



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, April 7, 2021 @ 6:30 pm

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday, April 7, 2021 at 6:30 pm. A quorum of members was present, and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

Chairman Craig Galbraith
Member Kathleen Zielinski
Member Tony Garibay
Member James Dugan
Member Kenneth Richardson
Alternate Member Joseph Barlok

P&Z MEMBERS ABSENT

STAFF PRESENT

Mandy Sanders, Town Clerk
John Batson, Building Inspector

CALL TO ORDER

Chairman Galbraith called the meeting to order at 6:31 p.m.

ADOPTION OF AGENDA

MOTION: Chairman Galbraith made a motion to amend the agenda and switch item 5.3 Chapter 160D updated under Old Business with item 5.4 Continued discussion on proposed text amendments under Old Business

SECOND: Member Garibay

VOTE: Unanimous

MOTION- Member Zielinski made a motion to adopt the agenda as amended

SECOND- Member Dugan

VOTE- Unanimous

APPROVAL OF MEETING MINUTES:

- March 3, 2021 Regular Meeting

Member Zielinski recommended changing the wording on page 7 under LUP discussion, continued discussion from PZC meeting to continued discussion from HPC meeting.

MOTION- Member Zielinski made a motion to approve the March 3, 2021 minutes with recommended change.

SECOND- Member Dugan

VOTE- Unanimous



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PUBLIC COMMENTS

Col Amy Russo commented she would like to discuss the Historic District.

Chairman Galbraith stated we will be discussing the District in a few minutes.

OLD BUSINESS

1. Underground Utilities Update

Member Richardson stated he will meet with Member Garibay and Alternate Member Barlok to discuss underground utilities in Kure Beach.

Member Garibay stated going underground would be more expensive, but less damage during storms and less maintenance for the Town.

2. Land Use Plan Update

Chairman Galbraith stated the survey is linked under the LUP committee page on the Town website and goes out on Town news several times a week.

Town Clerk Sanders commented if Citizens do not have access to a computer, they can contact Town Hall and make an appointment to come down and use a computer at Town Hall to complete the survey.

- ### 3. Continued discussion on proposed text amendments to the following sections of Chapter 15 Zoning of the Town of Kure Beach Code and on the zoning map amendment for the proposed Downtown Preservation Overlay District overlaying the existing B-1 Business District. (Eldridge) Page 1 of 84
- 15.08.100 Overlay District
 - 15.08.110 K Avenue Mixed-Use Overlay District
 - 5.08.120 Downtown Preservation Overlay District
 - 15.08.040 District Regulations

Chairman Galbraith gave a brief description of the historic district.

Col Amy Russo – 209 K Ave

- Requested dates of meetings to listen to the recordings on the website
- Town Clerk Sanders had sent her the meeting dates in an email
- The two meetings to listen to would be the February HPC meeting and the February Special Meeting held by Town Council
- Majority of questions are concerns with Certificates of Appropriateness
- The verbiage seems objective and ambiguous
- Is concerned because she has 9 units with 80% occupancy
- Tenants have expectations that when something is broken, she will fix it
- Doesn't want to have to wait to start work because waiting for the Town to approve



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Chairman Galbraith stated the Commission has reviewed 50-60 documents from other cities including Downtown Wilmington. The Commission did not want to go into that detail and decided to keep the document short and simple.

Attorney Eldridge stated the proposed text amendments lay out a timeline and staff needs to be able to review applications so the deadline for submittal is 30 days before the regularly scheduled HPC meeting. A review of the COA application is a quasi-judicial hearing and the State has specific notice requirements to allow all participants to prepare. The only way to shorten the timeline is to schedule a special meeting which would speed up the process. Regarding the repairs, the Preservation District Zoning Regulations only apply if there is a change to the exterior features of the building. Only if a citizen is making major changes to the exterior does the COA hearing take place.

Col Russo stated it sounds good until she and the Building Inspector disagree. Her property has been there since the late 1920's. If she needed to replace a rotted board, she should not be subjected to approval process.

Attorney Eldridge stated the conflict between the Design Standards and the proposed text Amendments can always be corrected.

Chairman Galbraith stated the Design Standards and the Text Amendments to Chapter 15 should be consistent. The opinion of the HPC is that you should not have to go through the Building Inspector for any repairs that will not change the exterior features of the building.

Building Inspector Batson stated you will still need to get a building permit for certain repairs even if COA or Historic District approval is not necessary.

Col Russo asked when decision will be voted on.

Chairman Galbraith stated it is on the agenda for April 19th Town Council Meeting.

4. Chapter 160 D Update

Attorney Eldridge stated:

- 160D proposed text amendments is hereby incorporated into the minutes.
- Chapter 12 in the Code is currently a reserved chapter and will be used for consolidating the text amendments into one place
- On April 19, 2021, Town Council will schedule a Public Hearing which will be for all 4 chapters of 160D

MOTION- Chairman Galbraith made a motion to forward the recommendation to Town Council for adoption of the Chapter 11 text amendments

SECOND- Member Zielinski

VOTE- Unanimous



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MOTION- Chairman Galbraith made a motion to forward the recommendation to Town Council for adoption of Chapter 14 proposed text amendments

SECOND- Member Zielinski

VOTE- Unanimous

NEW BUSINESS

Chairman Galbraith brought up discussion of changes needed to Section G of the Design Standards.

Attorney Eldridge stated he would like to tackle the policy first and then tweak the regulations.

Building Inspector Batson suggested striking out line 5 and write: Should the Building Inspector determine that the work is not minor, the property owner will need to go through the approval process for a COA.

Member Zielinski suggested adding paragraph maintenance and repairs that does not result in changes to the exterior of the building the district regulations would not apply.

Attorney Eldridge suggested taking out the second sentence of G-1. Ordinary maintenance and repairs and other work which does not alter the exterior of the building, is not subject to these regulations.

MOTION- Chairman Galbraith made a motion to make changes to the Design Standards under section G as discussed to eliminate second sentence under on G-1 and add additional paragraph that maintenance and repair that does not involve a change to the exterior features of the building are not covered under this regulation

SECOND- Member Zielinski

VOTE- Unanimous

ADJOURNMENT

MOTION- Member Zielinski made a motion to adjourn at 8:43 p.m.

SECOND- Member Garibay

VOTE- Unanimous

ATTEST: Mandy Sanders
Mandy Sanders, Town Clerk

Craig Galbraith
Craig Galbraith, Chairman

NOTE: These are action minutes reflecting items considered and actions taken by Planning and Zoning Commission. These minutes are not a transcript of the meeting. A recording of the meeting is available on the Town's website under Government>Planning and Zoning/Historical Preservation.