

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

SUMMARY:

Hearing Date: July 7, 2015

Applicant: Signature Top Sail NC, Ltd.

Property Owner: Signature Top Sail NC, Ltd. And Jeffery Morris et. al.

Case Number: 11035 MDP-R2

Development Proposal: Signature Top Sail NC, Ltd. applicant, on behalf of Signature Top Sail NC, Ltd. and Jeffery Morris et al. al., owners, is requesting a revision to the previously approved Master Development Plan known as Wyndwater. Specifically this request is to:

1. Increase the overall project area to include approximately \pm 6.2 acres from the adjacent parcel to the northeast (Pender County PIN:4204-94-9912-0000);
2. Increase the overall project density from 2.72 to 3.1 units per acre;
3. Add attached duplex housing type;
4. Reduce the lot size from originally approved 12,000 sq. ft. to 5,000 sq. ft. for lots to be serviced by regional sewer;
5. Change location of Emergency Access to Doral Drive from Phase II to Phase III.

Wyndwater consists four of (4) residential phases and future residential and commercial phases on \pm 150.78 acres. All elements and phases, both recorded and future development is included in this Master Development Plan Revision.

Property Record Number, Acreage, and Location: The Master Development Plan revision consists of \pm 150.78 acres located on the former Topsail Greens Golf Course; to the north of Doral Drive (SR 1693), northwest of Sloop Point Loop Road (SR 1563), south of the conditionally approved Cardinal Pointe Master Development Plan(Case 11067) and east of US Highway 17 in Hampstead. The subject properties may be further identified by Pender County PINs: 4214-12-4590-0000and 4204-94-9912-0000. The properties are zoned PD, Planned Development zoning district.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with seven (7) policies and conflicting with no policies in the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance. The request is consistent with other approved planning documents; therefore Planning Staff recommends the approval of the Master Development Plan Revision request as detailed in the report. Any and all future development, as well as all phases or changes to the Master Development Plan are subject to 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 zoning district 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 then known as The Oaks at Sloop Point, now known as Wyndwater. Phase I (42 single family lots) was recorded on November 4, 2014 (Map Book 57, Page 14). Phase II (62 single family lots) Preliminary Plat public hearing was May 6, 2014 and the Planning Board approved the proposal. Phase II has not been recorded; this portion consists of ± 28.35 acres for which the developer is working towards Final Plat approval.

At their January 6, 2015 meeting, the Planning Board voted unanimously to pass a motion to approve the Master Development Plan for Wyndwater with the proposed revision; of a zero lot line side yard setback as well as a C-1 Type buffer along the Northern and Southern property bounds with flexibility to allow for a C-4 Type buffer to allow for neighborhood cohesiveness.

MASTER DEVELOPMENT PLAN

Non-Residential

Currently the non-residential portion of the project is identified as “Commercial” approximately 4.50 acres is located on the western side of the subject property adjacent to US HWY 17. Any non-residential uses and phasing must be approved by the Planning Board as applicable.

Residential

Density

In total, Wyndwater was approved with a net density of 2.72 units per acre. The request is to revise the density to 3.1 units per acre. 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 any variables of the project change from the Master Development Plan submittal.

Overall Density

	Previous Approval	Current Request
Total Acreage	143	150.78
Non-Residential Acreage	1.34	4.50
Wetlands Acreage	3.24	2.48
Right-of-Way Acreage		20.35
Open Space Acreage	5.55	10.50
Active		5.25
Passive		5.25
Total Units	185	350
<i>Developable Land</i>		112.95
<i>Net Density</i>	2.72	3.1

Total Requested Lots

The original Wyndwater Master Development Plan included 185 lots. The current submittal for Master Development Plan revision includes 350 lots on the subject property and a portion of the adjacent property.

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. Building height was previously approved at thirty-eight (38) feet; there is no requested change to height.

Minimum lot size was originally approved at 12,000 sq. ft. the developer is requesting a minimum of 5,000 sq. ft. for lots serviced by the regional sewer.

