



**Planning Board Meeting Minutes
Southport Community Building
223 E. Bay Street
April 21, 2022
6:00 P.M.**

Members Present: Sue Hodgkin, Will Hewett, Scott Jones, Christopher Jones, Dick Sloan, Gustavo Mibelli, Donnie Joyner, Fred Fiss, and Maureen Meehan

Members Absent: None

Staff Present: Thomas Lloyd, Development Services Director
Tanya Shannon, Deputy City Clerk

Board of Aldermen Liaisons: Karen Mosteller and John Allen

Others Present: Alderman Robert Carroll, Alderman Rich Alt, Mr. & Mrs. Ron Thompson, Mr. Cameron Smith, Mr. Chad Paul, CEO Bald Head Island Ltd; Mr. McKay Siegel with East West Partners, Ms. Amy Shaffer with Rhettson Companies, and Ms. Kate Ienna.

1. Chair Sue Hodgkin called the meeting to order at 6:01 p.m.
2. Mr. Donnie Joyner gave the Invocation.
3. Chair Hodgkin led the Pledge of Allegiance.
4. Motion to approve the March 17, 2022, regular meeting minutes by Mr. Joyner and second by Vice-Chair Hewett. ***Unanimous vote; motion carried.***
5. Motion to approve the agenda by Vice-Chair Hewett and second by Mr. Sloan. ***Unanimous vote; motion carried.***
6. Public Comment:

Mr. Joyner made a motion to enter Public Comment and second by Vice-Chair Hewett. ***Unanimous vote; motion carried.***

There being no questions or comments from the Public, Chair Hodgkin requested a motion to close out of Public Comment. Mr. Joyner motioned to go out of the Public Comment, and second by Vice-Chair Hewett. ***Unanimous vote; motion carried.***

7. Old Business:

A. Zoning Text Amendment: Section 3.14: Parking submitted by Ron Thompson.

Mr. Lloyd gave an overview of the proposed amendment. He explained that there are several existing vacant lots in the Business District that are historic, undersized, and nonconforming that were subdivided before the Zoning and Subdivision Ordinance was established in 1973. Mr. Thompson owns a vacant piece of property at 413 N. Howe Street that is 33 x 66 ft for a total of 2,128 sf. In the Central Business District, off-street parking is not required. For the BD, off-street parking is still required, but the requirement can be reduced by 50% in areas where on-street parking is present. Due to the small size of Mr. Thompson's lot, it would be close to impossible to have off-street parking due to the size of this lot. Mr. Lloyd said that in a previous version of the Ordinance, there was a mechanism called a "parking exception" for these types of situations. The Ordinance was updated, and this method was removed because it is an improper request for a Variance. Staff thought it would be more appropriate to amend the Ordinance for these situations since this will affect multiple properties. Staff estimates that they are approximately 8 lots where parking issues would be alleviated with the approval of this amendment. Mr. Lloyd said that if this amendment were to move forward, only pre-existing historic lots platted prior to 1973 would be eligible for this reduction in off-street parking.

Mr. Thompson is proposing the following language for the text amendment:

3.14 Parking

D. MINIMUM OFF-STREET PARKING RATIOS

4. **In the BD zoning district, no off-street parking shall be required for nonresidential uses proposed on vacant lots less than 6,000 sf that existed before 1973.**

