



**Planning Board Meeting Minutes  
Community Building  
223 E. Bay Street  
October 21, 2021  
6:00 P.M.**

**Members Present:** Tish Hatem, Will Hewett, Scott Jones, Christopher Jones, Dick Sloan, Gustavo Mibelli, Maureen Meehan, Donnie Joyner, and Sue Hodgins (via conference call).

**Members Absent:** None

**Staff Present:** Thomas Lloyd, Development Services Director  
Tanya Shannon, Deputy Clerk  
Grace Vaughn, Fire Department Administrator

**Board of Aldermen** Karen Mosteller and John Allen  
**Liaisons:**

1. Chairman Tish Hatem called the meeting to order at 6:00 p.m.
2. The Invocation was led by Mr. Donnie Joyner
3. The Pledge of Allegiance was led by Chairman Hatem.
4. Motion to approve the September 16, 2021, regular meeting minutes by Mr. Donnie Joyner, and second by Mr. Will Hewett. ***Unanimous vote; motion carried.***
5. Motion to approve the agenda by Mr. Will Hewett, and second by Mr. Donnie Joyner. ***Unanimous vote; motion carried.***
6. Public Comment:
  - Mr. David Whelan, 701 Longleaf Drive said that he has concerns about the overdevelopment of the City. He would like to see a Moratorium enacted to protect the City's Infrastructures and Roadways from becoming overwhelmed.
7. **Old Business:**

**A. Zoning Text Amendment: 3.6 (J) Outdoor Display, submitted by Paramounte Engineering. (ZA 21-0830-01)**

Development Services Director Mr. Thomas Lloyd gave an overview of the proposed text amendment to the UDO that would amend the language in Article 3 section 3:6 Accessory Standards (J) Outdoor Display to allow outdoor displays to remain overnight in areas that are zoned in the Highway Commercial District. The developer Mr. Mike Nichols was present and stated that they have a client that is interested in opening a garden center located at the Southport Crossings Shopping Center. He said that they are

requesting an amendment to the UDO that would allow for overnight displays in HC because they would like to have merchandise that would be difficult to move in and out every day such as plants, grills, and mowers. Mr. Nichols said that because the potential business is located on the end of the shopping center the displays would not interfere with parking or emergency accessibility.

Mr. Will Hewett said that the Review Committee all agreed that it would be appropriate to amend the zoning text to allow overnight displays in the Highway Commercial Zoned District and that it would be consistent with other retail stores in the area.

A motion was made by Mr. Will Hewett to adopt the Consistency Statement that recommended approval to the Board of Aldermen, and second by Mr. Donnie Joyner. ***Unanimous vote; motion carried.***

**B. Zoning Map Amendment: Southport Crossing (10.1 acres of Tax Parcel ID # 22100001), PUD to HC, submitted by Paramounte Engineering on behalf of MDI Management.**

Mr. Lloyd gave an overview of the proposed zoning map amendment. He said the property is located off the 133 Extension across from Lowes Foods at the Southport Crossings shopping center. The applicant is requesting a zoning map amendment that would rezone a 10.01 acre portion of the property from PUD to HC. The Review Committee met on September 27, 2021 and agreed that rezoning this section would be consistent with the surrounding businesses in HC.

Mr. Mike Nichols with Paramounte Engineering presented a diagram to the Board showing the exact location of the proposed amendment. He stated this area has seen a lot of recent commercial growth and the proposed rezoning would allow for the extension of this commercial area. He feels the amendment to the zoning map would be in accordance with the Land Use Plan and would be suitable to the adjacent Highway Commercial zoned areas.

Mr. Will Hewett noted that if the 10.01 acre tract was approved to be rezoned to HC the remaining portion of the parcel will remain zoned in PUD, which contains a natural wetland buffer that would help provide an adequate transition between the commercial areas and residentially zoned properties.

Mr. Donnie Joyner had concerns about the potential flooding in this area and asked how much of the 54.08 acres was designated wetlands. Mr. Nichols said approximately 7 acres. Mr. Joyner was concerned about the stormwater and how it would be managed to prevent exceptional flooding after hurricanes and heavy rain in this area. Mr. Nichols said that the stormwater and future stormwater plan would continue thru the existing plan and can be modified to accommodate more if necessary.

Mr. Will Hewett made a motion to adopt the Consistency Statement that recommended approval to the Board of Aldermen, and second by Mr. Dick Sloan. ***Unanimous vote; motion carried.***

**C. Zoning Map Amendment: 110 Park Ave; (Tax Parcel ID # 221MD010110) R-20 to R-10, submitted by Dennis & Maxine Quinlan.**

Mr. Lloyd gave the background on the proposed zoning map amendment for the property on a .33 acre) lot located at 110 Park Ave. The applicants are asking for the property to be rezoned from R-20 to R-10 due to the small lot size. Mr. Lloyd explained that the 14,054 sf lot is relatively undersized for the R-20 zoning district requirements. The property owners also feel that the R-10 setbacks are more consistent with a lot this size.

