

The Morehead City Planning Board conducted a public meeting on Tuesday, February 21, 2023, in the City Hall Council Chambers at 1100 Bridges Street at 5:30 p.m. The following people were present:

MEMBERS: Sally Lumpkin, Diana Tootle, Nathan Chambers, Glenn Curtis, Ronetta Gaskill, and Matt Johnson

ABSENT: Curtis Oden, Jr.

Others present: Planning and Inspections Director Sandi Watkins, Secretary Annie Bunnell, Zoning Enforcement Officer Jeannie Drake, City Attorney Derek Taylor, Paula Hoffman, Ron Cullipher, Bill Brown, Curtis Stryuk, and Samer Hamad.

Sally Lumpkin called the meeting to order and gave the invocation.

The roll was called and Curtis Oden, Jr. was absent. Diana Tootle made **MOTION**, seconded by Nathan Chambers to excuse the called in absences. The motion carried unanimously.

Ronetta Gaskill led the Pledge of Allegiance.

MINUTES: January 17, 2023: Diana Tootle made **MOTION**, seconded by Ronetta Gaskill, to adopt the minutes and dispense with the reading. The motion carried unanimously.

NEW BUSINESS:

A). Request submitted by The Cullipher Group, P.A., on behalf of Residences at 9th, LLC, for a Site Development Master Plan and Preliminary Plat review of "Residences at Bask" planned development located at 901 & 909 Shepard Street (Tax PIN # 638619605660000 & # 638619603566000) and zoned PD (Planned Development District).

Current Zoning: PD (Planned Development). Flood Zone: AE8. Total Area: 2.42 Acres (105,587.78 sq. ft.). Average Lot Size: 2,206.60 SF. Minimum Lot Size: 1,758.55 SF.

Rezoning and Sketch Plan Review (Planning Board) – 10/19/2021
Rezoning and Sketch Plan Approval (Council) – 11/9/2021
Revised Sketch Plan Review (Planning Board) – 2/16/2022
Revised Sketch Plan Approval (Council) – 3/8/2022

General: The applicant has submitted a request for a Site Development Master Plan and a Preliminary Plat Review for Residences at Bask, a proposed twenty-five (25) unit residential planned development located at 901 and 909 Shepard Street. The proposed development is to include a private swimming pool with restroom, community marina, walkways, and signage.

Process: Planned Development districts are required to be processed in four stages: sketch development plan, site development (master) plan, preliminary plat approval, and final plat approval. The developer previously received approval of the sketch development plan and is currently requesting site development (master) plan and preliminary plat approval.

Minimum Setbacks: The Unified Development Ordinance (UDO) requires a minimum ten-foot (10') perimeter building setback which is shown.

Height: The developer is proposing a maximum height of fifty feet (50') from finished grade. The maximum allowable height in the PD district is seventy feet (70').

Density: The developer proposes a total of twenty-five (25) units on 2.42 acres at a density of 10.33 units per acre. The maximum allowable density in a PD district is thirty-six (36) units per acre.

Floor Area Ratio (FAR): The FAR is the maximum square foot amount of total floor area including all stories permitted for each square foot of ground area. The maximum FAR permitted is 1.5. Based upon the ground area totaling 105,587.78 SF, the allowable FAR is 158,381.67 SF. The plan indicates that the maximum residential floor area will be 120,400 SF based upon 1,376 SF per the first three floors of each structure (size of largest unit shown on Master Site Plan, #13) and 688 SF per the fourth floor of each structure (50% maximum allowable floor size) with twenty-five (25) residential units. The Floor Area Ratio requirements are met as proposed.

Open Space: Planned Development districts require a minimum of 28% of the site be preserved as open space with 18% natural and 10% useable open space, respectively. As indicated on the plan, 18.15% (19,169 SF) natural and 10.05% (10,617 SF) useable open space are proposed.

Water Access: All planned development projects adjoining public waters are required to provide a public water access area or pay a fee in lieu of dedication based upon one thousand dollars (\$1,000) per unit. The developer has requested to pay a fee in lieu of dedication which would total twenty-five thousand dollars (\$25,000) for twenty-five (25) units. The fee would be due prior to final plat recordation.

Streets: The development is proposed to be served by a limited public (City) street. The total length of the proposed streets is 805.81 linear feet.

Utility/Drainage Easements: Ten-foot (10') wide utility/drainage easements are shown along the fronts of each lot and surrounding the common area.