Single-Family Detached

The applicant was approved and is not requesting a change to the following yard setbacks:

Setback	Approved Distance
Front	20 feet
Side	Zero Lot Line
Rear	20 feet
Corner	15 feet

Single-Family Attached Duplex

The applicant is proposing single-family attached duplex residential units in future residential phases with the following yard setbacks:

Setback	Requested Distance
Front	20 feet
Side	Zero Lot Line
Rear	20 feet
Corner	15 feet

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 A is required along all boundaries adjacent to a street. 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. The buffers shown on the MDP revision are in compliance with the Pender County Unified Development Ordinance. The specific type of the buffer will be determined during the Preliminary Plat public hearing.

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.

The required open space for the subdivision is ± 10.50 acres. Currently ± 10.50 acres of open space will be provided in this proposal with ± 5.25 acres to be dedicated as passive open space and ± 5.25 acres to be dedicated as active open space. The submittal meets the open space requirements set forth in Section 7.6.1.C of the Pender County Unified Development 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 was approved with the concept of 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.

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). 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 twenty (20) percent.

In this case, the local cash match funding shall be taken from the required recreation payment from recorded phases in Wyndwater 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 eighty (80) percent reimbursements will come from the NCDOT. This proposed facility is intended 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 along Sloop Point Loop (SR 1563) ultimately terminating at N. Topsail Elementary School (Attachment 1 and 2).

If this proposal is unsuccessful staff will work with both the Planning Board and the developer to ensure compliance with the recreational unit requirement.

Roadways*Public Roadways*

Public roadways must be 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.

During the TRC review process the NCDOT commented that there will need to be a revision to the driveway permit prior to construction of Phase III based on the total number of units serviced by the driveway to Sloop Point Loop Road (SR 1563).

Roadways submitted on this Master Development Plan revision are a new proposed network for Phase III and Phase IV. The original Master Development Plan submittal did not include roadways throughout the entire project area; rather this was identified as "future development". The existing roadways from Phase I and Phase II remain consistent with the previous approvals.

Private Roadways

According to Section 7.5.3 all designated private streets shall be designed and constructed in compliance with the current NCDOT Subdivision Roads Minimum Construction Standards. The proposed private right-of-ways are identified on the Master Development Plan at forty (40) feet in width; which will meet the NCDOT standards as outlined in the 2010 Subdivision Manual with a curb and gutter section.

Per Emergency Managements and the Wilmington Metropolitan Planning Organization (WMPO) TRC comments, all radii are requested be a minimum of forty (40) feet to accommodate the fire apparatus and school bus turning radius. The applicant shall adhere to all TRC requirements.

Street Connectivity and Access

The PD, Planned Development zoning district per Section 4.8.1.E district requires reasonable access to be provided to adjacent properties for development. Adequate connections to adjacent parcels will promote interconnectivity and build road networks throughout the County. Per Section 7.5.3.C.5 these roadways are required to be designated as public when connected to adjacent parcels.

The first condition of the Planning Board's original approval was; *Provide connection to adjacent property for future development to the northwest of the subject property (documented under case #11067 Cardinal Pointe, as submitted to Planning Board in December 2013)*. The applicant has provided connections to adjacent property Cardinal Pointe Master Development Plan (Case # 11067). As a portion of the original Cardinal Pointe Master Development Plan is now included in the Wyndwater Master Development Plan revision, the connections shall be re-examined. Coordination between the applicant and the adjacent property owner shall be necessary to ensure interconnectivity.

The Wyndwater road network, as shown on (Attachment 3) provides two (2) connections to the adjacent property to the northwest. One connection is a stub for future development, and the second is a temporary cul de sac.

The temporary cul de sac shown on the western portion of the Master Development Plan (PG C-3.2 of Site Plan and Attachment 3) shall be abandoned at the time of the adjacent parcel development; the roadway connecting Wyndwater and Cardinal Pointe shall be built to collector street standards as outlined in Section 7.5.3.C. Coordination between the applicant and the adjacent property owner shall be necessary to ensure interconnectivity.

Additionally, a second roadway connection shall be shown to the adjacent parcel (PIN: 4204-94-9912-0000 and identified as the Cardinal Pointe Master Development Plan Case # 11067). These connections shall be further delineated in each phase submittal for review and approval (Attachment 4).

