

**KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ Tuesday, October 1, 2013**

A regular meeting of the Kure Beach Planning and Zoning (P&Z) Commission was held on Tuesday, October 1, 2013. A quorum of the Commission was present.

P&Z MEMBERS IN ATTENDANCE

Craig Galbraith, Chair
Joe Whitley, Vice Chair
Member Tom Theisen
Member Alan Votta
Member John Ellen

ABSENT

Liaison Emilie Swearingen
Attorney Holt Moore

STAFF PRESENT

John Batson, Bldg. Insp.
Josie Fitzgerald, Administrative Assistant

I. CALL TO ORDER:

Chair Galbraith called the P&Z meeting to order at 7:02 p.m.

II. APPROVAL OF AGENDA:

MOTION: Member Ellen moved to adopt the Agenda
SECOND: Member Theisen
VOTE: Unanimous

III. APPROVAL OF MINUTES:

MOTION: Member Theisen moved to approve the P&Z minutes of September 3, 2013
SECOND: Member Votta
VOTE: Unanimous

IV. OLD BUSINESS:

A. K Avenue mixed-use District

Review drafts of elements of criteria submitted

- The next step would be to fine tune, put into legal language.
- There were no other recommendations regarding the drafts, attorney was requested to compile the drafts into coherent document

- Attorney Moore will prepare a draft for review at next meeting
- Discussion on possible public hearing, work shop, submission to Council with recommendations
- Discussion on Building Inspector review and input comments—Building Inspector commented that the wishes of the P&Z will be carried out and ordinance enforced.

MOTION: Chair Galbraith moved to have Attorney Moore prepare a preliminary, suggested amendment to Zoning Ordinance addressing the Mixed Use on K Avenue to be discussed at the next regular meeting.

SECOND: Member Votta

VOTE: Unanimous

B. Division of Community Assistance and Investment

- Chair Galbraith will follow up with a call to Mr. Mark Zeigler
- Some services offered may be a beneficial opportunity
- No action taken at this time

MOTION: Chair Galbraith moved to table further discussion until next meeting

SECOND: Member Theisen

VOTE: Unanimous

V. NEW BUSINESS:

A. New trend of lighting

- New trend of framing building, windows and signs with lights-very predominant in Carolina Beach and now appearing in Kure Beach.
- Our sign ordinance prohibits this new trend with vague language
- Discussion on Christmas decorations and whether they would be impacted by any changes to the existing ordinance
- Art. VI, Sec. 19-375 Prohibited Signs, (11) reads: “Exposed neon conduit or tubing, interior or exterior neon windows signs, interior or exterior LED signs, or lighting displays inside or outside the building so as to be visible from streets, parking areas or site boundaries, unless approved as part of a planned sign program. An attractive and artistic exposed neon sign is allowed.” Thus the new trend expressly prohibits this type of lighting.
- Wording “attractive and artistic” neon sign can be misinterpreted.
- There is an existing sign that does not comply. Building Inspector will follow up with that issue.
- This issue relates basically to commercial property and does not include residential districts and Christmas or holiday lights
- Any amendments to the ordinance would be subject to a public hearing and would need to comply with Federal and State regulations relating to political or religious signs
- Use language that would allow holiday lights, but limit the length of time they can be displayed.
- Chairman Galbraith will research further to see what other municipalities are doing.
- Commercial and residential districts should be treated differently.
- Try to avoid “strip mall” look.

MOTION: Chair Galbraith moved to table further discussion relating to lighting/signs until next meeting
SECOND: Member Whitley
VOTE: Unanimous

B. Model ordinance proposed by AT&T (cell towers)

Chair Galbraith stated that P&Z was asked by Nancy Avery, Town Clerk, to "review the attached model ordinance... and make recommendation to Council whether to adopt or not."

- State government should not be interfering
- Limiting ability for local government to regulating zoning issues
- Non-discretionary evaluation—not subject to Planning and Zoning, no administrative review
- Will override our ordinance without going to Council
- Proposal is immoral and offensive per Chairman Galbraith.
- Based on this, a neighbor could put up a 60 foot tower without going through an approval process.
- Currently, the ordinance regulates by requesting a special use permit.
- The State law takes away some rights but not to the extent this model will do.
- Cell towers are allowed on government land.
- Theoretically, we could have 300 towers go up and we could do nothing about it.
- Discussion - Recommend to Council not to adopt of any part.
- Legally, attorney Moore did not think that P&Z was in a position to make a specific recommendation initially.
- The request to review did not come from Council and it appears, P&Z is jumping ahead-the request came from Nancy Avery
- The appropriate step would be to wait until P&Z gets a request from Council.
- Attorney Moore thought it was discretionary and a general request to review the model and until the request comes from Council, P&Z does not have a duty to recommend one way or another.
- Council woman Swearingen did not think Council was aware of the AT&T proposal and suggested to wait until Council communicates with P&Z with a formal request
- Attorney Moore suggested that P&Z could respond by saying, we have seen the model and what little we have seen, we do not like it. He stated if the "discretionary review" statement was eliminated, it would be better.

MOTION: Member Votta moved to table further discussion relating to AT&T model ordinance to next meeting
SECOND: Member Theisen
VOTE: Unanimous

VI. MEMBER ITEMS:

Election Day is Tuesday, November 5 and the Council room will be occupied for elections. Regular P&Z meeting needs to be rescheduled for to room availability.

MOTION: Member Ellen moved to reschedule the November meeting to Wednesday, November 6, 2013 at 7:00 pm.
SECOND: Member Votta
VOTE: Unanimous

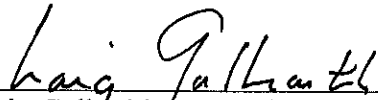
VII. ADJOURNMENT:

MOTION: Member Theisen moved to adjourn the meeting.


SECOND: Member Whitley

VOTE: Unanimous

P&Z Meeting was adjourned at 7:50 p.m.



Craig Galbraith, P&Z Chairman



Josie Fitzgerald, Secretary