



**CITY OF SOUTHPORT
PLANNING BOARD
REGULAR MEETING AGENDA**

August 15, 2024
6:00 PM

Agenda

Please turn off all cell phones

The regular monthly meeting of the Planning Board will be held at 6:00 p.m. on the third Thursday of each month. All members are asked to attend.

- A. Call to Order**
- B. Invocation**
- C. Pledge of Allegiance**
- D. Approval of Minutes**
 - 1. July 18, 2024
- E. Approval of Agenda**
- F. Public Comment**
- G. Old Business**
 - 1. 101 E. Moore St. Update
 - 2. Section 3.19 – Sign Ordinance – Political Sign Discussion
 - 3. ETJ Update
- H. New Business**
 - 1. Cades Cove Planned Unit Development Modification/Rezoning
 - 2. Turtle Bay Major Subdivision Preliminary Plat
 - 3. Doshier Hospital Emergency Department Major Site Plan
- I. Other Business**
- J. Announcements**
- K. Member's Information**
 - 1. Attendance Record
 - 2. Member's Roster
- L. Adjourn**



Planning Board Minutes
Community Building 223 E. Bay Street
July 18, 2024
6:00 P.M

Members Present: Sue Hodgins, Will Hewett, Fred Fiss, Roy Pender, Chris Jones, Scott Jones, and Kevin Locklin (remote)

Members Absent: Dick Sloan

Staff Present: Mo Meehan, City Planner
Tanya Shannon, Deputy Clerk
ChyAnn Ketchum, Director of Communications/PIO

Board of Aldermen Liaisons: Rebecca Kelley and Frank Lai (both Liaisons absent)

A. Chair Sue Hodgins called the meeting to order at 6:00 p.m.

Mr. Chris Jones was appointed as a voting member to replace Mr. Joyner. Mr. Kevin Locklin was appointed a voting member for the evening in the absence of Mr. Dick Sloan.

B. Mr. Scott Jones gave the Invocation.

C. Chair Hodgins led the Pledge of Allegiance.

The Chair recognized ETJ Members Chris Jones (2020-2024) and Scott Jones (2014-2024) for their commitment and service to the Planning Board.

D. Approval of the Minutes

Mr. Hewett motioned to approve the June 20, 2024 Minutes, seconded by Mr. Fiss. **Unanimous Vote; Motion carried.**

E. Approval of the Agenda

Mr. Hewett motioned to approve the agenda, which Mr. Fiss seconded. **Unanimous Vote; Motion Carried.**

F. Public Comment: None

G. Old Business:

1) 101 E. Moore Street -Schedule Committee Meeting

Ms. Meehan provided a brief overview of the project. She explained that during the Planning Board meeting on April 18th, there were questions from the Board and the Committee. They asked the Staff to contact the NCDOT for further information and approval regarding the safety and permissibility of vehicles backing out across a sidewalk and onto Howe Street, a State highway. There were also some pedestrian concerns. Ms. Meehan has sent a letter to the Division III Traffic Engineer but has not yet received a response.

Chair Hodgins noted that the Committee also requested written documentation from the City documenting the ongoing nature and timeline of this project, and from the Police and Fire departments regarding the Board of Adjustments' approval. This information has not yet become available. The board's consensus was to schedule another Review Committee Meeting consisting of Ms. Hodgins, Mr. Fiss, and Mr. Scott Jones for July 22nd.

H. New Business: None

I. Other Business

1) Extraterritorial Jurisdiction Discussion (ETJ)

Ms. Meehan provided an update on HB911, which has been ratified as SL2024-21. The County has 60 days from July 1, 2024, to rezone the properties within Southport's ETJ. If zoning is not established within 60 days, no zoning regulations will be assigned. The goal is to have ETJ zoning within 60 days that aligns as closely as possible with the City's districts.

The potential loss of zoning jurisdiction within the ETJ, especially at the City's entrance, is a significant concern. Just over 800 parcels are within Southport's ETJ, with over 50 along the Howe Street corridor and encapsulated throughout the corporate limits.

The County has engaged Staff to review existing zoning, particularly existing Planned Unit Developments (PUD) within the ETJ, to ensure compatibility between zones. City and County zoning districts are not identical. Differences will need to be considered and analyzed for feedback from the county. The proposed map changes have not been finalized and have not been shared with Staff.

County Update

Jeff Walton, Planner II, is the primary contact staff working on this project. He emailed the following updates on Thursday, July 11, 2024.

- The County is reviewing the area, doing windshield studies, etc. They are crafting land use maps and potential zoning districts. That's still under staff review.
- July 25, 2024—The date of the Community Meeting at the Southport Senior Center. The County plans to have two meetings that night to mitigate room capacity.
- August 12, 2024—The next (County) Planning Board meeting, including the Southport ETJ.

Potential Voluntary Annexations

N.C. General Statute 160A-31 allows annexation by the petition of a property owner. This process is the only way for the City to gain jurisdiction of Howe Street from Highway 87 to the Cape Fear River. Complete jurisdiction of this corridor will help create consistent development patterns aligning with Southport's goals.

The City can approach property owners within the ETJ on the Howe Street corridor to request their consideration of annexation, but the City does not have the authority to require it. To encourage property owners to consider annexation, there must be benefits or services that only the City can provide. Prior to the utility merger this year, the main benefit was the ability to connect to water and sewer. What benefits can the City offer to property owners for consideration of annexation? Some options to consider:

- Improved police and fire response – Howe Street is within the Fire District, and police will respond
- Street maintenance – although Howe Street is a State-maintained road
- Lower flood insurance rates—Southport participates in the community ratings system (CRS), which provides discounted flood insurance rates citywide.
- Provides a voice in City government (voting for elected officials, influencing decisions)

Mr. Fiss pointed out that consistency and development along the Business Corridor will be a significant priority. He mentioned that if the community were more involved in the process, there would be more assurance of consistency and appropriate building heights. For instance, consistent sidewalks were highlighted as an area for improvement, as there are currently none in

this area. Mr. Fiss inquired about the height restrictions for the county and what kind of developments would be allowed on Howe Street.

Ms. Meehan explained that there is a maximum height of 75 feet with the approval of the Planning Board. She mentioned that increased setbacks would allow for taller buildings based on the floor area ratio. Mr. Chris Jones asked if all the lots on Howe Street are designated for commercial businesses. He pointed out a 45-foot height limit for conventional development, which applies to lots of 7500 square feet or fewer. Ms. Meehan added that there are some residential areas in the Commercial District. She clarified that the Business District covers most of Howe Street, while some areas shown on the visual map are residential districts. She mentioned that some residential areas considered annexation before the County took over the ETJ, but she is unsure about its current status.

Mr. Chris Jones commented on the possibility of creating an overlay district. It seems that the Extraterritorial Jurisdiction (ETJ) relinquishment might be considered for implementation elsewhere throughout the county. If this is a goal, he believes it would be beneficial to develop a plan to understand its impact on Howe Street and other neighborhoods. He mentioned that it would be helpful to have discussions and design a transitional zone.

There was a discussion about potentially bringing in an outside organization, such as the CFCOG, to assist the City with the transition process. Ms. Meehan asked for clarification on which specific process this would involve - the current or future processes. Mr. Chris Jones explained that the City has 100 lots in the ETJ (Extra Territorial Jurisdiction) that are going to transition and be governed by the County UDO (Unified Development Ordinance). These lots are currently zoned R20, R10, BD, and CBD. Mr. Jones expressed concern about how the County will handle the zoning for these lots.

Chair Hodgin inquired whether, aside from the City's website and social media, the City has sent out any mail-outs to encourage ETJ residents to attend meetings and inform them of the City's efforts to protect zoning areas. Ms. Meehan responded that the County has sent flyers to every property owner in the ETJ.

Mr. Pender expressed concern that the City is taking a reactive rather than proactive approach. He is interested in finding a good public relations firm that understands zoning and land use standards. He believes they should communicate that there are various options to consider and highlight the benefits of having the City's zoning protections in place.

Chair Hodgin highlighted the urgency of the upcoming communication process, as the first public meeting is scheduled for next week. She asked if there had been any discussions with new City Manager Turille, regarding strategies to motivate and mobilize individuals. She was also inquisitive about the City possibly engaging a Public Relations consultant to work with the City Communication Department to enhance community involvement. Additionally, she suggested establishing a committee to develop recommendations for the county's UDO updates and review the City's UDO to make adjustments that would incentivize developers to annex into the City.

Ms. Meehan highlighted the need for specific changes to the City's UDO, including bringing certain ETJ uses into the City. She advised against forming a committee until more information is gathered.

Chair Hodgin asked whether the Planning Board could request that the City Manager and Aldermen invest in promoting public relations and effectively communicating Southport's significant initiatives. The goal is to make residents in the ETJ (Extra-Territorial Jurisdiction) aware of current and future developments that may not be favorable.

Mr. Scott Jones asked if we could contact Mr. Wes MacLeod for assistance in guiding the City through the process and offering helpful suggestions or recommendations. Ms. Meehan will contact the Cape Fear Council of Governments.

Chair Hodgkin asked for direction from the Board. The consensus of the Board was to have staff contact the CFCOG to see if they could provide any information or recommendations. They also decided to draft letters to send to residents and businesses in the affected properties, reminding them of the public meeting to facilitate open communication between the City and the County and explore solutions. The Board wanted to ensure that the letters would be sent out before the 25th. Ms. Meehan asked for clarification on the draft for voluntary annexation and inquired whether the letters should be sent beyond the Howe Street corridor, reminding Members that only the contiguous properties would have the option to annex into the City voluntarily.

Mr. Hewett reminded everyone that the Steering Committee, working with the new Comprehensive Plan, would be an excellent tool for restructuring future changes and fostering collaboration to find the best solutions.

The Board's decided priority was to notify contiguous property owners first, using letters. It is also essential to spread the word through social media and other news organizations to inform citizens of what they can do. There are currently 50 contiguous properties in the ETJ. Ms. Meehan will contact the County to see if a small committee could attend the public meeting on the 25th to ask questions and provide suggestions.

- J. Announcements: County ETJ Public Meeting July 25th. Brunswick County Planning Board Regular Meeting August 12th.

Mr. Locklin and Mr. Jones were appointed back to their alternate positions.

Mr. Hewett made a Motion to adjourn and, seconded by Mr. Pender. ***Unanimous Vote; Motion Carried.***

Adjourned—7:41 p.m.

Chair, Sue Hodgkin

Deputy Clerk, Tanya Shannon



MEMORANDUM

To: Sue Hodgin, Chair and Members of the Planning Board

From: Maureen Meehan, City Planner

Re: Section 3.19 Signs – Text Amendment

Date: August 15, 2024

At your regular meeting on June 20, staff presented an updated draft of text amendments for Section 3.19 Signs. After review and discussion, there was a unanimous recommendation of approval to the Board of Aldermen. The Board of Aldermen called for a public hearing for the amendments to Section 3.19 at their July 11, 2024, meeting.

Upon review of the updated text, specifically Section 3.19.C.18. Political Signs, City Attorney Brady Herman expressed his concerns about treating noncommercial speech equally. Specifically, he states, "...the political sign ordinance amendment gives me a bit of concern with the way it is written, one sign per candidate, as it could violate the *Reed v. Gilbert* supreme court case by regulating signs based on the content of the message—i.e., the political candidate.". He also includes directions and text from other jurisdictions to consider that address political signs while achieving the same goals.

Therefore, staff have brought this item back for a review of Section 3.19.C.18. There were conversations about this subject during the last election season, and we want to ensure the goals of the city's sign ordinance and citizens' freedom of speech will be met.

Example text from the City of Carthage, the City of Mebane, and the City of Gastonia are attached to this memo. Staff will also present a proposed draft of the city's UDO text at your August meeting.

From: [Brady Herman](#)
To: [Maureen Meehan](#); [Dorothy Dutton](#)
Subject: [EXTERNAL] Political Sign Ordinance Update
Date: Monday, July 15, 2024 2:03:47 PM
Attachments: [Temporary Signs- UNC SOG.pdf](#)
[Carthage Political Sig Ordinance.pdf](#)
[Gastonia--Temp Sign Desc Revised 9 2020.pdf](#)
[Mebane Ordinance= Temporary Signs.pdf](#)

Dorrie and Mo,

Last week when I was looking through the agenda packet with the amendments to the sign ordinance, the political sign ordinance amendment gives me a bit of concern with the way it is written, one sign per candidate, as it could violate the Reed v. Gilbert supreme court case by regulating signs based on the content of the message—i.e. the political candidate. This is a pretty confusing area of the law, but I have attached a UNC SOG blog post that does a good job summarizing this topic.

However, I do think there are ways to go about amending the ordinance to address political signs on private property and accomplish the same goals, it will just depend on what direction the Board wants in terms of the number of political signs. Here are some of my general thoughts on ways to go about amending the ordinance to help come into conformity with the Reed decision:

- If BOA does not want to restrict the number of political signs on private property, it could amend the ordinance to allow political signs subject to size requirements and duration (i.e. political signs be removed with 10 days after the election). (See Carthage Ordinance as an example).
- Treat political signs as temporary signs with the same set number of signs on residential property (i.e. max of 4 or 5 signs) at any time (also with size requirements) (see Gastonia Example)
- Treat political signs as temporary signs and have the temporary sign ordinance section updated to allow multiple temporary signs during election season (see attached example from City of Mebane).

Note, the provision in the ordinance with the limitation of political signs on NCDOT ROW's is okay as written in the ordinance as this is allowed by statute.

These are just some initial thoughts after looking a bit more into this, but let me know if you have any questions or want to discuss this further after you all have had a chance to review. Since this was a hot button topic last year, I wanted to make sure I at least flag this for you all.

Thanks,

Brady N. Herman



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5. Substitution Clause. Signs containing noncommercial speech are permitted anywhere that commercial signs are permitted, subject to the same regulations applicable to such signs.
6. Severability Clause. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this code is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of the code.
7. Prohibited Signs. Unless such signs serve a governmental purpose as identified in 100.59.8, the following signs are prohibited in the Town of Carthage.
 - A. Roof Signs.
 - B. Snipe Signs, including utility pole signs except as allowed in the Agriculture Temporary Sign Overlay District.
 - C. Simulated public safety, warning or traffic signs.
 - D. Animated and Electronic Message Signs that change more frequently than every 8 seconds.
 - E. Motion signs including air-activated and balloon signs but not including temporary blade signs or signs allowed in residential districts.
 - F. Vehicle message signs.
 - G. Signs located within sight triangles of intersections.
 - H. Signs emitting glare that causes discomfort or pain or reduces visibility.
 - I. Flags consecutively strung together.
 - J. Obscene signs.
 - K. Off-premise signs greater than 32 square feet.
 - L. Pole signs.
 - M. Portable message signs.
8. Signs for Governmental Purposes. These regulations are not intended to and do not apply to governmental signs as defined in Section 100.59.2.P. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.
9. Temporary Political Signs.
 - A. All political signs must be outside street right-of-way, or at least 3 feet from edge of pavement.
 - B. Political signs shall not interfere or obstruct safe sight distances at intersections.
 - C. Not to be placed on private property without consent of owner.
 - D. Political signs must not exceed 16 square feet, max height of 6 feet.
 - E. Cannot be placed until 30 days prior to beginning date of “one-stop” voting.
 - F. Signs may be placed 30 days prior to a run-off election or election day following a primary election and removed once again within 10 days after the election or run-off.

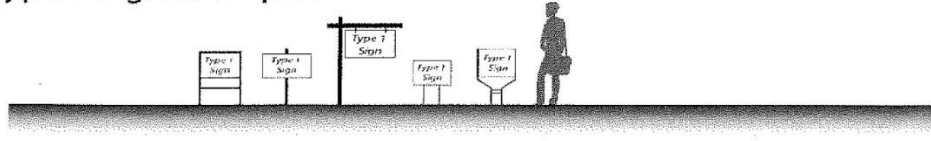
- M. **Political signs authorized by N.C. General Statutes:** Political signs sited and maintained in accordance with NCGS 136-32.
- N. **Property identification:** Signs bearing only property identification numbers and names, post office box numbers of occupants of the premises, or other identification of premises not of a commercial nature, provided such signs are not illuminated and do not exceed 2 signs per zoning lot and 2 square feet in area per display surface.
- O. **Religious symbols:** Religious symbols at a place of worship or at a church-owned or operated facility. Such symbols must meet all setbacks and lighting requirements for signs.
- P. **Signs affixed to vehicles:** Signs affixed to vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer.
- Q. **Signs on dispensers:** Signs painted or attached to vending machines, gas pumps, ice machines, or similar devices which indicate the contents of the machine, name or logo of supplier, the price or operating instructions.
- R. **Temporary signs:**
 - 1. Temporary signs allowed at any time:
 - a. A property owner may place one sign with a sign face no larger than four (4) square feet on residential property at any time.
 - b. A property owner may place two signs per street frontage, each no larger than four (4) square feet, on non-residential property at any time. A maximum of four temporary signs is allowed.
 - c. Multiple temporary signs with a noncommercial message and no larger than nine (9) square feet in area, may be erected by a property owner on their property for a ninety (90) day period prior to a primary or general election involving candidates for federal, state, or local offices. During this time, a property owner is also allowed one larger sign, not to exceed thirty-two (32) square feet. These signs shall be removed within ten (10) days following the election.
 - 2. Temporary signs may be located on a property when:
 - a. The property is being offered for sale or lease through a licensed real estate agent or by the owners.
 - b. The signs are removed within 72 hours after the sale, rental, or lease of the property.
 - c. Number: One sign per street frontage.

City of Gastonia Temporary Sign Regulations 9/15/2020

Prior to January 1, 2017, The City of Gastonia's sign ordinance separated temporary signs into multiple categories, political, real estate, and event/grand openings. Due to the federal Supreme Court decision (*Reed vs. Town of Gilbert*), the City of Gastonia now classifies these types of signs as temporary signage which are broken down into three types: Type 1, Type 2, and Type 3.

Type 1 Temporary Sign: small placard-type signs, usually referred to as yard signs, that are typically associated with (but not limited to) the advertisement of real estate, political campaigns, and meeting or event announcements. Type 1 signs may be placed on private property with the following primary restrictions*: Maximum size of 6 sq. ft. per sign; maximum height of 4 ft.; and a total combined area of 24 sq. ft. of Type 1 signage per location.

Type 1 Sign Examples



Type 1 temporary signs shall not be placed within any public street right-of-way, including within medians except as follows:

- (a) During the period beginning on the 30th day before the beginning date of “one-stop” early voting under G.S. 163A-1300 and ending on the 10th day after the primary or election day, persons may place non-commercial Type 1 temporary signs in the public right-of-way. Signs must be placed in compliance with subsection (b) of this section and must be removed by the end of the period described in this subsection. Commercial signs are not permitted in the public right-of-way under this subsection.
- (b) Sign Placement. - The permittee must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:
 - (1) No sign shall be permitted in the right-of-way of a fully controlled access highway.
 - (2) No sign shall be closer than three feet from the edge of the pavement of the road.
 - (3) No sign shall obscure motorist visibility at an intersection.
 - (4) No sign shall be higher than 42 inches (4 ft.) above the edge of the pavement of the road.
 - (5) No sign shall be larger than 864 square inches (6 sq. ft.).
 - (6) No sign shall obscure or replace another sign.

SIGN LOCATION RESTRICTIONS

Type 2 AND 3 SIGNS REQUIRE PERMITS

Type 2 Temporary Signs: typically referred to as banners; they are often associated with (but not limited to) the announcement of community, sporting, grand opening, special sales and other special events.

- Maximum size of 16 sq. ft.; maximum height of 4 ft.; and only 1 is permitted.
- Maximum duration: 14 days up to 6 times per calendar year with minimum 7 days separation.
- Location: All uses except single-family and two-family dwellings.

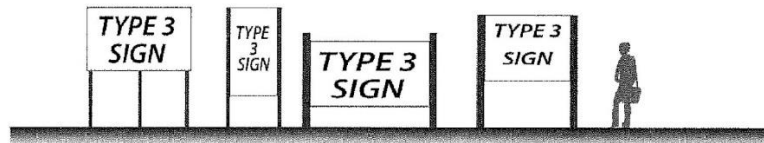
Type 2 Sign Examples



Type 3 Temporary Signs: large placard-like temporary signs typically associated with (but not limited to) the advertisement of large tracts of land for sale, construction and development activity or commercial or industrial buildings for sale or lease.

- Maximum size of 16 sq. ft.; maximum height of 6 ft.; and only 1 is permitted.
- Maximum duration: 1 year.
- Location: All uses except single-family and two-family dwellings.

Type 3 Sign Examples



SIGN LOCATION RESTRICTIONS

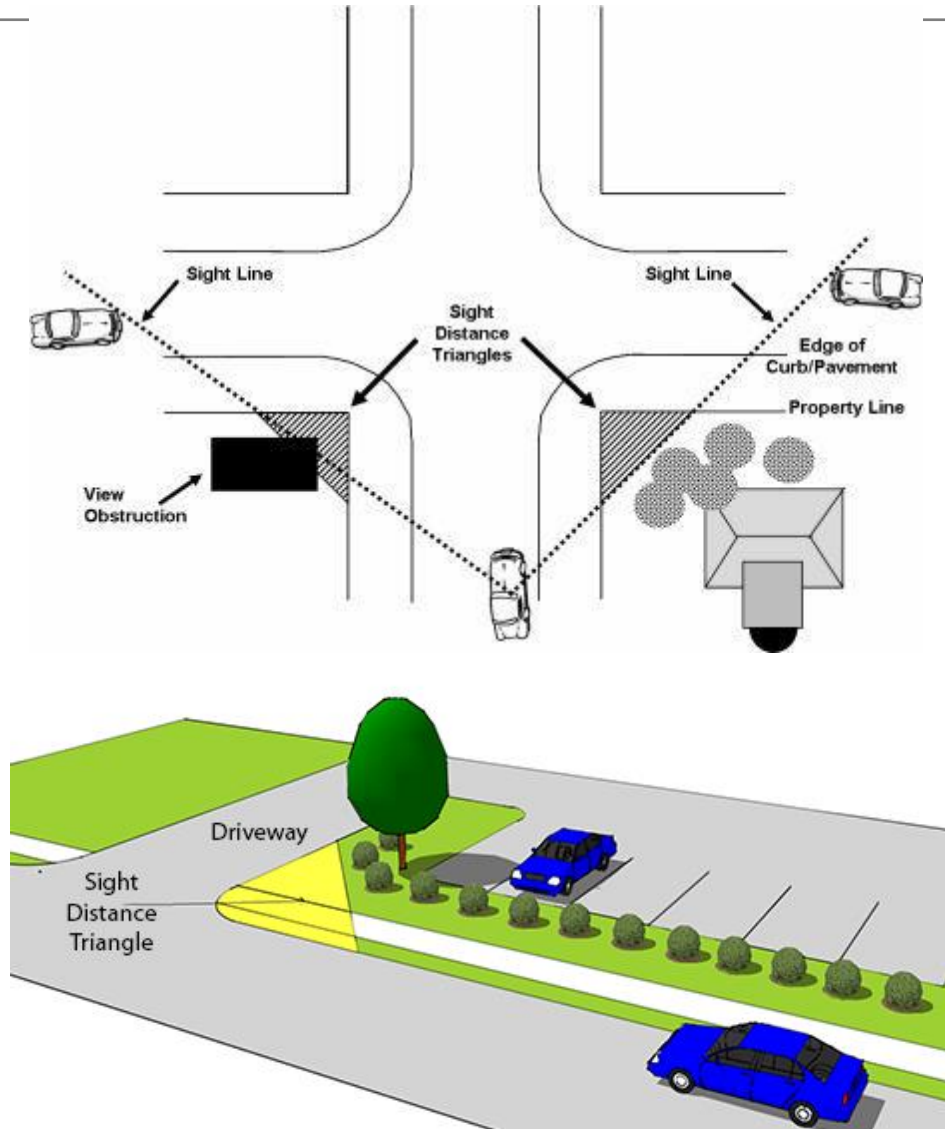
- Temporary signs **shall not be** affixed to a permanent sign or its supporting structure, including both building mounted and freestanding permanent signs.



- Temporary signs **shall not be** affixed to poles, posts, stakes or other supporting structures that are permanently installed or anchored into the ground through the use of concrete foundations or similar anchoring techniques.
- Temporary signs attached to building walls **shall not be** placed in a manner that obstructs any window, door, fire department sprinkler connection, or street number sign.
- Temporary signs **shall not be** illuminated or be provided with any electric service.

SIGN LOCATION RESTRICTIONS

- Temporary signs **shall not be** placed in a manner that obstructs clear sight distance (with the required sight triangle) for motorists at street intersections or driveways.



SIGN LOCATION RESTRICTIONS

- Temporary **signs shall not** be placed on the roof of a building, or affixed to a motor vehicle, tree, utility pole or street sign.



- Temporary **signs shall not** be placed within any public street right-of-way, including within medians, unless expressly permitted by this Ordinance.





Coates' Canons NC Local Government Law

Temporary Signs in the Right-of-Way

Published: 10/16/18

Author Name: Adam Lovelady

It's that time of year again. Leaves are falling and campaign signs are rising. Along with the signs come the questions about the laws and limits for regulating campaign signs. This can be a confusing topic because of the ruling from the U.S. Supreme Court in *Reed v. Town of Gilbert* and because of the overlapping authority between local governments and the North Carolina Department of Transportation (NCDOT).

Legal issues affecting the regulation of campaign signs include:

- Free speech protections limiting the regulation of sign content;
- Differences between regulations on private property and regulations on public property; and
- Differences between regulations on state maintained rights-of-way and municipally maintained rights-of-way.

This blog describes the basic aspects of these legal issues with a focus on regulations in the public right-of-way.

Free Speech Issues

The U.S. Supreme court has ruled that regulations of signs that are based on what the signs say (content-based regulations) are subject to strict scrutiny—a standard that requires compelling government justification and will likely be struck down. In contrast, content-neutral regulations of the time, place, and manner of speech are subject to intermediate scrutiny and are more likely to survive judicial review. Regulation of commercial speech also is subject to intermediate judicial scrutiny.

In *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), the U.S. Supreme Court made clear that categorizing noncommercial signs by the content of the message is content-based regulation subject to strict scrutiny. In that case the town's sign ordinance distinguished between campaign signs, ideological signs, and event-based signs, among other categories. Justice Thomas offered the following example: "If a sign informs its reader of the time and place a book club will discuss John Locke's Two Treatises of Government, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke's followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke's theory of government." *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 2227 (2015). The Court found those categories to be unconstitutional content-based restrictions that could not survive strict scrutiny. I wrote more about the *Reed* decision [here](#).

Following the *Reed* case, sign regulations need to treat noncommercial speech equally. So, if a sign regulation is going to permit temporary campaign signs, then it must equally permit temporary signs stating "Jesus Saves," "Anarchy Now," and "Save the Earth." Many local ordinances had (and still have) content-based distinctions that would not withstand constitutional challenge after *Reed*.

Content-neutral regulations that distinguish signs based on the characteristics of the sign generally survive judicial review under intermediate scrutiny. So, for example, reasonable regulations of the size or location of signs are generally acceptable. Distinctions among types of sign construction—monument signs, wall signs, temporary signs, and air-blown signs, for example—also are allowed generally. Such restrictions are based on the characteristics of the sign, not the content of the message. To be clear, these content-neutral regulations still must meet intermediate judicial scrutiny: The regulation must further a substantial governmental interest (such as public safety and community aesthetics), that governmental interest must be unrelated to limiting free expression, and the regulation must be no greater than necessary to support the governmental interest.

Even after *Reed*, commercial messages may still be distinguished from noncommercial messages. To be sure, that distinction formally is a content-based distinction, but courts applying the *Reed* decision have re-affirmed that regulations of commercial speech remain subject to intermediate scrutiny under the *Central Hudson* case (447 U.S. 557 (1980)). For application of *Central Hudson* after *Reed*, see for example *Lone Star Sec. & Video, Inc. v. City of Los*

Angeles, 827 F.3d 1192 (9th Cir. 2016) and *Geft Outdoor LLC v. Consol. City of Indianapolis & Cty. of Marion, Indiana*, 187 F. Supp. 3d 1002 (S.D. Ind. 2016)(*appeal dismissed sub nom*). As such, a government might permit temporary noncommercial signs (campaign signs and others) but still restrict temporary commercial signs.

In addition to the differences between content-based, content-neutral, and commercial speech regulations, courts have held that regulations may differentiate between signs on private property and signs on public property. As Justice Thomas noted in his opinion for the Court in *Reed*, “on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner.” *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 2232(2015) (citing *Members of City Council of City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 817(1984)). The discussion below first outlines considerations for temporary noncommercial signs on private property and then outlines additional considerations for temporary noncommercial signs on public rights-of-way.

Temporary Signs on Private Property

An ordinance or regulation may set reasonable content-neutral limits on noncommercial speech (including political signs) on private property. Such restrictions might include limits on the size, number, and location of temporary noncommercial signs.

Importantly, regulations of temporary noncommercial signs on private property must not be overly restrictive. The U.S. Supreme Court has noted the import of the residential signs because residential signs are inexpensive and convenient, they convey a message with a close connection to the speaker, and there are not adequate substitutes of expression if residents are completely prohibited from posting residential signs. In *City of Ladue v. Gilleo*, 512 U.S. 43 (1994), the city ordinance prohibited homeowners from displaying signs on their property, with limited exceptions. A resident challenged the ordinance when she was prevented from posting a sign protesting the Gulf War. The Court struck down the city’s ban of almost all residential signs, but allowed that the city can still address residential signs with reasonable regulations. Similarly in *Arlington County Republican Committee v. Arlington County*, 983 F.2d 587 (4th Cir. 1993), the Fourth Circuit Court of Appeals ruled that limiting property owners to only two campaign signs was overly restrictive.

Can a local government set a time limit on temporary noncommercial signs on private property? Durational limits that are not overly restrictive likely may be used, but local governments should be wary of the potential legal pitfalls. Even before *Reed* courts around the country struck down durational limits that were too short (routinely striking down sign codes that limited campaign signs to less than sixty days). This is a reminder that anytime the government is regulating noncommercial speech it must not be overly restrictive—especially as related to residential property and possible political speech.

The *Reed* decision did not directly address the question of durational limits for noncommercial signs, but did discuss it indirectly. Justice Thomas implies that a regulatory provision related to “whether and when an event is occurring” may be permissible if it permits “citizens to post signs on any topic whatsoever within a set period leading up to an election.” 135 S. Ct. at 2231. Along that line of thinking, a local government could establish a set amount of time (for example, ninety days before an election until ten days after the election) and permit a greater amount of temporary noncommercial signage during that time period.

Note, though, that such preference for campaign season may lack the tailoring necessary to justify a sign regulation. If the additional signage is permitted during campaign season, then what is the justification to prohibit a resident from posting a temporary sign during the Easter season, or the summer solstice, or at the start of the school year? While prior caselaw and Justice Thomas’ language in *Reed* indicates that time periods tied to campaign season may be permissible, there is some lack of clarity around this issue.

Temporary Signs in Public Rights-of-Way

As noted above, courts distinguish between regulations of signs on private property and regulations of signs on public property. This section explores statutory authority and Free Speech considerations for regulations of temporary signs in the public right-of-way in North Carolina.

Rules for NCDOT Rights-of-Way

The State of North Carolina has specific rules for signs in public rights-of-way controlled and maintained by the NC Department of Transportation. General Statute 136-32 outlines a general prohibition on posting signs on public highways and authorizes NCDOT to remove impermissible signs. The statute then sets forth the rules allowing for “political signs.” Political signs are permitted in the NCDOT right-of-way during the time period from 30 days prior to the first date of “on-stop” early voting until the tenth day after the primary or election day. (Note that the regulation is for public rights-of-way, not private property, so the shorter time period is likely permissible.)

The statute gives specific parameters for placement of qualifying signs:

- No sign shall be permitted in the right-of-way of a fully controlled access highway.
- No sign shall be closer than three feet from the edge of the pavement of the road.
- No sign shall obscure motorist visibility at an intersection.
- No sign shall be higher than 42 inches above the edge of the pavement of the road.
- No sign shall be larger than 864 square inches.
- No sign shall obscure or replace another sign.

Notably, the individual placing the sign must obtain permission of the owner of the property fronting the right-of-way where the sign is erected, although there is no detail about the form or evidence of such permission.

NCDOT is authorized to remove noncompliant signs. It is a Class 3 misdemeanor for an unauthorized individual to steal, deface, vandalize, or unlawfully remove a political sign placed in compliance with the statute.

