

**PLANNING STAFF REPORT**  
**Master Development Plan**  
**The Knolls at Turkey Creek Phase II**

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**SUMMARY:**

**Hearing Date:** March 3, 2015  
**Applicant:** Stroud Engineering  
**Property Owner:** Tioga LLC.  
**Case Number:** 10957

**Development Proposal:** Stroud Engineering, applicant, on behalf of Tioga LLC., owner, is requesting Master Development Plan approval and Preliminary Plat approval for Phase II of the residential subdivision known as The Knolls at Turkey Creek Phase II (Attachment 1). Phase II includes sixteen (16) single family lots on  $\pm 11.01$  acres.

**Property Record Number, Acreage, and Location:** The subject property consists of approximately  $\pm 11.01$  acres and is located north of Carver Drive (SR 1437), northeast of the residential subdivision known as Bellhammon Plantation, and west of the previously approved Phase I for The Knolls at Turkey Creek in Rocky Point (Attachment 2). The subject property is zoned RP, Residential Performance zoning district and may be further identified by Pender County PIN 3223-46-7092-0000.

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**RECOMMENDATION**

The request is consistent with two (2) policies of the 2010 Pender County Comprehensive Land Use Plan. The request is also consistent with the Pender County Unified Development Ordinance; therefore Planning Staff recommends the approval of the Master Development Plan for The Knolls at Turkey Creek and recommends the Planning Board consider waiving the public hearing for Preliminary Plat Phase II.

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**HISTORY**

The property was rezoned through a General Use Rezoning on May 20, 2013 from PD, Planned Development zoning district to RP, Residential Performance zoning district. This zoning map amendment was unanimously approved by the Board of County Commissioners. The Knolls at Turkey Creek Phase I (Attachment 2) contains twenty-six (26) lots with  $\pm 4.58$  acres of open space and was unanimously approved by the Pender County Planning Board on June 4, 2013. The Knolls at Turkey Creek Phase I was recorded in the Pender County Register of Deeds on April 24, 2014 (Map Book 56, Page 46).

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## **MASTER DEVELOPMENT PLAN DETAILS**

As outlined in the Unified Development Ordinance, Section 4.14 establishes the required lot size, yard setbacks, and building height for the RP, Residential Performance zoning district. The applicant must comply with lot size at a minimum of 15,000 sq. ft., a maximum building height of thirty-eight (35) feet and the dimensions outlined below for setbacks:

| Setback | Distance |
|---------|----------|
| Front   | 30 feet  |
| Side    | 10 feet  |
| Rear    | 25 feet  |
| Corner  | 15 feet  |

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

The Knolls at Turkey Creek Master Development Plan and Phase II Preliminary Plat propose on-site septic systems which is contingent upon their soil suitability analysis; subject to review and approval by the Pender County Environmental Health Department prior to Final Preliminary Plat approval.

Water service will be provided by the Pender County Utilities. The Knolls at Turkey Creek Phase I water services had no issues and will extend to the proposed Phase II of The Knolls at Turkey Creek upon project approval. Currently Pender County Utilities staff is working with The Knolls at Turkey Creek project engineer to permit the proposed water service line.

### **Landscaping & Buffers**

Residential uses in Residential Districts are not required to have buffers except as required for mobile home parks, multi-family and planned developments in accordance with Section 8.2.8, Project Boundary Buffer of the Pender County Unified Development Ordinance. This project is not required to include any buffers.

### **Open Space**

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

The open space should be better defined on the plat. The applicant meets the open space requirements with  $\pm 0.68$  acres proposed. As there are sixteen (16) lots proposed,  $\pm 0.48$  acres is required as open space with  $\pm 0.22$  acres which must be active. The applicant is providing  $\pm 0.24$  acres active and  $\pm 0.44$  acres passive open space, which meets and exceeds the Pender County Unified Development Ordinance.

In the active open space the applicant will work with the Post Master and NCDOT to develop clusterbox locations which is in compliance with recent Postal Service policies. Any improvements in the open space are at the developers' discretion and must be included on the Final Plat for recording. The exact locations of the clusterboxes within the open space must be specified on the Preliminary Plat and are needed at this time. The ingress and egress will be subject to review from the NCDOT.