Trash Collection: Trash collection will be via individual rollout cans with contracted pickup.

Utilities: The development will be serviced by Morehead City water and sewer.

Parking: Two (2) parking spaces per residential unit are required. Two (2) spaces are shown per residential unit within the driveways plus five (5) spaces in the vicinity of the improved open space area for a total of fifty-five (55) dedicated parking spaces. This does not include parking spaces that could be available within garages.

Permits: The applicant has submitted the following approved permits:

- o State Stormwater Permit
- o State Erosion and Sedimentation Control Permit
- o CAMA Major Permit
- o Water / Sewer extension approvals

Covenants: A copy of the draft restrictive covenants has been received.

Technical Review: The plan details have been reviewed and approved by Public Services and the Fire Department based upon this phase of development.

Notification: Abutting property owners were notified of the Planning Board meeting as well as the date of the public hearing which is scheduled for March 14, 2023. The property has been posted and notice of the public meeting was advertised in the Carteret County News-Times.

Proposed Conditions:

1. A maximum number of twenty-five (25) residential units.
2. Other uses limited to Accessory building/use, Recreation use, outdoor (private marina), required recreation improvements associated with the useable open space (e.g. swimming pool with restrooms), and signage.
3. A maximum height of fifty feet (50').
4. Residential marina for private use only of lot owners. All docks deemed to participating lot owners of the Residences at Bask-planned development.
5. The maximum retaining wall height within the front yard setback is three feet (3') (per Unified Development Ordinance Article 14-1, Fences and Retaining Walls, Subsection 14-1.3, Height) and will be measured from the average grade three feet (3') on each side of the wall.
6. Separate fence and bulkhead permits will be obtained prior to construction of a retaining wall or bulkhead as required under section 14-1 of the Unified Development Ordinance.

Planning and Inspections Director Sandi Watkins introduced the request by reviewing the staff report. This request is at the next to last phase for a Planned Development, with the last phase being final plat. At this phase, Staff verifies that all required permits are in place. Staff is requesting that six conditions be placed on the development, if approved, and the developer has agreed. The conditions were shown on the screens for the Board.

Ron Cullipher spoke representing the developers, who were also present in case of questions. Mr. Cullipher said that it had been some time since the Board saw the last phase of this development because it took a bit to get all of the required permits in place. Mr. Cullipher said that the development had many citizen comments at the sketch phase regarding water impacts on Shepard Street and he felt some of those comments may be heard again. He said that the primary issues for drainage in the area are king and high tides. Mr. Cullipher said that he and the developers did not feel that the proposed community affects drainage in a negative way.

Matt Johnson asked Mr. Cullipher what additional permits would be needed to complete the project. Mr. Cullipher responded that construction permits would be the last step and the only permits not yet received.

Chairperson Lumpkin asked Mr. Cullipher what documentation was sent to the state for the project's stormwater permit approval. Mr. Cullipher said that the state received the same plan that the Planning Board was reviewing. Ms. Lumpkin asked if that included the information about the proposed amount of fill dirt. Mr. Cullipher said yes. Chairperson Lumpkin asked Mr. Cullipher what the elevation was currently on the south side of the sidewalk. Mr. Cullipher said that it was in the three (3) foot range. The retaining wall and bulkhead will be at six (6) feet in elevation. The developers want to fill the lot up to the six-foot height to be above the anticipated new base flood elevation depicted on the current preliminary flood maps. Ms. Lumpkin asked if the fill would be graded. Mr. Cullipher said that it would be graded like a turtle in the middle and sheets in all 4 directions. Ms. Lumpkin asked if the retaining wall was proposed to be located on the east, north, and west sides. Mr. Cullipher said that was correct and that there would be a bulkhead to the south. Mr. Cullipher said that he did not want any areas to be lower and have drainage run to one corner of the property, but rather sheet flow all around the property.

