

Pender County Planning and Community Development

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AGENDA

**Pender County Planning Board
Tuesday, June 2, 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: ___ Edens: ___ Fullerton ___ Marshburn ___ Nalee: ___

1. Adoption of the Agenda:

2. Adoption of the Minutes: (April 8, 2015)

3. Public Comment:

(Public Hearings Open)

4. Master Development Plan:

Walt Knott, applicant, on behalf of Springfield Plantation II Inc, HCT Pender LLC, River Rock Farm LLC, owners, are requesting the approval of a Master Development Plan for a mixed-use development known as Lane's Ferry Landing. The request consists of developing residential portions to include; 2,114 single family residential lots, 456 attached townhomes and 125 multi-family units, as well as, approximately ± 27 acres of non-residential areas on approximately ± 987.95 acres. The proposed development is located to the north and south of NC HWY 210, to the east and west by Moore Town Road (SR 1518), due east of Interstate 40 and west of the NE Cape Fear River. There are three (3) parcels associated with this request, all are zoned PD, Planned Development zoning district; and may be further identified by Pender County PINs 3245-84-0109-0000; 3255-11-7659-0000; 3245-80-3934-0000.

5. Zoning Text Amendment:

Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance to amend Section 3.2.2.B to allow for electronic submittal of required foundation surveys and to amend Section 3.2.2.D to remove the requirement of in-field setback verifications.

(Public Hearings Closed)

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

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

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

- 6. Discussion Items:**
 - a. Planning Staff Items:**
 - b. Planning Board Members Items:**
- 7. Next Meeting:** July 7, 2015
- 8. Adjournment:**

**PLANNING STAFF REPORT
MASTER DEVELOPMENT PLAN
LANE'S FERRY LANDING**

SUMMARY:

Hearing Date: June 2, 2015

Applicant: Walt Knott

Property Owner: Springfield Plantation II Inc., HCT Pender LLC., and River Rock Farm LLC.

Case Number: 11369

Development Proposal: Walt Knott, applicant, on behalf of; Springfield Plantation II Inc., HCT Pender LLC., and River Rock Farm LLC., owners, is requesting the approval of a Master Development Plan for a mixed-use development known as Lane's Ferry Landing. The request consists of developing residential portions to include; 2,114 single family residential lots, 456 attached townhomes and 125 multifamily units, as well as, approximately \pm 31.4 acres of non-residential areas on \pm 987.95 acres. Included in this application is a proposed private package plant for wastewater disposal.

Property Record Number, Acreage, and Location: The Master Development Plan includes three (3) parcels associated with this request totaling \pm 987.95 acres. The proposed development is located to the north and south of NC HWY 210, to the east and west by Moore Town Road (SR 1518), due east of Interstate 40 and west of the NE Cape Fear River. The subject properties may be further identified by Pender County PINs; 3245-84-0109-0000; 3255-11-7659-0000; and 3245-80-3934-0000.

Zoning District of Property: The subject properties are zoned PD, Planned Development zoning district.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with seven (7) policies and conflicts with three (3) policies from the 2010 Pender County Comprehensive Land Use Plan. The request is also generally consistent with the Pender County Unified Development Ordinance. However, there are a number of items which need resolution and do not adequately address all Pender County Unified Development Ordinance criteria for the Mixed Use Master Development Plan contents (Section 6.1.4).

Therefore, Planning Staff respectfully recommends the applicant provide the necessary items identified as outstanding for further review prior to favorable recommendation. These items are listed on page eleven (11) of the report and are based on the Technical Review Committee and Planning Staff comments.

It is recommended that this request be to allow the applicant to adequately address outstanding items with this submittal. Without these items clarified, Planning Staff cannot recommend an approval of this Master Development Plan submittal.

HISTORY

In November 2003, \pm 963 acres of the subject parcels were rezoned from I-2, Heavy Industrial Development zoning district to PD, Planned Development zoning district. In February 2007, another rezoning of a portion of the subject properties were again rezoned \pm 2 3.86 acre portion of the parcel south of Rebecca Kennedy Rd (SR 1517) from RA, Rural Agricultural zoning district to PD, Planned Development zoning district in February of 2007.

Lane's Ferry Landing originally was heard before the Planning Board for Master Development Plan approval on November 8, 2006. At the applicant's request, the Planning Board voted to table the Master Development Plan for a later hearing due to issues the applicant had with the zoning map.

The applicant then resubmitted the Master Development Plan for the March 6, 2007 Planning Board public hearing. This hearing was continued to April 3, 2007 in order to address concerns over lot widths and the proposed boat ramp, which the applicant removed from the plan for a later time.

After revising the lot widths and removing the boat ramp as originally proposed, the Planning Board reviewed and approved the Master Development Plan on April 3, 2007. In particular this request was approved with a total of 1,852 single-family residential lots and 1,148 attached multifamily residential lots, and 600,000 square feet of commercial space in eight (8) phases, a boat access, and a wastewater treatment facility to service the entire development proposal.

DEVELOPMENT PROPOSAL

The current development proposal for a mixed-use development includes non-residential and residential components. Residential units consist of 2,114 single-family residential units, 456 attached townhouses and 125 multifamily units. The non-residential component will include, \pm 31.4 acres of mixed-use office space, retail space and marina on three (3) parcels totaling \pm 987.95 acres. At this time the approval shall be for the overall Master Development Plan, as each phase will require Planning Board review.

Non-Residential Proposal

All non-residential elements shall require a Major Site Development Plan in accordance with Section 6.3 of the Pender County Unified Development Ordinance, which will require review and approval by the Planning Board unless waived at the Master Development Plan level.

Mixed-Use Commercial

Currently, the non-residential portion of the project is identified on the site plan as "Mixed-Use Commercial" in the section designated as Area A, which can be found on the site plan fronting on NC HWY 210. The mixed-use commercial will have access to NC HWY 210 through the adjacent proposed street east of Area A and west of Area B. For the mixed-use commercial the developer proposes; NAICS Codes; Retail Trade (44-45), Full Service Restaurants (7221) and Limited Service Restaurants (7222).

Marina

A commercial marina is proposed along the eastern side of the development adjacent to the NE Cape Fear River. Access to the marina is proposed through the subdivisions private roadways. The commercial marina (NAICS 713930) is permissible in the PD, Planned Development zoning district in conjunction with a Master Development Plan, according to Section 5.2.3 of the Pender County Unified Development Ordinance.

According to the submitted narrative, the developer proposes that the marina and associated grill will be owned, operated and staffed by the Lane's Ferry Landing Property Owners Association. This marina will require a scoping meeting to discuss the CAMA permit requirements and current regulations according to staff comments at the TRC meeting. It is likely that no dredging will be allowable as the NE Cape Fear River is designated as a Primary Nursery Area (PNA) by the NC Division of Marine Fisheries and the NC Wildlife Resources Commission, per 15A NCAC 7H .0208(b)(1) regulations.

Residential Proposal

In total, Lane's Ferry Landing contains three (3) phases of residential development for a maximum of 2,114 single family residential units, 456 attached townhouses and 125 multifamily units. Phase I is located north of NC Hwy 210 and proposed to have 514 single-family lots. Phase II is located south of NC HWY 210, east of Moore Town Road (SR 1518), and west of the NE Cape Fear River. Phase II is proposed to have 866 units, marina, and grill. Phase III is located west of Moore Town Road (SR 1518), south of NC HWY 210, and single-family north of Rebecca Kennedy Road (SR 1517). Phase III is proposed to have 1,315 units including multifamily and single-family.

Density

Net density of the proposed project is calculated by Planning Staff at 3.28 units per acre overall, however there are discrepancies with the submittal which requires further attention. 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 any variables of the project change from the original Master Development Plan submittal.

An approved project density per Section 4.8.1.C is required at the time of Master Development Plan approval and is outstanding at this time based on calculation discrepancies.

Table 1 Overall Density

Total Acreage	987.95
Non-Residential Acreage	31.4
Wetlands Acreage	73.6
Right-of-Way Acreage	124.4
Open Space Acreage	165.8
Active	101.61
Passive	63.39
Total Units	2695
<i>Developable Land</i>	821.94
<i>Net Density</i>	3.28

Residential

Lane's Ferry Landing is proposing single-family residential, multifamily apartments and condominiums, and attached townhouses. As outlined in the Unified Development Ordinance, Section 4.8.1.D the MDP established the required lots sizes, yard setbacks, and building height for all three residential types proposed in the subdivision.

Single-Family Residential

The applicant is proposing single-family residential throughout the three (3) phases with all of Phase I being single-family residential. The applicant is proposing a maximum total of 2,114 single family residential lots, with a minimum lot size of 3,500 square feet with a maximum building height of thirty-five (35) feet and the following proposed yard setbacks:

Table 2 Single-Family Setbacks

Setback Type	Setback Feet
Front	5
Side	2
Rear	5
Corner	5

The Fire Marshal has expressed concern with the side yard setback of two (2) feet, as this may create a hazard for the residential structures. It is recommended that the side yard setback be increased to five (5) feet for single-family residential areas to prevent potential spreading of fire across the subject property.

Multifamily Apartments and Condominiums

The applicant is proposing a maximum total of 125 multifamily apartment and condominium units with a maximum building height of forty-five (45) feet and the following proposed yard setbacks. Please refer to Attachment 1 Section 4.15 Housing Types:

Table 3 Multifamily Setbacks

Setback Type	Setback Feet
Front	0
Side	0
Rear	0
Corner	0

There has been concerns expressed over the building height and the Pender County Fire Marshal noted that Pender County does not have the proper fire suppression equipment for a forty-five (45) foot building height. The facilities could be sprinkled or height reduced to allow for better fire suppression services to the multifamily units. Alternative could be a reduction in overall allowable height or increases suppression through sprinkler systems within the structures.

Attached Townhouses

The Applicant is proposing attached townhouses in Phase II and Phase III. Phase II attached townhouses are located west of the NE Cape Fear River directly adjacent to the proposed marina. Phase III attached townhouses are located directly south of the existing Rebecca Kennedy Rd (SR 1517). The applicant is proposing a maximum total of 456 attached townhouses. Minimum lot size, setbacks and building height maximum have not been provided. Please refer to Attachment 1 Section 4.15 Housing Types. This information is required at this time in accordance with Section 4.8.1.D.4 minimum distance between structures, minimum lot width, and minimum yard requirements need to be established in the Master Development Plan and may be modified by the Planning Board.

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 multifamily and planned developments the following buffers are required;

Buffer A along all boundaries adjacent to a street;

Buffer B along all other boundaries;

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.

Specific buffers have not been defined on the submittal and are outstanding at this time. These designations are required per Section 6.1.4.11 prior to the approval of a Master Development Plan in a mixed-use district. Buffers are required around the exterior of the parcel, not between phases or development types in the mixed-use district. If any portions of the project shall be subdivided a re-examination of the buffers must occur in accordance with the Pender County Unified Development Ordinance.

Utilities (Wastewater/ Water)

The applicant is proposing a private package plant for wastewater disposal to service the entire development proposal. The wastewater package plant will be located north of NC HWY 210 and on the western side of the northern tract. Please refer to Attachment 2 for wastewater disposal calculations to service this development. As shown in Attachment 2 the wastewater treatment facility must have a capacity to meet the needs of the subdivisions and be capable of the total demand of $\pm 990,490$ GPD. Any revisions to wastewater disposal methods shall require Pender County Planning Board review and approval. The wastewater disposal calculations

determine sufficiency and capacity to the service project shall be approved according to the use-types by the Planning Board in the Master Development Plan.

The project has proposed connection to Pender County Utilities; subject to review and approval by Pender County Utilities (PCU). Pender County Utilities Staff has expressed concern at the TRC meeting with the need for additional storage, booster pumps, transmission main extension and other distribution services. This development proposal will affect the existing public water system. The applicants must work closely with PCU to develop a phasing system to accommodate for orderly growth. Working closely with Pender County Utilities shall occur by approvals issued from Pender County Utilities that water services will accommodate the proposed users on the public water system prior to Preliminary Plat approval for all phases (residential and non-residential development).

Open Space

Per Section 7.6.1 all new residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision. No more than fifty (50) percent of the required open space shall be designated as passive open space. Fifty (50) percent or more of the required open space shall be designated as active open space.

The proposed subdivisions of Lane's Ferry Landing will provide ample open space throughout the development in terms of amenity areas, small parks, and ponds. The required open space for the subdivision is ± 80.85 acres. Currently ± 165.8 acres of open space will be provided in this proposal with ± 63.39 to be dedicated as passive open space and ± 102.41 acres to be dedicated as active open space. The submittal meets the open space requirements set forth in Section 7.6.1.C of the Pender County Unified Development Ordinance.

Currently the applicant is proposing amenity areas and many small parks throughout the subdivision. These open spaces will be considered active open space. Per Section 7.6.1 active open space consists of areas such as park land chosen without regard to natural features for the explicit purposes of enhancing design, such as village commons, or providing space for outdoor recreation activities which may include, but not be limited to, tennis courts, ball fields, swimming pools, and tot lots with play equipment.

The proposed subdivision also contains wetlands and ponds. These open spaces will be considered passive open space. Per Section 7.6.1 passive open space areas must consist of undisturbed, unique and sensitive natural features when available, that may include streams, floodplains, wetlands (excluding tidal marsh) conservation resources, and natural heritage areas if identified. These natural spaces will be characterized by undisturbed soils and natural vegetative cover for wildlife habitat. Passive open space may become part of designated County greenways. Amenities such as walking paths, piers, picnic areas and other passive recreational uses will be allowed with minimal disturbance of the vegetation.

Recreational Units

The current submittal for mixed-use development is required to provide ten (10) recreational units as referenced in Section 7.6.2, recreational units (Table 4). 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.

There is not a recommended park facility in the 2010 Pender County Comprehensive Parks and Recreation Master Plan located in the immediate area of this planned development, however Table 6.4 Pender County Parks and Recreation Facility Surplus/Deficit on page sixty-five (65) shows that Pender County is currently experiencing a deficiency for practically every "active" facility, i.e. outdoor basketball courts, playground, picnic shelter, skate park, and recreation center. It would be recommended that the recreation unit payment or installation be in line with these identified deficiencies.

Table 4 Recreation Units

Dwelling Units	Recreational Unit(s)	Financial Unit
2,695	10.0	\$100,000

According to the Pender County Unified Development Ordinance, the timing of the installation or payment in lieu of installation of recreation units shall be confirmed on the Master Development Plan. The applicant is proposing recreation units to be achieved via installation of the facilities in the identified active open space. The design of the recreation units is to be approved by the Planning Board, Administrator and Parks and Recreation representative. As there are not current proposals in the active open space this shall be determined at each phase submittal.

Roadways

Public Right of Way

All roadways are proposed to be private except for existing public roads of Rebecca Kennedy Rd (SR 1517), Moore Town Road (SR 1518) and NC HWY 210. The access to these roadways and improvements required are subject to NCDOT review and approval. Any right of way which shall be dedicated public that deviates from the 2010 NCDOT Subdivision Manual shall be submitted and reviewed according to the Traditional Neighborhood Design (TND) requirements of NCDOT as applicable. All public right of way approvals shall be approved prior to Preliminary Plat approval of any phase in the proposed development.

