

# Pender County Planning and Community Development

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



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

## AGENDA

**Pender County Planning Board  
Wednesday July 8, 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: (June 2, 2015)**

**3. Public Comment:**

*\*(Public Hearings Open)\**

**4. Zoning Map Amendment:**

Paula Leick, applicant, on behalf of Marc and Paula Leick, owners, is requesting approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling one (1) acre from RA, Rural Agricultural zoning district to GB, General Business zoning district. The subject property is located along the northwest side of US HWY 117 approximately one thousand feet north of the intersection of Camp Kirkwood Road (SR 1318) and US HWY 117, and may further be identified by Pender County PIN 3322-45-8395-0000.

**5. Master Development Plan Revision:**

Signature Top Sail NC, LTD, applicant and owner, is requesting a revision to the previously approved Master Development Plan, for the residential subdivision known as Wyndwater. Specifically the request is to increase the overall project area, add attached duplex housing type, and increase the overall project density. The subject property is zoned PD, Planned Development zoning district. The property is located to the north of Doral Drive (SR 1693), northwest of Sloop Point Loop Road (SR 1563), south of the approved Cardinal Pointe subdivision and east of US Highway 17 in Hampstead. The property may be further identified by Pender County PINs 4214-12-4590-0000 and a portion of the property located at 4204-94-9912-0000.

*\*(Public Hearings Closed)\**

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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:**

- i. Buffers:
- ii. Collector Street Plan Update:
- iii. Comprehensive Land Use Plan Update:

**b. Planning Board Members Items:**

**7. Next Meeting:** August 4, 2015

**8. Adjournment:**

**PLANNING STAFF REPORT**  
**Zoning Map Amendment**

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**SUMMARY:**

**Case Number:** ZMA 11380  
**Hearing Date:** July 8, 2015– Planning Board  
August 24, 2015– Board of Commissioners  
**Applicant:** Paula Leick  
**Property Owner:** Marc A. Leick, et al

**Rezoning Proposal:** Paula Leick, applicant, on behalf of Marc A. Leick, et al, owner, is requesting approval of a Zoning Map Amendment for a general use rezoning for one (1) tract totaling one (1) acre from RA, Rural Agricultural zoning district to GB, General Business zoning district.

**Property Record Number, Acreage, and Location:** The subject property, recorded on Register of Deeds Map Book 1136 Page 206 (Exhibit 1), is located to the northwest of US HWY 117 approximately one thousand feet north of the intersection of Camp Kirkwood Road (SR 1318) and US HWY 117, and may be identified by Pender County PIN 3322-45-8395-0000.

**Administrator Recommendation:** As submitted, the request complies with all criteria set forth in Section 3.3.8 Review Criteria for Rezoning, of the Pender County Unified Development Ordinance and is not in conflict with the 2010 Comprehensive Land Use Plan. The Administrator respectfully recommends approval of the Zoning Map Amendment as described in the following report.

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**HISTORY:**

The subject property was zoned RA, Rural Agricultural zoning district in 2003 and maintained the RA, Rural Agricultural zoning designation with the adoption of the 2010 Pender County Unified Development Ordinance. From the time that zoning was adopted in Pender County in 1988, this parcel has always been zoned RA, Rural Agricultural zoning district.

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**DESCRIPTION:**

Paula Leick, applicant, on behalf of Marc A. Leick, et al, owner, is requesting approval of a Zoning Map Amendment for a general use rezoning of one (1) tract totaling one (1) acre from RA, Rural Agricultural zoning district to GB, General Business zoning district. The subject property is located to the northwest of US HWY 117 approximately one thousand feet north of the intersection of Camp Kirkwood Road (SR 1318) and US HWY 117, and may be identified by Pender County PIN 3322-45-8395-0000. The subject tract is vacant, wooded, and undeveloped.

The subject property meets the minimum lot size of 15,000 square feet and the minimum rezoning acreage requirement of one (1) acre per Section 4.14 Zoning District Dimensional Requirements of the Pender County Unified Development Ordinance, for the GB, General Business zoning district. Additionally, the subject property meets the requirement of Pender County Unified Development

Ordinance Section 4.14.3 as it is adjacent to a property that is currently zoned GB, General Business zoning district.

As shown on the aerial, the tract has direct access to US HWY 117 to the east. The subject property has access to Pender County Utilities water. According to Pender County Utilities, the subject property does not currently have access to sewer.

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## EVALUATION:

This Zoning Map Amendment request has been evaluated for compliance with the Pender County Unified Development Ordinance and the 2010 Pender County Comprehensive Land Use Plan, as well as the existing land uses and zoning classifications in the surrounding area. The Zoning Map Amendment does not conflict with any existing policies, land uses, or zoning classifications.

### **3.3.8 Review Criteria for Rezoning**

*The Planning Board and Board of Commissioners shall consider the following matters in considering a rezoning request:*

- A. *Whether the range of uses permitted by the proposed change would be appropriate to the area concerned (including not being detrimental to the natural environment, not adversely affecting the health or safety of residents or workers in the area, not being detrimental to the use or development of adjacent property, and not materially or adversely affecting the character of the general neighborhood);*
- B. *Whether adequate public facilities/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;*
- C. *Whether the proposed change is consistent with the County's Comprehensive Land Use Plan and CAMA Land Use Plan or any other adopted land use document.*
- D. *Whether the proposed amendment is reasonable as it relates to the public interest.*

**2010 Comprehensive Land Use Compliance:** The 2010 Comprehensive Land Use Plan designates the subject property "Rural Growth." Uses that would typically be allowed in Rural Growth areas include very low-density residential development (single-family site-built, modular, and manufactured homes) on one (1) acre or greater size lots; agriculture, forestry, churches; very limited non-residential uses— commercial, office, or public/institutional— meeting locational criteria. Locational criteria for non-residential uses in Rural Growth areas include frontage and access to a major State highway or secondary road, location at a major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development.

This Zoning Map Amendment request is consistent with one (1) goal and two (2) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. The following goals and policies within this plan may be relevant to the proposed Zoning Map Amendment:

**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.

**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.

**Policy 1A.1.5:** The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

**Unified Development Ordinance Compliance:** This is a general use rezoning, which will allow all uses permitted by-right in the GB, General Business zoning district as shown in Section 5.2.3 Permitted Use Table of the Pender County Unified Development Ordinance. According to Section 4.9.1 of the Pender County Unified Development Ordinance, the GB, General Business zoning district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

**Existing Zoning:** Adjacent properties to the north, east, and west are zoned RA, Rural Agricultural zoning district. To the south, four (4) consecutive parcels are zoned GB, General Business zoning district. A Zoning Map Amendment request for a general use rezoning of these four (4) parcels to the south from RA, Rural Agricultural zoning district to GB, General Business zoning district was approved by the Pender County Board of Commissioners in July and August of 2014, after the four (4) parcels were inadvertently affected by a zoning change in 2009 in which the tracts were reverted to RA, Rural Agricultural zoning district, from B-2, Business District (Highway).

**Existing Land Use:** The subject tract is vacant, wooded, and undeveloped. The property is bordered by a parcel one (1) acre in size containing a single-family home to the north, by vacant wooded parcels to the south and west, and by agricultural land across US HWY 117 to the east.

**Environmental Concerns:** According to FEMA Flood Insurance Rate Map Number 3720332200J Panel 3322 (adopted February 16, 2007) the tract is not located within any Special Flood Hazard Area (SFHA). Additionally there are no navigable waters on this property requiring compliance with CAMA regulations managed by the Division of Coastal Management.

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

Prior to any development on the subject property, all necessary local, state, and federal permits would be required.

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**Administrator Recommendation:** The application consists of a general use rezoning of one (1) tract, totaling one (1) acre from RA, Rural Agricultural zoning district to GB, General Business zoning

district. As submitted, the application is consistent with one (1) goal and two (2) policies of the 2010 Pender County Comprehensive Land Use Plan, with the Pender County Unified Developed Ordinance, and with other adopted planning documents. According to the 2010 Pender County Comprehensive Land Use Plan, locational criteria for non-residential uses in Rural Growth areas include frontage and access to a major State highway or secondary road, location at a major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development. The subject property may not meet the locational criteria of spatial separation from non-compatible uses such as existing residential development, as there is an adjacent parcel one (1) acre in size to the north that contains an existing single-family residential home. The subject property meets the locational criteria of including frontage and access to US HWY 117, a major highway, in addition to being located at the major rural intersection of Camp Kirkwood Road (SR 1318) and US HWY 117. The 2010 Pender County Comprehensive Land Use Plan does not provide a specific definition of "location at a major rural intersection." The subject property is located approximately one thousand feet north of the intersection of Camp Kirkwood Road (SR 1318) and US HWY 117. Four (4) parcels that are zoned GB, General Business zoning district, are located between the subject property and the intersection of Camp Kirkwood Road (SR 1318) and US HWY 117. Staff respectfully recommends approval for this general use rezoning.

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**Planning Board**

**Motion:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**Approved:** \_\_\_\_\_ **Denied:** \_\_\_\_\_ **Unanimous:** \_\_\_\_\_

Williams: \_\_\_ McClammy: \_\_\_ Fullerton: \_\_\_ Baker: \_\_\_ Edens: \_\_\_ Marshburn: \_\_\_ Nalee: \_\_\_

## APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 11380	Date	4-29-15
Application Fee	\$ 500 <sup>-</sup>	Receipt No.	150963
Pre-Application Conference	4-29-15	Hearing Date	PB - 7-7-15 BoCC 8-24-15
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Paula J. Leick	Owner's Name:	Marc and Paula Leick
Applicant's Address:	734 Beachwalk Dr	Owner's Address:	same
City, State, & Zip	Winnabow	City, State, & Zip	NC 28479
Phone Number:	910-512-6124	Phone Number:	
Legal relationship of applicant to land owner:			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3322-45-8395-0000	Total property acreage:	1
Current Zoning District:	RA	Proposed Zoning District:	commerical - GB
Project Address :	117 HWY Watha, NC		
Description of Project Location:	Approximately 1000' North of Camp Kirlwood Rd along US Hwy 117.		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	4/27/2015
Owner's Signature		Date:	4-27-15
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Rezoning Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.</li> <li>4. All fees are non-refundable</li> <li>5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda</li> </ol>			

## Rezoning/Zoning Map Amendment Checklist

<input checked="" type="checkbox"/>	Signed application form		
<input checked="" type="checkbox"/>	Application fee		
<input checked="" type="checkbox"/>	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.		
<input type="checkbox"/>	Two (2) business size envelopes legibly addressed with <b>first class</b> postage for each of the adjacent and abutting property owners on the above list.		
<input checked="" type="checkbox"/>	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.		
<input checked="" type="checkbox"/>	18 (11"x17") map copies to be distributed to the Planning Board		
<input checked="" type="checkbox"/>	20 (11"x17") map copies to be distributed to the Board of Commissioners		
<input checked="" type="checkbox"/>	Digital (.pdf) submission of all application materials		
<input checked="" type="checkbox"/>	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.		
<b>Office Use Only</b>			
<input checked="" type="checkbox"/>	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter)		Total Fee Calculation: \$ 500-
<b>Attachments Included with Application: (Please include # of copies)</b>			
CD /other digital version	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets	# of large
			# of 11X17
			Other documents/Reports
			<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
<b>Payment Method:</b>	<b>Cash :</b> <input type="checkbox"/> \$ _____	<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	<b>Check:</b> <input checked="" type="checkbox"/> Check # <u>6174</u>
<b>Application received by:</b>	<i>Anders H. Cing</i>		<b>Date:</b> 4-29-15
<b>Application completeness approved by:</b>	<i>Anders H. Cing</i>		<b>Date:</b> 4-29-15
Dates scheduled for public hearing:			
<input checked="" type="checkbox"/> <b>Planning Board:</b> 7-7-15			
<input checked="" type="checkbox"/> <b>Board of Commissioners:</b> 8-24-15			

**RETURN COMPLETED APPLICATION TO:**  
Pender County Planning & Community Development  
805 South Walker Street  
P.O. Box 1519  
Burgaw, NC 28425

**Print Form**

April 27, 2015

Pender County Planning Board  
805 S. Walker St.  
Burgaw, NC 28425

This is a request for approval of a Zoning Map Amendment for a general use rezoning of one tract of land of one (1 acre) from RA, Rural Agricultural, to GB, General Business District. The subject property is located on the northwest corner of the intersection of Camp Kirkwood Road (SR 1318) and US HWY 117, and is identified by the Pender County Pin 3322-45-8395-0000.

We were not made aware until July 2014 that the adjacent property owned by Melanie G. Herring and Keith Tatro, had been changed to GB, General Business that corrected a zoning change made back in 1999. We were never contacted in 1999 to the change in the rezoning of this property or the properties from the corner of Camp Kirkwood Road and US HWY 117. We were very surprised last year in receiving the Notice of Public Hearing stating that the Pender Planning Board was correcting an error made in 2009 - 2010 when four tracts, one of which is adjacent to ours, were inadvertently switched to RA, Rural Agricultural from GB, General Business. The planning board approved in September 2014 to correct this issue, which leaves Pin 3322-45-8223-0000 owned by Ms. Herring to B-2 Business next to our property that is zoned as RA, Rural.

Since a large commercial store/business can be constructed on the adjacent properties along with parking facility; this has now devalued our property for resale. We would not want to build a home on this parcel and would have a difficult time trying to sell as residential land.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Leick", with a large, stylized flourish extending to the right.

Paula Leick  
734 Beachwalk Dr.  
Winnabow, NC 28479  
PH: 910-512-6124

SATISFACTION: The debt secured by this Deed of Trust, as evidenced by the note or other document secured thereby, has been satisfied in full. This the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Signed:

*Alan Solana*

Mail after recording to:

**CANCELLED OF RECORD**  
The day/year shown by date/time stamp hereon affixed.  
**JOYCE M. SWICEGOOD**

FILED  
MAY 17 PM 3 41  
PENDER COUNTY, NC

PAID AND SATISFIED  
July 25 01  
BRANCH BANKING AND TRUST CO.  
ZWENN L MICOLS  
BY *Sumner Nichols*  
AUTHORIZED SIGNATURE  
PSA

This instrument was prepared by:

*Joyce M. Swicegood*  
Lawrence S. Swicegood

Recording: Time, Book and Page

Brief description for index:

REGISTER OF DEEDS  
PENDER COUNTY, NC

Union Township Property

# NORTH CAROLINA (FUTURE ADVANCE) DEED OF TRUST

(Collateral is or Includes Fixtures)

THIS DEED OF TRUST AND SECURITY AGREEMENT ("Deed of Trust") is made as of this 17th day of May, 19 96 by and between:

GRANTOR (Include Address)

Marc A. Leick and wife, Paula J. Leick

PO Box 2148

Carolina Beach, NC 28428

TRUSTEE

Jerome C. Herring, a resident of North Carolina

BENEFICIARY

BRANCH BANKING AND TRUST COMPANY, a North Carolina state banking corporation P.O. Box 1255, Winston-Salem, NC 27102-1255

IF BOX CHECKED, THIS DEED OF TRUST SECURES AN OBLIGATION INCURRED FOR THE CONSTRUCTION OF AN IMPROVEMENT ON LAND.

THE FOLLOWING INFORMATION APPLIES TO THIS DEED OF TRUST:

1. The maximum principal amount of the Debt (defined below), including present and future advances, secured by this Deed of Trust is Nine thousand dollars and no/100-----

(\$ 9,000.00 ) Dollars.

2. The Debt, on the date hereof, is evidenced by a Note and/or other Document described by name, parties, dollar amount and date as follows:

Note dated May 17, 1996 in the amount of \$ 9,000.00

executed by Marc A. Leick and wife, Paula J. Leick

and may be evidenced by and shall be at all times deemed to include, any and all other notes or other Documents now or hereafter evidencing any debt whatsoever

NORTH CAROLINA  
PENDER COUNTY

### NOTICE OF SATISFACTION

THE ORIGINAL OF THIS INSTRUMENT WITH THE NOTES OR BONDS SECURED THEREBY HAVING THIS DAY BEEN EXHIBITED TO THE UNDERSIGNED HAVE BEEN MARKED "PAID AND SATISFIED" by the BENEFICIARY &/or by/through its AUTHORIZED AGENT/OFFICER as stated hereon.

AS REQUIRED BY LAW THE SAME IS HEREBY CANCELLED OF RECORD BY VIRTUE OF G.S. 45-37 the day and year stated on the filing stamp to the left hereof.

JOYCE M. SWICEGOOD-REGISTER OF DEEDS  
PENDER COUNTY, NC

BY *Paul L. Swicegood*

FILED

01 SEP 17 PM 1:45

JOYCE M. SWICEGOOD  
REGISTER OF DEEDS  
PENDER COUNTY, NC

BK 1756 PG 166

IN TESTIMONY WHEREOF, the above corporate Grantor has caused this instrument to be executed in its corporate name by its \_\_\_\_\_ President, \_\_\_\_\_ Secretary, attested by its \_\_\_\_\_ Secretary, and its corporate seal to be hereto affixed all by the lawful order of its Board of Directors first duly given, with this sealed instrument being delivered on the date first above written.

\_\_\_\_\_  
(CORPORATE NAME)  
By: \_\_\_\_\_ President

By: \_\_\_\_\_

ATTEST: \_\_\_\_\_ Secretary  
(CORPORATE SEAL)

IN TESTIMONY WHEREOF, each individual Grantor **EXHIBIT 1** set his hand and adopted as his seal the word "SEAL" appearing beside or near his signature, this sealed instrument being executed and delivered on the date first above written.

Grantor: Marc A. Leick (SEAL)

Grantor: Paula J. Leick (SEAL)

Grantor: \_\_\_\_\_ (SEAL)

Grantor: \_\_\_\_\_ (SEAL)

IN TESTIMONY WHEREOF, the above partnership Grantor, Limited Liability Company, or Limited Liability Partnership has caused this instrument to be executed in the appropriate company or partnership name by duly authorized general partner(s) or managers, and has adopted as its seal the word "SEAL" appearing beside its name, this sealed instrument being executed and delivered on the date first above written.

\_\_\_\_\_  
NAME OF PARTNERSHIP, LLC, OR LLP (SEAL) By: \_\_\_\_\_ (SEAL)  
Title: \_\_\_\_\_

By: \_\_\_\_\_ (SEAL) Title: \_\_\_\_\_  
Title: \_\_\_\_\_

SEAL STAMP STATE OF NORTH CAROLINA, COUNTY OF Pender  
Cynthia R. Fennell a Notary Public, do hereby certify that  
Marc A. Leick and wife, Paula J. Leick Grantor,  
personally appeared before me this day and acknowledged the execution of this Deed of Trust.  
CYNTHIA R. FENNELL NOTARY PUBLIC  
Witness my hand and official stamp or seal, this 17th day of May, 19 96  
My Commission Expires: 11-20-99  
Cynthia R. Fennell  
NOTARY PUBLIC

SEAL STAMP STATE OF NORTH CAROLINA, COUNTY OF \_\_\_\_\_  
I, \_\_\_\_\_ a Notary Public, do hereby certify that \_\_\_\_\_ Grantor,  
personally appeared before me this day and acknowledged the execution of this Deed of Trust.  
Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
NOTARY PUBLIC

SEAL STAMP STATE OF NORTH CAROLINA, COUNTY OF \_\_\_\_\_  
I, \_\_\_\_\_ a Notary Public, do hereby certify that \_\_\_\_\_  
personally appeared before me this day and acknowledged that he/she is/are \_\_\_\_\_ (indicate whether general partners or managers) of \_\_\_\_\_,  
a \_\_\_\_\_, and further acknowledged the due execution of this Deed of Trust on behalf of the \_\_\_\_\_.  
Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
NOTARY PUBLIC

SEAL STAMP STATE OF NORTH CAROLINA, COUNTY OF \_\_\_\_\_  
I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, North Carolina, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that \_\_\_\_\_ he is \_\_\_\_\_ Secretary of \_\_\_\_\_, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_ President, sealed with its corporate seal, and attested by \_\_\_\_\_ self as its Secretary.



RETAIL NOTE AND SECURITY AGREEMENT

CUSTOMER NUMBER 225-001554 EXHIBIT 1

NOTE NUMBER 9003

DATE MAY 17, 1996

CREDITOR: BRANCH BANKING AND TRUST COMPANY, POST OFFICE BOX 1626, WILSON, NORTH CAROLINA 27894

DEBTOR(S): MARC A LEICK and PAULA J LEICK

(In this Retail Note and Security Agreement (also called Contract) the words, I, me, my, mine and us mean each and all of those signing the Contract. The words you, your, and yours mean Branch Banking and Trust Company.) In return for a loan that I have received from you, I promise to pay to your Order at the office in the above city the amount of:

NINE THOUSAND DOLLARS & 00/100

U.S. \$ 9,000.00 (the "principal"), plus interest on the unpaid principal from the date of this Contract at the yearly (choose one only):

[X] FIXED RATE OF 8.625 %; OR

[ ] VARIABLE RATE OF % TO BE ADJUSTED (THE INITIAL RATE)

BASED UPON

BY

PAID AND SATISFIED
July 25 2001
BRANCH BANKING AND TRUST CO
WILSON, NC
BY [Signature]
AUTHORIZED REPRESENTATIVE

together with insurance charges and LATE CHARGES if any, according to the Payment Schedule and other Contract terms as set forth below in the Special Regulation Z Truth in Lending Disclosure Box (herein Special Regulation Z Disclosures) and according to other Note terms as provided below:

Interest: Interest will be charged on that part of the principal which has not been paid and unless I have the right to rescind, will be charged beginning on the date of this Note and continuing until the full amount has been paid.

