

**PLANNING STAFF REPORT
MASTER DEVELOPMENT PLAN AND PRELIMINARY PLAT
PENDER LAND GREENWAY PARK**

SUMMARY:

Hearing Date: October 4, 2016
Applicant: Stroud Engineering P.A.
Property Owner: Pender Land Holdings Inc.
Case Number: Master Development Plan 279-2016
Preliminary Plat 295-2016

Development Proposal: Stroud Engineering, P.A., applicant, on behalf of Pender Land Holdings, Inc., owner, is requesting approval of a Master Development Plan and Preliminary Plat of Phase I for a mixed-use development proposal on four (4) tracts totaling approximately 163.5 acres. Phase I includes; one hundred twenty-one (121) single family residential lots. Future development includes; sixteen (16) townhouse units, one hundred sixty (160) multifamily units, ± thirty- two (32) acres of future residential development, ± nineteen (19) acres future commercial development, and ± (forty-two) 42.2 acres of park land for dedication to the County.

Property Record Number, Acreage, and Location: The subject properties are zoned PD, Planned Development zoning district. The subject properties are located along the west side of Country Club Drive (SR 1565), along the south east side of US HWY 17, south of Hampstead Kiwanis Park and north of the residential subdivision known as Belvedere Plantation. The subject properties are in the Topsail Township and may be further identified by Pender County PINs; 4204-61-5445-0000, 4204-51-3743-0000, 4204-41-7997-0000 and 4204-52-2665-0000.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with eleven (11) 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 conditional approval of the Master Development Plan and 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 and Preliminary Plat are subject to Planning Board review and approval.

Non-Residential

Approximately ±19 acres of non-residential development are proposed in the Master Development Plan per the PD, Planned Development zoning district requirements. Any non-residential uses and phasing must be approved by the Planning Board as applicable. Currently the non-residential portion of the project is identified as "Future Commercial" shown in the Maser Development Plan and adjacent to US HWY 17

Residential

In total, the Master Development Plan and Preliminary Plat is proposed in multiple residential phases; Phase I Sections I and II have been included for Planning Board review.

Phase I includes; one hundred twenty-one (121) single family residential lots.

Proposed future development includes; sixteen (16) townhouse units to be located between Red Bird Lane (Private) and Country Club Road (SR 1565). Additional future development is to be located on the western side

of the proposed Master Development Plan and east of US HWY 17 to include one hundred sixty (160) multifamily units.

Phasing

Phase	Type	Unit total	Acreage
Phase I Section I Phase I Section II	Single Family Dwelling - Detached Conventional	121	57 Acres
Future Development	Multifamily	160	32 Acres
Future Development	Single Family Dwelling - Attached Townhouse	16	14 Acres
Future Development	Commercial	undefined	19 acres

At current the net density of the proposed project is at ± 4.44 units per acre including the park. The net density of the proposed project excluding the park is at ± 4.55 units per acre. 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 Unified Development Ordinance requirements and examined further if open space or lot size changes from the original Master Development Plan approval. The density is in compliance with the Unified Development Ordinance.

Density Calculation including the park

Total Acreage	163.5
Non-Residential Acreage	19
Wetlands Acreage	50.62
Right-of-Way Acreage	12.32
Open Space Acreage	
Active	14.6
Passive	50.62
Total Units	297
Developable Land	66.96
Net Density	4.44

Density Calculation excluding the park

Total Acreage	121.3
Non-Residential Acreage	19
Wetlands Acreage	20.22
Right-of-Way Acreage	12.32
Open Space Acreage	
Active	4.5
Passive	20.22
Total Units	297
Developable Land	65.26
Net Density	4.55

Residential

As outlined in the Unified Development Ordinance, Section 4.8.1.D outlines that the minimum distance between structures, minimum lot width, and minimum yard requirements are established in the Master Development Plan and may be modified by the Planning Board. Requested as follows:

Residential

Setback Type	Requested Setback (Feet)
Front	25
Rear	15
Side	10
Corner	15
Min. Chord	30
Max. Building Height	35
Min. lot width	65
Min lot size	10,000 sq. ft.

