 acres, a maximum of 71 units could be located on the site. The developer is proposing forty-eight [48] units which results in a density of approximately 9.6 units per acre. The current density of the entire Brandywine Bay Subdivision is approximately 1.32 units per acre. The addition of 48 townhouse lots will result in a density total of 1.42 units per acre.\* The approximate location of the units is shown on the sketch plan.

*Height:* The maximum allowable height in the PD district is seventy feet [70']. The applicant has indicated the proposed structures will not exceed thirty-five feet [35'] in height.

*Setbacks:* The minimum setback in the PD district is 10'. As drawn, the sketch plan meets this requirement.

*Open Space:* Article 12 requires a minimum of twenty-eight percent [28%] of the site be preserved for natural [18%] and useable [10%] open space. The plan meets this requirement with forty thousand nine hundred twenty-three [40,923] square feet or 18.9% of natural open space and twenty-six thousand nine hundred seventy-five [26,975] square feet or 12.5% of useable open space. This is in addition to open space provided in the remaining portions of Brandywine Bay.

The engineer recalculated the open space requirements for Brandywine Bay to assure that the elimination of this area does not result in the open space requirements for the entire project being out of compliance. Based upon the calculations, the total Brandywine Bay planned development open space area, inclusive of this subdivision, will remain in compliance.

*Parking:* Parking is calculated based upon two spaces per multi-family unit plus one space per six units for overflow parking. Forty-eight [48] units would require one hundred four [104] parking spaces. The proposal exceeds this requirement with one hundred five [105] parking spaces.

*Utilities:* The lot is currently located outside of the corporate limits. The property will be serviced by Carolina Water for water and sewer utilities. An existing pond on the property is proposed to be filled and will not have a negative effect on the drainage of the area. A drainage easement will be reserved across the wetlands and ditch area to assure that this area will be accessible for maintenance.

A Type "A" Buffer is required along the west property line and a landscape strip along the north property line. A 10' landscape strip is shown on the plan.

The site is located within Neighborhood 9 of Morehead City's Land Use Plan and is classified as Medium Density Residential. The plan as proposed does not appear to conflict with any policy statements.

The property was posted and property owners within 300' of the site were mailed a copy of the public hearing notice that included the dates of the Planning Board meeting and Council's public hearing [June 10, 2008].

**\* Total density if both Point Royal and Canterbury Crossing are approved: 1.44 units per acre**

Planning Director Linda Staab introduced the request. Planner Staab reviewed three questions asked Planning Board Members following the last meeting.

1. Could Mr. McClung grant easements on or across the golf course for stormwater purposes? Attorney Taylor's Response: If Mr. McClung is the owner of the golf course, or is the President of the corporation that owns the golf course, or is a manager of an LLC that owns the golf course, and if there are no

restrictions in any recorded documents associated with the golf course that would prevent it, then, yes, Mr. McClung can grant easements on or across the golf course for stormwater purposes.

2. Does it matter that Point Royal will not fall under any Brandywine Bay Homeowners Association? Attorney Taylor's response was no.
3. If the project does not fall under Brandywine Bay's main association, is it legally even a part of Brandywine? Attorney Taylor's Response: As long as their infrastructure is separate and apart from that which is provided by the Brandywine HOA, the new development does not have to be a part of the association; however, they can choose to be a part of Brandywine.

Attorney Edith Mason spoke on behalf of the applicant, Gene McClung. The requested drainage impact study has been submitted and the facts remain the same. Additionally, Ms. Mason reported Mr. McClung is offering, at his expense, to have the City's Engineer review the stormwater plans and inspect the construction of the stormwater controls with the City Engineer having the final word. Mr. McClung has also agreed to install a system that will capture the first 7 inches of rainfall, treat it and discharge it over a 7 to 10 day period. This exceeds minimum state standards. Ms. Mason commented other development has occurred immediately adjacent to the Brandywine Bay development (i.e. Jones Brothers, Brandywine Crossing, All Saints Episcopal Church) and all have proceeded without opposition from the community. Ms. Mason discussed the perceived incompatibility of multi-family and single-family dwellings in the same area. She referred to the Brandywine Planned Development master plan map which includes a mixture of single-family and multi-family development within Brandywine. She also stated that all ordinance requirements have been met.

