

The Morehead City Planning Board conducted a regularly scheduled meeting on Tuesday, June 17, 2008, in the Municipal Building Auditorium, 202 South Eighth Street, Morehead City, NC, at 5:30 p.m. The following people were present:

MEMBERS: Chairman Bill Taylor  
John Creech, Curtis Fleshman, Corinne Geer, Sally Smith, 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, Jennifer Stallings of The Gam, Commissioner John Nelson, Commissioner Demus Thompson, Commissioner Paul Cordova, Tripp Eure, Raymond Layton, Barry Ballou, Bill Condie, Sam Kale, Ken Wood, Caroline Miller, Diane Willis, Doug Willis, Tom O'Brien, Ronetta Gaskill, Gayle Smy, James Corey, Gayle Mitchener, and Ronnie Smith.

Chairman Taylor called the meeting to order and delivered the invocation.

The roll was called and all Members were present.

Chairman Taylor led the Pledge of Allegiance.

**MINUTES: May 20, 2008:** John Creech made **MOTION**, seconded by Corinne Geer, to adopt the minutes as written and dispense with the reading. The motion carried unanimously.

***NEW BUSINESS:***

***A. Request from Mason & Mason, P.A., on behalf of Janette G. Ajlouny, Trustee, to rezone property located at 3922 South Street, 3925 Arendell Street, and 3929 Arendell Street from R7, IU, and CH to CH.***

**Rezoning Request from Mason & Mason, P.A., on behalf of Janette Ajlouny, to rezone Tax PIN #637617223029 located at 3922 South Street from R7 (Single-Family Residential), IU (Industrial Unoffensive), and CH (Highway Commercial) to CH (Highway Commercial). Flood Zone - X**

Ms. Mason has submitted a request to rezone 3922 South Street from R7 (Single-Family Residential), IU (Unoffensive Industrial) and CH (Highway Commercial) to CH (Highway Commercial). The property is located within the corporate limits and adjacent property is zoned CH to the north, R7 to the west and south, and OP to the south and east. Surrounding land use consists of commercial to the north, residential and institutional to the south, residential and commercial to the west, and institutional to the east.

The property is located in Neighborhood 6 of the CAMA Land Use Plan and is classified as General Commercial and Medium Density Residential. The proposed rezoning does not appear to conflict with the policy statements in 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 July 8, 2008. The property has been posted.

**Traditional Rezoning Request:**

Traditional rezoning requests require consideration of all the uses permitted in the R7, IU, and CH districts because potentially any of those uses may be located on the site. Looking at all the permitted and special uses in both districts and the development standards, which is the more appropriate zoning classification for the property, R7/IU/CH or CH?

No site plan is required and decisions cannot be based upon a specific use of the property, even though the property owner may speak to a specific use.

The request was withdrawn by the applicant prior to the meeting.

***B. Request from Sound Water Landing, LLC to rezone property located at 4021 Arendell Street from PD to CH-CU.***

**Rezoning Request from Darden J. Eure, on behalf of Sound Water Landing, LLC, to rezone Tax PIN # 637617122221000, located at 4021 Arendell Street from PD (Planned Development) District to CH-CU (Highway Commercial Conditional-Use) District. Flood Zone – X/VE 9**

Mr. Eure has submitted a request to rezone a parcel located directly to the east of the Hampton Inn on Arendell Street from PD to CH-CU. The size of the parcel is approximately 4.54 acres. The property is located within Morehead City’s Corporate Limits and is vacant. Adjacent property is zoned as follows: CH to the north, R7 to the east, and CH-CU and CS to the west. Surrounding land use consists of commercial to the north, Bogue Sound to the south, residential to the east, and Bistro by the Sea and Hampton Inn to the west.

*General:* The developer is proposing to locate a retail or restaurant location on Lot 1, and a hotel with a pier and boat slips on Lot 2. All of the proposed uses are permitted in the CH district. The hotel as proposed would consist of 129 guest rooms. Regarding the boat slips, the developer has agreed to a condition that boat slips will be for the sole use of occupants of the hotel and will not be leased or sold. In January 2005, an execution agreement was signed that would provide for a 15’ connection between the Hampton Inn/Bistro by the Sea and Sound Water properties. The developer is now also requesting two curb cuts off of Arendell Street, which will require approval by DOT.

