

**REZONING & SUBDIVISION REQUEST: REQUEST SUBMITTED BY A-TEAM ENTERPRISES, LLC, ON BEHALF OF DOCKYARD, LLC AND FAITH ANN EURE MATTHEWS GST EXEMPTION TRUST, TO REZONE TAX PIN #63861960566000 LOCATED AT 901 SHEPARD STREET AND TAX PIN #638619603566000 LOCATED AT 909 SHEPARD STREET FROM CM (COMMERCIAL MARINA) DISTRICT TO PD (PLANNED DEVELOPMENT) DISTRICT AND FOR SKETCH DEVELOPMENT PLAN APPROVAL FOR RESIDENCES AT BASK, A PROPOSED RESIDENTIAL THIRTY (30) TOWNHOME UNIT DEVELOPMENT WITH ACCESSORY USES AND SIGNAGE.**  
*Current Zoning: CM (Commercial Marina). Proposed Zoning: PD (Planned Development). Effective Flood Zone: AE8. Preliminary Flood Zone: AE9. Total Area: 2.43 Acres. Smallest Lot Size: 1,274 sq. ft. Average Lot Size: 1,843.5 sq. ft.*

*General:* The applicant has submitted a request to rezone 901 & 909 Shepard Street from Commercial Marina (CM) to Planned Development (PD). The applicant is also proposing a sketch development plan approval for Residences at Bask, a proposed residential thirty (30) townhome unit development. Accessory buildings/uses proposed to be located on the site include a swimming pool, restrooms, and community dock and boat slips. Signs are also proposed and will be subject to review for compliance with sign regulations at a future stage of project development.

*Process:* New Planned Development districts are required to be processed in four stages.

- Sketch development plan: Represents the applicant's general impression of the anticipated pattern of development. Information to be provided by the applicant includes: anticipated pattern of development, property lines, proposed building sites, utility easements and lines and appurtenances, density, adjoining property owners, zoning of parcel and surrounding property, and any other information requested by the Planning Board. As part of the sketch plan review process, the Planning Board should review the application materials as well as the sketch development plan to determine conformity with the land use plan and the existing and prospective character of surrounding development. Following review by the Planning Board, the item will be presented to the City Council.
- This project is currently at rezoning and sketch development plan phase.
- Site development (master) plan: Specifies the layout of landscaping, circulation, and buildings. Information to be provided by the applicant at this phase, among other items, includes information shown on the sketch plan as well as utility plans, the specific location and dimensions of areas to be used for uses other than residential, engineering data for streets (if needed), draft restrictive covenants and deed restrictions, special flood hazard areas, and boundaries of areas of environmental concern. At this phase, the plan must be distributed to agencies including the North Carolina Department of Environmental Quality, U.S. Army Corps of Engineers, Division of Coastal Management, and any other agency deemed appropriate or necessary as determined by staff, the City Attorney, the Planning Board or the City Council.

- Preliminary plat: Ensures development complies with federal, state, and local regulations. Reviewed in compliance with Subdivision Regulations.
- Final plat: The document on which building permits are issued which is recorded in the Register of Deeds office. Reviewed in compliance with Subdivision Regulations.

*Zoning:* Existing zoning of the property is Commercial Marina (CM). A list of uses currently allowed in the CM district has been provided.

Surrounding properties are zoned Commercial Marina (CM) to the east and west, Single-Family Residential (R5S) to the north. Sugarloaf Island is zoned Floodplain (FP) District and is located across Harbor Channel to the south.

*Height:* The maximum height permitted in the PD district is 70'. The proposed maximum height is 50', which is consistent with residential zoning districts in Morehead City.

*Density:* The proposed density is 12.32 units per acre. The maximum density allowed in a PD district is 36 units per acre.

