Pender County

Agenda

Board of Adjustment Meeting

Wednesday, November 17, 2021 @ 9:00 AM

Pender County Public Assembly Room

		Presenter	Page
1.	CALL TO ORDER		
2.	ROLL CALL		
3.	PLEDGE OF ALLEGIANCE		
4.	MOMEMT OF SILENCE		
5.	ADOPTION OF AGENDA		
6.	ADOPTION OF MINUTES		
6.1.	Board of Adjustment meeting minutes for June 16, 2021 and Special Meeting June 25, 2021 Meeting Minutes - Pdf		3 - 8
7.	ADOPTION OF MEETING CALENDAR		
7.1.	Board of Adjustment 2022 Meeting Calendar Board of Adjustment 2022 Meeting Calendar - Pdf		9 - 10
8.	PUBLIC COMMENT		
9.	VARIANCE		
9.1.	VAR 2021-05 VAR 2021-05 - Pdf		11 - 47
9.2.	VAR 2021-06 VAR 2021-06 - Pdf		49 - 71
10.	APPEAL		
10.1.	APPEAL 2021-06 APPEAL 2021-06 - Pdf		73 - 185
11.	DISCUSSION ITEMS		
12.	NEXT MEETING DATE December 15, 2021 9:00 AM 805 S. Walker Street Burgaw, NC 28425		
13.	ADJOURNMENT		

Pender County
Meeting Minutes June 16, 2021 and June 25,2021

TO:	Board of Adjustment
FROM:	Stephanie Jagoda
DATE:	November 17, 2021
SUBJECT:	Board of Adjustment meeting minutes for June 16, 2021 and Special Meeting June 25, 2021

SUMMARY:
Meeting Minutes June 16, 2021 and June 25,2021

ACTION REQUESTED:
Approval to adopt meeting minutes from June 16, 2021 and June 25, 2021

MINUTES
Board of Adjustment Meeting
Wednesday, June 16, 2021 Pender County Public Assembly Room 9:00 AM

MEMBERS PRESENT: Max Kipfer
Kyle Breuer
Andrew Olsen
Jeffrey Snider

MEMBERS ABSENT: Samantha Nelson
Douglas Scott Rivenbark

OTHERS PRESENT: Travis Henley, Planning Director
Trey Thurman, County Attorney
Tera Cline, Administrative Assistant
Other Staff and Members of the Public.

1 CALL TO ORDER

a) Chairman called meeting to order at 9:00 AM

2 ROLL CALL

3 PLEDGE OF ALLEGIANCE

4 MOMENT OF SILENCE

5 ADOPTION OF AGENDA

a) Motion to adopt agenda

6 ADOPTION OF MINUTES

a) Motion to adopt to Board of Adjustment minutes from March

7 PUBLIC COMMENT

8 VARIANCE

a) VAR-2021-04

Travis Henley, Director, presented on behalf of Jeff Parker, applicant. The applicant is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 5.3.3.A 'Accessory Building Setbacks and Separation Requirements.' Specifically, the request is to seek relief from standards setting a minimum rear yard setback of 25 feet from the property line for accessory structures larger than 600 square feet in the RP, Residential Performance zoning district as referenced by Section 4.14 'Zoning District Dimensional Requirements.' The applicant instead requests a minimum rear yard setback of 10 feet, which is the required rear yard setback for residential accessory structures less than 600 square feet in size in all residential zoning districts. Mr. Henley gave a brief description of the property and the project presented by the applicant.

The board requested clarification

Moved by Kyle Breuer, seconded by Andrew Olsen

Motion to table to virtual special meeting on Friday June 25, 2021 at 2:00 PM contingent on applicants provided information and details requested by the board.

	For	Against	Abstained	Absent
Max Kipfer	x			
Kyle Breuer	x			
Samantha Nelson				x
Andrew Olsen	x			
Douglas Scott Rivenbark				x
Jeffrey Snider	x			
	4	0	0	2

CARRIED.

9 DISCUSSION ITEMS

10 NEXT MEETING DATE
June 25, 2021 2:00 PM
805 S. Walker St
Burgaw, NC 28425

11 ADJOURNMENT

MINUTES
Board of Adjustment Meeting
Friday, June 25, 2021 Pender County Public Assembly Room 2:00 PM

MEMBERS PRESENT: Max Kipfer
Kyle Breuer
Andrew Olsen
Jeffrey Snider

MEMBERS ABSENT: Samantha Nelson
Douglas Scott Rivenbark

OTHERS PRESENT: Travis Henley, Planning Director
Trey Thurman, County Attorney
Tera Cline, Administrative Assistant
Other Staff and Members of the Public.

1 CALL TO ORDER

a) Chairman Kipfer called the meeting to order at 2:03 PM

2 ROLL CALL

3 VARIANCE

a) Continuance of Case # VAR 2021-04 from June 16, 2021 Board of Adjustment Meeting

At the last regular meeting of the BOA, the applicant, Jeff Parker, was asked by BOA to make revisions to his variance application. A special BOA meeting was called to discuss the requested revisions.
Mr. Parker provided a presentation with an updated map and photographs of the lot and existing structure. Mr. Parker stated that he will reduce size of structure to 1198 sq ft and asked for a variance to build 17ft from the back property line instead of the required 25 ft. setback.

Mr. Thurman confirmed that the meeting could be continued, at Mr. Kipfer's inquiry, even though Mr. Parker stated in his presentation that

the original measurements were incorrect. Corrected measurements were provided by Mr. Parker to members of the BOA this week, prior to today's meeting.

Mr. Kipfer asked if any members had questions for Mr. Parker.

Mr. Olsen asked Mr. Parker if there was any difference in today's proposal from what was sent to the BOA this week. Mr. Parker confirmed that there were no further changes.

A motion was made by Mr. Snider to grant the applicant's request to reduce the required 25ft setback to a 17ft setback and the motion was seconded by Mr. Brewer. The vote in favor was unanimous. The motion carried.

Mr. Parker thanked the BOA for their approval. Mr. Kipfer thanked the applicant for working with the BOA and making the proper adjustments.

Moved by Jeffrey Snider, seconded by Kyle Breuer

Motion Approved

	For	**Against**	**Abstained**	**Absent**
Max Kipfer	x			
Kyle Breuer	x			
Samantha Nelson				x
Andrew Olsen	x			
Douglas Scott Rivenbark				x
Jeffrey Snider	x			
	4	0	0	2

CARRIED.

4 DISCUSSION ITEMS

5 NEXT MEETING DATE
TBD

6 ADJOURNMENT
Chairman Kipfer adjourned the meeting at 2:31 PM.

Pender County

TO:	Board of Adjustment
FROM:	Gideon Smith
DATE:	November 17, 2021
SUBJECT:	Board of Adjustment 2022 Meeting Calendar

ATTACHMENTS:
Board of Adjustment 2022 Meeting Schedule

Pender County Board of Adjustment
2022 Meeting Calendar

January	1.19.22
February	2.16.22
March	3.16.22
April	4.20.22
May	5.18.22
June	6.15.22
July	7.20.22
August	8.17.22
September	9.21.22
October	10.19.22
November	11.16.22
December	12.21.22
Meetings are held at 805 S. Walker Street, Burgaw, NC 28425	

Pender County
VAR 2021-05

TO:	Board of Adjustment
FROM:	Carlene Shaw
DATE:	November 17, 2021
SUBJECT:	VAR 2021-05

SUMMARY:
Chris Jones, applicant, on behalf of Hampstead Self Storage, LLC, owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Sections 8.1.3 'Tree Survey Required.' Specifically, the request is to seek relief from the mitigation requirements for the removal of significant trees. The subject property is in the GB, General Business zoning district and is located on the northern side of Williams Store Road, approximately 260 feet southeast from its intersection with US HWY 17 in the Topsail Township. There is one tract totaling approximately 3.8 acres of land associated with this request and may be further identified by Pender County PIN 3293-53-4323-0000.

ACTION REQUESTED:
Approval of Variance

ATTACHMENTS:
VAR-2021-05 Staff Report
VAR-2021-05 Application
VAR-2021-05 Narrative
VAR-2021-05 Significant Tree Survey
VAR-2021-05 Primary Proposed Landscaping Plan
VAR-2021-05 Landscaping Plan UDO Standards
VAR-2021-05 Attachment 1 - Tree Planting Tables from UDO
VAR-2021-05 Attachment 2 - Email Correspondence with P&R Staff
VAR-2021-05 Attachment 3 - Applicant's Research
VAR-2021-05 Attachment 4 - Landscaping Plan with Oak Trees at 35' centers

STAFF REPORT FOR VAR 2021-05
VARIANCE APPLICATION

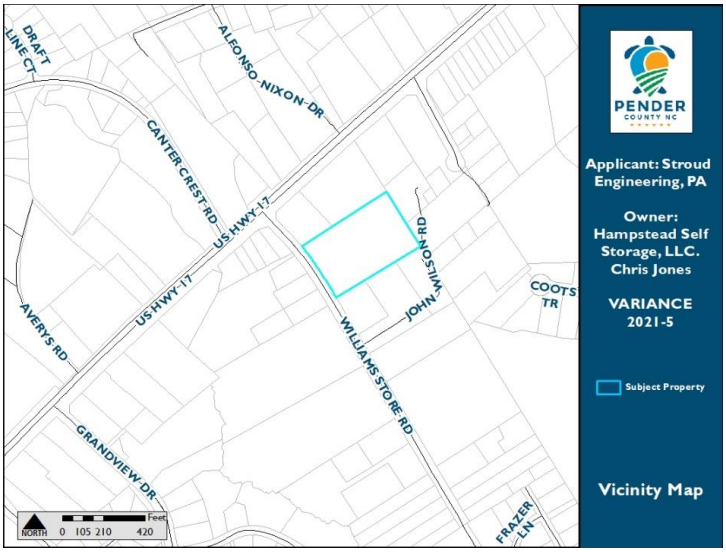
APPLICATION SUMMARY	
Case Number	VAR 2021-05
Hearing Date	November 17, 2021 Board of Adjustment
Applicant	Chris Jones
Property Owner	Hampstead Self Storage, LLC
Parcel Identification Number	3293-53-4323-0000
Acreage	3.8
Township	Topsail
Zoning District	GB, General Business
Pender 2.0 Future Land Use Category	Neighborhood Mixed Use

VARIANCE PROPOSAL

Chris Jones, applicant, on behalf of Hampstead Self Storage, LLC, owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Sections 8.1.3 'Tree Survey Required. Specifically, the request is to seek relief from the mitigation requirements for the removal of significant trees.

LOCATION

The subject property is located on the northern side of Williams Store Road, approximately 260 feet southeast from its intersection with US HWY 17 in the Topsail Township.



PROPERTY DESCRIPTION

The subject property is Lot H of the subdivision for Leon L. Motte, and wife, as recorded at Map Book 1 Page 43 of the Pender County Registry. The subject property is current vacant and wooded, with two Duke Energy Progress overhead powerlines running East-West and North-South, perpendicular to each other.

Below: Aerial Photograph of Subject Property



VARIANCE DESCRIPTION

The applicant is requesting a variance from the requirement of mitigating all removed Significant Trees at a 2 to 1 ratio. According to Section 8.1.3 'Tree Survey Required' of the Pender County Unified Development Ordinance (UDO), a tree survey is required for any development proposal on commercial or industrial zoned property, as well as in all mixed-use districts. In addition, if any significant tree is proposed to be removed, such removal shall be mitigated by the planting on site of two trees of the same species with a minimum caliper of 2" or greater.

Significant Trees are defined as such in this section of the UDO:

SIGNIFICANT TREE SPECIES	TRUNK CALIPER[1]
Flowering Dogwood	4" or greater
American Holly	6" or greater
Water Oak	8" or greater
Live Oak	8" or greater
Any other in 'planting table', except a loblolly pine[2]	12" or greater

[1] All measurements are taken at 4.5 feet above the ground

[2] Please refer to **Attachment 1** for the complete planting table sourced from Appendix B of the UDO

Instead of mitigating at a 2 to 1 ratio, the applicant is requesting to mitigate each removed significant tree at a 1 to 1 ratio. According to the tree survey submitted by the applicant, there are 77 significant trees on the subject property that will need to be removed for the proposed development. The significant trees shown on the submitted Significant Tree Survey include a mix of magnolias, varying types of oaks, and cherries.

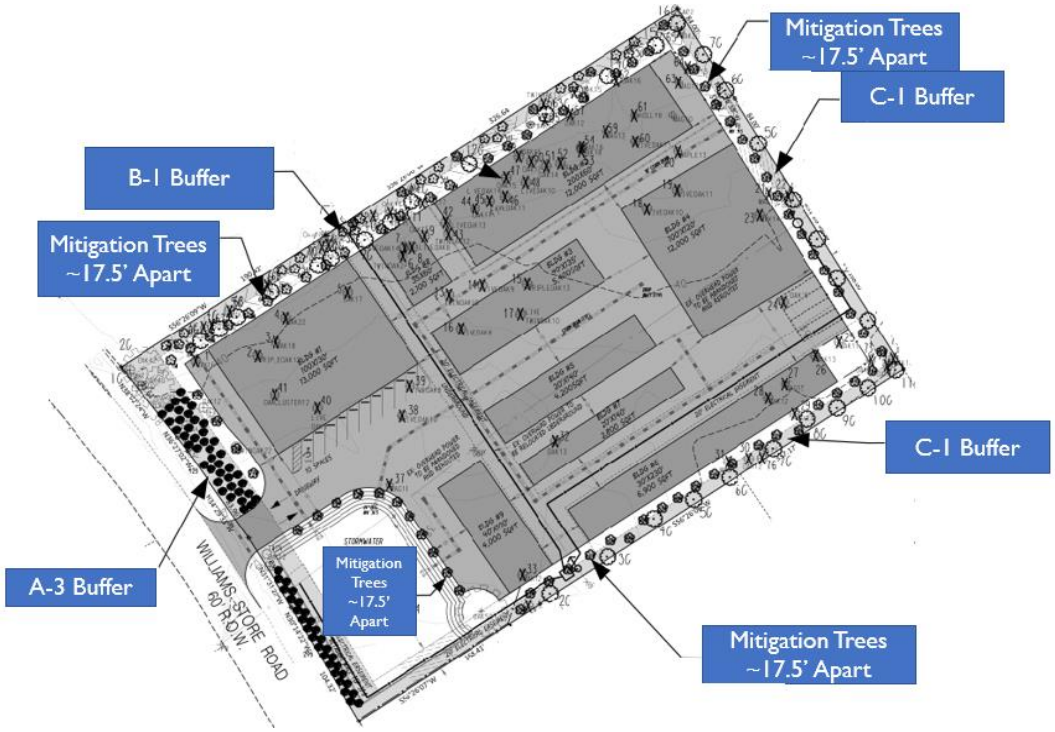
The applicant submitted a Major Site Development Plan to construct at self-storage facility, consisting of six buildings to be reviewed by the Pender County Technical Review Committee at their July 1, 2021 meeting. During that review, Planning Staff noted that the site contained a large number of significant trees that would need removed since approximately 71% of the site would be impervious. Staff informed the applicant of the significant tree mitigation requirements and the process to apply for a variance to be heard by the Board of Adjustment.

The applicant contends that there is not enough space left for the planting of the required mitigation trees on the site. In this case, to meet the significant tree mitigation requirements of the UDO, the applicant would be required to plant 154 significant trees, plus the required canopy and understory trees and shrubs to meet buffering requirements, within the buffer yards. Please see the table below for the required landscaping buffers for this development according to Section 8.2.7. 'Project Boundary Buffer' of the UDO.

REQUIRED BUFFERS	
Buffer Type	**Location of Buffer**
Type A	Along front of property
Type B	Along Western property line
Type C	Along Northern and Eastern property lines

The applicant has submitted a site plan for Board consideration that includes planting mitigation trees within the buffer yards 17.5' apart from each other, along with the required buffering shown above, the Primary Proposed Landscaping Plan. This site plan would represent significant tree mitigation at a 1 to 1 ratio.

Below: Primary Proposed Landscaping Plan



ALTERNATIVE OPTIONS

A landscaping plan was also submitted by the applicant that complies with the mitigation and buffering requirements outlined in the UDO. However, according to the application, there is limited space for planting and suitable planting separation for certain tree species, and therefore, alternative layouts and densities of the planting of the mitigation trees may be appropriate and practical for the variance request. According to the applicant's narrative, the applicant is also willing to contribute financially in lieu of the required tree mitigation. Such funds could be used to plant additional significant trees on county-owned properties and parks, which is supported by Pender County Parks and Recreation staff. Please see **Attachment 2** for email correspondence between Planning and Parks and Recreation staff.

The landscaping plan that meets the UDO requirements would result in planting the mitigation trees within the buffer yards at a distance of 5' to 8' feet apart, in addition to the required buffers. According to the applicant's narrative, this causes concern in regards to the health and stability of the trees due to the very close proximity of the trees to each other. (Please see 'Landscaping Plan Meeting UDO Standards').

The applicant is requesting the Board of Adjustment to consider the logistics of the development and the constraints of the significant tree mitigation requirements. The applicant is open for consideration of either of the site plans that he has submitted, financial contribution in lieu of planting, or a combination of all three.

BACKGROUND SECTION

The applicant has conducted research on the proper planting conditions for Live Oak trees, one of the significant tree species that would need to be mitigated on site. According to applicant's research, it is recommended that Live Oaks should be planted no closer than 30' apart because the canopy of the tree can spread anywhere from 80' to 120'. Please see **Attachment 3** for email correspondence that includes the applicant's research. The applicant has also submitted a site plan (**Attachment 4**) showing that all the required mitigation trees at 35' centers would not fit within the subject property's boundaries. Through this research, it is the applicant's determination that requiring all significant trees to be mitigated at a 2 to 1 ratio is not feasible due to proper planting standards for Live Oaks.

ZONING ADMINISTRATOR'S CONCLUSION

The applicant is requesting relief from the significant tree mitigation requirements outlined in Section 8.1.3 'Tree Survey Required'. Rather than mitigating each removed significant tree at a 2 to 1 ratio, the applicant is requesting to mitigate each removed significant tree at a 1 to 1 ratio. The applicant has also submitted other alternative options, which include a landscaping plan that meets the UDO requirements, contributing financially to Pender County Department of Parks and Recreation in lieu of the planting the required mitigation trees, or a combination of all three. The applicant is requesting relief from the significant tree mitigation standards due to the extent of the proposed development that constricts enough space to plant the required amount of mitigation trees.

PENDER COUNTY UDO EVALUATION

3.14 VARIANCE

3.14.1 Applicability

A. The Board of Adjustment may vary certain requirements of this Ordinance, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.
B. The Board of Adjustment may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.
C. No variance shall be permitted that would have the effect of allowing a use not permitted in the use table of Section 5.2.3.
D. No variance shall be permitted that would allow a project to exceed the maximum density as to number of dwelling units to the acre in a Zoning District. This maximum density

shall be inclusive of any density bonus allowance or additional units in a planned unit development.

E. The need for the variance cannot be a result of the owner's own actions and cannot be for strictly economic reasons.
F. The Board of Adjustment may grant variances in the following special circumstances, as indicated in Section 3.14.7 of this Ordinance.

3.14.6 Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues.

3.14.7 Findings

In granting any variance, the Board of Adjustment shall make the following findings:

A. That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;
    1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
    2) The hardship results from conditions that are peculiar to the property, such as location, size, topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
    3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship.
    4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved. B. In making the findings above, the Board of Adjustment may give special weight to the number and percentage of nearby properties that share characteristics for which the variance is requested by the applicant. The Board of Adjustment may grant a variance to expand an existing structure, including the expansion of a nonconforming structure if the findings listed above can be made.
B. In making the findings above, the Board of Adjustment may give special weight to the number and percentage of nearby properties that share characteristics for which the variance is requested by the applicant. The Board of Adjustment may grant a variance to expand an existing structure, including the expansion of a nonconforming structure if the findings listed above can be made.

BOARD OF ADJUSTMENT: FINDING OF FACTS

1. It is the Board's CONCLUSION that the hardship of which the applicant complains **results/does not result** from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
    a. This conclusion is based on the following FINDINGS OF FACT:

2. It is the Board's CONCLUSION that, the hardship **results/does not result** from conditions that are peculiar to the property, such as location, size, topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
    a. This conclusion is based on the following FINDINGS OF FACT:

3. It is the Board's CONCLUSION that the hardship **results/does not result** from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship.
    a. This conclusion is based on the following FINDINGS OF FACT:

4. It is the Board's CONCLUSION that, the requested variance is **consistent/not consistent** with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.
    a. This conclusion is based on all of the FINDINGS OF FACT:

BOARD OF ADJUSTMENT ACTION FOR VARIANCE

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Kipfer	Breuer	Nelson	Rivenbark	ALT: Olsen	ALT: Snider

APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE			
Application No.	VA	**Date**	
Application Fee	$	**Invoice Number:**	

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	CHRIS JONES	**Owner's Name:**	Hampstead Self Storage LLC
Applicant's Address:	100 E LAKE DR	**Owner's Address:**	16700 NC HWY 17
City, State, & Zip	Greensboro NC 27403	**City, State, & Zip**	HAMPSTEAD NC
Phone Number:	(336) 944-5001	**Phone Number:**	(336) 944-5001
Email Address:	CJONESCPA@AOL.COM	**Email Address:**	CJONESCPA@AOL.COM

Legal relationship of applicant to landowner: Member/MANAGER

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3293-53-4823-0000	**Total property acreage:**	3.801
Zoning Classification:	GB	**Variance Size:**	3.5 +-
Variance Location & Address	Williams Store Road 187 John Wilson Road Hampstead		
Describe Variance and amount or type requested:	SEE ATTACHED		

SECTION 3: SIGNATURES

Applicant's Signature	Christoph	**Date:**	4/30/21
Applicant's Name Printed	Christopher W Jones	**Date:**	4/30/21
Owner's Signature	Christoph	**Date:**	4/30/21
Owner's Name Printed		**Date:**	4/30/21

NOTICE TO APPLICANT:

1. The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements.
2. All applicants seeking a variance shall schedule a pre-application conference with the administrator to discuss the procedures, standards, and regulations required for variance approval.
3. An application for a variance shall be submitted in accordance with application requirements.
4. Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to adjoi ning/abutting property owners and aggrieved parties in the form of applicant supplied #10 envelopes with paid first class postage.
5. The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues.
6. Applicant must also submit the information described in the Variance Checklist provided below.
7. Applicant or agent authorized in writing must attend the public hearing.
8. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Adjustment agrees to table or delay the hearing.

OFFICE USE ONLY

☐ **VA Fees $250**		**Total Fee Calculation $**
Payment Method :	**Cash :** ☐ $_____	**Credit Card:** ☐ Master Card ☐ Visa / **Check:** ☐ Check # _____
Application received by		Date:

Application completeness approved by:		Date:
Date scheduled for public hearing:		

APPLICATION FOR VARIANCE

PENDER COUNTY

WILLIAMS STORE ROAD, HAMPSTEAD NORTH CAROLINA

ADDENDUM

This variance request is to ask for a reduction in the 2 for 1 replacement (remediation) of significant trees cut down during the development of subject property.

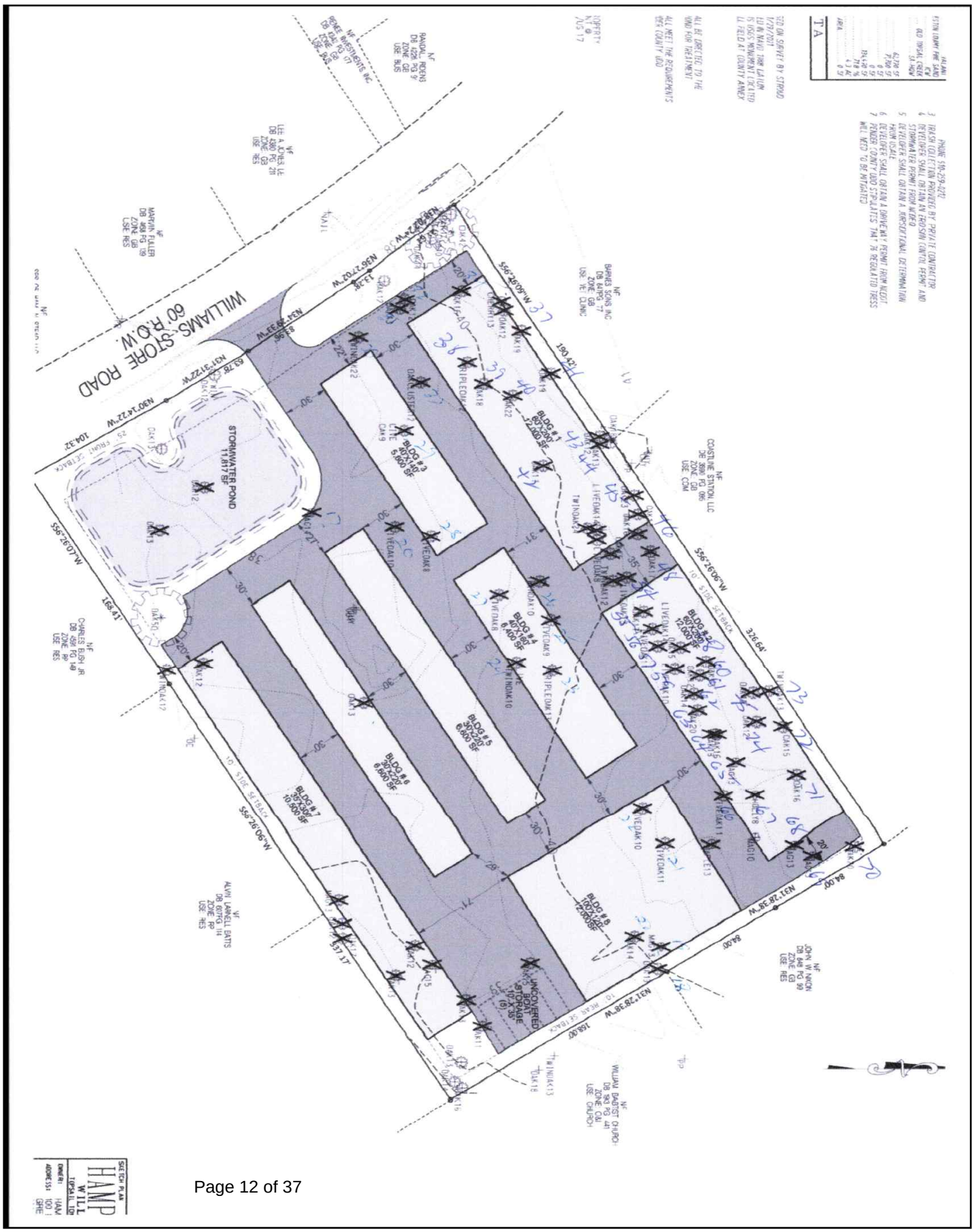
There are approximately 75 significant trees that will need to be removed during development. While applicant plans to transplant as many trees as possible on site, the replacement planting of 150 trees is not practical or warranted. It appears to the applicant that this ordinance was designed to preserve the usual limited number of significant trees on a given property. It is most unusual to find property with this number of trees on it and the ordinance was not written with this fact pattern in mind.

With the transplanting (commercially done) of some of the existing trees, there will be no shortage of trees remaining on the property. Additionally, there are a number of significant and other trees across the front of the property that will be preserved and enhanced. There is one tree that is 13' in circumference, 6' in diameter, that is being preserved at the cost of some significant developable land.

Many of the trees that need to be removed are on the approximate 1/3 of the western edge of the property behind some commercial businesses. The esthetic impact of the removal of these trees will not be noticeable to the public. We think the esthetics of the property will be enhanced by the proper cleaning up and strategic re-planting of some of the trees.

Our request for a variance would allow us to re-plant or newly plant trees around the perimeter of the property as much as practical. We anticipate that approximately 20 to 25 trees can be transplanted, and any remaining available space will be planted with new trees.

Failure to grant a waiver would make this property virtually undevelopable.


WILLIAMS STORE ROAD
60' R.O.W.
STORMWATER POND
11,817 SF
BLDG #1
60'X200'
12,000 SF
BLDG #2
60'X200'
12,000 SF
BLDG #3
40'X145'
5,800 SF
BLDG #4
40'X160'
6,400 SF
BLDG #5
40'X220'
8,800 SF
BLDG #6
40'X220'
8,800 SF
BLDG #7
50'X200'
10,000 SF
BLDG #8
100'X120'
12,000 SF
UNCOVERED BOAT STORAGE
10' X 35'
(9)
S56°26'09"W
180.42'
S56°26'06"W
326.64'
S56°26'06"W
84.00'
N36°27'02"E
168.28'
N36°27'02"E
84.00'
N36°27'02"E
168.00'
N36°27'02"W
168.41'
N36°27'02"W
104.32'
N53°31'22"W
63.78'
N36°27'02"W
13.28'
N36°27'02"W
396.58'
S36°27'02"E
396.58'
S36°27'02"E
13.28'
S53°31'22"E
63.78'
S36°27'02"E
104.32'
S36°27'02"E
168.41'

APPLICATION FOR VARIANCE- ADDENDUM
PENDER COUNTY
WILLIAMS STORE ROAD, HAMPSTEAD NORTH CAROLINA

Hampstead Self Storage, LLC

This variance request is to ask for a reduction in the two for one replacement (remediation) of significant trees cut down during the development of the subject property.

There are 75 to 80 significant trees that will need to be removed during development. While the applicant plans to replant as many trees as possible on site, the replacement planting of 150+ trees is not practical or warranted. It appears to the applicant that this ordinance was designed to preserve and/or replace the usual limited number of significant trees on a given property. It is most unusual to find property with this number of significant trees on it and it seems to me that the ordinance was not written with this fact pattern in mind.

We have submitted a site plan that complies with the ordinance. We changed the required setback of ten feet to twenty feet to allow for more room for planting. We also changed the planned relocation of the Duke Progress power lines from the perimeter of the property to below the proposed internal driveways. The result of this plan is that we end up planting trees in very close proximity to each other, much closer than is recommended. A consequence of this close planting is that as these trees grow, they will be growing into each other causing disease and destruction of healthy trees. Another result is that the aesthetic enhancement that these trees could offer is compromised.

With the replanting of some of the existing species of trees, there will be no shortage of trees remaining on the property. Additionally, there are a number of significant and other trees across the front of the property that will be preserved and enhanced. There is one tree that is thirteen feet in circumference, six feet in diameter on the eastern perimeter of the property, which is being preserved at the cost of some significant developable land.

Many of the trees that need to be removed are on the approximate one-third of the western edge of the property behind some commercial businesses in a strip shopping center. The esthetic impact of the removal of these trees will not be noticeable to the public. We think the esthetics of the property will be enhanced by the proper pruning, cleaning up of existing trees and planting of new trees. We also think the aesthetics will be better than the current view of the back of the shopping center.

Our request for a variance would allow us to re-plant or newly-plant trees around the perimeter of the property as much as practical but consistent with the recommended spacing between the trees. This would result in a planting of perhaps 30 trees instead of the 150+- trees required by the ordinance. With my CPA background, I have a predisposition to count things. There are 933 square miles in Pender County. At 640 acres per square mile and an average of three hundred trees per acre less 30% for developed land, there are approximately 125 million trees in Pender County. Given our effort to preserve the truly significant trees and to provide an attractive buffer surrounding the property, is the improper planting of an additional 100+ trees really appropriate? This type of ordinance, with some flexibility built in, might be appropriate for a municipality like Charlotte or Raleigh. But it seems harsh in its application to our site development and unneeded in Pender County.

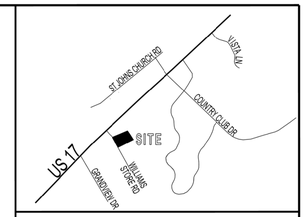
To summarize our request:

- We increased the buffer surrounding the property from ten feet to twenty feet to allow more space for planting vegetation of all types and we re-routed the power lines to the internal driveways to allow more room for new vegetation.
- We would work to be sure the perimeter buffer was attractively planted in a manner. that not only met the requirement of any variance but was an alternative that was very attractive.
- We propose planting trees with the correct spacing between each tree.
- We would work to preserve and enhance the (very) significant trees across the front of the property as well as perhaps one of the largest live oak trees in the County.
- We will work with Pender County in planting new trees as well as providing a financial contribution to the County if required for the planting of trees elsewhere.

Thank you for your consideration.

Christopher Jones, Managing Member
Hampstead Self Storage, LLC

SITE DATA	
TRACT AREA	3.9 AC
ZONING	GB
PIN	3293-53-4323-0000
FRONT BLDG SETBACK	25 FT
SIDE BLDG SETBACK	10 FT
REAR BLDG SETBACK	10 FT
MAX BUILDING HEIGHT	40 FT
CAMA LAND USE CLASSIFICATION	VACANT
PREDOMINANT SCS SOIL TYPE	Fa-FORESTON LOAMY FINE SAND
RIVER BASIN	ICW
RECEIVING STREAM	OLD TOPSAIL CREEK
STREAM CLASS	SA-HQW
IMPERVIOUS AREA BREAKDOWN	
PARKING/DRIVE AISLE	50,371 SF
BUILDINGS (8)	76,100 SF
WALKS	0 SF
RESERVE	0 SF
TOTAL IMPERVIOUS	120,471 SF
TOTAL % IMPERVIOUS	71.9%
LIMITS OF DISTURBANCE	4 AC
PERVIOUS GRAVEL BOAT/RV PARKING AREA	0 SF



VICINITY MAP
NTS

77 TREES REQUIRING MITIGATION
53 TREES IN PHASE 1
24 TREES IN PHASE 2

20' POWER EASEMENT DUKE/PROGRESS

BLDG #1 60'X200' 12,000 SF

BLDG #2 60'X200' 12,000 SF

BLDG #3 40'X290' 11,600 SF

BLDG #4 100'X120' 12,000SF

BLDG #5 60'X200' 12,000 SF

BLDG #6 35'X300' 10,500 SF

NF
COASTLINE STATION, LLC
DB 3690 PG 095
ZONE: GB
USE: COM

NF
JOHN W. NIXON
DB 848 PG 99
ZONE: GB
USE: RES

NF
BARNES SONS, INC
DB 647PG 77
ZONE: GB
USE: VET CLINIC

NF
WILLIAM BABTIST CHURCH
DB 193 PG 441
ZONE: O&I
USE: CHURCH

NF
RANDALL ROENS
DB 4226, PG. 91
ZONE: GB
USE: BUS

NF
NICOLE RENEE INVESTMENTS INC
DB 4942 PG. 177
ZONE: GB
USE: BUS

NF
LEE A. JONES, L/E
DB 4380 PG 211
ZONE: GB
USE: RES

NF
MARVIN FULLER
DB 468 PG 139
ZONE: GB
USE: RES

NF
SRS OF HAM N STEAD, LLC
DB 4120 PG 229
ZONE: GB
USE: RES

NF
ALVIN LARNELL BATTS
DB 607PG 114
ZONE: RP
USE: RES

NF
CHARLES BUSH JR.
DB 4591 PG 149
ZONE: RP
USE: RES

WILLIAMS STORE ROAD
60' R.O.W.

20' POWER EASEMENT DUKE/PROGRESS

GRAPHIC SCALE: 1" = 30'

REVISED PRELIMINARY PLAN AVOIDANCE EXHIBIT

HAMPSTEAD SELF STORAGE
AT WILLIAMS STORE ROAD

TOPSAIL TOWNSHIP PENDER COUNTY NORTH CAROLINA

OWNER:	HAMPSTEAD SELF STORAGE, LLC
ADDRESS:	100 EAST LAKE DRIVE GREENSBORO, NC 27403
PHONE:	336-379-0300

STROUD ENGINEERING, P.A.
C-0647
102-O CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
(910) 815-0775 (910) 815-0593 FAX

DESIGNED:	JHF
DRAWN:	JHF
APPROVED:	JHF
DATE:	2/10/2021
SCALE:	1" = 30'
SHEET	1 OF 1

PROJECT NO.: PW-1516
DRAWING NO.: W:/MASTER/PW-1516/dgn/dim_site.dgn

SITE DATA

TRACT AREA	3.9 AC
ZONING	GB
PIN	3293-53-4323-0000
FRONT BLDG SETBACK	25 FT
SIDE BLDG SETBACK	10 FT
REAR BLDG SETBACK	10 FT
MAX BUILDING HEIGHT	40 FT
CAMA LAND USE CLASSIFICATION	VACANT
PREDOMINANT SCS SOIL TYPE	FoFORESTON LOAMY FINE SAND
RIVER BASIN	KW
RECEIVING STREAM	OLD TOPSAIL CREEK
STREAM CLASS	SA-HQW
IMPERVIOUS AREA BREAKDOWN	
PARKING/DRIVE AISLE	58,102 SF
BUILDINGS (9)	62,400 SF
WALKS	0 SF
RESERVE	0 SF
TOTAL IMPERVIOUS	120,7502 SF
TOTAL % IMPERVIOUS	64%
LIMITS OF DISTURBANCE	4 AC
PERVIOUS GRAVEL BOAT/RV PARKING AREA	0 SF

SURVEY NOTES:
1. SITE CONTOURS ARE BASED ON LIDAR DATA.
2. THE POND OUTFALL ELEVATIONS WERE ESTABLISHED BY A LOCALIZED SURVEY OF AN EXISTING DRAINAGE FEATURE.
3. ELEVATIONS ARE REPORTED IN NAVD 1988 DATUM.
4. ELEVATION BENCHMARK IS USGS MONUMENT LOCATED ACROSS US 17 FROM SITE.

DRAINAGE NOTES:

RUNOFF FROM ALL BUA SHALL BE DIRECTED TO THE COLLECTION SYSTEM AND POND FOR TREATMENT.

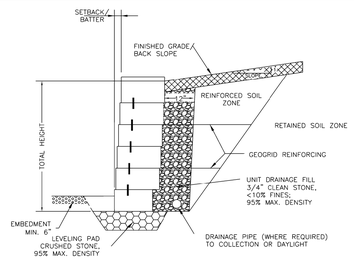
THE DRAINAGE SYSTEM SHALL MEET THE REQUIREMENTS OF SECTION 7.9 IN THE PENDER COUNTY UDO.

SPECIES BREAKDOWN OF TREES REQUIRING MITIGATION

OAK	50
LIVE OAK	16
MAGNOLIA	6
HOLLY	2
MAPLE	2
CHERRY	1
	77

BUFFER LANDSCAPING & MITIGATION LEGEND

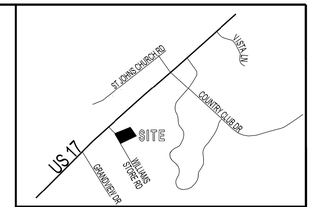
- EX. REGULATED TREE TO BE REMOVED
- EX. REGULATED TREE TO BE RETAINED
- PROPOSED MITIGATION TREE
- PROPOSED BUFFER CANOPY TREE
- PROPOSED BUFFER UNDERSTORY TREE
- PROPOSED BUFFER SHRUB



1. ALL RETAINING WALL DESIGNS (GRAVITY AND REINFORCED) ARE SUBJECT TO REVIEW AND APPROVAL BY CITY ENGINEER.
2. RETAINING WALLS GREATER THAN 4' SHALL BE DESIGNED BY A PROFESSIONAL ENGINEER.

RETAINING WALL DETAIL
NTS

NOTES:
1. TRASH COLLECTION PROVIDED BY PRIVATE CONTRACTOR.
2. DEVELOPER SHALL OBTAIN AN EROSION CONTOL PERMIT AND STORMWATER PERMIT FROM NCDEQ.
3. DEVELOPER SHALL OBTAIN A DRIVEWAY PERMIT FROM NCDOT.



VICINITY MAP
NTS

- 1.5" ASPHALT OVER 6" ABC
- 6" ABC
- 4" (MIN) #57 STONE OVER GEOTEXTILE
- CHAIN LINK FENCE
- SILT FENCE
- HDPE STORM DRAIN
- SWALE
- x38.0 SPOT ELEVATION
- 31 30 EXISITNG CONTOURS
- PROPOSED CONTOUR
- LIMITS OF DISTURBANCE

LEGEND

77 TREES REQUIRING MITIGATION
53 TREES IN PHASE 1
24 TREES IN PHASE 2

10' WIDE B1 BUFFER
517 LF WITH 3 CANOPY TREES,
4 UNDERSTORY TREES
AND GRASS PER 100LF
THEREFORE: 16 CANOPY, 21 UNDERSTORY TREES

MITIGATION TREES AVG. 17.5' O.C.

MITIGATION TREES AVG. 17.5' O.C.

10' WIDE C-1 BUFFER
335 LF WITH 7 CANOPY TREES
REQUIRED

10' WIDE C-1 BUFFER
506 LF WITH 11 CANOPY TREES
REQUIRED

25' WIDE A-3 BUFFER
336 LF WITH 1 CANOPY TREES,
2 UNDERSTORY TREES
OR 21 SHRUBS PER 100LF
THEREFORE: 71 SHRUBS SHOWN

MITIGATION TREES ON AVG. 17.5' O.C.

