



KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ AUGUST 3, 2010

A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on Tuesday, August 3, 2010 at 7:00 p.m. A quorum was present.

MEMBERS IN ATTENDANCE

Chairman Craig Galbraith, Members Tim Bullard, Alan Votta and Anne Brodsky

MEMBERS ABSENT

Member Jim Schutta

STAFF PRESENT

Building Inspector John Batson
Town Clerk Nancy Avery

Liaison Commissioner Barry Nelder was in attendance. Attorney Holt Moore was not in attendance. A quorum of the commission was present.

CALL TO ORDER

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

APPROVAL OF AGENDA

MOTION - Member Bullard made the motion to adopt the agenda with no changes.

SECOND – Member Brodsky

VOTE - Unanimous

APPROVAL OF MINUTES

MOTION – Member Votta made the motion to adopt the minutes of the July 6, 2010 meeting with no changes.

SECOND – Member Brodsky

VOTE – Unanimous

PERSONS TO ADDRESS COMMISSION

None

OLD BUSINESS

1) Burying power lines

Building Inspector Batson stated that he called the Towns of Oak Island, Southport, Ocean Isle and Holden Beach about burying power lines. He was only able to speak with the Town Manager at Oak Island who told him that Brunswick Electric (power company) applied for the FEMA grant to bury power lines on their own initiative after Hurricane Floyd. Total cost was \$7 million with Oak Island's share at \$2 million. This was for 8 square miles and 8400 properties. The Oak Island Town Manager stated that the FEMA grant comes available every November for this type of thing.

Inspector Batson said he had left a message for Brunswick Electric, but had not received a return call.

Chairman Craig commented that the cost was dramatically different from what we were given.

Member Bullard stated that Progress Energy quoted \$1 million per mile. We have 2400 properties and Oak Island has 8400 properties.

Chairman Galbraith suggested we take the lead by passing the information about the FEMA grant being a cyclical process to the Town Council to get on the grant cycle. As a commission we have done everything we have been asked to do. This needs to be put on the agenda for the Town Council

Member Brodsky stated that she spoke with Tim Owens, the Town Manager at Carolina Beach who said that the process was tedious and that it was not only Progress Energy that was the hold up but other avenues such as road work with Department of Transportation, telephone lines, cable lines, etc.

Commissioner Nelder commented that there is a big difference between Four County's attitude and that of our electric company. The technology is there.

MOTION – Member Bullard made the motion to forward the grant information to the Town Council and to get clarity from the Council about further pursuit of burying power lines.

SECOND – Member Brodsky

VOTE - Unanimous

2) New construction and underground utilities

Member Brodsky asked if we can put in an ordinance requiring new construction in the future to bury utilities.

Inspector Batson stated that most are doing this anyway. The citizens prefer utilities underground. The power company is already burying the utilities underground from the power pole to the house.

Member Votta agreed that utilities for new construction are already being put underground. It has never come up as an option for him not to bury them. The customer wants utilities buried. Does it have to be ordinance or can it be on the pre construction check list?

MOTION – Member Brodsky made the motion to add the requirement for buried utilities on the pre construction check list for building inspection.

SECOND – Chairman Galbraith

VOTE - Unanimous

3) Sign ordinance amendment height limit

Member Votta stated he had looked at the signs and doesn't have a problem with 18 feet for future construction. The businesses we have now with 18 foot signs might be a little high, but it would be fine with mixed use.

Chairman Galbraith stated that all the beach communities in California are putting in sign ordinances aggressively, trying to make signs look like what is in the Sawyer document. The state of Virginia is also doing the same thing. They are doing what we originally talked about with no interior lighting, and 8 foot height. This is what the Sawyer document recommends, and I want the minutes to show that if we follow the Sawyer document as per Council instruction, it will be maximum 8 feet in height, no pole, no changeable copy with exterior lighting. Our business community wants interior lighting and changeable copy signs. I think 12 foot height is good. I've considered the business community concerns. There are only about 5-7 signs and we are giving them many years to do this. We need to think about what we want Kure Beach to look like in 10 years. I think we should hold the height to 12 feet. They have 10 years to change.

