



**TOWN OF CALABASH**  
**PLANNING AND ZONING BOARD**

**REGULAR MEETING**

**Monday, May 6, 2013**

**6:00 PM-Sanborn Hall**

**AGENDA**

**CALL TO ORDER/PLEDGE TO FLAG/ROLL CALL:**

**APPROVAL/ADJUSTMENT OF AGENDA:**

**APPROVAL OF MINUTES:**

1. April 1, 2013-Regular Meeting
2. April 18, 2013 Special Meeting/Workshop

**PUBLIC COMMENTS:**

**OLD 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)

**NEW BUSINESS:**

1. **Action Item:** Consider approval of the “Minor Plat of Revised Lot 56 and Lot 57, Devaun Park, Phase One, Section One” Parcel numbers 255HA010 & 255HA009.

**BOARD COMMENTS:**

**ADJOURN:**

**TOWN OF CALABASH  
PLANNING & ZONING BOARD  
REGULAR MEETING  
Monday, May 6, 2013**

**MINUTES**

The Calabash Planning & Zoning Board held a Regular Monthly Meeting on Monday, May 6, 2013 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, Commissioner Emily DiStasio, Mr. Charlie Daniels and Mr. Mark Pero.

**MEMBERS ABSENT:** Mrs. Clare Leary.

**STAFF PRESENT:** Town Administrator Chuck Nance, Town Clerk Kelley Southward and Town Attorney Mac Tyson.

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

**APPROVAL/ADJUSTMENT OF AGENDA:** *Commissioner DiStasio moved to add New Business #2 to the agenda as follows: Adjust the Regular Monthly Meeting Start Time from 6:00 PM to 7:00 PM. Mr. Daniels seconded the motion to adjust the agenda and approve as adjusted, which carried by a unanimous vote. The Clerk noted a typo on the agenda on Old Business #4 the words “Future Development” should be deleted and replaced with “Common Area/Open Space”*

**APPROVAL OF MINUTES:** *Commissioner DiStasio moved to approve the minutes of April 1, 2013 Regular Meeting and April 18, 2013 Special Meeting as presented; seconded by Mr. Thomas and unanimously carried.*

**OLD BUSINESS:** *Commissioner DiStasio moved to decline to grant consideration of all revision maps requested under Old Business Items (Old Business Items 1-14) and New Business Item #1; the 15 Maps submitted by Stanaland Stewart LLC because said LLC no longer appears to own the subject real estate; this is proposal is made without prejudice due to the current or any new owner in fact of the subject matter real estate that makes a future revision request(s) and files a new application(s). Mr. Daniels seconded the motion, which carried unanimously.*

Madam Chairman Climer noted that Public Comments would be held at the end of New Business.

The Old Business Agenda Items that the Board voted to decline considering were as follows:

15. **Action Item:** Consider a revision to lot 306/Phase 7-1-A of Devaun Park (TOC Map #3)
16. **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)
17. **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)
18. **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 Common Area/Open Space (TOC Map #14)
19. **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)
20. **Action Item:** Consider designating Tax Parcel ID #255JB00106 as Common Area/Open Space-Dever Park 1.01 acres in Devaun Park (TOC Map #12)
21. **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)
22. **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)
23. **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)
24. **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)
25. **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)
26. **Action Item:** Consider designating portions of Tax Parcel ID #s 262AA00101 and 262AA00102 in Devaun Park as Common Area/Open Space (TOC Map #5)
27. **Action Item:** Consider designating Tax Parcel ID #2550002861 in Devaun Park as Common Area/Open Space (TOC Map #4)
28. **Action Item:** Consider designating Tax Parcel ID #s 262AB00101 & 262AB00102 as Common Area/Open Space (TOC Map #9)

## **NEW BUSINESS:**

The New Business Item that the Board declined to consider was as follows:

1. **Action Item:** Consider approval of the “Minor Plat of Revised Lot 56 and Lot 57, Devaun Park, Phase One, Section One” Parcel numbers 255HA010 & 255HA009.
2. **Action Item:** to consider changing the Planning & Zoning Board Regular Meeting start time from 6:00 PM to 7:00 PM.

*Commissioner DiStasio noted that the Board of Commissioners have recently decided to go back to the 7:00 PM start meeting and suggested the PZB do the same; she made this suggestion in the form of a motion. The motion was seconded by Mr. Daniels and unanimously carried.*

#### **PUBLIC COMMENTS:**

1. Mr. Vaughn Stanaland requested to hear the motion to not consider his 15 map revisions for Devaun Park again. The Town Clerk read the motion back which was: “to decline to grant consideration of all revision maps requested under Old Business Items (Old Business Items 1-14) and New Business Item #1; the 15 Maps submitted by Stanaland Stewart LLC because said LLC no longer appears to own the subject real estate; this is proposal is made without prejudice due to the current or any new owner in fact of the subject matter real estate that makes a future revision request(s) and files a new application(s).”

