

**KURE BEACH PLANNING & ZONING COMMISSION  
REGULAR MEETING ♦ Tuesday, January 7, 2014**

A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on Tuesday, January 7, 2014. A quorum of the Commission was present.

**P&Z MEMBERS IN ATTENDANCE**

Craig Galbraith, Chair  
Joe Whitley, Vice Chair  
Member Tom Theisen  
Member Alan Votta

**ABSENT**

Member John Ellen

Liaison Craig Bloszinsky  
Attorney Holt Moore

**STAFF PRESENT**

John Batson, Bldg. Insp.  
Josie Fitzgerald, Administrative Assistant

**I. CALL TO ORDER:**

Chair Galbraith called the P&Z meeting to order at 7:01 p.m.

**II. APPROVAL OF AGENDA:**

**MOTION:** Member Theisen moved to adopt the Agenda  
**SECOND:** Member Whitley  
**VOTE:** Unanimous

**III. APPROVAL OF MINUTES:**

**MOTION:** Chairman Galbraith moved to approve the P&Z minutes of November 6, 2013  
**SECOND:** Member Theisen  
**VOTE:** Unanimous

**IV. OLD BUSINESS:**

**A. K Avenue mixed-use District**

Chairman Galbraith reported on presentation to Council. Council sent back with two recommendations.

1. Council requested that a statement or element be added in the ordinance that specifically states that there was a residential component present in the unit. This would clarify that there has to be

a residence in addition to a commercial use. That was only recommendation to the wording to the ordinance.

2. Council requested research on effect on property values where there is a mixed use.

- It was suggested to go to Southport and research the effect on property prices and housing values. A comparison is difficult and complicated type of study.
- There are some published articles:
- In 2004 "Measuring the effects of mixed land uses on housing values" which appeared in the Regional Science & Urban Economics Journal. The bottom line is mixed uses increased surrounding property values. Housing values increased as long as the mixed use is what they call "neighborhood commercial." Industrial commercial would have a negative value but neighborhood commercial would have a positive impact on surrounding housing values.
- What we have here is neighborhood commercial.
- Mark Zeigler found a study by George Mason University - regarding Richmond, VA area which dealt with income and positive impact tax revenue and appreciation. Shows positive impact with higher property values and lower crime Not quite what we were looking for but does lend support.
- Another study is "The Smart Math of Mixed-Use Development" by Joseph. Minicozzi published in professional journal-Urban Development. This report states a positive impact on tax revenues Asheville, NC. Comparison showed an increase in appreciation and assessment on property.

Chairman Galbraith suggested that we send recommendation back to Council with a statement regarding the residential component. He will go to the next council meeting and summarize the three reports/studies.

There was a question about the increase of property values and appreciation and what impact would there be on county taxes.

- A comparison of property values is difficult because there are many factors to consider and it is very complex. That is probably why there are not many studies done.
- There would be no effect on adjoining properties just the subject property would be effected.
- County Tax Department says that the subject property would be taxed but the adjoining properties would not be affected.
- Subsection A, Purpose and Intent of the Overlay District states the intent and what is required.

After discussion, the following wording was agreed to be added under Section E as the first item and drop all the other items down.

***1. Residential Component:***

***Each special use must contain a residential component in compliance with the North Carolina Building Code and other applicable codes and regulations.***

**MOTION:** Member Votta moved to amend the recommendation to Council to add the above statement to the K Ave. Mixed Use Ordinance.

**SECOND:** Member Whitley

**VOTE:** Unanimous

**MOTION:** Member Theisen moved to send the revised K Ave. Mixed Use Ordinance recommendation back to Council.  
**SECOND:** Chairman Galbraith  
**VOTE:** Unanimous

Council will need to determine whether the amendment will require a separate public hearing.

### **B. LED lights**

After presentation to Council of the P&Z recommendation, Council sent it back to us after input from audience present at the public hearing. The two concerns were that emergency lights would not be allowed and decorative lights would not be allowed.

