



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, May 5, 2021 @ 6:30 pm

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday, May 5, 2021. A quorum of members was present and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

Chairman Craig Galbraith
Vice-Chair Kenneth Richardson
Member Kathleen Zielinski
Member Jim Dugan
Member Joe Barlok

P&Z MEMBERS ABSENT

Member Tony Garibay

STAFF PRESENT

Mandy Sanders, Town Clerk
Beth Chase, Deputy Town Clerk

CALL TO ORDER

Chairman Galbraith called the meeting to order at 7:02 p.m.

ADOPTION OF AGENDA

MOTION- Member Zielinski made a motion to adopt the agenda

SECOND- Member Dugan

VOTE- Unanimous

APPROVAL OF MEETING MINUTES:

- April 7, 2021 Regular Meeting

MOTION- Member Zielinski made a motion to approve the minutes as presented

SECOND- Member Dugan

VOTE- Unanimous

MOTION- Member Richardson made a motion to excuse Member Garibay from the meeting

SECOND- Member Dugan

VOTE- Unanimous

PUBLIC COMMENTS

None.



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OLD BUSINESS

1. Underground Utilities Update

Member Richardson commented he spoke with the Duke Energy representative and it would cost \$500 a sqft to bury the lines, so a mile would cost around 2.5 million. Also spoke with her regarding FEMA grants, and will meet with Member Garibay and the representative from Duke Energy in the future.

2. Land Use Plan Update

Commissioner Whitey commented the Town has received over 500 responses so far from the Land Use survey.

3. Chapter 160D Update and Review

Town Attorney Eldridge gave an update and review of the proposed text amendment related to Chapter 160D. The proposed text amendments are hereby incorporated into the minutes.

- Chapter 160D consolidates and unifies city and county land use and development provisions
- Main intention of Chapter 160D was designed to provide clear guidance on various aspects of land use planning and development
- For example, how those regulations are amended, challenged, how they work and how the decisions are appealed
- Impacts all development regulations, from stormwater control to driveway permits, zoning and subdivision, and inspections
- Last month the PZC reviewed Chapters 11 and 14 and tonight will review 3 chapters
- Chapter 2 and 13 have very minor changes so will review briefly
- The changes increased the Board of Adjustment appeal hearings and will require that the board now hear 99.9% of appeals for the Town
- Chapter 2 the only change under page 5 "Administration" is the deletion of text that has now moved to chapter 12
- Under Chapter 13 a few minor changes to reference Chapter 160D, and another necessary change on page 5 under B to amend the language to reference maps
- Chapter 12, has provisions that effect several different chapters that have been rewritten
- Town Council will receive a presentation on the Chapter 160D in May and will hold a Public Hearing in June before adopting at a Special Meeting
- The provisions of this Chapter shall apply to all Town development regulations
- The provisions of this Chapter are supplemental to specific provisions included in other KBC Chapters regulating land use and development. To the extent there are conflicts between the provisions of this Chapter and the provisions of other KBC Chapters, the more specific provisions shall control
- The enactment of this Chapter and of Chapter 160D of the General Statutes shall not require the readoption of any KBC Chapters or ordinances enacted before July 1, 2021 and which are restated or revised, in whole or in part, in the ordinance adopting this Chapter



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MOTION- Chairman Galbraith made a motion to recommend to Town Council the proposed text amendments to Chapter 2, Chapter 12, and Chapter 13

SECOND- Member Richardson

VOTE- Unanimous

NEW BUSINESS

1. Oath of Office for Alternate Member Joe Barlok

Town Clerk Sanders administered the oath of office for Alternate Member Joe Barlok.

2. Discussion of the Kure Beach Bike Path

Chairman Galbraith commented the last few months there has been discussion regarding Bike Paths in Kure Beach. There was concern if PZC had the authority to research bike paths so reviewed what is now Chapter 12 in the Town code and it states "In addition, the commission may make, cause to be made, or obtain special studies on the location and adequacy of specific facilities, and condition, which may include, but are not limited to, studies of housing, commercial and industrial facilities, schools, parks, playgrounds, recreational facilities public and private utilities, and traffic, transportation and parking facilities." under basic studies so felt it was an appropriate topic for the Commission to have on the agenda. Member Richardson requested to add this item to the agenda tonight for discussion so will turn it over to him.

Member Richardson commented he may have selected the wrong title for the agenda. His main concern was brought forward to him by several residents who had reviewed the current 2006 Land Use Plan. If items come forward to the Town that have a major impact, he believes the Commission should be involved in the process to ask questions. The current Land Use Plan Survey has no questions regarding Bike Paths. He is requesting in the future that items such as the Bike Path come before the Commission as it changes the current Land Use Plan or the future one that is in the process of being rewritten. It is not the Bike Path he has concerns with but the process. Once the Land Use Plan is approved any changes made to the Land Use Plan should that come before PZC? It is a direct change in his mind to the 2006 Land Use Plan.

Town Clerk Sanders commented the Bike/Ped committee is currently working on a Bike Pedestrian Plan.

Town Attorney Eldridge stated he is confused as nothing has been written in terms of the new Land Use Plan. The Land Use Plan document is a guide for the Town. Zoning regulations need to address the Land Use Plan but not required to follow the plan exactly. The PZC consistency Statement is not binding on the Town Council.

Chairman Galbraith commented the issue is Member Richardson felt the discussion of the Bike Route should have come before the PZC. Another Committee can investigate into the route but PZC should be involved in the discussion. The two issues tonight is the 2006 Land Use Plan has a



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recommendation regarding the Bike Route and a new proposed Bike route has come out that is inconsistent with the 2006 Land Use Plan. The second issue is the Bike/Ped Committee is currently working on a grant and per the responsibilities of the PZC the Commission should be involved. According to Attorney Eldridge the Plan will come before the Commission before it is complete. Commissioner Whitley is the Town going to change from the 2006 Land Use Plan before the new plan is revised?

Commissioner Whitley commented once the study is received it will be brought forward to the Town and it will be incorporated into the revised Land Use Plan.

Member Zielinski commented in the meantime if the study comes back that 4th Ave S would be the best route would Town Council adopt it despite the fact it is inconsistent with the 2006 Land Use Plan?

Town Clerk Sanders commented the 2006 Land Use Plan does mention other undetermined areas.

Chairman Galbraith stated that does open it up to other areas.

MEMBER ITEMS

None.

ADJOURNMENT

MOTION- Member Zielinski made a motion to adjourn the meeting at 8:42 p.m.

SECOND- Member Dugan

VOTE- Unanimous

ATTEST:


Mandy Sanders, Town Clerk


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.