

**PLANNING STAFF REPORT
MASTER DEVELOPMENT PLAN
THE OAKS at SLOOP POINT**

SUMMARY:

Hearing Date: November 12, 2013

Applicant: Signature Pender County NC, LMTD

Property Owner: First Federal Bank

Case Number: MDP 11035

Development Proposal: The applicant is requesting approval of a Master Development Plan for The Oaks at Sloop Point.

Location and Land Use: There is one (1) tract associated with this request totaling approximately ± 143 acres, which was utilized as the Topsail Greens Golf Course. The proposed project is located along the north side of Sloop Point Loop Road (SR 1563) and US Highway 17 in Hampstead. The property may be identified by PIN 4214-12-8251-0000.

The project is classified as Mixed Use by the 2010 Pender County Comprehensive Land Use Plan.

Zoning District of Property: The property is zoned PD, Planned Development District.

Staff Recommendation: Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance; therefore, staff respectfully recommends conditional approval of Master Development Plan with consideration of the Technical Review Committee (TRC) and Planning Board comments and conditions. All future phases will be subject to Planning Board review and approval; including the Preliminary Plat for all phases.

History:

The subject property was previously known as the Topsail Greens Golf Course as recorded in the Pender County Register of Deeds on August 21, 1975 (Map Book 16, Page 73). The property was zoned PD, Planned Development from the adoption of zoning in Pender County (Pender County Zoning Ordinance 1988).

Description of Proposal:

Signature Pender County NC, LP applicant on behalf of First Federal Bank, owner(s), is requesting approval of Master Development Plan (MDP) for a 3 phased, 185 (single family residential) Mixed Use Master Development Plan.

The applicant is proposing a maximum of 185 residential lots along $\pm 58,370$ square feet of non-residential on the site. The total site acreage for the three phased proposal is ± 78.80 acres and ± 64.20 acres are shown as future development. All areas shown as future development, including the non-residential will require reevaluation and approval by the Pender County Planning Board.

Project Density

The Pender County Unified Development Ordinance, Section 4.8.1.C, specifically addresses the allowable density as 5 units per net density within the PD, Planned Development District. The Oaks at Sloop Point is proposing net density of 2.72 units per acre. The density was calculated by subtracting the following from the total acreage of the tract: areas reserved as non-residential development, total wetland calculations, rights of way and parking areas, active and passive open space (Table 1). This density calculation is only for the 79.8 acre proposal; any future development will need to be evaluated accordingly.

Table 1

Total Acreage	79.8
Non-Residential Acreage	1.34
Wetlands Acreage	0
Right-of-Way Acreage	10.34
Open Space Acreage	5.55
	Active 2.78
	Passive 2.78
Total Units	185
	Developable Land 68.12
	Net Density 2.72

Lot Requirements

As outlined in the Unified Development Ordinance, Section 4.8.1.D the MDP established the required lots sizes, yard setbacks, and building height. The applicant is proposing a maximum total of 185 single family residential lots, with a minimum lot size of 10,000 ft² with a maximum building height of 38 feet and the following proposed yard setbacks:

- Front: 20 feet
- Side: 10 feet
- Rear: 20 feet
- Corner: 15 feet

As the proposed development does not have a direct connection to a community wastewater treatment facility as outline in Section 7.81.B.2, the minimum lot size will need to be increased to 12,000 ft².

Water/Waste Water:

The Oaks at Sloop Point is proposing traditional on-site septic with the potential of off-site septic if needed after a more detailed soil analysis is completed; subject to review and approval by Pender County Environmental Health. Off-site areas would need to be determined prior to the approval of Preliminary Plat.

The project has proposed connection to Pender County Public Water System; subject to review and approval by Pender County Utilities (PCU).

Open Space

Currently 5.55 acres of open space are provided in this proposal with 2.78 to be dedicated as passive open space and 2.78 acres to be dedicated as active open space, which meets the open space requirements set forth in Section 7.6.1 C of the Pender County Unified Development Ordinance. Additionally, the development will be required to provide two (2) recreational units as referenced in Section 7.6.2, Recreational Units (Table 2).

Table 2

Dwelling Units	Recreational Unit(s)	Financial Unit
151-200	2.0	\$20,000

Recreational facilities shall be in a configuration and location that is easily accessible to the dwelling units that they are designed to serve and may be placed within active or passive open space required areas. Recreational units are assigned a financial unit to be achieved via installation on the subject property or through a payment in lieu of in conjunction with the approved Pender County Parks & Recreation Master Plan. The timing of the installation or payment in lieu of installation shall be confirmed on the Master Development Plan.

