

# Pender County Planning and Community Development



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## AGENDA Pender County Planning Board Wednesday, January 4, 2017 7:00 p.m. Pender County Public Assembly Room 805 S. Walker Street, Burgaw, North Carolina

**Call to Order:** Chairman Williams

**Roll Call:** Chairman Williams

Pender County Planning Board Members:

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

- 1. Adoption of the Agenda:**
- 2. Service Award Presentation: (Sonya Edens)**
- 3. Election of Officers: (Chairperson/Vice-Chairperson)**
- 4. Adoption of the Minutes: (December 4, 2016)**
- 5. Adoption of the 2017 Meeting Calendar:**
- 6. Public Comment:**

*\*(Public Hearings Open)\**

**7. Master Development Plan and Major Site Plan:**

Headwaters Properties, LLC, applicant, on behalf of Lanwillo Development Company, Raymond E. Hughes, and Headwaters Properties, LLC., owners, are requesting the approval of a Master Development Plan and Phase I Major Site Development Plan for approximately 24.26 acres of mixed-use development known as Headwaters Town Center. Specifically, the request is to allow for; Electronic & Appliance Stores (443), Food & Beverage Stores (445), Health & Personal Care Stores (446), Gasoline Station (447), Clothing & Clothing Accessories Stores (448), Sporting Goods, Hobby, Book & Music Stores (451), Miscellaneous Store Retailers (453), Non Store Retailers (454), Postal Services (491110), Finance & Insurance (52), Real Estate & Rental & Leasing (53), Professional, Scientific & Technical Services (54), Management of Companies & Enterprises (55), Administrative & Support Services (561), Educational Services (611), Business Schools, Commuter & Management Training (6114), Technical & Trade Schools (6115), Other School & Instruction (6116), Hospitals

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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.

(622), Performing Arts Companies (7111), Agents & Managers for Artists, Athletes, Entertainers & Other Public Figures (7114), Museums, Historical Sites & Similar Institutions (712), Fitness & Recreational Sports Centers (713940), Bowling Centers (71395), Hotels & Motels (72111), Full Service Restaurants (7221), Limited Service Eating Places (7222), Special Food Services (7223), Drinking Places (7224), Personal & Household Goods, Repair & Maintenance (8114), Personal Care Services (8121), Coin Operated Laundries & Dry Cleaners (812310), Dry Cleaning & Laundry Services (812320), Other Personal Services (8129), Religious Organizations (8131), Business Professional, Labor, Political & Similar Organizations (8139), and Public Administrations (92). The subject properties are zoned PD, Planned Development zoning district. The properties are located along the east side of US HWY 17, between Hughes Road (SR 1618) and Deerfield Drive (SR 1673) in the Topsail Township and may be further identified by Pender County PINs: 3282-74-3515-0000, 3282-74-6231-0000, 3282-74-1001-0000, and 3282-74-8862-0000.

**8. Zoning Text Amendment:**

Travis Holder, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to add a Section (5.3.7) for standards regarding construction (Sector 23) and amend Section 5.2.3, Table of Permitted Uses, in order to allow for the following uses; Construction of Buildings (NAICS 236), Heavy and Civil Engineering Construction (NAICS 237) and Specialty Trade Contractors (NAICS 238) permitted with use standards in the GB, General Business zoning district.

*\*(Public Hearings Closed)\**

**9. Discussion Items:**

**a. Planning Staff Items:**

- i. Density ZTA Update:
- ii. Comprehensive Plan Update:
- iii. TRC Update:

**b. Planning Board Members Items:**

**10. Next Meeting:** February 7, 2017

**11. Adjournment:**

## Planning Board Meeting Dates for 2017

Meeting Date
*1/4/2017
2/7/2017
3/7/2017 Work Session @6
4/4/2017
5/2/2017
6/6/2017 Work Session @ 6
**7/5/2017
8/1/2017
***9/6/2017 Work Session @ 6
10/3/2017
11/7/2017
12/5/2017 Work Session @ 6

- \* Meeting will be held on Wednesday due to BOCC meeting on Tuesday 1/3/2017
- \*\* Meeting will be held on Wednesday due to Office closed on Tuesday 7/4/2017
- \*\*\* Meeting will be held on Wednesday due to BOCC meeting on Tuesday 9/5/2017

**PLANNING STAFF REPORT  
MASTER DEVELOPMENT PLAN  
& MAJOR SITE DEVELOPMENT PLAN  
HEADWATERS TOWN CENTER**

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**SUMMARY:**

**Hearing Date:** January 4, 2017  
**Applicant:** Headwaters Properties, LLC  
**Property Owners:** Lanwillo Development Company; Headwaters Properties, LLC; Raymond E. Hughes  
**Case Number:** MDP 436-2016 and Major Site Plan 405-2016

**Development Proposal:** Headwaters Properties, LLC, applicant, on behalf of Lanwillo Development Company, Raymond E. Hughes, and Headwaters Properties, LLC, owners, is requesting approval of a Master Development Plan and Major Site Development Plan approval for four (4) tracts totaling approximately ±24.26 acres for Phase One (1) of a mixed use development known as Headwaters Town Center. Specifically, the request is to allow for; Electronic & Appliance Stores (443), Food & Beverage Stores (445), Health & Personal Care Stores (446), Gasoline Station (447), Clothing & Clothing Accessories Stores (448), Sporting Goods, Hobby, Book & Music Stores (451), Miscellaneous Store Retailers (453), Non Store Retailers (454), Postal Services (491110), Finance & Insurance (52), Real Estate & Rental & Leasing (53), Professional, Scientific & Technical Services (54), Management of Companies & Enterprises (55), Administrative & Support Services (561), Educational Services (611), Business Schools, Commuter & Management Training (6114), Technical & Trade Schools (6115), Other School & Instruction (6116), Hospitals (622), Performing Arts Companies (7111), Agents & Managers for Artists, Athletes, Entertainers & Other Public Figures (7114), Museums, Historical Sites & Similar Institutions (712), Fitness & Recreational Sports Centers (713940), Bowling Centers (71395), Hotels & Motels (72111), Full Service Restaurants (7221), Limited Service Eating Places (7222), Special Food Services (7223), Drinking Places (7224), Personal & Household Goods, Repair & Maintenance (8114), Personal Care Services (8121), Coin Operated Laundries & Dry Cleaners (812310), Dry Cleaning & Laundry Services (812320), Other Personal Services (8129), Religious Organizations (8131), Business Professional, Labor, Political & Similar Organizations (8139), and Public Administration (92).

**Property Record Number, Acreage, and Location:** The subject properties for the proposed development are located on the east side of US HWY 17, between Hughes Road (SR 1618) and Deerfield Drive (SR 1673) in the Topsail Township and may be further identified by Pender County PINs: 3282-74-3515-0000, 3282-74-6231-0000, 3282-74-1001-0000, 3282-74-8862-0000. The site is currently vacant and is immediately surrounded by single-family residential and commercial uses to the north and east, bound by a vacant tract to the west, Hughes Road (SR 1618) to the south, Deerfield Drive (SR 1673) to the north, US HWY 17 to the east, and single-family residential to the northwest and southwest.

**Zoning District of Property:** The properties are approximately ±24.26 acres and 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 three (3) 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. Planning Staff recommends the conditional approval of the Master Development Plan for Headwaters Town Center. However, Planning Staff recommends the Board table the request for Major Site Development Plan approval for Phase I, based on incomplete items listed below:

1. The extension of sidewalks along Hughes Road (SR 1618) and Deerfield Drive (SR 1673) to the extent of the project bounds to enhance pedestrian connectivity to adjacent residential developments to meet the requirements of Section 4.8.1.D of the Pender County Unified Development Ordinance in accordance with Figure 1.
2. A drainage plan in accordance with Section 7.9.1 of the Pender County Unified Development Ordinance.
3. An outdoor lighting plan in accordance with Section 7.11 of the Pender County Unified Development Ordinance.
4. Provide a stub-out to the property east of the development to allow for future connectivity to Creekview Drive (SR 1674) as required per Sections 4.8.1.E and 7.4.4 of the Pender County Unified Development Ordinance.
5. Significant tree survey mitigation as required per Section 8.1.3.A.4 of the Pender County Unified Development Ordinance.
6. A completed Traffic Impact Analysis (TIA) shall be submitted to Planning Staff pending review and approval by NCDOT as required per Section 6.3 of the Pender County Unified Development Ordinance.
7. Parking spaces provided in excess of the minimum shall be constructed to low impact design standards according to Section 7.10.5.C of the Pender County Unified Development Ordinance.

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**PROJECT HISTORY**

Headwaters Town Center was originally submitted as a Conditional Zoning Map Amendment (CZMA) on October 20, 2016. The proposal included the development proposal outlined within this report, along with two (2) additional parcels containing multi-family residential labeled as “future development”. A community meeting was held, as required by the Pender County Unified Development Ordinance for CZMAs, on November 3, 2016 at the Hampstead Annex. Based on feedback from the community at that meeting, as well as an additional meeting on November 29, 2016, the applicant indicated to staff they wished to remove the multi-family portion of the development and withdraw their application for a CZMA. Staff worked with the applicant to revise the submittal for Planning Board to review a Master Development Plan and Major Site Plan for Phase I of Headwaters Town Center.

**DEVELOPMENT PROPOSAL**

Headwaters Properties, LLC, applicant, on behalf of Lanwillo Development Company, Raymond E. Hughes, and Headwaters Properties, LLC, owners, is requesting approval of a Master Development Plan and Major Site Development Plan approval for a mixed use development known as Headwaters Town Center. The project is proposed to be constructed in phases, with the first phase proposing a ±53,000 square feet grocery store with ±22,000 square feet of adjoining retail development. According to the application and submitted site plan, the project consists of the Phase One proposal as well as five (5) additional outparcels reserved for future development as well as a required Collector Street on the east side of the development.

Phase	Proposal	Size
1	Grocery Store and Retail	75,000 sq. ft.
2	Five (5) Outparcels	5.21 acres

The grocery-anchored development proposes access from three points. Along US HWY 17 via a new driveway entrance, along a proposed Collector Street that connects Hughes Road (SR 1618) and Deerfield Drive (SR 1673), and through a direct access along Hughes Road. Signage is located on the south side of the US HWY 17 entrance to the development. There are multiple pedestrian facilities located in the development that promote inter-connectivity. Proposed setbacks and building height allowances for the development are shown below.

Side Yard	Setback
Front	5'
Side	5'
Rear	5'
Corner	5'
Max. Height	45'

Proposed uses for the Master Development Plan area are included in the applicant's submitted narrative, as shown below:

Proposed Allowable Uses in PD District	
NAICS Code	Use
443	Electronic & Appliance Stores
445	Food & Beverage Stores
446	Health & Personal Care Stores
447	Gasoline Station
448	Clothing & Clothing Accessories Stores
451	Sporting Goods, Hobby, Book & Music Stores
453	Miscellaneous Store Retailers
454	Non Store Retailers
491110	Postal Services
52	Finance & Insurance
53	Real Estate & Rental & Leasing
54	Professional, Scientific & Technical Services
55	Management of Companies & Enterprises
561	Administrative & Support Services
611	Educational Services
6114	Business Schools, Commuter & Management Training
6115	Technical & Trade Schools
6116	Other School & Instruction
622	Hospitals
7111	Performing Arts Companies
7114	Agents & Managers for Artists, Athletes, Entertainers & Other Public Figures
712	Museums, Historical Sites & Similar Institutions
713940	Fitness & Recreational Sports Centers
71395	Bowling Centers
72111	Hotels & Motels
7221	Full Service Restaurants
7222	Limited Service Eating Places
7223	Special Food Services
7224	Drinking Places
8114	Personal & Household Goods, Repair & Maintenance
8121	Personal Care Services
812310	Coin Operated Laundries & Dry Cleaners
812320	Dry Cleaning & Laundry Services
8129	Other Personal Services
8131	Religious Organizations
8139	Business Professional, Labor, Political & Similar Organizations
92	Public Administration

**Street Connectivity and Access**

Ingress and egress to the proposed development is shown through multiple entrances. A direct entrance to the facility is proposed via a newly designed intersection between US HWY 17 and "Road A". A stoplight is anticipated at this intersection and will be finalized based on the Traffic Impact Analysis (TIA) and coordination with the U-5732 Hampstead median project. A Collector Street is identified by the Pender County Collector Street Plan on the proposed site, connecting Hughes Road (SR 1618) and Deerfield Drive (SR 1673), providing an additional access to the development. Additionally, "Road A" connects "Collector Road B" to the entrance of the development at US HWY 17 and provides internal access to the shopping center. A second direct entrance is proposed along Hughes Road (SR 1618), subject to review and approval by NCDOT.

Cross access corridors are required for all nonresidential adjacent properties. All cross access corridors must meet the requirements found in Section 7.4.4 Cross Access Corridors of the Pender County Unified Development Ordinance. The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels is required for Master Development Plan submittals according to Section 6.1.4 of the Pender County Unified Development Ordinance. Cross access corridors will be required when site specific development plans are submitted for each outparcel, as these are currently shown as future development. Additionally, staff is recommending that all outparcels be accessed internally, with no direct access to US HWY 17, which is consistent with the PD, Planned Development zoning district standards found in Section 4.8.1.E of the Pender County Unified Development Ordinance.

A required cross access connection is not shown on the plans connecting the proposed Collector Street to Creekview Drive (SR 1674) for future development. This connection is required per Section 7.4.4 of the Pender County Unified Development Ordinance and shall be constructed to the eastern adjacent property line and shown on the submitted site plan.

According to Section 4.8.1.E of the Pender County Unified Development Ordinance, the on-site transportation system shall be integrated with the off-site transportation circulation system of the County. The road network within Planned Developments shall be designed to ensure that adjacent residential areas, internal and external to the project, have direct access to any non-residential portions of the planned development in lieu of entering and exiting through thoroughfares and/or collector streets. The submitted plan proposes connections to Hughes Road (SR 1618) and Deerfield Drive (SR 1673) through a required Collector Street per the Pender County Collector Street Plan. This allows connectivity to residential communities to the north and south of the subject properties, as well as additional connections along US HWY 17. The proposed Collector Street extends existing Center Drive (SR 1684) to help create a backage road parallel to US HWY 17 designed to reduce traffic congestion, as well as providing a connection to future development through Creekview Drive (SR 1674). The construction of the Collector Street is required prior to any final zoning approval.

**Pedestrian Access**

Phase I shows pedestrian sidewalks throughout the development. According the applicant's submitted narrative, they have agreed to place an eight (8') feet wide multi-use path on the west side of the proposed Collector Street, exceeding Pender County Collector Street Plan standards. A sidewalk is also shown on the Hughes Road (SR 1618) entrance to the development. Crosswalks are provided at various intersections within the development to ensure pedestrian safety, including on the proposed Collector Street. Staff recommends additional crosswalks and pedestrian facilities within the proposed development to enhance pedestrian access and meet the requirements of the PD, Planned

Development zoning district. These include additional sidewalks along the interior of outparcels, as shown in Figure 1, with staff's recommendations in red.

**Figure 1**



Staff is recommending a payment in lieu of sidewalk construction along US HWY 17 if an outparcel is to be developed prior to the construction of the U-5732 Hampstead median project. The latest design of that project, revised on October 18, 2016 by NCDOT, is shown in Attachment 2. The proposed plans provide grading and space for future pedestrian facilities along US HWY 17. According to the applicant's submitted narrative, the applicant intends to construct pedestrian facilities along US HWY 17 as each outparcel is developed. The construction of the median would possibly damage any new pedestrian facilities, therefore, staff is recommending payment for future construction once the median project is complete.

In the applicant's proposal, a cross section of "Collector Road B" is shown on the submitted site plans. The proposed "Collector Road B" is located on the east side of the grocery store and adjoining retail. The Collector Street is identified as a "Group 1" Collector Street and shall contain one five (5') foot wide sidewalk along the Collector Street. The applicant has agreed to construct one eight (8) foot wide multi-use path on the west side of Collector Street, which is found among the "Group 2" type of Collector Streets found in the Pender County Collector Street Plan, exceeding the requirements of the plan (Figure 2). This option is compliant with the Pender County Collector Street Plan.

**Figure 2**



Staff is also recommending the extension of sidewalks along Hughes Road (SR 1618) and Deerfield Drive (SR 1673) to the extent of the project bounds to enhance pedestrian connectivity to adjacent residential developments. Staff also received Technical Review Committee (TRC) comments from the Wilmington Metropolitan Planning Organization recommending pedestrian facilities along Hughes Road (SR 1618) and US HWY 17. According to Section 4.8.1.E.2 of the Pender County Unified Development Ordinance, a Master Development Plans in the Planned Development zoning district requires pedestrian-oriented communities to maximize opportunity for pedestrian activity and improve the quality of the pedestrian experience. According to Section 4.8.1.A.2 of the Pender County Unified Development Ordinance, the purpose of Planned Development zoning district is to promote quality urban design and environmentally sensitive development by incorporating walkable, compact, pedestrian and transit friendly development and by allowing development to take advantage of special site characteristics, locations, and land uses. These recommendations are intended to create a walkable, pedestrian-friendly development that enhances the quality of life for those accessing the subject property.

The proposed plan as submitted is not consistent with the pedestrian access requirements of the PD, Planned Development zoning district described above. Sidewalks promote and enhance the community lifestyle for nearby residents in adjacent subdivisions. The proposed sidewalks, as well as the plans for the inclusion of pedestrian features on US HWY 17, provide the possibility of future pedestrian connections along that corridor. The additional improvements and conditions described above shall be met to provide a walkable and pedestrian friendly development. Providing these additional facilities is consistent with the spirit and intent of the PD, Planned Development zoning district.

All pedestrian facilities along site entrances, Collector Streets, and located within the interior of grocery and retail development shall be constructed during Phase I. Sidewalks proposed along the exterior and interior of all outparcels shall be constructed as previously discussed. Proposed staff recommendations for pedestrian facilities are shown in Figure 1, with green being already proposed pedestrian facilities, to be constructed during Phase I.

#### **Traffic**

A Traffic Impact Analysis (TIA) is required and has been submitted based on the total number of trips for the entire development. The applicant has provided trip generation information for the development. A total of 135 AM peak hour trips and 347 PM peak hour trips were submitted by the applicant. Roadway improvements were studied for the following intersections:

- US HWY 17 & NC HWY 210
- US HWY 17 & Deerfield Drive
- US HWY 17 & Washington Acres Road
- US HWY 17 & Site Entrance
- US HWY 17 & Hughes Road
- Hughes Road & Site Access
- Hughes Road & Collector Street
- Deerfield Drive & Collector Street
- Deerfield Drive & Creekview Drive

The TIA scoping document from the Wilmington Metropolitan Planning Organization is found in Attachment 3. Additionally, a traffic light is proposed at the site entrance along US HWY 17 and will be part of the driveway permitting process when warranted by trip volume numbers outlined in the applicant's TIA.

**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 the PD, Planned Development zoning district the following buffers are required per Section 8.2.8 of the Pender County Unified Development Ordinance; a Buffer A along all boundaries adjacent to a street, a Buffer B along all other boundaries, and a Buffer C is required along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than one (1) acre and when a single family structure is within fifty (50) feet of the boundary of the development.

These designations are required per Section 6.1.4.11 prior to the approval of a Master Development Plan in a mixed-use district. Buffers are required around the exterior of the parcel, not between phases or development types in the mixed-use district. If any portions of the project shall be subdivided a re-examination of the buffers must occur in accordance with the Pender County Unified Development Ordinance. The applicant shows an A-3 Buffer along US HWY 17 and Hughes Road (SR 1618), an A-1 Buffer along Deerfield Drive (SR 1673), a B-3 Buffer bordering the commercial use to the northeast, and a C-4 Buffer along the entire southern border of the property. Additionally, a Type C-3 Buffer shall be recommended around the perimeter of the proposed pump station to provide a visual barrier for any adjacent residential properties due to comments received during the community meetings, which the applicant has agreed to in their submitted narrative. All required project buffers are in compliance with Ordinance standards.

