

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
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AGENDA

Pender County Planning Board
Tuesday, January 6, 2015 7:00 p.m.
Pender County Public Meeting Room
805 S. Walker Street, Burgaw, North Carolina

Call to Order: Chairman Williams

Roll Call: Chairman Williams

Pender County Planning Board Members:

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

1. Election of Officers: Chairman/Vice-Chairman

2. Adoption of the Agenda:

3. Adoption of the Minutes: (December 2, 2014)

4. Public Comment:

(Public Hearings Open)

5. Zoning Text Amendment: (Tabled from 12/2/2014)

Four Points Recycling, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. The request is to amend Section 5.2.3 to add a Solid Waste Compost Facilities as a permitted use in the GB, General Business zoning district.

6. Conditional Rezoning:

Pender County, applicant and owner, is requesting approval of a zoning map amendment for a conditional rezoning of one tract totaling ± 19.21 acres from PD, Planned Development zoning district, to OI-CD1, Office and Institutional conditional zoning district. The rezoning request is for NAICS 562111 Solid Waste Collection Public for the use of the existing Pender Solid Waste Transfer Station and proposed Hampstead Convenience Center. The subject property is located at 248 Transfer Station Road (SR 1695) in Hampstead. The property may be further identified by Pender County PIN 4203-17-8616-0000.

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.

7. Master Development Plan Revision:

Signature Top Sail NC, LTD, applicant and owners, are requesting a revision to their previously approved Master Development Plan, Wyndwater (formerly known as the Oaks at Sloop Point). Specifically this request is to amend future phases from; a required side yard setback of ten (10) feet to a zero lot line. Additionally requested is an amendment to previously approved buffers. The property is zoned PD, Planned Development District. The proposed development is located to the north of Doral Drive (SR 1693), northwest of Sloop Point Loop Road (SR 1563), south of the approved Cardinal Pointe subdivision and east of US Highway 17 in Hampstead. The property may be further identified by Pender County PIN 4214-12-4590-0000.

8. Comprehensive Transportation Plan:

Pender County and NCDOT will hold a public hearing for recommendation on adoption of the draft Pender County Comprehensive Transportation Plan.

(Public Hearings Closed)

9. Discussion Items:

a. Planning Staff Items:

- i. PD Zoning District ZTA
- ii. Subdivision Changes

b. Planning Board Members Items:

10. Next Meeting: February 3, 2015, as applicable

11. Adjournment:

PLANNING STAFF REPORT

Zoning Text Amendment

SUMMARY:

Hearing Date: Planning Board – January 6, 2015

Board of County Commissioners – January 20, 2014

Applicant: Four Points Recycling

Application Number: ZTA 11288

Text Amendment Proposal: Four Points Recycling, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. The request is to amend Section 5.2.3 to add Other Nonhazardous Waste Treatment and Disposal as a permitted use in the GB, General Business zoning district.

Background: The following text amendment is the result of the absence of compost facilities as a by-right use in the GB, General Business zoning district which shall be classified as NAICS, North American Industry Classification System Number 562219 for Other Nonhazardous Waste Treatment and Disposal in the Pender County Unified Development Ordinance.

Administrator Recommendation: The Administrator respectfully recommends denial of the specific request or a change of the proposed amendment to the Unified Development Ordinance as described in the following report.

There are two aspects of the project with particular examination; the NAICS 562219 “Other Nonhazardous Waste Treatment and Disposal” and the crushing of concrete materials to be sold as ABC rock classified as NAICS 423320 “Crushed Stone Wholesale”. Both are requested as a permitted right in the GB, General Business zoning district. Staff’s recommendation includes:

1. For “Other Nonhazardous Waste Treatment and Disposal” NAICS 562219, is recommended to be added to the zoning districts as follows; RA, Rural Agricultural zoning district as a special use permit, IT, industrial transitional zoning district as a permitted use by right, and GI, General Industrial zoning district as a permitted use by right. This recommendation is based on; the NAICS 562219 classification for such facilities, the intensity of this use on the land, and potential impacts on surrounding properties.

Further, with the special use permit requirement in the RA, Rural Agricultural zoning district additional standards could be placed on such facilities to allow for locations throughout the County for yard debris, which is a current deficiency in Pender County, especially for large storm event debris.

2. The “Crushed Stone Wholesale” NAICS 423320 can be captured under the existing “Wholesale Trade” Sector 42 in The Table of Permitted Uses Section 5.2.3. At this time no change is required to this Sector 42 as the crushing of concrete materials is included in this permitted use (Attachment 1). Wholesale trade is permitted by special use in the RA, Rural Agricultural zoning district, by right in the IT, industrial transitional zoning district and the GI, General Industrial zoning district.

The table excerpt from the Table of Permitted Uses Section 5.2.3 below depicts the Planning Staff recommendation on this entire proposal.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 42 WHOLESALE TRADE											
Wholesale Trade	42	S							P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219	S							P	S P	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	

Background

The requested text amendment is to amend Section 5.2.3 of the Pender County Unified Development Ordinance to amend “Other Nonhazardous Waste Treatment and Disposal” which is classified as NAICS, North American Industry Classification System Number 562219 as a by-right use in the GB, General Business zoning district.

According to the NAICS classification, this U.S. industry comprises establishments primarily engaged in:

- (1) operating nonhazardous waste treatment and disposal facilities (except landfills, combustors, incinerators and sewer systems or sewage treatment facilities); or
- (2) the combined activity of collecting and/or hauling of nonhazardous waste materials within a local area and operating waste treatment or disposal facilities (except landfills, combustors, incinerators and sewer systems, or sewage treatment facilities). Compost dumps are included in this industry.

According to the applicants narrative; “this would allow for the processing of “silverculture waste” which may be defined as waste materials produced from the care and cultivation of forest trees, vegetative debris, yard trash, yard waste and the crushing of concrete materials that could be sold as ABC rock” to be included in the Unified Development Ordinance.

Current Practice for Yard Debris

According to Pender County’s website under Pender Solid Waste; State law prohibits the disposal of yard waste and vegetative debris in sanitary landfills. Alternative Disposal Options: backyard composting, controlled burning, contract with a private hauler, or Wilmington Materials on Highway 421 will accept yard wastes for a fee. Wilmington Materials will also accept tree stumps for a fee. The convenience centers in Pender County do not accept yard debris.

During storm events Pender County does designate storm debris locations and there may be a need for these facilities year round in the County. In total 7,793.77 tons of Construction and Demolition debris were landfilled

on behalf of Pender County citizens as a result of Hurricane Floyd. An additional 60,696 cubic yards of vegetative debris were collected by the Department of Transportation and burned via air curtain by Pender County contractors. Hurricane Isabel generated approximately 200 cubic yards of vegetative debris. Total costs to clean-up were approximately \$16,000 to the County. Hurricanes Bonnie and Charley (August 2004) generated vegetative debris. Amounts dropped off at two County locations totaled 1,137 cubic yards. Clean-up costs were approximately \$20,000. All figures above are from Pender County's solid waste division as public information on the Pender County website.

Requested Amendment

Section 5.2.3 Table of Permitted Uses

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219						P			S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	

Unified Development Ordinance Compliance

The applicant's request to amend an identified use type termed as "Nonhazardous Waste Treatment and Disposal" which is classified as NAICS, North American Industry Classification System Number 562219 to amend the GB, General Business zoning district as a by-right use.

According to Section 4.9.1 of the Pender County Unified Development Ordinance, GB, General Business zoning district; is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. The General Business zoning district serves as a commercial zoning district in Pender County.

All buffer requirements for specific projects and parcels are based on use type and the zoning for the parcel. With a GB, General Business zoning district and the use of a Solid Waste Compost facility this may require additional buffering similar to an industrial zoning district rather than a commercial zoning district as proposed. According to Section 8.2.1 of the Pender County Unified Development Ordinance; A buffer is a specified land area, located parallel to and within the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line, together with the planting and landscaping required on the land. A buffer may also contain, or be

required to contain, a barrier such as berms, fence or wall, or combination hereof, where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not the same as the term "yard" or the term "stormwater management area." Buffers specifically protect adjacent properties from potential by-products of a specific use.

There is conflicting text in the Unified Development Ordinance to include "Other Nonhazardous Waste Treatment and Disposal" which is classified as NAICS, North American Industry Classification System Number 562219 in the GB, General Business zoning district as a by-right use.

Comprehensive Land Use Plan Compliance

There are conflicting policies within the 2010 Comprehensive Land Use Plan for the proposed text amendment. The proposed zoning text amendment is in compliance with the following goals and policies in the 2010 Pender County Comprehensive Land Use Plan:

Policy 1A1.5 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.

Solid Waste Management Goal 2F.1 Ensure adequate capacity and proper management of solid waste, including reducing, reusing and recycling materials.

The proposed zoning text amendment may be conflicting with the following goals and policies:

Policy 3A1.2 Use the creation of the Unified Development Ordinance as an opportunity to allow more development flexibility while setting higher standards for sustainable development.

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 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.)

Policy 3A.1.4 Consistently use the Comprehensive Land Use Plan, as well as other plans and studies to determine if a rezoning request is appropriate and consistent with local policies.

Policy 2F.1.4 When siting collection centers, consider surrounding land uses, traffic and aesthetics.

Evaluation

As prescribed in the Pender County Unified Development Ordinance Section 3.18.5 in evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

- 1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- 2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- 3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
- 4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendments, the central issue before the Planning Board is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents and the specific intent of this Ordinance.

Administrator Recommendation

The proposed text amendment is not consistent with the Pender County Unified Development Ordinance and the 2010 Pender County Comprehensive Land Use Plan. Therefore, Planning Staff is respectfully recommending denial of the zoning text amendment as specifically requested or a change of the proposed amendment to the Unified Development Ordinance as described in the following report.

There are two aspects of the project with particular examination; the NAICS 562219 "Other Nonhazardous Waste Treatment and Disposal" and the crushing of concrete materials to be sold as ABC rock classified as NAICS 423320 "Crushed Stone Wholesale". Both are requested as a permitted right in the GB, General Business zoning district. Staff's recommendation includes:

1. For "Other Nonhazardous Waste Treatment and Disposal" NAICS 562219, is recommended to be added to the zoning districts as follows; RA, Rural Agricultural as a special use permit required, IT, industrial transitional as a permitted use by right, and GI, General Industrial zoning district as a permitted use by right. This recommendation is based on; the NAICS 562219 classification for such facilities, the intensity of this use on the land, and potential impacts on surrounding properties.

Further, with the special use permit requirement in the RA, Rural Agricultural zoning district additional standards could be placed on such facilities to allow for locations throughout the County for yard debris, which is a current deficiency in Pender County, especially for large storm event debris.

2. The "Crushed Stone Wholesale" NAICS 423320 can be captured under the existing "Wholesale Trade" Sector 42 in The Table of Permitted Uses Section 5.2.3. At this time no change is required to this Sector 42 as the crushing of concrete materials is included in this permitted use (Attachment 1). Wholesale trade is permitted by special use approval in the RA, Rural Agricultural zoning district, by right in the IT, industrial transitional zoning district and the GI, General Industrial zoning district.

The table excerpt from the Table of Permitted Uses Section 5.2.3 below depicts the Planning Staff recommendation on this entire proposal.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 42 WHOLESALE TRADE											
Wholesale Trade	42	S								P	P
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111										S
Solid Waste Landfill	562212										S
Solid Waste Combustors and Incinerators	562213										S
Other Nonhazardous Waste Treatment and Disposal	562219	S								P	S P
Remediation Services	562910										S
Materials Recovery Facilities	562920										S
All Other Waste Management Facilities	56299										S

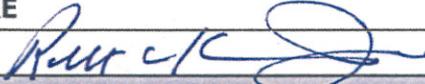
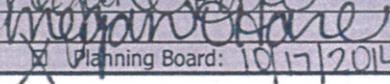
Planning Board

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous _____

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

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 11288	Date	10/17/2014
Application Fee	\$ 250.00	Receipt No.	142565
Pre-Application Conference		Hearing Date	12/2/2014 PB, 1/19/2014
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Four Points Recycling		
Applicant's Address:	481 Holly Shelter Road		
City, State, & Zip	Jacksonville, NC 28540		
Phone Number:	(910) 346-2047		
SECTION 2: UDO TEXT TO BE AMENDED			
Current Text to be Amended (Please site accurate Article number referenced):			
Add Solid Waste Compost Facilities to the Table of Permitted Uses. Solid Waste Compost Facilities would include "silviculture waste" as defined as waste materials produced from the care and cultivation of forest trees, including bark and woodchips; "yard trash" as defined as sold waste resulting from landscaping and yard maintenance materials such as brush grass tree limbs, leaves and untreated wood, stumps and other vegetative material. Also add for Concrete Crushing Facilities for crushing concrete materials for ABC rock.			
Proposed Text to be added:			
SEE ABOVE			
SECTION 3: SIGNATURE			
Applicant's Signature			Date: 10-17-2014
NOTICE TO APPLICANT			
If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.			
TEXT AMENDMENT CHECKLIST			
<input checked="" type="checkbox"/>	Signed application form		
<input checked="" type="checkbox"/>	Application fee		
<input type="checkbox"/>	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)		
Office Use Only			
<input checked="" type="checkbox"/> ZTA Fees: \$250		Total Fee Calculation: \$ 250.00	
Payment Method:	Cash: <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # 2441
Application Received By:			Date: 10/17/2014
Application completeness approved by:			Date: 11/13/2014
Dates Scheduled for Public Hearings:	<input checked="" type="checkbox"/> Planning Board: 10/17/2014	<input checked="" type="checkbox"/> BOC: 1/19/2014	

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Clifton L. Moore, Jr. (1936-2013)
Robert C. Kenan, Jr.

MAILING ADDRESS:
Post Office Box 957
Burgaw, N.C. 28425

November 13, 2014

Pender County Planning & Community Development
805 South Walker Street
Burgaw, North Carolina 28425

Re: Application of Four Points Recycling for a Text Change to Table of Permitted Uses

To Whom It May Concern:

The letter addresses the requirements of Section 3.18.5 of the Pender County Unified Development Ordinance as follows:

1. The proposed text amendment would be serve to add an additional solid waste management use that is not currently addressed within the Unified Development Ordinance even though the Ordinance does address a number of solid waste management uses. The proposed text amendment would allow the processing of "silverculture waste", which is defined as waste materials produced from the care and cultivation of forest trees, vegetative debris, yard trash, yard waste and the crushing of concrete to create materials that could be sold as ABC rock.

The purpose and intent of the proposed text would allow for a commercial deposit facility for the deposit from the pickup of silverculture debris generated from snow, ice and windstorms occurring in Pender County as well as, silverculture debris picked up by yard maintenance contractors who have no other place to deposit silverculture debris within the county. Additionally, the deposit facility would allow unused concrete debris to be recycled and sold for other commercial uses such as ABC rock.

2. The proposed text amendment would serve as an additional solid waste management use that is not currently being utilized in the County. Currently, there are no existing commercial silverculture waste management sites located in the county, excepting any commercial or county facilities. Since Pender County is growing and is more urbanized there are less options for the residents and citizens within Pender

County to deposit there "yard debris". The more preferred method of eliminating yard debris now is to have such debris delivered to a facility where the debris can be grinded into smaller matter and utilized as mulch and for other commercial viable uses rather than having such material being burned or being piled to allow for natural decay. Additionally, the proposed text would serve to eliminate concrete debris that may typically be store within a construction landfill for an indefinite period of time and instead recycling such material so that it can utilized for other commercial uses.

3. The proposed text amendment does not serve to correct an error within the Ordinance; however it does serve to add an additional uses not previously contemplated.

4. The proposed text amendment regarding silviculture, yard waste, yard trash and demolition landfill facility is governed by North Carolina law through the North Carolina Department of Environment and Natural Resources in accordance with Chapter 13B, Title 15A, of the North Carolina Administrative Code.

Additionally, the applicant is requesting that Section 5.2.3 of the Table of Permitted Uses within the Unified Development Ordinance be amended under Sector 56: Administrative And Support and Waste Management and Remediation Services to add Compost Dump Facility as the "Use Type" which is classified by the North American Industry Classification System Number 562119 and that such use be permitted as a use by right within the General Business Zoning District.

Respectfully,

A handwritten signature in blue ink, appearing to read "Robert C. Kenan, Jr.", with a stylized flourish at the end.

Robert C. Kenan, Jr.
Attorney for Applicant

2007 NAICS Definition

423320 Brick, Stone, and Related Construction Material Merchant Wholesalers

This industry comprises establishments primarily engaged in the merchant wholesale distribution of stone, cement, lime, construction sand, and gravel; brick; asphalt and concrete mixtures; and/or concrete, stone, and structural clay products.

Cross-References. Establishments primarily engaged in--

- Merchant wholesale distribution of refractory brick and other refractory products--are classified in Industry 423840, Industrial Supplies Merchant Wholesalers; and
- Selling ready-mix concrete--are classified in Industry 327320, Ready-Mix Concrete Manufacturing.

2002 NAICS	2007 NAICS	2012 NAICS	Corresponding Index Entries
423320	423320	423320	Asphalt and concrete mixtures merchant wholesalers
423320	423320	423320	Bricks (except refractory) merchant wholesalers
423320	423320	423320	Building blocks (e.g., cinder, concrete) merchant wholesalers
423320	423320	423320	Building stone merchant wholesalers
423320	423320	423320	Cement merchant wholesalers
423320	423320	423320	Ceramic construction materials (except refractory) merchant wholesalers
423320	423320	423320	Clay construction materials (except refractory) merchant wholesalers
423320	423320	423320	Concrete building products merchant wholesalers
423320	423320	423320	Crushed stone merchant wholesalers
423320	423320	423320	Drywall supplies merchant wholesalers
423320	423320	423320	Flue pipe and linings merchant wholesalers
423320	423320	423320	Gravel, construction, merchant wholesalers
423320	423320	423320	Lime (except agricultural) merchant wholesalers
423320	423320	423320	Mason's materials merchant wholesalers
423320	423320	423320	Plaster merchant wholesalers
423320	423320	423320	Sand (except industrial) merchant wholesalers
423320	423320	423320	Septic tanks, concrete, merchant wholesalers
423320	423320	423320	Stone, building or crushed, merchant wholesalers
423320	423320	423320	Structural clay tile (except refractory) merchant wholesalers
423320	423320	423320	Tile, structural clay (except refractory), merchant wholesalers

PLANNING STAFF REPORT
Zoning Map Amendment— Conditional Rezoning

SUMMARY:

Hearing Date: January 6, 2015– Planning Board
January 20, 2015– Board of Commissioners
Case Number: 11031-R
Applicant: Pender County
Property Owner: Pender County

Rezoning Proposal: Pender County, applicant and owner, is requesting approval of a zoning map amendment for a conditional rezoning of one (1) tract from PD, Planned Development zoning district, to OI-CD1, Office & Institutional conditional zoning district. The proposed use of the property— the existing Pender Solid Waste Transfer Station and proposed Hampstead Convenience Center— shall be classified as NAICS, North American Industry Classification System Number 562111- Solid Waste Collection Public.

Property Record Number, Acreage, and Location: The subject property is located at 248 Transfer Station Road (SR 1695) in Hampstead, and may be further identified by Pender County PIN 4203-17-8616-0000. There is one (1) tract associated with this request totaling ± 19.21 acres.

Staff Recommendation: A conditional rezoning of this property to OI-CD1, Office & Institutional conditional zoning district is consistent with three (3) policies in the 2010 Comprehensive Land Use Plan and conflicts with one (1) policy. It is also in conflict with the 2010 Comprehensive Land Use Plan conservation designation of this tract. However, all County-owned property was designated as conservation in 2010. A public meeting was held on November 10, 2014 to address the potential impacts to adjacent property owners. Based on comments from the community and applicant, and if mutually established conditions can be placed on the property to mitigate impacts, staff respectfully recommends approval of the conditional rezoning request.

HISTORY:

This parcel was rezoned from RA, Rural Agricultural zoning district to PD, Planned Development zoning district during a comprehensive rezoning in November 2003. On October 21, 2013, the Pender County Board of Commissioners unanimously denied a request for a zoning map amendment for a general use rezoning of the subject property from PD, Planned Development zoning district to OI, Office & Institutional zoning district. This denial was based on Pender County Planning Board's recommendation, at their September 15, 2013 meeting, that the applicant, Pender County, submit a conditional rezoning application with conditions established to mitigate noise and other impacts to nearby properties.

DESCRIPTION:

Pender County, applicant and owner, is requesting approval of a zoning map amendment for a conditional rezoning of one (1) tract totaling ± 19.21 acres from PD, Planned Development zoning district, to OI-CD1, Office & Institutional conditional zoning district. The proposed use of the property— the existing Pender Solid Waste Transfer Station and proposed Hampstead Convenience Center— shall be classified as NAICS, North American Industry Classification System Number 562111- Solid Waste Collection Public. The subject property is located at 248 Transfer Station Road (SR 1695) in Hampstead, and may be further identified by Pender County PIN 4203-17-8616-0000.

The Solid Waste Transfer Station is currently on the site and is operated by Pender Solid Waste. The Transfer Station's primary purpose is to serve as a collection location for all incorporated and unincorporated municipal solid waste in Pender County. All municipal solid waste collected at the Transfer Station is transported to a landfill located in Sampson County. This operation is six days a week Monday through Saturday from 8am until 4:30pm and is available to the general public, private collectors, and municipal collectors. Pender Solid Waste anticipates this facility has the capacity to accept municipal solid waste, including growth, for the next fifteen to twenty (15-20) years.

On November 15, 2010 the Board of Commissioners voted 4-0 to relocate the scales and associated scale house for the County's Transfer Station in coordination with the Hawksbill Cove Master Development Plan proposal (case 10771), which received conditional Planning Board approval for 1,023 single-family residential units on October 2, 2012 (Exhibit 1). This consent included ingress/egress to the Transfer Station solid waste facilities on a new location within the County's site and the future right of way connection in the current scale location.

The Hampstead Convenience Center is currently located at 17619 US HWY 17 in Hampstead. This property may be further identified by Pender County PIN 3293-98-7023-0000. The Hampstead Convenience Center is one of twelve (12) centers throughout the County to provide for convenient disposal of general household waste and recycled materials. The Hampstead Convenience Center will be relocated from its present location to 248 Transfer Station Road (SR 1695) as part of this conditional rezoning request.

Public Input Meeting Summary:

According to Pender County Unified Development Ordinance Section 3.4.3, prior to scheduling a public hearing on the rezoning application, the applicant must conduct one public input meeting. On November 10, 2014, Pender Solid Waste held the required meeting at the Pender County Hampstead Annex located at 15060 US HWY 17. The meeting was attended by three (3) individuals. At the meeting, the applicant introduced the proposed site plan and discussed the following items:

1. Project will be in two (2) phases – scale relocation followed by the Hampstead Convenience Center relocation;
2. The scales will not be relocated until Transfer Station Road (SR 1695) is extended by the developer of Hawksbill Cove, necessitating the scale relocation;
3. The proposed NCDOT bypass is not the major impetus for the Hampstead Convenience Center relocation; rather, it is safety concerns;
4. Construction for the Hampstead Convenience Center relocation will begin in approximately one year from the subject public input meeting;

5. Proposed OI-CD1 rezoning will not affect the zoning of adjacent PD, Planned Development zoning districts;
6. A formal public hearing will be held on Jan. 6, 2015 where concerns can also be voiced;
7. An eight-foot (8') shadow box fence is proposed as a visual buffer around the northwest and southwest perimeter of the project area.

The attendees of the meeting had the following concerns:

1. Traffic, noise, and groundwater contamination;
2. Diminishment of property values;
3. Illegal dumping on adjacent properties;
4. Litter and debris along Transfer Station Road (SR1695);
5. Feeding and establishment of feral cats.

Environmental Concerns:

According to FEMA Flood Insurance Rate Map number 3720420300J (adopted February 16, 2007) the tract is not located within any Special Flood Hazard Area (SFHA). Additionally there are no navigable waters on these properties requiring compliance with CAMA regulations managed by the Division of Coastal Management. There are identified federal jurisdictional wetlands on the property, and the property owner has received a Notification of Jurisdictional Determination from the U.S. Army Corps of Engineers (Exhibit 2).

EVALUATION:

- A. **Public Notifications:** Public Notice of the proposal for map change has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners have been given written notice of the request, and a sign has been placed on the subject property.
- B. **Existing Zoning:** All adjacent properties are zoned PD, Planned Development zoning district.
- C. **Existing Land Use:** The existing land uses of the surrounding property consist of two offices to the northeast, undeveloped private land to the southeast, single-family residences on Annandale Trace (private road) to the southwest, and a private cemetery to the northwest.
- D. **2010 Comprehensive Land Use Plan Compliance:** The 2010 Comprehensive Land Use Plan designates the subject property as conservation. This land use classification identifies areas that are owned in fee simple or have protective easements. These areas represent areas of special significance and unique characteristics that make them worthy of preservation. Current conservation areas are typically owned by Federal or State agencies or private conservation groups and are often designated as Areas of Environmental Concern (AECs). A conditional rezoning of this property to OI-CD1, Office & Institutional conditional zoning district is in conflict with the 2010 Comprehensive Land Use Plan conservation designation of this tract. However, all County-owned property was designated as conservation in 2010.

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

- **Growth Management 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.

- **Solid Waste Management Goal 2F.1:** Ensure adequate capacity and proper management of solid waste, including reducing, reusing and recycling materials.
- **Solid Waste Management Policy 2F.1.4:** When siting collection centers, consider surrounding land uses, traffic and aesthetics.

The following goals and policies within this plan may not support the conditional rezoning request:

- **Growth Management Goal 1A.1.3:** The County shall actively direct growth towards suitable land areas and away from fragile natural resource areas, conservation areas, and hazardous areas.

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.

3.4.4 Review [Criteria for Conditional Rezoning]

A. 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.

F. *Conditions to Approval of Petition:*

1. Pender Solid Waste shall continue to monitor existing groundwater wells as required by the local regulatory authority;
2. Pender Solid Waste shall coordinate with selected contractor, at the request of adjacent property owners, to remove errant waste disposed of on adjacent properties;
3. Pender Solid Waste shall coordinate with selected contractor to establish a schedule to litter-sweep Transfer Station Road (SR 1695);
4. Promoting the feeding of animals that may constitute a nuisance or hazard on-site shall be prohibited;
5. Pender Solid Waste shall install an eight-foot (8') shadow box fence along the northwest and southwest corner of the project area in order to minimize the visual impact for adjacent property owners. This height shall be increased as necessary to provide a visual barrier to the Hampstead Convenience Center prior to final zoning approval;
6. Hours of operation for the Transfer Station shall be Monday through Saturday from 8:00am to 4:30pm;
7. Hours of operation for the Hampstead Convenience Center shall be Monday through Saturday from 7:00am to 7:00pm and Sunday from 1:00pm to 7:00pm;
8. Operators shall inspect the site daily, and any windblown trash shall be disposed of in appropriate containers. When conditions are extremely dry, the operator shall have water and hoses to wet down surfaces as necessary;
9. No sorting, separation, or material recovery shall be conducted at the Transfer Station;

10. Disposal of items that are banned from solid waste landfills shall not be allowed at the Pender County Solid Waste Transfer Station. Loads shall be occasionally screened by operators to ensure compliance;
11. A major site development plan shall be required prior to issuance of permit for the construction of any building or improvement on the site.

