



Zoning Map Amendment (incl. conditional zoning)

Town of St. James, North Carolina

4140A Southport-Supply Road

Phone: (910) 253-4730

For Staff Use Only

PERMIT No. _____ **FEE: \$** _____ **Date Received:** _____

Applicant's Name: Ward and Smith, P.A.

Mailing Address: 127 Racine Drive **City:** Wilmington

State: NC **Zip Code:** 28403 **Phone:** 910-794-4800

Email: sbf@wardandsmith.com

Property Owner's Name: See Exhibit A, attached.

Address of Owner: See Exhibit A, attached. **City:** See Exhibit A, attached.

State: See Exhibit A, attached **Zip Code:** See Exhibit A, attached. **Phone:** See Exhibit A, attached.

Email: See Exhibit A, attached.

Project Name: St. James North

Project Address and/or Description of Location: See Exhibit B, attached.

Parcel ID #: See Exhibit A, attached. **Number of Lots:** See Exhibit C, attached **Site Acreage:** See Exhibit B, attached.

Current Zoning District: SJ Commercial Low Density (CLD) & SJ Commercial Intensive (CI) **Proposed Zoning District:** Creative Zoning Conditional District(CZ-CD)

A complete application for any amendment shall contain a description of the proposed zoning map amendment or conditional zoning request. Such application shall be filed with the UDO Administrator to be processed in accordance with Section 4.3 and/or 4.4 of the UDO. If the request is for a Conditional Zoning proposal then a concept plan meeting the requirements of Section 4.4.5 of the UDO shall be submitted. See Exhibit C and Exhibit D, attached.

In approving a rezoning, the Town Council shall consider the following matters: See Exhibit A, attached.

1. Consistency with any adopted land use plans, including the comprehensive plan;
2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
3. Suitability of the subject property for uses permitted by the current district versus the uses permitted in proposed district;
4. Whether the proposed change tends to improve the balance of uses permitted or satisfies a specific demand in the town;
5. The availability of adequate school, road, park, waste water treatment, water supply, and stormwater drainage facilities for the proposed use as well as the range of permitted uses for the zoning requested; and
6. The extent to which the proposed zoning map amendment is consistent with the remainder of the ordinance including, specifically, any purpose and intent statements.

In filing this 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. If not the current owner, please include a designated agent form or proof of property interest in accordance with 160D-403(a).



Signature (Owner or Authorized Applicant)*

10/20/25

Date

*Please see Agent Authorization attached hereto as Exhibit E.

APPLICATION RECEIVED AND DETERMINED TO BE COMPLETE:

UDO Administrator

Date

EXHIBIT A

Owner Information and Description of Request

1. Owner Information:

Parcel ID No 2040002101:

The Town of St. James
4140A Southport-Supply Road, St. James, NC 28461
Phone: (910) 253-4730
Email: tosj@stjames.town

Parcel ID No 2040002502:

Harbor Development Corp. (1/2 undivided interest)
821 Oak Ridge Drive, Eden, NC 27288
Phone: (404) 841-7464
Email: mwrightwills@gmail.com

D. R. Development Corporation (1/2 undivided interest)
515 S. Kennedy Avenue, Eden, NC 27288
Phone: (336) 932-7383
Email: posborne@osbornecompany.com

2. Description of Request:

D. R. Development Corporation, Harbor Development Corp., and Canal Associates, LLC (including their successors and assigns, the "Developer") submitted a petition for annexation to the Town of St. James ("Town") on September 24, 2025 concerning the property described therein (the "Annexation Property"). In connection with such annexation, the Developer is proposing to create a mixed-use development (the "Development") generally consistent with the proposed Concept Plan on **Exhibit C**, attached hereto and incorporated by reference (the "Concept Plan"), the proposed Conditions on **Exhibit D**, attached hereto and incorporated by reference (the Conditions"), and any Development Agreement entered into between the Developer and the Town.

However, a portion of the property to be included in such Development (Brunswick County Parcel ID Nos 2040002101 and 2040002502) as more particularly described on **Exhibit B**, attached hereto and incorporated by reference ("Rezoning Property"), is already located within the Town's jurisdiction. Accordingly, the Applicant is requesting to conditionally rezone the Rezoning Property from Commercial Low Density (CLD) (PID 2040002101) and Commercial

Intensive (CI) (PID 2040002502) to the zoning category of Creative Zoning Conditional District (CZ-CD) such that the district will be governed by the Concept Plan and the Conditions consistent with the requested initial zoning of the Annexation Property.

