



**TOWN OF CALABASH
PLANNING AND ZONING BOARD
REGULAR MEETING
Monday, October 1, 2012
6:00 pm-SANBORN HALL**

AGENDA

CALL TO ORDER:

PLEDGE TO FLAG:

OATH OF OFFICE: Swearing-in of Mr. Mark Pero (3-year term ending October 13, 2014)

APPROVAL/ADJUSTMENT OF AGENDA:

APPROVAL OF MINUTES:

1. August 6, 2012-Regular Meeting

PUBLIC COMMENTS:

CLERK'S REPORT:

NEW BUSINESS:

1. Discussion/Action to make a recommendation to the Board of Commissioners regarding the special/conditional use application submitted by Cindy Morgan for her request to use the existing drive-through window at 10080 Beach Drive (Tax ID# 2540000401) for a sandwich shop.

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.

BOARD COMMENTS:

ADJOURN:

**TOWN OF CALABASH
PLANNING & ZONING BOARD
REGULAR MEETING
Monday, October 1, 2012—6:00 PM**

MINUTES

The Calabash Planning and Zoning Board (PZB) convened in Sanborn Hall, located at Town Hall, 882 Persimmon Road, at 6:00 PM on Monday, October 1, 2012 for their Regular Monthly Meeting.

MEMBERS PRESENT: Madam Chairman Sonia Climer, Vice Chairman John Thomas, Commissioner DiStasio, Charlie Daniels, ETJ Member Clare Leary, and Mark Pero.

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

GUESTS PRESENT: there were approximately 5 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.

OATH OF OFFICE: The Town Clerk administered the Oath of Office to Mr. Mark Pero, an in-town member serving a 3-year term ending October 13, 2014.

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

APPROVAL/ADJUSTMENT OF MINUTES: Mrs. Leary pointed out that at the top of page three a sentence/paragraph was left incomplete. Upon review of the matter, the Town Clerk recognized the mistake and said she would have to review the audio of the meeting to complete the thought of the paragraph. *Commissioner DiStasio moved to table the minutes of August 6, 2012 until the next Regular Planning & Zoning Meeting, seconded by Mrs. Leary and unanimously carried.*

PUBLIC COMMENTS: none forthcoming.

CLERK'S REPORT: none forthcoming.

NEW BUSINESS:

- 1. Discussion/Action to make a recommendation to the Board of Commissioners regarding the special/conditional use application submitted by Cindy Morgan for her request to use the existing drive-through window at 10080 Beach Drive (Tax ID# 2540000401) for a sandwich shop.**

Ms. Morgan was present to answer questions for the PZB. Commissioner DiStasio asked Ms. Morgan if she envisioned the drive-through window for ordering or just pick-up. Ms. Morgan said the window would only be used for pick-up; people could phone-in their orders than drive to the window to pick up the order. Commissioner DiStasio asked if she planned to put in a microphone for ordering (like at a typical fast-food restaurant); Ms. Morgan said she would not want to do that—the window would be for pick-up only. Commissioner DiStasio said she had no problem with the window being used in associated with the restaurant so long as it was for pick-up only.

Madam Chairman Climer referred to a letter dated September 18, 2012 from Mr. Dills, Building Inspector, to Ms. Morgan. Specifically, she wanted Mr. Dills to elaborate on item #9 in the letter. Mr. Dills said item #9 was simply to inform Ms. Morgan of the anticipated time-line in which here application would be heard by the PZB and Board of Commissioners. He noted that a restaurant is a permitted use in the Central Business (CB) district but the use of the drive-through window associated with the restaurant is conditional. He said the applicant is moving forward with the restaurant whether or not she is permitted to use the window; the letter is mainly addressing issues she must comply with prior to opening the restaurant. The matter of the window and conditional use process for the use of the window should not impede her from opening the restaurant.

Mr. Nance pointed out that no requirements for drive-through windows have been incorporated into the Unified Development Ordinance (UDO). As part of the PZB's recommendation to the Board of Commissioners (BOC) in this matter, they can suggest any conditions they feel are necessary and reasonable. Mr. Nance said Mr. Dills had some information for the PZB to consider. Mr. Dills noted that queuing space is Article 17-Off Street Parking & Loading of the UDO. He explained that queuing space refers to the number of automobiles that line-up to wait to get to the service window in businesses that utilize service windows.

Mr. Dills said since the applicant of this case is going to only offer pick-up at the service window it would not take as much time for patrons to complete their transactions as it would if patrons were both ordering and picking up. Therefore, not as much queuing space is needed. Mr. Dills said the location also has a by-pass lane around the window. He felt that it was a good idea for the recommendation to the BOC to include that the window is for pick-up only. Mr. Dills also suggested the PZB consider adding a condition that pick-up windows for restaurants should have a by-pass lane around the window. He noted that what is determined with this application could set precedence for future similar applications. To summarize, Mr. Dills said the condition could be that a restaurant looking to use a drive-through window whose lot does not have sufficient queuing for ordering and pick-up should be limited to utilizing a window for pick-up only. By placing these conditions, the use of the pick-up window would not materially endanger the public health, safety, or general welfare in the subject location; the use of the pick-up window will not adversely affect the use or any physical attribute of adjoining or property; and the use of the pick-up window in this area of the CB district is harmonious.

Commissioner DiStasio moved to recommend to the Board of Commissioners that the property located at 10080 Beach Drive be permitted to allow a restaurant to utilize a service window provided that the window is for pick-up only since the property has insufficient queuing space for ordering and pick-up; seconded by Mr. Daniels and carried unanimously.

