

MINUTES



KURE BEACH PLANNING & ZONING COMMISSION

117 Settlers Lane ▪ Kure Beach, NC 28449

Chairman Craig Galbraith

Member Tim Bullard

Member Alan Votta

Member Jim Schutta

Member Anne Brodsky

Aimee Zimmerman, Commission Clerk

REGULAR MEETING MAY 4, 2010 at 7:00 PM

MEMBERS PRESENT:

Chairman	Craig Galbraith
Member	Tim Bullard
Member	Alan Votta
Member	Jim Schutta
Member	Anne Brodsky

MEMBERS ABSENT:

None

STAFF PRESENT:

Building Inspector	John Batson
Town Clerk	Kaysie Pralle

Attorney Holt Moore was in attendance. There was a quorum of the commission present.

CALL TO ORDER AND WELCOME

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

ACTION - Member Schutta MADE THE MOTION to approve the agenda. Member Votta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Member Brodsky MADE THE MOTION to approve the April 6, 2010 meeting minutes. Member Schutta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

ACTION - Member Bullard MADE THE MOTION to approve the special meeting minutes for April 28, 2010. Member Brodsky seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

OLD BUSINESS

1. Town Home Definition

Chairman Galbraith - We had voted to eliminate the horizontal aspects, which are still in here.

Member Votta - 2D and 5B should be taken off, according to the minutes.

Member Schutta - We were going to eliminate 5B and 8 from the last meeting.

Chairman Galbraith - We were talking about a provisional approval. We were concerned about having someone do a conversion, but we did not want it undone by an

HOA. Are there any language suggestions? Whatever approval process is set up, that approval process is provisional subject to the HOA from a condo to what would be appropriate.

Attorney Moore - My concern is if it is taken apart, and without an approval, you would be in limbo. As long as you have Town approval, you should be covered.

Member Schutta - That is up to the homeowners to apply.

Attorney Moore - I think it is up to the owner, but we want to avoid a pitfall.

Member Schutta - What we are saying that the Town is giving you the opportunity to change if you want to.

Chairman Galbraith - You are required to have a HOA if you are a condo. If they are single family unit you still have to have an HOA. There may be a legal loophole where no one is managing the common area.

Attorney Moore - You could have a withdrawal of approval if not done within 90 days. Number 12 says that the existing covenants can stay in place until town approval is granted.

Building Inspector Batson - Who would look at the HOA documents?

Attorney Moore - We would need a certificate from the attorney creating a covenant.

Suggested Language - Approval of the conversion of condominium units to single family attached units under this section is conditional subject to filing an approval by the Town of an HOA appropriate to the single family attached unit complex.

Attorney Moore - We would want something from the attorney. His recommendation would be to identify what we want them to do and have the attorney approve this.

Member Bullard - Maybe Mr. Robert's attorney could provide us information of what they are asking.

Chairman Galbraith - We could approve this language and send to Council.

Building Inspector Batson - Who would approve the HOA? We will have quite a few of these coming in.

Member Schutta - Covenants get approved with the land.

Attorney Moore - I think they will be similar to condos.

Chairman Galbraith - We could say "subject to the filing of an attorney prepared certificate that specifies that the new HOA for the single family attached complex is similar to the previous condominium HOA."

Attorney Moore - Whatever is in the condo that was approved could transfer.

Recommended Language - Approval of the conversion of condominium units to single family attached units under this section is conditional subject to the filing of an attorney prepared certificate that specifies that the new HOA for the single family attached complex is similar to the previous condominium HOA."

Member Schutta - Number seven says who is responsible for what.

Chairman Galbraith - If we are going to have a lot more of these it will still look and feel like a condo unit as far as condo's go.

Member Schutta - This should also address subdivisions since there are common grounds in there as well.

Chairman Galbraith - That should be done by the contractor.

Member Votta – Read from NC General Statute 47C

Attorney Moore – You would get approval of the new Town setup first.

Member Votta – Is there anything that addresses this in the General Statutes?

ACTION – Chairman Galbraith MADE THE MOTION to table this subject to review General Statute 47C-2-118 and 47A-16 as applicable. Member Bullard seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Building Inspector Batson – According to General Statutes they can terminate an HOA with 80% of votes.

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

Chairman Galbraith – According to the minutes it was Fort Fisher to J and L Avenue and K Avenue up to 3rd. Commissioner Nelder said he would pass this along. He suggests putting the bullet points into an email and send to Town Council.

Member Votta – At the last Council meeting they assigned the Sawyer Study to utilize for this type of issue.

Member Brodsky – Do we need to put in a motion form to have a joint session?

ACTION – Chairman Galbraith MADE THE MOTION for a joint work session with the Planning & Zoning Commission and Town Council to examine a vision for Kure Beach and the areas Town Council would like P&Z to address, including power lines. Member Brodsky seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Member Schutta – It needs to fall in line with the Land Use Plan. Without a vision it will be no good.

3. Amendment to Sign Ordinance

Chairman Galbraith – Does this sample cover the items discussed at the last meeting?

Member Votta – There are items left off this copy we have today.

Chairman Galbraith – It is addressed in the minutes on page four.

Member Votta - The only thing was 18 sq ft or 20% of the allowable sign area for changeable copy, whichever is greater.

Chairman Galbraith – Right now there is a ten year amortization.

