



KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ NOVEMBER 8, 2006

A regular meeting of the Kure Beach Planning and Zoning Commission was held on Wednesday, November 8, 2006 at 7:30 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Chair – Allan Votta

Vice Chair – Ken Buchert

Members – Tim Bullard and Janet Foster

MEMBERS ABSENT

James Schutta

STAFF IN ATTENDANCE

Town Clerk Nancy Avery

Building Inspector John Batson

Liaison Commissioner Dean Lambeth was in attendance.

CALL TO ORDER:

Chairman Votta called the meeting to order at 7:35 p.m.

APPROVAL OF MINUTES

October 3, 2006 regular meeting.

ACTION: Member Votta **made the motion** to approve the minutes from the October 3, 2006 regular meeting. Member Bullard **seconded the motion**. **The vote of approval was unanimous.**

OLD BUSINESS

1. Swimming Pools in the RA3 and other districts (tabled from 10/3/06).
Member Bullard makes statements regarding draft submitted by Member Schutta. Building Inspector Batson agrees with proposed draft. Commissioner Lambeth asks for clarification of Sec. 5-182. Audience member asks if a unit is sold, must the town confirm that the new owner follows the regulations. Chairman Votta suggests that the Town Attorney should review. Town Clerk Avery indicates that it was forwarded to the Town Attorney but no response has been received.

General discussion follows. Member Buchert indicates some general errors in draft ordinance (i.e. under Sec. 5-180 renourishment is misspelled. Should be ren"o"urishment). Member Buchert also asks why it is under Sec. 5-180. Why was Sec. 5-170 skipped? Member Buchert recommends that Town Attorney answer that question. ALL MEMBERS AGREE. General discussion continues regarding wording for construction of pools as to whether or not wording should be included as to a maximum length and width so as to classify it as a pool as opposed to a fountain. Commissioner Lambeth indicates the wording for a private pool is vague and also indicates that even fountains require permits. Member Buchert asks whether this is covered by the Code of Ordinances. Commissioner Lambeth indicates that the subject of pools falls under North Carolina state rules. Member Bullard asks about allowing pools in all residential areas zoned RA-1 and RA-1A. Should they be allowed in RA-2A? Commissioner Lambeth generally suggests cleaning up all of the ordinances and requests that Town Attorney review all ordinances beforehand and asks Town Clerk to follow up with Town Attorney to see if he's reviewed the proposed ordinance. End of discussion. **Chairman Votta moves to recommend to Town Council the draft ordinance regarding swimming pools – Sec. 5-180. Motion seconded by Member Buchert. The vote of approval was unanimous.** Said draft ordinance is included herein as part of the minutes as Attachment "A".

2. Master Plan for Kure Beach B-1 Business District

On October 10, 2006 the Board voted to hire John Sawyer Architects to prepare a master plan for the B-1 District. Matter tabled until today. Sawyer to work up a fee schedule as well as adjusted time frames for submission to Town Council at November 21, 2006 meeting. Chairman Votta indicates that this process is moving forward.

3. Rezoning Petition filed by Tucker's Square

Regarding issue of allowing percentage of area for trailers/manufactured homes, Member Buchert indicates that response Town Clerk received from Cape Fear Council of Governments indicated no percentage is required but it is covered by Statute although that Statute does not specify amounts of area to be left to trailers/manufactured homes. As to the issue of splitting a lot when rezoning, Town Attorney indicated to Town Clerk that it is not allowable. He recommends no changes to zoning and suggests that streets be used as the boundaries.

Peter Boulter makes statement regarding Tucker's Square petition. General discussion is held regarding splitting blocks. Member Buchert asks Mr. Boulter if the petition includes the shaded area of Mackerel Street. Boulter indicates it was his understanding the petition was for both sides of Mackerel otherwise only the west side of Mackerel to Spot is fine. Town Clerk Avery indicates there may have been confusion from a prior motion and requests that Board disregard shaded area. Indicates should only be west side of Mackerel to Spot. General discussion among Board continues. Member Buchert asks if anyone residing on the east side of Mackerel signed the petition. Mr. Boulter indicates "no".

