



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

AGENDA

CALL TO ORDER & PLEDGE TO FLAG:

OATH OF OFFICE: Mrs. Clare Leary-ETJ Member serving a 3-year term ending 10/13/2014

APPROVAL/ADJUSTMENT OF AGENDA:

APPROVAL OF MINUTES:

1. December 5, 2011-Regular Meeting

PUBLIC COMMENTS:

OLD BUSINESS:

1. Discussion: To review the Preliminary Site Plan for the proposed subdivision, Riverwalk at Calabash, that was approved by the Board of Commissioners on November 9, 2010. The developer's engineer has indicated that they will be returning for final plat approval in the next couple of months.

NEW BUSINESS:

1. Discussion/Action to make a recommendation to the Board of Commissioners regarding a proposed amendment to the UDO: Section 10-2-Notes to the Table of Permitted Uses- Note 2-Accessory Uses or Structures-(A) Home Occupations (5); change Article 19 to "Article 17"—clerical error.
2. Discussion/Action to make a recommendation to the Board of Commissioners regarding a proposed amendment to the UDO: Section 12-18-Table of Regulations for Conditional Uses-(B) Use-Sweepstake Business Facilities (M); remove reference to §153.029(B) and §153.218(B).
3. Discussion regarding adding bars as a conditional use in the CB (and possibly other commercial districts); provide direction to staff—could affect Articles 10 and 12 of the UDO(discussion only).
4. Discussion regarding amending setback provisions for corner lots, pie-shaped lots, lots located in cul-de-sacs, and other irregular shaped lots; provide direction to staff—could affect Article 11 of the UDO (discussion only).

5. Discussion/Action to make a recommendation to the Board of Commissioners for Planning & Zoning department budget requests for the 2012-2013 Fiscal Year Budget.

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
PLANNING & ZONING BOARD
REGULAR MEETING
Monday, February 6, 2012**

MINUTES

The Calabash Planning & Zoning Board (PZB) held a Regular Monthly Meeting on Monday, February 6, 2012 at 6:00 PM in Sanborn Hall, located at Town Hall, 882 Persimmon Road, Calabash, NC.

MEMBERS PRESENT: Madam Chairman Sonia Climer, Vice Chairman John Thomas, Emily DiStasio, Clare Leary, and Charlie Daniels.

MEMBERS ABSENT: Josh Truesdale.

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

GUESTS: Commissioner Jody Nance was the only member of 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.

OATH OF OFFICE: Ms. Southward administered the Oath of Office to Mrs. Clare Leary, ETJ member serving a 3-year term that expires on 10/13/2014.

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

APPROVAL/ADJUSTMENT OF MINUTES: *Mrs. DiStasio moved to approve the minutes of December 5, 2011, as written, seconded by Mr. Daniels and unanimously carried.*

PUBLIC COMMENTS: Madam Chairman Climer asked Commissioner Nance if he had any comments. Commissioner Nance said he had no comments at this time but he wanted to hear the discussion of the matter of bars as a conditional use and might have comments later.

OLD BUSINESS:

- 1. Discussion: To review the Preliminary Site Plan for the proposed subdivision, Riverwalk at Calabash, that was approved by the Board of Commissioners (BOC) on November 9, 2010.**

Ms. Southward noted that there are several new PZB members since the Riverwalk at Calabash Preliminary Subdivision Plan was approved more than a year ago. Likewise the preliminary plan was approved before Mr. Nance joined the Town staff. The developer has since been securing state permits from DENR, CAMA, and DOT. The project engineer contacted her to relay that all necessary permits have been obtained and they plan to submit for final approval in the next couple of months. She felt this would be a good opportunity for the PZB to familiarize themselves with the preliminary plan. The Board and staff reviewed the full-size drawings of the preliminary site plan. The subdivision is located on the Calabash River just over the bridge along HWY 179 (on the right traveling south from Calabash to Sunset Beach). Ms. Southward noted the property contains 1.6 acres zoned R-6. There are two existing docks, which are dilapidated. As staff has not yet seen the CAMA permit, Ms. Southward is unsure if they have been approved to completely rebuild the docks or just make [major] repairs. There is one ingress/egress to the six lots; a hammer-head street named 'Teagues Ford'. The lot sizes meet the minimum requirements and the lot widths are determined from the front setback line. On the rear of each property there is an 8' pedestrian easement so that all property owners have access to the common area at the riverfront and docks (common area is 0.18 acres). Ms. Southward noted that the BOC relieved the subdivider from providing sidewalks within the subdivision based upon the unique shape of the road which, causes a unique shape to the lot frontages. Madam Chairman Climer posed a question about front set-back requirements for unity to the street-scape. Ms. Southward noted that there is nothing currently in the ordinance other than front setback requirements that could cause a unity to the street-scape. However, the PZB will discuss a possible ordinance amendment during New Business that might address that issue.

