

**TOWN OF EMERALD ISLE
PLANNING BOARD MEETING
MONDAY, APRIL 23, 2012**

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

A motion was made by Tom Kelly to excuse Bob Smith and Eddie Barber from the Planning Board meeting. A motion was seconded by Pete Wachter and passed unanimously (4 to 0).

A motion was made by Pete Wachter to approve the minutes of the Planning Board meeting held on March 26, 2011. The motion was seconded by Tom Kelly and passed unanimously (4 to 0).

Mr. Reed advised that for the month of March 2012 the Planning and Inspections Department had issued permits with a total estimated value for all permits in excess of \$860,358. This brings the fiscal year total to over \$10 million in construction value and the department has collected approximately \$108,353.65 in permit fees.

Consider a request from Greg Dennis, on behalf of Sunspray Properties, LLC and Joseph R. Nance, for Commercial Review for the proposed expansion of the Village Market/Reel Outdoors located at 7802 and 7804 Emerald Dr.

Mr. Reed advised the Planning Board that a request has been submitted by Greg Dennis, on behalf of Sunspray Properties, LLC and Joseph R. Nance. For Commercial Review for the proposed expansion of the Village Market/Reel Outdoors located at 7802 and 7804 Emerald Dr. The properties are currently zoned Business (B) and the proposed expansion of the existing retail and food service facilities are permitted uses in the Business (B) Zoning District. The applicant is proposing an expansion of the existing commercial building at 7802 Emerald Drive which will require the existing car wash at 7804 Emerald Drive to be demolished and the property redeveloped as part of the construction process. The existing driveway on Loblolly Street will be closed and there will be two driveways providing access to Emerald Drive.

The proposed building elevations including colors will match the existing building as shown on site plan. Also attached is a floor plan for the building reflecting the proposed addition and the existing commercial space. Mr. Reed informed the Planning Board that when the existing car wash is demolished the two parcels will be combined into a single parcel. The new address for the "new" parcel will be 7802 Emerald Drive. The proposed addition to the existing building will contain approximately 2,150 heated square feet and will be the new location for the village Market. The Reel Outdoors will expand into the existing space currently occupied by the Village Market and will contain approximately 3,900 square feet.

The Town's Unified Development Ordinance (UDO) requires that the development be screened along its northern boundary from the adjacent residential property. Mr. Reed advised that the owners are proposing to use an existing six-foot opaque fence and vegetated screening to meet this requirement. The "new" Reel Outdoors will contain approximately 3,900 square feet of retail

space which will require 15 parking spaces based on 1 space per 300 square feet of gross floor area and 1 per employee. The “new” Village Market will contain 20 customer seats, 600 square feet of retail space and 3 employees, which will require a total of 10 parking spaces based on 1 space per 300 square feet of retail, 1 space for every 4 customer’s seats and 1 space per employee. Mr. Reed advised that the applicant is proposing that a total of 30 parking spaces will be provided. The UDO requires a natural area of 15% for commercial development which may include septic area. The applicant is proposing that a minimum of 5,652 square feet of natural area will be provided which will meet the requirement set forth in the UDO. The exterior lighting will match the existing lighting on the building which illuminates the areas on the wall face where signage is located and other indirect onto the façade. The applicant is proposing that a covered walkway and façade treatments be used to meet the commercial building design standards set forth in the UDO. A copy of a new septic permit issued by the Carteret County Health Department for the proposed building expansion has been provided. The applicant has also provided letters from Bogue Banks Water Corporation and Carteret-Craven Electric cooperative that they can serve the proposed development.

The Town’s Technical Review Committee (TRC) reviewed the project at its meeting held on March 7, 2012. Town staff requested several revisions to the plan and additional information. Town staff is comfortable in concluding that the current plan and other submitted materials are consistent with the Town’s requirements for screening, parking, building design and natural area requirements. Mr. Reed advised that the consulting engineer is currently reviewing the stormwater plan for the proposed development.

A motion was made by Pete Watcher to recommend approval of the commercial review to the Board of Commissioners subject to the following conditions:

1. Approval of the stormwater plan by the Town’s consulting engineer.
2. The combination of the two parcel at 7802 Emerald Drive and 7804 Emerald Drive into a single parcel.

The motion was seconded by Ken Sullivan and passed unanimously, (4 to 0).

