

MINUTES



KURE BEACH PLANNING & ZONING COMMISSION

117 Settlers Lane ■ Kure Beach, NC 28449

Jim Schutta, Chair
Craig Galbraith, Member
Alan Votta, Member
Tim Bullard, Member
Tim Fuller, Member
Aimee Zimmerman, Clerk to the Board

REGULAR MEETING MAY 5, 2009 7:00 PM

MEMBERS PRESENT:

Craig Galbraith
Alan Votta
Tim Bullard
Tim Fuller

MEMBERS ABSENT:

Jim Schutta

STAFF PRESENT:

Building Inspector	John Batson
Town Administrator	Michelle James
Mayor Pro Tem	Jim Dugan
Commissioner	Dean Lambeth
Commissioner	Jim Vatr
P&Z Attorney	Holt Moore
Town Clerk	Kaysie Pralle

CALL TO ORDER

Chairman Jim Schutta was absent and Vice Chairman Craig Galbraith presided over the meeting. Craig Galbraith called the meeting to order at 7:04 pm.

APPROVAL OF MINUTES

April 7, 2009 - Regular Meeting

ACTION - Member Bullard MADE THE MOTION to approve the minutes from the April 7, 2009 regular meeting. Member Votta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

PERSONS TO ADDRESS COUNCIL

(3 minutes- please sign in with the clerk before the meeting)

Commissioner Vatr gave an update of the Economic Development Study Committee. He clarified that the mission of the committee is to research revenue streams for the Town. Every time a topic is presented to the committee, they try to provide resources to research the topics. Recently three spokespersons presented ideas to the EDS committee. All three

touched on topics that may eventually come back to P&Z if the EDS committee decides to take these issues to Council. Two work for the Dept. of Commerce and discussed Form Based Planning and Mainstreet USA. The third spokesperson, a hotel developer, gave an overview of Return on Investment for hotels. Town Administrator will determine if the Town will qualify.

Craig stated that the Main Street USA program could help the Town get grants. He also offered his knowledge and expertise to the EDS committee if needed.

OLD BUSINESS

1. Amendment to Sign Ordinance

Chapter 19 ZONING, ARTICLE VI. SIGNS., Sec. 19-375. Prohibited Signs.

Administrator James presented the option of breaking down the Sign Ordinance into sections to be passed separately, as opposed to trying to pass the Ordinance as a whole. This option was discussed by Commissioner Nelder at the April 21 regular Council meeting.

Member Fuller questioned Commissioner Lambeth if there was a particular sign that Commissioner Nelder had issue with.

Commissioner Lambeth (representing Commissioner Nelder in his absence) stated that there was a vehicle parked on Fort Fisher Blvd. with a sign in the bed of the truck that Commissioner Nelder was concerned about. He also clarified that Building Inspector Batson talked to the owner and the issue is resolved.

Member Fuller questioned if there a part of the sign ordinance that addresses it.

Town Administrator James and Building Inspector Batson confirmed there was.

Member Galbraith stated if the Ordinance was broken down into sections, the Commission could address prohibited signs first to currently prevent problematic signs.

ACTION - Member Fuller **MADE THE MOTION** that the Town Attorney amend Sec. 19-375. Prohibited signs. Line 8 to read as follows: Flags, kites, pennants, balloons, spinners, streamers, or other such advertising devices or displays - except seasonal holiday decorations and other temporary, non-commercial celebratory activities, such as birthday parties. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

Member Votta asked the Commission review the following subsections to Sec. 19-375:

Line 13 - Window signs

Member Votta questioned should there be an exception for convenience stores?

Member Galbraith suggests changing it to a percentage of the each window area. He suggested 25%.

CONSENSUS – Line 13 will read as follows: Window signs, except as expressly permitted by this division, or as required by law, shall not exceed more than 25% of the window area.
35:25

Line 14 – Price signs

Member Galbraith stated price signs are required for gas stations. He recommends eliminating line 14 from Code of Ordinance.

CONSENSUS – Line 14 shall be deleted from this Ordinance. 37:00

Line 16 – Painted-on-the-wall signs

Member Votta is concerned that after time paintings on walls will start to fade and deteriorate.

CONSENSUS – This issue is covered by other Ordinances that address the exterior maintenance of buildings, so no further discussion is necessary at this time.

Line 17 – Notices attached to public property fixtures

Member Fuller suggested adding “except as permitted by Code Enforcement Officer.”

Attorney Holt cautioned leaving full permitting authority to the Code Enforcement Officer. He suggested that there needs to be a certain amount of “predictability” to what the laws are.

CONSENSUS – The Commission agreed to leave Line 17 as is.

Line 23 - Internally illuminated can signs

CONSENSUS – The Commission agreed to remove line 25 from Sec. 19-375. The Commission agreed to add the first sentence of Sec. 19-376 to the beginning of Section 19-375 Line 23.

ACTION – Member Galbraith MADE THE MOTION to have P&Z recommend to Town Council that they adopt Sec. 19-375 as an Amendment to the existing Sign Ordinance, with the following exceptions and amendments:

Amend Line 8 to read as follows: Flags, kites, pennants, balloons, spinners, streamers, or other such advertising devices or displays – except seasonal holiday decorations and other temporary, non-commercial celebratory activities, such as birthday parties.

Amend Line 13 to read: Window signs, except as expressly permitted by this division, or as required by law, shall not exceed more than 25% of the window area.

Delete Line 14 from Sec. 19-375.

Add to Line 23 the first sentence of Sec. 19-376.

Delete Line 25 from Sec. 19-375.

THE VOTE OF APPROVAL WAS UNANIMOUS. 53:54

2. Form Based Planning

CONSENSUS - No further discussion necessary. Remove from June agenda.

3. Height Limit Exception

CONSENSUS - Continue this item to the next agenda and add Review of Height Limit Exception Application.

NEW BUSINESS

1. Discussion on grants available to the Town for purposes of burying power lines.

CONSENSUS - This item was tabled until the June meeting.

2. Ocean Front Tents

Building Inspector Batson distributed a handout to the Commission. The handout is a copy of a CAMA General Permit issued to The Cottages @ Kure Beach.

This handout is incorporated by reference and made a part of these minutes.

Building Inspector Batson suggests regulating this type of activity so he will know how to address this in the future. He would like a guidelines checklist that the permit applicant would have to pass in order to get a permit. For example, a rope fence to prevent trespassing on the dunes.

Attorney Holt stated trespassing anywhere east of the beach renourishment line is prohibited.

Member Fuller recommended having the Attorney, Town Administrator and Code Enforcement Officer to examine everything we have to in order to help regulate or prevent this activity.

Member Galbraith stated he would like the following questions answered regarding this issue. 1. Identify if this is a unique situation? 2. Do we regulate or deny? 3. Is this structure in the US Army Corps of Engineers easement? The Commission requests Spencer Rogers attend the next meeting to share information that might be beneficial regarding this issue.

The Commission requested Administrator James look through the Town Ordinances regarding business operations and privilege licenses to see if there is information that might address this issue.

ACTION - Member Bullard MADE THE MOTION to table this issue until the June meeting. THE VOTE OF APPROVAL WAS UNANIMOUS.

ADJOURNMENT

ACTION - Member Bullard MADE THE MOTION to adjourn the meeting at 8:23 pm. Member Fuller seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



Jim Schutta, Chair



Kaysie Pralle, Town Clerk

NOTE: These are action minutes reflecting items considered and actions taken by the Commission. These minutes are not a transcript of the meeting. Persons wishing to hear the recording of this meeting may request to do so by contacting the Town Clerk.