



KURE BEACH TOWN COUNCIL

PUBLIC HEARING
December 19, 2006

MINUTES

The Public Hearing for the Town of Kure Beach was held at Town Hall at 6:00 pm on December 19, 2006. A quorum was present.

COUNCIL MEMBERS PRESENT:

Mayor	Tim Fuller
Mayor Pro Tem	Mac Montgomery
Commissioner	Jim Dugan
Commissioner	Bill Ufferman
Commissioner	Dean Lambeth

COUNCIL MEMBERS ABSENT:

None

STAFF PRESENT:

Building Inspection	John Batson
Town Clerk	Nancy Avery

STAFF ABSENT:

Finance	Susan Suggs
Public Works	Sonny Beeker
Fire Dept	Harold Hegler
Police	Dennis Cooper

Town Attorney A.A. Canoutas was in attendance.

Subject of Hearing

Request to rezone Tucker's Square from RA-2T to RA-1. Area being considered for rezoning begins with the west side of Mackerel Lane proceeds west to Spot Lane, bordered on the north by Alabama Avenue and on the south by Settlers Lane with no part of Settlers Lane to be included

Call to Order

Mayor Fuller opened the Public Hearing noting that the hearing has been called to receive comments relative to the recommendations received from Planning & Zoning to rezone Tucker's Square from RA-2T to RA-1. He requested the Town Clerk call to the podium the persons on her list wishing to speak regarding this proposal.

The floor was then opened to receive comments.

Comments

Peter Boulter, owner of 1721 Searay Lane, stated that Tucker's Square was developed as a single family home community. There are a number of families living in the community with school-aged children. He is afraid that traffic will increase if the area isn't rezoned for single family homes only. Mr. Boulter stated that there aren't a lot of vacationing families there now, but he thinks that keeping the area zoned as an RA-2T will increase the possibility of vacation homes being built on the vacant lots. He is worried that traffic will increase in the neighborhood due to the possibility of multi-family homes being built on the vacant properties. He feels this will not only decrease the peace in the community, but could also be a hazard to school children waiting at the bus stop.



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Jerry Hammill, President & CEO of Hammill Construction, owns 6 lots on Bonita & 1 on Swordfish. He has a problem with the zoned area considered as "Tucker's Square" continuing to expand outside the boundary of the area he knows to be the actual Tucker's Square area. He doesn't have a problem with single family homes being built in the proposed area, but he doesn't agree with restricting other types of homes being built.

George Wilhelm, owner of 701 & 703 Mississippi stated that his street is not part of Tucker's Square and never has been. He owns a double-wide trailer, and his family has been vacationing there for about 100 years. He bought his lots before Tucker's Square was even in the mind of the builders, but he didn't complain about their houses when they were being built. In turn, he doesn't know why they're complaining about his neighborhood.

Rose & Ricky Thornburg, owner of 1726 Pinfish Lane and the empty lot beside it, passed out some information to council. Mr. Thornberg proceeded to state that he has been coming to Kure Beach for 50 years to vacation and plans to retire here one day. Mrs. Thornburg stated that they were one of the first residents on Pinfish Lane, having owned their property for 15 years. Four years ago, they bought the empty lot next to their home. They feel that, if they ever want to sell it, they want the people who buy it to be able to build whatever they want on the property. They had planned to build a boat house on the empty lot and are worried they won't be allowed to do this if their property is rezoned. They believe the rezoning will actually hurt, not help, the area. They invited anyone to come and look at their neighborhood to see that it is kept up nicely and not run down. Mrs. Thornberg said that not everyone can afford to build a stick-built home and that should be considered.

Mayor Pro-Tem Montgomery asked the Thornburgs to tell him how many properties developed around them are short-term rentals and to describe their neighbors.

Mr. Thornberg said he doesn't know of one short-term rental property in their area and the neighbors who live there are very nice. Most of the people live there full-time. Other neighbors use their home as a 2nd home to vacation in, but they aren't rented out to short-term renters.

Mayor Fuller asked Building Inspector John Batson if a boat house could be built in the vacant lot that Mr. & Mrs. Thornburg own. Mr. Batson stated that they should be able to still do that, even with the new zoning. Mayor Pro-tem Montgomery and Mrs. Thornburg said that it was their understanding that an accessory building could only be built in the back yard.

Mayor Fuller clarified that, in an RA-1 community, a modular home can be built, but no multi-family dwellings or trailers would be allowed.



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Larry Hunt, owner of 1727 Pinfish Lane, came to speak on behalf of himself and Roy Tart, owner of 1722 Pinfish Lane. Mr. Hunt stated he bought his property 4 years ago with the intention of it being a multi-family residence. He was told by the realtor when he bought it that he could build whatever he wanted on the property which is why he bought it. Mr. Hunt asked the council to verify whether or not it was true that the land in question was originally annexed for trailers.

Commissioner Dugan confirmed that the town is required by state statute to have an area inside the town where trailers could be put and that the Town of Kure Beach annexed this area for trailer use, originally zoning it as such. However, the area wasn't specifically designed for trailers only, but met the state standards for accommodating trailers.

