



# City of Boiling Spring Lakes

## Planning Board

### February 14, 2023

### City Hall – 6:30 P.M.

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#### AGENDA

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Agenda: February 14, 2023
- Approval of Minutes: December 13, 2022
- Public Comment
- Old Business:
  - Grocery Store Info
  - Extent of sewer down HWY 87
  - Status of The Lakes Golf Club
- New Business
  1. Appoint Chair and Co-Chair of Planning Board
  2. Major Site Plan – Parcel 156MA00111 Boiling Spring Lakes Fire Rescue
    - a. Staff Report
  3. Section 6.56 (Food Trucks) of the Unified Development Ordinance
    - a. Text Amendment
    - b. Staff Report
    - c. Consistency Statement
  4. Section 12.5.2 (Additions or Expansions of Nonconformities) of the Unified Development Ordinance
    - a. Text Amendment
    - b. Staff Report
    - c. Consistency Statement
  5. City Center Workshop
    - a. Gordon Hargrove, City Manager
    - b. Mark Bloomer, “Where Do We Go From Here?”
- Announcements
- Adjourn



## *City of Boiling Spring Lakes*

9 East Boiling Spring Road Boiling Spring Lakes, NC 28461  
Phone ~ 910-294-0996 Fax ~ 910-363-0029 Web page ~ [www.cityofbsl.org](http://www.cityofbsl.org)

### PLANNING BOARD

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#### MEMORANDUM

**To:** Members of the Planning Board  
**From:** Mark Bloomer, Planning and Zoning Administrator  
**Date:** February 7, 2023  
**Re:** Major Site Plan – New Fire Station

#### BACKGROUND

The attached Major Site Plan application is for the new Fire Station. The property is located beside the property where the Pepperoni Grill is located, and it is parcel 156MA00111. The property is zoned C-1, so a fire station is an allowed use. For parking, eight spaces are proposed. One handicap van accessible spot is also proposed. The new fire station will be served by Brunswick County water and sewer. There is 58,300 square feet of impervious surface proposed for the property.

In terms of stormwater, they are proposing a stormwater pond. As part of their landscaping, the applicant is proposing to plant 18 Heritage River Birch, 5 Lacebark Elms and 44 Trident Maples. The applicant is also proposing to plant 171 shrubs. The property will have a streetscape, foundation plantings and a buffer.

In accordance with the Unified Development Ordinance, I submitted this project for Technical Review Committee review. Town Engineer Alex Lapinsky is concerned that the proposed parking spots do not meet UDO requirements. Wheel stops are also required for the parking spots. He also wants to know more about the discharge of the proposed stormwater pond. Chief Codes Enforcement Officer Ruth Bek needs the calculations of stormwater runoff from the roof in order to determine if the proposed 15" storm pipe is sufficient. In my review of the site plan, I found that the site plan needs to show the contours every two feet. In addition, the location and dimensions of existing buildings on adjacent tracts needs to be shown.

We have not received the architectural plans or lighting plan for this project. Complete TRC Comments are attached. Upon review of the proposed site plan and all TRC recommendations, the UDO Administrator recommends approval of the major site plan subject to TRC recommendations/comments.

**Attachments:** Site plan, application, TRC recommendations/comments, location map, landscape plan.

**Required Motion:** Motion to recommend approval, denial or conditional approval of the major site plan.

**Planning Board Motion:** TBD

**Follow-up Needed:** Zoning permit issuance by Planning and Zoning Administrator

NT# 22101



**City of Boiling Spring Lakes**  
9 East Boiling Spring Road Boiling Spring Lakes, NC 28461  
Phone ~ 910-363-0025 Fax ~ 910-363-0029 [www.cityofbsl.org](http://www.cityofbsl.org)

**Major Site Plan Application**

Project Name: BOILING SPRING LAKES FIRE RESCUE Property Owner(s): BOILING SPRING LAKES FIRE RESCUE

Authorized Agent: Theresa Tickle, Fire Chief Telephone: (910) 547-6347 Mobile

Email: ttickle999@gmail.com

Project Address: 3172 George II Hwy Southport, Brunswick County, NC 28461

Zoning District: C1 Parcel #: 156MA00111

Proposed Use: Fire / Rescue Station

**Project**

Description: New Fire / Rescue Station building with access to NC 87 with parking on parcel #156MA00111 containing 2.55 acres.

