

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

SUMMARY:

Hearing Date: October 13, 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 ±149.82 acres in the entire Master Development 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. On September 1, 2015 the Planning Board requested the proposal to be tabled in order for the applicant to address the outstanding items. The request is consistent with eight (8) 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 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 containing forty-two (42) single family lots was recorded on November 4, 2014 at the Pender County Register of Deeds Map Book 57, Page 14 (Attachment 1). Phase II containing sixty-two (62) single family lots was recorded on July 7, 2015 at the Pender County Register of Deeds 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.

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.

At their September 1, 2015 meeting for Phase III Preliminary Plat approval the Planning Board voted unanimously to table the Preliminary Plat Public Hearing in order for the outstanding items to be addressed by the applicant including missing TIA and other details to be included in the Preliminary Plat itself.

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 phases may have a higher density and certain Phases may have a lower density. The Phase III submittal complies with the Master Development Plan approved net density. The average density for Phases 1-3 is currently ± 2.79 acres and is in line with the approved Master Development Plan.

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
	Developable Land 22.7
	Net Density 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 sections 1-2. The applicant is required to show this phasing of the Preliminary Plat if the intentions is to not record the entire Preliminary Plat project area during the Final Plat process. The applicant has met the requirements of Phase III on the Preliminary Plat.

Phase III	Lots
Section I	73
Section II	36

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.

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, with no change requested.

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 applicant has provided a Buffer Plan for Phase III. The proposed Buffer Plan shows the existing trees in the proposed Phase III area and the proposed buffers specified by Section 8.2.8 of the Pender County Unified Development Ordinance. The Buffer Plan adequately addresses the buffer standards set forth by the Pender County Unified Development Ordinance.

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 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.

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.

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 outdoor recreation will consist of approximately 18,000 square feet and the indoor will consist of ± 500 square feet. The proposed pool facility will be servicing Phase I-III including a total of 213 lots. The submittal meets the open space requirements set forth in Section 7.6.1.C of the Pender County Unified Development Ordinance.

Roadways

Public Roadways

Public roadways must be built to NCDOT standards as outlined in the NCDOT Subdivision Manual published in January 2010.

Currently there is one (1) public roadway identified on the Phase III 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 temporary cul de sac will be removed once this collector street is constructed and the adjacent parcel develops. The proposed public roadway has a 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 as 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.

Previously seven (7) road names were outstanding however the applicant has obtained seven (7) approved road names through the Pender County Addressing Coordinator.

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. The examination of traffic impact will require 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. Currently the TIA is outstanding and will be required to be submitted before the signing of any Plats. 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 approved study intersections for the TIA. Currently the WMPO has approved the scoping document, but the completed TIA itself is outstanding at the time of submittal. Listed below are the approved study intersections.

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 Pender County Utilities Department depicting the intended sub-phasing of Phase III Preliminary Plat. A required inter-connection to the existing network will be required. This inter-connection will be required to be constructed before proceeding with Phase III Section 2.

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.

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.

At this time no state and federal permits have been obtained. All permits must be received before the Preliminary Plat can be signed. The following permits are still outstanding:

1. NCDEMLR Sediment erosion control Permit;
2. NCDOT Roadway drawing;
3. NCDOT Driveway Permits;
4. NCDOT Hydraulics Approval;
5. NCDEMLR water;
6. NCDEMLR Sanitary Sewer;
7. PCU water ;

8. NCDENR Clear and Grade;
9. NCDEMLR Stormwater permit.
10. USACE JD

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* 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.
- d. **Emergency Services Goal 2E.1** Ensure adequate response times and capabilities of Sheriff, Police, Fire and Emergency Medical Services.
 - i. **Policy 2E.1.2**
Ensure that streets and parking lots within new developments are designed and constructed to accommodate the turning radius and load bearing requirements for emergency services vehicles and equipment.

The request is consistent with eight (8) policies from the 2010 Pender County Comprehensive Land Use Plan and conflicts with none.

Previous Conditions

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.

Ordinance Items Outstanding

1. A completed TIA will be required to be submitted before the Preliminary Plat can be signed this can be handled internally.
2. An inter-connection to the waterline on US HWY 17 will be required before the applicant can proceed with Phase III Section 2.
3. Currently state and federal permits are outstanding. The following permits are still outstanding:
 1. NCDEMLR Sediment erosion control Permit;
 2. NCDOT Roadway drawing;
 3. NCDOT Driveway Permits;
 4. NCDOT Hydraulics Approval;
 5. NCDEMLR water;
 6. NCDEMLR Sanitary Sewer;
 7. PCU water ;
 8. NCDENR Clear and Grade;
 9. NCDEMLR Stormwater permit.
 10. USACE JD

STAFF RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with eight (8) 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 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. All outstanding items will be required to be completed before the Preliminary Plat can be signed.

BOARD ACTION FOR PHASE III PRELIMINARY PLAT:

Motion: _____ **Seconded:** _____

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

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