

#4

STAFF REVIEW FOR PLANNING BOARD APPROVAL OLDE POINT VILLAGE MASTER & PRELIMINARY PLAN REVIEW

PROJECT HISTORY:

Withers & Ravenel, Inc., applicant, on behalf of TP Inc., owner, is requesting approval for the Master and Preliminary Plans of Olde Point Village. The Pender County Planning Board approved a motion to table this item at the May 1, 2007 meeting. In June 2007, a motion was passed unanimously that the board deny the request because the development did not provide appropriate relations between uses around the boundary and uses within the Planned Development. On August 20, 2007, the applicant appealed, this decision to the Board of Commissioners. The Board of County Commissioners upheld the Planning Boards decision to deny the Master Plan. On June 10, 2008 the Planning Board voted unanimously to table this issued until the July 1st, 2008 meeting in order to have the County Attorney, Mr. Thurman present. At the July 1st, 2008 Planning Board, the Board voted unanimously to deny the applicants request. On August 18, 2008, the applicant appealed, this decision to the Board of Commissioners. The Board of County Commissioners remanded this case back to the Pender County Planning Board, due to the introduction of new information about the 2005 CAMA Future Land Use Map.

DEVELOPER'S PROPOSAL:

The applicant is requesting approval for a Planned Development located on 45.87 Acres. This development is located off County Club Drive, across from Captain Beam Boulevard, in Hampstead, NC. The property is zoned PD, Planned Development District. The PIN ID's are 4203-14-3306-0000 and 4203-05-8711-0000. The applicant is proposing both a master and preliminary plan.

This Planned Development proposes a "cluster like" master plan with 96 single-family detached homesites. The minimum lot size will be 5,000 square feet with an average lot size of 7,156 square feet. The applicant has calculated gross density as 2.1 units per acre. Net density consists of 3.17 units per acre by the definition of "usable land" under the 2005 CAMA Land Use Plan.

2005 CAMA Land Use Plan defines:

- a. *Net Development Density:* is defined as the number of units per acre of "usable land" applicable to the type development.
- b. *"Usable Land" for Single Family Detached Residential Development:* may include all project land area that is not classified as Conservation and not included as public or private streets.

Staff has calculated Net Density at 4.03 units per acre per the Pender County Zoning Ordinance. This development has an average of 6.08 units per acre.

- This calculation is derived from formula;
Average lot size 7,156 sq ft divided by 43,560 sq ft (1 acre) = 6.08 units
- Per the Pender County Subdivision Ordinance, net density is defined as:
The total number of lots or units proposed for the development divided by the acreage in the development excluding the following areas:
 1. Public and private streets
 2. Required open space
 3. Parking areas and their access, on non single family developments
 4. Wetlands, Floodways, & Areas of Environmental Concern (AEC's) as defined
 5. Utility easements adjacent to streets

	Acres	Square Feet
Public Streets with Utility Easement	4.05	176,415.00
Required Open Space	6.88	299,692.8
Parking areas and access	n/a	n/a
Wetlands, Floodway and AEC's	11.12	484,387.20
Utility Easements adjacent to streets	Not shown	
Total	22.05	960,498.00
Total Project Area	45.87	1,998,097.20
Usable Land Area	23.82	1,037,599.20

Olde Point Village will have 17.08 acres of open space (39 %), which includes 11.12 acres of federally jurisdictional wetlands, 5.96 acres of uplands and is accessible through a walking trail. All open space is to be dedicated as conservation to prevent future development. Thirty-nine percent (39%) is more than double the Pender County's open space requirement of 15%. Open space and all common space will be controlled and maintained by a homeowners association.

The developer proposes a community wastewater system to serve all lots in Olde Point Village. This system is a gravity flow collection system, and then to a treatment plant. The effluent water will be treated to meet a reclaimed water standard, pumped to the infiltration fields and applied to the soils through a drip irrigation system. Pender County Zoning Ordinance requires a special use permit prior to construction of community wastewater system. Pender County will provide water, when water becomes available.

Stormwater management will meet both state and aquifer recharge requirements for water quality, along with the county's pre/post development runoff control.

Access is provided via Country Club Drive. The proposal includes an earthen berm with plantings to act as a visual screen buffer along all boundaries. The property buffer types are as follows:

- Buffer "A" along Country Club Drive
- Buffer "B" along common boundaries with property owners West, Donnelly and Baldwin
- Buffer "C" along common boundaries with Emerald Ridge and Vista Point

Existing vegetation will be left undisturbed within those buffers, along with a six (6) foot high solid wood fence along Emerald Ridge. The developers are proposing tree lined streets with safety lighting.

All streets are to be constructed to NC DOT standards and dedicated for public use. Southtowne Drive will have fifty (50) feet right-of-way; whereas Pauleys Court and Port Royal Drive will have a forty (40) feet right-of-way. The entrance of Olde Point Village will be aligned with the existing intersection of Captain Beam Boulevard. Currently two (2) points of interconnectivity are shown; one to Shandy Way (Emerald Ridge Subdivision, which is a public street) and two (2) stubbed roads to adjacent vacant properties. There are no FEMA Special Flood Hazard Areas within the development.

Vehicular traffic, which was calculated from the Institute of Engineers Trip Generation Manual, will be approximately 578 trips per weekday (68 morning peak and 90 trips afternoon peak). NC DOT may require road improvements along Country Club Drive.

STAFF CONCLUSION:

Planning Staff is submitting the master plan and preliminary plat layout for Planning Board review. The submission as presented tonight is sufficient for Planning Board disposition. Final Preliminary Approval will not be effective until all requirements of preliminary submission as prescribed in the

subdivision ordinance are complete, the submission shows compliance with all subdivision requirements and the Director has signed a copy of the Preliminary Plat. The approval is also subject to the following conditions:

Mandatory Items for Final Preliminary Plat Approval:

All requirements of the Pender County Subdivision Ordinance for Preliminary Plats, including items 1 thru 13 pages 22, 23 & 24 must be submitted to and approved by the Director.

1. Soil suitability analysis indicating the suitability of the property for individual septic tanks or an Improvement Authorization Permit for each lot unless community sewer is available and a conditioned approval for connection is submitted. The soil suitability analysis of the property shall also indicate the suitability of the soil for the type structure proposed.
2. Sufficient information shall be provided so that a corner of the property can be located on the ground and found with a measurement from the intersection of two state maintained roads.
3. A copy of the Preliminary Map with the street names as approved by the Pender County Emergency Management Co-coordinator (EMC) or his designee. The plat shall be signed by the EMC representative indicating approval of the road names indicated on the plat. The copy of this plat must be submitted no later than 30 days after approval of the preliminary plat of the development by the Pender County Health Department.
4. Verification of receipt of the preliminary plat of the development by the Pender County Health Department.
5. Verification of receipt of the preliminary plat of the development by the NCDOT District Engineer or his designee.
6. General description and map of the proposed drainage for the subdivision shall include the following:
 - a. The boundaries of all drainage basins that flow through the property from upstream.
 - b. All drainage facilities that flow through the property and receive any storm water discharge from upstream.
 - c. The boundaries of all drainage basins that receive discharge from the property that is located from the discharge point on the property to the recipient perennial stream.
 - d. All drainage facilities that receive storm water discharge from the property from the discharge point to the recipient perennial stream.
 - e. This information can be described in a narrative submission and shown on a copy of a USGS 7.5 Minute Quad or other similar topographical map (11 X 17 map submission).
7. Detailed description of any proposed waste water system and system maintenance arrangements and procedures to serve lots that are not suitable for traditional on site septic systems, along with a map showing the proposed location of the off site components of the system, including lines.
8. When any development proposes private streets a description of the method to provide Pender County Emergency Service personnel and vehicles immediate access shall be submitted.
9. When any street layout or geometric design does not specifically meet the NCDOT Secondary Road Standards or the adopted Pender County Private Street Standards, a narrative explanation, justification detailed drawing of the design shall be submitted for review.
10. When the subdivision entrance does not connect to a NCDOT maintained road, recorded documents shall be submitted that confirm the property and the proposed lots have access to a NCDOT maintained road by a public or private street that meets the standards of this ordinance.
11. The Director or the Planning Board may request additional information be submitted that is pertinent to review of the proposed subdivision for compliance with the provisions of this ordinance or other Pender County ordinances.

The Following Material May Be Submitted As A Condition Of Approval Of The Preliminary Plat, When Approved By The Planning Board Or Director:

All requirements of the Pender County Subdivision Ordinance for Preliminary Plats, including items 1 thru 11 pages 23 & 24.

1. Approval by NCDOT of connection of subdivision roads with DOT maintained roads (Driveway Permit).
2. Street construction & street drainage plans as approved by DOT District Engineer with letter of approval (for public streets).
3. Street construction & street drainage plans in accord with DOT submittal requirements, design and construction standards or in accord with Private Street Standards, Pender County. The plans must be signed and sealed by a registered surveyor or engineer. A letter from the design professional will accompany the plans certifying that they meet the NCDOT submittal requirements, design and construction standards or Private Street Standards, Pender County (for private streets).
4. One of the following items will be required for any development with any lot sizes less than 20,000 sq. ft. or net densities of 2.1 units per acre or more and both items will be required when any lot sizes are less than 15,000 sq. ft. or net densities of 2.9 units per acre or more:
 - a. Water System
 - (1) Construction plans sealed by a registered engineer, as approved by DENR,
 - (2) Acceptance of operation and maintenance of the system by a Public or Community Water system as defined in this ordinance,
 - (3) Certification that the system will be owned by a Public or Community Water system as defined in this ordinance with conditional acceptance of ownership or certification that the system will be owned by a homeowners association established under the provisions of this ordinance.
 - b. Wastewater system
 - (1) Construction plans sealed by a registered engineer, as approved by DENR,
 - (2) Acceptance of operation and maintenance of the system by a Public or Community Water system as defined in this ordinance,
 - (3) Certification that the system will be owned by a Public or Community Water system as defined in this ordinance with conditional acceptance of ownership or certification that the system will be owned by a homeowners association established under the provisions of this ordinance.
5. Approval from the Division of Coastal Management when the development is located in an Area of Environmental Concern.
6. Sediment & Erosion Control Plans as approved by Land Quality (with letter of approval).
7. Storm water management plan as approved by the Water Quality Division (with letter of approval).
8. Approval of Wetlands Delineation by Corp. of Eng. (if wetlands in development).
9. Wetlands fill authorization or permit if construction in wetlands is involved.
10. A drainage plan that will include all portions of the development shall be submitted. This plan shall be prepared and sealed by a registered surveyor or engineer. The plan and facilities shall provide for a drainage system for these areas that will accommodate the ten-year storm event without flooding or substantial ponding of water in the areas included in the plan. The plan must also accommodate any discharge from properties in upland portions of the drainage basin that flows through the property for the same storm event for the type development for which that property is zoned. The boundary of any drainage area on a portion of the site and/or upland from the site and drainage areas between storm water discharge points from the site to the recipient perennial stream shall be shown on a map (copy of 7.5 min. USGS Quad or similar map). Any drainage facility receiving storm water discharge from the development shall have the capacity to

carry the anticipated storm water flow from areas that discharge through them for the 10 year storm event from the point of discharge at the development to the recipient perennial stream without overflowing their banks. The location, size and/or capacity of all structures included in the drainage system and receiving discharge from the development to the recipient perennial stream shall be shown on the plan and calculations used in designing the drainage system shall be submitted in a legible format. This plan may be included in the street and drainage plan, storm water management plan or on the preliminary plat, as long as the design professional certifies that the specific drainage plan submitted complies with these requirements and the information required is shown or submitted as noted (See Required Drainage Certification in development Manual).

11. When any proposed subdivision of land with lots or areas other than open space where structures are prohibited is located in a "Designated Floodway," a "No Rise Certification" prepared by a Registered Engineer shall be submitted for the development.
12. When a proposed subdivision is located in a SFHA the Base Flood Elevation (BFE) shall be determined and shown along with the SFHA boundary on the Preliminary Plat. In SFHA's where the BFE has not been previously determined, the Developer shall be responsible for providing the BFE as determined by a Registered Professional in the manner prescribed by FEMA Regulations.
13. When a proposed subdivision is located within a SFHA and any water or sewer systems are not located on the site of the structure served, a statement from the Registered Professional responsible for design of the off site system shall be provided that "all public or community (off site) sewer and water systems and drainage facilities are designed to minimize flood damage and reduce exposure to flood hazards in accord with FEMA Guidelines."

Informational Notes for Developer:

1. A copy of the preliminary plat signed by EMC representative approving the street names will be required to be submitted within 30 days of Preliminary Plat approval by the Planning Board and before final Preliminary Plan approval by Planning Department.
2. Any reduction in open space, if applicable to this subdivision, will require Planning Board approval.
3. The applicant should be fully aware of the certification and guarantee requirements for roads, drainage plans, facilities and other improvements in the development. The certification forms are found on the Pender County Website. All documented certifications must be delivered to Planning Department prior to Final Plat Approval.
4. Any changes in the development name or road names after approval by the planning board will require an additional review fee with lot assessments to be paid in full.

Mandatory Items For Final Plat Approval:

1. The final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 20 working days of completed submission. When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for the subdivision.
2. Plat Submission - the final plat must be submitted in digital format to the Director. The digital submission of the plat will be considered proprietary information. The digital layout will be made available to the Tax Supervisor for parcel update and the digital submission may be returned to the person submitting it. A copy on mylar suitable for recording shall be submitted for signing upon review & approval of the final map. The final plat shall be reviewed, approved and signed by the Director, upon approval.
3. All conditions of preliminary plat approval must have been met before any final plat will be considered for review. Confirmation of compliance with all provisions of Preliminary Plat must be submitted at least 10 days before the final plat is accepted for review.