[ ] If checked here, I have the right to rescind this loan. If I choose not to do so, I understand my interest charges will begin to accrue on

Security for Payment and Performance. To protect you if I default in the payment or performance of any obligation arising under the terms of the Contract, I grant you a security interest in certain property and in all additions, accessions, parts, and equipment attached to property and in all substitutions, along with any proceeds of the property (hereinafter collectively referred to as "Collateral") as described below:

[X] If checked here, I have given you a security interest in certain personal property as described in a separate Assignment or Security Agreement ("Security Agreement") and/or I have executed a mortgage or deed of trust ("Mortgage") in favor of you which when recorded will be a lien on real property described in that document.

[ ] If checked here, I have given you a security interest in certain personal property as described below.

Collateral Description:

YEAR MAKE TYPE BODY MODEL SERIAL NUMBER(S) MOBILE HOME SIZE BEDROOMS

OTHER

Except as to any collateral Borrower(s) now use or are purchasing to use as Borrower(s)' principal dwelling (such as a mobile home), this security interest shall also secure any other outstanding or future debts of Borrower(s) to Bank. The collateral will normally be kept at this address:

If the property is affixed or is to be affixed to real estate, the real estate is described as follows: and the record owner is:

SPECIAL REGULATION Z DISCLOSURES

Table with 5 columns: ANNUAL PERCENTAGE RATE (8.74%), FINANCE CHARGE (\$4,505.40), Amount Financed (\$8,955.00), Optional Group Credit Insurance, Total of Payments (\$13,460.40)

MY PAYMENT SCHEDULE WILL BE: Number of Payments (120), Amount of Payments (\$112.17), When Payments Are Due (Monthly beginning JUNE 16, 1996)

SECURITY: I am giving a security interest in:

[X] The goods or property being purchased. [ ] Other

FILING FEES \$ 20.00

PREPAYMENT: If I pay off early, I will not have to pay a penalty. However, I understand that I will not be entitled to a rebate of my prepaid Finance Charges.

Collateral securing other loans may also secure this loan.

[X] DEMAND FEATURE: If checked here, my loan has a demand feature.

LATE CHARGE: If a payment or any part of a payment is past due 15 or more days after the due date, I will be charged 4% of the amount of the payment past due. When an installment payment is past due 15 or more days, subsequent payments will first be applied to the past due balance.

VARIABLE RATE: [ ] If checked here, my loan contains a variable rate feature and is secured by my principal dwelling. Disclosures about the variable rate feature have been provided to me earlier.

[ ] If checked here, my loan contains a variable rate feature, but is not secured by my principal dwelling or is secured by my principal dwelling but has a maturity of one year or less. The ANNUAL PERCENTAGE RATE may increase or decrease on my loan as the increases or decreases.

My rate will not change more often than and it will not increase above %; nor decrease below %.

Any increase in rate will result in higher payments, or additional payments, or higher final payment. (See HYPOTHETICAL VARIABLE RATE EXAMPLES below.) ASSUMPTION NOTICE: If this loan finances the purchase of property to be used as my principal dwelling, someone buying my dwelling cannot assume the remainder of this loan under the original terms.

Information about nonpayment, default, any required repayment in full before the scheduled date, and prepayment refunds and penalties appears in my contract document.

E means an estimate (If a box [ ] is not checked that term does not apply.)

"EXHIBIT A"

BK 1136PS205

Located in Union Township, Pender County, N.C. adjacent to and West of the Western Right-of-Way line of U.S. Highway No. 117 and being more fully described as follows, to wit:

BEGINNING at an iron pipe in the Western Right-of-Way line of U.S. Highway No. 117, said iron pipe being located along said line at a point that is the following courses and distances from N.C. GRID MONUMENT "TWIN": South 44 degrees 24 minutes 51 seconds West 191.32 feet and South 04 degrees 25 seconds 57 minutes West 562.03 feet to the BEGINNING; and running thence, from the BEGINNING, so located,

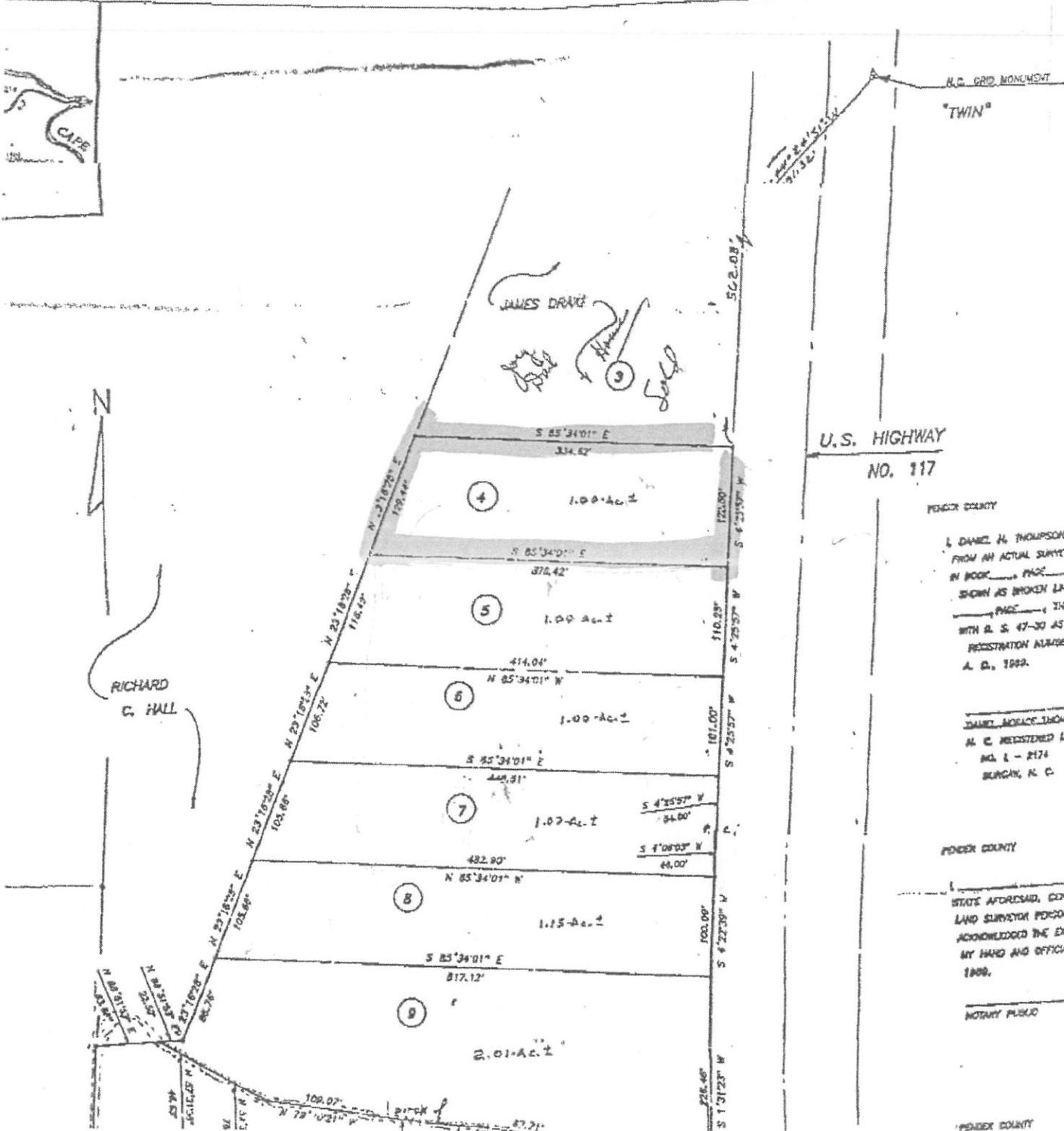
- (1) with the Western Right-of-Way line of U.S. Highway No. 117, South 04 degrees 25 minutes 57 seconds West 122.50 feet to an iron pipe in line; thence,
- (2) North 85 degrees 34 minutes 01 seconds West 376.42 feet to an iron pipe in the Richard C. Hall line; thence,
- (3) with said line North 23 degrees 16 minutes 28 seconds East 129.44 feet to an iron pipe in line; thence,
- (4) South 85 degrees 34 minutes 01 seconds East 334.62 feet to the BEGINNING,

containing 1.00 acres more or less and is as surveyed by Thompson Surveying Company, P.A. of Burgaw, N.C. during May 1991.

As a reference to the above described tract see Book \_\_\_\_\_, Page \_\_\_\_\_ of the Pender County Registry.

THIS conveyance is made expressly subject to the following restrictive covenants:

1. Property restricted to single-family homes containing at least 1350 square feet heated space.
2. No mobile homes (single or double-wide) shall be placed upon said lots.
3. Lot owners may keep and maintain dogs and cats on said lots, but shall be kept to a maximum of five (5) dogs and/or five (5) cats.
4. No junk vehicles, junk or debris shall be allowed on any lot.



RICHARD  
C. HALL

JAMES DRIVE

*Handwritten notes:*  
 9  
 Sold

N.C. GRID MONUMENT  
 "TWIN"

U.S. HIGHWAY  
 NO. 117

PERDIX COUNTY

I, DANIEL H. THOMPSON,  
 FROM AN ACTUAL SURVEY  
 IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 SHOWN AS BROKEN LINE  
 \_\_\_\_\_ PAGE \_\_\_\_\_ THIS  
 WITH D. S. 47-30 AS  
 REGISTRATION NUMBER  
 A. G., 1992.

DANIEL MORICE THOM  
 M. E. REGISTERED L.  
 NO. 1 - 2174  
 BUNN, N. C.

PERDIX COUNTY

STATE AFORESAID, COX  
 LAND SURVEYOR PERDIX  
 ACKNOWLEDGED THE EX  
 BY HAND AND OFFICE  
 1998.

NOTARY PUBLIC

PERDIX COUNTY



**Applicant:**  
Paula J. Leick

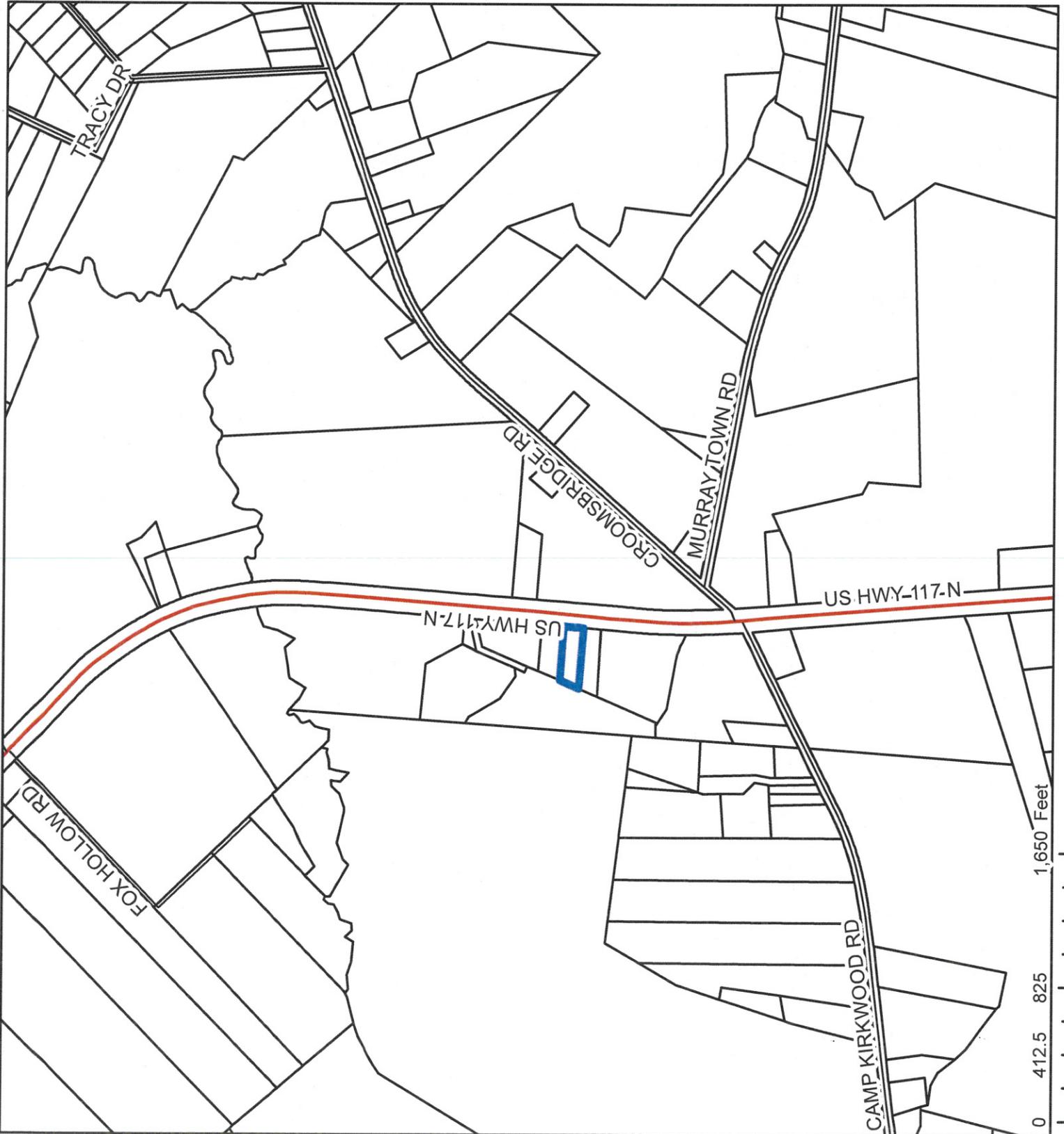
**Owners:**  
Mark A, Leick et. al.

**Case #11380**  
General Use Rezoning

**Legend**  
 Subject Property



**VICINITY**





**Applicant:**  
Paula J. Leick

**Owners:**  
Mark A, Leick et. al.

**Case #11380**  
General Use Rezoning

**Legend**

 Subject Property

**UDO Zoning**

-  GB, General Business
-  O&I, Office & Institutional
-  PD, Planned Development
-  RA, Rural Agricultural
-  RP, Residential Performance



**CURRENT ZONING**



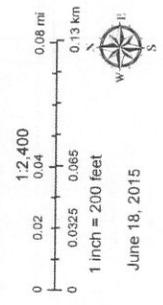


**Pender County**

**PIN:** 3322-45-8395-0000  
**Owner:** LEICK MARC A et al  
 734 BEACHWALK DR.  
 WINNABOW, NC 28479  
**Deed Ref:** 1136/203  
**Property Address:** 117 HWY  
**Description:**

**Sale Price:** \$10,000  
**Sale Date:** 1996-05-17  
**Plat:** NOPLAT  
**Account No:** 48614  
**Township:** UNION  
**Subdivision:**  
**Tax Codes:** G01 F27 R40  
**NBRHD:** 9000

**Acres:** 1  
**Land Value:** \$15,000  
**Building Value:** \$0  
**Total value:** \$15,000  
**Deferred Value:** \$0  
**Exempt Amount:**  
**PCL Class:** R  
**Heated Sq Feet:**



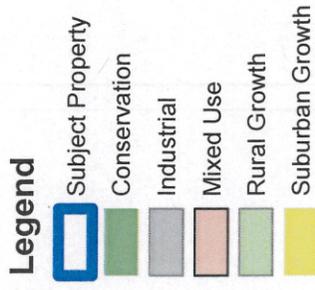
June 18, 2015



**Applicant:**  
Paula J. Leick

**Owners:**  
Mark A, Leick et. al.

**Case #11380**  
General Use Rezoning



**FUTURE  
LAND USE**





**Applicant:**  
Paula J. Leick

**Owners:**  
Mark A, Leick et. al.

**Case #11380**  
General Use Rezoning

**Legend**



Subject Property



**2012**  
**AERIAL**



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

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**SUMMARY:**

**Hearing Date:** July 7, 2015

**Applicant:** Signature Top Sail NC, Ltd.

**Property Owner:** Signature Top Sail NC, Ltd. And Jeffery Morris et. al.

**Case Number:** 11035 MDP-R2

**Development Proposal:** Signature Top Sail NC, Ltd. applicant, on behalf of Signature Top Sail NC, Ltd. and Jeffery Morris et al. al., owners, is requesting a revision to the previously approved Master Development Plan known as Wyndwater. Specifically this request is to:

1. Increase the overall project area to include approximately  $\pm$  6.2 acres from the adjacent parcel to the northeast (Pender County PIN:4204-94-9912-0000);
2. Increase the overall project density from 2.72 to 3.1 units per acre;
3. Add attached duplex housing type;
4. Reduce the lot size from originally approved 12,000 sq. ft. to 5,000 sq. ft. for lots to be serviced by regional sewer;
5. Change location of Emergency Access to Doral Drive from Phase II to Phase III.

Wyndwater consists four of (4) residential phases and future residential and commercial phases on  $\pm$ 150.78 acres. All elements and phases, both recorded and future development is included in this Master Development Plan Revision.

**Property Record Number, Acreage, and Location:** The Master Development Plan revision consists of  $\pm$ 150.78 acres located on the former Topsail Greens Golf Course; to the north of Doral Drive (SR 1693), northwest of Sloop Point Loop Road (SR 1563), south of the conditionally approved Cardinal Pointe Master Development Plan(Case 11067) and east of US Highway 17 in Hampstead. The subject properties may be further identified by Pender County PINs: 4214-12-4590-0000and 4204-94-9912-0000. The properties are zoned PD, Planned Development zoning district.

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**RECOMMENDATION**

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with seven (7) policies and conflicting with no policies in the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance. The request is consistent with other approved planning documents; therefore Planning Staff recommends the approval of the Master Development Plan Revision request as detailed in the report. Any and all future development, as well as all phases or changes to the Master Development Plan are subject to Planning Board review and approval

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**HISTORY**

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

On November 12, 2013 the Pender County Planning Board approved the Master Development Plan then known as The Oaks at Sloop Point, now known as Wyndwater. Phase I (42 single family lots) was recorded on November 4, 2014 (Map Book 57, Page 14). Phase II (62 single family lots) Preliminary Plat public hearing was May 6, 2014 and the Planning Board approved the proposal. Phase II has not been recorded; this portion consists of ±28.35 acres for which the developer is working towards Final Plat approval.

At their January 6, 2015 meeting, the Planning Board voted unanimously to pass a motion to approve the Master Development Plan for Wyndwater with the proposed revision; of a zero lot line side yard setback as well as a C-1 Type buffer along the Northern and Southern property bounds with flexibility to allow for a C-4 Type buffer to allow for neighborhood cohesiveness.

## MASTER DEVELOPMENT PLAN

### Non-Residential

Currently the non-residential portion of the project is identified as “Commercial” approximately 4.50 acres is located on the western side of the subject property adjacent to US HWY 17. Any non-residential uses and phasing must be approved by the Planning Board as applicable.

### Residential

#### *Density*

In total, Wyndwater was approved with a net density of 2.72 units per acre. The request is to revise the density to 3.1 units per acre. 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 Master Development Plan submittal.

#### Overall Density

	Previous Approval	Current Request
<b>Total Acreage</b>	143	150.78
Non-Residential Acreage	1.34	4.50
Wetlands Acreage	3.24	2.48
Right-of-Way Acreage		20.35
Open Space Acreage	5.55	10.50
	Active	5.25
	Passive	5.25
Total Units	185	350
	<i>Developable Land</i>	112.95
	<i>Net Density</i>	3.1

#### *Total Requested Lots*

The original Wyndwater Master Development Plan included 185 lots. The current submittal for Master Development Plan revision includes 350 lots on the subject property and a portion of the adjacent property.

#### **Lot Requirements**

As outlined in the Unified Development Ordinance, Section 4.8.1.D the Master Development Plan established the required lots sizes, yard setbacks, and building height. Building height was previously approved at thirty-eight (38) feet; there is no requested change to height.

Minimum lot size was originally approved at 12,000 sq. ft. the developer is requesting a minimum of 5,000 sq. ft. for lots serviced by the regional sewer.

#### *Single-Family Detached*

The applicant was approved and is not requesting a change to the following yard setbacks:

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

#### *Single-Family Attached Duplex*

The applicant is proposing single-family attached duplex residential units in future residential phases with the following yard setbacks:

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

#### **Landscaping & Buffers**

All landscape and buffers are to be approved in accordance with Section 8.2.8, Project Boundary Buffer of the Pender County Unified Development Ordinance. In multi-family and Planned Developments a Buffer A is required along all boundaries adjacent to a street. 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. The buffers shown on the MDP revision are in compliance with the Pender County Unified Development Ordinance. The specific type of the buffer will be determined during the Preliminary Plat public hearing.

#### **Open Space**

Per the Pender County Unified Development Ordinance Section 7.6, all proposed residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision; half of which must be designated active open space.

The required open space for the subdivision is  $\pm 10.50$  acres. Currently  $\pm 10.50$  acres of open space will be provided in this proposal with  $\pm 5.25$  acres to be dedicated as passive open space and  $\pm 5.25$  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.

**Recreational Units**

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

The applicant was approved with the concept of a payment in lieu of installation of the recreation units; which will be required prior to the recordation of the each phase. All future development will be evaluated for open space and recreational units at the time of submittal.

The applicant is working with Planning Staff and the Wilmington Metropolitan Planning Organization (WMPO) on a Surface Transportation Program-Direct Appointment (STP-DA) Funds submittal for the construction of a sidewalk along Doral Drive (SR 1693). If awarded funds, Pender County is responsible for 100 percent of the actual project costs up front and any additional funding which exceeds the submitted estimations. The minimum local match required on all STP-DA projects is twenty (20) percent.

In this case, the local cash match funding shall be taken from the required recreation payment from recorded phases in Wyndwater per Section 7.6.2 of the Pender County Unified Development Ordinance. The developer has agreed to cover any costs associated with project overages and will enter into a formal agreement prior to any funds expended. The additional eighty (80) percent reimbursements will come from the NCDOT. This proposed facility is intended to connect the Wyndwater subdivision via Doral Drive (SR 1693) to Hampstead Kiwanis Park with a sidewalk in the reserved NCDOT right of way; and the Safe Routes to School multi-use pathway along Sloop Point Loop (SR 1563) ultimately terminating at N. Topsail Elementary School (Attachment 1 and 2).