*Land Use Plan:* The site is located within Neighborhood 6 of the CAMA Land Use Plan and is classified as General Commercial and Medium Density Residential. The plan as proposed does not appear to conflict with any policy statements.

*Minimum Lot Size:* There is no minimum lot size requirement in the CH zoning classification. The parcel under review contains 4.54 acres.

*Maximum Height:* The applicant has indicated the hotel will be five stories and the retail/restaurant location will be one story in height. The maximum allowable height in the CH district is 70 feet.

*Parking:* Parking requirements for the project appear to have been met.

<u>Hotel:</u>	Required: 135 spaces	Provided: 136 spaces
<b>AND</b>		
<u>Restaurant:</u>	Required: 29 spaces	Provided: 30 spaces
<b>OR</b>		
<u>Retail:</u>	Required: 13 spaces + off-street loading area	Provided: 21 spaces + off-street loading area

*Setbacks:* There is a 25’ setback along the north property line and a 10’ setback along the east property line. Per the submitted site plan, the setback requirements have been met.

*CAMA:* The developer has indicated no construction associated with the hotel is to take place within the 75’ CAMA AEC (Area of Environmental Concern). The Division of Water Quality (DWQ) issued a permit which allows the developer to: 1) pipe 190 feet of drainageway, 2) fill 880 square feet of wetlands, and 3) construct a 10-slip dock and pier.

Any approval should be contingent upon receipt of the following permits/approvals:

- 1) State Stormwater,
- 2) Sedimentation and Erosion Control, and
- 3) NCDOT.

The property has been posted and property owners within 300 feet of the proposed rezoning have been notified of the Planning Board meeting, as well as the Council's public hearing on July 8, 2008.

Conditional Use Rezoning:

When property is under consideration for conditional use rezoning site specific conditions may be considered as part of the rezoning request. The focus of the Planning Board and Council is the proposed site plan and conditions. In this case it is necessary to determine if it is appropriate for a hotel, pier/boat slips, and restaurant or retail location. If you choose to allow it you may attach any additional reasonable conditions that are determined to be appropriate.

Planning Director Linda Staab introduced the request.

Gordon Thayer commented that he wanted to see more natural vegetation preserved beyond the trees on the shoreline. In response to a request for clarification from Chairman Taylor, Ms. Staab stated that the maximum allowable height for the building, including elevator shafts, etc., is 70 feet. Corinne Geer wanted to know where the runoff from Highway 70 would be directed. Ms. Staab said that it will follow the current drainage way along the east side of the property. The difference being that a portion of the ditch will be piped.

Raymond Layton of Peterson, Eure and Associates, P.A. in New Bern spoke on behalf of Sound Water LLC. Sound Water, LLC is requesting a conditional-use rezoning to allow for two buildings - a hotel and a second building that will be leased for either retail or restaurant use. The hotel is proposed to have 129 rooms. There is a possibility that the number of rooms will be increased. If that is the case, the second building will not be constructed. An increase in the number of rooms will not result in more parking spaces being located on site or in additional stories being added to the building. Mr. Layton distributed a copy of a letter from Darden Eure, Manager of Sound Water Landing. Chairman Taylor asked if the natural buffering between the residential area to the east and the proposed hotel would remain. Mr. Layton said the trees will most likely have to be removed and a new buffer line will be planted in accordance with Morehead City's Ordinance. Mr. Layton stated that they will save as many trees as possible but that during construction roots are often damaged resulting in the loss of the natural vegetation.

All Board Members voiced concerns about the loss of current hard wood trees and natural vegetation.

Tom O'Brien of 4001 Oak Street was opposed to the project because of the loss of the oak trees and the loss of residential property along the waterfront.

Bill Condie of 4005 Oak Street spoke against the project and echoed Mr. O'Brien's comments. He added that he doesn't want Morehead City to become a third-class town.

Caroline Miller of 4009-A Oak Street spoke in opposition. Her concerns were transient people in the area, drainage impacts of the asphalt parking lot and potential noise of an outdoor pool. She also expressed concern about what might be built on the out-parcel. Mr. Layton responded that an outdoor pool was not part of the plan.

Ms. Staab stated that the applicant specified a hotel with a restaurant or retail building on the out-parcel. Bars and personal services, including tattoo parlors, would not be allowed.