4. All lots shown on the final plat other than open space or other specially approved lots shall meet either a., b., c., d. or e. as follows:
 - a. Be served by an on site waste water system, which is located on the site where the unit served is located, and the system has received an "Improvement Authorization Permit" from Environmental Health,
 - b. Be served by a Community Sewer System as defined in this ordinance and approval for connection to the system is provided,
 - c. Be served by a waste water system that meets the requirements of the "Water And Sewer System Requirements In Streets, Access Easements Or Other Locations Off The Site Of The Unit Served," of this ordinance,
 - d. The soil suitability analysis as required by this ordinance and submitted with the preliminary plat shows that each lot contains at least 5,000 sq. ft. of area that is "suitable" for traditional on site waste disposal and the required 5,000 sq. ft. is not within 10 ft of any lot boundary,
 - e. Lots not meeting a., b., c. or d. provisions of this paragraph shall be labeled with a bold note as follows: **"The Parcels So Noted Cannot Be Used For Sale Or Building Development, Unless A New Plat Is Approved And Recorded As Required Under The Pender County Subdivision Ordinance."**
 - f. For alternative, see Design Requirements, Lots Section of this ordinance for "Special Purpose Lots."
5. All improvements proposed in the development must have been constructed and certifications of completion to standards specified provided or their construction guaranteed by a Performance Guarantee.
6. All public streets must have been constructed, inspected and approved in writing by the NCDOT District Engineer or a Performance Guarantee provided.
7. Minimum Number of Lots Required on a Final Plat - the minimum lots included on the final plat shall be as follows:
 - a. Approved Preliminary Subdivision Plat contains less than 100 lots or units - final plat shall contain at least 30 lots or units or the remainder of the lots or units in the subdivision,
 - b. Approved Preliminary Subdivision Plat contains more than 100 lots or units - final plat shall contain at least 50 lots or units or the remainder of the lots or units in the subdivision.
8. The completed final plat must be submitted within 24 months of approval of the preliminary plat or within 24 months of approval of a previously recorded final plat.
9. The final plat must be prepared by a licensed surveyor.
10. The final plat must conform generally to the preliminary plat and specifically to all conditions of approval of the preliminary plat.
11. Upon initial approval of the final plat parcel layout the Director shall immediately notify the Tax Assessor so that parcel identifiers can be issued. The Tax Assessor shall establish parcel identifiers for the parcels on the plat within 10 working days of receipt of notice.
12. The final plat, approved covenants, restrictions and homeowners association documents must be recorded in the Register of Deeds within 60 days after approval by the Planning Board and prior to any sale of lots in the development.
13. The Director must take action on the final plat within 20 days of completed submission and installation of improvements or security for improvements.
14. A final plat will not be accepted for review that is incomplete or for which has not been submitted the documents necessary for verification of the conditions of Preliminary Plat approval.

Additional Materials To Be Submitted With Final Plat.

1. Certification by District Engineer of completion of construction of all public streets or all of the following:

- a. Estimate of the cost to complete construction of the streets and all other improvements required or proposed in the development that are not complete, prepared, signed and sealed by a licensed engineer,
- b. Performance Guarantee for the cost of all improvements not certified as complete (see Security Documents Section in the Pender County Development Manual for requirements).
2. Certification by a licensed engineer of the completion of construction of all private streets and other required improvements, or all of the following:
 - a. Estimate of the cost to complete construction of the streets and all other improvements required or proposed in the development that are not complete, prepared, signed and sealed by a licensed engineer,
 - b. Performance Guarantee for the cost of all improvements not certified as complete (see Security Documents Section in the Pender County Development Manual for forms and requirements).
3. Certification by a professional land surveyor of installation of all required monuments and markers.
4. Two copies of Articles of Incorporation of Homeowner's Association and related documents for any development that contains private streets or other non-public facilities, including drainage systems outside public street right of-ways, water systems and sewer systems and open space.
5. Two copies of the restrictive covenants to be recorded on the property.
6. The Defect Guarantee when a Performance Guarantee has not been provided for improvements.
7. Draft document transferring ownership of all common area and facilities to the Homeowners Association as shown on the final plat of the portion of the subdivision to be recorded. A recorded copy of this document must be submitted to the Director within 20 days of recording of the final plat (see "Homeowners Association Requirements" Section).

Certificates Required On Final Plat.

1. Certificate of Ownership, Dedication and Jurisdiction (org. signed)
2. Certificate of Approval Subdivision Public Road Construction by NCDOT District Engineer (must be signed before Map Review Officer signs off on plat)
3. Surveyor Certificate I
4. Surveyor Certificate II
5. Surveyor Certificate II
6. Parcel Identifier Certificate
7. Certificate of Registration by Register of Deeds (unsigned)
8. Certificate of Final Plat Approval

AMENDMENTS:

Planning Board

MOVED: _____ SECONDED: _____

Approved: _____ Denied: _____ Unanimous _____

Reynolds: ____ Gonzales: ____ Garrett: ____ Marshburn: ____ Millette: ____ Smith: ____ Williams: ____

Thomas H. Johnson, Jr.
Special Counsel

July 17, 2008

Via U.S. Mail and Email: FrankA@Pender-County.com

Ms. Ashley D. Frank
Planner I
Pender County Planning and
Community Development Department
P.O. Box 1519
Burgaw, NC 28425

Re: Master Plan and Preliminary Plat for Olde Point Village

Dear Ms. Frank:

We received your letter of July 7, 2008 confirming the denial of the request for approval of a master plan and preliminary plat for Olde Point Village. Pursuant to Section 3.5, C, "Appeals" of the Pender County Zoning Ordinance, we appeal the decision of the Planning Board and request a hearing before the Board of Commissioners. The master plan and preliminary plat for Olde Point Village met the requirements of the Pender County Zoning Ordinance, as determined by the Planning Staff, and, therefore, should have been approved pursuant to NCGS § 153A-330.

Thank you very much for your assistance. Once this matter is scheduled for hearing by the Board of Commissioners, please let us know.

Very truly yours,



Thomas H. Johnson, Jr.

THJ/ccd

cc: Mr. Trey Thurman
Ms. Cindee Wolf
Mr. Ron Bryant

RECEIVED

JUL 21 2008

PENDER PLANNING DEPT.

701 Green Valley Road
Suite 100 (27408)
P.O. Box 3463
Greensboro, NC 27402
www.nexsenpruet.com

T 336.387.5135
F 336.387.8930
E TJohnson@nexsenpruet.com
Nexsen Pruet, PLLC
Attorneys and Counselors at Law



Pender County Planning Department

805 South Walker Street
Burgaw, North Carolina 28425

Phone (910) 259-1202
Fax (910) 259-1295

PLANNING BOARD APPLICATION FOR PLANNED DEVELOPMENT MASTER PLAN REVIEW

Date: 04/17/08 Application #: n/a Application Fee: \$ 960 Receipt #: 081863

I. PROPERTY INFORMATION:

PIN #(S): 4203-14-3306-0000 & 4203-05-8711-0000
Property Location: off Country Club Road (S.R.1565)
across from Captain Beam Blvd.
Subdivision Name: Olde Point Village Phase: —
Review Type: Master Preliminary Final

II. REQUIRED NAMES:

Applicant <u>Withers & Ravenel, Inc.</u>	Owner <u>TP, Inc.</u>
Address <u>7040 Wrightsville Ave. #101</u>	Address <u>P.O. Box 2180</u>
<u>Wilmington, NC 28403</u>	<u>Boone, NC 28607</u>
Phone (910) <u>256-9277</u> Fax (910) <u>256-2584</u>	Phone (910) <u>545-4254</u> Fax (910) <u>328-9795</u>
Email <u>cwolf@withersravenel.com</u>	Email <u>ronellrimes@hotmail.com</u>

Legal Relationship of Applicant to Property Owner: Land Planner / Authorized Agent

Authorized Project Contact (check one): Applicant Owner

III. SIGNATURE OF OWNER/APPLICANT: Charitie L. Wolf for TP, Inc.

*****SEE PENDER COUNTY ZONING ORDINANCE SECTION 17 – PD PLANNED DEVELOPMENT DISTRICT REQUIREMENTS FOR MASTER PLAN SUBMISSION REQUIREMENTS*****

*****SEE SUBDIVISION Preliminary Plat Checklist 04 FOR PRELIMINARY PLAT SUBMISSION REQUIREMENTS*****

Project Narrative for
Olde Point Village
A Clustered Patio Home Development

The subject tract is located in the Urban Growth Land Classification on the Pender County Future Land Use Plan. This class is intended for more intensive community development where public services, particularly water & sanitary sewer services, are available. Because of its proximity to Hwy 17, via Country Club Road, it is an area planned for "high net density" residential development, as described by the County's 2005 CAMA Plan.

The term "high-net density" is suggested at five (5) residential units per usable acre of project land. "Usable land" refers to all project land that is not considered Conservation (wetlands), and not included in street rights-of-way. This concept of residential subdivision is also known as cluster development, a planning design principal that has become popular because it allows development to occur in a smaller land areas, thereby promoting greater quantities of open space and avoiding environmental impacts.

Residential development, in general, has seen a trend towards smaller lots. A large demographic in our community is people advancing into retirement. These folks still want the privacy and character of detached housing, but not the hassles of maintaining large yards. The size of a lot is not an impediment to providing the same, or even larger, homes as compared to the adjacent residential development.

Olde Point Village covers over 45.87 acres of land. The proposed 96 lots translate into a gross density of only 2.1 units per acre. Calculated by the definition of "usable land," the net density is 3.2 units per acre.

The proposed land use is for "single-family, detached, residential lots." The description, by real estate standards, is a "clustered, patio home development."

The technical aspects of the plan follow all of the Subdivision Regulations. We have aligned the entrance with the existing intersection of Captain Beam Boulevard. Permits by NCDOT will guarantee any improvements that are needed for County Club Road. They will no doubt require a right-turn lane from the North approach, and perhaps a center left-turn lane from the South approach. Proposed streets will be designed and constructed to NCDOT standards, dedicated for public use, and petitioned for adoption into the State road system as soon as residency requirements are met. Providing inter-connect between developments is a hot item in today's good planning. We have provided road connection to the existing stub in Emerald Ridge and stubbed roads to the adjacent vacant properties for extension.

Vehicular traffic, as calculated from the Institute of Traffic Engineers Trip Generation Manual, would be approximately 578 trips per weekday, 68 trips during the morning peak, and 90 trips during the afternoon peak. The most recent NCDOT average annual daily traffic counts show that Country Club Road carries approximately 3-4000 vehicles per day, and operates at a very acceptable level of service of B/C. The capacity of the road, as it is currently constructed, is approximately 8-10,000 trips per day. This information supports that there is more than enough capacity for the trips to be generated by this project. Any improvements that are required for permitting by the NCDOT, will only enhance that capacity.

County water exists in Country Club Road, and will be looped for good water flow & quality throughout the project. Sanitary sewer service will be provided by a community system. Wastewater will flow from the houses into a gravity flow collection system, and then to a treatment plant. The effluent will be treated to meet a "reclaimed" water standard, pumped to the infiltration fields, and applied to the soils through drip irrigation.

Storm water management will meet both the State and aquifer recharge requirements for water quality and the County's requirements for pre/post development runoff control. All runoff water must be directed to the pond for treatment. All lots will be graded to drain towards the streets. The requirement for roof gutters will be included in the Homeowners' Declaration. The gutters will be attached to downspouts, and underground piping that will outlet to the street curb lines. The street drainage system pipes the stormwater to the ponds.

The 6.88 acres, or 15%, of open space provided is entirely in upland land. When added with the 11.12 acres of wetlands to be dedicated as permanent conservation space, 39.2% of the total tract area is being preserved.

An attractive entryway will be provided at the intersection with Country Club Road. No other vehicular access will be permitted along the frontage, and an earthen berm with plantings will act as a visual screen. Bufferyards have been designated along the boundaries with the adjacent neighborhoods. Existing vegetation will be left undisturbed within those areas, and a 6' high, solid wood fence will be installed along the common boundary with the Emerald Ridge residential lots. Street trees and street lighting for safety will line the proposed project streets.

A Homeowners' Association will be created for control & maintenance of the common areas. Standards & requirements will be included in the Declaration to address architectural styles, size & coverage restrictions, landscaping, and many other provisions that will assure a quality project.

In conclusion the plan meets the criteria of the subdivision regulations and provides a residential home style that is in demand. If the lots were developed with individual septic fields, the lots would be larger, but the beneficial aspects of the higher quality of treatment would be lost. The overall effect of cluster development is more open space, and lesser environmental impact.

Olde Point Village, if approved and developed according to the proposed plan, would be an attractive neighborhood, and asset to both the local community, and to the County.

The following excerpts from the Pender County CAMA Land Use Plan are pertinent to the plan petition:

LAND USE POLICIES –

I. CAMA Required Topics

E. Water Quality Policies

- 1) Pender County recognizes the importance of water quality to preserving the lifestyle and economic well-being of its residents and property owners. The County will implement measures within its authority to address activities that are known to diminish water quality, including development in known wetlands.
 - d) The County strongly encourages “cluster” and “green space” development and other techniques to reduce the impervious surface associated with new development of significant redevelopment County development regulations will provide incentives to encourage this type development.
- 5) The County will encourage regulated wetlands that are delineated and known to the County to be preserved as open space or for open space related activities, including recreation.

II. Local Concerns

B. General Development Patterns

- 4) County development policy and regulations shall provide for flexibility in development.

C. Residential Development Patterns

- 1) Pender County seeks to accommodate the development and appropriate placement of a variety of housing types.

