

Surf City Planning Board
April 8, 2021 at 4:00 P.M.
Surf City Welcome Center
102 N Shore Dr.

Members Present:

Larry Bartholomew, Chairman
Steven Pasquantonio, Vice-Chairman
Rick Benton
Jimmy Campbell
Gary Cavenaugh
Sally Edens
Renee Rhodes
David Ward

Council Liaison: Teresa Batts & Dwight Torres

Town Staff Present:

Amy Kimes
David Price
Mayor Medlin
Chief Shanahan

A. Call to Order ~ Chairman Bartholomew

B. Approval of Minutes ~ Motion by Rick Benton to approve the January 14th minutes. Renee Rhodes seconded the Motion and then it carried unanimously.

C. Triton Village Phase IIA Site Plan Approval

Mrs. Kimes noted the initial TRC review in 2019 was for the entire tract of land. During the review process the developer decided to move forward in two phases. The first phase of the project is currently under construction. The site plan is for the entire site, however we are only approving Buildings 3, 4, 5 and the associated improvements.

Wellman Commercial is the owner and Intracoastal Engineering is the engineer. Mr. Wellman and his representatives are in attendance today. The site total is 4.5 acres and is adjacent to NC 50 and the proposed use is 26,600 sq. ft. The current zoning is C-3.

The Department of Transportation will be requiring the following roadway improvements as part of this development:

- Charlie Medlin Drive: Provide dual egress lanes; a dedicated left and a dedicated right. The right turn lane should be 150' storage/deceleration and 100' taper.
- NC 210/NC 50: Provide a right turn lane onto Charlie Medlin Drive with 150' storage/deceleration and 100' taper.

Mrs. Kimes added that Bishop Creek apartments have the same roadway improvement on NC 210/NC 50. The developers can work together or go it alone, however the right turn lane will be installed by one of the two developers.

Mr. Ward commented he did not see this included on the drawing. Mrs. Kimes confirmed that roadway improvements were not shown on the drawing. She has reached out and asked and it was stated that it will not affect the site plan. There is enough existing right of way to not change the site plan.

The Fire Marshal is working with Wellman Construction to ensure that access is provided to the back building. At this time, Mr. Wellman intends to provide a fire access road to the rear of Building number 5. If this alters the site plan beyond adding the access to the building, the site plan will be brought back to the Board prior to moving forward with Council Agenda.

Mr. Ward asked if the access had to be paved or could it be dirt or gravel. Mrs. Kimes state if must be 20' wide for fire, she believes it may be gravel or a Geotech fabric. It will be up to Mr. Wellman, his stormwater permit and what would be best suited for his development. Mr. Ward was curious about the design, if the fire truck had to go to the back of the building would the fire truck have to back up to get out. Mrs. Kimes stated yes they would. Mr. Ward thought that was not allowed. Mrs. Kimes responded that Fire Marshal Burton had told her it would be acceptable since it would be less than 150 feet.

Mrs. Kimes shared the site will provide pedestrian access by providing a sidewalk in the Charlie Medlin Drive right of way. The Town of Surf City Bicycle and Pedestrian Plan shows a Multi-Use Path on the opposite side of the Charlie Medlin Drive with sidewalk on the adjacent side. The project will provide both pedestrian and vehicular access to the existing Triton Village development.

The site plan provides 198 parking spaces for Triton Village Phases II & IIA which is 1 above the maximum allowed. As previously discussed during Phase II approvals, the vehicular connections allow the parking to be distributed among the original Triton Development and Phase II/IIA. The minimum required for the combined development is 162 while the maximum is 274 spaces. The overall development will provide 253 spaces.

Staff recommends approval as submitted.

Mrs. Kimes stated that a representative from the Triton's Village HOA is in attendance and would like to have a few minutes to voice their concerns. Chairman Bartholomew suggested the Board first discuss and if the representative's concerns are not addressed, she may voice them afterwards.

Mr. Campbell asked what the space in between the three buildings would be used for. Mrs. Kimes stated that the two 30' spaces between the buildings are drive aisles, plus they also allow fire trucks access to the back of the buildings. Mr. Campbell questioned if the Town had recourse if a tenant barricaded these areas for beer gardens or sidewalk sales. Mrs. Kimes declared the Town has ordinances that limit location and frequency of sidewalk sales. Due to the pandemic and fifty percent seating limitations, Community Development has worked with businesses regarding outdoor/patio seating. It would not be the intent of the Town to allow these two drive aisles to be closed for emergency access purposes which could affect the hose-reach lengths.

