



TOWN OF CALABASH

PLANNING AND ZONING BOARD REGULAR MEETING

Monday, April 1, 2013, 6:00 PM-Sanborn Hall

AGENDA

CALL TO ORDER/PLEDGE TO FLAG:

APPROVAL/ADJUSTMENT OF AGENDA:

APPROVAL OF MINUTES:

1. March 4, 2013-Regular Meeting

PUBLIC COMMENTS:

OLD BUSINESS: none

NEW BUSINESS:

1. **Action Item:** Consider a revision to lot 306/Phase 7-1-A of Devaun Park (TOC Map #3)
2. **Recommendation Item:** Consider combination of 5 parcels in Devaun Park into one parcel-Tax Parcel ID#s 255HA00103, 2550002862, 255HB00105, 2550002808, and 2550002826 totaling 11.30 Acres and designate as Common Area/Open Space. (TOC Map #2)
3. **Recommendation Item:** Consider subdividing a parcel of land out of the 11.30 Acres (#2 above) a total of 0.56 acres where the existing Horseshoe Clubhouse/pool is located; designate as Common Area/Open Space (TOC map #1)
4. **Recommendation Item:** Consider combination of 3 parcels in Phase 6-B of Devaun Park into one parcel-Tax Parcel ID#s 255PD006, 255PD007, 255PD008 totaling 0.87 acres & designate as Future Development (TOC Map #14)
5. **Recommendation Item:** Consider combination of 8 parcels in Phase 3 of Devaun Park into one parcel-Tax Parcel ID#s 2550002819, 2550002850, 2550002855, 2550002863, 2550002864, 255PE001, 255PE002, 255PE003 totaling 10.83 acres and designate as Future Development. AND designate existing Tax Parcel ID# 255JC019 as Common Area/Open Space 1.74 acres (TOC Map #13)
6. **Action Item:** Consider designating Tax Parcel ID #255JB00106 as Common Area/Open Space-Dever Park 1.01 acres in Devaun Park (TOC Map #12)
7. **Action Item:** Consider designating 5 parcels in Phase 2-A, 2-A-1 & 6-A of Devaun Park as Common Area/Open Space; Tax ID#s 255IA00101, 255JB00103, 255JB00104, 255JB00102, & 255JB00101(TOC Map #11)

8. **Action Item:** Consider designating 4 parcels in Phase One of Devaun Park as Common Area/Open Space; Tax ID#s 255HB00106, 255HB00108, 255HA00104, & 255HA00105 (TOC Map #10)
9. **Action Item:** Consider combination of 4 parcels in Devaun Park into one parcel-Tax ID #s 2550002844, 2550002845, 2550002846, & 255HE011 and designate as Common Area/Open Space; Revise the right-of-way (ROW) of South River Terrace SW; and revise the ROW of Devaun Point Circle (TOC Map #8)
10. **Action Item:** Consider designation of Common Area/Open Space of Tax ID# 262AA00102 located in Phase 8 of Devaun Park and to establish ROW limits on the same parcel (TOC Map #7)
11. **Action Item:** Consider changes in Devaun Park near Devaun Lake-(1) revising the ROW of East Lake Road; (2) establish the limits of the alley north of lot 400; (3) combine a portion of East Lake Road ROW with parcel #262AA0010 & designate the recombined parcel as Common Area/Open Space; & (4) designate parcel #255JD00101 as Common Area/Open Space (TOC Map #6)
12. **Action Item:** Consider designating portions of Tax Parcel ID #s 262AA00101 and 262AA00102 in Devaun Park as Common Area/Open Space (TOC Map #5)
13. **Action Item:** Consider designating Tax Parcel ID #2550002861 in Devaun Park as Common Area/Open Space (TOC Map #4)
14. **Action item:** Consider designating Tax Parcel ID #s 262AB00101 & 262AB00102 as Common Area/Open Space (TOC Map #9)

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
PLANNING & ZONING BOARD
REGULAR MEETING
Monday, April 1, 2013**

MINUTES

The Calabash Planning & Zoning Board (PZB) held a Regular Monthly Meeting on Monday, April 1, 2013, 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, Charlie Daniels, Commissioner Emily DiStasio, Clare Leary and Mark Pero; all members were present.