SUMMARY AND STAFF RECOMMENDATION:

The application consists of a zoning map amendment for a conditional rezoning of one (1) tract (± 19.21 acres total) from PD, Planned Development zoning district, to OI-CD1, Office & Institutional conditional zoning district. The proposed use of the property— the existing Pender Solid Waste Transfer Station and proposed Hampstead Convenience Center— shall be classified as NAICS, North American Industry Classification System Number 562111- Solid Waste Collection Public. A conditional rezoning of this property to OI-CD1, Office & Institutional conditional zoning district is consistent with three (3) policies in the 2010 Comprehensive Land Use Plan and conflicts with one (1) policy. It is also in conflict with the 2010 Comprehensive Land Use Plan conservation designation of this tract. However, all County-owned property was designated as conservation in 2010. A public meeting was held on November 10, 2014 to address the potential impacts to adjacent property owners. Based on comments from the community and applicant, and if mutually established conditions can be placed on the property to mitigate impacts, staff respectfully recommends approval of the conditional rezoning request.

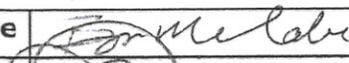
Planning Board

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

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

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD 11031 - R	Date	11/17/2014
Application Fee	\$ —	Receipt No.	—
Pre-Application Conference	11/14/14	Hearing Date	PB 1/6/2015 BOCC 1/20/2015
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Bryan McCabe / Pender County	Owner's Name:	Pender County
Applicant's Address:	605 E. Fremont St.	Owner's Address:	605 E. Fremont St.
City, State, & Zip	Burgaw, NC 28425	City, State, & Zip	Burgaw, NC 28425
Phone Number:	259-1570	Phone Number:	259-1570
Legal relationship of applicant to land owner: same entity			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	42031786160000	Total property acreage:	19.21
Current Zoning District:	PD	Proposed Zoning District:	OI - CDI
Project Address or Location:	248 Transfer Station Rd., Hampstead, NC 28443		
Proposed Uses to be Considered (Include NAICS Code):			
NAICS 562111 - Solid Waste Collection Public			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	
Owner's Signature		Date:	10/31/14
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 (TRANSFERRED)
<input 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 type="checkbox"/>	Digital (.pdf) submission of all application materials (E-MAILED SEPARATELY)
<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 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 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 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 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: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter)				Total Fee Calculation: \$ _____	
Attachments Included with Application: (Please include # of copies)					
CD /other digital version	<input checked="" type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets	# of large	# of 11X17 29	Other documents/Reports <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Payment Method: Cash	Cash: <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input type="checkbox"/> Check # _____	
Application received by: <i>Megan D. Hare</i>				Date: 11/14/2014	
Application completeness approved by: <i>Anita H. Cing</i>				Date: 11/17/14	
Dates scheduled for public hearing:		<input checked="" type="checkbox"/> Planning Board: 1/6/2015		<input checked="" type="checkbox"/> Board of Commissioners: 1/20/2015	



PENDER SOLID WASTE

P. O. BOX 995
605 E. FREMONT STREET
BURGAW, NC 28425

November 14, 2014

Pender County Planning Board
Planning Division, Pender County Planning and Community Development
805 South Walker St.
PO Box 1519
Burgaw, NC 28425

**RE: Pender Solid Waste - Conditional Rezoning Request
Existing Solid Waste Transfer Station & Proposed
Hampstead Convenience Center Relocation
248 Transfer Station Road
PIN 4203-17-8616-0000**

To Whom It May Concern:

Please consider our request to rezone the subject property. Attached you will find application materials to support this rezoning request.

The Pender Solid Waste Transfer Station is operated on this 19.21 acre property. This property is currently zoned Planned Development (PD), and prior to this zoning designation, was zoned Rural Agricultural District (RA). The PD zoning designation for this property occurred during the Pender County initiated comprehensive rezoning in November 2003.

The property is currently zoned PD, and Pender Solid Waste respectfully requests the 19.21 acre site be rezoned to the Office Institutional - Conditional District (OI-CD). The current use of the property is more consistent with the land uses outlined in the OI District.

Thank you for your consideration of this request,

Bryan McCabe, PE, Project Engineer
Pender County Utilities

PENDER SOLID WASTE
PHONE: (910) 259-1570
FAX: (910) 259-1579

**EXISTING SOLID WASTE TRANSFER STATION &
PROPOSED HAMPSTEAD CONVENIENCE
CENTER RELOCATION**

**OPERATIONAL DESCRIPTION
CONDITIONAL REZONING REQUEST
NOVEMBER 2014**



OPERATIONAL DESCRIPTIONS

SOLID WASTE TRANSFER STATION:

The Transfer Station's primary purpose is to accept municipal solid waste (MSW) generated by incorporated and unincorporated establishments and citizens of Pender County. All MSW is collected at the Transfer Station and transported a landfill in Sampson County.

The Pender County Solid Waste Transfer Station is located at 248 Transfer Station Rd., Hampstead, NC 28443, off Highway 17 in Pender County.

Hours of Operation

The Transfer Station is operated on a six day a week basis (Monday through Saturday 8am to 4:30 p.m.) and is available for use by the general public, private collectors and municipal collectors.

All MSW waste collected at the Transfer Station is transported to the solid waste landfill located in Sampson County for final disposal.

At the end of each operational day, all solid waste is placed in the closed transfer trailers, the tipping floor and trailer loading areas are cleaned, all electrical components are shut off, and the entire facility is fenced and locked to eliminate unauthorized use.

The facility has the ability to accept waste including for growth over the next 15-20 years.

Waste Streams:

Municipal Solid Waste: Collected daily from all Convenience Sites, and private and municipal haulers, consolidated and transported to landfill in Sampson County.

Construction & Demolition Waste: Brought in by private citizens paying the posted fee to dump, collected in open top container and hauled to Sampson County C&D Landfill. Residents of Pender County are allowed to dispose of up to 200 lbs per day of C&D or bulky waste at no charge. Out of County residents are charged based on the "out of county" tipping fee rate, also posted.

Scrap tires: Residents can bring a maximum of 5 tires per day (off rims) to dispose of "free of charge". Certified tire sellers also bring volumes of tires to the enclosed trailer for disposal with proper Scrap Tire Certification Forms.

Scrap Metals and White Goods: Citizens can bring unlimited amounts of metals and white goods to dispose of free of charge.

Dust/Trash Control: The site is observed daily by the operators and any windblown trash is disposed of in the appropriate containers. Since most of the roadways and public access ways are covered in asphalt and/or concrete, there is very little dust. When conditions are extremely dry, the Operator has water and hoses to wet down the surfaces as necessary.

General: There is no sorting, separation and/or material recovery conducted at the Transfer Station.

Banned Items and Non-Conforming Waste:

Items that are banned from disposal in solid waste landfills are not allowed to be disposed of at the Pender County Solid Waste Transfer Station. Loads are occasionally screened by the operators to ensure compliance.

Fees for Services:

Weigh Masters are responsible for weighing loads upon entry and exit, generating weight tickets showing amounts deposited, and collecting payment for services rendered.

HAMPSTEAD CONVENIENCE CENTER:

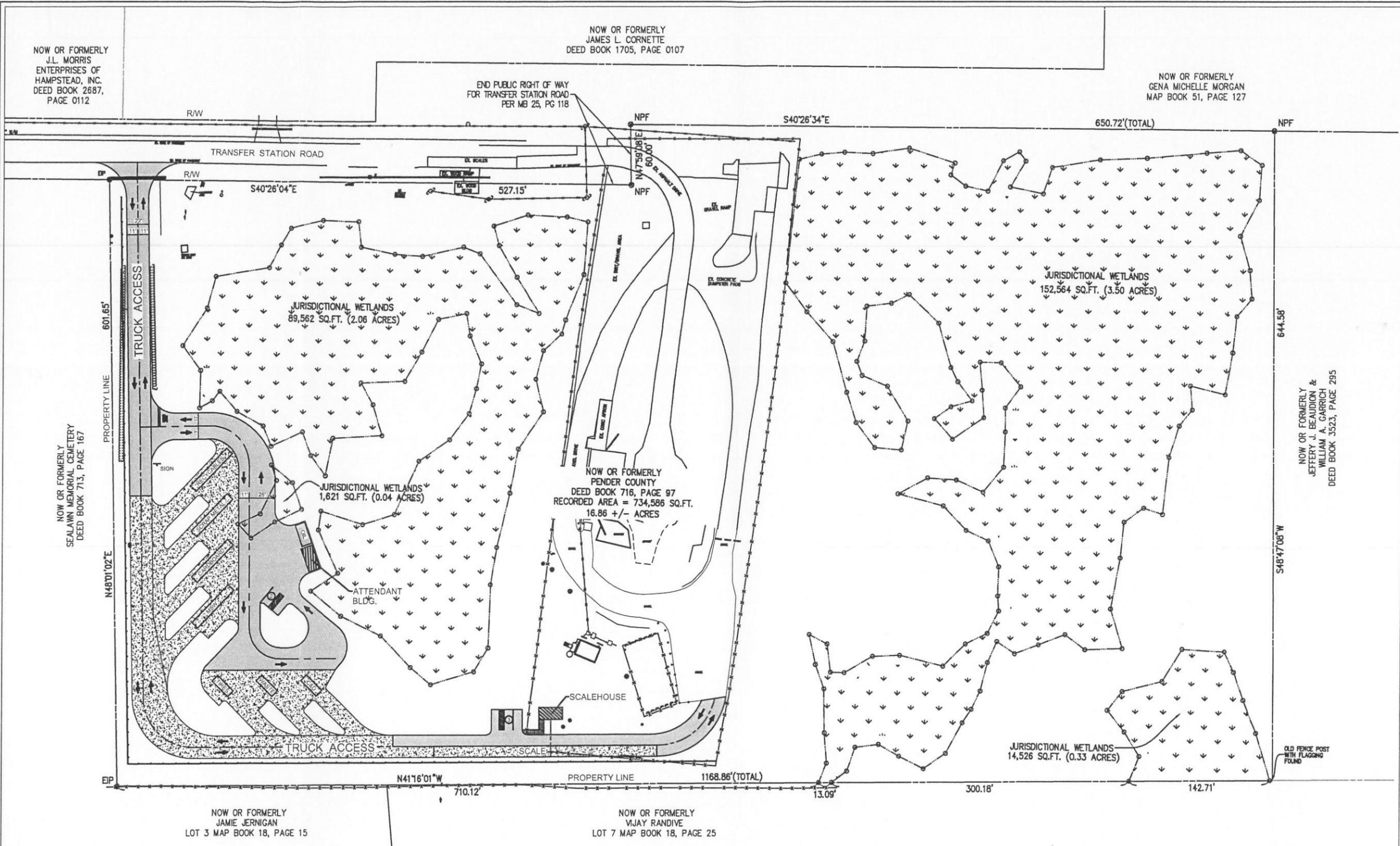
The Hampstead Convenience Center is one of twelve centers located through-out the county to provide for convenient disposal of general household waste and recycled materials. Yard waste, construction materials, bulky furniture, electronic waste and hazardous materials are not accepted at this location. Solid waste will be collected from this facility and hauled to the neighboring Solid Waste Transfer Station for ultimate disposal and/or recycling.

The Hampstead Convenience Center will be relocated from its present location to 248 Transfer Station Rd., Hampstead, NC 28443, off Highway 17 in Pender County.

Hours of Operation

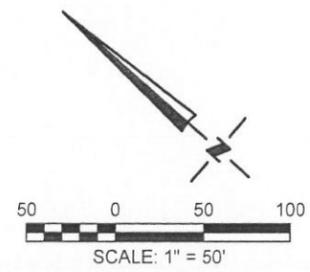
The Hampstead Convenience Center is open seven days a week; Monday through Saturday from 7 am to 7 pm and Sunday from 1 pm to 7 pm.

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PROJECT INFORMATION

PIN: 4203-17-8616-0000
 CURRENT ZONING DISTRICT: PD
 PROJECT ADDRESS: 248 TRANSFER STATION ROAD
 PROJECT DESCRIPTION: PB 25/118 HAMPSTEAD ADMIN ANNEX ON US HWY 17
 TOTAL PROPERTY ACREAGE: 19 ACRES



WK DICKSON
 community infrastructure consultants
 909 Market Street
 Wilmington, North Carolina 28401
 (910) 762-4200
 (910) 762-4201
 WWW.WKDICKSON.COM
 NC LICENSE NO. F-0374

PROFESSIONAL SEAL

NO.	DATE	DESCRIPTION

PRELIMINARY DRAWINGS - DO NOT USE FOR CONSTRUCTION
 PROJECT NAME:
PENDER COUNTY SOLID WASTE CONVENIENCE CENTER AND TRUCK SCALE RELOCATION
 PENDER COUNTY, NORTH CAROLINA
 DRAWING TITLE:
CONDITIONAL REZONING MAP
 PROJ. MGR.: DLF
 DESIGN BY: DLF
 DRAWN BY: NS/HRW
 PROJ. DATE: OCT. 2014
 DRAWING NUMBER:
C1 OF 2
 WKD PROJ. NO.:
 20140305.00.WL



PENDER SOLID WASTE

P.O. Box 995
605 E. Fremont Street
Burgaw, NC 28425
Phone - 910.259.1570
Fax - 910.259.1579

October 31, 2014

Re: Pender Solid Waste Transfer Station
248 Transfer Station Road
Conditional Rezoning Request
Public Input Meeting

Dear Adjoining Property Owner;

In accordance with the Conditional Rezoning submittal requirements we are required to conduct one informal public input meeting. This meeting will occur on Nov. 10, 2014 at the Pender County Hampstead Annex located at 15060 US Hwy 17. This meeting will be held in room 214 from 6 pm – 8 pm.

Pender Solid Waste is proposing to relocate the Hampstead Convenience Center located at 17619 US Hwy 17 to the existing Pender Solid Waste Transfer Station located at 248 Transfer Station Road. This relocation will combine similar uses, solid waste collection, in one location. In addition, this relocation will provide a safer access from a secondary road, Transfer Station Road, rather than from a major Highway, Hwy 17 as is the current condition. Lastly the proposed zoning would change the current property zoning, Planned Development (PD) zoning to Office Institutional (OI-Conditional) which is more compatible with the current and proposed uses. The scales, which are in current use off of Transfer Station Road, will also be relocated in conjunction with this project.

We look forward to receiving your input in advance of our complete Conditional Rezoning submittal which is scheduled for Nov. 21, 2014. You will also have opportunity to provide input at the formal public hearing which is scheduled for Jan. 6, 2015.

Sincerely,

Margaret Gray
Project Manager

Public Input Meeting
Nov. 10, 2014
248 TRANSFER STATION ROAD

Introduced proposed site plan and discussed the following items:

- Project will be in two phases – scale relocation and then the convenience center (C-Center) relocation
- The scales will not be relocated until such time as Transfer Station Rd. is extended by the developer necessitating the scale relocation
- The proposed NCDOT bypass is not the major impetus for the C-Center relocation rather it is safety concerns
- Construction for the C-Center relocation will begin in approximately one year
- Proposed O&I – CD rezoning will not affect the adjacent PD zoning districts
- A formal public hearing will be held on Jan. 6, 2015 where they can also voice their concerns
- An 8' shadow box fence is proposed as a visual buffer

Adjacent property owner concerns:

- Traffic, noise, and groundwater contamination
- Diminishment of property values
- Illegal dumping on adjacent properties
- Litter and debris along Transfer Station Road
- Feeding and establishment of feral cats

Applicants proposed remediation of adjacent property owner concerns:

- Continue to monitor existing groundwater wells
- Have property owners contact Waste Industries for removal of errant waste disposed on their property
- County will coordinate with Waste Industries to establish a schedule to litter-sweep Transfer Station Road
- County will prohibit C-Center employees from feeding feral cats
- County will evaluate the visibility from the SW corner (Jernigan property) into the C-Center site and increase the height of the 8' shadow box fence as necessary to provide an opaque view from Mr. Jernigan's back deck into the C-Center tract

Public Input Meeting

11/10/14

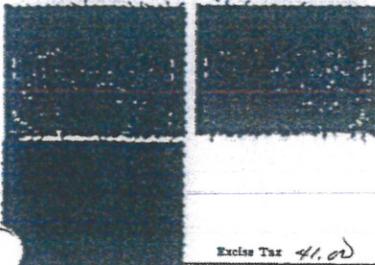
Property Owner	Address	Phone	E-Mail
Jamie Jernigan	395 Annandale Trace	270-9070	JJS284430@yahoo.com
Gena Morgan	Country Club	(910) 279-1500	genamorgan@att.net
Tom Coruelle	257 Treasfer Street	910 270 2919	Tom_Archie_Zelinski.net

The office of the Register of Deeds for Pender County hereby **DISCLAIMS**, and the user hereby **WAIVES** any warranty, implied or otherwise, as to the correctness of the information contained herein.

Deed Book: 0716 Page: 0097.001.jpg ZoomIn ZoomOut Previous

The attorney has made no record search or examination as to the parcels described, unless the same are so written and signed cert.

Next



Filed for registration on the 5th Day of August 1988 At 4:18 O'clock P.M. and registered in the office of the Register of Deeds for Pender County in Book No. 716 Page 97 Hugh Rabinowitz Register of Deeds for PENDER COUNTY

Excise Tax 41.00

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No. Verified by [Signature] County on the day of 19 by

Mail after recording to

This instrument was prepared by R. V. Biberstein, Jr.

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 29th day of July 1988, by and between

GRANTOR

GRANTEE

Dorothy W. Smith (Widow)

Pender County

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Topsail Township, Pender County, North Carolina and more particularly described as follows:

See Exhibit "A" hereto attached and made a part hereof, containing 19.205 acres more or less.

The office of the Register of Deeds for Pender County hereby **DISCLAIMS**, and the user hereby **WAIVES** any warranty, implied or otherwise, as to the correctness of the information contained herein.

Deed Book: 0716 Page: 0097.002.jpg ZoomIn ZoomOut Previous Next

The property hereinabove described was acquired by Grantor by instrument recorded in _____

A map showing the above described property is recorded in Plat Book _____ page _____

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name) BY: President ATTEST: Secretary (Corporate Seal) USE BLACK INK ONLY Dorothy W. Smith (widow) (SEAL)



NORTH CAROLINA, _____ County. Dorothy W. Smith (widow) Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 1st day of August, 1997. My commission expires: 4-29-91 Notary Public

SEAL-STAMP NORTH CAROLINA, _____ County. I, a Notary Public of the County and State aforesaid, certify that _____ Secretary of personally came before me this day and acknowledged that _____ a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by _____ as its Secretary. Witness my hand and official stamp or seal, this _____ day of _____, 19____. My commission expires: _____ Notary Public

The foregoing Certificate(s) of Douglas D. Mison is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. By: Hughey Swainwright, Jr. REGISTER OF DEEDS FOR Pender COUNTY Deputy/Assistant - Register of Deeds

The office of the Register of Deeds for Pender County hereby **DISCLAIMS**, and the user hereby **WAIVES** any warranty, implied or otherwise, as to the correctness of the information contained herein.

Deed Book: 0716 ▾

Page: 0097.003.jpg ▾

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716-11

Next

EXHIBIT "A"

Located in Topsail Township, Pender County, N. C., adjacent to and Southeast of the Southeastern right-of-way line of U. S. Highway #17 and N.C. Highway #210, and being more fully described as follows, to wit:

BEGINNING at an existing iron pipe in the Southeastern right-of-way line of U. S. Highway #17 & N.C. Highway #210, said iron pipe being the Northern-most corner of Tract "A" as shown on a composite map of survey for E. E. Grubbs, Jr., & Gillard B. Johnson, III, with said map being duly recorded in Map Book 28, Page 57, of the Pender County Registry; and running thence from the BEGINNING, so located, with the Southeastern right-of-way line of U. S. Highway #17 & N. C. Highway #210, N 54-16-12 E 60.0 feet to an old concrete monument in line; thence with the Southern line of Tract #7, as shown on the map of Division of R. C. Nixon Estate, as prepared by J. L. Bection, CE, dated March 1923, S 34-09-39 E 2414.11 feet to an existing iron pipe in said line; thence with the Western line of a 28.532 Acre Tract of land conveyed to Bruce R. Failing, as shown on a map recorded in Map Book 16, at Page 68, of the Pender County Registry, S 55-04-12 W 644.58 feet to an existing iron pipe in said line; thence with the Northeastern line of the Latchstring Realty, Inc. land, as shown on a map duly recorded in Map Book 18, Page 14, N 34-58-57 W 1168.65 feet to an existing iron pipe that marks the Southern-most corner of the above referred E.E. Grubbs, Jr. & Gillard B. Johnson, III, Tract "A"; thence with the Southern line of the above referred Tract, N 54-18-06 E 601.44 feet to an existing iron pipe in line; thence with the Northeastern line of the above referred Tract "A", N 34-09-00 W 1236.24 feet to the BEGINNING, containing 19.205 Acres, more or less, and being a portion of the Bud Smith & wife, Dorothy W. Smith land as described in a deed duly recorded in Book 560, Page 34, of the Pender County Registry.

PENDER COUNTY, NORTH CAROLINA

I, DANIEL H. THOMPSON, CERTIFY THAT THIS MAP WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE BY ME, USED DESCRIPTION RECORDED IN BOOK 16-856-423-425 U.S. HWY. 17, PAGE 16-856-423-425. THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK 16-856-423-425, PAGE 16-856-423-425 THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G. S. 47-30 AS AMENDED WITNESSED BY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 22ND DAY OF JUNE, 1990.

Daniel H. Thompson
JAMES H. THOMPSON
REGISTERED LAND SURVEYOR
NO. 1-2174
BURAW, N.C.



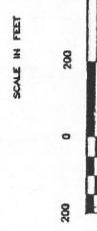
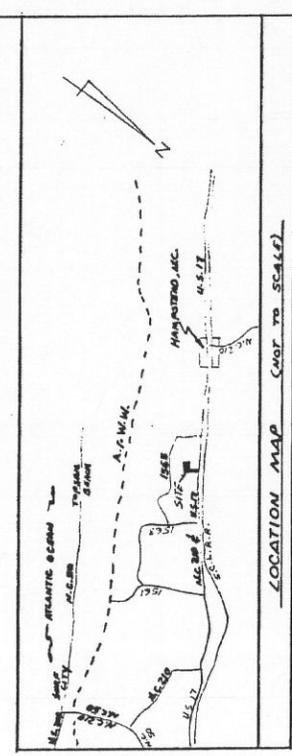
PENDER COUNTY, NORTH CAROLINA
I, Richard B. McElreath, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT DANIEL H. THOMPSON, A REGISTERED LAND SURVEYOR, APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT, WITNESSED BY HAND AND OFFICIAL STAMP OR SEAL, THIS 22ND DAY OF JUNE, 1990.

BY COMMISSIONER
Richard B. McElreath
NOTARY PUBLIC
PENDER COUNTY, NORTH CAROLINA

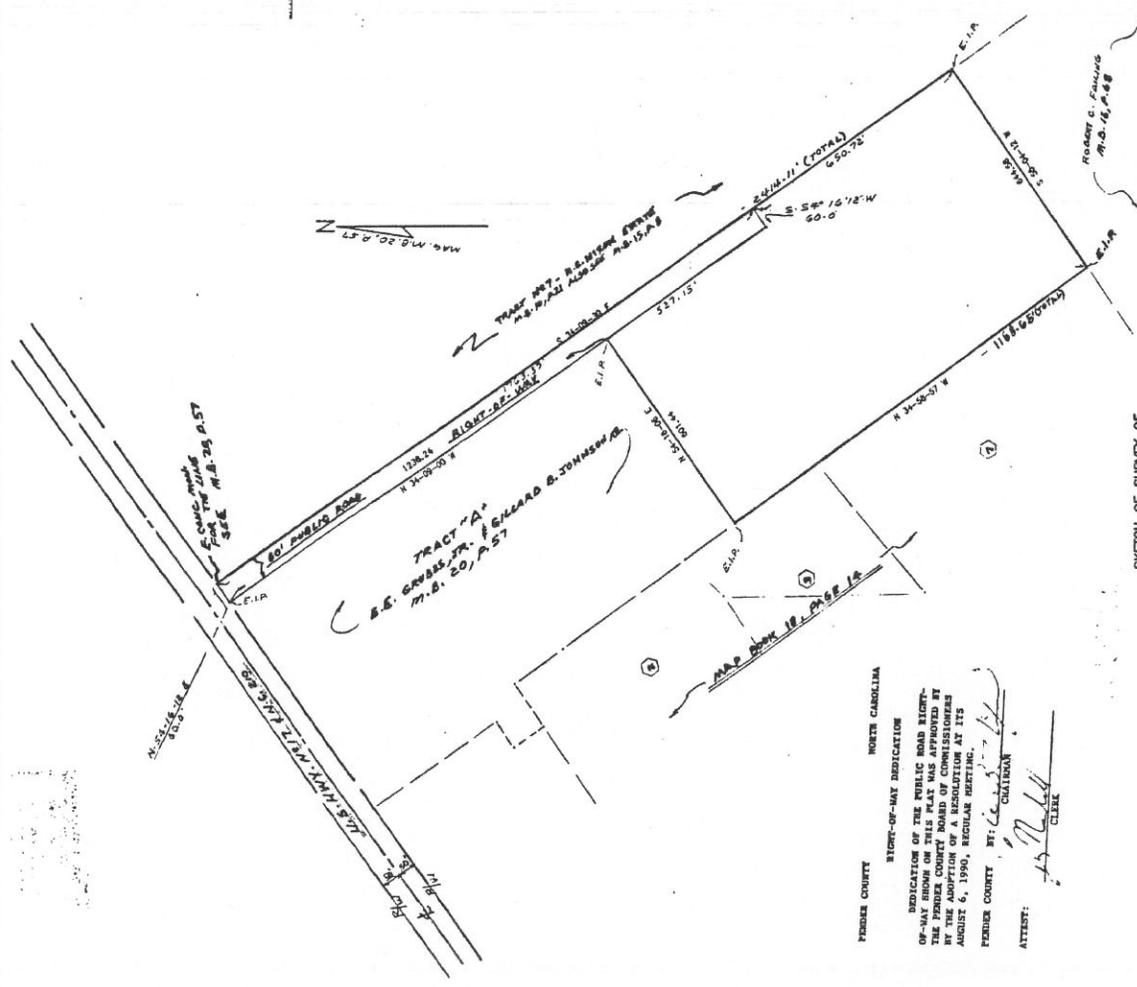
PENDER COUNTY, NORTH CAROLINA
THE FOREGOING CERTIFICATE OF Richard B. McElreath, NOTARY PUBLIC OF PENDER COUNTY IS CERTIFIED TO BE CORRECT. FILED FOR REGISTRATION AT 11:50 O'CLOCK A.M. THE 9TH DAY OF AUGUST, 1990 REGISTERED IN MAP BOOK 25 PAGE 118.
Richard B. McElreath
REGISTRATION CLERK

AREA:
19,285 - AC. TO U.S. HWY. 17
2,429 - AC. TO ACC. TO U.S. HWY. 17
16,856 - AC. 3 INT. (SITE AREA) TOTAL

SURVEY REF:
B. 560, P. 34
M. 856, P. 57
C. 62, P. 40
C. 609, P. 118



APPROVED
DATE 3-9-90
Z-MING ENFORCEMENT



SKETCH OF SURVEY OF
PROPOSED TRASH TRANSFER SITE
FOR

PENDER COUNTY

TOPSAIL TOWNSHIP PENDER COUNTY
NORTH CAROLINA

JULY 1888 SCALE 1" = 200'

David H. Thompson
THOMPSON SURVEYING CO., P. I.
BURAW, N.C.



