

**PLANNING STAFF REPORT
MASTER DEVELOPMENT PLAN REVISION
WYNDWATER**

SUMMARY:

Hearing Date: January 6, 2015

Applicant: Signature Top Sail NC, Ltd.

Property Owner: Signature Top Sail NC, Ltd.

Case Number: 11035

Development Proposal: Signature Top Sail NC, Ltd. applicant and owner, is requesting a revision to the previously approved Master Development Plan for Wyndwater. On November 12, 2013 the Planning Board conditionally approved a Master Development Plan for the Oaks at Sloop Point, now known as Wyndwater. This revision will include all previous conditions and the addition of several items which have arisen since previous approval from the Planning Board.

Wyndwater consists of three residential phases, “future residential development” and “future commercial development” identified on the approximately one hundred forty-three (143) acre parcel. The development has recorded Phase I to include forty-two (42) single family homes. Phase II includes fifty-six (56) single family homes on approximately 28.35 acres and the developer is working toward administrative Preliminary Plat approval of this Phase. Phase III has not been submitted for review. All elements and phases (both recorded and future development) of the proposal are included in this Master Development Plan Revision.

Specifically this request is to amend future phases from; a required side yard setback of ten (10) feet to a zero lot line. Additionally requested is an amendment to previously approved buffers.

Property Record Number, Acreage, and Location: The Master Development Plan was on a original tax a parcel, approximately one hundred forty-three (143) acres. Phase I is recorded within the Register of Deeds (Map Book 57, Page 14). Phase II consists of approximately 28.35 acres for which the developer is working towards Final Preliminary Plat approval prior to work beginning on that portion of the property. The proposed development utilizes the former Topsail Greens Golf Course and is located to the north of Doral Drive (SR 1693), northwest of Sloop Point Loop Road (SR 1563), south of the approved Cardinal Pointe Master Development Plan and east of US Highway 17 in Hampstead. The subject property may be further identified by PIN 4214-12-4590-0000. The property is zoned PD, Planned Development District.

RECOMMENDATION

The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance as well as other approved planning documents; therefore Planning Staff recommends the approval of the Master Development Plan Revision requests for the development known as Wyndwater. Any and all future development, phases or changes to the Master Development Plan are subject to the Planning Board review and approval.

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). On November 12, 2013 the Pender County Planning Board approved the Master Development Plan titled The Oaks at Sloop Point, now known as Wyndwater. Phase I was recorded on November 4, 2014 (Map Book 57, Page 14). Phase II Preliminary Plat hearing was May 6, 2014 and the Planning Board approved the development plans. To date the developer is working to finalize permits required to begin work on Phase II of the development.

PREVIOUSLY APPROVED MASTER DEVELOPMENT PLAN

Non-Residential

Approximately 1.34 acres of non-residential development was approved in the Master Development Plan per the PD, Planned Development zoning district requirements. Any non-residential uses and phasing must be approved by the Planning Board as applicable. Currently the non-residential portion of the project is identified as “Commercial” and adjacent to US HWY 17.

Residential

In total, Wyndwater was approved to be developed in three (3) phases for a maximum of 185 single family residential lots. Net density of the approved project was approved at 2.72 units per acre, all other density calculations for each Phase are required to meet Pender County Unified Development Ordinance. According to Section 4.8.1.C the net density in the PD, Planned Development Zoning District shall be a maximum of five (5) units per acre. All density calculations shall be in accordance with Ordinance requirements and examined further if open space or lot size changes from the original Master Development Plan approval.

Lot Requirements

As outlined in the Unified Development Ordinance, Section 4.8.1.D the Master Development Plan established the required lots sizes, yard setbacks, and building height.

The applicant was approved for a minimum lot size of 12,000 square feet with a maximum building height of thirty-eight (38) feet. The applicant is requesting a change to the side yard setback from the approved ten (10) feet to a zero lot line.

Setback	Approved Distance	Requested Distance
Front	20 feet	20 feet
Side	10 feet	<i>Zero Lot Line</i>
Rear	20 feet	20 feet
Corner	15 feet	15 feet

Zero Lot Line

Section 4.15.3 of the Pender County Unified Development Ordinance outlines the zero lot line requirements and can be seen in Attachment 1. A maintenance easement of eight to ten (8-10) feet in width must be obtained on the lot adjacent to the zero lot line side. Any previous approvals for Wyndwater must be updated to reflect a zero lot line approval.