The Review Committee met on October 11, 2021, to review the request. The Committee had some concerns about how the potential rezoning would negatively affect the neighbors on the adjacent lots. The Committee pointed out that the dimensional standards in R-10 are more lenient than they are in the R-20 zoned lots. They also said that the R-10 lots would not be uniform with the adjacent R-20 zoned lots. The R-20 lots would be setback much further. The Review Committee felt that rezoning this parcel would only benefit the landowner instead of the entire community. The Committee agreed that the request was not consistent with the Land Use Plan and did not recommend approval to the Board of Aldermen.

Mr. Jones asked if the adjacent lots could be rezoned to R-10. Mr. Lloyd said that the neighboring lots were already developed.

Mr. Donnie Joyner made a motion to adopt the Consistency Statement that recommended denial of the zoning map amendment to the Board of Aldermen, and second by Ms. Maureen Meehan. ***Unanimous vote; motion carried.***

**D. Zoning Text Amendment: 3.18 Tree Preservation.**

Mr. Lloyd explained that a Planning Board Review Committee had been established back in the spring of 2021 to discuss some insufficiencies in the Tree Protection and Landscape Preservation Ordinance. The committee added additional language to the regulations and reformatted the order of the sub-sections. The text amendment also added additional definitions to Article 8. Mr. Lloyd went over the highlights of some of the proposed changes on the draft.

Mr. Will Hewett made a recommendation to also have a certified Arborist work with the Landscape Architect to help ensure the protection and preservation of the trees and landscape. Mr. Hewett also suggested the use of "Trak Mats" or temporary ground protection mats by the developers that would protect the trees critical root zones from heavy machinery and construction. Mr. Lloyd said that these suggestions could be considered for future amendments after further review.

Ms. Maureen Meehan asked Mr. Hewett if he suggested to *recommend* the "Trak Mats" to the developer or to *require* them in the permitting process. Mr. Hewett said that he felt that it would be better to require the mats before permit approval.

Mr. Christopher Jones stated that he would like to see more research on "Trak Mats" before making a decision.

Mr. Donnie Joyner made a motion to table the proposed amendment for further discussion. Motion died for lack of second.

The Board discussed the option to vote on the draft text amendment as presented, and then discuss other potential amendments at a later date.

Mr. Donnie Joyner then made a motion to rescind his previous motion to table the proposed text amendment, and second by Ms. Maureen Meehan.  
***Unanimous vote; motion carried.***

Mr. Donnie Joyner made a motion to approve the Consistency Statement as stated that recommended approval of the proposed Zoning Text Amendment for Tree Protection and Landscape Preservation, and second by Ms. Maureen Meehan.  
***Unanimous vote; motion carried.***

**8. New Business**

**A. Land Swap consideration: St. Phillips Episcopal Church.**

Mr. Lloyd stated that St. Phillips Episcopal Church has a sidewalk that is currently encroaching on the City's property at the Old City Hall/Courthouse. The Church has approached the City with the idea of performing a land swap of a portion of their property for a portion of the City's property. The Church has offered 491 sf in the Southwestern portion of their property in exchange for 491 sf of City owned property behind the Chapel of the Cross at St. Phillips Church. Mr. Lloyd said that in accordance with NCGS 160A-271 the City is allowed to exchange any real or personal property belonging to the City for other real or personal property if the City received a full and fair consideration in exchange for its property. Before any action is taken by the Board of Aldermen the Public will be noticed and consideration will be held at regular public meeting. Mr. Lloyd said the main point of concern for the City is how the proposed exchange might affect future options for the American Disability Act (ADA) and accessibility to the Old City Hall/ Courthouse. In accordance with the UDO the Planning Board shall review and report recommendations to the Board of Aldermen on all acquisition and disposal of public properties.

It was the consensus of the Board to establish a Review Committee to review the proposal in more detail.

Mr. Scott Jones, Mr. Christopher Jones, and Ms. Sue Hodgins volunteered for the Committee.

**9. Other Business:** None

**10. Announcements:** None

**11. Adjourn:** There being no further questions or comments Mr. Donnie Joyner made a motion to adjourn, and second by Mr. Will Hewett. ***Unanimous vote; motion carried.***

**Meeting adjourned at approximately 7:00 P.M.**

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Chairman, Tish Hatem

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Deputy Clerk, Tanya Shannon