If this proposal is unsuccessful staff will work with both the Planning Board and the developer to ensure compliance with the recreational unit requirement.

**Roadways***Public Roadways*

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

During the TRC review process the NCDOT commented that there will need to be a revision to the driveway permit prior to construction of Phase III based on the total number of units serviced by the driveway to Sloop Point Loop Road (SR 1563).

Roadways submitted on this Master Development Plan revision are a new proposed network for Phase III and Phase IV. The original Master Development Plan submittal did not include roadways throughout the entire project area; rather this was identified as "future development". The existing roadways from Phase I and Phase II remain consistent with the previous approvals.

### *Private Roadways*

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. The proposed private right-of-ways are identified on the Master Development Plan at forty (40) feet in width; which will meet the NCDOT standards as outlined in the 2010 Subdivision Manual with a curb and gutter section.

Per Emergency Managements and the Wilmington Metropolitan Planning Organization (WMPO) TRC comments, all radii are requested be a minimum of forty (40) feet to accommodate the fire apparatus and school bus turning radius. The applicant shall adhere to all TRC requirements.

### **Street Connectivity and Access**

The PD, Planned Development zoning district per Section 4.8.1.E district requires reasonable access to be provided to adjacent properties for development. Adequate connections to adjacent parcels will promote interconnectivity 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.

The first condition of the Planning Board's original approval was; *Provide connection to adjacent property for future development to the northwest of the subject property (documented under case #11067 Cardinal Pointe, as submitted to Planning Board in December 2013)*. The applicant has provided connections to adjacent property Cardinal Pointe Master Development Plan (Case # 11067). As a portion of the original Cardinal Pointe Master Development Plan is now included in the Wyndwater Master Development Plan revision, the connections shall be re-examined. Coordination between the applicant and the adjacent property owner shall be necessary to ensure interconnectivity.

The Wyndwater road network, as shown on (Attachment 3) provides two (2) connections to the adjacent property to the northwest. One connection is a stub for future development, and the second is a temporary cul de sac.

The temporary cul de sac shown on the western portion of the Master Development Plan (PG C-3.2 of Site Plan and Attachment 3) shall be abandoned at the time of the adjacent parcel development; the roadway connecting Wyndwater and Cardinal Pointe shall be built to collector street standards as outlined in Section 7.5.3.C. Coordination between the applicant and the adjacent property owner shall be necessary to ensure interconnectivity.

Additionally, a second roadway connection shall be shown to the adjacent parcel (PIN: 4204-94-9912-0000 and identified as the Cardinal Pointe Master Development Plan Case # 11067). These connections shall be further delineated in each phase submittal for review and approval (Attachment 4).

Per the Planning Board's previous condition two; *Provide connection to identified "Capstone Property" identified by Pender County PIN 4214-22-7567-0000* the applicant has satisfied this criteria with the extension of W. Craftsman Way further to the North to the "Capstone Property" for future development connections.

The third condition was; *Allow for "alternative" design for alleyway as shown on Master Development Plan submittal page C-3.4*. The alternative design was recorded on Map Book 57, Page 14 at the Register of Deeds as an access easement in Phase I.

The fourth condition; *Allow for emergency access along the connection to Doral Drive (SR 1693)* was originally shown in Phase II for the safety and well-being of the home owners in the development. The developer has since requested that this emergency access be moved to the next phase of the development and provided to the same standards as required by Emergency Management (Attachment 4). The

Technical Review Committee meeting provided insight on this change. The Fire Marshal agreed that the same standards would be met and same safety measures would be in place for citizens if the connection was provided in Phase III as requested. It is the Planning Board's discretion if this change shall be approved.

### **Traffic**

An examination of traffic impact on the existing road network surrounding the subject properties must be updated. This will require in coordination with NCDOT and the Wilmington Metropolitan Planning Organization (WMPO). At this time a Traffic Impact Analysis is required; the developer must submit this document prior to the completion of any future phases. The TIA will determine what improvements are necessary to the existing roadway network.

### **Pedestrian Access**

The Coastal Pender Collector Street Plan recommends five (5) foot sidewalks on both sides of the collector streets which are well connected to all sidewalks and walkways internal to adjacent developments. The applicant proposed a pedestrian easement on the main collector road in the subdivision (West Craftsman Way). As the applicant is working on Phase II, the sidewalk has not been constructed.

The Doral Drive (SR 1693) emergency access connection and pedestrian facility has not been constructed and it is requested to be included in Phase III. The internal pedestrian connectivity from the Wyndwater neighborhood will connect into the planned STP-DA sidewalk along Doral Drive (SR 1693), and the awarded North Carolina Safe Routes to School pedestrian path connecting North Topsail Elementary and Hampstead Kiwanis Park (Attachment 1 and 2).

Wyndwater's proposal adequately meets the Coastal Pender Collector Street Plan intent to promote viable pedestrian connections. However, it should be noted that these facilities are not complete at this time.

### **Services (Wastewater/Water)**

Wyndwater was approved with traditional on-site septic which is subject to review and approval by the Pender County Environmental Health Department. Phase I wastewater is treated by individual on-site septic systems.

An intent to service letter was provided by the applicant on behalf of Pluris (Attachment 5). The original wastewater approval is for forty (40) single family residences but may be increased to 210 single family residences as Pluris accepts future capacity. The applicant shall work directly with Pluris and the County for wastewater approvals to service future development phases.

Phase II Preliminary Plat was originally approved by the Planning Board to include only on-site septic systems. As the wastewater feasibility to connect to the regional sewer provider has become available the developer requests that a portion of Phase II be serviced by the Pluris sewer system, with the remaining lots on traditional on-site systems.

An evaluation of future phases and their wastewater shall be included as each Preliminary Plat is reviewed for compliance.

Public water connection to Pender County Utilities was previously approved for Phase I. As Phase II is working toward completion, both Pender County Utilities Department is working closely with the applicant to satisfy applicable requirements.

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## Environmental Concerns

The Master Development Plan area does contain portions of environmentally sensitive areas including wetlands and floodplains.

### *Wetlands*

There are ±2.48 acres of wetlands on the Master Development Plan area, as shown on a wetland declination submitted to the Army Corps of Engineers. Any development within these areas may be subject to the permit requirements of Section 404 of the Clean Water Act. A Jurisdictional Determination of the Wetlands has been conducted by the Army Corps of Engineers and submitted for Planning Staff review.

### *Flood*

A portion of the subject property located directly east of US 17 that is located within the "Approximate Zone A" Special Flood Hazard Area, according to the 2007 Flood Insurance Rate Maps (FIRMs), Map Number 3720420400J, Panel Number 4204. This was the established flood zone at the time of the original Master Development Plan approval. However, with the preliminary FIRMs released this year, to serve as the best available data it appears that the amount of the parcel in the "Approximate Zone A" was reduced and the subject property contains "Zone AO" with an established depth of two (2) feet on Panel 4204. All development in these areas will require re-examination at the time of development submittal in accordance with the best available flood data.

### *CAMA*

After a preliminary analysis, it appears there are no 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.

### *Tree Survey*

The PD, Planned Development zoning district requires a tree survey to be submitted prior to the Final Preliminary Plat approval, the applicant shall be required to update the tree survey due the expansion of the subject property.

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

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## Technical Review Committee (TRC) Responses:

On Tuesday June 9, 2015 the Pender County Technical Review Committee reviewed the Master Development Plan known as Wyndwater. The responses collected can be seen in Attachment 6.

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## 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 properties are 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 district allows projects of innovative design and layout that would not otherwise be permitted under this Ordinance because of the strict application of zoning district or general

development standards. The PD district encourages progressive land planning and design concepts. The properties to the north and east are zoned RP, Residential Performance zoning district and the properties to the south and west are zoned PD, Planned Development zoning district.

**C) Existing Land Use in Area:** This proposal is located within the area previously known as the Topsail Greens Golf Course and the adjacent parcel which is currently vacant. To the north of the property is the existing Topsail Greens Community. The properties immediately northeast are low density residential housing communities, Sloop Point South and Cardinal Acres Manufactured Home Park. Along the immediate southern and western boundary is a low density residential subdivision called Greenway Plantation and moderate density multifamily (Vista Cove).

**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, 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.

The request is consistent with seven (7) policies from the 2010 Pender County Comprehensive Land Use Plan and conflicts with none.

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### Previous Conditions

At the November 12, 2013 Public Hearing for the Master Development Plan for The Oaks at Sloop Point, now known as Wyndwater, the following conditions were required of all phases of the development (Attachment 7):

*1. Provide connection to adjacent property for future development to the northwest of the subject property (documented under case #11067 Cardinal Pointe, as submitted to Planning Board in December 2013);*

The applicant has provided connections to adjacent property Cardinal Pointe Master Development Plan (Case # 11067). As a portion of the original Cardinal Pointe Master Development Plan is now included in the Wyndwater Master Development Plan revision, the connections shall be re-examined. Coordination between the applicant and the adjacent property owner shall be necessary to ensure interconnectivity.

The Wyndwater road network, as shown on Attachment 3 provides two (2) connections to the adjacent property to the northwest. One connection is a stub for future development, and the second is a temporary cul de sac.

*2. Provide connection to identified "Capstone Property" identified by Pender County PIN 4214-22-7567-0000;*

Phase II identifies an adjacent right of way connection satisfying this criteria. The applicant has provided documentation of proposed connections (Attachment 4) to the "Capstone Property."

*3. Allow for "alternative" design for alleyway as shown on Master Development Plan submittal page C-3.4; and*

The alternative design was recorded on Map Book 57, Page 14 at the Register of Deeds as an access easement in Phase I.

*4. Allow for emergency access along the connection to Doral Drive (SR 1693).*

This requirement was originally shown in Phase II for the safety and well-being of the home owners in the development. The developer has since requested that this emergency access be moved to the next phase of the development and provided to the same standards as required by Emergency Management. The Technical Review Committee meeting provided insight on this change. The Fire Marshal agreed that the same standards would be met and same safety measures would be in place for citizens if the connection was provided in Phase III as requested. It is the Planning Board's discretion if this change shall be approved.

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### Potential Approval Conditions

5. The temporary cul de sac shown on the western portion of the Master Development Plan (PG C-3.2 of Site Plan) shall be converted to a through roadway at the time of the adjacent parcel development; the roadway connecting the Wyndwater and Cardinal Pointe shall be built to collector street standards as outlined in Section 7.5.3.C. Coordination between the applicant and the adjacent property owner shall be necessary to ensure interconnectivity.

6. Additional to the condition five (5), a second roadway connection shall be shown to the adjacent parcel (PIN: 4204-94-9912-0000 and identified as the Cardinal Pointe Master Development Plan Case # 11067). These connections shall be further delineated in each phase submittal for review and approval.

---

**Requested Revisions**

The requests before the Board this evening are to approve a Master Development Plan revision to include:

1. Increase the overall project area to include approximately  $\pm$  6.2 acres from the adjacent parcel to the northeast (PIN:4204-94-9912-0000);
2. Increase the overall project density 2.72 to 3.1 units per acre;
3. Add attached duplex housing type;
4. Reduce the lot size from originally approved 12,000 sq. ft. to 5,000 sq. ft. for lots to be serviced by regional sewer;
5. Change location of Emergency Access to Doral Drive from Phase II to Phase III.

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**STAFF RECOMMENDATION**

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with seven (7) policies and conflict with no policies included in the 2010 Pender County Comprehensive Land Use Plan and Pender County Unified Development Ordinance, as well as, other approved planning documents. Therefore Planning Staff conditionally recommends the approval of the Master Development Plan Revision requests as detailed in the report for the development known as Wyndwater. Any and all future development, phases or changes to the Master Development Plan are subject to the Planning Board review and approval.

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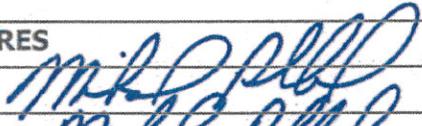
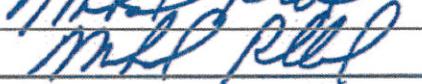
**BOARD ACTION FOR MASTER DEVELOPMENT PLAN:**

**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 11035 MDP Revision	Date	5-26-15
Application Fee	\$ 250 (Revision)	Receipt No.	151254
Pre-Application Conference		Hearing Date	TRC 6-09-15 / 7-7-2015 <sup>Planning Board</sup>
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	Signature Pender County NC, LP	Owner's Name:	Signature Pender County NC, LP
Applicant's Address:	9337B Katy Freeway #377	Owner's Address:	9337B Katy Freeway #377
City, State, & Zip	Houston, Texas 77024	City, State, & Zip	Houston, Texas 77024
Phone Number:	713-822-3891	Phone Number:	713-822-3891
Legal relationship of applicant to land owner: Owner			
<b>SECTION 2: PROJECT INFORMATION</b>			
Type of Master Development Plan	<input type="checkbox"/> Residential <i>RP, PD, RM MH District</i>	<input type="checkbox"/> Commercial <i>GB, OI, IT, GI District</i>	<input checked="" type="checkbox"/> Mixed Use <i>PD</i>
Property Identification Number (PIN):	4214-12-8251-0000	Total property acreage:	150.78
Zoning Classification:	PD	Acreage to be disturbed:	145.75
Project Address :	1040 Topsail Greens Drive		
Description of Project Location:	Project is located between Hwy 17 & Sloop Point Loop Road		
Describe activities to be undertaken on project site:	Development of Residential Lots & Future Commercial Sites		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature		Date:	5-18-15
Owner's Signature		Date:	5-18-15

### 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

**MDP Fees:** (\$500.00 plus \$10/acre for the first 100 acres \$5/acre thereafter) *MDP Revision* **Total Fee Calculation:** \$ 8250

#### Attachments Included with Application: (Please include # of copies)

CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large	# of 11X17	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N
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<b>Payment Method:</b>	<b>Cash :</b> <input type="checkbox"/> \$ _____	<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	<b>Check:</b> <input checked="" type="checkbox"/> Check # <u>5776</u>
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Application received by: Ron Meridith Date: 5-26-15

Application completeness approved by: [Signature] Date: 6-25-15

Date scheduled for public hearing: 7-7-2015 Planning Board

### 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.
	<b>Project Narrative</b> —Written description of the project ( <u>max of 3 pages</u> ) including the following: <ul style="list-style-type: none"> <li><input type="checkbox"/> Location of the project and type of access to project site</li> <li><input type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc.</li> <li><input type="checkbox"/> Description of all construction activities to be undertaken on the site</li> <li><input type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers</li> <li><input type="checkbox"/> List of all state and federal permits that will be required for the project</li> <li><input 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 &amp;/or neighbors of the project.</li> </ul>

#### 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).

# GSP CONSULTING

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May 22, 2015

Pender County  
Planning and Community Development  
805 S. Walker Street  
Burgaw, NC 28425

Re: Wyndwater  
Master Development Plan Project Narrative

This project is located off and has direct access to Sloop Point Loop Road (SR 1563) in Hampstead, Pender County, North Carolina. This project will be developed in Phases. Phase 1 contains 42 lots to be served by Public NCDOT & Private subdivision roads serving all the lots as well as a Public waterline extension. Phase 1 sewer will be treated by the use of septic systems. Phase 2 contains 62 lots to be served Public NCDOT & Private subdivision roads serving all the lots as well as a Public waterline extension. Phase 2 sewer will be treated by the use of septic systems & gravity sewer owned and operated by Pluris. Phase 3 contains 69 single family lots & 40 duplex units to be served by Public NCDOT & Private subdivision roads serving all the lots as well as a Public waterline extension. Phase 3 sewer will be treated by the use of gravity sewer and a lift station owned and operated by Pluris. Phase 4 contains 41 single family lot to be served by Private subdivision roads serving all the lots as well as a Public waterline extension. Phase 4 sewer will be treated by the use of either septic systems or gravity sewer owned and operated by Pluris. The primary stormwater measures for the development will be closed conduit systems, road side ditches and overland sheet flow that will direct the runoff to proposed wet detention basins that will be designed to control the peak runoff from the 10-year storm event and will be analyzed for the 100-year storm event to prevent flooding of the proposed development. This development will require approvals from the USACOE for onsite wetlands, DENR-Public Water Supply Section for the water line extension, NCDOT for the driveway connection to SR 1563 and the subdivision streets & NCDENR-Division of Water Quality for the sewer and stormwater systems. The development will generate approximately 3,018 total daily trips with 236 in the AM peak hour and 311 in the PM peak hour based on the ITE Trip Generation Manual 8<sup>th</sup> edition using ITE Code 210 for single family homes & Code 230 for the duplex/townhome units.

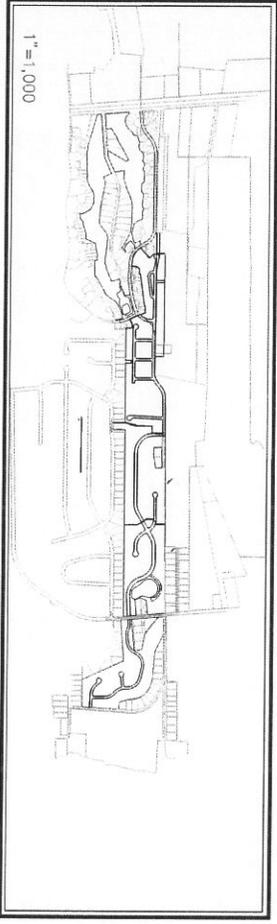
Please contact me immediately at (910) 442-7870 or [gpape@gsp-consulting.com](mailto:gpape@gsp-consulting.com) if you have any questions or require additional information.

Sincerely,  
**GSP CONSULTING, PLLC.**



Garry S. Pape, P.E.

# MASTER DEVELOPMENT PLAN FOR WYNDWATER PENDER COUNTY, NORTH CAROLINA MAY 2015



### LEGEND

DESCRIPTION	EXISTING	PROPOSED
1' CONTOUR INTERVAL	[Symbol]	[Symbol]
5' CONTOUR INTERVAL	[Symbol]	[Symbol]
PROPERTY LINE	[Symbol]	[Symbol]
ROADWAY CENTERLINE	[Symbol]	[Symbol]
RIGHT OF WAY LIMITS	[Symbol]	[Symbol]
LAGOON LINE	[Symbol]	[Symbol]
GRID & CUTTER	[Symbol]	[Symbol]
SANITARY SEWER FACILITIES	[Symbol]	[Symbol]
STORM SEWER FACILITIES	[Symbol]	[Symbol]
WATERLINE	[Symbol]	[Symbol]
FIRE HYDRANT ASSEMBLY	[Symbol]	[Symbol]
WATERMANS	[Symbol]	[Symbol]
PROPOSED LOT AND SF	[Symbol]	[Symbol]
OPEN SPACE LABEL	[Symbol]	[Symbol]
OPEN SPACE	[Symbol]	[Symbol]
BUILDING SET BACKS	[Symbol]	[Symbol]
PRIVATE SANITARY SET BACKS	[Symbol]	[Symbol]

**DEVELOPER/OWNER**

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

**PREPARED BY:**

**GSP CONSULTING, PLLC  
ENGINEERING**

6420 Gordon Road, Unit C, Wilmington, North Carolina 28411, tel: 910-442-2970, fax: 910-794-6039, license # B-0718

CERTIFICATE OF PRELIMINARY PLAN APPROVAL  
APPROVED BY PENDER COUNTY WATERS DEVELOPMENT ADMINISTRATION  
SIC PLAN VALID FOR A PERIOD OF TWO (2) YEARS FROM APPROVAL DATE

ADMINISTRATOR \_\_\_\_\_ DATE \_\_\_\_\_

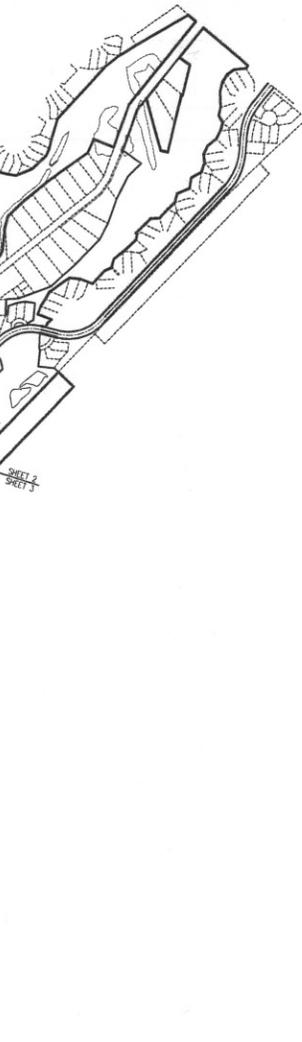
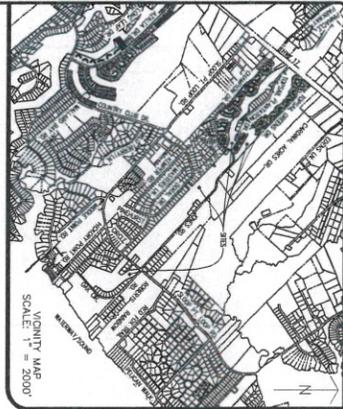
### INDEX OF SHEETS

