



KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ JANUARY 2, 2007

A regular meeting of the Kure Beach Planning and Zoning Commission was held on Tuesday, January 2, 2007 at 7:30 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Chair – Alan Votta

Vice Chair – Ken Buchert

Members – James Schutta, Tim Bullard and Janet Foster

MEMBERS ABSENT

None

STAFF IN ATTENDANCE

Town Clerk Nancy Avery

Building Inspector John Batson

Secretary Aimee Zimmerman

Liaison Commissioner Dean Lambeth was in attendance.

CALL TO ORDER:

Chairman Votta called the meeting to order at 7:30 p.m.

APPROVAL OF MINUTES

December 5, 2006 regular meeting.

Member Buchert indicated that the minutes should reflect that Mayor Tim Fuller was in attendance.

ACTION: Member Buchert **made the motion** to approve the minutes from the December 5, 2006 regular meeting. Member Foster **seconded the motion**. **The vote of approval was unanimous.**

PERSONS ADDRESSING THE BOARD

Chuck Mullen – Owner of 12 lots in the area included in the rezoning petition for Tucker’s Square.

OLD BUSINESS:

1. Rezoning petition – Tucker’s Square

Chuck Mullen addressed the Commission stating:

- No one opposing the Petition to Rezone appeared at last hearing because they didn’t know about it.
- He recommends that personal mail notice needs to be sent instead of advertising in the paper.
- Out of 80 lots affected by potential for rezoning, only 10 people signed the petition.
- He believes it is in the best interest for Kure Beach to not change the zoning based on overwhelming opposition, the potential for monetary loss in sale or development of lots should zoning be changed and there is no threat of increased traffic.
- He believes the Town is known for resistance to change and conservative spending and urged the Commission to vote no on the petition, recommend to Council that they disapprove the request and to reinforce the conservative attitude of Kure Beach.

Phil Edwards addressed the Commission stating:

- He owns a single family dwelling at 803 Mississippi which is in the affected area.
- He runs a photography business out of his home.
- He questioned what his home could be used for should the zoning be changed.
- He believes zoning should remain as is to let the property owners do what they want with their own property.

General discussion among the Commission continued. It was decided that if rezoning were approved, changing the current zoning to RA-1, it would constitute spot zoning. The petitioners could re-petition for other zoning such as RA-1A. Commissioner Lambeth stated that it was the consensus of Town Council that if Planning and Zoning turned down the petition and should the parties re-petition, all affected property owners should be notified by mail so Council can have a real consensus of the property owners and that property owners should have to sign for their direct mailing so that Council is sure that everyone is aware of what is happening.

ACTION: Member Bullard, in view of the potential for spot zoning and the number of people opposed to the change versus those requesting the change, moves to:

- 1. deny the request; and**
- 2. should the parties re-petition, they will be required to send notice by certified mail to all property owners and abutting property owners.**

Member Schutta seconds the motion. The vote of approval is unanimous.

2. Ordinance Changes Needed for Updated Land Use Plan

The Board addressed each form submitted from Building Inspector Batson.

A. Building Permit Application

- As to Piling Layout - should reflect that nonbearing pilings should be 12 “feet” instead of 12 “inches”.
- As to Porta-Johns – Porta-John placement shall include that any placement is subject to the discretion of the Building Inspector.
- Provision shall be added indicating that all construction materials and Porta-Johns are the responsibility of the contractor in the event of a storm situation.
- As to Working Hours – Working hours should reflect Monday through Friday 7:00 a.m. to 6:00 p.m.; Saturday 9:00 a.m. to 4:00 p.m.; No working on Sunday.
- As to X-Bracing – This item shall be removed from list as the engineering bypasses this.
- Provision shall be added stating “All new building in Kure Beach will require an engineer certification”.

B. Permit Application Information Sheet

- The Commission decided that this form was sufficient.

C. Landscaping Permit Application

- Portion at the bottom of the form for Department Head approval is only if the landscaping encroaches a right of way and the form shall be noted as such.

