



**TOWN OF CALABASH
PLANNING AND ZONING BOARD
REGULAR MEETING
Monday, November 5, 2012
6:00 pm-SANBORN HALL**

AGENDA

CALL TO ORDER:

PLEDGE TO FLAG:

APPROVAL/ADJUSTMENT OF AGENDA:

APPROVAL OF MINUTES:

1. August 6, 2012-Regular Meeting
2. October 1, 2012-Regular Meeting

PUBLIC COMMENTS:

CLERK'S REPORT:

NEW BUSINESS: none

OLD BUSINESS:

1. Review/Discussion as per the request of the Board of Commissioners, further review of the application for rezoning request for Tax ID# 24100020 (1401 Thomasboro Road) from CB to R-15; to review pertinent and new information. This may/may not include (but is not necessarily limited to) examining the land use and zoning of properties located between Thomasboro Road and Beach Drive west of Wilson Avenue. To determine if any recommendations for amendments to either the Land Use Plan, UDO and/or Zoning Map are/are not necessary at this time. (Tabled in October).

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
PLANNING & ZONING BOARD
REGULAR MEETING
Monday, November 5, 2012—6:00 PM**

MINUTES

The Calabash Planning & Zoning Board held a Regular Monthly Meeting on Monday, November 5, 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, Commissioner Emily DiStasio, Mark Pero, Charlie Daniels and Clare Leary (ETJ Members); all seated members were present.

STAFF PRESENT: Town Administrator Chuck Nance and Town Clerk Kelley Southward.

GUESTS PRESENT: there were approximately 10 guests in the audience.

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

APPROVAL/ADJUSTMENT OF MINUTES:

- 1. August 6, 2012 Regular Meeting**
- 2. October 1, 2012 Regular Meeting**

Commissioner DiStasio moved to approve both sets of minutes (8-6-12 & 10-1-12) as presented, seconded by Mr. Daniels and unanimously carried.

PUBLIC COMMENTS: The Clerk noted that Mr. Mark Ragozzino had signed up to speak; he asked Madam Chairman Climer if he could speak after Old Business #1 is presented/discussed if he has any questions or comments at that time. Madam Chairman Climer said that would be acceptable.

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

NEW BUSINESS: none

OLD BUSINESS:

- 1. Review/Discussion as per the request of the Board of Commissioners, further review of the application for rezoning request for Tax ID# 24100020 (1401 Thomasboro Road) from CB to R-15; to review pertinent and new information. This may/may not include (but is not necessarily limited to) examining the land use and zoning of properties located between Thomasboro Road and Beach Drive west of Wilson Avenue. To determine if any**

recommendations for amendments to either the Land Use Plan, UDO and/or Zoning Map are/are not necessary at this time. (Tabled in October).

Mr. Michael Norton of Compass Point Engineering, agent for the applicant, Mr. Russell Price (property owner), gave a lengthy presentation to the Board. He began by given a history of the property; it has been used for residential purposes since the 1960's. He gave the history of this rezoning request process, which began in August of this year. Mr. Norton noted that although his company name, Compass Pointe Engineering, has been included on documentation regarding this request there are no plans for development of this property. Mr. Norton explained that the property owner is his father-in-law and; Mr. Norton is simply acting as Mr. Price's agent because he has experience in these matters because he is in fact an engineer. He presented information regarding parcels surrounding the subject property (Tax ID# 24100020-1401 Thomasboro Road). Mr. Norton said that adjacent property owners who are also zoned commercial but used for residential have contacted him and are in favor of the change and some have expressed a desire to have their properties rezoned as well. The main facts that Mr. Norton presented as to reasons why the Town should rezone the home at 1401 Thomasboro Road from Central Business (CB) to Residential-15 (R-15) were:

1. The surrounding area is comprised of 41 parcels (maps were presented showing these parcels' zoning and use).
2. There is no center turn lane on Thomasboro Road as there is on Beach Drive.
3. They understand that there have been no additional commercial development sites along Thomasboro Road since the Future Land Use Map & current zoning were adopted. The only new development along Thomasboro Road has been residential subdivisions.
4. All but 5 lots (34, 35, 38-40) are zoned and depicted on the Future Land Use Map for commercial use. These 5 lots are zoned "residential", shown as residential on the Future Land Use Map, and have been used in this manner for years.
5. 8 other lots (2-7, 14, and 15) have also been used as "residences" for many years, but are zoned "commercial" and depicted for commercial use on the Future Land Use Map.
6. 5 of the 41 lots (10, 11, portion of 17, 19, and 20) have structures used for commercial purposes and have been used in this manner for many years (prior to zoning changes). Lot 17 is a "split-zoned" parcel, with approximately 150' depth as commercial, and the rear portion as residential.

At some point, the Town Clerk explained that the Town did not zone this parcel a split-zoning. Rather, one owner owned four or five lots. When the County's sewer extension came through in 2010 the property owners were being assessed per parcel. This owner combined his four or five parcels into one parcel to avoid multiple sewer assessments. The Register of Deeds Office allows this combination of property without notice to the Town. This actual occurred in several areas where one property owner owned several adjoining lots of different zoning designations and had them combined to avoid receiving multiple sewer assessments.

