



KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ JULY 6, 2010

A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on Tuesday, July 6, 2010 at 7:00 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Chairman Craig Galbraith, Members Tim Bullard, Alan Votta and Jim Schutta

MEMBERS ABSENT

Member Anne Brodsky

STAFF PRESENT

Building Inspector John Batson
Administrative Assistant Nancy Hewitt

Attorney Holt Moore was in attendance.

CALL TO ORDER

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Member Bullard requested that an extra word be removed from a sentence under Old Business for proper language purposes.

ACTION – Member Votta MADE THE MOTION to approve the June 8, 2010 meeting minutes, as amended. Member Bullard seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

PERSONS TO ADDRESS COMMISSION

- Kure Beach resident, Charlie Allo, addressed the commission regarding slot machines. He stated that the SIC code states that anything that is not specifically approved is denied, or words to that effect. Therefore, businesses in Kure Beach shouldn't have gambling machines in them because that doesn't fit into the definition of their business. In order for it to get into the book, it has to be brought before the Planning and Zoning Commission to be looked at to determine what category it goes in. Then, the commission can either insert it or deny it. If the

commission agrees to insert it, the commission can limit what goes into the code and the commission has done that in the past quite a few times. So, the control is there.

- Inspector Batson read the SIC code from the Town’s zoning ordinance under Section 19-79: “A use not specifically addressed by the zoning ordinance shall be expressly prohibited so as not to alter or endanger the purpose of the zoning pertaining to each district and to insure that the original intent and purpose as specified in G.S. § 160A-383 is maintained.”
- Member Votta pointed out Appendix A. Extraction of SIC Codes for Zoning: “7993 – Coin Operated Amusement Devices.” Juke boxes, pinball machines, mechanical games, slot machines and similar types of amusement equipment are listed.
- Mr. Allo stated that the SIC code goes by the main category of the type of business. So, gaming has to be listed as the main business.
- Chair Galbraith read Section 19-243. Permitted Uses. He questioned if a business would be limited to one of the uses or if a business could have a combination of uses.
- Attorney Moore commented that using several of the uses within one business has the danger of going beyond the intent of the ordinance.
- Mr. Allo stated that the businesses have to stay true to the intent of the SIC code.
- Chair Galbraith said that the way the ordinance is written is what counts and it doesn’t clarify whether a business can have only one use or multiple uses.

CONSENSUS – 1) Attorney Moore will research the subject of discussion further and come back to the commission with his findings. 2) Discussion of SIC Code Categories for Zoning will be placed on the August agenda under new business.

OLD BUSINESS

1. Town Home Definition

The final definition will be presented at the next council meeting for approval. Ms. Hewitt has forwarded the definition to the Town Clerk to be placed on the July council agenda and Inspector Batson will provide the ordinance number to the Town Clerk.

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

- Chair Galbraith stated that he and Member Brodsky had agreed to talk with other groups about this item. He stated that the Town of Wrightsville Beach isn’t doing anything at the moment because the cost is too great; but the chairperson of their Planning and Zoning Commission was under the impression that the cost to do the study was substantially less than what was presented to Kure Beach. Member Brodsky checked with the Town of Carolina Beach which is looking at the same issues Kure Beach is, and they might be interested in doing a joint study with Kure Beach to defray costs.
- Member Schutta suggested the commission should look at Oak Island to see how they got their grants and how their project proceeded.
- Commissioner Nelder stated that Oak Island worked with its power provider and FEMA to bury its power lines a few years ago. As he understood it, FEMA gave Oak Island a grant to underwrite most of the project because it was much safer to have underground electric lines during storms.

CONSENSUS – Inspector Batson will have his summer intern, Corey Mullen, poll the different beach towns south of Kure Beach to see where they stand on burying their power lines and to contact Oak Island about their project.

3. Amendment to the sign ordinance

Chair Galbraith said that the amortization language in the sign ordinance had been agreed upon but that it wasn't formally adopted. Looking back to the April minutes, we have the language but we were waiting for Inspector Batson's measurements before making a formal motion to add it. We were talking about changing the amortization to lengthen it for people who aren't able to sell their properties at the moment. The language that needs to be added as item (d)(1) is as follows: "However, an owner or lessee having been authorized by the owner to act as agent may be granted, one time only, an extension for non-conforming signs to exist beyond the statutory amortization period so long as it does not exceed three years, and further provided that all of the following conditions are met: a) the lease was entered into prior to effective date of ordinance, and b) lease is duly executed and includes date and time stamp indicating it was recorded in the office of the Town of Kure Beach, and c) the extension is granted personally to the petitioner only with no assignment right of any kind."

ACTION – Chair Galbraith MADE THE MOTION to add as (d)(1) under Section 19-381 the wording as identified on page 4 of the April 6, 2010 minutes. Member Bullard seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

- Chair Galbraith stated that the way the changeable copy sentence is worded under the sign tables on pages 11 and 12 is confusing.
- Member Votta suggested taking out the wording "of sign" to make it read "18 SF may be illuminated changeable copy sign."

CONSENSUS – It was agreed that this change to the language would be beneficial in alleviating any confusion. The language will be changed in each of the categories within the table.