6' TALL SOLID WOOD FENCE
WHERE NO BUILDING

232 LF FROM PROPERTY TO EX HYDRANT @ WILLIAMS STORE/US 17

NF
BARNES SONS, INC
DB 647PG 77
ZONE: GB
USE: VET CLINIC

NF
COASTLINE STATION, LLC
DB 3690 PG 095
ZONE: GB
USE: COM

NF
JOHN W NIXON
DB 848 PG 99
ZONE: GB
USE: RES

NF
WILLIAM BABTIST CHURCH
DB 193 PG 441
ZONE: O&I
USE: CHURCH

NF
RANDALL RDENS
DB 4226, PG 91
ZONE: GB
USE: BUS

NF
NICOLE RENEE INVESTMENTS, INC
DB 4241 PG 177
ZONE: GB
USE: BUS

NF
LEE A. JONES, L/E
DB 4380 PG 211
ZONE: GB
USE: RES

NF
MARVIN FULLER
DB 468 PG 139
ZONE: GB
USE: RES

NF
SRS OF HAM N STEAD, LLC
DB 4120 PG 229
ZONE: GB
USE: RES

NF
CHARLES BUSH JR.
DB 4591 PG 149
ZONE: RP
USE: RES

NF
ALVIN LARNELL BATTS
DB 607PG 114
ZONE: RP
USE: RES

BLDG #1 100X130' 13,000 SQFT
BLDG #2 35X60' 2,100 SQFT
BLDG #3 40'X135' 5,400SQFT
BLDG #4 100'X120' 12,000 SQFT
BLDG #5 30'X140' 4,200SQFT
BLDG #6 30'X230' 6,900 SQFT
BLDG #7 20'X140' 2,800 SQFT
BLDG #9 40'X100' 4,000 SQFT
BLDG #23 200X60' 12,000 SQFT

STORMWATER INFILTRATION BASIN BOTTOM @ 34.0

10 SPACES DRIVEWAY

20' ELECTRICAL EASEMENT UNDERGROUND

20' POWER EASEMENT DUKE/PROGRESS

EX. OVERHEAD POWER TO BE ABANDONED AND REROUTED

EX. OVERHEAD POWER TO BE RELOCATED UBERGROUND

EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGH ALL PHASES OF CONSTRUCTION

TEMPORARY SWALE NOTES:

PRIOR TO REMOVAL OF THE TEMPORARY SWALE:

1) ALL PORTIONS OF THE PIPED COLLECTION SYSTEM UPSTREAM OF DI 11 SHALL BE INSTALLED AND OPERATIONAL AND

2) ALL BUA SHALL BE DIRECTED TO THE PIPED COLLECTION SYSTEM

DISTURBED AREA ASSOCIATED WITH REMOVING THE TEMPORARY SWALE SHALL BE STABILIZED WITHIN 7 CALENDAR DAYS

TYPICAL DRIVE AISLE OUTSIDE R/W
1.5" I-2 ASPHALT
6" ABC
COMPACTED SUBGRADE

TEMPORARY DRIVE AISLE
6" ABC
COMPACTED SUBGRADE

INSIDE NCDOT R/W
1.5" S9.5B ASPHALT
6" ABC
COMPACTED SUBGRADE

PAVEMENT SECTIONS
NTS

GRAPHIC SCALE: 1" = 30'

PRELIMINARY PLAN

HAMPSTEAD SELF STORAGE
AT WILLIAMS STORE ROAD

TOPSAIL TOWNSHIP, PENDER COUNTY, NORTH CAROLINA

OWNER: HAMPSTEAD SELF STORAGE, LLC
ADDRESS: 100 EAST LAKE DRIVE, GREENSBORO, NC 27403
PHONE: 336-379-0300

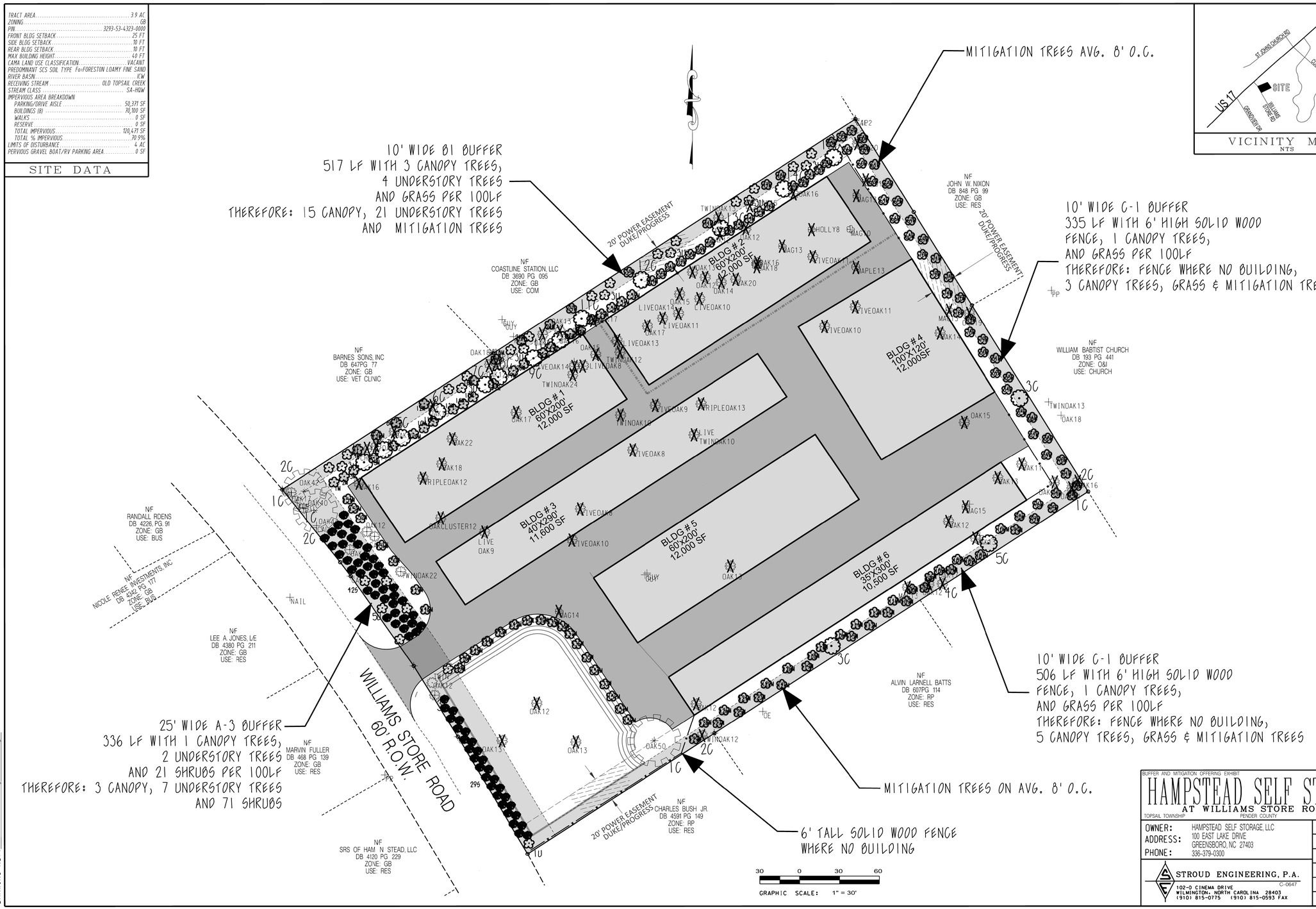
STROUD ENGINEERING, P.A. C-0647
102-D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
(910) 815-0775 (910) 815-0593 Fax

DESIGNED: JHF
DRAWN: JHF
APPROVED: JHF
DATE: 2/10/2021
SCALE: 1" = 30'
SHEET 1 OF 1

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 30643 JAMES H. FONTENOT, JR.

PROJECT NO.: PM-1516
DRAWING NO.: M:/MASTER/PM-1516/dgn/dlm_site.dgn

SITE DATA	
TRACT AREA	3.9 AC
ZONING	GB
PIN	3293-53-4323-0000
FRONT BLDG SETBACK	25 FT
SIDE BLDG SETBACK	10 FT
REAR BLDG SETBACK	10 FT
MAX BUILDING HEIGHT	40 FT
CAMA LAND USE CLASSIFICATION	VACANT
PREDOMINANT SCS SOIL TYPE	Fo-FORESTON LOAMY FINE SAND
RIVER BASIN	CW
RECEIVING STREAM	OLD TOPSAIL CREEK
STREAM CLASS	SA-HQW
IMPERVIOUS AREA BREAKDOWN	
PARKING/DRIVE AISLE	50,371 SF
BUILDINGS (8)	70,100 SF
WALKS	0 SF
RESERVE	0 SF
TOTAL IMPERVIOUS	120,471 SF
TOTAL % IMPERVIOUS	70.9%
LIMITS OF DISTURBANCE	4 AC
PERVIOUS GRAVEL BOAT/RV PARKING AREA	0 SF



BUFFER AND MITIGATION OFFERING EXHIBIT

HAMPSTEAD SELF STORAGE
AT WILLIAMS STORE ROAD

TOPSAIL TOWNSHIP PENDER COUNTY NORTH CAROLINA

OWNER: HAMPSTEAD SELF STORAGE, LLC
ADDRESS: 100 EAST LAKE DRIVE GREENSBORO, NC 27403
PHONE: 336-379-0300

STROUD ENGINEERING, P.A.
C-0647
102-D CINEMA DRIVE WILMINGTON, NORTH CAROLINA 28403
(910) 815-0775 (910) 815-0593 Fax

DESIGNED:	JHF
DRAWN:	JHF
APPROVED:	JHF
DATE:	2/10/2021
SCALE:	1" = 30'
SHEET	1 OF 1

PROJECT NO.: P#-1516
DRAWING NO.: W:/MASTER/P#-1516/dgn/dim_site.dgn

Recommended Canopy Trees

Botanical/ Common Name	Recommended Varieties	Height/Spread At Full Maturity	Growth Rate	Exposure	Notes & Culture
Acer rubrum Red Maple*	'October Glory' 'Red Sunset' 'Autumn Blaze'	40-50 ft Ht 25-35 ft Sp	Medium	Full Sun to Light Shade	Moist to well drained soil Does not perform well in parking lots. Needs consistent moisture
Betula Nigra River Birch* %	'Heritage' 'Dura Heat'	40-70 ft Ht 40-60 ft Sp	Fast	Full Sun	Moist to well drained soil
Celtis laevigata Sugarberry* %				Full Sun	Wet to well drained soil Extremely tough but not readily available
Crataegus phaenopyrum Washington Hawthorn*		25-30 ft Ht 20-25 ft Sp	Medium	Sun to Light Shade	Moist to well drained soil White flowers in Spring Red fruit in Fall
Fagus grandiflora American Beech*		50-70 ft Ht 40-60 ft Sp	Slow	Full Sun	Well drained soil Not readily available – not the best choice for parking lots
Ginko biloba Maidenhair Tree %	'Autumn Gold'	50-70 ft Ht 30-40 ft Sp	Slow	Full Sun	Well drained soil Very tough – good urban tree
Lagerstromia indica & fauriei Crepe Myrtle %	'Miami' 'Natchez' 'Tuscarora' Muskogee, Tuskegee, Biloxi, Choctaw, Fantasy	20-40 ft Ht 20-35 ft Sp	Medium	Full Sun	Well drained soil Flowers all Summer Drought tolerant

Magnolia grandiflora Southern Magnolia*	'DD Blanchard' 'Claudia Wanamaker' 'Overton' 'Bracken's Brown Beauty'	20-80 ft Ht 20-50 ft Sp	Slow to Medium	Full Sun to Part Shade	Well drained soil May be considered too large for most parking islands Evergreen
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Pistache chinensis Chinese Pistache%		30-35 ft Ht 25-35 ft Sp	Slow	Full Sun	Well drained soil. Exceptionally tough urban tree.
Quercus alba White Oak*		50-80 ft Ht 40-80 ft Sp	Slow to Medium	Full Sun	Moist to well drained soil Reddish purple fall color Not tough enough for parking lots
Quercus lyrata Overcup Oak* %		40-60 ft Ht 40-60 ft Sp	Medium	Full Sun	Wet to well drained soil Very tough
Quercus nigra Water oak* %		50-80 ft Ht 30-60 ft Sp	Medium to Fast	Full Sun to light Shade	Moist to well drained soil Salt Tolerant
Quercus nutallii Nutall Oak* %		40-60 ft Ht 30-50 ft Sp	Medium	Full Sun	Moist to well drained soil Red fall color. Faster growing than Shumard Oak.
Quercus phellos Willow Oak* %		40-80 ft Ht 30-80 ft Sp	Medium to Fast	Full Sun	Moist to well drained soil Fine texture foliage
Quercus shumardii Shumard Oak* %		40-60 ft Ht 40-60 ft Sp	Medium	Full Sun	Moist to well drained. Very similar to Nutall Oak
Quercus virginiana Southern Live Oak* %		40-80 ft Ht 60-100 ft Sp	Medium	Full Sun to part Shade	Adapts to most soil types Salt Tolerant Evergreen
Taxodium distichum Bald Cypress* %		50-70 ft Ht 20-30 ft Sp	Medium	Full Sun	Wet to well drained soils Lacey foliage Extremely tough

Ulmus parvifolia Lacebark Elm %	'Bosque' 'Allee' 'Athena'	40-50 ft Ht 30-40 ft Sp	Fast	Full Sun	Well drained soil Exfoliating bark extremely tough

Native Plants*

Plants native to Southeastern USA are marked with an asterisk (*). These plants are endemic to Southeastern United States from Virginia to eastern Texas.

Trees recommended for parking islands %

Trees marked with a percent sign (%) indicates which trees are most likely to be successful in limited root zone areas (parking lot islands). Some of the others are great trees for our area (i.e. Red Maple and American beech) but they may not be suitable for confined areas such as parking lots. This does not mean they should not be considered for larger planting spaces such as common areas, buffer plantings or large islands.

Drought Tolerant Plants

Extremely drought tolerant plants are marked with an underline. When planted in their preferred soil type, these plants are able to withstand extended periods of drought, 4-6 weeks, without supplemental irrigation once established. Most trees and shrubs take two to three growing seasons to become fully established. Perennials, grasses and groundcovers usually require one to two seasons to become established. Regular supplemental water should be provided until plants become established.

Mature Size

Mature sizes of all plants are given as height and spread, though it may take many years to reach these dimensions. Mature size can vary depending on growing conditions.

Recommended Varieties

For many plants, recommended varieties are given. These are selections of that plant that either perform better in our area or are more suitable to the landscape than the plain species. Plant varieties, also known as cultivars, are listed enclosed in single quotes.

Exposure

Exposure refers to the amount of sunlight a site receives as follows:

- **Full Sun** indicates a site that receives at least 6-8 hours of direct sun each day.
- **Light Shade** indicates a site that is shaded less than half of the day by a light high shade such as that cast by pine trees.
- **Part Shade** indicates a site that is shaded half of the day by a dense shade like that cast by buildings or shade trees.
- **Full Shade** indicates a site that is in shade all day.

Soil Conditions

- **Wet** indicates a site that stays moist most of the time and receives periodic flooding
- **Moist** indicates a site that is moist most of the time with brief (less than 12 Hrs.) periods of standing water.
- **Well drained** indicates a site where water drains from the surface and rarely stands.
- **Xeric** indicates a site that is extremely dry and sandy with very little ability to hold water.

Recommended Understory Trees

Deciduous Species

Botanical/ Common Name	Recommended Varieties	Height/Spread At Full Maturity	Growth Rate	Exposure	Notes & Culture
Acer barbatum Southern Sugar Maple*		20-25 ft Ht 15-20 ft Sp	Medium	Sun to Light Shade	Moist to well drained soil Yellow & orange Fall color
Acer buergerianum Trident maple		20-25 ft Ht 10-15 ft Sp	Medium	Sun	Well drained soil Yellow, orange & red Fall color
Acer palmatum Japanese Maple		10-25 ft. Ht 10-20 ft Sp	Slow	Sun to Part Shade	Well drained, consistently moist soil. Good specimen tree. Does best under irrigation.
Amelanchier arborea Serviceberry*	'Autumn Brilliance'	20-25 ft Ht 10-15 ft Sp	Medium	Sun to Part Shade	Moist to well drained soil Orange fall color White flowers in Spring
Carpinus caroliniana Ironwood*		20-30 ft Ht 15-25 ft Ht	Slow	Sun to Shade	Wet to well drained soil Interesting bark Very shade tolerant
Cercis canadensis Redbud*	'Forest Pansy' 'Royal White' 'Oklahoma'	12-30 ft Ht 15-25 ft Sp	Medium	Sun to part Shade	Moist to well drained soil Purple or white flowers in Spring
Chionanthus retusus% Chinese Fringetree		12-25 ft. Ht 15-25 ft Sp	Slow	Sun to Part Shade	Well drained soil White flowers in Spring Very drought tolerant

Cornus florida Dogwood*	'Cloud 9' 'Cherokee Princess'	15-25 ft Ht 10-20 ft Sp	Slow to Medium	Sun to Part Shade	Moist to well drained soil White flowers in Spring Burgundy Fall color Performs best under irrigation.
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Cornus kousa Kousa Dogwood		15-30 ft Ht 15-30 ft Sp	Slow to Medium	Sun to Light Shade	Well drained soil White flowers in Spring
Ilex decidua Possumhaw*	'Warren's Red' 'Council Fire'	15-20 ft Ht 10-15 ft Sp	Medium	Sun to Light Shade	Moist to well drained soil. Red berries in Fall and Winter
Lagerstromia indica% Crepe Myrtle	'Apalachee' 'Catawba' 'Osage' 'Seminole' 'Sioux' 'Tuskegee' 'Yuma'	10-30 ft Ht 10-25 ft Sp	Fast	Sun	Well drained soil Blooms in Smmer
Magnolia stellata Star Magnolia		15-20 ft Ht 10-15 ft Sp	Slow	Sun to Light Shade	Well drained soil White or pink flowers in Spring
Magnolia x soulangiana Saucer Magnolia		20-30 ft Ht 15-25 ft Sp	Medium	Sun to Light Shade	Pink flowers in Spring
Prunus campanulata% 'Okame' Cherry		15-30 ft Ht 15-30 ft Sp	Medium	Sun to Light Shade	Well drained soil Pink flowers in Spring More drought tolerant than most flowering cherries.
Prunus mume Japanese Flowering Apricot		15-25 ft Ht 15-25 ft Sp	Medium	Sun to Light Shade	Well drained soil Pink, Red or White flowers in Winter
Prunus serrulata Japanese Flowering Cherry	'Kwanzan'	20-30 ft Ht 20-30 ft Sp	Medium	Sun to Light Shade	Well drained soil Pink flowers in Spring

					Performs best under irrigation.
Prunus x yedoensis Yoshino Cherry		15-25 ft Ht 15-25 ft Sp	Medium	Sun to Light Shade	Well drained soil Light Pink flowers in Spring Performs best under irrigation.
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Styrax japonicus Japanese Snowbell	'Emerald Pagoda' 'Pink Chimes'	20-30 ft Ht 20-30 ft Sp	Medium	Sun to Part Shade	Well drained soil White or Pink flowers in Spring Performs best under irrigation.
Viburnum prunifolium Blackhaw Viburnum*		10-20 ft Ht 10-15 ft Sp	Medium	Sun to part Shade	Moist to well drained soil White flowers in Spring Edible black fruit in Fall
Vitex agnus-castus% Chastetree		15-20 ft Ht 10-15 ft Sp	Medium	Sun	Well drained soil Pink or Lavender blue flowers in Summer Very drought tolerant

Evergreen Species

Botanical/ Common Name	Recommended Varieties	Height/Spread At Full Maturity	Growth Rate	Exposure	Notes & Culture
Butia capitata Pindo palm		10-15 ft Ht 10-15 ft Sp	Medium	Sun to Light Shade	Moist to well drained soil
Eriobotrya japonica Loquat		15-20 ft Ht 15-20 ft Sp	Medium	Sun to light Shade	Well drained soil Fragrant white flowers in Fall
Ilex Hybrids% Red Hollies	'Oakleaf' 'Cardinal' 'Robin' 'Liberty' 'Patriot'	10-15 ft Ht 8-15 ft Sp	Medium	Sun to light Shade	Well drained soil

Ilex latifolia Lusterleaf holly		20-25 ft Ht 15-20 ft Sp	Medium	Sun to Part Shade	Well drained soil Red berries in Fall and Winter
Ilex opaca American Holly*		20-30 ft Ht 15-20 ft Sp	Slow	Sun to Part Shade	Moist to well drained soil Red berries in Fall and Winter
Ilex vomitoria% Yaupon Holly*	'Hoskin's shadow' 'Kathy Ann' 'Katherine'	15-20 ft Ht 10-15 ft Sp	Medium to Fast	Sun to Light Shade	Moist to Xeric soils Red Orange or Yellow berries in Fall and Winter
Botanical/ Common Name	**Recommended Varieties**	**Height/Spread At Full Maturity**	**Growth Rate**	**Exposure**	**Notes & Culture**
Ilex x attenuata% Topel Holly*	'Savannah' 'Foster's #2' 'East Palatka'	20-30 ft Ht 10-15 ft Sp	Medium	Sun to Part Shade	Moist to well drained soils Red berries in Fall and Winter
Ilex x 'Nellie R. Stevens'% Nellie Stevens Holly		15-25 ft Ht 10-15 ft Sp	Medium	Sun to Part Shade	Moist to well drained soils Red berries in Fall and Winter
Magnolia grandiflora 'Little Gem'% Little Gem Magnolia*		15-25 ft Ht 10-15 ft Sp	Slow to Medium	Sun to Part Shade	Moist to well drained soils Fragrant White flowers in Summer
Magnolia virginiana Sweet Bay Magnolia*		20-30 ft Ht 10-20 ft Sp	Medium to Fast	Sun to Part Shade	Moist to well drained soil Fragrant White flowers in Spring Moderately evergreen – may lose most of its foliage in harsh winters
Myrica cerifera% Southern Wax Myrtle*		10-20 ft Ht 10-20 ft Sp	Fast	Sun to Light Shade	Wet to Xeric soil Blue-Black berries on female plants in winter
Prunus caroliniana% Carolina Cherry Laurel*		15-30 ft Ht 15-20 ft Sp	Fast	Sun to Light Shade	Well drained to Xeric soil White flowers in Spring
Osmanthus fragrans Fragrant Tea Olive		15-30 ft Ht 8-15 ft Sp	Medium	Sun to Light Shade	Moist to well drained soil Fragrant White flowers in Fall and Winter May be grown as a large shrub or small tree
Osmanthus fortunei		15-25 ft Ht 8-20 ft Sp	Medium to Fast	Sun to Light Shade	Moist to well drained soil

Fortune's Osmanthus					May be grown as a large shrub or small tree
Sabal palmetto Palmetto Palm*		10-30 ft Ht 10-15 ft Sp	Slow	Sun to Part Shade	Moist to well drained soil

Native Plants*

Plants native to Southeastern USA are marked with an asterisk (*). These plants are endemic to Southeastern United States from Virginia to eastern Texas.

Trees recommended for parking islands %

Trees marked with a percent sign (%) indicates which trees are most likely to be successful in limited root zone areas (parking lot islands). Some of the others are great trees for our area (ie. Red Maple and American beech) but they just are not going to make it in parking lots. This does not mean they should not be considered for larger planting spaces such as common areas, buffer plantings or large islands.

Drought Tolerant Plants

Extremely drought tolerant plants are marked with an underline. When planted in their preferred soil type, these plants are able to withstand extended periods of drought, 4-6 weeks, without supplemental irrigation once established. Most trees and shrubs take two to three growing seasons to become fully established. Perennials, grasses and groundcovers usually require one to two seasons to become established. Regular supplemental water should be provided until plants become established.

Mature Size

Mature sizes of all plants are given as height and spread, though it may take many years to reach these dimensions. Mature size can vary depending on growing conditions.

Recommended Varieties

For many plants, recommended varieties are given. These are selections of that plant that either perform better in our area or are more suitable to the landscape than the plain species. Plant varieties, also known as cultivars, are listed enclosed in single quotes.

Exposure

Exposure refers to the amount of sunlight a site receives as follows:

- **Full Sun** indicates a site that receives at least 6-8 hours of direct sun each day.
- **Light Shade** indicates a site that is shaded less than half of the day by a light high shade such as that cast by pine trees.
- **Part Shade** indicates a site that is shaded half of the day by a dense shade like that cast by buildings or shade trees.
- **Full Shade** indicates a site that is in shade all day.

Soil Conditions

- **Wet** indicates a site that stays moist most of the time and receives periodic flooding

Carlene Shaw

From: Travis Henley
Sent: Tuesday, August 3, 2021 6:23 PM
To: Doug Shipley; Dee Turner; Gideon Smith; Zach White; Samantha R. Hermann
Cc: Carlene Shaw; Greg Feldman
Subject: Re: Potential Tree Mitigation Dollars

The other potential option here is that if we're earmarking the money for trees, the Board of Adjustment could say that the applicant for the variance is required to mitigate his significant trees on County property instead of providing the funds - like, make him plant the trees himself with coordination with facilities and parks.

Travis Henley, MPA, CFM | Director
Pender County Planning & Community Development
805 S. Walker St.
Burgaw, NC 28425
(910) 259-2110

PENDER COUNTY NC

For Online Permitting, Please Visit the PORT

From: Doug Shipley <dshipley@pendercountync.gov>
Sent: Tuesday, August 3, 2021 5:56 PM
To: Dee Turner <dturner@pendercountync.gov>; Gideon Smith <gsmith@pendercountync.gov>; Zach White <zwhite@pendercountync.gov>; Samantha R. Hermann <shermann@pendercountync.gov>
Cc: Travis Henley <thenley@pendercountync.gov>; Carlene Shaw <cshaw@pendercountync.gov>; Greg Feldman <gfeldman@pendercountync.gov>
Subject: Re: Potential Tree Mitigation Dollars

Does the fee in lieu have to come to the County or could it come to the Parks Foundation of Pender County? As a 501 (c)(3)... there may be benefits to the donor. There may be reasons why this can't be allowed but figured I would throw that out there. The Parks Foundation of Pender County would certainly see to it that the money is designated specifically for trees.

Thanks!

Doug Shipley
Assistant County Manager
Pender County, NC
805 S. Walker Street
Burgaw, NC 28425
(910) 259-1200 (Office)

(757) 238-5770 (Mobile)
www.pendercountync.gov

From: Dee Turner <dturner@pendercountync.gov>
Sent: Tuesday, August 3, 2021 4:01 PM
To: Gideon Smith <gsmith@pendercountync.gov>; Doug Shipley <dshipley@pendercountync.gov>; Zach White <zwhite@pendercountync.gov>; Samantha R. Hermann <shermann@pendercountync.gov>
Cc: Travis Henley <thenley@pendercountync.gov>; Carlene Shaw <cshaw@pendercountync.gov>; Greg Feldman <gfeldman@pendercountync.gov>
Subject: Re: Potential Tree Mitigation Dollars

Gideon,

I am in favor of doing a fee in lieu of for tree mitigation. Hampstead Kiwanis Park and Pender Memorial Park are in need of trees for shade. Also, the Morton Property will need trees since it has been farmland for years so it does not have any trees.

Thank you for presenting this idea to us!
Dee

***Dee Turner*, CPRP**
Parks and Recreation Supervisor

PO Box 5
805 S. Walker Street
Burgaw, NC 28425
910-663-3769 (office)
910-471-2250 (cell)
www.pendercountync.gov

From: Gideon Smith <gsmith@pendercountync.gov>
Sent: Tuesday, August 3, 2021 3:35 PM
To: Doug Shipley <dshipley@pendercountync.gov>; Dee Turner <dturner@pendercountync.gov>; Zach White <zwhite@pendercountync.gov>; Samantha R. Hermann <shermann@pendercountync.gov>
Cc: Travis Henley <thenley@pendercountync.gov>; Carlene Shaw <cshaw@pendercountync.gov>; Greg Feldman

<gfeldman@pendercountync.gov>
Subject: Potential Tree Mitigation Dollars

Good afternoon everyone,

We are currently processing an application that may involve the Parks and Recreation department more than in the past. There is a proposed self-storage facility on about 4 acres of land along Williams Store Road (PIN 3293-53-4323-0000; see attached). Based on the provided tree survey, there are between 65-80 trees proposed to be removed that are classified as significant trees. Our ordinance requires significant trees to be mitigated by replanting 2x the number of trees removed.

The reason I reach out to you all is because the property owner has requested relief from our ordinance, via a variance request, because he does not think that he can replant the required mitigation trees on the Williams Store Road site. During preliminary discussions with the property owner, I indicated that surrounding jurisdictions have provisions in their ordinances that allow a payment/fee in lieu option when mitigation trees cannot be replanted on site. The funds from the payment in lieu option typically go to the jurisdiction's Parks & Recreation department or a specific account that Parks and Recreation access. The idea behind allocating funds to a Parks and Recreation department is to have that department determine the public spaces that could use additional trees (i.e. use the funds to plant trees in public spaces).

Since our ordinance does not have an option to allow for a payment in lieu for mitigation trees that cannot be planted on site, would you all even be amenable to accepting private dollars for tree mitigation and use it to plant trees in our parks and other public spaces?

We currently have a similar payment in lieu provision for recreational units (i.e. subdivision amenity areas, walking paths, etc.). These funds are received by the county and are allowed to be used for the acquisition or development of recreation, park, or open spaces that will benefit the new subdivision residents. If the Board of Adjustment were to allow a payment in lieu for tree mitigation, I foresee these mitigation dollars being used in a similar fashion.

Please feel free to reach out to discuss further or if you need clarification.

Thanks,
Gideon

Gideon Smith | Senior Planner
Pender County Planning & Community Development
(910) 259-1529
gsmith@pendercountync.gov
805 S. Walker Street,
Burgaw, NC 28425

PENDER COUNTY NC

www.pendercountync.gov

From: cjonescpa@aol.com <cjonescpa@aol.com>
Sent: Tuesday, July 20, 2021 8:08 PM
To: Gideon Smith <gsmith@pendercountync.gov>
Cc: Jimmy Fentress <jfentress@stroudengineer.com>; 'Christopher Jones' <cdukejones@yahoo.com>
Subject: [External]RE: [External]Hampstead Self Storage Williams Store Road Annex

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gideon-
Here is my rough draft of a response to our meeting. This is very long so bear with me. A good business letter is supposed to be limited in length. This email does not accomplish that.

This is a rough draft and as such any feedback would be appreciated. Essentially there seems like there is no end to the need for mitigation. We really do not have any realistic room for planting replacement trees. This is because of the distance between trees that is required if we plant them correctly. You can see this in my draft response below. To correctly plant these trees we need approximately 35' between the trees (some references say 40'). When you have a site with lots of trees that grew up in the wild, you get them too close together. There are a number of trees on site that are dead and broken off from being too close to other trees. Bunched up live oak and oak trees are not necessarily aesthetically pleasing to the eye. Another limitation is the 20' Duke Energy easement that surrounds the property which limits the appropriateness of the types of trees planted in the easement. We can plant trees inside the easement but Duke Energy would prefer that we not.

It seems to me that central to the need for an ordinance are two main factors- 1. The aesthetical considerations and 2. Climate Change. I mentioned this earlier, but we are surrounded by people who do not care about the aesthetics- the back of a shopping and four houses that are impacted. When I brought this up you mentioned that future homeowners might care and we needed to factor that in today. This is true but if a future buyer was interested in living in one of the houses, they would know in advance what they would be looking at when they acquired the property. And we can plant sufficient landscaping to hide the effect of the facility- it just will not include large trees. Another problem with the mitigation requirement in the ordinance is that many of these trees might be

planted in a location inside the site where there was no visual impact to the outside viewer.

Climate change is another consideration if one believes that man is the primary source of that change. It's very tabu in some circles to get into a discussion about climate change. My response would be that allowing us to plant trees in other areas of the county could be used as a mitigating factor to offset any adverse impact on the climate. If climate change is a concern, why a two for one planting on the same property? That would be totally illogical and unnecessary.

Perhaps there are other concerns that are additional reasons for the ordinance. But in general, these factors can be overcome without complying with the ordinance as written- hence the justification for the variance. Personally I don't see the rationale for a 2 for 1 mitigation requirement. That appears more to be a penalty against development than anything else. It will take a while for these trees to reach maturity so in the interim one might argue that there is some minor impact on the climate. Planting 1 tree in a healthy manner should quickly replace any adverse impact. Doubling the trees in a haphazard manner does not make sense and might result in a poor final outcome for all the trees.

Lastly I would like to relay an interaction I had with the post office. We moved our mailbox 100' south where several other mailboxes were. This would keep the postman from having to stop twice and driving on our grass along HWY 17. I went into the Hampstead post office to tell them what I had (innocently) done and the postmistress said we could not do that. I protested politely explaining why I moved it and that it was better for the post office to only stop once along a busy highway- it just made common sense. Without flinching, her immediate response was that "the post office does not use common sense". It was so spontaneous and without a hint of humor that I think she was serious. My final request would be for the application of some good governmental oversight and common sense in your consideration for a variance.

DRAFT:
Gideon-
After our meeting of July 7, I am writing to follow up on our variance request for the Williams Store Road site. I thought I would outline some of the facts

surrounding the site and how those facts interact with the ordinance. This is a lengthy summary but there are a lot of variables in this situation that are not covered or contemplated in the ordinance. I have also briefly summarized some of the variance alternatives.

FACTS AND OBSERVATIONS

Duke-Energy

- We are giving Duke-Energy a twenty foot (20') easement on the left back property line, the rear property line and the back right or eastern property line. Our storm water pond is platted to be in the right front quarter of the site. Duke-Energy's plan is to bury their power lines on the outside of this easement. We have increased the usual set back to 20' instead of the allowable 10' to accommodate Duke-Energy's easement requirements.
- This setback is coincidentally about 336' feet across the back and 336' on each side of the property. The remaining frontage is absorbed by the storm water pond, the road frontage, and the front left portion of the property that Duke-Energy will not disturb. An important fact in this easement is that it totals approximately 1,050 linear feet.
- Duke-Energy does not have any specific requirements such as to what can be planted on their easement. They do want to see that they have full access and that the roots of trees and plants interweaving themselves around their buried line are minimized. This has a tremendous impact on the best landscaping in this area and limits our ability to comply with the significant tree ordinance. Not planting large trees in the easement is a preference of Duke-Energy but planting large trees is not prohibited.
- There is an alternative that we leave the power lines overhead, but that prevents even more the ability to plant oak trees around the perimeter. We have started to consider this alternative to save us some money. We would save money by not having to bury the power lines.

Planting Consideration of Oak Trees

Here is some instructions on planting live oak trees from Doug Tallamy, a professor of entomology at the University of Delaware:
Chosen as the state tree of Georgia, live oaks are one of the most popular trees in the southern United States.

- For this reason, spacing live oaks properly is of considerable importance.

- Educate yourself about the live oak. Be certain you're planting it in a climate conducive to its needs. Live oaks do best in the lower Coastal Plain of the southeastern United States.
- Consider how big the tree will get. The live oak is the broadest spreading of all oaks. Its canopy will spread to almost twice the tree's height. At its mature height of 40 to 60 feet, its canopy will spread anywhere from 80 to 120 feet.
- Consider the surrounding area. With knowledge of the tree's ultimate size, look for power lines, nearby buildings, fences, streets and sidewalks. When planting near paved areas, leave at least 5 to 6 feet of sod between paved areas and the tree. This allows the roots to spread without interfering with the paving.
- Planting several live oaks in one area requires thoughtful spacing. Remember that each tree's canopy will be in excess of 80 feet. Trees should be planted no closer than 30 feet apart. (*I found a lot of other references to plant them 40 feet apart*.) The live oak is a fast grower, gaining 2 to 2 ½ feet in height per year. In 10 years the tree's canopy will be 50 feet wide.

Application of Ordinance

The application of the ordinance as written will require us to plant approximately 126 trees. If we plant these trees around the perimeter of the property in the Duke-Energy easement, it would mean that the trees would be spaced approximately 8.33 feet apart. That is a wee bit less than the 30 to 40 foot recommended spacing. We can do that, fulfilling the requirements of the ordinance, but at a future cost of unmanageable tree growth. If we go to a one for one planting we would still plant the trees only 16.66 feet apart- still not a recommended solution. All these plantings would be in the only available areas on the site (the Duke-Energy Easement), and would contravene the recommendations of Duke-Energy for plantings in their easements. If we planted the trees at the 30 to 40 foot separation distance across the entire site, we would effectively turn the site into a live oak and oak nursery making the site undevelopable. If we were asked to eliminate a building and plant trees instead, the number of trees we could plant 35 feet apart would be quite minimal. We have illustrated this on Site Plan Alternative A.

It is my vague and perhaps incorrect understanding that the preparation of some of this ordinance was generated by a quasi-governmental or non-profit agency for

one of the state agencies. It is not clear to me why the ordinance requires a two for one replanting. This seems punitive with no real purpose except to discourage development. Why is it not three to one? Or one to one. One to one makes sense to me. Also, the ordinance does not give any consideration of the visual impact that planting alternative smaller trees and shrubs could have. It is my sense that the unintended consequences of the ordinance were not considered when it was written. Someone or an organization or agency in Raleigh with perhaps little real world experience could hardly understand what impacts a broad-based, comprehensive, inflexible ordinance might have on a small tract of commercial land behind a strip shopping center in a small community like Hampstead. It might work in a highly populated city like Raleigh, Charlotte, or Greensboro but in a predominately rural county like Pender County it seems out of place without more flexibility being built into the ordinance.

<u>Our Request for a Variance to Comply with the Ordinance</u>

It would be our request to start with a blank canvas around the perimeter of the property. We will would keep the existing trees where possible as indicated on Site Plan Alternative B, and judiciously plant a few live oak trees where practical. We would supplement these plantings with alternative native NC trees and shrubs that would not grow as large but would still provide the buffer and esthetic enhancement objectives of the ordinance. Some examples would be:

American Fringe Tree  Dogwood 

And the Wax Myrtle Tree 

Supplementing these appropriately spaced plantings approximately 20 feet apart would be the planting of buffer shrubs native to NC like **Arrowwood Viburnum** (**Viburnum** dentatum) a rounded deciduous shrub that typically matures between 6 and 10 feet tall and wide, making it an ideal plant for hedging.



And the Silky Dogwood 

We are suggesting that we plant the smaller trees every 20 feet and the shrubs between these smaller trees. Between the live oaks that we are not disturbing, the live oaks we are planting, and the smaller trees and shrubs, we will have a landscaping effect that accomplishes the objectives of the ordinance and provides an attractive buffer to the adjoining properties. Leaving the old, large oak trees along the front and front left of the property and planting a few new live oak trees, we expect the view along Williams Store Rd. to be far above average in attractiveness.

So to summarize our observations and request for a variance we have six (6) different alternatives.

1. A variance is not granted and we plant either a live oak or an oak tree as required every 8.33 feet around the perimeter of the property within the Duke-Energy easement (Site Plan C)

2. A variance is granted for a one to one replacement and we plant a live oak tree or oak tree every 16.66 feet around the property.

3. A variance is granted to take into account the limited planting spaces, we plant live oak trees on the few limited spots available, and plant small trees and large shrubs as indicated above. We make a donation to the parks and recreation department to compensate for not fulfilling all the requirements of the variance. This is our preferred alternative.

4. We change the location of the Duke-Energy power lines to overhead lines (saving us costs in development) limiting our ability to plant trees around the property at all and we plant tall and small shrubs around the perimeter. This would require a variance since the two for one replacement could not be met. We would donate to the parks and recreation department money that was saved by not replanting trees and that donation could be used to plant trees where the general public could better enjoy them.

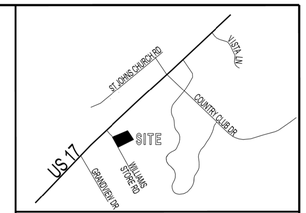
5. A variance is granted taking into account the application of several of these alternatives in various parts of the site and any deficiency in mitigation would be compensated by a donation to the Parks and Recreation Department. The combination of these alternatives would be designed in collaboration with the planning department.

6. Lastly, I could be lined up against a brick wall and my fellow investors could take turns breaking my knee caps with a baseball bat. With that punishment for not foreseeing this significant tree difficulty as thoroughly as I should have, I would probably decide not to pursue development of the property and it could lay fallow. I would probably decide to stick to preparing tax returns in my CPA practice and managing my client's stock portfolios, not attempting to develop property in the future. This is not a preferable option, at least to me.