Single-Family Detached Housing (210)

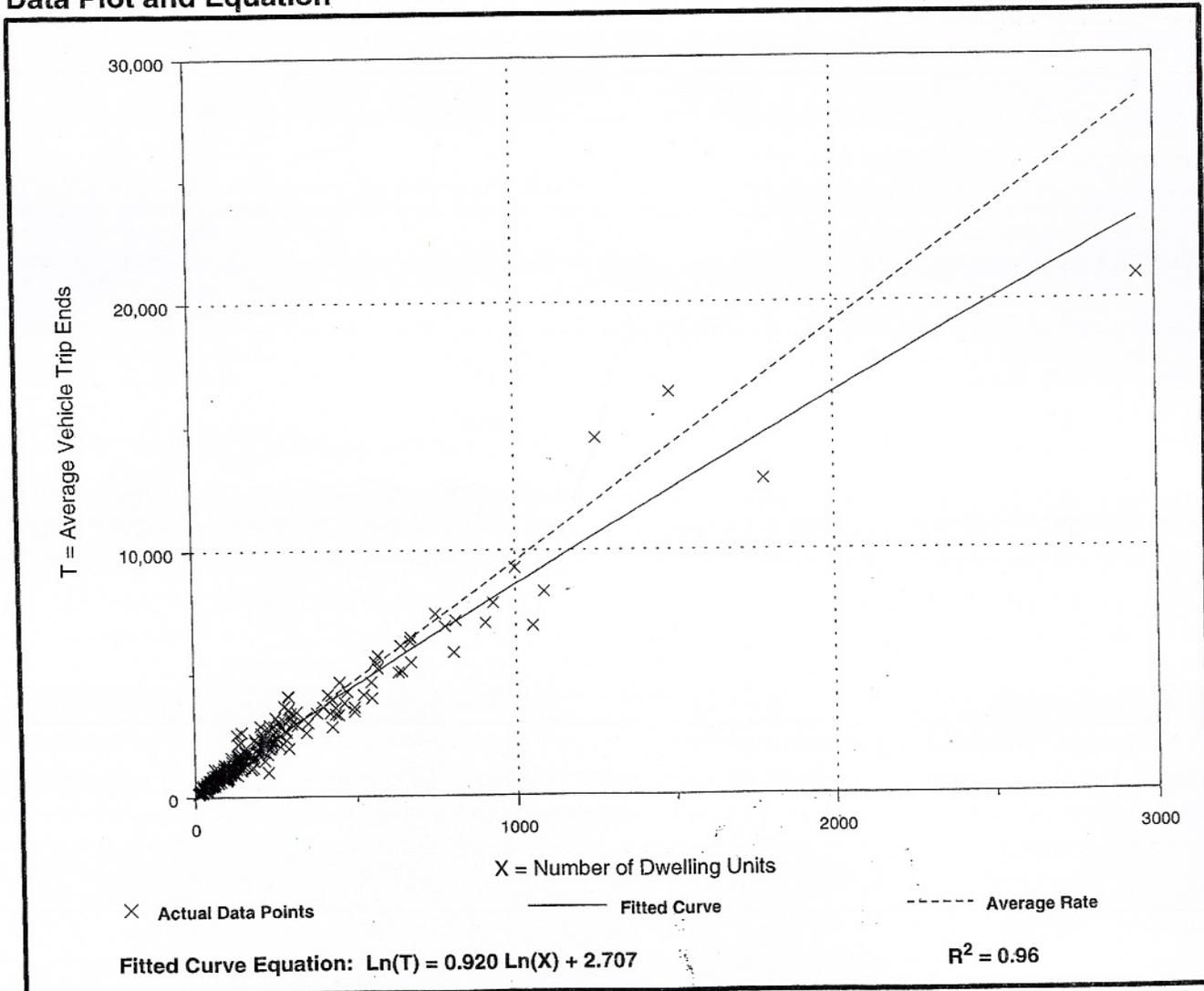
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Number of Studies: 348
Avg. Number of Dwelling Units: 198
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.57	4.31 - 21.85	3.69

Data Plot and Equation



Single-Family Detached Housing (210)

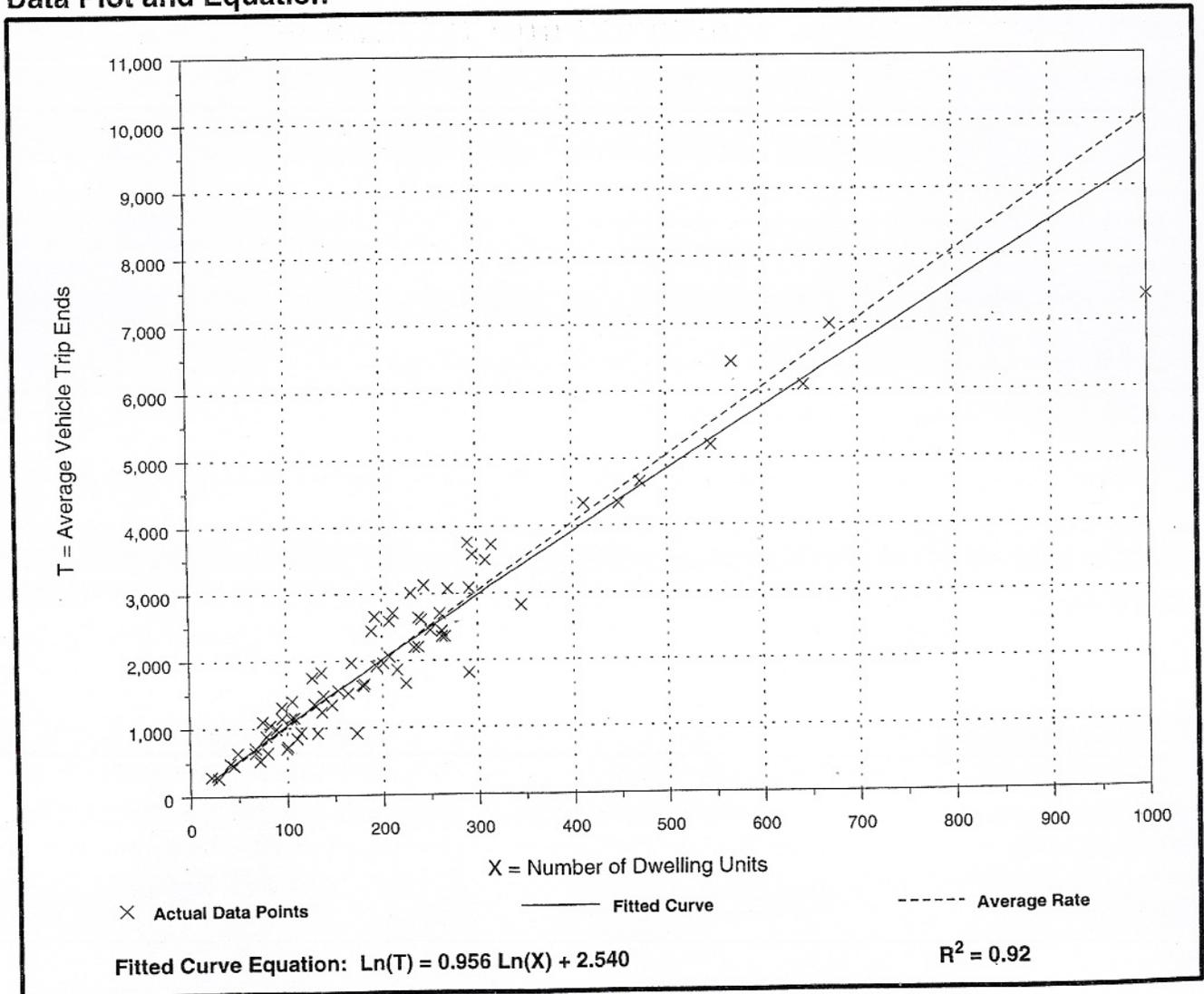
Average Vehicle Trip Ends vs: Dwelling Units
On a: Saturday

Number of Studies: 72
Avg. Number of Dwelling Units: 217
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
10.09	5.32 - 14.72	3.67

Data Plot and Equation



Single-Family Detached Housing (210)

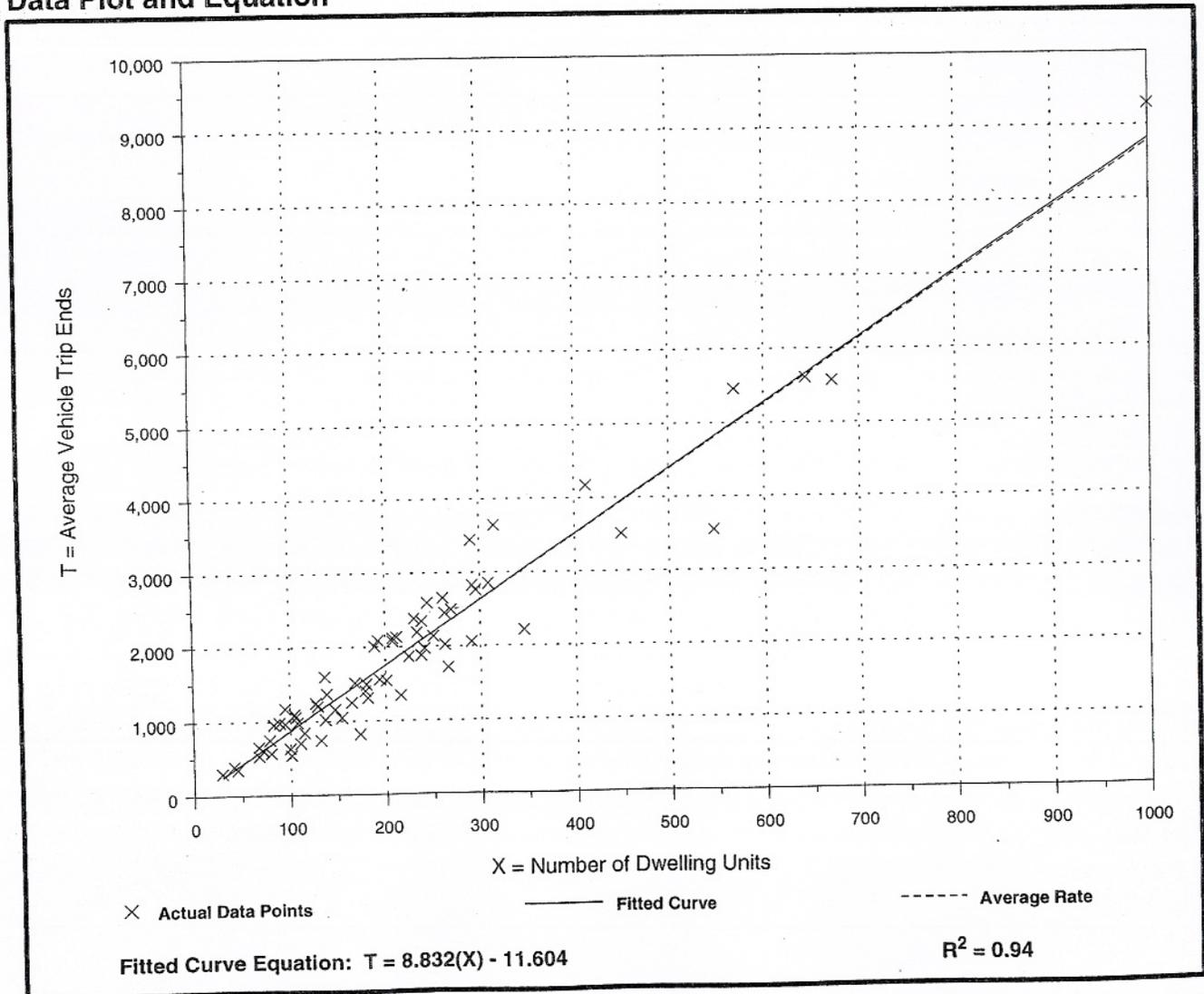
Average Vehicle Trip Ends vs: Dwelling Units
On a: **Sunday**

Number of Studies: 68
Avg. Number of Dwelling Units: 221
Directional Distribution: 50% entering; 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
8.78	4.74 - 12.31	3.33

Data Plot and Equation



#4

STAFF REVIEW FOR PLANNING BOARD APPROVAL OLDE POINT VILLAGE MASTER & PRELIMINARY PLAN REVIEW

PROJECT HISTORY:

Withers & Ravenel, Inc., applicant, on behalf of TP Inc., owner, is requesting approval for the Master and Preliminary Plans of Olde Point Village. The Pender County Planning Board approved a motion to table this item at the May 1, 2007 meeting. In June 2007, a motion was passed unanimously that the board deny the request because the development did not provide appropriate relations between uses around the boundary and uses within the Planned Development. On August 20, 2007, the applicant appealed, this decision to the Board of Commissioners. The Board of County Commissioners upheld the Planning Boards decision to deny the Master Plan. On June 10, 2008 the Planning Board voted unanimously to table this issued until the July 1st, 2008 meeting in order to have the County Attorney, Mr. Thurman present. At the July 1st, 2008 Planning Board, the Board voted unanimously to deny the applicants request. On August 18, 2008, the applicant appealed, this decision to the Board of Commissioners. The Board of County Commissioners remanded this case back to the Pender County Planning Board, due to the introduction of new information about the 2005 CAMA Future Land Use Map.

DEVELOPER'S PROPOSAL:

The applicant is requesting approval for a Planned Development located on 45.87 Acres. This development is located off County Club Drive, across from Captain Beam Boulevard, in Hampstead, NC. The property is zoned PD, Planned Development District. The PIN ID's are 4203-14-3306-0000 and 4203-05-8711-0000. The applicant is proposing both a master and preliminary plan.

This Planned Development proposes a "cluster like" master plan with 96 single-family detached homesites. The minimum lot size will be 5,000 square feet with an average lot size of 7,156 square feet. The applicant has calculated gross density as 2.1 units per acre. Net density consists of 3.17 units per acre by the definition of "usable land" under the 2005 CAMA Land Use Plan.

2005 CAMA Land Use Plan defines:

- a. *Net Development Density:* is defined as the number of units per acre of "usable land" applicable to the type development.
- b. *"Usable Land" for Single Family Detached Residential Development:* may include all project land area that is not classified as Conservation and not included as public or private streets.

Staff has calculated Net Density at 4.03 units per acre per the Pender County Zoning Ordinance. This development has an average of 6.08 units per acre.

- This calculation is derived from formula;
Average lot size 7,156 sq ft divided by 43,560 sq ft (1 acre) = 6.08 units
- Per the Pender County Subdivision Ordinance, net density is defined as:
The total number of lots or units proposed for the development divided by the acreage in the development excluding the following areas:
 1. Public and private streets
 2. Required open space
 3. Parking areas and their access, on non single family developments
 4. Wetlands, Floodways, & Areas of Environmental Concern (AEC's) as defined
 5. Utility easements adjacent to streets

	Acres	Square Feet
Public Streets with Utility Easement	4.05	176,415.00
Required Open Space	6.88	299,692.8
Parking areas and access	n/a	n/a
Wetlands, Floodway and AEC's	11.12	484,387.20
Utility Easements adjacent to streets	Not shown	
Total	22.05	960,498.00
Total Project Area	45.87	1,998,097.20
Usable Land Area	23.82	1,037,599.20

Olde Point Village will have 17.08 acres of open space (39 %), which includes 11.12 acres of federally jurisdictional wetlands, 5.96 acres of uplands and is accessible through a walking trail. All open space is to be dedicated as conservation to prevent future development. Thirty-nine percent (39%) is more than double the Pender County's open space requirement of 15%. Open space and all common space will be controlled and maintained by a homeowners association.