**Parking**

According to the applicant's submitted site plan, three hundred and seventy-seven (377) parking spaces will be provided for the proposed grocery store and adjoining retail. According to Section 7.10 of the Pender County Unified Development Ordinance, one (1) parking space for every 225 square feet for the first 50,000 square feet of floor area is required for retail uses, with one (1) space required for every 250 square feet thereafter. For the proposed grocery store and adjoining retail, a minimum of three hundred and thirty-three (333) spaces are required. Parking spaces provided in excess of the minimum shall be constructed to low impact design standards according to Section 7.10.5.C of the Pender County Unified Development Ordinance. A total of forty-three (43) low impact design spaces will be required based on the applicant's proposed site plans. Parking for each outparcel will be determined on a site-specific basis at the time of submittal. The applicant satisfies the parking requirements set forth in Section 7.10 of the Pender County Unified Development Ordinance. Shared parking may be utilized based on outparcel development to reduce the number of additional parking surfaces and to promote pedestrian access to multiple sites.

PARKING CALCULATIONS			
Use & Size	Calculation	Required Parking Spaces	Spaces Provided
Grocery (53,000 sf)	1 space/225 sf for first 50,000 sf + 1 space/250 sf thereafter	234	264
Retail (23,000 sf)	1 space/225 sf	99	112
<b>TOTAL</b>		<b>333</b>	<b>376</b>

**Utilities**

The project has proposed water connection to Pender County Utilities (PCU); subject to review and approval by PCU. The development is proposed to be serviced by a County water service line that runs along US HWY 17. Wastewater service to the development is proposed through Pluris Hampstead, LLC.,

a private wastewater utility located along US HWY 17 (Attachment 1). All review and approvals for the wastewater services are subject to review and approval of the private wastewater entity and the State of North Carolina, in conjunction with Pender County. Additionally, a Type C-3 Buffer shall be located around the perimeter of the proposed pump station to act as an enhanced buffer to nearby residential properties.

#### **Environmental Concerns**

Stormwater produced by the development will be treated via two (2) regional stormwater ponds, dependent upon review and approval from the North Carolina Division of Environmental Quality (NCDEQ). A stormwater permit through NCDEQ is required before final zoning approval of this project. According to Section 7.9.1 of the Pender County Unified Development Ordinance, any drainage facility receiving stormwater discharge from the development shall have the capacity to carry the anticipated stormwater flow from areas that discharge through them for the 10-year storm event from the point of discharge at the development to the recipient perennial stream without over flowing their banks. A drainage plan meeting the requirements of Section 7.9.1 is outstanding and is required prior to any zoning approval. Additional capacity was discussed with the applicant based on comments received at the community meetings. The County recommends that the applicant provide capacity for a 25-year storm event. According to NOAA's Precipitation Frequency Data Server, the 25-year storm event accounts for 8.97 inches of rain over twenty-four (24) hours. The 25-year storm event is the next observable interval after the 10-year storm event.

#### *Wetlands*

There are wetlands located on the proposed development as shown on the submitted site plans. Any development within these areas may be subject to the permit requirements of Section 404 of the Clean Water Act under review and approval of the US Army Corps of Engineers. A wetlands Notification of Jurisdictional Determination by the US Army Corps of Engineers has been submitted by the applicant (Attachment 4).

#### *Flood*

The subject properties are not located within a designated Special Flood Hazard Area.

#### *Tree Survey*

The PD, Planned Development zoning district requires a tree survey to be submitted prior to the Final Preliminary Plat approval. According to Section 8.1.3.a.4 of the Pender County Unified Development Ordinance, where any significant tree shown on the significant tree survey is proposed to be removed such removal shall be mitigated by the planting on site of two (2) trees of the same species with a minimum caliper of 2" or greater. This plan has been submitted by the applicant and does not show the required significant tree mitigation. Ordinance compliance will be required prior to zoning approval.

#### **Permits**

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

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#### **TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES**

Pender County's Technical Review Committee meeting was held on Tuesday November 1, 2016 at 2p.m. in Board of County Commissioners meeting room, in the Pender County Government Administration

Building at 805 S. Walker Street, to review the proposal. Comments received are located in Attachment 5 incorporated within this report.

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#### COMMUNITY MEETING SUMMARY

A community meeting was held on November 3, 2016, stipulation required by the Conditional Rezoning process found in Section 3.3.4 of the Pender County Unified Development Ordinance. Due to issues with the meeting location, a second meeting was held on November 29, 2016 in the Hampstead Annex auditorium. During this meeting, the developer presented plans for removing the residential portion of the project and re-submitting an application for Master Development Plan review. Numerous citizens attended the meeting to hear from the applicant and to voice their concerns about the project. Concerns generally ranged from traffic issues to drainage and stormwater management. Others expressed their desire to see low impact development (LID) practices and an aesthetically pleasing project. Based on those concerns, staff formulated certain conditions for the applicant listed at the end of this report.

Concerns:

1. Traffic
2. Stormwater/drainage
3. Aesthetics
4. Noise
5. Future development
6. Schools

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#### EVALUATION

**A) Public Notifications:** Public Notice of the proposal for the Master Development Plan and Major Site Plan has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners within 500' of the proposed development have been given written notice of the request, and a public notification sign has been placed on the property.

**B) Existing Zoning in Area:** The property lies within a PD, Planned Development zoning district. The properties surrounding the proposed project to the south and east are zoned GB, General Business zoning district. An O&I, Office and Institutional zoning district property is located to the northeast, while the remainder of the property to the east and southeast is zoned RP, Residential Performance zoning district.

**C) Existing Land Use in Area:** The site is currently vacant and is immediately surrounded commercial uses to the northeast, including The Church of Jesus Christ of Latter Day Saints, vacant land directly south, and residential uses to the east, including the Deerfield and Washington Acres subdivisions. The Beacon Building, vacant land (Spot Festival tract), and other commercial uses are located to the west across US HWY 17.

**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.

Mixed Use areas are intended to help reduce sprawl by concentrating a mix of uses in convenient locations; by promoting an efficient sustainable pattern of land uses, and by providing most of the goods and services needed by residents in a coordinated, concentrated manner. Mixed Use areas are intended to reduce the number and length of auto trips by placing higher-density housing close to shopping and employment center. They also should function to improve the quality of life for residents living in higher density housing by placing daily conveniences, shops, and employment within walking distance.

The road network within Mixed Use areas should be designed to ensure that adjacent residential areas will have direct access to the non-residential portions of the mixed use center in lieu of entering and exiting through thoroughfares and/or collector streets. Developments should provide or contribute to a pedestrian and road network that connects nonresidential and existing residential uses (multi-family and single-family) developments.

The proposed project, located along US HWY 17, is incompatible with the Mixed Use land use classification as well as the PD, Planned Development zoning district. Additional standards and conditions are recommended to ensure compatibility with the PD, Planned Development zoning district. As previously mentioned, the project fronts a major highway. There are nearby, non-residential uses in the area. The Beacon Building, a medical office building, is located directly across US HWY 17 from the proposed development. The proposal provides a required Collector Road connecting Hughes Road (SR 1618) and Deerfield Drive (SR 1673), as well as entrances along Hughes Road (SR 1618) and US HWY 17. Sidewalks are provided, allowing residents in the nearby residential community to access the development. Also, crosswalks are provided on the Collector Street and within the proposed development. Additionally, a sidewalk is provided along "Road A". Pedestrian and vehicle connectivity is achieved through both sidewalks and roadway connections. Additional pedestrian facilities are recommended to bring the site into compliance with the zoning district. The site proposes to use a private regional wastewater service, as well as proposed water connection to a Pender County Utilities service line that runs along US HWY 17.

The following goals and policies may support this request:

1. **Growth Management Policy 1A.1.2:** Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools - are available, planned or can be most cost effectively provided and extended to serve existing and future development.
2. **Growth Management 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.
3. **Transportation Goal 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.

The proposed project is consistent with three (3) goals and policies from the 2010 Pender County Comprehensive Land Use Plan. The proposed project does not conflict with any goals or policies found within the 2010 Pender County Comprehensive Land Use Plan.

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#### RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with three (3) 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. Planning Staff recommends the conditional approval of the Master Development Plan for Headwaters Town Center. However, Planning Staff recommends the Board table the request for Major Site Development Plan approval for Phase I, based on incomplete items listed below:

**Recommended Conditions**

1. Unless outparcel development occurs prior the construction of the U-5732 Hampstead median project, pedestrian facilities shall be constructed parallel to US HWY 17 as each outparcel is developed, along with interior pedestrian facilities to connect each outparcel and to the shopping center in order to meet the requirements of Section 4.8.1.D of the Pender County Unified Development Ordinance. If an outparcel is developed prior to the completion of the U-5732 Hampstead median project, a payment in lieu of construction shall be required for sidewalk construction on the exterior sidewalk parallel to US HWY 17. All sidewalks and multi-use paths shall be maintained by the development, unless such facilities are located in an NCDOT right-of-way. A tri-party agreement be required if such facilities are located within an NCDOT right-of-way.
2. All pedestrian facilities along site entrances, Collector Streets, and located within the interior of grocery and retail development shall be constructed during Phase I.
3. The required Collector Street shall be constructed during Phase I and completed prior to any final zoning approvals.
4. Enhanced stormwater capacity to treat the 25-year storm event.
5. A Type C-3 Buffer shall be located around the perimeter of the proposed pump station.
6. Parcels 1-5 shall be accessed internally to the development with no direct driveway access to US HWY 17.

All items from Pender County Unified Development Ordinance, Section 6.1.4 Master Development Plan Contents and Section 6.3 Major Site Development Plan Contents, and mixed-use districts must be met prior to the approval of the Master Development Plan and Major Site Development Plan. The following items are outstanding from the Master Development Plan and Major Site Development Plan approval and shall be revised prior to approval;

1. The extension of sidewalks along Hughes Road (SR 1618) and Deerfield Drive (SR 1673) to the extent of the project bounds to enhance pedestrian connectivity to adjacent residential developments to meet the requirements of Section 4.8.1.D of the Pender County Unified Development Ordinance in accordance with Figure 1.
2. A drainage plan in accordance with Section 7.9.1 of the Pender County Unified Development Ordinance.
3. An outdoor lighting plan in accordance with Section 7.11 of the Pender County Unified Development Ordinance.
4. Provide a stub-out to the property east of the development to allow for future connectivity to Creekview Drive (SR 1674) as required per Sections 4.8.1.E and 7.4.4 of the Pender County Unified Development Ordinance.
5. Significant tree survey mitigation as required per Section 8.1.3.A.4 of the Pender County Unified Development Ordinance.
6. A completed Traffic Impact Analysis (TIA) shall be submitted to Planning Staff pending review and approval by NCDOT as required per Section 6.3 of the Pender County Unified Development Ordinance.
7. Parking spaces provided in excess of the minimum shall be constructed to low impact design standards according to Section 7.10.5.C of the Pender County Unified Development Ordinance.

**BOARD ACTION FOR MASTER DEVELOPMENT PLAN AND MAJOR SITE DEVELOPMENT PLAN:**

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

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

**Williams:** \_\_\_\_ **Fullerton:** \_\_\_\_ **Baker:** \_\_\_\_ **Carter:** \_\_\_\_ **Edens:** \_\_\_\_ **McClammy:** \_\_\_\_ **Nalee:** \_\_\_\_

**APPLICATION FOR MASTER DEVELOPMENT PLAN**

THIS SECTION FOR OFFICE USE

Application No.	MDP 436-2016	Date	12-8-16
Application Fee	\$ 620.00	Receipt No.	Inv. 284
Pre-Application Conference	7/14/16	Hearing Date	1-4-17
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	HEADWATERS PROPERTIES, LLC	Owner's Name:	WASHINGTON ACRES, INC.
Applicant's Address:	1131-B MILITARY CUTS RD	Owner's Address:	14864 US-57
City, State, & Zip	WILMINGTON, NC 28405	City, State, & Zip	HARRISBORO, NC 28443
Phone Number:	910.290.2211	Phone Number:	910.290.8800
Email Address:	jason@shubinsociates.com	Email Address:	charles@baileybusby.com
Legal relationship of applicant to land owners: <u>OWNER / DEVELOPER</u>			
<b>SECTION 2: PROJECT INFORMATION</b>			
Type of Master Development Plan	<input type="checkbox"/> Residential RP, PD, RM MH District	<input type="checkbox"/> Commercial GC, CI, IT, GI District	<input checked="" type="checkbox"/> Mixed Use PD <input type="checkbox"/> Exempt
Property Identification Number (PIN):	3282-74-3515-0000 3282-74-6231-0000 3282-74-8802-0000 3282-74-1001-0000	Total property acreage:	± 24.26 AC
Zoning Classification:	PD	Acreage to be disturbed:	± 24.00 AC
Project Address:	ALONG HWY 17 BETWEEN HUGHES RD & TYPHOID DR.		
Description of Project Location:	UNDEVELOPED PROPERTY		
Describe activities to be undertaken on project site:	MIXED USE COMMERCIAL DEVELOPMENT INCLUDING ± 75,000 SF GROCERY & IN-LINE RESTAURANT & 5 OUTREACHES FOR RETAIL/RESTAURANT FULL PROPOSED USES IN PROJECT AGREEMENT		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature	 Jason Suggan	Date:	12/5/16
Owner's Signature	 Charles T. Busby	Date:	12/5/16

OWNER'S SIGNATURE  
 PARCELS 3282-74-6231-0000  
 3282-74-8802-0000  
 LANDWILD DEVELOPMENT COMPANY | \_\_\_\_\_ DATE: \_\_\_\_\_

OWNER SIGNATURE  
 PARCEL 3282-74-1001-0000  
 ATTORNEY REP FOR HUGHES ESTATE  
 Washington Acres, Inc.  DATE: 12/5/16

### APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE

Application No.	MDP 436-7016	Date	12-8-16
Application Fee	\$ 620.00	Receipt No.	Inv. 254
Pre-Application Conference	7-14-16	Hearing Date	1-4-17

**SECTION 1: APPLICANT INFORMATION**

Applicant's Name:	HEADWATERS PROPERTIES, LLC	Owner's Name:	LANWILD DEVELOPMENT COMPANY
Applicant's Address:	1131-B MILITARY CIRCLE RD	Owner's Address:	PO BOX 9000
City, State, & Zip	WILMINGTON, NC 28405	City, State, & Zip	WILMINGTON, NC 28402
Phone Number:	910.290.2211	Phone Number:	910.703-9891
Email Address:	joem@subinassociates.com	Email Address:	lwj@mwglaw.com
Legal relationship of applicant to land owner: OWNER / DEVELOPER			

**SECTION 2: PROJECT INFORMATION**

Type of Master Development Plan	<input type="checkbox"/> Residential RP, PD, RM MH District	<input type="checkbox"/> Commercial GB, C1, IT, GI District	<input checked="" type="checkbox"/> Mixed Use PD	<input type="checkbox"/> Exempt
Property Identification Number (PIN):	3282-74-3515-0000 3282-74-6231-0000 3282-74-8862-0000 3282-74-1001-0000	Total property acreage:	± 24.26 AC	
Zoning Classification:	PD	Acres to be disturbed:	± 24.00 AC	
Project Address:	Along Hill 17 Rural Routes RD & TURNER DR.			
Description of Project Location:	UNDEVELOPED PROPERTY			
Describe activities to be undertaken on project site:	MIXED USE COMMERCIAL DEVELOPMENT INCLUDING 1-2 STORES GENERAL & IN-LINE RETAIL & 5 OUTPARCELS FOR RETAIL / RESTAURANT FULL PROPERTY LIES IN PROJECT AREA			

**SECTION 3: SIGNATURES**

Applicant's Signature		Date:	12/5/16
Owner's Signature		Date:	12/5/16

OWNER'S SIGNATURE  
 PARCELS 3282-74-6231-0000  
 3282-74-8862-0000  
 LANWILD DEVELOPMENT COMPANY  DATE: 12/5/16

OWNER SIGNATURE  
 PARCEL 3282-74-1001-0000  
 APPROVAL REP: FOR HUGHES ESTATE  
 Washington Acres, INC \_\_\_\_\_ DATE: \_\_\_\_\_

**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) **Total Fee Calculation:** \$ 620.00

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

CD /other digital version	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large <u>1</u>	# of 11X17 <u>15</u>	Other documents/Reports	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
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**Payment Method:** **Cash:**  \$ \_\_\_\_\_ **Credit Card:**  Master Card  Visa **Check:**  Check # \_\_\_\_\_

Application received by: POK Only Date: 12-8-16

Application completeness approved by: POK Only Date: 12-8-16

Date scheduled for public hearing: 1-4-17 - PB

# PARAMOUNTE

ENGINEERING, INC.

Headwaters Town Center Narrative (revised 12/19/16):

Headwaters Properties, LLC proposes a mixture of commercial uses developed on Pender County parcel # 3282-74-3515-0000, 3282-74-6231-0000, 3282-74-8862-0000, and 3282-74-1001-0000.

These tracts have an existing PD zoning that permits the commercial uses as proposed in this narrative and on the associated site development plans. No rezoning is necessary. The previous submitted conditional rezoning has been withdrawn and the multi-family portion previously proposed has been removed and those tracts of land are no longer part of this request's proposed development.

The proposed mixed use commercial parcels along Hwy. 17 will create a commercial center with a new collector road access between Deerfield Drive and Hughes Rd. This is part of a larger collector street required by Pender County. The developers previously worked with NCDOT to secure a traffic light to provide access to the proposed commercial center as well as connecting to the proposed collector road. This new traffic light will provide full movement, including left turn onto Hwy 17. The light will not only benefit the proposed development but will also provide a full movement access to Hwy. 17 for all the residential developments adjoining Deerfield Drive and Hughes Road.

The proposed development will employ regional type stormwater facilities to capture runoff from the proposed impervious area. Stormwater facilities will be designed to the 10 year storm event at a minimum which is in excess of the state stormwater standards. The developer is working with a soils scientist to test and evaluate soil suitability for all types of stormwater design, including infiltration. The developers will work with the project engineers to determine the best stormwater design for the site, but full details of that design have not been determined at this time. When available, the approved, engineered drainage, stormwater and erosion control permits will be provided to the County.

A pre-submittal meeting was held with County planning staff on July 14, 2016. That meeting's discussions focused heavily on traffic improvements for the project, including the traffic light at Hwy. 17. For the traffic impact analysis and improvements involved, the developer and traffic consultant have been in meetings and contact with the division engineer, MPO, and for the median project, project manager (Chad Kimes, PE). The scoping meeting and traffic impact analysis (TIA) has been performed for the site, and as shown on the plan, the required collector road will be constructed to parallel Hwy 17 and have connection to Hughes Road, Deerfield Drive and the extension of Creekview Drive. The collector road and extension of Creekview Drive will be constructed as the phased construction takes place. In the meetings and correspondence, the NCDOT and MPO have agreed to the proposed traffic signal at the projects entrance along US Hwy 17 as the trips warrant. The TIA results warrant the traffic signal without the addition of the previously proposed residential portion in the rear of the property. The 10/3/16 scoping letter and TIA includes 89,000 sf of commercial shopping center and 196 apartments, the updated master plan based on the latest wetland information as well as the location of collector roads includes 75,200 sf of commercial shopping center, 5 outparcels and 86 multi-family units (now not part of the zoning approval request). A revised TIA has been submitted and is now in review. The approved TIA will be submitted to the County when available.