Council was also concerned about the number of businesses that would be affected by the ordinance.

- It was suggested that while holiday lights are still up, it would be hard to determine.
- Emergency lights will be excluded
- Decorative lights will be excluded
- The change in ordinance is addressing the trend of lights being used on businesses around town.
- It was recommended that this issue be tabled until next month.
- Residential lights should be excluded

**MOTION:** Member Theisen moved to table further discussion regarding LED lights one month before sending it back to Council.  
**SECOND:** Member Whitley  
**VOTE:** Unanimous

### **C. Division of Community Assistance and Investment**

Mr. Zeigler prepared a proposal about the K Ave. Mixed Use and appeared at council meeting. He was concerned about parking issues.

### **V. New business**

#### **Discussion: Native plants**

Council member Ms. Swearingen requested requirements to use native plants when doing landscaping

- The question is, what is a native plant?
- People should be *encouraged* and *not required* to use native plants.
- Some plants flourish but may not be native to the area.
- P&Z is not being required to suggest recommendations for an ordinance
- No action needed

#### **Discussion: Freeboard regulation**

- We are trying to get Kure Beach in the community rating system. (FEMA)
- This would create discounts for flood insurance for residents.
- Could be a 5% decrease per policy

- If accepted into program John Batson will have specifications of what will be required.
- Ocean front roof pitch was already changed. If we increase freeboard, we will need to change our ordinance.

**MOTION:** Member Whitley moved to table discussion regarding freeboard requirement until next month as old business

**SECOND:** Member Theisen

**VOTE:** Unanimous

**VI. Member Items**

- Welcome new liaison Craig Bloszinsky
- Chairman Galbraith found another study on Effects of Land Regulations and Property Values. Suggests the impact on stricter land regulations, the more land use regulations, the more attractive the property becomes and will increase property values.


**VII. Adjournment:**

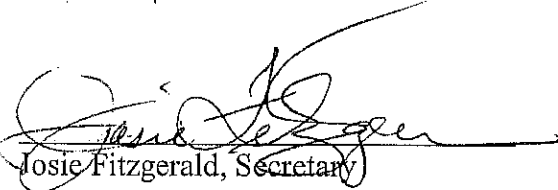
**MOTION:** Member Votta moved to adjourn the meeting.

**SECOND:** Member Theisen

**VOTE:** Unanimous

**P&Z Meeting was adjourned at 7:40 p.m.**

  
\_\_\_\_\_  
Craig Galbraith, P&Z Chairman

  
Josie Fitzgerald, Secretary



KURE BEACH  
PLANNING & ZONING COMMISSION

Meeting Date: 1-7-14  
Agenda Item# IV. A. 3.

Present to Town Council on: MON.  
Date: 1-27-14

PLANNING AND ZONING COMMISSION  
CONSISTENCY STATEMENT  
N.C. Gen. Stat. 160A-383

(To be read into the record as a motion, seconded, and voted upon)

\_\_\_\_\_ This recommendation is consistent with the objectives and policies of the Town of Kure Beach Land Use Plan adopted by Town Council September 27, 2006 (Adopted and Certified by Coastal Resources Commission November 17, 2006)

\_\_\_\_\_ This recommendation applies to Section \_\_\_\_\_ Part \_\_\_\_\_ of the Town of Kure Beach Land Use Plan

\_\_\_\_\_ Consideration of recommended text amendment to The Town of Kure Beach Code, Chapter 19 Zoning, Art. III Sec. 19-84

\_\_\_\_\_ This recommendation applies to the John Sawyer Architects B1 District Study (HPA 2007)

The Planning and Zoning Commission considers its recommendation to be reasonable and in the public interest based on the following:

1. Recommendations by Council after Public Hearing 12-17-13
2. \_\_\_\_\_
3. \_\_\_\_\_

Therefore, the Planning and Zoning Commission requests Town Council's consideration of the above recommendation.

