



BOARD OF ALDERMEN

MEMORANDUM

To: Mayor Hatem, Members of the Board of Aldermen
From: Thomas Lloyd, City Planner
Re: Zoning Map Amendment, 110 Highland Park Ave (Tax Parcel ID 221MD01011), R-20 to R-10, submitted by Dennis & Maxine Quinlan (RZ 21-0830-01)
Date: November 2, 2021

BACKGROUND

The attached zoning map amendment application is for a 14,052 sf (.33 acre) lot in the corporate limits. The property has frontage on Highland Park Ave. It is currently zoned R-20 and the applicant would like to rezone the property to R-10. Being 14,054 sf, the lot is undersized for the R-20 zoning district requirements. The property owner would like to rezone the property to R-10 due to the lot size. The property owner feels like the R-10 setbacks are more consistent for a lot of this size rather than R-20. Their narrative is attached with their application.

The Planning Board and Board of Aldermen may consider the following when deciding on a zoning map amendment: all uses allowed in that zoning district, 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.

PROCESS

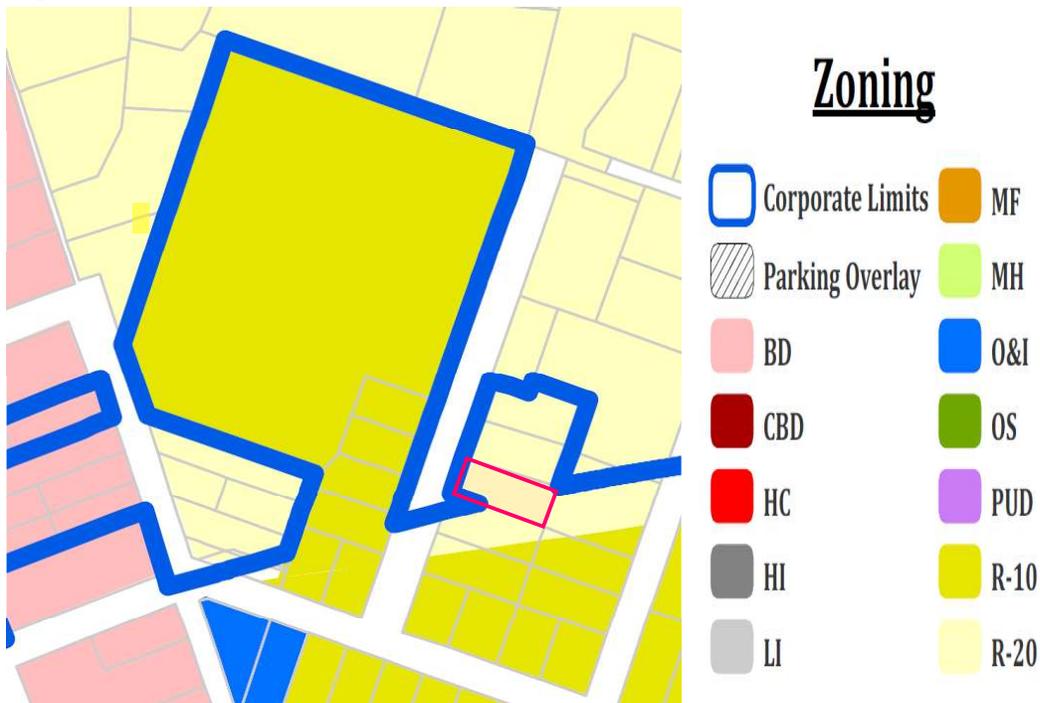
To rezone the portion of the property to R-20, a zoning map amendment must be approved. A consistency statement is required from the Planning Board for the zoning map amendment. Following a recommendation from the Planning Board, the zoning map amendment is then sent to the Board of Aldermen for their consideration. A duly advertised public hearing is then

held and the rezoning will require mailing a notice of the hearing to each property owner to be rezoned and abutting property owner as well as posted notice on the property. The Board of Aldermen must adopt a statement of consistency and then consider the zoning map amendment. Attached is the Planning Board Statement of Consistency and Recommendation and a draft Statement of Consistency for the Board of Aldermen

ZONING MAP AMENDMENT (REZONING)