A Review Committee was appointed and met on April 4th. The Committee consisted of Mr. Will Hewett, Mr. Gustavo Mibelli, Ms. Maureen Meehan, and Staff. Mr. Ron Thompson and his wife, Ms. Lois Thompson, were also present. Mr. Thompson said that he does not feel like the UDO intends to prevent such lots from being unusable. However, he requests provisions to be made so that the property can be used. Staff agreed that the intent of the new language in the UDO was not to hurt the City's Business District. Mr. Mibelli asked if other properties have had this issue because of the changes in the parking section of the UDO. This is the first small vacant property that has been proposed to be developed since the UDO has been updated. Since there are 8 other vacant lots with similar dimensions subdivided before 1973, there will likely be more requests for this type of situation. Mr. Thompson mentioned that even if he could design something, he did not think that NCDOT would issue him a driveway permit on Howe St., which is a State Rd. Ms. Meehan did not believe that a driveway for parking would be a good idea in this area. She said this is a highly walkable area, and new driveways could make it difficult for pedestrians to go to the existing businesses. The Committee requested that Staff check with NCDOT to get more information on their policy for driveways on Howe Street. Staff consulted with Mr. Aaron LeBeau, the Assistant District Engineer for Brunswick County. He confirmed that NCDOT tries to avoid issuing new driveway permits on Howe St. due to the number of existing driveways and their proximity to intersections. Mr. Mibelli mentioned how parking is significant and that not having it further congests the streets. He requested that Mr. Thompson show a proposal sketch plan to demonstrate further how parking would be difficult. It was the consensus of the Review Committee to be in favor of the amendment if NCDOT confirmed that they would be against driveway permits on Howe St. and if Mr. Thompson brought a conceptual drawing

that further illustrated the issues with providing parking on these narrow nonconforming lots in the BD.

Chair Hodgkin questioned whether the conceptual drawing of the plan that was requested was received and presented to the Committee.

Mr. Thompson stated that because he can build with zero setbacks on the lot, he felt the drawing that he provided of the footprint of the building that covers the entire lot minus 10 ft from the rear to exit the building was a sufficient sketch plan. Mr. Lloyd reiterated that because the 33 x 66 ft. lot is so narrow, it would be challenging to provide off-street parking even with a small-sized building. Mr. Mibelli feels like this decision should be reviewed thoroughly since it will also affect other properties and that a demonstration of the logic of the petition is a reasonable request.

Mr. Thompson recalled that at the Committee Meeting, it was stated that he needed to contact NCDOT, and if they said a curb cut could not be created there, then it would be okay to proceed pending approval by the Board. Mr. Mibelli said that he was under the impression that NCDOT said they would prefer not to do a curb cut, but they did not state that they would not permit it.

There was discussion on whether there was a formal request for the conceptual drawing of the building. Mr. Thompson said that there was no request for a sketch of the building. The report from the Committee Meeting states that a conceptual drawing was requested that would further illustrate the issues with providing off-street parking on these narrow nonconforming lots in the BD. Mr. Thompson did provide a drawing that shows the footprint of the building. Mr. Thompson stated that he did not believe the UDO intended to restrict these types of properties from use. Still, he feels that a Text Amendment is appropriate to relieve the unintended constraints on these small and narrow lots.

Chair Hodgkin recommended tabling the proposed text amendment to allow the applicant to provide more information and to discuss the other 7 lots with the same challenges.

Ms. Meehan said that the Committee did discuss the other properties and that they could not come up with the best solution. The Committee decided to bring the discussion back to the entire Board for more input.

Mr. Christopher Jones stated that he would like to review all 8 properties before making a recommendation. He said this discussion only addresses this property and wants to see how this will affect the other properties. He asked what determined the 6,000 sf rule for the proposed amendment. Mr. Lloyd explained that Staff looked at all the nonconforming vacant lots in this area that are narrow, and the most considerable lot is a little less than 6,000 sf. He explained that although this lot is a little deeper, it is also narrow, and the access point would also be on Howe Street.

There were no other questions or comments. Chair Hodgkin requested a motion to have the Review Committee discuss consideration of the text amendment again along with the other 7 lots and allow the applicant to provide a conceptual sketch plan.