Attachments:
Site Plan A Planting of trees 35 feet apart
Site Plan B Our suggested preferred solution to an attractive and functional landscaping plan
Site Plan C Planting of trees 8.33 feet apart around the perimeter
Site Plan D Planting of trees 16.66 feet apart around the perimeter

Site Plan E Picture of broken knee caps (this attachment is not available at this time)

SITE DATA	
TRACT AREA	3.9 AC
ZONING	GB
PIN	3293-53-4323-0000
FRONT BLDG SETBACK	25 FT
SIDE BLDG SETBACK	10 FT
REAR BLDG SETBACK	10 FT
MAX BUILDING HEIGHT	40 FT
CAMA LAND USE CLASSIFICATION	VACANT
PREDOMINANT SCS SOIL TYPE	Fa-FORESTON LOAMY FINE SAND
RIVER BASIN	ICW
RECEIVING STREAM	OLD TOPSAIL CREEK
STREAM CLASS	SA-HQW
IMPERVIOUS AREA BREAKDOWN	
PARKING/DRIVE AISLE	54,378 SF
BUILDINGS (8)	70,100 SF
WALKS	0 SF
RESERVE	0 SF
TOTAL IMPERVIOUS	124,478 SF
TOTAL % IMPERVIOUS	73.3%
LIMITS OF DISTURBANCE	4 AC
PERVIOUS GRAVEL BOAT/RV PARKING AREA	0 SF



VICINITY MAP
NTS

NF
COASTLINE STATION, LLC
DB 3690 PG 095
ZONE: GB
USE: COM

NF
JOHN W NIXON
DB 848 PG 99
ZONE: GB
USE: RES

NF
BARNES SONS, INC
DB 647PG 77
ZONE: GB
USE: VET CLINIC

NF
WILLIAM BABTIST CHURCH
DB 193 PG 441
ZONE: O&I
USE: CHURCH

NF
RANDALL RDENS
DB 4226, PG. 91
ZONE: GB
USE: BUS

NF
NICOLE RENEE INVESTMENTS INC
DB 4342 PG 177
ZONE: GB
USE: BUS

NF
LEE A JONES, L/E
DB 4380 PG 211
ZONE: GB
USE: RES

NF
MARVIN FULLER
DB 468 PG 139
ZONE: GB
USE: RES

NF
SRS OF HAM N STEAD, LLC
DB 4120 PG 229
ZONE: GB
USE: RES

NF
CHARLES BUSH JR.
DB 4591 PG 149
ZONE: RP
USE: RES

NF
ALVIN LARNELL BATTS
DB 607PG 114
ZONE: RP
USE: RES

20' POWER EASEMENT
DUKE/PROGRESS

WILLIAMS STORE ROAD
60' R.O.W.

117 MAXIUM MITIGATING OAK TREES ON 35' CENTERS

GRAPHIC SCALE: 1" = 30'

MAXIUM MITIGATION SCENARIO EXHIBIT

HAMPSTEAD SELF STORAGE
AT WILLIAMS STORE ROAD

TOPSAIL TOWNSHIP PENDER COUNTY NORTH CAROLINA

OWNER: HAMPSTEAD SELF STORAGE, LLC
ADDRESS: 100 EAST LAKE DRIVE, GREENSBORO, NC 27403
PHONE: 336-379-0300

STROUD ENGINEERING, P.A. C-0647
102-D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
(910) 815-0775 (910) 815-0593 FAX

DESIGNED: JHF
DRAWN: JHF
APPROVED: JHF
DATE: 2/10/2021
SCALE: 1" = 30'
SHEET 1 OF 1

PROJECT NO.: PH-1516
DRAWING NO.: H:/MASTER/PH-1516/dgn/dlm_site.dgn

Pender County
VAR 2021-06

TO:	Board of Adjustment
FROM:	Carlene Shaw
DATE:	November 17, 2021
SUBJECT:	VAR 2021-06

SUMMARY:
Demetrius Batts, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 4.14, 'Zoning District Dimensional Requirements'. Specifically, the request is to seek relief from the RP, Residential Performance zoning district minimum yard setbacks. The subject property is located at the terminus of the Hardison Drive right-of-way, approximately 500 feet southeast of its intersection with US HWY 17 in the Topsail Township and may be further identified by Pender County PIN: 4226-63-6320-0000.

ACTION REQUESTED:
Approval of Variance

ATTACHMENTS:
VAR 2021-06 Staff Report
VAR 2021-06 Application
VAR 2021-06 Narrative
VAR 2021-06 Proposed Location of Dwelling Survey
VAR 2021-06 Applicant's Alternative Option 1 Survey
VAR 2021-06 Applicant's Alternative Option 2 Survey
VAR 2021-06 Applicant's Alternative Option 3 Survey
VAR 2021-06 Attachment 1 - NC DOT Acquisition
VAR 2021-06 Attachment 2 - VAR 2021-6 NC DOT Correspondence

STAFF REPORT FOR VAR 2021-06
VARIANCE APPLICATION

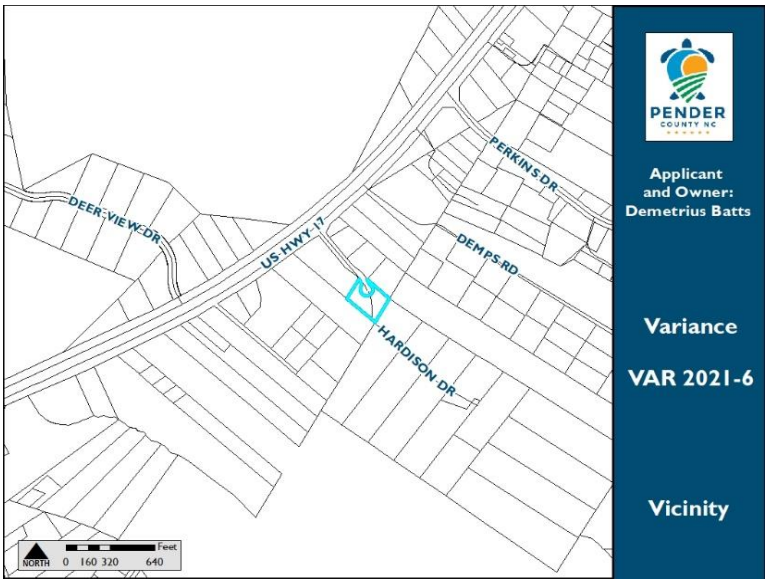
APPLICATION SUMMARY	
Case Number	VAR 2021-06
Hearing Date	November 17, 2021 Board of Adjustment
Applicant	Demetrius Batts
Property Owner	Demetrius Batts
Parcel Identification Number	4226-63-6320-0000
Acreage	1.03
Township	Topsail
Zoning District	RP, Residential Performance
Pender 2.0 Future Land Use Category	Medium Density Residential

VARIANCE PROPOSAL

Demetrius Batts, applicant and owner, is requesting a variance for relief from the Pender County Unified Development Ordinance standards outlined in Section 4.14, 'Zoning District Dimensional Requirements'. Specifically, the request is to seek relief from the RP, Residential Performance zoning district minimum yard setbacks.

LOCATION

The subject property is located at the terminus of the Hardison Drive right-of-way, approximately 500 feet southeast of its intersection with US HWY 17 in the Topsail Township.



VARIANCE DESCRIPTION

The subject property is Lot 12-A of the Family Subdivision for Lee Edward and Mary E. Batts as recorded at Map Book 66 Page 118 of the Pender County Registry. The subject property is currently vacant, with the western portion remaining wooded, and the eastern portion being cleared.

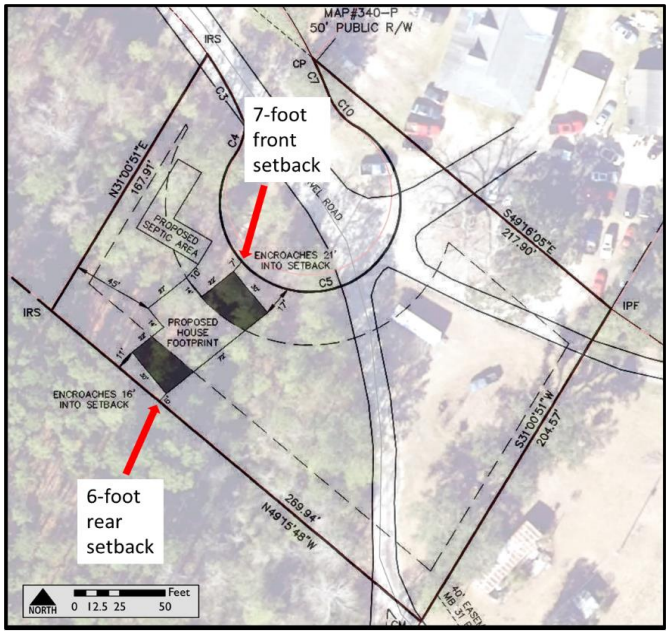
Below: Aerial Photograph of Subject Property



The applicant is requesting a variance from the minimum front and rear yard setback requirements in the RP, Residential Performance Zoning District. Section 4.14 'Zoning District Dimensional Requirements' of the Pender County Unified Development Ordinance (UDO) outlines the minimum setbacks for the RP, Residential Performance zoning district. Staff has provided these minimum standards as well as the proposed standards associated with this request.

RP, RESIDENTIAL PERFORMANCE ZONING DISTRICT SETBACKS		PROPOSED SETBACKS FOR VARIANCE REQUEST
Front	30 feet	7 feet (23' encroachment)
Side (West)	10 feet	45 feet (0' encroachment)
Side (East)	10 feet	~162 feet (0' encroachment)
Corners	15 feet	N/A
Rear	25 feet	6 feet (19' encroachment)

Below: Variance Request – Proposed Location of Dwelling



BACKGROUND

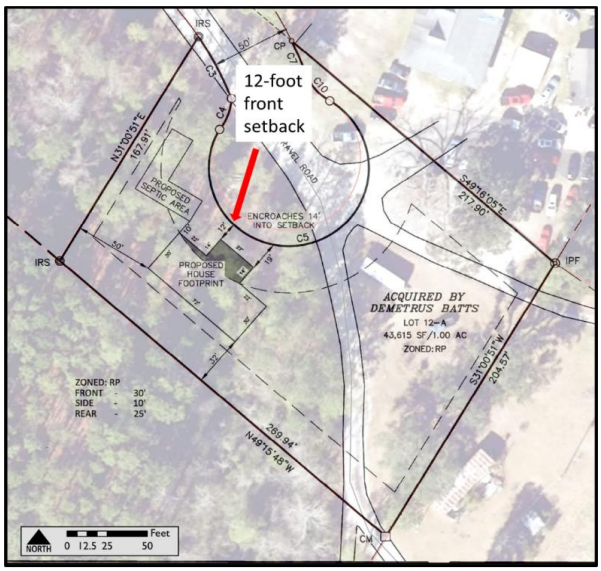
A portion of the northwest corner of the subject property was acquired by NC Department of Transportation (NCDOT) as a right-of-way to be used as a turnaround point for local traffic, with the finalized path of the road drawn in April of 2014. Please see Attachment 1 for the survey of the Proposed Secondary Road Addition. Due to this acquisition, as well as multiple gravel driveways on the eastern portion of the property that serve as access for neighboring properties (according to Map Book 31 Page 90 of the Pender County Registry), the applicant cannot meet setback requirements for the RP, Residential Performance zoning district for a proposed single-family dwelling. In addition, the neighboring properties to the east of the subject property have a 45' access easement that bisects the eastern half of the applicant's property.

According to NCDOT's Functional Classification Map, Hardison Drive is currently a State-maintained, local road that connects to US HWY 17, a Principal Arterial Road. See Attachment 2 for an explanation from NCDOT staff on the current state of Hardison Drive and additional details, including why it was acquired and future maintenance improvements.

ALTERNATIVE OPTIONS

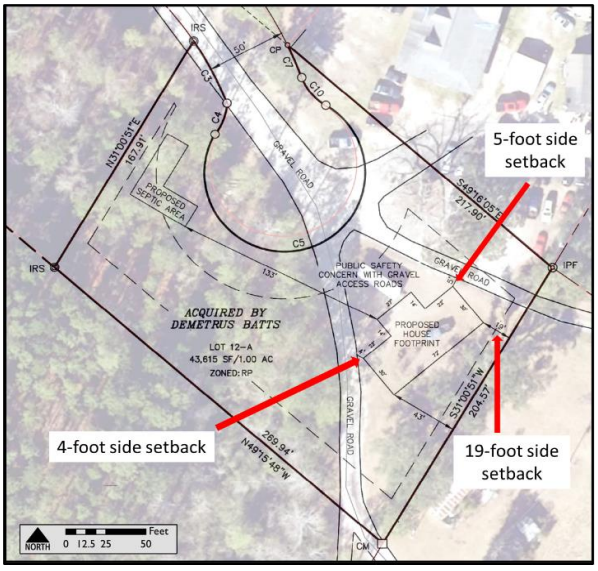
The applicant has also submitted three other possible scenarios for the location of the proposed dwelling. Alternative Option 1, having the dwelling facing the north, would inhibit the applicant from being able to have a back porch due to additional required setback encroachment.

Below: Applicant's Alternative Option 1

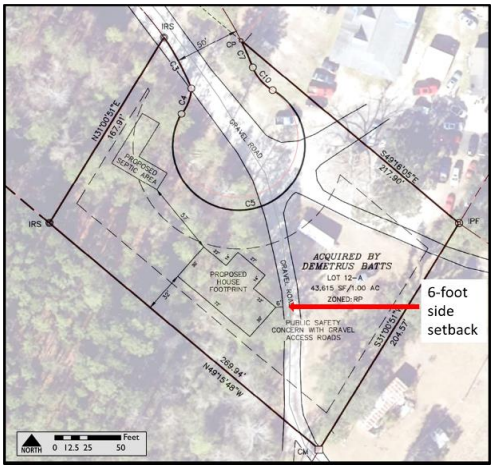


Alternatively, placing the dwelling on the eastern side of the property, shown in Alternative Options 2 and 3, would not meet setback requirements for both access easements and property boundaries.

Below: Applicant's Alternative Option 2



Below: Applicant's Alternative Option 3



If a variance is granted by the Board of Adjustment, the applicant must still meet all requirements in Pender County's Unified Development Ordinance, including submitting all necessary permits prior to any zoning approval. Any neighborhood covenants or restrictions are private agreements not enforced by the County.

ZONING ADMINISTRATOR'S CONCLUSION

The applicant is requesting a minimum front yard setback of seven feet and a minimum rear yard setback of six feet. The applicant has also submitted three other alternative locations of the proposed dwelling for consideration. The first alternative option would require relief from the minimum front setback requirement of 30 feet, requesting a setback of 12 feet. The second alternative would require relief from the minimum side and rear setbacks of 10 feet and 25 feet, respectfully. This alternative option would request a setback of 5 feet on the northern side of the house, 4 feet on the southern side of the house, and 19 feet on the rear. The final alternative option would require relief from the minimum side setback for 10 feet, requesting a setback of 6 feet.

RP, RESIDENTIAL PERFORMANCE SETBACKS		PRIMARY PROPOSED DWELLING LOCATION	ALTERNATIVE OPTION 1	ALTERNATIVE OPTION 2	ALTERNATIVE OPTION 3
MINIMUM SETBACKS		PROPOSED SETBACKS			
Front	30 feet	7 feet	12 feet	61 feet	33 feet
Sides	10 feet	West: 45 feet	West: 50 feet	North: 5 feet	West: 106 feet
Sides	10 feet	East: 162 feet	East: 147 feet	West: 4 feet	East: 6 feet
Corners	15 feet	N/A	N/A	N/A	N/A
Rear	25 feet	6 feet	32 feet	19 feet	32 feet

The applicant is requesting relief from the minimum setback requirements for the RP, Residential Performance zoning district due to constrictions of the property's boundaries from a right-of-way acquisition by NCDOT and access easements that bisect the eastern side of the property.

PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE

3.14 VARIANCE

3.14.1 Applicability

A. The Board of Adjustment may vary certain requirements of this Ordinance, in harmony with the
general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.
B. The Board of Adjustment may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.
C. No variance shall be permitted that would have the effect of allowing a use not permitted in the use table of Section 5.2.3.
D. No variance shall be permitted that would allow a project to exceed the maximum density as to number of dwelling units to the acre in a Zoning District. This maximum density shall be inclusive of any density bonus allowance or additional units in a planned unit development.
E. The need for the variance cannot be a result of the owner's own actions and cannot be for strictly economic reasons.
F. The Board of Adjustment may grant variances in the following special circumstances, as indicated in Section 3.14.7 of this Ordinance.

3.14.6 Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues.

3.14.7 Findings

In granting any variance, the Board of Adjustment shall make the following findings:

A. That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;
   1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
   2) The hardship results from conditions that are peculiar to the property, such as location, size, topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship.
4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved. B. In making the findings above, the Board of Adjustment may give special weight to the number and percentage of nearby properties that share characteristics for which the variance is requested by the applicant. The Board of Adjustment may grant a variance to expand an existing structure, including the expansion of a nonconforming structure if the findings listed above can be made.

B. In making the findings above, the Board of Adjustment may give special weight to the number and percentage of nearby properties that share characteristics for which the variance is requested by the applicant. The Board of Adjustment may grant a variance to expand an existing structure, including the expansion of a nonconforming structure if the findings listed above can be made.

BOARD OF ADJUSTMENT: FINDING OF FACTS

1. It is the Board's CONCLUSION that the hardship of which the applicant complains **results/does not result** from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
   a. This conclusion is based on the following FINDINGS OF FACT:

2. It is the Board's CONCLUSION that, the hardship **results/does not result** from conditions that are peculiar to the property, such as location, size, topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
   a. This conclusion is based on the following FINDINGS OF FACT:

3. It is the Board's CONCLUSION that the hardship **results/does not result** from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship.
   a. This conclusion is based on the following FINDINGS OF FACT:

4. It is the Board's CONCLUSION that, the requested variance is **consistent/not consistent** with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.
   a. This conclusion is based on all of the FINDINGS OF FACT:

BOARD OF ADJUSTMENT ACTION FOR VARIANCE

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Kipfer	Breuer	Nelson	Rivenbark	ALT: Olsen	ALT: Snider

DocuSign Envelope ID: 4C72A40F-41E1-4C97-9432-B6C3900C7461

Pender County
Planning and Community Development

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

Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

Variance Submission

Applications will be considered for the Board of Adjustment hearing and reviewed by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. _____ **Pre-submittal Meeting**
   Date of Meeting _____
2. _____ **Signed Application**
3. _____ **Payment**
   $250
4. _____ **Narrative**
   A narrative shall be submitted to include the specific Ordinance Section for the requested variance.
5. _____ **Digital Submission**
   For all documents submitted in paper copy, bring a digital copy with paper submission.
6. _____ **Adjacent Property List**
   The applicant shall provide a list of the owners of all properties located within 500-feet of the perimeter of the project bounds.
7. _____ **Adjacent Property Envelopes**
   The applicant shall provide a set of business envelopes addressed to each owner of all properties located within 500-feet of the perimeter of the project bounds accompanied with the amount of postage required for first class postage.

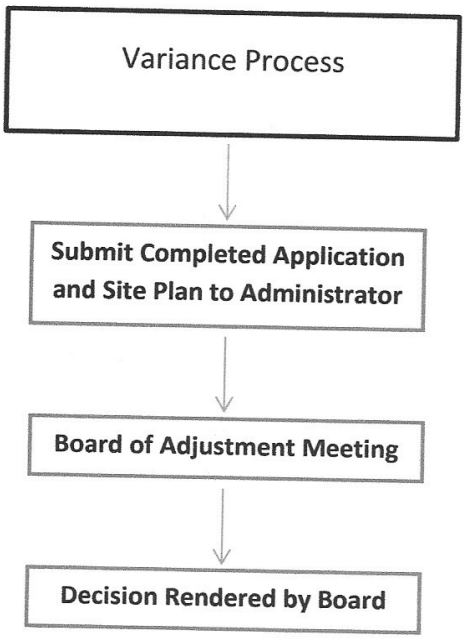
I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant _____ Date _____

Printed Name Demetrios Batis

Staff Initials: _____
Date: _____

DocuSign Envelope ID: 4C72A40F-41E1-4C97-9432-B6C3900C7461



DocuSign Envelope ID: 4C72A40F-41E1-4C97-9432-B6C3900C7461

		Deadline	Meeting Date
BOA	January	12.6.19	1.15.20
	February	1.3.20	2.19.20
	March	2.7.20	3.18.20
	April	3.6.20	4.15.20
	May	4.3.20	5.20.20
	June	5.1.20	6.17.20
	July	6.5.20	7.15.20
	August	6.26.20	8.19.20
	September	8.7.20	9.16.20
	October	8.28.20	10.21.20
	November	10.2.20	11.18.20
	December	11.6.20	12.16.20

Complete Application Date: All documents must be received by 12PM on the deadline date to be considered a complete application.

DocuSign Envelope ID: 4C72A40F-41E1-4C97-9432-B6C3900C7461

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Planning and Community Development

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

Phone: 910-259-1202
Fax: 910-259-1295
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VARIANCE APPLICATION

Applicability

A. The Board of Adjustment may vary certain requirements of this Ordinance, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property.

B. The Board of Adjustment may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.

C. No variance shall be permitted that would have the effect of allowing a use not permitted in the use table in Section 5.2.3.

D. No variance shall be permitted that would allow a project to exceed the maximum density as to number of dwelling units to the acre in a Zoning District. This maximum density shall be inclusive of any density bonus allowance or additional units in a planned unit development.

E. The need for the variance cannot be a result of the owner's own actions and cannot be for strictly economic reasons. The Board of Adjustment may grant variances in the following special circumstances, as indicated elsewhere in this Ordinance.

Findings

In granting any variance, the Board of Adjustment shall make the following findings:

A. That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. The hardship results from conditions that are peculiar to the property, such as location, size, and topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting of a variance shall not be regarded as a self-created hardship;
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

B. In making the findings above, the Board of Adjustment may give special weight to the number and percentage of nearby properties that share characteristics for which the variance is requested by the applicant. The Board of Adjustment may grant a variance to expand an existing structure, including the expansion of a nonconforming structure if the findings listed above can be made.

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APPLICATION FOR VARIANCE

THIS SECTION FOR OFFICE USE			
Application No.	VA	**Date**	
Application Fee	$	**Invoice Number:**	

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Demetrius Batts	**Owner's Name:**	Demetrius Batts
Applicant's Address:	2454 NC Hwy 210 East	**Owner's Address:**	2454 NC Hwy 210 East
City, State, & Zip	Hampstead NC 28443	**City, State, & Zip**	Hampstead NC 28443
Phone Number:	910-612-9119	**Phone Number:**	910-612-9119
Email Address:	meat1201@aol.com	**Email Address:**	meat1201@aol.com
Legal relationship of applicant to landowner:			

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	4226-63-6320-0000	**Total property acreage:**	1.00
Zoning Classification:	RP	**Variance Size:**	1.00
Variance Location & Address	40 Hardison Drive Hampstead NC 28443		
Describe Variance and amount or type requested:	The proposed house can only sit in one area of the property to prevent blocking existing access roads to neighboring homes. Within said area the house will encroach into minimum building setback lines.		

SECTION 3: SIGNATURES			
Applicant's Signature	DocuSigned by: 980335552398 48E	**Date:**	9/21/2021
Applicant's Name Printed	Demetrius Batts	**Date:**	
Owner's Signature	DocuSigned by: 980335552398 48E	**Date:**	9/21/2021
Owner's Name Printed	Demetrius Batts	**Date:**	

NOTICE TO APPLICANT:

1. The Board of Adjustment shall review applications for a variance and shall be the approving authority for all requirements.
2. All applicants seeking a variance shall schedule a pre-application conference with the administrator to discuss the procedures, standards, and regulations required for variance approval.
3. An application for a variance shall be submitted in accordance with application requirements.
4. Once the application has been determined complete, the Administrator shall schedule a public hearing and give notice to adjoining/abutting property owners and aggrieved parties in the form of applicant supplied #10 envelopes with paid first class postage.
5. The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below (Findings), as well as the burden of persuasion on those issues.
6. Applicant must also submit the information described in the Variance Checklist provided below.
7. Applicant or agent authorized in writing must attend the public hearing.
8. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Adjustment agrees to table or delay the hearing.

OFFICE USE ONLY

☐ **VA Fees $250**		**Total Fee Calculation $**
Payment Method :	**Cash :** ☐ $_____	**Credit Card:** ☐ Master Card ☐ Visa / **Check:** ☐ Check # _____
Application received by:		Date:

DocuSign Envelope ID: 4C72A40F-41E1-4C97-9432-B6C3900C7461

Application completeness approved by:		Date:	9/21/2021
Date scheduled for public hearing:			

Demetrius Batts 9/2/2021

40 Hardison Drive

Hampstead, NC 28443

(910)612-9119

Narrative required with Application for Variance of Article 4.14-Zoning District Dimensional Requirements, RP/Minimum Front Yard 30', Side Yard 10', and Rear Yard 25' setbacks.

Demetrius Batts ask for variance to the above setback requirements to be reduced for the purpose of constructing a home with a building envelope of approximately 72'LX44'W.

The current lot is restricted by a proposed NCDOT cul-de-sac to the North and two (2) existing access gravel roads to the east which serve neighboring homes to the south and east.

Due to the shape of the lot, specifically the proposed NCDOT cul-de-sac to the north, Mr. Batts cannot maintain the 30' setback from the front (northern) property line if a setback of 25' from the rear (southern) property line is maintained. Also, due to the existing access gravel roads to the east, a placement of the house on the eastern side of the lot will result in a public safety hazard for the Batts family and for vehicles traveling to neighboring homes. Also, the septic field has been approved for the western side of the lot only, any other placement of the house would result in a pump being installed to pump uphill to the approved septic location.

Mr. Batts appreciates your consideration in this variance application process. At the end of the day there is only one location on the lot that the newly constructed home can be placed. The example plot plan will be presented at the time of the hearing.

CERTIFICATION

I, DWIGHT E. ASHLEY, CERTIFY THAT THIS PLOT PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1564, PAGE 249); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES; THAT THE RATIO OF PRECISION IS 1: 10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 26TH DAY OF AUGUST, A.D., 2021.

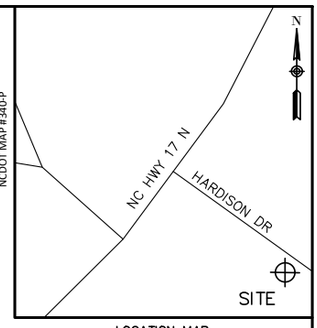
Dwight Ashley

DWIGHT E. ASHLEY, PLS L-5263

N

NAD 83 (NSRS 2011)
NCDOT MAP #340-P

AREA TABLE	ACRES	SQ. FT.
HOUSE FOOTPRINT		2,520



LOCATION MAP
(NOT TO SCALE)

NORTH CAROLINA PROFESSIONAL SEAL L-5263 LAND SURVEYOR DWIGHT E. ASHLEY

HARDISON DRIVE
ADDITION NCDOT
MAP#340-P
50' PUBLIC R/W

LEE EDWARD & MARY E. BATTS
PIN: 4226-63-4530-0000
DB 1564 PG 249
TOTAL AREA LOT 12:
133,466 SF/3.06 AC
REMAINING AREA LOT 12:
89,851 SF/2.06 AC
ZONED: RP

JAMIE PERRY JACOBS
PIN: 4226-63-7560-0000
DB 3245 PG 349

ACQUIRED BY DEMETRUS BATTS
LOT 12-A
43,615 SF/1.00 AC
ZONED: RP

RUDOLPH BATTS
PIN: 4226-62-6848-0000
DB 4593 PG 22

IRS
IPF
CM
CP
R/W
C2
C3
C4
C5
C7
C10
50'
N31°00'51"E 167.91'
S49°16'05"E 217.90'
S31°00'51"W 204.57'
N49°15'48"W 269.94'
GRAVEL ROAD
PROPOSED SEPTIC AREA
PROPOSED HOUSE FOOTPRINT
ENCROACHES 21' INTO SETBACK
ENCROACHES 16' INTO SETBACK
40' EASEMENT MB 31 PG 90

ZONED: RP
FRONT - 30'
SIDE - 10'
REAR - 25'

Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C2	83.46'	205.00'	N45°29'34"W	82.88'
C3	44.91'	205.00'	N27°33'13"W	44.82'
C4	21.35'	35.00'	N20°42'06"E	21.02'
C5	234.82'	50.00'	N75°11'01"E	71.27'
C7	22.72'	255.00'	N23°14'17"W	22.71'
C10	23.65'	35.00'	S40°05'38"E	23.20'

ABBREVIATIONS:
DB - DEED BOOK
MB - MAP BOOK
R/W - RIGHT OF WAY
SF - SQUARE FEET
AC - ACRES
CP - COMPUTED POINT

LEGEND

- IRON PIPE FOUND (IPF)
- IRON REBAR SET (IRS)
- IRON PIPE SET (IPS)
- CONCRETE MONUMENT (CM)
- NCDOT MONUMENT
- BOUNDARY PARCEL
- STREET RIGHT OF WAY
- ADJACENT PARCEL
- SETBACK LINE
- OVERHEAD LINE
- EASEMENT LINE

NOTES

1. THE PURPOSE OF THIS SURVEY IS FOR PLOT PLAN ONLY ON LOT 12-A.
2. AREA BY COORDINATE COMPUTATION METHOD.
3. ALL DISTANCES ARE US SURVEY FOOT HORIZONTAL GROUND DISTANCES (UNLESS OTHERWISE NOTED).
4. PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, AND AGREEMENTS OF RECORD THAT MAY BE REVEALED IN A FULL TITLE REPORT. A FULL TITLE SEARCH WAS NOT PERFORMED AS PART OF THIS SURVEY.
5. LOT 12-A DOES NOT APPEAR TO BE LOCATED IN A SPECIAL FLOOD HAZARD ZONE, (ZONE "X") AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 3720422600J, MAP EFFECTIVE 02/16/2007 AND https://fris.nc.gov..
6. BUILDING SETBACKS REFERENCED FROM PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE (UDO) SECTION 4.14 FOR ZONING DISTRICT "RP".
7. HOUSE FOOTPRINT AND SEPTIC AREA PROVIDED BY OTHERS.

PLOT PLAN FOR:
DEMETRUS BATTS
LOT 12-A
BATTS FAMILY SUBDIVISION
40 HARDISON DRIVE
HAMPSTEAD, NC 28443
PIN: 4226-63-6320-0000

SCALE: 1"=50' 25 0 25 50 75 JOB: 012-002

TOPSAIL TOWNSHIP | PENDER COUNTY

LAND SURVEYOR:
DWIGHT E. ASHLEY, PLS

2017 OYSTER CATCHER DRIVE
HAMPSTEAD, NC 28443
TELEPHONE NO. (910)520-3420
LICENSE: L-5263

CERTIFICATION

I, DWIGHT E. ASHLEY, CERTIFY THAT THIS PLOT PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1564, PAGE 249); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES; THAT THE RATIO OF PRECISION IS 1: 10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 26TH DAY OF AUGUST, A.D., 2021.

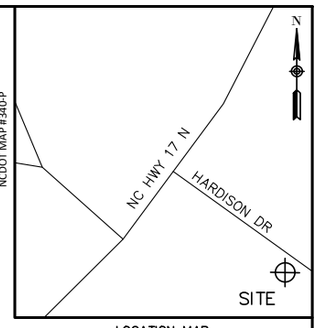
Dwight Ashley

DWIGHT E. ASHLEY, PLS L-5263

N

NAD 83 (NSRS 2011)
NCDOT MAP #340-P

AREA TABLE	ACRES	SQ. FT.
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LOCATION MAP
(NOT TO SCALE)

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HARDISON DRIVE
ADDITION NCDOT
MAP#340-P
50' PUBLIC R/W

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PIN: 4226-63-7560-0000
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ACQUIRED BY DEMETRUS BATTS
LOT 12-A
43,615 SF/1.00 AC
ZONED: RP

RUDOLPH BATTS
PIN: 4226-62-6848-0000
DB 4593 PG 22

IRS
IPF
CM
CP
PROPOSED SEPTIC AREA
PROPOSED HOUSE FOOTPRINT
ENCROACHES 14' INTO SETBACK
GRAVEL ROAD
40' EASEMENT MB 31 PG 90

N31°00'51"E 167.91'
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S31°00'51"W 204.57'
N49°15'48"W 269.94'

ZONED: RP
FRONT - 30'
SIDE - 10'
REAR - 25'

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DEMETRUS BATTS
LOT 12-A
BATTS FAMILY SUBDIVISION
40 HARDISON DRIVE
HAMPSTEAD, NC 28443
PIN: 4226-63-6320-0000

SCALE: 1"=50' (25 0 25 50 75) JOB: 012-002

TOPSAIL TOWNSHIP | PENDER COUNTY

LAND SURVEYOR:
DWIGHT E. ASHLEY, PLS

2017 OYSTER CATCHER DRIVE
HAMPSTEAD, NC 28443
TELEPHONE NO. (910)520-3420
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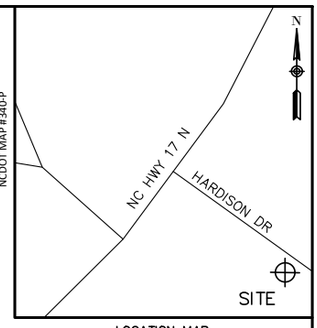
Dwight Ashley

DWIGHT E. ASHLEY, PLS L-5263

N

NAD 83 (NSRS 2011)
NCDOT MAP #340-P

AREA TABLE	ACRES	SQ. FT.
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(NOT TO SCALE)

NORTH CAROLINA PROFESSIONAL SEAL L-5263 LAND SURVEYOR DWIGHT E. ASHLEY

HARDISON DRIVE
ADDITION NCDOT
MAP#340–P
50' PUBLIC R/W

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ACQUIRED BY DEMETRUS BATTS
LOT 12–A
43,615 SF/1.00 AC
ZONED: RP

ZONED: RP
FRONT - 30'
SIDE - 10'
REAR - 25'

PROPOSED SEPTIC AREA
PROPOSED HOUSE FOOTPRINT
GRAVEL ROAD
PUBLIC SAFETY CONCERN WITH GRAVEL ACCESS ROADS

RUDOLPH BATTS
PIN: 4226–62–6848–0000
DB 4593 PG 22

40' EASEMENT MB 31 PG 90

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C4	21.35'	35.00'	N20°42'06"E	21.02'
C5	234.82'	50.00'	N75°11'01"E	71.27'
C7	22.72'	255.00'	N23°14'17"W	22.71'
C10	23.65'	35.00'	S40°05'38"E	23.20'

ABBREVIATIONS:
DB - DEED BOOK
MB - MAP BOOK
R/W - RIGHT OF WAY
SF - SQUARE FEET
AC - ACRES
CP - COMPUTED POINT

LEGEND

- IRON PIPE FOUND (IPF)
- IRON REBAR SET (IRS)
- IRON PIPE SET (IPS)
- CONCRETE MONUMENT (CM)
- NCDOT MONUMENT
- BOUNDARY PARCEL
- STREET RIGHT OF WAY
- ADJACENT PARCEL
- SETBACK LINE
- OVERHEAD LINE
- EASEMENT LINE

NOTES

1. THE PURPOSE OF THIS SURVEY IS FOR PLOT PLAN ONLY ON LOT 12-A.
2. AREA BY COORDINATE COMPUTATION METHOD.
3. ALL DISTANCES ARE US SURVEY FOOT HORIZONTAL GROUND DISTANCES (UNLESS OTHERWISE NOTED).
4. PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, AND AGREEMENTS OF RECORD THAT MAY BE REVEALED IN A FULL TITLE REPORT. A FULL TITLE SEARCH WAS NOT PERFORMED AS PART OF THIS SURVEY.
5. LOT 12-A DOES NOT APPEAR TO BE LOCATED IN A SPECIAL FLOOD HAZARD ZONE, (ZONE "X") AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP 3720422600J, MAP EFFECTIVE 02/16/2007 AND https://fris.nc.gov..
6. BUILDING SETBACKS REFERENCED FROM PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE (UDO) SECTION 4.14 FOR ZONING DISTRICT "RP".
7. HOUSE FOOTPRINT AND SEPTIC AREA PROVIDED BY OTHERS.

PLOT PLAN FOR:
DEMETRUS BATTS
LOT 12–A
BATTS FAMILY SUBDIVISION
40 HARDISON DRIVE
HAMPSTEAD, NC 28443
PIN: 4226–63–6320–0000

SCALE: 1"=50' (25 0 25 50 75) JOB: 012–002

TOPSAIL TOWNSHIP | PENDER COUNTY

LAND SURVEYOR:
DWIGHT E. ASHLEY, PLS

2017 OYSTER CATCHER DRIVE
HAMPSTEAD, NC 28443
TELEPHONE NO. (910)520–3420
LICENSE: L–5263

CERTIFICATION

I, DWIGHT E. ASHLEY, CERTIFY THAT THIS PLOT PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1564, PAGE 249); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES; THAT THE RATIO OF PRECISION IS 1: 10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 26TH DAY OF AUGUST, A.D., 2021.

