Pender County

Agenda

Board of County Commissioners Meeting
Monday, October 16, 2023 @ 4:00 PM
Hampstead Annex Auditorium
15060 Highway 17, Hampstead, NC

			Presenter	Page
1.	CALL TO ORDER			
2.	INVOCATION			
3.	PLEDGE OF ALLEGIANCE			
4.	ADOPTION OF AGENDA			
5.	PUBLIC HEARING			
6.	PUBLIC INFORMATION			
	6.1.	Dept of Labor Safety Awards Dept of Labor Safety Awards - Pdf	Brame	3
	6.2.	NC DOT updates on current projects in Pender County NC DOT Update - Pdf	Adams	5 - 47
7.	PUBLIC COMMENT FOR AGENDA ITEMS			
8.	CONSENT AGENDA			
	8.1.	Approval of Purchase Order to Motorola Solutions, Inc. in the Amount of $105,778.20 for the Lease Purchase of Portable and Mobile Radios. Motorola Lease# 24978 year 3 payment - Pdf	Cutler	49 - 68
	8.2.	September 18, 2023, BOCC Meeting Minutes September 18, 2023, BOCC Meeting Minutes - Pdf	Stanfield	69 - 78
	8.3.	Resolution of the Pender County Board of Commissioners Authorizing Upset Bid Process with respect to the Disposition by Sale of Parcel 3332-88-7049-0000 Located in Burgaw, NC 3332-88-7049-0000 - Pdf	Blue	79 - 86
	8.4.	Contract Amendment for New Law Enforcement Center Law Enforcement Center - Pdf	Vann	87 - 90
	8.5.	Application for Gift - Eagle Scout Project Eagle Scout Project - Pdf	White	91 - 92
	8.6.	Approval of Purchase Order for the purchase of a 2023 Dodge Ram 1500 truck in the amount of $39,718.35. Purchase of 2023 Dodge Ram 1500 truck - Pdf		93 - 96
9.	APPROVALS AND RESOLUTIONS			
	9.1.	Resolution supporting NC DOT's grant application for a traffic signal at the intersection of Sloop Point Road and US Highway 17, to include a cash contribution of up to $66,250 if the project is awarded	Adams	97 - 110

Resolution - Pdf

9.2.	Approval of Budget Amendment for State Budget Allocation to Pender EMS & Fire for EMS Station 9 BOA State Budget Allocation to Pender EMS & Fire - Pdf	Blue	111 - 112

10. DISCUSSION
11. APPOINTMENTS
12. MAPLE HILL WATER AND SEWER DISTRICT
13. ROCKY POINT WATER AND SEWER DISTRICT
14. SCOTTS HILL WATER AND SEWER DISTRICT
15. MOORES CREEK WATER AND SEWER DISTRICT
16. CENTRAL PENDER WATER AND SEWER DISTRICT
17. PENDER COUNTY BOARD OF HEALTH
18. SOCIAL SERVICES BOARD
19. PUBLIC COMMENT
20. ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGERS, & COUNTY COMMISSIONERS
21. CLOSED SESSION (IF APPLICABLE).
22. 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

22.1.	Pender County Bicycle and Pedestrian Plan Bicycle & Pedestrian Plan - Pdf	Adams	113 - 238
22.2.	REZONE 2023-47-R CZMA: Request to revise a Conditional Zoning Map Amendment for the Falls Mist Development in the Rocky Point Township REZONE 2023-47-R - Pdf	Adams	239 - 270
22.3.	REZONE 2023-51: Request to rezone two parcels totaling approximately 20 acres from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3 in the Topsail Township REZONE 2023-51 - Pdf	Adams	271 - 336
22.4.	REZONE 2023-52: Request to rezone one parcel totaling approximately 2 acres from the RP, Residential Performance zoning district to the GB, General Business zoning district in the Topsail Township REZONE 2023-52 - Pdf	Brantley	337 - 362
22.5.	ZTA 2023-19: Text Amendment removing language that provides the County with criminal enforcement penalties for violations of the UDO ZTA 2023-19 - Pdf	Moran	363 - 377

23. ADJOURNMENT

Pender County
Dept of Labor Safety Awards

TO:	Board of County Commissioners/BOCC
FROM:	Pam Brame
DATE:	October 16, 2023
SUBJECT:	Dept of Labor Safety Awards

SUMMARY:
Attendees:
Kylie Willard, Safety Awards Coordinator
Josh Dobson, Commissioner of Labor
Susan Mullins, Executive Assistant to the Commissioner

Pender County
NC DOT updates on current projects in Pender County

TO:	Board of County Commissioners
FROM:	Jessi Leonard
DATE:	October 16, 2023
SUBJECT:	NC DOT updates on current projects in Pender County

SUMMARY:
Staff from the North Carolina Department of Transportation (NC DOT) will be providing an update to the Board regarding several upcoming and ongoing projects in the County. Those projects include:

- Hampstead bypass
- Improvements to US Highway 421 at Pender Commerce Park
- Signalization at Grandview Drive and US Highway 17
- Intersection of US Highway 421 and NC Highway 210
- Intersection of US Highway 421 and Malpass Corner Road
- Intersection of NC Highway 210 and Dallie Futch Road
- Intersection of US HWY 117 and New Road
- Intersection of US HWY 117 and Ashton Road/Old River Road
- NC HWY 210 Feasibility Analysis

ATTACHMENTS:
DOT Presentations

NORTH CAROLINA
Department of Transportation

NCDOT Division 3
Pender County Project Updates

October 16, 2023

Connecting people, products and places safely and efficiently with customer focus, accountability and environmental sensitivity to enhance the economy and vitality of North Carolina

NCDOT Project Process | Seven Phases

PHASE 1: PLANNING: *How decisions are made about which project will be built in the future*

PHASE 2: PROGRAMMING: How transportation projects are prioritized

PHASE 3: PROJECT DEVELOPMENT: How potential alternatives are studied and chosen

PHASE 4: DESIGN: How ideas are turned into transportation projects

PHASE 5: PROPERTY ACQUISITION: How NCDOT purchases land needed for projects

PHASE 6: CONSTRUCTION: How transportation projects are built

PHASE 7: MAINTENANCE: How NCDOT maintains projects once they are built

Project Prompt ▶ Plan ▶ Fund ▶ Design ▶ Build ▶ Maintain

NCDOT Division 3 Pender County Project Update List

- Part 1 Hampstead Bypass
- Part 2 Pender County Commerce Park

  NC 210 at US 421

  US 421 at SR 1120 (Malpass Corner Road)

  NC 210 at SR 1002 (Island Creek Road/SR 1574 (Dallie Futch Road)

  US 117 at SR 1411 (Ashton Road/Old River Road)

  US 117 at SR 1412 (New Road)
- Part 3 NC 210 Feasibility Update

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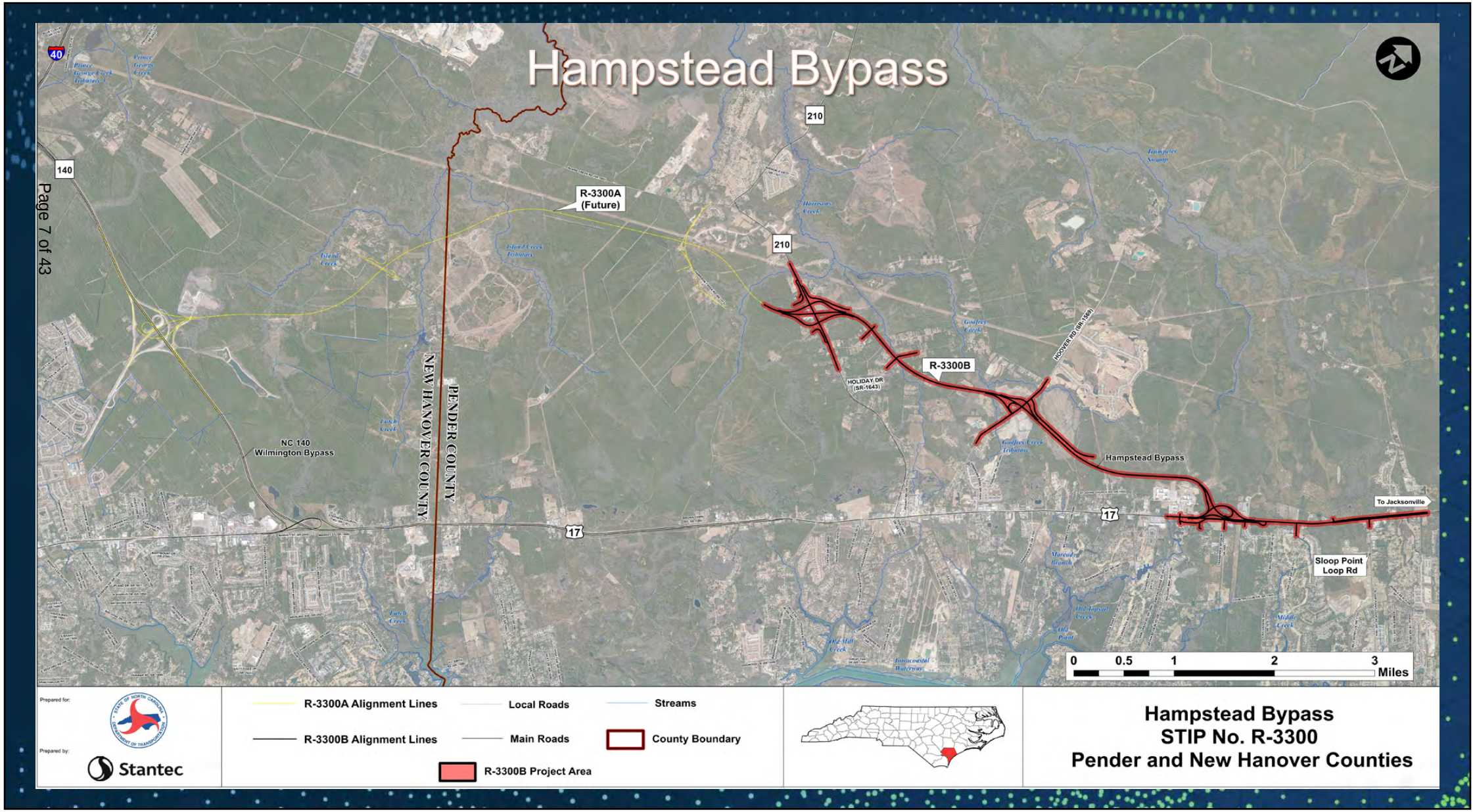
NORTH CAROLINA
Department of Transportation

Hampstead Bypass

Ben Meyer, PE | Project Engineer
Daniel Waugh, PE | Resident Engineer

October 16, 2023

Connecting people, products and places safely and efficiently with customer focus, accountability and environmental sensitivity to enhance the economy and vitality of North Carolina


Hampstead Bypass
R-3300A (Future)
R-3300B
NC 140 Wilmington Bypass
NEW HANOVER COUNTY
PENDER COUNTY
HOLIDAY DR (SR-1643)
HOOVER RD (SR-1569)
Hampstead Bypass
To Jacksonville
Sloop Point Loop Rd
140
210
17
40
0 0.5 1 2 3 Miles
Prepared for:
Prepared by:
Stantec
R-3300A Alignment Lines
R-3300B Alignment Lines
Local Roads
Main Roads
Streams
County Boundary
R-3300B Project Area
Hampstead Bypass
STIP No. R-3300
Pender and New Hanover Counties

Hampstead Bypass B-Section

From South of NC-210 to North of Sloop Point Rd



R-3300B Construction Highlights

- Overall Time 30% Complete, Payout 32%
- Placed 1,169,640 CY of 4,405,300 CY
- Detours on Hoover Rd, NC210, & Holiday Dr
- Completed 4 of the 8 Culverts
- Wick-drains installed at Hoover Rd & NC210
- Bridge & MSE Wall work started for US17 Interchange
- US17 work between Sloop Point & Topsail Schools has started

US17 Interchange



US17 Interchange – Preconstruction



US17 Interchange – August 2022

US17 Interchange – October 2023




Mainline Topsail School Area – August 2022

Mainline Topsail School Area – October 2023

Hoover Rd Interchange



Hoover Rd Interchange – Preconstruction

Hoover Rd Interchange – August 2022



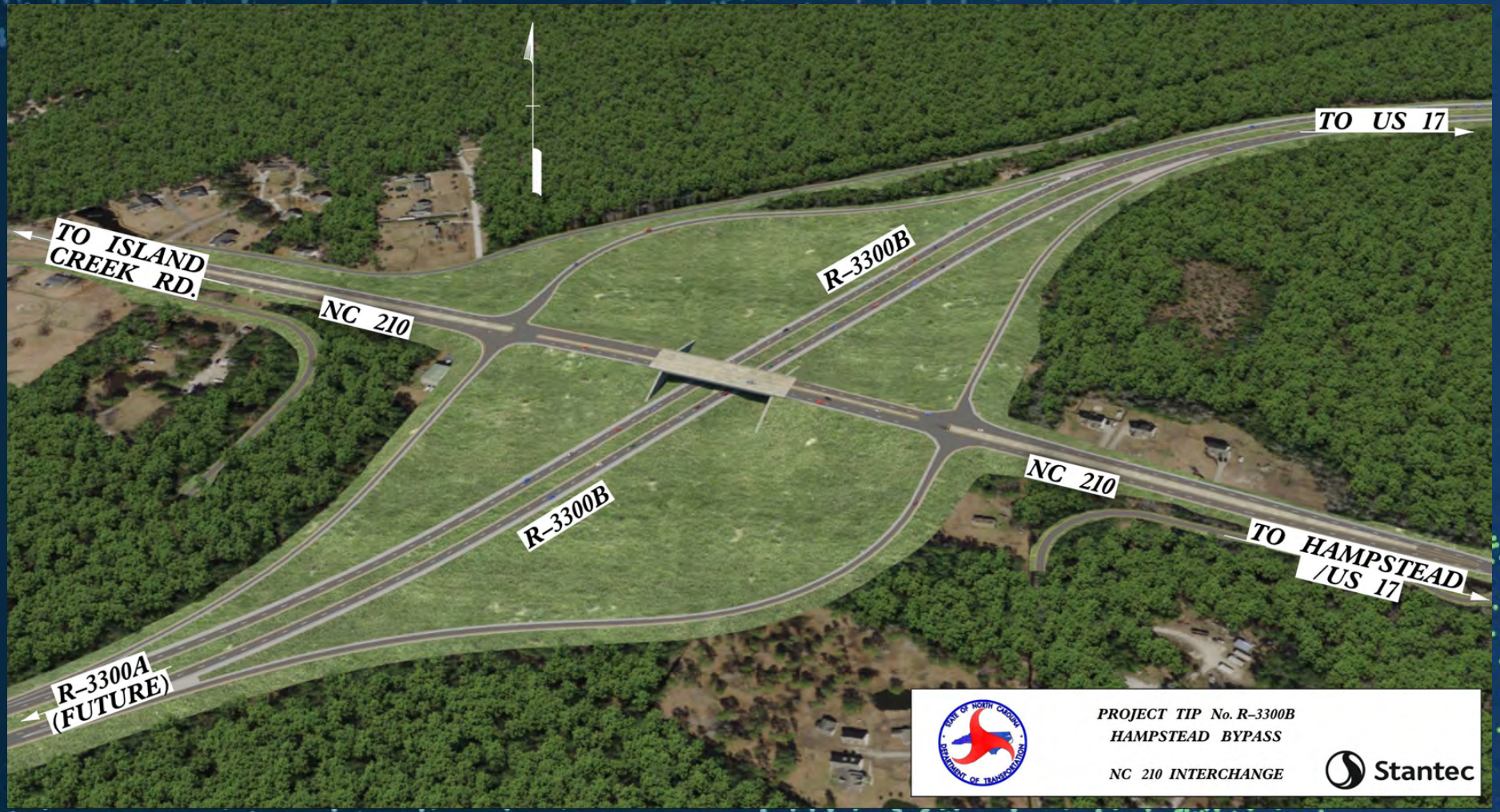
Hoover Rd Interchange – October 2023



Holiday Dr – October 2023



NC210 Interchange




NC210 Interchange - Preconstruction

NC210 Interchange – August 2022

NC210 Interchange – October 2023



R-3300B Construction Projections

- Placing borrow for bridge embankments
- Settlement periods US 17, Hoover Rd, & NC 210
- Water & sewer starting along US 17 Nov. 2023
- Noise wall behind Topsail Schools Oct. 2023
- US 17 traffic shifts in early 2024 for culverts
- Bridges at Hoover Rd, Holiday, & NC 210

Hampstead Bypass A-Section

From NC-140 to South of NC-210



R-3300A Project Status

- ROW Complete End of 2023
- UBO Relocation Design 90%
- Roadway Design 75%
- Let Date: July 2025
- Estimated Cost: $212,600,000

Thank you!

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NORTH CAROLINA
Department of Transportation

Pender County Intersection Improvements

Stoney Mathis, PE | Traffic Engineer, Division 3

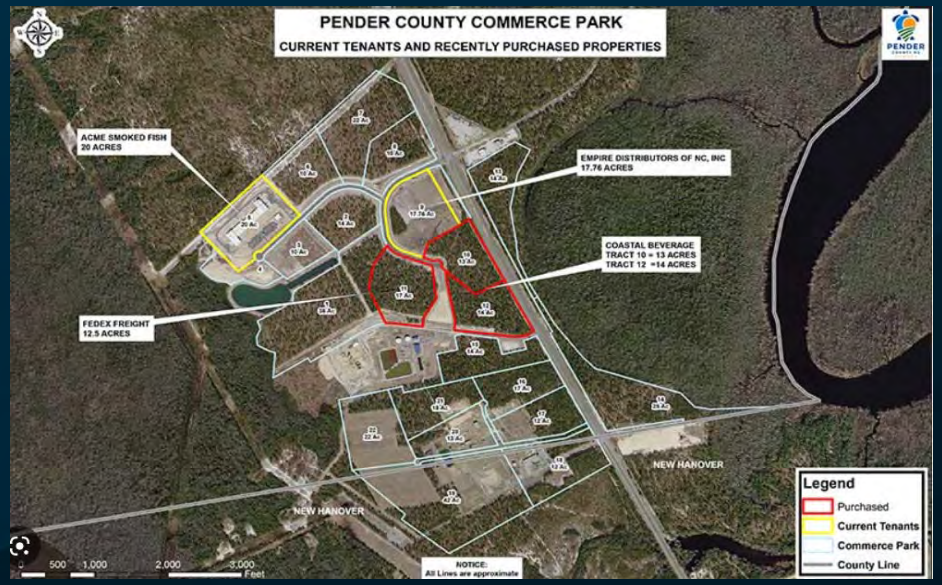
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US 421 at Pender Commerce Park

March: Pender County granted Right of Way donation







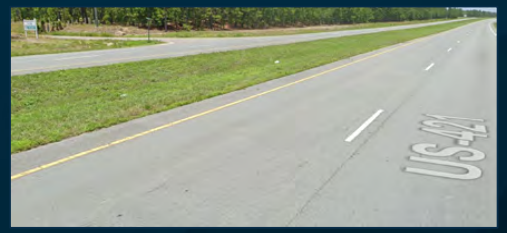
US 421 at Pender Commerce Park

Current Status: 50% complete | Estimated complete date 10.31.2023

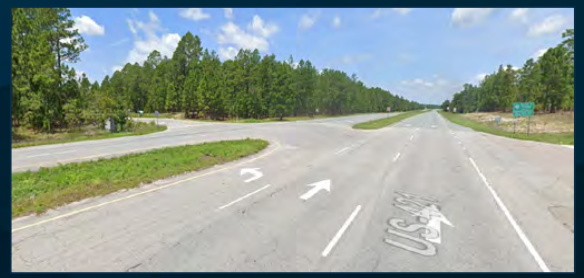
US 421 and Corporate Drive



US 421 and Quality Way



US 421 and Vitamin Drive



US 421 and I-140 Ramps



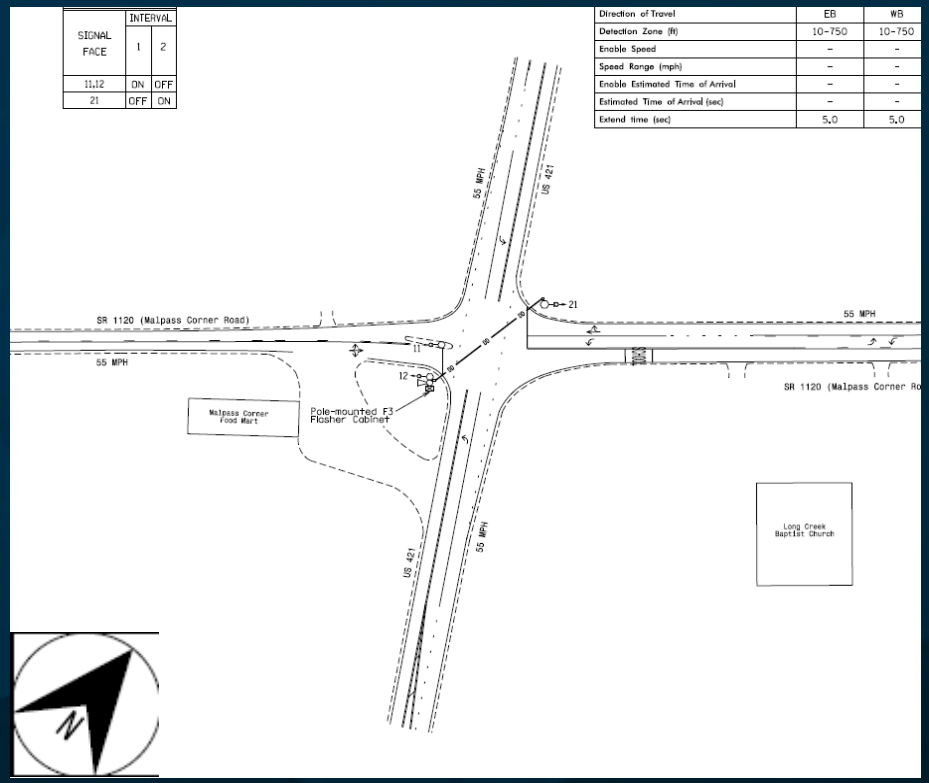
NC 210 at US 421

Current Status: A field investigation is estimated to be completed on 10.24.23

Study intended to provide intersection improvement recommendations

~HOLD FOR PHOTO OF INTERSECTION~

NC 210 at SR 1120 (Malpass Corner Road) /SR 1121 (Bell Williams Road)



Status:

(11.01.23)
EB median Stop Sign relocated to left shoulder Flashers were installed
WB left shoulder Stop Sign installed

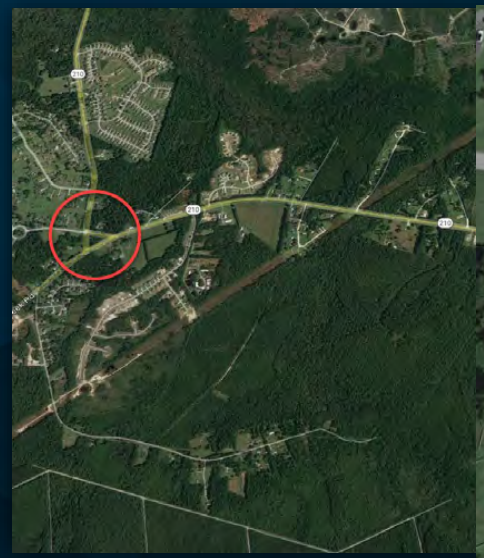
(11.02.23)
2 Right shoulder STOP Signs were removed
Flashers were installed

(04.24.23)
EB median was removed
Markings re-established

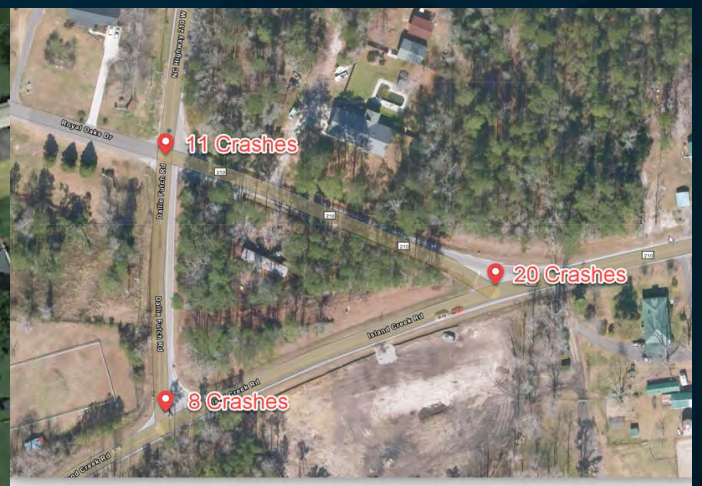
NC 210 /SR 1002 (Island Creek Road) /SR 1574 Dallie Futch Road (Tricky Triangle)

May: Pender County approved Resolution of Support

Current Status: In Design
Funding as part of Hampstead Bypass
Signalization planned along NC 210 at SR 1574 (Dallie Futch Road)
Estimated Construction Date: Fall 2024







Five Year Crash History

US 117 at SR 1411 (Ashton Road/Old River Road)

Current Status: In Design
Funding identified
Signalization planned along US 117 at SR 1411 (Ashton Road/Old River Road)
Estimated Construction Date: Spring 2025



US 117 at SR 1412 (New Road)

Current Status: In Design
Funding not identified

~HOLD FOR PHOTO OF INTERSECTION~

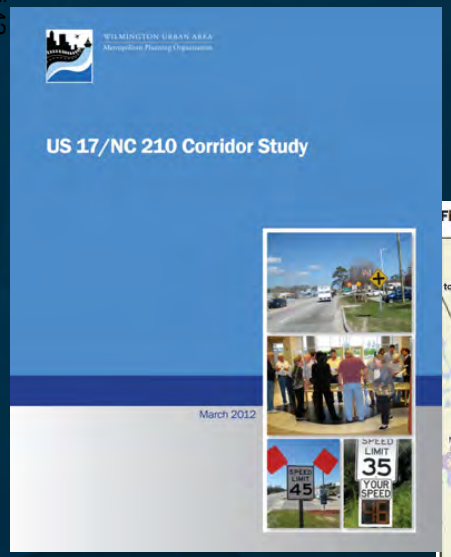
Thank you!

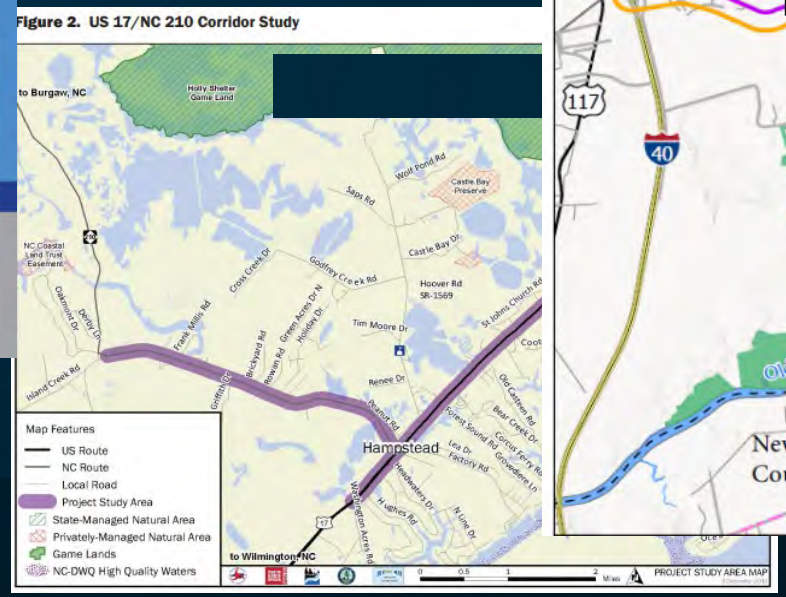
Pender County NCDOT Division 3 Project Update List

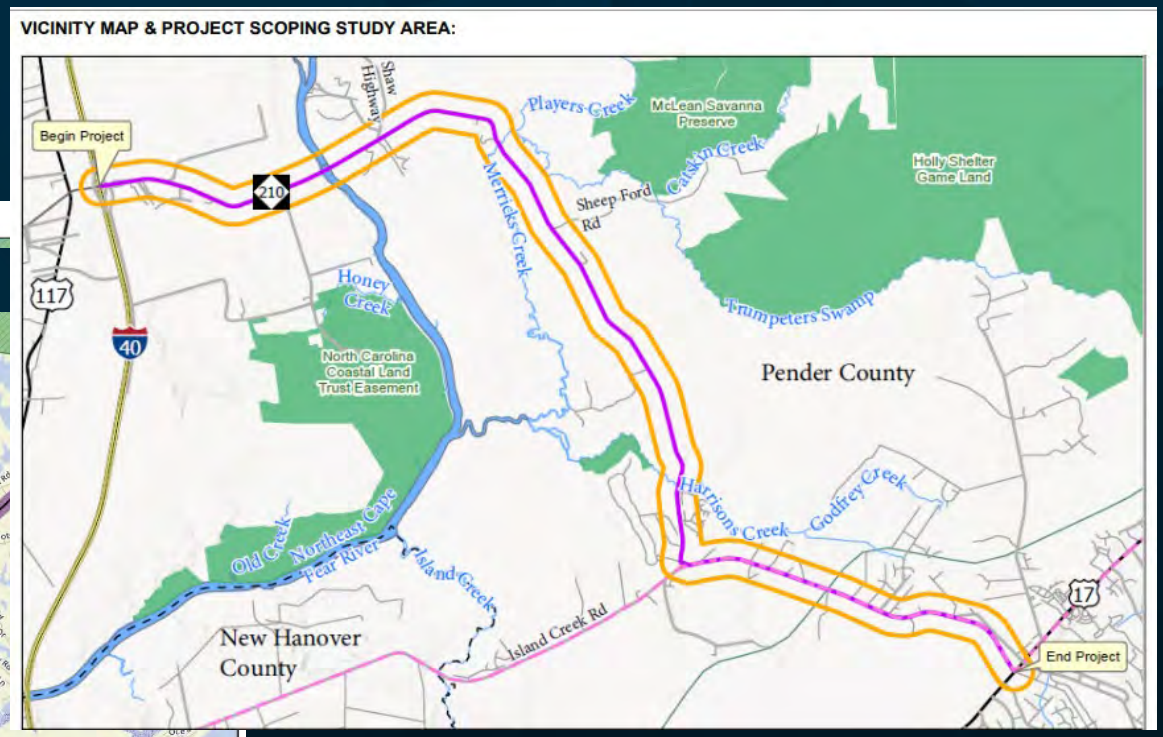
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NC 210 Feasibility Study Update

Current Status: Final cost estimates anticipated within month
Proposed project for STIP (State Transportation Improvement Program)



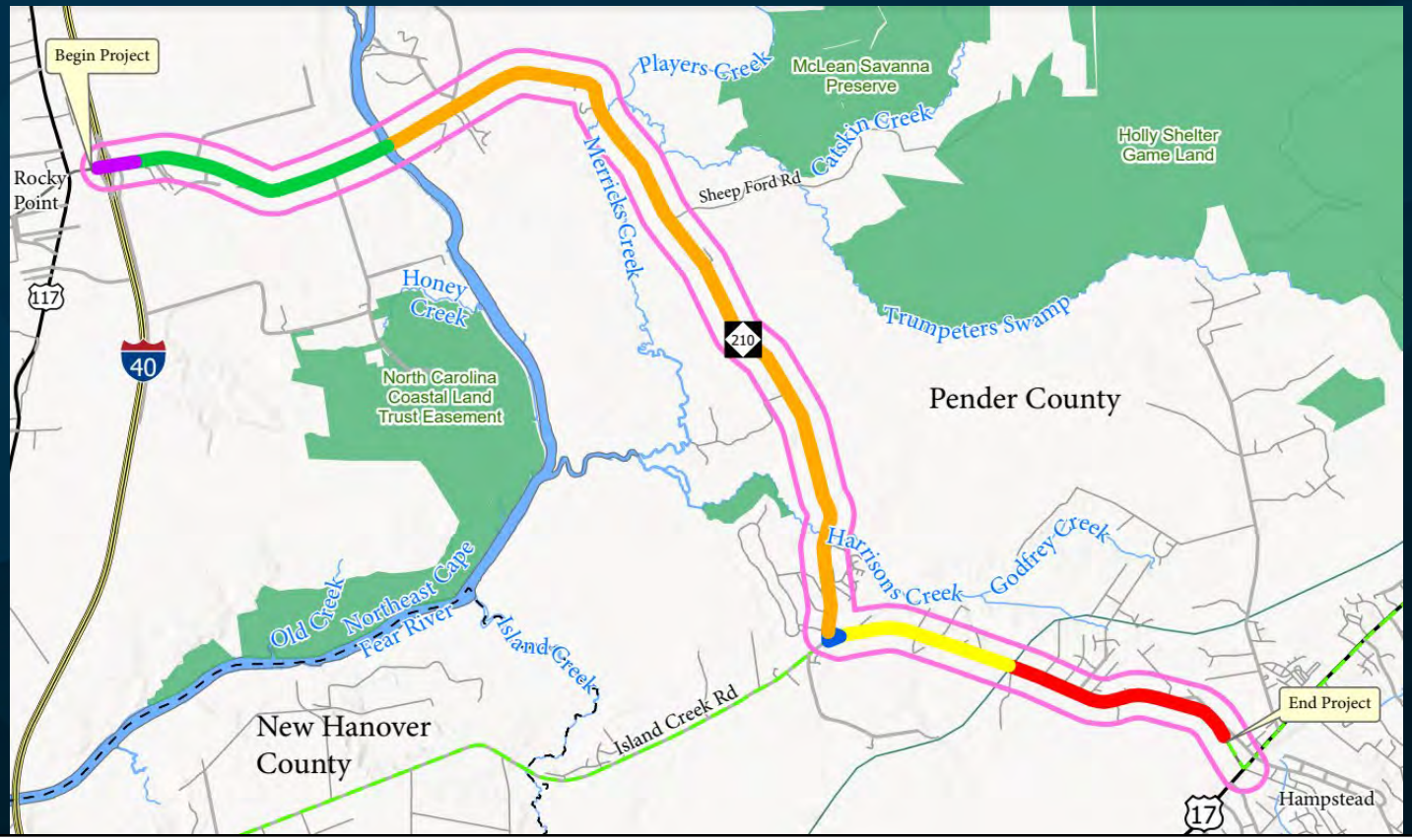




ncdot.gov

NC 210 Feasibility Study Update

Current Status: Final cost estimates anticipated within month
Reviewing as a proposed project for STIP (State Transportation Improvement Program)







Thank you!

Contact Us

Ben Meyer, PE | Project Engineer | ext-bcmeyer1@ncdot.gov
Daniel Waugh, PE | Resident Engineer| dgwaugh1@ncdot.gov
Stoney Mathis, PE | Traffic Services Engineer | sdmathis@ncdot.gov
Katie Hite, PE | Project Development Engineer | kehite@ncdot.gov

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NCDOTcommunications
@NCDOT
ncdotcom

Division 3 Offices
5501 Barbados Blvd.
Castle Hayne, NC
910-341-2000

Pender County
Request for Board action

TO:	Board of County Commissioners
FROM:	Alan Cutler
DATE:	October 16, 2023
SUBJECT:	Approval of Purchase Order to Motorola Solutions, Inc. in the Amount of $105,778.20 for the Lease Purchase of Portable and Mobile Radios.

SUMMARY:

Pender County Public Safety agencies uses two-way radios to communicate on the N.C. Department of Public Safety VIPER system. This allows interoperability between Pender public safety officials and other public safety officials across the State.

This is the third payment of five, in the amount of $105,778.20.
These funds were budgeted for in FY 23-24.

The funds for the purchase order and lease payments will be coming from 510-404500.

ACTION REQUESTED:

Approval of Purchase Order to Motorola Solutions, Inc. in the Amount of $105,778.20 for the Lease Purchase of Portable and Mobile Radios.

MOTOROLA SOLUTIONS

11/3/20
Pender County
605 East Fremont Street
Burgaw NC 28425

RE: Municipal Lease # 24978

Enclosed for your review, please find the **Municipal Lease** documentation in connection with the [radio equipment] to be leased from Motorola. The interest rate and payment streams outlined in Equipment Lease-Purchase Agreement #24978 are valid for contracts that are executed and returned to Motorola on or before **November 20, 2020**. After **11/20/20**, the Lessor reserves the option to re-quote and re-price the transaction based on current market interest rates.

Please have the documents executed where indicated and forward the documents to the following address:

Motorola Solutions Credit Company LLC
Attn: Bill Stancik / 44th Floor
500 W. Monroe
Chicago IL 60661

Should you have any questions, please contact me at 847-538-4531.

Thank You,

MOTOROLA SOLUTIONS CREDIT COMPANY LLC
Bill Stancik

LESSEE FACT SHEET

Please help Motorola provide excellent billing service by providing the following information:

1. Complete Billing Address: Pender County
   P.O. Box 1449 Burgaw NC 28425
   E-mail Address: jennifer.coleman@pendersheriff.com
   Attention: Jennifer Coleman
   Phone: 910-259-1514

2. Lessee County Location: Pender County Sheriff's Office

3. Federal Tax I.D. Number: 56-6000329

4. Purchase Order Number to be referenced on invoice (if necessary) or other "descriptions" that may assist in determining the applicable cost center or department: _____

5. Equipment description that you would like to appear on your invoicing: Portable and Mobile Radios FY 20-21

Appropriate Contact for Documentation / System Acceptance Follow-up:

6. Appropriate Contact & Mailing Address: Jennifer Coleman
   605 East Fremont St.
   Burgaw, NC 28425
   P.O. Box 1449
   Phone: 910-259-1514
   Fax: 910-259-1509

7. Payment remit to address: **Motorola Solutions Credit Company LLC**
   P.O. Box 71132
   Chicago IL 60694-1132

Thank you

EQUIPMENT LEASE-PURCHASE AGREEMENT

Lease Number: 24978

LESSEE:	**LESSOR:**
Pender County 605 East Fremont Street Burgaw NC 28425	Motorola Solutions, Inc. 500 W. Monroe Chicago IL 60661

Lessor agrees to lease to Lessee and Lessee agrees to lease from Lessor, the equipment and/or software described in Schedule A attached hereto ("Equipment") in accordance with the following terms and conditions of this Equipment Lease-Purchase Agreement ("Lease").

1. TERM. This Lease will become effective upon the execution hereof by Lessor. The Term of this Lease will commence on date specified in Schedule A attached heretoand unless terminated according to terms hereof or the purchase option, provided in Section 18, is exercised this Lease will continue until the Expiration Date set forth in Schedule B attached hereto ("Lease Term").

2. RENT. Lessee agrees to pay to Lessor or its assignee the Lease Payments (herein so called), including the interest portion , in the amounts specified in Schedule B. The Lease Payments will be payable without notice or demand at the office of the Lessor (or such other place as Lessor or its assignee may from time to time designate in writing), and will commence on the first Lease Payment Date as set forth in Schedule B and thereafter on each of the Lease Payment Dates set forth in Schedule B. Any payments received later than ten (10) days from the due date will bear interest at the highest lawful rate from the due date. Except as specifically provided in Section 5 hereof, the Lease Payments will be absolute and unconditional in all events and will not be subject to any set-off, defense, counterclaim, or recoupment for any reason whatsoever. Lessee reasonably believes that funds can be obtained sufficient to make all Lease Payments during the Lease Term and hereby covenants that a request for appropriation for funds from which the Lease Payments may be made will be requested each fiscal period, including making provisions for such payment to the extent necessary in each budget submitted for the purpose of obtaining funding. It is Lessee's intent to make Lease Payment for the full Lease Term if funds are legally available therefor and in that regard Lessee represents that the Equipment will be used for one or more authorized governmental or proprietary functions essential to its proper, efficient and economic operation.

3. DELIVERY AND ACCEPTANCE. Lessor will cause the Equipment to be delivered to Lessee at the location specified in Schedule A ("Equipment Location"). Lessee will accept the Equipment as soon as it has been delivered and is operational. Lessee will evidence its acceptance of the Equipment either (a) by executing and delivering to Lessor a Delivery and Acceptance Certificate in the form provided by Lessor; or (b) by executing and delivering the form of acceptance provided for in the Contract (defined below).

Even if Lessee has not executed and delivered to Lessor a Delivery and Acceptance Certificate or other form of acceptance acceptable to Lessor, if Lessor believes the Equipment has been delivered and is operational, Lessor may require Lessee to notify Lessor in writing (within five (5) days of Lessee's receipt of Lessor's request) whether or not Lessee deems the Equipment (i) to have been delivered and (ii) to be operational, and hence be accepted by Lessee. If Lessee fails to so respond in such five (5) day period, Lessee will be deemed to have accepted the Equipment and be deemed to have acknowledged that the Equipment was delivered and is operational as if Lessee had in fact executed and delivered to Lessor a Delivery and Acceptance Certificate or other form acceptable to Lessor.

4. REPRESENTATIONS AND WARRANTIES. Lessor acknowledges that the Equipment leased hereunder is being manufactured and installed by Lessor pursuant to contract (the "Contract") covering the Equipment. Lessee acknowledges that on or prior to the date of acceptance of the Equipment, Lessor intends to sell and assign Lessor's right, title and interest in and to this Agreement and the Equipment to an assignee ("Assignee").

LESSEE FURTHER ACKNOWLEDGES THAT EXCEPT AS EXPRESSLY SET FORTH IN THE CONTRACT, LESSOR MAKES NO EXPRESS OR IMPLIED WARRANTIES OF ANY NATURE OR KIND WHATSOEVER, AND AS BETWEEN LESSEE AND THE ASSIGNEE, THE PROPERTY SHALL BE ACCEPTED BY LESSEE "AS IS" AND "WITH ALL FAULTS". LESSEE AGREES TO SETTLE ALL CLAIMS DIRECTLY WITH LESSOR AND WILL NOT ASSERT OR SEEK TO ENFORCE ANY SUCH CLAIMS AGAINST THE ASSIGNEE. NEITHER LESSOR NOR THE ASSIGNEE SHALL BE LIABLE FOR ANY DIRECT, INDIRECT, SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES OF ANY CHARACTER AS A RESULT OF THE LEASE OF THE EQUIPMENT, INCLUDING WITHOUT LIMITATION, LOSS OF PROFITS, PROPERTY DAMAGE OR LOST PRODUCTION WHETHER SUFFERED BY LESSEE OR ANY THIRD PARTY.

Lessor is not responsible for, and shall not be liable to Lessee for damages relating to loss of value of the Equipment for any cause or situation (including, without limitation, governmental actions or regulations or actions of other third parties).

5. NON-APPROPRIATION OF FUNDS. Notwithstanding anything contained in this Lease to the contrary, Lessee has the right to not appropriate funds to make Lease Payments required hereunder in any fiscal period and in the event no funds are appropriated or in the event funds appropriated by Lessee's governing body or otherwise available by any lawful means whatsoever in any fiscal period of Lessee for Lease Payments or other amounts due under this Lease are insufficient therefor, this Lease shall terminate on the last day of the fiscal period for which appropriations were received without penalty or expense to Lessee of any kind whatsoever, except as to the portions of Lease Payments or other amounts herein agreed upon for which funds shall have been appropriated and budgeted or are otherwise available. The Lessee will immediately notify the Lessor or its Assignee of such occurrence. In the event of such termination, Lessee agrees to peaceably surrender possession of the Equipment to Lessor or its Assignee on the date of such termination, packed for shipment in accordance with manufacturer specifications and freight prepaid and insured to any location in the continental United States designated by Lessor. Lessor will have all legal and equitable rights and remedies to take possession of the Equipment. Non-appropriation of funds shall not constitute a default hereunder for purposes of Section 16.

6. LESSEE CERTIFICATION. Lessee represents, covenants and warrants that: (i) Lessee is a state or a duly constituted political subdivision or agency of the state of the Equipment Location; (ii) the interest portion of the Lease Payments shall be excludable from Lessor's gross income pursuant to Section 103 of the Internal Revenue Code of 1986, as it may be amended from time to time (the "Code"); (iii) the execution, delivery and performance by the Lessee of this Lease have been duly authorized by all necessary action on the part of the Lessee; (iv) this Lease constitutes a legal, valid and binding obligation of the Lessee enforceable in accordance with its terms; (v) Lessee will comply with the information reporting requirements of Section 149(e) of the Internal Revenue Code of 1986 (the "Code"), and such compliance shall include but not be limited to the execution of information statements requested by Lessor; (vi) Lessee will not do or cause to be done any act which will cause, or by omission of any act allow, the Lease to be an arbitrage bond within the meaning of Section 148(a) of the Code; (vii) Lessee will not do or cause to be done any act which will cause, or by omission of any act allow, this Lease to be a private activity bond within the meaning of Section 141(a) of the Code; (viii) Lessee will not do or cause to be done any act which will cause, or by omission of any act allow, the interest portion of the Lease Payment to be or become includible in gross income for Federal income taxation purposes under the Code; and (ix) Lessee will be the only entity to own, use and operate the Equipment during the Lease Term.

Lessee represents, covenants and warrants that: (i) it will do or cause to be done all things necessary to preserve and keep the Lease in full force and effect, (ii) it has complied with all laws relative to public bidding where necessary, and (iii) it has sufficient appropriations or other funds available to pay all amounts due hereunder for the current fiscal period.

If Lessee breaches the covenant contained in this Section, the interest component of Lease Payments may become includible in gross income of the owner or owners thereof for federal income tax purposes. In such event, notwithstanding anything to the contrary contained in Section 11 of this Agreement, Lessee agrees to pay promptly after any such determination of taxability and on each Lease Payment date thereafter to Lessor an additional amount determined by Lessor to compensate such owner or owners for the loss of such excludibility (including, without limitation, compensation relating to interest expense, penalties or additions to tax), which determination shall be conclusive (absent manifest error). Notwithstanding anything herein to the contrary, any additional amount payable by Lessee pursuant to this Section 6 shall be payable solely from Legally Available Funds.

It is Lessor's and Lessee's intention that this Agreement not constitute a "true" lease for federal income tax purposes and, therefore, it is Lessor's and Lessee's intention that Lessee be considered the owner of the Equipment for federal income tax purposes.

7. TITLE TO EQUIPMENT; SECURITY INTEREST. Upon shipment of the Equipment to Lessee hereunder, title to the Equipment will vest in Lessee subject to any applicable license; provided, however, that (i) in the event of termination of this Lease by Lessee pursuant to Section 5 hereof; (ii) upon the occurrence of an Event of Default hereunder, and as long as such Event of Default is continuing; or (iii) in the event that the purchase option has not been exercised prior to the Expiration Date, title will immediately vest in Lessor or its Assignee, and Lessee shall immediately discontinue use of the Equipment, remove the Equipment from Lessee's computers and other electronic devices and deliver the Equipment to Lessor or its Assignee. In order to secure all of its obligations hereunder, Lessee hereby (i) grants to Lessor a first and prior security interest in any and all right, title and interest of Lessee in the Equipment and in all additions, attachments, accessions, and substitutions thereto, and on any proceeds therefrom; (ii) agrees that this Lease may be filed as a financing statement evidencing such security interest; and (iii) agrees to execute and deliver all financing statements, certificates of title and other instruments necessary or appropriate to evidence such security interest.

8. USE; REPAIRS. Lessee will use the Equipment in a careful manner for the use contemplated by the manufacturer of the Equipment and shall comply with all laws, ordinances, insurance policies, the Contract, any licensing or other agreement, and regulations relating to, and will pay all costs, claims, damages, fees and charges arising out of the possession, use or maintenance of the Equipment. Lessee, at its expense will keep the Equipment in good repair and furnish and/or install all parts, mechanisms, updates, upgrades and devices required therefor.

9. ALTERATIONS. Lessee will not make any alterations, additions or improvements to the Equipment without Lessor's prior written consent unless such alterations, additions or improvements may be readily removed without damage to the Equipment.

10. LOCATION; INSPECTION. The Equipment will not be removed from, [or if the Equipment consists of rolling stock, its permanent base will not be changed from] the Equipment Location without Lessor's prior written consent which will not be unreasonably withheld. Lessor will be entitled to enter upon the Equipment Location or elsewhere during reasonable business hours to inspect the Equipment or observe its use and operation.

11. LIENS AND TAXES. Lessee shall keep the Equipment free and clear of all levies, liens and encumbrances except those created under this Lease. Lessee shall pay, when due, all charges and taxes (local, state and federal) which may now or hereafter be imposed upon the ownership, licensing, leasing, rental, sale, purchase, possession or use of the Equipment, excluding however, all taxes on or measured by Lessor's income. If Lessee fails to pay said charges and taxes when due, Lessor shall have the right, but shall not be obligated, to pay said charges and taxes. If Lessor pays any charges or taxes, Lessee shall reimburse Lessor therefor within ten days of written demand.

12. RISK OF LOSS: DAMAGE; DESTRUCTION. Lessee assumes all risk of loss or damage to the Equipment from any cause whatsoever, and no such loss of or damage to the Equipment nor defect therein nor unfitness or obsolescence thereof shall relieve Lessee of the obligation to make Lease Payments or to perform any other obligation under this Lease. In the event of damage to any item of Equipment, Lessee will immediately place the same in good repair with the proceeds of any insurance recovery applied to the cost of such repair. If Lessor determines that any item of Equipment is lost, stolen, destroyed or damaged beyond repair (an "Event of Loss") , Lessee at the option of Lessor will: either (a) replace the same with like equipment in good repair; or (b) on the next Lease Payment date, pay Lessor the sum of : (i) all amounts then owed by Lessee to Lessor under this Lease, including the Lease payment due on such date; and (ii) an amount equal to all remaining Lease Payments to be paid during the Lease Term as set forth in Schedule B.

In the event that Lessee is obligated to make such payment with respect to less than all of the Equipment, Lessor will provide Lessee with the pro rata amount of the Lease Payment and the Balance Payment (as set forth in Schedule B) to be made by Lessee with respect to that part of the Equipment which has suffered the Event of Loss.

13. INSURANCE. Lessee will, at its expense, maintain at all times during the Lease Term, fire and extended coverage, public liability and property damage insurance with respect to the Equipment in such amounts,

covering such risks, and with such insurers as shall be satisfactory to Lessor, or, with Lessor's prior written consent, Lessee may self-insure against any or all such risks. All insurance covering loss of or damage to the Equipment shall be carried in an amount no less than the amount of the then applicable Balance Payment with respect to such Equipment. The initial amount of insurance required is set forth in Schedule B. Each insurance policy will name Lessee as an insured and Lessor or it's Assigns as an additional insured, and will contain a clause requiring the insurer to give Lessor at least thirty (30) days prior written notice of any alteration in the terms of such policy or the cancellation thereof. The proceeds of any such policies will be payable to Lessee and Lessor or it's Assigns as their interests may appear. Upon acceptance of the Equipment and upon each insurance renewal date, Lessee will deliver to Lessor a certificate evidencing such insurance. In the event that Lessee has been permitted to self-insure, Lessee will furnish Lessor with a letter or certificate to such effect. In the event of any loss, damage, injury or accident involving the Equipment, Lessee will promptly provide Lessor with written notice thereof and make available to Lessor all information and documentation relating thereto.

14. INDEMNIFICATION. Intentionally omitted.

15. ASSIGNMENT. Without Lessor's prior written consent, Lessee will not either (i) assign, transfer, pledge, hypothecate, grant any security interest in or otherwise dispose of this Lease or the Equipment or any interest in this Lease or the Equipment or; (ii) sublet or lend the Equipment or permit it to be used by anyone other than Lessee or Lessee's employees. Lessor may assign its rights, title and interest in and to this Lease, the Equipment and any documents executed with respect to this Lease and/or grant or assign a security interest in this Lease and the Equipment, in whole or in part. Any such assignees shall have all of the rights of Lessor under this Lease. Subject to the foregoing, this Lease inures to the benefit of and is binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

Lessee covenants and agrees not to assert against the Assignee any claims or defenses by way of abatement, setoff, counterclaim, recoupment or the like which Lessee may have against Lessor. No assignment or reassignment of any Lessor's right, title or interest in this Lease or the Equipment shall be effective unless and until Lessee shall have received a notice of assignment, disclosing the name and address of each such assignee; provided, however, that if such assignment is made to a bank or trust company as paying or escrow agent for holders of certificates of participation in the Lease, it shall thereafter be sufficient that a copy of the agency agreement shall have been deposited with Lessee until Lessee shall have been advised that such agency agreement is no longer in effect. During the Lease Term Lessee shall keep a complete and accurate record of all such assignments in form necessary to comply with Section 149(a) of the Code, and the regulations, proposed or existing, from time to time promulgated thereunder. No further action will be required by Lessor or by Lessee to evidence the assignment, but Lessee will acknowledge such assignments in writing if so requested.

After notice of such assignment, Lessee shall name the Assignee as additional insured and loss payee in any insurance policies obtained or in force. Any Assignee of Lessor may reassign this Lease and its interest in the Equipment and the Lease Payments to any other person who, thereupon, shall be deemed to be Lessor's Assignee hereunder.

16. EVENT OF DEFAULT. The term "Event of Default", as used herein, means the occurrence of any one or more of the following events: (i) Lessee fails to make any Lease Payment (or any other payment) as it becomes due in accordance with the terms of the Lease when funds have been appropriated sufficient for such purpose, and any such failure continues for ten (10) days after the due date thereof; (ii) Lessee fails to perform or observe any other covenant, condition, or agreement to be performed or observed by it hereunder and such failure is not cured within twenty (20) days after written notice thereof by Lessor; (iii) the discovery by Lessor that any statement, representation, or warranty made by Lessee in this Lease or in writing delivered by Lessee pursuant hereto or in connection herewith is false, misleading or erroneous in any material respect; (iv) proceedings under any bankruptcy, insolvency, reorganization or similar legislation shall be instituted against or by Lessee, or a receiver or similar officer shall be appointed for Lessee or any of its property, and such proceedings or appointments shall not be vacated, or fully stayed, within twenty (20) days after the institution or occurrence thereof; or (v) an attachment, levy or execution is threatened or levied upon or against the Equipment.

17. REMEDIES. Upon the occurrence of an Event of Default, and as long as such Event of Default is continuing, Lessor may, at its option, exercise any one or more of the following remedies: (i) by written notice to Lessee, declare all amounts then due under the Lease, and all remaining Lease Payments due during the fiscal period in effect when the default occurs to be immediately due and payable, whereupon the same shall become immediately due and payable; (ii) by written notice to Lessee, request Lessee to (and Lessee agrees that it will), at Lessee's

expense, promptly discontinue use of the Equipment, remove the Equipment from all of Lessee's computers and electronic devices, return the Equipment to Lessor in the manner set forth in Section 5 hereof, or Lessor, at its option, may enter upon the premises where the Equipment is located and take immediate possession of and remove the same; (iii) sell or lease the Equipment or sublease it for the account of Lessee, holding Lessee liable for all Lease Payments and other amounts due prior to the effective date of such selling, leasing or subleasing and for the difference between the purchase price, rental and other amounts paid by the purchaser, Lessee or sublessee pursuant to such sale, lease or sublease and the amounts payable by Lessee hereunder; (iv) promptly return the Equipment to Lessor in the manner set forth in Section 5 hereof; and (v) exercise any other right, remedy or privilege which may be available to it under applicable laws of the state of the Equipment Location or any other applicable law or proceed by appropriate court action to enforce the terms of the Lease or to recover damages for the breach of this Lease or to rescind this Lease as to any or all of the Equipment. In addition, Lessee will remain liable for all covenants and indemnities under this Lease and for all legal fees and other costs and expenses, including court costs, incurred by Lessor with respect to the enforcement of any of the remedies listed above or any other remedy available to Lessor.

18. PURCHASE OPTION. Upon thirty (30) days prior written notice from Lessee to Lessor, and provided that no Event of Default has occurred and is continuing, or no event, which with notice or lapse of time, or both could become an Event of Default, then exists, Lessee will have the right to purchase the Equipment on the Lease Payment dates set forth in Schedule B by paying to Lessor, on such date, the Lease Payment then due together with the Balance Payment amount set forth opposite such date. Upon satisfaction by Lessee of such purchase conditions, Lessor will transfer any and all of its right, title and interest in the Equipment to Lessee as is, without warranty, express or implied, except that the Equipment is free and clear of any liens created by Lessor.

19. NOTICES. All notices to be given under this Lease shall be made in writing and mailed by certified mail, return receipt requested, to the other party at its address set forth herein or at such address as the party may provide in writing from time to time. Any such notice shall be deemed to have been received five days subsequent to such mailing.

20. SECTION HEADINGS. All section headings contained herein are for the convenience of reference only and are not intended to define or limit the scope of any provision of this Lease.

21. GOVERNING LAW. This Lease shall be construed in accordance with, and governed by the laws of, the state of the Equipment Location.

22. DELIVERY OF RELATED DOCUMENTS. Lessee will execute or provide, as requested by Lessor, such other documents and information as are reasonably necessary with respect to the transaction contemplated by this Lease.

23. ENTIRE AGREEMENT; WAIVER. This Lease, together with Schedule A Equipment Lease-Purchase Agreement, Schedule B, Evidence of Insurance, Statement of Essential Use/Source of Funds, Certificate of Incumbency, Certified Lessee Resolution (if any), Information Return for Tax-Exempt Governmental Obligations and the Delivery and Acceptance Certificate and other attachments hereto, and other documents or instruments executed by Lessee and Lessor in connection herewith, constitutes the entire agreement between the parties with respect to the Lease of the Equipment, and this Lease shall not be modified, amended, altered, or changed except with the written consent of Lessee and Lessor. Any provision of the Lease found to be prohibited by law shall be ineffective to the extent of such prohibition without invalidating the remainder of the Lease.

The waiver by Lessor of any breach by Lessee of any term, covenant or condition hereof shall not operate as a waiver of any subsequent breach thereof.

24. EXECUTION IN COUNTERPARTS. This Lease may be executed in several counterparts, either electronically or manually, all of which shall constitute but one and the same instrument. Lessor reserves the right to request receipt of a manually-executed counterpart from Lessee. Lessor and Lessee agree that the only original counterpart for purposes of perfection by possession shall be the original counterpart manually executed by Lessor and identified as "Original", regardless of whether Lessee's execution or delivery of said counterpart is done manually or electronically.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the 7 day of ~~November~~, 2020. December

LESSEE:
Pender County

By: _____
Title: _____

LESSOR:
MOTOROLA SOLUTIONS, INC.

By: _____
Title Treasurer

CERTIFICATE OF INCUMBENCY

I, Melissa Long do hereby certify that I am the duly elected or
(Printed Name of Secretary/Clerk)
appointed and acting Secretary or Clerk of the Pender County, an entity duly organized and existing under the laws of the **State of North Carolina** that I have custody of the records of such entity, and that, as of the date hereof, the individual(s) executing this agreement is/are the duly elected or appointed officer(s) of such entity holding the office(s) below his/her/their respective name(s). I further certify that (i) the signature(s) set forth above his/her/their respective name(s) and title(s) is/are his/her/their true and authentic signature(s) and (ii) such officer(s) have the authority on behalf of such entity to enter into that certain Equipment Lease Purchase Agreement number**24978**, between Pender County and Motorola Solutions, Inc. If the initial insurance requirement on Schedule B exceeds $1,000,000,attached as part of the Equipment Lease Purchase Agreement is a Certified Lessee Resolution adopted by the governing body of the entity.

IN WITNESS WHEREOF, I have executed this certificate and affixed the seal of Pender County, hereto this 7 day of ~~November~~ December, 2020.

