



**CITY OF SOUTHPORT
PLANNING BOARD
REGULAR MEETING AGENDA**

July 18, 2024
6:00 PM

Agenda

Please turn off all cell phones

The regular monthly meeting of the Planning Board will be held at 6:00 p.m. on the third Thursday of each month. All members are asked to attend.

- A. Call to Order**
- B. Invocation**
- C. Pledge of Allegiance**
- D. Approval of Minutes**
 - 1. June 20, 2024
- E. Approval of Agenda**
- F. Public Comment**
- G. Old Business**
 - 1. 101 E. Moore Street - Schedule Committee Meeting
- H. New Business**
 - 1. None
- I. Other Business**
 - 1. Extraterritorial Jurisdiction Discussion (ETJ)
- J. Announcements**
- K. Member's Information**
 - 1. Attendance Record
 - 2. Member's Roster
- L. Adjourn**



Planning Board Minutes
Community Building 223 E. Bay Street
June 20, 2024
6:00 P.M

Members Present: Sue Hodgins, Will Hewett, Fred Fiss, Scott Jones, Kevin Locklin, and Donnie Joyner.

Members Absent: Roy Pender and Dick Sloan.

Staff Present: Mo Meehan, City Planner
Tanya Shannon, Deputy Clerk
ChyAnn Ketchum, Director of Communications/PIO

Board of Aldermen Liaisons: Rebecca Kelley and Frank Lai (neither in attendance)

- A. Chair Sue Hodgins called the meeting to order at 6:00 p.m.
City Alternate Kevin Locklin was recognized as a full Voting Member in the absence of City Member Roy Pender.
- B. Mr. Donnie Joyner gave the Invocation.
- C. Chair Hodgins led the Pledge of Allegiance.
- D. Mr. Fred Fiss was sworn into his initial 3-year City position on the Planning Board.
The Chair gave special recognition for Mr. Joyner's dedication to service on the Planning Board from 2012-2024.
- E. **Approval of the Minutes**
Mr. Joyner motioned to approve the May 16, 2024, Minutes and seconded by Vice-Chair Hewett.
Unanimous Vote; Motion carried.
- F. **Approval of the Agenda**
Vice-Chair Hewett motioned to approve the agenda, which Mr. Fiss seconded. **Unanimous Vote; Motion Carried.**
- G. **Public Comment:** None
- H. **Old Business:**
1. **Section 3.19 Sign Text Amendment**

Ms. Meehan provided an overview of the proposed amendment. During the regular meeting on May 16, Staff presented an updated draft of text amendments for Section 3.19 *Signs*. After review and discussion, the following two standards were approved:

- 1) Electronic Message Center signs are only allowed on municipal property.
- 2) Inflatable signs are prohibited in the CBD and BD zoning districts.

There was a specific question about the use of neon or neon-like open signs for businesses that did not reach a consensus. The text was unanimously sent back to the Review Committee for further consideration.

The Review Committee reconvened on June 13, and the following additions have been made to the draft update to Section 3.19 *Signs*:

3.19.F.6 – EMC signs are only allowed on municipal property.

3.19.F.7 – Inflatable signs are prohibited in the CBD and BD zoning districts.

3.19.H.1.c)—After considering lighting and the goals of this ordinance update, illuminated signs are limited to six square feet. This does not apply to municipal or safety and health uses, such as a hospital.

3.19.H.1.i) – allow one (1) 11” x 24” neon or neon-looking open sign per nonresidential use.

Staff found that the proposed amendments to Section 3.19 Signs are consistent with the 2014 CAMA land use plan and recommended that the Planning Board recommend approval to the Board of Aldermen.

Mr. Locklin made a Motion to adopt the Consistency Statement that recommended approval of the Section 3.19 *Signs* Text Amendment and its forwarding to the Board of Aldermen, seconded by Mr. Fiss. ***Unanimous Vote; Motion Carried.***

Chair Hodgins read the Statement of Consistency that recommended approval.

