



KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ JUNE 2, 2009

A regular meeting of the Kure Beach Planning and Zoning Commission was held on Tuesday, June 2, 2009 at 7:00 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Members – Alan Votta, Tim Fuller and Tim Bullard

MEMBERS ABSENT

Chair – Jim Schutta

Member Craig Galbriath

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:

ACTION: Member Fuller made a motion to elect Member Votta as temporary Chairman. Member Bullard seconded the motion. The motion carried unanimously.

Member Votta called the meeting to order at 7:11 p.m.

APPROVAL OF MINUTES

May 5, 2009 regular meeting.

Fuller stated that in the section where Jim Vatr was reporting to the committee on the economic development committee, the 2 folks from the dept of commerce talked about form based zoning and Mainstreet and the third person, a hotel developer, gave an overview of return on investment for hotels. Member Fuller requests that the minutes be changed to reflect that.

ACTION: Member Fuller made a motion to approve the amended minutes from the May 5, 2009 regular meeting. Member Bullard seconded the motion. The motion carried unanimously.

ACTION: Member Votta made a motion to move Item #2 from New Business to Section III, Persons to Address the Board. Member Fuller seconded the motion. The motion carried unanimously.

PERSONS TO ADDRESS THE BOARD

Spencer Rogers, Coastal Engineer and geologist with the North Carolina Sea Grant, address the Board.

- He looked at site where tents have been placed recently for weddings. (along Kure Beach Cottages at Alabama Avenue)
- Saw four problems from walkway:
 1. Large storm outfall, 150 feet up shoreline from it. Those places will washout fastest and farthest.
 2. Swimming pool – they are excavations in dunes and at high risk. They are a debris sources when storms hit. CRC passed rule that made swimming pools not an exception to building in the dunes. Although it was later removed the Legislature put them back in.
 3. Town of Carolina Beach walkway – nice dune ridge in that area. Low spot is the walkway with enough offset that it should be raised up or burying in place and building new one.
 4. Tent – in wide area, outside the easement. The exception was written to promote if something like this were to happen. Exception is being used at this property.
- Mr. Rogers suggested looking at how land area being used and lessen the impact on both sides of dune.
- The Town could look to install fence along back of easement where sand fence used to exist. If attached to pool, would cut off traffic along dune and make people use existing walkway.
- At the walkway, traffic is taking shortcut to the tent which damages the dune adjacent to dune ramp. May want to consider prohibition on pools at some point.
- What about removal of sea oats and sea grass? Member Votta asked if there are any restrictions. Mr. Rogers stated only to a degree and that the dunes are far enough back that it is not likely to have a natural elevation change.
- Member Fuller questioned the addition of the fence. Can this be accomplished by Kure Beach? Building Inspector Batson believed he can work with property owners to accomplish this. The Town has authority in the easement to place a fence.
- Member Votta asked about the areas south of that property? The whole 60’ area is basically the top of the dune. The Towns have taken 2 different routes on this: use public easement or build walkway of your own. The Towns have a lot of latitude.
- The Town of Kure Beach has an ordinance in place requiring private walkways.
- The Commission questioned if Mr. Rogers recommended restricting placement of tents on top of large, flat dunes. The answer was yes.
- This area is within the 60’ setback but not within the easement yet the Town is entitled to regulate what goes there.

- Do we have authority to say that no one can alter the topography of the dunes? Although vague, could specify that owners cannot use equipment to flatten the dune for purposes of erecting a tent for a wedding. It's regulated in the Ordinance.
- Member Fuller asked if they need an ordinance prohibiting people from erecting tents? Votta said if someone applies for permit, the Town can require a permanent sand fence to be erected. However, if in low lying area of dune, it really is not a problem.
- Canopies are regulated by ordinance in that they cannot be on beach past 7:00 p.m. at night.
- Member Votta would like to see restriction of placement only in valley of dunes and not on top of dune, also state can't be on any vegetation. Even allowing placement there, he does not want it to affect the dunes at some later date.
- John suggested that P&Z allow him time to come up with his own restrictions for presentation to the board next month.
- Alan suggested requiring placement of a sand fence as part of the permitting process.
- The Commission asked John to craft restrictions, while allowing, in some limited fashion, protective of a dune, with sandfencing for limiting pedestrian traffic, that not damage vegetation and adding a time limit.
- Can try to fix the current problem and if it becomes more of a problem, the Town could just not allow them at all.
- Member Votta would like the re-vegetation clause to remain.
- The Commission can fashion an ordinance for both commercial use, with possibility of posting bond, and for the rest of the beach as well as oceanfront.