The applicant is proposing a payment in lieu of installation of the recreation units; which will be required prior to the recordation of the first phase, of the Master Development Plan submitted; all future development will be evaluated for open space and recreational units at the time of submittal.

Street Connectivity and Access

This Master Development Plan is located within the jurisdictional boundary of the Wilmington Metropolitan Planning Organization (WMPO).

Access to the development is proposed off of Sloop Point Loop Road, southwest of Friendly Lane. A future connection to the formally approved Shepard's Branch Subdivision was initially proposed. However after conversations with the applicant, staff is proposing a connection along the northeastern boundary line adjacent to the proposed Cardinal Pointe Master Development Plan. This would need to be a viable for both master development plans; this road network will be a 50 foot right-of-way, dedicated public, due to the connectivity of the two developments. The remainder if the interior road networks are proposed to be constructed to NCDOT standards, dedicated private, with varying right-of-way widths. This also includes Phase 3 located on the south side of Sloop Point Loop Road.

As outlined in the Unified Development Ordinance Article, specifically street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design. The applicant is proposing a 30 foot private access easement is shown on page C-3.4; this easement would be constructed to NC DOT standards with variations to right-of-way widths and geometric design.

The non-residential are acreage will have direct access to US Highway 17 and will require review and approval from the Pender County Planning Board.

All road names will need to be approved prior to Preliminary Plat approval by the Pender County Addressing Coordinator.

The applicant is proposing bike and pedestrian multiuse paths along the publicly dedicated road network with a connection to Doral Drive (SR 1693).

Landscaping and Buffers

The project is proposing to utilize the existing vegetation were applicable. All project boundaries adjacent to residential lots will have a C-1 Buffer, specifically a 10 foot buffer with a 6 foot high opaque wooded fence. Whereas, property boundaries along road frontages on existing state maintained roadways will have a Buffer Type A.

Environmental Concerns

The ±143 acre Master Plan Boundary contain portions of environmentally sensitive areas including wetlands and floodplains.

There are approximately 3.24 acres of wetlands on the subject property, as shown on a wetland declination submitted to the Army Corps of Engineers, subject to review and approval. Any development within these areas may be subject to the permit requirements of Section 404 of the Clean Water Act.

There is a portion of the project area that is located within the "Approximate Zone A" Special Flood Hazard Area, according to the 2007 Flood Insurance Rate Maps (FIRMs), Map Number 3720420400J, Panel Number 4204 . Prior to the issuance of Final Preliminary Plat approval a flood study must be submitted and approved as required in the Pender County Unified Development Ordinance § 9.5.3.

After a preliminary analysis, it appears no CAMA Areas of Environmental Concern located on the project site.

The PD, Planned Development District requires a tree survey to be submitted prior to the Final Preliminary Plat approval.

All applicable state and federal agency permits including a Stormwater Management Permit, Sediment and Erosion Control Plan, wetlands impact permits, and NCDOT Driveway Permit will be required prior to the approval of the Final Preliminary Plat.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

The project is located in the MPO boundary so the RPO has no comment.

Four County Electric Company

No response

NC DENR Division of Coastal Management

No comment

NC DENR Division of Forestry

No response

NC DENR, Division of Energy, Mineral, and Land Resources - Land Quality Section

An erosion and sedimentation control plan will be needed for this project.

NC DENR Division of Waste Management

No response

NC DENR Division of Water Quality

No response

NC DOT Division of Highways

The NCDOT has talked with the developer's engineer, and are still working on some small issues. But as of right now we will request that a driveway permit be submitted to NCDOT for proposed development.

NC DOT Transportation Planning Branch

No response

NC Office of State Archaeology

No response

NC Wildlife Resources Commission

No response

Pender County Addressing Coordinator

No response

Pender County Building Inspections

No response

Pender County Emergency Management

No response

Pender County Environmental Health

Each lot will need to apply for a septic permit with the Environmental Health Section.

Pender County Fire Marshal

No response

Pender County Flood Plain Management

Because there's an Approximate A Special Flood Hazard Area, the following will apply:

9.5.3 Standards for Floodplains without Established Base Flood Elevation

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 9.3.2, where no Base Flood Elevation (BFE) data is available, the following provisions, in addition to the provisions of Section 9.5.(1) and (2), shall apply:

- A. *No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.*

B. *The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:*

1) *If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or flood proofed in accordance with standards in Section 9.5.(1) and (2).*

2) *All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article 3, Section B to be utilized in implementing this Ordinance.*

3) *When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Section 9.2.*

If a study will not be done, then the Approximate A zone could possibly be dedicated as open space; therefore, cannot be developed without the study.