By: _____
(Signature of Secretary/Clerk)

OPINION OF COUNSEL

With respect to that certain Equipment Lease-Purchase Agreement No. 24978 dated between Motorola Solutions, Inc. and the Lessee, I am of the opinion that: (i) the Lessee is, within the meaning of Section 103 of the Internal Revenue Code of 1986, a state or a fully constituted political subdivision or agency of the State of the Equipment Location described in Schedule A hereto; (ii) the execution, delivery and performance by the Lessee of the Lease have been duly authorized by all necessary action on the part of the Lessee, (III) the Lease constitutes a legal, valid and binding obligation of the Lessee enforceable in accordance with its terms; and (iv) Lessee has sufficient monies available to make all payments required to be paid under the Lease during the current fiscal year of the Lease, and such monies have been properly budgeted and appropriated for this purpose in accordance with State law. This opinion may be relied upon by the Lessor and any assignee of the Lessor's rights under the Lease.

Carl W Thurman III - Carl W. Thurman III

Attorney for Pender County NCSB# 17106

SCHEDULE A
EQUIPMENT LEASE-PURCHASE AGREEMENT

Schedule A Lease Number: **24978**

This Equipment Schedule is hereby attached to and made a part of that certain Equipment Lease-Purchase Agreement Number **24978** ("Lease"), between Lessor and Lessee.

Lessor hereby leases to Lessee under and pursuant to the Lease, and Lessee hereby accepts and leases from Lessor under and pursuant to the Lease, subject to and upon the terms and conditions set forth in the Lease and upon the terms set forth below, the following items of Equipment

QUANTITY	DESCRIPTION (Manufacturer, Model, and Serial Nos.)
	Refer to attached Equipment List.
Equipment Location:	

Initial Term: 60 Months **Commencement Date:** **11/15/20**
First Payment Due Date: **11/15/21**

5 annual payments as outlined in the attached Schedule B, plus Sales/Use Tax of $0.00, payable on the Lease Payment Dates set forth in Schedule B.

Pender County (Schedule B)

Compound Period:	Monthly
Nominal Annual Rate:	2.990%

CASH FLOW DATA

	Event	Date	Amount	Number	Period	End Date
1	Lease	11/15/2020	$ 484,000.00	1		
2	Lease Payment	11/15/2021	$ 105,778.20	5	Annual	11/15/2025

AMORTIZATION SCHEDULE - Normal Amortization, 360 Day Year

	Date	Lease Payment	Interest	Principal	Balance
Lease	11/15/2020				$484,000.00
1	11/15/2021	$ 105,778.20	$ 14,671.69	$ 91,106.51	$392,893.49
2	11/15/2022	$ 105,778.20	$ 11,909.94	$ 93,868.26	$299,025.23
3	11/15/2023	$ 105,778.20	$ 9,064.47	$ 96,713.73	$202,311.50
4	11/15/2024	$ 105,778.20	$ 6,132.75	$ 99,645.45	$102,666.05
5	11/15/2025	$ 105,778.20	$ 3,112.15	$102,666.05	$ -
Grand Totals		$ 528,891.00	$ 44,891.00	$484,000.00	

INITIAL INSURANCE REQUIREMENT: $484,000.00

Except as specifically provided in Section five of the Lease hereof, Lessee agrees to pay to Lessor or its assignee the Lease Payments, including the interest portion, in the amounts and dates specified in the above payment schedule.

Sales price excludes tax $590,000.00
Down payment $106,000.00

Lease value $484,000.00

Sales taxes to be paid as invoiced

EVIDENCE OF INSURANCE

Fire, extended coverage, public liability and property damage insurance for all of the Equipment listed on Schedule A number **24978** to that Equipment Lease Purchase Agreement number **24978** will be maintained by the Pender County as stated in the Equipment Lease Purchase Agreement.

This insurance is provided by:

_____
Name of insurance provider

_____
Address of insurance provider

_____
City, State and Zip Code

_____
Phone number of local insurance provider

_____
E-mail address

In accordance with the Equipment Lease Purchase Agreement Number **24978** , Pender County , hereby certifies that following coverage are or will be in full force and effect:

Type	**Amount**	**Effective Date**	**Expiration Date**	**Policy Number**
Fire and Extended Coverage	_____	_____	_____	_____
Property Damage	_____	_____	_____	_____
Public Liability	_____	_____	_____	_____

Certificate shall include the following:
Description: All Equipment listed on Schedule A number 24978 to that Equipment Lease Purchase Agreement number 24978. Please include equipment cost equal to the Initial Insurance Requirement on Schedule B to Equipment Lease Purchase Agreement number 24978 and list any deductibles.

Certificate Holder:
MOTOROLA SOLUTIONS, INC. and or its assignee as additional insured and loss payee
1303 E. Algonquin Road
Schaumburg, IL 60196

If self insured, contact Motorola representative for template of self insurance letter.

NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS
RISK MANAGEMENT POOLS
Covering the Counties that Cover our State

LIABILITY AND PROPERTY COVERAGE CERTIFICATE

COVERAGE PROVIDER:
NCACC Liability and Property Pool
323 West Jones St., Suite 500
Raleigh, NC 27603

MEMBER:
Pender County
P.O. Box 5
Burgaw, NC 28425

This certificate is provided by the NCACC Liability and Property Pool and is issued as a matter of information only. This certificate confers no rights upon the certificate holder other than those provided in the coverage document. This certificate does not amend, extend, or alter the coverage afforded by the coverage documents listed herein.

COVERAGES

	Type of Coverage	Coverage Contract #	Effective Date	Expiration Date	Limits
Liability					
X	General Liability – Each Occurrence, No Aggregate applies	LP-PE-070-20	July 1, 2020	July 1, 2021	$2,000,000 occurrence
X	Public Officials Liability, Each Wrongful Act	LP-PE-070-20	July 1, 2020	July 1, 2021	
X	Law Enforcement Liability, Each Occurrence	LP-PE-070-20	July 1, 2020	July 1, 2021	
Cyber Liability					$1,000,000 aggregate Claims Made
Excess Liability					
Automobile Liability					
	All Owned Autos, Each Accident				$2,000,000 occurrence
	Hired Autos, Each Accident				
	Excess Auto Liability for Non-Owned Autos				
Automobile Physical Damage					
	Scheduled Vehicles				Actual Cash Value at the time of the Loss, unless otherwise specified in the Coverage Document; Deductible Applies
	Hired Autos (if coverage is not purchased elsewhere)				
Property – Risks of Direct Physical Loss, Blanket Limit		LP-PE-070-20	July 1, 2020	July 1, 2021	Limit: $91,165,414 / Deductible: $2,500

Additional Information: Evidence of coverage. Certificate holder is loss payee and additional insured with respects to Lease Purchase Agreement 24978.

CERTIFICATE HOLDER:
Motorola Solutions, Inc
1303 E Algonquin Rd
Schaumburg, IL 60196

Cancellation: Should any of the described coverage documents herein be cancelled before the expiration date shown, the NCACC Pools will endeavor to mail written notice to the Certificate Holder named herein, but failure to mail such notice shall impose no obligation or liability of any kind upon the NCACC Pools, its agents or representatives, or the issuer of this certificate.

By: Collin Klein, Underwriter for the NCACC — Collin Klein — 12/7/2020

Certificate Mailed/E-Mailed or Faxed to:

Motorola Solutions, Inc
1303 E Algonquin Rd
Schaumburg, IL 60196

STATEMENT OF ESSENTIAL USE/SOURCE OF FUNDS

To further understand the essential governmental use intended for the equipment together with an understanding of the sources from which payments will be made, please address the following questions by completing this form or by sending a separate letter:

1. What is the specific use of the equipment?
   This equipment will be used by the Pender County Sheriff's Office for Purposes of radio communicatin.
2. Why is the equipment essential to the operation of **Pender County?**
   Performance of Law Enforcement duties
3. Does the equipment replace existing equipment?
   Yes
   If so, why is the replacement being made?
   Equipment is End of Support and not TDMA compliant
4. Is there a specific cost justification for the new equipment?
   Yes
   If yes, please attach outline of justification.
   Equipment is End of Support and does not meet TDMA compliance
5. What is the expected source of funds for the payments due under the Lease for the current fiscal year and future fiscal years?
   County General Fund

EQUIPMENT LEASE PURCHASE AGREEMENT DELIVERY AND ACCEPTANCE CERTIFICATE

The undersigned Lessee hereby acknowledges receipt of the Equipment described below ("Equipment") and Lessee hereby accepts the Equipment after full inspection thereof as satisfactory for all purposes of lease Schedule A to the Equipment Lease Purchase Agreement executed by Lessee and Lessor.

Equipment Lease Purchase Agreement No.: 24978 Lease Schedule A No. : 24978

EQUIPMENT INFORMATION

QUANTITY	MODEL NUMBER	EQUIPMENT DESCRIPTION
		Equipment referenced in lease Schedule A# 24978. See Schedule A for a detailed Equipment List.

LESSEE:

Pender County

By: _____

Date: _____

CERTIFIED LESSEE RESOLUTION

At a duly called meeting of the Governing Body of the Lessee (as defined in the Lease) held on November_____, 2020, the following resolution was introduced and adopted.
BE IT RESOLVED by the Governing Board of Lessee as follows:

1. Determination of Need. The Governing Body of Lessee has determined that a true and very real need exists for the acquisition of the Equipment or other personal property described in the Lease between Pender County (Lessee) and Motorola Solutions, Inc. (Lessor).

2. Approval and Authorization. The Governing body of Lessee has determined that the Lease, substantially in the form presented to this meeting, is in the best interests of the Lessee for the acquisition of such Equipment or other personal property, and the Governing Board hereby approves the entering into of the Lease by the Lessee and hereby designates and authorizes the following person(s) referenced in the Lease to execute and deliver the Lease on Lessee's behalf with such changes thereto as such person deems appropriate, and any related documents, including any escrow agreement, necessary to the consummation of the transactions contemplated by the Lease.

3. Adoption of Resolution. The signatures in the Lease from the designated individuals for the Governing Body of the Lessee evidence the adoption by the Governing Body of this Resolution.

Form **8038-G** (Rev. September 2018)

Department of the Treasury
Internal Revenue Service

Information Return for Tax-Exempt Governmental Bonds

▶ **Under Internal Revenue Code section 149(e)**
▶ **See separate instructions.**
Caution: *If the issue price is under $100,000, use Form 8038-GC.*
▶ **Go to *www.irs.gov/F8038G* for instructions and the latest information.**

OMB No. 1545-0720

Part I Reporting Authority

If **Amended Return**, check here ▶ ☐

1 Issuer's name
Pender County

2 Issuer's employer identification number (EIN)

3a Name of person (other than issuer) with whom the IRS may communicate about this return (see instructions)

3b Telephone number of other person shown on 3a

4 Number and street (or P.O. box if mail is not delivered to street address) | Room/suite
605 East Fremont Street

5 Report number *(For IRS Use Only)*
3

6 City, town, or post office, state, and ZIP code
Burgaw NC 28425

7 Date of issue
11/15/20

8 Name of issue
Equipment Lease-Purchase Agreement 24978

9 CUSIP number

10a Name and title of officer or other employee of the issuer whom the IRS may call for more information (see instructions)

10b Telephone number of officer or other employee shown on 10a

Part II Type of Issue (enter the issue price). See the instructions and attach schedule.

11	Education	11	
12	Health and hospital	12	
13	Transportation	13	
14	Public safety	14	484,000.00
15	Environment (including sewage bonds)	15	
16	Housing	16	
17	Utilities	17	
18	Other. Describe ▶	18	
19a	If bonds are TANs or RANs, check only box 19a ▶ ☐		
b	If bonds are BANs, check only box 19b ▶ ☐		
20	If bonds are in the form of a lease or installment sale, check box ▶ ☑		

Part III Description of Bonds. Complete for the entire issue for which this form is being filed.

	(a) Final maturity date	(b) Issue price	(c) Stated redemption price at maturity	(d) Weighted average maturity	(e) Yield
21	11/15/25	$ 484,000.00	$ 484,000.00	5 years	2.99 %

Part IV Uses of Proceeds of Bond Issue (including underwriters' discount)

22	Proceeds used for accrued interest			22	
23	Issue price of entire issue (enter amount from line 21, column (b))			23	484,000.00
24	Proceeds used for bond issuance costs (including underwriters' discount)	24			
25	Proceeds used for credit enhancement	25			
26	Proceeds allocated to reasonably required reserve or replacement fund	26			
27	Proceeds used to refund prior tax-exempt bonds. Complete Part V	27			
28	Proceeds used to refund prior taxable bonds. Complete Part V	28			
29	Total (add lines 24 through 28)			29	
30	Nonrefunding proceeds of the issue (subtract line 29 from line 23 and enter amount here)			30	484,000.00

Part V Description of Refunded Bonds. Complete this part only for refunding bonds.

31	Enter the remaining weighted average maturity of the tax-exempt bonds to be refunded ▶	years
32	Enter the remaining weighted average maturity of the taxable bonds to be refunded ▶	years
33	Enter the last date on which the refunded tax-exempt bonds will be called (MM/DD/YYYY) ▶	
34	Enter the date(s) the refunded bonds were issued ▶ (MM/DD/YYYY)	

Part VI Miscellaneous

35	Enter the amount of the state volume cap allocated to the issue under section 141(b)(5)	35		
36a	Enter the amount of gross proceeds invested or to be invested in a guaranteed investment contract (GIC). See instructions	36a		
b	Enter the final maturity date of the GIC ▶ (MM/DD/YYYY) _____			
c	Enter the name of the GIC provider ▶ _____			
37	Pooled financings: Enter the amount of the proceeds of this issue that are to be used to make loans to other governmental units	37		

38a If this issue is a loan made from the proceeds of another tax-exempt issue, check box ▶ ☐ and enter the following information:

b Enter the date of the master pool bond ▶ (MM/DD/YYYY) _____

c Enter the EIN of the issuer of the master pool bond ▶ _____

d Enter the name of the issuer of the master pool bond ▶ _____

39 If the issuer has designated the issue under section 265(b)(3)(B)(i)(III) (small issuer exception), check box . . . . ▶ ☐

40 If the issuer has elected to pay a penalty in lieu of arbitrage rebate, check box . . . . . ▶ ☐

41a If the issuer has identified a hedge, check here ▶ ☐ and enter the following information:

b Name of hedge provider ▶ _____

c Type of hedge ▶ _____

d Term of hedge ▶ _____

42 If the issuer has superintegrated the hedge, check box . . . . . ▶ ☐

43 If the issuer has established written procedures to ensure that all nonqualified bonds of this issue are remediated according to the requirements under the Code and Regulations (see instructions), check box . . . . . ▶ ☐

44 If the issuer has established written procedures to monitor the requirements of section 148, check box . . . . . ▶ ☐

45a If some portion of the proceeds was used to reimburse expenditures, check here ▶ ☐ and enter the amount of reimbursement . . . . . ▶ _____

b Enter the date the official intent was adopted ▶ (MM/DD/YYYY)

Signature and Consent

Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that I consent to the IRS's disclosure of the issuer's return information, as necessary to process this return, to the person that I have authorized above.

Margaret C. Blue — Signature of issuer's authorized representative — Date

12/9/20 — Type or print name and title

Paid Preparer Use Only

Print/Type preparer's name	Preparer's signature	Date	Check ☐ if self-employed	PTIN

Firm's name ▶ | Firm's EIN ▶

Firm's address ▶ | Phone no.

Form **8038-G** (Rev. 9-2018)

Pender County Sheriff

12/11/20

To: Motorola Solutions

Re: Purchase of Motorola radio communications equipment

Pender County Sheriff Dept. is utilizing this Notice to Proceed Letter to purchase this order rather than through our normal purchase order system. This letter serves as authorization for Motorola to place an order for the communications equipment on the attached sheet for a purchase price of **$590,005.80. Pender County Sheriff Dept.** agrees to pay Motorola Solutions for the equipment through Lease 24978.

Shipping Address

Mobile Communications America
Attn: Pender County Sheriff Dept
313 Old Dairy Rd
Wilmington, NC 28405

When Motorola Solutions invoices **Pender County Sheriff Dept for** the down payment the invoice should reference **PO-467** and be sent to **Pender County Sheriff Dept** at the following address:

Billing Address

Pender County Sheriff Dept
605 E Fremont ST
Burgaw, NC 28425
Jennifer.colman@pendersheriff.com
coleman

For taxation purposes, even if tax-exempt, the equipment sold to Pender County Sheriff Dept. will ultimately reside at the following address:

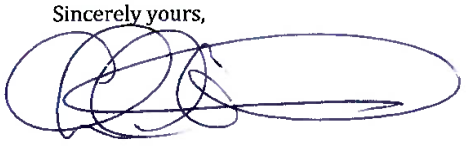
Ultimate Address

Pender County Sheriff Dept
605 E Fremont ST
Burgaw, NC 28425

Payments can be authorized solely on this document. I submit that I am a duly authorized official of our entity and that my signature makes this a legal and binding document, and that funding has been encumbered for this order.

If you have any questions regarding this order, please feel free to **Earl Moore.**

Sincerely yours,



Pender County
September 18, 2023, BOCC Meeting Minutes

TO:	Board of County Commissioners
FROM:	Alexis Stanfield
DATE:	October 16, 2023
SUBJECT:	September 18, 2023, BOCC Meeting Minutes

SUMMARY:
Attached are the minutes for the September 18, 2023, BOCC meeting.

ACTION REQUESTED:
Approval of the minutes for the September 18, 2023, BOCC meeting.

ATTACHMENTS:
Minutes

MINUTES
Board of County Commissioners Meeting
Monday, September 18, 2023 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT: Fred McCoy
Jacqueline A. Newton
Jerry Groves
Wendy Fletcher-Hardee
Brad George

MEMBERS ABSENT:

OTHERS PRESENT: David Andrews, County Manager
Trey Thurman, County Attorney
Lexi Stanfield, Clerk to the Board
Patrick Buffkin, Staff Attorney
Allen Vann, Assistant County Manager
Other Staff and Members of the Press and Public.

1 CALL TO ORDER

1.1 Chair Newton called the meeting to order at 4:00PM.

2 INVOCATION

2.1 Commissioner George gave the invocation.

3 PLEDGE OF ALLEGIANCE

3.1 Chair Newton led the Pledge of Allegiance.

4 ADOPTION OF AGENDA

Moved by Brad George, seconded by Fred McCoy

Motion to adopt the agenda.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			

Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

5 PUBLIC HEARING

6 PUBLIC INFORMATION

6.1 Opioid Presentation and Update

Carolyn Moser, Health and Human Services Director, present to the Board the Opioid Presentation and Update. Moser recognized staff for their help in creating and updating this report. Moser spoke on the National Opioid Settlement: a nationwide litigation against the three largest pharmaceutical distributors and manufactures of opioids. Pender County went with Option A of the strategy options available as it covered Pender County's needs better. Moser briefly discussed planning activities. Pender County had twenty-one (21) overdoses in 2022. Fifteen (15) of those deaths were found to be related to opioids. EMS has reported more opioid incidents so far this year in comparison to last year. The demographic is mostly made up of males between the ages of 25 through 54 however, fifteen percent (15%) of overdoses are from the 65 and older age group. Moser went over the ways Pender County is trying to combat this. Guiding principles Pender County has taken includes investing in prevention or root causes, using evidence and data to guide spending, etc. Pender County does not have a post-overdose team and limited Alcohol Anonymous and Narcotics Anonymous groups available. Moser covered the team recommendations of identified strategies. Some of these included early intervention, recovery support services, and evidence-based addiction treatment. The next steps were discussed and input from the Board was received. The D.A.R.E. program was briefly discussed by Captain King. Currently, Penderlea is the only area receiving this program.

6.2 Pender County Extension 4-H Program Update

Tracy Spencer, 4-H Program Agent, presented the 4-H Program update. Pender County 4-H is the youth development program of the Pender County Center of North Carolina Cooperative Extension, serving all Pender County youth, ages 5-18. Spencer briefly covered the different summer programs offered, groups that have partnered with 4-H, and the different clubs available. Pender County's 4-H program has had a record

attendance this year. Sinead Morrow spoke on her experience in the 4-H program over the last two years. Mark Seitz, Cooperative Extension Director, briefly thanked staff for their hard work. Seitz announced the Board won an award the Cooperative Extension nominated them for.

7 PUBLIC COMMENT FOR AGENDA ITEMS

8 CONSENT AGENDA

8.1 Approve State Loan and Grant Funding Resolution for PFAS Treatment Evaluation AND Reverse Osmosis Water Plant Project

A motion was made by Commissioner George to allow Vice Chair Hardee to attend the meeting remotely. Commissioner McCoy seconded the motion. The motion was approved by unanimous vote.

Moved by Fred McCoy, seconded by Brad George

Motion to adopt the consent agenda.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

8.2 Present Use Value/Disabled Veteran Property releases due to approvals after billing but applications timely received

8.3 Approval of Budget Ordinance Amendment to Fund Construction for US421 CFPUA Water Interconnection

8.4 Approval of Budget Ordinance Amendment to Reallocate Local Funds from Tank & Wells Project

8.5 The Town of Surf City's Requests for Easements Across County-owned Property

8.6 Approval of a Purchase Order to Cardinal Health in the amount of $70,000

8.7 Budget Ordinance Amendment to move restricted Permitting & Inspections funds from the general fund to the Reserve and

Titles/Tags/Tax lines of the Inspections Department

8.8 Release request of the penalties on a 2022 tax bill due to the elderly exclusion not rolling in the system properly to the new year

9 APPROVALS AND RESOLUTIONS

9.1 Seeking a Local Match for Funding and Permission to Transfer Funds from ROAP Allocation to 5310 Funding Grant

Jim Longenbach, Pender Adult Services Transportation (PAS-TRAN) Director, presented the item. This local match transfer of funds is an annual item. The 5311 Administrative Grant is for $227,261 with a 15% match of $34,089. The Combined Capital Grant will go towards replacing vehicles. The Combined Capital Grant is for $405,000.00 with a 10% match of $40,500.00. The 5310 Operating Grant goes towards elderly and disability trips. It requires a 50% match of $74,589.00 however, the County can use passthrough funds from the Rural Operating Assistance Program to match this. These three grants have a combination total of $812,261.00.

Moved by Jerry Groves, seconded by Fred McCoy

Motion to a Local Match for Funding and Permission to Transfer Funds from ROAP Allocation to 5310 Funding Grant.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

9.2 Resolution Authorizing the Transfer of Pender Memorial Hospital Pursuant to G.S. 131E-8

David Andrews, County manager presented the Resolution Authorizing the Transfer of Pender Memorial Hospital Pursuant to G.S. 131E-8. On June 16, 2023, the BOCC approved a Letter of Intent between Pender County Pender Memorial Hospital (PMH) and Novant Health to transfer the assets in real property of the hospital to PMH. Pender County has been working with Dawn Carter from Asciendent and Mary Beth Johnston from the law firm K.L Gates to create the transfer documents

consistent with the letter of intent.
Dawn Carter explained what Ascendient does. It is a strategy planning and feasibility firm that works exclusively with the healthcare industry. Carter went over Ascendient's history, the transaction environment, and Pender County's assessment and findings. Ascendient did a review of typical valuation methodologies, and it suggested that PMH had a limited dollar value. Carter went over the Novant New Hanover commitments to PMH such as the development of PMH as a community general hospital, $50 million investment, etc.
Mary Beth Johnston covered the corporate structures of North Carolina hospitals applicable to counties. PMH, as Public Hospital is defined by N.C.G.S. 159-39, is owned by a county and operated by a nonprofit corporation, a majority of whose board is appointed by the county. Johnston covered the history of PMH, its relationship with New Hanover Regional Medical Center, and options for the future operation of the hospital. The transaction terms (Novant Health's role) were summarized, and the benefits of this transaction were discussed. The Board members made statements about their experience throughout this transaction.

Moved by Fred McCoy, seconded by Brad George

Motion to Approve the Resolution Authorizing the Transfer of Pender Memorial Hospital Pursuant to G.S. 131E-8

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

9.3 Consideration of Approval of a Contract with Pond & Company for Design, Engineering, and Construction Administration for Central Pender Park

Board tabled this item until the next meeting on October 2, 2023.

9.4 Request to proceed with RFQ for new library based on results of public input

Allen Phillips-Bell, Library Director, presented the Request to proceed with RFQ for new library based on results of public input. Phillips-Bell

reported the result from the survey given to the Pender County residents. Two location options were presented: renovate and expand the current Hampstead Library or build a new library near the Government Annex. The survey received 656 responses. Survey results showed fifty-four percent (54%) prefer a new library on the site next to the Government Annex and forty-six percent (46%) prefer renovating and expanding the existing library. Based on projected population growth and survey results, staff recommend a new library consisting of 20,000sqft near the Government Annex. Phillips-Bell went over the cost comparison between the two options and answered questions from the Board.

Moved by Brad George, seconded by Fred McCoy

Motion to Approve the Request to proceed with RFQ for new library based on results of public input.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

10 DISCUSSION

11 APPOINTMENTS

11.1 Re-appointments to the Advisory Board of Health

By unanimous consent, the Board tabled this item until the October 2, 2023, meeting.

12 MAPLE HILL WATER AND SEWER DISTRICT

13 ROCKY POINT WATER AND SEWER DISTRICT

14 SCOTTS HILL WATER AND SEWER DISTRICT

15 MOORES CREEK WATER AND SEWER DISTRICT

16 CENTRAL PENDER WATER AND SEWER DISTRICT

17 PENDER COUNTY BOARD OF HEALTH

18 SOCIAL SERVICES BOARD

19 PUBLIC COMMENT

19.1 Michelle Hickman appeared before the Board on behalf of the Scotts hill group to address chemicals being sprayed alongside the road in her area. Chair Newton suggested Ms. Hickman reach out to the health department. Commissioner McCoy stated he believes its mosquito spray. Ms. Hickman also addressed technical issues with audio and the use of laser pointers in the recordings of the BOCC meetings.

19.2 Riv Ezzell appeared before the Board to discuss the motocross track, also referred to as Carl Meeks, LLC. Mr. Ezzell voiced his issues with the constant noise created by the bikes.

19.3 Bill McAbee appeared before the Board to discuss the Carl Meeks, LLC motorbikes as well. Mr. McAbee asked if the Board was going to do anything to help the residents in that area.

19.4 Gary Helm appeared before the Board to discuss the Carl Meeks, LLC motorbikes. Mr. Helm shared a video recording he took to document the level of noise the bikes make. Mr. Helm suggested the Board make an amendment to the ordinances.

19.5 Amy Helm appeared before the Board to discuss the Carl Meeks, LLC motorbikes. Ms. Helm stated she felt the BOA meeting held in May that discussed the motorbikes was misplaced and should have been at the BOCC meeting instead. Ms. Helm asked the Board modify the noise ordinance.

19.6 Roy Harris appeared before the Board to discuss the Carl Meeks, LLC motorbikes. Mr. Harris stated the bikes were too dangerous.

20 ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGERS, & COUNTY COMMISSIONERS

20.1 David Andrews, County Manager, thanked the Board members for the diligent efforts in closing the hospital deal.

Allen Vann, Assistant County Manager, introduced the Project manager, Jared Cass, to the Board.

Trey Thurman, County Attorney, requested the Board go into closed session pursuant to item three (3) Attorney Client Privilege including the case Coastal Pines vs Pender County 22 CVS 1029, item four (4)

Economic Development, and item six (6) Personnel.

Commissioner McCoy spoke about the RPO meeting he attended last week and stated his desire to work out the motocross bike issue citizens raised concerns about during the Public Comment section of the meeting.

Commissioner Groves voiced that he felt Pender County got the best deal possible for the hospital.

Chair Newton briefly discussed some details about the Novant item. She also spoke about the BOCC/Planning Board meeting that was held on September 12th. Chair Newton encouraged citizens to come to either of the two community meetings focusing on the Broadband internet and water issues on October 3rd and October 5th.

21 CLOSED SESSION (IF APPLICABLE).

Moved by Brad George, seconded by Fred McCoy

Motion to go into closed session pursuant to item three (3) Attorney Client Privilege including the case Coastal Pines vs Pender County 22 CVS 1029, item four (4) Economic Development, and item six (6) Personnel.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

22 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

23 ADJOURNMENT

23.1 A motion to enter into open session was made by Commissioner McCoy. Commissioner Groves seconded the motion. Motion carried

The meeting was adjourned at 7:56PM.

Moved by Jerry Groves, seconded by Fred McCoy

Motion to adjourn the meeting.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee				x
Brad George	x			
	4	0	0	1

CARRIED.

Pender County
Resolution of the Pender County Board of Commissioners Authorizing Upset Bid Process with respect to the Disposition by Sale of Parcel 3332-88-7049-0000 Located in Burgaw, NC

TO:	Board of County Commissioners
FROM:	Meg Blue
DATE:	October 16, 2023
SUBJECT:	Resolution of the Pender County Board of Commissioners Authorizing Upset Bid Process with respect to the Disposition by Sale of Parcel 3332-88-7049-0000 Located in Burgaw, NC

SUMMARY:
The County has received an offer to purchase parcel 3229-01-4543-0000 located in Burgaw. County Staff reviewed the offer and sought the advice of the County Tax Administrator's office to measure the reasonableness of the offer terms. County Staff are of the opinion that the offer is fair and reasonable. Please also note the Town of Burgaw's resolution authorizing the surplus of this property as well, noting the distribution of the proceeds accordingly.

ACTION REQUESTED:
County Staff requests the Board's approval of a resolution to authorize the Upset Bid Process pursuant to G.S. 160A-269 with respect to the sale of parcel 3229-01-4543-0000. If the Board approves the attached resolution, and upon receipt of the deposit required by the statute, County Staff will publish notice of the offer, which begins the 10-day upset bid period under the statute. Should no upset bids be received, the County will accept the offer from Mrs. Melinda Eakins and proceed to due diligence and closing within approximately 1 month. Should an upset bid be received, Mrs. Melinda Eakins' offer will terminate, and the upset bid process will run again, with Mrs. Melinda Eakins having an opportunity to submit an upset bid.

Board of County Commissioners
Jacqueline A. (Jackie) Newton – Chair
Wendy Fletcher-Hardee – Vice Chair
Archibald (Fred) McCoy
Jerry Groves
Brad George

County Manager
David Andrews
Assistant County Manager
Allen Vann
County Attorney
Carl W. (Trey) Thurman
Staff Attorney
Patrick Buffkin

A Resolution of the Pender County Board of Commissioners Authorizing Upset Bid Process with respect to the Disposition by Sale of Parcel 3332-88-7049-0000 Located in Burgaw, NC

WHEREAS, Pender County, North Carolina (hereinafter, "the County") co-owns certain property with the Town of Burgaw that is located in Burgaw consisting of approximately 0.31 acres, assigned as Property Tax Identification Number 3229-01-4543-0000 in the records of the County's Property Tax Administrators Office, more potentiality described in Map Book 1 at page 98, in the office of the Pender County Register of Deeds; and

WHEREAS, N. C. G. S. §§ 153A-176 and 160A-269 authorize the County to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, The County received a resolution from the Town of Burgaw requesting the sale of the property: and

WHEREAS, the County has received an offer to purchase the 0.31-acre parcel described herein, in the amount of $3,000.00, which offer was submitted by Mrs. Melinda Eakins.

NOW, THEREFORE, THE PENDER COUNTY BOARD OF COMMISSIONERS RESOLVES THAT:

1. The sale of the property described herein through the upset bid procedure of N.C. Gen. Stat. § 160A-269 shall be, and the same is hereby, authorized;

2. Upon receipt of the deposit in the amount required by N.C. Gen. Stat. § 160A-269, the Clerk to the Board of County Commissioners shall cause a notice of the proposed sale to be published in accordance with the requirements of that statute, including, that the notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset;

3. Persons wishing to upset the offer received shall submit a sealed bid with their offer to the office of the Clerk to the Board of Commissioners within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the Clerk to the Board of Commissioners shall open the bids received, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer;

4. If a qualifying higher bid is received, the Clerk to the Board of Commissioners shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed

without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Pender County Board of Commissioners;

5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first $1,000.00 of that offer and five percent (5%) of the remainder of that offer, which amount is not less than $ 3,200.00;

6. A qualifying higher bid shall be accompanied by a deposit in the amount of five percent (5%) of the bid, which may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing;

7. The terms of the final sale are that the Board of Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and that the buyer must pay with cash at the time of closing;

8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids; and

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above shall be, and the same is hereby, accepted, and the appropriate County officials are authorized to execute the instruments necessary to convey the property to Mrs. Melinda Eakins.

Adopted by the Pender County Board of Commissioners this the ___ day of _____, 2023.

_____
Jacqueline A. Newton,
Chair of the Board of Commissioners

ATTEST: _____
David Andrews,
Clerk to the Board of Commissioners



PIN: 3229-01-4543-0000
Owner: TOWN OF BURGAW
109 N WALKER ST
BURGAW, NC 28425
Deed Ref: 3441/053

Property Address: 210 S DURHAM ST
Description: LTS, 55,56,57, PB 1/98,ST UNOPENED

Sale Price: $14,500
Sale Date: 4/11/2008
Plat: 00010098
Account No: 909808
Township: BURGAW
Subdivision:
Tax Codes: G01 C52 R40

Acres: 0
Land Value: $2,939
Building Value: $0
Total value: $2,939
Deferred Value: $0
Exempt Amount: 2939
PCL Class: EX-1
Heated Sq Feet:

Pender County

1:1,396

0 0.01 0.02 0.04 mi
0 0.015 0.03 0.06 km

1 inch = 116 feet

4/11/2008

N W E S

MAP 1-98

RESUBDIVISION OF

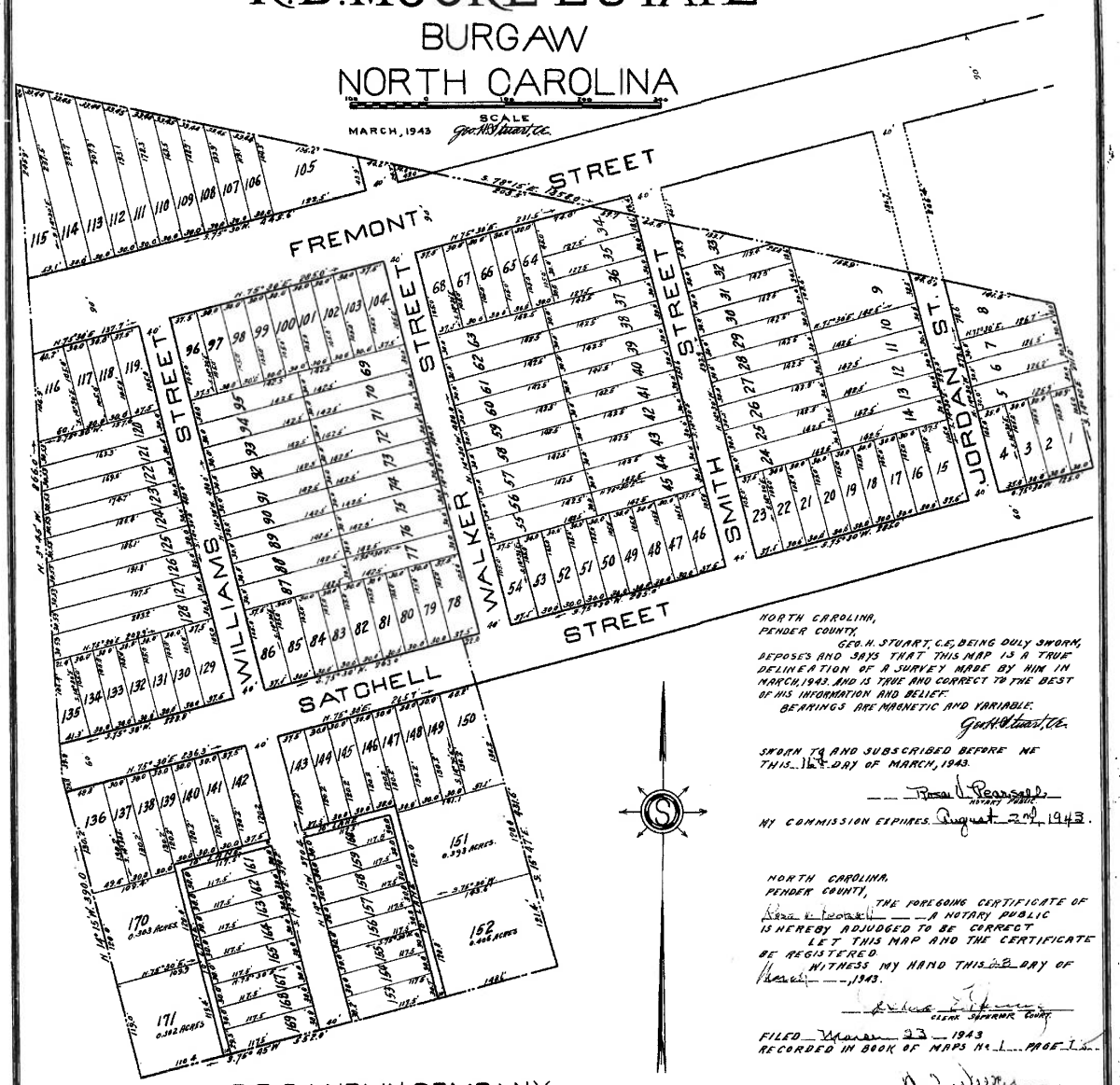
R.B.MOORE ESTATE

BURGAW

NORTH CAROLINA

SCALE 1in = 100ft

MARCH, 1943 Geo. H. Stuart, C.E.



NORTH CAROLINA,
PENDER COUNTY,

GEO. H. STUART, C.E, BEING DULY SWORN, DEPOSES AND SAYS THAT THIS MAP IS A TRUE DELINEATION OF A SURVEY MADE BY HIM IN MARCH, 1943. AND IS TRUE AND CORRECT TO THE BEST OF HIS INFORMATION AND BELIEF.

BEARINGS ARE MAGNETIC AND VARIABLE.

Geo. H. Stuart, C.E.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 16th DAY OF MARCH, 1943.

Rosa L. Pearsall
NOTARY PUBLIC.

MY COMMISSION EXPIRES August 2nd 1943.

NORTH CAROLINA,
PENDER COUNTY,

THE FOREGOING CERTIFICATE OF Rosa L. Pearsall A NOTARY PUBLIC IS HEREBY ADJUDGED TO BE CORRECT LET THIS MAP AND THE CERTIFICATE BE REGISTERED.

WITNESS MY HAND THIS 22 DAY OF March, 1943.

Julius Lilliman
CLERK SUPERIOR COURT.

FILED March 23 1943
RECORDED IN BOOK OF MAPS No 1 PAGE 1

A. J. Lucas
REGISTER OF DEEDS.

B. P. SANDLIN COMPANY
FAYETTEVILLE, N.C.

1-98

FILED BK3441PG053

08 APR 11 AM 10:57

JOYCE M. SWICEGOOD
REGISTER OF DEEDS
PENDER COUNTY, NC

PENDER COUNTY NC 04/12/2008
2 $29.00

STATE OF NORTH CAROLINA Real Estate Excise Tax

PIN #3229-01-4543-0000

DATE 4/11/08 INT

Revenue $29.00

DEED

This deed prepared by Corbett & Fisher, Attorneys at Law, P. O. Drawer 727, Burgaw, NC 28425.

THIS DEED made on March 10, 2008, by:

GRANTOR	GRANTEE
ROBERT H. CORBETT, COMMISSIONER	**PENDER COUNTY and THE TOWN OF BURGAW**

The designation Grantor and Grantee as used in this instrument shall include the designated parties, their heirs, successors and assigns.

WITNESSETH:

1. Grantor was empowered to offer the property described below for public sale by the orders entered in Pender County vs. William A. Newkirk *et al.*, 07 CVD 337 (Pender County, North Carolina), and
2. Grantee became the last and highest bidder.

NOW, THEREFORE, Grantor, for a valuable consideration paid by Grantee, receipt of which is acknowledged, conveys to Grantee in fee simple, the parcel of land located in the Town of Burgaw, Pender County, North Carolina, described as:

BEING all of Lots 55, 56 and 57 of a Resubdivision of the R. B. Moore Estate as shown on a map recorded in Map Book 1, at page 98, of the Pender County Registry,

Grantee shall have and hold the above land and all its privileges and appurtenances in fee simple.

Title to the property described above is subject to *ad valorem* taxes for 2008 and subsequent years.

IN WITNESS WHEREOF, Grantor has hereunto set his hand on the date first above written.

Robert H. Corbett
Commissioner

Recorded and Verified
Joyce M. Swicegood
Register of Deeds
Pender County, NC

2

BK3441PG054

STATE OF NORTH CAROLINA, COUNTY OF PENDER

I, Helen F. Schiele, a Notary Public of the County and State aforesaid, certify that Robert H. Corbett, Commissioner, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this 11 day of April 2008.

Helen F. Schiele
Notary Public

My commission expires December 5, 2010.

HELEN F. SCHIELE NOTARY PUBLIC PENDER COUNTY, NC

RESOLUTION 2023-15

RESOLUTION TO SURPLUS AND DISPOSE OF REAL PROPERTY LOCATED AT 210 S DURHAM ST, BURGAW, NC – PIN #: 3229-01-4543-0000 BY PENDER COUNTY

WHEREAS, the Board of Commissioners wishes to surplus the real property related to the 210 S Durham St (PIN #: 3229-01-4543-0000; and

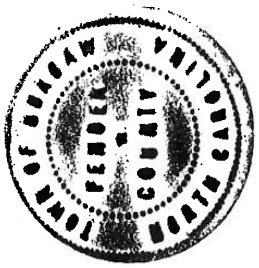
WHEREAS, Pender County retains joint ownership of the real property; and

WHEREAS, the Town requests Pender County to surplus and sale the described property on the town's behalf; and

NOW THEREFORE BE IT RESOLVED by the Town of Burgaw Board of Commissioners that the above listed be declared surplus and authorizes Pender County to sale the property with any profits retained from the sale divided by the entities.

Witness my hand and the corporate seal of said Town of Burgaw this the sixth day of June, 2023.

Attest: _____ Signed: _____
Kristin J. Wells, Town Clerk G. Olivia Dawson, Mayor



Pender County
Request for Board Action

TO:	Board of County Commissioners
FROM:	Allen Vann
DATE:	October 16, 2023
SUBJECT:	Contract Amendment for New Law Enforcement Center

SUMMARY:
In their July 10, 2023 meeting, the Board of County Commissioners approved Pender County to resume progress with the Construction Documents phase of the new Law Enforcement Center. The original delay stemmed from a problem with a deed restriction which had to be worked through with the state and was resolved this past summer.

After BOCC approval to continue with the project, a 'reboot of the project' meeting was held with Moseley Architects in which it was determined that there were some voids in scope of services (within the current contract) that staff feel are necessary for efficient completion of the project. Moseley went back with this information to determine the true scope of what is needed to move forward. This process took a considerable amount of time in that a new game plan was necessary in reference to the force main and sewer situation. This was dictated due to further research and discussions with the Town of Burgaw.

There are five changes to the original contract as described below:

Change 1 – Offsite Utilities - $232,200.00

1. Statement of Need:
    a. Initial project presumed that sufficient sewer utilities were present at the project site to allow for extension of a gravity sewer outfall. Once the project kicked off, discussions with the Town of Burgaw revealed that this would not be possible. The sewer in Penderlea Hwy was deemed to be too shallow to serve the project site based on invert elevation data provided by the Town. Furthermore, it was explained by the Town that this outfall had too much non-sewer inflow and infiltration and would not support any additional flows.

The location in Old Savannah Road was determined to be the closest point of service that had sufficient capacity (per the Town of Burgaw). Based on elevation data provided by the Town, it was also determined to be too shallow to serve the project site by extension of a gravity sewer outfall.

   b. An evaluation of the ability of the Town's water system to supply sufficient reliable flow to the site was requested based on expected future uses at the project site. In addition to the LEC project, the County wished to evaluate the system's ability to support future expansion of the site if additional buildings were ever added.

2. What this amendment covers:
   a. Surveying services.
   b. Design and permitting of a sewer lift station and force main to serve the 100 acre site of the new Law Enforcement Center.
   c. Evaluates extension of the Town's water line into the site to serve the LEC and any future buildings on the project site.
   d. Bid Support, Construction Administration, and Construction Observation for the sewer lift station and force main.

Change 2 – Secondary Roadway - $104,760.00

1. Statement of Need:
   a. There was a need expressed for a secondary entrance to the property that would bypass flooding along Old Savannah Highway at the tributary to Burgaw Creek south of the project site.
   b. This roadway will be placed for bid as an "add-alternate" so the BOCC can see exactly how much it will cost.
2. What it covers:
   a. Additional surveying services to support design of an offsite roadway from the project site to Penderlea Hwy.
   b. Design and Construction Documents for the offsite roadway.
   c. Additional Permitting Services
   d. Additional Construction Administration and Observation.

Change 3 – Additional Onsite Services - $82,320.00

1. Statement of Need:
   a. For purposes of USDA funding, the County needs Moseley's team to complete various tasks. This includes preparation of required environmental documentation and field work and preparation of a subdivision plat to isolate collateral.
   b. An easement is required to cross the State Prison property with the new road to Penderlea and any utilities needed to serve the project site.
   c. The Town of Burgaw requires that the project site be annexed into the Town before providing water and sewer services.
   d. The Town of Burgaw requires the LEC be permitted with a Special Use Permit to over come zoning challenges.
2. What it covers:
   a. Annexation

i. Preparation of an Annexation Plat.
ii. Preparation and submittal of an Annexation Petition.

b. Access and Utility Easement Survey and Map to secure easement across the State Prison property for driveway and utilities.
c. Subdivision Plat for isolation of LEC project for funding purposes. Also maps the property on which the new pump station will be located for transfer to the Town for ownership.
d. USDA Environmental Review for field work, support of document preparation and review as required by USDA funding.
e. Support for pursuit of Special Use Permit required by Town of Burgaw.

Change 4 - Radio Tower Design and Planning - $107,611.20

The original contract estimated costs for the radio tower and installation within the overall project budget, however design and planning costs were accidentally omitted from Moseley's contract.

Change 5 - Extension of Architectural Services Time Frame

The original agreement with Moseley Architects indicated that if their architectural services are not utilized within 40 months of the execution date of the contract, that Moseley will receive compensation as "Additional Services." We have renegotiated this term to 60 months which addresses the original delays created by the deed restriction issue.

The total price for all changes to the contract as described above = $526,891.20.

Also, to further clarify, the original contract amount was $3,250,000 and after this change the total will equal $3,776,891.20.

ACTION REQUESTED:
Authorize a change in the scope of services in the contract provided by Moseley Architects for the new Law Enforcement Center as described above as well as subsequent Budget Ordinance Amendment and increase of Purchase Order to Moseley Architects in the amount of $526,891.20.

Wednesday, October 4, 2023

Pender County Budget Ordinance Amendment

Fiscal Year FY 2023-2024

Department VARIOUS

Division, Program, Project, etc. LEC

REVENUES

	Account # (ORG-OBJECT)	Account Description	Amount
1	60-397000-6093	CONTRIB FROM GF	526,891.20
2	695-399000	GF FUND BALANCE	526,891.20
3			
4			
5			
6			
7			
8			
9			
10			

Proposed Amendment:

EXPENDITURES

	Account # (ORG-OBJECT)	Account Description	Amount
1	60-407400-6093	CAPITAL OUTLAY	526,891.20
2	695-490000	TRANSFER TO CIP	526,891.20
3			
4			
5			
6			
7			
8			
9			
10			

Total Revenues 1053782.40

Total Expenditures 1053782.40

Budget Amendment Balances when Zero. 0

Prepared By: Meg Blue

Email mblue@pendercountync.gov

Pender County
Application for Gift - Eagle Scout Project

TO:	Board of County Commissioners
FROM:	Zack White
DATE:	October 16, 2023
SUBJECT:	Application for Gift - Eagle Scout Project

SUMMARY:
On 9/28/23 we received an application for a gift/donation from Skyler Sholtis to complete his eagle scout project. The proposed project is a bocce ball court that will be installed at Hampstead Kiwanis Park.The project will be funded and constructed by the scouts. Staff believe that this project will be an asset to the park lawn game area. It is requested that the court be built to the following specifications:

- 10’ x 60’
- Crushed Stone surface
- Pressure treated wood border
- Stainless steel bolts/screws

The application is attached for review.

ACTION REQUESTED:
To approve the Eagle Scout project.

APPLICATION TO MAKE GIFT OR DONATION TO PENDER COUNTY

APPLICANT INFORMATION	
Applicant Name:	Skyler Sholtis
Applicant Address:	347 S. Belvedere Dr.
Applicant Phone Number:	910-685-5313
Applicant Email Address:	skylersholtis@gmail.com
Applicant Website (if applicable):	NA

GIFT OR DONATION INFORMATION	
Amount and Nature of Gift or Donation (e.g. land, money, personal property, etc.): (NOTE: applications are not required for gifts of less than $100.00.)	Eagle Scout Project, the gift is a bocce ball court, built and funded by scouts
Purpose of Gift or Donation:	Eagle Scout Project and gift to Kiwanis Park
Goals to be Achieved by Gift or Donation:	Provide an additional activity to Kiwanis Park and gift an eagle project
Recognition Requested (e.g., letter or resolution of appreciation, naming rights, signage or plaque, etc.)	Signage

OTHER INFORMATION	
Please include any other information that may be helpful to the County's consideration of this application (you may attach additional pages if needed):	Project funding will be raised by scouts, and any suggestions or changes can be incorporated in the project. The project will provide a change for other scouts to gain service hours.

By submitting and signing this Application, the undersigned certifies that that they have read Pender County's Gifts and Donations Policy and that this proposed gift/donation is not prohibited by that policy.

Application Submitted by: _____Skyler Sholtis_____(printed name)

____ _____(signature)

Date submitted: _____9/28/23_____

Pender County
Request Board Approval

TO:	Board of County Commissioners
FROM:	Alan Cutler
DATE:	October 16, 2023
SUBJECT:	Approval of Purchase Order for the purchase of a 2023 Dodge Ram 1500 truck in the amount of $39,718.35.

SUMMARY:
Pender County Sheriff's Office is asking for the approval of a purchase order for the purchase of a 2023 Dodge Ram 1500 Special Service vehicle for the new approved Animal Control position for FY 24.
These funds are budgeted funds in FY 24.
Funds will be out of account 510-407403.

ACTION REQUESTED:
Approval of Purchase Order for the purchase of a 2023 Dodge Ram 1500 truck in the amount of $39,718.35.

PERFORMANCE AUTOMOTIVE

CHRYSLER DODGE Jeep RAM Ford

2023 RAM 1500 Special Service Vehicle

North Carolina Statewide Vehicle Contract #202100002

Category H - Law Enforcement Vehicles

Contract Term Dates: May 10, 2021 - May 9, 2023

PENDER COUNTY



Some Factory Options Shown - Rambox N/A 2023



Aftermarket Police Console Shown

Drivetrain Configurations

5.7L Hemi V-8	☑	DS6T98	2023 RAM 1500 SSV Crew Cab, 4wd, 5.7L Hemi V-8	$ 37,589.25

NC70A Base Vehicle Configuration

Base Powertrain Configuration

LDDE48	5.7L Hemi V-8 MDS VVT Engine, 8 Speed Automatic Transmission	Base

Base Interior Configuration

Vinyl	Vinyl Floor Covering	Base
Front	Cloth Front Seat Covering	Base
Rear	Vinyl Rear Seat Covering	Base

Base Package / Options — DS-Classic Body Style

Uconnect 3 with 5.0" Touchscreen Display	Electric Shift on the Fly 4wd Controller
4 Key Fobs Total	Full Size Spare Tire
Class IV Receiver Hitch	Power 10 Way Driver Seat
7/4 Way Trailer Wiring Connector	Power Windows/Locks/Mirrors
17 x 7.0 Steel Wheels	Spray In Bedliner
P265/70R17 BSW All Season Tires	Remote Keyless Entry
ParkView Rear View Camera	Cruise Control

Option Availability and Compatibility Vary
USE THIS FORM AS A GUIDE
Please Return to your Performance Representative For Confirmation

		Seat/Trim Options	MSRP	6% Disc
☑	D5/X8	Cloth Front/Vinyl RearSeat, 40/BLANK/40 NO Center Section	STD	STD
☐	D7/X8	Cloth Front/Vinyl Rear Seat, 40/20/40 Bench Seat	$ 50	$ 47.00
		Functional Packages	**MSRP**	**6% Disc**
☑	ADB	Protection Group	$ 395	$ 371.30
☑	AED	Chrome Appearance Group	$ 695	$ 653.30
☐	AJB	Remote Start & Security Alarm Group	$ 395	$ 371.30
		Interior Options	**MSRP**	**6% Disc**
☐	CKE	Carpet Floor Covering	$ 125	$ 117.50
☐	GFA	Rear Window Defroster	$ 195	$ 183.30
☐	LSU	Full Speed Forward Collision Warn Plus	$ 455	$ 427.70
☐	RSD	SiriusXM Radio (*with 1 year trial*)	$ 195	$ 183.30
☐	XAP	Power Adjustable Pedals	$ 140	$ 131.60
☑	XHC	Trailer Brake Controller	$ 295	$ 277.30
		Exterior Options	**MSRP**	**6% Disc**
☑	DSA	Anti-Spin Rear Differential Axle	$ 495	$ 465.30
☑	DMH	3.92 Rear Axle Ratio	$ 95	$ 89.30
☐	GPG	Power Black Trailer Tow Mirrors	$ 180	$ 169.20
☑	TTB	LT265/70R17E BSW All Terrain Tires	$ 250	$ 235.00
☑	LM1	Daytime Running Lights (Low Beam)	$ 40	$ 37.60
☑	MDA	Front License Plate Bracket	N/C	N/C
☐	NFX	32 Gallon Fuel Tank	$ 445	$ 418.30
☐	NHK	Engine Block Heater	$ 95	$ 89.30
☐	XM9	Delete Spray In Bedliner	$ (50)	$ (47.00)

		Additional Options		
☐				$ -
☐				$ -
☐				$ -
☐				$ -
☐	Tier 1	Tier 1 Color Upcharge ($95 Per Truck)		$ 95.00
☐	Tier 2	Tier 2 Color Upcharge ($190 Per Truck)		$ 190.00

Standard Colors:			Quantity	
		No Cost Colors		Enter Quantity Here
☑	PW7	Bright White Clear Coat	1.00	
☐	PR4	Flame Red		
		Tier 1 - Additional $95 Per Truck		
☐	PRV	Delmonico Red Pearl Coat		
☐	PXJ	Diamond Black Crystal Pearl Coat		
☐	PBJ	Hydro Blue Pearl Coat		
☐	PPX	Patriot Blue Pearl Coat		
		Tier 2 - Additional $190 Per Truck		
☐	PSC	Billet Silver Metallic Clear Coat		
☐	PAU	Granite Crystal Metallic Clear Coat		
		Low Volume Colors Available Upon Request		

Dealer Added Equipment

☐	Shell	Paint to Match Camper Shell, Glass Rear/Solid Sides with Shelves	$ 5,056.25
☐	Slide	1,000 LB 75% Bedslide	$ 1,623.75
☐	Tri Fold	Tri Fold Hard Tonneau Cover	$ 1,281.25
☐	Hard Tonn	Paint to Match Fiberglass Tonneau Cover	
☐	Decked	Decked Slide Out Tray System	$ 1,748.75
☐			
☐			

Total Price Per Vehicle:	**$ 39,718.35**
Number Units This Spec:	**1.00**
Total this Order:	**$ 39,718.35**

Notes & Instructions:

Agency Information:

Agency Name: PENDER COUNTY
Contact: ANDY DEVANE
Position: ASSET MANAGER
Address 1: 805 S. WALKER STREET
Address 2:
City, State, Zip: BURGAW, NC 28425

Office Phone: 910-259-1467
Cell Phone:
Email: adevane@pendercountync.gov

Amy Hill
Government & Fleet Sales
605 Warsaw Road
Clinton, NC 28328
ahill@ramclinton.com
(336) 687-7964 Cell

Dianne Nelms
Government & Fleet Sales
605 Warsaw Road
Clinton, NC 28328
dnelms@ramclinton.com
(910) 214-2956 Cell

Pender County
Resolution supporting NC DOT's grant application for a traffic signal at the intersection of Sloop Point Road and US Highway 17, to include a cash contribution of up to $66,250 if the project is awarded

TO:	Board of County Commissioners
FROM:	Daniel Adams
DATE:	October 16, 2023
SUBJECT:	Resolution supporting NC DOT's grant application for a traffic signal at the intersection of Sloop Point Road and US Highway 17, to include a cash contribution of up to $66,250 if the project is awarded

SUMMARY:
On July 7, 2023, the Wilmington Urban Area Metropolitan Planning Organization issued a call for projects to agencies in its jurisdiction for Surface Transportation Block Grant Program – Direct Attributable Funds (STBGP-DA) or Transportation Alternative Set Aside – Direct Attributable (TASA-DA). A total of $265,000 is available to award. STBGP-DA and TASA-DA are comprised of a collection of discretionary programs including signal installation. The funding requires a minimum 25% local cash match.

NCDOT is applying to the WMPO for DA (Direct Attributable) funding to install a metal pole reduced conflict intersection (RCI) signal for southbound left turns to be located in Pender County at US 17 & SR 1561 (Sloop Point Road). Division 3 has received WMPO DA funding for signal installation in the past and considers this a viable and successful option for this type of project.

It is likely that construction will not take place for another year, thus allowing funding for this project to be appropriated in the FY 24-25 budget. If the grant application is unsuccessful, no funding will be requested from the County. Award announcements will be made by the end of October.

ACTION REQUESTED:
To consider approving the resolution and appropriating funds for the local cash match required of this grant program.

ATTACHMENTS:

1. Resolution
2. Cost Estimate
3. Signal Location Map

Board of County Commissioners
Jacqueline A. (Jackie) Newton – Chair
Wendy Fletcher-Hardee – Vice Chair
Archibald (Fred) McCoy
Jerry Groves
Brad George

County Manager
David Andrews
Assistant County Manager
Allen Vann
County Attorney
Carl W. (Trey) Thurman
Staff Attorney
Patrick Buffkin

Resolution authorizing North Carolina Department of Transportation, Division 3, to submit on behalf of Pender County, an application to the Wilmington Urban Area Metropolitan Organization in the Amount of $265,000 for Surface Transportation Block Grant Program – Direct Attributable Funds or Transportation Alternative Set Aside – Direct Attributable for the Division 3 Sloop Point Signal Installation Project.

