



City of Boiling Spring Lakes

9 E. Boiling Spring Road

Southport, NC 28461

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**Planning Board
May 9, 2023
6:30 P.M. ~ City Hall**

CALL TO ORDER:

The Planning Board meeting was held at City Hall on May 9, 2023. Chairman, Lucille Launderville, called the meeting to order at 6:30 p.m.

ATTENDANCE:

Members Present: Lucille Launderville, Sharon Zakszeski, Carrie Moffett, Chip Hering, Travis Cruse, Stephanie Bodmer, and David Van der Vossen.

Members Absent: 0

Staff Present:

Mark Bloomer, Planning & Zoning Administrator

Suzanne Price, Administrative Assistant

AGENDA:

A motion was made by Chip Hering, and seconded by Sharon Zakszeski, to approve the May 9, 2023 agenda.

Motion carried 5-0

MINUTES – April 11, 2023 and April 24, 2023

A motion was made by Sharon Zakszeski and seconded by Stephanie Bodmer, to approve the minutes of the April 11, 2023 meeting and the minutes of the Special Meeting held on April 23, 2023 with the about David Van der Vossen and Stephanie Bodmer’s attendance, also the correction on campground being allowed in C1A, should have read City Center.

Motion carried 5-0

PUBLIC COMMENT: None

OLD BUSINESS:

- 1. GROCERY STORE INFO:** Mark Bloomer reported there have been no new developments on the grocery store.
- 2. THE LAKES GOLF CLUB:** Mr. Bloomer explained that Chief Code Enforcement Officer Ruth Bek and he had met with Roger Dutton 4.13.2023. Ms. Bek explained the permitting process. Mr. Bloomer explained that things are being done in phases. Permits

have been issued for phase 1 of the parking area project.

3. **Potential Text Amendment to the table of Permitted Uses for the Commercial Mixed Use Zoning District (C-1), Commercial/Service Zoning District (C-1A), and Light Industrial (I-1) Zoning District:** I-1 Industrial can be used to move items from C1 and C1A. There are still concerns about removing items from C1 and C1A. There was much discussion on where the City Center should go and what permitted uses should be allowed in it. The Board is looking for ways to increase community input. The Board wants to know what the community would like to be included in a City Center as well as where the City Center should be located. There was also discussions on protecting the area that are possible sites to the City Center. The question was brought up does the city need a moderator for the meeting for the City Center?

Commissioner David Mammay shared with the Board about the City Vision Conference he had attended. He talked about this one city had created a City Center by starting out building an Amphitheater. The amphitheater brought the city together and they was able to expand their City Center. What is the Vision for Boiling Spring Lakes?

There was much talks with different ideas and suggestions. The NCDOT Safe streets and Brunswick Co Transportation Plan were mentioned. Mr. Hargrove also informed the Board that there is a survey on the City’s website about the Transportation Plan. Concerns over the cost of hiring a consultant to help with the planning.

Many parcels along Highway 87 contain wetlands. The City can use the natural habitat and nature as an attraction for the City Center. Instead of moving permitted uses make them special use permits. Concerns about making everything a special use permit. There needs to be a way to keep track of everything going on.

There were talks of possible land donations from the State if it is used for nature. Check on land owned by the State, sell the state on the idea of a nature area to be within the City Center District. The State will not donate land for development.

How to proceed:

David: Small groups to research possible locations for City Center.

Travis: Small group to work on location search.

Stephanie: Thinks Board should handle finding location, “Boots of the Ground.”

Carrie: Protect uses, be aware of things already in the works.

Sharon: Investigate to see what is available.

Chip: Agrees with all. Protect C1 uses and finalize.

The Board agrees that there needs to be a list of permitted uses and location to present to the community for input.

The Board agreed to break out into 2 person groups to work on site and permitted uses.

The groups will be Travis/David (location), Stephanie/Chip (location), and Sharon/Carrie (permitted uses). The Board called for a Special meeting on May 31, 2023 at 6:30 pm to discuss their findings.

4. **UDO Section 8.3.4 Major Subdivision Final Plat Review:** This was sent back to Mark Bloomer to review and rewrite. Section 8.3.4 was rewritten to include a timeline and or condition to be met. **Stephanie Bodmer made a motion to accept and was 2nd by Sharon Zakszeski.**

Motion carried 5-0

5. **Overlay of City Center:** Mr. Bloomer explained that the cost and time to do an overlay for the City Center cost and take more time than just changing permitted uses.

NEW BUSINESS:

1. **House Bill 562:** Mr. Bloomer explained that House Bill 562 is almost identical to the Senate Bill 317. He also informed the Board that the Board of Commissioners passed a resolution against Senate Bill 317. If passed the proposed bill would take away some of our zoning powers. Ms. Launderville asked that Mr. Bloomer also check and be aware of House Bill 409 and Senate Bill 374

Discussion: None

Announcements: None

A motion was made by Chip Hering, and seconded by Sharon Zakszeski, to adjourn the meeting at 7:42 P.M.

