

Pender County Planning and Community Development

Planning Division
805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

AGENDA

Pender County Planning Board
Tuesday, November 12, 2013 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Boney

Roll Call: Chairman Boney

Pender County Planning Board Members:

Boney: ___ Marshburn ___ Baker: ___ Edens: ___ McClammy: ___ Nalee: ___ Williams: ___

1. Adoption of the Agenda:

2. Adoption of Minutes: (October 15, 2013)

3. Public Comment:

(Public Hearings Open)

4. Conditional Rezoning:

EFS Properties, LLC, applicant and owner, is requesting approval of a Conditional Rezoning of one tract totaling 55.69 acres from RP, Residential Performance, to RA-CD, Rural Agricultural – Conditional District. The rezoning request is for NAICS 2123 Nonmetallic Mineral Mining and Quarrying, specifically for a 12.7 acre sand mine and associated areas for stockpiling and haul roads totaling 16.66 acres. The property is located approximately 3,400 ft. northeast of the intersection of Shaw Hwy and NC 210, Rocky Point, and may be identified by PIN 3255-78-6248-0000.

5. Master Development Plan:

James and Ellen Cornette, applicants and owners, are requesting approval of a Master Development Plan for a 16 lot Major Subdivision. The project is located along Williams Store Road (SR 1568) off Highway 17 in Hampstead. There is one tract associated with this request totaling 8.65 acres. The property is zoned RP, Residential Performance District, and may be identified by PIN 3293-61-3723-0000.

Anyone wishing to address the **Pender County Planning Board** shall make a request on the "Public Comment" sign-up sheet.
Please provide the information requested.

If you wish to speak on **a specific public hearing item**, please sign-in on the appropriate "Public Hearing" sign-up sheet.
Speakers will be allowed to speak *prior* to any action/vote taken by the Board.

*A time limit of **two** minutes per speaker or up to **ten** minutes for groups of five or more, with a designated speaker will be imposed.

6. Master Development Plan:

Signature Pender County LMTD, applicant, on behalf of First Federal Bank, owner, is requesting the approval of a Master Development Plan for a 3-phase Mixed Use Subdivision. The request consists of developing 185 single family residential units and commercial square footage to be located on approximately ±143 acres. The proposed project is located along the south side of US Highway 17 between Champion Drive and Amanda Lane, Hampstead (formally known as the Topsail Greens Golf Course). The property is zoned PD, Planned Development District and may be identified as Pender County PIN 3273-16-3369-0000.

7. Master Development Plan:

Avendale Development, LLC, applicant and owner, is requesting the approval of a revision to a previously approved Master Development Plan and Preliminary Plat, specifically amending Phase 4 of the Avendale Residential Subdivision. The request consists of adding an additional 24 single family units to the previously approved 35 single family units and the removal of 48 proposed townhome sites located within Phase 4. This request will decrease the total development density from the originally approved 250 units to 211 units. The project is located along the east side of NC Highway 210 south of Harrison Creek and west of Cross Creek Subdivision. The property is zoned PD, Planned Development District and may be identified as Pender County PIN 4214-12-8251-0000.

(Public Hearings Closed)

8. Discussion Items:

a. Planning Staff Items:

- i. Flood Damage Prevention Ordinance
- ii. Historically Significant Sites

b. Planning Board Members Items:

9. Next Meeting: December 3, 2013

10. Adjournment:

PLANNING STAFF REPORT
Zoning Map Amendment – Conditional Rezoning

SUMMARY:

Hearing Date: November 12, 2013 – Planning Board
December 9, 2013 – Board of Commissioners

Case Number: 11034 – Burton Mine

Applicant: EFS Properties, LLC

Property Owner: EFS Properties, LLC

Rezoning Proposal: EFS Properties, LLC, applicant and owner, is requesting approval of a Zoning Map Amendment for a Conditional Rezoning of 55.69 acres from RP, Residential Performance District, to RA – CD, Rural Agricultural – Conditional District for the use of a Nonmetallic Mineral Mining and Quarrying (NAICS 2123), specifically for a sand mine.

Property Record Numbers, Acreage, and Location: The subject property may be identified by Pender County PIN 3255-78-6248-000 and contains approximately 55.69 acres. The property is located along the north side of NC Highway 210, approximately 3,400 ft. northeast of the intersection of Shaw Hwy and NC Hwy 210, Rocky Point.

Planning Board Recommendation:

Staff Recommendation: The request is consistent with the 2010 Comprehensive Land Use Plan. A public meeting was held to address the potential impacts to adjacent property owners. Based off of comment from the community and the applicant, if mutually established conditions can be placed on the property to mitigate impacts, staff will recommend approval of the Conditional Rezoning request.

DESCRIPTION:

EFS Properties, LLC is requesting approval of a Zoning Map Amendment for a Conditional Rezoning of approximately 55.69 acres from RP, Residential Performance to RA, Rural Agricultural – Conditional District for the specified use of Nonmetallic Mining and Quarrying (NAICS 2123). The mine will be limited to extraction of sand material through an approximately 12.7 acre borrow pit.

According to the applicant's submitted site plan and supporting materials, the site will contain several areas associated with the sand excavation. These areas, as depicted within Table 1 below will contain areas for temporary sediment collection, stockpile areas, and the pit/excavation area. Adjacent to the excavation area, will contain an office/construction trailer for on-site staff when the mine site is active. Ingress/egress to the site will utilize a driveway connection to NC Highway 210, subject to review and approval from the NCDOT.

Table 1

CATEGORY	AFFECTED ACREAGE
Tailings/Sediment Ponds	0.86
Stockpiles	1.65
Wastepiles	0
Processing Area/Haul Roads	1.45
Mine Excavation	12.7
Other	0
Total Disturbed Acreage	16.66

It is anticipated that the mine excavation will commence and be active for approximately three years. The State Mining Application (Attachment 1) submitted is requesting a ten year approval, this is in part due to demand of the excavated material and is requested to allow for the full ten year state allowance. Excavation activities will be limited to a frontend loader and truck as there will be no explosives used on site. The maximum depth of the mine will be limited to twenty (20') feet below the natural ground level, which is a decrease from the applicant's original request of thirty (30') feet due in part to address community concerns of impacts that may be caused to wells.

The anticipated mine depth will require dewatering activities on site. The applicant has stated that this will not exceed 5,000 gallons per day (gpd). As outlined within Attachment 1, there are not any wells located within 500' of the excavation area. This is confirmed through statement provided by Pender County Utilities (November 28, 2012 phone conversation).

The project will incorporate a minimum of a 100' No Disturb Area surrounding the excavation area, stockpile, and temporary sediment trap. Any areas outside of the limits of disturbance will maintain the existing natural vegetation.

According to the Pender County Unified Development Ordinance, a public input meeting must be held with the adjacent property owners to discuss concerns and evaluate mitigating factors that may be conditioned with the application. On September 25, 2013, Mr. Charles Cazier, Professional Engineer, held the required meeting at the county administrative building, Pender County planning staff was present. The meeting was attended by four individuals in which the main topics brought up for discussion were: *effects to wells within the area; concerns of depth of mine; values of adjacent properties; and the intention of future site use.* As a resultant of the meeting and comments, the applicant has proposed to reduce the maximum mine depth from thirty (30') feet to twenty (20') feet. Also, it has been stated that the resultant of the mine will be a pond feature that could be utilized for future residential development on the tract.

As a criterion for a conditional rezoning request, mutually established conditions must be met between the applicant and the county for the project. Staff has met with the applicant to discuss the project and review proposed conditions. The applicant has verbally accepted these conditions and are proposed in this report (see item F) under EVALUATION).

EVALUATION:

- A) **Public Notifications:** Public Notice of the proposal for map change has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners have been given written notice of the request, as well as a sign placed near the subject property.
- B) **Existing Zoning in Area:** The property to the east, south and west of this proposal is zoned RP, Residential Performance District, properties to the north are zoned RA, Rural Agricultural District.
- C) **Existing Land Use in Area:** The existing land use in the area includes very low density residential to the east and south and vacant/timber properties along all other bordering sides.
- D) **2010 Comprehensive Land Use Plan Compliance:** This property is classified as Rural Growth. The Rural Growth classification is defined as areas of Pender County where urban services, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged. Uses that would typically be allowed in Rural Growth areas include very low-density residential development (single-family site-built, modular, and manufactured homes) on one acre or greater size lots; agriculture, forestry, churches; very limited nonresidential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses in Rural Growth areas include frontage and access to a major State highway or secondary road, location at a major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development. The subject site does have direct access to NC Hwy 210 and other non-residential uses in the surrounding vicinity include timber/forestry management and other various non-residential uses within the immediate vicinity of NC Hwy 210 and Shaw Hwy.

The following goals and policies within this plan support the rezoning request and proposed use:

- a. Policy 1A.1.5: The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.
 - b. Policy 3A.1.3: Support the inclusion in the UDO of conditional zoning which provides more flexibility for the land owner/developer and the County to mutually agree upon specific development conditions and requirements. (Conditional zoning is a method that incorporates all the site-specific standards directly into the zoning district regulations and then applies that zoning district only to the property that is the subject of the rezoning petition.)
- E) **Unified Development Ordinance Compliance:** Article 3.4.4 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for a conditional rezoning can be made. The applicant will be expected to furnish the results of the public input meeting prior to a public hearing being conducted.

F) *Conditions To Approval of Petition:*

1. Maximum depth of the pit/excavation area will be limited to twenty (20') feet in depth measured from the natural ground level.
2. Hours of operation shall be from 7am to 7pm Monday through Saturday.
3. Mining/extraction activities on-site shall be limited to ten (10) years.
4. Material mined/extracted shall be limited to sand only.
5. The project shall comply with all applicable requirements as outlined in the Pender County Unified Development Ordinance.
6. No junk, debris, trash, inoperable vehicles, recycled or salvaged materials shall be stored on the site.
7. All operations must follow federal, state, and local standards, regulations, ordinances, permits, statutes, and/or laws.
8. As shown on the site plan submitted for the project, a No Disturb Buffer of at least 100' shall be maintained around the permitted Pit/Excavation Area.

3.4.4 Review Criteria for Conditional Rezoning

When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:

1. The application's consistency to the general policies and objectives all adopted Land Use Plans and Unified Development Ordinance.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. The report of results from the public input meeting.

G) *Summary & Staff Recommendation:* This proposal consists of a Zoning Map Amendment for a conditional rezoning of 55.69 acres from RP, Residential Performance, to RA-CD, Rural Agricultural – Conditional District, for the use of a Nonmetallic Mineral Mining and Quarrying (NAICS 2123), specifically for a sand mine. The request complies with the criteria set forth in Article 3.4.4 of the Unified Development Ordinance. The request is consistent with the 2010 Comprehensive Land Use Plan.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO
The Cape Fear RPO has no comment, provided that the applicant complies with all requirements of NCDOT for driveway access.

Four County Electric Company
No response.

NC DENR Division of Coastal Management
No response.

NC DENR Division of Forestry
No response.

NC DENR Division of Land Resources
No response.

NC DENR Division of Waste Management
No response.

NC DENR Division of Water Quality
No response.

NC DOT Division of Highways

No response.

NC DOT Transportation Planning Branch

No response.

NC Office of State Archaeology

No response.

NC Wildlife Resources Commission

No response.

Pender County Building Inspections

No response.

Pender County Emergency Management

No response.

Pender County Environmental Health

A port a potty is a very temporary/emergency situation. If they are going to have a trailer with power and water, they need to fill out an application for a new septic system and, I am assuming, a well application.

Pender County Fire Marshal

No response.

Pender County Floodplain Manager

After speaking with John Gerber and Randy Mundt (NFIP contacts), it was determined that a flood study doesn't have to be done. It was concluded that as long as there wasn't a structure being placed within the Approximate A SFHA, a flood study wouldn't be necessary. However, a boundary survey with the delineated Approximate A zone will still need to be submitted and what development will occur in that area i.e. "stockpiling".

Pender County Parks and Recreation

No response.

Pender County Public Library

No response.

Pender County Public Utilities

No response other than cited reference through Mining Application. "A 28 November 2012 phone call, with Mr. Bob Forand, of the Pender County Public Utilities Department, confirmed that there are no wells within 500 linear feet of the excavation area".

Pender County Schools

No response.

Pender County Sheriff's Department

No response.

Pender County Soil and Water Conservation District

Soil & Water sees no problem with request.

Progress Energy Corporation

No response.

US Army Corps of Engineers

No response.

Wilmington Metropolitan Planning Organization

No response.

Planning Board

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

Boney: ___ Williams: ___ Baker: ___ Edens: ___ Marshburn: ___ McClammy: ___ Nalee: ___

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CONDITIONAL REZONING

Intent

- A. Conditional zoning districts hereby included are to allow for the consideration of certain uses that are permitted uses in the underlying zoning district but due to their nature may not be appropriate for a particular location.
- B. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses on small and large scale projects.
- C. Although, it is not intended to be used for speculative purposes, a conditional zoning district applicant may include as part of the application, a list of uses which will not be developed on the property.
- D. All uses listed as part of any application must be in the same format and description as listed in the Table of Permitted Uses.
- E. The following zoning district categories are approved to be assigned conditional zoning districts: PD, RP, RM, GB, OI, IT, IG (Reference Article 4 for Zoning District Descriptions).

Application

Except as provided herein, all applications to establish a conditional zoning district must follow the regulations prescribed in this section in addition to the standard rezoning process as described in Section 3.3, Rezoning of this Ordinance.

Public Input Meeting

Prior to scheduling a public hearing on the rezoning application, **the applicant must conduct one public input meeting and file a report of the results with the Administrator.**

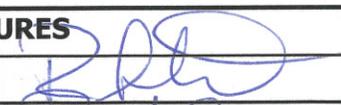
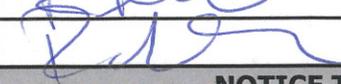
- 1. The report for the public hearing will include a summary of the public input meeting.
- 2. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting.
- 3. The notice shall include the time, date and location of the meeting as well as a description of the proposal.
- 4. The applicant's report of the meeting shall include:
 - ✓ a. A copy of the letter announcing the meeting.
 - ✓ b. A list of adjoining property owners contacted.
 - ✓ c. An attendance roster.
 - d. A summary of the issues discussed.
 - e. The results of the meeting including changes to the project's proposal, if any.

Review

When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:

- 1. The application's consistency to the general policies and objectives of the adopted Land Use Plan.
- 2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
- 3. The report of results from the public input meeting.

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD	Date	
Application Fee	\$	Receipt No.	
Pre-Application Conference		Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	EFS Properties, LLC	Owner's Name:	EFS Properties, LLC
Applicant's Address:	211 North Fifth St	Owner's Address:	211 North Fifth St
City, State, & Zip	Wilmington, NC 28401	City, State, & Zip	Wilmington, NC 28401
Phone Number:	910-520-3083	Phone Number:	910-520-3083
Legal relationship of applicant to land owner:			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3255-78-6248-0000	Total property acreage:	55.69
Current Zoning District:	RP - Residential Performance	Proposed Zoning District:	RA - Rural Agricultural
Project Address or Location:	Hwy 210, Holly Township		
Proposed Uses to be Considered (Include NAICS Code):			
Mining - NAICS Code: 423520 2123			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	9-25-13
Owner's Signature		Date:	9-25-13.
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda 			

Conditional (Zoning Map) Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form
<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	A list of names and addresses, as obtained from the county tax listings & tax abstract, all adjacent property owners, including property owners directly across any road or road easement, & owners of the property under consideration for rezoning.
<input checked="" type="checkbox"/>	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.
<input checked="" type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
<input checked="" type="checkbox"/>	12 (11"x17") map copies to be distributed to the Planning Board
<input checked="" type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners
<input checked="" type="checkbox"/>	Digital (.pdf) submission of all application materials <i>EMAIL</i>
<input checked="" type="checkbox"/>	Public Input Meeting Report (Section 3.4.3 or see Public Input Meeting on the first page of this application)
<input checked="" type="checkbox"/>	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.
<input checked="" type="checkbox"/>	All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application
<input checked="" type="checkbox"/>	A generalized site development plan shall include the following items: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> A vicinity map drawn to a suitable scale which illustrates adjacent or nearby roadways, railroads, waterways & public facilities. <input checked="" type="checkbox"/> A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed. <input checked="" type="checkbox"/> All existing easements, reservations and rights of way. <input checked="" type="checkbox"/> Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands. <input checked="" type="checkbox"/> For residential uses, the number of units, heights and a generalized location. For non-residential uses, the height, approximate footprint and location of all structures. <input checked="" type="checkbox"/> If a known use is proposed: Traffic impact report, parking and circulation plans illustrating dimensions, intersections and typical cross sections. <input checked="" type="checkbox"/> All proposed setbacks, buffers, screening and landscaping. <input checked="" type="checkbox"/> Phasing. <input checked="" type="checkbox"/> Signage. <input checked="" type="checkbox"/> Outdoor lighting. <input checked="" type="checkbox"/> Current zoning district designation and current land use status. <input type="checkbox"/> Other information deemed necessary by the Administrator, Planning Board, or Board of Commissioners, including but not limited to a Traffic Impact Analysis or other report from a subject matter expert.
Office Use Only	
ZMA-CD Fees: (<i>\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter</i>) Total Fee Calculation: \$ <i>1010.00</i>	
Attachments Included with Application: (Please include # of copies)	
CD /other digital version	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Plan Sets	18 # of large <i>1</i> # of 11X17 <i>18</i>
Other documents/Reports	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash : <input type="checkbox"/> \$ _____
	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa
	Check: <input checked="" type="checkbox"/> Check # <i>1116</i>
Application received by:	<i>[Signature]</i>
	Date: <i>9/30/2013</i>
Application completeness approved by:	<i>[Signature]</i>
	Date: <i>9/30/2013</i>
Dates scheduled for public hearing:	<input checked="" type="checkbox"/> Planning Board: <i>11/12/2013</i>
	<input checked="" type="checkbox"/> Board of Commissioners: <i>12/9/2013</i>

Statement of Present and Proposed Zoning

Burton Mine
Pender County, NC

The tract of land "Burton Mine" located on Hwy 210 in Pender County with PID # 3255-78-6248-0000 is currently zoned as RP-Residential Performance. The Residential Performance District is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development.

The proposed zoning for this property is RA-Rural Agricultural. The Rural Agricultural District is intended to accommodate non-residential agricultural uses and very low density residential development (minimum of 1 du/ac), as well as limited non-residential uses, in rural areas adjacent to agricultural operations. Development in this District should rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal.

The adjacent properties to the East, West and across Hwy 210 to the South are currently zoned RP. The adjacent property running along the entire North side of the property is currently zoned RA. The rezoning to the RACD district is proposed because the intended use (of Mining) is not permitted in the existing RP zoning district. Mining is a permitted use in the RA zoning district. The rezoning of this property will maintain the continuity with the current zoning of the adjacent properties to the North of the Burton Mine property. The proposed mining of this site is thought to be for 3.0 years. Hours of operation are to be no earlier than 7 am and no later than 7 pm. Buffers between adjacent properties are proposed at no less than 100 ft.

Southern Environmental Group, Inc.

5315 South College Road, Suite E · Wilmington, North Carolina 28412

910.452.2711 · Fax: 910.452.2899 · office@segi.us

www.segi.us

Attachment 1

7 October 2013

US Certified Mail: 7012 1640 0000 9704 6601

[SEGi Project #: 06-010.01]

Mr. Mickey Duvall
Pender County Administration
PO BOX 5
Burgaw, NC 28425

**RE: Notification of Request for New Mining Permit
EFS Properties, LLC
Burton Tract, Holly Township, Pender County**

Dear Mr. Duvall,

Southern Environmental Group, Inc. (SEGi) has been retained by EFS Properties, LLC ("Applicant"), to proceed with requesting a new Mining Permit for a site located off Hwy 210, in the Holly Township. The Applicant proposes to excavate approximately 12.7 acres and is required to secure a Division of Land Resources (DLR) Mining Permit.

According to NCGS 74-50(b1), the Permittee is required to notify the chief administrative officer of the county or municipality, in which any part of the permitted area is located. To assist you in your decision making process, the following documents have been included with this correspondence:

1. Vicinity Map
2. Copy of the Mining Application
3. Copy of proposed Mining Plan

Page 16, of the Mining Permit Application, provides instructions for submitting comments on the proposed work. For information on the mining permit application review process, please contact the Ms. Judy Wehner, with the DLR Mining Program, at (919) 707-9220. The DLR will consider any relevant written comments/documentation, within the provisions of the Mining Act of 1971, throughout the application review process or until a final decision is made on the application. Please note, no response will be interpreted as "no objection", by the DLR. If you have questions about the methods used during the mining process, please feel free to contact me by phone, at 910.452.2711 or via email, at dlutheran@segi.us.