*Floor Area Ratio (FAR):* The FAR is the maximum square foot amount of total floor area including all storied permitted for each square foot of ground area. Based upon the ground area totaling 105,961.71 square feet, the total floor area within the project would be permitted at a maximum of 158,942.57 square feet. The developer has proposed a maximum FAR of 5,298 square feet of floor area per residential unit based upon this allowable maximum. The floor area would also be limited by the proposed maximum height of 50' and the proposed structure and lot dimensions. [Example maximums based upon max FAR and max height, only: Largest structure footprint shown at 1,318.5 SF X 4 floors = 5,274 SF floor area; Smallest structure footprint shown is 820 SF X 5 floors = 4,100 SF floor area]. Actual FAR will be verified at site development master plan phase.

*Maximum Lot Coverage:* The maximum lot coverage (i.e. area covered by building or roof area) permitted in other residential districts in Morehead City is 40%. The PD District does not have a specific maximum lot coverage percentage requirement. The developer has indicated that lot coverage will be substantially below 40%. Actual lot coverage proposed would be calculated at the site development master plan phase. Lot coverage shown on the sketch plan as residential buildings totals 29,059.5 square feet or 27.4% lot coverage. This does not include any lot coverage for non-residential accessory structures. That information is required to be shown at the next phase in the process.

*Open Space:* Planned Developments require a minimum 10% (10,596.71 square feet) and 18% (19,073.11) of a site be used for useable and natural open space, respectively.

- *Useable Open Space:* The developer proposes 10% (10,617 square feet) of the site to be set aside for useable open space area. The plan indicates that a swimming pool and restrooms area proposed in the center of the project.
- *Natural Open Space:* The developer proposes 18.5% (19,603 square feet) of the site to be preserved as natural open space.

*Parking:* Parking for multifamily development is required at a rate of two spaces per unit plus an additional space for every six units for overflow. Based upon thirty residential units, a total of 65 parking spaces  $[(30 \times 2) + (30/6)]$  are required. The developer proposes to provide a total of 30 parking spaces within the individual residential units, 37 spaces shown in driveways, and six spaces shown at the useable recreation area for a total of 73 parking spaces.

To ensure that required parking spaces within the interior of the buildings are not used for other purposes, the developer has proposed to add a requirement to the restrictive covenants that the parking spaces remain accessible for vehicular parking at all times with substantial penalties available for violators of this provision.

*Setbacks:* Perimeter setbacks for Planned Developments are a minimum of 10'. This requirement has been met as shown.

*CAMA:* According to North Carolina Department of Environmental Quality (DEQ) staff, the properties at 901 and 909 Shepard Street are classified as an Urban Waterfront. Therefore, the 30' buffer does not apply. The 30% limitation on impervious surface within the 75' AEC still applies.

*Streets:* Internal driveways are proposed within the development. The developer proposes to extend the South 10<sup>th</sup> Street through the South 10<sup>th</sup> Street parking lot and to construct it to Town standards as required by the Public Services Department. Entrances are proposed on South 9<sup>th</sup> Street and South 10<sup>th</sup> Street as well as at Lots 1 and 12.

*Water Access:* The developer has indicated that they would like to pay a fee in lieu of providing public water access. (Note: Section 15-8 of the UDO indicates that every person who subdivides land for residential purposes with direct waterfront access shall be required to provide public access to the water or fees in lieu of dedication. A 15' wide access would be required or a public water access fee of \$30,000 based upon \$1,000 per lot.)

*Utilities:* The developer has been in conversation with the Public Services Director to ensure adequate capacity. Utility information is reviewed in detail at the next phase of the PD process, site development master plan review. Utility and drainage easements are shown along the front (interior) of each lot.

This project will be subject to review and issuance of a CAMA Major Permit by the DCM and a scoping meeting before ten state and four federal agencies. The request for Major CAMA Permit issuance will be published by the DCM prior to issuance of a CAMA Major Permit. According to the applicant, bulkhead is intended to secure fill and actual boat slip locations will be shown at a later phase based upon feedback obtained from DCM.

*Land Use Plan Consistency/Reasonableness Evaluation:* The property is in Neighborhood 1 and is classified as Downtown Mixed-Use in the 2007 Core Land Use Plan. A draft land use consistency and reasonableness resolution has been drafted based

upon applicant responses and is included within the agenda materials. This draft may be adopted as written, modified, or rewritten in its entirety by the Planning Board.

