



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

A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on, December 7, 2010. A quorum of the commission was present.

MEMBERS IN ATTENDANCE

Chairman Craig Galbraith
Member Jim Schutta
Member Alan Votta

STAFF PRESENT

Building Inspector John Batson
Administrative Assistant Josie Fitzgerald

Liaison Commissioner Barry Nelder was present.
Attorney Holt Moore was not in attendance

CALL TO ORDER:

Chairman Galbraith called the meeting to order at 7:05 pm.

APPROVAL OF AGENDA:

MOTION: Member Schutta made the motion to adopt the agenda with an addition to New Business by request of Inspector John Batson to include discussion identified as "Sandman Property."

SECOND: Member Votta

VOTE: Unanimous

APPROVAL OF MINUTES:

MOTION: Member Schutta made the motion to adopt the minutes of the November 5, 2010 meeting with no changes.

SECOND: Chairman Galbraith

VOTE: Unanimous

PERSONS TO ADDRESS COMMISSION:

None

OLD BUSINESS:

A. SIC Codes

1. Identifying SIC Codes – Chairman Galbraith stated he is reluctant to go forward with identifying the codes inasmuch as two members were not present since it is a change in zoning. There was a discussion of possibly creating a proposed list and then putting it all together.

2. Discussion on how to proceed – Member Schutta suggested that a list of permitted uses be made and compared. Start at B-1, RA-1, page 1218.3, Sec. 19-92 Permitted Uses. He feels it is going to be a long discussion. Without knowing what the intention is, it is difficult to see what should be allowed. There are inconsistencies in residential and business. Further discussion on nonconforming uses, what was the logic when first written.

3. Include paragraph from previous minutes regarding multiple use.

Chairman Galbraith suggested to table this and dedicate next meeting for this issue.

MOTION: Chairman Galbraith made a motion to get opinion and guidance from Council as far as permitted use issue and sign ordinance and how far they want P&Z to go into RA district and Business districts. Put on next Council agenda.
SECOND: Member Schutta
VOTE: Unanimous

B. Zoning Overlay Districts & Form - Based Planning

Chairman Galbraith stated that depending on Council's response on sign issue will either encourage or discourage him on this issue. He doesn't feel he wants to spend a lot of time on the zoning overlay since it deals with the image of the Town and the sign ordinance is a major part of the overlay and the image of what the Town will look like. If we can't deal with the signs, then he doesn't want to spend a lot of time on the zoning overlay.

Chairman Galbraith recommended tabling Zoning Overlay until January depending on Council's discussion.

MOTION: Member Schutta moved to table further discussion on zoning overlay and form-based planning until January meeting.
SECOND: Member Votta
VOTE: Unanimous

C. Sign Ordinance

Chairman Galbraith went to the Council meeting and asked them to look at one component. Lot of empty spaces on the table and it gives people the opportunity to put up whatever sign they wanted under the current ordinance. We proposed a preliminary statement of why we have a sign ordinance because there is case law suggesting that if we don't have it, in a lawsuit, people can find the sign ordinance to be invalid. Council adopted the proposed table and want P&Z to look at the table further to make sure the table is accurate since there were many changes. He suggested to go through the table very quickly. Chairman Galbraith was somewhat concerned about what was already in the Ordinance and what was being proposed. He reviewed the existing ordinance and made a cross comparison of what is proposed. Things were not in the ordinance that he thought were adopted and some things which were discussed, were not included in the proposed ordinance.

The table was actually adopted and is official part of ordinance and establishes for the Town all that was recommended in terms of square footage, height, etc. A review of the table is needed to see that it is the final proposal. Member Votta suggested that wall signs were omitted. Discussion on what the recommendation should be in the "open cells" on the table which must have been an oversight. Chairman Galbraith suggested taking a vote and making a motion to get it added into the table.

MOTION: Chairman Galbraith made a motion that under wall signs in the table for B-2 and B-3, that it sates it should be 15% of the sign.
SECOND: Member Votta
VOTE: Unanimous

Discussion on proposed amendment and as of November 17, 2010, what the current ordinance is. What we are reviewing is the proposed amendments. We want to look at the intent. There are few things that have not yet been adopted, i.e. marquee signs, extraterritorial jurisdiction, computation of size and we will review proposed amendments. This shows what we have proposed and primarily it involved terminology. The two major issues are:

- computation of area of individual signs
- issue of amortization

We talked about historical significant signs and there is a whole section on nonconforming. The Council has not adopted sign amortization which P&Z recommended. A motion was made to change from 7 years to 12 years. The issue of amortization was suggested to be changed in Sec. 19-381. We made a follow up motion under replacement to change 7 years to 12 years plus three additional years.

Chairman Galbraith suggested review of proposal to see if anything else was missing that was proposed in the minutes. The only other recommendation is under replacement – replacement value is defined. Council still has issue on amortization and grandfathering. Chairman Galbraith suggested he go to the Council meeting to present four or five options and get feedback as to how they are leaning.

Options are:

- (1) The legal NC suggests amortization of 7 years;
- (2) Our proposal of 12 year renewal with three year renewal process;
- (3) 12 year with renewal process with option to ask Council's continued extension;
- (4) Longer than 12 years, maybe 15-20 years;
- (5) Grandfathering

He didn't feel outline of specifics needed to be presented again, but rather he wanted to get a feeling of what they will support and then write the ordinance. P&Z is not in favor of grandfathering and it is not the recommendation. He will present benefits and negatives to each one of the options so we can move forward.

Chairman Galbraith suggests sign issue be tabled for now and the commission give him authorization to get feedback from Council.

MOTION: Member Schutta moved to table the sign ordinance issue and authorize Chairman Galbraith to attend next Council meeting to put forth five options to the Council to rectify the nonconforming sign issue and see which way the Town Council will favor going. Place it on the agenda for next Council meeting.
SECOND: Member Votta
VOTE: Unanimous

VI. NEW BUSINESS

Sandman Property

Discussion of dividing Town owned property into four or more separate lots. Council gave direction for survey to determine where a storm water pipe is and how many lots can be allotted.

Subdividing parcel into four or more lots needs to go into a subdivision procedure.

Discussion of subdivisions and definitions, zoning changes, whether it is going to be included or excluded from the existing subdivision that it was carved out of.

Inspector John Batson felt that the zoning would not change. There was further discussion of the existing subdivision, Kure Dunes, and how it ties into Kure Dunes. There is an issue that Kure Dunes water is going into Beachwalk pond.

It was agreed that this is not a simple issue and more information is needed by the Commission. The storm water issue has to be resolved.

Inspector Batson wanted the Commission to be aware that this issue may be coming down the line and suggested two different options as noted in the exhibits in order to maximize income for the Town.

No action was taken at this time.

VII. MEMBER ITEMS

None

VIII. ADJOURNMENT

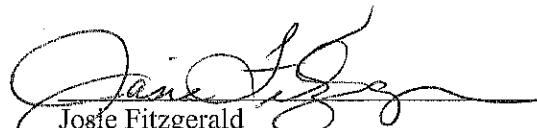
MOTION: Member Votta moved to adjourn the meeting at 8:00 p.m.

SECOND: Member Schutta

VOTE: Unanimous



Craig Galbraith, Chairman



Josie Fitzgerald
Administrative Assistant