Member Bullard stated that only one sign is at 12 feet. Everything else is between 15 – 16 feet.

Member Votta asked Chairman Galbraith if he would go for 14 feet? Should we add that we want only one changeable sign or pole sign per business? We didn't specify on projecting or shingle signs, the only one we limited was canopy signs. Everything should be one sign for pole, projecting, changeable (can be doubled sided). Should we clarify in the table to say one freestanding sign with changeable copy?

Chairman Galbraith stated he thought that was already there.

MOTION – Chairman Galbraith made motion to add '1 sign' to each item in the free standing and projecting signs on the table in the ordinance.

SECOND – Member Votta

VOTE - Unanimous

Member Votta stated that amortization is going to be the stumbling block. Could we have options? Either 10 years or be more strict on damage or replacement of sign.

Both Inspector Batson and Chairman Galbraith said that's grandfathering, which is what we are trying to get away from and defeats what we are trying to do.

Member Brodsky stated it is a difficult position for her since she just bought a new sign a couple of years ago.

Chairman Galbraith stated that the accounting definition of depreciation is that a sign no longer has value after 5 years.

Member Votta asked about the requirement of 50% damaged. 50% of what value and who places that value?

Member Brodsky stated it is the current market value of the original purchase.

Member Bullard said that page six, last paragraph states 'estimated total value'. Should we change that to 'estimated total replacement value'. Then it would read '50% of estimated total replacement value of the sign'.

MOTION – Member Brodsky made the motion to change 'total value' to 'total replacement value' on page six in the last paragraph.

SECOND – Chairman Galbraith

VOTE – Unanimous

MOTION – Chairman Galbraith made the motion to change the height for freestanding signs from 12 feet to 14 feet in that column of the table.

SECOND – Member Votta

VOTE – Unanimous

MOTION – Member Brodsky made the motion to forward the amendment with the referenced changes to Council.

SECOND – Chairman Galbraith

VOTE – Unanimous

4) Form based planning and overlay district

Chairman Galbraith stated that a while back we recommended Council form an ad hoc form based planning committee with some members of Planning and Zoning and anyone else interested. This will be a huge, multiple year project that will require a lot of hearings. We have already recommended the area. The recommendation for this committee has not been formerly passed to Council.

MOTION – Member Brodsky made the motion to gracefully with encouragement pass on to Council the request to form a sub committee with some Planning and Zoning (P&Z) members, but not exclusively P&Z with the recommendation that it be a small committee for manageability purposes, with P&Z having a significant presence.

SECOND – Member Votta

VOTE – Unanimous

NEW BUSINESS

1) SIC codes for zoning

Chairman Galbraith said it was brought up that we should use SIC codes to prevent certain types of zoning.

Attorney Holt Moore sent an email stating that you can have multiple SIC code with an activity. If we wanted to preclude anything, we would have to have it in the ordinance. We can't use the SIC code argument to eliminate or prohibit video sweepstakes. If Council wants to eliminate this, Council has to have a specific ordinance. The SIC codes have a lot of allowable uses in our ordinances. Should we visit allowable uses since it is very broad.

Member Votta commented that we removed some uses.

Member Bullard said we went on the assumption that because of the cost and availability of land, a lot of the uses wouldn't be feasible.

Chairman Galbraith stated that was true in the business district only. Put this on the agenda under old business to look seriously at SIC codes to see if we want to purge any of those uses and have language to say you can't have it. Business district is the only district where there are SIC codes. The larger questions is do we want to have a SIC code approach to zoning?

MEMBER ITEMS

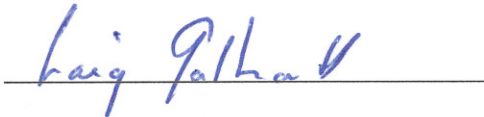
None

ADJOURNMENT

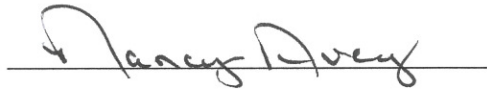
MOTION - Member Bullard made the motion to adjourn at 7:55 pm.

SECOND - Member Brodsky

VOTE - Unanimous



Craig Galbraith, Chairman



Nancy Avery, Town Clerk