ACTION: Member Fuller made a motion asking Building Inspector Batson to draft a proposed ordinance regarding placement of ocean front tents on the dunes. Mr. Batson is to also consult with the Attorney. Member Bullard seconded the motion. The motion carried unanimously.

OLD BUSINESS:

1) Amendment to sign ordinance

ACTION: Member Bullard made a motion to table issue until after public hearing and at a time when Member Galbraith is available. Member Fuller seconded the motion. The motion carried unanimously.

2) Height Limit Exception

- With latest application, there was confusion as to bringing preliminary plans for final approval.
- There is no provision for a preliminary review prior to bringing it before P&Z
- Must have final site plans, with application but add paragraph for a preliminary review.
- John rec. 250 for preliminary review with artist's rendering, have P&Z review and then bring back for final review with final plans.

- Member Fuller stated his concern about the time involved with a preliminary review followed by final review. There is also a problem if they do not get a final approval. Building Inspector Batson suggested having a written document specifying what will be approved or needs to be fixed. Member Fuller asked if the preliminary review could be done by staff.
- Exceptions are listed in the NC statutes.
- Should they include that Building Inspector Batson has authority to reject incomplete applications. Mr. Batson can act as gatekeeper in that everything must be complete and match a checklist prior to being brought before the TRC. There is a need to protect the Building Inspector.
- Member Votta suggested that Mr. Batson provide an opinion after review. Applications should be submitted to the Building Inspector for review and completeness.
- The Commission should add authorization of applicant to act on behalf of property owner should they not be the same. The phrase "Define the height exception" is asking the applicant to describe it in their own words. Member Fuller thought this was redundant.
- The last question is a bit concerning as it really is up to P&Z to make this determination however it makes the applicant really think about the request.

ACTION: Must add the word "Final" to the sentence pertaining to proving copies of the application to TRC. Add "final plans, final elevations..." Also add that property owner must sign application. In last sentence of Application, plans and No. of copies, change "accepted" to "acceptable" plans are prepared by licenses design professionals. Will also add "and approved as complete by...the building Code Enforcement Officer." On last page, add that applicant is acting as agent for property owner. Also property owner must sign application.

Break at 8:16

Return at 8:21

Member Bullard seconded the motion. The vote of approval was unanimous. This will go before Council in June for approval.

NEW BUSINESS

1. Discussion on grants available to Town for purposes of burying power lines. Member Galbraith and Town Administrator James are still working on grants. Commissioner Nelder spoke to the Progress Energy folks at a function, one of whom is public relations director (John Elliot). He does not believe they are aware of CAMA funding for burying the lines. Member Fuller asked where transformers would be placed. With the lots in the B-1 and the oceanfront, there is not room for the transformers. They cannot bury the transformers as we are too close to the ocean. Member Votta suggested that the B-1 study by Sawyer talked about increasing the sidewalks and re-routing traffic, etc. could allow for placement of the transformers.

MEMBER ITEMS

Member Fuller would like the board to consider talking conceptually about use of highway overlay districts along Fort Fisher Boulevard and K Avenue. Zoning overlay does not change original zoning but the overlay has some additional regulations such as limiting the number of driveway cuts to one, etc. Also, anyone who develops a property would be required to put a conforming sidewalk across the front of the driveway which would, in turn, cause incremental improvements. This is typically used in critical corridors. Member Fuller asked that this be added to next agenda. Member Fuller will gather additional information for the next meeting. Town Administrator James will also provide examples of overlay districts.

ADJOURNMENT:

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

Meeting was adjourned at 8:34 p.m.



Jim Schutja, Chairman



Aimee Zimmerman, Secretary