At this time Planning Staff does not have enough information to designate particular roadways as required public dedication. This outstanding item will need resolution prior to Master Development Plan approval.

Private Right of Way

The proposed private roadway widths vary to include either sixty (60) feet, fifty (50) feet or forty-five (45) feet. According to Section 7.5.3 all designated private streets shall be designed and constructed in compliance with the current NCDOT Subdivision Roads Minimum Construction Standards. However, variations to right-of-way widths and geometric design may be permitted upon Planning Board review and approval where certain features such as topography, environmental features, low impact development design or unique needs of a development exist at the Master Development Plan approval.

The private streets shall allow for immediate access for Pender County Emergency Service (Law Enforcement, Fire & Rescue) vehicles and employees to the development and shall provide for an easement for such services and an easement shall be provided to Pender County and its employees for administration of Pender County Ordinances.

According to Section 7.5.3.C of the Pender County Unified Development Ordinance; subdivisions with private streets will be subject to requirements to construct public collector streets under any of the following conditions:

- 1) When the subdivision contains streets that have any dimension of more than 5280 ft.,
- 2) When any street in the subdivision has the potential to serve more than 200 residential or commercial units,
- 3) When access to any lot or unit in the subdivision is more than 5280 ft. by a private street to a public street,
- 4) When existing public streets have been dedicated or constructed to the property line of the subdivision,
- 5) When access to adjacent properties will be hindered as a result of private streets being allowed in the subdivision.

Street Connectivity and Access

As outlined in the Unified Development Ordinance Article, specifically street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design. The applicant is proposing roadways to be constructed to NC DOT standards with variations to right-of-way widths and geometric design.

The PD, Planned Development zoning district per Section 4.8.1.E requires reasonable access to be provided to adjacent properties for development. Adequate connections to adjacent parcels will promote inner connectivity and build road networks throughout the County. Per Section 7.5.3.C.5 these roadways are required to be designated as public when connected to adjacent parcels. No adjacent access points have been defined as of this point and we do not have enough information to determine where the public road network will be.

All road names shall be reviewed and approved by the Pender County Addressing Coordinator prior to Preliminary Plat approval for each phase.

Traffic

According to Section 6.4.A.20 of the Pender County Unified Development Ordinance, based on estimate traffic counts, a TIA may be required stating the dates and times counts were counted for the proposed development.

A TIA is required for the submitted proposal; the examination of traffic impact on the existing road network is coordinated with NCDOT and the Wilmington Metropolitan Planning Organization (WMPO) with concern to public infrastructure investment. A scoping meeting for the TIA was held on April 22, 2015 and a final document shall be submitted to the respective agencies for review and acceptance.

The TIA will focus on movement counts from (6:30 AM-8:30 AM) and (4:00 PM-6:00 PM) peak periods, signal timing (if applicable), and lane geometry. Intersections to be studied in the TIA will be:

- 1) NC 210 and US 117,
- 2) NC 210 and I40 west bound and east bound ramps,
- 3) NC 210 and Moore Town Road,
- 4) NC 210 and Royal Oak Drive,
- 5) NC 210 and Island Creek Road,
- 6) NC 210 and US 17,
- 7) Dallie Futch Road and Island Creek Road,
- 8) 3 Site Drives along NC 210,
- 9) 3 Site Drives along Moore Town Road ,
- 10) Rebecca Kennedy and Site Driveway.

Subsequent changes to the Master Development Plan may require re-examination of the TIA based on the type of development proposal.

Environmental Concerns

All three (3) subject parcels included in the development proposal may contain portions of environmentally sensitive areas including wetlands, flood zones and CAMA protected areas.

Wetlands

Wetlands are located throughout the entire property. 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 subject to review and approval by the Army Corps of Engineers is required. This documentation is required prior to any approvals on the subject property.

Flood

Two of the three (3) parcels lie directly adjacent to the NE Cape Fear River on the western side and show a high coverage of floodplain. According to the 2007 Flood Insurance Rate Maps (FIRMs), Map Numbers 3720324500J, 3720325500J, 3720324400J and 3720325400J Panel Number 3245, 3255, 3244 and 3254

portions of the property are in the identified as Special Flood Hazard Areas. These identified Special Flood Hazard Areas include designated floodway for the Cape Fear River, the identified AE zones, and identified Shaded X regions. Any development that occurs within the Special Flood Hazard Areas will require a floodplain development permit and must meet the requirements of the Pender County Flood Damage Prevention Ordinance. Development can be defined as any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

The floodplain coverage does increase with the preliminary flood data. The preliminary FIRMs serve as the best available data for the subject properties and reflect changes to the current FIRMs. The effective 2007 FIRMs identify AE zones with elevations at approximately at 8.5 feet whereas, the preliminary maps not only identify these areas as AE zones, but show increased Base Flood Elevation (BFEs) at approximately ten (10) feet throughout the property, mainly focused around the NE Cape Fear River. Changes such as these to the flood zones on the subject property shall be taken under consideration as this project commences, especially as Pender County begins the adoption process for the new firms.

CAMA

After a preliminary analysis, it appears there are CAMA Areas of Environmental Concern located on the project site. CAMA Areas of Environmental Concern are tidal and/or navigable waters within Pender County that 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 thirty (30) feet landward of the normal high water line or normal water level. According to TRC comments, the NE Cape Fear River is designated as a Primary Nursery Area (PNA) by the NC Division of Marine Fisheries and the NC Wildlife Resources Commission. Under current rules, no new dredging is permissible in Primary Nursery Areas.

Tree Survey

According to Section 8.1.3 the PD, Planned Development zoning district requires a significant tree survey shall be required for any commercial or industrial zoned property and all mixed use districts. The significant tree survey shall show the general location, species and size of any significant tree.

Permits

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 each phase as applicable.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Pender County's Technical Review Committee meeting was held on Tuesday May 12, 2015 at 2pm in Board of County Commissioners meeting room, in the Pender County Government Administration Building at 805 S. Walker Street, to review the proposal. Comments received are located in Attachment 3 and incorporated within this report.

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

C) Existing Land Use in Area:

The properties immediately to the north, south east and west are currently classified as RA, Rural Agricultural zoning district. The northern parcel surrounds three (3) parcels classified as GI, General Industrial zoning district. Along the immediate western and eastern boundary adjacent to NC HWY 210 are low density residential structures.

D) 2010 Comprehensive Land Use Plan:

Mixed Use: The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, and pedestrian and transit friendly manner.

Supporting Comprehensive Plan Policies and Goals:

- a. **Growth Management Goal 1A.1** Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.
 - i. **Policy 1A.1.2**
Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development
- b. **Transportation Goal 2B.1** Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with the Comprehensive Land Use Plan and the Coastal Pender Collector Street Plan.
 - i. **Policy 2B.1.4**
Adopt regulations that require new developments and individual sites throughout the County to provide vehicular and pedestrian interconnectivity to existing or planned adjacent sites and adjoining developments.
 - ii. **Policy 2B.1.9**
As recommended in the Coastal Pender Collector Street Plan, all new streets that have the potential to connect to adjacent developments should be constructed to NCDOT secondary road standards and accepted for public maintenance to ensure future connectivity.
- c. **Water and Sewer Goal 2A.1** manage the timing, location and intensity of growth by locating water and sewer improvements in accordance with the Comprehensive Land Use Plan and Water and Wastewater Master Plans.
 - Policy 2A.1.2** Allow the use of package treatment plants only in areas where development is desirable but public sewer service is not feasible. If package treatment

plants are use they should be designed to enable, at minimum public. Cost, the conversion of the system to public ownership, operation and maintenance in the future when public sewer service is viable, and cost effective.

Conflicting Comprehensive Plan Policies and Goals;

a. **Natural Resources Protection Goal 6A.1.** Ensure that natural resources are maintained or enhanced as development occurs.

- i. **Policy 6A.1.2** Consider regulations that restrict or limit development in flood hazard areas, wetlands, and other identified hazardous or natural resource areas.
- ii. **Policy 6A.1.3** Require use of conservation subdivision and low impacts development techniques to preserve natural resources on new development sites.

The request is consistent with seven (7) policies and conflicts with three (3) policies from the 2010 Pender County Comprehensive Land Use Plan.

E) Summary & Staff Recommendation:

As there are a number of items which need resolution and do not adequately address all Pender County Unified Development Ordinance criteria for the Mixed Use Master Development Plan contents (Section 6.1.4) Planning Staff respectfully recommends the applicant or the Planning Board table the request until more information can be obtained and clarified.

Outstanding Items from the Technical Review Committee Meeting1.) *Roadways:*

- a.) Determination of public and private right of ways must be identified on the Master Development Plan.
- b.) Public roadways must be designed to collector street standards in accordance with Section 7.5.3.C of the Unified Development Ordinance
- c.) Connections to adjacent parcels where feasible in the PD, Planned Development zoning district in accordance with Section 4.8.1.E.

2.) *Water Service:*

- a.) Water capacity to service the project shall occur in development phasing as determined by Pender County Utilities and in cooperation with the applicant's engineer.
- b.) Potential improvement or upgrades to the system as determined by Pender County Utilities.

3.) *Wastewater Disposal:*

- a.) The applicant currently proposes a private waste water facility however; upon discussions with Pender County Utilities Staff it may be feasible to connect to Pender County Utilities. Pender County Utilities Staff is working to determine feasibility and practicality of a connection to public sewer for the Rocky Point Topsail Water and Sewer District approval. Currently the District does not authorize sewer for residential uses. Only if it is not feasible to connect then the use of a private package treatment plant shall be approved according to the 2010 Comprehensive Land Use Plan:

Policy 2A.1.2 Allow the use of package treatment plants only in areas where development is desirable but public sewer service is not feasible. If package treatment plants are use they should be designed to enable, at minimum public. Cost, the conversion of the system to public ownership, operation and maintenance in the future when public sewer service is viable, and cost effective.

- b.) Pender County Utilities and the Rocky Point Topsail Water and Sewer District may consider the capacities and costs of a connection to public sewer for residential use in this location pending feasibility studies.

4.) *Environmentally Sensitive Areas:*

- a.) Recommended disperse density away from in identified flood zones and other environmentally sensitive areas

5.) *Safety Concerns:*

- a.) Current proposed setbacks distance of two (2) feet may be increased per Fire Marshall's TRC comments to; five (5) feet.
- b.) Current proposed building height of forty-five (45) feet for the multifamily units may not be adequately serviced by first responders in emergency situations based on equipment constraints. Adequate measures to ensure safety must be met in accordance with regulations.

6.) *Schools:*

- a.) The applicant is working with Pender County Schools on the potential school siting within this submitted Master Development Plan.

7.) *Amenities:*

- a.) The type and location of all amenity sites shall be determined at Master Development Plan, a proposal with specific facilities and timing of installation must be submitted.

8.) *Buffers:*

- a.) Buffers are determined at the Master Development Plan approval, specific buffers must be proposed per Section 8.2.1.

All items from Pender County Unified Development Ordinance, Section 6.1.4 Master Development Plan Contents, and mixed-use districts must be met prior to the approval of the Master Development Plan. The following items are outstanding from the Master Development Plan approval and shall be revised prior to approval;

Outstanding Requirements from Master Development Plan Section 6.1.4;

- 1) The proposed location of entrances to the development from existing public streets and proposed parking areas.
- 2) The approximate acreage in common open space, each use, housing type and in roads, streets or right-of-ways for each phase and the total development.
- 3) The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels.
- 4) The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided if applicable.
- 5) The proposed number of dwelling units of each type in each phase and in the total development accompanied by density calculation of the development.
- 6) The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
- 7) Calculations describing all proposed bonus factors with the location of and specifications for bonus improvements, when proposed.
- 8) Location and timing of construction for all amenities.
- 9) Landscaping and Buffer requirements per Article 8.
- 10) All subdivided land and parcels shall comply with Section 7.2, Lot Design.
- 11) Street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design.
- 12) Calculated open space requirements shall adhere to Section 7.6, Open Space.

Minimum lot size, setbacks and building height maximum have not been provided for the attached townhomes per Section 4.15.

Recommendation

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with seven (7) policies and conflicts with three (3) policies from the 2010 Pender County Comprehensive Land Use Plan. The request is also generally consistent with the Pender County Unified Development Ordinance. However, there are a number of items which need resolution and do not adequately address all Pender County Unified Development Ordinance criteria for the Mixed Use Master Development Plan contents (Section 6.1.4).

Therefore, Planning Staff respectfully recommends the applicant provide the necessary items identified as outstanding for further review prior to favorable recommendation. These items are located on page eleven (11) of the report and are based on the Technical Review Committee and Planning Staff comments.

It is recommended that this request be to allow the applicant to adequately address outstanding items with this submittal. Without these items clarified, Planning Staff cannot recommend an approval of this Master Development Plan submittal.

BOARD ACTION FOR MASTER DEVELOPMENT PLAN:

Motion: __ ____ **Seconded:** __ ____

Approved: ____ **Denied:** ____ **Unanimous:** ____

Williams: __ McClammy: ____ Baker: __ Edens: __ Fullerton: ____ Marshburn: ____ Nalee: __

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP 11369	Date	4-17-15
Application Fee	\$ 5,939.75	Receipt No.	150889, 150941
Pre-Application Conference	2-9-15	Hearing Date	(TRC 5-12-15) (PB 6-2-15)
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	WALT KNOTT	Owner's Name:	LANE'S FERRY LANDING, LLC. W/REP. HEIDE TRASK
Applicant's Address:	2259 BOWMAN ST. SW	Owner's Address:	2259 BOWMAN ST. SW
City, State, & Zip	SUPPLY, NC 28462	City, State, & Zip	SUPPLY, NC 28462
Phone Number:	910-508-5310	Phone Number:	910-508-5310
Legal relationship of applicant to land owner: PROFESSIONAL CONSULTANT			
SECTION 2: PROJECT INFORMATION			
Type of Master Development Plan	<input checked="" type="checkbox"/> Residential <small>RP, PD, RM MH District</small>	<input type="checkbox"/> Commercial <small>GB, OI, IT, GI District</small>	<input checked="" type="checkbox"/> Mixed Use <small>PD</small> <input type="checkbox"/> Exempt
Property Identification Number (PIN):	3245-84-0109-0000 3245-11-7659-0000 3245-80-3934-0000	Total property acreage:	987.95 AC
Zoning Classification:	PD	Acreage to be disturbed:	925.35 AC
Project Address :	11085 NC HWY 210 E		
Description of Project Location:	PROPERTY NORTH AND SOUTH OF NC 210 AT THE INTERSECTION OF MOORE TOWN RD. AND NC 210.		
Describe activities to be undertaken on project site:	RESIDENTIAL WITH VARYING SIZE MULTI AND SINGLE FAMILY LOTS, COMMERCIAL MIXED USE, AMENITY SITES, AND MARINA.		
SECTION 3: SIGNATURES			
Applicant's Signature	<i>Walt Knott</i>	Date:	4/17/15
Owner's Signature	<i>Heide Trask, Jr.</i>	Date:	4.17.15

NOTICE TO APPLICANT

1. Applicant or agent authorized in writing must attend the public hearing.
2. 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.
3. All fees are non-refundable
4. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Office Use Only

<input checked="" type="checkbox"/>	MDP Fees: (\$500.00 plus \$10/acre for the first 100 acres \$5/acre thereafter)	Total Fee Calculation: \$ 5939.75				
Attachments Included with Application: (Please include # of copies)						
CD /other digital version	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large 2	# of 11X17 12	Other documents/Reports	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: 7281 <input checked="" type="checkbox"/> Check # 7306		
Application received by:					Date: 4-17-15	
Application completeness approved by:					Date: 4-30-15	
Date scheduled for public hearing:		6-2-15				

MASTER DEVELOPMENT PLAN CHECKLIST

✓	Signed Application Form (Both Applicant and Owner)
	Application fee
	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete)
✓	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
	Project Narrative --Written description of the project (<u>max of 3 pages</u>) including the following: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Location of the project and type of access to project site <input checked="" type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. <input checked="" type="checkbox"/> Description of all construction activities to be undertaken on the site <input checked="" type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers <input checked="" type="checkbox"/> List of all state and federal permits that will be required for the project <input checked="" type="checkbox"/> Describe any potential impacts the project will have on the community or adjacent properties such as traffic, noise, etc. and explain efforts to mitigate these impacts (<u>this item must be addressed by the applicant</u>). The applicant may also wish to describe any positive benefits the project will provide for the community &/or neighbors of the project.

