

**PLANNING STAFF REPORT
PRELIMINARY PLAT PHASE III
WYNDWATER**

SUMMARY:

Hearing Date: September 1, 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 the approval of a Preliminary Plat for Phase III of the mixed-use development proposal known as Wyndwater. Specifically, the request for Phase III approval includes sixty-nine (69) single-family conventional lots and forty (40) single-family attached duplex lots. The subject properties are zoned PD, Planned Development zoning district.

Property Record Number, Acreage, and Location: Phase III consists of ±39.34 acres of the ±150.78 acres in the entire Master Plan 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), east of US HWY 17 in Hampstead, and west of the previously recorded Phase I and Phase IIA. The subject properties may be further identified by Pender County PINs 4214-12-3906-0000 and 4214-04-6027-0000.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with six (6) 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 conditional approval of the Phase III Preliminary Plat 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 conditionally approved the Master Development Plan then known as The Oaks at Sloop Point, now known as Wyndwater. Conditions for the Master Development Plan included;

1. Provide connection to adjacent property to future development to the northwest (documented under case #11067 submitted for the December Planning Board meeting);
2. Provide connection to identified “Capstone Property;”
3. Allow for “alternative” design for alleyway;
4. Allow for emergency access along the connection to Doral Drive.

Phase I (forty-two (42) single family lots) was recorded on November 4, 2014 (Map Book 57, Page 14) (Attachment 1). Phase II (sixty-two (62) single family lots) was recorded on July 7, 2015 (Map Book 57, Page 145) (Attachment 2).

At their January 6, 2015 meeting, the Planning Board voted unanimously to pass a motion to approve the Master Development Plan revision 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.

At their July 8, 2015 meeting, the Planning Board voted unanimously to pass a motion to conditionally approve the Master Development Plan for Wyndwater to include three hundred fifty (350) units with future development and commercial development to be determined at a later date the revisions included (Attachment 3);

1. Increase the overall project area to include approximately ± 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.

Phase III Preliminary Plat

Non-Residential

Currently there are not any non-residential areas identified in Phase III. The non-residential will be in a future phase and is identified as “Commercial” on the previously approved Master Development Plan. The commercial area will be located on the western side of the subdivisions near US HWY 17.

Residential

Density

In total, Wyndwater Master Development Plan was conditionally approved with a net density of ± 3.1 units per acre. Phase III is proposed to have ± 4.80 units per acre, Phase I had been approved for ± 1.6 units per acre, Phase II had been approved for ± 1.98 units per acre. The net density takes in account that certain phase may have a higher density and certain phases may have a lower density. This still complies with the Master Development Plan approved net density.

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 the Pender County Unified Development Ordinance requirements and examined further if any variables of the project change.

Phase III Density

Total Acreage	39.34
Non-Residential Acreage	0
Wetlands Acreage	0
Right-of-Way Acreage	7.19
Open Space Acreage	9.45
	Active 4.2
	Passive 5.25
Total Units	109
	<i>Developable Land</i> 22.7
	<i>Net Density</i> 4.80

Total Requested Lots

Phase III Preliminary Plat submittal request includes one hundred nine (109) lots. The request includes sixty-nine (69) single-family detached housing types forty (40) attached duplex housing types (Attachment 4).

Phase III is proposed to be broken into Phase A, B, and C and the applicant will be required to depict the phasing on the Preliminary Plat. Per Section 6.5.8.D if a Final Plat has over one hundred (100) or more lots, this submittal includes one hundred nine (109) lots; therefore the minimum initial recordation is required to be fifty (50) lots/units with minimum increments of ten (10) lots/units thereafter.

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 has been previously approved at thirty-eight (38) feet for the Master Development Plan.

Minimum lot size has been conditionally approved through the minimum of 5,000 sq. ft. for lots serviced by the regional sewer. Phase III provides sewer service to all one hundred nine (109) single family homes. The proposed building setbacks for Phase III will include twenty (20) foot front yard setbacks, twenty (20) foot rear yard setbacks, ten (10) foot side yard setbacks, and fifteen (15) foot corner yard setbacks in accordance with the Master Development Plan.

Landscaping & Buffers

All landscape and buffers are to be approved in accordance with Section 8.2.8 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 revised Master Development Plan were in compliance with the Pender County Unified Development Ordinance and will be applied to the Phase III Preliminary Plat.