PENDER COUNTY, NORTH CAROLINA
DEDICATION OF THE PUBLIC ROAD RIGHT-OF-WAY SHOWN ON THIS PLAT WAS APPROVED BY THE COUNTY BOARD OF COMMISSIONERS BY THE ADOPTION OF RESOLUTION AT ITS AUGUST 6, 1990, REGULAR SESSION.
PENDER COUNTY BY: Richard B. McElreath CHAIRMAN
ATTEST: Richard B. McElreath CLERK



REQUEST FOR BOARD ACTION

ITEM NO. 13.

DATE OF MEETING: November 15, 2010

REQUESTED BY: Kyle Breuer, Director, Department of Planning and Community Development

SHORT TITLE: Resolution Consenting to the Relocation of the Scales and Associated Scale House for the County's Transfer Station in Coordination with the Hawksbill Cove Development Proposal.

BACKGROUND: The developers of Hawksbill Cove, formerly known as St. George's Reach are proposing to extend Transfer Station Road (S.R. 1695) from US Hwy 17 southeast to Country Club Drive (S.R. 1565). The extension of Transfer Station Road is part of a revised Master Plan submission to the Pender County Planning Board which provides an extra ingress/egress point to the development which had to be moved from the previously proposed location. With this extension of the existing right of way, the County's transfer station scales and scale house will require relocation further southeast than the current location. Hawksbill Cove developers would like to receive the Board's consent for the general layout and access of a new site location for the scales and scale house, and new entrance/exit (see attached map). There will be no cost for the County or disruption of services for the relocation to take place. Also, there will be no transfer of County owned property to the developer and the construction will take place in the existing right of way of Transfer Station Road.

The consent of this request in advance of the proposed project plan does not imply the approval of the aforementioned plans or the Pender County Planning Board's review or approval.

The development team has conducted two (2) separate community meetings to discuss their proposal; these meetings were Thursday, November 4th and Friday, November 12th, 2010.

SPECIFIC ACTION REQUESTED: To consider a resolution consenting to the developer's proposal to relocate the transfer station solid waste facilities and ingress/egress to a new location on the County's property and that future right of way may be located within the current scale location.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Board does hereby consent to the relocation of the scales, associated scale house, and ingress/egress in connection with the County's transfer station in coordination with Hawksbill Cove development proposal to be undertaken at no cost to the County. The County Manager/Chairman are authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED Williams SECONDED Rivenbark

APPROVED X DENIED UNANIMOUS

YEA VOTES: Tate ✓ Blanchard ___ Brown ___ Rivenbark ___ Williams ___

Jimmy T. Tate 11/15/10
Jimmy T. Tate, Chairman Date

Rick Butler 11/15/10
ATTEST Date

**U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT**

Action Id. SAW-2012-00291County: PenderU.S.G.S. Quad: Topsail

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner: Pender County Public Utilities
 affn: Michael Mack
 Address: P.O. Box 1047
Burgaw, NC 28425

Agent: Hampstead Properties, LLC
 attn: Cynthia M. Roberts
 Address: 4721 Emperor Boulevard, Suite 300
Durham, NC 27703

Property description:

Size (acres)	<u>16.86</u>	Nearest Town	<u>Hampstead</u>
Nearest Waterway	<u>UT to Old Topsail Creek</u>	River Basin	<u>White Oak</u>
USGS HUC	<u>03020302</u>	Coordinates	<u>34.690034 N -77.516326 W</u>

Location description: The property is located at 248 Transfer Station Road, approximately 0.3 mi. south of its intersection with US 17, in Hampstead, Pender County, North Carolina. PIN: 4203-17-8616-0000.

Indicate Which of the Following Apply:**A. Preliminary Determination**

- Based on preliminary information, there may be wetlands on the above described property. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).

B. Approved Determination

- There are Navigable Waters of the United States within the above described property subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

- There are wetlands on the above described property subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

We strongly suggest you have the wetlands on your property delineated. Due to the size of your property and/or our present workload, the Corps may not be able to accomplish this wetland delineation in a timely manner. For a more timely delineation, you may wish to obtain a consultant. To be considered final, any delineation must be verified by the Corps.

The waters of the U.S. including wetlands on your property have been delineated and the delineation has been verified by the Corps. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

The wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on 11/1/2012. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

- There are no waters of the U.S., to include wetlands, present on the above described project area which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

- The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Wilmington, NC, at (910) 395-3900 to determine their requirements.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact Mr. David E. Bailey at (910) 251-4469 / David.E.Bailey2@usace.army.mil.

C. Basis For Determination

The site exhibits wetland criteria as defined in the 1987 Corps Wetland Delineation Manual and applicable Regional Supplements. The wetlands on-site are adjacent to an unnamed tributary (UT) to Old Topsail Creek, a Relatively Permanent Water (RPW) which flows into another UT to Old Topsail Creek (RPW) that becomes a Traditionally Navigable Water. This determination is based on a site verification by David E. Bailey of the U.S. Army Corps of Engineers on 2/1/2012.

D. Remarks

Wetlands and other Waters of the US on the subject property were delineated by Brent Ashley with changes made in the field by David E. Bailey (USACE)

E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

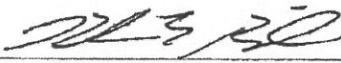
F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

This correspondence constitutes an approved jurisdictional determination for the above described site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
Attn: Jason Steele, Review Officer
60 Forsyth Street SW, Room 10M15
Atlanta, Georgia 30303-8801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by December 31, 2012.

****It is not necessary to submit an RFA form to the District Office if you do not object to the determination in this correspondence.****

Corps Regulatory Official: 

Date November 1, 2012

Expiration Date November 1, 2017

Copy furnished:

Joanne Steenhuis, NCDENR-DWQ, 127 Cardinal Drive Extension, Wilmington, NC 28405
Robert Sessoms & Associates, PLLC, 4033 Chandler Drive, Wilmington, NC 28405
Brent Ashley, 1461 Final Landing Drive, Wilmington, NC 28411

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Pender County	File Number: SAW-2012-00291	Date: November 1, 2012
Attached is:	See Section below	
<input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/> PERMIT DENIAL	C	
<input checked="" type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the district engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

**District Engineer, Wilmington Regulatory Division,
attn: David E. Bailey, Regulatory Specialist
Wilmington Regulatory Field Office
69 Darlington Avenue
Wilmington, North Carolina 28403**

If you only have questions regarding the appeal process you may also contact:

**Mr. Jason Steele, Administrative Appeal Review Officer
CESAD-PDO
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 10M15
Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

For appeals on Initial Proffered Permits send this form to:

District Engineer, Wilmington Regulatory Division, attn: David E. Bailey, Regulatory Specialist, 69 Darlington Avenue, Wilmington, North Carolina 28403

For Permit denials, Proffered Permits and approved Jurisdictional Determinations send this form to:

**Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Jason Steele, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801
Phone: (404) 562-5137**

LINE TABLE

LINE	BEARING	LENGTH									
L1	S52°54'35"W	52.38	L49	N64°11'05"E	32.40	L97	S37°04'26"E	28.99	L146	S42°51'27"E	47.11
L2	S71°03'46"W	48.48	L50	S50°18'13"E	55.03	L98	S17°03'20"E	30.00	L147	S45°51'48"E	61.34
L3	S64°48'26"W	14.47	L51	N76°53'41"E	25.54	L99	N88°34'07"E	32.26	L148	S45°11'09"E	34.00
L4	N82°35'08"W	24.70	L52	N80°01'24"E	19.35	L100	N51°38'26"E	35.00	L149	S06°44'05"E	25.78
L5	S63°46'20"W	29.32	L53	S54°12'29"E	33.61	L101	N48°36'11"E	23.81	L150	S52°39'32"W	34.87
L6	S35°28'19"W	33.27	L54	S38°39'23"E	35.43	L102	N85°36'39"E	26.17	L151	S76°49'00"W	40.23
L7	S63°10'52"W	44.63	L55	S42°35'39"W	25.29	L103	N08°45'18"E	31.12	L152	S32°50'14"W	35.31
L8	S59°39'17"W	44.64	L56	S29°13'22"E	35.02	L104	N39°34'09"W	21.33	L153	S44°35'03"W	28.35
L9	S62°33'26"W	55.47	L57	S36°50'39"E	28.49	L105	S44°27'44"W	27.72	L154	S89°34'03"W	23.18
L10	S58°26'40"W	37.50	L58	S53°24'14"E	42.43	L106	S45°04'22"W	27.29	L155	S55°13'35"W	36.01
L11	S50°55'29"W	62.95	L59	S19°35'38"E	17.78	L107	N74°50'31"W	38.34	L156	S58°57'18"W	42.00
L12	S80°16'59"W	27.51	L60	S12°29'26"W	62.79	L108	N07°19'21"E	27.31	L157	N27°26'14"W	36.25
L13	N57°33'20"W	45.13	L61	S19°56'29"E	23.98	L109	S76°25'48"E	20.18	L158	S44°14'47"W	23.82
L14	N01°37'57"W	26.89	L62	N17°01'55"E	42.18	L110	S56°20'31"E	22.31	L159	S88°44'57"W	20.66
L15	N04°29'59"E	44.00	L63	N18°46'45"E	36.36	L111	N11°05'56"E	24.06	L160	S67°09'43"W	32.91
L16	N15°21'51"W	45.00	L64	N33°35'24"E	20.03	L112	N22°18'43"E	15.66	L161	S55°25'03"W	56.98
L17	N01°05'51"W	39.00	L65	S58°41'37"E	35.99	L113	N33°08'16"E	45.62	L162	N22°42'36"W	20.09
L18	S74°44'52"E	32.00	L66	S38°11'07"E	39.81	L114	N02°44'54"E	41.00	L163	N76°21'39"W	24.24
L19	N24°55'14"E	47.13	L67	S27°53'46"E	21.43	L115	N66°11'26"W	20.00	L164	S54°57'57"W	35.79
L20	N56°40'16"E	18.84	L68	N65°52'54"W	30.00	L116	N47°41'01"W	25.11	L165	S59°25'05"W	51.43
L21	S23°09'17"E	43.63	L69	N74°58'09"W	28.43	L117	S52°15'11"W	34.57	L166	S32°17'30"W	41.00
L22	S57°56'06"E	33.95	L70	N04°47'58"E	19.46	L118	S70°16'55"W	21.69	L167	N42°49'12"W	36.98
L23	N74°18'23"E	58.73	L71	S84°57'19"E	24.73	L119	S27°59'04"W	14.95	L168	N04°11'35"W	25.00
L24	S75°33'22"E	37.53	L72	N74°56'33"E	37.05	L120	S18°29'50"E	27.91	L169	N61°44'02"W	28.67
L25	N85°51'41"E	32.52	L73	N30°29'21"E	16.19	L121	S17°36'20"W	40.35	L170	N61°00'46"W	25.66
L26	N65°09'07"E	25.64	L74	S01°26'50"E	27.76	L122	S61°53'28"W	29.45	L171	N07°22'51"W	21.70
L27	N60°32'20"E	25.15	L75	S29°38'27"W	28.06	L123	N36°10'35"W	27.04	L172	S73°10'15"W	22.87
L28	N26°08'56"E	29.92	L76	N71°05'51"E	20.72	L124	N11°40'07"E	31.24	L173	S63°32'38"W	29.15
L29	N39°44'23"E	22.44	L77	N44°37'17"E	30.18	L125	N31°07'17"E	31.56	L174	S75°34'56"W	20.11
L30	N52°28'25"W	28.81	L78	N48°03'12"E	43.58	L126	N33°14'00"E	52.19	L175	S83°17'30"W	16.37
L31	S76°26'54"W	36.36	L79	N28°45'21"E	25.56	L127	N06°52'08"E	39.92	L176	S77°49'19"W	34.56
L32	S79°47'59"W	33.79	L80	N36°40'39"E	30.48	L128	N12°08'36"E	35.72	L177	N75°12'54"W	26.85
L33	N43°02'06"W	45.00	L81	S14°06'53"E	20.53	L129	N54°59'33"E	123.24	L178	N14°21'04"W	27.49
L34	S19°08'51"W	25.00	L82	S41°37'19"W	28.21	L130	S64°09'59"E	23.09	L179	N11°41'35"W	24.00
L35	S32°12'33"W	32.00	L83	S38°46'35"E	13.96	L131	S45°19'30"E	23.43	L180	N47°59'11"W	23.71
L36	N43°54'10"W	49.63	L84	S70°49'09"E	32.70	L132	S38°38'24"E	28.42	L181	S68°15'06"W	25.00
L37	S60°01'16"W	38.00	L85	S43°00'02"E	27.67	L133	S49°07'37"E	37.54	L182	N71°40'54"E	26.74
L38	N12°34'39"E	25.00	L86	S27°10'53"E	44.69	L134	S23°00'13"E	48.22	L183	N16°32'37"E	28.68
L39	N28°27'30"E	25.00	L87	S85°10'17"E	31.61	L135	S68°21'03"W	12.38	L184	N10°38'57"E	27.52
L40	N64°50'51"W	34.71	L88	S66°03'01"E	24.60	L136	S04°35'22"E	18.75	L185	N87°46'39"E	23.83
L41	N26°58'18"E	21.49	L89	N76°14'26"E	25.00	L137	S28°43'13"E	23.36	L186	S54°45'53"E	41.46
L42	N12°36'34"W	30.44	L90	N44°49'28"E	15.00	L138	N76°15'09"E	33.80	L187	N81°34'14"E	37.76
L43	N07°34'13"E	26.57	L91	N50°37'42"E	28.89	L139	S69°25'36"E	18.59	L188	S37°58'43"E	43.01
L44	S87°51'15"W	12.02	L92	N26°33'11"E	28.00	L140	S13°37'29"W	11.21	L189	S23°59'13"W	22.24
L45	N70°15'56"W	14.38	L93	N16°21'03"W	25.00	L141	S80°04'52"W	29.94	L190	S29°56'34"W	29.35
L46	N50°06'03"E	37.19	L94	N05°03'41"E	33.79	L142	S29°27'07"E	33.98	L191	S27°11'07"W	35.12
L47	N12°36'24"E	30.52	L95	N25°14'14"W	46.81	L143	N68°21'11"E	27.71	L192	S32°00'44"W	49.17
L48	N82°23'03"E	44.37	L96	S69°12'29"E	33.46	L144	S50°01'12"E	48.19			



10/15/12



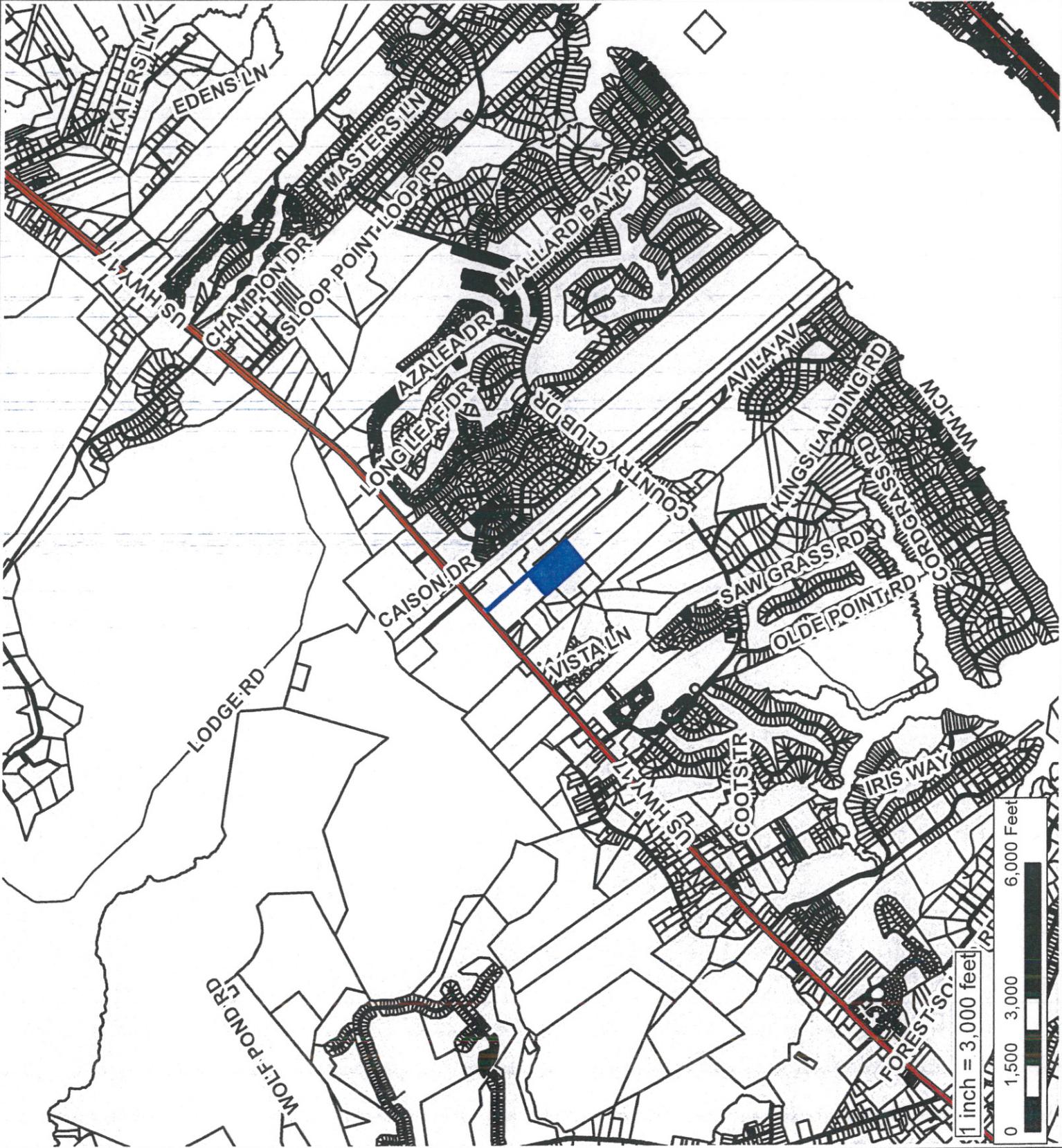
Applicant:
Pender County

Owner:
Pender County

CZMA Case #
11031-R



VICINITY



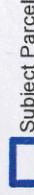


Applicant:
Pender County

Owner:
Pender County

CZMA Case #
11031-R

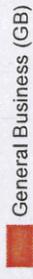
Legend



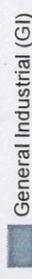
Subject Parcel

Zoning Classification

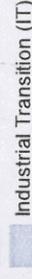
UDO Zoning



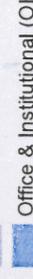
General Business (GB)



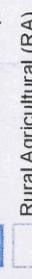
General Industrial (GI)



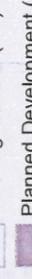
Industrial Transition (IT)



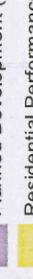
Office & Institutional (OI)



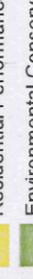
Rural Agricultural (RA)



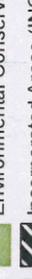
Planned Development (PD)



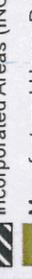
Residential Performance (RP)



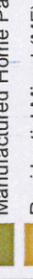
Environmental Conservation (EC)



Incorporated Areas (INCORP)



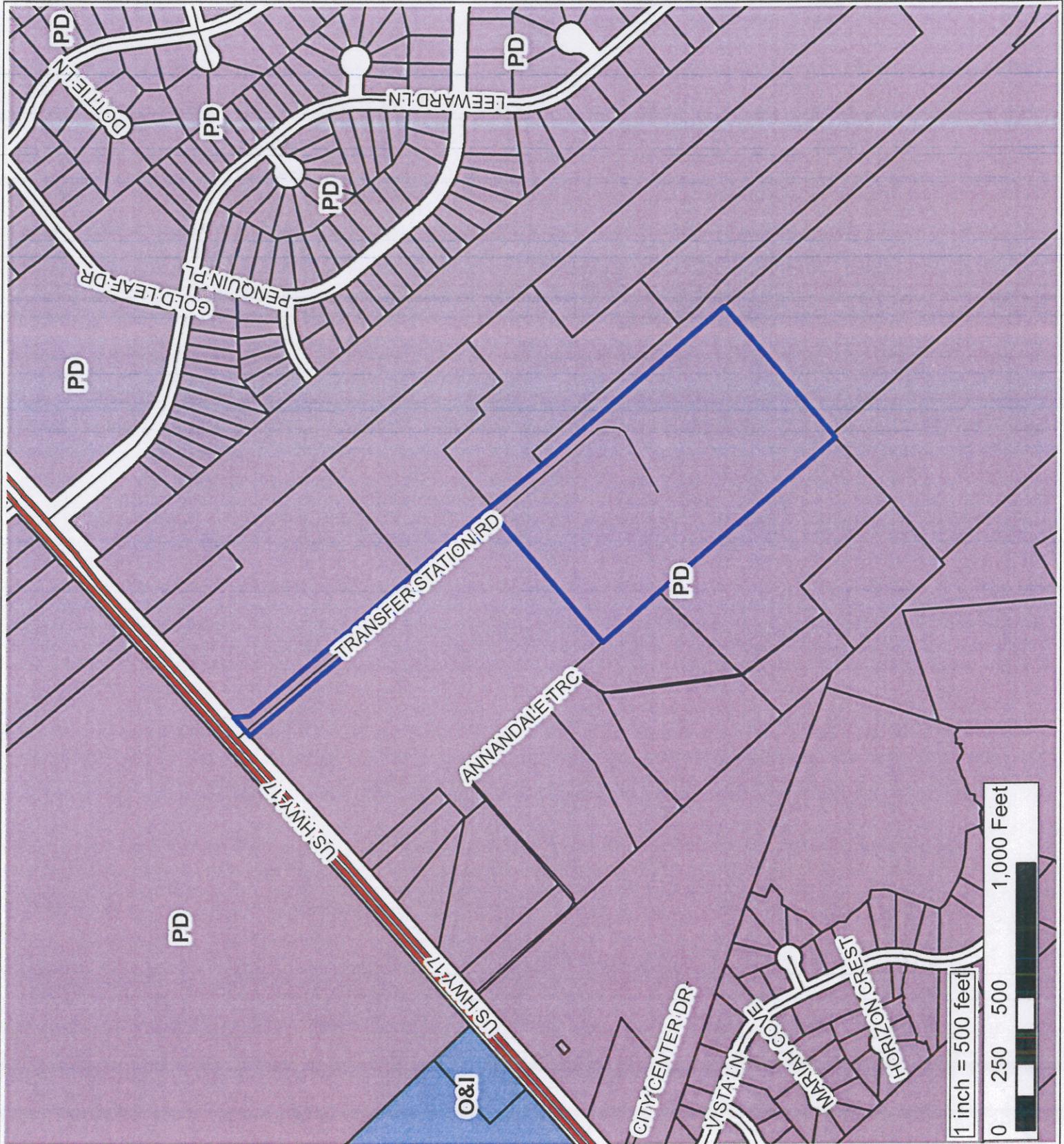
Manufactured Home Park (MH)



Residential Mixed (MF)



ZONING





Applicant:
Pender County

Owner:
Pender County

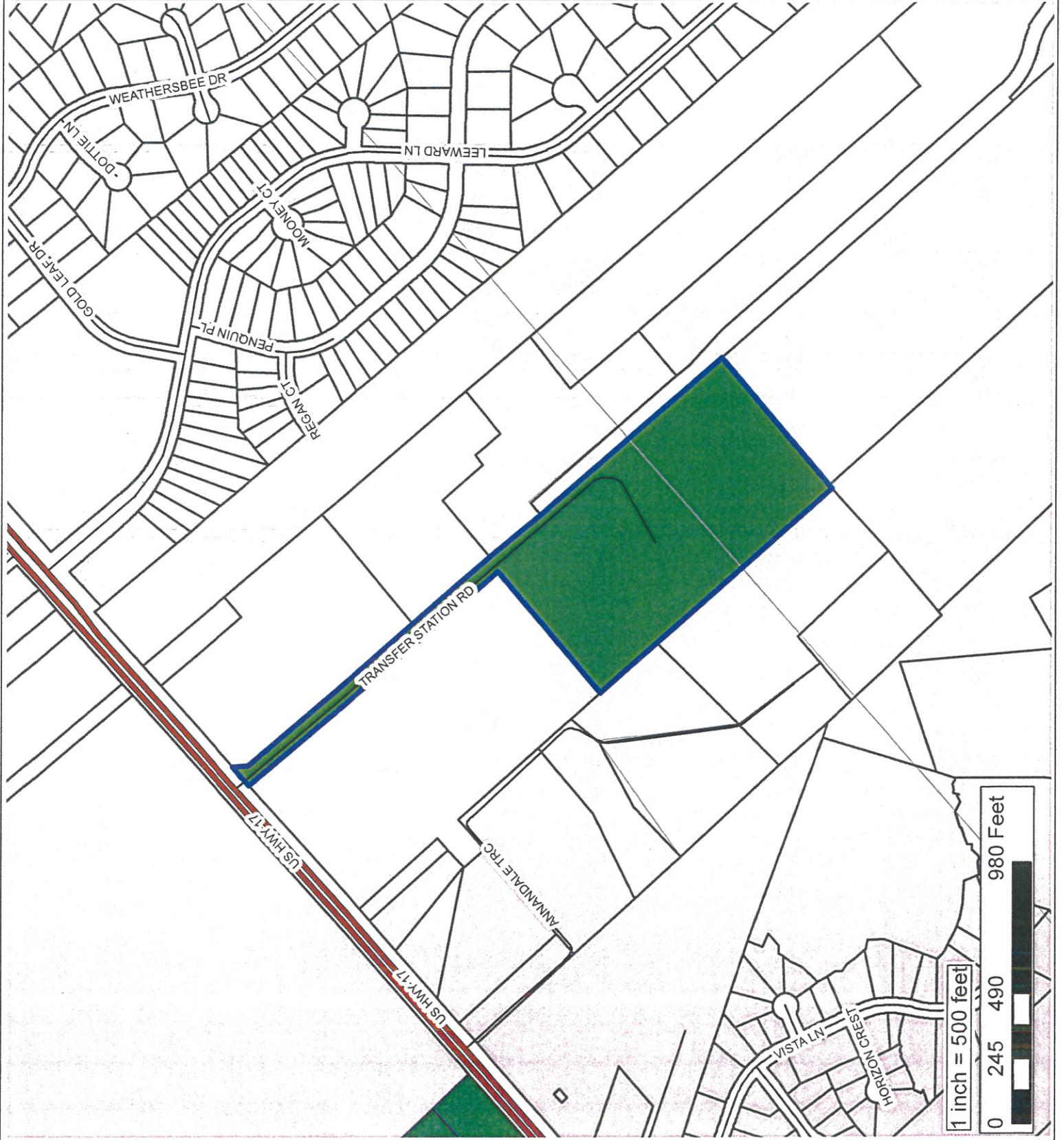
CZMA Case #
11031-R

2010 Land Use Classification

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



**LAND USE
CLASSIFICATION**





Applicant:
Pender County

Owner:
Pender County

ZMA Case #
11031-R

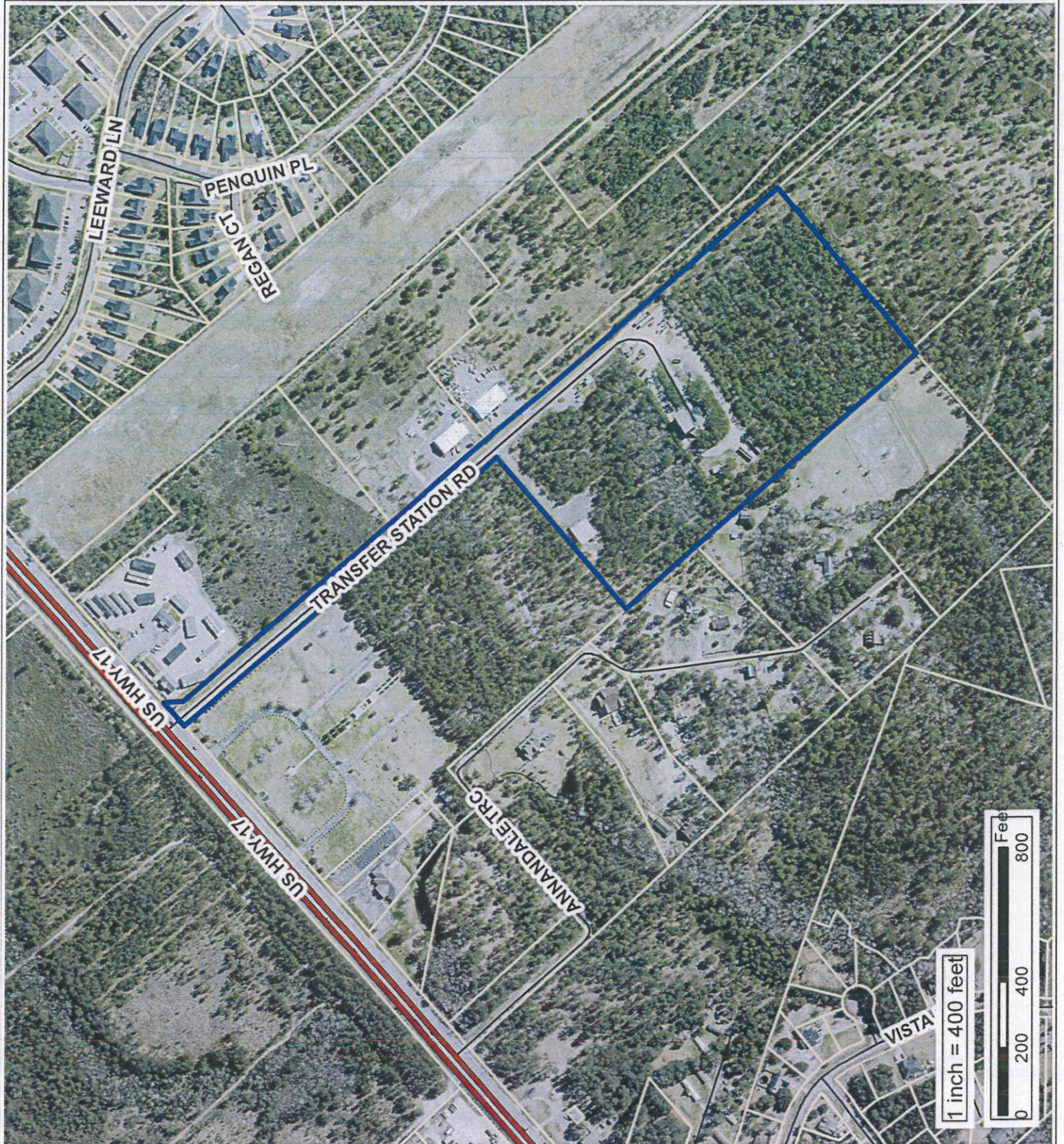
Legend



Subject Parcel



Aerial



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

SUMMARY:

Hearing Date: January 6, 2015

Applicant: Signature Top Sail NC, Ltd.

