

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

SUMMARY:

Hearing Date: May 3, 2016
Applicant: Signature Top Sail NC, Ltd.
Property Owner: Signature Top Sail NC, Ltd. Morris Jeffrey L et al and JL Morris Enterprises of Hampstead Inc.
Case Number: 205-2016

Development Proposal: Signature Top Sail NC, LTD, applicant, on behalf of J L Morris Enterprises of Hampstead Inc., Morris Jeffrey L et al, and Signature Top Sail NC, LTD, owners, are requesting a revision to the previously approved Phase III Preliminary Plat for the mixed-use development proposal known as Wyndwater. Specifically this request is to; increase the overall project area from ± 39.34 acres to ± 43.43 acres and to increase the total units from sixty-nine (69) single-family conventional lots and forty (40) single-family attached duplex lots to one hundred eighteen (118) single-family conventional lots. The subject properties are zoned PD, Planned Development zoning district.

Property Record Number, Acreage, and Location: Phase III consists of ± 43.43 acres of the ± 204.07 acres in the mixed use Master Development Plan known as Wyndwater located on the former Topsail Greens Golf Course; The properties are located to the north of Doral Drive (SR 1693), northwest of Sloop Point Loop Road (SR 1563), south of the conditionally approved Master Development Plan known as Cardinal Pointe and east of US HWY 17 in Hampstead. The properties may be further identified by Pender County PINs: 4214-12-3906-0000, 4214-04-6027-0000, 4214-04-9162-0000, and 4214-23-2200-0000.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with five (5) 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 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. The proposed Phase III revision is consistent with the latest Master Development Plan Revision which was approved on February 2, 2016.

HISTORY

Project history may be found as Attachment 1.

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 Master Development Plan. The commercial area will be located on the western side of the development near US HWY 17.

Residential

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.

The Wyndwater Master Development Plan was conditionally approved on February 2, 2016, with a net density of ± 3.14 units per acre. This Phase III Preliminary Plat request provides a density of ± 4.12 units per acre, this request was previously approved at ± 4.8 units per acre reviewed and approved on October 13, 2015 at the Preliminary Plat hearing for Phase III. This request is consistent with the overall approved Master Development Plan density as approved by the Planning Board.

Phases Proposed Density

Phase	Density Approved (units per acre)
Phase I	± 1.6
Phase II	± 1.98
Phase IIB	± 3.29
Proposed Phase III	± 4.12 (request before Planning Board 5/6/2016)
Proposed Phase IV	± 3.06 (request before Planning Board 5/6/2016)
Current Average	± 2.81
Approved MDP	± 3.14

The net density takes in account that certain phases may have a higher density and certain Phases may have a lower density.

Phase III Proposed Density

	Previously Approved (10/13/15)	Proposed(5/6/16)
Total Acreage	39.34	43.43
Non-Residential Acreage	0	0
Wetlands Acreage	0	2.48
Right-of-Way Acreage	7.19	7.84
Open Space Acreage	9.45	9.88
Active	4.2	5.93
Passive	5.25	3.95
Total Units	109	118
Developable Land	22.7	28.65
Net Density	4.80	4.12

Total Requested Lots

Phase III Preliminary Plat submittal request includes one hundred eighteen (118) single family conventional lots. Phase III is proposed to add nine (9) single family lots and \pm 4.09 acres to the previously approved sixty-nine (69) single-family conventional lots, forty (40) single-family lots and \pm 39.34 acres.

Phase III is proposed to be broken into two sections. 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 revision on the Preliminary Plat.

Phase III	Lot Counts	Lot Numbers
Section I	76	106-181
Section II	42	189-223

Per Section 6.5.8.D if the Final Plat has over one hundred (100) or more lots, then the minimum initial recordation is required to be fifty (50) lots. The following recordation may have minimum increments of ten (10) lots/units thereafter. The submittal includes one hundred eighteen (118) lots. Phase III is proposed to add nine (9) single family lots and \pm 4.09 acres to the previously approved sixty-nine (69) single-family conventional lots, forty (40) single-family lots and \pm 39.34 acres.

Lot Requirements

There are no requested changes to the proposed setbacks or height as last approved by the Master Development Plan on February 2, 2016. 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.

Phase III Previously Approved Setbacks

Setback	Distance (in feet)
Front	15
Rear	20
Side	0 Lot line (with 8-10 ft. maintenance easement)
Corner	15
Height	38

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 submittal meets the open space requirements set forth in Section 7.6.1.C of the Pender County Unified Development Ordinance as outlined below.

Open Space	Required	Provided
Total Open Space	3.54	9.88 Acres
Passive	1.77	3.95 Acres
Active	1.77	5.93 Acres

Recreational Units

Currently, Phase III is proposed to have one hundred eighteen (118) single family units. According to Section 7.6.2 the recreation unit for Phase III is 1.5 with the financial amount is \$15,000. The applicant has submitted a pool facility (NAICS 713940) to serve as the recreation facilities for Phases I-IV which in total will service two hundred seventy-seven (277) lots.