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) examine 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.**

Mr. Norton of Compass Pointe Engineering appeared before the PZB again. He relayed that the BOC on September 11th tabled the matter of his proposed rezoning until the PZB could review the area adjacent to the subject parcel at 1401 Thomasboro Road. He said since the BOC meeting he met with Town staff to ensure that his understanding of what council is seeking was correct. He is in the process of preparing maps and other information pertinent to what the BOC is seeking so that he can bring that information to the PZB in November. The PZB questioned Mr. Norton as to why he didn't have the information this evening. Ms. Southward noted that it took sometime before staff was able to meet with him following the September 11th BOC meeting. Once they were able to meet for clarification he only had a couple of days before her deadline of getting PZB packet information came due. Ms. Southward noted that some small maps and information was included in the PZB packets if they wanted to begin discussions as to what is existing in the area and what the current zoning is in the area.

Commissioner DiStasio noted that based upon her research, the subject property has been zoned CB since at least 1991; that is 21 years. All that time, there has been the same home on the parcel. Why, after all this time, does the owner want to rezone the property? She noted that across Thomasboro Road at this location is the Town of Carolina Shores; Calabash has no control over that zoning. Is the owner planning on developing the property for residential? She noted that Mr. Norton is an engineer representing the property owner. Mr. Norton noted that Mr. Price, the property owner, is his father-in-law and that is why he is the acting agent and not because Mr. Price has contracted an engineer to develop his property. Commissioner DiStasio read the purpose of the UDO, which was established in accord with the established policies of the Land Use Plan (LUP).

Mr. Nance said at the last PZB meeting, the PZB recommended the BOC deny this rezoning application but it was contradictory to a part of the LUP. He noted that it was even discussed at that PZB meeting that policy should change first, prior to rezoning, if that be the desire of the Town. He said all this is about is taking a look at existing policies to see if they should be changed or not; there might be no changes recommended.

He noted that part of the reason the BOC wanted the PZB to look at policy is that several property owners in the general vicinity of the subject property were in favor of the rezoning and informally requested a change to the zoning of their own property. He said that Mr. Norton would be accumulating some data for the PZB to review to determine if any changes were needed.

Mark Raggizano, sitting in the audience, requested to address the Board; Madam Chairman Climer recognized him and allowed him to speak after he explained that he is part owner of the adjacent (approximately 16-acre) parcel. Mr. Raggizano said a lot of hard work went into the development of the UDO and what Mr. Price wants to do by rezoning his lot on Thomasboro Road totally defeats all of that hard work. Spot zoning, he opined, is a disaster. He felt that as one travels down Thomasboro Road there are mainly businesses and institutional facilities; with a few residential homes. He said mixing residents in with businesses creates strife among properties owners. He felt it was one goal of the UDO to reduce that level of strife. The subject property is currently zoned commercial, which in Mr. Raggizano's opinion is the highest and best use for that property for Calabash and the community. Potentially, rezoning the property could lower tax revenues for the Town. Mr. Raggizano said his problem is that his own property, which abuts the subject property, is also zoned commercial. Historically there can be conflicts between adjacent properties zoned commercial and residential. He felt keeping the subject (Mr. Price's) property zoned commercial is most appropriate.

Board members questioned the map in their packets (and a second map of the same area prepared by Commissioner DiStasio and distributed at the start of the meeting); there seemed to be a lot with no information available. Ms. Southward explained that this section, which could appear to be a separate lot, is actual a part of the subject parcel owned by Mr. Price. His 7-acre parcel is split by an access road/easement but it's all a part of Tax Parcel ID# 24100020.

Mr. Thomas asked about letters submitted by adjacent property owners Abushakra, Brown, Gurganus, and Bullock; who were all in favor of the rezoning of the subject parcel to residential. Commissioner DiStasio said all the letters were written the same just the names and the parcel numbers were changed. Mr. Norton provided some insight; stating that he was asked to prepare a letter but each property owner that was interested and in agreement signed the letter. This is why all the letters are worded the same.

Ms. Southward suggested that the PZB set the matter of rezoning Tax ID#24100020 aside for a moment and look at some other parcels in the area. In particular she drew attention to four parcels identified as Tax Parcel ID#s 2410001803 (Bullock), 2410001802 (Brown), 2410001817 (Bullock) and 2410001816 (Bullock); which are all currently zoned CB. These four parcels are all interior parcels; none of them front on neither Beach Drive nor Thomasboro Road. Further, they are all very small lots with single-wide mobile homes on them and abut the MFH-II zoned properties on Wilson Avenue. Due to the small size of the lots they really could never be developed as commercial. Madam Chairman Climer asked how the lots are accessed as they appear to be land-locked. Ms. Southward and Mr. Dills noted that two of the four lots are accessed by the easement that

splits the subject parcel (discussed earlier) and the other two are accessed through a driveway off of Wilson Avenue. It would seem as though for these four lots to be zoned MFH-II might be more appropriate than their current zoning of CB. Commissioner DiStasio, for one, said she would not be opposed to rezoning the interior lots but not anything that fronts along Thomasboro (or Beach).

Madam Chairman Climer sought the wishes of the PZB; do they want to act this evening or do they wish to give Mr. Norton the opportunity to present information in November (i.e. table the matter this evening). *Mr. Thomas moved to table this matter until the November meeting, seconded by Mrs. Leary and the motion carried by a vote of four (4) to one (1).*

BOARD COMMENTS: none forthcoming.

ADJOURN: *Commissioner DiStasio moved to adjourn the meeting, seconded by Mr. Thomas and unanimously carried at 6:30 PM.*

(SEAL)

Sonia Climer, Chairperson

Attest:

Kelley Southward, Town Clerk