



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

July 21, 2022
6:00 PM

Agenda

Please turn off all cell phones

Meetings are open to the public. Face masks and social distancing may be used at the discretion of each individual. Changes to this policy may occur, as needed to help prevent the spread of the Coronavirus.

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. Minutes June 16, 2022 Regular Meeting

E. Approval of Agenda

F. Public Comment

G. Old Business

1. Zoning Map Amendment: RZ-22-0512-01: 300,302,304 W. 11st Street; MF to R-10; submitted by Coastline Homes
2. Zoning Map Amendment: RZ-22-0609-01: 1208 N. Caswell; BD to R-10, submitted by Heidi Paiva
3. Zoning Text Amendment: RZ-22-0531-01: Section 3.5 Table of Permitted and Special Uses: Commercial Recreation, Outdoor; submitted by Terin Ellis
4. Major Site Plan: 115 N. Howe Street Mixed Use Development, submitted by Barbee Enterprises of Southport
5. Planned Unit Development Master Development Plan: Indigo Plantation Phase 2, submitted by East West Partners Management Co. Inc. and Bald Head Island Limited, LLC

6. RZ-21-1104-01: Indigo Plantation Phase 2: 346.57 acres; R-20 to PUD; submitted by East West Partners Management Co. Inc. and Bald Head Island Limited, LLC
7. Zoning Text Amendment: Tree Preservation Changes

H. New Business

1. Zoning Map Amendment: RZ-22-0701-01:1403 N. Howe Street; PUD to BD, submitted by RDK Investments
2. Establishment of CBD Review Committee
3. Amendment Chapter 4. Section 5. Exterior Lighting

I. Other Business

1. Planning Board Attendance Record

J. Announcements

K. Adjourn



**Planning Board Meeting Minutes
Southport Community Building
223 E. Bay Street
June 16, 2022
6:00 P.M.**

Members Present: Sue Hodgins, Will Hewett, Christopher Jones, Gustavo Mibelli, Fred Fiss, Mo Meehan, (Donnie Joyner, and Scott Jones via telephone)

Members Absent: Dick Sloan

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

Board of Aldermen Liaisons: Karen Mosteller and John Allen

Others Present: Alderman Alt, Mr. Cameron Smith, Mr. McKay Siegel and Mr. Roger Perry with East-West Partners, Mr. Mike Nichols with Paramount Engineering, Mr. Carver Rudolph and Mr. Owen Gidlow with Cottage Point LLC, and Mr. Ron Greger.

1. Chair Sue Hodgins called the meeting to order at 6:03 p.m.

Moment of Silence in honor of Mr. Jerry Dove.

2. Mr. Donnie Joyner gave the Invocation.
3. Chair Hodgins led the Pledge of Allegiance.

In the absence of Mr. Dick Sloan, Alternate Member Mr. Fred Fiss was appointed as a voting member.

4. Motion to approve the May 19, 2022, meeting minutes by Vice-Chair Hewett and seconded by Mr. Mibelli. ***Unanimous vote; motion carried.***
5. Motion to approve the agenda by Vice-Chair Hewett and seconded by Ms. Meehan ***Unanimous vote; motion carried.***
6. Public Comment:

Vice-Chair Hewett motioned to enter Public Comment and was seconded by Mr. Mibelli. ***Unanimous vote; motion carried.***

1. Mr. Brian Stevens, 503 Cades Trail, has concerns about the Indigo Phase 2 Development. He would like to see that adequate buffers are provided around the development and that environmental impacts are minimized by dedicating land areas to

the wildlife habitats. He is also asking that the implementation of a kayak launch gets developed.

2. Ms. Karen Rife, 5980 Dutchman Creek, acknowledges the enormous task the Board is undertaking with reviewing the Indigo Phase 2 Development. She appreciates the time and dedication they are taking to evaluate the project. She is concerned about the Development's commitment to open space and if they will provide the initially proposed percentage. She also has environmental and traffic matters.
3. Ms. Lois Gandy, 5961 Spikerush Trail, is concerned about the traffic entering and exiting on 9th Street at the Elementary School and Indigo Drive. She stated the Indigo Phase 2 Plan includes residential housing, restaurants, and shops. She said the traffic would be intolerable as residents, customers, and service workers consistently enter and exit the development, especially when school is in session. She said this was a safety hazard and that accidents would happen in this corridor. She urged the Board to consider the true character of Southport and to vote against approval of the Development.
4. Mr. Jim Gandy, 5961 Spikerush Trail, said the Indigo Phase 2 Developer had chosen the worst streets to enter and exit the development. He said that there would be less traffic impact on 11th Street. He said that the safety of the school children should be a top priority and highly considered along with the other effects of traffic. He questions what would benefit Southport if this property were approved for rezoning. He said this Development does not fit in with the character of Southport and will decrease safety and security. He implored the Board to deny the approval.

Since there were no other questions or comments from the public, Vice-Chair Hewett motioned to close out of Public Comment, seconded by Mr. Mibelli.

Unanimous vote; motion carried.

7. Old Business

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

Mr. Lloyd gave an overview of the proposed amendment. He explained that several existing undersized vacant lots in the Business District have difficulty meeting the parking requirements for off-street parking. Mr. Thompson owns a vacant lot at 413 N. Howe St. and applied for a text amendment that would not require off-street parking for vacant lots in the BD under 6,000 sf.

A Review Committee met on 4/4 to review the proposed amendment. The Committee consisted of Mr. Hewett, Mr. Mibelli, Ms. Meehan, and Staff. The applicants, Mr. and Mrs. Thompson were also present. The Committee discussed other vacant lots with the same issue and that the amendment's wording would only apply to vacant lots in the BD that were subdivided before 1973. The entire Board reviewed the request again on 4/21. Members of the Planning Board were concerned about larger 5,000 and 6,000 sf lots being able to use this provision. Staff revised the language to lots less than 4,000 sf. The Board requested additional information from Mr. Thompson, including a drawing demonstrating why parking is challenging to provide on these lots. Chair Hodgkin clarified that the applicant provided a conceptual illustration to the Committee to review, and it was the consensus of the Board to recommend approval.

Vice-Chair Hewett motioned to recommend the amendment's approval as stated: "In the BD zoning district, no off-street parking shall be required for nonresidential uses proposed on vacant lots less than 4,000 sf that were existing prior to 1973." Vice-Chair Hewett read the Consistency Statement that recommended approval to the Board of Aldermen; Ms. Meehan seconded the motion. ***Unanimous vote; motion carried.***

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

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

A Review Committee that consisted of Ms. Mo Meehan, Mr. Dick Sloan, and Mr. Fred Fiss met on 2/25. The applicant, Mr. Andrew Laing, and Staff were also present at the meeting. The Committee requested more information on where the dumpster enclosure would be located on the property if a septic tank permit was approved and clarification of where the asphalt ends, and the stone begins in the parking area regarding the impervious and pervious areas. The Committee also discussed landscaping and if the applicant would be willing to swap out the two magnolias shown in the landscape plan for Live Oaks. The Board's consensus was to table the Major Site Plan until the applicants have submitted all the requested information and the updated plan.

The Review Committee reconvened on 6/10. The developers did provide an updated plan that shows where the asphalt ends and where the 57 stone begins for the impervious area. Mr. Greger said the site has already received approval for the septic tank. The revised plan also shows the location of the dumpster as requested. The Committee discussed the regulated trees on site. The Developers agreed to an additional 2 Live Oaks and 2 Understory Redbuds in addition to swapping out two magnolia trees for Live Oaks. There was also a question about the creek in the rear of the property and whether there would be any impact on the wetlands. Mr. Greger indicated that there would be no problems, and they would be installing silt fencing before the site development. It was the consensus of the Committee to recommend approval of the Site Plan with the condition that the Developers update the Landscape Plan to include the additional Live Oaks and Redbud Trees.

Mr. Fiss motioned to recommend approval of the Major Site Plan to the Board of Aldermen with the condition that the Developer provides an updated Landscape Plan before any construction and seconded by Mr. Christopher Jones.

Unanimous vote; motion carried.

C. Project Indigo Expansion Update

- i. Planned Unit Development Master Development Plan: Indigo Expansion, submitted by East-West Partners Partners Management Co, Inc. and Bald Head Island Limited, LLC
- ii. Zoning Map Amendment: 346.57 acres, R-20 to PUD, submitted by East-West Partners Partners Management Co, Inc., and Bald Head Island Limited LLC.

Chair Hodgkin reviewed the Hub Review Committee Meeting, which consisted of herself, Mo Meehan, and Christopher Jones. They met on June 8th along with Staff and applicants Mr. McKay Siegel and Mr. Chad Paul.

The Hub Committee discussed the requested illustrations for the housing units superimposed on the lots and requested any available housing prototypes. Mr. Siegel presented two area maps to the Hub Committee. Mr. Siegel committed at the Hub Committee Meeting to show the superimposed map at the full Board meeting on 6/22, but it was not available to display to the Board.

Chair Hodgkin asked Mr. Siegel if he had any additional drawings or information to show from the request of the Design and Character Subcommittee. Mr. Siegel said not at this time, but they should have the remaining three by tomorrow 6/23.

Chair Hodgkin requested an update on the initiation of any Archaeological/Cemetery Study and/or Protected Species studies, which was brought up at the Hub Meeting on 6/8; Mr. Siegel responded that anyone could visit those websites and search for any relevant information available.

Chair Hodgkin asked if the City's contracted Infrastructure Impact Analysis and the Development Fiscal Impact Analysis had been completed. She affirmed that no subcommittee's review work can be completed without those studies being examined and discussed. Mr. Lloyd said that they should be ready next week.

Chair Hodgkin asked for an update from each Subcommittee.

Environmental Concerns

Ms. Meehan said that Will Hewett, Gustavo Mibelli, herself, and the applicants and Staff met on June 13th. There was a discussion on wetland protection, stormwater management, conservation of habitat, and open space allocation for each neighborhood. The density and buffers around the development were also discussed, along with traffic safety. She explained that the meeting became contentious when detailed information regarding density for the PUD and R-10 was requested. She said more complex questions would be asked as the Committee reviews more in-depth knowledge.

Infrastructure

Mr. Fiss, Christopher Jones, and Dick Sloan met and discussed the responsibilities for the utility services. He said he questioned the City Manager regarding the legal responsibility for water, sewer, and electric service. Will the City have to pay for an updated substation? There are concerns about whether the City will bear any infrastructure expenses. Mr. Siegel addressed the Board and explained the County would provide the water and sewer service.

He said they (East-West Partners) would like the City to provide the electrical service; however, he understands that the City needs an updated substation unrelated to this development.

Traffic Impacts

Vice-Chair Hewett, Christopher Jones, and Mo Meehan met on June 16th with Roger Perry and McKay Siegel and discussed the community's concerns regarding traffic impacts. They thoroughly reviewed the Traffic Impact Analysis to ensure nothing was missed. A connection to 11th Street was suggested to be a viable solution to help distribute the traffic. There was a discussion on creating connectivity with pedestrian walkways and bike paths to reduce vehicular traffic.

Design and Character

Mr. Mibelli, lead of the Design and Character Subcommittee, stated that when the Development was first presented, he requested drawings of the parcels and that those drawings never came. He suggested that the Board vote not to recommend approval to the Board of Aldermen for the Indigo Phase 2 Development because it is inconsistent with the CAMA Land Use Plan (referenced Pgs 142-145). He said it clearly states the density is inappropriate for this development plan. He said the only potential benefit to the City would be an increase in the tax base, but that the tax rates are difficult to predict and can vary. He asked if the City should be willing to ignore the regulations just for this possible benefit. He stated further that citizens are highly concerned about the challenges they will face with safety, increased traffic, whether the hospitals will be able to accommodate the increase of people, and how to evacuate large populace numbers in an emergency.

Mr. Roger Perry with East-West Partners Partners addressed the Board and said they would like to work for the City's best interests. He would like to accommodate the type of housing the City would like, such as affordable housing, apartments, senior living, etc. He eagerly awaits the Infrastructure Impact Analysis and the Development Fiscal Impact studies, he said, as he believes these will alleviate some of the citizenry apprehension. He said they want to preserve open space and make a beautiful development that would benefit the City's needs.

Chair Hodgins asked for clarification on the relationship between East-West Partners Management Co. Inc. and Bald Head Island Limited LLC; that the ownership and development of Indigo P2 would be East-West Partners if approved. Mr. Perry verified that that was correct, but qualified that with explanation that some of the BHIL shareholders may remain as investors in East-West. He confirmed that East-West would be the sole Developer of the project. .

Chair Hodgins thanked the Subcommittees and Staff for their dedication to the process for this project. She said the Board would continue the review and the subcommittees would consider calendaring subsequent meetings after the requested information and the project's impact analysis reports have been received.

D. Major Site Plan: Tractor Supply, submitted by Paramount Engineering on Behalf of MDI Management LLC.

Mr. Lloyd gave an overview of the application and explained that the application is for an outparcel located at Southport Crossings. The proposed site shows a 21,930 sf building,

20,000 sf fenced outdoor display area, a 6,620 sf sidewalk outdoor display, and a 3,744 sf Garden Center.

A Review Committee that consisted of Mr. Will Hewett and Mr. Christopher Jones met on May 31st along with Staff and the Project Manager Mr. Mike Nichols. The Committee discussed the plan in detail and asked if the Trailer and Equipment area could be moved to the other side of the parking lot; they felt this would be more aesthetically pleasing and further away from the main 60' Public Right of Way entrance. The developer agreed to make this change. The Committee also asked if additional landscaping could be added to the rear perimeter of the site where it faces wetlands. The Developer made those amendments and removed some lighting in that area that spilled over into the wetlands. It was the consensus of the Committee to recommend approval of the Site Plan.

Vice-Chair Hewett motioned to recommend approval to the Board of Aldermen and was seconded by Mr. Mibelli. ***Unanimous vote; motion carried.***

8. New Business

A. Zoning Map Amendment: 300,302, and 304 W. 11th Street, submitted by Coastline Homes. (RZ-22-0512-01)

Mr. Lloyd explained that the application is for a Zoning Map Amendment on a .478 acre tract (20,821 sf) in the Corporate City limits. The property is located on W. 11th Street and is owned by Coastline Homes. It is currently zoned MF, and the applicant wants to rezone the property to R-10. The property consists of 3 existing lots in the historic Smith and Weeks Subdivision. The lots in this Subdivision are 42 ft. by 165 ft.

A Review Committee was appointed by Chair Hodgins, including Vice-Chair Hewett, Christopher Jones, and Scott Jones.

B. Zoning Map Amendment: 1208 N. Caswell Avenue, BD to R-10, submitted by Heidi Paiva. (RZ-22-0609-01)

Mr. Lloyd explained that the Zoning Map Amendment application is for a .141 acre. (6,138 sf) tract in the ETJ owned by Heidi Paiva at 1208 N. Caswell St. It is currently zoned BD, and the applicant would like to rezone the property to R-10. The property is one existing lot in the Historic Southport Heights Subdivision. The lots in this Subdivision are 50 ft by 123 ft. The rezoning would be consistent with the two previous rezonings that the Planning Board recommended at the May 19th meeting. This Zoning Map Amendment would bring this property in line with those directly north and south.

Chair Hodgins appointed a Review Committee, including Vice-Chair Hewett, Mr. Christopher Jones, and Mr. Scott Jones.

C. Zoning Map Amendment: Section 3.5 Table of Permitted and Special Uses: Commercial Recreation, Outdoor, submitted by Terin Ellis. (ZA-220531-01)

Mr. Lloyd explained that the request is for an amendment to the Table of Permitted Uses. The applicant requests that the table be modified to allow Commercial Recreation, Outdoor in the Business District. Commercial Recreation, Outdoor is defined as a commercial facility that is typically outdoors and that provides entertainment, recreational, and amusement opportunities. Examples include water parks, mazes, and miniature golf. If this were to be

approved, this would allow Commercial Recreation, Outdoor uses in all of the Business District.

Chair Hodgkin appointed a Review Committee, including Christopher Jones, Dick Sloan, and Sue Hodgkin.

D. Major Subdivision Sketch Plan: Jonas Creek Phase 3, submitted by Cottage Point LLC.

Mr. Lloyd explained the Sketch Plan for Phase 3 of Jonas Creek on 12.06 acres adjacent to W. West St and W. St. George St. Quartermaster Drive would be extended to W. West St. The total area of the Jonas Creek PUD is 20,658 sf. This proposed phase is 33 single-family lots, and will be the final phase. There will also be two other pocket parks. Mr. Carver Randolph and Mr. Owen Gidlow addressed the Board and stated that they are looking forward to working with the City to complete the final phase.

A Review Committee was appointed by Chair Hodgkin, which includes Mo Meehan, Scott Jones, and Mr. Christopher Jones, which will begin its work once the submittal from Cottage Point LLC is received.

E. Major Site Plan: 115 N. Howe St. Mixed-Use Development; submitted by Barbee Enterprises of Southport Inc.

Mr. Lloyd presented the Major Site Plan application for the redevelopment of an existing property within the City Limits. The property is located at 115 N. Howe St., at the corner of N. Howe and W. Nash St. The site area is 15,608 sf or (.38 acres). It is zoned in the Central Business District. The existing structure is proposed to be demolished and replaced with a new structure proposed as a multi-story building 102 feet by 90 feet. The layout on the site would add an additional 3,886 sf for a total of 14,317 sf. The Site Plan proposes four residential dwelling units. The Sketch Plan will be reviewed in detail to ensure all requirements are met and in accordance with the UDO.

A Review Committee was appointed by Chair Hodgkin, which includes Fred Fiss, Gustavo Mibelli, and Sue Hodgkin.

- 9. Other Business:** A recommendation was made by Mr. Christopher Jones to readdress the Open Space requirements for Subdivisions. He suggested forming a Review Committee to discuss the issue in more detail. It was the consensus of the Board to discuss the recommendation at a later time.

- 10. Announcements:** None

Chair Hodgins confirmed Mr. Fiss' return to Alternate Member status.

Adjournment:

There being no further business, Vice-Chair Hewett made a motion to adjourn, and second by Mr. Gustavo Mibelli. ***Unanimous vote; motion carried.***

Meeting adjourned at 8:00 P.M.

Sue Hodgins, Chair

Tanya Shannon, Deputy Clerk



PLANNING BOARD

MEMORANDUM

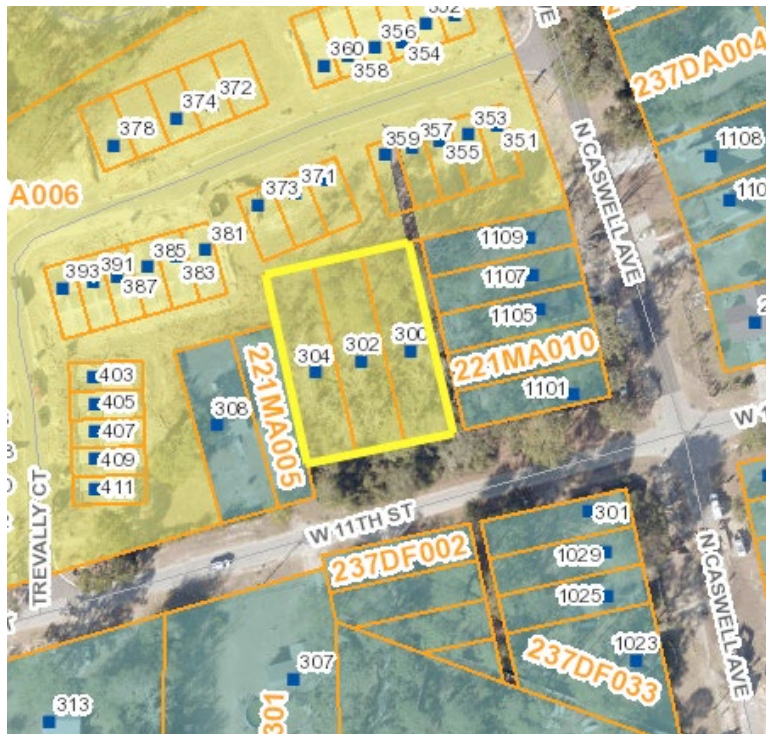
To: Members of the Planning Board
From: Thomas Lloyd, City Planner
Re: Zoning Map Amendment, MF to R-10, 300, 302, 304 W. 11th, submitted by Coastline Homes, Parcel ID ZZ1MA00803, ZZ1MA00802, ZZ1MA00801
Date: July 11, 2022

Background

The attached zoning map amendment application is for a .478 acre (20,821 sf) tract in the corporate limits on W. 11th street owned by Coastline Homes. It is currently zoned MF and the applicant would like to rezone the property to R-10. The property consists of 3 existing lots in the historic Smith & Weeks Subdivision. The lots in this subdivision are 42 ft by 165 ft. R-10 would allow this lot to be developed for single-family residential uses using the nonconforming R-10 lot provisions found in the ordinance.

The Planning Board and Board of Aldermen may consider the following when deciding on a zoning map amendment: all uses allowed in that zoning district, impact on neighbors, economic impact, tax base increase, spot zoning, road capacity, adequate infrastructure, community opinion, property values, Consistency with the CAMA Land Use Plan, the future land use map, jobs, public services, buffering requirements, the environmental impact, site limitations, and consistency with plans and prior decisions. The Boards cannot consider ethnicity, income, affordable housing, owner vs. rental housing, or who the owner is when deciding.

Figure 1: Existing Zoning Map



The surrounding area consists of MF to the North and R-10 to the West, East, and South.

Figure 2: CAMA Future Land Use Map



The Future Land Use Map shows the property as Medium Density Residential. Medium Density Residential is defined as single family residences, appropriately located duplexes, and parks. The North shows High Density Residential, the East and West show Medium Density Residential with Medium Density residential South of 11th Street.

PROCESS

To rezone the property to R-10, a zoning map amendment must be approved. A consistency statement will also be required for the zoning map amendment, which may include a motion for a recommendation of approval or denial. Following a recommendation from the Planning Board, the zoning map amendment will be sent to the Board of Aldermen for their consideration. A duly advertised public hearing will be held and the rezoning will require mailing a notice of the hearing to each property owner to be rezoned and abutting property owner. A review committee was appointed to review this zoning map amendment.

REVIEW COMMITTEE REPORT

The Review Committee met on July 12th to review the zoning map amendment. The committee went over the existing zoning and future land use map of the area. The future land use map shows this area as medium-density residential rather than multifamily. The committee found that rezoning this to R-10 would also be consistent with adjacent uses since it is single-family residential to the east, west, and south.

ACTION ITEM: CONSISTENCY STATEMENT- MAP AMENDMENT (REZONING)

The City of Southport Planning Board hereby finds that the proposed zoning map amendment is consistent with the 2015 CAMA Land Use Plan adopted November 13, 2014 and subsequently amended by the Board of Aldermen. More specifically, the proposed zoning map amendment is consistent with the future land use map and it is consistent with the CAMA land use plan because it encourages in-fill development within the City's districts and promotes efficient use of land (Objective 2 iii). Further, the Planning Board believes the zoning map amendment is reasonable and in the public interest because the properties are more suitable for the uses permitted in the R-10 Zoning District and because of the R-10 zoning district's dimensional requirements and development standards are better for the small nonconforming lots in this area. The Planning Board recommends that the Board of Aldermen adopt the zoning map amendment.



**City of Southport Planning Board
Statement of Plan Consistency and Zoning Recommendation
(As per NC General Statute 160D-604)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

AMENDMENT: RZ-22-0512-01

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby finds that the proposed zoning map amendment is consistent with the 2015 CAMA Land Use Plan adopted November 13, 2014 and subsequently amended by the Board of Aldermen. More specifically, the proposed zoning map amendment is consistent with the future land use map and it is consistent with the CAMA land use plan because it encourages in-fill development within the City's districts and promotes efficient use of land (Objective 2 iii). Further, the Planning Board believes the zoning map amendment is reasonable and in the public interest because the properties are more suitable for the uses permitted in the R-10 Zoning District and because of the R-10 zoning district's dimensional requirements and development standards are better for the small nonconforming lots in this area. The Planning Board recommends that the Board of Aldermen adopt the zoning map amendment.

The statement and motion was seconded and passed _____.

Tori Deviney, Permitting Technician

Sue Hodgins, Chair

Southport CAMA Land Use Plan Rezoning Talking Points

- All uses allowed in a zoning district. Rezoning cannot be based on consideration of only one use or a partial list of uses allowed within a zoning district. That would be contract zoning. Contract zoning is against the law.
- The potential for spot zoning. Rezoning requests will not be approved if the requested change will result in spot zoning. Spot zoning is a form of discriminatory zoning where the sole purpose is to serve private interests of one or more landowners instead of furthering the welfare of the entire community as part of an overall zoning plan.
- The likelihood of a zoning decision resulting in a strip development. Strip developments should be discouraged. These types of developments are typically commercial, extending along both sides of a major street. Strip development may severely reduce traffic-carrying capacity of abutting streets by allowing for excessive and conflicting curb cuts.
- Zoning regulations should be made in accordance with the Southport Land Use Plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its particular suitability for uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Southport's planning jurisdiction.
- Does Southport need more land in the zoning class requested?
- Is there property in the City that might be more appropriate for this zoning?
- Is the request in accordance with the CAMA Land Use Plan?
- Will the request have a serious impact on traffic circulation, parking space, sewer, water, or other utilities?
- Is there a good possibility that the request, as proposed, will result in lessening the enjoyment or use of adjacent properties?
- Will the request cause serious noise, odors, light, activity, or unusual disturbance?
- Does the request raise serious legal questions such as spot zoning, hardship, violation of precedents, or need for this type of use?
- Does the request adversely impact any CAMA AEC's or other environmentally sensitive areas including water quality?

Rezoning Application

City of Southport, North Carolina



1029 N. Howe St, Southport NC 28461

www.southportnc.org

Planning & Inspections

Phone 910-457-7961 Fax 910-457-7957

Date: 5/12/22

FEE: \$ 500.00

Permit #: R2-22-51222

Project Name (If Applicable): N/A

A complete application for any amendment shall contain a description of the proposed zoning regulation or zoning map amendment. The application shall state in detail whether the proposed amendment is consistent with CAMA Core Land Use Plan and any other officially adopted plan that is applicable. The application shall also give detailed evidence that the proposed amendment is in the interest and will benefit the general public and not solely be of benefit to the applicant; that the uses within the proposed zoning district are similar or comparable to the uses in the district as currently zoned, or that none of the uses permitted in the proposed zoning district may potentially adversely affect property values or the health, safety, morals, or general welfare of the residents of the surrounding area. Such application shall be filed with the Administrator to be processed in accordance with Section 12-5 of the UDO.

The Planning Board and Town Council may consider the following when deciding: Impact on neighbors and neighborhood, traffic, environment, utilities, suitability of land, harmony with area, schools, economic impact, tax base increase, spot zoning created, road capacity, adequate infrastructure, community opinion, property values, consistency with the Land Use Plan, future land use map, jobs, public services, buffering requirements, environmental impact, site limitations, and consistency with plans and prior decisions. The Boards cannot consider ethnicity, income, affordable housing, owner vs. renter housing, or who the owner is when deciding.

Petitioner Name: Coastline Homes NC, LLC

Mailing Address: 5710 Oleander Drive, Suite 101A City: Wilmington

State: NC Zip Code: 28403

Phone: 910-443-2872 Email: pj@coastlinehomesnc.com

Street Address and/or Description of Location: 300, 302, 304 W. 11th Street, Southport

Parcel ID #: ZZ1MA00803, ZZ1MA00802, ZZ1MA00801

Site Acreage: 0.478 Number of Lots: 3

Current Zoning District: MF Proposed Zoning District: R-10

T:\ApplicationForms\RezoningApplicationJuly2018.docx

If the proposed change would require a change in the zoning map, attach an accurate diagram of the property proposed for rezoning showing:

1. All property lines with dimensions and north arrow.
2. Adjoining streets with rights-of-way and paving widths.
3. The location of all existing structures on the property.
4. The existing land uses associated with the property.
5. The zoning classification of all abutting zoning districts.
6. A list of all abutting property owners.

Future Land Use Map Designation: Medium Density Residential

Is the proposed zoning consistent with the Land Use Plan? (Describe how it is consistent below if so)
(Please Circle One): Yes No

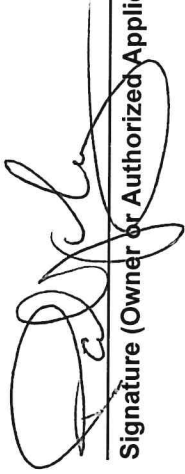
Please describe the changing conditions in the area or in the City of Southport that makes the proposed amendment necessary to the promotion of the public health, safety and general welfare, or that identifies an obvious error in the zoning map based upon the zoning classification or current land use of surrounding properties. Also include an explanation on why the proposed zoning is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary)

Current zoning directly across the shared alley way is R-10. The City of Southport Future Land Use Plan has these lots zoned as Medium Density Residential to match the surrounding land. I am looking to decrease the density in this location which will be all around more appealing for location and surrounding area. Thank you.

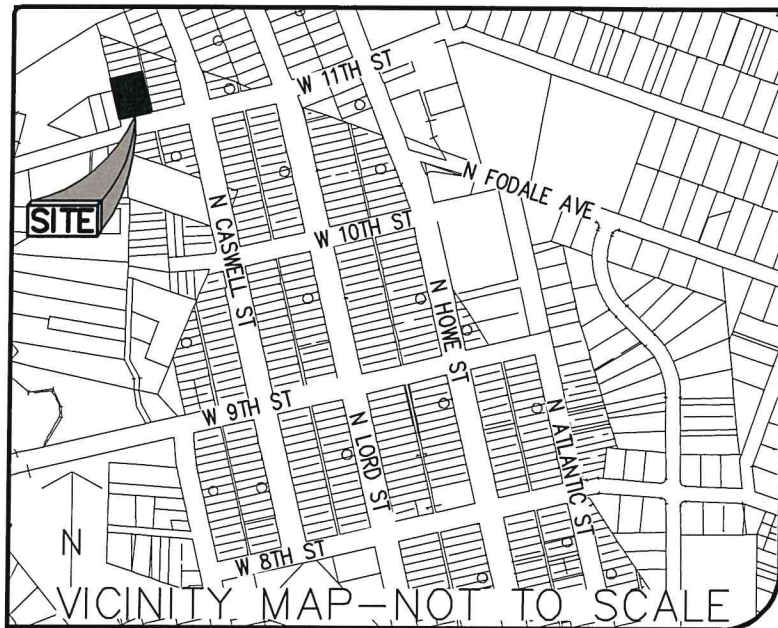
Rezoning Fees as of July 1, 2018

Rezoning: Less than 3 Acres	\$500.00
Rezoning: 3.01-6.00 Acres	\$1,000.00
Rezoning: 6.01 + Acres	\$1,000.00 + \$100/acre

In filing this Rezoning Petition, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.


Signature (Owner or Authorized Applicant)

5-12-22
Date



COASTLINE HOMES

LOT 1R - LOTS 1-5 - BLOCK 15 - RECOMBINATION
MAP CABINET 132, PAGE 83
P.I.D. # 221MA00801 (304 WEST 11th STREET)

GENERAL NOTES

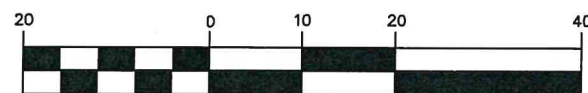
1. THIS IS A PLOT PLAN ON AN EXISTING PARCEL(S) OF LAND AND IS ONLY FOR THE PURPOSE OF SHOWING THE APPROXIMATE LOCATION OF THE PROPOSED FOUNDATION.
2. FLOOD NOTE: BY GRAPHIC PLOTTING THE SUBJECT PARCEL APPEARS TO BE LOCATED IN FLOOD HAZARD ZONE "X" (MINIMAL FLOOD RISK), ACCORDING TO DFIRM MAP 2720209600 K, EFFECTIVE DATE: AUGUST 28, 2018.
3. PROPERTY ZONED: "MF" (MULTI-FAMILY DISTRICT).
4. BUILDING SETBACKS PER "MF" ZONING: FRONT: 25' SIDE: 8' REAR: 20'
5. HOUSE PLAN PROVIDED BY COASTLINE HOMES.
6. BEARINGS FOR THIS SURVEY ARE BASED M.C. 125, PG. 96.
7. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
8. THE IMPERVIOUS AREA SHOWN (IF ANY) IS AN ESTIMATE BASED ON THE FOUNDATION, DRIVEWAY AND WALKWAY LAYOUT AS SHOWN WITHIN THE BOUNDARIES OF THE LOT, AND INCLUDES ANY AREAS WITHIN THE PUBLIC R/W.
9. UTILITIES SHOWN - IF ANY - MAY OR MAY NOT BE ALL THAT ARE PRESENT ON SITE.

