



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

April 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. The Board reserves the right to make changes to this policy, as needed to help prevent the spread of the Coronavirus.

ETHICS STATEMENT:

"If any members know of any conflict of interest or the appearance of a conflict of interest concerning matters on the agenda, please so state at this time."

A. Call to Order

B. Invocation

C. Pledge of Allegiance

D. Approval of Minutes

1. Minutes Regular Planning Board Meeting March 17, 2022

E. Approval of Agenda

F. Public Comment

G. Old Business

1. Zoning Text Amendment-Section 3.14 Parking *(submitted by Ron Thompson)*
2. Zoning Text Amendment-Section 3.18 Landscape Preservation *(submitted by Cameron Smith and Ginger Harper)*
3. Project Indigo Expansion
 - a. Planned Unit Development Master Plan
 - b. Zoning Map Amendment

H. New Business

1. Zoning Map Amendment (RZ-22-0307-01) *(Rhetson Companies, Inc.)*

2. Zoning Map Amendment (RZ 22-0310-01) *(submitted by Kate Ienna for Harper Heirs)*
3. Zoning Text Amendment (RZ 22-0310-02) *(Submitted by Whit Beebe on behalf of Gilbert Chris B. Etals)*
4. Zoning Map Amendment (RZ-22-0405-01) *(submitted by Sea Dog Holdings LLC.)*

I. Other Business

1. Board Members and Attendance Roster

J. Announcements

K. Adjourn



**Planning Board Meeting Minutes
Southport Community Building
223 E. Bay Street
March 17, 2022
6:00 P.M.**

Members Present: Sue Hodgins, Will Hewett, Scott Jones, Christopher Jones, Dick Sloan, Gustavo Mibelli, Donnie Joyner, and Fred Fiss

Members Absent: Maureen Meehan

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

Board of Aldermen Karen Mosteller and John Allen
Liaisons:

1. Chair Sue Hodgins called the meeting to order at 6:02 p.m.
2. Mr. Donnie Joyner gave the Invocation.
3. Chair Hodgins led the Pledge of Allegiance.

Chair Hodgins requested a motion to vote City Alternate Mr. Fred Fiss in as a voting member in the absence of Ms. Meehan. A motion was made by Mr. Donnie Joyner to bring Mr. Fiss in as a voting member and second by Vice-Chair Hewett. ***Unanimous vote; motion carried.***

4. Motion to approve the February 17, 2022, regular meeting minutes by Mr. Donnie Joyner and second by Mr. Dick Sloan. ***Unanimous vote; motion carried.***
5. Motion to approve the agenda by Vice-Chair Hewett and second by Mr. Donnie Joyner. ***Unanimous vote; motion carried.***

Chair Hodgins respectfully addressed the Citizens in attendance that would like to make comments on the Indigo Plantation Phase II Project. She said understanding the weight and the importance to many citizens regarding the Development, a Joint Workshop Meeting has been scheduled with the Board of Aldermen and the Planning Board on March 24th at 6:00 P.M. at the Community Building. She stated the meeting will be an introductory and informational presentation, and the Public is welcome to attend.

6. Public Comment:

Vice-Chair Hewett made a motion to enter public comment and second by Mr. Gustavo Mibelli. ***Unanimous vote; motion carried.***

1. Mr. Matthew Lawrence, 1002 Bussells Turn, has concerns about the traffic impact on the proposed Indigo Plantation Development. He questioned if the Traffic Impact Study had been completed and when it would be available for review. He cautioned the Board on how developers present information and sometimes gloss over pertinent details that could become problematic later.

He would like to see that the Board ensures the Developers and Engineers detail the specifics of how the traffic will flow in and out of the development.

2. Gary Lindenmuth, 603 Longleaf Drive, has concerns about the protection of the distribution of power thru the City. He said that Duke Energy should be putting all their main feeder lines to the central substations underground to prevent damages and disruption of service from storms, at no charge to the citizens. He stated that with the increase in development, Duke Energy should be investing more into the protection of the main power lines and stations.

There being no further questions or comments from the public Chair Hodgins requested a motion to close out of Public Comment. Mr. Donnie Joyner motioned to go out of the public comment, and second by Vice-Chair Hewett. ***Unanimous vote; motion carried.***

7. Old Business:

A. Major Subdivision: Southport Crossings Outparcels, submitted by Paramounte Engineering on behalf of MDI Management LLC.

Development Services Director Mr. Thomas Lloyd gave an overview of the Major Site Plan at 5010 Southport Crossings Way. The parcel is on 54 acres and will be subdivided into three lots; a 3.51-acre tract, a 0.8-acre tract, and a 0.88-acre tract. After the dedication of the ROW, there will be 47.64 acres remaining.

The appointed Review Committee consisting of Mr. Scott Jones, Mr. Will Hewett, and Mr. Christopher Jones, met on February 28th to review the plans in more detail. Project Manager Mr. Mike Nichols and Staff were also present.

Mr. Lloyd gave an overview of the Committee Report. The Committee questioned whether there were any regulated or specimen trees on the site. Mr. Nichols said that there were trees on the individual outparcels that would be identified during the Major Site Plan Tree & Landscape Plan process. The Committee discussed the details of the two public right of ways. Staff clarified that the width of the right of ways and the Turnaround T are compliant with Fire Code. Mr. Nichols pointed out that outparcels 10 and 11 would be required to have street yard buffers on three sides of the property since they are adjacent to the public right of ways on three sides. The Committee also discussed the wetlands to the North of the proposed subdivision. The Project Manager assured the Committee that they would be staying out of the wetlands as these parcels are developed. He explained that the amount of developable land is limited due to the amount of wetlands on the rest of the site. The Committee confirmed that Brunswick County would serve the water and sewer, and the existing stormwater pond would retain the stormwater. Mr. Lloyd said that the engineered streets and roadways for the utilities would be submitted and reviewed by the City. It was the consensus of the Review Committee to recommend approval of the Major Subdivision.

Project Manager Mr. Mike Nichols was present to answer any questions. Being that there were no questions or concerns, Chair Hodgins requested a motion for approval or denial.

Mr. Donnie Joyner made a motion to approve the Major Subdivision Preliminary Plat, and second by Mr. Scott Jones. ***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, Live Oak Landing, submitted by Ron Greger, Charles Hunter, and Andrew Laing. 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 out for office space. The property is zoned in Highway Commercial. The parking for this type of use exceeds the required amount by providing 14 spaces. Since the property is in the ETJ, a septic tank will be installed for the sewer system. 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 a variety of shrubs, and there will be a required street yard buffer to Rob Gandy Blvd.

A Review Committee that consisted of Ms. Maureen Meehan, Mr. Dick Sloan, and Mr. Fred Fiss met on February 25th. The applicant, Mr. Andrew Laing, and Staff were also present at the meeting. Mr. Lloyd gave an overview of the Committee's discussion. Mr. Fiss asked where the dumpster enclosure would be located on the property. Mr. Laing was unsure and said that co-applicant Mr. Greger would be able to answer that. Staff asked for it to be shown on the plans. Mr. Fiss questioned who would be servicing the water and sewer. Staff explained that Brunswick County services water at that location, and a septic system will be installed for the sewer. Mr. Fiss asked if a septic test had been completed. Mr. Laing was unsure but pointed out that the land perked in the other outparcels already developed. Mr. Laing agreed to get the documentation for the septic test from Mr. Greger. 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. Mr. Laing indicated that he would clear it with his partners, but he did not see an issue with the exchange. Staff questioned the location of the exterior lighting and requested that a Lighting Plan be submitted. Ms. Meehan asked that the Engineered drawings be updated to reflect the changes that were being made in the curbing and parking areas as shown in the Landscape Plan. The Plans were inconsistent with one plan that showed asphalt and another method that showed stone. The Committee discussed the regulated trees on the site. Staff said that there appeared to be around three trees that seemed to qualify as regulated trees that need to be shown and accounted for on the Landscape Plan.

The Review Committee's consensus was to recommend that the Major Site Plan be tabled until further changes were made and reviewed. Mr. Lloyd said that once the applicant provides the updated drawings in detail, the Review Committee will evaluate the revised plans.

Mr. Gustavo Mibelli has concerns about the impervious coverage shown on the Site Plan and how this will impact drainage. He would like to know the purpose of the large, paved area. Mr. Lloyd explained that the Landscape Architect and the Project Engineer stated this area would be implemented with stone used for potential work vehicles, trailers, and machinery. However, the plan appears to show a more impervious coverage. Mr. Mibelli requested clarification on this issue.

The Board's consensus was to table the Major Site Plan until the applicants have submitted all the requested information and the updated plan.

Mr. Donnie Joyner made a motion to table the Major Site Plan until all the revisions and updates have been submitted for the Board to review, and second by Vice-Chair Hewett. ***Unanimous vote; motion carried.***

8. New Business:

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

Mr. Lloyd explained that there are several existing vacant lots in the Business District that are historic, undersized, and nonconforming that were subdivided before the Zoning and Subdivision Ordinance was established in 1973. Mr. Thompson owns a vacant piece of property at 413 N. Howe Street that is 33 x 66 ft for a total of 2,128 sf. In the Central Business District, off-street parking is not required. For the BD, off-street parking is still required, but the requirement can be reduced by 50% in areas where on-street parking is present. Due to the small size of Mr. Thompson's lot, it would be near impossible to have off-street parking due to the limited width and dimensions of this lot. Mr. Lloyd said that in a previous version of the Ordinance, there was a mechanism called a "parking exception" for these types of situations. The Ordinance was updated, and this method was removed because it is an improper request for a Variance. Staff thought it would be more appropriate to amend the Ordinance for these types of situations since this will affect multiple properties. Staff estimates that there are approximately ten lots where parking issues would be alleviated with the approval of this amendment.

The applicant, Mr. Thompson, was unable to attend the meeting but asked Mr. Lloyd to provide his proposed amended language to the Ordinance:

Article 3.14 Parking

4) In the BD zoning district, no off-street parking shall be required for nonresidential uses proposed on vacant lots less than 6,000 sf that were existing prior to 1973.

Mr. Lloyd said that if this amendment were to move forward, only pre-existing historic lots platted prior to 1973 would be eligible for this reduction in off-street parking. He said in order to amend the UDO, a zoning text amendment must be approved by the Board of Aldermen. The Planning Board shall review the text amendment and adopt a statement of consistency and submit the recommendation to the Board of Aldermen for their consideration.

Mr. Mibelli noted many narrow lots like this utilize their driveways for parking. He would like to understand if the purpose of the amendment is to try and minimize the on-street parking or to emphasize parking for retail on the street. Also, he challenges the term "near impossible" to have off-street parking in this situation. Mr. Mibelli would like to see more discussion and review on these perspectives.

There were no other questions or comments. Chair Hodgkin named Ms. Meehan, Mr. Mibelli, and Mr. Fiss to the committee.

B. Zoning Text Amendment: Section 3:18: Landscape Preservation, submitted by Cameron Smith and Ginger Harper.

Mr. Lloyd gave an overview of the proposed Zoning Text Amendment. He said the applicant is applying for an amendment to the Tree Preservation section of the UDO. The amendment would change the ordinance section that requires mitigation for all regulated trees related to the utility, infrastructure, and drainage improvements. With the language that the applicant is

proposing, new development would only be responsible for mitigating regulated hardwoods 12" or greater within the ROW, infrastructure, and utility areas. Mr. Lloyd said that multiple developers have expressed concern on how to mitigate all regulated trees located within these infrastructure areas that the City requires a new development to have. He said the applicant has communicated with Staff that their intent is to help fix this hardship while retaining appropriate protections for regulated hardwoods greater than 12" in these areas and incorporating them into their design.

