

KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ AUGUST 7, 2007

A regular meeting of the Kure Beach Planning and Zoning Commission was held on Tuesday, August 7, 2007 at 7:30 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Chair – Alan Votta

Members – Tim Bullard and Janet Foster
James Schutta

MEMBERS ABSENT

Vice Chair – Ken Buchert

STAFF IN ATTENDANCE

Building Inspector John Batson
Secretary Aimee Zimmerman
Town Attorney A.A. Canoutas
Liaison Commissioner Dean Lambeth

Also in attendance was:

Mayor Tim Fuller

CALL TO ORDER:

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

APPROVAL OF MINUTES

July 10, 2007 regular meeting.

ACTION: Member Foster made the motion to approve the minutes from the July 10, 2007 regular meeting. Member Bullard seconds the motion. The vote of approval is unanimous.

PERSONS ADDRESSING THE BOARD

None

OLD BUSINESS:

DENSITY

- At the last meeting bedrooms and parking restrictions were discussed.
- Initially a bedroom was defined as any room greater than 7'x7' would be considered a bedroom.
- Refined definition will be that any room 10'x10' or larger will require an additional parking space.
- Chairman Votta clarifies that a bedroom will be defined as any room 10x10 or greater, with a closet. Although people can always find a way to circumvent that.
- Building Inspector Batson stated that between the insulation inspection and the final inspection a person can turn any room into a bedroom and by that time, it will be too late.
- Commissioner Lambeth suggested that should that occur, the building inspector would then refuse to issue a Certificate of Occupancy.
- Suggestion was made to address the issue by building type.
- Multi-family homes are really the issue as they are more likely to be used as rental property and those are the ones that should have greater restrictions on them.
- Parking spaces do not include those which cross the Town right of way.
- Discussion was had whether to recommend that anything over a certain number of rooms will require an additional parking space regardless of the type of room.
- Belief is that Town should not get into specifics such as defining by number and type.
- Setbacks will limit the size of structures.
- Recommendation made to state the following:
 - Single Family Residences:
2 parking spaces for up to three bedrooms and 1 additional parking space for each bedroom thereafter;
 - Multi Family Residences:
2 parking spaces for up to two bedrooms and 1 additional parking space for each bedroom thereafter
- Suggestion made to leave the definition of a bedroom to the discretion of the Building Inspector.
- The percentage of impervious surface coverage will remain unchanged at 65%.

ACTION: Member Schutta moves to recommend to council that the parking regulations be amended as follows:

- **Single Family Residences:**
2 parking spaces for up to three bedrooms and 1 additional parking space for each bedroom thereafter;
- **Multi Family Residences:**
2 parking spaces for up to two bedrooms and 1 additional parking space for each bedroom thereafter per unit.
- **A bedroom is defined as any room 10'x10' or larger, having a closet, and at the discretion of the Building Inspector.**

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

LAND USE PLAN AMENDMENTS

Andy Canoutas gave the following update:

- There was a meeting with CAMA officials regarding the language of section 77 of the Land Use Plan (located on page 120).
- This meeting was between Mr. Canoutas, Commissioner Lambeth, Mayor Fuller, Building Inspector Batson, Mike Christenbury, Jim Gregson and Christine Goebel from the Attorney General's office.
- CAMA advised they could not draft anything for us. Rather we would have to submit proposals to them for their consideration.
- At that meeting it was determined that subsections (d) and (g) could be deleted rather than coming up with additional language. This would be acceptable to CAMA.
- In deleting these subsections the Town can still rely on the ordinances as they pertain to zoning in the commercial district. Our ordinances do not concern CAMA. They only are concerned with the Land Use Plan.

Mayor Fuller advised that:

- The Town is protected because of the ordinances and in removing these subsections, CAMA will be satisfied.
- Although there are references in other sections of the Land Use Plan, CAMA would still find deleting these subsections as acceptable.
- With regard to the Rolling Surf property, removing these subsections will resolve that issue. S.F. Holdings will be requested to surrender the original permits. Once that is done, the Attorney General's office will dismiss their lawsuit. This will also resolve the suit involving Mike Robertson as it will no longer have any basis.
- Once the Land Use Plan is amended, the permits will need to be surrendered as they were issued under the old law. Should they decline to surrender the permits, they will remain in limbo.
- Others will be able to apply for a permit to create a residential structure in the B-1 however they will initially have their permits denied. The applicant will still have to meet the same threshold; they will have to prove there is no other viable use for the property. The Town cannot get around the fact that the Court ruled that residential can be permitted in the B-1.
- All of the mechanisms are still in the ordinances for the Town to use but this will satisfy CAMA.
- CAMA shows the bulkhead as the static vegetation line and CAMA will not budge on this issue although there is plenty of vegetation east of that bulkhead. This is what hurts those properties in the B-1.
- The Rolling Surf cannot be torn down and rebuilt due to the fact that the existing footage exceeds the footprint and the costs of renovation are more than half the value.
- While we are protected by the ordinances, they may need to be strengthened. The Commission could amend §19-323.5 to include the language from the Court of Appeals' decision and it would have to be demonstrated to the Town that there is no other viable