Landscaping & Buffers

All landscape and buffers are to be approved in accordance with Section 8.2.8, Project Boundary Buffer of the Pender County Unified Development Ordinance. In multi-family and Planned Developments a Buffer C is required along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than one (1) acre and when a single family structure is within fifty (50) feet of the boundary of the development. No buffer is required between phases along the eastern and western borders.

The applicant submitted a C-1 Buffer with a six (6) foot tall fence will be used along the northern and southern project boundaries. The request before the Board is to amend the specificity of the C-1 buffer for the entire Master Development Plan, and allow for the applicant to submit for the Buffer C type at each Preliminary Plat hearing before the Planning Board.

Open Space

Per the Pender County Unified Development Ordinance Section 7.6, all proposed residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision; half of which must be designated active open space. All open space approvals shall be approved at the time of Preliminary Plat approval in accordance with the Ordinance.

Recreational Units

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 each phase; all future development will be evaluated for open space and recreational units at the time of submittal. If there are internal improvements to count towards recreation units then

The applicant is working with Planning Staff and the Wilmington Metropolitan Planning Organization (WMPO) on a Surface Transportation Program-Direct Appointment (STP-DA) Funds submittal for the construction of a sidewalk along Doral Drive (SR 1693) (Attachment 2). If awarded funds, Pender County is responsible for 100 percent of the actual project costs up front and any additional funding which exceeds the submitted estimations. The minimum local match required on all STP-DA projects is 20 percent. In this case, the local cash match funding shall be taken from the required recreation payment from a private developer for the nearby residential subdivision fees per Section 7.6.2 of the Pender County Unified Development Ordinance. The developer has agreed to cover any costs associated with project overages and will enter into a formal agreement prior to any funds expended. The additional 80 percent reimbursement will come from the NCDOT.

If this proposal is unsuccessful staff will work with both the Planning Board and the developer to ensure compliance with the recreational unit requirement. This proposed facility will intend to connect the Wyndwater subdivision via Doral Drive (SR 1693) to Hampstead Kiwanis Park with a sidewalk in the reserved NCDOT right of way; and the Safe Routes to School multi-use pathway (Attachment 2).

Roadways

As previously approved all roadways are proposed as public and built to NCDOT subdivision road standards as outlined in the NCDOT Subdivision Manual published in January 2010. These roadways are subject to NCDOT review and approval through a Driveway Permit, the applicant must submit plans to the NCDOT for approval prior to Pender County approval of this Preliminary Plat submission.

Traffic

An examination of traffic impact on the existing road network will be required in coordination with NCDOT and the Wilmington Metropolitan Planning Organization (WMPO) as future phases in this Master Development Plan arise. Section 6.4.A.20 of the Pender County Unified Development Ordinance states, based on estimate traffic counts, a Traffic Impact Analysis may be required stating the dates and times counts were counted for the proposed development. According to the Coastal Pender Collector Street Plan, the submission of a traffic impact analysis is required prior to the submittal of any preliminary plan that will generate more than 100 trips during peak hours based on the 8th Edition Institute of Transportation Engineers Trip Generation Manual.

Subsequent phases will trigger a Traffic Impact Analysis and no additional phasing or development proposals can be approved without a sufficient Traffic Impact Analysis.

Pedestrian Access

The applicant proposes a five (5) foot sidewalk through a pedestrian easement on the main collector road in the subdivision (West Craftsman Way). This sidewalk proposal will be on private property outside of the NCDOT right of way and will be recorded as a pedestrian easement. The Coastal Pender Collector Street Plan recommends five (5) foot sidewalks on both sides of the collector streets which are well connected to all sidewalks and walkways internal to adjacent developments. An internal connection will be made from Phase I sidewalk through the main collector road in Phase II and connecting to the proposed multi-use path on the western portion of the submitted site plan. The internal pedestrian connectivity will eventually connect into the awarded North Carolina Safe Routes to School pedestrian path connecting North Topsail Elementary and Hampstead Kiwanis Park. Wyndwater's proposal adequately meets the Coastal Pender Collector Street Plan intent to promote viable pedestrian connections.

Services (Wastewater/Water)

Wyndwater was approved with traditional on-site septic which is subject to review and approval by the Pender County Environmental Health Department. A public water connection to Pender County Utilities was previously approved. As this project has recorded Phase I and working toward approval of Phase II both Pender County Environmental Health Department and Pender County Utilities are working closely with the applicant to satisfy applicable requirements.

