



PLANNING & ZONING COMMISSION MINUTES

REGULAR MEETING

Wednesday, September 6, 2023 @ 6:00 pm

The Kure Beach Planning and Zoning Commission (PZC) held its regular meeting on Wednesday September 6, 2023. A quorum of members was present and Attorney Jim Eldridge attended.

P&Z MEMBERS PRESENT

Vice-Chair Joe Barlok
Member Jim Dugan
Member Craig Galbraith
Member Tony Garibay
Alternate Member Connie Mearkle (Showed up late)

P&Z MEMBERS ABSENT

Chairman Byron Ashbridge

STAFF PRESENT

Beth Chase, Deputy Town Clerk
John Batson, Building Inspector

COUNCIL LIAISON PRESENT

Commissioner Dennis Panicali

CALL TO ORDER

Chair Ashbridge called the meeting to order at 6:00 p.m.

MOTION- Member Dugan made a motion to excuse Chairman Ashbridge and Member Mearkle from the meeting

SECOND- Member Galbraith

VOTE- Unanimous

ADOPTION OF AGENDA

MOTION- Member Dugan made a motion to adopt the agenda as presented

SECOND- Member Galbraith

VOTE- Unanimous

APPROVAL OF MEETING MINUTES:

- August 2, 2023 Regular Meeting

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

SECOND- Member Galbraith

VOTE- Unanimous

PUBLIC COMMENTS

None



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OLD BUSINESS

1. Continued Discussion of SIC Codes

Vice Chair Barlok stated at the last Town Council meeting the text amendments regarding permitted uses was approved so he has now taken the wording and added it to the SIC codes. These amendments are not being presented today but providing to the Commission now for review next month.

Attorney Eldridge commented he will bring the final revisions to the next month's meeting.

2. Discussion of Proposed Text to 15.36.260

Director of Development and Compliance Batson stated after last month's discussion he reviewed the minutes and this all transpired because of solar energy batteries and the Commission's concern regarding batteries to store energy. After reviewing the minutes from last month, it seemed the Commission was more concerned about where to input this section of ordinances for this potential issue more than the wording. The proposed amendment is ready for the Commission to discuss.

Attorney Eldridge stated this is a Chapter 15 ordinance so if the Commission moves forward would need to have a consistency statement and a Legislative Hearing.

Member Galbraith commented as he mentioned last time when the Commission wrote the original proposed amendment for solar energy the Commission would need to be careful with the wording regarding state legislative rules. He checked with the legislative rules and he believes it would be fine.

Member Garibay stated he has a few comments and is not sure he can agree with this for solar batteries that are externally mounted. Is it more about the size? He is trying to understand why the Commission would not want them on the house. If you look at other items that do protrude into the setback such as hurricane shutters they are about the same size as a tesla battery. Fireplace range hoods, electrical panels protrude more into the setback then these batteries. The Commission he believes wants to promote green energy but not create any issues for the Town in the future. He does not think you can do anything about the technology, batteries will continue to evolve and change.

Member Dugan commented the industry is so new that anything the Town writes today may need to be modified by tomorrow.

Member Garibay stated that is correct. He is not sure if it will get bigger or smaller in the future, but it will change. Does the Town want to put something in writing restricting a citizen from allowing them to do something? The commission will be right back here then to have more discussions.

Member Dugan stated but not putting it into writing could leave it open for citizens to do anything.



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Member Garibay commented if a citizen follows the manufacturers requirements for installation it may put it above 6 or 7 feet depending on the brand.

Member Barlok stated when PZC discussed the 6 feet it was regarding the propane tanks or generators that sit in the setback. The height requirements should not be an issue. If you are not in the setback it would not matter regarding the height.

Member Garibay commented if the Town states the batteries are acceptable and need to follow the requirements of the manufacturer's installation and the national electrical code it is a doable situation for him.

Director of Development and Compliance Batson stated he could reword it to read "Batteries and accessories used for storing energy may be mounted on the sides and rear of the serviced structure provided that the batteries are not mounted any higher than the manufacturer's installation directions for minimum distance from the ground and shall not project into the required setback."

CONSENSUS- Town Attorney to bring final proposed text amendment to the October PZC meeting.

3. Continued Discussion of the Planning & Zoning Commission Land Use Plan Initiative

Vice Chair Barlok commented Director of Development and Compliance Batson please let the PZC know if there is anywhere the PZC can help with this initiative in the future. Town Clerk Chase you can remove this item from future agendas.

NEW BUSINESS

1. Text Amendment Application for KBC 15.36.010 for Kure Beach Property Owner Steve Stefanovich

Applicant Steve Stefanovich stated:

- He is here tonight to ask for an amendment to ordinance 15.36.010
- He never thought he would be having this conversation when they built their house 20 years ago, but due to health issues here he is
- They did plan that at some point an elevator may be needed so he lined one up to be added to the property. There was plenty of space between his home and the HOA property, so he did not see it being an issue
- He had an architect review the property and was advised to do a survey
- The survey was completed, and he discovered he did not have as much space as originally thought as the homeowners association had installed the fence in the incorrect space
- He has been maintaining the property for the last 20 years, as the HOA was unaware this was not his property.



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- He spoke with the HOA and they have no issue with him building the elevator or going into the setback, but he is aware that is a Town issue.
- He did review other properties that this amendment would affect in the community and found 40 other properties. He has provided the pictures of these properties to the Town
- He is requesting two feet into the setback; the elevator will require a hallway and it will be fully enclosed

Vice Chair Barlok commented why would the PZC want to restrict it to 24 inches in the ordinance?

Attorney Eldridge commented if you do not restrict the resident could take up the whole setback and he would assume staff would have issues with this. The setbacks are there for first responders.

Vice Chair Barlok commented the area that is being discussed would be in an undeveloped area where the access would still be maintained.

Member Dugan stated why would PZC want to change the setback as the setbacks are in place for a reason not that he disagrees.

Member Galbraith commented the PZC has had a lot of discussions on setbacks previously and always seem to focus on safety issues.

Attorney Eldridge stated there seems to be a consensus amongst staff that this is an acceptable proposal.

The PZC held further discussion on the proposed text amendment and directed Attorney Eldridge to draft an amended proposed text amendment for next month's PZC meeting for further discussion.

CLOSED SESSION

None.

ADJOURNMENT


MOTION- Member Galbraith made a motion to adjourn the meeting at 7:17 p.m.

SECOND- Member Garibay

VOTE- Unanimous

ATTEST:


Beth Chase, Town Clerk


Joe Barlok, Vice Chairman



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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.