The proposed conditional rezoning is absolutely consistent with the Town of St. James Comprehensive Plan VI (dated May, 2021) ("Comprehensive Plan") and with the stated land use goals of the community. Throughout the Comprehensive Plan, the Annexation Property is generally referenced as having the potential for commercial and residential development similar to this proposed rezoning. The Comprehensive Plan generally recognizes the benefits of the Annexation Property being entitled pursuant to the PUD Concept Plan for Canal Assoc./Harbor Development Corp. by Timothy G. Clinkscales at Paramounte Engineering dated December 27, 2017 and approved by the Brunswick County Planning Board on January 8, 2018 ("PUD Plan"), which is largely similar to the proposed Concept Plan here. The Comprehensive Plan likewise specifically contemplates the potential for the Town to expand its role in the proposed development if the owners of the Annexation Property agree to annexation. In such a case, the Comprehensive Plan predicts that "[t]he Town probably would enjoy an increase in tax revenues greater than the associated expenses for fire/EMS coverage, etc."

Although the Rezoning Property is not included within the PUD Plan, the property owned by the Town (PID 2040002101) is surrounded on three (3) sides by the PUD Plan and is necessary for connection of the two tracts included within the Annexation Property. Likewise, PID 2040002502 is located immediately adjacent to one of the eastern boundaries of the PUD Plan. Accordingly, the natural inclination is for these properties to be included in the Development and for the use of these properties to be generally consistent with the PUD Plan (and therefore also the Annexation Property).

Similarly, the Comprehensive Plan encourages the housing, retail, and restaurant projects like the one proposed by the Concept Plan. Based on a study depicted in the Comprehensive Plan, residents' preferences include restaurants, retail/convenience stores, professional services, entertainment, financial services, and personal services. Approving the proposed rezoning requested here would allow the owners of the Property to provide such in-demand services. The Comprehensive Plan even specifically notes that the PUD Plan has the potential to respond to residents' desire to see nearby retail and restaurants, which would likewise be the case with the similar Concept Plan proposed here. The Comprehensive Plan also highlights the need for more affordable housing for the Town's workforce. The multifamily and townhouse product type proposed on the Concept Plan would provide more organically affordable housing products to help address this need.

Additionally, the proposed conditional rezoning is consistent with the present zoning and conforming uses of the nearby property and with the community in general. Nearby land is zoned CLD (in both Brunswick County and in the Town), CI (in both Brunswick County and in the Town), and EPUD (in the Town). All of the adjacent commercial and planned development uses are absolutely consistent with the proposed mixed-use development. The proposed Development would act as a smooth transition between the planned development uses on the southern side of NC 211 to the more commercial uses on and around the northern side of NC 211.

3. Proposed Uses:

Uses shall be permitted within the Rezoning Property in accordance with the following table. P = Use permitted by right; PC = Use permitted under prescribed conditions; S = Use permitted by a special use permit, with prescribed conditions; Blank = Use not allowed. Prescribed Conditions shall be subject to any relief requested elsewhere in this application (including Exhibit D).

Uses	Areas Labeled "CN" on Concept Plan	Areas Labeled "MF" on Concept Plan	Areas Labeled "R" on Concept Plan	Prescribed Conditions
Residential Uses				
Duplex Dwellings		P	P	
Multi-Family Dwellings		P		
Semi Attached Housing		P	P	
Single Family Zero Lot Line Dwellings		P	P	
Single-Family Detached Dwellings (Site Built & Modular)		P	P	
Townhouses		P	P	
Traditional House		P	P	
Upper Story Residential Dwellings (in Commercial Structure)	P			
Accessory Uses				
Accessory Dwelling Units		PC	PC	8.2
Accessory Uses & Structures (Customary)	P	P	P	
Home Occupations (Customary)	PC	PC	PC	8.49
Satellite Dishes, TV & Radio Antennas (Accessory)	PC	PC	PC	8.78