Ron Cullipher of Stroud Engineering spoke in favor of the request. Referencing his drainage impact study, he stated the impervious coverage for this project will be 48.5 percent. The proposed stormwater pond will collect the runoff from this project and release it at a rate no greater than the current rate of release for the site. The proposed pond will also be a larger reservoir and hold 10 fold more water than the current pond. There will be no additional impact to the Brandywine area according to Mr. Cullipher.

John Creech questioned whether the culvert rate of twenty-two cubic feet per second will be sufficient. Mr. Cullipher replied yes. In response to Gordon Thayer's question, Mr. Cullipher explained that the pond would be located in the easement over the golf course. Corinne Geer asked about the Brandywine drainage area to which Mr. Cullipher stated there was not just one. Ms. Geer also expressed concern about the additional traffic on McCabe Road which feeds Highways 24 and 70.

Attorney Neil Whitford, speaking on behalf of the Brandywine Owners Association, asked the Board to deny both the rezoning request and the Sketch Plan approval based upon 4 points: 1) multi-family units will not conform with the existing area's character; 2) there is no unified control of the entire area; 3) the golf course is subject to a restrictive covenant; and 4) the drainage study shows that there is a drainage problem in the Brandywine area.

Sally Smith asked if the golf course is being used for drainage of existing projects. Attorney Whitford responded the Planning Department provided information that four other projects are using the golf course for drainage but he has not been able to confirm this.

Beverly Funke of 306 Emerywood Drive spoke against the request. She commented the Board should make their recommendation based on ethics. The needs of the community should not be second to the builder's needs. Brandywine property owners should be able to protect their investments.

Karen Bottomley of 421 Hillcrest Drive and Jackie Maucher of 201 Lord Granville Drive spoke against the request. They reiterated Ms. Funke concerns about protecting her investment. Ms. Bottomley bought in Brandywine because of the existing covenants. Ms. Maucher was concerned about filling the existing pond.

Bill Horton of 404 Hillcrest Drive, President of the Brandywine Owner's Association, spoke against the request. He read a letter from a property owner in Brandywine, George Kunkle, documenting the drainage problems in the Brandywine area from January 2006. Mr. Horton added the Brandywine Owner's Association has spent over \$100,000 trying to maintain and correct drainage problems in Brandywine Bay.

Following public comment, Chairman Creech asked if the Board had any further questions. Curtis Fleshman wanted to know when the state stormwater permit is required. According to the ordinance, it is required at Site Development Master Plan. Gordon Thayer asked Ms. Mason to confirm the developer's offer to have the City's Engineer review the stormwater plan, inspect the construction and exceed the minimum state

standards. Ms. Mason confirmed the developer's offer. Ms. Geer commented she sees no compelling reason to rezone the property to PD. Sally Smith asked for clarification of surrounding zoning and Ms. Staab reviewed the surrounding area zoning.

Corinne Geer made **MOTION**, seconded by John Creech, to recommend denial of the rezoning request. The motion failed 2 (Geer, Creech) to 3 (Fleshman, Thayer, Smith). Curtis Fleshman made **MOTION**, seconded by Gordon Thayer, to recommend approval of the rezoning request. The motion passed 3 (Fleshman, Thayer, Smith) to 2 (Geer, Creech).

Curtis Fleshman made **MOTION**, seconded by Sally Smith, to recommend approval of the Revised Sketch Development Plan with the following conditions: 1) the developer construct a stormwater system to capture the first 7 inches of stormwater, treat it and discharge it over a 7 to 10 day period; 2) the City's engineer review the stormwater plans at the developer's expense, and 3) the City's engineer review the stormwater controls, ponds, etc. after construction at the developer's expense. The motion passed 3 (Fleshman, Thayer, Smith) to 2 (Geer, Creech).

