



**TOWN OF CALABASH  
PLANNING AND ZONING BOARD  
REGULAR MEETING  
OCTOBER 4, 2010  
6:00 pm-SANBORN HALL**

**AGENDA**

**CALL TO ORDER & PLEDGE TO FLAG:**

**OATH OF OFFICE:** Mr. Kenneth Drennan has been appointed to the Calabash Planning & Zoning Board by the Brunswick County Board of Commissioners as the ETJ representative for a three-year term ending 10/13/2013.

**APPROVAL/ADJUSTMENT OF AGENDA:**

**ELECT A VICE-CHAIRMAN:**

**APPROVAL OF MINUTES:**

1. July 6, 2010-Regular Meeting

**PUBLIC COMMENTS:**

**TOWN CLERK'S REPORT:**

**OLD BUSINESS:** None

**NEW BUSINESS:**

1. **Discussion/Action**-make a recommendation to the Board of Commissioners regarding the major subdivision request for Riverwalk at Calabash—Tax Parcel # 2550000305, 1360 Beach Drive; a 1.60 acre track into 6 lots.
2. **Discussion/Action**-review Section 18-5(15) of the UDO as it pertains to animated signs being prohibited. Prepare revisions to Article 18 to remove animated signs from prohibited and add regulations that permit animated signs—make a recommendation to the Board of Commissioners.
3. **Discussion/Action**-make a recommendation to the Board of Commissioners regarding an appointment to the Sewer Service Connection Assistance Program Committee. The Board of Commissioners would like a member of the PZB who is not in the sewer assessment area to be on the committee.

**BOARD COMMENTS:**

**ADJOURN:**

**TOWN OF CALABASH  
PLANNING AND ZONING BOARD  
REGULAR MEETING  
Monday, October 4, 2010 – 6:00 p.m.**

**MINUTES**

The Calabash Planning and Zoning Board (PZB) held a regular monthly meeting on Monday October 4, 2010, 6:00 p.m. at Town Hall, 882 Persimmon Road, Calabash, NC.

**MEMBERS PRESENT:** Mr. Marty Keefe, Mr. John Thomas, and Mr. Kenneth Drennan were present.

**MEMBERS ABSENT:** Chairman J.W Brown and Mr. Alton Watts.

**STAFF PRESENT:** Town Clerk/Interim Administrator Kelley Southward and Building Inspector Stanley W. Dills.

**GUESTS PRESENT:** Mr. Joshua Truesdale, Mr. Christopher Stanley and Ms. Emily DiStasio.

**CALL TO ORDER AND PLEDGE TO THE FLAG:** In the absence of Chairman Brown, Mr. Keefe called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance to the Flag.

**OATH OF OFFICE:** Town Clerk Kelley Southward administered the Oath of Office to Mr. Kenneth Drennan who was recently appointed to the PZB by the Brunswick County Board of Commissioners as the ETJ representative for a three year term ending October 13, 2013. Following the oath, Mr. Drennan took at seat on the dais.

**APPROVAL/ADJUSTMENT OF AGENDA:** Ms. Southward asked the Board add to the agenda a fourth item to New Business, the review of a letter submitted by Mr. Joshua Truesdale who is interested in becoming an in town PZB member and to consider making a recommendation to the Board of Commissioners. *Mr. Thomas motioned to approve the agenda as amended; seconded by Mr. Drennan and carried unanimously.*

**ELECT A VICE-CHAIRMAN:** *Mr. Thomas motioned nominating Mr. Marty Keefe as vice-chairperson of the PZB; seconded by Mr. Drennan and passed.*

**APPROVAL OF MINUTES:** *Mr. Drennan motioned to approve the July 6, 2010 minutes as presented; seconded by Mr. Thomas and passed unanimously.*

**PUBLIC COMMENTS:** None.

**TOWN CLERK'S REPORT:** The Town Clerk read her report and a copy is herewith attached.

**OLD BUSINESS:** None.

## **NEW BUSINESS:**

### **1. Discussion/Action-make a recommendation to the Board of Commissioners regarding the major sub-division request for Riverwalk at Calabash-Tax Parcel #2550000305, 1360 Beach Drive; a 1.60 acre track into six lots.**

Mr. Keefe asked Building Inspector Stanly Dills for his comments. Mr. Dills stated that he and Ms. Southward had reviewed the plans and they have recommendations for the Board to consider. Mr. Dills asked Mr. Stanley, project engineer/owner's agent, about plans for the existing boat house that was shown on the preliminary plat. Mr. Stanley replied that the boat house would be remodeled and the footprint of the boat house would probably not change. Mr. Dills stated that CAMA will have jurisdiction as the project is adjacent to the Calabash River and therefore there are tidal influences. There is a 30 foot, 40 foot, 75 foot buffer based off the Normal High Water (NHW) line in the area. This can be seen on the plan as indicated roughly by L19-L34. This was determined to be the NHW line when surveyed in 2008 by Ms. Debi Wilson from the Wilmington CAMA office. As there are only certain things allowed by CAMA Minor Permit in the 30 foot buffer, such as the boat house, Mr. Dills would meet with Ms. Wilson and Mr. Autry/Mr. Stanley to discuss that and other items to insure they are in compliance. There is also a 75 foot CAMA setback which means Lot 1 and Lot 2 and possibly a portion of Lot 3 will fall under CAMA jurisdiction. The lots can be developed but there are certain things that cannot be done within that 75 foot high water line setback. Another issue to consider is floodplain management. The Town has a two foot free board technically allowing the Town to raise the base flood elevation established by FEMA from 12 to 14 feet and puts the operating floor level of the structure so it would be 14 feet above the mean sea level. The elevations need to be shown on the preliminary plat. Mr. Dills said it was necessary to insure that the developer is in compliance.

