



**Planning Board Meeting Minutes
Southport Community Building
223 E. Bay Street
January 20, 2022
6:00 P.M.**

Members Present: Chair Sue Hodgkin, Vice-Chair Will Hewitt, Gustavo Mibelli, Scott Jones, Maureen Meehan, Fred Fiss, Dick Sloan all attended in person. Donnie Joyner participated by telephone.

Members Absent: Christopher Jones

Staff Present: Thomas Lloyd, Development Services Director
Dorothy Dutton, City Clerk

Board of Aldermen Liaisons: Karen Mosteller and John Allen

Others Present: Rich Alt, Mike Nichols with Paramounte Engineering, Roger Perry, and McKay Siegel with East-West Partners, Chad Paul with Bald Head Island Limited, Johnathan Guy with Kimley-Horne, Rebecca Kelly, Lora Sharkey, Shirley Sullivan, and Eliot Duke with the State Port Pilot.

1. Chair Sue Hodgkin called the meeting to order at 6:05 p.m.
2. The Invocation was given by Mr. Donnie Joyner.
3. The Pledge of Allegiance was led by Chair Hodgkin.
4. ***A motion was made by Will Hewitt to move Fred Fiss from an alternate member to a full member for this meeting. The motion was seconded by Scott Jones. All ayes. Motion carried.***
5. ***Motion to approve the December 16, 2021, regular meeting minutes by Will Hewitt, and second by Gustavo Mibelli. Unanimous vote; motion carried.***
6. ***Motion to approve the agenda by Maureen Meehan, and second by Will Hewitt. Unanimous vote; motion carried.***
7. **Public Comment:** City Clerk Dorothy Dutton called the individuals that signed up for public comment.
Chris Clarke, resident at 612 W. Brown Street, discussed stormwater and the designated 404 wetlands on the property proposed for Indigo Planation Phase 2. He asked if the developers will be engaging any environmental engineers? At what point would CAMA be involved? He thanked the Planning Board for reviewing the important environmental factors.
Jim Lightbourne, resident at 316 W. West Street, said that some people enjoy studying the Unified Development Ordinance. He said Indigo seems to be a very busy task. We understand that they will make adjustments. He asked if City staff had taken all of the requested standards and compared them to the UDO standards. If so, the comparison should be made available to the public. In closing, he asked for clarification on what the total number of units would be based on R-20 zoning?
Shirley Sullivan, resident at 5002 Seaward Court, said that she really appreciates all the Planning Board does. A project of this magnitude still needs specialized review.

Environmental, cost analysis, an analysis of the benefits of annexation. She said it might be expensive, but it would be worth it to know.

Lora Sharkey, resident at 432 Cades Trail, stated that she attended the meeting to discuss the proposal of Indigo Planation Phase 2. She said that the project is not in harmony with the natural conditions of Southport. The project is more in harmony with Chapel Hill or Raleigh. The developable acreage is approximately 75% of the property. The existing soil types don't seem conducive with that type of development. Not everything can be diverted to a stormwater pond. She asked if a wildlife biologist had been involved with the proposal? The site plan doesn't identify the Carolina bay area. We don't know if there is enough open/green space remaining to protect the species in the bay area. Southport should adopt the requirement that anything over (20) acres must be reviewed by a wildlife biologist. We should work with developers and landowners. She would like to see open space considerations and how to protect wildlife habitats. The City should try to contain the residents that will live there instead of them driving back to downtown Southport to use those streets, restaurants, etc. She would reduce the parking space required for the commercial spaces so that they are encouraged to walk or ride to those locations. Also, if you don't have a lot of parking spaces, people wouldn't be encouraging inflow and people driving there. Bicycle paths are important. Mixed level housing is important. Hospitality employees can't afford to build houses. People will not continue to drive from Leland, or Shallotte to work in Southport. She suggested the planned dog park be removed from the plan, because they end up being a burden on the City to maintain. Trees, shrubs, weeds, and wildlife makes us different than Wilmington, or Shallotte. We have to protect our area. She added that all five of the newest subdivision have more than the required amount of open space. To accomplish these types of development, we have to work with the developers, the property owners, etc. She said that the City can best protect wildlife areas by working with the developers. Ms. Sharkey said that she supports the rezoning, to work towards the common objectives. We have to do those things to achieve our goals.