The sewer will be provided by Pluris Hampstead, LLC, with the developer constructing a pump station to tie into the Pluris system along US Hwy 17. Water will be provided by Pender County engineering, with the developer constructing the necessary infrastructure (line sizes and hydrant spacing) to tie into the existing system along US Hwy 17. Letters of intent to serve have been provided to the County.

In coordination with County planning staff over the course of the project, additional items have been discussed.

1. Additional vegetative screening will be provided around the proposed pump station planned within the project boundary. The developer agrees to install evergreen shrubs to be 4' tall at time of install. These shrubs will be of suitable variety to reach 6'-8' within 4 years of planting.
2. NCDOT proposes a sidewalk as part of the median project. Although the developer does not currently have the most recent NCDOT planning documents, the developer will work with NCDOT and appropriate entities to finalize sidewalk and right of way plans. If final plans and conversations require the developer to install sidewalks, the developer will install them in conjunction with the construction of each outparcel. The developer does not intend to provide a pay-in-lieu fee at this time.
3. Any other sidewalks that may be required along an NCDOT road will be evaluated and addressed by the developer in the same way as stated above.
4. County Planning Staff requests a sidewalk connection along the interior drive aisle immediately adjacent to the rear of the outparcels. These outparcels are not designed at this time, the addition of this sidewalk will be incorporated into the outparcel when each parcel's design is underway.
5. The County's collector road design for this location require a 5' wide sidewalk on each side of the road. After discussions with and support from County Planning Staff, the developer respectfully requests to install an 8' wide multi-use path on one side of the road to provide another option better suited to pedestrians and bicyclists, the same design as allowed along other required collector roads. This path will provide nearby neighborhoods with a safer, wider path to access the commercial center and eventually other areas connected by the collector road as it extends in the future.
6. County staff requested a stub out to currently undeveloped private Creekview Drive right of way. The developer agrees to provide a "t" roadway stub that dead ends into the right of way and provides future connection to the developer built collector road.
7. There have been many questions about the intended architectural design of this project. While there are no designs at this time, the developer will share his vision in reference to their company's previous projects. The developer will consider innovative designs for this site in ways that keep the project contextually relevant to this area of Hampstead.

The following is a list of NAICS codes/uses that may occur on this site (this list is generalized to establish types of uses that may occur on the project site. Services and establishments built may not be fully inclusive of this list of uses):

- Commercial: Many of the commercial uses allowed within a PD zoning district will be considered within the proposed development. However, their consideration does not

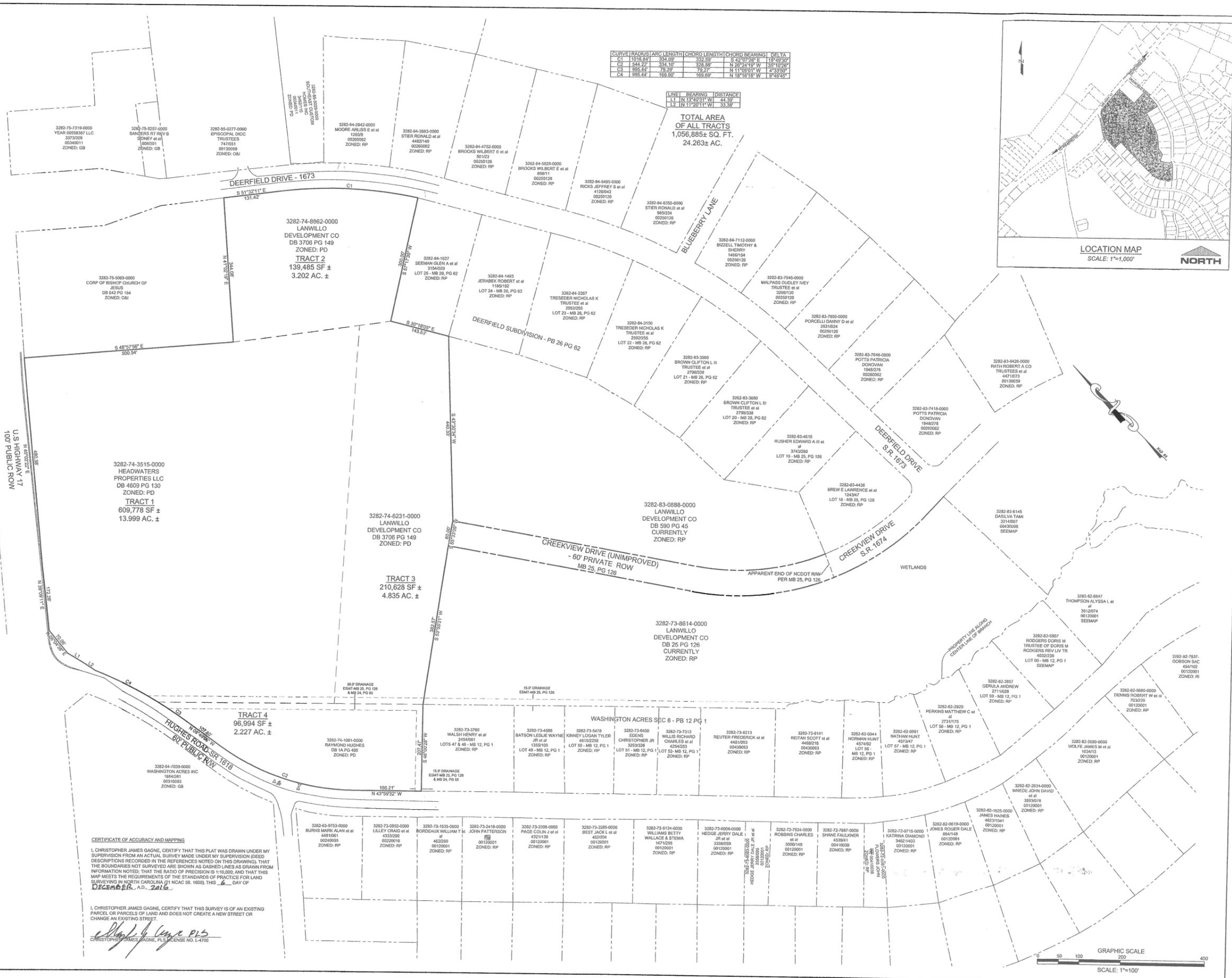
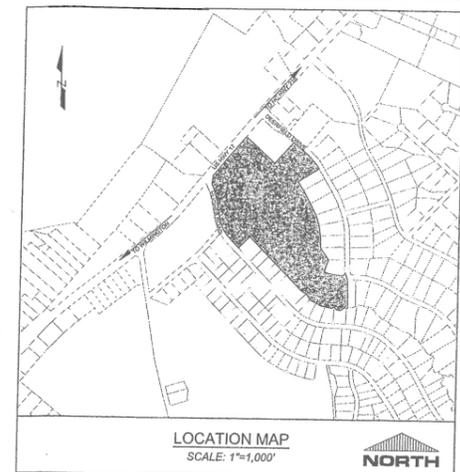
guarantee the use. The full list of permitted uses for consideration in this project is as follows (based on the Pender County Table of Permitted Uses)

<u>NAICS Code</u>	<u>Use</u>
443	Electronic & appliance stores
445	Food & Beverage Stores
446	Health & Personal Cares Stores
447	Gasoline Station
448	Clothing & Clothing Accessories stores
451	Sporting Goods, hobby, book & music stores
453	Miscellaneous Store Retailers
454	Non Store Retailers
491110	Postal Services
52	Finance & Insurance
53	Real Estate & Rental & Leasing
54	Professional, Scientific & Technical Services
55	Management of Companies & Enterprises
561	Administrative & Support Services
611	Educational Services
6114	Business Schools, Commuter & Management Training
6115	Technical & Trade Schools
6116	Other School & Instruction
622	Hospitals
7111	Performing Arts Companies
7114	Agents & Managers for Artists, Athletes, Entertainers & Other Public Figures
712	Museums, Historical Sites & Similar Institutions
713940	Fitness & Recreational Sports Centers
71395	Bowling Centers
72111	Hotels & Motels
7221	Full Service Restaurants
7222	Limited Service Eating Places
7223	Special Food Services
7224	Drinking Places
8114	Personal & Household Goods, Repair & Maintenance
8121	Personal Care Services
812310	Coin Operated Laundries & Dry Cleaners
812320	Dry Cleaning & Laundry Services
8129	Other Personal Services
8131	Religious Organizations
8139	Business Professional, Labor, Political, & Similar Organizations
92	Public Administration

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA
C1	1016.84	334.99	332.99	S 42°07'26" E	18°49'30"
C2	544.22	334.10	328.88	N 28°24'18" W	15°11'00"
C3	995.44	78.29	78.27	N 11°09'01" W	4°33'50"
C4	995.44	169.60	169.69	N 18°16'18" W	9°46'46"

LINE	BEARING	DISTANCE
L1	N 11°20'11" W	43.39
L2	N 11°20'11" W	43.39

TOTAL AREA OF ALL TRACTS  
1,056,885± SQ. FT.  
24.263± AC.



**CERTIFICATE OF ACCURACY AND MAPPING**  
I, CHRISTOPHER JAMES GAGNE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS RECORDED IN THE REFERENCES NOTED ON THIS DRAWING), THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINES AS DRAWN FROM THE INFORMATION NOTED; THAT THE RATIO OF PRECISION IS 1:15,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (PLS 100-100-100-100), THIS 6 DAY OF DECEMBER, A.D., 2016.

I, CHRISTOPHER JAMES GAGNE, CERTIFY THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

*Christopher James Gagne*  
CHRISTOPHER JAMES GAGNE, PLS LICENSE NO. L-1710



REVISIONS:

CLIENT INFORMATION:

**PARAMOUNT ENGINEERING**  
122 CINEMA DRIVE  
Wilmington, North Carolina 28403  
(910) 791-6707 (C) (910) 791-6760 (F)

**BOUNDARY EXHIBIT REZONING MAP**  
HEADWATERS TOWN CENTER  
PENDER COUNTY  
NORTH CAROLINA

PROJECT STATUS:  
CONCEPTUAL LAYOUT:  
FINAL DESIGN:  
RELEASED FOR CONSTRUCTION:

DRAWING INFORMATION:  
DATE:  
DRAWN BY:  
CHECKED BY:

SEAL: *Christopher James Gagne*  
PLS LICENSE NO. L-1710

SV-1  
PEI JOB#: 00000.00







**Parking Calculations**  
 Parking lot shown for Grocery and Planned Retail Use. Outparcels will be self-contained & develop parking design at a later date.

USE & SIZE	REQUIRED PARKING SPACES (Min. per Pender County)	PROVIDED PARKING SPACES
GROCERY (53,000 SF)	1 space / 225 sf for first 50,000 sf (222 spaces), 1/250sf thereafter (12 spaces) = 234 spaces min.	265
RETAIL (22,200 SF)	1 space / 225 sf = 99 spaces min.	112
	<b>TOTAL PARKING PROVIDED:</b>	<b>377</b>

**SITE INFORMATION**  
 CURRENT LAND USE: VACANT LAND  
 ZONING: PD  
 PIN: 3282-14-358-0000, 3282-14-631-0000, 3282-14-8861-0000, 3282-14-1061-0000  
 PROPOSED USE: COMMERCIAL  
 TOTAL SITE AREA: 7426 ACRES  
 APPLICANT INFORMATION: HEADWATERS PROPERTIES, LLC

**UNIT TOTALS**  
 COMMERCIAL  
 GROCERY: 53,000 SF  
 IN-LINE RETAIL: 72,000 SF (20' X 60' EACH)  
 OUTPARCELS: 5,214C (BUILDING SIZE AND ASSOCIATED PARKING NOT DETERMINED AT THIS TIME)

**COMMERCIAL DIMENSION REQUIREMENTS**  
 MINIMUM LOT SIZE: 20,000 SF  
 FRONT YARD SETBACK: 5' MINIMUM  
 SIDEYARD SETBACK: 5' MINIMUM  
 CORNER SIDEYARD SETBACK: 5' MINIMUM  
 REAR SETBACK: 5' MINIMUM  
 MAXIMUM HEIGHT: 45'

ALL SEPARATION BETWEEN STRUCTURES PER PENDER COUNTY REQUIREMENTS.

**PROJECT ROAD NOTES**  
 1. ALL COLLECTOR ROADS WILL BE PUBLIC RIGHT OF WAY CONSTRUCTED TO NCDOT SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS AND IN COORDINATION WITH PENDER COUNTY COLLECTOR STREETS PLAN.  
 2. ALL PROPOSED INTERNAL ROADWAY INTERSECTIONS AND CONNECTIONS TO EXISTING ROADWAYS & THE PROJECT COLLECTOR ROAD WILL HAVE A 30' RADIUS MINIMUM. ALL OTHER RADIUS ON THE PROJECT WILL BE 25' MIN OR AS OTHERWISE DICTATED BY TRUCK MOVEMENTS.  
 3. STREET NAME SIGNS SHALL BE INSTALLED AS SOON AS ROADWAYS ARE ACCESSIBLE BY VEHICLE TRAFFIC TO INCLUDE DURING CONSTRUCTION AND MEET PENDER COUNTY STREET SIGN SPECIFICATIONS.  
 4. SIDEWALKS WILL BE LOCATED ON ONE SIDE OF ALL ROADS EXCEPT THE MAIN COLLECTOR ROAD.  
 5. COLLECTOR ROAD SIDEWALKS WILL BE BUILT TO THE COUNTY'S COLLECTOR STREET STANDARDS AS DESIGNATED IN PENDER COUNTY COLLECTOR STREET PLAN. SIDEWALKS SHALL MEET ALL APPLICABLE ADA REQUIREMENTS.  
 6. NO PROPOSED ROAD EXCEEDS 1 MILE IN LENGTH OR ACCESSIBLE MORE THAN 200 LOTS. ALL ROADS WILL COMPLY WITH SECTION 15.3 OF THE PENDER COUNTY UDO.

**UTILITIES**  
 1. ALL WATER UTILITIES WILL BE COORDINATED WITH PENDER COUNTY ENGINEERING AND SEWER UTILITIES WILL BE COORDINATED WITH FLURIS.  
 2. WATER PROVIDED BY PENDER COUNTY ENGINEERING.  
 3. HYDRANTS PER PENDER COUNTY EMERGENCY MANAGEMENT REQUIREMENTS. CONER TO COORDINATE WITH PENDER COUNTY ENGINEERING IF DRY HYDRANT IS REQUIRED. ATTN: BRYAN MCCABE, 810-251-0212.  
 4. SANITARY SEWER TO BE PROVIDED BY FLURIS HAMPTON, LLC. ATTN: RANDY HOFFER, 1-888-758-1471.  
 5. STORMWATER WILL BE HANDLED ON SITE AND DESIGNED TO HANDLE A 10 YEAR STORM EVENT IN COMPLIANCE WITH SECTION 13.8 OF THE PENDER COUNTY UDO AND WITH ALL OTHER STATE STORMWATER STANDARDS.

**LANDSCAPING**  
 LANDSCAPE PLANS WILL BE PROVIDED TO COUNTY PLANNING STAFF & IN COMPLIANCE WITH SECTION 6 OF THE PENDER COUNTY UDO.

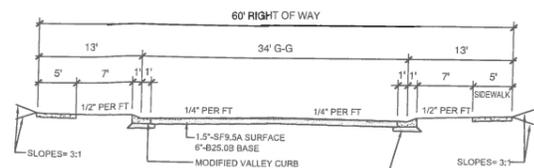
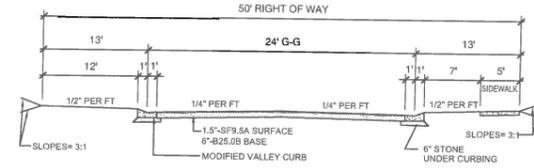
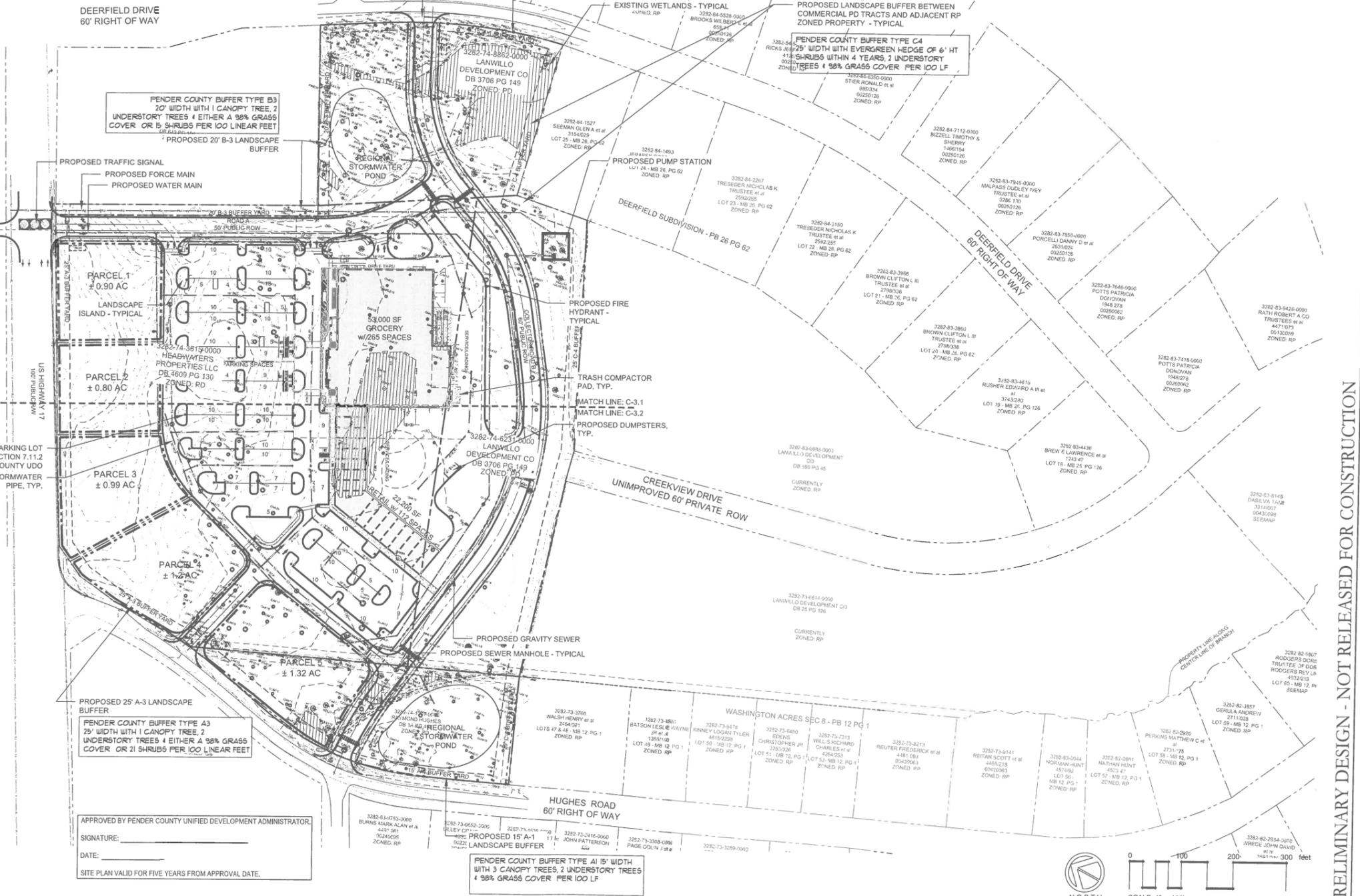
**HISTORICAL & ARCHAEOLOGY NOTES**  
 1. NO KNOWN HISTORIC OR ARCHAEOLOGICAL SITES EXIST.

