

**TOWN OF EMERALD ISLE
PLANNING BOARD MEETING
MONDAY, JANUARY 28, 2013**

Chairman Jim Craig called the meeting to order at 6:00 pm. Members present were: Jim Craig, Bill Keadey, Ken Sullivan, Eddie Barber, Tom Kelly, Pete Wachter and Jim Normile. Also present was Kevin Reed, Planning and Inspections Director.

A motion was made by Pete Wachter to approve the minutes of the Planning Board meeting held on November 26, 2012. The motion was seconded by Ken Sullivan and passed unanimously (7 to 0).

Mr. Reed advised that for the month of December 2012 The Planning and Inspections Department total estimated value for all permits in excess of \$637,907. This brings the fiscal year total to over \$5.7 million in construction value and the department has collected approximately \$60,716 in permit fees.

Consider a request from the Emerald Isle Board of Commissioners for the rezoning of certain properties in the Village-East Focus Area from the Business (B), Camp (C) and Mobile Home (MH) Zoning Districts to the Village East (VE) Zoning District.

Mr. Reed informed the Planning Board that a request has been made by the Emerald Isle Board of Commissioners for the Planning Board to study the potential of rezoning the properties in the Village East Focus Area from the Business (B), Camp (C) and Mobile Home (MH) Zoning Districts to the Village East (VE) Zoning District. This request was made by the Commissioners at its December 11, 2012 meeting when it considered the rezoning of 134 Fairview Drive from Business (B) to Village East (VE). Following approval of the rezoning by the Board of Commissioners, they requested that the Planning Board investigate the possibility of this rezoning. Attached to this memorandum is a copy of the current zoning map for the area which also depicts the current boundaries of the Village East Focus Area as identified in the Town's 2004 CAMA Land Use Plan (LUP)? Since all of the properties to be rezoned are located in the Village-East Focus Area, the rezoning would be consistent with the Town's LUP. Also attached is a copy of the Table of Permitted and Special Uses which will allow the Planning Board members to compare permitted and special uses under current zoning (Business, Camp and Mobile Home) to those allowed in the Village East mixed use zoning district.

As previously mentioned, the rezoning will be consistent with the Town's CAMA LUP. There may be some property owners who will be affected by the rezoning that may have questions or concerns regarding how the rezoning will impact the use of their property based on its current use or any plans they may have for redevelopment. Town staff would like for the Planning Board to consider how best to inform the affected property owners about the rezoning prior to the only required public hearing which will be held by the Board of Commissioners. One approach would be for this matter to be held on the Planning Board's agenda until the February meeting. This would allow time for Town staff to prepare a mailing to all affected property owners in order to: (1) inform them of the potential rezoning; and, (2) invite them to the February meeting to learn about its impacts first hand.

Tom Kelly asked if this would create a situation for any properties to be non-conforming? Ken Sullivan stated that motels and hotels are not listed as permitted uses in the Village East Zoning District and needed to be added. Kenny Sullivan asked what would be done in a situation of having a group of people who want to be rezoned and a group that does not, would spot zoning be done? Mr. Reed replied that hopefully after property owners were informed that the rezoning would not effect there businesses and that they would be allowed as a special use or permitted use, then they should be agreeable to the rezoning.

Ken Sullivan made a motion to hold the item on the agenda until the February 25 meeting of he Board. Town staff was requested to notify all potentially affected property owners via mail and inform them of the February meeting. Eddie Barber seconded the motion and it passed unanimously (7 to 0).

Consider a request from R. Andrew Harris for amendments to Chapter 4, Use Regulations, Table 4.1.2, Table of Permitted and Special Uses, of the Town’s Unified Development Ordinance (UDO) in order to add additional permitted and special uses to the Marina Village Zoning District.

Mr. Reed informed the Planning Board that a request has been received from R. Andrew Harris for amendments to Chapter 4, Use Regulations, Table 4.1.2, Table of Permitted and Special Uses, of the Town’s Unified Development Ordinance (UDO) in order to add additional permitted and special uses to the Marina Village Zoning District (see attached letter). Specifically, Mr. Harris is requesting that the following uses to be added to Table 4.1.2 for the Marina Village District:

1. Agencies and offices rendering specialized services in the professions, finance, real estate and brokerage;
2. Antiques, art supply and gift retail sales;
3. Athletic clubs and facilities
4. Book and Stationary stores;
5. Campgrounds and travel trailer parks (Special Use)
6. Furniture, retail sales;
7. General retail sales not otherwise listed;
8. Offices – General
9. Retail Sales, indoor, not listed separately;
10. Recreational vehicle park (Special Use)
11. Watercraft related facilities;
12. Bakery shops

All of the uses listed above would be permitted uses except for Campgrounds and travel trailer parks; and, Recreational vehicle parks which would require a Special Use Permit. Mr. Harris is correct in his letter when he indicates that the Marina Village Zoning District was modeled, in part, after the Village East and Village West Zoning Districts. All three districts share the common feature in that they are mixed use districts. The descriptions of the three mixed use districts contained in the UDO are as follows:

Village-East (VE) - A mixed use district consisting of residential, commercial, recreational, institutional, and office land uses that may only be applied to the area designated as "Village-East" as identified in the Town's CAMA Land Use Plan.

