



KURE BEACH PLANNING & ZONING COMMISSION

June 5, 2019

7:00 pm

MINUTES

The Kure Beach Planning and Zoning Commission (P&Z) held its regular meeting on Wednesday, June 5, 2019. A quorum of members was present and Liaison Commissioner Whitley and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

Chairman Craig Galbraith
Member Bill Moore
Member Kenneth Richardson
Member Robert Young
Member Rethra Deanon
Member David Garceau

P&Z MEMBERS ABSENT

None

STAFF PRESENT

Nancy Avery, Town Clerk

1. CALL TO ORDER

Chairman Galbraith called the meeting to order at 7:00 pm.

2. APPROVAL OF AGENDA

MOTION – Member Richardson made a motion to approve the agenda as presented

SECOND – Member Moore

VOTE - Unanimous

3. APPROVAL OF MEETING MINUTES:

- May 8, 2019 Regular Meeting

MOTION – Member Young made a motion to approve the minutes from the May 8, 2019 regular meeting

SECOND – Member Deanon

Member Moore recused himself from the vote

VOTE – Unanimous

4. OLD BUSINESS

a. Downtown Mixed-Use Overlay District

i. Feedback from Council on COA process for B-1 District and permitted uses for adjacent districts

Chairman Galbraith stated:

- Presented to Council at the May Town Council meeting the recommendations from P&Z
- In North Carolina, COA is the only method to influence the look of residential units (1 or 2 unit)
- In North Carolina, COA process must be tied to an Local Historic District designation - often called “Character Preservation” Overlay Districts
- Local Historic Districts/COA process need not be complicated (many hundreds of LHDs/COAs in NC, some complicated, others simple)
- COA regulations range from 2 pages to 100 pages
- COA Design Guidelines for commercial properties tend to focus on “Building Exteriors” (can also designate uses)
 - Materials
 - Paint and Paint Color
 - Storefronts
 - Architectural Features
 - Roofs
 - Compatibility
- Feedback from Council is it needs to be restricted for the B-1 district
- Received pushback going beyond the B-1 district
- Historic district would be narrow and other parts of B-1 district the commission would develop an overlay district
- Defined as: “area of special significance in terms of history architecture, and/or culture, and integrity of design, setting, materials, feeling, and association
- Commission would need to create a Historic Preservation Commission (HPC)
- Spoke with people from the state regarding P&Z Commission being designated as the HPC
- HPC powers include acting on proposals for alterations, demolitions, construction in HD
- HPC would issue the Certificate of Appropriateness
- P&Z commission may be designated as the HPC
- Council unanimously voted to continue this effort
- Major two feedback points were to keep this to the B-1 district and to not make it too complicated
- Council did ask a question he didn’t know the answer to, if the historic commission would meet monthly
- Council wants a fast way to receive the approval process
- Reached out to 5 to 6 people and spoke with 2 individuals at the Department of Natural Cultural Resources

- Spoke with Scott Powers who is the Manager of the Eastern office as he reviews the HPC and gives feedback to the central office
- Scott Powers said that it is common for smaller towns to use P&Z for the HP commission
- Left a message with Amber Stimpson who is the coordinator of the preservation commission to receive templates, reports, and application samples
- She may be able to come speak with us on the historic district and hold a workshop
- Tried to get in contact with Dawn Snotherly who is the City of Wilmington Historic Preservation Planner
- Need to recommend makeup of the membership of the commission
- Talked to the planning director of Banner Elk and this Town doesn't have a formal historic district
- Created an overlay heritage district through the Towns ordinance instead of going through this process
- Part of ordinance if you're located in the district if it's a renovation, demolition is conditional and everything has to go through P&Z commission to get approval by commission

Attorney Eldridge stated his concern with Banner Elk is he wonders how they regulate the external design elements on residential properties. The other concern would be assuming down the line there is a dispute between the applicant and the Town if you do it by the book you rely on the authorizing statues and not seeing anything authorizing what Banner Elk is doing.

Chairman Galbraith answered the Town excludes one and two unit residential properties from the process of regulating. Thought it was interesting that the Town accomplished the same thing by creating a heritage district overlay.

Member Retha asked does this heritage overlay district include commercial property as well as residential.

Chairman Galbraith answered yes it includes commercial.

ii. Outline of procedures for qualifying historic district

Attorney Eldridge stated Council's designation of the historic district is nothing more procedure wise than the procedure Council follows for text amendments to Chapter 19. However before you get to that point Council establishes the Historic Preservation Commission. The P&Z commission can be designated to serve as the HPC. The HPC Commission must have at least three members with a term no greater than four years. A majority of the commission must have special interest, experience, or education in history, architectural or a related field. The investigation and report will be completed on the significance of the proposed historic district. The templates would be useful for the investigation, and the report which the Commission will send to the Department of Natural Cultural Resources. The commission will receive recommendations from the department. Once received Council can establish the historic district. The HPC then would need to establish principles and guidelines of the commission. If an application of a COA is denied or an opponent appeals the COA decision, it would go to the Board of Adjustment by statute.

Chairman Galbraith commented Amber Stimpson at the Department of Natural Cultural Resources is the coordinator that all applications go through. Scott Powers the Manager of the Eastern office

said she could travel to Kure Beach and hold a workshop for the Commission on the application process.

Attorney Eldridge stated if the Commission holds a workshop it would require a Special meeting and notice must be given on the purpose of the meeting.

MOTION - Member Moore made a motion for Council to establish a Historic Preservation Commission and recommends to Council for P&Z Commission to be the Historic Preservation Commission

SECOND- Member Young

VOTE- Unanimous

b. Discussion on SIC codes in permitted uses and prohibiting specific things in certain zoning districts

MOTION- Chairman Galbraith made a motion to table the discussion on the topic of SIC codes in permitted uses and prohibiting specific things in certain zoning districts.

SECOND- Member Moore

VOTE- Unanimous

5. MEMBER ITEMS

Chairman Galbraith stated he would like to address Commissioner Whitley regarding Sun Fun Rentals. The company has huge signs in the windows of the golf carts advertising the sale of golf carts. This is a violation of the Town's sign ordinance. The Special Use Permit did not allow for this.

Member Moore commented he noticed the company is also renting scooters, and hummers.

Commissioner Whitley stated he is relaying the information to Council and Building Inspector Batson. The building has not been delivered. Sun Fun Rentals has completed the plants but is still waiting on the gravel.

6. NEXT MEETING

MOTION – Member Richardson made a motion to move the scheduled July 3, 2019 meeting to July 9, 2019 at 7 p.m.

SECOND – Member Moore

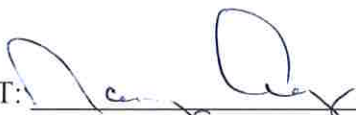
VOTE – Unanimous

7. ADJOURNMENT

MOTION – Member Young made a motion to adjourn at 8:21 p.m.

SECOND – Member Richardson

VOTE - Unanimous

ATTEST: 
Nancy Avery, Town Clerk


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.