Gayle Smy of 161 Banks Street spoke against the project because of the noise impact to the neighborhood. She desired to have the property remain residential, however, if it was rezoned, maybe the number of rooms could be reduced to allow for the preservation of more trees.

Dallas Goodwin of 4000 Oak Street recently signed a contract to build a single-family dwelling at 4000 Oak Street and would not have done so had he known this property would be changed to commercial zoning.

Ray Gray of 4006 Oak Street was also opposed because of potential noise and the loss of natural vegetation.

Following receipt of all comments, Gordon Thayer made **MOTION**, seconded by Corinne Geer, to recommend denial of the rezoning request. The motion failed 2 (Thayer, Geer) to 4 (Smith, Fleshman, Taylor, Creech).

Chairman Taylor felt that it is unfair to deny a landowner the right to develop their property. He said that commercial zoning is compatible with neighboring zoning although he was very concerned about the loss of

oak trees. Sally Smith agreed with Chairman Taylor and added that a plan should be developed to save as many trees as possible. She also said a buffer is very important on the residential side of the property. John Creech felt hotel rooms are needed in Morehead City. He added that it would be a more attractive development if some of the trees were to remain. Gordon Thayer said that he agrees Morehead City needs hotel space but not on this property. Corinne Geer commented that a planned development with multi-family dwellings would be preferred in the area and would be less offensive than commercial highway with a special-use.

Tripp Eure agreed to work with the Planning Staff to try and preserve as many oak trees as feasible. In response to a question from Sally Smith, Ms. Staab said that any conditions placed on a conditional-use rezoning confer with the land. Chairman Taylor questioned the existence of a Morehead City noise ordinance and Ms. Staab said that there is one and it is enforced through the police department.

Sally Smith made **MOTION**, seconded by Curtis Fleshman, to recommend approval of the rezoning request with the following eleven (11) conditions:

- 1) The general plan for development shall be in accordance with the Peterson, Eure and Associates site plan for Sound Water Landing, LLC Hilton Garden Inn dated June 4, 2008.
- 2) The maximum height of the hotel building will not exceed five stories and the maximum height of the retail/restaurant building shall not exceed one story.
- 3) No building shall have a flat roof, except that the area above the meeting/conference rooms may be flat.
- 4) No construction, including the hotel building and parking, shall occur within CAMA's 75' Area of Environmental Concern (AEC).
- 5) All trees shown on the approved site plan dated June 4, 2008, shall remain and the developer shall submit a master tree plan to be reviewed and approved by Staff in an effort to preserve as many trees as possible.
- 6) The number of hotel guest rooms may be increased provided that the total number of parking spaces on lot 1 (0.43 acres) and lot 2 (3.93 acres) does not exceed 166 parking spaces.
- 7) If the number of hotel guest rooms is increased, the square footage of the retail/restaurant building shall be reduced to assure the site complies with Article 20 of the Unified Development Ordinance.
- 8) If the number of hotel guest rooms is increased, the parking lot configuration may change provided:
  - a) the total number of parking spaces allowed on Lots 1 (0.43 acres) and 2 (3.93 acres) shall not exceed 166;
  - b) the adjacent property connection to the west is maintained;
  - c) the open space shown along the eastern property line is maintained; and,
  - d) the connection between lots 1 and 2 is maintained.
- 9) Receipt of the Sedimentation and Erosion Control Permit;
- 10) Receipt of the State Stormwater Permit; and,
- 11) Receipt of the NCDOT Permit.

and to adopt Planning Board Resolution 2008-0009. The motion passed 4 (Smith, Fleshman, Taylor, Creech) to 2 (Thayer, Geer).

***C. City-Initiated Request to rezone portions of 4008 and 4009 Oak Street from PD to R7.***

**City-Initiated Request to rezone portions of 4008 Oak Street (637617124217) and 4009 Oak Street (Tax PIN #637617124110) from PD (Planned Development) to R7 (Single-Family Residential).**

A boundary line agreement was completed following the rezoning of 4021 Arendell Street to PD. As a result, the zoning district lines at 4008 and 4009 Oak Street do not follow the property lines. This city-initiated rezoning will bring the property and zoning lines into

conformity. Both property owners have been contacted and have agreed to submit a statement that they have no objection to the proposed rezoning.

The property is located within the corporate limits and adjacent property is zoned R7 to the north, south, and east, and a rezoning request is pending for the property to the west from PD to CH-CU. Surrounding land use consists of residential uses and vacant property.

