



City of Boiling Spring Lakes
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Planning Board
May 11, 2017
7:00 P.M. ~ City Hall

CALL TO ORDER:

The regular monthly Planning Board meeting was held at City Hall on May 11, 2017. Chairman Bill Clark called the meeting to order at 7:00 p.m.

ATTENDANCE:

Members Present ~

Chairman ~ Bill Clark Bill Sraver Nancy Crawford Lucille Launderville ~ 2nd Alternate

Members Absent ~ Jeremy Sexton ~ Excused Gene Fioravante ~ Excused
Tim White 1st Alternate ~ Absent

This may be the third meeting Tim White has been absent. Bill Clark would like to have a letter sent to him to find out his intentions.

Staff Present ~ Maggie Della Badia ~ Administrative Assistant

Guest ~ Cape Fear Council of Governments: Allen Serkin

AGENDA ~

A motion was made by Nancy Crawford and Seconded by Lucille Launderville to approve the May 11, 2017 agenda.

Motion Carried 4-0

MINUTES ~ April 11, 2017

Corrections : Nancy Crawford's name was omitted from members present and there were two grammatical errors.

A motion was made by Lucille Launderville and Seconded by Bill Sraver to approve the April 11, 2017 meeting minutes with the corrections.

Motion Carried 4-0

PUBLIC COMMENT ~ There was no public comment.

OLD BUSINESS ~

1. Review Draft UDO Article 7 ~ Development Standards (Partial) ~ Access, Parking, Transportation & Outdoor Lighting

Bill Clark suggested the text amendment on the agenda for Police and Fire Station Fences be made during the UDO update process. Allen Serkin explained the Police Department will need this change sooner than the updated UDO will be approved.

Nancy Crawford questioned if the change in Page 7-27 Driveways ~ except Churches and Synagogues applies to residential. This would require using concrete, asphalt, paver blocks or brick. Would this mean a residence could not have a stone, non-pervious driveway anymore? Allen Serkin will ask Wes MacLeod to clarify this for the board.

Bill Clark asked to review 7-5, 7.2.4 Walls (B) ~ Alternate Compliance. Bill Clark explained the Board of Adjustment hears cases for hardships. This should be something the Planning Board would hear. Allen Serkin explained when discretion is applied the courts require a quasi-judicial decision typically a Board of Adjustment would handle these cases. Bill Clark stated the Planning Board is listed on page 7-13 under alternate compliance for a decision. Allen Serkin explained this should also go to the Board of Adjustment. It is typical when a non-standard approval is given it goes to the Board of Adjustment. It's not a variance but it is quasi-judicial. Bill Clark stated the Board of Adjustment requires a hardship. Allen Serkin explained communities use the Board of Adjustment for this type of situation as well. Bill Clark asked the Board if they are in agreement to leave this with the Board of Adjustment. Allen Serkin questioned if the Planning Board hears other quasi-judicial decisions. Bill Clark questioned if it is for an alternate building material and not location or size and the Board of Adjustment makes this decision on alternate wall material, why does the Planning Board make decisions on other materials incorporated into a project in architectural review? Allen Serkin stated this should be handled the same way as architectural review. He will ask Wes MacLeod to look into this.

Nancy Crawford questioned if 7.22.2, Fixture Height ~ Lighting Fixtures would include streetlights and park lights. It is not clear who this applies to. Allen Serkin explained you could state under exemptions that streetlights and other public lighting that illuminates public property that is publically accessible, for safety purposes could be exempt. Allen Serkin explained in 7.2 ~ Exempt, there are exemptions listed, this would be where an exemption would be added, if the citizens agree an exemption is reasonable. Nancy Crawford explained lights were put at North Lake for public safety. Allen Serkin explained presumably the effect of this would be if there is not an exemption to get the same level of lighting you would need more frequent light poles. It would raise the cost but protect the residences from tall lighting structures in their backyards. Nancy Crawford asked if single family residences are exempt from these restrictions. Allen Serkin noted they are proposed to be exempt. It could be added that they are exempt provided they are less than fifteen feet in height and the light is restricted to the owners property.

Nancy Crawford suggested in 7.22.3 A ~ include LED in the first sentence with the other light type options. Allen Serkin pointed out LED lights need to be the color of the listed preferred lighting.

