CITY OF SOUTHPORT
PLANNING BOARD
REGULAR MEETING

January 16, 2025
6:00 PM

Minutes

Members Present: Sue Hodgin, Will Hewett, Kevin Locklin, Larry Ashley, Fred Fiss, John Bove, Robert Lambert

Staff Present: Maureen Meehan, Planning Services Director
Wendell Biddle, City Planner
Noah Saldo, City Clerk
Tori Deviney, Deputy Clerk

A. Chair Hodgin called the meeting to order at 6:00 p.m.

B. The invocation was delivered by Mr. Hewett

C. Chair Hodgin led the Pledge of Allegiance

D. Approval of Minutes

1. December 19th, 2024 Planning Board Meeting Minutes

Chair Hodgin presented a list of revisions to be incorporated into the minutes from the previous meeting.

1. Separation of paragraphs on pg. 4

2. Capitalize Petrosky on pg. 4

3. In the 2nd paragraph, Line 10, please change to read, "parking challenges, referencing Former Mayor Hatem's vision for the Overlay being the driver of the 2020-21 committee work. Chair Hodgin noted her participation on the earlier committee." Then continue with "She stressed..."

4. In the 4th paragraph, the first line, please revise to read, 'Chair Hodgin inquired whether any of the prior committee's relevant drawings for the Overlay had been located.'

5. On Page 8, 1st paragraph, Line 5, correct 'Carr Insurance Agency'

A motion was made by Mr. Hewett to approve the minutes, which was seconded by Mr. Locklin. ***Unanimous vote, Motion Carried.***

E. Approval of Agenda

Mr. Hewett made a motion to approve the agenda, seconded by Mr. Fiss. ***Unanimous vote, Motion Carried***

F. Swearing-In of New Members

New members Larry Ashley, John Bove, Robert Lambert, and Kevin Locklin were sworn in by Deputy Clerk Deviney.

G. Selection of Chair

The board convened and proceeded with the election of the chair. Mr. Hewett opened the floor for nominations, and Mr. Fiss nominated Sue Hodgin for the position of chair. Mr. Hewett asked if there was a second to the nomination, and Mr. Fiss confirmed his second.

There were no further nominations for the chair.

Mr. Hewett then asked Ms. Hodgin if she was willing to serve as chair if elected, and she confirmed her willingness.

A vote was taken by show of hands, and with no objections, Sue Hodgin was unanimously re-elected as chair of the board.

Chair Hodgin expressed her gratitude for the trust and confidence placed in her.

H. Selection of Vice Chair

Mr. Hewett then made a statement explaining that he would not be seeking the vice chair position due to his upcoming move from Southport, which might affect his ability to give full attention to the board. He expressed his pleasure in serving on the board and clarified that he would continue to serve until June but would not seek re-election to the vice chair role. He then nominated Kevin Locklin as his replacement. Chair Hodgin called for a second to the nomination, which Mr. Fiss provided.

Mr. Locklin confirmed his willingness to serve if elected.

There were no other nominations, and a motion to close the nominations was made by Mr. Hewett and seconded by Mr. Ashley.

A vote was taken by show of hands, and with no opposition, Kevin Locklin was elected vice chair.

I. Public Comment

Chair Hodgin requested a motion to open public comment, which was made by Mr. Fiss and seconded by Mr. Hewett.

Craig Blanks, General Manager of Frying Pan, American Fish and Yoga Dock, addressed the board. He spoke regarding the parking overlay text amendment and reflected on the time that had passed since he first came to a Planning Board meeting about this discussion, which he believes was in May of 2019, when Mr. Hewett recalled that he was nominated to the board. Mr. Blanks emphasized that, for over five years, there had been ongoing discussions and meetings about parking in the Yacht Basin. He noted that the need for parking was widely recognized in town, and while the zoning was not legal, he urged the board not to complicate matters further with multiple committees, but to approve the overlay to start allowing it.

He explained that he, Jim Chirico, and Paul Swenson had agreed to take responsibility for four lots, which would be bordered and covered with gravel once available. He mentioned that there was currently no number 57 stone in either North or South Carolina due to high demand for road work, but once gravel became available, the lots would be improved. He also noted that the city had the right to use city-owned property for planting, but it was their prerogative.

Mr. Blanks urged the board to push the parking overlay through, so it could be voted on by the aldermen and implemented before the upcoming season. He highlighted that he had already installed milled asphalt at 102 South Caswell, using the last available number 57 stone.

Mr. Blanks reiterated that he was not concerned with who parks in the lots, only that the parking situation in Southport be made legal and resolved.

