



**Planning Board Meeting Minutes
Southport Community Building
223 E. Bay Street
March 17, 2022
6:00 P.M.**

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

Members Absent: Maureen Meehan

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

Board of Aldermen Karen Mosteller and John Allen
Liaisons:

1. Chair Sue Hodgkin called the meeting to order at 6:02 p.m.
2. Mr. Donnie Joyner gave the Invocation.
3. Chair Hodgkin led the Pledge of Allegiance.

Chair Hodgkin requested a motion to vote City Alternate Mr. Fred Fiss in as a voting member in the absence of Ms. Meehan. A motion was made by Mr. Donnie Joyner to bring Mr. Fiss in as a voting member and second by Vice-Chair Hewett. ***Unanimous vote; motion carried.***

4. Motion to approve the February 17, 2022, regular meeting minutes by Mr. Donnie Joyner and second by Mr. Dick Sloan. ***Unanimous vote; motion carried.***
5. Motion to approve the agenda by Vice-Chair Hewett and second by Mr. Donnie Joyner. ***Unanimous vote; motion carried.***

Chair Hodgkin respectfully addressed the Citizens in attendance that would like to make comments on the Indigo Plantation Phase II Project. She said understanding the weight and the importance to many citizens regarding the Development, a Joint Workshop Meeting has been scheduled with the Board of Aldermen and the Planning Board on March 24th at 6:00 P.M. at the Community Building. She stated the meeting will be an introductory and informational presentation, and the Public is welcome to attend.

6. Public Comment:

Vice-Chair Hewett made a motion to enter public comment and second by Mr. Gustavo Mibelli. ***Unanimous vote; motion carried.***

1. Mr. Matthew Lawrence, 1002 Bussells Turn, has concerns about the traffic impact on the proposed Indigo Plantation Development. He questioned if the Traffic Impact Study had been completed and when it would be available for review. He cautioned the Board on how developers present information and sometimes gloss over pertinent details that could become problematic later.

He would like to see that the Board ensures the Developers and Engineers detail the specifics of how the traffic will flow in and out of the development.

2. Gary Lindenmuth, 603 Longleaf Drive, has concerns about the protection of the distribution of power thru the City. He said that Duke Energy should be putting all their main feeder lines to the central substations underground to prevent damages and disruption of service from storms, at no charge to the citizens. He stated that with the increase in development, Duke Energy should be investing more into the protection of the main power lines and stations.

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

7. **Old Business:**

A. **Major Subdivision: Southport Crossings Outparcels, submitted by Paramounte Engineering on behalf of MDI Management LLC.**

Development Services Director Mr. Thomas Lloyd gave an overview of the Major Site Plan at 5010 Southport Crossings Way. The parcel is on 54 acres and will be subdivided into three lots; a 3.51-acre tract, a 0.8-acre tract, and a 0.88-acre tract. After the dedication of the ROW, there will be 47.64 acres remaining.

The appointed Review Committee consisting of Mr. Scott Jones, Mr. Will Hewett, and Mr. Christopher Jones, met on February 28th to review the plans in more detail. Project Manager Mr. Mike Nichols and Staff were also present.

Mr. Lloyd gave an overview of the Committee Report. The Committee questioned whether there were any regulated or specimen trees on the site. Mr. Nichols said that there were trees on the individual outparcels that would be identified during the Major Site Plan Tree & Landscape Plan process. The Committee discussed the details of the two public right of ways. Staff clarified that the width of the right of ways and the Turnaround T are compliant with Fire Code. Mr. Nichols pointed out that outparcels 10 and 11 would be required to have street yard buffers on three sides of the property since they are adjacent to the public right of ways on three sides. The Committee also discussed the wetlands to the North of the proposed subdivision. The Project Manager assured the Committee that they would be staying out of the wetlands as these parcels are developed. He explained that the amount of developable land is limited due to the amount of wetlands on the rest of the site. The Committee confirmed that Brunswick County would serve the water and sewer, and the existing stormwater pond would retain the stormwater. Mr. Lloyd said that the engineered streets and roadways for the utilities would be submitted and reviewed by the City. It was the consensus of the Review Committee to recommend approval of the Major Subdivision.

