

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

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**SUMMARY:**

**Hearing Date:** March 1, 2016  
**Applicant:** Signature Top Sail NC, Ltd.  
**Property Owner:** Signature Top Sail NC, LTD, applicant, on behalf of Capstone Ventures LLC., Ruth C. Kalmar Lewis et al, J L Morris Enterprises of Hampstead Inc., Morris Jeffrey et al, and Signature Top Sail NC, LTD  
**Case Number:** 147-2016

**Development Proposal:**

Signature Top Sail NC, Ltd. applicant, on behalf of Signature Top Sail NC, Ltd. and J L Morris Enterprises of Hampstead Inc., 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 from  $\pm 150.78$  acres to  $\pm 204.07$  acres
2. Increase the overall project density 3.10 units per to 3.14 units per acre;
3. Change the front yard setbacks from twenty (20) feet to fifteen (15) feet for Phases I-VI;
4. Allow for "alternative" design for alleyway located in Phase III as shown on Master Development Plan submittal page C-2.3. Originally approved on October 13, 2015 this change will require a Preliminary Plat Revision for Phase III;
5. Allow for "alternative" design of a hammerhead in Phase IV as shown on Master Development Plan submittal page C-3.7. At current Phase IV has not been submitted.

Wyndwater consists of six (6) residential phases and areas identified as future development on the  $\pm 204.07$  acre project area. There are nine (9) tracts associated with this project. All elements and phases, both recorded and future development, are included in this Master Development Plan Revision. This revision includes setback changes to previously approved and recorded phases I and II.

**Property Record Number, Acreage, and Location:** The Master development Plan request consists of increasing the overall project area from  $\pm 150.78$  acres to  $\pm 204.07$  acres. The subject property is zoned PD, Planned Development zoning district. The properties are located to the north of Doral Drive (SR 1693), northwest of Sloop Point Loop Road (SR 1563), south and east of the Cardinal Acres Lane (private) in the Topsail Township. The property may be further identified by Pender County PINs; 4214-04-6027-0000, 4214-22-2361-0000, 4214-31-1640-0000, 4213-59-0181-0000, 4214-12-3906-0000, 4214-22-7567-0000, 4214-04-9162-0000, 4214-23-2200-0000 and portion of the property located at 4214-50-8387-0000.

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**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. 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.

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## HISTORY

Please see attachment 1.

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## MASTER DEVELOPMENT PLAN

### Non-Residential

Currently the non-residential portion of the project is identified as “Commercial” and contains approximately 4.50 acres isolated 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*

The latest Wyndwater Master Development Plan was approved at the July 7, 2015 Planning Board meeting with a net density of 3.10 units per acre. The request is to revise the density to 3.14 units per acre. The proposed Master Development Plan revision is to add one hundred fifty (150) units within the ± 53.29 acres of additional development area. 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. This request is in compliance with the Pender County Unified Development Ordinance.

#### Overall Density

	Current Request
<b>Total Acreage</b>	204.07
Non-Residential Acreage	4.50
Wetlands Acreage	6.46
Right-of-Way Acreage	23.01
Open Space Acreage	17.41
Active	10.95
Passive	6.46
Total Units	500
<b>Developable Land</b>	159.15
<b>Net Density</b>	3.14

#### *Total Requested Lots*

The original Wyndwater Master Development Plan approval included 185 lots with future development. The Master Development Plan was later revised on July 7, 2015 to three hundred fifty (350) units. The current submittal for Master Development Plan revision request is five hundred (500) units.

### 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 approved at 5,000 sq. feet and there is no requested change in minimum lot size.

#### *Single-Family Detached and Single-Family Attached Duplex*

The applicant is requesting a change for both housing types to the front yard setbacks for Phases I-VI:

Setbacks	Approved Distance	Proposed Distance
Front	20 feet	15 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, Pender County Unified Development Ordinance. In multi-family and Planned Developments a Buffer A is required along all boundaries adjacent to a street. A Buffer C is required along all boundaries adjacent to single-family residential uses or residential lots with a parcel size of less than one (1) acre and when a single-family structure is within fifty (50) feet of the boundary of the development. A Buffer B is required for all other boundaries.