Chair Hodgin then asked if anyone else had email statements or if there were others who had not signed up but wished to address the board. After receiving no further responses, Chair Hodgin called for a motion to end the public comment period. Mr. Hewett made the motion, which was seconded by Mr. Lambert. Chair Hodgin called for any final discussion, and with none, the motion was put to a vote. The motion passed unanimously with all ayes.

J. Old Business

1. Major Site Plan - 101 E Moore St - Bull Frog Corner [Mo Meehan] pg. 9-38

Chair Hodgin then moved the agenda forward, emphasizing that all members should feel comfortable asking questions for clarification, noting that everyone had been in the same position at some point. She assured members that both staff and experienced board members would do their best to answer any inquiries. The next agenda item was Old Business, specifically the major site plan for 101 East Moore Street, Bullfrog Corner, and Chair Hodgin recognized Ms. Meehan to lead the discussion.

Before the discussion began, Mr. Ashley, a new member, asked for clarification on whether he was allowed to participate and vote on this item, as it was a continuation of a public hearing from a previous meeting. Chair Hodgin confirmed that Mr. Ashley could participate, as this was his first time hearing the presentation, and any new information would be clarified during the discussion. Mr. Ashley thanked her for the clarification.

Ms. Meehan introduced the first item on the agenda, the major site plan for 101 East Moore Street, also known as Bullfrog Corner. She provided an overview of the approval process, explaining that the major site plan is subject to administrative approval, with staff reviewing the proposal and the planning board making the final decision. According to UDO and 160 D guidelines, if the site plan meets all required standards, the planning board must approve the application, after which the applicant can proceed with obtaining building permits.

For the benefit of the new board members, Ms. Meehan provided a detailed description of the project. She explained that the proposed project involves a three-story mixed-use building with four residential units above an existing retail space. The existing retail building would remain intact, and a new building would be constructed above. The property is located in the Central Business District zone, which has no minimum lot size, setbacks, or parking requirements, except for residential units. One parking space would be required for each proposed dwelling unit.

Ms. Meehan noted that the original application for the site plan was submitted in August 2022, and the application was deemed complete by Wes Macleod, a contract planner with the Cape Fear Council of Governments who was stepping in and working with the city while there was a gap in city staff. The site plan initially proposed five parking spaces, including spaces on an adjacent lot at 114 North Howe Street, which complies with the UDO's allowance for off-site parking within 400 feet of the property entrance. However, the original plan did not meet all parking requirements under the UDO.

A review committee was formed to evaluate the site plan. The committee requested updates to the parking configuration, specifically asking for revised ingress and egress details, the inclusion of trash receptacles, and the addition of handicapped parking. The applicant submitted revisions addressing some of these issues, but the committee remained concerned about the parking lot design and whether it complied with UDO standards. Notably, the UDO requires that cars must pull out head-first, not back out into the public right-of-way. As a result, the committee requested a maneuverability study to ensure that vehicles could safely exit the parking spaces. After reviewing the study, the city engineer, Tom Zilnkik, found the analysis insufficient, and the applicant was unable to meet the UDO's requirements.

In response, the applicant applied for a variance from the Board of Adjustment to allow residents to back out of the parking lot. In January 2024, the Board of Adjustment conditionally granted a variance, allowing vehicles to back out of the parking lot, with the condition that visual cues be installed for both vehicles and pedestrians. Following the granting of the variance, the applicant returned to the planning board in April 2024 with an updated site plan that included four angled parking spaces that met all setback, stall, and access requirements.

Despite this, the planning board returned the site plan to the committee due to safety concerns and procedural issues related to the final variance approval. The applicant, city manager, and planning staff continued discussions with the planning board, consulting with Ben Hughes, a division engineer for NCDOT, who proposed an alternative solution to close the driveway and provide on-street parking. This option would not provide exclusive parking for the residential units but would address the need for public parking in the area. The applicant agreed to this new proposal, but it would require another variance from the Board of Adjustment to relieve the applicant from parking requirements for residential units.

The committee reviewed the revised site plan in November, which showed the driveway closure and the addition of four new on-street parking spaces. The applicant would be responsible for installing the curb and striping and obtaining NCDOT encroachments. Ms. Meehan clarified that, if the new variance is granted, the project would meet all UDO standards, and staff would consider granting conditional approval.

Ms. Meehan concluded by offering to answer any questions and noted that the applicant was present for any further inquiries.