Signature of Owner/Authorized Agent: *Theresa Tickle*

Site plan procedures are outlined in Article 9, Section 9.3 of the City's Unified Development Ordinance (UDO). The site plan shall be submitted in accordance, and shall meet all plat requirements, as outlined in Appendix B of the UDO. Notes placed on the site plan may suffice for items that are unable to be shown geographically, or are not applicable to this application. No application shall be accepted as complete unless accompanied by all required fees and all required submission information.

**\*Commercial Site Plan Review Fee at Preliminary & Final = \$500.00\***

Staff Use Only:	
Project #: _____	Date Submitted: _____
Amount Due: Preliminary & Final _____	Received by: _____
Amount Paid: _____	Date Paid: _____



*City of Boiling Spring Lakes*  
9 East Boiling Spring Road  
Southport, NC 28461

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## STAFF REPORT

**Agenda Date:** February 14, 2023

**Title:**

Section 6.56 of UDO – Food Trucks

**Department:**

Planning and Zoning

**Background Information:**

Mayor Winecoff has requested that Staff look at a way that we can prohibit Food Trucks from selling at the dam construction sites during the dam restoration project. Mayor Winecoff wants to do this so that our local restaurants, many of which are struggling, do not lose out on business. I have been working with Bob Hornik, Gordon Hargrove, and Ruth Bek on a change that would accomplish the Mayor's goal.

The change to the Food Truck Ordinance (Section 6.56 of the Unified Development Ordinance) that I am proposing is to only allow Food Trucks at festivals. This change is consistent with the 2017 Comprehensive Land Use Plan, and you should have a copy of the proposed new language. The language that I am proposing to remove from Section 6.56 is in red with a red line through it. The language that I am proposing to add to the ordinance is in bold and underlined.

**Financial Impact:**

It appears the only financial impact of this text amendment would be the cost to advertise the public hearing in the newspaper.

**Recommendation:**

Staff recommends approving the changes in Section 6.56 of the Unified Development Ordinance

**Attachments:**

New version of Section 6.56 of the Unified Development Ordinance  
Consistency Statement

## Section 6.56 Food Trucks

Mobile food trucks shall be a permitted use in **at events held by the City of Boiling Spring Lakes** in the Recreation, C-1 and C-C Zoning Districts, in accordance with Section 5.5, and subject to the following standards. Mobile food trucks shall also be permitted in the Residential Zoning Districts only on sites undergoing construction, in accordance with Section 5.5, and subject to the following standards.

- (A) Zoning Permit. All mobile food truck vendors shall obtain a zoning permit. ~~Zoning permits shall be issued as annual, or temporary. Annual zoning permits for mobile food trucks shall expire twelve (12) months from date of issue. Temporary zoning permits for mobile food trucks may be issued for event purposes, and shall be valid for a maximum of five (5) days from date of issue. All zoning permit applications are to be submitted with signed approval of the property owner for each location at which the mobile food truck will operate. The applicant must also submit a NC Department of Agriculture Permit and a permit from the regulatory authority that inspects the commissary from which a mobile food truck is to operate, as required, as well as a copy of the vehicle or trailer registration. Permit holders operating from a different county are responsible for informing the Brunswick County Health Department. All permits must be made visible and signed property owner approvals must be made available for inspection, upon request.~~
- (B) Place of Operation. ~~Mobile food trucks may operate on an individual property for a maximum of 120 days per 12 month period. Mobile food trucks and all related equipment shall be removed from the site following the permitted hours of operation.~~
- (C) Hours of Operation. Mobile food trucks may operate between the hours of **6 8** AM and 10PM, unless the food truck is located within 150 feet of a property with a single- or two-family residential dwelling. When located within 150 feet of this residential dwelling, the hours of operation shall be between 8 AM and 8PM. This measurement is taken from the property line of the residential dwelling in a straight line to the closest point of the approved food truck location.
- (D) Mobile Food Truck Location. Mobile food trucks must be ~~located at least 100 feet from the front door of any restaurant and outdoor dining area and at least 50 feet from any permitted mobile food vending cart location. Additionally, mobile food trucks must be~~ parked at least 15 feet away from any fire hydrant, and 5 feet away from any driveway, sidewalk, utility box or vault, handicapped ramp, building entrance or exit, or emergency call box. These

minimum distance requirements are all measured in a straight line from the closest point of the proposed food truck location to the closest point from the buffered point, or in the case of a restaurant measured from the closest point of the restaurants main entrance. ~~If a zoning permit is issued and a restaurant subsequently opens within 100 feet (measured from the restaurants main entrance) of the approved mobile food truck location, the mobile food truck may continue to operate until the permit expires.~~