***C. Continuation of a request from Stroud Engineering, agent for Gene McClung, for Revised Sketch Development Plan Approval for Canterbury Crossing, a one (1) acre tract located on the west side of Brandywine Bay zoned PD (Planned Development).***

*Planning Board Update (4/15/2008): Gordon Thayer made MOTION, seconded by Curtis Fleshman, to table the request for the Revised Sketch Development Plan for Canterbury Crossing until the Point Royal item is again presented to the Board so that the items can be discussed jointly. The motion carried unanimously.*

*General:* Stroud Engineering, on behalf Gene McClung, has submitted a request for Revised Sketch Development Plan Approval for thirteen (13) townhouse units on approximately one acre located on McCabe Road. The property is currently located in the City's extraterritorial jurisdiction and is vacant.

The required information to accompany a sketch development plan is as follows: anticipated pattern of development, property lines, proposed building sites, utility easements and appurtenances, and proposed density. The requirements for sketch development plan appear to have been met.

*Density:* Based upon height and area, the maximum density for this project is 14 units. The developer is proposing thirteen [13] units resulting in a density of 13 units per acre. The current density of the entire Brandywine Bay Subdivision is approximately 1.32 units per acre. The addition of 13 townhouse lots will result in a density total of 1.34 units per acre.\* The approximate location of the units is shown on the sketch plan.

*Height:* The maximum allowable height in the PD district is seventy feet [70']. The applicant has indicated the proposed structures will not exceed thirty-five feet [35'] in height.

*Setbacks:* The minimum setback in the PD district is 10'. All construction would be limited to the area shown within the minimum building lines (MBL) as shown on the plat.

*Open Space:* Article 12 requires a minimum of twenty-eight percent [28%] of the site be preserved for natural [18%] and useable [10%] open space. The plan meets this requirement with ten thousand four hundred sixty-two [10,462] square feet or 23.2% of natural open space and four thousand seven hundred seven [4,707] square feet or 10.5% of useable open space. This is in addition to open space provided in the remaining portions of Brandywine Bay.

The engineer recalculated the open space requirements for Brandywine Bay to assure that the elimination of this area does not result in the open space requirements for the entire project being out of compliance. Based upon the calculations, the total Brandywine Bay planned development open space area, inclusive of this subdivision, will remain in compliance.

*Parking:* Parking is calculated based upon two spaces per multi-family unit plus one space per six units for overflow parking. The application meets this requirement with twenty-nine (29) parking spaces.

*Utilities:* The developer has indicated that the project will be served by Carolina Water for water and sewer utilities.

The site is located within Neighborhood 9 of Morehead City's Land Use Plan and is classified as Medium Density Residential. The plan as proposed does not appear to conflict with any policy statements.

The property was posted and property owners within 300' of the site were mailed a copy of the public hearing notice that included the dates of the Planning Board meeting and Council's public hearing [June 10, 2008].

**\* Total density if both Point Royal and Canterbury Crossing are approved: 1.44 units per acre**

Planning Director Linda Staab introduced the request.

Attorney Edith Mason spoke on behalf of the applicant. She stated that the project meets all town ordinances. The existing pond will be reconfigured to handle drainage and no traffic will go through the Brandywine Bay development. The project's impervious coverage is 55.4 percent for this project.

Ron Cullipher of Stroud Engineering spoke in favor of the project. He said that the plans are similar to the Point Royal project, just on a smaller scale. Mr. Cullipher stated that the applicant would agree to the same conditions as were added to the Point Royal approval.

Curtis Fleshman asked if the existing pond will drain into the new pond that is being proposed. Mr. Cullipher said the ponds will be connected. Corinne Geer questioned the outlet for the small pond on McCabe Road. Mr. Cullipher said the drain under McCabe Road already drains north towards Hull Swamp. Gordon Thayer asked what happens if the City's Engineer disagrees with Stroud's proposed stormwater plan. Mr. Cullipher said Stroud would make any changes suggested by the City's Engineer.