Chair Hodgin clarified a previous statement, asking for confirmation on whether staff could grant conditional approval. Ms. Meehan responded, stating that the planning board could vote to grant conditional approval, as staff had determined that all UDO standards had been met, except for the parking requirements.

Chair Hodgin noted a few points from Ms. Meehan's presentation. She clarified that the Planning Board did not meet with the city manager, staff, and the applicant; rather, it was the review committee that had met with them. The Planning Board has not, as mentioned, received the committee's recommendation, and therefore, is not in a position to vote on the matter. Chair Hodgin emphasized that the review committee did not speak for the Planning Board regarding any subsequent action for the applicant. She further expressed concerns about the potential precedent set by absolving an applicant of parking requirements, as stipulated in the UDO for mixed-use dwellings. Chair Hodgin stressed that removing the parking requirements entirely would undermine the city's ordinance and the principles that guide them.

Chair Hodgin also appreciated the overview of the next steps provided by Ms. Meehan and asked if there were any additional comments from the committee members or board members.

Mr. Locklin sought clarification, particularly regarding Ms. Meehan's statement that the applicant had agreed to the new option presented by the review committee. He pointed out that the planning board had not been part of those discussions and that the option presented to the applicant included green space, which had not been included in the applicant's current variance application. Mr. Locklin also clarified that the planning board had not made a formal recommendation on this matter, as the review committee had not made that recommendation on behalf of the full board. He requested an amendment to the procedural process to ensure that when something is pending before the planning board, the Board of Adjustment should not have jurisdiction over it, and vice versa. He asked that the city attorney be consulted regarding potential amendments to the UDO to avoid such procedural complexities in the future.

Chair Hodgin agreed and asked if there were any further comments or questions.

Mr. Ashley then asked about the number of apartments proposed for the site and the parking requirements associated with those units. Ms. Meehan confirmed that the proposal included four apartments, each with two bedrooms, resulting in a total of eight bedrooms. Mr. Ashley asked how the number of parking spaces had been determined for the four apartments, and Ms. Meehan explained that the UDO had been updated in 2020 to include parking requirements for mixed-use developments. According to the UDO, one parking space per apartment was required, resulting in four parking spaces. Mr. Ashley expressed concern that the required number of spaces seemed insufficient, given that many people have two vehicles per household, suggesting the number of parking spaces should be reconsidered.

Mr. Ashley also inquired about the proposed closure of the right-of-way, asking whether the property owner on the adjacent side had provided anything in writing to confirm their agreement with the closure. Ms. Meehan confirmed that while she had not received written confirmation from the business owner, the property owner was the same for both properties. She explained that the area in question had never been an official right-of-way or easement; it had only served as a historical cut-through.

Mr. Ashley then referenced a parking study funded by the city, which concluded that cars in the area were typically parked for about two hours at a time, suggesting a need for more parking and ensuring turnover. He asked how the four new parking spaces would be reserved for the apartments. Ms. Meehan clarified that the parking spaces would be public, not exclusively reserved for the apartment residents, but would help meet the broader parking needs of the area.

Mr. Ashley further asked about overnight parking regulations on Howe Street. Ms. Meehan explained that there was an older ordinance prohibiting parking between 1 a.m. and 6 a.m., but that it had not been consistently enforced. She noted that some mixed-use properties in the area had to park on the street and hoped the city would accommodate those needing to leave their cars overnight.

Mr. Bove then raised the issue of whether any of the new public parking spaces would need to be designated as handicapped. Ms. Meehan responded that she would need to consult with NCDOT and review ADA requirements to confirm whether any spaces needed to be designated for handicapped parking.

Chair Hodgin reiterated that the presentation given was not the committee's official recommendation. She noted that the new members were hearing this information for the first time and needed time to digest it before providing feedback. She further explained that the review committee, consisting of herself, Kevin Locklin, and Fred Fiss, would need additional time to consider comments and finalize their recommendation before the full board could vote on the submission.

Chair Hodgin also mentioned that the board needed to consider the potential results of the January 28 meeting with the Board of Adjustment regarding the applicant's request for a variance. She suggested that this issue should be reviewed and discussed before proceeding to a vote.

With that reasoning, Chair Hodgin requested a motion to table the item for further review by the committee and additional discussion at the February planning board meeting.

Ms. Schaefer, the applicant's attorney, then asked for the opportunity to speak and Chair Hodgin invited her forward.

Ms. Schaefer introduced herself as an attorney representing the applicant and acknowledged that while the project had only been before the board for 10 minutes, it had been under development for 29 months as a by-right project. She expressed appreciation for the upcoming training for board members and explained that there are three types of zoning decisions: legislative, quasi-judicial, and administrative review. She emphasized that the current project was an administrative review where non-discretionary standards are applied.

