

**TOWN OF EMERALD ISLE  
PLANNING BOARD MEETING  
MONDAY, May 24, 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 and Tom Kelly. Also present was Kevin Reed, Planning and Inspections Director, Peggy Grammer, Permit Technician.

A motion was made by Pete Wachter to excuse Eddie Barber from the Planning Board meeting. The motion was seconded by Bob Smith and passed unanimously (5 to 0).

A motion was made by Ken Sullivan to approve the minutes of the Planning Board meeting held on April 26, 2010. The motion was seconded by Bob Smith and passed unanimously (5 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 \$893,466. This brings the fiscal year total to over \$8.4 million in construction value and the department has collected approximately \$96,298.95 in permit fees.

**Consider a request from Watson-Matthews Real Estate for an amendment to Section 6.1.4,(2) of the Town's Unified Development Ordinance (UDO) in order to reduce the minimums size requirements for a Planned Unit Development (PUD) from ten (10) acres to five (5) acres.**

Mr. Reed informed the Planning Board Members that he had met with the owners of Bell Cove Village, Ronnie Watson and Steve Mathews on behalf of Watson-Matthews Real Estate on several occasions. The applicants are requesting the amendment because of a change in plans on how they would like to develop the parcel. The owners have never recorded the final plat for the subdivision therefore the subdivision is still considered a single undivided parcel of land. The owners are requesting that Bell Cove Village be approved as a PUD which will allow them to utilize some zero side yard setbacks as well as a 15-foot front yard setback.

The Planning Board is also advised that the current PUD regulations, specifically Section 6.1.4(7) require the following.

“Central water supply and central sewer service connection shall be required for all units, and the same shall be approved, constructed, completed and maintained in accordance with the requirements of the county health department and the state.”

This requirement is based on small minimum lot size that is permitted in a PUD which is 6,250 square feet. Watson-Matthews is requesting that the Bell Cove Village Planned Unit Development be allowed to utilize individual septic systems in a PUD. The Town Staff has proposed amendment to UDO, Section 6.1.4.(2) that would allow for PUDS to be reduced to the minimum of five acres and proposed amendment to Section 6.1.4(7) to utilize individual septic systems under certain conditions. These proposed amendments would read as follows:

**Section 6.1.4(2) Minimum Area**

Subject to the provisions in this Ordinance, all planned unit developments shall contain a minimum of five 5 contiguous acres. Any addition must be at least two (2) acres, contiguous and adjacent to the existing planned unit development, and subject to design standards.

#### **Section 6.1.4(7) Water Supply and Sewer Service**

Central water supply and central sewer service connection shall be required for all units, and the same shall be approved, constructed, completed and maintained in accordance with the requirements of the county health department and the state. The use on individual septic systems may be allowed under this section provided the minimum lot size is a minimum of 12,500 square feet and the county health department has issued the appropriate permits for each lot to be served by an individual septic system.

Tom Kelly asked what the size of this parcel of land was. Mr. Mathews informed the Planning Board that it is 5.7 acres. Ken Sullivan asked if the request was because of wetlands. Mr. Watson indicated that they had originally planned to do duplexes, but now are proposing one story homes. Pete Wachter wanted to know if they planned on reducing lot sizes. Mr. Mathews indicated they were keeping lot sizes the same.

A motion was made by Pete Wachter to recommend to the Board of Commissioners that amendments to Section 6.1.4,(2) and Section 6.1.4,(7) of the Town's Unified Development Ordinance (UDO) be approved in order to: (1) reduce the minimum size requirement for a PUD from 10 acres to 5 acres; and (2) allow for the use of individual septic systems provided all lots area minimum of 12,500 square feet and the health department has issued the appropriate septic permit. The motion was seconded by Bob Smith and passed unanimously (5 to 0).

#### **Consider a discussion regarding possible amendments to the Town's Unified Development Ordinance (UDO) in order to reduce the front yard setback requirements for oceanfront parcels from 1<sup>st</sup> Street to 25<sup>th</sup> Street.**

Mr. Reed indicated that Town was required to survey existing vegetation line in 2002-03 that was delineated by staff from the Division of Coastal Management (DCM) prior to the Town undertaking its large scale beach nourishment project as required by the Coastal Area Management Act (CAMA). This line is known as the static vegetation and was to be used in perpetuity to determine the required setback on the ocean side of oceanfront parcels for development purposes. Because of the static line, virtually all of the structures on the oceanfront from 1<sup>st</sup> Street to 25<sup>th</sup> Street became non-conforming from a CAMA setback perspective. The Coastal Resources Commission (CRC) recently approved the Town's static line exception plan. Mr. Reed indicated that the Town now has the ability to use the actual first line of natural stable vegetation for setbacks, which makes many of the homes from 1<sup>st</sup> Street to 25<sup>th</sup> Street conforming from a CAMA setback perspective. One requirement of the static line exception is that no structure may be located any further seaward that the landward most adjacent structure. Staff is finding that a person's existing home can meet the required CAMA setback, but does not meet the front yard setback along the Ocean Drive side of the property due to the location of the landward most adjacent structure.

Town planning staff recently completed an analysis of the existing structures from 1<sup>st</sup> Street to 25<sup>th</sup> Street to determine if a large number of structures did not meet the required setback of 30 feet from the Ocean Drive right-of-way line. Mr. Reed indicated that 64 of the 161 existing homes did not meet the 30' setback.