Attorney Neil Whitford, speaking on behalf of the Brandywine Owners Association, asked that the Board deny the request. He asked Mr. Cullipher if the proposed stormwater pond was on the golf course. Mr. Cullipher responded yes. Attorney Whitford stated the proposal is not in conformity with surrounding property and the proposed development will have adverse affects on Brandywine property.

John Maucher of 201 Lord Granville Drive spoke against the project. The existing golf course ponds are approximately 2 feet deep, not a safety hazard to children. The proposed ponds are deeper and much more dangerous.

Pam Horton of 404 Hillcrest Drive spoke against the project. Brandywine Bay is a private, gated development. Adding two more developed areas will open access to Brandywine Bay and the golf course.

Corinne Geer asked if all Brandywine homeowners are member of the golf course. No was the answer. Ms. Geer also voiced concern about the increased traffic using McCabe Road.

Sally Smith made **MOTION**, seconded by Gordon Thayer, to recommend approval of the Revised Sketch Development Plan with the following conditions: 1) the developer construct a stormwater system to capture the first 7 inches of stormwater, treat it and discharge it over a 7 to 10 day period; 2) the City's engineer review the stormwater plans at the developer's expense, and 3) the City's engineer review the stormwater controls, ponds, etc. after construction at the developer's expense. The motion passed 3 (Fleshman, Thayer, Smith) to 2 (Geer, Creech).

***D. Request to amend Articles 2, 11, 14, and 20 of the Unified Development Ordinance to establish new requirements for vending machines.***

The Vending Committee was formed to update existing and establish new vending machine related ordinances. The Committee consisted of Mayor Jerry Jones, Commissioners John Nelson and Demus Thompson, City Manager Randy Martin, Planning Board Members Bill Taylor, Gordon Thayer, and Curtis Fleshman, and Planning Director Linda Staab. Following are the Committee's recommendations:

**Article 2 - Definitions**

2-2.162.1 *Manufactured Ice Vending Machines, Freestanding.* An automated, freestanding building or modular unit which produces, stores, dispenses and/or bags ice to a consumer for a fee.

2-2.192.1 *Outdoor Vending Self-Service Kiosk.* Small, stand alone structure used to house, cover and screen outdoor vending self-service machines that dispense products or services provided to consumers for payment or at no charge.

2-2.192.2 *Outdoor Vending Self-Service Machine.* Any self-contained or connected appliance, machine, and/or container which dispenses or provides storage of a product or service. Newspaper racks, telephone booths, automated teller machines, coin-operated rides, drink/food machines, FedEx/UPS drop-off boxes, and recycling machines are examples of vending machines as defined by this Ordinance. This definition shall not be construed as including publicly owned parking meters or change makers.

**Article 11 – Permitted and Special Uses**

Permitted in:

CH CN CS CD DB OP IU IP

**Article 14 – Exceptions, Modifications, and Special Requirements**

14-40 Outdoor Vending Self-Service Machines

14-40.1 *General Requirements.* All outdoor vending self-service machines as defined in this Ordinance shall be governed by the following requirements:

- (A) Shall not be placed in a location so as to impede access, block parking areas or create an unsafe condition;
- (B) Shall include a four (4) foot walkway installed and maintained to provide adequate walking area;
- (C) Shall not be placed in the public right-of-way;
- (D) Shall be connected to public utilities if water and/or sewer is required;
- (E) Shall not result in the use of exposed conduits, piping, or overhead utility connections;
- (F) Shall not be situated adjacent to any wall that is a lower height than that of the machine;
- (G) Shall not exceed a height of seventy-nine (79) inches unless located in an outdoor vending self-service kiosk; and,
- (H) Shall not exceed a width of ninety-six (96) inches unless located in an outdoor vending self-service kiosk.

14-40.1 Accessory Outdoor Vending Self-Service Machine

Accessory outdoor vending self-service machines shall not be located any distance greater than twelve inches (12”) from the outside wall of the principal structure unless the architecture or building form provides a covered, contained area for the location of accessory outdoor vending self service machines, not including covered sidewalks.

