

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

SUMMARY:

Hearing Date: September 7, 2016
Applicant: Signature Top Sail NC, Ltd.
Property Owners: Signature Top Sail NC, LTD Capstone Ventures LLC., Ruth C. Kalmar Lewis et al, J L Morris Enterprises of Hampstead Inc., and Jeffrey Morris et al
Case Number: 334-2016

Development Proposal:

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., and Jeffrey Morris et al, 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 ± 204.07 acres to ± 221.42 acres,
2. Increase the overall project density from 3.14 units per acre to 3.29 units per acre,
3. Allow for "alternative" design of a hammerhead in Phase VI as shown on Master Development Plan submittal page C-3.6.; and
4. The addition of fifty-seven (57) Single Family Dwelling - Attached Duplex housing types.

Wyndwater is proposed to have eight (8) residential phases to include the addition of two (2) new phases (Phase VI and Phase VII) and areas identified as future development on the ± 221.42 acre project area. Phase VI is proposed to be located to the north of Phase III on additional acreage being acquired. Access to Phase VI will be through a future roadway connection which will be stubbed out to the north. Phase VII is located to the east of US HWY 17 south of the existing Topsail Plantation Drive (private) and to the north of the existing Champion Drive (private). Access to Phase VII will be gained through the existing Topsail Plantation Drive (private). All elements and phases, both recorded and future development, are included in this Master Development Plan Revision.

Property Record Number, Acreage, and Location:

The subject properties are zoned PD, Planned Development zoning district. The properties are located to the east of US HWY 17 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 properties may be further identified by Pender County PINs; 4213-59-0181-0000, 4214-04-6027-0000, 4214-12-3906-0000, 4214-22-7567-0000, and a portion of 4214-50-8387-0000.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with four (4) 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 conditionally recommends the approval of the Master Development Plan Revision request as detailed in the report for the development known as Wyndwater. Any and all future development, phases or

changes to the Master Development Plan is subject to the Planning Board review and conditional approval.

HISTORY

Please see Attachment 1.

MASTER DEVELOPMENT PLAN

Non-Residential

Currently the non-residential portion of the project is identified as “Commercial” and contains ± 4.75 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 March 1, 2016 Planning Board meeting with a net density of 3.14 units per acre. The request is to revise the density to 3.29 units per acre. The proposed Master Development Plan revision is to add twenty-nine (29) units within the ± 221.42 acres of 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
Total Acreage	221.42
Non-Residential Acreage	4.75
Wetlands Acreage	7.36
Right-of-Way Acreage	28.07
Open Space Acreage	20.69
Active	11.63
Passive	9.06
Total Units	529
Developable Land	160.55
Net Density	3.29

Total Requested Lots

The original Wyndwater Master Development Plan approval included 185 lots with future development. The current request is to increase the unit count to five 529 total (Attachment 2).

Phase	Single Family Dwelling - Detached Conventional	Single Family Dwelling - Attached Townhouse
Phase I	42	0
Phase II	63	0
Phase III	117	0
Phase IV	54	0
Phase V	63	0
Phase VI	52	0
Phase VII	40	37
Phase VIII	41	20
Total	529	

Lot Requirements

As outlined in the Unified Development Ordinance, Section 4.8.1.D the Master Development Plan establishes 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. The setbacks listed below are for the following housing types: Single-family detached, single-family attached duplex, and single family - attached townhouse. The applicant is currently not requesting setback changes:

Setback	Distance
Front	15 Feet
Side	Zero Lot Line
Rear	20 Feet
Corner	15 Feet

Landscaping & Buffers

The applicant is proposing a Buffer C along the portions of the subject property bordering parcels with existing residential uses. The applicant is proposing a Buffer A along the portion of the property adjacent to the US HWY 17, Topsail Greens Drive (Private), and Champion Drive (Private). The buffers provided are consistent with the buffer requirements stated in Section 8.2.8 of the Pender County Unified Development Ordinance, however must be more clearly defined and specific. The buffers can be seen on the attached Master Development Plan revision.

The specific type of the buffer will be determined during the Master Development Plan Planning Board hearing. Per Section 6.1.4.A.11 the location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided if applicable. Currently the proposal is not consistent with Section 6.1.4.A.11. The applicant is required to specifically state what type of buffer is being proposed on the proposed Master Development Plan i.e. A-1, A-2, A-3, C-1, C-2 or C-3.

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 open space is in compliance with the Pender County Unified Development Ordinance requirements.

Open Space	Acreage
Required	15.87
Proposed	20.69
Active	11.63
Passive	9.06

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. Per Section 7.6.1.B.1 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. The applicant has provided a pool facility and has started construction. The pool facility is located in the previously approved Phase III.

The Open Space in Phase VI proposes only passive open space to include a stormwater management basin. The open space in Phase VII proposes a pedestrian connection between the two private roadway's cul de sacs.

The open space is not unified within the overall Master Development Planned area however the proposed Master Development Plan shows unity of open space in Phase VII. Per Section 7.6.1.E.1 the dedicated land shall form a single parcel of land, whether or not the subdivision is developed in phases or sections, except where it is determined by the appropriate governing body, that 2 or more parcels would be in the best interests of the residents of the subdivision and the public; and in such case, the appropriate governing body, may require that such parcels be connected. Currently with the irregular shaped parcel and the acquisition of adjacent tracts the applicant is attempting their best effort to accommodate the Master Development Planned area with substantially more than the required open space.

