

COMMERCIAL



**75.34± Acre Commercial Tract,
Bolivia, NC
HWY 211 Location CO-CLD Zoning**

\$2.5M

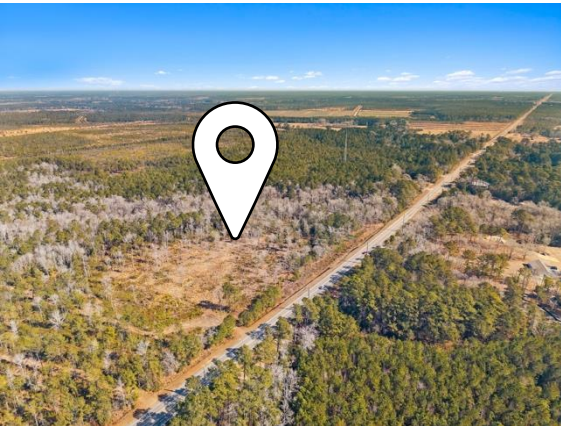
An exceptional development opportunity Price is based on upland area the Highest Land mass off HWY 211 in North Carolina's #1 Growth Market, officially recognized as the fastest-growing county in North Carolina and the 14th fastest-growing in the entire U.S. in 2024-2025.

Strategic Coastal Location & Southern Commercial for the region's affluent barrier island communities, ensuring year-round traffic and seasonal tourist influx.

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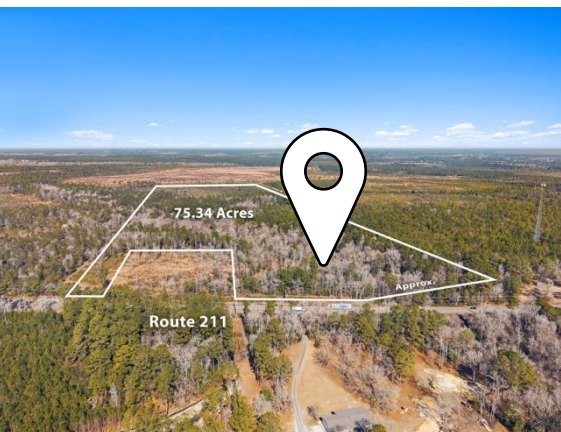
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PROPERTY HIGHLIGHTS



Positioned in one of North Carolina's fastest-growing regions, this 75.34± acre parcel offers a rare large-scale development opportunity along the critical Hwy 211 corridor.

With 715 feet of road frontage, the site benefits from high visibility and is perfectly timed to capitalize on the ongoing NC-211 widening project, which is transforming this route into a high-capacity four-lane divided highway to improve traffic flow and safety.



Flexible Zoning: Zoned CO-CLD (Commercial Low Density), allowing for high-demand uses including retail centers, professional offices, medical complexes, or mixed-use residential projects.

Infrastructure Ready: Select studies are already complete, significantly reducing upfront due diligence and development costs.

Prime Connectivity: Direct access to Highway 17, providing seamless transit between Wilmington and Myrtle Beach. Strategically located minutes from the booming coastal communities of Oak Island, Southport, and Sunset Harbor.

Growth Market: Situated near major new residential developments, such as the approved 204-home Folly Hills project, ensuring a rapidly expanding local customer base.

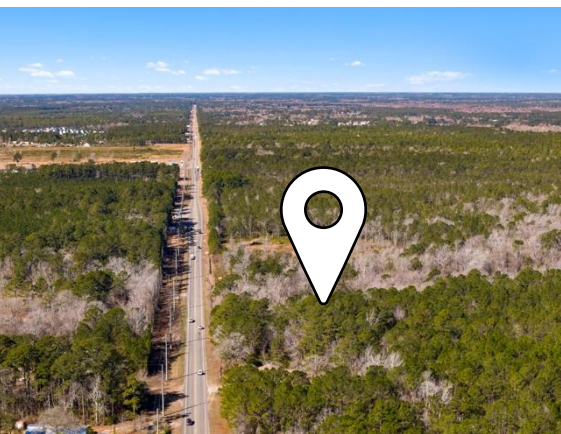
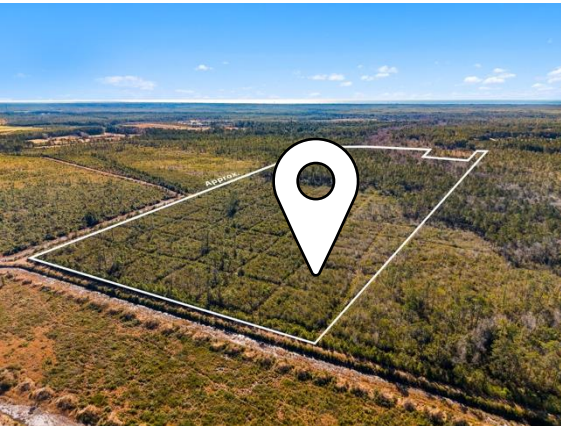


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THE KEY INSIGHT FOR DEVELOPERS



Premier Investment Site in North Carolina's Fastest-Growing Region.

Located in Brunswick County, this site offers both regional connectivity and significant growth potential. The area has seen a 32% population increase since 2010, providing a robust and expanding market for investment.

Investment Highlights:

- **Utilities Available:**
Connections are ready at the street. Water access on the opposite side of HWY 211 and Sewer at the road frontage.
- **Strategic Access:**
Prime road network connectivity places Wilmington, Myrtle Beach, and Whiteville within a convenient 30-minute drive.
- **Coastal Hub Proximity:**
Situated less than 20 minutes from the sought-after Southport, Oak Island, Holden Beach, Ocean Isle Beach, and Sunset Beach.
- **Captive & Growing Audience:**
Brunswick County's population exceeds 142,000, bolstered by a massive seasonal tourism surge.



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ZONING & DEVELOPMENT POTENTIAL

Zoning & Development Potential

The property falls under Commercial Low Density (C-LD) zoning, governed by the Brunswick County Unified Development Ordinance (UDO).

This prime development parcel offers exceptional visibility and access. It is located on HWY 211 (Southport Supply RD. SE).

A rare opportunity to acquire this highly visible parcel which boasts 915 Sq Ft of extensive frontage on HWY 211

The property is ready for immediate commercial development, surrounded by existing businesses and featuring available water and sewage connections.



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ZONING & DEVELOPMENT POTENTIAL



Zoned CLD, Commercial Low Density for both residential and commercial usage. Located in the fastest-growing county in North Carolina, this property offers endless potential in a highly sought-after location.

Zoning allows for many uses:

- **Retail**
- **Office**
- **Industrial**
- **Multifamily**
- **Mini Storage**
- **Warehouse**
- **Hospitals**
- **Day Care**
- **Educational Facilities**
- **Convenience Store with Pumps**
- **Automotive Dealership**



[Click Here](#) to download UDO Table



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UDO TABLE

Article 5 Permitted Uses
5.2 Use Table

5.2.3. Use Table

The following principal uses are permitted by right, permitted subject to limited use standards, or permitted subject to a Special Use Permit. See Section 4.8.2 for Conditional Zoning option.