Mr. Campbell inquired about the area past building 5 and the detention basin leading into the townhomes. Mrs. Kimes explained the Town requires a vegetive buffer that must meet rules and regulations, however plants do sometimes die. Mr. Wellman has agreed to fence the back property line, to discourage pedestrians from just walking onto the townhome's property. Mr.

Campbell thanked Mr. Wellman for everything he had done for the Town over the course of 20 plus years.

Mr. Ward asked the height of the fencing. Mrs. Kimes shared six feet. Mr. Ward mentioned there was a difference in elevation between Triton Village and townhomes. He was curious if the fencing would be placed on the higher or lower elevation. Mrs. Kimes asked Mr. Wellman what he had planned. Mr. Wellman explained the privacy fencing would be on the higher elevation plus a two-foot retaining wall would be installed for approximately 75'. Chairman Bartholomew asked if the fencing was in addition to the landscaping on the Wellman's side. Mr. Wellman confirmed.

Mr. Ward mentioned the 30' paved area between the buildings and asked why the Town's ordinance does not require some landscaping instead of all paving. Mrs. Kimes stated the Town only requires foundation plantings in MFC zones. This can be looked into during the upcoming Comp Plan.

Mrs. Edens asked if the aisles are also for fire truck entrance and emergency personnel and possibly for the condos behind. Mrs. Kimes shared the intent is for the fire truck to drive down the back of buildings 2, 3 and 4 and come back out by the provided access. The concern is the hose pull length for building 5.

Susanne Delgrosso of Triton Lane and representative of HOA addressed the Board. She stated they appreciate the privacy fence. The HOA would like on record who will be responsible for the fence maintenance. They would also like to request some type of sound barrier if the ordinance so allows. She voiced that the commercial parking will be very close to their townhome living rooms and bedrooms. She does not believe there are any other homes like this close proximity to businesses scenario in the town.

Mrs. Kimes announced that Mr. Wellman's surveyor would like to speak. Charles Riggs commented he would like to speak regarding street improvements and would like for the Board to consider some conditions required by NCDOT. He named all the surrounding area and briefed that DOT is requiring that the apartment complex on Hwy 50 to have a 50' storage and a 50' taper based on a traffic count of 800. For Mr. Wellman's project, once completed, the traffic count will be 2400 and the requirement on Hwy 50 will be a 150' storage and 100' taper. Mr. Riggs referenced a recent and similar project on Hwy 17 in which water, sewer and power poles did not have to be moved and the cost was \$85,000.

Mr. Riggs continued with DOT is requiring a right turn and a left turn off of Charlie Medlin Dr. which is a town owned street onto Hwy 50. The right turn will require a 150' storage and 100' taper. It has not been determined if improvement will occur only on the right side or if the three lanes will have to be shifted and if part of the left side will have to be moved over to the right side and additionally resurfacing done. Plus, it probably will include relocating some utilities. This estimated cost is at least \$85,000 so the project would now be up to \$170,000 but anticipating cost to be even higher. It seems unfair that this burden would fall completely on Mr. Wellman. It would be nice if the Board would consider a Cost recovery situation where Mr. Wellman's burden would be 30% of the total cost. It is understood that this requirement will help the entire community and will benefit everyone.

Mr. Riggs shared that most towns, cities, and counties have a cost recovery that a certain percentage is assigned to the undeveloped parcels/areas. He referenced the undeveloped

areas of Charlie Medlin, Tortuga, and Caretta Drive and once they provide their site plans they would need to put forth some money for improvements provided by someone else.

Mr. Riggs stated secondly they would appreciate consideration of conditions for street improvements in which all the improvements are based on completed construction and a full traffic count. Preference would be to build one or two buildings in order to generate some income to pay for some street improvements. There would be a condition that the street improvements would have to be completed prior to issuance of a Certificate of Occupancy for the last building.