Master Development Plan Contents

All MDP's shall be prepared in accordance with the following specifications:

✓	The scale shall be one inch equals 100 feet or larger (the ratio of feet to inches shall be no more than one hundred feet to one inch) or at a scale acceptable to the Director. The scale shall be sufficient so that all features are discernible.
✓	No sheet shall be smaller than 24"x36" in size unless approved by the Administrator. If the MDP is prepared on more than one sheet, match lines shall clearly indicate where the sheets join.
✓	North arrow, a scale of 1:100 or larger and a legend describing all symbols.
✓	A boundary survey of the entire property related to true meridian & certified by a registered surveyor with all dimensions in ft & decimals of ft. A vicinity map at a suitable scale shall be provided showing the location of the project along with the location of all existing or approved public roads, streets or rights-of-way within 2,000 ft of the boundaries of the project.
✓	The total area of the property shall be specified.
✓	The topography shall be shown at 2 foot contour intervals.
✓	The title of the proposed project; the date, month, year the plan was prepared or revised; the name of the applicant(s), owner(s) and contract owner(s); and the names of the individuals or firms preparing the plan shall be clearly specified.
✓	A schedule of phases, with the approximate location of phase boundaries & the order in which the phases are to be developed, shall be provided.
✓	The use of all adjoining properties by zoning, parcel identification number (PIN) and current property owner(s).

Lane's Ferry Landing

Pender County Planning Board Meeting June 2, 2015

Applicant

Walt Knott
c/o Lane's Ferry Landing, LLC
2259 Bowman St SW
Supply, NC 28462
(910) 508-5310
waltknott@lanesferrylanding.com

Project Narrative

Overview:

- Lane's Ferry Landing ("LFL") will be a 987.95 acre mixed-use development utilizing classic low country architecture with traditional neighborhood planning elements. The site was once the region's largest flowering bulb plantation and its natural beauty has been preserved through careful site planning. LFL will contain approximately 2114 detached single family homes (1,350ft² - 4,500ft²), 581 attached townhomes/multifamily condominiums (1,250ft² – 3,000ft²), and 31.4 acres of mixed-use retail/office space. LFL will also have three resort style amenity centers, walking trails, numerous neighborhood parks, a village marketplace, and a community grill overlooking the marina. This well-balanced mixture of public and private spaces, land uses, and housing types, will be connected via a pedestrian-friendly network of tree-lined streets and sidewalks. LFL is currently in talks with the Pender County School Board regarding the development of a new elementary school on site. If approved, the school and ancillary athletic fields will be worked into our neighborhood system of streets and sidewalks allowing children to safely walk to and from school or athletic events.

Location:

- LFL surrounds the intersection of N.C. Hwy 210 and Mooretown Road. This intersection is approximately 1.8 miles east of exit 408 on I-40. LFL contains a 224 acre tract north of that intersection, a 441 acre tract to the southwest, and a 322 acre tract to the southeast. The site is bordered on the east by the Northeast Cape Fear River and is adjacent to two properties located next to the bridge (Lane's Ferry Dock & Grill and Lane's Ferry Park). It is bordered to the north by agricultural areas, and to the west and south by woodlands containing scattered single family residences.

Access:

- All access to the site will be made in accordance to NCDOT standards. Access to the northern tract will come from a parkway intersecting N.C. Hwy 210 directly opposite Mooretown Road. Both southern tracts will have parkways that intersect at a common point on Mooretown Road. The mixed-use commercial parcels on the north side of these tracts will also have direct access to NC Hwy 210 via eastbound turn lanes. The southwestern tract will also have a street that connects to Rebecca Kennedy Road. If Pender County accepts our offer to build a new elementary school on the western side of the northern tract, an additional public roadway will be added directly adjacent to the eastern border of the Cincinnati Thermal Spray parcel.

On Site Activities:

- LFL will operate a centralized sales office from one of the model homes until a commercial space can be constructed. The sales office will be staffed by 2-5 sales associates and be open 8 hours a day, 7 days a week.
- The mixed-use commercial parcels will be a combination of retail and office space with residential units on the upper floors. Demand for these spaces is still unknown at this time, so therefore hours of operation and employee counts are unknown.
- The marina and grill will be owned, operated, and staffed by the LFL Marina Property Owner's Association and its hours and staffing requirements will vary depending on seasonal demand.

Project Narrative

Construction Activities

- LFL will be a multi-phased development. LFL will use contractors to perform traditional construction activities such as: clearing and grading, stormwater installation, public water and sewer installation, telecom and utilities installation, interior road construction, NCDOT improvements, marina construction, and common area landscaping. In addition, LFL will partner with several builders to construct individual homes, commercial buildings, and the common area amenity centers. All construction activities will be performed in accordance with applicable Federal, State, and Local laws, regulations, statutes, codes, and permit requirements.

Site Utilities

- Water

LFL will connect to the existing Pender County water main that runs along NC Hwy 210. Multiple six inch (6") water mains will be extended across the site to supply water and fire flow demands in accordance with applicable building codes.
- Sewer

Option A: LFL possess a valid permit for an on-site collection and treatment facility. LFL is currently working with a private sewer system operator to build and operate system.

Option B: LFL is currently in talks with Pender County Utility Director Michael Mack to determine the feasibility of running a new force main to Rocky Point, and then either north to Burgaw or south to Wilmington's system.
- Power & Telecom

Power and Telecom utilities will be installed underground by the respective local providers.

Permits:

- The following is a list of all state and federal permits required for the project:
 - NCDOT Encroachment Agreements
 - NCDOT Driveway Permits
 - 404 Wetlands Jurisdiction
 - NCDENR Sediment and Erosion Permit
 - NCDENR Stormwater Permit
 - CAMA Permit
 - NCDENR Public Water Supply Permit
 - NCDENR Sewer Collection and Treatment Permits

Project Narrative

Potential Impacts

- Traffic

An extensive traffic impact analysis is currently underway with NCDOT and other applicable regulatory agencies. It will set forth the requirements to mitigate any potential impacts.
- Marina

LFL proposes to construct a \pm 10 ac marina to provide water access to the Northeast Cape Fear River. The marina will be constructed in accordance with all applicable local and state requirements, including CAMA agency review and approval of the facility.
- Noise & Light

Due to the rural location of the site and its majority residential composition, we don't anticipate a lot of noise and light impact. LFL will provide all buffers in compliance with Pender County's UDO.
- Wetlands

A 404 Jurisdictional Wetland Delineation will be performed and the results will be properly recorded on the site plan. LFL intends to avoid wetland impacts when possible. Regulatory agencies will review and approve any and all wetland impacts or mitigation if otherwise unavoidable.

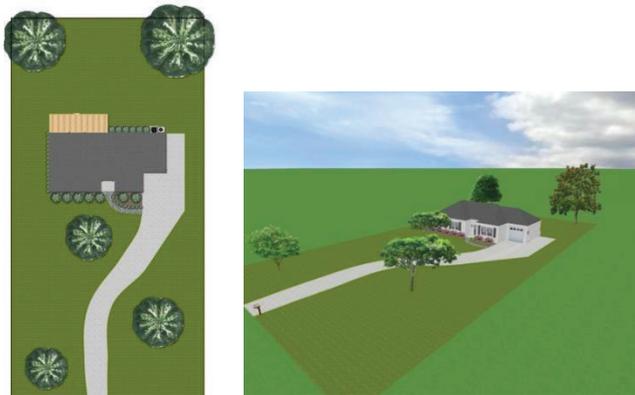
4.15 HOUSING TYPES

The following housing types are established to provide a common terminology for housing in the County. "Single Family Housing" is defined as: Single Family Detached; Zero Lot Line Detached; Semi-Attached House; Multiplex Attached; and, Townhouse Attached. Upper-Story Residential Attached and Multifamily Attached are considered "Multifamily Housing".

Commentary: All drawings are NOT to scale and are for illustrative purposes only.

4.15.1 Single Family Dwelling - Detached Conventional

- A. A "single-family detached residence" shall be a dwelling unit located on a single lot with private yards on all four sides.
- B. A single family detached dwelling unit shall be permitted in the following districts: RA, RP, MH, and PD.
- C. The following is a typical sketch of a single family detached housing type:



4.15.2 Single Family Dwelling - Attached Duplex

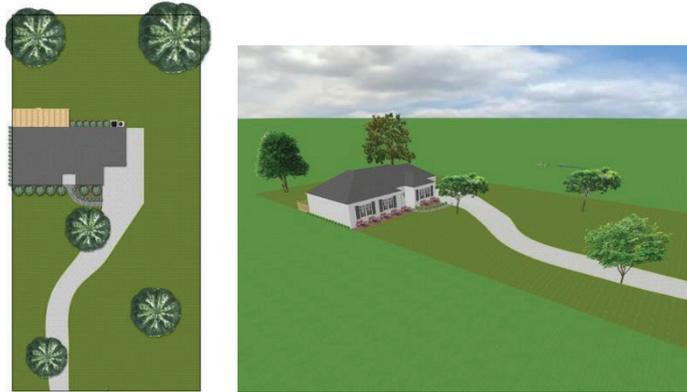
- A. Two attached single family units located on one or two lots that share a common wall along the lot line, providing for fee-simple ownership.
- B. A single family attached (duplex) dwelling unit shall be permitted in the following districts: RA, RP, RM, and PD.
- C. The following is a typical sketch of a single family attached (duplex) housing type:



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:



4.15.4 Single Family Dwelling - Attached Townhouse

- A. A single family attached townhouse is a single-family attached dwelling with one dwelling unit from ground to roof, having individual outside access. Rows of attached dwellings shall not exceed 10 units and shall average no more than eight dwellings per structure.
- 1) A single family attached townhouse dwelling unit shall be permitted in the following districts: PD, RM
 - 2) The following is a typical sketch of a single family attached townhouse:



4.15.5 Single Family Dwelling – Multiple

- A. A "multiplex" is an attached residence containing three to four dwelling units. Units may or may not have independent outside access. Units within multiplex structures may be arranged side to side, back to back or vertically. The average number of dwelling units per structure shall be four or less.
- 1) A single family attached (Multiplex) shall be permitted in the following districts: PD, RM

4.15.6 Upper Story Residential Attached

- A. An upper story residential attached structure consists of a mixed use floor plan typically with commercial/retail uses on the base floor or ground floor of the structure and residential dwelling units located above.
- 1) An upper story residential attached housing type shall follow the same lot sizes contained in the commercial use districts.
 - 2) The minimum parking requirements shall be followed in conjunction with the approved commercial use found in Section 7.10, Off Street Parking and Loading/Parking Requirements.
 - 3) Required open space shall be in conformance with the overall site development plan.
 - a) If developed as a single dwelling, open space shall not be required.
 - 4) An upper story residential attached dwelling unit shall be permitted in the following districts: PD, GB, and O&I
 - 5) The following is a typical sketch of an upper story residential attached housing type:



4.15.7 Multifamily Apartments/Condos

- A. Multifamily apartments/condos are buildings where individual dwelling units share a common outside access. They also share a common yard area, which is the sum of the required lot areas of all dwelling units within the building. Multi-Family developments shall contain six or more dwellings in a single structure. Common area shall be shared within the dwelling units for each structure or multiple structures.
- 1) A multifamily apartment/condo shall be permitted in the following districts: PD, RM
 - 2) The following is a typical sketch of a multifamily apartment/condo housing type:
 - 3) This housing type shall be serviced by a community or public utility source.



Project Name: Lanes Ferry
 Client: Lanes Ferry Landing, LLC
 Project Number: 15153.PE
 Prepared By: TGC
 Date: 4/30/15



Projected Wastewater / Water Demands:

Use	Input (# of lots)	Projected Demand	gpd/lot	Demand
Single Family Lots				
Residential	2695	360	gpd/lot	970,200
Use	Input (# of plumbing fixtures)	Projected Demand	gpd/fixtures	Demand
Amenity Area (3)	9	250		2,250
Use	Input (# of slips)	Projected Demand	gpd/slip	Demand
Marina Area	75	30		2,250
Commercial				
Use	Input (# of booth)	Projected Demand	gpd/booth	Demand
Beauty Shop	5	125		625
Use	Input (# employees)	Projected Demand	gpd/employee	Demand
Office (4000 sf)	5	25		125
Use	Input (# seat)	Projected Demand	gpd/seat	Demand
Bar	20	20		400
Use	Input (# seat)	Projected Demand	gpd/seat	Demand
Restaurant (25,000 sf)	40	150		6,000
Use	Input (# sq ft.)	Projected Demand	gpd/sq ft	Demand
Deli (1,500 sf)	1500	40/100 sq ft		600
Use	Input (# sq ft.)	Projected Demand	gpd/sq ft	Demand
Bakery (1,000 sf)	1000	10/100 sq ft		100
Use	Input (# employee)	Projected Demand	gpd/doctor	Demand
Medical Office (10,000 sf)	8	250		2,000
Use	Input (# employee)	Projected Demand	gpd/doctor	Demand
Medical Office (5,000 sf)	4	250		1,000
Use	Input (# fixtures)	Projected Demand	gpd/fixture	Demand
Service Station (2)	10	250		2,500
Use	Input (# sq ft)	Projected Demand	gpd/sq ft	Demand
Fitness Center	2000	50		1,000
Use	Input (sq ft.)	Projected Demand	gpd/sq ft	Demand
Shopping Center with Food Service	14400	100		1,440
Total Demand				990,490

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Pender County's Technical Review Committee meeting was held on Tuesday May 12, 2015 at 2pm in Board of County Commissioners, in the Pender County Government Administration Building at 805 S. Walker Street, to review the proposal.

