

NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRAXTON C. DAVIS
Director

February 2, 2021

MEMORANDUM

CRC-21-06

TO: Coastal Resources Commission
FROM: Ken Richardson, *Shoreline Management Specialist*
SUBJECT: Town of Kure Beach Development Line Amendment Request

Background:

On April 1, 2016, the Commission's rules were amended to allow oceanfront communities with large-scale beach nourishment or inlet relocation projects to establish a "Development Line" as an alternative to the Static Vegetation Line Exception. You will recall that a static vegetation line represents the vegetation line that existed just prior to a community's initial large-scale beach nourishment project and must be used for measuring oceanfront construction setbacks. A Development Line is established by a local government to represent the seaward-most allowable location of oceanfront development, provided the development can meet the setback measured from the first line of stable and natural vegetation. Under the CRC's Development Line Rule, buildings and accessory structures could potentially move seaward up to the approved Development Line if minimum setbacks are met. Local governments are required to request approval for a Development Line, or any subsequent amendments from the Commission according to the procedures outlined in 15A NCAC 7J. 1300.

To receive the CRC's approval for a Development Line, the petitioner shall establish the Development Line using on-ground observation and survey, or aerial imagery along the community's oceanfront jurisdiction or legal boundary. The proposed Development Line must extend the full length of the large-scale beach nourishment project area (length of static vegetation line) and may extend beyond the boundaries of the large-scale project to include the entire oceanfront jurisdiction or legal boundary of the petitioner. In establishing the Development Line, an adjacent neighbor sight-line approach is to be utilized, resulting in an average line of structures. In areas where the seaward edge of existing development is not linear, the Development Line may be determined by average line of construction on a case-by-case basis. In no case shall the Development Line be established seaward of the most seaward structure within the petitioner's oceanfront jurisdiction.



Once adopted, the petitioner shall then submit the following to the Director of the Division Coastal Management in accordance with CRC's rules (15A NCAC 07J. 1300):

1. A detailed survey of the Development Line; to also include the Static Vegetation Line;
2. Copy of local regulations/ordinances associated with the Development Line, and;
3. Record of local adoption of the Development Line by the petitioner.

On March 21, 2017, the Town of Kure Beach adopted the town's development line into their ordinances, and then the Coastal Resources Commission's (CRC) unanimously approved the Towns Development Line on July 12, 2017

Town of Kure Beach Development Line Amendment Request:

The existing CRC certified Development Line at Kure Beach generally follows the USACE/Town of Kure beach nourishment easement line, though the CRC's initial certification came following the Commission's request to re-map a 100 foot portion (2 parcels) of the proposed development line since it did not follow the line-of-structures, and did protrude seaward approximately 45 feet from adjacent sections of the proposed line. Once amended per the CRCs request, the Town's development line was certified because it generally follows a construction line-of-sight, and it also served to consolidate management lines along the Town's oceanfront. Recently, the Town discovered an easement line change that occurred between 1995 and 1996; that change was mentioned on a recordation, but a survey referenced in the document was not attached, and so the 1995 easement line has been referenced without this change until recently. As part of a contested case, the Town rediscovered the 1996 easement survey in their records and affects approximately 18 oceanfront properties. For consistency with the USACE/Town beach nourishment easement line in this area, the Town is asking the CRC to consider certifying an amendment to the existing Development Line to follow the easement line in the area of these 18 oceanfront properties from 502 Fort Fisher Boulevard North to 628 Fort Fisher Boulevard North.

Summary of Staff Review:

Staff have reviewed all information submitted by the petitioner and have determined that all required supporting information and documentation have been submitted and is attached for the Commission's consideration. It should be noted that the proposed amendment to the Town's development line is approximately 50 feet seaward of the existing development line.

