

KURE BEACH PLANNING & ZONING COMMISSION  
REGULAR MEETING ♦ MAY 1, 2007

A regular meeting of the Kure Beach Planning and Zoning Commission was held on Tuesday, May 1, 2007 at 7:30 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Chair – Alan Votta

Vice Chair – Ken Buchert

Members – Tim Bullard

MEMBERS ABSENT

Janet Foster

James Schutta

STAFF IN ATTENDANCE

Building Inspector John Batson

Town Attorney A.A. Canoutas

Secretary Aimee Zimmerman

Liaison Commissioner Dean Lambeth was in attendance.

CALL TO ORDER:

Chairman Votta called the meeting to order at 7:35 p.m.

APPROVAL OF MINUTES

April 3, 2007 regular meeting.

Member Buchert indicates that on page 2, the fifth bullet point states that “it’s more reasonable to increase the setbacks (side) to 6½ inches...” It should read 6½ feet. Also on page 3, second bullet point from the top of the page reads “...have a stormwater plan **when** impervious surfaces would not need to be limited.” This should read “...have a stormwater plan **then** impervious surfaces...”

**ACTION:** Member Buchert made the motion to approve the minutes from the April 3, 2007 regular meeting with the above referenced changes. Chairman Votta seconds the motion. Member Bullard abstains from the vote as he was not present at the April meeting.

## PERSONS ADDRESSING THE BOARD

Mayor Pro Tem (MPT) Mac Montgomery was in attendance and spoke to the Commission regarding the Stormwater Committee's work on the Universal Stormwater Model Ordinance for North Carolina and how it relates to the work that the Planning and Zoning Commission has been asked to undertake by Town Council.

- MPT Montgomery provided the Commission with copies of a briefing by the Division of Water Quality on the Universal Stormwater Management Program.
- As of March 1, 2007, Kure Beach and virtually all coastal communities became part of the Phase 2 Stormwater Plan as administered by the EPA. The requirements for which are very stringent.
- At some point in the future, Kure Beach will be preparing all of the permits for stormwater applications for all construction in town. At this point in time, however, the State is overseeing permit issuance.
- The biggest change as a town pertains to runoff because as of July 1, 2007, we will be prohibited from discharging untreated water into estuaries. This water must be treated prior to discharge otherwise fees will be assessed.
- Additionally, if one acre or more is disturbed there will be a limitation on the amount of pervious surface that is allowed. Currently only 36% can be impervious. Anything under one acre is not limited.
- The Universal Stormwater Management Plan states there is no percentage of impervious surface rule.
- It will also be the developer's responsibility for controlling the first 1½ inches of rain and must have engineered stormwater systems.
- Our plan will mandate that water will be treated on site and will propose a retention process.

## OLD BUSINESS:

### Floor Area Ratio

- Member Buchert indicates that he's run some numbers and is proposing, as a starting point, something to the effect of .50 for floor area ratio used in conjunction with modifying the setback to 22' in the front, 15' in the back and 7' on the side. Also believes that additional floors should only be a percentage of the first floor.
- Limit can be placed on built upon square footage to reduce the size of homes.
- Council wants the Town to limit density but they do not believe that floor area ratio will work for the Town.
- Chairman Votta states that with a 5000 square foot lot with .50 FAR a person can have 2500 square foot coverage including decks and porches but not driveways. Take 700 square feet out for your porch and deck with a 35' wide house on a 50' lot you could have an 8' front and 10' rear porch would give you a 1800 square foot of heated space per floor that can give you a 3600 square foot house plus the space you could put in the

concrete area. With a 2-car garage you'd gain about 700 square feet bring the total to about 4300 square feet. Oceanfront property isn't really affected because their lots are 200' deep. This leaves the setbacks where they are.

- If a person is allowed a 4300 square foot home on the 5000 square foot lot, the house would be only 35' wide as opposed to 40' wide.
- Experts will be attending the May 9<sup>th</sup> joint work session with P&Z and Town Council and would be available to address any questions the Commission has on this issue.
- Cannot reasonably combine a floor area ratio with increasing the setbacks. The Commission is only addressing the issue of floor area ratio because the Land Use Plan told them to do so.
- Limiting the number of bedrooms can also help with density control and that parking would be limited.
- Economics will dictate that if we want to move towards single family homes to reduce density as opposed to duplexes, eventually once we start imposing stormwater standards for construction and the property values start going up on duplexes and tax values, why should taxes be paid on a duplex when it would cost less money to pay taxes on a single family residence with a large square footage?
- There is a cost benefit ratio to consider. In the next two years, 3-4 million dollars will have been spent to fix a sewer and water system in anticipation of the future and the more people here, the more demand and cost it will take to keep the system up. The larger the density, the larger the demands on all services which most are funded out of property taxes.
- Floor Area Ratio is not the only tool to control density.
- Chairman Votta suggests inviting Vagn Hansen back to a future meeting to discuss options other than floor area ratio.