(E) Parking. Mobile food trucks may not occupy any required parking stall for the primary use while the primary use is open to the public. Mobile food trucks and the primary use may share parking spaces when having separate hours of operation. Parking stalls that are overflow or extra according to the regulations in the UDO may be used to park a mobile food truck; however, parking stalls leased to another business or adjacent use may not be used unless the mobile food truck is operating under separate hours of operation.

(1) Mobile food trucks may not park in handicapped accessible parking spaces, nor can they park in access or drive aisles. The approved location for parking the trucks, as shown on the zoning permit, must be physically marked. The mobile food truck parking space can be marked with paint, tape, cones, or other easily identifiable material.

(F) Prohibitions. Mobile food trucks may not use audio amplification or freestanding signage. All equipment associated with the food trucks must be located within three (3) feet of the food truck. The mobile food truck operator is responsible for disposing of all trash associated with the operation of the food truck. City trash receptacles may not be used to dispose trash or waste. All areas within five (5) feet of the mobile food truck must be kept clean. Grease and liquid waste may not be disposed in tree pits, storm drains, the sanitary sewer system or public streets. Mobile food trucks are all subject to the City- wide noise ordinance.

~~(G) Maximum Number of Mobile Food Trucks per Property.~~

~~(1) Maximum of two (2) mobile food trucks on lots of one half acres or less.~~

~~(2) Maximum of three (3) mobile food trucks on lots between one half acre and 1 acre.~~

~~(3) Maximum of four (4) mobile food trucks on lots greater than 1 acre.~~

~~(4) Temporary outdoor seating associated with a mobile food truck is only permitted on lots at least two acres in size or greater.~~

(H) City-Initiated Events. Annual zoning permits for mobile food trucks are not valid in the Recreation District during city-initiated events, unless specifically authorized. Temporary zoning permits for mobile food trucks shall be required for all city-initiated events in the Recreation District. Temporary zoning permit fees for

mobile food trucks operating in the Recreation District during city-initiated events may be waived.

- ~~(I) Construction Sites. In all zoning districts, mobile food trucks shall be permitted on sites undergoing construction in accordance with approved zoning and building permits, and shall comply with all other applicable provisions of this section. Mobile food trucks shall vend only to person(s) lawfully authorized to be working on the construction site, and not to the general public. Mobile food trucks shall be parked in an appropriate location on site, as authorized by the licensed general contractor, consistent with safe construction site practices, and shall not park in the right of way. No more than one (1) mobile food truck shall be permitted on a construction site at that time.~~
- (J) The UDO Administrator may waive any of these requirements as deemed necessary.



**PLAN CONSISTENCY STATEMENT**

**PLANNING BOARD ACTION – Section 6.56 of the Unified Development Ordinance**

(A) \_\_\_\_\_ The Planning Board hereby recommends approval of the proposed amendment to the Unified Development Ordinance and finds that it (i) is consistent with the City's comprehensive plan (2017 Land Use Plan), policy #6, which states "The City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, dimensional standards, and other items deemed necessary by the Planning Board, Board of Commissioners, and City staff," and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Boiling Spring Lakes.

(B)  The Planning Board hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with the City's comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: Will not have Mayor's desired effect on local businesses and/or (ii) it is not in the public interests for the following reasons: Not consistent w/ public interests - Commissioner Mammy will provide detail to the other Commissioners.

