

The Morehead City Planning Board conducted a remote electronic public meeting on Tuesday, April 21, 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, Secretary Annie Bunnell, Elise Clouser with the Carteret County News-Times, Chase Cullipher of The Cullipher Group, Will Rogers, Robert “Pete” Chiles, Gloria McCarthur, George Hester, Glenn White, Catherine White, Jonathan McDaniel, David Walker, Brad Piland, Curtis Oden, Sarah West, and other concerned citizens.

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

The roll was called and no one was absent.

Tom Saunders led the Pledge of Allegiance.

MINUTES: January 21, 2020: Diana Tootle made **MOTION**, seconded by Ronetta Gaskill, to adopt the minutes and dispense with the reading. The motion carried unanimously.

MINUTES: March 24, 2020: Sally Lumpkin made **MOTION**, seconded by Frank Eastman, to adopt the minutes and dispense with the reading. The motion carried unanimously.

AGENDA AMENDMENT: Chairman Outlaw called for a motion to amend order of the agenda to bring item (E) up to item (A). Tom Saunders made **MOTION**, seconded by Sally Lumpkin, to amend the order of the agenda as requested. The motion carried unanimously.

NEW BUSINESS:

A.) Request submitted by Jonathan McDaniel, of Bell and Phillips, to amend Article 2-2.299 of the Unified Development Ordinance to add an exemption for family subdivisions, to amend Article 16-2.2 Streets and Roads and Article 9-4 Street Access to add family subdivisions as an exemption to the definition of subdivision and to permit lots divided as a result of a family subdivision exemption from having to provide direct street access.

Prior to the meeting, staff received technical inquiries regarding the proposal which could require additional research and possible input from the City Attorney. Planning Director Watkins staff requested that the board table the item to allow additional time to conduct the technical research.

Chairman Outlaw asked the applicant, Mr. Jonathan McDaniel, whether he agreed with the request. Mr. McDaniel replied that he was in agreement.

Diana Tootle made **MOTION**, seconded by Sally Lumpkin, to table the text amendment request until the May Planning Board meeting. The motion carried unanimously.

B.) Request submitted by AB Goodrich Contracting, LLC, on behalf of Charles Hester Jr., for Final Plat Approval for Mitchell Village Business Park to be located off of Executive Drive and known as “ACRES ON PITTMAN AVENUE”.

Effective Flood Zone: Shaded X. Preliminary Flood Zone: X. Zoning: Highway Commercial (CH).

Sketch Plan Review (Planning Board): 5/19/2015

Sketch Plan Review (Council): 6/9/2015

Preliminary Plat Review and Approval: 8/18/2015

Preliminary Plat Renewal: 3/19/2019

Final Plat Approval: 10/12/2019 (Expired)

The applicant is requesting final plat approval for Mitchell Village Business Park which includes a three-lot commercial subdivision at the southern terminus of Byrd Street which is accessed from Executive Drive.

The Planning Board approved an identical version of this final plat on October 12th, 2019 which has since expired. Note: According to Article 4-29.3(G): The subdivider shall file the approved final plat with the Carteret County Register of Deeds within ninety (90) days of approval by the Planning Board or Council, or such approval shall be null and void.

Background: The total area of the tract is 4.43 acres and it is zoned Highway Commercial (CH). The property is located within the corporate limits. Surrounding zoning includes Highway Commercial (CH) to the North, Residential District-Conditional Use (R5-CU) to the East and South and Residential District (R10) to the West

A cul-de-sac is at the terminus of Byrd Street on the subject property. As proposed, the cul-de-sac street does not exceed the recommended 500' length. Twenty-five foot (25') front setbacks are shown along the fronts of all lots. Twenty-five foot (25') rear setbacks are shown along the western and southern property lines on Lot 2 and Lot 3. The southern portion of Lot 1 includes a pond which provides stormwater services for the subject property. Five parcels to the north (Holiday Inn Express, Carteret Vision Center, Sound Bank, Texas Steakhouse, and the parcel immediately adjacent to Byrd Street to the east) are also served by the stormwater pond.