Motion carried 5-0

*Respectfully submitted by,
Suzanne Price*



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

STAFF REPORT

Agenda Date:

May 9, 2023

Title:

UDO Section 8.3.4 Major Subdivision Final Plat Review

Department:

Planning and Zoning

Background Information:

As Section 8.3.4 is currently written, developers of major subdivisions must completely install all proposed streets before I can accept the final plat for review. We had discussed a proposed change to this ordinance at the April 11, 2023 Planning Board Meeting, and this item was tabled. The proposed new changes to the ordinance would require that the final lift of asphalt be installed either (a) within three years of issuance of the first building permit for a house on a lot shown on the plat, or (b) within 30 days after the issuance of a certificate occupancy for the house representing 75% completion of construction on lots shown on the plat, whichever comes first. A typo is also being corrected in Section 8.3.4(A).

Financial Impact:

Only the cost to run an ad. Money could also be saved on future road repairs.

Recommendation:

Approve the proposed changes.

Attachments:

Section 8.3.4 with proposed new language
Consistency Statement

8.3.4 Major Subdivision Final Plat Review

- (A) Preparation of Final Plat and Installation of Improvements. Upon approval of the preliminary plat, the applicant may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements (Section 8-8) in accordance with the approved preliminary plat. Prior to approval of a final plat, the applicant shall have installed the improvements specified in this Ordinance, or guaranteed their installation as provided in Section 8.3.5. No final plat will be accepted for review by UDO Administrator ~~by~~ **until after** written notice by the City Attorney and City Engineer (or consulting engineer) acknowledging compliance with required installation of improvements. **The final lift of asphalt for subdivision streets must be installed either (a) within three years of issuance of the first building permit for a house on a lot shown on the plat, or (b) within 30 days after the issuance of a certificate of occupancy for the house representing 75% completion of construction on lots shown on the plat, whichever comes first.** The final plat shall constitute only that portion of the preliminary plat which the applicant proposes to record and develop at this time; such portion shall conform to all requirements of this Ordinance. All approvals of improvement guarantees are in the sole discretion of the Board of Commissioners (See Section 8.3.5). NOTE: Approval for Major Subdivision Final Plats subject to financial guarantees shall be the responsibility of the Board of Commissioners. An advisory recommendation of the Planning Board is not required.
- (B) The applicant shall submit the final plat for the first stage of the subdivision to the UDO Administrator not more than 24 months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void. For subdivisions developed in stages, each successive final plat for a stage of the subdivision shall be submitted for approval within 24 months of the date of approval of the previous final plat for a stage of the subdivision. The UDO Administrator shall determine if the application is complete prior to initiating review.
- (C) The final plat shall be prepared by a Registered Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provision for plats, subdivisions, and mapping requirements set forth in NCGS 47-30 and the Standards of Practice for Land Surveying in North Carolina.
- (D) Three (3) hard copies one (1) digital copy of the final plat shall be submitted, one (1) of these shall be on reproducible material, two (2) shall be in accordance with NCGS 47-30, where applicable, and the requirements of the Brunswick County Register of Deeds.
- (E) The final plat shall meet the specifications in Appendix B of this Ordinance.
- (F) The Technical Review Committee shall review the final plat at least 30 days after the UDO Administrator receives a complete application for a major subdivision final plat and shall provide a written comments to the UDO Administrator.

- (G) The UDO Administrator shall approve or disapprove the major subdivision final plat within 60 days following receipt of the complete application. If the UDO Administrator approves the final plat, such approval shall be shown on each copy of the plat.
- (H) If the final plat is disapproved by the UDO Administrator, the reasons for such disapproval shall be stated in writing, specifying the provisions of this Ordinance with which the final plat does not comply. If the final plat is disapproved, the applicant may make such changes as will bring the final plat into compliance and resubmit the same for reconsideration by the Technical Review Committee and UDO Administrator.
- (I) The applicant shall file the approved final plat with the Register of Deeds of Brunswick County within 30 days of the UDO Administrator's approval; otherwise, such approval shall be null and void.
- (J) A Final Plat shall be approved only upon a finding that all of the following standards are met:
 - (1) The Final Plat is in substantial conformity with the approved Preliminary Plat (if applicable);
 - (2) The Final Plat complies with all applicable standards in this Article;
 - (3) The Final Plat complies with all other relevant provisions of this ordinance;
 - (3) The Performance Guarantee, where applicable, is approved by the City Attorney and City Engineer;
 - (4) The Final Plat complies with all other relevant City regulations; and
 - (5) The Final Plat includes all required certificates.

PLAN CONSISTENCY STATEMENT
PLANNING BOARD ACTION – Section 8.3.4 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 5 Against _____ Abstained _____)



Lucille Lauderdale

5/9/23

Date