I. New Business:

1. Section 3.17 Landscaping and Buffers and Section 3.14 Parking Text Amendments-ROW Updates.

Ms. Meehan explained that the Board of Aldermen adopted an amendment to Section 16.8 *Obstruction of Public Rights of Way* of the Code of Ordinances at their regular meeting on May 9, 2024. The Unified Development Ordinance (UDO) also includes the same prohibition of obstructions of rights of ways in Section 3.17, *Landscaping and Buffers*. This amendment will update the relevant sections of the UDO to be consistent with the Code of Ordinances.

Section 3.17 D. Landscaping on Public Property. (draft changes)

It shall be unlawful for any person to place or cause to be placed on any public street, road, alley, sidewalk, or other public right-of-way within the city, any wall, fence, gate, brick, stone, wood, rock, vegetation, or other structure, material, or substance above the horizontal plane of the existing ground. The installation of turf grasses on grade is allowed within the right-of-way. In addition, it shall be unlawful for any person to take any action whatsoever within any public right-of-way which creates a hazardous condition or safety hazard or which otherwise interferes with or obstructs in any manner the passage of persons or vehicles upon or within said public rights-of-way or which obstructs, interferes with or hinders lawful parking within any public right-of-way.

Section 3.14 C. Minimum Off-Street Parking Requirements: (draft changes)

- 2) *In residentially zoned areas without off-street parking requirements, property owners shall be permitted to improve up to two (2) parking spaces within the right-of-way in front of their property. Dimensional standards of these parking spaces shall follow the provisions for driveways as described in the Unified Development Ordinance (Section 3.12.B.1).*

a. Surfacing materials for these parking spaces shall be limited to one of the following: turf grass, brick, pavers, number 57 stone with wood borders no more than 2 inches above grade, or concrete. Allowable impervious surfacing materials (brick, pavers, or concrete) may only be used in an area that is a minimum of 50 feet from a City Tree. Parking spaces constructed by a property owner within the right-of-way shall remain open for public parking and shall not be reserved for the property whose owner constructed the spaces.

b. Such parking shall require the review and written approval of the Development Services Director, Public Services Director, and Fire Marshal. The City reserves the right to remove these

parking areas for any reason in accordance with Section 16-10. Parking services existing prior to the adoption date of this

ordinance shall be permitted to remain so long as the encroachments do not create a hazardous condition or safety hazard to the public.

c. Vegetation or other protective measures shall be permitted to be placed within ten (10) feet of the base of a City Tree by a neighboring property owner, or by the City, for the purpose of limiting damage to the tree by nearby parked vehicles. Such action shall require review and written approval by the

Development Services Director, the Public Services Director, and the Fire Marshal.

The amendment to the Code of Ordinances allows the installation of turf grasses on grade and provides guidance on parking space improvements for residential properties without off-street parking requirements. The updates for the UDO include the updated language in Section 3.17, *Allowable Landscaping on Public Property*, and Section 3.14 *Parking*.

Staff has reviewed the amendments and found them consistent with the 2014 CAMA Land Use Plan. They recommend that the Planning Board send an approval recommendation to the Board of Aldermen.

Vice Chair Hewett made a Motion to adopt the Consistency Statement, which recommends approval to the Board of Aldermen for Section 3.17 D. *Landscaping and Buffers*, as well as Section 3.14 C:2 *Parking Text Amendments-ROW*. Mr. Fiss seconded the motion. **Unanimous Vote; Motion Carried.**

Vice Chair Hewett read the Consistency Statement and recommended approval.

Mr. Fiss questioned who would be enforcing the changes. Ms. Meehan said Code Enforcement.