Street lights will not be required since the area of the lots is greater than 40,000 square feet. No recreational/open space areas are required because this is a commercial subdivision. Copies applicable permits are on file with the town and current.

Final Plat Approval Procedures: The Planning Board reviews the Final Plat following review by Town staff. The purpose of this review is to assure that improvements have been installed in accordance with the preliminary plat and that any necessary fees have been paid. The Unified Development Ordinance does allow a developer to obtain final plat approval without all improvements being installed provided that a bond or other guarantee is submitted to the Town in an amount of 1.25 times the cost of the improvements. The proposed amount of the bond or guarantee for the uninstalled improvements is reviewed and approved by the Public Services Director. Once final plat is granted, the developer is legally able to transfer the lots.

Planner Mackenzie Todd introduced the request. Ms. Todd told the Board that the applicant, Chase Cullipher of the Cullipher Group, was present to answer any questions.

Mr. Cullipher spoke, stating he was present. Chairman Outlaw stated for the Board that the plat had been approved before and has expired.

Sally Lumpkin made **MOTION**, seconded by Ronetta Gaskill, to approve the final plat for Mitchell Village Business Park. The motion carried unanimously.

C.) Request from Keith Walker of East Carolina Community Development Inc., on behalf of Lois Willis Matthews, for Final Plat Approval for Elijah's Landing located at 3200 and 3140 Bridges Street.

Effective Flood Zones: AE 6 and X. Preliminary Flood Zones: AE 8, Shaded X, and X. Zoning: Residential Multifamily (RMF).

Sketch and Preliminary Plat Review/Approval (Planning Board): July 17, 2018

Sketch Plan Approval (Council): August 14, 2018

Final Plat Approval: August 21, 2018 (Expired)

The applicant is requesting final plat approval for a proposed two-lot subdivision located on the north side of Bridges Street located to the east of Bridges Professional Center and to the west of Willis MHP. The property is zoned RMF (Residential Multifamily District) and there is an existing building as well as existing manufactured homes remaining on the site. Mr. Walker has indicated that the manufactured homes on the subject property are to be removed once the property is sold.

The Planning Board approved an identical version of this final plat on August 21, 2018 which has since expired. *Note: According to Article 4-29.3(G): The subdivider shall file the approved final plat with the Carteret County Register of Deeds within ninety (90) days of approval by the Planning Board or Council, or such approval shall be null and void.*

The project engineer has provided an estimate for completion of the Sylvia Lane and sidewalk connections to the subject property in the amount of \$56,788 that has been approved by the Public Service Director. **Any approval should be granted contingent upon receipt of a letter of credit or other surety in the approved amount or completion of the required improvements prior to recordation of the final plat.**

Background: The total area of the tract is 12.76 acres. Tract 1 consists of 11.64 acres which includes 1.47 acres of wetlands and Tract 2 consists of 1.12 acres which includes 0.87 acre of wetlands. Tract 1 has been annexed and will be served by Town water and sewer and Tract 2 is proposed to remain in the Extraterritorial Jurisdiction (ETJ).

Existing easements of record are shown including several Duke utility easements within Tract 1 (27' Duke utility easement along the front of Tract 1, 30' Duke utility easement within Tract 1, a 70' Duke utility easement along the rear of Tract 1). The location of any easements needed for the multifamily development will be included in the comprehensive multifamily site plan which will need to be reviewed by the Planning Board.

A ninety-foot (90') extension of Sylvia Lane is proposed to connect the property from Commerce Avenue from the west. A five-foot (5') sidewalk is to be constructed alongside the extension and there is an existing five-foot (5') sidewalk along Bridges Street which is proposed to remain.

Any applicable state and federal permits will be required along with the Building Permit application submittals. A comprehensive multifamily plan must be reviewed by the Planning Board before any building permits may be issued.