Use Grouping	Use	RR	R-7500	R-6000	SBR-6000	MR-3200	C-LD	N-C	C-I	RU-I	I-G	CP	WPA Overlay District	Standards
KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit														
Agricultural	All Agricultural uses, except as listed below	P					P		P		P	P	SUP	4.8.8.C
	Agricultural Industry	L					L		L	L	P			5.3.2.A
	Agricultural Tourism	L	L				L	L	L	L	L	L	SUP	5.3.2.B 4.8.8.C
	Bona Fide Farms	L	L	L	L	L	L	L	L	L	L	L	L	5.3.2.C
	Farmers Market	P	P				P	P	P	P			P	
	Farm Stands	P	L				P	P		P		P	P	
Agricultural (5.1.1.A)	Private Stables	P	L	L	L		P	P					SUP	5.3.2.D 4.8.8.C
	Malting house	L												5.3.9
	Landscaping and Horticultural Services	P					P			P			SUP	4.8.8.C
	Nurseries	P					P	P						
Residential	See 5.5.6 for prohibited temporary uses													
Household Living (5.1.2.A)	Single Family Detached	P/PD	P/PD	P/PD	P/PD	P/PD	L	L	L			P	L	4.15 4.8.8.C
	Zero Lot Line	L/PD	L/PD	L/PD	L/PD	L/PD	L/PD	L/PD	L				L/PD	5.3.3.L 4.8.8.C
	Traditional	P/PD	PD	PD	PD	P/PD	L/PD	L/PD					L/PD	5.3.3.J 4.8.8.C
	Semi-Attached	P/PD	PD	P/PD	PD	P/PD	P/PD	P/PD					P/PD	5.3.3.H 4.8.8.C
	Duplex	P/PD	PD	P/PD	PD	P/PD	P/PD	P/PD					P/PD	4.8.8.C
	Townhouse	PD	PD	PD	PD	L/PD	L	L					L	5.3.3.I 4.8.8.C
	Multifamily		PD	PD	PD	L/PD	L	L	L				L/PD	5.3.3.E 4.8.8.C
	Family Care Home	L	L	L	L	L	L	L	L			L	L	5.3.3.A 4.8.8.C



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Article 5 Permitted Uses 5.2 Use Table

Use Grouping	Use	RR	R-7500	R-6000	SBR-6000	MR-3200	C-LD	N-C	C-I	RU-I	I-G	CP	WPA Overlay District	Standards
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	Mobile Home, Class A	L	L	L			L	L	L			L	L	5.3.3.C.3
	Mobile Home, Class B	L		L			L	L	L			L	L	5.3.3.C.4
	Mobile Home Park	SUP		SUP			SUP	SUP				SUP	SUP	5.3.3.D 4.8.8.C
	Upper Story Residential	PD	PD	PD	PD	L	L	L	L			L	L	5.3.3.K
	Residential/Personal/Non-Commercial Storage Structures	L												5.3.3.M
Planned Development	Residential or Mixed Use	L	L	L	L	L	L	L					PD	4.3.1 4.8.8.C
	Accessory Dwelling Units	L	L	L	L	L	L	L	L		L		L	5.4.2
	Multiple principal dwellings on single parcel	L	L	L	L	L	L	L	L				L	5.4.3
Group Living (5.1.2.B)	All Group Living, except as listed below						P						P	
	Assisted Living Facilities	SUP	SUP	SUP	SUP		L	L					L	5.3.3.G
	Boarding House						P		L				P	
	Group Care Home	SUP	SUP	SUP	SUP		SUP	SUP					SUP	5.3.3.B
	Nursing Home Facilities	SUP	SUP	SUP	SUP		L	L					L	5.3.3.F 4.8.8.C
Home Occupation (5.4.4)	All Home Occupation	L	L	L	L	L	L	L	SUP		SUP		L	5.4.4
Outdoor Lodging														
Outdoor Lodging (5.1.7.)	Campground, except as listed below	L				L	L						SUP	5.3.8 4.8.8.C
	Government-Operated					L	L					L	SUP	5.3.8.A 4.8.8.C
	Nude campground, colony, or resort	SUP					SUP						SUP	5.3.8.B 4.8.8.C
	Outdoor RV Resort	L	SUP	SUP		L	L						SUP	5.3.8.C 4.8.8.C

Unified Development Ordinance
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Public and Civic Uses														
Community Service (5.1.3)	All Community Service, except as listed below						P		P				SUP	4.8.8.C
	Auditorium, Civic Centers, Exposition Centers	L					L					L	SUP	5.3.4.A 4.8.8.C
Day Care (5.1.3.B)	Day Care Facilities	L	SUP	SUP	SUP	SUP	L	L	L				L	5.3.4.C
	Day Care- In Home	L	L	L	L	L	L	L					L	5.3.4.D
Educational Facilities (5.1.3.C)	Educational Facilities	L	SUP	SUP	SUP		L	L	L		L		SUP	5.3.4.E 4.8.8.C
	First Responders Training Facilities										SUP			
	University or College	L	L				P		L				SUP	4.8.8.C
	Vocational and Business Schools	L					L		L	L	L		SUP	5.3.4.N 4.8.8.C
Social Service Facility and Emergency Shelter (5.1.3.I)	All Social Service Facilities and Emergency Shelters, except as listed below	SUP					SUP	SUP	SUP				SUP	5.3.4.F 4.8.8.C
	Temporary Emergency Shelter during state of emergency	P	P	P	P	P	P	P	P	P	P	P	P	
Government Facilities (5.1.3.D)	Correctional Facility										SUP			5.3.4.B
	Government and Community Buildings	L	L	L	L	L	L	L	L	L	L	L	SUP	5.3.4.G 4.8.8.C
Medical Facilities (1.1.1.A)	All Medical Facilities, except as listed below						P	P	P				P	
	Hospitals	SUP					L		L				SUP	5.3.4.H 4.8.8.C
Parks and Open Areas (5.1.3.F)	All parks and open areas, except as listed below	P	P	P	P	P	P	P	P		P	P	P	
	Amenity Center	L	L	L	L	L	L	L				L	L	4.4.4.A 4.5.3.B (for C-LD and NC) 4.7.C (for CP)
	Arboretum and Botanical Gardens	P					P	P	P		P	P	P	
	Cemeteries, mausoleums, columbaria	P	L	L	L	L	P	L				L		5.3.4.I
	Individual Burial Sites	L	L	L	L	L	L	L	L	L	L	L	SUP	5.3.4.J 4.8.8.C
	Memorial gardens	P					P					P		5.3.4.I

