

**TOWN OF EMERALD ISLE
PLANNING BOARD MEETING
MONDAY, NOVEMBER 23, 2015**

Chairman Ken Sullivan called the meeting to order at 6:00 pm. Members present were, Candace Dooley, Jim Osika, Steve Leroy, Tom Minnick and Paul Schwartz. Also present was Josh Edmondson, Town Planner, Michael Denmead, Steve Finch, Clint Routson, Mike Campbell, John Wooten, Frank Rush and Eddie Barber.

A motion was made by Steve Leroy to excuse Ryan Ayre from the meeting. The motion was seconded by Tom Minnick and passed unanimously (5 to 0).

A motion was made by Jim Osika to approve the minutes of the Planning Board meeting held on October 26, 2015. The motion was seconded by Candace Dooley and passed unanimously (5 to 0).

SUBJECT: Village West Area Rezoning & Amendments to the Table of Permitted and Special Uses

The Planning Board and Staff discussed this request. Mr. Edmondson provided information as follows: As we begin the process of updating the 2004 CAMA Landuse Plan, rezoning the last of those properties in the Village West Area needs to be accomplished. The Planning Board has been tasked to review and make a formal recommendation to the Board of Commissioners. A copy of the current zoning map for the area which also depicts the current boundaries of the Village West Area as identified in the Town's 2004 CAMA Land Use Plan (LUP) was presented for Board review. Mr. Edmondson let the Board know that Boardwalk RV Park has requested to include an additional parcel 538311561363000 in the rezoning not currently in the Village West Area as shown on the Future Landuse Map. This parcel contains the wastewater treatment area for the Park. Mr. Edmondson told the Board this would require an amendment to the Landuse Plan. Included to the Board was a copy of the Table of Permitted and Special Uses which allowed the Planning Board members to compare permitted and special uses under current zoning (Business and Camp) to those allowed in the Village West Mixed Use Zoning District.

The Board was made aware of the letters mailed by Town staff to all affected property owners in the Village West Area which informed them of this potential rezoning action and inviting them to attend the November 23, 2015 meeting of the Planning Board. In total, 33 parcels remain in the Village West Area and are the subject of this rezoning. Mr. Edmondson went over several items to note regarding the rezoning. First, the carwash, storage facilities (including camper storage areas) and Igloo Ice are not listed as permitted uses in the Village West Zoning District and if all of the properties in the Village West area are rezoned; then these uses would become existing non-conforming uses. The non-conforming status of these uses does not require them to cease operation. However, non-conforming status would prohibit the expansion of an existing non-conforming use and could affect the ability to re-establish such a use if damaged or destroyed by more than 50%. The Planning Board could keep this prohibition in place but staff recommended as part of this rezoning action that the Table of Permitted and Special Uses be amended to allow carwashes, storage facilities and ice sales in the Village West Zoning District as permitted uses.

Also, the Holiday Travel Park is listed as a permitted use on the Table of Permitted and Special Uses in the Camp District. In the Village West Zoning District it is listed as a special use meaning it is permitted with the issuance of a special use permit by the Board of Commissioners. Any proposed expansion of the travel park would trigger the need to obtain a special use permit. Staff recommended as part of the

rezoning action that the Table of Permitted and Special Uses be amended to allow campgrounds and travel trailer parks as a permitted use in the Village West Zoning District.

Lastly, Mr. Edmondson discussed Boardwalk RV Park. It was shown to be permitted as a use in both the Business and Village West Zoning Districts with the issuance of a special use permit by the Board of Commissioners and permitted in the Camp District. Staff recommended allowing as a permitted use in the Village West District to the Board.

Mr. Edmondson told the Board he was not aware of any other existing uses that would become non-conforming as a result of the rezoning action. Mr. Edmondson stated Artisan Granite is a non-conforming use in the current Business Zoning District and would remain as such in the Village West Zoning District. Mr. Edmondson also made the Board aware that Cape Emerald Properties requested parcel 538311570234000 not to be included in the rezoning over concerns of the vegetation requirement.

