PLANNING STAFF REPORT
MASTER DEVELOPMENT PLAN & MAJOR SITE DEVELOPMENT PLAN

SUMMARY:

Hearing Date:	October 3, 2017
Applicant:	Headwaters Properties, LLC
Property Owners:	Lanwillo Development Company and Headwaters Properties, LLC
Case Number:	Master Development Plan 713-2017 & Major Site Plan 702-2017

Development Proposal: Headwaters Properties, LLC, applicant, on behalf of Lanwillo Development Company and Headwaters Properties, LLC, owners, is requesting approval for a revision to the previously approved Master Development Plan to amend phasing of the project as well as a Major Site Development Plan for the proposed phase 1. The total project area contains four (4) tracts totaling approximately ± 24 acres and is approved for a mixed-use development known as Headwaters Town Center. The Major Site Development Plan is for the development of an outparcel (outparcel 3) to accommodate the following potential uses: Electronic & Appliance Stores (443), Food & Beverage Stores (445), Heath & Personal Care Stores (446), Clothing & Clothing Accessories Stores (448), Sporting Goods, Hobby, Book & Music Stores (451), Miscellaneous Store Retailers (453), Postal Services (491110), 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), and Dry Cleaning & Laundry Services (812320) within a single structure on approximately 1.06 acres. The applicant is also proposing to construct the overall stormwater system and wastewater pump station.

Property Record Number, Acreage, and Location: The subject property for the proposed development is 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 acres and are zoned PD, Planned Development zoning district.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with two (2) 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. As all items from Pender County Unified Development Ordinance, Section 6.1.4 Master Development Plan Contents, Section 6.3 Major Site Development Plan Contents, and mixed-use districts have been met Planning Staff recommends the approval of the revised Master Development Plan and the Major Site Development Plan.

PROJECT HISTORY

On January 4, 2017, the Headwaters Town Center Master Development Plan was conditionally approved by the Planning Board. The Planning Board did vote to waive a second public hearing for the submitted Major Site Plan for Phase I as it had outstanding items. These items must be submitted and approved by Pender County Planning Staff prior to issuance of any zoning approvals (Attachment 1).

DEVELOPMENT PROPOSAL

Headwaters Properties, LLC, applicant and owner, is requesting approval for a revision to the previously approved Master Development Plan (MDP 456-2016) and a Major Site Development Plan approval for a mixed-use development known as Headwaters Town Center. Originally, the project was proposed to be constructed in phases, with the first phase being a ±53,000 square feet grocery store with ±22,000 square feet of adjoining retail development and Phase II containing the 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

However, per the applicant's narrative, they are proposing a revision to the MDP to "eliminate ties to phasing in the wording of the conditions and tie them to uses, building size, or development area instead of phases of development". As it stands now, the applicant is proposing to begin construction on an outparcel prior to the grocery store in Phase I. Outparcel 3 proposes a multi-tenant commercial building with two (2) of the units being restaurants, one (1) of which utilizing a drive-thru with an outdoor patio area; and the other two (2) units being retail with a total of four (4) units. Proposed setbacks and building height allowances for the development are shown below and are consistent with the approved MDP.