I HEREBY CERTIFY TO COASTLINE HOMES THAT THIS PLOT PLAN EXHIBIT IS A TRUE AND ACCURATE REPRESENTATION OF THE RECORDED PARCEL & PROPOSED HOUSE FOOTPRINT, AND THAT THE PLOT PLAN WAS PREPARED UNDER MY SUPERVISION

PRELIMINARY
NOT FOR RECORDING OR CONVEYANCE
MILES O. MCCALL III, PLS L-3518

5/9/22
DATE

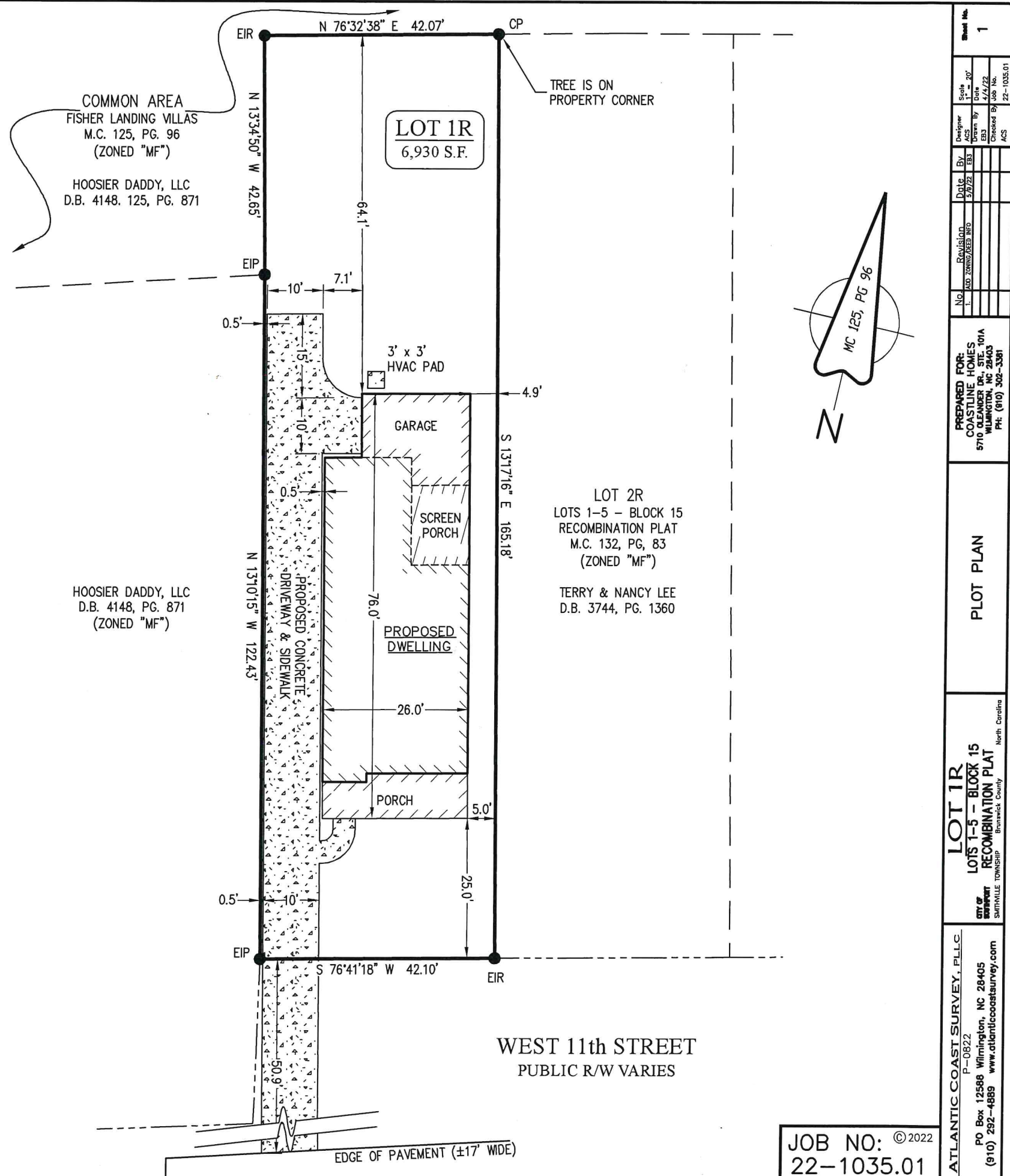
GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

LEGEND

- EIP EXISTING IRON PIPE
- EIR EXISTING IRON REBAR
- CP CALCULATED POINT



JOB NO: ©2022
22-1035.01

Sheet No.	1
Scale	20'
Date	4/4/22
Drawn By	EBJ
Checked By	ACS
Job No.	22-1035.01
Prepared For:	COASTLINE HOMES
Project:	LOT 1R
Address:	304 WEST 11th STREET
City:	WILMINGTON, NC
State:	NC
Zip:	28405
Phone:	(910) 292-4889
Website:	www.atlanticcoastsurvey.com
Lot:	LOT 1R
Block:	LOT 1-5 - BLOCK 15
Recombination:	RECOMBINATION PLAT
Survey:	ATLANTIC COAST SURVEY, PLLC
Survey No.:	P-0822
Survey Date:	5/9/22
Survey Location:	WILMINGTON, NC
Survey State:	NC
Survey Zip:	28405
Survey Phone:	(910) 292-4889
Survey Website:	www.atlanticcoastsurvey.com



COASTLINE HOMES

LOT 2R - LOTS 1-5 - BLOCK 15 - RECOMBINATION
MAP CABINET 132, PAGE 83
P.I.D. # 221MA00802 (302 WEST 11th STREET)

GENERAL NOTES

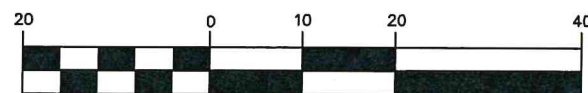
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PRELIMINARY
NOT FOR RECORDING OR CONVEYANCE
MILES O. MCCALL III, PLS L-3518

5/9/22
DATE

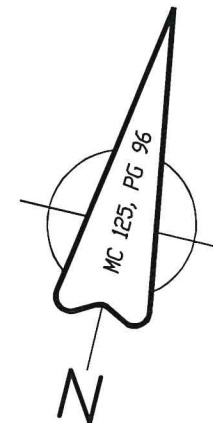
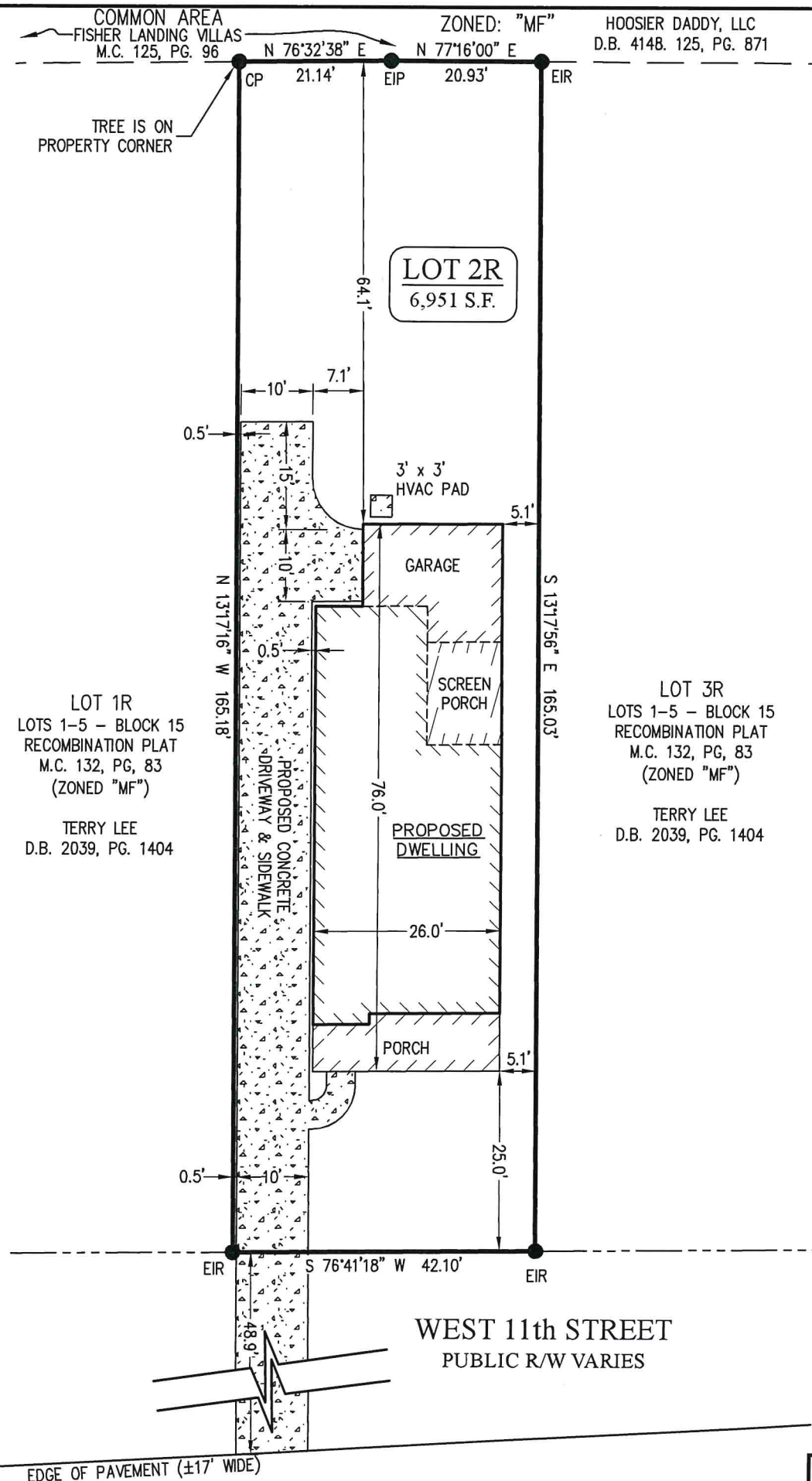
GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

LEGEND

- EIP EXISTING IRON PIPE
- EIR EXISTING IRON REBAR
- CP CALCULATED POINT

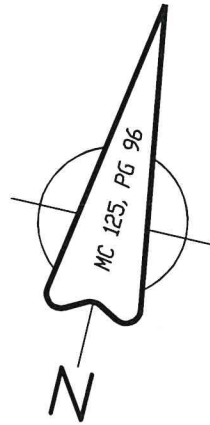


Sheet No.	1
Scale	20'
Drawn By	EBJ
Check By	ACS
Date	5/9/22
Revision	NO
No.	1
Prepared For	COASTLINE HOMES 5710 CLELAND DR., STE. 101A WILMINGTON, NC 28403 PH: (910) 302-3381
Plot Plan	LOT 2R LOTS 1-5 - BLOCK 15 RECOMBINATION PLAT M.C. 132, PG. 83 (ZONED "MF") TERRY LEE D.B. 2039, PG. 1404
City or Township	SOUTHPORT SUMMITVILLE TOWNSHIP Brunswick County North Carolina
Atlantic Coast Survey, PLLC	P-0822 PO Box 12588 Wilmington, NC 28405 (910) 292-4889 www.atlanticcoastsurvey.com
Job No.	22-1035.01

JOB NO: ©2022
22-1035.01



- LEGEND**
- EIP EXISTING IRON PIPE
 - EIR EXISTING IRON REBAR
 - CP CALCULATED POINT



COASTLINE HOMES

LOT 3R - LOTS 1-5 - BLOCK 15 - RECOMBINATION
MAP CABINET 132, PAGE 83
P.I.D. # 221MA00803 (300 WEST 11th STREET)

GENERAL NOTES

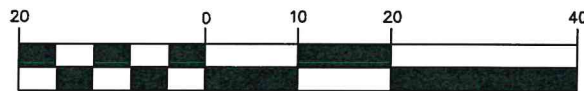
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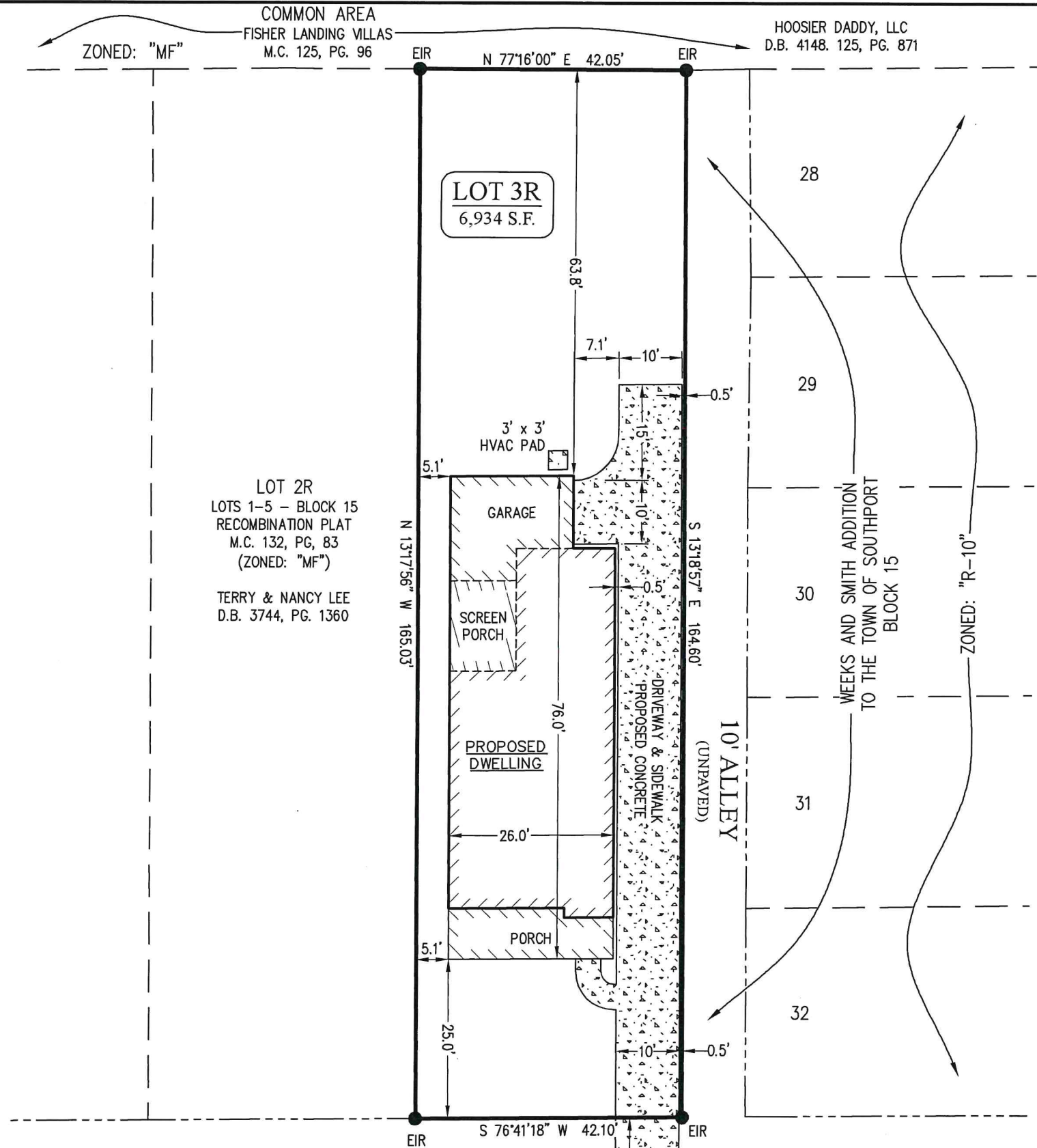
PRELIMINARY
NOT FOR RECORDING OR CONVEYANCE
MILES O. MCCALL III, PLS L-3518

5/9/22
DATE

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



WEST 11th STREET
PUBLIC R/W VARIES

EDGE OF PAVEMENT (±17' WIDE)

JOB NO: © 2022
22-1035.01

Sheet No.	1
Scale	20'
Date	4/4/22
Drawn By	EB3
Checked By	ACS
Job No.	22-1035.01
Revised	No
Revised By	ACS
Revised Date	5/9/22
Revised Description	WFO
Prepared For	COASTLINE HOMES
Prepared By	5710 CLELAND DR. STE. 101A
Prepared Date	WILMINGTON, NC 28403
Prepared Phone	PH: (910) 302-3381
Plot Plan	
Lot 3R	
Lots 1-5 - Block 15	
Recombination Plat	
City of Southport	Surfside County
Atlantic Coast Survey, PLLC	P-0822
PO Box 12586	Wilmington, NC 28405
(910) 292-4889	www.atlanticcoastsurvey.com



PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board
From: Thomas Lloyd, City Planner
Re: Zoning Map Amendment, BD to R-10, 1208 N. Caswell Ave, submitted by Heidi Paiva, Parcel ID 221MAO00104 (RZ 22-0609-01)
Date: July 11, 2022

Background

The attached zoning map amendment application is for a .141 acre (6,138.5 sf) tract in the ETJ owned by Heidi Paiva at 1208 N Caswell St. It is currently zoned BD and the applicant would like to rezone the property to R-10. The property consists of 1 existing lot in the historic Southport Heights subdivision, originally platted in 1910. The lots in this subdivision are 50 ft by 123 ft. R-10 would allow this lot to be developed for single-family residential uses using the nonconforming R-10 lot provisions found in the ordinance. This rezoning would be consistent with the two previous rezonings that the Planning Board recommended at the May 19th meeting. Those tracts were rezoned from MF/BD to R-10 and the 6/09 Board of Aldermen meeting. This zoning map amendment would bring this property in line with the ones directly to the north and south of it. Depending on the Board's comfort level, a statement of consistency could be adopted or this could be examined by a review committee.

The Planning Board and Board of Aldermen may consider the following when deciding on a zoning map amendment: all uses allowed in that zoning district, impact on neighbors, economic impact, tax base increase, spot zoning, road capacity, adequate infrastructure, community opinion, property values, Consistency with the CAMA Land Use Plan, the future land use map, jobs, public services, buffering requirements, the environmental impact, site limitations, and consistency with plans and prior decisions. The Boards cannot consider ethnicity, income, affordable housing, owner vs. rental housing, or who the owner is when deciding.

Figure 1: Existing Zoning Map



The surrounding area consists of R-10 to the North, East, and South. There is MF across N Caswell to the West.

Figure 2: CAMA Future Land Use Map



The Future Land Use Map shows the property as High Density Residential. High Density Residential is defined as a variety of single and multi-family residential uses. The allowable density is 11 units per acre. The North shows Light Commercial, the East shows High Density Residential with Medium Density residential below 12th St.

PROCESS

To rezone the property to R-10, a zoning map amendment must be approved. A consistency statement will also be required for the zoning map amendment, which may include a motion for a recommendation of approval or denial. Following a recommendation from the Planning Board, the zoning map amendment will be sent to the Board of Aldermen for their consideration. A duly advertised public hearing will be held and the rezoning will require mailing a notice of the hearing to each property owner to be rezoned and abutting property owner. A review committee was appointed to review this zoning map amendment.

REVIEW COMMITTEE REPORT

The Review Committee met on July 12th to review the zoning map amendment. The committee went over the existing zoning and future land use map of the area. The future land use map shows this area as high-density residential rather than Business District. The committee found that rezoning this to R-10 would also be consistent with adjacent uses since it is single-family residential to the east, west, and south. It was the consensus of the Review Committee to recommend that the Planning Board rezone it to R-10.

There was a question brought up at the previous meeting about whether this rezoning would constitute spot zoning. According to the UNC School of Government, Spot Zoning is defined as *the practice of zoning a relatively small area differently from the surrounding property*. These cases typically involve property that is owned by one person and a rezoning that only benefits one person and not the overall public interest. When determining whether something is spot zoning, it is important to consider the size of the tract in question, the compatibility of the proposed zoning with the comprehensive plan, the compatibility of the proposed zoning with the surrounding area, and the relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts. Staff argues that this is the opposite of spot zoning since the rezoning is compatible with the comprehensive plan, the proposed zoning is more compatible with the surrounding area as single family residential as opposed to Business District, and the permitted uses in R-10 are more compatible with the surrounding residential zoning than the permitted uses in Business District. Otherwise, there would be one small tract zoned Business District adjacent to areas largely zoned R-10 and MF.

ACTION ITEM: CONSISTENCY STATEMENT- MAP AMENDMENT (REZONING)

The City of Southport Planning Board hereby finds that the proposed zoning map amendment is consistent with the 2015 CAMA Land Use Plan adopted November 13, 2014 and subsequently amended by the Board of Aldermen. More specifically, the proposed zoning map amendment is consistent with the future land use map and it is consistent with the CAMA land use plan because it encourages in-fill development within the City's districts and promotes efficient use of land (Objective 2 iii). Further, the Planning Board believes the zoning map amendment is reasonable and in the public interest because the properties are more suitable for the uses permitted in the R-10 Zoning District and because of the R-10 zoning district's

dimensional requirements and development standards are better for the small nonconforming lots in this area. The Planning Board recommends that the Board of Aldermen adopt the zoning map amendment.



**City of Southport Planning Board
Statement of Plan Consistency and Zoning Recommendation
(As per NC General Statute 160D-604)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

AMENDMENT: RZ-22-0609-01

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby finds that the proposed zoning map amendment is consistent with the 2015 CAMA Land Use Plan adopted November 13, 2014 and subsequently amended by the Board of Aldermen. More specifically, the proposed zoning map amendment is consistent with the future land use map and it is consistent with the CAMA land use plan because it encourages in-fill development within the City's districts and promotes efficient use of land (Objective 2 iii). Further, the Planning Board believes the zoning map amendment is reasonable and in the public interest because the properties are more suitable for the uses permitted in the R-10 Zoning District and because of the R-10 zoning district's dimensional requirements and development standards are better for the small nonconforming lots in this area. The Planning Board recommends that the Board of Aldermen adopt the zoning map amendment.

The statement and motion was seconded and passed _____.

Tori Deviney, Permitting Technican

Sue Hodgins, Chair

Southport CAMA Land Use Plan Rezoning Talking Points

- All uses allowed in a zoning district. Rezoning cannot be based on consideration of only one use or a partial list of uses allowed within a zoning district. That would be contract zoning. Contract zoning is against the law.
- The potential for spot zoning. Rezoning requests will not be approved if the requested change will result in spot zoning. Spot zoning is a form of discriminatory zoning where the sole purpose is to serve private interests of one or more landowners instead of furthering the welfare of the entire community as part of an overall zoning plan.
- The likelihood of a zoning decision resulting in a strip development. Strip developments should be discouraged. These types of developments are typically commercial, extending along both sides of a major street. Strip development may severely reduce traffic-carrying capacity of abutting streets by allowing for excessive and conflicting curb cuts.
- Zoning regulations should be made in accordance with the Southport Land Use Plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its particular suitability for uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout Southport's planning jurisdiction.
- Does Southport need more land in the zoning class requested?
- Is there property in the City that might be more appropriate for this zoning?
- Is the request in accordance with the CAMA Land Use Plan?
- Will the request have a serious impact on traffic circulation, parking space, sewer, water, or other utilities?
- Is there a good possibility that the request, as proposed, will result in lessening the enjoyment or use of adjacent properties?
- Will the request cause serious noise, odors, light, activity, or unusual disturbance?
- Does the request raise serious legal questions such as spot zoning, hardship, violation of precedents, or need for this type of use?
- Does the request adversely impact any CAMA AEC's or other environmentally sensitive areas including water quality?

Zoning Map Amendment

City of Southport, North Carolina

PAIDCK. NO. 1334DATE 6/10/22 JD

1029 N. Howe St, Southport NC 28461

www.southportnc.org**Planning & Inspections**

Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only
PERMIT No. RZ 22-06001-01 **FEE: \$** 500.00 **Date Received:** 6/9/22
Applicant's Name: Heidi Paiva**Mailing Address:** 43134 Watercrest Sq, Unit 205 **City:** Chantilly**State:** VA **Zip Code:** 20152 **Phone:** 703-405-2287**Email:** hpaiva49@gmail.com**Property Owner's Name:** Heidi Paiva**Address of Owner:** 43134 Watercrest Sq, Unit 205 **City:** Chantilly**State:** VA **Zip Code:** 20152 **Phone:** 703-405-2287**Email:** hpaiva49@gmail.com**Project Name:** Rezoning of 1208 N. Caswell**Project Address and/or Description of Location:** 1208 N. Caswell Ave, Southport, NC (vacant lot)**Parcel ID #:** 221MA00104 **Number of Lots:** 1 **Site Acreage:** .14 ac**Current Zoning District:** City of Southport **Proposed Zoning District:** City of Southport

A complete application for any amendment shall contain a description of the proposed zoning regulation or zoning map amendment. The application shall state in detail whether the proposed amendment is consistent with the CAMA Core Land Use Plan and any other officially adopted plan that is applicable. The application shall also give detailed evidence that the proposed amendment is in the interest and will benefit the general public and not solely be of benefit to the applicant; that the uses within the proposed zoning district are similar or comparable to the uses in the district as currently zoned, or that none of the uses permitted in the proposed zoning district may potentially adversely affect property values or the health, safety, morals, or general welfare of the residents of the surrounding area. Such application shall be filed with the Administrator to be processed in accordance with Section 2.7.D of the UDO.

The Planning Board and Board of Aldermen may consider the following when deciding: Impact on neighbors and neighborhood, traffic, environment, utilities, suitability of land, harmony with area, schools, economic impact, tax base increase, spot zoning created, road capacity, adequate infrastructure, community opinion, property values, consistency with the Land Use Plan, future land use map, jobs, public services, buffering requirements, environmental impact, site limitations, and consistency with plans and prior decisions. The Boards cannot consider ethnicity, income of future residents, owner vs. renter housing, or who the owner is when deciding.

If the proposed change would require a change in the zoning map, attach an accurate diagram of the property proposed for rezoning showing:

- A. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerline;
- B. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines, shall be construed as following such lines, limits, or boundaries;
- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;
- D. Where a district boundary divides a lot each part of the lot or tract so divided shall be used in conformity with the regulations established by this ordinance for the district in which said part is located, nor shall a change in lot line be construed to have modified a zoning district boundary;
- E. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- F. Where any further uncertainty exists, the UDO Administrator shall interpret the intent of the map as to location of such boundaries.

Future Land Use Map Designation: High density residential

Is the proposed zoning consistent with the Land Use Plan? (Check One and Describe Below):

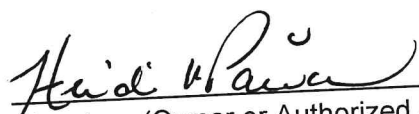
☒ Yes ☐ No

Looking to change the location from commercial to residential zoning. All adjacent properties are currently in the process of being changed to residential.

Please describe the changing conditions in the area or in the City of Southport that makes the proposed amendment necessary to the promotion of the public health, safety and general welfare, or that identifies an obvious error in the zoning map based upon the zoning classification or current land use of surrounding properties. Also include an explanation on why the proposed zoning is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary)

It would be highly beneficial for the City of Southport to change the location of 1208 N. Caswell Ave from a commercial zoning to residential. As previously stated, all of the surrounding properties are currently being rezoned to residential and having one small commercial lot just wouldn't make sense for that specific location.

In filing this Rezoning Petition, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.


Signature (Owner or Authorized Applicant)

06/03/2022

Date

APPROVED BY:

UDO Administrator

Date



PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board
From: Thomas Lloyd, City Planner
Re: Zoning Text Amendment, Section 3.5 Table of Permitted and Special Uses, submitted by Terin Ellis
Date: July 12, 2022

BACKGROUND

Attached is a request to amend the table of permitted uses. The applicant is requesting that the table be modified to make Commercial Recreation, Outdoor permitted by right in the Business District. Commercial Recreation, Outdoor is defined as a commercial facility that is typically outdoors and that provides entertainment, recreational, and amusement opportunities. Examples include water parks, mazes, and miniature golf. It is important to note that this would allow Commercial Recreation, Outdoor uses in all of the Business District. Below is the amendment that the applicant has proposed:

Table 3.1: Table of Uses	Districts													Use Stand ard
	P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard													
Uses	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
CLUBS OR LODGE		SS	SS			SS		SS	PS	PS				3.8.F
COMMERCIAL PARKING LOTS	812930						SS	SS	SS	PS	SS			3.8.G
COMMERCIAL RECREATION, INDOOR						S		S	P	P				
COMMERCIAL RECREATION, OUTDOOR									P	P				

PROCESS

In order to amend the Unified Development Ordinance, a zoning text amendment must be approved by the Board of Aldermen. The Planning Board must review the text amendment and adopt a statement of consistency and recommendation. Following a recommendation from the Planning Board, the zoning text amendment is then sent to the Board of Aldermen for their consideration. A duly advertised public hearing is then held to gain public feedback on the text amendment prior to a decision. For the first step in the process, the Planning Board appointed a review committee to review the zoning map amendment. Chair Hodgins, Chris Jones, and Dick Sloan were appointed to the committee.

REVIEW COMMITTEE REPORT

The Review Committee met on July 30th to review the zoning text amendment. Present were the committee members staff, and the applicant Terin Ellis. The committee discussed the proposed change. There were concerns raised about whether this would be an appropriate use in the Business District and whether it would fit in with the uses that are already allowed in BD as well as the character of BD. There were also safety concerns about outdoor recreation being too close to the road. Even more so with the amount of traffic on Howe Street. The committee members felt like this would be more appropriate in a zoning district like Highway Commercial. Highway Commercial would have more restrictive dimensional standards like setbacks and buffers to keep outdoor recreation a more appropriate distance from the road. It was the consensus of the review committee to recommend the denial of the zoning text amendment.

ACTION ITEM: CONSISTENCY STATEMENT- TEXT AMENDMENT

The City of Southport Planning Board hereby finds that the proposed zoning text amendment is inconsistent with the 2015 CAMA Land Use Plan adopted on November 13, 2014 and subsequently amended by the Board of Aldermen. More specifically, the proposed zoning text amendment is inconsistent with the CAMA Land Use Plan core value of preserving the city's historic character, Policy 7.9 (The City will encourage development that supports its Vision and Core Values, protect its resources, and preserve its atmosphere). Further, the amendment is not in the public interest because the outdoor recreation use is not compatible with the uses in the Business District. The Planning Board recommends that the Board of Aldermen **DENY** the zoning map amendment.



City of Southport Planning Board
Statement of Plan Consistency and Zoning Recommendation
(As per NC General Statute 160D-604)

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

AMENDMENT: ZA-22-0531-01

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby finds that the proposed zoning text amendment is inconsistent with the 2015 CAMA Land Use Plan adopted on November 13, 2014 and subsequently amended by the Board of Aldermen. More specifically, the proposed zoning text amendment is inconsistent with the CAMA Land Use Plan core value of preserving the city's historic character, Policy 7.9 (The City will encourage development that supports its Vision and Core Values, protect its resources, and preserve its atmosphere). Further, the amendment is not in the public interest because the outdoor recreation use is not compatible with the uses in the Business District. The Planning Board recommends that the Board of Aldermen **DENY** the zoning map amendment.

The statement and motion was seconded and passed _____.

Tori Deviney, Permitting Technican

Sue Hodgins, Chair

Text Amendment

City of Southport, North Carolina

PAID

CK. NO. CASH
DATE 5/31/22 JD



1029 N. Howe St, Southport NC 28461

www.southportnc.org

Planning & Inspections

Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

PERMIT No. ZA 22-0531-01 FEE: \$ 100.00 Date Received: 5/31/22

Applicant's Name: Terin Ellis
Mailing Address: 593 Lockwood Folly Rd SE City: Bolivia
State: NC Zip Code: 28422 Phone: 910 583 0601
Email: EllisTerin@gmail.com

Section 3.5 Table of Permitted and Special Uses

Current Section Impacted by Proposed Text Amendment: [REDACTED]

Please describe the conditions that makes the proposed text amendment necessary for the promotion of public health, safety, and general welfare; or that identifies an obvious error in the UDO. Also explain why the proposal is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary).

zoning this area for outdoor recreation would
promote general welfare for residents of all ages.

In filing this Text Amendment Petition, I hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Terin Ellis
Signature (Applicant)

5/31/2022
Date

APPROVED BY:

UDO Administrator

Date

City of Southport
Unified Development Ordinance (UDO)

Table 3.1: Table of Uses		Districts P = Permitted by Right; S = Special Use; PS or SS = Permitted or Special Use with a Use Standard												Use Stand ard
Uses	ICS	R-10	R-20	M F	MH	PUD	O-I	CBD	BD	HC	LI	HI	O S	Section #
CLUBS OR LODGE		SS	SS			SS		SS	PS	PS				3.8.F
COMMERCIAL PARKING LOTS	812930						SS	SS	SS	PS	SS			3.8.G
COMMERCIAL RECREATION, INDOOR						S		S	P	P				
COMMERCIAL RECREATION, OUTDOOR									<u>P</u>	P				
CONTRACTORS, EQUIPMENT & SUPPLY DEALERS & SERVICE	811310									P	P	P		
CONTRACTORS, HEAVY CONSTRUCTION; GRADING, PAVING, MARINE, ETC.	234										P	P		
CULTURAL ARTS CENTER, INCL. THEATERS, OFFICES, CLASSROOMS, ETC.						P	P	P	P	P				
DANCE STUDIOS	611610					P	P	P	P	P				
DAYCARE, ADULT AND CHILD	624120						SS	SS	PS	PS				3.8.H
DIVERS, COMMERCIAL								P	P	P	P	P		
DRY CLEANERS	812320					SS		PS	PS	PS				3.8.I
DRY STORAGE										PS	PS	PS		3.8.J
EDUCATIONAL FACILITY		S	S	S	S	S	P	P	P	P				
ELECTRONIC GAMING OPERATIONS										SS				3.8.K
EXTERMINATING SERVICES	561710							PS	P S	P	P	P		3.8.L
FARMERS'S MARKET	445230	SS				SS		SS	PS	PS			S S	3.8.M
FARM MACHINERY SALE AND SERVICE									S	P	P			



PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board
From: Thomas Lloyd, City Planner
Re: Major Site Plan, 115 N Howe Street Mixed-Use Development, submitted by Barbee Enterprises of Southport
Date: July 15, 2022

BACKGROUND

The attached Major Site Plan application is for the redevelopment of an existing property in the city limits. This project triggered a Major Site Plan because it contains more than 10,000 sf of impervious area. The property is located at 115 N. Howe Street and is at the Corner of N. Howe and W. Nash St. The site area is 15,608 sf or (.38 acres). The zoning district is the Central Business District. Central Business District is defined as a restricted district in which commercial uses are densely developed in accordance with the City's historical commerce center. The proposed uses of the site are Retail, Restaurant, and Residential.

The existing structure on site is proposed to be demolished and replaced with a new structure. The proposed structure is a multi-story building that is 102 feet x 90 feet. The existing impervious area on the site is 11,431 sf. The proposed layout of the site would add an additional 2,886 sf for a total of 14,317 sf. The % of impervious area for the site is 91.73 %. The site plan is proposing 4 residential dwelling units. The UDO requires 2 spaces per residential unit regardless of whether it is in the Central Business District or not. Within the CBD Zoning district, no off-street parking shall be required for any nonresidential use, whether new construction or change of use/redevelopment. The only exception to this is for residential uses as mentioned above. There are 8 total spaces. Parking facilities less than 10 spaces are not required to meet the parking facility landscaping guidelines. Street yard buffers are not required in the BD or CBD zoning districts. Buffer yards are also not required in CBD where adjacent to R-10 property. However, in this case staff would recommend that a fence be installed.

Attached are the exterior elevations. New construction in the CBD and BD are subject to the following design guidelines:

3.11 BUILDING DESIGN STANDARDS

A. PURPOSE

The purpose of this section is to ensure architectural compatibility and the establishment and preservation of architectural character throughout the city.

B. APPLICABILITY

The requirements of this section shall apply to the CBD and BD zoning districts in the following circumstances:

1. All new construction other than single-family or two-family dwellings.
2. Communication towers, religious institutions, government buildings, public structures, and uses within the LI and HI districts shall be exempt from these requirements.

C. DESIGN STANDARDS

1. The primary entrance of the structure shall be architecturally and functionally designed on the front facade facing the primary street.
2. Except for corner lots, the front facade of the principal structure shall be parallel to the front lot line and street.
3. Façade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity, metallic, fluorescent, dayglow, or neon colors shall be prohibited.
4. Ground-mounted mechanical equipment, solid waste storage, and recycling storage shall be located to the rear or side yard and screened from view of the street.
5. Outparcels shall be designed and integrated with the main project or principal structure.
6. No portion of a building facing a front or side lot line, unless a zero lot line common wall, shall be constructed of unadorned (unfaced) concrete masonry units or corrugated and/or sheet metal.
7. No single facade extending unbroken more than 35 feet in a horizontal plane may be visible from a public roadway. Compliance may be obtained through one of the following:
 - a) The use of projections or recesses. When used, each projection or recess shall have a projection (or depth) dimension of no less than 18 inches and a width of no less than 36 inches; or
 - b) The use of columns or other architectural detail to provide visual interest. Where used, columns should be harmonious with the general design of the structure.
8. At least 25% of the first floor of the street facade(s) shall be transparent (including all sides facing a street right-of-way). Street level windows shall be visually permeable. Mirrored glass is not permitted in any location. False or display casements are not permitted in lieu of exterior window treatments for the frontage elevation. A window shall be measured as follows:
 - a) Minimum area: 16 square feet
 - b) Minimum width: 3 feet

- c) Minimum height: 4 feet
- 9. A pitched roof shall have eaves a minimum of 12 inches from the building face including gutters. This shall not apply to zero lot line structures.

D. COMPLIANCE

Compliance with the requirements of this section shall be demonstrated through submittal of architectural drawings in conjunction with the appropriate approval type. Drawings shall include, but not be limited to, a floor plan, roof plan, and all exterior building elevations.

At the June 16th Planning Board meeting, a review committee was appointed to look over this project.

