



**CITY OF SOUTHPORT
PLANNING BOARD
REGULAR MEETING
113 W MOORE ST
SOUTHPORT NC 28461**

April 17, 2025
6:00 PM

Minutes

Present Members: Chair Sue Hodgins, Vice Chair Kevin Locklin, Fred Fiss, Will Hewett, Larry Ashley, Bob Lambert, John Bove

Staff Present: Maureen Meehan, Planning Services Director
Tori Deviney, Deputy City Clerk
Wendell Biddle, City Planner
ChyAnn Ketchup, Public Information Officer

A. Chair Hodgins called the meeting to order at 6:00 PM.

B. Mr. Hewett gave the invocation.

C. Chair Hodgins led everyone in the Pledge of Allegiance.

D. Approval of Minutes

1. March 20, 2025 Planning Board Meeting Minutes Approval

Chair Hodgins asked if there were any corrections or amendments to the minutes. Hearing none, a motion was made by Mr. Hewett to approve the minutes as presented, seconded by Mr. Lambert. **The motion passed unanimously.**

E. Approval of Agenda

Mr. Hewett made a motion to approve the agenda as presented, seconded by Mr. Fiss. **The motion passed unanimously.**

F. Public Comment

Mr. Rich Bandera - 409 North Burrington Ave - addressed the Board to express his continued opposition to the proposed expansion of conditional zoning into residential districts. He explained that while he did not intend to comment specifically on the applicant's individual request, his concern stemmed from the broader implications that such an amendment would

have across the entire City.

Mr. Bandera noted that he had spoken on this issue in the past and recalled that the Board of Aldermen had voted against a similar proposal in January of the previous year by a vote of 4-2. While he acknowledged that certain circumstances have since changed—particularly the loss of the City's ETJ—he emphasized that the current request lacks the same limiting conditions that were previously proposed. Specifically, he recalled that the earlier process involved limitations such as requiring a minimum of five-acre sites and imposing a maximum height of 40 feet. Those dimensional restrictions, he stated, are not present in the current application, including any height limitation.

Mr. Bandera emphasized the broader impact of conditional zoning on the entire City and expressed particular concern about how such changes could affect his own neighborhood. He stated that he lives in a traditional neighborhood identified as such in the City's adopted Future Land Use Plan from 2014. He noted that the existing plan limited density in his area to 3 to 4 units per acre, but under the draft of the new comprehensive plan—anticipated to be adopted within approximately 45 days—that density is proposed to increase to 7 or 8 units per acre, representing nearly a 60% increase.

Mr. Bandera emphasized that decisions on conditional zoning often rely on consistency with the adopted Future Land Use Map, and that approving an expansion of conditional zoning at this time—while still relying on the outdated 2014 plan—would be premature. He noted that, based on recent updates from the March 20 meeting, the new comprehensive plan is anticipated to be adopted within the next 45 days. Given the significant amount of time, effort, and expense that has gone into that planning process, he urged the Board to postpone action on conditional zoning expansion until the updated plan is formally adopted.

In closing, Mr. Bandera reiterated that using an outdated planning document as the foundation for decisions that would allow greater density across residential areas was unwise. He thanked the Board for their time.

G. New Business

1. Conditional Zoning Text Amendment [Maureen Meehan]

Chair Hodgins noted that while the concept of conditional zoning (CZ) might be new to some at the table, it was a familiar and historically significant issue for Vice Chair Locklin, Mr. Fiss, and herself. She remarked that this was the first opportunity for the current board and staff to discuss the latest set of documents related to conditional zoning and that the public was also being introduced to them for the first time in this context.

Chair Hodgins provided historical background on the topic, noting that the development currently under discussion—Waterway, formerly known as Indigo Phase II—had previously sparked intense public interest. She recalled that the earlier Indigo proposal prompted the formation of local opposition groups such as "No High Density Southport" and the creation of advocacy campaigns aimed at maintaining the area's original R-20 zoning. At that time, the Planning Board worked closely with the developer, conducted extensive review, and ultimately recommended denial of the application. The applicant, East West Partners, later withdrew the application before it reached the Board of Aldermen for a vote.