### **Recreation Units**

With a proposed lot number of sixteen (16) residential units there are no recreational units required per Section 7.6.2 of the Unified Development Ordinance. Future additions to the Master Development Plan may require recreation units.

### **Connectivity & Road Design**

The roadways are proposed as public and will be built to NCDOT subdivision road standards as outlined in the NCDOT Subdivision Manual published in January 2010. These roadways are subject to NCDOT review and approval through a Driveway Permit. The applicant has a driveway permit for the previously approved Phase I for The Knolls at Turkey Creek. Phase II will use the same driveway permitted for Phase I and no further improvements will be required. If future development takes place there may need to be additional improvements made per NCDOT requirements. Future phases may require further review.

The one cul-de-sac proposed in The Knolls at Turkey Creek Phase II residential subdivision conforms to the Pender County Unified Development Ordinance requirement in Section 7.5.1.F. and is a proposed with a thirty-five (35) foot paved and a fifty (50) foot right of way per the Ordinance. Per the Pender County Unified Development Ordinance Section 7.5.1.F Permanent dead end streets (cul-de-sacs) or temporary dead end (stub) streets shall be no longer than 1,000 ft. unless it is demonstrated by the developer that the configuration of the property prevents its development without longer streets to provide access to the lots and common area to be subdivided. Temporary dead end or stub streets shall provide turn around capabilities to meet NCDOT requirements. The Cul-de-sac end shall be a bulb type with minimum radii as follows: Curb & Gutter Section: RW = 45', Pavement = 37' to gutter edge, Shoulder Section: RW = 50', Pavement = 35'.

Pender County Fire Marshal responded after the Technical Review Committee meeting, and shall be taken into consideration. The request is to widen the cul de sac for forty-five (45) foot paved area rather than the proposed thirty-five (35) foot paved cul-de-sac radius. Any approval or request to increase cul de sac width is the discretion of the Planning Board.

The Fire Marshal also commented on the need for twenty-six (26) foot radii on the corners of the access easement to prevent both fire apparatus and private property damage while navigating the turns. The proposed radii for the access easement are not stated and shall be in accordance with the Fire Marshal comments prior to Preliminary Plat approval.

As defined in the Pender County Unified Development Ordinance an access easement is an easement that is at least forty-five (45') feet wide and is recorded by map or other instrument in the Registry that specifically transfers rights to the adjacent property owners or specific property owners and their assigns, invitees, licensors and permittees for ingress, egress and utilities and for the construction and maintenance of ingress, egress and utility facilities. An access easement by designation on a recorded plat also transfers the right to construct and maintain water, sewer, electric and communication lines within the easement by any public entity or public utility. Per The Pender County Unified Development Ordinance Section 7.2.8 all single family dwelling subdivision lots shall have frontage upon a public or private street or access easement. The

Knolls at Turkey Creek Phase II is providing access to lot one (1), two (2) and the open space through an access easement with no access directly on Carver Drive.

The western stub of Toms Creek Road will allow for future right of way connections at the time which adjacent parcels develop. This connection is based on Section 7.2.2 of the Pender County Unified Development Ordinance; lots shall be arranged for the opening of future streets and logical further subdivision of adjacent properties.

### **Lot Frontage**

According to the Unified Development Ordinance Section 7.2.3 double frontage lots that have double frontage on streets shall be prohibited except where it provides separation of residential development from traffic arteries. A buffer of at least 10 feet in width with no right of access abutting such traffic arteries shall be provided on these double frontage lots. Lot one (1) shall have no direct access Carver Drive (SR 1437) and shall be noted on plat.

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

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

On Tuesday February 10, 2015 the Pender County Technical Review Committee reviewed the residential subdivision application, narrative, and Master Development Plan for The Knolls at Turkey Creek Phase II. The following responses were collected:

#### **Cape Fear Council of Governments RPO**

NA

#### **Four County Electric Company**

No Response

#### **NC DENR Division of Coastal Management**

Any development with thirty (30) feet of normal high water (or normal water level) will fall within the public trust area of environmental concern (AEC) and will require a CAMA permit. Applicant should contact Heather Coats if any work would be conducted near Turkey Creek or could have potential impacts to Turkey Creek.