**STREET LIGHT NOTES**  
 1. STREETLIGHTS WILL BE PROVIDED BASED UPON A DESIGN BY DUKE ENERGY. DESIGN IS PENDING AT THIS TIME.

**FLOOD NOTE**  
 THIS PARCEL IS IN FLOOD ZONE X WHICH IS NOT A SPECIAL FLOOD HAZARD AREA, ACCORDING TO FEMA FLOOD PANEL 1702328200J WITH AN EFFECTIVE DATE OF FEBRUARY 16, 2021.

**NAICS CODE USE**

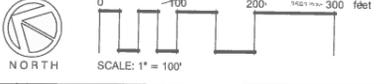
443	Electronic & appliance stores		
445	Food & Beverage Stores		
446	Health & Personal Care Stores		
447	Gasoline Station		
448	Clothing & clothing accessories stores		
451	Sporting Goods, hobby, book and music stores		
453	Miscellaneous Store Retailers	13940	Fitness & Recreational Sports Centers
454	Non Store Retailers	7326	Beauty Salons
4810	Postal Services	7336	Hotels & Motels
52	Finance & Insurance	7211	Full Service Restaurants
53	Rent, Lease & Rental & Leasing	7222	Limited Service Eating Places
54	Professional, Scientific & Technical Services	7223	Special Food Services
55	Management of Companies & Enterprises	7224	Drinking Places
561	Administrative & Support Services	814	Personal & Household Goods Repair & Maintenance
61	Educational Services	8101	Personal Care Services
612	Business Schools, Computer and Management Training	8102	Coin Operated Laundries & Dry Cleaners
615	Technical & Trade Schools	8120	Dry Cleaning & Laundry Services
616	Other School & Instruction	8121	Other Personal Services
62	Hospitals	8131	Religious Organizations
78	Performing Arts Companies	8132	Business Professional, Labor, Political & Similar Organizations
784	Agents & Managers for Artists, Athletes, Entertainers & Other Public Figures	92	Public Administration
79	Museums, Historical Sites & Similar Institutions		



**NOTES:**  
 1. ALL PAVING THICKNESS WILL BE DETERMINED BASED ON SOILS DATA. NO TESTING HAS BEEN COMPLETED AT THIS TIME. SO A MINIMUM PAVING SECTION HAS BEEN PROVIDED AND WILL BE FURTHER EVALUATED WITH THE AVAILABILITY OF SOILS DATA.  
 2. THE SIDE OF THE ROAD BEST SUITED FOR SIDEWALK WILL BE EVALUATED PRIOR TO CONSTRUCTION. HOWEVER, CONSTRUCTION OF SIDEWALK WILL COMPLY WITH THIS SECTION.

**NOTES:**  
 1. ALL PAVING THICKNESS WILL BE DETERMINED BASED ON SOILS DATA. NO TESTING HAS BEEN COMPLETED AT THIS TIME. SO A MINIMUM PAVING SECTION HAS BEEN PROVIDED AND WILL BE FURTHER EVALUATED WITH THE AVAILABILITY OF SOILS DATA.  
 2. THE SIDE OF THE ROAD BEST SUITED FOR SIDEWALK WILL BE EVALUATED PRIOR TO CONSTRUCTION. HOWEVER, CONSTRUCTION OF SIDEWALK WILL COMPLY WITH THIS SECTION.

APPROVED BY PENDER COUNTY UNIFIED DEVELOPMENT ADMINISTRATOR.  
 SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 SITE PLAN VALID FOR FIVE YEARS FROM APPROVAL DATE.



**REVISIONS:**

**CLIENT INFORMATION:**  
 Headwaters Properties, LLC  
 1131-B Military Cutoff Rd.  
 Wilmington, NC 28405

**PARAMOUNT ENGINEERING**  
 122 Cinema Drive  
 Wilmington, NC 28403  
 (910) 791-6717 (O) (910) 791-6700 (F)  
 NC License #: C-2846

**PROJECT STATUS:**  
 CONCEPTUAL LAYOUT: \_\_\_\_\_  
 PRELIMINARY DESIGN: \_\_\_\_\_  
 FINAL DESIGN: \_\_\_\_\_  
 RELEASED FOR CONSTRUCTION: \_\_\_\_\_

**DRAWING INFORMATION:**  
 DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 DESIGNED BY: \_\_\_\_\_  
 PLOTTED BY: \_\_\_\_\_

**PRELIMINARY PLAT - PHASE 1**  
**OVERALL SITE PLAN**  
**HEADWATERS TOWN CENTER**  
**PENDER COUNTY**  
**NORTH CAROLINA**

**C-3.0**  
 PEI JOB#: 16122.PE

PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

APPROVED BY PENDER COUNTY UNIFIED DEVELOPMENT ADMINISTRATOR:  
 SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 SITE PLAN VALID FOR FIVE YEARS FROM APPROVAL DATE.

JUL 23  
 00250126  
 ZONED: R

DEERFIELD DRIVE  
 60' RIGHT OF WAY

3282-75-5069-0000  
 CORP OF BISHOP CHURCH OF  
 JESUS  
 DB 642 PG 154  
 ZONED: O&I

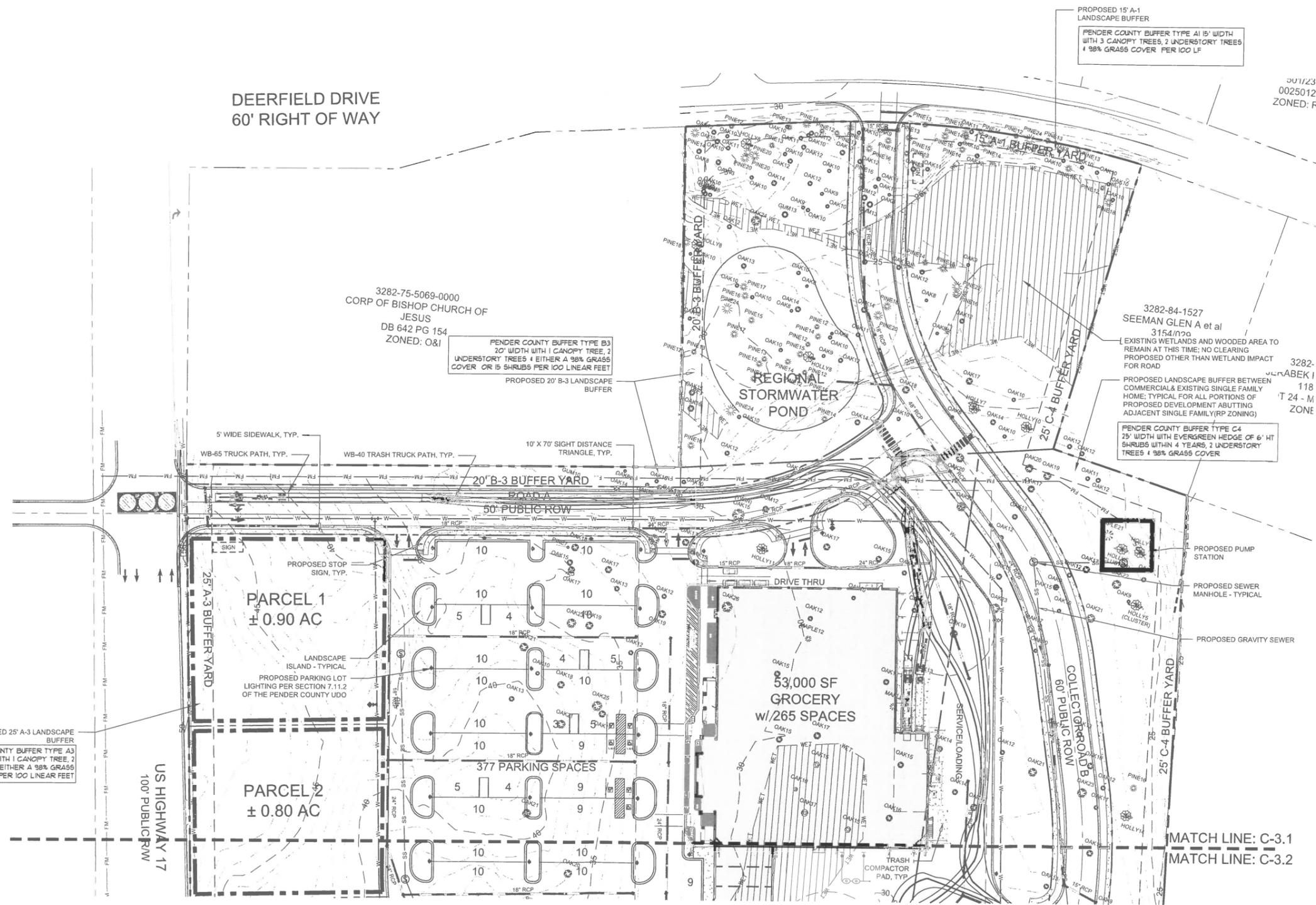
PENDER COUNTY BUFFER TYPE B3  
 20' WIDTH WITH 1 CANOPY TREE, 2  
 UNDERSTORY TREES & EITHER A 98% GRASS  
 COVER OR 15 SHRUBS PER 100 LINEAR FEET

PROPOSED 15' A-1  
 LANDSCAPE BUFFER  
 PENDER COUNTY BUFFER TYPE A1 15' WIDTH  
 WITH 3 CANOPY TREES, 2 UNDERSTORY TREES  
 & 98% GRASS COVER PER 100 LF

3282-84-1527  
 SEEMAN GLEN A et al  
 3154/1700  
 EXISTING WETLANDS AND WOODED AREA TO  
 REMAIN AT THIS TIME; NO CLEARING  
 PROPOSED OTHER THAN WETLAND IMPACT  
 FOR ROAD

PROPOSED LANDSCAPE BUFFER BETWEEN  
 COMMERCIAL & EXISTING SINGLE FAMILY  
 HOME; TYPICAL FOR ALL PORTIONS OF  
 PROPOSED DEVELOPMENT ABUTTING  
 ADJACENT SINGLE FAMILY (RP ZONING)

PENDER COUNTY BUFFER TYPE C4  
 25' WIDTH WITH EVERGREEN HEDGE OF 6' HT  
 SHRUBS WITHIN 4 YEARS, 2 UNDERSTORY  
 TREES & 98% GRASS COVER



REVISIONS:


CLIENT INFORMATION:  
 Headwaters Properties, LLC  
 1131-B Military Cutoff Rd.  
 Wilmington, NC 28405

PARAMOUNT ENGINEERING  
 122 Cinema Drive  
 Wilmington, North Carolina 28403  
 (910) 791-6707 (O) (910) 791-6760 (F)  
 NC License #: C-2846

SITE PLAN ENLARGEMENT  
 PRELIMINARY PLAT - PHASE 1  
 HEADWATERS TOWN CENTER  
 PENDER COUNTY  
 NORTH CAROLINA

PROJECT STATUS

CONCEPTUAL LAYOUT:	
FINAL DESIGN:	
RELEASED FOR CONSTRUCTION:	

DRAWING INFORMATION

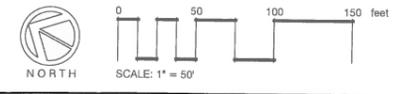
DATE:	
SCALE:	
DRAWN BY:	
CHECKED BY:	

SEAL

C-3.1

PEI JOB#: 16122.PE

PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION



APPROVED BY PENDER COUNTY UNIFIED DEVELOPMENT ADMINISTRATOR:  
 SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 SITE PLAN VALID FOR FIVE YEARS FROM APPROVAL DATE.



REVISIONS:


CLIENT INFORMATION:  
**Headwaters Properties, LLC**  
 1131-B Military Cutoff Rd.  
 Wilmington, NC 28405

**PARAMOUNT ENGINEERING, INC.**  
 122 Cinema Drive  
 Wilmington, North Carolina, 28403  
 (910) 791-6717 (O) (910) 791-4766 (F)  
 NC License #: C-2846

**SITE PLAN ENLARGEMENT**  
**PRELIMINARY PLAT - PHASE 1**  
**HEADWATERS TOWN CENTER**  
**PENDER COUNTY**  
**NORTH CAROLINA**

PROJECT STATUS

CONCEPTUAL LAYOUT:	
FINAL DESIGN:	
RELEASED FOR CONST:	

DRAWING INFORMATION

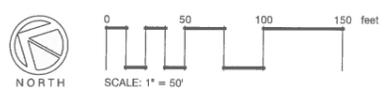
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DRAWN BY:	
CHECKED:	

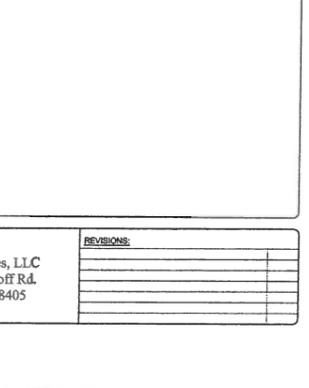
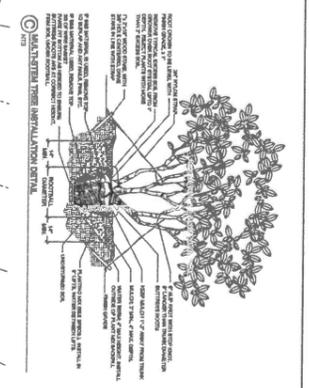
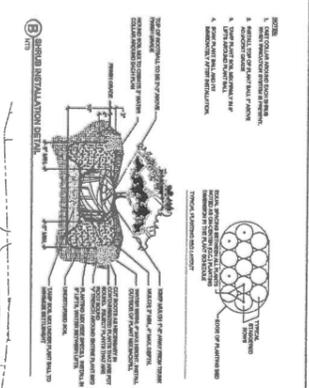
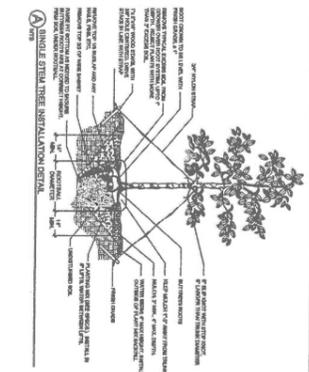
SEAL

**C-3.2**

PEI JOB#: 16122.PE

PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION











Date: November 9, 2016

Re: Certificate of Public Convenience and Necessity

To Whom It May Concern:

Please be advised that Pluris Hampstead, LLC will accept the wastewater generated by the development or address listed below, as it is connected to our collection system.

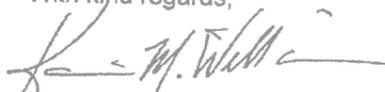
Location: Headwaters Town Center abutting NC Hwy 17 between Hughes Rd and Deerfield Dr, Hampstead, NC. The Town Center will include a mixture of 13 commercial and 86 residential units. A total of 170 taps is necessary to accommodate the potential flow to be generated by these units.

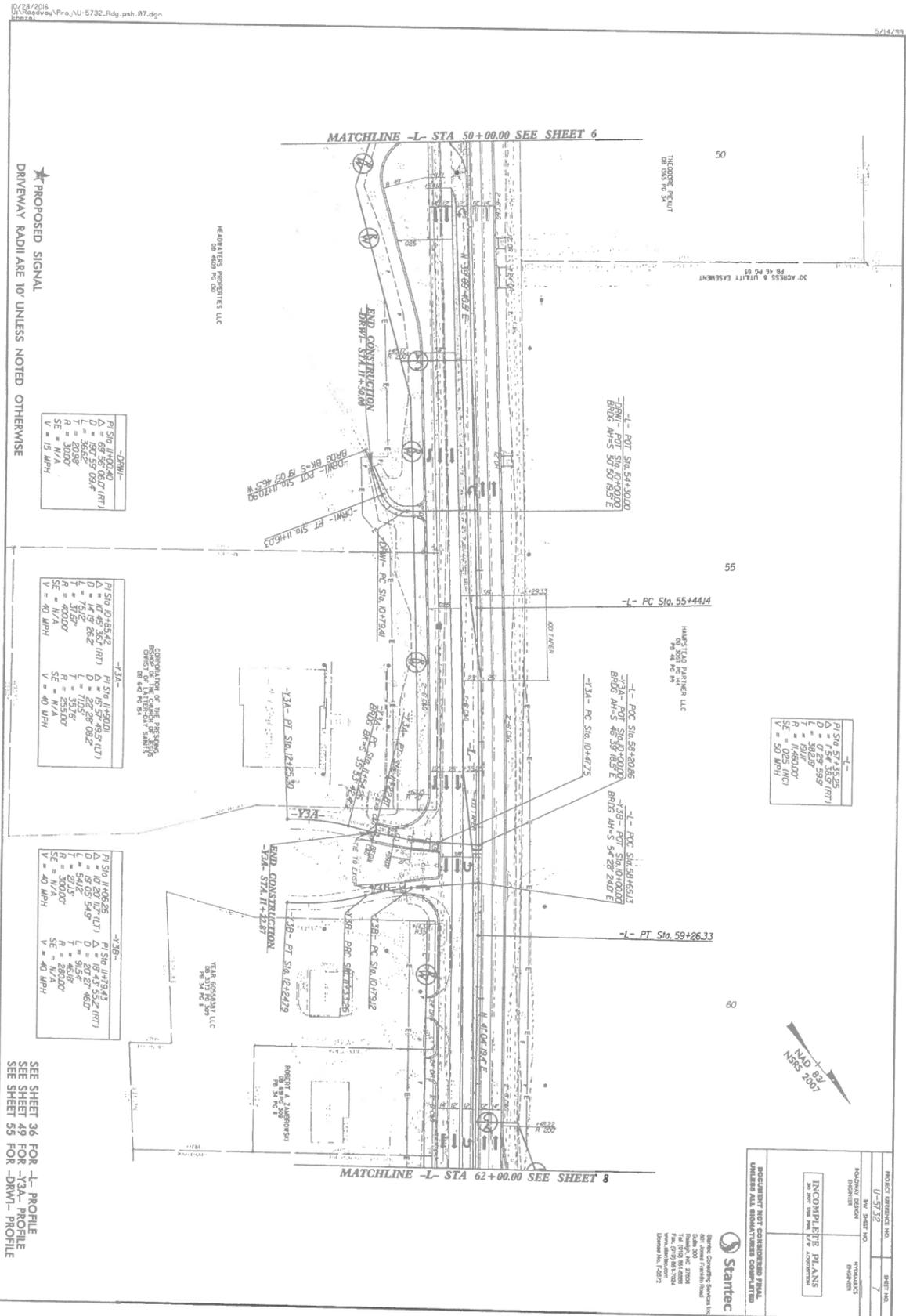
Connected:  Not Connected:

All fees will need to be paid for additions of bedrooms or habitable rooms.

If you have any questions concerning this matter, please feel free to call upon me at anytime at (910) 327-2880.