Mr. Stanaland said he was confused by this. Madam Chairman Climer said the town is in receipt of court documents showing that the properties identified on the agenda and corresponding maps have been sold; hence they are no longer owned by Stanaland Stewart LLC. All 15 maps show Stanaland Stewart LLC as the owner of each property; which is not accurate. If the new owner(s) wish to have the maps considered they may resubmit the maps with the owner information corrected on the maps and duly signed by the correct owner(s).

Mr. Stanaland contested the statement that Stanaland Stewart Company LLC no longer owns the subject properties; he stated that Stanaland Stewart Company LLC currently owns all of the properties. Mr. Nance said the Town Attorney has provided documentation from the Brunswick County Clerk of Superior Court attesting that 76 properties were sold on May 2, 2013 to MGSS, LLC for various prices. Previous to that (but since the April 18<sup>th</sup> Workshop) about 4 properties were acquired by a SC Bank.

Mr. Tyson said that as he understands the motion, it was predicated on the foreclosure sales that took place in April 2013 for multiple properties in the Devaun Park Subdivision owned by Stanaland Stewart Company LLC. The change of ownership would delete the affected tracks in that the maps are now inaccurate as they do not include the new owner information or authorized signatures. He said that some properties are now owned by a bank in South Carolina and some properties are owned by MGSS, LLC. Mr. Tyson said even if the Town were to grant the revised maps they would be mute and not valid since the current owner(s) information is not on the maps, the owner(s) did not request the revisions and the owner(s) did not sign the maps. The property deeds show transfer of property. Mr. Stanaland said the properties that are now owned by the SC Bank are four

and those properties should not be considered; he talked with the Town Clerk about removing those four maps late last week. The Clerk noted that she and Mr. Stanaland did speak about 4 of the properties not being valid for consideration because the ownership had been transferred to the bank but this was after the agenda had been published and therefore it could not be changed; which was explained to him at the time. Those 4 properties would've have needed to be denied by the Board for the reason of new ownership when addressed on the agenda but the Board did not address each items individually.

Mr. Tyson continued by noting that SSC no longer owns the other 11 maps either; they have all been sold as of May 2, 2013 to MGSS, LLC. Actually, the Clerk of Superior Court has provided documentation giving confirmation that approximately 76 lots previously owned by SSC have been sold to MGSS, LLC as of May 2, 2013; this includes all properties in the remaining 11 maps that were on the agenda. Since it's only been 4 days since the sales took place the deeds showing the new owner have not yet been created and recorded but that does not mean that SSC still owns the properties. The Town cannot consider the maps as presented as the owner has not signed the maps and the owner information included on the maps presented to the Town is incorrect.

Mr. Stanaland said that he was unaware of the Order of Confirmation documents confirming the sale of 76 properties. Mr. Tyson said that based upon the PZB's action this evening if the maps are submitted with the correct owner information and an authorized signature of the owner then the maps would be considered.

Mr. Stanaland asked that his consternation be excused. He asked for the Clerk to share, which items are now owned by the SC Bank; which he forthrightly informed the Clerk of late Friday afternoon (May 3<sup>rd</sup>). Ms. Southward said the affected maps were included in Old Business #5, 13 &14. He asked if she advised the members of the PZB of those changes Friday afternoon. She said that she did not as the agenda could not be changed because it was within 48 hours of the meeting. Rather, it was her intension to advise the Board in open session of this meeting when they got to those individual items on the agenda so that there would be a complete record of how things occurred.

Mr. Stanaland said that he feels like he's getting the run-around. He said that the deeds may never change and that the Order of Confirmation does not mean ownership has changed. He said less the properties included on the maps that were slated for consideration under Old Business 5, 13, & 14 Stanaland Stewart Company LLC still owns all the properties. He said that some of the descriptions of parcels in the Sheriff's Sale of the 76 items are not accurate so the sales might never actually take place. He said that he is only trying to get some things cleaned up.

Madam Chairman Climer said that the PZB understands what he is trying to do with maps but town ordinance and the advice of the Town Attorney is to not act on the maps until ownership is clear and accurate. Mr. Stanaland said he understands that the Board should take the advice of their attorney. Mr. Stanaland said if he had been informed that there was going to be any problem this evening he would've withdrew his requests to

save everyone time. He said he thought that he had answered everyone's questions during the workshop last month. He said that the Town does not want to work with Devaun Park. Mr. Stanaland left abruptly very displeased.

2. Mr. Dave Smith, resident of Devaun Park addressed the Board. Mr. Smith requested copies of the Orders of Confirmations from the Sheriff's Sale. He asked if the Sheriff had been paid the amounts referenced in each confirmation; staff was unsure as this was a transaction made through Brunswick County but based upon the confirmations, it appears so. Mr. Smith asked if the \$300,000 plus judgment against SSC had been satisfied by the sale of the 76 properties. Mr. Nance said that the judgment had not been satisfied according to the documents provided.

**BOARD COMMENTS:** none

**ADJOURN:** *Commissioner DiStasio moved to adjourn; seconded by Mr. Pero and unanimously carried.*

(SEAL)

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Sonia Climer, Madam Chairman

Attest:

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Kelley Southward, Town Clerk