Solar or Thermal Panel Collector Roof Mounted	P	P	P	8.84
Solar or Thermal Panel Collector Ground Mounted	P	P	P	8.84
Swimming Pools	PC	PC	PC	8.88
Yard Sales (2 Per Year)	PC	PC	PC	
Recreational Uses				
Athletic Fields	PC	PC	PC	8.5
Coin Operated Amusements	P			
Dance Schools	P			
Fraternal Clubs & Lodges	P			
Go Cart Racetracks	PC			8.43
Golf Courses, Miniature	PC			8.45
Country Club/Golf Courses	P	P	P	
Golf Driving Ranges	P			
Sports/Martial Arts Schools/Camp	P			
Physical Fitness Center	P			
Private Clubs or Recreational Facilities	P	P	P	
Parks, Passive	PC	PC	PC	
Parks, Active (With Recreational Facilities)	PC	PC	PC	
Parks, Community Garden	PC	PC	PC	

Parks, Dog Park (also called dog runs)	PC	PC	PC	
Swim Clubs	PC			8.87
Tennis Clubs	PC			8.92
Educational & Institutional Uses				
Ambulance Services	PC			8.3
Auditoriums/Community Centers	PC			8.10
Colleges/Universities	P			
Day Care Centers – Child (29 or less)	P			
Day Care Centers – Child (30 or more)	P			
Day Care Homes – Adult (5 or less, Home Occupation)	PC			8.29.5
Day Care Homes – Child (5 or less, Home Occupation)	PC			8.29.6
Fire/EMS Stations	PC			8.37
Government Offices	P			
Health Services/Clinics	P			
Hospitals	P			
Houses of Worship	P			
Libraries	P			
Museums & Art Galleries	P			
Police Stations	P			

Post Offices	P			
Business, Professional, and Retail Services				
Accounting, Auditing or Book keeping	P			
Administrative or Management Services	P			
Advertising Agencies or Representatives	P			
Appliance Repair Services	P			
ATM Machines, Freestanding	P			
Automobile Renting or Leasing	P			
Automobile & Truck Repair	P			
Banks & Credit Unions	P			
Barbor Shops	P			
Beauty Salons	P			
Business, Labor, Social & Service Organizations	P			
Business Parks	P			
Car & Truck Washes	PC			8.22
Clothing Alteration or Repair	P			
Computer Maintenance & Repair	P			
Computer Services	P			

Contractors Offices (no storage)	P			
Day Spas	P			
Employment & Personnel Agencies	P			
Engineering, Architectural or Surveying Services	P			
Equipment Rental and Leasing (no outside storage)	P			
Finance or Loan Offices	P			
Furniture Repair Shop	P			
Hotels/Motels	P			
Insurance Agency (no on-site claims inspection)	P			
Kennels	P			
Landscaping Services	PC			8.53
Laundry & Dry Cleaning Establishment	PC			8.55
Law Offices	P			
Medical & Dental Offices	P			
Office Uses not Otherwise Classified	PC			8.65
Photocopying & Duplicating Services	P			
Photography Studios	P			
Real Estate Offices	P			

Rehabilitation or Counseling Services	P			
Shoe Repair Shop	P			
Stock, Security, or Commodity Brokers	P			
Tanning Salons	P			
Theatres	P			
Travel Agencies	P			
TV, Radio, Electronic Repair	P			
Veterinary Services	PC			8.96
Watch or Jewelry Repair	P			
Retail Uses				
Antique Stores	P			
Appliance Stores	P			
ABC Stores	P			
Arts & Crafts Stores	P			
Auto Supply Stores	P			
Bakeries	P			
Bars	PC			8.12
Boat Sales	P			
Book Stores	P			
Building Supply Sales (no outside sales)	P			
Camera/Cellular Stores	P			

Candy Stores & Confectioners	P			
Caterers	P			
Clothing, Shoe, & Accessory Stores	P			
Coffee Shops (no drive through)	P			
Coffee Shops (with drive through)	P			
Computer Sales	P			
Convenience Stores (no gasoline)	P			
Convenience Stores (with gasoline)	P			
Department/General Stores	P			
Drug Stores (no drive through)	P			
Drug Stores (with drive through)	P			
Fabric or Piece Goods Stores	P			
Floor Coverings, Drapery, Upholstery Sales	P			
Florists	P			
Furniture Sales	P			
Garden Centers & Retail Nurseries	P			
Gift or Card Shops	P			

Grocery Stores (Supermarkets)	P			
Hardware Stores	P			
Hobby Shops	P			
Home Furnishings Stores	P			
Jewelry Stores	P			
Luggage or Leather Goods Stores	P			
Motor Vehicle Sales & Repairs	P			
Musical Instrument Sales	P			
Music Stores	P			
Newsstands	P			
Office Machine Sales	P			
Optical Goods Sales	P			
Paint & Wallpaper Sales	P			
Pet Stores	PC			8.68
Restaurants (no drive through)	P			
Restaurants (with drive through)	P			
Service Stations, Gasoline	P			
Secondary Stores	P			
Shopping Center	P			
Specialty Beverages	PC			8.8.5