NEW BUSINESS:

- 1. Discussion/Action to make a recommendation to the BOC regarding a proposed amendment to the UDO: Section 10-2-Notes to the Table of Permitted Uses-Note 2-Accessory Uses or Structures (A) Home Occupations (5); change Article 19 to "Article 17"—clerical error.**

Ms. Southward noted that there were several Drafts of the UDO. The original Draft included additional Articles and at one point Off-Street Parking was Article 19. When a few Articles were deleted, Off-Street Parking became Article 17; this reference was accidentally missed when the final draft was adopted. *Mr. Thomas moved to recommend to the BOC that they approve the amendment to the UDO, Note 2 of Article 10 that replaces "Article 19" with "Article 17", seconded by Mr. Daniels and unanimously carried.*

- 2. Discussion/Action to make a recommendation to the Board of Commissioners regarding a proposed amendment to the UDO: Section 12-18 Table of Regulations for Conditional Uses (B) Use-Sweepstakes Business Facilities (M); remove references to §153.**

Ms. Southward noted that this was another mistake that was not caught before final approval of the UDO. The two references to §153 are references to the previous zoning code that was repealed upon adoption of the UDO. It would be sufficient to end the first sentence of subsection (M) after the word “revoked”. *Mrs. DiStasio moved to recommend to the Board of Commissioners that they approve the amendment to the UDO deleting the reference to the old zoning code, that the first sentence of subsection (M) on page 12-13 of the UDO be revised to end after “revoked”, seconded by Mr. Thomas and unanimously carried.*

3. Discussion regarding adding bars as a conditional use in the Central Business (CB) and possibly other commercial districts; provide direction to staff—could affect Articles 10 & 12 of the UDO—discussion only.

Mr. Nance began by stating that he might have “jumped the gun” by including this item for the PZB at this time. He said it might need to go before the BOC first for their direction. However, there has been an on-going problem in town with a bar (bar only, not a restaurant/bar) located on property zoned CB making noise and disturbing an abutting residence. If the Town were to make bars a conditional use this would provide regulations to help alleviate this sort of problem in the future. He noted that anything existing would be grandfathered/nonconforming and that making the use conditional is not the only solution to this kind of problem. Part of the problem is that the UDO is not clear on whether bars are permitted or prohibited because they are not specifically listed in the table of permitted/conditional uses. However, the table does provide for “retail establishments primarily engaged in selling one or more of the following: beverages, cosmetics, fabrics...”. It might be a good idea to include bars in the table whether permitted or conditional. There was a question regarding the restaurants in town that also have bars. Staff noted that these businesses fall under restaurants and the state allows bars within restaurants; restaurants are listed as a permitted use in the table. Staff is looking for stand-alone bars to be considered. Mr. Nance noted that we needed to obtain some information from the state regarding what bars can/cannot do or have. Madam Chairman Climer said South Carolina has a law that during day-light savings bars have to close at 2:00 AM and 1:00 AM when it’s not day-light savings time. Ms. Southward believed it to be NC state law that bars (restaurants and stores) had to stop selling alcohol at 2:00 AM with no regard to daylight savings time. Mr. Daniels said “bar” needs to be defined and included in the table of permitted and conditional uses.

Commissioner Nance said he’d like to speak as a citizen. He said if there is no existing ordinance he believes the PZB should look into adding a stand-alone bar ordinance. He doesn’t think a conditional use permit is necessary. State laws should be considered in establishing a stand-alone ordinance; the town could add to it. The Town would have to grandfather up to a certain point. He thinks it’s something the PZB could work on without getting the Board of Commissioners to sanction them looking into the matter. The PZB needs to do some research and come up with some language before making a recommendation to the BOC.

Mr. Nance explained the Town's noise ordinance. He said the current problem in town is not violating the noise ordinance. The residents problem is actually the base from music at the bar causing violations. There are other legal avenues this resident can take through the Sheriff's department to get some assistance. Mrs. DiStasio requested staff look into the state laws (ABC Commission) regarding bars.

4. Discussion regarding amending setback provisions for corner lots, pie-shaped lots, lots located in cul-de-sacs, and other irregular shaped lots; proved direction to staff—could affect Article 11 of the UDO (discussion only).

Mr. Dills presented a diagram of street configurations showing lots and buildable areas within the lots as well as an information sheet with lot area and setbacks (information attached hereto and made part of these minutes). The diagram included a cul-de-sac and it was noted that irregular shaped lots off the cul-de-sac have more square footage but due to setback requirements have a smaller buildable area. Likewise there were problems showing structures on corner lots and how they can affect the street-scape and/or buildable area. Staff feels as though some amendments could be made to give the zoning administrator some leigh-way in these situations. It was noted that any language would have to be very specific in order to allow some relief without giving the Administrator the chance to show any bias. It was further noted that there would still be instances where a property owner may have to go before the Board of Adjustment (BOA. It was explained that the BOA has to answer 5 questions to grant a variance (all 5 criteria must be met). It was felt that adding some language to address uniquely shaped lots was logical. Staff was charged to provide a proposal to bring back to the PZB for their review and consideration.

5. Discussion/Action to make a recommendation to the BOC for Planning & Zoning department's budget requests for the 2012-2013 Fiscal Year (FY) Budget.

In the current FY Budget the Planning & Zoning Board has a total of \$5,850: \$4,000 in Board Fees; \$1,500 Professional Services; \$250 FICA/Medicare; \$100 Department Materials/Supplies. No funds had been budgeted for their travel or contracted services. The Board discussed the budget and ultimately felt if there was some training available to them it might be beneficial. *Mrs. DiStasio moved to recommend to the BOC that the total budget for the PZB for the 2012-2013 FY remain the same (\$5,850) but that professional services are reduced to \$1,000 and \$500 is allocated to contracted services, seconded by Mr. Daniels and unanimously carried.*

BOARD COMMENTS/ADJOURNMENT: *There being no comments of the board forthcoming, Mrs. DiStasio moved to adjourn the meeting at 7:03 PM, seconded by Mr. Daniels and unanimously carried.*

(SEAL)

Sonia Climer, Chairperson

Attest:

Kelley Southward, Town Clerk