Mr. Hunt stated that people have a life-time investment in their properties, and they bought their homes expecting to be able to do what they wanted on their properties. He stated that they don't live in the area that is being called "Tucker's Square" anyway.

Mayor Fuller stated that, in order to meet the requirements of the statutes, they had to define a specific area in order to request rezoning. Street lines and properties couldn't be cut through and zoning lines had to be kept in a clean path for the proper layout to meet conditions. He stated that this is why additional property was listed under this rezoning plan.

Mr. Hunt said it is his understanding that, if one of the other types of properties burned down, then they couldn't rebuild anything other than a single-family home. He said that this was an investment property for him, and he stands to lose money if the area is rezoned as an RA-1.

Mitchell O'Neal, owner of 1701 Pinfish Lane, stated he lived on his property in a mobile home. He and his father, Wade O'Neal, live there together. It is their 2nd home, and a mobile home is all he could afford to put on his property. He hopes to retire to Kure Beach one day, and his father is retired and lives here about 80% of the time. They were on Pinfish Lane before Tucker's Square was built. He said the people where he lives are decent people who take good care of their properties. He commented that no one in his neighborhood minded Tucker's Square being built and that the Tucker's Square residents knew him and his neighbors were there when they built their single family homes.

Matthew Giggy, local Realtor, said that they sell a lot of lots in the area being planned for rezoning. He remarked that a duplex lot will get more attention than a single family lot. He agreed with Mr. Hammill's comments and introduced Mr. Kumar.



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Thiruvengadam Jayakumar, owner of 1701 Searay, stated that he had to pay a big premium on the lot he bought because it was a duplex lot. Now if they change the zoning to RA-1, it will be quite a loss of money on his investment.

Charles Mullen, owner of 12 lots within the zoned area, said if the property is rezoned as proposed and he can't build duplexes or townhouses on the land, he would lose between \$1M-\$1.5M from a sales point of view. He noticed that out of 105 lots within the zoning area, there were only 7 lots represented on the petition. He asked the council why they were even considering this.

Commissioner Lambeth stated that it was a state law that required them to hold a public hearing if someone presented a petition.

Mayor Fuller stated that the council was following due process.

Mr. Mullen proceeded to point out that there are 10 lots left to build in the entire area in question, yet the statement made on the petition seemed to imply that there would be a large number of duplexes built in the area if the area wasn't rezoned to RA-1. Mr. Mullen gave the council members a spreadsheet that showed a significant monetary value of a duplex lot over a single family lot and wanted the council to take this into account. The proposed zoning would dramatically decrease the value of the lots in question. It would also deny the best use of the property for the town. He strongly asked the council to deny the request.

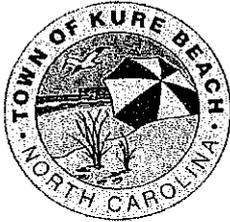
Mayor Fuller asked Town Attorney Andy Canoutas if the town was required to place an ad in the paper to announce the option of a protest petition. Mr. Canoutas stated that the town is under no obligation to post that information in the newspaper.

Phil Edwards, owner of 803 Mississippi Avenue, stated he is currently building a single family home in the proposed zoning area. He has a small business and was wondering if, under Section 19.1 of the town ordinance, he would be restricted from operating his business out of his residence if it is rezoned to RA-1.

Attorney Canoutas said that small businesses can be operated out a home in all zones.

Mr. Edwards stated that, even if rezoning the property won't deter him from operating his business out of his home, he is still in favor of leaving the properties zoned as an RA-2T.

Mayor Fuller asked if there were any other comments before he adjourned the Public Hearing. Mitchell O'Neal commented that he would like to know what the residents who signed the petition had against the residents who are against the petition. Charles Mullen commented that he didn't know why Mackerel Lane was included in the zoned area.



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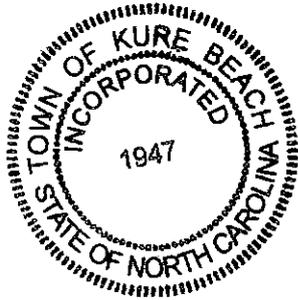
Mayor Fuller asked the other council members if they had any questions.

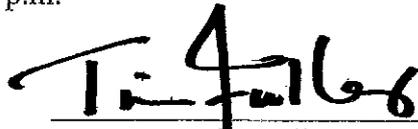
Mayor Pro-tem Montgomery asked Mr. Boulter what properties fall into the Tucker's Square Home Owner's Association. Mr. Boulter answered that there is no HOA in Tucker's Square, and there is no formal geographic area defined as Tucker's Square.

Adjournment

There being no additional persons to address this item, the MOTION was made by Commissioner Ufferman to adjourn the meeting. Mayor Pro-tem Montgomery SECONDED the motion. The vote was unanimous.

Public Hearing adjourned at 6:50 p.m.





Tim Fuller, Mayor

Minutes by 

N. Hewitt

Attest: 
Town Clerk