This NCDOT rule as written is subject to constitutional challenge under the *Reed* decision. The statute allows “political sign”—defined as “any sign that advocates for political action”—but not other noncommercial signs. This preferential treatment of one category of noncommercial speech is precisely the kind of content-based regulation that the Court struck down in *Reed*.

Local Rules for Municipal Rights-of-Way

Under General Statute 160A-296, North Carolina municipalities have broad authority over their public streets, including the power to regulate the use of the streets and the duty to keep the streets free from unnecessary obstructions. This authority includes the power to regulate signs in the right-of-way. Moreover, the statute about NCDOT authority, 136-32(f), confirms that cities may use their police powers to adopt regulations of signs in the rights-of-way within their jurisdiction and maintained by the city.

A municipality may prohibit temporary signs in the municipal right-of-way, or permit them subject to certain even-handed, content-neutral restrictions. As with other restrictions, this may include limits on size, location, time-frame, and other content-neutral aspects. A municipality may permit noncommercial temporary signs in the right-of-way, but still restrict commercial temporary signs.

Rules for When There Is No Local Ordinance

If a municipality does not adopt an ordinance prohibiting or regulating the placement of signs in the right-of-way, then the NCDOT rules under G.S. 136-32 apply to municipal rights-of-way. That section does not specifically address enforcement, but presumably the municipality would handle enforcement. There is a common question concerning municipal enforcement of the NCDOT rule: If the NCDOT rule runs afoul of the *Reed* decision, how should the municipality enforce the rule? Some take the stance that although the state law may be challenged as unconstitutional, it is the applicable rule until a court says otherwise or until the General Assembly chooses to amend the statute. That stance, though, leaves the municipality open to legal challenge—your town might be the one that winds up in court. Alternatively, a municipality could use its enforcement discretion and apply the NCDOT rule to noncommercial speech, not just political campaign signs. In practice, most of the temporary signs in the right-of-way during campaign season will be campaign signs. When enforcing the NCDOT rule, the zoning enforcement officer or city transportation staff could pick up any temporary commercial signs, but leave any temporary noncommercial signs such as signs with religious messages, non-campaign political messages, and other noncommercial messages.

Rules for State Roads in a Municipality

What about NCDOT roads within a municipality? G.S. 136-32(b) sets forth the provisions allowing placement of “political signs in the right-of-way of the State highway system.” G.S. 136-32(f) makes clear that municipal rules, if adopted, apply to streets “located within the corporate limits of a municipality and maintained by the municipality.” With that phrasing, it appears that NCDOT rules would apply to a state road in a municipality unless the municipality maintains the state road. That said, it may be possible for NCDOT to contract with a municipality to handle enforcement along NCDOT-maintained highways within the municipal boundary. G.S. 136-66.1 outlines the responsibilities for streets inside municipalities, including authority for a municipality to undertake certain maintenance and construction duties related to state roads within the municipality.

Summary

Regulation of campaign signs requires some attention to detail. Given the ruling of the U.S. Supreme Court in *Reed v. Town of Gilbert*, a government regulation must treat noncommercial speech equally. So, if a local or state government wants to permit campaign signs it must equally permit other noncommercial signs. Our courts have recognized the importance of residential signs, so officials must be careful not to over-regulate them. With regard to signs in the public rights-of-way in North Carolina, the applicable rules will depend upon the location of the road, the responsibility for maintaining the road, and whether the municipality has adopted local rules.

3.19 SIGNS

18. Political Signs. ~~On private property, one (1) sign per candidate shall be permitted per lot., not exceeding eight (8) square feet in area per display face, and two (2) faces per sign.~~

Multiple temporary signs with a noncommercial message and no larger than nine (9) square feet in area, may be erected by a property owner on their property for a ninety (90) day period prior to a primary or general election involving candidates for federal, state, or local offices. During this time, a property owner is allowed one larger sign, not to exceed thirty-two (32) square feet. These signs shall be removed within ten (10) days following the election.

Within NCDOT right-of way, sign placement and duration shall be in accordance with NCGS 136-32 during the period beginning on the 30th day before the beginning date of "one-stop" early voting under NCGS 163-227.2 and ending on the 10th day after the primary or election day, subject to the following provisions. A person must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with the following:

- a) No sign shall be permitted in the right-of-way of a fully controlled access highway.
- b) No sign shall be closer than three (3) feet from the edge of the pavement of the road.
- c) No sign shall obscure motorist visibility at an intersection.
- d) No sign shall be higher than 42 inches above the edge of the pavement of the road.
- e) No sign shall be larger than 864 square inches.
- f) No sign shall obscure or replace another sign.
- g) No sign shall be located in the city's right-of-way.

violated. In the event it is not claimed within 15 days, the administrator shall have authority to dispose of the sign.

- b) The UDO Administrator shall have the authority to remove, without notice, and impound any sign that is hazardous; or attached to trees, utility poles or natural features; or abandoned signs; and/or signs erected without a permit.

**STAFF REPORT FOR CADES COVE
PLANNED UNIT DEVELOPMENT MODIFICATION
REZONING AND MASTER DEVELOPMENT PLAN**

APPLICATION SUMMARY

Presentation Date	August 15, 2024 Planning and Zoning Board
Applicant	Rick Jones, President Board of Directors
Property Owner	Cades Cove Homeowners' Association
Zoning District	PUD

PROJECT OVERVIEW

Rick Jones, applicant, on behalf of the Cades Cove Homeowners' Association, is requesting approval of a modification to the Planned Unit Development and a rezoning request to modify the PUD zoning district. This modification includes rescinding the public dedication of the subdivision's streets and adds a gated entrance and exit on Robert Ruark Drive.

LOCATION

Subject property is situated west of North Howe Street before Smithville Woods, with access from Robert Ruark Drive and North Caswell Avenue.



BACKGROUND AND PROPOSED AMENDMENT

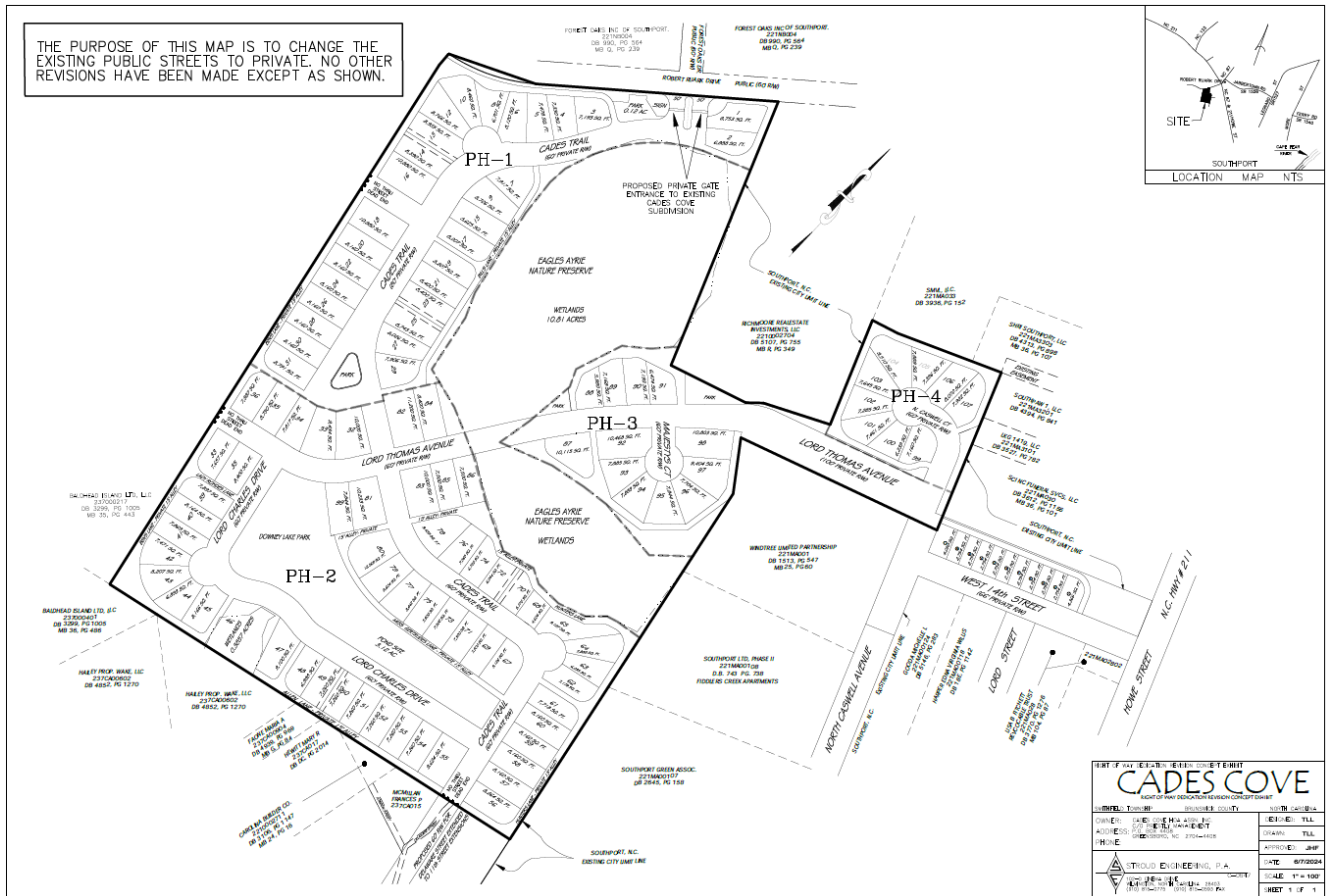
Cades Cove was approved as a Planned Residential Development, similar to the existing PUD process. A master site plan with standards was conditionally approved. All conditions of the approval must be followed throughout the life of the subdivision. The approved master plan and preliminary plat include public right of way with through streets for interconnectivity. The streets, while dedicated as a public right of way, have yet to be accepted by the city due to several different stormwater and other infrastructure projects that the developer abandoned.

In the Spring of 2023, the Cades Cove Homeowners' Association approached staff with a request to add a gate to their entrance. The Development Services Director at the time, in consultation with Brady Herman, City Attorney, determined the following:

- The city is not involved in the community's desire to rescind the public dedication of streets. If the community can meet statutory requirements to rescind the streets, city ordinances are not violated.
- If the dedicated streets are rescinded, the city has the right to all city easements within the streets and the Cades Cove community.
- The placement of a gate will violate the original development approval since it is placing a new structure not on an approved plan. The gate would impede the public from traveling roadways that are dedicated to public use. A modification to the PUD and rezoning to amend the master plan will be required.

Per staff direction, the applicant has submitted a PUD modification and rezoning application, including a proposed plat showing private street right-of-ways and a gated entrance and exit on Robert Ruark Drive. The entrance on Lord Thomas from North Caswell Avenue will remain open. There will be siren-activated sensors to ensure emergency vehicles have access through both gates. Buses and delivery service drivers can receive access with personalized codes and/or remotes.

The applicant also includes updated articles of incorporation that grant the HOA authority to assume private streets, a current assessment of the condition of the streets, and financial documentation showing how the HOA will accommodate future funding for maintenance and repairs. The documents mentioned are attached to this report.



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GATE POSITIONING RUARK ENTRANCE
View from Ruark, center island at left



EXIT ON TO RUARK FROM CADES TRAIL



REVIEW PROCESS

Proposed amendments to the zoning map may be initiated by the Board of Aldermen, Planning Board, city administration, or by the owner, or his or her agent, of property within the area proposed to be changed. Every amendment, supplement, change, modification, or repeal of the zoning map/ordinance shall be referred to the Planning Board for its recommendation and report to the Board of Aldermen.

A Planned Unit Development (PUD) is planned and developed as an integral unit in a single development operation or a defined series of development according to an approved master plan. Per Section 2.9 C of the City of Southport Unified Development Ordinance, the Planning Board shall review the proposal and transmit a formal recommendation to the Board of Aldermen. The Board of Aldermen is the final decision maker on all Master Development Plans within the City of Southport.

A PUD requires an amendment to the City's zoning map in conjunction with the approval of the master development plan. Applications for both the master development plan and rezoning are submitted concurrently. The master plan outlines the framework for development within the PUD, including intended uses, dimensional standards for parking, landscaping, design guidelines, and buffers. The proposal must comply with the design guidelines provided in Section 4.15 of the Unified Development Ordinance.

When evaluating the application for a PUD zoning district, the Planning Board and the Board of Aldermen shall consider the following:

- a) The application's consistency to the general policies and objectives of the City's Comprehensive Plan, any other officially adopted plan that is applicable, and the Unified Development Ordinance.
- b) The potential impacts and/or benefits on the surrounding area and adjoining properties.

The Planning Board will provide a recommendation to the Board of Aldermen.

Prior to the Board of Aldermen's consideration of a change, a public hearing must occur on a set day and time. The hearing is notified to adjacent property owners by mail, published in a local newspaper of general circulation, and posted on the property for two (2) consecutive weeks, not less than 10 days and not more than 25 days before the hearing.

The Board of Aldermen may adopt the approval, conditional approval, or denial of the rezoning after the duly advertised public hearing and upon the approval of a plan consistency statement and a statement of reasonableness.

Following an affirmative decision by the Board of Aldermen, the official zoning map will be updated to PUD, and all development shall follow the approved master development plan.

LAND USE PLAN CONSISTENCY

The 2014 CAMA Land Use Plan (LUP), along with subsequent updates, is the plan that is used for policy decisions in the City. The Planning Board and Board of Aldermen shall consult the plan's policies when considering a zoning change. Further, each rezoning must be recommended and ultimately adopted with a statement describing if the action is consistent or inconsistent with the adopted land use plan.

Policy 2.1 "...rezonings and amendments in classifications to the future land use map should be carefully balanced with a demonstrated need for such proposed development

The modified master development plan proposes a gated single-family development with private streets.

Policy 6.1: Southport supports the interconnectivity of residential and non-residential subdivisions through the enforcement of street design standards contained in the UDO.

The modified master development plan is not consistent with the land use policy above or with the requirement of subdivisions to provide interconnectivity with existing streets.

The following policy supports the proposed rezoning request.

Policy 2.4: Southport will permit residential development to occur in response to market needs provided the following criteria are met:

- 1) Due respect is offered to all aspects of the environment.
- 2) Concurrent planning for improvements to community facilities, infrastructure, and services provided.

This policy is appropriate for the site due to the unique characteristics of the tract of land and changing development patterns on Robert Ruark Drive.

STAFF'S RECOMMENDATION

City Planning Staff submit the proposed Modification of a Planned Unit Development and Zoning Map Amendment to the Planning Board to consider a recommendation to the Board of Aldermen in accordance with the standards and processes laid out within the City of Southport Unified Development Ordinance. The application has been deemed complete and is eligible for review.

The proposal appears to be inconsistent with the 2014 CAMA Core Land Use Plan but is reasonable due to the physical conditions, and other attributes of the area and there are changing conditions that may warrant the amendment. An amendment to a master development plan and rezoning that is inconsistent with adopted plans can be recommended for approval if the Planning Board recognize that they are doing so and

there is documentation of the reasoning for the decision. The statement of reasonableness shall consider the following factors:

- i. the size, physical conditions, and other attributes of the area proposed to be rezoned;
- ii. the benefits and detriments to the landowners, the neighbors, and the surrounding community;
- iii. the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
- iv. why the action taken is in the public interest; and
- v. any changed conditions warranting the amendment.

You do not have to consider each of the factors, as not all will be appropriate for every zoning amendment.

Attachments:

- 1) Applications – Zoning and Planned Unit Development
- 2) Proposed Plat with Private R/W and proposed gated entrances
- 3) Applicant's Summary of the proposed amendment and accompanying documents
- 4) Consistency Statements



Zoning Map Amendment

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461

www.southportnc.org

Planning & Inspections

Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

PERMIT No. ZMA 24-02 FEE: \$ 6,700 Date Received: 6/27/24

Applicant's Name: Cades Cove Homeowners' Association; Rick Jones, President 2024

Mailing Address: 407 Lord Thomas Avenue (HOA), 828 Cades Trail (Rick); City: Southport

State: NC

Zip Code: 28461

Phone: 914-714-5039

Email: rickcadescove@gmail.com

Property Owner's Name: SAME AS ABOVE

Address of Owner: _____ City: _____

State: _____ Zip Code: _____ Phone: _____

Email: _____

Project Name: CADES COVE ZONING REVISION: public to private access

Project Address and/or Description of Location: _____

Parcel ID #: _____ Number of Lots: _____ Site Acreage: _____

Current Zoning District: _____ Proposed Zoning District: _____

Please describe the changing conditions in the area or in the City of Southport that makes the proposed amendment necessary to the promotion of the public health, safety and general welfare, or that identifies an obvious error in the zoning map based upon the zoning classification or current land use of surrounding properties. Also include an explanation on why the proposed zoning is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary)

Cades Cove Homeowners Association wishes to change the zoning of our development from public to private. As the development evolved, the streets were dedicated to the city in nine separate 15-year dedications. By 2024, four of those nine have expired, including from the Robert Ruark entrance well past the four-way stop at Lord Thomas and the section of Lord Thomas whose terminus is adjacent to the BHI/Indigo Phase II property.

The developers abandoned Cades Cove in 2016 after receiving back \$190,000 of their \$365,000 bond to the City of Southport. This was done without having all the streets finished or having the stormwater system inspected by the City or State. The remaining \$175,000 bond was largely used by CCHOA to repair sinkholes in the stormwater system (and then repaving).

The residents agree to take over responsibility from the City, saving Southport valuable funds. In turn, we would like the opportunity to regulate the wear and tear on our streets, both currently from cut-through traffic, and in the future with the present development of Osprey Landing and eventually the Indigo II property. The expansion of 211 where 4 lanes go down to two at Ruark will likely exacerbate this problem.

We value being engaged members of the Southport community but look to gate our Robert Ruark entrance to achieve the goal of enhanced safety for residents and guests while reducing wear and tear on our roads.

In filing this Rezoning 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.

Richard D. Jones

Signature (Owner or Authorized Applicant)

February 5, 2024

Date

APPROVED BY:

Maureen Melhan

UDO Administrator

6/27/24

Date



**City of Southport Planning Board
Statement of Plan Consistency and Zoning Recommendation
(As per NC General Statute 160D-604)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

AMENDMENT: ZMA 24-02

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends **approval** of the proposed Zoning Map Amendment to the Board of Aldermen and finds that it is consistent with the City's 2014 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 2.3:** Southport supports quality development reflecting a spectrum of housing needs, from low-end (affordable) residences to high-end (luxury) residences. Further, the Planning Board finds that the proposed text amendment is reasonable due to the size, physical conditions, and other attributes of the area.

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgins, Chairman



Executive Summary

Cades Cove Rezoning Request

Originally submitted February 2024, updated June 2024

Our Ask:

Cades Cove seeks to privatize our neighborhood with the intention of placing a gate at our Robert Ruark entrance. We would like to better control the wear and tear on our streets and to improve safety for our residents, their children, grandchildren and guests. In turn, the Cades Cove Homeowners' Association will assume the cost of maintaining quality roads. This will save the City of Southport nearly a quarter of a million dollars upfront based on a recent estimate provided to one of our residents from the Assistant City Manager (estimate developed by the City Engineer). There will also be substantial savings in ongoing maintenance for Southport.

Document Contents:

- 1) Executive Summary and Our Ask
- 2) Articles of Incorporation Amendment approved by CCHOA membership September 2022
 - a. Appending the streets as Common Area, developed by LawFirmCarolinas
 - b. Permitting our Board to levy assessments for their maintenance and care
- 3) PUD Amendment – submitted to Southport 10/10/23
- 4) PUD Amendment Letter and Rationale
- 5) Rezoning Document – submitted to Southport January 2024
- 6) Rezoning Document Attachments
- 7) Plat Plans – newly updated by Stroud Engineering to reflect private status
- 8) Condition of Streets – CCHOA assurance that streets will remain in quality condition
- 9) Financial Accountability – our assurance that we will have resources and strategic plans that permit us to afford the assumption of responsibility for our streets on an ongoing basis

Board of Directors, Cades Cove Homeowners' Association
Rick Jones, President, 914-714-5039, rickcadescove@gmail.com



3 Return to Black Slaughter & Black Type Mail
Total 26 Rev Int.
Ck \$ 26 Ck # 1256 Cash \$
Refund Cash \$ Finance
☐ Portions of document are illegible due to condition of original.
☐ Document contains seals verified by original instrument that cannot be reproduced or copied.

Prepared by/mail to: Harmony W. Taylor, Law Firm Carolinas 1927 S. Tryon St. Suite 100 Charlotte NC 28203

BRUNSWICK COUNTY
NORTH CAROLINA

**NINTH AMENDMENT TO THE
DECLARATION OF COVENANTS,
CONDITIONS, AND RESTRICTIONS
FOR CADES COVE**

This NINTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CADES COVE is made this 4th day of October, 2022, by Cades Cove Homeowners' Association, Inc.

WITNESSETH:

WHEREAS, the Declarant subjected Cades Cove (the "Property") to the Declaration of Covenants, Conditions, and Restrictions for Cades Cove recorded in Deed Book 2337, Page 1407 of the Brunswick County Registry and amendments to the same, including but not limited to the following (collectively, the "Declaration"):

- a) Book 2338, Page 1;
- b) Book 2485, Page 0466;
- c) Book 2532, Page 0733;
- d) Book 2636, Page 0020;
- e) Book 2803, Page 0337;
- f) Book 3616, Page 0997;
- g) Book 3715, Page 0683;

WHEREAS, the Declaration applies to and runs with the land described in the Plat Books and Pages of the Brunswick County Register of Deeds, including but not limited to the following:

- a) Book 34, Page 279;
- b) Book 35, Page 115;
- c) Book 40, Page 83;
- d) Book 50, Page 71;
- e) Book 71, Page 28;

- f) Book 75, Page 73;
- g) Book 78, Page 98;
- h) Book 80, Page 3;
- i) Book 84, Page 24;
- j) Book 85, Page 20;
- k) Book 85, Page 21;
- l) Book 85, Page 33;
- m) Book 86, Page 96;

WHEREAS, NCGS § 47F-2-117 states that the declaration may be amended only by affirmative vote or written agreement signed by lot owners of lots to which at least sixty-seven percent (67%) of the votes in the association are allocated, or any larger majority the declaration specifies. The percentage required for passage per the Declaration is sixty-seven percent (67%), and such approval has been obtained.

NOW THEREFORE, the Declaration of Covenants, Conditions, and Restrictions for Cades Cove is amended as follows:

Amend ARTICLE II (“COMMON AREA PROPERTY RIGHTS”) to add a new Section 4 (“Private Roads”) to read as follows:

Section 4. Private Roads. Notwithstanding any language or provision within the Declaration, Articles of Incorporation, or Bylaws of the Association to the contrary, or any dedication or language contained on any recorded plat of real property within the Cades Cove subdivision, the Board of Directors shall have the authority to take any and all actions necessary to:

(1) withdraw offers of dedication of any portions of the Properties to the public for public roads, which right the Association shall exclusively exercise on behalf of itself and the Owners within the Properties;

(2) undertake any and all actions related to the withdrawal of such an offer of dedication on behalf of the Association and the Owners within the Properties;

(3) maintain, repair, and replace the roads which are located on the Properties in perpetuity as private roads, for the use and enjoyment of the Owners and their tenants, guests and invitees;

(4) to collect assessments for the purposes recited herein in the same manner as other assessments under the terms of applicable law and the Declaration, Bylaws, and Articles of Incorporation, as amended; and

(5) to otherwise take any and all actions related to the private roads which the Association deems it to be appropriate to take.



All other terms and conditions contained in the Declaration shall remain unchanged.

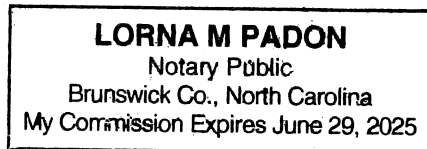
CADES COVE HOMEOWNERS' ASSOCIATION,
INC.

By: Thomas Rawson Hale
THOMAS RAWSON HALE, President

STATE OF NORTH CAROLINA
COUNTY OF Brunswick

I, a Notary Public of the County and State aforesaid, certify that Thomas Rawson Hale personally came before me this day and acknowledged that he is President of Cades Cove Homeowners' Association, Inc., and that he, President, being authorized to do so, executed the foregoing on behalf of Cades Cove Homeowners' Association, Inc.

WITNESS my hand and official stamp or seal, this 4th day of October, 2022.



Lorna M. Padon
Notary Public

Lorna M. Padon
Printed Name

My commission expires: June 29, 2025



Planned Unit Development Permit

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461

www.southportnc.org

Planning & Inspections

Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

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

Applicant's Name: Laura Howell on behalf of: Cades Cove HOA Board of Directors

Mailing Address: _____ City: Southport

State: NC Zip Code: 28461 Phone: 703-483-1681

Email: Emma4H@gmail.com Rickcadescove@gmail.com

Property Owner's Name: N/A

Address of Owner: _____ City: _____

State: _____ Zip Code: _____ Phone: _____

Email: _____

Property Address: N/A City: _____

Parcel Size (acres): _____ Number of Dwellings: _____

Open Space Area: _____ Right-of-way Area: _____

Surveyor: N/A License #: _____

Mailing Address: _____ City: _____

Page 2 of 2 State: _____ Zip Code: _____ Phone: _____

Email: _____

Per Section 2.9 of the UDO, the purpose of A Planned Unit Development (PUD), is planned and developed as an integral unit, in a single development operation or a definitely programmed series of development

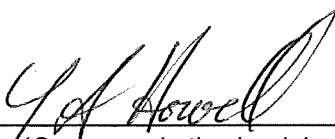
operations and according to an approved master development plan. All PUDs require an amendment to the city's zoning map and master development plan approval, followed by the major subdivision approval process as specified in this ordinance.

The minimum amount of land (unified control to be planned and developed as a whole) required for a PUD district shall be eight (8) acres of net buildable area within the city corporate limits, on one or more contiguous parcels or 25 acres of net buildable area in the ETJ, on one (1) or more parcels (this may include parcels on both sides of a street).

Application and Planned Unit Development Review Procedure is found in Section 2.9.C

Minimum Dimensional Standards:

1. Lot area. Not less than 60 percent of the minimum lot area which would normally be required under the single-family standards of the prevailing zoning district.
2. Lot width. 40 feet.
3. Lot frontage. 40 feet, except on the radius of a cul-de-sac where such distance may be reduced to 20 feet.
4. Public or private street setback. No principal or accessory structure shall be closer than 10 feet to a public street right-of-way or private street easement.
5. Side yard setback. Not less than 8 feet. Dwellings which do not utilize zero lot line provisions shall maintain a minimum side setback of not less than six (6) feet.
6. Rear yard setback. Not less than 15 feet.
7. Building separations. No portion of any principal structure shall be located less than 10 feet from any accessory structure as measured to the closest point.
8. Periphery boundary setback. No principal or accessory structure shall be located less than 25 feet from the peripheral boundaries of the development.
9. Maximum height. 40 feet.
10. Detached accessory structure requirements.
 - a) Shall not be located within any front yard setback;
 - b) Shall not be located within five (5) feet of any other accessory structure;
 - c) Shall not cover more than twenty (20) percent of any side or rear yard; and
 - d) The side or rear yard requirement for detached accessory structures shall not be less than five (5) feet.
 - e) Shall not be greater than 30 feet in height.



Signature (Owner or Authorized Applicant)

9-27-2023

Date

APPROVED BY:

UDO Administrator

Date



Laura Howell
President, Cades Cove Homeowners' Association
832 Cades Trail
Southport, NC 28461

October 10, 2023

Ms. Bonnie Therrian
City Manager
City of Southport
1029 N. Howe St.
Southport, NC 28461

Dear Ms. Therrian:

The Board of Directors of the Cades Cove Homeowners' Association is pleased to submit to you, Dorrie Dutton and Brady Herman our application to change the PUD for Cades Cove per the letter we received from Travis Henley in June. Specifically, we are seeking to change the neighborhood from "public" to "semi-private" for the immediate priority to place a gate at our entrance off Robert Ruark.

We also are providing a two-page explanation and rationale for this submission. We look forward to discussing this with City Staff, counsel, Planning Board and Board of Alderman.

We and our counsel are prepared to move forward with this request at your earliest convenience and welcome the chance to arrange an in-person meeting sometime this month.

With warmest regards.

Laura Howell
President, CCHOA

cc: Ms. Dorothy Dutton
Mr. Brady Herman
Mr. Rick Jones, CCHOA Vice-President



Cades Cove Homeowners' Association **PUD Modification Amendment Rationale**

The Cades Cove Homeowners' Association (CCHOA) requests to amend the PUD for our 99-home community, changing our streets' status from **public access** to **private**. We would like to **place a gate at the Robert Ruark entrance only**, with the Caswell entrance at Lord Thomas to remain open. Emergency vehicles will have total access through both entrances. We are seeking this modification to ensure **pedestrian safety** of our community, to **reduce the wear and tear** of our streets and the associated costs from cut through traffic.

REASONING

CCHOA would like to remain an active part of the Southport Community. For many years cut-through traffic has posed a pedestrian safety concern for our citizens, many of whom are seniors, and visitors (particularly grandchildren).

CCHOA has funded many steps to mitigate speed and cut through issues in our community. We have installed speed bumps and added stops signs to no avail. We've also consulted with Chief Coring on these matters.

HISTORY

Cades Cove was begun by Blake Family Builders in 2004. It was approved as a Planned Residential Development and the first houses were built in 2006. Through Blake and successor company Cardinal Builders, the streets were dedicated to the City in nine specific sections, each with a 15-year expiration. As of May 2023, four of those nine have expired without Southport taking any action to accept the streets. These include the ones at the Robert Ruark entrance and one at the terminus of Lord Thomas adjacent to the BHI/Indigo 2 property.

In 2013, Cardinal's posted bond with the City of Southport was for \$365,000. That bond was returned and replaced with a \$175,000 bond (from a different financial backer) for reasons unknown. This occurred without a stormwater inspection as seemingly suggested in Southport's UDO and without streets completed or fully paved. Cardinal Builders abandoned Cades Cove not long after the bond was reduced from \$365k to \$175k.

In 2016, residents took over management of the HOA. The remaining bond was used for stormwater and sinkhole repair, plus related expenses. Additionally, Cardinal had delinquent back taxes with Brunswick County of \$9,579.45 that the residents wound up paying.

In June 2018, the residents of Cades Cove approved securing a loan for \$400,000 to finish our streets and the myriad of other infrastructure projects that Cardinal Builders did not complete. Hurricane Florence hit in September of that year and caused the collapse of inferior stormwater pipes installed by Blake that

were the outflow of our storm water system from our retention pond to Cottage Creek. These repair costs absorbed the majority of the loan fund. We were only able to pave the entrance at Robert Ruark to the four-way stop at Lord Thomas. Cades Cove will be paying on this loan until 2026 without the remaining streets being repaired or paved.

FUTURE

Osprey Landing (200 homes) has been approved and its infrastructure is in place. The Main egress is onto Robert Ruark. More cut-through traffic is likely. Indigo Phase II is directly adjacent to Cades Cove and significantly exacerbates our concerns of still more cut through traffic and the consequential pedestrian safety of our residents, plus the resulting additive wear and tear of our streets. The expansion of 211 continues. With the four lanes becoming two where 211 meets Robert Ruark, additional cut-through traffic would appear likely.

WHERE TO NEXT?

On advice of counsel, CCHOA created an amendment to our Articles of Incorporation in August 2022 to make our streets common ground, allowing our Board to make assessments as needed. Ninety of 99 households participated in the vote with 83 voting in the affirmative and only 7 in the negative.

Our Infrastructure Team has met with multiple suppliers on gate design. We will likely employ a swing gate with codes that permit passage for emergency vehicles, delivery services and school buses. The area will permit passage for walkers and bicycles as we want to keep connectivity with the community. The Ruark entrance will be available for vehicular traffic for residents, guests, vendors and emergency vehicles. The Lord Thomas entrance at N. Caswell will remain fully open.

If the City approves our plan, we will submit building permits and work closely with City staff to make sure all municipal requirements are met, including Police and Fire Departments.

We look forward to working closely with City staff, Planning Board, and the Board of Alderman for what we believe to be a sensible proposal to help protect one of Southport's very important neighborhoods. Thank you.

