



**TOWN OF CALABASH
PLANNING AND ZONING BOARD
REGULAR MEETING
Monday, February 4, 2013
6:00 pm-SANBORN HALL**

AGENDA

CALL TO ORDER:

PLEDGE TO FLAG:

APPROVAL/ADJUSTMENT OF AGENDA:

APPROVAL OF MINUTES:

1. November 5, 2012-Regular Meeting

PUBLIC COMMENTS:

CLERK'S REPORT:

OLD BUSINESS:

1. Staff report/update regarding commercially zoned properties in the Clariday Woods subdivision.

NEW BUSINESS:

1. Consider making a recommendation to the Board of Commissioners regarding the rezoning application submitted by Mr. Mike Abushakra to rezone his property at 1389 Thomasboro Road (Tax Parcel ID# 24100019) from Central Business to Residential-15,000 (R-15)
2. Consider making a recommendation to the Board of Commissioners regarding the proposed subdivision for "Riverwalk at Calabash"- Preliminary Plat for Major Subdivision of Tax Parcel ID# 2550000305 (1360 Beach Drive).

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
PLANNING & ZONING BOARD
REGULAR MEETING
Monday, February 4, 2013—6:00 PM**

MINUTES

The Calabash Planning & Zoning Board (PZB) held a Regular Monthly Meeting at Town Hall, 882 Persimmon Road, Calabash, NC on Monday, February 4, 2013 at 6:00 PM.

MEMBERS PRESENT: Madam Chairman Sonia Climer, Commissioner Emily DiStasio, Mrs. Clare Leary (ETJ member), Mr. Charlie Daniels, and Mr. Mark Pero; a quorum was present.

MEMBERS ABSENT: Vice Chairman John Thomas.

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

GUESTS PRESENT: there were approximately five people in the audience.

CALL TO ORDER/PLEDGE: Madam Chairman Climer called the meeting to order at 6:00 PM and led the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA: *Commissioner DiStasio moved to approve the agenda, as presented, seconded by Mrs. Leary and unanimously carried.*

APPROVAL OF MINUTES: *Commissioner DiStasio moved to approve the minutes of the November 5, 2012 Regular Meeting, as presented, seconded by Mrs. Leary and unanimously carried.*

PUBLIC COMMENTS: none forthcoming.

CLERK'S REPORT: Ms. Southward's written report is attached hereto and made a part of these minutes.

OLD BUSINESS:

- 1. Staff report/update regarding commercially zoned properties in the Clariday Woods subdivision.**

Ms. Southward said that since the November meeting she has spoken with Mr. Tucker, Developer and majority owner of Clariday Woods, who is totally in favor of the Central Business (CB) lots on the perimeter of the Clariday Woods subdivision. He further pointed out that the covenants and restrictions (referenced to the PZB in November by an unassociated party) are only applicable if specifically referenced in the warranty deed as per #1 of the covenants and restrictions. She said that Mr. Tucker was in favor of the rezonings to CB initiated and approved by the Town of Calabash in 2006 and that is the

zoning he prefers for the perimeter lots. She further noted that the Town does not govern or enforce covenants and restrictions only Town Ordinances.

NEW BUSINESS:

- 1. Consider making a recommendation to the Board of Commissioners (BOC) regarding the rezoning application submitted by Mike Abushakra to rezone his property at 1389 Thomasboro Road (Tax ID# 24100019) from Central Business (CB) to Residential-15,000 (R-15).**

Commissioner DiStasio read the following statement regarding the rezoning application submitted by Mr. Abushakra:

“Request for rezoning CB to R15

I would like to have my reasons for my vote documented.

A request for zoning change from CB to R15 came to the P&Z board in Aug, 2012, after much discussion the P&Z board, by way of a unanimous vote, recommended that the Board of Commissioners deny the request. The P&Z board felt it was against the LUP, the UDO, and it would set a precedent.

9/12/12 a public hearing was held with 2 speakers against and Mr. Norton (for R. Price) asking the board to table.

Also on 9/12/12 under OB #1, Mr. Norton asked to address the Board of Commissioners. After a lengthy discussion he asked the board to table

At the 10/1/12 P&Z Meeting, Mr. Norton again asks to table the request as he did not have all the info he needed.

At the 11/5/12 P&Z meeting Mr. Norton passed out more info. After an hour of presentation and discussion a motion was made to advise the Board of Commissions (2nd time) to deny the request.

At the 11/13/12 BOC meeting binder OB, the mayor allowed Mr. Norton and others to filibuster with a very lengthy presentation and discussion of what was already given to the P&Z and BOC plus more info not given to P&Z. The BOC ignored the P&Z's advice and voted 4 to 1 to grant the request. I was the 1 NO vote. Therefore, my vote is the advice the BOC to deny this request as I still agree with P&Z that was wrong for Mr. Price's request, and then it is wrong for this request.”

-Emily DiStasio

Mr. Daniels and Mrs. Leary agreed and stated that they knew rezoning the Price property would “open the floodgates” for other properties on this corridor; which is why they were not in favor of the Price rezoning that the BOC approved last November. Mr. Pero also agreed and stated that by rezoning these larger parcels/lots to residential the Town is losing CB properties that have potential for commercial development. There are small CB zoned properties that don't have the potential like this lot and the Price lot to be developed as commercial. Mr. Daniels opined that the only driving force for this (and the last) rezoning request was a tax reduction.

Commissioner DiStasio moved to recommend to the Board of Commissioners that the rezoning application for 1389 Thomasboro Road (Tax ID#24100019) from CB to R-15 be

denied as it is not consistent with established future land use policies of the Town, seconded by Mr. Daniels and unanimously carried.

2. Consider making a recommendation to the Board of Commissioners regarding the proposed subdivision for “Riverwalk at Calabash”-Preliminary Plat for Major Subdivision of Tax Parcel ID# 2550000305 (1360 Beach Drive).

A brief history of this Preliminary Subdivision Plat of 6 lots adjacent to the Calabash River, which had been approved in November 2010, was given by staff. It was noted that the developer had not submitted for Final Plat approval within the ordinance required 24 months; so, he has to start over with Preliminary Plat approval. All requirements have been met with the exception of providing for sidewalks. When the Preliminary Plat had been approved in 2010, the BOC waived the requirement for sidewalks for subdivision because they felt sidewalks were not feasible in this subdivision; they would be sidewalks to nowhere and the Town has no plans for extending sidewalks to this area of Beach Drive (neither in 2010 nor at this time). PZB members agreed with the BOC 2010 decision to leave the sidewalks out of this project.

Mr. Craig Autry, owner/developer, addressed the Board. He noted that they anticipate submitting for final plat within a few months. They have secured their state stormwater permit, sedimentation and erosion control permit and NC DOT permit. Mr. Autry informed the PZB that they have submitted a “fast-track” permit to the state for sewer as well as submitting permit for water to Brunswick County. Once these two permits are received they will submit to the Town for Final Plat approval.

Commissioner DiStasio moved to recommend to the Board of Commissioners that they approval the Preliminary Subdivision Plat for Riverwalk at Calabash, as presented (without sidewalks) and that the ordinance be amended to state that sidewalks are only mandatory when feasible; seconded by Mr. Pero and unanimously carried.

BOARD COMMENTS: none forthcoming.

ADJOURN: Commissioner DiStasio moved to adjourn at 6:15 PM; seconded by Mrs. Leary and unanimously carried.

(SEAL)

Sonia Climer, Madam Chairman

Kelley Southward, Town Clerk