The applicant, Mr. Cameron Smith, is proposing the following language for the text amendment as follows: **Article 3:18 Tree Protection and Landscape:**

F. TREE PLAN

2. 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 **for all regulated hardwoods 12" or greater in diameter.**

Mr. Smith was in attendance and submitted an explanation in writing about his request that read verbatim:

The UDO tree protection ordinance starts out with a statement that is not entirely accurate. Not all developers prefer to clearcut the project area. Environmentally conscious developers also exist. I find that certain trees can provide value and aesthetics to a project, especially of the hardwood variety. I am a huge proponent of saving as many of our Live Oaks as possible and commend the ordinance on efforts in that regard.

I am in the process of submitting a subdivision plan for our property along Rob Gandy Blvd. My plan was always to leave a wooded buffer surrounding the development with a wider than required buffer off Gandy. I also desire to add a number of Live Oaks into our development, which is currently lacking on-site.

In working through the tree ordinance and mitigation requirements with my landscape architect, it came to our attention the ordinance requires all tree species of varying sizes in the improved utility areas (ROW, stormwater, etc.) to require 100% mitigation. My particular project is made up of a large number of regrowth pines that basically sprouted out a field are not particularly desirable trees. The current requirement, including pines of any type over 12", is creating a hardship in meeting the mitigation requirements. I am also aware of another development in the planning phase consisting of a very dense stand of pines with the same issues we have discovered. My request will still allow for the preservation and mitigation of hardwoods in the improved areas, which I believe is a primary concern of the citizens and representatives of our town.

Thank you for your consideration in this matter, and please feel free to reach out to me anytime for further discussion.

Cameron Smith
(910)443-5080
clsmithqc@gmail.com

It was the consensus of the Board to establish a Review Committee to discuss the proposed amendment in more detail. Chair Hodgkin named Mr. Christopher Jones, Mr. Fiss, and Ms. Maureen Meehan to the committee.

9. Other Business: None

10. Announcements: None

Chair Hodgkin requested a motion to take Mr. Fred Fiss out as a voting member. Mr. Joyner motioned to bring Mr. Fiss out of the voting position and second by Vice-Chair Hewett.

Unanimous vote; motion carried.

Adjourn:

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 6:52 P.M.

Sue Hodgkin, Chair

Tanya Shannon, Deputy Clerk



PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board

From: Thomas Lloyd, City Planner

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

Date: April 13, 2022

BACKGROUND

There are several existing vacant lots in the Business District zoned area that are historic, undersized nonconforming lots that were subdivided prior to the Zoning & Subdivision Ordinance being established in 1973. As an example, Mr. Thompson owns a vacant piece of property at 413 N Howe Street that is 33x 66 ft for a total of 2,128 sf. In the CBD, off-street parking is not required. This is not the case in the BD. In the BD, off-street parking is still required, however, the requirement can be reduced by 50% in areas where on-street parking is present. However, due to the small size of Mr. Thompson's lot, off-street parking for almost any permitted use is extremely difficult due to the limited width and dimensions of his lot. In a previous iteration of the ordinance, there was a mechanism called a parking exception for these types of situations. We removed that from the ordinance during the update because it is an improper variance. Rather than go through the variance process staff thought it would be more appropriate to amend the ordinance for these types of situations since this affects multiple properties. Staff estimates that there are 8 lots where parking issues would be alleviated as a result of this amendment. Mr. Thompson has proposed the following language:

3.14 PARKING

D. MINIMUM OFF-STREET PARKING RATIOS

1. The following table establishes the formulas to be used to calculate the number of parking spaces required for a particular use. For uses that do not correspond to the use types listed in Table 3.4, Minimum Off-Street Parking Spaces Required, the UDO Administrator shall determine the minimum parking space requirement. In such instances, the applicant shall provide adequate information for review, which includes, but is not limited to the type of use(s), number of employees, the occupancy of the building, square feet of sales, service and office area, parking spaces proposed, and hours of operation.

2. Within the CBD zoning district, no off-street parking shall be required for any nonresidential use, whether new construction or change of use/redevelopment. Within the CBD zoning district, all residential uses require full compliance with the off-street parking requirements contained herein.
3. In the BD zoning district, for nonresidential uses, where on-street or public parking facilities are located within 500 linear feet of a proposed use, measured as a straight-line distance from the entrance of the building, the minimum off-street parking requirement may be reduced by 50%.
4. In the BD zoning district, no off-street parking shall be required for nonresidential uses proposed on vacant lots less than 6,000 sf that were existing prior to 1973.
5. Within any zoning district, if the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use.

If this amendment were to move forward, only pre-existing historic lots platted prior to 1973 would be eligible for this reduction in off-street parking. The language is designed that way so that existing lots would not be able to be subdivided and take advantage of this same provision moving forward. The intent is to provide relief to pre-existing lots that were subdivided prior to the first iteration of the zoning & subdivision ordinance.

REVIEW COMMITTEE

The Planning Board appointed a review committee at the March 17th regular meeting to review the text amendment in more detail. The review committee met on April 4th at 10 am. Present were committee members Will Hewett, Gustavo Mibelli, Mo Meehan, and staff. Also present were the applicants Ron and Lois Thompson. Staff explained the nature of the amendment. Mr. Thompson discussed how the UDO is a living and breathing document and how he did not believe that the intent was to make these properties unusable but that it needs to be amended to make provisions so these properties can be used. Staff agreed that the intent of the new language was not to hurt the City's vibrant Business District. Mr. Mibelli asked whether any other properties have had this issue because of the changes in the parking section of the new UDO. Staff explained that there used to be language that allowed for a "parking exception" which was in essence an improper variance. Since that was removed from the ordinance during the UDO update, this is the first small vacant property that has come forward to be developed. It was explained that this would not be the last situation. There are 8 other vacant lots that were subdivided prior to 1973 that are narrow, small lots. 33 ft wide lots do not offer much room to incorporate parking lot driveways and aisles. Mr. Thompson also mentioned that even if he could design something, he did not feel like NCDOT would issue him a driveway permit on Howe Street which is a State Road. Ms. Meehan agreed that a driveway for parking would not be good in this area. She mentioned that it is an extremely walkable area and that it would be best to keep new driveways from forming that might hurt the walkability in that area for the existing

businesses. Mr. Thompson also mentioned that none of the other existing buildings there have off-street parking. The committee asked staff to check with NCDOT to get more information on their policy for driveways on Howe Street. Staff checked with Aaron LeBeau, the Assistant District Engineer for Brunswick County. Mr. LeBeau confirmed that NCDOT tries to avoid issuing new driveway permits on Howe Street due to the number of driveways already existing on Howe Street and their proximity to intersections. Mr. LeBeau said that driveways from side streets are preferable. Ms. Meehan also mentioned that the language should be carefully crafted to keep it only for the historic nonconforming lots. Mr. Mibelli mentioned how parking is extremely important, and that not having it further congests streets. He asked that Mr. Thompson show a proposal sketch of his building to further demonstrate how parking would be difficult. It was the consensus of the Review Committee that they would be in favor of the amendment if NCDOT confirmed that they would be against driveway permits on Howe Street and if Mr. Thompson brought a conceptual drawing that further illustrated the issues with providing parking on these narrow nonconforming lots in the BD. They also wanted to bring it back to the full Planning Board for their additional thoughts.

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.

ACTION ITEM: CONSISTENCY STATEMENT – TEXT AMENDMENT

The City of Southport Planning Board hereby recommends the adoption of the proposed text amendment of the Unified Development Ordinance to the Board of Aldermen and finds that the proposed zoning text amendment is consistent with the 2015 CAMA Land Use Plan adopted on November 13, 2014, and as subsequently amended by the Southport Board of Aldermen. The Planning Board finds that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Southport by supporting commercial development along the Howe Street Corridor in Business District areas, specifically Policy P 2.12.



**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 22-0221-01

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends the adoption of the proposed text amendment of the Unified Development Ordinance to the Board of Aldermen and finds that the proposed zoning text amendment is consistent with the 2015 CAMA Land Use Plan adopted on November 13, 2014, and as subsequently amended by the Southport Board of Aldermen. The Planning Board finds that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Southport by supporting commercial development along the Howe Street Corridor in Business District areas, specifically Policy P 2.12.

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgins, Chair

PAID
FEB 21 2022BY: AMR

#13214

100.00

Text 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

2A- 22 - 0221 - 01
 PERMIT No. 22 - 0221 - 01 FEE: \$ 100 Date Received: 2/21/2022

Applicant's Name: Ronald ThompsonMailing Address: 115 Thompson Drive City: SouthportState: NC Zip Code: 28461 Phone: (910) 6161269Email: Ronaldlloisg@bellsouth.net**Current Section Impacted by Proposed Text Amendment:** _____

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).

The property located at 413 Howe St. Cannot be used at its highest and best use due to constraints

created by previous Amendments to our UDO. This lot is less than 3000 square feet in size and was designed and created

to use on street parking. In addition, in order to park on the lot it would require driving north up the

Sidewalk and worse backing out into Howe Street. The way the ordinance has evolved created an unintended hardship.

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.

Ronald L. Thompson
 Signature (Applicant)

02/16/22
 Date

APPROVED BY:_____
UDO Administrator_____
Date

3.44 PARKING

D. MINIMUM OFF-STREET PARKING RATIOS

1. The following table establishes the formulas to be used to calculate the number of parking spaces required for a particular use. For uses that do not correspond to the use types listed in Table 3.4, Minimum Off-Street Parking Spaces Required, the UDO Administrator shall determine the minimum parking space requirement. In such instances, the applicant shall provide adequate information for review, which includes, but is not limited to the type of use(s), number of employees, the occupancy of the building, square feet of sales, service and office area, parking spaces proposed, and hours of operation.
2. Within the CBD zoning district, no off-street parking shall be required for any nonresidential use, whether new construction or change of use/redevelopment. Within the CBD zoning district, all residential uses require full compliance with the off-street parking requirements contained herein.
3. In the BD zoning district, for nonresidential uses, where on-street or public parking facilities are located within 500 linear feet of a proposed use, measured as a straight-line distance from the entrance of the building, the minimum off-street parking requirement may be reduced by 50%.
4. In the BD zoning district, no off-street parking shall be required for nonresidential uses proposed on vacant lots less than 6,000 sf that were existing prior to 1973.
5. Within any zoning district, if the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use.



PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board

From: Thomas Lloyd, City Planner

Re: Zoning Text Amendment, Section 3.18 Tree Preservation, Submitted by Cameron Smith & Ginger Harper

Date: April 13, 2022

BACKGROUND

The applicant is applying for an amendment to the Tree Preservation section of the UDO. The amendment would change the ordinance section that requires mitigation for all regulated trees related to the utility, infrastructure, and drainage improvements. With the applicant's original language, new development would only be responsible for mitigating regulated hardwoods > 12" within the ROW, infrastructure, and utility areas. Multiple developers have expressed concern about mitigating all regulated trees located within these infrastructure areas that the City requires a new development to have. For example, suppose it is required for a developer by the City's development regulations to put in a Stormwater Control Measure and to design streets to NCDOT construction standards. In that case, it is challenging to mitigate regulated trees that are removed to construct that Stormwater SCM and street infrastructure. This issue is more evident in areas of town that have been farmed for Timber in the past. To my knowledge, three large tracts were operated as a Pine Timber farm. These properties have an unnatural density of regulated pines where it is impossible to mitigate those regulated trees in the Stormwater SCMs & ROW. The applicant has communicated with staff that their intent is to help fix this hardship while retaining appropriate protections for regulated hardwoods > 12" within these improved areas. This would not affect the standards that require that trees be protected or mitigated within the setbacks of buildable lots. The Planning Board Review Committee modified the language to retain regulated oaks > 8" protections within these improved areas. The review committee also added language that mitigation would not be required for dead and severely diseased trees.

3.18 TREE PROTECTION AND LANDSCAPE PRESERVATION

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 for all regulated live oaks 8" or greater in diameter.
 - 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.

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. ~~Notwithstanding the above~~, 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.

