

STAFF REPORT

To: Southern Shores Town Council
Date: June 7, 2022
Case: ZTA-22-06
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Ginguite, LLC
Attn: Sumit Gupta
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Kill Devil Hills, NC 27948

Applicant's Representative: Michael W. Strader, Jr., PE
Quible & Associates, P.C.
P.O. Drawer 70
Kitty Hawk, NC 27949

Requested Action: Amendment of the Town Zoning Ordinance by amending Section 36-207(c), Conditional Uses.

ANALYSIS

The applicant is proposing a Zoning Text Amendment (ZTA) to amend Section 36-207(c) to allow the group development of commercial and residential buildings as a Conditional Use in the C, General Commercial zoning district. The use would be permitted through the issuance of a Conditional Use Permit (Special Use Permit per 160D Statutes). Section 36-207 currently allows the group development of commercial buildings only (the Marketplace and Southern Shores Crossing). Section 36-207 also currently allows residential uses including detached single-family dwellings, two-family (duplexes) dwellings, multifamily dwellings, and accessory buildings, but such uses would be limited to only one principal building and its customary accessory building on any lot. If approved, the ZTA would allow group developments consisting of multiple principal commercial and residential buildings on a single lot subject to the following requirements:

- a. Minimum size of any building shall be 2,500 square feet.
- b. All buildings constructed within 35 feet of another building within the development are to be connected by a breezeway or covered walkway.
- c. Lot shall be serviced by an existing community wastewater treatment facility permitted by NC DEQ DWR.
- d. Residential density shall be limited to RS-8 District allowances as established within Sec. 36-203(a).
- e. No more than 40% lot coverage of the net parcel area can be associated with building footprints containing residential uses and the required parking for residential uses.

With respect to lot coverage, two calculations would be required in order to demonstrate compliance (if the ZTA and a site plan are approved). One lot coverage calculation would need to show that the total lot coverage for the development does not exceed 60% of the total lot area,

or 67% if permeable pavement in excess of 5 percent of the total lot coverage is provided. The other lot coverage calculation would need to show that the lot coverage for residential building footprints and residential parking spaces does not exceed 40% of the net parcel area. Net parcel area is defined as the total area to be developed minus any area covered by waterways, marshes or wetlands.

The following properties could potentially meet the proposed requirements for group developments consisting of commercial and residential buildings:

- 5391 N. Virginia Dare Trl. (Stone property): 7.9 acres
- 5500 N. Croatan Hwy. (Marketplace): 18.1 acres
- 5355 N. Croatan Hwy. (Southern Shores Realty Maintenance): 4.1 acres
- 1 Ocean Blvd. (Southern Shores Crossing)
- 6195 N. Croatan Hwy. (Ginguite, LLC): 5.2 acres

The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low-density residential community comprised of single-family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

RECOMMENDATION

During your consideration, questions and discussion should mainly focus on the ZTA and not on a potential site plan for the proposed use. Policy 2 of the Town's Land Use Plan establishes the commercial district as a small district for convenience shopping and services. The Land Use Plan also establishes that incompatible uses in the commercial area are limited to "residential (low density)", educational, and conservation activities. Since commercial and residential group developments will most likely consist of high density residential development mixed with commercial development, Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan.

Town Staff and Chairperson Ward spent a considerable amount of time reviewing and discussing the application. As a result, Chairperson Ward suggested additional requirements to be added to the proposed language that clarify the requirements for "mixed use group developments" by showing them in one section of the Zoning Ordinance. Another additional requirement establishes a 50% lot coverage requirement based on the net parcel area, or 55% if permeable pavement is used in excess of 5 percent of the total lot coverage. The Town Planning Board determined that the application is consistent with the Town's currently adopted Land Use Plan and recommended denial (4-1) of the application as presented. However, it recommended approval of the ZTA with Chairperson Ward's additional requirements and a minimum 25% lot coverage requirement for residential building footprints and parking spaces.

The Board's recommended requirements are shown in PB-ZTA-22-06. Town Staff recommends

approval of the application with the Planning Board's recommended requirements. Going forward, Council has the following options:

1. Approve the ZTA as presented.
2. Deny the ZTA as presented.
3. Table consideration of the ZTA.
4. Approve the ZTA with the Planning Board's recommended requirements.
5. Amend the ZTA (which may require another Planning Board review).
6. Send the ZTA back to the Planning Board for further discussion.