The developer proposes a community wastewater system to serve all lots in Olde Point Village. This system is a gravity flow collection system, and then to a treatment plant. The effluent water will be treated to meet a reclaimed water standard, pumped to the infiltration fields and applied to the soils through a drip irrigation system. Pender County Zoning Ordinance requires a special use permit prior to construction of community wastewater system. Pender County will provide water, when water becomes available.

Stormwater management will meet both state and aquifer recharge requirements for water quality, along with the county's pre/post development runoff control.

Access is provided via Country Club Drive. The proposal includes an earthen berm with plantings to act as a visual screen buffer along all boundaries. The property buffer types are as follows:

- Buffer "A" along Country Club Drive
- Buffer "B" along common boundaries with property owners West, Donnelly and Baldwin
- Buffer "C" along common boundaries with Emerald Ridge and Vista Point

Existing vegetation will be left undisturbed with in those buffers, along with a six (6) foot high solid wood fence along Emerald Ridge. The developers are proposing tree lined streets with safety lighting.

All streets are to be constructed to NC DOT standards and dedicated for public use. Southtowne Drive will have fifty (50) feet right- of- way; where as Pauleys Court and Port Royal Drive will have a forty (40) feet right- of- way. The entrance of Olde Point Village will be aligned with the existing intersection of Captain Beam Boulevard. Currently two (2) points of interconnectivity are shown; one to Shandy Way (Emerald Ridge Subdivision, which is a public street) and two (2) stubbed roads to adjacent vacant properties. There are no FEMA Special Flood Hazard Areas within the development.

Vehicular traffic, which was calculated from the Institute of Engineers Trip Generation Manual, will be approximately 578 trips per weekday (68 morning peak and 90 trips afternoon peak). NC DOT may require road improvements along Country Club Drive.

STAFF CONCLUSION:

Planning Staff is submitting the master plan and preliminary plat layout for Planning Board review. The submission as presented tonight is sufficient for Planning Board disposition. Final Preliminary Approval will not be effective until all requirements of preliminary submission as prescribed in the

subdivision ordinance are complete, the submission shows compliance with all subdivision requirements and the Director has signed a copy of the Preliminary Plat. The approval is also subject to the following conditions:

Mandatory Items for Final Preliminary Plat Approval:

All requirements of the Pender County Subdivision Ordinance for Preliminary Plats, including items 1 thru 13 pages 22, 23 & 24 must be submitted to and approved by the Director.

1. Soil suitability analysis indicating the suitability of the property for individual septic tanks or an Improvement Authorization Permit for each lot unless community sewer is available and a conditioned approval for connection is submitted. The soil suitability analysis of the property shall also indicate the suitability of the soil for the type structure proposed.
2. Sufficient information shall be provided so that a corner of the property can be located on the ground and found with a measurement from the intersection of two state maintained roads.
3. A copy of the Preliminary Map with the street names as approved by the Pender County Emergency Management Co-coordinator (EMC) or his designee. The plat shall be signed by the EMC representative indicating approval of the road names indicated on the plat. The copy of this plat must be submitted no later than 30 days after approval of the preliminary plat of the development by the Pender County Health Department.
4. Verification of receipt of the preliminary plat of the development by the Pender County Health Department.
5. Verification of receipt of the preliminary plat of the development by the NCDOT District Engineer or his designee.
6. General description and map of the proposed drainage for the subdivision shall include the following:
 - a. The boundaries of all drainage basins that flow through the property from upstream.
 - b. All drainage facilities that flow through the property and receive any storm water discharge from upstream.
 - c. The boundaries of all drainage basins that receive discharge from the property that is located from the discharge point on the property to the recipient perennial stream.
 - d. All drainage facilities that receive storm water discharge from the property from the discharge point to the recipient perennial stream.
 - e. This information can be described in a narrative submission and shown on a copy of a USGS 7.5 Minute Quad or other similar topographical map (11 X 17 map submission).
7. Detailed description of any proposed waste water system and system maintenance arrangements and procedures to serve lots that are not suitable for traditional on site septic systems, along with a map showing the proposed location of the off site components of the system, including lines.
8. When any development proposes private streets a description of the method to provide Pender County Emergency Service personnel and vehicles immediate access shall be submitted.
9. When any street layout or geometric design does not specifically meet the NCDOT Secondary Road Standards or the adopted Pender County Private Street Standards, a narrative explanation, justification detailed drawing of the design shall be submitted for review.
10. When the subdivision entrance does not connect to a NCDOT maintained road, recorded documents shall be submitted that confirm the property and the proposed lots have access to a NCDOT maintained road by a public or private street that meets the standards of this ordinance.
11. The Director or the Planning Board may request additional information be submitted that is pertinent to review of the proposed subdivision for compliance with the provisions of this ordinance or other Pender County ordinances.

The Following Material May Be Submitted As A Condition Of Approval Of The Preliminary Plat, When Approved By The Planning Board Or Director:

All requirements of the Pender County Subdivision Ordinance for Preliminary Plats, including items 1 thru 11 pages 23 & 24.

1. Approval by NCDOT of connection of subdivision roads with DOT maintained roads (Driveway Permit).
2. Street construction & street drainage plans as approved by DOT District Engineer with letter of approval (for public streets).
3. Street construction & street drainage plans in accord with DOT submittal requirements, design and construction standards or in accord with Private Street Standards, Pender County. The plans must be signed and sealed by a registered surveyor or engineer. A letter from the design professional will accompany the plans certifying that they meet the NCDOT submittal requirements, design and construction standards or Private Street Standards, Pender County (for private streets).
4. One of the following items will be required for any development with any lot sizes less than 20,000 sq. ft. or net densities of 2.1 units per acre or more and both items will be required when any lot sizes are less than 15,000 sq. ft. or net densities of 2.9 units per acre or more:
 - a. Water System
 - (1) Construction plans sealed by a registered engineer, as approved by DENR,
 - (2) Acceptance of operation and maintenance of the system by a Public or Community Water system as defined in this ordinance,
 - (3) Certification that the system will be owned by a Public or Community Water system as defined in this ordinance with conditional acceptance of ownership or certification that the system will be owned by a homeowners association established under the provisions of this ordinance.
 - b. Wastewater system
 - (1) Construction plans sealed by a registered engineer, as approved by DENR,
 - (2) Acceptance of operation and maintenance of the system by a Public or Community Water system as defined in this ordinance,
 - (3) Certification that the system will be owned by a Public or Community Water system as defined in this ordinance with conditional acceptance of ownership or certification that the system will be owned by a homeowners association established under the provisions of this ordinance.
5. Approval from the Division of Coastal Management when the development is located in an Area of Environmental Concern.
6. Sediment & Erosion Control Plans as approved by Land Quality (with letter of approval).
7. Storm water management plan as approved by the Water Quality Division (with letter of approval).
8. Approval of Wetlands Delineation by Corp. of Eng. (if wetlands in development).
9. Wetlands fill authorization or permit if construction in wetlands is involved.
10. A drainage plan that will include all portions of the development shall be submitted. This plan shall be prepared and sealed by a registered surveyor or engineer. The plan and facilities shall provide for a drainage system for these areas that will accommodate the ten-year storm event without flooding or substantial ponding of water in the areas included in the plan. The plan must also accommodate any discharge from properties in upland portions of the drainage basin that flows through the property for the same storm event for the type development for which that property is zoned. The boundary of any drainage area on a portion of the site and/or upland from the site and drainage areas between storm water discharge points from the site to the recipient perennial stream shall be shown on a map (copy of 7.5 min. USGS Quad or similar map). Any drainage facility receiving storm water discharge from the development shall have the capacity to

carry the anticipated storm water flow from areas that discharge through them for the 10 year storm event from the point of discharge at the development to the recipient perennial stream without over flowing their banks. The location, size and/or capacity of all structures included in the drainage system and receiving discharge from the development to the recipient perennial stream shall be shown on the plan and calculations used in designing the drainage system shall be submitted in a legible format. This plan may be included in the street and drainage plan, storm water management plan or on the preliminary plat, as long as the design professional certifies that the specific drainage plan submitted complies with these requirements and the information required is shown or submitted as noted (See Required Drainage Certification in development Manual).

11. When any proposed subdivision of land with lots or areas other than open space where structures are prohibited is located in a "Designated Floodway," a "No Rise Certification" prepared by a Registered Engineer shall be submitted for the development.
12. When a proposed subdivision is located in a SFHA the Base Flood Elevation (BFE) shall be determined and shown along with the SFHA boundary on the Preliminary Plat. In SFHA's where the BFE has not been previously determined, the Developer shall be responsible for providing the BFE as determined by a Registered Professional in the manner prescribed by FEMA Regulations.
13. When a proposed subdivision is located within a SFHA and any water or sewer systems are not located on the site of the structure served, a statement from the Registered Professional responsible for design of the off site system shall be provided that "all public or community (off site) sewer and water systems and drainage facilities are designed to minimize flood damage and reduce exposure to flood hazards in accord with FEMA Guidelines."

Informational Notes for Developer:

1. A copy of the preliminary plat signed by EMC representative approving the street names will be required to be submitted within 30 days of Preliminary Plat approval by the Planning Board and before final Preliminary Plan approval by Planning Department.
2. Any reduction in open space, if applicable to this subdivision, will require Planning Board approval.
3. The applicant should be fully aware of the certification and guarantee requirements for roads, drainage plans, facilities and other improvements in the development. The certification forms are found on the Pender County Website. All documented certifications must be delivered to Planning Department prior to Final Plat Approval.
4. Any changes in the development name or road names after approval by the planning board will require an additional review fee with lot assessments to be paid in full.

Mandatory Items For Final Plat Approval:

1. The final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 20 working days of completed submission. When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for the subdivision.
2. Plat Submission - the final plat must be submitted in digital format to the Director. The digital submission of the plat will be considered proprietary information. The digital layout will be made available to the Tax Supervisor for parcel update and the digital submission may be returned to the person submitting it. A copy on mylar suitable for recording shall be submitted for signing upon review & approval of the final map. The final plat shall be reviewed, approved and signed by the Director, upon approval.
3. All conditions of preliminary plat approval must have been met before any final plat will be considered for review. Confirmation of compliance with all provisions of Preliminary Plat must be submitted at least 10 days before the final plat is accepted for review.

4. All lots shown on the final plat other than open space or other specially approved lots shall meet either a., b., c., d. or e. as follows:
 - a. Be served by an on site waste water system, which is located on the site where the unit served is located, and the system has received an "Improvement Authorization Permit" from Environmental Health,
 - b. Be served by a Community Sewer System as defined in this ordinance and approval for connection to the system is provided,
 - c. Be served by a waste water system that meets the requirements of the "Water And Sewer System Requirements In Streets, Access Easements Or Other Locations Off The Site Of The Unit Served," of this ordinance,
 - d. The soil suitability analysis as required by this ordinance and submitted with the preliminary plat shows that each lot contains at least 5,000 sq. ft. of area that is "suitable" for traditional on site waste disposal and the required 5,000 sq. ft. is not within 10 ft of any lot boundary,
 - e. Lots not meeting a., b., c. or d. provisions of this paragraph shall be labeled with a bold note as follows: **"The Parcels So Noted Cannot Be Used For Sale Or Building Development, Unless A New Plat Is Approved And Recorded As Required Under The Pender County Subdivision Ordinance."**
 - f. For alternative, see Design Requirements, Lots Section of this ordinance for " Special Purpose Lots."
5. All improvements proposed in the development must have been constructed and certifications of completion to standards specified provided or their construction guaranteed by a Performance Guarantee.
6. All public streets must have been constructed, inspected and approved in writing by the NCDOT District Engineer or a Performance Guarantee provided.
7. Minimum Number of Lots Required on a Final Plat - the minimum lots included on the final plat shall be as follows:
 - a. Approved Preliminary Subdivision Plat contains less than 100 lots or units - final plat shall contain at least 30 lots or units or the remainder of the lots or units in the subdivision,
 - b. Approved Preliminary Subdivision Plat contains more than 100 lots or units - final plat shall contain at least 50 lots or units or the remainder of the lots or units in the subdivision.
8. The completed final plat must be submitted within 24 months of approval of the preliminary plat or within 24 months of approval of a previously recorded final plat.
9. The final plat must be prepared by a licensed surveyor.
10. The final plat must conform generally to the preliminary plat and specifically to all conditions of approval of the preliminary plat.
11. Upon initial approval of the final plat parcel layout the Director shall immediately notify the Tax Assessor so that parcel identifiers can be issued. The Tax Assessor shall establish parcel identifiers for the parcels on the plat within 10 working days of receipt of notice.
12. The final plat, approved covenants, restrictions and homeowners association documents must be recorded in the Register of Deeds within 60 days after approval by the Planning Board and prior to any sale of lots in the development.
13. The Director must take action on the final plat within 20 days of completed submission and installation of improvements or security for improvements.
14. A final plat will not be accepted for review that is incomplete or for which has not been submitted the documents necessary for verification of the conditions of Preliminary Plat approval.

Additional Materials To Be Submitted With Final Plat.

1. Certification by District Engineer of completion of construction of all public streets or all of the following:

- a. Estimate of the cost to complete construction of the streets and all other improvements required or proposed in the development that are not complete, prepared, signed and sealed by a licensed engineer,
- b. Performance Guarantee for the cost of all improvements not certified as complete (see Security Documents Section in the Pender County Development Manual for requirements).
2. Certification by a licensed engineer of the completion of construction of all private streets and other required improvements, or all of the following:
 - a. Estimate of the cost to complete construction of the streets and all other improvements required or proposed in the development that are not complete, prepared, signed and sealed by a licensed engineer,
 - b. Performance Guarantee for the cost of all improvements not certified as complete (see Security Documents Section in the Pender County Development Manual for forms and requirements).
3. Certification by a professional land surveyor of installation of all required monuments and markers.
4. Two copies of Articles of Incorporation of Homeowner's Association and related documents for any development that contains private streets or other non-public facilities, including drainage systems outside public street right of-ways, water systems and sewer systems and open space.
5. Two copies of the restrictive covenants to be recorded on the property.
6. The Defect Guarantee when a Performance Guarantee has not been provided for improvements.
7. Draft document transferring ownership of all common area and facilities to the Homeowners Association as shown on the final plat of the portion of the subdivision to be recorded. A recorded copy of this document must be submitted to the Director within 20 days of recording of the final plat (see "Homeowners Association Requirements" Section).

