



**KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING
MARCH 12, 2018**

The Kure Beach Planning and Zoning Commission held their regular meeting on **Monday, March 12, 2018**. A quorum of commission members was present.

P&Z MEMBERS PRESENT

Chair Craig Galbraith
Member Kenneth Richardson
Member Retha Deaton
Member John Cawthorne
Alternate Member Robert Young

P&Z MEMBERS ABSENT

Vice Chair Bill Moore

STAFF PRESENT

John Batson – Building Inspections
Kathleen Zielinski – Secretary

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Councilman Joseph Whitley, Liaison  
Attorney James E. Eldridge

**1. CALL TO ORDER**

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

**2. APPROVAL OF AGENDA**

**MOTION** – Member Richardson moved to approve the meeting agenda as presented with the exception of moving Item d. to the first order of business under New Business

**VOTE** – Unanimous

**3. APPROVAL OF MEETING MINUTES**

**MOTION** – Member Cawthorne moved to approve the minutes from the regular meeting, held February 7, 2018

**SECOND** – Member Richardson

**VOTE** – Unanimous

#### 4. PUBLIC COMMENTS

None

#### 5. OLD BUSINESS

- a. Town Council held a public hearing February 20, 2018 on text amendments proposed by P&Z to clarify language in Chapter 19 that relates to setbacks in every zoning district. Council voted unanimously to adopt the requested changes.
- b. Town Council considered the request for a text amendment that relates to rear yard setbacks for accessory buildings at their February meeting. Council unanimously voted to deny the request.

#### 6. NEW BUSINESS

- a. The Cove at Kure Beach plan review

Building Inspector John Batson received an application for a planned residential development entitled The Cove at Kure Beach February 16, 2018 by CWAR Investments. The developers were in attendance to present their development plan to the commission.

Attorney Eldridge explained that while Town Council has the sole authority to rule on this request, the role of P&Z is to review and report to council their recommendation. Included in their recommendation can be modifications to the design standards set forth in Chapter 15 of the Town's Code of Ordinances due to any unusual circumstances that would cause unnecessary hardship if strictly adhered. He explained the differences between a planned residential development and a typical subdivision as outlined in Section 15-162 and reiterated that the function of P&Z tonight is to review and report on any unique conditions that exist which would cause a hardship.

Stuart Pittman and Steve MacCurry, the developers applying for permission to create the development, stood to present their plan. The presentation included several projects that the group completed to illustrate the design and quality of their work. Mr. Pittman said they took a lot of time in planning to make the best use of the land, which resulted in many happy residents. Included in the presentation were:

- Sea View
- Waterfront Yacht Club
- Lanier Landing
- River Pointe
- Harbor Pointe
- Sound and Sea
- Ocean Walk
- Captains Walk
- Several more

Mr. MacCurry then described their plans for the Trading Post property. That land is currently zoned RB-1, the property to the north is also zoned RB-1, properties to the south are zoned RA-1A and the adjacent property directly to the south is owned by the Town of Kure Beach with no primary homes on that side. There is currently no storm water treatment system except for a drain at Ft. Fisher Blvd. S. While the zoning would permit restaurants, hotels, motels and retail stores in the RB-1 district, CWAR believes a planned residential development would make better use of the land. Mr. MacCurry then showed a conceptual drawing and engineered plans for the development. Features would include:

- fire truck access
- connecting Ft. Fisher Blvd. to General Whiting Way to reduce traffic problems
- less impact on neighbors than a typical subdivision

- 20' wide private drive with 6" water line loop
- an efficient storm water system
- a pool with restroom
- less density than the maximum allowed – 21 units versus 26
- extensive landscaping plan, preserving of as many trees as possible

Mr. MacCurry then showed an example of a typical subdivision layout meeting all ordinances on the same property to illustrate the smaller setbacks, limited access to fire trucks, no room for access to General Whiting Way and townhouses backing up to adjacent properties creating an unattractive big wall. While there are options that would not need special approval, the designers at CWAR feel their planned community would be nicer for the town.

Luke Menius, the engineer from Stroud Engineering working with the developers, stood to explain the proposed storm water system. Unlike the existing storm water plan that has a drop on the shoulder and feeds into the storm water drains to the north and south of the property, his design will collect storm water along the private drive through grates into an underground stone base designed to draw down in two to five days. This design collects the "first flush", the surface water that contains oils and debris, into an infiltration system through an 18" pipe. He said their Seaview development at Kure Village Way has a similar system with no problems.

After a discussion about setbacks, right-of-way and the differences between subdivisions and planned residential developments, Attorney Eldridge reminded the commission to focus on the spirit of the modifications in the lot design. He added that carving out common area space is consistent with the purpose of 15-162 in providing desirable open space, common areas, scenic vistas and a variety of development. The primary modification to the lot design would be allowing a 20' private drive instead of a 40' public right-of-way.

Chairman Galbraith then opened the discussion to the floor to receive public comments.

Robert Bradford of 210 Water Oak Court raised his concern about rainwater runoff from the new development as he is already experiencing problems even with the \$15,000 pump system he had installed.