With kind regards,

  
Kaarin M. Williams



PROJECT NUMBER NO.	57-32
SHEET NO.	7
DATE	11-27-22
DESIGNED BY	NOVEMBER
CHECKED BY	NOVEMBER
IN CHARGE	NOVEMBER
APPROVED	NOVEMBER

INCOMPLETE PLANS  
DO NOT USE FOR CONSTRUCTION

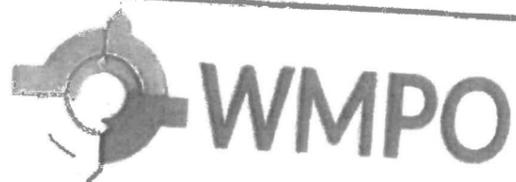
DOCUMENT NOT COMPLETED FINAL  
UNLESS ALL SIGNATURES COMPLETED

**Stantec**  
 3000 Connecticut Avenue, N.W.  
 Suite 2000  
 Washington, DC 20008  
 Tel: 202.331.2000  
 Fax: 202.331.2001  
 www.stantec.com  
 License No. 170072

★ PROPOSED SIGNAL  
 DRIVEWAY RADII ARE TO UNLESS NOTED OTHERWISE

SEE SHEET 36 FOR  
 PROFILE  
 SEE SHEET 55 FOR  
 PROFILE

I:\3287226  
 Roadway\Pro\_U-5732\_Rdy\_pah.07.dgn  
 5/14/23



305 Chestnut Street  
PO Box 1810  
Wilmington, NC 28402  
Ph: (910) 341-3258  
Fax: (910) 341-7801  
www.wmpo.org

October 3, 2016

Eddie Wetherill, PE  
Wetherill Engineering  
1223 Jones Franklin Rd.  
Raleigh, NC 27606

RE: Approved Scope for the Traffic Impact Analysis (TIA) associated with the proposed  
Hampstead Retail and Apartments Development  
Pender County, NC

Dear Mr. Wetherill:

Based on the information provided, and conversations held to date, it is our understanding  
that the proposed development will consist of:

- 89,000 SF Shopping Center
- 196 Apartments

This development is located east of US 17 between Hughes Road and Deerfield Drive in  
Pender County, North Carolina.

The site plan provided proposes access at the following points:

- US 17 and Entrance 1
- SR 1618 (Hughes Road) and Entrance 2
- New Connector and Entrance 3

Below please find the scope to be used for the Traffic Impact Analysis:

1. Data Collection - Analysis Parameters:

- a. Existing Conditions

Wilmington Urban Area Metropolitan Planning Organization

City of Wilmington • Town of Carolina Beach • Town of Kure Beach • Town of Wrightsville Beach  
County of New Hanover • Town of Belville • Town of Leland • Town of Navassa • County of Brunswick  
County of Pender • Cape Fear Public Transportation Authority • North Carolina Department of Transportation

- i. Turning movement counts weekday AM (6:30 AM – 8:30 AM) and PM (4:00 PM – 7:00 PM) peak periods, Signal Timing (if applicable) and Lane Geometry;
    - US 17 and NC 210
    - US 17 and Deerfield Drive
    - US 17 and Washington Acres Drive
    - US 17 and site drive
    - US 17 & Hughes Road
    - Hughes Road and Site Access
    - Hughes Road and New Connector Road
    - Deerfield Drive and New Connector Road
    - Deerfield Drive and Creekview Drive
  - ii. Signal plans may be acquired by sending an email request to NCDOT Traffic Services: Ross Kimbro, rkimbrot@ncdot.gov or by calling (910) 341-0300
  - b. Site Trip Generation, Site Trip Distribution and Background Traffic Assumptions
    - i. Site Trip Generation Estimate
      - See attached
    - ii. Site Trip Distribution
      - Approved with attached modifications
    - iii. Adjacent Development (approved (but as of yet to be built)) development including but limited to:
      - Trihabitat
    - iv. Planned Roadway Improvements
      - U-5732
    - v. Background Traffic Assumptions
      - Horizon year – 2021
      - Growth rate – 1% per year
2. Capacity Analysis: Week day AM & PM Peak Hour (as listed and for locations per 1.a.i)
- a. Existing – 2016
  - b. 2021 Future No-Build Conditions  
[existing +1% background growth]
  - c. 2021 Full Build Conditions  
[existing +1% background growth + site trips]

---

**3. Final Report Submittal:**

- a. Completed TIA Application
- b. Signed and sealed by a Professional Engineer
- c. Five bound copies
- d. Five Electronic copies to include PDF of TIA and Synchro files and Synchro analysis files in digital format

**4. Notes:**

- i. TIA's shall be prepared according to NCDOT Congestion Management Guidelines. Any deviations from such shall be approved prior to preparation of the TIA.
- ii. This scope shall remain valid for three months from the date of this letter.
- iii. Please note that if any changes occur (including but not limited to; land use, intensity, phasing, and/or site access) additional analysis may be required.
- iv.

Please contact me at 910-473-5130 with any questions regarding this scope.

Sincerely,



Amy Kimes, PE  
Project Manager  
Wilmington Metropolitan Planning Organization

Attachments: Trip Generation Summary (provided by Wetherill)  
Site Map (provided by Wetherill)  
Approved Trip Distribution (provided by Wetherill, amended)

Cc: Patrick Riddle, District Engineer, NCDOT  
Jessi Leonard, PE, Division Traffic Engineer, NCDOT  
Stoney Mathis, PE, Deputy Traffic Engineer, NCDOT  
Kyle Breuer, Planning Director, Pender County  
Megan Crowe, Senior Planner, Pender County  
Bill McDow, Transportation Planner, WMPO  
Mike Kozlosky, Executive Director, WMPO

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

Action Id. SAW-2016-00123 County: Pender U.S.G.S. Quad: NC-HAMPSTEAD

**NOTIFICATION OF JURISDICTIONAL DETERMINATION**

Property Owner: Headwaters Properties, LLC  
Address: 1131-B Military Cutoff Road  
Wilmington, North Carolina 28405  
Size (acres) 14.3  
Nearest Waterway Mill Creek  
USGS HUC 03020302  
Nearest Town Hampstead  
River Basin New River  
Coordinates Latitude: 34.3586843082637  
Longitude: -77.7146777272859

**Location description:** The site is located between Hughes Road and Deerfield Drive, south of Highway 17, and north adjacent to the Deerfield Subdivision. This site contains a 0.56 acre non-jurisdictional, isolated wetland. The remainder of the parcel is upland.

**Indicate Which of the Following Apply:**

**A. Preliminary Determination**

Based on preliminary information, there may be waters of the U.S. including wetlands on the above described project area. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

**B. Approved Determination**

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

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

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

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

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

- There are no waters of the U.S., to include wetlands, present on the above described property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Wilmington, NC, at (910) 796-7215 to determine their requirements.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact Emily Greer at 910-251-4567 or [Emily.C.Greer@usace.army.mil](mailto:Emily.C.Greer@usace.army.mil).

**C. Basis For Determination:** This site exhibits wetland criteria as described in the 1987 Corps Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement to the 1987 Wetland Delineation Manual; however, the feature is isolated and not regulated according to the Clean Water Act.

**D. Remarks:** NA

**E. Attention USDA Program Participants**

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

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

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

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

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **12 September 2016**.

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

Corps Regulatory Official: GREER.EMILY.C.1385325300

Digitally signed by GREER EMILY C. 1385325300  
DN: cn=US, ou=U.S. Government, ou=DOD, ou=FAO, ou=USA,  
c=GREER.EMILY.C.1385325300  
Date: 2016.07.08 15:07:00 -0400

Date: **13 July 2016**

Expiration Date: **13 July 2021**

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at <http://regulatory.usacesurvey.com/>.

U.S. ARMY CORPS OF ENGINEERS  
WILMINGTON DISTRICT

Action Id. SAW-2016-00123 County: Pender U.S.G.S. Quad: NC-HAMPSTEAD

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Property Owner: Lanwillo Development Company

Address: PO Box 2088  
Wilmington, North Carolina 28402

Size (acres) 38.2

Nearest Waterway Mill Creek  
USGS HUC 03020302

Nearest Town Hampstead

River Basin New River

Coordinates Latitude: 34.3586843082637

Longitude: -77.71467772859

Location description: The site is located between Hughes Road and Deerfield Drive, south of Highway 17, and north adjacent to the Deerfield Subdivision.

**Indicate Which of the Following Apply:**

**A. Preliminary Determination**

Based on preliminary information, there may be waters of the U.S. including wetlands on the above described project area. We strongly suggest you have this property inspected to determine the extent of Department of the Army (DA) jurisdiction. To be considered final, a jurisdictional determination must be verified by the Corps. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

**B. Approved Determination**

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

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

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

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

The waters of the U.S. including wetlands have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on 1 July 2016. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

Attachment 4

- There are no waters of the U.S., to include wetlands, present on the above described project area which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in Wilmington, NC, at (910) 796-7215 to determine their requirements.

Placement of dredged or fill material within waters of the US and/or wetlands without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). If you have any questions regarding this determination and/or the Corps regulatory program, please contact Emily Greer at 910-251-4567 or Emily.C.Greer@usace.army.mil.

**C. Basis For Determination:** This site exhibits wetland criteria as described in the 1987 Corps Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement to the 1987 Wetland Delineation Manual. Additionally, waterbodies exhibits an Ordinary High Water Mark.

**D. Remarks:**

**E. Attention USDA Program Participants**

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

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

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

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

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **30 August 2016**.

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

GREER.EMILY.C.138532

Digitally signed by GREER.EMILY.C.1385325300  
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,  
ou=USA, cn=GREER.EMILY.C.1385325300  
Date: 2016.07.13 14:27:40 -04'00'

Corps Regulatory Official: 5300

Date: **1 July 2016**

Expiration Date: **1 July 2021**

Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at <http://regulatory.usacesurvey.com/>.

**TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:**

**Cape Fear Council of Governments RPO**  
*No comments.*

**Four County Electric Company**  
*No response.*

**NC DENR Division of Coastal Management**  
*No comment.*

**NC DENR Division of Forestry**  
*No response.*

**NC DENR Division of Land Resources**  
*No response.*

**NC DENR Division of Waste Management**  
*No response.*

**NC DENR Division of Water Quality**  
*No response.*

**NC DOT Division of Highways**  
*Permit required since the project will be accessing state roads.*

**NC DOT Transportation Planning Branch**  
*No comments.*

**NC Office of State Archaeology**  
*No response.*

**NC Wildlife Resources Commission**  
*No response.*

**Pender County Addressing**  
*Applicant will have to submit a new road name as well as alternates to the Addressing Coordinator. Please contact Jan Dawson for further information. Her number is 910-259-1442. We will also need additional road names and alternates for the additional proposed roads.*

**Pender County Building Inspections**  
*No comments.*

**Pender County Emergency Management**  
*No comments.*

**Pender County Environmental Health**

*No permit required.*

**Pender County Fire Marshal**

*No comments on alignment of roads or parking lots. All building plans will be reviewed at submittal.*

**Pender County Parks and Recreation**

*No comment.*

**Pender County Public Library**

*No response.*

**Pender County Public Utilities**

*Utility plans are not required at this stage of design but please be advised that subsequent formal Public Water Supply submittal documents must be submitted to PCU for review/approval if water extension is required and/or water service application as applicable.*

**Pender County Schools**

*No response.*

**Pender County Sheriff's Department**

*No response.*

**Pender County Soil and Water Conservation District**

*No comments.*

**Progress Energy Corporation**

*No response.*

**US Army Corps of Engineers**

*No response.*

**Wilmington Metropolitan Planning Organization**

- 1. The Headwaters Town Center has started a TIA scope for this development project.*
- 2. The Headwaters project scope has listed 89,000 SF Shopping Center and 196 MF Apartments, however, the project narrative discusses Townhouses and SF homes that will be part of future phases of this development.*
- 3. It appears that the TIA Scope of Headwaters may have changed. If the scope has changed, contact Amy Kimes, PE, at (910) 473-5130, [amy.kimes@wilmingtonnc.gov](mailto:amy.kimes@wilmingtonnc.gov) to discuss the changes and to develop an updated TIA for the project.*
- 4. Provide approved street names for Road A and Collector Road B.*
- 5. The pavement cross section of the proposed streets shows 1.5 inch of asphalt. Collector Road B is a collector street. Provide additional asphalt and base stone as required for collector streets.*
- 6. The proposed driveway spacing along Road A does not meet minimum centerline distances for driveways for major traffic generators. The full access driveway beside Out Parcel 1 appears to be within the functional area of the signal and the full access driveway for the drive-thru lane at the Grocery Store appears to be too close to the intersection of Road A and Collector Street B.*
- 7. Provide turn lanes for the site along Hughes Road, for the driveway between Out Parcel 4 and Out Parcel 5, and for intersection of Hughes Road and Collector Road B.*

Attachment 5

8. Provide turn lanes for the site along Road A for the driveway adjacent to Out Parcel 1, the driveway at the entrance to the Grocery Store and the driveway at the entrance to the drive-thru lane.
  9. Provide 5' sidewalk along the frontage of Hughes Road, Road A and Collector Road B.
  10. Provide 5' sidewalk along US 17 from Hughes Road to Road A.
  11. Provide internal sidewalk for the site along the front of the retail shops, the Grocery store and Out Parcels 1-5. Ensure ADA accessible routes are available from the handicap parking to each store front.
  12. Show ADA accommodations for the phase 1 development, along with wheel chair ramps, and Tactile Mats and Handicap Accessible Signs.
  13. The Handicap Accessible parking shown on the plan appears to be too far away from the Out Parcels to meet ADA requirements. Additional Handicap Parking may be required near the 'front of store' for these parcels to have parking that meet ADA guidelines.
  14. Show the location of wheel chair ramps at each street intersection, where sidewalk is shown.
  15. Show the ADA accessible route from the handicap parking spaces to the Grocery store and retail shops.
  16. Add typical roadway geometry dimensions to the plans, such as Horizontal Centerline Radius, Street Corner Radius, etc.
  17. Provide public streets to provide access for the Multi-Family units planned for phase 2 in Tract 2 and Tract 3.
  18. Provide bicycle parking for the project, a minimum of 20 bicycle parking spaces is requested for this phase of development.
  19. Show dimensions for parking, such as typical parking space dimensions, Handicap Space dimensions, width of drive aisles, typical radius of landscape islands, and dimensions of loading zones.
  20. Show 10'X70' Sight Distance Triangles for site driveways and street intersections.
- Recommendations:
1. Provide Sidewalk along property frontage on Creekview Drive. Coordinate sidewalk with Pender County Planning.
  2. Provide the location of dumpster enclosures for the site.
  3. Show vehicle turning movements for Fire Engines, Trash Trucks, and WB 50 delivery vehicles. If the site grocery store uses a larger truck size, (WB 65), use that template.
  4. Show the location of Fire Hydrants and Street Lights for each phase.
  5. Show the location of required Regulatory signs and pavement markings, (Stop Signs, Yield Signs, Stop Bars, Cross Walks, No Parking, etc.).
1. Show the landscape plan and street light plans for the site.



**Applicant:**  
Headwaters Properties, LLC.

**Owners:**  
Headwaters Properties, LLC.  
Lanwillo Development Compan  
Raymond E. Hughes

**Master Development Plan**

**&**  
**Major Site Plan:**  
#436-2016

**Legend**



Subject Properties



Vicinity





**Applicant:**  
Headwaters Properties, LLC.

**Owners:**  
Headwaters Properties, LLC.  
Lanwillo Development Compan  
Raymond E. Hughes

**Master Development Plan**

**&**

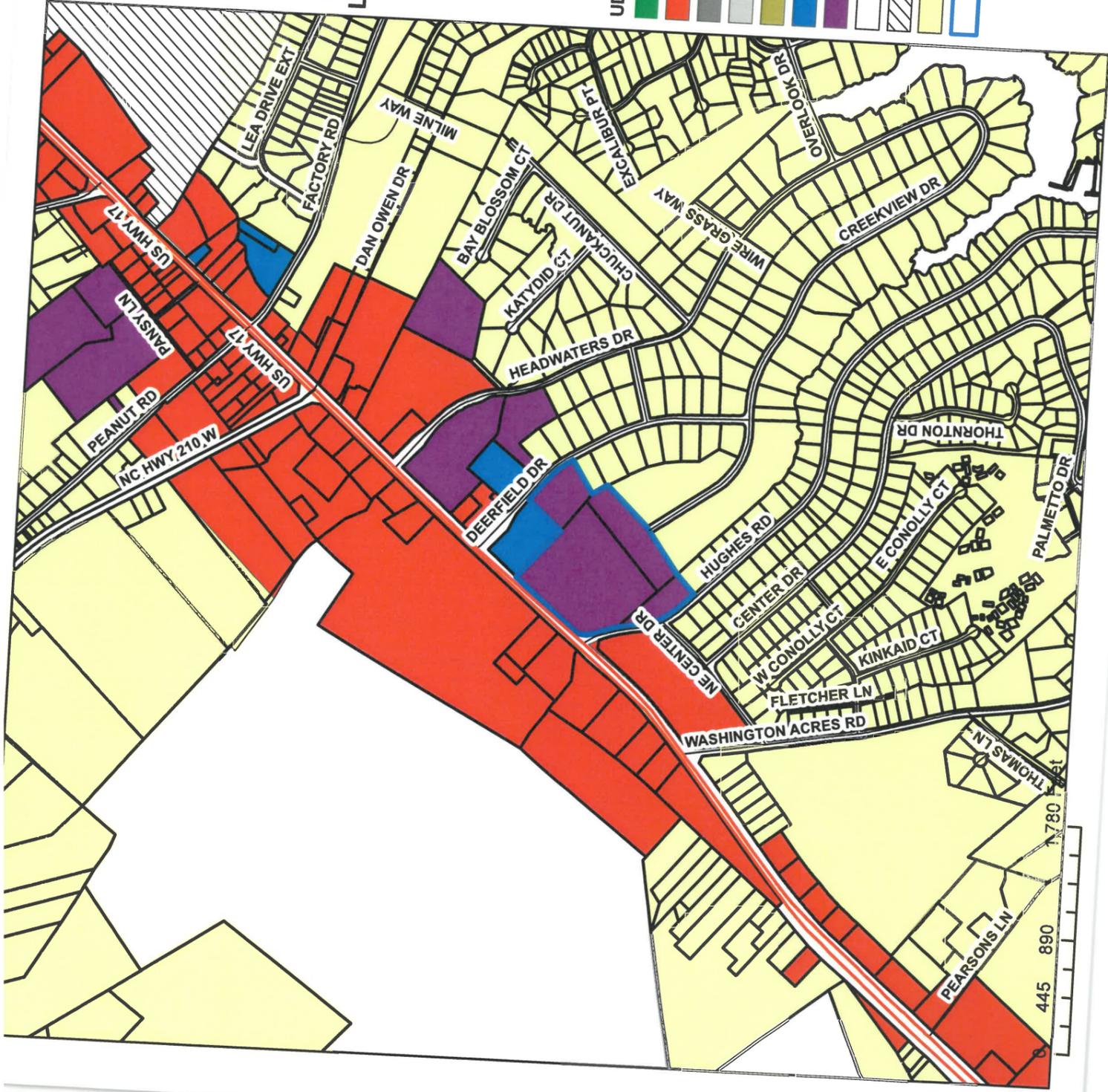
**Major Site Plan:**  
#436-2016

**Legend**

- UDO Zoning**
-  EC, Environmental Conservation
  -  GB, General Business
  -  GI, General Industrial
  -  IT, Industrial Transitional
  -  MH, Manufactured Housing
  -  O&I, Office & Institutional
  -  PD, Planned Development
  -  RA, Rural Agricultural
  -  RM-CD1, Residential Mixed Condition
  -  RP, Residential Performance
  -  Subject Properties



