



KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ SEPTEMBER 7, 2010

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

MEMBERS IN ATTENDANCE

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

STAFF PRESENT

Building Inspector John Batson
Administrative Assistant Josie Fitzgerald
Deputy Town Clerk Nancy Hewitt

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.

INTRODUCTION OF NEW CLERK TO THE P&Z COMMISSION

John introduced Josie Fitzgerald to the commission. Chairman Galbraith welcomed Josie on everyone's behalf.

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 Brodsky made the motion to adopt the minutes of the August 3, 2010 meeting with no changes.
SECOND – Member Bullard
VOTE – Unanimous

PERSONS TO ADDRESS COMMISSION

None

OLD BUSINESS

1. Zoning Overlay District & Form-Based Planning sub committee
At the 8/17/10 meeting, Council directed P&Z to write a perspective of what the ad hoc committee for form-based planning in the B1 district and zoning overlay will do, what members will comprise it and the time frame of how long the ad hoc committee will function and what they will be expected to do.

Chairman Galbraith stated that this is going to be time intensive labor and may be a year long project. The requirement for the ad hoc committee is that the commission could have only 2 members of its board on it to keep from having a quorum of P&Z members.

Member Votta asked if everyone got the impression that council wanted P&Z to decide on these topics rather than have an ad hoc committee handle it. He said that the council even offered to allow them to get a consultant. Chairman Galbraith and Member Brodsky confirmed his impression.

Chairman Galbraith said the committee should be kept relatively small; perhaps 5-6 people. He said he would be glad to write a paragraph about form-based planning; the process of identifying how it should be written in the ordinance in terms of what the zoning overlay would be. The process would also involve holding workshops with the public to determine the design characteristics.

It was discussed how to obtain members for the committee; whether to advertise for committee vacancies or to bring in members from specific current committees.

Member Votta asked the members if they were opposed to just working on the form-based planning and zoning overlay themselves since the P&Z commission was the most informed on the subject. He suggested that they could spend an extra 30 minutes at every commission meeting discussing the topic rather than having to attend another meeting for another committee. If council is leaning towards the commission working on it, and we can hire a consultant to help us when we need one, we should just handle it and not have to deal with another committee.

Chairman Galbraith asked how the different committees would be able to input their suggestions about the planning.

Member Votta suggested that once the commission got its "game plan" together, then it could figure out when to invite the different committees to come and give their input.

Member Brodsky mentioned that since their meetings were open to the public, anyone could come at any time to hear what was being discussed.

Member Votta confirmed that the topic would be placed on the agenda each month and given a 30-minute block of time for discussion, including any presentations that would need to be made in regards to the topic.

MOTION – Member Schutta made the motion that the Planning and Zoning Commission take on the responsibility of developing the form-based planning and zoning overlay framework and put together what the requirements would be for it

as we go forth in our regular meetings and to hold public meetings for input, as necessary, within a one year timeframe.

SECOND – Member Brodsky

VOTE - Unanimous

2. Look at SIC Codes to purge any uses and language to prohibit certain uses.

Chairman Galbraith stated that he looked up zoning codes in other counties and cities, including several in North Carolina. A lot of them use the SIC approach. He also went to a website BLOG for planning directors and city managers, etc., who are located in the southeastern United States. After reading these BLOGS, he felt the town was deficient. He identified several items that he'd like to see placed on next month's P&Z agenda for discussion.

- a. **Introduction regarding the SIC and the Matrix** – Discuss what the SIC codes are and why the town uses them.
- b. **Clearly state that if it's not allowed then it's prohibited**
- c. **Properties can have one or more combinations of uses** – All of the other codes that Chairman Galbraith found have a specific statement to that effect. We need a statement like “Mixed use – 2 or more permitted uses may occupy the same principal building.”
- d. **Issue of “Conditional Use” permits** – All of the ones I've seen have a conditional use permit process. We are the only one who use the SIC codes without a conditional use. Usually a Matrix is used. “P” is for permitted use and “C” is for conditional use. If it's a conditional use item, it needs to go through an approval process. We could go through our list and decide which ones could be permitted and which ones could have a conditional use.
- e. **Excluding certain characteristics across all industries** – for instance Carolina Beach simply states that restaurants are not allowed to have drive-thru windows.
- f. **Specifically prohibiting certain activities within a particular industry sector** – for example “Service Stations.” If there's something in the definition that you don't like, you can make an exception within the definition to prohibit what you don't want.
- g. **Using the NAICS Industry** – SIC codes are obsolete. As of 1997 the government has gone over to the NAICS a more modern version of the SIC. We may want to go to that as well. Technically, they should no longer be used for government purposes.
- h. **A statement regarding requirements when there is a change in use**
- i. **A statement saying that the code officer can interpret a particular activity or classification.**

Chairman Galbraith stated that the biggest thing that came up on the BLOG was the need to examine the usages very thoroughly. For instance new and used car lots are allowed in Kure Beach, so this may be something that should be excluded in the future. He stated that the NAICS codes should be printed and given to everyone at the next meeting.

NEW BUSINESS

None

MEMBER ITEMS

Building Inspector Batson said he has been contacted recently by two different people asking to approve temporary political signs that do not meet ordinance specifications. He told them that he couldn't approve the signs. He just wanted to let the commission know what was going on and that political signs may become a topic with council again.

ADJOURNMENT

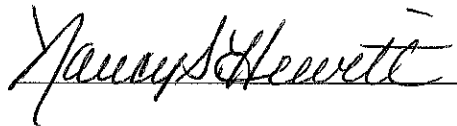
MOTION – Member Bullard made the motion to adjourn at 7:33 pm.

SECOND – Member Schutta

VOTE - Unanimous



Craig Galbraith, Chairman



Nancy Hewitt, Deputy Town Clerk