Property Owner: Signature Top Sail NC, Ltd.

Case Number: 11035

Development Proposal: Signature Top Sail NC, Ltd. applicant and owner, is requesting a revision to the previously approved Master Development Plan for Wyndwater. On November 12, 2013 the Planning Board conditionally approved a Master Development Plan for the Oaks at Sloop Point, now known as Wyndwater. This revision will include all previous conditions and the addition of several items which have arisen since previous approval from the Planning Board.

Wyndwater consists of three residential phases, “future residential development” and “future commercial development” identified on the approximately one hundred forty-three (143) acre parcel. The development has recorded Phase I to include forty-two (42) single family homes. Phase II includes fifty-six (56) single family homes on approximately 28.35 acres and the developer is working toward administrative Preliminary Plat approval of this Phase. Phase III has not been submitted for review. All elements and phases (both recorded and future development) of the proposal are included in this Master Development Plan Revision.

Specifically this request is to amend future phases from; a required side yard setback of ten (10) feet to a zero lot line. Additionally requested is an amendment to previously approved buffers.

Property Record Number, Acreage, and Location: The Master Development Plan was on a original tax a parcel, approximately one hundred forty-three (143) acres. Phase I is recorded within the Register of Deeds (Map Book 57, Page 14). Phase II consists of approximately 28.35 acres for which the developer is working towards Final Preliminary Plat approval prior to work beginning on that portion of the property. The proposed development utilizes the former Topsail Greens Golf Course and is located to the north of Doral Drive (SR 1693), northwest of Sloop Point Loop Road (SR 1563), south of the approved Cardinal Pointe Master Development Plan and east of US Highway 17 in Hampstead. The subject property may be further identified by PIN 4214-12-4590-0000. The property is zoned PD, Planned Development District.

RECOMMENDATION

The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance as well as other approved planning documents; therefore Planning Staff recommends the approval of the Master Development Plan Revision requests for the development known as Wyndwater. Any and all future development, phases or changes to the Master Development Plan are subject to the Planning Board review and approval.

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). On November 12, 2013 the Pender County Planning Board approved the Master Development Plan titled The Oaks at Sloop Point, now known as Wyndwater. Phase I was recorded on November 4, 2014 (Map Book 57, Page 14). Phase II Preliminary Plat hearing was May 6, 2014 and the Planning Board approved the development plans. To date the developer is working to finalize permits required to begin work on Phase II of the development.

PREVIOUSLY APPROVED MASTER DEVELOPMENT PLAN

Non-Residential

Approximately 1.34 acres of non-residential development was approved in the Master Development Plan per the PD, Planned Development zoning district requirements. Any non-residential uses and phasing must be approved by the Planning Board as applicable. Currently the non-residential portion of the project is identified as "Commercial" and adjacent to US HWY 17.

Residential

In total, Wyndwater was approved to be developed in three (3) phases for a maximum of 185 single family residential lots. Net density of the approved project was approved at 2.72 units per acre, all other density calculations for each Phase are required to meet Pender County Unified Development Ordinance. According to Section 4.8.1.C the net density in the PD, Planned Development Zoning District shall be a maximum of five (5) units per acre. All density calculations shall be in accordance with Ordinance requirements and examined further if open space or lot size changes from the original Master Development Plan approval.

Lot Requirements

As outlined in the Unified Development Ordinance, Section 4.8.1.D the Master Development Plan established the required lots sizes, yard setbacks, and building height.

The applicant was approved for a minimum lot size of 12,000 square feet with a maximum building height of thirty-eight (38) feet. The applicant is requesting a change to the side yard setback from the approved ten (10) feet to a zero lot line.

Setback	Approved Distance	Requested Distance
Front	20 feet	20 feet
Side	10 feet	<i>Zero Lot Line</i>
Rear	20 feet	20 feet
Corner	15 feet	15 feet

Zero Lot Line

Section 4.15.3 of the Pender County Unified Development Ordinance outlines the zero lot line requirements and can be seen in Attachment 1. A maintenance easement of eight to ten (8-10) feet in width must be obtained on the lot adjacent to the zero lot line side. Any previous approvals for Wyndwater must be updated to reflect a zero lot line approval.

Landscaping & Buffers

All landscape and buffers are to be approved in accordance with Section 8.2.8, Project Boundary Buffer of the Pender County Unified Development Ordinance. In multi-family and Planned Developments a Buffer C is required along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than one (1) acre and when a single family structure is within fifty (50) feet of the boundary of the development. No buffer is required between phases along the eastern and western borders.

The applicant submitted a C-1 Buffer with a six (6) foot tall fence will be used along the northern and southern project boundaries. The request before the Board is to amend the specificity of the C-1 buffer for the entire Master Development Plan, and allow for the applicant to submit for the Buffer C type at each Preliminary Plat hearing before the Planning Board.

Open Space

Per the Pender County Unified Development Ordinance Section 7.6, all proposed residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision; half of which must be designated active open space. All open space approvals shall be approved at the time of Preliminary Plat approval in accordance with the Ordinance.

Recreational Units

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 each phase; all future development will be evaluated for open space and recreational units at the time of submittal. If there are internal improvements to count towards recreation units then

The applicant is working with Planning Staff and the Wilmington Metropolitan Planning Organization (WMPO) on a Surface Transportation Program-Direct Appointment (STP-DA) Funds submittal for the construction of a sidewalk along Doral Drive (SR 1693) (Attachment 2). If awarded funds, Pender County is responsible for 100 percent of the actual project costs up front and any additional funding which exceeds the submitted estimations. The minimum local match required on all STP-DA projects is 20 percent. In this case, the local cash match funding shall be taken from the required recreation payment from a private developer for the nearby residential subdivision fees per Section 7.6.2 of the Pender County Unified Development Ordinance. The developer has agreed to cover any costs associated with project overages and will enter into a formal agreement prior to any funds expended. The additional 80 percent reimbursement will come from the NCDOT.

If this proposal is unsuccessful staff will work with both the Planning Board and the developer to ensure compliance with the recreational unit requirement. This proposed facility will intend to connect the Wyndwater subdivision via Doral Drive (SR 1693) to Hampstead Kiwanis Park with a sidewalk in the reserved NCDOT right of way; and the Safe Routes to School multi-use pathway (Attachment 2).

Roadways

As previously approved all roadways are proposed as public and built to NCDOT subdivision road standards as outlined in the NCDOT Subdivision Manual published in January 2010. These roadways are subject to NCDOT review and approval through a Driveway Permit, the applicant must submit plans to the NCDOT for approval prior to Pender County approval of this Preliminary Plat submission.

Traffic

An examination of traffic impact on the existing road network will be required in coordination with NCDOT and the Wilmington Metropolitan Planning Organization (WMPO) as future phases in this Master Development Plan arise. Section 6.4.A.20 of the Pender County Unified Development Ordinance states, based on estimate traffic counts, a Traffic Impact Analysis may be required stating the dates and times counts were counted for the proposed development. According to the Coastal Pender Collector Street Plan, the submission of a traffic impact analysis is required prior to the submittal of any preliminary plan that will generate more than 100 trips during peak hours based on the 8th Edition Institute of Transportation Engineers Trip Generation Manual.

Subsequent phases will trigger a Traffic Impact Analysis and no additional phasing or development proposals can be approved without a sufficient Traffic Impact Analysis.

Pedestrian Access

The applicant proposes a five (5) foot sidewalk through a pedestrian easement on the main collector road in the subdivision (West Craftsman Way). This sidewalk proposal will be on private property outside of the NCDOT right of way and will be recorded as a pedestrian easement. The Coastal Pender Collector Street Plan recommends five (5) foot sidewalks on both sides of the collector streets which are well connected to all sidewalks and walkways internal to adjacent developments. An internal connection will be made from Phase I sidewalk through the main collector road in Phase II and connecting to the proposed multi-use path on the western portion of the submitted site plan. The internal pedestrian connectivity will eventually connect into the awarded North Carolina Safe Routes to School pedestrian path connecting North Topsail Elementary and Hampstead Kiwanis Park. Wyndwater's proposal adequately meets the Coastal Pender Collector Street Plan intent to promote viable pedestrian connections.

Services (Wastewater/Water)

Wyndwater was approved with traditional on-site septic which is subject to review and approval by the Pender County Environmental Health Department. A public water connection to Pender County Utilities was previously approved. As this project has recorded Phase I and working toward approval of Phase II both Pender County Environmental Health Department and Pender County Utilities are working closely with the applicant to satisfy applicable requirements.

Environmental Concerns

The subject parcel, of approximately 143 acres does contain portions of environmentally sensitive areas including wetlands and floodplains.

Wetlands

There are approximately 3.24 acres of wetlands on the Master Development Plan subject property, as shown on a wetland declination submitted to the Army Corps of Engineers. Any development within these areas may be subject to the permit requirements of Section 404 of the Clean Water Act. A Jurisdictional Determination of the Wetlands has been conducted by the Army Corps of Engineers and submitted for Planning Staff review.

Flood

There was a portion of the subject property 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. This was the established flood zone at the time of the original Master Development Plan approval. However, with the new FIRMs released this year, to serve as the best available data it appears that the amount of the parcel in the "Approximate Zone A" was reduced and the subject property contains "Zone AO" with an established depth of two (2) feet on Panel 4204. All development in these areas will require re-examination at the time of development submittal in accordance with the best available flood data.

CAMA

After a preliminary analysis, it appears no CAMA Areas of Environmental Concern are located on the project site. CAMA Areas of Environmental Concern are tidal and/or navigable waters within Pender County are classified as Public Trust Area up to the normal high water line or normal water level and are subject to the CAMA. The Public Trust Shoreline AEC extends 30' landward of the normal high water line or normal water level.

Tree Survey

The PD, Planned Development zoning district requires a tree survey to be submitted prior to the Final Preliminary Plat approval, the applicant has provided this documentation to Planning Staff.

All applicable state and federal agency permits including a Stormwater Management Permit, and Erosion Control Plan, wetlands impact permits, and NCDOT Driveway Permit will be required prior to the approval of the for each phase as applicable.

EVALUATION

A) Public Notifications: Public Notice of the proposal for map change has been advertised in the *Pender-Topsail Post and Voice*. Adjacent property owners have been given written notice of the request, and a public notification sign has been placed on the property.

B) Existing Zoning in Area: The property is located within a PD, Planned Development District. The intent of the PD, Planned Development 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 north and east are zoned RP, Residential Performance zoning district and the properties to the south and west are zoned PD, Planned Development District.

C) Existing Land Use in Area: This proposal is located within the area previously known as the Topsail Greens Golf Course. To the north of the property is the existing Topsail Greens Community. The properties immediately northeast are low density residential housing communities, Sloop Point South and

Cardinal Acres Manufactured Home Park. Along the immediate southern and western boundary is a low density residential subdivision called Greenway Planation and moderate density multifamily (Vista Cove).

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.

Planning Board Conditions of Master Development Plan Approval

At the November 12, 2013 Public Hearing for the Master Development Plan for The Oaks at Sloop Point, now known as Wyndwater, the following conditions were required of all phases of the development (Attachment 3):

1. Provide connection to adjacent property for future development to the northwest of the subject property (documented under case #11067 Cardinal Acres, as submitted to Planning Board in December 2013);
2. Provide connection to identified "Capstone Property" identified by Pender County PIN 4214-22-7567-0000;
3. Allow for "alternative" design for alleyway as shown on Master Development Plan submittal page C-3.4; and
4. Allow for emergency access along the connection to Doral Drive (SR 1693).

STAFF RECOMMENDATION

Any further action requires all aforementioned requirements be met, as the Master Development Plan must meet all Pender County Unified Development Ordinance standards and conditions from previous Planning Board approvals.

The request before the Board this evening is:

1. The applicant is requesting a change to the side yard setback from the approved ten (10) feet to a zero lot line.

Setback	Approved Distance	Requested Distance
Front	20 feet	20 feet
Side	10 feet	<i>Zero Lot Line</i>
Rear	20 feet	20 feet
Corner	15 feet	15 feet

2. The applicant submitted a C-1 Buffer with a six (6) foot tall fence will be used along the northern and southern project boundaries. The request before the Board is to amend the specificity of the C-1 buffer for the entire Master Development Plan, and allow for the applicant to submit for the Buffer C type at each Preliminary Plat hearing before the Planning Board.

The request is consistent with the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance; therefore Planning Staff recommends the approval of the revision to Master Development Plan Wyndwater given that all aforementioned requirements are met. Any and all future development, phases or changes to this Master Development Plan are subject to the Planning Board review and approval.

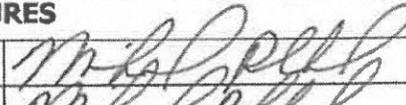
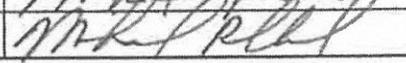
Board Action for Master Development Plan Revision Wyndwater:

Motion: _____ **Seconded:** _____

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

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

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP REVISION 11035	Date	11/25/2014
Application Fee	\$ 1,715	Receipt No.	
Pre-Application Conference	11/25/2014	Hearing Date	11/6/2014 Planning Board
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	SIGNATURE PENDER COUNTY NC LTD	Owner's Name:	SIGNATURE PENDER COUNTY NC LTD
Applicant's Address:	93376 KATY FLEEMAN #337	Owner's Address:	93376 KATY FLEEMAN #337
City, State, & Zip	HOUSTON TX 77024	City, State, & Zip	
Phone Number:	713-789-6444	Phone Number:	
Legal relationship of applicant to land owner:			
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.M 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:	11/20/14
Owner's Signature		Date:	11/20/14

Ⓐ Signature Top Sail NC Ltd
dba Signature Top Sail NC Ltd. LP

Ⓑ Signature Top Sail NC Ltd
dba Signature Top Sail NC Ltd. LP

Signature Pender County NC, LP

December 10, 2014

Re Master Development Plan Revision for Wyndwater

We are requesting to change the building line side setback from 10 feet to a cumulative of 10 feet to give the builders flexibility to build a number of their plans that are wider than 50 feet. We are also requesting changing the buffer from a C-1 to any C buffer to give us a little flexibility in our buffer requirements.

Sincerely,

Mike Poljak

A handwritten signature in blue ink that reads "Mike Poljak". The signature is written in a cursive style with a large, looped "M" and "P".

4.15.3 Single Family Dwelling - Detached Zero Lot Line

A "single-family detached zero lot line residence" shall be a single-family residence on an individual lot. The building is set on one of the side property lines, with a maintenance easement on the adjoining lot. A zero lot line residence shall be utilized to create more useable space on a lot, efficiently and environmentally friendly by pooling open space or clustering a central common area.

A. Supplemental regulations:

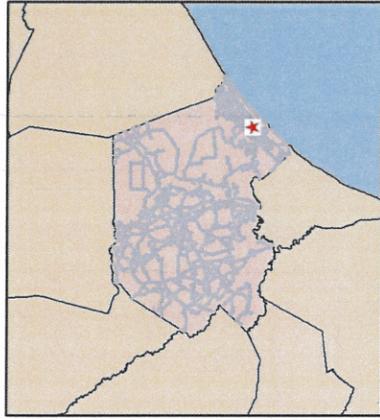
- 1) The opposite side yard may be maintained clear of any obstructions other than a three-foot eaves encroachment, normal landscaping, removable patio covers extending no more than five feet or garden walls or fences not to exceed nine feet in height.
- 2) The zero lot line side must not be adjacent to a road right-of-way.
- 3) A maintenance easement of eight to ten (8-10') feet in width must be obtained on the lot adjacent to the zero lot line side.
- 4) Windows or other openings that allow for visibility into the side yard of the adjacent lot are allowed on lot line houses pursuant to compliance with the building code.

B. A single family detached zero lot line dwelling unit shall be permitted in the following district: PD

C. The following is a typical sketch of a single family detached zero lot line housing type:



Exhibit A



STP-DA FUNDING APPLICATION PENDER COUNTY, NC

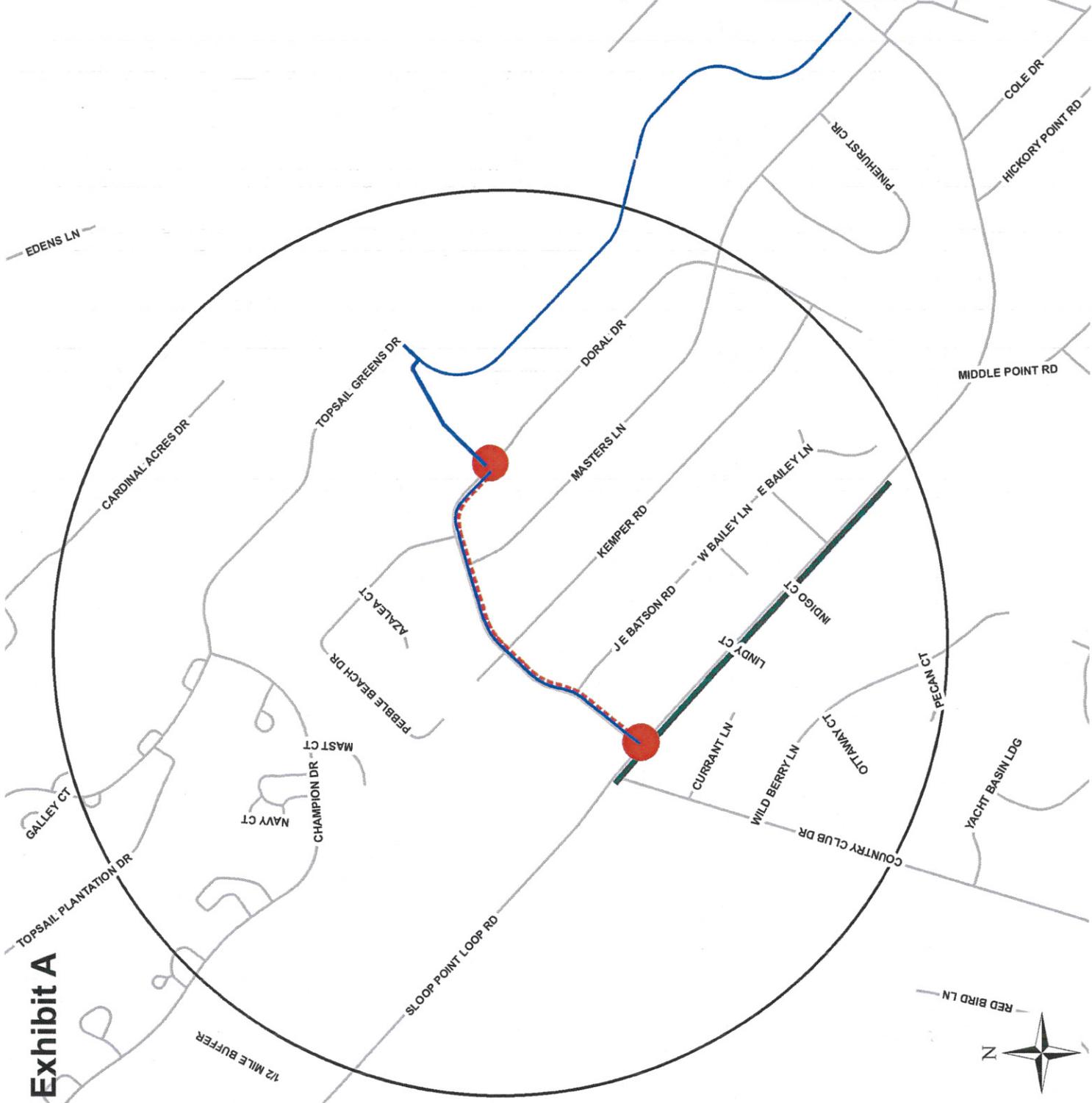
Map of Proposed Project

Sidewalk along Doral Drive (SR 1693) from the intersection of Sloop Point Loop Road (1563) approximately 2,165 feet; including pedestrian crossings over J.E. Batson Road (private), Kemper Road (SR 1724), Masters Lane (SR 1694), and terminating by crossing Doral Drive (SR 1693) and connecting to the proposed emergency access path to the approved residential subdivision Wyndwater.

Legend

- Proposed Crosswalks
- Doral Drive & Onsite Sidewalks
- Doral Drive STP DA (2161 Feet)
- Safe Routes to School

1 inch = 800 feet



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

December 17, 2013

Signature Pender County NC, LMTD
9937 B
Houston Texas 77024

Re: 11035 MDP The Oaks at Sloop Point (PIN: 3273-16-3369-0000)

Dear Signature Pender County NC, LMTD,

The Pender County Planning Board, at the November 12, 2013 meeting, voted unanimously to pass a motion to **conditionally approve** the Master Development Plan for The Oaks at Sloop Point; a master plan community consisting of ±185 single family residential units and ± 58,370 square footage of commercial space 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.

In addition to this board approval, the following items must be addressed before final master development plan approval is granted by the Pender County Planning & Community Development Department:

1. Provide connection to adjacent property to future development to the northwest (documented under case #11067 submitted for the December Planning Board meeting).
2. Provide connection to identified "Capstone Property"
3. Allow for "alternative" design for alleyway as shown on sheet C-3.4
4. Allow for emergency access along the connection to Doral Drive

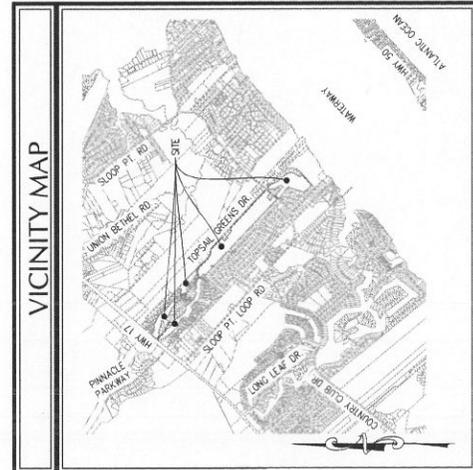
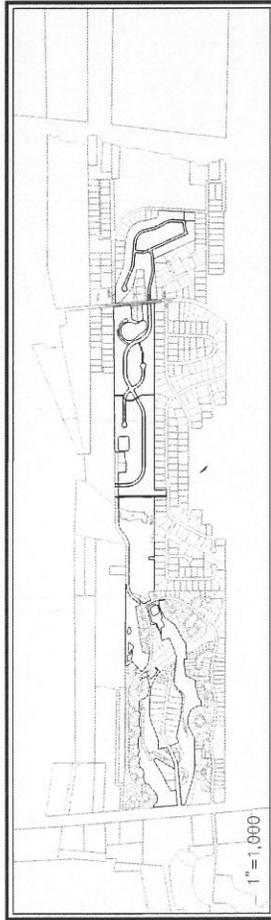
The Master Development Plan is valid for two years based on the Unified Development Ordinance.

As detailed in the Unified Development Ordinance requirements for Master Development Plans, these items shall be addressed on the final master development plan in order to be signed and approved by the Planning and Community Development Department. Please do not hesitate to contact me at (910) 259-1274 if you have any further questions.

