



Planning Board Regular Meeting Minutes  
Tuesday, October 8, 2024 at 6:30 PM  
City Hall

**1. Call to Order**

Chairperson Lucille Launderville called the meeting to order at 6:30 p.m.

**Attendance:**

Chairperson Lucille Launderville  
Carrie Moffett  
Sharon Zakszeski  
Stephanie Bodmer  
Travis Cruse  
David Van der Vossen – 1st Alternate  
Shellie Teubner – 2nd Alternate  
Assistant City Manager Nicole Morgan  
City Clerk Nancy Sims

**2. Pledge of Allegiance**

The Pledge of Allegiance was recited.

**3. Approval of Regular Agenda**

**Chairperson Launderville** requested that two items be added to the agenda, Property Sales on Highway 87 and Setbacks on Lake Front Properties.

**CONSENSUS** to approve the agenda as amended

**4. Approval of Minutes**

**Motion to approve the August 20, 2024 minutes as presented**

**Moved by: Sharon Zakszeski**

**Seconded by: Travis Cruse**

**Motion Carried 5-0**

**5. Potential Conflict of Interest/Association Disclosure**

**Sharon Zakszeski** stated she lives on lake front property.

**David Van der Vossen** stated he lives on lake front property.

**Shellie Teubner** stated she lives on lake front property and her husband owns property on Highway 87.

**6. Public Comments**

None

**7. Old Business**

None

**8. New Business**

8.1 Continued Discussion on Tree Preservation Ordinance

**Ms. Morgan** recapped that the board requested she research ordinances for tree preservation from other communities. She didn't have anything written yet because she wanted the board's feedback. Then, if the board chooses to proceed with amendments, we can do them next month.

**Ms. Morgan** continued, she looked into bond requirements and a mitigation fund regarding the recent text amendment for section 7.29(D) that allows properties to be clear cut before development plans are submitted. As indicated, the text amendment was written for properties of 25 acres or greater only, and requires the street yard perimeters to remain unless the applicant agrees to submit plans within 24 months. She reiterated that the board had discussed wanting it to be applied to all commercial properties. In order for that to happen we will need another text amendment with another public hearing.

**Ms. Morgan** suggested first possibly requiring specific application standards and/or requirements that she researched from several other communities that allow for the same type of tree clearing.

**Ms. Morgan** stated that she also researched a bond and didn't see a way to do it as a requirement, because a bond is usually accepted as a major subdivision. She then explained why.

**Ms. Morgan** also discussed the concept of a bond and 125% of cost to do infrastructure. They can record their plat and then if they don't install the infrastructure, we have the money so we can proceed with doing it. But, she cautioned in a case like this we wouldn't know how much to say the bond needs to be. 125% of what, because there are no development plans. For the above reasons, **Ms. Morgan** didn't think a bond requirement was feasible.

**Ms. Morgan** then mentioned one thing that is feasible is requiring money be placed in escrow and held in a separate account. The board can decide that if the developer doesn't submit plans within a certain time, we can move that money into a fund. Or move it into a fund at the time they sell the property.

**Ms. Morgan** also mentioned creating a tree management program. That means developing a program that provides education and resources to people that plant trees on public property. It pays for certified arborists to look at any diseased trees, and promotes the goal of keeping as much canopy as possible in the City. We can create this program and when money is put in escrow and comes back to the City, it goes into that program. That is the best way to address some type of protection for the City up front.

**Ms. Morgan stated** right now in BSL a permit is needed to remove any tree 8 inches or larger, or if 15 feet from a house or 5 feet from an accessory structure. Southport has similar wording, but only if it is a protected tree. Applicants who have pools say they have to clean out their pool more often as most trees are within 6 feet. There is no option in the UDO to replant a tree or pay a fee to be able to remove trees in pool instances. Mr. Cruse felt there should be some type of alternative for this.