Project Manager Mr. Mike Nichols was present to answer any questions. Being that there were no questions or concerns, Chair Hodgkin requested a motion for approval or denial.

Mr. Donnie Joyner made a motion to approve the Major Subdivision Preliminary Plat, and second by Mr. Scott Jones. ***Unanimous vote; motion carried.***

B. Major Site Plan: Live Oak Landing Lot 7, submitted by Ron Greger, Charles Hunter, and Andrew Laing.

Mr. Lloyd gave the background of the Major Site Plan, Live Oak Landing, submitted by Ron Greger, Charles Hunter, and Andrew Laing. The property is in the City's ETJ at 5521 Rob Gandy Blvd. The proposed site plan shows a 5,000 sf building that will consist of leasable units for tenants. The developer sees this as a building that contractors and other trade services can lease out for office space. The property is zoned in Highway Commercial. The parking for this type of use exceeds the required amount by providing 14 spaces. Since the property is in the ETJ, a septic tank will be installed for the sewer system. There is 18,413 sf of the impervious area proposed on the site. The stormwater will connect to an existing stormwater pond for the master development adjacent to the property with excess capacity for this location. The Landscape Plan shows a planting of a variety of shrubs, and there will be a required street yard buffer to Rob Gandy Blvd.

A Review Committee that consisted of Ms. Maureen Meehan, Mr. Dick Sloan, and Mr. Fred Fiss met on February 25th. The applicant, Mr. Andrew Laing, and Staff were also present at the meeting. Mr. Lloyd gave an overview of the Committee's discussion. Mr. Fiss asked where the dumpster enclosure would be located on the property. Mr. Laing was unsure and said that co-applicant Mr. Greger would be able to answer that. Staff asked for it to be shown on the plans. Mr. Fiss questioned who would be servicing the water and sewer. Staff explained that Brunswick County services water at that location, and a septic system will be installed for the sewer. Mr. Fiss asked if a septic test had been completed. Mr. Laing was unsure but pointed out that the land perked in the other outparcels already developed. Mr. Laing agreed to get the documentation for the septic test from Mr. Greger. The Committee also discussed landscaping and if the applicant would be willing to swap out the two magnolias shown in the landscape plan for Live Oaks. Mr. Laing indicated that he would clear it with his partners, but he did not see an issue with the exchange. Staff questioned the location of the exterior lighting and requested that a Lighting Plan be submitted. Ms. Meehan asked that the Engineered drawings be updated to reflect the changes that were being made in the curbing and parking areas as shown in the Landscape Plan. The Plans were inconsistent with one plan that showed asphalt and another method that showed stone. The Committee discussed the regulated trees on the site. Staff said that there appeared to be around three trees that seemed to qualify as regulated trees that need to be shown and accounted for on the Landscape Plan.

The Review Committee's consensus was to recommend that the Major Site Plan be tabled until further changes were made and reviewed. Mr. Lloyd said that once the applicant provides the updated drawings in detail, the Review Committee will evaluate the revised plans.

Mr. Gustavo Mibelli has concerns about the impervious coverage shown on the Site Plan and how this will impact drainage. He would like to know the purpose of the large, paved area. Mr. Lloyd explained that the Landscape Architect and the Project Engineer stated this area would be implemented with stone used for potential work vehicles, trailers, and machinery. However, the plan appears to show a more impervious coverage. Mr. Mibelli requested clarification on this issue.

The Board's consensus was to table the Major Site Plan until the applicants have submitted all the requested information and the updated plan.