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

### SITE DATA TABLE

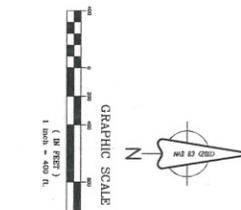
DEVELOPMENT NOTES:	
1. PENDER COUNTY PARCEL NO. 14-00000000000000000000	
2. TOTAL TRACT AREA: 6,527,983 SF = 150.78 AC ±	
3. ZONING PLANNED DEVELOPMENT (PD)	
4. LAND CLASSIFICATION: ODF COURSE	
5. A PORTION OF THIS PROPERTY IS WITHIN A SPECIAL FLOOD HAZARD ZONE PER FLOOD INSURANCE RATE MAP 47503R0001, EFFECTIVE DATE 2/16/2009 AND THE PROPERTY DOES NOT CONTAIN ANY A.C. AREAS OR R-1000S CMAA JURISDICTION.	
6. THE PROPERTY DOES CONTAIN 604' FEDERAL WETLANDS WHICH HAVE BEEN APPROVED BY THE USACE.	
<b>GENERAL NOTES:</b>	
1. CONVEYOR REFERENCE: DBE 4379 P.C. 330	
2. PROPERTY IS LOCATED IN PENDER COUNTY AND IS ZONED PLANNED DEVELOPMENT MAINTENANCE OF THE COMMON AREAS AND OPEN SPACE.	
3. ALL INTERIOR ROADMANS ARE TO BE BUILT TO NC DOT SUBDIVISION ROADS W/USUAL CONSTRUCTION STANDARDS.	
4. INTERIOR ROADMANS ARE TO BE PRIVATE AND PUBLIC AS SHOWN ON THE MASTER DEVELOPMENT PLAN. ALL INTERIOR ROADMANS SHALL BE REDESIGNED TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND NEIGHBORSHIP WILL BE AVOIDANCE OPEN PURCHASE.	
5. THE PROPOSER'S CONCEPTUAL AND IS SUBJECT TO CHANGE IN ACCORDANCE WITH THE PENDER COUNTY ZONING ORDINANCE AND OTHER REGULATIONS WHICH MAY BE ADOPTED BY THE PLANNING DEPARTMENT AND IN SOME INSTANCES MAY REQUIRE BOARD APPROVAL.	
6. BIDDERS WILL BE PROVIDED PER CURRENT PENDER COUNTY ZONING ORDINANCE.	
7. WETLANDS UNAPPORTED WILL BE UNAPPORTED IN ACCORDANCE WITH ANY REPERMITS OF APPLICABLE STATE AND FEDERAL PERMITS.	
8. ALL LOTS SHALL MEET CURRENT PENDER COUNTY UNIMPROVED DEVELOPMENT COVENANCE REQUIREMENTS.	
<b>SPECIAL PLAN DEVELOPMENT STANDARDS:</b>	
MINIMUM LOT DIMENSIONS: AREA: 6,527,983 SF FRONT: 1200 SF (MINIMUM) SIDE: 200 SF (MINIMUM) REAR: 200 SF (MINIMUM) MAXIMUM LOT AREA (A): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (B): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (C): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (D): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (E): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (F): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (G): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (H): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (I): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (J): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (K): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (L): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (M): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (N): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (O): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (P): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (Q): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (R): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (S): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (T): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (U): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (V): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (W): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (X): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (Y): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (Z): 200,000 SF (MAXIMUM)	
REQUIREMENTS FOR BUILDING STANDARDS: MINIMUM LOT DIMENSIONS: FRONT: 1200 SF (MINIMUM) SIDE: 200 SF (MINIMUM) REAR: 200 SF (MINIMUM) MAXIMUM LOT AREA (A): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (B): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (C): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (D): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (E): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (F): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (G): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (H): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (I): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (J): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (K): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (L): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (M): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (N): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (O): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (P): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (Q): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (R): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (S): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (T): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (U): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (V): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (W): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (X): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (Y): 200,000 SF (MAXIMUM) MAXIMUM LOT AREA (Z): 200,000 SF (MAXIMUM)	
REQUIRED OPEN SPACE: 300' TORS - 100' FRONT - 125' SF = 164,250 SQ FT TOTAL - 164,250 SQ FT	
DEVELOPMENT DATA: TOTAL TRACT AREA = 6,527,983 SF = 150.78 AC TOTAL PROPOSED ROAD LENGTH = 10,800 SF TOTAL PROPOSED ROAD WIDTH = 10,800 SF TOTAL PROPOSED ROAD AREA = 10,800 SF TOTAL PROPOSED ROAD PERIMETER = 10,800 SF TOTAL PROPOSED ROAD VOLUME = 10,800 SF TOTAL PROPOSED ROAD WEIGHT = 10,800 SF TOTAL PROPOSED ROAD LENGTH = 10,800 SF TOTAL PROPOSED ROAD WIDTH = 10,800 SF TOTAL PROPOSED ROAD AREA = 10,800 SF TOTAL PROPOSED ROAD PERIMETER = 10,800 SF TOTAL PROPOSED ROAD VOLUME = 10,800 SF TOTAL PROPOSED ROAD WEIGHT = 10,800 SF	
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LINE	Bearing	Distance	LINE	Bearing	Distance	LINE	Bearing	Distance
L1	S89°54'07\"	166.57'	L21	S27°24'29\"	203.07'	L41	S59°30'30\"	71.46'
L2	S80°50'50\"	118.37'	L22	N62°00'31\"	60.58'	L42	N76°50'30\"	77.46'
L3	S12°39'18\"	120.42'	L23	N27°04'24\"	93.11'	L43	N42°51'30\"	148.88'
L4	N41°09'44\"	125.42'	L24	N62°27'09\"	66.31'	L44	N27°25'30\"	218.35'
L5	N41°09'44\"	149.83'	L25	N27°04'24\"	28.48'	L45	N62°50'30\"	104.45'
L6	S27°04'24\"	232.00'	L26	N71°03'29\"	27.28'	L46	N71°30'30\"	155.45'
L7	S12°39'18\"	251.92'	L27	N62°00'31\"	28.56'	L47	S27°04'24\"	62.92'
L8	S89°54'07\"	166.57'	L28	N62°00'31\"	32.27'	L48	S27°04'24\"	65.00'
L9	S80°50'50\"	118.37'	L29	N62°00'31\"	32.27'	L49	S27°04'24\"	65.00'
L10	N41°09'44\"	125.42'	L30	N62°00'31\"	32.27'	L50	S27°04'24\"	65.00'
L11	S41°36'31\"	90.00'	L31	N62°00'31\"	32.27'	L51	S27°04'24\"	65.00'
L12	S27°04'24\"	31.40'	L32	N62°00'31\"	32.27'	L52	S27°04'24\"	65.00'
L13	S27°04'24\"	31.40'	L33	N62°00'31\"	32.27'	L53	S27°04'24\"	65.00'
L14	N16°48'36\"	118.41'	L34	N62°00'31\"	32.27'	L54	S27°04'24\"	65.00'
L15	N16°48'36\"	118.41'	L35	N62°00'31\"	32.27'	L55	S27°04'24\"	65.00'
L16	N62°00'31\"	100.00'	L36	N62°00'31\"	32.27'	L56	S27°04'24\"	65.00'
L17	S27°04'24\"	203.07'	L37	N62°00'31\"	32.27'	L57	S27°04'24\"	65.00'
L18	S27°04'24\"	203.07'	L38	N62°00'31\"	32.27'	L58	S27°04'24\"	65.00'
L19	S27°04'24\"	203.07'	L39	N62°00'31\"	32.27'	L59	S27°04'24\"	65.00'
L20	N62°00'31\"	60.58'	L40	N62°00'31\"	32.27'	L60	S27°04'24\"	65.00'

LINE	Bearing	Distance	LINE	Bearing	Distance
L61	S27°04'24\"	65.00'	L121	S27°04'24\"	65.00'
L62	S27°04'24\"	65.00'	L122	S27°04'24\"	65.00'
L63	S27°04'24\"	65.00'	L123	S27°04'24\"	65.00'
L64	S27°04'24\"	65.00'	L124	S27°04'24\"	65.00'
L65	S27°04'24\"	65.00'	L125	S27°04'24\"	65.00'
L66	S27°04'24\"	65.00'	L126	S27°04'24\"	65.00'
L67	S27°04'24\"	65.00'	L127	S27°04'24\"	65.00'
L68	S27°04'24\"	65.00'	L128	S27°04'24\"	65.00'
L69	S27°04'24\"	65.00'	L129	S27°04'24\"	65.00'
L70	S27°04'24\"	65.00'	L130	S27°04'24\"	65.00'



**CERTIFICATE OF ACCURACY & WARNING**

THE UNDERSIGNED CERTIFY THAT THE SURVEY WAS DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT AND THE REGULATIONS THEREUNDER. THE SURVEY WAS DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT AND THE REGULATIONS THEREUNDER. THE SURVEY WAS DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT AND THE REGULATIONS THEREUNDER.

**GENERAL NOTES**

1. THE SURVEY WAS DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT AND THE REGULATIONS THEREUNDER.
2. THE SURVEY WAS DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT AND THE REGULATIONS THEREUNDER.
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9. THE SURVEY WAS DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT AND THE REGULATIONS THEREUNDER.
10. THE SURVEY WAS DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT AND THE REGULATIONS THEREUNDER.

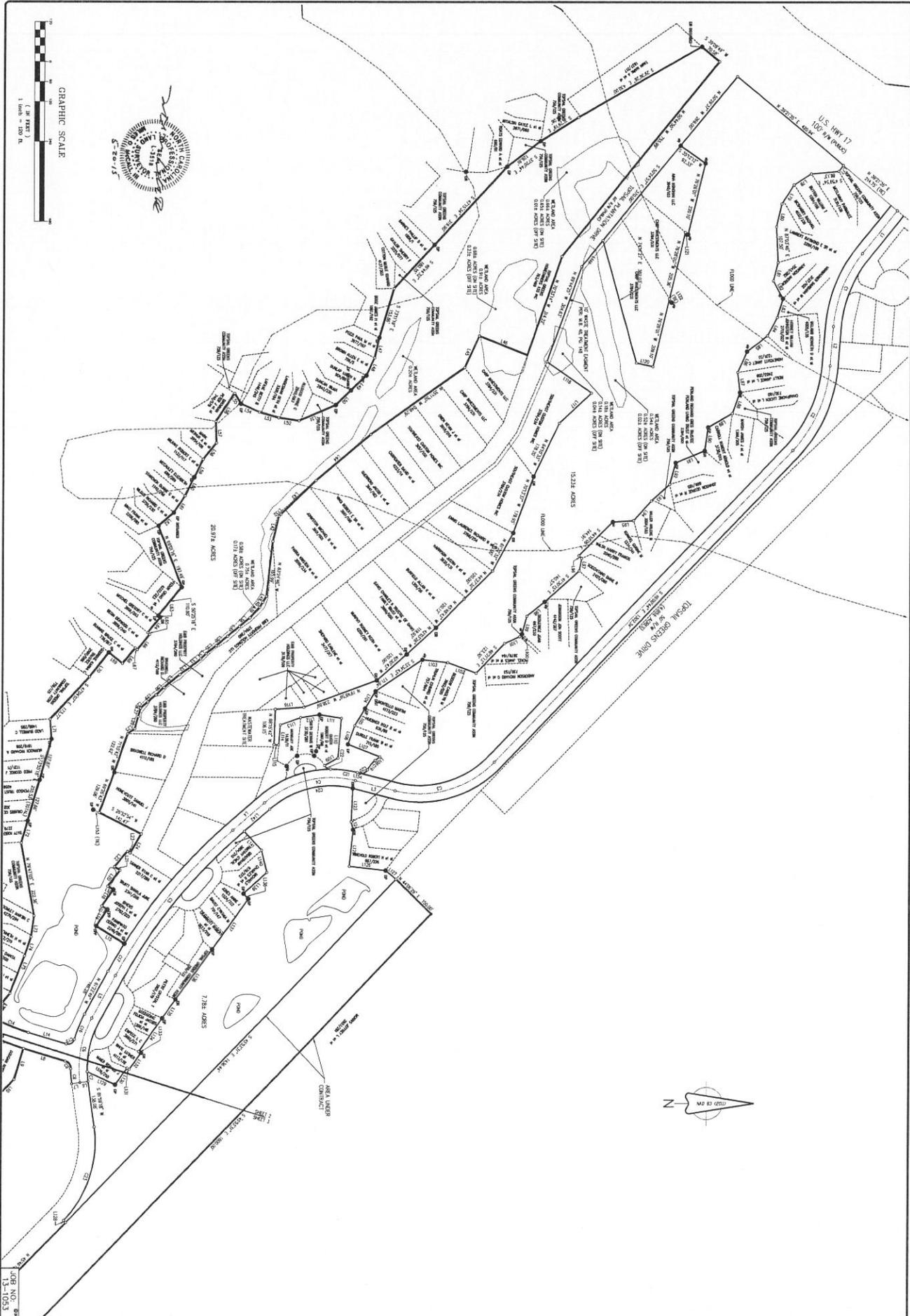


**SYMBOL LEGEND**

..... UNDEVELOPED CORNER PIV  
 ..... UNDEVELOPED CORNER PIV  
 ..... UNDEVELOPED CORNER PIV

**LINE TYPE LEGEND**

..... UNDEVELOPED CORNER PIV  
 ..... UNDEVELOPED CORNER PIV  
 ..... UNDEVELOPED CORNER PIV



**ATLANTIC COAST SURVEY, PLLC**  
 P-0822  
 PO Box 12588 Wilmington, NC 28405  
 (910) 252-4888 www.atlanticcoastsurvey.com

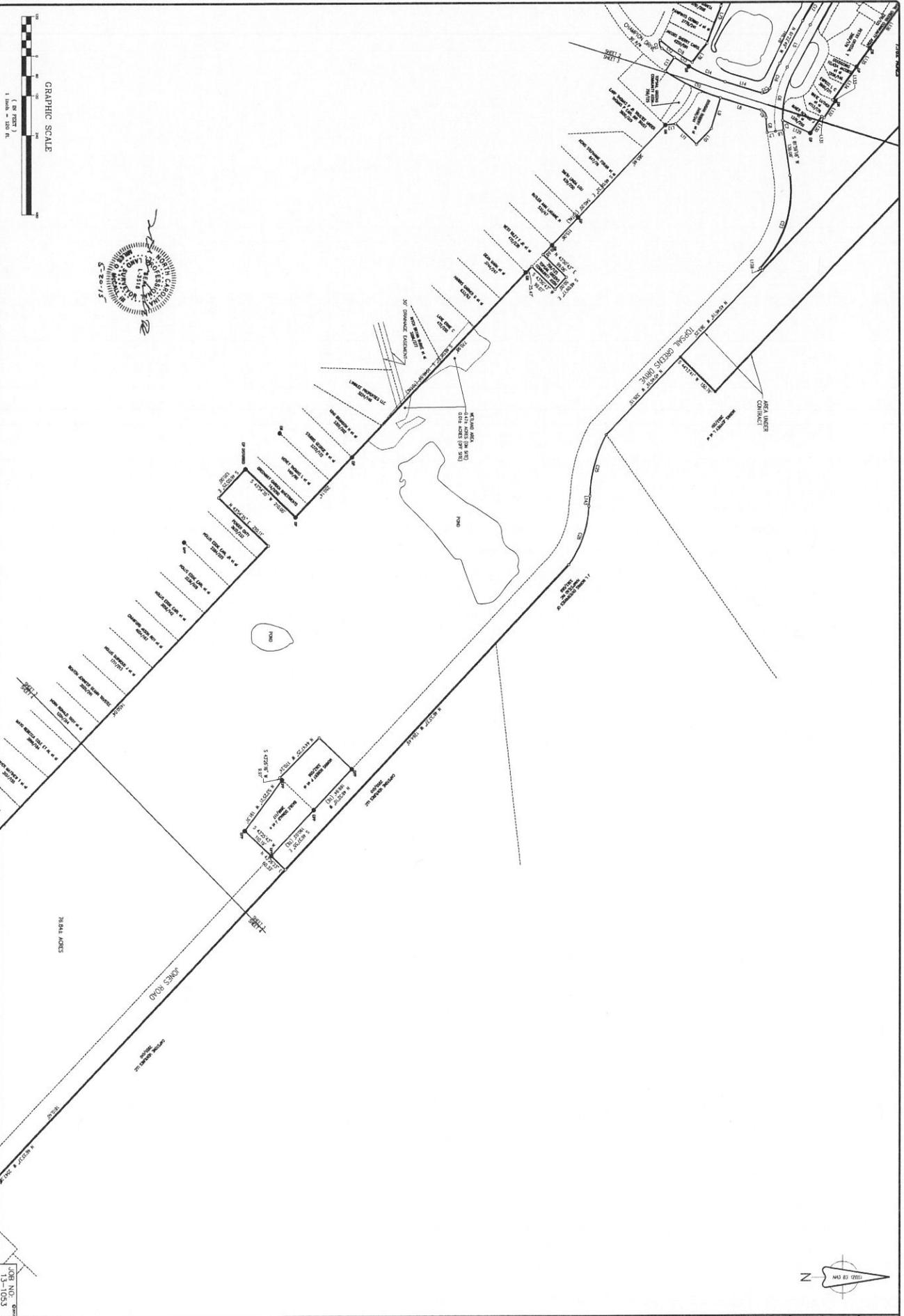
**TOPSAIL PLANTATION  
 GOLF COURSE**  
 Topsail Township      Pender County      North Carolina

**BOUNDARY SURVEY**

PREPARED FOR:

No.	Revision	Date	By	Designer	Scale
				AD: HOTTED	
				Drawn By: WFO/EB	Date: 5-20-2015
				Checked By: ACS	Job No.: 13-1053

Sheet No.  
**C-2.2**



JOB NO. 13-1053



**ATLANTIC COAST SURVEY, PLLC**  
 P-0822  
 PO Box 12588 Wilmington, NC 28405  
 (910) 252-4888 www.atlanticcoastsurvey.com

**TOPSAIL PLANTATION GOLF COURSE**  
 Topseal Township Pender County North Carolina

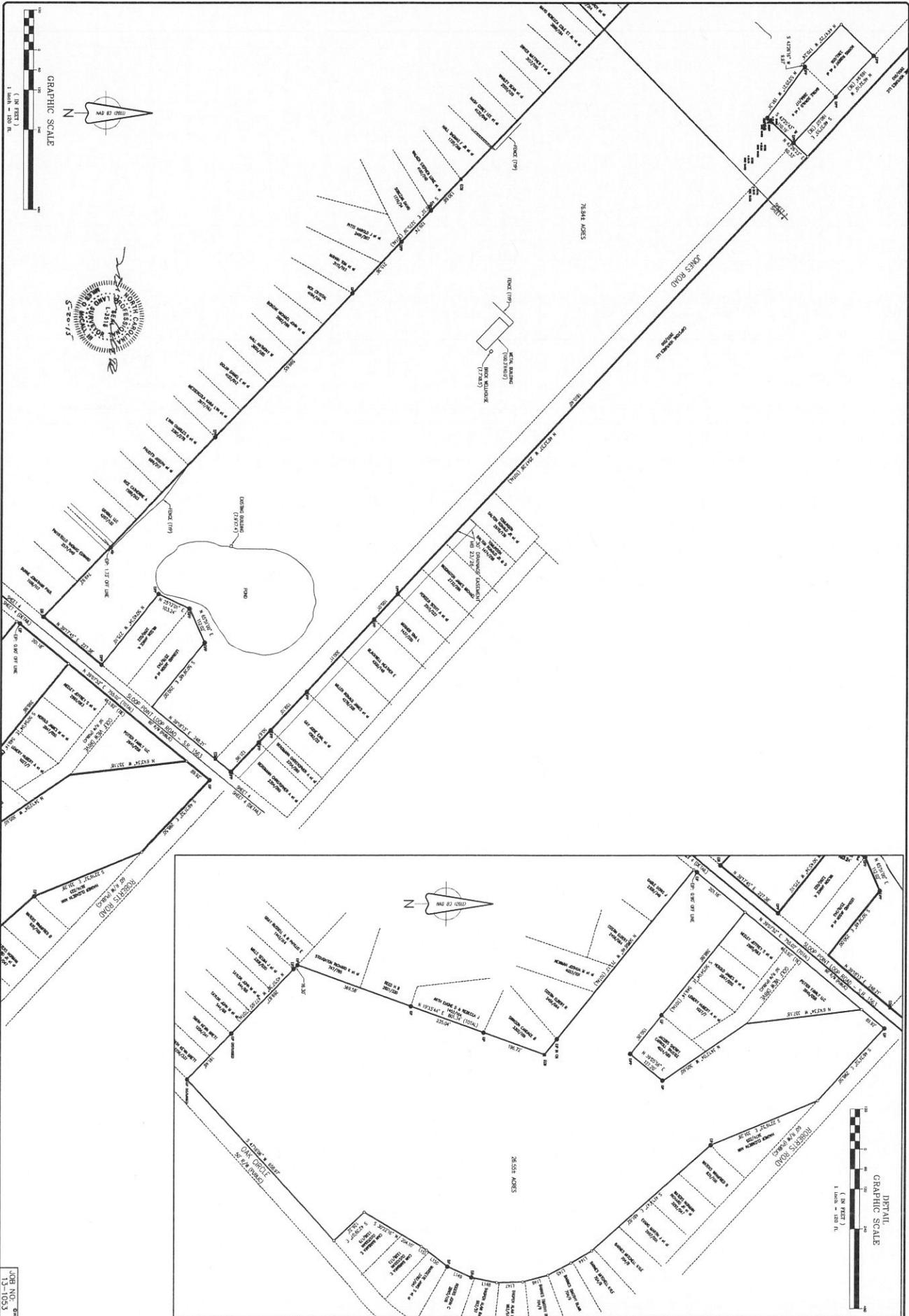
**BOUNDARY SURVEY**

PREPARED FOR:

No.	Revision	Date	By

Designer: Scale: AS NOTED  
 Drawn By: Date: 5-20-2015  
 Checked By: Job No: 13-1053  
 ACS

Sheet No. C-2.3



JOB NO. 13-1053

**ATLANTIC COAST SURVEY, PLLC**  
 P-0822  
 PO Box 12588 Wilmington, NC 28405  
 (910) 252-4885 www.atlanticcoastsurvey.com

**TOPSAIL PLANTATION GOLF COURSE**  
 Topsail Township Pender County North Carolina

**BOUNDARY SURVEY**

PREPARED FOR:

