

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

SUMMARY:

Hearing Date: May 3, 2016
Applicant: Signature Top Sail NC, Ltd.
Property Owner: Signature Top Sail NC, Ltd.
Case Number: 206-2016

Development Proposal: Signature Top Sail NC, LTD, applicant, on behalf of Capstone Ventures LLC., owner, is requesting the approval of a Preliminary Plat for Phase IV of the mixed-use development proposal known as Wyndwater. Specifically, the request for includes fifty-four (54) single-family conventional lots on \pm 21.94 acres. The subject property is zoned PD, Planned Development zoning district.

Property Record Number, Acreage, and Location: Phase IV consists of \pm 21.94 acres of the \pm 204.07 acres in the entire Master Development Plan located on the former Topsail Greens Golf Course; the properties are located to the north of Wyndwater Phase II, to the south of vacant undeveloped land, to the east of the conditionally approved Cardinal Pointe Master Development Plan (Case 11067) and to the west of Friendly Lane (private). The subject property may be further identified by Pender County PIN: 4214-22-7567-0000.

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. The request is consistent with other approved planning documents; therefore Planning Staff recommends the approval of the Wyndwater Phase IV Preliminary Plat request as detailed in this 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 IV 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 IV Preliminary Plat

Non-Residential

Currently there are not any non-residential areas identified in Phase IV. 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 subdivisions 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 February 2, 2016, with a net density of ± 3.14 units per acre. This Phase IV Preliminary Plat request includes a density of ± 3.06 units per acre. 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

Phase IV Density

Total Acreage	21.94
Non-Residential Acreage	0
Wetlands Acreage	0
Right-of-Way Acreage	3.64
Open Space Acreage	1.62
	Active 0.81
	Passive 0.81
Total Units	54
	Developable Land 17.67
	Net Density 3.06

Total Requested

Lots Phase IV Preliminary Plat submittal request includes fifty-four (54) single family lots.

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 IV 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. 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.

The applicant has provided a Buffer Plan for Phase IV. The proposed Buffer Plan shows the existing trees in the proposed Phase IV 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 \pm 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.

Open Space	Required	Provided
Total Open Space	1.62	1.62
Passive	0.81	0.81
Active	0.81	0.81

Recreational Units

Currently, Phase IV is proposed to have fifty-four (54) single family units. According to Section 7.6.2 the recreation unit for Phase IV is 1.0 with the financial amount is \$10,000. The applicant has submitted a

pool facility (NAICS 713940) to serve as the recreation facilities for Phases I-IV which in total services 287 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 7.5.3.A 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 are two (2) public roadways identified on the Phase IV Preliminary Plat submittal. West Craftsman Way extends to the property line of the parcel to the north (owned by Westbrook and further identified by PIN: 4214-43-1229-0000). The second proposed public roadway will extend from the roadway West Craftsman Way to the east to connect to Sloop Point Loop Road (SR 1563). The proposed public roadway has a fifty (50) foot right of way with two (2) foot valley gutters.

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 east 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.

Phase IV proposes a collector street to extend to the parcel to the north (owned by Westbrook and further identified by PIN: 4214-43-1229-0000). The collector street is proposed to have a sidewalk located to the eastern side of the collector roadway. The proposed sidewalk is to be located outside of the NCDOT right of way.

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 and maintenance.

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 IV 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.

The applicant has designed all cul de sacs in Phase IV to have a forty (40) foot edge of pavement radii. This currently exceeds the regulation per Section 7.5.1.F for the required thirty-five (35) foot edge of pavement requirement.

At this time the road names are outstanding and a Preliminary Plat will be required to be submitted to the Addressing Coordinator with the proposed road names.

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

The applicant has proposed a connection to the parcel to the north (owned by Westbrook and further identified by PIN: 4214-43-1229-0000). The proposed extension from West Craftsman Way (Public) will extend through the Capstone tract identified by PIN: 4214-22-7567-0000 and stub out at the parcel line for the Westbrook and further identified by PIN: 4214-43-1229-0000. The applicant will also stub out to the Lewis Ruth Carolina Kalmar et al identified by PIN 4214-50-8387-0000 for future development of Phase VI (Attachment 3).

Traffic

A Traffic Impact Analysis assesses the effects specific developments have on traffic in the community. An examination of traffic impact on the existing road network surrounding the subject properties must be updated. This update will require coordination with NCDOT and the Wilmington Metropolitan Planning Organization (WMPO). At this time a Traffic Impact Analysis has been approved; and the developer must stay within the approved TIA or amend it to fit any new proposals outside the scope of the previously approved TIA. The TIA will determine what improvements are necessary to the existing roadway network (Attachment 4).

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	2,651
AM Peak Hour	220	208
PM Peak Hour	280	280

Pedestrian Access

The proposed sidewalks in Phase IV 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 around the proposed stormwater pond. The proposed walking trail will be located within active open space and be dedicated as a pedestrian easement. Currently the sidewalk is located outside of the NCDOT right of way, however with the new Pender County Collector Street Plan the

sidewalk may be placed within the NCDOT Right of way with a tri-party agreement for the maintenance and liability costs as well as the cost of construction and maintenance.

Services (Wastewater/Water)

Phase IV 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 LLC. (Attachment 5). 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 LLC. accepts future capacity. The applicant shall work directly with Pluris LLC., State agencies and the Pender County for each Phase approval.

The Pender County Utilities Department is working closely with the applicant to satisfy applicable requirements for the Phase IV water needs. A detailed plan is required to be submitted to Pender County Utilities Department showing a required connection to be made to a four (4) inch water line located on Friendly Lane (private).

Environmental Concerns

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

There are ± 0.32 acres of wetlands in the proposed Phase IV 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 IV.

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 IV.

Technical Review Committee (TRC) Responses:

On Tuesday April 5, 2016 the Pender County Technical Review Committee reviewed the Phase IV Preliminary Plat of Wyndwater. The responses collected can be seen in Attachment 6 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*. 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 properties surrounding the parcel are low density residential housing communities, located to the west is Cardinal Acres Manufactured Home Park, located to the east is Sloop Point South and located to the north east Pecan Grove. Along the immediate southern boundary is the previously recorded Phase I and Phase IIA and IIB of Wyndwater.

D) 2010 Comprehensive Land Use Plan: The subject property is designated as Mixed Use land classification. 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. **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 three (3) goals and six (6) 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 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.

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

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. The request is consistent with other approved planning documents; therefore Planning Staff recommends the approval of the Phase IV 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. The proposed Phase IV is consistent with the latest Master Development Plan Revision which was approved on February 2, 2016.

BOARD ACTION FOR PHASE IV PRELIMINARY PLAT:

Planning Board

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

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