The Board of Commissioners has directed staff to proceed with potential amendments to the Town's Unified Development Ordinance (UDO) that would reduce the front yard setback from 1<sup>st</sup> Street to 25<sup>th</sup> Street. Mr. Reed indicated that this could be accomplished in one of two ways. The first approach would be to create a new zoning district in this area that is similar to the current Residential-2 Zoning District (R-2) except the front yard setback requirements would be reduced. The second would be to create a special zoning overlay district in this area that would keep the current R-2 requirements in place; however, it would also allow for a reduction in the front yard setback requirement. Mr. Reed suggested that the overlay district might be a somewhat simpler approach to making a change to the UDO, however with either approach the same type of written notification to the affected and adjacent property owners as the same notification to the public.

Mr. Sullivan inquired on how the Landward-Seaward issue effects the parcels from 1<sup>st</sup> Street to 25<sup>th</sup> Street and do they still have to meet the adjacent neighbor's house setback for rebuilding. Mr. Reed informed that under this exception, new homes can be no further seaward of the landward most developed structure and no pools are allowed seaward of the static line. Mr. Craig expressed concern that the property owners past 25<sup>th</sup> street would be raising the issue on why they are not receiving this front back exceptions. Mr. Reed indicated that after 25<sup>th</sup> street there are large condominium developments, Pier Pointe and Ocean Reef. The size of the condominium structures do not make them eligible for the static line exception. In addition, beyond these developments, the lots get much deeper in size so the need for a relief in the front setback is not as necessary. Mr. Reed explained how he has gathered his information on the setbacks of the homes through aerial photography by the county. Jim Craig inquired on when where most of these houses from 1<sup>st</sup> street to 25<sup>th</sup> street constructed. Mr. Reed indicated from the 1950's to the 70's. Ken Sullivan asked if it would be possible to get 5' of the right-of-way that could be added to the existing parcels. Mr. Reed indicated that this approach would be problematic due to the location of utilities and other issues.

A motion was made by Ken Sullivan to direct staff to create an overlay district in the Town's Unified Development Ordinance (UDO) to allow for a 20-foot front yard setback from 1<sup>st</sup> Street to 25<sup>th</sup> Street. The motion was seconded by Tom Kelly and passed unanimously (5 to 0).

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

Mr. Reed indicated the Board of Commissioners approved the 180-day moratorium for "internet sweepstakes cafes" and would like the Staff and Planning Board to develop amendments to the UDO that would provide clear regulations for this type of land use. Mr. Reed presented some guidelines of questions and topics for the Planning Board members to discuss as follows:

Should these types of activities be permitted as an accessory use to another existing business establishment and should these types of activities be a permitted use (by right) or should they require the issuance of a special use permit? Pete Wachter commented not to let new businesses come. Further discussion concluded this would not be possible, but can be regulated.

In what zoning districts should these types of activities be allowed to locate and operate in? It was unanimously agreed in the Business, Village-East and Village-West Zoning Districts.

Should there be a limitation on the number of machines that is permitted per establishment, it was agreed upon that there should be, but the Board would consider it at a later date for further discussion of how to regulate it.

It was discussed that these types of activities be limited to a certain time frame such as between the hours of 8:00 AM and 10:00 PM).

It was agreed upon that the minimum distance separation between these types of activities be located at least 1,500 feet from another such operation.

After discussion of minimum distance from a church, public park or playground, theater or specific area it would not be required to regulate this with a 1,500 feet separation.

What should the minimum parking requirement be for such activities? It was agreed that parking should be based on the number of machines and the number of employees.

Should these types of activities be permitted in an establishment where alcohol is served and consumed? No concern was expressed due to is already being in existing establishments that serve alcohol.

After further discussion it was agreed upon that these establishments should have an age requirement, it was decided that it should be the same as the lottery. Staff would be researching this further to find out what that age is. Tom Kelly asked if there had been any discussion by the county to regulate these establishments. Mr. Reed indicated that Emerald Isle is an individual municipal and it is not regulated by the county.

A motion was made by Pete Wachter to give Mr. Reed permission to draw up the first draft for discussion at a later meeting. The motion was seconded by Bob Smith and passed (4 to 1).

### **Consider a presentation on the process to update the Town's Hazard Mitigation Plan**

Mr. Reed indicated that Federal law required the Town to update its Hazard Mitigation Plan every five years. Town staff has updated the current document. Mr. Reed presented a slide show reviewing the Town's Hazard Mitigation Plan. Ken Sullivan inquired on how the Plan is regulated. Mr. Reed informed the Planning Board that International Building Codes regulates the North Carolina Codes. Mr. Sullivan asked if the Town of Emerald Isle has reverse alert. Mr. Reed informed that he has experienced it. Bob Smith inquired about re-entry passes and Mr. Reed informed him that they can be obtained from the Town Administration staff.

### **Comments**

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

There being no further business to come before the board, a motion was made by Pete Wachter to adjourn. The motion was seconded by Bob Smith and passed (5 to 0). The meeting was adjourned at 7:30 PM.

Respectfully submitted by:

Peggy Grammer, Secretary  
Town of Emerald Isle Planning Board