No.	Revision	Date	By	Designer	Scale
				AS NOTED	
				Drawn By	5-20-2015
				Checked By	JAC
					13-1053

Sheet No. C-24

No.	Revision	Date	By

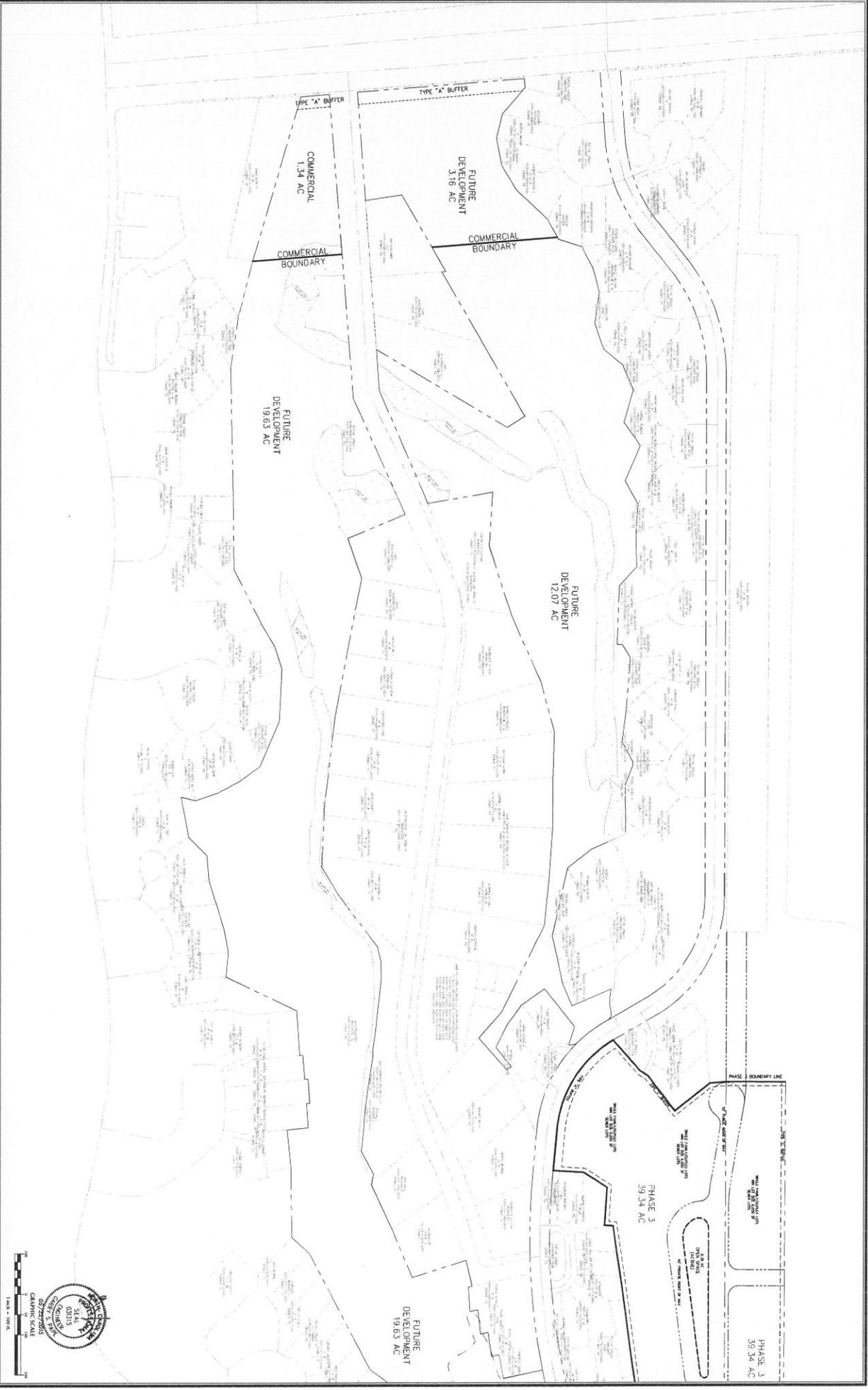
Designer: GSP  
 Date: May 2015  
 Project #: 2015-0001  
 Topsoil Township  
**WYNDWATER**  
 Pender County  
 North Carolina

**SITE PLAN**

PREPARED FOR:  
 SCAUNTER TOP SOIL, INC. LTD.  
 9328 KATY FERRELL RD.  
 WYNDWATER, NC 28486

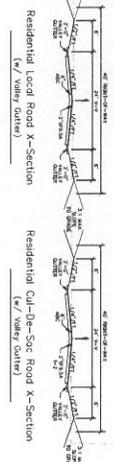
**GSP CONSULTING, PLLC**  
 ENGINEERING  
 4430 Columbia Road, Suite C, Wilmington, North Carolina 28411 | Tel: 910-442-2720 | Fax: 910-794-4419

Sheet No.  
**C3.1**

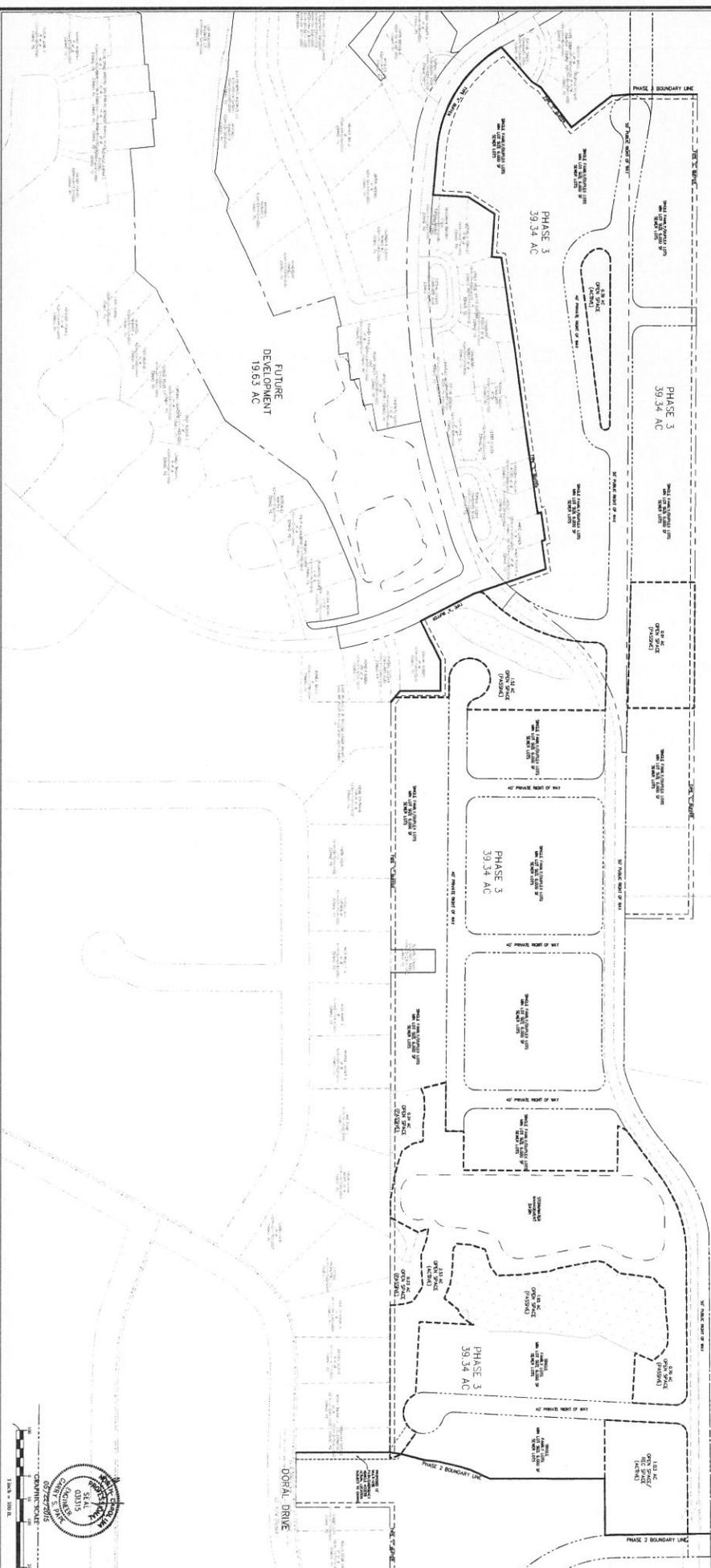


# SITE DETAILS

Phase 3, 19.63 AC, Future Development



- GENERAL NOTES:**
1. ALL PORTIONS OF PROPERTY HAVING FRONTAGE TO RESIDENTIAL LOTS TO HAVE A TYPE 'C' BUFFER.
  2. ALL PORTIONS OF PROPERTY HAVING FRONTAGE ALONG AN EXISTING ROADWAY TO HAVE A TYPE 'X' BUFFER.



No.	Revision	Date	By

Customer	Order	Scale	
		1" = 100'	

Project	

Prepared For:	

Company	


**WYNDWATER**  
Pender County

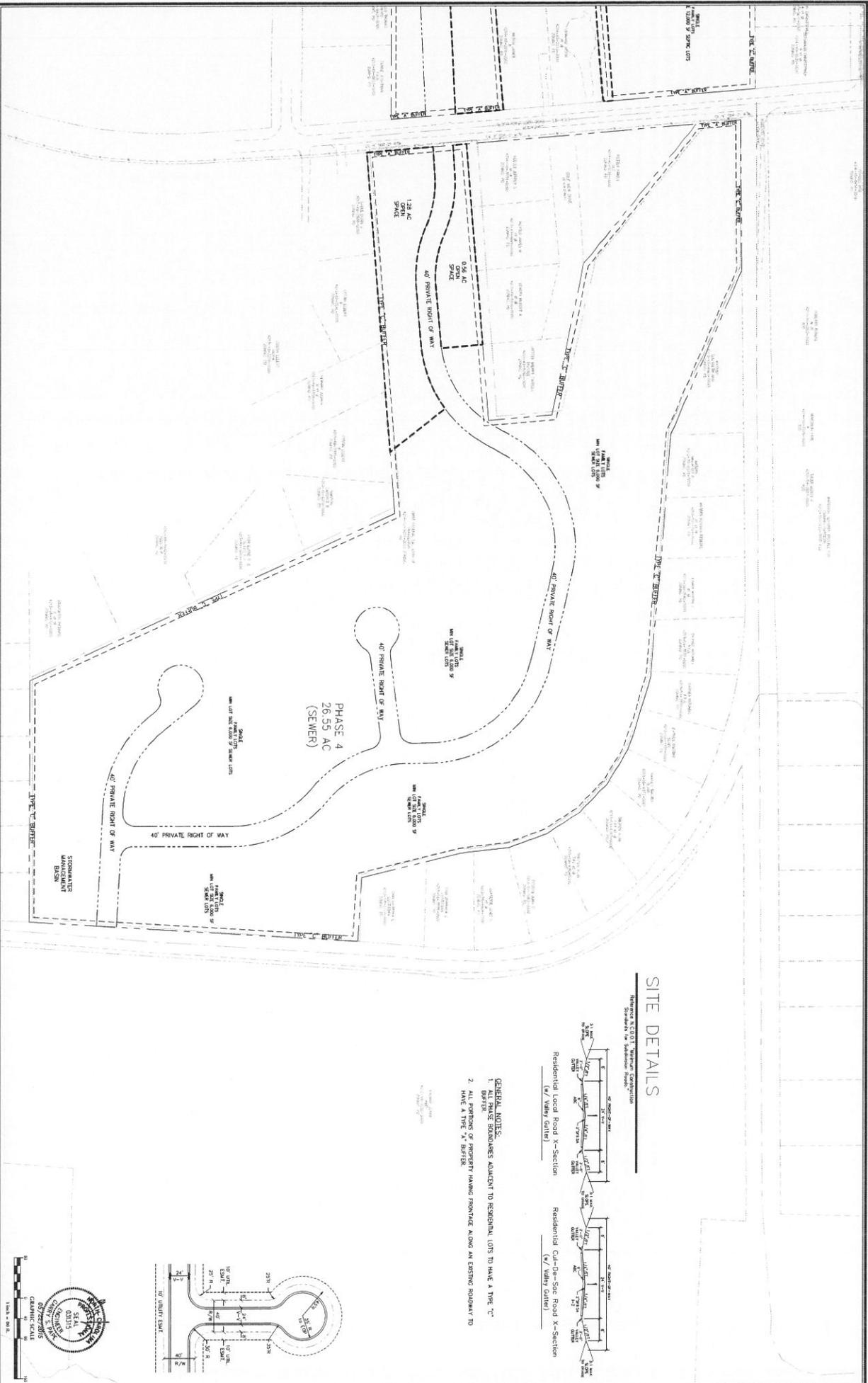
**SITE PLAN**

**GSP CONSULTING, PLLC**  
ENGINEERING

**C-3.2**

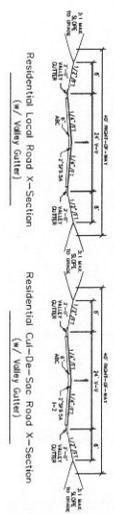






**SITE DETAILS**

Revised 8/2011 - Various Corrections  
 Standard 1/4" = 100' Horizontal Scale



- GENERAL NOTES:**
1. ALL PHASE BOUNDARIES ADJACENT TO RESIDENTIAL LOTS TO HAVE A TYPE 'C' BUFFER.
  2. ALL PORTIONS OF PROPERTY HAVING FRONTAGE ALONG AN EXISTING ROADWAY TO HAVE A TYPE 'C' BUFFER.



No.	Revision	Date	By

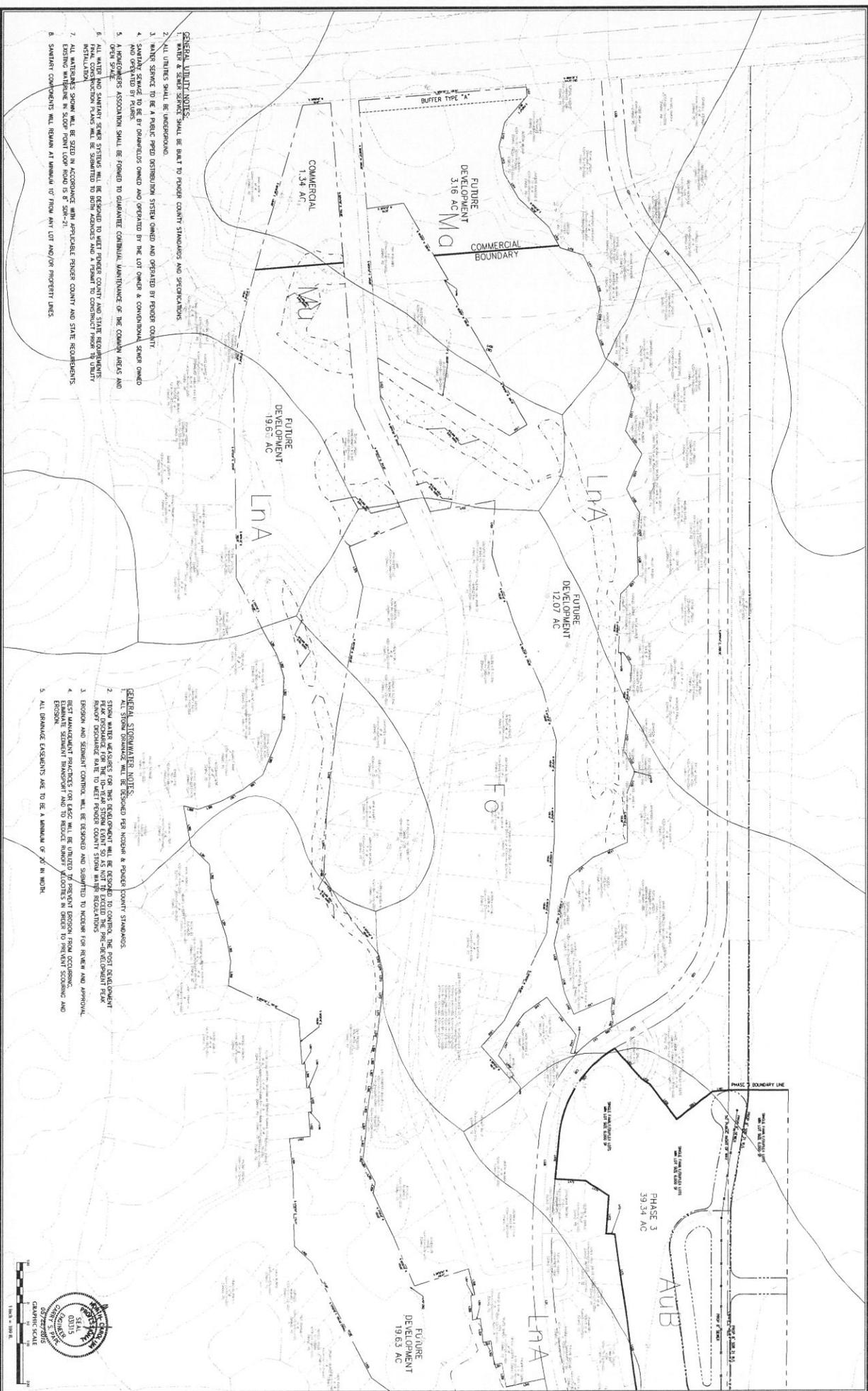
Topsoil Township  
**WYNDWATER**  
 Pender County  
 North Carolina

**SITE PLAN**

PREPARED FOR:  
 SONDURER TOPSOIL, INC. LTD  
 9320 KATY FERRELLAN RD  
 HUNTERDON, NC 27546

**GSP CONSULTING, PLLC**  
 ENGINEERING  
 6628 Coulter Road, Unit C, Wilmington, North Carolina 28411 Tel: 910-442-3780 Fax: 910-796-4478

Sheet No.  
**C3.5**



- GENERAL UTILITY NOTES:**
1. ALL UTILITIES SHALL BE INSTALLED TO MEET FUTURE COUNTY STANDARDS AND SPECIFICATIONS.
  2. WATER SERVICE TO BE A PUBLIC SPEED DISTRIBUTION SYSTEM OWNED AND OPERATED BY FUTURE COUNTY AND OPERATED BY PEOPLES.
  3. SANITARY SERVICE TO BE BY DEWATEREDS OWNED AND OPERATED BY THE LOT OWNER & CONVENTIONAL SEWER OWNED AND OPERATED BY PEOPLES.
  4. FUTURE DEVELOPMENT ASSOCIATION SHALL BE FORMED TO GUARANTEE CONTINUAL MAINTENANCE OF THE COMMON AREAS AND UTILITIES.
  5. ALL WATER AND SANITARY SERVICE SYSTEMS SHALL BE DESIGNED TO MEET FUTURE COUNTY AND STATE REQUIREMENTS. FINAL CONSTRUCTION PLANS WILL BE SUBMITTED TO BOTH AGENCIES AND A PERMIT TO CONSTRUCT FROM THE UTILITY INSTALLATION.
  6. EXISTING UTILITIES OR RECORD PLANS FOR ROAD 19.63 AC.
  7. ALL UTILITIES SHALL BE SIZED IN ACCORDANCE WITH APPLICABLE FUTURE COUNTY AND STATE REQUIREMENTS.
  8. SANITARY COMPONENTS WILL REMAIN AT MINIMUM 10' FROM ANY LOT AND/OR PROPERTY LINES.

- GENERAL STORMWATER NOTES:**
1. STORM WATER MANAGEMENT FOR THIS DEVELOPMENT WILL BE DESIGNED TO CONTROL THE POST DEVELOPMENT RUNOFF DISCHARGE FOR THE 10-YEAR STORM EVENT SO AS NOT TO EXCEED THE PRE-DEVELOPMENT PEAK RUNOFF DISCHARGE RATE TO MEET FUTURE COUNTY STORM WATER REGULATIONS.
  2. EROSION AND SEDIMENT CONTROL WILL BE DESIGNED AND SUBMITTED TO NCEM FOR REVIEW AND APPROVAL.
  3. BEST MANAGEMENT PRACTICES FOR EROSION WILL BE UTILIZED TO PREVENT EROSION FROM OCCURRING. EROSION SEDIMENT TRANSPORT AND TO REDUCE RUNOFF VOLUMES IN ORDER TO PREVENT OCCURRING AND ALL DRAINAGE EXCESSANTS ARE TO BE A MINIMUM OF 5' IN WIDTH.

