

**TOWN OF EMERALD ISLE  
PLANNING BOARD REGULAR MEETING  
MONDAY, JULY 25, 2005**

Chairman Ceil Saunders called the meeting to order at 6:00 pm. Members present were: Ceil Saunders, Ken Sullivan, Bob Smith, James Craig, Jerry Huml, Robert Conrad and Eddie Barber. Also present were Kevin Reed, Planning and Inspections Director and Kim Haut, Permit Technician/Administrative Assistant.

A motion was made by James Craig to approve the minutes of the June 27, 2005 Board meeting. The motion was seconded by Robert Conrad and passed unanimously (6 to 0).

Kevin Reed advised the Planning Board members of the Town Board of Commissioner's agenda items following its July 12, 2005 meeting. Mr. Reed reported the rezoning request for RMH to R2, affecting the areas of Dolphin Ridge and Royall Oaks, was held on the agenda and it is anticipated that the Town Board of Commissioners will consider that rezoning at their August meeting. The Town Board of Commissioners rezoned the R-2 to B-2 rezoning requested by Dr. Hemmerlein to a lesser classification being Institutional. Mr. Reed advised that for the month of June, the Planning and Inspections Department had issued a total of 7 permits for new homes and a total estimated value for all permits in excess of \$2.3 million. This brings the fiscal year total to over \$38 million in construction value and the department has collected approximately \$289,264 in fees.

**Consider a request by Billy Farrington on behalf of Crew Drive LLC for the rezoning of approximately 13.17 acres located on the east side of Crew Drive from Business-3 (B-3) to Residential-2 (R-2).** Mr. Reed advised Board members of Crew Drive LLC's intent. Mr. Billy Farrington was there to represent Crew Drive LLC. There was some discussion with a few concerns that Mr. Reed addressed to the satisfaction of the Board members. There were public comments by a Bridgeview Campground Lessee and Board members addressed those comments. A motion was made by Mr. Jerry Huml to recommend to the Board of Commissioners that the rezoning request be approved. The motion was seconded by Mr. Ken Sullivan and passed unanimously (6 to 0).

**Consider a request by Frank W. Erwin on behalf of Emerald Isle Land Trust for the rezoning of approximately 17.85 acres located on the south side of Reed Drive from Business-3 (B-3) to Residential-2 (R-2).** Mr. Reed advised Board members of Emerald Isle Land Trust's intent. Mr. Frank W. Erwin was there to represent Emerald Isle Land Trust. Mr. Reed advised Board members this request would require two motions. The first motion being a possible amendment to the 2004 CAMA Land Use Plan. The second motion would be in regards to the rezoning from B-3 to R-2t. Mr. Eddie Barber and Mr. Robert Conrad felt they had worked long and hard over the CAMA Land Use Plan and now it seemed as if they were changing a lot. Mr. Barber questioned all their hard work and what was it all for. Mr. Reed tried to address Mr. Barber's concerns and did acknowledge that yes; a lot of hard work did go into the CAMA Land Use Plan. Mr. Reed also let it be understood, that while a lot of very hard work goes into those discussions and the adopted CAMA Land Use Plan, as an experienced planner he

understands and accepts that changes occur. Mr. Reed made comments to the fact that planning in and of itself is never a static thing. It is a continuing and evolving thing. There was considerable discussion between Planning Board members and Planning Director Kevin Reed. In the end most members felt that this was a positive amendment to the CAMA Land Use Plan and a motion was made by James Craig to recommend to the Board of Commissioners that the Future Land Use Map be amended to project this property as Single/Dual Family Residential rather than its current designation as Commercial Corridor. The motion was seconded by Jerry Huml and passed (5 to 0 with 1 abstention). All members supported the idea of rezoning. A second motion was made by Mr. James Craig to recommend to the Board of Commissioners that the rezoning request be approved. The motion was seconded by Mr. Ken Sullivan and passed unanimously (6 to 0).

**Consider a request by Barbara Smith for approval of the new exterior commercial color scheme for the Rusty Pelican Motel located at 8401 Emerald Drive.** Mr. Reed advised members that the roof of the building had been partially painted when the job was halted, as the color did not fall under the color scheme adopted earlier this year. Mr. Reed explained the owner had already purchased and the tinted paint and was unable to re-tint the paint to a color scheme already approved. Mr. Barber expressed his concerns that for one as long as a residential landowner can paint their home any color they choose then a business owner should be able to do the same. Mr. Barber also made mention that he would like to see all business owners notified of any changes to the Town Code/Ordinance that affects them immediately. Mr. Reed said he would look into that suggestion in a timely manner. A motion was made by Robert Conrad to recommend to the Board of Commissioners to deny Ms. Smith's request for the new exterior color. The motion was seconded by James Craig and Passed (5 to 1) with Mr. Eddie Barber opposing.