Planning Chair Hodgkin said that citizen participation is very important. ***Gustavo Mibelli made a motion to leave public comment period. Scott Jones seconded the motion. All ayes. Motion carried.***

8. Old Business:

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

Development Services Director, Mr. Thomas Lloyd reviewed the proposed amendment. The reason for this proposed amendment is because the existing smaller commercial lots have a hard time meeting the parking requirement. The review committee was not able to meet a second time due to some sickness and other obligations. Chair Hodgkin asked Mr. Lloyd if Mr. Thompson was able to provide the information that was requested. Mr. Lloyd said that the information was provided, but the committee couldn't meet to review the new information. Mr. Mibelli added that the Planning Board needs to reassure Mr. Thompson that once they receive the requested documents, they are willing to work with him to help resolve his problem., There are other lots in the same situation, and he feels like the review committee needs to examine the threshold for when the parking requirement is waived. Mr. Will Hewitt added that the review committee would have to look at the language for all nonconforming lots-commercial and residential, to make sure nothing is missed. Chair Hodgkin stated that the proposed language opens it up to any nonresidential lot. That allows no parking requirement. Some businesses might use only the ten-foot setback, with a forty-foot high building. There might be some unintended consequences by looking at this issue with a broad stroke. She suggested that Mr. Thompson's request might need to be divided from the general ordinance amendment.

Mr. Lloyd said that it is possible to divide the two subjects, but the language has not been drafted yet. **Mr. Mibelli made a motion to table the amendment to 3.14 Parking until the next meeting. Ms. Meehan seconded the motion. All ayes. Motion carried.**

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

Mr. Lloyd reminded the Planning Board the site plan was for a property on Rob Gandy Boulevard. The proposed building is a multi-tenant building of 5000 square feet. The property is zoned Highway Commercial and can be used for contractors/tradesmen offices. The proposed site plan exceeds the parking requirements, and will be planting a variety of trees, to comply with the tree preservation ordinance. There is an existing stormwater pond that has capacity to support this project. The review committee was waiting on revised drawings with the dumpster location, potential landscaping areas, and impervious calculations. Mr. Fred Fiss asked if the septic permit question had been resolved? He has Mr. Lloyd to acquire a copy of the permit. Mr. Lloyd added that there are only (3) regulated trees on the property, so he wasn't requiring a tree survey. The trees would be marked and protected. **Mr. Will Hewitt made a motion to table the site plan approval until the next meeting so that the review committee will have time to meet again. Mr. Dick Sloan seconded the motion. All ayes. Motion carried.**

C. Project Indigo Expansion

- i. Planned Unit Development Master Development Plan: Mr. Thomas Lloyd stated that this application was submitted by East West Partners and Bald Head Island Limited. They are requesting to rezone 346-acres to PUD (Planned Unit Development). The property is both in the City limits and in the City's ETJ area. If the plan gets approved, they will annex into the City limits. Mr. Lloyd reminded everyone that this is a legislative process, and the applicants are applying for the rezoning and a master plan approval concurrently.

Mr. Lloyd stated that the Review Committee that was assigned to review the project, created (4) sub-committees for a more intense review of (4) major topics. Chair Hodgkin asked the lead from each sub-committee would provide an overview of their first meetings.

- a. Mr. Mibelli said that the Design and Character sub-committee met on May 11, 2022. They discussed several questions including whether the project aligned with the City's vision and existing plans. If approved, is the spirit of the Unified Development Ordinance being followed? Mr. Mibelli added that the City still has some options, and the project has not been approved yet. He has provided a list of additional information that would help them answer their focal questions. He said that the sub-committee also discussed density.
- b. Mr. Fred Fiss reviewed the Infrastructure sub-committee meeting. He said they discuss power, sewer, water, ingress, egress, and telecommunications. The sub-committee also discussed infrastructure such as emergency services. They have received as much information as available now, he is waiting for the results of the two impact studies. Mr. Fiss said that there were two questions for the time being, is the City obligated to pay for the new substation or will the

developer be responsible? And is the 78,000 gallons of capacity still obligated to Indigo?