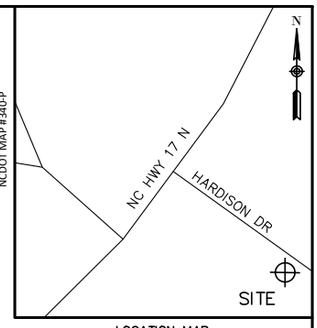
Dwight Ashley

DWIGHT E. ASHLEY, PLS L-5263

N

NAD 83 (NSRS 2011)
NCDOT MAP #340-P

AREA TABLE	ACRES	SQ. FT.
HOUSE FOOTPRINT		2,520



LOCATION MAP
(NOT TO SCALE)

NORTH CAROLINA PROFESSIONAL SEAL L-5263 LAND SURVEYOR DWIGHT E. ASHLEY

HARDISON DRIVE
ADDITION NCDOT
MAP#340-P
50' PUBLIC R/W

LEE EDWARD & MARY E. BATTS
PIN: 4226-63-4530-0000
DB 1564 PG 249
TOTAL AREA LOT 12:
133,466 SF/3.06 AC
REMAINING AREA LOT 12:
89,851 SF/2.06 AC
ZONED: RP

JAMIE PERRY JACOBS
PIN: 4226-63-7560-0000
DB 3245 PG 349

ACQUIRED BY DEMETRUS BATTS
LOT 12-A
43,615 SF/1.00 AC
ZONED: RP

RUDOLPH BATTS
PIN: 4226-62-6848-0000
DB 4593 PG 22

ZONED: RP
FRONT - 30'
SIDE - 10'
REAR - 25'

PROPOSED SEPTIC AREA
PROPOSED HOUSE FOOTPRINT
GRAVEL ROAD
PUBLIC SAFETY CONCERN WITH GRAVEL ACCESS ROADS
40' EASEMENT MB 31 PG 90

IRS
IPF
CM
CP

N31°00'51"E 167.91'
S49°16'05"E 217.90'
S31°00'51"W 204.57'
N49°15'48"W 269.94'

Curve Table				
Curve #	Length	Radius	Chord Direction	Chord Length
C2	83.46'	205.00'	N45°29'34"W	82.88'
C3	44.91'	205.00'	N27°33'13"W	44.82'
C4	21.35'	35.00'	N20°42'06"E	21.02'
C5	234.82'	50.00'	N75°11'01"E	71.27'
C7	22.72'	255.00'	N23°14'17"W	22.71'
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LEGEND

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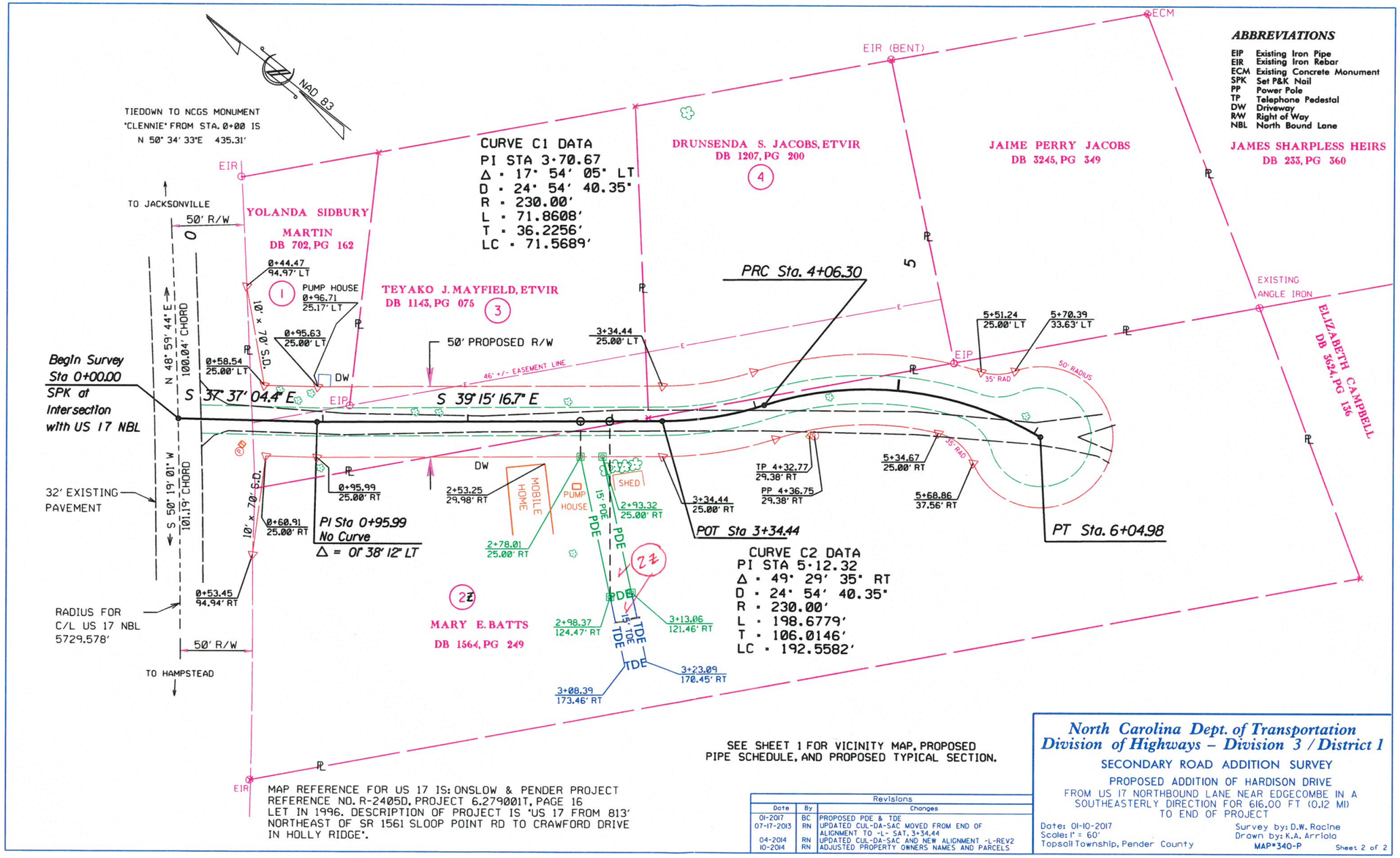
PLOT PLAN FOR:
DEMETRUS BATTS
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40 HARDISON DRIVE
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PIN: 4226-63-6320-0000

SCALE: 1"=50' (25 0 25 50 75) JOB: 012-002

TOPSAIL TOWNSHIP | PENDER COUNTY

LAND SURVEYOR:
DWIGHT E. ASHLEY, PLS

2017 OYSTER CATCHER DRIVE
HAMPSTEAD, NC 28443
TELEPHONE NO. (910)520-3420
LICENSE: L-5263


NAD 83
TIEDOWN TO NCGS MONUMENT
"CLENNIE" FROM STA. 0+00 IS
N 50° 34' 33"E 435.31'
TO JACKSONVILLE
50' R/W
EIR
YOLANDA SIDBURY MARTIN
DB 702, PG 162
CURVE C1 DATA
PI STA 3+70.67
Δ = 17° 54' 05" LT
D = 24° 54' 40.35"
R = 230.00'
L = 71.8608'
T = 36.2256'
LC = 71.5689'
DRUNSENDA S. JACOBS, ETVIR
DB 1207, PG 200
4
EIR (BENT)
ECM
JAIME PERRY JACOBS
DB 3245, PG 349
JAMES SHARPLESS HEIRS
DB 233, PG 360
ABBREVIATIONS
EIP Existing Iron Pipe
EIR Existing Iron Rebar
ECM Existing Concrete Monument
SPK Set P&K Nail
PP Power Pole
TP Telephone Pedestal
DW Driveway
R/W Right of Way
NBL North Bound Lane
PRC Sta. 4+06.30
TEYAKO J. MAYFIELD, ETVIR
DB 1143, PG 075
3
EXISTING ANGLE IRON
ELIZABETH CAMPBELL
DB 3624, PG 136
0+44.47
94.97' LT
PUMP HOUSE
0+96.71
25.17' LT
0+95.63
25.00' LT
10' x 70' S.D.
0+58.54
25.00' LT
DW
50' PROPOSED R/W
3+34.44
25.00' LT
46' +/- EASEMENT LINE
5+51.24
25.00' LT
5+70.39
33.63' LT
EIP
35' RAD
50' RADIUS
Begin Survey
Sta 0+00.00
SPK at
Intersection
with US 17 NBL
N 48° 59' 44" E
100.04' CHORD
S 37° 37' 04.4" E
S 39° 15' 16.7" E
32' EXISTING PAVEMENT
S 50° 19' 01" W
101.19' CHORD
0+95.99
25.00' RT
DW
2+53.25
29.98' RT
MOBILE HOME
PUMP HOUSE
SHED
15' PDE
2+93.32
25.00' RT
TP 4+32.77
29.38' RT
PP 4+36.75
29.38' RT
5+34.67
25.00' RT
35' RAD
5+68.86
37.56' RT
0+60.91
25.00' RT
PI Sta 0+95.99
No Curve
Δ = 01° 38' 12" LT
2+78.01
25.00' RT
3+34.44
25.00' RT
POT Sta 3+34.44
PT Sta. 6+04.98
CURVE C2 DATA
PI STA 5+12.32
Δ = 49° 29' 35" RT
D = 24° 54' 40.35"
R = 230.00'
L = 198.6779'
T = 106.0146'
LC = 192.5582'
22
MARY E. BATTS
DB 1564, PG 249
2+98.37
124.47' RT
3+13.06
121.46' RT
3+23.09
170.45' RT
3+08.39
173.46' RT
TDE
0+53.45
94.94' RT
RADIUS FOR
C/L US 17 NBL
5729.578'
50' R/W
TO HAMPSTEAD
EIR
MAP REFERENCE FOR US 17 IS: ONSLOW & PENDER PROJECT REFERENCE NO. R-2405D, PROJECT 6.279001T, PAGE 16 LET IN 1996. DESCRIPTION OF PROJECT IS "US 17 FROM 813' NORTHEAST OF SR 1561 SLOOP POINT RD TO CRAWFORD DRIVE IN HOLLY RIDGE".
SEE SHEET 1 FOR VICINITY MAP, PROPOSED PIPE SCHEDULE, AND PROPOSED TYPICAL SECTION.
Revisions
Date | By | Changes
01-2017 | BC | PROPOSED PDE & TDE
07-17-2013 | RN | UPDATED CUL-DA-SAC MOVED FROM END OF ALIGNMENT TO -L- SAT. 3+34.44
04-2014 | RN | UPDATED CUL-DA-SAC AND NEW ALIGNMENT -L-REV2
10-2014 | RN | ADJUSTED PROPERTY OWNERS NAMES AND PARCELS
North Carolina Dept. of Transportation
Division of Highways – Division 3 / District 1
SECONDARY ROAD ADDITION SURVEY
PROPOSED ADDITION OF HARDISON DRIVE
FROM US 17 NORTHBOUND LANE NEAR EDGECOMBE IN A SOUTHEASTERLY DIRECTION FOR 616.00 FT (0.12 MI) TO END OF PROJECT
Date: 01-10-2017
Scale: 1" = 60'
Topsail Township, Pender County
Survey by: D.W. Racine
Drawn by: K.A. Arriola
MAP#340-P
Sheet 2 of 2

Carlene Shaw

From: Racine, Douglas W <dracine@ncdot.gov>
Sent: Thursday, September 30, 2021 4:16 PM
To: Carlene Shaw
Cc: Cumbo, Daniel R; Haste, Bradley L; Cox, Bryce A
Subject: [External]RE: [External] Hardison Drive in Hampstead

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Shaw,

Per our conversation Hardison Road is considered Pre75 road, and NCDOT obtained the 50' right of way as shown on your provided plan. The state road number for Hardison Drive is 1766. The road is ranked at 1010 on the State Paving Priority list and is ranked 8th in the Division as of 2018. We would be in support of the variance request.

Reponses to your email in red.

I am currently working on a staff report for a variance for Pender County PIN: 4226-63-6320-0000. The applicant is requesting relief from our minimum setback regulations for a dwelling on this property. The ROW that was acquired cut out a significant portion of the property, making it nearly difficult to fit a home within the property's boundaries. I was just wondering if you could explain the status of this road and the history of its acquisition process. Is the goal to extend it for access to Surf City Elementary and Middle School? No, the plan you have attached is the plan that NCDOT obtained right of way for. No extension is planned. Or is it just used as a turnaround? YES, it is just a turnaround for the road users. I saw that it is currently a state-maintained road. I just want to be as informed as possible for the hearing. Feel free to give me a call if it's easier to explain over the phone.

If you need further assistance, please contact me.

Thank you,
Douglas W. Racine
Deputy District Engineer
Division 3 District 1
North Carolina Department of Transportation

Direct Line: 910-467-0502
Main Line: 910-467-0500
dracine@ncdot.gov

295 Wilmington Hwy. Suite A
Jacksonville, NC 28540

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Carlene Shaw <cshaw@pendercountync.gov>
Sent: Thursday, September 30, 2021 3:17 PM
To: Racine, Douglas W <dracine@ncdot.gov>
Subject: [External] Hardison Drive in Hampstead

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to Report Spam.

Good afternoon,

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Thank you,

Carlene Shaw
Planner
Pender County Department of Planning & Community Development
Phone: (910)-259-1408
cshaw@pendercountync.gov

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

Pender County
APPEAL 2021-06

TO:	Board of Adjustment
FROM:	Gideon Smith
DATE:	November 17, 2021
SUBJECT:	APPEAL 2021-06

SUMMARY:
Evolve Acquisitions, LLC and Amy C. Schaefer of Lee Kaess, PLLC, applicants, on behalf of Lanwillo Development Co. and Headwaters Properties, LLC, owners, are requesting an Appeal of Administrative Decision made by the Pender County Planning Board at their September 1, 2021 regular meeting. The Pender County Planning Board voted (5-1) to deny the Master Development Plan (MDP 2021-30) that would have allowed for a mixed-use development consisting of 174 multi-family units and three commercial outparcels on 4 tracts of land totaling approximately 24.26 acres within the PD, Planned Development zoning district. The subject properties associated with both the Master Development Plan denial and the Appeal of Administrative Decision are located on the eastern side of US HWY 17 between its intersections with Hughes Road and Deerfield Drive in the Topsail Township and may be further identified by the following Pender County PINs: 3282-74-3515-0000; 3282-74-1001-0000; 3282-74-6231-0000; and 3282-74-8862-0000.

ACTION REQUESTED:
Approval of Appeal

ATTACHMENTS:
APPEAL 2021-06 Staff Report
APPEAL 2021-06 Appeal Application
APPEAL 2021-06 Attachment 1 - MDP 2021-30 Planning Board September 1, 2021 Agenda Packet
APPEAL 2021-06 Attachment 2 - MDP 2021-30 PB Action Letter 9.7.2021
APPEAL 2021-06 Attachment 3 - September 1, 2021 Planning Board Approved Minutes

PLANNING STAFF REPORT
APPEAL OF ADMINISTRATIVE DECISION

SUMMARY:

Hearing Date:	November 17, 2021
Applicant:	Evolve Acquisitions, LLC
Property Owners:	Lanwillo Development Co. Headwaters Properties, LLC
Case Number:	APPEAL 2021-06

Property Location and Description: The subject property consists of 4 tracts of land and is located on the eastern side of US HWY 17 between its intersections with Hughes Road to the south and Deerfield Drive to the north in the Topsail Township.

Zoning District of Property: The subject property is zoned PD, Planned Development zoning district.

Summary of Appeal Request: Evolve Acquisitions, LLC, applicant, on behalf of Lanwillo Development Co. and Headwaters Properties, LLC, owners, is requesting an Appeal of a Planning Board decision from case number MDP 2021-30 heard on September 1, 2021.he Planning Board voted 5-1 to deny the approval of an unnamed Master Development Plan for 174 multi-family units and three commercial outparcels.

BACKGROUND AND DESCRIPTION OF APPEAL REQUEST:
The subject properties have previously been the site of multiple development requests. A commercial Master Development Plan known as "Headwaters Town Center" was approved on January 4, 2017 by the Pender County Planning Board, and subsequently revised on October 3, 2017. The project did not move forward following Planning Board approval of the Master Development Plan revision and as such, the Master Development Plan expired on October 3, 2019. A Conditional Zoning Map Amendment application was received for the subject properties in January 2021, requesting a Conditional District that would have allowed for 294 multi-family units and three commercial outparcels. This proposal was ultimately withdrawn by the applicant on May 17, 2021.

An application for a Master Development Plan under the PD, Planned Development zoning district requirements was submitted on July 9, 2021 for the subject properties. This proposal included 174 multi-family residential units in seven multi-family structures along with three commercial outparcels along US HWY 17. The case detailed in this report was heard by the Planning Board on September 1, 2021. At this meeting, Staff recommended conditional approval based on a determination that the Master Development Plan as submitted met the standards of the Unified Development Ordinance applicable to Master Development Plans within the PD, Planned Development zoning district. The proposed conditions of approval agreed to by the applicant are found in the Staff Report presented to the Planning Board which is included as Attachment 1.

Upon the applicant presenting their application to the Planning Board, numerous members of the public spoke in opposition to the project, specifically mentioning stormwater and drainage, traffic, schools, and overall fit within the community. After lengthy discussion between the applicant and development team, the Planning Board, and Staff, a motion to deny the application carried on a 5-1 vote. Planning Staff provided the applicant a letter stating the Board's decision which is provided as Attachment 2 and the approved minutes from the September 1, 2021 meeting are found in Attachment 3.

If the Board of Adjustment grants approval of the appeal, reversing the denial of the Master Development Plan by the Board of Adjustment, the applicant must still meet all requirements in Pender County's Unified Development Ordinance and agreed upon conditions of approval, including submitting all necessary permits

prior to any subdivision or site plan approval within the Master Development Plan.

ZONING ADMINISTRATOR'S CONCLUSION:

Evolve Acquisitions, LLC, applicant, on behalf of Lanwillo Development Co. and Headwaters Properties, LLC, owners, is requesting an Appeal of a Planning Board decision made at their September 1, 2021 meeting. According to Section 3.5.4.H below, any denial of a Master Development Plan may be appealed to the Board of Adjustment within thirty (30) days of the decision.

3.5 Master Development Plan

3.5.4 Review

H. If the MDP is denied by the Planning Board, the applicant may choose to withdraw the application and resubmit it with changes as a new plan, or appeal the Planning Board's decision to Zoning Board of Adjustment.

BOARD ACTION FOR VARIANCE:

MOVED_____ SECONDED_____

APPROVED_____ DENIED_____ UNANIMOUS_____

YEA VOTES:

APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION

THIS SECTION FOR OFFICE USE			
Application No.	AAD	**Date**	
Application Fee	$	**Receipt No.**	

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Evolve Acquisitions, LLC-Mike Winstead	**Owner's Name:**	Lanwillo Development Co.
Applicant's Address:	2918-A Martinsville Road	**Owner's Address:**	2325 Tatersails Dr.
City, State, & Zip	Greensboro, NC 27408	**City, State, & Zip**	Wilmington, NC 28403
Phone Number:	910-239-9120	**Phone Number:**	910-619-0248
Legal relationship of applicant to land owner:	Applicant is the developer of the property.		

SECTION 3: SIGNATURES			
Applicant's Signature		**Date:**	9/14/21
Owner's Signature	Vice-Pres.	**Date:**	09/13/21

NOTICE TO APPLICANT:

1. Applicant must also submit the information described below in the Appeal of Administrative Decision Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Adjustment agrees to table or delay the hearing.

APPEAL OF ADMINISRATIVE DECISION CHECKLIST	
☐	Signed application form
☐	Application fee
☐	One business size envelope legibly addressed with **certified** postage for all participants for the appeal
☐	Appeal Description: Written description of the Appeal taken forward including all pertinent materials (pictures, permits, etc.)

OFFICE USE ONLY			
☐ **AAD Fees $250**		**Total Fee Calculation $**	
Payment Method :	**Cash :** ☐ $_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☐ Check # _____
Application received by:		Date:	
Application completeness approved by:		Date:	
Date scheduled for public hearing:			

Print Form

APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION

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Application No.	AAD	**Date**	
Application Fee	$	**Receipt No.**	

SECTION 1: APPLICANT INFORMATION			
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City, State, & Zip	Greensboro, NC 27408	**City, State, & Zip**	Wilmington, NC 28403
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Application completeness approved by:		Date:	
Date scheduled for public hearing:			

Print Form

APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION

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Application No.	AAD	**Date**	
Application Fee	$	**Receipt No.**	

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Evolve Acquisitions, LLC-Mike Winstead	**Owner's Name:**	Headwaters Properties, LLC
Applicant's Address:	2918-A Martinsville Road	**Owner's Address:**	113-B Military Cutoff Rd.
City, State, & Zip	Greensboro, NC 27408	**City, State, & Zip**	Wilmington, NC 28405
Phone Number:	910-239-9120	**Phone Number:**	910-256-2211
Legal relationship of applicant to land owner:	Applicant is the developer of the property.		

SECTION 3: SIGNATURES			
Applicant's Signature		**Date:**	
Owner's Signature		**Date:**	9.13.21

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OFFICE USE ONLY			
☐ **AAD Fees $250**		**Total Fee Calculation $**	
Payment Method :	**Cash :** ☐ $_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☐ Check # _____
Application received by:		Date:	
Application completeness approved by:		Date:	
Date scheduled for public hearing:			

Print Form

APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION

THIS SECTION FOR OFFICE USE			
Application No.	AAD	**Date**	
Application Fee	$	**Receipt No.**	

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Evolve Acquisitions, LLC-Mike Winstead	**Owner's Name:**	Headwaters Properties, LLC
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City, State, & Zip	Greensboro, NC 27408	**City, State, & Zip**	Wilmington, NC 28405
Phone Number:	910-239-9120	**Phone Number:**	910-256-2211
Legal relationship of applicant to land owner:	Applicant is the developer of the property.		

SECTION 3: SIGNATURES			
Applicant's Signature		**Date:**	9.14.21
Owner's Signature		**Date:**	9.13.21

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☐	Application fee
☐	One business size envelope legibly addressed with **certified** postage for all participants for the appeal
☐	Appeal Description: Written description of the Appeal taken forward including all pertinent materials (pictures, permits, etc.)

OFFICE USE ONLY			
☐	**AAD Fees $250**	**Total Fee Calculation $**	
Payment Method :	**Cash :** ☐ $_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☐ Check # _____
Application received by:		Date:	
Application completeness approved by:		Date:	
Date scheduled for public hearing:			

Print Form

AUTHORITY TO ACT

The undersigned owner(s) and applicant(s) do hereby appoint Amy C. Schaefer of Lee Kaess, PLLC to act on our behalf for the purpose of the appeal of the Master Development Plan. She is authorized to submit applications, provide supplemental information and materials, appear at hearings and any other acts related to the appeal of the Master Development Plan.

This the 13 day of September 2021.

LANWILLO DEVELOPMENT CO.

By: _____
Name: Lonnie B. Williams, Jr.
Title: President

HEADWATERS PROPERTY, LLC

By: _____
Name: H. David Swain
Title: Manager

EVOLVE ACQUISITIONS, LLC

By: _____
Name: _____
Title: _____

AUTHORITY TO ACT

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By: _____
Name: Lonnie B. Williams, Jr.
Title: President

HEADWATERS PROPERTY, LLC

By: _____
Name: H. David Swain
Title: Manager

EVOLVE ACQUISITIONS, LLC

By: _____
Name: MICHAEL WINSTEAD JR
Title: MANAGER

APPEAL DESCRIPTION

Pursuant to Pender County Unified Development Ordinance, Section 3.5.4.H, the Applicant, Evolve Acquisitions, LLC joining with Property Owners, Lanwillo Development Co. and Headwaters Properties, LLC hereby provide notice of appeal of the Planning Board's denial of the Master Development Plan ("MDP 2021-30") for a mixed-use development on 24.26 acres on the eastern side of US Highway 17 as more fully described in the attached letter dated September 7, 2021. Also attached, please find a copy of the application and staff report for MDP 2021-30.

Pender County
Planning and Community Development

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

Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

September 7, 2021

Evolve Companies, LLC
Mike Winstead, Jr.
2012 Eastwood Road
Wilmington, NC 28403

VIA EMAIL: mike@evolvecos.com

RE: MDP 2021-30 – Evolve Headwaters Apartments Master Development Plan

Mr. Winstead,

At their September 1, 2021 meeting, the Pender County Planning Board voted (5-1) to deny the Master Development Plan (MDP 2021-30) that would have allowed for a mixed-use development consisting of 174 multi-family residential units and three commercial outparcels on 4 tracts of land totaling approximately 24.26 acres within the PD, Planned Development zoning district. The subject site is located on the eastern side of US HWY 17 between its intersections with Hughes Road and Deerfield Drive in the Topsail Township and may be further identified by Pender County PINs 3282-74-3515-0000; 3282-74-1001-0000; 3282-74-6231-0000; and 3282-74-8862-0000.

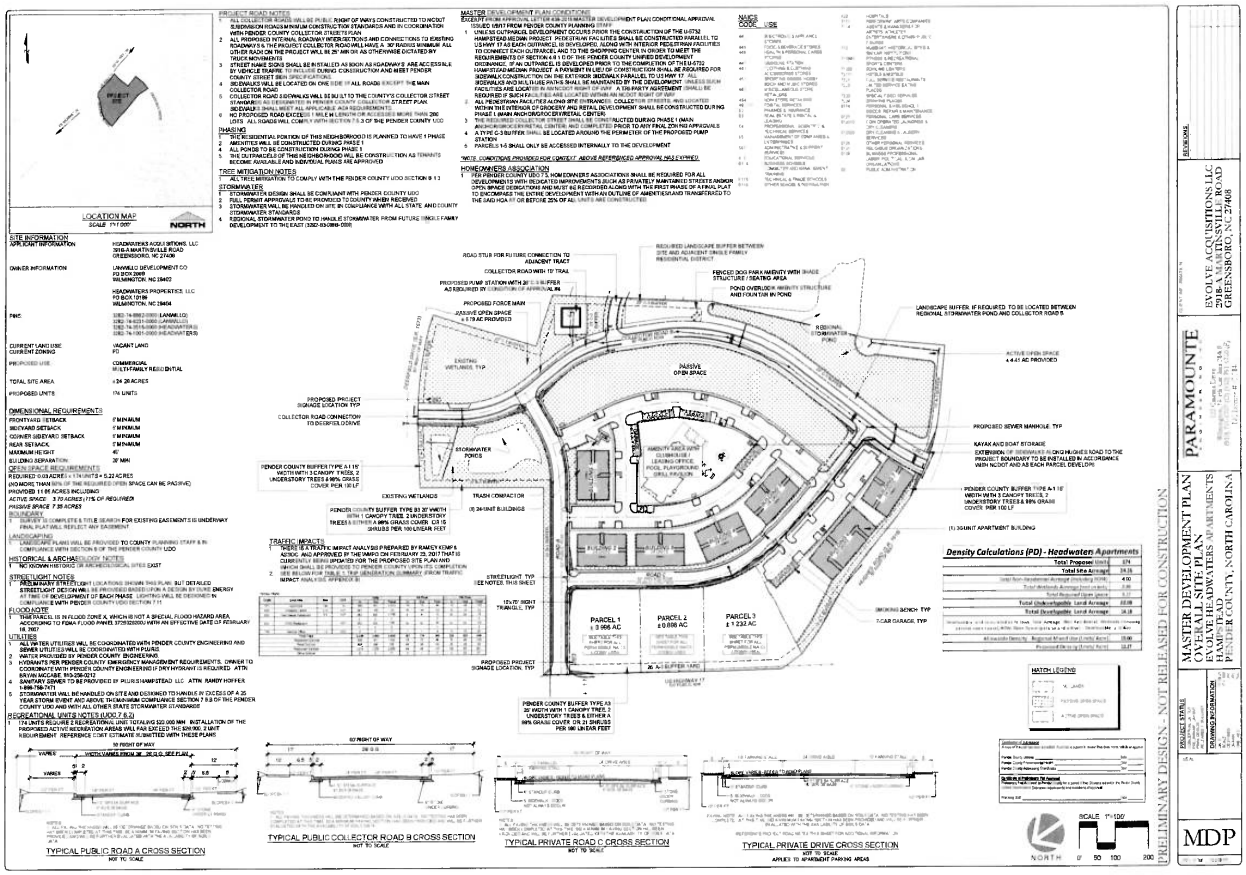
If you would like to appeal the Planning Board's decision to the Pender County Board of Adjustment, please submit an appeal of administrative decision application within 30 days of receipt of the decision in order to be scheduled for the next regular meeting.

If you have any questions or concerns, please do not hesitate to contact me at (910) 259-1529 or gsmith@pendercountync.gov.

Sincerely,

Gideon Smith
Senior Planner

cc: Amy Schaefer, Lee Kaess, PLLC (amy@leekaess.com)


PROJECT ROAD NOTES
MASTER DEVELOPMENT PLAN CONDITIONS
SITE INFORMATION
LOCATION MAP
SCALE: 1"=1000'
NORTH
TYPICAL PUBLIC ROAD A CROSS SECTION
NOT TO SCALE
TYPICAL PUBLIC COLLECTOR ROAD B CROSS SECTION
NOT TO SCALE
TYPICAL PRIVATE ROAD C CROSS SECTION
NOT TO SCALE
TYPICAL PRIVATE DRIVE CROSS SECTION
NOT TO SCALE
APPLIES TO APARTMENT PARKING AREAS
Density Calculations (PD) - Headwaters Apartments
PARCEL 1
± 3.956 AC
PARCEL 2
± 0.886 AC
PARCEL 3
± 1.232 AC
PROPOSED FORCE MAIN
PROPOSED PUMP STATION WITH 20' U.E.
PROPOSED PROJECT SIGNAGE LOCATION TYP
COLLECTOR ROAD CONNECTION TO DESIRED DRIVE
STORMWATER PONDS
EXISTING WETLANDS
TRASH COMPACTOR
(5) 24-UNIT BUILDINGS
(1) 30-UNIT APARTMENT BUILDING
PROPOSED SEWER MANHOLE, TYP
KAYAK AND BOAT STORAGE
PENDER COUNTY BUFFER TYPE A-1 15' WIDTH WITH 5 CANOPY TREES, 2 UNDERSTORY TREES & 99% GRASS COVER PER 100 LF
PENDER COUNTY BUFFER TYPE B1 30' WIDTH WITH 1 CANOPY TREE, 3 UNDERSTORY TREES & EITHER A 99% GRASS COVER OR 21 SHRUBS PER 100 LINEAR FEET
PENDER COUNTY BUFFER TYPE B3 30' WIDTH WITH 3 CANOPY TREES, 4 UNDERSTORY TREES & EITHER A 99% GRASS COVER OR 21 SHRUBS PER 100 LINEAR FEET
EVOLVE ACQUISITIONS LLC
2918-A MARTINSVILLE ROAD
GREENSBORO, NC 27406
PARAMOUNTE
MASTER DEVELOPMENT PLAN
LOT 1 SITE IMPROVEMENTS
EVOLVE HEADWATERS APARTMENTS
HAMPSTEAD
PENDER COUNTY, NORTH CAROLINA
PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION
MDP

Pender County
Planning and Community Development

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

Phone: 910-259-1202
Fax: 910-259-1295
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Planned Development & Residential Mixed Zoning Districts
Master Development Plan Submission

Applications will be considered for the Technical Review Committee hearing and reviewed by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. ✓ **Pre-submittal Meeting**
   Date of Meeting 6/4
2. ✓ **Signed Application**
3. ✓ **Payment**
   $500 plus $10 per acre for the first 100 acres, $5 per acre thereafter
4. ✓ **Paper Plan Sets**
   One (1) 24 x 36, Fifteen (15) 11 x 17
5. ✓ **Digital Submission**
   For all documents submitted in paper copy, bring a digital copy with paper submission.
6. ✓ **Adjacent Property List**
   A list of names and addresses, as obtained from the county tax listings and tax abstract, to the owners of all properties located within 500-feet of the of the perimeter of the project bounds.
7. ✓ **Adjacent Property Envelopes**
   The applicant shall provide a set of business envelopes addressed to each of the owners of all properties located within 500-feet of the perimeter of the project bounds and accompanied with the amount of postage required for first class postage.
8. ✓ **Permits**
   Please include any permits issued on the project including but not limited to: environmental, traffic analysis, utility, or other site specific conditions.
9. ✓ **Site Plan Requirements**
   A prepared site plan in accordance with ~~the~~ Unified Development Ordinance standards 6.1, Pender County Collector Street Plan, Pender County Transportation Plan, other approved State of Federal Transportation Improvement Plan, or any other adopted plan in Pender County.
   (See Master Development Plan Checklist)

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant _____ Date 7/8/21

Printed Name Mike Winstead Jr.

Staff Initials:	
Date:	

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP	**Date**	
Application Fee	$	**Invoice Number:**	
Pre-Application Conference		**Hearing Date**	

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	MIKE WINSTEAD	**Owner's Name:**	HEADWATERS PROPERTIES, LLC
Applicant's Address:	2012 EASTWOOD ROAD	**Owner's Address:**	113-B MILITARY CUTOFF ROAD
City, State, & Zip	WILMINGTON, NC 28403	**City, State, & Zip**	WILMINGTON, NC 28405
Phone Number:	910-239-9120	**Phone Number:**	910-256-2211
Email Address:	MIKE@EVOLVECOS.COM	**Email Address:**	CLAUDE@SWAINASSOCIATES.COM
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION

Type of Master Development Plan	☐ **Residential** *RP, PD, RM MH District*	☐ **Commercial** *GB, OI, IT, GI District*	☒ **Mixed Use** *PD*	
Property Identification Number (PIN):	3282-74-3515-000 & 3282-74-1001-000	**Total property acreage:**		24.26
Zoning Classification:	PD	**Acreage to be disturbed:**		22.0
Water Provider	PENDER COUNTY	**Wastewater Provider:**		PLURIS HAMSTEAD, LLC
Project Address :				
Description of Project Location:	HWY 17 BETWEEN HUGHES ROAD AND DEERFIELD DRIVE			
Describe activities to be undertaken on project site:	MIXED USE DEVELOPMENT WITH OUTPARCELS AND MULTI-FAMILY DEVELOPMENT			

SECTION 3: SIGNATURES

Applicant's Signature		**Date:**	7/8/21
Applicant's Printed Name	Mike Winstead Jr.	**Date:**	
Owner's Signature		**Date:**	
Owner's Printed Name		**Date:**	

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	**MDP**	**Date**	
Application Fee	**$**	**Invoice Number:**	
Pre-Application Conference		**Hearing Date**	

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Applicant's Address:	2012 EASTWOOD ROAD	**Owner's Address:**	113-B MILITARY CUTOFF ROAD
City, State, & Zip	WILMINGTON, NC 28403	**City, State, & Zip**	WILMINGTON, NC 28405
Phone Number:	910-239-9120	**Phone Number:**	910-256-2211
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SECTION 3: SIGNATURES			
Applicant's Signature		**Date:**	
Applicant's Printed Name		**Date:**	
Owner's Signature		**Date:**	
Owner's Printed Name	H. David Swain	**Date:**	7/7/2021

DocuSign Envelope ID: 4BC7AB87-B340-4F64-B6E6-B7424BEBB3BD

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	**MDP**	**Date**	
Application Fee	**$**	**Invoice Number:**	
Pre-Application Conference		**Hearing Date**	

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Applicant's Name:	MIKE WINSTEAD	**Owner's Name:**	LANWILLO DEVELOPMENT CO
Applicant's Address:	2012 EASTWOOD ROAD	**Owner's Address:**	2325 TATTERSALLS DRIVE
City, State, & Zip	WILMINGTON, NC 28403	**City, State, & Zip**	WILMINGTON, NC 28403
Phone Number:	910-239-9120	**Phone Number:**	910-619-0248
Email Address:	MIKE@EVOLVECOS.COM	**Email Address:**	
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION

Type of Master Development Plan	☐ **Residential** *RP, PD, RM MH District*	☐ **Commercial** *GB, OI, IT, GI District*	☒ **Mixed Use** *PD*		
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Zoning Classification:	PD		**Acreage to be disturbed:**	22.0	
Water Provider	PENDER COUNTY		**Wastewater Provider:**	PLURIS HAMSTEAD, LLC	
Project Address :					
Description of Project Location:	HWY 17 BETWEEN HUGHES ROAD AND DEERFIELD DRIVE				
Describe activities to be undertaken on project site:	MIXED USE DEVELOPMENT WITH OUTPARCELS AND MULTI-FAMILY DEVELOPMENT				

SECTION 3: SIGNATURES

Applicant's Signature		**Date:**	
Applicant's Printed Name	DocuSigned by:	**Date:**	
Owner's Signature	Lonnie B. Williams, Jr. - President	**Date:**	7/7/2021
Owner's Printed Name	Lonnie B. Williams, Jr.	**Date:**	7/7/2021

HEADWATER PROPERTIES, LLC
PO BOX 10189
WILMINGTON, NC 28404

FIRST NATIONAL BANK
WILMINGTON, NC 28405

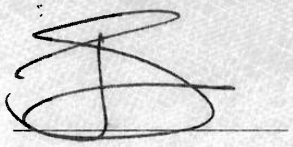
66-987/531

Check Date	Check Number	Amount
07/07/2021	1101	***$750.00***

VOID AFTER 180 DAYS

PAY EXACTLY SEVEN HUNDRED FIFTY DOLLARS AND NO CENTS

TO THE ORDER OF
PENDER COUNTY
PO BOX 1519
BURGAW, NC 28425



⑈1101⑈ ⑆053109877⑆ 005231986 5⑈

PENDER
COUNTY NC

Pender County
MDP 2021-30

TO:	Planning Board
FROM:	Gideon Smith
DATE:	September 1, 2021
SUBJECT:	MDP 2021-30

SUMMARY:
Evolve Acquisitions LLC, applicant on behalf of Lanwillo Development Co. and Headwaters Properties LLC, owners, is requesting the approval of a Master Development Plan within the PD, Planned Development zoning district to allow for a mixed-use development consisting of 174 multi-family units and three commercial outparcels, with numerous potential commercial uses. The subject properties consist of 4 tracts of land totaling approximately 24.26 acres and are located on the eastern side of US HWY 17 between its intersections with Hughes Road to the south and Deerfield Drive to the north in the Topsail Township. The subject properties may be further identified by the following Pender County PINs: 3282-74-3515-0000; 3282-74-1001-0000; 3282-74-6231-0000; and 3282-74-8862-0000.

ACTION REQUESTED:
To hold a Public Hearing and consider the Master Development Plan

ATTACHMENTS:
1. MDP 2021-30 Staff Report
2. MDP 2021-30 Application
3. MDP 2021-30 Narrative
4. MDP 2021-30 Proposed Master Plan
5. MDP 2021-30 Approved Scope
6. MDP 2021-30 Community Meeting Report
7. MDP 2021-30 TRC comments

STAFF REPORT FOR MDP 2021-30
MASTER DEVELOPMENT PLAN APPLICATION

APPLICATION SUMMARY	
Case Number	MDP 2021-30
Hearing Date	September 1, 2021 Planning Board
Applicant	Evolve Acquisitions, LLC
Property Owner(s)	Landwillo Development Co. & Headwaters Properties, LLC
Parcel Identification Number	3282-74-3515-0000; 3282-74-1001-0000; 3282-74-6231-0000; and 3282-74-8862-0000
Acreage	24.26
Township	Topsail
Zoning District	PD, Planned Development
Pender 2.0 Future Land Use Category	Regional Mixed-Use

MASTER DEVELOPMENT PLAN PROPOSAL

Evolve Acquisitions LLC, applicant on behalf of Lanwillo Development Co. and Headwaters Properties LLC, owners, is requesting the approval of a Master Development Plan within the PD, Planned Development zoning district to allow for a mixed-use development consisting of 174 multi-family units and three commercial outparcels, with numerous potential commercial uses.

LOCATION

The subject property consists of 4 tracts of land and is located on the eastern side of US HWY 17 between its intersections with Hughes Road to the south and Deerfield Drive to the north in the Topsail Township.



MASTER DEVELOPMENT PLAN PROPOSAL

The applicant is proposing to construct a mixed-use development, Evolve Headwaters Apartments, consisting of 174 multi-family units within seven multi-family apartment buildings. One building is proposed to contain 30 dwelling units while the remaining 6 buildings will contain 24 dwelling units each. Additionally, the proposal includes 3 outparcels reserved for non-residential development along US HWY 17 to the north of the US HWY 17/Hughes Road intersection. The proposal also includes associated amenities for the residential uses, four new roadways, a wastewater pump station, and other associated infrastructure.

According to the applicant's narrative, the residential component of the site is proposed to be constructed as one phase, including proposed amenities and all stormwater infrastructure. The non-residential outparcels along US HWY 17 will be constructed as tenants are established. All phases of the proposed development shall occur in accordance with the PD, Planned Development zoning district. Additional information regarding the development is detailed in subsequent sections in this report.



Dimensional Requirements

Dimensional standards within the PD, Planned Development zoning district are specific to individual parcels or parcels included in master development plans. If a property is not included in a master development plan, dimensional standards must be reviewed and approved by the Planning Board.

The applicant is proposing the below minimum dimensional standards. These standards are to be applied uniformly to all buildings and uses on the subject properties.

Evolve Headwaters Proposed Setbacks	
	Minimum Setback
Front	5'
Side	5'
Rear	5'
Corner	5'
Max. Building Height	45'
Structure Separation	20'

Allowable Uses

Per Section 6.1.1.A of the Pender County Unified Development Ordinance, all proposed uses shall be specified in the Master Development Plan narrative by NAICS code. All proposed uses included on the applicant's master plan are sourced from Section 5.2.3 of the Pender County Unified Development Ordinance (UDO) and are permitted in the PD, Planned Development zoning district as part of an approved master development plan. All permitted uses included in this master plan are included in the table below.

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

6115	Technical & Trade Schools	8139	Business Professional, Labor, Political, & Similar Organizations
6116	Other Schools & Instruction	92	Public Administration
622	Hospitals		

Density

The net density of the proposed project is shown in the table below and calculated in accordance with Section 4.6.7.A.2 of the UDO. A net density of 12.27 dwelling units/acre (du/ac) conforms with the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan, from which guidance for residential project density for master development plans are sourced. The Future Land Use Category for the subject properties is Regional Mixed Use, which envisions multi-family residential development at a density of up to 15 units per acre.

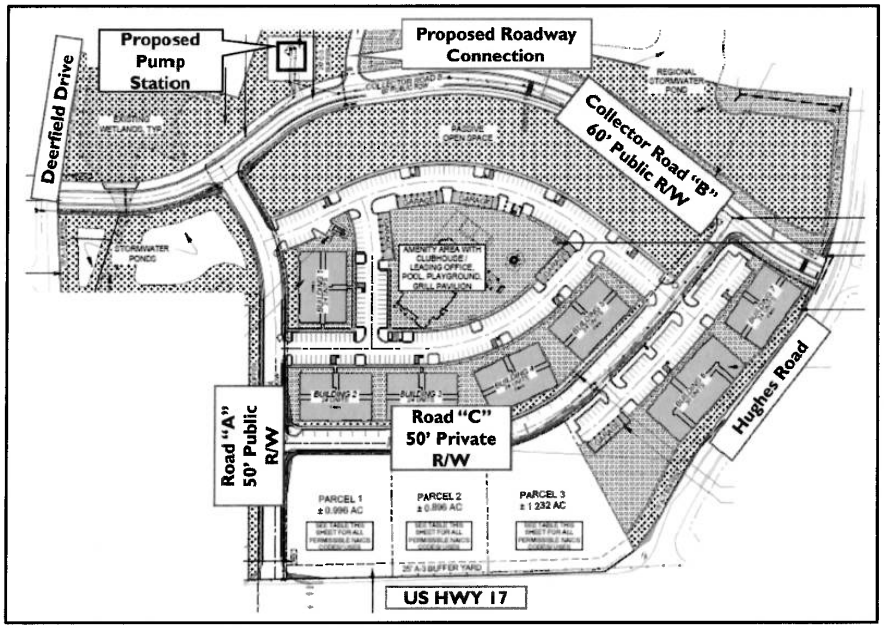
Evolve Headwaters Density Calculations	
Total Site Acreage	24.26 acres
Potential Wetland Acreage	0.86 acres
Total Non-Residential Acreage (including right-of-way)	4.00 acres
Total Required Open Space	5.22 acres
Total Provided Open Space (Active)	3.70 acres
Total Provided Open Space (Passive)	7.35 ac
Total Undevelopable Land Acreage	10.08 ac
Total Developable Land Acreage	14.18 ac
Total Number of Units	174 residential units
Maximum Density (Regional Mixed Use)	15 du/ac
Proposed Density	**12.27 du/ac**

TRANSPORTATION INFRASTRUCTURE

Roadways, Street Connectivity, and Access

The proposed development will be accessed via Hughes Drive and Deerfield Drive which connect to US HWY 17. The applicant is proposing to construct one collector street as part of the proposal. The proposed master plan shows "Collector Road B" running parallel to US HWY 17 connecting Deerfield Drive to Hughes Road at the intersection of Hughes Road and NE Center Drive. This roadway is proposed to be constructed in accordance with the Pender County Collector Street Plan (CSP), with this portion of the roadway intending to be part of a larger parallel collector street to US HWY 17 that extends from Factory Road south toward Scotts Hill. "Road A" is proposed to connect "Collector Road B" to US HWY 17 as a public right-of-way, meeting US HWY 17 at a preliminary approved signal-controlled intersection.

Below: Applicant's Master Plan with Staff Markups

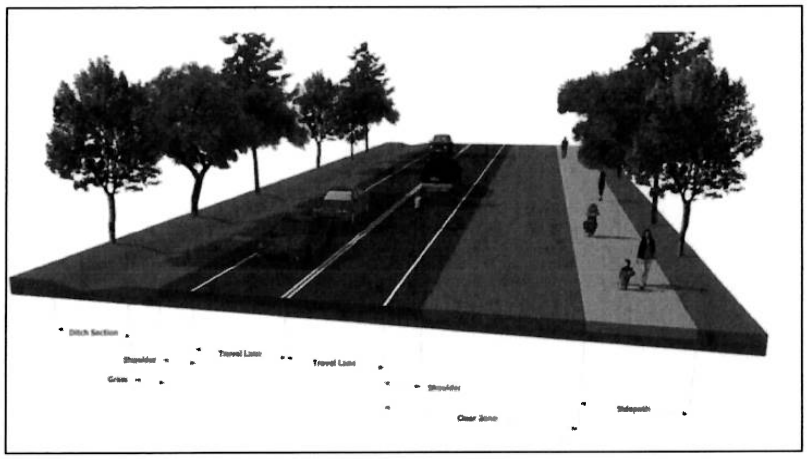


Additional roadways include "Road C" which will connect Road A to Collector Road B as a private right-of-way and will provide primary access to the non-residential outparcels, as well as a roadway stub to the east to connect to the proposed development (49 single-family detached dwelling units) established in 2018 under RM-CD4, Residential Mixed Conditional District 4. Through this adjacent development, an additional connection point with Deerfield and Creekview Drives (SR 1673/1674) will be established. Road C will include on-street parking adjacent to the northbound lane.