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

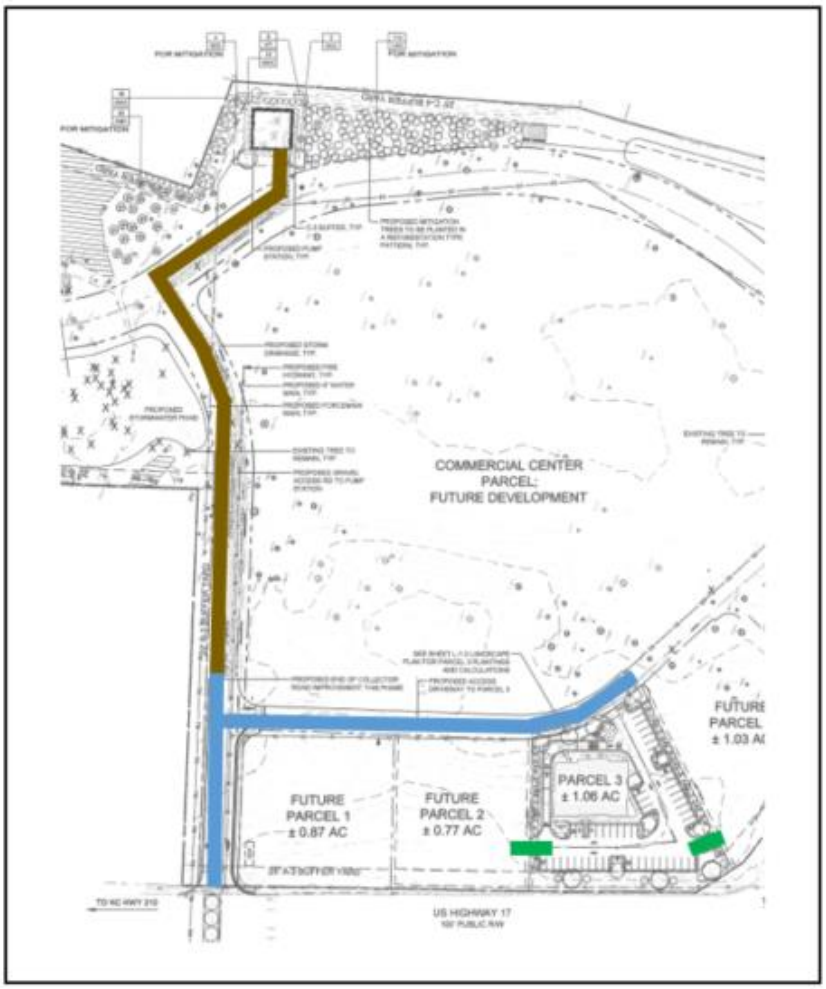
Proposed uses for the Major Site Development on Parcel 3 are included in the applicant's narrative, as shown below:

Proposed Allowable Uses in PD District	
NAICS Code	**Use**
443	Electronic & Appliance Stores
445	Food & Beverage Stores
446	Heath & Personal Care Stores
448	Clothing & Clothing Accessories Stores
451	Sporting Goods, Hobby, Book & Music Stores
453	Miscellaneous Store Retailers
491110	Postal Services
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
812320	Dry Cleaning & Laundry Services

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 an internal driveway that extends from a newly designed intersection between US HWY 17 and "Road A" to the property boundary of Outparcel 3 (seen below in blue). 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 (Attachment 2). The applicant has proposed two (2) additional ingress and egress points located along the northwestern boundary of the parcel via cross-access corridors that will tie in to the adjoining outparcels when they are developed (seen below in green). The applicant is proposing that at this point, "Road A" will connect to the "Collector Road" via gravel utility roads, prior to the construction of the grocery (seen below in brown).

Per Section 7.4.4, cross access corridors are required for all nonresidential adjacent properties. Cross access corridors will be required when site specific development plans are submitted for each outparcel, as these are currently shown as future development. Staff recommended at the time of Master Plan Development, 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. The proposed layout of interconnectivity is compliant with the Pender County Unified Development Ordinance and the conditions proposed by Staff.