- Chair Galbraith thanked Inspector Batson for taking the sign measurements which he provided to the commission in a handout at the meeting. The handout is hereby incorporated into these minutes as "Exhibit A."
- Inspector Batson asked the commission if they were going to maintain the 12' (feet) height limit.
- Chair Galbraith said he could see allowing up to 14' (feet) in height to allow other businesses to keep their current signs. He said that although council had requested the commission to have the sign ordinance ready to present to council at the August council meeting, he would like everyone to drive around and look at the signs to get a feel for what is too big.

ACTION – Member Bullard MADE THE MOTION to table the discussion until the next meeting. Member Votta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.



Kure Beach Building Department

117 Settlers Lane • Kure Beach, NC 28449

(910) 458-6535 • fax (910) 458-4269

John Batson, Building Inspector

To: P+Z Commission

From: John Batson

Re: Business Signage in B-1

Date: 7-1-10

Seven Seas Motel: (2) 54"x94" (2) 30"x72"

Hi-Tech Arcade: 48"x120" ??????

Freddies: 36"x60" ??????

Old Pier House: 24"x144', 48"x24'" TOTAL HEIGHT: 16'

Bowman's Insurance: 61"x33" + 24x48

Palm Air Realty: 36"x72" changeable, 48"x96" TOTAL HEIGHT: 13'

Dry Dock by Pier: 98"x123" TOTAL HEIGHT: 13'

Petersons: 26"x44"

Big Daddy's: 96"x120", 48"x132"

Moran Motel: 84"x104" TOTAL HEIGHT: 15'

Sand Dunes: 65"x170" and a 24"x84"

Admiral's Quarters: 36"x72" changeable and a 60"x72"

South Winds: 32"x150" Changeable, 12"x30", and 24"x72" TOTAL HEIGHT: 16'

Jack Mackerals: 120x60, Change Copy 74x48 TOTAL HEIGHT: 18'

Shirt Shack: 24"x60" ??????????????

Kure Pier: 30"x144" TOTAL HEIGHT: 14'

Pier View: 144"x24", 48"x24"

Communtiy Center: 48"x72", changeable 24"x72"

Ocean Dunes: 96"x56", 84"x36", 24"x92", 120"x72"

Trading post: 144"x78" TOTAL HEIGHT: 22'

Live Oak Village: 36"x58"

Lutheran Center: 24"x24"

Baptist Church 48"x60"

Tucker Square: 12"x24"

Ocean View Apt.: 36"x48"

KB Village: 72"x68"

Seawatch: 51"x92"

Kure Memorial Lutheran: 30"x72"

Island Kwik Mart: 97x74, 78x42, 70x48, 54x49, 71x40, and Change Copy
78x42 TOTAL HEIGHT of MAIN sign: 14'. TOTAL HEIGHT PIZZA:
12'

Jim Ring Realty: 61x74, and 48x61 Change Copy. TOTAL HEIGHT: 18'

Kure Keys: 113"x80"

Sandi Beach Inn: 72"x48" TOTAL HEIGHT: 10'

Blue Marlin: 72"x72", 48"x96", Change Copy (2) 24"x72", (1) 24"x48"
TOTAL HEIGHT: 16'

Darlings: 24"x24", 29"x43"

Island Realty: 60"x48" TOTAL HEIGHT: 12'

East Wind: 65"x42"

Beach House Burgers: 96"x48", (2) 48"x48"

4. Zoning Overlay District

- Attorney Moore had been asked by Chair Galbraith to share if uses could be restricted in an overlay district. He informed the commission that, as long as they are specific, they can cut uses that are otherwise allowed in a zone.
- Chair Galbraith said that might be a way to deal with some of the usage issues. The town could have allowable SIC codes but could have an overlay district that can be defined.

5. Form-Based Planning

Member Votta suggested tying both the Zoning Overlay District and Form-Based Planning together for discussion at the next meeting.

ACTION – Member Schutta MADE THE MOTION to table items 4 & 5 until August with the understanding that the commission start pushing forward on form-based planning. Member Bullard seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

NEW BUSINESS

1. New Construction and Underground Utilities

This was an item that Member Brodsky had asked be placed on this month's agenda. As she was not in attendance, it was the consensus of the commission to table the item until she could be present.

ACTION – Chair Galbraith MADE THE MOTION to table the item and discuss it under old business at the next meeting. Member Bullard seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

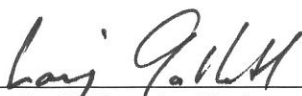
MEMBER ITEMS

- Inspector Batson asked the commission they needed Attorney Moore to attend the next meeting as there are budgetary concerns.
- Member Votta suggested that the attorney could simply email Inspector Batson with the information the Chair Galbraith requested from him regarding uses and the SIC code information.

ADJOURNMENT

ACTION – Member Bullard MADE THE MOTION to adjourn the meeting. Member Votta seconded the motion. THE VOTE OF APPROVAL WAS UNANIMOUS.

Meeting was adjourned at 8:00 p.m.



Craig Galbraith, Chairman



Nancy Hewitt, Administrative Assistant