

The Morehead City Planning Board conducted a meeting on Tuesday, January 21, 2020, in the Municipal Building Auditorium, 202 South 8th Street, Morehead City, NC, at 5:30 p.m. The following people were present:

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

ABSENT: Sally Lumpkin

Others present: Planning and Inspections Director Sandi Watkins, Planner Mackenzie Todd, Secretary Annie Bunnell, Elise Clouser with the Carteret County News-Times, Ron Cullipher of The Cullipher Group, Hunter Gibson, Warren Benton, Ophelia Chambers, Michael Murdoch, Stephen Murdoch, Carlton Blanton, Robert Hyde, and other concerned citizens.

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

The roll was called and Sally Lumpkin was absent. Ronetta Gaskill made **MOTION**, seconded by Diana Tootle, to excuse the called-in absence. The motion carried unanimously.

Frank Eastman led the Pledge of Allegiance.

**MINUTES: November 19, 2019:** Ronetta Gaskill made **MOTION**, seconded by Andrea Smith, to adopt the minutes and dispense with the reading. The motion carried unanimously.

**NEW BUSINESS:**

**A.) Request submitted by The Cullipher Group, on behalf of Sailfish Wildwood, LLC, to rezone 5476 Highway 70 (Tax PIN #635605195721000) from CH-CU (Highway Commercial-Conditional Use) District to CH-CU District and RMF-CU (Residential Multifamily-Conditional Use) and to approve Land Use Consistency Statement 2020-0001.**

**B.) Request submitted by The Cullipher Group, on behalf of Sailfish Wildwood, LLC, to subdivide (Tax PIN #635605195721000) into two-lots to permit a self-service storage facility and a 60-unit multifamily development.**

The applicant has submitted a request to rezone an approximately 13.52-acre tract located at 5476 Highway 70 from CH-CU (Highway Commercial Conditional-Use) District to RMF-CU (Residential Multifamily Conditional-Use) District and CH-CU (Highway Commercial Conditional-Use) District. Surrounding zoning includes Highway Commercial (CH) to the South, East and West and Multifamily Residential (RMF) to the North. A variety of commercial establishments are located to the east and west, while a variety of single-family residential development is located to the north and Highway 70 is located south. The property is located in the corporate limits.

The applicant is concurrently requesting sketch plan review for a proposed two-lot subdivision for Sailfish Wildwood. Phase II of the Vinings at Wildwood (Residential Multifamily Development) is proposed to be located on Lot 1 and self-service storage facilities are proposed to be located on Lot 2. The Planning Board will need to make a separate motion for this request, for a total of two motions.

**History:**

In October of 2009, the Council rezoned the property from CH-CU (Highway Commercial Conditional-Use) to RMF-CU (Residential Multifamily Conditional-Use) and CH-CU. The developer proposed to construct a shopping

center up to 150,000 square feet with three (3) outparcels which totaled a site of 24.48 acres. The conditional use permit was for up to 150,000 square feet of commercial area. The following conditions were placed on the property:

1. That the multifamily portion be developed in accordance with the site plan titled "Vining's at Wildwood Apartments", prepared by Miller/Player & Associates Architects and Planners, LTD. dated September 3, 2009.
2. That the developer shall reserve a drainage easement along the northern property line.
3. That the retail portion of the development shall not exceed 150,000 square feet, excluding outparcels.
4. That the City Engineer will review the stormwater plan before final approval.
5. That the owner shall cleanout the drainage culvert prior to commencement of the project and periodically clean trash and debris from the drainage culvert under the railroad track near the northeast corner of the property as needed.
6. That the owner shall implement all traffic control features required by NCDOT.
7. That the owner must submit proposed development plans, to include building elevations and types of materials and color schemes to the Planning Department for comments by the Planning staff with respect to aesthetics for the proposed construction prior to application for building permits.
8. That the buildings, driveways, and parking areas as shown on the site plan dated September 3, 2009, define the maximum extent of the area to be built upon, excluding the outparcels and detention ponds. [Wetlands and maximum open areas shown on the site plan to remain as buffers. Detention ponds and landscaping are allowed in open areas subject to state requirements. Actual location of buildings, driveways and parking areas may be rearranged within the built upon area].
9. That access to the property is to be shown on the site plan unless the NCDOT requires changes;
10. That approval is contingent upon receipt of all federal and state permits.
11. That landscaping be installed in accordance with Ordinance requirements.
12. That approval is contingent upon submittal of an approved lighting plan in accordance with the Unified Development Ordinance. Also, all developed property shall meet the current requirements for stormwater controls per the NC Division of Water Quality (NC-DWQ).
13. That any subdivisions shall be in accordance with the Unified Development Ordinance.
14. That the dedicated emergency access to the multifamily development shall be installed prior to the date of issuance of the first certificate of occupancy.

