



**KURE BEACH PLANNING & ZONING COMMISSION
REGULAR MEETING ♦ Wednesday, February 4, 2015**

**A Special Meeting of the Town of Kure Beach Planning & Zoning Commission was held at 6:00 pm on
Wednesday, February 4, 2015 and
A Regular Meeting of the Kure Beach Planning & Zoning Commission was held immediately following
A quorum of the Commission was present.**

P&Z MEMBERS IN ATTENDANCE

ABSENT

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

Liaison: Craig Bloszinsky
Attorney: James E. Eldridge

STAFF PRESENT

John Batson, Bldg. Insp.
Josie Fitzgerald, Administrative Assistant
Tony Gonsalves, Chairman SLAP
Charlie Allo – Chair Citizens Advisory Comm.

I. CALL TO ORDER:

Chairman Galbraith called the P&Z special meeting to order at 6:01 p.m.

Chairman Galbraith read the notice and gave a brief summary of the reason for calling the special meeting was to get Shoreline Access Beach Protection (SLAP), Citizens Advisory Committee and community input regarding parking on Hwy 421. The purpose is to talk about some of the problems. We will talk about what authority the Town has about regulating parking. P&Z was given direction by Town Council to look at parking on 421 and consider some solutions. P&Z can recommend that signs be put up and the State will support that to regulate parking on 421. Town Council wanted to have a public hearing and get members of SLAP and Citizens Advisory Committee input. We do not have to come up with recommendations or conclusions tonight. We will have more meetings and discussions.

Bill Moore – President of Ocean Dune HOA

- Parking is limited and we have parking issues
- There is public parking across the street, but people ignore it and park along the street
- The public lot is not being used to its maximum
- Causes problems for us because they run over irrigation and damage property
- This past year there was \$5,000 in damage
- The public lot is clearly identified with a big white sign
- Would like and expect the Town to address the issue

Deborah McKenna – 208 Seawatch Way

- Similar concerns as stated
- Congestion on 421
- Breaking sprinkler heads, leaving ruts in the grass
- Can there be restricted hours of parking?
- Increases traffic in neighborhood, already have people using showers, climbing fences
- Not aesthetically appealing to have cars piled up along the road

Tom – 301 5th

- Traffic is getting bad, can hardly go down town and getting ridiculous
- Fed up with the traffic
- Had to use side streets which are getting full

Al Woodall – 1501 Sand Dollar Ct, Ocean Dunes

- One who got this issue started
- Having irrigation lines broken
- People urinating
- Female stripped down to use showers
- Not helping property values
- Becoming a real issue
- Holidays worse than normal days
- People climbing over fences, jumping fences and don't care if breaking something
- People pull into our area to pick up kids and drop off all belongings
- There have been confrontations
- Try to avoid physical altercations

Chairman Galbraith - As a hypothetical, if we stop parking down there, are we pushing the problem down to other areas?

- People are already parking down side streets as well
- People are not taking advantage of the public parking that is available to them now and doing what they want
- If it pushes people down to other streets, then "no parking" signs are needed
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Chairman Galbraith - Will "no parking" stop the issues? Police Chief feels if tickets are issued, people won't want to pay the \$50 fine and won't park there.

- Yes, if enforced and tickets given. People will stop, it may time. It is a start
- Fences and locks were put up. People are parking everywhere and being destructive.
- People want to park closest to the access
- Not trying to keep people off the beach - don't want them on their property
- There is limited parking in the cul-de-sacs
- Enforcement is critical
- People parking with children and getting out on street side is a dangerous issue, cars stopping short to avoid hitting someone

Mary Stevens – 610 Ft. Fisher Blvd.

- Lives in the older part of town
- Paid parking was discussed in the past
- Older part of town do not have driveways
- Some of us have to park on the street
- Large new house across the street which is vacant most of the time and usually used by renters. It has 2 single garages with very short driveways
- Rented more often than used by owners. There are 5-6 cars in short driveways.
- Cars are all over, jumping the curb to get out, no curb cut, so they stop traffic
- Have seen numerous close accidents from people driving down Ft. Fisher when all of a sudden people stop to avoid people coming out of the short driveway.
- How much parking is available for large rentals, there are two garages but are never open for renters
- We have family members who come to gather.

Note: Chairman Galbraith announced to the audience that P&Z is aware of that problem and also addressing a vacation rental certificate process which will address parking issues.