Chair Hodgins explained that in 2023, former Planning Director Travis Henley reintroduced the concept of residential CZ as a planning tool intended to give Southport greater

leverage in working with developers. Although the Planning Board at the time supported the proposal and voted unanimously to recommend its adoption, the matter became politically charged and was portrayed publicly as an avenue for “unchecked development.” She expressed her belief that this was a mischaracterization of conditional zoning, which in fact offers municipalities more—not less—control over development outcomes. She maintained her support for conditional zoning, stating that it should be used to create cohesive, contributory growth that benefits the town.

Chair Hodgins said that Southport had missed an opportunity to put this tool in place before the Waterway project returned for consideration. She emphasized that the Planning Board’s recommendation at the time had been to prepare the City for the future through strategic planning, but that the concept was “latched onto and twisted for political reasons,” becoming a flashpoint in the 2023 election cycle. She acknowledged that conditional zoning had become so controversial that it was likened to “the spawn of Satan,” but suggested that ironically, the very tool once rejected might now be what Southport truly needs.

Chair Hodgins pointed out that the loss of the City’s extraterritorial jurisdiction (ETJ) has created a vastly different planning landscape. She noted that East West Partners had already received approval from Brunswick County for approximately 1,100 housing units—potentially growing to 2,000—which would amount to a two-thirds increase in Southport’s current housing stock. Without conditional zoning in place, Southport has less authority to shape the outcome of annexation-related development proposals. She clarified that only 47.61 acres of the Waterway site are actually located within the City’s corporate limits.

With that context in mind, Chair Hodgins stated that upon conclusion of the presentation on the proposed text amendment by Planning Services Director Meehan, she would ask the board to move directly into discussion of the associated rezoning application and development agreement, given how interwoven the matters are.

Mr. Ashley then asked for clarification, recalling that during the previous round of debate, the Board of Aldermen had publicly stated that they would not support conditional zoning and that doing so had been opposed during campaign season. He questioned whether the Planning Board was now “wasting its time” by taking up the matter again if the Board of Aldermen had not reversed its position. Mr. Ashley asked whether there had been any indication that the Board of Aldermen was open to revisiting the issue.

Director Meehan responded that while she had presented the information and had been involved in discussions, she could not speak definitively to the Board of Aldermen’s current position. She emphasized that staff was moving forward with its responsibilities and providing the board with the necessary information to consider the applications before them.

Mr. Ashley acknowledged the response and reiterated his concern, stating that he simply wanted to ensure the Board was not expending effort on a proposal that would ultimately be dismissed again, as happened a year and a half ago.

2. Conditional Rezoning Application [Maureen Meehan]

Planning Director Meehan provided an overview of the proposed text amendment related to Conditional Zoning (CZ), emphasizing that this amendment was initiated by an applicant and submitted in accordance with Section 2.10 of the Unified Development

Ordinance (UDO). She explained that, under this section, text amendments may be initiated by the Board of Aldermen, the Planning Board, the City administration, or by a property owner or their agent.

Director Meehan outlined the procedural path for such an amendment: once an application is submitted and accepted by staff, it is reviewed and forwarded—along with staff recommendations and any updates—to the Planning Board for review and recommendation. The final decision rests with the Board of Aldermen following a public hearing, which, as clarified by Chair Hodgins, is held at the Board of Aldermen level, not by the Planning Board.

Director Meehan then provided an explanation of what conditional zoning entails, referencing Chapter 160D-703 of the North Carolina General Statutes, which identifies zoning district types, including conventional, conditional, form-based, and overlay districts. Conditional zoning allows a property owner or developer to petition for specific uses on a property with agreed-upon conditions, offering municipalities an opportunity to evaluate the potential impacts of those uses and negotiate terms. She emphasized that CZ is site-specific and does not create a citywide zoning designation. Instead, each approved conditional zoning case—such as "CZ-1" in the materials—becomes its own distinct zoning district tied to a specific development project.