Board of Directors, Cades Cove Homeowners' Association

Rick Jones, 2024 President, 914-714-5039, rickcadescove@gmail.com

Laura Howell, 2023 President, 703-483-1681, emma4h@gmail.com



Zoning Map Amendment

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461

www.southportnc.org

Planning & Inspections

Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

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

Applicant's Name: Cades Cove Homeowners' Association; Rick Jones, President 2024

Mailing Address: 407 Lord Thomas Avenue (HOA), 828 Cades Trail (Rick); City: Southport

State: NC

Zip Code: 28461

Phone: 914-714-5039

Email: rickcadescove@gmail.com

Property Owner's Name: SAME AS ABOVE _____

Address of Owner: _____ City: _____

State: _____ Zip Code: _____ Phone: _____

Email: _____

Project Name: CADES COVE ZONING REVISION: public to private access _____

Project Address and/or Description of Location: _____

Parcel ID #: _____ Number of Lots: _____ Site Acreage: _____

Current Zoning District: _____ Proposed Zoning District: _____

A complete application for any amendment shall contain a description of the proposed zoning regulation or zoning map amendment. The application shall state in detail whether the proposed amendment is consistent with the CAMA Core Land Use Plan and any other officially adopted plan that is applicable. The application shall also give detailed evidence that the proposed amendment is in the interest and will benefit the general public and not solely be of benefit to the applicant; that the uses within the proposed zoning district are similar or comparable to the uses in the district as currently zoned, or that none of the uses permitted in the proposed zoning district may potentially adversely affect property values or the health, safety, morals, or general welfare of the residents of the surrounding area. Such application shall be filed with the Administrator to be processed in accordance with Section 2.7.D of the UDO.

The Planning Board and Board of Aldermen may consider the following when deciding: Impact on neighbors and neighborhood, traffic, environment, utilities, suitability of land, harmony with area, schools, economic impact, tax base increase, spot zoning created, road capacity, adequate infrastructure, community opinion, property values, consistency with the Land Use Plan, future land use map, jobs, public services, buffering requirements, environmental impact, site limitations, and consistency with plans and prior decisions. The Boards cannot consider ethnicity, income of future residents, owner vs. renter housing, or who the owner is when deciding.

If the proposed change would require a change in the zoning map, attach an accurate diagram of the property proposed for rezoning showing:

- A. Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerline;
- B. Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines, shall be construed as following such lines, limits, or boundaries;
- C. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;
- D. Where a district boundary divides a lot each part of the lot or tract so divided shall be used in conformity with the regulations established by this ordinance for the district in which said part is located, nor shall a change in lot line be construed to have modified a zoning district boundary;
- E. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- F. Where any further uncertainty exists, the UDO Administrator shall interpret the intent of the map as to location of such boundaries.

Future Land Use Map Designation: _____

Is the proposed zoning consistent with the Land Use Plan? (Check One and Describe Below):

☒ **Yes** ☐ **No**

Also see attached Appendix with additional details and photographs.

Please describe the changing conditions in the area or in the City of Southport that makes the proposed amendment necessary to the promotion of the public health, safety and general welfare, or that identifies an obvious error in the zoning map based upon the zoning classification or current land use of surrounding properties. Also include an explanation on why the proposed zoning is or is not consistent with the Land Use Plan and other adopted plans (Attach separate sheet if necessary)

Cades Cove Homeowners Association wishes to change the zoning of our development from public to private. As the development evolved, the streets were dedicated to the city in nine separate 15-year dedications. By 2024, four of those nine have expired, including from the Robert Ruark entrance well past the four-way stop at Lord Thomas and the section of Lord Thomas whose terminus is adjacent to the BHI/Indigo Phase II property.

The developers abandoned Cades Cove in 2016 after receiving back \$190,000 of their \$365,000 bond to the City of Southport. This was done without having all the streets finished or having the stormwater system inspected by the City or State. The remaining \$175,000 bond was largely used by CCHOA to repair sinkholes in the stormwater system (and then repaving).

The residents agree to take over responsibility from the City, saving Southport valuable funds. In turn, we would like the opportunity to regulate the wear and tear on our streets, both currently from cut-through traffic, and in the future with the present development of Osprey Landing and eventually the Indigo II property. The expansion of 211 where 4 lanes go down to two at Ruark will likely exacerbate this problem.

We value being engaged members of the Southport community but look to gate our Robert Ruark entrance to achieve the goal of enhanced safety for residents and guests while reducing wear and tear on our roads.

In filing this Rezoning 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.

Richard D. Jones

Signature (Owner or Authorized Applicant)

February 5, 2024

Date

APPROVED BY:

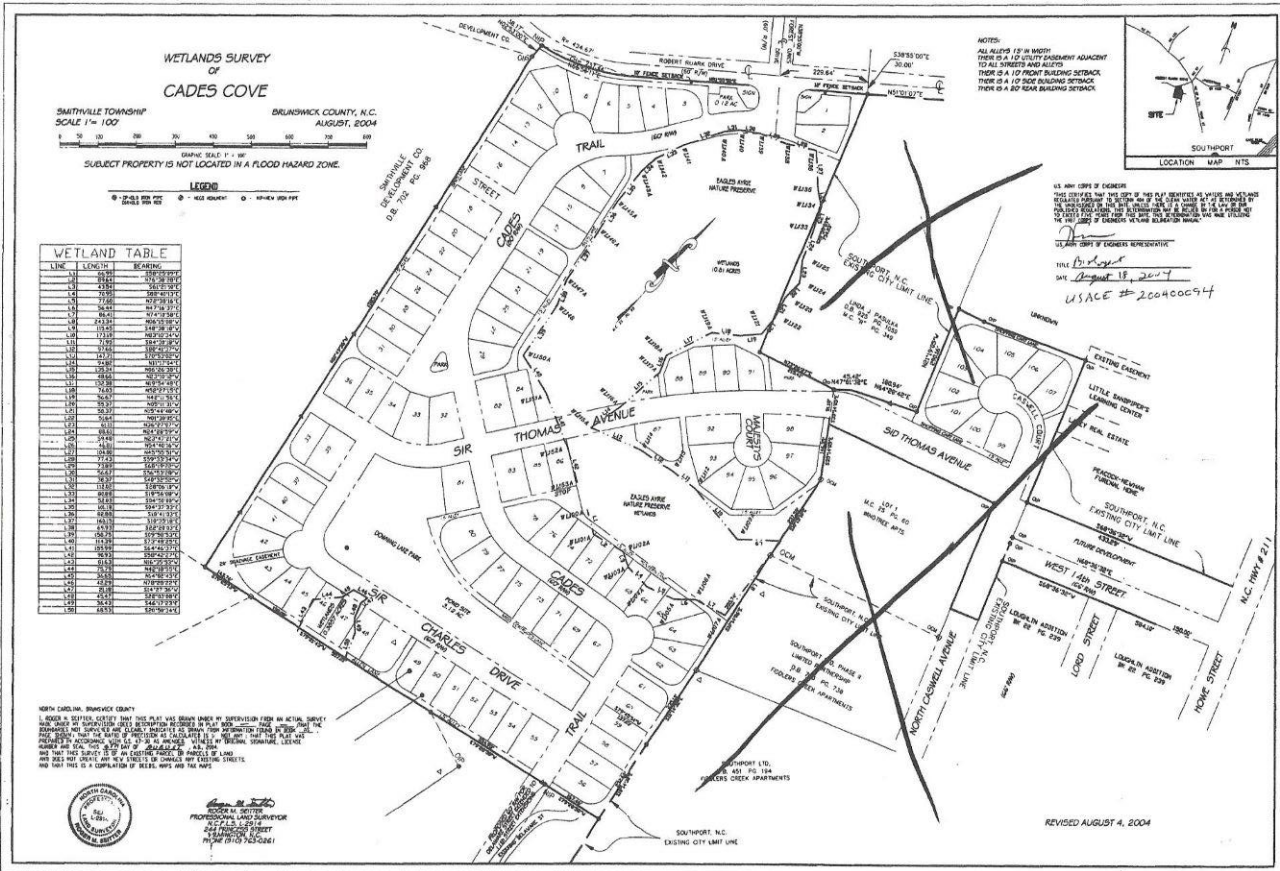
UDO Administrator

Date

CADES COVE PLAT PLAN 2004 GATE POSITION AT RUARK ENTRANCE (Top Center of Plan)

30 / 534

Brunswick County-Register of Deeds
Robert J. Robinson
Book 30 page 534
08/26/2004 02:44:05pm Rec'd 2599



map cabinet: 30 page: 534 2:44:05 p.m. 8/26/04 \$21.00 By



**Cades Cove Homeowners' Association
2024 Southport Zoning Amendment**

Appendix

February 5, 2024

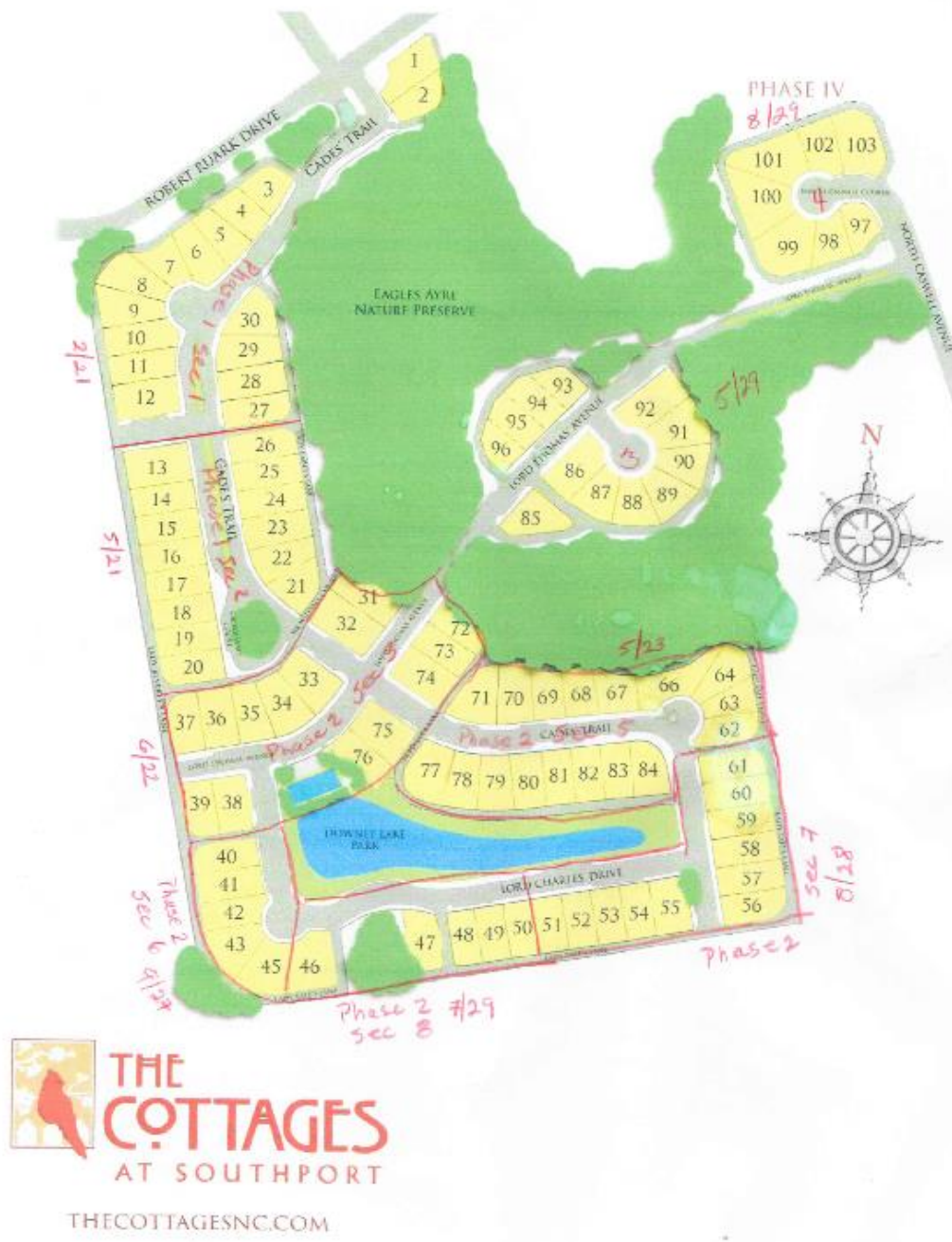
INDEX

- 1) Cades Cove by Lot**
- 2) Nine street dedications with expiration dates**
- 3) Potential Gate Designs**
 - a. Home Place**
 - b. Old Southport**
- 4) Robert Ruark approach to Cades Trail, left turn lane**
- 5) Initial gate specifications, subject to change on final design and bids**
- 6) Entrance gate positioning**
 - a. From Ruark**
 - b. From Cades Trail**
- 7) Exit on to Ruark from Cades Trail**

THE COTTAGES
AT SOUTHPORT

THECOTTAGESNC.COM

STREET DEDICATIONS
NINE PHASES



 **THE COTTAGES**
AT SOUTHPORT
THECOTTAGESNC.COM

GATE EXAMPLES
HOME PLACE & OLD SOUTHPORT
(Final CCHOA design TBD zoning approval)



**ROBERT RUARK APPROACH TO CADES TRAIL
APPROXIMATELY 110 FEET OF LEFT TURN LANE
(Transponder on pillar to left)**



INITIAL GATE SPECIFICATIONS

(Will be finalized on final bids, submitted for building permit)

PHOTOS TO FOLLOW:

- Entrance and exit each measure approximately 26 feet, separated by a 19' area of foliage and the entrance pillar.
- The distance from each external pillar to the pavement is 17.5 feet comprised of matching fencing with possible swing gate for pedestrians and bicycles.
- The entrance gate is about 60 feet from Ruark; the exit approximately 30 feet.
- View of entrance from Ruark:
 - B represents 2 inward swinging 5' high electric gates.
 - B-C shows matching fence from gate to front of entrance.
 - C-D is the fence and gate from pavement to pillar.

DETAILS:

- Gates will both swing inward, due to positioning of power sources.
- Gates will be operated by homeowners and necessary personnel via long range remotes, basically the same as garage door openers.
- There will also be keypad consoles to enter 4-digit codes on both the entrance and exit.
- The gate we ultimately select will be equipped with emergency sensors so first responders can enter without delay.
- Delivery services and school buses can receive remotes or special codes as they prefer. Final gate specs will be subject to review by City Staff, Fire and Police.

GATE POSITIONING RUARK ENTRANCE

View from Ruark, center island at left



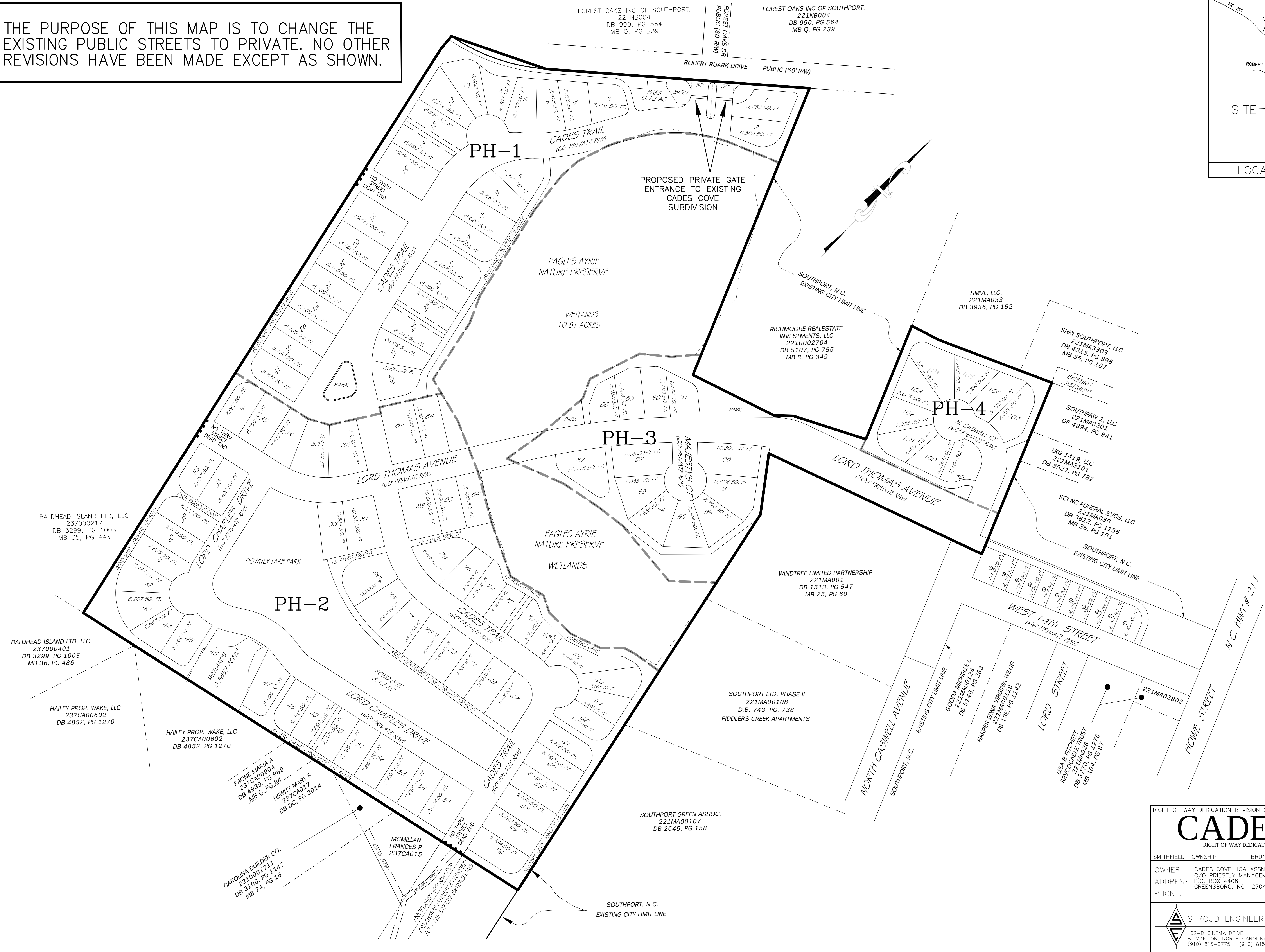
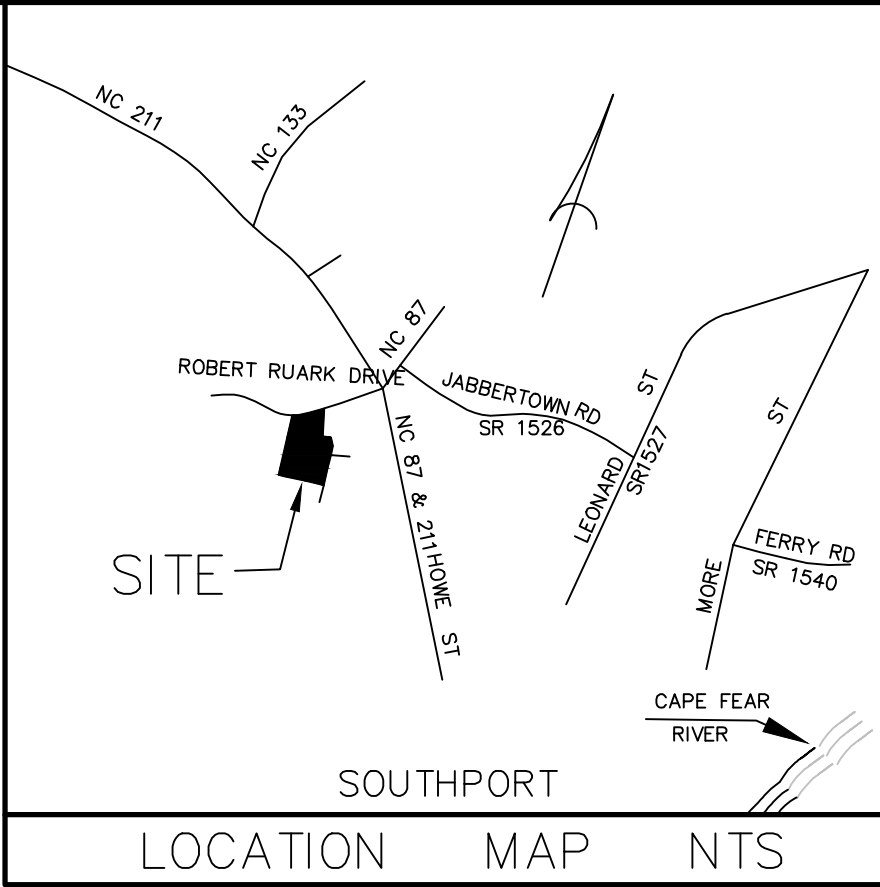
View from Cades Trail (center island at right, then exit)



EXIT ON TO RUARK FROM CADES TRAIL



THE PURPOSE OF THIS MAP IS TO CHANGE THE
EXISTING PUBLIC STREETS TO PRIVATE. NO OTHER
REVISIONS HAVE BEEN MADE EXCEPT AS SHOWN.



RIGHT OF WAY DEDICATION REVISION CONCEPT EXHIBIT		
CADES COVE RIGHT OF WAY DEDICATION REVISION CONCEPT EXHIBIT		
SMITHFIELD TOWNSHIP	BRUNSWICK COUNTY	NORTH CAROLINA
OWNER: CADES COVE HOA ASSN. INC. C/O PRIESTLY MANAGEMENT	DESIGNED: TLL	
ADDRESS: P.O. BOX 4408 GREENSBORO, NC 2704-4408	DRAWN: TLL	
PHONE:	APPROVED: JHF	
 STROUD ENGINEERING, P.A. 102-D CINEMA DRIVE WILMINGTON, NORTH CAROLINA 28403 (910) 815-0775 (910) 815-0593 FAX <i>C-0647</i>		
DATE: 6/7/2024		
SCALE: 1" = 100'		
SHEET 1 OF 1		



Cades Cove – Condition of Streets

The streets in Cades Cove meet or exceed the standard found in Southport streets. In 2018, the City Manager and City Planner (Bruce Oakley and Thomas Lloyd at the time) indicated that the streets in our Phase III and IV (Majesty's Court, Lord Thomas and No. Caswell Court) were acceptable to the City should the City decide to accept the streets (which they did not).

As mentioned in our PUD amendment submitted in October 2023, Cardinal Builder's posted bond with the City of Southport in 2013 was for \$365,000. That bond was returned and replaced with a \$175,000 bond (from a different financial backer) for reasons unknown. This occurred without a stormwater inspection as seemingly suggested in Southport's UDO and without streets completed or fully paved. Cardinal Builders abandoned Cades Cove not long after the bond was reduced from \$365k to \$175k.

The remaining bond balance was used largely for stormwater and sinkhole related expenses, not paving. All expenses were approved by the City Planner.

In 2018, CCHOA secured a \$400,000 line of credit in order to finish the infrastructure items not completed when the developer abandoned Cades Cove. Over half of this money went to stormwater related issues, largely because of Hurricane Florence damage (sinkholes, replacement of the stormwater outflow pipe from Downey Lake toward the Cottage Creek outflow, alley repaving).

Once the stormwater damage was repaired, we spent over \$150,000 to pave Cades Trail from the Robert Ruark entrance to the 4-way stop at Lord Thomas. Our Board believes the quality of paving of the section of Cades Trail from the Ruark entrance to Lord Thomas is superior to most of the streets in the City, with the likely exception of the recent paving of Howe Street. Insufficient funds remained to pave the balance of Cades Trail or Lord Charles.

After these expenses, all subsequent Boards believed that we should not be held accountable to pave the balance of the streets as a) Southport returned \$190,000 in bond to the developer who abandoned us and b) we have no control over the wear and tear of our streets.

In conclusion, Cades Cove has shown great resolve in maintaining and enhancing the quality of our neighborhood. We look forward to finishing paving the balance of our Phase II section once Southport gives us the right to control the wear and tear on our streets. It will be at the same quality level of the rest of the neighborhood.

May 2024



Cades Cove (CCHOA) – Financial Accountability

Cades Cove homeowners assumed responsibility from our developers in 2016, just prior to Cottage Builders abandoning this development, unfinished. Among our first orders of business was to commence creation of a Reserve Study that looked at our future infrastructure needs, including finishing what the developer did not, as well as maintaining our first-class neighborhood well into the future.

Our first Reserve Study development was led by William Veno, a recently retired Cades Cove resident who spent his career in economic forecasting and analytics, largely in the energy sector. He holds master's degrees from both Dartmouth and Columbia. He was assisted by two other residents, one a retired Colonel from the U.S. Army Corps of Engineers and the other an analytics and engineering expert who worked for both Lockheed Martin and the National Bureau of Standards.

Mr. Veno continues to oversee and maintain the Reserve Study's analytical tools and the assessment of their implications for CCHOA over the next 20 years, hand-in-hand with our Infrastructure Committee.

Additionally, our initial Board of Directors commissioned an independent, third-party Transition Study by Raleigh-based Criterium-Giles Engineers who have conducted many of these studies for homeowners' associations across North Carolina. The Giles Study confirmed the forecasts by Mr. Veno and our Board.

CCHOA created and manages both Operating and Reserve budgets and bank accounts. Both are funded by monthly assessments (dues) paid by our 99 homeowners as well as fees when a house sells in Cades Cove. We also have occasional special assessments. Our current monthly dues are \$177/household allocated as follows: Operating \$108, Reserve \$18, Loan Service \$51.

In 2018, CCHOA secured a \$400,000 line of credit from North State Bank. Our accounts receivable was used as collateral. The HOA has successfully been paying down the LOC and will be completely paid off in May 2026. Our annualized payment is just over \$61,000. While future Boards may decide differently, the current strategic plan is that those funds, post-May 2026, will be directed to building up our Reserves.

Should the Aldermen approve our privatization initiative, it is likely that the costs of gating and the final paving of our Phase II will be funded largely through a special assessment among residents until the anticipated 2026 increase in our reserve funds. We will tighten up the funding requirements once final design and competitive bids are received for these two initiatives.

June 2024



**City of Southport Planning Board
Statement of Plan Consistency and Zoning Recommendation
(As per NC General Statute 160D-604)**

When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

AMENDMENT: ZMA 24-02

STATEMENT OF CONSISTENCY AND RECOMMENDATION:

The City of Southport Planning Board hereby recommends **denial** of the proposed Zoning Map Amendment to the Board of Aldermen and finds that it is inconsistent with the City's 2014 CAMA Core Land Use Plan originally adopted Nov. 13, 2014 and subsequently amended by the Southport Board of Aldermen and not reasonable due to the size, physical conditions, and other attributes of the area and is not in the public interest for the amendment.

The statement and motion was seconded and passed _____.

Tanya Shannon, Deputy City Clerk

Sue Hodgins, Chairman



Development Services Department

Upon review of the file for the Cades Cove community as well as current and previous development regulations and North Carolina General Statutes, City of Southport Development Services Staff have come to the following determination:

- The City of Southport is not involved in the Cades Cove community's desire to rescind the public dedication of its streets. If the community can meet the statutory requirements necessary to rescind the public dedication for its streets, doing so does not create a violation of any City of Southport ordinances; provided, however, the City has the right to retain any and all City easements within these streets and the Cades Cove community if the dedicated streets are rescinded. (See G.S. 160A-299(g) and G.S. 136-96).
- The placement of a gate or other impediment to the public's ability to use the rights-of-way within the community would be considered a violation of Cades Cove's original development approval for the following reasons:
 - The introduction of a structure not shown on any approved map or plat of the community without zoning approval; and
 - The introduction of a gate that would result in the prohibition of the public's ability to travel the roadways, when the approval granted to the community included the provision that all roadways would be dedicated for public use.
- The Cades Cove community may request a revision to its original approval to include the addition of a gate(s) and to revise the street dedication from public to private. Doing so would be considered a major modification per Section 2.6.J of the City of Southport Unified Development Ordinance, and the process shall follow the provisions laid out for original approval of Planned Unit Developments. Such process shall include an application to amend the Planned Unit Development and a rezoning request to modify the PUD zoning district, and the Board of Aldermen shall be the final decision maker in a legislative process following a public hearing.

Pursuant to the Unified Development Ordinance, this determination is subject to appeal to the Board of Adjustment within 30 days of receipt of it. Should you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Travis Henley", is written over a light blue horizontal line.

Travis Henley – Director

Development Services

City of Southport, NC

910-457-7900 x1008

thenley@cityofsouthport.com

STAFF REPORT FOR TURTLE BAY MAJOR SUBDIVISION PRELIMINARY PLAT REVIEW

APPLICATION SUMMARY	
Presentation Date	August 15, 2024 Planning and Zoning Board
Applicant	East Coast Engineering, P.C. Jackson Starling, PE
Property Owner	Turtle Bay at Southport, LLC Bob Weinbach and Terrance Ando
Parcel ID:	22100017
Project Acreage	54.09 acres
Parcel Acreage	54.09 acres
Zoning District	Planned Unit Development

PROJECT OVERVIEW

Jackson Starling, applicant, on behalf of Turtle Bay at Southport, is requesting approval of the Turtle Bay Subdivision Preliminary Plat consisting of 100 single-family lots. The subdivision will be developed in two (2) phases. Phase 1 will consist of 59 lots and Phase 2 will consist of 41 lots.

LOCATION

Subject property is located on NC 87 (River Road) to the north of Rob Gandy Boulevard, south of Duke Energy, and east of Hwy 211 (N Howe Street). This property is located within the Southport city limits and can be further identified by Brunswick County Parcel ID 22100017.



REVIEW PROCESS

A major subdivision preliminary plat review provides analysis and coordination of a proposed subdivision with the local UDO, transportation facilities, and utility availability. Per Section 2.8.E of the City of Southport Unified Development Ordinance, the Planning Board shall review the proposal and transmit a formal recommendation to the Board of Aldermen.

A Preliminary Plat approval conveys the authority to begin construction of infrastructure associated with the proposed subdivision, including such items as roadways, water and sewer utilities, sidewalks, etc. It does not convey any authority to construct dwellings or any other buildings. Upon completion of the installation of infrastructure, the applicant shall submit a Final Plat application. The review of the Final Plat includes site inspections by various City staff to determine if infrastructure has been installed in accordance with the Preliminary Plat. Upon a positive determination from those inspections, the Final Plat shall be considered by the Board of Aldermen. Upon approval by the Board of Aldermen, the Final Plat shall be recorded with the Brunswick County Register of Deeds, and such will convey the authority to begin to obtain building permits for structures.

PRELIMINARY PLAT

This proposal was first approved as a Planned Unit Development and Master Development Plan in June 2024. It shall meet all the requirements listed in Appendix A of the UDO and the required improvements found in Section 4.7 of the Unified Development Ordinance.

Dimensional Requirements

The parcel of land has a total of 54.09 acres. The density of the proposed subdivision is 1.85 dwelling units/acre, which meets the maximum density of 6 du/acre as laid out within the Unified Development Ordinance. Further, there are 10.88 acres of open space, which meets the existing 20% requirement for all PUDS.

The following lot dimensions were approved in the Master Development Plan:

Minimum Lot Size: 12,000 SF (60% of the minimum lot area for R-20)

Minimum Lot Width: 75' (exceeds the minimum 40' width requirement)

Setbacks: Front – 10', rear – 15', side – 8' (minimum setbacks allowed)

Utility Easement: 10' along all side lot lines (provides 10' building setback for primary and accessory structures)

Periphery Boundary Setback: 25'

Section 4.7.D lists the Required Improvements for Subdivisions. The following discussions will outline how the applicant has met the eight (8) requirements, including other provisions necessary for approval found in the UDO.

Transportation and Streets

Access to the site is provided from a main gated entrance from NC 87. There is a siren-activated fire apparatus entrance located at the southern edge of the property. There are

50' Right of Ways with 24' paved roadways. The proposed right-of-way widths are less than is required by the Unified Development Ordinance. However, the reduced widths were reviewed and approved by the fire chief at the Technical Review Committee meeting on December 19, 2023. All streets will be private rights-of-way and constructed to meet the requirements of Section 4.8.

Block lengths do not exceed 1500 linear feet with intersections at nearly right angles. Proposed cul-de-sacs do not exceed 750 feet in length and meet the turn-around radius requirements. Further, a turn-around is part of the street that exceeds 150 feet in length.

A traffic impact analysis is required for any development that will generate more than 500 trips per day. The proposed subdivision will generate approximately 1000 trips per day. A traffic impact analysis was completed to show the impact of the proposal and provide recommended improvements for access to the site. The recommendations include the construction of a southbound right-hand turn lane on NC 87, the construction of a northbound left turn lane on NC 87, and the construction of the driveway to applicable NCDOT standards with adequate site distance. These recommended improvements are included on the site plan.

Lighting

The applicant is required to install street lighting with underground distribution along all proposed streets. Per statements made by the applicant on the site plan, a lighting plan is being prepared by Brunswick Electric Member Cooperation. A lighting plan meeting the standards of Section 3.16 of the City of Southport Unified Development Ordinance and Chapter 4 Article 5 of the City Code of Ordinances shall be required and installations shall be inspected for conformance to the approved lighting plan prior to final plat approval.