The Pender County Unified Development Ordinance supports the proposed pool facility as recreation in the active open space per Section 7.6.1.B; Active Open Space consists of areas such as park land chosen without regard to natural features for the explicit purposes of enhancing design, such as village commons, or providing space for outdoor recreation activities which may include, but not be limited to; cluster boxes, tennis courts, ball fields, swimming pools, and tot lots with play equipment.

Roadways

Public Roadways

Per Section 7.5.2 of the Pender County Unified Development Ordinance, roadways which are proposed as 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 Revision. The northern most roadways are 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.

This future connection to US HWY 17 will be designed to accommodate convenient movement of traffic. The Collector Street Plan identifies the roadways into specific groups. The identified roadway within this parcel is in group one (1). The applicant is utilizing Figure twenty-three (23) of the Pender County Collector Street Plan as the chosen cross section (Attachment 2). The applicant has chosen to build a four (4) foot sidewalk shown as a pedestrian easement on the south side of the proposed collector street. The applicant has the option to build one sidewalk. The sidewalk can be placed within the NCDOT right of way. A tri-party agreement must be developed for the maintenance and liability costs as well as the cost of construction. This is in compliance with the Pender County Collector Street Plan.

Per Section 7.5.3.C the applicant will be required to construct to public collector street standards when stubbing to adjacent properties to prevent any hindrance of future connection. Currently there are three (3) roadways proposed to connect into the parcel to the north (property owner: Morris and identified by PIN: 4214-04-9162-0000).

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 identified in the Phase III Preliminary Plat revision are 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.

Currently the proposed Evening Walk (private) extends west from proposed Aurora Place (public) to a cul de sac. Pender County Staff will require the connection to Topsail Greens Drive (private) to be completed and included as a condition. Per Section 7.5.1.A.4 providing continuity in existing streets and proposed streets is required (Attachment 3). Per page forty-five (45) of the 2016 Pender County Collector Street Plan it is important to note that all roadways, and in particularly collector streets will be designed to accommodate the safe and convenient movement of emergency vehicles, including roll curb where appropriate. Per Section 7.5.1.A.1 the layout of streets and arrangement shall conform to the Pender Collector Street Plan. Currently the submitted Phase III revision does not meet the requirements of the Ordinance for connectivity and outlined in the Pender Collector Street Plan.

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 4). Per Section 7.5.3.C.5 these roadways are required to be designated as public when connected to adjacent parcels.

Currently this proposal meets the Master Development Plan approved conditions. Condition one (1), four (4), five (5), and six (6) have been met within this proposal. 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 to be removed once the adjacent property develops. This is in compliance with requirements of a future connection to US HWY 17. Currently the applicant does not own the parcel extending to US HWY 17; however at time any plans are submitted for this parcel the applicant will be required to make this connection converting the temporary cul de sac to a Collector Street connection extending to US HWY 17.

The Pender County Fire Marshal did not require a forty (40) foot radius for the temporary cul de sac and the cul de sac leading to the emergency access located at the south end of Moonlight Walk (private) connecting Doral (SR 1693). The Temporary cul de sac and the cul de sac on Moonlight Walk (private) meet the requirements of the ordinance per Section 7.5.1.F the cul-de-sac end shall be a bulb type with minimum radii as follows: Curb & Gutter Section: RW = forty-five (45) feet, Pavement = thirty-seven 37 feet to gutter edge, Shoulder Section: RW =fifty (50) feet, Pavement =Thirty-five (35) feet.

This requirement of a public dedication will include the emergency access to Doral Drive (SR 1693). The eastern most private roadway near the proposed pool facility and 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. Currently there is a detail shown on page C-3.2 of the site plan for the design of the emergency path showing 1.5" asphalt to be placed on six (6) inches of ABC stone. The Fire Marshal agreed that there are no issues with Phase III at this time.

Traffic

A Traffic Impact Analysis assesses the effects of a specific development's traffic on the community. An examination of traffic impact on the existing road network surrounding the subject properties must be updated. This will require coordination with NCDOT and the Wilmington Metropolitan Planning Organization (WMPO). At this time a Traffic Impact Analysis has been approved; the developer must stay within the approved TIA or amend it to fit any new proposals outside the scope of the approved TIA. The TIA will determine what improvements are necessary to the existing roadway network. Listed below are the approved study intersections for the TIA (Attachment 5).

Currently, the approved TIA addresses two hundred fifty-four (254) single family residential lots and fifty-five (55) townhome units. Currently we are within Phase II of the approved TIA. The applicant is proposing no townhomes at this point, as were originally included in the TIA for this Phase. Following a discussion at the TRC meeting with WMPO staff members, an updated ITE trip generation from the applicant and a letter from the engineer contracted by the applicant have been provided.

The current ITE Trip Generation calculations have decreased from the approved ITE Trip Generation calculations. Wyndwater is currently in compliance with the TIA.