Glenn Curtis asked Mr. Cullipher to clarify a statement contained in the stormwater permit that stated that no stormwater or ditches are proposed. Mr. Cullipher said that for the redevelopment of a property, no new piping or catch basins are permitted and any stormwater must be dispersed. A sheet flow design will be used to disperse the stormwater around the property. Mr. Curtis then asked Mr. Cullipher to explain how the rain tanks work. Mr. Cullipher explained that the tanks look like an "old style milk crate" and stack together to buffer the rainfall. The tanks are installed underground and are required for compliance with CAMA requirements. The tanks allow the rainwater to infiltrate the underground and the roof gutters channel directly into them. Mr. Curtis asked if the tanks were visible above ground. Mr. Cullipher said no. Mr. Curtis asked what happens when the tanks are full. Mr. Cullipher explained that when the tanks fill, the water bubbles up from the ground and disperses across the property via sheet flow. Mr. Curtis said that it did not appear all of the dwellings proposed to be located on the property would be connected to the rain tanks and asked how Buildings #1-#9 would be built to prevent from flooding onto Shepard Street. Mr. Cullipher said that the all of the properties along Shepard Street drain to the street and the developer plans to do that as well. Mr. Cullipher stated that there are no rules against that, but that they would be required to adhere to the state stormwater rules. Flooding issues are a part of Shepard Street heritage, but Mr. Cullipher said that the Town has recently received a 2.4 million dollar grant to address those issues. Mr. Curtis asked why the rain tanks were only proposed on the south side of the property by the water and nowhere else. Mr. Cullipher said that the area where the rain tanks are proposed is within the thirty (30) foot CAMA buffer and the requirement is from The Division of Coastal Management.

Diana Tootle asked why the developer chose only to install six (6) of the tanks within that area as opposed to ten (10). Mr. Cullipher said that the developers only had to meet a certain criteria, or volume, that was in the buffer prior to redevelopment and the developers were not required to install ten tanks. Ms. Tootle said that she understood that they did not have to do that, but asked if they could do that to help with the stormwater situation. Mr. Cullipher explained that the tanks were required as part of an environmental issue, not a flooding issue. The water being captured is for water quality, not water quantity.

Chairperson Lumpkin called for any other speakers on behalf of the applicants. Hearing none, Ms. Lumpkin opened the public comment time.

Paula Hoffman of 907 Evans Street spoke reading a prepared letter which was both provided to the Board and published on the online Agenda Center prior to the meeting. Ms. Hoffman read from the prepared letter, which reads, "When the Bask group started this process in the Fall of 2021, a representative visited a number of homes across the street from the proposed project. They printed up a nice graphic of a boat storage facility standing 70' tall and another graphic of their proposed project of 25+ townhomes standing 50' tall. It appeared that they wanted to present something huge and view blocking versus something more pleasing such as the townhomes. Here we are a year and a half later with a proposal of an added 7.5 feet of elevation using fill dirt, with 50-foot townhomes sitting on top. I believe that initially they wanted to assure a pleasant view from their BASK Hotel, in addition to creating a profitable project. Now as you walk down the waterfront going west from 7th or 8th street, you will encounter a 3-foot-tall wall with an additional 4.5 feet of dirt on top, then twenty five 50 foot townhomes on top. I'm not sure that is much of an improvement on the view versus a boat storage facility."

"Most importantly, I want these builders to build responsibly, without pushing problems to their downstream neighbors, those of us who live in the block across the street. I do not oppose the building of the townhomes. I do oppose the fact that there is no stormwater mitigation. One inch of rainfall will generate 65,000 gallons of water on this 2.4-acre property. The only stormwater plan for this property is sheet flow other than within the first 75' of the waterfront, where the Coastal Area Management Agency required them to put in an r-tank to collect stormwater. The final design approved by CAMA put in the r-tank and includes drainage from the roofs of 6 of the 10 townhomes within the 75' area of environmental concern. Drainage from 6 townhomes met the minimum requirement. For each inch of rainfall 65,000 gallons of water will rush to the 9th and 10th street parking areas, as well as Shepard Street, where on a sunny day, during a king tide we are already experiencing 15" of seawater flooding the street, going into the alleys and yards of the homes across the street and up to some home foundations."

“If you want to look at this purely from a monetary point of view: The builders want to maximize their profit and the neighbors want to minimize exacerbated costs caused by the additional flooding brought on by any lack of stormwater control. The downstream neighbors are at risk for property damage and increases in flood insurance costs. Those costs to us will also occur for the builders themselves, as they own the BASK hotel, which has already incurred damage during one of the king tides that flooded their lower floor where equipment running the elevator was damaged, trapping people in the elevator. Flooding for them will continue as well. As investors building this property, they clearly have paid attention to comments made by the neighbors regarding rising sea level and increasing king tides. They have decided to create an island with a 7.5-foot increase in elevation.”