Sincerely,

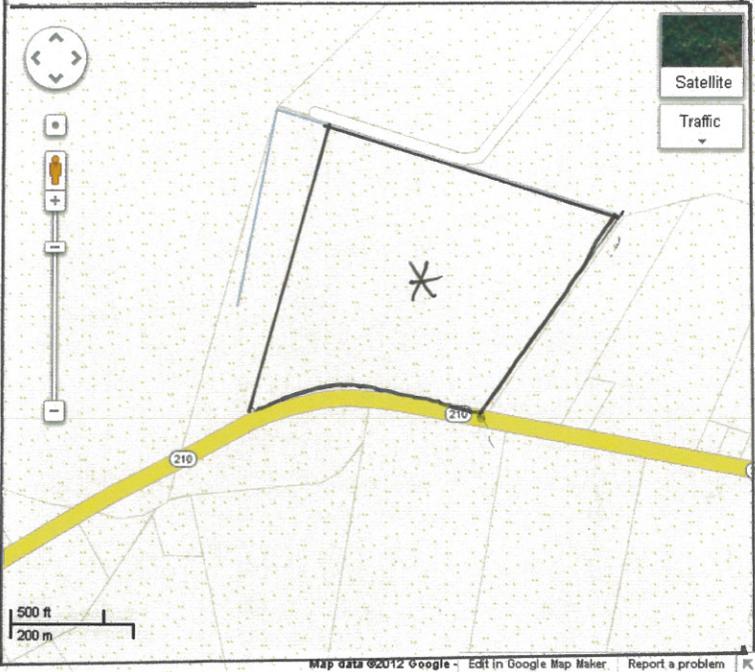
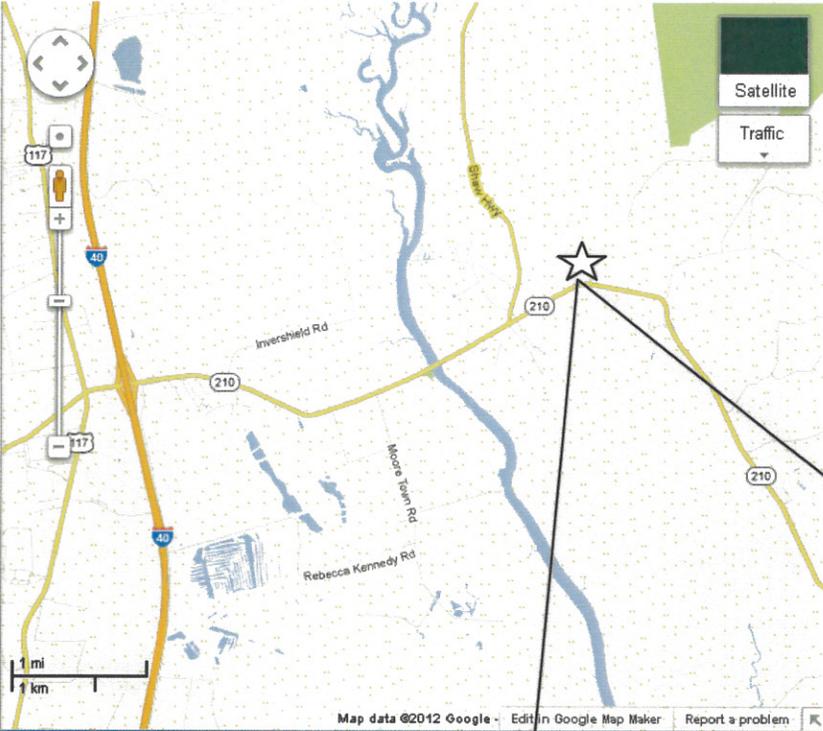


Dana A. Lutheran
Project Manager

Enclosures (3)

RECEIVED OCT 15 2013

Vicinity Map – Burton Tract, Jack Stocks (12-040.01)



NORTH CAROLINA MINING PERMIT APPLICATION

**State of North Carolina
Department of Environment
and Natural Resources
Division of Land Resources
Land Quality Section**

**1612 Mail Service Center
Raleigh, North Carolina 27699-1612
(919) 707-9220**

Attachment 1
Burton Mine

NORTH CAROLINA DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES

LAND QUALITY SECTION

APPLICATION FOR A MINING PERMIT

(PLEASE PRINT OR TYPE)

1. Name of Mine BURTON MINE County PENDER
River Basin NORTHEAST CAPE FEAR
Latitude (decimal degrees to four places) 34.4528 (See Appendix A)
Longitude (decimal degrees to four places) -77.8142
2. Name of Applicant* EFS PROPERTIES LLC (See appendix B)
3. Permanent address for receipt of official mail* 211 NORTH FIFTH STREET, WILMINGTON NC 28401
Telephone (910) 520-3083 Alternate No. () _____
4. Mine Office Address SAME AS ABOVE
Telephone () _____
5. Mine Manager MR. LUCIEN ELLISON

We hereby certify that all details contained in this Permit Application are true and correct to the best of our knowledge. We fully understand that any willful misrepresentation of facts will be cause for permit revocation.

***Signature Dana Lutheran for Lucien Ellison Date 1 Oct 2013
Print Name Dana Lutheran
Title SEAI Project mgr.

* This will be the name that the mining permit will be issued to and the name that must be indicated on the reclamation bond (security) that corresponds to this site.

** The Land Quality Section must be notified of any changes in the permanent address or telephone number.

*** Signature of company officer required.

G.S. 74-51 provides that the Department shall grant or deny an application for a permit within 60 days of receipt of a complete application or, if a public hearing is held, within 30 days following the hearing and the filing of any supplemental information required by the Department. **All questions must be addressed and all required maps provided before this application can be considered complete. Attach additional sheets as needed.**

NOTE: All of the following questions must be thoroughly answered regarding your mining operation for the intended life of the mine. All responses must be clearly conveyed on a corresponding, detailed mine map.

**Attachment 1
Burton Mine**

A. GENERAL CHARACTERISTICS OF THE MINE

1. Answer all of the following that apply:

If this is an application for a **NEW** permit, indicate the total acreage at the site to be covered by the permit (this is the acreage that the "new permit" fee will be based upon): 20.82

Of this acreage, how much is owned and how much is leased? Acres owned: 20.82
Acres leased: _____ Property owner if leased: _____

If this is an application for **RENEWAL** of a mining permit, indicate the mining permit number and the total (overall) acreage covered by the existing permit: Mining Permit No.: _____
Total permitted acreage (this is the acreage that the "renewal" fee will be based upon): _____

If this is an application for a **MODIFICATION** to a mining permit, indicate the mining permit number and the total (overall) acreage covered by the existing permit.
Mining Permit No.: _____ Total permitted acreage: _____

Does the modification involve acreage within the previously approved permitted boundary?
Yes No . If yes, indicate the acreage to be covered by this modification (this is the acreage that the "major modification" fee will be based upon): _____

Does the modification involve acreage outside the previously approved permitted boundary?
Yes No . If yes, indicate the additional acreage to be covered by this modification:
(NOTE: you must complete all of Section F. of this application form entitled Notification of Adjoining Landowners).

Of this acreage to be added to the permit, will any portion of this acreage be affected (i.e.: disturbed, ground cover removed) by the mining operation? Yes No (If no, a "minor modification" fee of \$100.00 is required, despite the "undisturbed" acreage to be added). If yes, indicate the acreage to be affected within the acreage to be added to the permit (the total acreage to be added to the permit is the acreage that the "major modification" fee will be based upon):

If this is an application for **TRANSFER** of a mining permit, indicate the mining permit number and the total (overall) acreage covered by the existing permit.
Mining Permit No.: _____ Total permitted acreage: _____

SEE THE FEE SCHEDULE AT THE END OF THIS FORM FOR THE PROPER FEE AMOUNT TO BE PAID FOR THE REQUESTED PERMIT ACTION(S) AND CORRESPONDING ACREAGE NOTED ABOVE

2. Name of all materials mined: SAND

3. Mining method:

Hydraulic Dredge **Front-end Loader & Truck** Shovel & Truck

Dragline & Truck Self-loading Scraper

Other (explain): _____

4. a. Expected maximum depth of mine (feet) 30' NATURAL GROUND LEVEL

Depth is relative to what benchmark? (e.g., natural ground level, mean sea level, road elevation, etc.)

**Attachment 1
Burton Mine**

- b. Expected average depth of mine (feet) 15'
5. Has any area(s) at this site been mined in the past? Yes No
If yes, when and by whom was this activity conducted? _____
6. Number of years for which the permit is requested (10 years maximum): 10 YEARS

B. MAPS

1. Clearly mark and label the location of your mining operation on **six (6) copies** of a 7.5-minute quadrangle and a county highway map. These maps, in addition to **six (6) copies** of all mine maps and reclamation maps, must be submitted with each permit application.

7.5-minute quadrangles may be obtained from the N.C. Geological Survey:

Mailing Address:

1612 Mail Service Center
Raleigh, North Carolina 27699-1612
(919) 707-9220
http://portal.ncdenr.org/web/lr/geological_home

OR

Physical Address:

512 North Salisbury Street
5th Floor
Raleigh, North Carolina 27604

County highway maps may be obtained from the N.C. Department of Transportation:
North Carolina Department of Transportation – Geographic Information Systems (GIS)

Mailing Address:

NCDOT GIS Unit
1587 Mail Service Center
Raleigh, North Carolina 27699-1587

Physical Address:

NCDOT GIS Unit
3401 Carl Sandburg Court
Raleigh, North Carolina 27610
(919) 212-6000
<http://www.ncdot.org/it/gis/>

2. Mine maps must be accurate and appropriately scaled drawings, aerial photographs or enlarged topographic maps of the entire mine site. **All aspects of the mine site must be clearly labeled on the maps along with their corresponding (approximate) acreage. As a reminder, mining permits can only be issued for up to 10 years; thus, all mine and reclamation maps must only denote those activities that are intended to be conducted during the life of the mining permit.** All maps must be of a scale sufficient (see minimum requirements listed below) to clearly illustrate the following, **at a minimum:**
- a. Property lines of the tract or tracts of land on which the proposed mining activity is to be located including easements and rights-of-way.
 - b. Existing or proposed permit boundaries.
 - c. Initial and ultimate limits of clearing and grading.
 - d. Outline and width of all buffer zones (both undisturbed and unexcavated).
 - e. Outline and acreage of all pits/excavations.
 - f. Outline and acreage of all stockpile areas.
 - g. Outline and acreage of all temporary and/or permanent overburden disposal areas.
 - h. Location and acreage of all processing plants (processing plants may be described as to location and distance from mine if sufficiently far removed).
 - i. Locations and names of all streams, rivers and lakes.
 - j. Outline and acreage of all settling and/or processing wastewater ponds.
 - k. Location and acreage of all planned and existing access roads and on-site haul roads.
 - l. Location of planned and existing on-site buildings.
 - m. Location and dimensions of all proposed sediment and erosion control measures.
 - n. Location of 100-year floodplain limits and wetland boundaries.
 - o. Names of owners of record, both public and private, of all tracts of land that are adjoining the mining

Attachment 1 Burton Mine

- permit boundary; if an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, names of owners of record of tracts adjoining these tracts, that are within 1,000 feet of the mining permit boundary, must be provided on the mine map.
- p. Names of owners of record, both public and private, of all tracts of land that are adjoining the mining permit boundary which lie directly across and are contiguous to any highway, creek, stream, river, or other watercourse, railroad track, or utility or other public right-of-way. If an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, names of owners of record of tracts adjoining these tracts, that are within 1,000 feet of the mining permit boundary, must be provided on the mine map(s). NOTE: "Highway" means a road that has four lanes of travel or less and is not designated as an Interstate Highway.
- q. Map legend:
1. Name of applicant
 2. Name of mine
 3. North arrow
 4. County
 5. Scale
 6. Symbols used and corresponding names
 7. Date prepared and revised
 8. Name and title of person preparing map

Map scales should meet the following guidelines:

<u>PERMITTED ACREAGE</u>	<u>MAP SCALE</u>
0-49 Acres	1 inch = 50 feet
50-199 Acres	1 inch = 100 feet
200+ Acres	1 inch = 200 feet

(NOTE: Smaller scaled maps may be acceptable if they clearly illustrate the above items)

A table/chart must be provided on the mine map that clearly lists the approximate acreage of tailings/sediment ponds, stockpiles, wastepiles, processing area/haul roads, mine excavation and any other major aspect of the mining operation that is proposed to be affected/disturbed during the life of the mining permit. A table/chart similar to the following will be acceptable:

CATEGORY	AFFECTED ACREAGE
Tailings/Sediment Ponds	0.86
Stockpiles	1.65
Wastepiles	0.0
Processing Area/Haul Roads	1.45
Mine Excavation	12.7
Other (Explain)	0.0
Total Disturbed Acreage	16.66

NOTE:

IN ADDITION TO THE ABOVE, THE MAPS MUST ALSO INCLUDE ANY SITE-SPECIFIC INFORMATION THAT IS PROVIDED IN THE ANSWERS TO THE FOLLOWING QUESTIONS IN THIS APPLICATION FORM (*PLEASE NOTE THE ITALICIZED QUESTIONS/STATEMENTS THROUGHOUT THE FORM*). THIS APPLICATION WILL NOT BE CONSIDERED COMPLETE WITHOUT ALL RELEVANT ITEMS BEING ADEQUATELY ADDRESSED ON THE MINE MAPS.

**Attachment 1
Burton Mine**

C. PROTECTION OF NATURAL RESOURCES

1. Describe in detail the sequence of events for the development and operation of the mine and *reference the sequence to the mine map(s)*. Attach additional sheets as needed.

It is the intention of EFS Properties, LLC, herein after referred to as the "Applicant", to excavate approximately 12.7 acres of sand off a site located within the Holly Township, in Pender County. Reclamation will consist of grading the sides of the pit, with no less than a 3:1 run over rise slope. Seed and straw will be used to stabilize the the disturbed soil.

2. Describe specific erosion control measures to be installed prior to land disturbing activities and during mining to prevent offsite sedimentation (*include specific plans for sediment and erosion control for mine excavation(s), waste piles, access/mine roads and process areas*), and give a detailed sequence of installation and schedule for maintenance of the measures. *Locate and label all sediment and erosion control measures on the mine map(s) and provide typical cross-sections/construction details of each measure*. Engineering designs and calculations are required to justify the adequacy of any proposed measures.

Silt fence will be installed around the limits of disturbance, which consists of the following: excavation area; stockpile area; sediment trap; and the access road (see Appendix C). A temporary sediment trap with outfall will be installed prior to commencement of the mining operation.

3. a. Will the operation involve washing the material mined, recycling process water, or other waste water handling? Yes No . If yes, briefly describe all such processes including any chemicals to be used.
- b. Will the operation involve discharging fresh or waste water from the mine or plant as a point discharge to the waters of the State? Yes No . *If yes, briefly describe the nature of the discharge and locate all proposed discharge points (along with their method of stabilization) on your mine map(s)*.
- c. Will any part of the proposed mine excavation(s) extend below the water table? Yes No .
If yes, do you intend to dewater the excavation(s)? Yes No .
If yes, what impact, if any, will mine dewatering have on neighboring wells? Estimated withdrawal rate in gallons per day: 5,000 max. *Locate all existing wells on the mine map(s) that lie within 500 feet of the proposed excavation area*. Provide data to support any conclusions or statements made, including any monitoring well data, well construction data and current water withdrawal rates. Indicate whether the proposed mine locale is served by a public water system or private wells.

A 28 November 2012 phone call, with Mr. Bob Forand, of the Pender County Public Utilities Department, confirmed that there are no wells within 500 linear feet of the excavation area.

- d. If you answered yes to any of the above questions, provide evidence that you have applied for or obtained the appropriate water quality permit(s) (i.e., non-discharge, NPDES, Stormwater, etc.) from the Division of Water Quality, Water Quality Section. In addition, the applicant is required to register water use with the Division of Water Resources if the operation withdraws more than 10,000 gallons per day and needs a capacity use permit from the Division of Water Resources if the operation lies in a capacity use area and withdraws more than 100,000 gallons per day.

A Notice of Intent will be submitted to the Division of Water Resources concurrently with this permit application to the DLR.

**Attachment 1
Burton Mine**

4. a. Will the operation involve crushing or any other air contaminant emissions? Yes No .
If yes, indicate evidence that you have applied for or obtained an air quality permit issued by the Division of Air Quality or local governing body.

b. How will dust from stockpiles, haul roads, etc., be controlled?

Water trucks will spray haul roads during hours of operation.

5. a. A buffer will be required between any mining activity and any mining permit boundary or right-of-way. It may be an unexcavated buffer (no excavation, but roadways, berms and erosion & sedimentation control measures may be installed within it), an undisturbed buffer (no disturbance within the buffer whatsoever), or a combination of the two, depending upon the site conditions. Note that all buffers must be located within the mining permit boundaries.

How wide a buffer will be maintained between any mining activity and any mining permit boundary or right-of-way at this site? A minimum buffer of 25 feet is recommended, although a wider buffer may be needed depending on site conditions. *Show all buffer locations and widths on the mine map(s).*

The mine site property fronts NC Highway 210, however, the limits of disturbance, except for the access road, are far off the highway. A 100' no disturb buffer will be provided between the limits of disturbance and the public ROW and the permit boundary limits (see Appendix C).

- b. A minimum 50 foot wide undisturbed buffer will be required between any land disturbing activities within the mining permit boundaries and any natural watercourses and wetlands unless smaller undisturbed buffers can be justified. Depending on site conditions, a buffer wider than 50 feet may be needed.

How wide an undisturbed buffer will be maintained between any land disturbing activities within the mining permit boundaries and any natural watercourses and wetlands at this site? *Show all buffer locations and widths on the mine map(s).*

There are no §404 waters or natural water courses within 50 linear feet of the proposed land disturbing activities.

6. a. Describe methods to prevent landslide or slope instability adjacent to adjoining permit boundaries during mining. Minimum 2 horizontal to 1 vertical slopes or flatter for clayey material and minimum 3 horizontal to 1 vertical slopes or flatter for sandy material are generally required, unless technical justification can be provided to allow steeper slopes.

Soils located within the excavation area are sandy in nature. Slopes will not exceed the 3:1 gradient requirements.

- b. *Provide a cross-section on the mine map(s) for all fill slopes (berms, wastepiles, overburden disposal areas, etc.), clearly indicating the intended side slope gradient, installation of any benches and/or slope drains (with supporting design information) if needed, and the method of final stabilization.*

See Appendix C.

- c. In excavation(s) of unconsolidated (non-rock) materials, specify the angle of all cut slopes including

**Attachment 1
Burton Mine**

specifications for benching and sloping. *Cross-sections for all cut slopes must be provided on the mine map(s).*

All cut slopes will be no less than 3 feet of run to 1 foot of rise. See attached site plan.

- d. In hardrock excavations, specify proposed bench widths and heights in feet. *Provide cross-sections of the mine excavation clearly noting the angles of the cut slopes, widths of all safety benches and mine benches, and the expected maximum depth of the excavation.*

NA

7. Describe other methods to be taken during mining to prevent physical hazard to any neighboring dwelling house, public road, public, commercial or industrial building from any mine excavation. *Locate all such structures on the mine map if they are within 300 feet of any proposed excavation.*

There are no neighboring dwellings, public roads, commercial or industrial buildings within 300 feet of any of the proposed mining activities (See Appendix A).

8. Describe what kind of barricade will be used to prevent inadvertent public access along any high wall area and when it will be implemented. Vegetated earthen berms, appropriate fencing and adequate boulder barriers may be acceptable high wall barricades. *A construction detail/cross-section and location of each type of barricade to be used must be indicated on the mine map(s).*

High walls are not proposed as part of this project. The mine site will have a gated entry that will be locked during non-operational hours.

9. Are acid producing minerals or soils present? Yes No .

If yes, how will acid water pollution from the excavation, stockpiles and waste areas be controlled?

10. a. Describe specific plans (including a schedule of implementation) for screening the operation from public view such as maintaining or planting trees, bushes or other vegetation, building berms or other measures. *Show the location of all visual screening on the mine map(s) and provide cross-sections through all proposed berms or proposed spacing, sizes and species for tree plantings.*

The mining area is surrounded by a vegetated buffer and will not be visible from the adjacent public road or adjacent property owners.

- b. Could the operation have a significantly adverse effect on the purposes of a publicly owned park, forest, or recreation area? If so, how will such effects (i.e., noise, visibility, etc.) be mitigated?

There are no parks in the area of the mine site. Forested areas surrounding the site are privately owned and are not open to the public. Therefore, the operation will not have any significant adverse effects on the uses of a publicly owned park, forest or recreation area.