Cape Fear Council of Governments RPO

NA

Four County Electric Company

No response

NC DENR Division of Coastal Management

Lanes Ferry Landing project

A CAMA Major permit is required for this project.

Wetland lines will need to be verified.

Recommendations: (Lanes Ferry Landing project)

A scoping meeting with the relevant agencies is highly recommended to discuss CAMA permit requirements and current regulations. Detailed plans including accurate wetland lines and current water depths near the proposed water-dependent development should be available for review.

Comments:

Lanes Ferry Landing project-

The Northeast Cape Fear River is designated as a Primary Nursery Area (PNA) by the NC Division of Marine Fisheries and the NC Wildlife Resources Commission. Under current rules, no new dredging is permissible in Primary Nursery Areas. The property to the north of the Hwy 210 bridge falls within the Public Trust Shoreline Area of Environmental Concern (AEC)- which extends 30' landward of the normal high water line. The Estuarine Shoreline AEC applies lands located within 75' of normal high water south of the Hwy 210 bridge. The 30' Coastal Shorelines buffer applies to both the Public Trust Shoreline and Estuarine Shoreline AECs.

Information Requested (Lanes Ferry Landing project): See recommendation above regarding detailed plans for all water-dependent development as well as proposed development within the AECs.

NC DENR Division of Forestry

No response

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

No response

NC DENR Division of Waste Management

No response

NC DENR Division of Water Quality

No response

NC DOT Division of Highways

Driveway Permits Will Be required. Must Submit a Preliminary Plan for public roads. TND guidelines must have the approval and will take 4-6 weeks.

NC DOT Transportation Planning Branch

No response

NC Office of State Archaeology

Requirements: The developer will need to contract an experienced archaeological firm to perform an archaeological survey of high ground and underwater survey for any construction that will take place within the river. This will be our recommendation to the Corp of Engineers as a condition for any wetland crossing permits and to the Division of Coastal Resources as a condition for any CAMA permits.

NC Wildlife Resources Commission

Recommendations:

Consultation with NCWRC staff is requested. The NE Cape Fear downstream of Hwy 210 is a primary nursery area (PNA) designated by NCDMF and is a PNA designated by NCWRC upstream of Hwy 210. These areas are important for the spawning and juvenile development of several important aquatic species. The nearby wetlands are important to the NE Cape Fear and the excavation of ponds may influence hydrology. The marina should be constructed so as not to adversely influence water quality of the NE Cape Fear. Since a marina will be constructed, a deed restriction of individual lots piercing out into the river could minimize cumulative wetland impacts. Lots should be designed to be buildable without the need for wetland fill.

Comments:

The project site is located immediately adjacent to or in close proximity to the Rocky Point Marl Forest and NE Cape Fear Floodplain significant natural areas and to the NCWRC's Holly Shelter Game Lands, NE Cape Fear Mitigation Bank, and lands managed by the NC Coastal Land Trust. These areas are important for wildlife habitats and resources.

NCWRC appreciates the amount of open space and conservation areas the developer has indicated will be a part of the subdivision. Consultation with staff and looking at the NCWRC's Green Growth Toolbox (GGTB) program can further add to the conservation efforts stated in the narrative that is the draw for the community. Information about the GGTB can be accessed from the link below. Suggestions include multi-family housing, decreased lot size, increased open space, shared drives, and cluster development.

Pender County Addressing Coordinator

Road names must be submitted

Pender County Building Inspections

No response

Pender County Emergency Management

No response

Pender County Environmental Health

No response

Pender County Fire Marshal

*The Fire Code Official is requiring 80' Diameter on all dead end streets of more than 150'
In phase 2 & 3 where the ponds are next to the roadways have the developer add a dry hydrant into the ponds for fire service. At the time roadways are built and has vehicle access, roads sign will be installed. This maybe temporary signage.*

*Greater set back of all structures to a space greater than 2 feet from lot lines.
(If all structures are to be built with sprinkler systems there is not a high hazard with 2 foot set backs)
The plan say 45' height limit. The Rocky Point Fire Department has NO access of 35' (Fire Suppression needed if over 35')*

Will all homes face the main streets of 20'?
Requesting better street detail maps with sizes of curves, turn rounds, center divides, and fire hydrant locations.
Detail water system plan with sizes and water hammer prevention hardware/thrust blocks. (For Inspection during project)

Pender County Flood Plain Management

Portions of the Property are in the identified Special Flood hazard Areas; designated floodway for the Cape Fear River, the AE zone as well as the shaded X. Any building within the identified floodway will require a No Rise Certification.

*Effective Maps:
3720325500J 3255
3720324500J 3245*

AE: Areas subject to inundation by the 1-percent –annual flood even determined by the detailed methods BFE's are shown within these zones. The base floodplain where the Base Flood elevation are provided

Shaded X: Area s subject of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods.

*Recommendation:
Please use the Preliminary Flood Maps available as “best available data” for the subject property. There is a significant change between the published Firms and the preliminary data. We are going through the adoption period now as a County for new maps. New Maps are available at: fris.nc.gov
Effective maps: AE approximately 8.5 Feet
Preliminary Maps: AE approximately 10 feet*

Pender County Parks and Recreation

I see that this project exceeds the required open space. I am not sure if this is a question that I can ask or not but what type of amenities are they planning on constructing in the active open space? Will these facilities be accessible to citizens who do not live within this planned development? If so, would there be interest in forming a partnership with Pender County regarding park facilities?

There is not a recommended park facility in the 2010 Pender County Comprehensive Parks and Recreation Master Plan located in the immediate area of this planned development, however Table 6.4 Pender County Parks and Recreation Facility Surplus/Deficit on page 65 shows that Pender County shows a deficiency for practically every “active” facility, i.e. outdoor basketball courts, playground, picnic shelter, skate park, Recreation Center.

Pender County Public Library

No response

Pender County Utilities

Pender County Public Utilities

- *Lane's Ferry Landing Master Development Plan*
 - *Pender County Utilities will provide water service to this proposed development.*
 - *Given the size and location of the development, potential impacts to the water system are anticipated.*
 - *The applicant shall hire a Professional Engineer, acceptable to PCU, to perform a hydraulic evaluation of the existing system and determine any impacts to the existing system hydraulics as a result of this proposed development.*
 - *The evaluation should consider fire flow demands, pressures in the development and system, and any improvements that may be necessary to allow this development to proceed without negatively impacting the existing system (including non-residential fire flows).*
 - *Measures to evaluate include the need for additional storage, booster pump(s), transmission main extensions, and other distribution system improvements.*
 - *Consider Phasing the project to reduce initial impacts that will allow time for system improvements.*
 - *Please provide the name of the NCPE who will perform these evaluations. In the past PCU has worked with Highfill Infrastructure, and McKim & Creed on such issues.*
 - *Please provide the name of the NCPE who will design the water system for the development. We will provide the Engineer with any applicable design information and specifics for water system extensions in the Rocky Point Topsail Water and Sewer District.*
 - *The Applicant's Narrative provides a potential option for sewer service by Pender County Utilities. Currently, the sewer system does not extend to this area, and sewer service is not available to serve residential customers.*
 - *It is possible that sewer treatment service could be extended to service this development in a phased approach.*
 - *PCU is preparing an analysis of the sewer system to determine if we could feasibly provide sewer treatment service to this development.*
 - *Pending the results of this analysis, PCU may prepare a resolution for the Rocky Point Topsail Board to consider allowing residential sewer connections.*
 - *Any utilities owned and maintained by PCU must be installed outside of paved areas in dedicated easements.*
 - *Stubs/Connections to future development/existing mains will be required wherever practical.*

Pender County Schools

Requests 40' diameter cul-de-sacs for buses turning radius and request that plans be sent to Raleigh for site lines to be reviewed by the Municipal and School Transportation Assistance (MSTA) jcranford@ncdot.gov 919-661-4873. If you need anything else, please contact me.

Pender County Sheriff's Department

No response

Pender County Soil and Water Conservation District

More detailed erosion control plan. Volume Calculations for the ponds in reference to placing dry hydrants on the ponds

Duke Energy Corporation

Duke Energy has a 230kV transmission line (BRUNSWICK – JACKSONVILLE 230 KV LINE) that may cross through a portion of this proposed developmental tract. If it does and anything proposed within the development may overlap our easement please ensure that separate plans are submitted by property owner / developer or your firm to formally request plan review and required written approval by Duke Energy (TRANSMISSION) line Asset Protection. The sooner we can discuss any such overlap to our easement the better to ensure it is designed compatible to our ROW restrictions. Written approval from Duke Energy is required for anything that may be done within a transmission line easement.

US Army Corps of Engineers

No response

Wilmington Metropolitan Planning Organization

- 1. Project has submitted a TIA, which is currently under review. All requirements for the TIA will be implemented in the phase stated and agreed upon in the approved TIA.*
- 2. Project will require NCDOT driveway permits and encroachment agreements.*
- 3. Project will provide street names for internal streets.*
- 4. Provide locations of proposed turn lanes mentioned in the Project narrative on the site plan.*
- 5. Provide a plan sheet with proposed stop signs, traffic signals and road infrastructure.*
- 6. Show ROW for any streets proposed to be dedicated for public use.*
- 7. Show Proposed Access road and parking for the Marina.*
- 8. Project will install traffic signals as warranted by TIA and project phases.*
- 9. Show proposed street cross section for the Cul-de-sacs.*
- 10. Please provide street cross for the Internal Parkway described in the project narrative.*
- 11. Project will implement any internal protective stem lengths required by the TIA and NCDOT, based upon queuing lengths identified in the TIA.*
- 12. Show Classification of street network, to show alleys, local streets, collector streets, boulevard and parkway sections on the site plan.*
- 13. Show one-way streets on the site plan. Recommendations:*
 - 1. Provide location of any existing easements on the property, including Utility easements.*
 - 2. Show any proposed connections to adjacent lots, such as the Lane's Ferry Park.*
 - 3. Provide Internal Bike and Pedestrian Facilities from Residential Areas to Commercial areas and Marina, such as a network of 10' multi-use paths and/or 5' wide on-street bike lanes.*
 - 4. Applicant is requested to install a Park and Ride Location within Commercial Section A.*
 - 5. Provide conceptual drawings for the proposed Single Family and Multi-family housing types.*
 - 6. Show proposed cross sections for the Mixed Commercial Areas and Linear Park and Pedestrian areas shown on the site plan.*
 - 7. Widen the entrances on Hwy 210 to accommodate right and left turn lanes from the development to Hwy 210.*
 - 8. Implement NCDOT requirements for Street corner curb radius of at least 20' radius and Cul-de-sac Bulb diameter of 80' diameter.*
 - 9. Show Crosswalks near parks and amenity areas.*
 - 10. Show multi-way stops and regulatory signs on the construction plans.*
 - 11. Multiple intersections are spaced less than 200' apart and have multiple approaches that appear to create conflict from opposing left turn movements. Increase the intersection spacing or consider*

installing roundabouts at these locations to prevent drivers from having collisions (help drivers feel they are not playing "chicken" due to conflicts with opposing traffic).

AT&T

If service is requested for this development AT&T will bring in fiber optic cable



Technical Review Committee Review and Response

Date: 13 May 2015

Name: Heather Coats

Phone: 910-796-7424

Agency: NC DCM

Email: heather.coats@ncnder.gov

Requirements:

Ashton Rd Telecommunications Tower- No comments.

Lanes Ferry Landing project

A CAMA Major permit is required for this project.
Wetland lines will need to be verified.

Recommendations: (Lanes Ferry Landing project)

A scoping meeting with the relevant agencies is highly recommended to discuss CAMA permit requirements and current regulations. Detailed plans including accurate wetland lines and current water depths near the proposed water-dependent development should be available for review.

Comments:

Aston Rd Telecommunication Tower- No comments.

Lanes Ferry Landing project-

The Northeast Cape Fear River is designated as a Primary Nursery Area (PNA) by the NC Division of Marine Fisheries and the NC Wildlife Resources Commission. Under current rules, no new dredging is permissible in Primary Nursery Areas. The property to the north of the Hwy 210 bridge falls within the Public Trust Shoreline Area of Environmental Concern (AEC)- which extends 30' landward of the normal high water line. The Estuarine Shoreline AEC applies lands located within 75' of normal high water south of the Hwy 210 bridge. The 30' Coastal Shorelines buffer applies to both the Public Trust Shoreline and Estuarine Shoreline AECs.

Information Requested (Lanes Ferry Landing project): See recommendation above regarding detailed plans for all water-dependent development as well as proposed development within the AECs.

Please Follow Up Prior to Meeting: Yes/No

Pender County Planning and Community Development
TRC Member Response Sheet

May 12, 2015

Nathan Henry
Assistant State Archaeologist
Underwater Archaeology Branch
NC Office of State Archaeology
1528 Fort Fisher Blvd. South
Kure Beach, NC 28449
Phone: 910 458 9042
nathan.henry@ncdcr.gov

Re: **Lanes Ferry Landing (Case 11369)**

Requirements: The developer will need to contract an experienced archaeological firm to perform an archaeological survey of high ground and underwater survey for any construction that will take place within the river. This will be our recommendation to the Corp of Engineers as a condition for any wetland crossing permits and to the Division of Coastal Resources as a condition for any CAMA permits.

Recommendation: The developer should plan for this.

Comments: Lanes Ferry was an historical landing and ferry crossing as early as 1730 as well as a colonial and antebellum plantation.

Information Requested: None

Please Follow Up Prior to Meeting: No



Technical Review Committee Review and Response

Date: 5/12/15
Name: María T. Dunn Agency: NCWRC
Phone: (252) 948-3916 Email: maria.dunn@ncwildlife.org

Requirements:

Recommendations:

Consultation with NCWRC staff is requested. The NE Cape Fear downstream of Hwy 210 is a primary nursery area (PNA) designated by NCDMF and is a PNA designated by NCWRC upstream of Hwy 210. These areas are important for the spawning and juvenile development of several important aquatic species. The nearby wetlands are important to the NE Cape Fear and the excavation of ponds may influence hydrology. The marina should be constructed so as not to adversely influence water quality of the NE Cape Fear. Since a marina will be constructed, a deed restriction of individual lots piercing out into the river could minimize cumulative wetland impacts. Lots should be designed to be buildable without the need for wetland fill.

Comments:

The project site is located immediately adjacent to or in close proximity to the Rocky Point Marl Forest and NE Cape Fear Floodplain significant natural areas and to the NCWRC's Holly Shelter Game Lands, NE Cape Fear Mitigation Bank, and lands managed by the NC Coastal Land Trust. These areas are important for wildlife habitats and resources.

NCWRC appreciates the amount of open space and conservation areas the developer has indicated will be a part of the subdivision. Consultation with staff and looking at the NCWRC's Green Growth Toolbox (GGTB) program can further add to the conservation efforts stated in the narrative that is the draw for the community. Information about the GGTB can be accessed from the link below. Suggestions include multi-family housing, decreased lot size, increased open space, shared drives, and cluster development.