Commercial

Setback Type	Requested Setback (Feet)
Front	30
Rear	20
Side	15
Corner	15
Min. Chord	50
Max. Building Height	35
Min. lot width	100
Min lot size	20,000 sq. ft.

Landscaping and Buffers

Currently the buffers are in compliance with the Unified Development Ordinance. All landscape and buffers are to be approved in accordance, with Section 8.2.8, project boundary buffer of the Pender County Unified Development Ordinance. The applicant has provided an A Buffer along all boundaries adjacent to a street. The applicant has provided a C Buffer along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50’ of the boundary of the development. The applicant has provided a B Buffer along all other boundaries. This is compliant with the Unified Development Ordinance requirements for a multi-family and Planned Development, PD zoning district.

The applicant would also be in compliance if they were to choose to place the buffering around the limits of disturbance only and to not include the proposed area of dedication to the park. This method of buffering would only include the buffering of the future development areas and the proposed Phase I. Per Section 8.2.2 when a site is five (5) acres or larger, the required buffer may be located within the outer perimeter of the limit of disturbance of the project area on the lot or parcel. If the limit of disturbance is expanded, the buffer shall be adjusted accordingly.

The buffers as presented is how the Planning Board shall consider the proposed Master Development Plan and Preliminary Plat. All buffers shall be in accordance with Unified Development Ordinance requirements and examined further if the applicant proposes any changes from the original Master Development Plan approval.

Open Space

Approximately 42.2 acres of the open space has been proposed by the applicant to be dedicated to the County for the Kiwanis Park Facility. The applicant’s proposal currently meets the requirements for open space and is in compliance with Section 7.6.1.C with or without the park land dedication.

The applicant has provided open space located adjacent to Country Club Road (SR 1565) and adjacent to the proposed Road 1 (public) this open space is easily accessible for the future residents. Currently the open space provided has not formed a single parcel of land. The applicant has provided one (1) parcel for Phase I section I, one (1) parcel for Phase I Section II, and the area of proposed dedication totaling three (3) parcels. Currently the applicant’s proposal conflicts with Section 7.6.1.E.1 of Pender County Unified Development Ordinance. 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.

Open Space including the park

Open Space Type	Required Open Space (in acres)	Proposed Open Space (in acres)
Passive	4.46	50.62
Active	4.46	14.6
Total	8.91	65.22

Open Space excluding the park

Open Space Type	Required Open Space (in acres)	Proposed Open Space (in acres)
Passive	4.46	20.22
Active	4.46	4.5
Total	8.91	24.72

Recreational Units

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.

Developments falling between 251-300 proposed dwelling units are responsible for a Recreational Unit of 3.0 and a Financial Unit of \$30,000. At this time the applicant is working with the Pender County Parks and Recreation Division to coordinate the donation of land for addition to Kiwanis Park (Attachment 1). The applicant has submitted a cost estimate to show the improvement represents the financial unit requirement. This can be seen as part of the narrative.

The proposal of land for addition to Kiwanis Park will help alleviate existing deficiencies for the park facilities due to population increase. The addition of acreage to the existing Kiwanis Park facility will make it possible to expand walkways and promote interconnectivity for the adjacent subdivisions (Attachment 2).

Per Section 7.6.3.C the Tax Department shall determine the average fair market value of the land based on the value of the land for property tax purposes, the information submitted by the Subdivider and other relevant information. At current the tax department has been notified of the proposed dedication of land to Pender County.

The applicant is also proposing that the financial unit shown on the cost estimate which can be seen attached to the narrative be paid in lieu of building out the recreational units. Therefore the county would be responsible for the completion of the improvements on the proposed land dedication.