D. General Development Checklist

- Heading of form shall be changed from “Contents of Site Plan” to “Contents of Site Plan, Preliminary Plan and Final Plat”.
- Regarding the first entry, the form shall state the requirement for DOT driveway permits should they be applicable.

E. Demolition Request – Departmental Sign-Off

- Provision shall be added that Building Inspector shall be required to do a site visit before demolition.

F. Application Form – Minor Subdivision – Sketch Plan

- Consensus of the Commission that the required copy amounts for plans or plats submitted should be increased to 15.

G. Request for Zoning Change

- Consensus of the Commission that this form will be amended to state that “100.00 fee plus \$5.00 for property owner and abutting property owner impacted as determined by the Clerk to the Planning and Zoning Board”. It is the consensus of the board that this might help to discourage some of the frivolous requests.

H. Guidelines for Abbreviated Procedure for Review of Plat for Minor Subdivisions and Abbreviated Procedure Checklist

ACTION: Member Bullard makes a motion to eliminate the Abbreviated Procedure Checklist and the Guidelines for Abbreviated Procedure for Review of Plat for Minor Subdivisions. Chairman Votta clarifies the motion that this is an ordinance revision as stated in the land use plan. Member Buchert seconds the motion. The vote of the board is unanimous.

I. Guidelines for Preliminary Plat Review Procedure for Subdivisions and Preliminary Procedure Checklist

- Consensus of the Commission that the required copy amount for submitted plans or plats shall be amended to fifteen (15) copies upon submission.
- Consensus of the Commission that the distribution amounts under subsection four of the review procedure should be amended to five (5) copies.

J. Guidelines for Final Plat Review Procedure for Subdivisions and Final Plat Procedure Checklist

- No changes to this form at this time.

NEW BUSINESS

None

MEMBER ITEMS:

1. Reappointment of Janet Foster to Commission

ACTION: Member Buchert makes a motion to send to Town Council that the Board recommends approval for Janet Foster to be reappointed to another five (5) year term. Member Bullard seconds the motion. The vote of the Board is unanimous.

2. Rezoning

Town Clerk Avery suggests that the Commission may want to ask Town Council to direct the Board to work on an amendment to our Town Ordinances regarding our procedure for rezoning as our ordinances do not address rezoning or the rezoning process. The Town only has the one form and while the statutes are clear, the Town's ordinances don't address this.

ACTION: This issue will be placed on the March agenda for further discussion. Attorney Canoutas to provide legal theory on zoning regulation amendments.

3. February meeting

ACTION: It is the consensus of the Commission that since next month's meeting will be rather extensive, the meeting shall commence at 6:30 p.m.

Town Clerk Avery indicates that Vaghn Hanson requests that the Board submit specific issues they would like him to address in his presentation on Floor Area Ratio. Member Schutta states that he is wondering what the state requires and how that gets calculated and what's our goal. How does he propose we get there?

4. March meeting

Due to the extensive agenda for February, Commissioner directs that **Secretary find out if Robb Mairs and/or Mike Christenberry of the Division of Coastal Management could come to the March meeting instead of February meeting.**

Commissioner Lambeth suggests that John Sawyer and Associates provide their information regarding the B-1 district issues and that a representative attend the March meeting with Robb Mairs and Mike Christenberry. However, due to costs and the fact that the Sawyer representative may have already met with Mr. Mairs, it may be that we don't need them to attend.

Town Clerk Avery clarifies that the Board is requesting that Christenberry and Mairs attend and that we receive some input from John Sawyer on the B-1 although their appearance will be optional and that we need to advertise the change in time for the February meeting. Town Clerk Avery indicates later that all we need to do is post notice at Town Hall of the change in time instead of advertising in the paper unless the Board prefers that we advertise.

ADJOURNMENT:

Member Schutta makes a motion to adjourn the meeting. Member Bullard seconds the motion. The vote of approval is unanimous

Meeting is adjourned at 9:58 p.m.

Allan Votta, Chairman

Aimee Zimmerman, Secretary