WHEREAS, the Pender County Board of Commissioners provides governing authority and representation for the people of the County of Pender in North Carolina; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) proposes to submit an application to the Wilmington Urban Area Metropolitan Planning Organization's (WMPO) Surface Transportation Block Grant Program – Direct Attributable Funds or Transportation Alternative Set Aside – Direct Attributable for $265,000 for a traffic signal at the intersection of Sloop Point Road and US Highway 17; and

WHEREAS, the Surface Transportation Block Grant Program requires a 25% local match; and

WHEREAS the NCDOT application includes an engineer's cost estimate for the proposed signal installation of $265,000.00; and

WHEREAS the 25% local match would require Pender County to contribute up to $66,250.00 towards the project

NOW THEREFORE, BE IT RESOLVED:

That, the North Carolina Department of Transportation, Division 3 is hereby authorized to submit a STBGP-DA or TASA-DA application in the amount of $265,000 and Pender County will commit $66,250 as a cash match for the **Division 3 Sloop Point Signal Installation Project.**

_____
Jacqueline A. Newton, Chair
Pender County Board of Commissioners

US 17 & SR 1561 (Sloop Point Road)
RCI Signal Installation with Fiber (Revised 8.8.23)

QUANTITY	DOT Number	ITEM DESCRIPTION	UNIT	UNIT COST	ESTIMATED COST
40	4	Flagger	HR	$ 18.54	$ 741.60
10	5	Full Lane Closure	EA	$ 1,236.00	$ 12,360.00
1500	14	Signal Conductor Cable 16-7	LF	$ 4.38	$ 6,570.00
6	15	Vehicle Signal Head 12" 3 Section	EA	$ 463.50	$ 2,781.00
2	16	Vehicle Signal Head 12" 4 Section	EA	$ 618.00	$ 1,236.00
150	24	Un-Paved Trenching 2"- 4" Conduit	LF	$ 6.18	$ 927.00
1600	25	Directional Drill 2' - 4" Conduit	LF	$ 18.54	$ 29,664.00
4	27	Junction Oversize Box Standard	EA	$ 721.00	$ 2,884.00
1	35	2" Riser With Weatherhead	EA	$ 515.00	$ 515.00
2	38	Site Survey	EA	$ 3,090.00	$ 6,180.00
1400	39	Communications Cable 12SMFO Fiber	LF	$ 2.74	$ 3,836.00
2	40	Splice Enclosure (Fiber)	EA	$ 1,442.00	$ 2,884.00
2	41	Interconnect Center (Fiber)	EA	$ 1,442.00	$ 2,884.00
1	46	New Electrical Service	EA	$ 1,236.00	$ 1,236.00
1	49	Set Metal Pole With Single Mast arm	EA	$ 5,665.00	$ 5,665.00
1	51	Soil Test	EA	$ 1,545.00	$ 1,545.00
15	52	Drilled Pier Foundation	EA	$ 875.50	$ 13,132.50
2	53	Sign for Signals	EA	$ 1.03	$ 2.06
4	56	Type III Pedestal With Foundation	EA	$ 2,060.00	$ 8,240.00
1	57	Signal Cabinet Foundation	EA	$ 1,030.00	$ 1,030.00
1	59	Controller with Cabinet Type 2070L Basemounted	EA	$ 2,652.28	$ 2,652.28
1	61	Cabinet Base Extender	EA	$ 257.50	$ 257.50
2	66	Ethernet Switch	EA	$ 1,236.00	$ 2,472.00
3	76	Radar Vehicle Detection Sensor	EA	$ 1.03	$ 3.09
400	77	Radar Vehicle Detection Cable	LF	$ 1.03	$ 412.00
150	79	Triplex #6 Cable	LF	$ 5.15	$ 772.50
		PED Parts			
4	113007050	POLE STEEL SIG PEDESTAL & BASE 14' W/CAP	EA	$ 2,445.00	$ 9,780.00
4	113007055	POLE BASE, TRANSFORMER FOR 14' STEEL POL	EA	$ 317.00	$ 1,268.00
4	113000506	ANCHOR Bolts 4' FOR TYPE III PEDESTAL	EA	$ 281.82	$ 1,127.28
3	609018600	SLIP FITTER 1-WAY POST TOP ASSY.	EA	$ 52.99	$ 158.97
1	607018610	SLIP FITTER 2-WAY POST TOP ASSY.	EA	$ 192.18	$ 192.18
		Signal Head Parts			
2	624045230	LED BALL, 12", GREEN, EXPANDED VIEWING	EA	$ 18.25	$ 36.50
2	624045330	LED BALL, YELLOW, 12", EXPANDED VIEWING	EA	$ 18.25	$ 36.50
5	624045130	LED BALL,12", RED,EXPANDED VIEWING ANGLE	EA	$ 18.00	$ 90.00
5	624045210	LED ARROW, 12", GREEN	EA	$ 21.25	$ 106.25
9	624045310	LED ARROW, YELLOW, 12"	EA	$ 21.75	$ 195.75
3	624045110	LED ARROW, 12", RED	EA	$ 20.52	$ 61.56
6	620017510	SIG HEAD,3-SEC, 12" LED POLY	EA	$ 108.65	$ 651.90
2	620017536	SIG HEAD,4-SEC, 12" LED POLY	EA	$ 134.14	$ 268.28
1	625011550	LOAD RESISTOR, 2K OHM, 12 WATT	EA	$ 5.49	$ 5.49
8	625012310	SIGNAL BRACKET ARM KIT FOR 3-SEC	EA	$ 26.72	$ 213.76
2	625012305	SIGNAL BRACKET 58' TUBE	EA	$ 29.72	$ 59.44
6	625012325	SIGNAL BRACKET 46' TUBE	EA	$ 25.30	$ 151.80
		Signal Cabinet Parts			
1	619033170	CONFLICT MONITOR, TYPE 2018ECL NC	EA	$ 510.00	$ 510.00
2	619033210	FLASHER, 2 CIRCUIT TYPE 204	EA	$ 21.50	$ 43.00
6	619033300	LOADSWITCH, SOLID STATE	EA	$ 15.13	$ 90.78
1	619023310	CABINET EXTENDER, 18" BASE MT. TYPE 332	EA	$ 245.00	$ 245.00
1	619023230	CABINET, BASE MOUNT TYPE 332 W/ AUX FILE	EA	$ 4,649.00	$ 4,649.00
1	608023150	CONTROLLER, TYPE 2070E	EA	$ 1,389.00	$ 1,389.00
		Loops and Metal Pole Parts			
1	651100400	MICROWAVE SENSOR FOR ADAVANCE DETECTION	EA	$ 4,720.00	$ 4,720.00
2	651100410	MICROWAVE SENSOR FOR STOP BAR DETECTION	EA	$ 3,752.41	$ 7,504.82

US 17 & SR 1561 (Sloop Point Road)
RCI Signal Installation with Fiber (Revised 8.8.23)

QUANTITY	DOT Number	ITEM DESCRIPTION	UNIT	UNIT COST	ESTIMATED COST
3	651100420	MOUNTING BRACKET FOR MICROWAVE SENSOR	EA	$ 174.17	$ 522.51
1	651100435	Click-600	EA	$ 1,871.25	$ 1,871.25
3	651100440	CONTACT CLOSURE CARD (2 CHANNEL)	EA	$ 331.95	$ 995.85
2	651100460	COMMUNICATION/POWER CABLE (200' ROLL)	EA	$ 540.00	$ 1,080.00
3	651100470	TERMINAL STRIP JUNCTION BOX	EA	$ 152.12	$ 456.36
1	NCDOT	Single Mast Arm	EA	$ 25,000.00	$ 25,000.00
		Miscellaneous			
1	NCDOT	L & S Charges for Elevations & Utility Map	EA	$ 6,000.00	$ 6,000.00
1	NCDOT	Pavement Markings	LS	$ 5,000.00	$ 5,000.00
1	NCDOT	Design Charges	EA	$ 35,000.00	$ 35,000.00

Subtotal	$ 220,363.76
Contingency 20%	$ 44,072.75
Grand Total	**$ 265,000.00**

Division 3 Signal Projects

Pender County, NC

LOCATION	PROJECT DESCRIPTION	ESTIMATE	EST DATE
US 17 & SR 1561	Install metal pole RCI signal for southbound leftover.	$222,100	1/30/2023



NORTH CAROLINA
Department of Transportation

NCDOT Signal Installation

Jessi Leonard, PE | Assistant Maintenance Engineer

October 16, 2023

Connecting people, products and places safely and efficiently with customer focus, accountability and environmental sensitivity to enhance the economy and vitality of North Carolina

Purpose: Letter of Resolution with 25% Funding Match

Pender County
US 17 and SR 1561 (Sloop Point Road)

Information regarding WMPO FY 24 Funding Call For Projects:

WMPO FY DA Funding

FY DA Grant Deadlines:	Dates
Call for Projects:	7.07.23
Pre-Application Review:	8.11.23
Submittal Deadline:	9.15.23 5 pm
Anticipated award date for projects:	10.25.23

NCDOT Division 3 Traffic Services Identified Potential Projects

Successful FY23 Grants submitted for two Signal Installations within the City of Wilmington at 3rd and Ann, 3rd and Orange

Div 3 coordinating work

Pender County
US 17 and SR 1561 (Sloop Point Road)

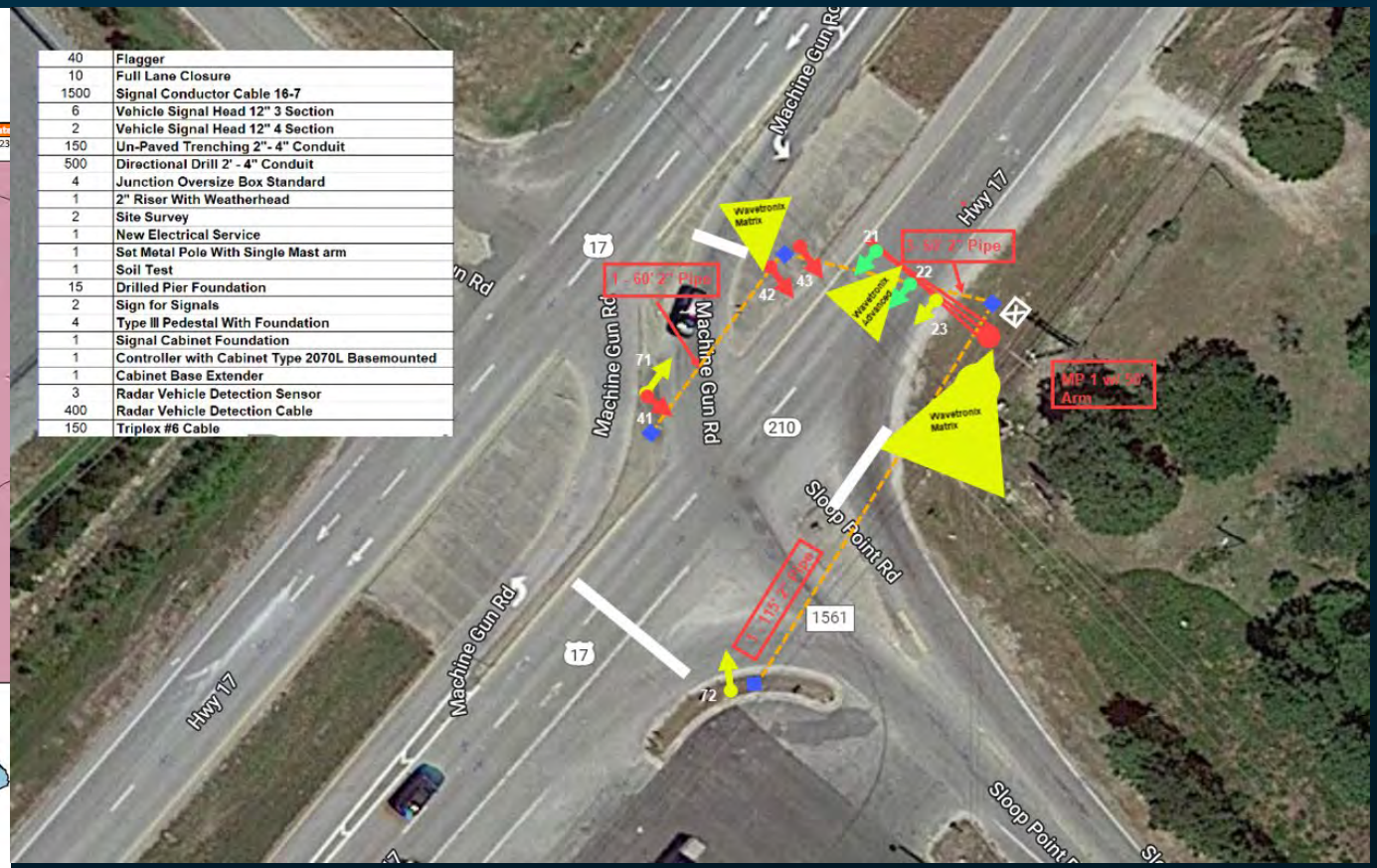
Study initiated by citizen requests (May 2022)

Division 3 Signal Projects
Pender County, NC

Project Name	Project Description	Estimate	Est. Date
Sloop Point	Install metal pole RCI signal for southbound leftover US 17 & SR 1561 (Sloop Point Road). Comments: A couple crashes in the vicinity of the intersection.	$265,000.00	8/8/2023



40	Flagger
10	Full Lane Closure
1500	Signal Conductor Cable 16-7
6	Vehicle Signal Head 12" 3 Section
2	Vehicle Signal Head 12" 4 Section
150	Un-Paved Trenching 2"- 4" Conduit
500	Directional Drill 2' - 4" Conduit
4	Junction Oversize Box Standard
1	2" Riser With Weatherhead
2	Site Survey
1	New Electrical Service
1	Set Metal Pole With Single Mast arm
1	Soil Test
15	Drilled Pier Foundation
2	Sign for Signals
4	Type III Pedestal With Foundation
1	Signal Cabinet Foundation
1	Controller with Cabinet Type 2070L Basemounted
1	Cabinet Base Extender
3	Radar Vehicle Detection Sensor
400	Radar Vehicle Detection Cable
150	Triplex #6 Cable



Pender County
US 17 and SR 1561 (Sloop Point Road)

Turning Movement Data
Crash Analysis Data
Cost Estimate

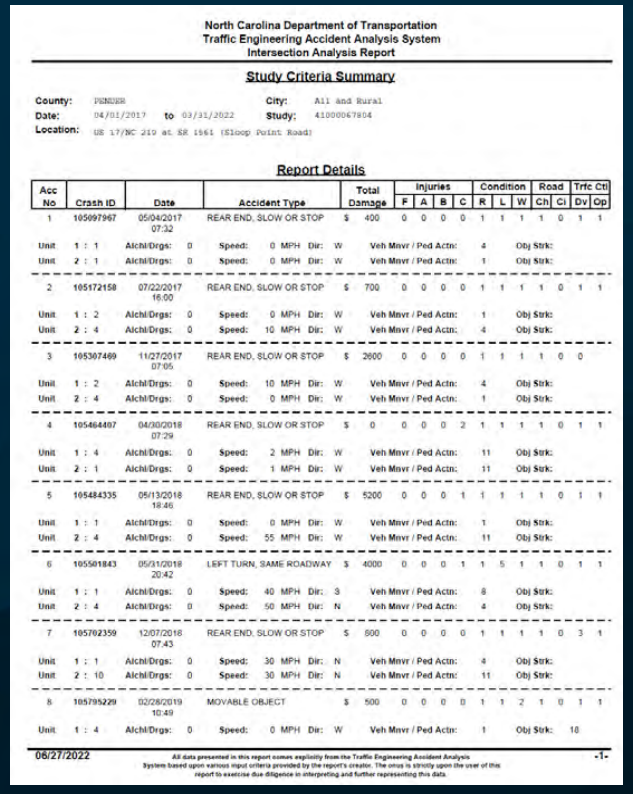
NCDOT

5504 Barbados Boulevard
Castle Hayne, NC 28429

Completed by Joshua Beaulieu
Engineer Technician 1
Traffic Services

Groups Printed- Unshifted

	U. S. 17 From North					SR 1561 (Sloop Point Rd.) From East					U. S. 17 From South					Machine Gun Rd. From West				
Start Time	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total	Right	Thru	Left	Peds	App. Total
07:00 AM	0	0	6	0	6	51	0	0	0	51	5	282	3	0	290	0	0	0	0	0
07:15 AM	0	0	12	0	12	50	0	0	0	50	10	318	0	0	328	0	0	0	0	0
07:30 AM	0	0	32	0	32	60	0	0	0	60	11	315	3	0	329	0	0	0	0	0
07:45 AM	0	0	23	0	23	72	0	0	0	72	12	318	2	0	332	0	0	0	0	0
Total	0	0	73	0	73	233	0	0	0	233	38	1233	8	0	1279	0	0	0	0	0
08:00 AM	0	0	22	0	22	64	0	0	0	64	16	288	3	0	307	0	0	0	0	0
08:15 AM	0	0	18	0	18	69	0	0	0	69	5	317	3	0	325	0	0	0	0	0
08:30 AM	0	0	27	0	27	52	0	0	0	52	9	314	6	0	329	0	0	0	0	0
08:45 AM	0	0	51	0	51	80	0	0	0	80	21	317	5	0	343	0	0	0	0	0
Total	0	0	118	0	118	265	0	0	0	265	51	1236	17	0	1304	0	0	0	0	0
*** BREAK ***																				
04:15 PM	0	0	80	0	80	77	0	0	0	77	23	521	6	0	550	0	0	0	0	0
04:30 PM	0	0	76	0	76	76	0	0	0	76	13	442	5	0	460	0	0	0	0	0
04:45 PM	0	0	50	0	50	59	0	0	0	59	21	383	4	0	408	0	0	0	0	0
Total	0	0	206	0	206	212	0	0	0	212	57	1346	15	0	1418	0	0	0	0	0
05:00 PM	0	0	51	0	51	65	0	0	0	65	17	382	8	0	407	0	0	0	0	0
05:15 PM	0	0	72	0	72	57	0	0	0	57	23	421	4	0	448	0	0	0	0	0
05:30 PM	0	0	58	0	58	52	0	0	0	52	26	418	6	0	450	0	0	0	0	0
05:45 PM	0	0	63	1	64	40	0	0	0	40	22	378	2	0	402	0	0	0	0	0
Total	0	0	244	1	245	214	0	0	0	214	88	1599	20	0	1707	0	0	0	0	0



North Carolina Department of Transportation
Traffic Engineering Accident Analysis System
Intersection Analysis Report

Study Criteria Summary

County: PENDER City: All and Rural
Date: 04/01/2017 to 03/31/2022 Study: 41000047804
Location: US 17/NC 210 at SR 1561 (Sloop Point Road)

Report Details

Acc No	Crash ID	Date	Accident Type	Total Damage	Injuries F	A	B	C	Condition R	L	W	Road Ch	Ci	Trfc Ctl Dv	Op
1	105097967	05/04/2017 07:32	REAR END, SLOW OR STOP	$ 400	0	0	0	0	1	1	1	1	0	1	1
Unit 1 : 1	Alchl/Drgs: 0	Speed: 0 MPH	Dir: W	Veh Mnvr / Ped Actn: 4	Obj Strk:										
Unit 2 : 1	Alchl/Drgs: 0	Speed: 0 MPH	Dir: W	Veh Mnvr / Ped Actn: 1	Obj Strk:										
2	105172158	07/22/2017 16:00	REAR END, SLOW OR STOP	$ 700	0	0	0	0	1	1	1	1	0	1	1
Unit 1 : 2	Alchl/Drgs: 0	Speed: 0 MPH	Dir: W	Veh Mnvr / Ped Actn: 1	Obj Strk:										
Unit 2 : 4	Alchl/Drgs: 0	Speed: 10 MPH	Dir: W	Veh Mnvr / Ped Actn: 4	Obj Strk:										
3	105307469	11/27/2017 07:05	REAR END, SLOW OR STOP	$ 2600	0	0	0	0	1	1	1	1	0	0	
Unit 1 : 2	Alchl/Drgs: 0	Speed: 10 MPH	Dir: W	Veh Mnvr / Ped Actn: 4	Obj Strk:										
Unit 2 : 4	Alchl/Drgs: 0	Speed: 0 MPH	Dir: W	Veh Mnvr / Ped Actn: 1	Obj Strk:										
4	105464407	04/30/2018 07:29	REAR END, SLOW OR STOP	$ 0	0	0	0	2	1	1	1	1	0	1	1
Unit 1 : 4	Alchl/Drgs: 0	Speed: 2 MPH	Dir: W	Veh Mnvr / Ped Actn: 11	Obj Strk:										
Unit 2 : 1	Alchl/Drgs: 0	Speed: 1 MPH	Dir: W	Veh Mnvr / Ped Actn: 11	Obj Strk:										
5	105484335	05/13/2018 18:46	REAR END, SLOW OR STOP	$ 5200	0	0	0	1	1	1	1	1	0	1	1
Unit 1 : 1	Alchl/Drgs: 0	Speed: 0 MPH	Dir: W	Veh Mnvr / Ped Actn: 1	Obj Strk:										
Unit 2 : 4	Alchl/Drgs: 0	Speed: 55 MPH	Dir: W	Veh Mnvr / Ped Actn: 11	Obj Strk:										
6	105501843	05/31/2018 20:42	LEFT TURN, SAME ROADWAY	$ 4000	0	0	0	1	1	5	1	1	0	1	1
Unit 1 : 1	Alchl/Drgs: 0	Speed: 40 MPH	Dir: S	Veh Mnvr / Ped Actn: 8	Obj Strk:										
Unit 2 : 4	Alchl/Drgs: 0	Speed: 50 MPH	Dir: N	Veh Mnvr / Ped Actn: 4	Obj Strk:										
7	105702359	12/07/2018 07:43	REAR END, SLOW OR STOP	$ 600	0	0	0	0	1	1	1	1	0	3	1
Unit 1 : 1	Alchl/Drgs: 0	Speed: 30 MPH	Dir: N	Veh Mnvr / Ped Actn: 4	Obj Strk:										
Unit 2 : 10	Alchl/Drgs: 0	Speed: 30 MPH	Dir: N	Veh Mnvr / Ped Actn: 11	Obj Strk:										
8	105795229	02/26/2019 10:49	MOVABLE OBJECT	$ 500	0	0	0	0	1	1	2	1	0	1	1
Unit 1 : 4	Alchl/Drgs: 0	Speed: 0 MPH	Dir: W	Veh Mnvr / Ped Actn: 1	Obj Strk: 10										

06/27/2022 -1-

All data presented in this report comes explicitly from the Traffic Engineering Accident Analysis System based upon various input criteria provided by the report's creator. The onus is strictly upon the user of this report to exercise due diligence in interpreting and further representing this data.

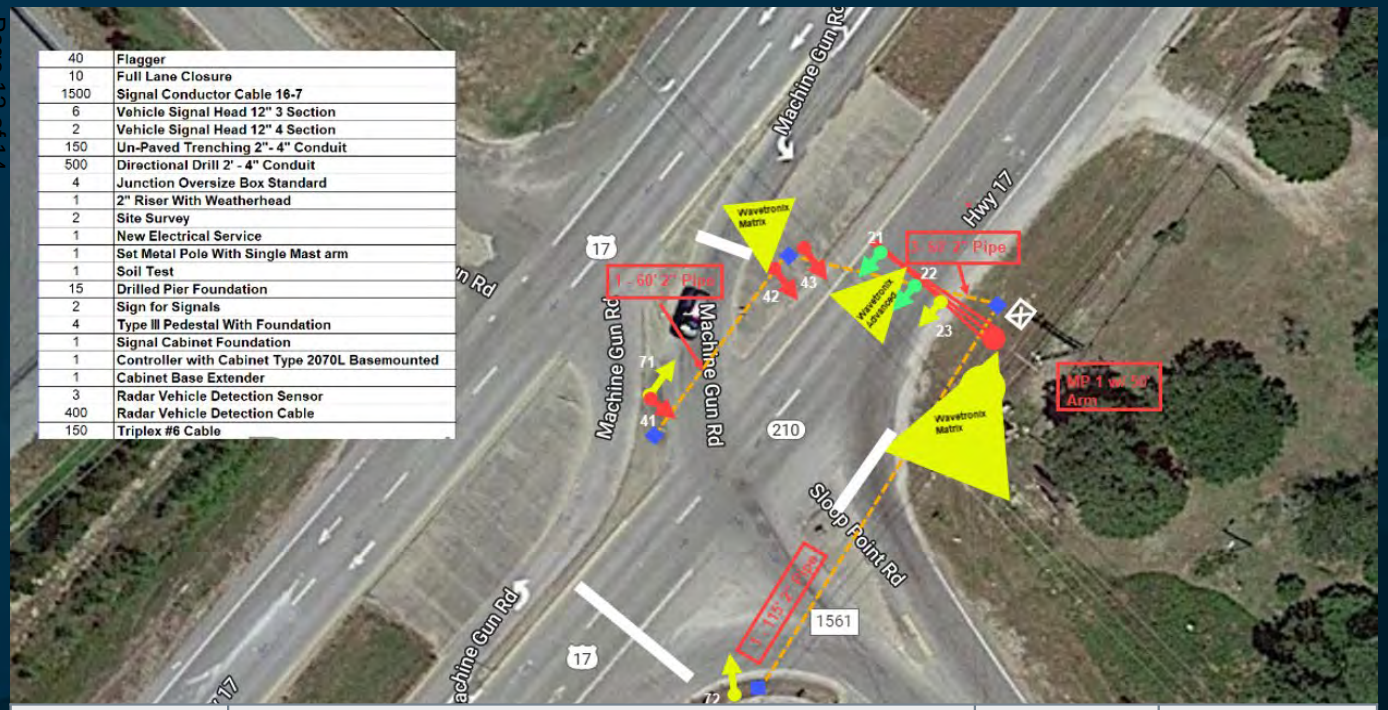
US 17 & SR 1561 (Sloop Point Road)
RCI Signal Installation with Fiber (Revised 8.8.23)

QUANTITY	DOT Number	ITEM DESCRIPTION	UNIT	UNIT COST	ESTIMATED COST
40	4	Flagger	HR	$ 18.54	$ 741.60
10	5	Full Lane Closure	EA	$ 1,236.00	$ 12,360.00
1500	14	Signal Conductor Cable 16-7	LF	$ 4.38	$ 6,570.00
6	15	Vehicle Signal Head 12" 3 Section	EA	$ 463.50	$ 2,781.00
2	16	Vehicle Signal Head 12" 4 Section	EA	$ 618.00	$ 1,236.00
150	24	Un-Paved Trenching 2"- 4" Conduit	LF	$ 6.18	$ 927.00
1600	25	Directional Drill 2' - 4" Conduit	LF	$ 18.54	$ 29,664.00
4	27	Junction Oversize Box Standard	EA	$ 721.00	$ 2,884.00
1	35	2" Riser With Weatherhead	EA	$ 515.00	$ 515.00
2	38	Site Survey	EA	$ 3,090.00	$ 6,180.00
1400	39	Communications Cable 12SMFO Fiber	LF	$ 2.74	$ 3,836.00
2	40	Splice Enclosure (Fiber)	EA	$ 1,442.00	$ 2,884.00
2	41	Interconnect Center (Fiber)	EA	$ 1,442.00	$ 2,884.00
1	46	New Electrical Service	EA	$ 1,236.00	$ 1,236.00
1	49	Set Metal Pole With Single Mast arm	EA	$ 5,665.00	$ 5,665.00
1	51	Soil Test	EA	$ 1,545.00	$ 1,545.00
15	52	Drilled Pier Foundation	EA	$ 875.50	$ 13,132.50
2	53	Sign for Signals	EA	$ 1.03	$ 2.06
4	56	Type III Pedestal With Foundation	EA	$ 2,060.00	$ 8,240.00
1	57	Signal Cabinet Foundation	EA	$ 1,030.00	$ 1,030.00
1	59	Controller with Cabinet Type 2070L Basemounted	EA	$ 2,652.28	$ 2,652.28
1	61	Cabinet Base Extender	EA	$ 257.50	$ 257.50
2	66	Ethernet Switch	EA	$ 1,236.00	$ 2,472.00
3	76	Radar Vehicle Detection Sensor	EA	$ 1.03	$ 3.09
400	77	Radar Vehicle Detection Cable	LF	$ 1.03	$ 412.00
150	79	Triplex #6 Cable	LF	$ 5.15	$ 772.50
		PED Parts			
4	113007050	POLE STEEL SIG PEDESTAL & BASE 14' W/CAP	EA	$ 2,445.00	$ 9,780.00
4	113007055	POLE BASE, TRANSFORMER FOR 14' STEEL POL	EA	$ 317.00	$ 1,268.00
4	113000506	ANCHOR Bolts 4' FOR TYPE III PEDESTAL	EA	$ 281.82	$ 1,127.28
3	609018600	SLIP FITTER 1-WAY POST TOP ASSY.	EA	$ 52.99	$ 158.97
1	607018610	SLIP FITTER 2-WAY POST TOP ASSY.	EA	$ 192.18	$ 192.18
		Signal Head Parts			
2	624045230	LED BALL, 12", GREEN, EXPANDED VIEWING	EA	$ 18.25	$ 36.50
2	624045330	LED BALL, YELLOW, 12", EXPANDED VIEWING	EA	$ 18.25	$ 36.50
5	624045130	LED BALL,12", RED,EXPANDED VIEWING ANGLE	EA	$ 18.00	$ 90.00
5	624045210	LED ARROW, 12", GREEN	EA	$ 21.25	$ 106.25
9	624045310	LED ARROW, YELLOW, 12"	EA	$ 21.75	$ 195.75
3	624045110	LED ARROW, 12", RED	EA	$ 20.52	$ 61.56
6	620017510	SIG HEAD,3-SEC, 12" LED POLY	EA	$ 108.65	$ 651.90
2	620017536	SIG HEAD,4-SEC, 12" LED POLY	EA	$ 134.14	$ 268.28
1	625011550	LOAD RESISTOR, 2K OHM, 12 WATT	EA	$ 5.49	$ 5.49
8	625012310	SIGNAL BRACKET ARM KIT FOR 3-SEC	EA	$ 26.72	$ 213.76
2	625012305	SIGNAL BRACKET 58' TUBE	EA	$ 29.72	$ 59.44
6	625012325	SIGNAL BRACKET 46' TUBE	EA	$ 25.30	$ 151.80
		Signal Cabinet Parts			
1	619033170	CONFLICT MONITOR, TYPE 2018ECL NC	EA	$ 510.00	$ 510.00
2	619033210	FLASHER, 2 CIRCUIT TYPE 204	EA	$ 21.50	$ 43.00
6	619033300	LOADSWITCH, SOLID STATE	EA	$ 15.13	$ 90.78
1	619023310	CABINET EXTENDER, 18" BASE MT. TYPE 332	EA	$ 245.00	$ 245.00
1	619023230	CABINET, BASE MOUNT TYPE 332 W/ AUX FILE	EA	$ 4,649.00	$ 4,649.00
1	608023150	CONTROLLER, TYPE 2070E	EA	$ 1,389.00	$ 1,389.00
		Loops and Metal Pole Parts			
1	651100400	MICROWAVE SENSOR FOR ADAVANCE DETECTION	EA	$ 4,720.00	$ 4,720.00
2	651100410	MICROWAVE SENSOR FOR STOP BAR DETECTION	EA	$ 3,752.41	$ 7,504.82
3	651100420	MOUNTING BRACKET FOR MICROWAVE SENSOR	EA	$ 174.17	$ 522.51
1	651100435	Click-600	EA	$ 1,871.25	$ 1,871.25
3	651100440	CONTACT CLOSURE CARD (2 CHANNEL)	EA	$ 331.95	$ 995.85
2	651100460	COMMUNICATION/POWER CABLE (200' ROLL)	EA	$ 540.00	$ 1,080.00
3	651100470	TERMINAL STRIP JUNCTION BOX	EA	$ 152.12	$ 456.36
1	NCDOT	Single Mast Arm	EA	$ 25,000.00	$ 25,000.00
		Miscellaneous			
1	NCDOT	L & S Charges for Elevations & Utility Map	EA	$ 6,000.00	$ 6,000.00
1	NCDOT	Pavement Markings	LS	$ 5,000.00	$ 5,000.00
1	NCDOT	Design Charges	EA	$ 35,000.00	$ 35,000.00

Subtotal	$ 220,363.76
Contingency 20%	$ 44,072.75
Grand Total	$ 265,000.00

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Pender County
US 17 and SR 1561 (Sloop Point Road)



Project	Description	Cost Estimate	25% Match Estimate
Sloop Point	Install metal pole RCI signal for southbound leftover. US 17 & SR 1561 (Sloop Point Road).	$265,000	$66,250

Benefits of partnering with NCDOT on Signal Installation:

Cost to county is only 25%

Design and Construction managed by NCDOT Division 3

Installation schedule developed upon Support of Pender County and WMPO DA Grant Funding Award (10.25.23)

Maintenance by NCDOT Division 3

Timeframe:

Project estimated to begin Fall/Winter of 2024

Estimated completion Spring of 2026

Contact Us

Jessi Leonard, PE | Assistant Maintenance Engineer
jleonard6@ncdot.gov
910-341-2000

@NCDOT
NCDOT
NCDOTcommunications
@NCDOT
ncdotcom

Thank you!

Pender County
Approval of Budget Amendment for State Budget Allocation to Pender EMS & Fire for EMS Station 9

TO:	Board of County Commissioners
FROM:	Meg Blue
DATE:	October 16, 2023
SUBJECT:	Approval of Budget Amendment for State Budget Allocation to Pender EMS & Fire for EMS Station 9

SUMMARY:
In the State's recently adopted budget, Pender EMS & Fire was awarded a one time allocation of $1,327,440 for their application to build a new EMS Station near Malpass Corner. These funds are being sent through the County. The attached budget amendment will allow the County to disburse the funds to Pender EMS & Fire once received so that they may proceed with the design and construction of their facility as intended by the State.

ACTION REQUESTED:
Approval of Budget Amendment for State Budget Allocation to Pender EMS & Fire for EMS Station 9

Thursday, September 28, 2023

Pender County Budget Ordinance Amendment

Fiscal Year FY 2022-2023

Department 660 - NON-DEPARTMENTAL

Division, Program, Project, etc. Pender EMS & Fire

REVENUES

	Account # (ORG-OBJECT)	Account Description	Amount
1	660-349990	STATE ALLOCATION PENDER EMS&F	1,327,440.00
2			
3			
4			
5			
6			
7			
8			
9			
10			

Proposed Amendment:

EXPENDITURES

	Account # (ORG-OBJECT)	Account Description	Amount
1	660-454000	PENDER EMS & FIRE	1,327,440.00
2			
3			
4			
5			
6			
7			
8			
9			
10			

Total Revenues 1327440

Total Expenditures 1327440

Budget Amendment Balances when Zero. 0

Prepared By: Meg Blue

Email mblue@pendercountync.gov

Pender County
Pender County Bicycle and Pedestrian Plan

TO:	Board of County Commissioners
FROM:	Daniel Adams
DATE:	October 16, 2023
SUBJECT:	Pender County Bicycle and Pedestrian Plan

SUMMARY:

The Plan

The Pender County Planning and Community Development Department, in partnership with the Wilmington Urban Area Metropolitan Planning Organization (WMPO) and contracted consultant WSP, recently completed the Pender County Bicycle and Pedestrian Plan. The plan has been in development for the past year. The plan directly addresses the current and proposed bicycle and pedestrian network in the portions of the County that lie within the planning boundary of the WMPO, though the policy and implementation recommendations are applicable to the entire County. The plan was funded through the WMPO, at no cost to the County. The plan's guiding values include connectivity, safety, health, equity, provision of transportation choices, and reduction of traffic congestion. The goal of the plan is to assess the current network, propose future improvements and additions, and provide recommendations for policies and implementation strategies that will allow the County to see a completed and useful network come to fruition.

Public Needs and Desires Assessment

The plan studied population trends and engaged with the public to gain feedback and insight into local needs and desires. Public engagement and input activities were conducted in the fall of 2022 and spring of 2023. An online survey, public events, and a social media promotional campaign were among the means used to solicit public input.

Feedback received from the public engagement events showed that safe biking and walking routes and crosswalks are desired amenities that would encourage more people to walk or bike. When asked how often they bike currently as opposed to how often they would bike if the network were improved, 72% of the 619 survey respondents said they would bike multiple times a week, whereas only 33% bike that often currently.

91% of the 619 respondents also conveyed that they would walk multiple times a week, whereas only 70% walk that often currently.

The need for safe biking and walking facilities becomes even clearer when the high rates of bicyclist and pedestrian injuries involving motor vehicles were noted. These primarily occur on major corridors in the County, such as US 17, US 117, NC 210, NC 133, and Sloop Point Loop Road. Providing safe routes along these roads would allow for safe travel and alternatives to traveling in a car each time a trip is made. Increased biking and walking can also reduce traffic congestion and provide safe and equitable access for those who do not drive, whether by choice or necessity.

Recommendations

The plan provides a proposed pedestrian and bicycle network and a complementary high priority network, meant to focus on allowing safe access to popular and important destinations along the US 17 corridor. These destinations include grocery stores, restaurants, businesses, medical offices, and schools. Proposed path and sidewalk facility types and intersection improvements are described to guide decision-makers when new bicycle and pedestrian facilities are considered as part of a roadway project as well as any off-street or greenway projects.

To enable the proposed network to be built out, the plan examined current ordinances, State guidelines, local and regional plans, and example policies from other areas of the State. These recommendations and examples can help inform County staff as we administer the regulatory process that shapes the current and future bicycle and pedestrian network in the County.

Next Steps, Implementation, and the Regulatory Process

An adopted plan would guide staff when making policy and network facility decisions. The WMPO will also consider the plan and integrate its findings into their related plans. The North Carolina Department of Transportation often considers adopted plans such as this one when designing facility improvements and additions. As the County applies for grant funding for transportation, infrastructure, recreation, and other related programs through Federal, State, non-profit, and private sources, having an adopted plan will give credibility to support the County's case for building out and improving the bicycle and pedestrian network in our area and increase the chance of receiving grant funding.

At their September 6, 2023, meeting, the Planning Board unanimously (5-0) recommended approval of the Pender County Bicycle and Pedestrian Plan.

ACTION REQUESTED:

To consider adoption of the Pender County Bicycle and Pedestrian Plan

ATTACHMENTS:

1. Resolution
2. Pender County Bicycle and Pedestrian Plan

Board of County Commissioners
Jacqueline A. (Jackie) Newton – Chair
Wendy Fletcher-Hardee – Vice Chair
Archibald (Fred) McCoy
Jerry Groves
Brad George

County Manager
David Andrews
Assistant County Manager
Allen Vann
County Attorney
Carl W. (Trey) Thurman
Staff Attorney
Patrick Buffkin

A RESOLUTION
ADOPTING THE 2023 PENDER COUNTY BICYCLE AND PEDESTRIAN PLAN

WHEREAS, the Wilmington Urban Area Metropolitan Planning Organization (WMPO), in partnership with Pender County, has conducted a study of bicycle and pedestrian needs in the urbanized portion of Pender County; and

WHEREAS, the planning and engineering consulting firm, WSP, was contracted to write and develop the Pender County Bicycle and Pedestrian Plan; and

WHEREAS, funding for the Pender County Bicycle and Pedestrian Plan was provided by the Wilmington Urban Area Metropolitan Planning Organization (WMPO); and

WHEREAS, the guiding values of the plan development process are connectivity, safety, health, equity, provision of transportation choices, and reduction of traffic congestion; and

WHEREAS, the Pender County Bicycle and Pedestrian Plan is found to be consistent with the Pender County Unified Development Ordinance, Pender 2.0 Comprehensive Plan, and Pender County Parks and Recreation Master Plan, and Pender County Streets Plan; and

WHEREAS, the result of this study is a plan that identifies recommendations for bicycle and pedestrian facilities in the study area, as well as specific policies and programs to implement these recommendations.

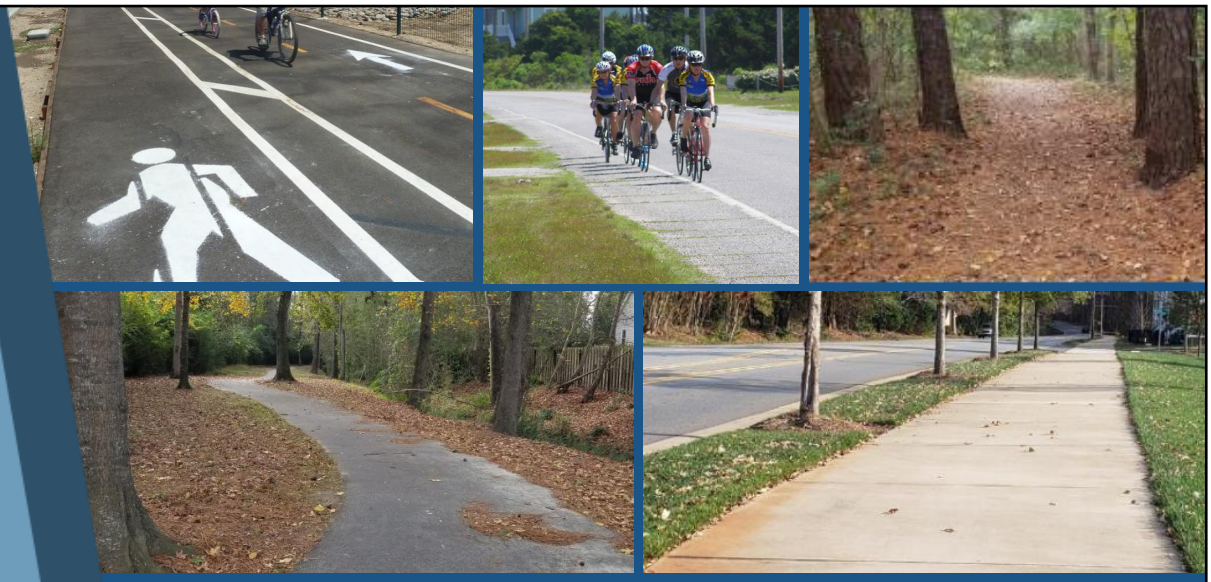
NOW THEREFORE, BE IT RESOLVED that Pender County has adopted the Pender County Bicycle and Pedestrian Plan to guide policy, administration, and implementation of a broader and safer network of bicycle and pedestrian facilities in Pender County.

ADOPTED at a regular meeting of the Pender County Board of County Commissioners on October 16, 2023.

_____
Jacqueline A. Newton, Chair
Pender County Board of Commissioners

ATTEST:

_____
David Andrews, Clerk to the Board



Pender County Bicycle & Pedestrian Plan

July 2023

PENDER COUNTY, NC

WILMINGTON URBAN AREA
METROPOLITAN PLANNING ORGANIZATION

Acknowledgments

Pender County

Justin Brantley, MPA, Senior Planner
Greg Feldman, CZO, Long Range Planner (Former)
Adam Moran, MA, MS, Long Range Planner

Wilmington Urban Area Metropolitan Planning Organization

Abby Lorenzo, Deputy Director
Emma Stogner, Associate Transportation Planner
Vanessa Lacer, MPA, AICP, Senior Transportation Planner

Steering Committee

Damien Buchanan, Pender County Planning Board
Beth Burns, Pender County Board of Education
Brad Cannon, Wave Transit
Adrienne Cox, NCDOT Division 3
Ruth Glaser, Novant Health
Eileen McConville, Cape Fear Cyclists
Carol Stein, WMPO Bicycle and Pedestrian Advisory Committee
Jen Webster, Beach Mamas Bootcamp

Consultant Team

Fred Frank, PMP, Project Manager
Alexa Kennedy, AICP, Transportation Planner
Sarah Parkins, AICP, Communications and Public Involvement Lead
Shivang Shelat, AICP, Senior Transportation Planner

Executive Summary

The Wilmington Urban Area Metropolitan Planning Organization (WMPO), in partnership with Pender County, has conducted a study of bicycle and pedestrian needs in the urbanized portion of Pender County. The final result of this study is this plan that identifies recommendations for bicycle and pedestrian facilities in the study area, as well as specific policies and programs to implement these recommendations. Funding for this study was provided by WMPO.

The study area for this Pender County Bicycle & Pedestrian Plan includes the WMPO urbanized area of Pender County only due to funding restrictions, however, several policy recommendations to improve bicycle and pedestrian conditions are applicable to the entire county. The below figure portrays the study area for this plan.

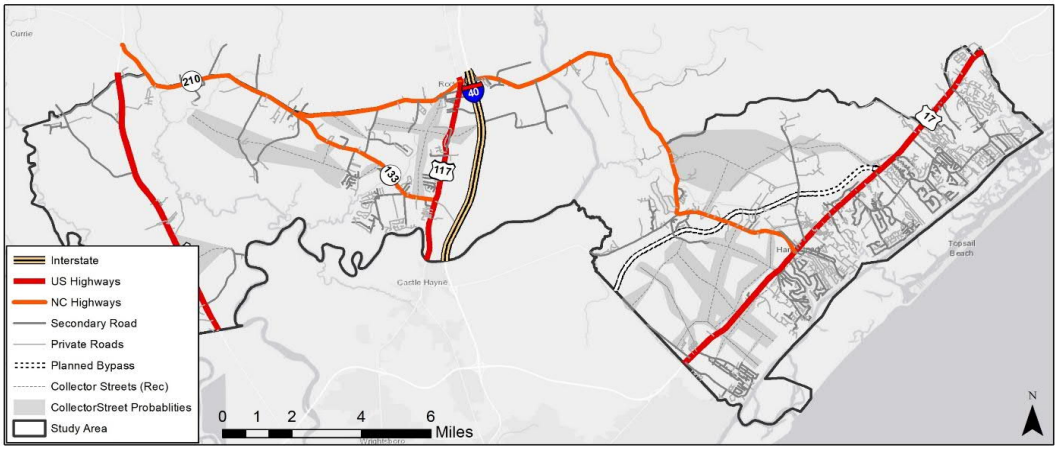


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1. Existing Conditions

Existing plans were reviewed to determine locations where bicycle and pedestrian facilities had already been proposed. Demographic data was then analyzed for the study area to determine the demographic makeup and population characteristics. This data helped determine the areas of highest need for bicycle and pedestrian facilities.

1.1 Findings from Existing Plans

NC 210 East Coast Greenway Corridor Feasibility Study (2023)

The East Coast Greenway is a 3,000-mile route from Maine to Florida with the purpose of connecting cities and towns along the east coast with a safe walking and biking facility. The greenway crosses the study area in two locations. The main line is along US 421 and the coastal route enters from Jacksonville and passes through Wilmington. The NC 210 East Coast Greenway Corridor Feasibility Study concerns the coastal route along NC 210 and determines the feasibility of creating a dedicated facility separated from the roadway and alternative routes. This study identified a preferred alignment and connector routes.

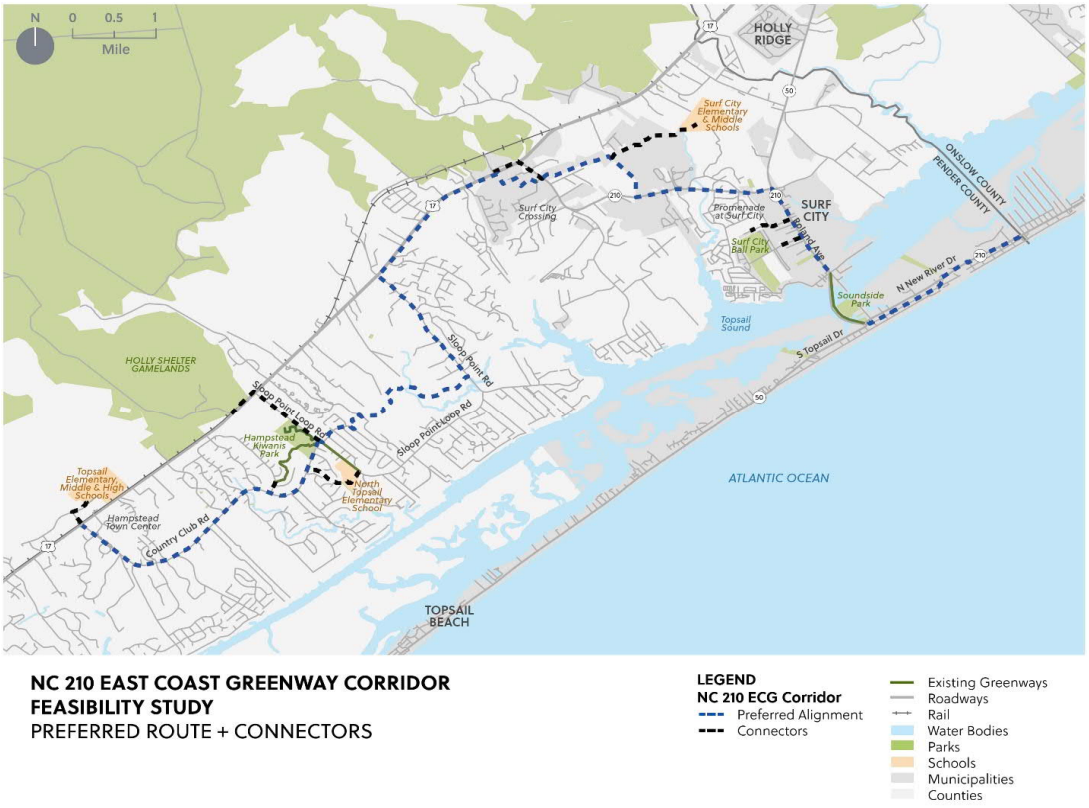


Figure 1.1: Preferred Route for the NC-210 East Coast Greenway Corridor

Pender County Comprehensive Parks and Recreation Master Plan (2022)

There are very few bicycle or pedestrian facilities identified as existing within the project study area, but the masterplan does identify several planned parks just outside of the area that could serve as points of connection. The proposed Canetuck Community Park is just west of the Black River and looks to encompass the inland spur of the Mountains to Sea trail. It is also a Federal Emergency Management Agency buyout property. At the northwestern extent, the proposed Long Creek Community Park straddles NC 210 at the Montague community and is on county-owned property.

Great Trails State Plan (2022)

The Great Trails State Plan provides recommendations for a network of strategic trails and greenways throughout North Carolina. Within the project study area, this plan proposes a shared use path along US 17, adjacent to US 117, and adjacent to US 421. The plan also identifies a gap along Lodge Road in the study area, where a connection is desired, but more planning efforts are needed to determine the feasibility along this route.

Pender County Streets Plan (2021)

The Pender County Streets Plan is an update to the 2016 Pender County Collector Street Plan for the determination of future transportation needs as it relates to connectivity. The plan identified opportunities for new collector street alignments and corresponding bicycle and pedestrian facilities. To incorporate non-motorized facilities, each recommended street section provided the option to add either a multi-use path or a bike lane and sidewalk combination.

There was significant support for the addition of these facilities for any new streets. Public input from the plan indicated that 58% of respondents would walk or bike more often if better, safer facilities were provided. Another 20% were receptive to utilizing facilities if they were present. Furthermore, almost 35% of responses indicated a desire for the installation of bike lanes, multi-use paths and sidewalks whenever new streets are added to the network.

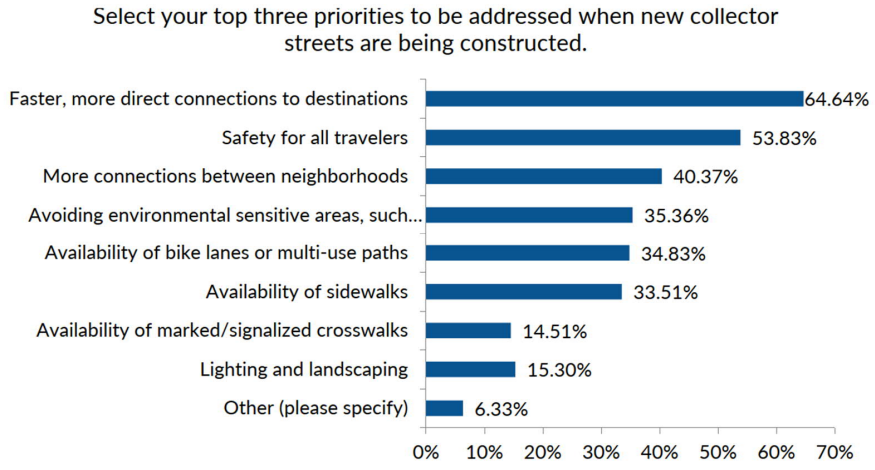


Figure 1.2: Transportation Priorities Identified in the First Public Survey for the Pender County Streets Plan

Cape Fear Moving Forward 2045 (2020)

The Cape Fear Moving Forward 2045 plan provided an assessment of all modes of transportation and provided an overview of potential projects. The study area is included in this assessment but very few projects have been identified for the more rural portion of the Wilmington Area Metropolitan Planning Organization urban planning area. The plan identified one bicycle and pedestrian project for the study area: bicycle and pedestrian improvements to Jenkins Road.

Pender 2.0: Comprehensive Land Use Plan (2018)

The Pender 2.0: Comprehensive Land Use Plan was developed in 2018 with the goal of guiding the direction of future growth and other needs within unincorporated areas in the County. The plan addresses the role of transportation alternatives in the county and identifies the increasing desirability of non-motorized alternatives. Transportation alternatives, like biking and walking, are increasingly utilized to access community resources as well as for recreational uses according to current trends. Unincorporated Pender County lacks pedestrian and bicycle facilities outside of those provided within planned subdivisions to support the growth in these trends. The plan identified several projects, which, at the time, were not under construction and the specific alignments had not been determined.

- Mountains-to Sea Trail
- Coastal Pender Greenway
- Coastal Pender Rail Trail
- Central Pender Rail Trail
- East Coast Greenway

Cape Fear Regional Bicycle Plan (2017)

The Cape Fear Regional Bicycle Plan identifies several proposed bicycle recommendations in the study area, including a proposed on-road bike network along Island Creek Road, NC 210, Lodge Road, Hoover Road, Godfrey Creek Road, and Navillus Boulevard. The East Coast Greenway is currently being planned through the eastern side of the study area and along US 17. The plan identifies planned and existing paths to the north and south that terminate at the borders of the study area. The plan also includes policy recommendations including developing a complete streets policy and guidelines, including bicycle facility requirements for new developments, expanding requirements for greenway reservation or dedication in new developments, and requiring new facilities to connect to existing facilities.

Pender County Comprehensive Transportation Plan (2016)

NCDOT Transportation Planning Branch completed a study of Pender County's transportation needs through 2040. The transportation plan assessed highway, public transportation, rail, bike, and pedestrian facilities within Pender County. The project study area was not included in the Pender County Transportation Plan because it exists in the northern portion of the Wilmington Metropolitan Planning area. Nevertheless, several recommendations for pedestrian and bike facilities were provided within the plan that may be relevant to this study.

- A multi-use path recommended along Shaw Hwy (SR 1522) terminating at its intersection with NC 210.
- A multi-use path recommended along US Hwy 117 terminating at its intersection with NC 210.
- A multi-use path recommended along NC 210 between Malpass Corner Road (SR 1120) and terminating at Montague Road.

- A multi-use path recommended near the intersection of Blueberry Road and Malpass Corner Road that terminates near the vicinity of the Pender County Solid Waste facility on Montague Road.
- An on-road bike facility recommended along Blueberry Road (SR 1114) terminating at Montague Road.

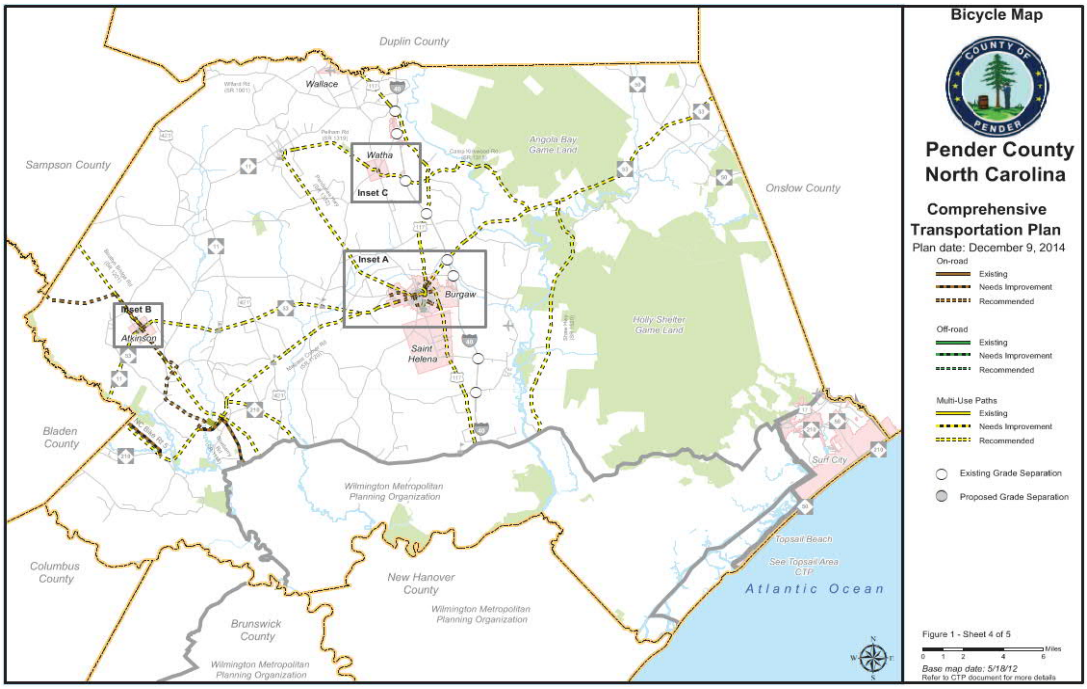


Figure 1.3: Pender County Transportation Plan Bicycle Map

1.2 Review of Development Codes

The Pender County Unified Development Ordinance (UDO) was last updated in December of 2022 where there are supportive bicycle and pedestrian codes throughout. Below is a summary:

- Bicycle and Pedestrian Improvement Overlay District (BPIOD)
  - Overlay districts will be determined on a case-by-case basis depending on existing studies and plans, development patterns, and other factors.
  - Facility type shall be in accordance with adopted plans.
  - A payment-in-lieu of bicycle and pedestrian facility construction shall be provided as an option to all applicants if construction is impractical or if genuine hardships caused by the construction requirement.
- Site designs cannot degrade existing bike and pedestrian infrastructure or the bicycle and pedestrian friendliness of the community.
- Planned Development districts must address street connectivity, sidewalk and greenway requirements, and design standards for bicycle and pedestrian circulation.

More information on existing and recommended policies can be found in Policy Review and Recommendations.

1.3 Demographic and Socioeconomic Analysis

A demographic and socioeconomic analysis was carried out for the study area based on the data obtained from American Community Survey (ACS) 2020 5-year estimates. The study area does not overlap completely with the Census Tracts and Census Block Group (CBG) boundaries in the ACS data; therefore, this section may contain data from parts of the census tracts and CBGs partially outside the study area. Figure 1.4 shows the Census Tracts and CBGs considered for this analysis.

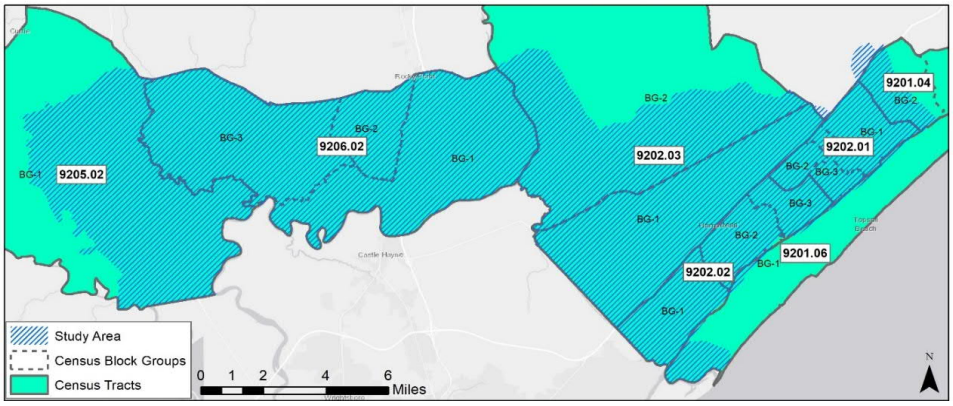


Figure 1.4: Census Block Groups in the Study Area

Population

In 2020, the population of the study area was 36,027, which is not distributed equally across the study area. The areas west of US 17 are sparsely populated with an overall density of fewer than 1 person per 10 acres. East of US 17, the population density is between 1.1 to 2.2 persons per acre which leads to 57% of the area's population living in 17% of the total study area. This is because most development in the study area is concentrated between US 17 and the Atlantic Ocean. Figure 1.5 shows the population in each CBG (shown as number) and the density (shown in color).