***General (RMF-CU):***

The developer is proposing to construct 24 one-bedroom units and 36 two-bedroom units on Lot 1 of the property, which is 3.93 acres. This development is Phase II of the Vinings at Wildwood. This conditional use review will also meet the requirements of section 13-2 of the Unified Development Ordinance (UDO) which requires Planning Board review of multi-family developments on parcels over 18,000 square feet.

***Minimum Lot Size:***

The minimum area required under section 13-2 for 24 one-bedroom units and 36 two-bedroom units is 3.9 acres or 170,000 square feet. As proposed, the area encompassing the multifamily development will would contain 3.93 acres or 171,122 square feet.

***Lot Coverage:***

The UDO limits the amount of area under roof in the RMF district to 40%. The maximum amount of area under roof is 68,448 square feet. The developer is proposing 24,645 square feet, meeting the requirements of the UDO.

***Access:***

The main access to the proposed multi-family development is via Wildwood Road. A secondary means of emergency access is located on the eastern portion of the property.

***Density:***

The applicant proposes 60 units at a density of 3.9 units per acre (170,000 SF/43,560 square feet).

***Open Space:***

The UDO requires a minimum of twenty-eight (28) percent of the site to be preserved as open space: eighteen (18) percent natural and ten (10) percent useable open space. To meet the open space requirements, the developer needs to provide a minimum of 30,802 square feet of natural open space and 17,113 square feet of useable open space. As proposed, the project meets the requirements with 30,878 SF of natural open space and 21,728 SF of useable open space.

***Height:***

The maximum height permitted in the RMF district is 50'. The developer is proposing three (3) story buildings with a height of 41 feet and 8 inches.

**Setbacks:**

The applicant proposes minimum setbacks as follows:

Front: 25'

Sides: 15' (8+10/12+10) per side min.

Rear: 35'

Regarding setbacks, this plan meets and/or exceeds the minimum requirements for three-story multifamily buildings.

**Parking:**

The UDO requires two spaces per unit plus one space per six units for overflow  $((60 * 2) + 10 = 130)$ . The developer has requested a 10% reduction in the amount of required parking under subsection 20-1.4 which allows minor adjustments in the parking requirements subject to specific requirements.  $((130 \text{ spaces required} * 10\% \text{ reduction} = 13)$   $130 - 13 = 117$  parking spaces required with proposed reduction). In order to meet this modification, the developer has provided 117 parking spaces and has shown on the site plan where those otherwise dedicated parking spaces have been preserved for natural vegetation or added landscaped area.

**Landscaping:**

There are 117 parking spaces (with the 10% reduction modification) and the areas that would otherwise be required for parking have been proposed to include four canopy trees, 37 shrubs and mulch bed. The developer is proposing a total of six understory trees, 11 canopy trees and 57 shrubs which meets the requirements set forth in Article 15 of the UDO.

**Sidewalks:**

Proposed along Highway 70 and the interior to the Residential Multi-Family Development.

**Utilities:**

The development will be serviced by Morehead City water and sewer according to the Public Services Department. The owners will be responsible for installing and maintaining all utilities and repairs since this development is proposed to be located on a private driveway. There is an existing dumpster with a trash compactor within Phase I which is adequate to meet needs of the development per Public Services.

**General (CH-CU):**

The developer is proposing to construct self-service storage facilities on Lot 2 of the property, which is 9.59 acres. The approximate square footage of the commercial lot is 417,837 square feet or 9.59 acres. The storage buildings are proposed to be enclosed and self-contained including a mixture of climate and non-climate-controlled storage as well as self-service storage units to store boats and RVs. The developer has provided proposed building elevations as well as proposed build materials that include metal, burnished slate and brick veneer. The developer is proposing to locate a dumpster on the northwest portion of the lot to serve the self-service storage facilities.

**Lot Coverage:**

The maximum lot coverage allowed in the CH district is 40% (167,134 square feet). Lot 2 has an area under roof of 39% (166,790 square feet).

**Access:**

Access to the property is via Wildwood Road.

**Height:**

The maximum height in the CH district is 70 feet.

**Setbacks:**

The applicant proposes the minimum setbacks as follows:

Front: 25'

Sides: 0'

Rear: 25'

Regarding setbacks, this plan meets and/or exceeds the minimum requirements for commercial development.

**Parking:**

The UDO requires one (1) space per each (1,000) square feet up to five thousand (5,000) square feet plus one (1) space per each additional five thousand (5,000) square feet of storage area. The self-service storage area is 164,941.38 square feet requiring 37 spaces. The applicant is proposing to provide 45 spaces.