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1/28/2025



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Article 5 Permitted Uses
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Passenger Terminal (5.1.3.G)	All passenger terminal, except as listed below	SUP				P			P		P		SUP	4.8.8.C	
	Airport								SUP		SUP		SUP	4.8.8.C	
Place of Worship (5.1.3.H)	All Places of Worship	P	P	P	P	P	P	P	P	P	SUP	L	L	5.3.4.K 4.8.8.C	
Utilities (5.1.3.J)	Major Utilities, except as listed below	SUP				SUP	SUP	SUP	SUP	SUP	SUP		SUP	5.3.4.M 4.8.8.C	
	Minor Utilities	L	L	L	L	L	L	L	L	L	L		SUP	5.3.4.M 4.8.8.C	
	Solar Collector (Accessory)	L	L	L	L	L	L	L	L	L	L	L	L	5.4.11	
	Solar Farm	SUP							SUP	SUP	SUP		SUP	5.3.4.Q 4.8.8.C	
	TV/HDTV/AM/FM Broadcast Antennae	SUP					SUP	SUP	SUP	L	L		SUP	5.3.4.L 4.8.8.C	
	Wind Farm	SUP							L	L	L		SUP	5.3.4.R 4.8.8.C	
	Wind Energy Generator (Accessory)	L	L	L	L	L	L	L	L	L	L	L	SUP	5.4.12 4.8.8.C	
	Wireless Telecommunication Facility	L	L	L	L	L	L	L	L	L	L	L	L	5.3.4.O	

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Commercial Uses														
Commercial Parking (5.1.4.E)	Commercial Parking Facility						L		L		L		SUP	5.3.5.C 4.8.8.C
Funeral Home (5.1.4.A)	Funeral Homes, Crematorium, and Mortuaries	P					P		P				L	4.8.8.C
Indoor Recreation (5.1.4.A)	All Indoor Recreation, except as listed below						P		P				P	
	Adult & Sexually Oriented Business										SUP		SUP	5.3.5.A
	Electronic Gaming Operation						SUP		SUP		SUP		SUP	5.3.5.W
	Military Auxiliary Service Clubs and Halls	L	SUP	SUP	SUP	SUP	L	L	L		L		SUP	5.3.5.I
	Nightclub, Tavern, or Bar (with alcohol sales)						P	SUP	SUP				SUP	5.3.5.J
	Private Club or Lodge (Private, Nonprofit, Civic or Fraternal)	L	SUP	SUP	SUP	SUP	L	L	L		SUP		SUP	5.3.5.M
	Shooting Range, indoor	SUP					SUP		SUP		SUP		SUP	
	Skating Rinks						P		P		P		SUP	
Outdoor Advertising (8.8.1)	Outdoor Advertising Structure						L		L		L		L	8.8.1 4.8.8.C
Outdoor Recreation (5.1.4.C)	Outdoor Recreation, except as listed below	P								P		L	SUP	5.3.5.D
	Commercial Recreation	SUP					SUP	SUP	L		L	L	SUP	5.3.5.D 4.8.8.C
	Racetracks	SUP							SUP		SUP		SUP	4.8.8.C
	Golf Courses	L	L	L	L	L	L	L					L	5.3.5.F 4.8.8.C
	Golf Driving Ranges	P					P	P					P	
	Hunting Clubs	P										P		
		Shooting Ranges, outdoor	SUP											
Overnight Accommodation (5.1.4.D)	Bed and Breakfast	P	SUP	SUP	P	P	P	P					L	
	Hotel and Motel					L	L	L	L				L	5.3.5.G 4.8.8.C
	Retreat Center	SUP										SUP		
Planned Development	Planned Development- Commercial or Mixed Use				L	L	L	L	L	L		PD	4.3.1 4.8.8.C	



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Restaurants (5.1.4.F)	Restaurants	L				L	L	L	L		L		L	5.3.5.O
Microbrewery (5.1.4.K)	Microbrewery/Micro-Distillery/Micro-Winery	SUP				SUP	P	P	P	P	P		P	
Retail Sales and Service (5.3.5.P)	All retail sales and service, except as listed below						P	P	P				L	4.8.8.C
	Convenience Store	P				L	P	P	P			L	SUP	5.3.5.X 4.8.8.C
	Drive Through Facilities						L	L	L	L			L	5.3.5.E
	Flea Markets	SUP					SUP		SUP		SUP		SUP	5.3.5.V
	Kennel	SUP					SUP	SUP	SUP		SUP		SUP	5.3.5.U
	Martial Arts Instructional Schools	P					P	P	P				P	
	Outdoor Sales or Display Areas, Other Than Mobile and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales and Rentals	SUP					L		L		L		L	5.3.5.K
	Performing Arts Studio						P	P	P				P	
	Personal Service Establishments	SUP				L	L	L	L				L	5.3.5.L
	Retail sales less than or equal to 10,000 square feet	P				L	L	L	L			P	SUP	4.8.8.C
Retail sales more than 10,000 square feet.	L					L	L	L		L		SUP	5.3.5.P 4.8.8.C	
Retail sales and service in industrial establishments								L		L		SUP	5.3.5.Q 4.8.8.C	
Veterinary Establishments, Animal Hospital	SUP					L	L	L				SUP	5.3.5.U 4.8.8.C	
Self-Service Storage Facility (5.1.4.H)	Self-Service Storage Facility (Mini Storage)	L					L		L		P		L	5.3.5.R 4.8.8.C
Vehicle Sales and Service (5.1.4.I)	Car Wash	L					L		L				SUP	5.3.5.B 4.8.8.C
	Garage Service and/or Automobile Repair	SUP					L		L		L			5.3.5.T
	Repair, Renovation, and Remodeling of Farm Equipment	SUP					SUP	SUP	L		L			5.3.5.N
	Mobile and Modular Home Sales and Service	SUP					SUP		L		L		SUP	5.3.5.H 4.8.8.C

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Use Grouping	Use	RR	R-7500	R-6000	SBR-6000	MR-3200	C-LD	N-C	C-I	RU-I	I-G	CP	WPA	
													Overlay District	Standards
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	Vehicle and Heavy Equipment Sales and Rentals	SUP					L		L		L			5.3.5.S
Water Oriented Commercial Uses (5.1.4.J)	Boat repair and manufacture as a principal use								P		P			
	Commercial Boating Facilities	P					P		P		P			
	Commercial marinas and docks						P				P			
	Seafood processing and canning						SUP			SUP	SUP		SUP	4.8.8.C
	Storage of boats (dry or wet)	SUP					P		P		P		SUP	4.8.8.C