Attest:

Craig Galbraith  
Craig Galbraith, Chairman  
Planning and Zoning Commission

**P&Z RECOMMENDATION:**

**PROPOSED NEW SEC. 19-84**

**K Avenue Mixed-Use Overlay District**

**Definition:** Overlay districts or zones are established to define certain subareas within which development is subject to restrictions over and above those applicable to the underlying district. Within these overlay districts, any development that occurs must be in compliance not only with the regulations applicable to the underlying district but also with the additional requirements of the overlay district. The "K Avenue Mixed Use Overlay District" (referred to hereinafter as the "Overlay District") is such a district. Overlay districts are not required to be mapped on the official zoning map if the description of such zones in the zoning ordinance is sufficient to define their extent and application to specific properties.

**A. Purpose and Intent of the Overlay District:**

1. To provide for development consistent with the Town of Kure Beach Land Use Plan adopted in 2006;
2. To allow commercial activity along K Avenue to provide a link between the Commercial District and a commercial area in the interior of the town that is zoned as neighborhood business and is in close proximity with key buildings such as the Town Hall and Fire and Police Stations;
3. To allow a mixture of complementary land uses that may include housing, retail, offices, commercial services and civic uses, to create economic and social vitality;
4. To provide for the development of commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians;
5. To reinforce streets as public places that encourage pedestrian and bicycle travel.

**B. Relationship With Underlying District:** The Overlay District is an overlay mixed use district zone. The land use regulations applicable to the underlying zone remain in full force and effect except where superseded herein. In circumstances where the underlying zone is silent, or where a provision hereof is in conflict with the underlying zone, the provision of the overlay ordinance shall be controlling.

**C. Geographic Boundaries of District:** The K Avenue Mixed Use Overlay District shall include and consist of lots the entire length of K Avenue between Third Avenue and Seventh Avenue. A condition of applying for a special use permit under the provisions of the Overlay District is that any privately owned parking area intended to serve the subject project shall be subject to the provisions of the permit (whether said parking is located in the Overlay District proper or not).

**D. Uses Allowed in the Overlay District (by Special Use Permit Only):**

1. Light retail (See Retail, miscellaneous, Section 19-1 of the Town Code for definition).
2. Light Food Service (primarily counter service); seating for no more than 15 customers.
3. Churches and other places of worship, including parish houses and Sunday schools;
4. Colleges, schools, public libraries, public museums, art galleries, and other public buildings;
5. Offices of resident members of recognized professions, such as doctors, dentists, engineers, lawyers, architects, where such professions are carried on within the premises.
6. Customary home occupations.

**E. The following requirements and restrictions shall apply to the Overlay District:**

**1. RESIDENTIAL COMPONENT:**

Each special use must contain a residential component in compliance with the NC Building Code and other applicable codes and regulations.

**2. SIGNS:**

Signs in the Mixed Use area should be small, relatively unobtrusive and compatible with the neighborhood. Towards this end, the following shall apply to the Overlay District:

- a) All regulations described in Sections 19-370 to 19-383 apply to the Overlay District.
- b) In addition, the following regulations apply:
  1. Commercial signs may only be used in conjunction with an actual commercial activity occurring on the premises.
  2. A commercial sign may only be attached to the first floor of the building. Such attachment may either be flush or projecting.
  3. Only one commercial sign is allowed for each building
  4. Any lighting for the commercial sign must be external. No internally lit signs are allowed in this district. Lighting shall only be allowed during the hours of operation for the business. Lighting for exterior signs must only illuminate the sign, and may not "spill over" to neighboring residences.
  5. The total area of the commercial sign shall not exceed 6 square feet
  6. It is encouraged that any commercial sign be attractive, and artistic, such as a carved wooden sign.
  7. As defined in Sec. 19-374, no exposed neon conduit or tubing, interior or exterior neon window signs, interior or exterior LED signs, or lighting displays inside or outside the building so as to be visible from streets, parking areas or site boundaries are allowed. This includes tube lighting, string lighting, LED lighting, or typical holiday lighting. Exceptions to this are typical holiday lighting and decorations which contain no commercial message.
  8. Temporary "A" frame signs, or menu boards must be approved by the Town of Kure Beach Planning & Zoning Commission, to ensure that safety will be maintained, and that a reasonable time frame for use is established.

