

KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ DECEMBER 2, 2008

A regular meeting of the Kure Beach Planning and Zoning Commission was held on Tuesday, December 2, 2008 at 7:30 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Chair – James Schutta

Members – Alan Votta, Craig Galbraith, Tim Bullard and Janet Foster

MEMBERS ABSENT

None

STAFF IN ATTENDANCE

Building Inspector John Batson

Town Administrator Michelle James

Secretary Aimee Zimmerman

Town Attorney Holt Moore

Liaison Commissioner Barry Nelder

CALL TO ORDER:

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

APPROVAL OF MINUTES

November 12, 2008 regular meeting.

ACTION: Member Votta made a motion to approve the minutes from the November 12, 2008 regular meeting. Member Foster seconded the motion. Member Bullard abstains from vote as he was not present at November meeting. The remaining members voted “aye”.

PERSONS ADDRESSING THE BOARD

Building Inspector Batson addressed the board regarding Beach Renourishment easements.

Building Inspector Batson advised:

- Perpetual beach renourishment easements exist on all oceanfront property.

- These have been a problem in the past few months especially in the SeaWatch subdivision with new construction.
- Their beach renourishment line was right in line with 60' CAMA setback.
- As current ordinance reads, no permanent structures are allowed within easement also meaning that pools cannot be built on those properties.
- Council has asked for a recommendation for allowing decking in the easement. They question if it is allowed, how much should be allowed.
- It is the Building Inspector's opinion that decking is temporary in nature and recommends to the board that decking, no more than 250 square feet would be allowed in the easement so long as it does not encroach more than 15 feet. Additionally, this would only be allowed on lots with footprints that are more restrictive than what CAMA currently permits within the 60 foot setback.
- This is most problematic in the 500 to 700 block of Fort Fisher Boulevard North.
- Attorney Canutos advised that should the Board recommend this then the ordinance should apply to the entire oceanfront of Kure Beach.
- This would not include walkovers. It would only include uncovered decks.
- Building Inspector Batson will request that all future surveys show the 60' CAMA line.
- The new ordinance would permit a 500 square foot deck in the setback but not in the easement.
- The SeaWatch subdivision lines are right within 2 inches of each other and, as such, recently caused an issue with a proposed pool.
- Commissioner Nelder indicated that any recommendation to Council will also require a public hearing.
- Building Inspector Batson suggested allowing a 15' encroachment into the setbacks if a perpetual easement line is with a certain amount of feet of the CAMA line.
- Any addition to the ordinances would be a supplemental regulation.

Discussion ensued among the Board members.

Building Inspector Batson states that the second paragraph should state: "250 square feet of a single level, freestanding uncovered deck is allowed within the easement. This excludes the walkway to the beach. The deck shall not encroach upon the easement more than 15 feet and this would only apply to lots that the 60 foot setback is within 5 feet of the perpetual beach renourishment line."

ACTION: Chairman Schutta moved to send to council a new amendment/addition to the ordinance for all oceanfront property that "No more than 250 square feet of single level, freestanding, uncovered deck, which does not include the walkway to the beach, may not encroach more than 15' ft. This would apply to lots where the CAMA 60 foot setback is within 5 feet of the perpetual easement line. All proposed construction will also be subject to all CAMA guidelines. Member Votta seconded the motion. The vote of approval was unanimous.

OLD BUSINESS:

1) Amendment to sign ordinance

- Member Galbraith passed out findings of his research regarding damage conditions. Member Galbraith recommends using example #5 and changing the heading to “Maintenance and Replacement”.
- As to the current sign ordinance, in 19-375(12), prohibited signs, strike the work “traditional”, “small” and “open” from the current language.
- Council has asked that P&Z look at political signs; Sec. 19-373(7). Council would like a recommendation from P&Z.
- The issue remains whether political signs should be allowed on governments property; town owned properties.
- Signs that are placed on the front lawn of Town Hall are covered under Federal law.
- This would include placement of signs at Joe Eakes Park, the “corral”, the water tower and pump stations.
- Member Galbraith recommends addition “No political signs are allowed on public property”
- Member Votta also suggested limiting the size of signs to 6 square feet.
- It is recommended that the ordinance read, “Political signs, not greater than 6 square feet, may be erected on any principal building or on any premises.”
- It was also suggested the ordinance should say “any private, principal building or premise”.
- Member Votta suggested eliminating the first sentence.
- Member Galbraith suggested taking out first sentence and stating “One may erect non-illuminated political signs, not greater than 6 sq. feet...”
- Should also add that “No political signs are allowed on public property.”
- Town Ordinance currently provides that the Town is allowed to fine signs in the right of way. This would also apply to political signs.

