

PLANNING STAFF REPORT
Pinnacle Ridge Planning Board Hearing

SUMMARY:

Hearing Date: April 7, 2009
Applicant: Chad Rivers, ESP Associates, P.A.
Property Owner: Dave Hoover, Carolina Coastal Properties

Development Proposal: The proposal consists of 7 additional lots to be subdivided out of the parcel identified as 4204-57-2049 -0000, giving Pinnacle Ridge a total of 75 single family residential lots on 129.34 acres. This proposal is considered an amendment to the previously approved Master Plan and Final Plat of Pinnacle Ridge.

Location and Land Use: Pinnacle Ridge is located off US Highway 17, on Pinnacle Parkway, southwest of Quarter Horse Lane, north of Sloop Point Loop Rd and Topsail Greens Drive. The development is surrounded to the north and west by the Holly Shelter Game Lands, to the east by low density single family residential, and to the south by single family residential (Topsail Greens Subdivision).

Zoning District of Property: The property is zoned PD, Planned Development.

Staff Recommendation: Conditional approval status may be appropriate based on submission of mandatory items for final preliminary plat approval.

Project History:

The Master Plan and Preliminary Plat for a 68-lot, single family residential development was approved by the Pender County Planning Board on September 12, 2006. After satisfying the conditions for preliminary and final plat approvals, the final plat was approved and recorded in two separate phases on January 2, 2007 and January 24, 2008, respectively.

At the December 2, 2008 Planning Board meeting, a requested revision adding seven lots was denied by the Planning Board. Instruction was then given to staff to work with the development team to reconcile map discrepancies that had occurred throughout the development process. On December 8, 2008 a memorandum was transmitted to the Planning Board and development representatives documenting a timeline of events related to the development process. Subsequently, on January 23, 2009 a meeting was held with the development team, planning staff, and county attorney to address the issues related to the project's open space, HOA ownership of common areas, and flood study. These issues have been reconciled and the development team now seeks to carry out the revision as originally proposed.

Detailed Proposal Discussion:

ESP & Associates, applicant, on behalf of Carolina Coastal Properties, owner, is requesting an amendment to the Pinnacle Ridge Master Plan and Final Plat. The amendment consists of 7 additional lots to be subdivided out of the parcel identified as 4204-57-2049-0000. The development is on 129.34 total acres is zoned PD, Planned Development. The proposal to amend the current master plan will require Pinnacle Ridge to record a new final plat by meeting all the conditions set forth in the Pender County Zoning Ordinance, Subdivision Ordinance and Flood Damage Prevention Ordinance.

With the additional seven (7) lots, Pinnacle Ridge will total 75 single family home sites. The proposed lots will vary in size from 28,323 to 58,107 square feet, which is slightly larger than the lots in Phase 1 and Phase 2 of Pinnacle Ridge.

The new division will remove 5.65 acres from the 71.65 acres of open space, leaving 66.01 acres of open space. This far exceeds the county's 15% open space requirement, with approximately 51% of Pinnacle Ridge being preserved as open space.

The updated net density, calculated as defined in the Pender County Subdivision Ordinance, is 2.22 units per acre, with a gross density of 0.58 units per acre. The original submission in September 2006 was approved with 1.13 and 0.53 units per acre, respectively.

The Homeowners Association documents will be amended to include the new lots; an amended copy of the restrictive covenants will be submitted prior to final plat approval.

The proposed additional lots will front on Pinnacle Parkway, which is a fifty (50) foot private right-of-way. This was approved in the Master Plan from September 2006 as a sixty (60) foot public right-of-way. No changes to the existing road network are proposed.

The proposed lots are intended to be served, contingent on review and approval from Pender County Environmental Health, by an off-site septic area located adjacent to lot 69. Community water will be provided by Carolina Water Service.

All applicable state and federal agency permits including stormwater, sediment and erosion control, and wetlands will need to be amended to include the newly proposed lots. If no amendment is required verification from the appropriate agency regarding such will be required.

The property does contain federal jurisdictional wetlands, which are subject to federal regulation. The property also contains FEMA Special Flood Hazard Areas as shown on the effective Flood Insurance Rate Map (FIRM) dated February 16, 2007. Pinnacle Ridge is located in the SFHA "A Zone" where the Base Flood Elevation (BFE) had not been previously determined; the developer has since satisfactorily completed a flood study delineating BFE's for the remaining lots in the subdivision. Any development within the SFHA's must comply with FEMA regulations.

