



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, February 1, 2023 @ 6:00 pm

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday February 1, 2023. A quorum of members was present and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

Vice-Chair Joe Barlok
Member Jim Dugan
Member Craig Galbraith
Member Tony Garibay
Alternate Member Connie Mearkle

P&Z MEMBERS ABSENT

Chairman Byron Ashbridge

STAFF PRESENT

Mandy Sanders, Town Clerk
John Batson, Building Inspector

COUNCIL LIAISON PRESENT

Commissioner Dennis Panicali

CALL TO ORDER

Vice Chair Barlok called the meeting to order at 6:00 p.m.

ADOPTION OF AGENDA

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

SECOND- Member Dugan

VOTE- Unanimous

MOTION- Member Galbraith made a motion to adopt the agenda as amended

SECOND- Member Garibay

VOTE- Unanimous

APPROVAL OF MEETING MINUTES:

- January 4, 2023 Regular Meeting

MOTION- Member Garibay made a motion to approve the minutes as presented

SECOND- Member Galbraith

VOTE- Unanimous

PUBLIC COMMENTS

None.



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OLD BUSINESS

1. Continued Review of Code Text Recommendations

Vice Chair Barlok commented this has been an ongoing list of proposed changes to the text amendments to Chapter 15. This is the editorial changes that have been presented several times.

Building Inspector Batson brought his suggested changes included in the agenda packet and is hereby incorporated into the minutes.

Vice Chair Barlok reviewed the suggested changes:

- Item 3- Suggests new wording: Building Height shall mean the vertical distance from top of slab at entry point of the structure to the highest peak of the ridge height
- Remove number 10,14,15
- Moving definition of signs from 15.40.020 and move to 15.40
- Tourist lodgings - Delete bed and breakfast from definition
- 15.10.040.C leave ordinance as is
- 15.36.160 - The TRC in other municipalities is usually a committee of all department heads. Change all references to TRC to PZC
- 15.40.020 Freestanding sign. Since ground sign is not defined, delete last line of freestanding definition. Freestanding sign shall mean an outdoor sign when such sign is supported by uprights or braces in or upon the ground
- Number 44, and 45 Building Inspector Batson to review with Attorney Eldridge and bring recommendation to PZC
- 15.40.060.U - Second and Third sentences do not make sense, they are not even sentences. Spilt the items into two parts, Internally illuminated can signs with translucent copy and field, Low luminance internally illuminated channel letter and halo signs (reverse channel letter signs are permitted).

Town Attorney to draft proposed text amendments to the following recommendations as discussed tonight and bring to the March PZC meeting.

2. Continued Discussion of Town Ordinances regarding Private Beach Access Points

Vice Chair Barlok commented the Commission discussed this last month and did not close it properly. There is no issue currently and need to remove this item from future agendas.

MOTION- Member Galbraith made a motion to remove this item from PZC future agendas

SECOND- Member Garibay

VOTE- Unanimous



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3. Continued Discussion of Green/Sustainability Planning and Zoning Elements

Chairman Galbraith commented he recommends removing this item from future PZC agendas.

MOTION- Member Galbraith made a motion to remove this item from PZC future agendas

SECOND- Member Dugan

VOTE- Unanimous

4. Discussion of Home Occupations

Member Galbraith commented he has raised numerous issues and reviewed the current code and feels it is very efficient the way it is written.

MOTION- Member Galbraith made a motion to remove this item from future PZC agendas

SECOND- Member Dugan

VOTE- Unanimous

Member Galbraith stated he thinks now would be a good time to start discussing prohibited uses.