Final Plat Approval Procedures: The Planning Board reviews the Final Plat following review by Town staff. The purpose of this review is to assure that improvements have been installed in accordance with the preliminary plat and that any necessary fees have been paid. The Unified Development Ordinance does allow a developer to obtain final plat approval without all improvements being installed provided that a bond or other guarantee is submitted to the Town in an amount of 1.25 times the cost of the improvements. The proposed amount of the bond or guarantee for the uninstalled improvements is reviewed and approved by the Public Services Director. Once final plat is granted, the developer is legally able to transfer the lots.

Planner Mackenzie Todd introduced the request. Ms. Todd explained that there are existing mobile homes on the site, but that they will be removed once the property is sold. Any approval should be granted contingent upon receipt of a letter of credit or other surety in the approved amount or completion of the required improvements prior to recordation of the final plat. Ms. Todd stated that no inquiries had been received about the request. The applicant, Chase Cullipher of The Cullipher Group, was present to answer questions.

Chairman Outlaw asked Mr. Cullipher if the Sylvia Lane sidewalk connection had been completed. Mr. Cullipher replied that it has not been completed.

Diana Tootle made **MOTION**, seconded by Andrea Smith, to approve the Final Plat for Elijah's Landing with the condition that the applicant provide a letter of credit or other surety in the approved amount to the Town of Morehead City for completion of required improvements prior to recordation. The motion carried unanimously.

D.) Request submitted by Will Rogers, on behalf of Elba McLawhorn, to rezone 3408 Pine Street (Tax PIN #637615530758000) from R10 (Single-Family Residential) district to OP (Office and Professional) district.

Effective and Preliminary Flood Zone: X.

Mr. Will Rogers, on behalf of Elba McLawhorn, has submitted a request to rezone approximately 0.58 acres located at 3408 Pine Street from R10 (Residential District) to O&P (Office Professional). The property is currently vacant.

Surrounding zoning includes R-10 (Residential) and O&P (Office Professional) to the north, Residential to the east and Office Professional to the south and west.

Surrounding land use includes Rogers & Company, CPAs and Carteret Foot and Ankle Specialty to the north and west, professional nursing services to the south and residential to the east.

The property is in Neighborhood 4 of the CAMA Land Use Plan. The property is classified as High Density Residential.

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 April 14, 2020. The property has been posted.

Conventional Rezoning Request: Conventional rezoning requests require consideration of all the uses permitted in the R10 or OP 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, R10 or OP? 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.

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.

R-10 (Residential District)

The purpose of this district shall be to maintain a minimum lot size of ten thousand (10,000) square feet, a density of not more than four (4) dwelling units per acre; to allow for single-family dwellings and such other uses allowed as special uses which would not interfere with single-family residences in the district and which would not be detrimental to the quiet residential nature of the area included within the district; and to prevent the development of blight and slum conditions.

Permitted Uses	Special Uses
Accessory building/use	Adult day care center, family
Cemetery*	Child day care, home*
Cluster Housing Development*	Church*
Dwelling, Single-Family Detached	Family Shelter Home
Family care home*	Government building/use
Public utility building/use*	Home occupation*
Recreation use, Nonprofit	School*

*refer to additional requirements in Article 14

O&P (Office and Professional District)

The purpose of this district shall be to create and maintain areas in which businesses and professional uses may be established between heavy commercial or industrial districts and residential districts or in other areas where appropriate.

Permitted Uses	Special Uses
Accessory building/use	Adult day care center, family
Adult day care center	Bed and breakfast
Child day care	Boardinghouse
Child day care, afterschool	Business residence*
Church*	Child day care, home*
Clinic	Dormitory
Club or lodge, private*	Dwelling, multifamily

Condominium hotel/condotel	Dwelling, single-family detached
Family shelter home	Dwelling, two-family (duplex)
Financial institution	Family care home*
Funeral home	Home occupation*
Government building/use	Printing, publishing and allied
Institution of higher learning	Restaurant
Library, museum, art gallery	School*
Nursing home	Townhouse duplex*
Office, all	
Outdoor vending self-service	
Parking facility	
Personal services	
Public utility building/use*	
Recreation use, governmental	
Recreation use, indoor	
Recreation use, outdoor	
Retail, medical-related, indoor	
Studio, art, dance, photography	

*refer to additional requirements in Article 14

Planner Mackenzie Todd introduced the request. Ms. Todd stated that two inquiries have been received on this request and that the applicant, Will Rogers, was present to answer questions.