Respectfully,

Ashley D. Frank, Senior Planner
Pender County Planning and Community Development

MASTER DEVELOPMENT PLAN FOR WYNDWATER PENDER COUNTY, NORTH CAROLINA NOVEMBER 2014



VICINITY MAP
(NTS)

LEGEND

DESCRIPTION	EXISTING	PROPOSED
1' CONTOUR INTERVAL	(Symbol)	(Symbol)
5' CONTOUR INTERVAL	(Symbol)	(Symbol)
PROPERTY LINE	(Symbol)	(Symbol)
ROADWAY CENTERLINE	(Symbol)	(Symbol)
RIGHT OF WAY LIMITS	(Symbol)	(Symbol)
EASEMENT LINE	(Symbol)	(Symbol)
CURB & GUTTER	(Symbol)	(Symbol)
STORM SEWER FACILITIES	(Symbol)	(Symbol)
WATERWAYS	(Symbol)	(Symbol)
FIRE HYDRANT ASSEMBLY	(Symbol)	(Symbol)
PROPOSED LOT AND S.F.	(Symbol)	(Symbol)
OPEN SPACE LABEL	(Symbol)	(Symbol)
BUILDING SET BACKS	(Symbol)	(Symbol)
PRIVATE SANITARY SET BACKS	(Symbol)	(Symbol)
STREET SIGN	(Symbol)	(Symbol)
40' METLANDS	(Symbol)	(Symbol)
FLOW DIRECTION	(Symbol)	(Symbol)

DEVELOPER/OWNER

Signature Top Sail NC, Ltd.
9337b Katy Freeway #377
Houston, Texas 77024
Phone: (713) 789-0466

PREPARED BY:

GSP CONSULTING, PLLC
ENGINEERING

6626 Gordon Road, Unit C, Wilmington, North Carolina 28411 Tel: 910-442-2970 Fax: 910-794-6459 License # 140718

CERTIFICATE OF PRELIMINARY PLAN APPROVAL
APPROVED BY PENDER COUNTY UNIFIED DEVELOPMENT ADMINISTRATOR
SITE PLAN VALID FOR A PERIOD OF (3) YEARS FROM APPROVAL DATE

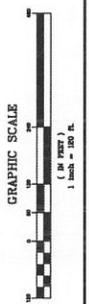
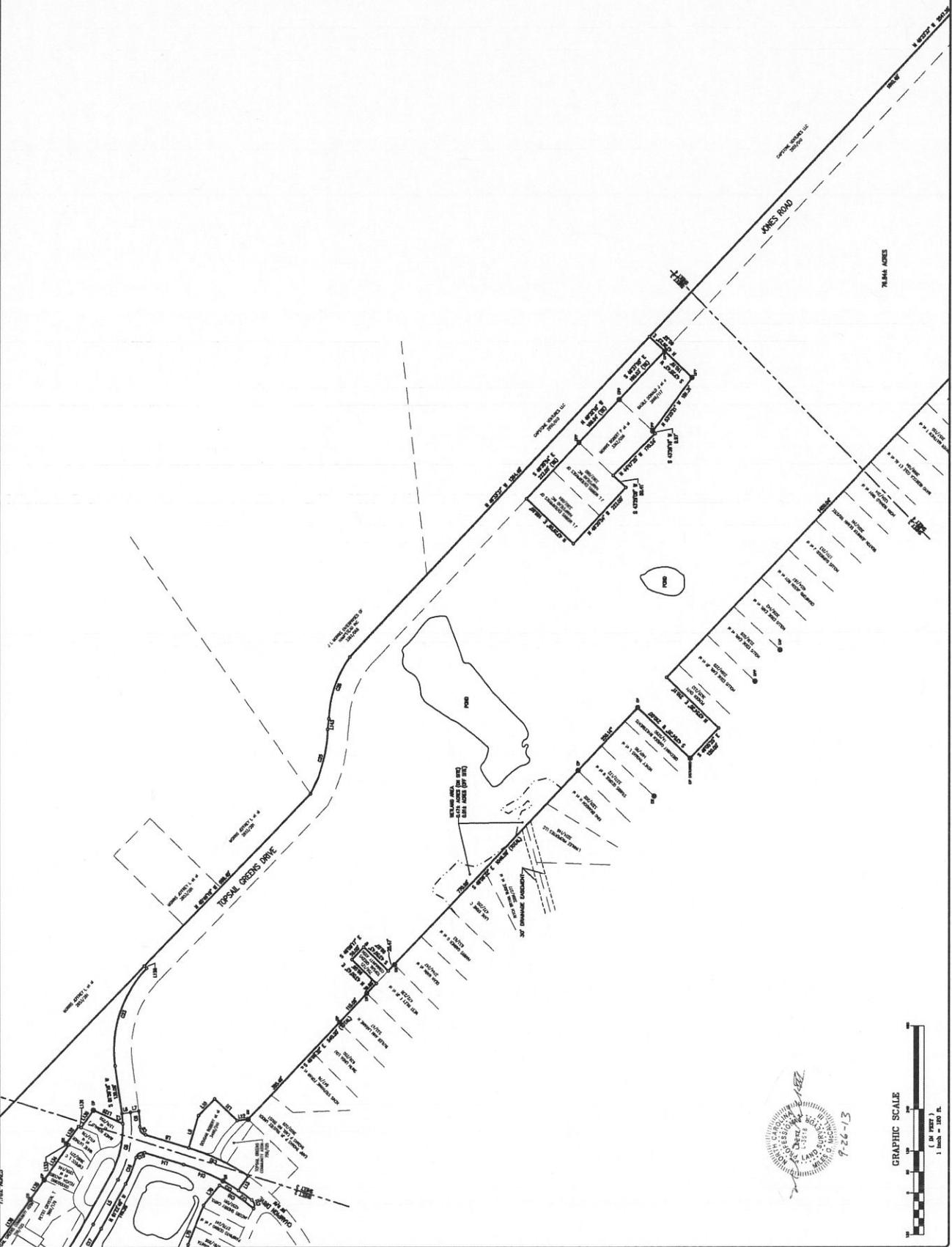
ADMINISTRATOR _____ DATE _____

INDEX OF SHEETS

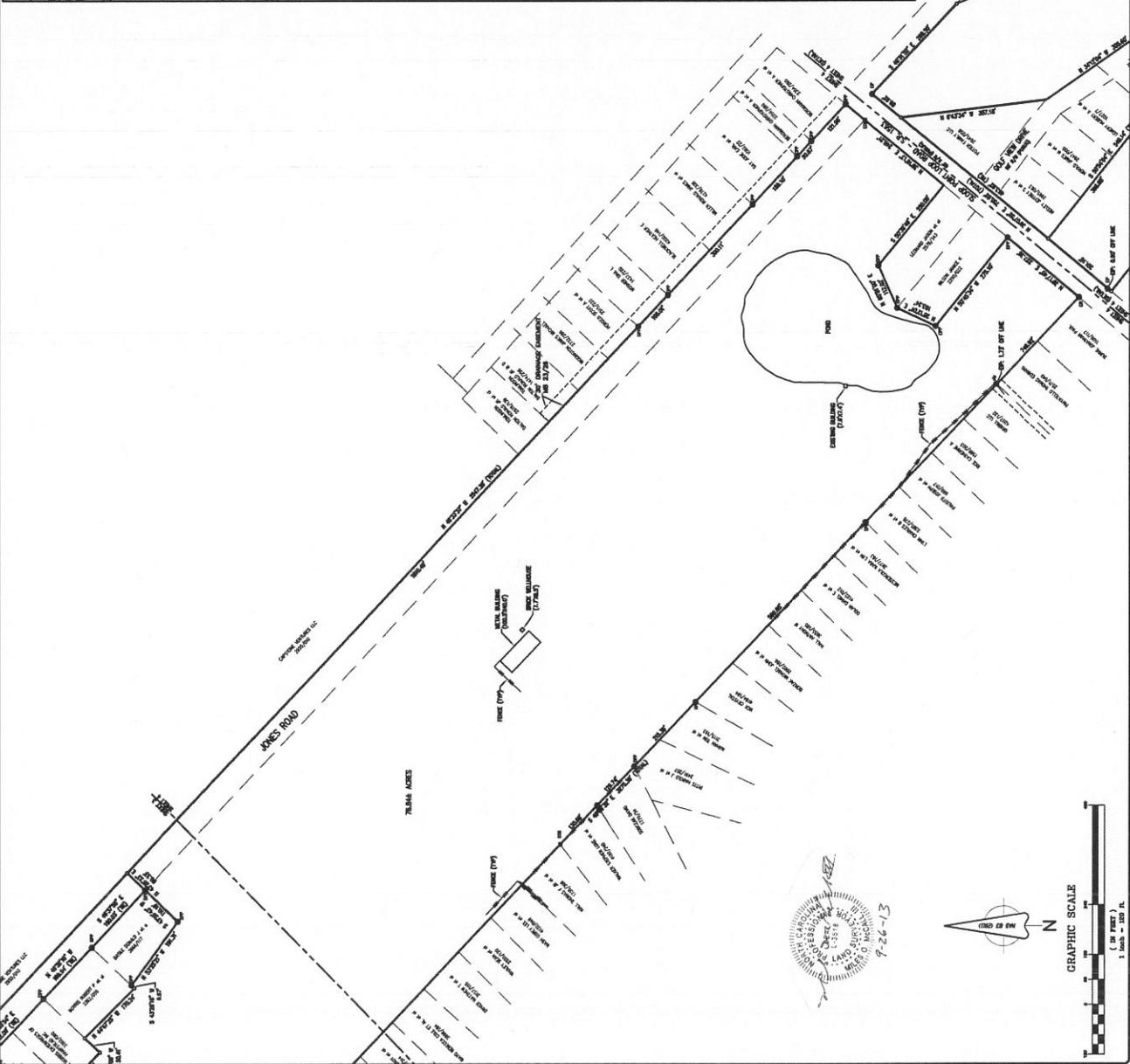
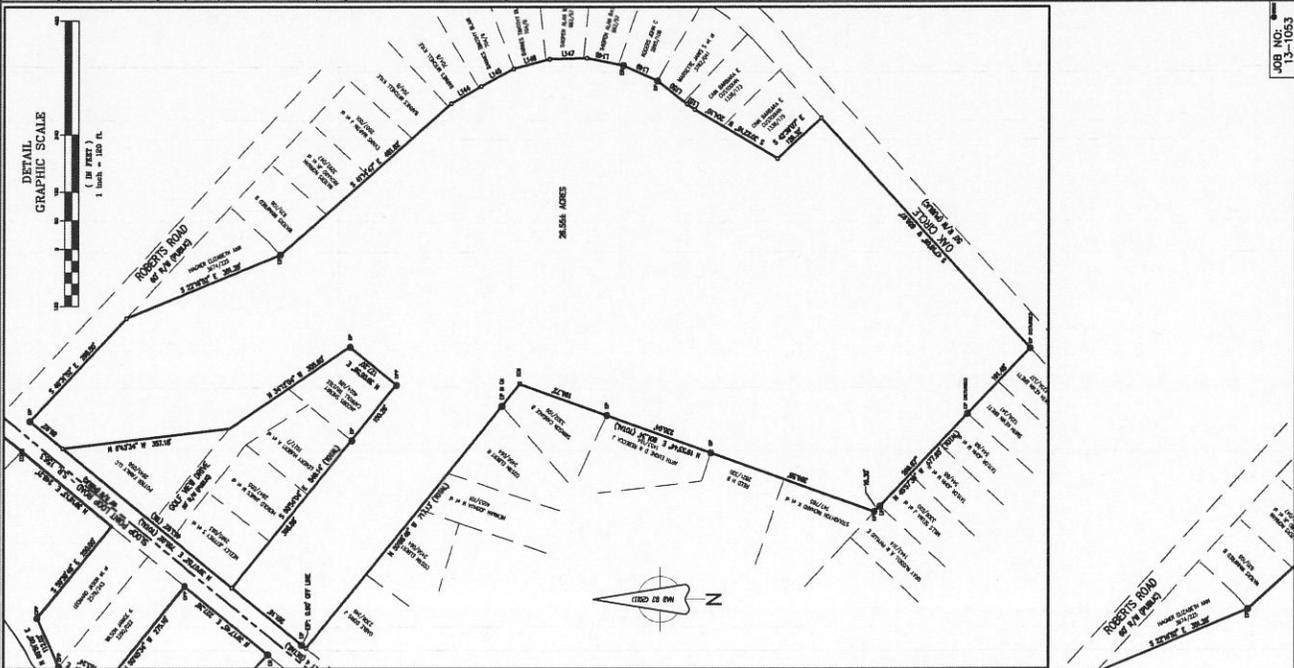
SHT C-0	COVER SHEET
SHT C-1	GENERAL NOTES
SHT C-2.1	BOUNDARY SURVEY
SHT C-2.2	BOUNDARY SURVEY
SHT C-2.3	BOUNDARY SURVEY
SHT C-2.4	BOUNDARY SURVEY
SHT C-3.1	SITE PLAN
SHT C-3.2	SITE PLAN
SHT C-3.3	SITE PLAN
SHT C-3.4	SITE PLAN
SHT C-3.5	SITE PLAN
SHT C-4.1	UTILITY & STORMWATER MANAGEMENT PLAN
SHT C-4.2	UTILITY & STORMWATER MANAGEMENT PLAN
SHT C-4.3	UTILITY & STORMWATER MANAGEMENT PLAN
SHT C-4.4	UTILITY & STORMWATER MANAGEMENT PLAN
SHT C-4.5	UTILITY & STORMWATER MANAGEMENT PLAN

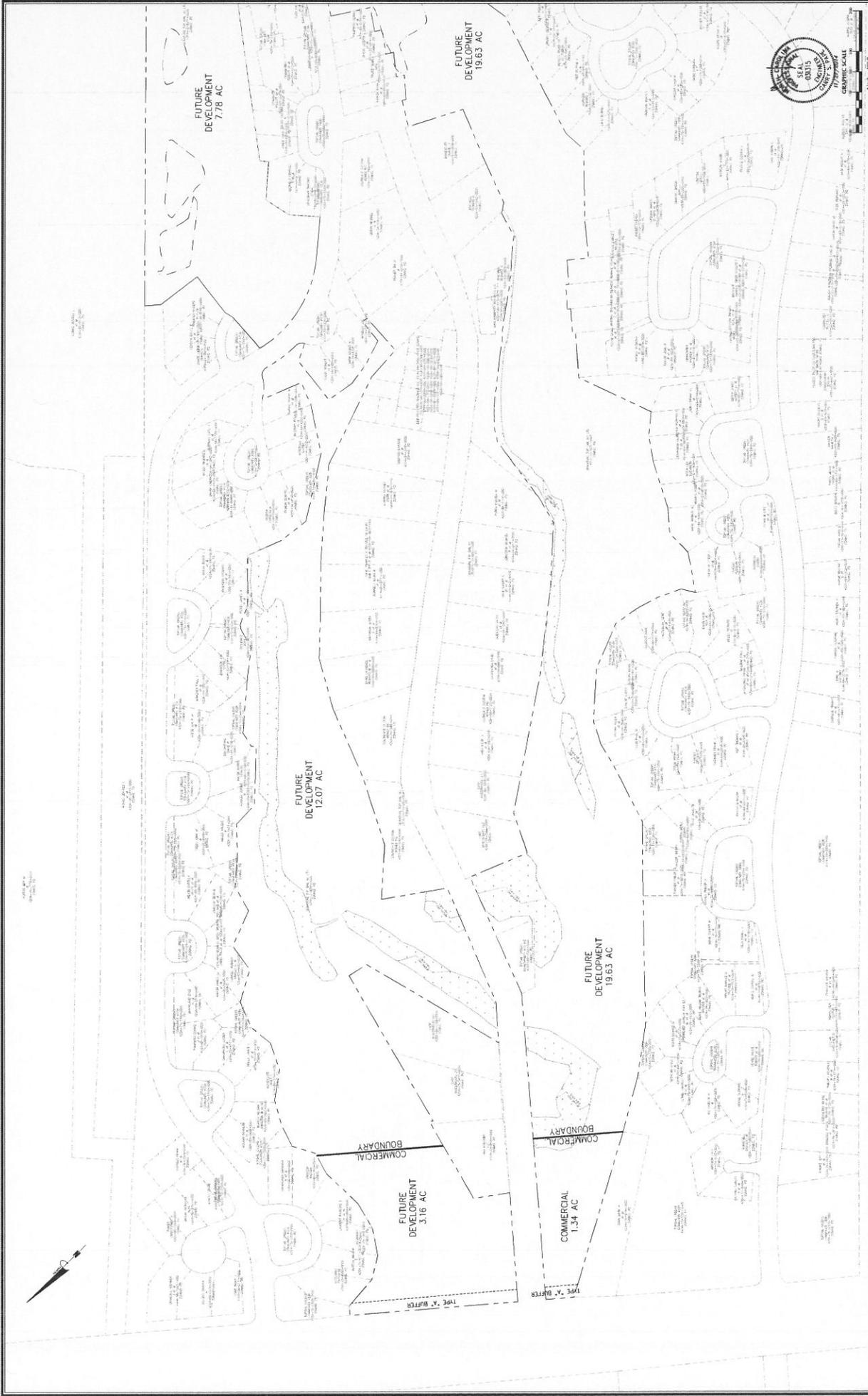
SITE DATA TABLE

GENERAL NOTES:	
1.	PENDER COUNTY PARCEL NO. PN 4214-12-851-0000
2.	TOTAL TRACT AREA: 6,226.121 SF = 143.62 AC ±
3.	ZONING: PLANNED DEVELOPMENT (PD)
4.	LAND CLASSIFICATION: GOLF COURSE
5.	A PORTION OF THIS PROPERTY IS WITHIN A SPECIAL FLOOD HAZARD ZONE PER FEMA FLOOD INSURANCE RATE MAP 877000000L EFFECTIVE DATE: 2/16/2007 AND FLOOD INSURANCE RATE MAP 877000000L EFFECTIVE DATE: 2/16/2007.
6.	THIS PROPERTY DOES NOT CONTAIN ANY A.E.C. AREAS OR IS SUBJECT CMA JURISDICTION.
7.	THIS PROPERTY DOES NOT CONTAIN ANY FEDERAL METHODS WHICH HAVE BEEN APPROVED BY THE FEDERAL GOVERNMENT.
GENERAL NOTES:	
1.	ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE PENDER COUNTY ZONING ORDINANCE (P.C. Z.O. 12-08) AND THE PENDER COUNTY SUBDIVISION ORDINANCE (P.C. S.O. 12-08).
2.	PROPERTY IS LOCATED IN PENDER COUNTY AND IS ZONED PLANNED DEVELOPMENT (PD).
3.	A HOME OWNERS ASSOCIATION WILL BE FORMED TO GUARANTEE CONTINUAL MAINTENANCE OF THE COMMON AREAS AND OPEN SPACE.
4.	ALL CONSTRUCTION SHALL BE BUILT TO MEET SUSPENSION ROADS AND TO MEET THE REQUIREMENTS OF THE PENDER COUNTY ZONING ORDINANCE.
5.	INTERIOR ROADWAYS ARE TO BE PRIVATE AND PUBLIC AS DEPICED ON THE MASTER PLAN OR FUTURE PRELIMINARY PLANS. PUBLIC ROADWAYS SHALL BE DEDICATED TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
6.	ALL UTILITIES SHALL BE LOCATED TO THE SOUTH OF ANY LOTS AND ALL UTILITIES SHALL BE AUTOMATIC LOW VOLTAGE.
7.	THIS MASTER PLAN IS CONCEPTUAL AND IS SUBJECT TO CHANGE IN ACCORDANCE WITH THE PROVISIONS OF PENDER COUNTY DEVELOPMENT ORDINANCE.
8.	THE DEVELOPERS HAVE THE SOLE RIGHT TO MODIFY THIS MASTER PLAN IN ACCORDANCE WITH THE PROVISIONS OF PENDER COUNTY DEVELOPMENT ORDINANCE. ANY CHANGES MUST BE REVIEWED BY THE PLANNING DEPARTMENT AND IN SOME INSTANCES MAY REQUIRE PLANNING BOARD APPROVAL.
9.	BUFFERS WILL BE PROVIDED PER CURRENT PENDER COUNTY ZONING ORDINANCE.
10.	METLANDS IMPACTED WILL BE MITIGATED IN ACCORDANCE WITH ANY REQUIREMENTS OF APPLICABLE STATE AND FEDERAL PERMITS.
11.	ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CURRENT PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE REGULATIONS.
MINIMUM LOT DIMENSIONS:	
AREA IN (SQ FT)	12,000 SF (9 W/50'PC)
MIN. LOT WIDTH (FT)	50.00 SF (9 W/50'PC)
MIN. LOT DEPTH (FT)	70.00 SF (9 W/50'PC)
MIN. CHED AT ROW (COL-DE-24)	30' (9 W/50'PC)
REQUIRED OPEN SPACE:	
100 LOTS - 0.00 A2/100 = 0.50 AC ±	
PROVIDED OPEN SPACE:	
FOR A.C. TOTAL OPEN SPACE PROVIDED:	0.50 AC ±
SPACE AREAS ARE NOT FOR BUILDING OR USE OF ANY OTHER PURPOSES.	
DEVELOPMENT DATA:	
TOTAL TRACT AREA = 1,542,776 SF = 35.15 AC	
PROPOSED DENSITY 100 UNITS = 2.72 UNITS/AC	
AVERAGE LOT SIZE 22,200 - 27,243.97 SF = 62.97 AC ±	
AREA OF ROW PROPOSED = 450,415 SF = 10.34 AC ±	
TOTAL PUBLIC = 5,877 L.F. ±	
TOTAL = 6,883 L.F. ±	
METLANDS SURFACES:	
PROPOSED BUA = 24,000 SF	
TOTAL BUA = 24,000 SF	
TOTAL DATE:	1,044,361 SF (24.68)
TOTAL - 105 UNITS @ 2.0 P.P. = 87,875 G.P.C.	
PROPOSED DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE AND THE PENDER COUNTY ZONING ORDINANCE.	
DEVELOPMENT NOTES:	
1.	PROJECT SHALL COMPLY WITH ALL CITY, STATE & FEDERAL REGULATIONS.
2.	DESIGN AND CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE & THE STATE OF NORTH CAROLINA.



JOB NO. 13-1063





No.	Revision	Date	By	Prepared	Scale	Sheet
				GSP	1" = 100'	
				Drawn by	Date	
				GSP	November 2011	
				Checked by	Project	
				P-2718	2011-0508	

WYNDWATER
Pender County

North Carolina

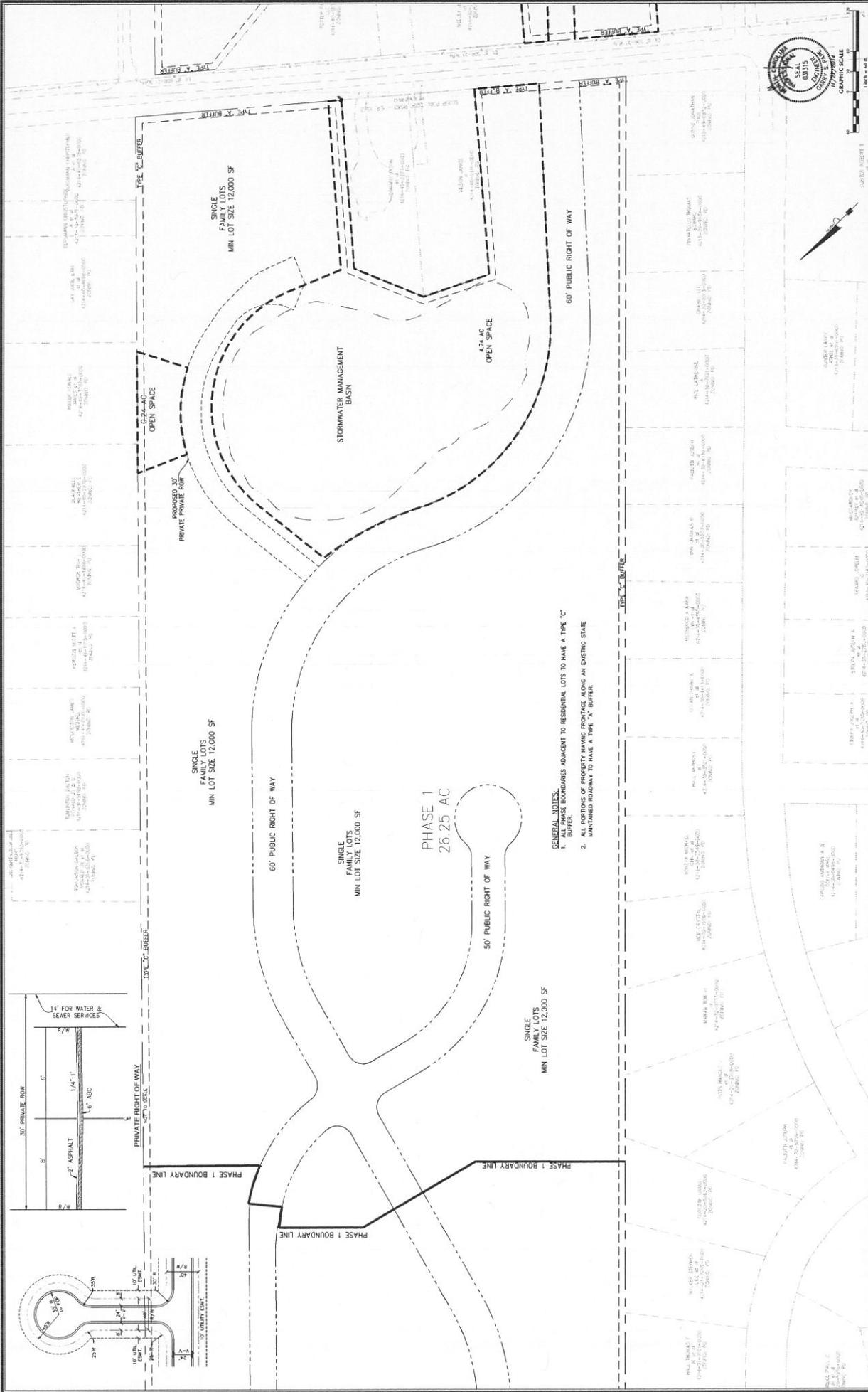
Topsail Township

GSP CONSULTING, PLLC
ENGINEERING

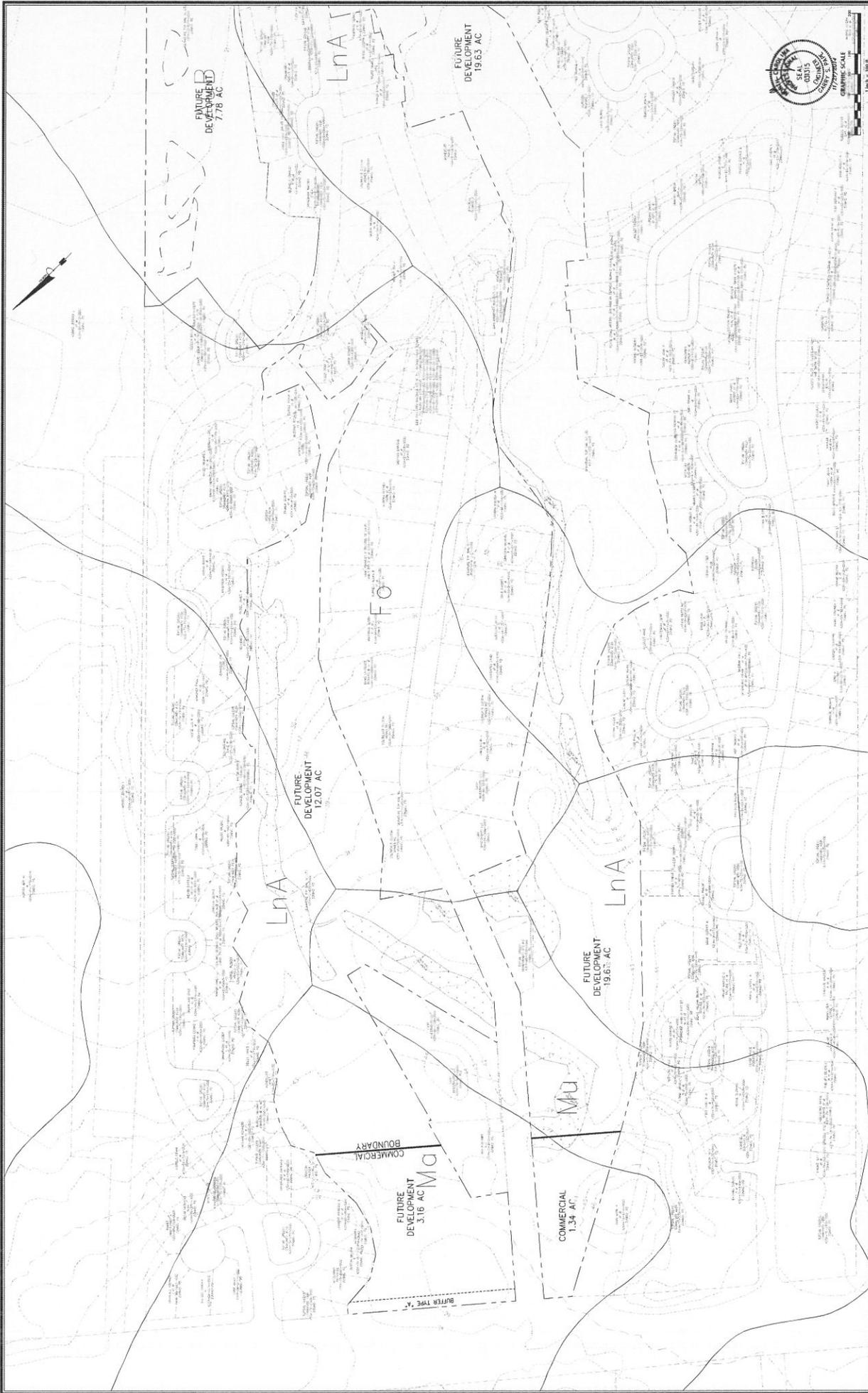
6286 Gordon Road Unit C Wilmington, North Carolina 28411 Tel: 910-794-6199 Fax: 910-794-6199

