

The Morehead City Planning Board conducted a remote public meeting on Tuesday, June 16, 2020, via the Zoom video conferencing application, at 5:30 p.m. The following people were present:

MEMBERS: Tom Outlaw, Ronetta Gaskill, Frank Eastman, Sally Lumpkin, Tom Saunders, Andrea Smith, and Diana Tootle.

ABSENT: None

Others present: Planning and Inspections Director Sandi Watkins, Planner Mackenzie Todd, Elise Clouser with the Carteret County News-Times, Doug Brady, Ron Cullipher, Samuel Ballou, Hunter Gibson, and Sarah West.

Chairman Tom Outlaw called the meeting to order and gave the invocation.

The roll was called and no one was absent.

Ronetta Gaskill led the Pledge of Allegiance.

MINUTES: May 19, 2020: Tom Saunders made **MOTION**, seconded by Ronetta Gaskill, to adopt the minutes and dispense with the reading. The motion carried unanimously.

NEW BUSINESS:

A.) Request from The Cullipher Group, on behalf of Sailfish Wildwood, LLC, for Final Plat approval for the subdivision of two lots located at 5476 Highway 70 (Tax PIN #635605195721000).

Effective and Preliminary Flood Zone: X: Zoning: Residential Multifamily Conditional Use (RMF-CU) and Highway Commercial Conditional Use (CH-CU).

History

1/21/2020: Conditional-Use Rezoning and Sketch Development Plan (Planning Board)-Approved

2/11/2020: Conditional-Use Rezoning and Sketch Development Plan (Council)-Approved

5/19/2020: Preliminary Plat (Planning Board)-Approved

The applicant is requesting final plat approval for a proposed two-lot subdivision located at 5476 Highway 70. The total area of the tract is 13.52 acres, Lot 1 is approximately 3.93 acres and Lot 2 is approximately 9.59 acres. The property is located in the corporate limits. Lot 1 was recently rezoned to RMF-CU (Residential Multifamily Conditional Use) for a 60-unit multifamily development known as Phase II of the Vinings at Wildwood and Lot 2 was rezoned to CH-CU (Highway Commercial Conditional Use) to allow for self-service storage facilities known as Pinnacle Storage.

The property will have access from Wildwood Road. In addition, there will a private drive installed to enter Phase II of the Vinings at Wildwood and an emergency access pave on the eastern portion of Lot 1. A five-foot (5') sidewalk is proposed to be constructed alongside Highway 70 and Wildwood Road up to the private drive. The developer of Pinnacle Storage will be responsible for installing the sidewalk.

Copies of the sedimentation and erosion control, state stormwater, NCDOT driveway, water and wastewater permits are on file with the town and current. The plan has been reviewed by other Departments including Fire, Public Services, and Police and meets the requirements set forth in the Town's Unified Development Ordinance (UDO).

Final Plat Approval: Department Heads and Planning Board review the Final Plat. Once final plat is granted, the developer is legally able to transfer the lots. The purpose of this review is to assure that all improvements have been

installed in accordance with the site development master plan and preliminary plat and to make sure that all fees have been paid. The Unified Development Ordinance does allow a developer to get final plat approval without all the improvements being installed provided that a bond or guarantee is submitted in the amount of 1.25 times the cost of the improvements is submitted to the City. The proposed amount of the bond or guarantee for the uninstalled improvements is reviewed and approved by the City Engineer and appropriate Department Head.\

Planner Mackenzie Todd introduced the request.

Chairman Outlaw asked if a lighting plan was required for the multifamily development. Planner Todd said that yes, it was required and had been approved with the conditional-use permit and associated multifamily plan review. Mr. Outlaw also inquired about whether all required permits had been received by the Town. Planner Todd said that the permits had been received. Chairman Outlaw also inquired about whether sidewalks were required to be installed. Planner Todd explained that installation of sidewalks along Highway 70 and Wildwood Road was a requirement of the conditional-use permit approved by Council and that installation of the sidewalks is required prior to issuance of the certificate of occupancy associated with the building permit.

Ron Cullipher, The Cullipher Group, spoke on behalf of the property owner in favor of the request. Mr. Cullipher said that the developer is aware that sidewalks are required to be installed as discussed.

Ms. Andrea Smith said that she looks forward to seeing the project come to fruition as it has been about a decade in the works.