No.	Revision	Date	By

Designer: GSP  
 Title: " - 100"  
 Date: 11/11/2011  
 Project No.: 2011-0000  
 Topsoil Township  
 WYNDWATER  
 Fender County  
 North Carolina

UTILITY & STORMWATER  
 MANAGEMENT PLAN

PREPARED FOR:  
 SQUADRA TOP SALES LTD  
 5700 DIXON AVE  
 27228-4444  
 773-794-8444

**GSP CONSULTING, PLLC**  
 ENGINEERING  
 4655 Columbia Road, Suite C, Wilmington, North Carolina 28411  
 Tel: 754-242-2328 Fax: 754-242-4419

Sheet No. **C-4.1**



No.	Revision	Date	By

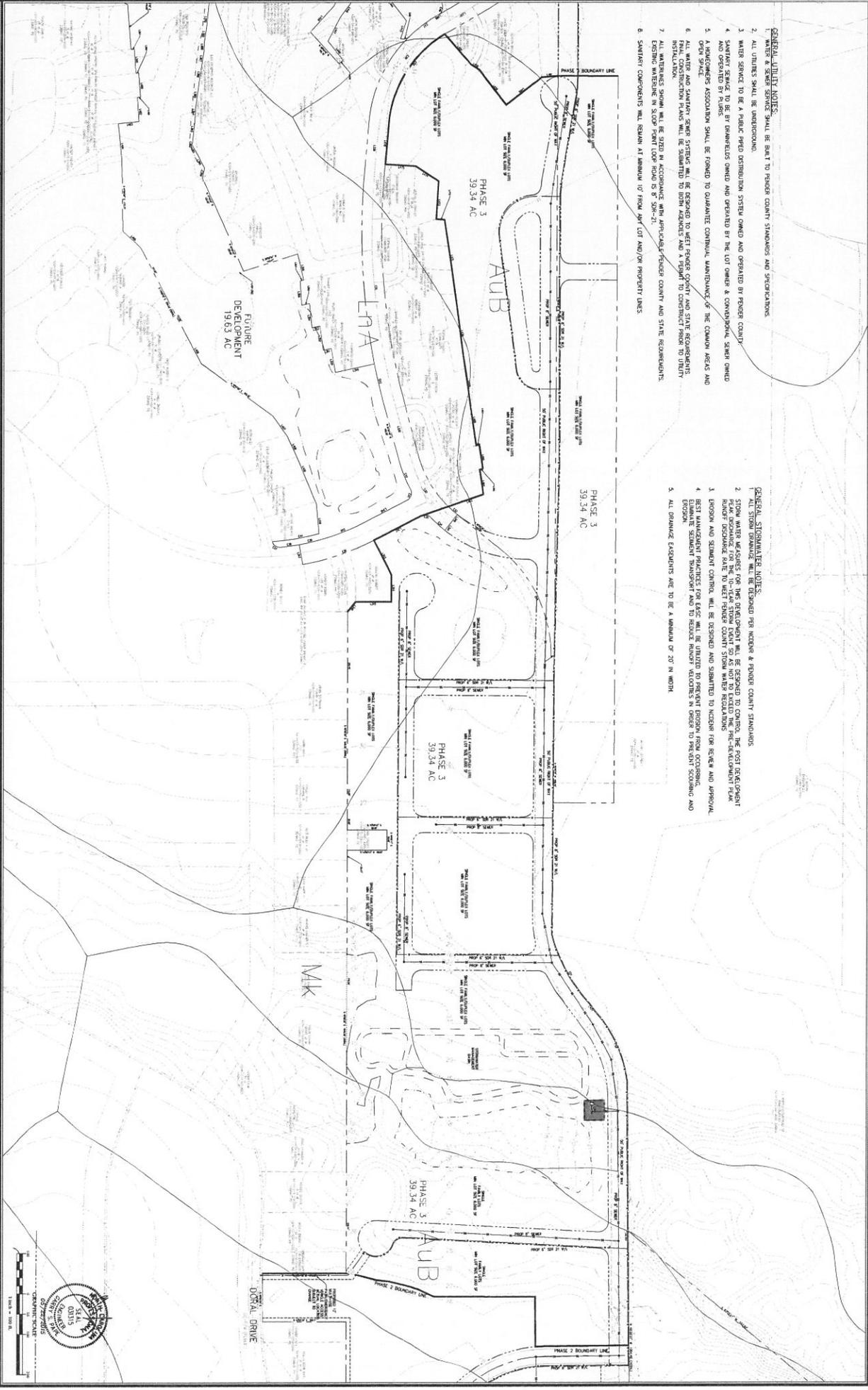
Drawing No. **WYNDWATER**  
 Project Name **WYNDWATER**  
 Client **Topgall Township**  
 Date **11.11.2021**  
 Scale **1" = 100'**  
 Location **North Carolina**  
 License No. **2013-00008**

**UTILITY & STORMWATER  
MANAGEMENT PLAN**

PREPARED FOR:  
**SEANLIDER TOP SA INC LTD**  
 9000 WILKINSON RD  
 WILKINSON NC 27790  
 713-792-8466

**GSP CONSULTING, PLLC**  
 ENGINEERING  
 6429 Cordova Road, Suite C, Wilmington, North Carolina 28411 | Tel: 910-424-2570 | Fax: 910-792-8410

Sheet No. **C-4.2**

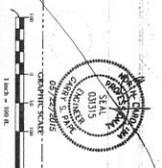


**GENERAL UTILITY NOTES:**

1. WATER & SEWER SERVICES SHALL BE BUILT TO PENDER COUNTY STANDARDS AND SPECIFICATIONS.
2. ALL UTILITIES SHALL BE UNDERGROUND.
3. WATER SERVICE TO BE A PENDER PERIOD DISTRIBUTION SYSTEM OWNED AND OPERATED BY PENDER COUNTY.
4. SANITARY SERVICE TO BE BY DRAINFIELD OWNED AND OPERATED BY THE LOT OWNER & CONDITIONAL SEWER OWNED ASSOCIATION SHALL BE FORMED TO MAINTAIN CONTINUOUS MAINTENANCE OF THE COMMON AREAS AND OPEN SPACE.
5. A HOMEOWNERS ASSOCIATION SHALL BE FORMED TO MAINTAIN CONTINUOUS MAINTENANCE OF THE COMMON AREAS AND OPEN SPACE.
6. ALL WATER AND SANITARY SERVICES SYSTEMS WILL BE DESIGNED TO MEET PENDER COUNTY AND STATE REQUIREMENTS. FINAL CONSTRUCTION PLANS WILL BE SUBMITTED TO BOTH AGENCIES AND A PERMIT TO CONSTRUCT PRIOR TO UTILITY INSTALLATION.
7. ALL UTILITIES SHALL BE SET IN ACCORDANCE WITH PENDER COUNTY AND STATE REQUIREMENTS.
8. SANITARY COMPONENTS WILL REMAIN AT MINIMUM 10' FROM ANY LOT AND/OR PROPERTY LINES.

**GENERAL STORMWATER NOTES:**

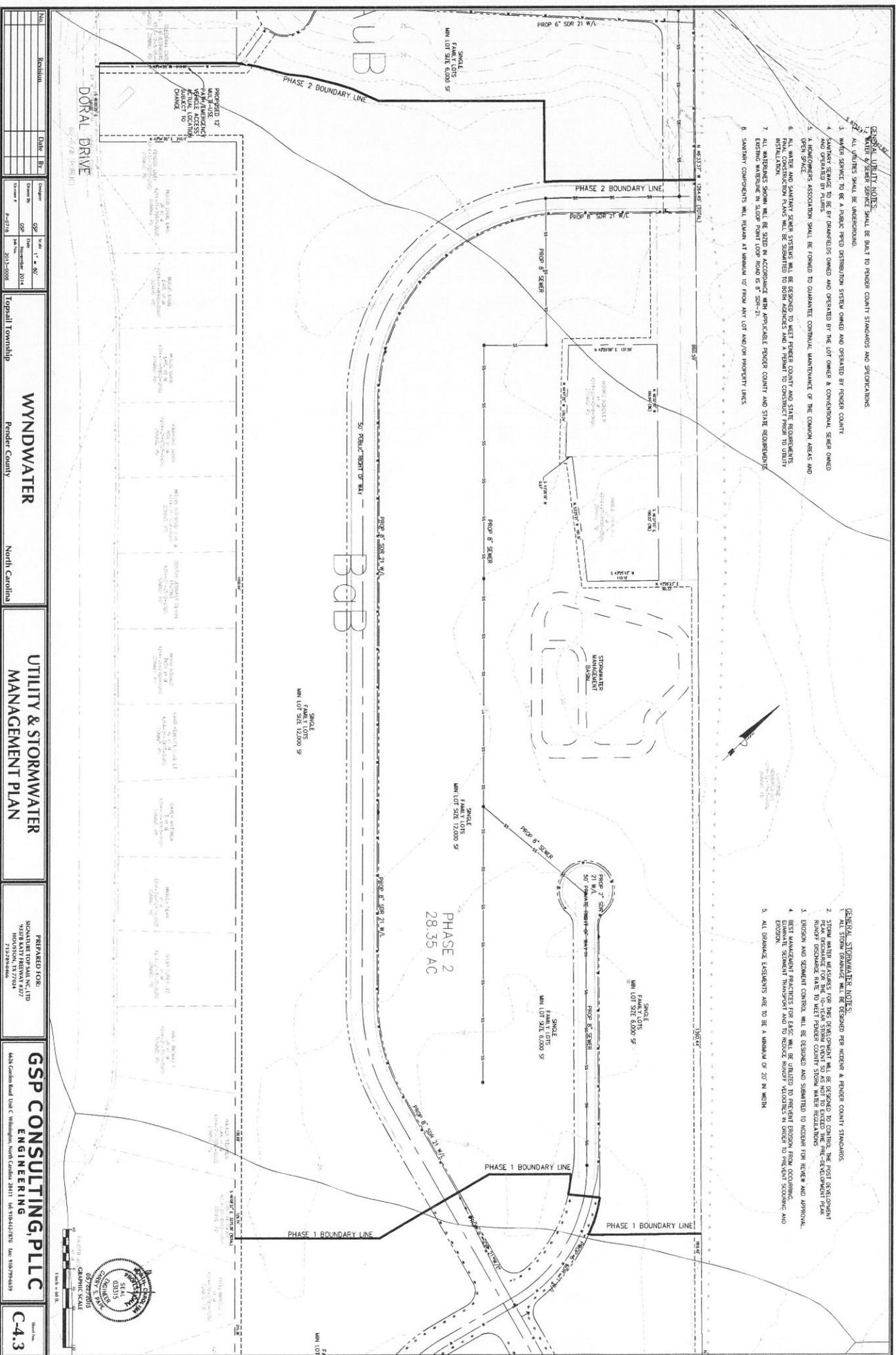
1. ALL STORM DRAINAGE WILL BE DESIGNED PER NCDOT & PENDER COUNTY STANDARDS.
2. STORM WATER MEASURES FOR THIS DEVELOPMENT WILL BE DESIGNED TO CONTROL THE POST DEVELOPMENT RUNOFF DISCHARGE RATE TO MEET PENDER COUNTY STORM WATER REGULATIONS FOR DEVELOPMENT FOR RAINFALL EXCEEDING 1.0 INCH PER HOUR.
3. EROSION AND SEDIMENT CONTROL WILL BE DESIGNED AND SUBMITTED TO NCDOT FOR REVIEW AND APPROVAL.
4. BEST MANAGEMENT PRACTICES FOR EACH WILL BE UTILIZED TO PREVENT EROSION FROM OCCURRING.
5. EROSION AND SEDIMENT TRANSPORT AND TO REDUCE RUNOFF VELOCITIES IN ORDER TO PREVENT SCOURING AND EROSION.
6. ALL DRAINAGE EROSION ARE TO BE A MINIMUM OF 20' IN WIDTH.



**GENERAL UTILITY NOTES:**

1. ALL UTILITIES SHALL BE BUILT TO PENDER COUNTY STANDARDS AND SPECIFICATIONS.
2. ALL UTILITIES SHALL BE UNDERGROUND.
3. WATER SERVICE TO BE A PUBLIC TRENCH DISTRIBUTION SYSTEM OWNED AND OPERATED BY PENDER COUNTY.
4. SANITARY SERVICE TO BE BY BARRHELS OWNED AND OPERATED BY THE LOT OWNER & CONVENTIONAL SEWER OWNED AND OPERATED BY PENDER COUNTY.
5. OPEN SPACE ASSOCIATION SHALL BE FORMED TO GUARANTEE CONTROL, MAINTENANCE OF THE COMMON AREAS AND PAUL CONTRIBUTION PLANS WILL BE SUBMITTED TO BOTH AGENCIES AND A PERMIT TO CONSTRUCT PRIOR TO UTILITY INSTALLATION.
6. ALL WATERSHEDS SHOWN WILL BE SIZED BY ACCORDANCE WITH APPLICABLE PENDER COUNTY AND STATE REQUIREMENTS.
7. ALL WATERSHEDS SHOWN WILL BE DESIGNED TO MEET PENDER COUNTY AND STATE REQUIREMENTS.
8. SANITARY COMPONENTS WILL OCCUR AT MINIMUM 10' FROM ANY LOT AND/OR PROPERTY LINES.

- GENERAL STORMWATER NOTES:**
1. ALL STORM DRAINAGE WILL BE DESIGNED PER INCHORE & PENDER COUNTY STANDARDS.
  2. STORM WATER MEASURES FOR THE DEVELOPMENT WILL BE DESIGNED TO CONTROL THE FIRST DEVELOPMENT RAINFALL DISCHARGE RATE TO MEET PENDER COUNTY STORM WATER REGULATIONS.
  3. EROSION AND SEDIMENT CONTROL WILL BE DESIGNED AND SUBMITTED TO INCHORE FOR REVIEW AND APPROVAL.
  4. BEST MANAGEMENT PRACTICES FOR EASC WILL BE LIMITED TO PREVENT EROSION FROM OCCURRING, ELEVATE SEDIMENT TRAPPOINT AND TO REDUCE RUNOFF VOLUMES IN ORDER TO PREVENT SCOURING AND EROSION.
  5. ALL DRAINAGE EXPOSURES ARE TO BE A MINIMUM OF 20' IN WIDTH.



NO.	REVISION	DATE	BY

Project: WYNDWATER  
 Client: GSP  
 Date: September 2014  
 Scale: 1" = 50'  
 Drawing No.: 2013-0003  
 Topsoil Township  
 Pender County  
 North Carolina

**UTILITY & STORMWATER MANAGEMENT PLAN**

PREPARED FOR:  
 SCANDLER TRADING LTD  
 HOUSTON, TX 77044  
 7132949444

**GSP CONSULTING PLLC**  
 ENGINEERING  
 4425 Crofton Road, Suite C, Wilmington, North Carolina 28411 | 843.942.4279 | Fax: 910.796.4419

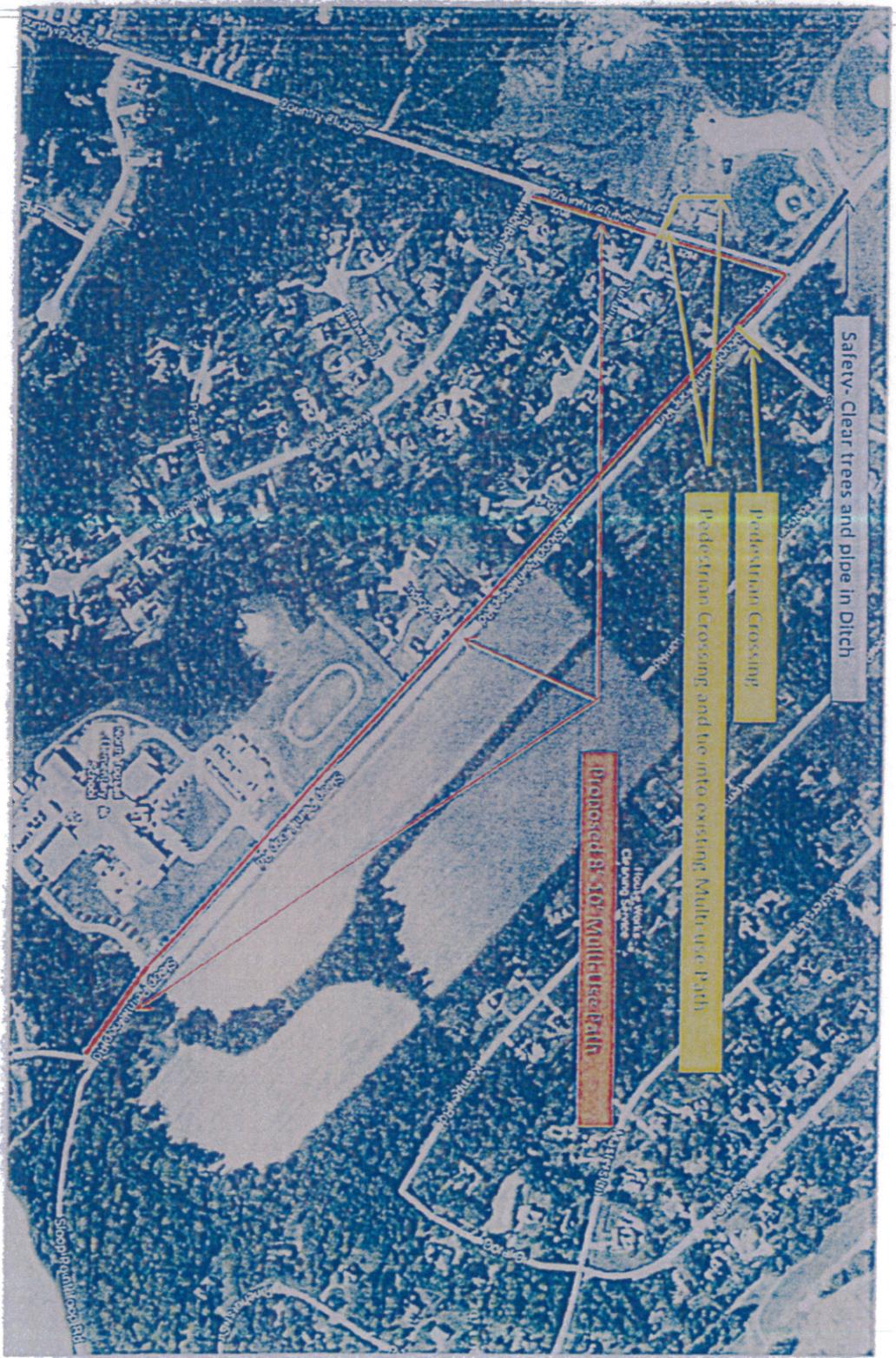
**C-4.3**







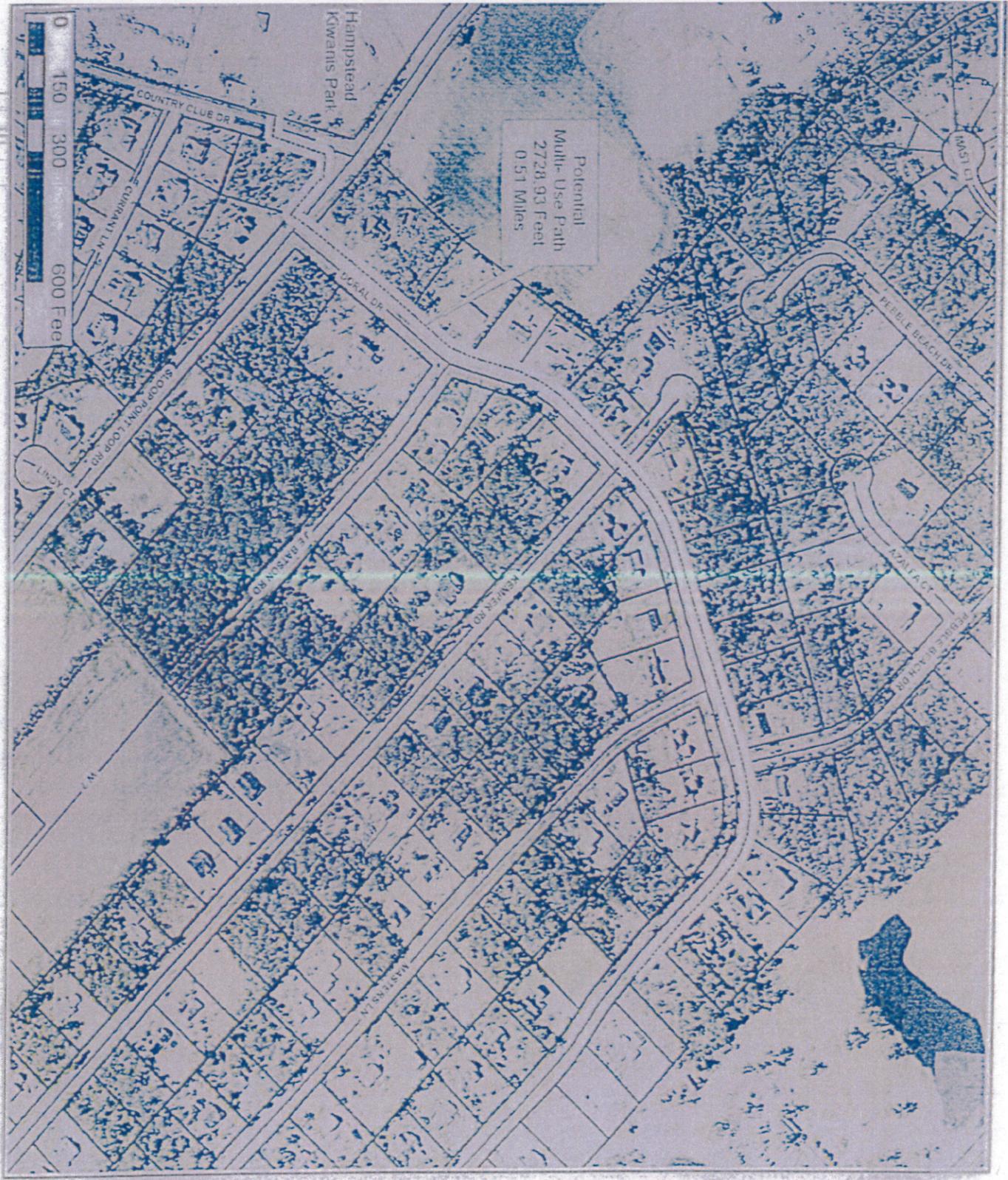
Hampstead SRTS Proposal – Pender County



Attachment 2



Pender County  
North Carolina  
Doral Drive/  
Kiwatis Park  
Multi-Use Connection



