

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

SUMMARY:

Hearing Date: June 2, 2015

Applicant: Walt Knott

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

Case Number: 11369

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

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

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

RECOMMENDATION

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

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

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

HISTORY

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

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

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

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

DEVELOPMENT PROPOSAL

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

Non-Residential Proposal

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

Mixed-Use Commercial

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

Marina

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

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

Residential Proposal

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

Density

Net density of the proposed project is calculated by Planning Staff at 3.28 units per acre overall, however there are discrepancies with the submittal which requires further attention. According to Section 4.8.1.C the net density in the PD, Planned Development zoning district shall be a maximum of five (5) units per acre. All density calculations shall be in accordance with Ordinance requirements and examined further if any variables of the project change from the original Master Development Plan submittal.

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

Table 1 Overall Density

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

Residential

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

Single-Family Residential

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

Table 2 Single-Family Setbacks

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

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

Multifamily Apartments and Condominiums

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

Table 3 Multifamily Setbacks

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

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

Attached Townhouses

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

Buffers

All landscape and buffers are to be approved in accordance with Section 8.2.8, Project Boundary Buffer of the Pender County Unified Development Ordinance. In multifamily and planned developments the following buffers are required;

Buffer A along all boundaries adjacent to a street;

Buffer B along all other boundaries;

Buffer C is required along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than one (1) acre and when a single family structure is within fifty (50) feet of the boundary of the development.

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

Utilities (Wastewater/ Water)

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

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

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

Open Space

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

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

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

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

Recreational Units

The current submittal for mixed-use development is required to provide ten (10) recreational units as referenced in Section 7.6.2, recreational units (Table 4). Recreational facilities shall be in a configuration and location that is easily accessible to the dwelling units that they are designed to serve and may be placed within active or passive open space required areas. Recreational units are assigned a financial unit to be achieved via installation on the subject property or through a payment in lieu of in conjunction with the approved Pender County Parks & Recreation Master Plan.

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

Table 4 Recreation Units

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

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

Roadways

Public Right of Way

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

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

Private Right of Way

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

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

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

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

Street Connectivity and Access

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

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

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

Traffic

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

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

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

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

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

Environmental Concerns

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

Wetlands

Wetlands are located throughout the entire property. Any development within these areas may be subject to the permit requirements of Section 404 of the Clean Water Act. A Jurisdictional Determination of the Wetlands subject to review and approval by the Army Corps of Engineers is required. This documentation is required prior to any approvals on the subject property.

Flood

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

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

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

CAMA

After a preliminary analysis, it appears there are CAMA Areas of Environmental Concern located on the project site. CAMA Areas of Environmental Concern are tidal and/or navigable waters within Pender County that are classified as Public Trust Area up to the normal high water line or normal water level and are subject to the CAMA.

The Public Trust Shoreline AEC extends thirty (30) feet landward of the normal high water line or normal water level. According to TRC comments, the NE Cape Fear River is designated as a Primary Nursery Area (PNA) by the NC Division of Marine Fisheries and the NC Wildlife Resources Commission. Under current rules, no new dredging is permissible in Primary Nursery Areas.

Tree Survey

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

Permits

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

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

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

Evaluation

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

B) Existing Zoning in Area:

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

C) Existing Land Use in Area:

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

D) 2010 Comprehensive Land Use Plan:

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

Supporting Comprehensive Plan Policies and Goals:

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

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

Conflicting Comprehensive Plan Policies and Goals;

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

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

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

E) Summary & Staff Recommendation:

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

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

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

2.) *Water Service:*

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

3.) *Wastewater Disposal:*

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

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

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

4.) *Environmentally Sensitive Areas:*

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

5.) *Safety Concerns:*

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

6.) *Schools:*

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

7.) *Amenities:*

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

8.) *Buffers:*

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

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

Outstanding Requirements from Master Development Plan Section 6.1.4;

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

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

Recommendation

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

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

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

BOARD ACTION FOR MASTER DEVELOPMENT PLAN:

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

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

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