*Notice of Meeting:* The request has been advertised in the Carteret County News-Times, abutting property owners were notified, and the property has been posted with a zoning hearing sign.

*Public Hearing Date:* If the Planning Board recommends approval or denial of the request, the item will be placed on the November 9, 2021, City Council Agenda.

**Planned Development Establishment Requirements – Applicant Responses:**

According to Article 12 of the Unified Development Ordinance, “Planned development districts may hereafter be established by amendment to the official Zoning Map where tracts suitable in location and character for the uses and structures proposed are to be planned and developed on a unified basis, according to the requirements and procedures set forth herein. According to the applicant:

*“The parcel under consideration to be rezoned to Planned Development is located in an area that is suitable in location and character for the proposed multi-family development. Located on the fringe of the downtown business area, it will serve as a buffer between the more intensive commercial development and the single-family residential development. There is an adequate street system in place and the water and sewer infrastructure is already in place. The design of the development will serve to complement adjacent development.”*

According to section 12-1.1(A), “PD districts shall be designed and located in relation to arterial and collector streets so as to provide direct access without creating substantial additional traffic along minor streets in residential neighborhoods outside the district.” According to the applicant:

*“The proposed Bask Village 30 unit residential development will generate 7.32 trips per unit per day based upon the 10<sup>th</sup> Edition of the Institute of Transportation Engineers Common Trip Generation Rates. Total trips per day would be 219.6.*

*If the property were to remain Commercial Marina and developed with a 200 slip drystack, the total number of trips generated during a weekday would be 592 trips per day (2.96 trips/slip). On a Saturday trips generated would increase to 644 (3.22 trips/slip).*

*Using the 10<sup>th</sup> Edition of the Institute of Transportation Common Trip Generation Rates, the proposed 30 unit development would result in a decrease of traffic on neighboring streets.”*

According to section 12-1.1(B), “PD districts shall be located in relation to sanitary sewers, water lines, storm and surface drainage systems, and other utility systems and installations in such a way that neither extension nor enlargement of such systems will be required in a manner, form, character, location, degree, scale, or timing resulting in higher

net public cost or earlier incursion of public cost than would development in forms generally permitted under current zoning for the area.” According to the applicant:

*“The 900 block of Shepard Street has adequate public utilities to service the proposed residential development. The proposed new infrastructure that will be installed to service the individual units will be located on private property and will be the financial responsibility of the developer. The impervious coverage of the project will be 55,408 square feet (excluding pool and bathhouse) which is a reduction of the current impervious coverage of 88,775 square feet. The reduction of impervious coverage will result in significantly less impact to the current drainage system.”*

According to section 12-1.1(C), “Such districts shall be located with respect to necessary public facilities so as to have access to such facilities in the same degree as would development under existing zoning and shall be so located, designed, and scaled that access for public services is equivalent to, and net cost for such services is not greater than, access and net cost for public services for development as permitted under existing zoning. However, location of PD districts may be approved if applicants will: (i) Provide private facilities, utilities and services approved by appropriate public agencies as substituting on an equivalent basis for public utilities, facilities and services and assure their satisfactory continuing operation, permanently, or until similar public utilities, facilities, and services are available and used; or (ii) Make provisions acceptable to the Town for offsetting any added net public cost or early commitment of public funds that are made necessary by such development. According to the applicant:

*“The proposed development abuts a public street on three sides and access to necessary public facilities is available as it would be for development under the existing zoning. The intensity of the proposed development is much less than what would currently be permitted under the existing zoning classification, and no net cost for public services is expected. Design flow rates for wastewater can be found in 15A NCAC 02T.0114. Marinas with bathhouse generates 30 gallons per day(gpd)/slip while residential is based upon 60 gpd/bedroom. A 200 slip marina would generate 6000 gpd of wastewater while a 30 unit (estimated 3 bedroom per unit) would generate 5400 gpd of wastewater, a net reduction.”*