Ms. Schaefer also pointed out that the board's discretion in this case, as outlined in the code, may not fully comply with state statutes. She explained that the April site plan, submitted with a variance, was fully compliant with the code, and that her client had made adjustments in response to safety concerns raised by the committee, including submitting an alternative plan. However, she clarified that this alternative was not meant to replace the April plan but to address concerns.

Ms. Schaefer noted that her client wanted to work with the board and expressed disagreement with any condition requiring green space, stating that the site had no room for it and no applicable requirements for green or open space under the code. Ms. Schaefer reiterated the request for a vote, acknowledging the chair's statement, and offered to answer any questions.

Chair Hodgin then opened the floor for questions from the board. Mr. Ashley asked for clarification about the application submitted in April, and Ms. Schaefer explained that the April plan was compliant with the code except for the parking issue, which was addressed through a variance application to the Board of Adjustment. She explained that the variance was granted, but when additional concerns were raised by the committee, an alternative plan was submitted, though it was not intended to replace the original plan.

Chair Hodgin added that there was no legal representation for the planning board at the Board of Adjustment hearing when the variance was granted, which contributed to the absence of safety concerns being presented. Ms. Schaefer acknowledged the clarification, and Chair Hodgin asked if anyone had any further comments or questions. No additional comments or questions were raised. A motion to motion to table the item for additional review committee work and further discussion at the February meeting was given by Mr. Fiss, and seconded by Mr. Ashley. The motion was put to a vote, and the vote passed unanimously with all ayes.

2. Bed and Breakfast Text Amendment [Wendell Biddle] pg. 39-46

Mr. Biddle began the discussion by thanking Chair Hodgin and the board members, explaining that a couple of months ago, the planning board had directed staff to form a committee to explore a potential text amendment that would allow existing Bed and Breakfasts to host specialized events, such as weddings. He provided a brief background, mentioning that in the summer of 2024, an applicant had been granted a special use permit to operate a Bed and Breakfast. However, the management plan submitted by the applicant also proposed using the Bed and Breakfast as an event space for weddings. The current UDO (Unified Development Ordinance) did not allow for event spaces, which led to the creation of this committee to explore options.

Mr. Biddle highlighted several challenges the committee needed to address: how to allow existing businesses to host specialized events without negatively impacting their neighbors, how to prevent adverse effects on residential zoning districts, and how to ensure safety and emergency services are not overwhelmed. The committee proposed two options for the full board to review.

The first option involved creating a combination of an accessory use standard and a permit for specialized events. Specialized events would be defined as commercial ventures held in non-religious venues where the event is secondary to the primary land use. This option would require a temporary use permit, allowing staff to control the number of events and ensure agencies like the City Fire Department are aware of events to establish capacity standards.

The second option would categorize specialized events as a non-residential use, meaning they would not require a temporary use permit. This option would allow the market to present event venues as a primary land use, with more restrictive zoning districts, as it is strictly a commercial use. Both options would establish specific use requirements, including addressing noise, signage, alcohol consumption, and other concerns.

Mr. Biddle concluded his presentation and offered to answer any questions.

Chair Hodgin acknowledged the two options presented but noted that the packet did not make the distinction between them clearly. She expressed difficulty understanding the options as presented and asked Mr. Biddle for more clarification.

Mr. Biddle apologized, acknowledging that he had not written the staff report clearly and that the confusion stemmed from his oversight. He assured the board that this would not be an issue moving forward.

Chair Hodgin appreciated Mr. Biddle's confirmation that she had not misunderstood the material and expressed concern about voting on the issue without fully understanding it. She opened the floor for questions from the board.

Mr. Fiss inquired whether any information from the last Board of Adjustment meeting, which addressed events at a Bed and Breakfast, was relevant to the current discussion. Mr. Biddle clarified that the Board of Adjustment had granted a special use permit for the Bed and Breakfast, but the applicant also wanted to host weddings, which the UDO did not allow at that time. This led to the current discussion about a text amendment. He explained that the committee had explored how to allow Bed and Breakfasts to host events while minimizing impacts on residential zoning districts and public services.

Chair Hodgin further clarified that the application in question involved a Bed and Breakfast requesting to host weddings and parties. She asked if the special use permit had been granted for the Bed and Breakfast but denied for the event space portion. Mr. Biddle confirmed that the special use permit for the Bed and Breakfast was granted, but the request to host weddings was not approved, which led to the exploration of a text amendment.