The buffers shown on the proposed Master Development Plan 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 Master Development Plan area is fifteen (15) acres. Currently  $\pm$  17.41 acres of open space will be provided in this proposal with  $\pm$  10.95 acres to be dedicated as active open space and  $\pm$  6.46 acres to be dedicated as passive open space. The open space is in compliance with the Pender County Unified Development Ordinance requirements.

Open Space	Acreage
Required	6.12
Proposed	17.41
Active	10.95
Passive	6.46

The open spaces proposed are located in a usable shape for active recreation. The location of the proposed open spaces is in easily accessible areas for the future residents of the subdivision. The residents of the proposed subdivision will have suitable, safe, and convenient ingress and egress to the proposed active open space areas through sidewalks, roadways, and easements.

### **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 per Section 7.6.2 of the Pender County Unified Development Ordinance.

Additionally the applicant is constructing a pool facility (NAICS 713940) with approximately twenty-two (22) parking spaces in Phase III. 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  $\pm$  500 square feet. The submittal meets the open space requirements set forth in Section 7.6.1.C of the Pender County Unified Development Ordinance.

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 will intend to connect the Wyndwater subdivision via Doral Drive (SR 1693) to Hampstead Kiwanis Park with a sidewalk in the reserved NCDOT right of way; and the Safe Routes to School multi-use pathway along Sloop Point Loop (SR 1563) ultimately terminating at N. Topsail Elementary School (Attachment 2 and 3).

### **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 interconnected roadways extending through Phase IV and Phase V are shown as public, however, the secondary roadways that branch off of the main road are proposed to be private. 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, II, III and VI will remain consistent with the previous approvals.

#### *Private Roadways*

Currently there are fifteen (15) private roadways proposed within the Wyndwater Master Development Plan. 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.

Private roadway certifications are required to be submitted and shown on the Final Plat.

Currently, the private roadway located to the west of Friendly Lane does not utilize an approved cul de sac design. The applicant is proposing an alternative hammerhead design. Per Section 7.5.1.F of the Pender County Unified Development Ordinance requires a bulb type turn around. The Planning Board must approve the current deviation from the Unified Development Ordinance specified turn around, the applicant will still be required to design and construct to NCDOT standards.

#### **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.

Currently there are connections proposed north into adjacent parcels identified by PINs 4214-43-1229-0000 (Westbrook James Donald et al), 4214-32-5405-0000 (Red Fox Plantation LLC), and 4214-04-9162-0000 (Morris Jeffery L et al). These roadways provide reasonable access. There is a required connection north into PIN 4214-42-3064-0000 (Red Fox Plantation LLC) that has been shown as a cul de sac on the proposed Master Development Plan. These proposed connections to adjacent parcels are required per the Pender County Collector Street Plan that all new streets that have the potential to connect to adjacent developments be constructed to NCDOT standards and added to the state system.

The applicant is proposing one alley on the north side of Phase III bordering PINs 4214-23-2200-0000 (J L Morris Enterprises of Hampstead Inc.) and 4214-04-9162-0000 (Morris Jeffrey et al). The proposed alleyway will allow for rear load housing types. The proposed alleyways are classified as private roadways. Per Section 7.5.3.A all designated private streets shall be designed and constructed in compliance with the current NCDOT Subdivision Roads Minimum Construction Standards. Variations to right-of-way widths and geometric design may be permitted upon Planning Board review and approval where unique needs exist. The private alley will connect to a public designed and built roadway for means of alternative access. While the alley will provide access to the rear of the house the front will be facing a state maintained roadway.

### **Traffic**

At this time an examination of traffic impact on the existing road network surrounding the subject properties has been conducted through a Traffic Impact Analysis (TIA). This required the coordination with NCDOT and the Wilmington Metropolitan Planning Organization (WMPO). The TIA determined what improvements are necessary to the existing roadway network. Any change in land uses or densities requires a revision of the TIA to meet the changes made to the proposed plan. The TIA required improvements are accomplished through the driveway permit which is revised during the Preliminary Plat process of each phase (Attachment 4).

### **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). The Sidewalk will extend from Phase II into Phase IV and will terminate at the adjacent property connection to PIN 4214-43-1229-0000 (Westbrook Donald James et al et al). Roadways located in phases V and VI may be required to be built to Collector Roadway standards. Further examination will be required during the Preliminary Plat approval process.