PLANNING BOARD REVIEW COMMITTEE

A Review Committee was appointed to review this text amendment at the 3/17 Planning Board meeting. The Review Committee consisted of Mo Meehan, Christopher Jones, Fred Fiss, the Forestry Committee Chair Scott Len, and staff. Also present was the applicant Cameron Smith and the developers of the project known as 'Oakton' next to the Hammocks. The applicant explained why the text amendment came about. During their development process, the applicant (who is developing the second phase of Cottages at Prices Creek) and other developers have realized that it is difficult to replace all regulated pines > 12" and regulated hardwoods > 8" located within the required improved areas (Infrastructure, ROW, and Stormwater Control Measures.) Cameron Smith and the Oakton developers showed the Committee their tree surveys.

The problem specifically is mitigating new growth pine trees within these areas, especially in areas that have been timbered in the past for lumber. The applicant thought it would be reasonable to still have to mitigate hardwoods and not pines. The original language proposed by the applicant was hardwoods over 12". The committee noted that the intent of the ordinance was to protect live oaks and significant trees within these areas, so developers plan their improvements around these, not necessarily pines in between 12" and 20". The Forestry Committee chair noted that the ordinance may be "over mitigating" by requiring too many inches to be planted back, especially with the mitigation of trees within these ROW areas. His concern is that it's not necessarily healthy for the long-term viability of the urban forest in these areas if they are planted too close together. He noted recent plantings at 11th street as an example of this. The Forestry Chair noted that Laurel and Pin Oaks of a specific size might not be worth mitigating, especially if they are in poor health. The committee suggested that the applicant's language be changed to reflect language protecting all regulated live oaks > 8" in diameter. That way, live oaks would still be protected while some flexibility would be provided for pine trees and other hardwoods that may not be worth keeping. The applicant also suggested that the Planning Board develop some language to provide credit when significant trees are saved. His point being that if there are more significant incentives to keeping those trees, they might be able to preserve them better. The Forestry Committee Chair noted that keeping a large specimen tree provides much more significant benefits than 3 10" trees in return and that a credit system would be a good idea. The committee decided that they would reconvene to discuss that and fines per caliper inch for cutting individual trees down. The committee also added some language to section G., which would clarify that mitigation is not required for dead or diseased trees. It was the committee's consensus to recommend that the amendment be approved as written above.

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.

ACTION ITEM: CONSISTENCY STATEMENT – TEXT AMENDMENT

The City of Southport Planning Board hereby recommends adoption of the proposed text amendment of the Unified Development Ordinance to the Board of Aldermen and finds that it is consistent with the City's 2015 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with policy 2.21 (Southport supports the maintenance of environmentally sensitive areas), Policy 7.9 (The City will encourage development that supports its Vision and Core Values and preserve its atmosphere), and recommended action 2.5A (The City will continually monitor the need for possible revisions to the UDO.). Further, the Planning Board finds that the proposed text amendment is reasonable and in the public interest because it protects and preserves the City's character and heritage, protects the City's environment, and it preserves Southport's aesthetic beauty.



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 22-0310-01**

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends adoption of the proposed text amendment of the Unified Development Ordinance to the Board of Aldermen and finds that it is consistent with the City's 2015 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen. More specifically, the proposed amendment is consistent with policy 2.21 (Southport supports the maintenance of environmentally sensitive areas), Policy 7.9 (The City will encourage development that supports its Vision and Core Values and preserve its atmosphere), and recommended action 2.5A (The City will continually monitor the need for possible revisions to the UDO.). Further, the Planning Board finds that the proposed text amendment is reasonable and in the public interest because it protects and preserves the City's character and heritage, protects the City's environment, and it preserves Southport's aesthetic beauty.

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgin, Chair

P A I D
MAR 10 2022



Text Amendment

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. _____ FEE: \$ _____ Date Received: _____

Applicant's Name: Cameron Smith

Mailing Address: 107 Bonnets Creek Lane City: Southport

State: NC Zip Code: 28461 Phone: 910-483-5080

Email: CSmith90@gmail.com

Current Section Impacted by Proposed Text Amendment: Article 3 page 3-83

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).

see attached

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.

[Signature]
Signature (Applicant) Edna Virginia Wilcox Kasper

3/7/22
Date

APPROVED BY:

UDO Administrator

Date

PROPOSED TEXT AMENDMENT

Article 3

F. TREE PLAN

2. 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 **for all regulated hardwoods 12” or greater in diameter.**

The UDO tree protection ordinance starts out with a statement that is not entirely accurate. Not all developers prefer to clearcut the project area. Environmentally conscious developers also exist. I find that certain trees can provide value and aesthetics to a project especially of the hardwood variety. I am a huge proponent of saving as many of our Live Oaks as possible and commend the ordinance on efforts in that regard.

I am in the process of submitting a subdivision plan for our property along Rob Gandy Blvd. My plan was always to leave a wooded buffer surrounding the development with a wider than required buffer off Gandy. I also desire to add a number of Live Oaks into our development, which is currently lacking on site.

In working through the tree ordinance and mitigation requirements with my landscape architect, it came to our attention the ordinance requires all tree species of varying sizes in the improved utility areas (ROW, stormwater, etc) to require 100% mitigation. My particular project is made up of a large number of regrowth pines that basically sprouted out a field are not particularly desirable trees. The current

requirement, including pines of any type over 12,” is creating a hardship in meeting the mitigation requirements. I am also aware of another development in the planning phase consisting of a very dense stand of pines with the same issues we have discovered. My request will still allow for the preservation and mitigation of hardwoods in the improved areas, which I believe is a primary concern of the citizens and representatives of our town.

Thank you for your consideration in this matter and please feel free to reach out to me anytime for further discussion.

Cameron Smith

(910)443-5080

clsmithgc@gmail.com



PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board
From: Thomas Lloyd, City Planner
Re: Indigo PUD Master Development Plan & Zoning Map Amendment Application,
Submitted by East-West Partners in partnership with Bald Head Island Limited, designed
by LandDesign
Date: 4/13/2022

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 intends to annex into the City as well. The Indigo Project was presented by the developer at a special joint workshop of the Board of Aldermen and Planning Board on March 24th. A review committee was appointed by the Planning Board Chair at the March 24th meeting. It consisted of Chair Hodgins, Mo Meehan, and Chris Jones. There was an additional Mayor's Town Hall Community Input meeting on the project on April 4th.

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 shall provide an advisory recommendation on the PUD master development plan and rezoning within 90 days after introducing such petition at a regularly scheduled meeting and submit its recommendation to the Board of Aldermen. 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. 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 the 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

INFRASTRUCTURE

The neighborhood's primary entrance is proposed to be off Robert Ruark Dr. There will also be an additional village entrance off of 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 City will share the results of these analyses as they are completed.

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 REPORT

The review committee met on Thursday, April 7th. As I mentioned earlier, it consisted of Chair Hodgins, Mo Meehan, and Chris Jones. The committee members termed this committee the 'Indigo Review Hub Committee'. Due to the size of the project, there was a consensus that there should be different subcommittees to further examine specific areas of interest and concern. The subcommittees to be established are **Design/Character**, **Traffic**, **Infrastructure**, and **Environmental Concerns**. The Chair will be asking for volunteers for these subcommittees at the 4/21 Planning Board meeting. Staff has developed a questionnaire to be posted on the City website to receive additional citizen input. There are questions that are specific to each subcommittee. Staff will compile the questions and provide them to the subcommittees and developers. As subcommittee meetings are held and become more overlapping, the full Planning Board will stay informed, and we'll see this process gel into the creation of the Planning Board's recommendations for the Aldermen.

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., incMailing Address: 226 N Front St City: WilmingtonState: NC Zip Code: 28401 Phone: 910-386-8683Email: msiegel@ewpnc.comProperty Owner's Name: Bald Head Island Limited, LLCAddress of Owner: PO Box 3069 City: Bald Head IslandState: NC Zip Code: 28461 Phone: 910-457-7358Email: cpaul@bhisland.comProperty Address: Survey Attached City: Annexing - SouthportParcel Size (acres): 346.57 AC Number of Dwellings: 1,542Open Space Area: 75.4 Acres Right-of-way Area:Surveyor: Michael Underwood and Associates, PA License #:Mailing Address: 102 Cinema Dr, Suite A City: WilmingtonState: 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

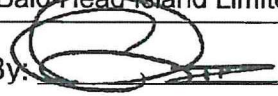
226 N Front St

Wilmington, NC 28401

910-386-8683

Signature of Owner:

Bald Head Island Limited, LLC

By: 

Charles A. Paul, III, Manager

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.

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- (1) to submit a proper petition and the required supplemental materials;
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- (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

PAID
MAR 1 U 2022



Zoning Map Amendment

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. 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):

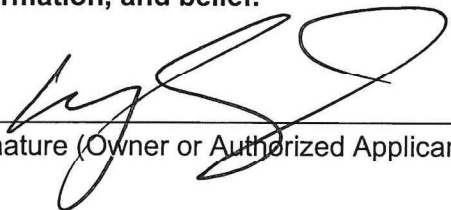
☐ Yes ☒ No

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 0211-105.01

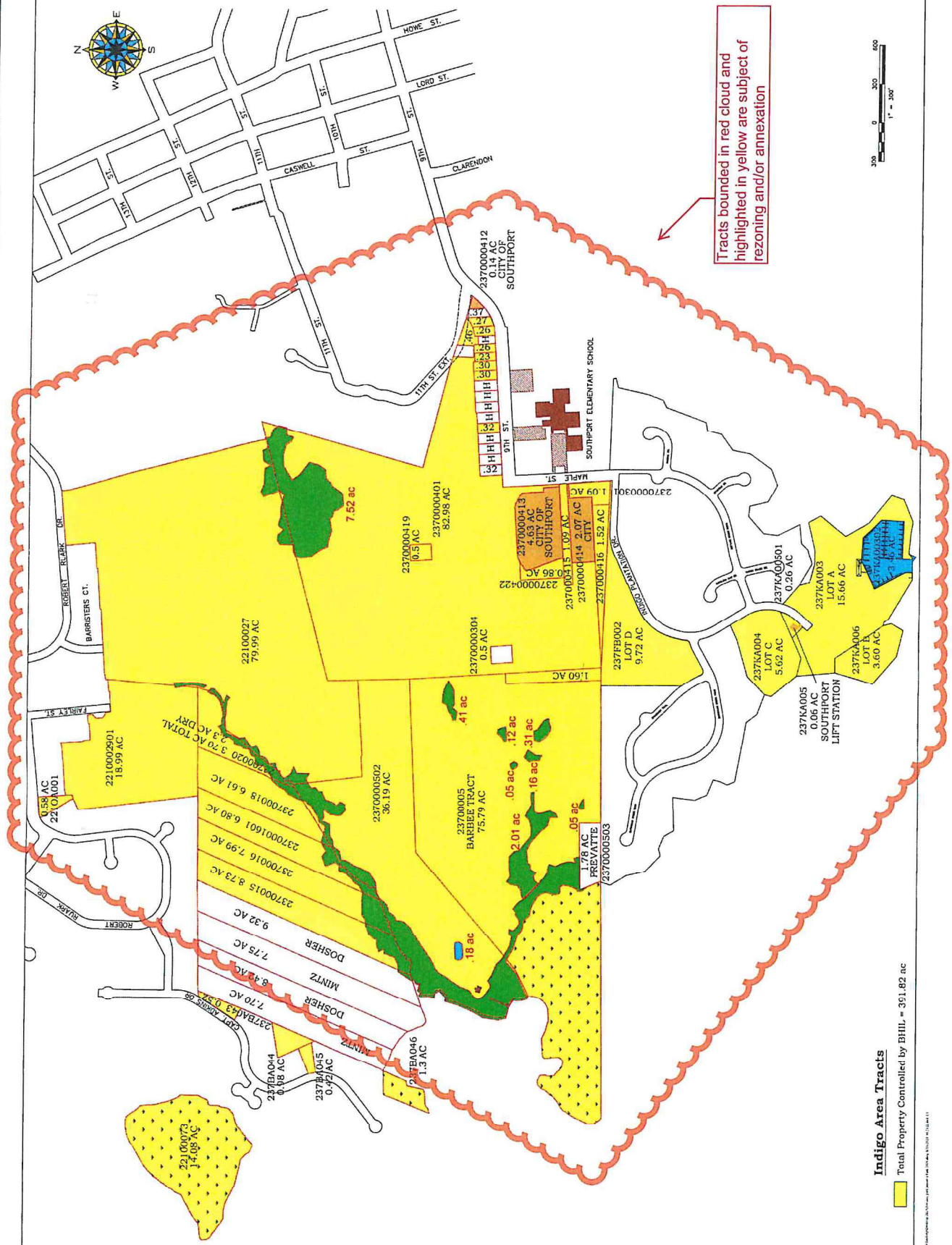
0 350 700 1,400 2,100 2,800 Feet

1" = 700 feet

Map Source: 2019 NOneMaps Orthoimagery

- Property Line
- Approx. Wetland Waters of the US
- Approx. Excluded (Isolated) Wetlands
- TNW
- Data Point





