



**TOWN OF CALABASH
PLANNING AND ZONING BOARD
REGULAR MEETING
Monday, March 5, 2012
6:00 pm-SANBORN HALL**

AGENDA

CALL TO ORDER & PLEDGE TO FLAG:

APPROVAL/ADJUSTMENT OF AGENDA:

APPROVAL OF MINUTES:

1. February 6, 2012-Regular Meeting

PUBLIC COMMENTS:

OLD BUSINESS:

1. Discussion/Action to consider making a recommendation to the Board of Commissioners regarding adding bars as a use in the CB and HC districts(and possibly other commercial districts); provide further direction to staff—amendments could affect Articles 2, 10, 11 and/or 12 of the UDO.
2. Discussion/Action to consider making a recommendation to the Board of Commissioners regarding amending setback provisions for corner lots, pie-shaped lots, lots located in cul-de-sacs, and other irregular shaped lots; provide further direction to staff—could affect Articles 10 and 11 of the UDO.

NEW BUSINESS: none

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
PLANNING AND ZONING BOARD
REGULAR MEETING
Monday, March, 5, 2012**

MINUTES

The Calabash Planning and Zoning Board (PZB) held a Regular Meeting on Monday, March 5, 2012 at 6:00 p.m. in Sanborn Hall, located at Town Hall, 882 Persimmon Road, Calabash, NC.

MEMBERS PRESENT: Emily DiStasio, Joshua Truesdale, John Thomas and Clare Leary; a quorum was present.

MEMBERS ABSENT: Sonia Climer and Charlie Daniels.

STAFF PRESENT: Town Administrator Chuck Nance, Town Clerk Kelley Southward and Building Inspector Stanley W. Dills.

GUESTS: The audience was comprised of four individuals.

CALL TO ORDER/PLEDGE: Given the absence of Chairperson Sonia Climer, Vice-Chairperson Mr. Thomas called the meeting to order at 6:05 PM when a quorum arrived. The Pledge of Allegiance was recited.

APPROVAL/ADJUSTMENT OF AGENDA: *Mrs. DiStasio moved to approve the agenda as written; seconded by Mr. Truesdale and unanimously carried.*

APPROVAL/ADJUSTMENT OF MINUTES: *Mrs. DiStasio moved to approve the minutes of February 6, 2012, as written; second by Mr. Truesdale and unanimously carried.*

PUBLIC COMMENTS: None.

OLD BUSINESS:

- 1. Discussion/Action** to consider making a recommendation to the Board of Commissioners regarding adding bars as a use in the CB and HC districts (and possibly other commercial districts); provide further direction to staff – amendments could affect Articles 2, 10, 11 and/or 12 of the UDO.

Discussion began with Mr. Nance commenting that his job was to insure that any potential bar owner met the requirements of the UDO as well as any additional requirements that were required by the Town. He noted that the only benefit to have a special/conditional use is that whatever board reviews the application, other conditions/reasonable requirements could be set if necessary for approval. He noted that the Board of Adjustment cannot disallow a request if the applicant can meet all requirements set in the UDO but they could add other reasonable requirements. He noted that he researched some minimal requirements. The first is that the applicant has to apply to the ABC Commission. That commission will ask if the zoning requirements of the Town have been met. The Town's building/fire inspector signs off on a form attesting to the compliance and the Mayor has to sign-off as well before the

ABC Commission will issue a license. Also included in the document prepared by Mr. Nance were requirements for distance between a bar and churches, schools and residential property (1,000 feet) and parking spaces requirements. The potential bar must conform to all local laws, regulations and ordinances pertaining to, but not limited to: noise, health, safety and nuisances. If the applicant wants to use outdoor space on site for various bar activities, the outdoor space must conform to all applicable laws, regulations and ordinances pertaining to, for example, alcoholic beverage consumption, noise, health, safety and nuisances. Mr. Nance asked the PZB if they wanted to see any additional requirements. Upon a question posed by Mrs. DiStasio, Ms. Southward and Mr. Nance stated that the requirements for sweepstakes establishments are different from the requirements that have to be met for a bar. Mr. Nance noted that adult establishments, bars and gambling establishments are typically the types of businesses with set backs from churches, schools and residences. Mr. Dills noted that the general use of the term bar, referred to a bar not associated with a restaurant. Upon a question posed by Mrs. Leary, Mr. Nance noted that the ABC Commission has two categories that determine permit cost: the first is what you are going to do and the other is what you are actually going to sell.

Following the discussion, Mrs. DiStasio started to make a motion recommending to the Board of Commissioners that bars are a permitted use with conditions established in the ordinance for Central Business and Highway Commercial only. Board members continued the discussion commenting on various conditions that could be included. Mr. Thomas noted that there was a motion which required a second. *Mrs. DiStasio motioned to recommend to the Board of Commissioners that bars be a permitted use with the established conditions included in their packets; seconded my Mrs. Leary and unanimously carried.*

2. Discussion/Action to consider making a recommendation to the Board of Commissioners regarding amending setback provisions for corner lots, pie-shaped lots, lots located in cul-de-sacs, and other irregular shaped lots; provide further direction to staff – could affect Articles 10 and 11 of the UDO.

Building Inspector Stanley Dills noted that in setting standards that there was a potential problem in setting parameters. He went on to explain lot sizes and set backs of properties located in R-6, R-8, R-15 and MFH-II zoning districts. He distributed a diagram showing the concerning situations (attached hereto and made a part of these minutes). He explained that he attempted to find a standard within the zones so that it could be explained to a property owner what percentage of their lot was buildable. He noted that they may have to look at the actual set-backs instead. He noted that owners of property in the R-8 zone are being penalized more so than owners of lots zoned R-6 or R-15. He noted that they should at the least be equal in buildable area size. In order to allow for some relief of set backs in irregular shaped lots, Mr. Dills noted that it might be better to review current zoning set back regulations first in order to make relief fair for all zoning districts. He suggested that R-8 setbacks be reviewed before dealing with lots that are irregular in shape.

Following discussion, *Mr. Truesdale motioned to recommend to the Board of Commissioners that R-8 set backs be adjusted; seconded by Mrs. DiStasio and unanimously carried.*

Discussion continued regarding what the square footage and property frontage should be. Following that discussion, *Mr. Truesdale motioned to recommend to the Board of Commissioners that set backs in the R-8 zoning district be as follows: front set backs at 30 feet, side setbacks at 12 feet, and rear set backs at 27 feet and a minimum lot front width at 70 feet; seconded by Mrs. DiStasio and unanimously carried.* Staff felt this was a good recommendation because these proposed lengths are in between and

R-6 and an R-15; which is what an R-8 should be. The existing requirement that each R-8 lot must be a minimum of 8,000 square feet controls the density (which is true about lot square footage of other districts as well). This recommendation will make things more fair across the board for all zoning districts.

NEW BUSINESS: None

BOARD COMMENTS: Mr. Nance recommended that Mr. Dills continue to work on odd shaped lots and present that information when he is ready.

ADJOURN: Mr. Truesdale motioned to adjourn the meeting; seconded by Mrs. DiStasio and unanimously carried.

(SEAL)

Chairperson or Vice-Chairperson

Attest:

Kelley Southward, Town Clerk