Mr. Ashley then asked whether a resident in a residential area would need a permit to host a wedding or a family event in their backyard. Mr. Biddle explained that if the event was a commercial activity, such as charging money to host the event, it would require a permit. However, if it was a private event, like a family gathering or a birthday party, it would not require a permit.

Chair Hodgin then asked for a motion to table the discussion until the next meeting, as the board needed more time to review the information. Mr. Ashley made the motion, and Mr. Lambert seconded it. There was no further discussion, and the motion passed unanimously.

Chair Hodgin mentioned that before the next meeting, the consistency statement for the text amendment needed to be corrected due to some typos. She would work with staff to make the necessary corrections.

3. Parking Overlay Text Amendment [Mo Meehan] pg. 47-50

Ms. Meehan introduced the discussion on the continued item from the December 19 meeting, regarding parking at the Yacht Basin. She explained that the Yacht Basin is a popular destination for both locals and visitors, but there is no formalized parking, with property owners graciously allowing people to park on their lots. However, this use is not legally designated for parking, and there are no formal standards, leading to potential safety and aesthetic issues.

Various studies have been conducted over the last several years, including the Yacht Basin committee's recommendations, a Yacht Basin mobility study, and a parking study completed by Walker Consultants, all of which have discussed the need for a parking overlay district for the area. Additionally, the comprehensive plan includes action items that propose the creation of such an overlay district.

Ms. Meehan showed a map of the four lots, noting that while these lots have been used for parking, they are zoned R-10. An overlay would allow parking with certain standards, but would not prevent other uses permitted by the underlying zoning. Ms. Meehan noted that historically, parking has been allowed, and she provided more photos of the area showing the current parking conditions.

The original recommendations from the Yacht Basin Committee included structured surfacing, landscaping, and circulation requirements. However, after discussions with property owners and feedback from the public, Ms. Meehan suggested a simpler approach, allowing parking with more basic surface options, such as gravel or pervious pavers, and requiring maintenance and possible borders. This simplified approach seeks to provide safe and accessible parking while avoiding the complexity and cost of a more elaborate parking structure.

Ms. Meehan shared new proposed language for the standards, which would allow off-site parking in the designated areas and set limits on surfacing materials (pervious pavers and number 57 driveway slate gravel), with parking lot perimeters delineated by wood borders. Concrete or asphalt surfacing would be prohibited, and the parking areas would need to be maintained.

She opened the floor for discussion, Chair Hodgin noted for the record that Craig Blanks had stated he had permission from the other two property owners to speak on their behalf at the meeting. Ms. Meehan then explained that the updated language had been provided in the packet, and she was happy to address any questions or concerns during the discussion.

There were comments from board members, including Mr. Hewett, who shared his perspective on the historical context of the Yacht Basin area. He noted that parking has always been a challenge, especially with the growth of new businesses and the increase in visitors. He emphasized the importance of resolving the parking issue, which would benefit both local businesses and the community. He also noted that it would help to free up on-street parking spaces for people with mobility challenges.

Mr. Locklin agreed with Mr. Hewett's comments and recommended forming a committee to gather more information from the property owners and work on a recommendation for the next board meeting. This would allow for a more thorough discussion of the proposed plans while ensuring that the property owners are involved in the process.

Mr. Blanks, speaking on behalf of the property owners, emphasized that the property owners are in favor of the proposed plan. He explained the details of the surfacing and border solutions that have been successfully implemented in other parking areas, specifically using 8x8 timber and number 57 stone to prevent washouts during storms. He expressed the desire to keep the solution simple and not overcomplicate the process. The goal, he explained, is to formalize the parking while ensuring it remains functional and cost-effective for the property owners. He mentioned the long-standing nature of the parking issue and the need to resolve it to benefit both the businesses and the community. He emphasized the importance of commencing the project prior to the onset of the busy season.

Mr. Fiss commented on the importance of making the area more pedestrian-friendly. He suggested creating a pedestrian pathway through the parcels, with a three-foot easement from each property to ensure pedestrians don't have to walk through traffic or go around obstacles like fences. Mr. Blanks acknowledged that this idea had been mentioned in previous committee meetings but stated that pedestrians would still not follow direction of the path and continue to walk in the middle of the street. He suggested that a sidewalk on one side of the street could help alleviate the problem. He stated that parking curbs would not be included in the lot, as there is concern that people would simply drive over them. Instead, he suggested keeping the area open and bordered to maintain simplicity.