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

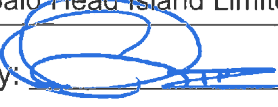
226 N Front St

Wilmington, NC 28401

910-386-8683

Signature of Owner:

Bald Head Island Limited, LLC

By: 

Charles A. Paul, III, Manager

REZONING PACKAGE

INDIGO

MASTER PLANNED COMMUNITY

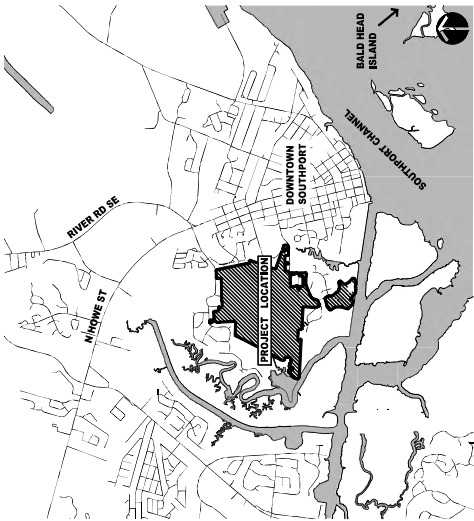
SOUTHPORT, NORTH CAROLINA

DATE: 02.09.2022

SHEET INDEX

Sheet Number	Sheet Title
RD-0	COVER
RD-1	SURVEY
RD-2	EXISTING CONDITIONS
RD-3	MASTER DEVELOPMENT PLAN
RD-4	PROPOSED STREET TYPOLOGY
RD-5	STREET SECTIONS
RD-6	LANDSCAPE ARCHITECTURE
RD-7	CHARACTER IMAGERY

VICINITY MAP



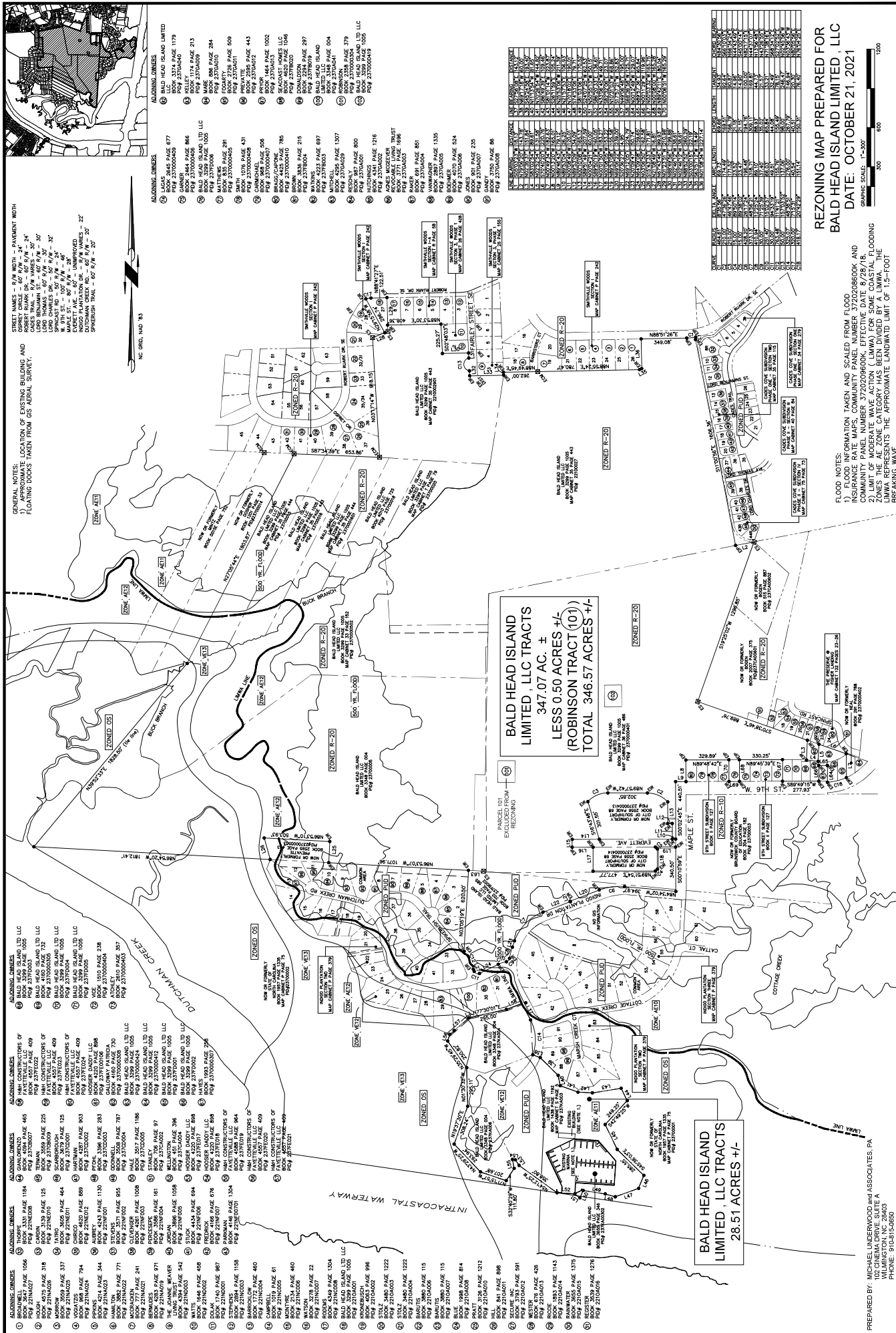
PROJECT TEAM

OWNER/DEVELOPER
INDIGO
EAST WEST PARTNERS
226 N FRONT ST
WILMINGTON, NC 28401
910.386.8883

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

SURVEYOR
MICHAEL UNDERWOOD & ASSOCIATES, P.A.
100 CHENLADE, SUITE A
WILMINGTON, NC 28403
910.815.0660

CIVIL ENGINEER
NORRIS & TUNSTALL CONSULTING ENGINEERS, P.C.
2802 IRON GATE DR, SUITE 102
WILMINGTON, NC 28412
910.343.9653



REZONING MAP PREPARED FOR
BALD HEAD ISLAND LIMITED, LLC

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

PREPARED BY: MICHAEL UNDERWOOD and ASSOCIATES, PA



BALD HEAD ISLAND, LLC
SOUTHPORT, NC
28461

[illegible]

CHECKED BY: JOK

VERT: N/A
HORZ: $1^{\circ} = 300'$

0 150,000 300,000 400,000

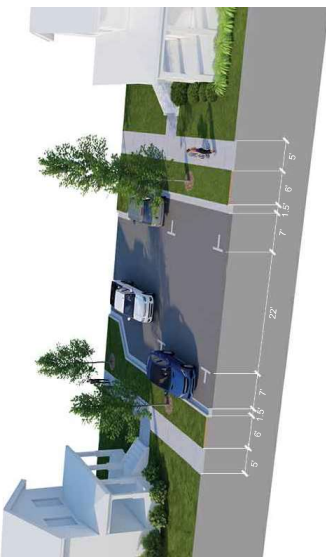


NORTH

EXISTING CONDITIONS

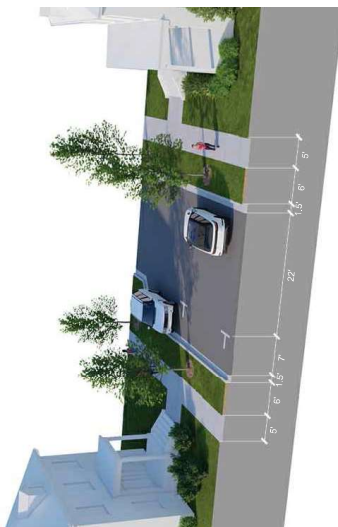
RZ-2





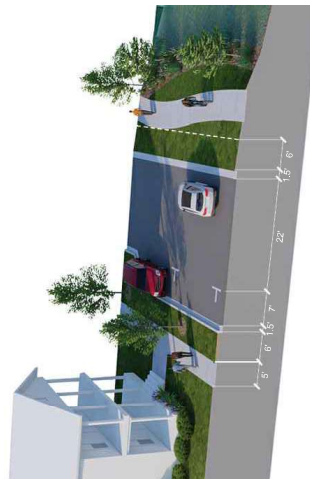
AVENUE STREET: 61' ROW

- LOCATED ALONG THE MAIN NORTH/SOUTH STREET THROUGH THE COMMUNITY, PEDESTRIAN-ORIENTED WITH ON-STREET PARKING ON BOTH SIDES OF THE STREET.



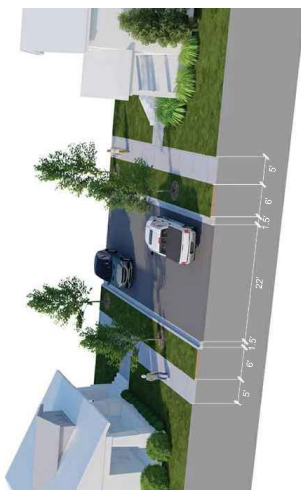
STREET TYPE A-1: 54' ROW

- LOCATED ADJACENT TO PARK SPACES AND WHERE ALLEY-LOADED LOTS ARE DESIGNED TO PROVIDE VISITOR PARKING.



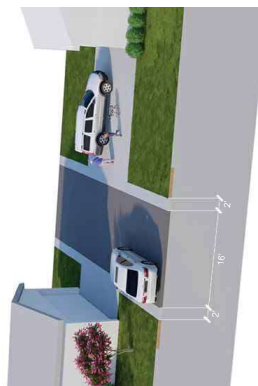
STREET TYPE A-2: 49' ROW

- WHERE 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

SITE AREA: 375.08 AC
TOTAL OPEN SPACE: 75.4 AC (20%)

OPEN SPACE TYPES

- NATURE PARK - 39.3 AC
DOG PARK, SWIM, TRAILS/FIELDS, ETC
- CENTRAL PARK / POCKET PARK - 20.3 AC
LAND, DOCKS, SHADED AREAS, GREENS, COURTS, ETC
- MARINA - 7.6 AC
BOARDWALK, MARINA
- LINEAR GREENS - 7.6 AC
GREEN TRAIL NETWORK
- EXISTING WETLAND

