

**PLANNING STAFF REPORT
PRELIMINARY PLAT PHASE II Revision
WYNDWATER**

SUMMARY:

Hearing Date: November 4, 2015
Applicant: Signature Top Sail NC, Ltd.
Property Owner: Signature Top Sail NC, Ltd.
Case Number: 11035

Wyndwater Phase II Preliminary Plat Revision Development Proposal: Signature Top Sail NC, LTD, applicant and owner, is requesting the approval of a Preliminary Plat revision for Phase II of the mixed-use development proposal known as Wyndwater. Specifically, the request for Phase II approval includes the addition of twenty-seven (27) single-family lots to the previously recorded fifty-six (56) single-family lots. The subject properties are zoned PD, Planned Development zoning district.

Property Record Number, Acreage, and Location: Phase II consists of approximately 28.35 acres of the ±150.78 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 Phases I. The properties may be further identified by Pender County PINs; 4214-31-1640-0000 and 4214-22-2361-0000.

RECOMMENDATION

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 Phase II Preliminary Plat Revision for Wyndwater. Any and all future development, phases or changes to the projects 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 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 (56) 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 the Planning Board then voted unanimously to table the Preliminary Plat in order for the outstanding items to be addressed by the applicant. At their October 13, 2015 meeting, the Planning Board voted unanimously to pass a motion to approve the Phase III Preliminary Plat containing one-hundred-nine (109) single-family residential detached lots. Currently the Phase III Preliminary Plat has not been signed.

Phase II Preliminary Plat

Non-Residential

Currently there are not any non-residential areas identified in Phase II. 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 subject property 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 I was approved with ± 1.6 units per acre, Phase II was approved with ± 1.98 units per acre and Phase III was approved with ± 4.80 units per acre. The current revision to Phase II shows density of ± 3.29 units per acre. Net density takes in account that certain phases may have a higher density and certain phases may have a lower density all within the overall project 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 changes are proposed to the approved project.

	MDP Approved Density	Phase 1-3 combined Density	Phase II Revision
Total Acreage	150.78	150.78	22.65
Non-Residential	4.50	4.50	0
Wetlands Acreage	6.46	2.51	0
Right-of-Way Acreage	20.35	13.58	2.89
Open Space Acreage	10.50	13.14	1.96
Active	5.25	6.11	0.98
Passive	5.25	7.03	0.98
Total Units	350	214	65
<i>Developable Land</i>	113.01	128.6	19.77
<i>Net Density Number of units/developable land = density</i>	3.1	1.66	3.29

Total Requested Lots

Phase II Preliminary Plat revision submittal request includes an additional twenty-seven (27) single-family detached lots where the original Phase IIA had identified as future development. This will be added to the previously approved fifty-six (56) single-family detached lots. The additional lots are proposed along North Lamplighters Way and on the north western side of West Craftsman Way.

Lot Requirements

There is no change to the previously approved lots 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 heights. The applicant was approved for a minimum lot size of 12,000 square feet for septic lots utilizing traditional septic methods of wastewater disposal and minimum lot size of 5,000 square feet for lots utilizing the private regional treatment plant, Pluris LLC.

The following are the approved yard setbacks:

Setback	Distance
Front	20'
Side	Zero Lot Line (8-10' maintenance easement between structures)
Rear	20'
Corner	15'

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 submitted Buffer Plan adequately addresses the buffer standards set forth by the Pender County Unified Development Ordinance (Attachment 4).

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 Phase II Preliminary Plat revision totals ± 1.95 acres. Currently ± 1.96 acres of open space will be provided in this proposal with ± 0.98 acres to be dedicated as passive open space and ± 0.98 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 provided is easily accessible to future residents and is located throughout multiple areas in Phase II. The proposed pedestrian easements and multi-use trails provide access for pedestrian traffic.

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, the Phase II is proposed to have sixty-five (65) single-family lots. According to Section 7.6.2 the one recreation unit for Phase II will total financial amount of \$10,000.

Although there are a number of pedestrian friendly areas in portions of Phase II, North Lamplighters Walk, the portion for approval, is not proposed to have any pedestrian facilities.

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 II Preliminary Plat Revision. The public roadway named West Craftsman Way and is running southeast to northwest connecting to the Cardinal Pointe Master Development Plan (Case #11067). 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 roadway named North Lamplighters Walk and runs southeast to northwest as well. The proposed private right-of-ways are identified on the Phase II Preliminary Plat Revision 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.

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 Pender County Planning Staff signing approvals for this project. Currently the TIA is outstanding. 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 approved TIA 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 north side of West Craftsman Way, the main public collector roadway in Phase II, however not on North Lamplighters Walk, the private right of way as part of the revision request.

Services (Wastewater/Water)

The previous approval for Phase II Preliminary plat was serviced by offsite septic. Now the applicant proposes wastewater which will be treated by Pluris LLC, a private regional treatment facility. An intent to service letter was provided by the applicant on behalf of Pluris LLC (Attachment 5). The applicant shall work directly with Pluris LLC 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 II water approvals.

Environmental Concerns

The Phase II Preliminary Plat Revision 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 which the applicant has provided.

Permits

At this time state and federal permits have been obtained. Any revision to permits or amendments to reflect the additional lots must be submitted before the Phase II Preliminary Plat Revision can be approved.

Technical Review Committee (TRC) Responses:

On Tuesday October 13, 2015 the Pender County Technical Review Committee reviewed the Phase II Preliminary Plat Revision of 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* 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.
 - i. **Policy 2B.1.4** 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.
 - 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 nine (9) 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); **Satisfied in Phase III**
Provide connection to identified “Capstone Property” identified by Pender County PIN 4214-22-7567-0000; **Satisfied in Phase II A**
2. Allow for “alternative” design for alleyway as shown on Master Development Plan Submittal Page C-3.4; **Satisfied in Phase I**
3. Allow for emergency access along the connection to Doral Drive (SR 1693) in Phase III; **Satisfied in Phase III**
4. 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; **Satisfied in Phase III**
5. 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. **Satisfied in Phase III**

Ordinance Items Outstanding

1. A completed TIA will be required to be submitted before the Preliminary Plat can be approved.
2. Any revisions or amendments to any applicable permits including:
 - A. NCDEMLR Sediment Erosion Control Permit;
 - B. NCDOT Plan Approval;
 - C. NCDOT Driveway Permit;
 - D. NCDOT Hydraulics Approval;

- E. NCDEMLR Water Approval;
- F. NCDEMLR Sanitary Sewer;
- G. PCU Water Approval ;
- H. NCDENR Clear and Grade Approval;
- I. NCDEMLR Stormwater Permit;
- J. USACE Jurisdictional Determination.

STAFF RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with nine (9) 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 II Preliminary Plat Revision 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 development proposal 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: __