Street Name Signs and Cluster Mailboxes

The applicant will install street signs, both traffic control and name signs, and shall meet all applicable regulations.

A cluster mailbox kiosk has been identified on the site plan at the rear of the property adjacent to the open space park space. There are ten (10) parking spaces provided for the mail kiosk and open space facilities. Parking facility landscaping is not required per Section 3.17.G since there are not more than 10 parking spaces. The landscape plan includes landscaping within the parking area.

Pedestrian Facilities

Per Section 4.11, sidewalks are required on both sides of the street for subdivisions with more than 20 lots. In lieu of placing sidewalks on both sides of the street, the subdivider may install a connected multi-use path network with a minimum width of eight (8) feet along one side of the street connecting to recreation and open space area. The applicant has provided an 8' multi-path network with a delineated ten (10) foot connections at street crossings.

Water Supply and Sewage Disposal Systems

The county will provide both water and sewer to this subdivision. There were no comments or concerns from the county representative who had the opportunity to review the proposal prior to the December TRC meeting. The preliminary plat has been sent to Brunswick County for review.

Erosion and Sedimentation, Drainage Control Facilities, and Stormwater

The applicant shall comply with all requirements of Article 6 of the City of Southport Unified Development Ordinance and all requirements of the North Carolina Sedimentation Pollution Control Act. The design of the system will be reviewed and approved by the City Engineer and Public Services Department. Detailed plans have been forwarded to the City Engineer and will be approved prior to any ground-disturbing activities.

All permits from the N.C. Department of Environmental Quality shall be obtained prior to commencing construction.

Recreation and Open Space

As stated previously, the applicant has provided 10.88 acres of open space, excluding wetlands. This meets the 20% requirement for PUDs. The open space forms a single parcel, except where a connecting corridor of open space is not less than 30 feet wide. The noncontiguous areas account for less than 50% of the required open space allocation.

All open space areas will be owned and maintained by the homeowner's association.

Landscaping and Buffers

A street buffer has been included in the land scape plan providing 1 canopy tree per 50', 2 understory trees every 20', 2 shrubs every 100'. Further, existing vegetation will be preserved along the property frontage which includes a variety of mature canopy and understory trees.

Tree Protection and Landscape Preservation

A tree removal plan has been submitted showing the required tree removal zone and tree safe zone/lot preservation. Tree removal zones are those areas that show the impact to utilities, infrastructure, and drainage improvements. The Tree Impact Plan on pages TP1.0 – TP1.2 depict the limits of grading and tree removal. The existing trees on individual lots will remain until building permits are submitted for development.

There is a total caliper of 2670" DBH proposed for removal within the roadways, mail and open space parking area, grading limits, and stormwater pond site. Mitigation plans include planting a total caliper of 2685" DBH of canopy trees to meet the mitigation requirements. In addition to the required mitigation plantings, there are landscape plans for the open space/mail kiosk parking area and for the subdivision entrance.

All proposed plantings meet the requirements for planting sizes and species.

Signage

All future signs associated with the project shall require separate review and approval by the Planning Staff based on conformance with Section 3.19 of the City of Southport Unified Development Ordinance.

STAFF'S RECOMMENDATION

City Planning Staff submit the proposed Major Subdivision Preliminary Plat to the Planning Board to consider a recommendation to the Board of Aldermen in accordance with the standards and processes laid out within the City of Southport Unified Development Ordinance. The application has been deemed complete and is eligible to be approved.

Attachments:

- 1) Application
- 2) Site Plan with Phases
- 3) Tree Removal Plan and Landscape Plan
- 4) Utility Plan
- 5) Stormwater Plan



Major Subdivision Preliminary Plat Application

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461
www.southportnc.org

Planning & Inspections
 Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

PERMIT No. N/A FEE: \$ 11,000

Date Received: July 15, 2024

Proposed/Approved Name of Development: Turtle Bay at Southport

Applicant's Name: East Coast Engineering, P.C.

Mailing Address: PO Box 2469 City: Shallotte

State: NC Zip Code: 28459 Phone: 910-754-8029

Email: jstarling@eces.biz

Location of the property: 0.5 Miles North from intersection of NC-211 & NC-87

Parcel No.: 22100017 Overall Acreage: 54.09 Number of lots (include remnant): 100

Property Owner's Name: Turtle Bay at Southport, LLC

Address of Owner: 5106 Lancome Ct.

Phone: _____

City: Wilmington State: NC Zip Code: 28409

Email: terrysando@gmail.com

Surveyor: Port City Land Surveying, PLLC. Registration #: P-1493

Mailing Address: 1144 Shipyard Blvd. City: Wilmington

State: NC Zip Code: 28412

Phone: 910-791-0080 Email: portcitylandsurveying@gmail.com

A Major Subdivision Preliminary Plat Application is required for Subdivisions and/or divisions of land not qualifying as exempt or as a minor subdivision.

Submission Requirements for a Major Subdivision Preliminary Plat Application are found in Appendix A.1 of the Southport UDO.

A Major Preliminary Plat submitted to the city of Southport shall include the following required certificates:



Certificate of Survey and Accuracy



Certification of Board of Aldermen Approval



Certificate of Purpose of Plat

CERTIFICATE OF SURVEY & ACCURACY & PURPOSE
OF PLAT TO BE INCLUDED ON FINAL PLAT PREPARED
BY SURVEYOR.



Signature (Owner or Authorized Applicant)

7-15-2024

Date

APPROVED BY:



UDO Administrator

7/22/2024

Date



1. BRICK TYPE, SIZE AND PATTERN SHALL BE COORDINATED WITH CITY OF SOUTHPORT. TYPICAL BRICK PAVER 4" X 8" X 2-3/4" HERRINGBONE PATTERN
2. PAVERS SHALL MEET OR EXCEED ASTM C1272 STANDARD SPECIFICATION FOR HEAVY VEHICULAR PAVING BRICK TYPE "T".
3. CONCRETE HEADER TO BE 3000 PSI, BROOM FINISH, 3" RADIUS ON EDGES AND FLUSH WITH ASPHALT AND PAVERS. CONTROL JOINTS AT +/- 5' O.C. (EQUAL SPACING). CONCRETE TO BE POURED AFTER COMPACTION OF STONE SUB-BASE.
4. WELDED WIRE MESH REINFORCEMENT SHALL BE 6X6 WITH 4.0/4.0 AND FREE OF OIL, DIRT AND DEFECTS AND SHALL BE PROTECTED FROM DAMAGE. WIRE SPLICES SHALL OVERLAP 12 INCHES AND BE TIED TOGETHER AND SUPPORTED IN PLACE.



1. SIDEWALKS ARE REQUIRED ALONG ALL ARTERIAL, COLLECTOR, SUB-COLLECTOR, LOCAL, AND OTHER THROUGH TRAFFIC STREETS IN ALL RESIDENTIAL SUBDIVISIONS WITH AN AVERAGE LOT WIDTH OF UP TO 80 FEET (EXCLUDING CORNER LOTS) PLATED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE SAID SIDEWALKS ARE TO BE INSTALLED ON ONE SIDE OF THE STREET.
 - 1.1. SUCH WALKWAYS WOULD SERVE THE RESIDENTS OF THE DEVELOPMENT AS ADEQUATELY AS CONCRETE SIDEWALKS; AND
 - 1.2. SUCH WALKWAYS WOULD BE MORE ENVIRONMENTALLY DESIRABLE OR MORE IN KEEPING WITH THE OVERALL DESIGN OF THE DEVELOPMENT.
- 1.2.1. THE MINIMUM WIDTH OF A SIDEWALK SHALL NOT BE LESS THAN EIGHT FEET, THE MINIMUM THICKNESS OF A SIDEWALK SHALL BE FIVE INCHES, SIDEWALKS SHALL BE A UNIFORM SLOPE PERPENDICULAR TO THE CURB OF NOT LESS THAN ONE-FOURTH INCH PER FOOT NOR GREATER THAN ONE-HALF INCH PER FOOT TOWARD THE ROADWAY, THE UTILITY STRIP BETWEEN THE SIDEWALK AND THE BACK OF CURB SHALL NOT BE LESS THAN ONE-HALF INCH PER FOOT NOR GREATER THAN THREE-FOURTHS INCH PER FOOT TOWARD THE ROADWAY.
- 1.2.2. SIDEWALKS SHALL BE INSTALLED DURING ROADWAY CONSTRUCTION AND/OR REVENING, WHERE A SIDEWALK INTERSECTS WITH A DRIVEWAY ACCESS, THE SIDEWALK SECTION SHALL BE SIX INCHES THICK. ALL SIDEWALKS AND GREENWAYS SHALL MEET THE CURRENT AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS.
- 1.2.3. SIDEWALKS SHALL BE PORTLAND CEMENT CONCRETE HAVING A 28 DAY STRENGTH OF 3000 PSI WHEN TESTED.



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Fax: 910.754.8049



LOT LAYOUT DETAILS
FOR
TURTLE BAY
SOUTHPORT, NORTH CAROLINA

FINAL DESIGN
FOR APPROVAL

C3.0



Revisions

7-15-2024 Revision to lot layout as shown.

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TREE IMPACT PLAN
FOR
TURTLE BAY
SOUTHPORT, NORTH CAROLINA

Date: 11-9-2023

Scale: AS SHOWN

Drawn By: MGB

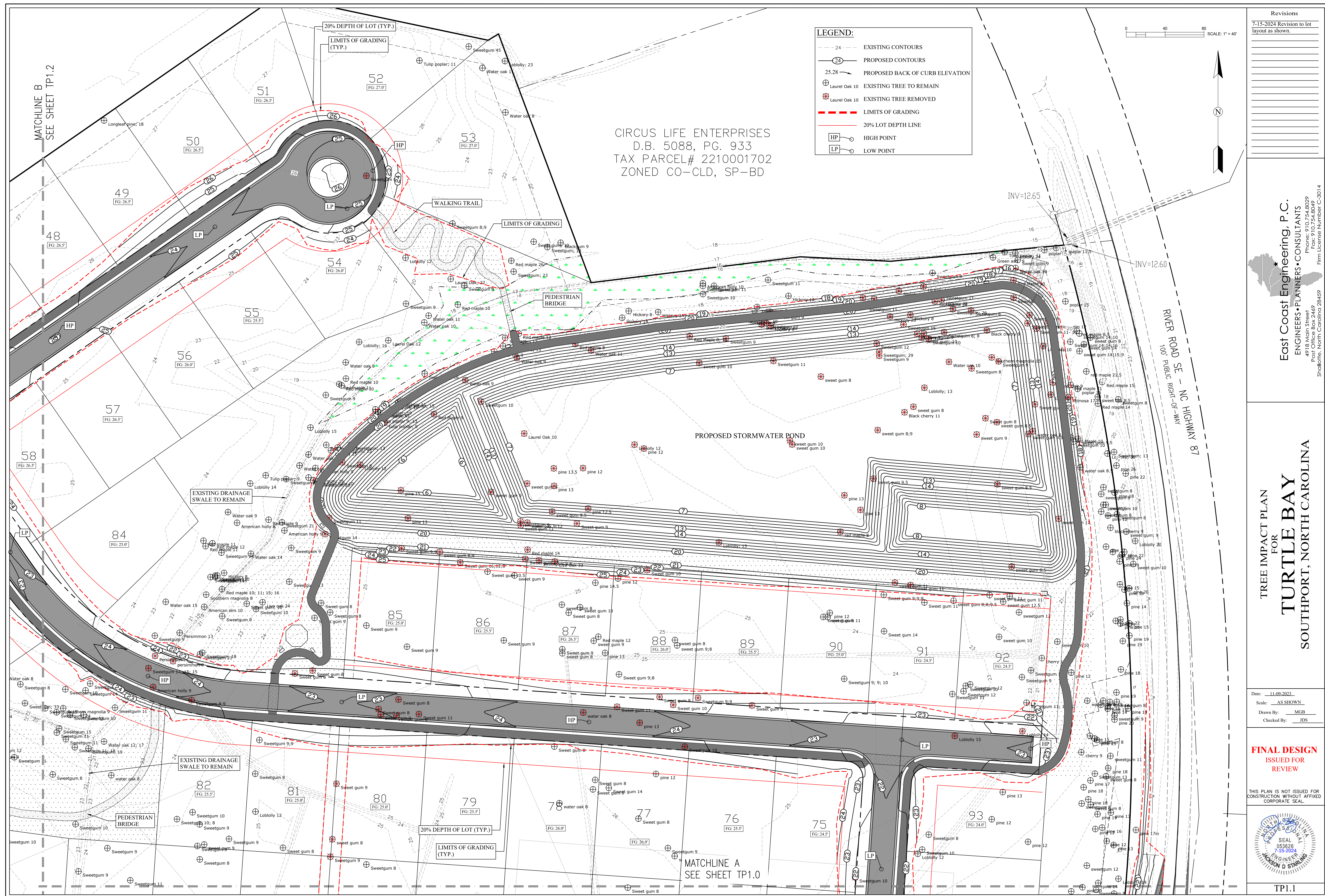
Checked By: JDS

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PROFESSIONAL
SEAL
053626
7-15-2024
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JACKSON D STALLING

TP1.0

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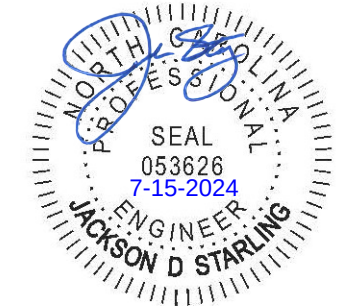
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TREE IMPACT PLAN
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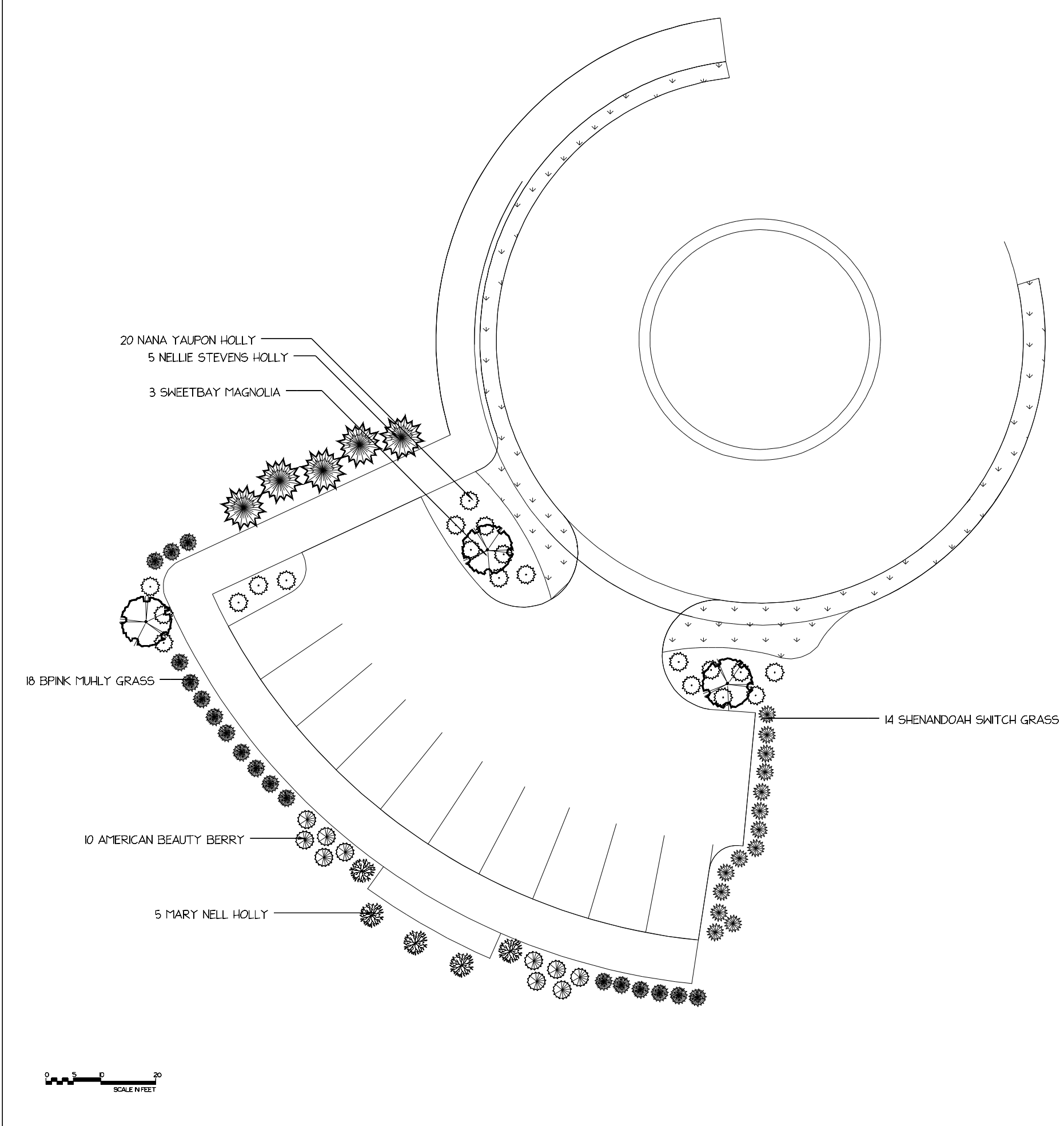


TP1.1

MAIL KIOSK PLANTINGS: 20"
TOTAL: 2685" REPLACED



MAILBOX KIOSK PLANTING AREA



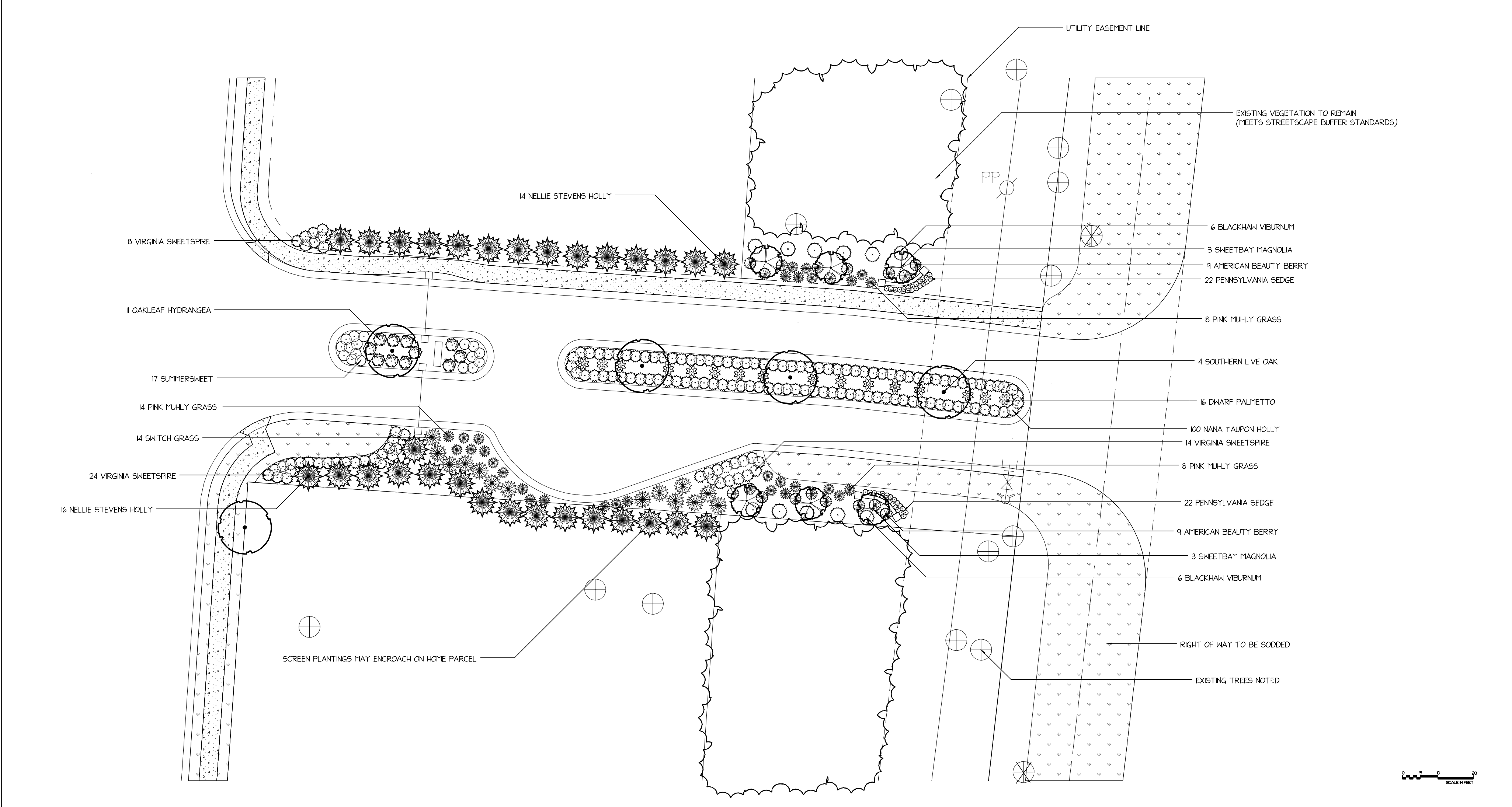
MAILBOX AREA PLANTING KEY

Qty	Botanical Name	Common Name	Size/Condition	Remarks
Trees				
3	Magnolia virginiana	SWEET BAY MAGNOLIA	2.5" Caliper Single Stem	
Shrubs				
20	Ilex vomitoria 'Nand'	NANA YAUPON HOLLY	3 Gallon 16" Height	
5	Ilex 'Nellie Stevens'	NELLIE STEVENS HOLLY	2.5" Caliper	
10	Callicarpa americana	AMERICAN BEAUTY BERRY	3 Gallon 16" Height	
5	Ilex x 'Mary Nell'	MARY NELL HOLLY	7 Gallon 36" Height	
Ornamental Grasses				
18	Muhlenbergia capillaris	PINK MUHLY GRASS	3 Gallon 12" Height	
14	Panicum virgatum 'Shenandoah'	SHENANDOAH SWITCH GRASS	3 Gallon 12" Height	

FRONT ENTRANCE PLANTING KEY

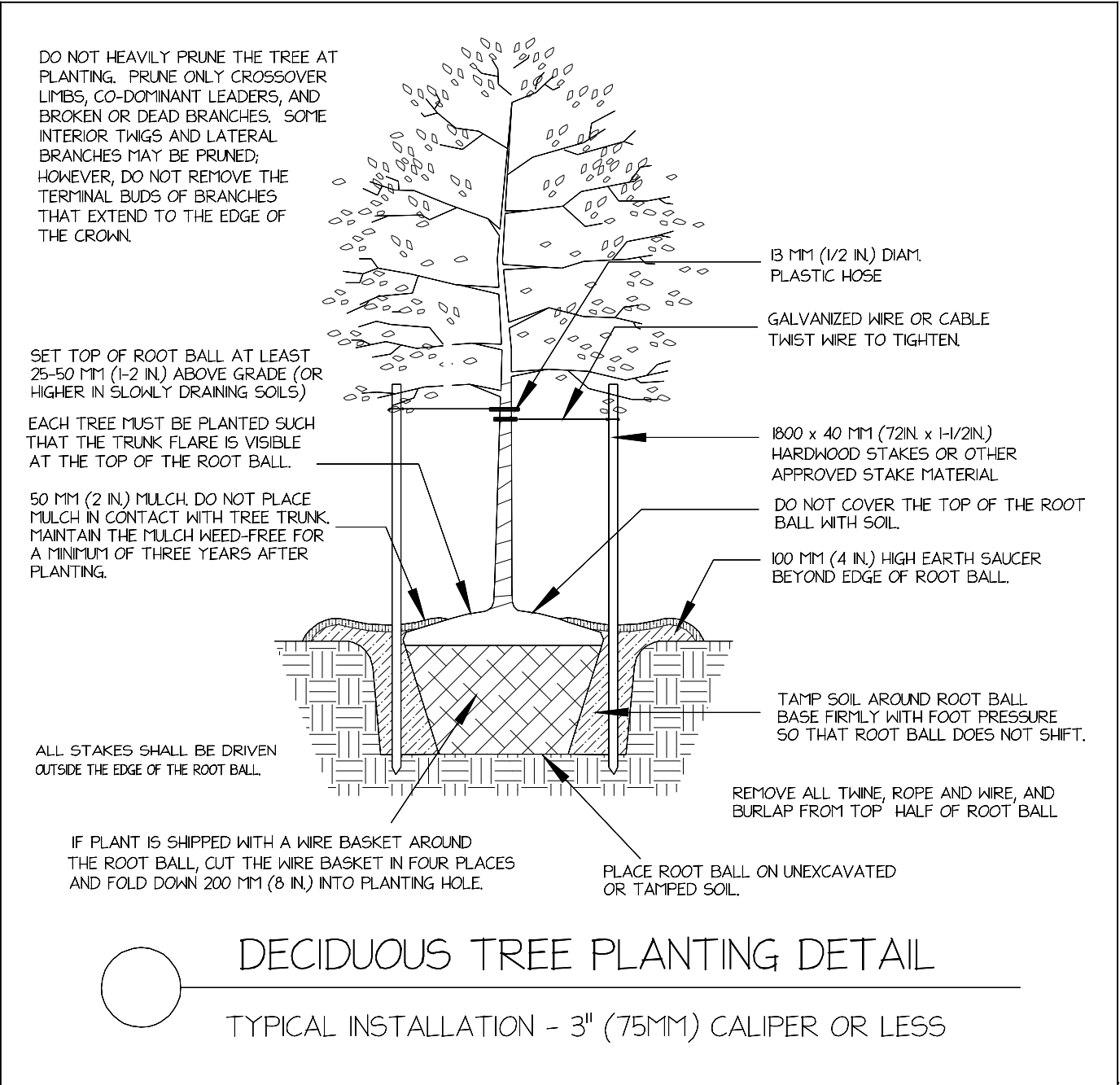
Qty	Botanical Name	Common Name	Size/Condition	Remarks
Trees				
4	Quercus virginiana	SOUTHERN LIVE OAK	7" Caliper 22' Height	
6	Magnolia virginiana	SWEET BAY MAGNOLIA	2.5" Caliper Single Stem	
Palms				
16	Sabal minor	DWARF PALMETTO	7 Gallon 36" Height	
Shrubs				
46	Itea virginica	VIRGINIA SWEETSPIRE	3 Gallon 16" Height	
30	Ilex 'Nellie Stevens'	NELLIE STEVENS HOLLY	2.5" Caliper	
100	Ilex vomitoria 'Nand'	NANA YAUPON HOLLY	3 Gallon 12" Height	
12	Viburnum prunifolium	BLACKHAW VIBURNUM	15 Gallon 48" Height	
11	Hydrangea quercifolia	OAKLEAF HYDRANGEA	3 Gallon 16" Height	
17	Clethra alnifolia	SUMMERSWEET	3 Gallon 12" Height	
18	Callicarpa americana	AMERICAN BEAUTY BERRY	3 Gallon 16" Height	
Ornamental Grasses				
14	Panicum virgatum	SWITCH GRASS	3 Gallon 12" Height	
44	Carex pensylvanica	PENNSYLVANIA SEDGE	1 Gallon Container	
30	Muhlenbergia capillaris	PINK MUHLY GRASS	3 Gallon 12" Height	

FRONT ENTRANCE MONUMENT/PLANTING



GENERAL LANDSCAPE NOTES

TIFWAY 419 BERMUDA SOD TO BE USED IN ALL TURF AREAS
PLANT MATERIAL SHALL MEET OR EXCEED STANDARD NURSERYMAN'S SPECIFICATIONS
DOWNSIZING OR SUBSTITUTIONS ARE NOT ALLOWED WITHOUT PRIOR APPROVAL
DAMAGED, ROOT BOUND, OR UNHEALTHY APPEARING NON-SPECIMEN MATERIAL SHALL NOT BE ACCEPTED
THIS PROJECT INCLUDES BUT IS NOT LIMITED TO SITE PREPARATION, FURNISHING OF ALL MATERIAL, LABOR, EQUIPMENT, SOIL AMENDMENTS, ETC REQUIRED FOR COMPLETE LANDSCAPE INSTALLATION
ALL UTILITIES SHALL BE LOCATED BY CONTRACTOR PRIOR TO CONSTRUCTION
IRRIGATION PROPOSAL SHALL BE PROVIDED BY THE CONTRACTOR AND DESIGNED BY A CERTIFIED IRRIGATION DESIGNER. ALL PLANT MATERIAL SHALL BE DRIP IRRIGATION AND SOD AREAS SPRAY IRRIGATED.
PLANTED AREAS AND DISTURBED NATURAL AREAS SHALL RECEIVE A 3" MINIMUM LAYER OF BROWN HARDWOOD MULCH. DEBRIS SHALL BE REMOVED FROM ALL NATURAL AREAS. WEEDS SHALL BE ERADICATED AND REMOVED FROM ALL NATURAL AREAS. DAMAGED AND DEAD TREE LIMBS SHALL BE REMOVED FROM ALL EXISTING TREES.
EQUIPMENT ACTIVITY, FILL OR ANY DISTURBANCE IN EXISTING TREE ROOTZONE AREAS SHALL BE AVOIDED WHENEVER POSSIBLE. THIS PLANTING PLAN ILLUSTRATES THE OVERALL DESIGN INTENT BUT MAY REQUIRE PLACEMENT ADJUSTMENTS.
PLANTING PROCEDURES SHALL MEET OR EXCEED THE HIGHEST HORTICULTURAL PRACTICES IN THE LANDSCAPE INDUSTRY. CONTRACTOR IS RESPONSIBLE FOR ASSURING ALL REQUIRED PERMITS, IF ANY ARE IN PLACE PRIOR TO COMMENCING WORK. THIS PLAN WAS DESIGNED WITH UTMOST CONSIDERATION TO MINIMIZE MAINTENANCE BUT REGULAR MAINTENANCE WILL BE REQUIRED TO PRESERVE THE APPEARANCE AND TO PROMOTE THE PROPER GROWTH OF THE PLANT MATERIAL. THE SCHEDULED MAINTENANCE SHOULD BE PERFORMED BY EXPERIENCED AND KNOWLEDGEABLE LANDSCAPE GARDENERS.



