

**TOWN OF EMERALD ISLE
PLANNING BOARD MEETING
MONDAY, JUNE 23, 2014**

Vice-Chairman Pete Wachter called the meeting to order at 6:00 pm. Members present were Fred Fremaux, Tom Kelly, Candace Dooley and Jim Normile. Also present was Kevin Reed, Planning and Inspections Director and Peggy Grammer, permit technician.

A motion was made by Tom Kelly to excuse the absence of Jim Craig and Ken Sullivan. The motion was seconded by Jim Normile and passed unanimously (5 to 0).

A motion was made by Candace Dooley to approve the minutes of the Planning Board meeting held on May 19, 2014. The motion was seconded by Jim Normile and passed unanimously (5 to 0).

Mr. Reed advised for the month of May 2014, the Planning and Inspections Department had issued permits with a total value in excess of \$1,519,100.00. This brings the fiscal year total to over \$15.5 million in construction value for all permits and the department has collected approximately \$149,963.40 in permit fees.

Consider a request by Maritime Siblings, LLC for the rezoning of a Tract B of the Islander Harbor Marina Subdivision from Mobile Home (MH) to Marina Village (MV)

Mr. Reed informed the Planning Board that a request has been submitted by Maritime Siblings, LLC, for the rezoning of a Tract B of the Island Harbor Marina Subdivision from Mobile Home (MH) to Marina Village (MV). The subject property contains approximately 6.11 acres and occupies the eastern most portion of the Island Harbor Marina property. The property to be rezoned is located immediately east of Tract A which is currently zoned Marina Village and contains approximately 7.73 acres. The total area of both parcels is +/- 13.84 acres. A portion of the property to be rezoned, as well as a portion of the adjacent parcel, is currently being used as a mobile home park. The owners intend to seek a special use permit from the Board of Commissioners in order to redevelopment both parcels into a RV Park

Mr. Reed advised that the Town's 2004 CAMA Land Use Plan (LUP), specifically the Future Land Use Map (FLUM), indicates that the property subject to the rezoning is projected to be of the Marina Village area. Therefore, this rezoning request is consistent with the Town's 2004 CAMA Land Use Plan. The Planning Board is asked to consider making a recommendation to the Board of Commissioners that the property be rezoned from MH to MV.

You will find attached of the Town's Zoning Map which shows the parcel to property to be rezoned as well as the current zoning classification of nearby and adjacent properties.

Fred Fredmaux asked how many mobile home leases were on that parcel? Mr. Reed says he was not sure.

Candace Dooley made a motion to recommend approval for the rezoning to the Board of Commissioners. The motion was seconded by Jim Normile and passed unanimously (5 to 0).

Discussion regarding possible changes to Chapter 4, “Use Regulations”, Table 4.1.2, “Table of Permitted and Special Uses” and Section 4.2, “Use Specific Standards” and Chapter 5, “Density, Intensity and Dimensional Standards”, Table 5.1, “Table of Dimensional Standards”, of the Town’s Unified Development Ordinance (UDO).

Mr. Reed informed the Planning Board that Town staff would like to discuss with the Planning Board several possible amendments to Chapter 4, “Use Regulations”, Table 4.1.2, “Table of Permitted and Special Uses” and Section 4.2, “Use Specific Standards” and Chapter 5, “Density, Intensity and Dimensional Standards”, Table 5.1, “Table of Dimensional Standards”, of the Town’s Unified Development Ordinance (UDO). As you know, at the Planning Board’s May 19, 2014 meeting, the Board recommended to the Board of Commissioners several amends to the UDO which pertained to the height limitation for certain types of commercial structures and to the height of some types of mixed use structures. The Board of Commissioners, at it meeting held on June 10, 2014, removed the recommend amendments recommended by the Planning Board from its agenda and requested that Town staff and the Planning Board work on additional amendments to the UDO. It is important to note that the action by the Board of Commissioners was not based on its dissatisfaction with the Planning Board or its efforts on the proposed amendments. The Commissioners are thankful for the Planning Boards work on the amendments; however, based on some additional information received from the owners or Transportation Impact and a desire to potentially more accurately reflects the community’s goals on building height limitations; the Commissioners are requesting the Planning Board consider several potential amendments to the UDO.

Mr. Reed advised the Planning Board that the first amendment would be to Chapter 5, “Density, Intensity and Dimensional Standards”, Table 5.1, “Table of Dimensional Standards”, and pertains to the current height limitation of 40 feet for wood framed commercial structures in the Business (B) Zoning District while concrete and steel structures may be constructed to a height of 50 feet. This is the same issue previously considered by the Planning Board at its May 19, 2014 meeting. Staff still believes there is no code related basis for the 40 foot limitation for wood framed structures, since the NC Building Code will prevail regarding the construction methods required for commercial structures based on the type of construction, occupancy classification, and other site specific factors. In fact, staff has discovered since the Board’s may meeting that the limitation on wood framed structures may have very well been based on the limitations of the Town’s fire fighting equipment many years ago. Therefore, staff is again proposing an amendment to the UDO that would remove the 40 foot limitation for wood frame structures. The result of the amendment would be that all commercial structures in the Business (B) Zoning District would be limited to a current maximum height of 50 feet regardless of the construction materials used for the building.