PROJECT No. C-3.1

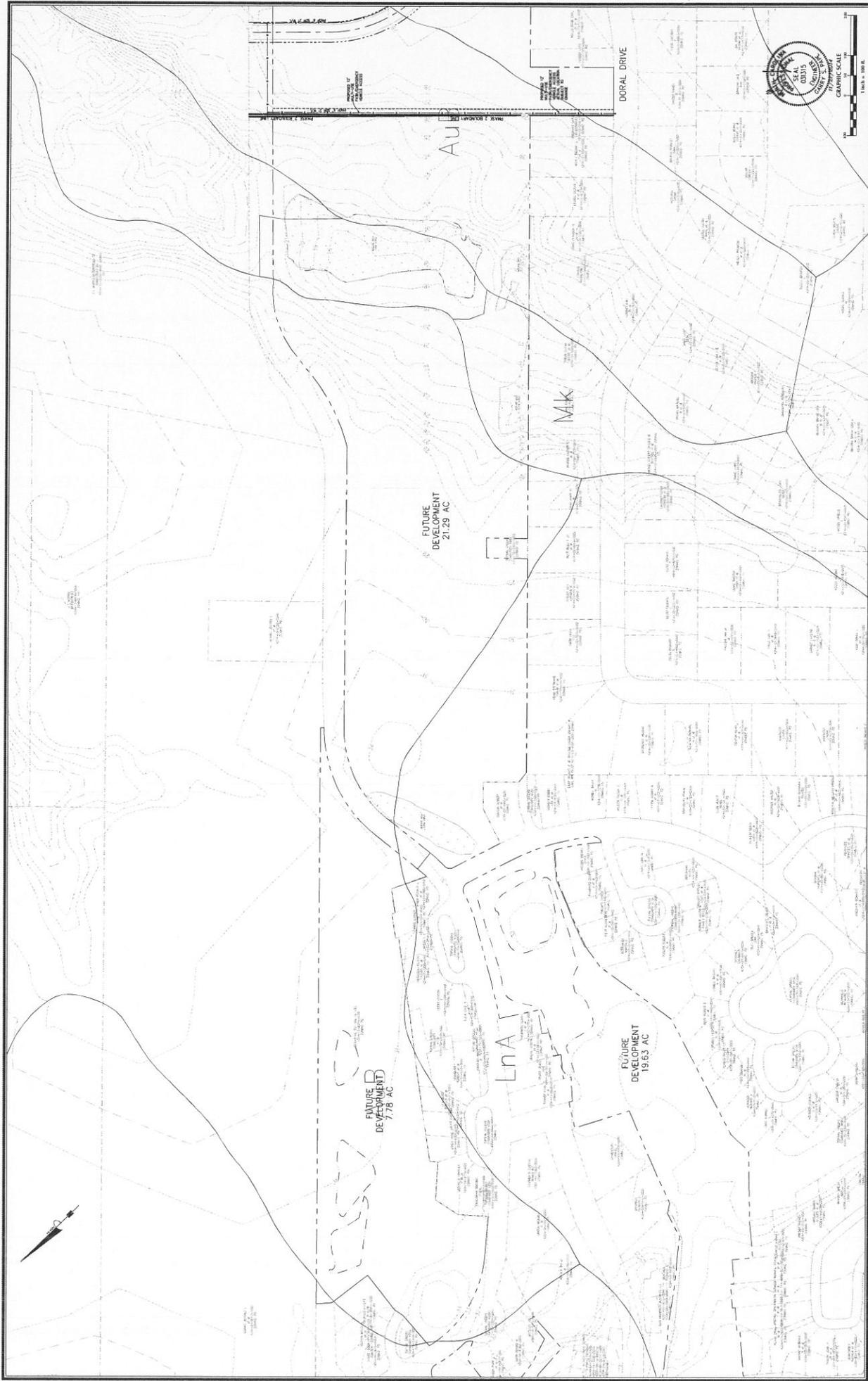
PREPARED FOR:
SICATARETOP SALES, INC. LTD
9320 BAY FREEWAY #277
ROSELAND, NC 27068
713-239-4444



	GSP CONSULTING, PLLC ENGINEERING	C-3.4 <small>6525 Gordon Road, Suite C, Wilmington, North Carolina 28411 863-944-5239 Fax: 919-796-6469</small>
WYNDWATER <small>Pender County</small>		SITE PLAN
North Carolina		Topsail Township
No.	Revision	Date: 11/14/2011 Drawn By: GSP Checked By: GSP Project No.: P-2718 Scale: 1" = 40' Date: 11/14/2011
PREPARED FOR: SIGNATURE FOR SAM, INC. LTD. 9310 WOODBRIDGE DRIVE HOUSTON, TX 77067 713-299-8466		



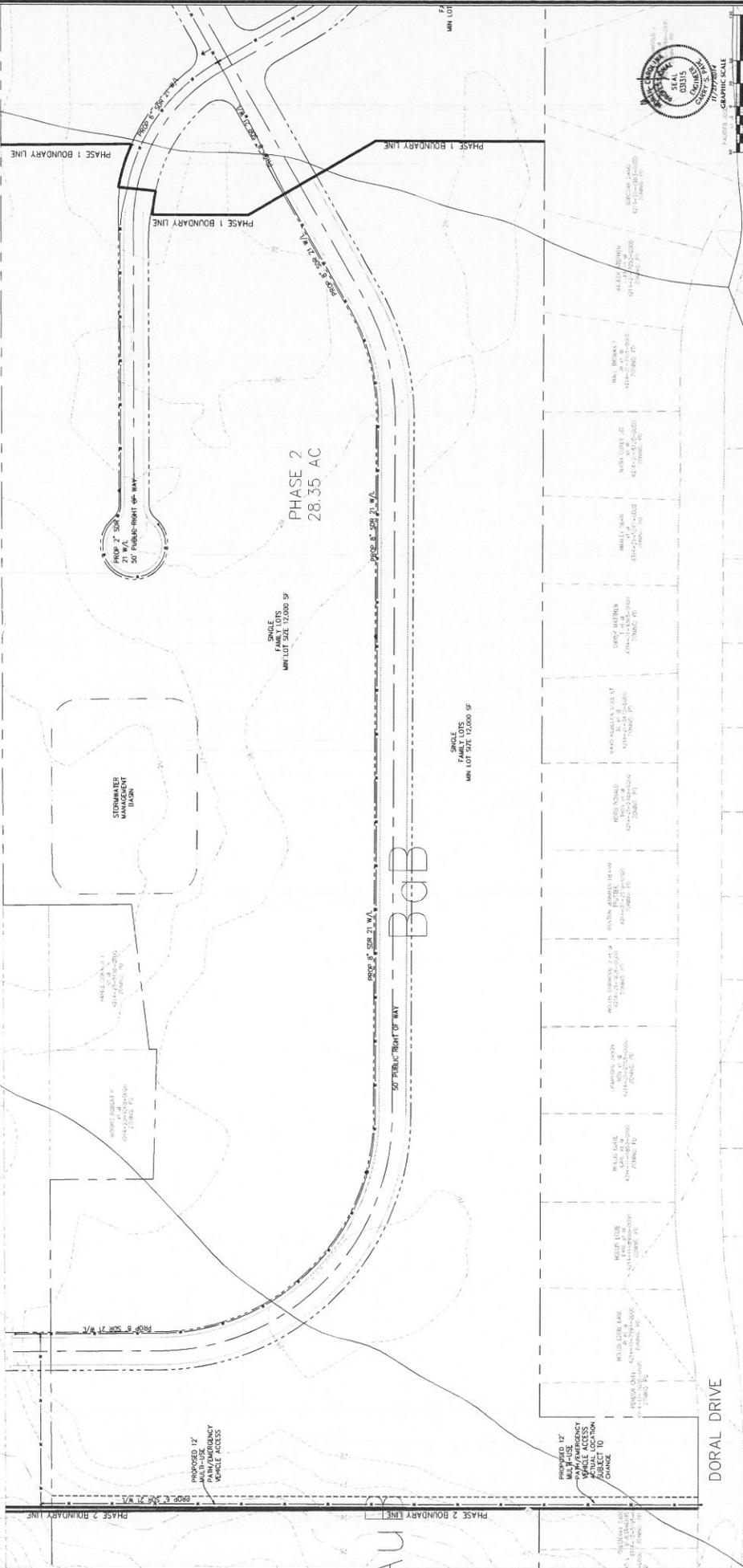
No.	Revision	Date	By	Checked	Scale	Sheet	1" = 100' Date: 10/15/2011 Project: 2011-0008 P-0718
				WYNDWATER Pender County		UTILITY & STORMWATER MANAGEMENT PLAN	
				North Carolina		GSP CONSULTING, PLLC ENGINEERING 6626 Canton Road, Unit C, Wilmington, North Carolina 28411 Tel: 910-799-6499	
				Prepared for: SIGNATURE TOP SALES, LTD 9100 WILSON BLVD, SUITE 207 WILMINGTON, NC 28403 TEL: 910-799-8466		Sheet No: C-4.1	



No. _____ Revision _____	Date _____ By _____	Designer: GSP Drawn By: GSP License #: P-2718	Scale: 1" = 100' Date: December 2014 Job No.: 2014-0008	WYNDWATER Pender County	Topsoil Township North Carolina	UTILITY & STORMWATER MANAGEMENT PLAN	PREPARED FOR: SIGNATURE TOP SOIL INC LTD 9378 BATTY FERRYWAY #827 10150 WYNDWATER RD 215-239-4444	GSP CONSULTING, PLLC ENGINEERING	Sheet No. C-4.2 6826 Gordon Road Unit C Wilmington, North Carolina 28411 Tel: 910-442-2370 Fax: 910-799-6459
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- GENERAL UTILITY NOTES:**
1. WATER & SEWER SERVICE SHALL BE BUILT TO FENDER COUNTY STANDARDS AND SPECIFICATIONS.
 2. ALL UTILITIES SHALL BE UNDERGROUND.
 3. WATER SERVICE TO BE A PUBLIC PIPED DISTRIBUTION SYSTEM OWNED AND OPERATED BY FENDER COUNTY.
 4. SANITARY SERVICE TO BE A DUMPED/SEWER OWNED AND OPERATED BY THE LOT OWNER.
 5. HOMEOWNERS ASSOCIATION SHALL BE FORMED TO GUARANTEE CONTINUAL MAINTENANCE OF THE COMMON AREAS AND UTILITIES.
 6. ALL WATER AND SANITARY SERVICE SYSTEMS WILL BE DESIGNED TO MEET FENDER COUNTY AND STATE REQUIREMENTS. FINAL CONSTRUCTION PLANS WILL BE SUBMITTED TO BOTH AGENCIES AND A PERMIT TO CONSTRUCT PRIOR TO UTILITY INSTALLATION.
 7. ALL WATERLINES SHOWN WILL BE SIZED IN ACCORDANCE WITH APPLICABLE FENDER COUNTY AND STATE REQUIREMENTS. EXISTING WATERLINE IN 300-FOOT LOOP ROAD IS 8" SDR-35.
 8. SANITARY COMPONENTS WILL REMAIN AT MINIMUM 10' FROM ANY LOT AND/OR PROPERTY LINES.

- GENERAL STORMWATER NOTES:**
1. ALL STORM DRAINAGE WILL BE DESIGNED PER INDOOR & FENDER COUNTY STANDARDS.
 2. STORM DRAINAGE DESIGN WILL LIMIT THE POST DEVELOPMENT RUNOFF RATE TO WITHIN 5% OF PRE-DEVELOPMENT LEVELS.
 3. STORM WATER MANAGEMENT WILL UTILIZE BEST MANAGEMENT PRACTICES AND WILL INCLUDE INfiltration OR DETENTION SYSTEMS TO REDUCE RUNOFF LEVELS TO WITHIN 5% OF PRE-DEVELOPMENT LEVELS.
 4. EROSION AND SEDIMENT CONTROL WILL BE DESIGNED AND SUBMITTED TO INDOOR FOR REVIEW AND APPROVAL.
 5. BEST MANAGEMENT PRACTICES FOR EASC WILL BE UTILIZED TO PREVENT EROSION FROM OCCURRING, ELIMINATE SEDIMENT TRANSPORT AND TO REDUCE RUNOFF VELOCITIES IN ORDER TO PREVENT SCOURING AND EROSION.
 6. COUNTY AND STATE STORMWATER PERMITS MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION.



No.	Revision	Date	By

Prepared by: **GP** Date: **11/14/2011**
 Checked by: **GP** Date: **11/14/2011**
 Drawn by: **GP** Date: **11/14/2011**
 Title: **PHASE 2**

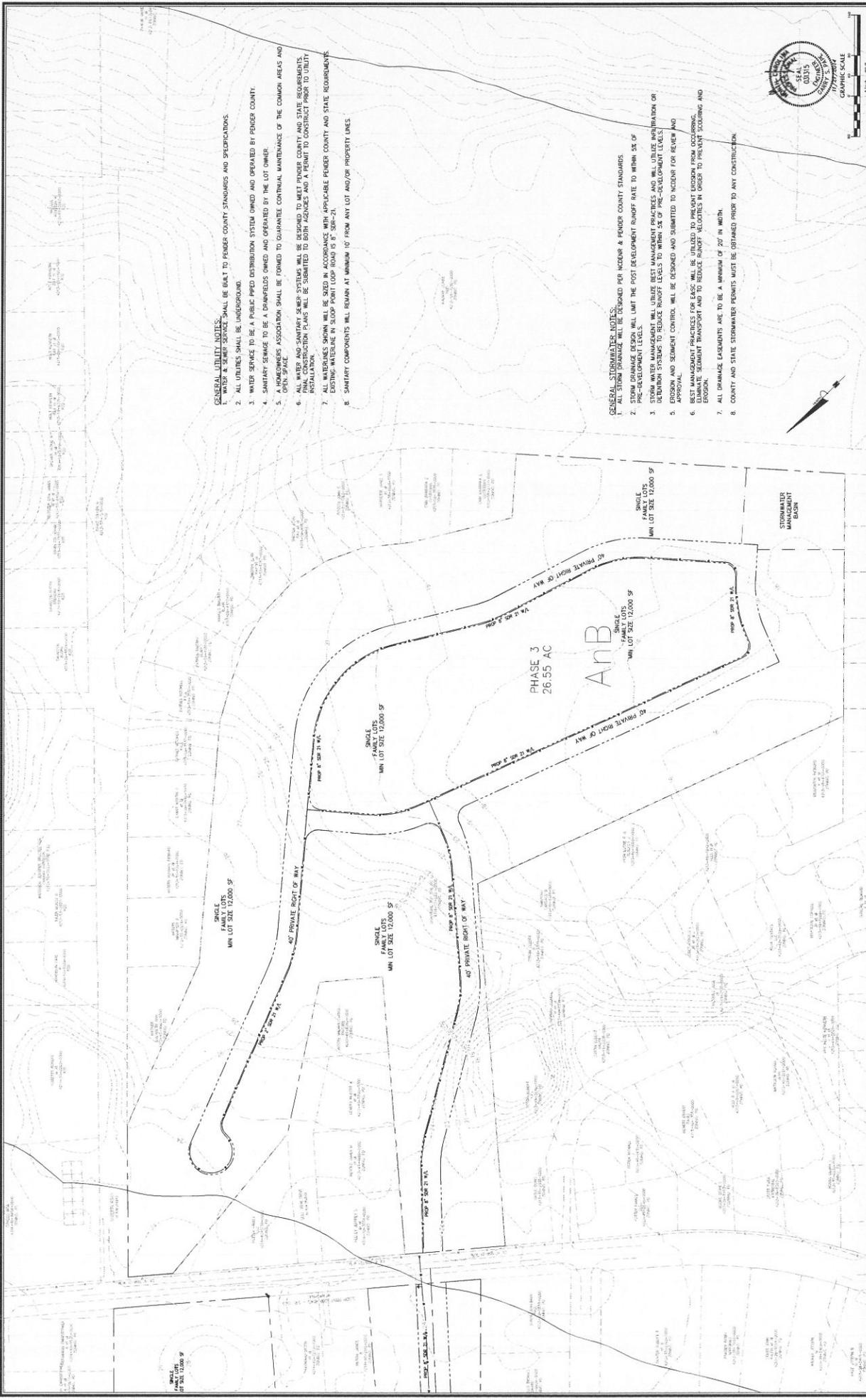
WYNDWATER
 Pender County
 Topsail Township
 North Carolina

UTILITY & STORMWATER MANAGEMENT PLAN

PREPARED FOR:
SIGNATURE TOP SAUL, INC. LTD.
 9308 HAYTHERWAY #277
 WILMINGTON, NC 28404
 717-791-6846

GSP CONSULTING, PLLC
ENGINEERING
 6624 Garden Road, Unit C, Wilmington, North Carolina 28411
 Tel: 910-799-6859

Sheet No. **C-4.3**



- GENERAL UTILITY NOTES:**
1. WATER & SEWER SERVICE SHALL BE BUILT TO FENDER COUNTY STANDARDS AND SPECIFICATIONS.
 2. ALL UTILITIES SHALL BE UNDERGROUND.
 3. WATER SERVICE TO BE A PUBLIC PIPED DISTRIBUTION SYSTEM OWNED AND OPERATED BY FENDER COUNTY.
 4. SANITARY SERVICE TO BE A DUMPFIELD OWNED AND OPERATED BY THE LOT OWNER.
 5. HOMEOWNERS ASSOCIATION SHALL BE FORMED TO GUARANTEE CONTINUAL MAINTENANCE OF THE COMMON AREAS AND UTILITIES.
 6. ALL WATER AND SANITARY SERVICE SYSTEMS SHALL BE DESIGNED TO MEET FENDER COUNTY AND STATE REQUIREMENTS. FINAL CONSTRUCTION PLANS WILL BE SUBMITTED TO BOTH AGENCIES AND A PERMIT TO CONSTRUCT PRIOR TO UTILITY INSTALLATION.
 7. ALL WATERLINES SHOWN WILL BE SIZED IN ACCORDANCE WITH APPLICABLE FENDER COUNTY AND STATE REQUIREMENTS. EXISTING WATERLINE IN SLOOP POINT LOOP ROAD IS 6" 300'-2".
 8. SANITARY COMPONENTS WILL REMAIN AT MINIMUM 10' FROM ANY LOT AND/OR PROPERTY LINES.

- GENERAL STORMWATER NOTES:**
1. ALL STORM DRAINAGE WILL BE DESIGNED PER FENDER & FENDER COUNTY STANDARDS.
 2. STORM DRAINAGE DESIGN WILL LIMIT THE POST DEVELOPMENT RUNOFF RATE TO WITHIN 5% OF PRE-DEVELOPMENT LEVELS.
 3. STORM WATER MANAGEMENT WILL UTILIZE BEST MANAGEMENT PRACTICES AND WILL UTILIZE INFILTRATION OR STORAGE METHODS TO REDUCE RUNOFF LEVELS TO WITHIN 5% OF PRE-DEVELOPMENT LEVELS.
 4. EROSION CONTROL MEASURES WILL BE DESIGNED AND SUBMITTED TO NCEM FOR REVIEW AND APPROVAL.
 5. EROSION CONTROL MEASURES WILL BE DESIGNED AND SUBMITTED TO NCEM FOR REVIEW AND APPROVAL.
 6. BEST MANAGEMENT PRACTICES FOR EAS: WILL BE UTILIZED TO PREVENT EROSION FROM OCCURRING. ELIMINATE SEDIMENT TRANSPORT AND TO REDUCE RUNOFF VELOCITIES IN ORDER TO PREVENT SCOURING AND EROSION.
 7. ALL DRAINAGE ELEMENTS ARE TO BE A MINIMUM OF 20' IN WIDTH.
 8. COUNTY AND STATE STORMWATER PERMITS MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION.



GSP CONSULTING, PLLC
ENGINEERING

6426 Gordon Road, Suite C, Wilmington, North Carolina 28411 | Tel: 910-412-2799 | Fax: 910-794-6449

PREPARED FOR:
SIGNATURE TOP-SAIL, INC. LTD
10000 STATE HIGHWAY 8377
WILMINGTON, NC 28404
712-978-4444

**UTILITY & STORMWATER
MANAGEMENT PLAN**

North Carolina

WYNDWATER
Fender County

Topsail Township

Sheet No.	1 of 1
Date	December 2011
Project No.	2011-0008
Revision	P-0718

No.	Revision	Date	By



Applicant:
Signature Top Sail NC, Ltd

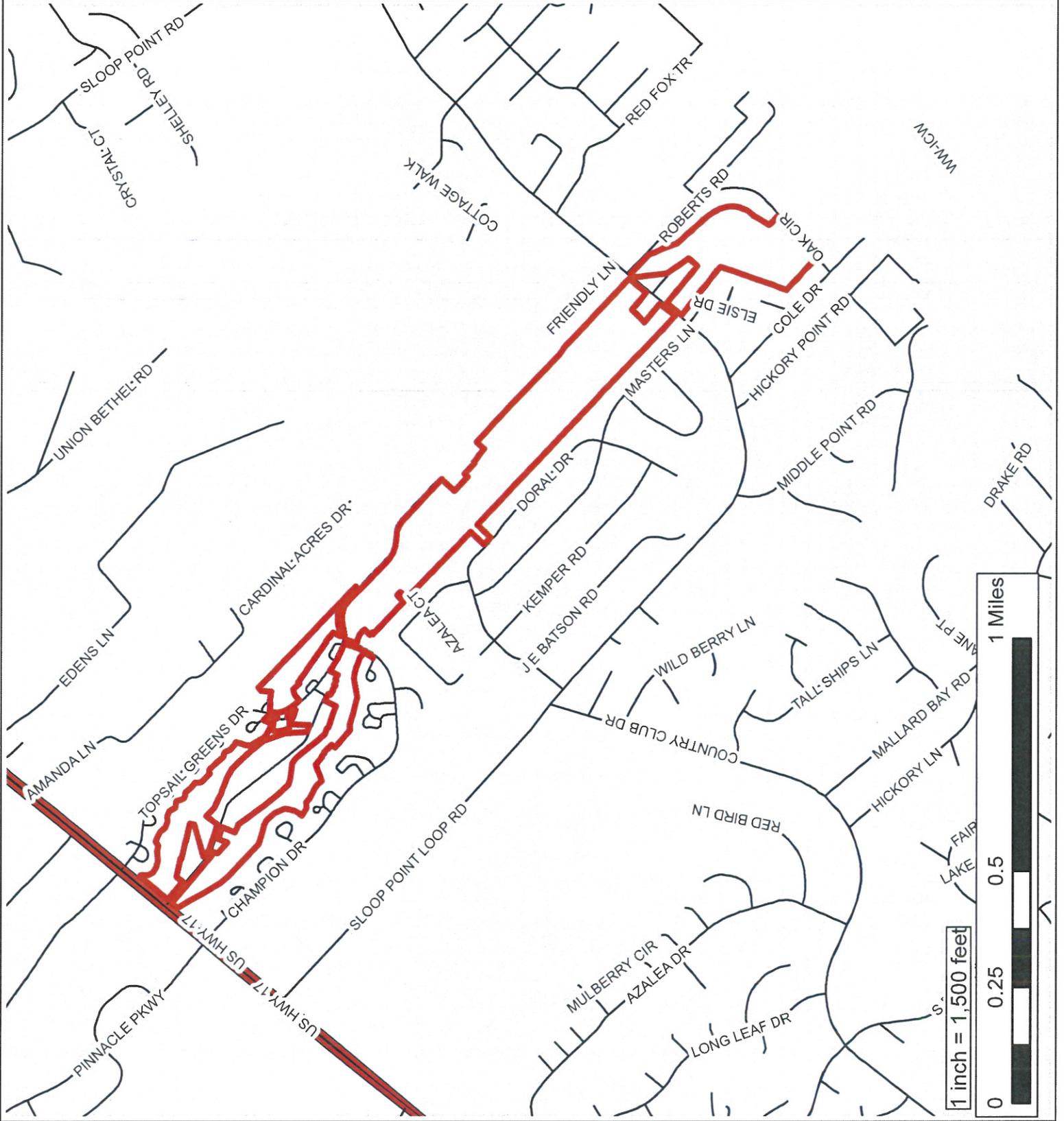
Owner:
Signature Top Sail NC, Ltd

Master Development Plan
Revision
11035

Wyndwater



VICINITY





Applicant:
Signature Top Sail NC, Ltd

Owner:
Signature Top Sail NC, Ltd

Master Development Plan
Revision
11035

Wyndwater

Legend



Subject Parcel

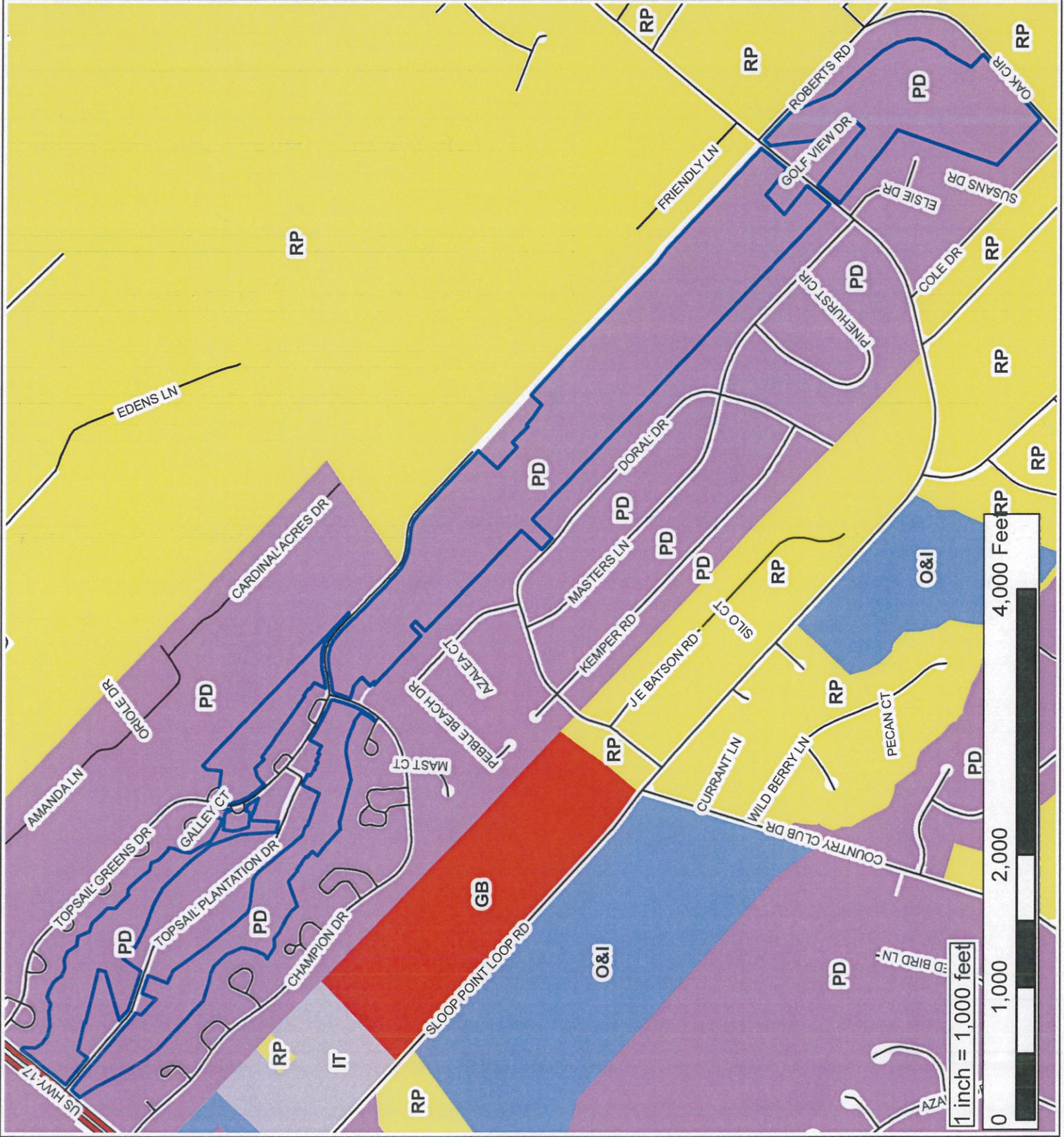
Zoning Classification

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)



CURRENT ZONING





Applicant:
Signature Top Sail NC, Ltd.