Dennis Cooper, whose property at 231 Water Oak Court backs up to the proposed subdivision, asked for as much consideration as possible to ameliorate the noise from the pool, which will be facing his bedroom windows and that of his daughter. The peace and quiet that he and his neighbors, several of whom were in attendance, have enjoyed for many years is very important to them. He also is concerned about water runoff.

Janet Pryor of 219 Water Oak Court spoke next, stating that her major concern is storm water runoff. How do we know the drainage system will work and what do we do if it doesn't? She said that, although the subdivision on Marquesa Way was built according to all requirements, the properties on Water Oak Court still experience flooding from that runoff. The engineer explained that the problem with Marquesa Way is called "sheet water" that runs into Water Oak Court. The storm water plan for this proposed subdivision addresses that problem by directing the initial runoff toward the center of the road and into the drainage system. Ms. Pryor is also concerned about privacy.

Realtor Lisa Heglar, representing the previous owner, Mrs. Lewis, spoke in support of the proposed development, citing the developer's sensitivity to Mrs. Lewis' wishes to preserve trees, create something aesthetically pleasing and name the central street after her late husband.

Steve Currie, a long-time friend of the Lewis family is not in favor of the big change coming from having eight units directly behind his home. He said that he and Mr. Lewis had agreed that he would have the right of first refusal on this property, but then it was sold without his knowledge. His primary concern is

the problem of diverting the residents of this high-density development from using the Water Oak HOA beach access. Public beach accesses are ¼ mile north and south of his access and he does not think they will want to walk that far with the Water Oak access just across the street and he does not want to share.

An unnamed resident then asked about the inability of garbage and fire trucks to turn around without a cul-de-sac at the end of the private drive. The developer stated that the management company will be responsible for pulling the garbage cans to one central location each week. Streets less than 200 feet in length are exempt from the cul-de-sac requirement and this street is approximately 190 feet long as measured from the point of the side entry drive.

After listening to public comments and concerns, Chairman Galbraith polled the commissioners for any further thoughts. The discussion that followed included:

- need for a Declaration of Covenants
- State approval of the storm water drainage system
- ratio of impervious surface
- removal of underground gasoline tanks
- privacy fence
- sound abatement barrier at pool area
- including the driveways in the storm water drainage plan

Attorney Eldridge will draft a report for council to approve modifications to the lot design the developers are seeking to include:

- private right-of-way with road frontage for each unit
- access for fire and emergency vehicles
- common area
- improved ingress and egress
- lower density than a subdivision

The recommendation will include the requirement that the applicant submit to Town Council a declaration of covenants along with the preliminary plat.

**MOTION** – Chairman Galbraith moved to recommend approval to council as summarized by Attorney Eldridge on the condition that the applicants submit declaration to council with plat.

Also, driveways to be included in the storm water infiltration system and a sound abatement fence to be installed around the pool.

**SECOND** – Member Richardson

**VOTE** – Unanimous

This recommendation will go to council with the understanding that the developer will submit a Declaration of Covenants along with two copies of the preliminary plan. If town council approves the preliminary plan the subdivider may then proceed with creating the final plat and seeking the various permits they will need. Developer will present both the plat and declarations together.

b. Short term rental parking and ratio of cars to bedrooms

Member Richardson reported that Commissioner Whitley, Police Chief Bowden, Mayor Bloszinsky and he have met to discuss parking problems at rental properties, such as two parking spots for a four-bedroom house. Some items for P&Z to address are:

- parking on medians
- overnight parking
- towing law
- timed parking on the west side of Ft. Fisher Blvd.
- how to handle the huge influx from the River Road developments

- bumpers in public beach accesses
- approximately 600 spaces along Sixth Avenue S between I Avenue and E Avenue
- look at other beach jurisdictions for other good ideas

Attorney Eldridge is working on language to tighten up the ordinances for P&Z to discuss at their next meeting. Upon review, the text amendments will be brought to council for their consideration. Paid parking, multi-use parking, residential areas and bike lanes will be considered in the future.

c. Special use permits (SUP) and conditional use permits (CUP)

Attorney Eldridge distributed information for the commission to review in preparation for discussion at the next regular meeting. The discussion was tabled until that time.

d. Discussion of enforcement of P&Z regulations

Chairman Galbraith inquired if council discussed enforcement after reviewing the consistency statement regarding setbacks. He stated that many people have put things in setbacks without a permit, which leads to enforcement for some and not others. What should be done about those who have violated the ordinance? Should we be enforcing those things as a community? There was no resulting discussion.

**7. MEMBER ITEMS**

- a. Member Richardson expressed his hope to see a tightening up and enforcement of the ordinances.
- b. Draft recommendation to council on The Cove at Kure Beach will be ready by March 27. That draft as well as proposed text amendments will be ready for the next meeting, scheduled for

**8. ADJOURNMENT**

**MOTION** – Member Richardson moved to adjourn the meeting

**SECOND** – Member Cawthorne

**VOTE** – Unanimous

Meeting was adjourned at 9:15.

  
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 Chairman  
 Planning and Zoning Commission

  
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 Kathleen Zielinski, Secretary

NOTE: These are minutes reflecting items considered and actions taken by the Planning & Zoning Committee and should not be considered a transcript of the meeting.