- Member Shutta questions 19-373(2) as to the number of signs allowed. In 19-375(8), it is stated that flags are prohibited. That makes for a contradiction. However, the first sentence states “unless expressly permitted elsewhere in this chapter...”
- Building Inspector Batson points out that flags put out for Memorial Day, Fourth of July, etc., are covered by 19-375 as it states “expect seasonal holiday decorations”.
- It was suggested that the last sentence of 19-373, allowing 1 flag per property, be removed. This ordinance is more appropriate for town with automobile dealerships.
- Member Galbraith suggests adding “Commercial” to the first sentence of 19-375 so it reads “The following “Commercial” signs are prohibited...”
- As to 19-375(11), should this apply to commercial properties, although this is private property, the sign itself is a commercial sign; thus, it applies in both residential and commercial areas.

ACTION: Member Galbraith made a motion to approve the amended sign ordinance with the revisions, as attached, and send it to Council. Member Foster seconded the motion. The vote of approval was unanimous.

2) 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.

- Needed to schedule a time for a workshop with Dexter Hayes.
- Discussion ensued and it was decided to hold the workshop as part of the regular February meeting. The workshop will be held first starting at 6:00 p.m. Town Administrator James will confirm this date and time with Mr. Hayes.
- It was also suggested that the regular meeting time be changed to start earlier. Due to the members' schedules, it was decided to change the regular meeting time to 7:00p.m., starting with the January meeting.

ACTION: Chairman Schutta made a motion to change the regular meeting time to 7:00 p.m. Member Galbraith seconded the motion. The vote of approval was unanimous.

3) Discussion on drive through restaurants and limiting the size of retail stores.

- This matter was tabled until after the workshop with Mr. Hayes.

NEW BUSINESS

NONE

MEMBER ITEMS

- Prior to the meeting, Member Foster submitted her resignation effective in February, 2009.
- Chairman Schutta, on behalf of the Commission, expressed his gratitude for Ms. Foster's experience and continued dedication to the Commission.
- This vacancy will need to be advertised.
- The Commission will also need to elect a new Chair and Vice Chair at the January meeting.
- Chairman Schutta volunteered to stay on as Chairman.
- Member Galbraith indicated his willingness to serve as Vice Chair.

ACTION: Member Bullard moved to elect Jim Schutta as Chairman of the Commission and Craig Galbraith as Vice Chair of the Commission. Member Votta seconded the motion. The vote of approval was unanimous.

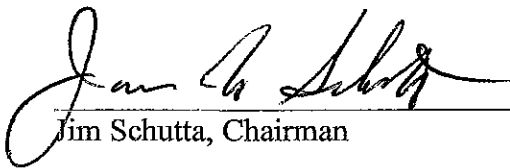
- Member Galbraith suggested obtaining more information on available grants for the Town. This is a matter that can be discussed at the January meeting.

- Chairman Schutta asked about the power lines at the pier and the possibility of those being buried and K Avenue being turned into a one-way street. This was a recommendation made by the Planning and Zoning Commission at the prior hearing. Nothing further had been communicated to the Commission on this recommendation.
- Perhaps someone from Progress Energy could be brought in to speak with the Commission about burying the power lines.
- Member Votta stated that there was an issue with the placement of the transponders in the B-1 district should the lines be buried.
- The Commission requests that this item be added to the January agenda.

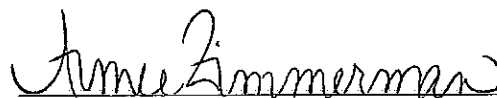
ADJOURNMENT:

Member Bullard moved to adjourn the meeting. Motion Foster seconded the motion. The vote of approval is unanimous.

Meeting was adjourned at 8:45 p.m.



Jim Schutta, Chairman



Aimee Zimmerman, Secretary