Gravel Access Path

Paved Access Driveway

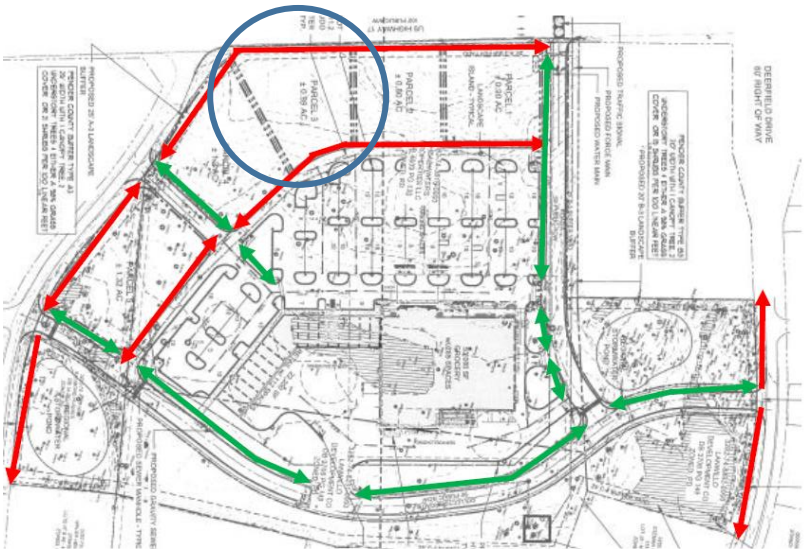
Cross Access Corridors

Per 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 back 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 applicant is proposing that this will also be installed during the construction of the grocery and retail anchor-tenant.

During the Technical Review Committee meeting on September 6, 2017, it was discussed that “Road A” and the Collector Street will be public while the internal outparcel access will be a private street. With this the private street will need to be named, in turn granting the outparcels an address point. Preliminary plat will require NCDOT review for the public roads and the private roads must be certified to NCDOT standards.

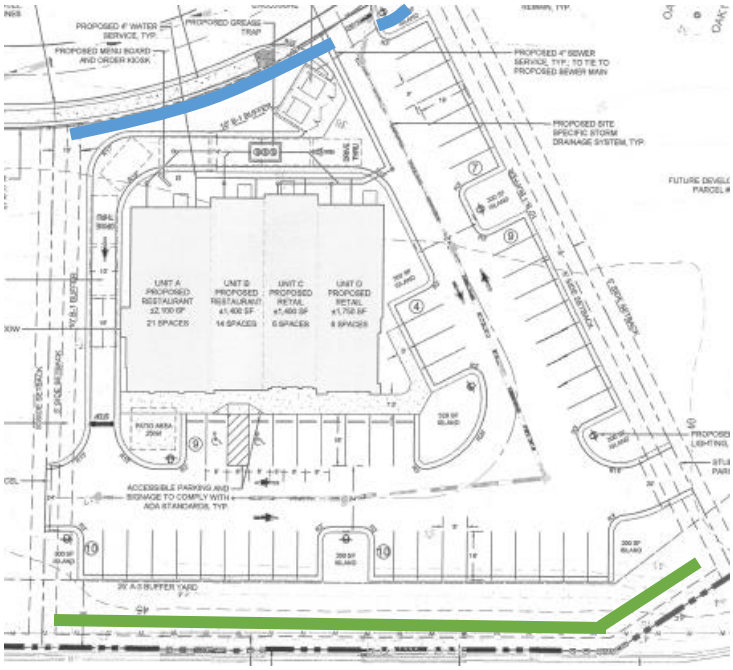
Pedestrian Access

Phase I shows pedestrian sidewalks throughout the development. According the applicant's previously 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 (Attachment 3). 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 (shown below), with staff's recommendations in red. As these recommendations are required conditions the applicant has agreed to the constructing the interior sidewalks on Parcel Three and submitting a payment in lieu for the external boundary to the County.



Parcel 3 is circled in blue

Green – Proposed
Red – Recommended
*Recommendation during MDP Review



Parcel 3 is shown on the left

Blue – Plan to Construct
Green – Payment in Lieu

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 proposed plans provide grading and space for future pedestrian facilities along US HWY 17. 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 order to be in compliance with this condition, the applicant has submitted a cost estimate of $3,870 for the 215 linear feet of sidewalk to meet this condition (Attachment 4).

Staff is also conditioning 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. Per 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. Per 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 conditions 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 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. Providing these additional facilities is consistent with the spirit and intent of the PD, Planned

Development zoning district. The applicant is proposing that all pedestrian facilities along site entrances, Collector Streets, and located within the interior of grocery and retail development shall be constructed at the same time as the grocery retail development. Sidewalks proposed along the exterior and interior of all outparcels shall be constructed or payed in lieu for as they are developed.

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 5. Given that the applicant has changed the proposed build out of the project, NCDOT has advised that when this outparcel is constructed, they will also be required to construct a right turn lane onto “Road A” on the property. Only until there is further development will the traffic light be installed.