Mr. Mibelli made a motion to table the proposed Parking Text Amendment for further review and continue the discussion at the next regular Planning Board Meeting on May 19th and second by Ms. Meehan. ***Unanimous vote; motion carried.***

B. Zoning Text Amendment: Section 3:18: Landscape Preservation, submitted by Cameron Smith and Ginger Harper.

Mr. Lloyd gave the background of the proposed Zoning Text Amendment. He said the applicant is applying for an amendment to the Tree Preservation section of the UDO. The amendment would change the ordinance section that requires mitigation for all regulated trees related to the utility, infrastructure, and drainage improvements. With the applicant's language, new development would only be responsible for mitigating regulated hardwoods 12" or greater within the ROW, infrastructure, and utility areas. Mr. Lloyd said that multiple developers had expressed concern about mitigating all regulated trees located within these required infrastructure areas. He said the applicant has communicated with staff that they intend to help fix this hardship while retaining appropriate protections for regulated hardwoods greater than 12" in these improved areas. This would not affect the standards that require the trees to be protected or mitigated within the setbacks of buildable lots. The Review Committee modified the language to retain regulated oaks greater than 8" to be protected within these improved areas. The Committee also added language that mitigation would not be required for dead and severely diseased trees.

The proposed Text Amendment is as follows:

3.18 TREE PROTECTION AND LANDSCAPE PRESERVATION

F. Tree Plan

a) Two separate zones during the planning phase:

- i) Tree Removal Zones- Zones that show the impacts of utility, infrastructure, and drainage improvements would still require mitigation **for all regulated live oaks 8" or greater in diameter.**

G. CRITERIA FOR ISSUANCE OF TREE IMPACT PERMIT

2. ~~Notwithstanding the above,~~ Any tree removed requiring mitigation shall be mitigated by planting new material as provided in 3.18 (H) Mitigation. **Mitigation shall not be required for trees that are dead, severely diseased, injured, or in danger of falling close to existing structures.**

A Review Committee was appointed and met on March 29th. The Committee consisted of Maureen Meehan, Christopher Jones, and Fred Fiss. Also in attendance was Chair Scott Len of the Forestry Committee and Staff. The applicant Cameron Smith and the developers of the project known as "Oakton" (adjacent to the Hammocks) were also present. Mr. Lloyd gave the Committee Report. The applicant explained that in the development process, they realized that it is difficult to replace all regulated pines greater than 12" and regulated hardwoods greater than 8" located within the required improved areas (infrastructure, ROW, and Stormwater Control Measures). Mr. Len, Chair of the Forestry Committee, noted that the Ordinance might be "over mitigating" by requiring too many inches to be planted back, especially with the mitigation of trees within these ROW areas. His concern is that it is not necessarily healthy for the long-term viability of the urban forest in these areas if they are planted too close together. Mr. Len said that Laurel and Pin Oaks of a specific size might not be worth mitigating, especially if they are in poor health. The Committee suggested that the applicant's language be changed to reflect language protecting all regulated live oaks greater than 8" in diameter. This will protect the live oaks but give some flexibility for the pine trees and other hardwoods that may not be worth keeping. The applicant suggested adding

language to provide credit when significant trees are saved. He said that if there are more significant incentives to keep those trees, they may be able to preserve them better. The Forestry Committee Chair noted that keeping a large specimen tree provides more significant benefits than three 10" trees in return. Mr. Len pointed out that the credit system would be a good incentive. The Committee decided to discuss the fines per caliper inch for cutting down individual trees at a later date. The Committee also added some language to section G., which would clarify that mitigation is not required for dead or diseased trees. It was the consensus of the Review Committee to recommend approval of the amendment as written above.

Since there were no questions or comments, Chair Hodgkin requested a motion for a recommendation.

Mr. Sloan made a motion to adopt the Statement of Consistency that recommended approval to the Board of Aldermen and second by Vice-Chair Hewett.

Unanimous vote; motion carried.

C. Project Indigo Expansion

- i. Planned Unit Development Master Development Plan; Indigo Expansion, submitted by east West Partners Management Co. Inc. and Bald Head Island Limited, LLC**

- ii. Zoning Map Amendment: 346.57 acres, R-20 to PUD, submitted by East West Partners Management Co. Inc. and Bald Head Island Limited, LLC**

Development Services Director Thomas Lloyd went over the applications. In partnership with East-West Partners, he explained that Bald Head Island Limited submitted a Planned Unit Development Master Plan and Rezoning application to rezone 346.57 acres of property adjacent to Smithville Woods, Cades Cove, and Indigo Plantation from R-20 to PUD. A small portion of the property is within the City's corporate limits, with the majority within the Extra-Territorial Jurisdiction. Since it is split between the two, all of it is within the City's zoning district. The developer intends to annex into the City. The developer presented the Indigo Development at a special joint workshop of the Board of Aldermen and the Planning Board on March 24th. The Planning Board Chair appointed a Review Committee at the March 24th meeting. The Committee consisted of Chair Sue Hodgkin, Maureen Meehan, and Christopher Jones. There was an additional Mayor's Town Hall Community Input meeting on the project on April 4th.