Richard Van Ham – 233 Seawatch Way

- Ft Fisher issue has existed for a number of years and extends from Kure Dunes
- Problems with irrigation
- Problems with overnight parking
- Rental properties – We have 5-6 bedroom houses, 10 people all bring their own car, parking across the street and sometimes on both sides
- No parking will drive parking back into the side streets, they will park closest to walkover
- Narrow streets, no sidewalks, people park on both sides of the street at night issue for kids at night, issue for mercy vehicles issue when parking on both sides of street.
- Vacant lots issue – they become parking lots, some owners do not know because they may not live here

Jonathan Perrotto – 526 Ft. Fisher N. - Seawatch

- If parking fines are enforced, \$50 fine is not enough.

Craig Bloszinsky - 509 Ft. Fisher Blvd – resident also liaison for P&Z

- 2,500 residents in winter; 10,000-12,000 in summer
- We don't want to shut down KB
- Expects the issues
- Only some of the money that comes in for infrastructure comes back from County
- We have to decide what to do with the rental properties that put cars in the bike path, 421, effective use of parking
- We need to make sure we are using our crosswalks
- Smart men and woman on the committees should be able to come with something feasible to take to the town. We need to get ideas from this group to town council.
- Some of the issues will be solved - we don't want to fix 421 and create other problems
- Big task –it is not expected by May it will be done
- Spread the word and get ideas into the committees, SLAP, Citizens Advisory Committee and P&Z

Chairman Galbraith:

- The State has certain designated streets for parking or no parking
- Residential informal parking is allowed unless specifically stated no parking
- Our ordinance does not restrict informal parking on residential streets
- Have been told that town attorney told police chief Town has discretion for signs for safety reasons, blocking fire engine access
- Not sure if that is true and if Council will agree with that authority
- We don't have a specific ordinance other than discretion of the Police Chief to say where and when parking can occur on residential streets
- Not sure if that applies to anything or just to safety issues. - We need to follow up on that

SLAP – Can put up signs, “Private Community, Residents Only”

Debbie Elliot – Seawatch President of HOA

- Contacted town to put up “no parking signs” and we were told they couldn't
- We tell renters not to park on the street especially overnight
- Parking is an issue and seems easy to park wherever you want without concern of consequences
- What is the philosophy of the Town and to P&Z
- At Wrightsville Bch it's purposely hard to park yet the property values are high, they still have great business. If not parked legally, you will get a fine or be towed.
- Community streets are public so we can't govern parking, nothing in the bylaws.

Chairman Galbraith - Not sure what the actual ordinance or rules are for parking on residential streets. The P&Z will ask attorney to check into what the rules are.

Attorney Eldridge - I agree. The General Statutes regulates resident parking and the Town has authority to regulate parking as it wants with discretion.

Member Whitley found from working with the State that Kure Beach has discretion

Public Vehicular Access concept impacts the ability of the local government to regulate parking on private streets. Would recommend that I prepare a very short memorandum of the areas of what authority the Town may have.

Chairman Galbraith – Agrees and would also like attorney to look into the current ordinance to determine under the current regulation what is allowed.

Attorney Eldridge – The Ordinance may need to be updated and can begin to solve some of these issues. We need to analyze what we can do and look at sources of authority.

- When a community is planned and streets are laid out, are there parking restrictions on parking as part of the plan filed with the State?
- State maintained roads have parking regulations
- Typically a zoning ordinance would provide for parking and land approval regulations would have to comply. Once development and build out is met, either the streets are dedicated to public use but that doesn't mean Council accepts dedication.
- When subdivision applies one thing has to be shown is if street is to be dedicated and who is responsible for maintenance.
- Does Council have authority to accept public use of roads of public street
- Power bill map will identify public streets
- Streets are minimum of 22 feet by Town ordinance and has no restrictions for parking

- Fire vehicle will not get through if parking on the street
- Dot sets standards for ultimate acceptance of streets
- Symptom vs. cause – do we have enough parking available. Do we have land that can be a parking lot
- Paid Parking studies have been done by SLAP four times and submitted to Council and all were rejected
- Kure Beach does not have enough parking available to make paid parking cost effective
- We need to identify our parking and manage it and move forward
- The philosophy – we are interested in planning and making the area attractive; manage parking, enhancing values. We want everyone to feel welcome
- Council has the ultimate responsibility to make decision and strategy. Previously council did not want reputation like Wrightsville Beach and Carolina Beach
- Population forecast for greater Wilmington area is going up 100,000 in the next 10 years and there are just so many beaches and parking issue will go under greater pressure.
- Are the people coming, contributing to the economy, or do they just come to the beach and leave

We will have further meetings and workshops to discuss the parking issues. Council will want to know what

MOTION: Chairman Galbraith moved to have attorney examine the current Kure Beach Ordinance and any state regulations, define Police Chief discretion and Council in terms of regulating parking and come back next month with a memorandum and discussion