Currently, Southport permits conditional zoning only within non-residential zoning districts, such as Office & Institutional (OI), Central Business District (CBD), Business District (BD), and Highway Commercial (HC). There are no Light or Heavy Industrial districts in the City at this time. Conditional zoning cannot be initiated in Open Space or PUD (Planned Unit Development) zoning districts. The open space zones are reserved for natural and public resources, while the PUD designation is already development-specific and requires site plan approval.

Director Meehan provided historical background, recalling that staff previously brought forward a text amendment in 2023 to allow conditional zoning in residential districts. That proposal would have permitted applicants to propose their own dimensional standards—such as height and lot size—rather than being bound to those of an existing zoning district. While multiple public meetings, workshops, and small group sessions were held to build consensus around that effort, the amendment was ultimately not adopted by the Board of Aldermen.

Director Meehan explained that although the current text amendment was submitted by an applicant, city staff supports the proposal, citing two major legislative changes that have reshaped the development landscape:

1. **House Bill 911** eliminated Southport's **Extraterritorial Jurisdiction (ETJ)**, transferring zoning authority in those formerly-adjacent areas to Brunswick County. Because the County's development regulations differ substantially from Southport's, this change reduces the City's influence over nearby growth.
2. **Senate Bill 382** limits the ability of local governments to initiate **down-zoning** and restricts actions that would create **nonconformities**. Under this legislation, local governments cannot reduce allowable densities, remove permitted uses, or create zoning inconsistencies, even during code or map updates. Director Meehan noted that this significantly curtails municipal flexibility in regulating growth, but conditional zoning remains a viable tool for customizing development standards in

response to local needs.

She proceeded to walk the Board through the structure of the proposed amendment. While the amendment retains the same general purpose as previous CZ language, it would now remove the requirement that conditional zoning districts be tied to an existing base zoning district, allowing for truly customized zoning districts crafted to fit a specific site and development concept. These new CZ districts would be outlined in Appendix A, which includes submittal requirements such as a master development plan, a zoning map, and a narrative detailing proposed uses, dimensional standards, and impact mitigation measures.

Director Meehan clarified that approval of a conditional zoning district is only the first step. Applicants must still go through all applicable development approval processes—including subdivision plat and major site plan reviews—before permits may be issued. For example, if a rezoning is approved for a mixed-use development, the applicant must still submit a subdivision plat and undergo a separate review process, including another round of Board approvals. She stressed that the conditional zoning approval does **not** replace these steps.

She also explained that Appendix A, which is proposed to be updated through this amendment, has historically been difficult to interpret. The current application includes modifications to simplify and clarify it, such as removing height limits expressed in both stories and feet, and removing the requirement to describe boundaries by bearing and distance when not aligning with parcel lines—though boundaries still must be shown clearly on the map.

In supporting the amendment, Director Meehan pointed to its value as a flexible planning tool that aligns with principles found in the new Comprehensive Land Use Plan, which is expected to be adopted soon. Conditional zoning could support “smart growth” objectives, such as allowing smaller lot sizes to preserve environmentally sensitive features like non-jurisdictional wetlands that still provide habitat value. She emphasized that this tool could help balance the City’s development goals with environmental considerations and compatibility with surrounding uses.

Director Meehan stated that this amendment would allow developers to propose site-specific conditions and standards, provided they comply with the review process outlined in Section 2.10 of the UDO and statutory requirements in Chapter 160D. She reiterated that staff sees conditional zoning as an essential tool for Southport’s future planning needs.

Chair Hodgins asked for confirmation that a public input meeting is required as part of the process. Director Meehan confirmed this and explained that the applicant must organize and host a public input session, invite the community, and compile a report summarizing public feedback to be included in the materials reviewed by the Board of Aldermen during their decision-making process.

Mr. Ashley asked Director Meehan whether conditional zoning could be applied to a single residential lot. He expressed concern about applicants potentially circumventing the Board of Adjustment by pursuing a conditional zoning change instead of a variance. Director Meehan confirmed that conditional zoning could technically be applied to a single lot, but clarified that it would still require a zoning map amendment, complete with proposed uses,

dimensional standards, public input meetings, and ultimately, Board of Aldermen approval. Director Meehan emphasized that the conditional zoning process is significantly more involved and public-facing than seeking a variance.