1 inch = 300 feet

# Attachment 3



**Applicant:**

**Signature Top Sail NC, LTD**

**Owner:**

**Signature Top Sail NC, LTD  
and  
Jeffery Morris et. al.**

**Master  
Development Plan**

**Case Number:  
11035**

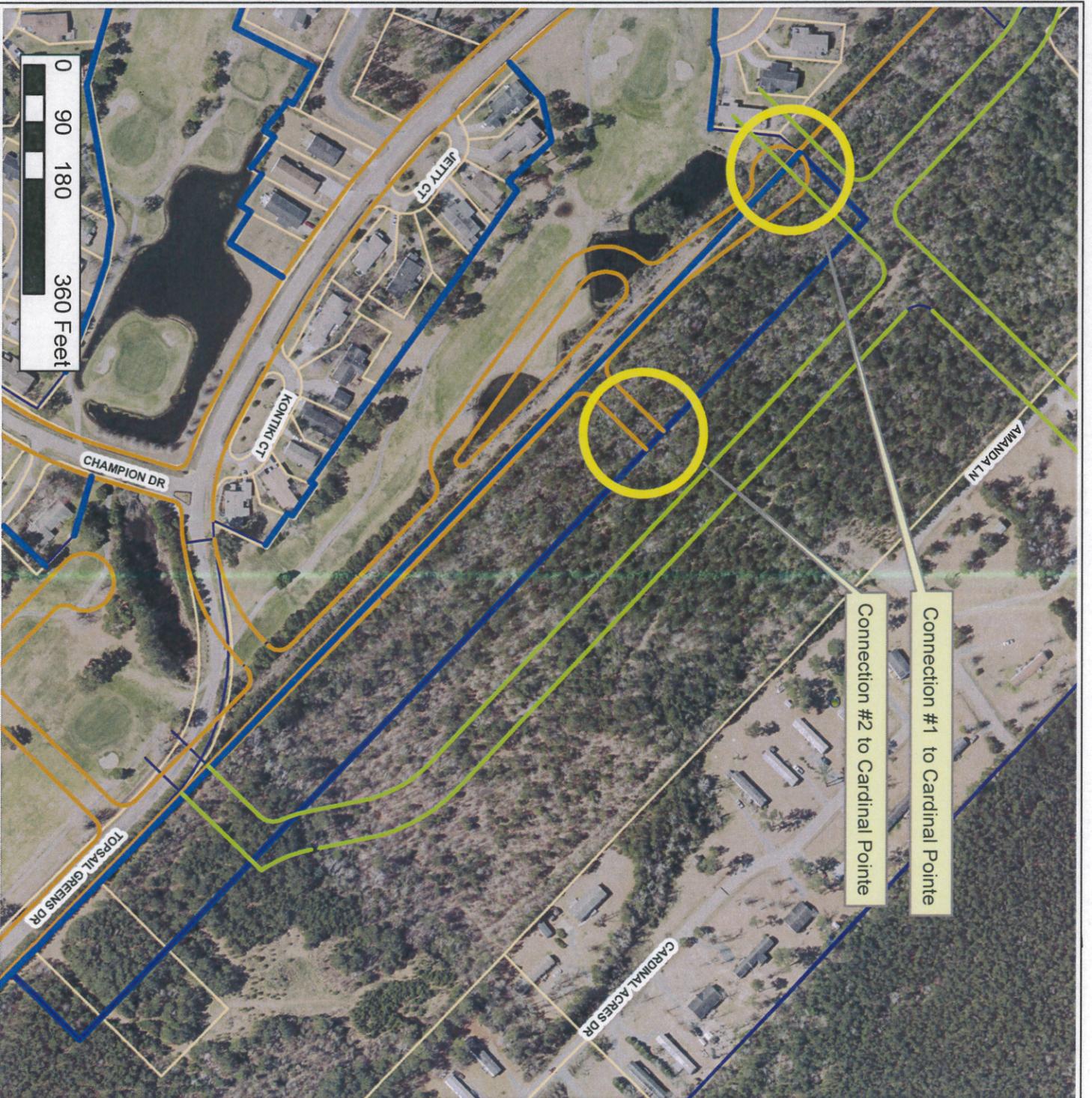
**Wyndwater**

## Legend

-  Wyndwater MDP Project Area
-  Wyndwater Proposed Roadways
-  Cardinal Pointe Proposed Roadways



## Adjacent Connections





**Applicant:**  
Signature Top Sail NC, LTD

**Owner:**  
Signature Top Sail NC, LTD  
and  
Jeffery Morris et. al.

**Master  
Development Plan**

**Case Number:**  
11035

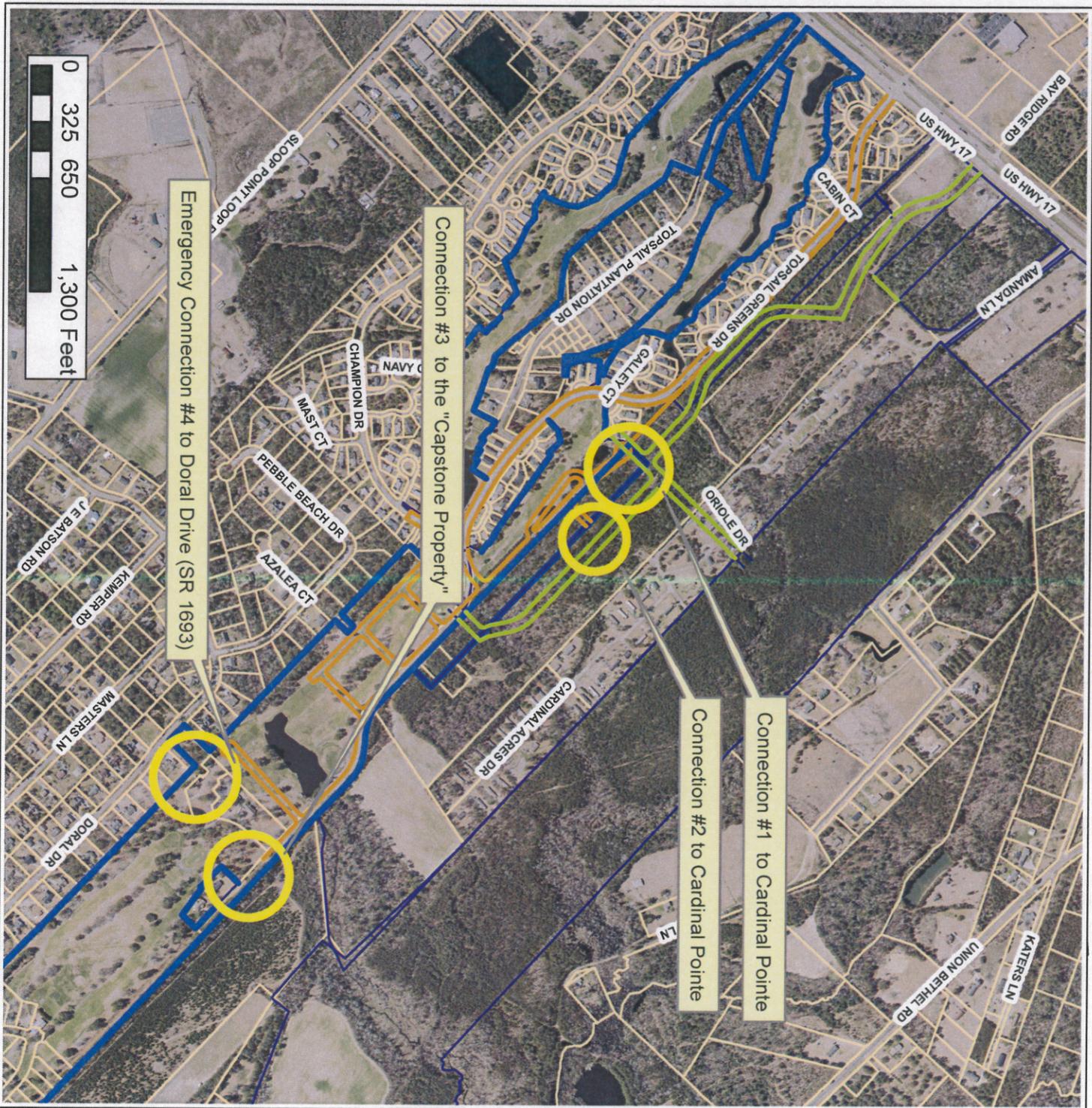
**Wyndwater**

**Legend**

- Wyndwater MDP Project Area
- Wyndwater Proposed Roadways
- Cardinal Pointe Proposed Roadways



**Adjacent Connections**





MAURICE W. GALLARDA, PE  
Managing Member

May 15, 2015

Mike Pollak  
Manager  
Signature Topsail NC LTD  
6450 Shinnwood Road  
Wilmington NC 28409

Re: Pluris Hampstead, LLC's Intent to Serve Signature Topsail NC LTD, Pender County

Dear Mr. Pollak,

This letter serves as confirmation of Pluris Hampstead, LLC's ("Pluris") intent to serve the above referenced development with wastewater treatment in accordance with the requirements of the North Carolina Department of Environmental Management ("DENR"), and the North Carolina Utilities Commission ("NCUC") to whom Pluris will be subject to for environmental and rate regulation respectively. In addition Pluris will be subject to the provisions of the County of Pender approved Special Use Permit.

It is our understanding that the initial phase of construction for the development will consist of forty (40) single family residences, requiring wastewater treatment in the initial phase for a maximum flow of 14,400 gallons per day. Subsequent development phases may include up to two-hundred ten (210) single family residences.

Pluris is currently in the construction phase of the new membrane bio-reactor ("MBR") wastewater treatment plant and related force main that will service Signature Topsail NC LTD. Operation of the MBR plant is currently estimated to begin at the end of December, 2015. Pluris has its first of two environmental permits from the DENR, which will allow sufficient treatment flow to include the initial phase of Signature Topsail NC LTD. The second permit will be completed prior to the MBR plant start up and address the total design flow for the regional plant. The DENR will allow the pumping and hauling of any wastewater for an interim period should any homes be completed prior to the start-up of the MBR plant. Wastewater would be treated at the existing Pluris MBR plant in Onslow County.

Please note that this letter of intent to provide wastewater service to the development is contingent upon the execution of a Developer Agreement between Signature Topsail NC LTD and Pluris Hampstead, LLC.

Should you have any questions please feel free to contact me directly at my office at 214.220.3412 or on my cell phone at 714.624.8670.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maurice W. Gallarda", with a long, sweeping flourish extending to the right.

Maurice W. Gallarda, PE  
Managing Member

Cc: Randy Hoffer, Regional Manager, Pluris

Here are TRC Comments from PCU Re: Wyndwater:

1. Wyndwater Phase 2 has received ATC NC PWS. PCU has been observing construction of the waterline for Phase 2. The construction and certification of Phase 2 has not been completed. ~~so we would not be ready for Final Plat.~~

Regarding the remainder of Wyndwater (Phases 3, 4, and Future Development):

- In all areas, waterline should not be closer than 4' to the EOP, and should be buried at 3' depth.
- In areas of 40' ROW, a dedicated and exclusive 10' utility easement to be provided outside of the ROW to PCU for operating and maintaining the water main.
- Please provide plans indicating a connection to the 16" DIP Watermain along US 17. The connection will be required prior to proceeding with Phase 3 and beyond.
- No gates shall be installed that would prevent PCU access to waterlines for operation and maintenance.
- No plans or permits have been issued for construction of waterline beyond Phase 2.

Thanks,

Bryan McCabe, PE  
Project Engineer  
Pender County Utilities  
605 E. Fremont Street  
Burgaw, NC 28425  
Phone 910-259-0212  
Fax 910-259-1579  
[Pender County Utilities Website](#)  
[bmccabe@pendercountync.gov](mailto:bmccabe@pendercountync.gov)

**Pender County  
Planning and Community Development**

**Planning Division**

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



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

December 17, 2013

Signature Pender County NC, LMTD  
9937 B  
Houston Texas 77024

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

Dear Signature Pender County NC, LMTD,

The Pender County Planning Board, at the November 12, 2013 meeting, voted unanimously to pass a motion to **conditionally approve** the Master Development Plan for The Oaks at Sloop Point; a master plan community consisting of ±185 single family residential units and ± 58,370 square footage of commercial space to be located on approximately ±143 acres. The proposed project is located along the south side of US Highway 17 between Champion Drive and Amanda Lane, Hampstead.

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

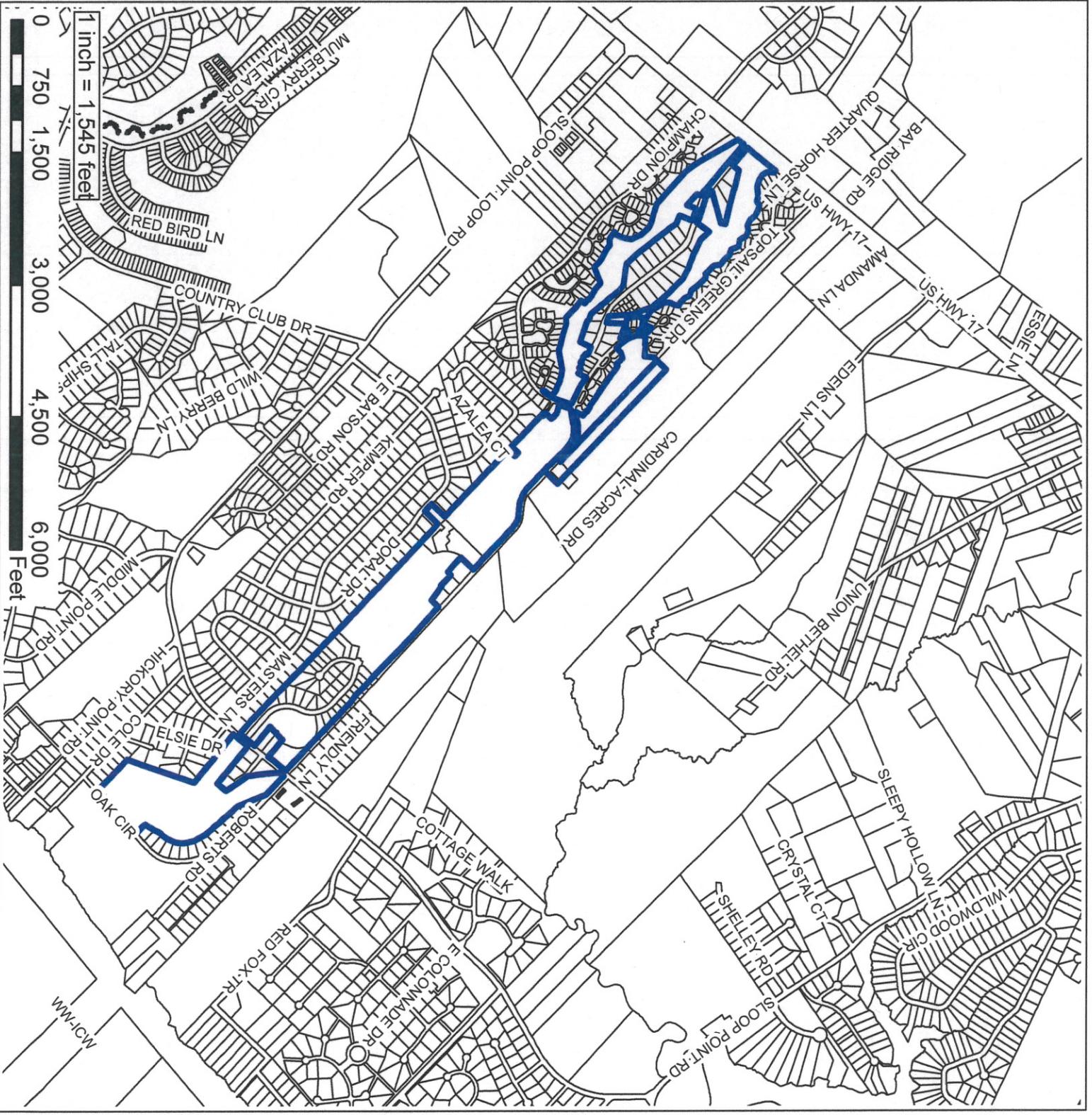
1. Provide connection to adjacent property to future development to the northwest (documented under case #11067 submitted for the December Planning Board meeting).
2. Provide connection to identified "Capstone Property"
3. Allow for "alternative" design for alleyway as shown on sheet C-3.4
4. Allow for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

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

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

Respectfully,

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



**Applicant:**  
Signature Top Sail NC, LTD

**Owner:**  
Signature Top Sail NC, LTD  
and  
Jeffery Morris et. al.

**Master  
Development Plan**

**Case Number:**  
11035

**Wyndwater**

 Subject Property



**Vicinity**



**Applicant:**  
Signature Top Sail NC, LTD

**Owner:**  
Signature Top Sail NC, LTD

and  
Jeffery Morris et. al.

**Master  
Development Plan**

**Case Number:**  
11035

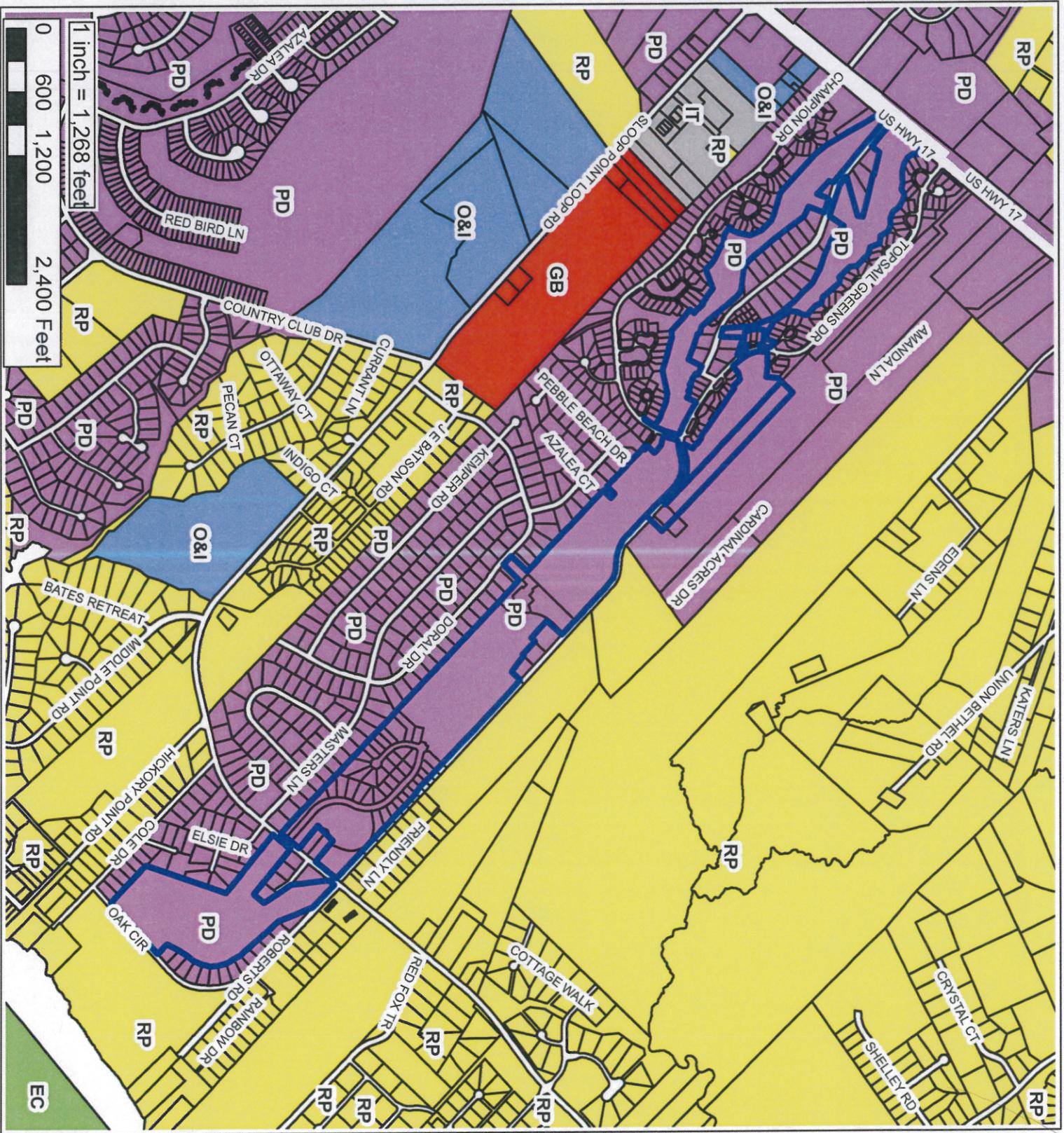
**Wyndwater**

**Legend**

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



**Current Zoning**



1 inch = 1,268 feet  
0 600 1,200 2,400 Feet



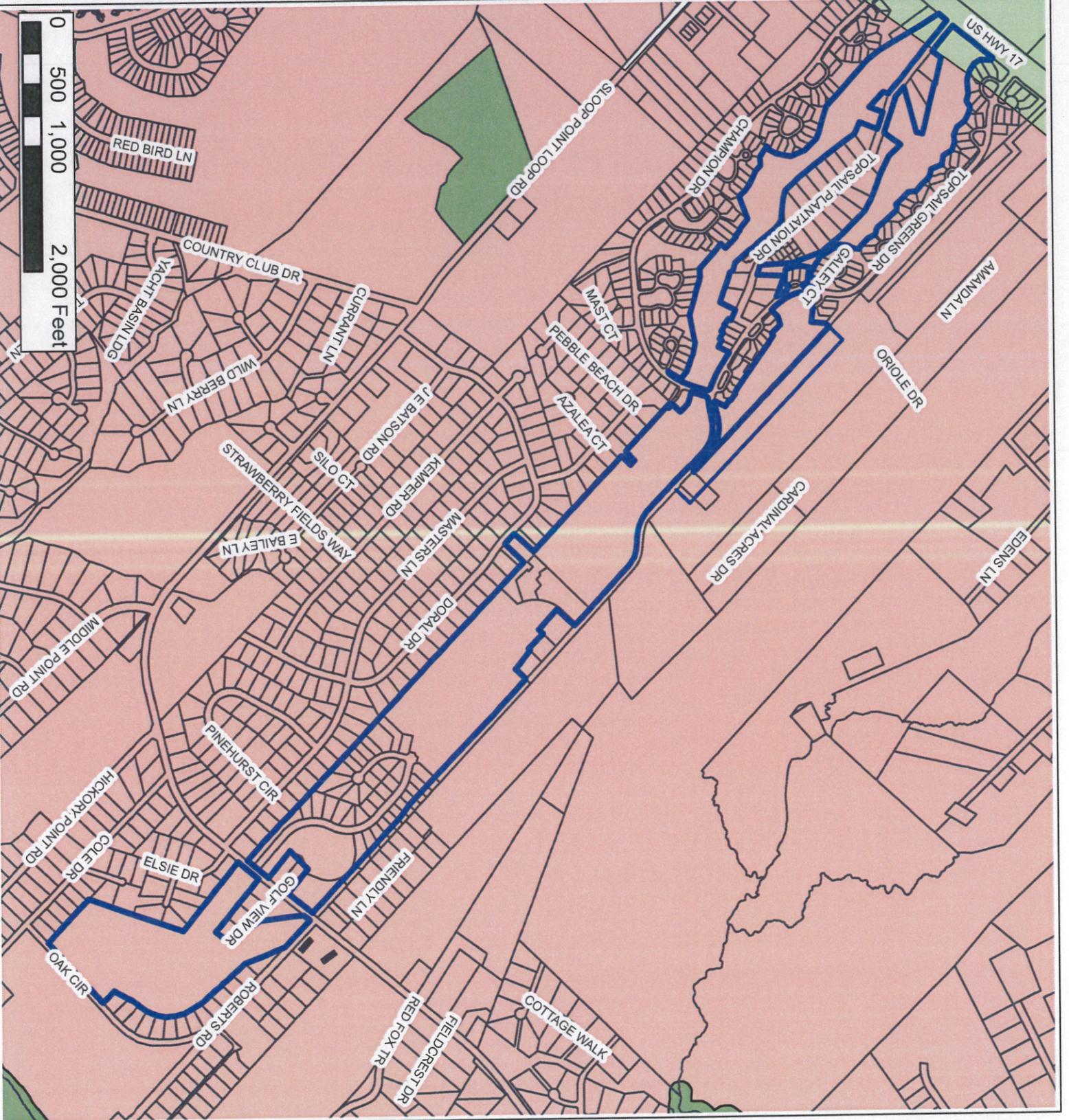
**Applicant:**  
Signature Top Sail NC, LTT