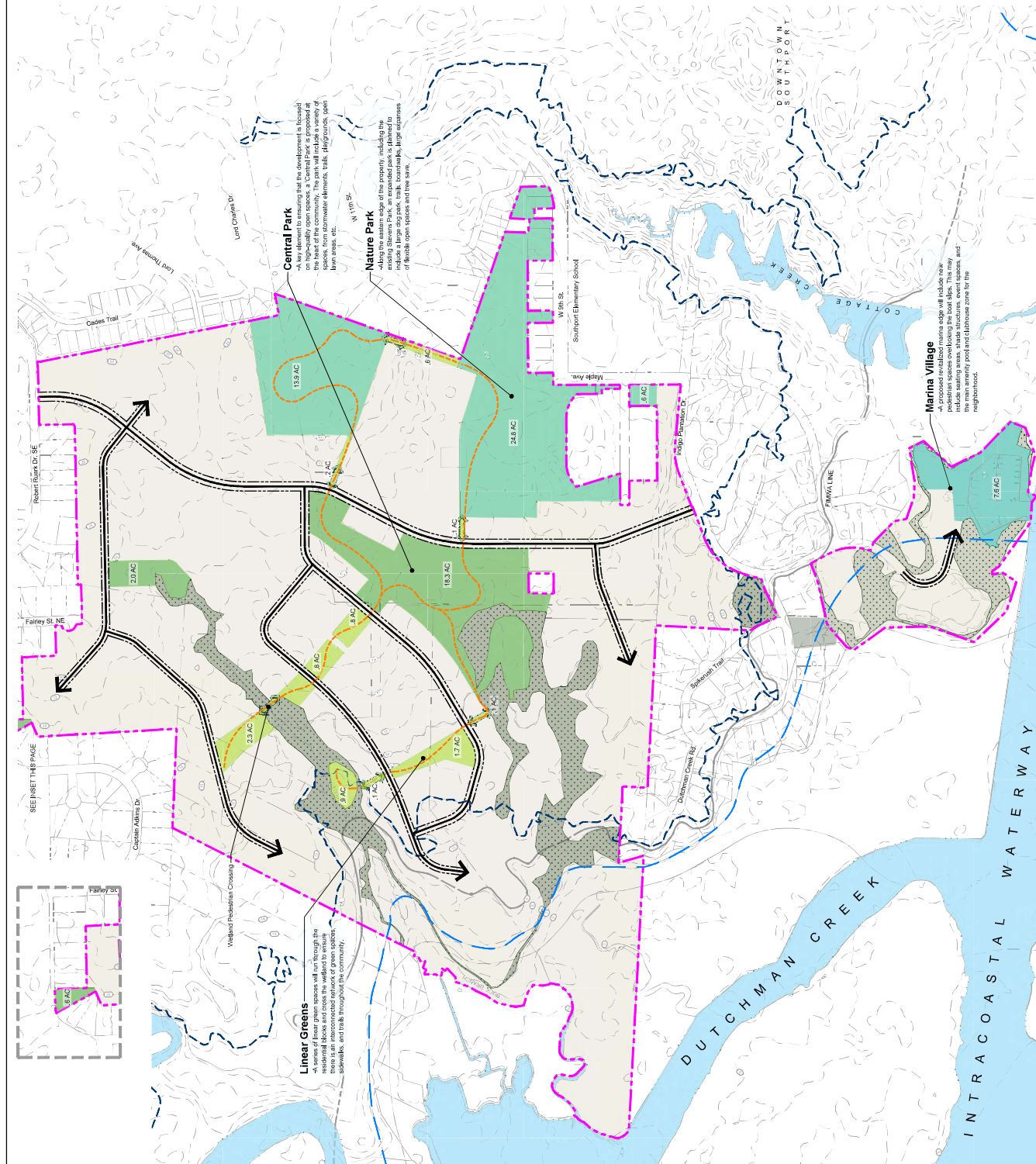
- PROPOSED STREET
 - 100 YEAR FLOODPLAIN
 - FLOODWAY
 - PROPERTY LINE
 - PEDESTRIAN TRAIL
- PUBLICLY MAINTAINED NATURE PARKS
PRIVATELY MAINTAINED CENTRAL PARK/POCKET PARKS, MARINA, AND LINEAR GREENS

Central Park
-A key element to ensuring that the development is focused on the community is the inclusion of a central park. The park will include a variety of spaces, from stormwater elements, trails, playgrounds, open lawn areas, etc.

Nature Park
-As part of the property, including the existing Stevens Park, an expanded park is planned to include a large dog park, trails, boardwalks, large expanses of flexible open spaces and tree lawn.

Marina Village
-The Marina Village includes a variety of public use positions across overlooking the boat lift. This may include seating areas, shade structures, event spaces, and the main amenity pool and clubhouse zone for the neighborhood.

Linear Greens
-A series of linear green spaces will run through the residential blocks and connect the wetland to ensure the community has access to green spaces, boardwalks, and trails throughout the community.



INDIGO

BALD HEAD ISLAND, LLC
SOUTHPORT, NC
28461

REVISION / ISSUANCE		
NO.	DESCRIPTION	DATE
1	RECORDING SUBMITTAL	11.01.2021
2	RECORDING SUBMITTAL	02.04.2022

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

VERT: N/A
HORIZ: 1" = 200'
GRAPHIC SCALE: 0 100 200 300 400

PROPOSED OPEN SPACE

RZ-6



Southport Mixed-Use Development

Traffic Impact Analysis

Southport, North Carolina

Prepared for

East West Partners

Prepared by

Kimley»Horn

February 2022

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NC #F-0102



Jonathan R. O'Neil
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

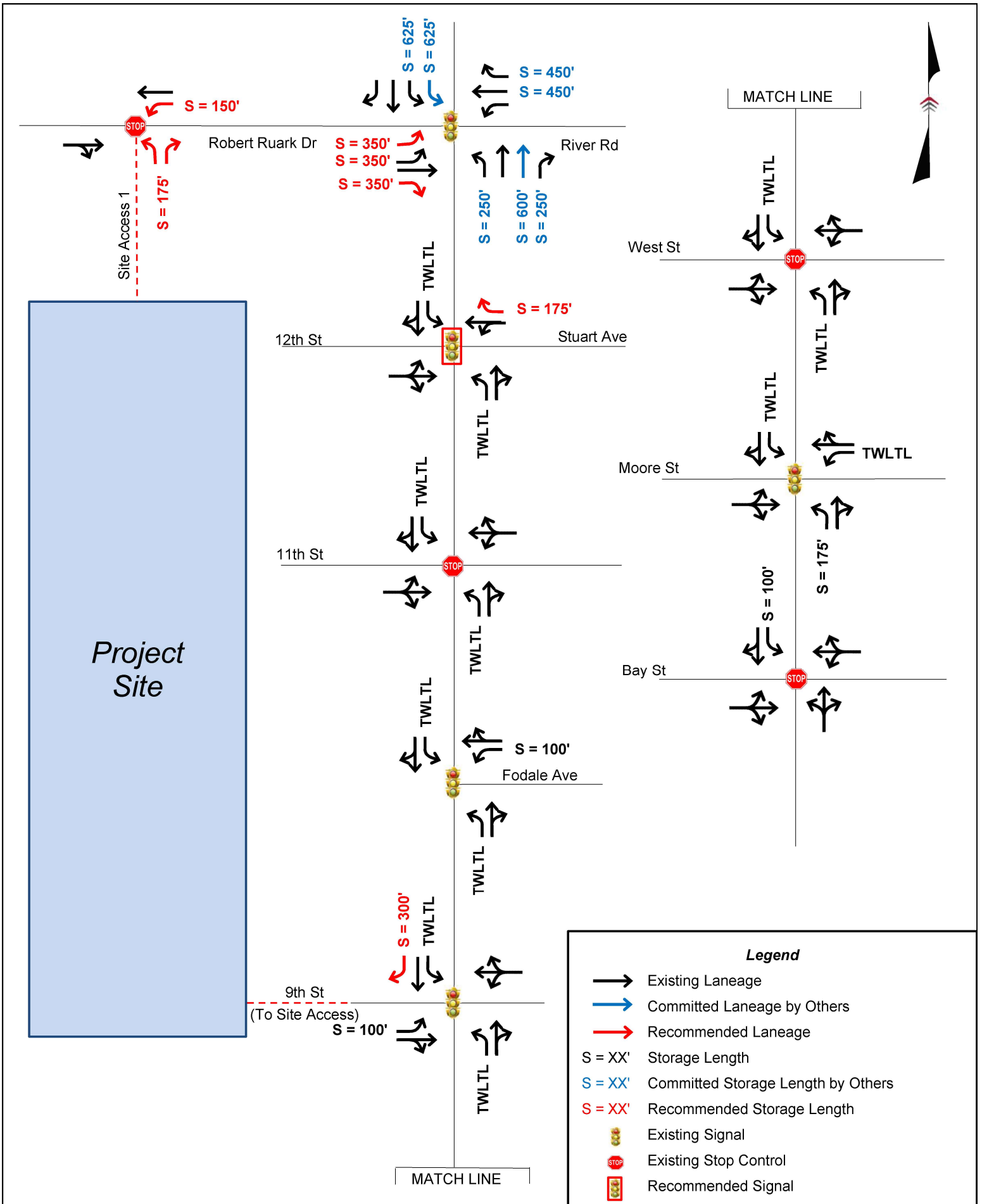
- Install a fully actuated traffic signal to operate with existing geometry and permitted phasing on all approaches.
- Install a westbound right turn lane with 175 feet of storage and appropriate taper

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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NC DEPARTMENT OF TRANSPORTATION
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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



PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board
From: Thomas Lloyd, City Planner
Re: **Zoning Map Amendment:** BD to HC, Corner of Howe and 14th Street (2.07 Acres of Parcel IDs 221MA028, 221MA02801, 221MA02803, 221MA02804, and 221MA02701), submitted by Rhettsen Companies, Inc. on behalf of Lisa B. Fitchett Trust
(RZ-22-0307-01)
Date: April 12, 2022

BACKGROUND

The attached zoning map amendment application is for a 2.07 acre tract currently in the Extraterritorial Jurisdiction (ETJ.) The property is located on the corner of W. 14th and N. Howe St. It is currently zoned Business District (BD) and the applicant would like to rezone it to Highway Commercial (HC).

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 BD zoning and replace it with HC zoning on the zoning map. Figure 1 shows the current zoning map in this area and Figure 2 shows the Future Land Use map. The surrounding area consists of BD and MF.

Figure 1: Existing Zoning Map



The surrounding area consists of BD to the East, West, and South, and MF and PUD to the North.

Figure 2: CAMA Future Land Use Map



The Future Land Use Map shows the property as light commercial. According to the CAMA Land Use Plan, light commercial is generally associated with lower intensity commercial uses such as offices, boutiques, and places of worship. There are a variety of uses that are allowed in HC but not BD that are higher intensity uses. Staff recommends that a review committee be appointed to go over this rezoning and review these potential uses as well as its consistency with the surrounding area.

PROCESS

To rezone the portion of the property to HC, 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.

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

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. RZ 22-0307-01 FEE: \$ 500.00 Date Received: 3/7/22

Applicant's Name: Rhetson Companies, Inc.

Mailing Address: 2075 Juniper Lake Road City: West End

State: NC Zip Code: 27376 Phone: 910-944-0881

Email: chris@rhetson.com

Property Owner's Name: Lisa B. Fitchett, Trustee

Address of Owner: 603 West Divine Street City: Dunn

State: NC Zip Code: 28334 Phone: _____

Email: _____

Project Name: General Retail

Project Address and/or Description of Location: N. Howe Street

6 parcels surrounded by N. Lord Street, W. 14th Street and Hwy 211.

Parcel IDs: 221MA028, 221MA02801, 221MA02802, 221MA02803, 221MA02804, 221MA02701

Parcel ID #: _____ Number of Lots: 6 Site Acreage: 2.07+-

Current Zoning District: BD Proposed Zoning District: HC

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: Yes

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



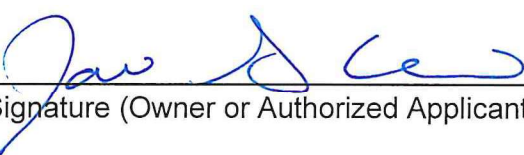
Yes



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)

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)

2/15/2022
Date

APPROVED BY:

UDO Administrator

Date

February 7, 2022

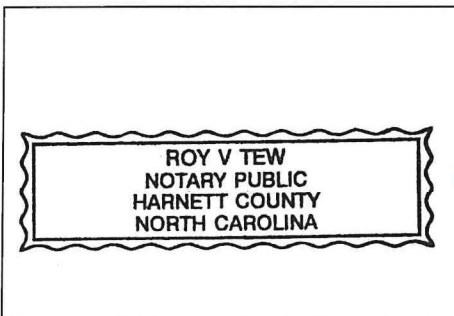
To Whom It May Concern:

Rhetson Companies, Inc. is authorized to submit a Zoning Map Amendment for a proposed Retail Development on the property owned by The Lisa B. Fitchett Revocable Trust. The specific property is found at the corner of N. Howe Street, W. 114th Street, and N. Lord Street in the City of Southport, in Brunswick County. The property consists of 6 parcels with Parcel I.D. # 221MA028, 221MA02801, 221MA02802, 22MA02803, 221MA02804, and 2221MA02701 as described in the Brunswick County records.