Consider proposed amendments to Chapter 4 and Chapter 10 of the Town’s Unified Development Ordinance (UDO) in order to regulate Internet Sweepstakes Cafes/Electronics Gaming Operations.

Mr. Reed informed the Planning Board at its March 26, 2012 meeting it was discussed the issue of possible amendments to the Town’s Unified Development Ordinance (UDO) that would regulate internet sweepstakes cafes/electronic gaming operations. This discussing took place based on a request by the Board of Commissioners following a recent ruling by the N. C. Court of appeals. At the conclusion of the Planning board’s discussion, Town staff was directed to develop amendments to the UDO that would contain the following criteria for internet sweepstakes cafes/electronic gaming operations:

- Only allowing internet cafes in the Business District as a permitted use.
- The limit on the number of machines would be one for placement in an existing business and 6 as a stand alone operation

- The hours of operation should be limited to 1:00 PM to 10:00 PM
- There should be a minimum distance of 2,500 feet between one such operation to the next whether it is an accessory use or stand alone operation
- There should be a minimum distance of 2,500 feet from parcel used or occupied by a church, public park, parking area, playground, or movie theater.
- The parking requirement for a stand alone operation would be 1 space per machine and 1 for each employee.

The three amendments developed by staff pertain to two chapters of the UDO. The first is a proposed amendment to chapter 10, “Definitions and Rules of Interpretation”, Section, 10.2, “Definitions”, in order to create a definition of an “Electronic Gaming Operation”. The second amendment is to Chapter 4, “Use Regulations”, Table 4.1.2, “Permitted and Special Uses” in order to list Electronic Gaming Operations as a permitted use in the Business District. The third is an amendment to Chapter 4, “Use Regulations”, Section 4.2, “Use Specific Standards”, to add Section 4.2.8 in order to create specific development regulations for Electronic Gaming Operations. Mr. Reed advised that drafts of the wording for each of these proposed amendments with text being added shown in an underline format is attached.

Mr. Reed displayed a map showing the overlay of the 2,500-foot distance separation. Ken Sullivan expressed that he would like to see a map depicting a distance separation of 1,500 feet. Pat McDonough owner of Paddy’s Pub indicated that he had four machines at his place of business and was interested in how the changes in the UDO might affect him. Ken Sullivan asked Mr. McDonough if the machines were state regulated. Mr. McDonough said yes and that he was allowed to have no more than four machines. He also indicated that he thought the Emerald Club had machines as well. Ken Sullivan asked Mr. McDonough has there been any disruptive behavior over these machines. The reply was there has not. Jim Craig felt like this kind of activity was not in keeping with the family beach atmosphere. Tom Kelly wanted to know if they are State banned, why does he have machines. It was explained by Mr. Reed that a recent NC Court of Appeals decision has found the state-wide ban on the machines invalid. Mr. McDonough also informed the Board that Detective Paul Cheshire inspected the machines. Bill Keadey wanted to know who played the machines, was it Emerald Isle residents or people coming across the bridge to play? Mr. McDonough replied it his patrons who in the off-season are primarily Emerald Isle residents. Jim Craig asked if Paddy’s would be grandfathered from the new ordinance since he already has the machines. Mr. Reed replied yes. Kevin Reed suggested going through some of the ordinances and making some changes. Tom Kelly suggested maybe making the separation distance 1,500 feet vs. the 2,500. Those in attendance were in agreement that the proposed amendments should be revised to reflect the following and to table the matter until the next meeting.

1. Change the distance separation from 2,500 feet to 1,500 feet
2. Change the distance separation from 2,500 feet to 1,500 feet
3. Limit the hours of operation to stand alone business only
4. Alcohol prohibition would pertain to a stand alone use, not an accessory use

Tom Kelly asked if the 1,500 feet would pertain to stand alone and accessory use. It was agreed to both. Ken Sullivan expressed that the distance separation should not limit the business to 1 machine. Tom Kelly asked Kevin Reed if he could graph another map showing the 1,500 foot distance separation for the next meeting. Ken Sullivan made a motion to table until next meeting with suggested changes made.

The motion was seconded by Bill Keadey and passed unanimously (4 to 0).

There being no further business to come before the board, a motion was made by Ken Sullivan to adjourn. The motion was seconded by Tom Kelly and passed unanimously (4 to 0). The meeting was adjourned at 7:00 PM.

Respectfully submitted by:

Peggy Grammer, Secretary
Town of Emerald Isle Planning Board