Staff Recommendation:

Planning Staff is submitting the 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 and zoning requirements and the Director has signed a copy of the Preliminary Plat. **The approval is also subject to the following conditions, as applicable:**

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 have been submitted to and approved by the Director.

1. The submission and plat complies with all requirements of the Pender County Subdivision Ordinance, Zoning Ordinance, other Pender County Ordinances and State Regulations.

2. Total and usable lot areas and required set back lines must be shown for each lot.
3. Public Water Systems
 - (1) Construction plans sealed by a registered engineer, as approved by DENR and Pender County Utilities Department;
 - (2) Acceptance of operation and maintenance of the system by Pender County;
 - (3) Certification that the system will be dedicated to Pender County.
4. Covenants and Restrictions that ensure ownership, operation, maintenance and replacement of drain fields and system lines located on common open space held in trust by the duly established Homeowner's Association as established under the provisions of this ordinance.
5. Location of existing monuments and control points must be shown on the property.
6. The plat should clearly designate **Wetlands, Areas of Environmental Concern, CAMA Setbacks, Flood Prone Areas** (as shown on current FEMA maps), marshes, swamps, ponds, lakes, streams, and any other natural features on or affecting the site. If no Wetlands, AEC's or Flood Prone Areas exist on the site a note to that effect shall appear on the plat.
7. The plat must clearly designate Hydric Soils (Bohicket Silty Clay Loam, Carteret Fine Sand, Chewacla Loam, Croatan Muck, Dorovan Muck and Muckalee Loam) as shown on the NRCS county soil survey maps or from a Soil Suitability Analysis (required and received) prepared by a licensed Soil Scientist. If no hydric soils exist on the site a note to that effect shall appear on the plat.
8. Storm water management features must show all proposed storm water retention facilities including drainage easements, piping, culverts, swales, ditches, etc.
9. The plat must indicate the location and dimensions of existing and proposed right-of-ways & easements for utility, drainage or other facilities or structures. Easements with a width of 20' from center or 10' from the edge of all drainage facilities included on required drainage plans shall be shown for any such facilities not in public street right-of-way.
10. 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.
11. An approved NCDOT driveway permit for connection to Washington Acres Road (SR 1582) shall be submitted to Planning.
12. 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.
13. Sediment & Erosion Control Plans as approved by Land Quality (with letter of approval) with a copy to Pender County planning.
14. Storm water management plan as approved by the Water Quality Division with a letter of approval sent to Pender County Planning.

15. Approval of Wetlands Delineation by USACE with a copy provided to Pender County Planning as required.
16. Wetlands fill authorization or permit if construction or fill in wetlands is involved with a copy to Pender County Planning as required.
17. Subdivision roads will be named and approved by an EMC representative within 30 days of Planning Board approval and prior to Planning department approval of the Preliminary Plan.
18. A draft copy of the restrictive or protective covenants applicable to the Planned Development shall be submitted to the Planning Board before final plat approval.
19. Unless waived by the Planning Board, the developer shall submit the proposed plans for vegetation preservation and land clearance in the Planned Development.
20. A restrictive easement with a note for individual maintenance of buffers shall be provided on the plat and recorded in the homeowners' association documents.
21. The revised plat for this development should be resubmitted within 30 days of approval by the Planning Board with all map and plan changes for approval by the Director.
22. Upon approval of the Final Preliminary Plat, the development may obtain a zoning determination in order to conduct environmental testing and to obtain Environmental Improvement/Construction Permits.
23. Except for clearing and grubbing associated with surveying and testing required to obtain Preliminary Plat approval, site disturbance and construction can not begin prior to obtaining Final Preliminary Plat approval.
24. Upon approval of the Final Preliminary Plat, the development may obtain a zoning determination in order to conduct environmental testing and to obtain Environmental Improvement/Construction Permits.
25. Except for clearing and grubbing associated with surveying and testing required to obtain Preliminary Plat approval, site disturbance and construction can not begin prior to obtaining Final Preliminary Plat approval.
26. Lots (if any) found to be unsuitable for septic systems will be labeled as unbuildable in accordance with Pender County subdivision requirements on the Final Plat.