REVIEW COMMITTEE REPORT

The review committee met on July 15th at 3:30 pm. The review committee consisted of Chair Sue Hodgin, Gustavo Mibelli, Fred Fiss, and staff. Also present was the project manager Ron Greger and the property owners Frankie & Eric Beacham. The committee started out discussing the importance of the Central Business District in Southport and how it was important to have architectural design that matched the character of Southport. The review committee mentioned that missing from the application was a Traffic Impact Study, lighting plan, and signage plan. A traffic impact study is required for any project that exceeds 500 trips a day. If an applicant feels like their project does not exceed 500 trips a day, they need to have a traffic engineer submit documentation as to why this is the case using ITRE Trip Generation Manual. The applicant said that they would get back together with their civil engineer and work on that documentation. A review committee also indicated that they were concerned with the lack of parking for these uses. Although the CBD does not require off-street parking for nonresidential uses, they were concerned with the lack of parking for the intensity of uses at this location. There was discussion on the 8 parking spaces for nonresidential uses and how one of those parking spaces was handicapped. They asked if the dwelling units be able to use this spot if they did not have a handicapped placard. Staff indicated that they would not. Mr. Mibelli brought up the 5 ft parking setback from the property line and how it needed to be shown on the plan. Mr. Greger indicated he would get that modified. He also asked whether there would be an elevator structure to the rooftop bar in order to comply with ADA requirements. The elevator shaft would need to be in line with zoning requirements. The committee also discussed that the corner visibility needed to be clarified and discussed the increase in impervious area on the site. While the site already has 11,431 sf of impervious area, there would be an additional 2,886 added to the site if developed how proposed. The committee further discussed the architectural compatibility. Mr. Greger said they were willing to talk about architectural considerations within reason. He indicated that they would talk to a local architect in Wilmington to get further ideas on how to soften the building and make it more compatible with Southport. There was also discussion on whether the applicant was aware of potential changes to the City's lighting policy and becoming Dark Sky Compliant. Mr. Fiss asked about the occupancy and whether there was enough Egress according to the fire code. It was his understanding that there would need to be 3 stairwells. Mr. Greger indicated that they were

considering adjusting that and that they would need to resubmit an updated version. There was also discussion on grease interceptors, recycling containers, and the dumpster. Mr. Fiss conveyed to the applicant that folks around town indicated that they would be more comfortable with a two-story structure rather than a 38 foot tall building. Mr. Greger indicated that this was a good way to introduce the project and that they gained valuable feedback. He indicated that he would incorporate some changes and bring the plan back as a resubmittal.

It was the consensus of the review committee to table this site plan until it comes back for resubmittal.



PLANNING BOARD

MEMORANDUM

To: Chair Hodgins, Members of the Planning Board
From: Thomas Lloyd, City Planner
Re: Indigo PUD Master Development Plan, Submitted by East-West Partners in partnership with Bald Head Island Limited, designed by LandDesign
Date: 07/15/2022

BACKGROUND

In partnership with Bald Head Limited, East-West Partners has submitted a PUD Master Development Plan and Rezoning application that would rezone 346.57 acres of undeveloped property adjacent to Smithville Woods, Cades Cove, and Indigo Plantation from R-20 to PUD. A small portion of the property is within our corporate limits, with the majority of it being located within the Extra-Territorial Jurisdiction. Since it is split between the two, all of it is within our zoning jurisdiction. The developer has also submitted an annexation application in order to concurrently annex into the City if the Rezoning is approved.

PROCESS

A Planned Unit Development (PUD) is planned and developed as an integral unit, in a single development operation or a programmed series of development operations and according to an approved master development plan. All PUDs require an amendment to the City's zoning map and master development plan approval, followed by the major subdivision approval process. The minimum amount of land required for a PUD district is 9 acres of net buildable area within the corporate limits or 25 acres of net buildable area within the ETJ. This development is 346.57 acres; therefore, it meets the criteria.

The application for a PUD must be accompanied by an application to amend the zoning map (rezoning) to the planned unit development zoning district. The rezoning application should be submitted concurrently with the PUD master development plan. The approval process for a PUD Master Development Plan is the same as a zoning map amendment. The Planning Board typically provides an advisory recommendation on the PUD master development plan and rezoning within 90 days after introducing such a petition at a regularly scheduled meeting and

submits its recommendation to the Board of Aldermen. The Planning Board has received an extension until July 21, 2022. In terms of timing, the PUD master development plan must be approved before the zoning map amendment. If the PUD master development plan is approved, it provides the framework for development within the PUD Zoning District. The master development plan includes the bubble diagram that illustrates the densities in different areas of the PUD, supporting information, and text which specifies the use or uses intended for the property, dimensional standards, and any development standards to be approved concurrently with the application. This could include features like parking, landscaping design guidelines, buffers, and streetscapes. The master development plan must also be prepared by and sealed by a licensed land surveyor, landscape architect, or engineer. A licensed landscape architect sealed this plan.

The City established a technical review committee for this project. I will go into more detail about that process later. As I stated earlier, the Planning Board has 90 days following the receipt of the PUD master development plan and zoning map amendment application to make a recommendation on both. To be clear, this means that a recommendation by the Planning Board will need to be made no later than at the June 16th Planning Board meeting. The Planning Board shall advise and comment on whether the proposed text or zoning map amendment is consistent with the comprehensive plan or any other officially adopted applicable plans. The Planning Board shall provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters deemed appropriate by the Planning Board. However, a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Aldermen.

It is important to understand that the PUD master site plan and zoning map amendment application are legislative decisions. When speaking of legislative decisions in this context, it is important to note that we are not talking about the State Legislature. In this case, municipal legislative decisions are finalized by the Board of Aldermen as the local Governing Board after an advisory recommendation by the Planning Board. Because legislative decisions have such a significant impact on landowners, neighbors, and the public, state law mandates broad public notice and hearing requirements for these types of decisions. Much like legislative decisions in the General Assembly, broad public discussion and careful deliberation is vital for municipal legislative decisions. Substantial discretion is allowed in legislative decisions, and boards are not under any obligation to approve them.

PROPOSAL

As mentioned previously, the Indigo PUD master development plan comprises a tract that equals 346.57 acres. The overall size of the tract that Bald Head Island Limited owns is 375.08 acres. In terms of density, East-West Partners is proposing 1,542 dwelling units and 80,000 sf of non-residential use. This is an average of 4.1 dwelling units per acre on the total tract. The UDO allows 6 units per acre for PUDs. The PUD Master Development Plan's bubble diagram shows the different planned areas of the development and how they will differ in density, allowable uses, and allowable housing types. There are 5 different areas identified on the bubble diagram.

The first area is the Marina Village area. The proposed Marina Village area is 9.4 acres. In terms of residential, the developer proposes a mixture of Single-Family Townhomes, Duplexes, Multi-Family, and Condos in these areas totaling 188 units. This is equal to 20 dwelling units an acre for this portion of the tract. It is important to note that the product types may change, but the total number of units for each area will not change. The developers are also proposing retail, restaurant, and a commercial marina as non-residential uses for a total of 20,000 sf. The second area is the Residential Core area. The proposed Residential Core area is 58.1 acres. This area will be composed of a mixture of single-family detached, single-family attached townhomes, multi-family, duplexes, assisted living, and senior living for a total of 581 units. This equals 10 dwelling units an acre. 60,000 sf of non-residential retail and office uses are also proposed. The third area proposed is the Residential Center area. This area is 105 acres. Proposed residential uses are single-family detached, single-family attached, multi-family, and duplexes. The total amount of proposed units is 630 total units. This equals 6 dwelling units an acre. No non-residential areas are proposed in the Residential Center area. The fourth area is the Residential Edge area. This area consists of 47.6 acres. The proposed uses in this area are single-family detached homes. The proposed units are 143 total units. This equals 3 dwelling units an acre. The last area identified on the PUD master development bubble diagram is open space. In PUDs, 20% of the tract must be Open Space. Designated 404 wetlands are not allowed to be counted in this calculation. East-West Partners is proposing 75.4 acres of Open Space. 75 acres are required. The proposed PUD master development plan shows 39.3 acres for a nature park. The developers propose a dog park, swimming areas, walking trails, and ball fields. They are also proposing 20.9 acres for a Central Park and pocket park. The proposed uses for this area are a playground, docks, shaded areas, greens, and ball courts. The plan also shows 7.6 acres of linear greens. As shown on the plan, the linear greens will be composed of a green trail network. A Development Fiscal Impact Analysis on the General Fund and City Services is being completed by DPFPG to examine further what the impacts will be if the development were to move forward. That analysis will be presented to the Board of Aldermen and Planning Board at a joint workshop on July 18, 2022.

INFRASTRUCTURE

The neighborhood's primary entrance is proposed to be off Robert Ruark Dr. There will also be an additional village entrance off Indigo Plantation D on 9th street. For water and sewer, the City has communicated to the developer that it would be in their best interest to receive service from Brunswick County. The City does not have the excess capacity to serve this project, but the City is open to looping the project into the City's waterlines with an emergency valve for emergencies. For streets, three different types of ROWs are proposed. The first is the avenue Street. The avenue street is a 61 ft ROW with sidewalks and on-street parking on both sides of the street. The second street type is A-1. A-1 streets will be composed of 54 ft ROWs and will be located adjacent to park spaces where alley-loaded lots are designed to provide visitor parking. Street type A-2 is a 49 ft ROW with ribbon curb and ditch/swale sections along the road. The last street type is Type B. Type B is a 47' ROW and is what the developer envisions as the typical street section in the community where front-loaded lots exist. There will also be 20 ft alleys for the rear entry areas. All street types will have pedestrian sidewalks on both sides. In the same format as early 20th-century villages and neighborhoods oriented towards pedestrian walkability, these street types are akin to traditional neighborhood street designs. The UDO allows ROWs

less than 60 ft with the approval of the Fire Chief/Fire Marshal and if they are designed to NCDOT's Subdivision Design Manual. When they come back for preliminary plat approval, the street design must meet NCDOT's guidelines and be approved by the Fire Chief and Fire Marshal. The applicant has expressed the desire for the streets within the development to be publicly maintained. Public maintenance is preferable to the potential for private street networks. Private street networks often become dilapidated due to improperly funded Property Owner Association agreements, which may result in a request for the City to assume ownership and responsibility of substandard roadways down the road. The City is also working on an infrastructure impact analysis with WithersRavenel to estimate the impacts on the City's existing infrastructure. The City is implementing both of those projects now. The WithersRavenel Analysis will also be presented to the Board of Aldermen and Planning Board at a joint workshop on July 18, 2022.

TRAFFIC IMPACT ANALYSIS STUDY

The TIA was completed by Jonathan Guy of Kimley-Horne. NCDOT approved the Project Indigo Traffic Impact Analysis (TIA) on March 3rd, 2022. Robert Ruark Dr, 9th Street, and a large portion of the intersections examined are State roads, so NCDOT has been involved in this process from the start along with City staff. City Staff met with District Engineer Ben Hughes to go over the required improvements. Of note is the first improvement. Ben Hughes mentioned that due to ROW constraints on Robert Ruark, some of the proposed improvements are not possible. Mr. Hughes suggested that the City require additional access connections at 11th street or Lord Thomas Avenue to mitigate the impacts at the 211/87 intersection. NCDOT requires the following improvements:

- **NC 211 (N. Howe Street) at NC 87 (River Road)/SR 1852 (Robert Ruark Drive)** (Signalized 4-legged Intersection)
 - Construct an additional eastbound left-turn lane on Robert Ruark Drive to provide dual left-turn lanes with 350 feet of storage, 50 feet of full-width deceleration, and 100 feet of taper*
 - Construct a separate eastbound right turn lane on Robert Ruark Drive with 350 feet of storage, 50 feet of full-width deceleration, and 100 feet of taper*
 - Modify signal timing and phasing

*It is understood that right of way constraints will likely render the proposed roadway mitigations un-constructible. Alternate and/or additional access connections are recommended to reduce impacts at this intersection

- **NC 211 (N. Howe Street) at SR 1209 (9th Street)** (Signalized 4-legged Intersection)
 - Construct an exclusive southbound right turn lane on NC 211 with 300 feet of storage, 50 feet of full-width deceleration, and 100 feet of taper
 - Extend the existing eastbound left-turn lane on 9th Street up to the intersection of Lord Street
 - Optimize the signal timings

- **NC 211 (N. Howe Street) at 12th Street/Stuart Avenue** (Unsignalized 4-legged Intersection)
 - Install a traffic signal and the necessary communication equipment for the bordering signals on NC 211, including NC 87/Robert Ruark Drive, Fodale Avenue, and 9th Street
- **SR 1852 (Robert Ruark Drive) at Site Access 1** (Proposed unsignalized T-intersection)
 - Construct the site access with one ingress and two egress lane.
 - Provide stop control for the northbound approach.
 - Provide a 175-foot internal protected stem for the northbound approach.
 - Provide an exclusive westbound left turn lane on SR 1852 (Robert Ruark Drive) with 150 feet of storage, 50 feet of full-width deceleration, and 100 feet of taper

REVIEW COMMITTEE REPORTS

The Hub Review Committee most recently met on June 8th. The Hub Committee discussed the requested illustrations for housing units superimposed on the lots and requested available housing prototypes. Two area maps were presented to the committee. The additional maps have been provided by the applicant and will be included in the digital agenda packet. They will also be available for the Vibe Board. There was also discussion on where an archaeological or cemetery study had been initiated. There was not. The Hub committee also asked if a protected species study had been initiated or completed. The developer answered that they had not completed a specialized study but that the information on species found in that area could be found on the Wildlife Resources website.

The Environmental Concerns committee last met on June 13th. There was discussion on wetland protection, stormwater management, conservation of habitat, and open space allocation for each neighborhood. The committee also suggested redesigning the open space area to allow for larger wildlife corridors.

The Infrastructure Committee had questions about who bores the legal responsibilities for utilities. Brunswick County will provide the Water and Sewer Service so the City will not have to bear any responsibility for that. The committee's biggest question is whether the City will have to pay capital costs for an updated substation to serve the development. The City Manager has been in conversation with the City's legal representation on that. It will ultimately need to be negotiated with the developer if the project moves forward.

The Traffic Impacts committee reviewed the TIA to ensure that nothing was missed. The committee also suggested a connection to 11th street as a solution to help distribute the traffic and to have another access point. The committee also recommended that the proposed development further connects to the existing community with pedestrian walkways and bike paths to reduce vehicular traffic.

The Design & Character committee requested a variety of documents that to this point have not all been received in the detail that was requested. They requested a parcel plan (color coded) showing each parcel and section of the property, including roads, parcels, open space, areas that cannot be utilized, and stormwater retention ponds. They also requested a massing/building

location plan, a prototypical parcel for each building type, a 3D massing model of each building type, and schematic drawings of each building type. The developer did provide a schematic overlayed with the proposed zoning and some sample architectural photos. The level of detail requested was not provided. The Chair of the Design & Character committee suggested that the Board not recommend approval of the development since it is inconsistent with the CAMA Land Use Plan and CAMA Future Land Use Map.

PAID
MAR 10 2022



Planned Unit Development Permit

City of Southport, North Carolina

BY:

1029 N. Howe St, Southport NC 28461

www.southportnc.org

Planning & Inspections

Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

PERMIT No. P4D 21-1104-01 FEE: \$ 2,000 Date Received: 11/4/2021

Applicant's Name: East West Partners Management Co., inc
Mailing Address: 226 N Front St City: Wilmington
State: NC Zip Code: 28401 Phone: 910-386-8683
Email: msiegel@ewpnc.com

Property Owner's Name: Bald Head Island Limited, LLC
Address of Owner: PO Box 3069 City: Bald Head Island
State: NC Zip Code: 28461 Phone: 910-457-7358
Email: cpaul@bhisland.com

Property Address: Survey Attached City: Annexing - Southport
Parcel Size (acres): 346.57 AC Number of Dwellings: 1,542
Open Space Area: 75.4 Acres Right-of-way Area: _____

Surveyor: Michael Underwood and Associates, PA License #: _____
Mailing Address: 102 Cinema Dr, Suite A City: Wilmington
State: NC Zip Code: 28403 Phone: 910-815-0650
Email: _____

Per Section 2.9 of the UDO, the purpose of a Planned Unit Development (PUD), is planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved master development plan. All PUDs require an amendment to the city's zoning map and master development plan approval, followed by the major subdivision approval process as specified in this ordinance.

The minimum amount of land (unified control to be planned and developed as a whole) required for a PUD district shall be eight (8) acres of net buildable area within the city corporate limits, on one or more contiguous parcels or 25 acres of net buildable area in the ETJ, on one (1) or more parcels (this may include parcels on both sides of a street).

Application and Planned Unit Development Review Procedure is found in Section 2.9.C

Minimum Dimensional Standards:

1. Lot area. Not less than 60 percent of the minimum lot area which would normally be required under the single-family standards of the prevailing zoning district.
2. Lot width. 40 feet.
3. Lot frontage. 40 feet, except on the radius of a cul-de-sac where such distance may be reduced to 20 feet.
4. Public or private street setback. No principal or accessory structure shall be closer than 10 feet to a public street right-of-way or private street easement.
5. Side yard setback. Not less than 8 feet. Dwellings which do not utilize zero lot line provisions shall maintain a minimum side setback of not less than six (6) feet.
6. Rear yard setback. Not less than 15 feet.
7. Building separations. No portion of any principal structure shall be located less than 10 feet from any accessory structure as measured to the closest point.
8. Periphery boundary setback. No principal or accessory structure shall be located less than 25 feet from the peripheral boundaries of the development.
9. Maximum height. 40 feet.
10. Detached accessory structure requirements.
 - a) Shall not be located within any front yard setback;
 - b) Shall not be located within five (5) feet of any other accessory structure;
 - c) Shall not cover more than twenty (20) percent of any side or rear yard; and
 - d) The side or rear yard requirement for detached accessory structures shall not be less than five (5) feet.
 - e) Shall not be greater than 30 feet in height.

Signature (Owner or Authorized Applicant)

Date

APPROVED BY:

UDO Administrator

Date

AUTHORITY FOR APPOINTMENT OF PERSON
TO ACT ON MY BEHALF

The undersigned owner, Bald Head Island Limited, LLC, hereby appoints East West Partners Management Company, Inc. to act on its behalf for the purpose of petitioning the City of Southport for: a) an amendment to the zoning text regulations; b) a change to the zoning map; c) approval of a special use permit; d) approval of a special use district; e) annexation of property; and/or f) street closure, as applicable to the property described in the attached petition.

The owner does hereby covenant and agree with the City of Southport that said appointee has the authority to do the following acts for and on behalf of the owner with respect to the subject property:

- (1) to submit a proper petition and the required supplemental materials;
- (2) to appear at public meetings to give testimony and make commitments on behalf of the owner;
- (3) in the case of a special use permit, to accept conditions or recommendations made for issuance of the special use permit on the owner's said property; and
- (4) to act on the owner's behalf with regard to any and all things directly or indirectly connected with or arising out of any petition for the purposes and property described herein.

This appointment agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: November 3, 2021

Appointee's Name, Address & Telephone:

McKay Siegel - East West Partners

226 N Front St

Wilmington, NC 28401

910-386-8683

Signature of Owner:

Bald Head Island Limited, LLC

By: 

Charles A. Paul, III, Manager

REZONING PACKAGE

INDIGO

MASTER PLANNED COMMUNITY

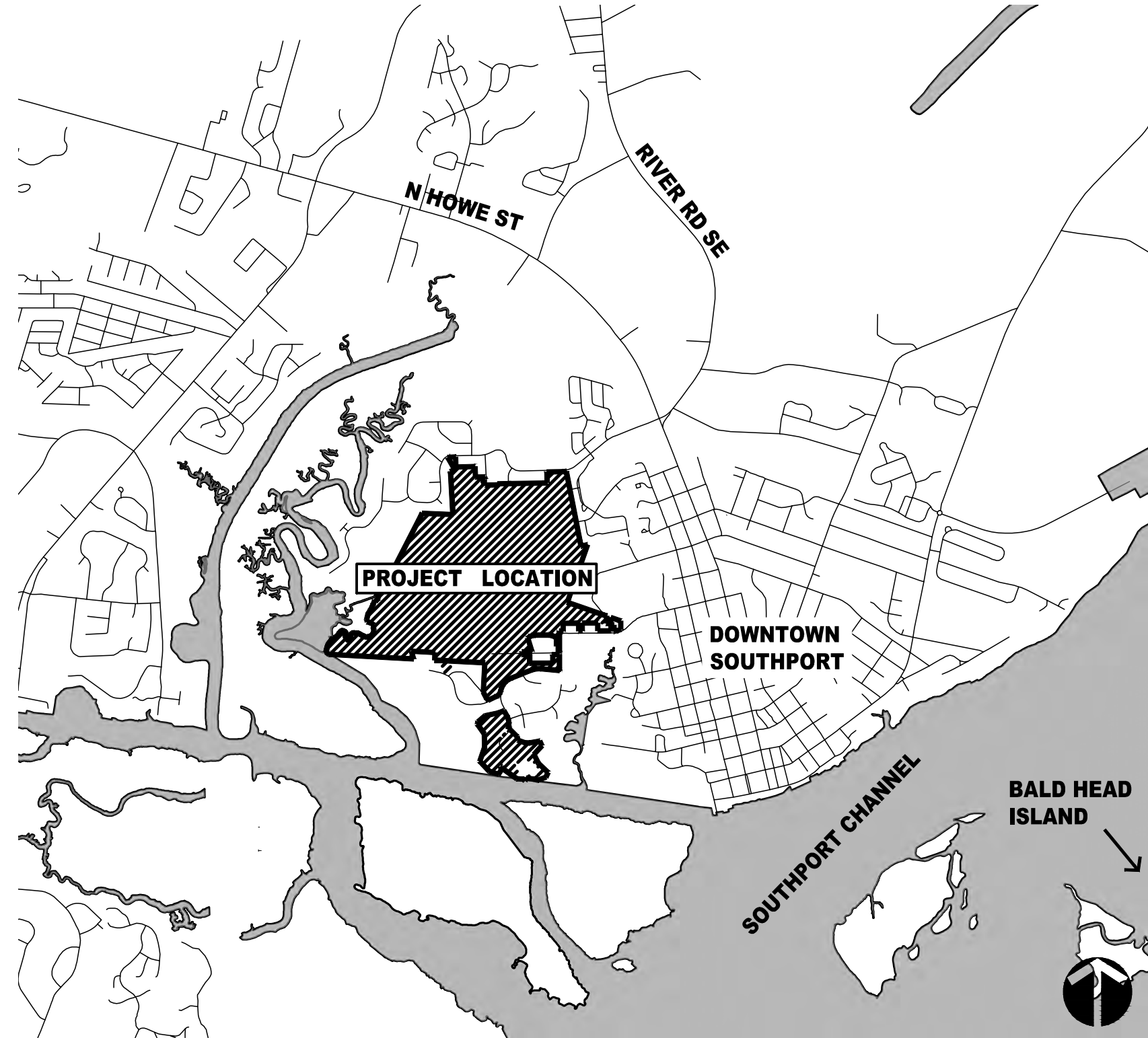
SOUTHPORT, NORTH CAROLINA

DATE: 02.09.2022

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RZ-2	EXISTING CONDITIONS
RZ-3	MASTER DEVELOPMENT PLAN
RZ-4	PROPOSED STREET TYPOLOGY
RZ-5	STREET SECTIONS
RZ-6	PROPOSED OPEN SPACE
RZ-7	CHARACTER IMAGERY

VICINITY MAP



PROJECT TEAM

OWNER/DEVELOPER

INDIGO
EAST WEST PARTNERS
226 N FRONT ST
WILMINGTON, NC 28401
910.386.8683

LANDSCAPE ARCHITECT

LANDDESIGN
223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
CONTACT NAME: ERIC POHLMANN

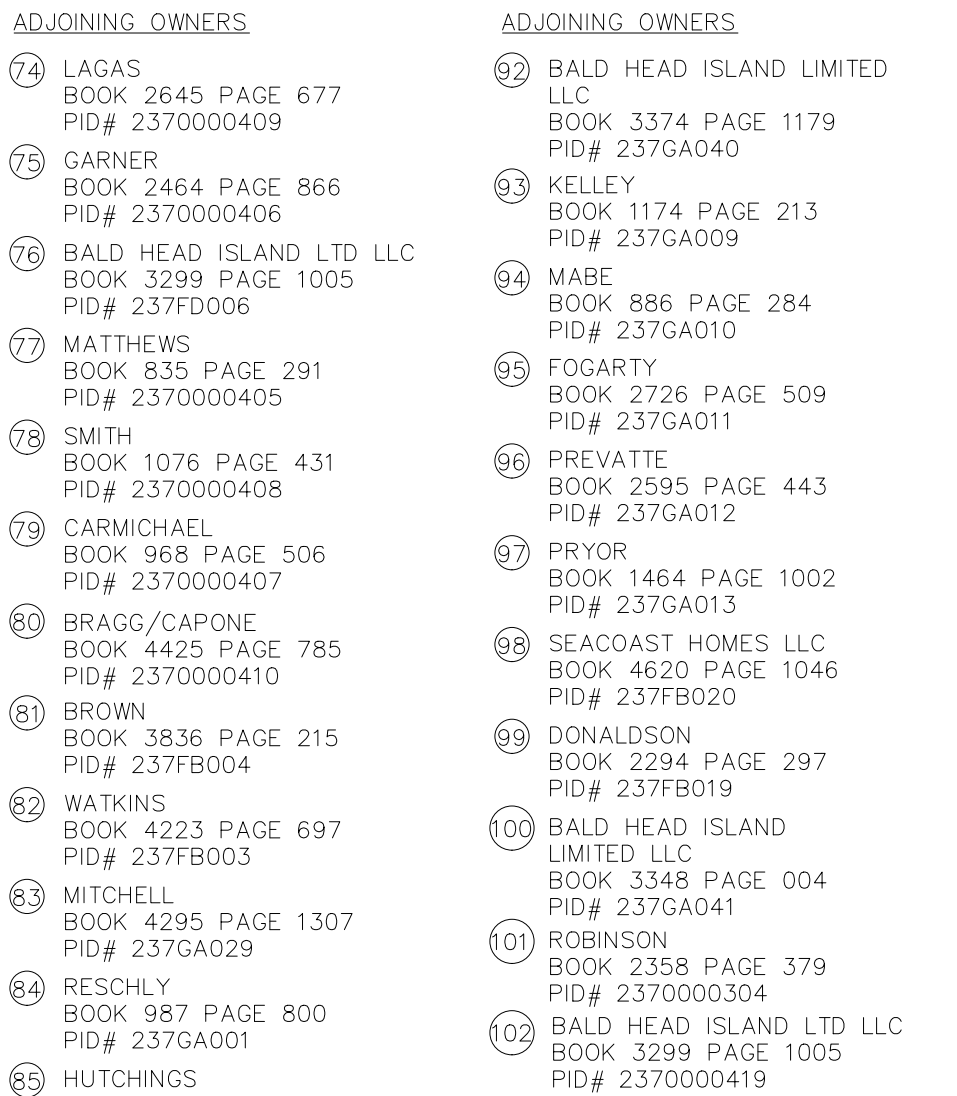
SURVEYOR

MICHAEL UNDERWOOD & ASSOCIATES, P.A.
102 CINEMA DR, SUITE A
WILMINGTON, NC 28403
910.815.0650

CIVIL ENGINEER

NORRIS & TUNSTALL CONSULTING ENGINEERS, P.C.
2602 IRON GATE DR. SUITE 102
WILMINGTON, NC 28412
910.343.9653

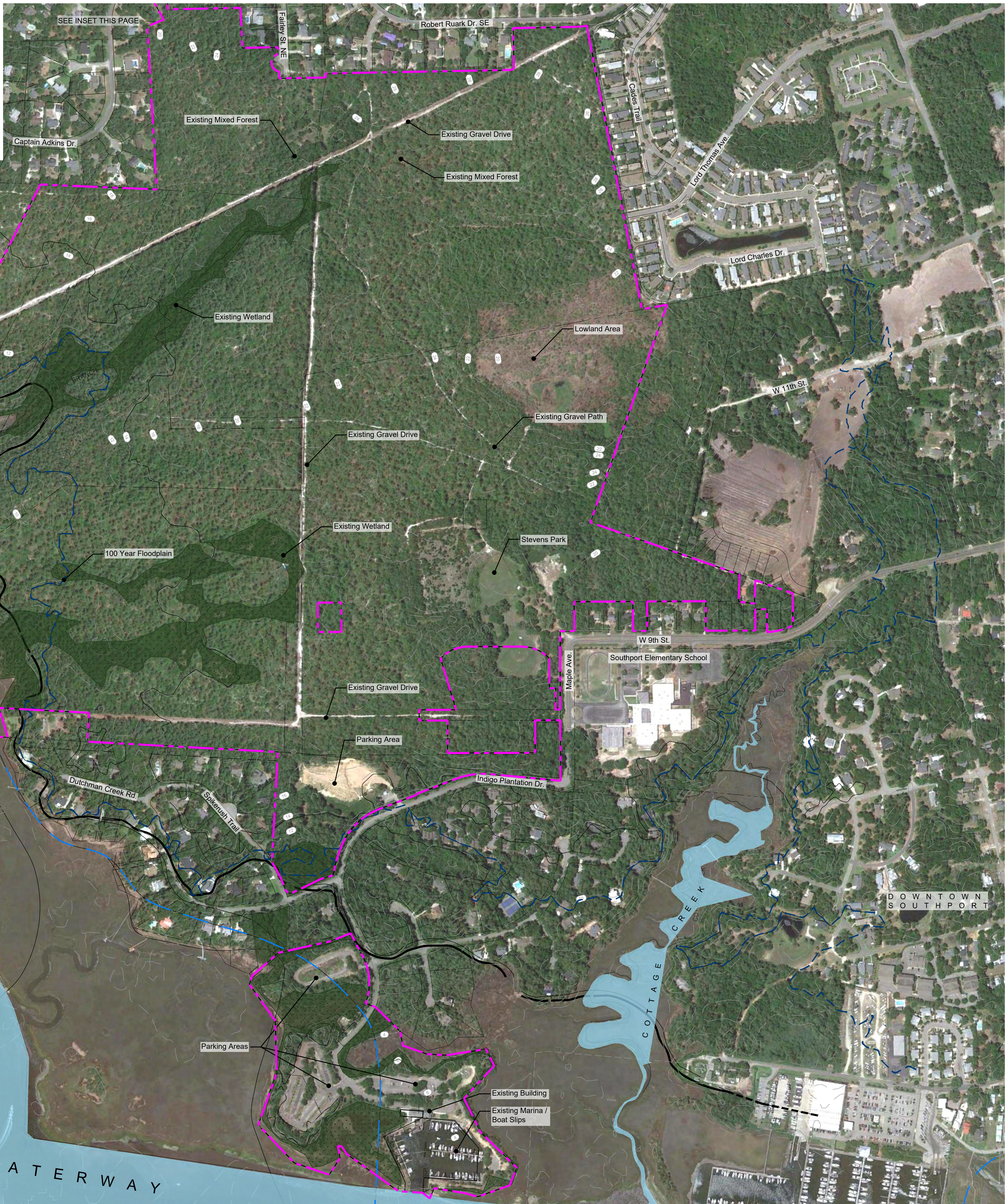
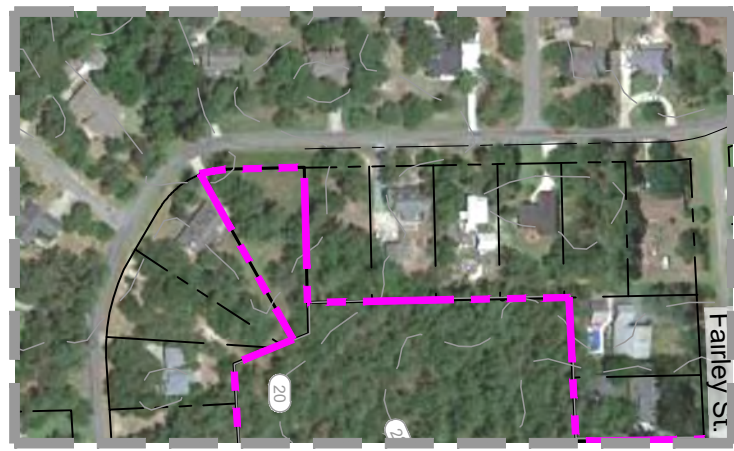
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PID# 237GA014



FLOOD NOTES:

- 1) FLOOD INFORMATION TAKEN AND SCALED FROM FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NUMBER 3720208600K AND COMMUNITY PANEL NUMBER 3720209600K, EFFECTIVE DATE 8/28/18.
- 2) LIMIT OF MODERATE WAVE ACTION (1 LIMWA) FOR SOME COASTAL FLOODING ZONES THE AE ZONE CATEGORY HAS BEEN DIVIDED BY A LIMWA. THE LIMWA REPRESENTS THE APPROXIMATE LANDWARD LIMIT OF 1.5-FOOT BREAKING WAVE.

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- LEGEND:**
- EXISTING WETLAND
 - 100 YEAR FLOODPLAIN
 - FLOODWAY
 - PROPERTY LINE

EXISTING IMPERVIOUS AREA: 10.93 AC

LandDesign.

223 NORTH GRAHAM STREET
CHARLOTTE, NC 28202
704.333.0325
WWW.LANDDESIGN.COM

east west partners

KEY MAP

SEAL



PROJECT

INDIGO

BALD HEAD ISLAND, LLC
SOUTHPORT, NC
28461

LANDDESIGN PROJ.# 1021180

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING SUBMITTAL	11.01.2021
Δ	REZONING SUBMITTAL	02.09.2022

DESIGNED BY: XX
DRAWN BY: XX
CHECKED BY: XX

SCALE

VERT: N/A
HORZ: 1" = 300'

0 150.0001 300.0002 600.0005

SHEET TITLE

EXISTING CONDITIONS

SHEET NUMBER

RZ-2

DEVELOPMENT SUMMARY

PROPOSED ZONING: PUD
OVERALL TRACT AREA: 375.08 TOTAL ACRES
APPROXIMATE DEVELOPABLE AREA: 220.7 AC (AREAS A-D), DEVELOPABLE AREA ESTIMATED AT 75% IMPERVIOUS COVERAGE
PROPOSED IMPERVIOUS AREA COVERAGE: 165.08 AC
TOTAL TRACT % IMPERVIOUS: 44%

AREA A: MARINA VILLAGE: 9.4 TOTAL ACRES
RESIDENTIAL USES: SINGLE FAMILY ATTACHED, MULTI-FAMILY, DUPLEX, CONDO
20 DUA MAX = 188 TOTAL UNITS

NON-RESIDENTIAL USES: RETAIL, RESTAURANT, MARINA-COMMERCIAL
20,000 SF MAX.

LOT SIZES:
SINGLE FAMILY ATTACHED: 60 UNITS
-WIDTH - MIN. 18' WIDE INTERIOR, 20' WIDE END UNIT
-DEPTH - MIN. 60'
DUPLEX: 8 UNITS
-WIDTH - MIN. 60'
-DEPTH - MIN. 80'
MULTI-FAMILY: 120 UNITS

AREA B: RESIDENTIAL CORE: 58.1 TOTAL ACRES
RESIDENTIAL USES: SINGLE FAMILY DETACHED, SINGLE FAMILY ATTACHED, MULTI-FAMILY, DUPLEX, ASSISTED LIVING, OR SENIOR LIVING FACILITY
10 DUA MAX. = 581 TOTAL UNITS

NON-RESIDENTIAL USES: RETAIL, OFFICE
60,000 SF MAX.