Tom Saunders made **MOTION**, seconded by Diana Tootle, to approve the final plat request. The motion carried unanimously.

B.) Request from The Cullipher Group, P.A., on behalf of N20 LLC, for Preliminary Plat Approval for Calico subdivision (Tax PIN#638717108594000 and Tax PIN #638717101757000).

Proposed Lots: 80. Flood Zone: Shaded X and X. Preliminary Flood Zone: AE 8, Shaded X, and X. Minimum Lot Size: 9,826.69 square feet. Average Lot Size: 13,933.69 square feet. Recreation Area/Open Space Proposed: 5.4 acres.

Project History:

*12/19/2006: Sketch Plan Review (Planning Board)
1/9/2007: Sketch Plan Approval (Council)
1/15/2008: Preliminary Plat Review and Approval w/ variance (Planning Board)
2/12/2008: Preliminary Plat Review and Approval w/ variance (Council)
3/17/2009: Preliminary Plat Extension (Planning Board)
10/17/2017: Sketch Plan Revision Review (Planning Board)
11/14/2017: Sketch Plan Revision Approval (Council)*

General:

The applicant is requesting preliminary plat approval for a proposed 80-lot single-family residential subdivision on approximately 38 acres located at 1601 North 20th Street. The property is located in the corporate limits and is currently undeveloped.

Wetlands are shown on the plat and are located primarily within the common area between American Egret Way and White Ibis Way, the lift station lot directly abutting Lot 39 to the southwest, and the portion of Great Blue Heron Drive between these two areas. The site is located in the Shaded X and X (non-special flood hazard areas) flood zones on the current flood map and in the AE (special flood hazard area), Shaded X, and X flood zones on the preliminary flood map.

Required Permits and Approvals:

The applicant has submitted the following permits:

- o NCDOT Driveway Permit to allow for lane widening on North 20th Street and driveway cut into the proposed subdivision.
- o Stormwater Permit. The total allowable built upon area for the project is 212,025 square feet (allocation includes any built upon area constructed within the lot property boundaries and that portion of the right of way between the front lot line and the edge of the pavement). The table contained in the bottom left of the plan indicates the built upon allocation per lot with the maximum built upon area being Lot 49 at 3,500 square feet and the minimum built upon allocation (shown on many lots) being 2,450 square feet.
- o Sedimentation and Erosion Control Permit.
- o U.S. Army Corps of Engineers Permit to allow the permanent discharge of 0.081 acres of fill into wetlands and 0.22 acres of open water impacts for the construction of road crossings associated with building a residential complex, access roads, parking areas and sidewalks.
- o Water and Wastewater permits to allow for the installation of water mains, fire hydrants, valves and a regional 350-gallon per minute pump station.

Lot Size: The minimum lot size permitted in R15 is 15,000 square feet. However, since the proposed subdivision meets the requirements for a cluster development, some of the proposed lot sizes have been reduced with the smallest lot at approximately 9,827 square feet and the average lot size at approximately 13,934 square feet. The approximate location of lots and lot lines is shown on the preliminary plat.

Cluster Development Requirements:

Cluster housing is defined as dwellings which are grouped together on lots which do not necessarily meet the minimum lot size requirements but do meet the density requirements of the district in which they are located (2-2.60). Since the developer proposes to develop the subdivision as a cluster development, the requirements of section 14-23 of the Unified Development Ordinance must be met.

- o Cluster developments are a permitted use in the R15 district.
- o Density may not exceed the density requirements of the district in which the development is located. The maximum allowed density in R15 is 2.5 units per acre and a density of 2.09 units per acre is proposed.
- o The minimum cluster development size is 2.15 acres. This development is 38.24 acres in total.
- o The minimum setbacks for the perimeter of the property are 40'. Forty-foot building setbacks are shown from the outside perimeter of the proposed subdivision.
- o Setbacks may be varied provided at least one setback for the district is met. As proposed, lots will meet the minimum setback requirements for the R15 district of 20' front, 10' sides, and 25' rear.
- o Open space must be deeded to the homeowners' association and shall not be developed except as passive recreational areas.

Density: The developer is proposing to locate 80 lots on 38.248 acres. (Note: While the total project area is 38.604 acres, 0.357 acre is contained in the right-of-way along North 20th Street.) A condition of the original conditional-use rezoning was that the maximum density be 2.18 units per acre. The density shown in this subdivision is one unit per 20,822 square feet or approximately 2.09 units per acre.