Additional Items Recommended For Inclusion By The Planning Board:

1. When any portion of the development is in a Special Flood Hazard Area, as defined in the Pender County Flood Ordinance, as amended, and set out in the FEMA Rate Index Maps, one (1) permanent monument in each subdivision is required to have its elevation recorded on the final plat.
2. Base Flood Elevation(s) shall be determined and shown along with the SFHA boundary on the plat. The subdivision shall not block or obstruct the natural drainage of any adjoining area.
3. Permanent dead end streets (cul-de-sacs) or temporary dead end (stub) streets shall be no longer than 1,000 ft. unless it is demonstrated by the developer that the configuration of the property prevents its development without longer streets to provide access to the lots and common area to be subdivided. Temporary dead end or stub streets shall provide turn around capabilities to meet NCDOT requirements. The Cul-de-sac end shall be a bulb type with minimum radii as follows: RW = 50', Pavement = 37' to pavement edge.
4. Sight easements as required in the NCDOT Secondary Roads Standards shall be provided at all street intersections.
5. All utility lines located in a public or private street shall meet NCDOT requirements for encroachment of such lines.
6. All utility lines including water and sewer lines that are located in any public or private street shall be owned, operated and maintained by a public utility or a public entity.

Informational Notes for Developer:

- a. 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.

- b. Any reduction in open space, if applicable to this subdivision, will require planning board approval.
- c. 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.
- d. 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. For the public road, one of the following items shall be submitted:
 - a. Verification of acceptance to the NCDOT maintained state road system or;
 - b. A current certification by the NCDOT District Engineer that said subdivision road system has been completed, inspected, is in compliance with relevant NCDOT residential road standard requirements and will be accepted as a state maintained road under specified qualifying conditions acceptable to Pender County or;
 - c. The following shall be submitted:
 1. A certified estimate of the cost to construct the entire road system as well as a certified estimate of the cost to complete construction of the streets to NCDOT standards, prepared, signed and sealed by a licensed engineer,
 2. Performance guarantee (performance bond, letter of credit or all cash escrow) for the cost of completion of all streets not certified as complete and acceptable as state maintained roads by the NCDOT District Engineer.
2. A Defects Guarantee (performance bond, letter of credit or all cash escrow) will be provided for all streets in the entire development that have not been accepted for maintenance by NCDOT. The Defects Guarantee will be in the form of the same instruments as permitted for the Performance Guarantee and will be provided in an amount equal to at least 50% of the original construction cost estimate for the streets in question. The Guarantee shall provide a written warranty against defects in the streets until such time they are accepted for maintenance by NDOT
3. The Defects Guarantee shall be in affect until all streets meet NCDOT's residency requirements and have been accepted for maintenance by NCDOT.
4. All requirements of the Pender County Subdivision Ordinance for Preliminary Plats, including items 1 thru 13 pages 22, 23 & 24 have been submitted to and approved by the Director.
5. The submission and plat complies with all requirements of the Pender County Subdivision Ordinance, Zoning Ordinance, other Pender County Ordinances and State Regulations.
6. Improvement Permits must be issued for each lot to be developed with a traditional onsite septic as shown on the applicant's soil suitability analysis/improvement permit.
7. Off-site septic drain fields require construction plans sealed by a registered engineer, as approved by DENR. A detailed description of any proposed off-site septic drainage fields and system operation, maintenance and replacement procedures and processes to serve all lots that are not suitable for traditional on site drain fields, along with a map showing the proposed location of the off site components of the system, including lines must be submitted.
8. Water System Requirements:
 - i. Construction plans sealed by a registered engineer, as approved by DENR,
 - ii. Approval and acceptance of construction, operation and maintenance of the system by Pender County,
 - iii. Certification that the system will be owned by Pender County with conditional acceptance of ownership.
9. Sewer System Requirements:

- i. No final preliminary plat will be approved unless waste water treatment is sufficient in size and capacity to service every approved site and use.
 - ii. Construction plans sealed by a registered engineer, as approved by DENR, for a system that provides tertiary treatment with advanced treatment capabilities that can be integrated into a regional wastewater treatment system in the future,
 - iii. Approval by Pender County Utilities and Environmental Health,
 - iv. Acceptance of operation and maintenance of the system by a licensed Public Utility,
 - v. Certification that the system will be owned by a Public Utility with conditional acceptance of ownership.
10. The location of street signs should be provided for all proposed streets.
11. Certifications and guarantees for roads, drainage plans, facilities and other improvements in the development are requirements of Final Plat approval. Planning staff will assist in this process. All documented certifications and guarantees must be delivered to Planning Department prior to Final Plat Approval.
12. No Final Plat will be approved unless and until all infrastructure and site improvements are constructed and installed in a workmanlike manner consistent with generally accepted industry standards and perform the function for which they were permitted, designed and constructed.

Board Action for Master Plan Review:

Pinnacle Ridge Master Plan

Motion: _____ Seconded _____

Approved: _____ Denied: _____ Unanimous _____

Reynolds ___ Garrett ___ Marshburn ___ Millette ___ Smith ___ Williams ___