Certificates Required On Final Plat.

1. Certificate of Ownership, Dedication and Jurisdiction (org. signed)
2. Certificate of Approval Subdivision Public Road Construction by NCDOT District Engineer (must be signed before Map Review Officer signs off on plat)
3. Surveyor Certificate I
4. Surveyor Certificate II
5. Surveyor Certificate II
6. Parcel Identifier Certificate
7. Certificate of Registration by Register of Deeds (unsigned)
8. Certificate of Final Plat Approval

AMENDMENTS:

Planning Board

MOVED: _____ SECONDED: _____

Approved: _____ Denied: _____ Unanimous _____

Reynolds: ___ Gonzales: ___ Garrett: ___ Marshburn: ___ Millette: ___ Smith: ___ Williams: ___

Thomas H. Johnson, Jr.
Special Counsel

July 17, 2008

Via U.S. Mail and Email: FrankA@Pender-County.com

Ms. Ashley D. Frank
Planner I
Pender County Planning and
Community Development Department
P.O. Box 1519
Burgaw, NC 28425

Re: Master Plan and Preliminary Plat for Olde Point Village

Dear Ms. Frank:

We received your letter of July 7, 2008 confirming the denial of the request for approval of a master plan and preliminary plat for Olde Point Village. Pursuant to Section 3.5, C, "Appeals" of the Pender County Zoning Ordinance, we appeal the decision of the Planning Board and request a hearing before the Board of Commissioners. The master plan and preliminary plat for Olde Point Village met the requirements of the Pender County Zoning Ordinance, as determined by the Planning Staff, and, therefore, should have been approved pursuant to NCGS § 153A-330.

Thank you very much for your assistance. Once this matter is scheduled for hearing by the Board of Commissioners, please let us know.

Very truly yours,



Thomas H. Johnson, Jr.

THJ/ccd

cc: Mr. Trey Thurman
Ms. Cindee Wolf
Mr. Ron Bryant

RECEIVED

JUL 21 2008

PENDER PLANNING DEPT.

701 Green Valley Road
Suite 100 (27408)
P.O. Box 3463
Greensboro, NC 27402
www.nexsenpruet.com

T 336.387.5135
F 336.387.8930
E TJohnson@nexsenpruet.com
Nexsen Pruet, PLLC
Attorneys and Counselors at Law



Pender County Planning Department

805 South Walker Street
Burgaw, North Carolina 28425

Phone (910) 259-1202
Fax (910) 259-1295

PLANNING BOARD APPLICATION FOR PLANNED DEVELOPMENT MASTER PLAN REVIEW

Date: 04/17/08 Application #: n/a Application Fee: \$ 960 Receipt #: 081863

I. PROPERTY INFORMATION:

PIN #(S): 4203-14-3306-0000 & 4203-05-8711-0000
Property Location: off Country Club Road (S.R.1565)
across from Captain Beam Blvd.
Subdivision Name: Olde Point Village Phase: —
Review Type: Master Preliminary Final

II. REQUIRED NAMES:

Applicant <u>Withers & Ravenel, Inc.</u>	Owner <u>TP, Inc.</u>
Address <u>7040 Wrightsville Ave. #101</u>	Address <u>P.O. Box 2180</u>
<u>Wilmington, NC 28403</u>	<u>Boone, NC 28607</u>
Phone (910) <u>256-9277</u> Fax (910) <u>256-2584</u>	Phone (910) <u>545-4254</u> Fax (910) <u>328-9795</u>
Email <u>cwolf@withersravenel.com</u>	Email <u>ronellrimes@hotmail.com</u>

Legal Relationship of Applicant to Property Owner: Land Planner / Authorized Agent

Authorized Project Contact (check one): Applicant Owner

III. SIGNATURE OF OWNER/APPLICANT: Cynthia L. Wolf for TP, Inc.

*****SEE PENDER COUNTY ZONING ORDINANCE SECTION 17 – PD PLANNED DEVELOPMENT DISTRICT REQUIREMENTS FOR MASTER PLAN SUBMISSION REQUIREMENTS*****

*****SEE SUBDIVISION Preliminary Plat Checklist 04 FOR PRELIMINARY PLAT SUBMISSION REQUIREMENTS*****

Project Narrative for
Olde Point Village
A Clustered Patio Home Development

The subject tract is located in the Urban Growth Land Classification on the Pender County Future Land Use Plan. This class is intended for more intensive community development where public services, particularly water & sanitary sewer services, are available. Because of its proximity to Hwy 17, via Country Club Road, it is an area planned for "high net density" residential development, as described by the County's 2005 CAMA Plan.

The term "high-net density" is suggested at five (5) residential units per usable acre of project land. "Usable land" refers to all project land that is not considered Conservation (wetlands), and not included in street rights-of-way. This concept of residential subdivision is also known as cluster development, a planning design principal that has become popular because it allows development to occur in a smaller land areas, thereby promoting greater quantities of open space and avoiding environmental impacts.

Residential development, in general, has seen a trend towards smaller lots. A large demographic in our community is people advancing into retirement. These folks still want the privacy and character of detached housing, but not the hassles of maintaining large yards. The size of a lot is not an impediment to providing the same, or even larger, homes as compared to the adjacent residential development.

Olde Point Village covers over 45.87 acres of land. The proposed 96 lots translate into a gross density of only 2.1 units per acre. Calculated by the definition of "usable land," the net density is 3.2 units per acre.

The proposed land use is for "single-family, detached, residential lots." The description, by real estate standards, is a "clustered, patio home development."

The technical aspects of the plan follow all of the Subdivision Regulations. We have aligned the entrance with the existing intersection of Captain Beam Boulevard. Permits by NCDOT will guarantee any improvements that are needed for County Club Road. They will no doubt require a right-turn lane from the North approach, and perhaps a center left-turn lane from the South approach. Proposed streets will be designed and constructed to NCDOT standards, dedicated for public use, and petitioned for adoption into the State road system as soon as residency requirements are met. Providing inter-connect between developments is a hot item in today's good planning. We have provided road connection to the existing stub in Emerald Ridge and stubbed roads to the adjacent vacant properties for extension.

Vehicular traffic, as calculated from the Institute of Traffic Engineers Trip Generation Manual, would be approximately 578 trips per weekday, 68 trips during the morning peak, and 90 trips during the afternoon peak. The most recent NCDOT average annual daily traffic counts show that Country Club Road carries approximately 3-4000 vehicles per day, and operates at a very acceptable level of service of B/C. The capacity of the road, as it is currently constructed, is approximately 8-10,000 trips per day. This information supports that there is more than enough capacity for the trips to be generated by this project. Any improvements that are required for permitting by the NCDOT, will only enhance that capacity.

County water exists in Country Club Road, and will be looped for good water flow & quality throughout the project. Sanitary sewer service will be provided by a community system. Wastewater will flow from the houses into a gravity flow collection system, and then to a treatment plant. The effluent will be treated to meet a "reclaimed" water standard, pumped to the infiltration fields, and applied to the soils through drip irrigation.

Storm water management will meet both the State and aquifer recharge requirements for water quality and the County's requirements for pre/post development runoff control. All runoff water must be directed to the pond for treatment. All lots will be graded to drain towards the streets. The requirement for roof gutters will be included in the Homeowners' Declaration. The gutters will be attached to downspouts, and underground piping that will outlet to the street curb lines. The street drainage system pipes the stormwater to the ponds.

The 6.88 acres, or 15%, of open space provided is entirely in upland land. When added with the 11.12 acres of wetlands to be dedicated as permanent conservation space, 39.2% of the total tract area is being preserved.

An attractive entryway will be provided at the intersection with Country Club Road. No other vehicular access will be permitted along the frontage, and an earthen berm with plantings will act as a visual screen. Bufferyards have been designated along the boundaries with the adjacent neighborhoods. Existing vegetation will be left undisturbed within those areas, and a 6' high, solid wood fence will be installed along the common boundary with the Emerald Ridge residential lots. Street trees and street lighting for safety will line the proposed project streets.

A Homeowners' Association will be created for control & maintenance of the common areas. Standards & requirements will be included in the Declaration to address architectural styles, size & coverage restrictions, landscaping, and many other provisions that will assure a quality project.

In conclusion the plan meets the criteria of the subdivision regulations and provides a residential home style that is in demand. If the lots were developed with individual septic fields, the lots would be larger, but the beneficial aspects of the higher quality of treatment would be lost. The overall effect of cluster development is more open space, and lesser environmental impact.

Olde Point Village, if approved and developed according to the proposed plan, would be an attractive neighborhood, and asset to both the local community, and to the County.

The following excerpts from the Pender County CAMA Land Use Plan are pertinent to the plan petition:

LAND USE POLICIES –

I. CAMA Required Topics

E. Water Quality Policies

- 1) Pender County recognizes the importance of water quality to preserving the lifestyle and economic well-being of its residents and property owners. The County will implement measures within its authority to address activities that are known to diminish water quality, including development in known wetlands.
 - d) The County strongly encourages “cluster” and “green space” development and other techniques to reduce the impervious surface associated with new development of significant redevelopment. County development regulations will provide incentives to encourage this type of development.
- 5) The County will encourage regulated wetlands that are delineated and known to the County to be preserved as open space or for open space related activities, including recreation.

II. Local Concerns

B. General Development Patterns

- 4) County development policy and regulations shall provide for flexibility in development.

C. Residential Development Patterns

- 1) Pender County seeks to accommodate the development and appropriate placement of a variety of housing types.

Single-Family Detached Housing (210)

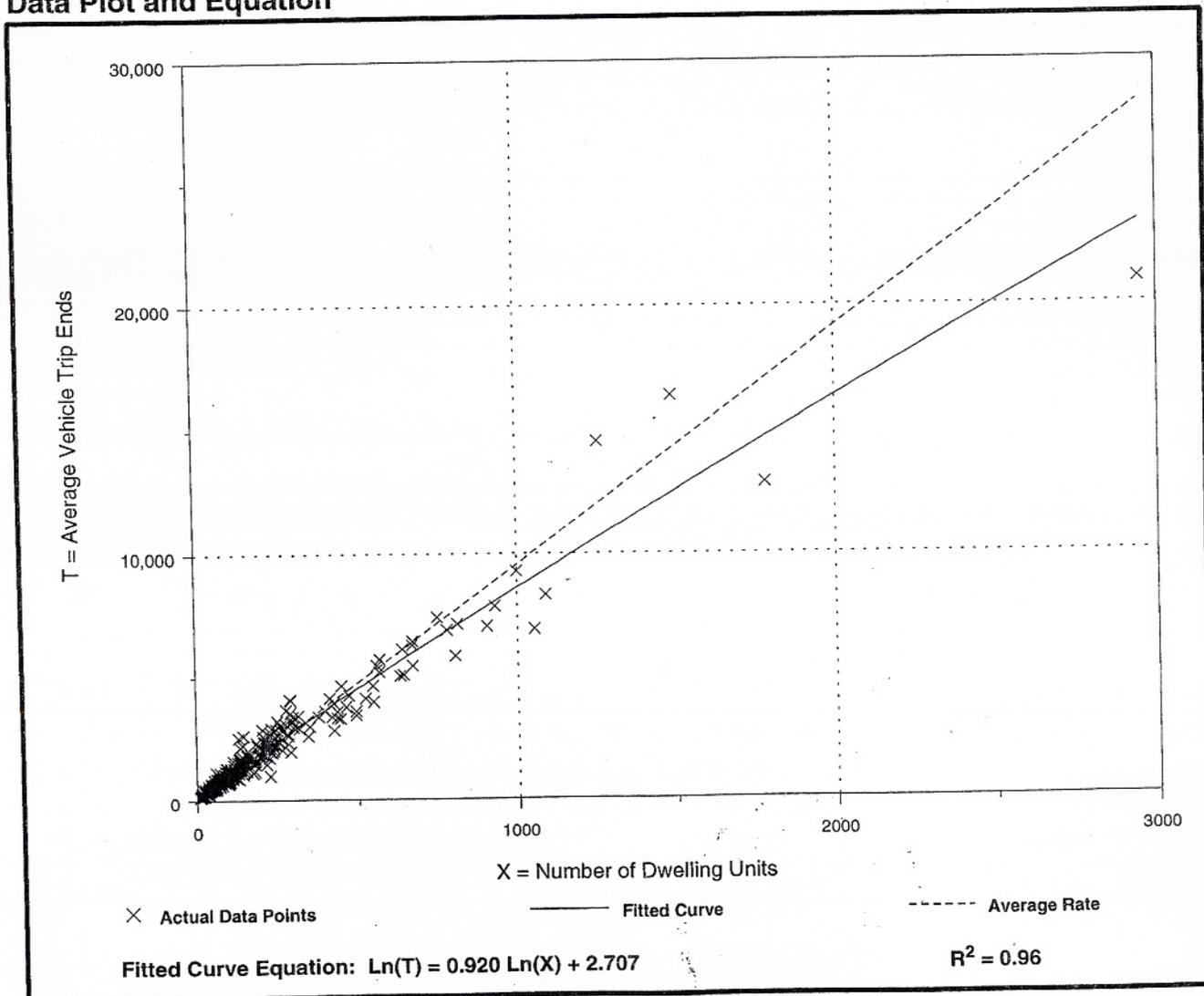
Average Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Number of Studies: 348
Avg. Number of Dwelling Units: 198
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.57	4.31 - 21.85	3.69

Data Plot and Equation



Single-Family Detached Housing (210)