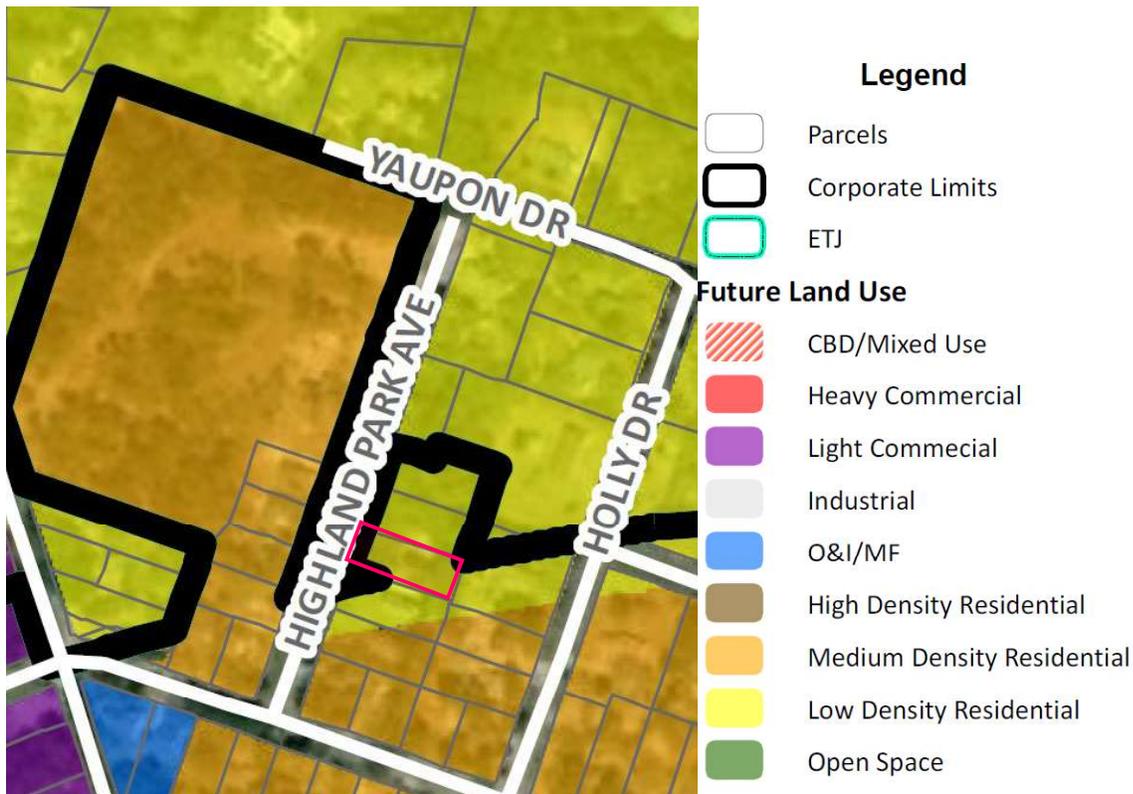
The proposed zoning map amendment would remove R-20 zoning from Parcel ID 221MD01011 and replace it with R-10 zoning on the zoning map. Figure 1 shows the current zoning map in this area and Figure 2 shows the Future Land Use map.

Figure 1



The Future Land Use map shows these properties as Low Density Residential. However, the lot size is 70% of what the lot size should be for a R-20 zoned lot. The lot width is also 75% of what an R-20 lot width should be. A zoning designation of R-10 would reduce the setback requirements to 25 in the front, 8 foot on the sides, and 20 in the rear as opposed to 40 in the front, 12 on the sides, and 25 in the rear. The property owner feels like R-10 is a more appropriate designation for this lot since it is undersized for R-20. It would also be compatible with the adjacent R-10 single family zoning across Highland Park Ave. In terms of the range of uses, the types of uses allowed in R-10 are pretty similar to the range of uses allowed in R-20. The property owners application is attached later in this document.