**3. LANDSCAPING and HARDSCAPING:**

Landscaping or hardscaping of property between the street curb and buildings promotes and enhances a comfortable pedestrian scale and orientation. It encourages pedestrian use of the area.

The following design standards shall apply to development in the Overlay District:

a) Landscaping

1. All usable open space, such as pedestrian walkways, separations between buildings, yard areas and common recreation areas should be landscaped and provided with an underground irrigation system, or an alternative equivalent system.

2. Trees and plants indigenous to southeastern North Carolina are recommended.

b) Walls and Fences

1. A four-foot high solid wall or fence should be constructed along the property line of any lot where construction of any residential/commercial mixed-use development is adjacent to property zone and /or used for residential purposes.

2. Chain-link, barbed-wire, razor-wire and spikes are prohibited.

c). On-site Tree Preservation

1. All species of mature oak trees should be preserved and integrated into the project design unless it is shown to be infeasible. Mature trees are defined as trees having a diameter of 30 inches or greater at a height of 4.5 feet above adjacent ground.

2. Removal of mature trees must be approved by the Building Inspector, to ensure that the circumstances present at the property warrant removal of the tree(s).

**4. BUFFERING:**

a) Shielding AC:

1. In order to keep a harmonious look, HVAC units shall be in the back or side and concealed with landscaping or lattice, unless it can be shown that the same is not feasible. If the same is not feasible, additional screening may be required.

b) Shielding trash:

1. Outside trash and garbage receptacles shall be no closer than five (5) feet from adjoining property lines.

2. There shall be minimum visibility of outside trash and garbage receptacles from the street; all reasonable efforts in this regard shall be made, taking into account the following:

(Criteria for the type of screening to be used):

- The amount and size of receptacles shall be appropriate in light of the occupancy of the building.
- If enclosed, screening material should be consistent with the building.
- Recycling should be controlled such as minimize spillover.
- Dumpsters should be on a concrete pad so they can be washed, and should be screened from neighboring properties.



**5. LIGHTING:**

- a) A detailed lighting plan shall be submitted with preliminary drawings.
- b) Parking lot lights shall be shielded down, with the lights being not more than ten feet high.
- c) Commercial entrance lights shall be shielded down and directed at the entrance to the property.
- d) Flood and security lights shall be shielded and aimed such as to not create glare on adjoining properties.
- e) Accent lighting shall be low voltage and aimed at the objects to be accented only.
- f) All lighting shall be installed and aimed to minimize light trespassing across property lines.
- g) Restrictions:
  - \* No lighting shall be aimed toward public streets causing public safety hazards.
  - \* No laser lights are allowed.
  - \* No search lights for advertising are allowed.
- h) Bare light sources (including but not limited to festive light strands, incandescent, fluorescent, high intensity discharge, LED, fiber optics and neon) used to outline property lines, open sales areas, roof lines, doors, windows the edges of walls or any other area of the building or property visible from outside the building are prohibited, except for holiday lighting permitted from Thanksgiving through January 15<sup>th</sup> of the new year.

**F. Application:** An applicant for a use permitted in the Overlay District must apply for a Special Use Permit from the Town of Kure Beach and follow the process described in Code Section 19-82 & 19-83. Staff will review the application to ensure that it is complete, as to the provisions above and the special use requirements. Although an application may be complete, i.e. all of the requirements set out in the ordinance have been addressed, the Planning and Zoning Commission or Town Council may place additional requirements or conditions on the proposal through the special use process.