Parking
Parking for each outparcel will be determined on a site-specific basis at the time of submittal. Per the applicant’s submitted site plan, forty-nine (49) parking spaces will be provided for the proposed restaurant and retail units. Per Section 7.10 of the Pender County Unified Development Ordinance, a full-service restaurant is required to have one (1) parking space for every 100 square feet of total floor area. The retail use calls for 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.

PARKING CALCULATIONS			
Use & Size	**Calculation**	**Required Parking Spaces**	**Spaces Provided**
Restaurant (3,500 SF)	1 space/100 SF	35	35
Retail (3,150 SF)	1 space/225 SF for first 50,000 SF + 1 space/250 SF thereafter	14	14
	TOTAL	49	49

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.

Landscape and 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.

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 a twenty-five-foot (25') A-3 Buffer along US HWY 17 which includes one (1) canopy tree, two (2) understory trees, and a grass cover of at least 98%. The applicant is also proposing a ten-foot (10') B-1 Buffer which include three (3) canopy trees, four (4) understory trees, and a grass cover of at least 98% along all the other property boundaries.

BUFFER/ LANDSCAPE REQUIREMENTS

1. ALL LANDSCAPE WILL COMPLY WITH ARTICLE 8 OF THE PENDER COUNTY UDO.
2. REQUIRED BUFFER TYPES ARE AS FOLLOWS:

TYPE A-3 BUFFER: 25' DEPTH; 1 CANOPY TREE, 2 UNDERSTORY TREES AND A GRASS COVER OF AT LEAST 98% OR 21 SHRUBS PER 100 LF

265 LF/ 100 LF = 2.65

2.65 X 1 CANOPY TREE = 2.65 OR 3 CANOPY TREES

2.65 X 2 UNDERSTORY TREES = 5.3 OR 5 UNDERSTORY TREES

PROVIDED: 25' DEPTH; 3 CANOPY TREES, 6 UNDERSTORY TREES

TYPE B-1 BUFFER: 10' DEPTH; 3 CANOPY TREE, 4 UNDERSTORY TREES AND A GRASS COVER OF AT LEAST 98% PER 100 LF

10' DEPTH; 455 LF TOTAL/ 100 LF = 4.55

4.55 X 3 CANOPY TREE = 13.65 OR 14 CANOPY TREES

4.55 X 4 UNDERSTORY TREES = 18.2 OR 18 UNDERSTORY TREES

PROVIDED: 10' DEPTH; 14 CANOPY TREES, 20 UNDERSTORY TREES

PLANT SCHEDULE: PARCEL 3

TREES	QTY	COMMON NAME	SIZE	REMARKS
AMH	10	AMERICAN HOLLY ILEX OPACA	2"CAL	~~FOR MITIGATION~~
BLA	2	BLACK GUM NYSSA SYLVATICA 'BLACK TUPELO'	2" CAL	FOR MITIGATION
LOK	4	SOUTHERN LIVE OAK QUERCUS VIRGINIANA	2"CAL	
SCA	3	SCARLET OAK QUERCUS COCCINEA	2"CAL	
TUR	10	TURKEY OAK QUERCUS LAEVIS	2" CAL	FOR MITIGATION
TUS	26	RED CRAPE MYRTLE MULTI-TRUNK LAGERSTROEMIA X 'TUSCARORA'	10' H	
WIL	5	WILLOW OAK QUERCUS PHELLOS	2"CAL	

SHRUBS	QTY	COMMON NAME	CONT	REMARKS
DYH	67	DWARF YAUPON ILEX VOMITORIA 'NANA'	7 GAL	
LOR	6	RUBY LOROPETALUM LOROPETALUM C. 'RUBY'	7 GAL	

Additionally, a Type C-3 Buffer is to be planted 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. All required project buffers are in compliance with Ordinance standards.

Utilities

The project has a 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 6). 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.

The pump station for this project is located in the rear of this property in-between the stormwater ponds and will be accessed by the temporary gravel access road. Once the required collector street is constructed, the pump station will then be accessed from that road. 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. Per 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. Based on the drainage plan, the applicant has provided a design that will treat the 25-year storm event. Per 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. The applicant is thereby meeting the requirements of the Unified Development Ordinance and the approved conditions.

