



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, December 2, 2020 @ 6:30 pm

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday, December 2, 2020. A quorum of members was present and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

Chairman Craig Galbraith
Vice-Chair Kenneth Richardson
Member David Garceau
Member Tony Garibay (Via Conference Phone)
Member Kathleen Zielinski

P&Z MEMBERS ABSENT

None.

STAFF PRESENT

Mandy Sanders, Town Clerk
Beth Chase, Deputy Town Clerk
John Batson, Building Inspector (Via Conference Call)

CALL TO ORDER

Chairman Galbraith called the meeting to order at 7:02 p.m.

ADOPTION OF AGENDA

MOTION- Member Richardson made a motion to adopt the agenda
SECOND- Member Garceau
VOTE- Unanimous

APPROVAL OF MEETING MINUTES:

- November 5, 2020 Regular Meeting

MOTION- Member Richardson made a motion to approve the minutes as presented
SECOND- Member Garceau
VOTE- Unanimous

PUBLIC COMMENTS

None.



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OLD BUSINESS

1. Prohibited Uses

Chairman Galbraith stated:

- He reread Chapter 15 Zoning since the last meeting
- The B-3 and B-4 district are now all residential homes but is still listed in the code of ordinance as a business district
- The Commission may want to consider adding discussion of rezoning districts at a future meeting

Attorney Eldridge stated

- The Commission needs to pick the 6 or 8 most important prohibited uses the commission wants to regulate and let legal review the list
- Once the most important prohibited uses are determined the Commission needs to decide where the uses will be restricted in Town
- The catch all prohibition that is currently in the Code of Ordinance is no longer void and notice needs to be provided to the property owner regarding all prohibited uses
- There is a section in Chapter 15 that already lists prohibited uses such as container houses
- Container Houses does not raise first amendment issues or free enterprise issues
- Some prohibited uses should not be listed in this section of the code as it could cause first amendment issues
- If the Commission cannot ban the use outright the Commission can prohibit it to certain districts

Member Zielinski stated a resident can bring forth a request Special Use Permit and there are certain guidelines and requirements for permitting a Special use Permit. She believes some of these uses could be restricted through that process.

Attorney Eldridge stated that is a good point. The Town can regulate red buttons issues through a Special Use Permit. If an applicant wanted to come before Town Council with a Special Use Permit, it would require a hearing and the applicant would need to provide evidence to meet the standards and if the applicant does not provide the evidence it would be denied. If the evidence is presented and the Special Use is granted Town Council may also propose reasonable conditions. It would be an effective way to go about the Prohibited Uses.

Building Inspector Batson stated the Town can regulate a lot of uses with the Special Use Permit. The Special Use Permit should be used more often than it is, and he feels the Commission could use this for the Historic District. He is unsure what the HPC is trying to preserve in the Historic District.

Attorney Eldridge commented Building Inspector Batson it seems that you would forgo the Historic District approach and make uses in that district that are red button issues a Special use Permit.



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Building Inspector Batson stated he thinks the Commission should explore other options before carrying down this path. The matrix that was sent out he did not feel promotes development. The Town wants to encourage development.

Chairman Galbraith commented to Building Inspector Batson to not use the word Historic as that is the state definition. That is why the Commission discussed removing the word historic from the title of the district.

Attorney Eldridge to review the process of the Special Use Permit and bring a recommendation to the January meeting.

NEW BUSINESS

None.

MEMBER ITEMS

None.


ADJOURNMENT

MOTION- Member Garceau made a motion to adjourn the meeting at 7:43 p.m.

SECOND- Member Richardson

VOTE- Unanimous

ATTEST:


Mandy Sanders, Town Clerk


Craig Galbraith, Chairman

NOTE: These are action minutes reflecting items considered and actions taken by Planning & 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.