The proposed parks area to be dedicated to the County may include:

1. Walking Trail;
2. Boardwalk Trail through wetlands areas;
3. Community Garden Area;
4. Nine (9) hole disk golf course; and
5. A small parking area

Approval from the Pender County Parks and Recreation Advisory Board and approval from Pender County Board of County Commissioners must be obtained in order to accept the dedication of land and Potential Improvements.

Recreational facilities shall be in a configuration and location that is easily accessible to the dwelling units that they are designed to serve and may be placed within active or passive open space required areas. Currently the proposal includes easily usable open space in an accessible area for both residents and neighboring County

citizens. This proposal is consistent with the Unified Development Ordinance. Currently the applicant has provided access to the proposed walking paths through an access easement. To reassure accessibility to the proposed walking paths Staff has established a condition for the access points to be designed to ADA standards for the three (3) pedestrian access locations and to have pedestrian easements recorded for the access points. The access to the proposed walking path is at the end of Road 1 (Private) located in Phase I Section I. The future residents of the proposed subdivision can also gain access to the existing Kiwanis Park through cul de sac one in Phase I Section I and cul de sac one in Phase I Section II. This can be seen in Attachment 1.

Roadways

The proposed Master Development plan shows collector streets with pedestrian access connecting the commercial and future development to Phase I Section II. The cross section chosen from the Pender County Collector Street Plan is cross section Figure 23 of Group 1. This cross section indicates a sidewalk on both sides however the applicant may pick only one side to place the sidewalk on. This will provide the commercial use with pedestrian connectivity for the proposed subject area and the adjacent subdivision.



Figure 23: Baseline with Sidewalk (only required on one side)

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 subdivision approval.

The Pender County Collector Street Plan currently shows two (2) proposed collector streets through the subject property, however the collector streets have been modified to meet environmental restrictions of the subject property (Attachment 3). The two (2) proposed roadways are located within the cross section designation for Group One (1). Group One (1) is designed to accommodate automobiles, pedestrians, and bicyclists in more densely populated areas per page 53 of the Pender County Collector Street Plan. The Master Development Plan is currently in compliance with the Collector Street Plan.

The proposed collector streets will provide a necessary means of transportation to areas within the proposed Master Development Plan area as well as to adjacent parcels for future residents of the proposed subdivision and for neighboring residents utilizing the collector streets for pedestrians and vehicular use.

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 fifty (50) feet in width; which will meet the NCDOT standards as outlined in the 2010 Subdivision Manual with a curb and gutter section.

At current all other roadways are proposed to be dedicated as private other than the collector streets and the adjacent property connections. This is in compliance with the Collector Street Plan and the Unified Development Ordinance.

The applicant has proposed two (2) alleyways for access to lots 1-8 located in Phase I Section II. The alleyways will make it possible to have lots on collector streets without individual lot access. Per Section 7.2.7 major subdivisions shall not be approved that provide for individual residential lots access to Minor Collector roads or streets as shown on the Pender Collector Street Plan. The alleyways are required to be built to NCDOT standards. At current the applicant has proposed a reduced width. Per section 7.5.3.A variations to right-of-way widths and geometric design may be permitted upon Planning Board review and approval where certain features such as topography, environmental features, low impact development design or unique needs of a development exist at the Master Development Plan approval. Staff supports this design based on the collector street designation and standards.

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. Attachment three (3) shows the proposed roadways and the connections to the existing stub streets for future development and interconnectivity. Per Transportation Policy 3.7: The County shall encourage street connections between adjoining residential neighborhoods, as well as connections between parking lots of adjoining commercial developments.

The collector streets and the connections to Blue Bird LN (Private), Kiskadee CT (Private), and Phoebe Ct (Private) are all required to be public roadways dedicated to the NCDOT. The applicant has submitted documents proving legal access which can be seen in Attachment 4. This is in compliance with the Collector Street Plan and the Unified Development Ordinance.