LOT SIZES:
SINGLE FAMILY DETACHED COTTAGE HOMES: 23 LOTS
LOT SIZE: 35'-50' REAR LOADED
SINGLE FAMILY DETACHED: 13 LOTS
-LOT SIZE: 60'-70'
SINGLE FAMILY DETACHED LARGE LOTS: 5 LOTS
-LOT SIZE: 80'-90'
SINGLE FAMILY ATTACHED: 140 UNITS
-WIDTH - MIN. 18' WIDE INTERIOR, 20' WIDE END UNIT
-DEPTH - MIN. 60'
DUPLEX: 100 UNITS
-WIDTH - MIN. 60'
-DEPTH - MIN. 80'
MULTI-FAMILY: 300 UNITS

AREA C: RESIDENTIAL CENTER: 105.0 TOTAL ACRES
RESIDENTIAL USES: SINGLE FAMILY DETACHED, SINGLE FAMILY ATTACHED, MULTI-FAMILY, DUPLEX
6 DUA MAX. = 630 TOTAL UNITS

NON-RESIDENTIAL USES: NA

LOT SIZES:
SINGLE FAMILY DETACHED COTTAGE HOMES: 158 LOTS
LOT SIZE: 35'-50' REAR LOADED
SINGLE FAMILY DETACHED: 344 LOTS
-LOT SIZE: 60'-70'
SINGLE FAMILY DETACHED LARGE LOTS: 90 LOTS
-LOT SIZE: 80'-90'
SINGLE FAMILY ATTACHED: 30 UNITS
-WIDTH - MIN. 18' WIDE INTERIOR, 20' WIDE END UNIT
-DEPTH - MIN. 60'
DUPLEX: 8 UNITS
-WIDTH - MIN. 60'
-DEPTH - MIN. 80'

AREA D: RESIDENTIAL EDGE: 47.6 TOTAL ACRES
RESIDENTIAL USES: SINGLE FAMILY DETACHED
3 DUA MAX. = 143 TOTAL UNITS

NON-RESIDENTIAL USES: NA

LOT SIZES:
SINGLE FAMILY DETACHED COTTAGE HOMES: 25 LOTS
LOT SIZE: 35'-50' REAR LOADED
SINGLE FAMILY DETACHED: 93 LOTS
-LOT SIZE: 60'-70'
SINGLE FAMILY DETACHED LARGE LOTS: 25 LOTS
-LOT SIZE: 80'-90'

TOTALS:
-NON-RESIDENTIAL: 80,000 SF MAX.
-RESIDENTIAL: 1,542 TOTAL UNITS (AVG 4.1 DUA)*

*NOTE:
1. CITY OF SOUTHPORT UDO ALLOWS MAXIMUM SIX (6) DWELLING UNITS PER ACRE WITHIN PUD AREAS OR 2,250 UNITS ON THIS PARCEL.
2. THESE USES AND LOT SIZES ARE PRELIMINARY IN NATURE AND ARE SUBJECT TO CHANGE. OVERALL DENSITIES ARE NOTED ABOVE, AND FINAL LOT SIZES AND BUILDING TYPES WILL BE REGULATED BY SOUTHPORT UDO.

OPEN SPACE: 20% REQUIRED BASED ON OVERALL DEVELOPMENT EXCLUSIVE OF 404 WETLANDS
-TOTAL REQUIRED: 75.0 ACRES
-TOTAL PROPOSED: 75.4 ACRES

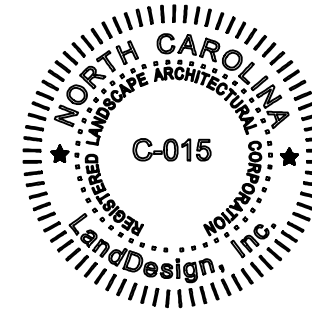
LEGEND

- AREA A - MARINA
- AREA B - RESIDENTIAL CORE
- AREA C - RESIDENTIAL CENTER
- AREA D - RESIDENTIAL EDGE
- OPEN SPACE
- EXISTING WETLAND
- PROPOSED STREET
- 100 YEAR FLOODPLAIN
- FLOODWAY
- PROPERTY LINE

NOTE: PRIOR TO ANY CLEARING, GRADING, OR CONSTRUCTION ACTIVITY, TREE PROTECTION FENCING WILL BE INSTALLED AROUND PROTECTED PLANTS, TREES, OR GROVES OF TREES. NO CONSTRUCTION WORKERS, TOOLS, MATERIALS, OR VEHICLES ARE PERMITTED WITHIN THE TREE PROTECTION FENCING.

KEY MAP

SEAL



PROJECT

INDIGO

BALD HEAD ISLAND, LLC

SOUTHPORT, NC

28461

LANDDESIGN PROJ.# 1021180

REVISION / ISSUANCE

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1	REZONING SUBMITTAL	11.01.2021
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DESIGNED BY: XX
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CHECKED BY: XX

SCALE

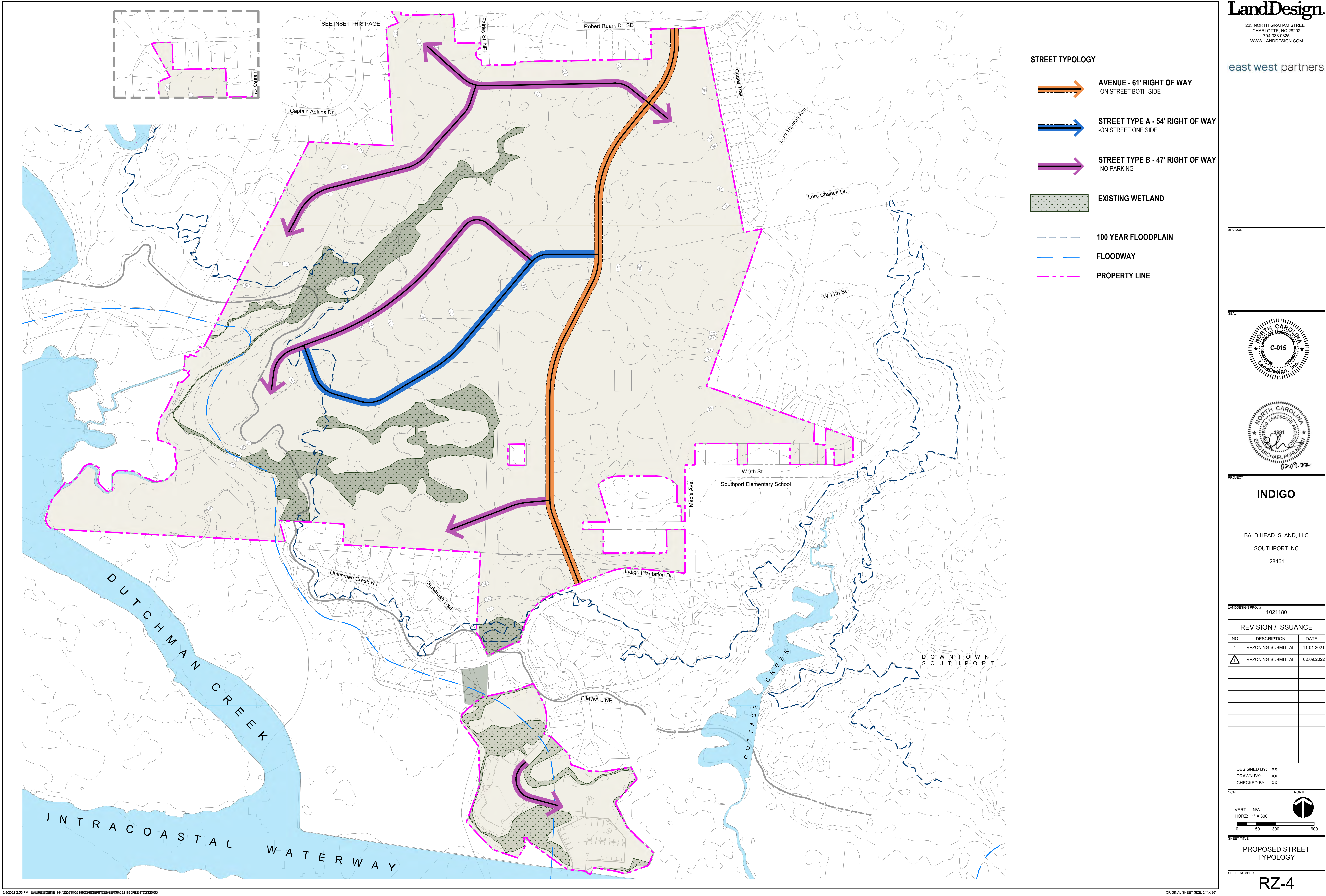
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HORZ: 1" = 300'

SHEET TITLE

MASTER DEVELOPMENT
PLAN

SHEET NUMBER

RZ-3



INDIGO

BALD HEAD ISLAND, LLC
SOUTHPORT, NC
28461

LANDDESIGN PROJ.# 1021180

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
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DESIGNED BY: XX
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CHECKED BY: XX

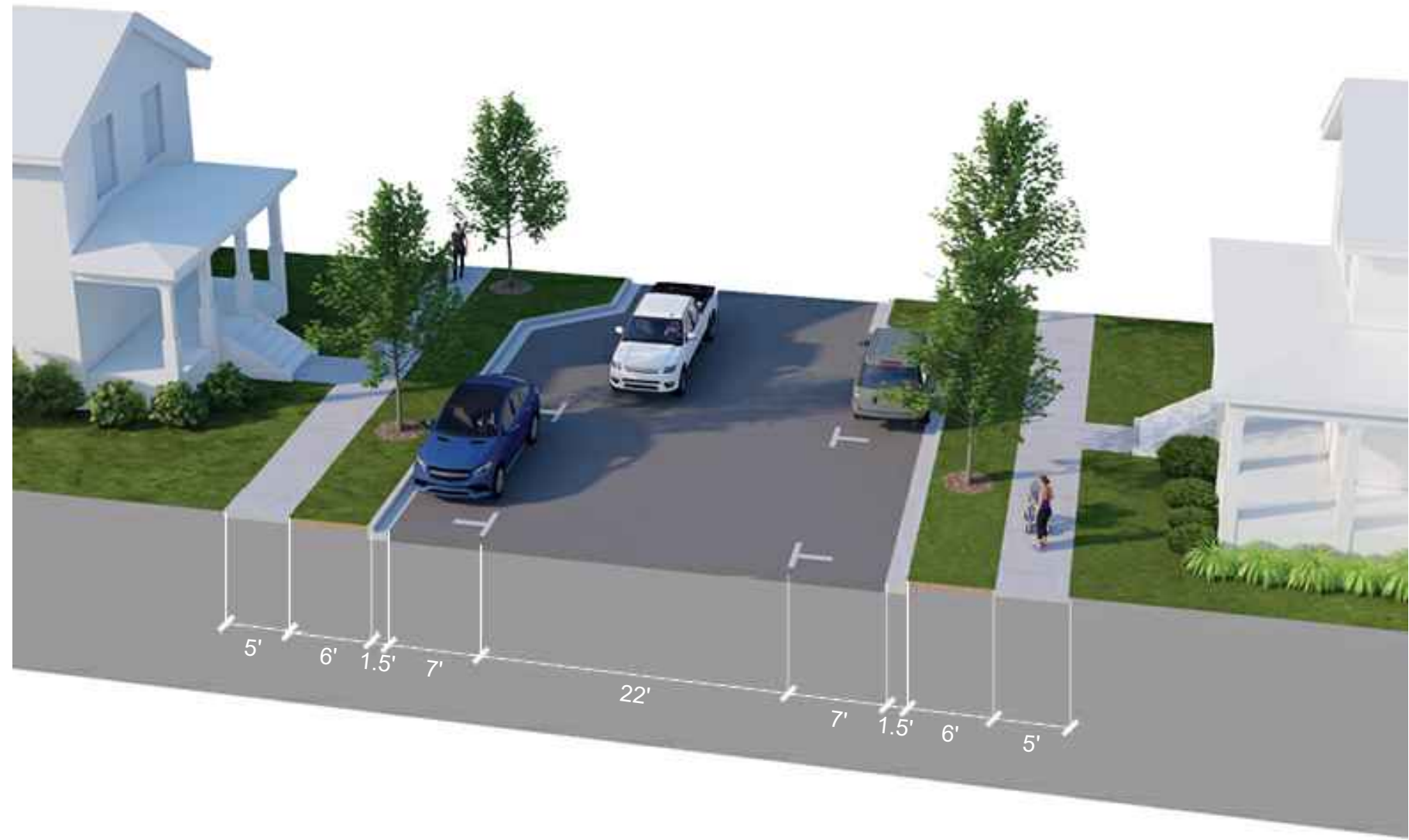
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VERT: N/A
HORZ: 1" = 300'
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SHEET TITLE

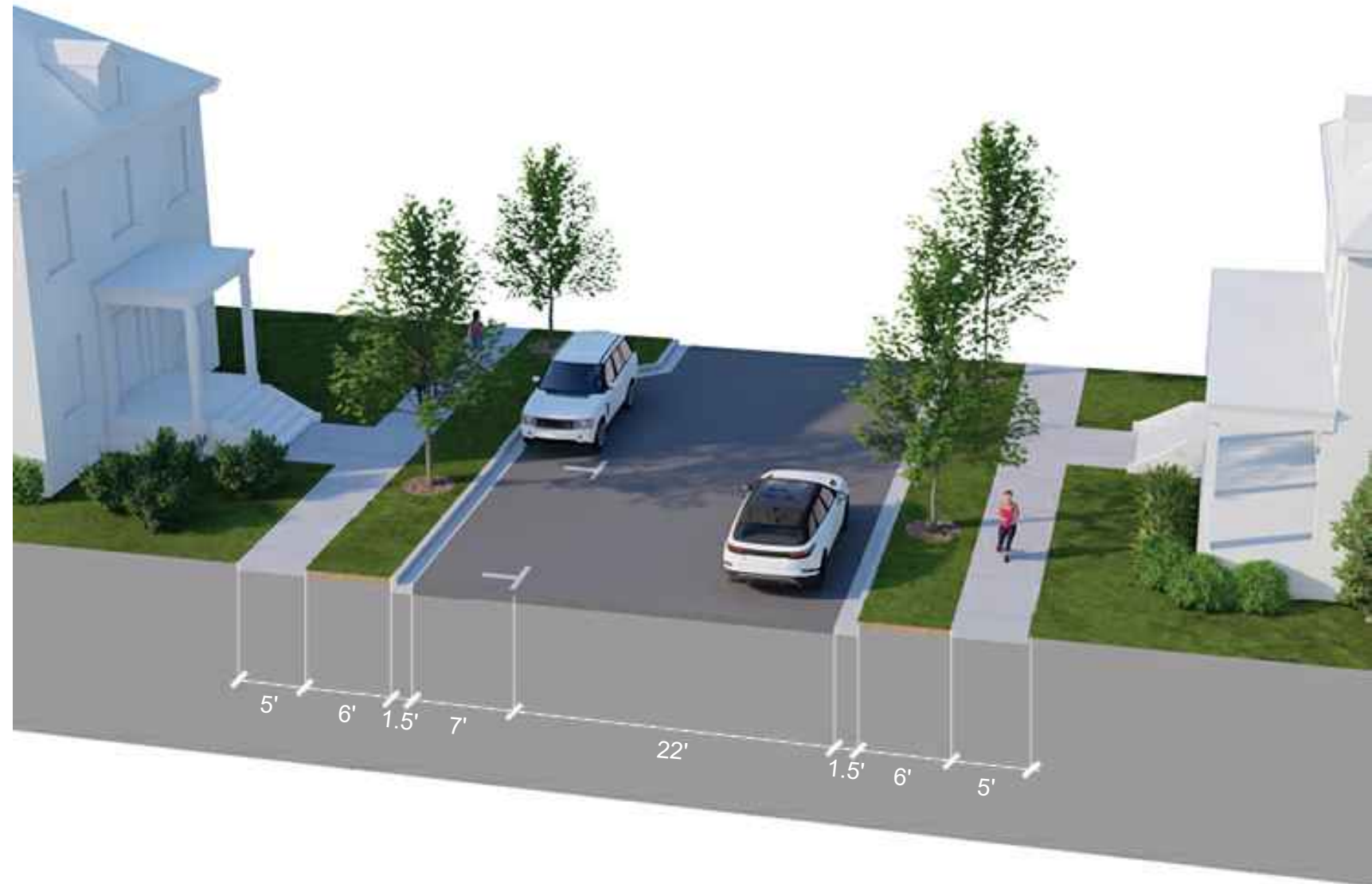
PROPOSED STREET
TYPOLOGY

SHEET NUMBER

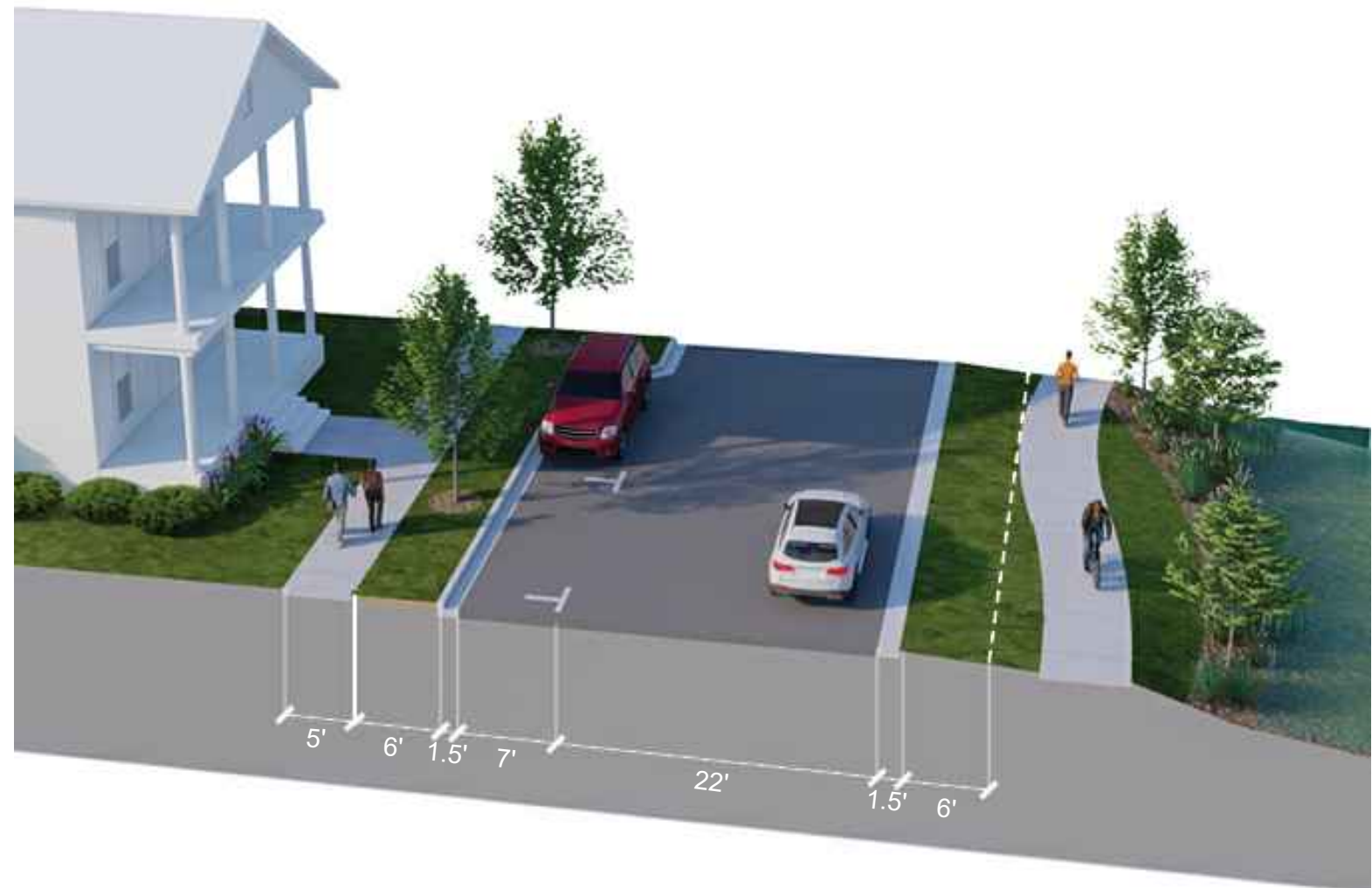
RZ-4



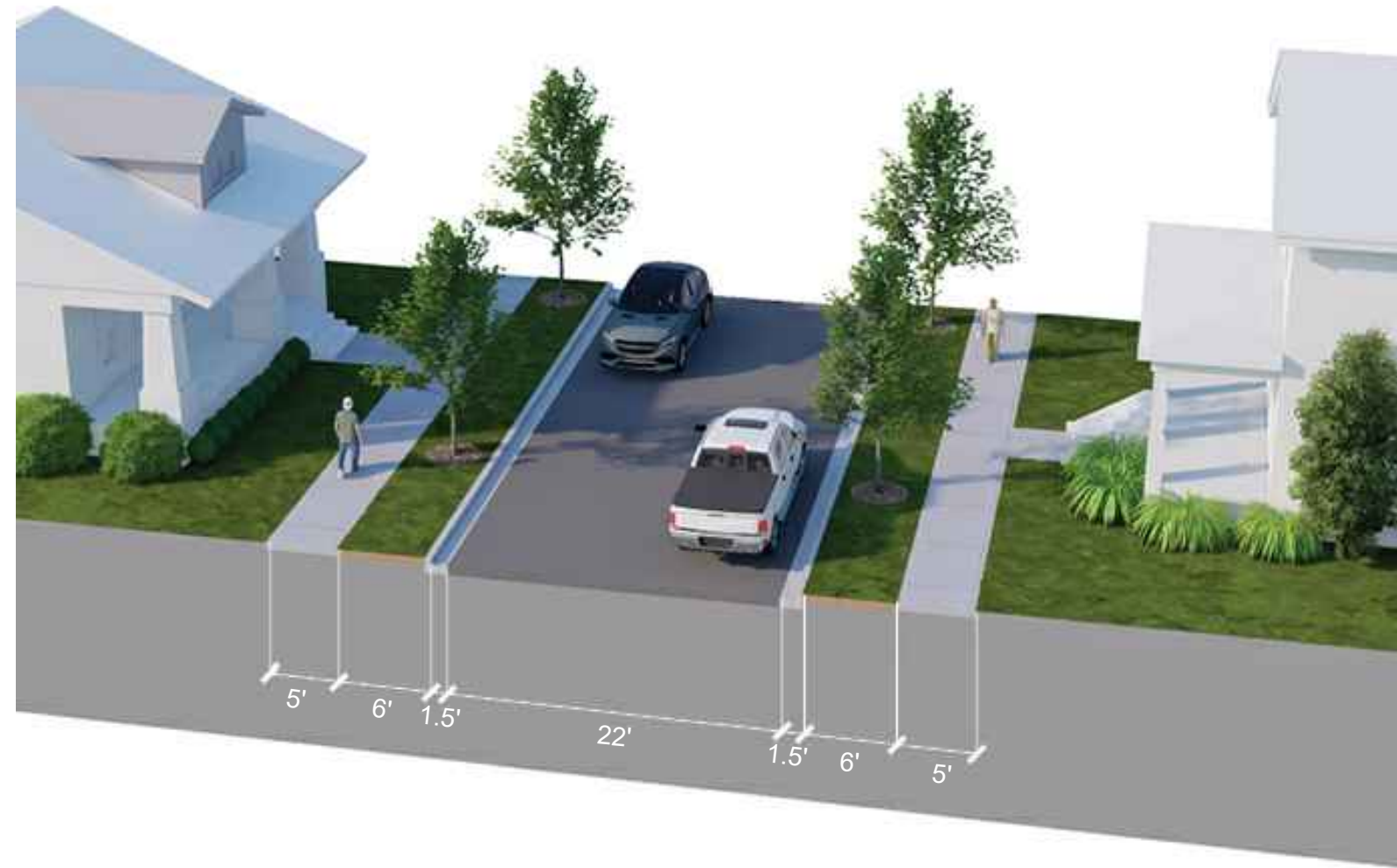
AVENUE STREET: 61' ROW
- LOCATED ALONG THE MAIN NORTH/SOUTH STREET THROUGH THE COMMUNITY. PEDESTRIAN-ORIENTED WITH ON-STREET PARKING ON BOTH SIDES OF THE STREET.



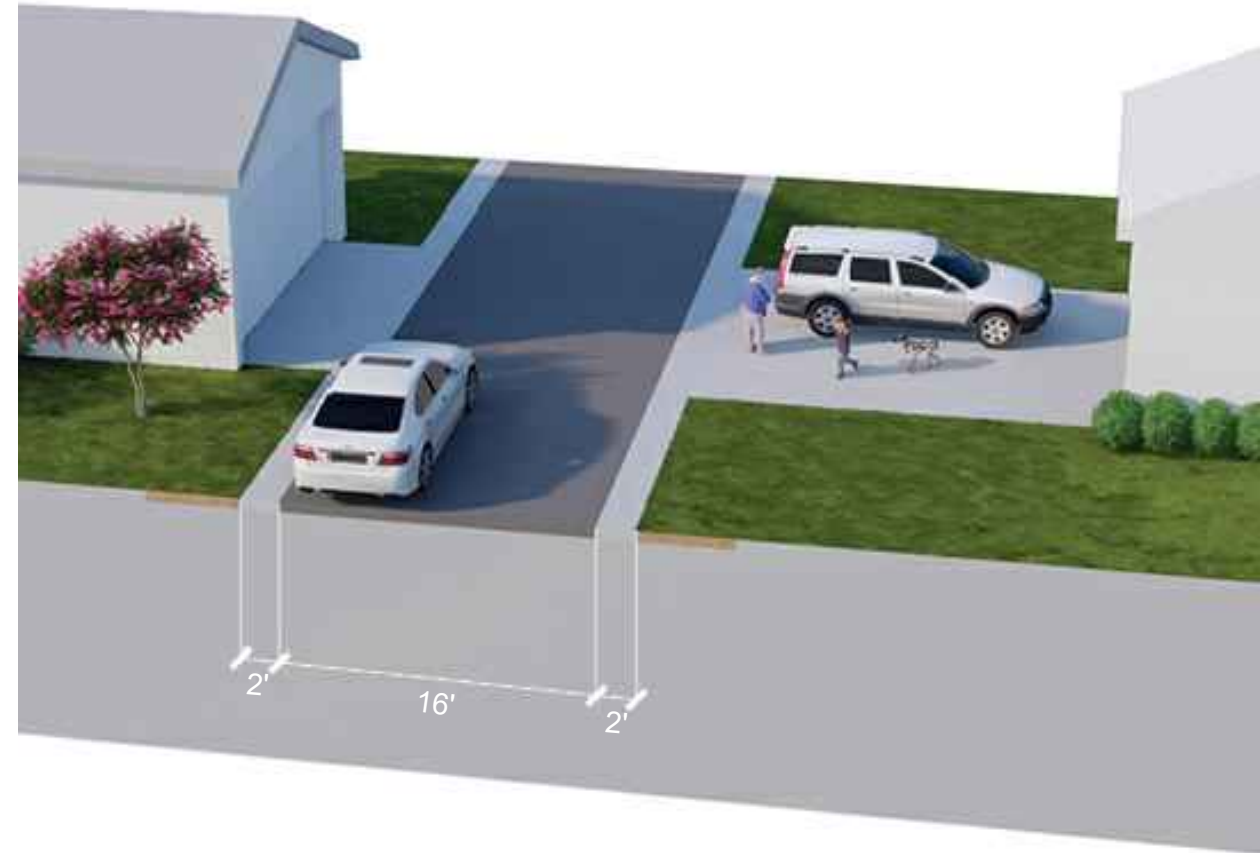
STREET TYPE A-1: 54' ROW
- LOCATED ADJACENT TO PARK SPACES AND WHERE ALLEY-LOADED LOTS ARE DESIGNED TO PROVIDE VISITOR PARKING.



STREET TYPE A-2: 49' ROW
- WHERE OPPORTUNITIES EXIST ALONG THE GREAT PARK AND OTHER LOCATIONS WHERE STORMWATER ELEMENTS MAY BE DESIGNED, A RIBBON CURB AND DITCH/SWALE SECTION MAY BE UTILIZED.



STREET TYPE B: 47' ROW
- THE TYPICAL STREET SECTION IN THE COMMUNITY WHERE FRONT-LOADED LOTS EXIST, WHILE ALSO PROVIDING PEDESTRIAN ORIENTED SIDEWALKS/STREET TREES ON BOTH SIDES OF THE STREET.



ALLEY, TYP.: 20' ROW

KEY MAP

SEAL



PROJECT

INDIGO

BALD HEAD ISLAND, LLC
SOUTHPORT, NC
28461

LANDDESIGN PROJ.# 1021180

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CHECKED BY: XX

SCALE NORTH

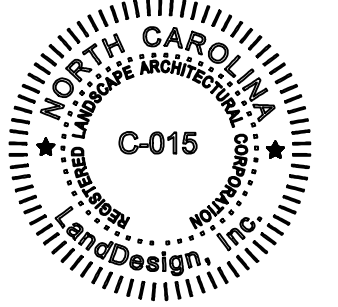
VERT: N/A
HORZ:

SHEET TITLE

STREET SECTIONS

SHEET NUMBER

RZ-5



PROJECT

BALD HEAD ISLAND, LLC
SOUTHPORT, NC
28461

LANDDESIGN PROJ.# 1021180

REVISION / ISSUANCE

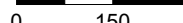
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DESIGNED BY: XX
DRAWN BY: XX
CHECKED BY: XX

SCALE

NORTH

VERT: N/A
HORIZ: 1" = 300'



SHEET TITLE

PROPOSED OPEN SPACE

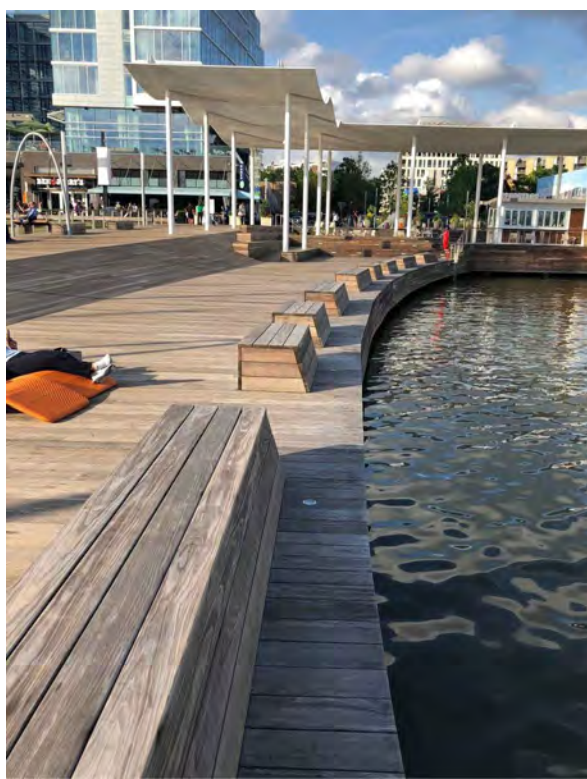
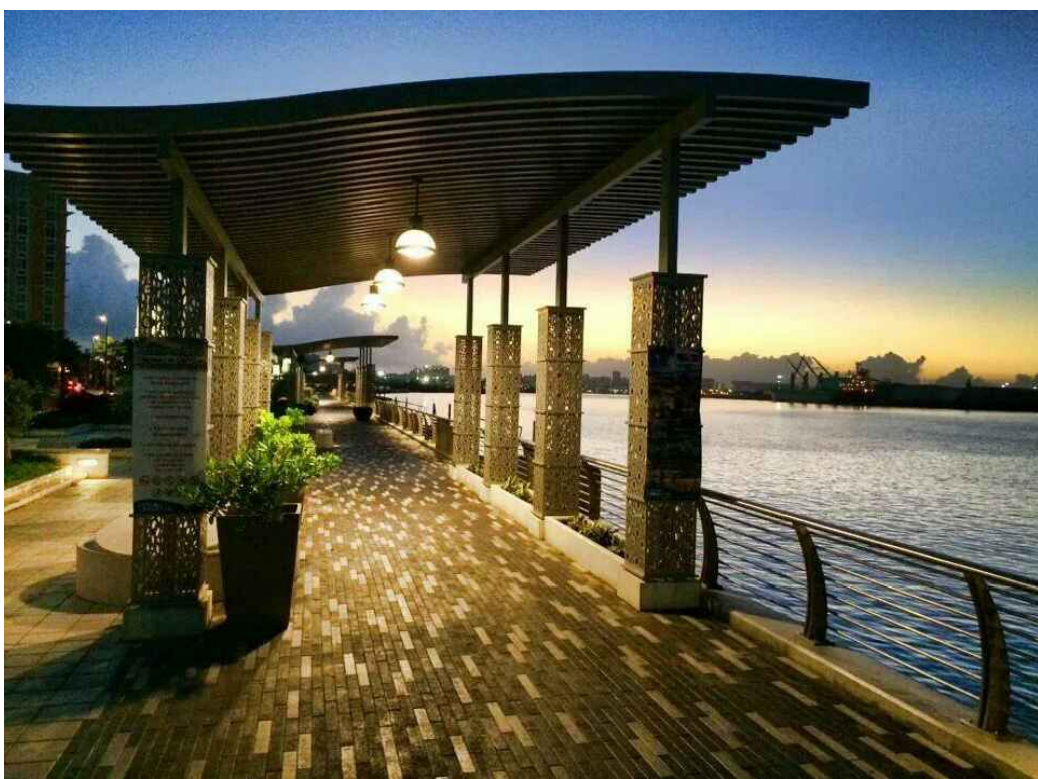
SHEET NUMBER

RZ-6

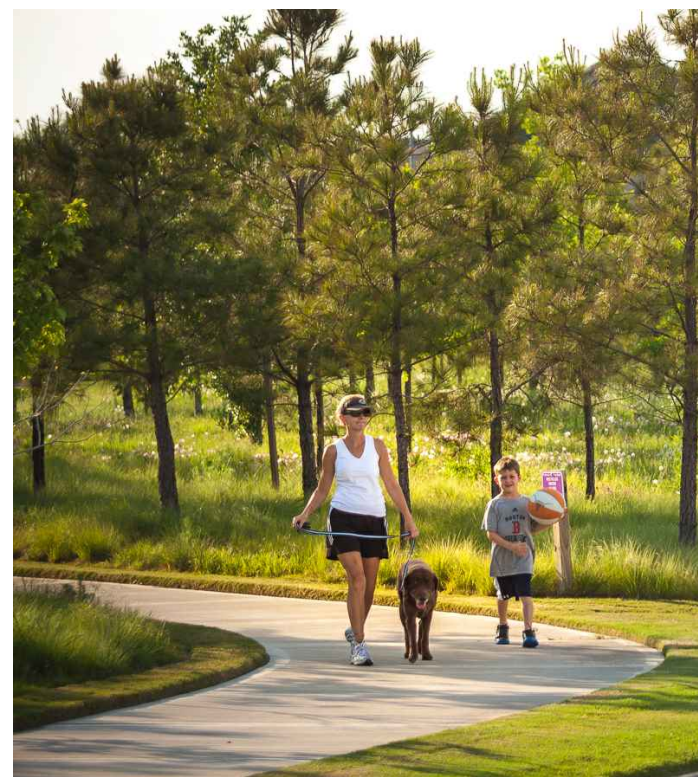
CENTRAL PARKS/POCKET PARKS



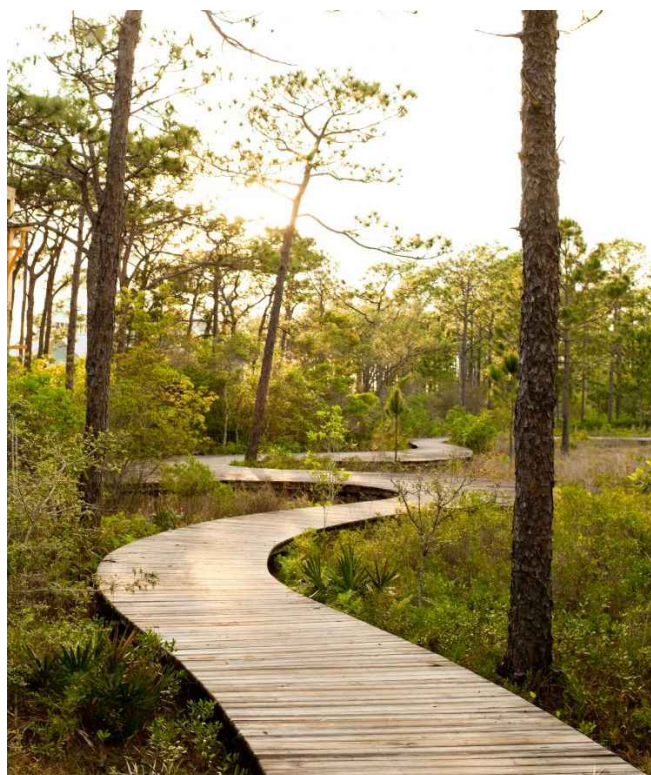
MARINA



NATURE PARK

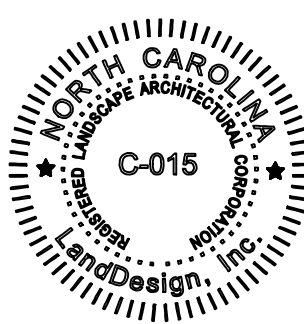


LINEAR GREENS



KEY MAP

SEAL



PROJECT

INDIGO

BALD HEAD ISLAND, LLC
SOUTHPORT, NC
28461

LANDDESIGN PROJ.# 1021180

REVISION / ISSUANCE

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2	REZONING SUBMITTAL	02.09.2022

DESIGNED BY: XX
DRAWN BY: XX
CHECKED BY: XX

SCALE NORTH

VERT: N/A
HORZ:

SHEET TITLE

CHARACTER IMAGERY

SHEET NUMBER

RZ-7



DEVELOPMENT SUMMARY

PROPOSED ZONING: PUD
OVERALL TRACT AREA: 375.08 TOTAL ACRES
APPROXIMATE DEVELOPABLE AREA: 217.1 AC (AREAS A-D), DEVELOPABLE AREA ESTIMATED AT 75% IMPERVIOUS COVERAGE
PROPOSED IMPERVIOUS AREA COVERAGE: 165.08 AC
TOTAL TRACT % IMPERVIOUS: 44%

AREA A: MARINA VILLAGE : 9.4 TOTAL ACRES
RESIDENTIAL USES: SINGLE FAMILY ATTACHED, MULTI-FAMILY, DUPLEX, CONDO
20 DUA MAX = 188 TOTAL UNITS

NONRESIDENTIAL USES: RETAIL, RESTAURANT, MARINA-COMMERCIAL
20,000 SF MAX.