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Office														
Professional Offices (5.1.5.A)	All professional office uses, except those listed below	P					P	L	P				P	5.3.6.A
	Banks and Financial Institutions	SUP					P	L	P				P	5.3.6.B
	Temporary Neighborhood Sales Homes	P	P	P	P	P	P	P	P				P	5.5.3.H
Industrial														
Heavy Industrial (5.1.6.A)	All Heavy Industrial, except as listed below										P		SUP	4.8.8.C
	Animal slaughtering and rendering									P				
	Asphalt Plant										SUP			
	Brewery/Distillery/Winery								P		P		SUP	4.8.8.C
	Energy Generating Facility									SUP	SUP			
	Incinerators for the disposal of animal remains	SUP					SUP		L	L	L			5.3.7.D
	Junkyard								SUP		SUP			5.3.7.E
	L.P. Gas Filling Facility (principal and accessory)	L	L	L	L	L	L	L	L	L	L	L	SUP	5.3.7.K 5.3.7.L 4.8.8.C
	Mobile Home Salvage and Storage Yard	SUP								SUP	SUP	SUP	SUP	5.3.7.F 4.8.8.C
Planing Mill/Sawmill	SUP								P	P				
Light Industrial (5.1.6.B)	All light industrial, except as listed below								P	P	P		SUP	4.8.8.C
	Audio/Video Production and Distribution						P		P		P		P	
	Contractor's office and storage operations	L					L		P	P	P		SUP	5.3.7.A 4.8.8.C
	Craft and woodworking shops	L					L	L	L	P	P		SUP	5.3.7.B 4.8.8.C
Planned Development	Data Center										P			
	Industrial or Mixed Use								L		L		PD	4.3.1.D 4.8.8.C
Business Park (5.1.6.H)	Business Park Uses	PD	PD						P		P		SUP	4.3.1 4.8.8.C
Industrial Park (5.1.6.I)	All Industrial Park Uses								P		P		SUP	4.8.8.C

Unified Development Ordinance
Brunswick County, North Carolina



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UDO TABLE

Article 5 Permitted Uses
5.2 Use Table

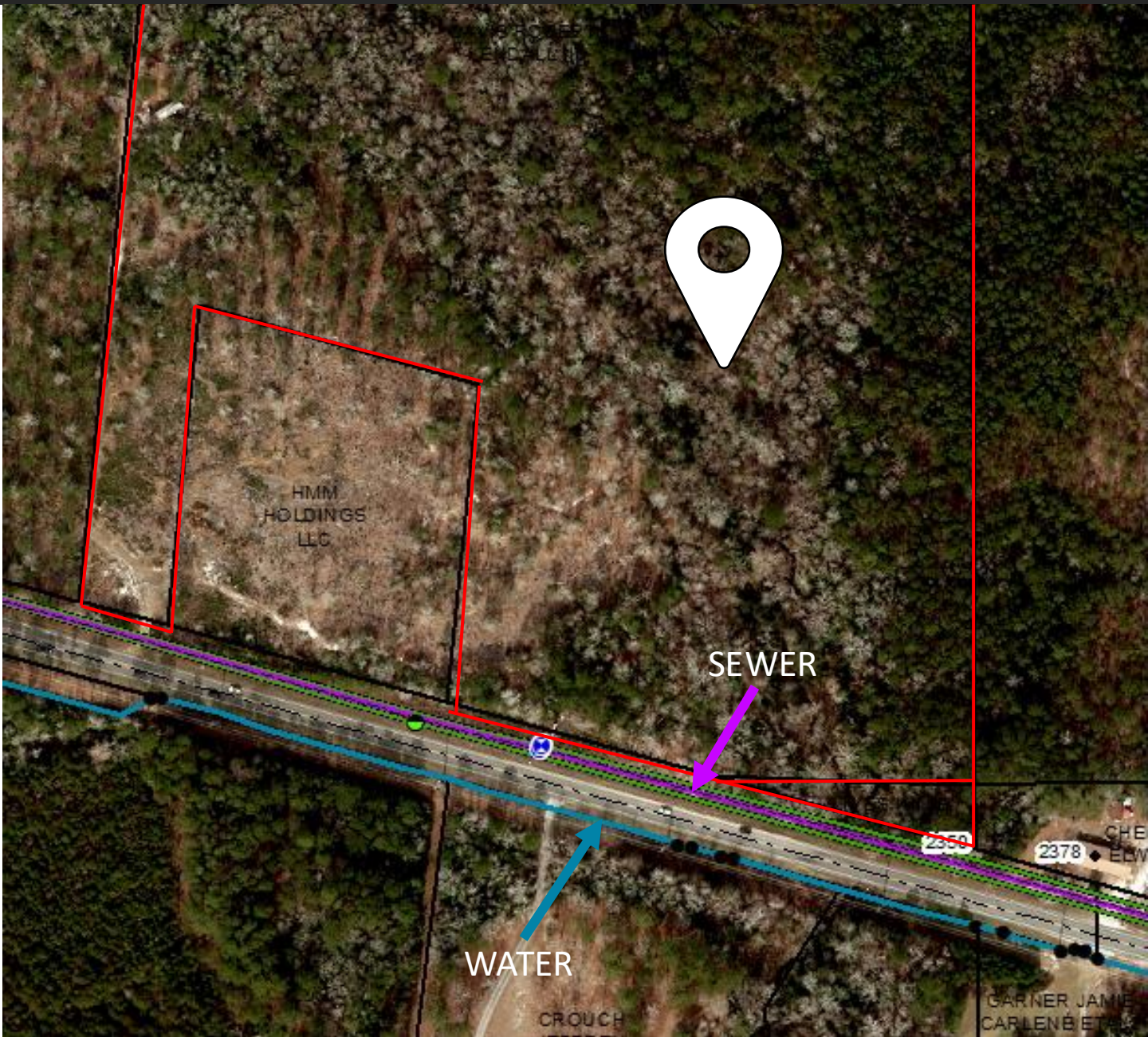
Use Grouping	Use	RR	R-7500	R-6000	SBR-6000	MR-3200	C-LD	N-C	C-I	RU-I	I-G	CP	WPA Overlay District	Standards
KEY: Blank Cell = Not Allowed; "P" = Permitted; "L" = Limited Use Standards (Section 5.3); "SUP" = Special Use Permit														
Research (5.1.6.C)	Research and Development	SUP					P		P		P		SUP	4.8.8.C
Resource Extraction (5.1.6.D)	All Resource Extraction, except as follows									P				
	Mining Operations, Class I	SUP							SUP	L	SUP			5.3.7.G
Warehouse and Storage	Mining Operations, Class II								SUP	L	SUP			5.3.7.H
	All Warehousing and Storage, except as follows						SUP		P	P	P		SUP	4.8.8.C
Waste Related Services (5.1.6.F)	Freight Handling Facilities								P		P		SUP	4.8.8.C
	Storage, Above and Below Ground									P				
Wholesale Sales and Service	Construction and Demolition Landfill									SUP	SUP			
	Hazardous Materials Treatment Facility										SUP			5.3.7.C
	Public or Private Waste Disposal Site, Recycling Non-hazardous Solid or Liquid								SUP	SUP	SUP			5.3.7.I
Wholesale Sales and Service	Wood Waste Grinding Operations	SUP							SUP	L	SUP		SUP	5.3.7.J 4.8.8.C
	All Wholesale Sales and Service								P	P	P		SUP	4.8.8.C



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UTILITIES



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UTILITIES

The county has a 12-inch water main on the south side of Hwy 211 and a 16-inch-high pressure sewer transmission force main on the north side of Hwy 211.