2. Major Site Plan Modification-Walmart Expansion

Ms. Meehan provided an overview of the applicant's request presented by Aaron Schilling. He is seeking a revision to the previously approved Commercial Project - Major Site Plan for expanding and relocating Walmart's online shopping pickup station. The specific request is to increase the size of the existing building by 5,664 square feet on the northwestern building wall, repave and restripe the parking lot, and add parking lot landscaping. The project is situated within the Tidewater Plaza at 1675 N Howe Street, which falls within the incorporated city limits of the City of Southport. The property is zoned HC, Highway Commercial.

The current Walmart store is 149,640 square feet and operates online order pickup with 20 stalls. The applicant has requested to expand the online order pickup area to 5,644 square feet, including staging areas, shelving, and walk-in coolers, without increasing retail floor space or pickup volume. The proposed expansion is not expected to impact store entrance access or traffic flow. The request for expansion is considered a major revision due to increased development density. The Planning and Zoning Board has been asked to approve this modification.

Chair Hodgkin requested a Motion to approve the Major Site Plan Modification for the Walmart Expansion due to the absence of any questions or comments. The motion was made by Mr. Joyner and seconded by Vice Chair Hewett. **Unanimous Vote; Motion Carried.**

3. Major Site Plan Review-Southport Branch Meetinghouse

Ms. Meehan gave an overview and stated that the owner and applicant of the Church of Latter-Day Saints is requesting approval of a Major Site Plan for the construction and operation of a church in the HC, Highway Commercial Zoning District. The property is located on the northwestern lot of Winafred Street, approximately 300 feet north of the intersection of Eason Street and Winafred Street and directly south of the Rivermist community. The property is located within the incorporated city limits.

The Planning Staff presented this proposal to the Technical Review Committee at their February 20, 2024, meeting. She noted that for clarity and transparency, most of the comments received from other Departments or outside agencies are of a nature that they are to be addressed following the issuance of zoning approval through the course of the building plan and permit review and issuance.

Planning Staff are submitting this proposal for the Planning Board's review in accordance with the standards and processes laid out within the UDO. The application is deemed complete and in compliance with the UDO by the Planning Staff and is eligible to be approved by the Planning Board in an administrative or "by-right" process. Therefore, the Staff recommends approval of the request as presented.

Mr. Fiss inquired about the submission timeline for the stormwater plan. Ms. Meehan explained that several stormwater plans are attached to the main plan, but the City Engineer has not thoroughly reviewed them. She noted that the City Engineer requires fully detailed water/sewer and stormwater plans indicating the existing connections. Ms. Meehan also clarified that, as per Appendix A, the stormwater plan can be submitted to the City Engineer after the preliminary site plan is approved. This allows any necessary changes to be made during the preliminary phase before the final site plan is submitted.

Mr. Fiss discussed the submitted tree and landscape plan. Mr. Fiss noted the reduction of left-side parking in the future and expressed concern about the removal of a nine-inch live oak. Mr. McLeod explained the need for tree removal due to future parking area requirements and emphasized their dedication to preserving trees.

Chair Hodgkin requested a Motion to approve the Major Site Plan application for the Southport Branch Meeting House, as there were no other questions or comments. Vice Chair Hewett moved, and Mr. Joyner seconded the motion. ***Unanimous Vote; Motion Carried.***

4. Section 4.14C Amount of Land Dedication Text Amendment- Open Space Calculation

In their regular meeting on June 13, 2024, the Board of Aldermen voted to propose a text amendment to the open space requirements for subdivisions to the Planning Board. The purpose of this amendment is to increase the multiplier for conventional subdivision open space requirements. Currently, the multiplier is set at .02 per dwelling unit or lot, regardless of the zoning district, and this results in less than an acre of open space for any subdivision with fewer than 50 homes.

Staff requests that the Planning Board evaluate the advantages and disadvantages of increasing the multiplier for subdivision open space requirements, specifically for R-10 and R-20 zoning districts. It has been suggested that using a different multiplier for R-10 and R-20 calculations would ensure an equitable dedication of open space requirements. Staff has proposed a multiplier of .05 for R-10 zoning and a multiplier of .1 for R-20 zoning districts. The Board was presented a multiplier chart showing the existing open space requirements and various scenarios for increased multipliers.