PLANTING DETAILS FOR:

TURTLE BAY NEIGHBORHOOD

SOUTHPORT
NORTH CAROLINA

1

DRAWING #

7/11/24

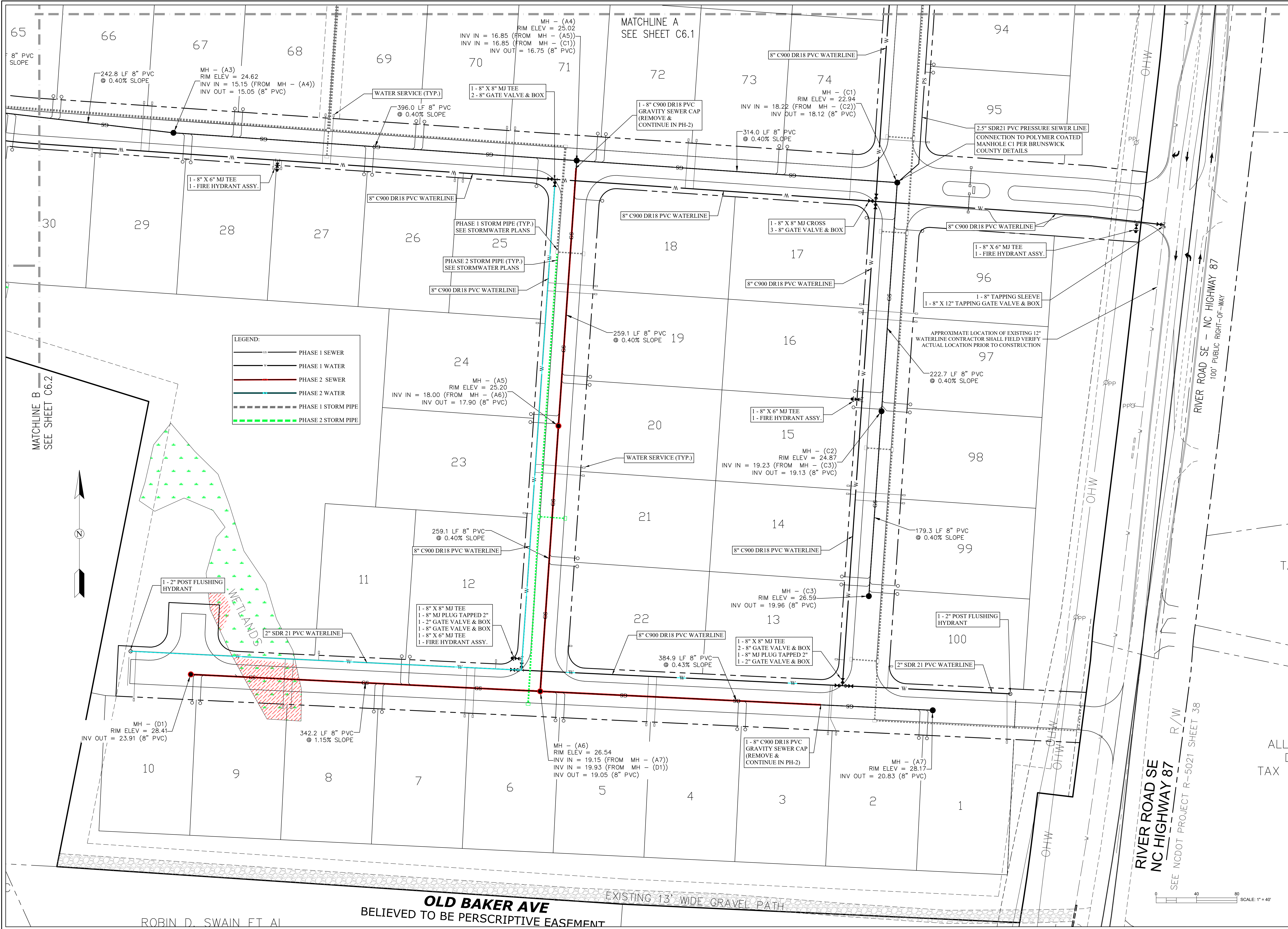
DATE

1"=100'

SCALE



L-2



Revisions

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UTILITY PLAN
FOR
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SOUTHPORT, NORTH CAROLINA

Date: 07-12-2024
Scale: AS SHOWN
Drawn By: MGB
Checked By: JDS

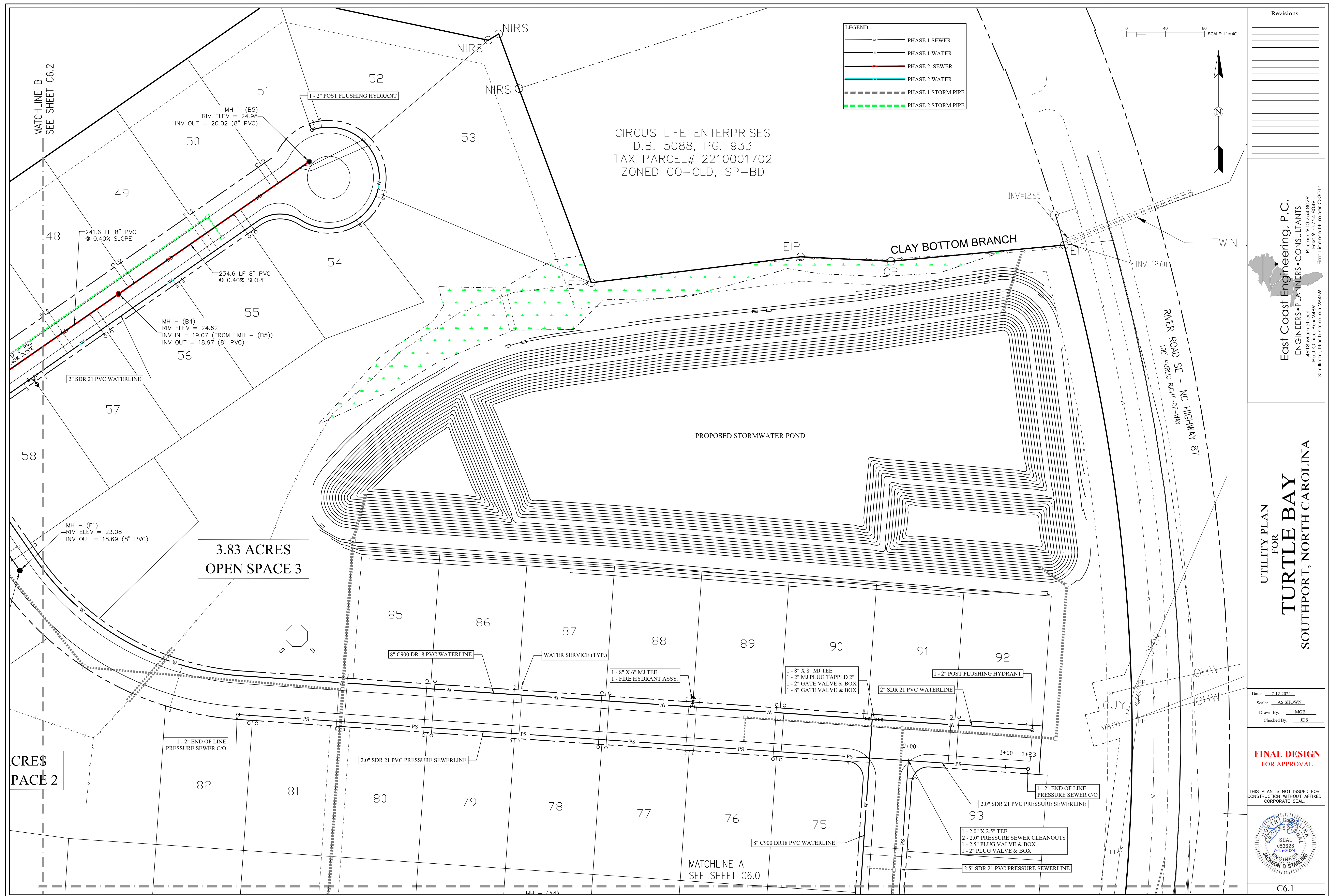
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JACKSON D STARKING

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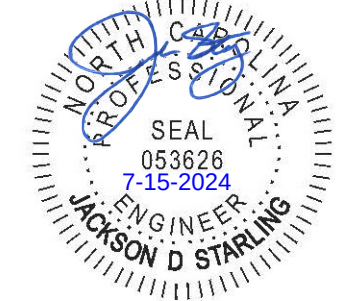
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UTILITY PLAN FOR TURTLE BAY SOUTHPORT, NORTH CAROLINA

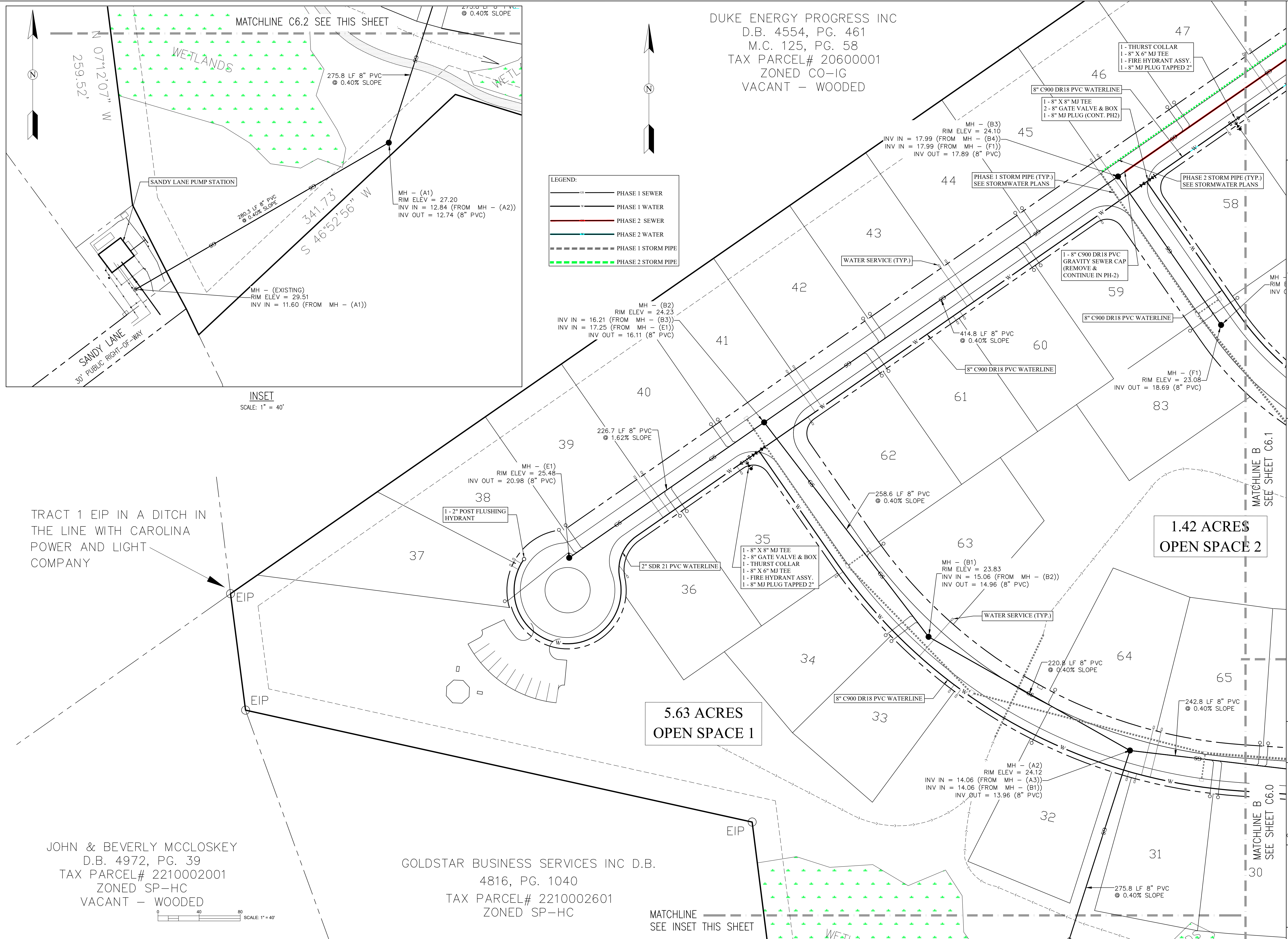
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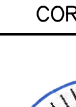
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UTILITY PLAN
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STORMWATER PLAN
FOR
TURTLE BAY
SOUTHPORT, NORTH CAROLINA

DATE: 7-12-2024
SCALE: AS SHOWN
DRAWN BY: MGB
CHECKED BY: JDS

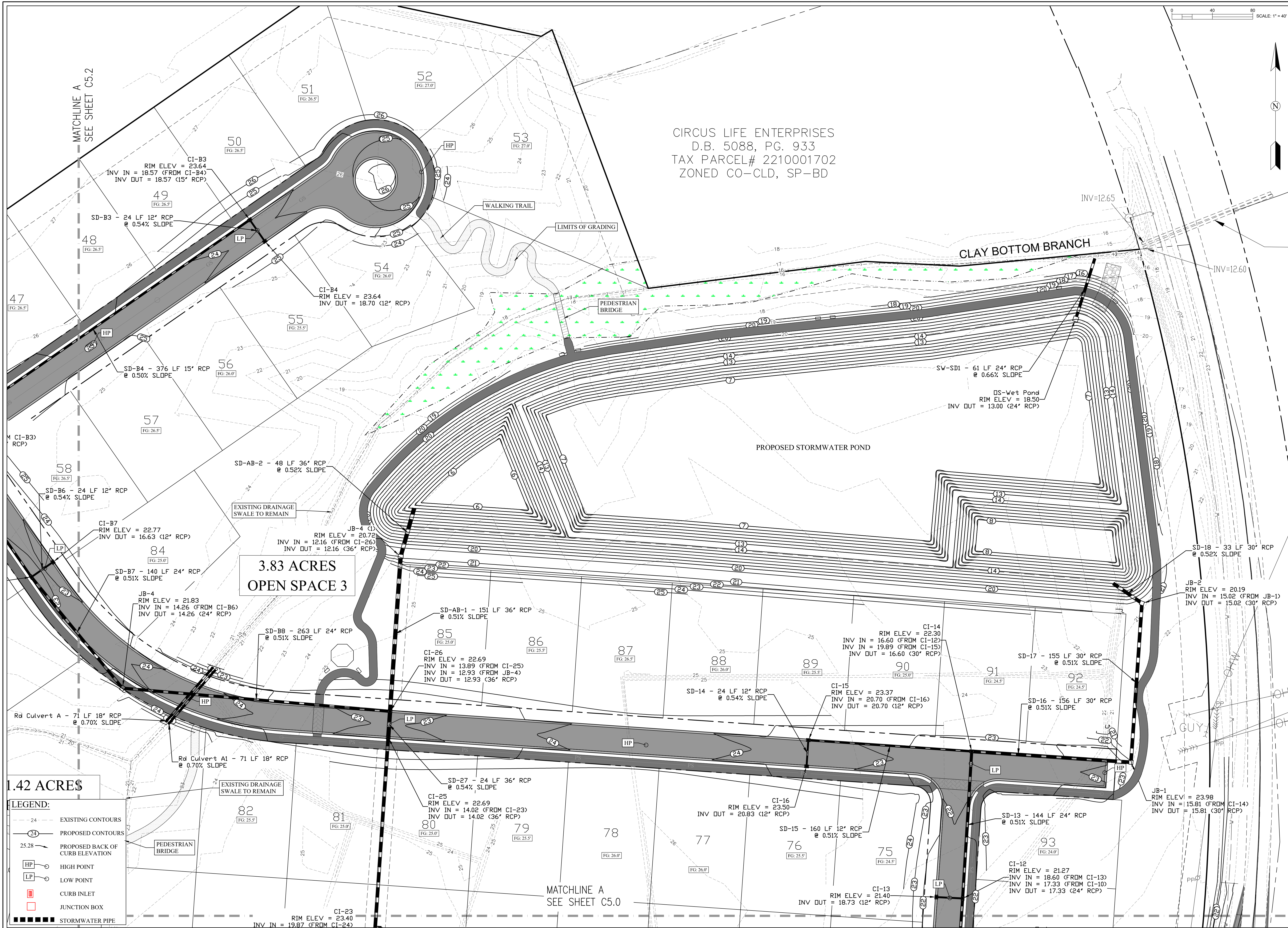
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JACKSON D STARK

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CIRCUS LIFE ENTERPRISES
D.B. 5088, PG. 933
TAX PARCEL# 2210001702
ZONED CO-CLD, SP-BD

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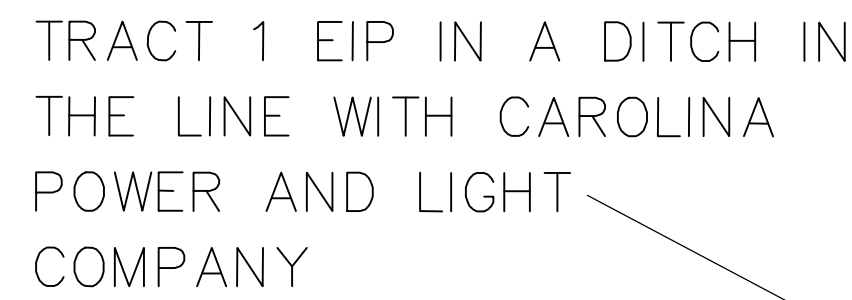
STORMWATER PLAN
FOR
TURTLE BAY
SOUTHPORT, NORTH CAROLINA

Date: 7-15-2024
Scale: AS SHOWN
Drawn By: MGB
Checked By: JDS

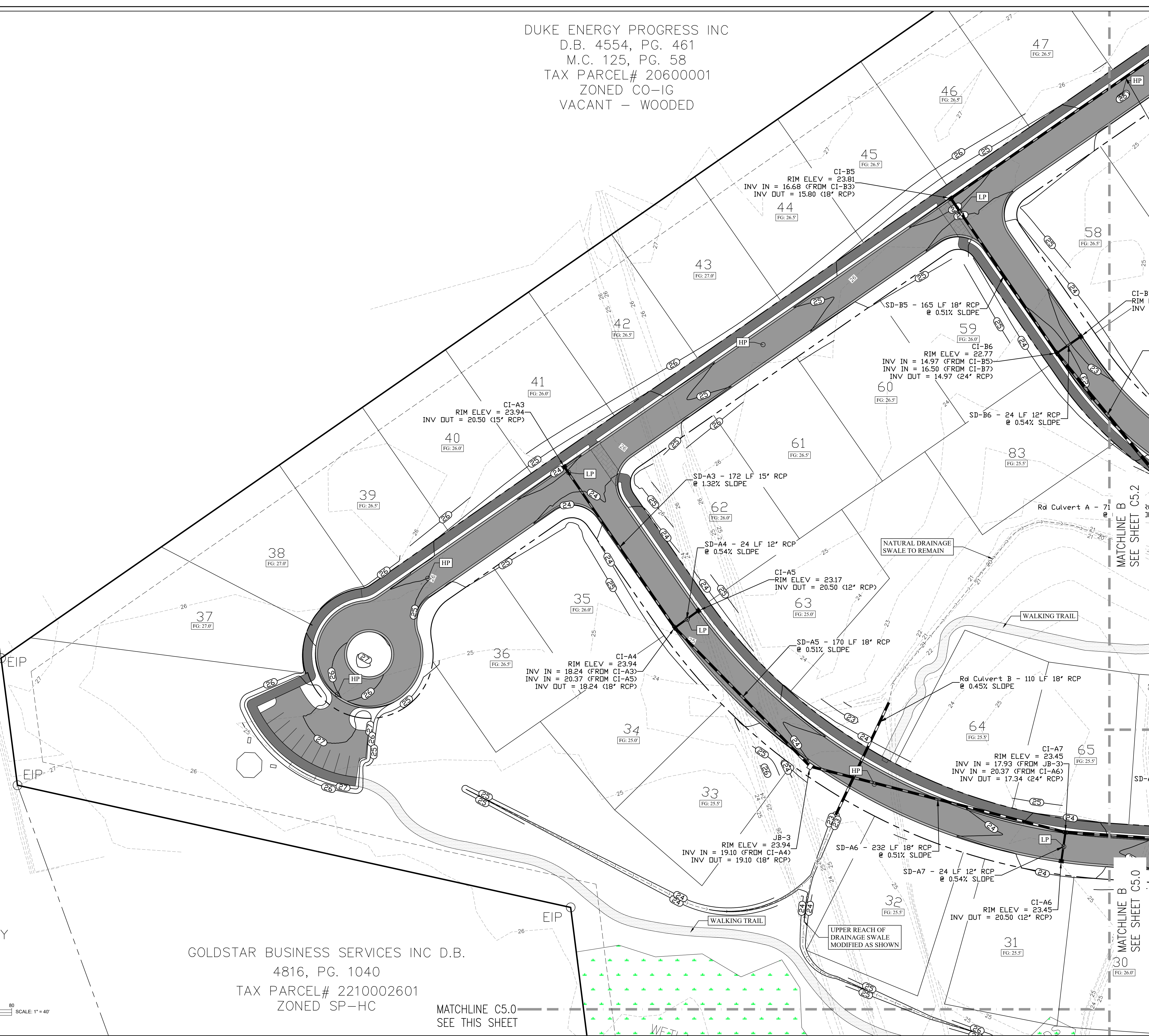
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MATCHLINE C5.0
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E-mail: info@ecengr.com

STORMWATER PLAN FOR TURTLE BAY SOUTHPORT, NORTH CAROLINA

Date: 7-15-2024
Scale: AS SHOWN
Drawn By: MGB
Checked By: JDS

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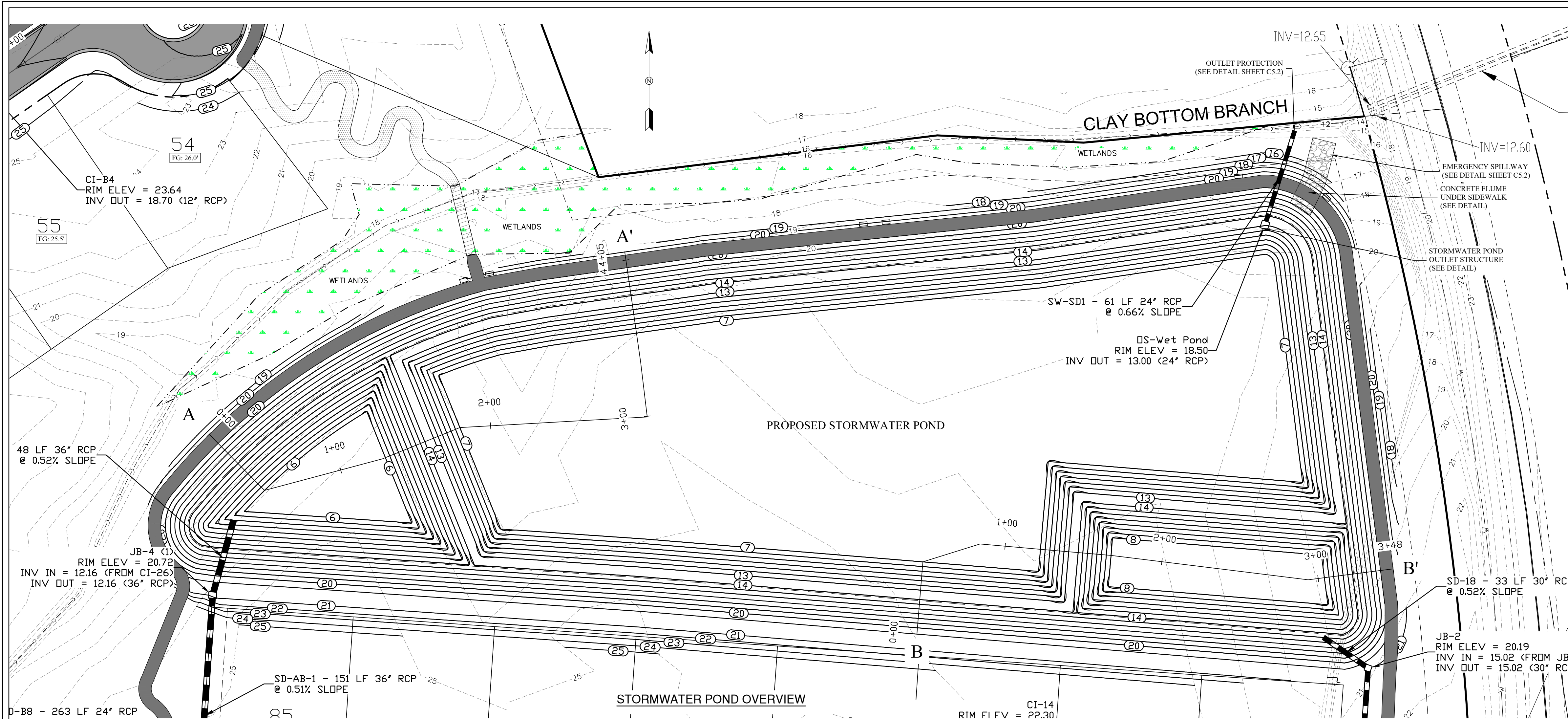
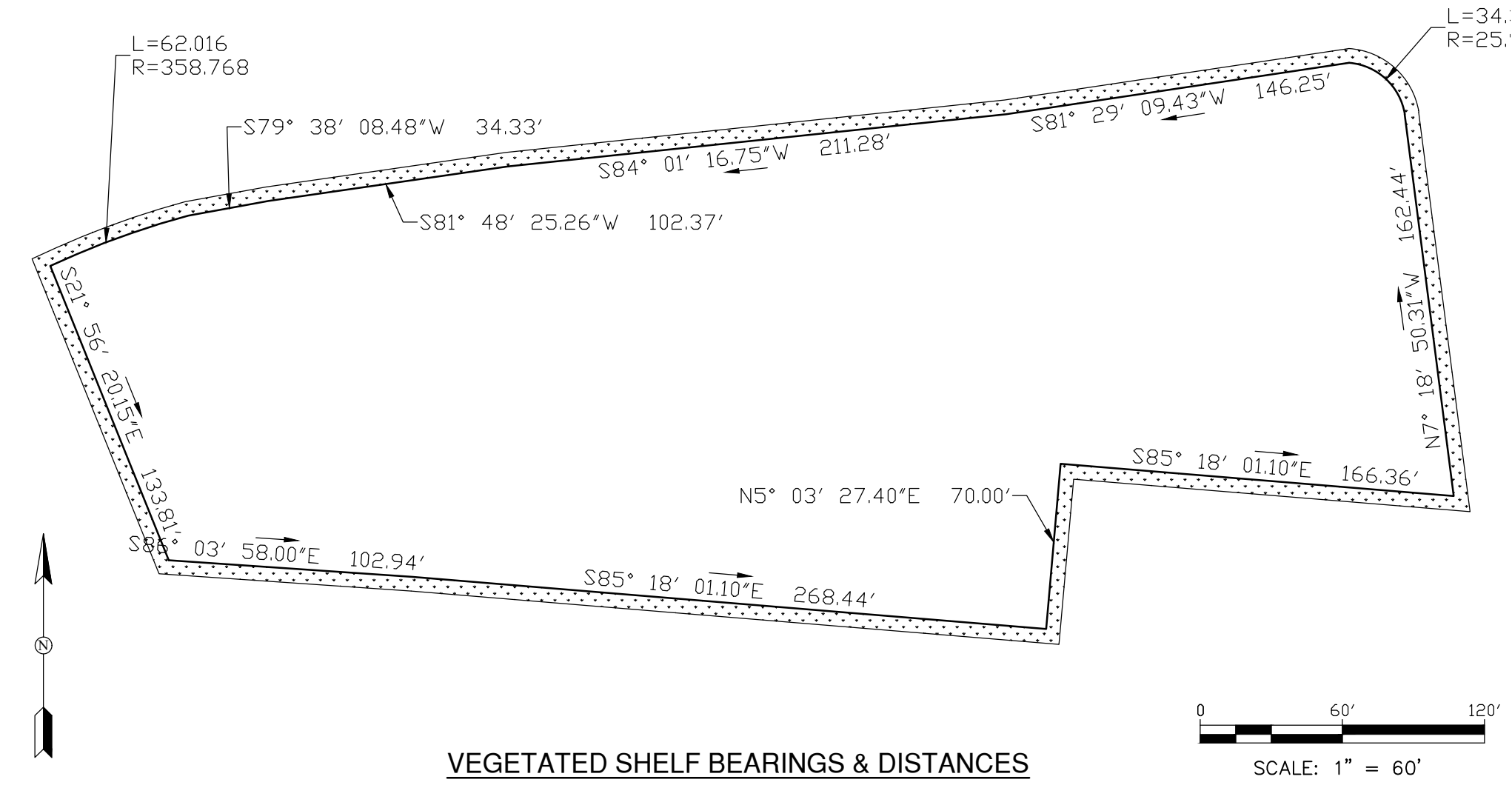
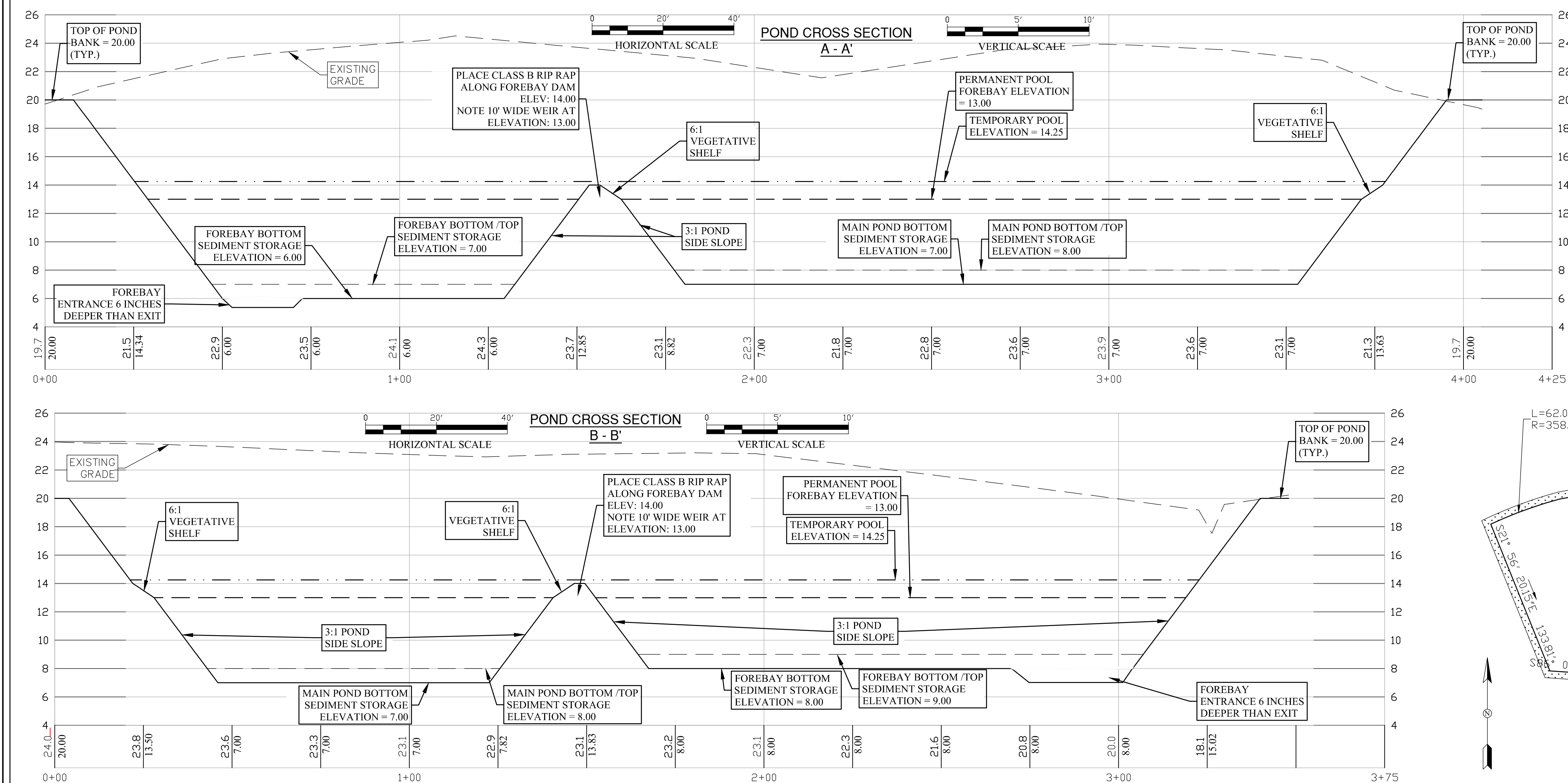


Table 3: Plants for Submerged and Partially Submerged Vegetated Shelves

Botanical Name	Common Name
<i>Asclepias incarnata</i>	Swamp Milkweed
<i>Carex tenera</i>	Quill sedge
<i>Chelone glabra</i>	White Turtlehead
<i>Eupatoriadelphus dubius</i>	Dwarf Joe Pye Weed
<i>Eupatoriadelphus fistulosus</i>	Joe Pye Weed
<i>Eupatoriadelphus maculatus</i>	Spotted trumpetweed
<i>Hibiscus coccineus</i>	Scarlet rose mallow
<i>Hibiscus laevis</i>	Halberdleaf rosemallow
<i>Kosteletzkya virginica</i>	Seashore Mallow
<i>Lobelia cardinalis</i>	Cardinal flower
<i>Lobelia elongata</i>	Longleaf lobelia
<i>Lobelia siphilitica</i>	Great blue Lobelia
<i>Rhynchospora colorata</i>	Starrush whitetop
<i>Saccharum baldwinii</i>	Narrow plumegrass

PLANTS FOR SUBMERGED AND PARTIALLY SUBMERGED VEGETATED SHELVES

- NOTES:
- 6:1 SHELF TO BE VEGETATED WITH WETLAND SPECIES AND SHOULD BE PLANTED WITH A MINIMUM OF THREE (3) DIVERSE SPECIES OF HERBACEOUS, NATIVE VEGETATION. (SEE WETLAND SPECIES TABLE).
 - THE PLANTS SHALL BE SPACED AT A DENSITY OF NO LESS THAN 50 PLANTS PER 200 SQUARE FEET OF SHELF AREA.
 - SHELF AREA = 9,102 SQUARE FEET
 - 50 PLANTS/200 SF OF SHELF = 2,276 SHALLOW WATER PLANTS IN THE SHELF AREA AND SHALL BE A MINIMUM OF THREE DIFFERENT SPECIES SELECTED FROM THE TABLE ON THIS SHEET TO ENSURE DIVERSE AND VIGOROUS GROWTH.
 - A WETLAND SEED MIX IS NOT ACCEPTABLE FOR THE SHELF.
 - THE FOREBAY DAM SEPARATING THE FOREBAY FROM THE MAIN BODY OF THE POND SHALL BE REINFORCED WITH A LAYER OF FILTER FABRIC AND RIP RAP TO PREVENT EROSION DURING STORM EVENTS.
 - EVERY SCM IMPACTED BY EROSION & SEDIMENT CONTROL DURING THE CONSTRUCTION PHASE INCLUDING, BUT NOT LIMITED TO, THE STORMWATER POND SHALL BE CLEANED OUT & RETURNED TO ITS ORIGINALLY APPROVED DESIGN PARAMETERS



Revisions

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STORMWATER PLAN
FOR
TURTLE BAY
SOUTHPORT, NORTH CAROLINA

Date: 7-12-2024
Scale: AS SHOWN
Drawn By: MGB
Checked By: JDS

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7-15-2024
ENGINEER
JASON D. STARRING

C5.3

STAFF REPORT
MAJOR SITE PLAN MODIFICATION
DOSHER MEMORIAL HOSPITAL
EMERGENCY DEPARTMENT EXPANSION

APPLICATION SUMMARY	
Presentation Date	August 15, 2024 Planning and Zoning Board
Applicant	Brian Turner for Doshier Memorial Hospital
Parcel ID	237DE024
Parcel Acreage	3.59 acres – Project Area 1.51 acres
Zoning District	O&I – Office and Institutional

PROJECT OVERVIEW
Brian Turner, applicant, is requesting a revision to the previously approved Commercial Project - Major Site Plan for the expansion and relocation of the Doshier Memorial Hospital Emergency Department (ED). Specifically, the request is to construct a new 8,914 SF building on the southeast portion of the hospital campus, repave and restripe the existing parking lot, and install landscaping.
LOCATION
The project property is located at 924 N Howe Street between Fodale Avenue and E. 9 th Street. This property is located within the incorporated city limits of the City of Southport and can be further identified by Brunswick County Parcel ID 237DE024. The subject property is zoned O&I, Office and Institutional.

