

**TOWN OF EMERALD ISLE  
PLANNING BOARD MEETING  
MONDAY, JUNE 28, 2010**

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

A motion was made by Tom Kelly to approve the minutes of the Planning Board meeting held on May 24, 2010. The motion was seconded by Bob Smith and passed unanimously (6 to 0).

Mr. Reed advised that for the month of April the Planning and Inspections Department had issued no permits for new homes and a total estimated value for all permits in excess of \$189,972. This brings the fiscal year total to over \$8.6 million in construction value and the department has collected approximately \$108,092.25 in permit fees.

**Consider a request from Watson-Matthews Real Estate for preliminary and final plat approval for the proposed Bell Cove Village Planned Unit Development (PUD).**

Mr. Reed informed the Planning Board Members that the Bell Cove Village Subdivision previously received preliminary and final plat approval from the Board of Commissioners. The infrastructure serving the proposed subdivision (water, electric, street lights, phone, cable, streets and stormwater features) has been installed, however the owners have never recorded the final plat for the subdivision. According to the Carteret County tax records the subdivision is still considered a single undivided parcel of land. Mr. Reed indicated that the owners wish to request that Bell Cove Village be approved as a PUD. Mr. Reed informed the Planning Board that the parcel contains 5.79 acres and will be developed into 11 lots and will range in size from 15,009 square feet to 25,98 square feet. All driveways and building footprints for each lot have been shown on the plat and the applicants do intend to utilize some zero side line setbacks as allowed in the UDO. Mr. Reed indicated that the Town's Technical Review Committee (TRC) reviewed the preliminary and final plat at its meeting held on June 2, 2010 and following that meeting a revised plat was submitted to Town staff. The applicants have received improvement permits from the Carteret County Health Department indicating that each of the proposed lots is suitable for an on-site septic disposal system.

Mr. Reed indicated the Town's UDO, specifically Section 6.1.4(4) requires that PUDs provide open space based on the proposed density of the development. Since the Bell Cove parcel will be developed at a density of less than 3 dwelling per gross acre, then 10% of the total parcel, or 25,212 square feet, must be designated as open space. Section 6.1.4(4) (C) allows for a maximum of thirty-three and one-third percent of the required open space to be included in the street rights-of-way. This percentage may be varied or waived by the Board of Commissioners upon recommendation of the Planning Board. The applicants are proposing a total of 57,099 square feet of open spacing but are requesting that all of the open space be included within the street right-of-way.

Prior to granting final plat approval the applicants must provide to the following:

1. Documents creating the homeowners' association. The documents creating the homeowners' association shall provide for control by the property owners other than developer at such time as over fifty (50) percent of the dwelling units within the project have been sold.
2. A proposed annual budget for the association that includes the proposed monthly expenditures and income.
3. A proposed ten-year income and expense budget reflecting the establishment of a sinking fund for capital replacement.
4. A copy of the draft encroachment and maintenance easement if zero lot lines are proposed.

Bob Smith asked the applicants when they were proposing to build if approved. Mr. Watson informed the Board they would like to start in the fall. Tom Kelly asked if the homeowners would be allowed to use their own contractors to construct home. The answer was yes. Pete Wachter inquired as to what the minimum house plans would be. It was answered they would be between 1,600 and 1,700 square feet. Tom Kelly wanted to know what the width of the right-of-way was for Highway 58/Emerald Drive and Mr. Reed indicated it was 200 feet. Ken Sullivan wanted to know if you have to have windows with a zero setback.

A motion was made by Pete Wachter to recommend to the Board of Commissioners that that the preliminary and final plats be approved with the four conditions noted above. The motion was seconded by Bob Smith and passed unanimously (6 to 0).

**Consider possible amendments to the Town's Unified Development Ordinance (UDO) in order to create the Eastern End Oceanfront Overlay Zoning District.**

Mr. Reed indicated to achieve the direction given by the Planning Board on the creation of the Eastern End Oceanfront Overlay District; three amendments are needed to the UDO. The first amendment would be to Chapter 3, "Zoning Districts", Table 3.1.1, "Zoning Districts Established", in order to add the Eastern End Oceanfront Overlay District to the list of established base and overlay zoning districts. The second amendment would be to Chapter 3, "Zoning Districts", Section 3.2.2, in order to add a description of the Eastern End Overlay District. This section lists the various districts along with their intent and purpose. The 3<sup>rd</sup> amendment would be to Chapter 5, "Density, Intensity and Dimensional Standards", Table 5.1, "Table of Dimensional Standards", in order to establish the 20-foot front yard setback in the overlay district. Ken Sullivan stated that the language in the UDO should clarify more information on the Overlay district in order to reduce confusion. He felt Chapter 5.1 should have the R-2 language copied in the Eastern End Oceanfront section. Mr. Sullivan also wanted to know why the Town went with an overlay vs. a new zoning district. Mr. Reed indicated that this is a somewhat easier approach; however both approaches require the same type of written notification to the affected and adjacent property owners as well as the same type of notifications to the public.

A motion was made by Ken Sullivan to recommend to the Board of Commissioners that: (1) the three proposed amendments to the UDO be approved; and, (2) the oceanfront parcels from 1<sup>st</sup> Street to 25<sup>th</sup> Street be rezoned to be included in the Eastern End Oceanfront Overlay District. The motion was seconded by Pete Wachter and passed unanimously (6 to 0).

**Consider a discussion regarding amendments to the Town's Unified Development Ordinance (UDO) regarding the regulation of "Internet Sweepstakes Cafes.**

Mr. Reed informed the Planning Board that The North Carolina General Assembly, specifically the Senate, voted on June 21, 2010 to ban "internet sweepstakes cafes". The N.C. House of Representatives is also expected to vote on the issue, possibly prior to the Planning Board's July meeting. Depending on the outcome of action by the N.C. General Assembly, Town staff will either have proposed amendments for the Board to consider at its July 19 meeting, or formally remove this issue from the Board's future agendas. Mr. Reed suggested to table this amendment until the July 19 meeting. It was unanimously agreed.

**Comments**

Chairman Craig gave a brief report on behalf of the Emerald Isle Sea Turtle Protective Program.

There being no further business to come before the board, a motion was made by Tom Kelly to adjourn. The motion was seconded by Bill Keadey and passed unanimously (6 to 0). The meeting was adjourned at 6:30 PM.

Respectfully submitted by:

Peggy Grammer, Secretary  
Town of Emerald Isle Planning Board