



**KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
May 8, 2019**

The Kure Beach Planning & Zoning Commission held their regular meeting at Town Hall on Wednesday, **May 8, 2019**. A quorum of commission members was present.

P&Z MEMBERS PRESENT

Chair Craig Galbraith
Member Kenneth Richardson
Member Retha Deaton
Member Robert Young
Alternate Member David Garceau

P&Z MEMBERS ABSENT

Vice Chair William Moore

STAFF PRESENT

John Batson – Building Inspections
Kathleen Zielinski – Secretary

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Commissioner Joseph Whitley, Council Liaison  
Attorney James E. Eldridge

**1. CALL TO ORDER**

Chairman Galbraith called the meeting to order at 7:01 p.m.

**2. ADOPTION OF AGENDA**

**MOTION** – Member Richardson moved to adopt the agenda as presented

**SECOND** – Member Deaton

**VOTE** – Unanimous

**3. APPROVAL OF MEETING MINUTES**

**MOTION** – Member Richardson moved to approve the minutes for the April 9, 2019 regular meeting  
as presented

**SECOND** – Member Young

**VOTE** – Unanimous

#### 4. PUBLIC COMMENTS

None

#### 5. OLD BUSINESS

##### a. Downtown Mixed-Use Overlay District

Member Richardson presented a map to illustrate his suggestion for the footprint of the overlay district as a starting point for discussion. He tried to capture the majority of businesses in the downtown area and along Atlantic Avenue. Further discussion is needed on whether the overlay should be larger or smaller and what properties should be included. Mr. Richardson included the K Avenue overlay district in his depiction, but several businesses remain outside his proposed map while a lot of residential is included. Furthermore, his map has recommendations for crosswalks and he asked if the commission might also try to do something to designate a bike path through town. In the course of designing an overlay district, he feels that pedestrian safety measures should be implemented at K Avenue and 421 and at Settlers Lane and Sixth Avenue.

Chairman Galbraith stated that in the formal charge by Council for P&Z to research an overlay district, the B-1 district was identified specifically. He inquired of Commissioner Whitley how Council would feel about expanding beyond B-1. Mr. Whitley replied that Council is expecting such action and that P&Z is going down the right path.

Attorney Eldridge suggested incorporating a text amendment provision in the current overlay district rather than overlay an overlay and added that there would still be a prohibition on regulating exterior design elements of single-family and duplex residences. Chairman Galbraith noted that in his extensive research he still finds a lot of COA type situations that do have regulations on architectural design of residences.

Attorney Eldridge then reported that he looked at Raleigh and Chapel Hill for COA (Certificate of Appropriateness) approaches and found that the COA approach is authorized by a set of statutes to regulate exterior design in historic districts. He highlighted some of the applicable statutes:

- Must be established by Town Council
- Area must be deemed to be of special significance by several criteria
- Investigation and a report of those features is required
- Request can be made to State Department of Natural and Cultural Resources for recommendations
- Town Council can submit report to a local preservation commission
- Council can establish historic district just as it does text amendments under Chapter 19
- No improvements can be implemented until COA is approved by preservation commission

COA approach is limited to historic districts and the structures located within. This will only work if the historic nature of the downtown area can be proven. Chairman Galbraith believes the B-1 area could qualify as historic even though not every building is historical. Taking that approach would allow for the regulation of residential exteriors. Without the historic district approach, architectural components can only be regulated on buildings other than single-family and duplex.

Attorney Eldridge stated that it does not seem too difficult to qualify as a historic district, although there is a process. He offered to bring an outline of the procedures and reiterated that it would be easier to regulate exterior architectural features if the area was designated a historic district. However, there would be no jurisdiction over interior design. While the B-1 district could easily qualify as a historic district, those districts outside of B-1 may not. If not classified as historic district, a special use permit process would be needed.

Continuation of the discussion included several points:

- Investigation, report, drafting of guidelines all are required to move in this direction
- Special significance should be given to history, architecture, culture
- First step would be creation of a preservation commission
- Many communities have historic districts
- Council of Governments may be helpful
- Old plats of Kure Beach are basically the way the town is currently laid out
- P&Z could act as architectural review committee
- If you want to go heavy on architecture, the historic approach is better
- Historic preservation commission would need to be established by Town Council
- COA can be created in the same amount of time as an overlay district ~ 4 to 6 months
- How to regulate outside the B-1 district is still in question

The B-1 district is a good starting point for COA approach, but adjacent districts may not qualify as historic and it may be better to regulate them through special use permits. Discussion turned to permitted uses as stated in the code for several districts. A solution could be to specify permitted uses in districts outside B-1 and designate B-1 as historic. Consider abolishing the K Ave overlay district and incorporate that area into the new overlay district.

Chairman Galbraith said that it is important to realize that creating a historic district does not have to be onerous. He will present the options at the next Council meeting, explaining both approaches, and ask for further direction.

**MOTION** – Chairman Galbraith moved that he present to Council the COA process for the B-1 district, and for districts outside of B-1 look at specific uses for an overlay district

**SECOND** – Member Deaton

**VOTE** - Unanimous

- b. The discussion on SIC codes in permitted uses and prohibiting specific things in certain zoning districts was tabled.

## 6. NEW BUSINESS

- a. The Cove at Kure Beach final plat review

Inspector Batson reported to the commission that the land for the new development has been cleared and the builder is ready for construction of The Cove at Kure Beach. He displayed the review procedure and directed the commission to use the checklist provided along with the final plat in their agenda packets to complete their review. When asked by the chairman his opinion, Mr. Batson said that he had completed his checklist and all of his concerns have been satisfied. In his opinion, everything on the checklist can be approved.

Member Richardson asked if the drainage concerns brought up by surrounding property owners had been addressed. Luke Menius, the engineer for the builder, replied in the affirmative and outlined the various techniques that will be utilized for stormwater runoff including drop inlets, proper grading, pervious driveways and shallow ditches.

**MOTION** – Member Richardson moved to approve the final plat of The Cove at Kure Beach as is and send it to Council.

**SECOND** – Member Young

**VOTE** – Unanimous

## 7. MEMBER ITEMS

Chairman Galbraith reported that he presented recommendations regarding the special use permit application for SunFun Rentals LLC to Council at their April meeting, which included several conditions:

- Designate orderly parking spaces
- Right-turn-only exit onto Ft. Fisher Blvd. S.
- Specific building design
- Lighting plan
- Proper signage
- Adequate insurance

Council has set a public hearing prior to the next Council meeting on May 20, 2019 and the chairman will attend to present the recommendations of P&Z.

## 8. NEXT MEETING

June 5, 2019 at 7 p.m.

## 9. ADJOURNMENT

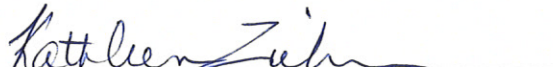
**MOTION** – Member Deaton moved to adjourn

**SECOND** – Member Richardson

**VOTE** – Unanimous

Meeting was adjourned at 8:12 p.m.

  
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Craig Galbraith, Chairman

  
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Kathleen Zielinski, Secretary

NOTE: These minutes reflect items considered and actions taken by the Planning & Zoning Commission and should not be considered a transcript of the meeting. An audio recording of the entire meeting can be found on the Town of Kure Beach website.