<http://www.ncwildlife.org/Conserving/Programs/GreenGrowthToolbox.aspx>

Information Requested

Please Follow Up Prior to Meeting: Yes/No

Pender County Emergency Management



Occupancy: **Lanes Ferry Landing**
Address: **NC Hwy 210**
Rocky Point NC 28457

Inspection Type: **Plan Review**

Inspection Date: **4/29/2015**

By: **Batson, Tommy (2342)**

Time In: **13:00**

Time Out: **14:30**

Authorized Date: **Not Authorized** By:

Form: Blank Fire Inspection

Inspection Topics:

Violations

Other Violation-See Notes

Other Violation-See Notes

Status: INFORMATION

Notes: Requirements

The Fire Code Official is requiring 80' Diameter on all dead end streets of more than 150'

In phase 2 & 3 where the ponds are next to the roadways have the developer add a dry hydrant into the ponds for fire service.

At the time roadways are built and has vehicle access, roads sign will be installed. This maybe temporary signage.

Other Violation-See Notes

Other Violation-See Notes

Status: INFORMATION

Notes: Recommendations:

Greater set back of all structures to a space greater than 2 feet from lot lines.

(If all structures are to be built with sprinkler systems there is not a high hazard with 2 foot set backs)

Other Violation-See Notes

Other Violation-See Notes

Status: INFORMATION

Notes: Comments:

The plan say 45' height limit. The Rocky Point Fire Department has NO access of 35' (Fire Suppression needed if over 35')

Other Violation-See Notes

Other Violation-See Notes

Status: INFORMATION

Notes: Information Request:

Will all homes face the main streets of 20'?

Requesting better street detail maps with sizes of curves, turn rounds, center divides, and fire hydrant locations.

Detail water system plan with sizes and water hammer prevention hardware/thrust blocks. (For Inspection during project)

Other Violation-See Notes

Other Violation-See Notes

Status:

Notes:

Other Violation-See Notes

Other Violation-See Notes

Status:

Notes:

Other Violation-See Notes

Other Violation-See Notes

Status:

Notes:

Other Violation-See Notes

Other Violation-See Notes

Status:

Notes:

Additional Time Spent on Inspection:

Category

Start Date / Time

End Date / Time

Notes: No Additional time recorded

Total Additional Time: 0 minutes

Inspection Time: 90 minutes

Total Time: 90 minutes

Summary:

Overall Result: Information Inspection

Inspector Notes:

Inspector:

Name: Batson, Tommy
Rank: Deputy Fire Marshal
Work Phone(s): 910-470-4721
Email(s): tbatson@pendercountync.gov
Batson, Tommy:



Signed on: 04/29/2015 14:19

Signature

Date

Occupant Signature:

Signature

Date



Technical Review Committee Review and Response

Date: May 12, 2015

Name: Megan O'Hare

Phone: (910) 259 2110

Agency: Pender County Floodplain Manager

Email: mohare@pendercountync.gov

Requirements:

Portions of the property are in the identified Special Flood Hazard Areas; in the designated floodway for the Cape Fear River, the AE zone as well as the Shaded X.

Effective Maps:

3720325500J 3255

3720324500J 3245

Any building within the identified floodway will require a No Rise Certification.

AE: Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. BFEs are shown within these zones. The base floodplain where Base Flood elevations are provided.

Effective Maps: AE ~8.5 ft

Preliminary Maps: AE ~10 ft.

Shaded X: Area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods.

Recommendations:

Please use the Preliminary Flood Maps available as "best available data" for the subject property. There is a significant change between the published FIRMs and the preliminary data. We are going through the adoption period now as a County for the new maps.

New Maps are available at: fris.nc.gov

Comments:

Information Requested:

Please Follow Up Prior to Meeting: **Yes**

Ron,

Sorry I was not able to make the TRC meeting earlier this week regarding this project.

I see that this project exceeds the required open space. I am not sure if this is a question that I can ask or not but what type of amenities are they planning on constructing in the active open space? Will these facilities be accessible to citizens who do not live within this planned development? If so, would there be interest in forming a partnership with Pender County regarding park facilities?

There is not a recommended park facility in the 2010 Pender County Comprehensive Parks and Recreation Master Plan located in the immediate area of this planned development, however Table 6.4 Pender County Parks and Recreation Facility Surplus/Deficit on page 65 shows that Pender County shows a deficiency for practically every "active" facility, i.e. outdoor basketball courts, playground, picnic shelter, skate park, Recreation Center.

Dee

Dee Turner

Pender County Parks and Recreation
P.O. Box 5
Burgaw, NC 28425
910-259-1330 phone
910-259-1477 fax
www.pendercountync.gov



PENDER COUNTY UTILITIES

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

May 12, 2015

RE: Pender County Planning
TRC Meeting 5/12/2015
PCU Comments

- **Lane's Ferry Landing Master Development Plan**
 - Pender County Utilities will provide water service to this proposed development.
 - Given the size and location of the development, potential impacts to the water system are anticipated.
 - The applicant shall hire a Professional Engineer, acceptable to PCU, to perform a hydraulic evaluation of the existing system and determine any impacts to the existing system hydraulics as a result of this proposed development.
 - The evaluation should consider fire flow demands, pressures in the development and system, and any improvements that may be necessary to allow this development to proceed without negatively impacting the existing system (including non-residential fire flows).
 - Measures to evaluate include the need for additional storage, booster pump(s), transmission main extensions, and other distribution system improvements.
 - Consider Phasing the project to reduce initial impacts that will allow time for system improvements.
 - Please provide the name of the NCPE who will perform these evaluations. In the past PCU has worked with Highfill Infrastructure, and McKim & Creed on such issues.
 - Please provide the name of the NCPE who will design the water system for the development. We will provide the Engineer with any applicable design information and specifics for water system extensions in the Rocky Point Topsail Water and Sewer District.
 - The Applicant's Narrative provides a potential option for sewer service by Pender County Utilities. Currently, the sewer system does not extend to this area, and sewer service is not available to serve residential customers.
 - It is possible that sewer treatment service could be extended to service this development in a phased approach.
 - PCU is preparing an analysis of the sewer system to determine if we could feasibly provide sewer treatment service to this development.

PENDER COUNTY UTILITIES
PHONE: (910) 259-1570
FAX: (910) 259-1579



PENDER COUNTY UTILITIES

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

- Pending the results of this analysis, PCU may prepare a resolution for the Rocky Point Topsail Board to consider allowing residential sewer connections.
- Any utilities owned and maintained by PCU must be installed outside of paved areas in dedicated easements.
- Stubs/Connections to future development/existing mains will be required wherever practical.

Please let me know if you have any questions or require additional information.

Thank you,

Bryan McCabe, Project Engineer
Pender County Utilities
bmccabe@pendercountync.gov

PENDER COUNTY UTILITIES
PHONE: (910) 259-1570
FAX: (910) 259-1579

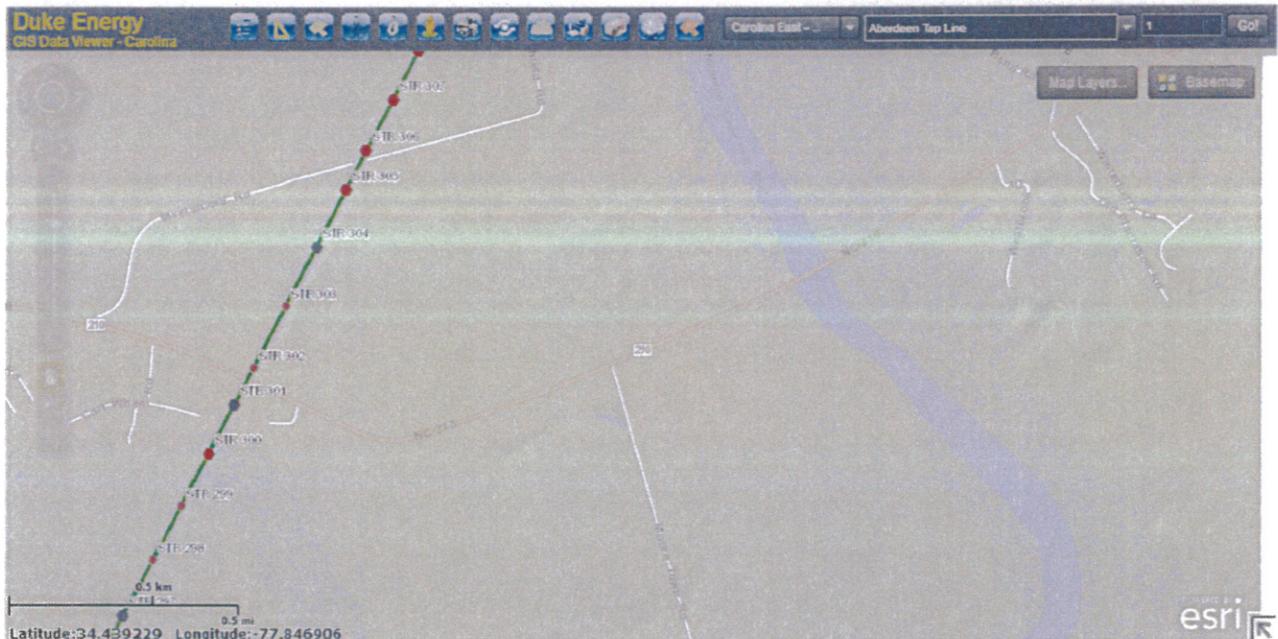
TRC comments

From: Wilder, Bill [<mailto:Bill.Wilder@duke-energy.com>]
Sent: Thursday, May 14, 2015 9:32 AM
To: Robert Balland (rballand@paramounte-eng.com)
Cc: Megan O'Hare; Wilder, Bill
Subject: FW: Proposed Subdivision off Hwy 210 in Pender County

Robert Balland (Paramounte Engineering, Inc.)

Attached is a screen shot of general area for which your firm Paramounte Engineering, Inc. is working on a proposed new subdivision in Pender County. Duke Energy has a 230kV transmission line (BRUNSWICK – JACKSONVILLE 230 KV LINE) that may cross through a portion of this proposed developmental tract. If it does and anything proposed within the development may overlap our easement please ensure that separate plans are submitted by property owner / developer or your firm to formally request plan review and required written approval by Duke Energy (TRANSMISSION) line Asset Protection. The sooner we can discuss any such overlap to our easement the better to ensure it is designed compatible to our ROW restrictions. Written approval from Duke Energy is required for anything that may be done within a transmission line easement. Attached are our transmission line ROW restrictions. Call me if any questions.

THANKS



Robert P. Balland, P.E., LEED AP
PARAMOUNTE ENGINEERING, INC.

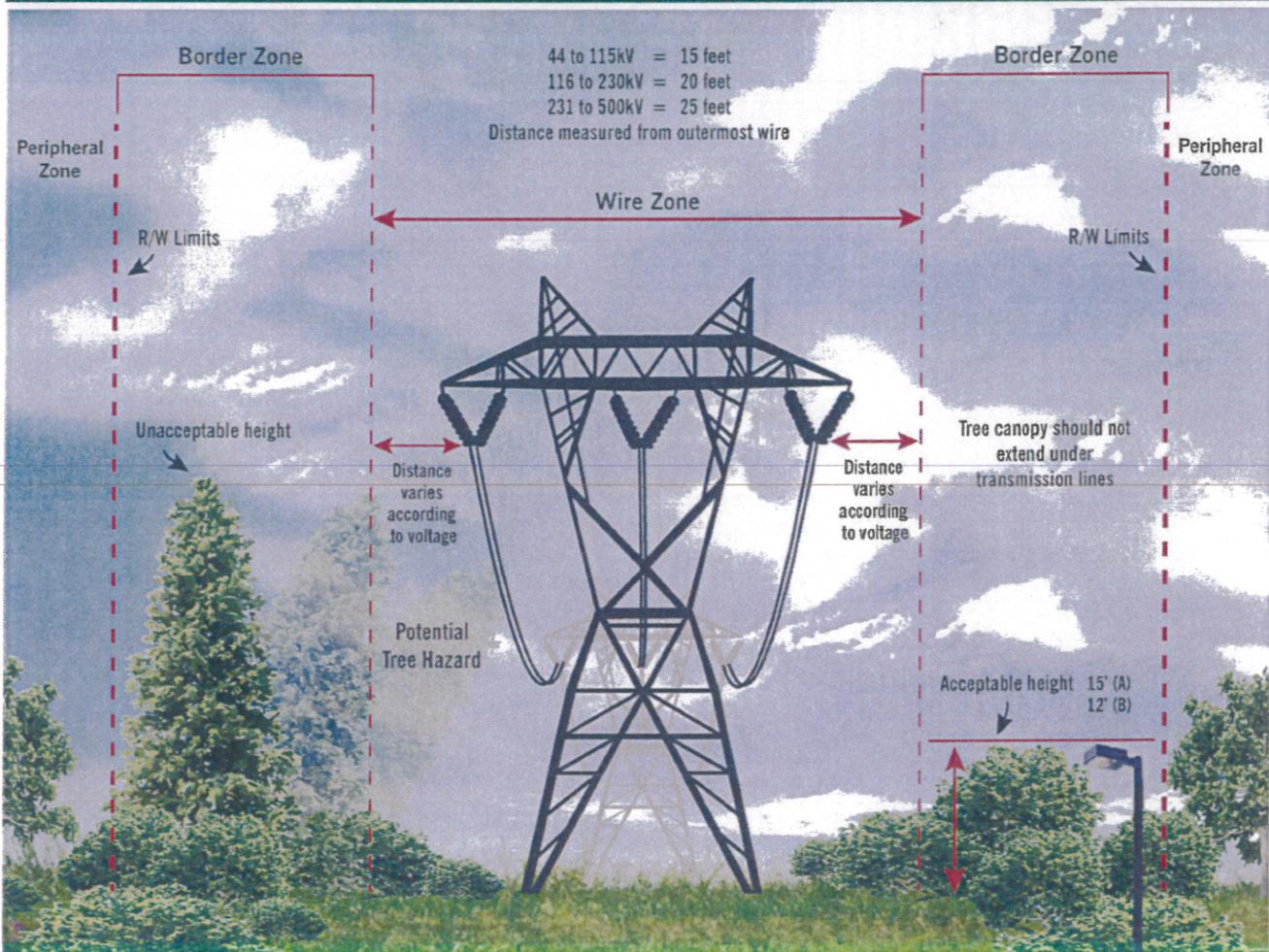
DUKE ENERGY ELECTRIC TRANSMISSION RIGHT-OF-WAY GUIDELINES/RESTRICTIONS
VALID FOR NORTH CAROLINA AND SOUTH CAROLINA
(Revised 11/20/2014)

This list of right-of-way restrictions has been developed to answer the most frequently asked questions about property owner use of Duke Energy's electric transmission rights of way. This list does not cover all restrictions or all possible situations. You should contact the Asset Protection right-of-way specialist if you have additional concerns about the rights of way. This list of restrictions is subject to change at any time and without notice. Duke Energy reserves all rights conveyed to it by the right-of-way agreement applicable to the subject property. All activity within the rights of way shall be reviewed by an Asset Protection right-of-way specialist to obtain prior written approval. Engineering plans may be required. Compliance with the Duke Energy Right-of-Way Guidelines/Restrictions or approval of any plans by Duke Energy does not mean that the requirements of any local, county, state or federal government or other applicable agency with governing authority have been satisfied.