11. Will explosives be used? Yes No .

If yes, specify the types of explosive(s) and describe what precaution(s) will be used to prevent physical hazard to persons or neighboring property from flying rocks or excessive air blasts or ground vibrations. Depending on the mine's location to nearby structures, more detailed technical information may be required on the blasting program (such as a third-party blasting study). *Locate the nearest offsite occupied structure(s) to the proposed excavation(s) on the mine map and indicate its approximate distance to the proposed excavation.*

**Attachment 1
Burton Mine**

12. Will fuel tanks, solvents, or other chemical reagents be stored on-site? Yes No .
- If yes, describe these materials, how they will be stored and method of containment in case of spill. Indicate the location(s) of all storage facilities on the mine map(s).*

D. RECLAMATION PLAN

1. Describe your intended plan for the final reclamation and subsequent use of all affected lands and indicate the sequence and general methods to be used in reclaiming this land. This must include the method of reclamation of settling ponds and/or sediment control basins and the method of restoration or establishment of any permanent drainage channels to a condition minimizing erosion, siltation and other pollution. *This information must be illustrated on a reclamation map and must correspond directly with the information provided on the mine map(s). In addition, design information, including typical cross-sections, of any permanent channels to be constructed as part of the reclamation plan and the location(s) of all permanent channels must be indicated on the reclamation map.*

Once mining activities have ceased the slopes will be final graded to no

7. Is an excavated or impounded body of water to be left as a part of the reclamation? Yes No
- If yes, illustrate the location of the body(s) of water on the reclamation map and provide a scaled cross-section(s) through the proposed body(s) of water.*

The minimum water depth must be at least 4 feet, measured from the normal low water table elevation, unless information is provided to indicate that a more shallow water body will be productive and beneficial at this site.

Will the body(s) of water be stocked with fish? Yes No .

If yes, specify species. Bream and Bass

3. Describe provisions for safety to persons and to adjoining property in all completed excavations in rock including what kind of permanent barricade will be left. Acceptable permanent barricades are appropriate fencing, large boulders placed end-to-end, etc. *Construction details and locations of all permanent barricades must be shown on the reclamation map.*

All proposed excavation will take place in sandy soils. The pit is expected to fill with a combination of ground and rain water. Therefore, no safety precautions have been designed to protect adjoining properties after work has been completed.

4. Indicate the method(s) of reclamation of overburden, refuse, spoil banks or other such on-site mine waste areas, including specifications for benching and sloping. *Final cross-sections and locations for such areas must be provided on the reclamation map.*

Overburden will be used to create the 3:1 slopes of the pit.

5. a. Describe reclamation of processing facilities, stockpile areas, and on-site roadways.

- b. Will any on-site roadways be left as part of the reclamation? Yes No .
- If yes, identify such roadways on the reclamation map, and provide details on permanent road and ditch line stabilization.*

6. Describe the method of control of contaminants and disposal of scrap metal, junk machinery, cables, or other such waste products of mining. (Note definition of refuse in The Mining Act of 1971.)

**Attachment 1
Burton Mine**

F. NOTIFICATION OF ADJOINING LANDOWNERS

The "Notice" form, or a facsimile thereof, attached to this application must be sent certified or registered mail, return receipt requested, to:

- (1) **the chief administrative officer of each county and municipality in which any part of the permitted area is located as indicated on the mine map(s);**
- (2) **all owners of record, both public and private, of all tracts of land that are adjoining the mining permit boundary; if an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, all owners of record of tracts adjoining these tracts must be notified (that are within 1,000 feet of the mining permit boundary) as indicated on the mine map(s); and**
- (3) **all owners of record, both public and private, of all tracts of land that are adjoining the mining permit boundary which lie directly across and are contiguous to any highway, creek, stream, river, or other watercourse, railroad track, or utility or other public right-of-way. If an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, all owners of record of tracts adjoining these tracts must be notified (that are within 1,000 feet of the mining permit boundary) as indicated on the mine map(s). "Highway" means a road that has four lanes of travel or less and is not designated as an Interstate Highway.**

The only exception to the above method of giving notice is if another means of notice is approved in advance by the Director, Division of Land Resources.

A copy of a tax map (or other alternative acceptable to the Department) must be mailed with the completed "Notice" form **(the proposed overall permit boundaries and the names and locations of all owners of record of lands adjoining said boundaries must be clearly denoted on the tax map).**

The "Affidavit of Notification" attached to this application must be completed, notarized and submitted to the Department, with the remainder of the completed application form, before the application will be considered complete.

NOTES:

THIS SECTION MUST BE COMPLETED FOR ALL APPLICATIONS FOR NEW MINING PERMITS AND ALL MODIFICATIONS OF A MINING PERMIT TO ADD LAND TO THE PERMITTED AREA, AS REQUIRED BY NCGS 74-50(b1).

SEE THE NEXT TWO PAGES FOR THE "NOTICE" FORM AND THE "AFFIDAVIT OF NOTIFICATION"

**Attachment 1
Burton Mine**

NOTICE

Pursuant to provisions G.S. 74-50(b1) of The Mining Act of 1971, Notice is hereby given that EFS Properties, LLC has applied on 18 September 2013 to the Land Quality Section, Division of Land Resources, North Carolina Department of Environment and Natural Resources, 1612 Mail Service Center, Raleigh, North Carolina 27699-1612, for (check one):

- a new surface mining permit,
- a modification of an existing surface mining permit to add land to the permitted area; or
- a modification of an existing surface mining permit to add land to the permitted area with no disturbance in the area proposed. **Please note that future modification(s) may be submitted by the applicant to allow disturbance within this area without re-notification of adjoining landowners.**

The applicant proposes to mine Sand on 20.82 acres located 4
(Mineral, Ore) (Number) (Miles)
East of Rocky Point off/near road NC Hwy 210 in Pender County.
(Direction) (Nearest Town) (Number/Name)

SEE ATTACHED MAP FOR PROPOSED PERMIT BOUNDARIES AND CORRESPONDING ADJOINING LANDOWNER NAMES AND LOCATIONS

In accordance with G.S. 74-50(b1), the mine operator is required to make a reasonable effort, satisfactory to the Department, to notify all owners of record, both public and private, of all tracts of land that are adjoining the mining permit boundary; if an adjoining tract is owned or leased by the applicant or is owned by the lessor of the mine tract, all owners of record of tracts adjoining these tracts must be notified (that are within 1,000 feet of the mining permit boundary). In addition, the mine operator must also notify the chief administrative officer of the county or municipality in which any part of the permitted area is located. Any person may file written comment(s) to the Department at the above address within thirty (30) days of the issuance of this Notice or the filing of the application for a permit, whichever is later. Should the Department determine that a significant public interest exists relative to G.S. 74-51, a public hearing will be held within 60 days of the end of the 30-day comment period specified above.

A copy of the permit application materials is on file and available for public review during normal business hours at the above listed address as well as at the appropriate regional office. For information regarding the specifics of the proposed mining activity, please contact the applicant at the following telephone number: (910) 452.2711. For information on the mining permit application review process, please contact the Mining Program staff at (919) 707-9220. Please note that the Department will consider any relevant written comments/documentation within the provisions of the Mining Act of 1971 throughout the application review process until a final decision is made on the application.

(Addressee/Owner of Record's
Name and Address)

16 September 2013
(Date of Issuance of this Notice/
Mailed to Addressee/Owner of Record)

EFS Properties, LLC
Dana Lutheran (SEGi)
910.452.2711
(Name of Applicant: Include Contact Person
& Company Name, if Applicable)

211 North Fifth Street
Wilmington, NC 28401
(Address of Applicant)



Intracoastal Engineering PLLC

September 16, 2013

**Pender County
Planning and Zoning
605 E. Fremont St.
Burgaw, NC 28425**

Re: Burton Tract
PN 2013-017

Dear Neighbor,

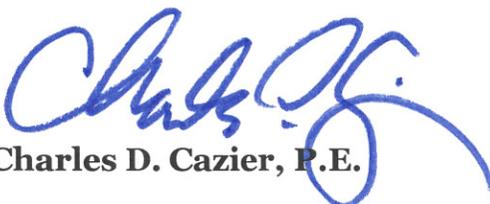
We would like to welcome you to a meeting on September 25th, 2013 5:30pm located at:

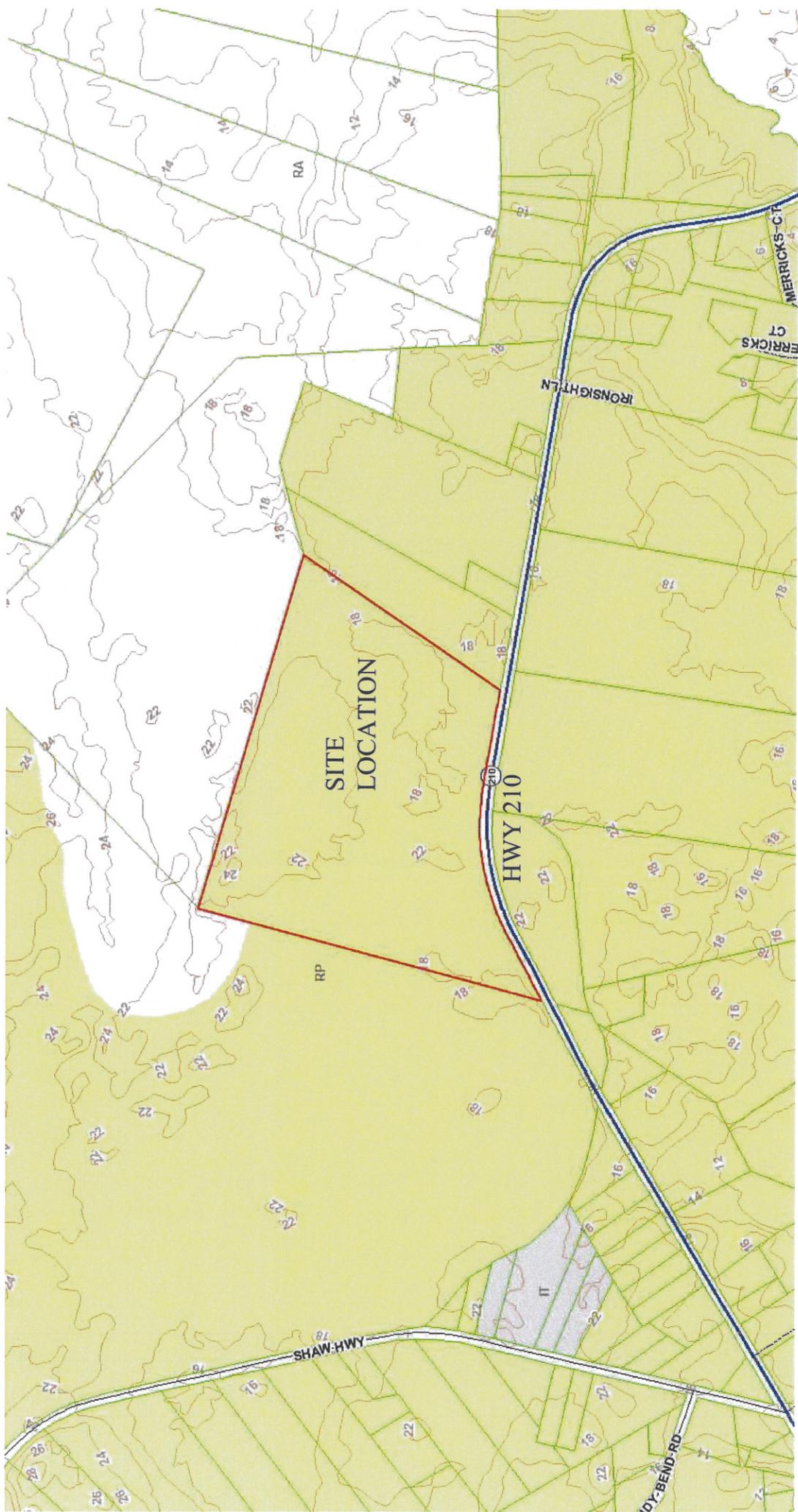
Board of Commissioners Room
Pender County Administration Building
805 S. Walker Street
Burgaw, NC 28425

The site is proposed for a conditional zoning district. We would like to have this meeting so you may see the site plan and ask any questions about what is proposed. The parcel proposed for this zoning is parcel # 3255-78-6248-0000 as shown on the enclosed Location map.

Please come to the meeting with any questions, comments or additional information needed.

Sincerely,
Intracoastal Engineering PLLC


Charles D. Cazier, P.E.



Attendance Roster for Public Meeting

Burton Mine
Pender County, NC

Name	Address
1. Beely Mares	9948 NC Hwy 210

2. Tey R. Watkins	
-------------------	--

3. Brenda Watkins	
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4. Shirley King	9424 NC Hwy 210 Rocky Pt, NC. 367-6715
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5.	
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6.	
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10.	
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11.	
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12.	
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13.	
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PUBLIC INPUT MEETING REPORT

for

BURTON MINE

PENDER COUNTY
NORTH CAROLINA

September, 2013

Prepared By:

**Intracoastal Engineering, PLLC
91 Pelican Point Rd.
Wilmington, North Carolina 28409
910-409-3567**

Topic list for Public Meeting

Burton Mine
Pender County, NC

Name	Topic
1.	<u>What will be the effects to wells in the area?</u>
2.	<u>What will the depth of the mine be?</u>
3. Ms. Cherry	<u>Values of adjacent properties (house for sale)</u>
4.	<u>Intention of future site use.</u>
5.	
6.	
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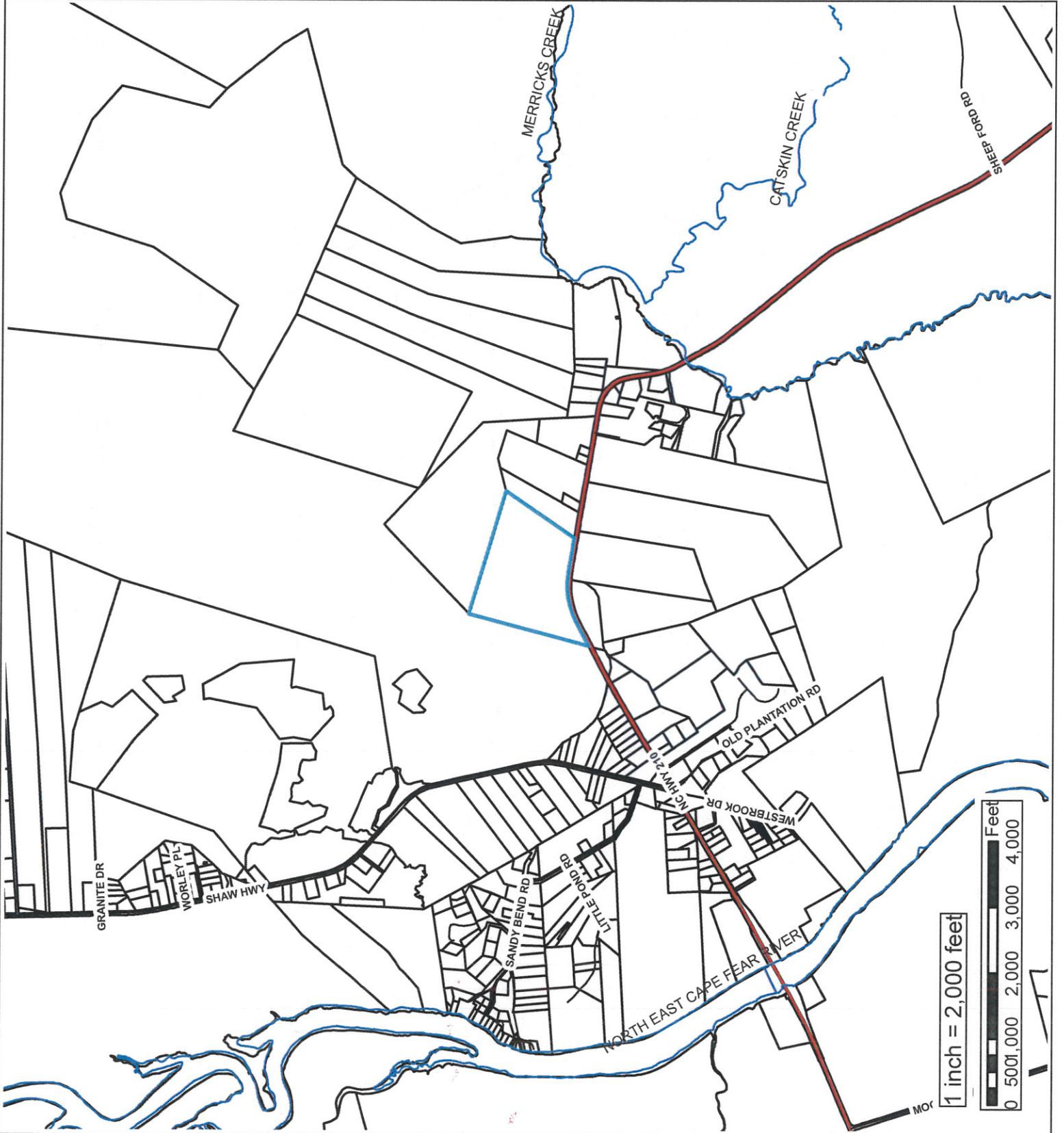


