



KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ FEBRUARY 10, 2009

A regular meeting of the Kure Beach Planning and Zoning Commission was held on Tuesday, February 10, 2009 at 7:00 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Chair – James Schutta

Members – Alan Votta, Craig Galbraith and Tim Bullard

MEMBERS ABSENT

None

STAFF IN ATTENDANCE

Building Inspector John Batson

Town Administrator Michelle James

Secretary Aimee Zimmerman

Planning and Zoning Attorney Holt Moore

Liaison Commissioner Barry Nelder

CALL TO ORDER:

Chairman Schutta called the meeting to order at 7:24 p.m.

APPROVAL OF MINUTES

January 6, 2009 regular meeting.

ACTION: Member Votta made a motion to approve the minutes from the November January 6, 2009 regular meeting. Member Galbraith seconded the motion. The motion carried unanimously.

OLD BUSINESS:

1) Amendment to sign ordinance

- At council meeting it became apparent that in this economy there should not be additional financial burden on the public and that size of signs was an issue.
- There was confusion at Council meeting as the audience did not have the correct copy of the proposed ordinance.
- Member Galbraith requested that P&Z not discuss the sign issue tonight.

- Town Administrator James indicated that she has ensured that the posting on the website was the correct one; that Dan Bell received a copy of the proposed ordinance and each business owner was mailed a personal copy.
- As to the branding issue, Commissioner Vatrt is working on an economic development plan for the B-1.
- Member Galbraith stated some of the public input was incorrect such as the taxes on the businesses. These taxes are taxes that are collected by the businesses not paid by the businesses.
- Commissioner Vatrt will ask council to approve an economic development committee for Kure Beach.

ACTION: Member Galbraith made a motion to table the sign ordinance to the March meeting and allow time for the business community to review the correct proposal and have further discussions. Member Schutta recommended that the Board review the comments from the public hearing. Member Bullard seconded the motion. The vote of approval was unanimous.

2) Amendment to Chapter 19 as it relates to beach renourishment easements

- Building Inspector Batson indicated council sent this item back until the term “deck” could be defined.
- Council also requested they review the 250’ limit and how that number came about.
- Another request was changing it from 15’ encroachment to 10’.
- Member Votta felt 250’ is generous for a deck considering it only affects less than 10 lots. No reason to make it any larger.

With definitions below and after further discussion, this will be resubmitted to council for consideration and setting of a public hearing.

ACTION: Member Votta made a motion to send the beach renourishment easement back to council as written. Member Bullard seconded the motion. The motion carried unanimously.

3) Definitions of terms: Porch, Deck, Sundeck, Balcony, Loft, Widow’s Walk, Spire and Dome and include a definition for a Pergola

- Batson spoke with the Town Attorney who has consulted several dictionaries and he suggests utilizing Webster’s Dictionary.
- There was comment regarding the roof and how it relates to the porch.
- There was an issue that a deck can be separate from the building. Could include that a deck can be separated.

- Can amend definition of deck to include “Extending from or in near proximity from a house or other building.”
- Sundeck can be stricken from the list.
- As to “spire”, this is the same definition as what is in the height limit ordinance. Building Inspector Batson stated that Council was confused by adding the term “tower” to the definition.
- Member Galbraith moved to eliminate sundeck and add near proximity to deck, leave spire as is and refer back to council.
- As to pergola, it is not addressed in the height limit section. That is a cupola.
- A pergola shall be defined as “a structure consisting of parallel colindas supporting open roof of girders and cross rafters.

ACTION: Member Galbraith made motion to add return the definitions to Council and to include “Pergola – a structure consisting of parallel colindas supporting an open roof of girders and cross rafters”. Tim seconded the motion. The motion carried unanimously.

- Commissioner Nelder requested that the Board define gazebo. Webster’s defines as free standing roof structure open on the sides.

ACTION: Member Schutta made a motion to add “Gazebo – a free standing roof structure open on the sides” as a definition to be sent back to council. Tim seconded the motion. The motion carried unanimously.

- 4) 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.

With the proposal of form based planning, this item is no longer an issue.

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

Until form based zoning is put into effect, this is still an issue and should be addressed. Member Galbraith stated that this could be banned until a later date. Otherwise it can be tabled as this currently is not an issue.

ACTION: Member Galbraith moved to table this item until the next meeting. Member Votta seconded the motion. The motion carried unanimously.

NEW BUSINESS

1. Discussion on grants available to Town for purposes of burying power lines.

As there is so much coming down with economic stimulus package, there are a lot of things coming down from the State that need to be addressed. At this point in time, Ms. James is not prepared to speak to this issue yet.

Progress Energy could come out to do estimate. Michelle stated that burying the lines were included in the grants just written regarding the ocean front park.

2. Commission Vacancy

- Currently, the Commission has received two applications. Interviews must be set up. These can be done before the next meeting. Interviews will be scheduled at 6:30 for 15 minutes each. The applicants can be voted upon at the meeting. As Anne Brodsky is one applicants, if she is approved, she will need to resign from BOA. That needs to be made clear to her.

3. Letter from James Yoder is in response to new insurance increases.

- We do not have definition for condominiums.
- Mr. Yoder's complaint is that the 2 unit structure in which he resides is considered a duplex but they are recorded as a condo.
- Building Inspector Batson stated that although the building is a duplex, the land is deeded as "common land". The ordinance states a lot cannot be subdivided and made smaller than 5000 square feet. In order for them to get their insurance, they have to form an HOA and obtain two different types of insurance.
- This will be before council next week and will most likely come back to P&Z.

MEMBER ITEMS

- Member Votta had a question for John relating to density. He stated that in Fort Fisher there is a 7 bedroom house for sale and he believed this was addressed when they discussed density and the parking required (6) is not there.
- The Building Inspector will look into this issue.


- Member Galbriath asked if the Town had an ordinance that addressed the number of unrelated people in a structure.
- Attorney Holt stated they define family in Wilmington's ordinances.
- Building Inspector Batson advised most HOA guidelines review this.
- Member Galbraith stated that in some towns the town can come in and enforce HOA issues that are not being addressed and then bill the HOA for the enforcement.
- Member Galbraith will investigate this further.

ADJOURNMENT:

ACTION: Member Bullard made a motion to adjourn the meeting. Member Votta seconded the motion. The motion carried unanimously.

Meeting was adjourned at 8:23 p.m.


Jim Schutta, Chairman


Aimee Zimmerman, Secretary