Open Space: Based upon the cluster development standards, a minimum of 4.05 open space is required. As shown, 4.35 acres of passive (2.37 acres + 1.51 acres + 0.47 acre) and 1.05 acres of active open space is proposed to be provided for a community area. The open space will be required to be deeded to a homeowners' association. A 50' vegetated buffer is shown along the front of the property in the common areas close to North 20th Street. (Note: A development that was not a cluster development would have been required to dedicate 2.2 acres of open space.)

Utilities: The proposed subdivision is located within the corporate limits and is proposed to be serviced by city water and sewer.

Street lights: Street lights have been proposed to be installed at a rate of one per every 400' linear feet as well as at intersections and major alignment changes, which meets the requirements in the UDO.

There is an existing drainage ditch under the jurisdiction of the Army Corps of Engineers in a proposed drainage ditch between Lots 42 and 43 and along the rear portion of Lots 51-57. There are two 30' utility easements shown along the front of Lots 52-62 and Lots 73-80. A 90' drainage easement is shown along the northeast portion of the property near Lots 49-52. A 30' drainage easement is shown along the rear of Lots 63-80. A 60' drainage easement is shown the rear of Lots 30-32. Another 60' drainage easement is shown between Lots 8 and 9. There is also a proposed lift station between Lots 38 and 39.

Streets: There are a total of 5,597.97 linear feet of new streets being proposed as part of this subdivision. Four temporary cul-de-sacs are proposed to abut adjacent property until adjacent property is developed or public right-of-

way is dedicated. The primary access to the subdivision is proposed through American Egret Way from North 20th Street. The proposed right-of-way width is 50'. Five (5) foot wide sidewalks are proposed along one side of the streets.

A copy of the draft restrictive covenants has been received. The preliminary plat appears to meet submittal requirements.

Approval shall be contingent upon the lift pumping station rate being reduced per the request of the Public Services Department and agreed upon by the Engineer.

Preliminary Plat Approval:

Town technical review staff (Fire, Public Services (water/sewer/streets), Planning) review the Preliminary Plat. At this stage, the developer should have all permits in hand to start construction of the project. The Planning Board does have the authority to grant preliminary plat approval conditional upon receipt of any outstanding permits.

The purpose of the review is to check to make sure that the preliminary plat is consistent with the sketch plan and with all applicable City regulations (i.e. lot sizes, street standards, open space requirements, etc.). A preliminary plat may constitute just a portion or phase of the sketch plan. Once preliminary plat approval is granted by the Planning Board, the developer is authorized to start construction (i.e. streets, water/sewer system, etc.). If it is a conditional approval (to bring into compliance as mentioned above), all the conditions must be met prior to commencement of construction. If preliminary plat approval is denied, the applicant has the right to appeal the Planning Board's decision to the Council.

Planner Mackenzie Todd introduced the request. She explained that the applicant had met the requirement to obtain a state stormwater permit. However, because the Town does not regulate stormwater beyond requiring the state permit, no additional stormwater requirements may be imposed. The Town is currently working on a stormwater study.

Ron Cullipher, The Cullipher Group, spoke on behalf of the developers. He said that the developers had been working on the project for a while. The project most recently received sketch plan approval by the City Council in 2017. Since then, the developer has worked to secure the remainder of the required permits and approvals. Mr. Cullipher said that he is currently working with the Public Services Director to reduce the flow of the proposed lift station so that it does not overwhelm the downstream lift station. Chairman Outlaw inquired as to whether the lift station was for water or sewer. Mr. Cullipher clarified that it is strictly for sewer.

Mr. Cullipher explained that the open space shown on the plan is where the stormwater feature is located which was discussed during the sketch plan review. The area is roughly under an acre and can be used for stormwater and flood control. As water leaves the community, drainage will naturally go underneath North 20th Street just south of Blair Farm Parkway. Although the stormwater permit did not require this feature, the developer added this knowing the stormwater issues in the vicinity and it will be used as a holding area to minimize the impacts as water moves on the back side of Blair Farms. Mr. Saunders asked how the water drainage would move through the neighborhood. Mr. Cullipher explained that the street side has flumes and there is a perimeter ditch that brings water to the stormwater feature. Roll type curbs are used to blend driveways into the curb. Mr. Cullipher explained that some water does not get to the pond due to the topography of the site, so it goes towards North 20th Street.