Environmental Concerns

The subject parcel, of approximately 143 acres does contain portions of environmentally sensitive areas including wetlands and floodplains.

Wetlands

There are approximately 3.24 acres of wetlands on the Master Development Plan subject property, as shown on a wetland declination submitted to the Army Corps of Engineers. Any development within these areas may be subject to the permit requirements of Section 404 of the Clean Water Act. A Jurisdictional Determination of the Wetlands has been conducted by the Army Corps of Engineers and submitted for Planning Staff review.

Flood

There was a portion of the subject property 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. This was the established flood zone at the time of the original Master Development Plan approval. However, with the new FIRMs released this year, to serve as the best available data it appears that the amount of the parcel in the "Approximate Zone A" was reduced and the subject property contains "Zone AO" with an established depth of two (2) feet on Panel 4204. All development in these areas will require re-examination at the time of development submittal in accordance with the best available flood data.

CAMA

After a preliminary analysis, it appears no CAMA Areas of Environmental Concern are located on the project site. CAMA Areas of Environmental Concern are tidal and/or navigable waters within Pender County are classified as Public Trust Area up to the normal high water line or normal water level and are subject to the CAMA. The Public Trust Shoreline AEC extends 30' landward of the normal high water line or normal water level.

Tree Survey

The PD, Planned Development zoning district requires a tree survey to be submitted prior to the Final Preliminary Plat approval, the applicant has provided this documentation to Planning Staff.

All applicable state and federal agency permits including a Stormwater Management Permit, and Erosion Control Plan, wetlands impact permits, and NCDOT Driveway Permit will be required prior to the approval of the for each phase as applicable.

EVALUATION

A) Public Notifications: Public Notice of the proposal for map change has been advertised in the *Pender-Topsail Post and Voice*. Adjacent property owners have been given written notice of the request, and a public notification sign has been placed on the property.

B) 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 north and east are zoned RP, Residential Performance zoning district and the properties to the south and west are zoned PD, Planned Development District.

C) Existing Land Use in Area: This proposal is located within the area previously known as the Topsail Greens Golf Course. To the north of the property is the existing Topsail Greens Community. The properties immediately northeast are low density residential housing communities, Sloop Point South and

Cardinal Acres Manufactured Home Park. Along the immediate southern and western boundary is a low density residential subdivision called Greenway Planation and moderate density multifamily (Vista Cove).

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.

Planning Board Conditions of Master Development Plan Approval

At the November 12, 2013 Public Hearing for the Master Development Plan for The Oaks at Sloop Point, now known as Wyndwater, the following conditions were required of all phases of the development (Attachment 3):

1. Provide connection to adjacent property for future development to the northwest of the subject property (documented under case #11067 Cardinal Acres, as submitted to Planning Board in December 2013);
 2. Provide connection to identified “Capstone Property” identified by Pender County PIN 4214-22-7567-0000;
 3. Allow for “alternative” design for alleyway as shown on Master Development Plan submittal page C-3.4; and
 4. Allow for emergency access along the connection to Doral Drive (SR 1693).
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STAFF RECOMMENDATION

Any further action requires all aforementioned requirements be met, as the Master Development Plan must meet all Pender County Unified Development Ordinance standards and conditions from previous Planning Board approvals.

The request before the Board this evening is:

1. The applicant is requesting a change to the side yard setback from the approved ten (10) feet to a zero lot line.

Setback	Approved Distance	Requested Distance
Front	20 feet	20 feet
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2. The applicant submitted a C-1 Buffer with a six (6) foot tall fence will be used along the northern and southern project boundaries. The request before the Board is to amend the specificity of the C-1 buffer for the entire Master Development Plan, and allow for the applicant to submit for the Buffer C type at each Preliminary Plat hearing before the Planning Board.

The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance; therefore Planning Staff recommends the approval of the revision to Master Development Plan Wyndwater given that all aforementioned requirements are met. Any and all future development, phases or changes to this Master Development Plan are subject to the Planning Board review and approval.

Board Action for Master Development Plan Revision Wyndwater:

Motion: _____ **Seconded:** _____

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

Williams: __ McClammy: _____ Boney: __ Baker: __ Edens: __ Marshburn: __ Nalee: __