



City of Boiling Spring Lakes
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Boiling Spring Lakes, NC 28461

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Planning Board
March 8, 2016
7:00 P.M. ~ City Hall

CALL TO ORDER:

The regular monthly Planning Board meeting was held at City Hall on March 8, 2016 Chairman Bill Clark called the meeting to order at 7:00 p.m.

ATTENDANCE:

Members Present ~

Bill Clark, Chairman Gene Fioravante Nancy Crawford Bill Sraver

Members Absent ~ Jeremy Sexton ~ Excused

Staff Present ~

Jim Nicholas ~ Building Inspector Maggie Della Badia ~ Administrative Assistant
Bill Murphy ~ City Engineer ~ Excused

Guest ~

Cape Fear Council of Governments: Wes MacLeod

AGENDA ~

Bill Sraver requested to add to the agenda ~
Revisit 1350 square foot with a 2 car garage of 400 square ft. to R-1 zoning. Bill Clark requested this be added under "Other Business"

A motion was made by Gene Fioravante and seconded by Nancy Crawford to approve the agenda as amended.

Motion Carried 4-0

APPROVAL OF MINUTES ~

Minutes of the February 9, 2016 meeting. Minutes of the February 18, 2016 meeting

Explained in the February 18th minutes, there is a sentence on page two that says “The board agreed the minimum size would be 10 continuous acres” it should be “contiguous” acres.

A motion was made by Nancy Crawford and Seconded by Bill Sraver to approve the February 9th and February 18th minutes with the change of Continuous to Contiguous.

Motion Carried 4-0

PUBLIC COMMENT ~

Judy Thuer ~ 161 North Lake Dr.

Ms. Thuer explained she and others would like to encourage the board be open to someone coming forward to build any type of housing that would help us downsize so citizens can stay in this community. Right now there is nothing available if you want to have a smaller house, smaller lot, multi family house or something different to stay in the community. Ms. Thuer explained your seeing us but there are a lot of people that are looking to downsize and there is nothing here. We are asking for you to keep an open mind when builders come to you. I think we are going to be in the majority. Your getting a lot of families coming into the community and it is really good to have a mix of all ages. When you get to be 70 years old and you want to down size there is no where in the city to go. Hopefully we have been adding value to the community and hopefully we can stay adding value to the community.

Bill Clark explained this is what the Planning Board is currently working on, multi-family, apartments and town houses.

Ms. Thuer explained she wants to encourage the board to keep going with it. There are so many people here that want to stay in the community. You want to keep people here and satisfy what their needs are.

Ms. Thuer thanked the Planning Board for what they do.

Audrey Carathanasis ~ 1281 Spring Lake Dr.

Ms. Carathanasis asked the board ~ why it is so hard for businesses to come into the city ? She heard someone wanted to open up a business here and everything he wanted to do he was told no, you can't do that. He wanted to open a restaurant.

Nancy Crawford questioned who told him that he could not. Ms. Carathanasis stated the Planning Board.

The Board members replied that no one has come before the Planning Board and asked to open a restaurant. Gene Foravante explained we try to promote business in this town.

Ms. Carathanasis explained she will go back to where she heard it. She explained they got the impression it is a very negative place to do business.

Mr. Clark questioned if this restaurant involved the area where the hotel is. Ms. Carathanasis replied yes. Bill Clark explained they never came to the Planning Board but the realtor went to the City Manager and wanted to build condominiums and it was not allowed. So the individual who was going to buy it said maybe we should put a restaurant in but never came back after that.

Ms. Carathanasis explained she agrees with Ms. Thuer and is very interested in a town house or condominium. The outside work is too much and it would be nice to stay in Boiling Spring Lakes.

OLD BUSINESS ~

A. Staff Report ~ Wes MacLeod

Wes MacLeod explained the staff report has been distributed to everyone with a summary of his understanding of what transpired at the February 18th meeting.

There was a minor misunderstanding about what a subdivision is and actually having a permitted use for something that is developed. Aside from that there are five things that he believes needs to be changed in the past text amendment, See "Attachment A"

B. Multi-Use ~ UDO Sub Divisions Chapter 8 ~ Finalize with Consistency Statement

Wes MacLeod explained if C-1 is a district you would like to have multi family permitted it can be added to the supplemental regulations that are in place.

Wes MacLeod explained if someone wanted to build mixed use, town houses, single family all as one development he would refer to that as a planned residential development. Boiling Spring Lakes does not have regulations for a planned residential development zoning district but it can be worked on. The text amendment that we worked through was about getting multi family as a permitted use in the commercial district. Planned residential development is something that would need to be looked at separately and we can do that. We are scheduled to do more work on the UDO.

