



KURE BEACH PLANNING & ZONING COMMISSION  
REGULAR MEETING ♦ JUNE 1, 2010

A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on Tuesday, June 10, 2010 at 7:00 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Craig Galbraith, Chairman  
Alan Votta  
Tim Bullard  
Anne Brodsky

MEMBERS ABSENT

Jim Schutta

STAFF IN ATTENDANCE

John Batson, Building Inspector  
Commissioner Barry Nelder, Liaison  
Nancy Hewitt, Secretary  
Holt Moore, P&Z Attorney

CALL TO ORDER:

Chairman Galbraith called the meeting to order at 7:03 p.m.

PERSONS TO ADDRESS COMMISSION

There were no requests to address the commission. Chairman Galbraith asked that this item be placed after approval of the minutes in future meetings.

APPROVAL OF AGENDA

**ACTION: Member Votta MADE THE MOTION to approve the agenda. Member Bullard SECONDED the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**

APPROVAL OF MINUTES

- May 4, 2010 Regular Meeting

Attorney Moore asked that the minutes be amended under Old Business, Item #1 on Page 3 to state that the General Statute to be reviewed is 47C-2-118, not General Statute 47C-218.

**ACTION: Member Bullard MADE THE MOTION to approve the amended minutes from the May 4, 2010 meeting. Member Votta SECONDED the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**

## OLD BUSINESS

### **1) Town Home Definition**

Chairman Galbraith explained that the definition is a major issue because the commission wants to a corresponding guarantee that Home Owners Associations (HOAs) will be put in place if someone goes through the process of converting a condo to a town home.

Attorney Moore said that he looked into the statutes that take care of some of the concerns. The thought is that the commission wants to make sure there is a smooth transition of going from a condo to a town home and that there would be no gaps without an HOA. He didn't see anything that could cause a problem with the changes that were suggested in the May meeting.

Chairman Galbraith went over a number of changes that the commission had recommended to Section 15-??: Single Family Attached Residential Dwellings. It was agreed that items 2D, 5B and Section 8 would be removed. Everything below those items would be moved up and the recommended language from Page 2 of last month's minutes would be added as Section 11.

**ACTION: Member Votta MADE THE MOTION to eliminate 2D, 5B and Section 8 and to add the recommended language; "The 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 Brodsky SECONDED the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**

Inspector Batson said that this change would not need to go before a public hearing because it is under Chapter 15. Chairman Galbraith commented that this was just a definition, technically, but then he pointed out that it also requires an action. Member Bullard recommended letting Council decide if it has to go to a public hearing.

### **2) Discussion of remaining agenda items**

Chairman Galbraith suggested taking Agenda items 2, 3, 4 & 5 all at the same time while he would summarize the Joint Work Session that Council and P&Z had earlier today. The members had requested that Council meet with them to prioritize their objectives and give them direction. Council tasked the commission with the following items:

#### **PRIORITY ONE: Continue with the sign ordinance as per its discussions**

Council would like to see the sign ordinance finished by August, meaning that the commission would have to vote on it in July. Progress on this issue depends on getting the sign measurements from Inspector Batson who apologized that they hadn't yet been taken. He explained that he has been training a new intern. He offered to provide the information to them next week if they wanted to do a continuation of the P&Z meeting.

Member Votta said that, although last month's minutes on Page 3 state changes would be made to the sign ordinance chart located on Pages 10 and 11, those changes had not yet been made. Inspector Batson updated the chart and Secretary Hewitt will make sure everyone gets an updated sign ordinance chart in next month's agenda packet. Under the Free Standing column for Zones RA3 through B3, the following changes were made:

1. 8' feet should be crossed out and replaced with 12' feet.
2. 30% should be crossed out and replaced with 18 Square Feet (SF) of sign may be illuminated changeable copy.