Recreational Units

Per Section 7.6.2 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 shall be confirmed on the Master Development Plan per Section 7.6.2 of the Pender County Unified Development Ordinance. The applicant been issued Zoning Approval and has started constructing a pool facility in Phase III. The submittal meets the recreation unit requirements set forth in Section 7.6.1.C of the Pender County Unified Development Ordinance.

Roadways

The Applicant is proposing public and private roadways within the Master Development Plan revision which are identified in Attachment 2.

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 Master Development Plan submission.

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 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.

The applicant is also requesting the approval of an alternative turn around of a hammerhead design for Phase V. This alternative Turn around request has the Fires Marshal's approval. 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.

The proposed Phase VI which is an addition to this Master Development Plan revision to currently has three (3) private roads. There are currently two (2) cul de sacs located on the private roads which are proposed to have forty (40) foot edge of pavement radii.

The proposed Phase VII which is an addition to this Master Development Plan revision currently has four (4) private roads proposed within the Master Development Plan revision proposal. There are currently three (3) cul de sacs located on the private roads which are proposed to have forty (40) foot edge of pavement radii.

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. The proposed private roadways show interconnectivity to the parcels to the north.

The current Phase VI is located to the north of the previously approved Phase III and shows one (1) connection to the north. At current the applicant has provided a connection to the parcel located to the north identified by PIN 4204-95-5947-000L. It is recommended that the proposed roadway connection to the existing Amanda Lane (private).

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 approved during the Preliminary Plat process of each phase (Attachment 4).

Pedestrian Access

The previously approved Doral Drive (SR 1693) emergency access connection and pedestrian facility is in the process of being 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 PD zoning district encourages creative design per Section 4.8.1.A.2 to promote quality urban design and environmentally sensitive development by incorporating walkable, compact, pedestrian, and transit friendly development by allowing developments to take advantage of special site characteristics, locations, and land uses. Phase VII shows a pedestrian friendly open space connection between the two (2) private proposed cul de sacs through an access easement. However, there are no sidewalks located on the proposed private roadways within the proposed new Phases VI or VII. This is not consistent with the characteristics of the PD zoning district.

Services (Wastewater/Water)

An Intent to Service Letter was provided by the applicant on behalf of Pluris Hampstead, LLC (Attachment 5). The wastewater approval is for up to four hundred seventy-one (471) single family residences as Pluris Hampstead, LLC 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 was submitted stating that Pluris is permitting more capacity for the latest revision of the Wyndwater Master Development Plan.

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

Public water connection to Pender County Utilities was previously approved for Phase I and Phase II. The Pender County Utilities Department is working closely with the applicant to satisfy applicable requirements. Currently the existing water service extends from Sloop Point Loop Road (SR 1563). An extension from the existing water service located on US HWY 17 will be required for the remainder of the lots to be developed within the Master Development Planned area. This extension will be required before Phase III can be recorded.

Environmental Concerns

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

Wetlands

There are ± 7.36 acres of wetlands on the Master Development Plan area, as shown on wetland delineation. The National Wetlands Inventory identifies wetlands in the area the Proposed Phase VII. The proposed Phase VII located east of US HWY 17 has wetlands located between the two proposed cul

de sacs. 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, 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 has submitted this updated required documentation. This request is in compliance with the Pender County Unified Development Ordinance.

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.

Technical Review Committee (TRC) Responses:

On Tuesday August 2, 2016 the Pender County Technical Review Committee reviewed the Master Development Plan known as Wyndwater. The responses collected can be seen in Attachment 6.

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 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 are located to the north of Doral Drive (SR 1693), northwest of Sloop Point Loop Road (SR 1563), south east of the Cardinal Acres Lane (private), and east of US HWY 17 in the Topsail Township. Wyndwater is located to the North of the low density subdivision known as

Greenway Plantation, to the south of the low density residential subdivision known as Cardinal Acres, surrounding low density subdivision known as Topsail Greens, to west of low density residential subdivision known as Pecan Grove, and to the north and northeast of Topsail Plantation.

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.
- 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 four (4) 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.

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 Master Development Plan revision showing the connections to the "Capstone Property."

3. "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. Emergency access along the connection to Doral Drive (SR 1693).

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

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 which has been shown in detail on the proposed Master Development Plan revision.

6. 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.

The applicant has provided this connection in Phase III which can be seen on page C-3.8.

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

The applicant has provided this connection in Phase IV which can be seen on page C-3.6.

8. Provide connection to Oak Circle (private).

The applicant has provided this connection in Phase VIII which can be seen on page C-3.5.

Proposed Conditions for Master Development Plan Revision

9. Provide a connection to Amanda Lane (Private) in Phase VI.

10. Provide sidewalks on private roadways located within Phases VI and VII.

Requested Revisions

The request before the Board is for the Master Development Plan revision to include:

1. Increase the overall project area from ± 204.07 acres to ± 221.42 acres,
 2. Increase the overall project density 3.14 units per to 3.29 units per acre,
 3. Allow for "alternative" design of a hammerhead in Phase VI as shown on Master Development Plan submittal page C-3.6.,
 4. and the addition of fifty-seven (57) the single family dwelling-attached.
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STAFF RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with four (4) 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 is subject to the Planning Board review and conditional approval.

BOARD ACTION FOR Master Development Plan Revision:

Motion: _____ **Seconded:** _____

Approved:____ **Denied:**____ **Unanimous:**____

Williams: __ Fullerton: __ Baker: __ Carter: __ Edens: __ McClammy: __ Nalee: ____