Applicant and Owner:
EFS Properties, LLC

Zoning Map Amendment
(ZMA)
Conditional Rezoning
11034



Vicinity





Applicant and Owner:
EFS Properties, LLC

Zoning Map Amendment
(ZMA)
Conditional Rezoning
11034

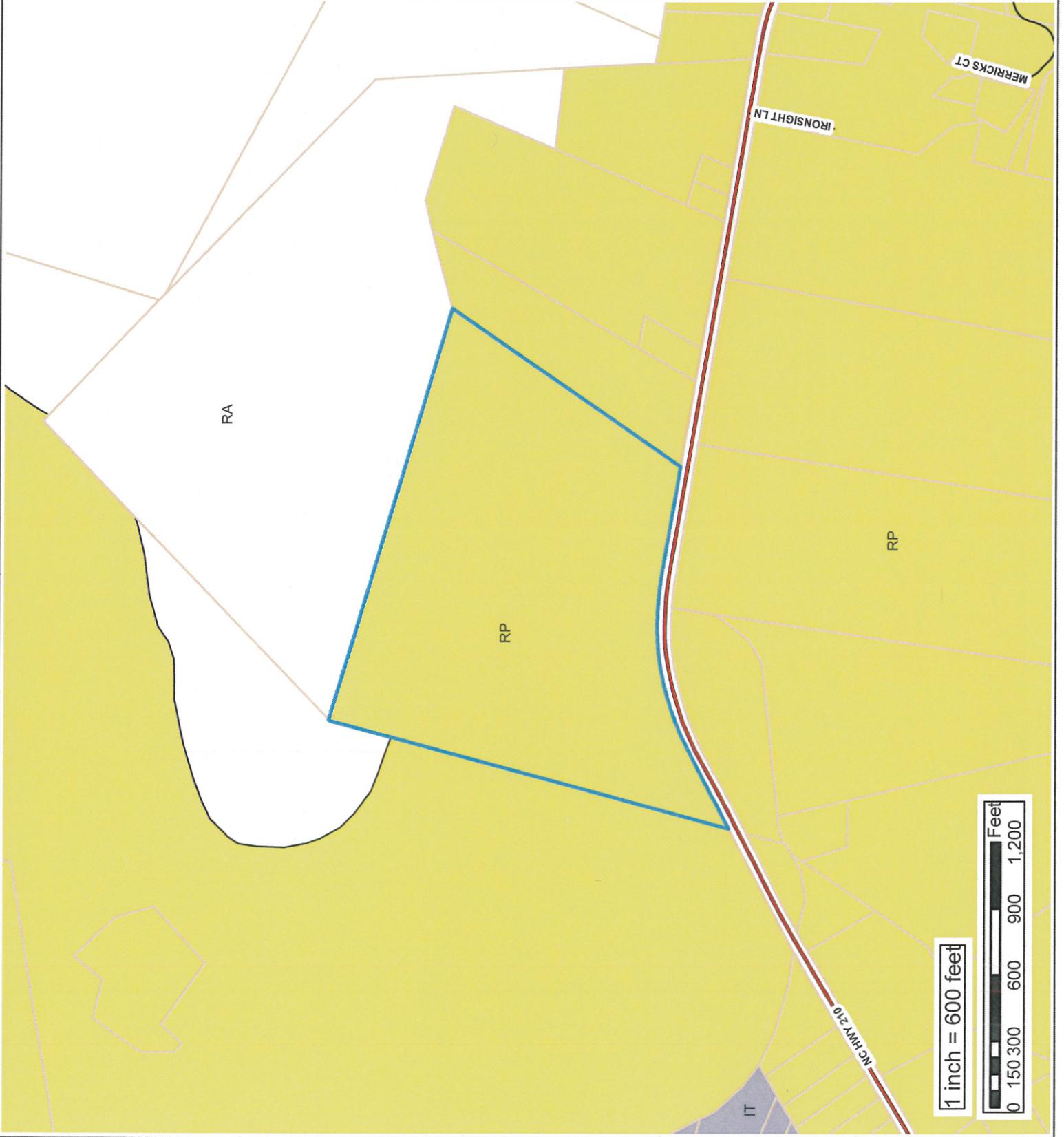
Legend

Current Zoning

- RP
- RA
- IT



Current Zoning





Applicant and Owner:
EFS Properties, LLC

**Zoning Map Amendment
(ZMA)
Conditional Rezoning
11034**

Legend

Future Land Use Classification

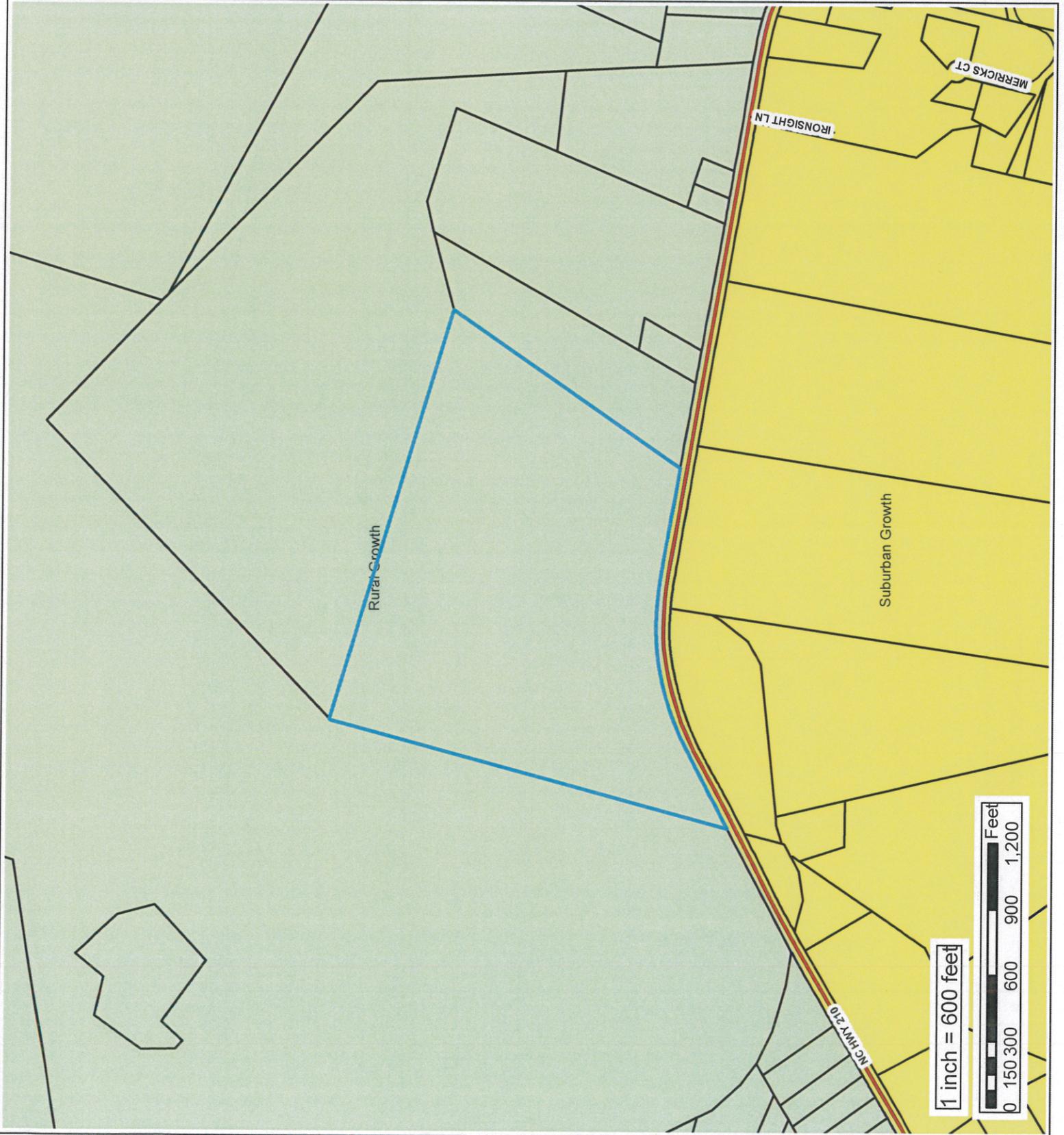
LU

Rural Growth

Suburban Growth



Future Land Use





Applicant and Owner:
EFS Properties, LLC

Zoning Map Amendment
(ZMA)
Conditional Rezoning
11034



Aerial





Applicant and Owner:
EFS Properties, LLC

Zoning Map Amendment
(ZMA)
Conditional Rezoning
11034

Legend

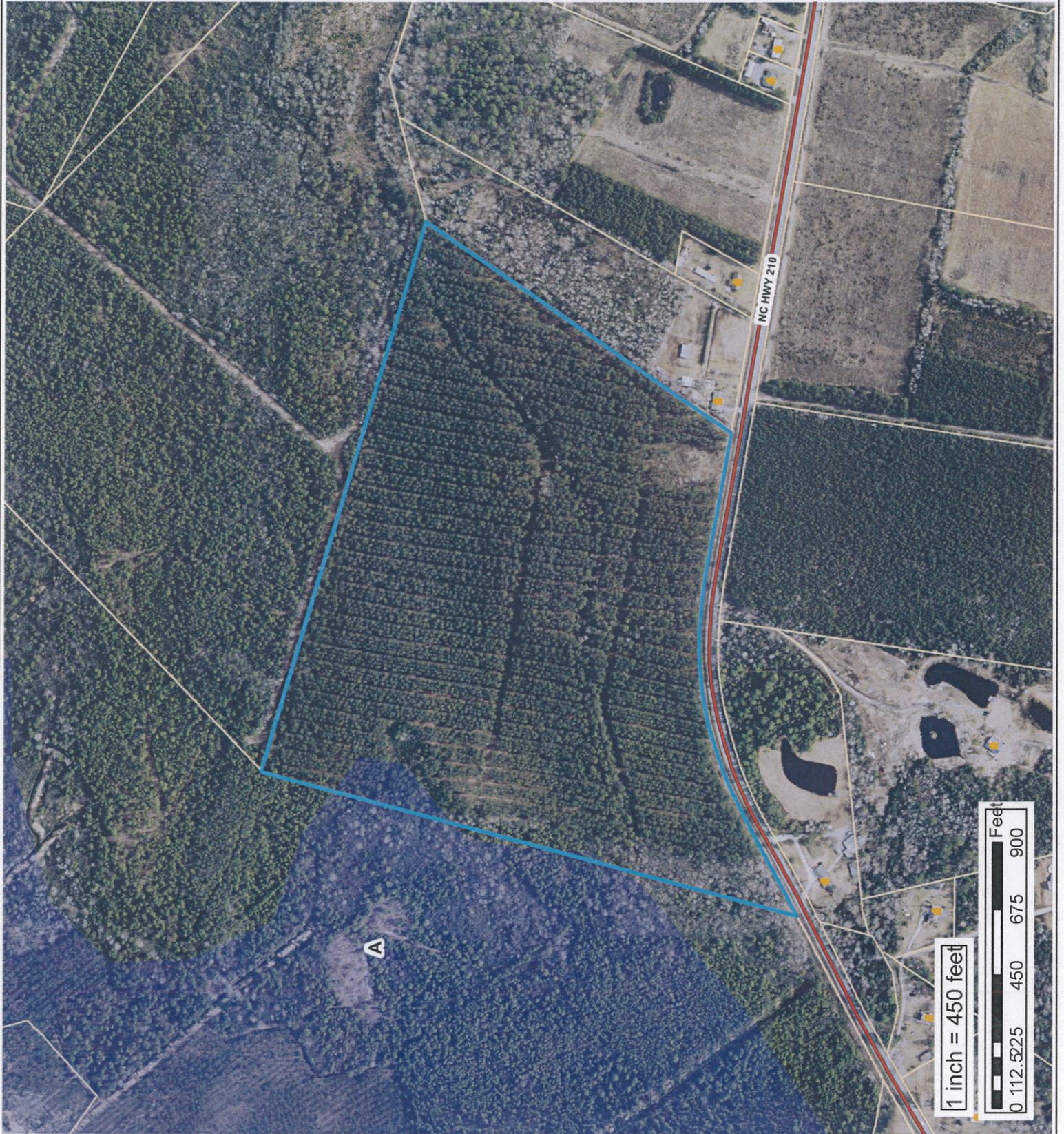
Flood

FLOODZONE

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	VE



Flood



**PLANNING STAFF REPORT
MASTER DEVELOPMENT PLAN
THE POINT**

SUMMARY:

Hearing Date: November 12, 2013
Applicant: James and Ellen Cornette
Property Owners: James and Ellen Cornette
Case Number: 11036

Development Proposal: James and Ellen Cornette, applicants and owners, are requesting approval of a Master Development Plan for The Point, a 1-phase 16-lot residential major subdivision.

Location and Land Use: The project is located on Williams Store Road off Highway 17 in Hampstead. There is one tract associated with this requesting totaling ± 8.65 acres and property may be identified by PIN 3293-61-3723-0000.

Zoning District of Property: The property is zoned RP, Residential Performance District.

Staff Recommendation: Planning Staff recommends conditional approval of the Master Development Plan based on the provisions of the Pender County Unified Development Ordinance (UDO) § 3.5.4; as well as the Master Development Plan (MDP) contents being met as prescribed in § 6.1. Staff would also recommend the Planning Board waive the Preliminary Plat public hearing as outlined in the UDO Section 2.11, Summary of Review Authority.

History:

A Preliminary Plat for The Point subdivision was originally approved by the Pender County Planning Board on May 3, 2006. However, that Preliminary Plat approval has expired due to timing requirements. The applicants are now re-submitting a Master Development Plan.

Description of Proposal:

James and Ellen Cornette, applicants and owners, are requesting approval of a one-tract, 16 Lot Major Subdivision on 8.65 acres. The project is located on Williams Store Road off Highway 17 in Hampstead. No commercial uses are proposed for this development.

Open Space:

The applicant is proposing a total of 16 residential lots on the site with the total acreage being ± 8.65 acres. 16 residential units will require 0.48 acres of open space. Currently 36,339 sf of open space are provided in this proposal, which meets and exceeds the required open space requirements of 20,909 sf. set forth in Section 7.6.1 C of the Pender County Unified Development Ordinance. The applicant will not be required to provide recreational units since the number of dwellings does not meet the threshold defined in the UDO.

Roads and Access:

Access to the site will be provided by the construction of a 45 foot private access easement elongating Williams Store Road. The interior road networks are proposed to be constructed to NCDOT standards and dedicated as private, again proposing the 45 foot public right-of-way. All road names have been

approved by the Pender County Addressing Coordinator. A stub-out is currently shown on the site plan at the terminus of the newly created E. Ryder Ct on the eastern side of the property and an access easement is proposed on the west side of the property to allow connectivity for future development.

Pender County Emergency Management noted that W. Ryder Court must have an approved NC Fire Code Turn around and that the cul-de-sac on E. Ryder Court needs to be at least 95' across to allow for emergency vehicles. Emergency Management was also concerned that the radius for turns in the subdivision were not shown on the site plan, making it impossible to see if those radii were up to code standards.

The Wilmington Metropolitan Planning Organization echoed the concerns of Pender County Emergency Management, noting that the internal road design as proposed, does not allow Fire and emergency vehicles adequate access to the subdivision because the radius is too small. Specifically, the Frazer Lane radius must be at least 30' to provide emergency vehicle access.

Utilities:

The applicant is proposing individual on-site septic for wastewater disposal and water will be provided by Pender County Utilities. This project will be subject to review and approval by Pender County Environmental Health and Pender County Utilities, respectively.

Permits and Environmental:

The subject property is not located within the Special Flood Hazard Area (SFHA) according to the 2007 Flood Insurance Rate Maps (FIRMs), Map Numbers 3720322300J, Panel Number 3223

The application notes there are no wetlands on the property, but a wetland delineation has not been certified by the US Army Corps of Engineers.

The applicants have obtained the following permits:

- **Stormwater Permit** - SW8 060503
- **Sediment and Erosion Control Permit** – Pende-2006-396
- **Pender County Health Department on-site wastewater permits** –101436 through101451
- **NC DOT Driveway Permit(s):** Original P-0928 (expired); currently updated Application in Process with NCDOT.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

The Cape Fear RPO has no comment since the project is in the MPO boundary

Four County Electric Company

No response

NC DENR Division of Coastal Management

I do have a concern about wetlands on the site. Has a wetland delineation been approved by the USACE?

NC DENR Division of Forestry

No response

NC DENR Division of Land Resources

The stormwater permit is low density and is still active. I would appreciate it if you would pass on a request for Mr. Cornette to submit a copy of the recorded deed restrictions before he gets too far along in the process, and to submit the Name/Ownership Change form to change his mailing address.

NC DENR Division of Waste Management

No response

NC DENR Division of Water Quality

No response

NC DOT Division of Highways

Driveway permit has been submitted and is in process. Should have approval this week.

NC DOT Transportation Planning Branch

No response

NC Office of State Archaeology

No response

NC Wildlife Resources Commission

No response

Pender County Addressing Coordinator

I have reviewed the road names and have them on reserve for the applicants. Please inform the applicants or the engineer that the directional on the road names should be "E" and "W" not spelled out as shown on the map. When creating the street centerline database it tends to be confusing as to whether to include as part of the full name or just as a directional.

Pender County Building Inspections

No response

Pender County Emergency Management

- a. All road ways need to be at least 26' wide, using roadway material.*
- b. W. Ryder Court must have an approved NC Fire Code Turn around (a cul-de-sac, T, etc.)*
- c. The cul-de-sac on E. Ryder Court needs to be at least 95' across.*
- d. The radius for all turns in the subdivision should be shown on the Site Plan.*

Pender County Environmental Health

These EH permits will expire in June 2014. If the septic systems are not installed prior to that time, the applicant will need to reapply. The fee associated with this action is \$500.00. .

Pender County Fire Marshal

No response

Pender County Parks and Recreation

Parks and Recreation has no issues with this request.

Pender County Public Library

No response

Pender County Public Utilities

No response

Pender County Schools

It does not appear the roads will accommodate school buses and they are marked as private R/W. If they are private we cannot use the roads.

Pender County Sheriff's Department

No response

Pender County Soil and Water Conservation District

S Soil & Water sees no problem with this request

Progress Energy Corporation

No response

US Army Corps of Engineers

No response

Wilmington Metropolitan Planning Organization

I have reviewed the application for the Master Development Plan for The Point, located on Williams Store Rd. The development is outside the area for the Hampstead Bypass Transportation Corridor Map. I have the following concerns for the project.

- *The development must meet minimum NCDOT Subdivision standards for residential streets.*
- *The Frazer Lane radius must be at least 30' to allow Fire and emergency vehicles adequate access to the subdivision.*

Evaluation

A) Existing Zoning in Area:

The property is located within an RP, Residential Performance District. The Residential Performance District is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism. Existing or new agricultural and farm uses shall be allowed on undeveloped land prior to development.

The properties to the north, south, and west of the property are zoned as RP, Residential Performance. The properties immediately east of the subject property are zoned as PD, Planned Development.

B) Existing Land Use in Area:

The properties immediately to the north, south, and west of the property of the site include low density residential uses and vacant tracts of land. The property to the east is a golf course.

D) 2010 Comprehensive Land Use Plan:

1. **Mixed Use:** The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by

physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner.

E) Summary & Staff Recommendation:

Planning Staff recommends conditional approval of the Master Development Plan based on the provisions of the Pender County Unified Development Ordinance (UDO) § 3.5.4; as well as the Master Development Plan (MDP) contents being met as prescribed in § 6.1. Staff would also recommend the Planning Board waive the Preliminary Plat public hearing as outlined in the UDO Section 2.11, Summary of Review Authority.

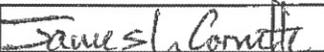
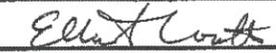
Board Action for Master Plan Review:

Motion: _____ **Seconded** _____

Approved: _____ **Denied:** _____ **Unanimous** _____

Boney: ___ Williams: ___ Baker: ___ Edens: ___ Marshburn: ___ McClammy: ___ Nalee: _____

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP 11036	Date	9.27.2013
Application Fee	\$ 500.00	Receipt No.	
Pre-Application Conference	8.26.2013	Hearing Date	11.12.2013
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	James and Ellen Cornette	Owner's Name:	James & Ellen Cornette, Hansen & Trudy Matthews
Applicant's Address:	P.O. Box 1277	Owner's Address:	P.O. Box 1277
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	Hampstead, NC 28443
Phone Number:	(910)617-1497 or (910)512-4890	Phone Number:	same as applicant
Legal relationship of applicant to land owner: Owners			
SECTION 2: PROJECT INFORMATION			
Type of Master Development Plan	<input checked="" type="checkbox"/> Residential <i>RP, PD, RM MH District</i>	<input type="checkbox"/> Commercial <i>GB, OI, IT, GI District</i>	<input type="checkbox"/> Mixed Use <i>PD</i>
Property Identification Number (PIN):	3293 61 3723 0001	Total property acreage:	8.65
Zoning Classification:	RP	Acreage to be disturbed:	8.65
Project Address :	433 Williams Store Road		
Description of Project Location:	Highway 17 to Williams Store Road, to property at the end of DOT maintained right of way. See attached Site Vicinity Map		
Describe activities to be undertaken on project site:	The property is to be developed as a 16 lot single family residential development.		
SECTION 3: SIGNATURES			
Applicant's Signature	 	Date:	9/26/13
Owner's Signature	 	Date:	9/26/13

The Point
Application Package Narrative
9/26/13

Please find enclosed the following documents:

Pender County Planning and Community Development Master Development Plan Application;

Check for \$500.00;

Two Large (To Scale) Copies of Proposed Preliminary Plat

Seven adjoining property owner envelopes with postage;

Adjoining property information table;

NCDENR STORMWATER PERMIT: SW8 060503 (Permit without expiration)

NCDENR EROSION CONTROL PROJECT #: Pende-2006-396 (Permit w/o expiration)

WATER SUPPLY: Proposed connection to Pender County Public Water

PENDER COUNTY HEALTH DEPARTMENT ON-SITE WASTEWATER PERMITS:

Lot 1 101436	Lot 9 101444
Lot 2 101437	Lot 10 101445
Lot 3 101438	Lot 11 101446
Lot 4 101439	Lot 12 101447
Lot 5 101440	Lot 13 101448
Lot 6 101441	Lot 14 101449
Lot 7 101442	Lot 15 101450
Lot 8 101443	Lot 16 101451

NCDOT DRIVEWAY PERMIT #: Original P-0928 (Expired)
Currently updated Application in Process with NCDOT

WETLAND PERMITTING: No wetlands are within the bounds of the property; therefore, no wetland permits are required for the project.