The properties are located within Neighborhood 6 of the CAMA Land Use Plan and are classified Medium Density Residential. The proposed rezoning does not appear to conflict with the policy statements in 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 July 8, 2008. The property has been posted.

Planning Director Linda Staab introduced the request.

Corinne Geer made **MOTION**, seconded by John Creech, to recommend approval of the rezoning request and to adopt Planning Board Resolution 2008-0010. The motion carried unanimously.

***D. Request for Comprehensive (Multi-family) Plan Review for Crystal Cove Apartments, 16 units located on Galantis Drive.***

**Request for Comprehensive (Multi-family) Plan Review: Crystal Cove Apartments\*, 16 units located on Galantis Drive**

In accordance with Section 13-2.1, any multi-family development constructed on a lot over 18,000 square feet must be reviewed by the Planning Board. McDavid Associates, Inc. has submitted this 16 unit multi-family plan for Board review. The property is zoned RMF which permits multi-family dwellings. This project is located on four lots. Prior to issuance of any building permits, it will be necessary for a Recombination Survey to be submitted and recorded at the Carteret County Register of Deeds.

*Minimum Lot Size:* The minimum lot size in the RMF district is 18,000 square feet. This project contains 52,044.82 square feet.

*Lot Coverage:* Maximum lot coverage in the RMF district is 40%. Roof area will total 9002.6 square feet, or 17.3%.

*Density:* The maximum allowable density on 52,044.82 square feet is sixteen (16) units. The applicant proposes sixteen (16) units.

*Open Space:* The UDO requires a minimum of twenty-eight (28) percent of the site be preserved as open space: eighteen (18) percent as natural and ten (10) percent as useable open space. This project includes 9,498 square feet or eighteen (18) percent natural open space and 5,207 square feet or ten (10) percent.

*Height:* The applicant has indicated the structure will be two stories in height.

*Minimum Setbacks:*

- Front: 25'
- Sides: 30' Combined with minimum 13' one side
- Rear: 25'

Regarding setbacks, this plan meets the requirements for a two-story multi-family building.

*Parking:* The UDO requires two spaces per unit plus one space per six units for overflow. The requirement of thirty-five spaces is exceeded as thirty-six spaces are proposed.

*Buffer:* Buffering and landscaping will be required as follows:

- Buffer or Screen "A" along west property line;
- 10' landscape strip along north property line; and
- 5' landscape strips along south and east property lines.

*Utilities:* The project will be serviced by City water and sewer utilities.

*Lighting Plan:* Approval should be made contingent upon receipt of a lighting plan.

*Driveway:* Public Works Director David McCabe reviewed the plan and did not state any objections to the proposed driveway locations. The developer will be required to go through an approval process through Public Works prior to issuance of any Building Permits.

*Drainage:* The developer's engineer certifies that if the plan is constructed as shown on the site plan, the amount of land to be disturbed will be less than one acre. The developer has submitted a drainage impact statement in accordance with Article 13-3.

**Update: The developer has submitted a revised copy of the plan with the following statement included:**

**"The construction limits include less than one (1) acre of disturbance and the project is not subject to the coastal stormwater permitting process as of this date." (Dated 6/5/08)**

*\* Name modified from Barry's Place Apartments*

Planner Sandi Watkins introduced the request.

In response to a question from Chairman Taylor, Ms. Watkins said a recombination survey would need to be submitted prior to the issuance of any building permits. Corinne Geer asked Mr. Ballou to use neighboring Westwood Square as a model for his landscaping. Mr. Ballou committed to try and preserve as much natural vegetation as possible along the east and west property lines. Chairman Taylor suggested a play area for children and Mr. Ballou agreed to consider it.

Gordon Thayer made **MOTION**, seconded by Curtis Fleshman, to approve the proposal with a request that the applicant keep as much natural vegetation as possible. The motion carried unanimously.

***REQUESTS/COMMENTS:***

**A. *Landscape Surveys*** - Ms. Staab stated that Friday, June 20<sup>th</sup> is the deadline for turning in the surveys.

**B. *Stormwater Rules*** - Ms. Staab distributed information on the pending NC Coastal Stormwater Rules.

***ADJOURNMENT:*** There being no further requests or comments, the meeting adjourned at 6:50 p.m.

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Jeannie Vaughan  
Secretary