Mr. Rogers spoke in favor of the request, stating that he owns the office building to the west of the subject property and would like to expand the parking area or existing office building, or perhaps construct a completely new office building. The property is currently zoned residential, but is located one-hundred feet from North 35th Street and is surrounded by other offices for the exception of the adjacent parcel which is also zoned residential. Mr. Rogers wishes to rezone the property so that he may use it for office purposes.

The Board discussed the surrounding properties, their zoning designations, and what was located on each parcel along Pine Street. Andrea Smith asked Staff if the property owner of the adjacent residential parcel had reached out to Staff about the request. Planner Todd answered that she had, but the adjacent property owner did not appear to be participating in the electronic meeting. Planning Director Watkins stated that the property had been posted and notices were mailed to property owners within three-hundred feet of the subject property which included how to contact staff to attend the electronic meeting.

Tom Saunders made **MOTION**, seconded by Frank Eastman, to recommend approval of the rezoning request and Resolution 2020-0003. The motion carried unanimously.

E.) Request submitted by Glenn White to amend Article 2-2 of the Unified Development Ordinance (UDO) to add a definition for “Event Venue, Residential”, amend Article 11-1 to add “Event Venue, Residential” as a special use in the Single-Family Residential (R10) District, and to add Article 14-50 to add special requirements for “Event Venue, Residential”.

A request has been submitted by Glenn and Catherine White to amend Article 2-2 of the Unified Development Ordinance (UDO) to add a definition for “Event venue, residential”, amend Article 11-1 to add “Event venue, residential” as a special use in the R10 District and add Article 14-50 to include special requirements for residential event venues.

Article 2-2 Definitions:

Event venue, residential. A residential parcel or contiguous parcels under unified control where events such as weddings, receptions, bridal showers, baby showers, anniversaries, birthday parties, family events, and similar functions may occur subject to the requirements of section 14-50.

Article 11-1 Table of Permissible and Special Uses:

As proposed by the applicant, event venue, residential would be a special use in the R10 (Residential) zoning district.

Use/ District	(definition)	R5	R5S	R7	R10	R15	R15M	R15SM	R20	RMF	O&P	PD	MA	CD	CM	DB	CN	CH	I	PM	FP	IC	
Event Venue, residential	Yes				S																		

14-50 Residential Event Venues

Residential event venues are permitted in accordance with Article 11 subject to the following conditions:

14-50.1 A residential event venue must be contained on a parcel or contiguous parcels under unified control totaling no less than 2.18 acres (or one city block) in area.

14-50.2 Parking for an event shall be contained on site and shall not cause overflow onto streets.

14-50.3 Events may be permitted a maximum of four (4) times per year on the property.

14-50.4 Temporary lighting, if any, shall be established in a manner such that adjacent properties are not adversely impacted.

14-50.5 No event venue shall play, operate, or cause to be played or operated any amplified or non-amplified musical instrument or sound reproductive device in a manner that causes a noise disturbance on any neighboring premises or public area from 11:00 p.m. to 7:00 a.m.

14-50.6 Restroom facilities shall be provided on site.

14-50.7 The event venue shall provide sufficient on-site trash receptacles and shall ensure that windblown trash or other debris does not accumulate anywhere on or off the site.

14-50.8 There shall be no on-site advertisement of the event venue.

14-50.9 A zoning permit must be obtained through the Planning and Inspections Department each time there is an event on site.

Planner Mackenzie Todd introduced the request. Ms. Todd stated that one inquiry has been received about the request and that the applicants, Glenn and Catherine White, were present to answer questions.

Applicant Glenn White spoke in favor of the request, stating that he owns a unique property which only abuts a residential zoning district on one side. The property is situated on Bogue Sound, and has the Hampton Inn to the East. Following photos of his own daughter’s wedding, which were published in wedding magazines, Mr. White has received numerous inquiries into using the property as a wedding venue. His desire is to be able to allow non-family members to rent the property on an occasional basis but to keep the residential character of the property and remain in compliance with city ordinances.