LOT SIZES:
SINGLE FAMILY ATTACHED: 60 UNITS
-WIDTH - MIN. 18' WIDE INTERIOR, 20' WIDE END UNIT
-DEPTH - MIN. 60'
DUPLEX: 8 UNITS
-WIDTH - MIN. 60'
-DEPTH - MIN. 80'
MULTI-FAMILY: 120 UNITS

AREA B: RESIDENTIAL CORE : 58.1 TOTAL ACRES
RESIDENTIAL USES: SINGLE FAMILY DETACHED, SINGLE FAMILY ATTACHED, MULTI-FAMILY, DUPLEX, ASSISTED LIVING, OR SENIOR LIVING FACILITY
10 DUA MAX = 581 TOTAL UNITS

NON-RESIDENTIAL USES: RETAIL, OFFICE
60,000 SF MAX.

LOT SIZES:
SINGLE FAMILY DETACHED COTTAGE HOMES: 23 LOTS
-LOT SIZE: 35'-50' REAR LOADED
SINGLE FAMILY DETACHED: 13 LOTS
-LOT SIZE: 60'-70'
SINGLE FAMILY DETACHED LARGE LOTS: 5 LOTS
-LOT SIZE: 80'-90'
SINGLE FAMILY ATTACHED: 140 UNITS
-WIDTH - MIN. 18' WIDE INTERIOR, 20' WIDE END UNIT
-DEPTH - MIN. 60'
DUPLEX: 100 UNITS
-WIDTH - MIN. 60'
-DEPTH - MIN. 80'
MULTI-FAMILY: 300 UNITS

AREA C: RESIDENTIAL CENTER : 102.0 TOTAL ACRES
RESIDENTIAL USES: SINGLE FAMILY DETACHED, SINGLE FAMILY ATTACHED, MULTI-FAMILY, DUPLEX
6 DUA MAX = 612 TOTAL UNITS

NON-RESIDENTIAL USES: NA

LOT SIZES:
SINGLE FAMILY DETACHED COTTAGE HOMES: 158 LOTS
-LOT SIZE: 35'-50' REAR LOADED
SINGLE FAMILY DETACHED: 344 LOTS
-LOT SIZE: 60'-70'
SINGLE FAMILY DETACHED LARGE LOTS: 72 LOTS
-LOT SIZE: 80'-90'
SINGLE FAMILY ATTACHED: 30 UNITS
-WIDTH - MIN. 18' WIDE INTERIOR, 20' WIDE END UNIT
-DEPTH - MIN. 60'
DUPLEX: 8 UNITS
-WIDTH - MIN. 60'
-DEPTH - MIN. 80'

AREA D: RESIDENTIAL EDGE : 47.6 TOTAL ACRES
RESIDENTIAL USES: SINGLE FAMILY DETACHED
3 DUA MAX = 143 TOTAL UNITS

NON-RESIDENTIAL USES: NA

LOT SIZES:
SINGLE FAMILY DETACHED COTTAGE HOMES: 25 LOTS
-LOT SIZE: 35'-50' REAR LOADED
SINGLE FAMILY DETACHED: 93 LOTS
-LOT SIZE: 60'-70'
SINGLE FAMILY DETACHED LARGE LOTS: 25 LOTS
-LOT SIZE: 80'-90'

TOTALS:
-NON-RESIDENTIAL: 80,000 SF MAX.
-RESIDENTIAL: 1,542 TOTAL UNITS (AVG 4.1 DUA)*

*NOTE:
1. CITY OF SOUTHPORT UDO ALLOWS MAXIMUM SIX (6) DWELLING UNITS PER ACRE WITHIN PUD AREAS OR 2,250 UNITS ON THIS PARCEL.
2. THESE USES AND LOT SIZES ARE PRELIMINARY IN NATURE AND ARE SUBJECT TO CHANGE. OVERALL DENSITIES ARE NOTED ABOVE, AND FINAL LOT SIZES AND BUILDING TYPES WILL BE REGULATED BY SOUTHPORT UDO.

OPEN SPACE: 20% REQUIRED BASED ON OVERALL DEVELOPMENT EXCLUSIVE OF 404 WETLANDS
-TOTAL REQUIRED: 75.0 ACRES
-TOTAL PROPOSED: 75.6 ACRES

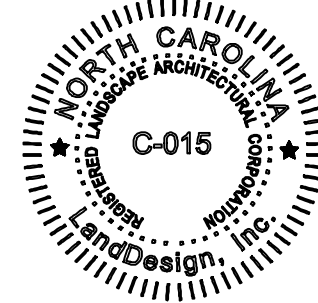
LEGEND

- AREA A - MARINA
- AREA B - RESIDENTIAL CORE
- AREA C - RESIDENTIAL CENTER
- AREA D - RESIDENTIAL EDGE
- OPEN SPACE
- EXISTING WETLAND
- PROPOSED STREET
- 100 YEAR FLOODPLAIN
- FLOODWAY
- PROPERTY LINE

NOTE: PRIOR TO ANY CLEARING, GRADING, OR CONSTRUCTION ACTIVITY, TREE PROTECTION FENCING WILL BE INSTALLED AROUND PROTECTED PLANTS, TREES, OR GROVES OF TREES. NO CONSTRUCTION WORKERS, TOOLS, MATERIALS, OR VEHICLES ARE PERMITTED WITHIN THE TREE PROTECTION FENCING.

KEY MAP

SEAL



PROJECT

INDIGO

BALD HEAD ISLAND, LLC

SOUTHPORT, NC

28461

LANDDESIGN PROJ.# 1021180

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	REZONING SUBMITTAL	11.01.2021
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Δ	REZONING SUBMITTAL	03.22.2022
Δ	REZONING SUBMITTAL	06.13.2022

DESIGNED BY: XX
DRAWN BY: XX
CHECKED BY: XX

SCALE

VERT: N/A
HORZ: 1" = 300'

SHEET TITLE

MASTER DEVELOPMENT PLAN

SHEET NUMBER

RZ-3



BALD HEAD ISLAND, LLC
SOUTHPORT, NC
28461

LANDDESIGN PROJ.# 1021180

REVISION / ISSUANCE

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3	REZONING SUBMITTAL	06.13.2022

DESIGNED BY: XX
DRAWN BY: XX
CHECKED BY: XX

SCALE

NORTH

VERT: N/A
HORZ: 1" = 300'



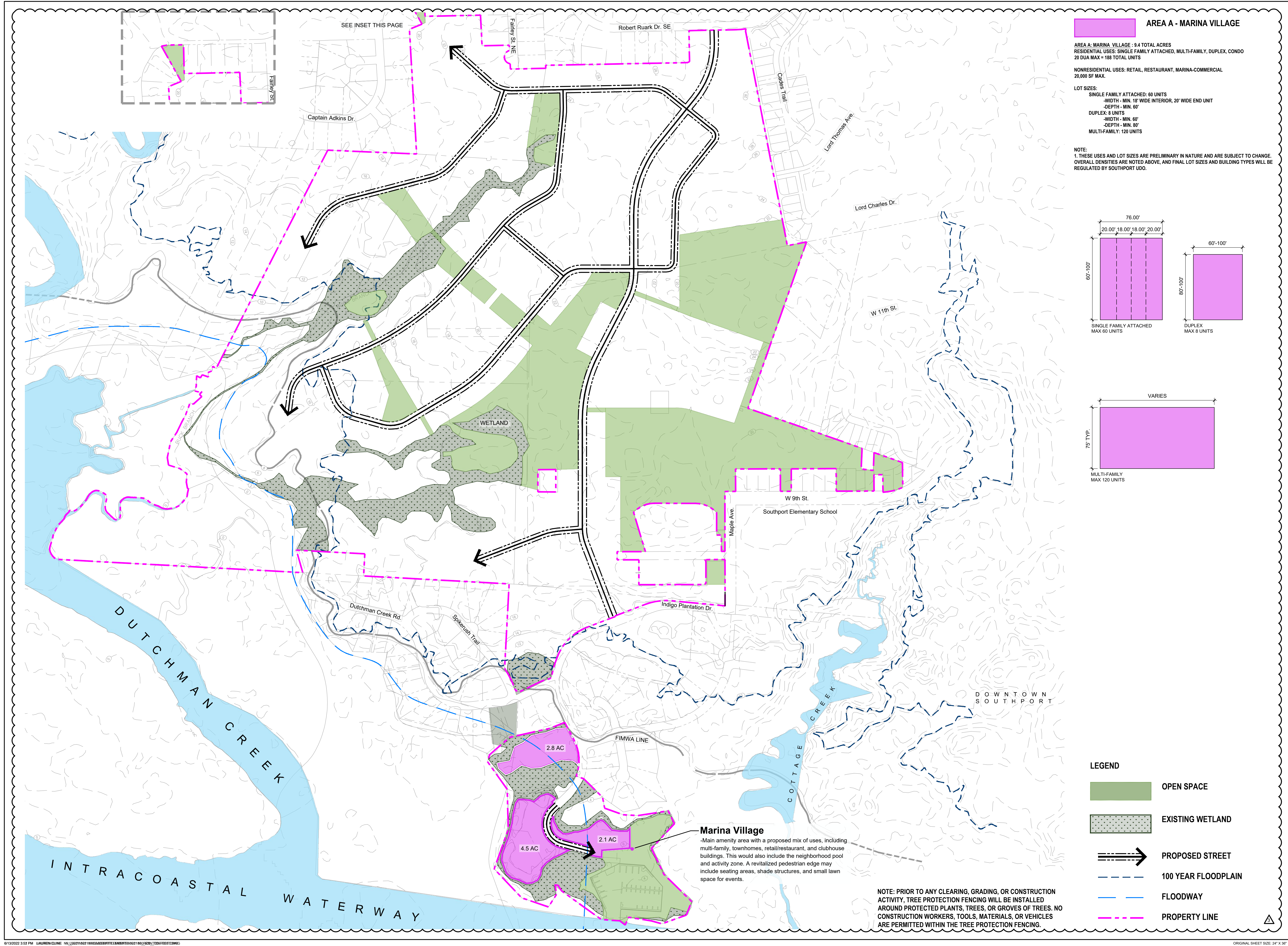
A graphic scale bar is shown with markings at 0, 150, 300, and 600 feet. To the right of the scale bar is a north arrow pointing upwards, consisting of a circle with a vertical line and a horizontal line at the top.

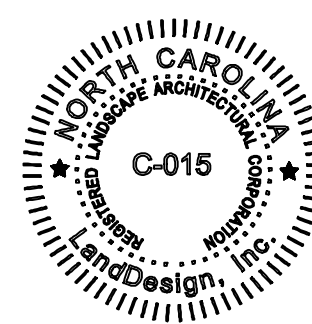
SHEET TITLE

MASTER DEVELOPMENT
PLAN - AREA A

RZ-3A

Page 62 of 132





INDIGO

BALD HEAD ISLAND, LLC
SOUTHPORT, NC
28461

LANDDESIGN PROJ.# 1021180

REVISION / ISSUANCE

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DRAWN BY: XX
CHECKED BY: XX

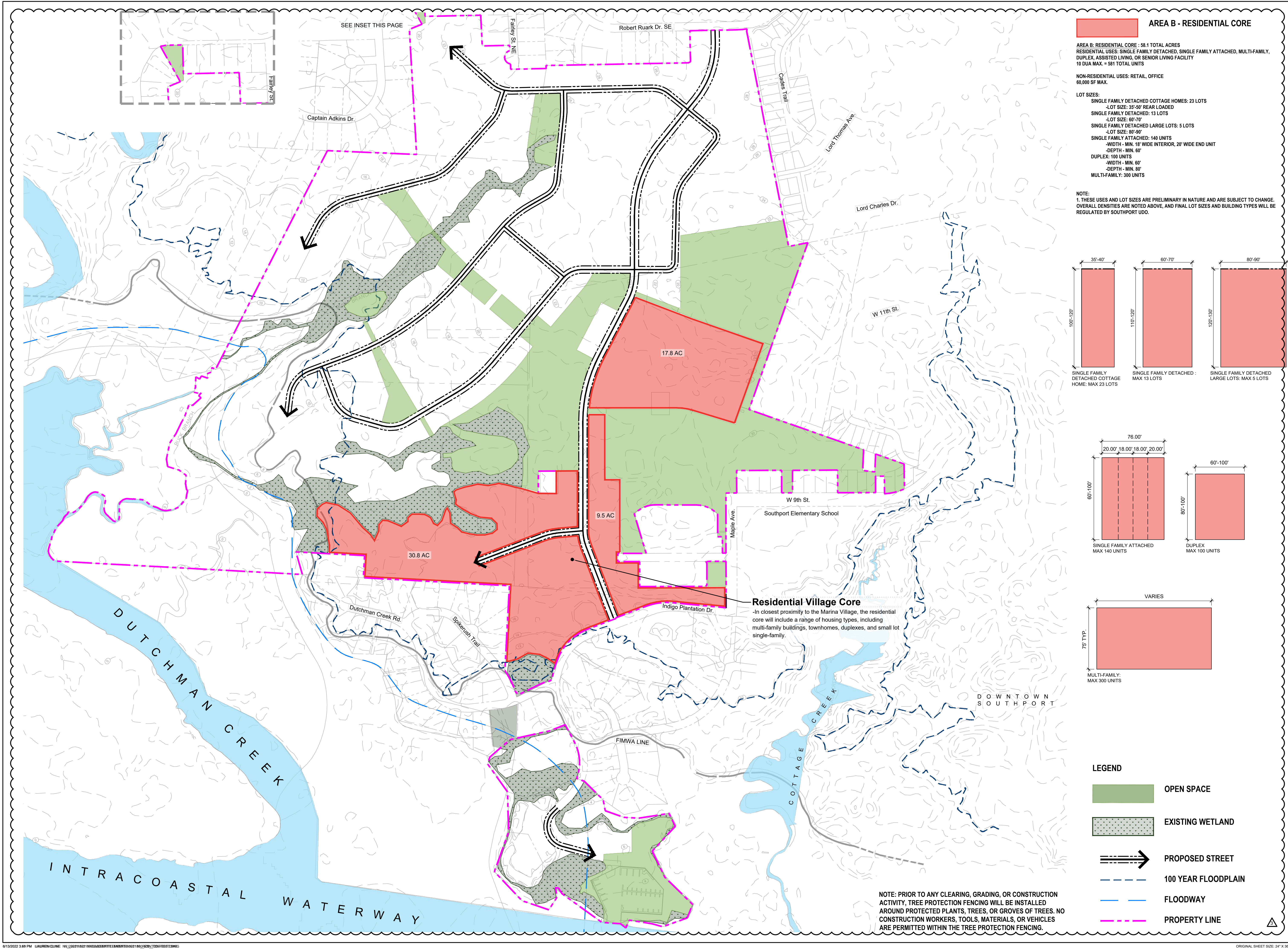
SCALE: NORTH
VERT: N/A
HORZ: 1" = 300'
0 150 300 600

SHEET TITLE

MASTER DEVELOPMENT
PLAN - AREA B

SHEET NUMBER

RZ-3B





BALD HEAD ISLAND, LLC
SOUTHPORT, NC
28461

REVISION / ISSUANCE

DESIGNED BY: XX
DRAWN BY: XX
CHECKED BY: XX

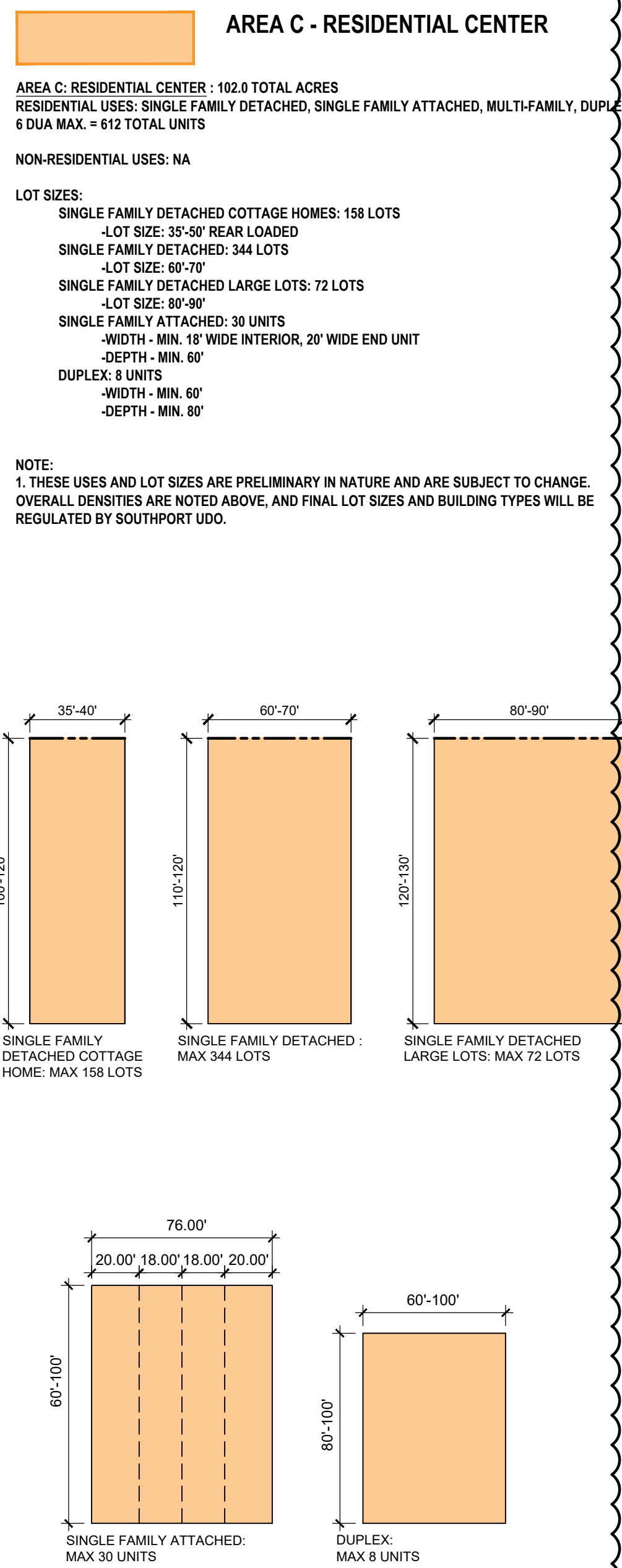
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HORZ: 1" = 300'

SHEET TITLE

MASTER DEVELOPMENT
PLAN - AREA C

(SHEET NUMBER

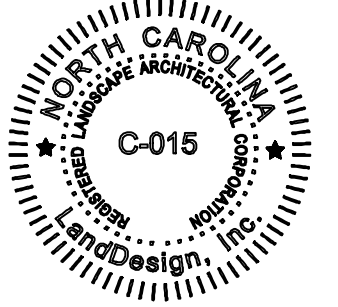
Page 64 of 130



NOTE: PRIOR TO ANY CLEARING, GRADING, OR CONSTRUCTION ACTIVITY, TREE PROTECTION FENCING WILL BE INSTALLED AROUND PROTECTED PLANTS, TREES, OR GROVES OF TREES. NO CONSTRUCTION WORKERS, TOOLS, MATERIALS, OR VEHICLES ARE PERMITTED WITHIN THE TREE PROTECTION FENCING.

LEGEND

	OPEN SPACE
	EXISTING WETLAND
	PROPOSED STREET
	100 YEAR FLOODPLAIN
	FLOODWAY
	PROPERTY LINE



D HEAD ISLAND, LLC
SOUTHPORT, NC
28461

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DESIGNED BY: XX
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CHECKED BY: XX

SCALE NORTH

VERT: N/A
HORZ: 1" = 300'

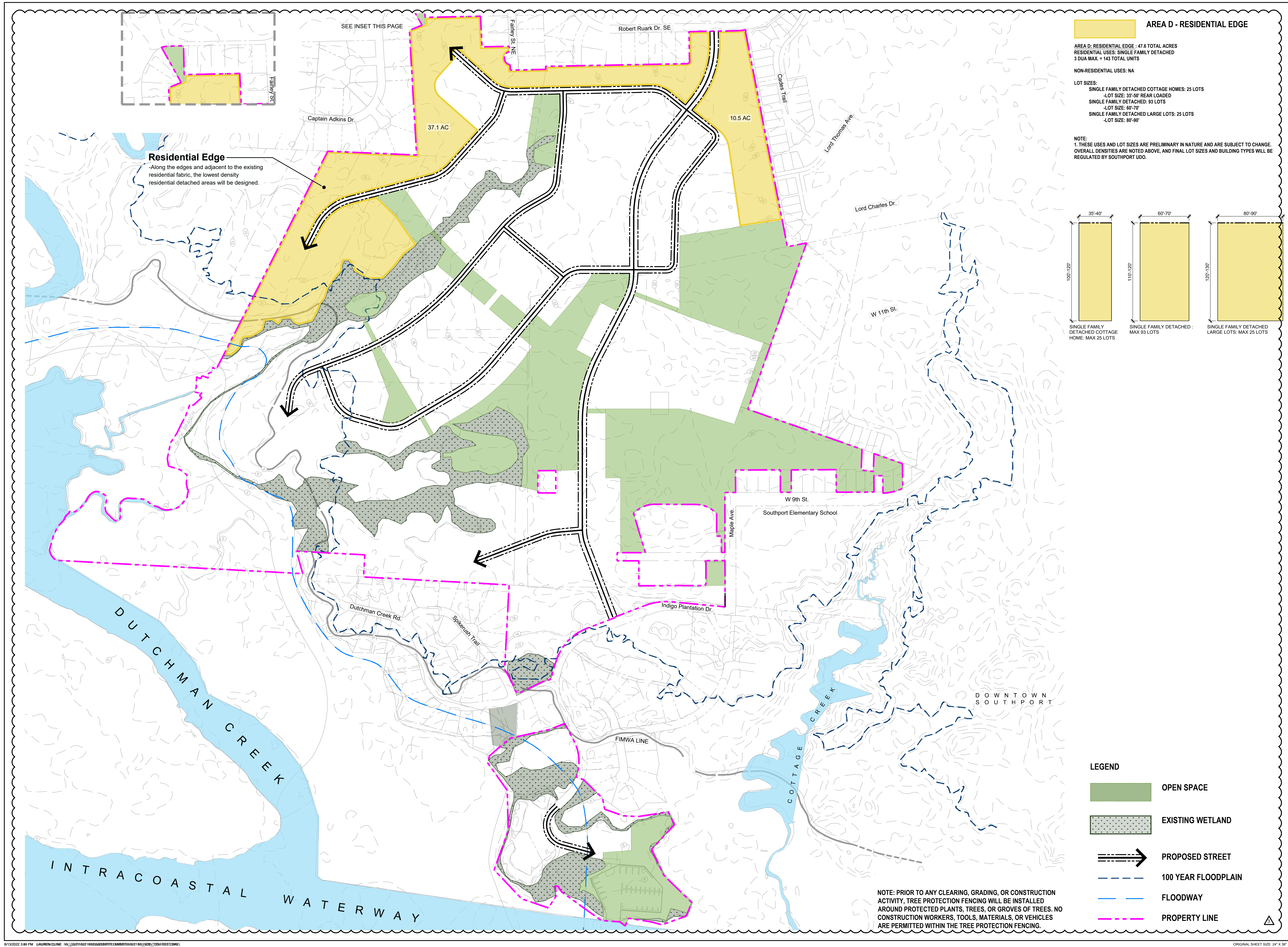
SHEET TITLE

MASTER DEVELOPMENT
PLAN - AREA D

SHEET NUMBER

RZ-3D

13



Southport Mixed-Use Development

Traffic Impact Analysis

Southport, North Carolina

Prepared for

East West Partners

Prepared by

Kimley»Horn

February 2022

© Kimley-Horn and Associates, Inc.

Southport Mixed-Use Development

Traffic Impact Analysis

Southport, NC

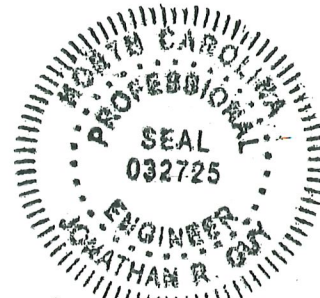
Prepared for

East West Partners

Prepared by

Kimley»Horn

NC #F-0102



Jonathan R. Guy
7 FEBRUARY 2022

February 2022

© Kimley-Horn and Associates, Inc.
115 Fairchild Street, Suite 250
Charleston, South Carolina, 29492

1 Executive Summary

The proposed Southport Mixed-Use Development is located in Southport, NC west of the Southport city limits within a currently vacant parcel bounded by Robert Ruark Drive (to the north), W 11th Street/W 9th Street (to the east), Indigo Plantation Drive (to the south), and the Dutchman Creek floodplain (to the west). Based on the current site plan, the proposed development is anticipated to consist of the following land uses:

- Residential Land Uses
 - 330 single-family detached homes
 - 340 single-family attached townhomes
 - 480 recreational homes
 - 120 senior adult detached housing units
 - 200 senior adult attached housing units
- Office Land Uses
 - 80,000 square feet of medical-dental office space
- Retail Land Uses
 - 8,000 square feet of retail shopping center space

The full build of the proposed development is anticipated to be complete in 2032 with access to be provided as follows:

- Connection to existing Robert Ruark Drive approximately 800 feet west of Forest Oak Drive/Cades Trail
- Connection to existing W 9th Street in front of Southport Elementary School

The North Carolina Department of Transportation (NCDOT) has a project identified (STIP Project R-5021) which will widen NC 211 (N. Howe Street) from NC 87 (River Drive) to NC 906. In coordination with NCDOT, it was determined that the future year analysis from this TIP project (2040) would be analyzed as part of the Southport Mixed-Use Development analysis. This traffic impact analysis (TIA) evaluates traffic operations under 2021 Existing, 2032 No-Build, 2032 Build, 2040 No-Build, and 2040 Build traffic conditions during the AM and PM peak hours at the following intersections:

1. NC 211 (N. Howe Street) at NC 87 (River Road)/Robert Ruark Drive
2. NC 211 (N. Howe Street) at 11th Street
3. NC 211 (N. Howe Street) at Fodale Avenue
4. NC 211 (N. Howe Street) at 9th Street
5. NC 211 (N. Howe Street) at West Street
6. NC 211 (N. Howe Street) at Moore Street

7. NC 211 (N. Howe Street) at 12th Street/Stuart Avenue
8. NC 211 (S. Howe Street) at Bay Street
9. Robert Ruark Drive at Proposed Site Access #1

The NCDOT TIA scoping document associated with this project was originally approved by NCDOT on July 21, 2021. This NCDOT TIA scoping document is included in **Appendix A** for reference. The Town of Southport requested the addition of the Bay Street intersection in January of 2022. This report has been amended to include this intersection at this request.

Kimley-Horn was retained to determine the potential traffic impacts of this development and identify transportation improvements that may be required to accommodate these impacts in accordance with the guidelines set forth in the North Carolina Department of Transportation (NCDOT) *Congestion Management Capacity Analysis Guidelines* and NCDOT *Policy on Street and Driveway Access to North Carolina Highways*. This report presents trip generation, trip distribution, capacity analyses, and recommendations for transportation improvements required to mitigate anticipated traffic demands produced by the subject development.

Based on the results of the analyses described within this report, the following improvements are recommended to accommodate site traffic associated with the proposed development:

NC 211 (N. Howe Street) at NC 87 (River Road)/Robert Ruark Drive

- Construct one (1) additional eastbound left-turn lane to form dual left-turn lanes with approximately 350 feet of full-width storage and an appropriate taper length.
- Construct one (1) eastbound right turn lane with approximately 350 feet of full-width storage and an appropriate taper length.
- Modify signal timing and phasing to accommodate the proposed improvements and changes in traffic volumes on each approach.

NC 211 (N. Howe Street) at 9th Street

- Construct a southbound right-turn lane with a minimum of 300 feet of full-width storage and an appropriate taper length, as utility and right-of-way constraints allow.
- Optimize signal timing in the context of the proposed improvements and increases in traffic volumes on each approach.

The following additional improvements have been identified based on No-Build traffic volumes (i.e., without the proposed Southport Mixed-Use Development) and are not the responsibility of the developer:

NC 211 (N. Howe Street) at 12th Street

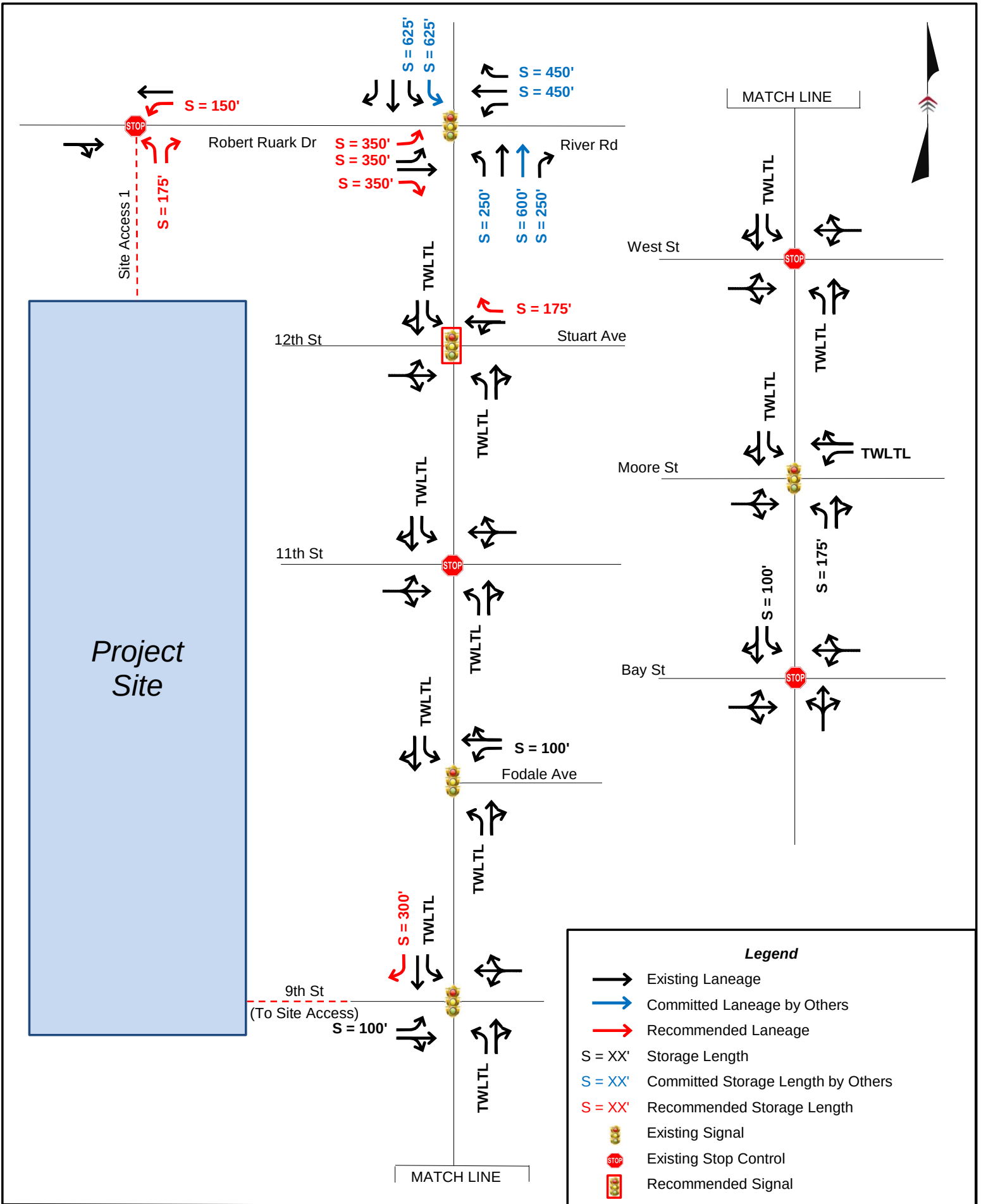
- Install a fully actuated traffic signal to operate with existing geometry and permitted phasing on all approaches.
- Install a westbound right turn lane with 175 feet of storage and appropriate taper

Robert Ruark Drive at Site Access #1

- Construct a westbound left-turn lane with a minimum of 150 feet of full-width storage and an appropriate taper length.
- Construct the site access point to include one ingress lane and two egress lanes:
 - One northbound left-turn lane
 - One northbound right-turn lane with a minimum of 175 feet of full-width storage and an appropriate taper length

Based on forecasted traffic volumes developed through coordination with NCDOT, additional improvements may be warranted at the intersections of NC 211 (N. Howe Street) with 11th Street and Fodale Avenue. The need for these improvements was identified through the analyses described herein, but the design and construction of these improvements are not the responsibility of the developer.

Figure ES-1 shows the recommended roadway geometry and traffic control at the study area intersections as described above.





STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

March 03, 2022

Jonathan Guy, PE

Kimley Horn

RE: Approval of the Traffic Impact Analysis (TIA) associated with the proposed
Project Indigo in Southport, NC.

The NCDOT and Brunswick County staffs have reviewed the Project Indigo TIA dated February 8, 2022. This development consists of:

- 330 dwelling units: Single-Family Detached Homes (LUC 210)
- 340 dwelling units: Single-Family Attached homes (LUC 220)
- 480 dwelling units: Recreational Homes (LUC 260)
- 120 dwelling units: Senior Adult Housing – Detached Homes (LUC 251)
- 200 dwelling units: Senior Adult Housing – Attached Homes (LUC 252)
- 80,000 square feet: Medical-Dental Office (LUC 720)
- 8,000 square feet: Retail (LUC 820)
- Build Year: 2032

Based on review of the analysis provided in the TIA report, the following improvements are required by the developer:

NC 211 (N. Howe Street) at NC 87 (River Road)/SR 1852 (Robert Ruark Drive)
(Signalized 4-legged Intersection)

- Construct an additional eastbound left-turn lane on Robert Ruark Drive to provide dual left turn lanes with 350 feet of storage, 50 feet of full-width deceleration and 100 feet of taper*
- Construct a separate eastbound right turn lane on Robert Ruark Drive with 350 feet of storage, 50 feet of full width deceleration and 100 feet of taper*
- Modify signal timing and phasing

*It is understood that right of way constraints will likely render the proposed roadway mitigations un-constructible. Alternate and/or additional access connections are recommended to reduce impacts at this intersection.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DISTRICT 3 ENGINEER'S OFFICE
300 DIVISION DRIVE
WILMINGTON, NC 28401-8883

Telephone: 910-398-9100
Customer Service: 1-877-368-4968

Website: ncdot.gov

Location:
300 DIVISION DRIVE
WILMINGTON, NC 28401

NC 211 (N. Howe Street) at 11th Street (Stop controlled 4-legged Intersection)

- No improvements are required.