**Landscaping:**

The developer is proposing type screen "A" landscaping buffer along the property line adjoining the multifamily development. A 10' buffer is proposed which is proposed to include 11 understory trees and 64 shrubs. A total of 34

understory trees, five canopy trees and 164 shrubs are proposed and meet the requirement set forth in Article 15 of the UDO.

The property is located in Neighborhood 10 of the CAMA Land Use Plan and is classified as General Commercial and Low Density Residential. The proposal does not appear to conflict with any policies of the Land Use Plan.

Property owners within 300 feet of the property were notified of the Planning Board meeting as well as the date of the public hearing, which is scheduled for February 11th. The property has been posted.

Any approval should be contingent upon receipt of a revised lighting plan. Staff recommends that a fence be installed around the stormwater pond.

***Conditional-Use Request:***

The conditional use district process was established because it was recognized that in some cases a general zoning district designation would not be appropriate for a certain property but a specific use would be consistent and acceptable with ordinance objectives. Because this is a conditional-use rezoning request, the Planning Board is able to review and comment on the proposed site plan and recommend reasonable conditions (not related to architecture) to ensure compatibility with surrounding properties if the use conforms with the development regulations for the corresponding district.

Thoughts and questions for Council consideration during the public hearing: Will the proposed use create adverse impacts to the surrounding area- what evidence was seen or heard regarding:

- a. Traffic (competent evidence requires expert with traffic study).
- b. Stormwater Discharge (requires expert when projecting what will happen with the proposed project rather than what has been happening; state permits will control if over an acre.)
- c. Land values (requires an expert to give testimony of what will happen because of project).
- d. Compatibility of land use activities (example: will the proposed use adversely affect the health and safety of residents of the surrounding area? Will the proposed use constitute a nuisance or hazard?)

As this is a conditional use request, the public hearing before Council will be conducted in a quasi-judicial manner and must follow evidentiary procedures and observe the procedural requirements set forth in Article 10. The objectives and policies of the Land Use Plan, relative to the use, proposed site and surrounding area may be considered.

***Land Use Consistency Statement/Resolution:***

In accordance with N.C.G.S. 160A-383, a land use consistency statement must be adopted when a zoning amendment is approved or rejected. The draft statement provided may be modified or rewritten at the discretion of the Planning Board and must take one of the following three forms:

1. A statement recommending approval of the proposed zoning amendment and describing its consistency with the plan;
2. A statement recommending denial of the proposed zoning amendment and describing its inconsistency with the plan; or
3. A statement recommending approval of the proposed amendment and amendment of the land use plan, along with an explanation of the change in conditions to meet the development needs of the community that were considered in recommendation of the zoning amendment.

***Sketch (Conceptual) Plan:***

City Departments, Planning Board and Council review the Sketch Plan. This is an opportunity to comment on and suggest changes to the project design. This is also the stage that a developer would request a variance if necessary. The sketch plan shows the entire development. The sketch plan was submitted to the other city departments for review. The sketch plan, including any Planning Board comments, will be forwarded to the Town Council for consideration during its meeting on February 11, 2020.

Planner Mackenzie Todd introduced the request. This property was rezoned from CH-CU (Highway Commercial Conditional-Use) to RMF-CU (Residential Multifamily Conditional-Use) and CH-CU in 2009. The developer is now concurrently requesting sketch plan review for a proposed two-lot subdivision of the parcel and to rezone the tract located at 5476 Highway 70.

Ms. Todd began by discussing proposed conditions, which included a request that the applicant fence around the stormwater pond, extend the sidewalk up Wildwood Road, and continue to maintain the drainage culvert. The applicant has agreed to all of the proposed conditions.

Ron Cullipher of The Cullipher Group and Robert Hyde of Hyde Development Company spoke in favor of the request. Mr. Hyde presented elevations for a storage facility proposed to be located on the commercial portion of the two-lot subdivision.

Michael Murdoch and Stephen Murdoch, both of Wildwood Road, expressed concerns about the request stating that the area is prone to flooding and is comprised of wetlands and that the drainage

culvert on Wildwood Road is easily blocked. Michael Murdoch also expressed concerns that the main access for the development should be from Highway 70 instead of Wildwood Road due to the fact that the intersection does not have a stoplight and eastbound traffic is forced to turn west and make a U-turn at McCabe Road which could result in safety issues.

