

**KURE BEACH
PLANNING & ZONING COMMISSION
TUESDAY, JUNE 3, 2008**

MINUTES

The Kure Beach Planning and Zoning Commission held its regular meeting on Tuesday, June 3, 2008.

MEMBERS IN ATTENDANCE

Chair – James Schutta
Vice Chair – Janet Foster
Members: Alan Votta, Tim Bullard

MEMBERS ABSENT

Craig Galbraith

STAFF IN ATTENDANCE

Town Administrator Michelle James
Building Inspector John Batson
Clerk Nancy Avery

OTHERS IN ATTENDANCE

Attorney Holt Moore

Chairman Schutta called the meeting to order at 7:32pm. A quorum of the Commission was present.

APPROVAL OF MINUTES:

ACTION – Member Votta **MADE THE MOTION** to approve the May 8, 2008 minutes as written with no changes. Chairman Schutta seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

PERSONS TO ADDRESS THE COMMISSION

None.

OLD BUSINESS

1. Amendment to Chapter 19 (zoning), section 333 (Height Limit Exceptions), subsection b on height limit exceptions as proposed by the Town Council (tabled at May meeting until the full Commission is present and has received a defensible legal definition of what constitutes ‘habitable’, ‘occupied’ and a clear understanding of ADA access requirements from the staff and the attorney)

Proposed amendment to replace current language in subsection (b) with following:
“no habitable structure or part of any habitable structure in Kure Beach should exceed 35 feet”.

Discussion:

Attorney Moore presented a memo defining ‘habitable’, ‘occupied’ and ADA requirements. Said memo is herein included as part of these minutes.

No action was taken on the amendment proposed by the Town Council.

ACTION – Member Votta MADE THE MOTION to adopt a new proposed amendment to Chapter 19, Section 333, subsection (b) that replaces the current language on Height Limit Exceptions to read as follows:

“The following list of exceptions shall be allowed to exceed the thirty five foot height limit in all zoning districts unless noted otherwise.

1. Chimneys may exceed the height limit only to the extent necessary to meet local and state building codes.
2. Electronic communication antennas may exceed the height limit and must meet any provisions regulating such installations.
3. Parapet firewalls may exceed the height limit to the extent necessary to meet local and state building codes. *
4. Architectural details and screening may exceed the height limit by not more than 7% of the building height. *
5. Ventilation hoods, HVAC equipment and any mechanical appurtenance required for building operation may exceed the height limit.*
6. Elevator bulkheads and roof access stairways including their enclosure may exceed the height limit.*
7. At no time shall the area allowed to exceed the height limit be used for human use.

* Pertains to commercial buildings only.”

Member Foster seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS

Discussion:

None

2. Discussion on amendment regarding signs -Member Galbraith to create the four components missing from the sign ordinance (prohibitive signs, amortization of signs, penalties, and prefacing) along with a Main Street model.

A proposed amendment to Article VI Signs was presented in absentia by Member Galbraith.

ACTION – Member Bullard MADE THE MOTION to table discussion of the proposed amendment to Article VI on Signs until the next meeting when Member Galbraith is in attendance. Member Votta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

3. Discussion on verification that mixed use is taken care of with the establishment of the special use permit process and discussion on model mixed use ordinances.

ACTION – Member Votta MADE THE MOTION to table discussion on verification that mixed use is taken care of with the establishment of the special use permit process until next meeting. Member Bullard seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

4. Discussion on stringent land use check off procedure (as per CAMA Land Use Plan)

ACTION – Member Votta MADE THE MOTION to remove stringent land use check off procedure from the agenda. Member Bullard seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

5. Discussion on drive through restaurants and limiting size of retail stores.

ACTION – Member Bullard MADE THE MOTION to table discussion on prohibiting drive through restaurants and limiting size of retail stores until the next meeting. Member Votta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

VI NEW BUSINESS

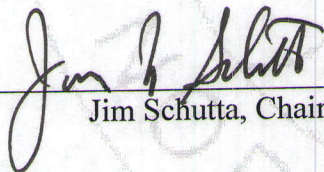
None

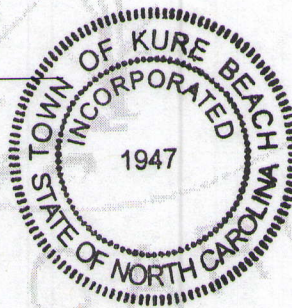
VI. MEMBERS ITEMS

None

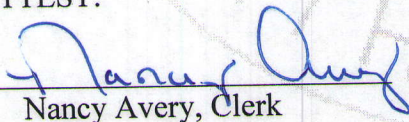
VII ADJOURNMENT

ACTION – Member Foster MADE THE MOTION to adjourn at 8:21pm. Member Votta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.


Jim Schutta, Chairman



ATTEST:


Nancy Avery, Clerk

NOTE: These are action minutes reflecting items considered and actions taken by the Commission. These minutes are not a transcript of the meeting. Persons wishing to hear the recording of this meeting may request to do so by contacting the clerk.