Phase I Section II, the applicant has proposed a connection to Blue Bird Lane (private) which this will serve as the primary means of ingress and egress until future phases have been constructed and a connection to US HWY 17 established through the proposed collector street shown on the Master Development Plan. Legal access to the private roadways has been provided as shown in Attachment 4.

The applicant has also designed a collector street to extend from the future multifamily units to stub to the adjacent parcel identified by PIN 4204-52-6897-0000 for future connectivity. The proposed collector extends from Blue Bird Lane (private) to US HWY 17, and the future commercial designated area on the proposed Master Development Plan and Preliminary Plat (Attachment 3).

Phase I Section I, the applicant has proposed direct access to Country Club Road (SR 1565); this will serve as primary means of ingress egress for this phase. Red Bird LN (private) was previously stubbed out to the north

into one of the four subject parcels. The applicant has proposed to not connect to Red Bird LN (Private). Per Section 7.4.1 of the Unified Development Ordinance required access must provide a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. Per Section 7.5.1.A.2 layout of streets as to arrangement, width, grade, character, and location shall conform to the adjoining street systems. Per Section 7.5.1.A.4 to provide for continuity in existing streets and proposed streets. Currently the applicant is not in compliance with the Unified Development Ordinance with the proposal of no connection Red Bird LN (private). Staff has included this connection as part of the recommendations for approval.

In the future commercial and multifamily, the applicant has provided connections to Kiskadee Court (private), Phoebe Court (private), and Blue Bird Lane (private) through a public collector street.

At current the applicant has proposed two (2) connections to NCDOT on-system roads for the subject parcel's roadway access to include Country Club Road (SR 1565) from the south and US HWY 17 from the north. Per Section 4.8.1.E.3 where the development is bound by two (2) or more NCDOT on-system roads, access to each road shall be provided at minimum. This is in compliance with the Pender County Unified Development Ordinance.

Traffic

At this time an examination of the traffic impact on the existing road network surrounding the subject properties is required (Attachment 5). This requires the coordination with NCDOT and the Wilmington Metropolitan Planning Organization (WMPO). A scoping document has been submitted to the WMPO. Currently the proposed Master Development Plan including the existing commercial use has a combined daily trip total of 2150. Per Section 6.1.2.A.15 a Traffic Impact Analysis is required when the development generates 100 trips in the morning or peak hours or 1,000 trips per day. The Traffic Impact Analysis must state the dates and times the counts were conducted.

The TIA determines 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 5). Turning movement counts are required on weekdays from (6:30 AM – 8:30 AM) and (4:00 PM – 6:00 PM). Study intersections will include the following:

1. US HWY 17 at Long Leaf Drive (SR1675);
2. US HWY 17 at Sloop Point Loop Road (SR 1563);
3. US HWY 17 at Site Access One (Right-in/ Right-out only);
4. Sloop Point Loop Road (SR 1563) and Country Club (SR 1565);
5. Country Club (SR 1565) Azalea Drive (SR 1750); and
6. Country Club (SR 1565) Site Access Two.

Pedestrian Access

Per Section 4.8.1.E.2 pedestrian-oriented communities are encouraged to maximize opportunity for pedestrian activity and improve the quality of the pedestrian experience. The applicant has proposed sidewalks on the roadways internal to the subdivision and the proposed collector streets chosen will require a sidewalk to be placed on one side per the cross section that the applicant has chosen from the Pender County Collector Street Plan. Per the Pender County Collector Street Plan figure 23 shows a cross section which represents the main collector streets containing at least one (1) sidewalk within the proposed subdivision. This sidewalk will create an opportunity for increased pedestrian activity. This is in compliance with the Unified Development Ordinance.

The open space proposed for donation to the Pender County Parks and Recreation Division will have one connection internal to Phase I Section I and two others located out of the proposed subdivisions boundary. Currently the applicant has proposed two other pedestrian connections to the Kiwanis Park Facility and can be seen in cul de sac one of both Phase I Section I and II. Currently these are shown as easements, however Staff is recommending as a condition of approval that the easement be surfaced to meet ADA standards.

