



# PLANNING & ZONING COMMISSION MINUTES

## REGULAR MEETING

Tuesday, February 11, 2020 @ 6:30 pm

The Kure Beach Planning and Zoning Commission (P&Z) held its regular meeting on, February 11, 2020. A quorum of members was present and Attorney Jim Eldridge attended.

### P&Z MEMBERS PRESENT

Member Bill Moore  
Member David Garceau  
Member Kenneth Richardson  
Member Robert Young

### P&Z MEMBERS ABSENT

Chairman Craig Galbraith

### STAFF PRESENT

Mandy Sanders, Town Clerk  
Beth Chase, Deputy Town Clerk  
John Batson, Building Inspector

### CALL TO ORDER

Vice-Chairman Moore called the meeting to order at 6:30 pm.

MOTION- Member Garceau made a motion to excuse Chairman Galbraith from the meeting

SECOND- Member Garibay

VOTE- Unanimous

### APPROVAL OF AGENDA

MOTION – Member Moore made a motion to table item number 1 and number 3 under Old Business

SECOND – Member Richardson

VOTE - Unanimous

MOTION- Member Richardson made a motion to approve the agenda as amended

SECOND- Member Garibay

VOTE- Unanimous

### APPROVAL OF MEETING MINUTES:

- January 14<sup>th</sup>, 2020 Regular Meeting

MOTION – Member Richardson made a motion to approve the meeting minutes for January 14<sup>th</sup>, 2020 as amended

SECOND – Member Garibay

VOTE- Unanimous



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## OLD BUSINESS

### 1. Legislative update and recommendations

Attorney Eldridge stated:

- Recent session of the NC general assembly made substantial changes to the land development and approval statutes that will affect the P&Z board as an advisory board
- More importantly it will become effect a year from this January with respect to the fact that in addition to changes to existing statutes that are effective now
- Attorney held a training session for Board of Adjustment annual meeting in January
- An applicant who was denied a development permit in some circumstances may skip BOA and go straight to the federal court
- Discussion tonight is regarding the Chapter 15 (Zoning) changes that are already effective as of July
- First set of amendments is KBC 15.02.010 Definitions
- One of the changes in part one of the legislative revisions require that the definitions for buildings, dwellings, and dwelling units be consisted with the definitions in the state building code
- The second amendment is KBC 15.06.020 Rezoning
- This prevents an applicant from requesting downzoning without the written consent of the landowner
- No amendment to the Town's zoning regulations or map shall be initiated nor shall the same be enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment unless the down-zoning amendment is initiated by the Town
- Third is the adoption of 15.08.075 Vested Rights
- Recommending Town Council to adopt as this text amendment lays out how you achieve those rights, the duration of those rights, and how those rights are terminated
- Vested Rights- amended to broaden and clarify types of statutory vested rights
- Duration periods for such rights also clarified
- Fourth is the adoption of 15.08.076 Permit Choice
- Permit Choice Rule amended to expand the scope of the Permit Choice Rule (once an application for a "development permit" is submitted, if the applicable rules change before the permit is issued, then the applicant may choose whether the application is reviewed under the old or new rules).
- The last text amendment is 15.08.080 Special Use Permit
- One of the current legislative revisions included a precise list of conditions that can't be imposed on a Special Use Permit in Kure Beach
- Attorney Eldridge will bring forth the amendments to Chapter 11 and Chapter 14 at PZC next meeting



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MOTION- Member Garceau made a motion to recommend to the Town Council at the February Town Council meeting \*Proposed text amendment to Chapter 15(Zoning), Article 02 (In General) Section 10 (Definitions) Proposed text amendment to Chapter 15 (Zoning) Article 06 (Amendments) Section 20 (Rezoning Applications) Proposed text adoption to Chapter 15 (Zoning) Article 08 (District Regulations) Section 75 (Vested Rights) Proposed text adoption to Chapter 15 (Zoning) Article 08 (District Regulation) Section 76 (Permit Choice Rule) Proposed text amendment to Chapter 15 (Zoning) Article 08 (District Regulation) Section 80 (Special Use Permit)

SECOND- Member Moore

VOTE-Unanimous

MOTION- Member Garceau made a motion to adopt the Zoning Consistency Statement as presented in the agenda packet

SECOND- Member Garibay

VOTE- Unanimous

### 2. Prohibited Uses

Vice-Chairman Moore commented members of the Planning and Zoning Commission have brought forward recommendations regarding a list of prohibited uses for the Town. The Commission needs to determine the prohibited uses in Kure Beach as if they're not identified it is considered an allowed use.

Member Richardson stated he will provide a list to Deputy Town Clerk Chase and she will create a spreadsheet categorizing the prohibited uses.

## NEW BUSINESS

### 1. Oath of Office for Kathleen Zielinski as alternate member

Town Clerk Sanders administered the oath of office for Kathleen Zielinski.

## MEMBER ITEMS

## ADJOURNMENT

MOTION- Member Richardson made a motion to adjourn the meeting at 7:18 p.m.

SECOND- Member Garceau

VOTE- Unanimous



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ATTEST: Mandy Sanders  
Mandy Sanders, Town Clerk

Craig Galbraith  
Craig Galbraith, Chairman

NOTE: These are action minutes reflecting items considered and actions taken by Planning and Zoning Commission. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government>planning and zoning.