STAFF PRESENT: Town Clerk Kelley Southward and Building Inspector Stanley Dills

GUESTS PRESENT: There were approximately 25 guests in the audience including many residents from Devaun Park, Mr. Vaughn Stanaland and the Devaun Park Community Association (DPCA) Attorney Mr. Rob Parker.

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

APPROVAL OF MINUTES: *Commissioner DiStasio moved to approve the minutes of March 4, 2013, as presented, seconded by Mrs. Leary and unanimously carried.*

APPROVAL OF AGENDA: *Mrs. Leary moved to add a 2nd Public Comments at the end of New Business and approve the amended agenda, seconded by Commissioner DiStasio and unanimously carried.*

PUBLIC COMMENTS:

Chairman Climer called Mr. Ken Drennan to come forward as he was the first speaker to sign up. Mr. Drennan said he would like to save his comments, for now.

1. Mrs. Judith Malone, President of the DPCA requested the 14 maps of New Business relating to Devaun Park be tabled this evening. DPCA and their attorney would like time to review the maps and all pertinent information related to the requested changes. It appears as though Mr. Stanaland's ultimate goal might be to transfer land to DPCA. She said that DPCA was not aware of this request until Friday, March 29th and it being Easter Weekend, they have not had time to review the maps. Some of the parcels have outstanding/unpaid taxes and are in non-compliance with the state's stormwater permit; issues that could be burdensome to DPCA if conveyed. Devaun Park is a PUD and the existing residents/property owners are unsure of how these proposed changes would affect the development's growth and design. She referenced Section 15-10(a)(3) of the UDO; which states that the developer should show proof to the Town that he has informed any POA of any submitted changes to the approved master plan so that they might have the opportunity to submit comments. She asked that the PZB not consider the maps again until Mr. Stanaland meets with DPCA to discuss in detail his intentions behind the request for these 14 changes.
2. Mrs. Debbie Lamb, member of DPCA Board of Alderman reiterated the statements made by Mrs. Malone, above. She said that she would like to give the developer, Mr. Stanaland, the benefit of the doubt that his requests for changes to the master site plan are benign but that can only be determined if he meets and discusses the changes and his intents with DPCA; she requested the PZB table the matter until such a meeting occurs.
3. Mr. Joseph Leary, resident of Devaun Park began by disclosing that he is the husband of PZB member Clare Leary. He agreed with the requests to table by the previous two speakers. He believes in full and fair disclosure. He opined that a meeting with Mr. Stanaland would be everyone's best interest. He asked that the Board require Mr. Stanaland to inform DPCA of any encumbrances on any of the properties he is requesting to change to "common area/open space"; if any of the lands are being used as collateral in any way; and any other financial impact that could be incurred by DPCA should any properties be transferred to them.
4. Cecelia Herman of Saltaire Village, former Town Commissioner and former Chair of the Planning & Zoning Board addressed the PZB. Having been either on the Board of Commissioners (BOC) and/or PZB basically since Devaun Park began, she too urged the PZB to table the maps this evening. She felt that the maps need to be reviewed carefully with the PUD Agreement and master site plan. She believes the matters included on the

14 maps are a lot more complicated than they appear to be. The PZB should take their time and not feel rushed to make any decisions.