Pender County Parks and Recreation

Parks and Recreation has no issues with this request.

Pender County Public Library

No response

Pender County Public Utilities

No response

Pender County Schools

The western half of the property is in the Topsail Elementary School district and the eastern half is in the North Topsail Elementary School district. There are more than 620 students at North Topsail and the capacity is 520, Topsail Elementary has over 530 students with a capacity of 500 students. South Topsail Elementary has 575

students and has a capacity of 540. As you can see the three elementary schools are over capacity and mobile classrooms are being used to house students.

The impact of this proposed subdivision will be shared by North Topsail and Topsail Elementary Schools. We are working towards a growth study for the schools but we do not know when the results will be available. The schools will have to utilize mobile classrooms until a new school is built in the area north of the North Topsail School. This will allow us to ease crowding in the other elementary schools in the area.

I have reviewed the site plan and have the following observations:

1. If buses are allowed on the subdivision roads they must be designed and built according to the North Carolina Department of Transportation guidelines.
2. The cul-de-sacs must have a minimum diameter of 90 ft.
3. There should be designated bus stops with a covered canopy to protect the children during inclement weather events.
4. The bus stops must not be less than 2/10's of a mile. (Approximately 1,000 ft.).
5. Pender County cannot be held liable for road/highway damage.
6. Appropriate speed limit and other signage must be posted.
7. If the road is considered private and buses are requested approval from the homeowners association or owner is required.
8. These comments will apply to any future subdivision.

Pender County Sheriff's Department

No response

Pender County Soil and Water Conservation District

Soil & Water sees no problem with this request.

Progress Energy Corporation

No response

US Army Corps of Engineers

No response

Wilmington Metropolitan Planning Organization

No response

Evaluation

A) Existing Zoning in Area:

The property is located within a PD, Planned Development District. The intent of the PD, Planned Development District is to provide an alternative to a conventional development. The PD, Planned Development District allows projects of innovative design and layout that would not otherwise be permitted under this Ordinance because of the strict application of zoning district or general development standards. The PD District encourages progressive land planning and design concepts.

The properties to the immediate north, south and west are zoned PD, Planned Development District, with the properties to the south zoned as RP, Residential Performance.

B) Existing Land Use in Area:

The properties immediately north, and east are currently low density residential (Sloop Point South and Cardinal Acres Manufactured Home Park), however an application has been submitted for a Master Development Plan for the adjacent property to the immediate north. Along the immediate southern and eastern boundary of the

property is a low density residential subdivision (Greenway Planation) and moderate density multifamily (Vista Cove). This proposal is located within the area previously known as the Topsail Greens Golf Course and is surrounded by the Topsail Greens Community.

D) 2010 Comprehensive Land Use Plan:

- 1. Mixed Use: The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner.
- 2. Supporting Comprehensive Plan Policies and Goals:
 - a. **Growth Management Goal 1A.1** Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.
 - i. **Policy 1A.1.2**
Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development
 - b. **Transportation Goal 2B.1** Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with the Comprehensive Land Use Plan and the Coastal Pender Collector Street Plan.
 - i. **Policy 2B.1.4**
Adopt regulations that require new developments and individual sites throughout the County to provide vehicular and pedestrian interconnectivity to existing or planned adjacent sites and adjoining developments.
 - ii. **Policy 2B.1.9**
As recommended in the Coastal Pender Collector Street Plan, all new streets that have the potential to connect to adjacent developments should be constructed to NCDOT secondary road standards and accepted for public maintenance to ensure future connectivity.

E) Summary & Staff Recommendation: Staff Recommendation:

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance; therefore, staff respectfully recommends approval of the Master Development Plan. All future phases will be subject to Planning Board review and approval; including the Preliminary Plat for all phases.

The approval is also subject to the all conditions required by the Pender County Planning Board and regulatory State and Federal Agencies.

Board Action for Master Plan Review:

Motion: _____ **Seconded:** _____

Approved: _____ **Denied:** _____ **Unanimous:** _____

Boney: ___ Williams: ___ Baker: ___ Edens: ___ Marshburn: ___ McClammy: ___ Nalee: ___