CONSENSUS- Deputy Town Clerk Chase will add to the March agenda the discussion of permitted uses for the following districts: RA1, RA1A, RA2, RA2A, RA2T

NEW BUSINESS

1. Review and recommendation of Proposed Text Amendment to 15.08.120.I Downtown Preservation Overlay District

Attorney Eldridge commented he drafted this after the HPC hearing because it was apparent it was needed. The current ordinance states the Building Inspector shall provide a report on the COA application to the HPC. In a Quasi-Judicial Hearing the applicant has the burden of proving with evidence the consistency between the proposed project and the look and feel of the preservation overlay district. The law is very clear that the HPC can not substitute its own knowledge in place of the applicant proving their case. One day the Town will end up in superior court, and the thing to be aware of is the individual who sues the Town wins they gets attorney fees. The Town needs confident evidence, so if the Town goes to court would be recommended to have a written report from the Building Inspector so this is what the text amendment comes from. PZC needs to review and report and there is a consistency statement to adopt.

Member Galbraith commented he thinks it is great idea but he is concerned the way it is written. Say the HPC does not agree with the written decision of the Building Inspector what would be the point of the HPC. Can it be modified to say in his opinion so if the HPC disagrees?

Building Inspector Batson stated he agrees with Member Galbraith. If he has to review it and certify it than why making the property owner go through it anyway?



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Member Galbraith commented it needs to be a recommendation as it is important.

Member Garibay stated is it a recommendation or he is just stating the facts?

Attorney Eldridge commented it is not certified. If you review HPC procedures across the nation you will find it requires staff to make a recommendation. He does not mind adding a statement about it not being binding.

Building Inspector Batson commented he can tell you that if he writes his recommendation half the board will only review his recommendation.

Attorney Eldridge stated if the Town didn't have your recommendation for the hearing, the applicant would not have gotten the COA.

MOTION- Member Galbraith made a motion for Attorney Eldridge to revise the proposed text amendment as discussed to the 15.08.120.I Downtown Preservation Overlay District and bring to the March PZC meeting

SECOND- Member Dugan

VOTE- Unanimous

ADJOURNMENT

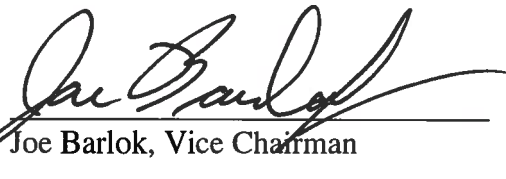
MOTION- Member Galbraith made a motion to adjourn the meeting at 7:10 p.m.

SECOND- Member Garibay

VOTE- Unanimous

ATTEST:


Mandy Sanders, Town Clerk


Joe Barlok, Vice 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.

Suggested changes (mainly editorial) to Kure Beach Municipal Code, Chapter 15, Zoning Regulations. Provided by Joe Barlok.

Based on discussion at the November 2, 2022 PZC Meeting, this list was reviewed with John Batson to simplify discussion during the December 7, 2022 PZC Meeting.

GREEN = *agreed to change*

BLUE = *John to follow-up*

YELLOW = *PZC Discussion Required at December 07 meeting*

RED = *Deleted Comment*

Based on further discussion at the December 07, 2022 PZC Meeting, this list was again revised.

Items #1 through #28 apply to 15.02.010, Definitions.

1. General standardization for all of the definitions – 80% are written in sentence format including the words “shall mean”. This should be standardized throughout all of the definitions. *This also applies to the definitions in John’s proposed text amendment.*
2. *Bedroom* is defined in 15.36.120. It should be moved to 15.02.10, Definitions. *Already included in John’s proposed text amendment.*
3. ~~*Mean Elevation*~~ is used in the definition of *Height of Building*. New Wording: Building Height shall mean the vertical distance from top of slab at entry point of the structure to the highest peak of the ridge height.
4. *Building Permit* says “shall mean permission”. Change to “shall mean written permission”.
5. ~~*Deleted comment.*~~
6. ~~*Deleted comment.*~~
7. All of the *Dwelling* definitions should be put in alphabetic order.
8. *Dwelling modular* add a comma after dwelling.
9. *Dwelling, multifamily* leave a space after multifamily.
10. ~~*Dwelling*~~ definition requires 3 or more families? That doesn’t sound right? This definition may be deleted.
11. *Dwelling, unit*. Unit should be italics.
12. ~~*Deleted comment.*~~
13. *Industry group No.* Delete “, and”.
14. ~~*Industry group No 653*~~. This is an example of Industry group and industry numbers, not a definition. This definition may be deleted.

