



BOARD OF ALDERMEN

MEMORANDUM

To: Mayor Hatem, Members of the Board of Aldermen
From: Thomas Lloyd, City Planner
Re: Zoning Map Amendment, Southport Crossing (10.01 acres of Tax Parcel ID # 22100001), PUD to HC, submitted by Paramounte Engineering on behalf of MDI Management (RZ 21-0903-01)
Date: November 2, 2021

BACKGROUND

The attached zoning map amendment application is for a 54.08 acre tract in the corporate limits. The property is located on Southport Crossings Way off of the 133 Extension across the street from the Lowe's Foods. It is currently zoned PUD (Planned Unit Development) and the applicant is requesting that a 10.01 section of the tract be rezoned to HC (Highway Commercial).

The 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 Board 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 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 recommendation of approval or denial. 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. See the attached Draft Statement of Consistency and Recommendation.

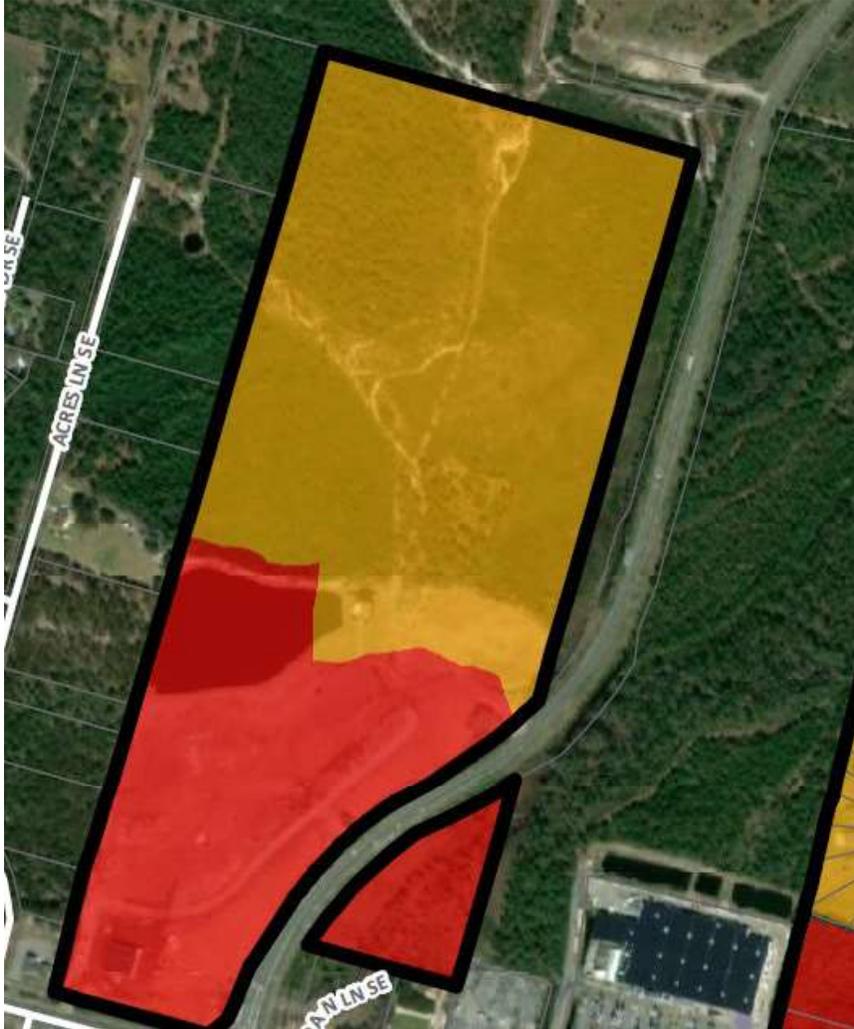
ZONING MAP AMENDMENT (REZONING)

Figure 1



The proposed zoning map amendment would remove Planned Unit Development zoning from a 10.01-acre portion of Parcel ID 22100001 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 applicant's application shows the boundaries of the portion to be rezoned. The properties to the South are zoned Highway Commercial. The property to the East to the proposed rezoning is zoned Commercial Light Density with the County. To the North and West of the proposed rezoning is PUD zoning.

Figure 2



The Future Land Use map in Figure 2 shows the majority of this portion of the property as Planned Unit Development (PUD). The applicant feels like the proposed rezoning area is a natural fit for Highway commercial due to its location adjacent to NC 133, commercial light density properties, and the current commercial node at Southport Crossing shopping center. The proposed rezoning would allow for the extension of the shopping area. Also attached is the applicant's narrative on why they believe it to be consistent with the CAMA Land Use Plan.