In addition to being in conformance with the Pender County Collector Street Plan and the Pender County Unified Development Ordinance, the roadway network proposed to be established by the development outlined in this report will serve to significantly increase the interconnectivity of the surrounding community by providing an additional signalized intersection along US HWY 17 between Hughes Road and Deerfield Drive, establishing a connection between the Deerfield community and the signalized intersection at US HWY 17 and Washington Acres Road, and continuing a parallel roadway to US HWY 17 will continue to help reduce congestion and increase safety as more portions of the roadway are built.

A graphic of the proposed cross section to be utilized for Collector Road B, which shall include an 8 ft. wide Multi-Use Path parallel to it, is provided on the following page as shown in the Pender County Collector Street Plan

Below: Collector Street Cross-Section from Pender County CSP



In accordance with proposed condition 9, the non-residential outparcels will be required to connect internally to the development, prohibiting direct access to US HWY 17. As a result, cross access corridors will be established and will be reviewed for compliance with the UDO when site specific development plans are submitted for each outparcel.

Pedestrian Access

Per the applicant's submitted master plan, pedestrian facilities are proposed along one side of all rights-of-way within the proposed development and throughout the residential portion of the development. The proposed pedestrian infrastructure is in conformance with the Pender County Unified Development Ordinance as well as the Pender 2.0 Comprehensive Land Use Plan's vision for this portion of the County, whereby bicycle and pedestrian access to proposed developments is greatly encouraged.

Traffic

A Traffic Impact Analysis (TIA) is required for the proposed master development plan because it is estimated to generate more than 100 trips in the morning and evening peak hours and over 1,000 trips per day. Any traffic requirements will be addressed by NCDOT and will be required to be compliant with their standards. The chart below shows the trip generation calculations that the applicant submitted based upon the proposed uses included in this request. Although the estimated trips per land use category are not specified, the cumulative sum of these trips exceeds the threshold that requires a TIA to be submitted.

A TIA has been prepared by Ramey Kemp and Associates and is currently under review by NCDOT and the Wilmington Urban Area Metropolitan Planning Organization (WMPO). The approved scope can be found in Attachment 1 of the Board's packet. The below table includes data from the pending TIA. The approved TIA will be required prior to construction and will be provided to Pender County Planning Staff upon its completion.

Evolve Headwaters Apartments Site Trip Generation*							
Land Use	Size	Unit	Daily Trips	AM Peak Hour Trips		PM Peak Hour Trips	
				Enter	Exit	Enter	Exit
Multi-Family Residential (LUC 221)	174	Dwelling Units	950	15	44	46	29
General Office Building (LUC 710)	1,400 sf	Ground Floor Area	40	4	0	12	55
Shopping Center (LUC 820)	4,550 sf	Ground Floor Area	740	95	59	26	29
High-Turnover (Sit-Down) Restaurant (LUC 932)	12,600 sf	Ground Floor Area	1,410	101	76	114	105
Total			3,140	394		416	
Total Primary Trips**				343		245	

*Site Trip Generation data sourced from the pending Traffic Impact Analysis that is being performed by Ramey Kemp & Associates, Inc.

**Total Primary Trips are calculated by subtracting the internal capture trips and pass-by trips from the total trips.

Because a Traffic Impact Analysis has not been completed at this time that analyzes roadway impacts as a result of the development, the volume to capacity ratio for US HWY 17 near the subject site has been provided. This ratio is based on average daily trips and the design characteristics of a given roadway, which can provide a general idea of the function of such roadway. Based upon the available volume to capacity data, US HWY 17 in this area has capacity to handle the anticipated traffic volume increases associated with the proposed master development plan.

NCDOT Average Annual Daily Traffic (AADT) – 2019; WMPO Roadway Capacities – 2019

Road	Location	Volume	Capacity	V/C
US HWY 17	14000 Block	39,000	66,000	0.59

Parking

The UDO does not establish parking minimums for residential developments including the multi-family residential use type. The applicant has proposed 345 parking spaces including five garage buildings. As such, the submitted master plan is found to be in conformance with the UDO at this time, though parking will be reevaluated through the zoning approval process for conformance with all other parking design standards.

As specific tenants for the non-residential component are not yet known, parking requirements for this portion of the project cannot be determined at this time. Through the site development plan approval process, parking will be reevaluated at point at which each outparcel moves forward, with the specific number of parking spaces dependent upon the use(s) or tenant(s) of each outparcel.

Landscape and Buffers
The table below outlines the required buffers in the PD, Planned Development zoning district based on the adjacent land uses to the subject property. The proposed master plan illustrates the type of buffer along each property boundary, all of which are compliant with UDO requirements.

Required and Proposed Buffers	
Buffer Type	**Location of Buffer**
Type A	Adjacent US HWY 17 & Hughes Road
Type B	Adjacent to all non-residential uses (Church of Jesus Christ of Latter-Day Saints)
Type C	Adjacent to all single-family residential uses & proposed pump station

Due to the presence of a regional stormwater pond between the proposed development at the development to the east, the required Type C buffer along that border is proposed along Collector Road B instead of the property line.

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.

Significant Trees
A significant tree survey conforming with section 8.1.3 of the Pender County Unified Development Ordinance will be required prior to administrative approval of any subsequent Preliminary Plat or Site Development Plan within this project. A previous significant tree survey was provided in the context of a previous development proposal for the subject properties. Per proposed condition 3, an updated significant tree survey and mitigation plan shall be required prior to the issuance of zoning approval by Staff for any portion of the project. Any significant tree proposed for removal shall be mitigated by the on-site planting of two (2) trees of the same species with a minimum caliper of 2" or greater.

Open Space
The proposed mixed-use development is required to provide a minimum of 5.22 acres of open space, with a minimum of 2.61 acres dedicated as active and a minimum of 2.61 acres dedicated as passive. The table below outlines the required open space as well as the proposed open space associated with the master plan. The applicant's submitted master plan demonstrates compliance with this requirement, and the total open space (11.05 acres) provided exceeds that which is required by the UDO.

Required and Proposed Open Space		
Open Space Dedication	**Open Space Required**	**Open Space Provided**
Active	2.61 ac	3.70 ac (15.25% of site)
Passive	2.61 ac	7.35 ac (30% of site)
Total	**5.22 ac**	**11.05 ac (45.25% of site)**

Recreational Units
Per Section 7.6.2 of the Pender County Unified Development Ordinance, developments are required to provide recreational units equivalent to financial credits based on the total proposed dwelling units as established in Table 5 below. The applicant has proposed 174 residential units and is therefore required to provide two (2) recreation units totaling a minimum of $20,000. The applicant has illustrated an unspecified amenity area on the submitted plan.

Required Recreation Units		
Dwelling Units	Recreational Unit(s)	Financial Unit
34-99	1.0	$10,000
100-150	1.5	$15,000
151-200	**2.0**	**$20,000**

OTHER INFRASTRUCTURE

Utilities
The project is proposing to connect to Pender County Utilities (PCU) for water supply and is subject to review and approval by PCU. The development is proposed to be serviced by the 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. The developer is proposing to construct a pump station south of Collector Road B as illustrated on the master plan.

All wastewater services are subject to review and approval by Pluris 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.

Stormwater
The applicant is proposing to design the stormwater retention system to exceed the standards of Section 7.9 of the UDO by retaining stormwater from the 100-year, 24-hour storm event. Compliance with these standards will be verified during TRC review if this request is approved. Certification from a licensed engineer that the project meets these requirements shall be required at administrative approval of the development, and all necessary state permits will be required prior to administrative approval for land disturbing activities.

Additionally, the applicant has also proposed the project to meet Pender County's Low Impact Development standards. Where the previously referenced standards address stormwater quantity, Low Impact Development implementation has implications for water quality impacts that occur due to stormwater runoff. Low Impact Development certification requires the implementation of Best Management Practices (BMPs) to treat stormwater runoff on-site to ensure it does not impact water quality in surrounding waterways. Per proposed condition 1, Planning Staff shall require the Low Impact Development certification located in the UDO prior to the issuance of zoning approval for any portion of the site.

The applicant's submitted master plan shows a regional stormwater pond to the east that is intended to also be utilized by the proposed single-family detached development on that parcel.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas[1].
Wetlands	Portions of the subject property may contain wetlands[2, 3]. The extent of these wetlands are illustrated on the submitted master plan. No Jurisdictional Determination from the U.S. Army Corps of Engineers has been submitted by the applicant, which will be required prior to any administrative development approvals. Any disturbance within these wetlands is subject to review and approval by the U.S. Army Corps of Engineers.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC)[4].

[1] According to the effective regulatory and preliminary Flood Insurance Rate Maps from the NC Flood Risk Information System (NC FRIS)
[2] According to the NC Division of Coastal Management (NC DCM)
[3] According to the National Wetlands Inventory (NWI)
[4] According to the North Carolina Department of Environmental Quality (NCDEQ)

External 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.

PUBLIC INPUT MEETING

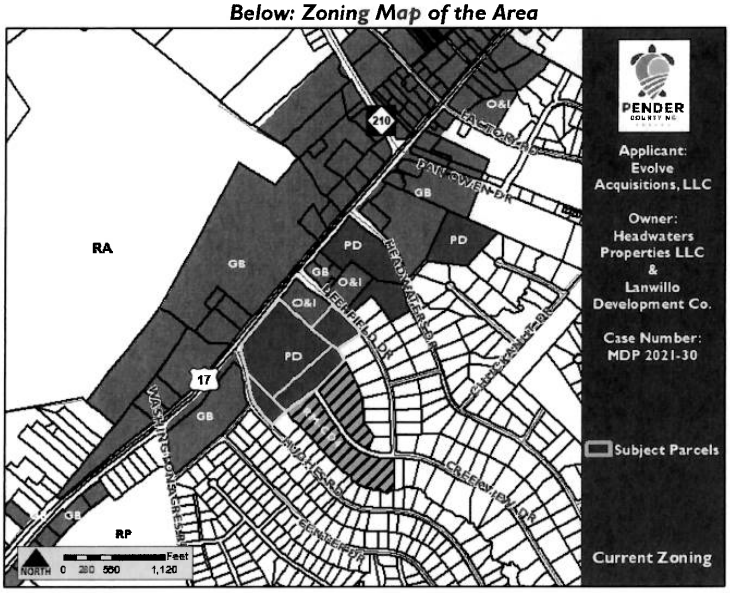
In accordance with the Pender County Unified Development Ordinance, the applicant held a public input meeting on Tuesday, August 17, 2021 at the Hampstead Annex. According to the information provided by the applicant, 15 nearby residents attended the meeting citing concerns regarding traffic, stormwater, housing options, school capacity impacts. Attendees also had general inquiries about the review process for master plans and the proposed utility providers and their respective capacities. A summary of the report provided by the applicant can be found in Attachment 2 of the Board's packet.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES

On July 12, 2021, the proposed master development plan was sent to the Pender County Technical Review Committee for review. All Technical Review Committee comments can be found in Attachment 3 of the Board's packet.

EVALUATION

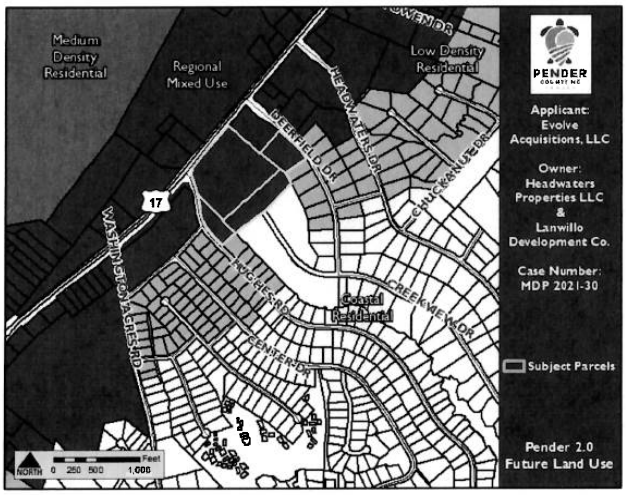
Below: Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Church of Jesus Christ of Latter-Day Saints and Undeveloped	OI, Office & Institutional, GB, General Business
East	Single-Family Residential and Undeveloped	RP, Residential Performance, RM-CD4, Residential Mixed-Conditional District
South	Undeveloped and Single-Family Residential	GB, General Business, RP, Residential Performance
West	The Beacon Building and Undeveloped	RP, Residential Performance, IT, Industrial Transitional

Pender 2.0 Comprehensive Land Use Plan Compliance: The subject properties are located within the Regional Mixed Use Future Land Use Category as shown in the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan. The Regional Mixed-Ese category allows for the strategic allocation of future development and population growth, while limiting land use conflicts within existing neighborhoods. Growth is focused in locations that are served by water/sewer infrastructure and are located along planned major collector roadways and existing primary roadway corridors in the southern portion of the County (I-40, US 17, US 117, US 421, and NC-210). This future land use category provides access to retail, office, and multi-family residential uses. These land uses are primarily accessed by the automobile, but facilities should be included to increase the viability of access via walking or cycling.

The proposed development is consistent with the County's preferred growth pattern for the subject properties for several reasons. The project is proposing to construct a walkable community, with a multi-use path and bike-lanes. Furthermore, the project is proposing a stormwater management system that is proposed to retain more stormwater than is required by the Unified Development Ordinance.



In addition to the Future Land Use Map, the proposed Master Development Plan was found to be consistent with three goals, two objectives, and four policies within the Pender 2.0 Comprehensive Land Use Plan:

> **Goal 4.2:** Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with development and ensuring safe and efficient modes of transportation are available to all residents and visitors.
>
> > **Policy 4.2.F: Collector Street Plan:** The County shall continue to support and implement the Pender County Collector Street Plan when reviewing and

approving new development proposals within the WMPO Boundary area of the County.

Goal 4.3: Provide safe opportunities for walking and cycling, while supporting the need for paratransit service and other alternatives to provide transportation choices for residents and visitors.

Objective 4.3: Encourage alternative means of transportation to reduce traffic, enhance economic development, offer services to those without use of a vehicle, and provide recreational opportunities for residents and visitors.

Goal 5.1: Land Use and Growth Management: Manage the physical growth and development of Pender County by encouraging more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the rural heritage and coastal habitat that makes the County a unique place to live.

Objective 5.1: Land Use and Growth Management: Ensure that development and use of resources balances protection of natural resources and agricultural lands with economic development, avoids risks to public health and welfare, and is consistent with the capability of the land.

Policy 5.1.K: Commercial Development: The County supports a wide range of commercial development, particularly those businesses that provide needed services to residents and visitors, provided that the impacts on traffic are minimized.

Policy 5.1.H: Mixed Use Development: The County supports a wide range of commercial and residential development at varying intensities, when appropriately located, and provided that impacts to adjacent property owners and traffic congestion is mitigated.

Policy 5.1.V: Residential Development: The County supports a range of housing types and development at appropriate densities and locations that are compatible with their surroundings and are in accordance with the future land use map.

The proposed project fulfills several desired outcomes for development as outlined in the Pender 2.0 Comprehensive Land Use Plan. These outcomes include extending existing collector streets and promoting increased interconnectivity for multiple communities, providing pedestrian facilities across the proposed development, and incorporating mixed use and multi-family development types in an area of the County in which this type of development is desired. Furthermore, the project is intending to provide above-average stormwater management infrastructure in the form of an increased stormwater retention standards and a Low Impact Development (LID) certification.

Unified Development Ordinance Compliance: Section 3.5.4 of the UDO provides the applicable review procedure for Master Development Plans.

3.5.4 Master Development Plan Review

A. Applicants shall submit the MDP to the Administrator, together with completed application materials.
B. Application form must be completed, and fee paid at the time of submission.
C. The Master Development Plan must meet all the requirements prescribed in Section 6.1, Master Development Plan Contents.
D. The Administrator will forward the MDP to the Technical Review Committee for review. The TRC shall make recommendations concerning whether the plan meets the requirements and or plans of their particular state agency, county department or utility authority.
E. When the submission is complete, the Administrator shall submit the plans, application materials and comments to the Planning Board for its consideration, if required in accordance with Section 3.5.2.
F. The Planning Board shall act on the MDP within 90 days of the date of the presentation of the plan to the Board. The Planning Board shall approve the plan, approve it with required changes or deny the plan. If the Planning Board fails to act within 90 days, the plan shall be deemed approved. The applicant may request additional time if he/she deems it necessary.
G. If the MDP is denied by the Planning Board, the applicant may choose to withdraw the application and resubmit it with changes as a new plan or appeal the Planning Board's decision to Zoning Board of Adjustment.
H. Any decision rendered by the Planning Board is appealable to the Zoning Board of Adjustment within thirty (30) days of the decision.
I. Planning Board Master Development Plan approval shall be valid for two (2) years.

CONDITIONS OF APPROVAL

The applicant has agreed to the following conditions for the proposed Master Development Plan:

1. The applicant shall be required to submit Low Impact Development design certifications in accordance with Section 7.14 of the Pender County Unified Development Ordinance prior to receiving zoning approval for any phase of the proposed development.
2. In accordance with Section 7.9 of the Pender County Unified Development Ordinance, the applicant shall be required to submit stormwater certifications with updates to reference the proposed 100-year pre-post retention standard.
3. The applicant shall be required to submit an updated significant tree survey and mitigation plan prior to issuance of zoning approval for any portion of the site.
4. The applicant shall be required to demonstrate species and location of native vegetation on all submitted site development plans or preliminary plats.
5. Prior to the issuance of a Certificate of Occupancy for any residential building, all roadways shall be installed and certified in accordance with the standards for such found within the Pender County Unified Development Ordinance.
6. The non-residential outparcels shall include pedestrian facilities that provide effective pedestrian linkages to the residential component of this project and the surrounding community as a whole.

7. Pedestrian facilities shall be constructed along the portions of Hughes Road and Deerfield Drive that border the proposed development.
8. A pedestrian easement shall be required along US HWY 17 in advance of the U-5732 Hampstead Median Project, which will include sidewalks along both sides of US HWY 17 at the time of construction. All sidewalks and multi-use paths within the development shall be maintained by the development, unless they are proposed within a current or future NCDOT right-of-way. A tri-party agreement shall be required for such facilities within NCDOT rights-of-way.
9. Parcels 1-3 shall only be accessed internally to the development; no direct access to these parcels from US HWY 17 shall be permitted.
10. A type C-3 Buffer shall be located around the perimeter of the proposed pump station.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with the Future Land Use Map, as well as three goals, two objectives, and four policies within the Pender 2.0 Comprehensive Land Use Plan, while conflicting with none. The proposed Master Development Plan is also compliant with the Pender County Unified Development Ordinance. Therefore, Planning Staff recommends the approval of the Master Development Plan as detailed in the report for the development known as Evolve Headwaters Apartments. All future development, phases, or changes to the Master Development Plan are subject to the Planning Board review and approval.

PLANNING BOARD ACTION FOR MASTER DEVELOPMENT PLAN

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

McClammy	Jordan	Beaudoin	Buchanan	Gruntfest	Pitts	Teachey

Pender County
Planning and Community Development

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

Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

Planned Development & Residential Mixed Zoning Districts
Master Development Plan Submission

Applications will be considered for the Technical Review Committee hearing and reviewed by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. ✓ **Pre-submittal Meeting**
   Date of Meeting _____
2. ✓ **Signed Application**
3. ✓ **Payment**
   $500 plus $10 per acre for the first 100 acres, $5 per acre thereafter
4. ✓ **Paper Plan Sets**
   One (1) 24 x 36, Fifteen (15) 11 x 17
5. ✓ **Digital Submission**
   For all documents submitted in paper copy, bring a digital copy with paper submission.
6. ✓ **Adjacent Property List**
   A list of names and addresses, as obtained from the county tax listings and tax abstract, to the owners of all properties located within 500-feet of the of the perimeter of the project bounds.
7. ✓ **Adjacent Property Envelopes**
   The applicant shall provide a set of business envelopes addressed to each of the owners of all properties located within 500-feet of the perimeter of the project bounds and accompanied with the amount of postage required for first class postage.
8. ✓ **Permits**
   Please include any permits issued on the project including but not limited to: environmental, traffic analysis, utility, or other site specific conditions.
9. ✓ **Site Plan Requirements**
   A prepared site plan in accordance with ~~the~~ Unified Development Ordinance standards 6.1, Pender County Collector Street Plan, Pender County Transportation Plan, other approved State of Federal Transportation Improvement Plan, or any other adopted plan in Pender County.
   (See Master Development Plan Checklist)

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant _____ Date 7/8/21

Printed Name Mike Winstead Jr.

Staff Initials: _____
Date: _____

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP	**Date**	
Application Fee	$	**Invoice Number:**	
Pre-Application Conference		**Hearing Date**	

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	MIKE WINSTEAD	**Owner's Name:**	HEADWATERS PROPERTIES, LLC
Applicant's Address:	2012 EASTWOOD ROAD	**Owner's Address:**	113-B MILITARY CUTOFF ROAD
City, State, & Zip	WILMINGTON, NC 28403	**City, State, & Zip**	WILMINGTON, NC 28405
Phone Number:	910-239-9120	**Phone Number:**	910-256-2211
Email Address:	MIKE@EVOLVECOS.COM	**Email Address:**	CLAUDE@SWAINASSOCIATES.COM

Legal relationship of applicant to land owner:

SECTION 2: PROJECT INFORMATION

Type of Master Development Plan	☐ **Residential** *RP, PD, RM MH District*	☐ **Commercial** *GB, OI, IT, GI District*	☒ **Mixed Use** *PD*	
Property Identification Number (PIN):	3282-74-3515-000 & 3282-74-1001-000	**Total property acreage:**	24.26	
Zoning Classification:	PD	**Acreage to be disturbed:**	22.0	
Water Provider	PENDER COUNTY	**Wastewater Provider:**	PLURIS HAMSTEAD, LLC	
Project Address :				
Description of Project Location:	HWY 17 BETWEEN HUGHES ROAD AND DEERFIELD DRIVE			
Describe activities to be undertaken on project site:	MIXED USE DEVELOPMENT WITH OUTPARCELS AND MULTI-FAMILY DEVELOPMENT			

SECTION 3: SIGNATURES

Applicant's Signature		**Date:**	7/8/21
Applicant's Printed Name	Mike Winstead Jr.	**Date:**	
Owner's Signature		**Date:**	
Owner's Printed Name		**Date:**	

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	**MDP**	**Date**	
Application Fee	$	**Invoice Number:**	
Pre-Application Conference		**Hearing Date**	

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	MIKE WINSTEAD	**Owner's Name:**	HEADWATERS PROPERTIES, LLC
Applicant's Address:	2012 EASTWOOD ROAD	**Owner's Address:**	113-B MILITARY CUTOFF ROAD
City, State, & Zip	WILMINGTON, NC 28403	**City, State, & Zip**	WILMINGTON, NC 28405
Phone Number:	910-239-9120	**Phone Number:**	910-256-2211
Email Address:	MIKE@EVOLVECOS.COM	**Email Address:**	CLAUDE@SWAINASSOCIATES.COM
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION				
Type of Master Development Plan	☐ **Residential** *RP, PD, RM MH District*	☐ **Commercial** *GB, OI, IT, GI District*	☒ **Mixed Use** *PD*	
Property Identification Number (PIN):	3282-74-3515-000 & 3282-74-1001-000	**Total property acreage:**		24.26
Zoning Classification:	PD	**Acreage to be disturbed:**		22.0
Water Provider	PENDER COUNTY	**Wastewater Provider:**		PLURIS HAMSTEAD, LLC
Project Address :				
Description of Project Location:	HWY 17 BETWEEN HUGHES ROAD AND DEERFIELD DRIVE			
Describe activities to be undertaken on project site:	MIXED USE DEVELOPMENT WITH OUTPARCELS AND MULTI-FAMILY DEVELOPMENT			

SECTION 3: SIGNATURES			
Applicant's Signature		**Date:**	
Applicant's Printed Name		**Date:**	
Owner's Signature		**Date:**	
Owner's Printed Name	H. David Swain	**Date:**	7/7/2021

DocuSign Envelope ID: 4BC7AB87-B340-4F64-B6E6-B7424BEBB3BD

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	**MDP**	**Date**	
Application Fee	**$**	**Invoice Number:**	
Pre-Application Conference		**Hearing Date**	

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	MIKE WINSTEAD	**Owner's Name:**	LANWILLO DEVELOPMENT CO
Applicant's Address:	2012 EASTWOOD ROAD	**Owner's Address:**	2325 TATTERSALLS DRIVE
City, State, & Zip	WILMINGTON, NC 28403	**City, State, & Zip**	WILMINGTON, NC 28403
Phone Number:	910-239-9120	**Phone Number:**	910-619-0248
Email Address:	MIKE@EVOLVECOS.COM	**Email Address:**	
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION					
Type of Master Development Plan	☐ **Residential** *RP, PD, RM MH District*	☐ **Commercial** *GB, OI, IT, GI District*	☒ **Mixed Use** *PD*		
Property Identification Number (PIN):	3282-74-3515-000 & 3282-74-1001-000	**Total property acreage:**		24.26	
Zoning Classification:	PD	**Acreage to be disturbed:**		22.0	
Water Provider	PENDER COUNTY	**Wastewater Provider:**		PLURIS HAMSTEAD, LLC	
Project Address :					
Description of Project Location:	HWY 17 BETWEEN HUGHES ROAD AND DEERFIELD DRIVE				
Describe activities to be undertaken on project site:	MIXED USE DEVELOPMENT WITH OUTPARCELS AND MULTI-FAMILY DEVELOPMENT				

SECTION 3: SIGNATURES			
Applicant's Signature		**Date:**	
Applicant's Printed Name	DocuSigned by:	**Date:**	
Owner's Signature	Lonnie B. Williams, Jr. - President	**Date:**	7/7/2021
Owner's Printed Name	Lonnie Williams, Jr.	**Date:**	7/7/2021

PARAMOUNTE
ENGINEERING, INC.

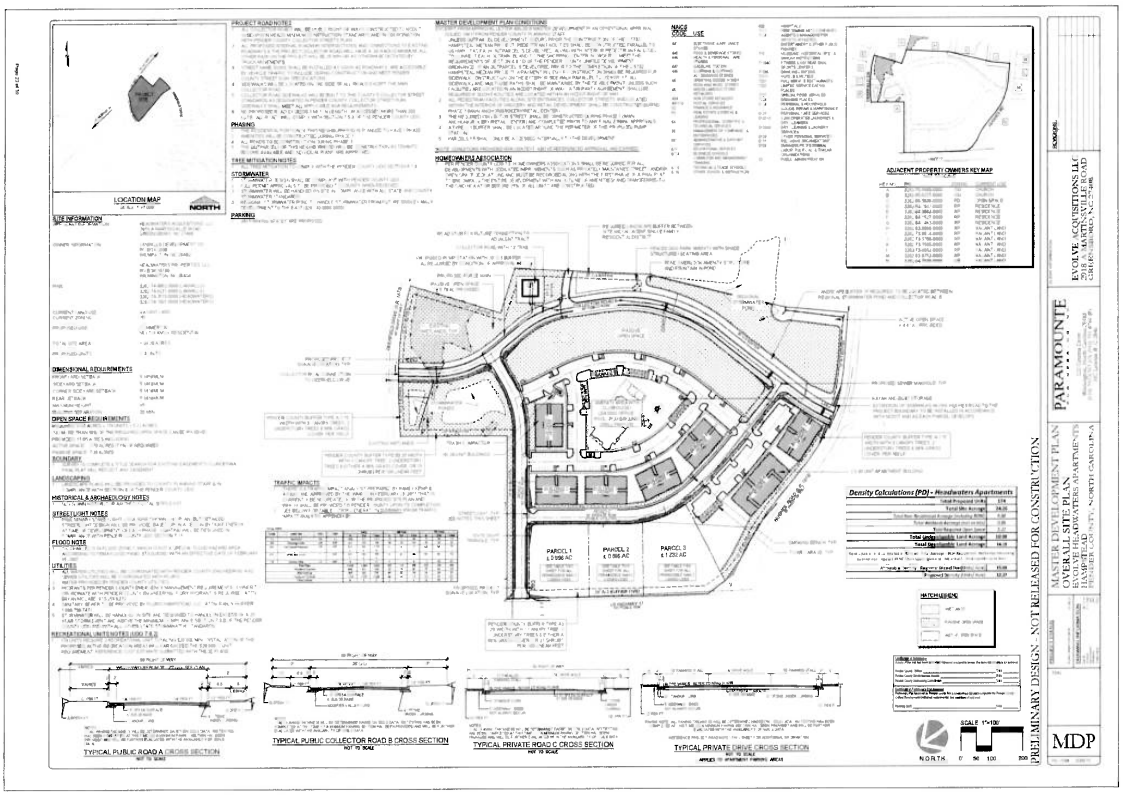
Evolve Headwaters Apartments – 9 July 2021:

Evolve Acquisitions, LLC is requesting an update to the MDP approved on October 3, 2017. The subject parcels include 3282-74-8862-0000, 3282-74-6231-0000, 3282-74-3515-0000, and 3282-74-1001-0000 totaling ±24.26 acres. We are proposing a mixed-use development that will be a combination of 174 multi-family units and (3) commercial outparcels, which fits the intended uses along the major thoroughfare Hwy 17 and has a density of 12.27 units/acre. The land is currently zoned PD, and will remain so under this request. The future land use plan classification identifies this site as regional mixed use which allows up to 15 units/acre. Our design integrates a planned collector road between Hughes Road and Deerfield Drive and public road connection to connect to Hwy 17. As part of the collector road, we are implementing an 8-foot multi use path along one side of the road and bike lanes. We are also having sidewalks throughout the development to promote a walking project. This project is also proposing exceptional design features. We understand that stormwater on this and all sites throughout the county are of major importance. We are proposing to go above and beyond the county stormwater requirements of the 25-year event but designing our stormwater BMP's to control the peak stormwater flow up and including the 100-year event. We believe this not only enhances our project but also addresses some of the County's and downstream neighbors' concerns. We also will amentize the ponds by placing fountains, walking trails and lookout viewing stations, therefore making the pond a vital part of our active open space. Additionally, we will include the following strategies above and beyond the County's minimum requirements: Preservation of wetlands; Managing storm water on site; Using storm water management and treatment features as amenities; 100-year pre/post stormwater peak flow design.

The property has a current Traffic impact analysis in place, and we are in the process of modifying through the WMPO for the change of use. Currently we have preliminary approval at our main entrance for a traffic signal, this access lines up with the entrance for the property across Hwy 17. By working with the landowner across Hwy 17, we are minimizing new access points to the highway and helping with traffic movements for residents that live off Deerfield and Hughes Roads. In addition, this will allow for easier traffic flow for any future development that occurs on the 42 acre (currently zoned GB) property across Hwy 17. As part of the TIA modification, the timing of when the light is warranted will be determined and improvements installed accordingly.

The project has arrangements for utilities in to be installed with this proposed project. The site will be served by Pluris of Hampstead, LLC for sewer and Pender County engineering for public water. For the subject site and the residential property that was rezoned on November 20, 2018, a regional pump station will be constructed and connect to main line along Hwy 17.

122 CINEMA DRIVE, WILMINGTON, NC 28403
PH: (910) 791-6707 FAX: (910) 791-6760


LOCATION MAP
NORTH
PROJECT ROAD NOTES
MASTER DEVELOPMENT PLAN CONDITIONS
PHASING
TREE MITIGATION NOTES
STORMWATER
PARKING
HOMEOWNERS ASSOCIATION
MAGE
ADJACENT PROPERTY OWNERS KEY MAP
SITE INFORMATION
DIMENSIONAL REQUIREMENTS
OPEN SPACE REQUIREMENTS
LANDSCAPING
BOUNDARY
HISTORICAL & ARCHAEOLOGY NOTES
STREETLIGHT NOTES
FLOOD NOTE
UTILITIES
RECREATIONAL UNITS NOTES (UDO 7.5.2)
TRAFFIC IMPACTS
PARCEL 1
4.3196 AC
PARCEL 2
4.0186 AC
PARCEL 3
4.1200 AC
Density Calculations (PD) - Headwaters Apartments
HATCH LEGEND
SCALE: 1"=100'
N O R T H
TYPICAL PUBLIC ROAD A CROSS SECTION
TYPICAL PUBLIC COLLECTOR ROAD B CROSS SECTION
TYPICAL PRIVATE ROAD C CROSS SECTION
TYPICAL PRIVATE DRIVE CROSS SECTION
PRELIMINARY DESIGNS - NOT RELEASED FOR CONSTRUCTION
MASTER DEVELOPMENT PLAN
CONDITIONAL DISTRICT
EVOLVE HEADWATERS APARTMENTS
HASTY ROAD
EVOLVE ACQUISITIONS LLC
2918 B SOUTH STONE AVENUE
CHAPEL HILL, NORTH CAROLINA
PARAMOUNTE
MDP

Gideon Smith

From: Caroline Cheeves <ccheeves@rameykemp.com>
Sent: Thursday, July 29, 2021 12:27 PM
To: Gideon Smith; Scott James; Danielle Troutman
Cc: Covarrubias, Eva P; Dan Cumbo; Leonard, Jessi L; Haste, Bradley L; dracine@ncdot.gov; Travis Henley
Subject: [External]RE: [External]RE: Headwaters Apartments - Updated Scoping Information
Attachments: Trip Generation - updated 7.29.21.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All,

We confirmed with the project team that the density is 174 units – the non-residential portion remained unchanged.

See attached for an updated trip generation, we are moving forward with updating our files for this minor change.

Please let me know if you have any questions. Thanks!

Caroline Cheeves (Bojarski), PE
Traffic Engineering Project Manager
D 919 987 1281 | T 919 872 5115 | C 814 323 0552
RKA RAMEY KEMP ASSOCIATES
TOGETHER WE ARE LIMITLESS

From: Caroline Cheeves
Sent: Tuesday, July 27, 2021 3:55 PM
To: Gideon Smith <gsmith@pendercountync.gov>; Scott James <Scott.James@wilmingtonnc.gov>; Danielle Troutman <dtroutman@rameykemp.com>
Cc: Covarrubias, Eva P <epcovarrubias@ncdot.gov>; Dan Cumbo <drcumbo@ncdot.gov>; Leonard, Jessi L <jleonard6@ncdot.gov>; Haste, Bradley L <blhaste@ncdot.gov>; dracine@ncdot.gov; Travis Henley <thenley@pendercountync.gov>
Subject: RE: [External]RE: Headwaters Apartments - Updated Scoping Information

Thanks for the heads up, Gideon!

I will follow-up ASAP.

Caroline Cheeves (Bojarski), PE
Traffic Engineering Project Manager
D 919 987 1281 | T 919 872 5115 | C 814 323 0552

RAMEY KEMP ASSOCIATES
TOGETHER WE ARE LIMITLESS

From: Gideon Smith <gsmith@pendercountync.gov>
Sent: Tuesday, July 27, 2021 3:53 PM
To: Scott James <Scott.James@wilmingtonnc.gov>; Caroline Cheeves <ccheeves@rameykemp.com>; Danielle Troutman <dtroutman@rameykemp.com>
Cc: Covarrubias, Eva P <epcovarrubias@ncdot.gov>; Dan Cumbo <drcumbo@ncdot.gov>; Leonard, Jessi L <jleonard6@ncdot.gov>; Haste, Bradley L <blhaste@ncdot.gov>; dracine@ncdot.gov; Travis Henley <thenley@pendercountync.gov>
Subject: RE: [External]RE: Headwaters Apartments - Updated Scoping Information

Good afternoon everyone,

I noticed on the approved scope is for 168 multi-family units. According to the plans that were submitted to our office, 174 units are proposed. I would think this needs revised to reflect what is being proposed so there are no issues down the line.

Ms. Cheeves – can you please reach out to your client to confirm the number of multi-family units?

Thanks,
Gideon

Gideon Smith | Senior Planner
Pender County Planning & Community Development
(910) 259-1529
gsmith@pendercountync.gov
805 S. Walker Street,
Burgaw, NC 28425

PENDER COUNTY NC

www.pendercountync.gov

From: Scott James <Scott.James@wilmingtonnc.gov>
Sent: Friday, July 23, 2021 3:12 PM
To: Caroline Cheeves <ccheeves@rameykemp.com>; Danielle Troutman <dtroutman@rameykemp.com>
Cc: Covarrubias, Eva P <epcovarrubias@ncdot.gov>; Dan Cumbo <drcumbo@ncdot.gov>; Leonard, Jessi L <jleonard6@ncdot.gov>; Haste, Bradley L <blhaste@ncdot.gov>; dracine@ncdot.gov; Sam Shore <sshore@pendercountync.onmicrosoft.com>; Travis Henley <thenley@pendercountync.gov>
Subject: [External]RE: Headwaters Apartments - Updated Scoping Information

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please find attached the **revised** approved scope of study for this project and the revised trip generation estimates.

The reduction in land use intensity has been noted.

Thank you and have a great weekend.

Scott

Scott A. James, P.E.
Transportation Planning Engineer
Planning, Development & Transportation Department
Desk line (910) 473 - 5130

From: Caroline Cheeves [mailto:ccheeves@rameykemp.com]
Sent: Tuesday, July 20, 2021 2:15 PM
To: Scott James <Scott.James@wilmingtonnc.gov>; Danielle Troutman <dtroutman@rameykemp.com>
Cc: Covarrubias, Eva P <epcovarrubias@ncdot.gov>; Dan Cumbo <drcumbo@ncdot.gov>; Leonard, Jessi L <jleonard6@ncdot.gov>; Haste, Bradley L <blhaste@ncdot.gov>
Subject: RE: Headwaters Apartments - Updated Scoping Information

Thanks, Scott!

It appears that those files had the previous density for the apartments (294) - Do you need to issue a new scope approval for the updated density (168 apartments)? Or are we okay to just state that the density was reduced since receiving the scope approval? We also didn't include internal capture or pass-by in the original scoping documentation.

We can send on the updated site trip assignment, or we can just include all that in the TIA.

Thanks!

Caroline Cheeves (Bojarski), PE
Traffic Engineering Project Manager
C 814 323 0552 | T 919 872 5115 | D 919 987 1281
rameykemp.com

From: Scott James <Scott.James@wilmingtonnc.gov>
Sent: Monday, July 19, 2021 5:08 PM
To: Caroline Cheeves <ccheeves@rameykemp.com>; Danielle Troutman <dtroutman@rameykemp.com>
Cc: Covarrubias, Eva P <epcovarrubias@ncdot.gov>; Dan Cumbo <drcumbo@ncdot.gov>; Leonard, Jessi L <jleonard6@ncdot.gov>; Haste, Bradley L <blhaste@ncdot.gov>
Subject: RE: Headwaters Apartments - Updated Scoping Information

Hello Caroline,

I've reviewed the files and found this response from June 29th.

NC DOT has provided comments and is awaiting the preliminary TIA.

Please confirm receipt of the attachment.

Scott

Scott A. James, P.E.
Transportation Planning Engineer
Planning, Development & Transportation Department
Desk line (910) 473 - 5130

From: Caroline Cheeves [mailto:ccheeves@rameykemp.com]
Sent: Thursday, July 15, 2021 10:26 AM
To: Scott James <Scott.James@wilmingtonnc.gov>
Cc: Danielle Troutman <dtroutman@rameykemp.com>; Covarrubias, Eva P <epcovarrubias@ncdot.gov>
Subject: Headwaters Apartments - Updated Scoping Information

Hey Scott!

Jay had previously scoped out a TIA for the Headwaters Apartments development. The TIA was put on hold, but is now kicking back off with a slightly different site plan (fewer apartment units). Attached is the previous scope approval and the updated trip generation. We are hoping that the same scope will be applicable with the new trip generation.

I am not 100% positive where this one was left off in the scoping process, but below is a link to all of the scoping information, please let us know if this was previously reviewed.

Headwaters at Hampstead - WMPO Scope Approval

The project team wants to move forward as quickly as possible with this update. Let us know if you have any questions or if we need to hop on the call next week to discuss.

Thanks!