NC 211 (N. Howe Street) at Fodale Avenue (Unsignalized T-Intersection)

- No improvements are required.

NC 211 (N. Howe Street) at SR 1209 (9th Street) (Signalized 4-legged Intersection)

- Construct an exclusive southbound right turn lane on NC 211 with 300 feet of storage, 50 feet of full width deceleration and 100 feet of taper
- Extend the existing eastbound left turn lane on 9th Street up to the intersection of Lord Street
- Optimize the signal timings

NC 211 (N. Howe Street) at SR 1194 (West Street) (Unsignalized 4-legged Intersection)

- No improvements are required.

NC 211 (N. Howe Street) at Moore Street (Signalized 4-legged Intersection)

- No improvements are required.

NC 211 (N. Howe Street) at 12th Street/Stuart Avenue (Unsignalized 4-legged Intersection)

- Install a traffic signal and the necessary communication equipment for the bordering signals on NC 211 including NC 87/Robert Ruark Drive, Fodale Avenue, and 9th Street

NC 211 (N. Howe Street) at Bay Street (Unsignalized T-Intersection)

- No improvements are required.

SR 1852 (Robert Ruark Drive) at Site Access 1 (Proposed unsignalized T-intersection)

- Construct the site access with one ingress and two egress lane.
- Provide stop control for the northbound approach.
- Provide a 175-foot internal protected stem for the northbound approach.
- Provide an exclusive westbound left turn lane on SR 1852 (Robert Ruark Drive) with 150 feet of storage, 50 feet of full width deceleration and 100 feet of taper

If changes are made to the proposed site driveways, land uses, land use intensity, or other study parameters, or if the build year studied in the report has passed, a revised Traffic Impact Analysis will be required for review by NCDOT. Any such changes will null and void this TIA approval.

The applicant is required to obtain all applicable Brunswick County and NCDOT permits for access to the road network. A copy of this TIA approval shall be included with any NCDOT driveway permit application. All applicable NCDOT and Brunswick County technical standards and policies shall apply.

Please contact me at 910-398-9100 with any questions regarding this approval.

Sincerely,



Benjamin T. Hughes, PE
District Engineer
Division 3, District 3

ec: Jon Roan, Deputy District Engineer, NCDOT
Aaron LeBeau, Assistant District Engineer, NCDOT
Jessi Leonard, PE, Division Traffic Engineer, NCDOT
Stonewall Mathis, PE, Deputy Division Traffic Engineer, NCDOT
Krupa Koilada, Senior Assistant Traffic Engineer, NCDOT
Marc Pages, Brunswick County Planning
Helen Bunch, Brunswick County Zoning Administrator
Thomas Llyod, Development Services Director, City of Southport

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PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board
From: Thomas Lloyd, City Planner
Re: Indigo Phase 2 Zoning Map Amendment, R-20 to PUD
Date: July 15, 2022

Background

The attached zoning map amendment application is for a 346.57 acre tract owned by Bald Head Limited primarily located in the ETJ. A portion of the tract is located within the corporate limits. It is currently zoned R-20 and PUD and the applicant would like to rezone the property exclusively PUD. The property consists of 29 lots. This rezoning is being applied concurrently with a PUD Master Development Plan. Action must be taken on the PUD Master Development Plan first prior to action being taken on the Zoning Map Amendment application.

The Planning Board and Board of Aldermen may consider the following when deciding on a zoning map amendment: all uses allowed in that zoning district, impact on neighbors, economic impact, tax base increase, spot zoning, road capacity, adequate infrastructure, community opinion, property values, Consistency with the CAMA Land Use Plan, the future land use map, jobs, public services, buffering requirements, the environmental impact, site limitations, and consistency with plans and prior decisions. The Boards cannot consider ethnicity, income, affordable housing, owner vs. rental housing, or who the owner is when deciding.

The City of Southport Future Land Use map shows this area as low-density residential and medium-density residential. That being said, the vast majority of the property is shown as low-density residential. The next page shows the descriptions for appropriate and inappropriate uses for low-density and medium-density residential.

LOW DENSITY RESIDENTIAL

Appropriate uses: Single-family residences, manufactured homes, and Planned Unit Developments.

Inappropriate uses: Multi-family residential uses, Non-residential uses outside of a PUD, and industrial operations.

Allowable density: 2 to 3 units per acre.

Maximum height: 40 feet.

Impervious surface threshold: Post-development runoff cannot exceed pre-development levels utilizing the 25 year storm as a base storm event.

MEDIUM DENSITY RESIDENTIAL

Appropriate uses: Single-family residences, appropriately located duplexes, and parks.

Inappropriate uses: Non-residential uses and industrial operations.

Allowable density: 4 units per acre.

Maximum height: 40 feet.

Impervious surface threshold: Post-development runoff cannot exceed pre-development levels utilizing the 25 year storm as a base storm event.

HIGH DENSITY RESIDENTIAL

Appropriate uses: A variety of single and multi-family residential uses.

Inappropriate uses: Non-residential uses and industrial operations.

Allowable density: 11 units per acre.

Maximum height: 40 feet.

Impervious surface threshold: Post-development runoff cannot exceed pre-development levels utilizing the 25 year storm as a base storm event.

City of Southport

Land Use Plan

Future Land Use (12-10-2020)

Legend

-  Parcels
-  Corporate Limits
-  ETJ
- Future Land Use**
 -  CBD/Mixed Use
 -  Heavy Commercial
 -  Light Commercial
 -  Industrial
 -  O&I/MF
 -  High Density Residential
 -  Medium Density Residential
 -  Low Density Residential
 -  Open Space

Map is to be used for general purposes only. Spatial data used to generate this map was gathered from disparate sources and represent a condition at a fixed period in time. 100% accuracy of spatial data to current circumstances cannot be guaranteed. The Cape Fear Council of Governments is not legally responsible for the misuse of this map.

Map
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D. Land Use Plan management topics

1. Introduction

The Coastal Resource Commission (CRC) has developed five management topics to be addressed in CAMA Land Use Plans: Public Access, Land Use Compatibility, Infrastructure Carrying Capacity, Natural Hazard Areas, and Water Quality. These five management topics were created to ensure that CAMA Land Use Plans support the goals of CAMA, define the CRC's expectations for the land use planning process, and give the CRC a substantive basis for review and certification of CAMA Land Use Plans. Additional management topics in this section include Transportation and Local Areas of Concern. Each management topic includes a management goal, a statement of the CRC's planning objective, policies, and recommended actions. These policies apply to the entire planning jurisdiction. Most of the policies and recommended actions are continuing activities. Specific timelines may not be applicable in most situations. Refer to table 46 for a list of those policies/recommended actions which have a specific schedule. The policies and recommended actions frequently utilize the following words: should, continue, encourage, enhance, identify, implement, maintain, prevent, promote, protect, provide, strengthen, support, and/or work.

2. Impact of CAMA Land Use Plans on management topics

This document is intended to be supportive of the CAMA regulations for protection of AEC's (15A NCAC 7H) and of Southport's Vision and Core Values. The Vision and Core Values was developed based on the key issues identified on page nine and affirms that Southport will endeavor to preserve the city's historic character, protect the city's shoreline vista, continue to support a vibrant Central Business District, preserve the city's residential areas and protect the city's Areas of environmental Concern (AEC's). No negative impacts are anticipated by the implementation of the goals, objectives, and policies that are included in this plan. All policies are consistent with applicable State and Federal requirements when State and Federal requirements apply.

E. Policies and Implementing Actions

1. Public access

a. Management Goal

Goal 1: Southport will maximize public access to the beaches and the public trust waters of the coastal region.

b. Planning Objective

Objective 1: Southport will develop comprehensive policies that provide beach and public trust water access opportunities for the public along the shoreline within the planning jurisdiction.

a. Policies and Recommended Actions

Policy 1.1: Southport supports the development of estuarine access areas that protect and preserve the natural environment to ensure adequate shoreline access. Areas that have traditionally been used by the public and protected shoreline vistas will be given special attention. The City also supports the preservation of areas that have historically been used as working waterfront.

Recommended Action 1.1.A: Prepare a specific waterfront development plan to address land use conflict issues in the Yacht Basin area.

Recommended Action 1.1.B: Develop a local ordinance and a waterfront development plan to regulate the development of mooring fields.

Policy 1.2: Southport supports state/federal funding of piers for crabbing, fishing, or public estuarine access.

Policy 1.3: Southport supports providing shoreline access for persons with disabilities.

Policy 1.4: Southport strongly supports all efforts to maintain the Southport Marina as a public access facility in perpetuity.

Policy 1.5: Southport supports its existing shoreline access plan.

Recommended Action 1.5.A: Consider updating the shoreline access plan in conjunction with the implementation of this land use plan.

Recommended Action 1.5.B: Pursue funding under the North Carolina CAMA Shoreline Access funding program (15A NCAC 7M, Section .0300, Shorefront Access Policies).

Recommended Action 1.5.C: Pursue private sources of funding for the development of shoreline access facilities adjacent to new residential and non-residential developments, including donation of land.

Policy 1.6: The City will cooperate with state and federal agencies to secure estuarine access areas to ensure adequate shoreline access.

Policy 1.7: Southport supports projects that will increase public access to shoreline areas.

2. Land use compatibility

a. Management Goal

Goal 2: Southport will ensure that development and use of resources or preservation of land minimize direct and secondary environmental impacts, avoid risks to public health, safety, and welfare, and are consistent with the capability of the land based on considerations of interactions of natural and manmade features and support the City's Vision and Core Values.

b. Planning Objectives

Objective 2:

- i. Southport will adopt and apply local development policies that balance protection of natural resources and fragile areas with economic development.
- ii. Southport's policies will provide clear direction to assist local decision making and consistency findings for zoning, divisions of land, and public and private projects.
- iii. In-fill development will be encouraged within each of the City's districts to promote efficient use of land and cost effectiveness.

b. Policies and Recommended Actions

Residential

Policy 2.1: Southport discourages the rezoning of existing residentially-developed or zoned areas to a non-residential classification. Such rezoning and amendments in classifications to the future land use map should be carefully balanced with a demonstrated need for such proposed development.

Recommended Action 2.1.A: Consider requiring all rezoning approvals be compared to the land suitability map and analysis, included in this plan, for consistency. This consistency review will be presented to the Planning Board and Board of Aldermen. Moreover, future updates to the CAMA Land Use Plan shall incorporate Green Growth Toolbox principles in the mapping and analysis.

Policy 2.2: The City supports repair and reconstruction of privately-owned dwelling units through private funds and/or grants.

Policy 2.3: Southport supports quality development reflecting the spectrum of housing needs, from low-end (affordable) residences to high-end (luxury) residences.

Recommended Action 2.3.A: Pursue funds from state and federal sources for rehabilitation or redevelopment of substandard housing.

Policy 2.4: Southport will permit residential development to occur in response to market needs provided that the following criteria are met:

- (1) Due respect is offered to all aspects of the environment.
- (2) Concurrent planning for improvements to community facilities, infrastructure, and services is provided.

Policy 2.5: The City supports providing adequate conservation/open space buffers between areas designated for residential development as indicated on the future land use map and any adjacent non-residential land use.

Recommended Action 2.5.A: Continuously monitor the need for possible revisions to the UDO, to ensure adequate buffering and landscaping to separate residential and

incompatible non-residential uses, and adequate regulation of off-site lighting, hours of operation, and vehicular driveway locations.

Policy 2.6: The City supports the use of an interior road system that provides vehicular access to lots abutting major thoroughfares.

Recommended Action 2.6.A: Consider reviewing existing design standards to ensure effective limitation of driveway entrances.

Policy 2.7: Southport does not support “strip” residential development along highways and certain roads carrying heavy traffic and encourage service roads or an internal street pattern to eliminate direct driveway connections to highways and roads.

Policy 2.8: The City supports strict enforcement of its Minimum Housing Code.

Commercial, Mixed Use, Office/Institutional & Industrial

Policy 2.9: Southport supports utilizing Office/Institutional/Multi-family development as a buffer between light industrial and commercial development and adjacent residential land uses.

Policy 2.10: Southport supports Office/Institutional/Multi-family land uses that are developed along transportation thoroughfares to provide transition between commercial nodes and to preserve vehicle carrying capacity.

Policy 2.11: Southport supports development that blends a mix of uses at a reasonable scale offering convenient retail facilities to nearby residents in an effort to reduce traffic flow on main thoroughfares.

Policy 2.12: Southport supports commercial development along the Howe Street Corridor and other areas consistent with the City’s future land use map.

Policy 2.13: Southport only supports industrial development within fragile areas and areas with low land suitability if the following conditions are met (This policy applies to both new industrial development and to expansion of existing industrial facilities):

- (1) CAMA minor or major permits can be obtained.
- (2) All applicable zoning ordinance provisions are met in zoned areas.
- (3) Within coastal wetlands, estuarine waters, and public trust waters, no industrial use will be permitted unless such use is water related.

Policy 2.14: Southport supports the recruitment and siting of environmentally compatible light industrial and commercial establishments in areas that are already similarly developed or in public or private industrial parks

Policy 2.15: Southport supports industrial development which will be located adjacent to and/or with direct access to major thoroughfares.

Policy 2.16: Southport supports the development of industrial sites that are accessible to public water and sewer services.

Policy 2.17: Southport does not support industries which are noxious by reason of the emission of smoke, dust, glare, noise, odor, and vibrations, and those which deal primarily in hazardous products such as explosives, should not be located in Southport's planning jurisdiction.

Policy 2.18: Southport will support the following in the pursuit of industrial development:

- (1) Encourage placement of new heavy industrial development to have minimum adverse effect on the City's ecosystem and by encouraging areas of concentrations of such uses be considered first when suitable infrastructure is available consistent with the growth policy of the future land use map.
- (2) Re-zone additional parcels for industrial and commercial use along existing growth corridors with adequate infrastructure existing or planned and, when the need is demonstrated, provide a consistent growth policy with amendments to the future land use map when revision is needed. This will accommodate the future demand for additional industrial and commercial development in suitable areas.

Conservation

Policy 2.19: Except as otherwise permitted in this plan, residential, commercial, and industrial development should not be supported in natural heritage areas or coastal wetlands. Residential, commercial, and industrial development which meets 15A NCAC 7H use standards will be allowed in estuarine shoreline, estuarine water, and public trust areas. In all other areas, development will be allowed that is consistent with applicable local, state, and federal regulations.

Policy 2.20: Southport will support larger lots in open space classified areas as depicted on the future land use map and official zoning map through enforcement of the City's UDO.

Policy 2.21: Southport supports the protection and preservation of its environmentally sensitive areas and fragile areas.

Moved to Cultural Resources.

3. Infrastructure carrying capacity

c. Management Goal

Goal 3: Southport will ensure that public infrastructure systems are appropriately sized, located, and managed so the quality and productivity of Areas of Environmental Concern (AECs) and other fragile areas are protected or restored. It is acknowledged that to achieve the infrastructure carrying capacity goals, policies, and implementing actions, some utility lines may have to extend through some environmentally sensitive areas.

d. Planning Objective

Objective 3: Southport will establish level of service policies and criteria for infrastructure consistent with the projections of future land needs.

c. Policies and Recommended Actions

Policy 3.1: Southport supports providing adequate community services and facilities which meet the needs of the City's citizens, businesses, and industries.

Policy 3.2: Southport supports providing sufficient water and sewer service to promote economic development and to alleviate public health problems created by the absence of public water and sewer services.

Policy 3.3: Southport supports regulating growth to coincide with the provision of public facilities and services.

Policy 3.4: In areas with central sewer service, Southport does not consider soil conditions to be an obstacle to development.

Policy 3.5: In areas without utilities, Southport will assist, where feasible, to mitigate septic tank problems and other restrictions on development posed by soil limitations, and will coordinate this effort with the Brunswick County Health Department.

Policy 3.6: The City supports directing more intensive land uses to areas that have existing or planned infrastructure.

Policy 3.7: The City supports the extension of water and sewer outside of the Corporate Limits in accordance with the West Brunswick Regional Wastewater System Sewer Service Regional Participation Agreement dated November 2, 2020 . Such extension of service beyond corporate limits are subject to annexation.

Policy 3.8: The City will rely on its existing land use and development ordinances to regulate development and may amend or modify regulations to encourage or require the provision of central water service to lots or parcels proposed in new developments.

Policy 3.9: The City supports the installation and use of properly permitted septic tank systems, where sewer is unavailable, and the enforcement of the Brunswick County Health Department regulations and local development regulations regarding lot sizes and waste disposal system placement.

Policy 3.10: The City of Southport supports providing water and sewer services to identified industrial areas to encourage industrial development.

Policy 3.11: Southport will coordinate all development activity, when applicable, with appropriate county and state regulatory personnel, and in particular with the Brunswick County Building Inspector, Sanitarian, Planning Department, and Health Department.

Policy 3.12: Southport will amend the future land use map, when needed, to reflect any water and/or sewer extension projects.

Policy 3.13: Southport will revise water and sewer extension policies as needed to continue to ensure that public/private cooperation in the provision of infrastructure to serve new development is encouraged.

Policy 3.14: Southport opposes the discharge of waste in any areas classified as coastal wetlands, freshwater wetlands (404), or natural heritage areas. This policy does not apply to constructed wetlands.

Policy 3.15: The City does not support the use of package sewage treatment plants anywhere within its planning jurisdiction.

Policy 3.16: The City will rely on the Division of Water Resources to oversee the operation and management of all existing package treatment plants within the City's planning jurisdiction.

Policy 3.17: Southport supports the following water and sewer policies:

- (1) Southport supports the extension of central water and sewer service to areas suitable for development, including the construction of lines to and through conservation areas to serve development which meets all applicable state and federal regulations.
- (2)
- (3) Southport supports all efforts to secure available state and federal funding for the construction and/or expansion of public and private water/sewer systems.
- (4) Southport supports the construction of water systems with adequate line sizes to ensure adequate water pressure and fire protection.

4. Natural hazard areas

a. Management Goals

Goal 4: Southport will conserve and maintain shorelines, floodplains, and other coastal features for their natural storm protection functions and their natural resources giving recognition to public health, safety, and welfare issues.

b. Planning Objective

Objective 4: Southport will develop policies that minimize threats to life, property, and natural resources resulting from development located in or adjacent to hazard areas, such as those subject to erosion, high winds, storm surge, flooding, or sea level rise.

a. Policies and Recommended Actions

Policy 4.1: The City of Southport desires to minimize the hazards to life, health, public safety, and development within flood hazard areas.

Policy 4.2: The City supports the enforcement of all controls and regulations, specifically design standards, tie-down requirements, construction and installation standards, elevation requirements, flood-proofing, CAMA regulations, and FEMA regulations, to mitigate the risks of lives and property caused by severe storms and hurricanes.

Policy 4.3: The City supports the Brunswick County Emergency Management Plan for evacuation procedures/policy for natural disasters or manmade disasters.

Policy 4.4: Southport supports regulation of 404 wetlands by the US Army Corps of Engineers. The City does not want new or expanded development of any kind to result in any loss of wetlands.

Policy 4.5: Southport supports the US Army Corps of Engineers' regulations and the applicable guidelines of the Coastal Area Management Act and the use of local land use ordinances to regulate development of freshwater swamps, marshes, and 404 wetlands.

Recommended Action 4.5.A: Monitor development proposals for compliance with Section 404 of the Clean Water Act and will continue to enforce local land use ordinances to regulate development of freshwater swamps, marshes, and 404 wetlands.

Policy 4.6: The City supports the installation of properly engineered and permitted bulkheads.

Policy 4.7: Southport supports relocation of structures endangered by erosion, if the relocated structure will be in compliance with all applicable policies and regulations.

Policy 4.8: The City supports the enforcement of local controls and the efforts of state and federal agencies with regulatory authority to restrict development within areas up to five feet above mean high water susceptible to sea level rise and wetland loss.

Policy 4.9: Southport recognizes the uncertainties associated with sea level rise. The rate of rise is difficult to predict. Thus, it is difficult to establish policies to deal with the effects of sea level rise. Southport supports cooperation with local, state, and federal efforts to inform the public of the anticipated effects of sea level rise.

Recommended Action 4.9.A: In response to possible sea level rise, Southport will review all local building and land use related ordinances and consider establishing setback standards, density controls, bulkhead restrictions, buffer vegetation protection requirements, and building designs which will facilitate the movement of structures.

Policy 4.10: Southport supports the Southeastern NC Regional Hazard Mitigation Plan.

Policy 4.11: Southport supports redevelopment, including infrastructure, which is designed to withstand natural hazards.

Policy 4.12: Southport is a participant in the National Flood Insurance Program (NFIP) and supports floodplain regulation. To accomplish protection of public health and service needs, Southport will:

- (1) Continue to enforce the flood hazard reduction provisions of the Southport UDO.
- (2) Prohibit the installation of underground storage tanks in the 100-year floodplain.
- (3) Where feasible, zone for open space, recreational, agricultural, or other low-intensity uses within the floodplain.
- (4) Prohibit the development of any industry within the 100-year floodplain that may pose a risk to public health and safety. Such industries may include but not be limited to: chemical refining and processing, petroleum refining and processing, hazardous material processing, or storage facilities.

5. Water Quality

a. Management Goals

Goal 5: Southport will maintain, protect, and where possible enhance water quality in all coastal wetlands, rivers, streams, and estuaries. This should include a means of addressing the complex problems of planning for increased development and economic growth while protecting and/or restoring the quality and intended uses of the basin's surface waters.

b. Planning Objective

Objective 5: Southport will adopt policies for coastal waters to help ensure that water quality is maintained if not impaired and improved if impaired.

a. Policies and Recommended Actions

Policy 5.1: The City supports the guidelines of the Coastal Area Management Act and the efforts and programs of the North Carolina Department of Environmental Quality, Division of Coastal Management and the Coastal Resources Commission to protect the coastal wetlands, estuarine waters, estuarine shorelines, and public trust waters in Southport.

Policy 5.2: Southport recognizes the value of water quality to the protection of fragile areas and to the provision of clean water for recreational and tourism purposes and supports the control of stormwater runoff to aid in the preservation of water quality.

Policy 5.3: The City supports protection of those waters known to be of the highest quality or supporting biological communities of special importance.

Policy 5.4: Southport opposes the disposal of any toxic wastes, as defined by the US Environmental Protection Agency's Listing of Hazardous Substances and Priority Pollutants (developed pursuant to the Clean Water Act of 1977), within its planning jurisdiction.

Policy 5.5: The City supports management of problem pollutants, particularly biological oxygen demand and nutrients, in order to correct existing water quality problems and to ensure protection of those waters currently supporting their uses.

Policy 5.6: Southport supports the continued enforcement of its stormwater management regulations.

Policy 5.7: Southport supports reducing soil erosion, runoff, and sedimentation to minimize the adverse effects on surface and subsurface water quality.

Policy 5.8: Southport supports the policy that all State of North Carolina projects should be designed to limit, to the extent possible, stormwater runoff into coastal waters.

Policy 5.9: Southport supports implementation of the Cape Fear River Basin Water Quality Management Plan and the Lower Cape Fear Blueprint.

Policy 5.10: Southport supports the following actions by the General Assembly:

- (1) Appropriate funding to initiate a program of incentives grants to address pollution of our rivers from both point sources and nonpoint sources.
- (2) Establish an ongoing source of state funding to provide continuous support for an incentives grant program.
- (3) Involve river basin organizations representing local governments and other interest groups in the review of all applications for state funding.

Policy 5.11: The City supports commercial and recreational fishing and will cooperate with other local governments and state and federal agencies to control pollution of these waters to improve conditions so that commercial and recreational fishing will increase. It also supports the preservation of nursery and habitat areas.

Policy 5.12: Southport supports aquaculture activities that meet applicable federal, state, and local policies and permit requirements provided that no impact to maritime navigation or scenic viewsheds occurs.

Policy 5.13: Southport objects to any discharge of water from aquaculture activities that will degrade in any way the receiving waters.

Policy 5.14: Southport supports only aquaculture activities that do not alter the natural environment or coastal wetlands, estuarine waters, and public trust areas.

Policy 5.15: The City will enforce its UDO to aid in protecting sensitive shoreline areas and water quality, while also relying on state and federal agencies to promote and protect such.

Recommended Action 5.15.A: Southport will consider the following actions through local ordinances to improve water quality:

- Use watershed-based land use planning
- Protect sensitive natural areas, including coastal wetlands
- Establish a buffer network
- Minimize impervious cover in site design
- Limit erosion during construction
- Maintain coastal growth measures
- Restore impaired waters
- Manage the cause and sources of pollution to protect all waters while supporting their use in allowing reasonable economic growth.
- Reduce nutrients in local waters.

Policy 5.16: Southport supports the preservation of wetlands as important to the protection/improvement of water quality.

Recommended Action 5.16.A: Consider preservation of large wetland areas (> one acre) in a natural state to protect their environmental value.

Recommended Action 5.16.B: Coordinate all development review with the appropriate office of the US Army Corps of Engineers and the Soil Conservation Service.

Recommended Action 5.16.C: Consider wetlands acquisition a priority in future expansions of Southport parks and recreation areas.

Policy 5.17: Southport will allow the construction of both open water and upland marinas which comply with the UDO and all applicable state and federal regulations.

Policy 5.18: Southport opposes the location of floating homes within its jurisdiction.

Policy 5.19: Southport supports the establishment of mooring fields within its planning jurisdiction, provided that no water degradation occurs as a result of waste disposal.

Policy 5.20: Southport supports regulation of underground storage tanks in order to protect its groundwater resources.

6. Transportation

a. Management Goal

Goal 6: Southport will achieve safe, efficient, reliable, environmentally-sound, and economically feasible transportation.

b. Planning Objective

Objective 6: Southport will work with NCDOT and the Cape Fear Rural Planning Organization to reduce traffic congestion and safety problems.

c. Land Use Plan Requirements

Policy 6.1: Southport supports the interconnectivity of residential and non-residential subdivisions through the enforcement of street design standards contained in the UDO.

Policy 6.2: Southport supports the utilization of frontage roads in non-residential development along major state highways.

Policy 6.3: Southport supports the construction of acceleration/deceleration lanes for the entrances to major commercial and residential developments.

Recommended Action 6.3.A: Consider revising subdivision regulations to encourage the development of joint or shared driveways in newly approved subdivisions.

Policy 6.4: The City supports limited access from development along major roads and highways to provide safe ingress and egress.

Policy 6.5: Southport supports aesthetic enhancements to major thoroughfares.

Recommended Action 6.5.A: Consider installation of street trees along gateway corridors.

Policy 6.6: Southport supports the proper maintenance of public roads within the City and the County.

Policy 6.7: Southport supports Planned Unit Developments which utilizes the North Carolina Department of Transportation Traditional Neighborhood Development Street Design Guidelines and conventional subdivisions which use the North Carolina Department of Transportation Subdivision Roads Minimum Construction Standards .

Policy 6.8: The City supports maintaining an effective signage and addressing system for all streets, roads, and highways.

Policy 6.9: Southport supports the recommendations contained within the City's Comprehensive Pedestrian Transportation Plan, Cape Fear Regional Bicycle Plan, and East Coast Greenway.

Policy 6.10: Southport officials shall play a role in any planning processes regarding transportation facilities that may impact the City including rail, highway, ferry, maritime, and air services.

Policy 6.11: The City supports state and federal funding for maintenance/dredging of the Intracoastal Waterway, the Cape Fear River, and other navigable bodies of water.

Policy 6.12: The City supports transportation by water as a viable means for moving people and goods whether by recreational vessel, shipping vessel, or public/private ferry.

Policy 6.13: Southport officials will continue to work with the Army Corps of Engineers and any other state and federal agencies to ensure continued dredging and maintenance of channels and rivers as needed to keep these facilities open to navigation. The City encourages spoil material be placed on those areas where easements for such use already exist.

Policy 6.14: Southport supports safe public transportation opportunities for seniors.

Policy 6.15: Southport will support North Carolina Department of Transportation projects to improve access to the City.

7. Local areas of concern

1. *Management Goals*

Goal 7: Southport will integrate local concerns with the overall goals of CAMA in the context of land use planning and in accordance with Southport's Vision and Core Values, Southport will endeavor to preserve the city's historic character, protect the city's shoreline vista, continue to support a vibrant Central Business District, preserve the city's residential areas and protect the city's Areas of Environmental Concern (AEC's).

2. *Planning Objective*

Objective 7: Southport will identify and address local concerns and issues, such as cultural and historic areas, scenic areas, economic development, or general health and human services needs.

3. *Land Use Plan Requirements*

Cultural, Historic and Scenic Areas

Policy 7.1: Southport will protect its historic resources as a valuable cultural and economic asset.

Recommended Action 7.1.A: Consider the creation of a Historic District Commission.

Policy 7.2: The City shall encourage local, state, and federal efforts to protect historic properties within its borders and to perpetuate its cultural heritage.

Recommended Action 7.2.A: Coordinate all housing code enforcement/ redevelopment projects/public works projects with the NC Division of Archives and History to ensure the preservation and identification of significant historic structures and archaeological sites.

Policy 7.3: Southport will guide development so as to encourage protection of scenic vistas and view corridors.

Policy 7.4: The City will not allow industrial development within its areas of historical significance.

Policy 7.5: Southport shall coordinate all housing code enforcement and/or redevelopment projects, utilizing public funding, with the NC Division of Archives and History, to ensure that any significant architectural details or buildings are identified and preserved.

Policy 7.6: Southport will coordinate all city projects with the NC Division of Archives and History, to ensure the identification and preservation of significant archaeological sites.

Economic Development & Tourism

Policy 7.7: The City supports the Southport Visitors Center and tourism and recreational related developments that protect and preserve the natural environment while promoting the City as a tourist destination. It supports the private and public development of waterfront access through private funds and grant monies.

Policy 7.8: Southport recognizes that tourism is important and will support activities that promote tourism.

Policy 7.9: The City will encourage development that supports its Vision and Core Values, will protect its resources, preserve its atmosphere, and simultaneously promote industrial and retail growth.

Policy 7.10: Southport will continue to support the activities of the North Carolina Division of Travel and Tourism; specifically, the monitoring of tourism-related industry, efforts to promote tourism-related commercial activity, and efforts to enhance and provide shoreline resources.

Policy 7.11: Southport will continue to support the activities of the Southport Department of Tourism.

General Health and Human Services Needs

Policy 7.12: Southport supports a comprehensive program of both active and passive recreational opportunities.

Policy 7.13: The City supports the provision of public recreational facilities and areas and will pursue grant funds for recreation facilities.

Policy 7.14: The City will coordinate the development of recreational facilities with the school system.

Policy 7.15: Southport supports the continued public provision of solid waste disposal, law enforcement, and educational services to all citizens.

Policy 7.16: Southport supports efforts to recycle and reduce waste.

Policy 7.17: Southport supports responsible and environmentally safe expansion of public and private energy production and distribution facilities.

Policy 7.18: Duke Power Nuclear Power Plant is located immediately north of the extra territorial jurisdiction. Some of the Duke Power property is located within the city's extra territorial jurisdiction. The City will consider the need for expansion of these facilities on a case-by-case basis.

Policy 7.19: To effectively manage Southport's investment in existing and proposed community facilities and services, the City will:

- (1) Continually update a specific capital improvements plan (CIP) with emphasis placed on services and facilities that affect growth and development.
- (2) Provide the Brunswick County Board of Education and the United States Postal Service with locational information on all residential development.
- (3) In concert with the Brunswick County Board of Education, develop a plan for the protection of future school sites.

Policy 7.20: Southport will provide sufficient emergency services to all residents. The City will implement the following:

- (1) Require that all necessary infrastructure firefighting capability/capacity be provided in new subdivisions and developments.
- (2) Continue to maintain an effective signage and addressing system for all streets, roads, and highways.

Policy 7.21: Southport will support efforts to provide broadband WiFi service throughout the Central Business District, Yacht Basin, and other areas of commercial activity in order to encourage economic development.

Governance

Policy 7.22: The City shall continually maintain all official planning documents.

PROCESS

To rezone the property to PUD a zoning map amendment must be approved. A consistency statement will also be required for the zoning map amendment, which may include a motion for a recommendation of approval or denial. Following a recommendation from the Planning Board, the zoning map amendment will be sent to the Board of Aldermen for their consideration. A duly advertised public hearing will be held and the rezoning will require mailing a notice of the hearing to each property owner to be rezoned and abutting property owner. The zoning map amendment is a separate action from the PUD Master Development Plan.

ACTION ITEM: CONSISTENCY STATEMENT- MAP AMENDMENT (REZONING)

The Planning Board must adopt a statement of consistency and recommendation. The statement of consistency and recommendation will then be forwarded to the Board of Aldermen for their review.

Zoning Map Amendment

City of Southport, North Carolina

PAID
MAR 1 10 2022



BY:

1029 N. Howe St, Southport NC 28461

www.southportnc.org

Planning & Inspections

Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

PERMIT No. PZ 21-1104-01 FEE: \$ 35,700 Date Received: 11/4/2021

Applicant's Name: East West Partners Management Co., inc.

Mailing Address: 226 N Front St City: Wilmington

State: NC Zip Code: 28401 Phone: 910-386-8683

Email: msiegel@ewpnc.com

Property Owner's Name: Bald Head Island Limited, LLC

Address of Owner: PO Box 3069 City: Bald Head Island

State: NC Zip Code: 28461 Phone: 910-457-7358

Email: cpaul@bhisland.com

Project Name: Indigo

Project Address and/or Description of Location: Survey Attached

Parcel ID #: Survey attached Number of Lots: 29 Site Acreage: 346.57

Current Zoning District: ETJ (R-20), PUD Proposed Zoning District: PUD

A complete application for any amendment shall contain a description of the proposed zoning regulation or zoning map amendment. The application shall state in detail whether the proposed amendment is consistent with the CAMA Core Land Use Plan and any other officially adopted plan that is applicable. The application shall also give detailed evidence that the proposed amendment is in the interest and will benefit the general public and not solely be of benefit to the applicant; that the uses within the proposed zoning district are similar or comparable to the uses in the district as currently zoned, or that none of the uses permitted in the proposed zoning district may potentially adversely affect property values or the health, safety, morals, or general welfare of the residents of the surrounding area. Such application shall be filed with the Administrator to be processed in accordance with Section 2.7.D of the UDO.

The Planning Board and Board of Aldermen may consider the following when deciding: Impact on neighbors and neighborhood, traffic, environment, utilities, suitability of land, harmony with area, schools, economic impact, tax base increase, spot zoning created, road capacity, adequate infrastructure, community opinion, property values, consistency with the Land Use Plan, future land use map, jobs, public services, buffering requirements, environmental impact, site limitations, and consistency with plans and prior decisions. The Boards cannot consider ethnicity, income of future residents, owner vs. renter housing, or who the owner is when deciding.

If the proposed change would require a change in the zoning map, attach an accurate diagram of the property proposed for rezoning showing:

- A. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerline;
- B. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines, shall be construed as following such lines, limits, or boundaries;
- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;
- D. Where a district boundary divides a lot each part of the lot or tract so divided shall be used in conformity with the regulations established by this ordinance for the district in which said part is located, nor shall a change in lot line be construed to have modified a zoning district boundary;
- E. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- F. Where any further uncertainty exists, the UDO Administrator shall interpret the intent of the map as to location of such boundaries.

