

**TOWN OF CALABASH
PLANNING & ZONING BOARD
REGULAR MEETING
Monday, February 3, 2014—7:00 PM**

MINUTES

The Calabash Planning & Zoning Board (PZB) held a Regular Monthly Meeting on Monday, February 3, 2014, 7:00 PM at Town Hall.

MEMBERS PRESENT: Chairperson Sonia Climer, Vice Chairman John Thomas, Commissioner Emily DiStasio, Mr. Charlie Daniels, ETJ Member Mrs. Clare Leary, and Mr. Mark Pero; all members were present.

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

GUESTS: there were approximately five people in the audience.

CALL TO ORDER/PLEDGE/ROLL CALL: Chairperson Climer called the meeting to order at 7:00 PM and led the Pledge of Allegiance to the Flag. Roll call was taken; attendance is reflected above.

APPROVE/ADJUST AGENDA: *Mr. Pero moved to add Article 24 to the UDO Articles affected in New Business #3 and approve the agenda, as amended. Mrs. Leary seconded the motion, which carried unanimously.*

APPROVE/ADJUST MINUTES: *Commissioner DiStasio moved to approve the minutes of November 4, 2013-Regular Meeting; seconded by Mr. Thomas and unanimously carried.*

PUBLIC COMMENTS: none forthcoming

OLD BUSINESS: none forthcoming.

NEW BUSINESS:

- 1. Discussion/Action: Make a recommendation to the Board of Commissioners regarding the Updated Master Site Plan Phases I & II for The Thistle**

It was noted that since there was actually a [slight] reduction in the density from the 2000 Master Site Plan (MSP), which had been approved by Brunswick County prior to The Thistle's annexation into Calabash, that the PZB could approve these changes rather than forwarding a recommendation on to the Board of Commissioners. However, staff relayed that since the original MSP had been approved by Brunswick County so long ago and over the years there hasn't been much development to occur and staff and Board members are all different staff felt it best for everyone to be made aware of the revisions and that there is a new owner who is trying to move forward with development. Staff would prefer that the Board of Commissioners be made aware of the revised MSP, on record, and give their in-put and hopefully, their approval in addition to the PZB.

Overall, the density on the revised MSP has reduced by four units from the 2000 MSP; from 204 units to 200 units. There are 54 single-family residential units slated for Phase 1; 91 single family residential units in Phase 2; and 55 multifamily units which are located in Phase 2. Ms. Southward relayed that the

new owner has expressed an interest to possibly do away with the multifamily units all together and change that area to single-family; which would result in another reduction in density. Should they decide to go that route, they would have to resubmit and likely that change would come before the PZB for final approval. The subdivision plats for all of the single family lots in Phase 1 have previously been approved and recorded. Only one area in Phase 2 has been subdivided and recorded—Crail Court, which has 15 lots.

Other than the minor reduction in density the only other significant modification to this MSP from the 2000 MSP is that the proposed setbacks are: Front Yard 30-feet; Side Yard 5-feet; Rear Yard 30-feet; and Corner lot Side Yards 15-feet. Previously, as best as staff has been able to determine the setbacks from the 2000 MSP were: Front Yard 40-feet; Side Yard 8-feet; and Rear Yard 30-feet. In 2010 when the Town approved the subdivision plat of Crail Court it was approved for 5-foot Side Yard setbacks. Zoning and Building staff do not have any problems with the new proposed setbacks as the entire development is a very low density project; 0.50 units per acre. Mr. Dills, Town Building Inspector, noted that the NC State Building Code allows structures to come within 3-feet of a property line as there must be a minimum of 6-feet between structures. Project Engineers were present to answer any questions or concerns. *Commissioner DiStasio moved to recommend to the Board of Commissioners approval of the Revised Planned Unit Development Master Plan for the Thistle dated 1-29-2014; seconded by Mr. Daniels and unanimously carried.*

2. Discussion/Action: Make a recommendation to the Board of Commissioners regarding amendments to the UDO Article 2 (Definitions) and Article 24 (Subdivision Regulations) regarding Family Membership Transfers.

Staff relayed that “Family Membership Transfers” are currently referred to in the definition of “Minor Subdivision” in Article 2 of the UDO. However, there are no regulations or even any other mention of Family Membership Transfers anywhere else in the UDO. This makes it difficult for the Town to address. Staff is requesting the UDO be amended to include a definition specifically for Family Membership Transfers in Article 2 of the UDO. Additionally, staff is recommending “& Family Membership Transfer” be added to the heading in Article 24, Section 24-13, which is currently “Procedures for review of Minor Subdivisions”. Further, staff recommends a new section to Article 24, which would be at the end of the chapter, [add] Section 24-57 Exemptions and include Family Membership Transfers as a part of the “Exemptions” section.

Upon review and discussion of the proposed amendments the PZB agreed overall to staff’s recommendations. However, in the definition they did change the word “less” to “sooner” and 1 year to 4 years; meaning that if a person receives a minor subdivision of property under Family Membership Transfer that they could not convey the lot(s) created to non-family members any sooner than 4 years from the approval date. *Commissioner DiStasio moved to recommend that the Board of Commissioners approves the amendments to Article 2, as amended, and Article 24, as presented, of the UDO regarding the Family Membership Transfers; seconded by Mr. Daniels and unanimously carried.*

3. Discussion/Action: Make a recommendation to the Board of Commissioners regarding amendments to the UDO Article 2 (Definitions); Article 10 (Table of Permitted & Conditional Uses) regarding Family Cemeteries; and Article 24 (Subdivision Regulations) regarding Family Membership Transfers and Family Cemeteries.

Staff noted that currently our UDO does not differentiate between public and private cemeteries and that the regulations currently contained in the UDO are geared toward public cemeteries. There are no definitions for cemeteries of any kind in the UDO. Currently there are five family cemeteries in

Calabash. Some of these family cemeteries are located on larger tracks of land. If the family wanted to preserve their cemetery by parceling it out from a larger track that would be a very difficult process under the current regulations in the UDO; and possibly even impossible given the zoning districts which allow cemeteries—a rezoning might not be able to be approved based upon spot zoning rules. So, staff has drafted an amendment to Article 2 of the UDO that includes definitions for: cemetery, commercial/public cemetery, and family cemetery. Likewise, staff has drafted amendments to Article 10 to add both types of cemeteries to the Table of Permitted and Conditional Uses as well as a Note establishing regulations for family cemeteries. Finally, family cemeteries are included in the proposed Exemptions section to Article 24 noted in New Business #2 above. *After discussing the proposed amendments, Commissioner DiStasio moved to recommend to the Board of Commissioners that they approve the amendments to the UDO in Articles 2, 10 and 24 as presented regarding family cemeteries; seconded by Mrs. Cleary and unanimously carried.*

4. Discussion/Action: Make a recommendation to the Board of Commissioners for any items the PZB may wish to include in the 2014-2015 Fiscal Year Budget.

After discussing the matter, Mr. Pero moved to recommend to the Board of Commissioners that the Planning & Zoning department budget for the 2014/2015 Fiscal Year Budget be the same as the 2013/2014 Fiscal Year Budget; seconded by Mr. Daniels and unanimously carried.

BOARD COMMENTS: none forthcoming

ADJUORN: *Mr. Thomas moved to adjourn at 7:20 PM, seconded by Mrs. Leary and unanimously carried.*

(SEAL)

Sonia Climer, Madam Chair

Attest:

Kelley Southward, Town Clerk