The current proposal demonstrates pedestrian access throughout the subdivision and demonstrates pedestrian access to the existing commercial use. The applicant is proposing a multi-use path within the proposed park area which has been placed in a centralized area of the subject property. The Master Development Plan request consists of viable pedestrian connections and meets the Pender Collector Street Plan requirements. The pedestrian elements are consistent with the Pender County approved plans.

Utilities (Wastewater/ Water)

At current the proposed Master Development Plan and Preliminary Plat has received a letter of intent from the wastewater and water service provider Utilities Inc. stating that capacity will be reserved for the proposed lots for one year (Attachment 6). Currently the utility facility has been approved for a Special Use Permit under Carolina Water Service, Inc. of NC.

Environmental Concerns

The subject parcel, of approximately \pm 163.5 acres contains portions of environmentally sensitive areas including wetlands.

Wetlands

Any development within these areas may be subject to the permit requirements of Section 404 of the Clean Water Act. At current the National Wetlands Inventory does indicate that wetlands are located within the subject properties. A Jurisdictional Determination of the Wetlands has not been conducted by the Army Corps of Engineers and is required to be submitted for Planning Staff review for Preliminary Plat approval.

Tree Survey

The PD, Planned Development zoning district requires a tree survey to be submitted prior to the staff approval of the Master Development Plan. At current the applicant has not provided this documentation to Planning Staff.

Permits

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 June 7, 2016 the Pender County Technical Review Committee reviewed the Master Development Plan and Preliminary Plat known as Pender Land Greenway Park. The responses collected can be seen in Attachment 7.

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 property is located within a PD, Planned Development District. The intent of The PD, Planned Development zoning district is to provide an alternative to a conventional development. The PD, Planned Development District allows projects of innovative design and layout that would not otherwise be permitted under this Unified Development Ordinance because of the strict application of zoning district or general development standards. The PD, planned development zoning encourages progressive land planning and design concepts.

C) Existing Land Use in Area:

The Kiwanis Park is adjacent to this tract to the east and north. Along the immediate southern and western boundary of the property is a moderately dens residential subdivision (Belvedere Planation) and to the east is the existing moderately dens subdivision (Bent Tree).

D) 2010 Comprehensive Land Use Plan:

1. 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, and pedestrian and transit friendly manner.
2. 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.
 - d. **Parks, Recreation, Open Space and Waterway Access Goal 7B.1** Increase the amount of land available and the funding for parks, recreation and open spaces to serve Pender County residents and visitors.
 - i. **Policy 7B.1.2** Encourage the use of conservation subdivision development to preserve open amenities within new development.
 - ii. **Policy 7B.1.3** If practical, require development plans to arrange open space/amenities adjacent to other open space areas, county parks and recreation facilities, or state, federal, or other protected lands.

- iii. **Policy 7B.1.4** If adjacency is not possible, require development plans to enable pedestrian and wildlife corridor connections to nearby open spaces.
- iv. **Policy 7B.1.5** Ensure that park and recreation set asides include usable upland

The request is consistent with eleven (11) policies included in the 2010 Pender County Comprehensive Land Use Plan.

Proposed Conditions for Master Development Plan and Preliminary Plat Phase I Section I and II

1. Provide roadway connection to adjacent and existing Red Bird Lane (Private).
 2. Provide ADA accessible areas for the three (3) pedestrian access locations in the proposed Master Development Plan into the existing park system and the proposed walking paths. Provide extension of the sidewalk within the cul de sacs as shown to connect to the three pedestrian access locations into the existing park and proposed walking paths.
 3. Continue to work with the Parks and Recreation Advisory Board and approval from Board of County Commissioners for park dedication and improvements.
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STAFF RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with eleven (11) 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 and Preliminary Plat request as detailed in the report for the development known as Pender Land Greenway Park. Any and all future development, phases or changes to the Master Development Plan are 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: ____