Ellen Cornette, Property Owner



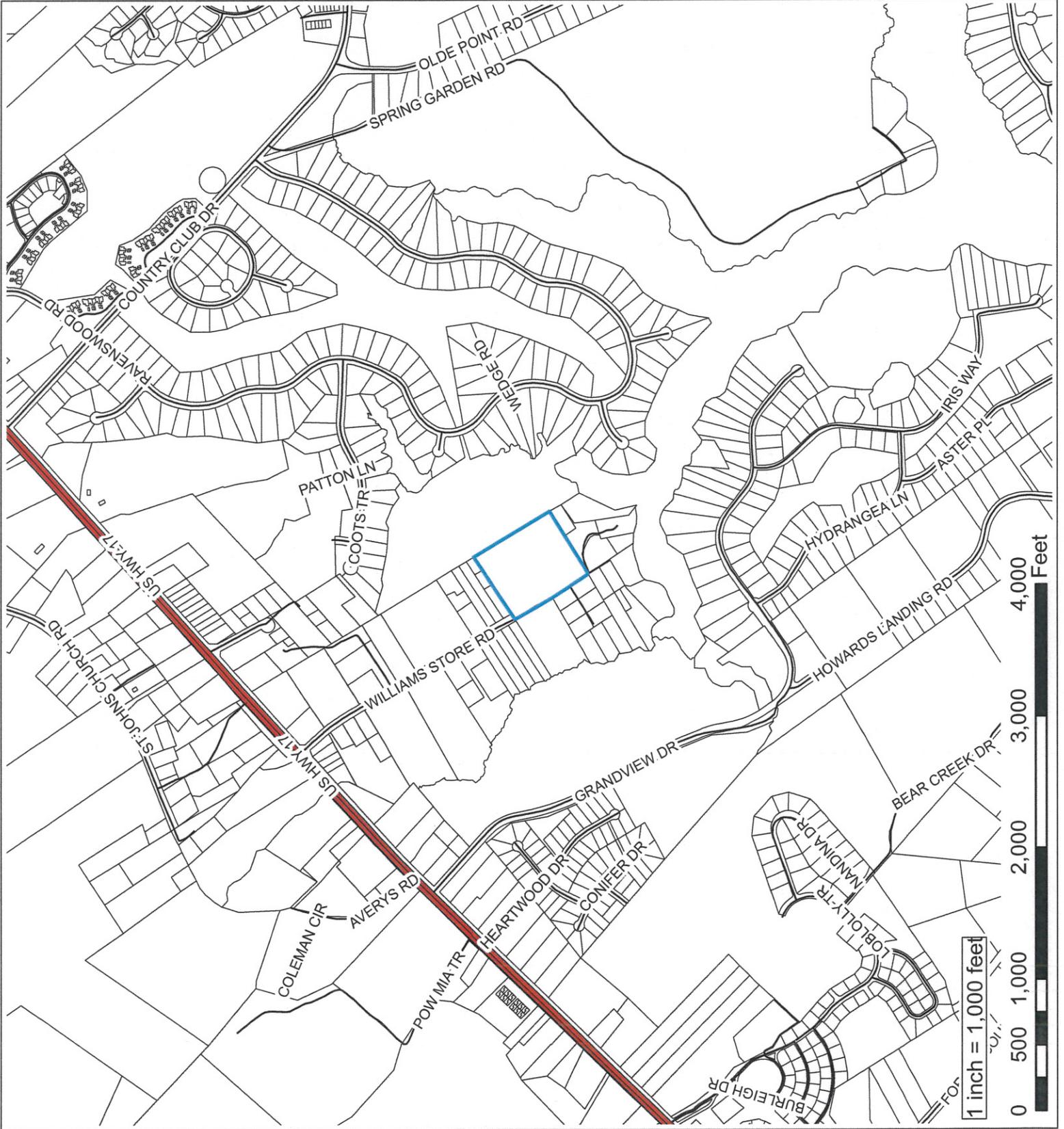
Applicants and Owners:
James and Ellen Cornette

Master Development Plan

Case Number:
11036



VICINITY





Applicant and Owners:
James and Ellen Cornette

Master Development Plan

Case Number:
11036

Legend



Subject Property

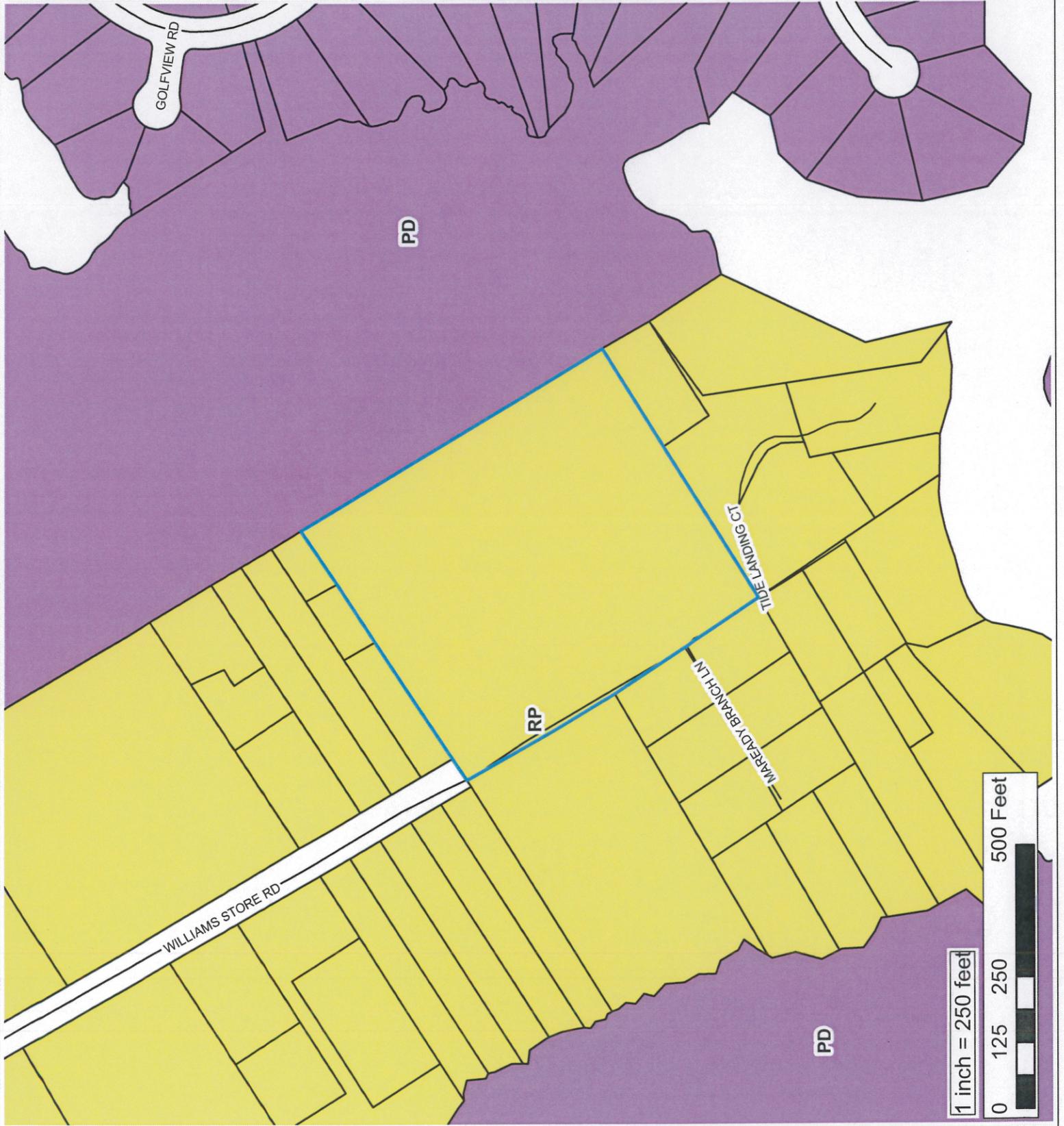
Zoning Classification

UDO Zoning

-  General Business (GB)
-  General Industrial (GI)
-  Industrial Transition (IT)
-  Office & Institutional (OI)
-  Rural Agricultural (RA)
-  Planned Development (PD)
-  Residential Performance (RP)
-  Environmental Conservation (EC)
-  Incorporated Areas (INCORP)
-  Manufactured Home Park (MH)
-  Residential Mixed (MF)



ZONING





Applicants and Owners
James and Ellen Corne

Master Development Plan

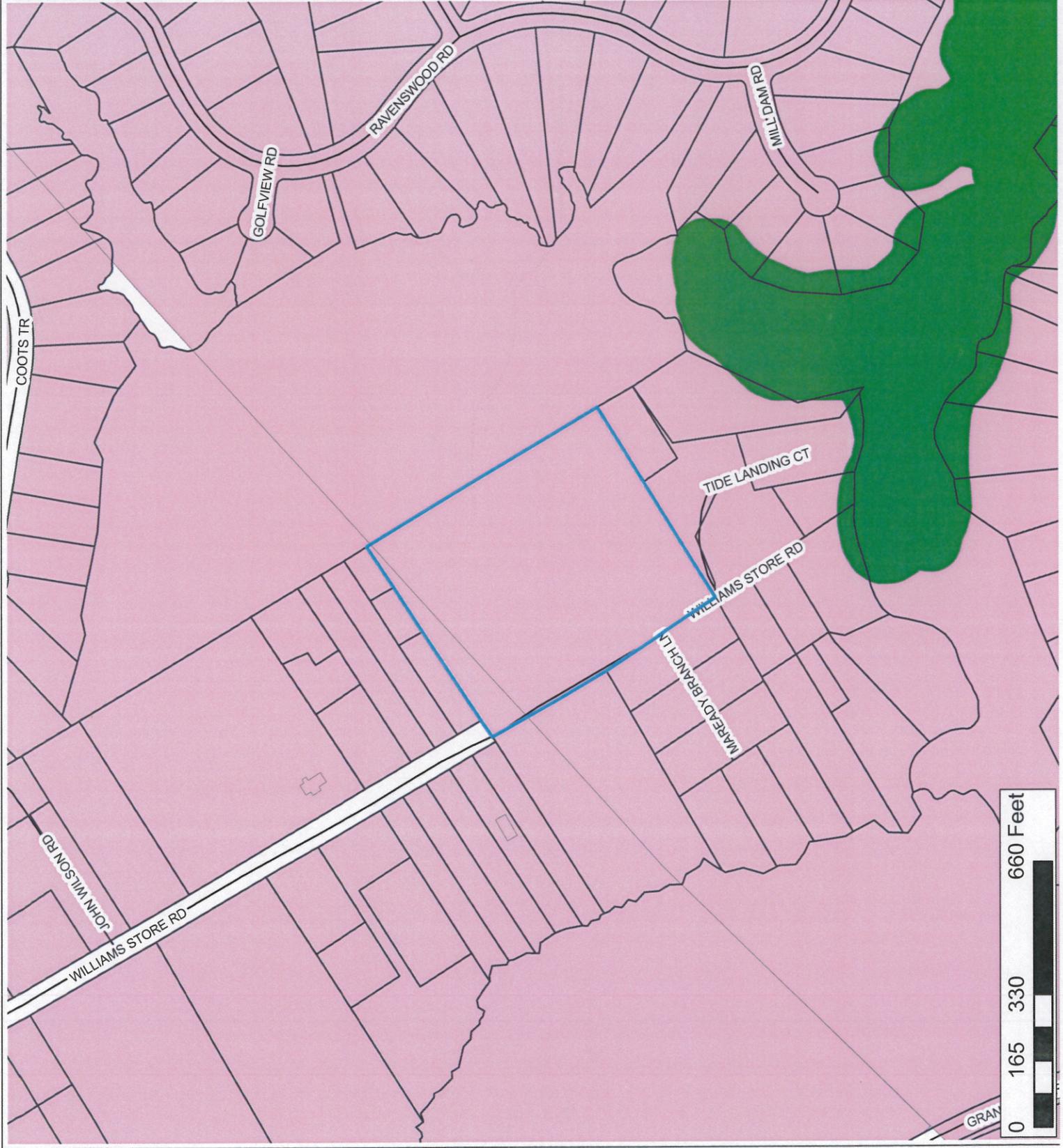
11036

2010 Land Use Classification

- Conservation
- Industrial
- Mixed Use
- Office, Institutional, Busi
- Rural Growth
- Suburban Growth



LAND USE
CLASSIFICATION





Applicants and Owners:
James and Ellen Cornette

Master Development Plan

11036

Legend



Subject Parcel



2012 AERIAL



**PLANNING STAFF REPORT
MASTER DEVELOPMENT PLAN
THE OAKS at SLOOP POINT**

SUMMARY:

Hearing Date: November 12, 2013
Applicant: Signature Pender County NC, LMTD
Property Owner: First Federal Bank
Case Number: MDP 11035

Development Proposal: The applicant is requesting approval of a Master Development Plan for The Oaks at Sloop Point.

Location and Land Use: There is one (1) tract associated with this request totaling approximately ± 143 acres, which was utilized as the Topsail Greens Golf Course. The proposed project is located along the north side of Sloop Point Loop Road (SR 1563) and US Highway 17 in Hampstead. The property may be identified by PIN 4214-12-8251-0000.

The project is classified as Mixed Use by the 2010 Pender County Comprehensive Land Use Plan.

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

Staff Recommendation: Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance; therefore, staff respectfully recommends conditional approval of Master Development Plan with consideration of the Technical Review Committee (TRC) and Planning Board comments and conditions. All future phases will be subject to Planning Board review and approval; including the Preliminary Plat for all phases.

History:

The subject property was previously known as the Topsail Greens Golf Course as recorded in the Pender County Register of Deeds on August 21, 1975 (Map Book 16, Page 73). The property was zoned PD, Planned Development from the adoption of zoning in Pender County (Pender County Zoning Ordinance 1988).

Description of Proposal:

Signature Pender County NC, LP applicant on behalf of First Federal Bank, owner(s), is requesting approval of Master Development Plan (MDP) for a 3 phased, 185 (single family residential) Mixed Use Master Development Plan.

The applicant is proposing a maximum of 185 residential lots along $\pm 58,370$ square feet of non-residential on the site. The total site acreage for the three phased proposal is ± 78.80 acres and ± 64.20 acres are shown as future development. All areas shown as future development, including the non-residential will require reevaluation and approval by the Pender County Planning Board.

Project Density

The Pender County Unified Development Ordinance, Section 4.8.1.C, specifically addresses the allowable density as 5 units per net density within the PD, Planned Development District. The Oaks at Sloop Point is proposing net density of 2.72 units per acre. The density was calculated by subtracting the following from the total acreage of the tract: areas reserved as non-residential development, total wetland calculations, rights of way and parking areas, active and passive open space (Table 1). This density calculation is only for the 79.8 acre proposal; any future development will need to be evaluated accordingly.

Table 1

Total Acreage	79.8
Non-Residential Acreage	1.34
Wetlands Acreage	0
Right-of-Way Acreage	10.34
Open Space Acreage	5.55
	Active 2.78
	Passive 2.78
Total Units	185
	Developable Land 68.12
	Net Density 2.72

Lot Requirements

As outlined in the Unified Development Ordinance, Section 4.8.1.D the MDP established the required lots sizes, yard setbacks, and building height. The applicant is proposing a maximum total of 185 single family residential lots, with a minimum lot size of 10,000 ft² with a maximum building height of 38 feet and the following proposed yard setbacks:

- Front: 20 feet
- Side: 10 feet
- Rear: 20 feet
- Corner: 15 feet

As the proposed development does not have a direct connection to a community wastewater treatment facility as outline in Section 7.81.B.2, the minimum lot size will need to be increased to 12,000 ft².

Water/Waste Water:

The Oaks at Sloop Point is proposing traditional on-site septic with the potential of off-site septic if needed after a more detailed soil analysis is completed; subject to review and approval by Pender County Environmental Health. Off-site areas would need to be determined prior to the approval of Preliminary Plat.

The project has proposed connection to Pender County Public Water System; subject to review and approval by Pender County Utilities (PCU).

Open Space

Currently 5.55 acres of open space are provided in this proposal with 2.78 to be dedicated as passive open space and 2.78 acres to be dedicated as active open space, which meets the open space requirements set forth in Section 7.6.1 C of the Pender County Unified Development Ordinance. Additionally, the development will be required to provide two (2) recreational units as referenced in Section 7.6.2, Recreational Units (Table 2).

Table 2

Dwelling Units	Recreational Unit(s)	Financial Unit
151-200	2.0	\$20,000

Recreational facilities shall be in a configuration and location that is easily accessible to the dwelling units that they are designed to serve and may be placed within active or passive open space required areas. Recreational units are assigned a financial unit to be achieved via installation on the subject property or through a payment in lieu of in conjunction with the approved Pender County Parks & Recreation Master Plan. The timing of the installation or payment in lieu of installation shall be confirmed on the Master Development Plan.

The applicant is proposing a payment in lieu of installation of the recreation units; which will be required prior to the recordation of the first phase, of the Master Development Plan submitted; all future development will be evaluated for open space and recreational units at the time of submittal.

Street Connectivity and Access

This Master Development Plan is located within the jurisdictional boundary of the Wilmington Metropolitan Planning Organization (WMPO).

Access to the development is proposed off of Sloop Point Loop Road, southwest of Friendly Lane. A future connection to the formally approved Shepard's Branch Subdivision was initially proposed. However after conversations with the applicant, staff is proposing a connection along the northeastern boundary line adjacent to the proposed Cardinal Pointe Master Development Plan. This would need to be a viable for both master development plans; this road network will be a 50 foot right-of-way, dedicated public, due to the connectivity of the two developments. The remainder if the interior road networks are proposed to be constructed to NCDOT standards, dedicated private, with varying right-of-way widths. This also includes Phase 3 located on the south side of Sloop Point Loop Road.

As outlined in the Unified Development Ordinance Article, specifically street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design. The applicant is proposing a 30 foot private access easement is shown on page C-3.4; this easement would be constructed to NC DOT standards with variations to right-of-way widths and geometric design.

The non-residential are acreage will have direct access to US Highway 17 and will require review and approval from the Pender County Planning Board.

All road names will need to be approved prior to Preliminary Plat approval by the Pender County Addressing Coordinator.

The applicant is proposing bike and pedestrian multiuse paths along the publicly dedicated road network with a connection to Doral Drive (SR 1693).

Landscaping and Buffers

The project is proposing to utilize the existing vegetation were applicable. All project boundaries adjacent to residential lots will have a C-1 Buffer, specifically a 10 foot buffer with a 6 foot high opaque wooded fence. Whereas, property boundaries along road frontages on existing state maintained roadways will have a Buffer Type A.

Environmental Concerns

The ±143 acre Master Plan Boundary contain portions of environmentally sensitive areas including wetlands and floodplains.

There are approximately 3.24 acres of wetlands on the subject property, as shown on a wetland declination submitted to the Army Corps of Engineers, subject to review and approval. Any development within these areas may be subject to the permit requirements of Section 404 of the Clean Water Act.

There is a portion of the project area that is located within the "Approximate Zone A" Special Flood Hazard Area, according to the 2007 Flood Insurance Rate Maps (FIRMs), Map Number 3720420400J, Panel Number 4204. Prior to the issuance of Final Preliminary Plat approval a flood study must be submitted and approved as required in the Pender County Unified Development Ordinance § 9.5.3.

After a preliminary analysis, it appears no CAMA Areas of Environmental Concern located on the project site.

The PD, Planned Development District requires a tree survey to be submitted prior to the Final Preliminary Plat approval.

All applicable state and federal agency permits including a Stormwater Management Permit, Sediment and Erosion Control Plan, wetlands impact permits, and NCDOT Driveway Permit will be required prior to the approval of the Final Preliminary Plat.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

The project is located in the MPO boundary so the RPO has no comment.

Four County Electric Company

No response

NC DENR Division of Coastal Management

No comment

NC DENR Division of Forestry

No response

NC DENR, Division of Energy, Mineral, and Land Resources - Land Quality Section

An erosion and sedimentation control plan will be needed for this project.

NC DENR Division of Waste Management

No response

NC DENR Division of Water Quality

No response

NC DOT Division of Highways

The NCDOT has talked with the developer's engineer, and are still working on some small issues. But as of right now we will request that a driveway permit be submitted to NCDOT for proposed development.

NC DOT Transportation Planning Branch

No response

NC Office of State Archaeology

No response

NC Wildlife Resources Commission

No response

Pender County Addressing Coordinator

No response

Pender County Building Inspections

No response

Pender County Emergency Management

No response

Pender County Environmental Health

Each lot will need to apply for a septic permit with the Environmental Health Section.

Pender County Fire Marshal

No response

Pender County Flood Plain Management

Because there's an Approximate A Special Flood Hazard Area, the following will apply:

9.5.3 Standards for Floodplains without Established Base Flood Elevation

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 9.3.2, where no Base Flood Elevation (BFE) data is available, the following provisions, in addition to the provisions of Section 9.5.(1) and (2), shall apply:

A. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

1) If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or flood proofed in accordance with standards in Section 9.5.(1) and (2).

2) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article 3, Section B to be utilized in implementing this Ordinance.

3) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Section 9.2.

If a study will not be done, then the Approximate A zone could possibly be dedicated as open space; therefore, cannot be developed without the study.

Pender County Parks and Recreation

Parks and Recreation has no issues with this request.

Pender County Public Library

No response

Pender County Public Utilities

No response

Pender County Schools

The western half of the property is in the Topsail Elementary School district and the eastern half is in the North Topsail Elementary School district. There are more than 620 students at North Topsail and the capacity is 520, Topsail Elementary has over 530 students with a capacity of 500 students. South Topsail Elementary has 575

students and has a capacity of 540. As you can see the three elementary schools are over capacity and mobile classrooms are being used to house students.

The impact of this proposed subdivision will be shared by North Topsail and Topsail Elementary Schools. We are working towards a growth study for the schools but we do not know when the results will be available. The schools will have to utilize mobile classrooms until a new school is built in the area north of the North Topsail School. This will allow us to ease crowding in the other elementary schools in the area.

I have reviewed the site plan and have the following observations:

1. If buses are allowed on the subdivision roads they must be designed and built according to the North Carolina Department of Transportation guidelines.
2. The cul-de-sacs must have a minimum diameter of 90 ft.
3. There should be designated bus stops with a covered canopy to protect the children during inclement weather events.
4. The bus stops must not be less than 2/10's of a mile. (Approximately 1,000 ft.).
5. Pender County cannot be held liable for road/highway damage.
6. Appropriate speed limit and other signage must be posted.
7. If the road is considered private and buses are requested approval from the homeowners association or owner is required.
8. These comments will apply to any future subdivision.

Pender County Sheriff's Department

No response

Pender County Soil and Water Conservation District

Soil & Water sees no problem with this request.

Progress Energy Corporation

No response

US Army Corps of Engineers

No response

Wilmington Metropolitan Planning Organization

No response

Evaluation

A) Existing Zoning in Area:

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

The properties to the immediate north, south and west are zoned PD, Planned Development District, with the properties to the south zoned as RP, Residential Performance.

B) Existing Land Use in Area:

The properties immediately north, and east are currently low density residential (Sloop Point South and Cardinal Acres Manufactured Home Park), however an application has been submitted for a Master Development Plan for the adjacent property to the immediate north. Along the immediate southern and eastern boundary of the

property is a low density residential subdivision (Greenway Planation) and moderate density multifamily (Vista Cove). This proposal is located within the area previously known as the Topsail Greens Golf Course and is surrounded by the Topsail Greens Community.