**Owner:**  
Signature Top Sail NC, LTT  
and  
Jeffery Morris et. al.

**Master  
Development Plan**

**Case Number:**  
11035

**Wyndwater**

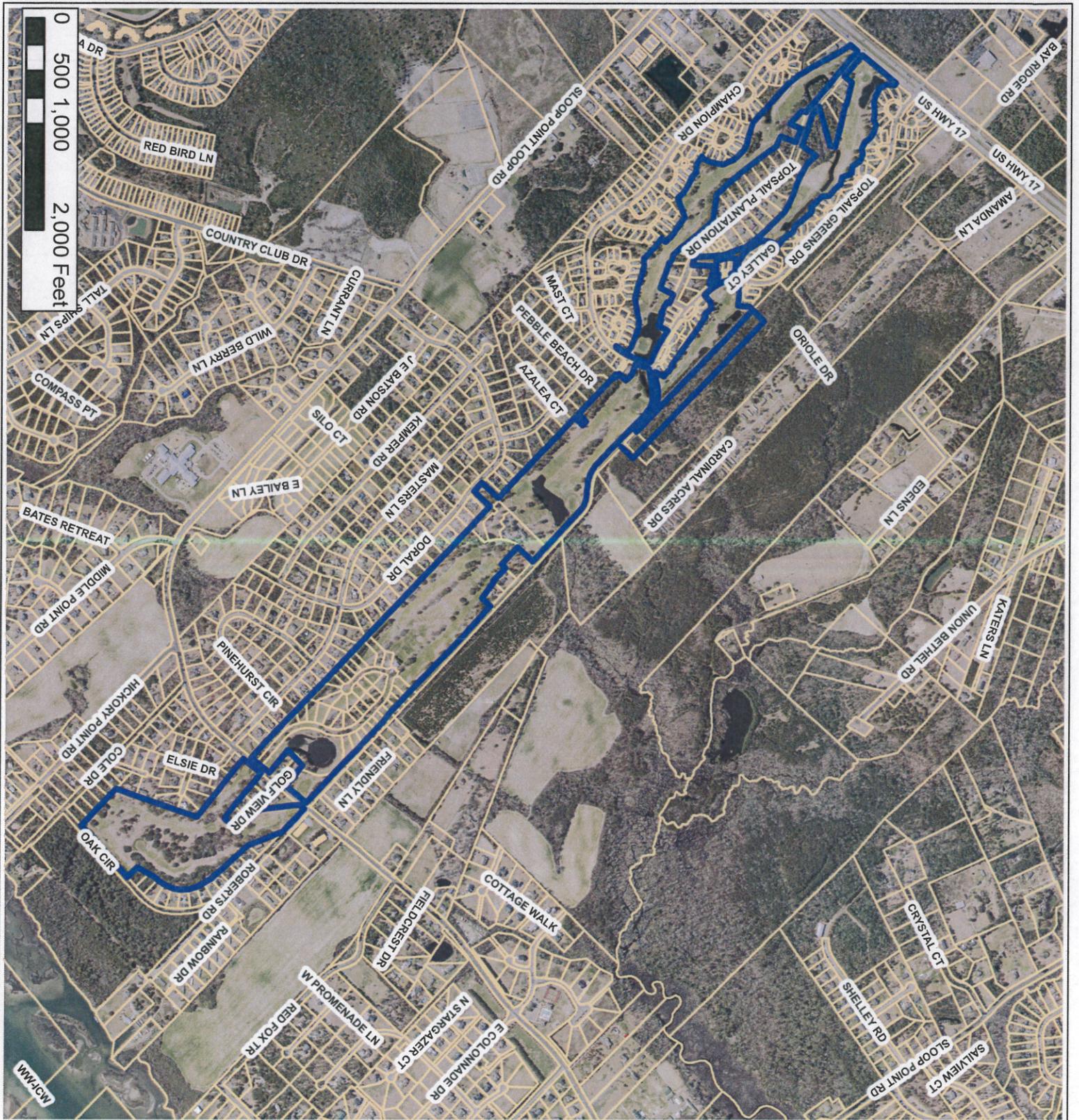


**Legend**

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



**Future Land Use**



**Applicant:**  
Signature Top Sail NC, LTD

**Owner:**  
Signature Top Sail NC, LTD  
and  
Jeffery Morris et. al.

**Master  
Development Plan**

**Case Number:**  
11035

**Wynndwater**

**Legend**  
 Subject Parcel



**2012 AERIAL**





**Applicant:**  
Signature Top Sail NC, LTD

**Owner:**  
Signature Top Sail NC, LTD  
and  
Jeffery Morris et. al.

**Master  
Development Plan**

**Case Number:**  
11035

**Wyndwater**



**Legend**

-  0.2% Annual  
Chance Flood hazard
-  AE



**NOT TO SCALE**

**Preliminary Flood Zones**

# Pender County Planning and Community Development

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



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

---

## MEMORANDUM

To: Pender County Planning Board

From: Planning Staff

Date: July 8, 2015

RE: Discussion Item— Landscaping and Buffer Requirements

---

Planning Board,

Staff is requesting your input on two potential options as alternatives to current landscaping and buffer requirements. These options are offered in effort to provide greater flexibility for landowners and/or developers whose proposed use on a site is relatively small compared to the overall size of the site. These potential options are a result of a discussion with a property owner who contacted the Planning office with a concern that a relatively small, new use on his site would trigger the requirement to install a landscaped buffer around the entire perimeter of the relatively large site, potentially becoming cost prohibitive.

Section 8.2.1 of the Pender County Unified Development Ordinance defines a buffer as:

*...a specified land area, located parallel to and within the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line, together with the planting and landscaping required on the land. A buffer may also contain, or be required to contain, a barrier such as berms, fence or wall, or combination hereof, where such additional screening is necessary to achieve the desired level of buffering between various land use activities. A buffer is not the same as the term "yard" or the term "stormwater management area."*

Section 8.2.2 states that:

*Buffers shall be located within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of an existing, dedicated or reserved public or private street or right-of-way. Buffers may be located and constructed within any required setback.*

Staff requests your input on the following options for buffer requirements while considering the following context: If a new use or building is proposed on a site, buffers may be required (per UDO Section 8.1.2). The buffers, regardless of the area being developed on the site, are required to be located along the entire perimeter of the parcel. If the parcel is large, is it unreasonable to require a buffer around the entire site, which could add significant cost to the project for the landowner and/or developer? The following two options are presented as alternatives:

1. **“Use Buffer”**: Rather than require a buffer to be located “within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line,” provide the option for the buffer to be located within the outer perimeter of the use on the parcel. With this option, the use would still be screened from adjacent sites, but the amount of buffer required could potentially decrease significantly.
2. **“Distance Buffer”**: If the limit of disturbance of a use is determined to be a minimum distance (to be determined) from the parcel boundary line, rather than require a buffer to be located “within the outer perimeter of a lot or parcel, parallel to and extending to the lot or parcel boundary line,” provide the option of having no buffer requirement. For example, if a use is at least five hundred feet from the closest property line, is it necessary to screen that use from adjacent properties with a buffer, or is the distance an adequate buffer in itself?

Staff will present the options to the Board for discussion and direction. Thank you for your input.

# Pender County Planning and Community Development

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



Phone: 910-259-1202  
Fax: 910-259-1295  
[www.pendercountync.gov](http://www.pendercountync.gov)

---

## MEMORANDUM

To: Pender County Planning Board

From: Planning Staff

Date: July 8, 2015

RE: Discussion Item— Collector Street Plan and Comprehensive Plan Updates

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Planning Board,

Because the process of updating both the Collector Street Plan and Comprehensive Land Use Plan has now begun, Staff intends to provide you with continuous updates in the form of a discussion item at Planning Board meetings. Below is a summary of the status of each plan update since our last discussion at the Planning Board Work Session in June.

### **Pender County Collector Street Plan**

A Collector Street Project Work Plan has been developed by the consultant, Stantec, and is attached for your information. The Work Plan includes a Milestone Schedule with a projected completion date of February 2016. Planning Staff is in the process of establishing a steering committee, after which a kick-off meeting date can be set. We anticipate that the steering committee will be appointed by the Board of County Commissioners on July 7. The steering committee make-up is anticipated to include the following members:

- Pender County Planning Staff
- WMPO Staff
- NCDOT Staff
- Planning Board representatives
- BOCC representatives
- Chamber of Commerce representative
- Emergency Management representative
- Citizen(s) at-large
  - Builder representative
  - Environmental representative
  - Business representative

Per the Milestone Schedule, the steering committee will meet at least four times throughout the update process. Until the steering committee is appointed, Staff is working in coordination with the Wilmington MPO and Stantec to provide land use data/approved development projects, adopted plans, and any other information at the request of the consultant.

### **Comprehensive Land Use Plan**

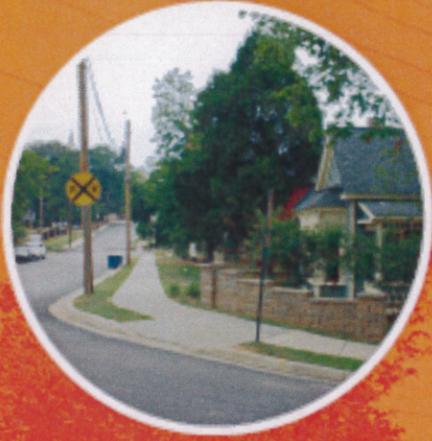
Funding has been approved by the County Commissioners for the development of a Comprehensive Plan update. Planning Staff has worked to set a schedule for the update process and will be seeking Planning Board input on a draft Request for Qualifications (RFQ) in August in preparation to advertise the RFQ later that month. Prior to releasing the RFQ, Planning Staff is currently working on preliminary planning and information inventory. Below is a summary of the proposed schedule:

- **June – August 2015:** Preliminary planning and information inventory
  - Definition of small area plan boundaries
  - Existing plan inventory
  - Goals and policies matrix
  - Existing land use survey
  - RFQ development
- **August 4, 2015:** Comp Plan informational presentation to Planning Board from RPO
- **August 4, 2015:** Refine RFQ scope with Planning Board
- **August 2015:** Advertise RFQ
- **September 2015:** Formation of steering committee
- **September 2015:** Consultant interviews and selection
- **October 2015 – June 2016:** Plan development with consultant
- **June 2016:** Potential plan adoption

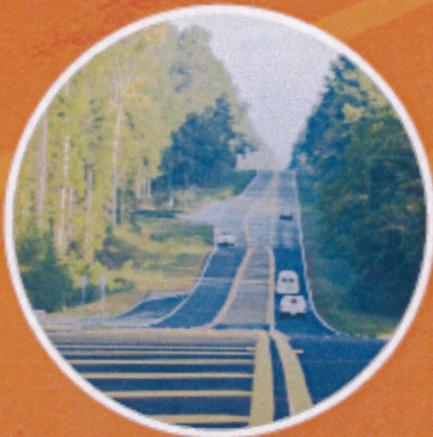
Planning Staff appreciates your input throughout the process for these plan updates.

### **Attachments:**

- Collector Street Work Plan



# Collector Street Plan: Project Work Plan Pender County



City of Wilmington

June, 2015



**Pender County**  
**Collector Street Plan (CSP)**

**Project Work Plan**

**Submitted to**  
**Pender County**

**June 2015**

**This project is sponsored by the following agencies: Wilmington MPO and Pender County**

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## I. Background & Planning Process

Stantec has been retained by the Wilmington MPO to provide professional services in the preparation of the *Pender County Collector Street Plan (CSP)*. This project represents an update of the 2007 collector street plan for Pender County. New connections, street design standards, environmental review and policy recommendations will all be a part of this update to assist local governments with collector streets planning and implementation.

With this in mind, this project isn't simply about creating a framework to identify existing collector streets and direct the construction of new collector streets in the Hampstead, Scotts Hill, and Rocky Point areas of Pender County, though that is critical. This project is an opportunity to lay the groundwork for future development that has a low impact on the environment, supports alternative modes of transportation, and evenly spreads the traffic burden across the network. Incorporating these considerations into the plan is arguably the most important element of the project; succeeding at including these elements will safeguard Pender County and the Wilmington region against costly traffic issues in the future. Additionally, this project includes a collector street standards element, which represents the possibility of affecting positive infrastructural change in the area through innovative street design, enhanced connectivity and environmental stewardship. It will also look for ways to effectively engage the Pender County community to identify problem areas and suggest improvements.

This project involves developing a long-range plan for the local street network to accommodate projected growth and infrastructure changes. We understand that the need for this study is prompted by growth that may be accelerated by the completion of I-140 to US 17 and by new potential interchanges associated with the Cape Fear River Crossing, as well as the potential Hampstead Bypass project. Stantec and its team of planners and engineers are aware of this and are committed to delivering a quality product with a high likelihood of being implemented. In order to make good on this approach, we recognize the importance of communicating milestones and deliverables throughout the planning process. With this in mind, the following *Project Work Plan* describes the team organization, milestones, deliverables, schedule, quality control, and communication plan for this planning effort. On a bi-monthly basis, we will prepare a progress report that describes project efforts from the previous month, current issues to be resolved, and next months' milestones and activities. The progress reports will be included with a copy of the quarterly invoice for your convenience.

## II. Project Goal/Objective

Our planning and engineering approach is focused on the creation of a *flexible planning process*. Through our Project Team's experience in working with NCDOT as well as the Wilmington MPO, we understand the need to be responsive in our planning/design process: as the old adage goes, "expect the unexpected." Our goal is to ensure that the endorsed recommendations are a result of informed decision-making and a process that allows stakeholders the opportunity make changes and justify the outcome. The advantage of a flexible framework is the ability to customize the process to reflect the priorities of the project stakeholders and to respond to challenges as they arise.

**Project Goal:** This project is ultimately about quality of life for current residents and future generations in this area, as much as it is about development. Our goal is to create an

innovative plan that emphasizes mobility and accessibility, but also environmental sustainability, community character, and cohesion with the greater Wilmington region.

The schedule for the planning process is to complete the Pender County Collector Street Plan within the 6 - 8 month planning timeframe. The project will be overseen by a committee of key stakeholders, including the Wilmington MPO, Pender County and potential representatives from the residential and business community. Stantec will communicate progress to this committee at a Project Kickoff Meeting, Committee Work Sessions, and at Public Workshops. Stakeholder communication will be vital to receiving “informed consent” with regard to the process and final deliverables. The diversity of outreach options, including public meetings, website materials, and MPO coordination, will provide a solid basis for achieving substantial public input.

### III. Project Team

Michael Rutkowski, PE, AICP will serve as your Project Manager assuring quality reviews on project deliverables and helping to facilitate public outreach and stakeholder collaboration efforts. Max Bushell, AICP will serve as your Assistant Project Manager providing the day-to-day contact for the project, and will serve as the front line of communication between the Stantec Team and project stakeholders. Throughout the duration of this plan, our focus will be on this project, giving Pender County and member agencies quick access to information and providing timely response to questions. The full project team is listed below:

***Stantec:***

<u>Project Team Task Leaders</u>	<u>Role:</u>
Michael Rutkowski, PE, AICP	Project Manager
Max Bushell, AICP	Asst. Project Manager
Amy Sackaroff, AICP	Stakeholder Outreach
Linda Pass, P.E.	Stormwater Best Practices
Amber Coleman	Environmental Screening
Anna Stokes	GIS and Data Analysis

#### IV. Project Schedule

The Pender County Collector Street Plan tasks will include coordination with the client, stakeholders, data collection and information gathering; environmental analysis; connectivity analysis; development review process, and analysis of potential funding mechanisms. The project team will also conduct two public outreach meetings. The tentative deadline for completing this scoping and concept study is February 2016. Dates within this milestone schedule are subject to change based on data availability, public involvement scheduling, review of deliverables, and council/board presentations. Table 1 provides the project milestone schedule.

**Table 1. Milestone Schedule**

Project Milestone	Tentative Initiation/Completion Date <sup>1</sup>	Achieved
Notice to Proceed	06/01/2015	06/01/2015
Submit Project Work Plan	06/03/2015	06/03/2015
Create Project FTP Site	06/03/2015	06/03/2015
Submit Data Needs List	06/03/2015	06/03/2015
Steering Committee Kickoff Meeting/Site Visit	TBD After 07/13/2015	
Finalize Study Area Boundary	07/01/2015	
Obtain Data from Client	07/03/2015	
Initiate Environmental Screening	07/03/2015	
Initiate Existing Conditions Analysis	07/10/2015	
Develop Public Questionnaire/Web Page (Client)	07/16/2015	
Submit Existing Conditions Analysis Technical Memorandum	08/07/2015	
Steering Committee Mtg and Stakeholder Workshop # 1	08/20/2015	
Collector Street Network (Mapped)	08/28/2015	
Ground Truthing Exercise	09/04/2015	
Two Collector Street Network Scenarios	09/11/2015	
Cross Sections (up to six)	09/22/2015	
Tri-Party Bicycle/Pedestrian Facilities Agreement	09/30/2015	
Green Streets Strategy	10/02/2015	
Steering Committee Mtg	10/09/2015	
Refine Collector Street Network	10/16/2015	

Project Milestone	Tentative Initiation/Completion Date <sup>1</sup>	Achieved
Draft Plan Implementation	10/30/2015	
Draft Collector Street Plan Workbook	11/20/2015	
Client Work Session and Public Informational Meeting	12/18/2015	
Revise Collector Street Plan Workbook	1/08/2016	
Final Collector Street Plan Workbook	1/15/2016	
Present to County Commissioners	1/25/2016	
Submit Final Workbook	2/12/2016	
Submit Plan Data "Flash Data"	2/19/2016	

<sup>1</sup> Tentative completion dates subject to change based on client review and scheduling meetings/work sessions with elected officials. The milestone schedule will be updated and included in bi-monthly progress reports.

## V. Communication Protocol and Contact List

To ensure quality performance and delivery, the Client will work with the Stantec Team to develop a detailed Contact List for potential participants and stakeholders for the CSP. The communication protocol established here identifies the primary points of contact within the Wilmington MPO as well as within the Consultant team. Information in this work plan will be used for the duration of the project to maintain smooth coordination and enhance communication with the public, stakeholders, and the client.

### ***Progress Reporting:***

The Consultant will prepare bi-monthly progress reports consisting of a bulleted list describing recent project efforts. These progress reports will be included with a copy of the monthly invoice for ease of reference.

The progress reporting and conference calls will be used by the project team members to ensure schedule adherence and project deadlines. Understandably, the planning process may encounter externalities that may cause delay in the schedule. If this occurs, the Project Manager will contact the Client directly to establish a procedure for addressing the delay. The Consultant Team will make every effort to adhere to the project timeline. However, in order to meet and exceed client and stakeholder expectations, a flexible planning process that is responsive to project objectives will be administered.

### ***Project Team Communication:***

Direct communication between the Consultant and the Client will occur throughout the planning process via email correspondence, telephone calls, and face-to-face meetings with the Wilmington MPO, Pender County, and NCDOT staff. Subconsultants and other project

## **VI. Invoicing and Progress Reports**

Invoices will be submitted on a monthly basis to the Client beginning July 2015. Each monthly invoice will be accompanied by a progress report consisting of a bulleted list summarizing efforts to date.

Invoices will be addressed to:

Mike Kozlosky  
Executive Director  
Wilmington MPO  
305 Chestnut Street, 4th Floor  
Wilmington, NC 28401

## **VII. Project Contacts**

### ***Client Project Manager:***

Mike Kozlosky  
Wilmington MPO  
305 Chestnut Street, 4th Floor  
Wilmington, NC 28401  
Office: (910) 341-4661  
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### ***Stantec Project Team:***

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