Sewer

A sewer pump station to connect to the force main would be required as well as an onsite sewer collection system.

Septic

An onsite septic system with a septic permit from County Environmental Health would be required. Per the Public Utilities Sewer Use Ordinance sewer is not available without a collection system (gravity, low pressure, or vacuum sewer) available.



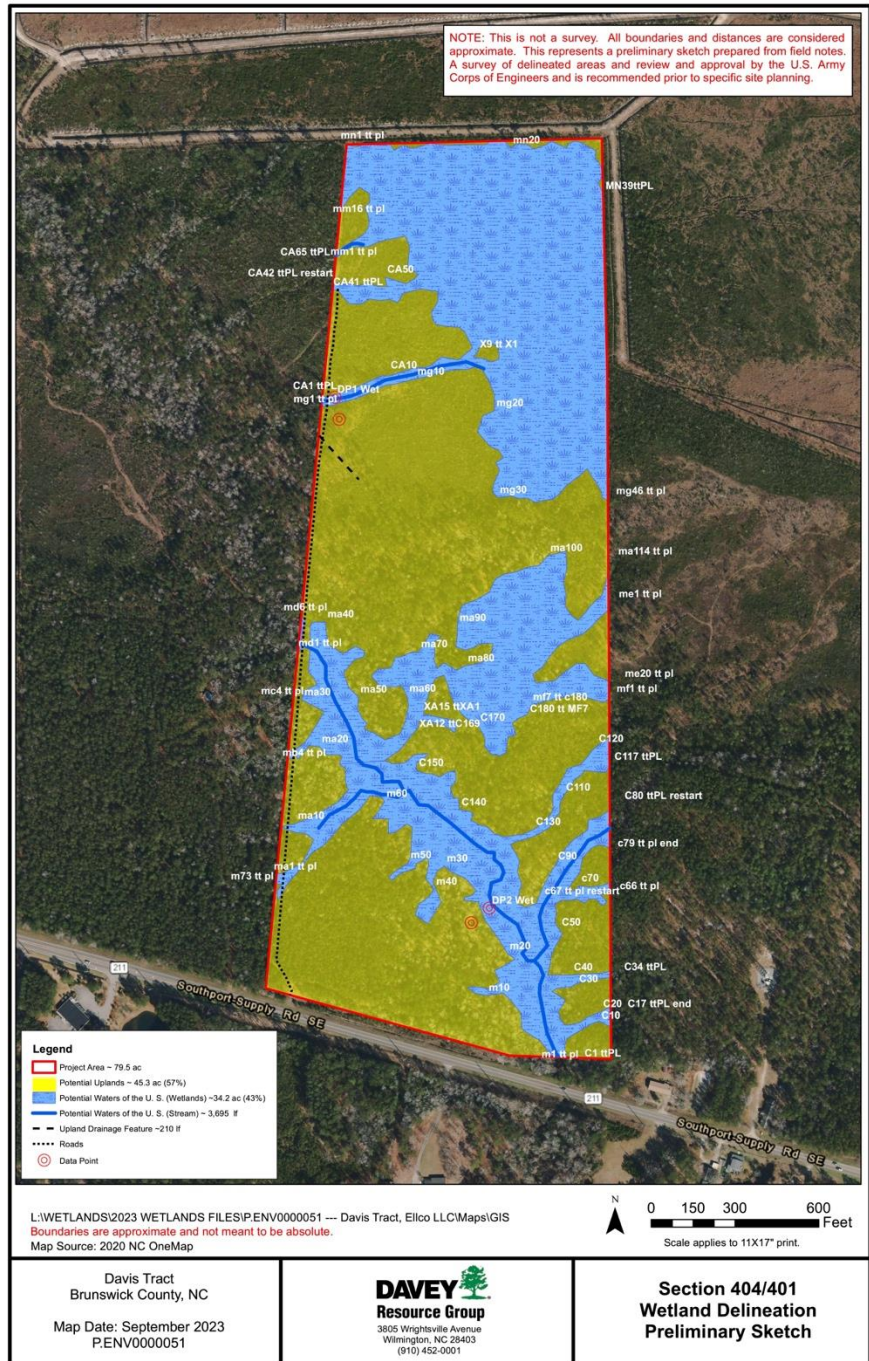
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WETLAND DELINEATION

Potential Uplands ~
Area contains
approximately 45.3 ac
(57%) Price is based on
upland area.