#### **NC DENR Division of Forestry**

No Response

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

No Response

#### **NC DENR Division of Waste Management**

No Response

**NC DENR Division of Water Quality**

The Knolls at Turkey Creek has NOT submitted a permit application for the second phase. Under the common plan of development language, it is immaterial if that phase alone disturbs < one (1) acre or proposes < ten-thousand (10000) sf of new BUA. Either a new permit for Phase II needs to be applied for, or a modification to the existing phase I permit can be applied for to add Phase II.

On January 27, 2015, the Wilmington Regional Office received notification that the subject proposed project is slated for TRC review by Pender County on February 10, 2015. The project is Phase II of a larger common plan of development. The North Carolina Administrative Code requires any project that is part of a larger common plan of development to apply for and receive a Stormwater Management Permit from the Division of Energy, Mineral and Land Resources prior to development. Please understand that the NPDES 010000 Federal Construction Stormwater Permit that is issued with the Erosion Control Plan approval letter is NOT the same as a Coastal Stormwater Management Permit. Any construction on the subject site, prior to receipt of the required Coastal Stormwater permit, will constitute a violation of 15A NCAC 2H.1000 and may result in appropriate enforcement action by this Office.

Please submit either a Stormwater Permit Application Package including 2 sets of plans, completed application form, fee, and supporting documentation, or a written response regarding the status of this project and the expected submittal date, to this Office no later than February 28, 2015. Please note that you can submit either a new permit application for Phase II alone, or a modification to the existing Phase I permit, SW8 130514, to add Phase II. It is more convenient for the permittee / HOA to have just one permit to transfer and deal with, although we can permit either way. Failure to respond to this request may result in the initiation of enforcement action, and construction may experience a subsequent delay.

**NC DOT Division of Highways**

No Response

**NC DOT Transportation Planning Branch**

Phase I for The Knolls at Turkey Creek in Rocky Point was previously approved for the driveway permit and Phase II for The Knolls at Turkey Creek will use this driveway permit as well. When additional development in future phases takes place the NCDOT may require more improvements. If an additional entrance is created with a new phase on the tract to the immediate west of the subject property there should be six-hundred (600) feet of clearance on the curve on Carver Drive if the owner is considering future development.

**NC Office of State Archaeology**

We do not recommend an archaeological survey in connection with the project. Our office has reviewed this project and determined that it is unlikely to affect significant archaeological resources.

**NC Wildlife Resources Commission**

No Response

**Pender County Addressing Coordinator**

Cooper is a duplicate road name. Pender County does not allow duplicate road names. They will have to come up with another name for that cul-de-sac.

**Pender County Building Inspections**

No Issue with this request

**Pender County Emergency Management**

No Response.

**Pender County Environmental Health**

All lots require an IP/CA for this project. If soil consultants were used provide the report for each lot proposed

**Pender County Fire Marshal**

The 30' wide roadway to the two lot on the right hand of the site is good with the hammer head turn around at the end. Problem is that the corners or the turn in and at the hammer head need to have a 26' running radius. This will prevent damage to apparatus, property damage and delays in response in this area. The fire marshal office prefers a 45' radius in turn around if it is possible.

**Pender County Flood Plain Management**

Any development in the Special Flood Hazard Area will require a permit. Development means 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.

**Pender County Parks and Recreation**

Parks and Recreation has no issues with these requests.

**Pender County Public Library**

No Response

**Pender County Public Utilities**

Knolls at Turkey Creek Phase II – Water Service will be provided by PCU. We are working with their Engineer to permit the waterline extension. Phase I is satisfactorily completed and provisions have been made to extend into the adjacent property if it is developed.

**Pender County Schools**

No Response

**Pender County Sheriff's Department**

No Response

**Pender County Soil and Water Conservation District**

Sees no problem with this request

**Duke Energy Corporation**

Duke Energy representative spoke with Jimmy Fentress at Stroud Engineering who indicated the Knolls at Turkey Creek does not have overlap to any Duke Energy transmission ROW. If it did he is also aware that the property owner must submit a formal request directly to Duke Energy Transmission ROW Asset Protection for separate plan review and written approvals which are provided based upon compliance to our ROW restrictions (attached). What this project may have involved with it regards Duke Energy (distribution) facilities. The developer should coordinate that directly with our distribution persons who work out of Holly Shelter Road office.