The Review Committee and Staff met on April 7th to discuss the process of reviewing the project. Chad Paul with Bald Heald Limited, LLC and McKay Siegel with East-West Partners were also in attendance. The Committee established an "Indigo Review Hub Committee" that will consist of Chair Hodgkin, Maureen Meehan, and Christopher Jones. It was the consensus of the Committee to establish Subcommittees into specific areas of interest and concern. The appointed Subcommittees will be tasked with these four categories to review specifically:

(1) Design and Character, (2)Traffic Analysis, (3) Infrastructure, and (4) Environmental Concerns. The Committee recommended posting an Indigo Public Survey on the City's website to receive more citizen input. Staff has now implemented the survey on the website under "Project Indigo Information and Resources." Those questions and concerns will then be submitted to the Subcommittees and the Developers to provide feedback. Each Subcommittee will report its reviews to the full Planning Board for more discussion.

Chair Hodgkin reiterated that the Planning Board has 90 days following the receipt of the application to make a recommendation for both the PUD Master Development Plan and the Zoning Map Amendment to the Board of Aldermen. The recommendation by the Planning Board will need to be made no later than June 16th. Mr. Lloyd said an extension could be allowed if pertinent information is shown to be missing. However, it is ideal for the process to move sufficiently so that all requirements can be achieved by the planned deadline. Mr. Lloyd explained that the approval process for the PUD and the Zoning Map Amendment is the same. If the PUD Master Plan is approved, this would concurrently provide the framework for rezoning.

Mr. Lloyd said that the City is working on an Infrastructure Impact Analysis with WithersRavenel to estimate the impacts on the City's existing infrastructure. DPFG is completing a Development Fiscal Impact Analysis on the General Fund and City Services to examine the impacts if the development were to move forward. Chair Hodgkin asked when these analyses would be ready for review. Mr. Lloyd estimated sometime in May.

After input was received from the Planning Board Members, Chair Hodgkin announced the appointments to the Subcommittees.

1. Design and Character: Gustavo Mibelli (lead), Fred Fiss, Donnie Joyner, Dick Sloan (alternate)
2. Infrastructure: Fred Fiss (lead), Chris Jones, Dick Sloan, Donnie Joyner (alternate)
3. Environmental Concerns: Mo Meehan (lead), Scott Jones, Gustavo Mibelli, Will Hewett (alternate)
4. Traffic Impacts: Will Hewett (lead), Chris Jones, Mo Meehan, Scott Jones (alternate)

Chair Hodgkin declared the floor open for discussion with the Board and the Developers. She started by asking the Developers to speak more on the March 3rd summary letter from the NCDOT regarding their analysis of the TIA report (performed by Kimley Horn). She said in the letter there is a notation in the review stating: "It is understood that right of way constraints will likely render the proposed roadway mitigations un-constructible. Alternate and/or additional access connections are recommended to reduce impacts at this intersection." at the signaled 4-legged intersection at N. Howe and Robert Ruark Drive. She asked what might be in the works for alternate roads or accesses under consideration for that impact reduction.

Mr. Chad Paul, CEO of Bald Head Island Limited, LLC, said that they would be working with the City to consider additional access connections at possibly 11th Street or Lord Thomas Ave. Currently, the Development's primary entrance is proposed to be off Robert Ruark Dr. There will also be an additional village entrance off of Indigo Plantation Dr. on 9th St. He said that Limited owns the 3.5-acre vacant parcel at the NC 87 and Howe St./ NC 211 intersection across from Truist Bank (formerly BB&T). He said they have already agreed with NCDOT to work with the ROWs and reframe that section to help alleviate traffic impact. He said that his understanding of the location across the street at Howe St. and Robert Ruark at Famous Subs Pizza is that the setbacks are too close for NCDOT to work with, and they are working on ways to resolve this issue.