14-40.2 Outdoor Vending Self-Service Kiosks

Outdoor vending self-service machines that are not accessory shall be installed/grouped in an outdoor vending self-service kiosk which shall be permitted subject to the requirements of this Ordinance and the following conditions:

- (A) Shall establish a planted buffer area with a minimum width of 24” around three sides of the kiosk with evergreen shrubs planted on not less than eighteen inch (18”) centers; and
- (B) Kiosk safety barriers shall be covered with wood or brick façade.

Parking shall be required at a rate of 1 space per 50 square feet of kiosk area.

14-40.3 Freestanding Manufactured Ice Vending Machines

Freestanding Manufactured Ice Vending Machines shall be permitted subject to the requirements of this Ordinance and the following conditions:

- (A) Shall meet minimum setback requirements;
- (B) Shall not be permitted in any required parking areas, loading areas, or buffers;
- (C) A roof structure constructed of either metal or wood (not fabric) shall be required to screen the mechanical equipment and other rooftop appurtenances;
- (D) A planted buffer area with a minimum width of twenty-four inches (24”) shall be established around three (3) sides of the base of the unit with evergreen shrubs planted on not less than eighteen inch (18”) centers;
- (E) Shall meet signage requirements of Article 19; and
- (F) Safety barriers shall be covered with wood or brick façade.

Parking shall be required at a rate of 2 spaces plus 1 handicapped space and shall be marked with either stripes or parking stops.

Planner Sandi Watkins introduced the request.

Corinne Geer, Gordon Thayer, Sally Smith, and John Creech each commented on a job well done.

Gordon Thayer made **MOTION**, seconded by Corinne Geer, to recommend approval of the proposed amendments. The motion carried unanimously.

***E. Request to amend Article 16-13 of the Unified Development Ordinance to require the installation of sidewalks within subdivisions and along subdivision access roads.***

In response to a Planning Committee request, Staff conducted a survey of sidewalk requirements in other municipalities. The results of the survey found that most jurisdictions require sidewalks on at least one side of subdivision streets, if not both. As a result, the following language has been proposed for ordinance amendment:

PART III. SIDEWALKS

16-13 Sidewalks, Pedestrian Crosswalks, Wheelchair Ramps

16-13.1 *Sidewalk defined.* Sidewalks shall be defined to include bikeways, greenways, ramps, multipurpose trails and related routes.

16-13.2 *Streets in Proposed Subdivisions.* **Streets in proposed subdivisions shall be required to include sidewalks, pedestrian crosswalks and wheelchair ramps on one side of all proposed streets, including the street upon which the subdivision gains access, except as follows:**

**If any street in a proposed subdivision is an extension of a major or minor subdivision or the street upon which the subdivision gains access is a minor or major thoroughfare, sidewalks shall be required in accordance with Article 16-13.3.**

~~Streets in proposed subdivision within one quarter ( 1/4) mile (by road) of an existing or recognized approved planned school, town recreation area, county recreation area, or shopping center, the subdivision shall be required to include sidewalks, pedestrian crosswalks, and wheelchair ramps if densities exceed three (3) dwelling units per gross acre.~~

~~A pedestrian crosswalk, at least fifteen (15) feet in width, shall be required to provide safe and convenient access from subdivisions.~~

16-13.3 *Subdivisions abutting major/minor thoroughfares and other streets as identified by the city.* Subdivisions that have frontage on a major thoroughfare, minor thoroughfare as identified in the City's most current Thoroughfare Plan or other street as identified by the City shall be required to submit a sidewalk fee in accordance with ~~this section~~ **Article 16-13.4 or install the sidewalk in accordance with Article 16-13.5** prior to recordation, **at the discretion of the Council.**

16-13.4 *Sidewalk fees.*

(A) Sidewalk fees shall be collected when:

(1) ~~The parcel fronts on major and minor thoroughfares as identified in the City's most current Thoroughfare Plan or other streets as identified by the City; and~~

(2) New construction or improvements exceeding fifty (50) percent of the ad valorem tax value of existing development occurs. ~~or a new nonresidential structure or multifamily structure is constructed.~~

(B) Properties adjacent to existing sidewalks are exempt from sidewalk fees if sidewalks meet City standards and specifications (excluding normal wear and tear) and were constructed prior to October 1998.