Phase III Preliminary Plat will show the specific locations of existing trees and proposed trees in a Buffer Plan provided by the applicant. Currently the buffer plan is outstanding and will be required to be submitted before Preliminary Plat approval. The applicant will be given credit for existing trees within the project area. Plant material may be chosen from the list of approved plant species from appendix "B" of the Pender County Unified Development Ordinance. The buffers will be required to be placed within the appropriate area and will be field verified during the Final Plat field inspection. Per Section 8.1.6.B.1 a permanent certificate of occupancy may not be submitted until the buffered requirements are satisfied however a temporary certificate of occupancy may be issued for a period of 120 days under circumstances that would affect the seeding.

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.

Currently the overall acreage for the Master Development Plan consists of ± 150.78 acres with a proposed three hundred fifty (350) units. Open space would be required to be at least ± 10.5 acres with the current proposed number of units.

The required open space for Phase III ± 3.27 acres. Currently ± 9.45 acres of open space will be provided in this proposal with ± 5.25 acres to be dedicated as passive open space and ± 4.2 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.

The open space is easily accessible to future residents and the interconnectivity throughout Phase III connects the open spaces very well through proposed pedestrian easements. The proposed designated active open spaces are located in areas that are more centralized areas to the proposed subdivision.

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. Currently Phase III is proposed to have one hundred nine (109) single family units. According to Section 7.6.2 the recreation unit for Phase III is 1.5 and the financial amount is \$15,000.

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.

Phase III contains a pool facility (NAICS 713940) with twenty-two (22) parking spaces. Per Section 7.10.1 outdoor recreation requires one (1) parking space per five hundred (500) square feet of enclosed floor area plus one (1) parking space per one thousand (1,000) square feet of outdoor use area. At this time the exact dimensions of the proposed pool facility are unknown and will be approved at site submittal. The proposed pool facility will be servicing two hundred thirteen (213) lots including Phase I, II, and III. It may be appropriate to add recreation facilities as the subdivision grows.

The community pool amenity will be required to be easily accessible for future residents. Currently there are no plans to have any playground equipment in Phase III and the proposed community pool will be private for Wyndwater residences only.

The applicant is continuing to work 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.

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

Currently the naming of the proposed roadways is outstanding. The road naming will be required to be established before Preliminary Plat can be approved. Phase III includes both public and private 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.

The proposed public collector street that leads to Cardinal Pointe Master Development Plan (Case # 11067) currently has a thirty-five (35) foot radius cul de sac which complies with the Pender County Unified Development Ordinance. Per the Pender County Fire Marshal's TRC comments the cul de sac is required to be no less than forty (40) feet radius to edge of pavement for a fire apparatus turning radius. The future connection to the northern adjacent property currently is designated as a temporary cul de sac. The cul de sac will be removed once this collector street is constructed and the adjacent parcel develops.

Currently there is one (1) public roadway identified on the Preliminary Plat. The northern most roadway is running southeast to northwest connecting to the Cardinal Pointe Master Development Plan (Case #11067) and terminating with the temporary cul de sac. The proposed public roadway is fifty (50) foot right of way with two (2) foot valley gutters.

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 Phase III Preliminary Plat forty (40) feet in width with two (2) foot valley gutters; which will meet the NCDOT standards as outlined in the 2010 Subdivision Manual with a curb and gutter section.

Pender County requires that private road certifications be placed on the plat and turned in as a supplemental document as part of the requirements for the Final Plat process ensuring that the private roads are in fact built to the NCDOT standards.

Street Connectivity and Access

The PD, Planned Development zoning district per Section 4.8.1.E 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 (Attachment 5). Per Section 7.5.3.C.5 these roadways are required to be designated as public when connected to adjacent parcels. This requirement of a public dedication will include the emergency access to Doral Drive (SR 1693).

The proposed connections to the Cardinal Pointe Master Development Plan (Case #11067) will be dedicated as public and will have a right of way width of fifty (50) feet. Currently there is a proposed temporary cul de sac leading the proposed main collector roadway which will be removed once the adjacent property develops.

The eastern most private roadway near the proposed pool facility will have a cul de sac leading to the previously conditioned emergency access to Doral Drive (SR 1693). Per TRC the emergency access will be required to be twelve (12) feet in width and have the approved breakaway bollards at the front of the emergency access. The emergency access will be required to be dedicated as a public access easement and will be located here for the safety and well-being of the residents.