The previously approved Doral Drive (SR 1693) emergency access connection and pedestrian facility has not been constructed and is to be included in Phase III. The internal pedestrian connectivity will eventually connect into the awarded North Carolina Safe Routes to School pedestrian path connecting North Topsail Elementary and Hampstead Kiwanis Park.

The Master development Plan request consists of viable pedestrian connections and meets the Coastal Pender Collector Street Plans requirements.

### **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. Phase II has a combination of septic and sewer provided by Pluris.

An Intent to Service letter was provided by the applicant on behalf of Pluris (Attachment 5). The wastewater approval is for up to two hundred ten (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. A new letter of intent will be required to be submitted stating that Pluris is permitting more capacity for the latest revision of the Wyndwater Master Development Plan.

<b>Phase</b>	<b>Total Lot Count</b>	<b>Wastewater treatment method</b>
I	37	septic
IB	3	septic
II	38	18 septic/20 sewer
IIB	27	sewer

Pluris and the applicant are working together to satisfy the necessary steps for an increase in wastewater capacity.

Public water connection to Pender County Utilities was previously approved for Phase I and Phase II. The Pender County Utilities Department and Pender County Health Department are working closely with the applicant to satisfy applicable requirements.

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### **Environmental Concerns**

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

#### *Wetlands*

There are ± 6.46 acres of wetlands on the Master Development Plan area, as shown on wetland delineation 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 review. At current the applicant has avoided the placement of lots within the designated wetlands.

#### *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 Numbers 3720420400J and 3720421400J, Panel Numbers 4204 and 4214. 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 and contains “Zone AO” on Panel 4214. All development in these areas will require re-examination at the time of development submittal in accordance with the best available flood data. At current the applicant has avoided the placement of lots within the designated Special Flood Hazard Areas.

#### *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. This request is in compliance with the Pender County Unified Development Ordinance (Attachment 6).

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

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### Technical Review Committee (TRC) Responses:

On Tuesday February 2, 2016 the Pender County Technical Review Committee reviewed the Master Development Plan known as Wyndwater. The responses collected can be seen in Attachment 7.

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### EVALUATION

**A) Public Notifications:** Public Notice of the proposal for the Master Development Plan Revision 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:** The subject property is zoned PD, Planned Development zoning district. The properties are located to the north of Doral Drive (SR 1693), northwest of Sloop Point Loop Road (SR 1563), south and east of the Cardinal Acres Lane (private) in the Topsail Township.

**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

The following conditions are 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);*

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 attached Mast Development Plan revision 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 (Attachment 8).

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 proposed connections can be seen on the attached Mast Development Plan revision showing the connections 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.

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.*

At current the applicant is still working towards the permitting of Phase III.

6. *Additional to 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.*

At current the applicant is still working towards the permitting of Phase III.

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#### **Proposed Conditions for Master Development Plan**

7. Provide adjacent property connection north to PIN 4214-43-1229-0000 (Westbrook tract).
8. Provide connection to Oak Circle (private).
- 9 Allow for “alternative” design for alleyway located in Phase III as shown on Master Development Plan submittal page C-2.3
- 10 Allow for “alternative” design of a hammerhead in Phase IV as shown on Master Development Plan submittal page C-3.7

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#### **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 from  $\pm$  150.78 acres to  $\pm$  204.07 acres
2. Increase the overall project density 3.10 units per to 3.14 units per acre;
3. Change the front yard setbacks from twenty (20) feet to fifteen (15) feet for Phases I-VI;
4. Allow for “alternative” design for alleyway located in Phase III as shown on Master Development Plan submittal page C-2.3. Originally approved on October 13, 2015 this change will require a Preliminary Plat Revision for Phase III;
5. Allow for “alternative” design of a hammerhead in Phase IV as shown on Master Development Plan submittal page C-3.7. At current Phase IV has not been submitted.

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#### **STAFF RECOMMENDATION**

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with six (6) 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 conditionally approval.

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**BOARD ACTION FOR Master Development Plan Revision:**

**Motion:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**Approved:** \_\_\_\_ **Denied:** \_\_\_\_ **Unanimous:** \_\_\_\_

Williams: \_\_\_\_ Fullerton: \_\_\_\_ Baker \_\_\_\_ Edens: \_\_\_\_ McClammy: \_\_\_\_ Nalee: \_\_\_\_