Ms. Smith said she had a general question about the access point at North 20th Street and American Egret Way. She said there is a potential congestion point since American Egret Way and Blair Farm Parkway do not align. When Country Club Run was developed, its main entrance was required to align with North 35th Street. Mr. Cullipher explained that there is a coastal management area directly across from the entrance of Blair Farm Parkway. He said that a lot of discussion was held

with NCDOT and the Town on how to establish the driveway at this location. There is a lot of work that must be done to offset the traffic lanes. The NCDOT permit has been obtained and installation of the driveway improvements is the responsibility of the developer. Mr. Outlaw clarified that any requested relocation of a proposed driveway would have been part of a review of a sketch plan.

Chairman Outlaw said that it seems that there is going to be a lot of water coming out of Calico underneath North 20th Street towards the Blair Farms subdivision. There are flooding issues on the land adjacent to North 20th Street right now. Mr. Outlaw said that he had expressed concerns when the sketch plan was reviewed in 2017 and he still has concerns. He asked if something is being done on the site to make the stormwater situation better. Mr. Cullipher responded, "Absolutely". Mr. Outlaw said he is concerned if there is additional development with another storm like Hurricane Florence. Ms. Smith said this is why the Town needs a stormwater ordinance. Mr. Cullipher explained that this is a low-density project. He compared the runoff volume of a low-density development (0.3) to a wooded area (0.2) versus a development that is not low-density (0.6). Mr. Cullipher said that the acre pond will hold about 300,000 gallons and it is not cheap to install. While it is not required, the developer is proposing this due to the existing conditions in the area. Mr. Outlaw requested further clarification on the functionality of the stormwater system. Mr. Cullipher said that water basically drains through a stream or creek, then it goes back to a big culvert under North 20th Street just south of the entrance to Blair Farms. The water then works its way through the system to Dill Creek. The pond will capture water before it gets to Dill Creek, storing it until it fills the pond to capacity. The pond overflows once it reaches its capacity. By then, the peak of the storm has passed, and flooding is not exacerbated at the storm's peak. Mr. Cullipher said that if there is a hurricane like Florence, there is nothing anyone can do. Chairman Outlaw clarified that the developer is doing something to modify the site so that it will hold a lot more water. Mr. Cullipher said that is correct. Ms. Sally Lumpkin asked if one of the passive areas not currently shown with a pond could be used to handle runoff. Mr. Cullipher said the area is a wetland which the developer does not have authorization to fill. It will hold water but is not part of the calculated volume of the stormwater feature.

Doug Brady, 805 Front Street, Beaufort, said that all ditches on the property are currently flowing to a stream which is about 10' wide which runs under North 20th Street. There is currently nothing stopping the water from coming through the ditches. The developers are proposing to build a one-acre pond that will hold water that will not discharge until the water gets over a certain height in the pond. This was not required. The water will likely not flow at the rate it is now because it will be a slow release as it goes over the pond. The developers are aware that there is an issue there and decided to design a feature that holds water in the development.

In response to additional questions about stormwater from Mr. Outlaw and Ms. Lumpkin, Mr. Cullipher explained that the pond can hold 326,000 gallons, the outlet is at elevation 3', and the bottom is at elevation 0' to ensure there is water in the pond at all times. This helps to reduce mosquitos. The overflow structure will have up to 4' of storage area. There will be a controlled device similar to a dam control to the water height. As water heights increase, water goes out and slows down. The design was based upon a 10-year, 24-hour storm. Aerators will be used to oxygenate the pond and it will be landscaped around the perimeter.

Mr. Sammy Ballou, 1306 Patterson Street, explained that the developer heard the concerns when the sketch plan was reviewed in 2017. He said the developer is going above and beyond to be good neighbors. If there is a Hurricane, there will be flooding, but he feels under normal circumstances

the development will not create more of a problem than what there is currently. Rather, the proposed improvements will help to correct it.