Mr. Scott Jones asked how Project Indigo planned to meet the requirements made by NCDOT in the analysis review of the Traffic Impact Analysis, where they stated the following

improvements are required by the developer at the intersection of N. Howe Street and NC 87 Robert Ruark Drive.

- Construct an additional eastbound left-turn lane on Robert Ruark Drive to provide dual left-turn lanes with 350 feet of storage, 50 feet of full-width deceleration, and 100 feet of taper*
- Construct a separate eastbound right turn lane on Robert Ruark Drive with 350 feet of storage, 50 feet of full-width deceleration, and 100 feet of taper*
- Modify signal timing and phasing

Mr. Paul said that through the mitigation process for the potential for annexation, the Developers would collectively work with the City, the County, and NCDOT to implement the best solutions to alleviate traffic impacts.

Mr. Christopher Jones commented on the fluctuations in the number of dwelling units that were first presented as 1,542 dwelling units. Then it was discussed a possible decrease in the number of units to around 900. He said the Design and Character Subcommittee will discuss this in more detail and would like to see input on ideas and steps to facilitate something in the middle. Mr. Paul stated that the PUD Master Development Plan bubble diagram shows the different proposed planned areas of the development and how they will differ in density, allowable uses, and housing types. He said this proposal could vary depending on what uses the City would like. He said a reduction in the number of units could come from multiple areas, such as removing the plan for an assisted living facility and/or removing a plan for subsidized apartments. He said it depends on the recommendation from the City on what type of uses would like to be seen.

Ms. Meehan asked for clarification on the assisted living facility that was first presented. She questioned if the facility also proposes independent senior living with step-down care and or memory care units. Mr. Paul said if the City wanted to include this type of facility in the plan, it would be developed/developed by a professional outside source with this type of experience. He stated that Limited would coordinate with the City on where it would be located and accessed.

Ms. Meehan asked about the MF units (townhomes/condos) and if affordable housing would be available for full-time residents. Mr. Paul said that they would include it in the Development Agreement that within that bubble, 5% would be designated for affordable housing for low-income residents. Mr. Paul also stated that Short-term Rentals can be deed-restricted by right and included with the Development Agreement with the City.

Mr. Fiss asked if a Tree Survey was available for review. Mr. Paul said they have walked the property with an Arborist and identified most of the tree species. Mr. McKay Siegel reiterated that they would have a comprehensive tree survey completed once the roads and infrastructure is laid out. Mr. Fiss asked what kind of buffer would be implemented between Cades Cove and the other Residential areas backing up to the Development. Mr. Paul said this is the NE portion of the property, and the majority of this area is designated as open space.

8. New Business

A. Zoning Map Amendment: BD to HC, Corner of Howe, and 14th Street (2.07 acres of Parcel ID's 221MA028, 221MA02801, 221MA02803, 221MA02804, and 221MA02701), submitted by Rhettson Companies, Inc. on behalf of Lisa B. Fitchett Trust (RZ-22-0307-01)

Mr. Lloyd gave the background on the proposed zoning map amendment. He said the application is for a 2.07-acre tract in the ETJ. The property is located at the corner of W. 14th and N. Howe St. It is zoned in the Business District, and the applicant would like to rezone it to Highway Commercial. He said the proposed amendment would remove BD zoning and replace it with HC zoning on the zoning map. The surrounding area consists of BD and MF.

Ms. Amy Shaffer, a representative of Rhettson Companies, said that the property is currently located across the street from an automotive and tire repair shop (Royal Coach). She feels that this property would align with the existing area and would not adversely impact the existing businesses. She said it would increase opportunities for new services and employment.