Traffic

A TIA assesses the effects of specific developments traffic on the community. 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 phases. The Preliminary Plat will not be approved until the completed TIA has been submitted to Pender County Planning Staff. The TIA will determine what improvements are necessary to the existing roadway network. Listed below are the proposed study intersections for the TIA.

1. Sloop Point Loop Road at Site Access 1 (northeast of Masters Lane)
2. Sloop Point Loop Road at Site Access 2 (northeast of Friendly Lane)
3. US 17 at Edens Lane
4. US 17 at Future Connection Access
5. US 17 at Topsail Greens Drive
6. US 17 at Topsail Plantation Drive
7. US 17 at Sloop Point Road
8. US 17 at Sloop Point Loop Road
9. US 17 at Champion Drive

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 to internal and adjacent developments. The applicant has proposed five (5) foot sidewalks on the main public collector roadway in the subdivision.

The proposed sidewalks in Phase III will give the future residents accessibility to the active open spaces areas within the subdivision including accessibility to a five (5) foot mulch walking path located in the active open space west of the proposed pool and south of the proposed collector street. Connection from the proposed sidewalks and the proposed private streets to the proposed five (5) foot mulch walking trail may be appropriate.

The Doral Drive (SR 1693) emergency access connection and pedestrian facility 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. Currently the let date for the project is designated for November of 2015. The proposed construction will tentatively start in early of 2016.

Services (Wastewater/Water)

Phase III wastewater will be treated by Pluris, a private regional treatment facility. An intent to service letter was provided by the applicant on behalf of Pluris (Attachment 6). The original wastewater approval is for forty (40) single family residences, but may be increased to two hundred ten (210) single family residences as Pluris accepts future capacity. The applicant shall work directly with Pluris and the County for each phase approval.

The Pender County Utilities Department is working closely with the applicant to satisfy applicable requirements for the Phase III water needs. A detailed plan is required to be submitted to PCU depicting the phasing and a required inter-connection to the existing network.

Environmental Concerns

The Phase III Preliminary Plat does not contain wetlands, Special Flood Hazard areas, or CAMA areas of environmental concern areas.

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. The applicant has currently submitted a tree survey for Phase III. The applicant will be responsible for replacing two (2) trees of the same species with a minimum caliper of two (2) inches or greater for every one that is removed per Section 8.1.3.4 of the Pender County Unified Development Ordinance.

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 each phase as applicable.

Technical Review Committee (TRC) Responses:

On Tuesday August 11, 2015 the Pender County Technical Review Committee reviewed the Phase III Preliminary Plat of Wyndwater. The responses collected can be seen in Attachment 7.

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, west of the property is the existing Topsail Greens Community. The properties immediately north are low density residential housing communities, Sloop Point South and Cardinal Acres Manufactured Home Park. Along the immediate southern boundary is a low density residential subdivision called Greenway Plantation and moderate density multifamily (Vista Cove). Along the immediate east boundary is the previously recorded Phase IIA of Wyndwater.

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.

The request is consistent with six (6) 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.

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);

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;
4. Allow for emergency access along the connection to Doral Drive (SR 1693) in Phase III;
5. The temporary cul de sac shown on the western portion of the Master Development Plan (PG C-3.2 of Site Plan and C-3.1) of the pending Preliminary Plat) 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.

Phase III

Potential Approval Conditions

1. Per the Coastal Pender Collector Street Plan a five (5) foot sidewalk is required on both sides of public and private right of ways;
2. The emergency access to Doral Drive (SR 1693) will be required to be a public access easement to allow for ingress/egress-to assure public pedestrian connections, access to all internal sidewalks, and collector street sidewalk facilities;
3. Per TRC comments the temporary cul de sac is requested from Emergency Management and Pender County Schools to have a forty (40) foot edge of pavement radius;
4. At this time a Traffic Impact Analysis is required; the developer must submit this document prior to the completion of any phases. The Preliminary Plat will not be approved until the completed TIA has been submitted to Pender County Planning Staff.

STAFF RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with six (6) 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 recommends the conditional approval of the Phase III Preliminary Plat requests as detailed in the report with the applicable conditions 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 PHASE III PRELIMINARY PLAT:

Motion: _____ **Seconded:** _____

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

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