1. Structures, buildings, manufactured/mobile homes, satellite systems, swimming pools (any associated equipment and decking), graves, billboards, dumpsters, signs, wells, deer stands, retaining walls, septic systems or tanks (whether above or below ground), debris of any type, flammable material, building material, wrecked or disabled vehicles and all other objects (whether above or below ground) which in Duke Energy's opinion interfere with the electric transmission right of way are not allowed within the right-of-way limits. Transformers, telephone/cable pedestals (and associated equipment) and fire hydrants are not allowed. Manholes, water valves, water meters, backflow preventers and irrigation heads are not permitted. Attachments to Duke Energy structures are prohibited.
2. Fences and gates shall not exceed 10 feet in height and shall be installed greater than 25 feet from poles, towers and guy anchors. Fences shall not parallel the centerline within the rights of way but may cross from one side to the other at any angle not less than 30 degrees with the centerline. If a fence crosses the right of way, a gate (16 feet wide at each crossing) shall be installed by the property owner, per Duke Energy's specifications. The property owner is required to install a Duke Energy lock on the gate to ensure access. Duke Energy will supply a lock.
3. Grading (cuts or fill) shall be no closer than 25 feet from poles, towers, guys and anchors (except for parking areas; see paragraph 7) and the slope shall not exceed 4:1. Grading or filling near Duke Energy facilities which will prevent free equipment access or create ground-to-conductor clearance violations will not be permitted. Storage or stockpiling of dirt or any other material is prohibited. Sedimentation control, including re-vegetation, is required per state regulations.
4. Streets, roads, driveways, sewer/water lines, other utility lines or any underground facilities shall not parallel the centerline within the right of way but may cross, from one side to the other, at any angle not less than 30 degrees with the centerline. No portion of such facility or corresponding easement shall be located within 25 feet of Duke Energy's facilities. Roundabouts, cul-de-sacs and intersections (such as roads, driveways and alleyways) are not permitted.
5. Any drainage feature that allows water to pond, causes erosion, directs stormwater toward the right of way or limits access to or around Duke Energy facilities is prohibited.
6. Contact Duke Energy prior to the construction of lakes, ponds, retention or detention facilities, etc.
7. Parking may be permitted within the right of way, provided that:
 - a. Prior to grading, concrete barriers shall be installed at a minimum of 9 feet from the Duke Energy facilities. During construction, grading shall be no closer than 10 feet to any Duke Energy facility.
 - b. After grading/paving activity is complete, a Duke Energy-approved barrier sufficient to withstand a 15-mph vehicular impact shall be erected 9 feet from any Duke Energy facility.
 - c. Any access areas, entrances or exits shall cross (from one side to the other) the right of way at any angle not less than 30 degrees with the centerline and shall not pass within 25 feet of any structure. Parking lot entrances/exits cannot create an intersection within the right of way.
 - d. Lighting within the right-of-way limits must be approved by Duke Energy before installing. Due to engineering design standards, lighting is not allowed in the "Wire Zone." Where lighting is approved ("Border Zone"), the total height may not exceed 15 feet in Area A and 12 feet in Area B. See map on back of this page for Areas. Contact your Asset Protection right-of-way specialist as the "Wire Zone" varies for the different voltage lines.
8. Duke Energy will not object to certain vegetation plantings as long as:
 - a. They do not interfere with the access to or the safe, reliable operation and maintenance of Duke Energy facilities.
 - b. With prior written approval, Duke Energy does not object to low-growing shrubs and grasses within the "Wire Zone." Tree species are not allowed within the "Wire Zone." Trees that are approved in the "Border Zone" may not exceed, at maturity, 15 feet in Area A and 12 feet in Area B. See map on back of page for areas. Contact the Asset Protection right-of-way specialist for "Wire Zone"/"Border Zone" definitions.
 - c. For compliant mature height species, refer to plants.ces.ncsu.edu/ for reference.
 - d. Engineering drawings must indicate the outermost conductor.
 - e. Vegetation that is not in compliance is subject to removal without notice.
 - f. Duke Energy may exercise the right to cut "danger trees" outside the right-of-way limits as required to properly maintain and operate the transmission line.

We hope this is useful information. If you have additional questions or plan any activity not mentioned above, please contact the Asset Protection right-of-way specialist for your area (see map).

Transmission Right-of-way Zones - Carolinas



Wire Zone: Extends beyond the outermost conductor on both sides. (See diagram above.)

Permitted within the Wire Zone: Low-growing plants, shrubs and grasses.

Not permitted within the Wire Zone: Tree species of any kind.

Border Zone: Extends from the edge of the Wire Zone to the outside edge of the Right of Way.

Permitted within the Border Zone: Lighting structures and plantings within the Right of Way that do not exceed a vertical height of 15 feet in Area A and 12 feet in Area B. (See Asset Protection Map for location of geographic areas) For compliant mature height species, refer to plants/ces.ncsu.edu/.

Not permitted within the Border Zone: Any object that exceeds vertical height restrictions. These restrictions are based on flat ground elevations. If the ground elevations differ, no object at any time may exceed the outermost conductor's ground elevation.

Peripheral Zone: Outside the Right of Way and adjacent to Border Zones.

Permitted within the Peripheral Zone: Trees may be planted in the Peripheral Zone. Duke Energy recommends customers exercise caution selecting and planning trees in this zone.

Not permitted in the Peripheral Zone: Trees with canopies are subject to routine trimming and possible removal.

In all zones:

When an outage risk is identified, Duke Energy will attempt to notify the affected customer. However, the company may need to take immediate action if trees cannot be pruned to appropriate levels. This may include trees and shrubs that are within 20 feet of the power line at the maximum peak load or during weather conditions that create line sag and sway.

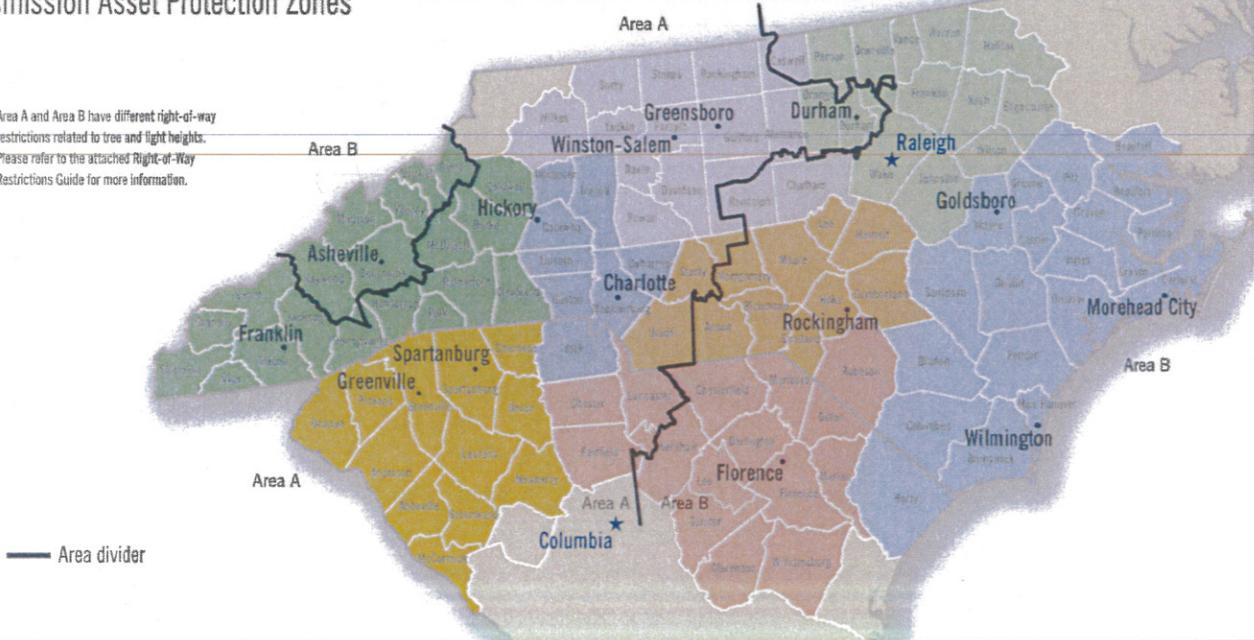
Written approvals by Duke Energy are required for all plans.

We hope this is useful information. If you have additional questions on line voltages or plan any activity not mentioned above, please contact the Asset Protection Specialist for your area. (See Map)

*Right of Way is intended to reference the easement rights granted to Duke Energy. Actual zone size may vary based upon the particular Right of Way.

Duke Energy North Carolina and South Carolina Transmission Asset Protection Zones

Area A and Area B have different right-of-way restrictions related to tree and light heights. Please refer to the attached Right-of-Way Restrictions Guide for more information.



— Area divider

Asset Protection Right-of-Way Specialist Zones

- | | | |
|-------------------------------------|-------------------------------------|------------------------------------|
| Zone 1 – Craig Garrett 828.258.5018 | Zone 3 – Stephen Lord 704.812.2316 | Zone 6 – Norwood West 910.296.4061 |
| Zone 2 – Steven Pryor 864.948.5610 | Zone 4 – Ervin Summers 336.634.4633 | Zone 7 – Bruce Pait 919.329.5928 |
| | Zone 5 – Norwood West 910.296.4061 | Zone 8 – Bill Wilder 910.772.4903 |





Technical Review Committee Review and Response

Date: May 11, 2015

Name: Bill McDow Agency: WMPO

Phone: (910) 341-7819 Email: bill.mcdow@wilmingtonnc.gov

Lane's Ferry Landing Requirements:

1. Project has submitted a TIA, which is currently under review. All requirements for the TIA will be implemented in the phase stated and agreed upon in the approved TIA.
2. Project will require NCDOT driveway permits and encroachment agreements.
3. Project will provide street names for internal streets.
4. Provide locations of proposed turn lanes mentioned in the Project narrative on the site plan.
5. Provide a plan sheet with proposed stop signs, traffic signals and road infrastructure.
6. Show ROW for any streets proposed to be dedicated for public use.
7. Show Proposed Access road and parking for the Marina.
8. Project will install traffic signals as warranted by TIA and project phases.
9. Show proposed street cross section for the Cul-de-sacs.
10. Please provide street cross for the Internal Parkway described in the project narrative.
11. Project will implement any internal protective stem lengths required by the TIA and NCDOT, based upon queuing lengths identified in the TIA.
12. Show Classification of street network, to show alleys, local streets, collector streets, boulevard and parkway sections on the site plan.
13. Show one-way streets on the site plan.

Recommendations:

1. Provide location of any existing easements on the property, including Utility easements.
2. Show any proposed connections to adjacent lots, such as the Lane's Ferry Park.
3. Provide Internal Bike and Pedestrian Facilities from Residential Areas to Commercial areas and Marina, such as a network of 10' multi-use paths and/or 5' wide on-street bike lanes.
4. Applicant is requested to install a Park and Ride Location within Commercial Section A.
5. Provide conceptual drawings for the proposed Single Family and Multi-family housing types.
6. Show proposed cross sections for the Mixed Commercial Areas and Linear Park and Pedestrian areas shown on the site plan.
7. Widen the entrances on Hwy 210 to accommodate right and left turn lanes from the development to Hwy 210.
8. Implement NCDOT requirements for Street corner curb radius of at least 20' radius and Cul-de-sac Bulb diameter of 80' diameter.

9. Show Crosswalks near parks and amenity areas.
10. Show multi-way stops and regulatory signs on the construction plans.
11. Multiple intersections are spaced less than 200' apart and have multiple approaches that appear to create conflict from opposing left turn movements. Increase the intersection spacing or consider installing roundabouts at these locations to prevent drivers from having collisions (help drivers feel they are not playing "chicken" due to conflicts with opposing traffic).

Comments:

Project survey showed what appeared to be Headstones. Please confirm access (vehicular and pedestrian access) to these Archeological elements are shown on the site plans.

Information Requested:

Please Follow Up Prior to Meeting: Yes/ No

INFORMAL CODE INTERPRETATION

NC Department of Insurance
Office of the State Fire Marshal - Engineering Division
1202 Mail Service Center, Raleigh, NC 27699-1202
919-661-5880

Location on Lot Related to Zoning, Deed Restrictions and Covenants

Code: 2012 Residential Code
Section: R302, Table 302.1

Date: September 18, 2012
Rev 1: October 25, 2013

Question:

Can zoning, deed restrictions, and covenants be used to supersede the 3 feet fire separation distance requirements of Section R302 for two houses?

Answer:

Zoning and covenants are subject to change and are not recognized by the Department of Insurance. They would not qualify to supersede the code requirements of Section R302.

Deed restrictions may be accepted to reduce the distance of a structure to the property line but the two structures are still subject to the intent of the separation requirements listed in Section R302. If the deed restrictions maintains a 6 feet or greater separation between the two houses then no requirements for fire-resistive construction is necessary. If the separation is less than 6 feet, then the fire-resistive construction requirements of Section R302 are required. See below for examples.

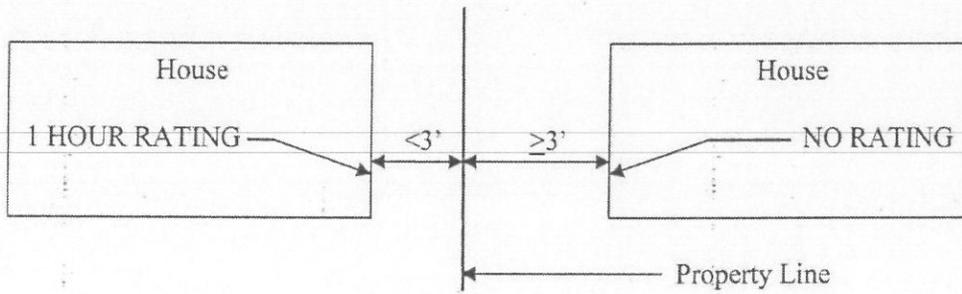
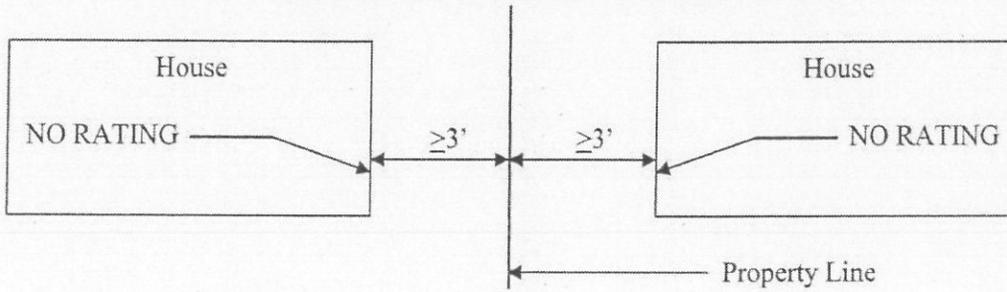
Townhouses and duplexes are subject to the requirements of Section 302.2.

See page 2 for examples.