Figure 2



PLANNING BOARD RECOMMENDATION

The Planning Board reviewed the zoning map amendment at the September 16th and October 21st meeting. A review committee was appointed at the September 16, 2021 meeting. The Review Committee met on October 11th. The committee consisted of Mo Meehan and Chris Jones. Staff was also present. The committee reviewed the request. Committee members were concerned that the rezoning would negatively affect the neighbors on adjacent lots. Specifically, the dimensional standards in R-10 are more lenient than they are for R-20 zoned lots. Rezoning this lot R-10 would not be uniform with the existing R-20 zoned lots on the adjacent sides. The structures in the R-20 lots would be setback much further. The Future Land Use map also shows this area as R-20. The committee also indicated that they felt like this rezoning would serve the interest of one landowner instead of furthering the welfare of the entire community. It was the consensus of the review committee members that it was inconsistent with the land use plan and to recommend that it not be approved by the Board of Aldermen.

At the October 21st Planning Board meeting, the Planning Board voted found that the amendment was inconsistent and recommended denial of the proposed zoning map amendment. Attached is the statement of consistency and recommendation.

ACTION ITEM: ADOPT A CONSISTENCY STATEMENT & CONSIDERATION OF THE ZONING MAP AMENDMENT

The Board of Aldermen must now open the public hearing and hear from the public concerning the zoning map amendment. Following the public hearing, the Board of Aldermen must then consider the zoning map amendment. A consistency statement must be adopted and there must be a motion to approve or deny the zoning map amendment.

Attachments: Board of Aldermen Draft Consistency Statement, Board of Aldermen Draft Resolution, Planning Board Consistency Statement, CAMA Rezoning Talking Points, Application



**City of Southport Board of Aldermen
Statement of Plan Consistency
(As per NC General Statute 160D-605)**

When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board.

AMENDMENT: RZ 21-0830-01

STATEMENT OF CONSISTENCY:

The City of Southport Board of Aldermen has reviewed the proposed zoning map amendment and finds that it is **inconsistent** with the City's 2015 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the City of Southport Board of Aldermen. More specifically, the proposed amendment is inconsistent with the future land use map. Further, the Board of Aldermen finds that the proposed zoning map amendment is not reasonable and in the public interest because (i) it only benefits one landowner, and (ii) because the dimensional standards of the R-10 district would not be compatible with the adjacent properties.

Dorothy Dutton, City Clerk

Joseph P. Hatem, MD, M.P.H
Mayor, City of Southport

**A RESOLUTION DENYING A ZONING MAP AMENDMENT TO REZONE PARCEL
221MD01011 FROM R-20 to R-10**

THAT WHEREAS, the City has enacted a Unified Development Ordinance and other land use ordinances, and a zoning map that control land development within both the City's incorporated areas and within its extraterritorial area; and

WHEREAS, in order to promote the public health, safety and general welfare and to promote the best interest of the city and community, it is necessary for the City Board of Aldermen from time to time to consider appropriate revisions, modifications and additions to the city's zoning map; and

WHEREAS, the applicants, Dennis & Maxine Quinlan have prepared and submitted Application RZ-21-0830-01 requesting a zoning map amendment to rezone the above-mentioned parcel from R-20 to R-10; and

WHEREAS, the Planning Board has thoroughly reviewed this matter and found the proposed zoning map amendment to be inconsistent with the City of Southport CAMA Core Land Use Plan and recommends its denial; and

WHEREAS, pursuant to N. C. General Statutes and city ordinances, a public hearing, properly noticed, was held on November 11, 2021 before the Board of Aldermen regarding this issue; and

WHEREAS, the Board of Aldermen, after considering the public hearing response and the recommendation of the Planning Board, hereby finds that the proposed zoning map amendment is inconsistent with the 2015 CAMA Land Use Plan for the reasons stated in its consistency statement attached hereto and incorporated herein; and

WHEREAS, the Board of Aldermen further finds that the denial of this application is reasonable and in the public interest in that (i) it only benefits one landowner, and (ii) because the dimensional standards of the R-10 district would not be compatible with the adjacent properties.

NOW, THEREFORE, BE IT ORDAINED by the Southport Board of Aldermen that the Application to rezone the property described in Application RZ 21-0830-01 and incorporated herein by reference be hereby denied.

Adopted this, the ____ day of November, 2021.

City of Southport

Dorothy Dutton, City Clerk

Joseph P. Hatem, MD, M.P.H
Mayor, City of Southport