Mr. Reed advised that the second amendment would be to Chapter 5, “Density, Intensity and Dimensional Standards”, Table 5.1, “Table of Dimensional Standards”, and pertains to the height limitation for flat/low slope roofed (roof pitch <4:12) structures in the Business (B) and Government (G) Zoning Districts and the prohibition of flat/low sloped roofs in the Village East

(VE), Village West (VW) and Marina Village (MV) Zoning Districts. The proposed amendment would have no impact on the height limitation in any residential zoning district which are proposed to remain at 35 feet and 40 feet for flat/low slope roofs and high slope roofs, respectively. Currently, the UDO limits flat/low slope roofed structures with a pitch of less than 4:12 in the B and G Zoning Districts to a height of 35 feet and requires all roofs in the VE, VW and MV Zoning Districts to be high slope roofs with a pitch of greater than 4:12. One exception for low sloped roofs is for dry stack boat storage structures in the MV Zoning District which may be constructed to height of 50 feet and the proposed amendment would maintain that exception. The UDO also currently allows for flat/low slope roofs in the B Zoning District to have an additional 3 foot parapet wall and an additional 10 feet for elevator shafts, air conditioning and other necessary mechanical equipment. It is important to note that the UDO currently allows flat/low slope roofs in the Camp (C) Zoning Districts to be constructed to a height of 40 feet. Town staff is proposing an amendment that would allow for flat/low slope roofs in the B, G, VE, VW and MV Zoning District to be constructed to a height of 40 feet and remove the limitation on flat/low slope roofs in the VE, VW and MV Zoning Districts. The amendment would allow for flat/low slope roofs to have an additional 5 foot parapet wall (an increase from 3 feet), as well as maintaining the currently allowed additional 10 feet for elevator shafts, air conditioning and other necessary mechanical equipment. The amendment also has the result of clarifying that the additional 10 foot projection would not be allowed on a high slope roof which is somewhat unclear at this time based on current language in the UDO. This amendment is likely to be beneficial to the owners of Transportation Impact who indicated the primary reason they considered constructing a 50 foot building was due to the 35 foot height limitation for flat/low slope roofs and the prohibition of a flat/low slope roof in the VW Zoning District.

The third amendment would be to Chapter 5, “Density, Intensity and Dimensional Standards”, Table 5.1, “Table of Dimensional Standards”, Chapter 4, “Use Regulations”, Table 4.1.2, “Table of Permitted and Special Uses” and Section 4.2, “Use Specific Standards”. This amendment pertains to the current ability to construct, by right, a high slope roof building in the Business (B), Village East (VE), Village West (VW) and Marina Village (MV) Zoning Districts. The proposed amendment would limit residential, mixed use and commercial structures to a height of 40 feet regardless of whether they are flat/low slope or high slope roofed structures. Currently, the UDO limits residential structures to a height of 40 feet so the proposed amendment only impacts mixed use and commercial structures. All residential, mixed use and commercial buildings would be limited to a height of 40 feet regardless of whether they are flat/low or high slope roof buildings. Town staff does not want to create any undue burden or unnecessary hardship on anyone with this by right limitation; therefore part of this amendment includes the ability to construct a mixed use or commercial high sloped roof building of up to 50 feet. The amendment allows for the ability to construct a high slope roof mixed use or commercial building in the B, VE, VW and MV Zoning Districts but it would not be a by right use and would require a Special Use Permit from the Board of Commissioners. This amendment would not adversely impact the ability to construct a 50 foot dry stack boat storage structure in the MV Zoning District.

In summary, the foregoing proposed amendments result in the following:

- Eliminate the distinction between wood framed and concrete/steel buildings in the Business Zoning District with regards to allowable building height.

- Establish 40 foot mean roof height limit for all commercial and mixed use structures with flat/low slope and high slope roofs being treated the same in the Government, Camp, Business, Village East, Village West and Marina Village Zoning Districts. This effectively provides an additional 5 feet of height for flat/low slope roofs and reducing the high pitch roofs by 10 feet.
- Maintaining the ability to construct, by right, a 50 low slope roof dry stack boat storage structure in the Marina Village Zoning District.
- Allow for a 5 foot parapet wall and allow for an additional 10 feet for elevator and mechanical equipment for a flat/low slope roofed structure.
- Clarify that the additional 5 feet of parapet and 10 feet of elevator and mechanical is not permitted on a high slope roofed structure.
- Allow commercial and mixed use structures to increase to a height of 50 feet provided they are high slope roofs and after the issuance of a Special Use Permit from the Board of Commissioners in the Business, Village East, Village West and Marina Village Zoning Districts.

Attached to this memorandum you will find a copy of the proposed amendments to the UDO for the Planning Board's consideration. Text being deleted is shown in a strikethrough format and text being added is shown in an underlined format. The locations of the changes in the attachment are also highlighted in yellow for the Board's convenience. If the Board finds the proposed amendments to the UDO acceptable, it would be appropriate to make a recommendation in favor of the amendments to the Board of Commissioners.

Mr. Reed informed the Planning Board the owner of Transportation Impact and the owners of Islander Hotel, were in the audience if they had any questions? These amendments would affect future projects for them. There were no questions, but Mr. Reed asked the owners if they had anything they would like to say.

Samer Hamad one of the owners of the Islander Hotel informed the Planning Board that his partner Bill Brown and himself had spent thousands of dollars designing a plan for future construction of additions and without the amendments they would have to start over again.

Jim Normile made a motion to recommend to the Board of Commissioners approval of the change to the first amendment. The motion was seconded by Tom Kelly and passed unanimously (5 to 0).

Tom Kelly made a motion to recommend to the Board of Commissioners approval of the change to the second amendment. The motion was seconded by Fred Freedmaux and passed unanimously (5 to 0).

Jim Normile made a motion to recommend to the Board of Commissioners approval of the change to the third amendment. The motion was seconded by Tom Kelly and passed unanimously (5 to 0).

There being no further business to come before the Board, a motion was made by Tom Kelly to adjourn. The motion was seconded by Candace Dooley and passed unanimously (5 to 0). The meeting was adjourned at 6:15 PM.

Respectfully submitted by:

Peggy Grammer, Secretary
Town of Emerald Isle Planning Board