Mr. Donnie Joyner made a motion to table the Major Site Plan until all the revisions and updates have been submitted for the Board to review, and second by Vice-Chair Hewett. ***Unanimous vote; motion carried.***

8. New Business:

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

Mr. Lloyd 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 near impossible to have off-street parking due to the limited width and dimensions 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 types of situations since this will affect multiple properties. Staff estimates that there are approximately ten lots where parking issues would be alleviated with the approval of this amendment.

The applicant, Mr. Thompson, was unable to attend the meeting but asked Mr. Lloyd to provide his proposed amended language to the Ordinance:

Article 3.14 Parking

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 were existing prior to 1973.

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. He said in order to amend the UDO, a zoning text amendment must be approved by the Board of Aldermen. The Planning Board shall review the text amendment and adopt a statement of consistency and submit the recommendation to the Board of Aldermen for their consideration.

Mr. Mibelli noted many narrow lots like this utilize their driveways for parking. He would like to understand if the purpose of the amendment is to try and minimize the on-street parking or to emphasize parking for retail on the street. Also, he challenges the term "near impossible" to have off-street parking in this situation. Mr. Mibelli would like to see more discussion and review on these perspectives.

There were no other questions or comments. Chair Hodgkin named Ms. Meehan, Mr. Mibelli, and Mr. Fiss to the committee.

by

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

Mr. Lloyd gave an overview of the proposed Zoning Text Amendment. He said the applicant is applying for an amendment to the Tree Preservation Text 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 language that the applicant is proposing, 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 have expressed concern on how to mitigate all regulated trees located within these infrastructure areas that the City requires a new development to have. He said the applicant has communicated with Staff that their intent is to help fix this hardship while retaining appropriate protections for regulated hardwoods greater than 12" in these areas and incorporating them into their design.

The applicant, Mr. Cameron Smith, is proposing the following language for the text amendment as follows: **Article 3:18 Tree Protection and Landscape:**

F. TREE PLAN

2. a) Two separate zones during the planning phase:
 - i) Tree Removal Zones - Zones that show the impacts of utility, infrastructure, and drainage improvements. These improvements would still require mitigation *for all regulated hardwoods 12" or greater in diameter.*

Mr. Smith was in attendance and submitted an explanation in writing about his request that read verbatim:

The UDO tree protection ordinance starts out with a statement that is not entirely accurate. Not all developers prefer to clearcut the project area. Environmentally conscious developers also exist. I find that certain trees can provide value and aesthetics to a project, especially of the hardwood variety. I am a huge proponent of saving as many of our Live Oaks as possible and commend the ordinance on efforts in that regard.

I am in the process of submitting a subdivision plan for our property along Rob Gandy Blvd. My plan was always to leave a wooded buffer surrounding the development with a wider than required buffer off Gandy. I also desire to add a number of Live Oaks into our development, which is currently lacking on-site.

In working through the tree ordinance and mitigation requirements with my landscape architect, it came to our attention the ordinance requires all tree species of varying sizes in the improved utility areas (ROW, stormwater, etc.) to require 100% mitigation. My particular project is made up of a large number of regrowth pines that basically sprouted out a field are not particularly desirable trees. The current requirement, including pines of any type over 12", is creating a hardship in meeting the mitigation requirements. I am also aware of another development in the planning phase consisting of a very dense stand of pines with the same issues we have discovered. My request will still allow for the preservation and mitigation of hardwoods in the improved areas, which I believe is a primary concern of the citizens and representatives of our town.

Thank you for your consideration in this matter, and please feel free to reach out to me anytime for further discussion.

Cameron Smith
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clsmithqc@gmail.com

It was the consensus of the Board to establish a Review Committee to discuss the proposed amendment in more detail. Chair Hodgkin named Mr. Christopher Jones, Mr. Fiss, and Ms. Maureen Meehan to the committee.

9. Other Business: None

10. Announcements: None

Chair Hodgkin requested a motion to take Mr. Fred Fiss out as a voting member. Mr. Joyner motioned to bring Mr. Fiss out of the voting position and second by Vice-Chair Hewett. ***Unanimous vote; motion carried.***

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