

KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ APRIL 7, 2009

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

MEMBERS IN ATTENDANCE

Chair – James Schutta

Members – Alan Votta, Craig Galbraith, Tim Fuller 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 7:05 p.m.

MEMBER OATH OF OFFICE

Secretary to the Board swore in new member Tim Fuller

APPROVAL OF MINUTES

March 3, 2009 regular meeting.

ACTION: Member Votta made a motion to approve the minutes from the March 3, 2009 regular meeting. Member Bullard seconded the motion. The motion carried unanimously.

PERSONS TO ADDRESS THE BOARD

Commissioner Vattr was unable to be present to address the Board regarding the Kure Beach Economic Development Committee

- Chairman Schutta advised that the committee is looking at bringing in more revenue for the town. He indicated the B-1 is an area that can be looked at. They are determining which area to focus on. This does affect some of the old business in front of P&Z right now. He believes that the issues presently before P&Z are all intermeshed. Signs are one of the issues. His concern is how will form based planning be affected by this. Member Galbraith is concerned that this is really financed development and not economic development. The committee needs a clear understanding of what they should do. Is it economic development or is it a way to generate revenue. Member Galbraith is afraid that the work done already will be pushed way down the road while they wait to see what the committee is going to do.
- Michelle stated that a representative from the Department of Commerce will be at next committee meeting and will discuss a recent study by Robert Murphy on economic development. Avril Pinder, New Hanover County Finance Director, will also come in to give an update as to where the county stands regarding finances. Also, in June, a developer will come in and talk as to what can be done in the commercial district as far as P&Z is concerned. The committee is in a “fact finding” mode right now.
- Chairman Schutta thought they were to finalize a few more changes on the sign ordinance and then get together with the business owners to discuss the ordinance.
- Member Galbraith stated there was great concern by the business owners about costs that will be incurred by the new sign ordinance. He would like to have an accurate measurement of some of the signs to see how many would be affected by the new proposed sign ordinance.
- It was suggested that Building Inspector Batson measure these signs. This would include pole signs and window signs.
- Amortization was the biggest issue to the business owners with the proposed sign ordinance.

OLD BUSINESS:

1) Amendment to sign ordinance

This issue was discussed earlier in the meeting. The Commission tabled this issue until the May meeting.

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

This amended was unanimously accepted by Town Council at their last meeting.

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

This amended was unanimously accepted by Town Council at their last meeting.

4) Discussion on form based planning.

- Member Galbriath believed this will be part of the economic development committee.
- Chairman Schutta suggested that they move forward a little bit on this issue. The North Carolina School of Design will be here in June to do their study.
- Town Administrator James believed P&Z can work in tandem with the Economic Development Committee and the NC State School of Design.
- Member Galbraith believed a joint session would be helpful and suggested that Commissioner Vairt discuss a way that P&Z can work on this issue as a compliment to the Economic Development Committee.
- It was the consensus of the Commission to discuss this more at the May meeting.

ACTION: Member Galbraith made a motion to table this issue until the May meeting. Member Fuller seconded the motion. The motion carried unanimously.

5) Height Limit Exception

- This matter was tabled as Mr. Briggs was not in attendance tonight.
- Member Fuller questioned the some of the dimensions and how Mr. Briggs got his measurements. Member Fuller also questioned the 8” encroachment.
- Member Votta suggested reviewing the application form as it apparently was confusing to the applicant. Also at issue is asking P&Z to approve a preliminary plan. P&Z believes they need final plans in order to make any kind of approval. Member Votta believed cost could be an issue to an applicant. Member Fuller stated perhaps the application should be filled out as a worst case scenario.
- Member Votta suggested a better definition for a commercial building as this project was questionable as to whether it was considered “commercial”. It is really a use issue and P&Z cannot consider whether the buildings are revenue generating. The language of the ordinance states that this is a case by case decision and the board has quite a bit of latitude.
- This matter will be revisited at the next meeting.

6) Mr. Yoder’s Letter to Mayor Montgomery regarding Condominium Insurance on Duplexes.