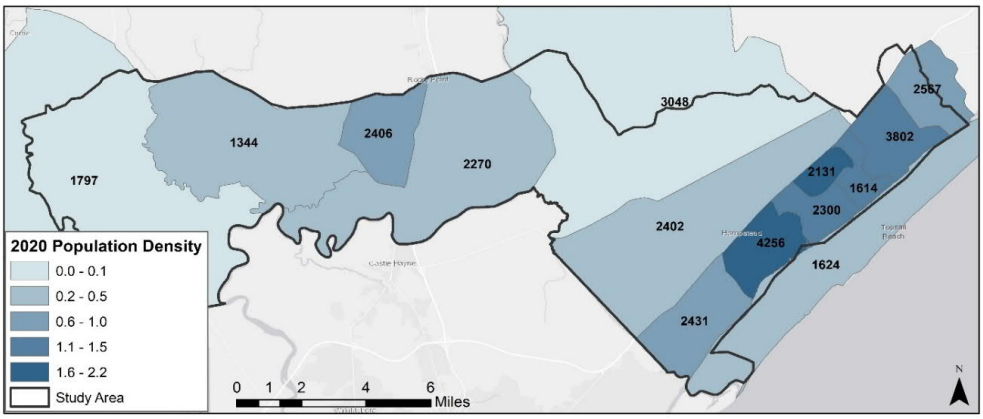


Figure 1.5: 2020 Population Density

The Wilmington MPO Travel Demand Model (TDM) contains the population forecast for 2045. This is considered to be the official forecast on which transportation projects are based. According to this forecast, the population of the study area is projected to increase to 48,574 in 2045, which is an increase of approximately 33% from 2020. The geographic distribution of this growth is shown in Figure 1.6 where the colors show the population density, and the numbers show the population in the Traffic Analysis Zones (TAZs). TAZs are geographic divisions smaller than CBGs specially created for analyzing travel behavior in TDMs. The population density distribution in 2045 is projected to be similar to that in 2020, with a key exception of the area between US 17 and US 17 bypass in the southeast of the study area.

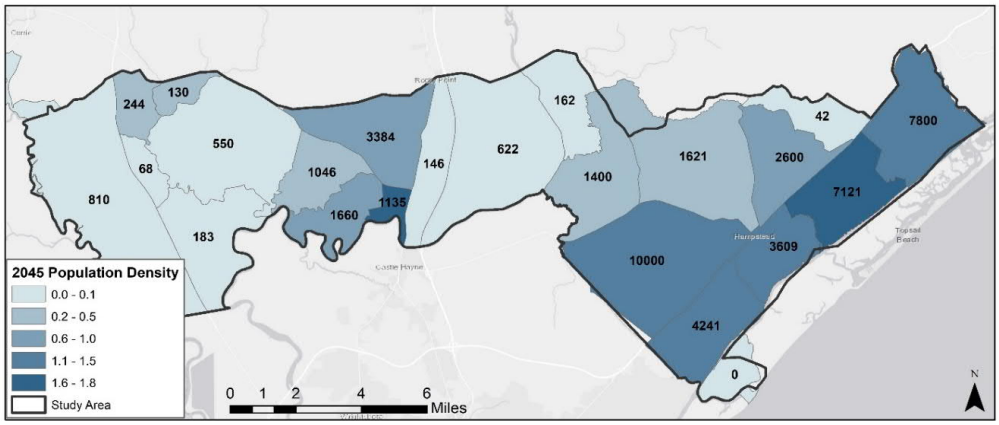


Figure 1.6: 2045 Population Density

The Pender County Comprehensive Plan (PCCP) was developed prior to the Wilmington MPO TDM being adopted. The Future Land Use in the PCCP allows for a significantly higher level of density than what was later assumed in the TDM. This issue was realized during the preparation of the Pender County Collector Street Plan (PCCSP) and population projections were calculated based on the density assumed in the PCCP. According to those calculations, even at 50% buildout of the adopted land use, the future population of the study area was projected to be higher than 200,000 which is four times that of the official projections (Figure 1.7).

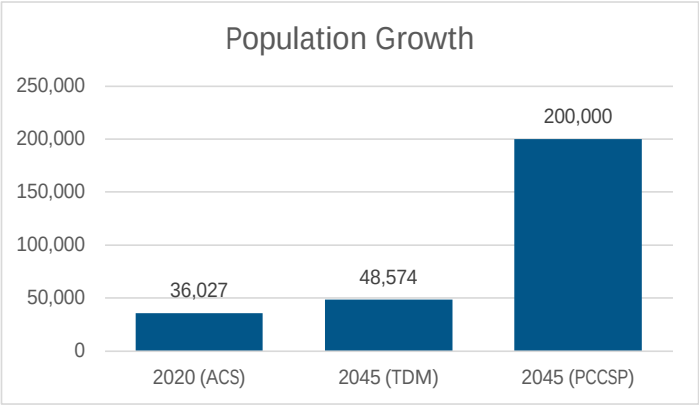


Figure 1.7: Population Growth

Age and Sex

Of the total population in 2020, 17,001 (49.3%) were male and 17,456 (50.7%) were female. The median age of the study area is 42.2 years which was higher than North Carolina's median age of 38.9 years. The median age varies significantly within the study area as shown in Figure 1.8. The areas to the northeast have the highest concentration of younger population.

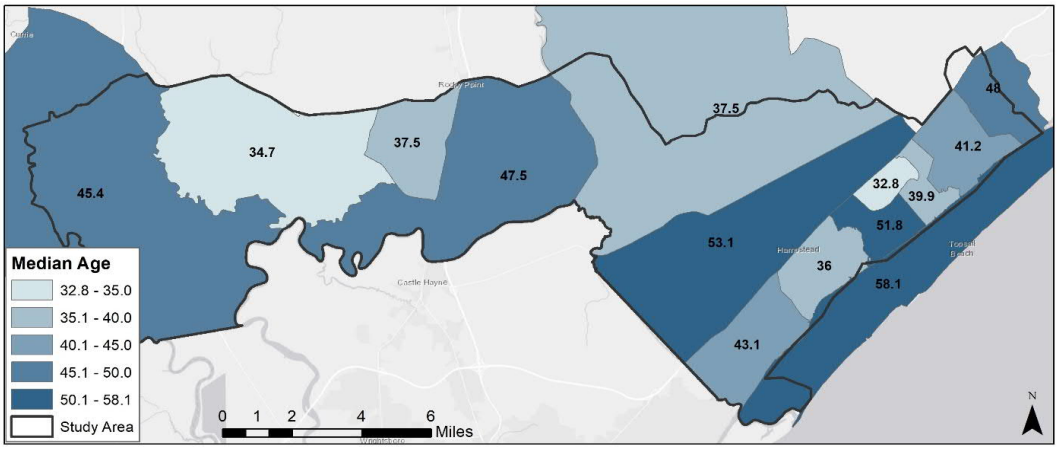


Figure 1.8: Median Age

Of the total population, 17.7% were under the age of 15, 64.5% were between the ages of 15 and 64, and 17.8% were of 65 years of age or above. Figure 1.9 shows the population pyramid of the study area.

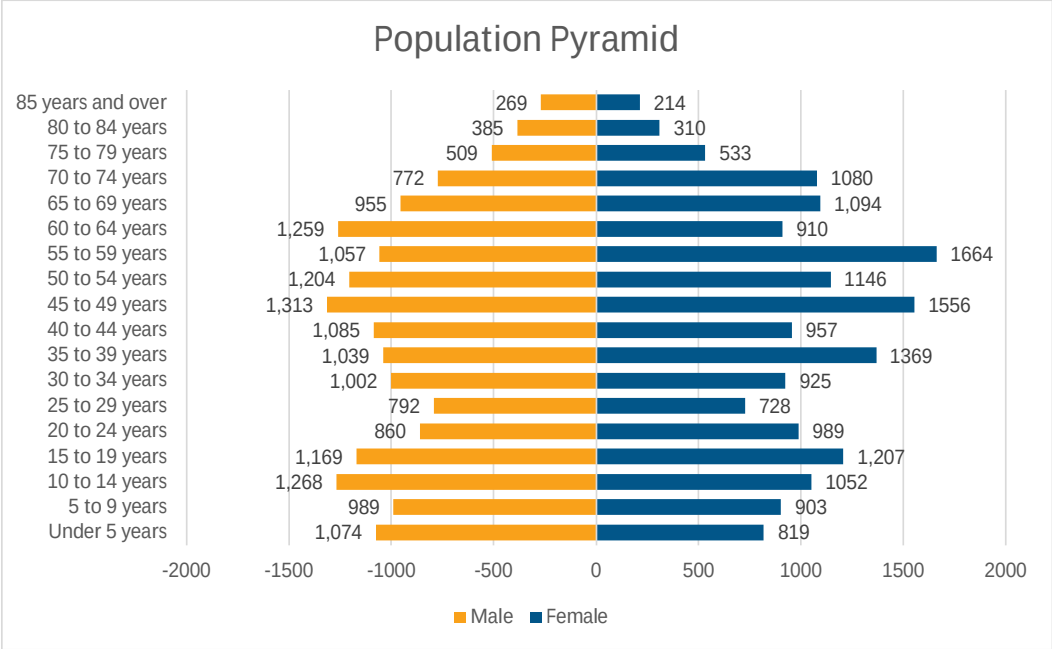


Figure 1.9: Population Pyramid

Race

The racial breakdown of the population in the study area in 2020 was as follows: 90% White, 3.4% African American, 2.7% Two or more races, 2.6% some other race, 0.9% Asian, 0.2% Native American, and 0.2% Pacific Islander or Native Hawaiian. 4.6% of the total population identified as of Hispanic or Latino origin. The racial makeup of the area is very different from the overall makeup of North Carolina where 67.6% of the population is White, and 22.3% is African American, and more than 10% of the population identifies as Hispanic or Latino. Figure 1.10 shows the comparison of the racial makeup between the Study Area and North Carolina.

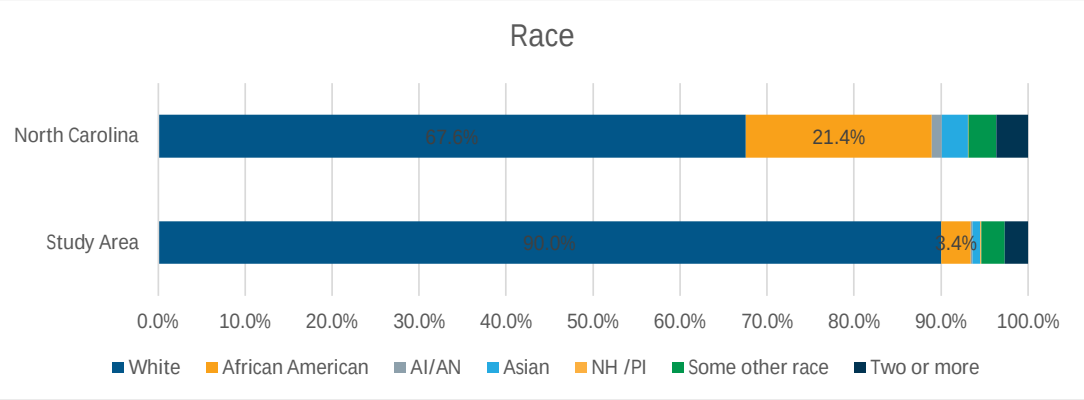


Figure 1.10: Racial makeup of the study area compared to North Carolina

Income and Poverty

The Median Household Income (MHHI) of the Study Area in 2020 was approximately $69,500, which was significantly higher than that of the state ($56,642) which suggests that overall, the study area is wealthier than the state as a whole. However, as shown in Figure 1.11, there are significant regional variations in income distribution. The MHHI of areas to the west of the Northeast Cape Fear River trends lower than the statewide MHHI while the converse is true for the areas to the east. The areas to the east of US 17 have a higher MHHI than the rest of the study area.

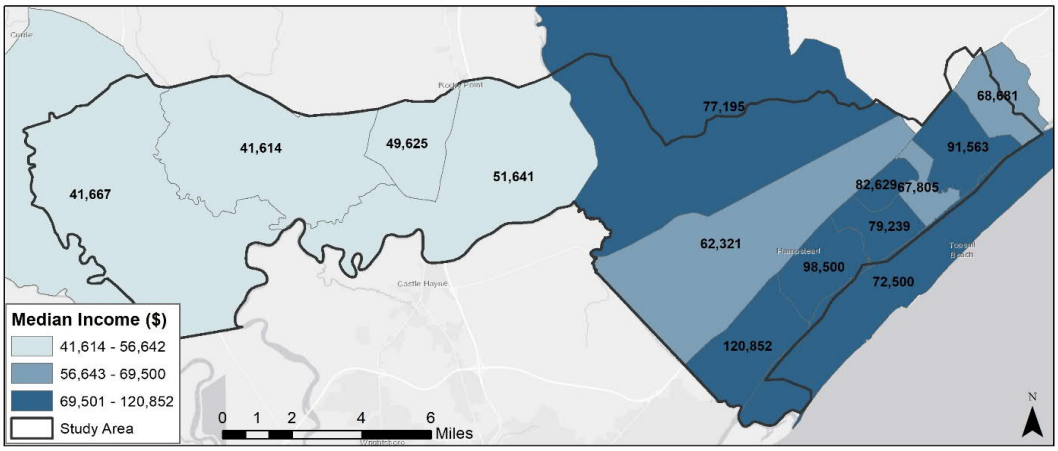


Figure 1.11: Median Income

Figure 1.12 shows the comparison of household income distribution between the study area and the state of North Carolina. The study area has fewer proportions of households with a MHHI less than $50,000 than the state and has higher proportions of households with a MHHI above $50,000 than the state. This is in line with the fact that the MHHI of the study area is higher than that of the state.

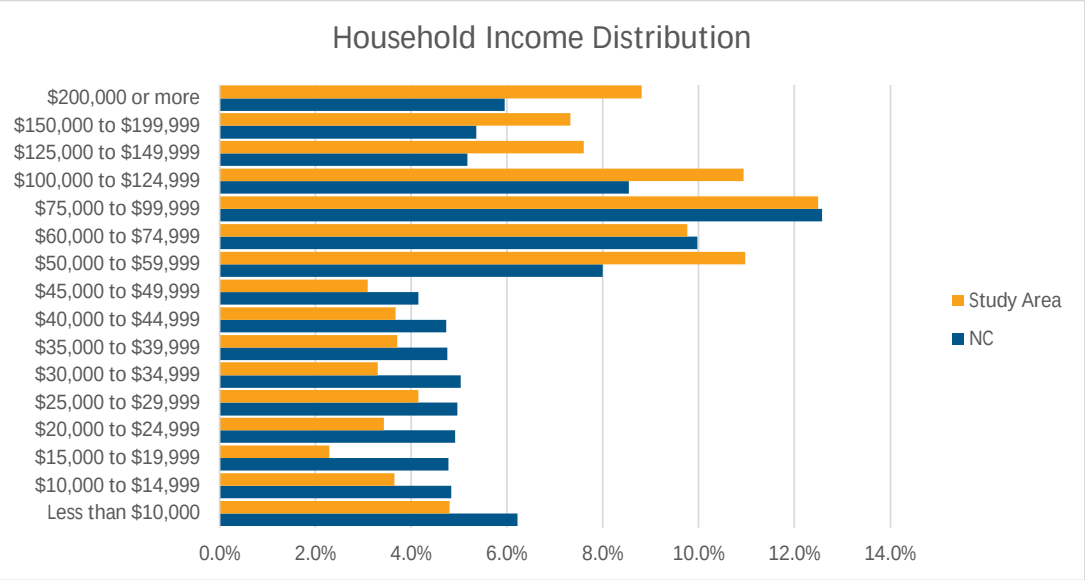


Figure 1.12: Household Income Distribution of the study area compared to North Carolina

The poverty figures of the study area show a similar outlook. 8.9% of the households in the study area are below the poverty line compared to 14.1% of the households in North Carolina. Figure 1.13 shows the regional variation between the concentration of households below poverty line. The labels show the total number of households below poverty line in each CBG in 2020.

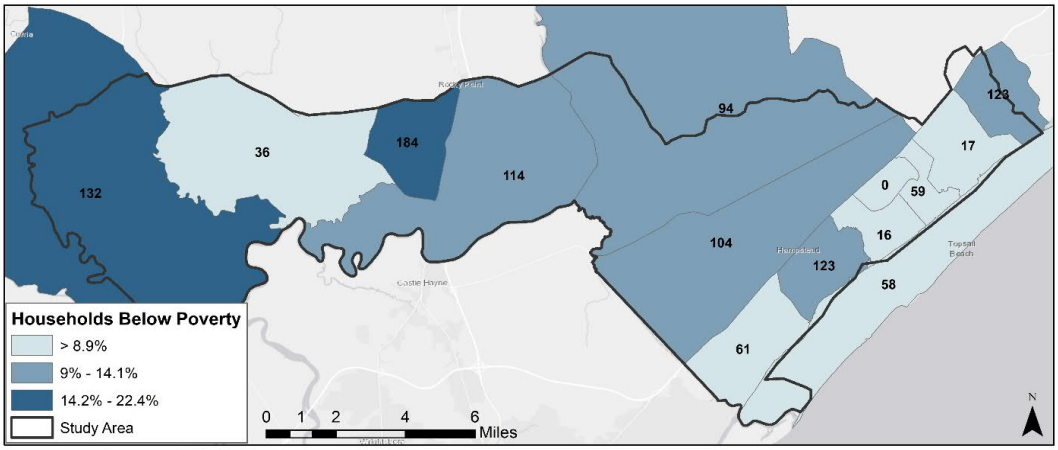


Figure 1.13: Households below Poverty

Environmental Justice Index

NCDOT's Environmental Justice (EJ) Index Score is comprised of 3 factors: people with low incomes, racial minorities, and ethnic minorities (Hispanic or Latino origin). Scores range from 0 to 12, with higher scores indicating higher concentrations of EJ populations. EJ Index scores are relatively low to moderate throughout the study area. Figure 1.14 shows the EJ Index for the study area and surrounding communities.

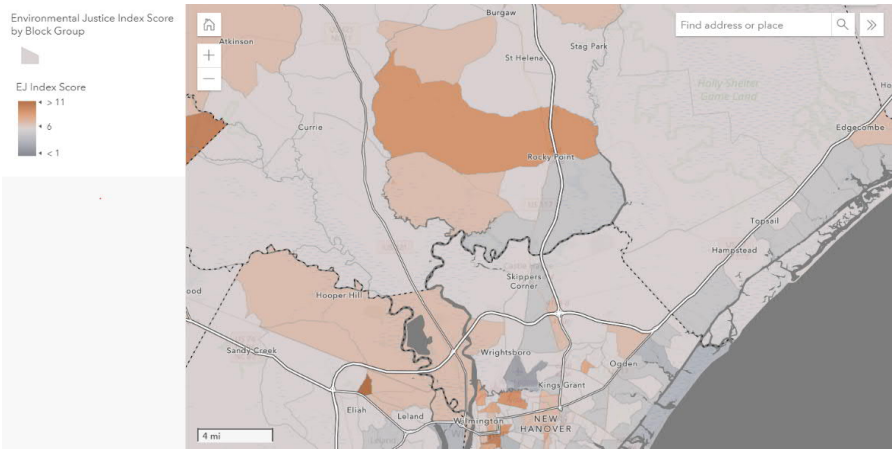


Figure 1.14: NCDOT's NC Equity and Transportation Disadvantage Screening Tool https://storymaps.arcgis.com/stories/7e3bbd00fe014a77b5f1620334209712

Transportation Disadvantage Index

NCDOT's Transportation Disadvantage Index (TDI) Score is comprised of six factors: car-less households, people with low incomes, youth aged 15 and under, seniors aged 65 and over, adults with mobility impairments, and Black, Indigenous, and Persons of Color (BIPOC) populations. Scores range from 6 to 18, with higher scores indicating higher concentrations of transportation disadvantaged populations. TDI scores are relatively low throughout the study area. Figure 1.15 shows the TDI for the study area and surrounding communities.



Figure 1.15: NCDOT's NC Equity and Transportation Disadvantage Screening Tool https://storymaps.arcgis.com/stories/7e3bbd00fe014a77b5f1620334209712

Education

ACS provides estimates for educational attainment for residents 25 years and over. Based on these estimates, the residents in the study area have an overall higher educational attainment than the rest of the state of North Carolina. Figure 1.16 shows the relative percentages of educational attainment of the residents above 25 years in the study area and the state of North Carolina. The biggest difference between the two is the number of residents with no or some school, which is 7.3% for the study area and 11.5% for North Carolina. Similarly, those with a bachelor's degree or above form 36.1% in the study area compared to 30.2% in North Carolina.

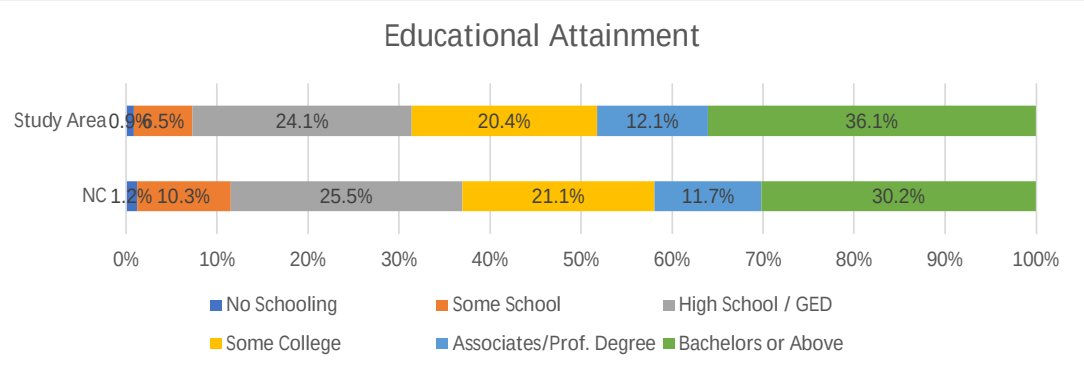


Figure 1.16: Educational Attainment for the study area and North Carolina

Employment

In 2020, 58.7% of the population of the study area 16 years and above was employed or in the armed forces, 4% was unemployed, and 37.3% was not in the labor force. These figures of the study area are at par with those of the state. The education, healthcare and social assistance industry employed the highest number of people while agriculture and ancillary industries employed lowest (Figure 1.17).

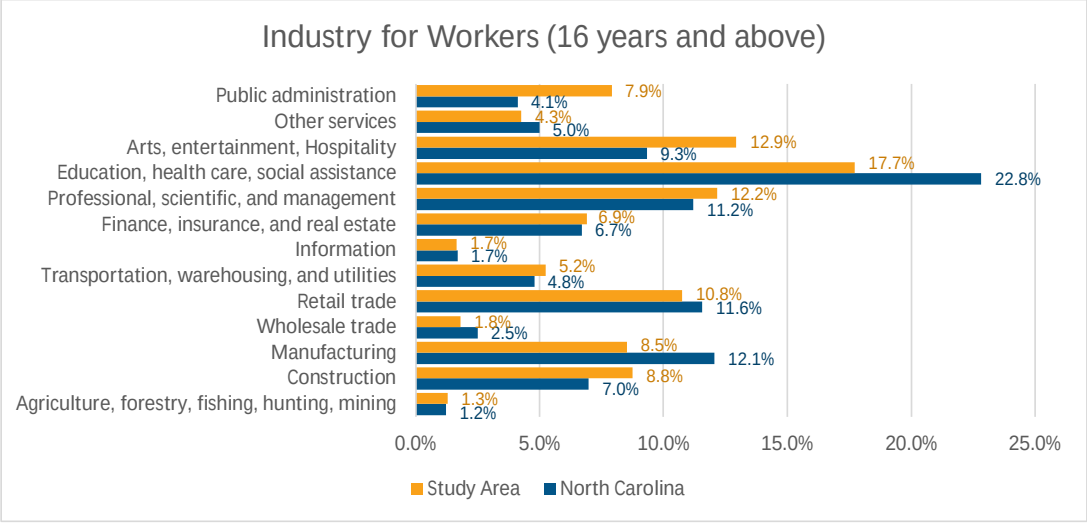


Figure 1.17: Industry for Workers for the Study Area and North Carolina

The employment data in the study area is derived from the Wilmington MPO TDM and is presented for the model's current and future years – 2015 and 2045 respectively – by TAZs in Figure 1.18 and Figure 1.19. According to this data, the total employment in the study area will reduce by approximately 10% from 6,455 in 2015 to 5,926 in 2045, which means that the employment growth will not be in line with the population growth, and more people will have longer commutes to workplaces outside the study area, primarily to the south. In addition to this reduction in overall number of jobs, they will also concentrate around US 17.

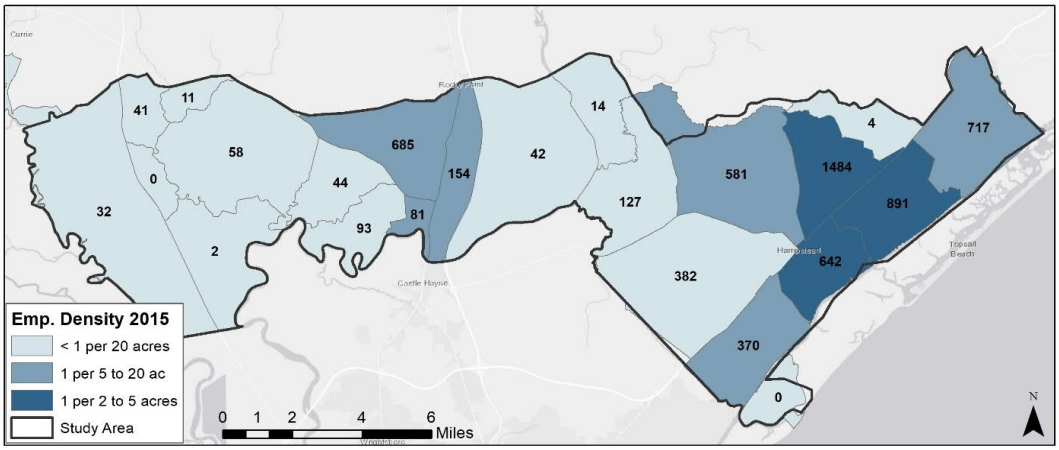


Figure 1.18: 2015 Employment Density

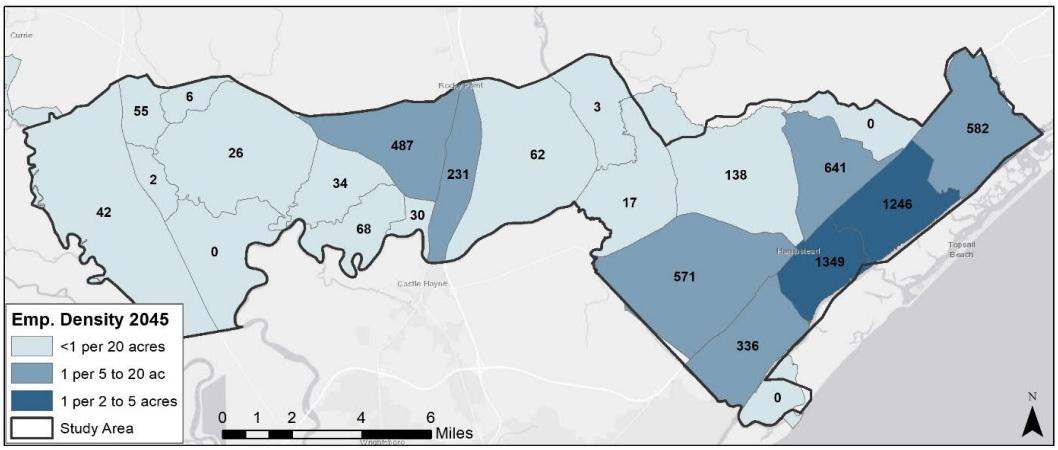


Figure 1.19: 2045 Employment Density

1.4 Travel Characteristics

Vehicle Availability

A household where there are fewer cars than workers, or that has no cars may be considered mobility constrained, especially in area where vast transit service is not readily available. This metric is reported on a Census Tract level which means that the data is not available at the level of CBGs. The Census Tract boundaries, in most cases, extend much beyond the Study Area. However, for this case, it was assumed that the mobility constrained households were evenly distributed in each Census Tract.

In 2020, there were 646 households that may be mobility constrained in the study area. Compared to the statewide proportion of 8.9%, the study area had less proportion of mobility constrained households (5%). The Figure 1.20 shows the distribution of mobility constrained households in the study area. The center of the study area between US 17 and US 421 has higher than average concertation of mobility constrained households in the study area, of which the area east of Northeast Cape Fear River is almost as much as the state average.

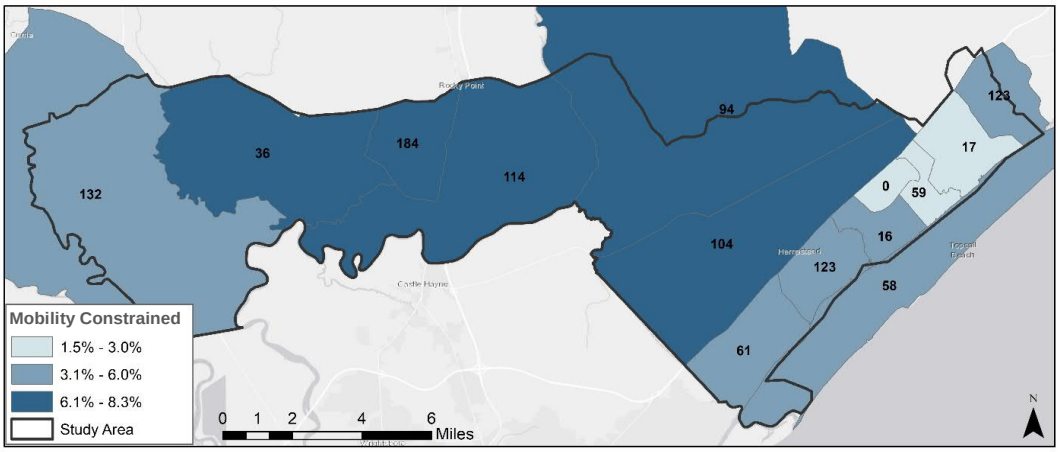


Figure 1.20: Mobility Constrained Households

Means of Transportation to Work

The study area is heavily dependent on personal vehicles as a means of transportation to work with almost 89% people driving or carpooling to work as seen in Figure 1.21. A significant portion of people (10.5%) work from home. Hybrid and remote jobs are becoming increasingly popular and provide opportunities for improving mobility in the study area. Of the remaining 1%, 92 people walked, 9 people used a bicycle, and 23 people used other means to get to work. A combination of sufficient alternative infrastructure and distance from work may make it difficult for people to not use a car to go to work.

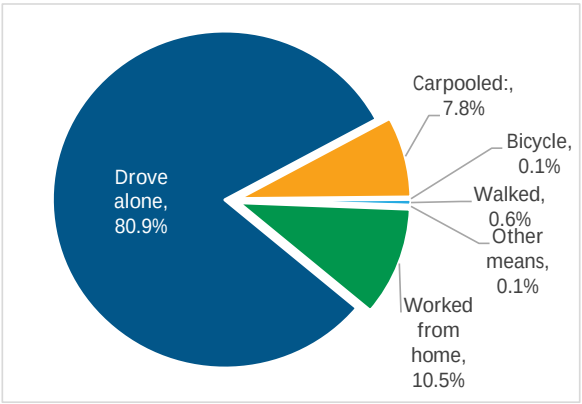


Figure 1.21: Means of Transportation to Work

Travel Time to Work

The median travel time to work for the area is approximately 31 minutes, which is at par with state and national indices. Figure 1.22 shows the distribution of travel time to work for non-work-from-home workers. There is a significant portion of workers (6%) that travel less than 10 minutes to work, which is about 960 workers that work close enough to their residence that if provided a viable alternative, could potentially switch to non-motorized modes.

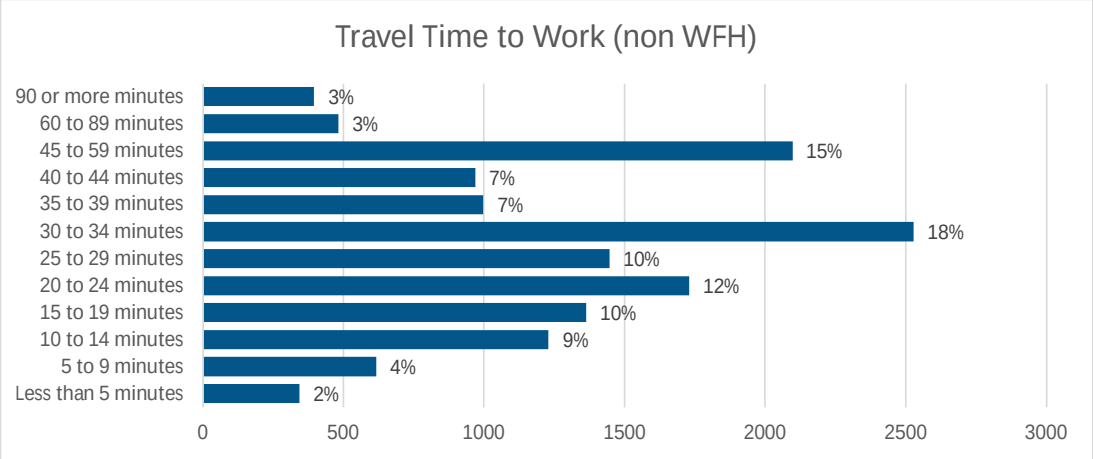


Figure 1.22: Travel Time to Work

Wilmington MPO TDM data suggests that, on an average, only 22% of the daily household trips are Home-based Work (HBW) trips. That means a majority of trips are not work trips and may or may not have a similar modal and travel time distribution as HBW trips. These trip types include home-based social trips (HBS), home-based other (HBO) trips and non-home-based (NHB) trips. It may be challenging to convert any HBS and NHB trips to non-motorized trips because of carpooling and trip-chaining that occurs more often during those trips, but HBO trips may have a higher probability of a mode-change to non-motorized modes.

1.5 Community Resources

A key part of this analysis is to identify popular destinations in the study area. Figure 1.23 shows the distribution of key destinations – businesses, schools, churches and government buildings. This data was obtained from the address points dataset provided by Pender County. Businesses and government buildings were further filtered based on the type of location that the customers would typically be able to walk to if proper infrastructure existed (e.g., Stores, pharmacies, restaurants, medical facilities, etc.). Most destination locations in the study area are situated along US 17 and NC 210.

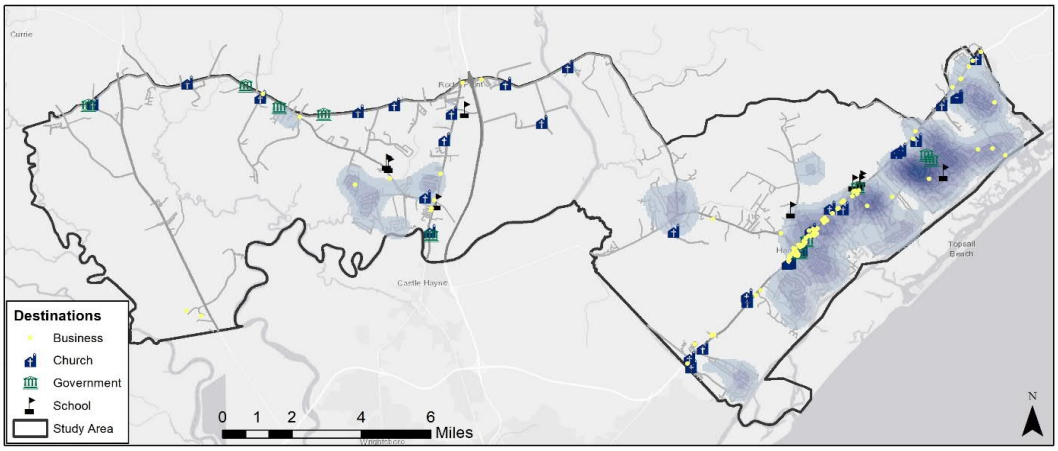


Figure 1.23: Community Resources

The shaded regions on the map correspond to density of dwelling units weighted on their propensity to use non-motorized transport. Single-family dwelling (SFD) units within half mile radius to a destination point was considered to have twice the propensity of farther SFDs. Multi-family dwelling (MFD) units were considered to have four times the base propensity (SFDs farther than ½ mile) regardless of their distance to a destination. This analysis combines the locations of potential origin-destination pairs of short Home-Based Other trips which have a high propensity to shift from motorized to non-motorized travel modes.

According to this analysis, portions of central and northern US 17 corridor and parts of US 117 display a high proportion of origin-destination pairs of a shorter, more walkable length. These areas should ideally get priority in phasing for the bicycle and pedestrian infrastructure projects that will be recommended as a part of this study.

1.6 Land Use

The future land use plan mirrors the future population and employment densities presented in the previous sections. As shown in Figure 1.24, the study area is primarily residential, with pockets of commercial and mixed-use land uses concentrated around US 17 and US 117. The development patterns suggest a higher propensity of north-south movements that could potentially consist of non-motorized trips, and a lower propensity of similar east-west movements.

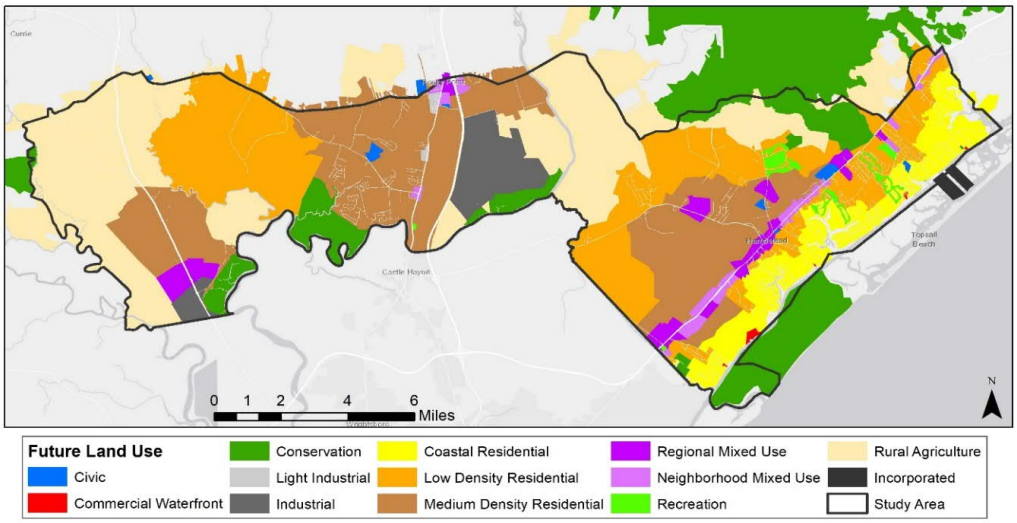


Figure 1.24: Future Land Use

1.7 Recent Developments

Several developments were under planning or construction phase at the time of writing this report. The Figure 1.25 shows the location of the recent developments in the study area. Most developments are concentrated along US 17. Overall, 27 commercial developments, 12 master development plans, and several other subdivisions were identified as of late 2022.

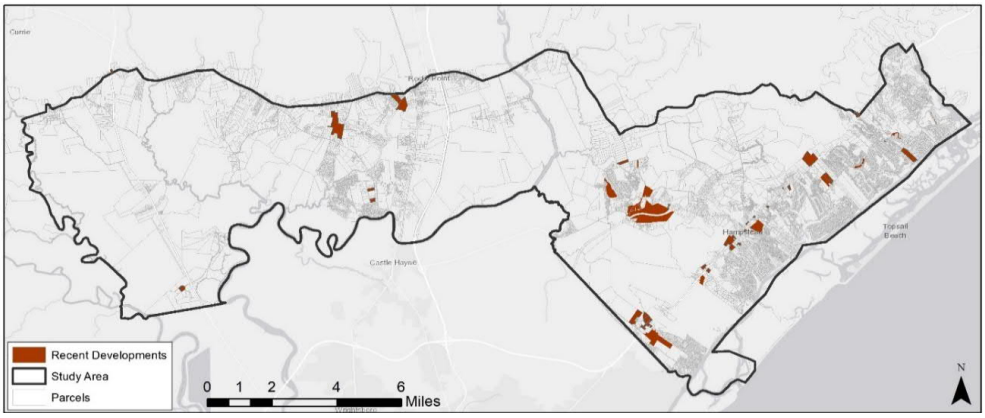


Figure 1.25: Recent Developments

1.8 Current and Proposed Transportation Network

Roadway

Major roadways throughout the study area include I-40, US 117, US 17, US 421, NC 133, and NC 210. Secondary and private roads are scattered throughout with the majority being located between US 17 and Topsail Beach. The planned Hampstead Bypass will terminate in the study area along US 17. Construction is ongoing with a completion date of 2030. Figure 1.26 also shows the collector streets recommendations derived from the PCCSP.

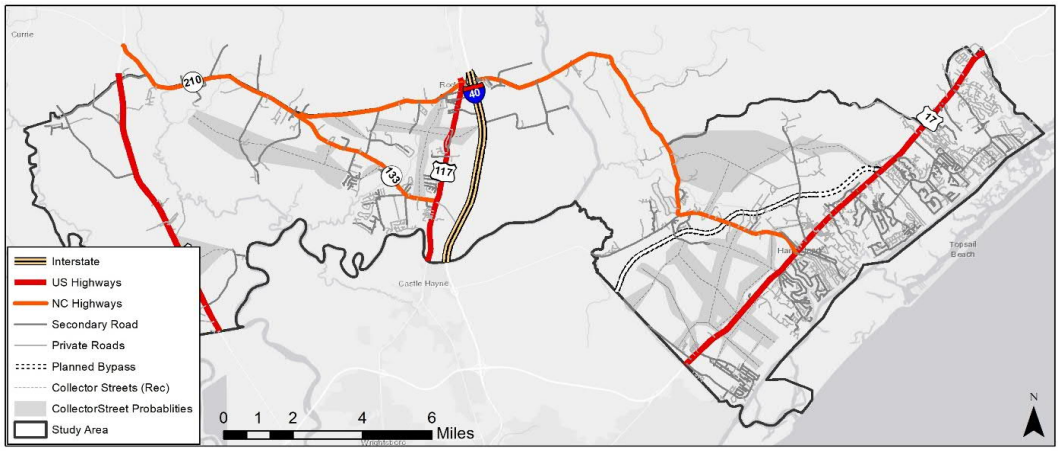


Figure 1.26: Existing Roadways and Collector Street Recommendations

Bicycle & Pedestrian

Existing sidewalks with the project area include small sections within recent neighborhood developments. Alignments for the East Coast Greenway are proposed in the western and eastern half of the study area. Other bicycle and pedestrian recommendations draw from the PCCSP and other area transportation plans. Most recommendations for bicycle and pedestrian facilities occur in the eastern half of the study area near US 17, demonstrating a strong desire for facilities here.

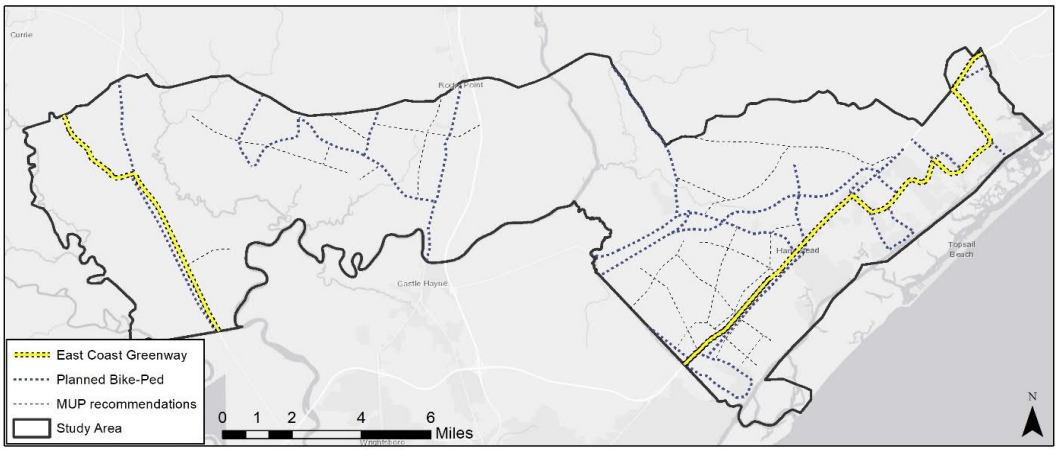


Figure 1.27: Planned Bicycle and Pedestrian Facilities

1.9 Bicycle and Pedestrian Crash Assessment

Safety is one of the key priorities for designing proper bicycle and pedestrian infrastructure. Data for the location and severity of pedestrian and bicycle infrastructure is maintained by NCDOT. Figure 1.28 and Figure 1.29 show the locations of all pedestrian and bicycle crashes respectively between 2007 and 2021 in the study area, with a heatmap created using the location and severity data. 67% of the pedestrian crashes occurred at night, while 14% of bicycle crashes occurred at night. 25% of pedestrian crashes occurred while the pedestrian was walking along the roadway and 10% occurred while the pedestrian was crossing the road. 43% of bicycle crashes occurred while the cyclist was turning/merging or failed to yield and 24% occurred while the motorist was overtaking the cyclist or failed to yield.

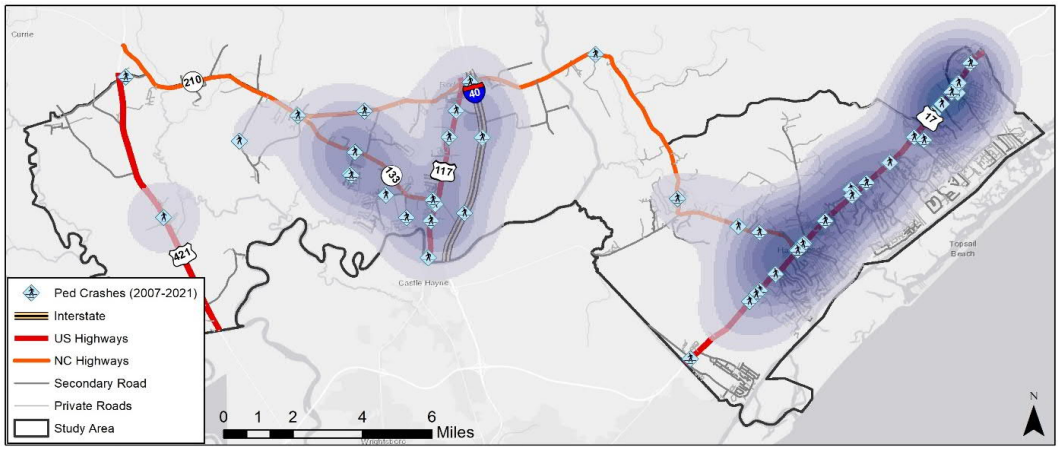


Figure 1.28: Pedestrian Crashes

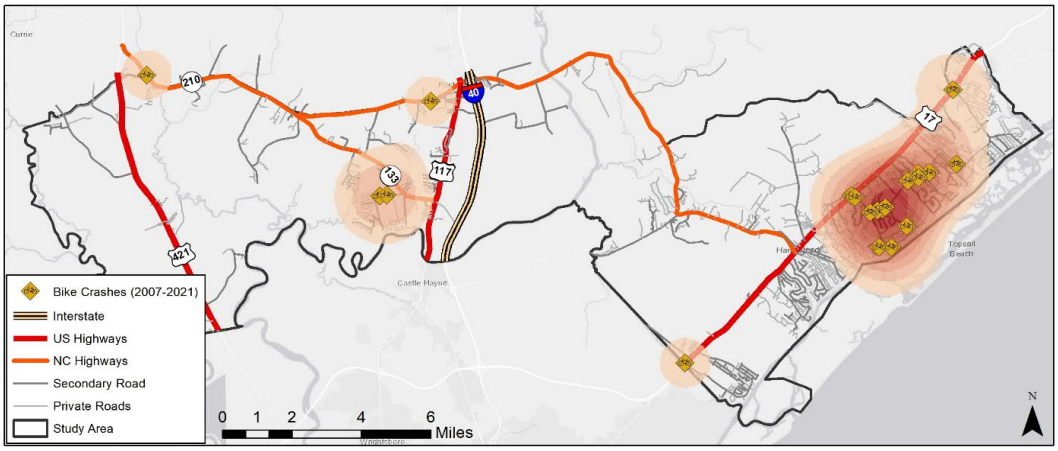


Figure 1.29: Bicycle Crashes

2. Network Assessment

2.1 Public Engagement Summary

Phase I

The initial phase of public engagement activities conducted for the project in 2022-2023 revealed bicycle and pedestrian conditions, including where users currently or would like to be able to walk and bike, where challenges exist to doing such, and ideas for improving bicycle and pedestrian conditions. 619 survey responses were collected as of March 9, 2023. The following provides a summary of public engagement responses:



Figure 2.1: A pop-up event in the Castle Bay Community

- 74% of respondents indicated they were interested but concerned with bicycling in Pender County and 69% of respondents indicated they were interested but concerned with walking in Pender County.
- Less than 30 participants currently bike and walk to commute to school, work, or connect to transit. Approximately 130 participants bike or walk to visit family and friends.
- For the purpose of running errands, 94 participants responded that they currently bike, and 77 participants responded that they currently walk.
- 31 participants said they currently bike daily, while 180 participants currently walk daily. When asked how often they would bike or walk if the network was improved, 198 participants answered that they would bike daily, and 286 participants answered that they would walk daily.
- The most used current mode of transportation is a single-occupant car. When participants were asked about desired commuting patterns, biking was ranked as the most desired mode of transportation if the system was improved.
- The option for “Safe biking/walking routes” was the most popular choice of participants to encourage more walking or biking. Participants provided 159 comments about amenities that would encourage participants to bike or walk. Among those comments, the common themes were about safety, having well-lit trails, bathroom facilities, dedicated bike lanes, sidewalks, and crosswalks.

The following series of heat maps were created using the public survey responses. Areas that are blue had a low number of responses from survey participants, while areas that are yellow had a moderate number of responses, and areas that are red had the highest number of responses. These red areas are also referred to as hot spots and indicate a high concern area.

Public survey participants were able to identify where their trips start and where their trips end. As shown in Figure 2.2, most trips originate in Hampstead, specifically just east of US 17. Figure 2.3 shows that most trip destinations are also in Hampstead and are concentrated along US 17. Trips destinations along US 17 include grocery stores, shopping, and restaurants.

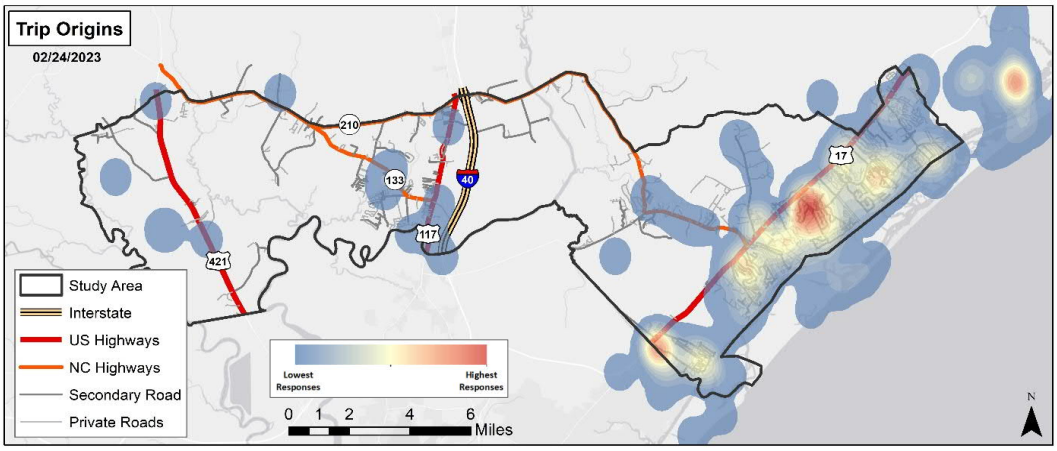


Figure 2.2: Trip Origins

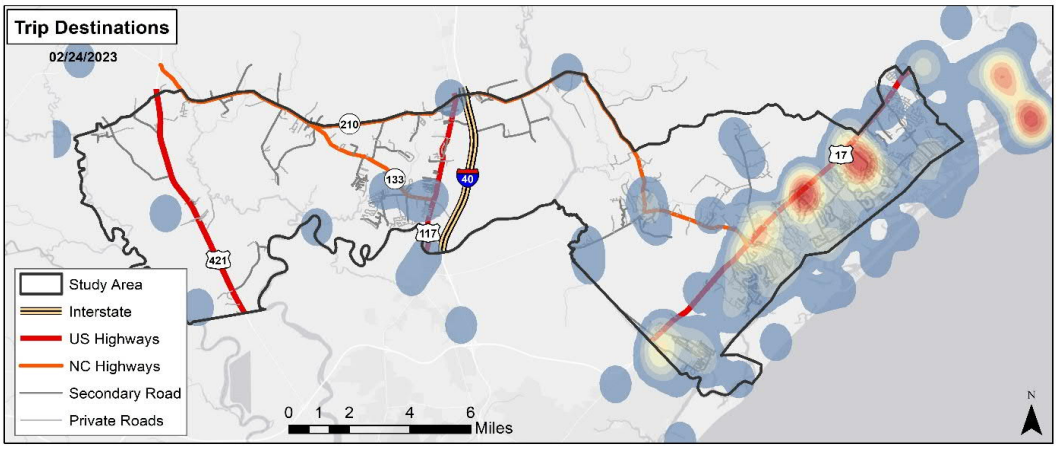


Figure 2.3: Trip Destinations

Figure 2.4 shows the destinations that survey participants would like to bike or walk to. These destinations are concentrated along US 17 and into the residential areas east of US 17. Figure 2.5 shows places of interest in the project area including schools, recreational facilities, and commercial destinations. Grocery stores, like Food Lion and Lowes Food, along US 17 are high priority destinations for residents. In the western half of the project area, the Food Lion shopping center and Millers Pond Park are noted as destinations individuals would like to bike or walk to.

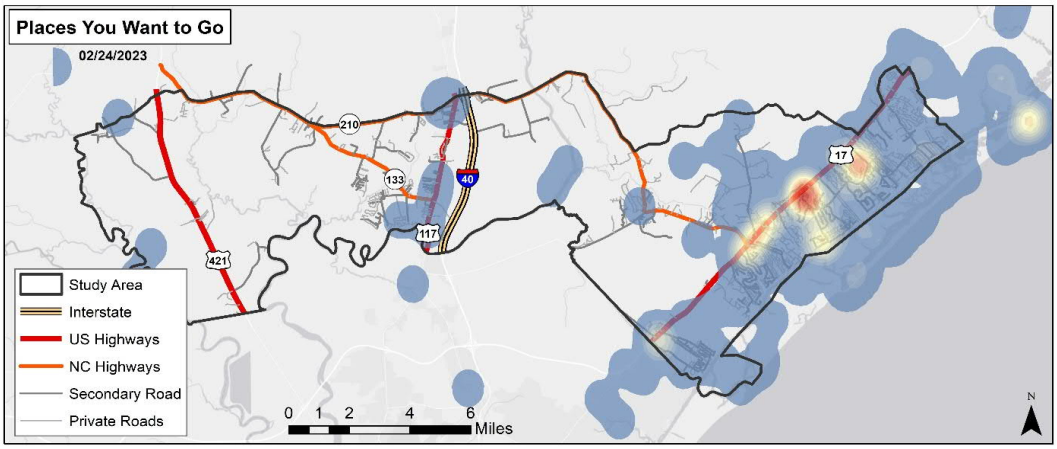


Figure 2.4: Places participants want to walk or bike to

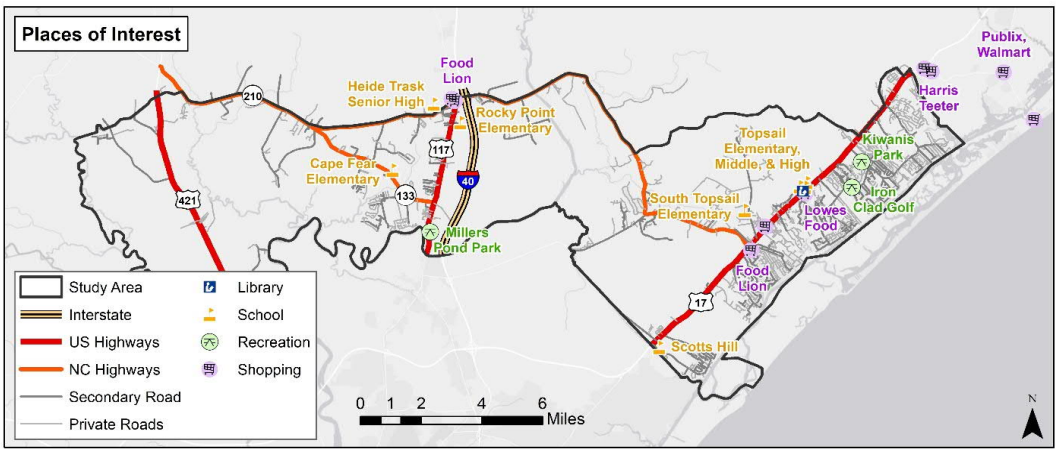


Figure 2.5: Places of Interest

Figure 2.6 and Figure 2.7 show areas that participants identified as biking or walking challenges. US 17, particularly around Lowes Food, Topsail Elementary, Topsail Middle, and Topsail High, is a hotspot for biking challenges. The area around Scotts Hill and near the US 17/NC 210 intersection were also identified as challenge areas for biking. The area around Kiwanis Park is a hotspot for walking challenges. The areas around Lowes Food and Topsail schools, the US 17/NC 210 intersection, and Scotts Hill were also identified as moderate concern areas for walking.

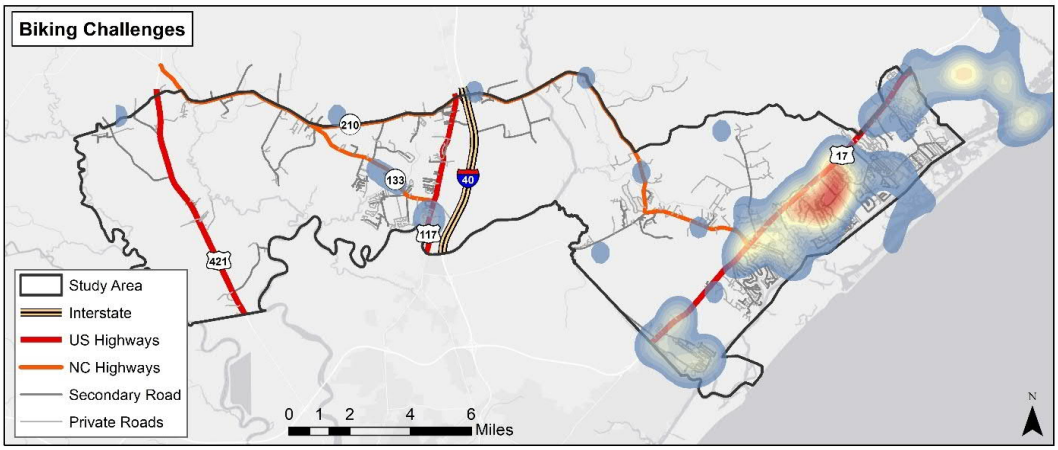


Figure 2.6: Biking Challenges

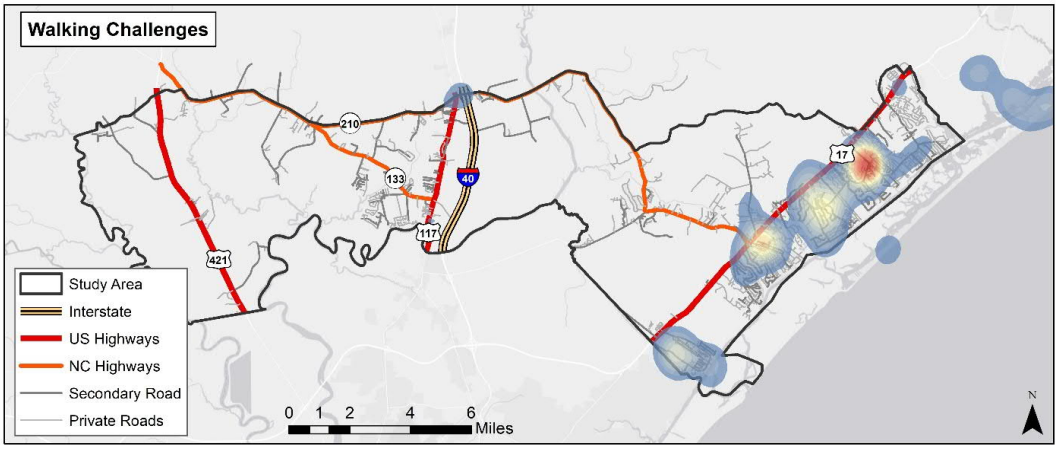


Figure 2.7: Walking Challenges

Figure 2.8 shows areas where needed improvements were identified. Hot spots are noted along US 17 near Lowes Food and Topsail schools, the US 17/NC210 intersection, and Scotts Hill. Other noted improvements needed included east of US 17 near Kiwanis Park and along US 117.