D) 2010 Comprehensive Land Use Plan:

1. Mixed Use: The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner.
2. Supporting Comprehensive Plan Policies and Goals:
 - a. **Growth Management Goal 1A.1** Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.
 - i. **Policy 1A.1.2**
Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development
 - b. **Transportation Goal 2B.1** Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with the Comprehensive Land Use Plan and the Coastal Pender Collector Street Plan.
 - i. **Policy 2B.1.4**
Adopt regulations that require new developments and individual sites throughout the County to provide vehicular and pedestrian interconnectivity to existing or planned adjacent sites and adjoining developments.
 - ii. **Policy 2B.1.9**
As recommended in the Coastal Pender Collector Street Plan, all new streets that have the potential to connect to adjacent developments should be constructed to NCDOT secondary road standards and accepted for public maintenance to ensure future connectivity.

E) Summary & Staff Recommendation: Staff Recommendation:

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance; therefore, staff respectfully recommends approval of the Master Development Plan. All future phases will be subject to Planning Board review and approval; including the Preliminary Plat for all phases.

The approval is also subject to the all conditions required by the Pender County Planning Board and regulatory State and Federal Agencies.

Board Action for Master Plan Review:

Motion: _____ **Seconded:** _____

Approved: _____ **Denied:** _____ **Unanimous:** _____

Boney: ___ Williams: ___ Baker: ___ Edens: ___ Marshburn: ___ McClammy: ___ Nalee: ___

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP 11035	Date	9.27.2013
Application Fee	\$ 1715.00	Receipt No.	# 132181
Pre-Application Conference	7.30.2013	Hearing Date	11.12.2013
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	SIGNATURE PENDELA COUNTY NL LTD	Owner's Name:	FIRST FEDERAL BANK
Applicant's Address:	93376	Owner's Address:	PO Box 118068
City, State, & Zip	HOUSTON TX 77024	City, State, & Zip	CHARLESTON SC 29423
Phone Number:	713-822-3891	Phone Number:	N/A
Legal relationship of applicant to land owner: APPLICANT HAS PROPERTY UNDER CONTRACT			
SECTION 2: PROJECT INFORMATION			
Type of Master Development Plan	<input type="checkbox"/> Residential RP, PD, RM MH District	<input type="checkbox"/> Commercial GB, OI, IT, GI District	<input checked="" type="checkbox"/> Mixed Use PD
Property Identification Number (PIN):	4214-12-8251-0000	Total property acreage:	143 ACRES
Zoning Classification:	PD	Acreage to be disturbed:	143 ACRES
Project Address:	1040 TOPSOIL GREENS DRIVE		
Description of Project Location:	FRONTING H.W 17 GOING SOUTH APPROX 2 MILES CROSSING SLOOP POINT RD		
Describe activities to be undertaken on project site:	DEVELOPMENT OF RESIDENTIAL LOTS + FUTURE COMMERCIAL SITES		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	9/26/13
Owner's Signature		Date:	

\$ 1715

September 24, 2014

Pender County Planning Department

RE The Oaks At Sloop Point Master Development Plat

Thank you for the opportunity to submit this request for a master plan for the property previously known as the Topsail Greens golf course.

The property has commercial frontage on HW 17 and fronts both sides of Sloop Point Rd. The property is located just North of the intersection of Sloop Point Rd and HW 17.

In designing this planned development we have given strong attention to creating a subdivision with connectivity to the surrounding communities, [both existing and future] schools and existing parks.

Access to the residential development is proposed on Sloop Point Rd. with future access to the Shepards Branch subdivision which was approved 9/05 . A pedestrian and emergency vehicle access is proposed to Doral Rd. via a hike and bike trail.

An attempt was made to connect the road infrastructure to Doral Road however this would have required putting a state road through an existing cemetery located on the property. We found that installing a road through the existing cemetery was not an option. However we are as shown on the plan proposing the installation of a hike and bike trail on a 50' wide piece of property currently owned by the County . This will create connectivity to the adjoining neighborhood and allow emergency vehicles access if there is ever a need. We are also working with Pender County planning director Kyle Breuer to evaluate the possibility of extending this hike and bike path through the Greenway neighborhood to connect to the "safe access trail to be installed along Sloop Point Road which is scheduled to be constructed from Sloop Point elementary school to the Kiwanas park sometime in the next 12-18 months. It is our plan to work with the county to apply for a grant through the STDDA(Surface Transportation Program Direct Attributable) to receive a grant of 80% of the cost of this connection and upon receipt

of that grant work to raise the remaining 20% and get the project completed.

We have designed a residential community with a minimum lot size of 10,000 sq.ft. A maximum height restriction of 38 feet and building set back lines as follows:

Front - 20 feet
Side - 10 feet
Rear - 20 feet
Corner- 15 feet

A 6 foot wood fence will be installed around the perimeter of the property along with a ten foot buffer restriction called for in article 8.2.6 buffer C-1. These fences will be a requirement of the builder as the homes are built and will be called out for in the deed restrictions.

County water and individual septic systems are planned.

Required permits are,

- 1 DENR- Public water supply for the water line extension
- 2 NCDOT- Driveway connection to SR1563 and the subdivision streets
- 3 NCDENR- Division of Water Quality for the storm water system

We are proposing 185 single family homes which will generate 1770 total daily trips with 139 in the AM peak hour and 187 in the PM peak hour.

This project will impact the surrounding subdivisions in a positive way by creating a quality residential development with homes similar to those being built currently in The Walk At Sloop Point just down the street.

DENSITY CALCS

Total Acreage	79.80
Non-Residential Acreage	1.34
Wetlands Acreage	0.00
Right of Way Acreage	10.34
Open Space Acreage	5.55
Active	2.78
Passive	2.78

Total Units	185.00
-------------	--------

Developable Land	68.12
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Net Density	2.72
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Applicant:
Signature
Pender County NC, LMTD

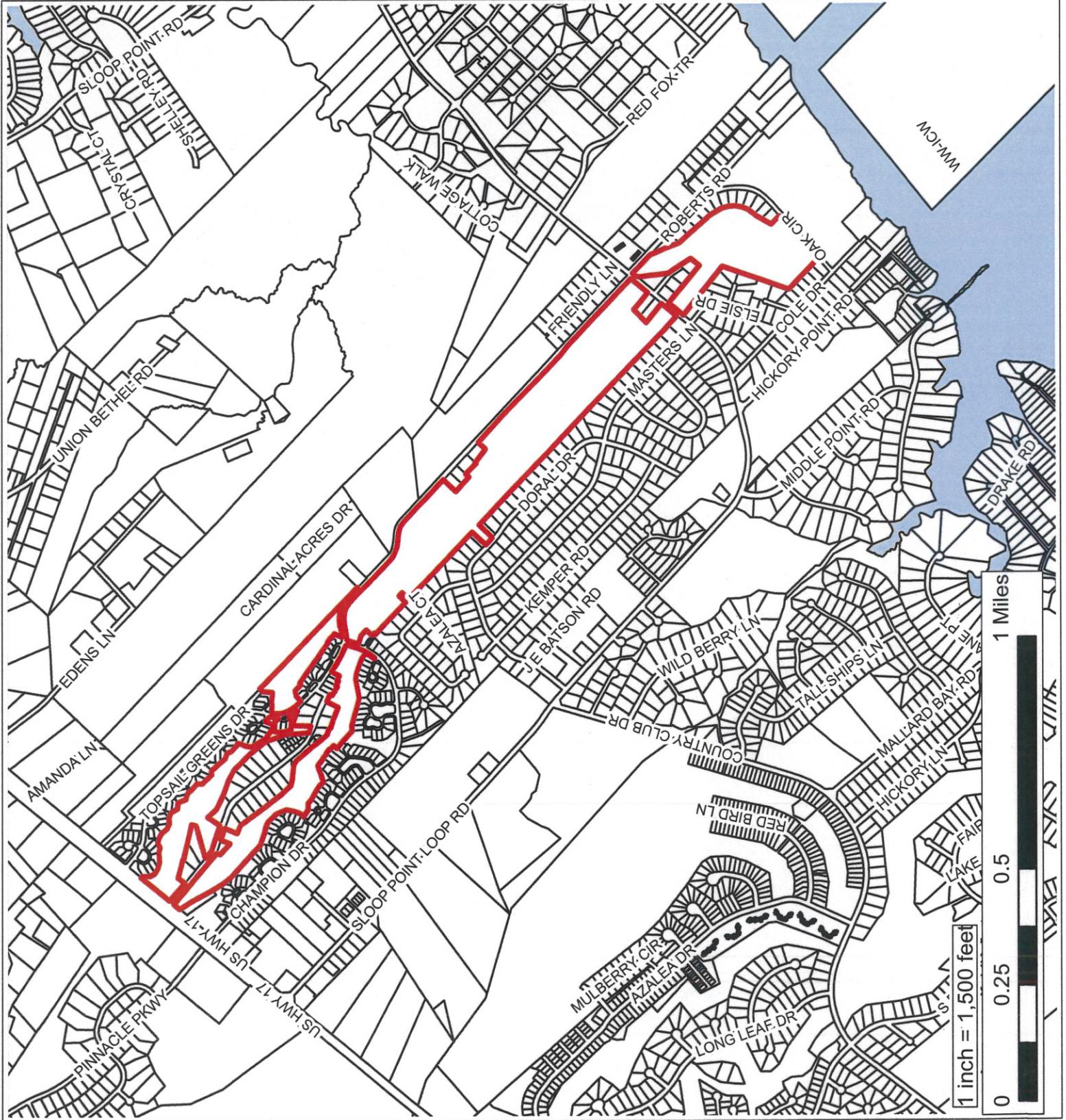
Owner:
First Federal Bank

Master Development Plan
11035

The Oaks at
Sloop Point



VICINITY





Applicant:
Signature
Pender County NC, LMTD

Owner:
First Federal Bank

Master Development Plan
11035

The Oaks at
Sloop Point

Legend



Subject Parcel

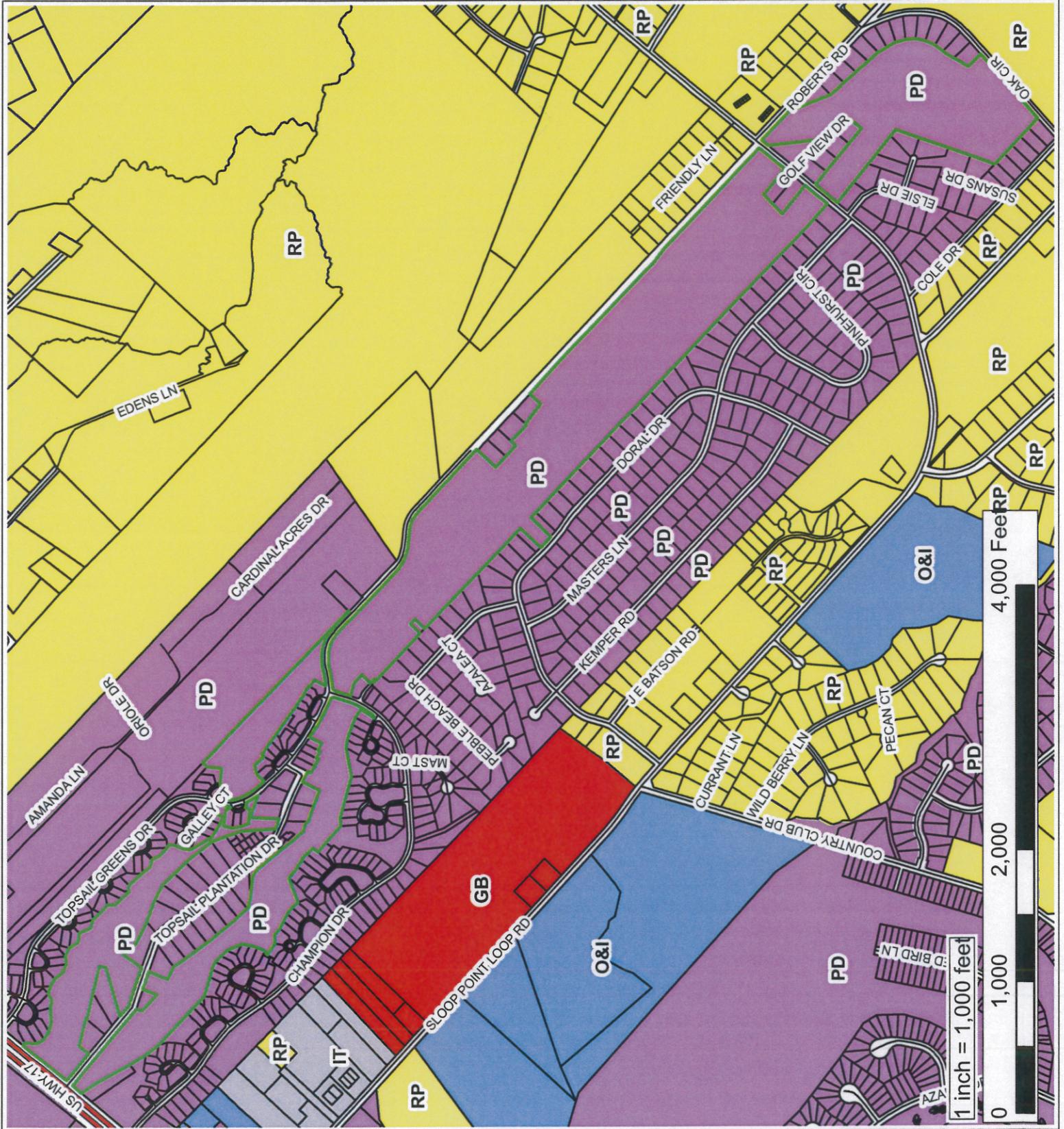
Zoning Classification

UDO Zoning

- General Business (GB)
- General Industrial (GI)
- Industrial Transition (IT)
- Office & Institutional (OI)
- Rural Agricultural (RA)
- Planned Development (PD)
- Residential Performance (RP)
- Environmental Conservation (EC)
- Incorporated Areas (INCORP)
- Manufactured Home Park (MH)
- Residential Mixed (MF)



ZONING





Applicant:
Signature
Pender County NC, LMTD

Owner:
First Federal Bank

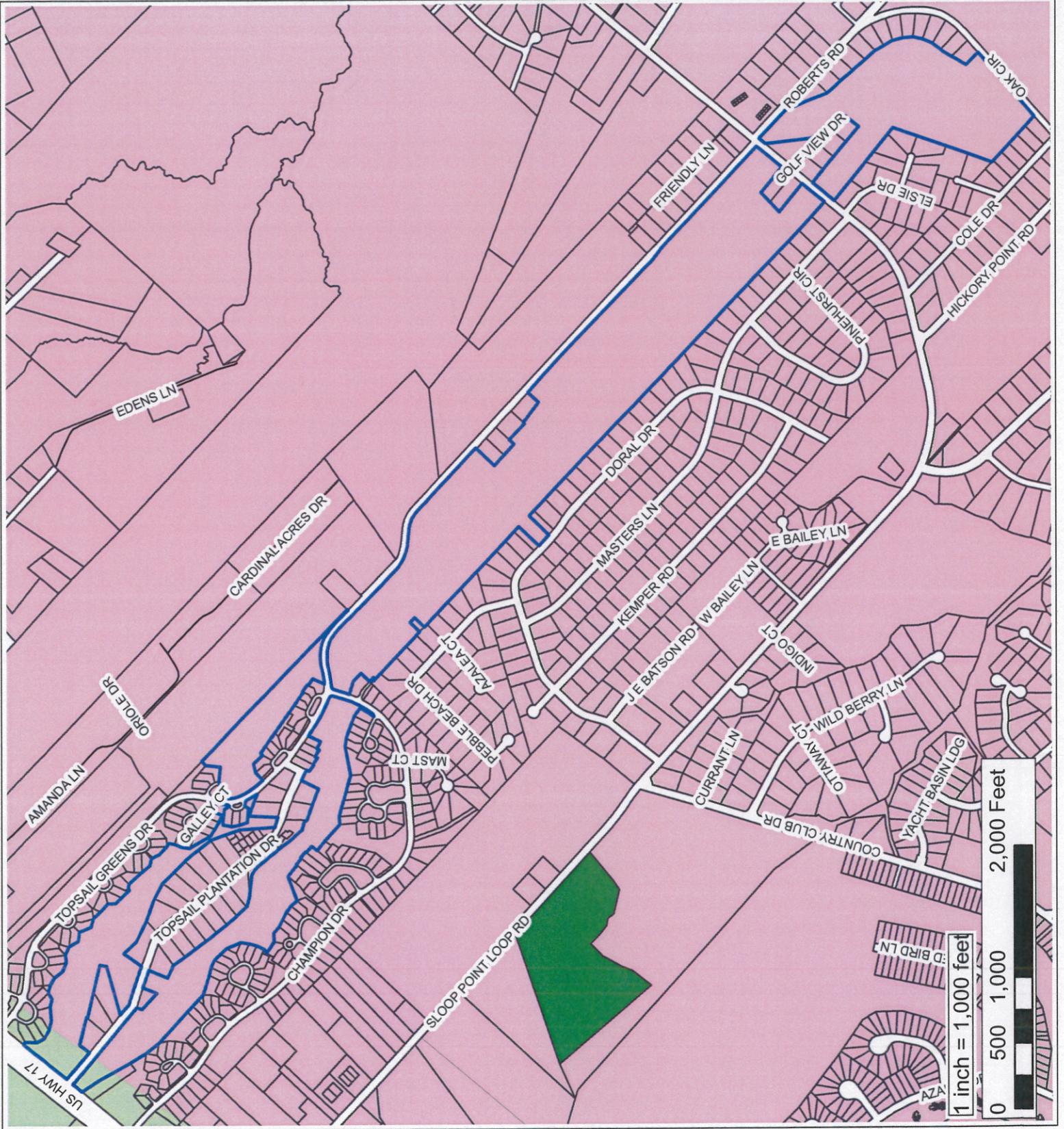
Master Development Plan
11035

The Oaks at
Sloop Point

- 2010 Land Use Classification**
- Conservation
 - Industrial
 - Mixed Use
 - Office, Institutional, Business
 - Rural Growth
 - Suburban Growth