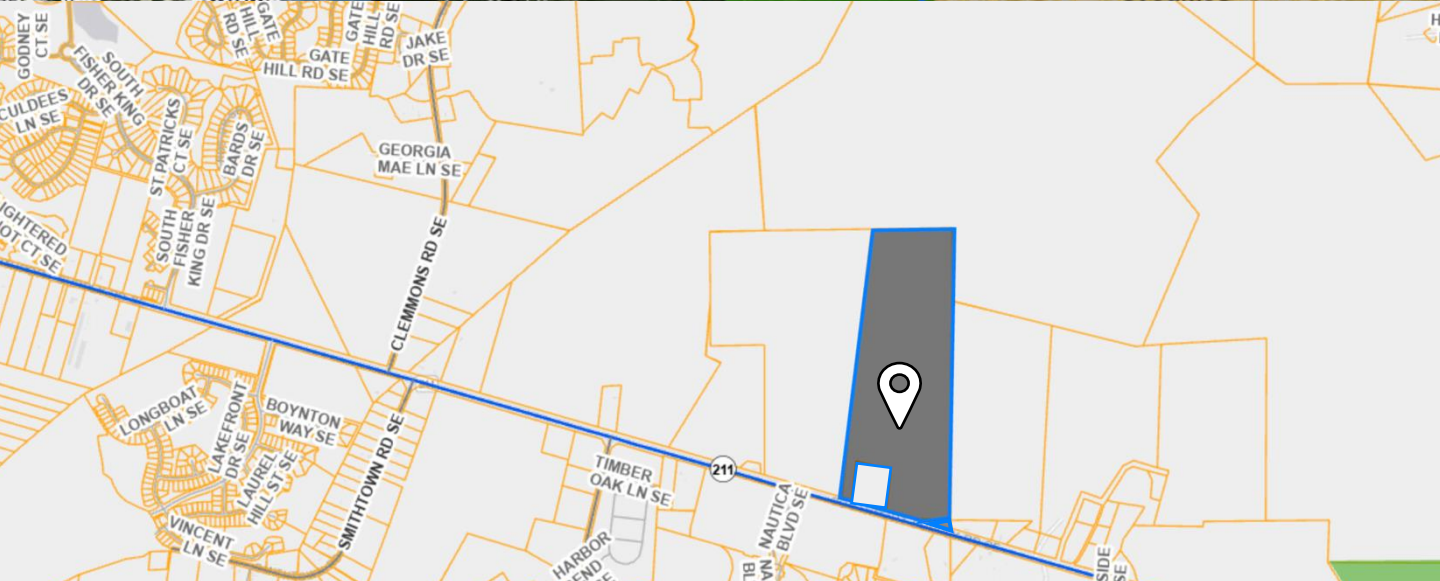
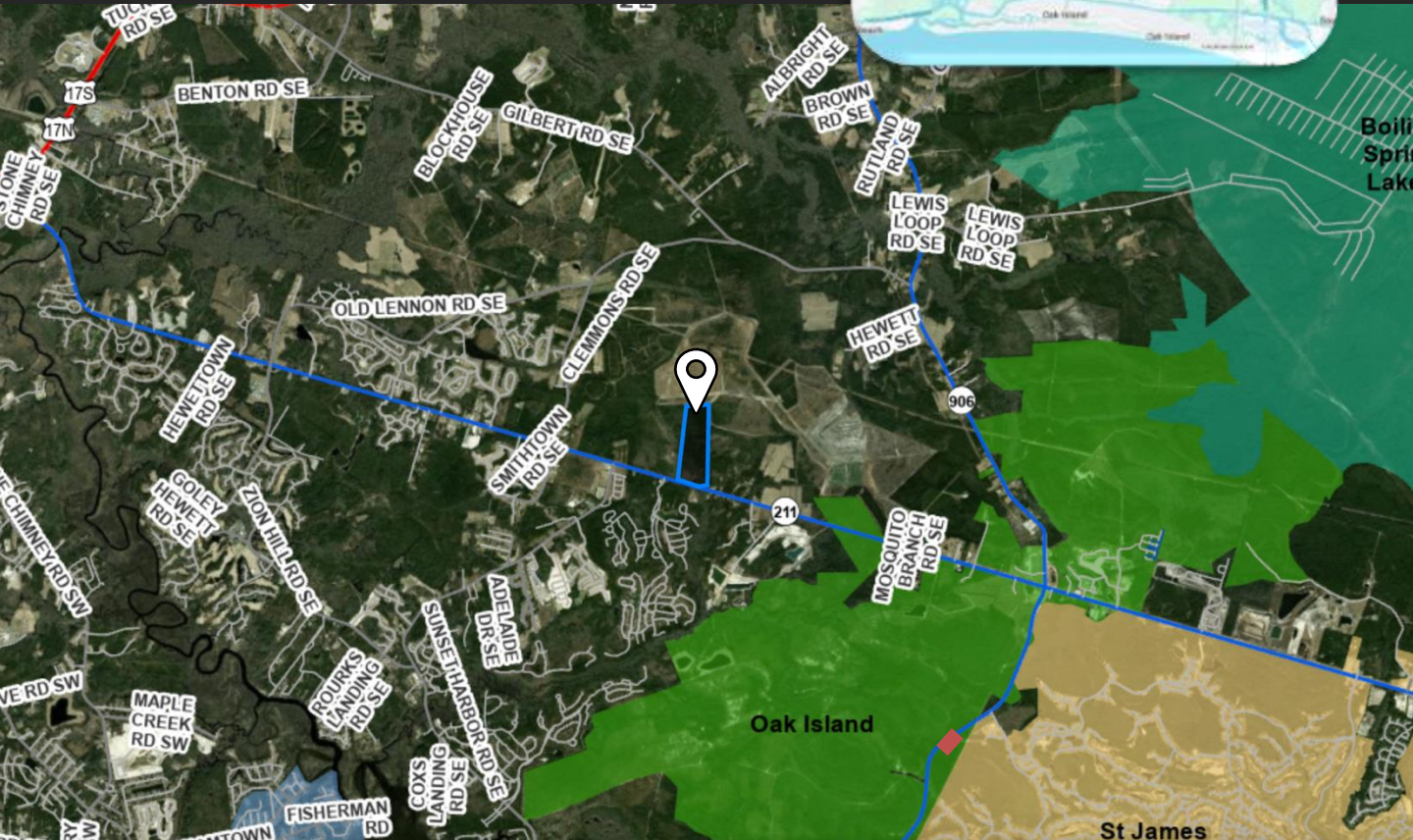
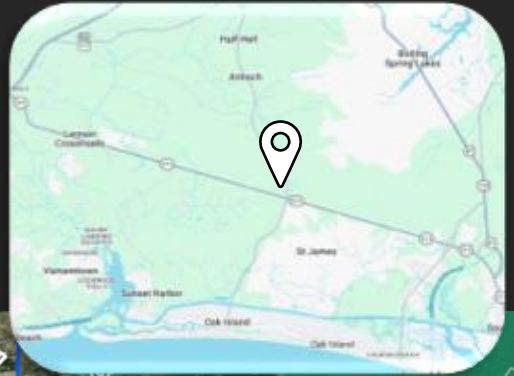
Highest Land mass off
HWY 211 with natural
drainage available for
development and
Water retention ponds.

Target the massive
residential boom along
the HWY 211 corridor,
where thousands of new
homes are already
approved. This ±45.3-acre
upland site sits on the
highest elevation off HWY
211, offering a "shovel-
ready" profile with natural
drainage. As the primary
artery for high-net-worth
seasonal tourists and year-
round residents, this
location is ideal for
Southern Commercial,
medical complexes, or
retail centers. Price
reduced and calculated
solely on upland acreage.



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MAPS



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ACREAGE PHOTOS



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ABOUT SOUTHPORT



The most recent data shows Brunswick County has the fastest-growing population and the highest median age in North Carolina. Between 2020 and 2022, the population increased in 75 North Carolina counties. Brunswick County came out on top with a growth rate of 12%.

Southport is located on the coast in Southeastern North Carolina, where the Cape Fear River meets the Atlantic Ocean. Southport is a must-see North Carolina destination for maritime travelers, history fans, beach goers and foodies.