SECOND: Member Votta

VOTE: Unanimous

MOTION: Member Theisen moved to adjourn the special meeting

SECOND: Member Whitley

VOTE: Unanimous

Special meeting was adjourned at 7:05 pm

~~Short Recess~~

I. CALL TO ORDER:

Chairman Galbraith called the regular meeting to order at 7:12 pm

II. APPROVAL OF AGENDA:

MOTION: Member Whitley moved to approve the Agenda of February 4, 2015

SECOND: Member Theisen

VOTE: Unanimous

III. APPROVAL OF MINUTES:

MOTION: Member Ellen moved to approval the minutes of January 7, 2015
SECOND: Member Whitley
VOTE: Unanimous

IV. PUBLIC COMMENTS:

V. OLD BUSINESS:

A. Parking on Hwy. 421

- We had public hearing, SLAP and Citizens Advisory Committee representatives were present
- 24 residents attended and several spoke
- Several issues and problems were discussed
- The big issue is what is our next step
- A motion was passed unanimously to request attorney Eldridge to prepare a memorandum and put off further discussion until next month
- Town has a lot of authority to regulate parking
- Council wanted a public hearing and get the members of SLAP and Citizens Advisory Committee to come up with recommendations with ultimate recommendation to Council coming from P&Z
- P&Z can hold another hearing, ask SLAP to come up with recommendations to us, and we can invite them again next month
- Started off simply parking on 421 and expanded into parking, no parking, paid unpaid, how to manage parking
- Council wanted us to look into broad picture of 421 and overall community and how can this be managed. They don't want us to replicate SLAP – Keep the focus on 421. Parking is typically not the mission of P&Z
- P&Z to hold and manage the process – We can hold off further discussion until March, hold another public hearing and workshop and specifically invite SLAP and Advisory Committee to bring thoughts and their recommendations. Important to hear their insights before we make our recommendation
- Jim Eldridge will bring memorandum outlining regulatory and discretionary authority with local and state proponents

MOTION: Chairman Galbraith moved to continue further discussion about parking on Hwy 421 until next month
SECOND: Member Whitley
VOTE: Unanimous

B. Rental Certificates:

Attorney Jim Eldridge made the revisions discussed last month. There are basically three revisions.

1. Definitions; Exemptions
2. Permit Conditions
3. Administrative Hearing

1. Definitions; Exemptions

- (i) Parking space should be defined as 9x20 ft.
- (ii) Discussion on business purposes or employment purpose (Vacation Rental Act)
- (iii) term of rental change back to 30 days

2. Permit Conditions

What the property owner would be responsible for vs. tenant.

(a) and (b) stay the same

(e) Take out the wording in item (3) notified of alleged criminal activity on the vacation home premises or when

MOTION: Chairman Galbraith moved to make the revision suggested by attorney Eldridge defining vacation rental to fewer than thirty (30) days

SECON: Member Ellen

VOTE: Unanimous

MOTION: Chairman Galbraith moved to make the revision suggested by attorney Eldridge defining parking space as not located within a Town right-of-way and be not less than 9x20 ft.

SECON: Member Theisen

VOTE: Unanimous

MOTION: Chairman Galbraith moved to make the revision suggested by attorney Eldridge removing 3.(b)(ii) relating to persons renting for business or employment

SECOND: Member Theisen

VOTE: 4 affirm, 1 dissent – Motion passed

MOTION: Chairman Galbraith moved to make the revision suggested by attorney Eldridge in 9(e)3) to read, “contacting law enforcement a reasonable person would deem the assistance of law enforcement to be necessary under conditions then prevailing on the premises.”

SECON: Member Whitley

VOTE: Unanimous

- Chairman Galbraith suggested this issue be continued in March
- Attorney to make revisions to the proposed draft
- Email notice of March meeting to rental agencies
- Publish the notice
- Put in notice that interested parties can pick up a proposed draft at Town Hall or download from our website
- Hold special meeting at 6:30 before the regular meeting at 7:00pm

MOTION: Member Votta moved to hold a special meeting at 6:30 on March 4, 2015 to discuss Vacation Rental Certificates

SECON: Member Whitley

VOTE: Unanimous

VI. NEW BUSINESS:

VII. MEMBER ITEMS:

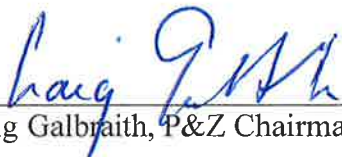
VIII. ADJOURNMENT:

MOTION: Member Whitley moved to adjourn the meeting

SECOND: Member Theisen

VOTE: Unanimous

P&Z Meeting was adjourned at 8:12 p.m.



Craig Galbraith, P&Z Chairman



Josie Fitzgerald, Secretary