Chairman Galbraith – It is a recommendation for something nicer, but it is not required.

The only things unchanged in this handout are the chart on page 10, because it still says eight feet.

Resident - Which signs will be affected if this approved?

Building Inspector Batson – I have a list, but the list will need to be updated.

Building Inspector Batson – The number eight should be crossed out and 12 should replace it under free standing signs. From 30% to “18 sq ft may be illuminated changeable copy”

Resident - We have businesses that are struggling right now. Why make it harder on the current businesses?

Chairman Galbraith – They did this same thing in Myrtle Beach in order to make the community more attractive to tourists and businesses.

Member Bullard – Do we need more measurements?

Building Inspector Batson – Do you want me measure all signs?

Member Votta – If there are three signs that are not conforming, that is not very many. If there are six or more that is something that we need to consider.

Chairman Galbraith – I am more concerned by the height than the square footage.

Businesses are interested in beautifying their businesses, but the Town's interested in beautifying the Town as a whole.

Member Votta – If there are several that are within a few feet of being conforming we should consider that. This is more for the future planning of Kure Beach.

Resident - If the tallest is 17 foot, we could make that the cap on sign height.

Member Brodsky – Instead of making them put in a new sign, they would know it is non-conforming and when it comes down they will need to replace with a conforming sign.

Chairman Galbraith – That is why we should consider a ten year amortization. The other consideration is a variance to this ordinance. We could also change the ordinance to accommodate the bigger signs. We need to have more accurate measurements of the current signs.

Building Inspector Batson – I have an intern starting May 25th of this month that could assist with that.

ACTION – Member Bullard **MADE THE MOTION** to table this item subject to getting accurate measurements on existing signs, and also subject to correcting the table on page 10 to reflect the changes approved by the commission. (Eight (8) feet should be crossed out and Twelve (12) feet should replace it under free standing signs. Thirty percent (30%) should be changed to 18 sq ft may be illuminated changeable copy.) Member Schutta seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

4. Zoning Overlay District/Economic Development Committee

Member Brodsky – Did we have a time table when we made the motion?

ACTION – Member Brodsky **MADE THE MOTION** to amend the motion in item number two to take the zoning overlay district and discuss the Towns vision in item two to be done prior to the June Planning and Zoning meeting. Member Bullard seconded the motion. **THE VOTE OF APPROVAL WAS UNANIMOUS.**

NEW BUSINESS

1. Form Based Planning

Building Inspector Batson – Many municipalities have utilized this type of planning. This is similar to the Mayfaire Town Center in Wilmington. There should be a group that completes this and brings it to the public. The forum mentioned that if you get too many people involved you will not make progress.

Nelder – That is a problem here. We have too many studies and no clear direction.

Chairman Galbraith – I that the work session should include the discussion of form based planning.

ACTION – Chairman Galbraith MADE THE MOTION to include (in item number two’s motion) some direction to the consideration of form based planning. Member Votta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Commissioner Nelder – In the Sawyer Study there is an overlay district in the B-1 district.

Clerk to get the Sawyer Study to all P&Z members.

2. Parking Ordinance

Member Schutta – All zoning requirements refer to Kure Beach Ordinance 19-334 through 340. All are the same except B-1. I did not see where the others have issues.

Chairman Galbraith – We have all these parking requirements for many items, but it is not a clean cut ordinance, with the exception of lodging.

Member Schutta – If we do not have parking for restaurants, there will be no business.

Chairman Galbraith – I do not have a problem with exempting everything, except lodging, but we do not need to do it now.

Member Schutta – We are forcing a lot of parking where it is not needed.

Member Bullard – In another district this would apply.

Chairman Galbraith – On-site parking in the B-1 is not a point of discussion, except for lodging.

Member Schutta – We will leave as is.

3. Sweepstakes Machines

Chairman Galbraith – We should look at SIC codes. Code 7993 addresses coin operated devices. The devices in the Town are card operated. On occasion it is put under Code 7999 which addresses amusement and recreation, gaming devices, not coin operated.

Commissioner Nelder – The only thing that has been legalized has been putting some form of control on it with this type of regulation. We do not want it to intrude on our businesses.

Mike Robertson, resident - The option to put in sweepstakes machines as an additional source of revenue seemed like a good option. The income off those machines did not make up the 25% loss we suffered, but it helped.

Chairman Galbraith – This has to deal with SIC codes that prohibit this coming from a zoning perspective. Code 7999 is allowed because it addresses other things you have. If we restrict 7999, it would restrict half the items in Mr. Robertson’s arcade. In 7993 this would also address half of his business. We cannot restrict this type of business using SIC codes.

CONSENSUS - We cannot pursue this due to the existing codes.

ADDITIONAL MEMBER ITEMS

- Persons to address P&Z

CONSENSUS - Persons to Address the Commission to be placed on the beginning of all future agendas.

ADJOURNMENT

ACTION - Member Bullard MADE THE MOTION to adjourn the meeting at 8:43 pm. Member Schutta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

These minutes were recorded and typed by Kaysie Pralle.



Craig Galbraith, Chair

Failed to sign before leaving
Kaysie Pralle, Town Clerk



Nancy Hewitt, Interim Town Clerk

NOTE: These are action minutes reflecting items considered and actions taken by the Commission. 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.