Commissioner DiStasio pointed out that the subject parcel has been zoned commercial for at least 21 years. In all those years the property has been zoned commercial and used as a residential home.

7. 18 Lots (24-41) are part of Clariday Woods (a residential subdivision), with direct road-frontage access within the subdivision. Deed Restrictions prohibit commercial use. NC DOT Road frontage access/egress issues with these lots, given the nature of their intended use & current access.
8. Multiple Lots would have immediate issues meeting the basic Lot/Yard and Buffer Requirements (See Town UDO Articles 11 and 16).
9. 5 Lots (5-9) have limited or dirt road access; not typically conducive to commercial use.
10. Lots 1 & 41 seem to be the only two lots in this group that could be reasonably used as commercial sites immediately (assuming 41 is not applicable to a deed restriction) Others would have to contend with use as current homes/residences, setback/buffer restrictions that may impact usable property, especially given access/egress and stormwater management issues upon development.

[Note: see the attached map showing lot numbers referenced in the points above/below—Map attached hereto and made a part of these minutes]

After presenting the above points Mr. Norton presented 3 possible actions the Planning & Zoning Board could recommend to the Board of Commissioners:

1. Change the Land Use Map and Zoning for 8 lots (2-7, 14 and 15) to reflect residential use. This would be consistent with the past, current, and future intended uses. This action would also be consistent with this allowance for 5 other properties on Thomasboro Road and 9 additional properties on Beach Drive.
2. Change Land Use Map and underlying zoning to reflect residential use for Lots 2-41, with the exception of the allowance of those existing as commercial establishments. Take additional time to review these and any other facts to determine a true fit for the Future Land Use Plan along Thomasboro Road. And/Or—Poll all citizens/owners directly affected (Lots 1-41) to ensure their desires are known.
3. If the items above do not appear reasonable upon further investigation, please consider allowing Parcel/Lot 2 (Previous applicant/petitioner) to have a split-zoning, just as is allowed by Lot 17. Nothing in the Town's Ordinance preventing split-zoning & the Planning Board seemed to have had this general consensus previously.

Representatives having interest in the 16-acre parcel adjoining the subject property were present and able to speak. Mainly, Mr. Ragozzino addressed the Board. He said that he, one of his partners and their realtor met with Mr. Price earlier in the day, at his home; the subject property. He claimed that Mr. Price was in favor of subdividing his parcel in a manner that would create a new lot abutting his 16-acre parcel and then the second lot created would contain Mr. Price's home and that could be rezoned residential. Mr. Ragozzino and his partners were concerned that the buffers and setbacks would be increased on their 16-acre parcel if the adjacent property (subject property) is rezoned to residential. Mr. Norton said that Mr. Price is not in favor the subdivision in which Mr. Ragozzino is claiming. Staff noted that Mr. Norton is Mr. Price's acting agent and represents Mr. Price's interest; not Mr. Ragozzino. Mr. Norton pointed out that

there is a 30-foot Brunswick Electric Utility Easement that runs the property line between the 16-acres and the subject property; nothing could be built on this easement; meaning the property owners of the 16-acres would have to stay at least 15-feet from the property line regardless.

There was a discussion about subdividing the subject lot so that a lot is created along Thomasboro Road that would remain commercial and then the interior lot created could be rezoned residential. Commissioner DiStasio said she, for one, would not have any problem with that. Her concern is that the corridor along Thomasboro Road remains commercial as this is the policy set in the Land Use Plan (LUP). Staff noted that the request is for rezoning of the subject parcel as it is currently exists; no subdivision maps/requests have been presented. If the property owner wants to subdivide his parcel he would have to apply for that request. The only request before the Board this evening is to make a recommendation regarding rezoning.

After listening to all parties the Board deliberated among themselves. They felt that the policies in the LUP should not be disregarded. Further, they felt that a lot of work went into the Unified Development Ordinance (UDO) and it was created to be in unity with the established policies of the LUP. It was further discussed that rezoning this one lot might have a domino effect. They would be setting precedence for other parcels along Thomasboro Road to request rezoning.

Mr. Daniels moved that the Planning & Zoning Board recommend to the Board of Commissioners that the request to rezone the subject property (Tax ID# 24100020 1401 Thomasboro Road) from CB to R-15 be denied because the current zoning is in accordance with the policies set forth in the CAMA Land Use Plan that the future Land Use for this area is to be commercial; to rezone the parcel would be in conflict with the LUP. The motion was seconded by Commissioner DiStasio and carried by way of a unanimous vote.

BOARD COMMENTS: none forthcoming.

ADJOURNMENT: *At 7:10 PM Mr. Daniels moved to adjourn, seconded by Commissioner DiStasio and unanimously carried.*

(SEAL)

Sonia Climer, Madam Chairman

ATTEST:

Kelley Southward, Town Clerk