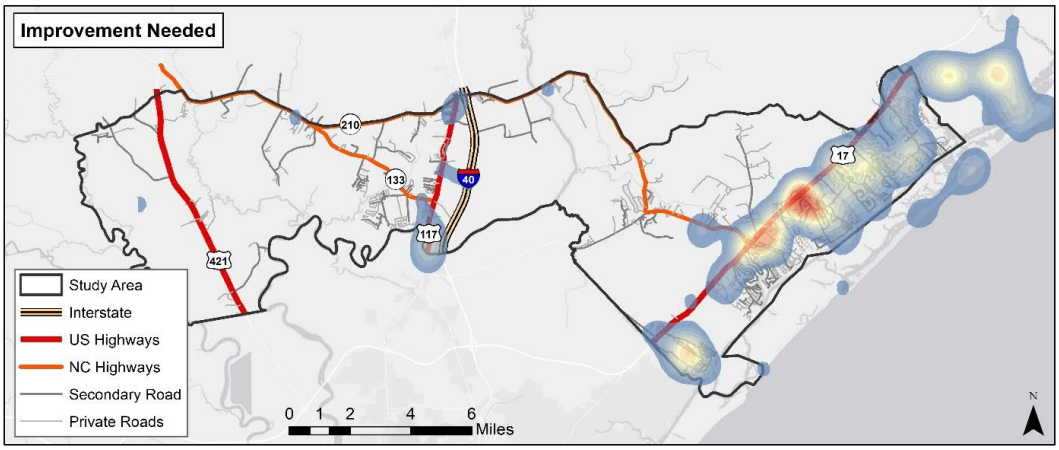


Figure 2.8: Improvements Needed

Participants were asked to rate their level of comfort using different bicycle and pedestrian facilities including shared lanes, wide shoulders, sidewalks, and greenways. As noted in Figure 2.9, participants are most comfortable using a greenway or buffered bikeway for biking and least comfortable using a shared lane.

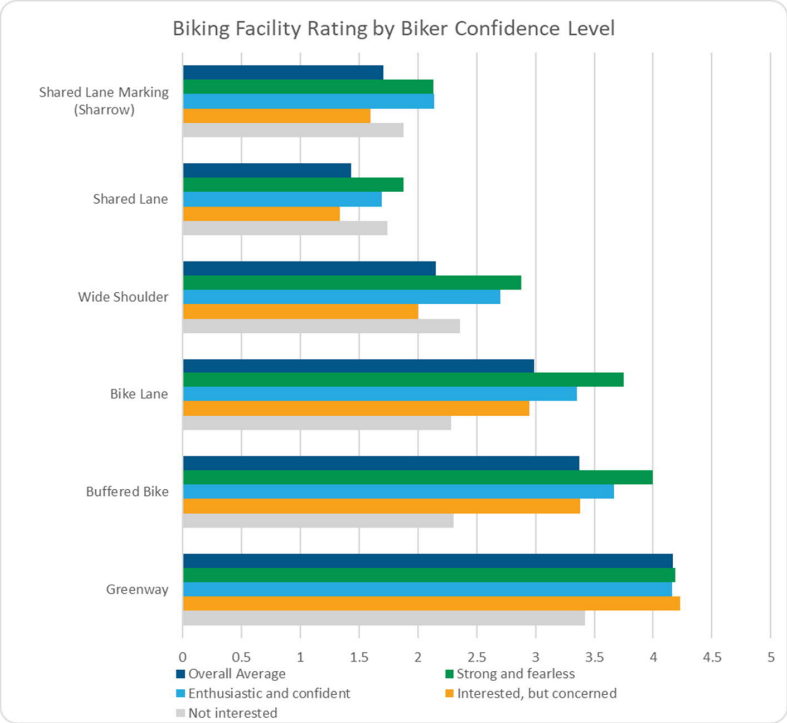
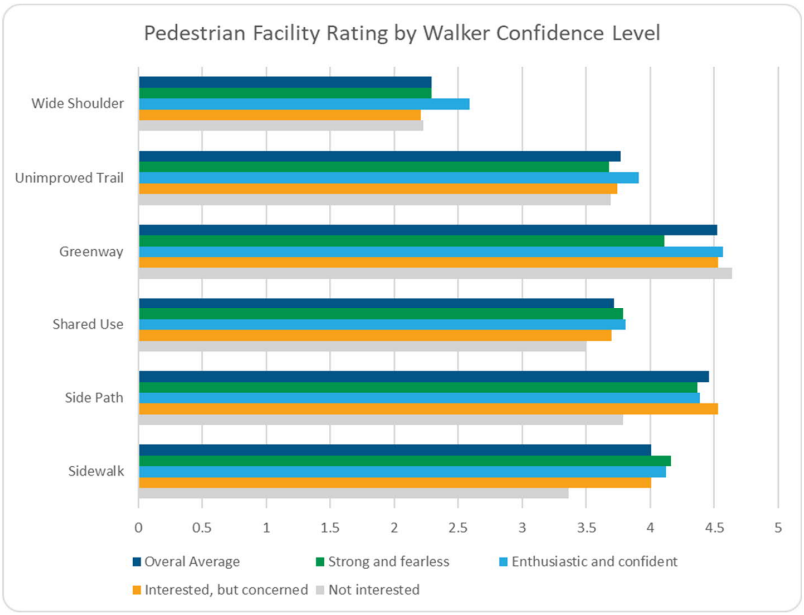


Figure 2.9: Bicycle Facility Rating by Biker Confidence Level



As noted in Figure 2.10, participants are most comfortable using a greenway, sidewalk, or side path for walking. Participants are least comfortable using a wide shoulder for walking.

Figure 2.10: Pedestrian Facility Rating by Walker Confidence Level

Phase II

The final phase of public engagement activities conducted in June 2023 focused on presenting the findings from Phase I and the draft recommendations, explaining the next steps, and sharing the draft report. 44 comments were received as of June 23, 2023. The following provides a summary of comments received:

- Of the relevant comments, the majority supported the draft recommendations and expressed excitement for the proposed bicycle and pedestrian infrastructure. Several comments suggested edits; one recommended looking at additional improvements for NC 50 (which is outside of the study area) and another recommended including a bicycle path on US 210.
- Comments of support were provided for Hoover Road (one comment), Country Club Drive (five comments), while an additional five comments generally supported the recommendations. One comment opposed recommendations on Doral Road, and one was in opposition to any bicycle or pedestrian improvements in the study area.
- The majority of comments received were regarding Scotts Hill Loop Road. Of the comments received 22 were in favor of the recommendations to add bicycle and pedestrian improvements, while five were in opposition.

These comments were reviewed by the technical team when finalizing the network recommendations. The full public engagement summaries can be found in Appendix A: Public Engagement Summaries.

2.2 Steering Committee Meetings

A steering committee, comprised of Wilmington MPO staff, NCDOT staff, WAVE transit staff, residents, cyclists, business owners, and healthcare workers, met three times throughout the project to provide the team with input on the current and proposed network. The following provides summaries from each of these meetings.

February 1, 2023: Nine steering committee members, along with the project team, met to discuss the plan goals and implementation. Some key goals identified include safety for all users, reducing bicycle and pedestrian crashes, and network connectivity. The committee then identified desired locations for bicycle and pedestrian accommodations which include health care centers, schools, recreational spaces, US 17, and high development areas.

April 3, 2023: Seven steering committee members, along with the project team, met to discuss the public input received and further prioritize locations for improvements. Steering committee members completed two exercises during the meeting. The first exercise determined the top corridors they felt should be prioritized for improvements. The second exercise determined what type of facilities were preferred for specific corridor segments and locations. The results of these exercises showed that US 421, US 117, US 17, Hoover Road, and the eastern portion of NC 210 were the highest priorities for steering committee members. Spot improvements at the US 17/NC 210 intersection, US 17/Hoover Road intersection, and along US 17 at the Topsail schools were also identified as high priorities.

Network Assessment

As part of this exercise, committee members were asked to rank their top values for the bicycle and pedestrian network out of a list of guiding values. The following guiding values were evaluated:

- Complementary: Complement and support other county initiatives and development.
- Choice: Desire to not use vehicles for every trip and opportunities for walking and biking.
- Comfort: Increase in facilities and amenities for walkers and bikers of all ages and abilities.
- Safety: Improved bicycle and pedestrian safety and improved connections across US 17.
- **Connectivity:** Enhanced access to commercial areas, health centers, and schools.
- Equity: While most activity occurs near US 17, equitably distribute bike and pedestrian facilities across the county.
- Health: Support the region's goals to improve public health.
- Readiness: The plan should respond to current needs, show community supports, help prepare the county for future growth, and be fiscally feasible.

Connectivity and safety ranked the highest, with six committee members ranking each as a top priority. Two committee members ranked readiness as a top priority. One committee member ranked comfort as a top priority and one committee member ranked complementary as a top priority.

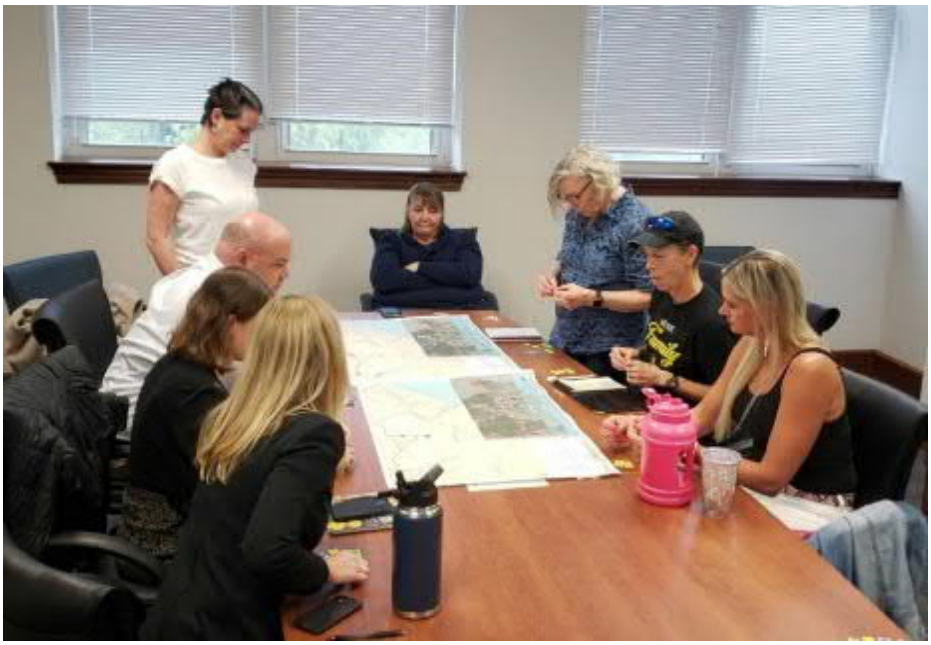


Figure 2.11: Steering Committee members completing a network prioritization exercise.

3. Proposed Network

Input from the public engagement efforts and steering committee exercises, combined with criteria for the use of pedestrian and bicycle facilities taken from various technical resources, was used to develop a desired network of bicycle and pedestrian facilities across the urbanized portion of Pender County. Recommendations focused on providing a connected and safe network for all users as top priorities, with emphasis on safe access to commercial areas along US 17, including safe crossings of US 17, access to the Rocky Point area, and access to schools and parks.

The public input results and steering committee discussion emphasized that a bicycle and pedestrian network would not only provide needed mobility options for residents, but the ability to connect residential areas within a mile of US 17 would offer an opportunity for those wanting to access commercial areas to walk or bike, thus helping to reduce the vehicle traffic on US 17.

Facility type was determined using local input, as well as context considerations such as roadway speed and volume, network connectivity, and adjacent land use. Technical resources that were considered in the development of the network include:

- NCDOT Highway Typical Sections for Use in SPOT Online, 2019
- NCDOT Complete Streets Policy, 2019
- NCDOT Roadway Design Manual, 2018
- FHWA Guidance on Bicycle and Pedestrian Accommodation, 2011

3.1 Bicycle and Pedestrian Network Recommendations

Figure 3.1 and Figure 3.2 on the following pages show the bicycle and pedestrian network recommendations for the study area. Table 3.1 lists the bicycle and pedestrian network recommendations for the study area. These recommendations are considerate of the fiscal constraint associated with constructing and maintaining a network of bicycle and pedestrian facilities, the general rural character of many roadways in the study area, the right-of-way constraints associated with several roadways, and the rate of population growth across the study area.

Proposed Network

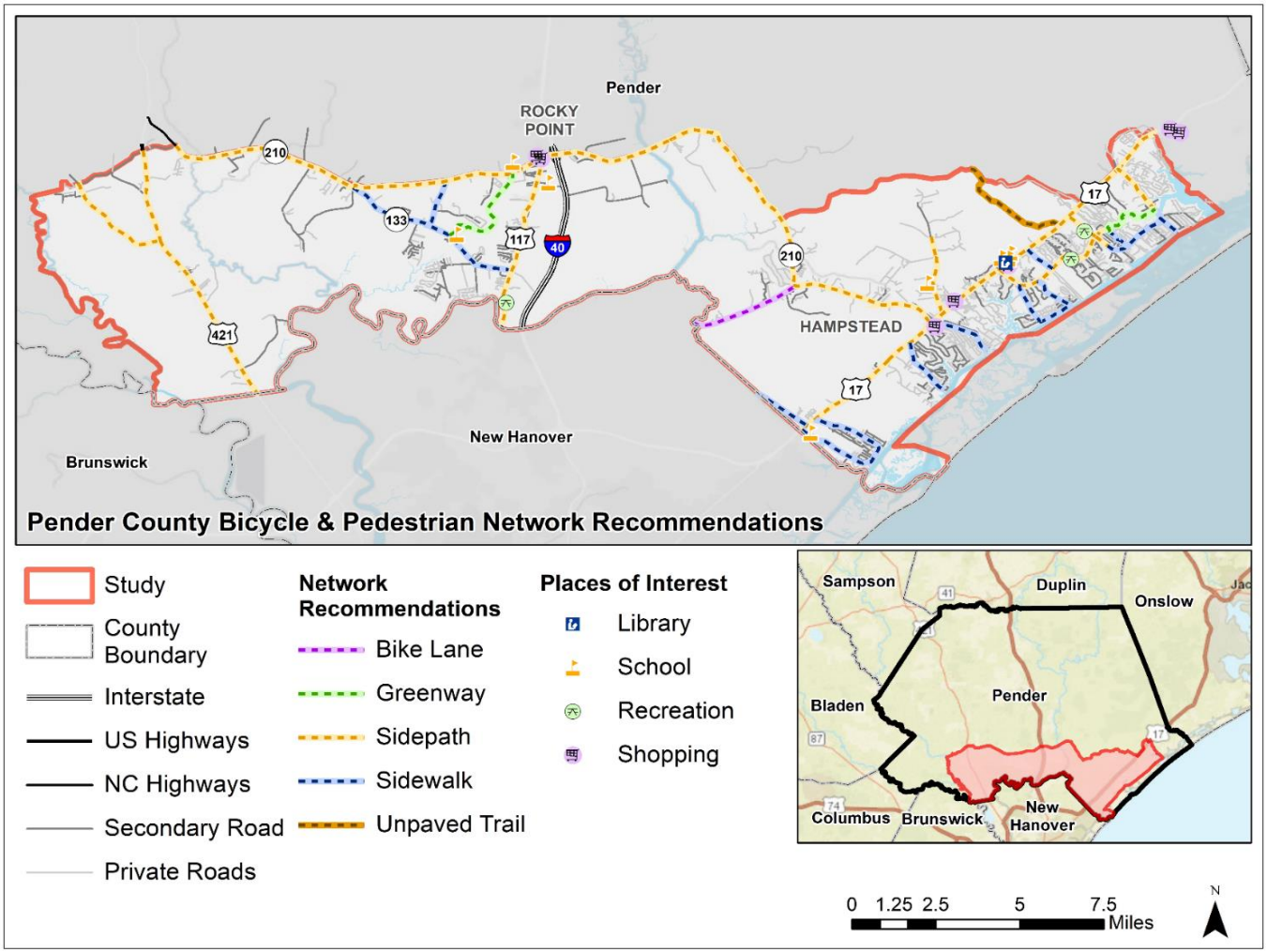


Figure 3.1: Network Recommendations

Proposed Network

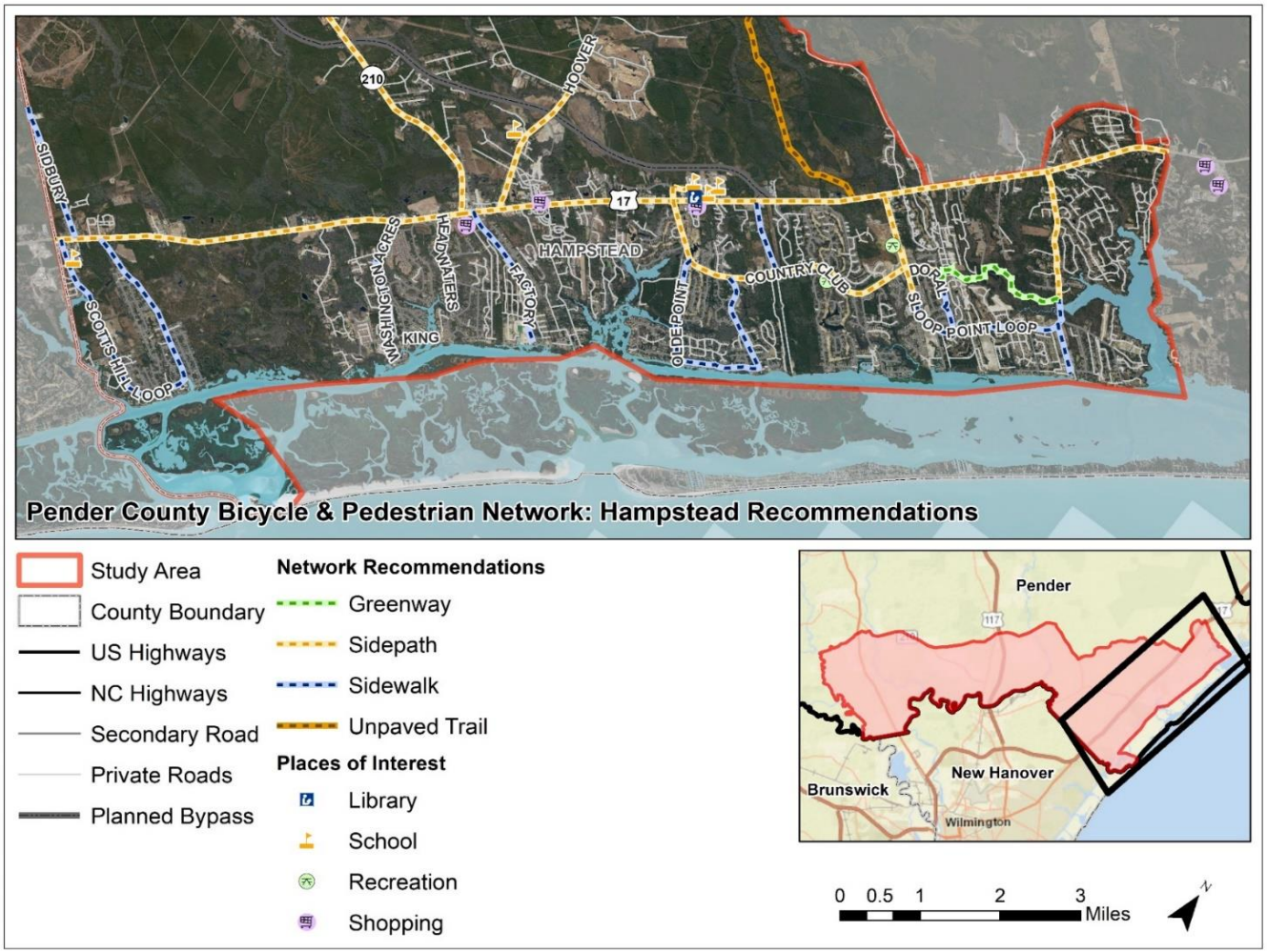


Figure 3.2: Network Recommendations for Hampstead

Table 3.1: List of Bicycle and **Pedestrian Network Recommendations**

CORRIDOR	FROM	TO	FACILITY RECOMMENDATION
Avila Drive Extension	US 17	Country Club Road	Sidewalk
Blueberry Road	US 421	Montague Road	Sidepath
Cheshire Road	NC 133	NC 210	Sidewalk
Country Club Road	US 17	Sloop Point Loop Road	Sidepath
Doral Drive	Sloop Point Loop Road	East Coast Greenway	Sidepath
Doral Drive	East Coast Greenway	Masters Lane	Sidewalk
East Coast Greenway	Doral Drive	Sloop Point Road	Greenway
Factory Road	US 17	Waterfront Circle	Sidewalk
Holly Shelter Road/Island Creek Road	New Hanover County line	NC-210	Bike lane
Hoover Road	Highlands Drive	Godfrey Creek Road	Sidepath
Hoover Road	Godfrey Creek Road	US-17	Sidepath
Jenkins Road	US 17	N St Johns Church Road	Sidepath
Kings Landing Road	Country Club Road	Olde Point Road	Sidewalk
Lewis Road	Sloop Point Loop Road	Sloop Point	Sidewalk
Lodge Road	US 17	Study area limits	Unpaved Trail
Masters Lane	Doral Drive	Sloop Point Loop Road	Sidewalk
N St Johns Church Road	Jenkins Road	Topsail Middle School	Sidepath
NC 133	NC 210	US 117	Sidewalk
NC 210	Shaw Highway	Royal Oak Drive	Sidepath
NC 210	Dallie Futch Road	US 17	Sidepath
NC 210	NC 133	Shaw Highway	Sidepath
NC 210	Montague Road	NC 133	Sidepath
Olde Point Road	Country Club Road	Kings Landing Road	Sidewalk
Scotts Hill Loop Road	US 17	US 17	Sidewalk
Shaw Highway	Study area limits	NC 210	Sidepath
Sidbury Road	US 17	Study area limits	Sidewalk
Sloop Point Loop Road	Doral Drive	North Topsail Elementary School	Sidepath
Sloop Point Loop Road	US 17	Doral Drive	Sidepath
Sloop Point Loop Road, Sloop Point Road	North Topsail ES	Tidewater Court	Sidewalk
Sloop Point Road	US 17	Tidewater Court	Sidepath
Turkey Creek Greenway	NC 210	NC 133	Greenway
US 117	New Hanover County line/Northeast Cape Fear River	NC 210	Sidepath
US 17	Whitebridge Road	NC 210	Sidepath
US 17	NC 210	Country Club Road	Sidepath
US 17	Sloop Point Road	Cornel Lane	Sidepath

CORRIDOR	FROM	TO	FACILITY RECOMMENDATION
US 17	New Hanover County line	Whitebridge Road	Sidepath
US 17	Lodge Road	Sloop Point Road	Sidepath
US 17	Country Club Road	Lodge Road	Sidepath
US 421	New Hanover County line	Blueberry Road	Sidepath
US 421	Blueberry Road	Montague Road	Sidepath
Washington Acres Road	US 17	End of roadway	Sidewalk

Facilities on US 17 are recommended on both sides of the roadway. Other roadways should be evaluated on a case-by-case basis to determine if facilities on one or both sides are recommended during project planning.

3.2 Network Priorities

The steering committee used input from the public engagement efforts along with project values to prioritize bicycle and pedestrian facilities that should be at the forefront of planning in Pender County. Figure 3.3 and Figure 3.4 show the high priority bicycle and pedestrian projects for the study area. Understanding that there are limited financial resources, these are projects that the steering committee felt have the highest desire and need and would result in the greatest impact.

Highly desirable destinations, like grocery stores, restaurants, businesses, medical offices, and schools, are concentrated along and near US 17. Residential developments both west and east of US 17 are growing and residents have a desire to access these destinations along US 17 by bike and walking. These high priority projects were selected because they would prioritize safe bicycle and pedestrian access between these locations while helping to reduce vehicle trips on US 17.

Table 3.2 lists these high priority projects. Three intersection projects were identified as part of these high priorities. These improvements would improve safety and accessibility across US 17 near active commercial areas and Topsail schools. The intersection near Lowes Food and Topsail Elementary, Topsail Middle, and Topsail High schools was especially identified as a safety concern. Improvements could come in the form of high visibility crosswalks, improved ADA accessibility, median pedestrian islands, curb extensions, lighting, and improved bicycle and pedestrian signalization such as countdown timers, Rectangular Rapid-Flashing Beacons (RRFB), and High-Intensity Activated (HAWK) crosswalk.

Proposed Network

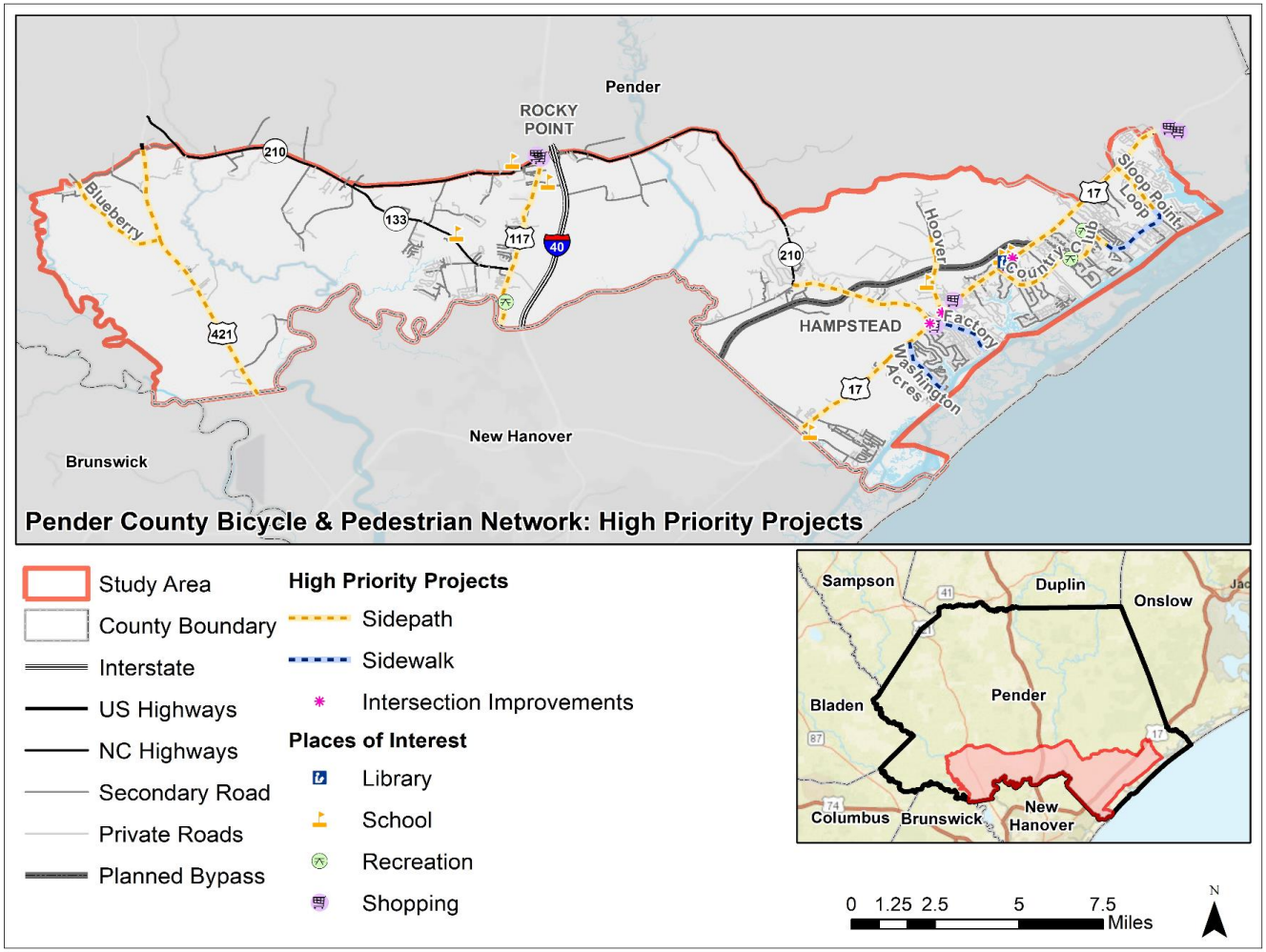


Figure 3.3: High Priority Projects

Proposed Network

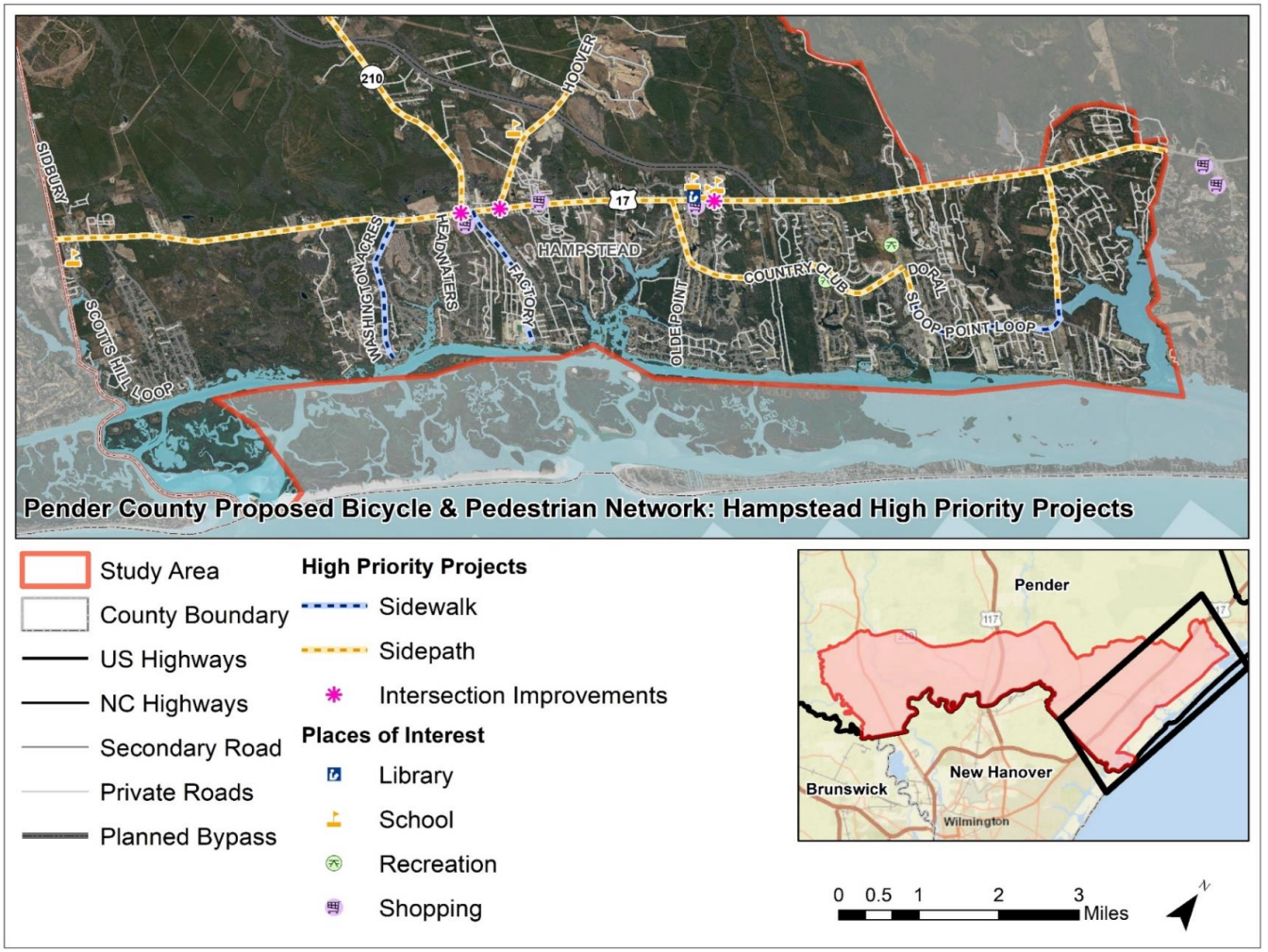


Figure 3.4: High Priority Projects for Hampstead

Table 3.2: Priority Bicycle and Pedestrian Projects

CORRIDOR	FROM	TO	PRIORITY RECOMMENDATION
Blueberry Road	US 421	Montague Road	Sidepath
Country Club Road	US 17	Sloop Point Loop Road	Sidepath
Factory Road	US 17	Waterfront Circle	Sidewalk
Hoover Road	Godfrey Creek Road	US 17	Sidepath
NC 210	Dallie Futch Road	US 17	Sidepath
Sloop Point Loop Road	Doral Drive	North Topsail Elementary School	Sidepath
Sloop Point Loop Road, Sloop Point Road	North Topsail ES	Tidewater Court	Bike Lane
Sloop Point Road	US 17	Tidewater Court	Sidepath
US 117	New Hanover County line/Northeast Cape Fear River	NC 210	Sidepath
US 17	Whitebridge Road	NC 210	Sidepath
US 17	NC 210	Country Club Road	Sidepath
US 17	Sloop Point Road	Cornel Lane	Sidepath
US 17	New Hanover County line	Whitebridge Road	Sidepath
US 17	Lodge Road	Sloop Point Road	Sidepath
US 17	Country Club Road	Lodge Road	Sidepath
US 421	New Hanover County line	Blueberry Road	Sidepath
US 421	Blueberry Road	Montague Road	Sidepath
Washington Acres Road	US 17	End of roadway	Sidewalk
NC 210/US 17 Intersection	--	--	Intersection improvements
Hoover Road/US 17 Intersection	--	--	Intersection improvements
Lowes Food/Topsail Schools Intersection	--	--	Intersection improvements

3.3 Bicycle and Pedestrian Network Recommended Facility Types

Greenway / Shared Use Path

A greenway, or shared use path, provides a travel area separate from motorized traffic for bicyclists, pedestrians, wheelchair users, skaters, joggers, and other users. Greenways offer network connectivity opportunities beyond the roadway network, as they are often located along streams, in utility corridors and parks.



Figure 3.5: Sample greenway/ shared use path graphics

Context Considerations

Greenways operate independently of roadway corridors and are fully separated from traffic and can even become their own corridors, following features such as waterways or utility easements. However, when selecting bicycle and pedestrian facilities, greenways and shared use paths should be considered as multi-modal alternatives for roadway corridors that exceed traffic volumes of 6,000 vehicles per day and speed limits higher than 35 miles per hour. Greenways may provide network alternatives to arterial and collector roadway connections and are appropriate in low-density areas as well as high-density areas to serve as a corridor connection.

Design Considerations

Greenways should be designed to a width of 10-12 feet in most locations, with a 2-foot shoulder on either side. In areas where low volumes are expected or the corridor is constrained, an 8-10-foot greenway may be adequate. Areas where usage is expected to be very high may be built to a width of 12-14 feet.

A variety of surface treatments are available for greenways depending on expected use, context, and budget. Paved trails are often constructed with asphalt or concrete. Asphalt tends to be more popular and cost-effective than concrete, but concrete is more durable. A less expensive option is an unpaved or natural surface trail, with compacted aggregates and compacted native soil being popular and durable

alternatives. Compacted aggregates often consist of granite fines which are readily available in many locations. Natural surface trails, while less expensive to construct, require proper drainage and more careful maintenance to ensure that materials remain sufficiently compacted. In areas where floodplains or wetlands are present, boardwalk structure is often required for trail construction. Boardwalk is typically more expensive to construct but has a lower maintenance cost. Two main surface options for boardwalk include timber and concrete, with timber being less expensive but more maintenance-intensive than concrete.

Greenways typically do not require pavement marking except in certain locations and contexts. Where greenway traffic is heavy, a 4-inch dashed yellow center line stripe and 4-inch solid white edge line may be used. Solid center lines may be employed in locations where sightlines are poor or the greenway approaches a roadway crossing, and edge lines may be employed in locations where evening use is expected. Signage such as the Bikes Yield to Peds (R9-6) specified in the Manual on Uniform Traffic Control Devices (MUTCD) may be used at the entrance of a greenway segment as a reminder of user etiquette, and many communities use customized wayfinding signs to provide navigation to destinations and other greenways. Figure 3.6 provides an example cross-section of a preferred greenway facility.

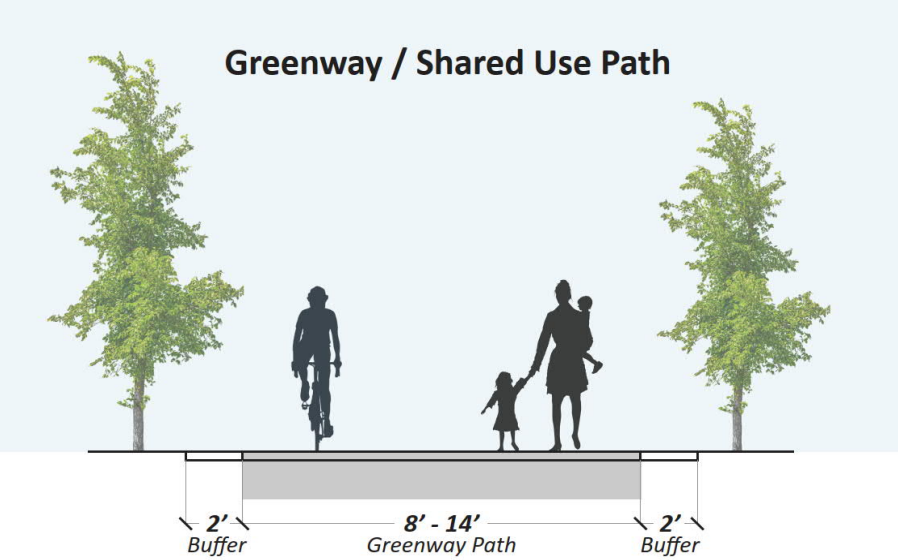


Figure 3.6: Example cross-section of a preferred greenway facility.

Sidepath

A sidepath is a bi-directional shared use path adjacent to and parallel to a roadway. Sidepaths offer a low-stress experience for bicycle and pedestrians along network routes with high-speed or high-volume traffic.



Figure 3.7: Sample sidepath graphics

Context Considerations

Sidepaths are used along roads with high volumes that exceed 6,000 vehicles per day and moderate to high speeds over 35 miles per hour. Sidepaths are used along arterial and collector roadways and are generally recommended in high-density areas to provide dedicated space for bicyclists and pedestrians.

Design Considerations

Sidepaths should be designed to a width of 10-12 feet in most locations, with 2 feet of clearance on either side. In areas where low volumes are expected or the corridor is constrained, an 8-10-foot trail may be adequate. Areas where usage is expected to be very high may be built to a width of 12-14 feet. The sidepath should be separated from the roadway by at least 5 feet, with additional separation up to 20 feet recommended along high-speed roadways.

Sidepaths are commonly constructed with asphalt or concrete. Asphalt pavement tends to be the most popular and cost effective for paved trails. Concrete pavement is more durable, but costs more than asphalt pavement. As such, concrete trails are typically more common in urban settings (where projected user volumes are high or the trail may be subject to vehicular loading more often) or in areas subject to heavy flooding forces that may cause damage to the trail.

Sidepaths typically do not require pavement marking except in certain locations and contexts. Where sidepath traffic is heavy, a 4-inch dashed yellow center line stripe may be used. Edge lines may be employed in locations where evening use is expected. Signage such as the Bikes Yield to Peds (R9-6) specified in the MUTCD may be used at the entrance of a sidepath segment as a reminder of user etiquette, and many communities use customized wayfinding signs to provide navigation to destinations and other greenways. Other signs may be used to indicate the bidirectional nature of the facility, taking care that any signage is positioned such that it will not be interpreted as guidance for drivers on the adjacent roadway. Figure 3.8 provides an example cross-section of a preferred sidepath facility.

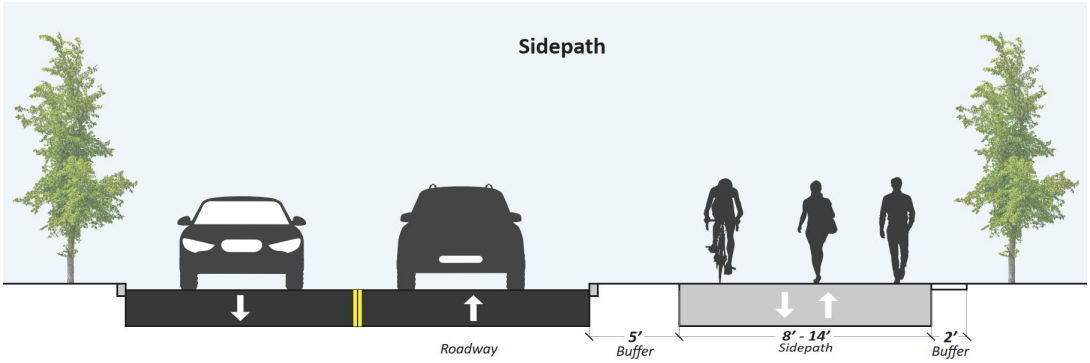


Figure 3.8: Example cross-section of a preferred sidepath facility

On-Road Facilities

On-road facilities consist of bicycle and pedestrian accommodations provided directly within the roadway. These facilities can be separate or buffered from traffic, or simply striped as dedicated facilities along the outside of the road. The following provides a discussion of various bicycle lane facilities that can be considered for the roadways identified in the bicycle and pedestrian network as desiring bike lanes. When a project opportunity to implement a bike lane facility comes to fruition, the County can work with NCDOT to identify a preferred facility type based on how the character of the corridor has evolved.

Separated Bicycle Lane

A separated bicycle lane is a facility for exclusive use by bicyclists that is located within or directly adjacent to the roadway and is physically separated from motor vehicle traffic by a buffered space with a vertical separation element. Separated bicycle lanes can be designed to accommodate one-way and bi-directional travel.



Figure 3.9: Sample separated bike lane graphics

Context Considerations

Separated bicycle lanes are recommended along roadways with high volumes that exceed 6,000 vehicles per day and moderate to high speeds over 35 miles per hour. Separated bicycle lanes are recommended along major roadways and collectors that serve as primary connections to destinations. Separated bicycle lanes are appropriate in areas with moderate to high volumes of bicycle and pedestrian activity. In high-density areas, design treatments should consider potential conflicts with transit stops and driveway crossings to mitigate safety concerns for bicyclists.

Design Considerations

Separated bike lanes should be designed to a minimum width of 5 feet for one-way facilities, with 7-foot lanes preferred. The bicycle lane should be separated from the roadway by at least 3 feet to provide clearance, or by a minimum of 1 foot where curb is present. Bicycle lanes can be separated from the roadway by a variety of methods, including by installing flexible delineator posts, armadillos, or placing it behind the curb. Separation from pedestrians may be required when the bike lane is immediately adjacent to and at the same level as a sidewalk.

Separated bicycle lanes should be marked with the standard bicycle lane symbol (MUTCD marking 9C-3) to clearly indicate their intended use. Where separated bicycle lanes are adjacent to a sidewalk, additional signage such as MUTCD signs D11-1a (Bicycle) and D11-2 (Pedestrian) may be necessary to indicate which users belong on which facility. Figure 3.10 provides an example cross-section of a preferred separated bike lane facility.

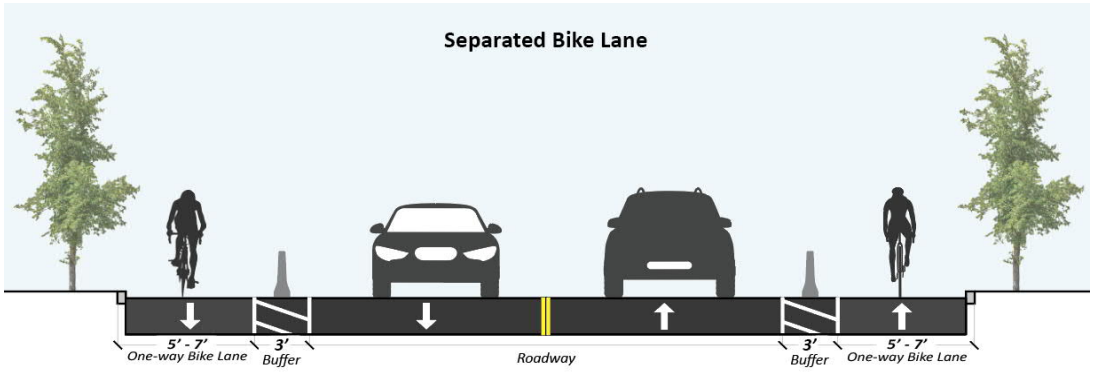


Figure 3.10: Example cross-section of a preferred separated bike lane facility

Buffered Bicycle Lane

A buffered bicycle lane designates a travel space for bicyclists within the roadway corridor through use of pavement markings, optional signage, and a buffer space separating the bicycle lane from the adjacent travel lane.

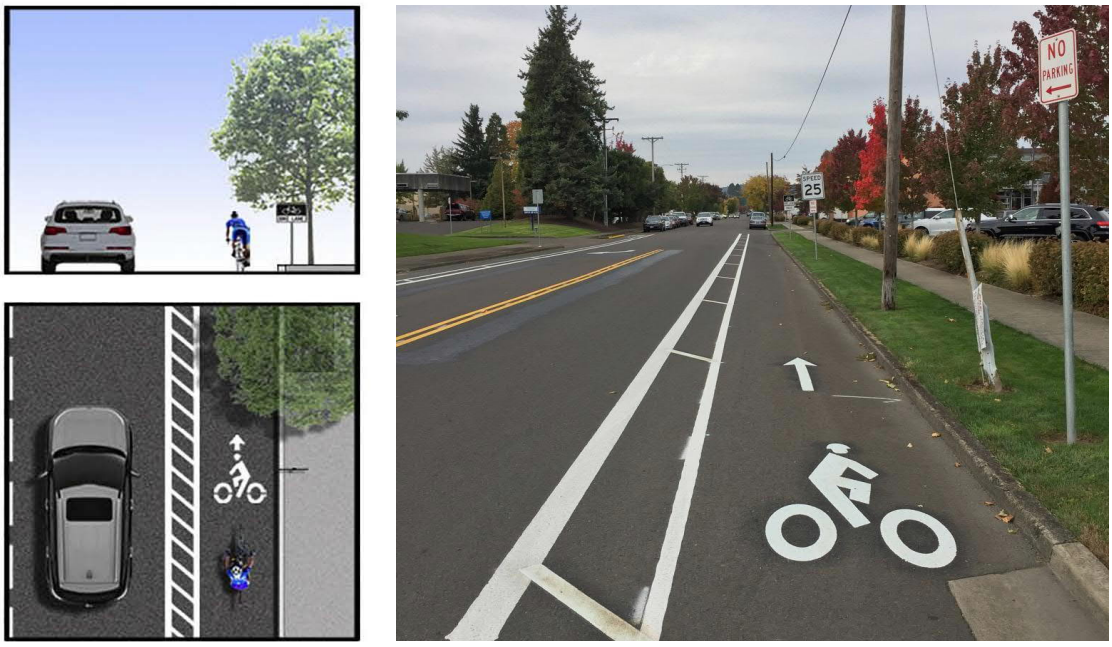


Figure 3.11: Sample buffered bike lane graphics

Context Considerations

Buffered bicycle lanes are recommended along roads with moderate volumes and speeds. Buffered bicycle lanes are appropriate treatments for roadways with traffic volumes between 3,000 and 6,000 vehicles per day and moderate speeds between 25 and 35 miles per hour. Buffered bicycle lanes are recommended in areas with increased bicycle and pedestrian activity.

Design Considerations

Buffered bike lanes should be designed to a minimum width of 5 feet, with 6 feet preferred. The bicycle lane should be buffered from other traffic by at least 18 inches by a painted double white line. If the buffer is 3 feet or more, it should be marked with diagonal stripes or chevron markings to increase visibility and motorist compliance. Markings should be between 30 to 45 degrees and striped at intervals between 10 and 40 feet.

Buffered bicycle lanes should be marked with the standard bicycle lane symbol (MUTCD marking 9C-3) to clearly indicate their intended use. Where right turns are made across the buffered bicycle lane, the turn lane should be placed to the right of the bicycle lane, or a combined bicycle lane/turn lane can be used when space is limited. MUTCD sign R4-4, Begin Right Turn Lane Yield to Bikes, should be used at the start of the turn lane to alert drivers to the potential conflict with bicyclists when entering or crossing the buffered bicycle lane. Lines should be dashed where cars are expected to cross the bike lane to access turn lanes. The bike lane may be painted to increase visibility and minimize confusion with other facilities. Green is the standard paint color for bicycle lane markings, which may be applied throughout the bicycle lane, at intersections, or in conflict areas. Figure 3.12 provides an example cross-section of a preferred buffered bike lane facility.

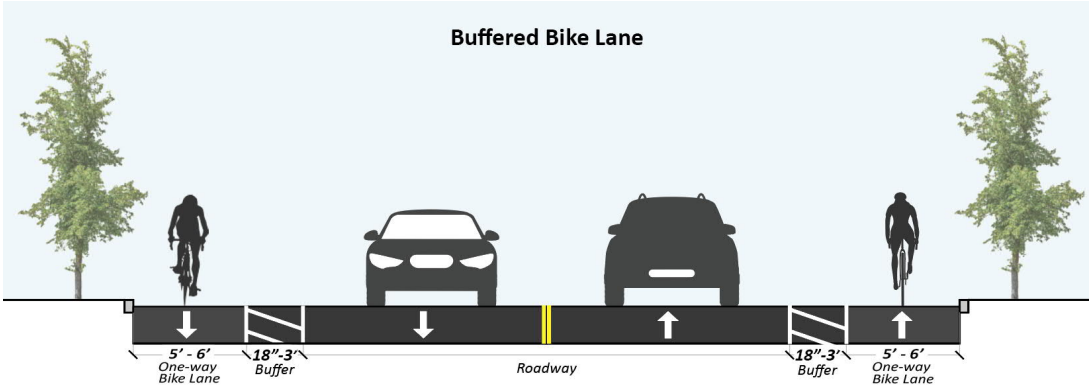


Figure 3.12: Example cross-section of a preferred buffered bike lane facility.

Bicycle Lane

A bicycle lane designates a travel space for bicyclists within the roadway corridor through use of pavement markings and optional signage to provide accommodations in the absence of more separated facilities.



Figure 3.13: Sample bicycle lane graphics

Context Considerations

Bicycle lanes may be used along roads with moderate traffic volumes and speeds. Bicycle lanes are appropriate treatments along roads with traffic volumes between 3,000 and 6,000 vehicles per day and moderate speeds between 25 and 35 miles per hour. Bicycle lanes are recommended in areas with increased bicycle and pedestrian activity and in areas where right-of-way constraints limit the ability to provide a higher quality facility.

Design Considerations

Bicycle lanes should be designed to a minimum width of 5 feet, with 6 feet preferred. The bicycle lane should be marked with a solid white line and standard bike lane symbol. If the bicycle lane is more than 7 feet wide, there may be issues with drivers using the bike lane for driving or parking. The bike lane markings should not be dashed at driveway crossings, as the MUTCD does not recognize driveways as intersections.

Bicycle lanes should be marked with the standard bicycle lane symbol (MUTCD marking 9C-3) to clearly indicate their intended use. Where right turns are made across the bicycle lane, the turn lane should be placed to the right of the bicycle lane, or a combined bicycle lane/turn lane can be used when space is limited. MUTCD sign R4-4, Begin Right Turn Lane Yield to Bikes, should be used at the start of the turn lane to alert drivers to the potential conflict with bicyclists when entering or crossing the bicycle lane. Lines should be dashed where cars are expected to cross the bike lane to access turn lanes. The bike lane may be painted to increase visibility and minimize confusion with other facilities. Green is the standard paint color for bicycle lane markings, which may be applied throughout the bicycle lane, at intersections, or in conflict areas. Figure 3.14 provides an example cross-section of a preferred bike lane facility.

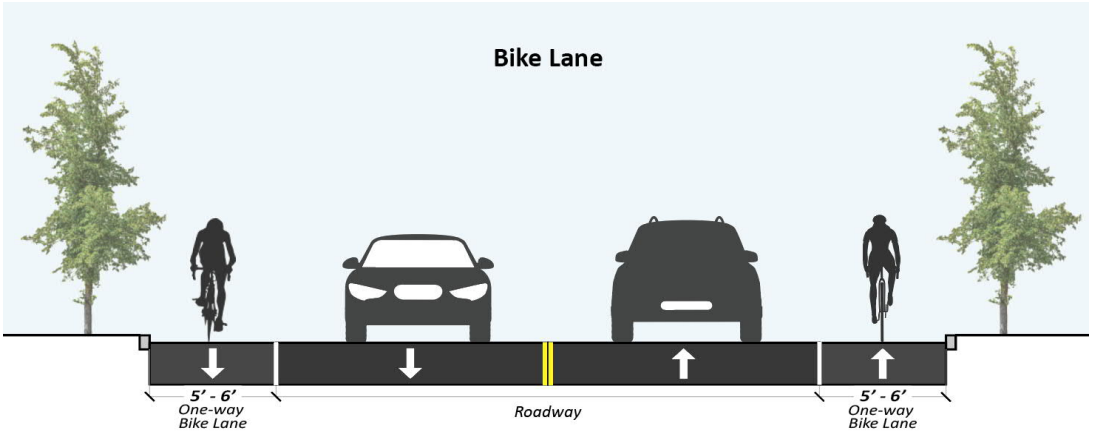


Figure 3.14: Example cross-section of a preferred bike lane facility

Sidewalk

A sidewalk is a bidirectional path that provides a dedicated travel area for pedestrians in the transportation network. Sidewalks are physically separated from the roadway by a curb or unpaved buffer space.



Figure 3.15: Sample sidewalk graphics

Context Considerations

Sidewalks are recommended on all but the most low-speed and low-volume roadways. Sidewalks should be considered for roadway corridors that exceed traffic volumes of 2,000 vehicles per day and speed limits higher than 10 miles per hour. Sidewalks are recommended for all types of roadways where pedestrian activity is likely. Sidewalks are also appropriate in areas with a variety of land uses and may best serve short-distance travel along roadways with pedestrian-generating development, such as neighborhoods, schools, shopping centers, and employment centers.

Design Considerations

Sidewalks should be designed to a minimum width of 6 feet, with 5 feet recommended in constrained sections. A buffer of at least 5 feet between the sidewalk and curb roadway should be included wherever possible to provide physical separation from vehicle traffic.

Sidepaths are commonly constructed with asphalt or concrete. Asphalt pavement tends to be the most popular and cost effective for paved trails. Concrete pavement is more durable, but costs more than asphalt pavement. As such, concrete trails are typically more common in urban settings (where projected user volumes are high or the trail may be subject to vehicular loading more often) or in areas subject to heavy flooding forces that may cause damage to the trail.

Sidewalks typically do not require markings except at intersections or midblock crossings, where marked crosswalks should be provided. Crosswalk markings should be designed to a minimum width of 6 feet, and the high-visibility "continental" design is recommended. At lower volume intersections or stop signs the standard, or "transverse" crosswalk marking may be acceptable. Signage such as the MUTCD R10-15 Turning Vehicles Yield to Pedestrians may be used to alert drivers to the presence of pedestrians at crosswalks. Figure 3.16 provides an example cross-section of a preferred sidewalk facility.

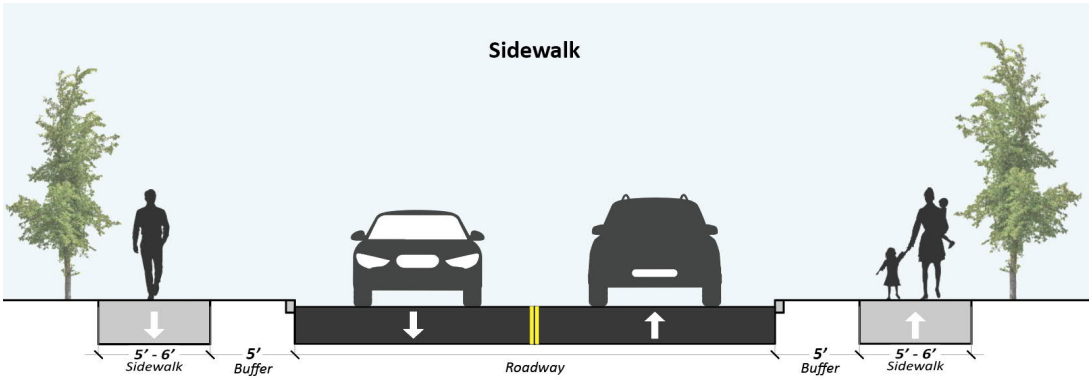


Figure 3.16: Example cross-section of a preferred sidewalk facility

Intersection Improvements

The are several locations along US 17 where improved bicycle and pedestrian crossings are desired to provide safer and more comfortable access to commercial areas and schools. Improvements could come in the form of high visibility crosswalks, improved ADA accessibility, median pedestrian islands, curb extensions, lighting, and improved bicycle and pedestrian signalization such as countdown timers, Rectangular Rapid-Flashing Beacons (RRFB), and High-Intensity Activated (HAWK) crosswalk. Intersection improvements should be discussed with NCDOT as part of ongoing planning and design work for upgrades to US 17.

Figure 3.17 is an example of a RRFB that can be activated to alert motorists of a pedestrian or bicyclists crossing at a crosswalk. RRFB's are suitable for lower volume, lower speed roadways.



Figure 3.17: Rectangular Rapid Flashing Beacon



Figure 3.18: HAWK Signal

Figure 3.18 shows an example of a HAWK signal that can be activated to alert motorists of a pedestrian or bicyclists crossing at a crosswalk. These are used for corridors with high traffic volumes and high speeds where extra attention needs to be brought to a crossing.

Figure 3.19 shows an example of a median pedestrian island, high visibility crosswalk, and enhanced lighting.

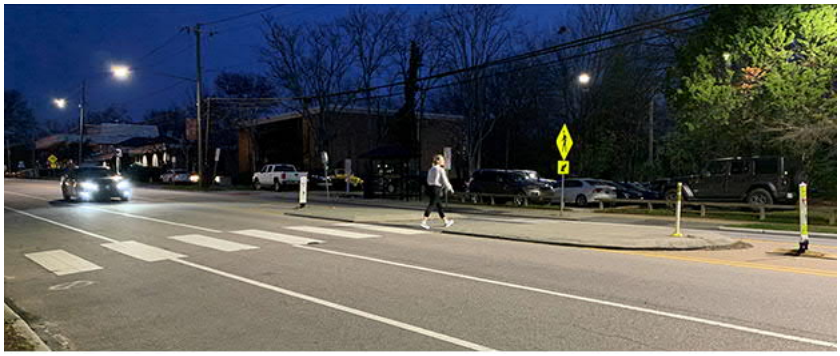


Figure 3.19: High visibility crosswalk with a median pedestrian island and enhanced lighting

4. Policy Review and Recommendations

4.1 Policy Review

Existing policies, ordinances, and design guidance documents at the county, state, and federal levels were reviewed that are relevant to walking and biking in Pender County. Findings are provided in Table 4.1.