Per the Planning Board's previous condition two; *Provide connection to identified "Capstone Property" identified by Pender County PIN 4214-22-7567-0000* the applicant has satisfied this criteria with the extension of W. Craftsman Way further to the North to the "Capstone Property" for future development connections.

The third condition was; *Allow for "alternative" design for alleyway as shown on Master Development Plan submittal page C-3.4*. The alternative design was recorded on Map Book 57, Page 14 at the Register of Deeds as an access easement in Phase I.

The fourth condition; *Allow for emergency access along the connection to Doral Drive (SR 1693)* was originally shown in Phase II for the safety and well-being of the home owners in the development. The developer has since requested that this emergency access be moved to the next phase of the development and provided to the same standards as required by Emergency Management (Attachment 4). The

Technical Review Committee meeting provided insight on this change. The Fire Marshal agreed that the same standards would be met and same safety measures would be in place for citizens if the connection was provided in Phase III as requested. It is the Planning Board's discretion if this change shall be approved.

Traffic

An examination of traffic impact on the existing road network surrounding the subject properties must be updated. This will require in coordination with NCDOT and the Wilmington Metropolitan Planning Organization (WMPO). At this time a Traffic Impact Analysis is required; the developer must submit this document prior to the completion of any future phases. The TIA will determine what improvements are necessary to the existing roadway network.

Pedestrian Access

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. The applicant proposed a pedestrian easement on the main collector road in the subdivision (West Craftsman Way). As the applicant is working on Phase II, the sidewalk has not been constructed.

The Doral Drive (SR 1693) emergency access connection and pedestrian facility has not been constructed and it is requested to be included in Phase III. The internal pedestrian connectivity from the Wyndwater neighborhood will connect into the planned STP-DA sidewalk along Doral Drive (SR 1693), and the awarded North Carolina Safe Routes to School pedestrian path connecting North Topsail Elementary and Hampstead Kiwanis Park (Attachment 1 and 2).

Wyndwater's proposal adequately meets the Coastal Pender Collector Street Plan intent to promote viable pedestrian connections. However, it should be noted that these facilities are not complete at this time.

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. Phase I wastewater is treated by individual on-site septic systems.

An intent to service letter was provided by the applicant on behalf of Pluris (Attachment 5). The original wastewater approval is for forty (40) single family residences but may be increased to 210 single family residences as Pluris accepts future capacity. The applicant shall work directly with Pluris and the County for wastewater approvals to service future development phases.

Phase II Preliminary Plat was originally approved by the Planning Board to include only on-site septic systems. As the wastewater feasibility to connect to the regional sewer provider has become available the developer requests that a portion of Phase II be serviced by the Pluris sewer system, with the remaining lots on traditional on-site systems.

An evaluation of future phases and their wastewater shall be included as each Preliminary Plat is reviewed for compliance.

Public water connection to Pender County Utilities was previously approved for Phase I. As Phase II is working toward completion, both Pender County Utilities Department is working closely with the applicant to satisfy applicable requirements.

Environmental Concerns

The Master Development Plan area does contain portions of environmentally sensitive areas including wetlands and floodplains.

Wetlands

There are ±2.48 acres of wetlands on the Master Development Plan area, 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

A portion of the subject property located directly east of US 17 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 preliminary 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 there are no CAMA Areas of Environmental Concern located on the project site. CAMA Areas of Environmental Concern are tidal and/or navigable waters within Pender County that are classified as Public Trust Area up to the normal high water line or normal water level and are subject to the CAMA.

Tree Survey

The PD, Planned Development zoning district requires a tree survey to be submitted prior to the Final Preliminary Plat approval, the applicant shall be required to update the tree survey due the expansion of the subject property.

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.

Technical Review Committee (TRC) Responses:

On Tuesday June 9, 2015 the Pender County Technical Review Committee reviewed the Master Development Plan known as Wyndwater. The responses collected can be seen in Attachment 6.

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 properties are located within a PD, Planned Development zoning district. The intent of the PD, Planned Development zoning district is to provide an alternative to a conventional development. The PD 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 zoning district.