Future Land Use Map Designation: PUD

Is the proposed zoning consistent with the Land Use Plan? (Check One and Describe Below):

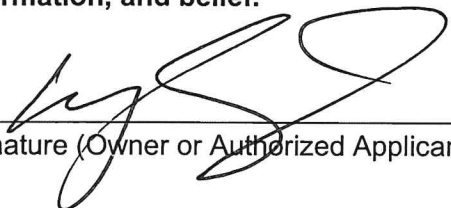
☐ Yes ☒ No

Narrative Attached.

Please describe the changing conditions in the area or in the City of Southport that makes the proposed amendment necessary to the promotion of the public health, safety and general welfare, or that identifies an obvious error in the zoning map based upon the zoning classification or current land use of surrounding properties. Also include an explanation on why the proposed zoning is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary)

Narrative attached.

In filing this Rezoning Petition, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.



Signature (Owner or Authorized Applicant)

11/4/21

Date

APPROVED BY:



UDO Administrator

11/4/21

Date

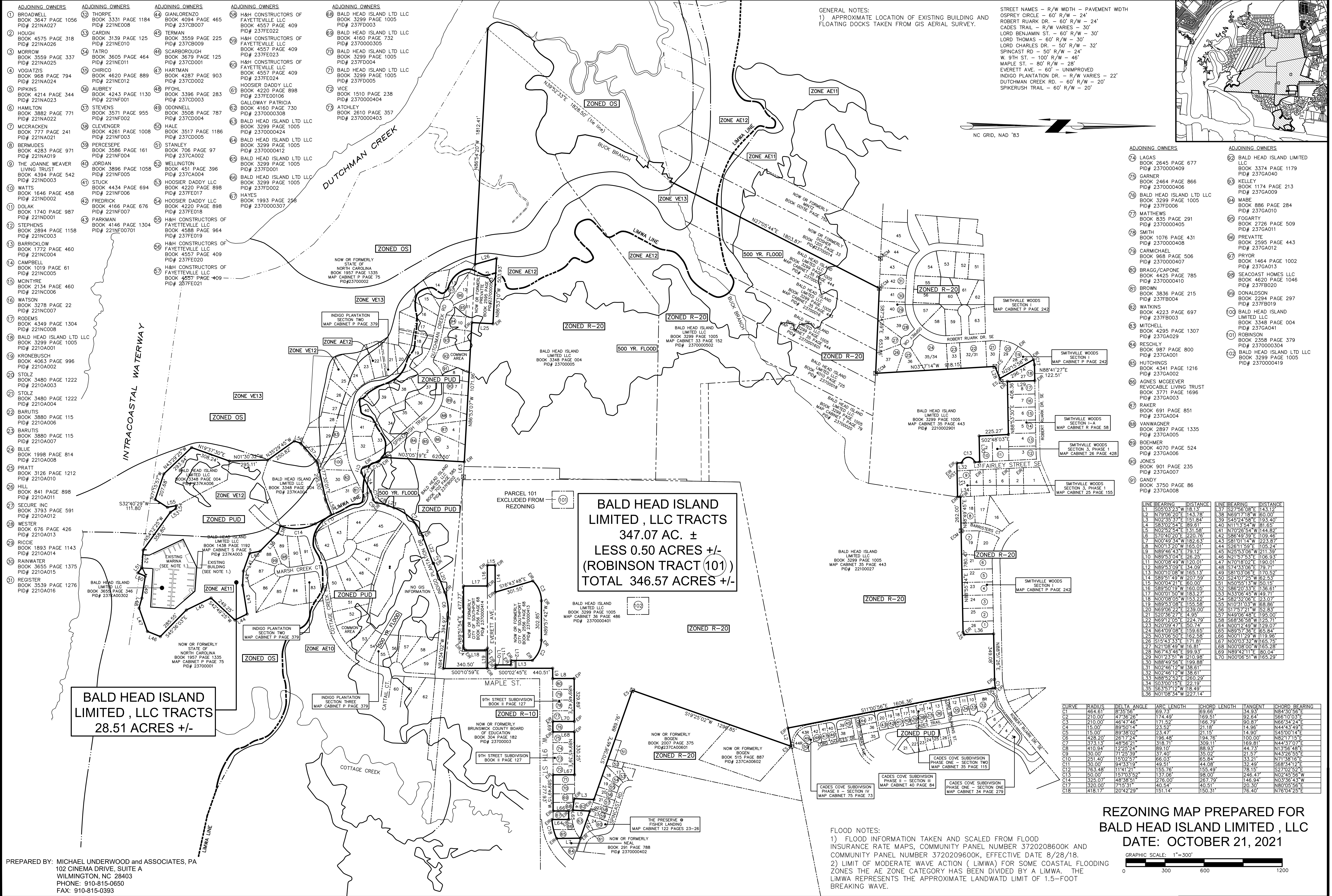


Rezoning Narrative

Plan Set

Metes and Bounds

Traffic Impact Analysis





Field Sketch of Wetlands
Project Indigo
Southport, Brunswick Co., N.C.
8/9/2021 021-105.01



Project Indigo Rezoning Narrative

Submitted by East West Partners

4 November 2021

The Cape Fear region is one of the fastest growing areas of North Carolina. This growth requires proper planning and preparation to be successful. Project Indigo endeavors to rezone 347 acres as a Planned Unit Development (PUD) within the Unified Development Ordinance (UDO) of the City of Southport, NC. The purpose of PUD zoning is for large projects to be planned and developed as an integral unit with known and programmed development operations. The proposed PUD for Project Indigo is the best way to provide for orderly, programmed growth of a large tract of land for sustainability and success in Southport as well as integration into the current development patterns and neighborhoods. PUD zoning for Project Indigo is consistent with Southport's relevant adopted plans.

Presently, +/- 38 of the included acres are within the City of Southport and zoned with an existing PUD. The remaining 309 acres are within the Extra-Territorial Jurisdiction (ETJ) of Southport, and currently included in considerations of Brunswick County. Therefore, in addition to rezoning, Project Indigo will be seeking annexation into the City of Southport, and that annexation will be conditional upon the approval of the rezoning and PUD proposed. This zoning request creates continuity and harmony with the area.

The subject property covers areas ranging from least suitability to high suitability as defined in Section 5. E. of the CLUP under the section "Suitability of Land." As stated in the CLUP "Several factors are considered during the analysis, including the natural system constraints, compatibility with existing land uses and development patterns, existing land use policies, and the availability of community facilities." Many of the areas identified as least suitable are further west, and presumably less suitable because they are further from utilities, which will be included in course of development. Project Indigo is in close proximity to community amenities such as schools and The Southport Senior Center, Town Hall, and a fire station while creating additional community facilities. A major benefit of this request is that PUD as it requires a master development plan approval so the issues listed as determining the suitability of development can be addressed systematically at the beginning of the project.

The design of Project Indigo accounts for the location and the environmental requirements of the area. A 404 Wetlands Delineation is included as part of this submission. Project Indigo will not be a clear-cut-style development and will comply with all stormwater permitting requirements. Project Indigo provides for multiple large open spaces shown as Central Park and Nature Park on the project plans. The open space will be connected by linear green space to ensure an interconnected network of greenspaces and trails.

The Comprehensive Pedestrian Plan (CPP) shows areas adjacent to Project Indigo currently have good sidewalk connectivity which will be enhanced by the pedestrian system within Project Indigo. A Traffic Impact Analysis is provided in conjunction with this submission.

Project Indigo seeks to bring a potential for 1,540 homes to Southport. As identified in the CLUP, the typical Southport resident is 45 years old or older, and aging; indicating that Project Indigo will attract early-or-near retirees. This age demographic will produce a lower impact on the school system than other

age demographics. In addition, the mix of housing types will also provide a lower impact on schools than all single family residential as evidenced by data provided by the National Center for Education Statistics, a division of the US Department of Education. Early estimates put the project at a valuation in excess of \$500,000,000 in taxable value, in today's dollars.

The overwhelming majority of the property under consideration is envisioned as R-20 by the current Land Use Plan, roughly 2 homes per acre, however the southern parcel which is already included within the city as a Planned Unit Development is zoned for higher density. Likewise, the Future Land Use Map places different portions of Project Indigo at either "Low Density Residential," (2-3 units per acre) or "Medium Density Residential," (4 units per acre). The proposed PUD would total 4.1 units per acre and mimic the current LUP and FLUP of lower density on the northern parcels, higher density on the southern parcels around the marina. Project Indigo provides a range of housing types and price points for residents in a planned neighborhood with ample amenities, open space, and connectivity.

Legal Description
Prepared for Rezoning
Bald Head Island Limited, LLC
346.57 Acres +/-
Southport, NC

Beginning at a point located in the eastern line of Lot 1, Section 1, Smithville Woods as recorded at Map Cabinet P, Page 242, Brunswick County Registry at its intersection with the southern R/W line of Robert Ruark Drive SE (60' Public R/W); said beginning point also being the southeastern corner of Lot 1, Section 1, Smithville Woods; thence rom said **Point of Beginning** along and with the southern R/W line of Robert Ruark Drive SE the following courses and distances North 88 degrees 51 minutes 26 seconds East a distance of 349.08 feet to a point; thence following a curve to the left (R=464.61', Arc=69.73') having a chord which bears North 84 degrees 30 minutes 56 seconds East a chord distance of 69.66 to a point located western line of a common area tract of Cades Cove Subdivision, Phase One, Section One as recorded at Map Cabinet 34 Page 279 Brunswick County Registry; thence along and with the western line of a common area tract of Cades Cove Subdivision the following courses and distances; South 05 degrees 03 minutes 23 seconds West a distance of 18.13 feet to a point; thence South 11 degrees 00 minutes 56 seconds East a distance of 1,606.36 feet to a point located in the southern line of a common area tract of Phase II, Section IV, Cades Cove Subdivision as recorded at Map Cabinet 75 Page 73, Brunswick County Registry; thence along and with the common area tract of Phase II, Section IV, Cades Cove Subdivision North 79 degrees 06 minutes 20 seconds East a distance of 143.78 feet to a point located in the western line of the now or formerly Bogen tract as recorded at Book 515, Page 887, Brunswick County Registry; thence along and with the western line of the now or formerly Bogen tracts South 19 degrees 25 minutes 02 seconds West a distance of 1,296.85 feet to a point located in the southern line of the now or formerly Bogen tract as recorded at Book 2007, Page 375, Brunswick County Registry; thence along and with the now or formerly Bogen tract, the now or formerly Stanley tract as recorded at Book 706, Page 97 Brunswick County Registry and The Preserve at Fisher Landing as recorded at Map Cabinet 122, Pages 23-26 Brunswick County Registry South 70 degrees 38 minutes 46 seconds East a distance of 889.76 feet to a point located in the western line of the Galloway tract as recorded in Book 4160 Page 730, Brunswick County Registry; thence along and with the western line of the Galloway tract South 02 degrees 35 minutes 37 seconds West a distance of 151.84 feet to a point located in the southern line of the Galloway tract; thence along and with the southern line of the Galloway tract South 83 degrees 02 minutes 54 seconds East a distance of 89.61 feet to a point located in the western line of the now or formerly Bald Head Island Limited, LLC tract as recorded at Book 3299 Page 1005, Brunswick County Registry; thence along and with the western line of the western line of the Bald Head Island Limited, LLC tract North 02 degrees 52 minutes 54 seconds East a distance of 131.58 to a point located in the southern line of The Preserve at Fisher Landing as recorded at Map Cabinet 122 Pages 23-26, Brunswick County Registry; thence along and with the southern line of The Preserve at Fisher Landing South 70 degrees 40 minutes 20 seconds East a distance of 220.76 feet to a point located in the western line of the now or formerly Neal tract as recorded at Book 291, Page 788, Brunswick County Registry; thence along and with the western line of the Neal tract South 00 degrees 49 minutes 34 seconds East a distance of 182.63 feet to a point located in the northern line of West 9th Street (Public R/W); thence along and with the northern line of West 9th Street following a curve to the right (R=418.17', Arc=151.14') having a chord which bears South 76 degrees 04 minutes 25 seconds West a distance of 150.31 feet to a point located in the eastern line of the now or formerly Hayes tract as recorded at Book 1993 Page 258, Brunswick County Registry; thence along and with the eastern line of the Hayes tract North 00 degrees 12 minutes 49 seconds West a distance of 129.07 feet to a point located in the northern line of the Hayes tract; thence along and with the northern line of the Hayes tract South 89 degrees 57 minutes 36 seconds West a distance of 65.84 feet to

a point located in the western line of the Hayes tract; thence along and with the western line of the Hayes tract South 00 degrees 11 minutes 29 seconds East a distance of 119.96 feet to a point located in the northern line of West 9th Street (Public R/W); thence along and with the northern line of West 9th Street South 89 degrees 49 minutes 15 seconds West a distance of 277.93 feet to a point located in the eastern line of the now or formerly Vice tract as recorded in Book 1510, Page 238, Brunswick County Registry; thence along and with the eastern line of the Vice tract North 00 degrees 03 minutes 32 seconds West a distance of 165.75 feet to a point located in the northern line of the 9th Street Subdivision as recorded at Book II Page 127, Brunswick County Registry; thence along and with the northern line of the 9th Street Subdivision South 89 degrees 45 minutes 39 seconds West a distance of 330.25 feet to a point located in Western line of the now or formerly Garner tract as recorded at Book 2464, Page 866, Brunswick County Registry; thence along and with the western line of the Garner tract South 00 degrees 08 minutes 00 seconds East a distance of 165.28 feet to a point located in the northern R/W line of West 9th Street (public R/W); thence along and with the northern R/W line of West 9th Street South 89 degrees 42 minutes 11 seconds West a distance of 80.04 feet to a point located in the eastern line of the now or formerly Matthews tract as recorded at Book 835, Page 291, Brunswick County Registry; thence along and with the eastern line of the Matthews tract North 00 degrees 06 minutes 51 seconds West a distance of 165.29 feet to a point located northern line of the 9th Street Subdivision; thence along and with the northern line of the 9th Street subdivision South 89 degrees 48 minutes 42 seconds West a distance of 329.89 feet to a point located in the the western line of the now or formerly Bragg/Capone tract as recorded at Book 4425 Page 785, Brunswick County Registry; thence along and with the western line of the Bragg/Capone tract South 00 degrees 13 minutes 20 seconds East a distance of 165.01 feet to a point located in the northern R/W line of West 9th Street (100' Public R/W); thence along and with the northern R/W line of West 9th Street South 89 degrees 46 minutes 43 seconds West a distance of 79.12 feet to a point located in the eastern R/W line of Maple Street (80' Public R/W); thence along and with Maple Street South 00 degrees 02 minutes 45 second East a distance of 440.51 to a point located in the northern R/W line of Everett Ave. as shown on Map Cabinet 36 Page 487, Brunswick County Registry; thence along and with the northern R/W line of Everett Ave. (60' Public R/W) South 89 degrees 53 minutes 04 seconds West a distance of 25.26 feet to a point located in the eastern line of the now or formerly City of Southport tract as recorded at Book 2556 Page 68, Brunswick County Registry; thence along and with the City of Southport tract the following courses and distances; North 00 degrees 08 minutes 49 seconds West a distance of 120.01 feet to a point; thence South 89 degrees 53 minutes 09 seconds West a distance of 34.09 feet to a point; thence North 00 degrees 10 minutes 08 seconds West a distance of 165.13 feet to a point; thence following a curve to the left (R=210.00', Arc=174.49') having a chord which bears North 66 degrees 10 minutes 03 seconds West a chord distance of 169.51 feet to a point; thence North 89 degrees 57 minutes 42 seconds West a distance of 302.85 feet to a point; thence following a curve to the left (R=210.00', Arc=166.79') having a chord which bears South 66 degrees 34 minutes 24 seconds West a chord distance of 166.79 feet to a point; thence South 16 degrees 43 minutes 48 seconds East a distance of 301.55 feet to a point northern R/W line of Everett Avenue; thence along and with the northern line of Everett Avenue South 89 degrees 51 minutes 49 seconds West a distance of 207.59 feet a point located at the termination of Everett Avenue; thence along and with the termination of Everett Avenue South 00 degrees 04 minutes 21 seconds West a distance of 60.00 feet to a point located in the southern R/W line of Everett Avenue; thence along and with the southern R/W line of Everett Avenue North 89 degrees 50 minutes 19 seconds East a distance of 160.05 feet to a point located in the western line of the now or formerly City of Southport tract as recorded at Book 2556 Page 68, Brunswick County Registry; thence along and with the City of Southport tract the following courses and distances; South 00 degrees 01 minutes 50 seconds East a distance of 183.27 feet o a point; thence North 89 degrees 51 minutes 54 seconds East a distance of 477.77 feet to a point; thence following a curve to the left (R=15.00', Arc=23.52') having a chord which bears North 44 degrees 43 minutes 49 seconds East a chord distance of 21.18 feet to a point; thence North

00 degrees 08 minutes 05 seconds West a distance of 153.22 feet to a point; thence following a curve to the left (R=15.00', Arc=23.47') having a chord which bears North 45 degrees 00 minutes 14 seconds West a distance of 21.15 feet to a point located in the southern R/W line of Everett Ave (60' Public R/W); thence along and with the southern R/W line of Everett Ave., North 89 degrees 53 minutes 08 seconds East a distance of 155.58 feet to a point located in the western R/W line of Maple Street (80' Public R/W); thence along and with the western R/W line of Maple Street South 00 degrees 10 minutes 59 seconds East a distance of 340.50 feet to a point located in the northern R/W line of Indigo Plantation Drive (60' R/W) the following courses and distances; North 84 degrees 34 minutes 02 seconds West a distance of 394.97 feet to a point; thence following a curve to the left (R=428.20', Arc=196.48') having a chord which bears South 82 degrees 17 minutes 15 seconds West a distance of 194.76 feet to a point; thence South 69 degrees 06 minutes 22 seconds West a distance of 239.00 feet to a point; thence South 20 degrees 36 minutes 27 seconds East a distance of 4.95 feet to a point; thence South 69 degrees 12 minutes 05 seconds West a distance of 224.79 feet to a point; thence following a curve to the left (R=373.13', Arc=318.71') having a chord which bears South 44 degrees 37 minutes 07 seconds West a distance of 309.11 feet to a point; thence South 20 degrees 09 minutes 47 seconds West a distance of 50.74 feet to a point; thence following a curve to the left (R=410.94', R=89.10') having a chord which bears South 13 degrees 56 minutes 48 seconds West a distance of 88.93 feet to a point; thence following a curve to the right (R=30.00', Arc=37.40') having a chord which bears South 43 degrees 26 minutes 55 seconds West a distance of 35.02 feet to a point located in the northwestern R/W line of Dutchman Creek Road (60' R/W); thence along and with the northwestern R/W line of Dutchman Creek Rd. the following courses and distances; following a curve to the left (R=251.40', Arc=66.03') having a chord which bears South 71 degrees 38 minutes 16 seconds West a distance of 65.84 feet to a point; thence South 64 degrees 09 minutes 08 seconds West a distance of 159.65 feet to a point; thence following a curve to the right (R=30.00', Arc=49.51') having a chord which bears North 68 degrees 34 minutes 12 seconds West a distance of 44.08 feet to a point located in the northeastern R/W line of Spikerush Trail (60' R/W); thence along and with the northeastern R/W line of Spikerush Trail the following courses and distances; North 21 degrees 08 minutes 49 seconds West a distance of 16.81 feet to a point; thence following a curve to the left (R=763.48', Arc=155.76') having a chord which bears North 27 degrees 02 minutes 52 seconds West a distance of 155.49 feet to a point located in the eastern line of Indigo Plantation, Section Two as recorded at Map Cabinet P, Page 379, Brunswick County Registry; thence along and with the eastern line of Indigo Plantation, Section Two North 03 degrees 05 minutes 19 seconds East a distance of 620.50' to a point located in the northern line of the Indigo Plantation, Section Two; thence along and with the northern line of Indigo Plantation, Section Two North 86 degrees 53 minutes 07 seconds West a distance of 1,071.96 feet to a point located in the eastern line of the now or formerly Prevatte tract as recorded at Book 2595, Page 443, Brunswick County Registry; thence along and with the Prevatte tract the following courses and distances; North 03 degrees 06 minutes 50 seconds East a distance of 162.58 feet to a point; thence North 86 degrees 53 minutes 10 seconds West a distance of 503.93 feet to a point; thence South 15 degrees 43 minutes 33 seconds East a distance of 171.81 feet to a point located in the northern line of the Indigo Plantation, Section Two as recorded at Map Cabinet 9 Page 379, Brunswick County Registry at its intersection with the now or formerly State of North Carolina tract as recorded at Book 1957 Page 1335, Brunswick County Registry; thence along and with the northern line of Sate of North Carolina tract North 86 degrees 54 minutes 20 seconds West a distance of 1,812.41 feet to a point located in the run of Buck Branch; thence along with the run of Buck Branch as it meanders in a northerly direction to a point located in the southeastern line of the now or formerly Doshier tract as recorded at 1201 Page 33, Brunswick County Registry; said point being located North 39 degrees 52 minutes 33 seconds East a distance of 1,828.50 feet from the previous point; thence along and with the southeastern line of the Doshier tract North 27 degrees 05 minutes 44 seconds East a distance of 1,803.87 feet to a point located in the southern line of Smithville Woods, Section 1 as recorded at Map Cabinet P, Page 242; thence along

and with the southern line of Smithville Woods, Section 1 South 87 degrees 34 minutes 39 seconds East a distance of 653.86 feet to a point located in the eastern line of Smithville Woods, Section 1; thence along and with the eastern line of Smithville Woods, Section 1 North 03 degrees 17 minutes 14 seconds West a distance of 918.15 feet to a point located in the southern line of Smithville Woods, Section 1; thence along and with the southern line of Smithville Woods, Section 1 North 67 degrees 43 minutes 46 seconds East a distance of 99.93 feet to a point located in the northeastern line of the Kronebusch tract as recorded at Book 4063, Page 996, Brunswick County Registry; thence along and with the northeastern line of the Kronebusch tract North 29 degrees 15 minutes 58 seconds West a distance of 296.74 feet to a point located in the southern R/W line of Robert Ruark Drive SE (Public R/W); thence along and with the southern R/W line of Robert Ruark Drive SE the following courses and distances; following a curve to the right (R=300.20', Arc=40.54') having a chord which bears North 80 degrees 05 minutes 56 seconds East a distance of 40.51 feet to a point; thence North 88 degrees 41 minutes 27 seconds East a distance 122.51 feet to a point located in the western line of the now or formerly Rodems tract as recorded at Book 4349, Page 1304, Brunswick County Registry; thence along and with the western line of the Rodems tract South 01 degrees 23 minutes 51 seconds East a distance of 210.98 feet to a point located in the northern line of Smithville Woods Section 1-A as recorded at Map Cabinet R Page 58, Brunswick County Registry; thence along and with the northern line of Smithville Woods Section 1-A North 88 degrees 53 minutes 30 seconds East a distance of 408.36 feet to a point located in the western line of Smithville Woods, Section 3, Phase 1 as recorded at Map Cabinet 26 Page 428, Brunswick County Registry; thence along and with the western line of Smithville Woods, Section 3, Phase 1 South 02 degrees 48 minutes 03 seconds East a distance of 225.27 feet to a point located in the southern line of Smithville Woods, Section 3, Phase 1; thence along and with the southern line of Smithville Woods, Section 3, Phase 1 North 88 degrees 49 minutes 56 seconds East a distance of 199.88 feet to a point located in the western line of R/W line of Fairley Street SE (60' Public R/W); thence along and with the western R/W line of Fairley Street SE the following courses and distances; South 02 degrees 46 minutes 12 seconds East a distance of 38.61 feet to a point; thence following a curve to the left (R=50.00', Arc=137.06') having a chord which bears South 02 degrees 45 minutes 56 seconds East a distance of 98.00' to a point; thence South 02 degrees 46 minutes 12 seconds East a distance of 38.61 feet to a point located in the southern line of Smithville Woods, Section 3, Phase 1 as recorded at Map Cabinet 25 Page 155, Brunswick County Registry; thence along and with the southern line of Smithville Woods, Section 1 the following courses and distances; North 88 degrees 52 minutes 52 seconds East a distance of 260.29 feet to a point; thence North 03 degrees 00 minutes 15 seconds West a distance of 22.19 feet to a point; thence North 88 degrees 49 minutes 45 seconds East a distance of 262.00 feet to a point; thence North 88 degrees 55 minutes 24 seconds East a distance of 780.47 feet to a point; thence North 63 degrees 57 minutes 12 seconds East a distance of 18.49 feet to a point located in the eastern line of Lot 1, Smithville Woods, Section 1 as recorded at Map Cabinet 25, Page 155, Brunswick County Registry; thence along and with the eastern line of Lot 1 North 01 degrees 08 minutes 34 seconds West a distance of 227.14 feet to the **Point of Beginning**; containing 347.07 Acres, more or less.

EXCLUDING from the above 347.07 Acre description, the now or formerly ALBERT M. ROBINSON or CAROLYN M. ROBINSON, TRUSTEES OF THE ALBERT M. ROBINSON AND CAROLYN M. ROBINSON REVOCABLE LIVING TRUST tract; PID: 2370000304; and recorded at Book 2358 Page 379, Brunswick County Registry; and being more particularly described below:

Property Description (including any improvements): A tract of land in Brunswick County, North Carolina described as Lots 6 and 7, both in Block 3 of the E.B. Stevens Subdivision of Cottage Place as more particularly described in the plat thereof recorded at Book "FF", Pages 126 in the

office of the Register of Deeds of Brunswick County, North Carolina. Tax Lot No. L. 6 & 7 83 Plat 1/176, Parcel Identifier No. 2370000304 and being noted on the Rezoning Map as Parcel 101 and containing 0.50 Acres, more or less for a net acreage of 346.57 Acres, more or less.

AUTHORITY FOR APPOINTMENT OF PERSON
TO ACT ON MY BEHALF

The undersigned owner, Bald Head Island Limited, LLC, hereby appoints East West Partners Management Company, Inc. to act on its behalf for the purpose of petitioning the City of Southport for: a) an amendment to the zoning text regulations; b) a change to the zoning map; c) approval of a special use permit; d) approval of a special use district; e) annexation of property; and/or f) street closure, as applicable to the property described in the attached petition.

The owner does hereby covenant and agree with the City of Southport that said appointee has the authority to do the following acts for and on behalf of the owner with respect to the subject property:

- (1) to submit a proper petition and the required supplemental materials;
- (2) to appear at public meetings to give testimony and make commitments on behalf of the owner;
- (3) in the case of a special use permit, to accept conditions or recommendations made for issuance of the special use permit on the owner's said property; and
- (4) to act on the owner's behalf with regard to any and all things directly or indirectly connected with or arising out of any petition for the purposes and property described herein.

This appointment agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: November 3, 2021

Appointee's Name, Address & Telephone:

McKay Siegel - East West Partners

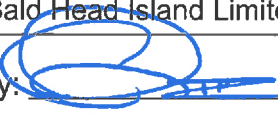
226 N Front St

Wilmington, NC 28401

910-386-8683

Signature of Owner:

Bald Head Island Limited, LLC

By: 

Charles A. Paul, III, Manager

3.18 TREE PROTECTION AND LANDSCAPE PRESERVATION

A. GENERAL

The overarching goal of this section is to proactively manage the City of Southport's Urban Maritime Forest and its tree canopy. This management will take the form of tree preservation when at all possible, and mitigation through the replanting of trees when others must be removed.

A healthy and expansive tree canopy provides a wide range of benefits to the citizens of Southport. Aesthetically, the nurturing of trees and tree canopy provides for a pleasant and beautiful community in which both residents and visitors alike benefit from. Economically, a robust tree canopy provides a consistent cooling effect on our community and on individual properties that can significantly reduce cooling costs for homeowners and businesses alike. Property values on both public and private land are increased when trees form part of the landscape. A healthy tree can increase residential property values by as much as 27 percent.

One large tree can lift up to 100 gallons of water out of the ground and discharge it into the air in a day, helping to filter the air that we breathe and control storm water. In our coastal location, Southport's tree canopy protects our community and helps mitigate the damage caused by wind during tropical storms and hurricanes.

The city finds that the preferred method used by developers of proposed development for minor, major, or PUD development in the city is to clearcut the entire area to be developed and then to replant trees in mitigation of the damage done by the clearcutting. The City finds that, even when fully mitigated pursuant to this ordinance, both the aesthetic and environmental damage done by the mass and indiscriminate destruction of forest by such clearcutting can never be fully restored until the trees planted in mitigation reach maturity many years in the future. For this reason, the City seeks to limit the environmental and aesthetic damage done in the process of development to the extent reasonably possible by reducing the number of trees removed in development rather than planting new trees in substitution therefore.

For all these reasons, the City of Southport places great value on our Urban Maritime Forest and the tangible and intangible benefits that it provides. This section provides a plan to ensure that existing trees are protected, in particular our signature heritage Live Oaks, and at the same time provides guidelines for mitigation through the replanting of native species when it is necessary to remove trees.

B. PURPOSE

1. The general purpose of this section is to regulate and control the planting maintenance, and removal of trees and vegetation on both public and private property.
2. The specific purposes of this section are:

- a) To safeguard and enhance property values and to protect public and private investment through the maintenance and protection of significant existing trees
- b) To prevent lot clearing
- c) To prevent the indiscriminate removal of trees and ensure mitigation when trees are necessarily removed; and
- d) To outline the City's responsibilities with regard to protection and maintenance of Southport's urban forest trees and landscaping on public property; and

C. AUTHORITY TO TREAT OR REMOVE TREES ON PRIVATE PROPERTY

- 1. The UDO Administrator may cause or order the removal of any tree or part thereof on public or private property which is in an unsafe condition, damaging or likely to damage sewers or other public improvements facilities, or which is infested by an injurious fungus, disease, insect or other pest.
- 2. The UDO Administrator may cause or order necessary treatment for any tree on public or private property which is infested by any injurious fungus, disease, insect or other pest when they determine such action is necessary to prevent the spread of any such injurious condition or pest and to prevent danger therefrom to persons or property or to vegetation planted on adjacent property.
- 3. Before exercising the authority conferred by this section, the UDO Administrator shall order the owner or occupant of the property to take corrective action. The order shall be in writing and shall state that the action specified therein must be taken within 10 consecutive calendar days after the order is mailed. The order shall be mailed by certified or registered mail, return receipt requested. Failure to comply with the order of the UDO Administrator shall be a violation of this section. If the condition has not been corrected or if action that would lead to a timely correction of the condition has not been taken within the time specified above, the UDO Administrator or their designee may seek an injunction, order of abatement or other equitable remedy in a court of competent jurisdiction against the property owner to ensure compliance in accordance with NCGS 160A-175.

D. TREE IMPACT PERMIT

- 1. Removal or damage to any protected tree or development activities within the critical root zone of any protected tree without the prior issuance of a tree impact permit or the failure to conform to the terms and conditions thereof is hereby prohibited.
- 2. For previously platted residential lots or one or two-family residential uses, a tree impact permit shall be required to remove or conduct any development within the critical root zone of any protected regulated tree located within any setback and for a protected specimen tree located anywhere on said property. An as-built tree survey will be required prior to the Certificate of Occupancy for new residential construction.

3. For nonresidential, multi-family, or major subdivisions, a tree impact permit shall be required to remove any protected tree located anywhere on site. **An as-built tree survey shall be required for Major Site Plans prior to the Certificate of Occupancy and for Major Subdivisions prior to Final Plat Approval.**
4. Any protected trees permitted to be removed pursuant to any tree impact permit shall be mitigated pursuant to subsection H (entitled "Mitigation") of this section of this ordinance. All persons seeking a permit for removal of a protected tree as provided above shall make application to the city via the tree impact permit application.

E. EXCEPTIONS

1. The UDO Administrator may waive the requirements of this section during a city declared state of emergency in accordance with NCGS 166A-19.22.
2. If any regulated tree shall be determined to be a hazard tree such that it may:
 - a) Immediately endanger the public health, safety or welfare; or
 - b) Cause an immediate disruption of public services.

F. TREE PLAN

1. A tree plan must be submitted to, reviewed, and approved by the UDO Administrator prior to the issuance of a tree impact permit.
2. For nonresidential, multi-family, major subdivisions, or planned unit developments the tree plan shall be a scaled plan not less than 1"= 30' and shall be prepared by a landscape architect registered in the state and the tree plan shall provide the following information:
 - a) Two separate zones during the planning phase:
 - i) Tree Removal Zones – Zones that show the impacts of utility, infrastructure, and drainage improvements. These improvements would still require mitigation.
 - ii) Tree Safe Zones/Lot Preservation – The area designated on a preliminary plat of a minor or major subdivision or PUD that makes up the individual lots where trees are to be left untouched. 80% of the lot is to be left untouched prior to lot development.
 - b) Property line with bearings and distances, easements, marsh and wetland delineations and other information necessary to depict the development area;
 - c) All existing and proposed buildings, paving, infrastructure, and utilities;
 - d) All protected regulated and specimen trees located on the site indicating the diameter, species, and the critical root zone for each protected tree;
 - e) All regulated and specimen trees located on the site proposed to be removed, including species and size;
 - f) All proposed newly planted trees indicating the DBH and height at planting, and species;

- g) Tree protection zones, protective fencing details, and tree wall and/or tree well details;
 - h) Maintenance plan identifying the methods to ensure the viability of all trees and the party responsible for continuing maintenance;
 - i) Listing of total number of trees and DBH inches to be removed and the total number of trees and DBH inches to be planted by species; and
 - j) Seal of the design professionals with signature and date.
3. For residentially zoned vacant lots or one and two-family residential uses, the tree plan to be submitted as part of the permitting process shall include a hand drawn sketch, rendering, or copy of an existing plat or survey of the property indicating the location of those regulated or specimen trees proposed to be removed, as well as any trees proposed to be planted as mitigation (if applicable).
- a) TREE RETENTION REQUIREMENTS PER LOT IN THE R10, R20, MF, AND PUD ZONING DISTRICTS
 - 1. 3,000 sq ft - 1 broadleaf canopy tree
 - 2. 6,500 sq ft - 2 broadleaf canopy trees
 - 3. 11,000 sq ft - 3 broadleaf canopy trees
 - 4. 14,000 sq ft - 4 broadleaf canopy trees
 - 5. 20,000+ sq ft - 5 broadleaf canopy trees
 - b) In cases where the tree retention requirements above prohibit the development of a lot, mitigation will be required.
 - c) In cases where the lot does not have canopy trees, the developer must plant to the requirements in 3 a).
4. Distance from utilities. Any tree required by this section which is placed within 20 feet lateral distance from the centerline of an above ground electric utility line (the line connecting pole centers) should have a maximum expected maturity height as follows:
- a) Zero (0) to 10 feet lateral distance of the centerline, 15-foot maximum expected maturity height; and
 - b) Zero (0) to 10 feet lateral distance of the centerline, 15-foot maximum expected maturity height; and
 - c) Outside 20 feet of lateral distance, trees should be placed in the most feasible manner to avoid future conflict with aboveground electric utilities and violations of the National Electric Safety Code, and to avoid conflict with any below ground utilities and drainage facilities. Variations to such distance requirements may be made with the approval of the Public Services Director.

G. CRITERIA FOR ISSUANCE OF TREE IMPACT PERMIT

- 1. Unless the applicant for a permit under this section is engaged in new construction, no tree impact permit shall be issued unless one (1) or more of the following criteria are met:

- a. The protected tree is dead, severely diseased, injured or in danger of falling close to existing or proposed structures.
 - b. The protected tree is causing disruption of existing utility service or causing drainage or passage problems upon the rights-of-way.
 - c. The protected tree is posing an identifiable threat to pedestrian or vehicular safety.
 - d. The protected tree to be removed is located within 15 feet of the principal structure, within five (5) feet of detached buildings (sheds, accessory structures, garages), pools, hardscape patios, and driveways.
 - e. The protected tree violates state or local safety standards.
 - f. Removal of the protected tree is necessary to enhance or benefit the health or condition of adjacent trees or property.
2. Any tree removed requiring mitigation shall be mitigated through the planting of new material as provided in 3.18 H Mitigation. Mitigation shall not be required for trees that are dead, severely diseased, injured or ~~in danger of falling close to existing structures~~ if the tree poses a threat to an existing structure due to the poor condition of the tree.

