

**PLANNING STAFF REPORT
REVISION -MASTER DEVELOPMENT PLAN
AVENDALE**

SUMMARY:

Hearing Date: November 12, 2013

Applicant: Avendale Development, LLC

Property Owner: Avendale Development, LLC

Case Number: MDP 10727-R

Development Proposal: The applicant is requesting the approval of a revision to a previously approved Master Development Plan and Preliminary Plat, specifically amending Phase 4 of the Avendale Residential Master Development Plan.

Location and Land Use: There is one (1) tract associated with this request totaling approximately ± 79.38 acres for the proposed Phase 4, Avendale Master Development Plan. The project is located along the east side of NC Highway 210 south of Harrison Creek and west of Cross Creek Subdivision and may be identified as Pender County PIN 3273-16-3369-0000.

The project is classified as Suburban Growth by the 2010 Pender County Comprehensive Land Use Plan and the 2005 CAMA Land Use Plan classifies the property as Urban Growth Area with Conservation I and II overlays.

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 Zoning Ordinance and Subdivision Ordinance ; therefore, staff respectfully recommends conditional approval of this proposed revision to the previously approved Master Development Plan and Preliminary Plat with consideration of the Technical Review Committee (TRC) and Planning Board comments and conditions.

History:

The subject property was rezoned from the R-20, Residential and FA Flood Hazard Area Zoning Districts to the PD, Planned Development District in January 2006.

Timeline of the Avendale Master Development Community:

- The Planning Board approved the Avendale Master Development Plan for residential development of 170 single family units and 80 multi-family townhomes for a total of 250 residential units and Phase 1 Preliminary Plat in February 2006.
- The Avendale Phase 2 Preliminary Plat was approved in December 2006 with 44 units (later revised from 44 units to 62 units in February 2007).
- The Avendale Phase III was approved June 2006.
- An amendment to the approved Master Plan and approved Preliminary Plat was denied July 7, 2009
- Subsequently, Phase III was further amended by the Pender County Planning Board in January 2010.

To date, three phases have been recorded for Avendale: Phase I, 23 single family units; Phase II, 46 patio home units; and Phase III, 83 units; totaling 152 residential units.

This project was reviewed and approved under the provisions of the Pender County Zoning Ordinance Adopted July 5, 1988, Codified with Corrections & Amendments as of February 2, 2009; the Pender County Subdivision Ordinance and the 2005 CAMA Land Use Plan.

Description of Proposal:

The Avendale Development is located on 101.3 acres zoned PD, Planned Development. The requested amendment is to the previously approved Master Development Plan and Final Preliminary Plat. The applicant is specifically requesting a revision to Phase 4.

As currently approved, Phase 4 would allow 35 single family lots and 47 multi-family units. The amendment will remove the multi-family units (MFU) at 9 units per acre, and replace the MFU with 19 single family residential (SFR) lots.

The additional amendment will modify the proposed road network by removing one (1) cul-de-sac and change the placement and length of the other cul-de-sac.

This proposal will be known as Phase 4 of Avendale and will complete the development. Phase 4 will have a total of 59 SFR units and no MFU.

Project Density

As prescribed in Section 8.10, Schedule of District Requirements of the Pender County Zoning Ordinance, the PD District allowed up to 12 units per acre. The initial approval granted the development a maximum density of 250 single and multi-family units. The proposed amendment is lowering the density to 211 units, and would allow 165 SFR and 48 MFU.

Lot Requirements

As outlined in the Pender County Zoning Ordinance, Section 8.10, Schedule of District Requirements, the Master Development Plan will established the required lot sizes and yard setbacks, The applicant is proposing a maximum total of 59 single family residential lots, with a minimum lot size of 8,000 ft² with a maximum building height of 35 feet and the following proposed yard setbacks:

Front: 25 feet

Side: 10 feet

Rear: 15 feet

Minimum Lot Width: 70 feet

Water/Waste Water:

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

Wastewater will be treated by the existing on-site wastewater treatment facility; subject to review and approval by North Carolina Department of Environment and Natural resources (NC DENR). The facility was permitted and constructed to treat 82,440 gallons of effluent per day from 229 total units.

Open Space

Currently, Avendale has ± 20.25 acres of open space (for the entire development), well in excess of the County's 15% requirement as outlined in the Required Improvements Section of the Pender County Subdivision Ordinance. The amendment will not reduce or change the areas reserved as open space.