BACKGROUND & REVISION REQUEST
The existing ED is located within Doshier Memorial Hospital. The entrance is located on the Fodale Avenue side of the building next to the main entrance of the hospital. Hospital administration is anticipating increased population and medical needs for the city. The applicant has submitted a revision request in the form of an application for a modification to the approved Major Site Plan for Doshier Memorial Hospital to relocate and expand the emergency department. According to the submitted plans, the new

building will be 8,914 SF that includes 14 patient beds, registration and intake areas, waiting room, and a nurse's station. This project includes the demolition of 4 medical office buildings equaling 8,310 SF. The existing parking configuration will remain and meets the requirements for the new ED facilities.

Since the applicant is utilizing existing parking facilities, no new parking landscaping is required. There will be the installation of canopy and understory trees to exceed the mitigation requirements for tree removal. The landscape plan is provided as an attachment to this report and is deemed in compliance with the Unified Development Ordinance. Further, pedestrian walkways have been added to the existing parking configuration.

Per Section 2.6.J.2 of the City of Southport Unified Development Ordinance, the authority to grant major revisions is granted to the same authority that grants the original approval. Upon Staff's review of the request, the request was deemed to be considered a major revision due to the increase in development density, even though there is not an increase in impervious surface area. Because Major Site Plan approval authority is vested with the Planning and Zoning Board, the Board is also asked to approve any modification considered a major revision (See Section 2.6.J of the Unified Development Ordinance reproduced below:

J. MODIFICATION OF PERMITS OR APPROVALS

1. Insignificant deviations from the permit (including approved plans and conditional district rezoning) issued by the Board of Aldermen, the Planning Board, the Board of Adjustment, or the UDO Administrator are permissible and the UDO Administrator may authorize such insignificant deviations unless classified as a major change as provided below.
2. Major changes to approved permits, plans, and conditions of development may be authorized only by the permit issuing authority in the same manner as outlined in this article for original submission. Major changes include, but are not limited to:
 - a. Change in use.
 - b. Any increase in development density; such as, increase in density of units, whether residential, office, commercial or industrial; an increase in number of off-street parking or loading spaces; or an increase in impervious surface area.
 - c. An increase in overall ground coverage by structures.
 - d. A change in any site dimension by more than 10 percent.
 - e. A reduction in approved open space or screening.
 - f. A change in access and internal circulation design.
3. The UDO Administrator shall determine whether amendments to and modifications of permits constitute an insignificant deviation, or a major change as described herein.
4. A developer requesting approval of changes shall submit a written request for such approval to the UDO Administrator, and that request shall identify the changes. Approval of all changes must be given in writing.

STAFF REVIEW AND RECOMMENDATION

The site plans were reviewed for compliance with the UDO. Relevant sections and how the requirements are met are outlined below. There are sections that are not applicable to this project and have been noted as such.

Transportation and Street Access

N/A

Traffic Impact Study

Per the most recent ITE trip generation manual less than 500 trips will be generated with this expansion.

Parking

All parking facilities shall be in accordance with Section 3.14 of the City of Southport Unified Development Ordinance. Based upon Staff's review of the proposal, the project is found to be in conformance with Section 3.14.B 'Parking Lot Design,' though some of these requirements shall require verification upon completion of construction and prior to issuance of a Certificate of Occupancy.

As shown on the submitted site plan, 28 parking spaces are required (2 spaces/bed). There are 23 spaces and 5 ADA compliant spaces. The remaining 48 spaces in the lot adjacent to the existing annex building is available for staff and overflow parking. In terms of the parking provided, Staff finds the proposal to be in conformance with the City of Southport Unified Development Ordinance.

Pedestrian Facilities

Per Section 3.15.G, pedestrian walkways shall be provided to any pedestrian access point or any parking space that is more than 50 feet from the building entrance or principal on-site destination. Walkways have been provided for connection of outer parking spaces for Walmart employees delivering groceries to customers.

Lighting

N/A – all lighting will conform with Section 3.16 of the UDO.

Landscaping and Buffers

Section 3.17 of the City of Southport Unified Development Ordinance is not applicable to this project per the applicability standards laid out in Section 3.17.B. - landscape installation is only applicable for new nonresidential or a change of use or expansion that will result in the addition of 10 or more parking spaces. This expansion/redevelopment does not add 10 or more spaces.

Tree Protection and Landscape Preservation

Tree protection and landscape preservation requirements are exceeded per Section 3.18. There are existing regulated and specimen live oak trees that will remain onsite. A total of 75 inches DBH are to be removed and require mitigation. There are two (2) specimen

live oak trees being retained and four (4) regulated live oak trees being retained for a total of 400 inches DBH in mitigation credit.

While there is no mitigation required, the applicant has submitted a landscape plan that includes 9 live oak canopy trees, 3 downy serviceberry understory trees, 4 forest pansy redbud understory, and 2 Cherokee dogwood understory trees. There will also be shrubs, ornamental grasses, and perennials planted throughout.

Signage

All new signage that is not is internal will require a separate sign permit at the time of installation.

Utilities

Water and Sewer service shall be provided by Brunswick County. There is an existing power station onsite that has built in space for this expansion.

Stormwater

All stormwater infrastructure shall be in accordance with Article 6 of the City of Southport Unified Development Ordinance. Engineered stormwater plans are being reviewed by the City Engineer and will be approved prior to application for building permits.

Staff Recommendation

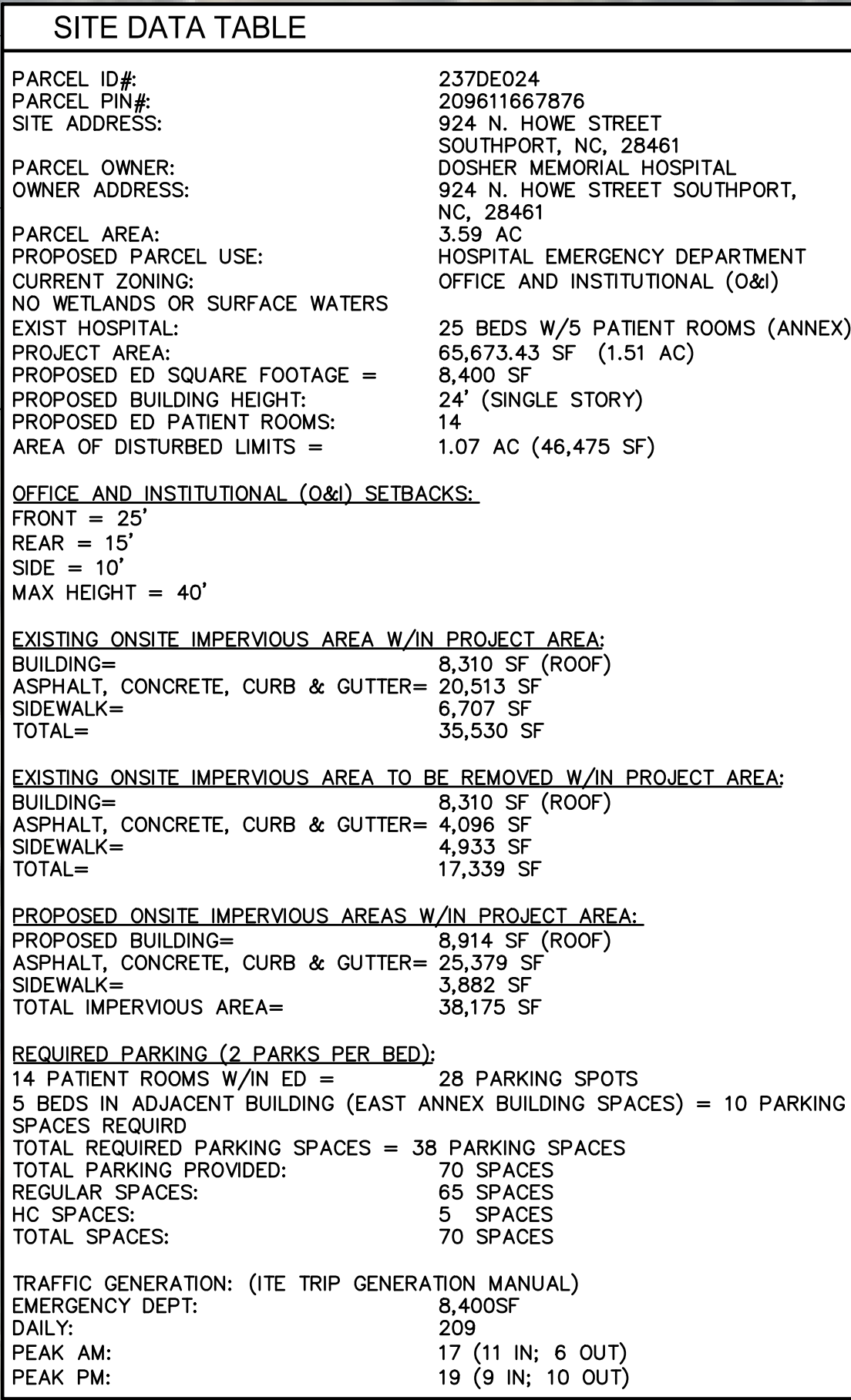
Planning staff have reviewed the application and determined that the requested revision is in compliance with all applicable provisions of the Unified Development Ordinance as well as the spirit and intent of the previous Commercial Development approval. As such, Planning Staff respectfully recommends approval of the request as outlined in this report and in the attached site and landscape plans.

Attachments

Site Plan including Utilities and Infrastructure Sheets
Landscape Plan

[illegible]

C0	OVERALL
C1	SURVEY
C2	TREE REMOVAL
C3	DEMOLITION PLAN
C4	GRADING
C5	DRAINAGE
C6	UTILITY
C7	LAYOUT
C8	DETAILS

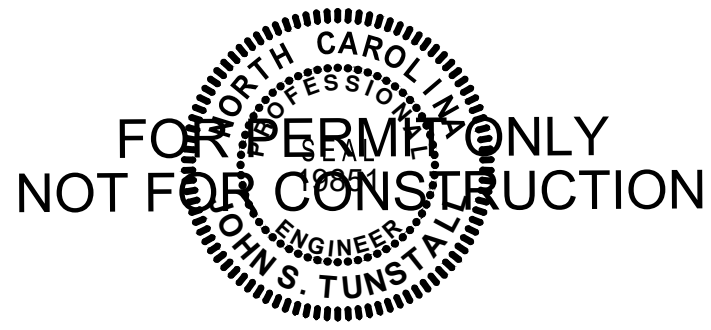


- 1) ALL PROPOSED SIGNAGE SHALL CONFORM TO ALL APPLICABLE CITY OF SOUTHPORT STANDARDS. A SEPARATE SIGN PERMIT WILL BE REQUIRED BY CITY OF SOUTHPORT.
- 2) LIGHTING PLAN SHALL BE DESIGNED PER UDO & CODE CITY OF SOUTHPORT ORDINANCES



924 N HOWE ST, SOUTHPORT, NC 28461

MARK	DATE	DESCRIPTION
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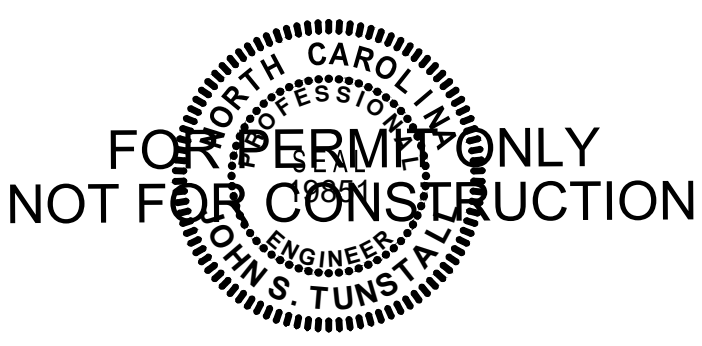
OVERALL PLAN



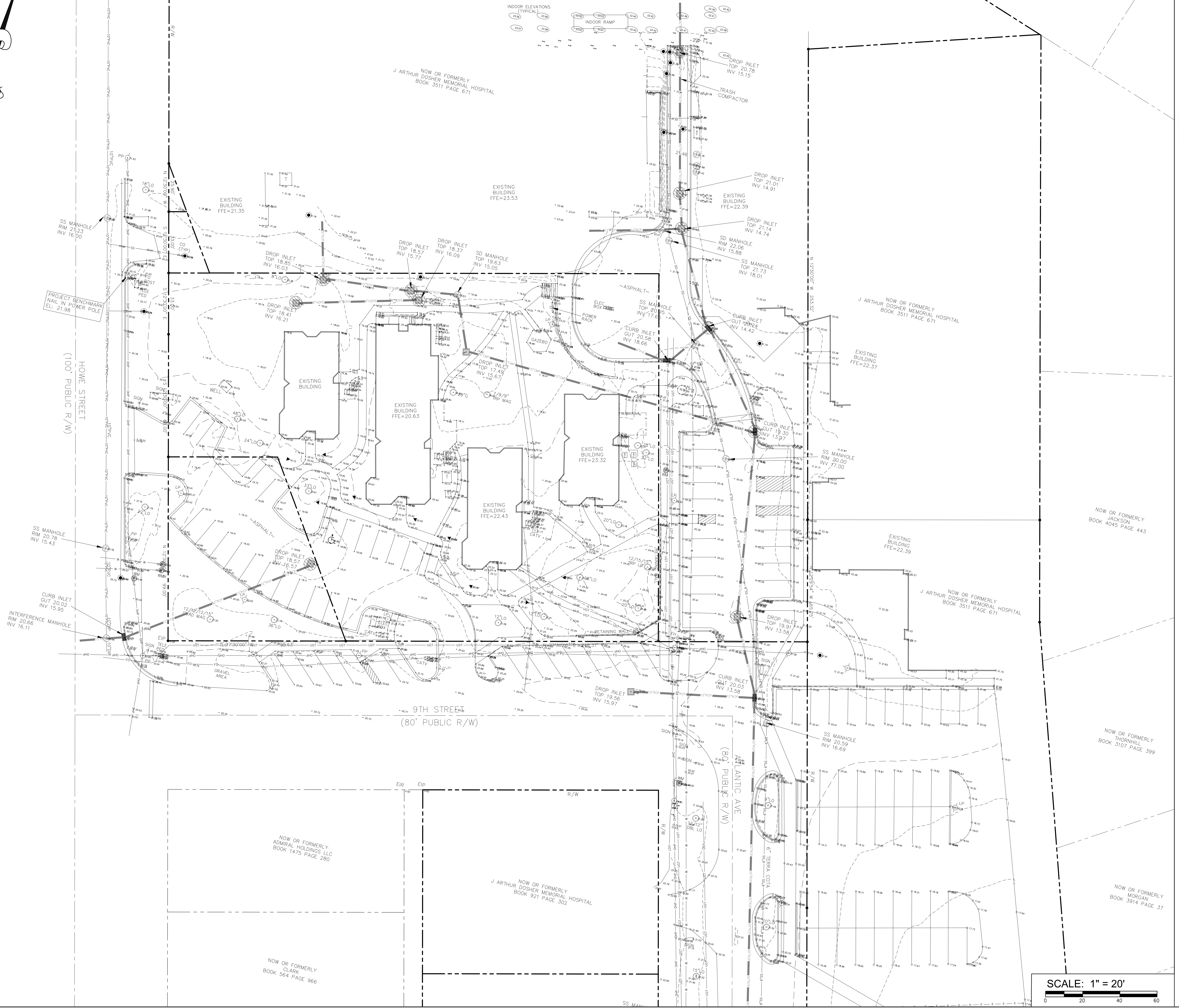
MAIN CAMPUS ED ADDITION

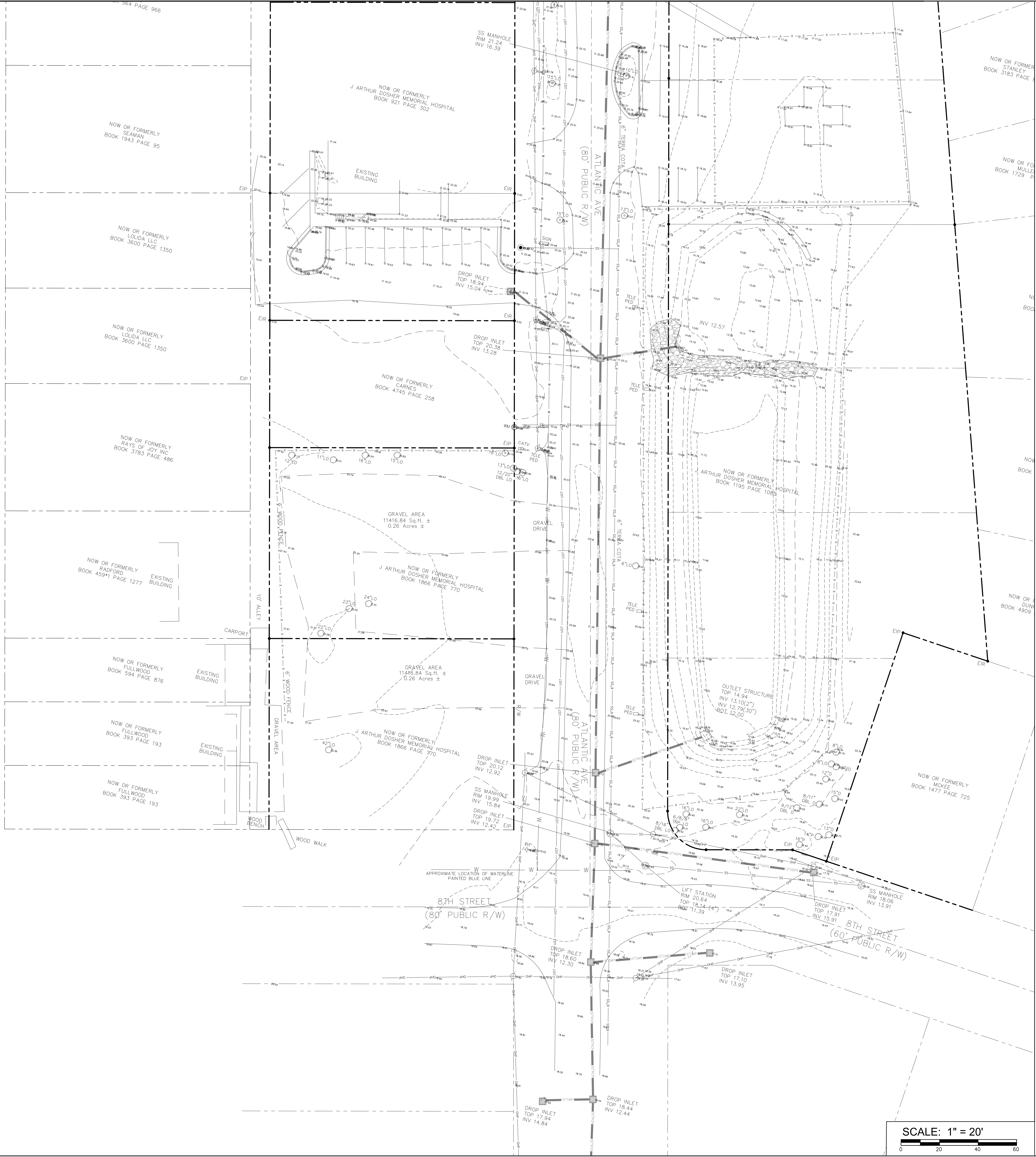
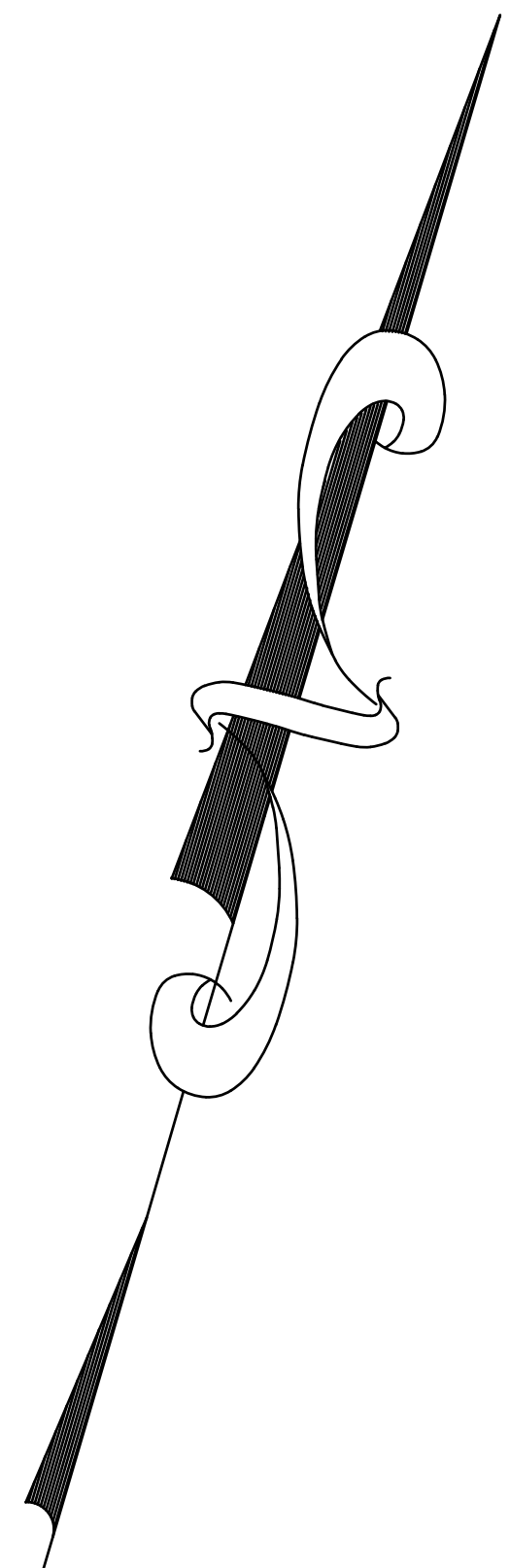
924 N HOWE ST, SOUTHPORT, NC 28461

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SURVEY





BSA

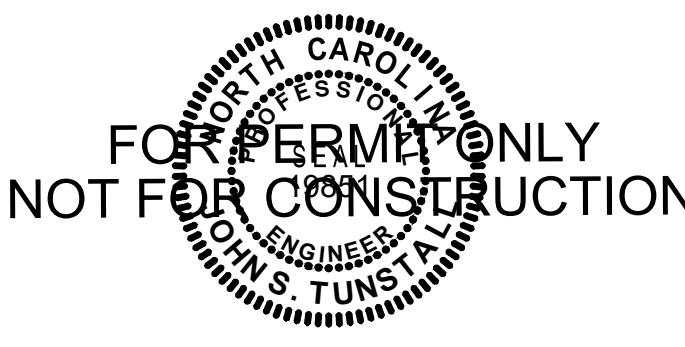
Raleigh, NC 27603-1262
ph 919.334.7301 fx 317.819.7288
Engineering Registration Number - C-2412



MAIN CAMPUS ED ADDITION

924 N HOWE ST, SOUTHPORT, NC 28461

DATE	DESCRIPTION
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SURVEY

SCALE: 1" = 20'

TREE INVENTORY TABLE	
LIVE OAK 8" (1) 12" (2) 18" (1) 22" (3) 24" (1) 28" (1) 33" (1) 36" (1) 48" (1)	GUN 28" (1) TRIPLE LIVE OAK 12"/15"/15" (1) TRIPLE MAGNOLIA 7"/9"/9" (1) QUAD MAGNOLIA 12"/12"/12"/15" (1)
TREE REMOVAL TABLE	
LIVE OAK 20" (2) 22" (1) 28" (1) 33" (1)	GUN 28" (1) TRIPLE LIVE OAK 12"/15"/15" (1) TRIPLE MAGNOLIA 7"/9"/9" (1)



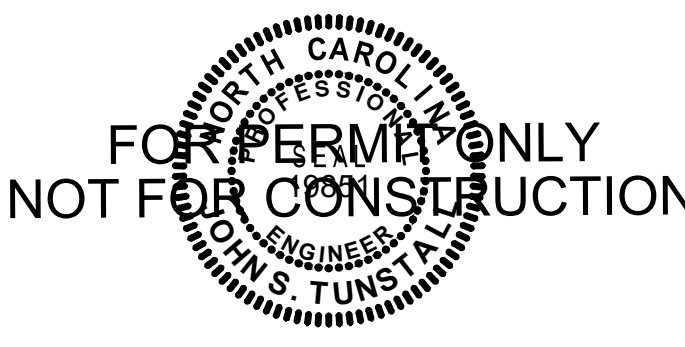
Raleigh, NC 27603-1262
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MAIN CAMPUS ED ADDITION

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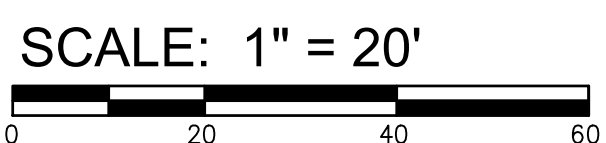
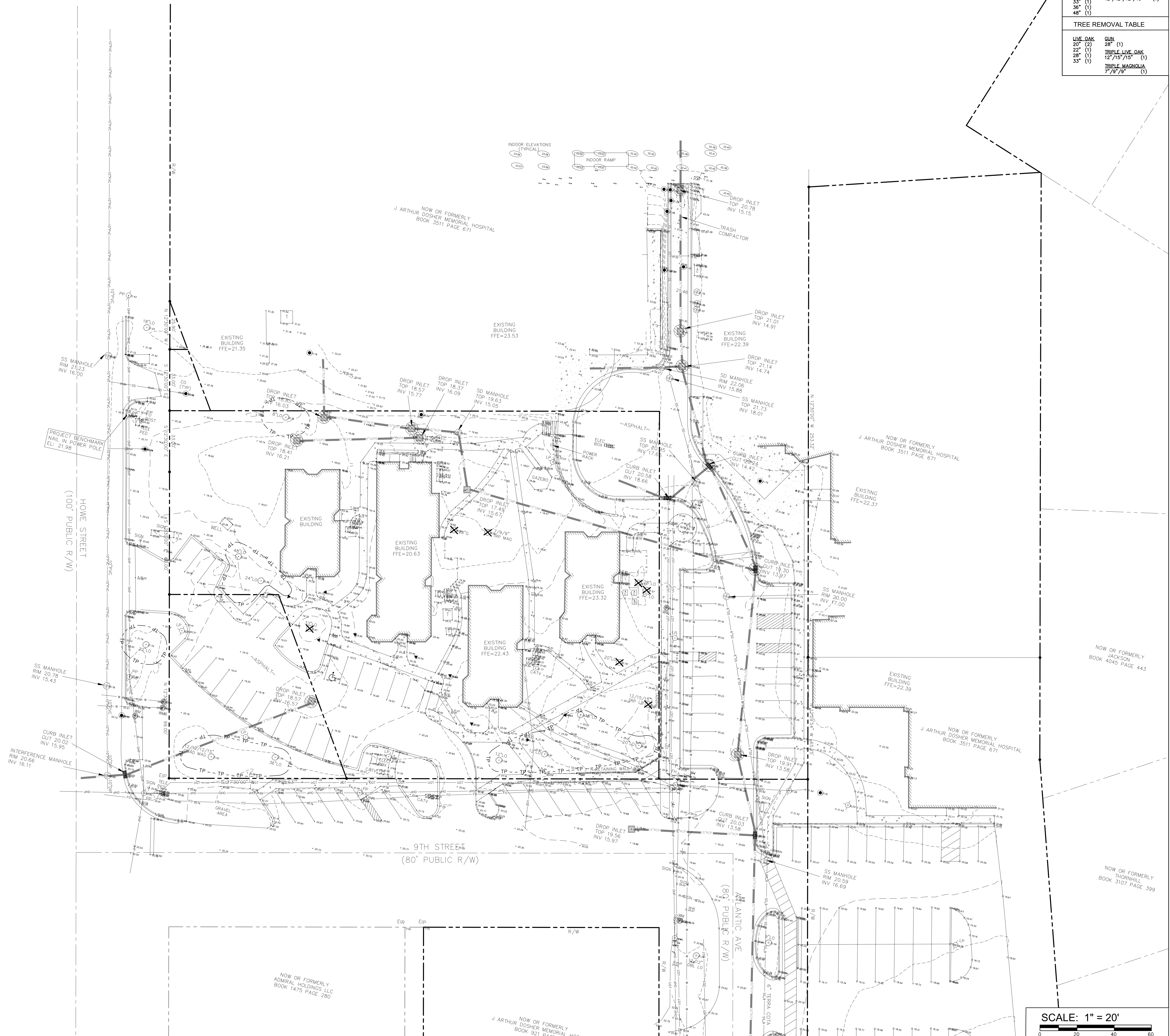
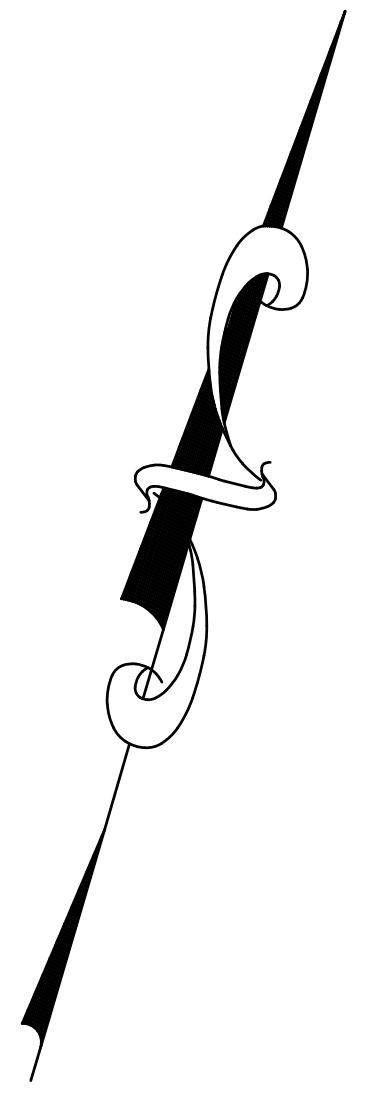
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TREE REMOVAL PLAN