**US Army Corps of Engineers**

"The Corps of Engineers' regulatory jurisdiction, pursuant to Section 404 of the Clean Water Act, manages the placement of excavated or fill material in wetlands and waters of the US. Such work, including, but not limited to, road construction and the placement of fill material to raise elevations, must be permitted by Department of the Army authorization before it is begun.

To prevent an unintentional violation of Federal law, before any construction is begun, wetlands should be identified, delineated, surveyed, and indicated on development plans. Ms. Emily Greer in the Wilmington Field Office is responsible for our regulatory program in Pender County and may be contacted to identify jurisdictional features. However, because of the delay that her workload will inflict on a timely response, you may choose to engage an environmental consultant. The efforts of the consultant, the identification and delineation of any jurisdictional features, will be subject to Ms. Greer's verification. We do not recommend, endorse, or exclusively approve any consultant.

You may contact Ms. Greer at 910.251.4567 or [emily.c.greer@usace.army.mil](mailto:emily.c.greer@usace.army.mil)."

I'm already working with the applicants for the the Knolls.

**Wilmington Metropolitan Planning Organization**

The applicant was requested to place notes on the plan regarding the available open space areas more clearly. A detail of the intersection of Toms Creek Road and Carver Drive was requested to show the connection. The cross section detail for the collector road was requested to show two (2) inches of asphalt instead of one and a half (1 1/2) inches. Change Toms Creek Rd to 60' Public Street, it cannot be an Access Easement. If septic systems are to be shared by multiple lots, please show them on the plan.

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## EVALUATION

**A) Public Notifications:** Public Notice 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 RP, Residential Performance zoning district.

**C) Existing Land Use in Area:** This proposal is located on undeveloped land in the Rocky Point Township. The subject parcel is located on the north side of Carver Dr. (SR 1437), approximately seven tenths (.7) of a mile from the intersection of Highway 133; North West of Bellhammon Plantation, and west of the previously approved Phase I for The Knolls at Turkey Creek in Rocky Point (Attachment 2).

**D) 2010 Comprehensive Land Use Plan:** The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon. Areas designated as Suburban Growth are located primarily adjacent to municipal planning jurisdictions and within or near high growth, unincorporated areas of the County, i.e., Hampstead/Scotts Hill, Rocky Point, and portions of US 421 South. Suburban Growth designates areas where public water and public sewer are available or are planned in the near future.

### 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. **Rocky Point Goal 4B.1** The primary goal of the Rocky Point Small Area Plan is to accommodate higher density mixed use growth in and around the I-40 / US 117 and NC 210 intersections. Coordinating future growth with already planned projects within the area will be of prime importance. Large scale developments should expect to be supported by public utilities and closely evaluated through coordinated development plan review. Commercial, office and mixed used infill is expected to occur along the major highway corridors, particularly close to major intersections.
  - i. **Policy 4B.1.4**  
New development within the small area should be compatible with existing residential uses.

The request is consistent with two (2) policies of the 2010 Pender County Comprehensive Land Use Plan.

Therefore Planning Staff recommends the approval of the Master Development Plan for The Knolls at Turkey Creek and recommends the Planning Board consider waiving the public hearing for Preliminary Plat Phase II. Given that the Planning Board consider the Fire Marshal's late TRC comments about the cul de sac width requested for forty-five (45) feet radius rather than the thirty-five (35) foot requirement in Section 7.5.1.F, as the access easement concerns shall be adhered to for public safety.

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**STAFF RECOMMENDATION**

Planning Staff recommends approval of the Master Development Plan and Preliminary Plat for Phase II of the residential subdivision known as The Knolls Section 3.5.4; as well as the Master Development Plan (MDP) contents being met as prescribed in Section 6.1. Staff also recommends the Planning Board consider waiving the Preliminary Plan Public Hearing as outlined in Section 2.11, Summary of Review Authority.

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**BOARD ACTION FOR MASTER DEVELOPMENT PLAN:**

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

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

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