Street Connectivity and Access

The road system will consist of Avendale Drive, a continuation of a 60 foot right-of-way; St Lawrence Circle and Maxwell Drive are both proposed as 50 foot right-of-ways. The road network will also include Buchanan Court, a short bulb-out street with a 40 foot right-of-way. All roads will be built to NCDOT standards and are intended to be dedicated as private. All roads will be paved with curb and gutter. This will be the second connection on NC Highway 210. All road names will require approval by the Pender County Addressing Coordinator.

Environmental Concerns

There are approximately 20.252 acres of wetlands as determined by the Army Corps of Engineers. Any development within these areas will be subject to the permit requirements of Section 404 of the Clean Water Act. The wetland area has been reserved as the development's open space.

A portion of the subject property is located within the Special Flood Hazard Area (SFHA) Zone AE, subject to inundation by the 1% annual chance flood according to the 2007 Flood Insurance Rate Maps (FIRMs), Map Number 3720327300J, Panel Number 3273, along Harrison Creek which is a tributary to the Northeast Cape Fear River. Any development located within the SFHAs will be required to meet the meeting the prescribed standards as outlined in the Flood Damage Prevention Ordinance

All applicable state and federal agency permits including a Stormwater Management Permit, Sediment and Erosion Control Plan, wetlands impact permits, and a 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 Cape Fear RPO has no comment.

NC Office of State Archaeology

No response

Four County Electric Company

No response

NC Wildlife Resources Commission

No response

NC DENR Division of Coastal Management

No response

Pender County Addressing Coordinator

I already have the road names reserved. I would like to request that the street type for St. Lawrence be changed. It is definitely not a circle.

NC DENR Division of Forestry

No response

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

No response

Pender County Building Inspections

No response

NC DENR Division of Waste Management

No response

Pender County Emergency Management

No response

NC DENR Division of Water Quality

The applicant will need to revise the stormwater plans previously permitted to show the layout of Phase 4 and provide deed restrictions limiting the BUA per lot. The BMP that will treat the runoff from the roads and lots in Phase 4 was permitted under the original 2006 permit, but has not been built yet.

Pender County Environmental Health

It appears that their existing wastewater treatment plant will be utilized. This plant was permitted by DWQ (now DWR).

Pender County Fire Marshal

No response

NC DOT Division of Highways

The NCDOT is OK with this revision.

Pender County Flood Plain Management

This property is a SFHA. Flood lines will need to be delineated and BFEs need to be established (BFE + 2' freeboard applies).

NC DOT Transportation Planning Branch

No response

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
No response

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:

- a. 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.
- b. The properties to the immediate east south and west are zoned as RP, Residential Performance, with the property to the north zoned RA, Rural Agricultural District.

B. Existing Land Use in Area:

The property to the immediate north and east are vacant forested tracts, and to the south is Phase 1, 2 and 3 of the Avendale Community and to the west are single family residential uses including Cross Creek Subdivision.

C. CAMA 2005 Land Use Plan

The Pender County Future Land Use Plan classifies the property as Urban Growth Area with Conservation I & II overlays. Urban Growth Areas are planned for high net density residential development which is dependent upon the types and levels of services that are available. Factors in determining preferred locations for higher density residential development shall include: close proximity to employment and shopping centers, access to major thoroughfares and transit systems, the availability of public services and facilities, and compatibility with adjacent areas and land uses. The project site is bounded to the north by a plant nursery and Holly Shelter Game Land. To the west contains the previously approved Bayberry development which contains a mix of residential and commercial uses, and to the south contains businesses classified as mini-warehouses and a yacht building business. This development proposal is generally consistent with the 2005 CAMA Land Use Plan.

D. 2010 Comprehensive Land Use Plan:

The 2010 Comprehensive Land Use Plan classifies this project as Suburban Growth.

- a. Suburban Growth: The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon. Areas designated as Suburban Growth are located primarily adjacent to municipal planning jurisdictions and within or near high growth, unincorporated areas of the County, i.e., Hampstead/Scotts Hill, Rocky Point, and portions of US 421

South. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future.

- b. Uses that would typically be allowed in Suburban Growth areas include medium-high density residential (single-family site-built and modular homes); limited non-residential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses include frontage and access to a major State highway or secondary road, location at a major intersection, proximity to similar uses, and spatial separation from non-compatible uses such as existing residential development.
Comprehensive Plan Policies and

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; 2005 CAMA Land Use Plan; Pender County Zoning Ordinance and Subdivision Ordinance ; therefore, staff respectfully recommends conditional approval of this proposed revision to the previously approved Master Development Plan and Preliminary Plat with consideration of the Technical Review Committee (TRC) and Planning Board comments and conditions.

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: ___