AUGUST 6, 2024
23110

C2

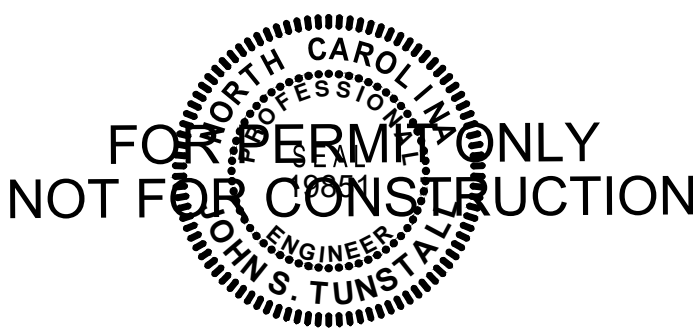




MAIN CAMPUS
ED ADDITION

924 N HOWE ST, SOUTHPORT, NC 28461

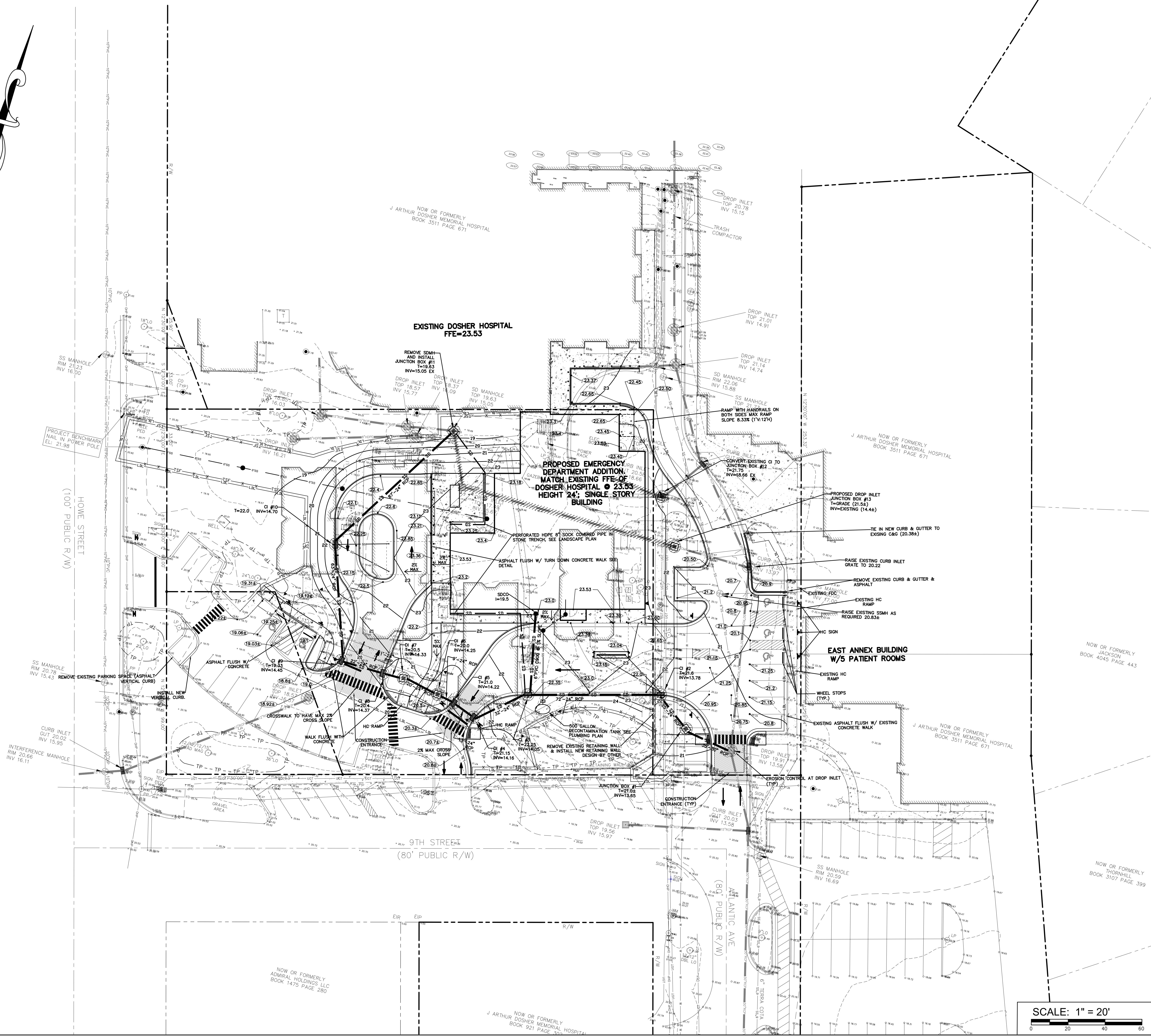
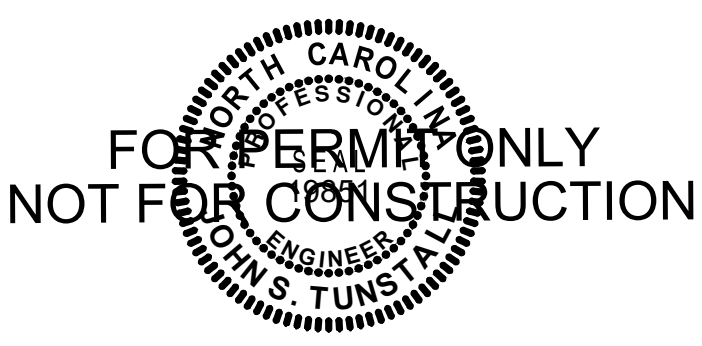
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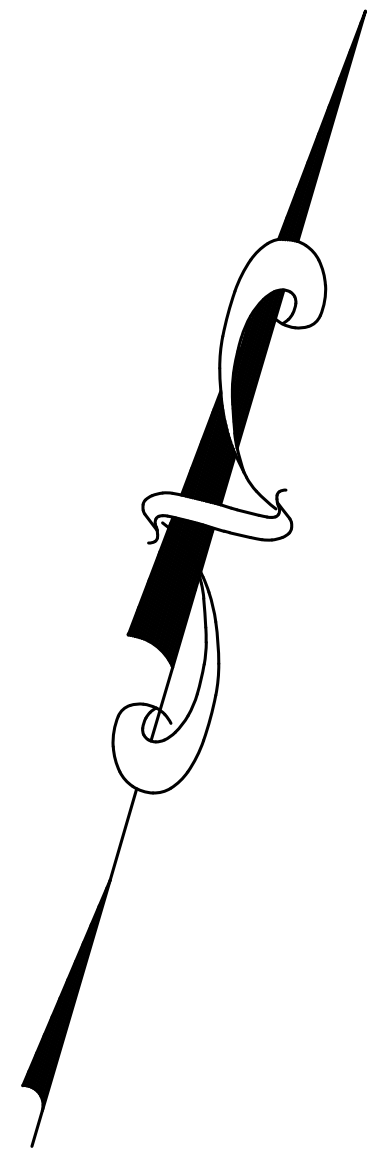


DEMOLITION PLAN



DATE	DESCRIPTION
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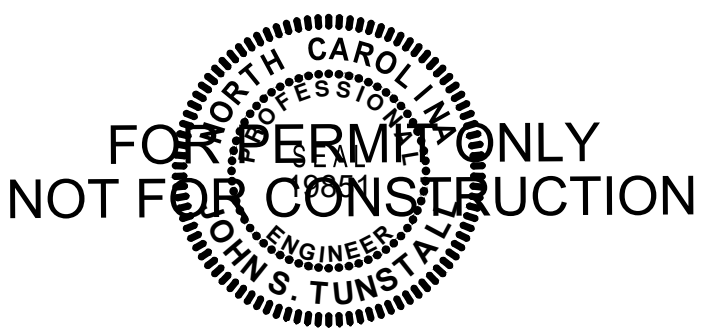
Raleigh, NC 27603-1262
ph 919.334.7301 fx 317.819.7288
Engineering Registration Number - C-2412



MAIN CAMPUS ED ADDITION

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DATE	DESCRIPTION
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GRADING, DRAINAGE
AND EROSION CONTROL

AUGUST 6, 2024
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C4.1

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SCALE: 1" = 20'



MAIN CAMPUS
ED ADDITION

924 N HOWE ST, SOUTHPORT, NC 28461

DRAINAGE AREA LINE

DRAINAGE AREA FLOWING TO
EXISTING STORMWATER POND
(DRAINAGE AREA LINE FROM SW8980729)

DRAINAGE AREA
FLOWING TO EXISTING
PARKING LOT DROP
INLET. THAT FLOWS TO
HOWE ST.

PROJECT AREA

EXISTING IMPERVIOUS

	TO STORM WATER POND SW8980729 (SF)	TO PARKING LOT DROP INLET, FLOWS TO HOWE ST. (SF)
BUILDING	8,310	0
SIDEWALKS	6,451	256
ASPHALT, CURB & GUTTER	12,640	7,873
TOTAL EXISTING	27,401	8,129

PROPOSED IMPERVIOUS

	TO STORM WATER POND SW8980729 (SF)	TO PARKING LOT DROP INLET, FLOWS TO HOWE ST. (SF)
BUILDING	8,914	0
SIDEWALKS	3,347	523
ASPHALT, CURB & GUTTER	17,846	7,545
TOTAL PROPOSED	30,107	8,068 (w/ PARKING SPACE REMOVED)

BASED ON LAST PERMIT
MOD OF 7/18/23, THE
PERMITTED POND HAD
2943 SF OF FUTURE
BUA.

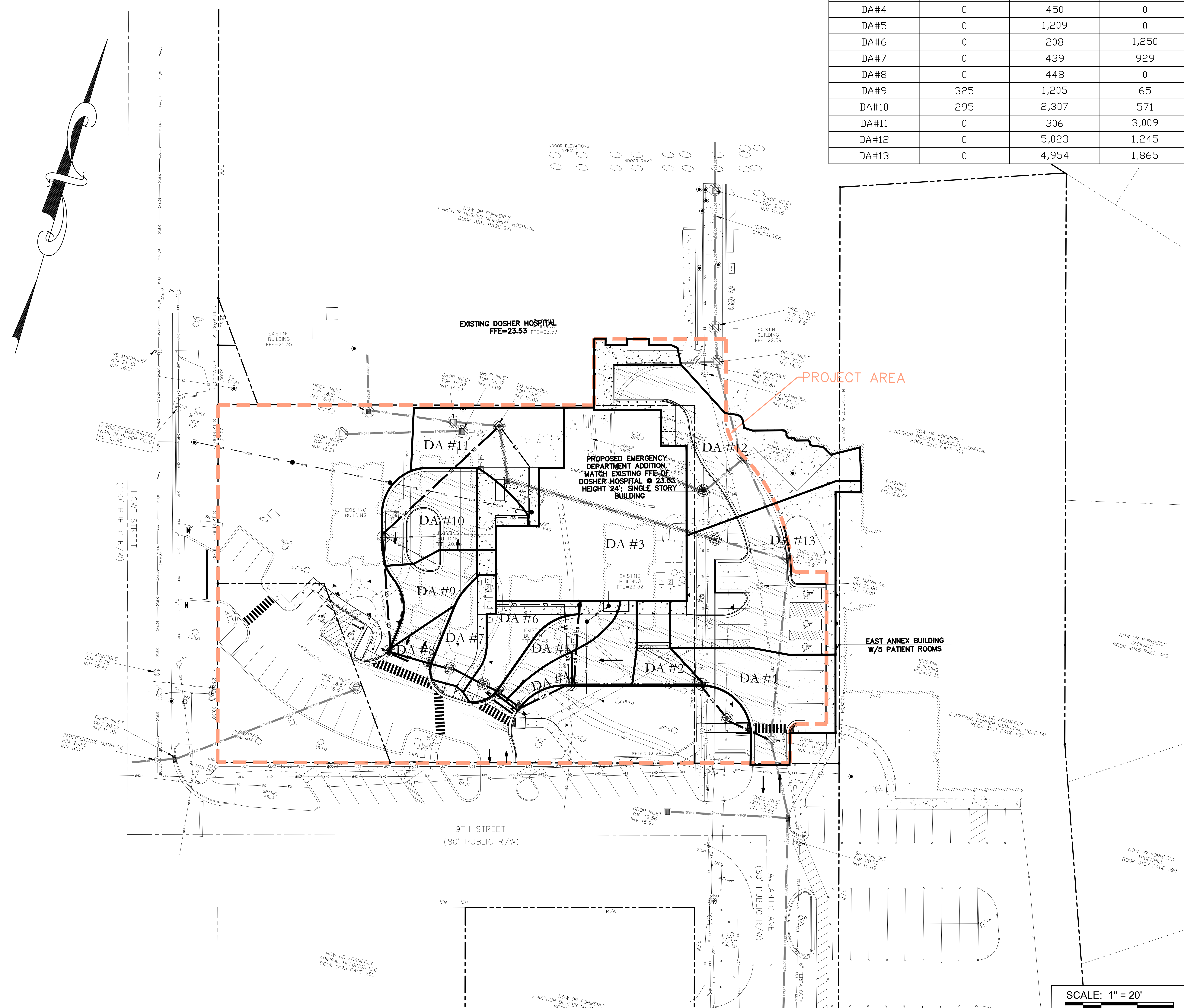
30,107 SF - 27401 SF = 2706 SF
2943 SF - 2706 SF = 237 SF FUTURE BUA
AVAILABLE AFTER PROJECT

SCALE: 1" = 20'

DATE DESCRIPTION

FOR PERMIT ONLY
NOT FOR CONSTRUCTION

DRAINAGE PLAN



	BUILDING	ASPHALT	GRASS
DA#1	0	3,496	0
DA#2	468	1,083	15
DA#3	8,914	1,156	0
DA#4	0	450	0
DA#5	0	1,209	0
DA#6	0	208	1,250
DA#7	0	439	929
DA#8	0	448	0
DA#9	325	1,205	65
DA#10	295	2,307	571
DA#11	0	306	3,009
DA#12	0	5,023	1,245
DA#13	0	4,954	1,865

BSA

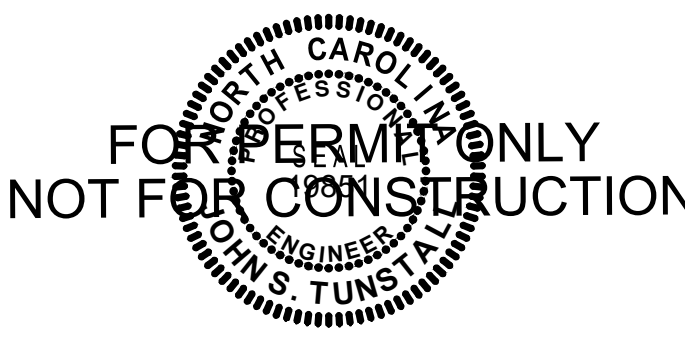
Raleigh, NC 27603-1262
ph 919.334.7301 fx 317.819.7288
Engineering Registration Number - C-2412



MAIN CAMPUS
ED ADDITION

924 N HOWE ST, SOUTHPORT, NC 28461

DATE	DESCRIPTION
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DRAINAGE PLAN

AUGUST 6, 2024

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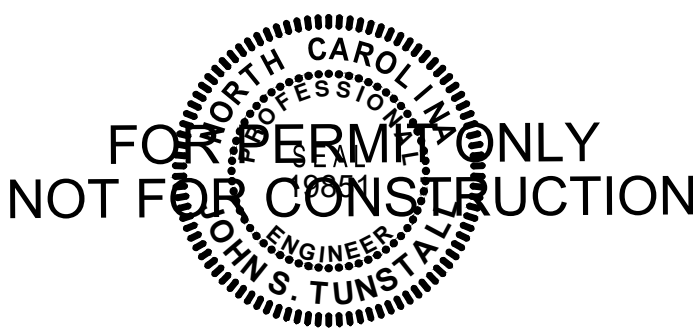
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MAIN CAMPUS
ED ADDITION

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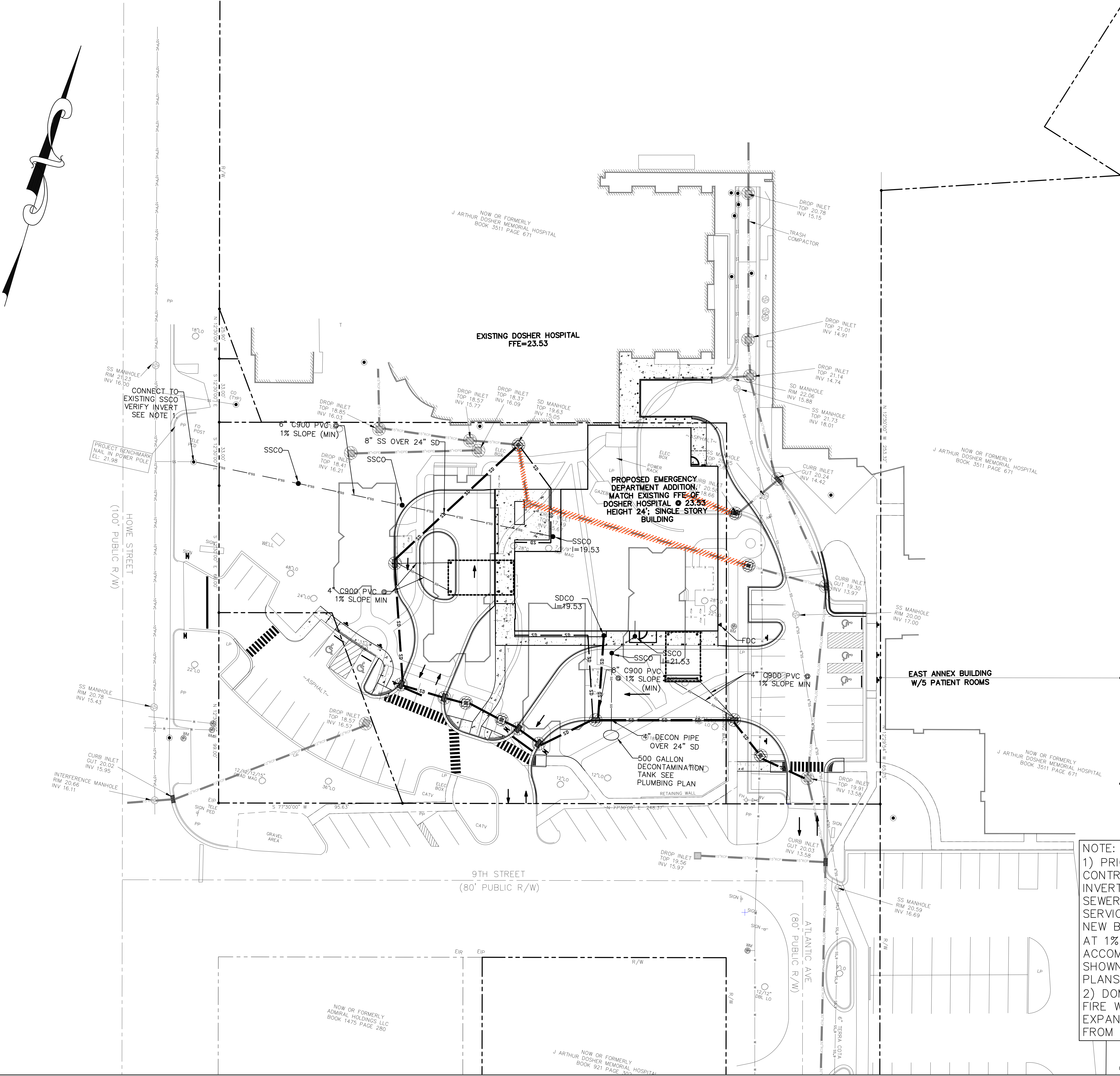
DATE	DESCRIPTION
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UTILITY PLAN

NOTE:
1) PRIOR TO CONSTRUCTION CONTRACTOR SHALL CHECK INVERT EXISTING SANITARY SEWER TO MAKE SURE THE SERVICE CAN EXTEND TO NEW BUILDING EXPANSION AT 1% SLOPE (MIN) AND ACCOMMODATE THE INVERT SHOWN ON PLUMBING PLANS
2) DOMESTIC WATER AND FIRE WATER FOR THE ED EXPANSION WILL BE SERVED FROM EXISTING BUILDING.

SCALE: 1" = 20'



MAIN CAMPUS
ED ADDITION

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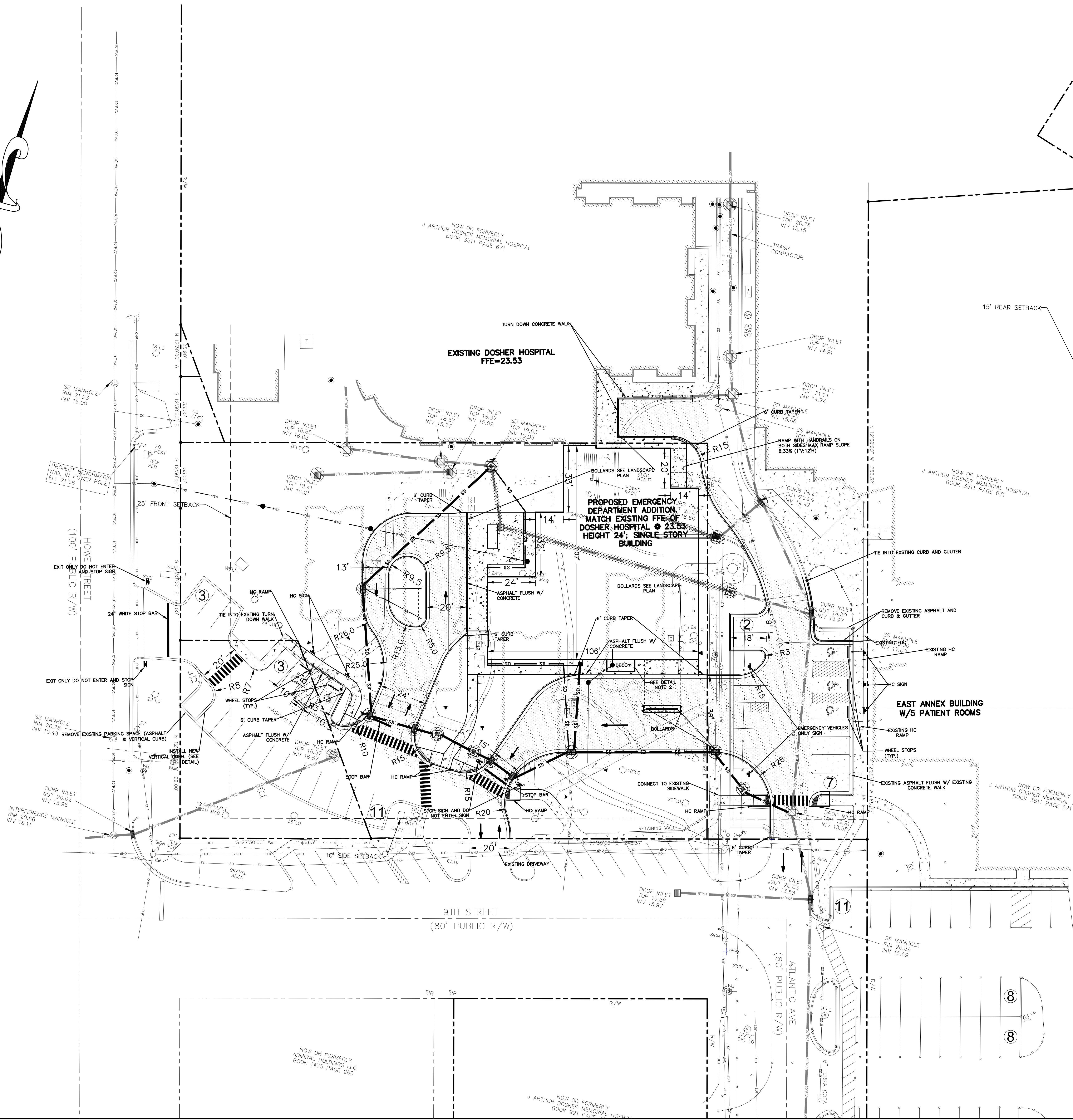
DATE DESCRIPTION

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LAYOUT PLAN

AUGUST 6, 2024
23110

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HATCH LEGEND

[Pattern]	LIGHT DUTY ASPHALT
[Pattern]	HEAVY DUTY ASPHALT
[Pattern]	CONCRETE
[Pattern]	PERMEABLE PAVEMENT
[Pattern]	CONSTRUCTION ENTRANCE

- NOTE:
- 1) SITE LAYOUT PROVIDED BY LANDSCOPE
 - 2) A DECONTAMINATION ROOM SHALL HAVE A DEDICATED AND SECURED OUTSIDE ENTRY DOOR. THE ENTRY SHALL HAVE A CONTRASTING BOUNDARY LINE ON GROUND THAT IS 3' FROM EACH SIDE OF DOOR AND EXTENDS 6' OUT FROM EXTERIOR WALL. THE WORD "DECON" SHALL BE MARKED ON GROUND WITHIN THESE BOUNDARIES. ALL PROPOSED SIGNAGE SHALL CONFORM TO ALL APPLICABLE CITY OF SOUTHPORT STANDARDS. A SEPARATE SIGN PERMIT WILL BE REQUIRED BY CITY OF SOUTHPORT.
 - 3) LIGHTING PLAN SHALL BE DESIGNED PER UDO & CODE ORDINANCES CITY OF SOUTHPORT

SCALE: 1" = 20'

0 20 40 60

GROUND STABILIZATION AND MATERIALS HANDLING PRACTICES FOR COMPLIANCE WITH THE NCG01 CONSTRUCTION GENERAL PERMIT	
Implementing the details and specifications on this plan sheet will result in the construction activity being considered compliant with the Ground Stabilization and Materials Handling sections of the NCG01 Construction General Permit (Sections 6 and 7, respectively). The permittee shall comply with the Erosion and Sediment Control plan approved by the delegated authority having jurisdiction. All details and specifications shown on this sheet may not apply depending on site conditions and the delegated authority having jurisdiction.	
SECTION E: GROUND STABILIZATION	
Required Ground Stabilization Timelines	
Site Area Description	Stabilize within this many calendar days after ceasing and final disturbance
(a) Perimeter dikes, swales, ditches, and perimeter slopes	7
(b) High Quality Water (HQW) Zones	7
(c) Slopes steeper than 3:1	7
(d) Slopes 3:1 to 4:1	14
(e) Areas with slopes flatter than 4:1	14
Note: After the permanent cessation of construction activities, any areas with temporary ground stabilization shall be converted to permanent ground stabilization as soon as practicable but in no case longer than 90 calendar days after the last land disturbing activity. Temporary ground stabilization shall be maintained in a manner to render the surface stable against accelerated erosion until permanent ground stabilization is achieved.	
GROUND STABILIZATION SPECIFICATION	
Stabilize the ground sufficiently so that rain will not dislodge the soil. Use one of the techniques in the table below:	
Temporary Stabilization	Permanent Stabilization
- Temporary grass seed covered with straw or other mulches and tackifiers - Hydroseeding - Roll-on erosion control products with or without temporary grass seed - Appropriately applied straw or other mulch - Plastic sheeting	- Permanent grass seed covered with straw or other mulches and tackifiers - Hydroseeding - Roll-on erosion control products with straw or other mulch - Hydroseeding - Structural methods such as concrete, asphalt or retaining walls - Roll-on erosion control products with grass seed
POLYACRYLAMIDES (PAMS) AND FLOCCULANTS	
- Select flocculants that are appropriate for the soils being exposed during construction, selecting from the NC DWR List of Approved PAMS/Flocculants. - Apply flocculants at or before the inlets to Erosion and Sediment Control Measures. - Apply flocculants at the concentrations specified in the NC DWR List of Approved PAMS/Flocculants and in accordance with the manufacturer's instructions. - Provide ponding area for containment of treated Stormwater before discharging effluent. - Store flocculants in leak-proof containers that are kept under storm-resistant cover or surrounded by secondary containment structures.	

EQUIPMENT AND VEHICLE MAINTENANCE	
- Maintain vehicles and equipment to prevent discharge of fluids. - Provide drip pans under any stored equipment. - Identify leaks and repair as soon as feasible, or remove leaking equipment from the project. - Collect all spent fluids, store in separate containers and properly dispose as hazardous waste (recycle when possible). - Remove leaking vehicles and construction equipment from service until the problem has been corrected. - Bring used fuels, lubricants, coolants, hydraulic fluids and other petroleum products to a recycling or disposal center that handles these materials.	
LITTER, BUILDING MATERIAL AND LAND CLEARING WASTE	
- Never bury or burn waste. Place litter and debris in approved waste containers. - Provide a sufficient number and size of waste containers (e.g. dumpster, trash receptacle) on site to contain construction and domestic wastes. - Locate waste containers at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available. - Locate waste containers on areas that do not receive substantial amounts of runoff from upland areas and does not drain directly to a storm drain, stream or wetland. - Cover waste containers at the end of each workday and before storm events or provide secondary containment. Repair or replace damaged waste containers. - Anchor all lightweight items in waste containers during times of high winds. - Empty waste containers as needed to prevent overflow. Clean up immediately if containers overflow. - Dispose waste off-site at an approved disposal facility. - On business days, clean up and dispose of waste in designated waste containers.	
PAINT AND OTHER LIQUID WASTE	
- Do not dump paint and other liquid waste in storm drains, streams or wetlands. - Locate paint washouts at least 50 feet away from storm drain inlets and surface waters unless no other alternatives are reasonably available. - Contain liquid wastes in a controlled area. - Containment must be labeled, sized and placed appropriately for the needs of site. - Prevent the discharge of spills, solvents, detergents and other liquid wastes from construction sites.	
PORTABLE TOILETS	
- Install portable toilets on level ground, at least 50 feet away from storm drains, streams or wetlands unless there is no alternative reasonably available. If 50 foot offset is not attainable, provide relocation of portable toilet behind silt fence or place on a gravel pad and surround with sand bags. - Provide staking or anchoring of portable toilets during periods of high winds or in high foot traffic areas. - Monitor portable toilets for leaking and properly dispose of any leaked material. Utilize a licensed sanitary waste hauler to remove leaking portable toilets and replace with properly operating unit.	
EARTHEN STOCKPILE MANAGEMENT	
- Show stockpile locations on plans. Locate earthen-material stockpile areas at least 50 feet away from storm drain inlets, sediment basins, perimeter sediment controls and surface waters unless it can be shown no other alternatives are reasonably available. - Protect stockpile with silt fence installed along top of slope with a minimum offset of five feet from the toe of stockpile. - Provide stable stone access point when feasible. - Stabilize stockpile within the timeframes provided on this sheet and in accordance with the approved plan and any additional requirements. Soil stabilization is defined as vegetative, physical or chemical coverage techniques that will restrain accelerated erosion on disturbed soils for temporary or permanent control needs.	
NORTH CAROLINA Environmental Quality	

NCG01 GROUND STABILIZATION AND MATERIALS HANDLING EFFECTIVE: 04/01/19

PART III SELF-INSPECTION, RECORDKEEPING AND REPORTING	
SECTION A: SELF-INSPECTION	
Self-inspections are required during normal business hours in accordance with the table below. When adverse weather or site conditions would cause the safety of the inspection personnel to be in jeopardy, the inspection may be delayed until the next business day on which it is safe to perform the inspection. In addition, when a storm event of equal to or greater than 1.0 inch occurs outside of normal business hours, the self-inspection shall be performed upon the commencement of the next business day. Any times when inspections were delayed shall be noted in the Inspection Record.	
Inspect	Frequency (during normal business hours)
(1) Rain gauge/good working event	Daily
(2) E&SC Measures	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours
(3) Stormwater discharge (outlets)	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours
(4) Perimeter of site	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours
(5) Streams or wetlands on or adjacent to or within 24 hours of a rain event ≥ 1.0 inch in 24 hours	At least once per 7 calendar days and within 24 hours of a rain event ≥ 1.0 inch in 24 hours
(6) Ground stabilization measures	After each phase of grading
NOTE: The rain inspection resets the required 7 calendar day inspection requirement.	
PART III SELF-INSPECTION, RECORDKEEPING AND REPORTING	
SECTION B: RECORDKEEPING	
The approved E&SC plan as well as any approved deviation shall be kept on the site. The approved E&SC plan must be kept up-to-date throughout the coverage under this permit. The following items pertaining to the E&SC plan shall be documented in the manner described:	
Item to Document	Documentation Requirements
(a) Each E&SC Measure has been installed and does not significantly deviate from the locations, dimensions and relative elevations shown on the approved E&SC Plan.	Initial and date each E&SC Measure on a copy of the approved E&SC Plan or complete, date and sign an inspection report that lists each E&SC Measure shown on the approved E&SC Plan. This documentation is required upon the initial installation of the E&SC Measures or if the E&SC Measures are modified after initial installation.
(b) A phase of grading has been completed.	Initial and date a copy of the approved E&SC Plan or complete, date and sign an inspection report to indicate completion of the construction phase.
(c) Ground cover is located and installed in accordance with the approved E&SC Plan.	Initial and date a copy of the approved E&SC Plan or complete, date and sign an inspection report to indicate compliance with approved ground cover specifications.
(d) The maintenance and repair requirements for all E&SC Measures have been performed.	Complete, date and sign an inspection report.
(e) Corrective actions have been taken to E&SC Measures.	Initial and date a copy of the approved E&SC Plan or complete, date and sign an inspection report to indicate the completion of the corrective action.
2. Additional Documentation	
In addition to the E&SC Plan documents above, the following items shall be kept on the site and available for agency inspectors at all times during normal business hours, unless the Division provides a site-specific exemption based on unique site conditions that make this requirement not practical:	
- This general permit as well as the certificate of coverage, after it is received. - Records of inspections made during the previous 30 days. The permittee shall record the required observations on the Inspection Record form provided by the Division or a similar inspection form that includes all the required elements. Use of electronically available records in lieu of the required paper copies will be allowed if shown to provide equal access and utility as the hard-copy records. - All data used to complete the Notice of Intent and other inspection records shall be maintained for a period of three years after project completion and made available upon request. [40 CFR 122.41]	
NORTH CAROLINA Environmental Quality	

NCG01 SELF-INSPECTION, RECORDKEEPING AND REPORTING EFFECTIVE: 04/01/19

SILT SACK	
SILT SACK NOTES	
- THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING THE OPENING SIZE OF THE EXISTING OR PROPOSED CATCH BASIN OR DRAIN INLET. THE SILT SACK WILL BE MANUFACTURED TO FIT THE OPENING OF THE EXISTING OR PROPOSED CATCH BASIN OR DRAIN INLET. - TO INSTALL THE SILT SACK IN THE CATCH BASIN, REMOVE THE GRATE AND PLACE THE SACK THE CATCH BASIN. HOLD OUT APPROXIMATELY SIX INCHES OF THE SACK OUTSIDE THE FRAME, THIS IS THE AREA OF THE LIFTING STRAPS. REPLACE THE GRATE TO HOLD THE SACK IN PLACE. - THE SILT SACK IS FULL AND SHOULD BE EMPTIED WHEN THE RESTRAINT CORD IS NO LONGER VISIBLE. - TO REMOVE THE SILT SACK, TAKE TWO PIECES OF 1" DIAMETER REBAR AND PLACE THROUGH THE LIFTING LOOPS ON EACH SIDE OF THE SACK TO FACILITATE THE LIFTING OF THE SILT SACK. - TO EMPTY THE SILT SACK, PLACE IT WHERE THE CONTENTS WILL BE COLLECTED. PLACE THE REBAR THROUGH THE LIFT STRAPS (CONNECTED TO THE BOTTOM OF THE SACK) AND LIFT. THIS WILL TURN THE SILT SACK INSIDE OUT AND EMPTY THE CONTENTS. CLEAN OUT AND RINSE. RETURN THE SILT SACK TO ITS ORIGINAL SHAPE AND PLACE BACK IN THE BASIN.	