Specialty Food Stores	P			
Sporting Goods Stores	P			
Stationary Stores	P			
Television, Radio, and Electronic Sales	P			
Video Rental and Sales	P			
Transportation, Warehousing, and Utilities				
Communications Towers	P	P	P	
Utility Lines & Related Appurtenances	P	P	P	
Utility Company Offices	P			
Other Uses				
Automobile Parking for a Principal Use	P	P	P	

EXHIBIT B

Legal Description for Rezoning Property

[Attached]

Proposed Legal Description


Parcel #2040002101

Being all of that certain tract of land lying and being situate in Smithville Township, Brunswick County, North Carolina, and being more particularly described as follows:

Commencing at N.C.G.S. Monument "Road" having coordinates of N=80,010.80' and E=2,270,524.58' (NAD 1983/2011) U.S. Survey feet. Thence, S 83°18'43" E, 5,564.53' to the Point of Beginning, said point being an iron rebar found at the southwest corner of the described parcel, said iron rebar having coordinates of N=79,362.87 and E=2,276,051.22 (NAD 1983/2011) U.S. Survey feet.

Thence, from said point of beginning, N 15° 36' 41" E, 774.42' to a point; thence, S 74° 30' 57" E, 399.97' to a point; thence, S 15° 36' 39" W, 747.47' to a point; thence, N 41° 25' 39" W, 11.85' to a point; thence, N 20° 46' 54" W, 21.80' to a point; thence, N 00° 12' 50" E, 54.21' to a point; thence, N 37° 10' 09" W, 33.60' to a point; thence, N 64° 54' 41" W, 35.19' to a point; thence, S 79° 55' 11" W, 33.95' to a point; thence, N 76° 34' 19" W, 27.84' to a point; thence, N 71° 36' 29" W, 30.33' to a point; thence, S 66° 23' 31" W, 30.20' to a point; thence, S 73° 22' 05" W, 30.85' to a point; thence, S 79° 08' 31" W, 30.31' to a point; thence, S 65° 08' 08" W, 33.94' to a point; thence, S 66° 01' 46" W, 33.29' to a point; thence, S 57° 15' 48" W, 27.07' to a point; thence, N 80° 13' 35" W, 32.55' to a point; thence N 74° 29' 39" W, 34.07' to the point of beginning, containing 6.44 acres.

All bearings being relative to N.C. Grid North (NAD 1983/2011), and all distances being NC grid distances.

Signed by:

7020255C450A4DB...

Alan H. Allbert

North Carolina PLS #L-3738



PARCEL 2040002101 SKETCH

TC²

ENGINEERING, PLLC

NC COL P-1264

201 N FRONT STREET
SUITE 108
WILMINGTON, NC 28401
(828)733-1733

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N41°25'39"W	11.85'
L2	N20°46'54"W	21.80'
L3	N00°12'50"E	54.21'
L4	N37°10'09"W	33.60'
L5	N64°54'41"W	35.19'
L6	S79°55'11"W	33.95'
L7	N76°34'19"W	27.84'
L8	N71°36'29"W	30.33'
L9	S66°23'31"W	30.20'
L10	S73°22'05"W	30.85'
L11	S79°08'31"W	30.31'
L12	S65°08'08"W	33.94'
L13	S66°01'46"W	33.29'
L14	S57°15'48"W	27.07'
L15	N80°13'35"W	32.55'
L16	N74°29'39"W	34.07'

HARBOR DEVELOPMENT CORP
PARCEL #20400039
DB 779 PG 572
TRACT 68 & PORTION OF 70
PB U PG 9

IRF

S74°30'57"E
399.97'

IRF



HARBOR DEVELOPMENT CORP
PARCEL #20400020
DB 779 PG 572
TRACT 21
PB U PG 9

N15°36'41"E
774.42'

PARCEL #2040002101
6.44 ACRES

HARBOR DEVELOPMENT CORP
PARCEL #20400022
PORTION OF TRACT 23
PB U PG 9

S15°36'39"W
747.47'

NCGS "ROAD" FOUND
NC GRID COORDINATES
N=80,010.8'
E=2,270,524.58'
NAD83/2011
U.S. SURVEY FEET

S83°18'43"E
5564.53'
(GRID TIE)
N.T.S.

