



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

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www.southernshores-nc.gov

8

9 **MEETING MINUTES**

10 **PLANNING BOARD SPECIAL MEETING-MARCH 2, 2023, 1:00 P.M.**

11 **LOCATION: PITTS CENTER-5377 N VIRGINIA DARE TRAIL, SOUTHERN SHORES, NC 27949**

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13

14 **CALL TO ORDER:**

15 Chairperson Ward called the special meeting to order at 1:00 pm. Planning Board Members Ed
16 Lawler, Robert McClendon, Chairperson Ward and Deputy Town Manager/Planning Director Wes
17 Haskett and Town Manager Cliff Ogburn were present.

18

19 **PURPOSE OF SPECIAL MEETING:** The purpose of the Special Meeting is for the Board to consider
20 ZMA-23-01, a Zoning Map Amendment application submitted by the Town of Southern Shores to
21 rezone the following properties from C, General Commercial to RS-10, Residential: 0 Southern
22 Shores Lndng. (PIN 98660649792100), 2 Foxwood Cir., 3 Foxwood Cir., 4 Foxwood Cir., 5
23 Foxwood Cir., 6 Foxwood Cir., 7 Foxwood Cir., 8 Foxwood Cir., 9 Foxwood Cir., 10 Foxwood Cir.,
24 11 Foxwood Cir., 12 Foxwood Cir., 14 Foxwood Cir., 15 Foxwood Cir., 16 Foxwood Cir., 17
25 Foxwood Cir., 18 Foxwood Cir., 19 Foxwood Cir., 20 Foxwood Cir., 21 Foxwood Cir., 23 Foxwood
26 Cir., 25 Foxwood Cir., 27 Foxwood Cir., 29 Foxwood Cir., 33 Foxwood Cir., 35 Foxwood Cir., 37
27 Foxwood Cir., 39 Foxwood Cir., 41 Foxwood Cir., 43 Foxwood Cir., 102 Landing Trl., 103 Landing
28 Trl., 104 Landing Trl., 105 Landing Trl., 106 Landing Trl., 108 Landing Trl., 110 Landing Trl., 112
29 Landing Trl., 114 Landing Trl.

30

31 **PLEDGE OF ALLEGIANCE:**

32 Chairperson Ward led the Pledge of Allegiance.

33

34 **APPROVAL OF AGENDA:**

35 **Motion** made by Planning Board Member Lawler to approve the agenda as presented, Seconded
36 by Planning Board Member McClendon. The motion passed unanimously (5-0).

37

38 **PUBLIC COMMENT**

39 Matt Huband-designated representative for homeowners at Southern Shores Landing. - in full
40 agreement with the town staff's zoning map amendment application to rezone Southern Shores
41 Landing in its entirety to RS-10,

42

43 **NEW BUSINESS**

44 **ZMA-23-01-Zoning Map Amendment to rezone Southern Shores Landing from C, General**
45 **Commercial to RS-10, Residential**

46

47 Planning Director Wes Haskett presented the staff report which read as, ZMA-23-01 is a Zoning
48 Map Amendment application was submitted by a resident in Southern Shores Landing to rezone
49 the western portion of Southern Shores Landing from C, General Commercial to RS-10,
50 Residential. Town Staff researched the history of Southern Shores Landing and determined that
51 the entire development is zoned C, General Commercial. The Official Zoning Map shows about
52 two thirds of the development is zoned RS-10, Residential and about one third is zoned C,
53 General Commercial. As a result, Town Staff advised the applicant to withdraw his application
54 and the Town would proceed with a Zoning Map Amendment application to rezone Southern
55 Shores Landing in its entirety to RS-10, Residential in order to reflect its current use and its
56 designation on the Town's Existing and Future Land Use Map in the Town's currently adopted
57 Land Use Plan. Southern Shores Landing is a planned unit development which is not a permitted
58 use in the RS-10 residential district, this means that if rezoned it will become a non-non-
59 conforming and subject to the town's non-conformities requirements. A zoning text Amendment
60 will be required to bring it back into compliance if result which town staff can bring forward
61 subsequently to its rezoning if it is rezoned.

62
63 Planning Director Haskett showed a map of the properties for Southern Shores Landing, stating
64 they are all to be rezoned from commercial to RS-10 residential, including the common area
65 property.

66
67 Planning Director Haskett next reviewed the current zoning map. He stated the zoning boundary
68 between the RS-10 and commercial boundary does not reflect the actual property line. There
69 was a portion currently of Southern Shores Landing right now that falls in this commercial area,
70 the other two-thirds is shown as RS-10 which is incorrect as the entirety of Southern Shores
71 Landing, based on our records, is zoned C commercial and none of it is RS-10 residential.