- Attorney Moore has looked into this matter. He restated the concern of Mr. Yoder. He further believed that there is no harm in stating that the lot cannot be split. Can also add that the lots cannot be split especially if the two new parcels do not conform with Town Ordinance.
- In other NC areas they are referred to as a half duplex lot. Currently, the Town will not allow for splitting of a lot.
- Member Galbraith was concerned about any town liability with this type of scenario. Insurances are different for these types of structures/denomination.
- Attorney Moore believed this should be a matter for the closing attorney for the property owner and insurance agent to discuss with property owner and not a matter for P&Z.
- Member Votta believed this is not something for P&Z to address.

ACTION: Member Votta made motion to not address this matter further at this time as there is no need for an ordinance. Member Votta stated that this matter was discussed in detail and the Commission decided, on the advice of the attorney for the Commission, that this is a matter that should be addressed by property owner's attorney and insurance agent. Member Bullard seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Discussion on grants available to Town for purposes of burying power lines.
 - DOT still deadlocked on the money.
 - There are economic stimulus monies for infrastructure and utility type things are something that Member Galbraith and Town Administrator James will discuss and pursue.
 - Town Administrator James will update at next meeting.
2. Floor Area Ratio
 - This matter was referred back to P&Z by Town Council.
 - FAR related to density and P&Z had already addressed this.
 - P&Z decided FAR was designed for more of a high rise community and not really applicable to Kure Beach
 - Member Votta suggested that FAR remain in the Land Use Plan as stated.
 - Member Fuller stated that it be revisited when the land use plan is updated next.
 - P&Z stated that they fulfilled FAR by parking restrictions and next time LUP updated will make the appropriate recommendation.

ACTION: Member Votta made a motion that the FAR requirements were fulfilled with the parking requirements and that the next time the Land Use Plan is updated that P&Z, at that time, will reword the language of FAR or eliminate FAR. Member Bullard seconded the motion. The motion carried unanimously.

3. Static Line Variation Exceptions
 - This matter was referred to P&Z for a recommendation.
 - This is for the CAMA line which is different from the Army Corps of Engineers' line.
 - The new rules, according to Building Inspector Batson, have setback that are more strict and are more for larger structures with a larger square footage and larger footprint. These lines will not affect single family dwellings under 5000 square feet. It will only affect larger commercial structures. Carolina Beach is applying for this exception in light of their upcoming beach renourishment project. This is a matter that may not affect us at this time but could affect us in the future.
 - This is a gradual exemption to the CAMA line and could be a benefit.

- This was an issue with the Rolling Surf property. That vegetation line was moved out toward the Ocean yet this has not been recognized by CAMA because beach renourishment is an uncertainty.
- This exception would give Kure Beach an opportunity to build greater than 5,000 sq. ft. in the future.
- The new rule has an exception component written in it and the Board would like to see that before making a decision.
- Currently 60% of houses on Fort Fisher Boulevard South that would be affected. Those properties include Ocean Dunes and the Riggings. On Fort Fisher Boulevard North about 10-15% would fall under this.
- The Board also requested a firm number of properties affected. Member Galbraith requested that it also be broken down by zoning.
- Chairman Schutta requested that Building Inspector Batson get these numbers to Council by their next meeting.
- Carolina Beach and Wrightsville Beach will be hiring a consultant and those fees would be split. Currently that is not in the budget.
- In calculating square footage, this rule will apply to heated square footage only.
- Member Fuller requested that John show council, via a map, what properties are affected.

ACTION: Member Fuller asked that the Building Inspector look at the existing maps to identify determine the number of properties affected by the existing static vegetation line regulations and that the recommendation of the Planning and Zoning Commission is that council pursue every opportunity to allow them the maximum flexibility within the CAMA regulations to deal with the properties in Kure Beach and that the council not rashly agree to pay more than our fair share of the monies to cover this concern. Member Bullard seconded the motion. The motion carried unanimously.

Commissioner Nelder stated that the fee for this is currently \$12,500. Town Administrator James stated that this is not currently in the budget at this time.

MEMBER ITEMS

The board welcomed Tim to the Planning and Zoning Commission.

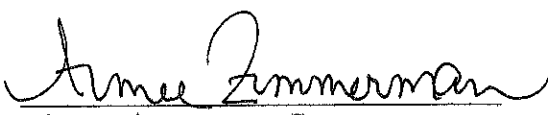
ADJOURNMENT:

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

Meeting was adjourned at 8:17 p.m.



 Jim Schutta, Chairman



 Aimee Zimmerman, Secretary