Mr. Ward asked for DOT's requirements on all the forementioned. Mr. Riggs responded he talked with Brad Haste of DOT today regarding this. He asked Mr. Haste if he was recommending all of this and Mr. Haste stated it is DOT requirements. Mrs. Kimes added that originally DOT requested that Mr. Wellman conduct a traffic impact analysis. Mr. Wellman chose not to conduct an analysis, so DOT determined the numbers and did an in-house TIA. Mrs. Kimes referenced Magnolia Reserves and the Waterside developments whom had their Engineers write a letter stating the turn lane is not warranted until a certain point. When the Town has a document that indicates phases then the phases are followed. If Wellman's wanted to do the same DOT would then review and give them a chance to do the same.

Mrs. Kimes mentioned the Town does not have in the ordinance where they could pay a percentage of the requirement or a payment in lieu. Larger municipalities offer payment in lieu, especially regarding sidewalks so they do not abruptly stop and lead to nowhere. She added Wellman's has a straight site plan and she does not know if the Board can add modifications to the plan but does know the Board cannot override DOT requirements.

Mr. Benton was curious if the Town had a performance guarantee in the ordinance. Mrs. Kimes responded she believe that was taken out.

Mr. Riggs suggested that the Board give a recommendation to the Town Council to afford Mr. Wellman the opportunity to build a couple of buildings and not meet the DOT requirements prior to the completion of their last building.

Mr. Benton asked Mrs. Kimes if the Town had authority to go around DOT requirements. Mrs. Kimes responded she does not believe the Town can change an NCDOT requirement. Mr. Ward mentioned if Wellman's phased the project they would not have to meet DOT requirements all at once. Mr. Riggs agreed that DOT does recommend to the phase projects. He added that per his phone call today with Mr. Haste determine the exact traffic count by the sq. ft. of each building and determine the requirements. Mr. Riggs noted it is less of a burden on the developer to build a project in phases.

Mr. Pasquantonio asked the process for Wellman's to get approval of a phased project. Mrs. Kimes explained Wellman's can get the whole site plan approved. Then it must be constructed according to the ordinance timeframe. The building permit would be reviewed by Building, Zoning and Fire departments at which time DOT would be contacted to see what improvement requirements are needed. DOT was contacted for buildings number 1 and 2 and no improvements where required at that point, however they will be required for the current building number 3. If Wellman's would like to extend DOT improvements to building 4 or 5 then they would have to contact DOT to work on an agreement.

Mr. Benton suggested that the cost sharing that Mr. Riggs mentioned be reviewed during the Comp Plan and ordinance revisions. Mrs. Kimes offered there is some special legislation required for the transportation improvements and may be researched and considered.

Mr. Price stated that Bishop Creek is coming after Triton Village. They will be installing water and sewer mains 16' below ground on Tortuga Dr. and Charlie Medlin and whatever improvements Wellman's make will be gone. He cannot speak for the planning side and how this is worked out, but he has tried to encourage Developers to communicate upcoming work with one another. He recommends a bond be required and added the work that Wellman's installs, Bishop Creek is going to tear up. Bishop Creek will have their permit in 6 months and begin construction within a year.

Mr. Benton asked if he understood that the Town does not have a provision for a performance bond. Mrs. Kimes responded some of the legislation has changed. Bonds are allowed for some of the final plats while construction continues during the pre-sale period. The bonding regarding the Wellman's and Bishop Creek developments would have to be looked into and make sure the two developers work together.

Mr. Pasquantonio asked who will be responsible for the fencing maintenance behind Triton Village. Mrs. Kimes responded that the Wellman's property would maintain the fencing and Mr. Wellman agreed.

A Board member asked if the Board is trying to re-word the site plan. Mrs. Kimes explained the intent is to move forward with the existing site plan and what is in question is if the roadway improvements will or will not be phased based on DOT requirements and agreement.

Rick Benton made a Motion to approve the Triton Village Phase IIA Site Plan as recommended by staff. Jimmy Campbell seconded the Motion and it carried unanimously.

D. Updates

Mrs. Kimes briefed the Board on updates. Mr. Price reported on Hwy 50 drainage work updates.

E. Adjournment

Rick Benton made a Motion to adjourn at 4:56 p.m. David Ward seconded the Motion and it was carried.

Larry Bartholomew, Chairman

Respectfully Submitted,

Shelia Tosto, Community Development

