



KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ FEBRUARY 6, 2007

A regular meeting of the Kure Beach Planning and Zoning Commission was held on Tuesday, February 6, 2007 at 6:30 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Chair – Alan Votta

Vice Chair – Ken Buchert

Members – James Schutta, Tim Bullard and Janet Foster

MEMBERS ABSENT

None

STAFF IN ATTENDANCE

Town Clerk Nancy Avery

Building Inspector John Batson

Town Attorney A.A. Canoutas

Secretary Aimee Zimmerman

Liaison Commissioner Dean Lambeth was in attendance.

CALL TO ORDER:

Chairman Votta called the meeting to order at 6:33 p.m.

APPROVAL OF MINUTES

January 2, 2006 regular meeting.

ACTION: Member Buchert made the motion to approve the minutes from the January 2, 2007 regular meeting. Member Bullard seconded the motion. The vote of approval was unanimous.

PERSONS ADDRESSING THE BOARD

Vagn Hansen from the Department of Commerce, Division of Community Services addresses the Board regarding Floor Area Ratio (hereinafter “FAR”).

Commission indicates their main concerns are:

- Water run-off due to impervious surfaces;
- Large size of homes on 50 foot lots;
- State requirements for density ratios

Mr. Hansen states:

- Main purpose of CAMA implementation plan is to control density of development in residential areas.
- Kure Beach is currently in the Phase 2 Stormwater program with a maximum allowable built upon area of 24%.
- In a Phase 2 program there are impervious surface ratios that have to be maintained as part of the program and if they are exceeded then stormwater controls need to be installed. These are difficult in this area due to the topography of the land and the different soil types, etc.
- Commissioner Lambeth indicates that the land use plan attempts to lower lot coverage from 65% to somewhere in the vicinity of 50-55% and to get away from the “big box”.
- All residential districts with 5000 square foot lot size with current set backs means you can build up to 2800 square foot built upon area.
- Second issue is the height limitation currently imposed in Kure Beach.
- Suggests possibly lowering height limit in residential areas.
- Specifically dealing with FAR, the entire lot is measured and if the area is 5000 square feet with a floor area ratio of “1” means that you can have 5000 square feet of building as measured from the outside of the structure on that lot. The idea is to be at a percentage of “1” and not actually at “1”. Another example is if you have a FAR of .5 on a 5000 square foot lot, a person could have 2 floors of 1250 square feet.
- Planning Board needs to come up with a fraction to allow for new residential development to occur and to receive a reasonable return and to attain maximum land value.
- With a 35 foot height limit, people will take advantage of the height limit in some possibly strange configurations but FAR would limit the amount of building they can put on the lot.
- FAR includes the entire outside of the structure, including garages and accessory structures...i.e. any enclosed floor area.
- Could also limit the amount of impervious surface coverage.
- A lot of different techniques can be utilized to limit size of residential structures. Mandating the bulk of structures is well within the powers of the zoning board.
- FAR was initially used in larger cities to control building sizes in their central business districts. It allowed a builder to have a certain number of square feet to build on and then they could choose in which manner they wanted to build the structure.
- There are reports from the American Planning Association regarding large houses coming into neighborhoods with the general state of residential development called “Too Big, Boring and Ugly” and “Cost of Tear Downs”. These are not in the context of a beach community but are general.

- Upon Chairman Votta asking if they take impervious surface and drainage out of the equation, let stormwater handle that and then increase the setbacks to 6 ½ feet with a minimum roof pitch with second story limits, could they make a second floor so that it could only be a certain percentage of the first floor, Mr. Hansen advised that that could work and everyone would build to some extent of that maximum limit.
- Could also establish minimum appearance guidelines or architectural appearance guidelines.
- Town will want to uniformly apply limits on square footage, an upper limit, to avoid loopholes so no matter how much land is owned there will still be a limit on the size of home that could be built.
- Larger lots should have bigger setbacks to keep house size down as well.
- Increasing setbacks might help this issue so they are not so overbearing but with narrow lots could become problematic. Setbacks could also be altered to increase the front and decrease the back.
- Lots in Kure Beach were not meant to have three story, 3000 square foot homes to be placed on them. It was more for 1000 square foot beach bungalows.
- Allowing a 20 foot front setback helps by allowing adequate parking.
- There are building code issues regarding minimum size of bedrooms that will be somewhat limiting. FAR is actually employed where there are great height limits within a city and smaller FAR percentages are used to break up the size of buildings in a dense urban area. In residential areas, it isn't quite as noticeable in terms of reducing density. The number of houses is going to be the same but it could limit the number of floor separated duplexes or triplexes that are built by reducing the square footage available. That would reduce density as to the amount of people in an area.
- For houses built on pilings, the open area is not included in FAR unless any portion of it is enclosed.
- Roof pitch is a minimal way of getting to appearance issues. Commissioner Lambeth had suggested setbacks of 22' for front, 6½' for side and 12' in the back cutting a footprint approximately 450 square feet. However, could allow a stipulation that steps could encroach the setbacks back to the original setbacks due to the risers.
- FAR does not count unusable attic space. It's considered a functional utility area instead of an actual livable space. However, the town can determine what is to be counted.