A board member then inquired about the research on amending the as-built requirements to show remaining trees left on the property. **Ms. Morgan** replied, the tree survey that shows all trees 8 inches or larger can be hand drawn. If we add all trees on the as-built survey and the surveyor did not plot the trees, the homeowner did, you will have two different people working on those plans. I don't have staff to check this on a regular basis. When we get complaints and check it out, we find sometimes the tree survey is no good. I Believe you instructed me to add a requirement to show all remaining trees on as-builts and I want to make sure you did not want to add that to the plot plan requirement up front. Most builders already use the surveyor and do it on the plot plan. We usually check what the surveyor does. Further discussion took place about surveying trees on lots being built on and septic as opposed to sewer impacting trees.

After some discussion about these alternatives, **Ms. Lauderdale** recommended that the recent text amendment to section 7.29(D) be deleted or repealed. **Ms. Morgan** inquired if the Planning Board wanted it repealed in its entirety. **Mr. Van der Vossen** felt that appearance is not going to be good. **Ms. Lauderdale** said we made a mistake about this, I don't care about appearances. **Ms. Morgan** questioned if they may want a tree management fund and tighter restrictions, or just remove it altogether. Either way a public hearing will be required. **Ms. Moffett** liked the idea of a fund and tighter management. **Ms. Lauderdale** and others felt it should be repealed.

Discussion then happened about the Highway 87 property where the trees were removed and lots are currently for sale. **Ms. Morgan** said typically with something like a grocery store, and I am not saying a grocery store is or is not coming, outparcels are usually sold. It was presented and passed where it says unless the applicant submits plans within 24 months there are pretty hefty fines. Extensive further discussion took place about development plans and approvals for both commercial and residential lots.

**David Van der Vossen** left at 8:02 p.m.

**Ms. Morgan** ended by saying that she will be bringing back plot plans and as-built requirements to show all trees and also a possible total canopy coverage, as well as mitigation by planting or paying into a tree management fund.

The Planning Board then proceeded to briefly discuss stormwater as it pertains to landscaping.

**Motion to recommend BOC repeal Article 7, Section 7.29(D)(a)(i)(1) and (ii)**

*Moved by: Carrie Moffett*

*Seconded by: Stephanie Bodmer*

**Motion Carried 5-0**

## 9. Discussion

**Terri Boytzun, 549 Eagle Lane.** When there is 25 acres or more you can clear cut. Is it the BOC's decision as to whether to walk back this clear cutting? **Ms. Bodmer** responded we make recommendations and the BOC makes the final decision.

### 9.1 Property Sales on Highway 87

**Ms. Zakszeski** indicated the board touched on this briefly already. There are outparcels on Highway 87 for sale for \$400,000 an acre. There were lots at 50 Lakes Drive and Highway 87 that sold for only \$68,000 an acre. If they plan to sell off those parcels to developers who will buy it for \$400,000 an acre? Don't we have any control over that? It doesn't make any sense. **Ms. Launderville** added we were certainly lead to believe financing was a good thing, but it wasn't. I just wanted to make sure the team is aware of that.

### 9.2 Setbacks on Lake Front Properties

**Ms. Zakszeski** stated several years ago the rear setback for lake front property was changed to 25 feet. When I built my house it was 50 feet. It needs to go back to 50 feet. **Ms. Morgan** responded it was changed to 40 and then to 25. The only thing different in the UDO for properties

is accessory structures where the rear setback is 10 feet, but on a lakefront property it is 25 feet. Any structure built on a flood plain needs to be built to floodplain standards. It doesn't mean it can't be built, it just means it needs to be built higher, etc. If you are talking about flood plain with regard to setbacks, if a structure falls in a flood plain it has to have those requirements. It was changed before me. 50 feet is a pretty big setback. **Ms. Zakszeski** added with some of the rain recently if my house was 25 feet from the lake and the lake had water in it I would have flooded.

**10. Announcements**

None

**11. Adjourn**  
+

**Motion to adjourn the meeting at 8:17 p.m.**

***Moved by: Sharon Zakszeski***

***Seconded by: Stephanie Bodmer***

**Motion Carried 5-0**

Respectfully submitted,  
Nancy Sims, City Clerk