Mr. Ashley reiterated that he did not see conditional zoning as a substitute for the Board of Adjustment, and Director Meehan agreed, stating that the Board of Adjustment is intended for specific relief and variances, while conditional zoning is generally used for more complex development projects. She added that while CZ could be applied to a small parcel, it is not typically practical due to the expense, time commitment, and scale required to justify it.

Historical Context and Project Evolution

Director Meehan proceeded with a detailed presentation to provide historical context on the property now under consideration. She clarified that this background was not part of the formal application review but was offered to benefit newer members of the Planning Board.

The subject property, previously submitted in 2021 and reviewed in 2022, was originally a large-scale project encompassing approximately 327 acres, stretching from Bald Head Limited to East West Partners. That earlier version proposed 1,500 dwelling units and over 100,000 square feet of non-residential space under Southport's planning jurisdiction. However, following the loss of Southport's extraterritorial jurisdiction (ETJ), the applicant sought and received approval from Brunswick County for a modified plan. The county-approved master plan encompasses 327 acres with 1,100 dwelling units and 110,000 square feet of non-residential uses. Director Meehan noted that the Planning Board at the county level is the final decision-making authority for such planned developments.

Current Conditional Zoning Proposal within City Limits

The current application under consideration involves only the 47.61 acres that remain within the City of Southport. These include 19 separate lots zoned R-10 and PUD, located around the marina, adjacent vacant lots, and parcels extending toward Ninth Street.

Maps presented illustrated the proposed zoning amendment from R-10 and PUD to Conditional Zoning District CZ-1. The proposal identifies three future land use designations: medium-density residential, traditional neighborhood, and marina commercial. Director Meehan walked through each area in detail:

- **Area A (Marina Village):** Approximately 210,000 square feet of non-residential use, potentially including restaurants, retail, and upper-level residential or clubhouse space.
- **Waterfront Village:** Four and a half acres with 160 multifamily units.
- **Residential Village Areas:** Spread across 21.11 acres with a total of 39 units comprised of townhomes, duplexes, and single-family homes.
- **Cluster Design Area (north of Ninth Street):** 6.7 acres designated for 35-foot high clustered residential development, limited to a 2,500 square foot maximum floor area per unit. This section connects only through the county portion of the overall development and will not access Ninth Street directly.

In total, the development proposes **199 residential units** and **10,000 square feet of non-residential space** within the city limits.

Dimensional Standards and Design Considerations

Director Meehan noted that the applicant was proposing a gross density of 4.29 units per acre. Accessory dwelling units (ADUs) were not included in that density count. The development prohibits short-term rentals.

Setbacks were proposed as follows:

- Front: 10 feet
- Side: 5 feet
- Rear: 10 feet

Maximum heights:

- Single-family homes: 40 feet
- Multifamily homes: 45 feet, with a potential increase to 55 feet with pitched roofs in flood zones.

One board member expressed concern that proposed building heights were now exceeding those of the previously controversial Marina buildings. Director Meehan explained that the proposed increase accommodates elevation requirements in velocity flood zones, where only parking is allowed beneath living areas.

Director Meehan outlined proposed parking standards, noting several reductions from current UDO requirements. For example, restaurants would require only four spaces per 1,000 square feet, as opposed to the City's standard of ten. She explained the applicant's rationale: that much of the foot traffic would be internal to the development and that alternative transportation modes like bikes and golf carts would be used.

Chair Hodgkin questioned future parking shortages, given Southport's history of such issues. Director Meehan acknowledged that parking studies could be submitted by engineers to justify deviations. Sidewalks or multi-use trails would be provided on at least one side of the street and may count toward pedestrian infrastructure requirements if located within open space or easements.

The applicant proposed 30-foot buffer yards with 60% passive landscaping, as well as buffer zones around jurisdictional wetlands with a minimum average width of 20 feet. Recreational and open space will total at least 20% of the site. Wetlands, floodplains, and the marina basin are to be counted toward this requirement.