5. Janet Stout of Devaun Park also felt the maps should be tabled this evening. She does not feel that anyone has a full grasp of why Mr. Stanaland is requesting these changes. She felt it is important for Mr. Stanaland to not only explain the 14 maps but his future intent for the entire subdivision.
6. Ken Drennan of Devaun Park agreed that the 14 maps should be tabled this evening. He felt that the master plan was being significantly altered by the proposed maps. DPCA has not been fully disclosed on how the recombination of these properties is going to be developed in the future. He felt that property owners of Devaun Park are at serious risk if the maps are approved this evening without serious consideration as to all the modifications made to the master plan and concept plan. He felt the master plan should be updated. He too referenced Article 15 of the UDO; where it states that subdivision of property within a PUD should be in accordance with the master plan. He felt if the purpose of recombining property to be sold to another developer for new development is a violation of the UDO. He echoed previous requests to table all 14 maps this evening so that DPCA has time to get their comments submitted to the Town as required by the UDO.
7. Robby Parker, Attorney for DPCA of the Lee Law Firm in Wilmington addressed the PZB. He said that DPCA is just requesting more time to review the maps to give due diligence to all the issues at Devaun Park including stormwater matters. He said that DPCA is very interested in having common area and they are willing to work with Mr. Stanaland. The issue is trying to get a grasp on what the developer wants to convey. He said that in the past DPCA was shown some plats but that was at a time when there was a lawsuit between members of the developing company and they were not sure that the plats presented were presented with any authority. He does not believe that proper notice has been given (by the developer to DPCA) with what is being considered this evening. He said he would like to reserve the right to speak again this evening. If the plats are tabled this evening they are seeking some procedural clarification. Who can provide comments and how are they reviewed? He too referenced the Calabash UDO; §15-10 which in part, requires the Town Administrator determines that proposed changes are not in the best interest of the homeowners association then the matter may be referred to the Board of Commissioners. They need direction from the Town as how to best express their position to the Town Administrator. Mr. Parker is hopeful that Mr. Stanaland will meet with the DPCA Board. He added that no one is accusing Mr. Stanaland of any wrong doing in the plats that have been submitted but rather they just don't know what has been presented or why.

Madam Chairman Climer asked if there was anyone else that wanted to speak that had not signed up to speak; there were no speakers forthcoming.

OLD BUSINESS: none

NEW BUSINESS: *Upon moving into New Business, prior to any item being announced discussed or otherwise, Commissioner DiStasio moved to table all 14 items of New Business until such time as the PZB gets more information, a workshop to thoroughly review everything is*

needed. Commissioner DiStasio said she would like to know how many lots have been sold since the conception of the plan, how many amendments have been made to the Master Declaration, and in the Master Declaration it should also state when the developer is turning the common area over to the POA. She does not understand what is meant by “common area/open space”—these are two different definitions in the UDO. She stated that this PUD was granted under an old ordinance; she asked the Town Clerk which ordinance applied at this time. The Town Clerk noted that they are subject to the ordinance in which the PUD was approved under. Commissioner DiStasio also voiced a concern about improvement guarantees; at one time property was put up in lieu of monetary guarantees—what rights, if any, does the Town still have to the property that was secured. Commissioner DiStasio said there are too many questions that have to be answered for a decision to be made this evening. The motion to table all 14 items was seconded by Mr. Daniels and unanimously carried by a vote of the Board. Madam Chairman Climer asked if they needed to determine a Workshop date this evening. The Clerk noted that setting a workshop was not a part of the agenda but if they wanted to do so now, they would have to suspend the agenda rules to amend the agenda. Otherwise, a special meeting for the purpose of holding a workshop could be called at another time by Chairperson Climer. Commissioner DiStasio suggested that any member of the audience (or anyone) that has comments or questions forward them to the Town Clerk prior to the workshop so that those matters can be addressed by the PZB at the workshop. She further noted that at a workshop no action would be taken and there are no public comments; it would just be a work-session for the PZB to review the maps carefully with the mast plan. It was decided that a workshop would be called at another time rather than scheduling one this evening.

The 14 agenda items that were tabled are as follows:

15. **Action Item:** Consider a revision to lot 306/Phase 7-1-A of Devaun Park (TOC Map #3)
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PUBLIC COMMENTS: Madam Chairman Climer again sought comments from the public that was present. There was no one forthcoming; she called on Mr. Parker as he had requested to speak again.

1. Mr. Robby Parker simply asked if the public would be notified of the workshop; the Clerk relayed that a minimum of 48 hours' notice would be given. Mr. Parker felt a resolution is near.

BOARD COMMENTS: Commissioner DiStasio asked if the DPCA Board meets with Mr. Stanaland would they please forward a copy of those minutes to the Town.

ADJOURNMENT: *Commissioner DiStasio moved to adjourn, seconded by Mr. Daniels and unanimously carried at 6:25 PM.*

(SEAL)

Sonia Climer, Madam Chair

Attest:

Kelley Southward, Town Clerk