Clint Routson attorney for the Nassau Corporation owner of parcel 538311572312000 had concerns about the vegetative requirements as well. He requested to take the information presented back to the owners and would have a definitive answer as to the desire of the owners to be included in the rezoning before the official public hearing by the Commissioners at their December 8, 2015 meeting. Michael Denmead, owner of Artisan Granite had concerns about the nonconforming issue and how it would affect the future use of the property. The Board and Mr. Edmondson agreed for staff to meet with Mr. Denmead to find out additional information about the business operation to come up with a solution before the Commissioners meeting. Based on that meeting Mr. Denmead would then let staff know if he wished to be included in the rezoning.

Mr. Edmondson recommended that when time to vote each amendment before the board was voted separately. After considerable discussion by the Board, 4 separate motions and votes were taken on the proposed amendments. A motion was made by Paul Schwartz to amend the Future Landuse Map to include parcel 538311561363000 in the Village West Area. Candace Dooley seconded the motion and it carried unanimously (5 to 0).

A motion was made by Candace Dooley to rezone those parcels depicted from Camp and Business to Village West. The motion included the additional parcel 53831153163000, left out Cape Emerald parcel 538311570234000 completely and the Nassau Corporation parcel 538311572312000 and Granite Artisan parcel until further research and study by the owners and town staff could be done. If the owners chose to be included before the public hearing by the Commissioners, the Board had no issues. The motion was seconded by Tom Minnick and passed unanimously (5 to 0).

A motion was made by Paul Schwartz to amend the table of permitted and special uses to permit a carwash, ice sales and storage facilities in the Village West District. The motion was seconded by Tom Minnick and passed unanimously (5 to 0).

A motion was made by Steve Leroy not to amend the permitted and special use table to permit travel and trailer parks and RV parks as permitted in Village West District but leave as a special use. Being no second the motion failed. A motion was made by Tom Minnick to amend the table of permitted and special uses to permit travel and trailer parks and RV parks in the Village West District. Paul Schwartz seconded the motion and it passed 4 to 1.

SUBJECT: Amendment to the Table of Permitted and Special Uses concerning Bed and Breakfast Lodging

Mr. Edmondson provided background to the request. Currently, bed and breakfast lodging are allowed as permitted uses in the Village East, Village West and Marina Village zoning districts. Staff has been discussing amending the Table of Permitted and Special Uses to be allow as a permitted use in the R2 district as well. Mr. Edmondson stated this particular use is very commonly found in residential settings and districts like the R2 district of Emerald Isle. Also, bed and breakfast lodgings add no additional impacts to surrounding residential properties and in fact, are less impactful than your typical rental unit in the R2 district. The Department of Environment and Natural Resource permit every bed and breakfast establishment in North Carolina. Mr. Edmondson made the Board aware of conditions DENR may impose on the issuance of a permit or transitional permit. Those conditions may be specified for one or more of the following areas:

- (1) The number of rooms or persons.
- (2) The categories of food served.
- (3) Time schedules in completing minor construction items.
- (4) Modification or maintenance of water supplies.
- (5) Use of facilities for more than one purpose.
- (6) Continuation of contractual arrangements upon which basis the permit was issued. (7) Submission and approval of plans for renovation.
- (8) Any other conditions necessary for a bed and breakfast inn to remain in compliance with this Section

Mr. Edmondson stated staff found the proposed amendment to be consistent with the 2004 CAMA Landuse Plan. After considerable discussion, Jim Osika made a motion to amendment the table of permitted and special uses to permit bed and breakfast lodging in the R2 District. The motion was seconded by Tom Minnick and carried unanimously (5 to 0).

SUBJECT: Report from Town Planner

Town Planner, Josh Edmondson gave his report informing about the Commissioners approval of the rezoning request of Ritchie Creech from B to R2. A brief overview of the monthly Inspection figures was provided for October 2015.

Subject: Board Comments

No comments were raised by members of the Planning Board.

There being no other business a motion was made by Steve Leroy and seconded by Jim Osika to dismiss the meeting which carried unanimously.

Respectfully submitted by:

Josh Edmondson, Secretary
Town of Emerald Isle Planning Board