Chair Hodgin expressed agreement with Craig's comments, noting that she was part of the initial committee that worked on this project. She highlighted that it was Mayor Hatem's vision to address the issue, as the area is currently being used for purposes outside its zoning. The goal is to formalize the use to ensure everything is in accordance with regulations, which is why an overlay is being considered. Chair Hodgin also expressed their understanding of the need for Western NC to be the priority for number 57 stone, stating that they are more deserving at this time, and the town could wait its turn. She emphasized the importance of getting the plan in place but also mentioned a desire to eventually pay homage to the history of the yacht basin. She suggested that at some point, the city should focus on educating the public about the historical significance of the area beyond its current attractions like restaurants and tour boats.

Chair Hodgin asked if there had been any progress in locating the original drawings related to the project, referencing the incomplete drawings she had received. Mr. Blanks stated he believes that the previous sketches were a waste of time.

Chair Hodgin acknowledged and appreciated the comments made, suggesting that future steps for the city could involve exploring aesthetic improvements for the area. She expressed optimism that the installation of the number 57 stone would be a great improvement and noted that it could potentially help with drainage issues, especially given the conditions on Yacht Basin Drive during high tide. Chair Hodgin reviewed the materials provided in the packets, which outlined the progress made thus far, and agreed that it is important to move forward with finalizing the project. She also inquired if Mr. Locklin was prepared to propose a motion to convene a committee to formalize the discussions held during the meeting and ensure that all stakeholders, including the property owners, are aligned. Chair Hodgin emphasized that while she trusted Craig, she felt that any agreement made informally in the parking lot needed to be properly formalized before proceeding further.

Mr. Blanks reiterated again that delaying the approval will set back the project.

Chair Hodgin inquired about staff's recommendation regarding the formation of a review committee or whether the project should proceed as planned. Ms. Meehan responded, indicating that if the property owners were in agreement and the board found the language acceptable or required only minor adjustments, the project could move forward. However, Ms. Meehan noted that the process would take several months, as it would require a public hearing, followed by another month for review.

Chair Hodgin then asked for the board's input on how to proceed. Mr. Hewett questioned whether there would be any objections to Mr. Blanks proceeding with the installation of the #57 stone while the review committee was being formed. Mr. Blanks clarified that he did not wish to proceed without formal approval that evening.

Mr. Fiss suggested that the review committee be convened, expressing that there might be an opportunity to better assess the project before irreversible steps, such as the installation of hard lumber and rebar, were taken. He also questioned whether there were any barriers to the owners grading and bringing in stone prior to formal approval. Ms. Meehan clarified that no improvements could be made to a public or commercial parking area in a residential zoning district, which was the current zoning for the area.

Chair Hodgin agreed that improvements were already being made in an area that was not zoned for such uses, which was why the corrections were necessary. She and Ms. Meehan both agreed that no work should commence until the process was properly completed.

Mr. Fiss emphasized his concerns regarding pedestrian flow and the potential negative impact of installing timbers without the accompanying stone. He noted that without the stone, any future events or weather events could wash sand away, necessitating additional grading.

Chair Hodgin concluded that while the project was still in progress, she believed it would move forward as quickly as possible once the review committee was convened and the alderman reviewed the proposal, based on the understanding that previous meetings had already yielded positive feedback on the proposed changes.

Mr. Ashley inquired if there was anything preventing someone from ordering a dump load of 57 stone and placing it in a vacant lot in a residential area. Ms. Meehan responded that while the stone could be placed, it could not be used for a commercial parking lot. Mr. Ashley further clarified, asking if there was anything stopping him from ordering 18 yards of stone and putting it in his backyard. Ms. Meehan confirmed that there was no issue with that.

Mr. Ashley then raised a concern, expressing his confusion about the need for a review committee. He noted that the project had been discussed extensively, including the use of 57 stone and wooden borders. He mentioned visiting the yoga dock and being impressed with the work done there. He asked why a review committee was necessary, suggesting that the project could be approved subject to committee review and availability of the stone. He questioned if it would truly cause harm if the 57 stone were delayed for a year.

Chair Hodgin responded, stating that in her experience on the planning board, approvals were not typically granted subject to a committee's review but that committee work usually took place beforehand. She acknowledged Fred's points and opened the floor for a motion. She asked if there was a motion to approve the amendment to the text provided by staff, based on the work of the 2021 yacht basin committee and the parking study. Chair Hodgin expressed her support for moving the project forward and emphasized the importance of the work that had been done.

Mr. Ashley made the motion to approve the staff-drafted amendment. Chair Hodgin then asked for a second, which was provided by Mr. Hewett. Mr. Locklin, Mr. Fiss, and Mr. Lambert expressed their disagreement and voted in opposition. The motion failed.