- c. Maureen Meehan stated that the Environmental Concerns sub-committee met just the day before. She said they asked for a breakdown of open space. They also need to know how much wetland is included in the open space. The sub-committee discussed the coal ash site. The report was just provided, so they need more time to review. The developer agreed to move some of the housing around to account for the coal ash site. The sub-committee will need to schedule another meeting, but it has not been done yet.
- d. Will Hewitt stated that the Traffic Impacts sub-committee met on May 11, 2022. The proposed third access point via 11th Street is very important. They are looking for other improvements that would help raise the level of service at the existing intersections. Mr. Hewitt said they also looked at peak-hour traffic, and traffic counts. The sub-committee also asked if the traffic engineer would consider the intersection of Robert Ruark and NC211. There should also be considerations of traffic during and after natural disasters.

Chair Hodgkin said that the City needs more measures to ensure public involvement and comments. The sub-committee review meetings are open to the public, but there is no public comment allowed. The City has made a special online survey, and all of the comments or questions are available to the public. Ms. Hodgkin thanked City staff and the other Planning Board members for facilitating the process. Planning Board Chair Hodgkin asked Mr. Lloyd for an update on the status of the two ongoing impact studies. Mr. Lloyd said that the fiscal impact analysis with Ms. Gallo should be ready in 2-3 weeks. And he is meeting with Withers-Ravenel the following day to get an update.

Mr. Lloyd said that we need to make sure that the City has enough time to review the project. City staff has reached out to the developers and asked for a (30) day extension. The original date for a decision by the Planning Board would be June 16, 2022. But the developers granted the (30) additional days for review. Ms. Hodgkin said that she was very pleased that they were able to secure the extension, because the amount of information. Mr. Chad Paul gave a verbal agreement for the extension and added that the extra time is better for them, because it means more time with the committees. Ms. Hodgkin asked if the developers had reached out to US Fish and Wildlife, or any archeological groups about an assessment? Chair Hodgkin thanked everyone for submitting comments and questions. She said there would be a short pause for those who wish to leave.

D. Zoning Map Amendment: BD to HC, Corner of 14th Street and Howe Street, submitted by Rhettson Companies, Inc. on behalf of Lisa B. Fitchett Trust.

Mr. Thomas explained the surrounding area consists of business district. The future land use map indicated light commercial. If rezoned to Highway Commercial, there may be unintended consequences. Some of the permitted uses include self and board storage, and major retail. The Planning Board review committee, including Fred Fiss and Will Hewitt, are concerned about allowing such a wide range of uses at that intersection

because it is a gateway into the City. There are no design standards in the HC zoning district. Mr. Lloyd said that a traffic impact study is being completed. He also said that there are ways to place controls on the project to prevent certain types of signs or building heights. At that point, the project representative addressed the Planning Board and said that she would like to withdrawal her application for a rezoning. She will resubmit the application as a conditional zoning application because that suits the project better than a straight rezoning. The project representative also stated that she didn't want the Planning Board to think they had dropped the ball on the information they requested, they simply haven't had enough time to gather everything. Chair Hodgins said that it would be inappropriate to continue given the new information. **Will Hewitt made a motion to table the rezoning application by the Rhettsen Companies, Inc. Dick Sloan seconded the motion. All ayes. Motion carried.**

E. Zoning Map Amendment: BD/MF to R-10, (27) lots between W. 14th Street and W. 12th Street, submitted by Kate Ienna for Harper Heirs.