(C) Single-family residential lots **with existing sidewalks** are exempt from sidewalk fees.

(D) The full payment of the sidewalk fees shall be made to the town [City] prior to the issuance of a building permit. Failure of the payment being paid at that time or being paid in less than the full fees will not relieve the necessity of payment in full. Failure of the City to properly assess the correct fee does not relieve the applicant from being assessed the correct fee in the future.

(E) Fees shall be based upon a lineal foot rate for sidewalks as determined by the Town's Engineer. Unusual or extreme expenses for sidewalk construction shall not be included in determining the fee.

(F) Lots fronting on major thoroughfares will be assessed based upon the total front footage of the lot. Lots fronting on minor thoroughfares or other streets as identified by the City will be assessed based upon one-half ( 1/2) of the total front footage of the lot.

(G) The cost for sidewalk construction shall be determined by the front footage for the lot multiplied by the lineal foot rate.

(H) Fees shall be set aside in a sidewalk fund and shall only be used by the City to construct sidewalks along thoroughfares and other streets as identified by the City as it determines to be in the public's best interest.

(I) The City Manager may waive the fee and require sidewalks be installed when determined to be in the City's best interest.

16-13.5 *Sidewalk construction.*

(A) Sidewalks shall be required on both sides of the street along major thoroughfares unless otherwise prohibited. Sidewalks shall be required along one side of the street along minor thoroughfares and other identified streets.

(B) Sidewalks shall be constructed in accordance with town standards with a minimum width of five (5) feet and in accordance with Appendix III.

(C) All sidewalks shall be placed in the street right-of-way unless the development is platted as a planned unit or group development. In the event the sidewalk cannot be located within the right-of-way, the sidewalk shall be located parallel and immediately adjacent to the right-of-way. When necessary, the property owner shall grant the town a sidewalk easement. In locations where sidewalks have been installed on private property, easements must be granted prior to issuance of a Certificate of Occupancy.

(D) Any sidewalk extended or installed under the provisions of this section shall be required to submit engineered plans and specifications for review.

(E) Construction shall be in accordance with approved engineered plans, specifications and other requirements of the City. When required encroachment agreements shall be secured before construction begins.

16-13.6 [*Wheelchair ramps.*] In accordance with Chapter 136, Article 2A of the North Carolina General Statutes (NC G.S. 136-44-14), all street curbs being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason, shall be provided with wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

(Ord. No. 2002-21, § 1, 7-9-02; Ord. No. 2006-06, 1-10-06)

Planning Director Linda Staab introduced the request.

Corinne Geer questioned Item “I” and Planner Staab stated that the item is in the existing ordinance; it was not added for this amendment request. Gordon Thayer said that the proposed amendment would be a major improvement.

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

***F. Request to amend Article 11-1 of the Unified Development Ordinance to allow “recreation use, non-profit” as a permitted use in the IP district.***

In preparation for the development of the boat ramps and parking lot north of the fishing pier on the north side of Radio Island, staff suggests adding the use “recreation use, non-profit” as a permitted use in IP (Port Industrial District). Not only will this allow for installation of the proposed new public facility but will make the existing pier a conforming use.

Planner Sandi Watkins introduced the request.

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

***REQUESTS/COMMENTS:***

*A.* Corinne Geer thanked Willie Guthrie for his service on the Board.

*B.* John Creech and Gordon Thayer thanked City Manager Randy Martin and City Council Members for their support of the Planning Board. John Creech also thanked City Attorney Derek Taylor for his attendance.

*C.* City Manager Randy Martin thanked the Board Members for their volunteerism.

***ADJOURNMENT:*** There being no further requests or comments, the meeting adjourned at 8:05 p.m.

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Jeannie Vaughan  
Secretary