Attachment A: Map illustrating proposed Development Line amendment (*Approved by Kure Beach Town Council*)

Attachment B: Map illustrating Development Line amendment (*NC DCM Map - Scale 1:800*)

Attachment C: Map illustrating Development Line amendment (*NC DCM Map – Scale 1:2400*)

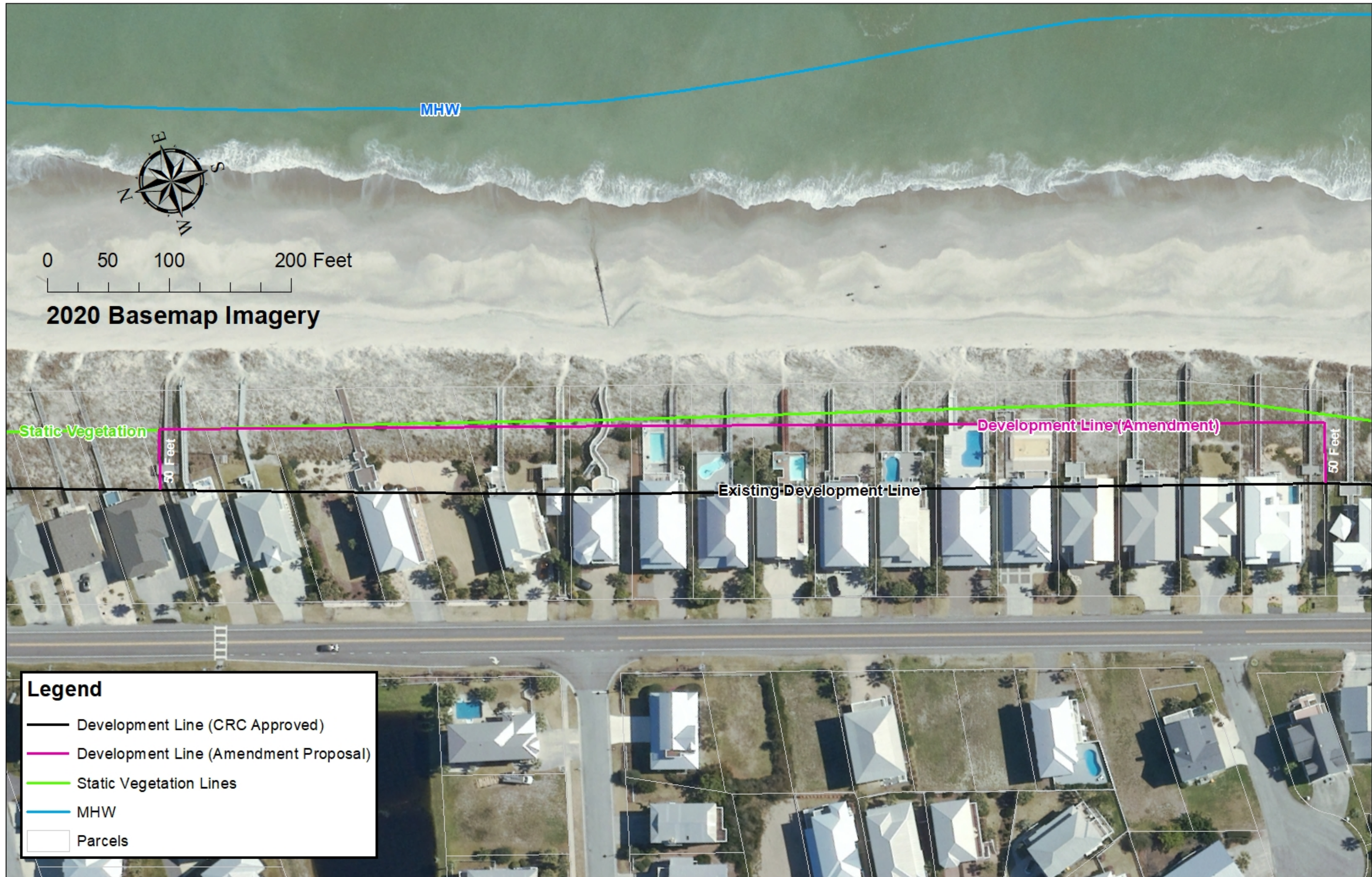
Attachment D: Town Council meeting minutes approving the amended Development Line



Attachment A: Map illustrating proposed Development Line amendment (Approved by Kure Beach Town Council)

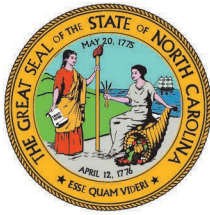


Attachment B: Map illustrating Development Line amendment (NC DCM Map - Scale = 1:800)



Attachment C: Map illustrating Development Line amendment (NC DCM Map - Scale = 1:2,400)





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Attachment D: Town Council meeting minutes approving the amended Development Line





TOWN COUNCIL MINUTES

REGULAR MEETING

January 25, 2021 @ 6:00 p.m.