Chair Hodgin concluded that a review committee would be formed to further examine the matter. She promised that the committee would work expeditiously to ensure progress on the project, acknowledging its significance to the town. She called for volunteers to serve on the review committee, with Mr. Locklin and Mr. Fiss both agreeing to participate. She also assigned Mr. Bove as part of the committee.

Chair Hodgin instructed Ms. Meehan to begin coordinating potential dates for the review committee to meet and expressed her appreciation for the volunteers' willingness to assist. She assured everyone that the committee would work to move the process along and that updates would be provided at the next meeting.

Mr. Hewett suggested allowing the owners to participate in the review committee meeting remotely, either by phone or video conference, to accommodate scheduling conflicts. This would ensure the process moves forward as quickly as possible without requiring the owners to be physically present. Chair Hodgin agreed with the suggestion, acknowledging the challenge of coordinating schedules and emphasizing that this would be an effective way to expedite the process.

Mr. Ashley inquired about the typical timeline for the board's approval process, asking how long it usually takes between the board's recommendation and the Aldermen's approval, including time for public comments and advertising. Ms. Meehan responded that the process could take up to three months from the time the board approves the recommendation. However, the Board of Aldermen has the option to hold a public hearing and vote on the same night, though they often take additional time to review and consider public comments before making a decision.

K. New Business

1. ROW UDO Text Amendments [Mo Meehan] pg. 51-61

Ms. Meehan addressed the board, stating that they were presenting amendments to Section 3.14 regarding parking and Section 3.17 concerning landscaping and buffering within the rights of way. These amendments were necessary following changes made by the Board of Aldermen to Section 16 of the City Code of Ordinances, clarifying the types of encroachments allowed within the public rights-of-way and how these encroachments can be installed.

Ms. Meehan reminded the board that she had come to them in June with similar text amendments, but after that process started, the Board of Aldermen made more significant changes, necessitating that the Planning Board revisit the matter. The amendments presented were more than minor tweaks to the previous version.

Ms. Meehan first addressed the amendments regarding the minimum off-street parking requirements. The amendments specify that a parking pad of 20 feet, following the dimensions of a regular parking space, is permitted. The parking pad should be surfaced with either turf grass, pervious pavers, or pervious number 57 driveway slate with wood borders no more than two inches above the surface. The parking pad must be approved by the UDO Administrator, Public Works, and the Fire Marshal. She confirmed that an online permit had been created for this approval.

Chair Hodgin interjected, asking for clarification regarding the text amendments in Section 3.14. Specifically, she asked about the text on page 52 of the packet, which does not have any changes but is included for reference. Ms. Meehan confirmed that the highlighted portions are the changes being proposed. She also stated that these amendments were made in concert with discussions from the Board of Aldermen and the vote about rights of way. Ms. Meehan confirmed that this just mirrors the city ordinance since parking has not been previously allowed.

Next, Ms. Meehan moved on to Section 3.17, which pertains to landscaping on public property. The current UDO only allowed for the installation of turf grasses within the rights-of-way, as long as it did not obstruct the passage of persons or vehicles or interfere with lawful parking. The new amendments allow for the installation of protective vegetation consistent with agricultural BMPs within a 10-foot radius of existing public trees, as well as private installations of native trees in the rights-of-way when a city tree must be removed for construction or is diseased and dead. These actions would require consultation and coordination with the Forestry Committee and a permit. Ms. Meehan noted that these amendments mirror the city ordinance.

Chair Hodgin raised a concern about the omission of certain text in the amendment, specifically in D 1. She pointed out that the omission seemed significant, particularly regarding the creation of hazardous conditions within the public rights-of-way. Ms. Meehan apologized for the oversight, stating that the full sentence should read, "The installation of turf grasses on grade is allowed within the rights-of-way. In addition, it shall be unlawful for any person to take any action whatsoever within any public rights 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, or hinders lawful parking within any public rights of way."

Chair Hodgin also noted that text was missing in Section 3, particularly in the first line, where it says, "there is permitted when city must be removed." Ms. Meehan acknowledged the issue and clarified that the full sentence should state, "private installation of native trees within the rights-of-way is permitted when a city tree must be removed for construction, or when a tree must be removed due to health reasons."

Ms. Meehan confirmed that the omission is "in addition, it shall be unlawful for any person to take any action whatsoever within any public rights of way which creates a hazardous condition." Chair Hodgin questioned how it blends with safety hazard. Ms. Meehan responds, "which creates a hazardous condition or safety hazard."