“I have spoken to a couple of engineers, and it has been suggested that if a drywell is built for each of the townhomes’ roof gutter drainage and permeable pavement is used for the road surface within the property, this will help significantly reduce the amount of water flowing to 9th, 10th and Shepard Streets. If the builders are willing to put in the amount of money to bring in over two acres of 7.5 foot depth of dirt to raise the elevation, perhaps it would be worthwhile to invest in these much smaller costs to control stormwater. Based on some research with fill dirt at \$12/cu yd, for the volume of 28,500 cu yd needed to fill 2.4 acres with 7.5 feet of fill dirt, delivered with a one hour round trip/per truckload, at a cost of \$80 per hour per truck at 13 cu yds per truckload and \$3 per cu yd to spread and compact the dirt, that cost is \$600,000. This is an estimate and does not even include the cost of building a 3’ retaining wall around the entire property. The average cost of putting in a dry well is around \$3,000 per well. Already having drainage to the r-tank for 6 of their townhomes, they would only need to install 19 dry wells, a total cost of approximately \$57,000. The cost of an angular aggregate permeable paving surface material for the roads is \$1.50 per square foot. I estimate 17,000 square feet of road surface within this development, not including driveways. I don’t have numbers on asphalt or concrete, but at a minimum that would be an additional \$25,000 for the permeable surface. \$25,000 for the permeable road surface, plus the \$57,000 for drywells, comes to a total of \$82,000. Compared to approximately \$1 million for the fill dirt and retaining wall and the cost of the entire project, \$80,000 makes the idea of adding dry wells to handle the roof runoff for each townhome and using permeable paving material for the road seem very doable.”

“Another cost the city needs to consider is that to deliver 28,500 cu yds of fill dirt at 13 cu yds per truck, will take 2,189 truckloads. Are the city streets built to handle these weight loads? How much damage will be done to our streets and who will pay for those repairs? My understanding is that those loads will not be a problem for highway 70, but what about 9th, 10th, and Shepard St?”

“Purchasers of these units will not be able to access their property during king tides and their flood insurance costs will be extremely high. Will the property owners, when they realize they cannot access their property due to flooding, then come to the city and say it is the city’s responsibility to alleviate the problem. That pushes the problem to your city budget.”

“I am asking that these builders build responsibly and not push their problems to their downstream neighbors. Using some innovative engineering to handle the stormwater at negligible costs will help the owners of the Bask Residence properties to access their townhomes more frequently, reduce flooding to the neighbors, and reduce flooding to the Bask hotel. Everyone will benefit. You, the city officials are the only ones who can be proactive and require this reasonable investment to protect everyone. I am asking you to serve all of your citizens and help protect all of our properties. Thank you for your attention to this matter.”

Glenn Curtis asked Mr. Cullipher if he had any comment regarding Ms. Hoffmans’ letter and her suggestion of providing drywells. Mr. Curtis said that he was sure with the expertise Mr. Cullipher had that he had chosen a good system. Mr. Cullipher said that the developers need to be above the anticipated base flood elevation and that requires bringing dirt onto the property. Regarding stormwater requirements, most people were not interested in going above and beyond the requirements because those requirements were already tough to meet. For redevelopment projects, the developers are grandfathered based on the impervious surface that was existing on the site. Mr. Cullipher said that when stormwater permits first became required in 1988, the requirement was that one-inch (1’) of runoff had to be treated. The requirement now is for the

treatment of 3.8 inches. The advantage for redevelopment is great. The project is infill development which is a much better use for the property. The developers are not trying to exacerbate a drainage problem but do not feel it will be made worse. The primary issue is a king tide issue which is something that the developers have no control over. Mr. Curtis asked if it was likely then for the flooding issue to continue. Mr. Cullipher said he felt the 2.4 million dollar grant the Town had been awarded would do a lot towards improvements in the area.

Matt Johnson said that he was not familiar with drywells and asked if a drywell would have any impact on a king tide event. Mr. Cullipher said that a drywell is a rain storage tank meant to aide in infiltration, but the issues on the property are not rain related. The device is not like a cistern but rather a large tub with holes in the bottom.