H. MITIGATION

1. The indiscriminate removal of trees is not allowed. A tree impact permit request must be accompanied by a clarification of purpose/need. Mitigation is required when it is determined that a tree may be removed. The removal of any protected regulated tree within any setback or the removal of any protected specimen tree located anywhere on site, if approved, must be mitigated in accordance with the following standards:
 - a. The total diameter at breast height (DBH) of all applicable protected trees proposed for removal shall be totaled. The resultant number of DBH inches to be removed must be planted back on the site with an appropriate number of trees to replace the equivalent DBH of those trees removed. For example, if 72 inches DBH of specimen trees are proposed for removal from a site, the equivalent number of new trees required to meet the 72 inches of DBH removed shall be planted back on site (24 trees installed at three (3) inches Caliper would meet this requirement).
 - b. Existing residentially zoned vacant lots or one and two-family residential uses shall only be required to mitigate 25% of the total DBH of regulated or specimen trees removed. All other development types and/or proposals for any major subdivision shall be subject to the full mitigation replacement ratio requirement provided in subsection 1 (a).
 - c. A minimum of one (1) regulated or specimen tree of the same species removed shall be installed through mitigation. Where regulated or specimen canopy trees are removed, the replanting requirement shall consist of a minimum 25% heritage Live Oak (*Quercus virginiana*) and an overall minimum of 50% canopy trees. Where regulated or specimen Live Oak (*Quercus Virginiana*) trees are removed, the replanting requirement shall consist of a minimum of 50% such species.
 - d. Any replanted trees shall be canopy or understory trees as provided in Tables 3.5 or 3.6.

- e. Utilization of understory trees shall not exceed 50% of the required mitigation plantings.
 - f. A mitigation plan that contains between 10 to 50 understory trees shall include, with balanced representation, a minimum of three understory tree species as provided in Table 3.6.
 - g. A mitigation plan that contains over 50 understory trees shall, with balanced representation, include a minimum of four understory tree species as provided in Table 3.6.
 - h. Minimum sizes for mitigation plantings are canopy trees 3" diameter at breast height and understory trees 2" diameter at breast height.
2. Any mitigation trees required as a result of the removal of regulated or specimen trees may be counted to meet the requirements of the street yard, buffer, or parking facility landscaping requirements.
 3. Significant Heritage Live Oak Trees retained on site will be eligible for a mitigation credit as follows:
 - a. 10" to 20": Retaining and preserving Heritage Live Oaks of this size will receive credit with a multiplier of 2. For example, retaining a 10" Live Oak would equal 20" of mitigation credit.
 - b. 20" to 30": Retaining and preserving Heritage Live Oaks of this size will receive credit with a multiplier of 3. For example, retaining a 20" Live Oak would equal 40" of mitigation credit.
 - c. Greater than 30": Retaining and preserving Heritage Live Oaks of this size will receive credit with a multiplier of 4. For example, retaining a 30" Live Oak would equal 120" of mitigation credit.
 4. Mitigation trees must be planted within a year of the tree permit being issued. Failure to do so will constitute a violation of this section.

I. LOT CLEARING AND PREPARATION

1. No alteration of vegetation, trees, or landscape material in excess of three (3) inches DBH shall occur on a lot or building site prior to the issuance of a zoning or tree impact permit. Some clearing of understory trees and shrubs may be required to prepare a site for survey, inspection by governmental agencies as part of any permitting process, or to stake the proposed building site.
2. On densely vegetated lots, a walking access trail not to exceed three (3) feet may be cleared for access purposes. Permission to clear any understory trees and shrubs less than three (3) inches DBH for said walking access trail shall be permitted following consultation with the UDO Administrator; however, clearing shall be kept to an absolute minimum.
3. Violations of the lot clearing and preparation section shall constitute a minimum (1) one-year delay in the issuance of any city issued development approval.
4. In the event that a lot has been cleared without obtaining all proper permits from the city and the UDO Administrator is unable to determine the exact number of trees which have been removed in violation of this ordinance, a civil penalty shall be levied under this subsection as follows:
 - a) If the property is located within a residential district, the offender shall be subject to a civil penalty in the amount of \$1.00 for each square foot of the total size of the lot that was cleared (not based on the lot area cleared). In

addition, the offender shall be required to plant two (2) replacement canopy trees per 10,000 sf or fraction thereof.

- b) If the property is located within a nonresidential district, the offender shall be subject to a civil penalty in the amount of \$2.00 for each square foot of the total size of the lot that was cleared (not based on the area cleared). In addition, the offender shall be required to plant four (4) replacement canopy trees per 10,000 sf or fraction thereof.
- c) In addition to the civil penalties set forth in subsections 4(a) and 4(b) above, the offender shall be subject to all enforcement provisions of Section 2.15.D of this Unified Development Ordinance.

J. TREE PROTECTION DURING CONSTRUCTION

1. A major objective of this section is to encourage the preservation of existing vegetation wherever possible while allowing quality development to take place. As a result, the following measures shall be required for protected trees during the construction process.
2. Protective fencing not less than four (4) feet high or other construction barrier shall be placed at and completely encompass the critical root zone of all protected trees.
3. Any tree whose critical root zone will be affected by soil removal shall have roots cut clearly by trenching at a point at least one (1) foot outside the construction barrier installed as required above.
4. The following shall be prohibited within the critical root zone of any protected tree, except as may be necessary when constructing, repairing or replacing public utilities:
 - a) Grading and excavation which involves cutting or filling to a depth of more than three (3) inches.
 - b) Pouring of any material onto ground which is toxic to plants.
 - c) Installing, depositing, placing, storing, or maintaining any stone, brick, sand, concrete or other materials which may impede the free unobstructed growth of or passage of water, air, and fertilizer to the roots.
 - d) Storing of any construction materials within the critical root zones of the protected trees.
 - e) Attaching any sign, poster, notice or other object, or fastening any guy wire, cable, rope, nail, screw, or other device to any protected tree for any reason other than that of a protective nature to the tree.
 - f) Causing or encouraging any fire or burning of any kind near or around any tree.
5. In the event that a developer is unable to meet the critical root zone requirements of this section, the developer must have a Landscape Architect or ISA Certified Arborist prepare guidelines on how to protect the Critical Root Zone to the maximum extent possible during the development process.

K. DAMAGE TO TREES

1. It shall be unlawful to intentionally damage or destroy trees planted on municipally owned or controlled property except as a part of a city-authorized improvement program.

2. It shall also be a violation of this section to attach or place any rope or wire (other than one to support a young or broken tree), sign, poster, handbill, or anything to any such public tree.
3. A person damaging a tree on public property in violation of this section shall be liable to the city for such damage, including any loss of value. In the event damage is so pervasive as to result in the treatment or removal of the tree, the person damaging such tree shall also be liable for costs of treatment or removal. Values of public trees or the amount of damages thereto will be determined by a certified arborist retained by the City of Southport.
4. The monies collected for damages and loss of value will be placed in the City of Southport Tree Mitigation Fund and are to be used solely for restitution for damages or for other costs incurred by the city for violation of this section.

L. HAZARD TREE

1. Every owner of any tree overhanging a street or sidewalk within the city is responsible for pruning the branches so that such branches shall not obstruct vehicles or pedestrians. Provided further, that all property owners within the city are hereby required to cause the removal of any dead or diseased trees on their property whenever such trees constitute a hazard to life and property or harbor insects or diseases which constitute a potential threat to other trees. Failure to take such action shall be a violation of this section.
2. The UDO Administrator or his designated representative shall give written notice to any owner violating the terms of this section of said violation and give said owner no less than 10 days to perform the duties in connection with his or her property as specified in (a). If said owner or occupant shall refuse or neglect to perform the duties hereof, the UDO Administrator or his designee may seek an injunction, order of abatement or other equitable remedy in a court of competent jurisdiction against the property owner to ensure compliance in accordance with NC GS 160A-175.
3. In case the owner(s) of any lot or other real property is unknown or their whereabouts is not known after diligent efforts to identify and locate said person, then a copy of the written notice herein above referred to shall be posted upon the premises. The City Clerk shall make an affidavit setting out the facts and circumstances justifying the posting of said property.

M. PROTECTION OF UTILITIES

Public utilities shall exercise reasonable care and utilize best management practices to avoid damage and injury to public trees during the installation and maintenance of its facilities. The City's Public Services Director or their designee will provide assistance on any utility project to see that the public utilities can be installed or repaired with minimal damage to any public tree utilizing standards outlined in the City of Southport Urban Forest Management Plan (2011).

N. NOTIFICATION FOR WORK NEAR PUBLIC TREES

1. As part of any new construction project, no person or business shall perform any grading, excavation, place any fill, compact the soil or construct any building structure, street, sidewalk, driveway, pavement or public utility within 25 feet of any public tree without first notifying and consulting with the UDO Administrator. Any such work shall be conducted in accordance with this section.
2. Any public utility constructing or maintaining any overhead wires or underground pipes or conduits within 25 feet of public trees shall consult with the Public Services Director prior to performing work which may cause injury to public trees.

O. PRUNING REQUIREMENTS

A permit is not required for the pruning of trees. However, in order to prevent excessive pruning and topping of trees and to prevent pruning that will be hazardous to the health and natural appearance to the tree, compliance with approved pruning standards is required, and failure to meet these standards is a violation of this section. The UDO Administrator shall maintain on file at all times a copy of the current edition of Pruning Standards by the American Society of Consulting Arborists and shall make copies of such standards available for the cost of reproduction upon request.

P. PENALTIES FOR VIOLATIONS OF THIS SECTION

1. Any person removing any tree in violation of this section, in addition to mitigation requirements, shall be subject to a civil penalty of one hundred dollars (\$100.00) per inch diameter at breast height (DBH) of the tree.
2. Any person removing any regulated tree after notice of the requirements of this section, in addition to the mitigation requirements, shall be subject to a civil penalty of two hundred dollars (\$200.00) per inch DBH of the tree.
3. Any person removing any City Owned Tree in violation of this section, in addition to the mitigation requirements, shall be subject to a civil penalty of three hundred dollars (\$300.00) per inch DBH of the tree.

Q. CITY OF SOUTHPORT; RESPONSIBILITY

1. It is the responsibility of the City of Southport to maintain the City's iconic, Urban Maritime Forest. The City shall undertake a program of review, maintenance, and regulatory oversight in order to maintain the current and future health of our forest landscape.

R. FORESTRY COMMITTEE; RESPONSIBILITY.

1. The City of Southport Forestry Committee shall review and recommend actions to preserve and enhance the community's trees. The committee's actions will include the protection of existing trees, tree replenishment, public education, and any other function related to the community's urban forest environment.

S. APPROVED TREE LIST

1. The City shall maintain a list of approved native trees for various applications. A copy of the approved native tree list can be found in Section 3.17.

T. DEVELOPMENT OF ANNUAL TREE PROGRAM.

1. The City Manager, in cooperation with the Forestry Committee, shall annually review its tree maintenance and installation needs including new projects, pruning of existing trees and replacement of diseased or damaged trees in conjunction with development of the City's annual budget. The City, in coordination with the Forestry Committee, will undertake an annual planting program, focusing on Southport's iconic live oaks (*Quercus virginiana*) on the City's public areas and rights of way. The Forestry Committee will identify planting locations with a focus on replacing trees that have been lost/removed as well as to expand the forest canopy.

U. COMMUNITY AWARENESS

1. The City shall undertake programs, as may be determined by the Forestry Committee, Director of Tourism, and/or the Director of Parks and Recreation, which enhance the community's awareness of the value of trees and qualify for points toward the Tree City, USA Growth Award. The City shall annually hold an Arbor Day Ceremony, planned and organized by the Southport Forestry Committee, which focuses attention on the value of trees in the urban environment and encourages public participation in tree planting or other activities supporting Southport's urban forest.

V. MAINTENANCE OF PUBLIC TREES/PROJECTS

1. The Public Services department shall be responsible for the maintenance of trees on municipal property with the advice of the City Manager or his designee. The Public Works department and Forestry Committee will annually assess trees located on public property and identify those that require maintenance or removal. The City will undertake any required maintenance utilizing City Staff, or when required, contract the work to be completed within current ANSI standards and/or International Society of Arboriculture (ISA) Best Management Practices.
2. The City shall have the right to prune, maintain and remove any tree on public grounds which interferes with the safe flow of traffic, any traffic control device or sign.
3. It shall be unlawful for any person to top or cut back to stubs the crown of any tree on City property or ROW.
4. Trees severely damaged by storms or other causes where required pruning practices are impractical may be exempted from this section as determined by the City Manager. This also includes dead, dying, or diseases determined by the City Manager or their designee and which pose a threat to the safety of the community.
5. All other City departments shall cooperate fully with the City Manager or his designee in carrying out the responsibilities of this section.
6. The planting, maintenance, and/or removal activities of public trees shall meet current arboricultural best management practices (ANSI A300 Standards) and follow

guidelines outlined in the 2011 City of Southport Urban Forest Management Plan. City departments, contractors, community organizations, and individuals performing tree-related activities on City-managed property are required to adhere to these standards.

Further Questions:

- We need further input from legal representation on how to structure the penalties for removing trees without a permit. How can we structure it so a percentage of the penalties go to either a Tree Mitigation fund or Tree Maintenance fund for City trees? Would we need a local act from the General Assembly in order to do that?
- Would the city further consider a fee in lieu in situations where a developer is unable to meet the criteria of the ordinance?
- Could a Tax Lien be put on a violators property if they don't pay the tree violation penalty?



PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board
From: Thomas Lloyd, City Planner
Dorothy Dutton, City Clerk, CZO
Re: Zoning Map Amendment: PUD to BD, one lot on N. Howe Street (.35 acres total, Parcel ID 221MA029), submitted by RDK Investments on behalf of the owners, Thomas Wilson ETUX.
(RZ-22-0701-01)
Date: July 14, 2022

BACKGROUND

The attached zoning map amendment is for a 0.35-acre tract in the City limits. The property is located on N. Howe Street, at the corner of N. Howe and W. 14th Street. It is currently zoned PUD, and the applicant would like to rezone it to BD. The legal description indicates that it is part of the Southport Heights subdivision that was originally platted in 1910. The parcel is approximately 101 feet by 150 feet. The BD does not designate a minimum lot size, only a 10-foot setback, and a 40-foot maximum height.

The Planning Board and Board of Aldermen may consider the following when deciding on a zoning map amendment: all uses allowed in that zoning district, impacts on neighbors, economic impact, tax base increase, spot zoning, road capacity, whether there is adequate infrastructure, community opinion, property values, consistency with the CAMA Land Use Plan, the future land use map, the land suitability map, jobs, public services, buffering requirements, the environmental impacts, site limitations, and consistency with other plans and prior decisions. The Boards cannot consider ethnicity, income, affordable housing, owner vs. rental housing, or who the owner is when deciding.

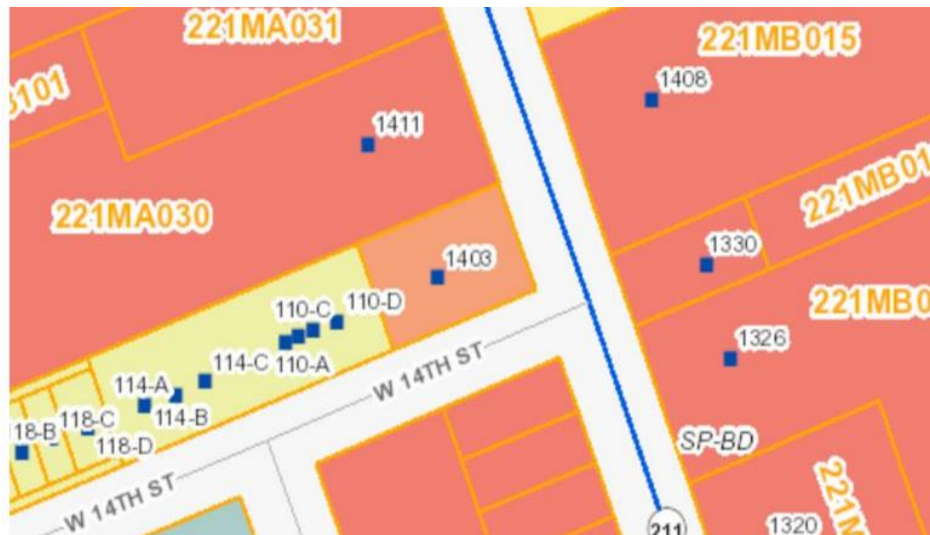
ZONING MAP AMENDMENT (Rezoning)

The proposed zoning map amendment would remove PUD zoning and replace it with BD zoning on the zoning map. This would match most of the adjacent properties and would encourage the continuity of the Business District.

PROCESS

To rezone the property to BD, a zoning map amendment must be approved. A consistency statement will also be required for the zoning map amendment, which may include a motion for a recommendation of approval or denial. Following a recommendation from the Planning Board, the zoning map amendment will be sent to the Board of Aldermen for their consideration. A duly advertised public hearing will be held and the rezoning will require mailing a notice of the hearing to each property owner to be rezoned and abutting property owner. The Planning Board may appoint a review committee to review this zoning map amendment if they deem it necessary.

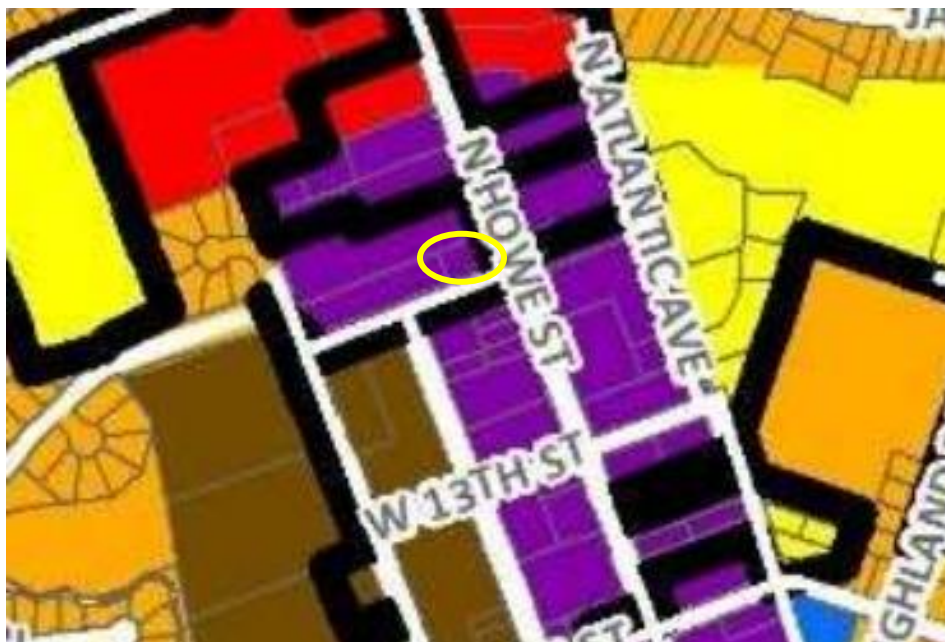
Figure 1: Existing Zoning Map:



The parcel is surrounded by BD on the north and south sides, and on the east. The property directly west is zoned MF.

There is an existing residential-type structure on the property.

Figure 2: CAMA Future Land Use Map:



The Future Land Use Map shows identifies the property as Light Commercial. Light Commercial can be defined as commercial uses containing no heavy manufacturing or process equipment, a residential structure converted for commercial/office use, or a multi-unit residential property with more than (4) units.



RDK INVESTMENTS
REZONING REQUEST FOR PARCEL: 221MA029
FROM PUD TO BD
RZ-22-0701-01

FIGURE 1: EXISTING ZONING MAP



Zoning Map Amendment

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461
www.southportnc.org

Planning & Inspections
Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

PERMIT No. _____ FEE: \$ _____ Date Received: _____

Applicant's Name: RDK Investments - John Koz, Brad Dinkel, Andrew Robinson

Mailing Address: 5039 Poplar Grove Dr **City:** Charlotte

State: NC **Zip Code:** 28269 **Phone:** 704-560-0999

Email: jkoznc@gmail.com

Property Owner's Name: RDK Investments

Address of Owner: 1403 N. Howe **City:** Southport

State: NC **Zip Code:** 28269 **Phone:** 704-560-0999

Email: jkoznc@gmail.com

Project Name: 1403 N. Howe

Project Address and/or Description of Location: 1403 N. Howe St. Southport 28461

Parcel ID #: 221MA029 **Number of Lots:** 1 **Site Acreage:** .35

Current Zoning District: PUD **Proposed Zoning District:** BD

A complete application for any amendment shall contain a description of the proposed zoning regulation or zoning map amendment. The application shall state in detail whether the proposed amendment is consistent with the CAMA Core Land Use Plan and any other officially adopted plan that is applicable. The application shall also give detailed evidence that the proposed amendment is in the interest and will benefit the general public and not solely be of benefit to the applicant; that the uses within the proposed zoning district are similar or comparable to the uses in the district as currently zoned, or that none of the uses permitted in the proposed zoning district may potentially adversely affect property values or the health, safety, morals, or general welfare of the residents of the surrounding area. Such application shall be filed with the Administrator to be processed in accordance with Section 2.7.D of the UDO.

The Planning Board and Board of Aldermen may consider the following when deciding: Impact on neighbors and neighborhood, traffic, environment, utilities, suitability of land, harmony with area, schools, economic impact, tax base increase, spot zoning created, road capacity, adequate infrastructure, community opinion, property values, consistency with the Land Use Plan, future land use map, jobs, public services, buffering requirements, environmental impact, site limitations, and consistency with plans and prior decisions. The Boards cannot consider ethnicity, income of future residents, owner vs. renter housing, or who the owner is when deciding.

If the proposed change would require a change in the zoning map, attach an accurate diagram of the property proposed for rezoning showing:

- A. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerline;
- B. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines, shall be construed as following such lines, limits, or boundaries;
- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;
- D. Where a district boundary divides a lot each part of the lot or tract so divided shall be used in conformity with the regulations established by this ordinance for the district in which said part is located, nor shall a change in lot line be construed to have modified a zoning district boundary;
- E. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- F. Where any further uncertainty exists, the UDO Administrator shall interpret the intent of the map as to location of such boundaries.

Future Land Use Map Designation: BD

Is the proposed zoning consistent with the Land Use Plan? (Check One and Describe Below):

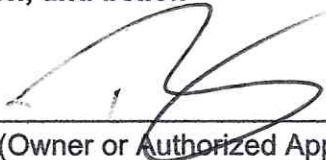
☒ Yes ☐ No

Both the neighbor to the right and across the street are commercial properties,
as well as the majority of the properties on N. Howe St.

Please describe the changing conditions in the area or in the City of Southport that makes the proposed amendment necessary to the promotion of the public health, safety and general welfare, or that identifies an obvious error in the zoning map based upon the zoning classification or current land use of surrounding properties. Also include an explanation on why the proposed zoning is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary)

Changing this property to BD will compliment the like kind properties within close proximity
of this property. This will help with the continuity of business development in the area.

In filing this Rezoning Petition, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.



Signature (Owner or Authorized Applicant)

7-1-22

Date

APPROVED BY:

UDO Administrator

Date

**AUTHORITY FOR APPOINTMENT OF PERSON
TO ACT ON MY BEHALF**

The undersigned owner, Sandra and Thomas Wilson, does hereby appoint
RDK Investments, John Koz to act on my behalf for the purpose of
petitioning the City of Southport for: a) an amendment to the text regulations; b) a
change to the zoning map; c) approval of a special use permit; d) approval of a planned
unit development site plan; and/or, e) street closing, as applicable to the property
described in the attached petition.

The owner does hereby covenant and agree with the City of Southport that said
person has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials:
- (2) To appear at public meetings to give testimony and make commitments on
behalf of the owner; and
- (3) In the case of a special use permit, to accept conditions or
recommendations made for the issuance of the special use permit on the
owner's property.
- (4) To act on the owner's behalf without limitations with regard to any and all
things directly or indirectly connected with or arising out of any petition.

This appointment agreement shall continue in effect until final disposition of the
petition submitted in conjunction with this appointment.

Date: 07/14/2022

Appointee's Name, Address & Telephone:

RDK Investments

5039 Poplar Grove Dr

Charlotte, NC 28269

704-560-0999

Signature of Owner:

Sandra H. Wilson

dotloop verified
07/14/22 7:50 PM EDT
UFND-JRU6-OTRX-IKEY

Thomas Wilson

dotloop verified
07/14/22 7:54 PM EDT
XM48-8OAR-0MFC-XQC8



**City of Southport Planning Board
Statement of Plan Consistency and Zoning Recommendation
(As per NC General Statute 160D-604)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

AMENDMENT: RZ-22-0701-01

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby finds that the proposed zoning map amendment is consistent with the 2015 CAMA Land Use Plan adopted November 13, 2014 and subsequently amended by the Board of Aldermen. More specifically, the proposed zoning map amendment is consistent with the future land use map. It is consistent with the CAMA Land Use Plan because it supports commercial development along the Howe Street corridor Objective 2. Policy 2.12), and the proposed rezoning is consistent with the future land use plan/map because it promotes business in-fill and transition between the Central Business District and Highway Commercial zoning district. The Planning Board recommends that the Board of Aldermen adopt the zoning map amendment.

This statement and motion was seconded and passed _____.

Dorothy Dutton, City Clerk

Sue Hodgin, Planning Board Chair



PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board
From: Thomas Lloyd, City Planner
Re: Establishment of CBD Review Committee
Date: July 15, 2022

BACKGROUND

At its meeting on 7/14, the Board of Aldermen requested that the Planning Board consider appointing a committee to review zoning regulations in the UDO pertaining to the City's Central Business District. Staff recommends the appointment of that committee.

Chapter 4. Section V. Exterior Lighting Ordinance Amendment

During the Street Light Policy update process, the Street Light Committee recognized the need to also update the City's Code of Ordinances to include general exterior lighting consistent with the lighting ordinance in the UDO and the street light policy. While changes to the Code of Ordinances do not require Planning Board review, the Committee understands that lighting is important to the community at large and an essential element in the planning process. Prior to final consideration, the committee recommends submitting the draft language for the Exterior Lighting amendment to the Planning Board for review.

The draft amendment and a diagram of acceptable/unacceptable light fixtures is included.

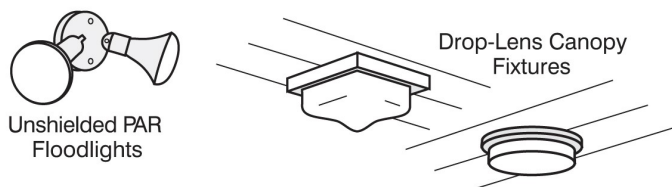
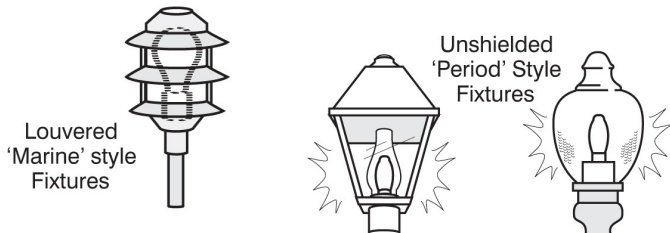
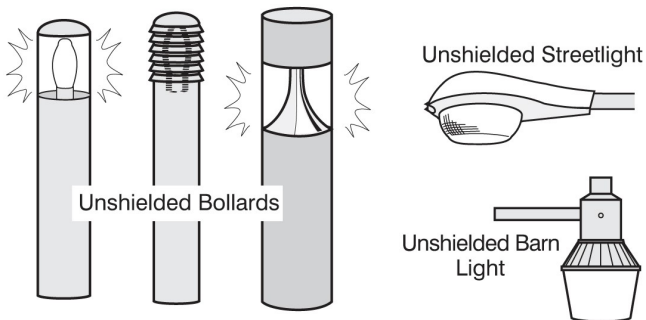
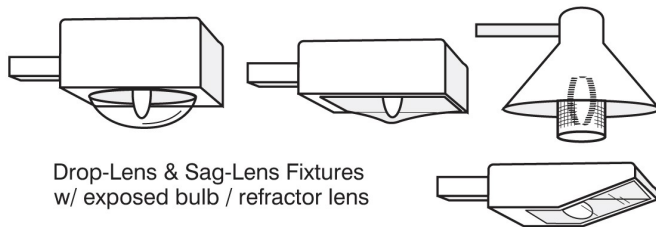
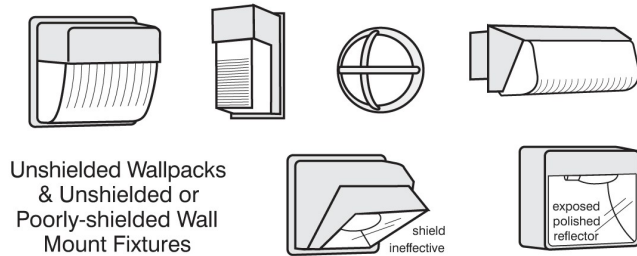
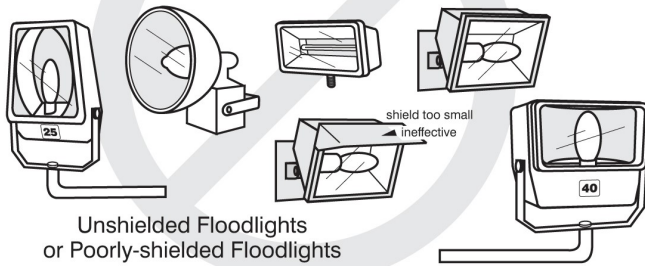
DRAFT - Code of Ordinances - Chapter 4, Article V - Exterior Lighting

- A. Exterior lighting within any property that unnecessarily illuminates or interferes with the use or enjoyment of any other property is prohibited. Without exception, this provision (A.) shall apply to all exterior lighting herein.
- B. Exterior lighting shall not be oriented so as to direct glare or illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets. Without exception, this provision (B.) shall apply to all exterior lighting herein.
- C. Private security light fixtures may not exceed 25 feet in height and must be aimed to avoid light emitting upwards toward the sky and shielded to prevent light trespass onto adjacent properties or roadways.
- D. Lighting used to accent landscaping, architectural features or art shall be aimed and shielded to avoid light emitting upwards toward the sky and prevent direct visualization of the source from adjacent properties.
- E. Blinking or flashing lights shall be prohibited unless the lights are required as a safety feature.
- F. Floodlights that are not controlled by an automatic timing device, such as a motion sensor that temporarily provides light where and when needed, must be aimed to avoid light emitting upwards toward the sky and shielded to prevent light trespass onto adjacent properties or roadways.
- G. Fixtures shall meet International Dark Sky Association standards and have a color temperature of 3000 Kelvin or less. For acceptable fixture design refer to provision (N.) herein, "Examples of Acceptable/Unacceptable Lighting Fixtures".
- H. If an existing light fixture is removed and replaced, it shall be replaced with a conforming light fixture design (see provision N.). When an existing fixture requires bulb/lamp replacement, the new bulb/lamp shall conform to the provisions of this chapter.
- I. The temporary use of seasonal "Holiday lighting" is exempted from the provisions of this chapter, with the exception of provisions (A. and B.) herein. Provisions (A. and B.) apply to all exterior lighting.
- J. Light produced directly or indirectly by the combustion of natural or propane gas is exempted from the provisions of this chapter, with the exception of provisions (A. and B.) herein. Provisions (A. and B.) apply to all exterior lighting.
- K. All exterior lighting regardless of the date of installation shall conform to provisions (A. and B.) herein. Exterior lighting installed after the effective date of this ordinance shall conform to the requirements established by this chapter and other applicable ordinances unless otherwise exempted.
- L. "Exterior lighting" means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this chapter.
- M. These regulations shall not supersede the City of Southport Street Light Policy.

Examples of Acceptable / Unacceptable Lighting Fixtures

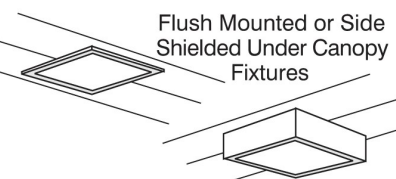
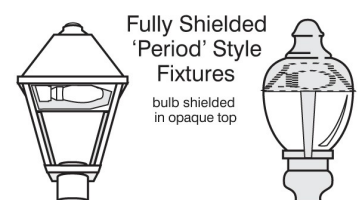
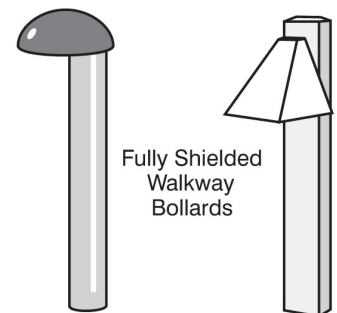
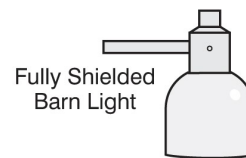
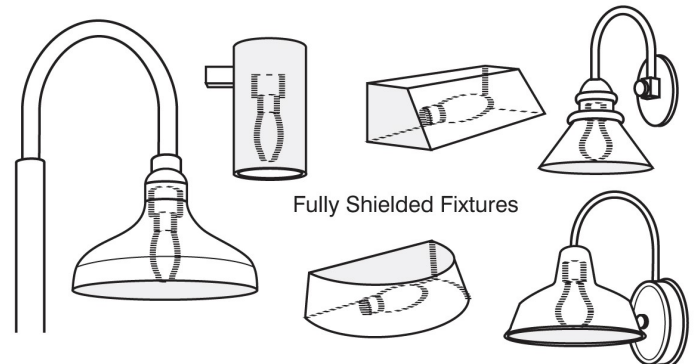
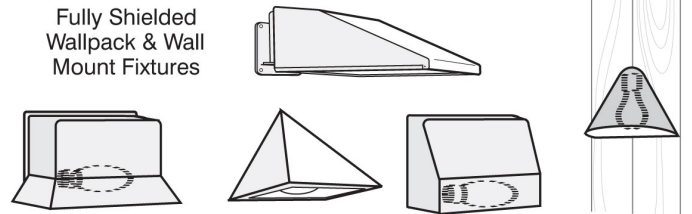
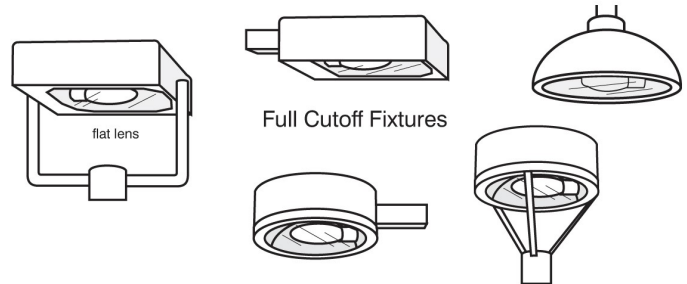
NON-COMPLIANT Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Illustrations by Bob Crelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

2022 PLANNING BOARD ATTENDANCE

MEETING <u>DATE</u>	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug	Sept	Oct	Nov	Dec	
<u>NAME</u>													Total Absences
Sue Hodgins Chair	P	P	P	P	P	P							
Will Hewett Vice-Chair	P	P	P	P	P	P							
Fred Fiss	N/A	P	P	P	P	P							
Christopher Jones	P	P	P	P	A	P							1
Scott Jones	P	P	P	P	P	P							
Donnie Joyner	P	P	P	P	P	P							
Maureen Meehan	P	P	A	P	P	P							1
Gustavo E. Mibelli	P	P	P	P	P	P							
Dick Sloan	P	P	P	P	P	A							1
Tish Hatem	P	P	—	—	—	—							

P = Present

A = Absent

M:\PLBFILES\2022 ATTENDANCE PB.wpd