- use other than residential. Changes can also be made to make applicants go before Planning and Zoning Commission and council before going to the Board of Adjustment.
- Member Schutta believes that, although he is in favor of the changes, we should rely on what the public says at the public hearing.
 - Member Bullard is in favor of getting out of the lawsuit but not in favor of giving up on the business district.
 - Member Foster believes the Commission does not really have a choice.
 - Chairman Votta believes the change is a good thing because it satisfies CAMA but doesn't understand why the Commission must make a recommendation.
 - Mayor Fuller explains that Planning and Zoning is responsible for the Land Use Plan.
 - Commissioner Lambeth said Commission can also recommend that the Land Use Plan be trashed and give the responsibility to New Hanover County.

Recess taken at 8:50 p.m.

Meeting resumed at 8:56 p.m.

ACTION: Member Foster moves to recommend to council that Section 77(d) and 77(g) be removed from the Land Use Plan. No second to the motion. Motion dies for lack of a second.

Attorney Canoutas excuses himself from the meeting at 8:59 p.m.

NEW BUSINESS

B-1 Master Plan

- Consensus of Commission is that assistance should be sought from outside source.
- Council would like the Commission to recommend what should be accomplished first.
- B-1 owners are not likely to make changes. Therefore the Town will have to take the initiative.
- If the Town moves forward with the Master Plan, it should, in turn, generate more business interest in the district.
- With some of the proposed changes, a decision as to which ordinances will need to be modified must be made.
- Projects should be completed at the same time. (i.e. lighting, one-way street, sewer improvements, etc.)
- Suggested that the Commission should recommend that council look into receiving grant money for some projects. Perhaps new construction projects could be required to put their utilities underground. Progress Energy may jump on board with that.
- FEMA grants have been issued in the past to put the utilities underground. That avenue should be pursued.
- John Sawyer Architects represented that money is available. They should be asked where this funding can be obtained. After that, the town grant writer could be asked to find additional funding.

- Action plan should be to put bullet points together to start working on the street, as the start of the business district and progress from there. Put lighting and trees in and get the business owners on board. However, the business owners in the B-1 have not been cooperative in areas such as not allowing employees to park along K Avenue in the public spaces. The owners even park there instead of using something like the Community Center. Also, the business owners do not do anything to assist in keeping the town beautiful such as cleaning up the bird droppings in front of their businesses.
- Could put in recommendation that it would be beneficial to the area if the business owners not allow their employees to park on K or Atlantic Avenue.
- Member Schutta will prepare an individual outline to present to the other members so that the same can be reviewed and discussed at the next meeting so that a more full recommendation may be given to council.

ACTION: Member Foster moves that Town Council start the process of finding grant money for these projects. Chairman Votta clarifies that Planning and Zoning Commission recommends that contact be made with John Sawyer Architects to ascertain where bond or grant money would be available as they had referenced in their Master Plan presentation. Members Bullard and Schutta second the motion. The vote of approval is unanimous.

MEMBER ITEMS:

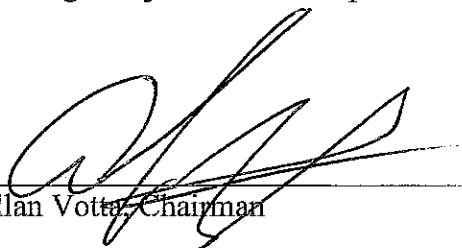
Member Schutta indicates that the next meeting is scheduled for the Tuesday following the Labor Day holiday weekend. He indicates his availability for that time and suggests that the meeting date not be changed. Since no one has a conflict with the next hearing date it will remain scheduled for Tuesday, September 4, 2007, at 7:30 p.m.

Member Bullard requests that §19-323.5 be placed on the September agenda for discussion. Also requests that a copy of the Court of Appeals' decision be included in the packet. Member Schutta agrees that it needs to be addressed.

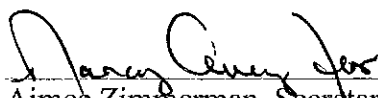
ADJOURNMENT:

Member Bullard moves to adjourn the meeting. Motion seconded by Member Foster. The vote of approval is unanimous.

Meeting is adjourned at 9:30 p.m.



 Allan Votta, Chairman



 Aimee Zimmerman, Secretary