LAND USE
CLASSIFICATION





Applicant:
Signature
Pender County NC, LMTD

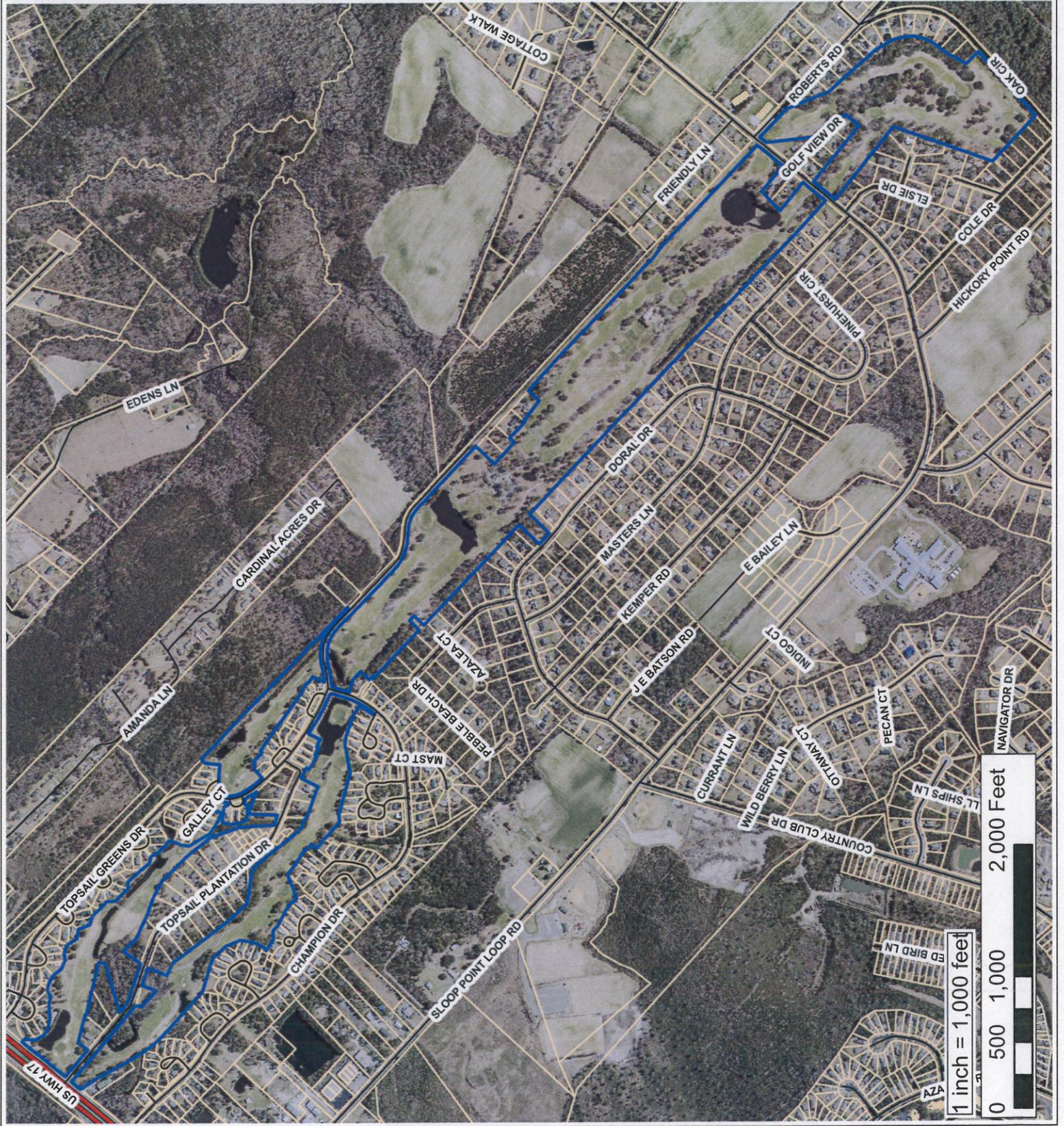
Owner:
First Federal Bank

Master Development Plan
11035

The Oaks at
Sloop Point



2012 AERIAL





Applicant:
Signature
Pender County NC, LMTD

Owner:
First Federal Bank

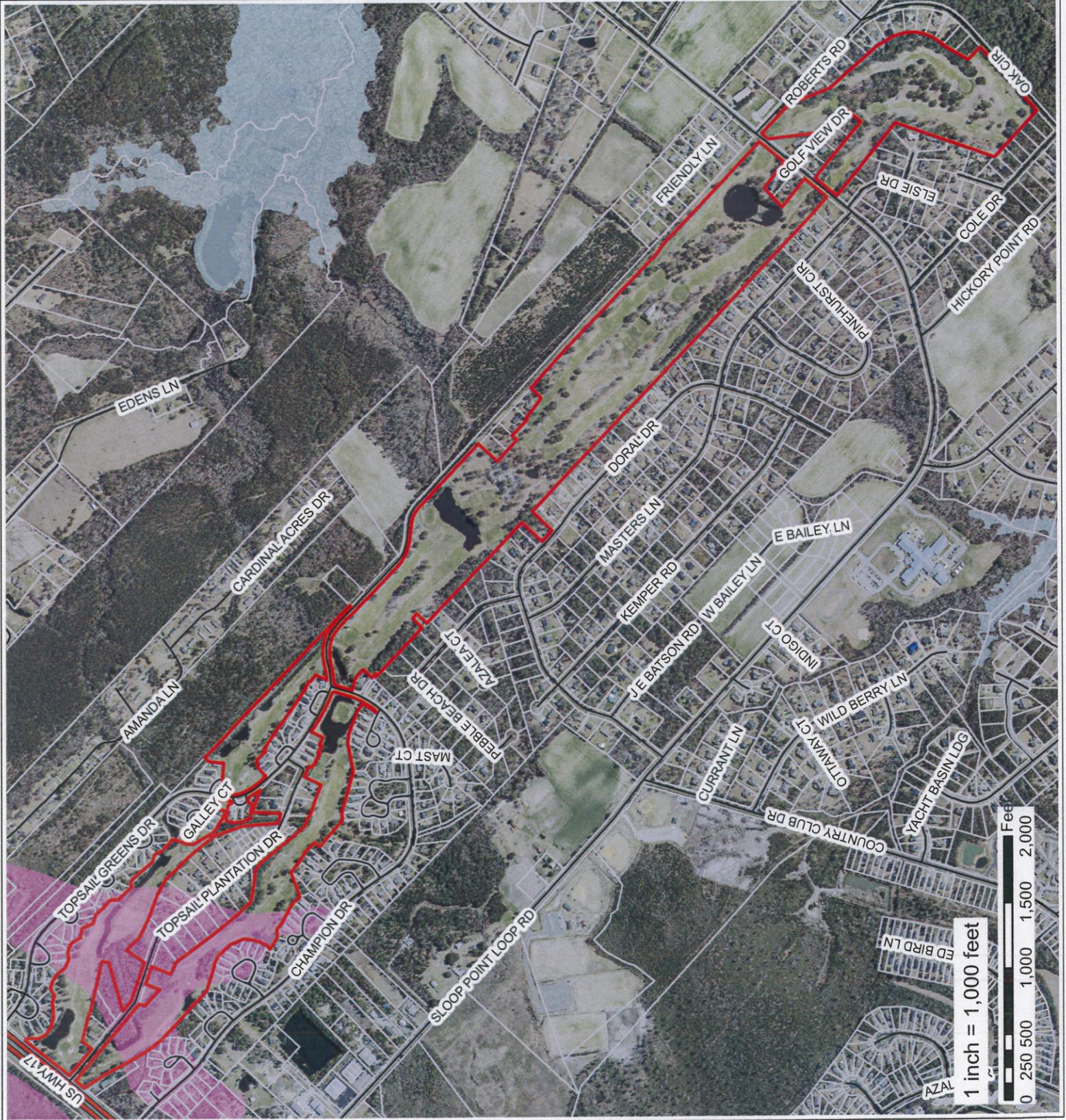
Master Development Plan
11035

The Oaks at
Sloop Point

-  Subject Property
-  Flood Hazard Areas
-  A
-  AE
-  AEFW
-  SHADED X
-  VE



Flood
Hazard Areas



**PLANNING STAFF REPORT
REVISION -MASTER DEVELOPMENT PLAN
AVENDALE**

SUMMARY:

Hearing Date: November 12, 2013
Applicant: Avendale Development, LLC
Property Owner: Avendale Development, LLC
Case Number: MDP 10727-R

Development Proposal: The applicant is requesting the approval of a revision to a previously approved Master Development Plan and Preliminary Plat, specifically amending Phase 4 of the Avendale Residential Master Development Plan.

Location and Land Use: There is one (1) tract associated with this request totaling approximately ±79.38 acres for the proposed Phase 4, Avendale Master Development Plan. The project is located along the east side of NC Highway 210 south of Harrison Creek and west of Cross Creek Subdivision and may be identified as Pender County PIN 3273-16-3369-0000.

The project is classified as Suburban Growth by the 2010 Pender County Comprehensive Land Use Plan and the 2005 CAMA Land Use Plan classifies the property as Urban Growth Area with Conservation I and II overlays.

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

Staff Recommendation: Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Zoning Ordinance and Subdivision Ordinance ; therefore, staff respectfully recommends conditional approval of this proposed revision to the previously approved Master Development Plan and Preliminary Plat with consideration of the Technical Review Committee (TRC) and Planning Board comments and conditions.

History:

The subject property was rezoned from the R-20, Residential and FA Flood Hazard Area Zoning Districts to the PD, Planned Development District in January 2006.

Timeline of the Avendale Master Development Community:

- The Planning Board approved the Avendale Master Development Plan for residential development of 170 single family units and 80 multi-family townhomes for a total of 250 residential units and Phase 1 Preliminary Plat in February 2006.
- The Avendale Phase 2 Preliminary Plat was approved in December 2006 with 44 units (later revised from 44 units to 62 units in February 2007).
- The Avendale Phase III was approved June 2006.
- An amendment to the approved Master Plan and approved Preliminary Plat was denied July 7, 2009
- Subsequently, Phase III was further amended by the Pender County Planning Board in January 2010.

To date, three phases have been recorded for Avendale: Phase I, 23 single family units; Phase II, 46 patio home units; and Phase III, 83 units; totaling 152 residential units.

This project was reviewed and approved under the provisions of the Pender County Zoning Ordinance Adopted July 5, 1988, Codified with Corrections & Amendments as of February 2, 2009; the Pender County Subdivision Ordinance and the 2005 CAMA Land Use Plan.

Description of Proposal:

The Avendale Development is located on 101.3 acres zoned PD, Planned Development. The requested amendment is to the previously approved Master Development Plan and Final Preliminary Plat. The applicant is specifically requesting a revision to Phase 4.

As currently approved, Phase 4 would allow 35 single family lots and 47 multi-family units. The amendment will remove the multi-family units (MFU) at 9 units per acre, and replace the MFU with 19 single family residential (SFR) lots.

The additional amendment will modify the proposed road network by removing one (1) cul-de-sac and change the placement and length of the other cul-de-sac.

This proposal will be known as Phase 4 of Avendale and will complete the development. Phase 4 will have a total of 59 SFR units and no MFU.

Project Density

As prescribed in Section 8.10, Schedule of District Requirements of the Pender County Zoning Ordinance, the PD District allowed up to 12 units per acre. The initial approval granted the development a maximum density of 250 single and multi-family units. The proposed amendment is lowering the density to 211 units, and would allow 165 SFR and 48 MFU.

Lot Requirements

As outlined in the Pender County Zoning Ordinance, Section 8.10, Schedule of District Requirements, the Master Development Plan will established the required lot sizes and yard setbacks, The applicant is proposing a maximum total of 59 single family residential lots, with a minimum lot size of 8,000 ft² with a maximum building height of 35 feet and the following proposed yard setbacks:

Front: 25 feet

Side: 10 feet

Rear: 15 feet

Minimum Lot Width: 70 feet

Water/Waste Water:

Avendale has proposed connection to Pender County Public Water System; subject to review and approval by Pender County Utilities (PCU).

Wastewater will be treated by the existing on-site wastewater treatment facility; subject to review and approval by North Carolina Department of Environment and Natural resources (NC DENR). The facility was permitted and constructed to treat 82,440 gallons of effluent per day from 229 total units.

Open Space

Currently, Avendale has ± 20.25 acres of open space (for the entire development), well in excess of the County's 15% requirement as outlined in the Required Improvements Section of the Pender County Subdivision Ordinance. The amendment will not reduce or change the areas reserved as open space.

Street Connectivity and Access

The road system will consist of Avendale Drive, a continuation of a 60 foot right-of-way; St Lawrence Circle and Maxwell Drive are both proposed as 50 foot right of-ways. The road network will also include Buchanan Court, a short bulb-out street with a 40 foot right-of-way. All roads will be built to NCDOT standards and are intended to be dedicated as private. All roads will be paved with curb and gutter. This will be the second connection on NC Highway 210. All road names will require approval by the Pender County Addressing Coordinator.

Environmental Concerns

There are approximately 20.252 acres of wetlands as determined by the Army Corps of Engineers. Any development within these areas will be subject to the permit requirements of Section 404 of the Clean Water Act. The wetland area has been reserved as the development's open space.

A portion of the subject property is located within the Special Flood Hazard Area (SFHA) Zone AE, subject to inundation by the 1% annual chance flood according to the 2007 Flood Insurance Rate Maps (FIRMs), Map Number 3720327300J, Panel Number 3273, along Harrison Creek which is a tributary to the Northeast Cape Fear River. Any development located within the SFHAs will be required to meet the meeting the prescribed standards as outlined in the Flood Damage Prevention Ordinance

All applicable state and federal agency permits including a Stormwater Management Permit, Sediment and Erosion Control Plan, wetlands impact permits, and a NCDOT Driveway Permit will be required prior to the approval of the Final Preliminary Plat.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO
The Cape Fear RPO has no comment.

NC Office of State Archaeology
No response

Four County Electric Company
No response

NC Wildlife Resources Commission
No response

NC DENR Division of Coastal Management
No response

Pender County Addressing Coordinator
I already have the road names reserved. I would like to request that the street type for St. Lawrence be changed. It is definitely not a circle.

NC DENR Division of Forestry
No response

NC DENR, Division of Energy, Mineral, and Land Resources - Land Quality Section
No response

Pender County Building Inspections
No response

NC DENR Division of Waste Management
No response

Pender County Emergency Management
No response

NC DENR Division of Water Quality
The applicant will need to revise the stormwater plans previously permitted to show the layout of Phase 4 and provide deed restrictions limiting the BUA per lot. The BMP that will treat the runoff from the roads and lots in Phase 4 was permitted under the original 2006 permit, but has not been built yet.

Pender County Environmental Health
It appears that their existing wastewater treatment plant will be utilized. This plant was permitted by DWQ (now DWR).

NC DOT Division of Highways
The NCDOT is OK with this revision.

Pender County Fire Marshal
No response

NC DOT Transportation Planning Branch
No response

Pender County Flood Plain Management
This property is a SFHA. Flood lines will need to be delineated and BFEs need to be established (BFE + 2' freeboard applies).

Pender County Parks and Recreation
Parks and Recreation has no issues with this request.

Pender County Public Library

No response

Pender County Public Utilities

No response

Pender County Schools

No response

Pender County Sheriff's Department

No response

Pender County Soil and Water Conservation District

Soil & Water sees no problem with this request.

Progress Energy Corporation

No response

US Army Corps of Engineers

No response

Wilmington Metropolitan Planning Organization

No response

Evaluation

A. Existing Zoning in Area:

- a. The property is located within a PD, Planned Development District. The intent of the PD, Planned Development District is to provide an alternative to a conventional development. The PD, Planned Development District allows projects of innovative design and layout that would not otherwise be permitted under this Ordinance because of the strict application of zoning district or general development standards. The PD District encourages progressive land planning and design concepts.
- b. The properties to the immediate east south and west are zoned as RP, Residential Performance, with the property to the north zoned RA, Rural Agricultural District.

B. Existing Land Use in Area:

The property to the immediate north and east are vacant forested tracts, and to the south is Phase 1, 2 and 3 of the Avendale Community and to the west are single family residential uses including Cross Creek Subdivision.

C. CAMA 2005 Land Use Plan

The Pender County Future Land Use Plan classifies the property as Urban Growth Area with Conservation I & II overlays. Urban Growth Areas are planned for high net density residential development which is dependent upon the types and levels of services that are available. Factors in determining preferred locations for higher density residential development shall include: close proximity to employment and shopping centers, access to major thoroughfares and transit systems, the availability of public services and facilities, and compatibility with adjacent areas and land uses. The project site is bounded to the north by a plant nursery and Holly Shelter Game Land. To the west contains the previously approved Bayberry development which contains a mix of residential and commercial uses, and to the south contains businesses classified as mini-warehouses and a yacht building business. This development proposal is generally consistent with the 2005 CAMA Land Use Plan.

D. 2010 Comprehensive Land Use Plan:

The 2010 Comprehensive Land Use Plan classifies this project as Suburban Growth.

- a. Suburban Growth: The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon. Areas designated as Suburban Growth are located primarily adjacent to municipal planning jurisdictions and within or near high growth, unincorporated areas of the County, i.e., Hampstead/Scotts Hill, Rocky Point, and portions of US 421

South. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future.

- b. Uses that would typically be allowed in Suburban Growth areas include medium-high density residential (single-family site-built and modular homes); limited non-residential uses - commercial, office, or public/institutional - meeting locational criteria. Locational criteria for non-residential uses include frontage and access to a major State highway or secondary road, location at a major intersection, proximity to similar uses, and spatial separation from non-compatible uses such as existing residential development. Comprehensive Plan Policies and

E. Summary & Staff Recommendation: Staff Recommendation:

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with the 2010 Pender County Comprehensive Land Use Plan; 2005 CAMA Land Use Plan; Pender County Zoning Ordinance and Subdivision Ordinance ; therefore, staff respectfully recommends conditional approval of this proposed revision to the previously approved Master Development Plan and Preliminary Plat with consideration of the Technical Review Committee (TRC) and Planning Board comments and conditions.

The approval is also subject to the all conditions required by the Pender County Planning Board and regulatory State and Federal Agencies.

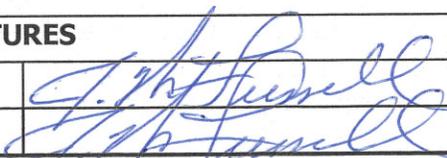
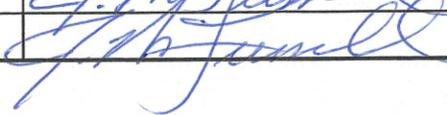
Board Action for Master Plan Review:

Motion: _____ **Seconded:** _____

Approved: _____ **Denied:** _____ **Unanimous:** _____

Boney: ___ Williams: ___ Baker: ___ Edens: ___ Marshburn: ___ McClammy: ___ Nalee: ___

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP / PP 10727-R	Date	000 9.27.13
Application Fee	\$ 250 (Revision)	Receipt No.	#132197
Pre-Application Conference	N/A	Hearing Date	NOV. 12, 2013
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Avendale Development, LLC	Owner's Name:	Avendale Development, LLC
Applicant's Address:	746 Corcus Ferry Road	Owner's Address:	746 Corcus Ferry Road
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	Hampstead, NC 28443
Phone Number:	910 617 5096	Phone Number:	910 617 5096
Legal relationship of applicant to land owner: same			
SECTION 2: PROJECT INFORMATION			
Type of Master Development Plan	<input checked="" type="checkbox"/> Residential <i>RP, PD, RM MH District</i>	<input type="checkbox"/> Commercial <i>GB, OI, IT, GI District</i>	<input type="checkbox"/> Mixed Use <i>PD</i>
Property Identification Number (PIN):	3273-15-5730-0000	Total property acreage:	99.63 AC.
Zoning Classification:	PD	Acreage to be disturbed:	+/-75 AC.
Project Address :	NC HWY 210		
Description of Project Location:	HIGHWAY 210 ACROSS FROM CROSS CREEK		
Describe activities to be undertaken on project site:	RESIDENTIAL SUBDIVISION DEVELOPMENT		
	165 SINGLE FAMILY LOTS AND 62 TOWNHOME LOTS		
SECTION 3: SIGNATURES			
Applicant's Signature			Date: 8-30-13
Owner's Signature			Date: 8-30-13



STROUD ENGINEERING, P.A.

CONSULTING ENGINEERS
102-D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
(910) 815-0775

Project Narrative Avendale Subdivision

Master Plan Revision &
Phase 4 Preliminary Plan
10/02/13

Introduction

This project was originally approved on January 20, 2006 to construct a mix of single and multifamily units on 99.63 acres of land located south of Harrisons Creek on Hwy. 210. The originally approved Master Plan allowed for 170 single family homes and 80 multifamily units, yielding a project density of 2.5 units per acre. The new plan proposes 59 single family lots to replace the previously planned 35 single family lots and 47 multifamily units in the same area. The originally planned single family lots in this area were to be eighty feet wide. The present proposal is to plat seventy feet wide lots consistent with those recorded as Phase 3 over the last couple of years. The multi family units have been a marketing challenge in this location. The original proposal of 80 multi family units will be reduced to 46 at build out. The originally approved number of units is to be reduced by the present proposal. The present plan reduces the density by sixteen percent to 211 units as opposed to the 250 units approved in the original master plan.

Dimensional Standards

The proposed lots are to be as represented on the Revised Preliminary. The minimum lot size shall be 8000 square feet. The front setbacks will be 25 feet, the side setbacks shall be 10 feet, and the rear setbacks shall be 15 feet. The lot width is typically seventy feet. Buffers will be provided as necessary to meet the Pender County UDO.

Roadways

Road alignments have been slightly revised in the phase 4 area to eliminate the multi family development. The roadways are proposed as private but will be build to NCDOT standards. Traffic flow will be improved by reducing the unit count.

Public Utilities

The existing utility network will accommodate the proposed change with only minor modification. The existing wastewater treatment plant can accommodate the flow as the number of dwelling units has decreased.

Stormwater Management

The sizes and locations of the permitted stormwater facilities are materially unchanged by this plan revision as there is no increase in the overall impervious area. A state stormwater permit revision will be required to reallocate impervious areas from multifamily sections to single family lots. This will result in a net shift of impervious area away from wetlands and should ultimately improve water quality.