Chairperson Lumpkin allowed Ms. Hoffman to come to the podium and make another comment due to the fact that she was the only member of the public present in opposition of the request. Ms. Hoffman said that the stormwater permit was issued in September, and she did not believe at that time the developers had proposed to add seven (7') feet of fill. The properties having one hundred percent (100%) imperviousness has benefited the developers immensely. Ms. Hoffman said that constructing the drywell would not stop king tides, but if water is collected from rooftops and a permeable surface is used on the site, she didn't believe the community would add to the flooding issues in the area. Ms. Hoffman said that these suggestions would benefit the developers and future homeowners at the site and she hoped that something could be done which would be positive for everyone involved.

Chairperson Lumpkin asked if there were any other individuals interested in speaking on the request. Hearing none, Ms. Lumpkin closed the public comment time and began Board deliberations. Ms. Lumpkin said that the Town is in the process of a stormwater mitigation plan for which they have received a 2.4-million-dollar grant. She said that the process is currently at the design stage and has been sent to the State for approval. She said it may take time to get through the entire process but regarding the Planned Development project she felt that "all of the checkpoints were in their proper boxes". Ms. Lumpkin asked for any other Board comments or concerns. Hearing none, she called for a motion. Attorney Taylor advised the Board before proceeding with a motion that they may wish to get on the record that the developers agree to the proposed conditions. Samer Hamad said that he and the other members of the developers "Residence at 9th, LLC" agreed to the conditions.

Nathan Chambers made **MOTION**, seconded by Matt Johnson, to recommend approval of Preliminary Plat and Site Development Master Plan for the "Residences at Bask" Planned Development contingent upon the following: 1. A maximum number of twenty-five (25) residential units; 2. Other uses limited to Accessory building/use, Recreation use, outdoor (private marina), required recreation improvements associated with the useable open space (e.g., swimming pool with restrooms), and signage; 3. A maximum height of fifty feet (50'); 4. Residential marina for private use only of lot owners. All docks deemed to participating lot owners of the Residences at Bask planned development; 5. The maximum retaining wall height within the front yard setback is three feet (3') (per Unified Development Ordinance Article 14-1, Fences and Retaining Walls, Subsection 14-1.3, Height) and will be measured from the average grade three feet (3') on each side of the wall; 6. Separate fence and bulkhead permits will be obtained prior to construction of a retaining wall or bulkhead as required under section 14-1 of the Unified Development Ordinance. The motion carried unanimously.

REQUESTS/COMMENTS:

A. Planning Director Sandi Watkins reviewed commercial activity in Morehead City that occurred since the last Planning Board meeting:

1. *Commercial Accessory Structure for deck at 4820 Arendell Street (Coastal Nails)*
2. *Commercial Alteration for a unit upfit at 1708 Arendell Street (Jake's)*
3. *Commercial Alteration for renovation at 4917 Arendell Street (Food Lion)*
4. *Commercial Alteration for office remodel at 5420 Highway 70 (VA Building)*
5. *Commercial Dock/Pier/Bulkhead for observation platform at 400 Barbour Road (Morehead Middle School)*
6. *Commercial Dock/Pier/Bulkhead for bulkhead at 2900 Bridges Street (Country Club)*

B. Planning Director Sandi Watkins reviewed single-family development activity in Morehead City that occurred since the last Planning Board meeting:

1. *Residential Alterations: 11*
2. *Residential Accessory Structures: 12*
3. *Residential Demolitions: 4*
4. *Single-Family Dwelling at 3211 Evans Street*
5. *Single-Family Dwelling at 1012 Oak Drive*
6. *Single-Family Dwelling at 220 S Spooners Street*
7. *Single-Family Dwelling at 5229 Webb Court*
8. *Residential Solar Panel Installation: 2*
9. *Residential Swimming Pool: 1*
10. *Residential Roof: 1*

C. Planning Director Watkins entered the attendance record and monthly reports for the record.

Chairperson Lumpkin asked about the conversation that the Planning Board had previously regarding changing the water access fee requirements. Ms. Watkins responded that the water access fee requirement is one of many Unified Development Ordinance updates which have been identified at the staff, Planning Board, and Council level in need of being addressed. Glenn Curtis asked if a text amendment request would be a City Council decision. Ms. Watkins explained that any City-initiated amendment would likely be reviewed by the Planning Committee first. It would also go through the formal adoption process of Planning Board review, with City Council making the final decision.

ADJOURNMENT:

There being no further requests or comments, the meeting adjourned at 6:24 p.m.


Annie Bunnell, Secretary