

**KURE BEACH PLANNING & ZONING COMMISSION  
REGULAR MEETING ♦ Tuesday, March 5, 2013**

A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on Tuesday, March 5, 2013. A quorum of the Commission was present.

**P&Z MEMBERS IN ATTENDANCE**

Chairman Craig Galbraith  
Member Tom Theisen  
Member Joe Whitley

Liaison Emilie Swearingen

**ABSENT**

Member Alan Votta  
1 Vacancy

**STAFF PRESENT**

John Batson, Building Inspector  
Josie Fitzgerald, Administrative Assistant

**I. CALL TO ORDER:**

Chairman Galbraith called the P&Z meeting to order at 7:00 p.m.

**II. APPROVAL OF AGENDA:**

**MOTION:** Member Theisen moved to adopt the Agenda.

**SECOND:** Member Whitley

**VOTE:** Unanimous

**III. APPROVAL OF MINUTES:**

**MOTION:** Member Whitley moved to approve the P&Z minutes of February 5, 2013

**SECOND:** Member Theisen

**VOTE:** Unanimous

**IV. OLD BUSINESS:**

- A. Consistency Statement Form in compliance with N.C. Gen. Stat. 160A-383**  
Format was reviewed as suggested and discussed .

**MOTION:** Member Theisen moved to adopt the format for the Consistency Statement  
**SECOND:** Member Whitley  
**VOTE:** Unanimous

**B. Prepare Consistency Statement to be submitted to Council with amendment to Art. IV. Sec. 19-339 (5) & (6)**

Discussion regarding language to be used for completion as follows:

1. Allow greater control of parking requirements in future mixed use district.
2. Will afford Building Inspector discretion regarding parking space requirements, depending on the type of home occupation and professional office use.

**MOTION:** Member Theisen moved to approve the language for the Consistency Statement for the amendment to Sec. 19-339 parking as stated above to be submitted to Council  
**SECOND:** Member Whitley  
**VOTE:** Unanimous

**C. Potential K Avenue mixed-use plan (Conditional Use Permit)**

A background was offered as review of the mixed use/overlay district. Attorney Moore was invited to attend and render his opinion and advice regarding the draft.

- Attorney Holt Moore feels an overlay is a simple concept
- In an overlay there would be additional restrictions added to an existing particular zoning district
- The application is the same as other zoning except there would be a longer check list for that district.
- The main thing is that the overlay requirements would not be discretionary like a special use permit.
- The Building Inspector would need to see if the requirements are met or not met.
- The requirements need to be set out clearly and met or not as opposed to special use permit where there is discretion and you have a review process.
- The suggestion would be to have an administrative review to see if requirements are met or not, then there could be an appeal similar to BOA.
- Recommendation might be to look at height, lighting, signs, buffering rather than be discretionary
- Suggests detail so it is clear.
- Trouble can occur between overlay and special use-need to be very specific
- The overlay district would be concerning the specific uses permitted in the district.
- There was discussion regarding what is already permitted in districts and what may not be desirable and perhaps cleaning up the different zoning districts.

Examples of other mixed use ordinances from municipalities that P&Z have reviewed will be provided to attorney Moore for his review before he gives a final recommendation and opinion for further revisions to the draft. P&Z will follow attorney recommendations

**MOTION:** Member Whitley moved to table the K Ave. mixed use plan issue to follow up with attorney Moore for his recommendations

**SECOND:** Member Theisen

**VOTE:**

**V. NEW BUSINESS**

**VI. MEMBER ITEMS:**

1. Council will interview three requests for appointments to P&Z at the March 19<sup>th</sup> meeting.
2. Discussion regarding requesting attorney Moore to attend meetings more frequently especially when discussion concerns issues as the K Ave. mixed use/overlay and other amendments to the zoning ordinance. It was decided that attorney Moore will be requested to attend next month's meeting and then be on an "invitation" basis.

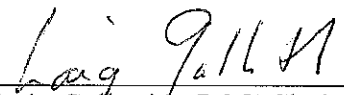
**VII. ADJOURNMENT:**

**MOTION:** Member Theisen moved to adjourn the meeting.

**SECOND:** Member Whitley

**VOTE:** Unanimous

**P&Z Meeting was adjourned at 7:40 p.m.**

  
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Craig Galbraith, P&Z Chairman

  
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Josie Fitzgerald, Secretary