The following policies, ordinances, and design guidance were reviewed as part of this exercise:

- Pender County Unified Development Ordinance, 2022
- Pender County Code of Ordinances, 2020
- NCDOT Highway Typical Sections for Use in SPOT Online, 2019
- NCDOT Complete Streets Policy, 2019
- NCDOT Roadway Design Manual, 2018
- FHWA Guidance on Bicycle and Pedestrian Accommodation, 2011
- NCDOT Bridge Policy, 2000

Table 4.1: Policy Review

POLICY	KEY RECOMMENDATIONS THAT RELATE TO THE PENDER COUNTY BICYCLE & PEDESTRIAN MASTER PLAN
Pender County Unified Development Ordinance (2022)	The Unified Development Ordinance (UDO) regulates development within Pender County. There are several provisions in the UDO which affect the implementation of bicycle and pedestrian infrastructure in Pender County. *4.6.10 Permitted Obstruction in Required Yards* Sidewalks, uncovered steps, and handicapped access ramps are included as permitted obstructions in any required yard. *4.8.1 PD: Planned Development District* D. Development Standards - Development in a PD District shall be subject to all applicable regulations unless otherwise waived or modified by the County in the terms of the approved master land use plan. In no case shall the decision-making body waive or modify the following standards for a proposed PD development: 5) Street connectivity requirements; 6) Sidewalk and greenway requirements; E. Transportation and Circulation System 2) Pedestrian-oriented communities are encouraged to maximize opportunity for pedestrian activity and improve the quality of the pedestrian experience. Planned subdivisions must adhere to the design standards for drainage and paving in this Ordinance. 4) Adequately constructed and maintained bike and/or hiking trails shall be counted toward the open space requirement. Bicycle lanes and multi-use pathways that extend the minimum right-of-way width shall be designed in accordance with the North Carolina Bicycle Facilities Planning and Design Guidelines Manual.

POLICY	KEY RECOMMENDATIONS THAT RELATE TO THE PENDER COUNTY BICYCLE & PEDESTRIAN MASTER PLAN
	4.11.1 EC: Environmental Conservation District C. Development Standards - In order to reduce the impact of development on the existing natural environment, the following standards apply to all land disturbing activities within an EC district: 1) With the exception of a pedestrian trail or a fence, no land disturbing activities may occur within a required yard or within one hundred (100) feet of: 2) All lands located within a designated floodway (AEFW); 3) All site area under the jurisdiction of the Army Corps of Engineers (the Corps) or the North Carolina Department of Natural Resources, Division of Water Quality (DWQ); 4) All lands located within a CAMA shoreline buffer; 5) All lands located below the high water line of an existing pond, lake, or stream; and 6) All lands with slopes steeper than twenty-five (25) percent. *4.12.6 Bicycle and Pedestrian Improvement Overlay District* The Bicycle and Pedestrian Improvement Overlay District is created on a case-by-case basis and informed by development activity, current and future roadway improvement projects, current and future bicycle and pedestrian usage and demand, and all relevant adopted plans. E. District Requirements 1) Provision of Facilities and Infrastructure a) Bicycle and pedestrian infrastructure shall be constructed as part of a development proposal within an adopted Bicycle and Pedestrian Improvement Overlay District if one or more of the following conditions are met: i) The proposed development is located within the jurisdiction of the Wilmington Metropolitan Planning Organization (WMPO) and is located along an existing or planned principal or minor arterial and/or major or minor collector street as defined by the WMPO Functional Classification Map, or; ii) The proposed development is located outside the jurisdiction of the Wilmington Metropolitan Planning Organization and is located along an existing or planned principal or minor arterial and/or major or minor collector street as defined by the NCDOT Functional Classification Map. iii) The proposed development is located along a road or street where bicycle and/or pedestrian improvements have been identified and included in an adopted bicycle and pedestrian plan or another adopted plan. b) The type of facility provided shall be in accordance with adopted local and regional bicycle and pedestrian, transportation,

POLICY	KEY RECOMMENDATIONS THAT RELATE TO THE PENDER COUNTY BICYCLE & PEDESTRIAN MASTER PLAN
	and other plans. If a proposed development has road frontage on an existing or planned arterial or collector street as defined by the WMPO or NCDOT and is not listed on any adopted bicycle or pedestrian plan, then the required construction of bicycle and pedestrian infrastructure shall not be applied. 2) Facility Location, Design, and Construction a) Where possible, bicycle and pedestrian infrastructure shall be constructed within the public right-of-way in consultation with NCDOT. i) If off-road bicycle and pedestrian infrastructure (sidewalks, multi-use paths, and similar) cannot be constructed in the public right-of-way, the improvement shall be constructed within a dedicated public easement and shall be along the entire length of road frontage for the appropriate facility constructed or to-be-constructed. b) Sidewalks shall be constructed as concrete or other like-material to minimum dimensions of 5' wide and 4" thick along the entire length of road frontage of a subject parcel not including driveways as described by AASHTO standards. c) Multi-use paths shall be constructed as asphalt or other like-material to minimum dimensions of 10' wide and 4" thick along the entire length of road frontage of a subject parcel not including driveways as described by AASHTO standards. d) Bike lanes and other on-road bicycle and pedestrian infrastructure shall be designed and constructed in accordance with AASHTO standards and in consultation with NCDOT. e) Off-road bicycle and pedestrian infrastructure shall generally be constructed parallel to the adjacent street. Curves and meanders shall be kept to a minimum. i) Deviations and meanders from the proposed route are permitted if the proposed route impacts wetlands, significant trees, creeks and streams, and/or other environmentally sensitive features or areas. ii) Boardwalks may also be constructed where meanders are not appropriate with required state and federal permits, should they be required. iii) Boardwalks shall maintain facility minimum width and design standards as described in this section and AASHTO standards and be in compliance with the Americans with Disabilities Act and as described in the United States Forest Service's Wetland Trail Design and Construction. 3) Payment-in-Lieu: A payment-in-lieu of bicycle and pedestrian facility construction shall be provided as an option to all applicants if construction is impractical or if genuine hardships caused by the construction requirement can be shown.

POLICY	KEY RECOMMENDATIONS THAT RELATE TO THE PENDER COUNTY BICYCLE & PEDESTRIAN MASTER PLAN
	a) If one or more of the following conditions are met, developers must utilize this option instead of constructing a sidewalk: i) The road or street on which a parcel has frontage is included in the NCDOT State Transportation Improvement Program or other transportation improvement plan for widening within the next five years; ii) The road or street on which a parcel has frontage is scheduled to receive bicycle or pedestrian infrastructure as part of another project. iii) If deviations from a proposed route are required as described in Section 4.12.6.D.1.D above. b) Payments-in-lieu of bicycle and pedestrian facility construction shall be calculated by determining a linear foot amount of facility responsibility for a parcel. i) The type of facility required shall be determined by locally-adopted bicycle and pedestrian plans. ii) The linear foot length of sidewalk responsibility shall be the subject parcel's frontage along an arterial or collector street as defined by the NCDOT Functional Classification Map, minus proposed driveways widths as approved by NCDOT. iii) The dollar amount per linear foot of facility responsibility for each type of facility shall be determined by the Board of Commissioners, subject to change. iv) Total payment-in-lieu contribution shall be calculated by multiplying the linear feet of facility responsibility for a subject parcel by the price per linear foot of appropriate facility as set by the Pender County Board of Commissioners. c) Those individuals utilizing the payment-in-lieu option shall still be required to dedicate public easements for facility construction and use if the facility cannot be entirely located within the public right-of-way. 4) Site Design a) Access i) Pedestrians and bicyclists shall be provided with dedicated facilities to reach a building or structure from the location or point of the bicycle or pedestrian facility. ii) If pedestrian access is provided via a parking lot, said parking lot shall include islands and/or crosswalk striping to provide pedestrians with a safe corridor in which to move between sidewalk and front entrance.

POLICY	KEY RECOMMENDATIONS THAT RELATE TO THE PENDER COUNTY BICYCLE & PEDESTRIAN MASTER PLAN
	iii) Any bicycle or pedestrian infrastructure that crosses a driveway or curb cut shall include cross-walk striping or other similar markings to denote the path of the facility and to alert motorists. iv) If required facility to be constructed is a bike lane or multi-use path, bike racks shall be provided. b) Building Design i) All commercial structures within the Bicycle and Pedestrian Improvement Overlay District shall have at least one (1) public entrance that directly faces the public street. c) Amenities i) Pedestrian amenities, such as benches and seating areas, are encouraged in all scenarios and shall be required to be included in site designs when distance between front property line and main structure entrance is greater than 50 feet. ii) Other amenities, such as those providing shade and lighting, are encouraged. Any provided shade trees shall be in accordance with Article 8 'Landscaping and Buffering' of this ordinance. iii) In accordance with standards in approved bicycle and pedestrian plans, amenities such as pet waste stations and bike repair stations shall be provided at regular intervals depending upon type of facility constructed. iv) Any provided amenities shall not be placed in the public right-of-way unless those amenities can be placed in such a way that does not obstruct the minimum facility width. Provided amenities placed in public rights-of-way shall be done so in consultation with NCDOT. v) Any provided amenities shall complement the design of other bicycle and pedestrian elements, nearby buildings and structures, and the character of the community. vi) Any provided amenities shall be constructed of durable, high-quality materials. Such materials include treated wood, metal and steel, and hardened plastics. Amenities shall be designed specifically for outdoor use. Indoor furniture shall not satisfy the requirements of this ordinance.

POLICY	KEY RECOMMENDATIONS THAT RELATE TO THE PENDER COUNTY BICYCLE & PEDESTRIAN MASTER PLAN
	vii) The property owner assumes all liability and all maintenance and upkeep responsibility for all provided amenities. viii) Any proposed amenities shall be clearly shown and labelled on all submitted site plans. d) Any bicycle and pedestrian improvements made to a site shall be in compliance with the Americans with Disabilities Act and all other applicable federal, state, and local legislation. *7.6 Open Space* Whenever land is subdivided for residential purposes in excess of ten units, a portion of the land must be dedicated for open space. B. Open space areas can be defined by active or passive open space as follows: 2) Passive Open Space areas must consist of undisturbed, unique and sensitive natural features when available, that may include streams, floodplains, wetlands (excluding tidal marsh) conservation resources, and natural heritage areas if identified. These natural spaces will be characterized by undisturbed soils and natural vegetative cover for wildlife habitat. Passive Open space may become part of designated County greenways. Amenities such as walking paths, piers, picnic areas and other passive recreational uses will be allowed with minimal disturbance of the vegetation. C. Required Open Space: All new residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision. No more than 50% of the required open space shall be designated as passive open space. 50% or more of the required open space shall be designated as active open space. E. Standards for Park, Recreation and Open Space Areas: Except as otherwise approved by the Planning Board, all park, recreation and open space areas shall meet the following criteria: 3) Greenways: If open space is a greenway, the land shall be a continuous linear parcel through the subdivision of at least 30 feet in width.
Pender County Code of Ordinances (2020)	While many regulations related to bicycle and pedestrian facility development in Pender County are contained in the UDO, there are a few relevant sections of the Code of Ordinances. *14.190. – Watershed buffer areas required* (a) A minimum 30-foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted.

POLICY	KEY RECOMMENDATIONS THAT RELATE TO THE PENDER COUNTY BICYCLE & PEDESTRIAN MASTER PLAN
	(b) No new development is allowed in the watershed buffer except for water-dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater best management practices.
NCDOT Complete Streets Policy (2019)	The NCDOT Complete Streets Policy Update was adopted by the Board of Transportation in August 2019. This policy requires NCDOT to consider and incorporate multimodal facilities in the design and improvement of all transportation projects in North Carolina. The adopted Comprehensive Transportation Plan (CTP) is considered the controlling plan for the identification of nonmotorized facilities to be evaluated as part of a roadway project. The CTP may include and/or reference locally adopted plans for public transportation, bicycle and pedestrian facilities, and greenways. Bicycle, pedestrian, and public transportation facilities that appear in the CTP directly or by reference will be included as part of the proposed roadway project, and NCDOT is responsible for the full cost of the project. Bicycle, pedestrian, and transit facilities incidental to a roadway project where a need has been identified through the project scoping process but not identified in an adopted plan may be included in the project. Inclusion of these incidental facilities requires the local jurisdiction to share the incremental cost of constructing the improvements based on population thresholds. The policy also establishes maintenance responsibility for active transportation facilities. Bicycle, pedestrian, and transit improvements inside a municipal boundary are subject to local maintenance. For bicycle, pedestrian, and transit improvements outside of a municipal boundary where a county maintenance agreement has not been executed to maintain the facility, NCDOT will maintain the facility after construction if the bicycle or pedestrian facility lies within NCDOT right-of-way. Projects that have not completed environmental review prior to August 2019 are subject to the Complete Streets Policy. Maintenance of Multimodal Facilities: A local maintenance agreement will be executed within the timeframe identified in the PDN for all separated bicycle and pedestrian improvements (e.g., sidewalk or shared-use path) inside or outside a municipal boundary. In the event an agreement cannot be reached, the next highest non-separated facility type will be evaluated for inclusion in the project. Exceptions may be made on a case-by-case basis and NCDOT may agree to maintain separated facilities when a maintenance agreement is not in place in unique project areas of high pedestrian/bicycle demand or high risk related to crossing distance or other conditions.
NCDOT Highway Typical Sections for Use in SPOT Online (2019)	This document contains 57 different highway typical cross sections for use in SPOT Online. The typical sections listed in this guidance provide a variety of options for users to choose from when entering the desired cross section for a new project in the application. Each typical section includes several data elements, such as the

POLICY	KEY RECOMMENDATIONS THAT RELATE TO THE PENDER COUNTY BICYCLE & PEDESTRIAN MASTER PLAN
	number of lanes, median type, and amount of right-of-way needed. These data elements are used to calculate quantitative scores for the Prioritization process, as well as calculate a planning-level cost estimate for the project. This guidance contains typical sections (2F and 2P) for 2-lane undivided roads with paved shoulders and sidewalks in Coastal Area Management Act (CAMA) designated counties. These typical sections prescribe design speeds of 25 to 45 miles mph and minimum clear zones of 20 ft. Pender County is considered a CAMA county.
NCDOT Roadway Design Manual (2018)	The Roadway Design manual provides general design information, design criteria, and plan preparation guidance for NCDOT roadways. Guidance on clear zones can be referenced in Part 1, Chapter 1-4N. Guidance states that the recommended clear zone range for flat, level terrain adjacent to a straight section of a 60mph highway with an average daily traffic of 6000 vehicles is a width of 30 to 32 feet. For steeper slopes on a 70-mph roadway, the clear zone range increases to 38 to 46 feet. Additional clear zone guidance is provided for roadway facilities based on design speed, design ADT, and roadside slope. Guidance on multimodal design elements can be referenced in Part 1, Chapter 4 Sections 4.14, 4.15, and 4.16. Guidance states that shared-use paths, often referred to as greenways, are paths physically separated from motor vehicle traffic and used by pedestrians, bicyclists, and other non-motorized users. The width of a shared-use path may vary, based on expected user volumes and context. • *Desirable width – 12 to 14 feet* • *Minimum width – 10 feet; 8 feet in exceptionally constrained areas* *Vertical clearance, minimum – 8 feet*
FHWA Guidance on Bicycle and Pedestrian Accommodation (2011)	Under the US Department of Transportation Policy Statement on Bicycle and Pedestrian Accommodation, "The DOT policy is to incorporate safe and convenient walking and bicycling facilities into transportation projects. Every transportation agency, including DOT, has the responsibility to improve conditions and opportunities for walking and bicycling and to integrate walking and bicycling into their transportation systems…transportation agencies are encouraged to go beyond minimum standards to provide safe and convenient facilities for these modes." There are no Federal laws or regulations that prohibit shared use paths or bicycle use along or near Interstate highways or other freeways. Bicycle and pedestrian accommodations may be allowed on Interstate and other major highways and freeways. Bridges are essential in any transportation network, and many Interstate or other freeway bridges often are the only possible bridges across rivers, canyons, railroads, other highways, or other major barriers. Major highway bridges often are necessary links for nonmotorized transportation networks.

POLICY	KEY RECOMMENDATIONS THAT RELATE TO THE PENDER COUNTY BICYCLE & PEDESTRIAN MASTER PLAN
	Under 23 U.S.C. 217(g), transportation plans must consider bicycle and pedestrian accommodations. *23 U.S.C. 217(g) Planning and Design. --* 1. *In General. --Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted.* *Safety considerations. --Transportation plans and projects shall provide due consideration for safety and contiguous routes for bicyclists and pedestrians. Safety considerations shall include the installation, where appropriate, and maintenance of audible traffic signals and audible signs at street crossings.*
NCDOT Bridge Policy (2000)	This policy establishes design elements of new and reconstructed bridges on the North Carolina Highway System. Vertical clearances for new structures shall be designed above all sections of pavement including the useable shoulder. Future widening and pavement cross slope will be considered in design clearance. Vertical clearances for facilities are as follows: over interstates, freeways, and arterials: 16'-6" to 17'-0"; over local and collector roads and streets: 15'-0" to 15'-6"; over all railroads: 23'-0" to 23'-6" or less if approved by Railroads; pedestrian overpasses and sign structures vertical clearance: 17'-0" to 17'-6". Sidewalks shall be included on new bridges with curb and gutter approach roadways that are without control of access. A minimum handrail height of 42" is required.

4.2 Policy Recommendations

The following policy recommendations were developed for Pender County to improve bicycle and pedestrian infrastructure within the County and to help implement the recommended bicycle and pedestrian network projects. Key recommendations for bicycle and pedestrian-related policies, ordinances, and design considerations are included in Table 4.2.

Table 4.2**: Policy Recommendations**

POLICY RECOMMENDATION	DESCRIPTION
Define active transportation facilities	Pender County should establish definitions for active transportation facilities including greenways, sidepaths, bike lanes, and sidewalks. Defined facilities will support consistent terminology across all future policies, ordinances, and design guidelines. The County could amend its UDO to incorporate a glossary with these new definitions. *Please refer to the3.3 Bicycle and* Pedestrian Network Recommended Facility Types *within this plan for recommended facility definitions.*
Expand the number of Bicycle and Pedestrian Improvement Overlay Districts to require developer-built bicycle and pedestrian facilities in high-growth and other priority areas of the County	According to the County's UDO, bicycle and pedestrian infrastructure shall be constructed as part of a development proposal within an adopted Bicycle and Pedestrian Improvement Overlay District. Each Bicycle and Pedestrian Improvement Overlay District is created on a case-by-case basis and informed by development activity, current and future roadway improvement projects, current and future bicycle and pedestrian usage and demand, and all relevant adopted plans. Pender County should expand its Bicycle and Pedestrian Improvement Districts in high-growth areas of the County, especially areas of regional significance, and in areas identified as high-priority for pedestrian and bicycle facilities (see Figure 3.3). An existing Bicycle and Pedestrian Improvement Overlay District was created along the US-17 corridor between Washington Acres Rd and Sloop Point Loop Rd in 2018. The County should consider the following: 1.) Expand Bicycle and Pedestrian Improvement Overlay Districts along all corridors identified in the Network Plan, or at a minimum, those corridors identified as high priority corridors. 2.) Evaluate adopting new and expanding existing Overlay Districts in areas proposed as Regional Mixed Use in the Pender 2.0 Comprehensive Plan, which include US 17, NC 210, US 117, US 421, Washington Acres Road, Factory Road, Hoover Road, and sections of the East Coast Greenway running along Blueberry Road, Country Club Road, and Sloop Point Loop Road.
Adopt active transportation-related policies that are consistent with	Pender County is considered a Coastal Area Management Act (CAMA) county; therefore, it should adopt policies (including design considerations for bicycle and pedestrian facilities) that are consistent with the goals of the CAMA. The CAMA of 1974 mandates all 20 coastal counties to have a land use plan and

POLICY RECOMMENDATION	DESCRIPTION
the goals of the CAMA	requires permits for any development in specially designated areas called Areas of Environmental Concern (AEC). According to Pender County's Land Use Plan (2018), AECs are generally those areas that are in close proximity to water (e.g., ocean, ICWW, creeks, etc.) or marsh (wetlands). A CAMA permit must be acquired if a development project meets all of the following conditions: • The project is located within one of the 20 coastal counties of North Carolina • The project is considered "development" under CAMA • The project is within, or affects, an Area of Environmental Concern established by the Coastal Resources Commission • The project does not qualify for an exemption The 2018 Pender County Land Use Plan states that Pender County strongly supports the designation and preservation of all remaining coastal wetlands. Acceptable land uses within coastal wetlands may include utility easements, fishing piers, and docks. Under the Environmental Conservation District in the UDO, the County states that pedestrian trails are exempt from the list of land disturbing activities within the EC district. The County should consider expanding their list of permitted and non-permitted land uses within coastal wetlands to consider bicycle and pedestrian facilities like boardwalks and bridges. If both fall within "pedestrian trails" then the terminology should be defined in a glossary or expanded further upon to clearly articulate the permitted uses.
Establish an active transportation facility maintenance plan	Pender County will need to consider establishing an active transportation facility maintenance plan that includes debris removal and schedules for facility clean-up coordination, routine and special maintenance, and re-striping and resurfacing schedules for paved greenways, sidepaths, and sidewalks along roadways where NCDOT has not assumed maintenance responsibilities. This could fall under the purview of the Parks & Recreation Department or another county department that could either take on the responsibility in-house, or procure a contractor through procurement to conduct the routine maintenance.
Include a Provision of Public Access policy in the Unified Development Ordinance (UDO)	The County should consider a provision within the UDO to allow public access greenways, sidepaths, and sidewalks within easements or rights-of-way of all new utility corridors. According to Rails-to-Trails Conservancy, greenways and trails may be co-located with the following types of utilities: • Electric transmission lines • Gas lines • Sewer lines • Water pipelines

POLICY RECOMMENDATION	DESCRIPTION
	• Broadband/fiberoptic • Irrigation canals/districts Working with landowners may be essential to acquiring property and constructing a continuous and comprehensive greenway network. Standard greenway easement widths vary between 20-30 ft with 30 ft as the preferred width, 20 ft constrained. Establishing this policy provides an avenue for greenways, sidepaths, and sidewalks to be incorporated into new developments as services are established, as opposed to retroactively granting public access to easements.
Promote bicycle and pedestrian connections at existing cul-de-sacs	Cul-de-sacs and single-entry developments limit walkability due to their lack of connectivity. Constructing roadway connections to existing cul-de-sacs or stub streets is also challenging, therefore bicycle and pedestrian facility connections can help address limitations in terms of connectivity and walkability. An adopted code would mandate that bicycle and pedestrian connections be made between any proposed development and an adjacent existing or proposed development, or at a minimum, a 20 to 30-foot right-of-way be stubbed to a property line and reserved for future bicycle and pedestrian connections. The County could mandate that a preferred greenway, sidepath, or sidewalk facility be constructed between a proposed development and an adjacent development, or require that connections be made to an existing greenway, sidepath, sidewalk, recreational area, commercial area, or school.
Adopt outdoor lighting ordinances or codes	Pender County should adopt outdoor lighting ordinances or codes that minimize costs, promote energy conservation, support safe trail systems and healthy habitat environments for threatened and endangered species within the County. The County should add its new provisions to 7.11 OUTDOOR LIGHTING in the UDO. A Model Lighting Ordinance exists to address the need for strong, consistent outdoor lighting regulation in North America. Several municipalities throughout the nation have adopted similar codes to control light pollution, including glare, light trespass, and skyglow. Visit the link to learn more about the Model Lighting Ordinance: https://www.darksky.org/our-work/lighting/%20public-policy/mlo/ Rails-to-Trails also provides a toolbox on bicycle and pedestrian lighting design: https://www.railstotrails.org/build-trails/trail-building-toolbox/design/lighting/
Establish wayfinding standards	Pender County should consider establishing county-wide bicycle and pedestrian facility wayfinding standards to foster consistent branding, placement, use, and design of wayfinding signage (including route

POLICY RECOMMENDATION	DESCRIPTION
	confirmation, directional, and kiosk signage). Wayfinding standards should complement the existing greenways, sidepaths, and park wayfinding standards to create a comprehensive multi-modal wayfinding system.

4.3 Example Policies

A peer review of policies from other areas regarding overall developer responsibilities for bicycle and pedestrian facilities was conducted to provide Pender County with examples that can be used to guide policy recommendations in Pender County. Findings are provided in Table 4.3.

Table 4.3: Example Policies

<table>
<tr><th>POLICY</th><th>RELEVANT LANGUAGE</th></tr>
<tr><td>City of Durham and Durham County Unified Development Ordinance (2023)</td><td>
12.4 Pedestrian and Bicycle Mobility
12.4.2 Sidewalk Requirements
A. A sidewalk shall be provided along public or private right-of-way as shown in the table below.
<table>
<tr><th>Street Type</th><th>Rural Tier</th><th>All Other Tiers</th></tr>
<tr><td>Freeways; Expressways</td><td>None</td><td>None</td></tr>
<tr><td>All other streets</td><td>None</td><td>Both Sides</td></tr>
</table>
B. Preliminary and minor plats, and developments required to improve existing right-of-way to City or NCDOT standards, as applicable, shall provide public sidewalk within right-of-way pursuant to paragraph 12.4.2A, Sidewalk Requirement.
C. For all other development except as exempted pursuant to paragraph 12.4.2D, Exemptions, required sidewalk along the right-of-way frontage of the development site shall be provided, as applicable per paragraph 12.4.2A, through only one of the following two methods. The following methods shall not be used in combination:
1. Sidewalk located within the right-of-way and/or on-site
a. Sidewalk shall connect to external sidewalks that extend to the property of the subject development, including connectivity to crosswalks and end of pavement at all adjacent intersections.
b. Sidewalk located on-site shall meet the following criteria:
(1) The sidewalks shall be located within a public access easement;
(2) The maximum distance from the right-of-way, measured to the closest edge of the sidewalk to the right-of-way, shall be 20 feet; and
(3) Lighting per Sec. 7.4, Outdoor Lighting, shall be provided either by proposed or existing on-site lighting, or street lights within the right-of-way.
2. Payment-in-lieu (City only)
a. Payment-in-lieu of constructing required sidewalk shall be made at the rate set by the City Council.
b. In order to accommodate future sidewalk, a recorded easement shall be provided along frontage of the subject property where no sidewalk is proposed if the existing right-of-way is not of sufficient width to accommodate a sidewalk.
</td></tr>
</table>

	12.5 Recreation Land *12.5.2 Dedication, Impact Fees, and Payment-in-Lieu* A. In the County 1. The applicant for a residential development shall be responsible for either: a. Dedicating 1,150 square feet of land for recreation purposes (including active and passive recreation areas, including trails) for each proposed dwelling unit; or b. Making payment-in-lieu equivalent to the tax value of 1,150 square feet of comparable property per dwelling unit. 2. One of the following shall be required: a. Dedication of land; or b. Payment-in-lieu of dedication. B. In the City 1. The applicant for a residential development shall be responsible for: a. Paying a recreation impact fee or dedicating 575 square feet of land for parks and active recreation areas for each proposed dwelling unit; and b. Paying a resource based recreation impact fee or dedicating 575 square feet of land for passive recreation areas (including trails) for each proposed dwelling unit. 2. Where recreation service districts have been established, payments made under this section shall be expended within the respective district from which collected. 3. The following, individually or in combination, shall be required based upon jurisdiction and whether the development is located on the Durham Trails and Greenways Master Plan or the Durham Comprehensive Bicycle Transportation Plan: a. Payment of an impact fee; b. Dedication of land; or c. Payment-in-lieu of dedication.
Town of Wake Forest Unified Development Ordinance (2022)	*6. Subdivision and Infrastructure Standards* *6.8 Sidewalks and other Pedestrian Facilities* *6.8.1 Sidewalks* A. General Standards/Location: Sidewalks are required in accordance with the Town of Wake Forest Transportation and Pedestrian Plan, and the Town Street Classifications in Section 6.7.2. Alternative facilities or a payment in lieu may be considered in accordance with C and D below. C. Alternative Compliance: Alternative provisions for pedestrian movement meeting the intent of this section may be used where unreasonable or impractical situations would result from application of these requirements. Such situations may result from significant street trees, impending road widening, topography, utility easements, lot configuration or other unusual site conditions. In such instances, the Administrator may approve an alternate

	plan that proposes different pedestrian amenities provided that the intent of this section is fulfilled. D. Payments in Lieu: In lieu of alternative compliance in C above, the Administrator may approve a payment in lieu (in accordance with an adopted annual fee schedule) where any one or a combination of factors render compliance impractical: 1. Steep slopes 2. Absence of existing sidewalks along the corridor and in the general neighborhood 3. Where sidewalks are not shown on the town's adopted Pedestrian Plan. *6.9 Bicycle Facilities* *6.9.1. Requirement For Installation* A. Bike lanes or separate off-street multi-use paths shall be installed on new or modified roadways where designated for such by the Town of Wake Forest Transportation Plan or similarly adopted plan; and/or as specified in Section 6.9.3 below where the adopted plan does not provide sufficient guidance. B. Where a proposed development does not include new or widening of existing collector or thoroughfare streets, the developer shall reserve right-of-way sufficient to accommodate the appropriate bikeway facility.
City of Salisbury Land Development Ordinance (2022)	*4. Subdivisions and Infrastructure* *4.9 Sidewalk Program* A. Sidewalk Requirements. 1.Existing Streets. As part of a proposed subdivision or new development along an existing publicly-maintained street in the corporate City limits, sidewalks shall be constructed along all applicable street frontages per the standards of Section 4.7 of this Chapter. 2.Infill Lots. Sidewalk construction may not be required if the new development lot is considered an infill lot pursuant to Section 6.3.I, Infill Provisions, Sidewalk Compatibility Standards. 3.New Streets. As part of new street construction, sidewalks shall be constructed along both sides of the new street per the standards of Section 4.7 of this Chapter. B. Sidewalk Alternatives for Existing Streets. When the approving authority determines that the construction of a required sidewalk along an existing publicly-maintained street is unfeasible due to special circumstances, including but not limited to: an impending road widening; impracticality due to topography, streams, or other environmental limitations, or if constructed it would not connect with a similar existing or proposed improvement therefore would not provide an immediate or future or future transportation or public safety benefit, the approving authority may approve a payment in lieu of sidewalk construction. C. Sidewalk Payment In Lieu Program. As authorized under this section, a payment may be made to the City of Salisbury in lieu of sidewalk construction. The value of the payment shall equal the average linear foot sidewalk project

	cost, as determined by the Engineering & Development Services Department of the City of Salisbury and calculated per time and material cost at the time of the request. The applicant is informed of the amount to be paid upon issuance of the zoning permit, or adoption of the ordinance for a Conditional District Overlay development, and payment shall be made prior to issuance of the Certificate of Occupancy. Payments received in lieu of construction shall be placed in a restricted fund and set aside in a deferred revenue account to be used to install or repair sidewalks within the general area of the corporate City limits. *7. Recreational Open Space* *7.6 Payment in Lieu of Allocation* Development that meets all of the following criteria shall be eligible for payment in lieu of allocation of recreational open space: ■ Contains less than 50 proposed dwelling units, and ■ Is located less than one-fourth-mile radius from an existing or planned public park (or public school with recreational facilities accessible to the general public), and ■ Includes a proposed connection to the park or school by sidewalk or greenway trail. A. The value of such payment shall be 300 percent of the predevelopment tax value of the required recreational open space area. A combination of recreational open space allocation and payment in lieu of allocation shall be permitted. B. All payments shall be made prior to Final Plat approval. Failure to submit the required payment prior to Final Plat approval will delay approval until payment is rendered. C. All funds received for payment in lieu shall be deposited into a special Parks and Recreation Development fund. Collected payments, including accrued interest, shall be expended solely for the acquisition, development, or rehabilitation of the existing or planned public park that was employed for payment in lieu eligibility. D. An amount of land, equivalent to the payment in lieu value, located elsewhere within the City's Parks and Recreation Master Plan planning area may be accepted subject to City Council approval.
City of Wilson Unified Development Ordinance (2022)	*7. Parks & Open Space* *7.3 Payment in Lieu of Park Space Dedication* Any person developing and/or subdividing property subject to this chapter may, upon approval of the Administrator, make a payment in lieu of any required dedication of public recreational space, except that the dedication requirement for any areas designated as future greenways on an adopted plan are not eligible to be met by payments in lieu of dedication. *7.3.1 Fee Determination and Disbursement* A. Determination of Payment In Lieu: Payment in lieu of dedication shall be the product of the post-development appraised value of the land (per gross acre) to be developed multiplied by the number of acres to be dedicated. The following formula shall be used to determine the fee:

	Post Development Appraised Value of Entire Development (per gross acre) X Required Park space Dedication (acres) =Payment in Lieu Dedication Fee B. Determination of Post Development Appraised Value: The Post Development Appraised Value of the Entire Development shall be established prior to Preliminary Plat approval by an Appraiser who is a Member of the Appraisal Institute (MAI) or a North Carolina General Certified Appraiser. C. Credit for Park and Greenway Connections: Credit toward a payment in lieu shall be given for the cost of constructing pedestrian/bicycle accessways that connect to existing parks or greenways, up to a maximum of 50% of the required payment in lieu. Such pedestrian/bicycle accessways shall meet the standards of Section 6.7.2 and the City of Wilson Manual of Specifications, Standards and Design. D. Disagreements Regarding Payments In Lieu: Any disagreement in the amount of required payment shall be resolved by conducting a professional appraisal of the fair market value of the property. The professional appraiser shall be mutually agreed upon by the developer and city. An appraiser shall be appointed by the city, at the developer's expense, should an agreement not be reached. E. Disbursement of Payments In Lieu: All payments made in lieu of dedication shall be made at the time of Final Plat approval or prior to the issuance of the first Certificate of Occupancy (whichever comes first as appropriate). Failure to submit the required fee along with such applications will delay approval of such submissions until payment is rendered. All funds received for payment in lieu of dedication shall be deposited in a special fund or line item to be used only for the acquisition, development, or redevelopment of public recreation space by the city. *7.3.2 Required Payments in Lieu* A payment in lieu of dedication may be required by the Administrator. Reasons for requiring payments in lieu of dedication may include, but are not limited to, sufficient proximity to existing public parks as determined by the Director of Parks and Recreation and/or existing topographic or geographic conditions as determined by the Administrator.
Town of Mooresville Unified Development Ordinance (2022)	*5. Development Standards* *5.1 Access and Connectivity Standards* *5.1.4. Landowner or Developer Responsible for Improvements* A. The landowner or developer of the development, subject to the requirements of this section shall provide the road, street, bikeway, sidewalk, greenway, and other access and circulation improvements, both on the development site and, as appropriate; off the site, as required by the approved development approval or permit, in accordance with the standards of this section, the engineering requirements in the Land Development Design Standards manual, which is incorporated herein by reference, the regional Comprehensive Transportation Plan, the Mooresville Transportation Master Plan, and the standards of Chapter 6: Subdivision Standards.

	B. The landowner or developer of the development, as appropriate, shall dedicate any on-site required rights-of-ways or easements, as appropriate, for transportation system improvements, such as streets and bicycle and pedestrian facilities, identified in local and regional plans such as Mooresville Transportation Master Plan, the Comprehensive Plan, and the regional Comprehensive Transportation Plan (CTP), and where appropriate, construct such facilities in accordance with the standards of this UDO. *5.1.6 Street, Sidewalk, and Greenways Standards* C. Bicycle Facilities 1. Bicycle Facility Requirements a. All development that includes street construction shall include a combination of bicycle facilities and low-speed local streets, where applicable, that provide a safe, comfortable, and convenient route within the development and to bicycle facilities outside the development. b. Bicycle facilities shall be installed on new streets in accordance with the CTP and/or the Town's Bicycle Plan. Any collector or higher street not within such plan shall provide an on-street bicycle lane and appropriate buffer. Sharrows and bicycle lanes are strongly encouraged on all local streets. c. For development along existing streets for which bicycle facilities are identified in the CTP and/or the Town's Bicycle Plan, the developer shall dedicate additional right-of-way as necessary to accommodate the bicycle facility. d. Where appropriate due to anticipated traffic volumes or conflicts with vehicular traffic, on-street bicycle facilities shall include features that enhance separation from motor vehicles such as physical buffering through means such as bollards, parked cars, or by being placed behind the roadway curb; or use of a separate shared sidepath or greenway trail, in accordance with the standards of the Town's Bicycle Plan. e. Greenways and bicycle-pedestrian bridges shall be constructed to the standards of this UDO and the Town's Bicycle Plan. 2. Exceptions a. The Planning Director may waive or modify the requirement to install bicycle facilities if the Planning Director determines: i. Development of the bicycle facility is impractical or infeasible due to the presence of topographic conditions or because of existing development patterns and the applicant makes a payment to the Town in-lieu of the installation; ii. Adding a greenway or other bicycle facility will exceed more than five percent of the land area within the overall site;

iii. The street is under construction or a contract for construction has been signed and the planned improvement would remove the bicycle facilities; or
iv. When a connection between properties requires a bicycle or pedestrian bridge and there is no legally established right-of-way or easement to complete the connection to the other side, a fee-in-lieu payment may be permitted for 50 percent of the bridge cost; however, legal access shall be provided to the property line allowing a future connection to be made.

b. The Planning Director may adjust the sidewalk width standards in this section or the street tree and planting width standards in the landscape and buffer standards in this chapter, to facilitate inclusion of a bicycle facility along a street due to the conditions identified in this section.

D. Sidewalks

1. Sidewalk Requirement

Sidewalks are required in accordance with the following:

i. Except in the RC and RLS districts, sidewalks shall be constructed on both sides of all new streets. In the RC and RLS districts, sidewalks shall be constructed on at least one side of all new streets.
ii. Sidewalks shall be constructed along the entire frontage of a proposed development with an existing street, unless there already is an existing sidewalk that complies with the standards of this section. A sidewalk that does not comply with the ADA or other standards of this section shall be upgraded to comply.
iii. Except in the TD and DE districts, sidewalks shall be a minimum of five feet wide. In the TD and DE districts, the minimum sidewalk width shall be six feet or the width of the sidewalk along the street frontage adjoining the site, whichever is greater.

2. Exceptions

The Planning Director may modify or waive the requirement to install sidewalks if:

i. The applicant provides a facility that provides equivalent or better pedestrian access, such as a sidepath or similar facility; or
ii. Installation of sidewalk on a single residential lot used for not more than two dwellings that is more than 500 feet away from any existing sidewalks;
iii. Topographic conditions or natural features, such as steep grades do not allow connections to be made without stairs, or because of existing development patterns, and the applicant makes a payment to the Town in-lieu of the installation. All fees collected by the Town pursuant to this section shall be

	deposited in a dedicated Town fund used only for construction of bicycle pedestrian facilities that provide sufficient benefit to the development providing the in-lieu fee.
Orange County Unified Development Ordinance (2023)	*6. Development Standards* *6.10 Roadway Improvements & Multi-modal Transportation* A. Economic Development Districts (2) Pedestrian Circulation (a) Walkways or sidewalks must be provided along all new collector and arterial streets. (b) A minimum four-foot wide planting strip between sidewalk and curb shall be provided. (c) In all cases, public sidewalks, and walkways on private property, must be at least four feet in width and clearly marked with paint or a contrasting surface material. (d) In addition, barrier-free design must be incorporated into sidewalk and walkway systems for use by the handicapped. (e) Buildings must be sited in ways which make their entries or intended use clear to approaching users and visitors. Clear pedestrian entries from the street and not just from adjacent parking areas are to be provided. (f) Locate parking areas to the side or rear of buildings and relate building facades to the street, public sidewalks, and transit stops. (g) In the area between the public realm of the street and the private realm of the residential complex or commercial building, provide a transition consisting of a well landscaped front yard, a low fence or wall, a recessed entry, a courtyard, or other device that promotes privacy but visibility from the street. (3) Bicycle Circulation (a) Development projects which abut a proposed bicycle route must make provision for bicycle parking/storage as part of the comprehensive site development plan. (b) In addition, such facilities are to be provided in conjunction with designated transit stops. (c) Bicycle parking and storage facilities, as well as the installation and/or delineation of bike lanes must be done in accordance with the standards contained in The Regional Bicycle Plan - Durham and Orange Counties North Carolina Bicycle Facilities Planning and Design Criteria. (d) In each instance where bicycle parking/storage is provided, the number of bicycles for which space is provided must be appropriate to the location and expected clientele. Where such facilities are provided, safe and sheltered parking

	and storage is to be provided as close and convenient to building entrances as vehicular parking.
Wilmington Urban Area MPO Model Ordinance (2021)	*1. Bikeways, Sidewalks, and Greenways* *1.02 Applicability* (a) This Article applies to all development within the [JURISDICTION] jurisdiction. (b) No construction shall commence until all required plans and designs have been reviewed and approved by the [JURISDICTION] or other governmental approving agency. (c) No [JURISDICTION] services or utilities shall be extended to any development until the applicant has installed the infrastructure specified in this chapter. *1.03 Easements* (a) Easements shall be provided in locations and dimensions required by the [JURISDICTION] in order to: (i) Allow for adequate pedestrian access. (ii) Allow for adequate bicycle access. (iii) Allow for adequate right-of-way for street types. (iv) Allow for adequate storm drainage facilities. (v) Allow for adequate access to service bicycle and pedestrian infrastructure (vi) Allow for adequate right-of-way for construction of bicycle and pedestrian infrastructure. (b) Whenever a piece of land in a proposed site plan includes any part of a greenway designated in the comprehensive plan, bicycle plan, or pedestrian plan, the greenway shall be platted and dedicated as a greenway easement. *1.04 Exemptions and Appeals* (a) Fee-in-Lieu (i) Where the [JURISDICTION] determines that construction of public improvements would not be feasible, a fee in lieu may be permitted. (ii) Right-of-way and easements may still be dedicated to the [JURISDICTION] to allow access. (b) Surety (i) Required improvements identified in this chapter that are not completed prior to the issuance of a building permit will be bonded in accordance with [JURISDICTION] development standards in an amount of 125% of the estimated construction cost. (ii) All required improvements secured by a surety shall be installed prior to the issuance of the first certificate of occupancy. *1.05 Overlay District* (a) Greenway Overlay District

	(i) The purpose of the Greenway Overlay District is to promote health, safety, convenience, and welfare by providing increased connectivity and infrastructure to surrounding parks, neighborhoods, businesses, and bicycle and pedestrian networks. (ii) A multi-use path shall be installed by the developer in accordance with the comprehensive plan. (iii) Where sidewalks and multi-use paths meet the street ADA compliant ramps shall be installed. (iv) Bicycle and pedestrian infrastructures shall be installed in accordance with [JURISDICTION] design standards. (b) Pedestrian Benefit Zone (i) The purpose of the pedestrian benefit zone is to promote safe and convenient pedestrian infrastructure in designated zones with high density. (ii) Concrete sidewalks shall be constructed along the entire frontage of all commercial, residential, industrial, and park sites within the pedestrian benefit zone. (iii) If concrete sidewalks currently exist but are in poor deteriorated condition, the sidewalk shall be replaced to [JURISDICTION] design standards.

5. Implementation

5.1 Implementation Methods

Bicycle and pedestrian facilities can be implemented through several methods:

- As part of capital projects, like roadway or utility improvements. Whenever there are improvements to a roadway, such as widening, adding turn lanes, or safety improvements, the capacity to add the recommended bicycle or pedestrian facility should be evaluated at the same time. This will require early coordination with NCDOT to ensure the facilities are included in the planning and environmental phase of the process.
- Through NCDOT, FHWA, and other grants. Project-specific grants should be pursued, especially for high priority projects. NCDOT Multimodal planning grants and FHWA RAISE grants may be pursued for project construction. In addition, the MPO can seek grant funding through NCDOT's paved trails and sidewalks feasibility study grant program to fund a feasibility study for specific projects.
- As development occurs either through actual construction or payment in lieu of construction for later construction. Policies should be implemented to set these requirements. Recommended policies are detailed in the previous sections.

5.2 Funding

North Carolina Department of Transportation: NCDOT offers several funding programs for bicycle-related projects. One key program is the Multimodal Planning Grant Program, which provides financial support for municipalities, counties, and planning organizations to develop comprehensive bicycle plans and multimodal plans, as well as provide updates to existing plans.

Safe Routes to School: NCDOT's IMD administers the federally funded Safe Routes to School Program using funds from SAFETEA-LU and the Bipartisan Infrastructure Law. The program aims to encourage school-aged children to walk and bike to school safely through projects that improve safety and reduce traffic and car pollution. Funding amounts range from $50,000 to $500,000 per project.

Surface Transportation Block Grant: WMPO receives annual Surface Transportation Block Grant Program (STBG) funds from FHWA. The STBG Direct Attributable program provides funding for bicycle and pedestrian infrastructure. The STBG Carbon Reduction program provides funding for projects reducing carbon emissions. The STBG Transportation Alternatives Set Aside program provides funding for projects that enhance non-motorized transportation, including bicycle and pedestrian facilities.

NC Parks and Recreation Trust Fund: The NC Parks and Recreation Trust Fund (PARTF) provides matching grants for parks, recreational, and public beach access projects.

Safe Streets and Roads for All: USDOT administers the Safe Streets and Roads for All grant program which funds the development of a safety action plan, as well as planning, engineering, and construction activities associated with projects identified in the safety action plan. The safety action plan should focus on solutions to improve roadway safety for all users, including pedestrians and bicyclists.

Highway Safety Improvement Program: FHWA provides a calculated percentage of Highway Safety Improvement Program funds to NCDOT each year. These funds may be used for pedestrian and bicycle

facilities that are designed to improve road safety, including protected bike lanes, intersection improvements, and traffic control devices for pedestrians and bicyclists.

Carbon Reduction Program: FHWA administers the Carbon Reduction Program which provides funding for transportation projects designed to reduce carbon dioxide emissions for roadway sources. These projects may include on and off-road trail projects for pedestrian and bicyclists, as well as micro-mobility projects.

5.3 Maintenance

Maintenance of bicycle and pedestrian facilities is crucial for ensuring their safety, functionality, and longevity. Regular upkeep and proactive maintenance practices help preserve the quality of infrastructure, enhance user experience, and promote active transportation. Here are some key aspects to consider when it comes to maintaining bicycle and pedestrian facilities:

- Inspection and Assessment: Conduct routine inspections of bicycle and pedestrian facilities to identify any signs of wear, damage, or hazards. This includes assessing the condition of bike lanes, sidewalks, crosswalks, signage, lighting, benches, and other amenities.
- Repairs and Upgrades: Address any maintenance needs promptly, including repairing potholes and uneven surfaces on bike paths and sidewalks. Ensure that signage and markings are clearly visible and replace them when necessary.
- Vegetation and Landscape Maintenance: Manage vegetation and landscaping along bicycle and pedestrian routes to maintain clear visibility and prevent overgrowth that may impede users. Regularly trim trees and shrubs, clear debris, and ensure that vegetation does not obstruct sightlines or encroach on pathways.
- Lighting and Safety: Adequate lighting is essential for ensuring the safety and visibility of bicycle and pedestrian facilities, particularly during low-light conditions or at night. Regularly inspect and maintain lighting fixtures, replace burnt-out bulbs promptly, and ensure that lighting levels meet the required standards.
- Trash and Debris Control: Regularly clean and maintain bicycle and pedestrian facilities to keep them free of trash, debris, and litter. This includes emptying trash bins, sweeping pathways, and addressing any dumping or unauthorized waste disposal.

By implementing a proactive and comprehensive maintenance strategy for bicycle and pedestrian facilities, communities can ensure that these vital infrastructure elements remain in good condition, provide a positive user experience, and continue to promote active and sustainable transportation options.

Maintenance Management

Maintenance of bicycle and pedestrian facilities may be managed through several options:

- Establishing a new maintenance department specifically dedicated to bicycle and pedestrian facilities. This can ensure proper upkeep and safety of facilities. This department would be responsible for the regular inspection, repair, and improvement of bike lanes, side paths, sidewalks, and other facilities. Key considerations when setting up a new maintenance department for bicycle and pedestrian facilities include department structure and staffing,

budget and resources, maintenance procedures, facility management, and collaboration with other departments.

- Adding bicycle and pedestrian facility management to an existing department. This process will require many of the key considerations identified above, as well as continuous collaboration with the existing department. Key steps in this process may include:
    - Identify which department will be responsible for bicycle and pedestrian facility management. Considerations include facilities and fleet services, parks and recreation, and planning and community development.
    - Assess the departments current resources, such as staff and budget to determine if any existing resources can be used for facility management or if additional resources will be required.
    - Create a proposal outlining the goals and objectives of incorporating facility management into the existing department. The proposal should include outcomes, staffing needs, and project budget. Present the proposal to governing bodies as needed.
    - Secure funding and additional resources needed for implementation of the proposal.
    - Establish policies and procedures, including maintenance guidelines and facility management.
    - Work with staff within the existing department to fully integrate bicycle and pedestrian management into their department.
- Through a contractor. By managing bicycle and facility maintenance through a contractor, you can leverage external expertise and resources while maintaining flexibility and potentially reducing costs. The contractor would be responsible for regular maintenance tasks, repairs, inspections, safety checks, and any other specific requirements. Once a contractor has been selected, performance monitoring measures, including regular inspections, progress meetings, performance reviews, and feedback from users or stakeholders, should be implemented to ensure quality work.

5.4 Checklist

The following checklist provides a list of action items for Pender County and WMPO to begin implementation of the plan. This is not a comprehensive list, but rather, provides the high-level action items that should be completed in order to ensure successful implementation of this plan.

SHORT-TERM (0-3 YEARS)
Plan Adoption: Pender County and Wilmington Urban Area Metropolitan Planning Organization should adopt this plan. In addition, the Board of Commissioners and other appropriate bodies should adopt the Bicycle and Pedestrian Plan.
Comprehensive Transportation Plan and Metropolitan Transportation Plan Updates: WMPO should add the network recommendations to their Comprehensive Transportation Plan and their Metropolitan Transportation Plan at the next update. Pender County should add the network recommendations to their Comprehensive Transportation Plan.
Define Active Transportation Facilities: Pender County should establish definitions for active transportation facilities. Defined facilities will support consistent terminology across all future guidelines. Add definitions to the Unified Development Ordinance (UDO).
Expand the Number of Overlay Districts: Pender County should adopt bicycle and pedestrian overlay districts along network recommended corridors.

Define Facility Dimensions and Designs: Determine the appropriate dimensions for facility types and any special considerations for design, such as landscaping requirements. Add requirements to the UDO.
Adopt Active Transportation Policies Consistent with Coastal Area Management Act Goals: Pender County should expand their list of permitted and non-permitted land uses within coastal wetlands to consider certain bicycle and pedestrian facilities.
Project Funding Plan: Develop a long-term plan for project implementation and funding for high priority projects, including grants to pursue, responsible party for grant writing, and timeline.
MEDIUM-TERM (3-5 YEARS)
Identify the Responsible Party for Maintenance Management: Pender County should evaluate and identify the best party to conduct maintenance activities of bicycle and pedestrian facilities given fiscal and personnel constraints. See the previous section for potential maintenance management structures.
Establish A Maintenance Plan: Establish a maintenance plan that would include maintenance responsibilities and schedules. The party responsible for performing maintenance activities should be identified in this plan.
Developer Requirements: Add developer requirements or fee in lieu provisions to the Pender County UDO. Require that bicycle and pedestrian facilities along new developments connect to adjacent existing facilities or reserve right-of-way to allow for a future connection.
Include a Provision of Public Access Policy in the UDO: Pender County should add a provision in the UDO to allow public access facilities within easements or rights-of-way of new utility corridors.
LONG-TERM (5-10 YEARS)
Adopt Outdoor Lighting Ordinances: Pender County should add lighting codes to the UDO that promote a safe and sustainable trail system.
Establish Wayfinding Standards: Pender County should establish county-wide bicycle and pedestrian facility wayfinding standards.
Plan Revisions and Updates: Re-evaluate and update the Pender County Bike/Pedestrian Plan as needed. This includes evaluating policy recommendations, development pressures, and network constraints. Establish performance indicators to measure each project's success and impact on the community.

Appendix A: Public Engagement Summaries

Public Engagement Phase I Summary

1. Introduction

In the late Fall of 2022 into early Winter of 2023, the Pender County Bicycle and Pedestrian Plan team conducted the first phase of public engagement. The goal of this phase was to educate the public on the plan's purpose and need, and seek input on a vision and goals for the plan; identify the bicycle and pedestrian conditions, including where users currently or would like to be able to walk and bike, where challenges exist to doing such, and ideas for improving bicycle and pedestrian conditions; and identify evaluation criteria that will be used for the prioritization of potential projects to be included as part of the plan. This report summarizes the activities and feedback received during this phase.

2. Promotion and Outreach

To reach a wide range of the study's targeted audiences, several outreach tools were used. Both print and digital means were necessary to promote the study to the public who use the corridor frequently and to the public who may receive information mostly from digital sources. These tools included a study-specific webpage, informational flyers, social media, and press releases. The webpage was hosted on WMPO's website: https://www.wmpo.org/pender-county-bicycle-and-pedestrian-plan/

To reach key audiences where they currently frequent rather than require them to seek out opportunities for in-person engagement, pop-up events were hosted. The purpose of these pop-up events was to share materials developed for the study and to engage participants in engagement opportunities, including the survey. Two events were hosted on February 4th, the first at Food Lion at Hampstead Station and the second at the Castle Bay Community. Participants that stopped by at the pop-up events could have conversations with the study team, fill out a paper survey, or provide comments on a map of the county.



Figure 1. Pop-up at Food Lion



Figure 2. Pop-up in the Castle Bay Community

3. Survey Results

A public survey was used during this phase of public engagement to solicit public input. The survey was available on MetroQuest, an online platform. A portion of the survey included a crowdsourcing map to seek feedback on identifying the current conditions so that participants could provide feedback on where they would like to be able to walk and bike, where challenges exist to doing such, and ideas for improving bicycle and pedestrian conditions. A paper survey was also developed to provide a non-digital means to complete the survey, for participants without access to a mobile phone or computer.

The survey was launched on November 21st and there have been 619 responses collected as of March 9, 2023. Figure 1 shows the accumulative participation by each week.

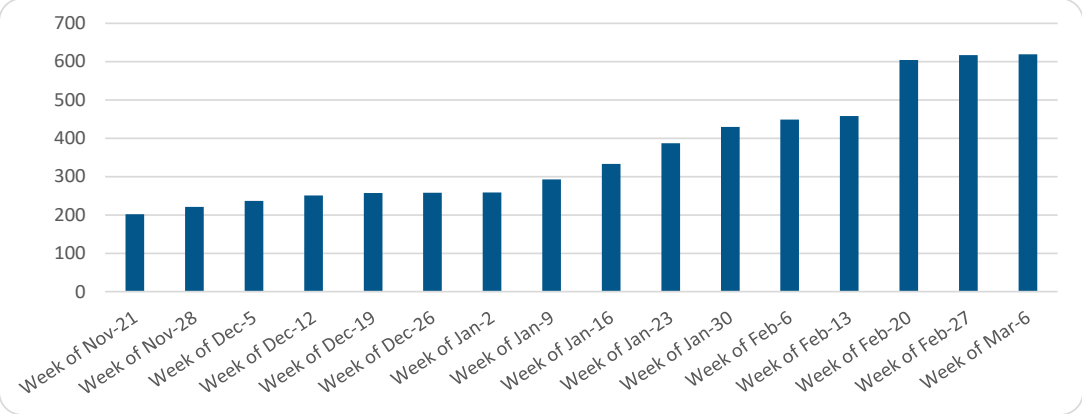


Figure 3. Survey participants by week

The following sections provide a description of the content provided on each page of the MetroQuest survey and summarizes the findings collected from participations. A demo of the survey can be found here: https://demo.metroquestsurvey.com/d9k3e

Screen 1: Welcome Screen

The Welcome screen provided background details on the study, the purpose of the survey, and how feedback and community input contribute to the final recommendations. The scrolling text at the bottom of this page noted that "As the development of recommendations also considers local policies and plans, as well as a significant amount of technical data, the study team and decision-makers are committed to incorporating feedback and asking the community for input before finalizing recommendations."



Figure 4. Welcome screen

Screen 2: How Do You Bike and Walk?

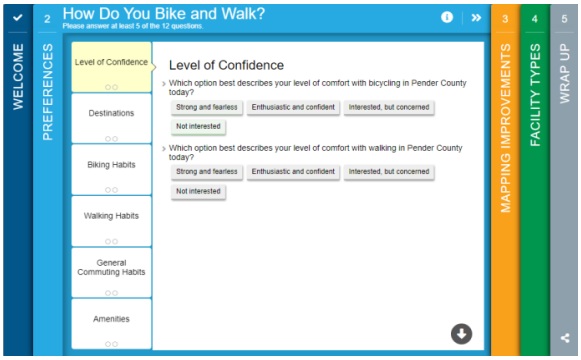


Figure 5. Preferences screen- How Do You Bike and Walk?

The second screen asked participants to rate their biking and walking level of confidence, typical destinations, habits, and preferred amenities. The first set of questions asked participants to describe their level of comfort with biking and walking in Pender County. There were four options: strong and fearless, enthusiastic and confident, interested but concerned, and not interested. The results of the biking and walking confidence are shown in Figures 6 and 7. The majority of participants for both biking and walking confidence selected "interested, but concerned" though it should be noted that participants were slightly more confident with walking than biking.

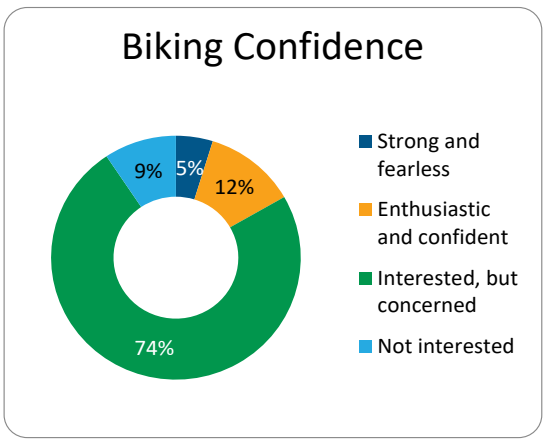


*Figure 6. Which option best describes your level of comfort with **bicycling** in Pender County today?*

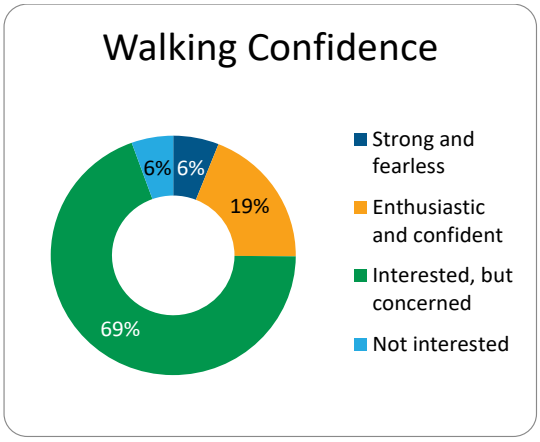


*Figure 7. Which option best describes your level of comfort with **walking** in Pender County today?*

The second set of questions asked participants about the purposes they currently bike and walk for. For both biking and walking, most participants do so as a recreational activity. Less than 30 participants currently bike and walk to commute to school, work, or connect to transit. Approximately 130 participants bike or walk to visit family and friends. For the purpose of running errands, 94 participants responded that they currently bike, and 77 participants responded that they currently walk.