Bill Clark stated 7.19 applicability ~ the lights on North Lake do not have to conform to this section because it is public property.

Bill Clark read comments from two individuals submitted to the online comments & suggestions for the UDO;

Debby Duffy ~ Would like temporary to be ninety days instead of one hundred and twenty days in the RV Campground. Bill Clark explained we voted and changed this to one hundred and twenty days. This would be more appropriately given to the Board of Commissioners as public comment for their review.

Mary Phillips ~ Would like to build a six to eight hundred square foot cottage. With the updates to the UDO, if approved 750 would be allowed in R-5 and R-6.

NEW BUSINESS ~

1. Wilson Rezoning ~ Parcel ID #156MA002

Sandra Wilson introduced herself and explained she would like to purchase parcel 156MA002. She owns two buildings ~ 3148 and 3156 George II Hwy, North Shore Plaza. We have run out of room. There is no turn lane for these buildings. The owner of the property adjacent to hers is going to start building on their lot. This will create more traffic. She would like to rezone the parcel behind her to commercial, and put in a driveway for employees and deliveries.

Bill Clark suggested Ms. Wilson speak to the owner of parcel number 0101 and try to make an exit through there. Sandra Wilson explained there is not much room there. Her tenants each have their own dumpsters and trucks have to get back there. There is a carpet store that gets deliveries. It's hard to turn around back there. This would also give space for dumpsters to be placed, employee parking and to drive through. It would provide another access for the adjacent property owner. One of her tenant's dumpsters is currently on the adjacent property and will need to be moved. This will also allow for employees to park in the back and allow customers to park in the front of the building. Currently there is only one way in and out of the plaza.

Nancy Crawford explained this could be a benefit for the fire department in the event of a fire.

Allen Serkin explained once the property is rezoned to commercial it will allow any use that is permitted in that zoning. The Board should not just consider if a driveway is appropriate, but if all uses available in C-1 are appropriate at this location. After it is rezoned, any use that would be permitted by right would be allowed on the property. The intent of the Land Use Map is to have everything that fronts on 87 zoned as commercial and to the rear of that residential. Sunset Drive is not paved, heavy commercial vehicles on an unpaved road is something to consider. The Planning Board should consider the downhill effect of this property becoming commercial. This could affect zoning for other lots.

Bill Sraver stated, this would be spot zoning; it would have an adverse effect on the properties next to it. Nancy Crawford explained this could make the other properties more valuable if they thought they could be rezoned to commercial. Allen Serkin explained you would need a rational place to transition from commercial to residential. This would be inconsistent with the Land Use Plan. You can recommend the rezoning if it is inconsistent but you need solid justification.

Allen Serkin explained you could rezone a smaller portion than the entire property without having to subdivide it. When this is forwarded to the Commissioners letters will be sent to the adjacent property owners and they will have an opportunity to be heard. You can make a recommendation to the Commissioners and identify any concerns you have.

Bill Clark explained there are two members not present. It might be beneficial to table this until next month when there are five members plus the alternate to have input.

A motion was made by Bill Sraver and Seconded by Lucille Launderville to table the request for rezoning by Ms. Wilson to next month.

Motion Carried 4-0

2. Fence Height Exemption Text Amendment ~ Police & Fire Station

Bill Clark asked if everyone was in agreement with the text amendment.

A motion was made by Lucille Launderville and seconded by Bill Sraver to approve the Fence Height Exemption for Police and Fire Stations

Motion Carried 4-0

3. Distribute Draft Article 7: Development Standards (Partial) ~ Landscaping, Buffers, and Tree Preservation.

Allen Serkin distributed Partial Article 7: Development Standards (Partial) ~ Landscaping, Buffers, and Tree Preservation. He noted currently there is a Tree Protection ordinance in the City's Code of Ordinances and this section in the UDO. At the end of the process when this is adopted, the Code of Ordinance's Tree Preservation section should be repealed simultaneously so there will only be one tree protection ordinance. This came from Article 9 of the current UDO.

OTHER BUSINESS: ~ No Other Business

NEXT MEETING AGENDA ITEM'S:

ADJOURN:

A Motion was made by Bill Sraver and Seconded by Lucille Launderville to adjourn the meeting at 8:21 PM.

Motion Carried 5-0

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