The Kure Beach Town Council held its regular meeting on Monday, January 25, 2021 at 6:00 p.m. The Town Attorney was present and there was a quorum of Council members present.

COUNCIL MEMBERS PRESENT

Mayor Craig Blosszinsky
Mayor Pro Tem David Heglar
Commissioner Joseph Whitley
Commissioner John Ellen
Commissioner Allen Oliver

COUNCIL MEMBERS ABSENT

STAFF PRESENT

Town Clerk – Mandy Sanders
Police Chief – Mike Browden
Fire Chief – Ed Kennedy
Recreation Director – Nikki Keely
Building Inspector – John Batson
Finance Officer – Arlen Copenhaver
Public Works Director – Jimmy Mesimer

Mayor Blosszinsky called the meeting to order at 6:00 p.m. and Commissioner Ellen gave the invocation and Pledge of Allegiance.

APPROVAL OF CONSENT AGENDA ITEMS

1. Minutes:
 - December 14, 2020 Regular
2. Approve application for TDA funding totaling \$264,850.44 for Lifeguard services for the summer of 2020.
3. Approve application for TDA funding totaling \$31,699.78 for Ocean Front Park maintenance, improvements, and operating supplies.
4. Approve application for TDA funding totaling \$6,533.33 for Pleasure Island Chamber of Commerce Free Summer Concerts.

MOTION-Commissioner Oliver made a motion approve the consent agenda as presented.

SECOND- Commissioner Whitley

VOTE- Unanimous

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TOWN COUNCIL MINUTES

REGULAR MEETING

January 25, 2021 @ 6:00 p.m.

Attorney Eldridge stated that on the agenda are links for the design standards, workshop materials and designation report. He encourages Town Council to read these documents prior to the joint workshop on Thursday.

2. Land Use Plan Committee

Commissioner Whitley stated they did not have a meeting in January, and they will discuss the proposal for a Land Use Plan under Old Business. All the ordinance changes since 2006 have been distributed and the committee members will be reviewing these changes.

3. Parking Committee

The Parking Committee will be discussing the recommendation to council in Old Business and Premier Parking will be making a presentation.

4. Shoreline Access and Beach Protection

Chairman Panicali stated the committee is working on new signage for the beach and it will be much more extensive than they originally envisioned. There are dozens of missing signs and signs that will need to be relocated. The signs also need to be redesigned so that various markers along the beach can be located. The committee will be finalizing sponsorship opportunities on the back of signs at their next meeting and will bring to the February Town Council Meeting.

5. Stormwater Committee

MPT Heglar stated the committee met last week and still have not received approval of the proposal to the state of North Carolina for corrections from the 2019 December audit. They have received the required information from all pond owners, except one, for the required tracking of their permits. The report is due in October so there is plenty of time to work through that and by then they will have the required 6-month maintenance information for 2021 for each of the pond owners.

Commissioner Ellen stated he would like the citizens to know that Town Council along with Building Inspector Batson and Public Works Director Messimer walked the drainage ditches along MOTSU property to determine their condition. Commissioner Ellen commented that he thought they looked much better this year, than they did last year.

DISCUSSION AND CONSIDERATION OF DEPARTMENT HEAD BUSINESS

1. Building Inspections

- Approval of Development Line Alteration to follow updated Easement Recordation. Kure Beach Development Line Plat is hereby incorporated into the minutes.

Building Inspector Batson stated:





TOWN COUNCIL MINUTES

REGULAR MEETING

January 25, 2021 @ 6:00 p.m.

- 2017, Town Council authorized Building Inspector Batson to go before the Coastal Resources Commission to apply for a Development Line.
- This process puts responsibility on the beach towns to figure out where they want to measure from the ocean for development.
- The Town based the Development Line on the beach re-nourishment easements that are on all oceanfront properties. This line was proposed to the Coastal Resources Commission and they gave a few edits for continuity of the line down the beach strand. Basically, the line was moved to follow the common line of existing construction.
- Building Inspector Batson recently denied a CAMA permit application for a property on the oceanfront based on the location of the Development Line.
- Through research, it was discovered that in February of 1996, there was an addendum to the Easement Line that was originally posted in 1995. The recordation had some wording that referenced a new map and said the map was attached, but the map was not attached when it got recorded. The map was found in the Town's archives and the document has since been re-recorded.
- Based on the guidance from Town Council, the development map has been redrawn.
- Requesting Town Council to review and vote to approve new map so it can be presented to the Coastal Resources Commission.
- New Development Line will affect 18 different oceanfront properties, 502 Fort Fisher Boulevard North to 628 Fort Fisher Boulevard North.
- It would bring into compliance, the oceanfront pools that we have encroachment agreements on.
- Building Inspector Batson will present to the Coastal Resources Commission on February 18th or 19th, 2021 in Moorehead City.