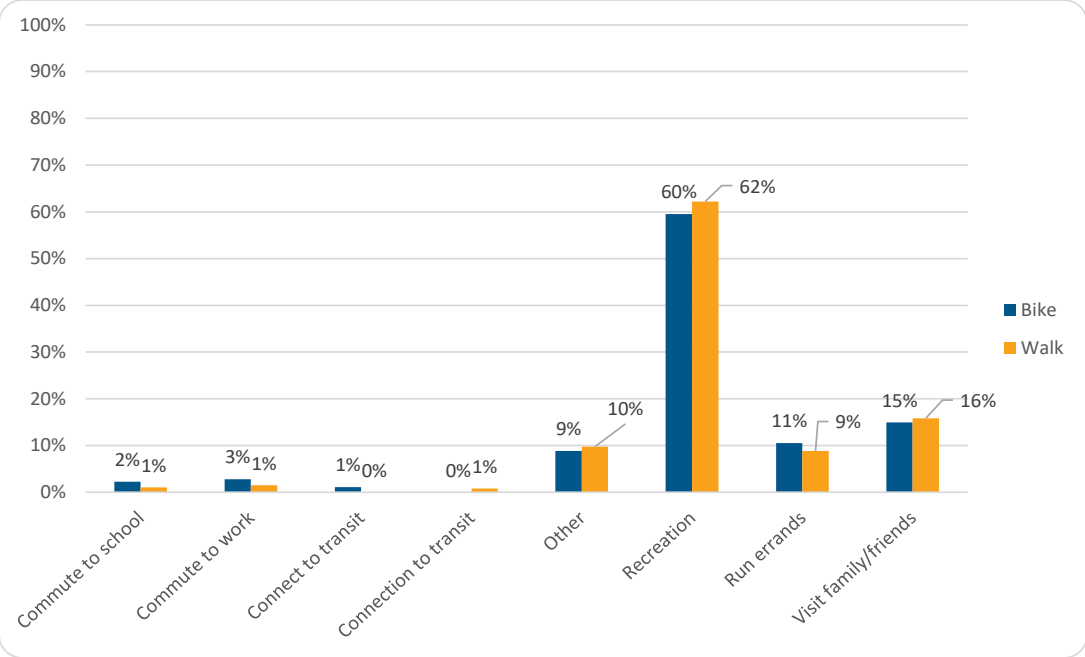


Figure 8. What purposes do you currently bike for? What purposes do you currently walk for?

The third set of questions asked about biking and walking habits. The survey asked how often participants currently bike and how often they would bike if the network was improved. The number of participants who responded that they currently bike daily is 31. When asked how often they would bike if the network was improved, 198 participants answered that they would bike daily. Therefore, the number of daily bikers would increase by six times if the network was improved. The number of participants who said they currently never bike is 59; this number decreased by 50% when participants were asked about an improved network. When asked about an improved biking network, the frequency with that participants said they would bike increased.

The survey asked participants how often they currently walk and how often they would walk if the network was improved. 180 participants said they currently walk daily. That number jumped to 286 when participants were asked about an improved network. A similar pattern is seen with the participants who selected multiple times a day for their current habits. The number of participants who selected multiple times a day went from 16 participants to 111 participants when asked about an improved pedestrian network.

Figure 9 shows the current habits for bikers and their habits if the network was improved.

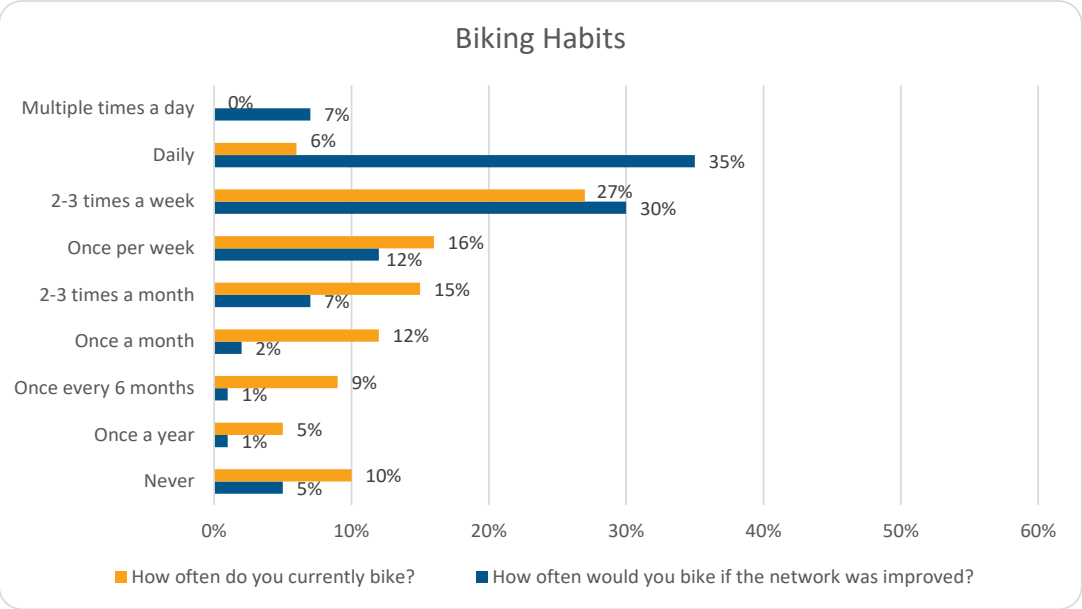


Figure 9. How often do you currently bike? How often would you bike if the network was improved?

Figure 10 shows the current habits for walkers and their habits if the network was improved.

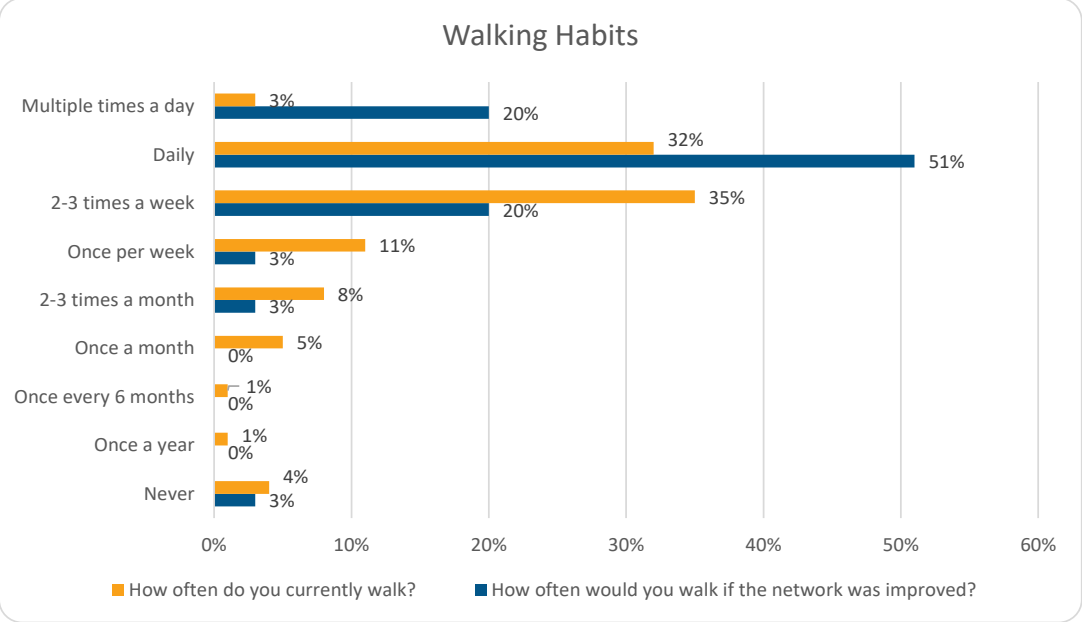


Figure 10. How often do you currently walk? How often would you walk if the network was improved?

The fifth set of questions asked about general commuting habits such as participants' most common and current mode of transportation and their desired mode of transportation. The most used current mode of transportation is a single-occupant car. When participants were asked about desired commuting patterns, biking was ranked as the most desired mode of transportation if the system was improved. Walking also saw an increase, and notably, responses for single-occupant car trips decreased.

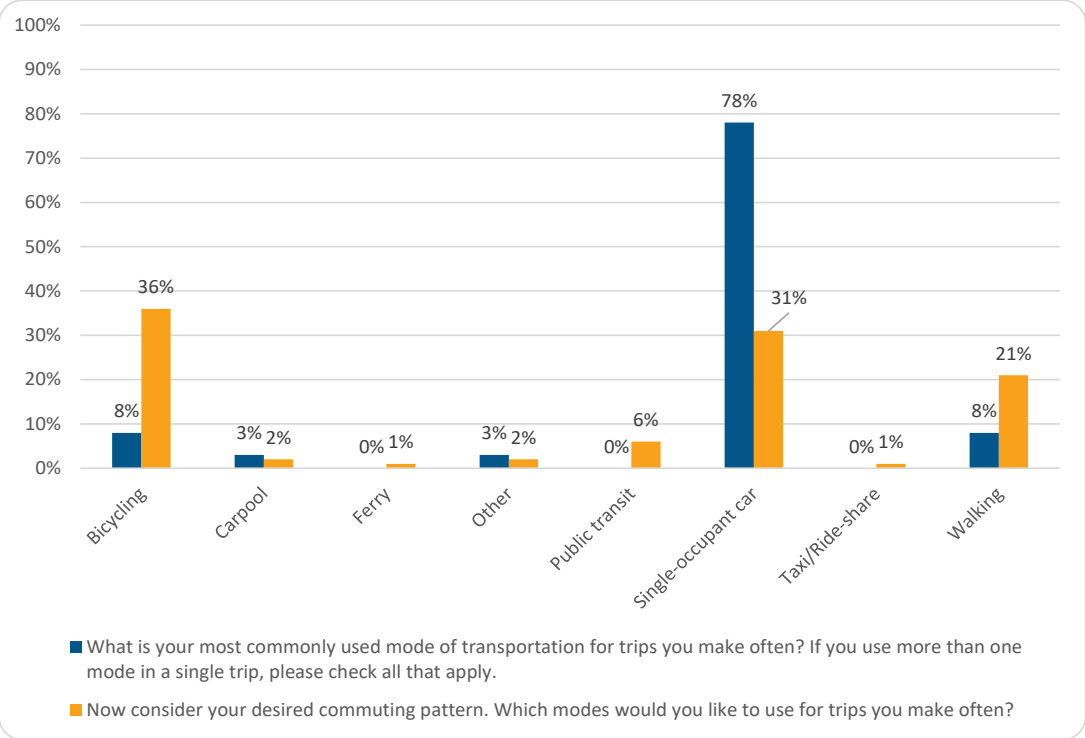


Figure 11. What is your most commonly used mode of transportation for trips you make often? Which modes would like to use for trips you make often?

The last set of questions asked participants which amenities would encourage them to bike or walk. The option for "Safe biking/walking routes" was the most popular choice of participants to encourage more walking or biking. Participants provided 159 comments about amenities that would encourage participants to bike or walk. Among those comments, the common themes were about safety, having well-lit trails, bathroom facilities, dedicated bike lanes, sidewalks, and crosswalks. There were eight comments about a path around Scoot's Hill Loop Road.

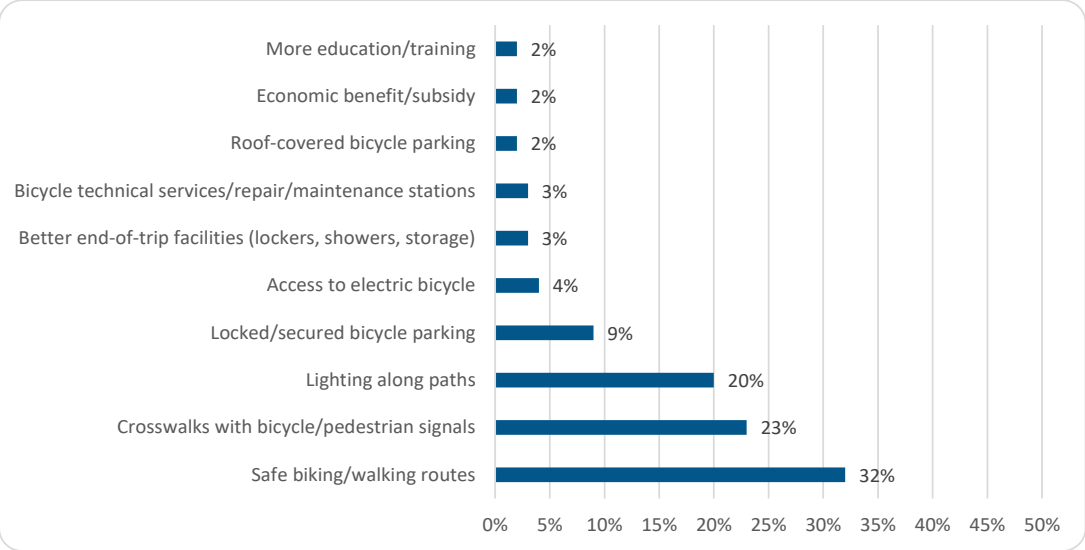


Figure 12. Which of the following amenities would encourage you to bike or walk? (Select all that apply)

Screen 3: Mapping Improvements Where You and Bike

The third screen asked participants to drag and drop pins to mark locations where they generally start walking or biking and where their destinations are for those trips. Participants also marked areas where challenges for biking and walking exist or improvements they would like to see.

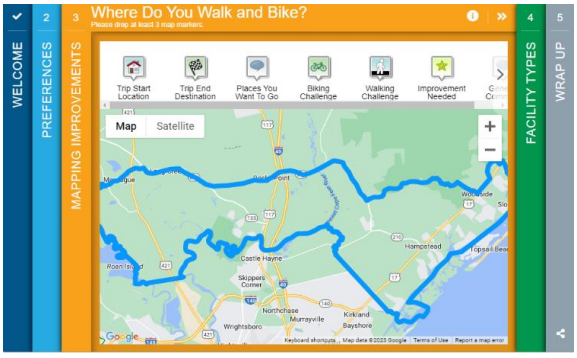


Figure 13. Mapping improvements- Where Do You Bike and Walk?

A total of 1485 pins were placed on the map and over 750 comments were provided. Table 1 shows the number of pins that were placed for each type of marker, and the comments collected can be found in Appendix A. Maps showing the results of the data are shown in Figures 14 – 17. The majority of trip start locations were noted as the participants' home location, and the majority of end destinations were categorized as for recreation. For "Places You Want To Go" the most popular option was "recreation" followed by "shopping."

Table 1. Number of Pins Placed on Survey Map

Type of Marker	Number of pins placed
Trip Start Location	283
Trip End Destination	274
Places You Want To Go	370
Biking Challenge	154
Walking Challenge	174
Improvement Needed	186
General Comment	43

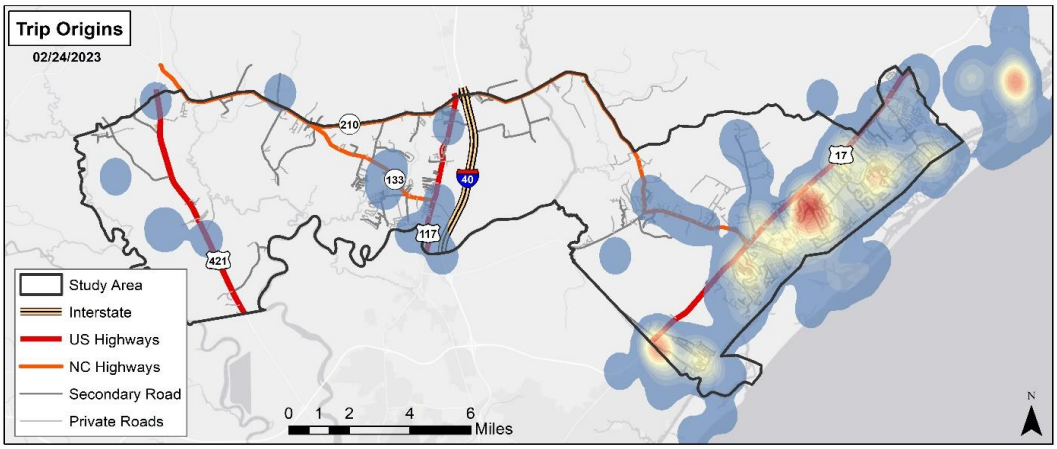


Figure 14. Map Results of pins placed for "Trip Start Location"

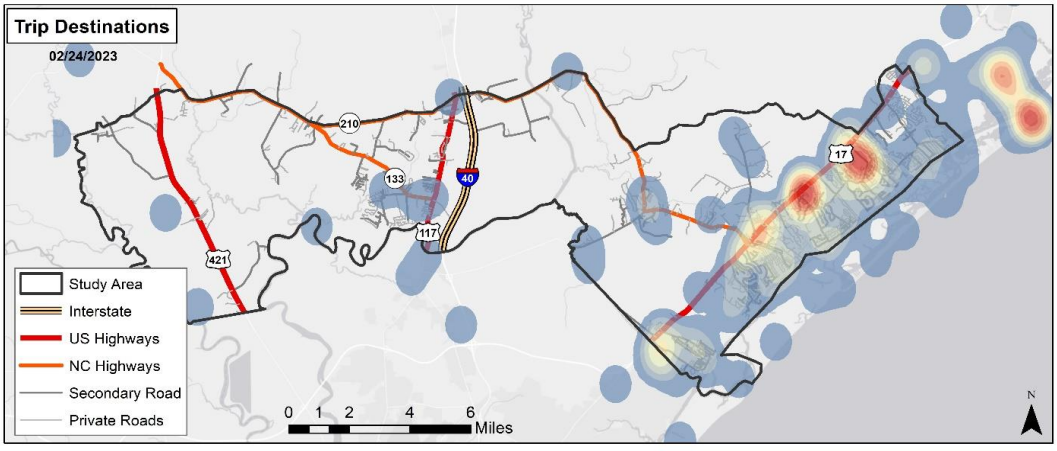


Figure 15. Map Results of pins placed for "Trip End Destinations"

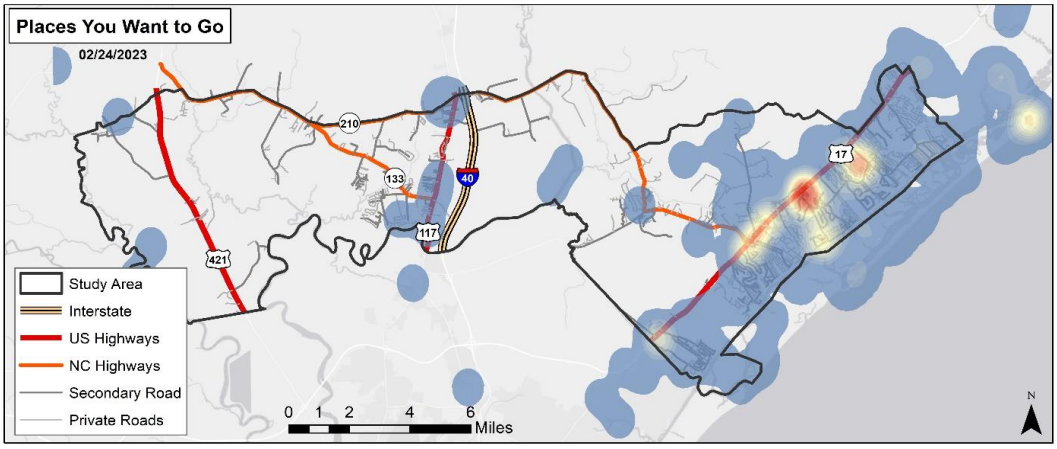


Figure 16. Map Results of pins placed for "Places You Want To Go"

When participants selected a pin for “Improvement Needed” the majority of markers were for “adding pedestrian infrastructure” followed closely by “Add bike infrastructure.” Pins were also placed for “improve safety conditions” as shown in Figure 17.

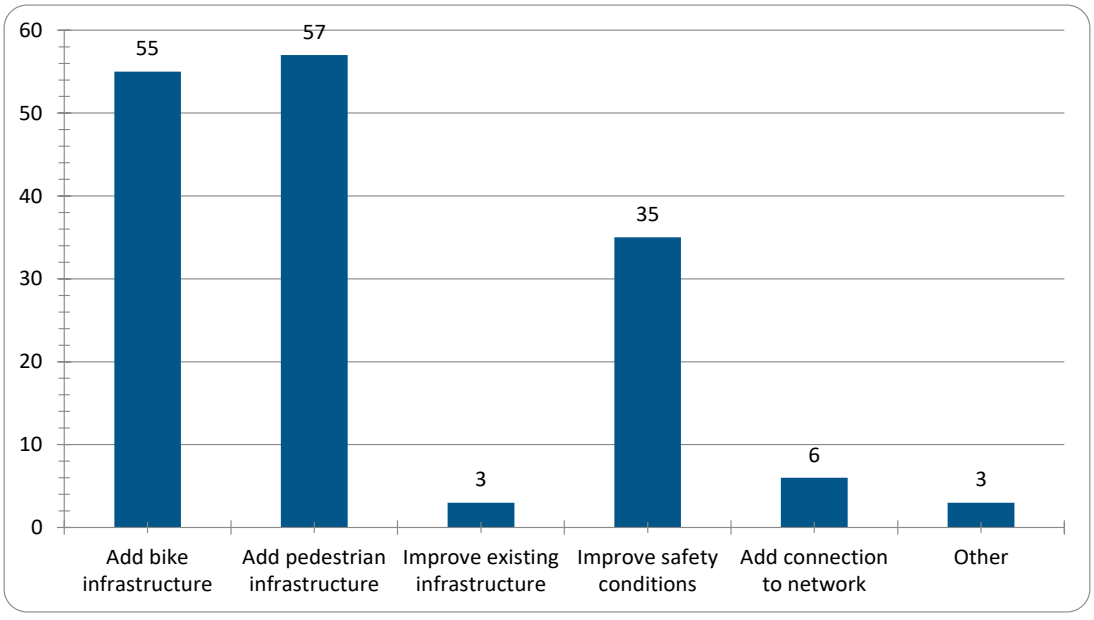


Figure 17. Result of pins placed for "Improvements Needed"

Screen 4: Facility Preferences

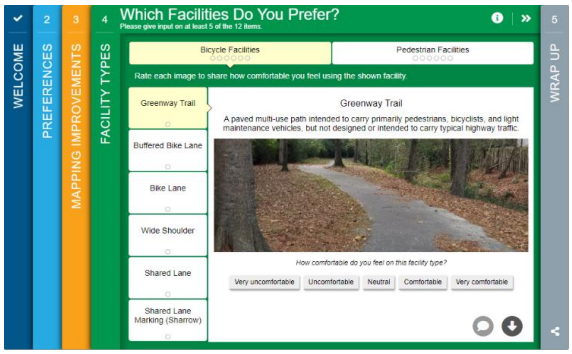


Figure 18. Facility Preferences screen- Which Facilities Do You Prefer?

The fourth screen asked participants to consider their comfort level using different types of bike and pedestrian facilities. For each facility, a description and image were included to help inform the participant about the facility type. There are six bike facilities included (greenway trail, buffered bike lane, bike lane, wide shoulder, shared lane, and shared lane marking or sharrow) and six pedestrian facilities included (sidewalk, side path, shared-use path, greenway trail, unimproved trail, and wide shoulder). Participants could rate how comfortable they feel about each facility type on a scale from very uncomfortable, uncomfortable, neutral, comfortable, to very comfortable. Participants could also optionally provide comments on each facility type.

The comfort levels have been placed on a scale from 1-5. The closer to 5, the more confident the participant is about using the facility. The table below shows the comfortability scale used to demonstrate the results.

Very Uncomfortable	Uncomfortable	Neutral	Comfortable	Very Comfortable
1	2	3	4	5

The results in Figure 19 show the participants' comfort ratings for using bike facilities. The responses shown include only the participants who responded to the second screen question about biking confidence levels. Greenway has the highest comfortability rating across confidence levels. Participants who rated themselves strong and fearless, had the highest comfortability rating of all facility types. Shared lane had the lowest comfortability rating across all confidence levels.

Participants had the option to leave comments on the facility types. The common themes on the greenway comments include having a well-maintained facility that is clear of debris, and concerns about golf carts as an added hazard (six comments). Comments left on the Buffered Bike Lane facility included concerns about drivers not paying attention to bikers, having a speed limit of 35 mph or less, and educating motorists (13 comments). Participants who left comments on Bike Lane said it was not ideal for families and are concerned about motorists not paying attention as well as cars parking in the bike lanes (10 comments). For the buffered bike lane and bike lane, participants noted that it depends on the road used. Wide shoulder and shared lane both had the largest number of comments of all the bike facilities. These comments were about safety and the potential for accidents (nine Wide Shoulder comments) (11 Shared Lane comments). Shared lane marking had similar comments as the wide shoulder and shared lane with notes that the marked lanes will not alleviate their safety concerns (6 comments).

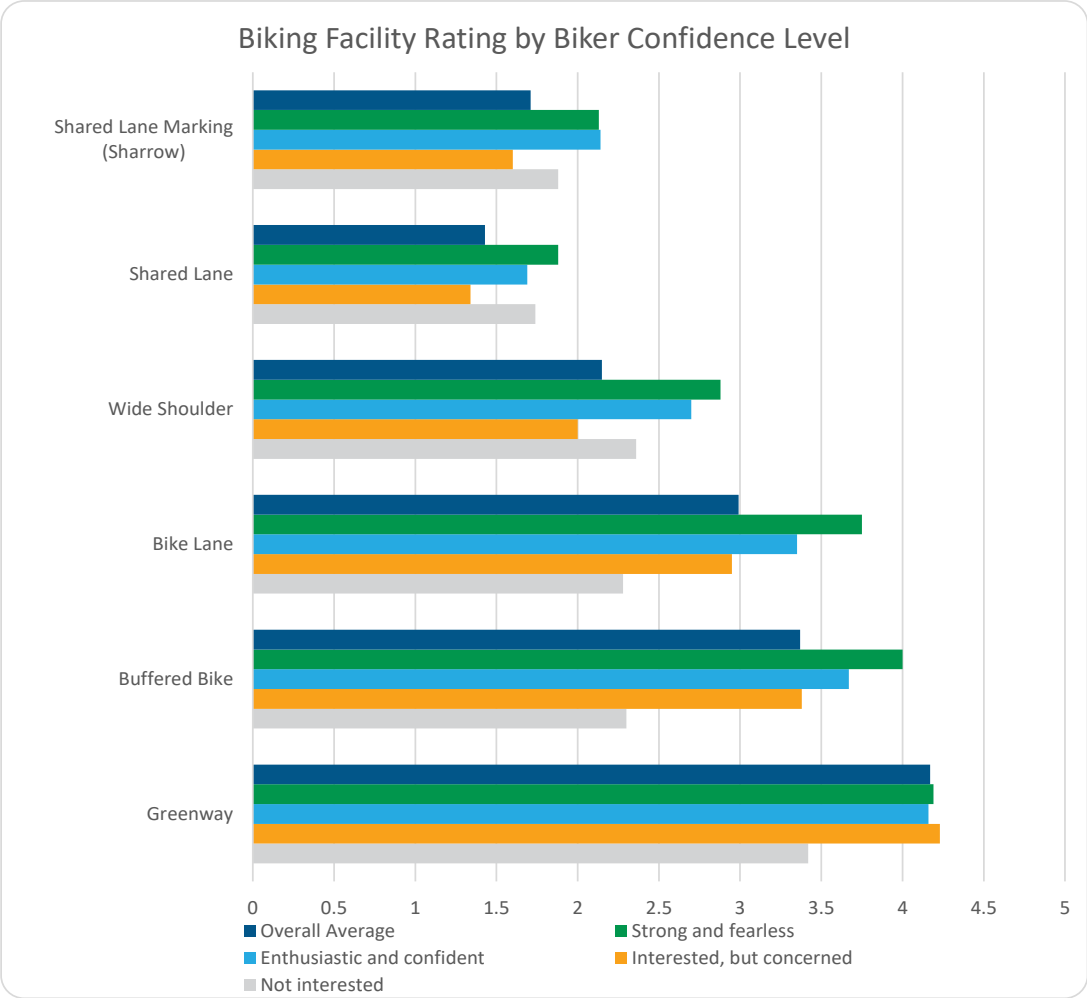


Figure 19. Bicycle Facilities: How comfortable do you feel on this facility type?

Figure 20 shows the participants' comfort ratings for using pedestrian facilities. The responses shown include only the participants who responded to the question on the second screen about walking confidence levels. Similar to the bike facility rating, greenway had the highest comfort rating among pedestrians across all confidence levels. The pedestrian facility with the lowest comfortability rating is wide shoulders. Participants could also leave comments on the biking facility ratings. There were fewer comments left on the pedestrian facilities than the biking facilities. Participants who left comments on the sidewalk were concerned about not having a raised curb with higher speed limits on the side streets and concerned about kids and inattentive motorists (two comments). The side path comments mentioned that side paths provide a large safe space and are the best solution for walkers (two comments). The comment themes on the share-use path include concerns about the interaction between all road users. One comment mentioned considering the use of electric bikes. Participants who left comments on the greenway were concerned about lighting on the paths and mixing bikers, walkers, and other traffic (two comments). The unimproved trail received comments concerning cameras at the entrance on the rails, trail markings, rattlesnakes, and that the unimproved trail would not improve pedestrian commuting (six comments). The participants who left comments on the wide shoulder were all concerned for the potential for accidents (six comments).

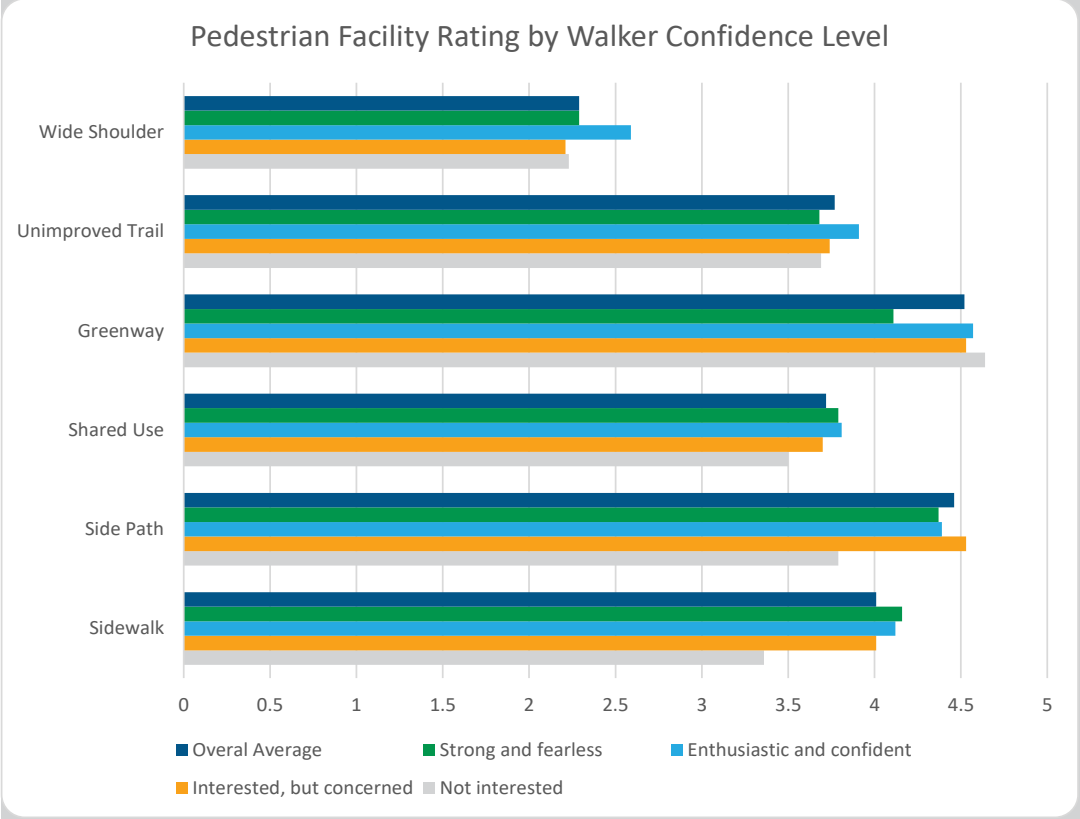


Figure 20. Pedestrian Facilities: How comfortable do you feel on this facility type?

Screen 5: Demographics

The final screen gave the respondents the option to provide their demographics, share the survey on social media, and visit the project website. The following figures show the results for each of the demographic questions.

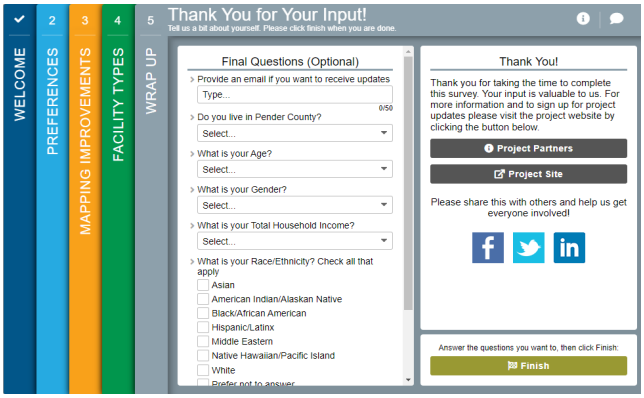


Figure 21. Wrap Up screen- Tell us a bit about yourself.

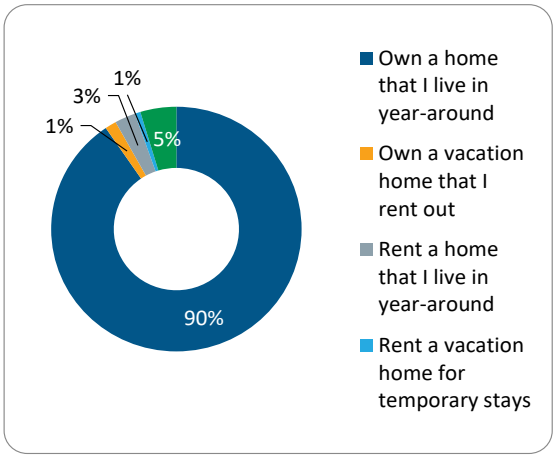


Figure 22. Do you live in Pender County?

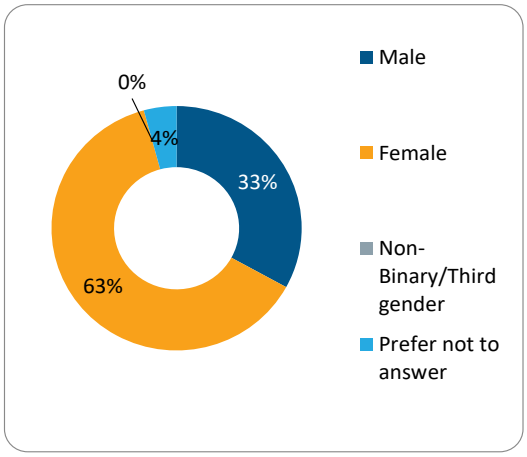


Figure 23. What is your Gender?

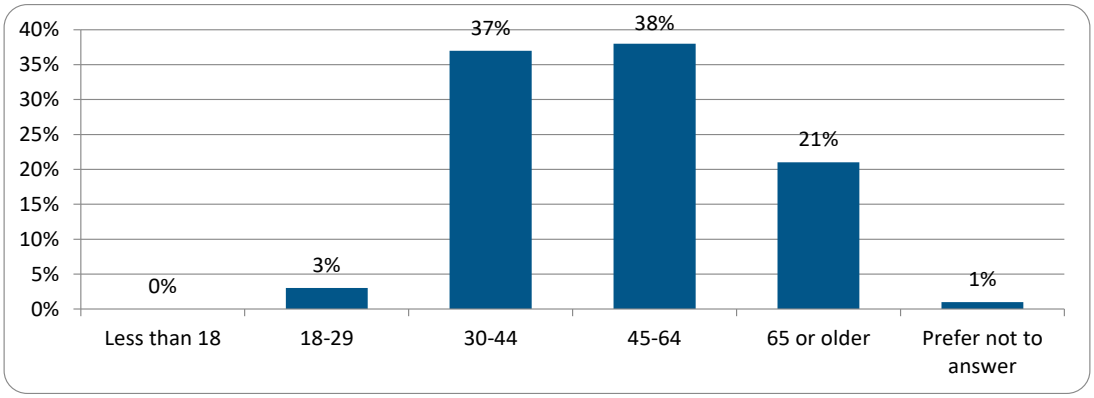


Figure 24. What is your Age?

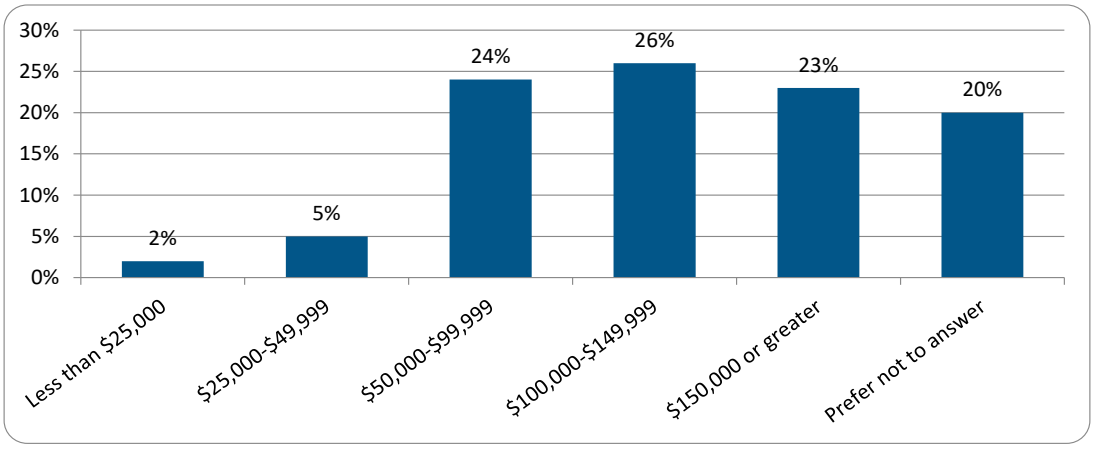


Figure 25. What is your total household income?

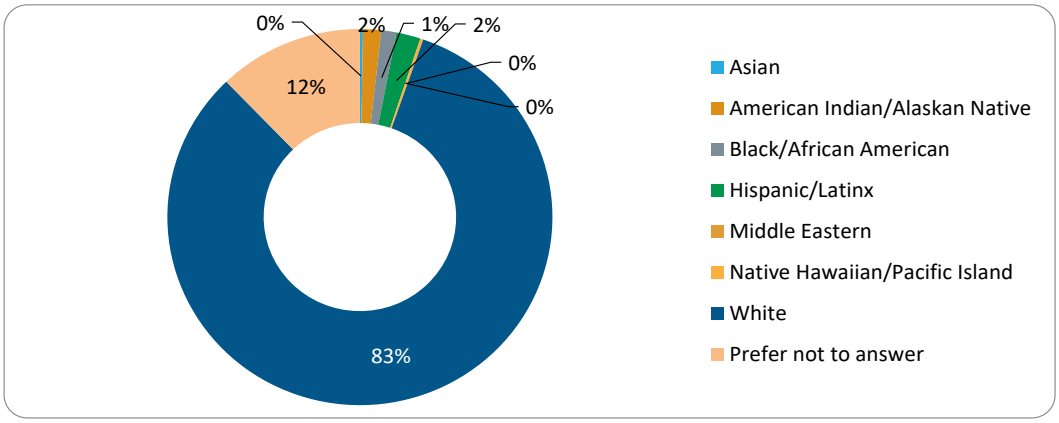


Figure 26. What is your Race/Ethnicity? Check all that apply.

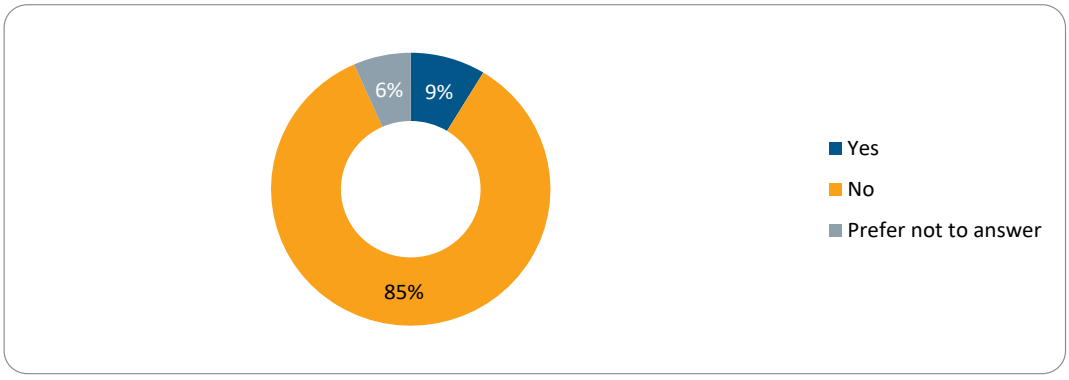


Figure 27. Do you have a Disability?

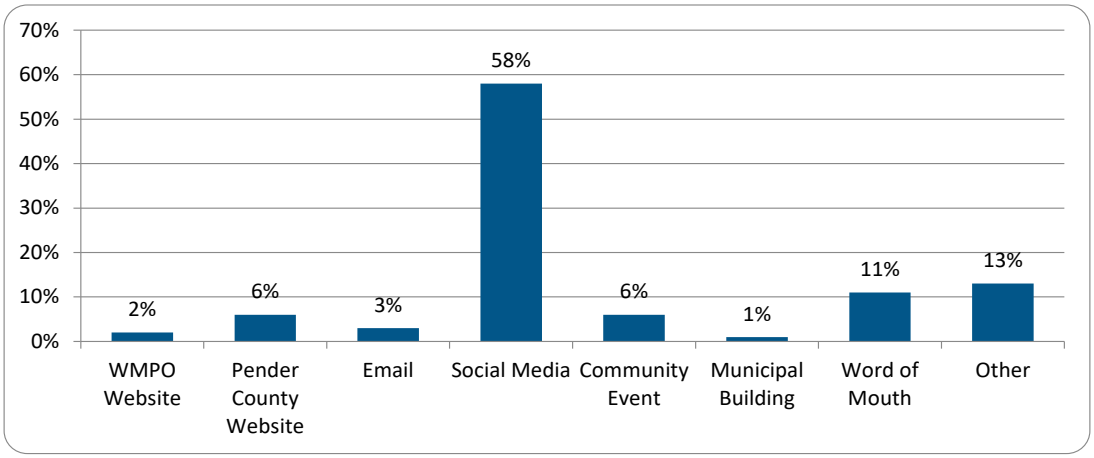


Figure 28. How did you hear about this survey?

Appendix A. Mapping Screen Comments

Please note comments have not been edited to fix spelling or grammar.

Marker Type	Comment
Biking Challenge	Traffic. I am not confident in using the bike lane.
Walking Challenge	Too dangerous
Biking Challenge	Too dangerous
Walking Challenge	Need paths
Walking Challenge	Lack of sidewalks
Biking Challenge	No safe bike lanes
Improvement Needed	Improve / install wider bike lane / road shoulder along Hwy 133
Improvement Needed	Add bike lane or widen road shoulder along Hwy 210
Improvement Needed	Develop the abandoned rail corridor into a multi-use trail between Castle Hayne and Burgaw.
Improvement Needed	Add bike lane or widen road shoulder on Hwy 210
Improvement Needed	Add bike lane or widen road shoulder on Sidbury Rd
Improvement Needed	Utilize route as proposed by Cape Fear Council of Governments to connect to the East Coast Greenway
Improvement Needed	Add bike lanes or widen road shoulders
General Comment	Develop the abandoned rail corridor between Castle Hayne & Burgaw into a multi-use path.
Walking Challenge	No bike lane or storage
Biking Challenge	Lots of redneck drivers, no bike lanes, drivers are hostile towards bikers
Walking Challenge	No sidewalks other than on Anderson, drivers speed and do not pay attention, narrow roads and not enough enforcement of dangerous driving
Improvement Needed	Need bike lanes and signs, enforcement against aggressive and hostile car drivers who target bikes (eg Coal Rolling)

General Comment	17 is no man's land if you are not in a car. It is extremely dangerous to bike or walk on this stretch of road in Pender County-- 210 is the same way.
Walking Challenge	marked path
Biking Challenge	Sloop point loop does not have sidewalk or path
Walking Challenge	Sloop point loop does not have sidewalks or path
General Comment	A turning lane is needed for this section of road from millers pond park to pauls place. Many who live in this stretch have to wait PARKED ON THE HIGHWAY waiting to turn left onto their road bc of the long line of traffic blocking them from turning... due to the housing developments down hwy 133 past Pauls Place. All that traffic is coming and going into and out of wilmington via castle hayne exit to I40. Its very dangerous, lots of wrecks happen in this area.
Biking Challenge	no room for bike
Walking Challenge	no room to walk
Walking Challenge	It feels unsafe bc it is set back in the woods without cameras. People have been living here, dropped off dead here, and a suspicious bomb looking thing was detonated here. Please put some cameras up along the trail, near the shelter, and parking lot. Get a patrol car to visit the area more frequently. It's a nice, wooded trail but we need to be and feel safe while using it.
Improvement Needed	Cameras please
Improvement Needed	Make a sidewalk along hwy 117 to the intersection of hwy 210 & hwy 117
Walking Challenge	No shoulder
Biking Challenge	Traffic
Biking Challenge	Country club rd is a challenge for drivers, walkers and riders. Narrow with no room to miss.
Walking Challenge	Busy fast rd.
General Comment	Find a way to connect similarly to that done at Kiwanis, NTElementary and Plantation Point/azalea rd. It's a beautiful bike path. A wonderful example
Walking Challenge	car traffic
Biking Challenge	Hwy 17 is unsafe to bike along
Walking Challenge	Hwy 17 has almost no sidewalks and is therefore unsafe to walk along.
Improvement Needed	All listed above applies to this area
Biking Challenge	Route 17 is the major way to get from Hampstead to anywhere else and route 17 is NOT a good option for biking therefore I stay close to home
Improvement Needed	This area is just not biker or walker friendly. Eventually Hampstead will have more stores and restaurants and I be want to be able to bike to those locations
General Comment	Preferably do not construct bike paths immediately next to route 17, there are more pleasant places
Biking Challenge	Bloodworth Curve is dangerous period. Cars or bicycles. Traffic on this thoroughfare is heavy
Improvement Needed	Lighting along pedestrian trail
Walking Challenge	with the exception of the nature conservancy, I haven't found interesting safe walks in Hampstead
Biking Challenge	I don't feel safe on most roads. Need bike lines and/or multiuse trails
Biking Challenge	Scotts hill loop road dangerous for biking
Walking Challenge	Scotts hill loop road dangerous for walking
Improvement Needed	Scotts hill loop road perfect for a walking and biking trail.

Walking Challenge	Need some sidewalks and crosswalks at traffic lights in commercial stretch of Hampstead so we can walk or bike the area rather than have to drive.
Walking Challenge	No crosswalk to get to the other side. No sidewalks you have to walk on uneven terrain risking injury. It's a very busy street and currently unsafe for pedestrians or bicyclists. Shame on the county for not considering the residents needs and safety.
Walking Challenge	No walking path or bike lane on Scott's hill loop road
Improvement Needed	No walk or bike path on Scott's Hill Loop road
Improvement Needed	Sidewalks,bike paths
Walking Challenge	Safe sidewalks
General Comment	Need safe sidewalks for walking,jogging,biking. Very popular area to do these things but very unsafe due to winding rd and traffic.
Biking Challenge	Insane to walk or ride along 17. No bike/walking lanes. No traffic control.
Walking Challenge	No sidewalks/ bike lanes. Excessive traffic due to uncontrolled growth with no increase in infrastructure (along country club, sloop point, sloop point loop)
Improvement Needed	Scotts Hill Loop Rd needs bike/walking paths throughout the entire area, connections to Porter's Nevk would be great!
Walking Challenge	Nearly impossible to walk safely along the loop rd or any of the side roads.
Biking Challenge	Not safe to bike on the Loop Rd and on many of the side streets.
Walking Challenge	Must drive to a park with walking pathways due to lack of sidewalks. Walking along Country Club Drive is very dangerous due to increasingly heavy traffic.
Walking Challenge	Lack of sidewalks increasingly heavy traffic.
Biking Challenge	Narrow road with lots of curves. Would be a beautiful area to bike but it's pretty dangerous feeling.
Walking Challenge	Narrow road, lots of curves
Improvement Needed	sidewalks around Scott's Hill Loop.
Walking Challenge	little shoulder and no sidewalk - dangerous to walk and ride.
Improvement Needed	Sidewalks in the Scott Hill area would be wonderful!
Walking Challenge	No sidewalks and traffic
Biking Challenge	No sidewalks or bike paths and traffic
Biking Challenge	To much traffic and at a high speed.
Walking Challenge	Along HWY 17, there is to much traffic and the traffic is at a high speed.
Improvement Needed	Currently you have to ride your bike on the shoulder of HWY 17, very unsafe.
General Comment	All along HWY 17 needs to be improve with a separate path, both for walking and biking. Some areas of HWY 17 have a bike lane, but is not safe nor enjoyable to use. A path 10 to 20 yards from HWY 17 will increase usage and enhance the health benefits of exercising. After the initial cost of paving a biking/walking path, the cost to maintain the path is minimal. Then in the future other paths can be spurred off of the main path.
Walking Challenge	Lack of Sidewalks and Motorists constantly exceeding posted Speed Limit of 45 MPH… Lack of law enforcement patrolling in this area to ticket violators. (NOTE: Given the frequency and number of motorists who speed through Scotts Hill, the fines could be a significant contribution toward funding the cost of bike lanes and sidewalks…)
Biking Challenge	Lack of Bike Lanes and Motorists constantly exceeding posted Speed Limit of 45 MPH… Lack of law enforcement patrolling in this area to ticket violators… (Note: Given the frequency and number of motorists who speed through Scotts Hill, the

	fines could be a significant contribution toward funding the cost of bike lanes and sidewalks…)
Improvement Needed	Addresses Safety concerns
General Comment	Motorists constantly exceed posted Speed Limit of 45 MPH and enforcement of speed limit is lacking —- Huge Safety Concern… (Note: Given the frequency and number of motorists who speed through Scotts Hill, the fines could be a significant contribution toward funding the cost of bike lanes and sidewalks…)
Improvement Needed	Unsafe conditions due to hills and speeding motorists
Biking Challenge	No bike lanes
Improvement Needed	Scotts Hill Loop is dangerous to bike on because of speed limit and no bike lane. 5mile loop road would be awesome to bike on with bike lane.
Walking Challenge	No path
Biking Challenge	No shoulder on road, fast drivers, no sidewalk or bike path. Not safe for our children to walk along or bike on any part of the loop, which is a beautiful area with views of wetlands / nature.
Walking Challenge	No shoulder on road, fast drivers, no sidewalk or bike path. Not safe for our children to walk along or bike on any part of the loop, which is a beautiful area with views of wetlands / nature.
Improvement Needed	Wider shoulders at a minimum, but a walking or bike path would be preferred. Not currently safe for biking or walking so we don't do either with our kids. I get surprised by both joggers and cyclists, especially at dusk / dawn, when driving. If cars are coming in both directions, there is no room for vehicles to get out of way, and pedestrians and cyclists are forced off into the grass. Just not a safe road to walk or cycle with all the turns and narrow road.
Biking Challenge	Path or sidewalk Scott's hill loop rd
Walking Challenge	Path sidewalk Scott's hill loop road
General Comment	This road is dangerous to bike or walk due to traffic
Biking Challenge	to much traffic and traveling at a high rate of speed
Walking Challenge	I feel unsafe walking on the side of an highway.
Improvement Needed	A bike/ walking path will greatly enhance this area.
General Comment	a separate path for walking and cycling is the safest and best option.
Improvement Needed	This road has dangerous curves and no where to bike or walk
Biking Challenge	The whole island needs work on safe bike and walk patha
Improvement Needed	Very hard to get from island to mainland on bike. Only one narrow walk path. Very dangerous in dark with excessive tourist traffic
Biking Challenge	Need a safe way to get to Porters Neck Shopping Area from here. Heavy traffic on Hwy 17
Biking Challenge	Ned a bike lane on Country Club Rd. Traffic has become very heavy as this area gets developed.
Biking Challenge	Sidewalks or a Multiple Use Trail are needed in downtown Hampstead. Traffic is very heavy and there are lots of shops, stores and schools that could be accessed by bike or walking
Biking Challenge	Land use, dangerous vehicle use inside gamelands
Biking Challenge	Only way out of Wilmington, no cycle path and extremely dangerous intersections and no dedicated lanes
Biking Challenge	Use of 210 is part of many cycling routes but this side is unsafe, no shoulder and demarcation, signage and dangerous driving

Biking Challenge	No bike path
Walking Challenge	No walking path for recrearion
Biking Challenge	Too narrow. No shoulder. Very unsafe and unenjoyable.
Walking Challenge	The entire county lacks walking and biking infrastructure. Improvements are desperately needed.
Improvement Needed	A bike path to the beach would be wonderful.
General Comment	The entire county needs pedestrian and bicycle infrastructure.
Biking Challenge	High speed motor vehicle traffic
Improvement Needed	Need overall education of drivers/riders/walkers . Also need traffic law enforcement
Improvement Needed	There is no shoulder on hwy 17 in Hampstead making for dangerous riding
Biking Challenge	Country club is a backbone of group rides in area but difficult to navigate at time as a single rider
Improvement Needed	Restrooms and water station needed
Improvement Needed	Restroom and water station needed
Biking Challenge	No sidewalks
Walking Challenge	No sidewalks.
General Comment	Many residential houses being built (no sidewalks) and many young, active families moving into the area. We need more safe ways (sidewalks everywhere and crosswalks) to get out and stay active with kids and dogs. There are too many wrecks and accidents daily so it doesn't feel safe walking or biking on the street with the family.
Walking Challenge	Crossing road
Biking Challenge	THE BIKE LANE IS PART OF THE ROAD, HWY 17.
Improvement Needed	HAVE THE BATH OFF THE ROADWAY
General Comment	HAVING SAFE PATHS BOTH FOR WALKING AND BIKE RIDING PROMOTES A HEALTHY AND INVITING COMMUNITY, IN WHICH THE BENEFITS CAN NOT BE CALCULATED.
Biking Challenge	Not enough paths
Walking Challenge	no sidewalks
Biking Challenge	no sidewalks
Walking Challenge	No crosswalk, even though there is an elementary and sidewalk across the street.
Walking Challenge	Dangerous intersection for vehicles and pedestrians.
Biking Challenge	Dangerous intersection for vehicles and pedestrians.
Walking Challenge	No public sidewalk outside of Kiwanis park. This prevents walking pets because Kiwanis doesn't allow pets.
Walking Challenge	No public sidewalk outside of Kiwanis park. This prevents walking to the BP which is a popular walking destination for young teens, teens, and some adults.
Walking Challenge	Dangerous intersection for pedestrians, especially children and young teens.
Walking Challenge	No lighting, very dark at night.
Walking Challenge	No public sidewalk outside of Kiwanis park. This prevents walking to the Iron Clad which is a popular walking destination for young teens, teens, and adults.
Walking Challenge	All of Country Club should have sidewalks all the way to Topsail High/Middle/Elementary Schools. Kids walk to school and it is very dangerous.
Walking Challenge	All of Sloop Point would benefit from having sidewalks.
Biking Challenge	no shoulder and high speed traffic

Improvement Needed	build it and they will come- look at Pinellas county FL bike paths- amazing- we don't want to be pissing off drivers on the road- we would prefer a safe way to ride
Improvement Needed	road shoulder improvement/ bike lanes
General Comment	It is too dangerous to bike or walk on any of the roads in Hampstead. Bike lanes or designated paths are so needed.
Biking Challenge	Pine Straw & Sand need off-road bike
Biking Challenge	45 miles per hour. No bike path or shoulder to ride. Lots of kids in neighborhoods and it can be dangerous to cross Hoover Rd near Sparrows Bend
Biking Challenge	Can be dangerous to cross 17
Biking Challenge	Hoover Rd speed limit 45 and no bike/ walking path.
Walking Challenge	Zero sidewalks to school
Biking Challenge	Dangerous road for bikes
General Comment	There's nothing about this area of Pender that's good for biking or walking. It's part bad land use and part bad planning.
Biking Challenge	Roland Avenue, high speed, dangerous shoulder
Biking Challenge	17. High speed, no shoulder crazy to try to ride here
Improvement Needed	no shoulder
Biking Challenge	High speed, no shoulder
Improvement Needed	Please add separated cycling infrastructure. Being swerved at or nearly hit is terrifying.
Improvement Needed	Please add separated cycling infrastructure. Being swerved at or nearly hit is terrifying.
Biking Challenge	Car traffic on Country club is too dangerous for families to ride on safely
General Comment	Sooed bumps would go a LONG way toward making the road safer and would be much less expensive than multiuse paths or sidewalks. Drivers don't obey the speed limit.
Biking Challenge	Something of a blind curve and drivers travel too fast and need to slow down.
Walking Challenge	Would like to be able to safely walk to Kiwanis Park
Improvement Needed	This whole area (Country Club Road and tributary roads) is unsafe to bike or walk. It's unsafe to even walk a quarter mile to Lowes Foods.
Biking Challenge	Speed on Country Club is too dangerous … a bike path is needed for safety! (35-45 mph)
Biking Challenge	This is a dangerous road to ride a bike due to 35-45 mph, but an important pathway to lots of safe neighborhoods.
Biking Challenge	Narrow Road
Walking Challenge	Narrow Road
Improvement Needed	Narrow Road
Biking Challenge	Country Club Rd is very dangerous to ride a bike because there is no shoulder and has a lot of bends
Walking Challenge	Sidewalks would make safer
General Comment	I prefer not to have any updates constructed. The neighborhoods we currently live in do not need additional traffic from individuals that do not live in them and do not pay the dues.
Walking Challenge	There are no paths to ride or walk. There are narrow roadways with zooming cars and not where for a bike or human to fit. Very dangerous.