107 COMMERCE ST.
SUITE B
GREENVILLE, NC 27858
(252) 756-9352

102-D CINEMA DRIVE
WILMINGTON, NC 28403
(910) 815-0775

HESTRON PLAZA TWO
151-A HWY. 24
MOREHEAD CITY, NC 28557
(252) 247-7479



Applicant & Owner:
Avaldale
Development, LLC

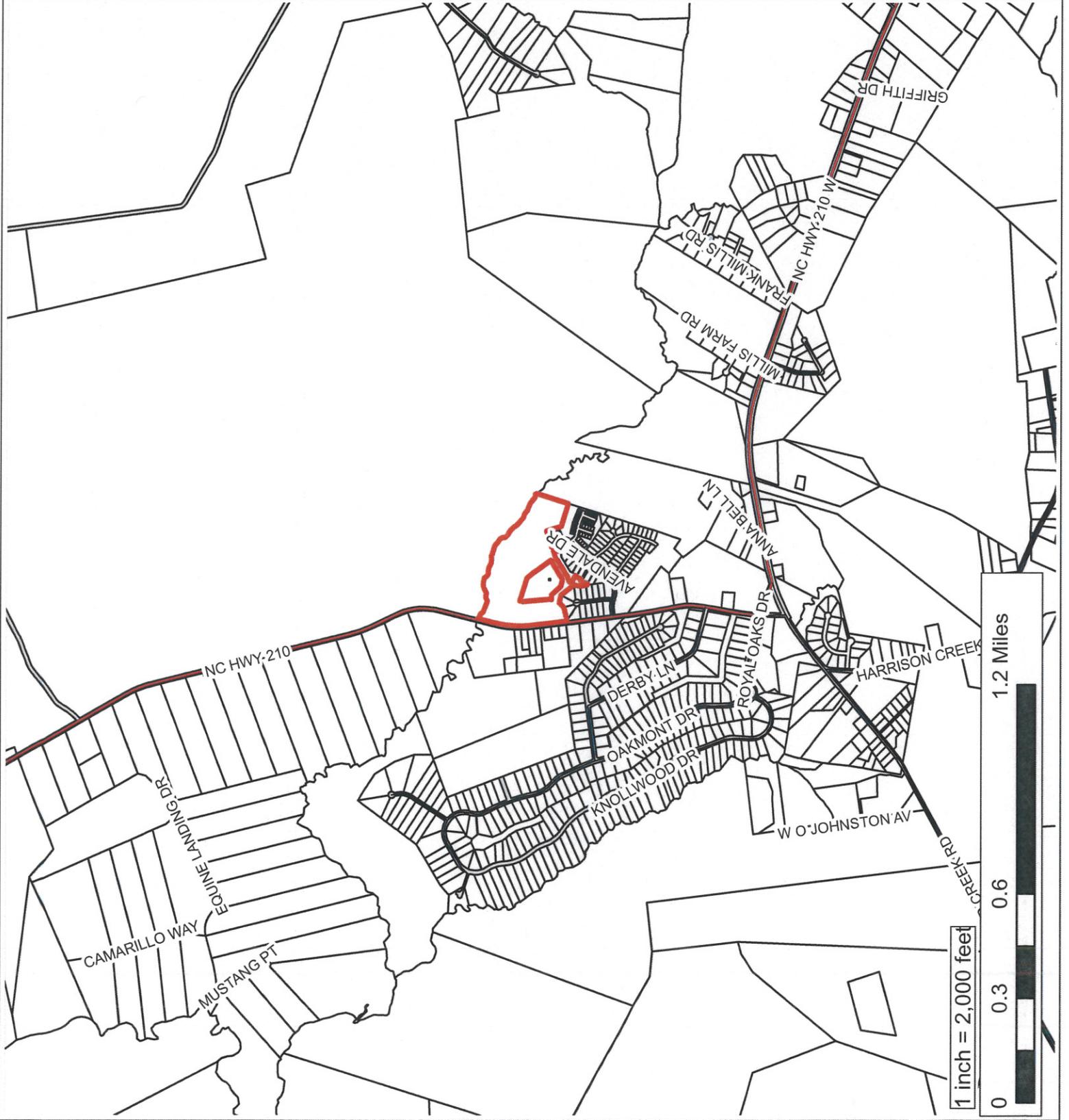
**Revision
Master Development Plan
&
Preliminary Plat**

10727 -R

**Avaldale
Phase IV**



VICINITY





Applicant & Owner:
Avendale
Development, LLC

**Revision
Master Development Plan
&
Preliminary Plat**

10727 -R

**Avendale
Phase IV**

Legend

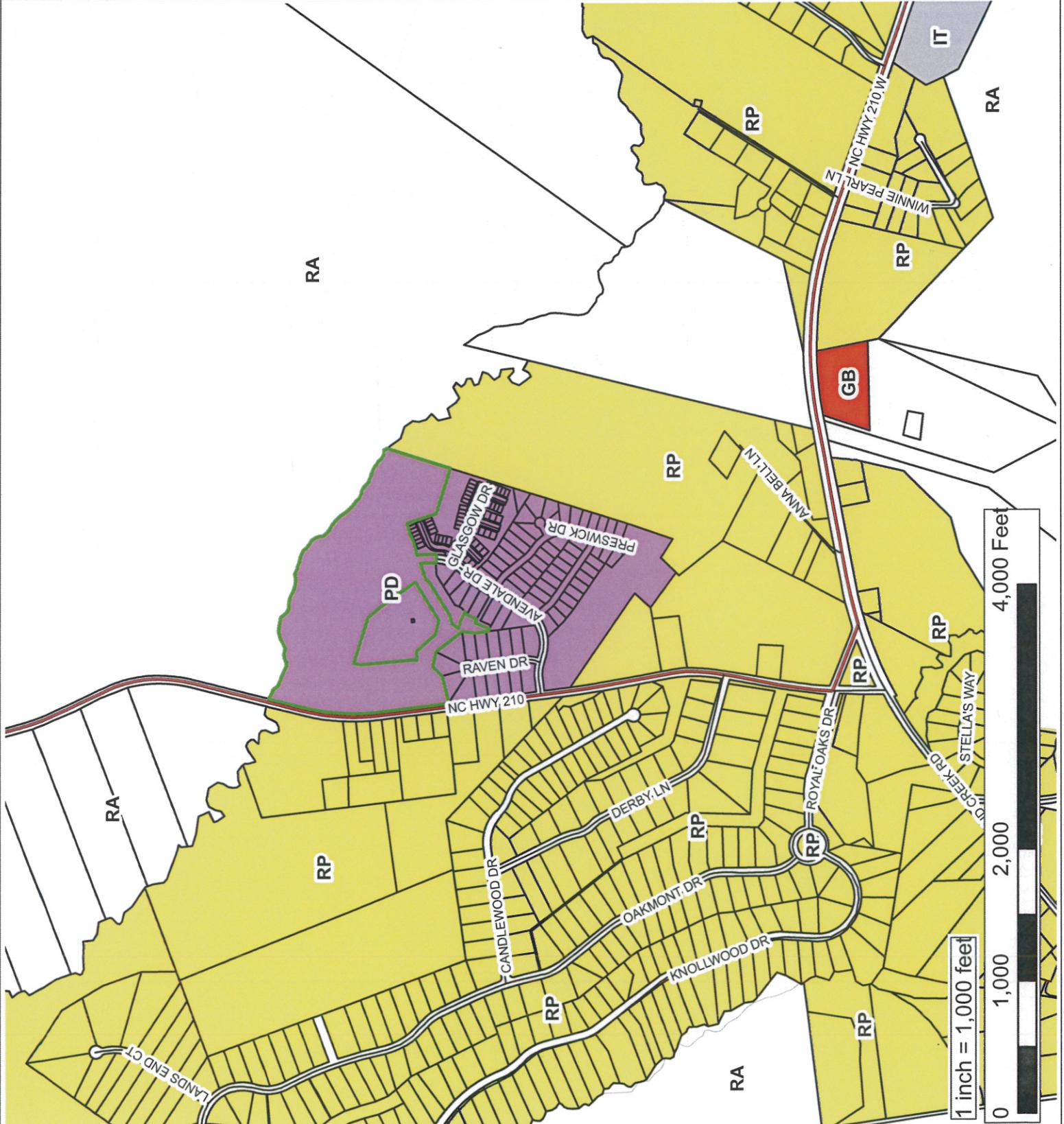
Subject Parcel

Zoning Classification

- General Business (GB)
- General Industrial (GI)
- Industrial Transition (IT)
- Office & Institutional (OI)
- Rural Agricultural (RA)
- Planned Development (PD)
- Residential Performance (RP)
- Environmental Conservation (EC)
- Incorporated Areas (INCORP)
- Manufactured Home Park (MH)
- Residential Mixed (MF)



ZONING





Applicant & Owner:
Avendale
Development, LLC

Revision
Master Development Plan
&
Preliminary Plat

10727 -R

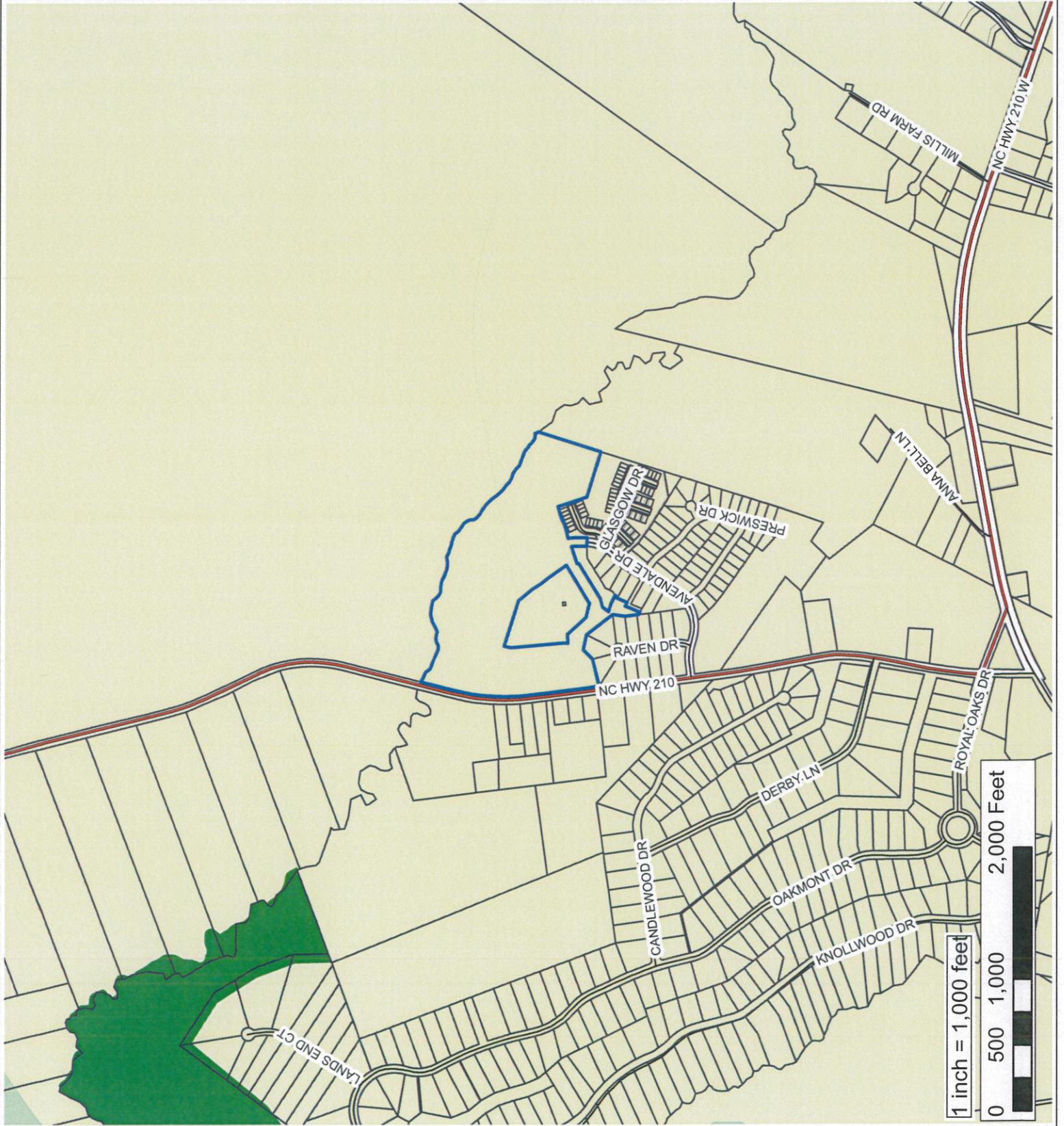
Avendale
Phase IV

2010 Land Use Classification

- Conservation
- Industrial
- Mixed Use
- Office, Institutional, Business
- Rural Growth
- Suburban Growth



2010
LAND USE
CLASSIFICATION





Applicant & Owner:
Avendale
Development, LLC

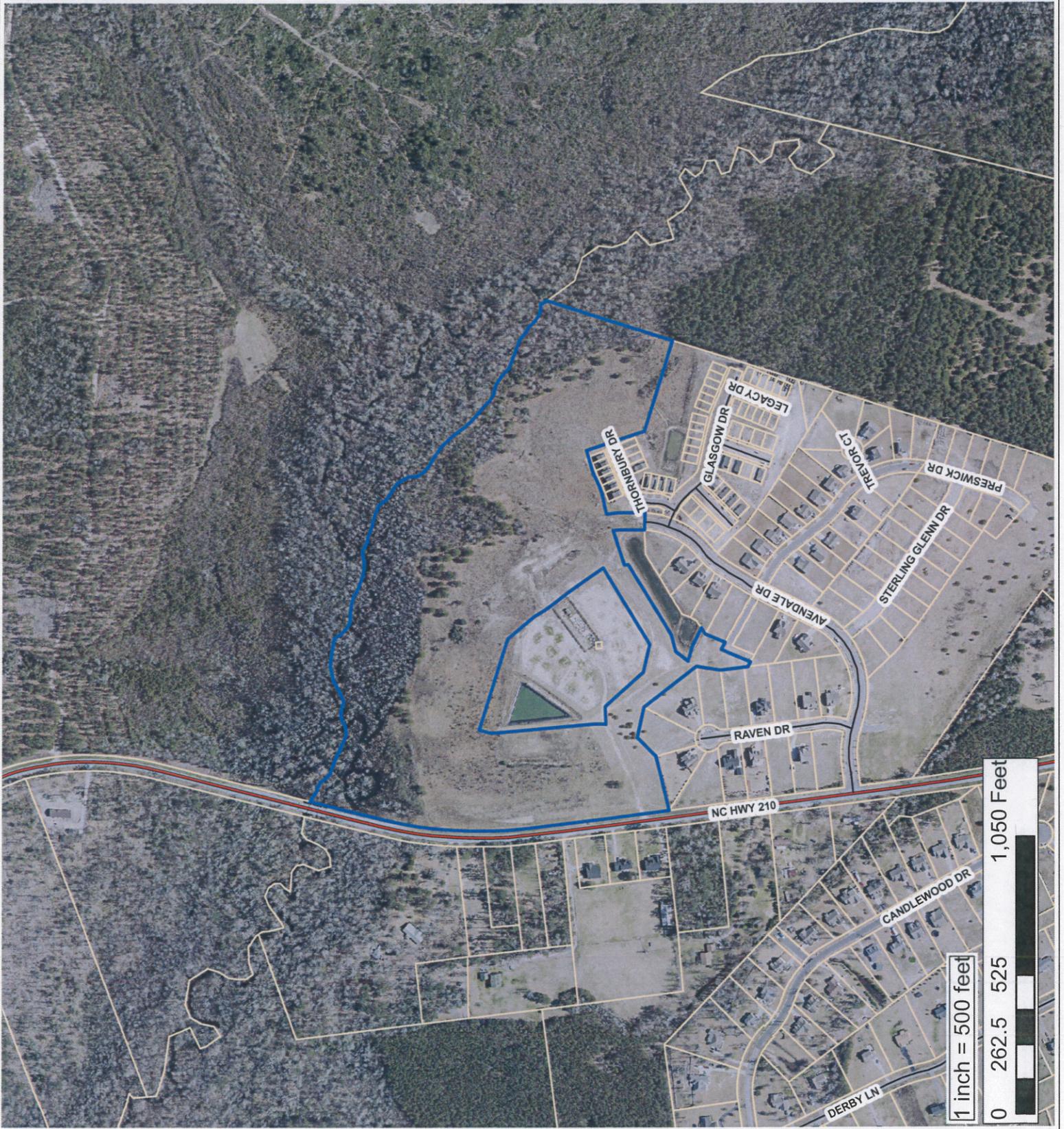
Revision
Master Development Plan
&
Preliminary Plat

10727 -R

Avendale
Phase IV



2012 AERIAL





Applicant & Owner:
Avendale
Development, LLC

**Revision
Master Development Plan
&
Preliminary Plat**

10727 -R

**Avendale
Phase IV**

Legend

-  Subject Parcel
-  Future Land Use (CAMA)
-  Conservation Area I
-  Conservation Area II
-  Transition Areas
-  Urban Growth Areas
-  Rural Clusters
-  Rural Areas



**CAMA
LAND USE
CLASSIFICATION**





Applicant & Owner:
Avaldale
Development, LLC

Revision
Master Development Plan
&
Preliminary Plat

10727 -R
Avaldale
Phase IV

 Subject Property

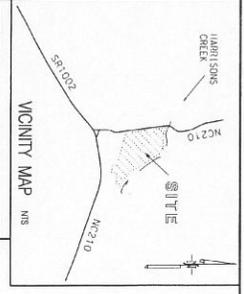
Flood Hazard Areas

	A
	AE
	AEFW
	SHADED X
	VE



Flood
Hazard Areas





SITE DATA

TOTAL AREA	20.25 AC
PHASE 1	10.00 AC
PHASE 2	10.25 AC
PHASE 3	0.00 AC
PHASE 4	0.00 AC
PHASE 5	0.00 AC
PHASE 6	0.00 AC
PHASE 7	0.00 AC
PHASE 8	0.00 AC
PHASE 9	0.00 AC
PHASE 10	0.00 AC
PHASE 11	0.00 AC
PHASE 12	0.00 AC
PHASE 13	0.00 AC
PHASE 14	0.00 AC
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PHASE 20	0.00 AC
PHASE 21	0.00 AC
PHASE 22	0.00 AC
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PHASE 86	0.00 AC
PHASE 87	0.00 AC
PHASE 88	0.00 AC
PHASE 89	0.00 AC
PHASE 90	0.00 AC
PHASE 91	0.00 AC
PHASE 92	0.00 AC
PHASE 93	0.00 AC
PHASE 94	0.00 AC
PHASE 95	0.00 AC
PHASE 96	0.00 AC
PHASE 97	0.00 AC
PHASE 98	0.00 AC
PHASE 99	0.00 AC
PHASE 100	0.00 AC

LEGEND

- PROPOSED WETLAND LINE
- EXISTING WETLAND LINE
- ET. MAJOR CONTOUR
- ET. MINOR CONTOUR

WETLAND CALLS

Phase 1: 1.00 AC
Phase 2: 1.00 AC
Phase 3: 1.00 AC
Phase 4: 1.00 AC
Phase 5: 1.00 AC
Phase 6: 1.00 AC
Phase 7: 1.00 AC
Phase 8: 1.00 AC
Phase 9: 1.00 AC
Phase 10: 1.00 AC
Phase 11: 1.00 AC
Phase 12: 1.00 AC
Phase 13: 1.00 AC
Phase 14: 1.00 AC
Phase 15: 1.00 AC
Phase 16: 1.00 AC
Phase 17: 1.00 AC
Phase 18: 1.00 AC
Phase 19: 1.00 AC
Phase 20: 1.00 AC
Phase 21: 1.00 AC
Phase 22: 1.00 AC
Phase 23: 1.00 AC
Phase 24: 1.00 AC
Phase 25: 1.00 AC
Phase 26: 1.00 AC
Phase 27: 1.00 AC
Phase 28: 1.00 AC
Phase 29: 1.00 AC
Phase 30: 1.00 AC
Phase 31: 1.00 AC
Phase 32: 1.00 AC
Phase 33: 1.00 AC
Phase 34: 1.00 AC
Phase 35: 1.00 AC
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Phase 95: 1.00 AC
Phase 96: 1.00 AC
Phase 97: 1.00 AC
Phase 98: 1.00 AC
Phase 99: 1.00 AC
Phase 100: 1.00 AC



STROUD ENGINEERING, P.A.

100-0 GINNA DRIVE
SUITE 100
HARRISBORO, NC 28540
PHONE: (910) 210-1725

AVENUE OP

DESIGNED BY: STROUD ENGINEERING, P.A.
DATE: 5/20/05
SHEET 1 OF 2

REVISIONS

NO.	DATE	DESCRIPTION
1	5/20/05	ISSUED FOR PERMIT
2	5/20/05	ISSUED FOR PERMIT
3	5/20/05	ISSUED FOR PERMIT
4	5/20/05	ISSUED FOR PERMIT
5	5/20/05	ISSUED FOR PERMIT
6	5/20/05	ISSUED FOR PERMIT
7	5/20/05	ISSUED FOR PERMIT
8	5/20/05	ISSUED FOR PERMIT
9	5/20/05	ISSUED FOR PERMIT
10	5/20/05	ISSUED FOR PERMIT

- NOTES**
1. ALL WETLAND SETBACKS SHALL BE DETERMINED BY THE U.S. ARMY CORPS OF ENGINEERS.
 2. STREETS SHALL BE DESIGNED TO MEET ALL LOCAL AND STATE REQUIREMENTS.
 3. THE TOTAL ROADWAY WIDTH SHALL BE 60 FEET.
 4. PHASE 1 AND 2 SHALL BE CONSTRUCTED FIRST.
 5. PHASE 3 SHALL BE CONSTRUCTED SECOND.
 6. PHASE 4 SHALL BE CONSTRUCTED THIRD.
 7. PHASE 5 SHALL BE CONSTRUCTED FOURTH.
 8. PHASE 6 SHALL BE CONSTRUCTED FIFTH.
 9. PHASE 7 SHALL BE CONSTRUCTED SIXTH.
 10. PHASE 8 SHALL BE CONSTRUCTED SEVENTH.
 11. PHASE 9 SHALL BE CONSTRUCTED EIGHTH.
 12. PHASE 10 SHALL BE CONSTRUCTED NINTH.