POINT OF BEGINNING
NC GRID COORDINATES
N=79,362.87'
E=2,276,051.22'
NAD83/2011
U.S. SURVEY FEET

TOWN OF ST. JAMES
PARCEL #20400021
DB 2670 PG 1125
TRACT 22
PB 88 PG 113

Signed by:

Alan Allbert

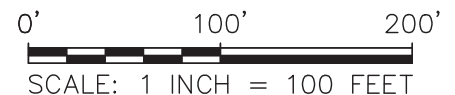
7020255C450A4DB...

ALAN H. ALLBERT
NORTH CAROLINA PLS # L-3738

NOTES:

1. THIS SKETCH IS FOR ILLUSTRATION PURPOSES OF LEGAL DESCRIPTION ONLY, THIS IS NOT A BOUNDARY SURVEY OF THE PARCEL

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS (G.S. 47-30(n))



Proposed Legal Description

Parcel #2040002502

Being all of that certain tract of land lying and being situate in Smithville Townships, Brunswick County, North Carolina, and being more particularly described as follows:

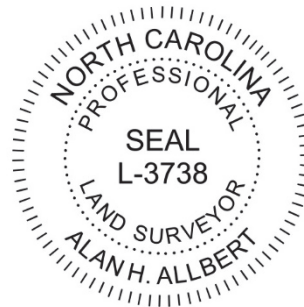
Commencing at N.C.G.S. Monument "Road" having coordinates of N=80,010.80' and E=2,270,524.58' (NAD 1983/2011) U.S. Survey feet. Thence, S 75°57'17" E, 7,576.73' to the Point of Beginning, said point being an iron rebar found in the northern right-of-way of NC Highway 211 as shown on NC DOT Project R-5021, said iron rebar having coordinates of N=78,172.01' and E=2,277,874.90' (NAD 1983/2011) U.S. Survey feet.

Thence from said point of beginning, S 08° 15' 19" W, 19.47' to a point; thence, N 15° 45' 43" W, 198.76', to a point; thence, N 86° 24' 09" E, 82.66' to a point; thence, S 08° 15' 19" W, 179.06' to the point of beginning, containing 0.184 acres.

All bearings being relative to N.C. Grid North (NAD 1983/2011), and all distances being NC grid distances.

Signed by:

7020255C450A4DB...