	Approved TIA Trip Generation	Provided Trip Generation
Total Daily Trips	2,858	2,134
AM Peak Hour	220	167
PM Peak Hour	280	225

Pedestrian Access

The Pender Collector Street Plan recommends five (5) foot sidewalks on one side 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 sidewalk has access to open space which is conveniently located throughout Phase III. The proposed sidewalk is located on the south side of the proposed collector street, Aurora Place (public). The sidewalk is currently proposed to be placed outside of the right of way; however it may be placed inside of the right of way with a tri-party agreement. The tri-party agreement must be developed for the maintenance and liability costs as well as the cost of construction. The proposed sidewalk to be placed along Aurora Place (public) will terminate at the temporary cul de sac. The continuation of the collector street to US HWY 17 will constitute the continuation of the proposed sidewalk as well. The sidewalks in Phase III will give the future residents accessibility to the active open space 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.

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 project is working toward contractual agreement with NCDOT.

Services (Wastewater/Water)

Phase III wastewater 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 (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 LLC. and the County for each Phase approval. Pluris request during the Technical Review Committee meeting was for the applicant to provide an updated plan with consecutive lot numbers for clarity during the wastewater permitting process.

PCU is working closely with the applicant to satisfy applicable requirements for the Phase III water needs. According to TRC comments, a detailed plan is required to be submitted to PCU depicting the intended sub-phasing of Phase III Preliminary Plat. An inter-connection to waterline located on US HWY 17 will be required to be constructed once the applicant reaches the intersection of Topsail Greens Drive.

Environmental Concerns

The subject parcel, of ± 204.07 acres does contain portions of environmentally sensitive areas including wetlands.

There are ± 2.48 acres of wetlands in the proposed Phase III revision. Any development within these areas may be subject to the permit requirements of Section 404 of the Clean Water Act. A Jurisdictional Determination will be required for Phase III.

The subject property is not located in the Special Flood Hazard Area (SFHA) according to the Flood Insurance Rate Map (FIRM) 3720421400J published February 16, 2007. In the DFIRMS preliminary maps released in August 2014, the property remains outside a designated flood zone.

After a preliminary analysis, it appears no CAMA Areas of Environmental Concern are located on the project site. CAMA Areas of Environmental Concern are tidal and/or navigable waters within Pender County are classified as Public Trust Area up to the normal high water line or normal water level and are subject to the CAMA. The Public Trust Shoreline AEC extends 30' landward of the normal high water line or normal water level.

The PD, Planned Development zoning district requires a tree survey to be submitted prior to the Final Preliminary Plat approval, the applicant has provided this documentation to Planning Staff at this time and is in compliance with this requirement.

All applicable state and federal agency permits including a Stormwater Management Permit, and Erosion Control Plan, wetlands impact permits, and NCDOT Driveway Permit will be required prior to the approval of the Final Preliminary Plat for Phase III.

Technical Review Committee (TRC) Responses:

On Tuesday April 5, 2016 the Pender County Technical Review Committee reviewed the Phase III Preliminary Plat of Wyndwater. The responses collected can be seen in Attachment 7 and incorporated throughout this report.

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: The subject property is designated as Mixed Use land classification]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.1.9**
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. **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 five (5) policies from the 2010 Pender County Comprehensive Land Use Plan and conflicts with none.

Previous Conditions

1. Phase III: 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 three (3) 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.

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

The applicant has provided the required connection in Phase II with the Stubbing out of the West Craftsman Way to the "Capstone Property" identified by Pender County PIN 4214-22-7567-0000.

3. Phase I: Allow for "alternative" design for alleyway

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

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

The applicant has provided the required emergency access in Phase III 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.

5. Phase III: The temporary cul de sac shown on the western portion Phase III shall be converted to a through roadway at the time of the adjacent parcel development.

The applicant has provided the temporary cul de sac shown on the western portion Phase III Wyndwater. This approved turn around 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. Phase III: 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).

The applicant has provided the required connection in the Phase III Preliminary Plat revision which will be reviewed by the Planning Board on May 3, 2016.

7. Phase IV: Provide adjacent property connection north to PIN 4214-43-1229-0000 (Westbrook tract).

The applicant has provided this connection and is being shown in this Phase IV Preliminary Plat Submittal. The condition is being met through the extension of West Craftsman Way (private).

8. Phase VI: Provide connection to Oak Circle (private).

The applicant will be required to provide the connection to Oak Circle (private) when Phase VI Preliminary Plat is submitted.

9. Phase IV: Allow for "alternative" design of a hammerhead. The applicant has implemented this design into the Phase IV submittal.

The applicant has proposed hammerhead in the Phase IV Preliminary Plat submittal and it is located west of Friend Lane (private).

Phase III Preliminary Plat Revision

Potential Approval Conditions

10. Required connection to the proposed Evening Walk (private) roadway from the existing Topsail Greens Drive (private). At current this is shown as a cul de sac, this is required to connect as a through roadway on the western portion of Phase III.

STAFF RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with five (5) 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 with the specific conditions listed above of the Phase III Preliminary Plat 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. The proposed Phase III revision is consistent with the latest Master Development Plan Revision which was approved on February 2, 2016.

BOARD ACTION FOR PHASE III PRELIMINARY PLAT REVISION:

Planning Board

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

Williams: ___ Fullerton: ___ Baker: ___ Carter: ___ Edens: ___ McClammy: ___ Nalee: ___