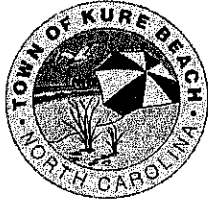


MINUTES



KURE BEACH PLANNING & ZONING COMMISSION

117 Settlers Lane ■ Kure Beach, NC 28449

Jim Schutta, Chair
Craig Galbraith, Member
Alan Votta, Member
Tim Bullard, Member
Aimee Zimmerman, Clerk to the Board

REGULAR MEETING
JANUARY 5, 2010 7:00 P.M.

MEMBERS PRESENT:

Jim Schutta
Craig Galbraith
Alan Votta
Tim Bullard

MEMBERS ABSENT:

None

STAFF PRESENT:

Building Inspector	John Batson
Town Clerk	Kaysie Pralle

Mayor Lambeth and Commissioner Nelder were present. Attorney Moore was present. A quorum of the commission was present.

CALL TO ORDER

Chairman Craig Galbraith called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES

December 1, 2009 - Regular Meeting

ACTION - Member Bullard MADE THE MOTION to approve the minutes from the December 1, 2009 regular meeting. Member Schutta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

PERSONS TO ADDRESS THE BOARD

John Elliott of Progress Energy - Grants for purposes of burying power lines

Mr. Elliott introduced Darrel Penny, Operations Supervisor. They explained there is no rough estimate of costs. Each case is unique unto itself. It is very expensive. Phone, cable and power are also on these poles. The residents and business owners would also have to be involved. Some expenses would be paid by resident/businesses. Transformers would be placed above ground.

Darrel - In beach areas where lots are small, the green boxes are an issue. The homeowners are required to rewire to accommodate underground wiring. If they have to remove any concrete they ask the municipality to pay for this.

John – Their costs typically run approximately \$300.00 per foot of line.
Member Galbraith – Some communities are doing this. There is a process.
John – They are proceeding in sections, or a particular part of town. It is being done by blocks.
Darryl - Elizabethtown is doing their downtown only.
Member Galbraith - Is the primary issue funding?
Darryl- Yes, cost is always the determining factor. In a storm it may not be reliable. If it is under saltwater, the lines will not work.
Darryl – In Wrightsville Beach to do a short section, it cost in the area of 15-20 million.
Member Schutta – In the 15-20 million estimate, was that the total cost or just your cost?
Darryl – It was just the electrical cost.
Member Votta – Around the pier, would you be able to set transformers across the street?
Darryl – It would be on a case by case basis. We need to keep it within a couple hundred feet of the load center.
Member Bullard – Is the \$300 per foot just Progress Energy’s cost?
John – It is just our cost and that is just a ballpark figure.
Member Bullard – Is there a minimum area requirement?
Darryl – There is but we are not sure of the requirement. We can certainly find that information and get it back to you.
John – To conduct the work and get an estimate you would need an engineers study and that would be a substantial cost.
Darryl – It would be in the neighborhood of \$30-40,000 to do a study.
Commissioner Nelder – Brunswick County changed all barrier islands to underground. Most of this was done with trench less technology. Could we do this here?
Four County Electric was able to get a grant.
John – Progress Energy would not be able to do that. Their corporations are set up very differently than we are. Progress Energy does not have access to federal grants.
Darryl – We do use trench less technology where we can.
Member Galbraith – Do you have to do the work, or can we send this out for bid?
John – We would do it.
Jim Vatr – Have you done this for other beachfront communities?
Is there a way of researching with other communities what the cost comparison is for above ground to under ground?
Darryl – Historically underground is more costly to repair simply because of the accessibility of the above ground lines.
Darryl – He could email the study cost for the Town.
Member Votta – Are the transformers allowed to be placed in the CAMA setback?
Darryl – They would need to check with their engineers.
Member Bullard – Is there any additional charges to the customer for the conversion?
John – If they have a new transformer base, it requires an additional inspection which may bring additional charges.
Member Votta – Would there be an interruption of service during the transition?
Darryl – They do the conversion in sections with an outage of approximately 4-6 hours.
Tony Garibay, resident – Street lights are placed on power poles, would they be replaced?
John – The lights would be placed on new poles.
Member Bullard – The transformers would be placed on the ground where space is limited. Is this an issue?
Darryl – This will be a challenge and has been for every project they have done.

Transformers are 3'x3'x2½' for residential.

It was stated that the Town will have to indicate a specific area for consideration which would then be submitted to Progress Energy for cost analysis. The next step was up to the Town.

CONSENSUS – No action taken at this time. This item is to be placed on the February agenda.

Member Galbraith requested adding Town Home Definition as Item #1 under Old Business.

OLD BUSINESS

1. Town Home Definition

Building Inspector Batson – He distributed a handout that is incorporated by reference and made a part of these minutes.

He spoke with Carolina Beach and how they handled subdividing a lot. The residents own the property directly under the unit. The other areas surrounding the property would be common property.

Member Galbraith – In the Kure Keys they have the same process.

Inspector Batson – There is nothing in the ordinance that addresses this. He introduced resident Terry Randolph, 906 N. Fort Fisher.

Mr. Randolph - It always comes down to new federal regulations which buy loans. The banks sell these loans and the federal government does not back these loans because they are listed as condo. There are two minimum requirements: 1. No single owner can own more than 30% of a condo unit. If this is a town home everyone violates this. 2. No more than 30% can be held for investment.