PLANNING BOARD RECOMMENDATION

The Planning Board reviewed the zoning map amendment at the September 16th and October 21st meeting. A review committee was appointed and met on September 27th. Members of the committee were Will Hewett, Gustavo Mibelli, and Chris Jones. Also present was staff and representative of the applicant Mike Nichols. The committee reviewed the proposed zoning map amendment. The applicant explained they were interested in rezoning 10.01 additional acres as Highway Commercial in order to expand the shopping center further with additional outparcels due to market demands.

The committee discussed whether the uses permitted in Highway Commercial would be appropriate in this area. The committee did not see an issue with any of the uses since they will be consistent with the uses that are allowed directly adjacent in the existing HC district. The area directly adjacent in the County's zoning district is zoned Commercial Light Density and is compatible with Highway Commercial. They are all uses that are reasonable around existing commercial nodes such as the Southport Crossing Shopping Center. The committee also discussed the natural features of the land. The adjacent area to the north contains a natural buffer between the proposed highway commercial and PUD residential use. The committee discussed whether the infrastructure was adequate for Highway Commercial uses at that sight. The applicant indicated that the developer has excess stormwater capacity and will be able to get additional water and sewer from Brunswick County at that site.

The committee discussed the future land use plan. The future land use map does show a portion of the 10.01 acres as Highway Commercial, although the majority of it is Medium Density Residential. The Future Land Use Plan does state that commercial development should be placed at the intersections of major thoroughfares. It also mentions that these nodes should not be static, but that as lands around the commercial areas develop, larger nodes and possibly shifts in location from one area to another may be warranted. This would be an example of the existing commercial node enlarging in that area. It was the consensus of the review committee to provide a positive recommendation for the zoning map amendment.

At the October 21 Planning Board meeting, the Planning Board voted to adopt the attached consistency statement and to recommend approval of the proposed zoning map amendment.

STAFF RECOMMENDATION

Due to the existing commercial development and existing commercial zoning at the intersection where the property is located, staff recommends approval of the proposed zoning map amendment. There is existing infrastructure in that area, the uses allowed in Highway Commercial are suitable in this location, and the amendment will not lessen the enjoyment or the use of adjacent properties.

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: Proposed Board of Aldermen Consistency Statement, Proposed Ordinance Amending the Zoning Map, Application, CAMA Land Use Plan Rezoning Talking Points, Planning Board Consistency Statement



**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 21-0903-01

STATEMENT OF CONSISTENCY:

The City of Southport Board of Aldermen has reviewed the proposed zoning map amendment 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 2.12 (Southport supports commercial development along the Howe Street corridor and other areas consistent with the City's future land use map) and is consistent with the Land Use plan's guidance on the location of commercial nodes (Commercial nodes are typically to be located at the intersections of major thoroughfares). Further, the Board of Aldermen finds that the proposed zoning map amendment is reasonable and in the public interest because the property is (i) suitable for the uses permitted in the HC Zoning District, (ii) the property is located along an existing major thoroughfare, (iii) there is adequate infrastructure at this location, (iv) there is existing commercial zoning on 3 sides of the property to be rezoned, and (v) the amendment will not lessen the enjoyment or use of adjacent properties.

Dorothy Dutton, City Clerk

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

**ORDINANCE APPROVING A ZONING MAP AMENDMENT REZONING A 10.035
ACRE PORTION OF PARCEL 22100001 FROM PUD TO HC**

THAT WHEREAS, the City has enacted a Unified Development Ordinance, 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 applicant, MDI Management, has prepared and submitted an application for a zoning map amendment to rezone the above mentioned parcel; and

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

WHEREAS, pursuant to N.C. General Statutes and city ordinances, a public hearing, properly noticed was held on November 11th, 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 to be consistent with the 2015 CAMA Land Use Plan adopted November 13, 2014 and subsequently amended by the Board of Aldermen. The Board of Aldermen finds that (i) it is consistent with policy 2.12 (Southport supports commercial development along the Howe Street corridor) and (ii) because it is consistent with the Land Use plan's guidance on the location of commercial nodes; and

WHEREAS, the Board of Aldermen further finds that this zoning map amendment is reasonable and in the public interest because the property is (i) suitable for the uses permitted in the HC Zoning District, (ii) the property is located along an existing major thoroughfare, (iii) there is adequate infrastructure at this location, (iv) there is existing commercial zoning on 3 sides of the property to be rezoned, and (v) the amendment will not lessen the enjoyment or use of adjacent properties;

NOW THEREFORE, BE IT ORDAINED by the City of Southport Board of Aldermen that The Official Zoning Map of the City of Southport, an element of the Unified Development Ordinance of the City, is amended by changing the zoning classification of the property as described in **Exhibit A** and as shown on **Exhibit B** from PUD to HC:

This ordinance shall be effective upon its adoption, and the Official Zoning Map of the City of Southport shall be revised accordingly.

This the _____ day of November 2021.

City of Southport

Dorothy Dutton, City Clerk

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