

**KURE BEACH
PLANNING & ZONING COMMISSION
TUESDAY, AUGUST 5, 2008**

MINUTES

The Kure Beach Planning and Zoning Commission held its regular meeting on Tuesday, August 5, 2008. Vice chairman Foster called the meeting to order at 7:34 pm. There was a quorum present.

MEMBERS IN ATTENDANCE

Vice Chair – Janet Foster
Members: Alan Votta, Tim Bullard, Craig Galbraith

MEMBERS ABSENT

Chair – James Schutta

STAFF IN ATTENDANCE

Town Administrator Michelle James
Clerk Nancy Avery

OTHERS IN ATTENDANCE

Attorney Holt Moore
Liaison Commissioner Nelder

APPROVAL OF MINUTES:

ACTION – Member Bullard MADE THE MOTION to approve the minutes from the July 1, 2008 meeting with one correction:

- Member Craig Galbraith was in attendance

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

OLD BUSINESS

1. Amendment to sign ordinance.

Member Galbraith stated:

- He and Town Administrator James met and reviewed the proposed sign ordinance.
- The zones and sign ordinance don't match up and he recommends defining what would be commercial in those areas that are on Fort Fisher for districts RA-3, RA-3A, RA-4 and RB-1.
- The way the ordinance was written, commercial signage could be put in residential zones. The matrix should also include the strip on K Avenue as commercial (RA-1 and RA-2).
- Once these are defined, we can talk about commercial signs and excluding them from residential districts.
- He is mainly concerned about Fort Fisher Boulevard.
- In the original sign ordinance, references are made to extra-territorial jurisdiction – not sure what that is.

Member Foster stated that all extra-territorial jurisdiction areas were put into conservation.

Member Galbraith reviewed additional changes he proposes to the sign ordinance.

- Section 19-373- Exceptions
 - # 2 – change 6 square feet to 32 square feet
 - # 3 – change 32 square feet to 6 square feet
 - # 4 – use ‘commercial districts’ as collective term rather than listing all zones
- Section 19-374 – Permit required; administration
 - change ‘building inspector’ to ‘code enforcement officer’
- Section 19-375 Prohibited signs
 - Add to list: ‘no pole signs are allowed’
- Section 19-382 Schedule of sign regulations
 - Add B-4 to table inset and ‘X’ out all signs in B-4 to prohibit them
 - Add ‘RA-3A off Ft. Fisher’, ‘RA-3 on Ft. Fisher’

Planning and Zoning members discussed different types of signs and the appropriateness of each and the proposed sign ordinance as present by Member Galbraith and Town Administrator James.

Changes that were discussed to proposed ordinance:

- Section 19-382- Schedule of sign regulations
 - Change 12 feet to 8 feet for free standing signs
 - B1 – limit to one sign in each category
 - Add asterisk and note ‘see exceptions in section 19-375’ for those that allow exceptions
 - RA3, RA-3A, RB1 and RA4 – add language ‘commercial only’
 - Prohibit roof signs and portable signs
 - Portable and temporary signs– put an asterisk to indicate an exception
 - Change term and definition ‘marquee’ to ‘canopy’
- Section 19-373- Exceptions
 - Add item # 8 for exceptions to read “current residential monument signs erected prior to 2008 are allowed. Monument signs must be approved and are subject to the subdivision approval process”.
 - # 7 political signs - and change thirty days to fifteen (15) days

ACTION – Member Galbraith MADE THE MOTION to bring the proposed sign ordinance to a workshop called by the Planning & Zoning Commission to include local business owners for discussion. Member Votta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION – Member Galbraith MADE THE MOTION to hold a workshop on Wednesday, August 20th, 2008 at 6pm to be advertised once in the newspaper with letters mailed to the business owners. Member Votta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Vice Chair Foster called for a five minute recess at 9:10pm.
Vice Chair Foster resumed the meeting at 9:15pm.

2. Discussion on exceptions to 35 foot height limit.

Member Votta stated he is submitting another version of a proposed amendment to the 35 foot height limit exceptions in section 19-333 of the zoning ordinance. (Said proposed amendment is herein included as part of these minutes).

Attorney Moore stated:

- In researching other places that deal with this type of issue, most of them use their Board Of Adjustment for the appeal process.
- If you allow exceptions as a special use, it will be more complicated because you will have to say which use and which district it is allowed in. Also Planning and Zoning and possibly Council would be involved in the process and you would have to decide if you want to look at every single thing that comes through.
- Special use would be a type of variance and since section two of the state law allows exceptions, you could say in the local ordinance that exceptions subject to limitations would be allowed by special use – best to stay away from Board of Adjustment, though, since they do grant variances.
- Special use is not a perfect fit – height exception is more an architectural feature not a use.
- You would have to set up criteria to say if an exception passes or fails so it wouldn't be alleged as arbitrary.
- Approval could be by Planning and Zoning and Council.
- The state law doesn't regulate the exceptions at all. You could have some type of review process –not necessarily by special use – possibly an exception review.
- Review process could only address items listed in section two of the state law and criteria would have to be determined.
- Could use Board of Adjustment but would need to clarify that only exceptions in section two of state law could be addressed.

Planning and Zoning Commission discussed what type of review process could be established to approve exceptions to the height limit.

ACTION - consensus – Member Votta to work on refining his proposed amendment on exceptions to the height limit and the approval process and present it to the Town Council at the August 19, 2008 workshop at 4:30pm.

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.

Member Galbraith handed out a sample form based ordinance to Planning and Zoning Commission members.

ACTION - consensus – continue discussion to next meeting.

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

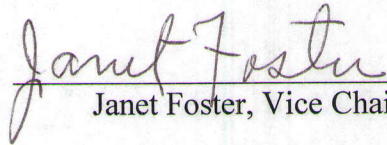
ACTION - consensus – continue discussion to next meeting.

NEW BUSINESS

None

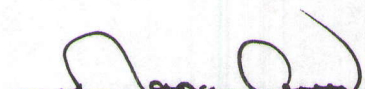
ADJOURNMENT

ACTION – Member Galbraith MADE THE MOTION to adjourn the meeting at 10:07 pm. Member Bullard seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



Janet Foster, Vice Chairman

ATTEST:



Nancy Avery, Clerk

