



KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ MARCH 3, 2009

A regular meeting of the Kure Beach Planning and Zoning Commission was held on Tuesday, March 3, 2009 at 7:00 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Chair – James Schutta

Members – Alan Votta, Craig Galbraith and Tim Bullard

MEMBERS ABSENT

None

STAFF IN ATTENDANCE

Building Inspector John Batson

Town Administrator Michelle James

Secretary Aimee Zimmerman

Planning and Zoning Attorney Holt Moore

Liaison Commissioner Barry Nelder

CALL TO ORDER:

Chairman Schutta called the meeting to order at 7:32 p.m.

APPROVAL OF MINUTES

February 10, 2009 workshop

February 10, 2009 regular meeting.

Chairman Schutta stated that his name was misspelled in one section of the minutes.

ACTION: Member Galbraith made a motion to approve the minutes (with changes) from the February 10, 2009 regular meeting. Member Bullard seconded the motion. The motion carried unanimously. As to the Workshop minutes, Member Galbraith made a motion to approve the minutes. Member Bullard seconded the motion. The motion carried unanimously.

OLD BUSINESS:

- 1) Amendment to sign ordinance

ACTION: Member Galbriath made a motion to table this matter until the April meeting as the new member can be brought in on the discussion. Member Bullard seconded the motion. The motion carried unanimously.

2) Amendment to Chapter 19 as it relates to beach renourishment easements

- Updated given

3) Definitions of terms: Porch, Deck, Sundeck, Balcony, Loft, Widow's Walk, Spire and Dome and include a definition for a Pergola

- Update given.
- Commissioner Nelder questioned which terms were removed and was advised that sundeck was eliminated and pergola and gazebo were added.

4) Discussion on form based planning.

- A workshop was held in February.
- It was suggested that form based planning might be useful as overlay.
- There is currently an economic development initiative in process.
- Chairman Schutta believed the sign ordinance and form based planning needs to be determined but the Commission certainly needs more open discussion with public before any decisions are made.
- Regarding form based planning, Planning and Zoning can request guidance of council as to how to proceed. Does council want to pursue this?
- Chairman Schutta requested that Michelle suggests asking Commissioner Vatr to next meeting to discuss the NC State School of Design project.
- Georgia Bizios is the representative from NCSSD so that they can outline objectives.
- At next council meeting, Commissioner Vatr will present the makeup of the economic development "Super Committee" and give P&Z bigger picture.
- It was suggested that this issue be tabled until the April meeting.

ACTION: Member Galbraith made a motion to table discussion on Form Based Planning until the April meeting and to invite Commissioner Vatr to attend the meeting. Member Bullard seconded the motion. The motion carried unanimously.

5) Discussion on drive through restaurants and limiting size of retail stores.

ACTION: Member Galbraith made a motion to table this issue as it will come out of Form Based Planning. Member Bullard seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Discussion on grants available to Town for purposes of burying power lines.
 - Town Administrator James is still researching this subject.
 - Ms. James advised that Governor Purdue has reached out to grant agency's funding and Kure Beach may lose more grants in an effort to balance the state's budget.
 - Ms. James further advised that the stimulus package may also help determine a lot of things.
2. Commission Vacancy.

This matter will be moved to the end of the agenda.

3. Height Limit Exception Application from Agape Kure Beach Ministries.
 - Chairman Schutta summarized the proposal. The proposal showed that the structure will exceed Town limits by 8 inches.
 - Chairman Schutta asked if this structure was considered commercial. Building Inspector Batson stated this is commercial district. Chairman Schutta stated that it is a business.
 - Attorney Moore advised that although use is short-term, there are not permanent residents and they also accept funds for it as well. He believed it should be considered commercial.
 - Member Votta stated that the site plan did not match the building plan. He believed the Commission needs to review the final set of plans before making a decision.
 - Paul Briggs, architect for building, was present and stated that the current setbacks do not allow for the units to be on the ground. Also, the distribution of the refrigerant lines, the 4 units with fan units would operate better if on the roof. He stated there would be no duct work, strictly refrigeration units. Using smaller yet more units is not an option. 8" is only an approximation as project will bid out and it depends on equipment. If individual room controls were used, they would have to decrease the size of the building due to setbacks. They cannot run a central system with duct work with a variable box; but there is no space for the structure then. Chilled water piping would require an outside chiller and a boiler and they do not want to do that. They have investigated other systems. Also, they do not want a lot of individual units on the roof. This unit has a higher corrosion factor. Also, the kitchen exhaust fan is also right on the line if not a few inches above. The rooms will be a little smaller than a motel room. The refrigerant lines will run perpendicular to the framing and since they are not parallel, they cannot run within the framing. They are trying to leave room for lighting fixtures. They will also lose a foot on ground level because of ADA requirements to have a 9' clearance for handicapped vehicles. Member Votta asked how big the refrigerant lines are? Some will be in attic and some in floor except on 1st floor along with sprinkler pipes. They are actually going to steel structure although plan shows wood. Mr. Briggs assured the only change in skeleton is that it will be steel. Mr. Briggs submitted this now for approval so they could go to mechanical system design. Mr. Briggs stated that 4 different systems explored so far and this one is the best for what they need to accomplish.
 - Chairman Schutta is concerned that these are "approximate" dimensions.