Wes MacLeod explained he cautions the board on allowing duplexes in the C-1 district, there is a 300 foot minimum for driveway separations. A two family duplex on highway 87 could go

anywhere in the C-1. Bill Clark explained it would require a 10 acre minimum. Less than 10 acres you are back to C-2.

Wes MacLeod made the Planning Board aware new legislation has passed that you can no longer regulate appearance or design guidelines for single or two family dwellings.

Bill Clark explained there is an interested company that wants to develop 20 acres and right now they can't. We are trying to create something as easy as possible to allow them to come in. They would still have to come in with a design and the design has to be approved. Then get approval from the Board of Commissioners. This would show them we are trying to work with them. Wes MacLeod explained whoever it may be can request by application an amendment to the zoning ordinance.

Wes MacLeod explained we can start working on a planned residential development district. This is a big deal for Boiling Spring Lakes or anywhere else making such a substantial change to the ordinance.

A motion was made by Bill Sraver and Seconded by Gene Fiorvante to add 1-4 listed on the staff report and drop off duplexes. See "Attachment A".

Motion Carried 4-0

CFCG draft text amendment is hereby incorporated by reference and made a part of these minutes. Attachment ~ A

Wes MacLeod explained the Planning Board is required to provide a consistency statement every time it makes a recommendation for amending the ordinance if it is rezoning or a standard amendment. Any amendment that is done without a statement can be invalidated by the courts.

A motion was made by Bill Sraver and Seconded by Gene Fioravante to approve letter "A" of the consistency statement and include items 1-4 from the staff report for tonight's meeting.

Motion Carried 4-0

C. Definition of Farmers Market ~ Finalize with Consistency Statement

A motion was made by Gene Fioravante and seconded by Nancy Crawford to table definition of a farmers market until next month.

Discussion ~

Gene Fiorvante explained he does not want the definition to be too constrictive. Nancy Crawford explained we have a business that has come to town and it's named "The Farmers Market" and

she doesn't want to move forward and have a business put out of business because of a definition that we rushed forward on. Bill Clark explained he can't be put out of business he is a retailer in C-1 that's his business name. Wes MacLeod explained if that is what he is permitted under and if you adopt a definition that is in conflict with his business it could potentially cause a problem for him. What we need to figure out is if we need a broader definition or maybe he needs to get a new permit.

Jim Nicholas explained he received a permit to move the building that was originally there and then a renovation permit. He explained he doesn't have the permit at the moment to read what it says to know if it specified as a farmers market. He explained he will read the permit to let the board know how it reads.

Bill Sraver asked Wes MacLeod to research a definition and let them know about it at the next meeting.

A motion was made by Gene Fioravante and seconded by Nancy Crawford to table definition of a farmers market until next month.

Motion Carried 4-0

NEW BUSINESS ~

1. Review of Land Use Plan Chapter 4 ~ Wes MacLeod

There is a lot of question around why the city does not have more commercial development. One of the interesting things we found was a rough estimate there is about 135 residents for every acre of commercial development in the city. That trend has held true for the past 15 years. Projecting that out unless there is a tremendous population boom its unlikely that the commercially zoned land on 87 C-1 is ever fully going to be built out. So it makes sense to consider additional residential uses in particular multi family to make the land a little more viable

Nancy Crawford explained items that need to be corrected.

Wes MacLeod distributed Chapter 5 of the Land Use Plan.

The board discussed survey results and decided to close the survey.

OTHER BUSINESS ~

1. Revisit R-1 Zoning 1350 minimum Square Feet with a Two Car Garage of 400 Square Feet

Mr. Sraver asked to revisit this item. The proposed change was 1350 square feet in lieu of 1500 square feet with a mandatory attached 400 square foot garage in the R-1 district.

The public hearing for this item was at the Board of Commissioners meeting in May of 2015. At the Board of Commissioners June 2015 the Board tabled this item pending the completion of the Comprehensive Land Use Plan.

Wes MacLeod explained to the board the ordinance states they need to wait six months when a recommendation is sent to the Board of Commissioners before they can submit it again.

The Planning Board agreed to send this item back to the Board of Commissioners for consideration. It has been more than six months as needed by the ordinance.

A motion was made by Bill Sraver and seconded by Gene Fioravante to have the current Board of Commissioners reconsider Item “I” from the Board of Commissioners June 2015 Meeting with a Consistency Statement.

Motion Carried 4-0

NEXT MEETING AGENDA ITEM'S:

1. Definition of Famers Market

A motion was made by Bill Sraver and seconded by Gene Fioravante to adjourn the meeting at 8:12 p.m.

Motion Carried 4-0

**Respectfully Submitted by,
Maggie Della Badia ~ Administrative Assistant**