SILT SACK EFFECTIVE: 04/01/19

EROSION CONTROL NOTES AND MAINTENANCE PLAN:

TEMPORARY SEEDING RECOMMENDATIONS FOR FALL	
SEEDING MIXTURE SPECIES	RATE (lb./acre) (lb./1000 sq ft)
RYE (GRAN)	120 2.75
SEEDING DATES:	
FOLLOW SOIL TEST OR APPLY 2,000 lb./acre GRASS/AGRICULTURAL LIME/STON 1,000 lb./acre 10-10-10 FERTILIZER.	
TEMPORARY SEEDING RECOMMENDATIONS FOR SUMMER	
SEEDING MIXTURE SPECIES	RATE (lb./acre) (lb./1000 sq ft)
GRASS MILLET	40 0.92
SEEDING DATES:	
FOLLOW SOIL TEST OR APPLY 2,000 lb./acre GRASS/AGRICULTURAL LIME/STON 1,000 lb./acre 10-10-10 FERTILIZER.	
TEMPORARY SEEDING RECOMMENDATIONS FOR LATE WINTER AND EARLY SPRING	
SEEDING MIXTURE SPECIES	RATE (lb./acre) (lb./1000 sq ft)
RYE (GRAN)	120 2.75
ANNUAL LESPEDEZA (KOB)	50 1.15
SEEDING DATES:	
FOLLOW SOIL TEST OR APPLY 2,000 lb./acre GRASS/AGRICULTURAL LIME/STON 1,000 lb./acre 10-10-10 FERTILIZER.	
TEMPORARY SEEDING RECOMMENDATIONS FOR FALL AND EARLY SPRING	
SEEDING MIXTURE SPECIES	RATE (lb./acre) (lb./1000 sq ft)
RYE (GRAN)	120 2.75
ANNUAL LESPEDEZA (KOB)	50 1.15
SEEDING DATES:	
FOLLOW SOIL TEST OR APPLY 2,000 lb./acre GRASS/AGRICULTURAL LIME/STON 1,000 lb./acre 10-10-10 FERTILIZER.	

TEMPORARY SEEDING RECOMMENDATIONS FOR FALL AND EARLY SPRING	
SEEDING MIXTURE SPECIES	RATE (lb./acre) (lb./1000 sq ft)
RYE (GRAN)	120 2.75
ANNUAL LESPEDEZA (KOB)	50 1.15
SEEDING DATES:	
FOLLOW SOIL TEST OR APPLY 2,000 lb./acre GRASS/AGRICULTURAL LIME/STON 1,000 lb./acre 10-10-10 FERTILIZER.	
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TEMPORARY SEEDING RECOMMENDATIONS FOR FALL AND EARLY SPRING	
SEEDING MIXTURE SPECIES	RATE (lb./acre) (lb./1000 sq ft)
RYE (GRAN)	120 2.75
ANNUAL LESPEDEZA (KOB)	50 1.15
SEEDING DATES:	
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TEMPORARY SEEDING RECOMMENDATIONS FOR LATE WINTER AND EARLY SPRING	
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EROSION CONTROL NOTES AND MAINTENANCE PLAN:

TEMPORARY SEEDING RECOMMENDATIONS FOR FALL	
SEEDING MIXTURE SPECIES	RATE (lb./acre) (lb./1000 sq ft)
RYE (GRAN)	120 2.75
SEEDING DATES:	
FOLLOW SOIL TEST OR APPLY 2,000 lb./acre GRASS/AGRICULTURAL LIME/STON 1,000 lb./acre 10-10-10 FERTILIZER.	
TEMPORARY SEEDING RECOMMENDATIONS FOR SUMMER	
SEEDING MIXTURE SPECIES	RATE (lb./acre) (lb./1000 sq ft)
GRASS MILLET	40 0.92
SEEDING DATES:	
FOLLOW SOIL TEST OR APPLY 2,000 lb./acre GRASS/AGRICULTURAL LIME/STON 1,000 lb./acre 10-10-10 FERTILIZER.	
TEMPORARY SEEDING RECOMMENDATIONS FOR LATE WINTER AND EARLY SPRING	
SEEDING MIXTURE SPECIES	RATE (lb./acre) (lb./1000 sq ft)
RYE (GRAN)	120 2.75
ANNUAL LESPEDEZA (KOB)	50 1.15
SEEDING DATES:	
FOLLOW SOIL TEST OR APPLY 2,000 lb./acre GRASS/AGRICULTURAL LIME/STON 1,000 lb./acre 10-10-10 FERTILIZER.	
TEMPORARY SEEDING RECOMMENDATIONS FOR FALL AND EARLY SPRING	
SEEDING MIXTURE SPECIES	RATE (lb./acre) (lb./1000 sq ft)
RYE (GRAN)	120 2.75
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TEMPORARY SEEDING RECOMMENDATIONS FOR FALL	
SEEDING MIXTURE SPECIES	RATE (lb./acre) (lb./1000 sq ft)
RYE (GRAN)	120 2.75
SEEDING DATES:	
FOLLOW SOIL TEST OR APPLY 2,000 lb./acre GRASS/AGRICULTURAL LIME/STON 1,000 lb./acre 10-10-10 FERTILIZER.	
TEMPORARY SEEDING RECOMMENDATIONS FOR SUMMER	
SEEDING MIXTURE SPECIES	RATE (lb./acre) (lb./1000 sq ft)
GRASS MILLET	40 0.92
SEEDING DATES:	
FOLLOW SOIL TEST OR APPLY 2,000 lb./acre GRASS/AGRICULTURAL LIME/STON 1,000 lb./acre 10-10-10 FERTILIZER.	
TEMPORARY SEEDING RECOMMENDATIONS FOR LATE WINTER AND EARLY SPRING	
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924 N HOWE ST, SOUTHPORT, NC 28461

TRUE DAM®

Installation and Maintenance Guidelines

Installation: Place True Dam® on ground with aggregate pouch on top. Seal the inlet on which it will be installed. Open the mesh pouch located on the street side edge of the unit. Optional absorbents, place absorbent sock in pouch and back of pouch. Fill pouch with aggregate to a level that the unit in place during a rain event and create a seal between the True Dam® and the surface of the street. Reseal the mesh pouch. Center the unit against a curb or median line so that the curb side of the unit creates a seal with the inlet structure. There should be an equal length of the mesh pouching on each side of the opening.

Maintenance: Remove all accumulated sediment and debris from and vicinity of unit after each storm event. If using all absorbents, replace and replace absorbent pillow when saturated.

TRUE DAM®

ROAD FABRIC IS AN
OPTIONAL
W/ WOVEN
LAINMENT

OVERFLOW GAP

—MANHOLE

WITH
INLET
APPEAL

CURB DROP INLET OR
MEDIAN INLET WITHOUT
GRATE

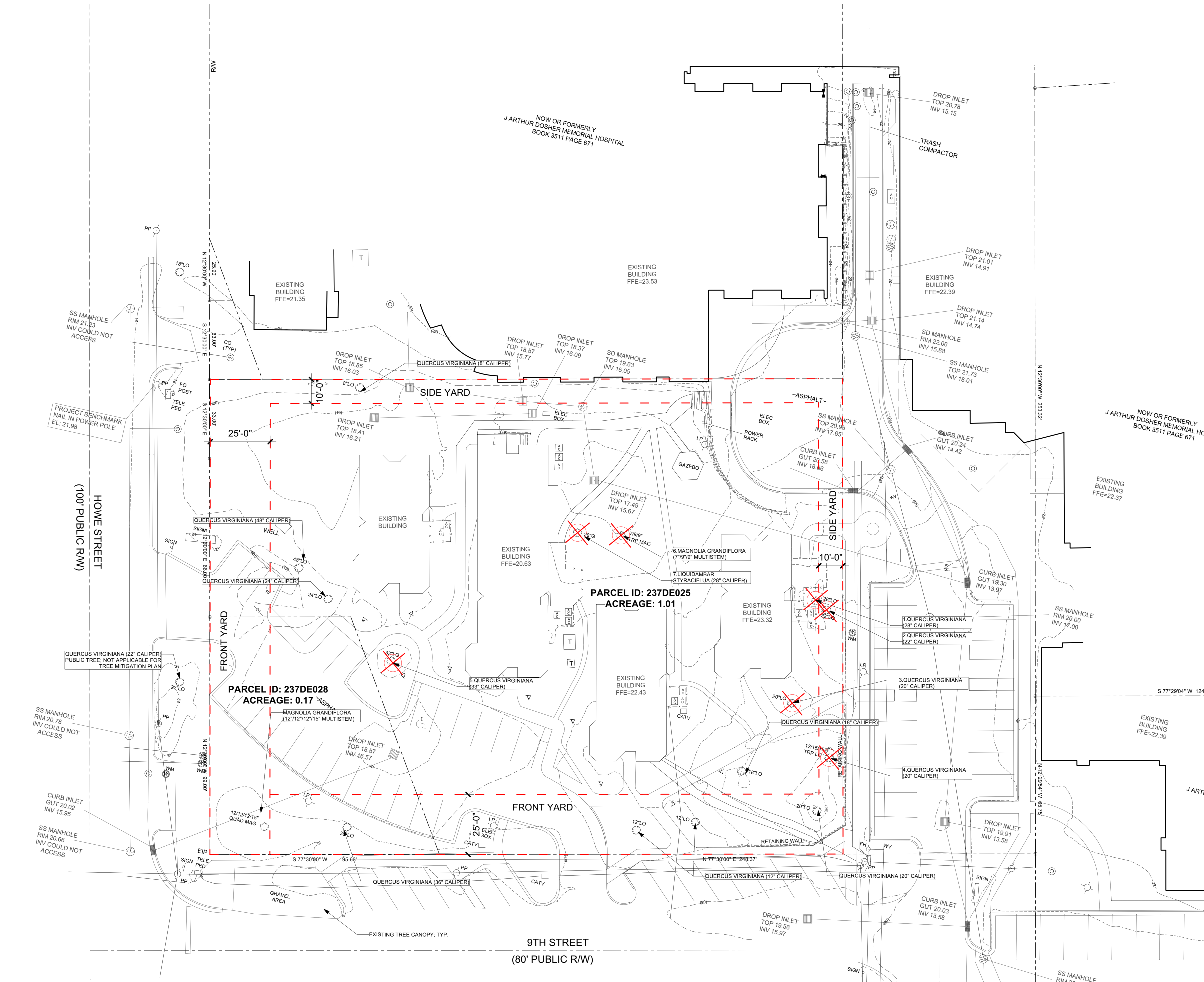
Installation: grate as the absorbents pouch (bag-grade) loop. Tuck the grate. Holding the unit to support the its frame (straps) in place. The in the hood when in the

Maintenance: surface and sediment that the Beaver Dam remove and

STANDARD P
GRASS, WO
MONOFLAME

LOW PROFILE W
GUTTER FOR SA
CURBS APPL

EROS



TREE TO BE REMOVED				
NO.	SPECIES	DBH	NOTE	TOTAL DBH FOR REPLANT/ MITIGATION
1.	QUERCUS VIRGINIANA	28"	REGULATED TREE	75 (NO.2 + NO.4 + NO.5) *
2.	QUERCUS VIRGINIANA	22"	REGULATED TREE WITHIN 10' SETBACK	
3.	QUERCUS VIRGINIANA	20"	REGULATED TREE	
4.	QUERCUS VIRGINIANA	20"	REGULATED TREE WITHIN 10' SETBACK	
5.	QUERCUS VIRGINIANA	33"	SPECIMEN TREE	
6.	LIQUIDAMBAR STYRACIFLUA	20"	REGULATED TREE	
7.	MAGNOLIA GRADIFLORA	7'9"9" MULTI-STEM	REGULATED TREE	

* SEE NOTES FOR UDO SECTIONS REFERENCED TOWARDS CALCULATION OF TOTAL DBH FOR REPLANTING/MITIGATION.

TREE TO BE RETAINED AND PRESERVED		
SPECIES	DBH	MITIGATION CREDIT
QUERCUS VIRGINIANA	48"	48 X 3 = 144
QUERCUS VIRGINIANA	24"	24 X 2 = 48
QUERCUS VIRGINIANA	36"	36 X 3 = 108
QUERCUS VIRGINIANA	12"	
QUERCUS VIRGINIANA	18"	
QUERCUS VIRGINIANA	20"	20 X 2 = 40
QUERCUS VIRGINIANA	8"	
MAGNOLIA GRADIFLORA	12"12"12"15 MULTI-STEM	
TOTAL:		340

TREES TO BE REPLANT FOR MITIGATION:
MITIGATION CREDIT IS GREATER THAN DBH TO BE REPLANTED.
NO ADDITIONAL TREES REQUIRED FOR MITIGATION PURPOSE

PLANTING NOTES - APPLIES TO ALL SERIES SHEETS - SEE DETAIL SHEET L160 FOR APPLICABLE PLANTING DETAILS

- PLANTING NOTES
- EXISTING UTILITIES SHOWN ARE APPROXIMATE AND SHALL BE VERIFIED IN THE FIELD PRIOR TO BEGINNING WORK. IDENTIFY LOCATION OF EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION. CONTRACTOR SHALL CONTACT NC ONE CALL CENTER AT 1-800-632-4949 FOR LOCATION OF EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION. THE CONTRACTOR SHALL EXERCISE CAUTION WHEN WORKING AROUND EXISTING UTILITIES TO REMAIN.
 - CONTRACTOR WILL NOTIFY LANDSCAPE ARCHITECT OF PLANT SUBSTITUTIONS IN ANY MEASUREMENT OR SPECIES INDICATED. SEE SPECIFICATIONS FOR FULL NOTIFICATION REQUIREMENTS.
 - ALL TREES SHALL BE OBTAINED FROM THE NURSERY WITH EXPOSED ROOT CROWNS. B&B MATERIAL DELIVERED TO SITE WITH BURIED OR RECENTLY BURIED ROOT CROWNS WILL BE REJECTED.
 - REFERENCE TO CIVIL FOR SITE DEMOLITION.
 - DO NOT PLANT IN STORM WATER CONVEYANCE SWALES. DO NOT PROVIDE FINE GRADING THAT DISRUPTS FLOW OR CHANGES LONGITUDINAL SLOPES IN A WAY THAT DAMS WATER OR PREVENTS THE FLOW OF WATER TOWARDS PROJECT DESIGNED LOW POINTS.
 - PLANT THE OUTER EDGES OF EACH PLANTING GROUP FOLLOWING THE BED OUTLINE ACCORDING TO THE PLAN. ONCE A SATISFACTORY MATCHED OUTER SHAPE IS OBTAINED, FILL THE CENTER OF EACH AREA WITH PLANTS ACCORDING TO THE PLAN AND SPACING NOTES. THIS FOLLOWS A NATURAL SPACING PATTERN RATHER THAN A STRICT GRID SPACING.
 - UNLESS OTHERWISE NOTED IN THE PLANT LIST, CONTRACTOR SHALL OBTAIN AND INSTALL ONLY PLANT MATERIAL THAT IS GROWN ON ITS OWN ROOT. GRAFTED OR BUDDED PLANT MATERIAL WILL BE REJECTED.
 - CONTRACTOR SHALL STAKE ALL PLANT LOCATIONS IN THE FIELD. OBTAIN APPROVAL FROM LANDSCAPE ARCHITECT OR OWNER REPRESENTATIVE PRIOR TO STARTING PLANT INSTALLATIONS.
 - THE PLANTING LAYOUT WITHIN PLANTING BEDS SHOULD BE SHIFTED TO MINIMIZE CONFLICTS WITH EXISTING TREE ROOTS AND OTHER STRUCTURES OR OBSTRUCTIONS. NOTIFY LANDSCAPE ARCHITECT OF SIGNIFICANT DEVIATIONS FROM PROJECT PROPOSED PLANT LOCATIONS.
 - AFTER THE SITE IS STABILIZED AND FREE OF ACTIVE SEDIMENTATION, THE CONTRACTOR SHALL REMOVE ALL TEMPORARY EROSION CONTROL DEVICES, SILT DEPOSITS, RIP RAP SEDIMENT TRAPS, TEMPORARY ACCESS DRIVE, TEMPORARY STONE STAGING AREAS, AND ANY OTHER TEMPORARY CONSTRUCTION ITEMS FOR REPLACEMENT WITH PLANTING SOIL. PLANTING SOIL SHALL BE PLACED PER SPECIFICATIONS INCLUDING TILLAGE OF SUBGRADE TO MITIGATE COMPACTED SOILS. PROVIDE PLANTS OR TURF ACCORDING TO THE PLANTING PLAN.
 - TEMPORARY EROSION CONTROL SEED MUST BE FULLY REMOVED PRIOR TO PREPARATION OF PERMANENT SEED, SOD OR LANDSCAPE BEDS.
 - DISTURBED EARTH AREAS BEYOND PROJECT LIMITS THAT ARE DIRECTLY CAUSED BY CONTRACTOR MEANS AND METHODS SHALL BE RESTORED WITH PROJECT SPECIFIED TURF SOD UNLESS APPROVED BY LANDSCAPE ARCHITECT TO RESTORE WITH PROJECT SPECIFIED MULCH WHEN DISTURBED AREAS ARE INTERIOR TO OR BORDER AGAINST EXISTING MULCH AREAS.
 - PLANT LIST IS PROVIDED FOR CONVENIENCE ONLY. IN THE CASE OF DISCREPANCIES BETWEEN THE PLAN AND PLANT LIST QUANTITIES, THE PLAN SHALL TAKE PRECEDENCE.
 - REFERENCE TO CIVIL DRAWINGS FOR TREE PROTECTION FENCE DETAIL
 - REFER TO SPECIFICATION SECTION 015639 FOR TEMPORARY TREE AND PLANT PROTECTION DURING CONSTRUCTION.

BSA

BSA LifeStructures
510 Glenwood Ave, Suite 321
Raleigh, NC 27603-1262
ph 919.334.7301 tx 317.819.7288

Engineering Registration Number - C-2412

Surface

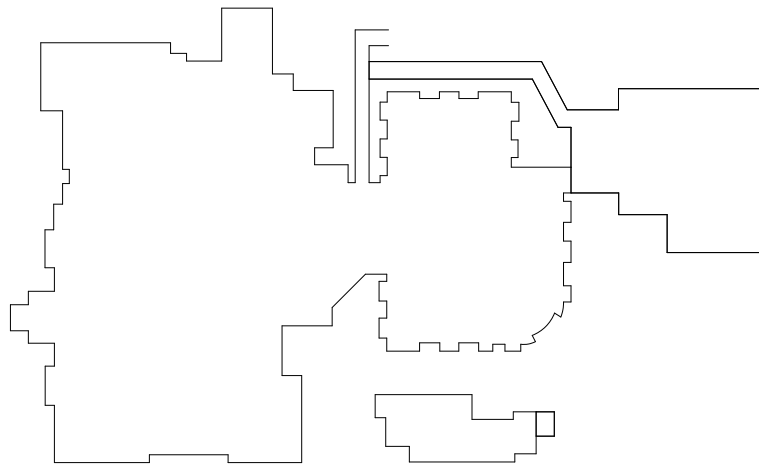
Surface 678, P.A.
215 Morris Street, Suite 150
Durham, NC 27701

www.surface678.com
p : 919-419-1199
f : 919-419-1669

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MEMORIAL
HOSPITAL
EXPNSION

924 N Howe St, Southport, NC 28461
CLIENT PROJECT NO. - 0000

DESIGN DEVELOPMENT



KEYPLAN

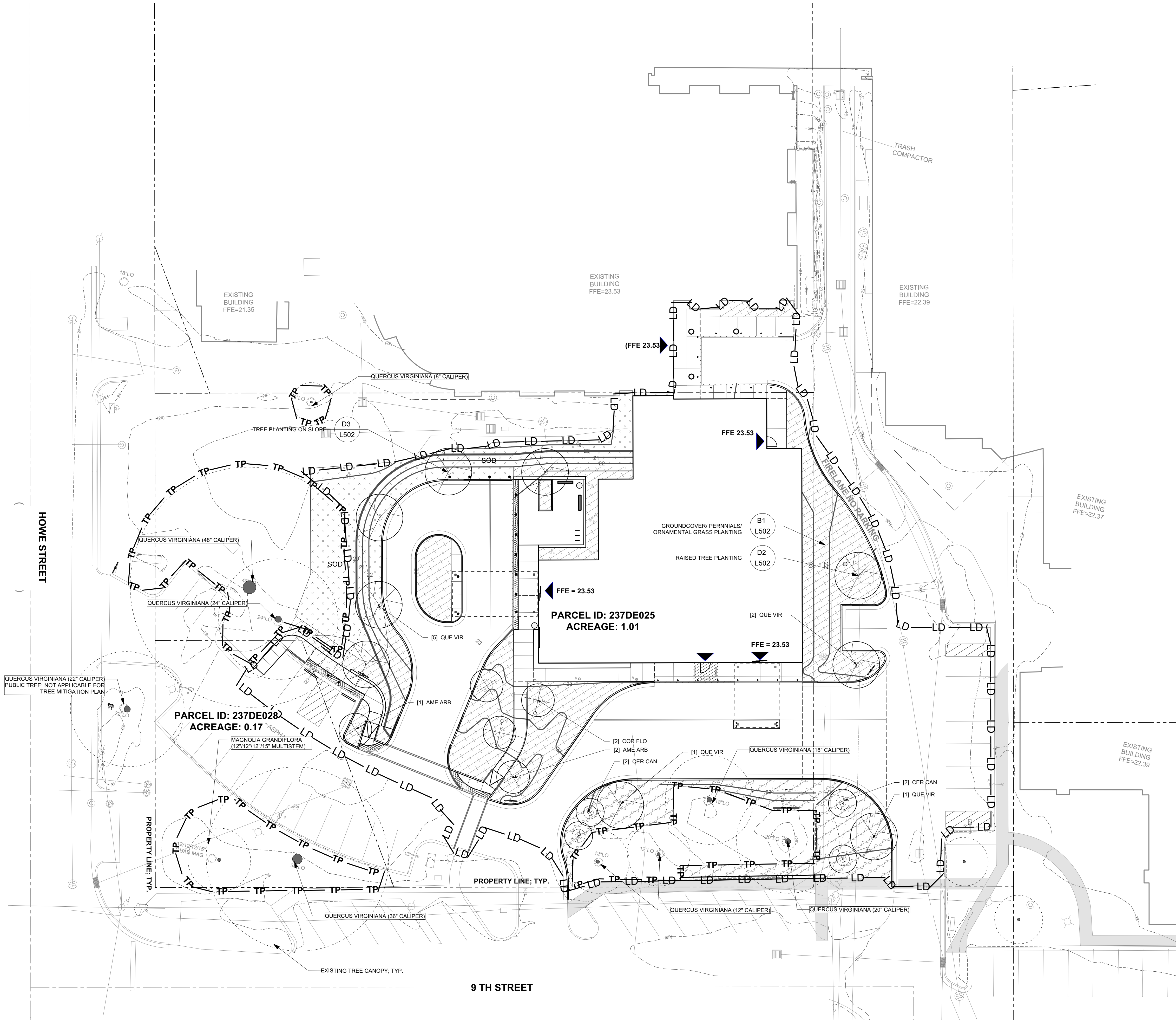
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TREE/ MITIGATION
PLAN

DATE: June 14, 2024
BSALS PROJECT: 23380905
NO.

L161



PER UDO SECTION 3.18-H.1 /c/d/eh

- WHERE REGULATED OR SPECIMEN LIVE OAK (QUERCUS VIRGINIANA) TREES ARE REMOVED, THE REPLANTING REQUIREMENT SHALL CONSIST OF MIN.50% OF SUCH SPECIES.
- ANY REPLANTED TREES SHALL BE CANOPY OR UNDERSTORY TREES APPROVED BY CITY OF SOUTHPORT.
- UTILIZATION OF UNDERSTORY TREES SHALL NOT EXCEED 50% OF THE REQUIRED MITIGATION PLANTINGS.
- A MITIGATION PLAN THAT CONTAINS BETWEEN 10 TO 50 UNDERSTORY TREES SHALL INCLUDE A MIN. 3 UNDERSTORY SPECIES.
- MIN. SIZES FOR MITIGATION PLANTINGS ARE CANOPY TREES 3" CALIPER AND UNDERSTOYR TREES 2" CALIPER.

PLANT SCHEDULE - CONTRACTOR SHALL SATISFY ALL MEASUREMENTS NOTED - EXCEED SIZES UPON APPROVAL

KEY	QTY	LATIN NAME	COMMON NAME	CONTAINER	SIZE	HT	W	SPACING	COMMENTS	TYPE	%
TREES											
AME ARB	3	AMELANCHIER ARBOREA 'AUTUMN BRILLIANT'	DOWNY SERVICEBERRY	B&B	2" CAL.	8' HT.	5' W.	AS SHOWN	3-STEM; EVENLY BRANCHED; FULL	UNDERSTORY TREE	17%
CER CAN	4	CERCIS CANADENSIS 'FOREST PANSY'	FOREST PANSY REDBUD	B&B	2" CAL.	8' HT.	5' W.	AS SHOWN	STRONG CENTRAL LEADER; EVENLY BRANCHED; FULL	UNDERSTORY TREE	22%
COR FLO	2	CORNUS FLORIDA 'CHEROKEE BRAVE'	CHEROKEE BRAVE DOGWOOD	B&B	2" CAL.	8' HT.	5' W.	AS SHOWN	STRONG CENTRAL LEADER; EVENLY BRANCHED; FULL	UNDERSTORY TREE	11%
QUE VIR	9	QUERCUS VIRGINIANA	LIVE OAK	B&B	3" CAL.	14' HT.	4' W.	AS SHOWN	STRONG CENTRAL LEADER; EVENLY BRANCHED; FULL	CANOPY TREE	50%

PLANTING LEGEND	
	ORNAMENTAL GRASS SEEDING
	40% SHRUBS + 40% ORNAMENTAL GRASSES + 20% PERENNIALS @ 24" O.C. 2 GAL. CONT. MIN. 18" H X 18" W
	SOD
	LIMIT OF DISTURBANCE



TREE/ MITIGATION PLAN

DATE June 14, 2024
BSALS PROJECT NO. 23380905

L162

BSA

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510 Glenwood Ave, Suite 321
Raleigh, NC 27603-1262
ph 919.334.7301 tx 317.819.7288

Engineering Registration Number - C-2412

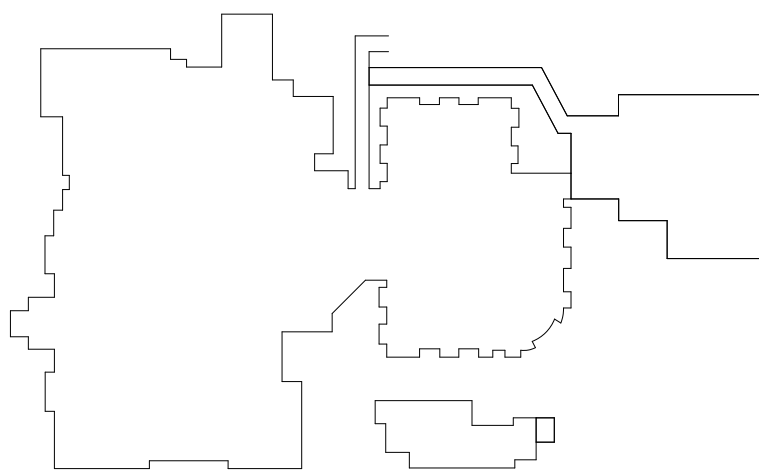
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CLIENT PROJECT NO. - 0000

DESIGN DEVELOPMENT



KEYPLAN

MARK	DATE	DESCRIPTION
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2024 PLANNING BOARD ATTENDANCE

<u>NAME</u>	Jan.	Feb.	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.			Total Absences
Sue Hodgin Chair	P	P	P	P	P	P	P								
Will Hewett Vice-Chair	P	P	P	P	P	P	P								
Fred Fiss	P	P	P	P	P	P	P								
Christopher Jones	A	P	P	A	A	P	P								3
Scott Jones	P	P	P	P	P	P	P								
Donnie Joyner	P	P	P	P	P	P	R								
Dick Sloan	P	P	P	P	A	A	A								3
Roy Pender	P	P	P	P	P	A	P								1
Kevin Locklin	P	P	P	P	P	P	P								

M:\PLBFILES\2024 ATTENDANCE PB.wpd

PLANNING BOARD MEMBER LIST 2024-2025

MEMBER	ADDRESS	PHONE NUMBERS	APPOINTED	EXPIRATION	
Sue Hodgins, Chair sue.hodgins@southportnc.org	608 Cottage Point Way	(910) 477-1808	February 10, 2022	June 2025	IN
Will Hewett, Vice-Chair will.hewett@southportnc.org	129 Cape Fear Dr	(910) 520-3291	August 11, 2022	June 2025	IN
Fred Fiss fred.fiss@southportnc.org	216 N. Atlantic Ave	(910) 269-6901	June 13, 2024	June 2026	IN
Christopher W. Jones chris.jones@southport.nc.org	1008 Dutchman Cove SE	(910) 549-1407	April 13, 2023		ETJ ALT
Scott Jones scott.jones@southportnc.org	1001 Pete's Camp Rd	(910) 471-0802	August 14, 2020		ETJ
Richard Sloan dick.sloan@southport.nc.org	509 E. Moore St	(910) 946-1771	February 10, 2022	June 2025	IN
Roy Pender roy.pender@southportnc.org	4415 Willow Moss Way	(910) 477-6057	April 13, 2023	June 2026	IN
Kevin Locklin kevin.locklin@southportnc.org	209 N. Lord St.	(540) 272-0808	April 13, 2023	June 2025 (Completing the term)	IN ALT
Mo Meehan mmeehan@cityofsouthport.com	1029 N. Howe St	(910) 457-7900 X 1043	Staff Planner		
Tanya Shannon tshannon@cityofsouthport.com	1029 N. Howe St	(910) 457-7929	Staff Deputy Clerk		
Rebecca Kelley rkelly@cityofsouthport.com		(910) 269-9940	Board of Aldermen Liaison		
Frank Lai flai@cityofsouthport.com		(910) 269-9971	Board of Aldermen Liaison		