Mike Robertson addresses the Commission

- Regarding setbacks, with the new revaluations property owners need to be able to use as much land as possible, from a financial standpoint.
- If the setbacks are increased, it will depreciate the value of the land.
- Specifically the hundreds of lots in the old part of town will be affected. These properties put the dollars into the budget. If house sizes are decreased, then there's less income to play with.
- Down the road the land values may not stay the same with a smaller house.
- It will affect the town in the long run with the affects on the tax revenues.
- Persons who bought property twenty years ago on which to build for retirement will now be told that their homes will have to be limited in size and that infringes on their rights.
- Does the town wish this to be a tourist town or a long-term resident town.

**ACTION: Member Bullard moves that the Commission send a recommendation to Town Council that the Planning and Zoning Commission discontinue discussion on Floor Area Ratio. Member Buchert seconds the motion. The vote of approval is unanimous.**

## NEW BUSINESS

### Proposed amendments to the Land Use Plan

- MPT Montgomery explained to the Commission that the new version of the proposed amendments deleted any reference to the term “variance” from the language as that term is not appropriate.
- Commissioner Lambeth advised the Commission that this matter is being addressed due to the recent issue with the Rolling Surf property. When the Land Use Plan was implemented, they knew that these six lots referenced in the Land Use Plan may become an issue.
- Consensus of the audience is that the amendment should not include the specific reference to Atlantic Avenue.
- Member Bullard feels that using Atlantic Avenue, specifically, gives the appearance of spot zoning. Kure Beach needs to maintain a business district and he is not in favor of amending the Land Use Plan at this time.
- Town Attorney Canoutas advises that the Commission can take out the reference to Atlantic Avenue.
- A timeline is in effect due to the fact that that the CRC only meets every two months.
- Chairman Votta believes that Mr. Sanders did not prove a hardship in his case before the Board of Adjustment and did not prove that a business couldn’t thrive. He further believes that the Town needs to promote business in the B-1 and he has an issue with this being pushed through as quickly as it is. The Land Use Plan was created by the people and he feels more notice, aside from newspaper publication, needs to be provided to the residents and that they should have a say in any change. He is not in favor of amending the Land Use Plan.
- Chairman Votta summarized Member Schutta’s memo to the Commission and his desire to keep the B-1 district strictly commercial and not amending the Land Use Plan. Member Schutta’s memo also states that he believes the public should have input prior to making these types of changes.
- Mike Robertson questions whether residents will tolerate residing in a commercial area voicing no change. Will parking become an issue? Will the relaxed parking in the B-1 apply to these homes? Are they single family or multi-use? Would he himself be permitted to tear down Bud & Joe’s and Bowman’s and put up a residence? Mr. Sanders has options that weren’t explored..
- Chairman Votta advises that duplexes will not be allowed. Also the relaxed parking would not apply to the Sanders’ property. That is for businesses and not residences.

**ACTION: Member Buchert moves to table this issue until the June meeting. The motion is not seconded. The motion dies.**

**Member Bullard moves to send this issue back to Council with no recommended changes. Member Buchert seconds the motion.**

**Chairman Votta moves to amend Member Bullard's motion not to recommend the changes but recommends that if Council decides to go forward with the amendment to the Land Use Plan then it is the recommendation of the Commission that letters should be sent to each citizen to specifically describe the changes to the Land Use Plan. Member Bullard seconds the motion. Member Buchert votes nay. The motion passes based on a majority vote.**

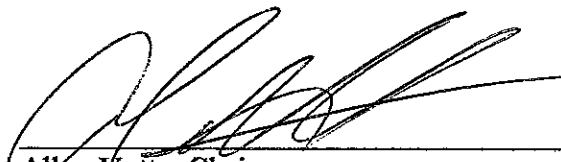
**MEMBER ITEMS:**

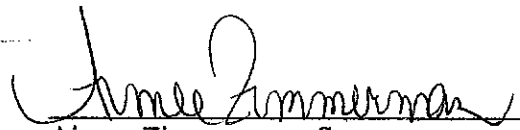
None

**ADJOURNMENT:**

**Member Bullard moves to adjourn the meeting. Motion seconded by Member Buchert. The vote of approval is unanimous.**

Meeting is adjourned at 9:30 p.m.

  
Allan Votta, Chairman

  
Aimee Zimmerman, Secretary