Building Inspector Batson stated he drafted a motion to include the specific requirements the Coastal Resources Commission would need to see in Town Councils approval.

MOTION: Commissioner Whitley made a motion to accept Development Line change. Since the Development Line closely follows the Beach Nourishment Easement Line, I'd like to make a motion to change the Development Line to reflect a newly discovered change to the Easement along the oceanfront from a map dated 2/26/1996 and recorded at NHC Register of Deeds map book 2000 page 1056. The map was mentioned on recordation but was not attached.

The Modification to the Development Line on map dated 1/21/21 by Robert H. Goslee & Associates incorporates the change referenced above that affects 18 different oceanfront properties from 502 Fort Fisher Blvd North to 628 Fort Fisher Blvd North.

I also make a motion to direct Building Inspector Batson to make application and appear before the Coastal Resources Commission at the February 2021 meeting to make the request to the CRC

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TOWN COUNCIL MINUTES

REGULAR MEETING

January 25, 2021 @ 6:00 p.m.

to approve the proposed development line modification shown on this map and pursuant to the CRC's development line rules found at 15A NCAC 7J .1300 et. Seq.

SECOND: MPT Heglar

VOTE: Unanimous

2. Fire Department

Fire Chief Kennedy stated the FEMA AFG grant has officially opened and the deadline is February 14, 2021. It has a cost share match of 5%. The Fire Department has in their 5-year capital plan to purchase radios, which is a large expense for the Fire and Police Departments over the next 5 years. This would be a good opportunity to put in for it, since they are a priority. Needs approval from Council before moving forward with the application process. Estimated cost is \$150,000 - \$200,000 so cost share would be \$7,500- \$10,000.

CONSENSUS- Town Council agreed for Fire Chief Kennedy to proceed with FEMA AFG grant application process.

3. Public Works Department

Public Works Director Mesimer stated:

- The catch basin at Town Hall in front of the Fire Department is completed and they followed all the recommendations given by the Construction Project Manager, Mr. Brown.
- Chris Holmes Engineering inspected the foundation of the Fire Department to make sure there was nothing wrong. The results of that inspection are expected soon.
- Wear and tear on some of the concrete pipes were noted upon inspection.
- It will take 2-3 weeks for the asphalt to arrive.
- Hatteras ramps installed at 1004 ½

Commissioner Oliver asked if line from Police Department have been inspected.

Public Works Director Mesimer stated they received the cameras back and will inspect them.

MPT Heglar stated there should have been a report about the box in the original inspection and that needs to be reviewed.

Commissioner Oliver stated the box was inspected pre and post construction to make sure there was not any damages.

4. Recreation Department

Recreation Director Keely stated two benches along the boardwalk are in need of immediate replacement but with so many cancellations, what is already in the parks budget can be utilized

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TOWN COUNCIL MINUTES

REGULAR MEETING

January 25, 2021 @ 6:00 p.m.

Motion to go into closed session as per N.C.G.S. 143-318.11(a)(3) for attorney-client privilege

MOTION- Commissioner Ellen made a motion to go into closed session as per N.C.G.S. 143-318.11(a)(3) for attorney-client privilege at 8:01 p.m.

SECOND- Commissioner Whitley

VOTE- Unanimous

MOTION- MPT Heglar made a motion to return to open session at 8:46 p.m.

SECOND- Commissioner Whitley

VOTE- Unanimous

ADJOURNMENT

MOTION- MPT Heglar made a motion to adjourn at 8:46 p.m.

SECOND- Commissioner Whitley

VOTE- Unanimous

ATTEST: Mandy Sanders, Town Clerk

Craig Blaszynski, Mayor



NOTE: These are action minutes reflecting items considered and actions taken by Council. These minutes are not a transcript of the meeting. A recording of the meeting is available on the town's website under government/agendas/minutes.