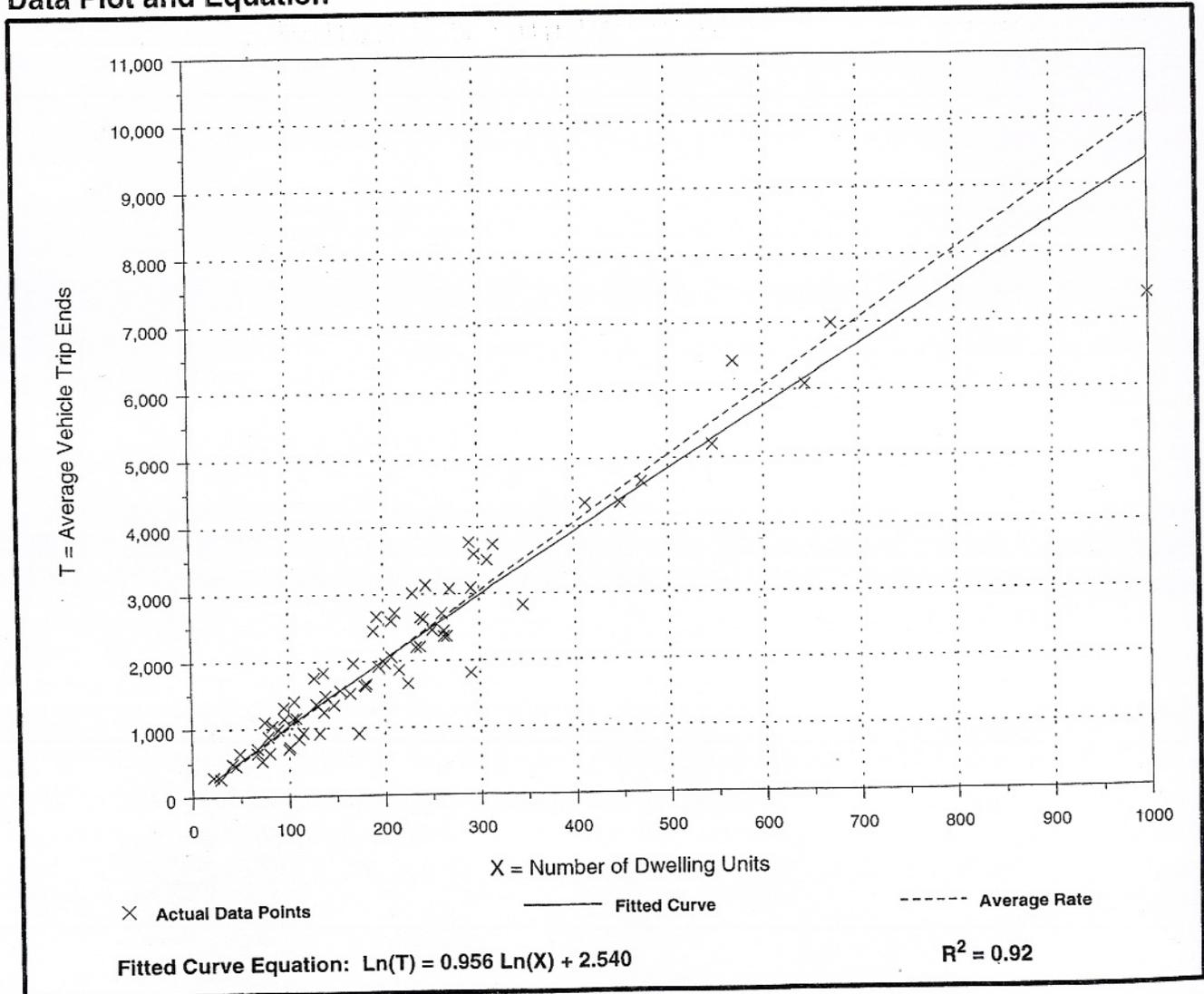
Average Vehicle Trip Ends vs: Dwelling Units
On a: **Saturday**

Number of Studies: 72
Avg. Number of Dwelling Units: 217
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
10.09	5.32 - 14.72	3.67

Data Plot and Equation



Single-Family Detached Housing (210)

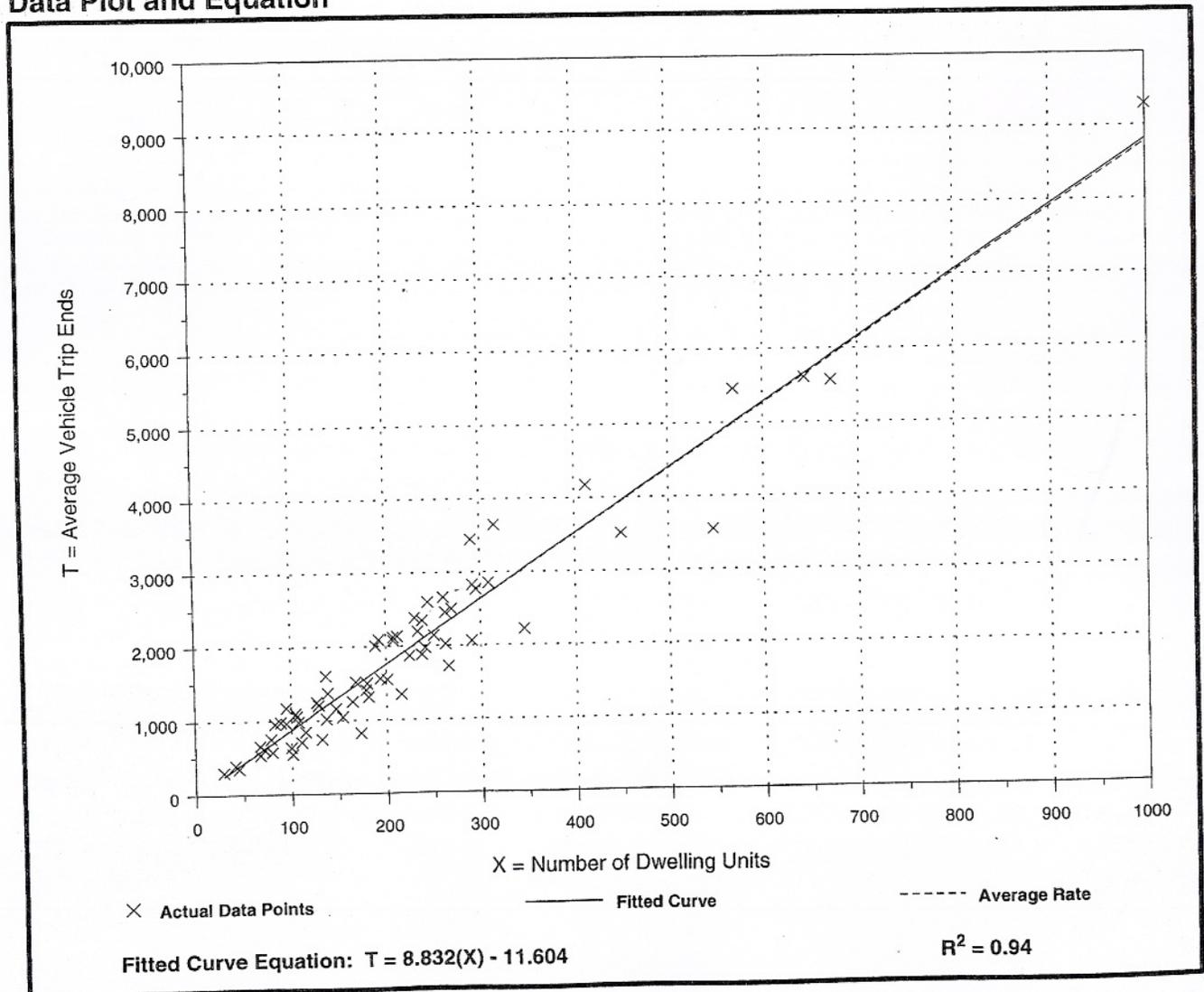
Average Vehicle Trip Ends vs: Dwelling Units
On a: Sunday

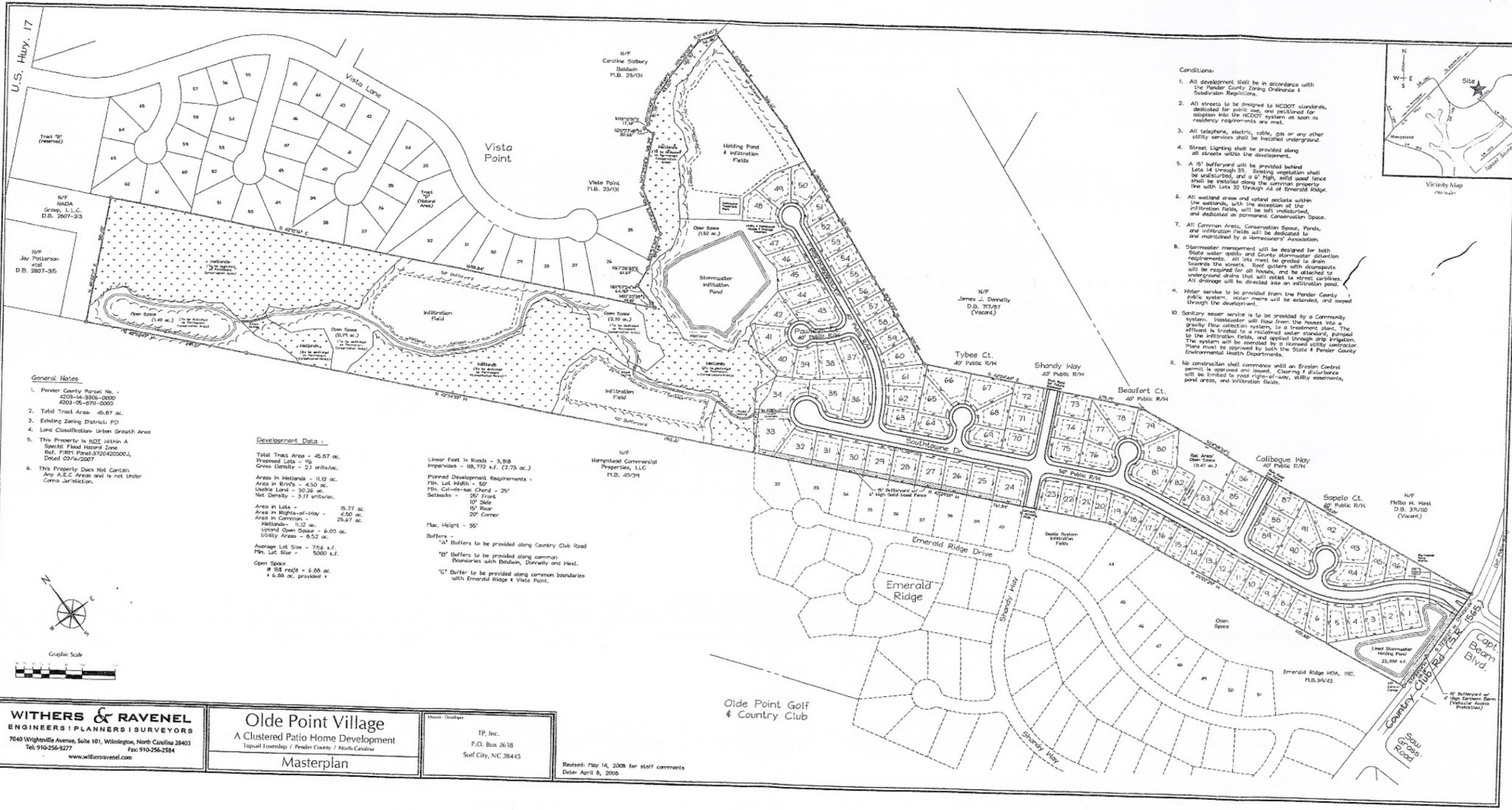
Number of Studies: 68
Avg. Number of Dwelling Units: 221
Directional Distribution: 50% entering, 50% exiting

Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
8.78	4.74 - 12.31	3.33

Data Plot and Equation





General Notes

1. Pender County Parcel No. - 4203-14-3300-0000
4203-05-0711-0000
2. Total Tract Area - 46.87 ac.
3. Existing Zoning District: PD
4. Land Classification: Urban Growth Area
5. This Property is NCE within A Special Flood Hazard Zone. Ref. FIRM Panel 3720420000, Dated 03/14/2007
6. This Property Does Not Contain Any A.C. Areas and is not Under Condo Jurisdiction.

Development Data

Total Tract Area - 46.87 ac.
Proposed Lots - 95
Green Density - 2.1 units/ac.
Area in Wetlands - 11.02 ac.
Area in R/W's - 4.50 ac.
Useful Land - 30.26 ac.
Net Density - 3.17 units/ac.
Area in Lots - 15.77 ac.
Area in Rights-of-Way - 4.50 ac.
Area in Common - 25.67 ac.
Meadows - 11.32 ac.
Upland Open Space - 6.03 ac.
Utility Areas - 6.52 ac.
Average Lot Size - 756 s.f.
Min. Lot Size - 5000 s.f.
Open Space
15' req'd = 6.88 ac.
5.5' provided =

Linear Feet in Roads - 3,518
Impervious - 18,772 s.f. (2.78 ac.)

Planned Development Requirements:
Min. Lot Width - 50'
Min. Cul-de-sac Chord - 25'
Setbacks - 25' Front
10' Side
15' Rear
20' Corner

Max. Height - 35'

- Buffers -
- "A" Buffers to be provided along Country Club Road
 - "B" Buffers to be provided along common boundaries with Doldan, Dorsey and West.
 - "C" Buffer to be provided along common boundaries with Emerald Ridge & Vista Point.