Applicant Catherine White spoke in favor of the request, and followed Mr. White’s statement by saying that the property sits on three-and-a-half acres and has sixty-five live oak trees. Ms. White told the Board that the couple does not wish to change the zoning classification to a commercial designation, he only wants to be able to allow the property to be shared.

Planning Director Watkins mentioned that while an applicant may speak to a specific location, decisions cannot be made based upon a specific location because the use could be permitted anywhere the proposed requirements could be met subject to Board of Adjustment approval.

Planning Board Member Diana Tootle asked staff why the request has been made for all properties zoned R10 and not submitted as a request for special use permit. Ms. Watkins explained that, as proposed, any application for this use would require a special use permit be obtained from the Board of Adjustment. If the requirements or conditions imposed by the Board of Adjustment are not met, a special use permit can be revoked.

Frank Eastman asked staff how the requirement related to preventing no noise or amplified music shall from disturbing neighboring properties would be enforced since weddings generally have music of some sort. Ms. Todd responded that the noise rules are consistent with the timing of the current noise ordinance contained in the Town’s Code of Ordinances. Mr. Eastman said he felt that, while he is not against the request, something should be created for this property specifically and not a text amendment for all properties zoned R10. Ms. Watkins mentioned that, if the text amendment were to be adopted, any application for this type of use allowed would be subject to the additional requirements proposed including the requirement that the minimum lot area for a residential event venue be at least 2.18 acres which is equivalent to one city block. This could limit the applicability of the request.

Sally Lumpkin spoke and commended the Whites on the thought they have put into the request. She stated that she is neighbors with the Whites, three properties down, and has attended a wedding on their property which adhered to all Town requirements.

Tom Saunders made **MOTION**, seconded by Frank Eastman, to recommend approval of the text amendment request and Resolution 2019-0002. The motion carried unanimously.

F.) Request received from Robert Chiles Engineering, on behalf of Medical Park Partners, LLC, for review of an alternate landscape plan for Coastal Carolina Orthodontics located at 4358 Bridges Street per Section 15-6.3(C) of the Unified Development Ordinance (UDO).

The applicant is requesting alternate landscape plan approval due to the location of an existing wooded area on the site. The property is currently used as an orthodontics office. The applicant was previously approved for an alternate landscape plan on December 18, 2018. In accordance with subsection 15-5.1 of the Unified Development Ordinance, a Screen “B” is required along the western property line where the abutting property is zoned R20 (Single-Family Residential) District. This includes a ten-foot (10’) yard with sixty (60) evergreens placed no closer than five feet (5’) apart to form a continuous hedge along the length of the screen, at least six feet (6’) tall at planting, and ten (10) evergreens placed in a staggered row no closer than thirty feet (30’) apart, at least six feet (6’) tall at planting that must grow to at least fifteen feet (15’) in height. An eight-foot (8’) fence is also required.

The applicant is requesting that the required fence along the western property line be omitted due to existing vegetation on the adjacent Swinson Park property owned by Carteret County. Following is a summary of the required and proposed landscaping for the site.

Summary Per Landscape Area	
Required	Provided
Required Landscape Strip - Bridges Street (219 linear feet)	
10’ Landscape Strip	10’ Landscape Strip
2 canopies or 4 understories	6 understories
26 shrubs	28 shrubs
Interior Parking Requirements (26 parking spaces shown)	
2 canopies or 4 understories	6 understories
Screen “B” – along western property line	
10’ Screen Type “B” (300’) 8’ tall fence 70, 6’+ tall evergreens	10’ Screen Type “B” (193’) 8’ tall fence (193’). The applicant is requesting the fence not be required. 41, 6’+ tall evergreens

Screen “B” – along northern property line	
10’ Screen Type “B” (430’)	10’ Screen Type “B” (234’) at wetlands line
8’ tall fence	No fence
100, 6’+ tall evergreens	50, 6’+ tall evergreens
2 ½’ Landscape Strip along Dumpster/Vehicular Access on East Side (172’)	
2 canopies or 3 understories	6 understories
10 shrubs	34 shrubs

Staff recommends that, if the request is approved, that it be granted contingent upon a fence being installed if the vegetation shown in the pictures provided is removed at any point in the future or that the screen is otherwise brought into compliance with the landscaping regulations current at the time of vegetation removal.