**Current Zoning**





**Applicant:**  
Headwaters Properties, LLC.

**Owners:**  
Headwaters Properties, LLC.  
Lanwillo Development Compan  
Raymond E. Hughes

**Master Development Plan  
&  
Major Site Plan:  
#436-2016**

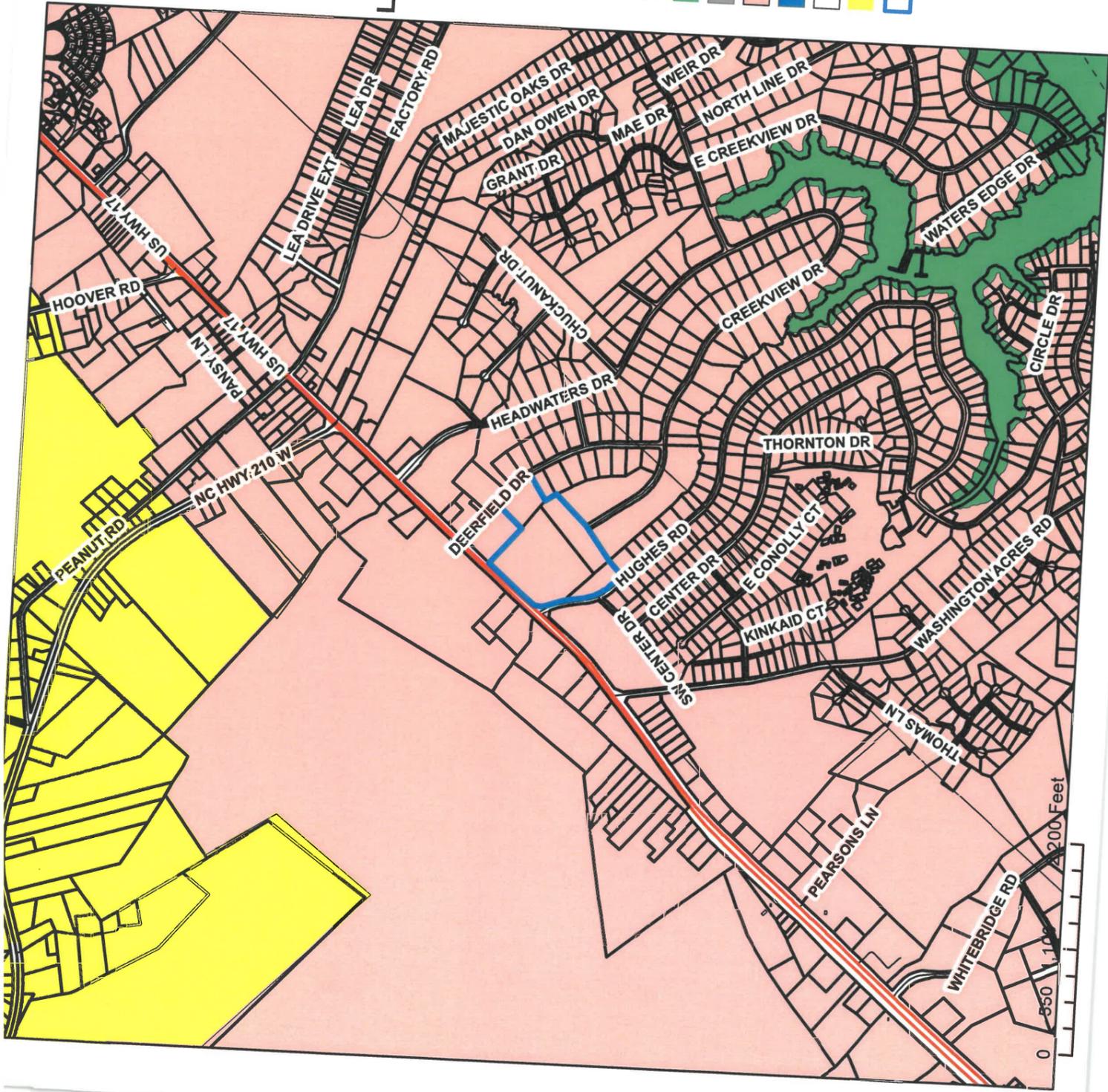
**Legend**

**Future Land Use**

-  Conservation
-  Industrial
-  Mixed Use
-  Office, Institutional, Commercial
-  Rural Growth
-  Suburban Growth
-  Subject Properties



**Future Land Use**





**Applicant:**  
Headwaters Properties, LLC.

**Owners:**  
Headwaters Properties, LLC.  
Lanwillo Development Compan  
Raymond E. Hughes

**Master Development Plan  
&  
Major Site Plan:**  
#436-2016

**Legend**

 Subject Properties



2012 Aerial



**PLANNING STAFF REPORT  
ZONING TEXT AMENDMENT**

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**SUMMARY:**

**Hearing Date:** January 4, 2017 Planning Board  
February 21, 2017 Board of Commissioners  
**Applicant:** Travis Holder  
**Case Number:** ZTA 426-2016

**Text Amendment Proposal:** Travis Holder, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to add a new Section (5.3.7) for standards regarding Construction (NAICS Sector 23) and amend Section 5.2.3, Table of Permitted Uses, in order to allow for the following uses; Construction of Buildings (NAICS 236), Heavy and Civil Engineering Construction (NAICS 237) and Specialty Trade Contractors (NAICS 238) to be permitted with use standards in the GB, General Business zoning district.

---

**ADMINISTRATOR RECOMMENDATION**

The proposed text amendment is consistent with one (1) goal and one (1) policy within the 2010 Pender County Comprehensive Land Use Plan, but is not consistent with other areas of the Unified Development Ordinance. The applicant's proposal conflicts with the definition of the GB, General Business zoning district. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. The outdoor storage of equipment and materials generally found within NAICS Sector 23 is not consistent with the General Business zoning district. The use is more suited for the IT, Industrial Transitional zoning district. The intent of the IT, Industrial Transitional zoning district is to provide for heavy commercial activities, involving larger scale marketing or wholesaling, where production and assembly occur onsite and retail sales of those products can be sold on premise where produced. In some cases, such areas may be transitional, located between business and industrial areas. In these areas, there will be a mixture of automobile and truck traffic. Flex space and technical uses are allowed, which may require large area of land and outdoor storage and display. Therefore, the Administrator respectfully recommends denial of the applicant's proposal.

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**AMENDMENT DESCRIPTION**

As the applicant mentioned in their submitted narrative, there are a limited amount of parcels zoned GI, General Industrial zoning district and IT, Industrial Transitional zoning district in the general Hampstead area. Currently, NAICS uses 236, 237, and 238 are permitted by-right in Pender County in the GI, General Industrial zoning district and the IT, Industrial Transitional zoning district. This request would allow this use to be permitted by right in the GB, General Business zoning district with applicable standards, which will require a renumbering of Section 5.3.7 and subsequent sections thereafter. Proposed standards are a six-thousand (6,000) square foot maximum of outdoor storage area for applicants of Sector 23 in the GB, General Business zoning district. It also includes all storage of materials and equipment to be screened from the view of the public right-of-way (Attachment 1).

The 'Construction of Buildings' (NAICS 236) subsector comprises establishments primarily responsible for the construction of buildings. The work performed may include new work, additions, alterations, or maintenance and repairs. The on-site assembly of pre-cut, panelized, and prefabricated buildings and

construction of temporary buildings are included in this subsector. The ‘Heavy and Civil Engineering Construction’ (NAICS 237) subsector comprises establishments whose primary activity is the construction of entire engineering projects, and specialty trade contractors, whose primary activity is the production of a specific component for such projects. The ‘Specialty Trade Contractors’ (NAICS 238) subsector comprises establishments whose primary activity is performing specific activities (e.g., pouring concrete, site preparation, plumbing, painting, and electrical work) involved in building construction or other activities that are similar for all types of construction, but that are not responsible for the entire project. The NAICS descriptions are attached as Attachment Two.

The proposed text amendment as submitted adds a D (for Permitted Use with standards) in the Construction of Buildings (NAICS 236), Heavy and Civil Engineering Construction (NAICS 237), and Specialty Trade Contractors (NAICS 238) categories that exist in the permitted use chart.

**REQUESTED AMENDMENT**

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>Sector 23: CONSTRUCTION</b>											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D				
Specialty Trade Contractors	238						D		P	P	

**5.3.7 Construction (Sector 23)**

**A. Construction of Buildings; Heavy and Civil Engineering Construction; Specialty Trade Contractors**

- 1) A maximum floor area of six-thousand (6,000) square feet.
- 2) Any outdoor storage of materials or equipment must be screen from view of any public right-of-way.

**UNIFIED DEVELOPMENT ORDINANCE COMPLIANCE**

The applicant’s requesting to amend three use types termed as “Construction of Buildings (NAICS 236), Heavy and Civil Engineering Construction (NAICS 237), and Specialty Trade Contractors (NAICS 238)” to allow each use to be permitted by-right with standards in the GB, General Business zoning district.

According to Section 4.9.1 of the Pender County Unified Development Ordinance, GB, General Business zoning district; is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. The General Business zoning district serves as a commercial zoning district in Pender County. As proposed, the current amendment is not consistent with the description of the GB, General Business zoning district. The use is more suited for the IT, Industrial Transitional zoning district. The intent of the IT, Industrial Transitional zoning district is to provide for heavy commercial activities, involving larger scale marketing or wholesaling, where production and assembly occur onsite and retail sales of those products can be sold on premise where produced. In some cases, such areas may be transitional, located between business

and industrial areas. In these areas, there will be a mixture of automobile and truck traffic. Flex space and technical uses are allowed, which may require large area of land and outdoor storage and display.

Due to the retail, office, and personal service nature of the General Business zoning district, the proposal for allowing outdoor storage of contractor equipment and materials conflicts with the purpose of the zoning district. The storage of equipment and materials within a fully enclosed structure would be more consistent with the General Business zoning district description. The applicant proposed the floor area limit to regulate the size and intensity of contractor's businesses without allowing larger, more industrial-sized contractors looking for larger spaces.

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#### **EVALUATION**

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

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

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

The GB, General Business zoning district is described in the Unified Development Ordinance Section 4.9.1. It states: This district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail and personal service uses. The proposal allowing the outdoor storage of equipment and materials is not consistent with the nature of the General Business zoning district. The use is more consistent with the definition of the It, Industrial Transitional zoning district. The intent of the IT, Industrial Transitional zoning district is to provide for heavy commercial activities, involving larger scale marketing or wholesaling, where production and assembly occur onsite and retail sales of those products can be sold on premise where produced. In some cases, such areas may be transitional, located between business and industrial areas. Flex space and technical uses are allowed, which may require large area of land and outdoor storage and display. However, this amendment allows for increased opportunities to provide contractor services for the growing building and construction sector.

#### **2010 Comprehensive Land Use Plan Compliance**

There are no conflicting policies within any adopted land use documents for the proposed Zoning Text Amendment. This zoning text amendment request is consistent with one (1) goal and one (1) policies of the 2010 Comprehensive Land Use Plan and conflicts with none. The following goals and policies within the plan may be relevant to the proposed Zoning Text Amendment:

**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.

**Economic Development Goal 10A.1:** Promote economic development which meets the needs of the County for expanding the non-residential tax base and providing well-paying jobs.

There are no known conflicting policies in the 2010 Comprehensive Land Use Plan or any other adopted plans.

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**ADMINISTRATOR RECOMMENDATION**

The proposed text amendment is consistent with one (1) goal and one (1) policy within the 2010 Pender County Comprehensive Land Use Plan, but is not consistent with other areas of the Unified Development Ordinance. The applicant's proposal conflicts with the definition of the GB, General Business zoning district. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses. The impact of outdoor storage of equipment and materials generally found in this sector may degrade the integrity of the General Business zoning district. The use is more consistent for the It, Industrial Transitional zoning district. The intent of the IT, Industrial Transitional zoning district is to provide for heavy commercial activities, involving larger scale marketing or wholesaling, where production and assembly occur onsite and retail sales of those products can be sold on premise where produced. In some cases, such areas may be transitional, located between business and industrial areas. In these areas, there will be a mixture of automobile and truck traffic. Flex space and technical uses are allowed, which may require large area of land and outdoor storage and display. Therefore, the Administrator respectfully recommends denial of the applicant's proposal.

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**BOARD ACTION FOR ZONING TEXT AMENDMENT**

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

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

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

## APPLICATION FOR TEXT AMENDMENT

### THIS SECTION FOR OFFICE USE

Application No.	ZTA 426-2016	Date	11-18-16
Application Fee	\$ 250.00	Receipt No.	Env. 277
Pre-Application Conference	11-15-16	Hearing Date	1-4-17

### SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Travis Holder
Applicant's Address:	94 Merchants Circle, Suite 201
City, State, & Zip	Hampstead, NC 28443
Phone Number:	(910) 520-8905
Email Address:	TravisRayHolder@yahoo.com

### SECTION 2: UDO TEXT TO BE AMENDED

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

*TABLE OF USES PROHIBITS "SECTOR 23- CONSTRUCTION" IN THE GB ZONE*

Proposed Text to be added:

*ADD NAICS Codes 236, 237, and 238 USES AS PERMITTED BY RIGHT IN THE GB ZONE PROVIDED THE FACILITY IS 6000 SQUARE FEET OR LESS and any outside storage is screened from public right of way.*

Applicant's Signature: Date: 11-18-16

### NOTICE TO APPLICANT

If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.

### TEXT AMENDMENT CHECKLIST

<input checked="" type="checkbox"/>	Signed application form
<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application)

### Office Use Only

<input type="checkbox"/> ZTA Fees: \$250		<b>Total Fee Calculation:</b>	
<b>Payment Method:</b> <input type="checkbox"/> Cash: \$ _____ <input type="checkbox"/> Credit Card: <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa	<input type="checkbox"/> Check: # _____	Application Received By:	Date: 11-18-16
Application completeness approved by:		Date: 11-18-16	
Dates Scheduled for Public Hearings:		<input type="checkbox"/> Planning Board: 1-4-17	
		<input type="checkbox"/> BOC: 2-1-17	

## Text Amendment Request

This request is made to address an ongoing problem in East Pender.

Although construction is booming in this area, the zoning code effectively prohibits contractors from locating their businesses here, forcing business people who live and work in Scotts Hill and Hampstead to set up shop in New Hanover and Onslow counties.

Construction businesses are permitted only in the GI zone (which does not exist in East Pender) and the IT zone (limited to the several lots on Sloop Point Loop Road).

We request that construction businesses (NAICS Codes 236, 237 and 238 – Building, civil and trades) be added to the GB zone as a permitted use if they occupy a facility less than 6,000 square feet and any outside storage is screened from public right of way.

This will bring in jobs, benefit the tax base and allow many local folks to live and work in our community.

**Applicant's Proposal**

To be amended in Article 5, Section 5.2.3 Table of Permitted Uses, with associated renumbering:

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>Sector 23: CONSTRUCTION</b>											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D				
Specialty Trade Contractors	238						D		P	P	

**5.3.7 Construction (Sector 23)**

**A. Construction of Buildings; Heavy and Civil Engineering Construction; Specialty Trade Contractors**

- 1) A maximum floor area of six-thousand (6,000) square feet.
- 2) Any outdoor storage of materials or equipment must be screen from view of any public right-of-way.

**5.3.8 Retail Trade (Sectors 44-45)**

**A. Automobile Service Station**

- 1) Fuel pumps and other related accessory structures shall be located a minimum of 15 feet from any property line.
- 2) When an automobile service station adjoins a residential district, the underground storage tanks shall be located a minimum of 30 feet from the property line.
- 3) All underground storage tank facilities shall comply with the North Carolina Building Code and NFPA 30A.

**5.3.9 Finance and Insurance (Sector 52)**

**A. Freestanding Automatic Teller Machines**

- 1) Shall be considered as an accessory structure.
- 2) Shall allow for proper ingress and egress and proper traffic flow.
- 3) Shall not be located in any minimum required parking spaces or buffer areas.

**5.3.10 Arts, Entertainment and Recreation (Sector 71)**

**A. Amusement or Water Parks; Batting Cages; Go-Cart Tracks; Golf Driving Ranges; Miniature Golf Facilities**

- 1) Minimum lot size for all development except miniature golf facilities shall be five (5) acres.
- 2) No principal buildings or structures shall be located within fifty (50) feet of any property line.
- 3) Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of park activities.
- 4) No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any residentially zoned property

**5.3.11 Accommodation and Food Services (Sector 72)**

- A. Hotels and Motels shall be allowed one (1') foot of additional height for every two (2') feet of additional setbacks to the front and sides property lines, not to exceed seventy five (75) feet in height.
- B. Recreational Vehicle Park
- 1) All recreational vehicle parks shall be at least three (3) acres in size.
  - 2) Every space shall consist of a minimum of 2,000 square feet.
  - 3) All recreational vehicle parks must adhere to the following dimensional requirements:

Minimum Structure Separation for Recreational Vehicles	10 feet
Minimum Separation from Other Structures	20 feet
Minimum Exterior Property Boundary Setback	20 feet
  - 4) Within a recreational vehicle park, one commercial grade trailer may be used as an administrative office.
  - 5) Each park shall provide a central structure or structures that will supply separate toilet facilities and showers for both sexes, to be maintained and kept in good repair at all times.
  - 6) Establishments of a commercial nature including food stores and coin operated laundry may be permitted in recreational vehicle parks subject to the following conditions:
    - a. Such establishments shall be located, intended, and designed to serve only the trade or service needs of persons residing in the park.
    - b. Establishments shall be subordinate to the use and character of the park.
    - c. Access to the commercial establishment must be from interior streets.
    - d. Signs serving the commercial use inside the park shall be limited to twenty (20) square feet in area, non-illuminated, and shall be attached to the establishment.
    - e. Off street parking for commercial establishments shall be provided at a ratio of one (1) space for every 400 square feet of gross floor area.
  - 7) No individual sites may be permitted within the jurisdiction of a Special Flood Hazard Area, but may be set aside for passive open space.
  - 8) Recreational vehicle parks may allow for designated tent only camping sites.
  - 9) Permanent parking and storing of a recreational vehicle shall not be permitted in the park.
  - 10) No manufactured home used for residential purposes shall be permitted in a recreational vehicle park.
  - 11) The operator of a recreational vehicle park shall keep an accurate register containing a list and description of all homes located in the park and owner thereof.
  - 12) All parks shall adhere to Article 8, Landscaping and Buffering.
  - 13) Recreational vehicle parks must meet open space requirements per Section 7.6, Open Space.
  - 14) A safe, adequate, and convenient water supply and connection must be provided for each park space.
  - 15) At least one (1) sewage dumping station must be provided along with connections to each individual space. Sewage dumping stations shall be approved by the Pender County Health Department.

- 16) Park owners shall make arrangements for a private vendor or other sources to collect refuse, either from individual spaces or from centrally located dumpster sites. All dumpster locations are to be fenced and screened from view. Individual refuse receptacles shall be waterproof and rodent proof.
- 17) The location and dimensions of all proposed and existing rights-of-way, utility or other easements, riding trails, pedestrian or bicycle paths, natural buffers, and areas if any to be dedicated to public use with the purpose of each stated shall be referenced on the site plan.
- 18) No individual recreational vehicle space shall have direct access to a public maintained road.
- 19) All streets must be constructed of all-weather material and shall be sixteen (16) feet wide and within a designated twenty four (24) feet wide right of way. Recreational vehicle parks shall have direct access to a public maintained road.
- 20) All parks shall have a certificate of approval by the Pender County Addressing Coordinator for all proposed road names.
- 21) Soil suitability analysis indicating the suitability of the property for individual septic tanks or an Improvement Authorization Permit for each lot unless community sewer is available and a conditioned approval for connection is submitted. The soil suitability analysis of the property shall also indicate the suitability of the soil for the type structures proposed.
- 22) All parks proposing to utilize a community water or community waste water system must provide approval from DENR, a Stormwater Management Plan, and approval from the Division of Coastal Management if the park is located in an area of environmental concern. Additionally, the applicant shall provide a certification that the community water system and/or community waste water system will be owned, operated, and maintained by a community system as defined in this Ordinance.

**5.3.12 Other Services except Public Administration (Sector 81)**

**A. Cemeteries**

- 1) All burial or monuments must be located at least 25 feet from any side or rear lot line and must be at least 40 feet from any street right-of-way.
- 2) Buildings for the maintenance and/or management of cemetery lots must be located at least 100 feet from any lot lines which adjoin lots in any residential district. Otherwise any such buildings must conform to the requirements for principal uses in the district where they are located.