Owner:
Signature Top Sail NC, Ltd.

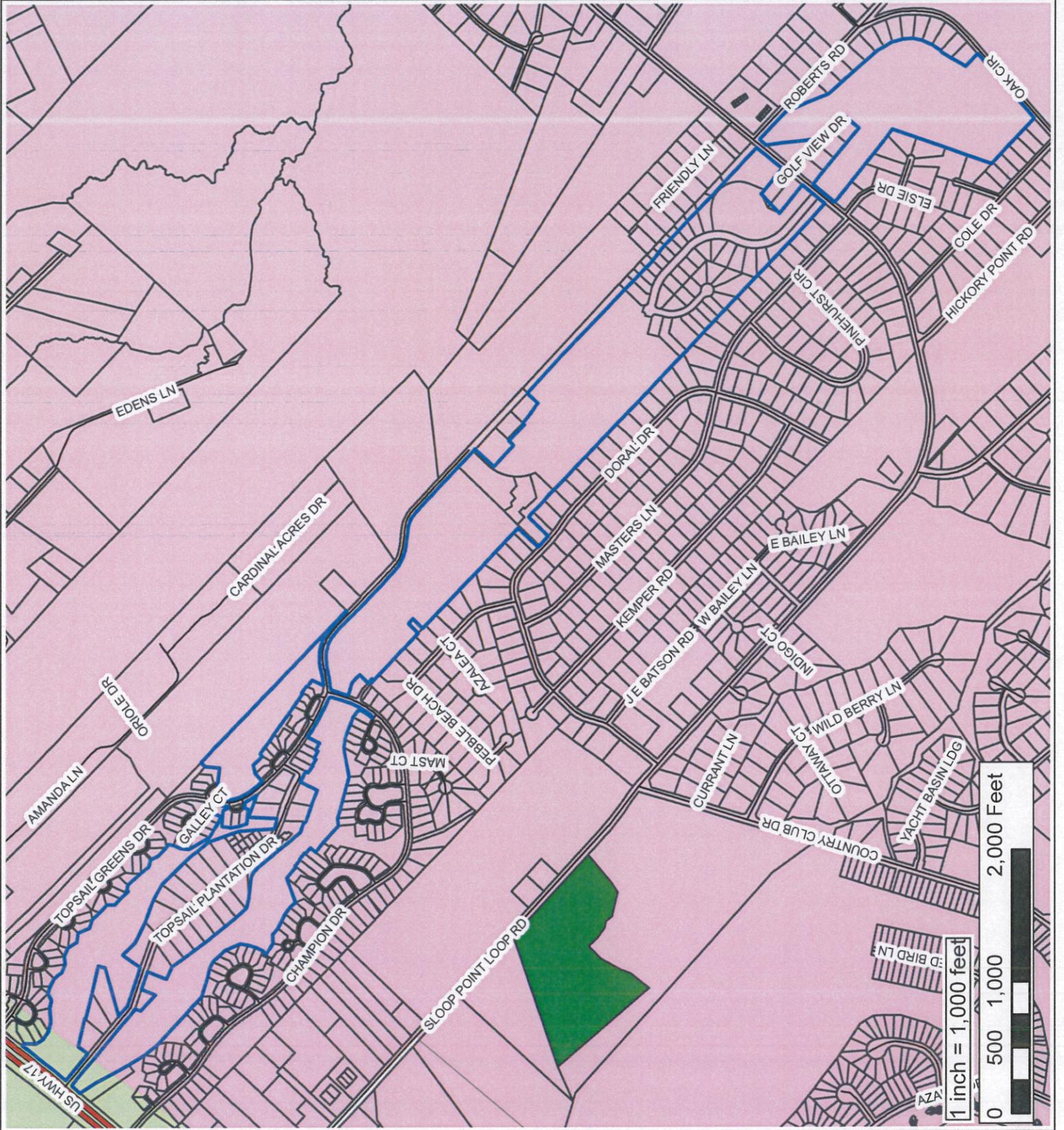
**Master Development Plan
Revision
11035**

Wyndwater

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



FUTURE LAND USE





Applicant:
Signature Top Sail NC, Ltd

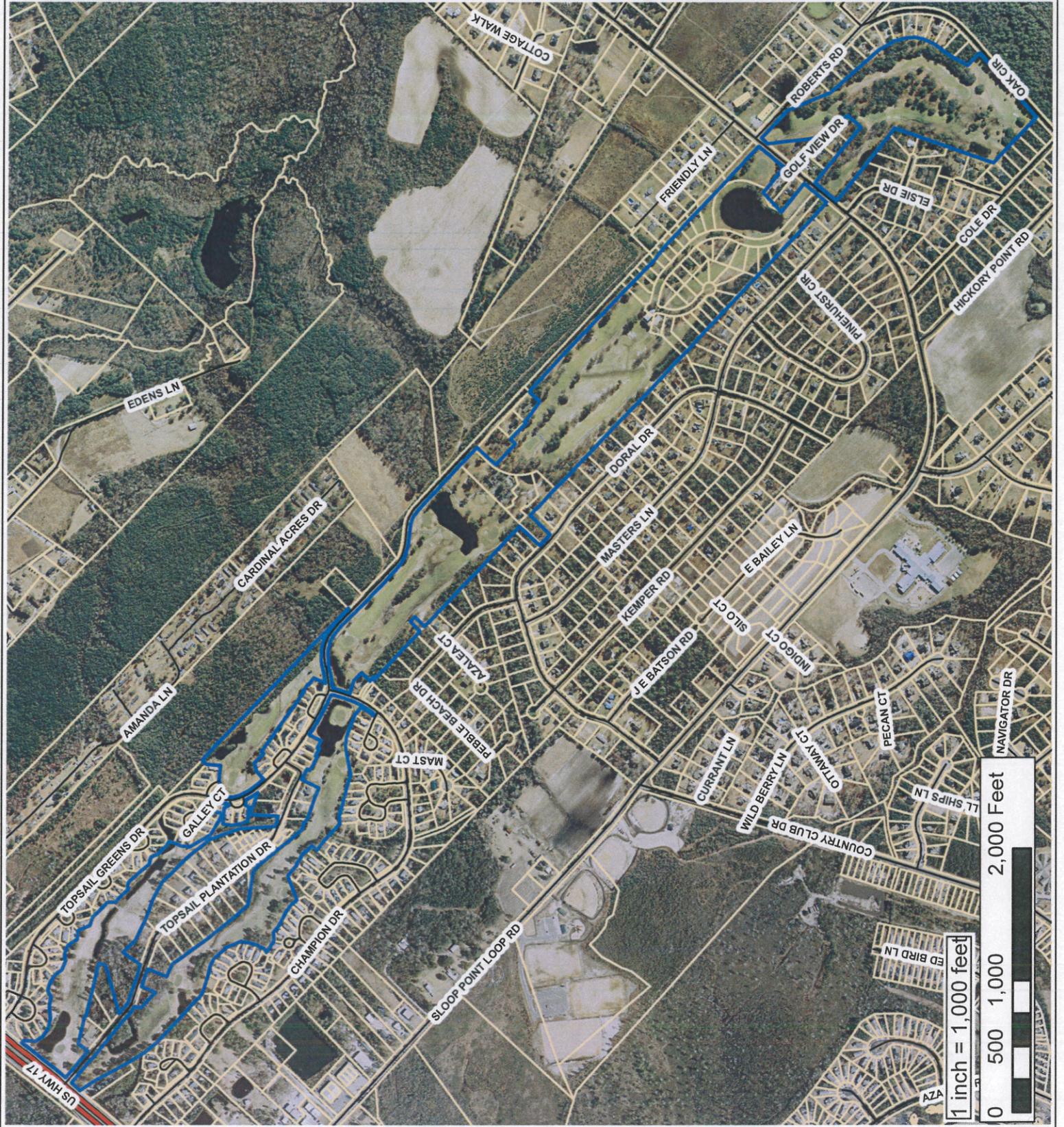
Owner:
Signature Top Sail NC, Ltd

Master Development Plan
Revision
11035

Wyndwater



2012 AERIAL



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

MEMORANDUM

To: Pender County Planning Board

From: Kyle M. Breuer, Director, Pender County Planning and Community Development

Date: November 5, 2014

RE: Pender County Comprehensive Transportation Plan

A Comprehensive Transportation Plan (CTP) is a long-range multi-modal transportation plan that identifies deficiencies and formulates recommendations to existing and future transportation networks. The development of this document was following a yearlong planning process involving numerous agencies and jurisdictions including the following: NC Department of Transportation, Cape Fear Rural Planning Organization, Pender Adult Services, The Nature Conservancy, and the Towns of Atkinson, Burgaw, St. Helena, Surf City, Topsail Beach, Wallace, and Watha. A kickoff meeting for Pender County's CTP was held on January 13, 2011, with the committee meeting monthly until April 2012 to make recommendations to the existing and future comprehensive transportation network for the study area. The Pender County Planning Board, on August 7, 2012 unanimously recommended approval of the Pender County Comprehensive Transportation Plan.

Due to circumstances outside of Pender County's control, the CTP was never adopted by the Board of Commissioners and has been delayed through the beginning of 2014. Overall, all policies and recommendations are consistent with the Board's initial recommendation, excluding geographical boundary changes that have taken place since the initial review. These changes included the additional area within Pender County that has since been included within the Wilmington Metropolitan Planning Organizations jurisdiction. Also, areas included within the Topsail Area CTP (2011) were removed due to redundancy in that adopted plan. To accommodate these changes, an additional 30-day public comment period was opened and an open house was held to garner further comment. With these changes, Staff, along with the NCDOT and Cape Fear RPO, are respectfully requesting the Planning Board recommend approval of the Pender County CTP.

As you will see within the Recommendations section of the Plan, four (4) major topics were identified for future recommendations, and these are: Highway, Public Transit, Rail, and Bicycle and Pedestrian improvements. Implementation of the recommendations within the CTP will follow Pender County's Local Prioritization Program which was established in 2011 to be able to allocate local requests through the Cape Fear Rural Planning Organization. Also, as the Plan

states, it is critical that NCDOT and Pender County continue to coordinate on relevant land development reviews and all transportation projects to ensure proper implementation of the CTP.

A public hearing will be held for your consideration on the complete CTP which was provided to you on October 7, 2014.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

December 15, 2014

MEMORANDUM

To: Kyle Breuer, Director
Pender County Planning & Community Development

From: Nora A. McCann, EIT 
Transportation Engineer, Transportation Planning Branch

Subject: Pender County Comprehensive Transportation Plan

On January 20, 2015 the North Carolina Department of Transportation (NCDOT) will request the Board of County Commissioners to adopt the Pender County Comprehensive Transportation Plan maps. This request is contingent upon a favorable recommendation from the Pender County Planning Board on January 6, 2015. The maps show all modes of transportation, and will be used to plan for future improvements in Pender County with the exception of the portion of the county within the Wilmington Metropolitan Planning Organization.

The projects shown on the maps are a vision for the future, and are not funded at this time. The maps can be revised upon your request by NCDOT at any time, and should be updated every five years. After the maps are adopted by Pender County and the municipalities, the North Carolina Board of Transportation will adopt the Pender County Comprehensive Transportation Plan maps.

Following the adoption of the maps, a report documenting the findings and rationale for the recommendations on the Pender County Comprehensive Transportation Plan will be published.

To this date, Atkinson adopted the Pender County Comprehensive Transportation Plan on November 6, 2014, and Burgaw adopted it on December 9, 2014.

Cc: Patrick Norman, PE, Branch Manager, Transportation Planning Branch, NCDOT
Karen Fussell, PE, Division Engineer, Division 3, NCDOT
Travis Marshall, PE, Unit Head, Transportation Planning Branch, NCDOT
James Upchurch, Supervisor, Transportation Planning Branch, NCDOT

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
TRANSPORTATION PLANNING BRANCH
1554 MAIL SERVICE CENTER
RALEIGH NC 27699-1554



<https://connect.ncdot.gov/projects/planning/>

LOCATION:
TRANSPORTATION BUILDING
1 SOUTH WILMINGTON STREET
RALEIGH, NC 27601
Phone: 919-707-0900
Fax: 919-733-9794

Nastasha Earle, RPO Coordinator, Transportation Planning Branch, NCDOT

Allen Serkin, Cape Fear RPO

Patrick Riddle, Division Planning Engineer, Division 3, NCDOT

Adoption



**Pender County
North Carolina
Comprehensive
Transportation Plan**

Plan date: September 4, 2014

- Sheet 1 Adoption Sheet
- Sheet 2 Highway Map
- Sheet 3 Public Transportation and Rail Map
- Sheet 4 Bicycle Map
- Sheet 5 Pedestrian Map

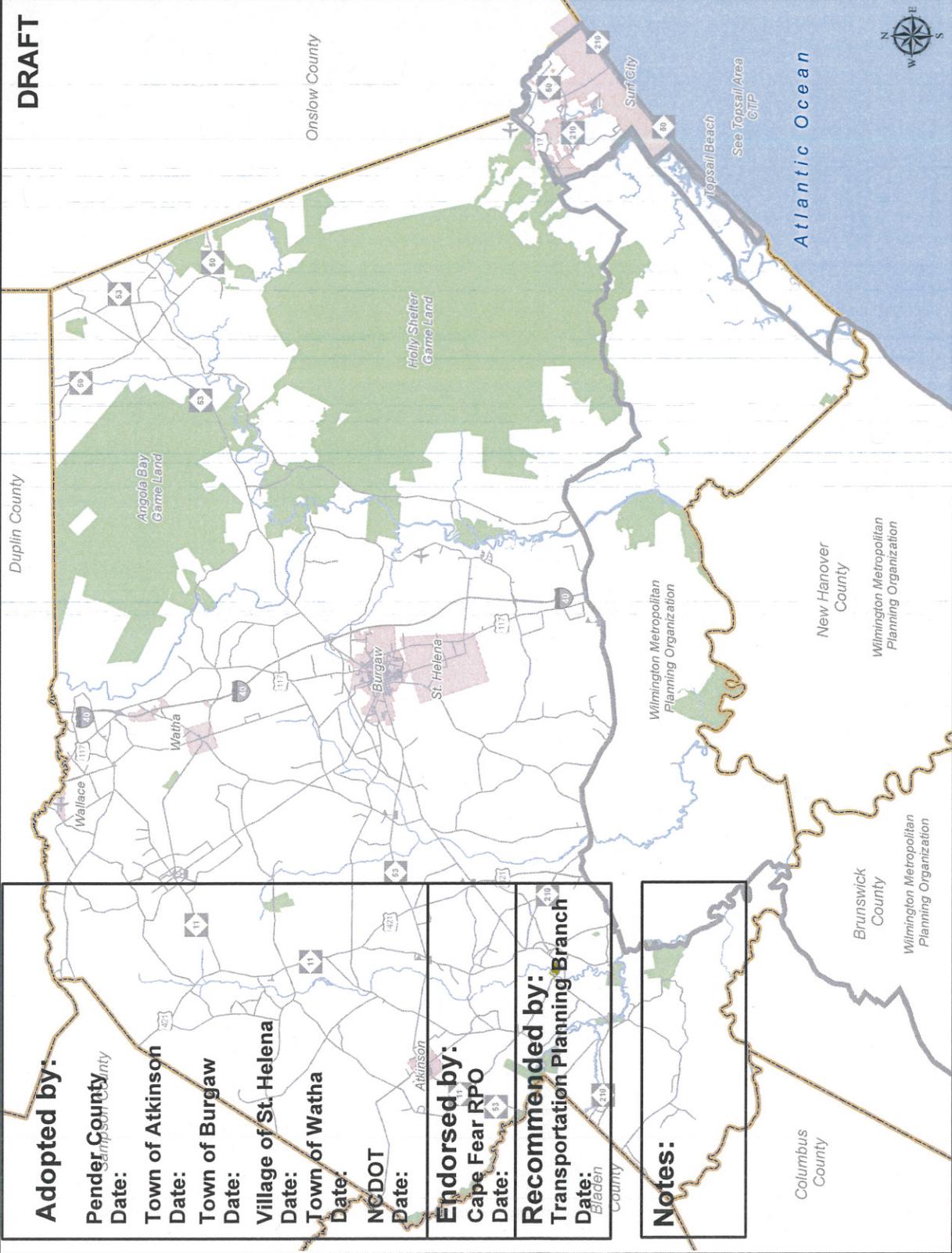
Legend

- Schools
- Airports
- Roads
- Rivers and Streams
- Municipal Boundary
- Managed Areas
- Moore's Creek
- National Battlefield
- Wilmington Metropolitan Planning Organization Boundary
- County Boundary



Sheet 1 of 5
Base map date: March 19, 2012
Refer to CTP document for more details

DRAFT



Adopted by:

Pender County
Date:

Town of Atkinson
Date:

Town of Burgaw
Date:

Village of St. Helena
Date:

Town of Wetha
Date:

NC DOT
Date:

Endorsed by:

Cape Fear RPO
Date:

Recommended by:

Transportation Planning Branch
Date:

Notes:

Highway Map



Pender County North Carolina Comprehensive Transportation Plan

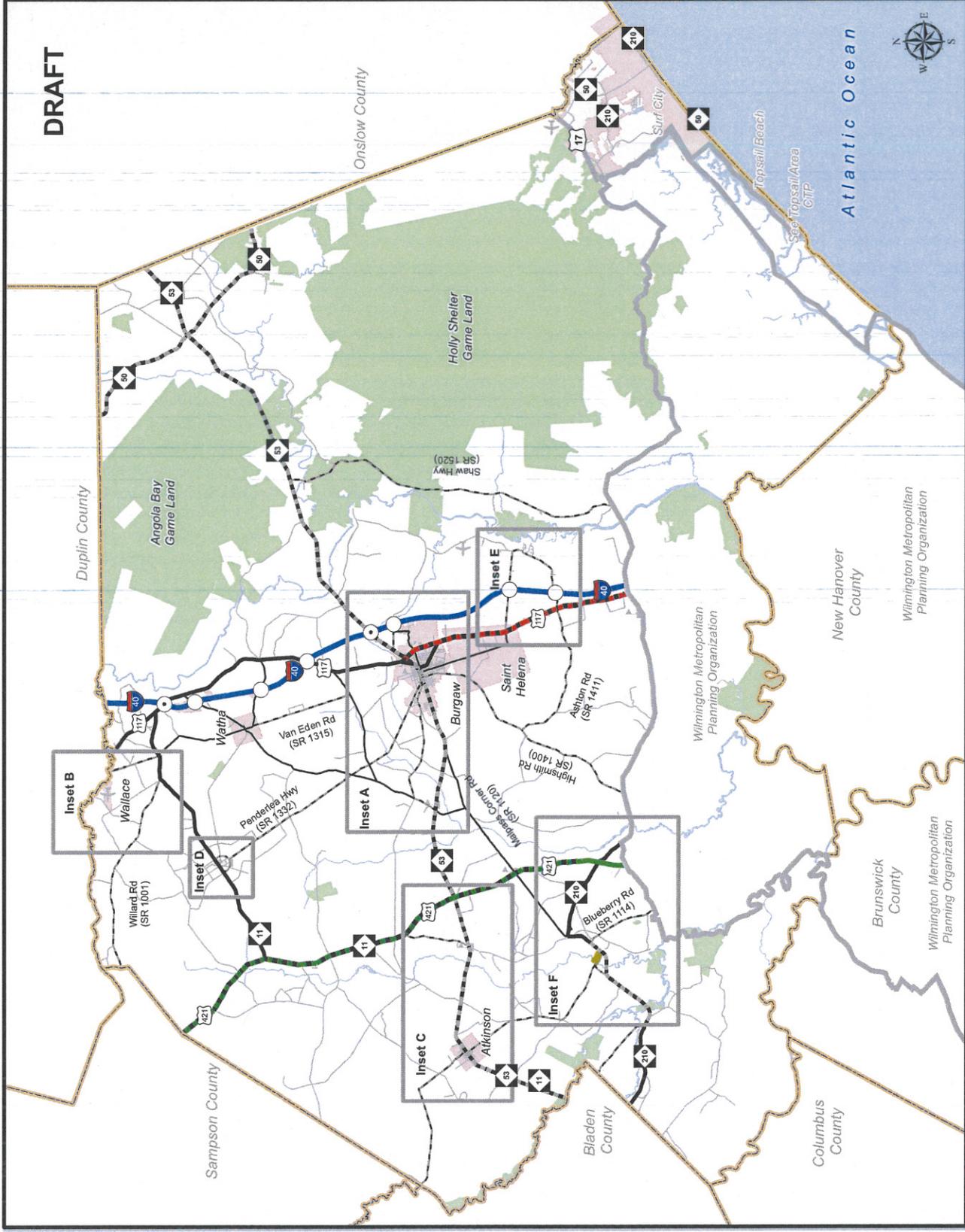
Plan date: December 9, 2014

- | | | | |
|----------------------------------|----------|-------------------|-------------------|
| Freeways | Existing | Needs Improvement | Recommended |
| Expressways | Existing | Needs Improvement | Recommended |
| Boulevards | Existing | Needs Improvement | Recommended |
| Other Major Thoroughfares | Existing | Needs Improvement | Recommended |
| Minor Thoroughfares | Existing | Needs Improvement | Recommended |
| Interchanges | Existing | Proposed | Needs Improvement |
| Grade Separations | Existing | Proposed | Needs Improvement |



Sheet 2 of 5
Base map date: March 18, 2012
Refer to CTP document for more details

DRAFT



Highway Map
Inset D, E



**Pender County
North Carolina
Comprehensive
Transportation Plan**

Plan date: September 4, 2014

Freeways

- Existing (Blue solid line)
- Needs Improvement (Blue dashed line)
- Recommended (Blue dotted line)

Expressways

- Existing (Green solid line)
- Needs Improvement (Green dashed line)
- Recommended (Green dotted line)

Boulevards

- Existing (Red solid line)
- Needs Improvement (Red dashed line)
- Recommended (Red dotted line)

Other Major Thoroughfares

- Existing (Black solid line)
- Needs Improvement (Black dashed line)
- Recommended (Black dotted line)

Minor Thoroughfares

- Existing (Thin black solid line)
- Needs Improvement (Thin black dashed line)
- Recommended (Thin black dotted line)

Interchanges

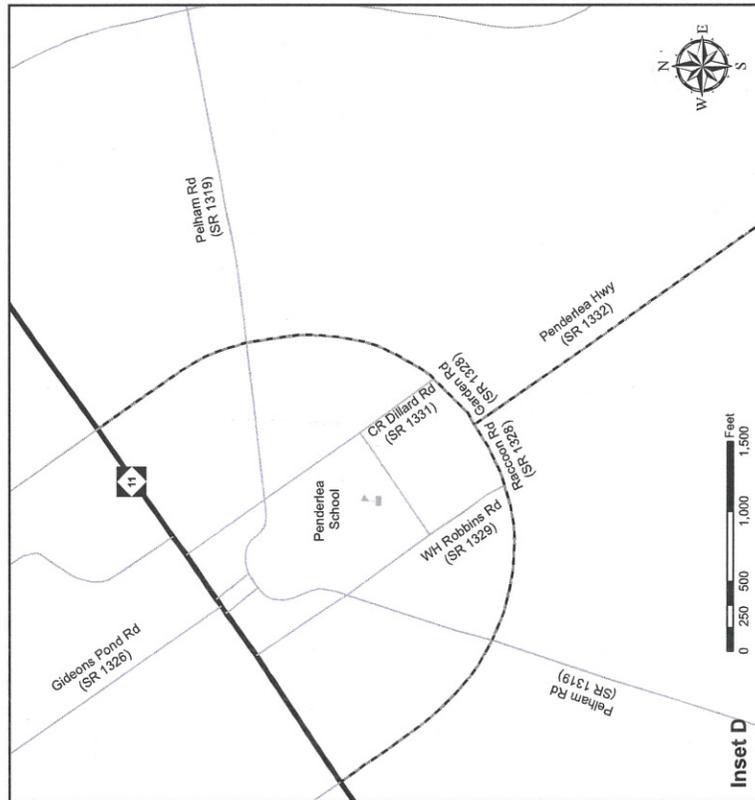
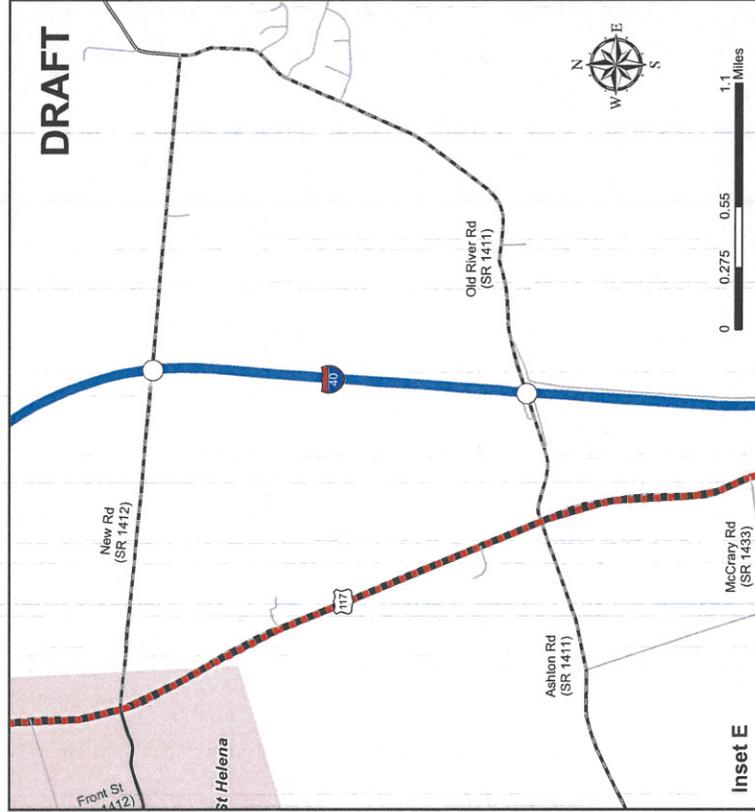
- Existing Interchange (Circle with dot)
- Proposed Interchange (Circle with horizontal line)