Chairperson Galbraith and Member Votta discussed whether the wording regarding changeable copy was in addition to the 40 SF or whether it is part of the 40 SF. Member Votta thought it was in addition to the SF, and Chairperson Galbraith thought it was part of the SF. Member Votta said that, previously, signs could have 30% of the size of the sign and could have 18 SF of changeable copy. Inspector Batson explained to Chairman Galbraith that is why the commission had agreed to 30%. Chairman Galbraith asked if they wanted to keep the 40 SF and, in addition, have 18 SF of changeable copy sign. Member Votta said that was the way he had always understood it. Inspector Batson reminded them that everything could change after he submits his measurements to the commission. Chairman Galbraith suggested that the commission review the old P&Z minutes where the original language and intent regarding changeable copy were discussed.

**ACTION: Chairman Galbraith MADE THE MOTION to table the item until July when the commission would have the measurements and the discussion about changeable copy could continue. Member Brodsky SECONDED the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**

**PRIORITY TWO: Identify Overlay Districts**

During the joint work session with Council, Commissioner Fuller asked that the commission identify the geographic boundaries of a district. He also suggested that the commission should look at landscaping and usages/industries which could be allowed in those districts. Inspector Batson gave each member a copy of the zoning map to assist them in this endeavor.

Chairman Galbraith asked Attorney Moore if different uses could be specified; he asked if it was possible to not allow something that is allowable in a district, or if it was possible to at least limit what is allowable. Attorney Moore said that conditions and restrictions can be added to a district, thus limiting usage of the district. He agreed to look into whether something that is allowable in a district can be completely prohibited. Chairman Galbraith said that he found some inconsistencies between the zoning map and, possibly, the sign ordinance and/or the allowable usage; he wasn't sure. He will review his notes and see if he can find where he noted the inconsistencies in order to share them at next month's meeting.

**ACTION: Chairman Galbraith MADE THE MOTION to table Agenda items 4 and 5 until July with the understanding that the attorney will research what the commission can do with an overlay district when it comes to usage and also to identify one or more special districts within the Town to be ultimately used for form based planning. Member Brodsky SECONDED the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**

**PRIORITY THREE: Grants to pay for Feasibility Study to Bury Power Lines**

Council wants the commission to look at the prospect of having the Town's power lines buried in the B-1 area. Progress Energy estimated the cost of doing a feasibility study at \$30,000.

Commissioner Nelder commented that Engineering Services (ES) helped the Town get its Storm Water grant. He suggested that Bryan Cox with ES might be able to write a grant to pay for the feasibility study.

Chairman Galbraith also said that Council wanted the commission to recommend other companies that might be able to conduct the feasibility study. Discussion ensued among commission members and the following companies were recommended:

- 1) Commissioner Nelder: Lee Electric and ES (Bryan Cox)
- 2) Member Bullard: Elliott Electric
- 3) Mayor Lambeth had given the commission members a copy of a letter from Big Woods Engineering

Chairman Galbraith said that the Town of Carolina Beach is currently working on this project for its town. Member Brodsky agreed to contact Tim Owens at Carolina Beach to find out more and Chairman Galbraith said that he would contact someone at Wrightsville Beach. He agreed to send an email to council, tonight, with the following points:

- 1) The commission received a quote for \$30,000 from Progress Energy for an engineering study.
- 2) It is contacting officials with the towns of Carolina Beach and Wrightsville Beach regarding the status of their projects to bury power lines in these towns.
- 3) Four companies have been identified that could be contacted regarding alternate cost estimates for a feasibility engineering study: Lee Electric, ES, Elliott Electric and Big Woods Engineering.

**ACTION: Member Bullard MADE THE MOTION to table Agenda item #2. Member Votta SECONDED the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.**

#### NEW BUSINESS

None

#### MEMBER ITEMS

Member Brodsky brought up the issue of new construction and underground utilities. Chairman Galbraith asked that this item be added to next month's P&Z agenda.

#### ADJOURNMENT

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

Meeting was adjourned at 7:53 p.m.

  
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Craig Galbraith, Chairman

  
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Nancy S. Hewitt, Secretary