Southport is known for some of its popular attractions, which include:

- * Southport-Fort Fisher Ferry
- * St. James Plantation
- * Southport Pier and Riverwalk
- * The Christmas House
- * Bald Head Island Ferry



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TRAFFIC COUNTS

Traffic >>

Collection Street	Cross Street	Traffic Vol	Last Measu...	Distance
NC 906	Southport-Supply Rd S...	13,166	2024	0.39 mi
SR 1105	Midway Rd SE	12,511	2025	0.39 mi
Midway Road Southeast	Southport-Supply Rd S...	6,683	2025	0.58 mi
Midway Rd SE	Southport-Supply Rd S...	6,061	2024	0.61 mi
Southport-Supply Roa...	Greenwood Cir SE W	14,222	2025	0.68 mi
Southport-Supply Rd SE	Greenwood Cir SE W	15,671	2024	0.73 mi
Gilbert Rd SE	Yeager Dr SE NW	2,515	2024	2.89 mi
Gilbert Road Southeast	Yeager Dr SE NW	2,490	2022	3.00 mi
Gilbert Rd SE	Seahorse Run SE E	1,341	2025	3.40 mi
Sea Pines Dr SE	4th St SE E	533	2018	3.64 mi
Sunset Harbor Road So...	Southport-Supply Rd S...	1,899	2025	0.57 mi
Sunset Harbor Rd SE	Southport-Supply Rd S...	3,218	2024	0.61 mi
Clemmons Road South...	Southport-Supply Rd S...	839	2025	1.03 mi
Clemmons Rd SE	Southport-Supply Rd S...	1,093	2024	1.04 mi
Smithtown Rd SE	Southport-Supply Rd S...	439	2018	1.06 mi
Old Lennon Rd SE	Clemmons Rd SE E	394	2018	1.73 mi
Gilbert Rd SE	Seahorse Run SE E	1,341	2025	1.85 mi
Gilbert Rd SE	Goose Marsh Ct SE SE	394	2018	2.16 mi
Gilbert Road Southeast	Yeager Dr SE NW	2,490	2022	2.24 mi
Gilbert Rd SE	Yeager Dr SE NW	2,515	2024	2.27 mi

Made with TrafficMetrix® Products

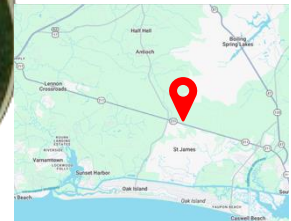
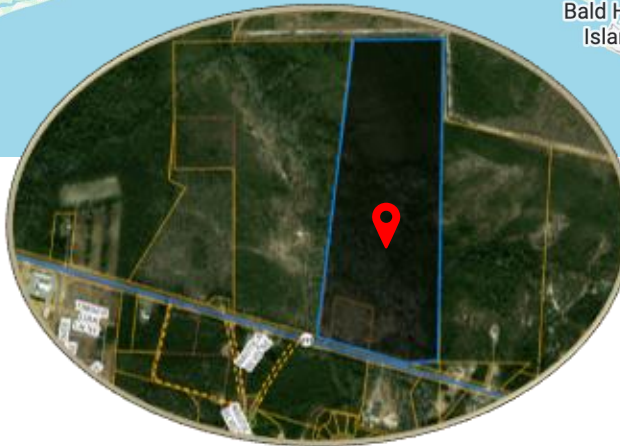
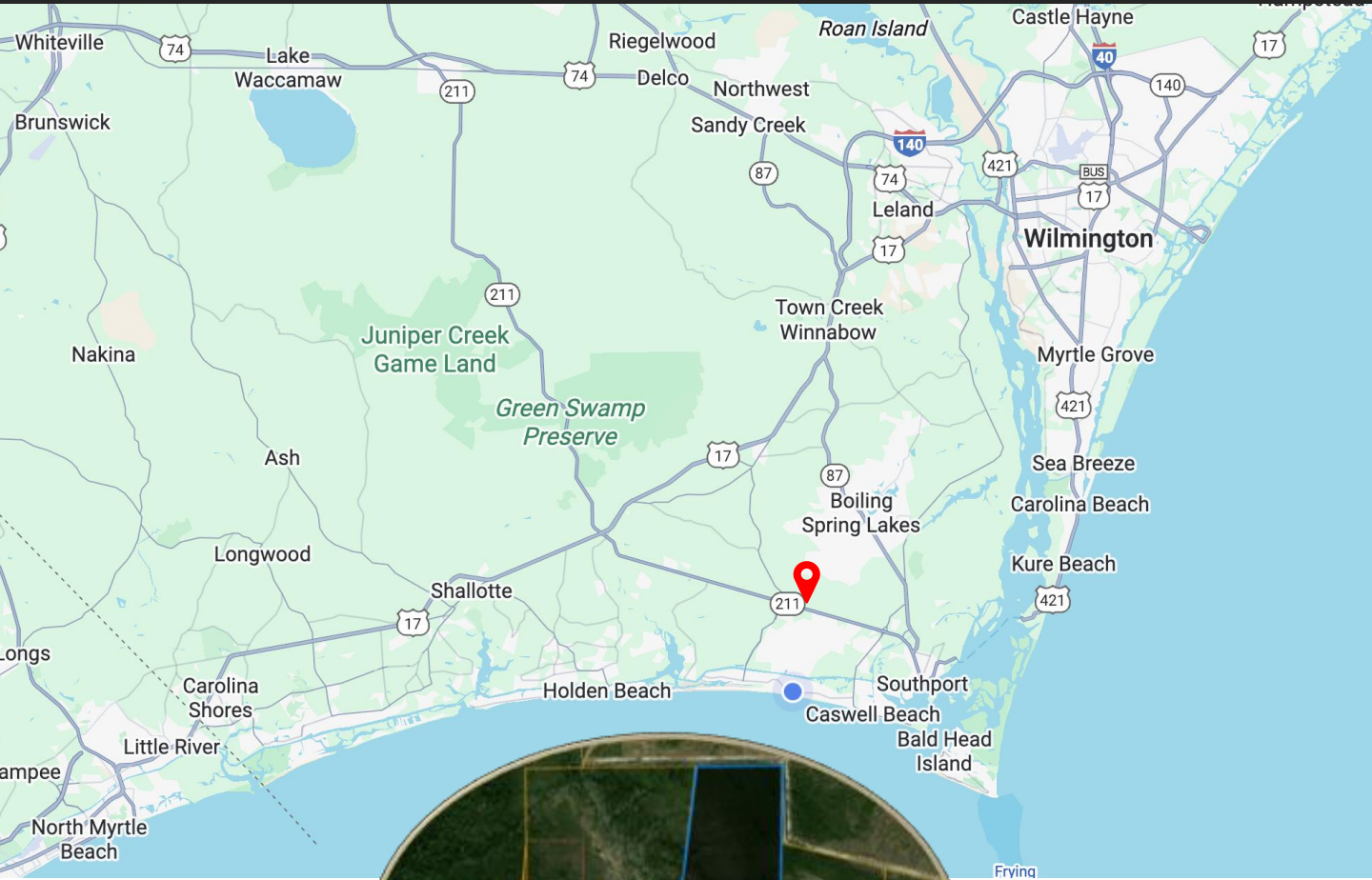


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LOCATION



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NC DISCLOSURE:

NC Disclosure Working with Real Estate Agents

When buying or selling real estate, you may find it helpful to have a real estate agent assist you. Real estate agents can provide many useful services and work with you in different ways. In some real estate transactions, the agents work for the seller. In others, the seller and buyer may each have agents. And sometimes the same agents work for both the buyer and the seller. It is important for you to know whether an agent is representing you as your agent or simply assisting you while acting as an agent of the other party. This brochure address the various types of agency relationships that may be available to you. It should help you decide which relationship you want to have with a real estate agent. It will also give you useful information about the various services real estate agents can provide buyers and sellers, and it will help explain how real estate agents are paid.