Mr. Cullipher addressed the concerns raised by Michael Murdoch and Stephen Murdoch stating that NCDOT would prefer not to place another curb cut on Highway 70, but that a second access road does currently exist for utility and emergency purposes in the form of a gravel access road. Mr. Cullipher stated that there are four existing stormwater ponds on phase I of The Vinings, and one additional pond is proposed to be added as part of this request.

Andrea Smith said that the Town is currently working to prepare a stormwater plan. While the project is beginning with a pilot area downtown, it should eventually help to mitigate bigger picture issues. Ms. Smith suggested Mr. Murdoch should come to the City Council meeting to express his concerns. Mr. Cullipher elaborated that a thorough technical review must be completed with the state stormwater permitting program office.

Carlton Blanton spoke and expressed concerns over the storage facility use proposed to be located on the Commercial lot of the two-lot subdivision. Mr. Blanton questioned the difference in zoning between the parcel across the street zoned CH (Highway Commercial) where Mr. Blanton runs a business and the commercial parcel as part of this request. Planning Director Watkins explained that the lot fronting on Highway 70 is proposed to be CH-CU, which allows for a storage facility included as part of the conditional-use request. A storage facility would otherwise need a special-use permit to operate in the CH district.

Andrea Smith made **MOTION**, seconded by Frank Eastman, to recommend approval of the conditional-use rezoning request contingent upon the following conditions: that the site being developed in accordance with the site plan titled "Vinings II & Pinnacle Wildwood Storage", prepared by The Cullipher Group, P.A. dated January 28, 2020; that a fence be installed around the stormwater pond; that the owner shall cleanout the drainage culvert prior to commencement of the project and cleanout the drainage culvert under the railroad track near the northeast corner of the property as needed; that a sidewalk be installed along Highway 70 and Wildwood Road along the property line to terminate at the private drive; and to recommend approval of Resolution 2020-0001. The motion carried unanimously.

Ronetta Gaskill made **MOTION**, seconded by Tom Saunders, to recommend approval of the Sketch Development Plan Request for Phase II of The Vinings at Wildwood. The motion carried unanimously.

### ***REQUESTS/COMMENTS:***

#### **A. Planner Mackenzie Todd reviewed commercial activity in Morehead City:**

- 1. Commercial Accessory Structure for shed, 1400 Bridges Street (ReachGlobal)*
- 2. Commercial Accessory Structure for Dock, 800 Country Club Road (Haystacks Condos)*
- 3. Commercial Addition to add storage, 4908 Bridges Street (Storage Facility)*
- 4. Commercial Alteration for renovation, 5230 Highway 70 (Circle K)*
- 5. Commercial Alteration to expand into unit, 909 #A & #B Arendell Street (Promise' Land)*
- 6. Commercial Alteration for renovation, 2900 Bridges Street (Unitarian Church)*

7. *Commercial Alteration to add wall, 109 S. 6<sup>th</sup> Street (The Ordinary Restaurant)*
8. *Commercial Alteration to create offices, 450 Highway 24 (JP Davies)*
9. *Commercial Alteration for unit upfit, 4950 Arendell Street #I (Simply Natural Creamery)*
10. *Commercial New for Storage Facility, 1100 N. 20<sup>th</sup> Street*
11. *Commercial New for Storage Facility, 105 Byrd Street*
12. *Commercial New for Offices, 5006 Mattie Street*
13. *Commercial New for Wireless Facility, 301 Carteret Road*
14. *Commercial New for Wireless Facility Antenna Co-locate, 102 S. 9<sup>th</sup> Street*
15. *Commercial New for Wireless Facility (Rooftop), 709 Arendell Street (Tightlines)*

**B. Planning Director Sandi Watkins reviewed single-family development activity in Morehead City:**

1. *Residential Additions: 4*
2. *Residential Alterations: 14*
3. *Residential Accessory Structures: 10*
4. *Residential Demolitions: 1*
5. *Single-Family Attached Dwelling at 175 Old Murdoch Road #201*
6. *Single-Family Attached Dwelling at 175 Old Murdoch Road #203*
7. *Single-Family Attached Dwelling at 175 Old Murdoch Road #205*
8. *Single-Family Dwelling at 1705 Avery Street*
9. *Single-Family Dwelling at 2307 Fisher Street*
10. *Single-Family Dwelling at 1905 Oglesby Road (Modular)*
11. *Single-Family Dwelling at 406 Florida Avenue*
12. *Single-Family Dwelling at 1520 Galley Circle*
13. *Single-Family Dwelling at 1710 Olde Farm Road*
14. *Single-Family Dwelling at 151 S. Spooners Street*

**ADJOURNMENT:**

There being no further requests or comments, the meeting adjourned at 7:08 p.m.

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Annie Bunnell, Secretary