**B. Pet Care Services**

- 1) All structures and outdoor runs must be located a minimum of 500 feet from any residentially zoned property.
- 2) Sewage disposal system and sanitation control methods as approved by the Pender County Board of Health shall be required. (This provision shall include, but shall not be limited to, the sanitary removal or disposal of solid waste, carcasses, or any other items deemed necessary for removal or disposal because of unsafe or unsanitary conditions by the Health Department.)
- 3) Minimum lot sizes shall be a minimum of one (1) acre per 10 animals. The minimum lot size requirements may be waived if a kennel is constructed to entirely enclose all kennel facilities

so as to adequately protect all animals from weather extremes and to protect adjacent residences from noise, odors, and other objectionable characteristics.

- C. Pet Grooming Services, as defined
- 1) No breeding, selling, storage of animals for sale or adoption, training or boarding for overnight or day play.
  - 2) No outdoor facilities permitted on-site including but not limited to; outdoor pens, kennels, runs or walking areas.
  - 3) No outdoor storage or housing of animals.
  - 4) Pets being groomed will be contained within the appropriately sized enclosures within the confines of the structure housing the business.

**5.3.13 Miscellaneous Uses**

- A. Adult and Sexually Oriented Businesses
- 1) No such business shall locate within one thousand (1,000) feet of any other Adult Oriented Business, as measured in a straight line from property line to property line.
  - 2) No Adult Oriented Business shall be located within two thousand (2,000) feet of a church, public or private elementary or secondary school, child day care or nursery school, Public Park, residentially zoned or residentially used property, or any establishment with an on-premise ABC license, as measured in a straight line from property line to property line.
  - 3) The gross floor area of any Adult Oriented Business shall not exceed three thousand (3,000) square feet and all business related activity shall be conducted in a building.
  - 4) There shall not be more than one (1) Adult Oriented Business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any Adult Oriented Business.
  - 5) Except for signs as may be permitted by Article 10 of this Ordinance, no printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
- B. Bona fide Farm Purposes
- 1) Bona fide farm purposes must comply with § 153A-340(b)(2) of the North Carolina General Statutes.
- C. Community Boating Facility
- 1) Must serve five (5) or more residential units and may include a dock, pier, ramp, or launching pad.
  - 2) No commercial activities of any kind shall be allowed within the confines of the facility.
  - 3) Approved Special Use Permits are required in all zoning districts unless the proposed facility is illustrated in conjunction with a development which requires a master development plan. Sufficient detail must be provided on the master plan to allow the Planning Board to make an informed decision on the facility's impacts to the surrounding properties throughout the public hearing process.
- D. Family Care Home

- 1) A family care home means a home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment as defined by NCGS § 168-21.

E. Industrial Park

1. Applicability: In order to qualify as an Industrial Park, the subject property must:
  - a. Be entirely located in a General Industrial zone, according to the official zoning map of Pender County;
  - b. Contain at least 200 acres under unified control;
  - c. Have direct access to a road designated by the NCDOT as a US, or NC Highway; or at least a portion of the property shall be within 5000' of such a road and have direct access to a state maintained road;
  - d. Be served, or have written confirmation from the Utility Authority that the area will be served, by a public water and sewer system; and
  - e. Obtain a Special Use Permit from the Board of County Commissioners.
2. Subdivision Procedure: Industrial Parks shall be exempt from the procedures established in Section 3.8, Subdivisions, Section 3.9, Minor Subdivision, and 3.10, Major Subdivision, of the Pender County UDO. The following regulations apply:
  - a. Major and minor subdivisions of an Industrial Park are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.
  - b. Plans must meet all the requirements prescribed in Section 6.4, Preliminary Plat Contents, and Section 6.5, Final Plat Contents in the Pender County UDO, except that subdivision plans for an Industrial Park shall be exempt from:
    - i. The timing and phasing requirements of Sections 6.5.A.1, 6.5.A.4, and 6.5.A.8;
    - ii. The homeowner's association requirements of Sections 6.5.B.3 and 6.5.B.6; and
    - iii. The preliminary plat requirements of Sections 6.4.A.9 through 6.4.A.13.
      1. Industrial Parks shall follow the subdivision standards listed in Section 5.3.11.E.3, Subdivision Standards, below.
      2. These standards must be met and shown on the Preliminary Plat.
  - c. A copy of the draft protective covenants to be recorded on the Park shall be submitted with the final plat application.
    - i. The covenants shall address: owner's association, organization, responsibilities & membership, use and other restrictions on the property, term, revisions & renewal of the covenants, nuisances on the property and maintenance of facilities in the park.
    - ii. The covenants as approved under the Special Use Permit shall be recorded prior to division or sale of any parcels and prior to issuance of any zoning permit for or within the Park.
  - d. The final plat shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission.

Attachment 1

When the final plat is approved the signed original will be provided to the applicant and a signed copy placed in the Record File for the subdivision.

- e. A final plat shall be approved on a finding that the applicant demonstrates that the proposed division meets all of the requirements of the Pender County UDO and will:
  - i. Be in harmony with the Special Use Permit;
  - ii. Be in accordance with the Preliminary Plat;
  - iii. Not endanger the public health or safety;
  - iv. Be in conformity with the County's Land Use Plan.
- 3. Subdivision Standards: Industrial Parks shall be exempt from the regulations of Article 7.6, Open Space, and Article 8, Landscaping and Buffers. As an alternative, Industrial Parks are governed by the following open space and landscaping standards:
  - a. Open Space:
    - i. Approved Industrial Parks shall provide dedicated area(s) as open space, equating to 5% of the overall Industrial Park.
    - ii. The open space must be dedicated at the time in which at least 25% of the Industrial Park is occupied.
  - b. Landscaping and Buffers:
    - i. A visually opaque landscaped buffer of native vegetation at least 20 feet in width and/ or combination of berms and fencing is required along the external perimeter of the Industrial Park.
      - 1. Existing trees and shrubs shall count towards meeting the buffer yard and screening requirements.
      - 2. The buffer areas may be in common area and counted towards meeting open space requirements.
      - 3. For every 1,000 sf. of buffer area, the buffer areas shall include:
        - a. Ten evergreen shrubs; and
        - b. Three trees, which shall consist of the following:
          - i. 50% large maturing;
          - ii. 25% small maturing, and
          - iii. 25% evergreen.
    - ii. Buffers will not be required for internal property boundaries of Industrial Parks with the exception of road frontage.
    - iii. The Administrator may allow modification to the buffer width and planting types when special site conditions exist.
- 4. Major Site Plan Procedure: Individual Sites locating within an Industrial Park shall be exempt from Section 3.7, Major Site Development Plan, of the Pender County UDO. The following procedure applies:
  - a. Major Development Plans are subject to review by the Technical Review Committee, and are reviewed and approved by the UDO Administrator.
  - b. Master Development Plans shall meet all of the requirements of Section 6.1.3 Major Development Plans Contents – Commercial and Industrial Districts, with the exception of Section 6.1.3.A.10.

- i. The Major Development Plan shall meet the Landscaping and Buffer requirements set forth below in Section 5.3.11.E.6.e, Landscaping and Buffers.
  - ii. The Major Development Plan shall be complete at the time of submittal and must be made by a licensed professional and illustrated at sufficient scale and with detailed design for the all uses located within the industrial park.
  - c. Major Development Plans shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission.
5. Site Dimensional Standards: Individual Sites shall be exempt from the regulations of Section 4.14, Zoning District Dimensional Requirements of the Pender County UDO. The following site dimensional standards apply:

Dimensional Standards for Individual Sites in Industrial Parks	
Maximum Height	50 feet
Minimum Setbacks <sup>[1]</sup>	
Front <sup>[2]</sup>	50 feet
Rear <sup>[3]</sup>	25 feet
Side <sup>[3]</sup>	25 feet
Corner <sup>[4]</sup>	50 feet
Minimum Building Separation	North Carolina Building Code Regulations Apply
Minimum Lot Width	100 feet
NOTES:	
[1] There must be an owner maintained strip with a minimum of 20 feet in width of landscaped ground along the street property lines, except that drives and walks may be located within the landscaped strip.	
[2] In the event more than one parcel of land shall be owned by one person or entity, and in the improvement of each parcel of land, a building shall be erected on more than one parcel of land, then the interior rear or side setbacks may be waived.	
[3] In the case of corner lots, both 50 foot front setbacks will apply.	

6. Site Design Standards: Individual Sites shall be exempt from the regulations of Article 7, Design Standards, and Article 8, Landscaping and Buffers, of the Pender County UDO. Individual Sites shall meet the following site design standards:
- a. Parking:
    - i. Each Individual Site located within the approved Industrial Park shall provide three parking spaces for each four employees on the largest shift plus additional spaces for vehicles permanently used in the operation of the business.
      - 1. At the discretion of the Administrator, a reduction to the parking requirements may be approved if the applicant demonstrates the peak level of need is lower than these standards require.
      - 2. To justify the reduction, a statement shall be provided by a licensed professional addressing facility usage, employment figures, shift changes, and any other applicable standards.

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b. Loading:

- i. Off-street loading and unloading facilities shall be provided by each owner or lessee of any parcel of land within the Park when that parcel is developed;
- ii. Such loading and unloading shall be to the rear or side of any buildings on said parcels of land.
- iii. All loading and unloading facilities shall be screened by effective landscaping or otherwise from view of any public street or access road within or leading to or from the Park.

c. Outdoor Lighting:

- i. Outdoor lighting shall utilize illumination so as to not cast direct light beyond any property line.

d. Outdoor Storage and Screening:

- i. Outdoor storage yards and storage areas, incinerators, storage tanks, and trucks based on the premises, shall either be housed in closed buildings or be screened for sound and sight from public view as is deemed necessary by the Administrator and shall be placed so as to conform with the setback requirements of Section 5.3.11.E.5, Site Dimensional Standards, above.
- ii. Such screening shall include landscaping or permanent fences (excluding chain link), or approved solid materials and shall be located so as to most effectively screen the view of the offending items from the street.
- iii. The Administrator may allow modification to the screening requirements when special site conditions exist.

e. Landscaping Standards:

- i. If applicable, Individual Sites must ensure that the 20 foot, visually opaque landscaped buffer required along the external perimeter of the Industrial Park is maintained, according to the requirements of Section 5.3.11.E.3.b, Landscaping and Buffers above.
- ii. Buffers are not required for internal property boundaries of Industrial Parks with the exception of road frontage.

F. **Marinas (Commercial):** Activities and possible uses on the marina or club property shall be limited to wet boat storage, dry stack boat storage, boat service and repairs, boat accessory sales, ship's store, coffee shop, boat trailer parking areas, automobile parking areas, launching ramp, piers and boat petroleum service areas. Additional uses permitted shall follow the Table of Permitted Uses for the specific zoning district.

1) Setbacks

- a) Up to 35' in height: 100' front and 50' sides and rear.
- b) Between 36' to 50' in height: Add two (2) additional feet of setback for every one foot in height above 35'.

2) Approved Special Use Permits are required in all zoning districts unless the proposed facility is illustrated in conjunction with a development which requires a master development plan. Sufficient detail must be provided on the master plan to allow the Planning Board to make an

informed decision on the facility's impacts to the surrounding properties throughout the public hearing process

**G. Portable Storage Containers**

- 1) All portable storage containers located on private property must apply for and obtain a permit. Each individual shall submit a complete application, site plan, and fee for review and approval by the Administrator or their agent. Applicants shall submit a site plan showing any permanent container and the relationship of this structure to the overall site. The site plan shall indicate how the container meets all permanent requirements including but not limited to; stormwater considerations, traffic circulation, screening requirements, other development codes and inspection requirements including engineered design plans to demonstrate the permanent storage container meets NC Building Code.
- 2) Permanent portable storage container use shall be restricted to non-residential districts: GB, General Business Zoning District, O&I, Office and Institutional Zoning District, GI, General Industrial Zoning District and IT, Industrial Transition Zoning District.
- 3) Portable storage containers may be permitted as an accessory structure, for storage purposes only.
- 4) A maximum of one (1) portable storage container per site shall be permitted on lots of one (1) acre or less. One (1) additional portable storage container may be permitted for lots greater than one (1) acre. No more than two (2) portable storage containers may be permitted on one (1) single property.
- 5) A portable storage container may be placed for thirty or less consecutive days in any twelve month period without issuance of a permit in all zoning districts, except Environmental Conservation.
- 6) Portable storage containers shall be allowed no more than two (2) times on a lot for a period no longer than 60 days within a twelve (12) month period when the following items are met:
  - a. The principal structure is damaged and dilapidated and is undergoing repairs, reconstruction, or renovation.
  - b. A building permit has been issued for the repairs, constructions, reconstruction, or renovation, if required, and is valid throughout the extension.
  - c. An extension may be granted for portable storage containers located in all districts, excluding Environmental Conservation, up to sixty (60) additional days within a twelve (12) month period as approved by the Administrator.
- 7) Portable storage containers shall not be permitted in any parking areas, required buffers or setbacks.
- 8) Portable storage containers must meet minimum accessory use and structure setback and separation requirements.
- 9) Portable storage containers shall meet all yard setback requirements and be located on the rear of the lot.
- 10) Portable storage containers shall not exceed the dimensions of forty (40) feet in length, eight (8) feet in width and ten (10) feet in height.
- 11) Stacking of portable storage containers shall not be permitted.
- 12) No sign shall be attached to a portable storage container other than the provider's contact information.
- 13) All portable storage containers shall be screened from view from any public right-of-way, private street or access easements and any residential use or residential zoning district. Screening shall be accomplished by a combination of fencing or landscaping which is contiguous and at least six (6) feet in height.

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- 14) Portable storage containers must be off-chassis.
- 15) No permanent off-chassis portable storage containers shall be permitted in loading areas.
- 16) Portable storage containers shall not be permitted to be rented or leased to a use not located on the same lot.
- 17) The structure shall be maintained in good condition free from structural damage, rust and deterioration.

H. Private Residential Boating Facility

- 1) May provide single access in approved zoning districts for residential use only.
- 2) Commercial activities of any kind shall be prohibited.

I. Salvage Operations

- 1) Must be enclosed by a screened fence a minimum eight feet in height.
- 2) The fence must be located a minimum of 20 feet from any public street right-of-way and vegetative planting along the fence to provide a continuous evergreen screen in front of the fence.
- 3) The combined screening shall be adequate to conceal all storage from public view.
- 4) Must be located entirely outside any FEMA designated Special Flood Hazard Area (SFHA).

J. Sweepstakes Center

- 1) Sweepstakes centers shall be permitted in accordance with Section 5.2.3, Table of Permitted Uses.
- 2) All new sweepstakes centers and additions or alterations to existing sweepstakes centers must be in accordance with this Ordinance.
- 3) Sweepstakes Centers shall be located a minimum distance of 500 feet, measured in a straight line in any direction from the closest point of the building or unit of the proposed business to the property line of any of the following:
  - a) Religious Organizations as defined by NAICS code 813110
  - b) A public or private school and family child care home or child care center with an active license with the State of North Carolina
  - c) A public park, playground, public library, or private cemetery
  - d) Drinking Places (Alcoholic Beverages) as defined by NAICS code 722410
  - e) Adult and Sexually Oriented Businesses
  - f) Any other approved sweepstakes center
- 4) Hours of operation shall be limited Monday to Saturday from 9:00 a.m. to 12:00 midnight and on Sunday from 12:00 noon to 10:00 p.m.
- 5) All food or beverage to be served or distributed by the establishment must meet the requirements of the Pender County Environmental Health Department.
- 6) Sweepstakes centers shall receive approval from the Pender County Fire Marshal prior to occupancy and must comply with annual review standards.
- 7) Sweepstakes centers must meet indoor recreation parking requirements as outlined in Section 7.10, Off Street Parking and Loading/Parking Requirements
- 8) All zoning and building permits issued after June 18, 2012 for all sweepstakes centers shall be subject to an annual review and inspection (from the date of approval) to ensure compliance with this Ordinance.

**K. Swine Farms**

- 1) Swine Farms – As defined in this Ordinance, must meet all regulations set forth by Article 67 of § 106, Et. Seq., of the North Carolina General Statutes.

**L.**

**Temporary Events - The Administrator or their agent may issue a temporary permit for carnivals, religious revivals, sport events, circuses, festivals and similar activities that will last for a period of up to sixty (60) days in the districts in which they are indicated as a permitted use. All temporary events shall submit an application and site plan, at least 14 calendar days prior to the event, with a description of activities so that it can be determined if adequate parking, sanitation & other necessary facilities will be available. The Administrator shall submit each temporary event proposal to the Building Inspector, Health Director, and Fire Marshal for review and approval.**

**M.**

**Temporary Modular/Manufactured Offices**

- 1) Modular or Manufactured offices may be used on a temporary basis for office or business purposes in cases where a new building for the use is under construction or where the permanent structure has been destroyed through no fault of the owner or tenant. A temporary permit must be obtained before the use of the mobile office is initiated. This permit shall be valid for a specified period of time while reconstruction takes place not to exceed six (6) months and may be renewed no more than once.
- 2) Manufactured homes rated for residential use may only be used for residential uses and not for other temporary or permanent uses.
- 3) Licensed motor vehicles used as an accessory use by a public or nonprofit entity for such purposes as book mobiles, blood mobiles, medical services or educational purposes will not require a permit unless set up for use on a site for more than 7 days.

**N.**

**Temporary Manufactured Homes - Temporary use of a manufactured home as a residence shall be permitted in any district in cases where the permanent home has been destroyed through no fault of the owner or tenant or when completing the construction of a new home. A temporary occupancy permit must be obtained from the Administrator before the use of the mobile home is initiated. This occupancy permit shall be valid for a specified period of time not to exceed six (6) months while reconstruction takes place and may be renewed no more than twice, unless specifically approved by the Board of Adjustment for additional time.**

**O.**

**Temporary Fruit & Vegetable Stands - Temporary fruit & vegetable stands that are located on the property where the fruits or vegetables are produced will be permitted in the districts in which they are indicated as a permitted use and will not require zoning approval. All activities associated with such stands shall be set back a minimum of 10' from any street right-of-way, and any structures associated with such stands will comply with requirements for building permits and the building code. Temporary fruit & vegetable stands that are not located on the property where they are produced are subject to all provisions of this Ordinance.**

**P.**

**Temporary Buildings for Construction or Development - In any zoning district, temporary structures, as set forth below, which are to be used in connection with the development and sale of a tract of land, may be erected or located on said tract, prior to, and may remain thereof, during the construction or development period**

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- 1) Temporary buildings, mobile offices or trailers, not exceeding 400 sq. ft. per contractor or developer on the site, may be used as construction offices, field offices, or for storage of materials to be used in connection with the development of said tract, provided that said temporary structures are removed from said tract within thirty (30) days after completion of the project or development, after voluntary suspension of work on the project or development, after revocation or expiration of building permit or an order by the Building Inspector upon a finding that said temporary structure is deemed hazardous to the public health and welfare. No such building may however remain on the site for more than one year without renewal of the permit. Such permits may be renewed by the Administrator one time for a period not to exceed one year.
- 2) Temporary real estate offices or sales offices may be established in a display dwelling unit or temporary building provided that said offices are closed and the operation discontinued and all temporary structures and facilities are removed from the tract upon the completion of the sale, rent, or lease of ninety-five percent (95%) of the dwelling units or lot of said tract unless prior approval is given by the Administrator.
- 3) No temporary buildings or trailers shall at any time be located closer than twenty-five (25) feet to a property line of any adjacent property, notwithstanding the required setbacks of the zoning district in which such temporary building or trailer is located.
- 4) Manufactured Homes rated for residential use may only be used for residential purposes and not any other temporary or permanent use.