Commission will consider increasing setbacks and implementation of some percentage of FAR for second floor and higher along with some sort of architectural guidelines (as a last resort). Commission asks Mr. Hansen to provide some sort of formula for FAR that addresses "box" houses and requested that he forward that information to the Commission as soon as possible. Mr. Hansen indicates that he can put together some options from the most extreme to the most liberal combinations also if there would be any concerns with increasing setbacks. Once the Commission has reviewed the information, they will decide whether Mr. Hansen will be asked to return to answer questions.

Recess taken at 7:52 p.m.

Meeting rejoined at 8:07 p.m.

OLD BUSINESS:

- Request for Zoning Changes

ACTION: Member Foster moves to charge an additional \$5.00 per person for notification of property owners and adjacent property owners impacted by the request for zoning change. Member Bullard seconds the motion. The vote of approval was unanimous.

NEW BUSINESS

- Parking exception for Jack Mackerels

Tom Humphrey addresses Commission regarding his request for an exception to the parking requirements.

- Area under consideration is 20' x 50' to be used for outside dining.
- There will still be an area of 9' x 20' for parking, consisting of 4 spaces, with 37' for access to the parking.
- Area will be fenced in with a security/emergency gate for an exit.
- Area will remove five parking spaces.
- Jack Mackerel's currently seats 125 patrons with a total of nine parking spaces available.
- Big Daddy's currently seats 450 patrons with a total of nine parking spaces.
- When the restaurant was built, there was not a parking ordinance in place.
- The extra seating will add to his sales.
- Palm trees will be added along 421 to block the afternoon sun.
- Both the Health Department and the Police Chief are okay with the idea.
- As to a concern raised by Member Bullard, Mr. Humphrey indicates that the tables and chairs will be sufficiently secured.

Commission members discuss the issue. Town Clerk Avery indicates that all departments have reviewed the plan and have okayed the same with limited concerns. Commissioner Lambeth stated that a new parking lot will be going up by the Community Center and that possibly employees of Jack Mackerels could park there to free up spaces in the street area. The Building Inspector will need to issue a fence permit but no other inspection will be necessary. Commissioner Buchert stated that any other development, other than what was just presented, will require the petitioner to come back through Planning and Zoning.

ACTION: Chairman Votta moves to forward approval to Council for the 20' x 15' area to eliminate five parking spaces only. Chairman Votta indicates this request is in line with the Land Use Plan for business to grow in the B-1 district. Member Buchert seconds the motion. The vote of approval is unanimous.

MEMBER ITEMS:

- Member Buchert indicated he thought Attorney Canoutas was going to address the rezoning procedure. After a discussion among the Commission, it was decided that the Commission would **leave the rezoning ordinance alone and that any procedure established would be completed internally.**
- Member Buchert inquired whether Robb Mairs and Mike Christenbury would be present at the next P&Z meeting to discuss CAMA regulations and setbacks. Secretary to the Board indicated that the invitation has been given but no response has yet to be received. **Secretary to follow up.**
- Member Buchert inquires of Town Clerk the status of John Sawyer's projects. Town Clerk Avery indicates that they will be meeting with the Beautification Committee regarding the Atlantic Avenue project. CAMA grant has been applied for. As to the B-1 district, a survey will go out with the March newsletter and Sawyer will present the results in May to P&Z and based upon their recommendation, it would go to council in June. Commissioner Lambeth indicates Peggy Hayes from John Sawyer and Associates will meet with some of the B-1 business owners for their input.
- Member Buchert questions the wording on the License Tax. Section 10-16(b)(3) is worded strangely. Should read "Current active members of the Kure Beach Fire Department which decals shall be issued by the chief of the volunteer fire department". Member Schutta indicates an error in Section 10-21. The ordinance refers to "mother vehicles". Should read "motor vehicles".
- After a brief discussion Chairman Votta suggests that the Commission discuss their thoughts on Mr. Hansen's submission at the March meeting. **Secretary to add this to March agenda.**

ADJOURNMENT:

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

Meeting is adjourned at 8:54 p.m.

Allan Votta, Chairman

Aimee Zimmerman, Secretary