

**TOWN OF EMERALD ISLE  
PLANNING BOARD MEETING  
MONDAY, MAY 19, 2014**

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

A motion was made by Pete Wachter to approve the minutes of the Planning Board meeting held on November 25, 2013. The motion was seconded by Ken Sullivan and passed unanimously (6 to 0).

Mr. Reed advised for the month of April 2014, the Planning and Inspections Department had issued permits with a total value in excess of \$1,988,680. This brings the fiscal year total to over \$14 million in construction value for all permits and the department has collected approximately \$135,635 in permit fees.

**Discussion regarding possible changes to Chapter 5, “Density, Intensity and Dimensional Standards”, Table 5.1, “Table of Dimensional Standards”, of the Town’s Unified Development Ordinance (UDO) in order to amend the height limitation for certain types of commercial structures and some mixed use structures.**

Mr. Reed informed the Planning Board that Town staff would like to discuss with the Planning Board two possible amendments to Chapter 5, “Density, Intensity and Dimensional Standards”, Table 5.1, “Table of Dimensional Standards”, of the Town’s Unified Development Ordinance (UDO). The first amendment would pertain to the height limitation for certain types of commercial structures and the second would pertain to some mixed use structures. Currently, the aforementioned section of the UDO limits wood framed commercial structures to a height of 40 feet and concrete and steel structures to a height of 50 feet in the Business (B) Zoning District. Staff 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. Therefore, staff is proposing an amendment to the UDO that would remove the 40 foot limitation for wood frame structures and allow them to be constructed to a height of 50 feet. The result of the amendment would be that all commercial structures in the Business (B) Zoning District would be limited to a maximum height of 50 feet which is consistent with the current height limitation for concrete and steel structures regardless of the construction materials used for the building.

Mr. Reed advised the Planning Board that the second amendment that the Board is asked to consider pertains to the height limitation for mixed use structures in the Village East (VE), Village West (VW) and the Marina Village (MV) Zoning Districts. Currently, the UDO limits residential and mixed use structures in the VE, VW and MV Zoning District to a height of 40 feet. The limitation for residential structures is consistent with the current 40 foot height

restriction for residential structures located in the various residential zoning districts. The height limitation for commercial and non-residential structures in the VE, VW and MV Zoning Districts is 50 feet. Town staff has been engaged in conversations with the owners of Transportation Impact regarding their proposed mixed use building currently being planned for property they own on Crew Drive that is zoned Village West (VW). The owners of Transportation Impact are proposing a mixed use building in which the vast majority of the building would be designed and used for commercial use and a smaller portion designated for residential use. Because the proposed structure is a mixed use building, the UDO would limit the proposed Transportation Impact building to a height to 40 feet. The architect working with Transportation Impact has indicated that their proposed building would contain approximately 23% residential use and 77% commercial use. In addition, preliminary designs for the mixed use building call for the utilization of a high floor to ceiling distance ratio in order to accommodate the installation of mechanical, plumbing and other building systems to be located between the floors. The larger than normal height between the floors is causing some practical difficulty in meeting the 40 foot height limitation. Since the building will largely function as a commercial structure, the owners are asking the Town to consider an amendment to the UDO that would allow mixed use structures that have a significant portion of its gross floor area designated for commercial use to have a 50 foot height limitation instead of the current 40 foot limitation applicable to all mixed use buildings.

Town staff is asking the Planning Board to consider an amendment to the UDO that would change the height limitation for certain mixed use structures from 40 feet to a maximum of 50 feet in the VE, VW and MV Zoning Districts. The ability to construct a mixed use structure to a height of 50 feet would only be applicable to such structures that contain a minimum of 75% of the total gross floor area designated for commercial use and a maximum of 25% of the total gross floor area designated for residential use. It is important to note that the proposed amendment would not apply to all mixed use structures in these zoning districts and would apply to only those with a minimum of a 75% commercial use.

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.

Fred Fredmaux asked what the design height for Transportation Impact was being considered. Mr. Reed replied not quite 50 ft. Jim Normile asked how the discussion of the ratio of 75-25 came about. Mr. Reed stated that Transportation Impact came in with there design and discussed it with some Town staff. Fred Fredmaux expressed his opinion that keeping this ratio might hamper future use for other businesses. Mr. Reed stated that the Planning Board has the opportunity to change the ratio. Mayor Eddie Barber spoke up and felt what ever ratio the Planning Board came up with it needed to be reasonable enough that it didn't have to be amended again in the future. Ken Sullivan made a motion to approve the amendments. The motion was seconded by Pete Wachter and passed unanimously (6 to 0 ).

There being no further business to come before the Board, a motion was made by Pete Wachter to adjourn. The motion was seconded by Candace Dooley and passed unanimously (6 to 0). The meeting was adjourned at 6:25 PM.

Respectfully submitted by:

Peggy Grammer, Secretary  
Town of Emerald Isle Planning Board