72
73 Additionally, Planning Director Wes Haskett presented the existing and future land use map
74 which is used for zoning map amendments as well as text amendments. Southern Shores
75 Landing is identified as residential with commercial to the west and to the immediate east being
76 the dentist office.

77
78 Planning Director Haskett finished his report by stating the existing and future land use map in
79 the Town's currently adopted Land Use Plan identifies this area as residential which is consistent
80 with the proposed amendments. Town Staff recommends that the Planning Board recommend
81 approval of the application to the Town Council.

82
83 Town Manager Cliff Ogburn provided a brief history on the zoning map and Southern Shores
84 Landing. He stated in 1981 Southern Shores Landing was zoned commercial, in 2000 it was
85 commercial. Southern Shoes PUD was originally approved in 1999 as Ginguite Woods. The site
86 plan was approved in 2003 and on May 3, 2005, the Town Council passed a zoning map
87 amendment that accomplished two things; it removed a portion of property from the ETJ and
88 corrected a small portion of commercial property located in Southern Shores Landing that
89 should have been included in the commercial district when the PUD was approved. The 2007
90 zoning map shows Southern Shores Landing as RS-10 which doesn't even follow the boundary
91 lines. Approximately seven properties on the zoning map were not included in the RS-10 district
92 and a request to have this change made is what brought staff's attention to the fact that the
93 zoning map is incorrect.

94
95 Chairperson Ward stated the request seems straight forward. He stated Southern Shores
96 Landing was five plus acres at the original time to be considered for a PUD. Planning Director
97 Haskett stated that was correct.
98
99 Chairperson Ward asked if the original five acre plan included the five parcels to the west not
100 currently shown in the RS-10 district? Planning Director Haskett stated it included those parcels
101 in the five acres and the wastewater treatment plant area was calculated separately.
102
103 Planning Board Member Lawler asked if the wastewater treatment plant parcel could be broken
104 off and sold separately from the PUD? Planning Director Haskett stated that it could be sold
105 separately and it has been. The current owner of the wastewater treatment plan is not the
106 Southern Shores Landing Homeowner Association.
107
108 Town Manager Ogburn stated there are covenants or an easement in place that require that
109 wastewater treatment plant to service Southern Shores Landing.
110
111 Planning Board Member McClendon asked what impact this will have on the commercial zoned
112 dentist office if Southern Shores Landing is rezoned? Planning Director Haskett stated if Southern
113 Shores Landing is rezoned from commercial to RS-10, being a commercial property abutting a
114 residential property, there's a 50-foot setback that would take effect.
115
116 Planning Board Member Lawler asked about the wastewater treatment plant being in a
117 commercial zone? Planning Director Haskett stated the plant is regulated by the state, but it is
118 still subject to town zoning jurisdiction.
119
120 Chairperson Ward inquired if the dentist office was required to provide a 50-foot buffer from the
121 residential district. Planning Director Haskett stated you need to remember that Southern Shores
122 Landing is commercial, therefore the dentist office only needed to meet commercial setback
123 requirements. He further stated a text amendment will need to be considered for the dentist
124 office property is Southern Shores Landing is rezoned to RS-10.
125
126 Chairperson Ward asked the board members if they had any concerns with the proposed RS-10
127 amendment to the zoning map as shown. No members voiced concern.
128
129 **MOTION:** Chairperson Ward moved to approve ZMA 23-01 as presented, Seconded by Planning
130 Board Member Lawler. The motion passed unanimously.
131
132 **MOTION:** Chairperson Ward moved to amend the future existing land use map moving the RS-
133 10 residential district into the boundary, so it is consistent with our current land use plan,
134 Seconded by Planning Board Member Lawler. The motion passed unanimously.
135
136 **PUBLIC COMMENT**
137 None
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139 **PLANNING BOARD MEMBER COMMENTS:**
140 None

None

PLANNING BOARD MEMBER COMMENTS:

None

ANNOUNCEMENTS

Planning Director Wes Haskett stated the next meeting will be held Monday, March 20th at 5:00pm. The Land Use Plan Consultant will join the meeting virtually.

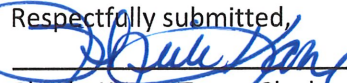
ADJOURN

Motion to adjourn by consensus at 1:26 p.m.



Andy Ward, Chairperson



Respectfully submitted,


Sheila Kane, Town Clerk