Member Bullard indicates that in the past, streets were used as dividers. He questions whether Town Attorney meant to say split “block” instead of split “lot”. Chairman Votta indicates that original request doesn’t split the block or lot and indicates the street should be used as the boundary. Member Buchert suggests zoning change should be to RA-1 and used the reasoning of the Land Use Plan. Member Foster agrees. Mr. Boulter asks if they create a homeowner’s association and decide to build a commercial pool, does the zoning have to be RA-1A? Commissioner Lambeth explains difference between private and commercial pools. General Q & A continues regarding Tucker’s Square being an area of single family homes or second homes as opposed to a seasonal tourist area. Building Inspector Batson indicates, however, that in the event of a natural disaster, any current duplexes may be rebuilt. **Member Bullard makes the motion to forward Tucker’s Square petition to Town Counsel for consideration. If Council agrees, Mackerel west to Spot will change zoning from RA-2T to RA-1. Member Buchert seconds the motion. The vote of approval is unanimous.**

Commissioner Lambeth then asks for a requirement to follow Land Use Plan. **Member Bullard makes the motion that if the area west of Mackerel to Spot is changed to a lower density, it is in line with the Land Use Plan. Member Buchert seconds the motion. The vote of approval is unanimous.**

4. Request from Council for text amendment repealing Sec. 19-323.5 – Minimum Use of Lot
Recommendation of Town Attorney was discussed. Member Bullard questioned whether this issue should be tabled until a work session was held. Town Clerk Avery indicated that matter will be put on Town Council agenda for November 21, 2006.

NEW BUSINESS

1. Sea View - Building Inspector Batson indicates receipt of Final Plat for recording. He further advises approval has been received from Fire Chief Heglar and Public Works Director Beeker and that he, himself, approves. General discussion continues regarding fire hydrant and dumpster placement. Building Inspector Batson indicates fire hydrants are located at the entrance and exit of subdivision. (Ft. Fisher Boulevard North and Kure Beach Road). Chairman Votta questions requirement of a 15’ buffer. Members review prior meeting minutes to address buffer issue. Member Buchert recites Sec. 19-283. Commissioner Lambeth, Building Inspector Batson and Brian Dodd of Taylor Custom Homes, Inc., indicate that this matter was already addressed and resolved. Members indicate prior minutes do not reflect how these matters were resolved. Lengthy discussion held regarding buffer strip and what was to constitute the buffer strip (i.e. berm, fence and plantings). After further discussions it was noted that since this subdivision is bordered by residential areas, the requirement

for a buffer zone in not necessary. Discussion also held regarding plats currently before Board. Board questions whether they have restricted covenants. Representative for Stroud Engineering indicates understanding that those are not due until they are before the Town Council. Building Inspector Batson asks about notices. Stroud Engineering representative indicates they have certified mail receipts to all adjoining property owners and indicates those were provided to the Board. Town Clerk Avery indicates that this matter must be revisited as Town Clerk had not yet acknowledged, in writing, compliance with the improvement and guarantee standards of Chapter 15. Board also expresses concern about not having sufficient time to review submitted materials. Board also expresses concern about plans and what procedure was followed (i.e. abbreviated or preliminary). Town Clerk Avery and Sea View representatives had a discussion as to Board requiring a surety bond or letter of credit. Town Clerk Avery indicates amount of deposit is equal to 1.25 times the cost of the improvements. Chairman Votta indicates that Board did not receive "Final" plat. Representative from Stroud Engineering requests that record map be forwarded to Council for approval so that it can be recorded. Building Inspector Batson advises that that map must be the original Final Plat. Member Bullard indicates all departments must sign off on plat and Chairman Votta indicates need to see checklist along with Final Plat. Due to confusion regarding plats, Sea View representative asks if they return in December, at next Planning and Zoning Committee meeting, can plat be forwarded to Town Council in December as well. Member Foster indicates that could happen "time permitting". Expresses concern that Board must have final plat fifteen days prior to the meeting. Sea View representative requests special session. Although it cannot be a "special session", Member Bullard indicates it would be a continuation of tonight's meeting. Discussion of days and submission of final documents held. **Member Buchert moves to continue the meeting until Tuesday at 7:30 p.m. Chairman Votta indicates that would be November 14th. Member Bullard seconds the motion. The vote of approval is unanimous.**

MEETING IS ADJOURNED UNTIL NOVEMBER 14, 2006 AT 7:30 P.M.