Motion to Recommend Approval (A) \_\_\_\_\_ Motion to Recommend Denial (B)

(For  Against 5 Abstained )

Lucille Launderville  
Lucille Launderville

2/14/23  
Date



*City of Boiling Spring Lakes*  
9 East Boiling Spring Road  
Southport, NC 28461

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## STAFF REPORT

**Agenda Date:** February 14, 2023

**Title:**

Section 12.5.2 of the Unified Development Ordinance

**Department:**

Planning and Zoning

**Background Information:**

A loophole has been discovered in Section 12.5.2 of the Unified Development Ordinance. Under Section 12.5.2, when a nonconforming structure is expanded or added on to, on-site nonconforming off-street parking, landscaping, perimeter buffer, screening and signage standards must be brought into compliance. Setbacks should also be required to be brought into compliance when an addition or expansion is proposed for a nonconforming structure.

I am proposing to add setbacks to the language of Section 12.5.2. I will present this proposed change to Section 12.5.2 to the Planning Board at their meeting on February 14, 2023. I am requesting that you schedule a Public Hearing for your March 14, 2023 Meeting to discuss this potential change to Section 12.5.2 of the Unified Development Ordinance.

**Financial Impact:**

None.

**Recommendation:**

No recommendation at this time.

**Attachments:**

None.

## ARTICLE 12. NONCONFORMITIES

remodeled such that the cost of remodeling equals 30 percent of the building's assessed value, the remodeling project must add 12 parking spaces (30% x 40 required spaces). This increases the development's degree of compliance with off-street parking standards from 50 percent (20 of 40 required spaces) to 80 percent (32 of 40 required spaces).

- (C) 75 Percent or More of Structure Value. Remodeling projects that cost 75 percent or more of the current assessed value of the structure shall require 100 percent compliance with the off-street parking, sidewalk, landscaping, perimeter buffer, screening, and signage standards of this Ordinance.
- (D) Five or Fewer Additional Parking Spaces. When five or fewer additional off-street parking spaces are required under this subsection as a result of a remodeling project, such additional off-street parking is not required to be installed.

### ***12.5.2 Additions or Expansions***

Additions and expansions to structures on nonconforming sites shall require correction of existing on-site nonconforming off-street parking, landscaping, perimeter buffer, screening, and signage standards in accordance with this section. **Additions to, and expansions of, existing structures which are nonconforming as to setbacks must meet current setback requirements.**

- (A) Expansion of 50 Percent or Less of Gross Square Footage Over One Year. Expansions in any continuous one-year period, which result in a 50 percent or less increase in the gross square footage of the existing structure (measured at the beginning of the one-year period), require that a corresponding percentage of the off-street parking, landscaping, perimeter buffer, screening, and signage standards of this Ordinance be installed or upgraded on the site, until the site achieves 100 percent compliance. Sidewalk installation, if applicable, is not required.
  - (1) Example: if the addition is 25 percent of the area of the existing structure and the site contains only 50 percent of the required landscaping, 25 percent of the required landscaping for the entire site must be provided, thereby bringing the landscaping on the site to 75 percent of the total required. Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.
- (B) Expansion of Greater Than 50 Percent of Gross Square Footage Over One Year. Expansions over any continuous one-year period, which result in a greater than 50 percent increase of the gross square footage of the existing structure (measured at the beginning of the one-year period), require the entire property to meet all of the off-street parking, sidewalk, landscaping, perimeter buffer, screening, and signage standards of this Ordinance.

### **Section 12.6 Nonconforming Signs**

Signs which were in existence prior to the effective date of this ordinance, which do not conform to the provisions of this article are declared nonconforming signs. It is the intent of this section


**PLAN CONSISTENCY STATEMENT  
PLANNING BOARD ACTION – Section 12.5.2 of the Unified Development Ordinance**

(A)  The Planning Board hereby recommends approval of the proposed amendment to the Unified Development Ordinance and finds that it (i) is consistent with the City's comprehensive plan (2017 Land Use Plan), policy #6, which states "*The City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, dimensional standards, and other items deemed necessary by the Planning Board, Board of Commissioners, and City staff.*" and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Boiling Spring Lakes.

(B) \_\_\_\_\_ The Planning Board hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with the City's comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: \_\_\_\_\_ and/or  
(ii) it is not in the public interests for the following reasons: \_\_\_\_\_  
\_\_\_\_\_

Motion to Recommend Approval (A)  Motion to Recommend Denial (B) \_\_\_\_\_

(For 4 Against 1 Abstained 0 )

  
\_\_\_\_\_  
Lucille Launderville

2/14/23  
Date