Additionally, Staff has suggested revising the criteria that trigger open space requirements for subdivisions. Presently, open space is required for subdivisions with 20 or more lots. Staff recommend revising this to 10 lots.

Chair Hodgkin asked if there were examples of how this would have been applied for recently-approved submissions. She asked what could be seen using these changes and if there were any visuals available. Ms. Meehan used Oakton Development as an example, stating that there are 45 lots in the R-10 conventional subdivision, and they were required to have 0.9 acres of land. She said they did provide more. However, if it increased to 0.05, then it would have been required to have 2 acres of open space. She explained that the 0.05 multiplier is at 45 lots, bringing it up to 2.3 acres of open space.

Chair Hodgkin expressed her support for the idea of limiting the number of subdivision designations to 10 lots. The discussion also touched on the possibility of reducing the number of lots further, with

consideration for whether the calculations should be triggered by the number of lots or the acreage. There was even a question of whether it could be reduced to 5 lots. Ms. Meehan commented that she didn't foresee any issues with this but noted that it would involve a small parcel of land.

Mr. Locklin made a Motion to reduce the criteria that trigger open space requirements for open space for subdivision to be 5 lots. Second by Mr. Fiss. ***Unanimous Vote; Motion Carried.*** Vice Chair Hewett read the Consistency Statement and recommended approval to the Board of Aldermen.

J. Other Business: None

- K.** Chair Hodgkin provided an update on House Bill 1064, stating that it passed the House today. She also informed that the provision for removal of Southport's oversight over the ETJ has now been lifted from H1064, being included instead in House Bill 911. H911 is an amalgamation of activities for several municipalities, she stated, which has passed the Senate and will now go back to the House of Representatives for final voting. Ms. Hodgkin encouraged everyone to continue to contact their legislators and express their disfavor, emphasizing that H911 could jeopardize the protection of the areas surrounding Southport. She expressed concern that Southport does not yet know what the zoning will be for the area falling under the jurisdiction of the County. Ms. Hodgkin also expressed disappointment that the City has not provided transparency to the citizens nor rallied the citizens to action regarding this matter.

L. Announcements:

Mr. Joyner expressed his gratitude to the Board for their kindness and well wishes and expressed his happiness at having served the City.

Chair Hodgkin wished everyone a safe and Happy 4th of July.

There were no further business items or discussions. Mr. Joyner made a motion to adjourn the meeting, which Vice Chair Hewett seconded. ***Unanimous Vote; Motion Carried.***

Adjourn—7:11 p.m.

Chair, Sue Hodgkin

Deputy Clerk, Tanya Shannon



MEMORANDUM

To: Sue Hodgins, Chair and Members of the Planning Board

From: Maureen Meehan, City Planner

Re: Extraterritorial Jurisdiction (ETJ) Discussion

Date: July 18, 2024

Background

HB911 is now ratified, and the County has 60 days from July 1, 2024, to rezone the properties within Southport's ETJ. If zoning is not established within those 60 days, no zoning (regulations) will be assigned. The best-case scenario is having ETJ zoning within 60 days that is as compatible with the City's districts as possible.

The loss of zoning jurisdiction within the ETJ, particularly in the corridor entrance to the city, is a matter of significant concern. There are a little over 800 parcels within Southport's ETJ. Of those parcels, there are over 50 along the Howe Street corridor and in small pockets throughout the corporate limits.

The County contacted staff to review existing zoning, especially existing Planned Unit Developments (PUD) within the ETJ, to ensure compatibility between zones. City and County zoning districts are not one-for-one changes. Differences will need to be considered and analyzed for comment to the County. The proposed map changes have not been finalized and have not been shared with staff.

County Update

Jeff Walton, Planner II is the main contact staff work with on this project. He sent the following updates via email on Thursday, July 11, 2024.