**Consider possible amendments to Section 17-32 of the Town Code pertaining to the design standards for private streets.** Mr. Reed supplied a sampling of some existing private street plans and dimensions within the Town. Mr. Reed reviewed with the Board some of the issues surrounding right-of-way widths and their function. Mr. Reed and the Board members discussed some existing subdivisions that were using some of the design standards being proposed at this time. Mr. Reed did reiterate to the Board members that if there is a platted and completed street, and it has maximized the right-of-way, it might restrict the ability to do things for bicycles and pedestrians at a later date. The changes, as proposed, were discussed between Mr. Reed and Planning Board members at length and to everyone's satisfaction. A motion was made by James Craig to recommend to the Board of Commissioners to approve an amendment to Section 17-32 of the Town Code pertaining to the design for private streets. The motion was seconded by Bob Smith and passed unanimously (6 to 0).

**Discussion regarding possible amendments to Section 19-82, Table of Permitted Uses and Special Uses, of the Town Code pertaining to the regulation of "Athletic Clubs and Facilities".** Mr. Reed used the Dolphin Ridge Club as a prime example as to what the amendment would protect. Mr. Reed explained to the Board members that if

athletic clubs and facilities were added as a special use in the R-2 district, then the ultimate rezoning from RMH to R-2 would not adversely affect these clubs and their operations. Mr. Reed asked Board members to keep in mind that this amendment would not change the ability for anyone to establish an athletic club and its facilities as a “by-right”. It would still have to go through the “special use” process. Mr. Reed addressed all concerns and questions by Board members at length. After much discussion a motion was made by James Craig to recommend to the Board of Commissioners to approve an amendment to Section 19-82, Table of Permitted Uses and Special Uses, of the Town Code pertaining to the regulations of “Athletic Clubs and Facilities”. The motion was seconded by Jerry Huml and passed (4 to 2) with Bob Smith and Robert Conrad opposing.

**Discussion regarding possible amendments to Section 19-82, Table of Permitted Uses and Special Uses, of the Town Code pertaining to the regulation of “Offices of Licensed Health Care Professionals”.** This proposal was sent as a directive from the Board of Commissioners for the Planning Board to consider. This was in response to the rezoning of Dr. Arthur Hemmerlein’s property. The Board of Commissioners felt that in order to be consistent with the adjacent zoning, they rezoned 7411 Emerald Drive *Institutional* rather than *B-2*, which the Planning Board had recommended. There was some discussion between Board members and Mr. Reed for clarification. Mr. Reed did point out that convalescent nursing homes and hospitals are currently permitted in the institutional district, so there is some consistency and logic in the proceeding amendment, if it is approved. A motion was made by Eddie Barber to recommend to the Board of Commissioners to approve an amendment to Section 19-82, Table of Permitted Uses and Special Uses, of the Town Code pertaining to the regulation of “Offices of Licensed Health Care Professionals”. The motion was seconded by Robert Conrad and passed (5 to 1) with Ken Sullivan opposing.

**Discussion regarding possible amendments to Section 20-37 of the Town Code pertaining to the placement of wireless telecommunication antennas on water towers.** Mr. Reed advised Board members Bogue Banks Water Company is constructing water towers at this time on Coast Guard Road. It is inevitable Bogue Banks Water Corporation will be approached by telecommunications companies to construct antennas on the water towers. The Town Code presently allows WTAs on water towers in existence as of November 14, 2000. Therefore, excluding any new WTAs on newly constructed water towers. Mr. Reed advised that water towers and similar elevated structures are good candidates for co-located WTAs. Using existing structures, such as water towers, offers the opportunity to meet a variety of telecommunication needs without increasing visual clutter. Board members and Mr. Reed agreed to the same conclusion and solution. A motion was made by Robert Conrad to recommend to the Board of Commissioners to approve an amendment to Section 20-37 of the Town Code pertaining to the placement of wireless telecommunication antennas on water towers. The motion was seconded by Eddie Barber and passed unanimously (6 to 0).

**Consider the rezoning of certain properties from Residential Motel/Hotel (RMH) to Residential-2 (R-2) as part of the 2004 CAMA Land Use Plan implementation**

**process.** Mr. Reed advised Board members these areas being considered were part of the process that had been previously discussed at length. A motion was made by Robert Conrad to recommend to the Board of Commissioners that the rezoning request be approved. The motion was seconded by Eddie Barber and passed unanimously (6 to 0).

**COMMENTS:**

Chairman Ceil Saunders asked for any comments among the Planning Board members.

Jerry Huml wanted to address safety issues including speed sign reduction and needed crosswalks. A high priority area for crosswalks would be the intersections near CVS Pharmacy and Ace Hardware.

James Craig updated everyone with a “Turtle Report”.

There being no further business before the Board, a motion was made by Robert Conrad to adjourn. The motion was seconded by Eddie Barber and passed unanimously (6 to 0). Meeting was adjourned at 7:25 pm.

Respectfully submitted by:

Kimberly Hubbard-Haut, Secretary  
Town of Emerald Isle Planning Board