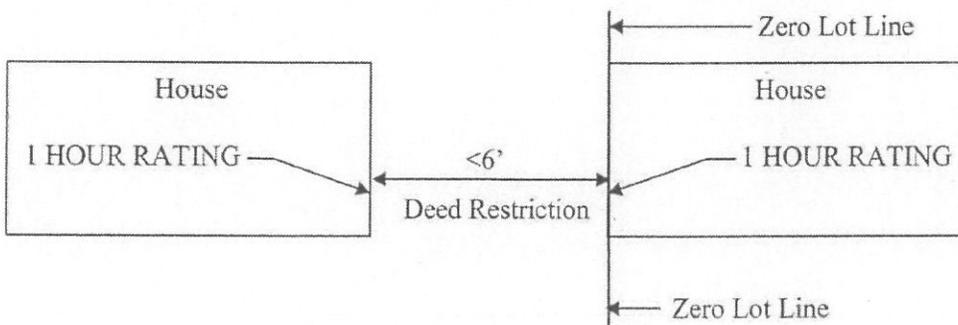
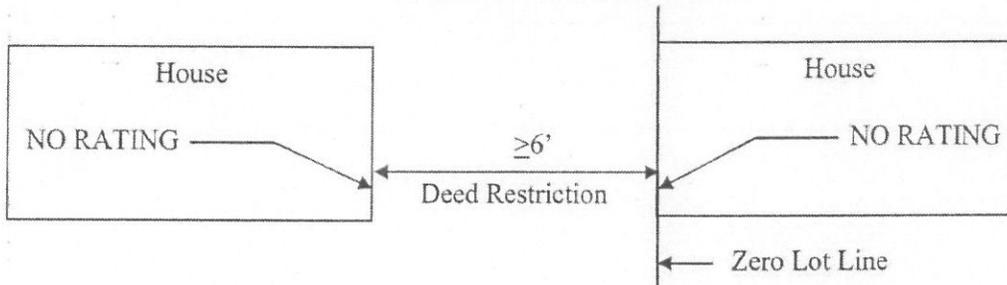
Revision Note:

Revised the separation distance references to reflect a change in the code that was approved by the NC Building Code Council on June 1, 2013.

STANDARD, ZONED, and COVENANT LOTS



DEED RESTRICTED LOTS





Applicant:
Walt Knott

Owner:
**Springfield Plantation II Inc.,
HCT Pender LLC., and
River Rock Farm LLC.**

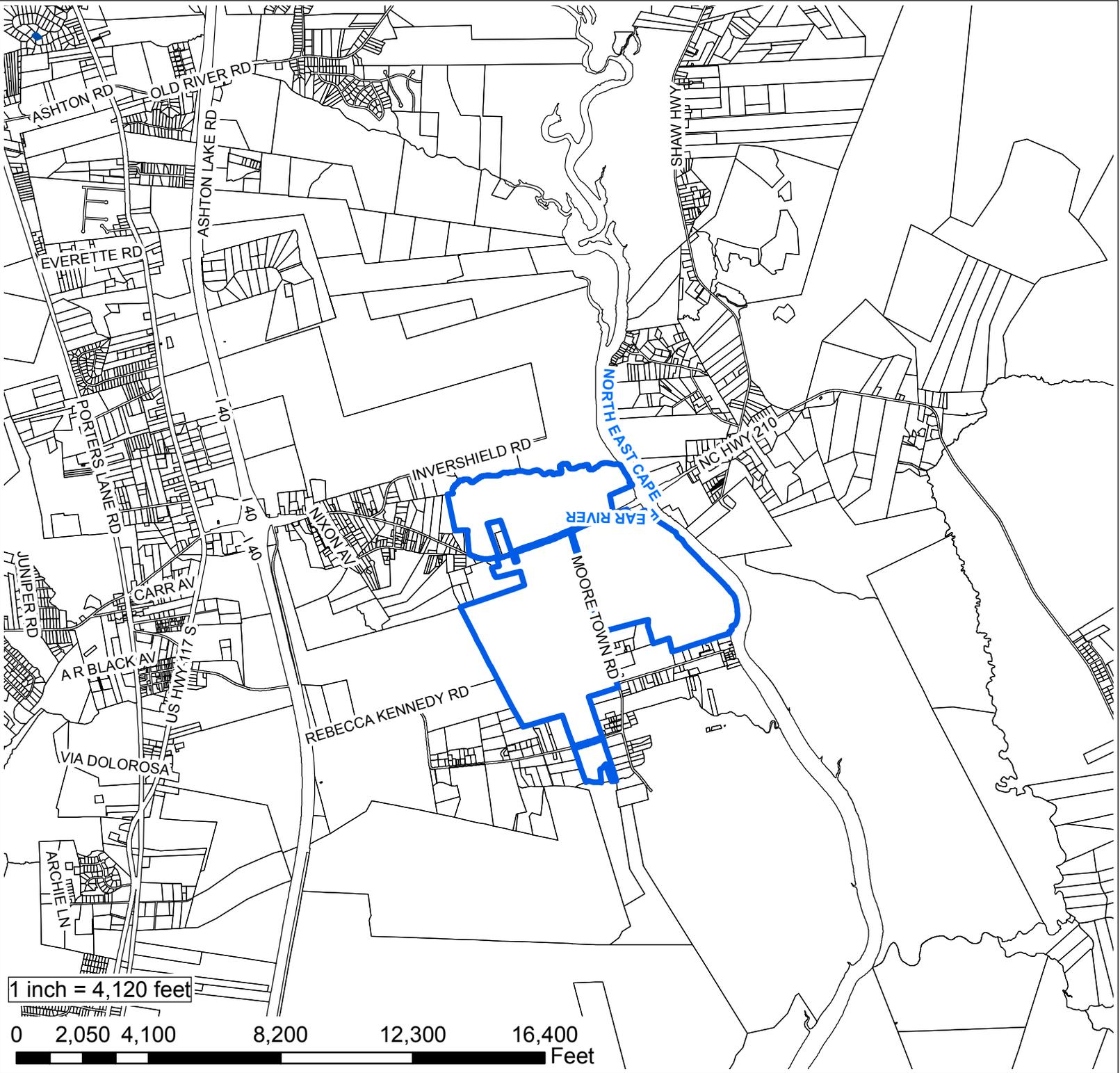
**Master
Development Plan**

Case Number:
11369

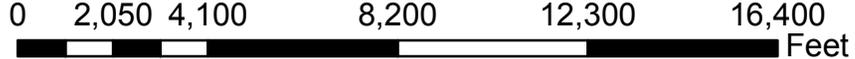
Lane's Ferry Landing



Vicinity



1 inch = 4,120 feet





Applicant:
Walt Knott

Owner:
Springfield Plantation II Inc.,
HCT Pender LLC., and
River Rock Farm LLC.

**Master
Development Plan**

Case Number:
11369

**Lane's Ferry Landing
Legend**

 Subject Property

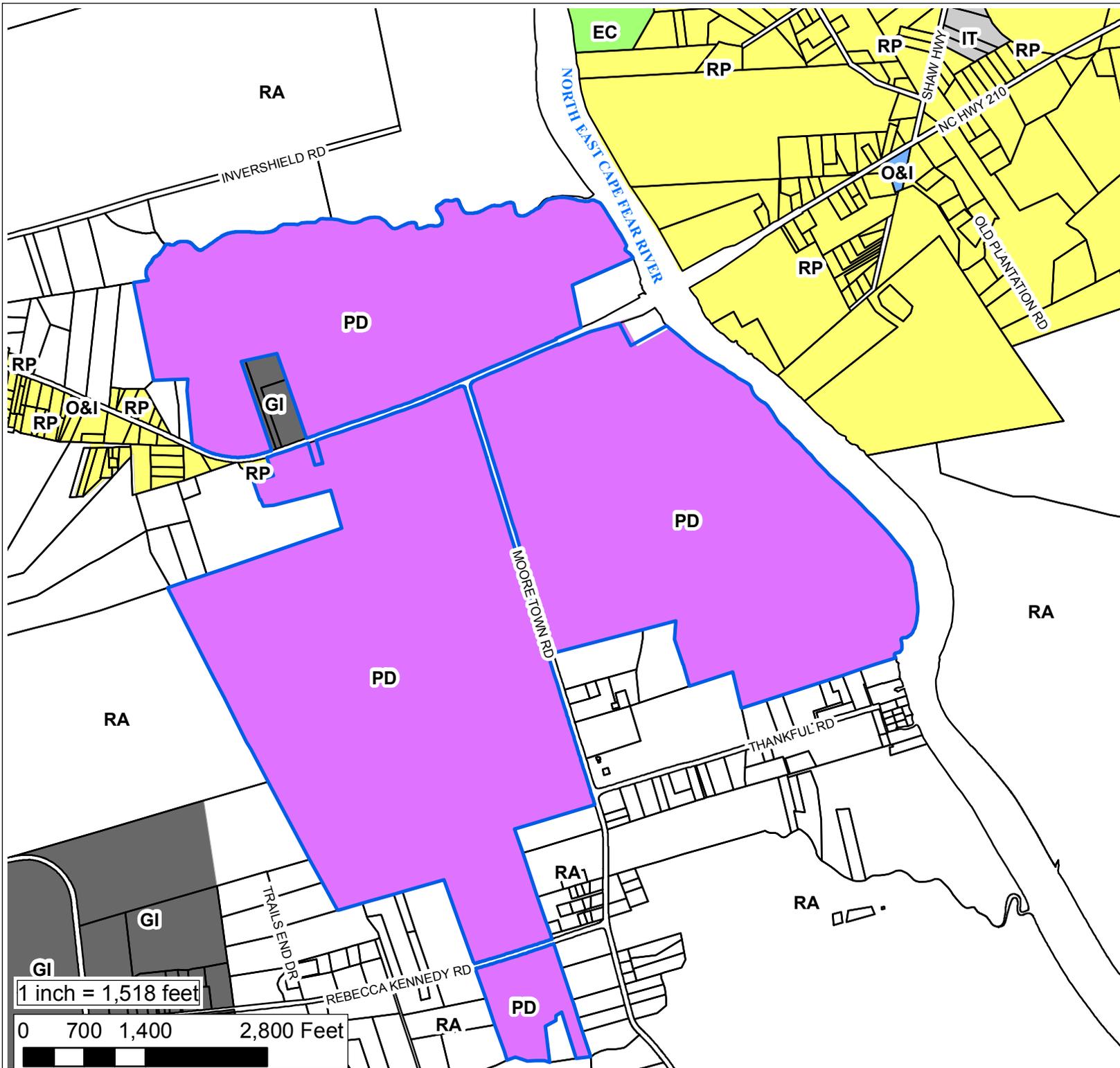
Zoning Classification

UDO Zoning

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



Current Zoning





Applicant:
Walt Knott

Owner:
Springfield Plantation II Inc.,
HCT Pender LLC., and
River Rock Farm LLC.