Conditions:

1. All development shall be in accordance with the Pender County Zoning Ordinance & Subdivision Regulations.
2. All streets to be designed to NCDOT standards, dedicated for public use, and positioned for adoption into the NCDOT system as soon as residency requirements are met.
3. All telephone, electric, cable, gas or any other utility services shall be installed underground.
4. Street Lighting shall be provided along all streets within the development.
5. A 15' bufferland will be provided behind Lots 14 through 33. Existing vegetation shall be maintained, and a 6' high, solid wood fence shall be installed along the common property line with Lots 32 through 44 of Emerald Ridge.
6. All wetland areas and wetland pockets within the wetlands, with the exception of the infiltration fields, will be left undisturbed, and dedicated as permanent Conservation Space.
7. All Common Areas, Conservation Space, Ponds, and Infiltration Fields will be dedicated to and maintained by a Homeowners' Association.
8. Stormwater management will be designed for both State water quality and County stormwater detention requirements. All lots must be graded to drain towards the streets. Roof gutters with downspouts will be required for all homes, and be attached to underground drains that will outlet to street curbsides. All drainage will be directed into an infiltration pond.
9. Water service to be provided from the Pender County public system. Water mains will be extended, and looped through the development.
10. Sanitary sewer service is to be provided by a Community system. Wastewater will flow from the homes into a gravity flow collection system, to a treatment plant. The effluent is treated to a reclaimed water standard, pumped to the infiltration fields, and applied through drip irrigation. The system will be operated by a licensed utility contractor. Plans must be approved by both the State & Pender County Environmental Health Departments.
11. No construction shall commence until an Erosion Control permit is approved and issued. Clearing & disturbance will be limited to road right-of-way, utility easements, pond areas, and infiltration fields.

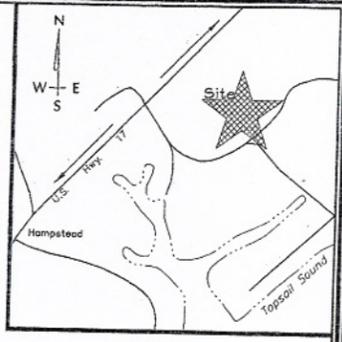
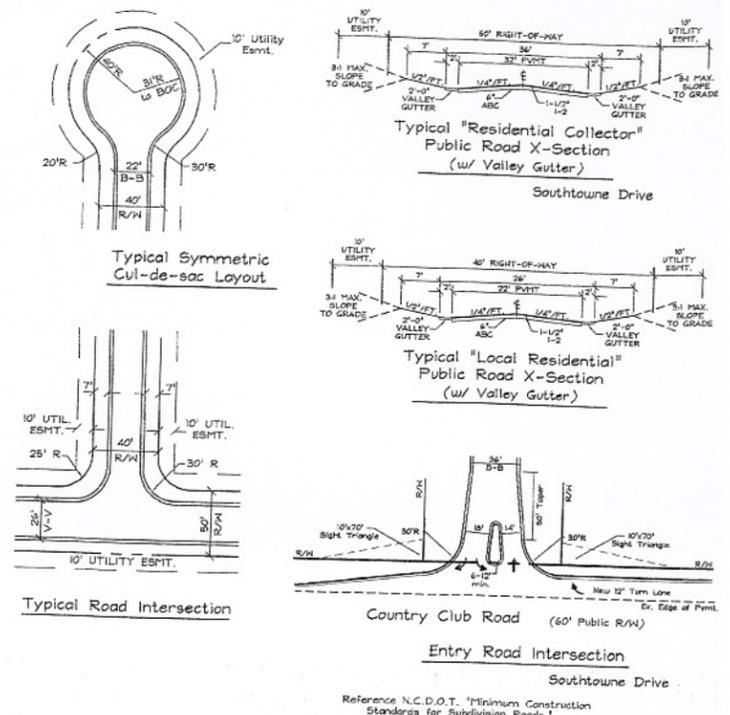
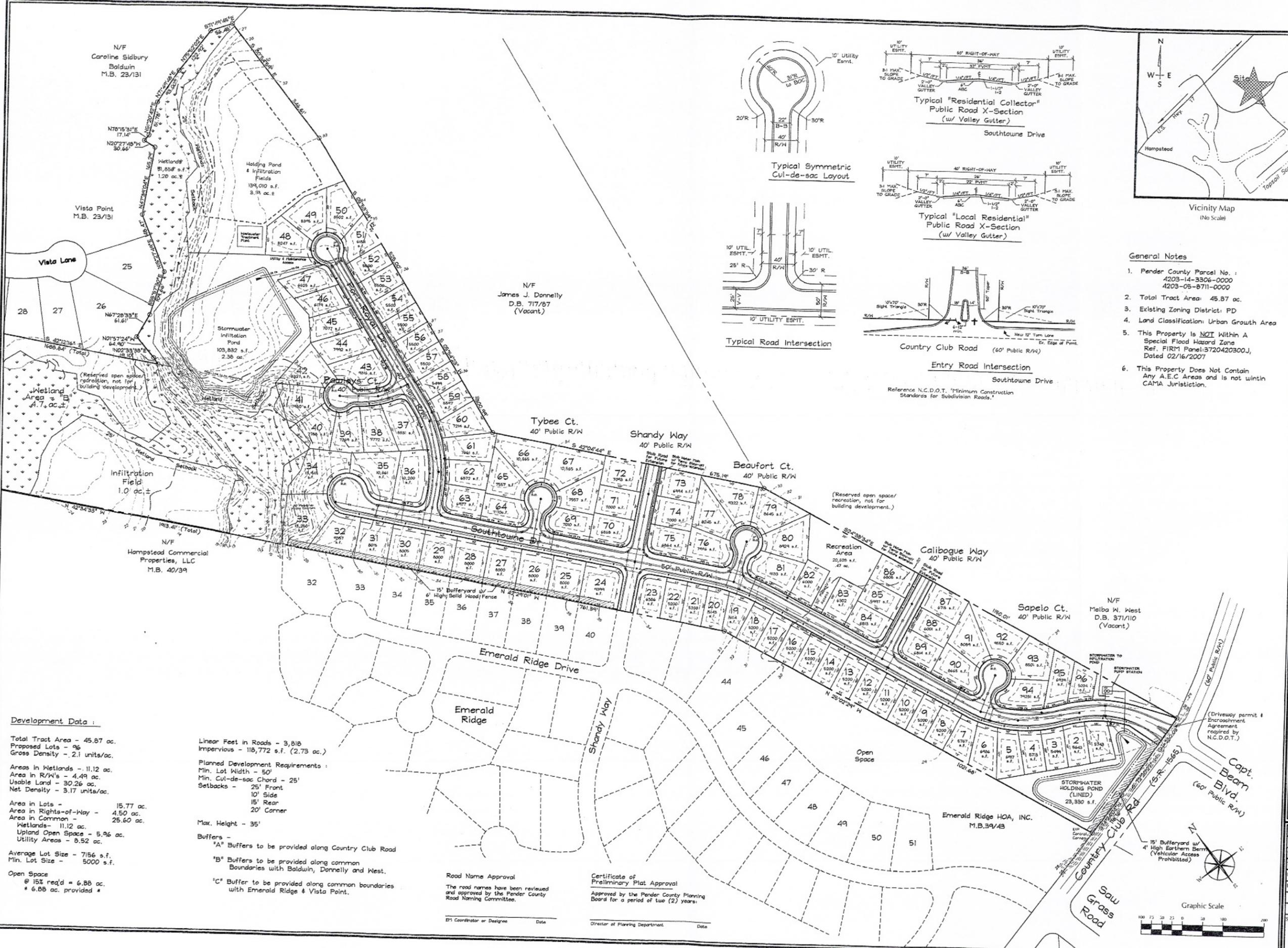


WITHERS & RAVENEL
ENGINEERS | PLANNERS | SURVEYORS
7040 Wingham Avenue, Suite 101, Wilmington, North Carolina 28403
Tel: 910-256-9277 Fax: 910-256-2594
www.witthersravenel.com

Olde Point Village
A Clustered Patio Home Development
Topical Township / Pender County / North Carolina
Masterplan

Client: TP, Inc.
P.O. Box 2638
Surf City, NC 28445

Revised: May 14, 2008 for staff comments
Date: April 8, 2008



- General Notes**
1. Pender County Parcel No.: 4203-14-3306-0000, 4203-05-8711-0000
 2. Total Tract Area: 45.87 ac.
 3. Existing Zoning District: PD
 4. Land Classification: Urban Growth Area
 5. This Property is NOT Within A Special Flood Hazard Zone Ref. FIR1 Panel:3720420300J, Dated 02/16/2007
 6. This Property Does Not Contain Any A.E.C. Areas and is not within CAMA Jurisdiction.

Development Data:

Total Tract Area - 45.87 ac.
 Proposed Lots - 96
 Gross Density - 2.1 units/ac.

Areas in Wetlands - 11.12 ac.
 Area in R/W's - 4.49 ac.
 Usable Land - 30.26 ac.
 Net Density - 3.17 units/ac.

Area in Lots - 15.77 ac.
 Area in Rights-of-Way - 4.50 ac.
 Area in Common - 25.60 ac.

Wetlands - 11.12 ac.
 Upland Open Space - 5.96 ac.
 Utility Areas - 8.52 ac.

Average Lot Size - 7/16 ac.
 Min. Lot Size - 5000 s.f.
 Open Space
 @ 15% req'd = 6.88 ac.
 * 6.88 ac. provided *

Linear Feet in Roads - 3,818
 Impervious - 118,772 s.f. (2.73 ac.)

Planned Development Requirements:
 Min. Lot Width - 50'
 Min. Cul-de-sac Chord - 25'
 Setbacks - 25' Front
 10' Side
 15' Rear
 20' Corner

Max. Height - 35'

Buffers -
 'A' Buffers to be provided along Country Club Road
 'B' Buffers to be provided along common Boundaries with Baldwin, Donnelly and West.
 'C' Buffer to be provided along common boundaries with Emerald Ridge & Vista Point.

Road Name Approval
 The road names have been reviewed and approved by the Pender County Road Naming Committee.

Certificate of Preliminary Plat Approval
 Approved by the Pender County Planning Board for a period of two (2) years.

WITHERS & RAVENEL
 ENGINEERS | PLANNERS | SURVEYORS
 7040 Wightsville Avenue, Suite 101, Wilmington, North Carolina 28403
 Tel: 910-256-5277 Fax: 910-256-5284
 www.wITHERSRAVENEL.com

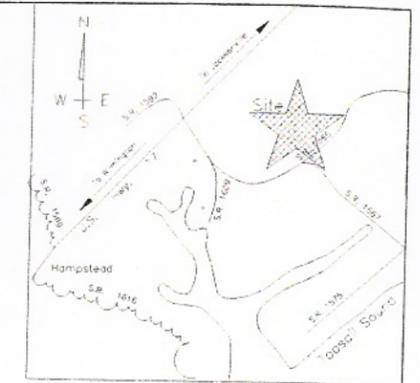
TP, Inc.
 P.O. Box 2180
 Boone, NC 28607

Olde Point Village
 A Clustered Patio Home Development
 Toppall Township / Pender County / North Carolina

Preliminary Plat

Job No. 09050271
 Drawn By: C Wolf
 Checked By:
 Scale: 1" = 100'
 Date: 04/08/08
 Revisions: 05/14/08 for staff comments

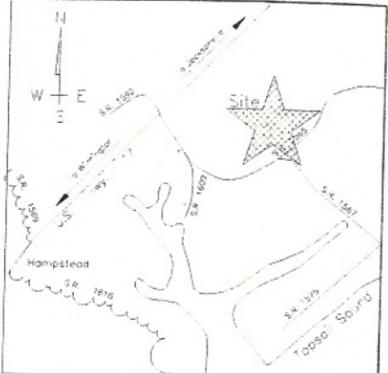
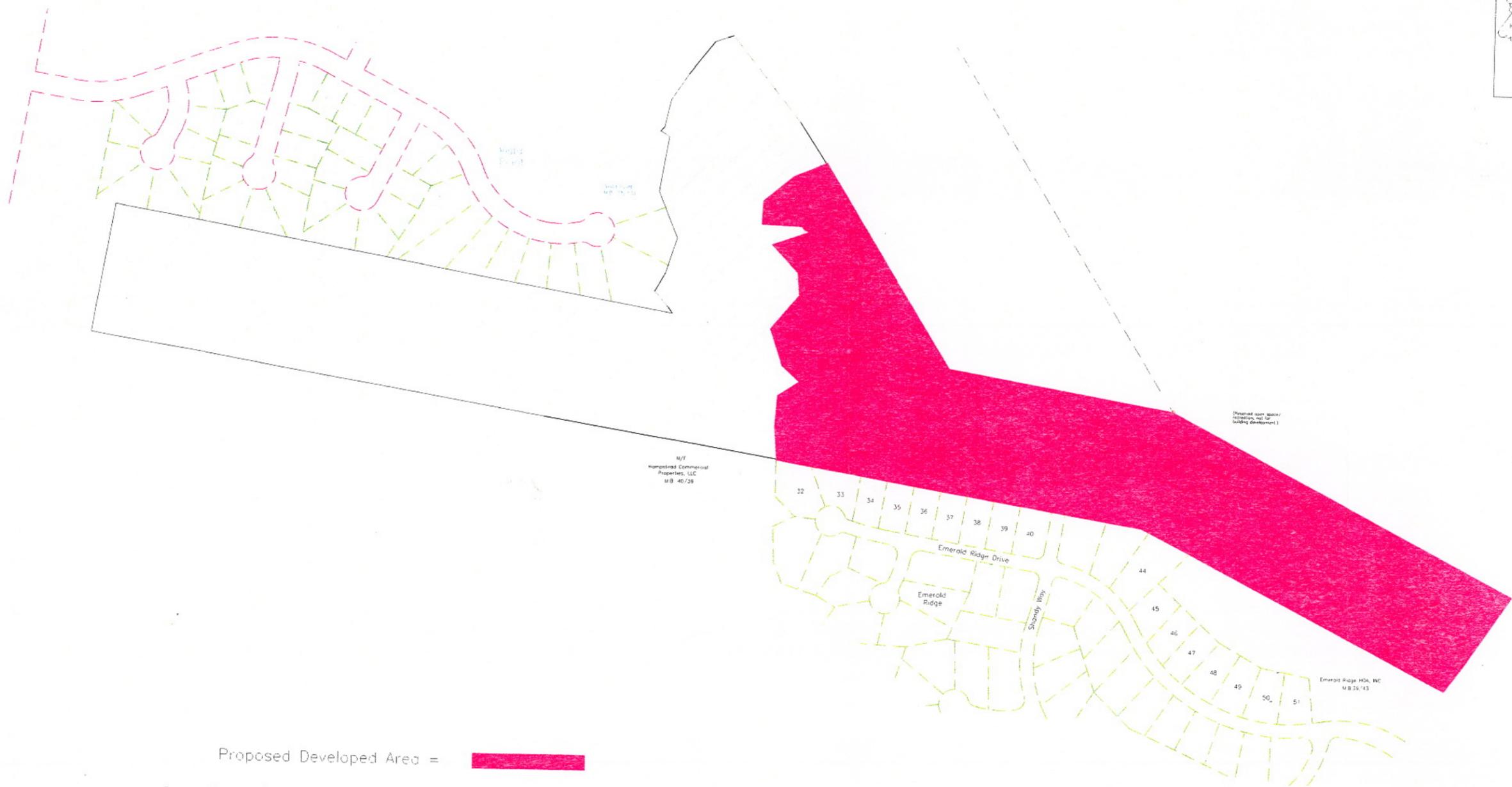
Sheet: 1 of 1