Village-West (VW) - A mixed use district consisting of residential, commercial, recreational, institutional, and office land uses that may only be applied to the area designated as "Village-West" as identified in the Town's CAMA Land Use Plan.

Marina Village (MV) - A mixed use district consisting of residential, commercial, recreational, institutional, and office land uses that may only be applied to the area designated as "Marina Village" as identified in the Town's CAMA Land Use Plan.

While all three zoning districts are similar in that they are all mixed use districts there are some distinctions to the areas. For example, Village West is intended to apply to the area centered along Islander Drive and would focus on family recreational/entertainment uses, lodging and related commercial uses; Village East is intended to apply to the area along Bogue Inlet drive and would focus on the fishing pier as well as commercial and residential uses; and, Marina Village is intended to apply to the area near Island Harbor Marina and would focus on the marina and related commercial and residential uses.

The Planning Board could act on Mr. Harris's request and forward a recommendation to the Board of Commissioners that the UDO be amended as he as requested. Another approach would be for the Planning Board to expand on Mr. Harris' request and direct staff to prepare amendments to the UDO that would make the permitted and special uses consistent in all three of the mixed use districts. Attached to this memorandum is a copy of Table 4.1.2, Table of Permitted and Special Uses as currently found in the UDO.

Mr. Andrew Harris was present to make presentation to the Planning Board representing Maritime Siblings. Mr. Harris explained that the construction of the Dry Stack has been tabled due to economic difficulties, but is hopeful that it will happen in the future. Mr. Harris asked that mobile home park be added as a special use to the list of items making the request for 13 items instead of 12 to Table 4.1.2. When the property was rezoned Marina Village District mobile homes were no longer allowed once moved off. Ken Sullivan expressed he did like the idea of the mobile home park be added as special use.

Ken Sullivan asked if there was a specific plan in mind for the Marina Village District. Mr. Harris informed the Planning Board that the Maritime Siblings are trying to find away to create some income and that if the Mobile Home Park was added as a special use this would not be such a financial endeavor as construction of a dry stack and would create income for the owners. Mr. Harris also indicated that an RV Park might be a good use for the property due to the amenities offered with the marina for visitors.

Tom Kelly asked what is the difference between mobile homes on individual lots or subdivisions and Mobile Home Park. Mr. Reed explained that on individual mobile home lots or subdivisions a owner can build a house or put mobile home on it. Mobile Home Park is a large tract of land that is undivided and developed as a park. The owner leases spaces or spaces with a mobile home. Tom Kelly inquired why Mobile Home Park was permitted as Special Use in Village East and not in Village West. Mr. Reed informed that at the time of rezoning there were no Mobile Home Parks in Village West so it didn't make sense to include Mobile Home Park as a Special

Use. It was also the vision in the CAMA Land Use Plan that Village West would be more suited for family and recreational entertainment.

Jim Normile commented that as a business owner he was certainly pro business. He did express some concern that if the requested items are included that it could potentially change the plan for the Marina Village area from a marina and dry stack to a more pure retail shopping area. He further indicated that this might not be best for surrounding properties. Andy Harris informed the Planning Board that the idea with the Marina Village was to have a Mixed Use District. Commercial components such as restaurant, shopping, marina type related ship store, 350 boat dry stack and 100 boats slip operation. Mr. Harris' clients' idea now is to keep the marina slips and not make the large scale improvements at this time. Bill Kaedey asked it could be permitted to build a shopping strip? Mr. Reed informed it could be with physical limitations. Stormwater, parking requirements impervious surface coverage would all have impact in order to do so. Bill Kaedey asked if you could substitute the footprint of the dry stack for a strip center. Mr. Reed replied that it could potentially happen with the noted constraints and commercial review by the Planning Board and Town Board.

Ken Sullivan indicated that he did not feel that a campground or RV Park should be added to the list of permitted and special uses as neither has every existed on the property. He was comfortable with mobile home parks being added as a special use. Mr. Harris felt that the camping and RV Parks would go with the existing use of the marina and the water view and that this type of development was not that different from a Mobile Home Park.

Eddie Barber made a motion to approve the list of permitted and special uses requested by Mr. Harris and to add Mobile Home Parks as Special Use to the text amendment and recommend approval to the Board of Commissioners that the UDO be amended as requested. The motion was seconded by Jim Normile and passed (6 to 1).

There being no further business to come before the Board, a motion was made by Eddie Barber to adjourn. The motion was seconded by Ken Sullivan and passed unanimously (7 to 0). The meeting was adjourned at 6:48 PM.

Respectfully submitted by:

Peggy Grammer, Secretary
Town of Emerald Isle Planning Board