In New Hanover County it is listed as a D-1 property.

Member Galbraith – Is the issue a semantic issue? Can you get around this issue by calling it a town home or duplex?

Terry – From what he understands it is just the designation. If they can be called a town home as opposed to a condo it will solve the issue.

Attorney Moore – Distributed a memo which is incorporated by reference and made a part of these minutes. He proposes some changes to the ordinance. He believes that a town home is classified as two single family unit entities. If there is a home where the unit is split down the middle each lot would have to meet the minimum lot size. If it is just two units, it can be called a duplex. If you have two units, and the area around the units is common area, they can be considered either a duplex or a town home. If you have a condo, more than likely you have a declaration and it has been registered as a condo. From a real estate law, there may be challenges to the owner, not the Town.

Member Galbraith – In North Carolina, if a unit is recorded as a condo does the condo association own the exterior walls and the owner owns the interior walls?

Attorney Moore – It would be between the home owner and real estate agent, not necessarily the Town.

Jim Vattr, resident – Does a swimming pool complicate this further?

Attorney Moore – I am not sure if you would want this to be a situation where the common area would be split.

Terry – Robert Calder is the attorney that closed on his property. From his experience, a pool would be the HOA's responsibility to maintain.

Member Votta – Is there a possibility that this lot could be re-deeded as a single family unit lot?

Inspector Batson – Yes it can.

Attorney Moore – If you convert to a town house you have a new property line established that does not meet the minimum lot requirements, then you would have a non-conforming lot.

Member Schutta – We need to proceed very cautiously and need to make sure what the state defines as property line definitions.

Member Votta – It makes sense to call it a duplex without splitting the lot.

Mayor Lambeth – There is a firewall code difference between a condo and town home. This is something that needs to be explored before making any decision.

CONSENSUS – No action taken at this time. This item is to be placed on the February agenda.

2. Amendment to Sign Ordinance

Member Votta – All non-conforming signs are using the 30% rule. It is making the changeable copy of the sign small. We need more work to make the changeable copy percentage to be a little bigger. The eight foot rule makes most of the signs in the town non-conforming. We need to amend the height to allow pole signs.

Member Galbraith – What do we want the Town to look like 15 years from now? That is the purpose of the amortization schedule.

Member Galbraith – He explored many cities throughout the US and every single ordinance that he looked at had a non-conforming section with an amortization schedule. The maximum number of years for amortization was 15 years.

ACTION – Member Bullard MADE THE MOTION to table the sign ordinance until the February meeting. Member Schutta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

3. Zoning Overlay District

Applications for the committee have been received with nothing further to report at this time.

4. Impervious Surfaces

Attorney Holt recommended amending Sec. 19-321.5 of the code to include the following underlined wording:

Sec. 19-321.5. Prerequisite to construction, demolition, remodeling and impervious surfaces, etc.

(Additions are underlined)

Except as provided in section 5-62, no building, building repairs remodeling, installation, driveway, parking lot, or other ground covering impervious surfaces, other construction or demolition shall begin in the town until a permit has been obtained from the building inspector.

No permit shall be issued if the total square footage of the buildings and impervious ground covering surface will exceed sixty-five (65) percent of the lot; excepting there from, those structures located in the B-1 District and the established fire district of the town. Any type of impervious surface across the town right-of-way shall be limited to twenty-four (24) feet wide total.

Impervious surface coverage in the side setback area of residential lots shall be limited to 15% of the setback.

Driveways located in the setback area of residential lots shall be limited to 36 feet in width.

Mayor Lambeth – In the land use plan it states that driveways cannot be impervious.

Member Votta – What we have on the table now is supported by the land use plan.

He feels that they should send through what we have.

Attorney Moore – In this particular section it addresses impervious.

Member Votta – It will take us awhile to do a pervious surface ordinance. This could be accomplished with the Stormwater Committee.

ACTION – Member Votta MADE THE MOTION to recommend this ordinance amendment to Council as presented. Member Bullard seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

CONSENSUS - Pervious Surfaces are to be on the February agenda under New Business.

NEW BUSINESS

1. Commission Vacancy

ACTION – Member Schutta MADE THE MOTION to nominate and recommend to Council the appointment of Jim Vatr to the commission. Member Votta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Member Galbraith – He felt Jim was the best choice for what he brings to the table for P&Z. Member Schutta indicated that he felt it was a tough choice but that Jim Vatr was the best choice. All members made similar comments.

2. Appointment of Vice Chair


CONSENSUS - This item was tabled and is to be placed under Old Business on the February agenda.

MEMBER ITEMS

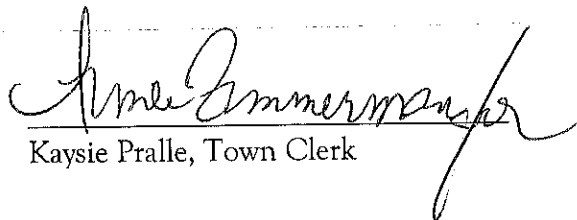
None

ADJOURNMENT

ACTION - Member Bullard MADE THE MOTION to adjourn the meeting at 8:52 pm.
Member Schutta seconded the motion. THE VOTE OF APPROVAL WAS
UNANIMOUS.



Craig Galbraith, Chairman



Kaysie Pralle, Town Clerk

NOTE: These are action minutes reflecting items considered and actions taken by the Planning & Zoning Board. 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 Town Clerk.