



TOWN COUNCIL MINUTES

PUBLIC HEARING

December 17, 2013

The Kure Beach Town Council held a Public Hearing on Tuesday, December 17, 2013, beginning at 6:00 p.m. Attorney Canoutas was in attendance and there was a quorum of Council present.

COUNCIL MEMBERS PRESENT

Mayor	Dean Lambeth
Mayor Pro Tem	Chuck Keener
Commissioner	Emilie Swearingen
Commissioner	David Heglar
Commissioner	Steve Pagley

STAFF PRESENT

Building Inspector - John Batson
Town Clerk – Nancy Avery
Deputy Town Clerk – Nancy Hewitt

PUBLIC HEARING #1

PROPOSED AMENDMENT TO ADD AN ORDINANCE REGARDING A MIXED-USE OVERLAY DISTRICT ON K AVENUE

CALL TO ORDER & PURPOSE OF HEARING

Mayor Lambeth called the Public Hearing to order at 6:00 p.m. stating it was being held to receive public comments on a proposed amendment to the Code of Ordinances to add to Chapter 19 Zoning, Article III District Regulations, Division 1 Generally, a new Section 19-84 titled K Avenue Mixed-Use Overlay District.

Notice of the Public Hearing was posted, as follows: at Town Hall and on the Town website on November 22, 2013; Island Gazette on November 27, December 4 and December 11, 2013; Zoning Hearing signs on December 2, 2013. Letters of notice to Kure Beach business owners and certified/return-receipt letters of notice to affected property owners were mailed on November 22, 2013.

Planning and Zoning Commission (P&Z) Chairperson, Craig Galbraith, explained that the Land Use Plan identifies K Avenue as a possible mixed-use, overlay district and that, two years ago, Kure Beach Town Council charged P&Z with the task of examining the district to develop a plan for such use. He stated that P&Z held a workshop with the Kure Beach community and also examined about 100 similar communities while developing the draft ordinance. He said P&Z was careful not to make it strictly a commercial district and they only added a few other businesses to the ones already allowed in the district; i.e. light retail stores like gift shops and light food establishments like coffee shops.



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PUBLIC COMMENTS

1. Chuck Mullen, 315 Harper Avenue, Carolina Beach

Mr. Mullen said he was glad to see the Town moving in the direction of expanding business in Kure Beach but was opposed to requiring a residence over top of a business. He said he doesn't know where parking would be available for the business and he wouldn't want to base a business on first come-first serve parking. He asked Council to consider not requiring a residence with a business.

2. Mark Zeigler, Wilmington Department of Commerce Division of Community Assistance.

Mr. Zeigler stated that he is a Community Development Planner with the Department of Commerce. He said he gave Town Clerk Avery a report on Friday with recommendations and ideas he had with regards to the mixed-use district. He recommended that parking not be allowed in the front lawn area of the properties because research shows this is detrimental because problems arise when people are trying to park and other people are trying to access the business.

Commissioner Swearingen asked Town Clerk Avery to provide Building Inspector Batson and P&Z Chairperson Galbraith with the report she received from Mr. Zeigler, to which Mr. Zeigler commented that he had forwarded his information to Mr. Galbraith this morning.

3. Ronnie Pernell, 129 S. 5th Avenue, Kure Beach

Mr. Pernell said he is not concerned about the plan because he doesn't think it will ever happen and asked if the change would be to the K Avenue RA-2 district, only, or if all RA-2 districts in Kure Beach would be affected.

P&Z Chairperson Galbraith said it would only affect properties adjacent to K Avenue. He said it doesn't change the zoning, but overlays a designated area on K Avenue where it would apply.

4. Marvin Rouse, 403 K Avenue, Kure Beach

Mr. Rouse showed Council a proposed concept that he was given of what the Pier View Cottage property would look like with eight businesses on it. He explained that, according to the measurements on the property compared to the concept, each business would only be about 12 feet wide.

Commissioner Swearingen pointed out to Mr. Rouse that the drawing he was showing Council was created eight years ago and no longer pertains to the subject.

6. Larry Aultman, 505 K Avenue, Kure Beach

Mr. Aultman stated that he is not opposed to change and thinks that, as the town grows, there needs to be change; but he wants it done in the right way. He said he would like to know what has happened to the property values in the mixed-use, overlay districts researched by P&Z.



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Chairperson Galbraith said that the commission didn't look at the property values when doing their research, but that mixed-use overlay districts are becoming a trend. He said if there had been a decrease in property values he figures there wouldn't be an increase in this type of district.

Mr. Aultman asked Council to protect its citizens by researching the property values in these types of districts. He said it would calm the affected citizens if they know their property values won't decrease. He questioned how the parking would work on some of the smaller lots in the district and added that, during the summer, people parked all the way up K Avenue on the north side, blocking properties. He asked Council what the status of the sidewalk was on the north side of K Avenue.

Mayor Pro Tem Keener said the sidewalk will soon be installed. He explained that there is no space between the sidewalk and the road for parking, but there is a space between the sidewalk and the curb. He said there will be driveways in each property location where cars can drive over the sidewalk to get to their space.

Mr. Aultman said that, in regard to the discussion on the Pier View Cottages, if there were eight businesses and 2.5 cars per business, 20 parking spaces would be needed just for the businesses in that area, not including parking spaces for the residences.

Chairperson Galbraith read a list of businesses that are already allowed on K Avenue in the RA-2 district and stated they only added two more types of businesses. He said that part of what P&Z did when putting together the draft ordinance was to actually put stronger restrictions on landscaping, sign and lighting requirements to protect the property owners more than they are currently being protected.

Mayor Lambeth called Town Clerk Avery to the podium to read the following comments that were received via email, to be read into the official public record of the hearing.

1. Jerry Waddell, 404 K Avenue, Kure Beach

"When we decided to buy a home in Kure Beach about this time last year, we were attracted to the charm of the community. My concern focuses on how these additional occupancies will impact the residents on K Avenue and the surrounding community. We do not want to see the Kure Beach charm diminished."

2. Jerome Kelley Chadwick, 514 K Avenue, Unit B

"I am writing to voice our opposition to the proposed K Avenue zoning change. The possibility that the town could approve a commercial business close to our townhome at 514 K Avenue would hurt our property value, which already has been affected by the poor economy in recent years."



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ADJOURNMENT

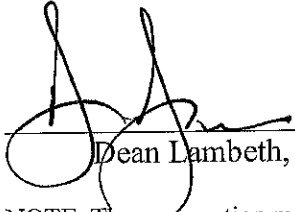
As no one else indicated their intent to speak, the Mayor adjourned Public Hearing #1.

MOTION – Mayor Lambeth made the motion to adjourn.

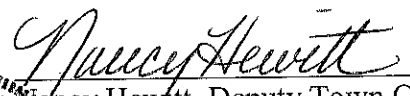
SECOND – Mayor Pro Tem Keener

VOTE – Unanimous

Public Hearing #1 adjourned at 6:32 p.m.

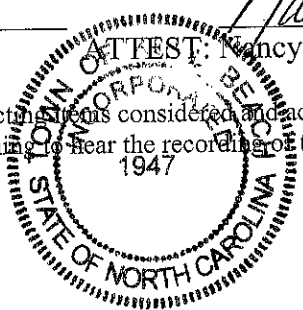


Dean Lambeth, Mayor



Nancy Hewitt, Deputy Town Clerk

ATTEST:



NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. Persons wishing to hear the recording of this meeting may request to do so by contacting the Town Clerk.