Q. Telecommunication Facilities

- 1) Co-located - Telecommunication antenna units that are attached to structures constructed for purposes other than supporting telecommunication equipment may be no taller than 30 feet or 30% of the structure's height. Co-located towers must comply with all relevant standards of this Article.
- 2) Freestanding - Freestanding telecommunication towers must comply with the following standards:
  - a) The minimum distance between the tower and an adjoining parcel of land that is residentially developed or is vacant and zoned Rural Agricultural, Residential Performance, Manufactured Home, General Business or Office & Institutional, or from an adjoining local road separating the tower site from such a parcel, must be equal to the tower's height, but not less than 50 feet, nor less than the minimum setback depth applicable in the zoning district. This provision does not apply in relationship to any nonconforming residential use or the residence of a caretaker or watchman accessory to a permitted non-residential use.
  - b) The Board of Commissioners, through the Special Use Permit public hearing, may reduce the minimum distance required above on finding that a lesser distance will not be injurious to properties or improvements in the affected area, but in no case may the minimum distance be reduced to less than that equal to 50% of the tower's height, or 50 feet, nor less than the minimum required setback depth applicable in the zoning district in which the tower is located.
  - c) The minimum distance between the tower and any other adjoining parcel of land or road must be equal to the minimum setback depth applicable in the zoning district, plus any

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additional distance necessary to ensure that the tower, as designed, will fall within the tower site.

- d) The distances referred to above must be measured from the outside dimensions of the tower, not from the guy anchors.
  - e) If the tower is more than 100 feet high, but less than 180 feet high, it must be engineered and constructed to accommodate at least one additional telecommunication user. If the tower is at least 180 feet high, it must be engineered and constructed to accommodate at least 2 additional telecommunication users. Provision of co-location sites on other towers is encouraged wherever feasible.
  - f) The base of the tower and each guy anchor must be surrounded by a fence or wall at least 8 feet high, unless the tower and all guy anchors are mounted entirely on a structure over 8 feet high. Except for its entrances, the fence or wall must be screened with plant material so that no more than two-thirds of its surface is visible, within 3 years after its installation, from a public street or from any adjoining parcel of land that is residentially developed or is vacant and zoned Rural Agricultural, Residential Performance, Manufactured Home, General Business or Office & Institutional.
  - g) A buffer yard must be provided around the perimeter of the lease lot as in accordance with the requirements of Article 8, Landscaping & Buffering. A 40-foot-type C buffer yard is required along the inside perimeter of a leased lot or parcel for the utilization of telecommunication towers.
  - h) Radio, television, or other electromagnetic transmission or reception on other properties may not be disturbed or diminished.
  - i) The tower must meet the standards of the Federal Aviation Administration (FAA) for avoiding obstruction of navigable airspace and approaches to public airports (see Federal Aviation Regulations Part 77, as amended), and for marking and lighting structures to promote aviation safety (see FAA Advisory Circular 70/7460, as amended). Specifically, tower lighting must meet applicable FAA standards for either red obstruction lighting systems or dual lighting systems (red lighting for nighttime and medium-intensity flashing white lighting for daytime). If a tower is proposed to be located within 1,000 feet of a private use airport, the application must so indicate.
  - j) Output from the tower's antennas must meet the minimum standards of the Federal Communications Commission (FCC) relating to the environmental effects of radio frequency emissions.
- 3) Standards for Specific Zoning Districts
- a) Residential Districts - Telecommunication towers in residential districts must comply with the following standards:
    - i) If the tower is more than 75 feet high, it must be located at least 1,500 feet from any other telecommunication tower greater than 75 feet high; provided, however, that this separation requirement does not apply from a tower if the applicant submits sufficient evidence to demonstrate that a reasonable effort to co-locate on that tower has been made, or that co-location on the tower will not technically satisfy the applicant's specific needs.

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- ii) Buildings associated with the tower may not be used as an employment center for any worker (This provision does not prohibit the periodic maintenance or monitoring of equipment and instruments).
  - b) Non-residential Districts - If the tower is more than 100 feet high, it must be located at least 1,000 feet from any other telecommunications tower greater than 100 feet high; provided, however, that this separation requirement does not apply from a tower if the applicant submits sufficient evidence to demonstrate that a reasonable effort to co-locate on that tower was made, or that co-location on the tower will not technically satisfy the applicant's specific needs.
- R. Telecommunication Facilities – Public Safety
  - 1) Public Safety Telecommunication Facilities must meet the development standards for Telecommunication Facilities as outlined in Section 5.3.12.Q. Through the Special Use Permit process, the Board of Commissioners shall have the authority to waive setback requirements provided that a survey prepared by a licensed professional showing that the designated fall zone associated with the tower is sufficient to accommodate the designed fall radius of the proposed tower.

## NAICS Definitions

### **NAICS 236: Construction of Buildings**

The Construction of Buildings subsector comprises establishments primarily responsible for the construction of buildings. The work performed may include new work, additions, alterations, or maintenance and repairs. The on-site assembly of precast, panelized, and prefabricated buildings and construction of temporary buildings are included in this subsector. Part or all of the production work for which the establishments in this subsector have responsibility may be subcontracted to other construction establishments-usually specialty trade contractors.

Establishments in this subsector are classified based on the types of buildings they construct. This classification reflects variations in the requirements of the underlying production processes.

### **NAICS 237: Heavy and Civil Engineering Construction**

The Heavy and Civil Engineering Construction subsector comprises establishments whose primary activity is the construction of entire engineering projects (e.g., highways and dams), and specialty trade contractors, whose primary activity is the production of a specific component for such projects. Specialty trade contractors in Heavy and Civil Engineering Construction generally are performing activities that are specific to heavy and civil engineering construction projects and are not normally performed on buildings. The work performed may include new work, additions, alterations, or maintenance and repairs.

Specialty trade activities are classified in this subsector if the skills and equipment present are specific to heavy or civil engineering construction projects. For example, specialized equipment is needed to paint lines on highways. This equipment is not normally used in building applications so the activity is classified in this subsector. Traffic signal installation, while specific to highways, uses much of the same skills and equipment that are needed for electrical work in building projects and is therefore classified in Subsector 238, Specialty Trade Contractors.

Construction projects involving water resources (e.g., dredging and land drainage) and projects involving open space improvement (e.g., parks and trails) are included in this subsector. Establishments whose primary activity is the subdivision of land into individual building lots usually perform various additional site-improvement activities (e.g., road building and utility line installation), and are included in this subsector.

### **NAICS 238: Specialty Trade Contractors**

The Specialty Trade Contractors subsector comprises establishments whose primary activity is performing specific activities (e.g., pouring concrete, site preparation, plumbing, painting, and electrical work) involved in building construction or other activities that are similar for all types of construction, but that are not responsible for the entire project. The work performed may include new work, additions, alterations, maintenance, and repairs. The production work performed by establishments in this subsector is usually subcontracted from establishments of the general contractor type or operative builders, but especially in remodeling and repair construction, work also may be done directly for the owner of the property. Specialty trade contractors usually perform most of their work at the construction site, although they may have shops where they perform prefabrication and other work. Establishments primarily engaged in preparing sites for new construction are also included in this

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**MEMORANDUM**

**To:** Planning Board  
**From:** Planning Staff  
**Date:** January 4, 2017  
**RE:** Density Zoning Text Amendment

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**History**

On September 16, 2016 Staff received a formal application to amend the density calculation as well as the maximum allowable density in the Pender County Unified Development Ordinance. The applicant asserts that the intent is to simplify the County's density calculations and increase the allowable units per acre within the RM, Residential Mixed and PD, Planned Development zoning district.

In subsequent weeks following the submitted application, staff worked with the applicant and their agents towards workable language to present to the Planning Board. At the November 1, 2016 Planning Board meeting, the Board decided that this issue would be best suited for further discussions of the Zoning Text Amendment Committee (Attachment 1). This subcommittee is tasked with further examining the proposed Ordinance language submitted and potential impacts this amendment could bring. The subcommittee met on November 18, 2016 to further discuss this issue.

The Planning Board convened on December 6, 2016 during their regularly scheduled meeting in regards to the proposed amendments. It was determined that staff would provide additional research to the Board in regards to traffic, schools, and stormwater to serve as supplemental information when evaluating this amendment request and potentially adopting language to allow for additional density.

**Traffic**

*When a proposed development project comes before the Planning Board or Staff, what considerations are given for the proposed development in regards to conditions based on traffic generation?*

Currently, the Unified Development Ordinance outlines requirements for a Traffic Impact Analysis (TIA) for any development which generates 100 trips in the morning or peak hours or 1,000 trips per day based on the Institute of Transportation Engineers Trip Generation Manual.

If a development generates more than the specified amount of trips, additional traffic studies are required. The TIA is a document submitted by a traffic engineer specifically identifying trip distributions and phased improvements based on the development proposal. These impacts are studied on the existing transportation network and how the additional traffic would impact the existing roadways. The NCDOT, WMPO and Pender County staff are all involved with review and approval of TIA documents. Any improvements recommended in a TIA are required prior to finalizing the development. Improvements to the roadway network through recommendations of the TIA are to maintain the existing Level of Service of a particular intersection(s), not to improve that intersection based on the anticipated increase of traffic.

If the specific TIA threshold is not met by a proposed development, NCDOT regulates specific improvements to the transportation network, which typically is through the Driveway Permit process. Examples of improvements which could be required through a Driveway Permit are; deceleration lanes, left turn lanes, re-stripping pavement or other physical improvements.

There may be other means in which local regulations can further address traffic control and congestion, examples of this may include that a TIA improve Level of Service, increase access management standards above and beyond NCDOT requirements, or performing localized studies in regards to traffic signals and timing in a specific location.

There are other ways that Pender County could improve traffic, by employing an agency or representative to conduct a traffic signal study. A traffic signal study would ensure that all of the signals in a highly traveled corridor have a specific plan for time of day or time of year and are coordinated throughout. Such a study could be expensive and may not be feasible given budget constraints.

Staff has been working closely with the WMPO regarding current traffic volumes on US HWY 17 and the capacity that the roadway can hold. Analysis will be undertaken to show what projections Coastal Pender County may see with increased trips being added to the roadway network. Projections will be taken out to the year 2040 and will include assumptions of the Hampstead Bypass being constructed, as well as, not being constructed. This will show how the roadway network will perform with current and future development and how scheduled improvements may alleviate congestion while still taking into account maximum build out scenarios based on current regulations.

#### **Schools**

*When a new development is proposed, how can we ensure that we are adequately planning for growth in coordination with Pender County Schools?*

Pender County Schools are represented on the Technical Review Committee (TRC) which particular projects are reviewed by prior to the Planning Board or Board of County Commissioners. The schools are given ample opportunity to comment and discuss current developments through this process. In North Carolina, counties cannot deny projects based on over-capacity of the system, rather plan for additional facilities through the capital planning process. A tool that can be utilized by counties is for land reservation through a particular development project in which the Board of Education can purchase property within 18-months of the reservation (NCGS 153A-331(f)). Again, it's important that coordination takes place so that entities are prepared for this potential action.

Staff is preparing an analysis to show what the per household student population is to apply to future unit projections. Staff will utilize historical data as well as Certificate of Occupancy issuance and lot recordation as baselines for the analysis.

#### **Stormwater**

*What can be done to improve the drainage and stormwater which could be getting worse from additional impervious surfaces from new development?*

State Stormwater regulations address the quality of the water which protects the surface waters of the US. Pender County has additional standards beyond a State Stormwater Permit issued by NCDEQ. The Unified Development Ordinance regulations regarding stormwater are contained in Section 7.9.1 to accommodate for a ten-year storm event without flooding or substantial ponding of water in the areas included in the plan. The plan must also accommodate any discharge from properties in upland portions of the drainage basin that flows through the property for the same storm event for the type development for which that property is zoned. This plan is submitted and sealed by the appropriate licensed professional.

The Unified Development Ordinance can be amended to increase the storm event which the County requires design to. This could be a 10- year, 25-year, 50-year or 100-year storm event. When considering higher density developments, increased stormwater quantity regulations could be considered, which may provide increased protection during higher rainfall events. This may fall under the "innovative" design criteria for increased density allowance.

The Low Impact Development Certification (LID) generally mimics a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source. The stormwater management should not be treated in large drainage areas rather, LID addresses stormwater through small, cost-effective landscape features located at a smaller area. LID certification is contained in the Unified Development Ordinance Section 7.14. LID certification is included as an additional criteria to consider for awarding additional density credits.

#### **Criteria for Additional Density Bonus**

As previously agreed by the Planning Board and the Zoning Text Amendment Subcommittee of the Planning Board, criteria should be devised in order to consider giving density credits beyond outlined in the Unified Development Ordinance.

*Ordinance text currently states in Section 4.8.1.C.2 In effort to encourage quality urban design and environmentally sensitive development, an increase in density may be allowed by the Planning Board when such an increase can be justified by superior design or the provision of additional amenities such as public and/or private open space.*

The issue arises that the superior design and additional amenities are not clearly identified as objective criteria for the Planning Board to weigh in their decision to award density credits. In keeping with the applicant's submittal, the menu of options for the applicant to present to be awarded credits was grouped into nine (9) themes. Each theme needs to have specific Ordinance regulation as to what is involved so that there is an assumption if it is completed, then the Planning Board may grant additional density credits.

If additional credits or incentives are deemed appropriate by the Planning Board, a specific decision regarding how the density is calculated with these bonuses is imperative. Applicants and staff need to be clear on how the items provided interact with the earning potential of density bonuses associated with each. This could be additional densities given for a number out of the total (example: 3 items out of 9 on the list) in order to relay how much additional 'bonus' is given depending on what the developer does above and beyond. For example, if the developer donates park land, builds a school and clusters the development should they be allowed 8 units per acre or should it be a certain amount of credits per item above and beyond the regular density, for instance adding 0.5 dwelling units/acre for each item.

The applicant did submit additional items to the 9 listed above to total 18 different 'credits'. This comprehensive list can be seen in Attachment 6. As some may be combined, and all must be compliant with the 2010 Comprehensive Land Use Plan staff has recommended 9 themes for consideration.

For purposes of discussion, Staff has begun working on all nine (9) topic areas and is looking for consensus on one -three (1-3) at this meeting.

1. Workforce Housing
2. Low Impact Development
3. Major or Minor Collector Street
4. Pedestrian Access
5. Additional Open Spaces (more than double required)
6. Public Facilities
7. Historic Preservation
8. Proximity to a Major Employer
9. Innovative Stormwater Design

Table 1 includes the three (3) themes for discussion at this time including recommended Unified Development Ordinance zoning text amendment recommendation and 2010 Pender County Future Land Use Plan policies of support.

#### **Further Action and Recommendation**

If the Planning Board feels the proposed Unified Development Ordinance zoning text amendment concepts are appropriate given the applicant's submittal and the additional research from staff then these items will be considered for text amendment in coming months. The other criteria will be presented in February for the Planning Board's discussion and direction. By obtaining consensus on three (3) concepts at a time the Planning Board can continue to review the topic areas completely before final zoning text amendment recommendation. Staff will continue to correspond with the applicant regarding their intentions and additional research to present.

Table 1: Density Themes

<p><b>1. Workforce Housing</b></p>
<p><b>2010 Comprehensive Land Use Plan Goals/Policies</b></p>
<p><b>Policy 5A.1.5</b> Pender County could provide incentives such as density bonuses to developers that offer established affordable/workforce housing programs through community land trusts such as the Cape Fear Housing Community Land Trust.</p> <p>Mixed Use Definition: Mixed Use areas are intended to help reduce sprawl by concentrating a mix of uses in convenient locations; by promoting an efficient sustainable pattern of land uses, and by providing most of the goods and services needed by residents in a coordinated, concentrated manner. Mixed Use areas are intended to reduce the number and length of auto trips by placing higher density housing close to shopping and employment centers.</p>
<p><b>Potential UDO Criteria</b></p>
<p>A. At least 15% of the units shall have payments affordable to persons and families with annual incomes at or below 60% of the area median income, according to the target income limits set by HUD for Pender County.</p> <p>B. Workforce units shall be incorporated throughout the project, and shall not be distinguishable from market-rate units through location, grouping, design or other physical characteristics</p> <p>C. Affordability in for- sale units shall be required to be adhered to only in the initial sale.</p> <p>D. Compliance measures may be required at the time of approval including but not limited to contracts, restrictive covenants, deed restrictions and stipulated penalties</p>
<p><b>2. Low Impact Development</b></p>
<p><b>2010 Comprehensive Land Use Plan Goals/Policies</b></p>
<p><b>Goal 3A.1</b> Develop a preferred growth pattern that includes traditional suburban communities but also allows for higher density residential development and for innovative mixed-use developments to encourage more compact, sustainable growth patterns</p>
<p><b>Potential UDO Criteria</b></p>
<p>A. Documentation of certification from the appropriate professional form shall be submitted as part of the application package. An example form can be found in Appendix D- Typical Forms and Surveyor Notes.</p> <p>B. The LID Project must comply with the requirements for stormwater management as set forth in 15A NCAC 02H.1005.</p> <p>C. All provisions of Section 7.14, as applicable, must be met before LID certification can be granted for density bonus.</p>
<p><b>3. Major or Minor Collector Street</b></p>
<p><b>2010 Comprehensive Land Use Plan Goals/Policies</b></p>
<p><b>Transportation Goal 2B.1</b> Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with the Comprehensive Land Use Plan and the Pender County Collector Street Plan.</p> <p><b>Policy 7B.1.1</b> The County should utilize and promote a hierarchical, functional transportation system, that prioritizes needs improvements, and promotes the proper arrangement of land use patterns to ensure and determine the proper levels of service (LOS) to reduce any associated negative impacts to the overall transportation network.</p>
<p><b>Potential UDO Criteria</b></p>
<p>A. Only applicable if the collector street identified within the project bounds is classified as a major or minor collector street per the Pender County Collector Street Plan, Pender County Transportation Plan or other approved State or Federal Transportation Improvement Plan.</p> <p>B. The formula for density calculation shall be; Total Tract Acreage less (Non-Residential Areas, Total Wetlands, and Open Spaces) divided by total units. Passive open space may be subtracted from the total wetland delineation in the Master Development Plan if it is calculated to be less than the total wetland area.</p> <p>C. Any deviations or adjustments to the density calculation shall be approved by the Administrator based on the proposed collector streets,</p>

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**MEMORANDUM**

To: Pender County Planning Board  
  
From: Planning Staff  
  
Date: January 4, 2017  
  
RE: TRC and Comprehensive Land Use Plan

**TRC Update**

Technical Review Committee Update					
Meeting Date					
December 6, 2016					
Case Name	Case Type	Case Number	Staff Contact	Description	Location
Newber Wine	Major Site Plan	427-2016	Pat O'Mahony	Construction of a residential wine cooler and appliance store (NAICS 443). Specifically, the proposal includes the construction of a ±2500 sq. ft. building with associated parking and landscaping.	Along the west side of US HWY 17, approximately 800' south of the intersection of Sidbury Road (SR 1572) and US HWY 17 in the Topsail Township and may be further identified by Pender County PIN: 3271-10-5129-0000.

**Comprehensive Land Use Plan Update**

Staff has met with the Council of Governments twice in the month of October regarding the Comprehensive Land Use Plan update. We are in the stages of collecting information necessary for the initial stages of the update. On November 7 the Board of County Commissioners tabled the decision to appoint the Comprehensive Land Use Plan steering committee (Commissioners Advisory Committee - CAC). It's anticipated that the Board will appoint the CAC at their January 3, 2016 meeting. Staff has initiated the formulation of the Public Outreach Plan as an information sharing tool for the Plan's formulation and progress. We are also in the process of establishing a project website which will have the URL of: [PlanPender.org](http://PlanPender.org). We've also split the county up into six separate geographical areas corresponding with established Township lines to be utilized as focus areas and to target key community leaders in each area for additional input and participation into the plan.