Caroline Cheeves (Bojarski), PE
Traffic Engineering Project Manager
C 814 323 0552 | T 919 872 5115 | D 919 987 1281
rameykemp.com



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Table 1 – Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Multifamily Housing Mid-Rise (221)	174 units	950	15	44	46	29
General Office Building (710)	1,400 s.f.	40	4	0	12	55
Shopping Center (820)	4,550 s.f.	740	95	59	26	29
High-Turnover (Sit-Down) Restaurant (932)	12,600 s.f.	1,410	101	76	114	105
Total Trips		**3,140**	**215**	**179**	**198**	**218**
Internal Capture (13% AM & 19% PM)			*-28*	*-23*	*-38*	*-41*
Total External Trips			**187**	**156**	**160**	**177**
Pass-By Trips: Shopping Center (34% PM)			--	--	*-8*	*-8*
Pass-By Trips: High-Turnover (Sit-Down) Restaurant (43% PM)			--	--	*-38*	*-38*
Total Primary Trips			**187**	**156**	**114**	**131**

NCHRP 8-51 Internal Trip Capture Estimation Tool			
Project Name:	Headwaters at Hampstead	**Organization:**	RKA
Project Location:	Hampstead, NC	**Performed By:**	DT
Scenario Description:		**Date:**	7/29/2021
Analysis Year:		**Checked By:**	
Analysis Period:	**AM Street Peak Hour**	**Date:**	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office	710	1,400	s.f.		4	0
Retail	820	4,550	s.f.		95	59
Restaurant	932	12,600	s.f.		101	76
Cinema/Entertainment						
Residential	221	174	units		15	44
Hotel						
All Other Land Uses[2]						
Total				0	215	179

Table 2-A: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.	% Transit	% Non-Motorized	Veh. Occ.	% Transit	% Non-Motorized
Office	1.10			1.10		
Retail	1.10			1.10		
Restaurant	1.10			1.10		
Cinema/Entertainment	1.10			1.10		
Residential	1.10			1.10		
Hotel	1.10			1.10		
All Other Land Uses[2]	1.10			1.10		

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		8	0	0	0
Restaurant	1	8		0	1	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	10	0		0
Hotel	0	0	0	0	0	

Table 5-A: Computations Summary

	Total	Entering	Exiting
All Person-Trips	434	237	197
Internal Capture Percentage	13%	12%	14%
External Vehicle-Trips[3]	345	191	154
External Transit-Trips[4]	0	0	0
External Non-Motorized Trips[4]	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	25%	N/A
Retail	8%	12%
Restaurant	16%	12%
Cinema/Entertainment	N/A	N/A
Residential	6%	21%
Hotel	N/A	N/A

[1]Land Use Codes (LUCs) from *Trip Generation Informational Report*, published by the Institute of Transportation Engineers.
[2]Total estimate for all other land uses at mixed-use development site-not subject to internal trip capture computations in this estimator
[3]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A
[4]Person-Trips
*Indicates computation that has been rounded to the nearest whole number.
Estimation Tool Developed by the Texas Transportation Institute

Project Name:	Headwaters at Hampstead
Analysis Period:	AM Street Peak Hour

Table 7-A: Conversion of Vehicle-Trip Ends to Person-Trip Ends

Land Use	Table 7-A (D): Entering Trips			Table 7-A (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.10	4	4	1.10	0	0
Retail	1.10	95	105	1.10	59	65
Restaurant	1.10	101	111	1.10	76	84
Cinema/Entertainment	1.10	0	0	1.10	0	0
Residential	1.10	15	17	1.10	44	48
Hotel	1.10	0	0	1.10	0	0

Table 8-A (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	19		8	0	9	0
Restaurant	26	12		0	3	3
Cinema/Entertainment	0	0	0		0	0
Residential	1	0	10	0		0
Hotel	0	0	0	0	0	

Table 8-A (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		34	26	0	0	0
Retail	0		56	0	0	0
Restaurant	1	8		0	1	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	18	22	0		0
Hotel	0	4	7	0	0	

Table 9-A (D): Internal and External Trips Summary (Entering Trips)

Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles[1]	Transit[2]	Non-Motorized[2]
Office	1	3	4	3	0	0
Retail	8	97	105	88	0	0
Restaurant	18	93	111	85	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	1	16	17	15	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses[3]	0	0	0	0	0	0

Table 9-A (O): Internal and External Trips Summary (Exiting Trips)

Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles[1]	Transit[2]	Non-Motorized[2]
Office	0	0	0	0	0	0
Retail	8	57	65	52	0	0
Restaurant	10	74	84	67	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	10	38	48	35	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses[3]	0	0	0	0	0	0

[1]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A
[2]Person-Trips
[3]Total estimate for all other land uses at mixed-use development site-not subject to internal trip capture computations in this estimator
*Indicates computation that has been rounded to the nearest whole number.

NCHRP 8-51 Internal Trip Capture Estimation Tool			
Project Name:	Headwaters at Hampstead	**Organization:**	RKA
Project Location:	Hampstead, NC	**Performed By:**	DT
Scenario Description:		**Date:**	7/29/2021
Analysis Year:		**Checked By:**	
Analysis Period:	**PM Street Peak Hour**	**Date:**	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office	710	1,400	s.f.		12	55
Retail	820	4,550	s.f.		26	29
Restaurant	932	12,600	s.f.		114	105
Cinema/Entertainment						
Residential	221	174	units		46	29
Hotel						
All Other Land Uses[2]						
Total				0	198	218

Table 2-P: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.	% Transit	% Non-Motorized	Veh. Occ.	% Transit	% Non-Motorized
Office	1.10			1.10		
Retail	1.10			1.10		
Restaurant	1.10			1.10		
Cinema/Entertainment	1.10			1.10		
Residential	1.10			1.10		
Hotel	1.10			1.10		
All Other Land Uses[2]	1.10			1.10		

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		2610	2610		2610	
Retail					2610	
Restaurant					2610	
Cinema/Entertainment					2610	
Residential		2610	2610			
Hotel					2610	

Table 4-P: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	1	0
Retail	1		9	0	4	0
Restaurant	3	15		0	8	0
Cinema/Entertainment	0	0	0		0	0
Residential	1	0	1	0		0
Hotel	0	0	0	0	0	

Table 5-P: Computations Summary

	Total	Entering	Exiting
All Person-Trips	459	218	241
Internal Capture Percentage	19%	20%	18%
External Vehicle-Trips[3]	340	160	180
External Transit-Trips[4]	0	0	0
External Non-Motorized Trips[4]	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	38%	2%
Retail	52%	44%
Restaurant	8%	22%
Cinema/Entertainment	N/A	N/A
Residential	25%	6%
Hotel	N/A	N/A

[1]Land Use Codes (LUCs) from *Trip Generation Informational Report*, published by the Institute of Transportation Engineers.
[2]Total estimate for all other land uses at mixed-use development site-not subject to internal trip capture computations in this estimator
[3]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P
[4]Person-Trips
*Indicates computation that has been rounded to the nearest whole number.
Estimation Tool Developed by the Texas Transportation Institute

Project Name:	Headwaters at Hampstead
Analysis Period:	**PM Street Peak Hour**

Table 7-P: Conversion of Vehicle-Trip Ends to Person-Trip Ends

Land Use	Table 7-P (D): Entering Trips			Table 7-P (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.10	12	13	1.10	55	61
Retail	1.10	26	29	1.10	29	32
Restaurant	1.10	114	125	1.10	105	116
Cinema/Entertainment	1.10	0	0	1.10	0	0
Residential	1.10	46	51	1.10	29	32
Hotel	1.10	0	0	1.10	0	0

Table 8-P (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		1	0	0	1	0
Retail	1		9	1	4	2
Restaurant	3	48		9	9	8
Cinema/Entertainment	0	0	0		0	0
Residential	1	1	1	0		1
Hotel	0	0	0	0	0	

Table 8-P (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	2	0
Retail	4		36	0	23	0
Restaurant	4	15		0	8	0
Cinema/Entertainment	1	1	4		2	0
Residential	7	0	2	0		0
Hotel	0	1	6	0	0	

Table 9-P (D): Internal and External Trips Summary (Entering Trips)

Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles[1]	Transit[2]	Non-Motorized[2]
Office	5	8	13	7	0	0
Retail	15	14	29	13	0	0
Restaurant	10	115	125	105	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	13	38	51	35	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses[3]	0	0	0	0	0	0

Table 9-P (O): Internal and External Trips Summary (Exiting Trips)

Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles[1]	Transit[2]	Non-Motorized[2]
Office	1	60	61	55	0	0
Retail	14	18	32	16	0	0
Restaurant	26	90	116	82	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	2	30	32	27	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses[3]	0	0	0	0	0	0

[1]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P

[2]Person-Trips

[3]Total estimate for all other land uses at mixed-use development site-not subject to internal trip capture computations in this estimator

*Indicates computation that has been rounded to the nearest whole number.

WMPO

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

~~February 23, 2021~~ **REVISED July 23, 2021**

Ms. Caroline (Bojarski) Cheeves, PE
Ramey Kemp Associates
5808 Faringdon Place
Raleigh, NC 27609

RE: **REVISED** Scope approval for the Traffic Impact Analysis (TIA) associated with the proposed **Headwaters Apartments Development**
Pender County, NC

Dear Mr. Clapp,

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

- LUC 221 – ~~294~~ **168** Multi-Family Housing (Mid Rise)
- LUC 712 – 1,400 SF Small Office Building (8 employees)
- LUC 820 – 4,550 SF Shopping Center
- LUC 932 – 12,600 SF High Turnover (Sit-Down) Restaurant

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

1. **Data Collection - Analysis Parameters:**
   a) Study Intersections
      i. For existing intersections, provide turning movement counts for weekday AM (7:00am-9:00am) and PM (4:00pm-6:00pm) peak periods, signal timing (if applicable), and lane geometry:
         - US 17 at NC 210/ SR 1784 (Dan Owen Drive)
         - US 17 at SR 1673 (Deerfield Drive)
         - US 17 at SR 1618 (Hughes Road)
         - US 17 at SR 1582 (Washington Acres Road)
         - US 17 at Site Access 1
         - SR 1673 (Deerfield Drive) at SR 1684 (NE Center Drive)/Site Access 3
         - SR 1673 (Deerfield Drive) at SR 1674 (Creekview Drive)
         - SR 1673 (Deerfield Drive) at Site Access 2
         - SR 1582 (Washington Acres Road) at SR 1684 (SW Center Drive)

b) Site Trip Generation, Site Trip Distribution and Background Traffic Assumptions
   i. Site Trip Generation Estimate - **REVISED**
      - Attached
   ii. Site Trip Distribution
      - To be submitted and approved prior to use in TIA
   iii. Adjacent Development (approved but not yet built):
      - Lea Marina
   iv. Planned Roadway Improvements
      - N/A
   v. Background Traffic Assumptions
      - Full Build - 2023
      - Growth rate – 1% per year

2. **Capacity Analysis: Week day AM & PM Peak Hour**
   a) Technical Analysis
      i. 2021 Existing
      ii. 2023 Future No-Build
      [Existing + 1% background growth + approved development trips]
      iii. 2023 Full Build Conditions
      [Existing + 1% background growth + approved development trips + site trips]
      iv. 2023 Full Build Conditions + improvements
      [Existing + 1% background growth + site trips]

3. **Final Report Submittal:**
   a) Completed TIA Application
   b) Signed and sealed by a Professional Engineer
   c) Three bound copies
   d) Electronic copies to include PDF of TIA and Synchro output files and Synchro analysis files in digital format

4. **Notes:**
   a) This scope shall remain valid for three months from the date of this letter.
   b) 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.

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

Sincerely,

Scott A. James, PE
Transportation Planning Engineer
Wilmington Urban Area MPO

Attachments: Traffic Impact Analysis Supplemental Guidelines
REVISED Trip Generation Summary (provided by Ramey Kemp)
Site Map (provided by Ramey Kemp)

ec: Dan Cumbo, PE, District Engineer, NCDOT
Doug Racine, Assistant District Engineer, NCDOT
Brad Haste, Assistant District Engineer, NCDOT
Jessi Leonard, PE, Division Traffic Engineer, NCDOT
Eva Covarrubias, EI Transportation Engineering Associate, NCDOT
Mike Kozlosky, Executive Director, WMPO
Travis Henley, MPA, Planning Director, Pender County
Sam Shore, MPA, Long Range Planner, Pender County

COMMUNITY MEETING SIGN-IN SHEET

Headwaters at Hampstead | **Meeting Date:** August 17, 2021, 6:30 pm

Place/Room: Hampstead Annex, 15060 US Hwy 17, Hampstead NC

Name	Address	E-Mail (optional)
Pat Donovan-Brandenburg	201 Creekview Drive	pdonovan-brandenburg
Walt + Sue Hyde	144 Shandy Way	@jacksonvillenc.gov
Ron + Pauline Stiff	115 Deerfield Dr	
Laura LaBaree	527 N Line Dr 28443	llabree78@gmail.com
Micki L. Tanbouz	531 North Line Drive 28443	mtanbouz@charter.net
Scot Ricks	121 Deerfield Dr	
Sandy Wedemeyer	132 Circle Dr.	
Dave Bickell	345 Hughes Rd	Starbethkeim@live.com
Fred Isengaid	345 Hughes Rd	
Danielle Peacock	123 Deerfield Dr	
David Peacock	123 Deerfield Dr	
Mary Martin	338 Creekview Drive	
Kelli Ramsey	407 Headwaters Dr	
Dickinsons	48 Sally Ln	Kadickinson7@gmail
Doug Holdstein	313 Creekview Dr.	

Community Meeting Summary
for Master Development Plan by Evolve Acquisitions, LLC
Meeting Date & Time: August 17, 6:30 PM -7:30 PM
Meeting Location: Hampstead Annex

Paramounte Engineering, Inc. (PEI), Evolve Acquisitions, LLC (Evolve), and Swain & Associates (Swain) (collectively, Development Team) hosted a meeting to introduce the proposed development for Hawthorne at Headwaters to the adjacent neighbors attending the meeting. Property owners within 500 ft. of the proposed development (as required by Pender County) were notified of the community meeting by mail on August 6, 2021.

The open-house style meeting allowed people to view a context aerial for general site location purposes, a concept of the overall proposed master development s well as examples of other Evolve multifamily projects and Swain commercial/retail projects. The community asked the Development Team questions about the plans, and many of the same questions were discussed repeatedly during the meeting. The following is a synopsis of the comments heard at the meeting.

- Attendees were concerned about traffic from the development, The team stated that traffic report takes into account this, previously approved and any other developments in the planning stage with the county
- Attendees discussed stormwater and where ponds discharged and size of ponds, The team stated that ponds sized for the 100 year event and below, which is greater than Pender County stormwater ordinance
- Attendees asked if there would be Section 8 housing, The team stated no Section 8 housing
- Concerns were raised regarding a multifamily project's impact on the school system, team stated that multi-family has less school children than traditional single-family neighborhoods
- Attendees asked about process for review by Pender County, team stated review is based on technical standards of Pender County UDO/Subdivision ordinance
- Attendees asked about sewer for the property, team stated sewer pump station to be built for development, will tie into Pluris Hampstead system
- Attendees asked about water capacity, team stated have capacity letter from Pender County Utilities stating capacity for project

Gideon Smith

From:	Gideon Smith
Sent:	Monday, July 12, 2021 1:00 PM
To:	Gideon Smith
Cc:	Travis Henley; Tera Cline; Vanessa Lacer; Carlene Shaw; Greg Feldman
Subject:	Pender County TRC - August 5
Attachments:	MDP 2021-30 Evolve Headwaters Apartments Master Plan 7.9.2021.pdf; MDP 2021-31 Scotts Hill RMX Proposed Master Plan 7.9.2021.pdf

Good afternoon everyone,

We have not received any applications for the August 5, 2021 TRC meeting. If no one objects, we will plan to cancel that meeting.

We have, however, received two Master Development Plans for Planning Board consideration at their September meeting. Will you please review the attached plans and provide any comments to me by Monday, July 26? Please let me know if you would like to meet and discuss these items at 9:00 AM on Thursday, August 5, 2021 (regular TRC meeting date/time).

Please note that these two developments were originally proposed to be rezoned a few months ago, but the applicants have withdrawn those applications. They are now proposing new site designs as shown on these Master Development Plans.

Thanks,
Gideon

Gideon Smith | Senior Planner
Pender County Planning & Community Development
(910) 259-1529
gsmith@pendercountync.gov
805 S. Walker Street,
Burgaw, NC 28425

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Technical Review Committee (TRC) Comment Sheet

Project Title: Evolve Headwaters Apartments Master Development Plan
Case Number: MDP 2021-30
TRC Meeting Date: 7/12/2021 – Sent to TRC for review and comment
Board Hearing (if applicable): 9/1/2021

The following comments have been received for the September 1, 2021 Planning Board meeting. No additional comments from other TRC members have been received at this time.

Pender County Addressing Coordinator, Mike Dickson 910-259-1442

1. ROAD A, COLLECTOR ROAD B, ROAD C, and the three unlabeled roads in the apartment parking area must be named.
2. The developer must submit road names and possible alternatives to me for approval.
3. The building address numbers will be assigned by me during each individual building permit approval for the multi-family buildings, the amenity center for the multi-family buildings, and the garage buildings.
4. The developer is responsible for assigning the individual unit numbers.

Pender County Soil and Water Conservation District, Jason Turner 910-471-9122

1. Pender SWCD has no issue with this request.

WMPO, Scott James, 910-473-5130

1. A revised approved scope of study for this project and the revised trip generation estimates have been sent to the applicant's traffic engineer.
2. The reduction in land use intensity has been noted.

Pluris, Kaarin Williams 910-218-7653

1. Currently Pluris does not see any issues with this project.

Pender County

Agenda

Planning Board Meeting
Wednesday, September 1, 2021 @ 7:00 PM
Pender County Hampstead Annex

			Presenter	Page
1.	CALL TO ORDER			
2.	ROLL CALL			
3.	INVOCATION			
4.	PLEDGE OF ALLEGIANCE			
5.	ADOPTION OF AGENDA			
6.	ADOPTION OF MINUTES			
		Planning Board Minutes from 7-6-2021 Meeting Planning Board Minutes July 6, 2021 - Pdf		3 - 10
7.	PUBLIC COMMENT			
8.	PUBLIC HEARINGS			
	8.1.	REZONE 2021-25 REZONE 2021-25 - Pdf		11 - 40
	8.2.	MDP 2021-30 MDP 2021-30 - Pdf		41 - 79
	8.3.	MDP 2021-31 MDP 2021-31 - Pdf		81 - 122
	8.4.	Pender County Collector Street Plan 2021 Pender County Collector Street Plan 2021 - Pdf		123 - 182
9.	DISCUSSION			
10.	NEXT MEETING DATE October 5, 2021 7:00 PM Location TBD			
11.	ADJOURNMENT			

Pender County
MDP 2021-30

TO:	Planning Board
FROM:	Gideon Smith
DATE:	September 1, 2021
SUBJECT:	MDP 2021-30

SUMMARY:
Evolve Acquisitions LLC, applicant on behalf of Lanwillo Development Co. and Headwaters Properties LLC, owners, is requesting the approval of a Master Development Plan within the PD, Planned Development zoning district to allow for a mixed-use development consisting of 174 multi-family units and three commercial outparcels, with numerous potential commercial uses. The subject properties consist of 4 tracts of land totaling approximately 24.26 acres and are located on the eastern side of US HWY 17 between its intersections with Hughes Road to the south and Deerfield Drive to the north in the Topsail Township. The subject properties may be further identified by the following Pender County PINs: 3282-74-3515-0000; 3282-74-1001-0000; 3282-74-6231-0000; and 3282-74-8862-0000.

ACTION REQUESTED:
To hold a Public Hearing and consider the Master Development Plan

ATTACHMENTS:
1.MDP 2021-30 Staff Report
2.MDP 2021-30 Application
3.MDP 2021-30 Narrative
4.MDP 2021-30 Proposed Master Plan
5.MDP 2021-30 Approved Scope
6.MDP 2021-30 Community Meeting Report
7.MDP 2021-30 TRC comments

STAFF REPORT FOR MDP 2021-30
MASTER DEVELOPMENT PLAN APPLICATION

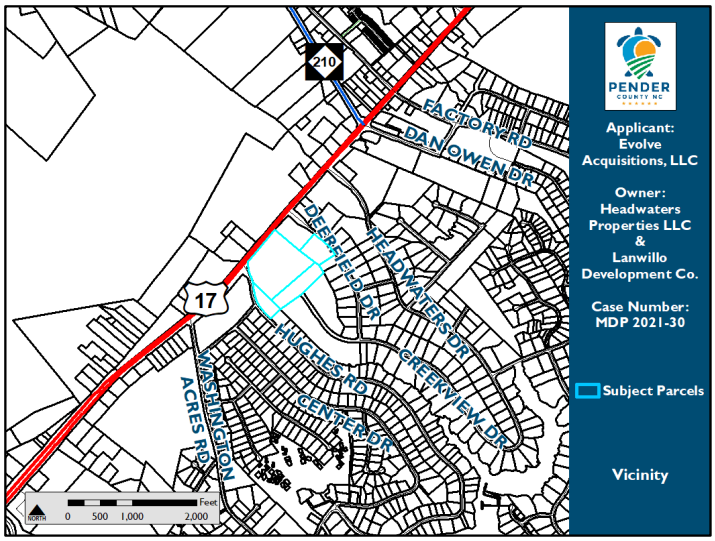
APPLICATION SUMMARY	
Case Number	MDP 2021-30
Hearing Date	September 1, 2021 Planning Board
Applicant	Evolve Acquisitions, LLC
Property Owner(s)	Landwillo Development Co. & Headwaters Properties, LLC
Parcel Identification Number	3282-74-3515-0000; 3282-74-1001-0000; 3282-74-6231-0000; and 3282-74-8862-0000
Acreage	24.26
Township	Topsail
Zoning District	PD, Planned Development
Pender 2.0 Future Land Use Category	Regional Mixed-Use

MASTER DEVELOPMENT PLAN PROPOSAL

Evolve Acquisitions LLC, applicant on behalf of Lanwillo Development Co. and Headwaters Properties LLC, owners, is requesting the approval of a Master Development Plan within the PD, Planned Development zoning district to allow for a mixed-use development consisting of 174 multi-family units and three commercial outparcels, with numerous potential commercial uses.

LOCATION

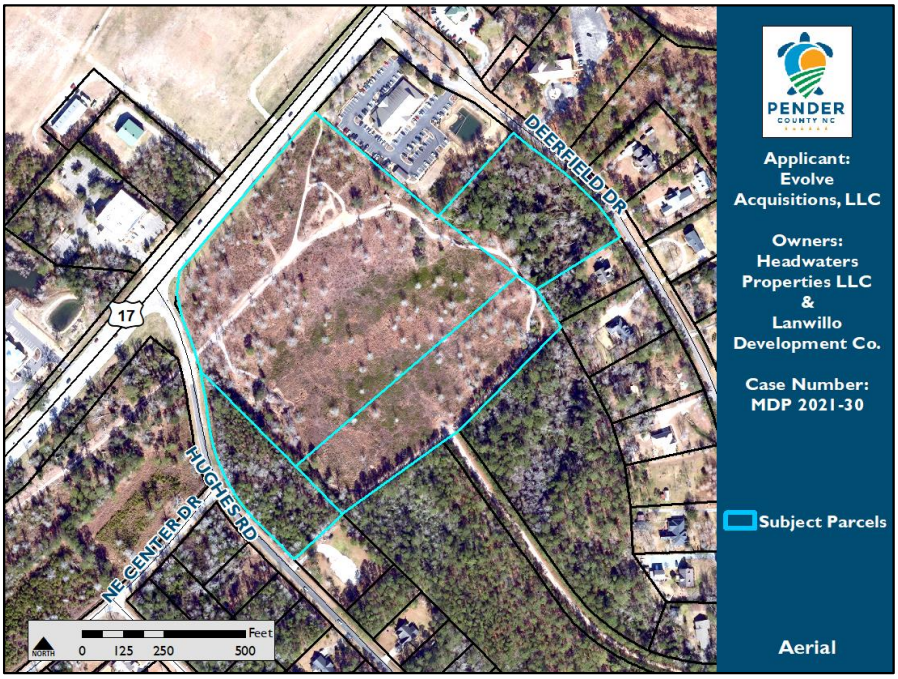
The subject property consists of 4 tracts of land and is located on the eastern side of US HWY 17 between its intersections with Hughes Road to the south and Deerfield Drive to the north in the Topsail Township.



MASTER DEVELOPMENT PLAN PROPOSAL

The applicant is proposing to construct a mixed-use development, Evolve Headwaters Apartments, consisting of 174 multi-family units within seven multi-family apartment buildings. One building is proposed to contain 30 dwelling units while the remaining 6 buildings will contain 24 dwelling units each. Additionally, the proposal includes 3 outparcels reserved for non-residential development along US HWY 17 to the north of the US HWY 17/Hughes Road intersection. The proposal also includes associated amenities for the residential uses, four new roadways, a wastewater pump station, and other associated infrastructure.

According to the applicant's narrative, the residential component of the site is proposed to be constructed as one phase, including proposed amenities and all stormwater infrastructure. The non-residential outparcels along US HWY 17 will be constructed as tenants are established. All phases of the proposed development shall occur in accordance with the PD, Planned Development zoning district. Additional information regarding the development is detailed in subsequent sections in this report.



Dimensional Requirements

Dimensional standards within the PD, Planned Development zoning district are specific to individual parcels or parcels included in master development plans. If a property is not included in a master development plan, dimensional standards must be reviewed and approved by the Planning Board.

The applicant is proposing the below minimum dimensional standards. These standards are to be applied uniformly to all buildings and uses on the subject properties.

Evolve Headwaters Proposed Setbacks	
	Minimum Setback
Front	5'
Side	5'
Rear	5'
Corner	5'
Max. Building Height	45'
Structure Separation	20'

Allowable Uses

Per Section 6.1.1.A of the Pender County Unified Development Ordinance, all proposed uses shall be specified in the Master Development Plan narrative by NAICS code. All proposed uses included on the applicant's master plan are sourced from Section 5.2.3 of the Pender County Unified Development Ordinance (UDO) and are permitted in the PD, Planned Development zoning district as part of an approved master development plan. All permitted uses included in this master plan are included in the table below.

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

6115	Technical & Trade Schools	8139	Business Professional, Labor, Political, & Similar Organizations
6116	Other Schools & Instruction	92	Public Administration
622	Hospitals		

Density

The net density of the proposed project is shown in the table below and calculated in accordance with Section 4.6.7.A.2 of the UDO. A net density of 12.27 dwelling units/acre (du/ac) conforms with the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan, from which guidance for residential project density for master development plans are sourced. The Future Land Use Category for the subject properties is Regional Mixed Use, which envisions multi-family residential development at a density of up to 15 units per acre.

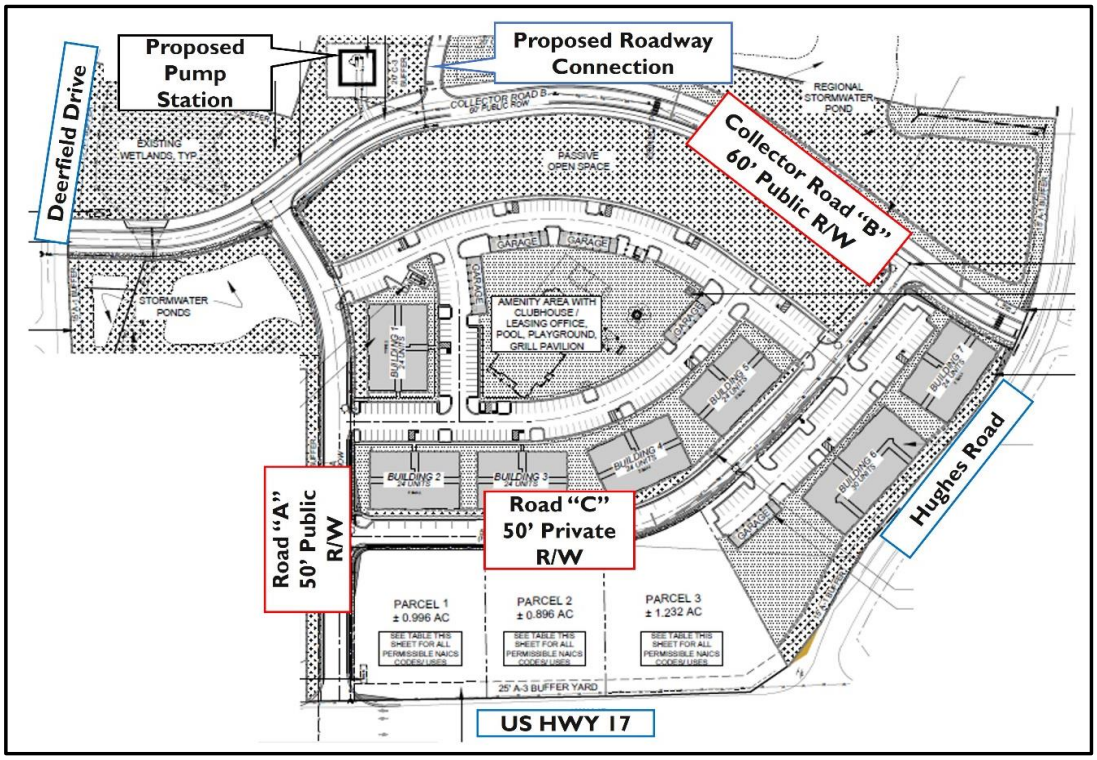
Evolve Headwaters Density Calculations	
Total Site Acreage	24.26 acres
Potential Wetland Acreage	0.86 acres
Total Non-Residential Acreage (including right-of-way)	4.00 acres
Total Required Open Space	5.22 acres
Total Provided Open Space (Active)	3.70 acres
Total Provided Open Space (Passive)	7.35 ac
Total Undevelopable Land Acreage	10.08 ac
Total Developable Land Acreage	14.18 ac
Total Number of Units	174 residential units
Maximum Density (Regional Mixed Use)	15 du/ac
Proposed Density	**12.27 du/ac**

TRANSPORTATION INFRASTRUCTURE

Roadways, Street Connectivity, and Access

The proposed development will be accessed via Hughes Drive and Deerfield Drive which connect to US HWY 17. The applicant is proposing to construct one collector street as part of the proposal. The proposed master plan shows "Collector Road B" running parallel to US HWY 17 connecting Deerfield Drive to Hughes Road at the intersection of Hughes Road and NE Center Drive. This roadway is proposed to be constructed in accordance with the Pender County Collector Street Plan (CSP), with this portion of the roadway intending to be part of a larger parallel collector street to US HWY 17 that extends from Factory Road south toward Scotts Hill. "Road A" is proposed to connect "Collector Road B" to US HWY 17 as a public right-of-way, meeting US HWY 17 at a preliminary approved signal-controlled intersection.

Below: Applicant's Master Plan with Staff Markups



Additional roadways include "Road C" which will connect Road A to Collector Road B as a private right-of-way and will provide primary access to the non-residential outparcels, as well as a roadway stub to the east to connect to the proposed development (49 single-family detached dwelling units) established in 2018 under RM-CD4, Residential Mixed Conditional District 4. Through this adjacent development, an additional connection point with Deerfield and Creekview Drives (SR 1673/1674) will be established. Road C will include on-street parking adjacent to the northbound lane.

In addition to being in conformance with the Pender County Collector Street Plan and the Pender County Unified Development Ordinance, the roadway network proposed to be established by the development outlined in this report will serve to significantly increase the interconnectivity of the surrounding community by providing an additional signalized intersection along US HWY 17 between Hughes Road and Deerfield Drive, establishing a connection between the Deerfield community and the signalized intersection at US HWY 17 and Washington Acres Road, and continuing a parallel roadway to US HWY 17 will continue to help reduce congestion and increase safety as more portions of the roadway are built.

A graphic of the proposed cross section to be utilized for Collector Road B, which shall include an 8 ft. wide Multi-Use Path parallel to it, is provided on the following page as shown in the Pender County Collector Street Plan

Below: Collector Street Cross-Section from Pender County CSP



In accordance with proposed condition 9, the non-residential outparcels will be required to connect internally to the development, prohibiting direct access to US HWY 17. As a result, cross access corridors will be established and will be reviewed for compliance with the UDO when site specific development plans are submitted for each outparcel.

Pedestrian Access

Per the applicant's submitted master plan, pedestrian facilities are proposed along one side of all rights-of-way within the proposed development and throughout the residential portion of the development. The proposed pedestrian infrastructure is in conformance with the Pender County Unified Development Ordinance as well as the Pender 2.0 Comprehensive Land Use Plan's vision for this portion of the County, whereby bicycle and pedestrian access to proposed developments is greatly encouraged.

Traffic

A Traffic Impact Analysis (TIA) is required for the proposed master development plan because it is estimated to generate more than 100 trips in the morning and evening peak hours and over 1,000 trips per day. Any traffic requirements will be addressed by NCDOT and will be required to be compliant with their standards. The chart below shows the trip generation calculations that the applicant submitted based upon the proposed uses included in this request. Although the estimated trips per land use category are not specified, the cumulative sum of these trips exceeds the threshold that requires a TIA to be submitted.

A TIA has been prepared by Ramey Kemp and Associates and is currently under review by NCDOT and the Wilmington Urban Area Metropolitan Planning Organization (WMPO). The approved scope can be found in Attachment 1 of the Board's packet. The below table includes data from the pending TIA. The approved TIA will be required prior to construction and will be provided to Pender County Planning Staff upon its completion.

Evolve Headwaters Apartments Site Trip Generation*							
Land Use	Size	Unit	Daily Trips	AM Peak Hour Trips		PM Peak Hour Trips	
				Enter	Exit	Enter	Exit
Multi-Family Residential (LUC 221)	174	Dwelling Units	950	15	44	46	29
General Office Building (LUC 710)	1,400 sf	Ground Floor Area	40	4	0	12	55
Shopping Center (LUC 820)	4,550 sf	Ground Floor Area	740	95	59	26	29
High-Turnover (Sit-Down) Restaurant (LUC 932)	12,600 sf	Ground Floor Area	1,410	101	76	114	105
Total			3,140	394		416	
Total Primary Trips**				343		245	

*Site Trip Generation data sourced from the pending Traffic Impact Analysis that is being performed by Ramey Kemp & Associates, Inc.
**Total Primary Trips are calculated by subtracting the internal capture trips and pass-by trips from the total trips.

Because a Traffic Impact Analysis has not been completed at this time that analyzes roadway impacts as a result of the development, the volume to capacity ratio for US HWY 17 near the subject site has been provided. This ratio is based on average daily trips and the design characteristics of a given roadway, which can provide a general idea of the function of such roadway. Based upon the available volume to capacity data, US HWY 17 in this area has capacity to handle the anticipated traffic volume increases associated with the proposed master development plan.

NCDOT Average Annual Daily Traffic (AADT) – 2019; WMPO Roadway Capacities – 2019

Road	Location	Volume	Capacity	V/C
US HWY 17	14000 Block	39,000	66,000	0.59

Parking
The UDO does not establish parking minimums for residential developments including the multi-family residential use type. The applicant has proposed 345 parking spaces including five garage buildings. As such, the submitted master plan is found to be in conformance with the UDO at this time, though parking will be reevaluated through the zoning approval process for conformance with all other parking design standards.

As specific tenants for the non-residential component are not yet known, parking requirements for this portion of the project cannot be determined at this time. Through the site development plan approval process, parking will be reevaluated at point at which each outparcel moves forward, with the specific number of parking spaces dependent upon the use(s) or tenant(s) of each outparcel.

Landscape and Buffers
The table below outlines the required buffers in the PD, Planned Development zoning district based on the adjacent land uses to the subject property. The proposed master plan illustrates the type of buffer along each property boundary, all of which are compliant with UDO requirements.

Required and Proposed Buffers	
Buffer Type	**Location of Buffer**
Type A	Adjacent US HWY 17 & Hughes Road
Type B	Adjacent to all non-residential uses (Church of Jesus Christ of Latter-Day Saints)
Type C	Adjacent to all single-family residential uses & proposed pump station

Due to the presence of a regional stormwater pond between the proposed development at the development to the east, the required Type C buffer along that border is proposed along Collector Road B instead of the property line.

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.

Significant Trees
A significant tree survey conforming with section 8.1.3 of the Pender County Unified Development Ordinance will be required prior to administrative approval of any subsequent Preliminary Plat or Site Development Plan within this project. A previous significant tree survey was provided in the context of a previous development proposal for the subject properties. Per proposed condition 3, an updated significant tree survey and mitigation plan shall be required prior to the issuance of zoning approval by Staff for any portion of the project. Any significant tree proposed for removal shall be mitigated by the on-site planting of two (2) trees of the same species with a minimum caliper of 2" or greater.

Open Space
The proposed mixed-use development is required to provide a minimum of 5.22 acres of open space, with a minimum of 2.61 acres dedicated as active and a minimum of 2.61 acres dedicated as passive. The table below outlines the required open space as well as the proposed open space associated with the master plan. The applicant's submitted master plan demonstrates compliance with this requirement, and the total open space (11.05 acres) provided exceeds that which is required by the UDO.

Required and Proposed Open Space		
Open Space Dedication	**Open Space Required**	**Open Space Provided**
Active	2.61 ac	3.70 ac (15.25% of site)
Passive	2.61 ac	7.35 ac (30% of site)
Total	**5.22 ac**	**11.05 ac (45.25% of site)**

Recreational Units
Per Section 7.6.2 of the Pender County Unified Development Ordinance, developments are required to provide recreational units equivalent to financial credits based on the total proposed dwelling units as established in Table 5 below. The applicant has proposed 174 residential units and is therefore required to provide two (2) recreation units totaling a minimum of $20,000. The applicant has illustrated an unspecified amenity area on the submitted plan.

Required Recreation Units		
Dwelling Units	Recreational Unit(s)	Financial Unit
34-99	1.0	$10,000
100-150	1.5	$15,000
151-200	**2.0**	**$20,000**

OTHER INFRASTRUCTURE

Utilities
The project is proposing to connect to Pender County Utilities (PCU) for water supply and is subject to review and approval by PCU. The development is proposed to be serviced by the 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. The developer is proposing to construct a pump station south of Collector Road B as illustrated on the master plan.

All wastewater services are subject to review and approval by Pluris 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.

Stormwater
The applicant is proposing to design the stormwater retention system to exceed the standards of Section 7.9 of the UDO by retaining stormwater from the 100-year, 24-hour storm event. Compliance with these standards will be verified during TRC review if this request is approved. Certification from a licensed engineer that the project meets these requirements shall be required at administrative approval of the development, and all necessary state permits will be required prior to administrative approval for land disturbing activities.

Additionally, the applicant has also proposed the project to meet Pender County's Low Impact Development standards. Where the previously referenced standards address stormwater quantity, Low Impact Development implementation has implications for water quality impacts that occur due to stormwater runoff. Low Impact Development certification requires the implementation of Best Management Practices (BMPs) to treat stormwater runoff on-site to ensure it does not impact water quality in surrounding waterways. Per proposed condition 1, Planning Staff shall require the Low Impact Development certification located in the UDO prior to the issuance of zoning approval for any portion of the site.

The applicant's submitted master plan shows a regional stormwater pond to the east that is intended to also be utilized by the proposed single-family detached development on that parcel.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas[1].
Wetlands	Portions of the subject property may contain wetlands[2, 3]. The extent of these wetlands are illustrated on the submitted master plan. No Jurisdictional Determination from the U.S. Army Corps of Engineers has been submitted by the applicant, which will be required prior to any administrative development approvals. Any disturbance within these wetlands is subject to review and approval by the U.S. Army Corps of Engineers.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC)[4].

[1] According to the effective regulatory and preliminary Flood Insurance Rate Maps from the NC Flood Risk Information System (NC FRIS)
[2] According to the NC Division of Coastal Management (NC DCM)
[3] According to the National Wetlands Inventory (NWI)
[4] According to the North Carolina Department of Environmental Quality (NCDEQ)

External 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.

PUBLIC INPUT MEETING

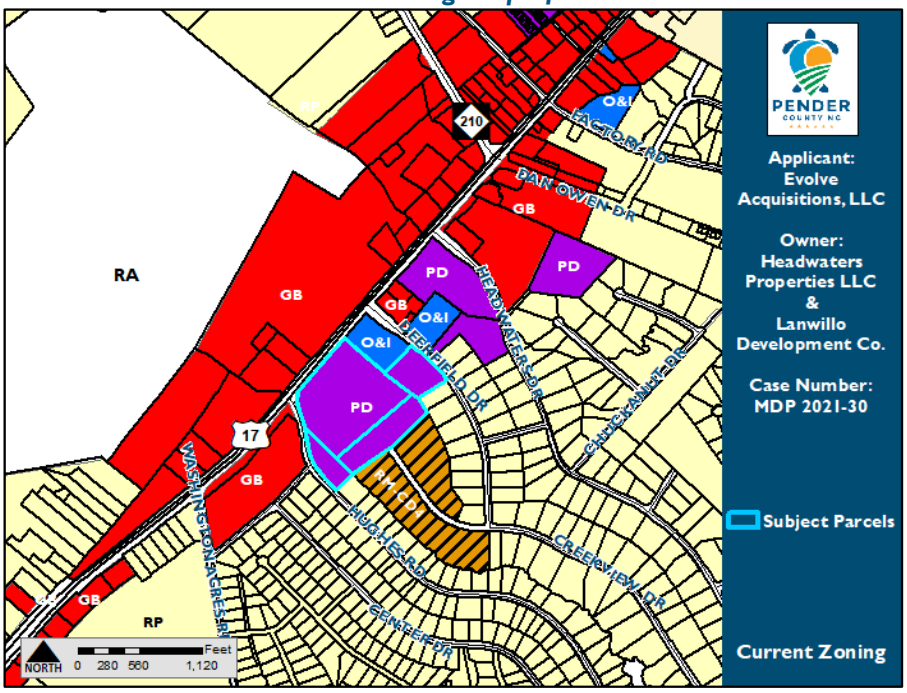
In accordance with the Pender County Unified Development Ordinance, the applicant held a public input meeting on Tuesday, August 17, 2021 at the Hampstead Annex. According to the information provided by the applicant, 15 nearby residents attended the meeting citing concerns regarding traffic, stormwater, housing options, school capacity impacts. Attendees also had general inquiries about the review process for master plans and the proposed utility providers and their respective capacities. A summary of the report provided by the applicant can be found in Attachment 2 of the Board's packet.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES

On July 12, 2021, the proposed master development plan was sent to the Pender County Technical Review Committee for review. All Technical Review Committee comments can be found in Attachment 3 of the Board's packet.