Planner Mackenzie Todd introduced the request. She stated that the applicants applied for and received an alternate landscape plan for this property in December of 2018 and that they have now requested to eliminate the required fence along the western property line that abuts County-owned Swinson Park.

The applicant, Robert “Pete” Chiles, was present and spoke in favor of the request. The vegetation provides a natural screen along the western property line and Mr. Chiles is requesting to modify the screen requirement so the applicant will not be required to install the fence. Mr. Chiles stated that the western property line is very low and that the area is nearly unwalkable. He said he felt it was unlikely that the vegetation on the adjacent property would be cleared.

Board Member Frank Eastman expressed concerns over the ability to enforce the condition that the applicant be responsible to install the fence should the vegetation be removed for some reason.

Planning Director Watkins explained that a major modification to a landscape plan is allowed only with a major modification granted by the Planning Board. Enforcement could occur through notification of a deficiency by a Town Code Enforcement Officer through observation or on a complaint basis. If the major modification is approved, staff has requested that the applicant agree in writing that the fence will be installed if the vegetation on the adjacent site is removed.

Ronetta Gaskill made **MOTION**, seconded by Sally Lumpkin, to approve the alternate landscape plan contingent upon receipt of a written statement from the applicant that a fence will be installed if the vegetation shown in the pictures provided is removed at any point in the future or that the screen is otherwise brought into compliance with the landscaping regulations current at the time of vegetation removal. The motion carried 6 to 1 (Frank Eastman opposed).

G.) Staff recommendations to amend the Town of Morehead City Planning Board By-Laws to allow for business to be conducted electronically when a State of Emergency is in place or due to other disaster requiring electronic meetings and to provide consistency with the Town’s records retention policies.

Due to the worldwide COVID-19 pandemic, social distancing has been recommended to reduce the chance of spreading the virus. In order to conduct public meetings in a safe manner, virtual platforms have been researched as a substitute to in-person meetings. In order to conduct virtual public meetings, the Planning Board By-Laws need to be updated. Staff has also included an update relating to maintaining records in accordance with the Town’s records retention policy which is based upon state guidelines. At least five members of the Planning Board must vote in favor of any proposed changes in order for the changes to be incorporated into the bylaws. Following are the amended sections:

Article III. Meetings

C. Electronic Meetings: Provided that the meeting is conducted consistent with the Town of Morehead City Rules of Procedure for Electronic Meetings, electronic meetings may be conducted when any of the following entities declare that a state of emergency or a disaster exists in an area including the Town of Morehead City: the federal government of the United States of America; the government of the State of North Carolina; Carteret County, North Carolina; or the Town of Morehead City as permitted by Chapter 166A of the North Carolina General Statutes. (added 4/2020)

Article IV. Records

A. The secretary shall maintain a file of all studies, plans, reports, and recommendations made by the Planning Board in the discharge of its duties and responsibilities in accordance with the Municipal Records Retention and Disposition Schedule of the Town of Morehead City. (amended 4/2020)

Planner Mackenzie Todd introduced the request. Planning Director Watkins explained amendments to the Planning Board By-Laws require that five members vote in favor of the request.

Sally Lumpkin made **MOTION**, seconded by Andrea Smith, to approve the amendments to the Planning Board By-Laws. The motion carried unanimously.

REQUESTS/COMMENTS: Ms. Watkins submitted the Planning Board attendance and February Monthly Building Reports for the record and requested that Planning Board members forward any technical questions they wish to be researched regarding the draft family subdivision text amendment to Planner Todd.

ADJOURNMENT:

There being no further requests or comments, the meeting adjourned at 6:44 p.m.

Annie Bunnell, Secretary