- We (the county) are reviewing the area, doing windshield studies, etc. We are crafting land use maps and potential zoning districts. That's still under staff review at this time.
- July 25, 2024 – Date of Community Meeting at the Southport Senior Center. We (the county) plan to have two meetings that night so room capacity will be mitigated. I will be sending you an official flyer for that once we get the notices sent, in the next week or so.
- August 12, 2024 – This is the next (county) planning board meeting and will include the Southport ETJ.

Potential Voluntary Annexations

N.C. General Statute 160A-31 allows annexation by petition of a property owner. This process is the only way the city can gain jurisdiction of Howe Street from Highway 87 to the Cape Fear River. Having full jurisdiction of this corridor will provide consistent development patterns that meet the goals of Southport.

Property owners within the ETJ on the Howe Street corridor can be approached by the city requesting consideration of annexation, although the city does not have authority to require annexation. To entice property owners to consider annexation there must be benefits or services that only the city can provide. The ability to connect to water and sewer was the main benefit prior to the utility merger this year.

What are the benefits that the city can offer to property owners for consideration of annexation?

Some options to consider:

- Improved police and fire response – Howe Street is within the fire district and police will respond
- Street maintenance – although Howe Street is a state-maintained road
- Lower flood insurance rates – Southport participates in the community ratings system (CRS) that provides discounted flood insurance rates citywide.
- Provides a voice in City government (voting for elected officials, influencing decisions)

The Planning Board will discuss options at the meeting on 7/18/2024.

2024 PLANNING BOARD ATTENDANCE

<u>NAME</u>	Jan.	Feb.	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.			Total Absences
Sue Hodgins Chair	P	P	P	P	P	P									
Will Hewett Vice-Chair	P	P	P	P	P	P									
Fred Fiss	P	P	P	P	P	P									
Christopher Jones	A	P	P	A	A	P									3
Scott Jones	P	P	P	P	P	P									
Donnie Joyner	P	P	P	P	P	P									
Dick Sloan	P	P	P	P	A	A									2
Roy Pender	P	P	P	P	P	A									1
Kevin Locklin	P	P	P	P	P	P									

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PLANNING BOARD MEMBER LIST 2024-2025

MEMBER	ADDRESS	PHONE NUMBERS	APPOINTED	EXPIRATION	
Sue Hodgins, Chair sue.hodgin@southportnc.org	608 Cottage Point Way	(910) 477-1808	February 10, 2022	June 2025	IN
Will Hewett, Vice-Chair will.hewett@southportnc.org	129 Cape Fear Dr	(910) 520-3291	August 11, 2022	June 2025	IN
Fred Fiss fred.fiss@southportnc.org	216 N. Atlantic Ave	(910) 269-6901	June 13, 2024	June 2026	IN
Christopher W. Jones chris.jones@southport.nc.org	1008 Dutchman Cove SE	(910) 549-1407	April 13, 2023		ETJ ALT
Scott Jones scott.jones@southportnc.org	1001 Pete's Camp Rd	(910) 471-0802	August 14, 2020		ETJ
Richard Sloan dick.sloan@southport.nc.org	509 E. Moore St	(910) 946-1771	February 10, 2022	June 2025	IN
Roy Pender roy.pender@southportnc.org	4415 Willow Moss Way	(910) 477-6057	April 13, 2023	June 2026	IN
Kevin Locklin kevin.locklin@southportnc.org	209 N. Lord St.	(540) 272-0808	April 13, 2023	June 2025 (Completing the term)	IN ALT
Mo Meehan mmeehan@cityofsouthport.com	1029 N. Howe St	(910) 457-7900 X 1043	Staff Planner		
Tanya Shannon tshannon@cityofsouthport.com	1029 N. Howe St	(910) 457-7929	Staff Deputy Clerk		
Rebecca Kelley rkelly@cityofsouthport.com		(910) 269-9940	Board of Aldermen Liaison		
Frank Lai flai@cityofsouthport.com		(910) 269-9971	Board of Aldermen Liaison		