EVALUATION

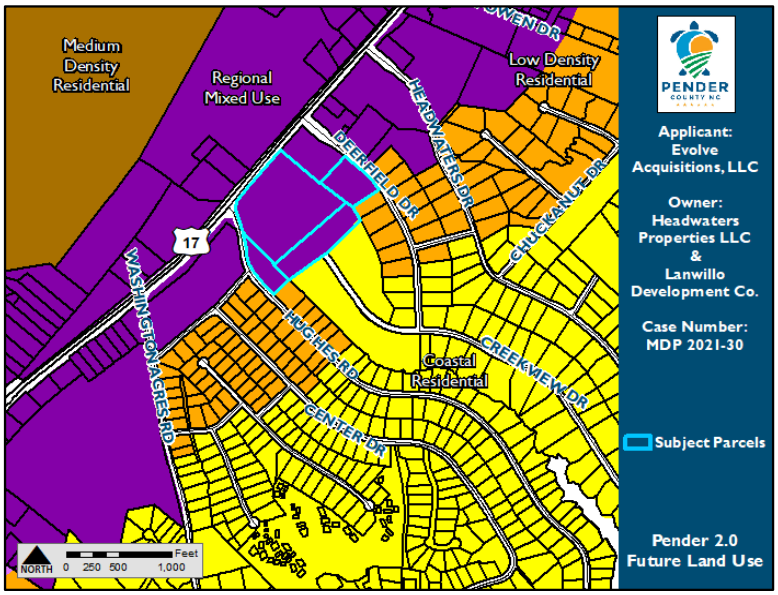
Below: Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Church of Jesus Christ of Latter-Day Saints and Undeveloped	OI, Office & Institutional, GB, General Business
East	Single-Family Residential and Undeveloped	RP, Residential Performance, RM-CD4, Residential Mixed-Conditional District
South	Undeveloped and Single-Family Residential	GB, General Business, RP, Residential Performance
West	The Beacon Building and Undeveloped	RP, Residential Performance, IT, Industrial Transitional

Pender 2.0 Comprehensive Land Use Plan Compliance: The subject properties are located within the Regional Mixed Use Future Land Use Category as shown in the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan. The Regional Mixed-Ese category allows for the strategic allocation of future development and population growth, while limiting land use conflicts within existing neighborhoods. Growth is focused in locations that are served by water/sewer infrastructure and are located along planned major collector roadways and existing primary roadway corridors in the southern portion of the County (I-40, US 17, US 117, US 421, and NC-210). This future land use category provides access to retail, office, and multi-family residential uses. These land uses are primarily accessed by the automobile, but facilities should be included to increase the viability of access via walking or cycling.

The proposed development is consistent with the County's preferred growth pattern for the subject properties for several reasons. The project is proposing to construct a walkable community, with a multi-use path and bike-lanes. Furthermore, the project is proposing a stormwater management system that is proposed to retain more stormwater than is required by the Unified Development Ordinance.



In addition to the Future Land Use Map, the proposed Master Development Plan was found to be consistent with three goals, two objectives, and four policies within the Pender 2.0 Comprehensive Land Use Plan:

> **Goal 4.2:** Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with development and ensuring safe and efficient modes of transportation are available to all residents and visitors.
>
> > **Policy 4.2.F: Collector Street Plan:** The County shall continue to support and implement the Pender County Collector Street Plan when reviewing and

approving new development proposals within the WMPO Boundary area of the County.

Goal 4.3: Provide safe opportunities for walking and cycling, while supporting the need for paratransit service and other alternatives to provide transportation choices for residents and visitors.

Objective 4.3: Encourage alternative means of transportation to reduce traffic, enhance economic development, offer services to those without use of a vehicle, and provide recreational opportunities for residents and visitors.

Goal 5.1: Land Use and Growth Management: Manage the physical growth and development of Pender County by encouraging more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social assets of the rural heritage and coastal habitat that makes the County a unique place to live.

Objective 5.1: Land Use and Growth Management: Ensure that development and use of resources balances protection of natural resources and agricultural lands with economic development, avoids risks to public health and welfare, and is consistent with the capability of the land.

Policy 5.1.K: Commercial Development: The County supports a wide range of commercial development, particularly those businesses that provide needed services to residents and visitors, provided that the impacts on traffic are minimized.

Policy 5.1.H: Mixed Use Development: The County supports a wide range of commercial and residential development at varying intensities, when appropriately located, and provided that impacts to adjacent property owners and traffic congestion is mitigated.

Policy 5.1.V: Residential Development: The County supports a range of housing types and development at appropriate densities and locations that are compatible with their surroundings and are in accordance with the future land use map.

The proposed project fulfills several desired outcomes for development as outlined in the Pender 2.0 Comprehensive Land Use Plan. These outcomes include extending existing collector streets and promoting increased interconnectivity for multiple communities, providing pedestrian facilities across the proposed development, and incorporating mixed use and multi-family development types in an area of the County in which this type of development is desired. Furthermore, the project is intending to provide above-average stormwater management infrastructure in the form of an increased stormwater retention standards and a Low Impact Development (LID) certification.

Unified Development Ordinance Compliance: Section 3.5.4 of the UDO provides the applicable review procedure for Master Development Plans.

3.5.4 Master Development Plan Review

A. Applicants shall submit the MDP to the Administrator, together with completed application materials.
B. Application form must be completed, and fee paid at the time of submission.
C. The Master Development Plan must meet all the requirements prescribed in Section 6.1, Master Development Plan Contents.
D. The Administrator will forward the MDP to the Technical Review Committee for review. The TRC shall make recommendations concerning whether the plan meets the requirements and or plans of their particular state agency, county department or utility authority.
E. When the submission is complete, the Administrator shall submit the plans, application materials and comments to the Planning Board for its consideration, if required in accordance with Section 3.5.2.
F. The Planning Board shall act on the MDP within 90 days of the date of the presentation of the plan to the Board. The Planning Board shall approve the plan, approve it with required changes or deny the plan. If the Planning Board fails to act within 90 days, the plan shall be deemed approved. The applicant may request additional time if he/she deems it necessary.
G. If the MDP is denied by the Planning Board, the applicant may choose to withdraw the application and resubmit it with changes as a new plan or appeal the Planning Board's decision to Zoning Board of Adjustment.
H. Any decision rendered by the Planning Board is appealable to the Zoning Board of Adjustment within thirty (30) days of the decision.
I. Planning Board Master Development Plan approval shall be valid for two (2) years.

CONDITIONS OF APPROVAL

The applicant has agreed to the following conditions for the proposed Master Development Plan:

1. The applicant shall be required to submit Low Impact Development design certifications in accordance with Section 7.14 of the Pender County Unified Development Ordinance prior to receiving zoning approval for any phase of the proposed development.
2. In accordance with Section 7.9 of the Pender County Unified Development Ordinance, the applicant shall be required to submit stormwater certifications with updates to reference the proposed 100-year pre-post retention standard.
3. The applicant shall be required to submit an updated significant tree survey and mitigation plan prior to issuance of zoning approval for any portion of the site.
4. The applicant shall be required to demonstrate species and location of native vegetation on all submitted site development plans or preliminary plats.
5. Prior to the issuance of a Certificate of Occupancy for any residential building, all roadways shall be installed and certified in accordance with the standards for such found within the Pender County Unified Development Ordinance.
6. The non-residential outparcels shall include pedestrian facilities that provide effective pedestrian linkages to the residential component of this project and the surrounding community as a whole.

7. Pedestrian facilities shall be constructed along the portions of Hughes Road and Deerfield Drive that border the proposed development.
8. A pedestrian easement shall be required along US HWY 17 in advance of the U-5732 Hampstead Median Project, which will include sidewalks along both sides of US HWY 17 at the time of construction. All sidewalks and multi-use paths within the development shall be maintained by the development, unless they are proposed within a current or future NCDOT right-of-way. A tri-party agreement shall be required for such facilities within NCDOT rights-of-way.
9. Parcels 1-3 shall only be accessed internally to the development; no direct access to these parcels from US HWY 17 shall be permitted.
10. A type C-3 Buffer shall be located around the perimeter of the proposed pump station.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with the Future Land Use Map, as well as three goals, two objectives, and four policies within the Pender 2.0 Comprehensive Land Use Plan, while conflicting with none. The proposed Master Development Plan is also compliant with the Pender County Unified Development Ordinance. Therefore, Planning Staff recommends the approval of the Master Development Plan as detailed in the report for the development known as Evolve Headwaters Apartments. All future development, phases, or changes to the Master Development Plan are subject to the Planning Board review and approval.

PLANNING BOARD ACTION FOR MASTER DEVELOPMENT PLAN

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

McClammy	Jordan	Beaudoin	Buchanan	Gruntfest	Pitts	Teachey

Pender County
Planning and Community Development

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

Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

Planned Development & Residential Mixed Zoning Districts
Master Development Plan Submission

Applications will be considered for the Technical Review Committee hearing and reviewed by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. ✓ **Pre-submittal Meeting**
   Date of Meeting _____
2. ✓ **Signed Application**
3. ✓ **Payment**
   $500 plus $10 per acre for the first 100 acres, $5 per acre thereafter
4. ✓ **Paper Plan Sets**
   One (1) 24 x 36, Fifteen (15) 11 x 17
5. ✓ **Digital Submission**
   For all documents submitted in paper copy, bring a digital copy with paper submission.
6. ✓ **Adjacent Property List**
   A list of names and addresses, as obtained from the county tax listings and tax abstract, to the owners of all properties located within 500-feet of the of the perimeter of the project bounds.
7. ✓ **Adjacent Property Envelopes**
   The applicant shall provide a set of business envelopes addressed to each of the owners of all properties located within 500-feet of the perimeter of the project bounds and accompanied with the amount of postage required for first class postage.
8. ✓ **Permits**
   Please include any permits issued on the project including but not limited to: environmental, traffic analysis, utility, or other site specific conditions.
9. ✓ **Site Plan Requirements**
   A prepared site plan in accordance with ~~the~~ Unified Development Ordinance standards 6.1, Pender County Collector Street Plan, Pender County Transportation Plan, other approved State of Federal Transportation Improvement Plan, or any other adopted plan in Pender County.
   (See Master Development Plan Checklist)

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant _____ Date 7/8/21

Printed Name Mike Winstead Jr.

Staff Initials:	
Date:	

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP	**Date**	
Application Fee	$	**Invoice Number:**	
Pre-Application Conference		**Hearing Date**	

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	MIKE WINSTEAD	**Owner's Name:**	HEADWATERS PROPERTIES, LLC
Applicant's Address:	2012 EASTWOOD ROAD	**Owner's Address:**	113-B MILITARY CUTOFF ROAD
City, State, & Zip	WILMINGTON, NC 28403	**City, State, & Zip**	WILMINGTON, NC 28405
Phone Number:	910-239-9120	**Phone Number:**	910-256-2211
Email Address:	MIKE@EVOLVECOS.COM	**Email Address:**	CLAUDE@SWAINASSOCIATES.COM
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION

Type of Master Development Plan	☐ **Residential** *RP, PD, RM MH District*	☐ **Commercial** *GB, OI, IT, GI District*	☒ **Mixed Use** *PD*	
Property Identification Number (PIN):	3282-74-3515-000 & 3282-74-1001-000	**Total property acreage:**		24.26
Zoning Classification:	PD	**Acreage to be disturbed:**		22.0
Water Provider	PENDER COUNTY	**Wastewater Provider:**		PLURIS HAMSTEAD, LLC
Project Address :				
Description of Project Location:	HWY 17 BETWEEN HUGHES ROAD AND DEERFIELD DRIVE			
Describe activities to be undertaken on project site:	MIXED USE DEVELOPMENT WITH OUTPARCELS AND MULTI-FAMILY DEVELOPMENT			

SECTION 3: SIGNATURES

Applicant's Signature		**Date:**	7/8/21
Applicant's Printed Name	Mike Winstead Jr.	**Date:**	
Owner's Signature		**Date:**	
Owner's Printed Name		**Date:**	

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP	**Date**	
Application Fee	$	**Invoice Number:**	
Pre-Application Conference		**Hearing Date**	

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	MIKE WINSTEAD	**Owner's Name:**	HEADWATERS PROPERTIES, LLC
Applicant's Address:	2012 EASTWOOD ROAD	**Owner's Address:**	113-B MILITARY CUTOFF ROAD
City, State, & Zip	WILMINGTON, NC 28403	**City, State, & Zip**	WILMINGTON, NC 28405
Phone Number:	910-239-9120	**Phone Number:**	910-256-2211
Email Address:	MIKE@EVOLVECOS.COM	**Email Address:**	CLAUDE@SWAINASSOCIATES.COM
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION					
Type of Master Development Plan	☐ **Residential** *RP, PD, RM MH District*	☐ **Commercial** *GB, OI, IT, GI District*	☒ **Mixed Use** *PD*		
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Describe activities to be undertaken on project site:	MIXED USE DEVELOPMENT WITH OUTPARCELS AND MULTI-FAMILY DEVELOPMENT				

SECTION 3: SIGNATURES			
Applicant's Signature		**Date:**	
Applicant's Printed Name		**Date:**	
Owner's Signature		**Date:**	
Owner's Printed Name	H. David Swain	**Date:**	7/7/2021

DocuSign Envelope ID: 4BC7AB87-B340-4F64-B6E6-B7424BEBB3BD

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP	**Date**	
Application Fee	$	**Invoice Number:**	
Pre-Application Conference		**Hearing Date**	

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	MIKE WINSTEAD	**Owner's Name:**	LANWILLO DEVELOPMENT CO
Applicant's Address:	2012 EASTWOOD ROAD	**Owner's Address:**	2325 TATTERSALLS DRIVE
City, State, & Zip	WILMINGTON, NC 28403	**City, State, & Zip**	WILMINGTON, NC 28403
Phone Number:	910-239-9120	**Phone Number:**	910-619-0248
Email Address:	MIKE@EVOLVECOS.COM	**Email Address:**	
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION

Type of Master Development Plan	☐ **Residential** *RP, PD, RM MH District*	☐ **Commercial** *GB, OI, IT, GI District*	☒ **Mixed Use** *PD*		
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Zoning Classification:	PD		**Acreage to be disturbed:**	22.0	
Water Provider	PENDER COUNTY		**Wastewater Provider:**	PLURIS HAMSTEAD, LLC	
Project Address :					
Description of Project Location:	HWY 17 BETWEEN HUGHES ROAD AND DEERFIELD DRIVE				
Describe activities to be undertaken on project site:	MIXED USE DEVELOPMENT WITH OUTPARCELS AND MULTI-FAMILY DEVELOPMENT				

SECTION 3: SIGNATURES

Applicant's Signature		**Date:**	
Applicant's Printed Name	DocuSigned by:	**Date:**	
Owner's Signature	Lonnie B. Williams, Jr. - President	**Date:**	7/7/2021
Owner's Printed Name	C47A20E2CDC845D... Lonnie Williams, Jr.	**Date:**	7/7/2021

PARAMOUNTE
ENGINEERING, INC.

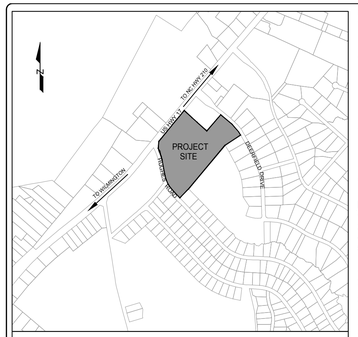
Evolve Headwaters Apartments – 9 July 2021:

Evolve Acquisitions, LLC is requesting an update to the MDP approved on October 3, 2017. The subject parcels include 3282-74-8862-0000, 3282-74-6231-0000, 3282-74-3515-0000, and 3282-74-1001-0000 totaling ±24.26 acres. We are proposing a mixed-use development that will be a combination of 174 multi-family units and (3) commercial outparcels, which fits the intended uses along the major thoroughfare Hwy 17 and has a density of 12.27 units/acre. The land is currently zoned PD, and will remain so under this request. The future land use plan classification identifies this site as regional mixed use which allows up to 15 units/acre. Our design integrates a planned collector road between Hughes Road and Deerfield Drive and public road connection to connect to Hwy 17. As part of the collector road, we are implementing an 8-foot multi use path along one side of the road and bike lanes. We are also having sidewalks throughout the development to promote a walking project. This project is also proposing exceptional design features. We understand that stormwater on this and all sites throughout the county are of major importance. We are proposing to go above and beyond the county stormwater requirements of the 25-year event but designing our stormwater BMP's to control the peak stormwater flow up and including the 100-year event. We believe this not only enhances our project but also addresses some of the County's and downstream neighbors' concerns. We also will amentize the ponds by placing fountains, walking trails and lookout viewing stations, therefore making the pond a vital part of our active open space. Additionally, we will include the following strategies above and beyond the County's minimum requirements: Preservation of wetlands; Managing storm water on site; Using storm water management and treatment features as amenities; 100-year pre/post stormwater peak flow design.

The property has a current Traffic impact analysis in place, and we are in the process of modifying through the WMPO for the change of use. Currently we have preliminary approval at our main entrance for a traffic signal, this access lines up with the entrance for the property across Hwy 17. By working with the landowner across Hwy 17, we are minimizing new access points to the highway and helping with traffic movements for residents that live off Deerfield and Hughes Roads. In addition, this will allow for easier traffic flow for any future development that occurs on the 42 acre (currently zoned GB) property across Hwy 17. As part of the TIA modification, the timing of when the light is warranted will be determined and improvements installed accordingly.

The project has arrangements for utilities in to be installed with this proposed project. The site will be served by Pluris of Hampstead, LLC for sewer and Pender County engineering for public water. For the subject site and the residential property that was rezoned on November 20, 2018, a regional pump station will be constructed and connect to main line along Hwy 17.

122 CINEMA DRIVE, WILMINGTON, NC 28403
PH: (910) 791-6707 FAX: (910) 791-6760



LOCATION MAP
SCALE: 1"=1,000'
NORTH

SITE INFORMATION

APPLICANT INFORMATION:	HEADWATERS ACQUISITIONS, LLC 2918-A MARTINSVILLE ROAD GREENSBORO, NC 27408
OWNER INFORMATION:	LANWILLO DEVELOPMENT CO. PO BOX 2088 WILMINGTON, NC 28402 HEADWATERS PROPERTIES, LLC PO BOX 10189 WILMINGTON, NC 28404
PINS:	3282-74-8862-0000 (LANWILLO) 3282-74-6231-0000 (LANWILLO) 3282-74-3515-0000 (HEADWATERS) 3282-74-1001-0000 (HEADWATERS)
CURRENT LAND USE:	VACANT LAND
CURRENT ZONING:	PD
PROPOSED USE:	COMMERCIAL MULTI-FAMILY RESIDENTIAL
TOTAL SITE AREA:	± 24.26 ACRES
PROPOSED UNITS:	174 UNITS

DIMENSIONAL REQUIREMENTS

FRONTYARD SETBACK:	5' MINIMUM
SIDEYARD SETBACK:	5' MINIMUM
CORNER SIDEYARD SETBACK:	5' MINIMUM
REAR SETBACK:	5' MINIMUM
MAXIMUM HEIGHT:	45'
BUILDING SEPARATION:	20' MIN.

OPEN SPACE REQUIREMENTS

REQUIRED: 0.03 ACRES x 174 UNITS = 5.22 ACRES
(NO MORE THAN 50% OF THE REQUIRED OPEN SPACE CAN BE PASSIVE)
PROVIDED: 11.05 ACRES INCLUDING:
ACTIVE SPACE: 3.70 ACRES (71% OF REQUIRED)
PASSIVE SPACE: 7.35 ACRES

BOUNDARY

1. SURVEY IS COMPLETE & TITLE SEARCH FOR EXISTING EASEMENTS IS UNDERWAY. FINAL PLAT WILL REFLECT ANY EASEMENT.

LANDSCAPING

1. LANDSCAPE PLANS WILL BE PROVIDED TO COUNTY PLANNING STAFF & IN COMPLIANCE WITH SECTION 8 OF THE PENDER COUNTY UDO.

HISTORICAL & ARCHAEOLOGY NOTES

1. NO KNOWN HISTORIC OR ARCHEOLOGICAL SITES EXIST.

STREETLIGHT NOTES

1. PRELIMINARY STREETLIGHT LOCATIONS SHOWN THIS PLAN, BUT DETAILED STREETLIGHT DESIGN WILL BE PROVIDED BASED UPON A DESIGN BY DUKE ENERGY AT TIME OF DEVELOPMENT OF EACH PHASE. LIGHTING WILL BE DESIGNED IN COMPLIANCE WITH PENDER COUNTY UDO SECTION 7.11.

FLOOD NOTE

1. THIS PARCEL IS IN FLOOD ZONE X, WHICH IS NOT A SPECIAL FLOOD HAZARD AREA, ACCORDING TO FEMA FLOOD PANEL 3720328200J WITH AN EFFECTIVE DATE OF FEBRUARY 16, 2007.

UTILITIES

1. ALL WATER UTILITIES WILL BE COORDINATED WITH PENDER COUNTY ENGINEERING AND SEWER UTILITIES WILL BE COORDINATED WITH PLURIS.
2. WATER PROVIDED BY PENDER COUNTY UTILITIES;
3. HYDRANTS PER PENDER COUNTY EMERGENCY MANAGEMENT REQUIREMENTS. OWNER TO COORDINATE WITH PENDER COUNTY ENGINEERING IF DRY HYDRANT IS REQUIRED. ATTN: BRYAN MCCABE, 910-259-0212.
4. SANITARY SEWER TO BE PROVIDED BY PLURIS HAMPSTEAD, LLC.; ATTN: RANDY HOFFER, 1-888-758-7471.
5. STORMWATER WILL BE HANDLED ON SITE AND DESIGNED TO HANDLE IN EXCESS OF A 25 YEAR STORM EVENT AND ABOVE THE MINIMUM COMPLIANCE SECTION 7.9.B OF THE PENDER COUNTY UDO AND WITH ALL OTHER STATE STORMWATER STANDARDS.

RECREATIONAL UNITS NOTES (UDO 7.6.2)

1. 174 UNITS REQUIRE 2 RECREATIONAL UNIT TOTALING $20,000 MIN. INSTALLATION OF THE PROPOSED ACTIVE RECREATION AREAS WILL FAR EXCEED THE $20,000, 2 UNIT REQUIREMENT. REFERENCE COST ESTIMATE SUBMITTED WITH THESE PLANS

PROJECT ROAD NOTES

1. ALL COLLECTOR ROADS WILL BE PUBLIC RIGHT OF WAYS 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 RADII 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 ACCESSES MORE THAN 200 LOTS. ALL ROADS WILL COMPLY WITH SECTION 7.5.3 OF THE PENDER COUNTY UDO.

PHASING

1. THE RESIDENTIAL PORTION OF THIS NEIGHBORHOOD IS PLANNED TO HAVE 1 PHASE
2. AMENITIES WILL BE CONSTRUCTED DURING PHASE 1
4. ALL PONDS TO BE CONSTRUCTION DURING PHASE 1
5. THE OUTPARCELS OF THIS NEIGHBORHOOD WILL BE CONSTRUCTION AS TENANTS BECOME AVAILABLE AND INDIVIDUAL PLANS ARE APPROVED

TREE MITIGATION NOTES

1. ALL TREE MITIGATION TO COMPLY WITH THE PENDER COUNTY UDO SECTION 8.1.3.

STORMWATER

1. STORMWATER DESIGN SHALL BE COMPLIANT WITH PENDER COUNTY UDO
2. FULL PERMIT APPROVALS TO BE PROVIDED TO COUNTY WHEN RECEIVED
3. STORMWATER WILL BE HANDLED ON SITE IN COMPLIANCE WITH ALL STATE AND COUNTY STORMWATER STANDARDS.
4. REGIONAL STORMWATER POND TO HANDLE STORMWATER FROM FUTURE SINGLE FAMILY DEVELOPMENT TO THE EAST (3282-83-0888-0000)

PARKING

1. 345 PARKING SPACES ARE PROPOSED

MASTER DEVELOPMENT PLAN CONDITIONS

EXCERPT FROM APPROVAL LETTER 436-2016 MASTER DEVELOPMENT PLAN CONDITIONAL APPROVAL - ISSUED 1/9/17 FROM PENDER COUNTY PLANNING STAFF:

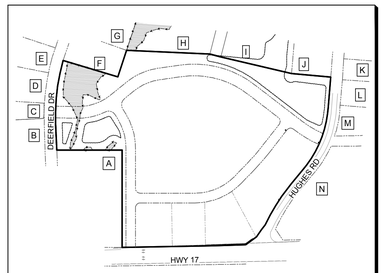
1. UNLESS OUTPARCEL DEVELOPMENT OCCURS PRIOR THE CONSTRUCTION OF THE U-5732 HAMPSTEAD MEDIAN PROJECT, PEDESTRIAN FACILITIES SHALL BE CONSTRUCTED PARALLEL TO US HWY 17 AS EACH OUTPARCEL IS DEVELOPED, ALONG WITH INTERIOR PEDESTRIAN FACILITIES TO CONNECT EACH OUTPARCEL AND TO THE SHOPPING CENTER IN ORDER 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 (SHALL) 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 1 (MAIN ANCHOR/GROCERY/RETAIL CENTER).
3. THE REQUIRED COLLECTOR STREET SHALL BE CONSTRUCTED DURING PHASE 1 (MAIN ANCHOR/GROCERY/RETAIL CENTER) AND COMPLETED PRIOR TO ANY FINAL ZONING APPROVALS.
4. A TYPE C-3 BUFFER SHALL BE LOCATED AROUND THE PERIMETER OF THE PROPOSED PUMP STATION.
5. PARCELS 1-5 SHALL ONLY BE ACCESSED INTERNALLY TO THE DEVELOPMENT.

**NOTE: CONDITIONS PROVIDED FOR CONTEXT. ABOVE REFERENCED APPROVAL HAS EXPIRED.*

HOMEOWNERS ASSOCIATION

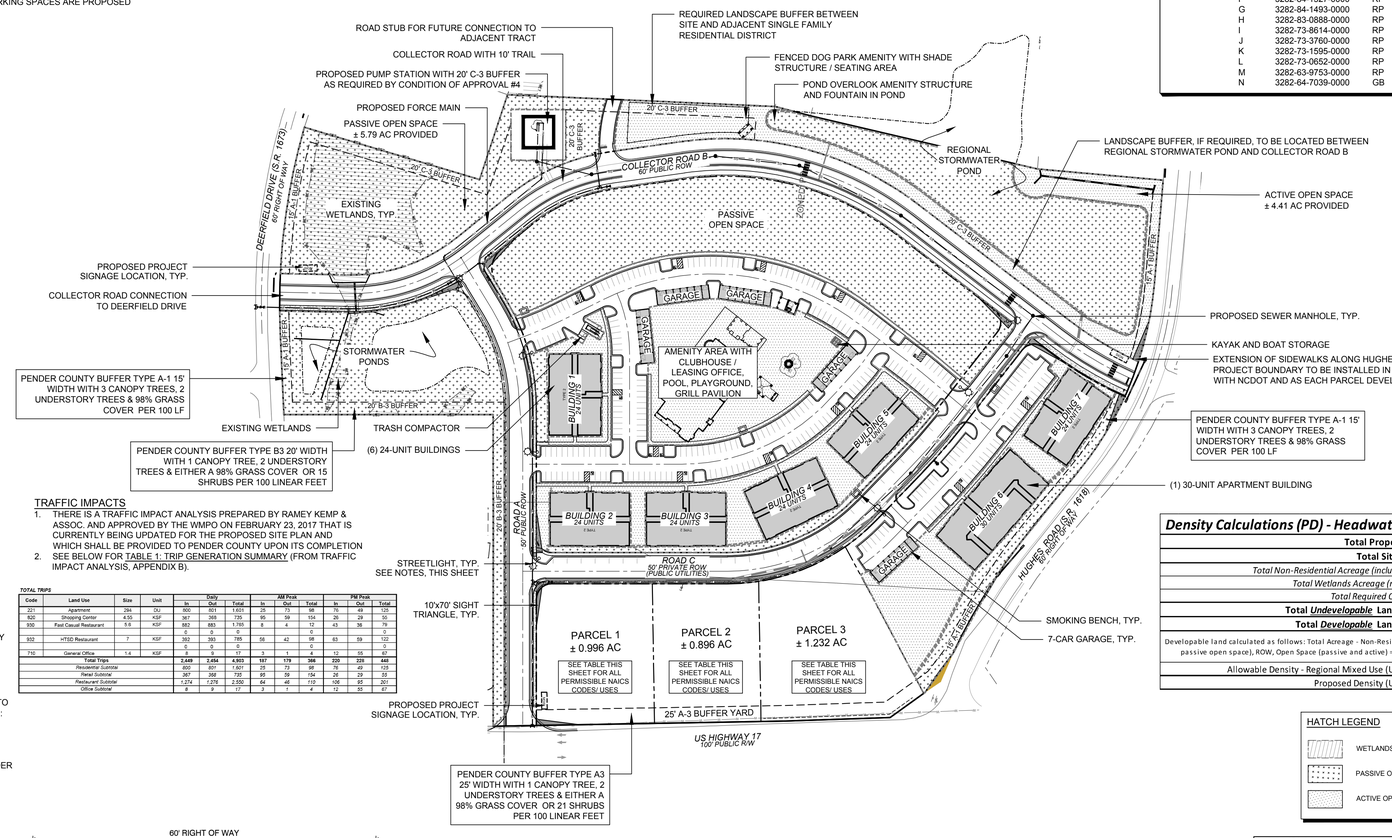
1. PER PENDER COUNTY UDO 7.3, HOMEOWNERS ASSOCIATIONS SHALL BE REQUIRED FOR ALL DEVELOPMENTS WITH DEDICATED IMPROVEMENTS SUCH AS PRIVATELY MAINTAINED STREETS AND/OR OPEN SPACE DEDICATIONS AND MUST BE RECORDED ALONG WITH THE FIRST PHASE OF A FINAL PLAT TO ENCOMPASS THE ENTIRE DEVELOPMENT WITH AN OUTLINE OF AMENITIES/LAND TRANSFERRED TO THE SAID HOA AT OR BEFORE 25% OF ALL UNITS ARE CONSTRUCTED.

NAICS CODE	USE
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 AND 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 AND 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



ADJACENT PROPERTY OWNERS KEY MAP
NOT TO SCALE

KEY NO.	PIN	ZONING	CURRENT USE
A	3282-75-5069-0000	O&I	CHURCH
B	3282-85-0277-0000	O&I	CHURCH
C	3282-85-5029-0000	PD	OPEN SPACE
D	3282-84-2942-0000	RP	RESIDENCE
E	3282-84-3883-0000	RP	RESIDENCE
F	3282-84-1527-0000	RP	RESIDENCE
G	3282-84-1493-0000	RP	RESIDENCE
H	3282-83-0888-0000	RP	VACANT LAND
I	3282-73-8614-0000	RP	VACANT LAND
J	3282-73-3760-0000	RP	VACANT LAND
K	3282-73-1595-0000	RP	VACANT LAND
L	3282-73-0652-0000	RP	VACANT LAND
M	3282-63-9753-0000	RP	VACANT LAND
N	3282-64-7039-0000	GB	VACANT LAND



TRAFFIC IMPACTS

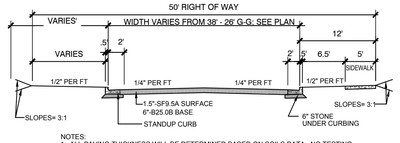
1. THERE IS A TRAFFIC IMPACT ANALYSIS PREPARED BY RAMEY KEMP & ASSOC. AND APPROVED BY THE NMPO IN FEBRUARY 23, 2017 THAT IS CURRENTLY BEING UPDATED FOR THE PROPOSED SITE PLAN AND WHICH SHALL BE PROVIDED TO PENDER COUNTY UPON ITS COMPLETION
2. SEE BELOW FOR TABLE 1: TRIP GENERATION SUMMARY (FROM TRAFFIC IMPACT ANALYSIS, APPENDIX B).

TOTAL TRIPS

Code	Land Use	Size	Unit	Daily In	Daily Out	Daily Total	AM Peak In	AM Peak Out	AM Peak Total	PM Peak In	PM Peak Out	PM Peak Total
221	Apartment	284	DU	926	801	1,601	25	73	98	76	49	125
820	Shopping Center	4.53	KSF	367	368	735	95	59	154	26	29	55
930	Fast Casual Restaurant	9.6	KSF	882	883	1,765	8	4	12	43	36	79
				0	0	0			0			0
932	HTSD Restaurant	7	KSF	392	393	785	58	42	98	63	59	122
				0	0	0			0			0
710	General Office	1.4	KSF	8	11	19	3	1	4	12	55	67
	Total Trips			**2,449**	**2,454**	**4,903**	**187**	**179**	**366**	**220**	**228**	**448**
	Residential Subtotal			*800*	*801*	*1,601*	*25*	*73*	*98*	*76*	*49*	*125*
	Retail Subtotal			*367*	*368*	*735*	*95*	*59*	*154*	*26*	*29*	*55*
	Restaurant Subtotal			*1,274*	*1,276*	*2,550*	*64*	*46*	*110*	*106*	*95*	*201*
	Office Subtotal			*8*	*9*	*17*	*3*	*1*	*4*	*12*	*55*	*67*

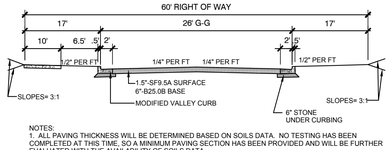
Density Calculations (PD) - Headwaters Apartments	
Total Proposed Units	**174**
Total Site Acreage	**24.26**
Total Non-Residential Acreage (including ROW)	*4.00*
Total Wetlands Acreage (not on lots)	*0.86*
Total Required Open Space	*5.22*
Total *Undevelopable* Land Acreage	***10.08***
Total *Developable* Land Acreage	**14.18**
Developable land calculated as follows: Total Acreage - Non-Residential, Wetlands (removing passive open space), ROW, Open Space (passive and active) = Developable Land Area	
Allowable Density - Regional Mixed Use (Units/ Acre)	**15.00**
Proposed Density (Units/ Acre)	**12.27**

HATCH LEGEND
WETLANDS
PASSIVE OPEN SPACE
ACTIVE OPEN SPACE



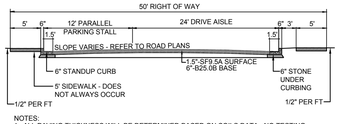
NOTES:
1. ALL PAVING THICKNESS WILL BE DETERMINED BASED ON SOILS DATA. NO TESTING HAS BEEN COMPLETED AT THIS TIME, SO A MINIMUM PAVING SECTION HAS BEEN PROVIDED AND WILL BE FURTHER EVALUATED WITH THE AVAILABILITY OF SOILS DATA.

TYPICAL PUBLIC ROAD A CROSS SECTION
NOT TO SCALE



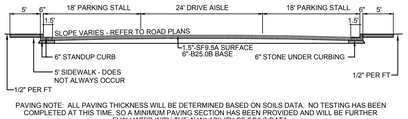
NOTES:
1. ALL PAVING THICKNESS WILL BE DETERMINED BASED ON SOILS DATA. NO TESTING HAS BEEN COMPLETED AT THIS TIME, SO A MINIMUM PAVING SECTION HAS BEEN PROVIDED AND WILL BE FURTHER EVALUATED WITH THE AVAILABILITY OF SOILS DATA

TYPICAL PUBLIC COLLECTOR ROAD B CROSS SECTION
NOT TO SCALE



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.

TYPICAL PRIVATE ROAD C CROSS SECTION
NOT TO SCALE



PAVING NOTE: 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.

REFERENCE PROJECT ROAD NOTES THIS SHEET FOR ADDITIONAL INFORMATION.

TYPICAL PRIVATE DRIVE CROSS SECTION
NOT TO SCALE
APPLIES TO APARTMENT PARKING AREAS

Certification of Submission
A copy of this plat has been submitted. Approval is subject to review; this does not constitute an approval.
Pender County Utilities: _____ Date: _____
Pender County Environmental Health: _____ Date: _____
Pender County Addressing Coordinator: _____ Date: _____

Certificate of Preliminary Plat Approval
Preliminary Plat Approval by Pender County for a period of two (2) years subject to the Pender County Unified Development Ordinance requirements and conditions of approval.
Planning Staff: _____ Date: _____

NORTH
SCALE: 1"=100'
0' 50 100 200

PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

REVISIONS:

CLIENT INFORMATION:
EVOLVE ACQUISITIONS LLC
2918-A MARTINSVILLE ROAD
GREENSBORO, NC 27408

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

MASTER DEVELOPMENT PLAN
OVERALL SITE PLAN
EVOLVE HEADWATERS APARTMENTS
HAMPSTEAD
PENDER COUNTY, NORTH CAROLINA

PROJECT STATUS
PLAN ORIGINATION DATE: 07.09.21

DRAWING INFORMATION
08.17.21
SCALE: 1" = 20'
DESIGNED: JMC
DRAWN: TDC
CHECKED:

SEAL

MDP

PEI JOB#: 20358.PE

Gideon Smith

From: Caroline Cheeves <ccheeves@rameykemp.com>
Sent: Thursday, July 29, 2021 12:27 PM
To: Gideon Smith; Scott James; Danielle Troutman
Cc: Covarrubias, Eva P; Dan Cumbo; Leonard, Jessi L; Haste, Bradley L; dracine@ncdot.gov; Travis Henley
Subject: [External]RE: [External]RE: Headwaters Apartments - Updated Scoping Information
Attachments: Trip Generation - updated 7.29.21.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All,

We confirmed with the project team that the density is 174 units – the non-residential portion remained unchanged.

See attached for an updated trip generation, we are moving forward with updating our files for this minor change.

Please let me know if you have any questions. Thanks!

Caroline Cheeves (Bojarski), PE
Traffic Engineering Project Manager
D 919 987 1281 | T 919 872 5115 | C 814 323 0552
RAMEY KEMP ASSOCIATES
TOGETHER WE ARE LIMITLESS

From: Caroline Cheeves
Sent: Tuesday, July 27, 2021 3:55 PM
To: Gideon Smith <gsmith@pendercountync.gov>; Scott James <Scott.James@wilmingtonnc.gov>; Danielle Troutman <dtroutman@rameykemp.com>
Cc: Covarrubias, Eva P <epcovarrubias@ncdot.gov>; Dan Cumbo <drcumbo@ncdot.gov>; Leonard, Jessi L <jleonard6@ncdot.gov>; Haste, Bradley L <blhaste@ncdot.gov>; dracine@ncdot.gov; Travis Henley <thenley@pendercountync.gov>
Subject: RE: [External]RE: Headwaters Apartments - Updated Scoping Information

Thanks for the heads up, Gideon!

I will follow-up ASAP.

Caroline Cheeves (Bojarski), PE
Traffic Engineering Project Manager
D 919 987 1281 | T 919 872 5115 | C 814 323 0552

RAMEY KEMP ASSOCIATES
TOGETHER WE ARE LIMITLESS

From: Gideon Smith <gsmith@pendercountync.gov>
Sent: Tuesday, July 27, 2021 3:53 PM
To: Scott James <Scott.James@wilmingtonnc.gov>; Caroline Cheeves <ccheeves@rameykemp.com>; Danielle Troutman <dtroutman@rameykemp.com>
Cc: Covarrubias, Eva P <epcovarrubias@ncdot.gov>; Dan Cumbo <drcumbo@ncdot.gov>; Leonard, Jessi L <jleonard6@ncdot.gov>; Haste, Bradley L <blhaste@ncdot.gov>; dracine@ncdot.gov; Travis Henley <thenley@pendercountync.gov>
Subject: RE: [External]RE: Headwaters Apartments - Updated Scoping Information

Good afternoon everyone,

I noticed on the approved scope is for 168 multi-family units. According to the plans that were submitted to our office, 174 units are proposed. I would think this needs revised to reflect what is being proposed so there are no issues down the line.

Ms. Cheeves – can you please reach out to your client to confirm the number of multi-family units?

Thanks,
Gideon

Gideon Smith | Senior Planner
Pender County Planning & Community Development
(910) 259-1529
gsmith@pendercountync.gov
805 S. Walker Street,
Burgaw, NC 28425

PENDER COUNTY NC

www.pendercountync.gov

From: Scott James <Scott.James@wilmingtonnc.gov>
Sent: Friday, July 23, 2021 3:12 PM
To: Caroline Cheeves <ccheeves@rameykemp.com>; Danielle Troutman <dtroutman@rameykemp.com>
Cc: Covarrubias, Eva P <epcovarrubias@ncdot.gov>; Dan Cumbo <drcumbo@ncdot.gov>; Leonard, Jessi L <jleonard6@ncdot.gov>; Haste, Bradley L <blhaste@ncdot.gov>; dracine@ncdot.gov; Sam Shore <sshore@pendercountync.onmicrosoft.com>; Travis Henley <thenley@pendercountync.gov>
Subject: [External]RE: Headwaters Apartments - Updated Scoping Information

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please find attached the **revised** approved scope of study for this project and the revised trip generation estimates.