SELLERS

Seller's Agent

If you are selling real estate, you may want to "list" your property for sale with a real estate firm. If so, you will sign a "listing agreement" authorizing the firm and its agents to represent you in your dealings with buyers are you seller's agent. You may also be asked to allow agents from other firms to help find a buyer for your property.

Be sure to read and understand the listing agreement before you sign it. Your agent must give you a copy of the listing agreement after you sign it.

Duties to Seller: The listing firm and its agents must: promote your best interests; be loyal to you; follow your lawful instructions; provide you with material facts that could influence your decisions; use reasonable skill, care and diligence; and account for all monies they handle for you. Once you have signed the listing agreement, the firm and its agents may not give any confidential information about you to prospective buyers or their agents without your permission so long as they represent you. But until you sign the listing agreement, you should avoid telling the listing agent anything you would not want a buyer to know.

Services and Compensation: To help you sell your property, the listing firm and its agents will offer to perform a number of services for you. These may include helping you price your property; advertising and marketing your property; giving you all required property disclosure forms for you to complete; negotiating for you the best possible price and terms; reviewing all written offers with you; and otherwise promoting your interests.

For representing you and helping you sell your property, you will pay the listing firm a sales commission or fee. The listing agreement must state the amount or method for determining the sales commission or fee and whether you will allow the firm to share its commission with agents representing the buyer.

Dual Agent: You may even permit the listing firm and its agents to represent you and a buyer at the same time. This "dual agency relationship" is most likely to happen if an agent with your listing firm is working as a buyer's agent with someone who wants to purchase your property. If this occurs and you have not already agreed to a dual agency relationship in your listing agreement, your listing agent will ask you to amend your listing agreement to permit the agent to act as agent for both you and the buyer.

It may be difficult for a dual agent to advance the interests of both buyer and seller. Nevertheless, a dual agent must treat buyers and sellers fairly and equally. Although dual agent owes them the same duties, buyers and sellers can prohibit dual agents from divulging certain confidential information about them to the other party.

Some firms also offer a form of dual agency called "designated agency" where one agent in the firm represents the seller and another agent represent the buyer. This option (when available) may allow each "designated agent" to more fully represent each party. If you choose the "dual agency" option, remember that since a dual agent's loyalty is divided between parties with competing interests, it is especially important that you have a clear understanding of what your relationship is with the dual agent and what the agent will be doing for you in the transaction.

When buying real estate, you may have several choices as to how you want a real estate firm and its agents to work with you. For example, you may want them to represent only you (as a buyer's agent). You may be willing for them to represent both you and the seller at the same time (as a dual agent). Or you may agree to let them represent only the seller (seller's agent or sub agent). Some agents will offer you a choice of these services. Others may not.

BUYERS

When buying real estate, you may have several choices as to how you want a real estate firm and its agents to work with you. For example, you may want them to represent only you (as a buyer's agent). You may be willing for them to represent both you and the seller at the same time (as a dual agent). Or you may agree to let them represent only the seller (seller's agent or sub agent). Some agents will offer you a choice of these services. Others may not.



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Buyer's Agent

Duties to Buyer: If the real estate firm and its agent represent you, they must: promote your best interests; be loyal to you; follow your lawful instructions; provide you with all material facts that could influence your decisions; use reasonable skills, care and diligence; and account for all monies they handle for you. Once you have agreed (either orally or in writing) for the firm and its agents to be your buyer's agent, they may not give any confidential information about you to sellers or their agents without your permission so long as they represent you. But until you make this agreement with your buyer's agent, you should avoid telling the agent anything you would not want a seller to know.

Unwritten Agreements: To make sure that you and the real estate firm have a clear understanding of what your relationship will be and what the firm will do for you, you may want to have a written agreement. However, some firms may be willing to represent you and assist you for a time as a buyer's agent without a written agreement. But if you decide to make an offer to purchase a particular property, the agent must obtain a written agency agreement before writing the offer. If you do not sign it, the agent can no longer represent and assist you and is no longer required to keep information about you confidential.

Be sure to read and understand any agency agreement before you sign it. Once you sign it, the agent must give you a copy of it.

Services and Compensation: Whether you have a written agreement or unwritten agreement, a buyer's agent will perform a number of services for you. There may include helping you: find a suitable property; arrange financing; learn more about the property; and otherwise promote your best interests. If you have a written agency agreement, the agent can also help you prepare and submit a written offer to the seller.

A buyer's agent can be compensated in different ways. For example, you can pay the agent out of your own pocket. Or the agent may seek compensation from the seller or listing agent first but require you to pay if the listing agent refuses. Whatever the case, be sure your compensation arrangement with your buyer's agent is spelled out in a buyer agency agreement before you make an offer to purchase property and that you carefully read and understand the compensation provision.

Dual Agent: You may permit an agent or firm to represent you and the seller at the same time. This "dual agency relationship" is most likely to happen if you become interested in a property listed with your buyer's agent or the agent's firm. If this occurs and you have not already agreed to a dual agency relationship in your (written or oral) buyer agency agreement, your buyer's agent will ask you to amend the buyer agency agreement or sign a separate agreement or document permitting him or her to act as agent for both you and the seller. It may be difficult to for a dual agent to advance the interests of both the buyer and seller. Nevertheless, a dual agent must treat buyers and sellers fairly and equally. Although the dual agent owes them the same duties, buyers and sellers can prohibit dual agents from divulging certain confidential information about them to the other party.

Some firms also offer a form of dual agency called "designated dual agency" where one agent in the firm represents the seller and another agent represents the buyer. This option (when available) may allow each "designated agent" to more fully represent each party.

If you choose the "dual agency" option, remember that since a dual agent's loyalty is divided between parties with competing interests, it is especially important that you have a clear understanding of what your relationship is with the dual agent and what the agent will be doing for you in the transaction. This can be accomplished by putting the arrangement in writing at the earliest possible time.

Seller's Agent Working With a Buyer

If the real estate agent or firm that you contact does not offer buyer agency or you do not want them to act as your buyer agent, you can still work with the firm and its agents. However, they will be acting as the seller's agent (or "sub agent"). The agent can still help you find and purchase property and provide many of the same services as a buyer's agent. The agent must be fair with you and provide with any "material facts" (such as a leaky roof) about properties.

But remember, the agent represents the seller - not you - and therefore must try to obtain for the seller the best possible price and terms for the seller's property. Furthermore, a seller's agent is required to give the seller any information about you (even personal, financial or confidential information) that would help the seller in the sale of his or her property. Agents must tell you in writing if they are seller's agents before you say anything that can help the seller. But until you are sure that an agent is not a seller's agent, you should avoid saying anything you do not want a seller to know.

Seller's agents are compensated by the sellers.



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