



**KURE BEACH PLANNING & ZONING COMMISSION
TOWN COUNCIL
JOINT WORK SESSION
REGULAR MEETING ♦ Tuesday, October 2, 2012**

A joint work session of the Planning and Zoning (P&Z) Commission and the Town Council was held on Tuesday, October 2, 2012. A quorum of the commission and the Council was present.

P&Z MEMBERS IN ATTENDANCE

Chairman Craig Galbraith
Member Dennis Clouse
Member Thomas Theisen
Member Alan Votta
Member Joseph Whitley

COUNCIL MEMBERS IN ATTENDANCE

Mayor Dean Lambeth
Mayor Pro Tem Chuck Keener
Commissioner David Heglar
Commissioner Steve Pagley

Commissioner Emilie Swearingen -Absent

STAFF PRESENT

John Batson, Building Inspector
Josie Fitzgerald, Administrative Assistant
Nancy Avery, Town Clerk

P&Z Attorney Holt Moore was not requested to be in attendance. Town Attorney Canoutas was not in attendance.

I. CALL TO ORDER:

Chairman Galbraith called the P&Z meeting to order at 6:30 p.m.
Mayor Lambeth called the Council meeting to order at 6:30 p.m.

II. APPROVAL OF AGENDA:

P&Z

MOTION: Member Clouse moved to adopt the Joint Work Session Agenda.
SECOND: Member Whitley
VOTE: Unanimous

TOWN COUNCIL

MOTION: Commissioner Heglar moved to adopt the Joint Work Session Agenda.
SECOND: Mayor Pro Tem Keener
VOTE: Unanimous

III. APPROVAL OF P&Z MINUTES:

MOTION: Member Votta moved to approve the P&Z minutes of Sept. 4, 2012

SECOND: Member Theisen

VOTE: Unanimous

V. OLD BUSINESS:

Potential K Avenue Mixed Use

P&Z Chairman Galbraith presented a power point presentation. (approx. 15 slides)

- Mixed use was defined as different uses within the same property to allow business on the lower level and residence on the upper level.
- Pedestrian friendly transit oriented vertically integrated mixed use opportunity.
- The 2006 Land Use Plan clearly identifies K Avenue from 3rd to 7th as a potential mixed use commercial corridor combining commercial and residential in the same building. The 2007 Sawyer Study developed architectural ideas for the B1 district, specifically form-based planning.
- P&Z has had extensive discussions regarding form based planning as suggested by the Sawyer Study, keeping in mind design elements, the look we want to have for Kure Beach and to encourage property development.
- In early 2011, the Town Council formally charged P&Z to examine K Avenue per the 2006 Land Use Plan.
- A public hearing held November 1, 2011 as a joint workshop with Council resulted in the need for additional study of different approaches for mixed use.
- Properties considered for the change will be those properties abutting K Avenue.
- Increase the understanding of current property owners about current zoning rights, i.e. what is allowed in the zoning.
- Understand better the desires of affected property owners and the Town in general through additional public hearings.
- Town Council has expressed continued interest in examining the possibility of K Avenue as a commercial corridor.
- There are implications for parking, landscaping, sidewalks issues.
- Take into account current zoning map. Kure Beach zoning map and district separations are based upon street boundaries rather than more commonly used "adjacent" boundaries.

Current Zones - Third Ave to 5th is zoned RA-2 and allows:

1 and 2 family dwellings and professional offices, i.e. doctor, dentist, lawyer.

Home occupations, dress making, home cooking.

Places of worship, schools, library, museum, art galleries.

Excludes: beauty parlors, and the like.

Fifth Ave to 7th is zoned RA-1, which is a little more restrictive but does allow:

1 family dwellings.

Places of worship, schools, museum, art galleries.

Home occupations.

There are parking restrictions.

- Three models of mixed use were visited by P&Z members; Wrightsville Beach, Sunset Beach and Southport.

Wrightsville Beach:

- We talked to the chairperson of the Planning and Zoning Commission and looked at their meeting minutes, ordinances for the last year.
- They primarily targeted existing commercial zoning to a mixed use. The change was designed to allow residential in the commercial areas. They used a Conditional Use Permit.
- In existence for five years. Few have applied, but not a single mixed use developed. One is in process now.
- In 2012, the Wrightsville Beach Council asked P&Z to investigate changes to encourage more development, in particular increasing the maximum building height of 40 feet and trade off for increased setback and additional green space, decrease parking requirements.

Sunset Beach:

- We spoke with Sandy Woods.
- The Village at Sunset Beach had a chunk of land that was privately owned and was developed; and Sunset Beach created a separate mixed use zoning district rather than an overlay.
- The midtown district includes a midtown precinct that includes a development of form based zoning retail units and live and work upstairs condos and street level retail.
- The condos have ground floor patio entrances from the rear of the building.
- The street lamps, trash receptacles and street signs are upgraded and restricted, power lines are under ground.
- Photos were displayed.