- Member Galbraith suggested if the Commission is willing to approve, a limit should be set.
- Member Votta is not convinced that changing to a steel structure might allow them to be under 35' foot limit. Mr. Briggs asks what intention of ordinance is and was informed that it is a height restriction as to mechanical appurtenance.
- Member Galbraith is concerned because dimensions of equipment should be known at this point. Mr. Briggs stated that this is calculated by roof height, minimum curve height and insulation.
- Member Galbraith asked whether Mr. Briggs could he go out for bid with stated maximum dimensions? Mr. Briggs stated "yes" but that it might limit bids received.
- Member Galbraith is inclined to approve subject that HVAC not to exceed 8" above 35' height limit. Chairman Schutta agreed.
- Member Votta believed that the Board cannot approve without a final drawing. Member Votta believed that going to steel may eliminate this problem and does P&Z really want to grant a height exception if one might not be needed. Mr. Briggs stated he has been working for 3 months and the project is about 70% designed; a steel frame will not change height as it sits right now. He might be able to lower roof deck but do not want to sacrifice interior space to accomplish.
- Member Galbraith questioned the signage and was advised it would be wood cut.
- Chairman Schutta questioned the roof pitch and Building Inspector Batson indicated that it is allowable.
- Member Votta stated he cannot commit to this on a plan that might change. Mr. Briggs stated if they cannot get the exception, they cannot afford to use this system and this type of equipment. If another mechanical system will be needed and it cannot dictate the structural frame. To proceed with design, they need to have the exception.
- If the Board approves a height exception up to a certain level, if the final plans come back as more, then they will have to reapply and that will be dictated by Council.
- They are measuring height using grade elevation on South Fort Fisher yet it will be a grade down some on the back and will be graded. The height is being measured from the front.
- Member Bullard stated that flooding in that area can be an issue. Building Inspector Batson stated a stormwater system would be a requirement.
- Not only is this subject to Town ordinance it is subject to State law. As the ordinance reads now, he would have to come back for an additional approval once the plans are final as there would be changes made to the original drawing.
- Mr. Briggs asked if there are specific ordinances what address where equipment can be placed on the roof. Their intention is to keep in center of building to reduce sight lines although it could be closer to edge with guardrail. Architectural screening is allowed by the ordinance.
- Member Galbraith recommended tabling this rather than not approving it at this time. Therefore, he will not be required to submit another fee, just another application.

ACTION: Member Galbraith made a motion to table this item until the next meeting. Member Votta seconded the motion. The motion carried unanimously. Member Votta recommended having the manufacturer's model numbers on the new plans.

4. James C. Yoder's letter to Mayor Montgomery regarding condominium Insurance on Duplexes
 - Member Galbraith stated he owns townhomes in Kure Beach but did not realize insurance was a problem. This can be a problem not only with cost but what was covered.
 - Typically with condos, HOA gets insurance on structure and homeowners gets insurance on inside. This is different for townhomes.
 - This can be resolved in the planning process when initial plat is submitted.
 - Member Galbraith asked if there is a liability to the Town on this issue having as condos as opposed to townhomes on non-conforming lots. Mr. Yoder wants P&Z to consider changing the ordinance. Craig believes not necessary as there is no liability to the Town.
 - Chairman Schutta requested that Holt review this matter as to cost or legal liability to the Town with the current ordinance.
 - Member Galbraith would like Council to know that different areas within the Town are set up differently.
 - Attorney Moore agreed that the property owner's attorney could, in fact, be the problem. Attorney Moore will review and advise if the Town is on sound ground. That was the consensus of the Commission.

Commission Vacancy:

- Member Schutta stated the Board was pretty much in agreement with the decision.

ACTION: Member Galbraith moved to nominate applicant Tim Fuller to the Planning and Zoning Commission. Member Bullard seconded the motion. The motion carried unanimously.

Beach Signage:

- Sandy Cox, chairperson of beach protection, was present and wanted to make sure the Commission is addressing beach signage.
- She was assured by the Commission that it will be addressed as it had not been yet.
- Ms. Cox also wanted to make sure signs in the dunes are addressed. She feels very strongly that balloons should not be allowed on the beach side, either floating around or released. These cause serious problems to the wildlife.
- Member Galbraith asked what the committee felt the right signs might be. Ms. Cox advised that signage should be in windows and not on decking. Also, no signs should be allowed in the dunes for any reason. The Committee can come up with more specifics.

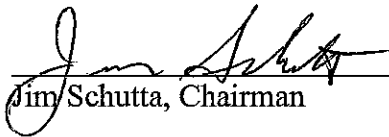
MEMBER ITEMS

NONE

ADJOURNMENT:

ACTION: Member Bullard made a motion to adjourn the meeting. Member Galbraith seconded the motion. The motion carried unanimously.

Meeting was adjourned at 9:08 p.m.



Jim Schutta, Chairman



Aimee Zimmerman, Secretary