Chair Hodgkin questioned whether jurisdictional wetlands should be included in open space calculations, citing City UDO restrictions that limit non-contiguous open space to 50% of the required total. Director Meehan acknowledged that clarification would be needed and noted that the applicant may be proposing broader inclusion than currently allowed under City regulations.

Mr. Bove asked Director Meehan whether the staff considered the Waterway zoning application to be complete. Director Meehan confirmed that it was complete from a zoning application standpoint and stated that the applicant had submitted all required materials, including a master plan, and would host a public input meeting prior to the public hearing.

Mr. Bove suggested that it would be helpful if staff could draft a simple, public-facing summary explaining its intent and benefits. He noted that while the board had received comprehensive information, most residents would not read a lengthy packet. Chair Hodgins agreed, adding that she and Director Meehan had already discussed publishing explanatory materials on the City website.

Mr. Ashley asked for historical context. He wanted to know how many dwelling units were allowed under previous zoning when the original application proposed 1,500 units. Director Meehan replied that she had not reviewed the old application in detail because the current proposal was significantly different. Mr. Ashley said he was trying to understand how the allowed density compared over time, including what was permitted in the former ETJ and what was approved by the county. Director Meehan said she would look into that.

Mr. Ashley also expressed concern about building heights and asked whether the multi-family buildings in the City portion were the only structures that would exceed 40 feet. Director Meehan confirmed that only those buildings were proposed at 45 feet or potentially 55 feet with pitched roofs in flood zones.

Chair Hodgins asked for clarification on the number of proposed multi-family units, and Director Meehan stated there would be a maximum of 160 units in the Waterfront Village area. Chair Hodgins also asked about workforce housing and its location. Director Meehan responded that this element was addressed in the development agreement, not the zoning application, and that if included, it would be part of the rental section. She noted that under the statute, the workforce designation must be maintained for one year.

Mr. Fiss asked if annexation of the county portion was contingent on approval of the City's conditional zoning. Director Meehan confirmed that it was. The board member also asked about a possible 12th Street access, which Director Meehan said had been considered in the traffic impact analysis but was not one of the required improvements.

Mr. Fiss asked if the total number of units included senior housing. Director Meehan said any such units would be part of a care facility and not counted in the residential density. Chair Hodgins remarked that the configuration sounded like a continuing care community.

Chair Hodgins asked about the annexation process and acknowledged that Director Meehan had limited involvement in drafting the development agreement. Director Meehan explained that annexation would occur in phases as areas were platted and infrastructure was installed. She declined to elaborate on legal provisions in the draft agreement, citing the need to consult the city attorney.

Mr. Ashley asked whether Ninth Street would be used for access. Director Meehan explained that most access would occur through Robert Ruark Drive and that while an opening to Ninth Street was shown, it was not confirmed.

Chair Hodgins commented on the build-out timeline, stating that the original projection was 20 years, and that while the applicant referenced tax base growth, the City might not see full benefits for decades. Mr. Ashley asked about specific uses listed in the table of uses, such as fuel and ice dealers. Director Meehan said the table would be updated and confirmed some listings were typos.

Chair Hodgkin asked whether board members should raise questions about the development agreement, despite it not being the focus of the evening. Director Meehan encouraged members to share any concerns, and stated that the agreement was a living document and subject to change. Chair Hodgkin cited the applicant's statement expressing willingness to engage in dialogue.

Mr. Bove asked whether the process for permitting vertical construction was too vague. He also expressed concern about the 55-foot height allowance and questioned whether it was simply to accommodate another story.

Chair Hodgkin reiterated that the board's review and commentary still served a public purpose and emphasized that the public had not yet seen these materials. She also noted the lack of discussion on social media, which she found unusual. She said the Planning Board's work helped surface concerns and would be available via the meeting recording.

Mr. Ashley asked if future changes to the CZ district could be made through the UDO update process. Director Meehan explained that CZ districts were project-specific and could only be changed by the applicant through the same amendment process.