Yours Truly,

Lisa Fitchett

I, Roy V Tew, a Notary Public for the State of NC, County of HARNETT, do hereby certify that LISA Fitchett personally appeared before me this 7 day of February, 2022, and acknowledge the due execution of this authorization to submit a land disturbance permit application. Witness my hand and official seal,



SEAL

My commission expires 07/20/2025



TO: Planning Board
FROM:
DATE: April 21, 2022
SUBJECT: Zoning Map Amendment (RZ 22-0310-01) *(submitted by Kate Ienna for Harper Heirs)*

Request: BD/MF to R-10, 27 lots in between W. 14th Street and W. 12th Street (3.80 acres in total, Parcel # 221MA00110)

Background:

Staff Recommends:

Possible Motion:

Attachments:

1. Ienna-Harper



PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board

From: Thomas Lloyd, City Planner

Re: **Zoning Map Amendment:** BD/MF to R-10, 27 lots in between W. 14th and W. 12th St (3.80 acres total, Parcel ID # 221MA00110), submitted by Kate Ienna on behalf of James M. Harper Heirs (**RZ 22-0310-01**)

Date: April 12, 2022

BACKGROUND

The attached zoning map amendment application is for a 3.80-acre tract currently in the Extraterritorial Jurisdiction (ETJ.) The property is located on Caswell between W14th and W 12th Street. It is currently split zoned BD/MF and the applicant would like to rezone it to R-10. The property consists of 27 existing lots in Blocks 6 and 7 of the historic Southport Heights Subdivision, originally platted in 1910. The lots in this subdivision are 50 ft by 123 ft. R-10 would allow these lots to be developed using the nonconforming R-10 lot provisions in the ordinance. The applicant's narrative is attached to this application on why they feel like the rezoning is consistent with the CAMA Land Use Plan.

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 BD/MF zoning and replace it with R-10 zoning on the zoning map. This would be a less intensive use and would match rezonings that we have already done in this area in the past year.

Figure 1: Existing Zoning Map



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

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 portion of 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. The Planning Board may appoint a review committee to review this zoning map amendment if they deem it necessary.

Southport CAMA Land Use Plan Rezoning Talking Points

- All uses allowed in a zoning district. Rezoning requests 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?

PAID
MAR 10 2022



Zoning Map Amendment

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. 12-22-0310-01 FEE: \$ 1,000 Date Received: 3/10/22

Applicant's Name: Kate Ienna
Mailing Address: 4320 Southport-Supply Rd City: Southport
State: NC Zip Code: 28461 Phone: 910.599.5776
Email: kate.ienna@icloud.com

Property Owner's Name: James M Harper - Heirs Ginger Harper
Address of Owner: 105 E Bay St. City: Southport
State: NC Zip Code: 28461 Phone: 910.470.6713
Email: gingerharper@seacoastrealty.com

Project Name: _____

Project Address and/or Description of Location: Parcel 221MA00110, which is located between W 14th St and W 12th Street.

Parcel ID #: 221MA00110 Number of Lots: 27 Site Acreage: 3.80

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

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: _____

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

☒ Yes ☐ No

see attached document

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)

See attached document

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.

Kate Lenna

Signature (Owner or Authorized Applicant)

3/8/22

Date

APPROVED BY:

UDO Administrator

Date

- 1). See attached survey
- 2). See attached survey
- 3). There are no existing structures on the property.
- 4). The existing land use associated with the property is BD and MF.
- 5). The zoning classification of all abutting zoning districts are R-10 on the parcel South of W 13th Street. Parcels owned by Norton, Crouch and Russ. The parcel N of W 13th street is zoned BD and the abutting zoning is also BD. Parcels owned by Gilbert and Baker.
- 6). Kimberly and Tammy Norton, Brandon Crouch, James Russ, David and Brenda Baker, Thomas Gilbert. You should be receiving another application to rezone Thomas Gilbert and David and Brenda Baker's property from another buyer who is under contract on these parcels.

My client is under contract for two parcels located between W 14th Street and W 12th Street. The parcel PID is 221MA00110. It was combined for tax purposes, but the original plat from 1910 (which is included in this application), outlines the 27 lots with dimensions of 50 X 120. My clients plan to build cottage style homes to maintain the historic feel and charm of Southport.

The property located at 1147 & 1151 N Caswell, which is across the street from the S portion of the parcel and 1132 and 1136 which are abutting the S parcel are all zoned SP-R-10. The parcel N of W 13th street is currently zoned BD, including the property owned by Thomas Gilbert and David and Brenda Baker, who are on board to rezone to R-10, you should be receiving an application on their behalf to rezone these parcels. We feel that rezoning this area to R-10 makes the most of the land use, since every lot S of the S parcel running to W Bay Street is already zoned R-10 (with the exception of three parcels - 22337DC006, 237DE009, 237DE001 that are zoned BD).

This will bring more tax dollars to the city, but will not impact the roads as there will only be 27 units vs an apartment complex or other multifamily unit which would impact the infrastructure and the charm that is Southport.

NOTES:

1. SURVEY WAS DERIVED FROM THE BRUNSWICK COUNTY GIS, DB 463 PG 804 AND MB 25 PG 60.
2. AREAS SHOWN WERE CALCULATED BY COORDINATE METHOD.
3. SURVEY DONE WITHOUT THE BENEFIT OF A CERTIFIED TITLE REPORT AND IS SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.
4. THIS SURVEY IS OF AN EXISTING PARCEL OF PROPERTY AND DOES NOT CREATE A SUBDIVISION.



North - Proposed section to be changed to R-10 currently zoned BD

The lots owned by Thomas Gilbert and David and Brenda Baker are currently zoned BD as well. Both of these properties are being purchased and that buyer is submitting a rezoning application to rezone to R-10 as well.

PARCEL ID#
221MA00110
166,045 SQ FT
OR 3.81 ACRES
(BOTH TRACTS)

South - Proposed section to be changed to R-10 Currently zoned MF

James Russ, Kimberly/ Tammy Norton and Brandon Crouch lots is currently R-10

LINE	BEARING	DISTANCE
L1	S 68°39'34" W	123.00'
L2	N 21°20'26" W	500.00'
L3	N 68°39'34" E	123.23'
L4	N 21°20'26" W	50.00'
L5	N 68°39'34" E	122.77'
L6	S 21°20'26" E	150.00'
L7	S 68°39'34" W	123.00'
L8	S 21°20'26" E	300.00'
L9	N 68°39'34" E	246.00'
L10	S 21°20'26" E	300.00'
L11	S 68°39'34" W	122.77'
L12	N 21°20'26" W	100.00'
L13	N 68°39'34" E	123.13'
L14	S 21°20'26" E	400.00'

THIS IS NOT A BOUNDARY SURVEY
ALL DISTANCES AND DIRECTIONS SHOWN HEREON ARE BASED ON THE MAP/DEED OR GIS. NO CHECK WAS MADE FOR ACCURACY. THIS MAP SHALL NOT BE USED FOR CONVEYANCE OR RECORDING PURPOSES OR OTHERWISE RELIED UPON FOR BOUNDARY INFORMATION.

PARCEL DRAWING

Joshua M. McKittrick
Land Surveying, PLLC

Firm No.: 1608
(910)231-5339(CELL)

809 Windgate Drive
Wilmington, North Carolina
28412

Date : 11/19/21
Scale: 1"=140'
Drawn : JMM
Chk: JMM
Proj. No: 21899

PARCEL ID# 221MA00110
3.81 ACRE PARCEL
SOUTHPORT, NC
BRUNSWICK COUNTY, NC
SMITHVILLE TOWNSHIP

WHITE GREGORY L ETUX
A-30 LUL
2,284

24009

51A

24009

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51A

CAROLINA PROPERTIES
A-48
1,724

FITCHETT DAVIS MET
A-28
1,0284

ROBERT J. JACOBI HIRE
B-17.02
1,1634

B-28.01
1,1634

SOUTHPORT DEVELOPMENT
D-8
3,814

RND

N. Caswell Ave. 27 Lots Diagram

GRH

Bladen County

Pender County

281A

Dec. returned by
Lewis H. Clementson

ADMITTED TO RECORD
BOOK 413 PAGE 804

ROBERT J. ROBINSON
REGISTER OF DEEDS
BRUNSWICK COUNTY, N.C.

W I T N E S S E T H :

BEING all of those Southport Heights Lots, City of Southport, North Carolina, as the same were devised to Edward B. Taylor by Will of Jessie S. Taylor recorded in Will Book D at Page 221, Clerk of Superior Court for Brunswick County, described in Item Nine, part 2 of said Will, excepting therefrom, however, such of those lots as have been conveyed since the probate of said Will, whether said conveyances are of record or not.

BEING the same real estate conveyed to Lewis H. Clementson and Nancy T. Clementson, his wife, by deed from Edward B. Taylor and Helen B. Taylor dated October 16, 1980 and recorded October 22, 1980, in Deed Book 459, page 436.

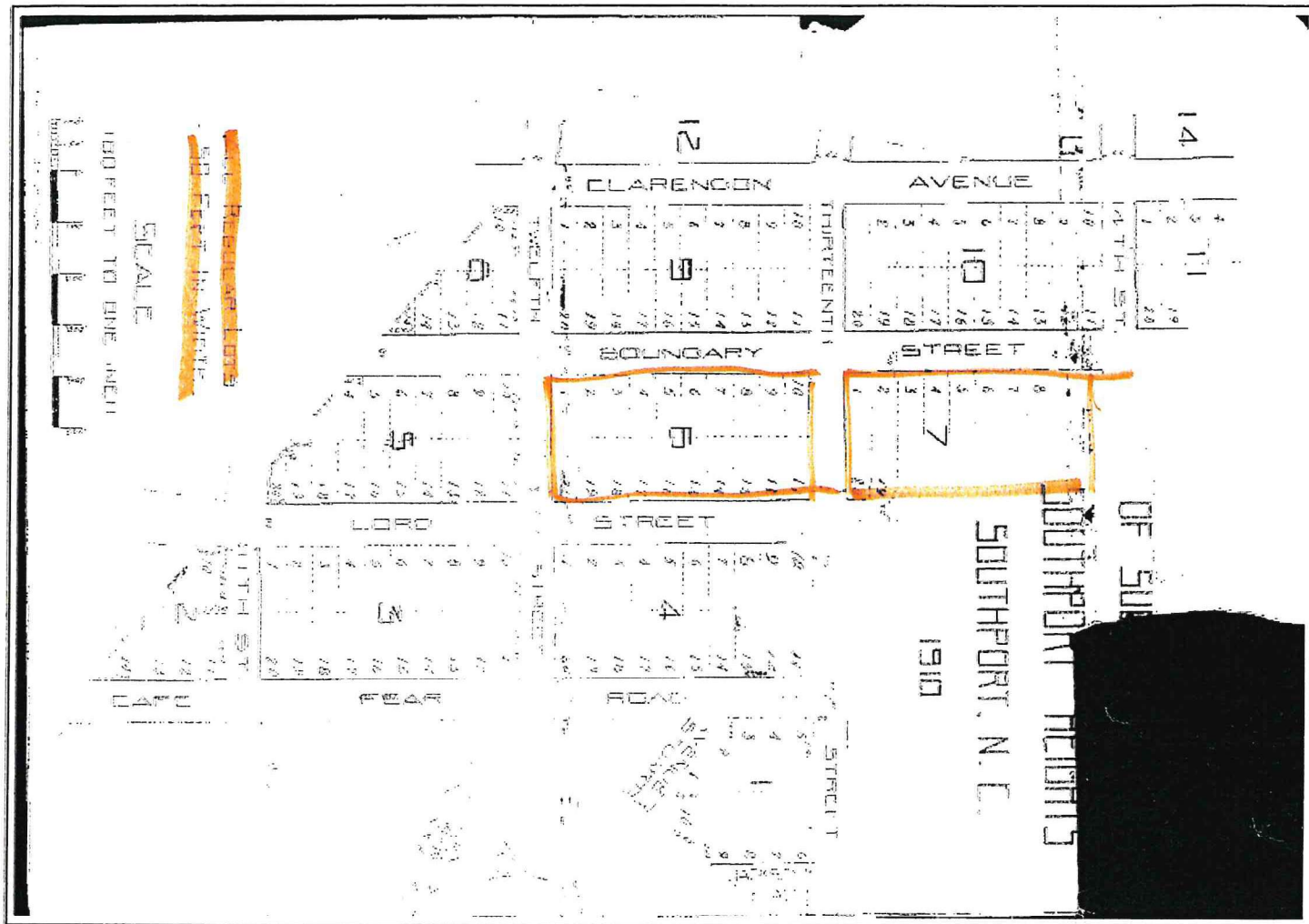
AND the said Grantors covenant to and with the Grantees,