**Master
Development Plan**

Case Number:
11369

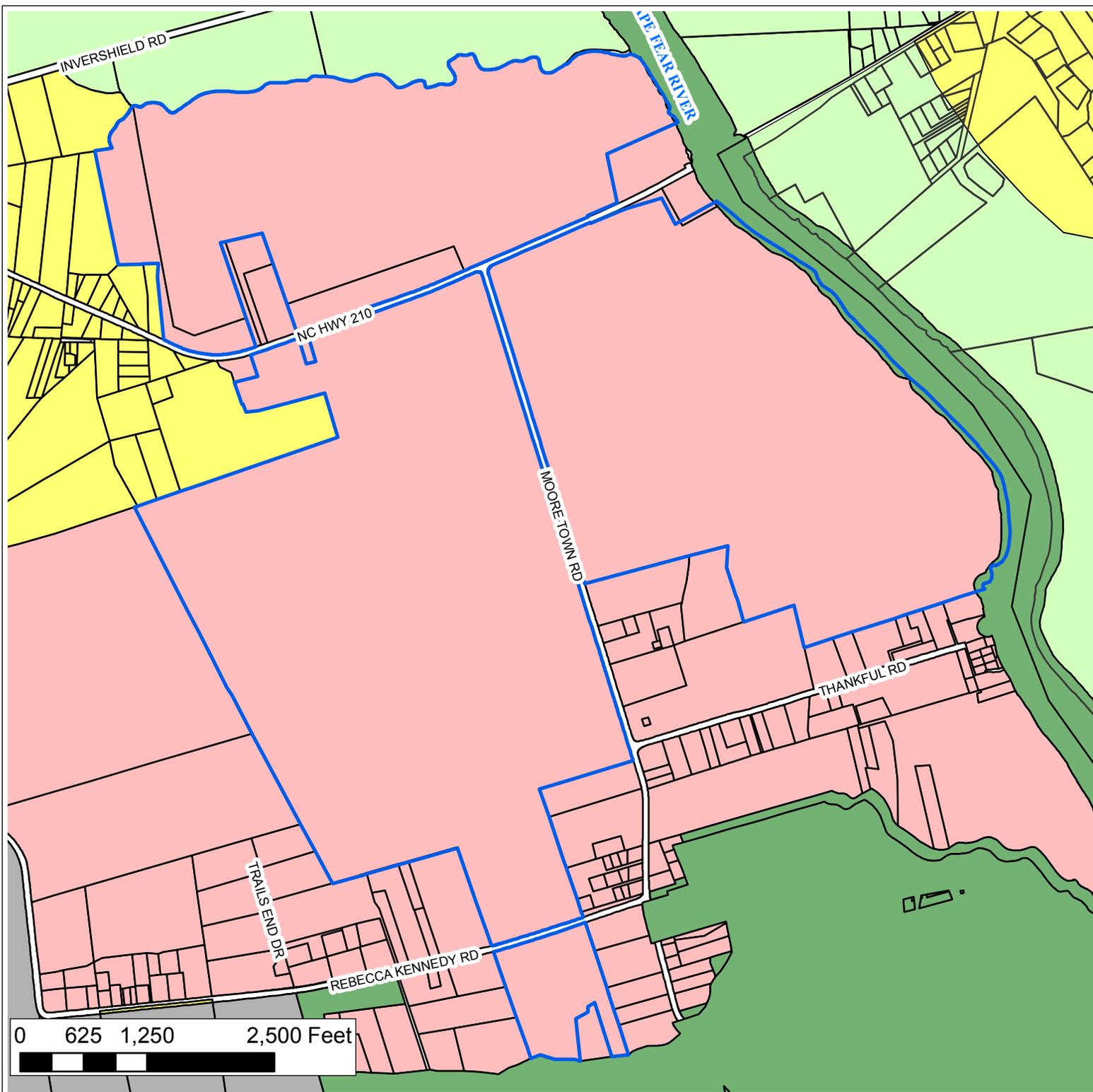
Lane's Ferry Landing

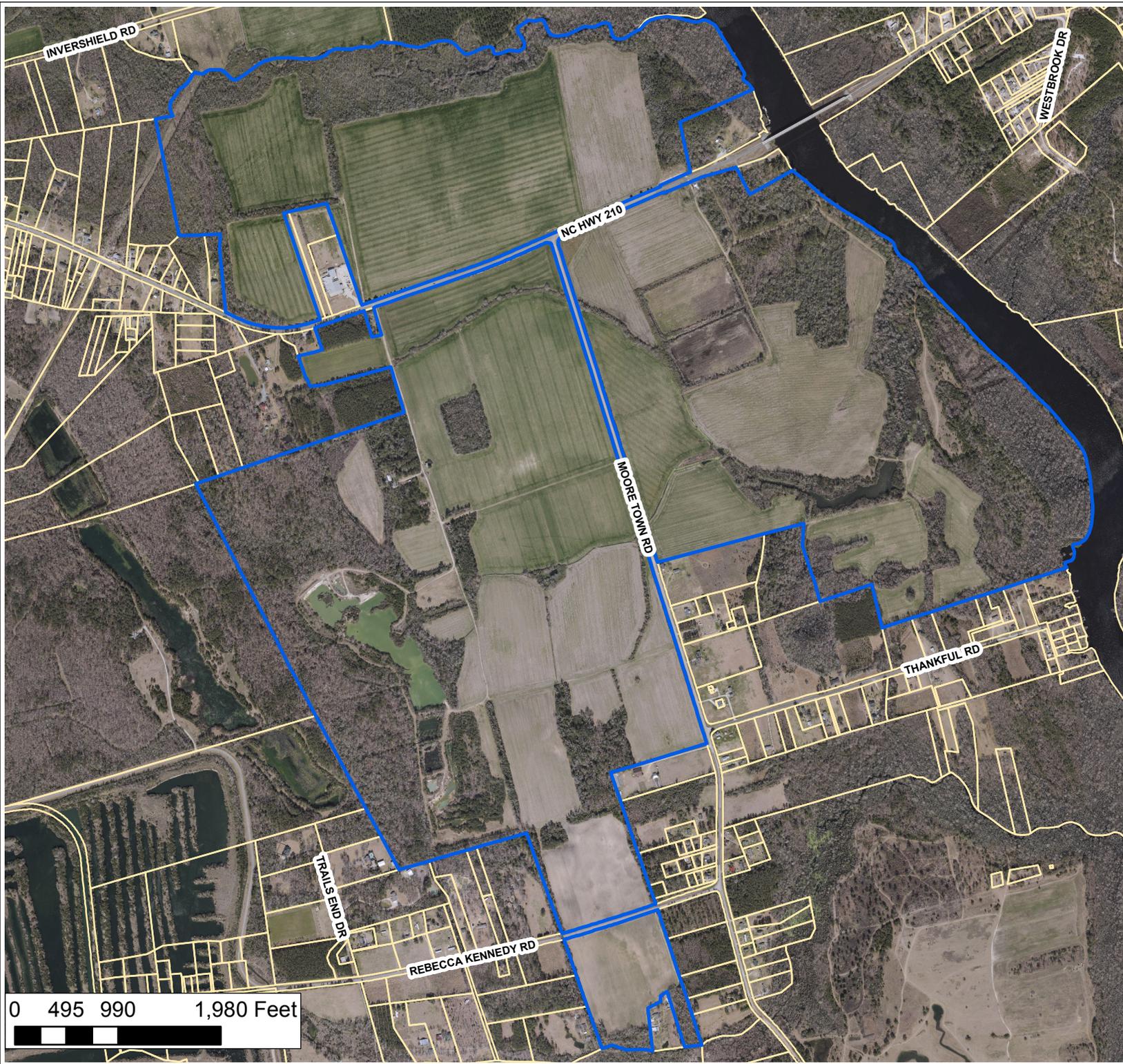
Legend

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



Future Land Use





Applicant:
Walt Knott

Owner:
Springfield Plantation II Inc.,
HCT Pender LLC., and
River Rock Farm LLC.

**Master
Development Plan**

Case Number:
11369

Lane's Ferry Landing

Legend

 Subject Parcel



2012 AERIAL



Applicant:
Walt Knott

Owner:
Springfield Plantation II Inc.,
HCT Pender LLC., and
River Rock Farm LLC.

**Master
Development Plan**

Case Number:
11369

Lane's Ferry Landing

 Subject Property

Flood Hazard Areas

 A

 AE

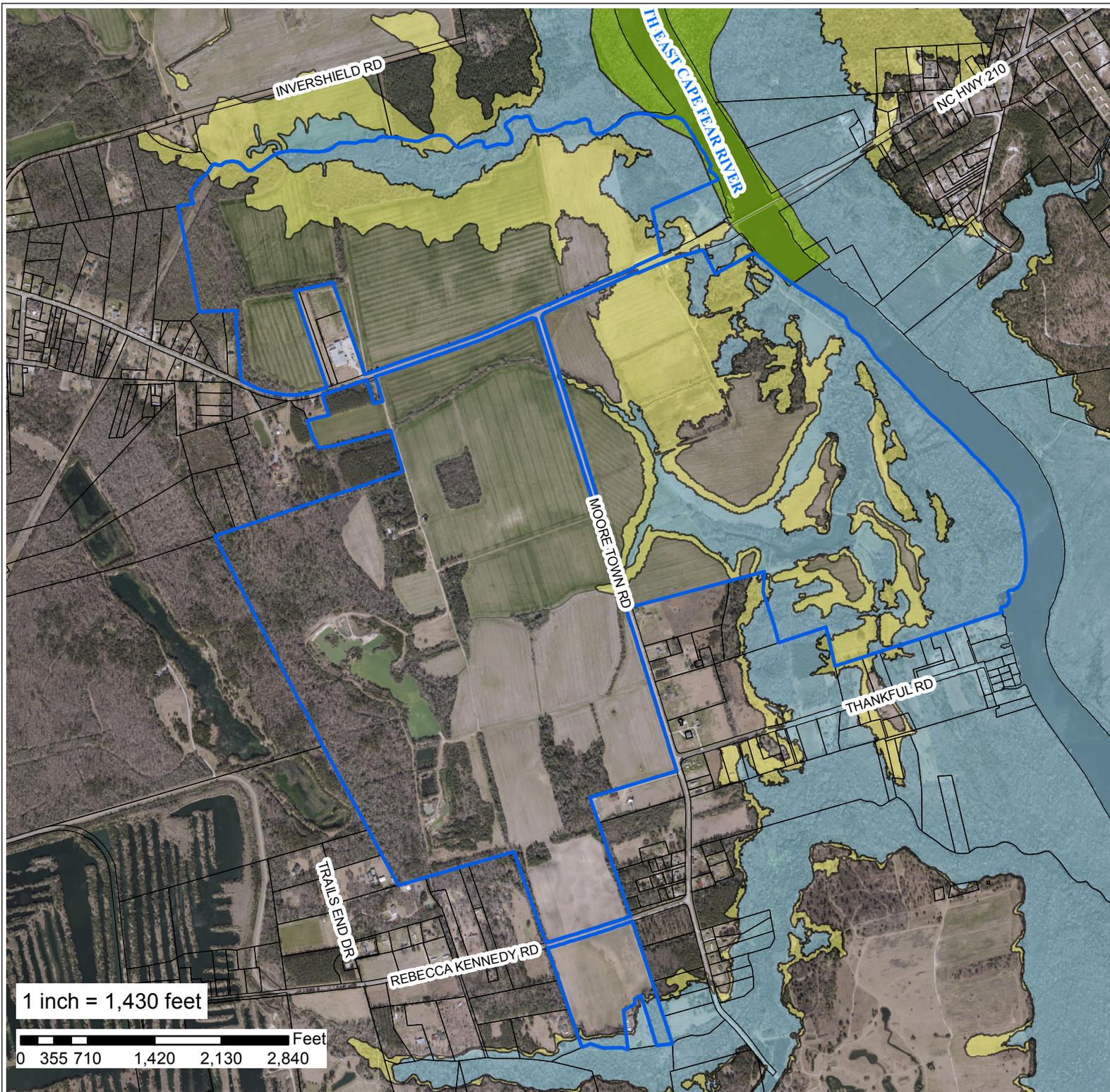
 AEFW

 SHADED X

 VE



Flood Zones



PLANNING STAFF REPORT

Zoning Text Amendment

SUMMARY:

Hearing Date: June 2, 2015– Planning Board
June 22, 2015– Board of Commissioners
Applicant: Pender County
Case Number: ZTA 11379

Text Amendment Proposal: Pender County, applicant, is requesting the approval of a zoning text amendment to the Pender County Unified Development Ordinance (UDO) to amend Section 3.2.2.B to allow for electronic submittal of required foundation surveys for setback certification and to amend Section 3.2.2.D to remove the requirement of in-field setback verifications.

Background: The zoning text amendment proposal is the result of various administrative discussions in attempt to provide a more efficient and effective setback certification process for customers and staff, expediting review by eliminating unnecessary steps.

Administrator Recommendation: The Administrator respectfully recommends approval of the zoning text amendment to the Unified Development Ordinance as described in the following report, as it is consistent with the Unified Development Ordinance, the 2010 Pender County Comprehensive Land Use Plan, and other adopted planning documents.

Amendment Outline:

The first portion of the proposed text amendment amends Section 3.2.2.B to allow for electronic submittal of required foundation surveys for setback certification. Currently, Section 3.2.2.B requires that foundation surveys be submitted in original form, signed and sealed by a professional land surveyor. The proposal adds a requirement that electronic submittals be signed electronically, thus making electronic submittals as equally valid as foundation surveys submitted in original form. This proposal adapts to technology improvements and accommodates a more efficient submittal process, resulting in improved customer service.

The second portion of the proposed text amendment amends Section 3.2.2.D to remove the requirement that a building inspector make a site visit to verify setbacks when a foundation survey is not required, if the approved site plan shows the setbacks to be double those required by the Unified Development Ordinance or shows front yard setbacks to be twenty (20) feet above the minimum required and side and rear yard setbacks to be ten (10) feet above the minimum required by the Unified Development Ordinance. This proposal allows approval of setbacks based on the submitted site plan, creating a more efficient process for both County staff and the customer.

The specific Unified Development Ordinance text to be amended is attached as Exhibit 1.

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 amendment, the central issue before the Planning Board and County Commissioners 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.

2010 Comprehensive Land Use Plan Compliance:

There are no conflicting policies within any adopted land use documents for the proposed zoning text amendment. Based on technology improvements, the proposed zoning text amendment will allow for more efficient review of zoning applications, thereby improving customer service.

Staff Recommendation:

The proposed zoning text amendment is consistent with the Pender County Unified Development Ordinance, the 2010 Pender County Comprehensive Land Use Plan, and other adopted planning documents. Staff respectfully recommends approval of the zoning text amendment as presented, as it is consistent with the Unified Development Ordinance, the 2010 Pender County Comprehensive Land Use Plan, and other adopted planning documents, and improves customer service by allowing for more efficient review of zoning applications.

Planning Board

Motion: _____ **Seconded:** _____

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

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

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE

Application No.	ZTA <u>11379</u>	Date	4/17/15
Application Fee	\$ <u>NA</u>	Receipt No.	<u>NA</u>
Pre-Application Conference	<u>NA</u>	Hearing Date	<u>PB 6/2/15 BOC 6/22/15</u>

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Pender County
Applicant's Address:	805 S. Walker St.
City, State, & Zip	Burgaw, NC 28425
Phone Number:	910-259-1202

SECTION 2: UDO TEXT TO BE AMENDED

Current Text to be Amended (Please site accurate Article number referenced):

Section 3.2.2.B and 3.2.2.D

Proposed Text to be added:

Amend 3.2.2.B to allow for electronic submittal of required foundation surveys and amend 3.2.2.D to remove the requirement for in-field setback verifications.

SECTION 3: SIGNATURE

Applicant's Signature	Date:
-----------------------	-------

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
<u>NA</u> <input checked="" type="checkbox"/>	Application fee
<u>NA</u> <input checked="" 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: <u>NA</u>	
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card:	Check: <input type="checkbox"/> Check # _____
		<input type="checkbox"/> Master Card	
		<input type="checkbox"/> Visa	
Application Received By:	<u>Amber H. Cif</u>	Date:	<u>4-17-15</u>
Application completeness approved by:	<u>Amber H. Cif</u>	Date:	<u>4-17-15</u>
Dates Scheduled for Public Hearings:	<input checked="" type="checkbox"/> Planning Board: <u>6-2-15</u>	<input checked="" type="checkbox"/> BOC: <u>6-22-15</u>	

3.2.2 Setback Certification

- A. Upon submittal of a building permit application or prior to approval of a site plan or preliminary subdivision plat, the Administrator shall confirm all required setbacks and make clear note of these requirements on the application, plat or plan documents, as applicable.
- B. Foundation Survey Requirements: Foundation surveys will be required and must be submitted in its original form **or electronic form with electronic signature** to verify that a new structure meets the ~~set-back~~ **setback** requirements of this Ordinance prior to occupancy. A foundation survey is required when the foundation wall is completed. Foundation surveys shall be required for all principal structures and accessory structures greater than 600 square feet with the exceptions noted below. The foundation survey submission shall consist of a map prepared by a Professional Land Surveyor showing the structure, lot boundaries and distance from the structure to the lot boundaries, and be signed and sealed by the surveyor. A signed and sealed letter from a Professional Land Surveyor, identifying the property and structure and certifying that the structure meets or exceeds the setbacks for the zoning district in which it is located may be provided in lieu of a survey map.
- C. Prohibition on Inspections: No inspections shall be provided by the Pender County Building Inspector on a structure after the “foundation inspection” unless the Foundation Survey is complete. The Inspector shall place a stop work order on any construction when the foundation verification is not submitted when required and shall not provide an occupancy permit or any authorization for power connection until the required foundation survey verification is submitted and approved by the Administrator or their designated representative.
- D. Exceptions to Survey Requirements: A foundation survey will not be required in the following circumstances:
- 1) For a structure erected on a bona fide farming operation.
 - 2) For individual mobile homes located in a mobile home park.
 - 3) For structures when the approved site plan shows the setbacks to be double those required by this Ordinance **or shows front yard setbacks to be twenty (20) feet above the minimum required and side and rear yard setbacks to be ten (10) feet above the minimum required by this Ordinance.** ~~and a building inspector upon visit to the site can observe and confirm that the structure has been located as shown on the site plan. The inspector shall verify his observation by providing a signed copy of the site plan or a permit for the structure to the Administrator. Other form of certification satisfactory to the Building Inspections Director and Administrator may be provided.~~
 - 4) ~~For structures when the conditions noted below are met and a building inspector upon visit to the site can observe and confirm that the structure has been located as shown on the site plan. The inspector shall verify his observation by providing a signed copy of the site plan or a permit for the structure to the Administrator. Other form of certification satisfactory to the Building Inspections Director and Administrator may be provided. The following conditions must be met for this exception to apply:~~

- a) ~~Site plan approved by Administrator and Environmental Health shows front yard setbacks to be 20 feet above minimum required and side and rear yard setbacks to be 10 feet above minimum required and is available at site.~~
- b) ~~A survey map of the site showing the property corners is available at the site.~~
- c) ~~The permanent property corners are clearly marked and flagged.~~
- d) ~~The owner or his representative is available at the site to provide measurements if necessary to confirm structure location.~~