Ms. Smith asked about the long-term intent of the temporary cul-de-sacs. Specifically, she said she was interested in the temporary cul-de-sac shown at White Ibis and where that might lead. Mr. Brady and Mr. Cullipher clarified that this was a requirement by the Town at the sketch plan review and that the Town requires connection between subdivisions. Mr. Cullipher explained that the reason that there are several temporary cul-de-sacs is because the property adjoins different tracts which are undeveloped. Planner Todd cited section 16-5 of the Unified Development Ordinance which states streets shall connect with existing streets located on adjacent property whenever possible.

Mr. Outlaw asked if the Planning Board comments at sketch plan review regarding ownership of Killdeer Drive had been cleared from a legal perspective. Mr. Cullipher said that it is his understanding that it had.

Mr. Outlaw said he appreciates what the developer is doing to help alleviate flooding at this location.

Mr. Brady said that a similar plan had been proposed in the 2000s. It would have been built except for the economic downturn that occurred around that time. When the current developer took it over, they heard and saw concerns. He said he wanted everyone to understand that this is a better plan than the previously approved plan.

In response to a question posed by Ms. Smith about whether the homes would be spec homes or if they would be custom built, Mr. Ballou said he is not aware at this time. He said the developer plans to have good guidelines in the restrictive covenants to ensure it is a good neighborhood.

In response to questions from Ms. Smith regarding the estimated timeframe of the development of the subdivision, Mr. Cullipher said that the developer will likely seek final plat approval for at least a phase of the development between six and twelve months.

In response to a question from Chairman Outlaw regarding the use of the passive areas, Mr. Cullipher said that the developer will try to clean up the undergrowth and mow and weed eat the areas.

Ms. Lumpkin asked if the site would be clear cut or if the developer would save vegetation. Mr. Ballou said that the roads where initial development will be cleared, then as lots are built upon, they will be cleared at that time.

In response to a question from Chairman Outlaw regarding phasing of the development, Mr. Cullipher said that the first phase will likely be along the road to the proposed Town lift station.

Chairman Outlaw called for public comment. Planner Todd provided information on how attendees could indicate that they were interested to speak.

Sarah West, 601 Bridges Street, asked whether fill would be subject to the Town's new fill ordinance. Mr. Cullipher said that because there is a stormwater permit on the site, the project is exempt. Ms. Smith clarified that the fill ordinance is applicable only to areas in a special flood hazard

area. Ms. West asked if structures will be required to be elevated. Mr. Cullipher said that they will not currently because the area is not in a special flood hazard area. Ms. West asked how the developer chose which side of the street the sidewalk would be located on. Mr. Cullipher explained it was based upon the shortest distance to limit impervious surface.

Mr. Outlaw said he noticed that some of the streetlights were on opposite sides of the sidewalks. Mr. Cullipher said that the developer is willing to move the streetlights to the side of the street with sidewalks.

Ms. Smith asked about when the preliminary flood maps might become effective since the development is shown as going into an AE flood zone on the preliminary maps and other Carteret Community flood maps are becoming effective. Planning Director Sandi Watkins explained that the Town had appealed the preliminary flood panels along with certain other panels which had been appealed in Carteret County. The last Ms. Watkins had spoken with North Carolina Emergency Management staff, they had indicated that the models were still being run and it could be up to two years before new preliminary maps would be released. Further, staff recently virtually attended the Association of State Floodplain Managers national conference where it was explained that the federal government is considering a new system to assign flood insurance premiums which may not be directly tied to the flood maps. Staff will provide additional information as it becomes available.

Mr. Saunders said he appreciates all the effort that goes into developing a project from the developers. It takes quite a commitment and it appears that they have dotted every "i" and crossed every "t".

Tom Saunders made **MOTION**, seconded by Sally Lumpkin, to approve the preliminary plat request contingent upon the lift pumping station volume rate being reduced per the request of the Public Services Department and the relocation of street lights to the same side of the street as the sidewalk. The motion carried unanimously.

REQUESTS/COMMENTS: Mackenzie Todd entered the attendance record and monthly reports for the record. Planning Board members discussed drainage in the vicinity of Blair Farms generally and challenges dealing with stormwater, particularly in the ETJ. In response to a question posed by Ms. Smith regarding budgetary constraints in light of COVID-19 and the fact that the monthly report numbers appear to be down in comparison to past months, Planning Director Watkins said building activity has fluctuated over the years and it is hoped that the situation will improve soon.

ADJOURNMENT:

There being no further requests or comments, the meeting adjourned at 7:12 p.m.

Sandi Watkins, Planning Director