View as PDF Zoom in Zoom out

◀ Previous Page

Book:14 Page:214

Next Page ▶



◀ Previous Page

Book:14 Page:214

Next Page ▶

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

The undersigned owner, Morgan Harper, Jahaila Harper, Katherine Hufham, Ginger Harper, does hereby appoint Kate Ienna 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: 03/08/2022

Appointee's Name, Address & Telephone:

Kate Ienna
4320 Southport-Supply Road SE
Suite 100
Southport, NC 28461
910-599-5776
kate.ienna@icloud.com

Signature of Owner:

<i>MS Harper</i>	dotloop verified 03/10/22 3:15 PM EST NZXA-SO4Q-DKDK-WAP5
<i>Jahaila Harper</i>	dotloop verified 03/10/22 1:27 PM EST 3NAS-9NJK-NH2A-MIHD
<i>Katherine hufham</i>	dotloop verified 03/08/22 3:28 PM EST MNCY-BJWZ-NZZN-BAYJ
<i>Ginger Willis Harper</i>	dotloop verified 03/08/22 2:16 PM EST V81S-BJA6-ZQL4-YK05



TO: Planning Board
FROM:
DATE: April 21, 2022
SUBJECT: Zoning Text Amendment (RZ 22-0310-02) *(Submitted by Whit Beebe on behalf of Gilbert Chris B. Etals)*

Request: MF to R-10, 6 lots on W. 14th Street (.84 acres total, Parcel# 221MA00101)

Background:

Staff Recommends:

Possible Motion:

Attachments:

1. Whit Beebe



PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board
From: Thomas Lloyd, City Planner
Re: **Zoning Map Amendment:** MF to R-10, six lots on W 14th St, (.84 acres total, Parcel ID 221MA00101), submitted by Whit Beebee on behalf of Gilbert Chris B. ETALS
(RZ 22-0310-02)
Date: April 12, 2022

BACKGROUND

The attached zoning map amendment application is for a 3.80-acre tract currently in the Extraterritorial Jurisdiction (ETJ.) The property is located on Caswell between W14th and W 12th Street. It is currently zoned BD and the applicant would like to rezone it to R-10. The property consists of 6 existing lots in Block 7 of the historic Southport Heights Subdivision, originally platted in 1910. The lots in this subdivision are 50 ft by 123 ft. R-10 would allow these lots to be developed using the nonconforming R-10 lot provisions in the ordinance. The applicant's narrative is attached to their application on why they feel like the rezoning is consistent with the CAMA Land Use Plan.

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 BD zoning and replace it with R-10 zoning on the zoning map. This would be a less intensive use and would match rezonings that we have already done further south in this area in the past year. The property directly

adjacent to this is also being considered in a separate zoning map amendment.

Figure 1: Existing Zoning Map



The surrounding area consists of MF to the North and West, and R=10 to the South with BD(although they are also asking to be rezoned to R-10) to the East.

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. The Planning Board may appoint a review committee to review this zoning map amendment if they deem it necessary.

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

PAID
MAR 10 2022



BY:

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

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

Date: 3/7/22

FEE: \$ \$500.00

Permit #:

Project Name (If Applicable):

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: William Beebe

Mailing Address: 501 Bramson Court, Suite 400 City: Mount Pleasant

State: SC Zip Code: 29464

Phone: 804-516-6290 Email: whitbeebe@rolinahomes.com

Street Address and/or Description of Location: 1224 N Caswell Ave

Parcel ID #: 221MA00101

Site Acreage: .84

Number of Lots: 6

Current Zoning District: BD

Proposed Zoning District: MF

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)

According to the Southport zoning map dated 2/21/19, this parcel is zoned BD surrounded by other properties zoned BD and MF. We are asking to be rezoned to MF due to the surroundings of the parcel. Through conversations with the planning board, we have found that this area is desired by the town to become a residential district. We believe it is in the best interest of the town to rezone this due to the surrounding areas.

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

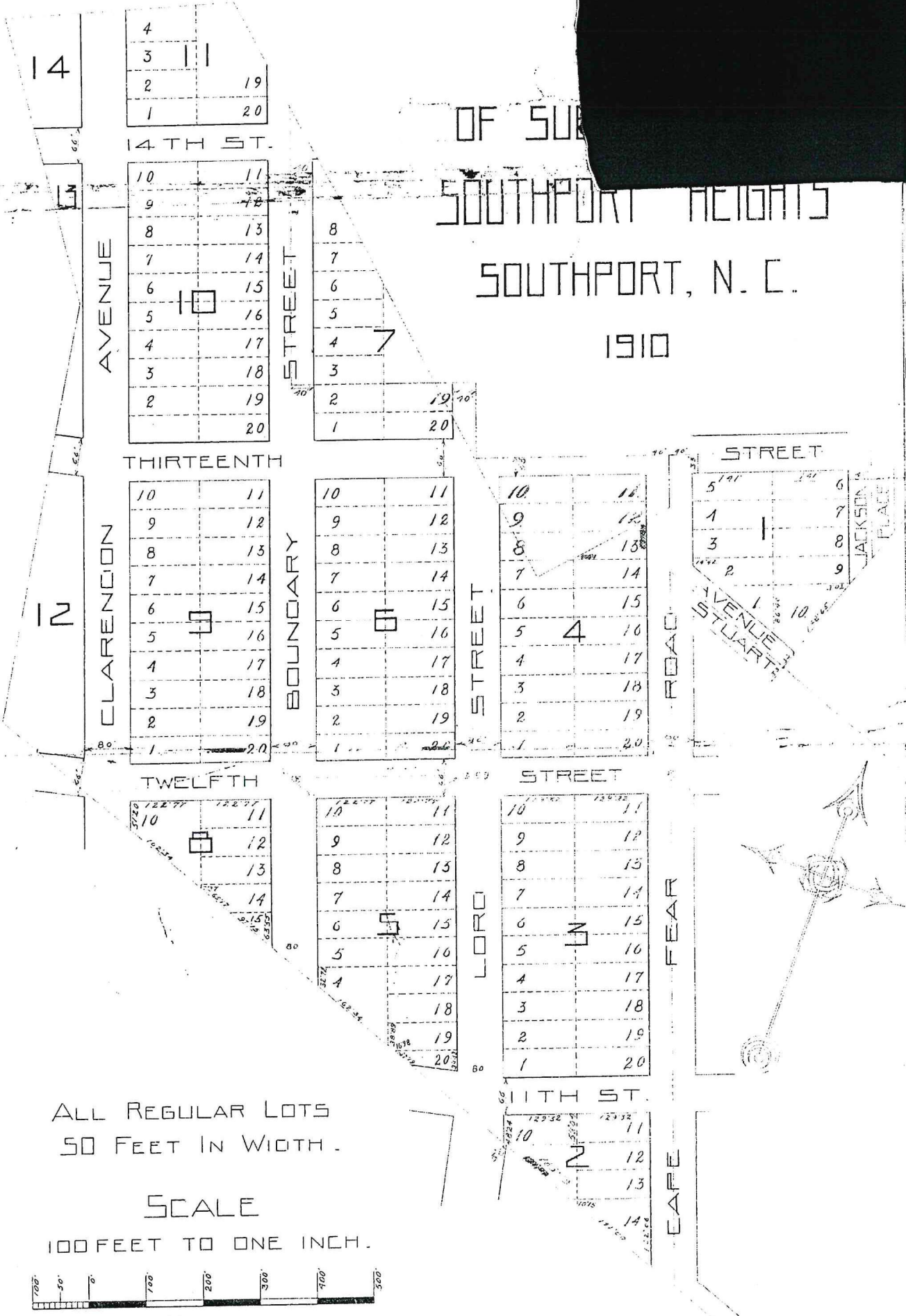
In filing this Rezoning Petition, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.



Signature (Owner or Authorized Applicant)

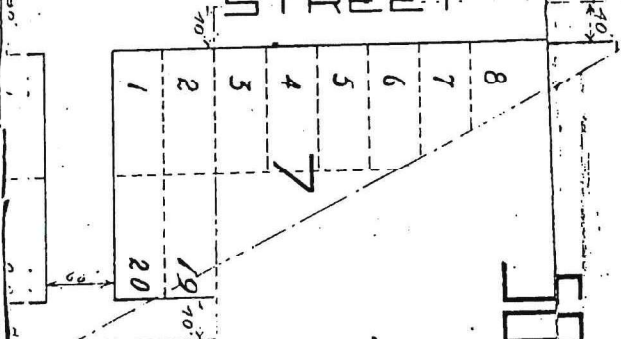
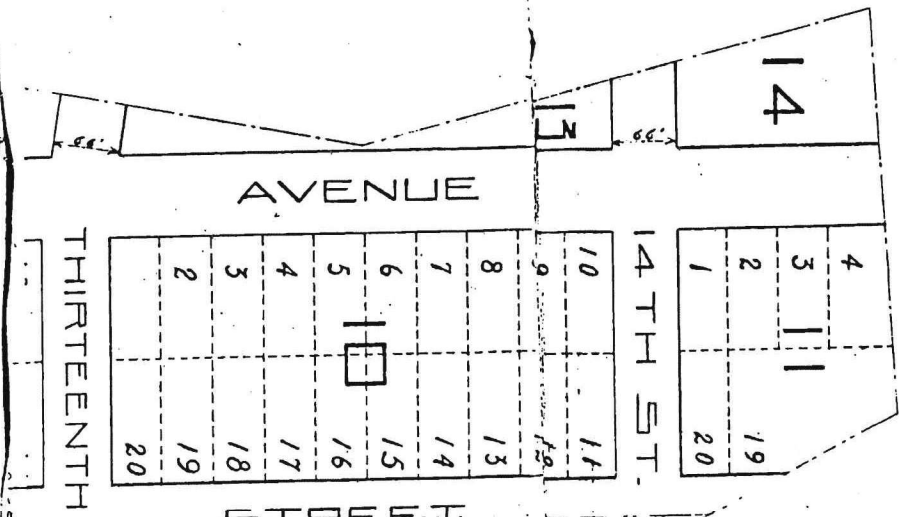
3/7/22

Date

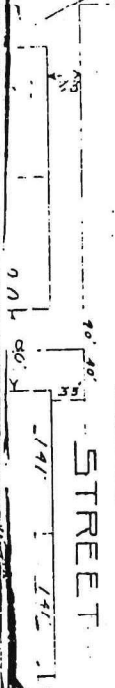


214-A

215



OF 500
SOUTHPORT, N.C.
1910



AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, Chris Gilbert, Kelly Cousino, Thomas Gilbert IV and Thomas Gilbert V, does hereby appoint Rolina Homes NC, LLC 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.