C) Existing Land Use in Area: This proposal is located within the area previously known as the Topsail Greens Golf Course and the adjacent parcel which is currently vacant. 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 Plantation and moderate density multifamily (Vista Cove).

D) 2010 Comprehensive Land Use Plan:

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.

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.
- c. **Water and Sewer Goal 2A.1** manage the timing, location and intensity of growth
By locating water and sewer improvements in accordance with the Comprehensive Land Use Plan and Water and Wastewater Master Plans.
 - Policy 2A.1.2** Allow the use of package treatment plants only in areas where development is desirable but public sewer service is not feasible. If package treatment plants are use they should be designed to enable, at minimum public. Cost, the conversion of the system to public ownership, operation and maintenance in the future when public sewer service is viable, and cost effective.

The request is consistent with seven (7) policies from the 2010 Pender County Comprehensive Land Use Plan and conflicts with none.

Previous Conditions

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 7):

1. Provide connection to adjacent property for future development to the northwest of the subject property (documented under case #11067 Cardinal Pointe, as submitted to Planning Board in December 2013);

The applicant has provided connections to adjacent property Cardinal Pointe Master Development Plan (Case # 11067). As a portion of the original Cardinal Pointe Master Development Plan is now included in the Wyndwater Master Development Plan revision, the connections shall be re-examined. Coordination between the applicant and the adjacent property owner shall be necessary to ensure interconnectivity.

The Wyndwater road network, as shown on Attachment 3 provides two (2) connections to the adjacent property to the northwest. One connection is a stub for future development, and the second is a temporary cul de sac.

2. Provide connection to identified "Capstone Property" identified by Pender County PIN 4214-22-7567-0000;

Phase II identifies an adjacent right of way connection satisfying this criteria. The applicant has provided documentation of proposed connections (Attachment 4) to the "Capstone Property."

3. Allow for "alternative" design for alleyway as shown on Master Development Plan submittal page C-3.4; and

The alternative design was recorded on Map Book 57, Page 14 at the Register of Deeds as an access easement in Phase I.

4. Allow for emergency access along the connection to Doral Drive (SR 1693).

This requirement was originally shown in Phase II for the safety and well-being of the home owners in the development. The developer has since requested that this emergency access be moved to the next phase of the development and provided to the same standards as required by Emergency Management. The Technical Review Committee meeting provided insight on this change. The Fire Marshal agreed that the same standards would be met and same safety measures would be in place for citizens if the connection was provided in Phase III as requested. It is the Planning Board's discretion if this change shall be approved.

Potential Approval Conditions

5. The temporary cul de sac shown on the western portion of the Master Development Plan (PG C-3.2 of Site Plan) shall be converted to a through roadway at the time of the adjacent parcel development; the roadway connecting the Wyndwater and Cardinal Pointe shall be built to collector street standards as outlined in Section 7.5.3.C. Coordination between the applicant and the adjacent property owner shall be necessary to ensure interconnectivity.

6. Additional to the condition five (5), a second roadway connection shall be shown to the adjacent parcel (PIN: 4204-94-9912-0000 and identified as the Cardinal Pointe Master Development Plan Case # 11067). These connections shall be further delineated in each phase submittal for review and approval.

Requested Revisions

The requests before the Board this evening are to approve a Master Development Plan revision to include:

1. Increase the overall project area to include approximately ± 6.2 acres from the adjacent parcel to the northeast (PIN:4204-94-9912-0000);
2. Increase the overall project density 2.72 to 3.1 units per acre;
3. Add attached duplex housing type;
4. Reduce the lot size from originally approved 12,000 sq. ft. to 5,000 sq. ft. for lots to be serviced by regional sewer;
5. Change location of Emergency Access to Doral Drive from Phase II to Phase III.

STAFF RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with seven (7) policies and conflict with no policies included in the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance, as well as, other approved planning documents. Therefore Planning Staff conditionally recommends the approval of the Master Development Plan Revision requests as detailed in the report 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.

BOARD ACTION FOR MASTER DEVELOPMENT PLAN:

Motion: _____ **Seconded:** _____

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

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