Thomas Lloyd explained that the lots are part of the existing Southport Heights Subdivision that was originally platted in 1910. The (27) parcels are approximately 50 feet by 123 feet in dimension. He added that the R-10 zoning district would allow the lots to be used in a better way than townhomes, or condos. If these lots move forward with the plan, the developer would have to provide access to the lots. The future land use map indicates these parcels are planned for high density residential. Fred Fiss and Will Hewitt met with the applicant and City staff. They both agreed that the R-10 zoning would have less impact than MF. The property area does not lend itself to business district either. There is an existing force main on Caswell Avenue. The applicants would be responsible for tapping into the sewer and building a pump station to accommodate the development. It was the consensus of the review committee that the Planning Board should approve the request for rezoning, and approve the statement of land use consistency. Ms. Meehan asked about the existing map indicating all (27) parcels are one parcel. Mr. Lloyd said that it was combined for billing purposes, but it was not legally combined. The roads would be brought up to NCDOT standard.

Fred Fiss made a motion to approve the Land Use Consistency Statement and recommended approval of the rezoning to the Board of Aldermen. He read the Land Use Consistency Statement aloud. **Will Hewitt seconded the motion. All ayes. Motion carried.**

F. Zoning Map Amendment: MF to R-10, (6) lots on W. 14th Street, submitted by Whit Beebe.

Thomas Lloyd said that this request was very similar to the previous rezoning request. The applicant is requesting a down-grading in zoning to build single-family dwellings. The same review committee met with Mr. Beebe, City staff. There was a consensus to approve the Land Use Consistency Statement and recommend the rezoning. There were no additional comments. **Will Hewitt made a motion to approve the Land Use Consistency Statement and recommended approval of the rezoning to the Board of Aldermen.** He read the Land Use Consistency Statement aloud. **Dick Sloan seconded the motion. All ayes. Motion carried.**

G. Zoning Map Amendment: BD to R-10, (4) lots on 10th Street and N. Lord Ave, submitted by Sea Dog Holdings LLC.

Mr. Lloyd explained that the applicant was unable to attend the meeting. The four lots

are 33 x 128 lots. Market conditions suggest that R-10 zoning is best. It was originally intended to R-10. The area is identified as medium density on the future land use map. The review committee met on May 5, 2022 with the applicant and staff. The committee Noted that the adjacent property owners will be pleased. It was the consensus of the Review committee to recommend approval of the rezoning. Fred Fiss asked if sidewalks will be required there. Mr. Lloyd said that they are not because the lots are existing. If it were a new subdivision or a commercial project, sidewalks would be required. But there is a sidewalk on the other side of the street. **Mr. Scott Jones made a motion to approve the Land Use Consistency Statement and recommended approval of the rezoning to the Board of Aldermen.** He read the Land Use Consistency Statement aloud. **Dick Sloan seconded the motion. All ayes. Motion carried.**

9. New Business:

A. Major Site Plan: Tractor Supply, submitted by Paramounte Engineering

Mr. Thomas Lloyd stated that this project is at the existing Southport Crossings Shopping center. There are two entrances planned, but the ordinance does allow less than sixty-feet right-of-way as long as it is built to NCDOT standards. The Fire Department has approved the site plan. The fence will be 8-feet tall and wrought iron. There is expected to be a building with a lawn and garden area. The outdoor display area is Included in the parking calculation. There are (92) parking spaces, (4) of which are handicapped. The impervious surface meets the UDO requirements and the stormwater will be reviewed. No heritage trees are being removed, and a 10-foot street yard buffer is required. There is 888-square feet of foundation plantings and all trees and shrubs will be planted according to the UDO. The lighting plan meets the UDO requirements. Chair Hodgkin said that the site plan review will be assigned to a committee consisting of Will Hewitt and Scott Jones.

10. Other Business: None

11. Announcements: None

Maureen Meehan made a motion to move Fred Fiss back to his alternate member position. Dick Sloan seconded the motion. All ayes. Motion carried.

Gustavo Mibelli made a motion to adjourn the Planning Board meeting. Will Hewitt seconded the motion. All ayes. Motion carried. Chair Sue Hodgkin adjourned the meeting at 7:50 p.m.

Sue Hodgkin, Planning Board Chair

Dorothy Dutton, City Clerk