The reduction in land use intensity has been noted.

Thank you and have a great weekend.

Scott

Scott A. James, P.E.
Transportation Planning Engineer
Planning, Development & Transportation Department
Desk line (910) 473 - 5130

From: Caroline Cheeves [mailto:ccheeves@rameykemp.com]
Sent: Tuesday, July 20, 2021 2:15 PM
To: Scott James <Scott.James@wilmingtonnc.gov>; Danielle Troutman <dtroutman@rameykemp.com>
Cc: Covarrubias, Eva P <epcovarrubias@ncdot.gov>; Dan Cumbo <drcumbo@ncdot.gov>; Leonard, Jessi L <jleonard6@ncdot.gov>; Haste, Bradley L <blhaste@ncdot.gov>
Subject: RE: Headwaters Apartments - Updated Scoping Information

Thanks, Scott!

It appears that those files had the previous density for the apartments (294) - Do you need to issue a new scope approval for the updated density (168 apartments)? Or are we okay to just state that the density was reduced since receiving the scope approval? We also didn't include internal capture or pass-by in the original scoping documentation.

We can send on the updated site trip assignment, or we can just include all that in the TIA.

Thanks!

—

Caroline Cheeves (Bojarski), PE
Traffic Engineering Project Manager
C 814 323 0552 | T 919 872 5115 | D 919 987 1281
rameykemp.com

From: Scott James <Scott.James@wilmingtonnc.gov>
Sent: Monday, July 19, 2021 5:08 PM
To: Caroline Cheeves <ccheeves@rameykemp.com>; Danielle Troutman <dtroutman@rameykemp.com>
Cc: Covarrubias, Eva P <epcovarrubias@ncdot.gov>; Dan Cumbo <drcumbo@ncdot.gov>; Leonard, Jessi L <jleonard6@ncdot.gov>; Haste, Bradley L <blhaste@ncdot.gov>
Subject: RE: Headwaters Apartments - Updated Scoping Information

Hello Caroline,

I've reviewed the files and found this response from June 29th.

NC DOT has provided comments and is awaiting the preliminary TIA.

Please confirm receipt of the attachment.

Scott

Scott A. James, P.E.
Transportation Planning Engineer
Planning, Development & Transportation Department
Desk line (910) 473 - 5130

From: Caroline Cheeves [mailto:ccheeves@rameykemp.com]
Sent: Thursday, July 15, 2021 10:26 AM
To: Scott James <Scott.James@wilmingtonnc.gov>
Cc: Danielle Troutman <dtroutman@rameykemp.com>; Covarrubias, Eva P <epcovarrubias@ncdot.gov>
Subject: Headwaters Apartments - Updated Scoping Information

Hey Scott!

Jay had previously scoped out a TIA for the Headwaters Apartments development. The TIA was put on hold, but is now kicking back off with a slightly different site plan (fewer apartment units). Attached is the previous scope approval and the updated trip generation. We are hoping that the same scope will be applicable with the new trip generation.

I am not 100% positive where this one was left off in the scoping process, but below is a link to all of the scoping information, please let us know if this was previously reviewed.

Headwaters at Hampstead - WMPO Scope Approval

The project team wants to move forward as quickly as possible with this update. Let us know if you have any questions or if we need to hop on the call next week to discuss.

Thanks!

Caroline Cheeves (Bojarski), PE
Traffic Engineering Project Manager
C 814 323 0552 | T 919 872 5115 | D 919 987 1281
rameykemp.com

Moving forward.
RKA
RAMEY KEMP ASSOCIATES
OWNERSHIP > OUR CULTURE > YOUR SUCCESS
2020 Best Firms To Work For
2020 HFIRA

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.
E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

Table 1 – Trip Generation Summary

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Multifamily Housing Mid-Rise (221)	174 units	950	15	44	46	29
General Office Building (710)	1,400 s.f.	40	4	0	12	55
Shopping Center (820)	4,550 s.f.	740	95	59	26	29
High-Turnover (Sit-Down) Restaurant (932)	12,600 s.f.	1,410	101	76	114	105
Total Trips		**3,140**	**215**	**179**	**198**	**218**
Internal Capture (13% AM & 19% PM)			*-28*	*-23*	*-38*	*-41*
Total External Trips			**187**	**156**	**160**	**177**
Pass-By Trips: Shopping Center (34% PM)			--	--	*-8*	*-8*
Pass-By Trips: High-Turnover (Sit-Down) Restaurant (43% PM)			--	--	*-38*	*-38*
Total Primary Trips			**187**	**156**	**114**	**131**

NCHRP 8-51 Internal Trip Capture Estimation Tool			
Project Name:	Headwaters at Hampstead	**Organization:**	RKA
Project Location:	Hampstead, NC	**Performed By:**	DT
Scenario Description:		**Date:**	7/29/2021
Analysis Year:		**Checked By:**	
Analysis Period:	**AM Street Peak Hour**	**Date:**	

Table 1-A: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office	710	1,400	s.f.		4	0
Retail	820	4,550	s.f.		95	59
Restaurant	932	12,600	s.f.		101	76
Cinema/Entertainment						
Residential	221	174	units		15	44
Hotel						
All Other Land Uses[2]						
Total				0	215	179

Table 2-A: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.	% Transit	% Non-Motorized	Veh. Occ.	% Transit	% Non-Motorized
Office	1.10			1.10		
Retail	1.10			1.10		
Restaurant	1.10			1.10		
Cinema/Entertainment	1.10			1.10		
Residential	1.10			1.10		
Hotel	1.10			1.10		
All Other Land Uses[2]	1.10			1.10		

Table 3-A: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office						
Retail						
Restaurant						
Cinema/Entertainment						
Residential						
Hotel						

Table 4-A: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	0		8	0	0	0
Restaurant	1	8		0	1	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	0	10	0		0
Hotel	0	0	0	0	0	

Table 5-A: Computations Summary

	Total	Entering	Exiting
All Person-Trips	434	237	197
Internal Capture Percentage	13%	12%	14%
External Vehicle-Trips[3]	345	191	154
External Transit-Trips[4]	0	0	0
External Non-Motorized Trips[4]	0	0	0

Table 6-A: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	25%	N/A
Retail	8%	12%
Restaurant	16%	12%
Cinema/Entertainment	N/A	N/A
Residential	6%	21%
Hotel	N/A	N/A

[1]Land Use Codes (LUCs) from *Trip Generation Informational Report*, published by the Institute of Transportation Engineers.

[2]Total estimate for all other land uses at mixed-use development site-not subject to internal trip capture computations in this estimator

[3]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A

[4]Person-Trips

*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas Transportation Institute

Project Name:	Headwaters at Hampstead
Analysis Period:	AM Street Peak Hour

Table 7-A: Conversion of Vehicle-Trip Ends to Person-Trip Ends

Land Use	Table 7-A (D): Entering Trips			Table 7-A (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.10	4	4	1.10	0	0
Retail	1.10	95	105	1.10	59	65
Restaurant	1.10	101	111	1.10	76	84
Cinema/Entertainment	1.10	0	0	1.10	0	0
Residential	1.10	15	17	1.10	44	48
Hotel	1.10	0	0	1.10	0	0

Table 8-A (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	0	0
Retail	19		8	0	9	0
Restaurant	26	12		0	3	3
Cinema/Entertainment	0	0	0		0	0
Residential	1	0	10	0		0
Hotel	0	0	0	0	0	

Table 8-A (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		34	26	0	0	0
Retail	0		56	0	0	0
Restaurant	1	8		0	1	0
Cinema/Entertainment	0	0	0		0	0
Residential	0	18	22	0		0
Hotel	0	4	7	0	0	

Table 9-A (D): Internal and External Trips Summary (Entering Trips)

Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles[1]	Transit[2]	Non-Motorized[2]
Office	1	3	4	3	0	0
Retail	8	97	105	88	0	0
Restaurant	18	93	111	85	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	1	16	17	15	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses[3]	0	0	0	0	0	0

Table 9-A (O): Internal and External Trips Summary (Exiting Trips)

Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles[1]	Transit[2]	Non-Motorized[2]
Office	0	0	0	0	0	0
Retail	8	57	65	52	0	0
Restaurant	10	74	84	67	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	10	38	48	35	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses[3]	0	0	0	0	0	0

[1]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-A

[2]Person-Trips

[3]Total estimate for all other land uses at mixed-use development site-not subject to internal trip capture computations in this estimator

*Indicates computation that has been rounded to the nearest whole number.

NCHRP 8-51 Internal Trip Capture Estimation Tool			
Project Name:	Headwaters at Hampstead	**Organization:**	RKA
Project Location:	Hampstead, NC	**Performed By:**	DT
Scenario Description:		**Date:**	7/29/2021
Analysis Year:		**Checked By:**	
Analysis Period:	**PM Street Peak Hour**	**Date:**	

Table 1-P: Base Vehicle-Trip Generation Estimates (Single-Use Site Estimate)

Land Use	Development Data (*For Information Only*)			Estimated Vehicle-Trips		
	ITE LUCs[1]	Quantity	Units	Total	Entering	Exiting
Office	710	1,400	s.f.		12	55
Retail	820	4,550	s.f.		26	29
Restaurant	932	12,600	s.f.		114	105
Cinema/Entertainment						
Residential	221	174	units		46	29
Hotel						
All Other Land Uses[2]						
Total				0	198	218

Table 2-P: Mode Split and Vehicle Occupancy Estimates

Land Use	Entering Trips			Exiting Trips		
	Veh. Occ.	% Transit	% Non-Motorized	Veh. Occ.	% Transit	% Non-Motorized
Office	1.10			1.10		
Retail	1.10			1.10		
Restaurant	1.10			1.10		
Cinema/Entertainment	1.10			1.10		
Residential	1.10			1.10		
Hotel	1.10			1.10		
All Other Land Uses[2]	1.10			1.10		

Table 3-P: Average Land Use Interchange Distances (Feet Walking Distance)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		2610	2610		2610	
Retail					2610	
Restaurant					2610	
Cinema/Entertainment					2610	
Residential		2610	2610			
Hotel					2610	

Table 4-P: Internal Person-Trip Origin-Destination Matrix*

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	1	0
Retail	1		9	0	4	0
Restaurant	3	15		0	8	0
Cinema/Entertainment	0	0	0		0	0
Residential	1	0	1	0		0
Hotel	0	0	0	0	0	

Table 5-P: Computations Summary

	Total	Entering	Exiting
All Person-Trips	459	218	241
Internal Capture Percentage	19%	20%	18%
External Vehicle-Trips[3]	340	160	180
External Transit-Trips[4]	0	0	0
External Non-Motorized Trips[4]	0	0	0

Table 6-P: Internal Trip Capture Percentages by Land Use

Land Use	Entering Trips	Exiting Trips
Office	38%	2%
Retail	52%	44%
Restaurant	8%	22%
Cinema/Entertainment	N/A	N/A
Residential	25%	6%
Hotel	N/A	N/A

[1]Land Use Codes (LUCs) from *Trip Generation Informational Report*, published by the Institute of Transportation Engineers.
[2]Total estimate for all other land uses at mixed-use development site-not subject to internal trip capture computations in this estimator
[3]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P
[4]Person-Trips
*Indicates computation that has been rounded to the nearest whole number.

Estimation Tool Developed by the Texas Transportation Institute

Project Name:	Headwaters at Hampstead
Analysis Period:	PM Street Peak Hour

Table 7-P: Conversion of Vehicle-Trip Ends to Person-Trip Ends

Land Use	Table 7-P (D): Entering Trips			Table 7-P (O): Exiting Trips		
	Veh. Occ.	Vehicle-Trips	Person-Trips*	Veh. Occ.	Vehicle-Trips	Person-Trips*
Office	1.10	12	13	1.10	55	61
Retail	1.10	26	29	1.10	29	32
Restaurant	1.10	114	125	1.10	105	116
Cinema/Entertainment	1.10	0	0	1.10	0	0
Residential	1.10	46	51	1.10	29	32
Hotel	1.10	0	0	1.10	0	0

Table 8-P (O): Internal Person-Trip Origin-Destination Matrix (Computed at Origin)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		1	0	0	1	0
Retail	1		9	1	4	2
Restaurant	3	48		9	9	8
Cinema/Entertainment	0	0	0		0	0
Residential	1	1	1	0		1
Hotel	0	0	0	0	0	

Table 8-P (D): Internal Person-Trip Origin-Destination Matrix (Computed at Destination)

Origin (From)	Destination (To)					
	Office	Retail	Restaurant	Cinema/Entertainment	Residential	Hotel
Office		0	0	0	2	0
Retail	4		36	0	23	0
Restaurant	4	15		0	8	0
Cinema/Entertainment	1	1	4		2	0
Residential	7	0	2	0		0
Hotel	0	1	6	0	0	

Table 9-P (D): Internal and External Trips Summary (Entering Trips)

Destination Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles[1]	Transit[2]	Non-Motorized[2]
Office	5	8	13	7	0	0
Retail	15	14	29	13	0	0
Restaurant	10	115	125	105	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	13	38	51	35	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses[3]	0	0	0	0	0	0

Table 9-P (O): Internal and External Trips Summary (Exiting Trips)

Origin Land Use	Person-Trip Estimates			External Trips by Mode*		
	Internal	External	Total	Vehicles[1]	Transit[2]	Non-Motorized[2]
Office	1	60	61	55	0	0
Retail	14	18	32	16	0	0
Restaurant	26	90	116	82	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	2	30	32	27	0	0
Hotel	0	0	0	0	0	0
All Other Land Uses[3]	0	0	0	0	0	0

[1]Vehicle-trips computed using the mode split and vehicle occupancy values provided in Table 2-P

[2]Person-Trips

[3]Total estimate for all other land uses at mixed-use development site-not subject to internal trip capture computations in this estimator

*Indicates computation that has been rounded to the nearest whole number.

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

~~February 23, 2021~~ **REVISED July 23, 2021**

Ms. Caroline (Bojarski) Cheeves, PE
Ramey Kemp Associates
5808 Faringdon Place
Raleigh, NC 27609

RE: **REVISED** Scope approval for the Traffic Impact Analysis (TIA) associated with the proposed **Headwaters Apartments Development**
Pender County, NC

Dear Mr. Clapp,

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

- LUC 221 – ~~294~~ **168** Multi-Family Housing (Mid Rise)
- LUC 712 – 1,400 SF Small Office Building (8 employees)
- LUC 820 – 4,550 SF Shopping Center
- LUC 932 – 12,600 SF High Turnover (Sit-Down) Restaurant

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

1. **Data Collection - Analysis Parameters:**
   a) Study Intersections
      i. For existing intersections, provide turning movement counts for weekday AM (7:00am-9:00am) and PM (4:00pm-6:00pm) peak periods, signal timing (if applicable), and lane geometry:
         - US 17 at NC 210/ SR 1784 (Dan Owen Drive)
         - US 17 at SR 1673 (Deerfield Drive)
         - US 17 at SR 1618 (Hughes Road)
         - US 17 at SR 1582 (Washington Acres Road)
         - US 17 at Site Access 1
         - SR 1673 (Deerfield Drive) at SR 1684 (NE Center Drive)/Site Access 3
         - SR 1673 (Deerfield Drive) at SR 1674 (Creekview Drive)
         - SR 1673 (Deerfield Drive) at Site Access 2
         - SR 1582 (Washington Acres Road) at SR 1684 (SW Center Drive)

b) Site Trip Generation, Site Trip Distribution and Background Traffic Assumptions
   i. Site Trip Generation Estimate - **REVISED**
      - Attached
   ii. Site Trip Distribution
      - To be submitted and approved prior to use in TIA
   iii. Adjacent Development (approved but not yet built):
      - Lea Marina
   iv. Planned Roadway Improvements
      - N/A
   v. Background Traffic Assumptions
      - Full Build - 2023
      - Growth rate – 1% per year

2. **Capacity Analysis: Week day AM & PM Peak Hour**
   a) Technical Analysis
      i. 2021 Existing
      ii. 2023 Future No-Build
      [Existing + 1% background growth + approved development trips]
      iii. 2023 Full Build Conditions
      [Existing + 1% background growth + approved development trips + site trips]
      iv. 2023 Full Build Conditions + improvements
      [Existing + 1% background growth + site trips]

3. **Final Report Submittal:**
   a) Completed TIA Application
   b) Signed and sealed by a Professional Engineer
   c) Three bound copies
   d) Electronic copies to include PDF of TIA and Synchro output files and Synchro analysis files in digital format

4. **Notes:**
   a) This scope shall remain valid for three months from the date of this letter.
   b) 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.

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

Sincerely,

Scott A. James, PE
Transportation Planning Engineer
Wilmington Urban Area MPO

Attachments: Traffic Impact Analysis Supplemental Guidelines
REVISED Trip Generation Summary (provided by Ramey Kemp)
Site Map (provided by Ramey Kemp)

ec: Dan Cumbo, PE, District Engineer, NCDOT
Doug Racine, Assistant District Engineer, NCDOT
Brad Haste, Assistant District Engineer, NCDOT
Jessi Leonard, PE, Division Traffic Engineer, NCDOT
Eva Covarrubias, EI Transportation Engineering Associate, NCDOT
Mike Kozlosky, Executive Director, WMPO
Travis Henley, MPA, Planning Director, Pender County
Sam Shore, MPA, Long Range Planner, Pender County

COMMUNITY MEETING SIGN-IN SHEET

Headwaters at Hampstead	**Meeting Date:** August 17, 2021, 6:30 pm
Place/Room:	Hampstead Annex, 15060 US Hwy 17, Hampstead NC

Name	Address	E-Mail (optional)
Pat Donovan-Brandenburg	201 Creekview Drive	pdonovan-brandenburg
Walt + Sue Hyde	144 Shandy Way	@jacksonvillenc.gov
RON & PAULINE STIKE	115 DEERFIELD DR	
Laura LaBaree	527 N Line Dr 28443	llabree78@gmail.com
Micki L. Tanbouz	531 North Line Drive 28443	mtanbouz@charter.net
Scot Ricks	121 Deerfield DR	
Sandy Hedmon	82 Circle Dr.	
Pat Becker	345 Hughes Rd	starbethkitchen@live.com
Fred Isenhard	345 Hughes Rd	
Danielle Peacock	123 Deerfield Dr	
David Peacock	123 Deerfield Dr	
Mary Martin	338 Creekview Drive	
Kelli Ramsey	407 Headwaters Dr	
Dickinsons	48 Sally Ln	Kadickinson 72 gmail
Doug Holdstein	313 Creekview Dr.	

Community Meeting Summary
for Master Development Plan by Evolve Acquisitions, LLC
Meeting Date & Time: August 17, 6:30 PM -7:30 PM
Meeting Location: Hampstead Annex

Paramounte Engineering, Inc. (PEI), Evolve Acquisitions, LLC (Evolve), and Swain & Associates (Swain) (collectively, Development Team) hosted a meeting to introduce the proposed development for Hawthorne at Headwaters to the adjacent neighbors attending the meeting. Property owners within 500 ft. of the proposed development (as required by Pender County) were notified of the community meeting by mail on August 6, 2021.

The open-house style meeting allowed people to view a context aerial for general site location purposes, a concept of the overall proposed master development s well as examples of other Evolve multifamily projects and Swain commercial/retail projects. The community asked the Development Team questions about the plans, and many of the same questions were discussed repeatedly during the meeting. The following is a synopsis of the comments heard at the meeting.

- Attendees were concerned about traffic from the development, The team stated that traffic report takes into account this, previously approved and any other developments in the planning stage with the county
- Attendees discussed stormwater and where ponds discharged and size of ponds, The team stated that ponds sized for the 100 year event and below, which is greater than Pender County stormwater ordinance
- Attendees asked if there would be Section 8 housing, The team stated no Section 8 housing
- Concerns were raised regarding a multifamily project's impact on the school system, team stated that multi-family has less school children than traditional single-family neighborhoods
- Attendees asked about process for review by Pender County, team stated review is based on technical standards of Pender County UDO/Subdivision ordinance
- Attendees asked about sewer for the property, team stated sewer pump station to be built for development, will tie into Pluris Hampstead system
- Attendees asked about water capacity, team stated have capacity letter from Pender County Utilities stating capacity for project

Gideon Smith

From: Gideon Smith
Sent: Monday, July 12, 2021 1:00 PM
To: Gideon Smith
Cc: Travis Henley; Tera Cline; Vanessa Lacer; Carlene Shaw; Greg Feldman
Subject: Pender County TRC - August 5
Attachments: MDP 2021-30 Evolve Headwaters Apartments Master Plan 7.9.2021.pdf; MDP 2021-31 Scotts Hill RMX Proposed Master Plan 7.9.2021.pdf

Good afternoon everyone,

We have not received any applications for the August 5, 2021 TRC meeting. If no one objects, we will plan to cancel that meeting.

We have, however, received two Master Development Plans for Planning Board consideration at their September meeting. Will you please review the attached plans and provide any comments to me by Monday, July 26? Please let me know if you would like to meet and discuss these items at 9:00 AM on Thursday, August 5, 2021 (regular TRC meeting date/time).

Please note that these two developments were originally proposed to be rezoned a few months ago, but the applicants have withdrawn those applications. They are now proposing new site designs as shown on these Master Development Plans.

Thanks,
Gideon

Gideon Smith | Senior Planner
Pender County Planning & Community Development
(910) 259-1529
gsmith@pendercountync.gov
805 S. Walker Street,
Burgaw, NC 28425

PENDER COUNTY NC

www.pendercountync.gov

Technical Review Committee (TRC) Comment Sheet

Project Title: Evolve Headwaters Apartments Master Development Plan
Case Number: MDP 2021-30
TRC Meeting Date: 7/12/2021 – Sent to TRC for review and comment
Board Hearing (if applicable): 9/1/2021

The following comments have been received for the September 1, 2021 Planning Board meeting. No additional comments from other TRC members have been received at this time.

Pender County Addressing Coordinator, Mike Dickson 910-259-1442

1. ROAD A, COLLECTOR ROAD B, ROAD C, and the three unlabeled roads in the apartment parking area must be named.
2. The developer must submit road names and possible alternatives to me for approval.
3. The building address numbers will be assigned by me during each individual building permit approval for the multi-family buildings, the amenity center for the multi-family buildings, and the garage buildings.
4. The developer is responsible for assigning the individual unit numbers.

Pender County Soil and Water Conservation District, Jason Turner 910-471-9122

1. Pender SWCD has no issue with this request.

WMPO, Scott James, 910-473-5130

1. A revised approved scope of study for this project and the revised trip generation estimates have been sent to the applicant's traffic engineer.
2. The reduction in land use intensity has been noted.

Pluris, Kaarin Williams 910-218-7653

1. Currently Pluris does not see any issues with this project.

Pender County
Planning and Community Development

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

Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

September 7, 2021

Evolve Companies, LLC
Mike Winstead, Jr.
2012 Eastwood Road
Wilmington, NC 28403

VIA EMAIL: mike@evolvecos.com

RE: MDP 2021-30 – Evolve Headwaters Apartments Master Development Plan

Mr. Winstead,

At their September 1, 2021 meeting, the Pender County Planning Board voted (5-1) to deny the Master Development Plan (MDP 2021-30) that would have allowed for a mixed-use development consisting of 174 multi-family residential units and three commercial outparcels on 4 tracts of land totaling approximately 24.26 acres within the PD, Planned Development zoning district. The subject site is located on the eastern side of US HWY 17 between its intersections with Hughes Road and Deerfield Drive in the Topsail Township and may be further identified by Pender County PINs 3282-74-3515-0000; 3282-74-1001-0000; 3282-74-6231-0000; and 3282-74-8862-0000.

If you would like to appeal the Planning Board's decision to the Pender County Board of Adjustment, please submit an appeal of administrative decision application within 30 days of receipt of the decision in order to be scheduled for the next regular meeting.

If you have any questions or concerns, please do not hesitate to contact me at (910) 259-1529 or gsmith@pendercountync.gov.

Sincerely,

Gideon Smith
Senior Planner

cc: Amy Schaefer, Lee Kaess, PLLC (amy@leekaess.com)

MINUTES
Planning Board Meeting
Wednesday, September 1, 2021
Pender County Hampstead Annex
7:00 PM

MEMBERS PRESENT: Theatrice McClammy
Jeff Beaudoin
Damien Buchanan
John Gruntfest
Jeffrey Pitts
Norman K. (Ken) Teachey

MEMBERS ABSENT: Delva Jordan

OTHERS PRESENT: Travis Henley, Planning Director
Tera Cline, Administrative Assistant
Other Staff and Members of the Public.

Page

1 CALL TO ORDER
Chairman called the meeting to order at 7:01 pm

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

a) Agenda Adopted

Moved by Damien Buchanan, seconded by Norman K. (Ken) Teachey

Motion Approved

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan				x
Jeff Beaudoin	x			

Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	6	0	0	1

CARRIED.

6 ADOPTION OF MINUTES

a) Planning Board Minutes from 7-6-2021 Meeting

Moved by Jeff Beaudoin, seconded by Norman K. (Ken) Teachey

Motion approved

	For	**Against**	**Abstained**	**Absent**
Theatrice McClammy	x			
Delva Jordan				x
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	6	0	0	1

CARRIED.

7 PUBLIC COMMENT

8 PUBLIC HEARINGS

a) REZONE 2021-25 13

Elloyd McIntire, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 69.67 acres of land from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. The subject property is located at the terminus of Pine Village Drive, approximately one-half mile southwest of the intersection of Pine Village Drive and NC HWY 210.

Greg Feldman, Planner I, presented the case on behalf of the applicant. He gave a brief presentation and overview of the project. Mr. Feldman explained that the applicant is proposing to rezone approximately 69.67 acres from RA, Rural Agricultural zoning district to RP, Residential Performance zoning district. Because this is a general use rezoning, a conceptual plan is not included within the application. If approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the RP, Residential Performance zoning district. However, any future development of the site must comply with the standards of the RP, Residential Performance zoning district and is subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

Elloyd McIntire, applicant, see attached statement read by Mr. Mcintire to the board.

Nancy Kurul, 431 Pine Village Dr., presented to the board her two major concerns. One being the poor condition of the roads and one access. She stated the HOA has received a quote of around 127,000.00 dollars to repair the roads. The roads were deeded to the Grand Oaks HOA in 2008 and she feels that further development will impact the cost and maintenance of the roads to homeowners already established in Grand Oaks. Ms. Kurul expressed concerns with the storm water system as well.

Amy Liam, declined to speak

Todd Bryant, 296 Pine Village Dr., expressed concerns with increased traffic and shape of the roads currently and the distrust with the applicant.

Tammy Hinkle,230 Pine Village Dr., told the board she agreed with everything the other speakers stated and shared their concerns.

Ellen Riportella, declined to speak.

Janet Corbett-Badger, 366 Pine Village Dr., expressed concerns of traffic increase being dangerous. She also spoke to the board in regards to the roads already being in a declining shape.

Mike Badger, declined to speak

Britton Jones, 332 Pine Village Rd., spoke to the board regarding the wetlands behind his property and how the runoff is currently already an

issue. Does not feel that adding more lots is going to help the runoff situation at all considering he is currently on his fourth septic system alone.

Damien Buchanan, Planning Board Member, asked if Pine Village Dr. was deeded to the HOA and will it ever be turned over to DOT? Travis Henley, Director, stated yes, the HOA was deeded the road and to his knowledge it was never proposed to be turned over to DOT. He confirmed that if this rezoning is passed any use allowed in RP zoning would have access to use Pine Village Dr. Jeff Beaudoin, Planning Board Member, confirmed if the Grand Oaks Phase is done all the roads would have to be up to DOT standards and wanted to know if the access road would have to meet those standards as well. Travis Henley stated that it depended on what the individual development plan looked like. It will also depend on if access is granted at another location.

Moved by Damien Buchanan, seconded by Norman K. (Ken) Teachey

Motion to Deny

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan				x
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	6	0	0	1

CARRIED.

Mcintire Statment

b) MDP 2021-30

Evolve Acquisitions LLC, applicant on behalf of Lanwillo Development Co. and Headwaters Properties LLC, owners, is requesting the approval of a Master Development Plan within the PD, Planned Development zoning district to allow for a mixed-use development consisting of 174 multi-family units and three commercial outparcels, with numerous potential commercial uses. The subject properties consist of 4 tracts of land totaling approximately 24.26 acres and are located on the eastern

side of US HWY 17 between its intersections with Hughes Road to the south and Deerfield Drive to the north.

Greg Feldman, Planner I, presented the case on behalf of the applicant. He gave a brief presentation and overview of the project. Mr. Feldman, explained to the board that the request is consistent with the Future Land Use Map, as well as three goals, two objectives, and four policies within the Pender 2.0 Comprehensive Land Use Plan, while conflicting with one objective and two policies with the Plan. The proposed Master Development Plan is also compliant with the Pender County Unified Development ordinance. Therefore, Planning Staff is recommending the approval of the Master Development Plan as detailed in the report for the development known as Evolve Headwaters Apartments. All future development, phases, or changes to the Master Development Plan are subject to the Planning Board review and approval. The applicant is proposing to construct a mixed-use development, Evolve Headwaters Apartments, consisting of 174multi-family units within seven multi-family apartment buildings. One building is proposed to contain 30 dwelling units while the remaining 6 buildings will contain 24 dwelling units each. Additionally, the proposal includes 3outparcels reserved for non-residential development along US HWY 17 to the north of the US HWY 17/Hughes Road intersection. The proposal also includes associated amenities for the residential uses, four new roadways, a wastewater pump station, and other associated infrastructures. He also reviewed the conditions agreed up by the applicant.

Damien Buchanan, Planning Board, asked staff if the above conditions were advised by the staff or the applicant. Mr. Feldman stated that these conditions were part of the original plan and proposed by the applicant with no new conditions being added. Staff did reach out to the applicant to confirm no changes to the conditions were made. John Gruntfest, Planning Board, requested to know if staff made any recommendations at all. Mr. Feldman deferred to Travis Henley, Planning Director, for that answer. Mr. Henley, stated that other than review the plan for its conformance in regards to regulations outlined in the UDO, and providing comments where deficiencies may have been found we did not make any direct suggestions. Staff typically does not do that. Mr. Gruntfest stated he understood that, but he only asked because this is the third time as community that we are being asked about this specific property and it does not seem that too much has changed. Chairman of the Planning Board did question if this had gone to the Technical Review Committee. Travis Henley, stated it was sent to the TRC and solicited comments. The comments are included in the agenda packet.

Jim Cirello a landscape architect with Paramount Engineering, Inc. Thanked the board and everyone for being there. He thanked the Pender County Planning staff for recommending approval of the project and presenting on their behalf. The presentation from Paramount is attached to these minutes for review. He stated he did not want to repeat what the planning staff had already covered but did want to present several key points. He stated that the he did want to repeat the the proposal is consistent with three goals, two objectives, and four policies within the Pender 2.0 Comprehensive Land Use Plan, and is in conflict with nothing of the counties documents, plans, and ordinances. As mentioned we have been through TRC review and addressed any of the technical issues. Mr. Cirello mentions that this project is proposing 174 units which is 120 units less than the previous project. Included in the project is 174 units in 7 buildings. All are 24 unit buildings except one which is 30. The proposed open space for this project exceeds the counties requirements. Storm water is going to be designed to meet the 100 year storm, again exceeding the requirements from the county. He stated that there is preliminary approval for a signal light at the intersection of the collector roads.

The Chairman asked Mr. Cirello to confirm that the significant material difference is the number of units. Mr. Cirello stated yes the units were decreased by 120 units and this is a by-right application we are not requesting a rezone.

John Gruntfest, planning board member requesting to know that proposed elevation from the pumphouse to the Pluris destination across the highway. Tim Clinkscales, engineer for Paramount, clarified that the board wanted to know what the elevation difference is between the pump station and highway 17.

Pat Donovan-Brandenburg, 201 Creekview Dr., speaking as a resident and also the secretary for SWANC (Storm water Association of NC) expressed concerns with water quality and storm water run off. She stated that storm water ponds are a cheap and fast proposal for storm water run off. She expressed concern with the flooding currently happening and where the ponds would be located.

David Lisbon,629 Hughes Rd., expressed concerns over traffic impact and the overcrowding of schools. He stated that a study done by WMPO from 2010 to 2012 showed significant changes that needed to be made in Washington Acres and Hughes road which none of the changes have taken place up to this point. One of these changes was straitening Washington Acres drive to a 90 degree intersection with 17 and permanent barriers on Hughes road. He shared with the board the

accident report that was covered in the study as well. He stated he thought the bypass and the above changes needed to take place before anymore development was approved.

Shehla Korff, 116 Center Drive, stated to the board that she did not see 3 story buildings fitting into the neighborhood. She expressed concern over the storm water run off as well. She also spoke in regards to the school overcrowding. She concluded by stating the lead attorney for this group of developers is a member of the NC General Assembly who is the chairman of the education and stated she would think he would understand that school buildings need to be built first.

Kim Dickerson, 48 Sally Lane, declined to speak

Elizabeth Jordan, 406 E Creekview Dr., expressed her concern with the development conflicting with the beauty and over all look of this community.

Justin Murray, 101 Hughes Rd., expressed concerns over the development and requested a 30 foot buffer around the property and consider the infrastructure before approving.

Larry Brew, 134 Deerfield Dr., stated to the board Article 1.4.1 E of the Pender County Unified Development Ordinance states it is the purpose of the this ordinance to protect the character of established residential neighborhoods. He respectively asked the board how the Headwaters project achieves this goal.

Ron Stier, 115 Deerfield Dr., declined to speak

Claudia Mueller, 976 Washington Acres Dr., expressed her concerns for the traffic impact and the amount of accidents it will cause.

Amy Schaefer, Attorney for the applicant, requested the board remember why they are here as someone stated earlier. She stated that the last time they were there they were requesting a rezoning which is a legislative decision that you make a recommendation on to go to the Board of Commissioners. Ms. Schaefer also stated that there are quasi judicial decisions that boards can hear and are sworn to testimony etc. These two types of public hearings are offer discretion. She stated that this hearing is an administrative review which is what this meeting was for to approve the Master Development Plan. Ms. Schaefer stated this hearing is to determine if the project meets the technical requirements. If the project does not meet those requirements the board can request conditions to meet those requirements. She stated the applicant has

gone above and beyond those technical requirements with additional conditions because that is what they came in for and what they had promised the citizens of the neighborhoods.

Tim Clinkscales, Paramount Engineering, stated to the board that the applicant will meet all state requirements with the ponds. He stated Pender County requires a 10 year storm water plan they are presenting a 100 year, which he states is something the applicant does not have to do. Mr. Clinkscales stated the emergency spill ways would be located on the south side of the property. He stated that the pump station is an improvement considering how many septic systems have failed in this area. He stated the height requirement is the same no matter the use. He also spoke in regards to the traffic light and that it has been approved by NC DOT . Mr. Gruntfest, Planning Board member, wanted to know when the traffic light was approved by NC DOT. Mr. Clinkscales stated to the board that they have met with NC DOT multiple times recently and over the years in discussion of the light. Mr. Gruntfest asked him again if we know when it was approved just like initially this development was approved to some degree originally, Mr. Gruntfest continued to state how the population and traffic has changed since this began.

Caroline Cheeves, WMPO Ramey Kemp Associates, gave a brief overview of the traffic impact analysis.

Jason Swain, Realtor Swain and Associates, spoke about the use and growth in surrounding towns. He spoke about the collector road that would be installed working with county master plan. Respects the concerns of board about the growth of Hampstead.

Mr. Gruntfest, planning board member, stated he had a few different issues . I'm here to speak for our community. And for this neighborhood, unfortunately, for you guys, I live in this neighborhood, and I've been down this road I spoke with you, specifically five, six years ago. And I don't agree with your architect, a landscape architect who believes that your entire design and plan conforms to every one of our, our Udo specifications because 1.4. And I thank you, gentlemen, for reading our Udo. It's our responsibility to preserve the quality of life, I think she'll also mentioned it preserve the quality of life of these neighborhoods. And there's one main thing that no one is spoke about. And that's, this is a very dense project in two residential neighborhoods, which has been our contention from the very beginning. Before I sat on this board, that was our contention. And so and that's why he asked the question before, when when was this approved? Because the density has changed dramatically. The school thankfully, Dr. Hill spoke up. And

and if we are only here, and you can help me understand this, Travis, because if we're here to rubber stamp this, as your comment indicated, he was not aware of that.

Travis Henley, Planning Director, explained the administrative process to the board.

Moved by John Gruntfest, seconded by Damien Buchanan

Motion to Deny

	For	**Against**	**Abstained**	**Absent**
Damien Buchanan		x		
Jeffrey Pitts	x			
Theatrice McClammy		x		
Delva Jordan				x
Jeff Beaudoin		x		
John Gruntfest		x		
Norman K. (Ken) Teachey		x		
	1	5	0	1

DEFEATED.

c) MDP 2021-31

Tribute Investment and Development, Inc., applicant on behalf of Wilbur R. Corbett Trust, owner is requesting the approval of a Master Development Plan within the PD, Planned Development zoning district to allow for a mixed-use development consisting of 9 single-family lots and 116 townhomes for a total of 125 units. The subject property consists of one tract of land totaling approximately 20.38 acres and is located on the eastern side of US HWY 17 across from Christian Chapel Road.

Carlene Shaw, Planner I, presented the case on behalf of the applicant. She gave a brief presentation and overview of the project. Characteristics of the RP to east RA south mixed use to the west. Partial cleared. 29 4-unit multiplexes – single family will be cottages. Applicant would put a C2 buffer on the boarder of residential property. Applicant is proposing multi-use path on the western side.

Amy Schaefer, from Atty Lee Kaess represents the applicant points out that this an administrative review.

Josh Mihaly, of Mihaly Land Design townhouse are of the quadraplex design with 279 parking spaces. Front parcel is not officially open space but will remain that way. Storm water will be built for the 100-year event. The front parcel will be maintained resembling a field.

Mary Allen, 239 Mare Pond Place, asking for another traffic light.

Elizabeth Jordon, 406 E. Creekview Drive, declined to speak.

Denise Frietag, 40 Otter Pond Lane, understands the housing boom but does there have to be so many houses put in such a small area?

Julia Ayala, 806 S Green Tee Road, owner of the Topsail Montessori, huge improvement since April. Consideration as to where the collector road will be located. She is concerned for the safety of the children as they outside all day.

Josh Mihaly, readdress the board to speak about collector road location. He suggests the road be at the south of property.

Moved by Jeffrey Pitts, seconded by Damien Buchanan

Motion approved

	For	**Against**	**Abstained**	**Absent**
Theatrice McClammy	x			
Delva Jordan				x
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	6	0	0	1

CARRIED.

d) Pender County Collector Street Plan 2021

Pender County, applicant, is requesting the adoption of an update to the 2016 Pender County Collector Street Plan. A detailed description of proposed

changes and updates is located in the Pender County Planning and Community Development Offices.

Travis Henley, Director the plan as a whole was presented in July. There is additional language in the plan with points of clarification. Comprehensive plan already includes incentives to include collector road in their plans as cost sharing.

Cameron Moore of the Wilmington-Cape Fear Home Builders Association thinks it is too costly and will drive builders away. Challenges the plan as urbanistic.

Moved by Norman K. (Ken) Teachey, seconded by Jeffrey Pitts

Motion to approve

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan				x
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey	x			
	6	0	0	1

CARRIED.

9 DISCUSSION

10 NEXT MEETING DATE
October 5, 2021
7:00 PM
Location TBD

11 ADJOURNMENT

Opening Statement

Mr. Chairman and members of the board

My Name is Elloyd E. McIntire, I am the owner of the Grand Oaks Development Company, LLC. and the Developer of the Pine Village and the Grand Oaks Communities, on NC HWY 210 in Rocky Point, NC 28457.

I started developing property in Pender County in 1966 with the approval of a permit from this body For a Mobile Home Park when, Mr. Mc jet was the Planning Director. At the time Carver Boat Company was moving into the area. The only available housing in the area was the Hitching Post Mobile Home Park. near Paul's Place on NC HWY 117. The permit was approved by the Board of Commissioners and the development of Pine Village Mobile Home Park begin. The Mobile Home Park was completed and opened in 1988

In 1996 I applied for a permit to start development of the Grand Oaks Community property. This area consisting of 63 acres to be developed in Three (3) phases. The approval of a permit was approved by this body when, Mrs. Angela Faison was the Planning Director and approved by the Board of Commissioners The first phase of the development which is the Oak Ridge Sub-Division which I started, was completed and opened in 2000.

In 2007 I applied for a permit to start development of phase Two (2) of the Grand Oaks Community, which is the Oak Ridge II Sub-Division, it was completed and opened for sales in 2008. The remaining lots in Oak Ridge II Sub-Division was sold to Tioga LLC Construction Inc., part in 2020 and the balance of the lots this year 2021 with, the exception of lot # 19.

I am here tonight requesting a zone change of the balance of the original plat of 127.5 acres, from RA to RP, the change will make all the lots throughout the Grand Oaks Community nearly equal in size. if approved, will allow me to begin phase three (3) the last and final phase of Grand Oaks. Thanking you in advance.

Sincerely yours

Elloyd E. McIntire Sr.
Developer Grand Oaks Community