Grade Separations

- Existing Needs Improvement (Circle with vertical line)
- Existing Grade Separation (Circle with diagonal line)
- Proposed Grade Separation (Circle with horizontal line)

Sheet 2B of 5

Base map date: 5/18/12
Refer to CTP document for more details



Highway Map
Inset F



**Pender County
North Carolina
Comprehensive
Transportation Plan**

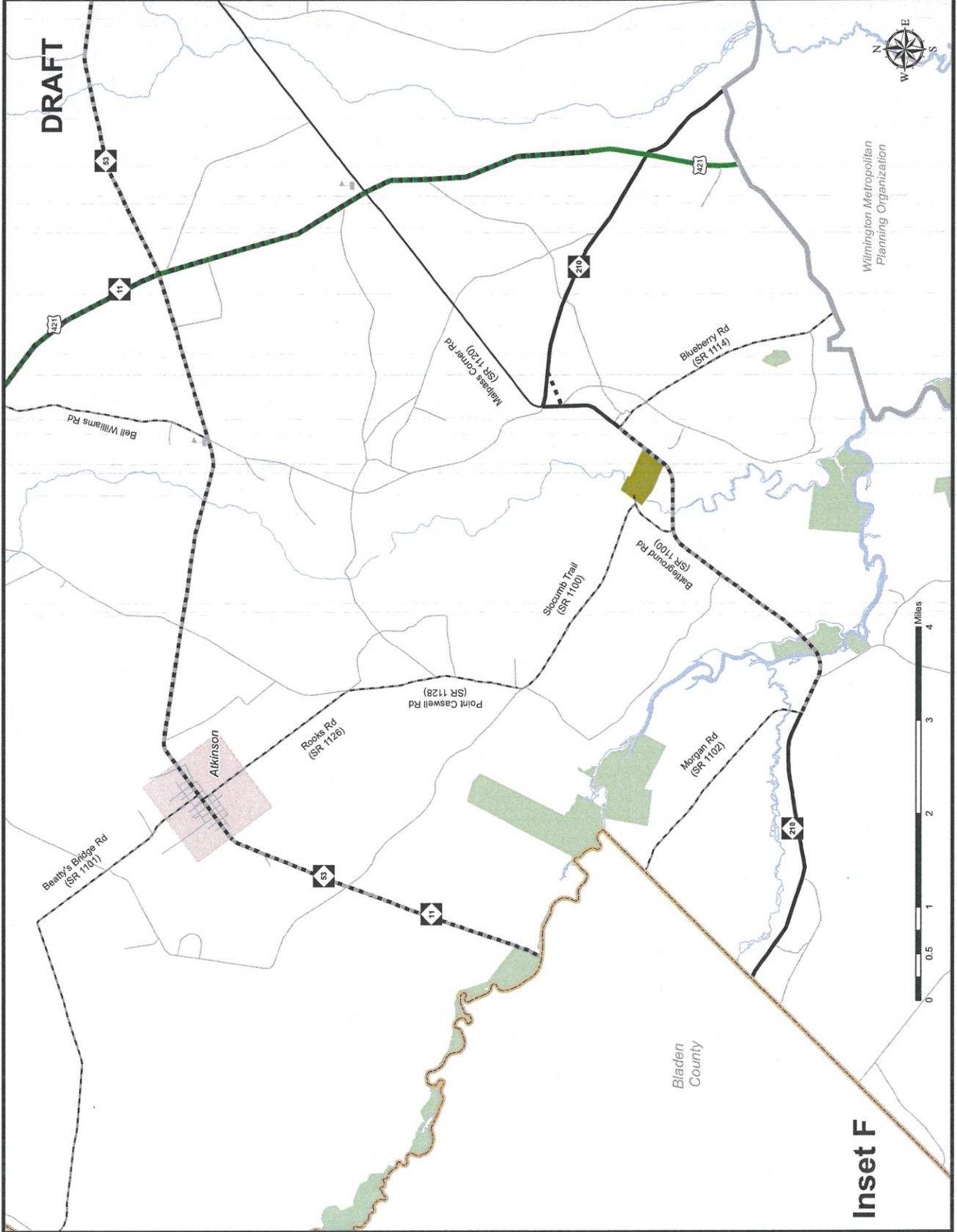
Plan date: September 4, 2014

- Freeways**
- Existing (Blue solid line)
 - Needs Improvement (Blue dashed line)
 - Recommended (Blue dotted line)
- Expressways**
- Existing (Green solid line)
 - Needs Improvement (Green dashed line)
 - Recommended (Green dotted line)
- Boulevards**
- Existing (Red solid line)
 - Needs Improvement (Red dashed line)
 - Recommended (Red dotted line)
- Other Major Thoroughfares**
- Existing (Black solid line)
 - Needs Improvement (Black dashed line)
 - Recommended (Black dotted line)
- Minor Thoroughfares**
- Existing (Thin black solid line)
 - Needs Improvement (Thin black dashed line)
 - Recommended (Thin black dotted line)
- Interchanges**
- Existing Interchange (Circle with dot)
 - Proposed Interchange (Circle with horizontal line)
 - Interchange Needs Improvement (Circle with vertical line)
 - Existing Grade Separation (Circle with diagonal line)
 - Proposed Grade Separation (Circle with diagonal line)

Sheet 2C of 5

Base map date: 5/18/12
Refer to CTP document for more details

DRAFT



Inset F

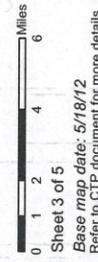
Public Transportation and Rail Map



Pender County North Carolina Comprehensive Transportation Plan

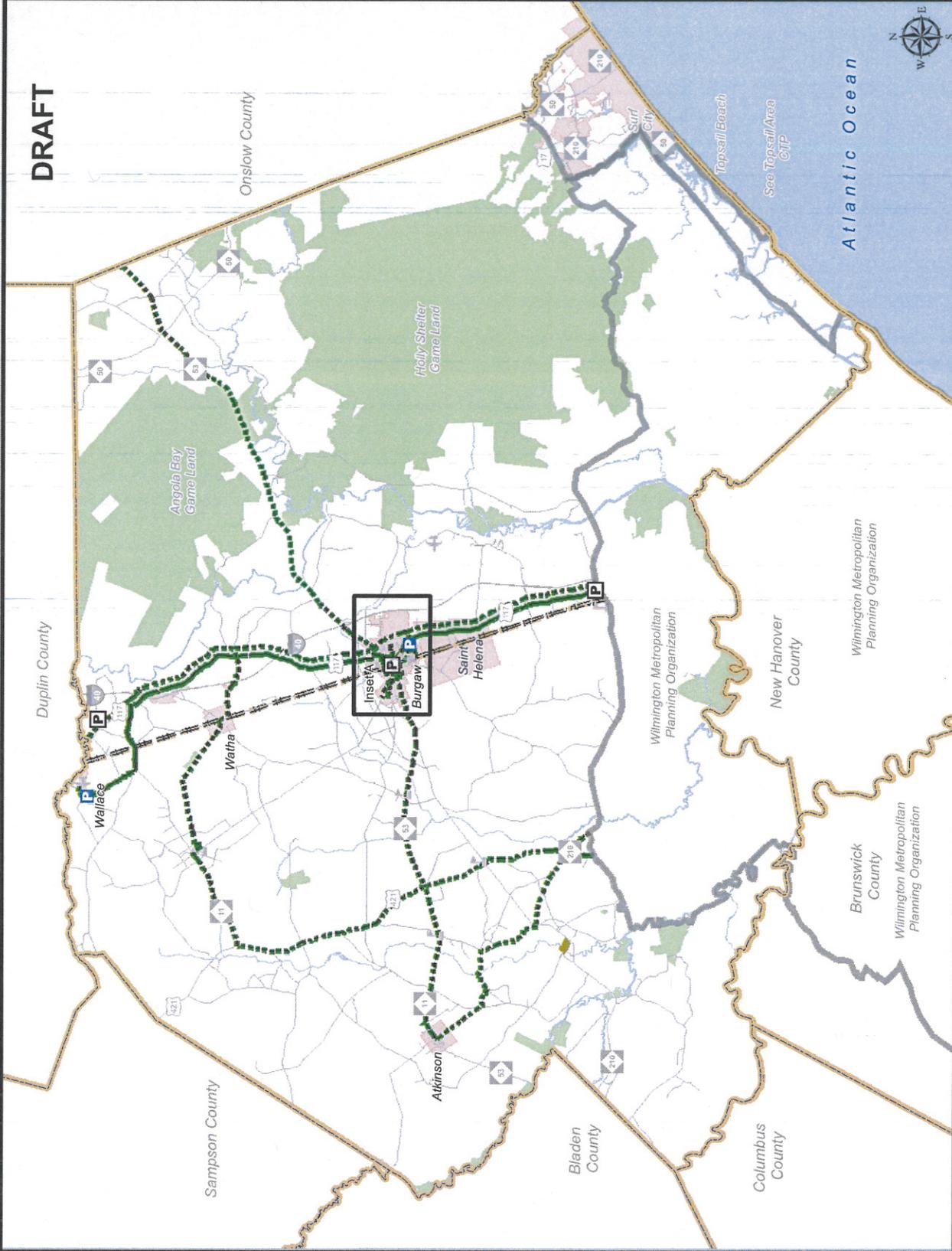
Plan date: September 4, 2014

- Bus Routes**
 - Existing: Solid green line
 - Needs Improvement: Dashed green line
 - Recommended: Dotted green line
- Fixed Guideway**
 - Existing: Solid black line
 - Needs Improvement: Dashed black line
 - Recommended: Dotted black line
- Operational Strategies**
 - Existing: Solid blue line
 - Needs Improvement: Dashed blue line
 - Recommended: Dotted blue line
- Rail Corridor**
 - Active: Solid brown line
 - Inactive: Dashed brown line
 - Recommended: Dotted brown line
- High Speed Rail Corridor**
 - Existing: Solid orange line
 - Recommended: Dotted orange line
- Rail Stops**
 - Existing: Blue circle with 'P'
 - Recommended: Blue circle
- Intermodal Connector**
 - Existing: Yellow triangle
 - Recommended: White triangle
- Park and Ride Lot**
 - Existing: Blue square with 'P'
 - Recommended: White square with 'P'



Base map date: 5/18/12
Sheet 3 of 5
Refer to CTP document for more details

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Public Transportation and Rail Map

Inset A

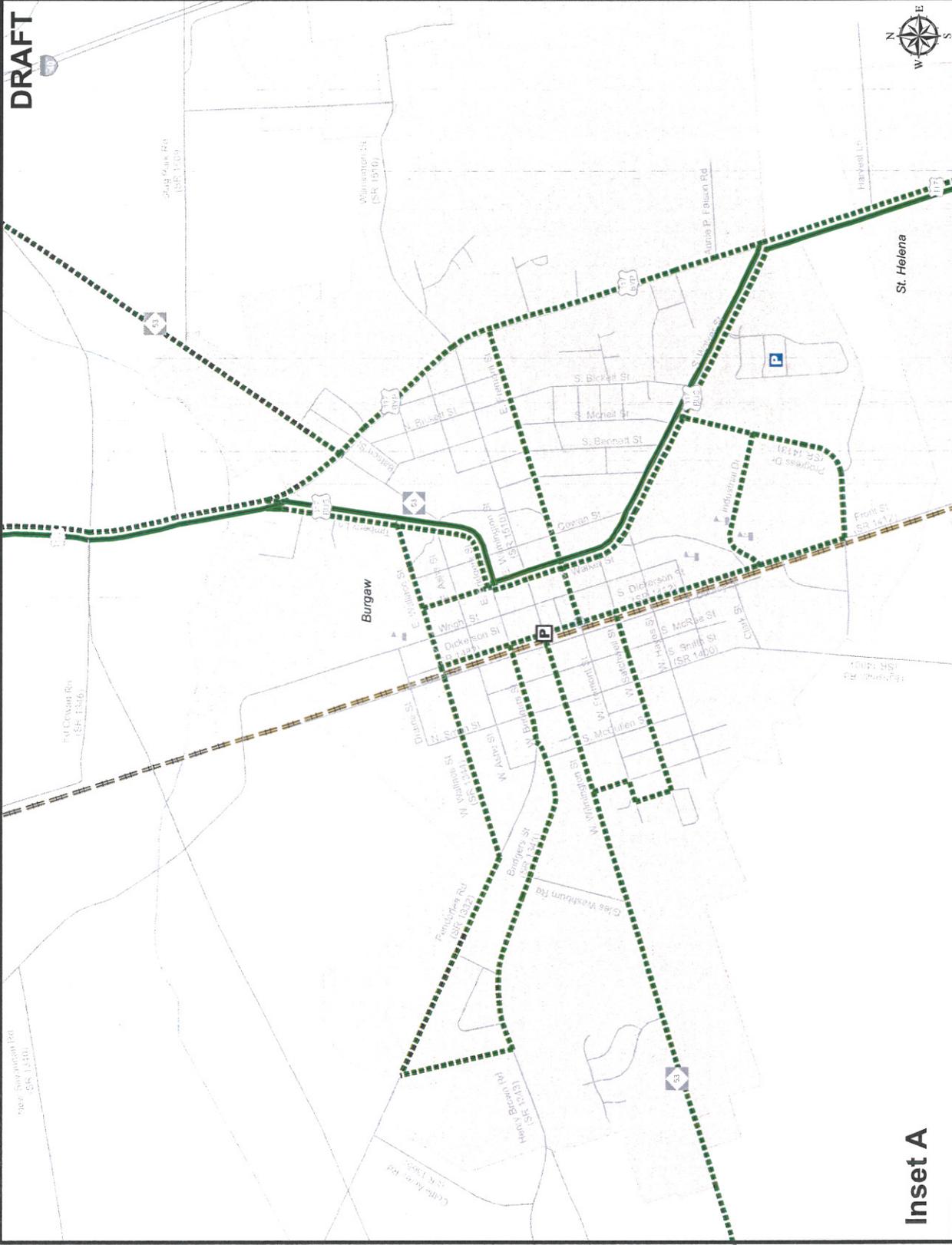


Pender County North Carolina Comprehensive Transportation Plan

Plan date: September 4, 2014

- Bus Routes**
 - Existing
 - Needs Improvement
 - Recommended
- Fixed Guideway**
 - Existing
 - Needs Improvement
 - Recommended
- Operational Strategies**
 - Existing
 - Needs Improvement
 - Recommended
- Rail Corridor**
 - Active
 - Inactive
 - Recommended
- High Speed Rail Corridor**
 - Existing
 - Recommended
- Rail Stops**
 - Existing
 - Recommended
- Intermodal Connector**
 - Existing
 - Recommended
- Park and Ride Lot**
 - Existing
 - Recommended

0 0.1 0.2 0.4 Miles
 Sheet 3A of 5
 Base map date: 5/18/12
 Refer to CTP document for more details



Inset A



Pender County North Carolina Comprehensive Transportation Plan

Plan date: December 16, 2014

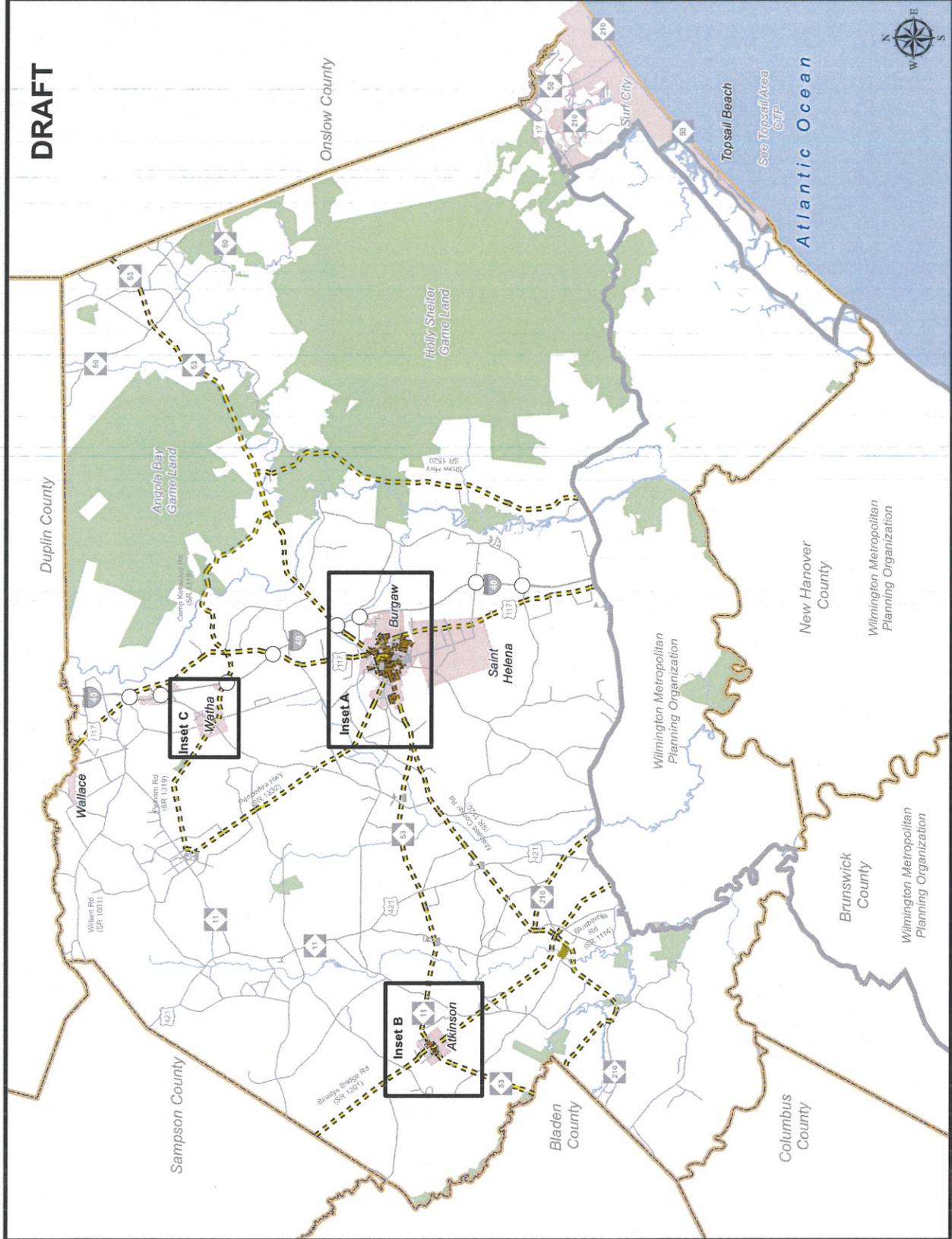
- Sidewalks**
 - Existing: Solid black line
 - Needs Improvement: Dashed black line
 - Recommended: Dotted black line
- Off-road**
 - Existing: Solid green line
 - Needs Improvement: Dashed green line
 - Recommended: Dotted green line
- Multi-Use Paths**
 - Existing: Solid yellow line
 - Needs Improvement: Dashed yellow line
 - Recommended: Dotted yellow line
- Separation**
 - Existing Grade Separation: Open circle
 - Proposed Grade Separation: Filled circle

Sheet 5 of 5



Base map date: 5/18/12
Refer to CTP document for more details

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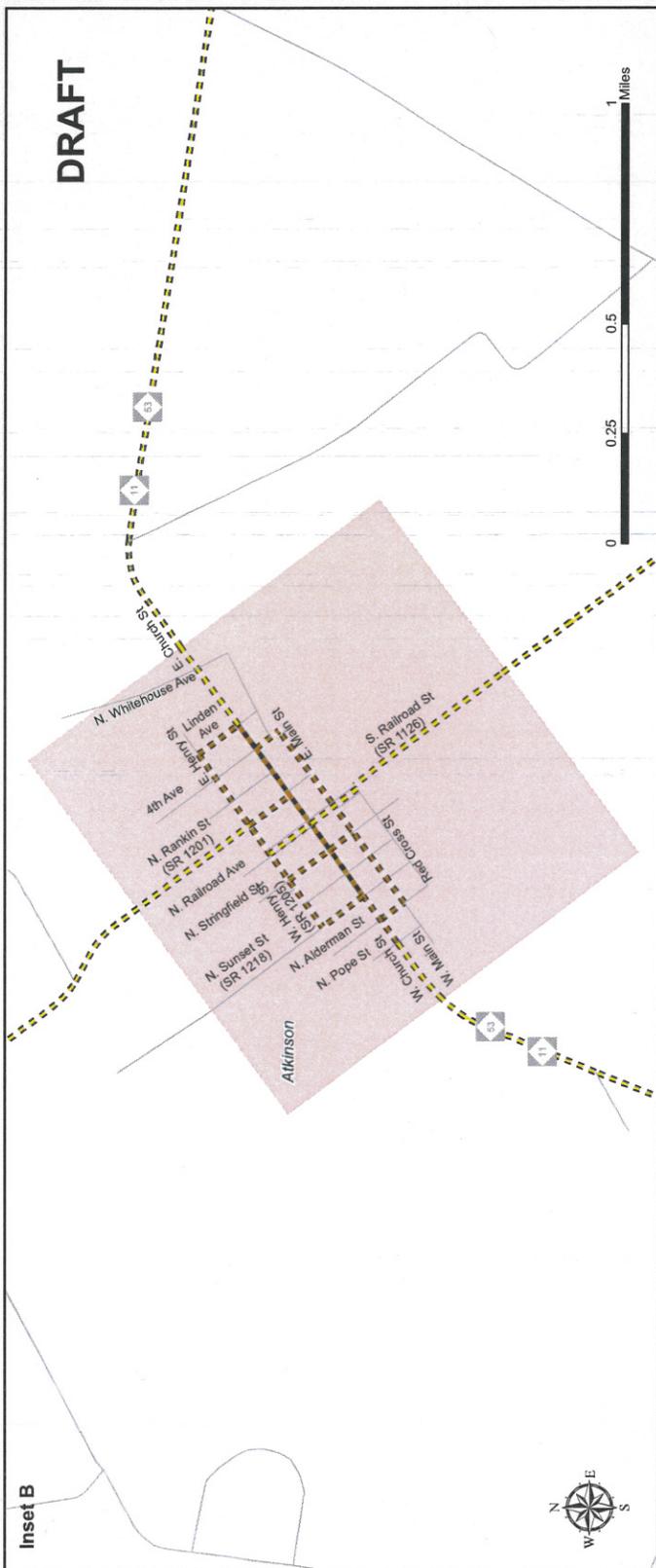
**Pender County
North Carolina
Comprehensive
Transportation Plan**

September 4, 2014

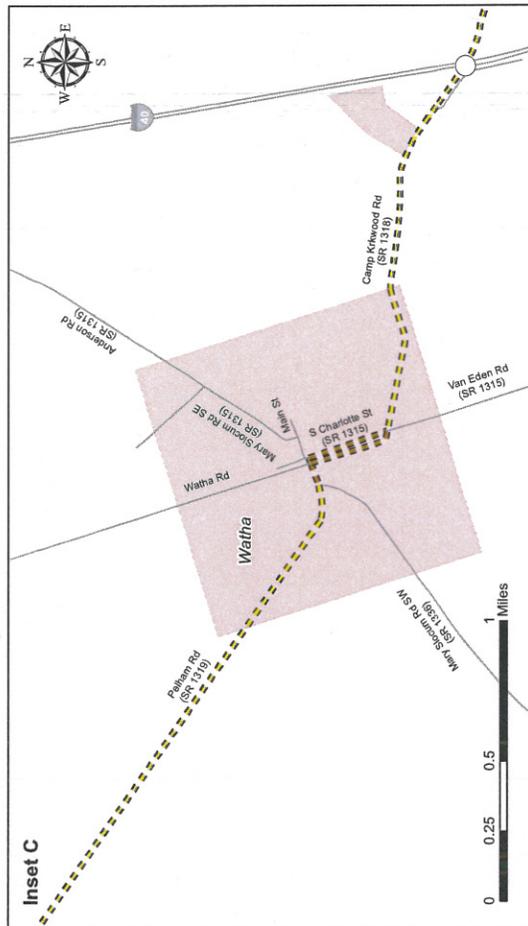
- | | | | |
|------------------------|---------------------------|---------------------------|-------------|
| Sidewalks | Existing | Needs Improvement | Recommended |
| Off-road | Existing | Needs Improvement | Recommended |
| Multi-Use Paths | Existing | Needs Improvement | Recommended |
| | Existing Grade Separation | Proposed Grade Separation | |

Sheet 5B of 5
Base map date: 5/18/12
Refer to CTP document for more details

DRAFT



Inset B



Inset C

Pender County Planning and Community Development

Planning Division
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Fax: 910-259-1295
www.pendercountync.gov

MEMORANDUM

To: Pender County Planning Board

From: Kyle M. Breuer, Director, Pender County Planning and Community Development

Date: January 6, 2015

RE: Planned Development Zoning District

The PD, Planned Development District is intended to provide an alternative to conventional development and conventional standards that other zoning districts may provide. With innovative design and layout, a "tradeoff" is made by allowing for flexible regulations to suit a specific project and to incorporate other progressive land planning and design concepts.

In an effort to review and permit certain projects within the PD District, it may be necessary to develop certain allowances that can address certain types of pre-zoned tracts within the county. Prior to the adoption of the Unified Development Ordinance (UDO), properties had been zoned to the PD District without an approved Master Development Plan rendering it very difficult to process a more traditional type of development. Current standards address large, multi-use developments that may be seeking the "tradeoff" for flexible regulation and that may be more inclusive in regards to having a mixture of uses within one overall project design.

Due to the fact that certain properties not covered by an approved Master Development Plan are zoned PD within the county, issues arise when development approval is sought from a property owner or applicant. In an effort to address these types of requests and still maintain the PD District, staff is presenting an option for the Board to consider in the form of a Zoning Text Amendment to address this issue. The text amendment will address the three (3) categories of PD zoned tracts within the county, which are:

- 1) Existing properties that were part of a master planned development not approved under the provisions of the UDO. An example of this type would be existing subdivisions such as Belvedere or Olde Point that may have been created prior to zoning.
 - a. Option for consideration: Establish determined setbacks, etc. for the development types. This can be accomplished by adopting the standards that were in effect at time of recordation or standards outlined in the PD District prior to the adoption of the UDO (derived from "Zoning Ordinance").

- 2) Vacant properties zoned PD prior to the adoption of the UDO that does not meet the acreage standards currently outlined in the provisions of the UDO (100 acres).
 - a. Option for consideration: Allow submittal of a Master Development Plan meeting the PD District requirements as outlined in the UDO. Exceptions to this would be not requiring a mix of residential/non-residential uses. The Planning Board could review the plan and approve the uses presented if the overall development met the design and innovation standards outlined in the overall district provisions.
- 3) Existing developed properties zoned PD that may request a change of use, or other alteration to the development. An example of this may be a standalone commercial use that is requesting an expansion of footprint or a change of use from one NAICS use category to another category.
 - a. Option for consideration: If an applicant or property owner is seeking a change in building or use, require Planning Board review and approval meeting the standards of the PD District similar to example #2). If no requested building footprint alteration is being proposed and a new use, within same NAICS use category, provide for administrative approval allowance.

Staff will provide specific examples of each type during our discussion portion of the agenda for further clarification.