KURE BEACH PLANNING & ZONING COMMISSION
CONTINUED MEETING ♦ NOVEMBER 14, 2006

A continued meeting of the Kure Beach Planning and Zoning Commission was held on Tuesday, November 14, 2006 at 7:30 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Chair – Allan Votta
Vice Chair – Ken Buchert
Members – Tim Bullard

MEMBERS ABSENT

James Schutta
Janet Foster

STAFF IN ATTENDANCE

Town Clerk Nancy Avery
Building Inspector John Batson

Liaison Commissioner Dean Lambeth was in attendance.

CALL TO ORDER:

Chairman Votta called the meeting to order at 7:36 p.m.

NEW BUSINESS

1. Sea View

Chairman Votta suggested going through the planned residential development plan for Sea View. In reviewing the residential plan, it was determined that Sea View will be a subdivision consisting of 19 single family residences being either 2 or 3 bedroom units. Parking will consist of 40 + 4 spaces (40 regular and 4 handicap spaces). Chairman Votta asks whether a common area plan was submitted as well as a landscape plan. Luke Menius of Stroud Engineering indicated that both had been submitted to the Board.

Town Clerk Avery indicates that she has sign-offs on the plan from both the Public Works Director and the Fire Chief. The Police Chief has yet to sign off but indicated no problem with the plan.

Commissioner Lambeth stated B-3 zoning does not allow for seasonal rentals. Anything under 90 days is considered short term rental and thus a room occupancy tax must be applied. Over 90 days constitutes long term and must be specified in the covenants. Board determines covenants need to be modified striking the portion that pertains to short term rentals.

Audience member Charles Allo addressed the Board and submitted written questions/comments to the Board and asked that they be addressed. Mr. Allo then left the meeting. Regarding Mr. Allo's concerns, Chairman Votta indicated the following:

- Sea View will be a single family residential community.
- Seasonal rentals will not be allowed and that provision will be stricken from the covenants.
- As no seasonal rental will be allowed, parking is no longer an issue.
- Covenants shall be amended to provide that the Town is not responsible should flooding occur.
- Since traffic coming in from US 421 is one way, traffic flow will not be an issue.

It was also determined that each homeowner will be responsible for taxes on their homes while the homeowner's association will be responsible for all common areas.

The Board addressed both the preliminary and the final plat checklists. Member Bullard read each item to the Board. Discussion is held regarding the subdivision and it is determined that the subdivision does not contain any "streets" that are to be dedicated to the Town. It will be classified as a private drive. A DOT permit has been applied for and a copy of said application was provided to the Board.

The Board also requests a deposit be made. Town Clerk Avery is to oversee that the applicants provide a letter of credit to the Board.

Member Bullard indicates that the ordinance contains a spelling error. Number 36 of the preliminary plat checklist states "soiled waste collection plan". It should state "solid" waste collection plan.

After a full review, Member Bullard **moves to approve the plan and to forward it to the Town Council with the following conditions:**

- **Covenants are to be amended to add "no short term rentals allowed".**
- **Covenants are to be amended to state that the Town will not be responsible in the event of flooding.**
- **Surveyor's seal needs to be on each plat.**

- **Unit 19 needs to be identified.**
- **Applicants need to comply with Sec. 15-101 as it pertains to the requirement of a surety bond/letter of credit/deposit.**
- **Applicants must secure a Department of Transportation permit for the private driveway.**

Member Buchert seconds the motion. The vote of approval is unanimous.

2. Ordinance changes needed for updated Land Use Plan.
This issue will be tabled until next meeting.

MEMBER ITEMS:

1. Member Buchert **makes a motion that next month's agenda include nominations for a new chairman and vice chairman so that these positions will be effective in January.** Commission Buchert also requests that Town Clerk Avery check the terms of the current members as he believes someone's term is about to expire.

ADJOURNMENT:

Member Bullard **makes a motion** to adjourn the meeting. Member Buchert **seconds the motion. The vote of approval is unanimous**

Meeting is adjourned at 9:13 p.m.

Allan Votta, Chairman

Aimee Zimmerman, Secretary