Alan H. Allbert

North Carolina PLS #L-3738

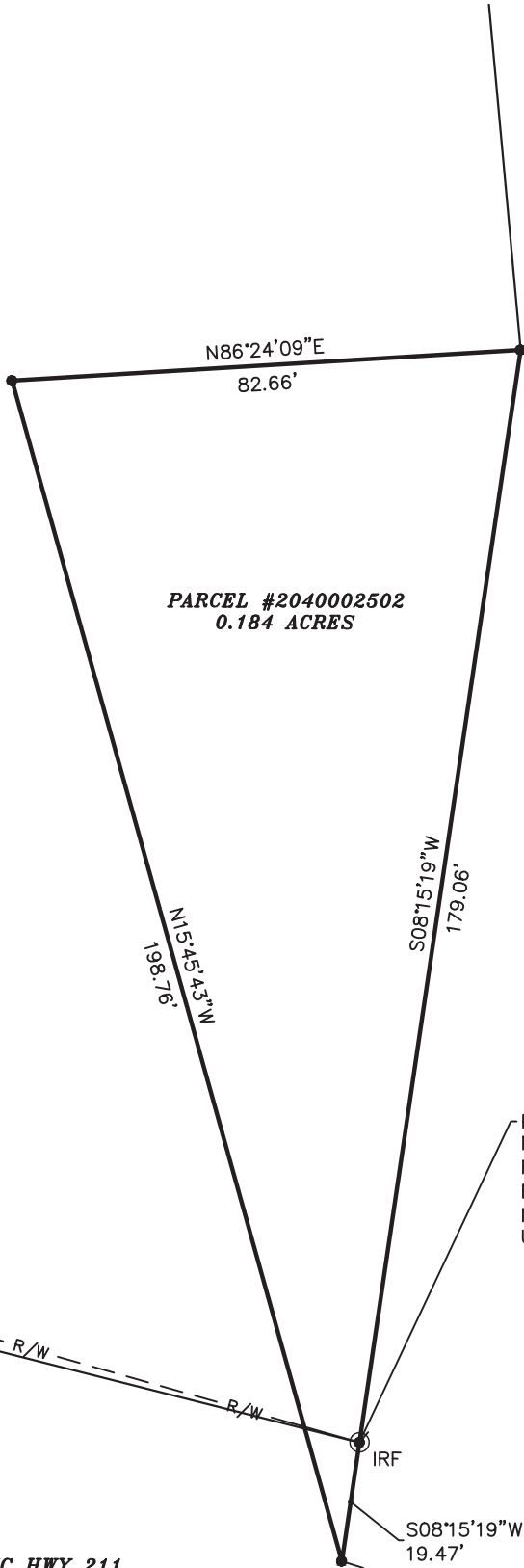
PARCEL 2040002502 SKETCH

TC²

ENGINEERING, PLLC

NC COL P-1264

201 N FRONT STREET
SUITE 108
WILMINGTON, NC 28401
(828)733-1733



HARBOR DEVELOPMENT CORP
PARCEL #20400025
DB 779 PG 572
TRACT 26
PB U PG 9

PARCEL #2040002502
0.184 ACRES

GENERATIONS CHURCH
PARCEL #2040002501
DB 3964 PG 428
TRACT B & C
PB 103 PG 74

NCGS "ROAD" FOUND
NC GRID COORDINATES
N=80,010.8'
E=2,270,524.58'
NAD83/2011
U.S. SURVEY FEET

POINT OF BEGINNING
NC GRID COORDINATES
N=78,172.01'
E=2,277,874.90'
NAD83/2011
U.S. SURVEY FEET

S75°57'17"E
7576.73' (GRID TIE)
N.T.S.

NC HWY 211
NC DOT PROJECT R-5021

Signed by:

Alan Allbert

7020255C450A4DB...
ALAN H. ALLBERT
NORTH CAROLINA PLS # L-3738

NOTES:

1. THIS SKETCH IS FOR ILLUSTRATION PURPOSES OF LEGAL DESCRIPTION ONLY, THIS IS NOT A BOUNDARY SURVEY OF THE PARCEL

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS (G.S. 47-30(n))



EXHIBIT C
Concept Plan

[Attached]

EXHIBIT E

Agent Authorization by Town

[Attached]



AUTHORITY FOR APPOINTMENT OF PERSON
TO ACT ON MY BEHALF

The undersigned the Town of St. James ("the Town") does hereby appoint Harbor Development Corp., Canal Associates, LLC, D. R. Development Corporation, and Ward and Smith, P.A. (collectively, "Agents"), to act on its behalf for the purpose of petitioning, applying, and otherwise interacting with the Town for: a) all applications, approvals, and permits relating to any Rezoning (including without limitation any Conditional Zoning) associated with the real property off of Southport-Supply Road (NC 211) with Brunswick County Parcel ID 2040002101 ("Property") and b) appeals to any applicable governing bodies regarding the Property or any approvals, permits, orders, or other agreements related thereto.

The Town does hereby covenant and agrees that the Agents have the authority, without limitation, to do the following acts for and on behalf of the Town:

- (1) To submit proper petitions or applications and the required supplemental materials;
- (2) To appear at public meetings, legislative hearings, and quasi-judicial hearings to give testimony, make commitments on behalf of the Town, and to accept conditions or recommendations regarding the Property; and
- (3) To act on the Town's behalf without limitation with regard to any and all things directly or indirectly connected with or arising out of any petition, application, approval, permit, or agreement.

This appointment agreement shall continue in effect until the final disposition of the petition(s), application(s), permit(s), or approval(s) submitted in conjunction with this appointment and the final disposition of any final appeals related thereto.

-Signature on Following Page-

Appointees' Contact Information:

Ward and Smith, P.A.
127 Racine Drive
Wilmington, NC 28403
sbf@wardandsmith.com
910-794-4800

Harbor Development Corp., a North Carolina corporation
821 Oak Ridge Drive,
Eden, NC 27288

Canal Associates, LLC, a North Carolina limited liability company
4006 St. James Drive,
Southport, NC 28461

D. R. Development Corporation, a North Carolina corporation
515 S. Kennedy Avenue,
Eden, NC 27288

TOWN OF ST. JAMES

By:  _____

Name: Jean R. Toner

Title: Mayor