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 7). Wetlands have been identified on the site plan where the collector street connects to Deerfield Drive (SR 1673).

Tree Survey

The PD, Planned Development zoning district requires a tree survey to be submitted prior to the Final Preliminary Plat approval. Per 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. The applicant has submitted a significant tree survey via their site plan therefore completing this Ordinance requirement.

PLANT SCHEDULE: PARCEL 3

TREES	QTY	COMMON NAME	SIZE	REMARKS
AMH	10	AMERICAN HOLLY ILEX OPACA	2"CAL	~~FOR MITIGATION~~
BLA	2	BLACK GUM NYSSA SYLVATICA 'BLACK TUPELO'	2" CAL	FOR MITIGATION
LOK	4	SOUTHERN LIVE OAK QUERCUS VIRGINIANA	2"CAL	
SCA	3	SCARLET OAK QUERCUS COCCINEA	2"CAL	
TUR	10	TURKEY OAK QUERCUS LAEVIS	2" CAL	FOR MITIGATION
TUS	26	RED CRAPE MYRTLE MULTI-TRUNK LAGERSTROEMIA X 'TUSCARORA'	10' H	
WIL	5	WILLOW OAK QUERCUS PHELLOS	2"CAL	

SHRUBS	QTY	COMMON NAME	CONT	REMARKS
OYH	67	DWARF YAUPON ILEX VOMITORIA 'NANA'	7 GAL	
LOR	6	RUBY LOROPETALUM LOROPETALUM C. 'RUBY'	7 GAL	

Significant Tree Removal & Mitigation

significant tree mitigation per UDO Section 8.1.3.A.4; any significant tree removed shall be mitigated by planting 2 trees of the same species with a minimum cal. of 2"

Tree Type	*Survey Description & Cal. Inches*	*Quantity*	*Total Mitigation (# of 2" cal. Trees Req'd of each Species)*
American Holly	hol 5	1	
American Holly	hol 6	3	
American Holly	hol 8	5	
American Holly	hol 10	1	
		2" cal. American Holly Mitigation Trees	20
Laural Oak	oak 8	5	
Laural Oak	oak 9	3	
Laural Oak	oak 10	21	
Laural Oak	oak 11	5	
Laural Oak	oak 12	8	
Laural Oak	oak 13	4	
Laural Oak	oak 14	4	
Laural Oak	oak 15	1	
Laural Oak	oak 16	1	
Laural Oak	oak 17	2	
Laural Oak	oak 19	1	
Laural Oak	oak 20	1	
Laural Oak	oak 23	1	
		2" cal. Laural Oak Mitigation Trees	114
Red Maple	map 21	2	
		2" cal.Red Maple Mitigation Trees	4

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.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES
Pender County's Technical Review Committee meeting was held on Wednesday, September 6th, 2017 at 9:00 A.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 8 incorporated within this report.

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 compatible with the Mixed Use land use classification as well as the PD, Planned Development zoning district and the amended Master Development Plan. The project fronts a major highway and provides adequate access to the site. 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 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.

The proposed project is consistent with two (2) 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.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with two (2) 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. As all items from Pender County Unified Development Ordinance, Section 6.1.4 Master Development Plan Contents, Section 6.3 Major Site Development Plan Contents, and mixed-use districts have been met Planning Staff recommends the approval of the revised Master Development Plan and the Major Site Development Plan.

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.
    a. All pedestrian facilities are to be constructed as each parcel is developed.
3. The required Collector Street shall be constructed during Phase I and completed prior to any final zoning approvals.
    a. The identified Collector Street shall be constructed at the time of the development of the anchor-tenant, grocery and retail store.
4. A Type C-3 Buffer shall be located around the perimeter of the proposed pump station.
5. Parcels 1-5 shall be accessed internally to the development with no direct driveway access to US HWY 17.

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

Motion:_____**Seconded**_____

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

Williams: ____ Fullerton:____Baker:____ Carter: _____ Edens: _____ McClammy: ____ Nalee: _____