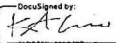
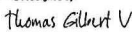
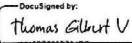
This appointment agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 2/28/22

Appointee's Name, Address & Telephone:

William Beebe
501 Bramson Court Suite 400
Mount Pleasant, SC 29464
804-516-6290

Signature of Owner:

DocuSigned by:  410270C4329202 DocuSigned by:  2F24D34FCE04DA	DocuSigned by:  410270C4329202 DocuSigned by:  2C899F721E404F
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TO: Planning Board
FROM:
DATE: April 21, 2022
SUBJECT: Zoning Map Amendment (RZ-22-0405-01) (*submitted by Sea Dog Holdings LLC.*)

Request: BD to R-10. 4 lots on 10th Street and N. Lord (.403 acres total Parcel# 237DC006)

Background:

Staff Recommends:

Possible Motion:

Attachments:

1. Sea Dog Holdings



PLANNING BOARD

MEMORANDUM

To: Members of the Planning Board
From: Thomas Lloyd, City Planner
Re: **Zoning Map Amendment:** BD to R-10, four lots on 10th and N. Lord, (.403 acres total Parcel ID 237DC006), submitted by Sea Dog Holdings LLC.
(RZ-22-0405-01)
Date: April 12, 2022

BACKGROUND

The attached zoning map amendment application is for a .403-acre tract in the corporate limits.) The property is located on Lord on the corner of W 10th St. It is currently zoned BD and the applicant would like to rezone it to R-10. The property consists of 4 existing lots in Block 11 of the Smith & Weeks Addition. The lots in this subdivision are 33 ft by 128 ft. R-10 would allow these lots to be developed using the nonconforming R-10 lot provisions in the ordinance. The applicant's narrative is attached to their application on why they feel like the rezoning is consistent with the CAMA Land Use Plan. The Planning Board may recall that a few years back we rezoned many of the properties along the Lord St Corridor from BD to R-10. We had targeted this one as part of those but at the time the applicant was not interested.

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 BD zoning and replace it with R-10 zoning on the zoning map. This would be a less intensive use and would match rezonings that

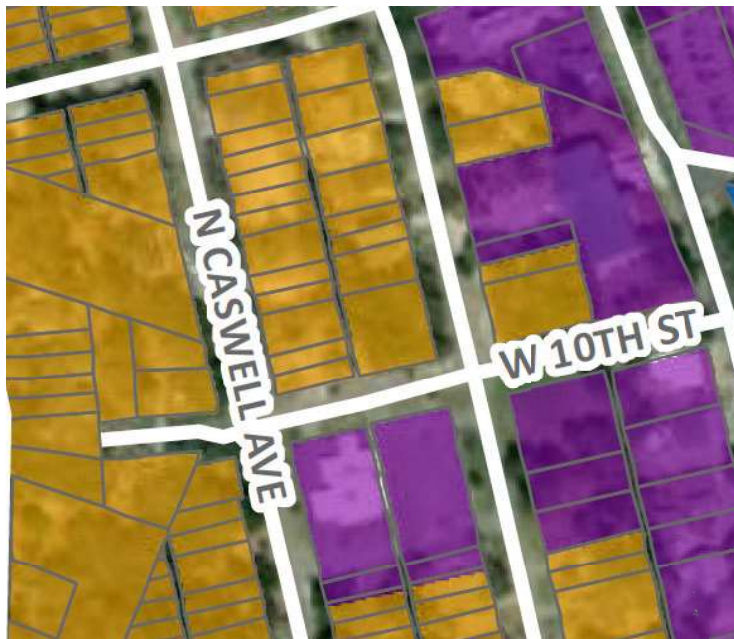
we have already done further south in this area in the past year. The property directly adjacent to this is also being considered in a separate zoning map amendment.

Figure 1: Existing Zoning Map



The surrounding area consists of R-10 adjacent to the North, West, and East. There is some existing BD zoned to the South at the ILA Hall across 10th st.

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. This zoning designation would comply with the future land use map.

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. The Planning Board may appoint a review committee to review this zoning map amendment if they deem it necessary.

Southport CAMA Land Use Plan Rezoning Talking Points

- All uses allowed in a zoning district. Rezoning requests 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

PAID

CK. NO. 1125

DATE 4/6/22

J. Dewiney



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 22-0405-01 FEE: \$ 500.00 Date Received: 4/6/22

Applicant's Name: CLIFF LILL

Mailing Address: 411 N. Burrington AVE City: SOUTHPORT

State: N.C. Zip Code: 28461 Phone: 910-477-2056

Email: C.LILL@AOL.COM

Property Owner's Name: SEA Dog Holdings LLC

Address of Owner: 411 N. Burrington AVE City: SOUTHPORT

State: N.C. Zip Code: 28461 Phone: 910-477-2056

Email: C.LILL@AOL.COM

Project Name: RE ZONE # 03190831

Project Address and/or Description of Location: LOTS 29-32 Block 11

CORNER OF W. 10TH AND LORD STREET

Parcel ID #: 237DC006 Number of Lots: 4 ^{Lot 29-32} Site Acreage: .403

Current Zoning District: B-D Proposed Zoning District: R-D - R-10

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: SURVEY PLAT PLAN SUPPLIED

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



Yes



No

THERE IS MIXED USE BETWEEN COMMERCIAL AND RESIDENTIAL
IN THE LOCATION OF BLOCK 11 SMITH + WEEKS ADDITION.
THE CHANGE FROM COMMERCIAL TO RESIDENTIAL WOULD
BE A BETTER FIT FOR THE RESIDENTS OF THE AREA.

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)

NEW HOMES ARE BEING BUILT EVERY WEEK IN THIS
LOCATION. RESIDENTIAL IN GENERAL IS A BETTER FIT
FOR THIS AREA OF TOWN.

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.

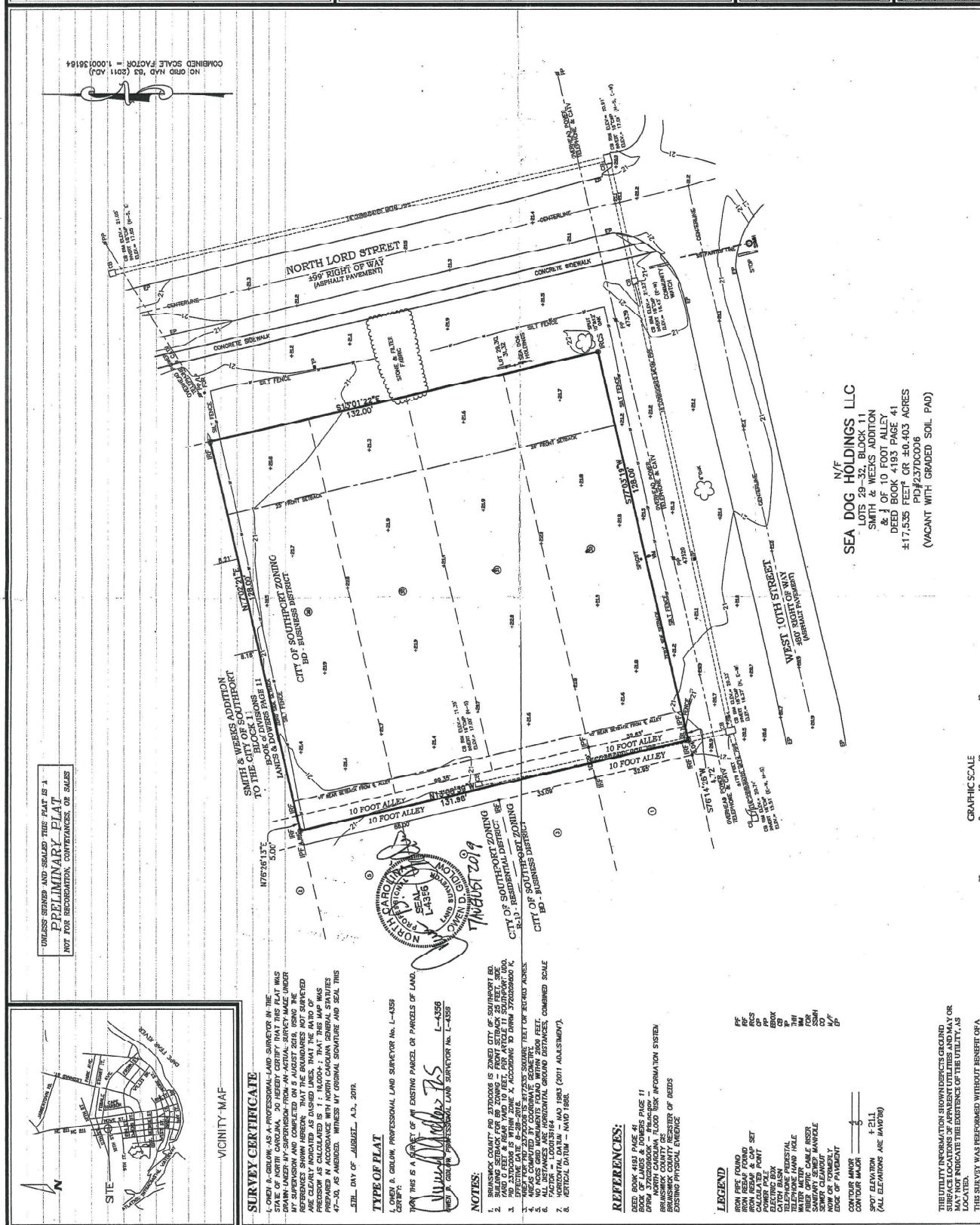
Cliff Lill / SEA Day Holdings LLC.
Signature (Owner or Authorized Applicant)

4-5-2022
Date

APPROVED BY:

UDO Administrator

Date

[illegible]



2022 PLANNING AND ZONING BOARD MEMBER ROSTER

				APPOINTMENT	EXPIRATION	
1	Sue Hodgin, Chair beachsue@gmail.com	608 Cottage Point Way	(910) 477-1808	Feb. 10, 2022	3 Yr. February 2025	IN
2	Will Hewett, Vice-Chair willhewett.68@gmail.com	129 Cape Fear Drive	(910) 520-3291	July 11, 2019	3 Yr. July 2022	IN
3	Fred Fiss ffiss@bellsouth.net	216 N. Atlantic Ave.	(910) 269-6901	Feb. 10, 2022	3 Yr. February 2025	CITY ALT
4	Christopher W. Jones cjonesy03@gmail.com	1008 Dutchman Cove SE	(910) 549-1407	March 12, 2020	3 Yr. March 2023	ETJ ALT
5	Scott Jones southportjones@gmail.com	1001 Pete's Camp Road	457-9770 (910) 471-0802 C	August 14, 2020	3 Yr. August 2023	ETJ
6	Donnie Joyner donnie.joyner@gmail.com	635 Jabbertown Road	(910) 368-7501	August 14, 2020	3 Yr. August 2023	ETJ
7	Maureen Meehan Mo@lantanagallery.com	212 Frink Drive	(252) 422-8365	August 14, 2020	3 Yr. August 2023	IN
8	Gustavo Mibelli gembelli@gmail.com	5995 Gray Squirrel Path	(704) 491-7879	Oct. 8, 2020	3 Yr. October 2023	IN
9	Richard Sloan saltydogrhs14@gmail.com	509 E. Moore Street	(910) 946-1771	Feb. 10, 2022	3 Yr. February 2025	IN
10	Thomas Lloyd tlloyd@cityofsouthport.com	1029 N. Howe Street	(910) 457-7961	Development Services Director		
11	Tanya Shannon tshannon@cityofsouthport.com	1029 N. Howe Street	(910) 457-7929	Staff Deputy Clerk		
12	Dorothy Dutton ddutton@cityofsouthport.com	1029 N. Howe Street	(910) 457-7900 X 1010	Staff City Clerk		

**Meetings are held on the third Thursday of every month at 6:00 pm at the Community Building.
223 E. Bay Street Southport, N.C. 28461**

2022 PLANNING BOARD ATTENDANCE

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

P = Present
A = Absent