15. ~~Industrial No 7999. Delete this, it's not a definition. It is already included in 15.44.010 Appendix A, on Page 499. This definition may be deleted.~~
16. *Lot, double frontage.* Front-ages is not a hyphenated word.
17. *Deleted comment.*
18. *Deleted comment.*
19. *Manufactured/Mobile home park.* Delete the period within the definition sentence.
20. *Manufactured home space/Lot.* Delete the period within the definition sentence.
21. *Deleted comment.*
22. *Deleted comment.*
23. *Setback.* Add a comma between “front” and “side”.
24. *Sign.* This definition is different from the definition of Sign in 15.40.020.
25. *Street line.* Delete “the street line is”.
26. *Deleted comment.*
27. *Tourist lodgings.* Uses the term “bed breakfast” but this is not defined anywhere. Let's delete bed and breakfast from definition.
28. *Travel park.* Add a period at end of sentence.
29. 15.02.060 ends in two periods.
30. 15.08 The contents listing has 075 and 076 out of order.
31. Page 416, paragraphs 075 and 076 are out of order.
32. *Deleted comment.*
33. *Deleted comment.*
34. 15.10.040.C says the same thing in two ways. If the minimum is 5 Ft each, it can never be less than 10 Ft. I don't have a problem with leaving this as is, or just delete the part about no less than 10ft.
35. *Deleted comment.*

36. 15.36.030 says “Except as provided in KBC 11.02.030 subparagraph B”. Delete “subparagraph B” because there are no subparagraphs in 11.02.030.
37. 15.36.160 If the TRC is the PZC, just say that. TRC is mentioned multiple times throughout this section. The TRC in other municipalities is usually a committee of all department heads. It would not be a problem to change all references to TRC to PZC. TRC is not defined anyhow.
38. 15.36.160.F Application Fee – Delete “(increase is not necessary after comparing fees of other coastal communities.)”

- 39.15.36.160.F Meeting schedule “first Tuesday of every month at 7:00 p.m.”. Is this current meeting schedule or past? Change wording to following: Applicants will be notified of the TRC's meeting schedule. TRC meetings are usually held on the first Tuesday of every month at 7:00 p.m. The TRC will render its opinion on the issue at the meeting in which they hear the issue. Hearing dates are subject to change pending holidays.
- 40.15.36.190.B Spell out what ULI (Urban Land Institute) and ITE (Institute of Transportation Engineers) are.
- 41.15.36.240.I “Wind systems” does not belong in “Solar Energy Equipment”. It needs its own section and heading.
- 42.15.38.020.I has an extra period between “The” and “inside”.
- 43.15.40.020 *Freestanding sign*. Since ground sign isn't defined, or on the schedule of signs, lets delete last line of freestanding definition.
Freestanding sign shall mean an outdoor sign when such sign is supported by uprights or braces in or upon the ground. ~~Ground sign does not mean billboard.~~
- 44.15.40.020 *Monument sign*. It uses “pole sign” and “pylon sign” in the definition, but those are not defined.
- 45.15.40.030.c *Signs not included in total area allowance*. It uses “suspended signs” in the definition, but that is not defined.
- 46.15.40.040.I Add a space between (8) and “feet tall”.
- 47.15.40.060.U Second and Third sentences do not make sense, they are not even sentences. There should be a comma inserted as shown here:
Internally illuminated can signs with translucent copy and field, Low luminance internally illuminated channel letter and halo signs (reverse channel letter signs are permitted).
48. Deleted comment.
49. Deleted comment.
50. Deleted comment.
51. Deleted comment.

Two questions:

1. 15.02.010, in “Collector street”, mentions a “Thoroughfare Plan”. Where is this kept? I'm assuming that this would be the Powell Survey showing all streets. Collector streets would be any that feed in to main thoroughfare.
2. Deleted comment.