Mr. Fiss asked if they could review the corrected language in hard copy to ensure accuracy. Ms. Meehan explained that the corrections were already part of the city ordinances but had not been incorporated into the UDO. She added that they wanted to include it in the UDO so that the public would be aware of the amendments. However, she would be happy to bring it back with the corrected language.

Chair Hodgin asked if the correction needed to be brought back to the board for review or if the matter could proceed with the corrections made.

Chair Hodgin clarified that the language was correct in the ordinance but needed to be accurately reflected in the UDO before proceeding. She emphasized the importance of getting the language right in the UDO to avoid issues later on. She then asked the board if there were any objections to moving forward with the corrections as presented. After confirming no objections, she asked for a motion to accept the staff's drafted amendments, which mirror the existing ordinance, for Sections 3.14 (Parking) and 3.17 (Landscaping and Buffers), and forward them to the Board of Aldermen.

Mr. Locklin made the motion to accept the draft amendments, had been reviewed by showing the board correct language in ordinance.

Chair Hodgin asked if there was any further discussion. Having no disucsstion, the motion was made by Mr. Locklin and seconded by Mr. Hewett and passed unanimously.

Finally, Chair Hodgin asked for a volunteer to read the consistency statement into the record. No volunteers were immediately offered, and Chair Hodgin read the statement herself.

"The City of Southport Planning Board hereby recommends adoption of the proposed zoning text amendment to the Board of Aldermen and finds that it is consistent with the city's 2014 Comprehensive Land Use Plan, originally adopted November 13, 2014, and subsequently amended by the Board of Aldermen. More specifically, the proposed amendment is consistent with policy 7.22, which states that the city shall continually maintain all official planning documents."

L. Other Business

1. Planning Updates

Ms. Meehan provided several updates to the board. First, she mentioned the ongoing review of the comprehensive plan by the Board of Aldermen. The updated plan had been shared with the planning board in the previous meeting, and she offered to send a new link to the updated version. Ms. Meehan encouraged the board to provide any comments or questions in the next week, and stated that the updated draft would be presented to the Board of Aldermen at their February meeting for approval to send it to the Division of Coastal Management for review period.

Next, Ms. Meehan discussed the rights-of-way regulations approved by the Board of Aldermen, specifically regarding hardened structures within the rights-of-way. These structures, such as fences, walls, and parking delineation features, that are above two inches of the grade must be removed by June 12, 2025. Ms. Meehan emphasized that voluntary compliance with this timeline would not be considered a violation. However, some exceptions exist, such as existing vegetation, which is allowed to remain and can be replaced if necessary, and parking pads that don't meet the new regulations but were previously installed. A rights-of-way permit is available on the online permit portal for those wishing to make changes, including parking, vegetation around trees, or planting new trees within the rights-of-way. Ms. Meehan stated that the permit is free, similar to the tree permit, and anyone wishing to make changes will need to obtain a permit starting now.

Chair Hodgin asked Ms. Meehan for clarification about the process for forgiveness or grace for these hardened structures. Ms. Meehan confirmed that there would be no grace period, and all hardened structures must be removed, with the exception of fences in districts with on-street parking and public sidewalks. Fences on the private property side of the sidewalk in the rights-of-way would be allowed to remain, primarily found in the historic areas of the city.

Ms. Meehan also informed the board about Brunswick County's UDO update process, mentioning that community meetings would be held the last week of January. The meetings would be informal and provide an opportunity for the public to learn about and discuss the proposed changes with the county's planners. The meetings would be held at various locations including the Town Creek Community Building, St. James Community Center, and Brunswick Center in Shallotte.

Chair Hodgin asked if there were any questions regarding Ms. Meehan's updates. Mr. Fiss clarified that the rights-of-way regulations Ms. Meehan discussed were part of the city ordinance and not the UDO. Ms. Meehan confirmed that these regulations were enforcing already adopted city ordinances and are effective.

M. Announcements

Chair Hodgin asked if there were any additional matters to discuss. No additional business was raised, and Chair Hodgin noted that there had been some issues with individual applications and appointments for the planning board, but they hoped to resolve these issues soon and fill the alternate position.

N. Adjourn

Chair Hodgin offered a note of safety for the upcoming weather, reminding everyone to stay warm, and asked for a motion to adjourn.

A motion was made by Mr. Hewett and seconded by Mr. Ashley. ***Unanimous vote, Motion Carried.***

Adjourned at 8:06 PM.

X

Lawrence Ashley
Chair

x Tori Deviney

Tori Deviney
City Clerk

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