One item that directly impacts the Town is the right-of-way set for the main entry to the property. The right-of-way from Teagues Ford has been labeled thirty-four foot. According to the Town's Unified Development Ordinance (UDO), a forty foot right-of-way is allowed under special conditions and under normal conditions would require a fifty foot right-of-way. Mr. Dills stated that the Board would need to determine if this project was subject to special condition guidelines allowing a forty foot right-of-way and even so the developer would have to make adjustments to the property.

The next item discussed was the minimum lot size and determining minimum lot width. As defined by the UDO, lot width is measured from the front setback line. Mr. Dills stated that the minimum lot width for a parcel zoned R-6 is sixty feet. To achieve this, adjustments would have to be made to the plans and this adjustment could start to restrict the use of the property by the developer. He stated that the Board consider exactly where to judge the sixty foot width. The UDO places the 60 foot width at the front set back. Depending on the decision made, the parcels could again be restricted in their use. Given their review, Mr. Dills and Ms. Southward recommend that as the spirit of the ordinance is not to penalize lots adjacent to cul-de-sacs or hammer-head shaped streets, the mean depth of the lot be used to determine lot width. A second option is to have the front set back be increased to the point in which the lot meets the required

width. Mr. Drennan stated that he thought it seemed reasonable to use the mean depth to determine lot width; the rest of the Board members concurred.

Mr. Keefe brought the discussion back to the main entry right-of-way. The Mr. Stanley stated that designing the entry to be forty feet is doable; he felt fifty feet might even be possible. Mr. Keefe stated that it would be best for the plan to be recalculated to reflect a minimum of forty feet. Mr. Stanley stated that they had received a verbal approval from the Department of Transportation with the right-of-way as is but that they could increase it to a minimum of forty feet.

Mr. Stanley asked that the Board consider a conditional approval and that the plan not be held up for the above two changes which could be made before the next Board meeting. He stated that the boat house and the pier would be improved and that issues related to CAMA would be addressed. He stated that covenants and restrictions for the Homeowners Association have been prepared. Mr. Keefe stated that he wanted to see another complete presentation with changes before moving forward. Mr. Drennan wanted to review the covenants and restrictions as they are required for preliminary approval. He agreed with Mr. Keefe in wanting to see the revised plan before forwarding a recommendation to the Board of Commissioners (BOC).

*Following discussion, Mr. Drennan made a motion that the preliminary plat be re-worked with the caveats that the Board approves using the average mean of sixty foot widths and requiring the standard of a fifty foot right-of-way. Mr. Thomas seconded the motion which was unanimously carried.*

**2. Discussion/Action-review Section 18-5(15) of the UDO as it pertains to animated signs being prohibited. Prepare revisions to Article 18 to remove animated signs from prohibited and add regulations that permit animated signs – make a recommendation to the Board of Commissioners.**

Ms. Southward provided some background regarding the Board of Commissioners (BOC) thinking regarding animated signs. She stated that the BOC had tabled the issue on two occasions. Enforcement of this ordinance was being held in abeyance. The BOC determined that the course of action to take was to send review of the ordinance back to Planning and Zoning in an effort to get their suggestions and recommendations. By inference it could be deduced that the BOC would like to allow, to some degree, such signs.

Audience member Ms. DiStasio asked to be heard; Vice Chairman Keefe allowed her to comment. She asked why, after years of UDO development and review, no one ever asked that to have animated signs removed from the UDO. Mr. Drennan stated that the definition of animated signs may not reflect exactly the true nature of animated signs. New animated sign technology can be used to market business and that to exclude all animated signs may not be advantageous. He felt the definition could be revised with the necessary controls written into this portion of the ordinance as technology is progressing the types of animated signs in use. Without taking this course of action, then a total restriction may be appropriate. Mr. Keefe stated that he felt more direction from BOC was needed. Ms. Southward will do some research into how other municipalities have handled a similar situation and she will request more

direction from the BOC. *Mr. Thomas made a motion to table New Business Item 2, review of Section 18-5(15) of the UDO as it pertains to animated signs being prohibited. Mr. Drennan seconded the motion, which duly carried.*

3. **Discussion/Action**-make a recommendation to the BOC regarding an appointment to the Sewer Service Connection Assistance Program Committee. Ms. Southward explained that the BOC would like a member of the PZB who is not in the sewer assessment area to be on the committee. She had already spoken with Mr. Drennan and he has agreed to serve as Mr. Thomas and Mr. Keefe live in areas that are a part of the sewer project assessment. Following a brief discussion, *Mr. Thomas made a motion directing the BOC to approve Mr. Drennan to serve on the Sewer Service Connection Assistance Program Committee. Mr. Keefe seconded the motion, which duly carried.*

4. **Review letter of interest for in-Town PZB member; consider making a recommendation to the BOC.** *Mr. Drennan made a motion to forward to the BOC the letter of interest submitted by Mr. Joshua Truesdale to serve as an in-town member of the Planning and Zoning Board and recommend that he be appointed to the PZB as a town representative. Mr. Thomas seconded the motion which passed unanimously.*

**BOARD COMMENTS:** None.

**ADJOURN:** Mr. Thomas moved to adjourn at 6:50 p.m., seconded by Mr. Drennan and unanimously carried.

(SEAL)

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Martin Keefe, Vice-Chairperson

Attest:

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Kelley Southward, Town Clerk