Chair Hodgkin acknowledged that the City used a separate development attorney for the agreement and praised Director Meehan for fielding complex questions. She noted that the Planning Board had 30 days to act on the text amendment from the date it was presented. She asked the board whether they preferred to convene a workshop to continue discussion and engage the public or table the item for final discussion at the May meeting. Mr. Bove suggested that legal questions would require input from the development attorney. Chair Hodgkin and others agreed the issues were interconnected and best addressed together.

The Board reached consensus to hold a workshop on May 2 at 10:00 AM at Indian Trail Meeting Hall, with public comment to be received despite it being a workshop. Director Meehan confirmed the facility was available and that the meeting would be recorded. The workshop would serve to gather more information, address outstanding questions, and involve the public ahead of final Board action.

Chair Hodgkin stated no motion to table the item was needed, as the May 2 workshop would continue the discussion within the 30-day timeline.

H. Other Business

1. Planning and Zoning Updates [Wendell Biddle]

Mr. Biddle provided a development update. He summarized the March 25 Board of Adjustment meeting, noting approval of a special use permit for an accessory dwelling unit and a variance request related to a proposed Homes2 Suites hotel. He stated that the hotel project would come before the Planning Board once the major site plan is submitted. The proposed hotel is expected to have an average height of about 46 feet, with a maximum height of 50 feet, including an elevator shaft. A minor site plan for "SoPo Social," a wine bar and café at 724 N. Howe Street, was also approved.

Mr. Biddle confirmed the April 22 Board of Adjustment meeting would include two special use permits for accessory dwelling units and board training.

2. Planning Services Director Updates [Maureen Meehan]

Director Meehan returned to provide a legislative update, highlighting several significant bills in the General Assembly:

- Senate Bill 495 and House Bill 627 would allow accessory dwelling units (ADUs) by right, removing the current requirement for special use permits.
- Senate Bill 497 would expand "middle housing," allowing duplexes through sixplexes in all residential zones.
- Senate Bill 499 would allow residential units by right in all zoning districts, including commercial areas.
- Senate Bill 688 and House Bill 765 (the omnibus development bill) would drastically limit local planning authority, require minimum density, restrict parking regulations, and shift approvals from boards to staff.
- Senate Bill 314 would eliminate extraterritorial jurisdiction (ETJ) authority in counties that have adopted their own zoning.

Chair Hodgins expressed concern about state efforts to centralize control at the county level and diminish municipal authority. Director Meehan confirmed the final Historic District report was nearing submission to the State and would ultimately return to the Planning Board for a zoning map amendment recommendation.

Chair Hodgins inquired about who serves as the City's primary legislative liaison. Director Meehan stated the Mayor, Mayor Pro Tem, and City Manager have all communicated with legislators, but there is no single appointed liaison.

3. Liason Update [Alderman Lai]

Liaison Frank Lai praised staff for their extensive work and expressed concern about the breadth of proposed state legislation. He noted few of the bills appeared municipality-friendly.

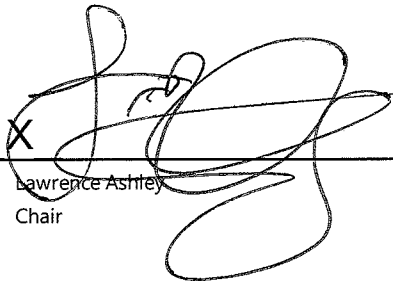
I. Announcements

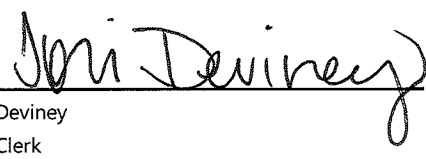
Mr. Fiss reminded everyone of the Spring Festival and the City's Arbor Day celebration on April 25th in Franklin Square Park.

J. Adjourn

With no further business, a motion was made by Mr. Fiss, seconded by Mr. Bove. ***Unanimous vote, motion passed.***

The meeting adjourned at 8:06 PM.

X 
Lawrence Ashley
Chair

X 
Tori Deviney
City Clerk