Vicinity Map
(No Scale)



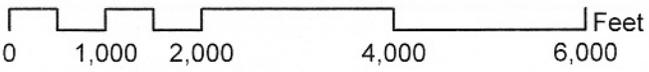
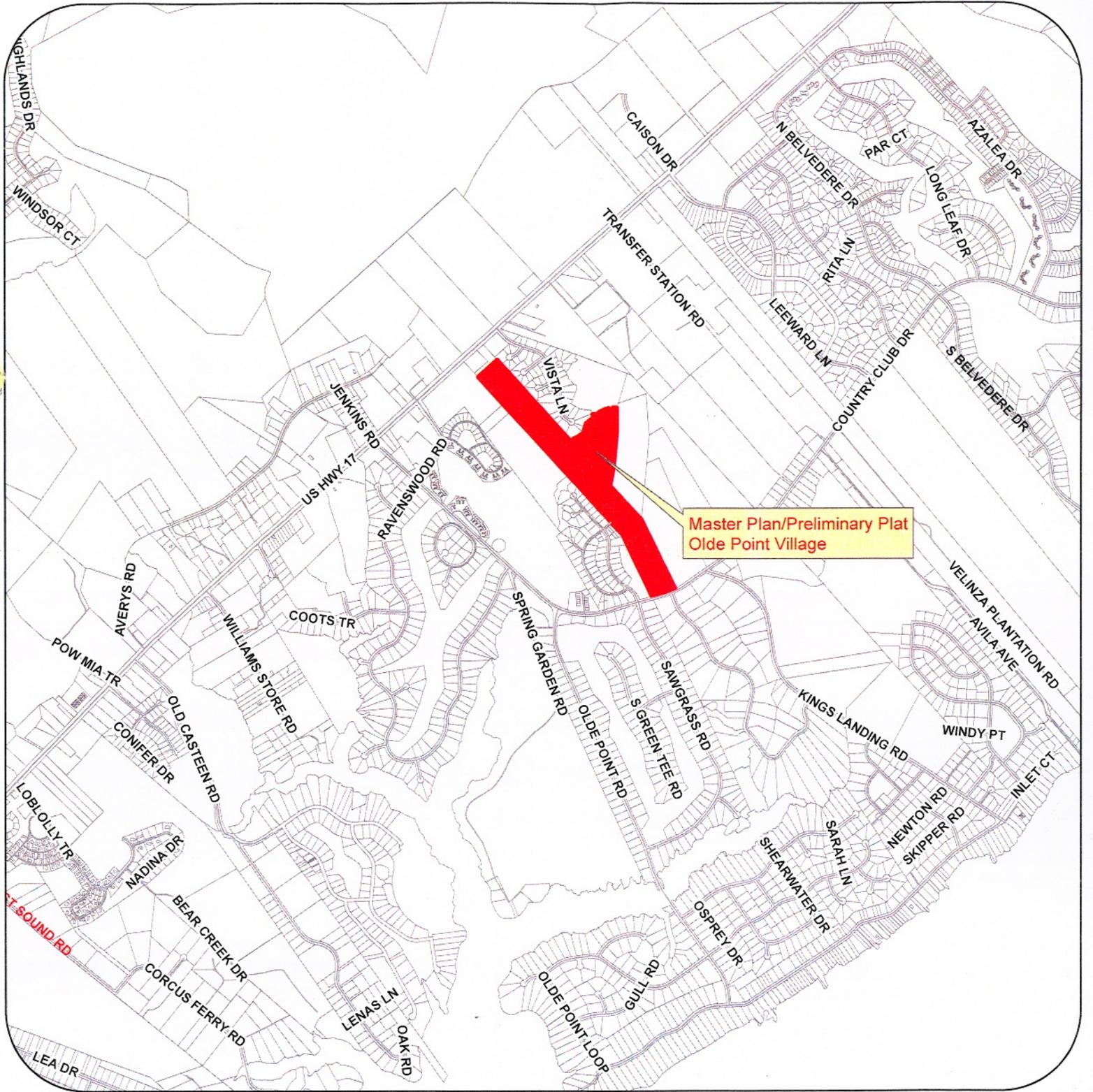
Figure 1	Project: Olde Point Village	Title: Site Map	 PO Box 895, Barga, NC 28425 (910) 259-4800 Project #: 200627
Date: 6/23/08	Scale: 1" = 100'	Drawn by: AMR	



Vicinity Map
(No Scale)

Proposed Developed Area =
 Open Space/Conservation Areas =

Figure 1	Project: Olde Point Village	Title: Site Map Distinguishing Open Space and Developed Area	WALTON ENGINEERING <small>PO Box 895, Burgaw, NC 28425 (910) 259-8800</small>
Date: 6/23/08	Scale: 1" = 100'	Drawn by: AMR	



1 inch equals 2,000 feet



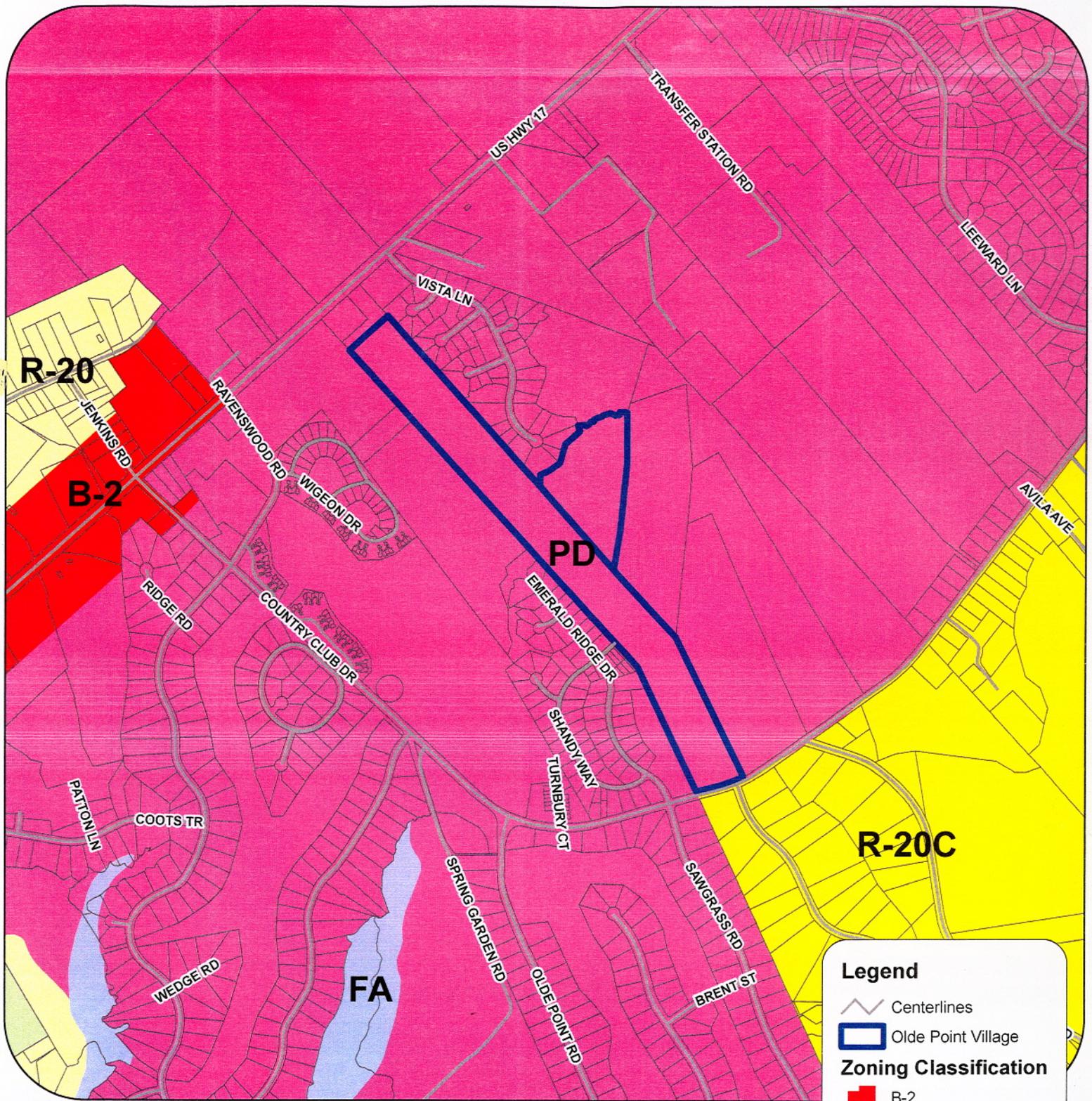
Legend

-  Centerlines
-  Olde Point Village



Master Plan/Preliminary Plat Olde Point Village

Vicinity Map



1 inch equals 1,000 feet



Master Plan/Preliminary Plat Olde Point Village

Zoning Map

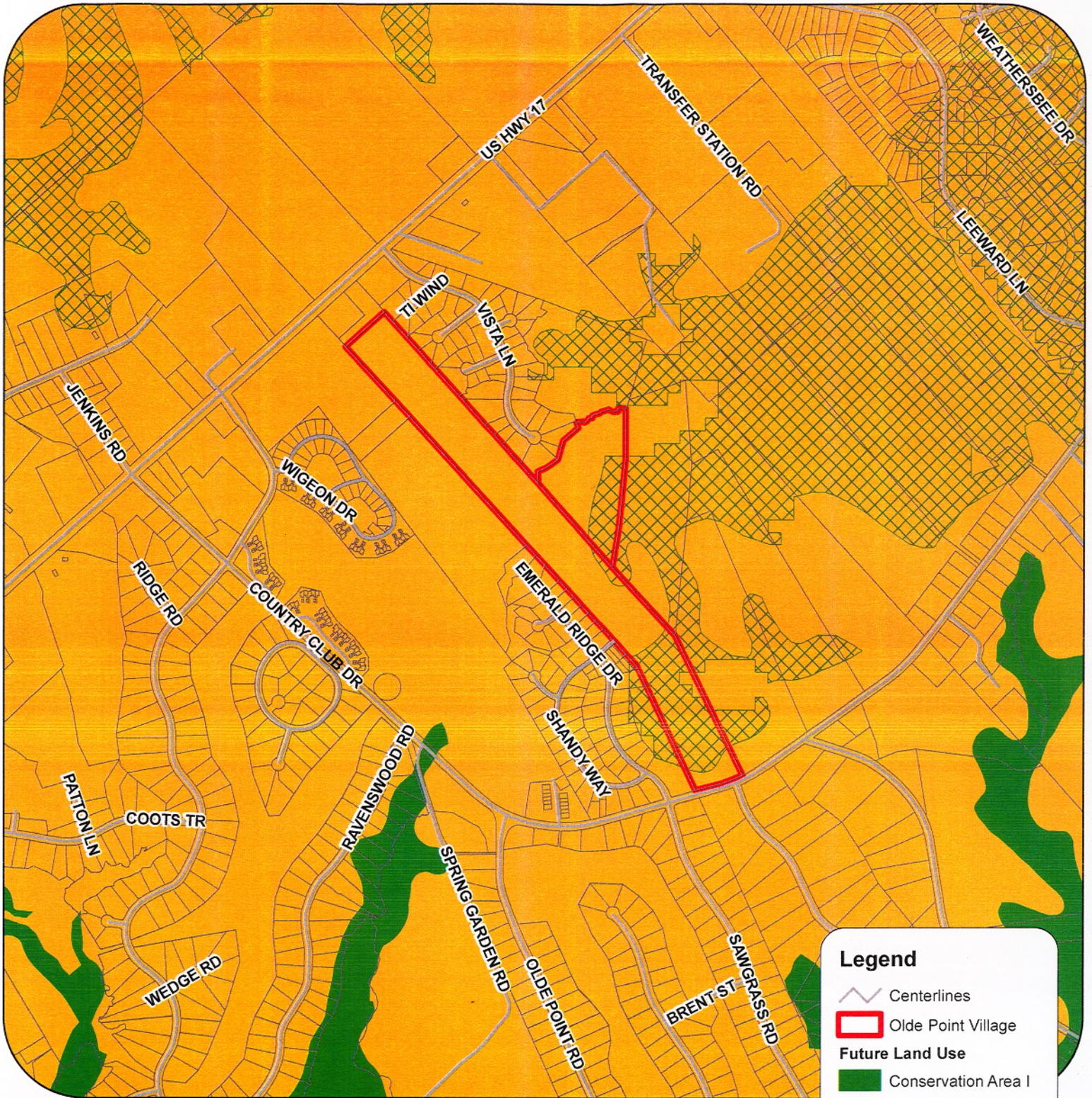


Legend

- Centerlines
- Olde Point Village

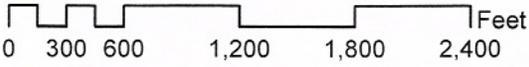
Zoning Classification

- B-2
- FA
- FA_DASH
- PD
- R-10
- R-15
- R-20
- R-20C
- RA
- RT

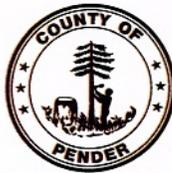


Legend

-  Centerlines
-  Olde Point Village
- Future Land Use**
-  Conservation Area I
-  Conservation Area II
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas
-  Rural Areas



1 inch equals 1,000 feet



Master Plan/Preliminary Plat Olde Point Village

CAMA 2005 Future Land Use



0 300 600 1,200 1,800 2,400 Feet

1 inch equals 1,000 feet



Legend

 Olde Point Village



**Master Plan/Preliminary Plat
Olde Point Village**

2006 Color Orthos