Since there were multiple applications for Zoning Map Amendments on this agenda, the Board agreed to select one Committee to review each request consecutively.

B. Zoning Map Amendment: BD/MF to R-10, 27 lots between W. 14th and W. 12th St.(3.80 acres total Parcel ID 221MA00110) submitted by Kate Ienna on behalf of James M. Harper Heirs (RZ 22-0310-01).

The zoning map amendment application is for a 3.80-acre tract currently in the ETJ. The property is located on Caswell Ave. between W. 14th and W. 12th Street. It is split zoned BD/MF, and the applicant would like to rezone it to R-10. The property consists of 27 existing lots in Blocks 6 and 7 of the Historic Southport Heights Subdivision, originally platted in 1910. The lots in this subdivision are 50 ft by 123 ft. R-10 would allow these lots to be developed using the nonconforming R-10 lot provisions in the Ordinance.

Ms. Kate Ienna gave an explanation of her rezoning request. She said her client is under contract for two parcels between W 14th Street and W 12th Street. It was combined for tax purposes, but the original plat from 1910 outlines the 27 lots. She said her clients plan to build cottage-style homes to maintain the historic feel and charm of Southport.

Mr. Fiss questioned the sewer capacity and if it would be able to manage an additional 27 single-family homes. Mr. Lloyd said this would need to be addressed and will likely have to add another pump. He said the Director of Public Services would need to review the system and determine how to manage the additional capacity. Mr. Christopher Jones questioned how the 27 lots will be accessed and if they are considered land lots. Mr. Lloyd said they are not considered land lots, and they will have the right to access their properties thru the public right of ways because that is how it is platted. He said the Developer would need to construct the roads to further access.

C. Zoning Map Amendment: MF to R-10, 6 lots on W 14th St. (.84 acres total Parcel ID 221MA00101), submitted by Whit Beebe on behalf of Gilbert Chris B. ETALS (RZ 22-0310-02)

The application is for a Zoning Map Amendment on a 3.80-acre tract currently in the ETJ. The property is located on Caswell between W. 14th St and W. 12th St, and it is a concurrent rezoning request in the same area as the applicant above. It is zoned BD, and the applicant

would like it to be rezoned to R-10. The property consists of 6 existing lots in Block 7 of the historic Southport Heights Subdivision. The lots in this subdivision are 50 ft by 123 ft. The applicant was not in attendance but stated that rezoning to the R-10 District will be consistent with the Land Use Plan and would be compatible with the surrounding areas.

Chair Hodgkin named Vice-Chair Hewett, Mr. Fred Fiss, and Mr. Christopher Jones to the Review Committee for the rezoning requests for agenda items A-C.

D. Zoning Map Amendment: BD to R-10, 4 lots on 10th and N. Lord St. (.403 acres total Parcel ID 237DC006), submitted by Sea Dog Holding LLC. (RZ-22-0405-01)

Mr. Lloyd gave an overview of the proposed Zoning Map Amendment application for a .403-acre tract within the corporate limits. The property is located on Lord Street on the corner of W. 10th Street. It is currently zoned in BD, and the applicant would like to rezone it to R-10. The property consists of 4 exiting lots in Block 11 of the Smith & Weeks Addition. The lots in the subdivision are 33 ft by 128 ft. The applicant stated that the proposed zoning is consistent with the Land Use Plan because he believes it would be a better fit for the surrounding residents in this area.

Chair Hodgkin requested volunteers for the Review Committee. Vice-Chair Hewett, Mr. Christopher Jones and Mr. Fred Fiss volunteered for the Committee.

9. Other Business: None

10. Announcements: Mr. Donnie Joyner invited everyone to attend the Commemoration of the John S. Smith Cemetery's placement on the National Register of Historic Places on Saturday, April 23rd.

Adjourn:

There being no further business, Vice-Chair Hewett made a motion to adjourn, and second by Mr. Gustavo Mibelli. ***Unanimous vote; motion carried.***

Meeting adjourned at 6:52 P.M.

Sue Hodgkin, Chair

Tanya Shannon, Deputy Clerk