Southport:

- We interviewed with Wayne Strickland, Building Inspector of the City of Southport.
- They use a conditional use permit process and have a uniform development Ordinance, Article 12.
- The big issue is parking. Southport had permitted one project on Howe Street with parking underneath and a project on St. George Street that does not have parking underneath.
- They have approved several projects that were never built.
- They have mixed used capabilities.

The next step is to get direction from Council. There are two options without changing the zoning which will affect other properties that are not abutting K Avenue.

Option 1:

Overlay mixed used district that will affect properties abutting K Avenue typically with design elements incorporated as form based and deciding what you want the development to look like, design characteristics and normal planning such as setback and parking requirements and uses that are allowed in B-1 District, but instead would allow low density retail activity.

Option 2:

Utilize mixed use such as Wrightsville Beach and Southport have and use a Conditional Use Permit process on K Avenue. This can be done with or without design elements. Typically there are not a lot of design elements in the Conditional Use Permit process.

Council may choose to table the proposal for right now.

Discussion was opened to the floor:

- P&Z Member Theisen commented that some elements did not work in Southport and parking may be a challenge in Kure Beach.
- Wrightsville Beach took their commercial area and tried to incorporate more residential use.
- Kure Beach is trying to incorporate more retail in a residential area.
- Inspector Batson presented an artist rendering of the previously proposed but not developed Pier View mixed use project.
- There was discussion about what is permitted now and what uses would be allowed and those to be eliminated.
- Form based planning can create more of an image of an older historic look. Right now design is not regulated and buildings can be built with a modern or any design.
- Mixed use will not require homeowners to change anything, but will be an option if someone wanted to have retail/business on the lower level and residential on the upper level. Right now a business can be opened next door to a residence.
- No high traffic or noisy activity would be allowed in a mixed use district.
- We are trying to capture a work-live-play community and bring everything back together as a community and try to maintain the existing historic older look of the area.
- Parking will need to be controlled by allowing only very low traffic businesses.
- Conditional Use Permit is conditioned on satisfying certain criteria.
- Mixed use conditions would be established ahead of time.
- The existing zoning requires certain parking requirements for different uses, i.e. home occupations require two additional parking spaces.
- Overlay is not spot zoning. Spot zoning is actually carving out an area within a zone district.
- This is in the beginning stages, there will be several steps before or if anything is changed and elements will be outlined and put into place regarding parking, design, use, setbacks.
- The Council will need to make the decision to go forward to follow the Land Use Plan as suggested by the Sawyer Study.
- The intention is to attract more people to come to the area. The more attractive the area, the more people will come. Services and amenities need to be provided to attract people to come to Kure Beach.
- There may be tax ramifications if there is a change in zoning or overlay and property values are affected.
- Clarification was made that the potentially affected properties abutting K Ave. refers only to properties fronting K Ave. between 3rd and 7th.

The issue is, P&Z has done the investigation and now seeks guidance from Council as to what direction they want to take.

Council agreed by unanimous consensus to move forward with K Avenue utilizing a mixed use process as a CUP (Conditional Use Permit). Council wants a process ready if someone comes in

with an idea. Some of the Ordinance language may need to be changed. Current uses will not be removed. Language will be incorporated to encourage those who want to have the opportunity to develop a mixed use property but will not punish other homeowners who want to stay in their homes as RA-1 or RA-2 zoned properties.

Chairman Galbraith requested that P&Z put on the agenda for the November meeting a discussion regarding Conditional Use Permit process.

VI NEW BUSINESS

P&Z agreed the regular November meeting will be held Wednesday, November 7, due to unavailability of the space on regular meeting day on Tuesday, November 6, Election Day.

VII MEMBER ITEMS

None

VIII. ADJOURNMENT:

P&Z

MOTION: Member Clouse moved to adjourn the meeting.

SECOND: Member Votta

VOTE: Unanimous

P&Z Meeting was adjourned at 8:03 p.m.

TOWN COUNCIL

MOTION: Commissioner Heglar moved to adjourn the meeting.

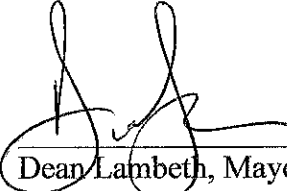
SECOND: Mayor Pro Tem Keener

VOTE: Unanimous

Meeting was adjourned at 8:03 p.m.



Craig Galbraith, P&Z, Chairman



Dean Lambeth, Mayor



Josie Fitzgerald, Secretary



ATTEST: Nancy Avery, Town Clerk