Biking Challenge	Absolutely no roadway to ride on in our area. No paths and dangerous because roads are narrow with no room for a bike on the edge of the road.
General Comment	Anywhere & everywhere needs improvements. Its so scary & dangerous. Speeding,high volume traffic w/narrow or inconvenient walking/biking paths.
Improvement Needed	Bike paths along RT 210 and Rt 210, in and around Surf City. Riding on these roads without shoulders is treacherous.
Improvement Needed	Need bike/walk path/trail along highway 50 between Holly Ridge and Surf City
General Comment	Waterfront boardwalks or marshside boardwalks would be great
Improvement Needed	We need sidewalks!
Biking Challenge	Route 17 is too dangerous for the recreational biker
Improvement Needed	Bike / walking paths that allow for alternatives to driving everywhere.
Walking Challenge	Walking / biking across US 17 to schools
Biking Challenge	No room
Biking Challenge	No room
Walking Challenge	not safe for walking
Improvement Needed	Sidewalks & streetlights
Improvement Needed	Sidewalks and streetlights
Walking Challenge	No sidewalks, dangerous roads
Improvement Needed	We need trails throughout Hampstead
Biking Challenge	US 17 traffic and no safe bike paths
Biking Challenge	no safe bike paths separating cars and pedestrians
Biking Challenge	length of ride over congested road.
Improvement Needed	Add saftey construction
Improvement Needed	Crosswalks
Walking Challenge	Heath/fitness
Biking Challenge	Highway 17 traffic and lack of sidewalk or path is an issue.
Biking Challenge	Very unsafeto bike along the 17
Walking Challenge	No place to safely walk
Biking Challenge	No place to safely bike
Walking Challenge	People fly down second street making it very dangerous to bike or walk!
Biking Challenge	Long bike ride
Improvement Needed	Enforced speed limit, stop signs
Walking Challenge	Currently no sidewalks and traffic tends to go too fast for this neighborhood
Walking Challenge	This street is so busy and cars go fast. It's very narrow as well. I'd love to be able to walk to grocery store but don't feel safe becausee of this street with no sidewalks
Walking Challenge	I live in a new neighborhood of second. Cars FLY through second street. There is a curve to the road so it's hard to see people walking / biking.
Biking Challenge	Would love a path along 17 to walk or bike. Currently don't feel safe doing so
Walking Challenge	There are no sidewalks on factory road. It would be nice to have an accessible sidewalk
Walking Challenge	Speeding cars
Improvement Needed	4 way stop sign and speed bump

Biking Challenge	Speeding cars on second
Walking Challenge	Speeding cars on second
Improvement Needed	4 way stop sign and speed bumps
Improvement Needed	4 way stop sign and speed bumps
Biking Challenge	Would love to bike but the road is too dangerous and there are no crosswalks. This is where I work.
Walking Challenge	no sidewalks
Walking Challenge	no sidewalks
Biking Challenge	Traffic and safety
Walking Challenge	No road lines in some Deerfield community roads. Speeding traffic and very little road shoulders.
Improvement Needed	Abby Foy Nature Preserve allows off leash dog walking despite Pender County leash laws. Off leash dogs always present challenges.
Biking Challenge	No path
Biking Challenge	No path
Biking Challenge	210 from 17 to island
Biking Challenge	17 from sloop point to Wilmington
Biking Challenge	All of sloop point/sloop point loop
Biking Challenge	Country club from sloop point loop to 17
General Comment	Lack of safe passage at this point for bikes or walking. Have to time traffic or risk walking through long grass with potential snakes
Improvement Needed	Drivers are dangerous around cyclists. A bike path near the beach would be ideal- separate from the traffic
Walking Challenge	Walk across the bridge most mornings
Biking Challenge	Will cycle on the gravel roads so I'm away from cars
Improvement Needed	Lighting along this section of sidewalk is needed
Improvement Needed	Bike path that doesn't impede pedestrians or risk putting bikes(including kids) on the highway just to get across the bridge
Walking Challenge	No walking or bike paths to get down this road at all.
Walking Challenge	There are no sidewalks along country club lane. Cars drive by at fast speeds and I don't allow my children to walk or bike along this path.
Biking Challenge	No sidewalks or bike lanes, cars driving fast, unsafe for biking.
Improvement Needed	Kiwanis Park would be a fantastic place to bike to with our kids but there are no bike paths along country club lane. We used to use the boardwalk into the park when we lived in a nearby community, and would love to see some type of biking walking path there from the Olde Pointe communities.
General Comment	In general, Hampstead is not a bike/walking friendly city. Most businesses on Hwy. 17 are only accessible by car. And there are no walking paths to schools either.
Improvement Needed	Needed all throughout 17 in Hampstead
Improvement Needed	Needed all throughout 17 Hampstead
General Comment	Sidewalks and bike paths would be nice along shopping areas to walk from plaza to plaza
General Comment	Need sidewalks all the way down 17
General Comment	A sidewalk from 17 connecting to Kiwanis Park would be beneficial

General Comment	Tons of neighborhoods on country Club. This road is dark and I've almost hit kids on bikes. This entire road could use a sidewalk since it's convenient to the schools and Kiwanis park
Walking Challenge	No sidewalks, no shoulder, and no lighting
Biking Challenge	No sidewalks and no shoulder to ride or walk on
Walking Challenge	No walking or bike paths
Biking Challenge	Country Club Lane needs a bike lane! Dangerous for biking - high speed cars, no shoulder
Biking Challenge	Need safe crossing at 17 to get to schools
Walking Challenge	Need bike/pedestrian crossing or bridge to the schools for all the neighborhoods south of 17
Improvement Needed	Could there be a side walk off rt 17 from one end of Hampstead to another.
General Comment	Leave open spaces and wooded trails for walking and riding. Country club Rd sidewalks to get to the different neighborhoods in that area.
Biking Challenge	Parking. We have large e-trikes and bikes with fat tires for going on sand and need safe and larger more accommodating parking options.
Biking Challenge	Would like wider sidewalks on both sides of the road to be able to get to businesses and the bridge safely. Afraid it will start getting congested and with e-bikes and trikes getting popular it will make it hard to pass others safely on sidewalks. Want it to where bikes and e-bikes and trikes can continue riding on paths instead of in the dangerous road.
Improvement Needed	Safe Sidewalks on both sides of the road. Safely away from the main road. Ease of access for bikes, e-trikes, e-bikes and bikes with kid carts and walkers to access businesses we want to be able to support.
Walking Challenge	Driving to this location, finding parking.
Biking Challenge	It is not safe to ride on the one mile strip of Hwy 53 from Tealbriar to Downtown Burgaw.
Walking Challenge	It's not safe to walk on Hwy 53 from Tealbriar to downtown Burgaw
Walking Challenge	High traffic with speed limit too high and no bicycle lane
Biking Challenge	High traffic. No bike bath and speed limit too high
Biking Challenge	Poor sidewalks and high vehicle traffic
Walking Challenge	High vehicle traffic & poor sidewalks
Improvement Needed	Move to a smooth multi use paths either part of or separated from main highways
General Comment	Need to connect with mainland
Walking Challenge	High traffic. Not safe
Biking Challenge	Not dafe
Biking Challenge	With traffic from the high school, it makes biking very unsafe.
Biking Challenge	Too narrow. No safe bike lane.
Improvement Needed	Improvement is needed everywhere in Pender County.
General Comment	Overdevelopment and poor planning has made the Hwy 17 corridor a nightmare to drive, let alone walk or cycle.
Walking Challenge	High speed driving, curved road, low visibility for drivers, no even area to walk/bicycle
Walking Challenge	Bridge too narrow , no space to walk
Walking Challenge	Narrow road, high speed drivers

Walking Challenge	High speed drivers
Walking Challenge	no bike lanes or unsafe bike lanes. Separate bike path/greenway would be preferred
Walking Challenge	Country Club road - drivers go too fast and there is no sidewalk
Improvement Needed	Would like to see sidewalks on Country Club
Biking Challenge	Fast speed limit. No bike path.
Walking Challenge	No sidewalks
Improvement Needed	It is almost impossible to walk or bike on Country Club. A bike lane would be nice, but it wouldn't curb speeding or in attention to the road.
General Comment	More trails around Kiwanis would be wonderful! A dog park is a much-needed addition as well; I'd love to be able to take my dogs walking with me.
Walking Challenge	I have to drive all the way to Burgaw to have a safe place to walk. All roads near my home are 55 mph and narrow.
Walking Challenge	55 mph no room for pedestrians on the road.
Biking Challenge	No shoulder and high traffic area.
Walking Challenge	No shoulder and high traffic area
Walking Challenge	No sidewalk
Biking Challenge	High traffic area and vehicles do not care about bikers or pedestrians
Walking Challenge	High traffic area and vehicles do not care about walkers or runners.
Biking Challenge	Using 17 for any reason as a Walker or biker is extremely dangerous but a lot of the neighborhoods are isolated and can only be reached by going onto 17. A safe walk/bike path to connect resident neighborhoods would be great.
Walking Challenge	Traffic, no cross walks
Improvement Needed	designated bike and walking trails
General Comment	Country Club Road needs a seperate bike and walking trail. biking roadside is very dangerous
Biking Challenge	Dangerous curves on montague with barely any shoulder to pull off on, many blind curves that people speed through
Walking Challenge	Constant trash on the side of the road as people let stuff fly out on the way to the dump
Biking Challenge	Fast moving traffic, lots of trucks, no shoulder.
Biking Challenge	Country Club Rd dangerous when bicycling - but connects to so many areas
Biking Challenge	Too congested and no area to ride or walk on S. Shore Dr. No crosswalks either. Need better lighting at night on streets between S. Shore and S. Topsail Dr. No streetlights on side streets.
Walking Challenge	Sidewalks on S. Topsail Dr don't line up or are none existent. No crosswalks. Poor lighting around roundabout on the island. Their are crosswalks but it's very dark at night and very dangerous because traffic can't see you in the crosswalks.
Improvement Needed	Sidewalks and crosswalks are needed. Most sidewalks are random and don't match up! Better lighting.
Improvement Needed	Better lighting and add crosswalks and sidewalks.
General Comment	Lots of people are walking around on the island yet we have no crosswalks and sidewalks, except in Onslow County area.
Biking Challenge	Hard to cross 17
Improvement Needed	No safe place to cross 17
Improvement Needed	Sidewalks

Biking Challenge	Road crossings
Walking Challenge	Kids walking from are not safe due to traffic
Improvement Needed	A dual use walking biking trail could really help short trip traffic in hampstead.
Improvement Needed	Country Club drive is a serious biking accident ready to happen.
Walking Challenge	High speeds, no shoulder
Biking Challenge	Heavy traffic, no room for bikes.
General Comment	Overall, Pender County area particularly all the development off 17 needs be have more for the residents to safely do outdoor activities. Driving let alone walking near many of these roads is dangerous
Biking Challenge	All of 17 is dangerous to bike
Walking Challenge	There is no way to safely cross the streets. A cross walk if some kind is needed.
Walking Challenge	Cars drive very fast on olde point. There are no sidewalks. We cannot walk our dog or bike on this road. Sidewalks would be amazing!!!!
Walking Challenge	There is no safe way to cross these streets if needed. A crosswalk or something would be helpful.
Improvement Needed	This road with its single lane of traffic in both directions heads toward a choke point for vehicle traffic just inside New Hanover County at the intersection of 117 and Holly Shelter Rd. A vehicle can be stuck creeping along 117 for about 20 minutes on a good day. This road is also unsafe for pedestrian and bicycle traffic.
Biking Challenge	A side walk or biking path would be helpful. I travel this road a lot for work into Wilmington and roughly once a month I see people riding in the grass or hugging the very edge of the road as they bike to their destination.
General Comment	Within the neighborhood
General Comment	Need a light here with all the new apartments and businesses opening here
General Comment	Need this road to actually exist
Walking Challenge	Narrow roads and no side walks
Improvement Needed	You will die if you try to walk or bike here!
Walking Challenge	Narrow/no shoulders, no sidewalks or walking paths, heavy traffic
Improvement Needed	Add pedestrian/cycle lane or sidewalks
Improvement Needed	Sloop Point area has no sidewalks or pedestrian lanes, no road shoulders and heavy traffic. Walking/biking here is DANGEROUS
Biking Challenge	No curb or sidewalk or bike path
Walking Challenge	No curb or sidewalk or bike path
Improvement Needed	Add sidewalk.. very dangerous road.
Biking Challenge	Roads are too narrow with no shoulders
Improvement Needed	This area has a curve and no shoulder for walking or biking
Improvement Needed	Need a safe crosswalk
Walking Challenge	Country Club Rd.-no safe route for walking or being - speed limit too high, no bike or pedestrian lane
Improvement Needed	needs bike/pedestrian lane and lower speed limit
Biking Challenge	For those of us living in Hampstead - it would be good to see walking and biking lanes that are separated from vehicular traffic. Many kids live close enough to walk or bike to Topsail schools if there were a safe route to travel. Many neighborhoods are not interconnected so there is no way to travel to many places for shopping, dining or appointments without getting on Hwy 17.

Improvement Needed	a crosswalk be be helpful here.
Improvement Needed	a crosswalk
Improvement Needed	Roads are so dangerous.
Improvement Needed	The road is sinking down near the bridge creating a large dip
Biking Challenge	Fast MPH road, small shoulder, curves and blind spots. All of Country Club.
Biking Challenge	Busy road, with lots of speeders. Very little should space to ride on.
General Comment	School traffic is excessive, and I think it would help if children could walk or bike safely to school.
Walking Challenge	Walking paths out of this community need to be improved

Appendix B. Promotional Materials

E-blast Content

Pender County Bike/Ped Study
Phase I Engagement

Subject: Pender County Bicycle and Pedestrian Study – Public Survey Open Now!
Attachment: Promotional Flyer

Pender County, in collaboration with The Wilmington Metropolitan Planning Organization (WMPO), is conducting a Bicycle and Pedestrian Plan for portions of Pender County that lie within the WMPO urban boundary.

This Plan will identify existing challenges to bicycling and walking, propose a preferred bicycle and pedestrian network to strive for, and lay out the specific policy, program, and infrastructure recommendations that Pender County and various stakeholders can use to begin attaining the overall Bicycle and Pedestrian Network.

As the development of recommendations also considers local policies and plans, as well as a significant amount of technical data, the study team and decision-makers are committed to incorporating feedback and asking the community for input before finalizing recommendations.

We Want to Hear from You!

Help us identify bicycle and pedestrian challenges, needs, and opportunities throughout Pender County. A public survey is available now to collect information about:

- Assessing level of comfort with biking and walking in Pender County
- Identifying locations in Pender County that need improvements
- Considering preferences for different bicycle and pedestrian facilities

Take the survey now at: https://metroquestsurvey.com/je7a7m

Future Public Engagement Opportunities

Public engagement is an important part of this study, to ensure the public and stakeholders can provide input on current conditions, including where users currently or would like to be able to walk and bike, where challenges exist to doing such, and ideas for improving bicycle and pedestrian conditions.

Please check the study website for upcoming public engagement opportunities as we continue to make progress on the study: https://www.wmpo.org/pender-county-bicycle-and-pedestrian-plan/

FOR IMMEDIATE RELEASE

News Media Contact: Emma Stogner

Pender County Seeks Public Input on Bicycle and Pedestrian Study

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Public Engagement Phase II Summary

1. Introduction

In June 2023, the Pender County Bicycle and Pedestrian Plan team conducted the second and final phase of public engagement. The goal of this phase was to present the findings from Phase I and the draft recommendations, explain the next steps, and share the draft final report document. This phase confirmed with the community that their feedback was addressed and provided a chance to review and make comments about the draft recommendations. This report summarizes the activities and feedback received during this phase.

2. Promotion and Outreach

Building off the success from the first phase of engagement, similar outreach tools were used to announce the open comment period. These tools included:

- Updates to the study webpage
- Informational flyers
- E-blasts
- Press releases
- Social media posts



Social media posts were created using the study's branding to ensure continued participation from the previous rounds of engagement. These posts announced the comment period as well as the locations of pop-up events.

All study promotional materials can be found in the Appendix A.

The Pender County Bicycle and Pedestrian Plan webpage was updated to provide additional information about engagement opportunities and to host the draft recommendations report. This included a link to a StoryMaps website that was developed to provide interactive maps and information about the draft recommendations. This allowed the public to review materials in a number of different formats, providing them with a range of options for how they wanted to learn about the study and recommended improvements.

https://storymaps.arcgis.com/stories/d1030a0a35ea437e8b35a34ecb37e882

During this round of engagement, a project video was also developed to highlight technical information that was included in the draft recommendations and encouraged participation in the comment period. The video was narrated and included text captions to ensure accessibility. The video was shared on social media for outreach within the community. The video was viewed over 350 times during the comment period.

A second round of pop-up events was hosted in different locations to target specific populations within the study area. The purpose of these pop-up events was to provide an opportunity for the public to review the draft recommendations and provide comments. Three events were hosted on June 16th:

- Family Dollar, 808 Montague Rd, Currie
- Paul's Place Famous Hotdogs, 11725 US-117, Rocky Point
- Hampstead Kiwanis Park, 586 Sloop Point Loop Rd, Hampstead



Participants that stopped by at the pop-up events had conversations with the study team, filled out paper comment forms, and were invited to provide comments on a map of the county. Hard copies of the draft recommendations were made available, and QR codes for online materials were also provided. Two participants provided paper comment forms.

3. Comment Period

The comment period was open to the public from June 1st to June 23rd, 2023. Feedback could be provided via email, phone, or mail – and in person at the pop-up events. A total of 44 comments were received. Appendix B lists the comments that were received.

Of the relevant comments, the majority supported the draft recommendations and expressed excitement for the proposed bicycle and pedestrian infrastructure. Several comments suggested edits; one recommended looking at additional improvements for **Hwy 50** and another recommended including a bicycle path on **US 210**.

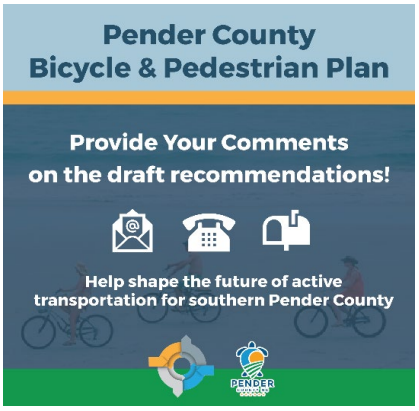
Comments of support were provided for **Hoover Road** (one comment), **Country Club Drive** (five comments), while an additional five comments generally supported the recommendations. One comment opposed recommendations on Doral Drive, and one was in opposition to any bicycle or pedestrian improvements in the study area.

The majority of comments received were regarding **Scotts Hill Loop Road**. Of the comments received, 22 were in favor of the recommendations to add bicycle and pedestrian improvements while five were in opposition.

These comments will be reviewed by the technical team when finalizing the recommendations and providing the final report.

Appendix A. Promotional Materials

Social media Content





Date	Post Content
Wed, June 7	The draft recommendations for the Pender County Bicycle and Pedestrian Plan are now available! Pender County, in collaboration with The Wilmington Metropolitan Planning Organization (WMPO), is conducting a Bicycle and Pedestrian Plan for portions of Pender County that lie within the WMPO urban boundary. The full report as well as additional information can be found on the Plan's website at https://www.wmpo.org/pender-county-bicycle-and-pedestrian-plan/ Comments will be accepted until June 23rd. The more voices we hear, the better we can shape the future of active transportation in Pender County.
Thurs, June 15	Want to talk about bicycle and pedestrian improvements for Pender County? Come chat with a planner! The Pender County Bicycle and Pedestrian Plan team will be at various pop-up locations tomorrow, June 16th, to share the draft recommendations and collect comments. Here's where to find us: 9:30am – 11am: Family Dollar- 808 Montague Rd, Currie 11:30am – 1:00pm: Paul's Place Famous Hotdogs - 11725 US-117, Rocky Point 1:30 – 3:00pm: Kiwanis Park - 586 Sloop Point Loop Rd, Hampstead Can't join us? The full report as well as additional information can be found on the Plan's website at https://www.wmpo.org/pender-county-bicycle-and-pedestrian-plan/
June 19	This is the last week to provide comments on the draft recommendations for the Pender County Bicycle and Pedestrian Plan! The full report as well as additional information can be found on the Plan's website at https://www.wmpo.org/pender-county-bicycle-and-pedestrian-plan/ Help shape the future of active transportation in Pender County!
June 23	Today is the last day to provide comments on the draft recommendations for the Pender County Bicycle and Pedestrian Plan! The full report as well as additional information can be found on the Plan's website at https://www.wmpo.org/pender-county-bicycle-and-pedestrian-plan/ Help shape the future of active transportation in Pender County!

E-blast Content

Pender County Bike/Ped Study
Phase 2 Engagement

Subject: Pender County Bicycle and Pedestrian Study – Draft Recommendations!
Attachment: Promotional Flyer

Pender County, in collaboration with The Wilmington Metropolitan Planning Organization (WMPO), is conducting a Bicycle and Pedestrian Plan for portions of Pender County that lie within the WMPO urban boundary.

To achieve the Plan's goal to identify existing challenges to bicycling and walking and propose a preferred bicycle and pedestrian network to strive for, the study collected input from a Steering Committee and the public to draft specific policy, program, and infrastructure recommendations to enhance walking and biking. The draft recommendations focus on providing safety, better access up and down US 17, and connections to schools, parks, shopping, and medical offices.

Provide Your Comments!

The draft recommendations are now available for review and open comment. The full report as well as additional information can be found on the Plan's website at https://www.wmpo.org/pender-county-bicycle-and-pedestrian-plan/

Comments will be accepted until June 23rd by email, phone, or mail. To provide your comments:

- Send an email to Vanessa.Lacer@wilmingtonnc.gov
- Leave a voice message by calling (910) 341-3234
- Mail your comments to
  - Wilmington Urban Area Metropolitan Planning Organization (WMPO)
  - 305 Chestnut Street, 4th Floor
  - Wilmington, NC 28401

Want to Talk with a Planner?

Public engagement has been an important part of this study. The study team will be hosting various pop-up events to share the draft recommendations and collect comments. Please check the study website for upcoming public engagement opportunities.

We believe that community engagement is crucial for the success of this plan, so we encourage you to share this information with your friends, family, and neighbors. The more voices we hear, the better we can shape the future of active transportation in Pender County.

FOR IMMEDIATE RELEASE

News Media Contact: Emma Stogner

Pender County Bicycle and Pedestrian Plan - Draft Recommendations Available for Public Comment

PENDER COUNTY, N.C. — Pender County, in collaboration with The Wilmington Metropolitan Planning Organization (WMPO), is conducting a Bicycle and Pedestrian Plan for portions of Pender County that lie within the WMPO urban boundary.

This Plan's goal is to identify existing challenges to bicycling and walking, propose a preferred bicycle and pedestrian network to strive for, and lay out the specific policy, program, and infrastructure recommendations.

Public and stakeholder engagement played a vital role throughout the study. The study team collected input from a Steering Committee and the public to draft recommendations that focus on providing safety, better access up and down US 17, and connections to schools, parks, shopping, and medical offices. The Plan also includes research on existing conditions, an assessment of the network, and provides near- and long-term recommendations.

Provide Your Comments!

The draft recommendations are now available for review and open comment. The full report as well as additional information can be found on the Plan's website at https://www.wmpo.org/pender-county-bicycle-and-pedestrian-plan/

Comments will be accepted until June 23rd by email, phone, or mail. To provide your comments:

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  - 305 Chestnut Street, 4th Floor
  - Wilmington, NC 28401

Public Engagement Opportunities

Community engagement is crucial for the success of this plan, and the study team encourages residents to spread the word and encourage their friends, family, and neighbors to participate. The Pender County Bicycle and Pedestrian Plan relies on a collaborative approach to ensure that it truly reflects the needs and aspirations of the community.

The study team will be hosting various pop-up events to share the draft recommendations and collect comments. Please check the study website for upcoming public engagement opportunities.

###

Pender County Bicycle & Pedestrian Plan

About This Study

Pender County has conducted a Bicycle and Pedestrian Plan to **identify existing challenges** to bicycling and walking, **propose a preferred bicycle and pedestrian network** to strive for, and **lay out the specific policy, program, and infrastructure recommendations** that Pender County and various stakeholders will use to attain the overall Bicycle and Pedestrian Network.

Learn more on the plan website:
www.wmpo.org/pender-county-bicycle-and-pedestrian-plan/

Provide Your Comments!

The draft recommendations are now available for review and open comment. The full report as well as additional information can be found on the Plan's website. Comments will be accepted until June 23rd by email, phone, or mail. To provide your comments:

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Mail comments to
Wilmington Urban Area MPO
305 Chestnut Street, 4th Floor
Wilmington, NC 28401



WMPO Wilmington Urban Area Metropolitan Planning Organization www.wmpo.org

PENDER COUNTY NC

Appendix B. Public Comments Received

Please note comments have not been edited to fix spelling or grammar. Names and personal information were removed for the distribution of this summary.

Comment
I cannot stress enough how valuable a path along Country Club Dr in Hampstead would be. Right now it's a death trap trying to walk or ride a bike along there. Considering how much of Hampstead that one road connects, this really needs to happen.
The current proposals are missing a very important section within Pender County - there is an URGENT need for a safe walking and bike path (preferably separate) on 210 from 17 to route 50. This short section of road is just on the edge of the study area but is a key portion of the Mountain To Sea trail. Currently this portion of 210 has no pedestrian walkway nor bicycle lanes and is a very busy road. It is currently unsafe to walk this stretch and hazardous to cycle on. Providing these paths would connect the proposed foot and cycle paths to Topsail Island where more cycle and footpaths already exist, the majority of which are also within Pender County. We live just off this section of road and are avid walkers and cyclists and would love to be able to safely access the proposed new pathways.
Realistically, how far out is the ped improvement along Country Club Road (US 17 to Sloop Point Loop)? This is of great interest to me as I reside along this corridor and I can't stand the fact I have to drive to both restaurants along this corridor when they are only minutes away on a bike or walking. Also, not sure what you all classify as a "recreation" area but I see you have included the former Belvedere Golf Course (now Iron Clad Golf) but didn't include Olde Pointe CC Golf Course and Restaurant. Not sure it makes a difference.
We live on Doral Road in Hampstead. We DO NOT WANT A BIKE PATH GONG THROUGH OUR NEIGHBORHOOD. We do not have sidewalk or sewers as it is. We do not want the traffic and people spreading on our already unsafe streets. Corrections: Doral Drive, sidewalks, speeding. Why are the meetings for this in the afternoons when people are at work?
Good Morning, I hope you are doing well. I am writing in response to the study for the multi-use paths in Pender County (sidewalks, bike paths, etc.). I recently moved to the Hampstead area from Wilmington. While in Wilmington, I lived just a few short steps away from the cross city trail. While living near there, I experienced individuals using the path for activities it was not meant for. It brought uncomfort to my place of residence and at many times I felt unsafe. In addition to this, it lured individuals to my place of residence which resulted in needing additional security, people using amenities they did not pay to be able to use, and etc. While I understand the purpose of the research for main roads, I fear that implementing these paths in residential neighborhoods can be harmful to the community and the residents. My neighborhood and its residents work hard to maintain a clean and safe community. We also have a mutual understanding and respect for each other when it comes to our neighborhood and the amenities it offers. One of the main reasons I moved to Pender county was because of the feeling of safety I had in my neighborhood and I hope that won't go away. Thanks for taking the time to listen to these concerns.
Ms Lacer, I am a resident and f Hampstead in Pender County and am pleased to see the plan that is being developed includes Pender County. I live at XXXHighlands Dr, Hampstead, which is off Hoover Rd. My feedback includes: - I'm happy to see that a sidewalk is being considered for Hoover, which could connect the neighborhoods here.

My grandsons live in Sparrows Bend and this would allow them to ride their bikes to visit us. - I'm happy to see the sidewalks being considered to run along route 17. That would connect the small businesses to each other and allows for another transportation option along that route. Information - Unfortunately, I'm disappointed to see the limited plan for adding bicycle routes, with none planned for Pender County. Outside of Topsail Island, there is nowhere to ride safely. Thank you for your consideration.
I totally agree with putting a sidewalk on scotts hill loop rd. Wilmington. It is terribly unsafe to walk on the rd right now and this is long overdue. With all the new building in this area this would be very beneficial to the community.
The Scotts Hill Loop Rd. would be a fantastic place to have a bike/pedestrian trail. The benefit to this community would be tremendous, as we have no other park/ recreational facilities for our area. Please consider.
Vanessa: I live in Surf City on the beach road on Hwy 50 or South Shore drive. I'd like to see specific plans in place for widening the road and allowing for bicycle and pedestrian traffic. The sidewalks and the highway are currently the only passable way for bikes and the road traffic delays and has hazardous potential for injuries. Hopefully this can be addressed in your proposal as well as a detailed greenway program in Surf City for all the bicycle traffic. Thanks for taking a listen.
I'm leaving this comment because you've solicited opinions on how to increase bicycle and walking access to 17. The best way is what you should have done 10/15 years ago and stop clearing woodland areas and building more houses and more apartments and more houses and more apartments more driveways with no thought whatsoever of how what the impact this is going to be on Hwy. 17. Thank you.
I would love it Scott's Hill Loop Road had a sidewalk/bike path.
Good morning. I hope this finds you well. I understand there is a possibility that we may receive a sidewalk along Scotts Hill Loop Rd....or that it is being considered. Personally, I believe this is a great idea...if affordable. We have people walking, jogging, biking and golf-carting regularly. Given the design of this road, it is hard to see these people at times...or hard to slow down once you see them, especially in the evenings. Sharing the road can be tough at times. For safety reasons, I ask that this be considered. Is there something the community can do to raise funds for this??? Thank You.
XXX Wyndham Way Wilmington NC I'm sending this email to express my support in having a bike lane/path on Scott's Hill Loop. I travel and live off off this road and know that the path would be beneficial to the community. As you know this area is growing

rapidly and we need to keep pedestrians safe. Wilmington/Hampstead should be made more walkable. Thank you
My feedback is short and direct. This can't happen soon enough. Walking and biking in the county is woefully inadequate. As a society, we have and continue to evolve in to more bike/walk centric activities.
Good afternoon, My name is XXX and I've been a resident of Scotts Hill for the past six years. Although we love our house, living right on Scott's Hill Loop Rd has had some challenges. With this email, I'm hoping you will consider a solution to our biggest concern. Over the past couple of years, traffic in Scott's Hill Loop has increased substantially. This has caused a significant safety concern for our family, which we feel could easily be taken care of if a sidewalk was put in. My husband, a dedicated marathon runner, runs on the Loop Rd in the mornings. Although he tries his best to stay to the side and visible to drivers, he has almost gotten hit or has been run off the road many a times. If he had a sidewalk to run on, he would be much safer. Also, our two children attend Scotts Hill Christian Academy right across from our house. One of the reasons why we selected this school is because it is such a short walk from our house. Our nanny usually walks them over to the playground to play daily. I'm grateful for the ability to do this, but it is also worrisome to try to push a stroller or have our young children walk right on the side of the road. Many drivers on that road are unaware of their surroundings and don't pay attention to pedestrians or the speed limit. I know it may not seem like a big deal to others, but having a sidewalk would be a wonderful relief to the residents of Scotts Hill so we can exercise safely while enjoying our beautiful area. I implore you to consider pushing through with this decision and greatly appreciate you taking the time to read this email.
To whom it may concern, I am a Scotts Hill resident and reside in Salem Woods. I have been saying for years that the loop road needs a sidewalk/bike path. Personally, it would be such a benefit to bike or walk to the new hospital/doctors offices that they are building right off of Hwy 17. For further down the loop road, it would benefit bikers and walkers to be able to safely stay off of the road as there have been fatalities in the past. With the up coming building of more homes (that's a whole other dreadful topic!!!) we need this to keep our fellow neighbors safe. Wilmington as a whole needs to be more biker/walker friendly. I hope this will be taken into consideration!
Hi, I am a Scott's hill resident that lives directly on the loop road. I do not believe a bike path nor sidewalk should be top priority to the neighborhood. In stead bringing in septic to the neighborhood would be a much greater benefit. The neighborhood has so many roads inside the loop that are great for walking and biking. I am not against it I just think there are other things on the top of the list before we have something put in for the pleasure of the community. A lot of residents in the neighborhood have septic issues and many lots do not perk. Bringing in septic would be a huge relief to the neighborhood. A bike path or sidewalk would be lovely just would like to see other things done first.
Good afternoon, My family and I live off Scotts Hill Loop Rd, on Poplar Grove Rd. A sidewalk and/or bike path for Scotts Hill Loop Road would be an incredible addition to our community. I'm all for it!
Hello Vanessa. I just wanted to send my support on the need for bike/ped improvements along Scotts Hill Loop. The area is heavily utilized by pedestrians already and as the traffic on the roadway increases with development, the need for a safe off road alternative will be that much more important. I know we are further down the list on improvements but I would be happy to assist in any way to help expedite the loop (ie, ROW acquisition

advocacy). With the charter school, connection to the nature preserve/Popular Grove amenities and the hospital park close by, it's a perfect place to encourage bike and pedestrian use. Thanks, Tara
I am in favor of the sidewalk. We live directly on the loop rd and it's very dangerous to walk or bike since you would have to do it directly on the road. People speed through here all the time and a sidewalk would provide at least some sense of safety. As it is now, I have to drive my dog to the inside of the community to be safe to walk. Thx for asking. My very best regards!
Hi Vanessa, I hope this email finds you well. I would like to express my strong desire for a walking/ biking path to be incorporated along Scotts Hill Loop Road. There are so many small and wonderful communities along the Loop and the majority of these are active. There are so often walkers/joggers/bikers/ moms with strollers traveling the side of SHL Road and there is no room for pedestrians and vehicles simultaneously. Actually, it's concerning and dangerous with the speed and little to no room for error or foot traffic as its currently constructed. I have no concern that this path would go unutilized but pay off for years to come to keep us all safe. I encourage you to please consider incorporating a path along SHL Road for the enjoyment and safety of all our Loop residents.
Hello, I am a resident of Scotts Hill and our family supports having a bike/trail/walking path for our areas in Pender co. The growth since we have been a resident over the last 14 years and as a local resident in New Hanover County in years past the area we have seen an explosion of growth and we see daily the need for safe running/walkiing/biking paths around Scootts Hill Loop. I can't count the number of times I have had to stop to wait for cars to pass due to a bicycle or runner in the road way. It has increased as popularity of the area grows. I worry there is going to be individuals who are involved in vehicle collision due to that. So I support having any recommendation for trails/paths for the safety of everyone. Thank you for consideration and time.
With a new hospital being built and a NH Co School on Pandion it would be nice to have a trail for this community. Please consider Scotts Hill Loop Road for the new project. PA: A park with tennis/Pickleball courts would be nice too! Thanks for the consideration
Hey Vanessa, I was just calling to comment about the need for bicycle paths and going through Hampstead. If you'd like, please give me a call back. Thank you. Bye. [Staff retuned the call and XXX expressed support for bicyle facilities through Hampstead but elected not to record an additional VM or send a email.]
Please consider Scotts Hill for this project. We have the privilege of having the Abby Nature Trail available to us and many folks Walk or bike to get to the trails. With the many turns in our loop road it is often difficult to see a pedestrian or bicycle. Dog walkers, bicyclers and runners would benefit from a trail around the loop rd! Parking at a nearby church or nature trail would give a nearly 5 mile round of walking or biking. I heard that Scotts Hill Loop Road was on the schedule for resurfacing this year it would be such a great time to add a trail. Thank you for any consideration you may show to this area. Karen Allen 919-620-1798
Good morning! I strongly support a sidewalk around Scotts Hill Loop Road. Our community enjoys walking and running year round and this would be a huge benefit.
Good Morning, Great plan to have sidewalks/bicycle lanes added in our area! Honestly, it's much safer for all of us . Hoping the greenway project will make it through , all the way up to Surf City. I did participate in the survey when it first came out. Have a great day, Jennifer guderian

I live at XXX Great Pine Ct, in Scott's Hill Bluffs. The entire Scott's Hill community needs a sidewalk / bike path to stop someone from getting hit by a car on the loop rd. I see people walking the loop rd everyday and fear for their lives. A neighbor was hit by a car a couple years ago on Futch Creek Rd and they have a bike lane. That is why I believe we need a sidewalk that runs off the road to avoid any chance for people to get hit by cars that are often going 45 to 50 mph.
Hello, I live on Scotts Hill Loop Rd and do not want to see a bike or walking path built around the loop. The road is not great for walking and biking, this is true, but we all bought property here very much aware of this fact. Very few people in Scotts Hill are walking/biking to school or work and the majority of responses in the survey indicate people want to bike/walk for recreation not work and school which are the main reasons given in the proposal for making this improvement. It seems like a greenbelt for recreation could have been provided if the county had bought the land around Abbey Nature Preserve. There is currently a lot of theft going on in the Abbey Nature Preserve parking lot, we could spend money policing our current recreational areas so we feel safe. Instead, the county has approved a huge development going in, more traffic, and more flooding. How much will this cost? I couldn't find that number, but I am not willing to pay higher taxes to build and maintain this. Our water, electric, wind and hail and homeowners have all gone up significantly already, we have overdevelopment and infrastructure issues that need to be addressed before considering this type of project. The only way this would be of significant benefit is if it lowered the number of cars and accidents on 17. I understand there are people on Scotts Hill Loop Rd who support this, but how much feedback have you actually received from residents of our road? I would want to hear from the people whose property is directly on the loop. This is going to eat into their property and be very disruptive.
Dear Council Member Lacer, I hope this email finds you well. I am writing to express my strong support for the addition of a sidewalk/bike path along Scotts Hill Loop Rd. in Wilmington, North Carolina. As a resident of this vibrant community, I believe that investing in this infrastructure would bring numerous benefits to our neighborhood, fostering a safer and more inclusive environment for all residents and visitors. First and foremost, a sidewalk/bike path would greatly enhance pedestrian safety. Currently, individuals, including children and seniors, are forced to share the road with vehicles, posing a significant risk to their well-being. By constructing a dedicated path, we can mitigate the dangers associated with walking or biking alongside traffic and promote a culture of active transportation. Encouraging physical activity and reducing car dependency aligns with our city's commitment to sustainability and public health. Moreover, a sidewalk/bike path would foster a stronger sense of community and connectivity. It would provide a safe and accessible route for residents to walk, run, or bike, allowing them to explore our beautiful surroundings while promoting a healthier lifestyle. Additionally, the path would facilitate connections to nearby schools, parks, and local businesses, stimulating economic growth and boosting the local economy. By prioritizing the needs of pedestrians and cyclists, we can create a more vibrant and livable community that benefits everyone. In conclusion, I urge you to consider the implementation of a sidewalk/bike path along Scotts Hill Loop Rd. The advantages it would bring, such as improved safety, community connectivity, and enhanced quality of life, cannot be overstated. I kindly request that you support this initiative and work towards securing the necessary funding and resources to make it a reality. Together, we can create a city that prioritizes the well-being and needs of all its residents. Thank you for your attention to this matter, and I look forward to seeing positive progress in making our community safer and more inclusive.
Hello. Vanessa. XXX and responding to input for the feasibility study for the pedestrian and maybe bike path. It would be phenomenal to. I live off the Country Club road in Hampstead and doctor, dentist and grocery are three miles away. But at this stage of my life seventy years old. I don't feel comfortable riding on Country Club. I did ten years ago. Congestion was not the traffic was not nearly so bad. It would it would be huge to have a way to get to services without using a car and the feasibility study to go to the beach. We would ride to the beach as well. I mean it would it would make our lives so much, so much more. So much more improved. So if you need need me and call me or e-mail me. Thank you very much. And I hope this goes through. Take care. Bye.

I want to comment about the feasibility study for the Pender County path initiative. We live three miles from our doctor. dentist, grocery, pharmacy, and restaurants. But, we rode 300 feet on Country Club Road today and had to get off our bikes and walk. It's so dangerous. I am seventy and intend to age in place. It would change our lives dramatically for the better if we could ride our bikes (and eventually e-bikes) to the corner of 17 and County Club Road.

I would like to take this opportunity to express my feelings about the proposed bike path enhancement in Pender county; specifically Hampstead, where I live. I was riding my bicycle on Country Club Road today and fearing for my life. Should I just not do that, ride my bike, or should I have access? I believe I should have access and I will support any measure to improve the quality of life for my fellow citizens.

Hi! My husband and I have lived on the North side of SHLR for25years and we would LOVE to see a sidewalk be put around the whole loop. This would greatly increase the value of our beautiful neighborhood ,but most importantly, it would make it SO much safer. So many people run, ride bikes and walk the loop.

Thanks.
Debbie Gutch

Hello,

I live on Scotts hill loop, I do not want a sidewalk, or more people coming thru my neighborhood. What is this going to do to my property, my trees, drainage, my septic field along the loop. Will it give me increased noise, trash, undesirable people going thru. You have taken the woods away, made 17 more of a parking lot than a highway (no, the bypass will not help), we have to pay to park now to go to the beach, if you can FIND a space, you made it miserable to live here. My wife and I moved here when we retired. Now I question WHY !

All your studies were done during COVID. They are meaningless and don't reflect real numbers. They only favor the builders to get things thru. More crocked politicians than ever. What's in your bank account, or under the mattress. You show demographics with income level, race, etc. WHY? So the small time crooks will know where to target. The BIG crooks steal from you legally. They take everything you worked your whole life for and get away with it. Kids will reflect their peers, more than their parents. They will be on the trails. I don't want that element in my neighborhood. You have destroyed everything around us to line your pockets with no regard for us or nature. I was never asked about this or surveyed. Yet, you said you did it. This in NOT for the community good, only money. What happens at the next storm, or flood, or power outage.
Start doing things the right way, develop responsibility.

My wife spent countless hours and hundreds of dollars on plants and flowers for the front of our house. It looked great. Now, because of you and your apartments on the other side of 17 from us, the deer, which you drove from their home and tore down their food supply, are feeding on her plants, leaving only a stub sticking up from the ground. Maybe you will get lucky and will meet one of them up close, as they cross the road looking for food.

We avoided the SUPER circle K that we don't need. Your irresponsible building causes the accidents on 17 from the people tired of waiting for a break in traffic to get across the road. , then blindly cut across the road, putting innocent people at risk. We DONT need a station on THIS side of the road because the other one is TOO hard to get to. FIX the real issue. Eventually, you have to turn around and go home crossing the road.

WAKE UP and smell the flowers that are no longer there.

I find it is impossible to walk or bicycle in Pender County. This area, at present, cannot support the current vehicle traffic. The roads are too narrow to share. You take your life in peril due to rude drivers, speeding well over the speed limit and the lack of enforcement of traffic laws. Also the extensive wait times entering Hwy 17 adds to driver safety. The roads themselves have little or no shoulders .

Vanessa,
Saw a post that Wilmington Metropolitan Planning Organization (WMPO) was proposing a possible sidewalk around Scotts Hill Loop Rd. I wanted to drop an email supporting the idea. I know some may be opposed due to

the misconception that this would be build on residents private property. I am in favor of this proposal as I watch numerous individuals maneuver the traffic while walking, running, biking, and taking part in many other activities. This proposal would allow residents to safely move about the various neighborhoods in a safe manner as opposed to using the already busy road. New construction behind the plantation and from summertime marina traffic does not make this any easier. I navigate this road in the early mornings while running before work and know that it would certainly be safer with a sidewalk. I have had this conversation with others who would like to see this project come to fruition. Many call me crazy for running on SHL Rd. in the current state.
Thanks for reading my input and hope to see this project move forward.
Have a great day.
Doug

Good afternoon,

I'd like to add a comment to the record in support of the Scotts Hill Loop Rd sidewalk. I feel this project should be included on the high priority list. This is especially important now given the expected high density development in the Loop. There will be increased traffic in an already congested area. There are no shoulders or other established walking/biking areas along this road. There is no safe way to travel other than by automobile to Abbey Preserve, Poplar Grove Plantation, the existing and planned Novant hospital facilities, the marina, etc. One either drives, or walks along the edge of the street...jumping out of the way of traffic.

Hello, this laser. I'm responding to the proposed location of a bicycle and walk path around Scottsville Loop Rd. I am definitely against it. I live in Scotts Hill and it's already has enough traffic moving through Scotts Hill Loop and we really do not want any bicycle paths as far as everyone that I've spoken to. So I'm hoping that you're hearing from other people. The idea sounds good, but it is not a good plan. It's very dangerous and basically what I'm hearing is nobody wants it. We don't want the input. We've had a really peaceful neighborhood here and it's just getting more and more disrupted. Give me a call if you have any other thoughts or information you want to provide. I'm really tired after working all day today but I'll try to e-mail you as well. Thank you. Bye bye.

Good morning Vanessa,

I hope you are doing well. I currently live at XXX Marshfeild drive. I wanted to let you know of me and my family's support for a walking and bike path around scotts hill loop in pender county. My 5 year old daughter currently walk this to get to poplar grove as well as a way to exercise. We also ride my bike. This would only increase safety.

Thanks,
Jon Winter

Hi Vanessa!

I had worked some with Greg Feldman when he was with the Pender County Planning Department concerning all the building in Scotts Hill. I know he was working on this project as well. My understanding is that perhaps Justin Brantley (on copy) has taken over this role.

While I support having sidewalks and bike trails in the Wilmington and surrounding areas, putting in sidewalks or a bike trail around Scotts Hill Loop Road is not something I would support for the following reasons:
• The construction to put in sideways in an existing community would create additional stress and impact on a community already in turmoil due to the growth in the immediate area.
• There are existing traffic issues including blind spots when pulling out of some neighborhood roads onto Scotts Hill Loop Road. Having to navigate around pedestrians and additional cyclist which create even more obstacles.
• We've had several wrecks (even deaths) due to people traveling at high speeds along Scotts Hill Loop Road. With the speed some people travel around the loop, it could become a safety concern.
• The cost associated with putting in sideways in an existing community would be better spent purchasing land for greenways/greenspace that could provide trails that aren't cluttered with roads and driveways.

Pender County had the opportunity to purchase the trails and land surrounding Abbey Nature Preserve and Poplar Grove Plantation but for some reason, that purchase was not made. Had it been, we currently have trails for both pedestrians and cyclists with no costs to the county or local government other than maintenance and upkeep. Having a greenway or greenspace where the trails exist is more advantageous to both those engaged in the activities and those living in the surrounding area because they don't have to intersect at roads and driveways.
Dear Ms Lacer, My name is XXX and I live in Scotts Hill. My home is located just within Scotts Hill Loop Rd. I left a message on your voice mailbox earlier in the week expressing I am not in favor of a path for pedestrians or bikes on the loop. The road is too dangerous and the traffic is too heavy. If you lived inside of the loop or on the loop you would understand and agree the location is not a good idea secondary to safety issues. There are too many curves, blind spots, cars jumping out, speeding, deer crossing and no lights. A better choice for the public would be for Pender and New Hanover County to utilize any available funds to purchase Abbey Nature Preserve Trails that is now under a lease with Pender County. The lease could potentially be rescinded by the owners of the property and this beautiful pristine piece of land could possibly be destroyed in the future by the current lawless uncontrolled "residential clear cutting" that is happening in our communities. As a closing thought: no one wants to read or hear on the news there was a collision with a bike and a vehicle on Scotts Hill Loop Road. Thank you for your time and consideration.
Greetings Vanessa, When I learned about the prospect of a sidewalk around Scotts Hill and Loop Road, I was hopeful such a thing was being considered. My husband and I are senior citizens and are very interested in "aging in place". He has lived in our current home for over 30 years. We both love it here and are in no hurry to relocate. Both our doctors have recommended we both go on walks to stay fit. While we stay active doing yard work, a walk around the Loop Road on a sidewalk would be most welcome and convenient. Since traffic has certainly increased with vehicles often going too fast, it just doesn't feel safe. A sidewalk would provide that safer buffer in addition to providing more stable footing. Based on AARP studies, sidewalks often increase home values in addition to helping build more engaged communities. People actually get out of their houses and meet their neighbors. We look forward to updates on this potential project and hope to see this potential plan implemented sooner than later.
Hampstead desperately needs bike and pedestrian infrastructure! Any improvement would be appreciated.
My family is excited about any bike/ped improvements that can be planned and constructed in our region. Please bring them sooner than later. Good luck and let me know if I can help support these efforts. As an aside, these enhancements will provide both transportation connectivity and "leisure"/exercise travel for no other reason.

Pender County
REZONE 2023-47-R CZMA: Request to revise a Conditional Zoning Map Amendment for the Falls Mist Development in the Rocky Point Township

TO:	Board of County Commissioners
FROM:	Daniel Adams
DATE:	October 16, 2023
SUBJECT:	REZONE 2023-47-R CZMA: Request to revise a Conditional Zoning Map Amendment for the Falls Mist Development in the Rocky Point Township

SUMMARY:
Stroud Engineering, applicant, on behalf of Rocky Point Properties, LLC and Farm and Garden, LLC, owners, is requesting the approval of a revision to a previously approved Conditional Zoning Map Amendment that involved three (3) tracts totaling approximately 301 acres from RP, Residential Performance and RA, Rural Agricultural zoning districts to the PD-CD1, Planned Development Conditional Zoning District 1. This Conditional Zoning Map Amendment was approved by the Board of County Commissioners at their January 18th, 2022, meeting. This approval allowed for 750 single family detached residential units, an associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230).

The applicant is requesting two modifications:
1. To remove the approved connection to Fall Brook Lane and establish another access to US HWY 117 through PIN 3234-53-1216-0000, which is currently zoned RP, Residential Performance;
2. Reduce the approved side yard setbacks for single-family homes from 10 feet to 5 feet. This revision would bring the Conditional Zoning District to approximately 310.56 acres.

The previously approved total unit count, associated sewage treatment facility, and famers market are not to be modified as part of this revision. The proposed development is south of NC HWY 210, approximately ±0.03 miles east of the intersection of NC HWY 210 and Balcombe Rd (SR 1425), and west of US HWY 117 in the Rocky Point Township and may be further identified by Pender County PINs 3234-29-6506-0000, 3234-38-5366-0000, 3234-24-6900-0000, and 3234-53-1216-0000.

ACTION REQUESTED:
To hold a public hearing and consider the Conditional Zoning Map Amendment and associated Master Plan revision request.

ATTACHMENTS:
1. Staff Report
2. Application
3. Attachment 1: Staff Report from initial case (REZONE 2020-16)
4. Attachment 2: Applicant's Narrative
5. Attachment 3: Revised Master Development Plan
6. Attachment 4: Public Input Meeting Packet

STAFF REPORT FOR REZONE 2023-47-R CONDITITIONAL ZONING MAP AMENDMENT REVISION APPLICATION

APPLICATION SUMMARY	
Case Number	REZONE 2023-47 CZMA Revision
Hearing Dates	May 2, 2023: Planning Board June 19, 2023: BOCC (Continued) August 21, 2023: BOCC (Continued) October 16, 2023: BOCC
Applicant	Stroud Engineering, PA
Property Owner(s)	Rocky Point Properties, LLC & Farm & Garden, LLC
Parcel Identification Number(s)	3234-29-6506-0000, 3234-38-5366-0000, 3234-24-6900-0000, & 3234-53-1216-0000
Acreage	310.56
Township	Rocky Point
Current Zoning District(s)	PD-CD1, Planned Development Conditional Zoning District 1 & RP, Residential Performance
Requested Zoning District	PD-CD1, Planned Development Conditional Zoning District 1
Future Land Use Category	Medium Density Residential

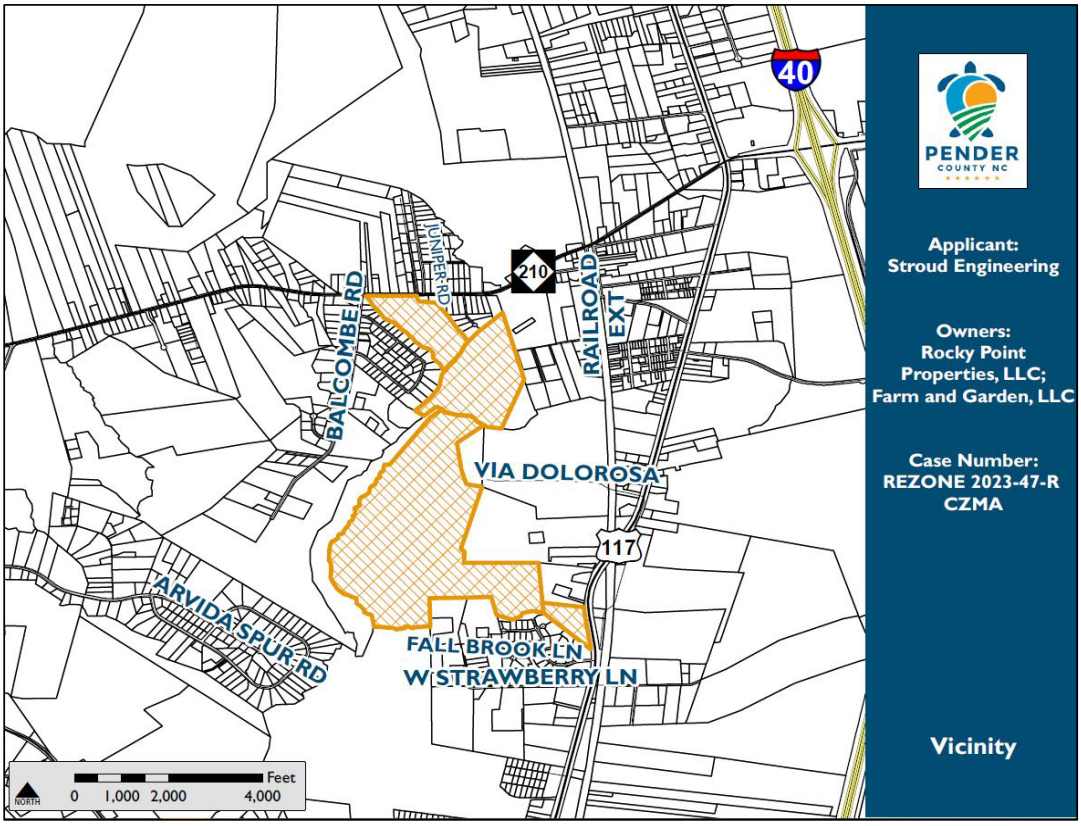
CONDITIONAL ZONING MAP AMENDMENT PROPOSAL
Stroud Engineering, applicant, on behalf of Rocky Point Properties, LLC and Farm and Garden, LLC, owners, is requesting the approval of a revision to a previously approved Conditional Zoning Map Amendment that involved three (3) tracts totaling approximately 301 acres from the RP, Residential Performance and RA, Rural Agricultural zoning districts to the PD-CD1, Planned Development Conditional Zoning District 1. This Conditional Zoning Map Amendment was approved by the Board of County Commissioners at their January 18th, 2022, meeting. This approval allowed for 750 single family detached residential units, an associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230). The applicant is requesting two modifications: 1. To remove the approved connection to Fall Brook Lane and establish another access to US HWY 117 through PIN 3234-53-1216-0000, which is currently zoned RP, Residential Performance; 2. Reduce the approved side yard setbacks for single-family homes from 10 feet to 5 feet.

This revision would bring the Conditional Zoning District to approximately 310.56 acres. The previously approved total unit count, associated sewage treatment facility, and famers market are not to be modified as part of this revision.

LOCATION

The proposed development is south of NC HWY 210, approximately ±0.03 miles east of the intersection of NC HWY 210 and Balcombe Rd (SR 1425), and west of US HWY 117 in the Rocky Point Township and may be further identified by Pender County PINs 3234-29-6506-0000, 3234-38-5366-0000, 3234-24-6900-0000, and 3234-53-1216-0000.

Below: Vicinity Map of the Area



CASE HISTORY AND PREVIOUS APPROVAL

January 18th, 2022, Approval

After a recommendation of approval by the Planning Board at their November 5, 2020, meeting, the Board of County Commissioners approved a Conditional Zoning Map Amendment request and Master Development Plan for the development referred to as Falls Mist Gardens on January

18, 2022. The previous and vested approval allowed for a total of 750 single family detached residential units, an associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230). The associated staff report with the previous Conditional Zoning Map Amendment approval may be found in the Board's packet as Attachment 1.

REVISION REQUEST IN FURTHER DETAIL

There are two revisions requested as part of this application. The first and primary revision being the removal of a required roadway connection to the Fall Brook subdivision via Fall Brook Lane. The Pender County Unified Development Ordinance, which contains local regulations pertaining to development activity, states in Section 7.5.1 that the layout of streets as to arrangement, width, grade, character, and location shall conform to the following: (1) Pender County collector street plan, (2) adjoining street systems, (3) existing, planned and proposed streets, (4) to provide for continuity in existing streets, (5) provide adequate right-of-way for collector streets and (6) reasonable access will be provided to adjacent properties for development.

These six provisions individually required the applicant to connect their road network with Fall Brook Lane and together emphasize the importance Pender County regulations place on street network connectivity.

Section 7.5.1.A.1(b) of the Pender County Unified Development Ordinance allows for an administrative review and potential exception to connection requirements outlined above when wetland impacts would occur due to a required roadway connection. Within the applicant's narrative, it is stated that the previously approved connection to Fall Brook Lane will require a "lengthy wetland crossing." The applicant's narrative is located in the Board's packet as Attachment 2. The applicant's revised Master Development Plan shows approximate locations of existing wetlands and can be found in the Board's packet as Attachment 3. As stated in the narrative, the revised connection would reduce wetland impacts thereby minimizing environmental impacts. If this request were to be approved, staff would require a Jurisdictional Delineation approval that is issued by the United States Army Corps of Engineers along with all necessary wetland impact permits.

In addition to the applicant's request to remove the previously approved connection to Fall Brook Lane, they are also requesting that the previously approved side yard setback requirements be reduced from 10 feet to 5 feet to maximize the building envelope as stated in the applicant's submitted narrative. The requested side yard setback requirements are also listed under Note 10 within the submitted Master Development Plan (See attachment 3).

Aside from the two revisions to the previously approved Conditional Zoning Map Amendment and Master Development Plan, no further changes from the project's previous approval that is outlined in Attachment 1 are being requested, including the previously agreed upon conditions of approval that would not be impacted from the requested removal of the Fall Brook Lane connection.

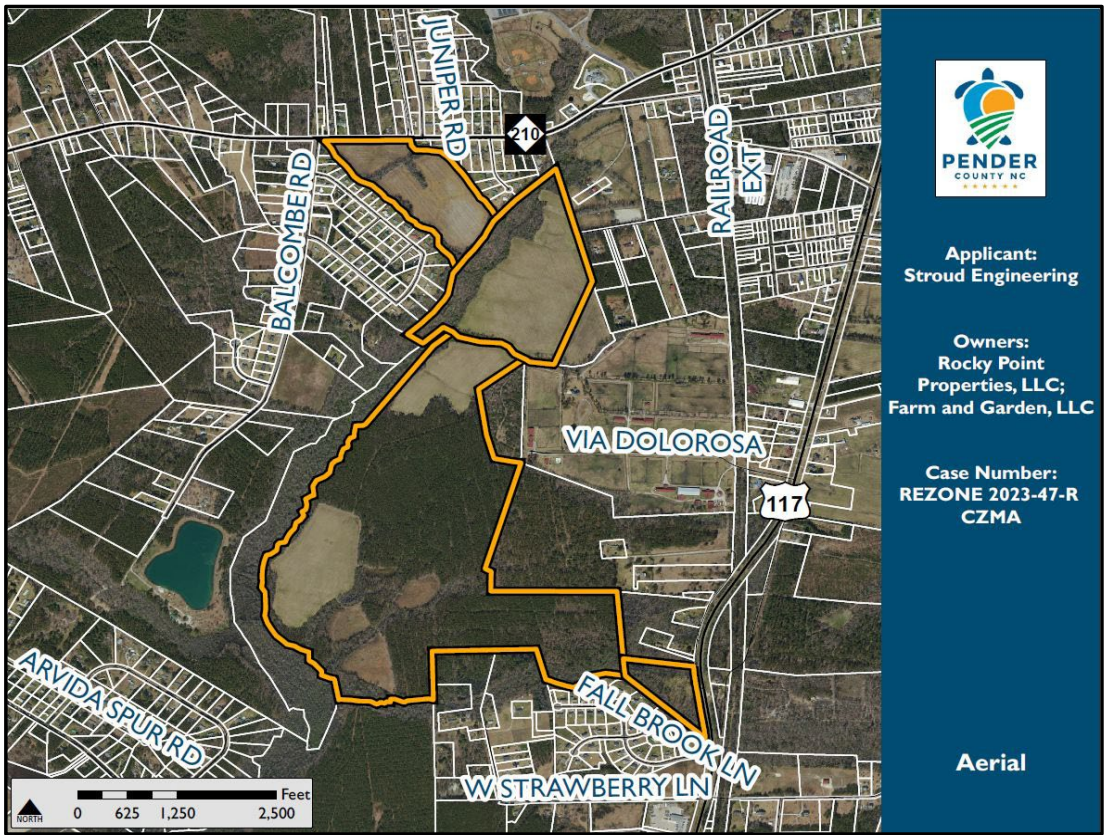
PUBLIC INPUT MEETING

In accordance with the Pender County UDO, the applicant held a public input meeting on Tuesday, January 24, 2023, at the Pender County Library – 103 S. Cowan Street, Burgaw, NC. According to the information provided by the applicant, 26 citizens attended the meeting citing concerns regarding stormwater drainage, safety, traffic, and specifically the removal of the connection to Fall Brook Lane. A summary of the report provided by the applicant can be found in Attachment 4 of the Board's packet.

Dimensional Requirements

Previously Approved Residential Dimensional Requirements	
Front	20'
Side	10' (Now seeking 5')
Rear	15'
Corner	15'
Max. Height	35'
Min. Chord	30'
Previously Approved Commercial Dimensional Requirements	
Front	50'
Side	10'
Rear	25'
Corner	15'
Max. Height	35'
Min. Chord	50'

Below: Aerial Map of the Area



ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject properties do contain Special Flood Hazard Areas[1].
Wetlands	The subject properties may contain characteristics of wetlands.[2, 3]
Areas of Environmental Concern	The subject properties do not contain any Areas of Environmental Concern (AEC)[4].

[1] According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)

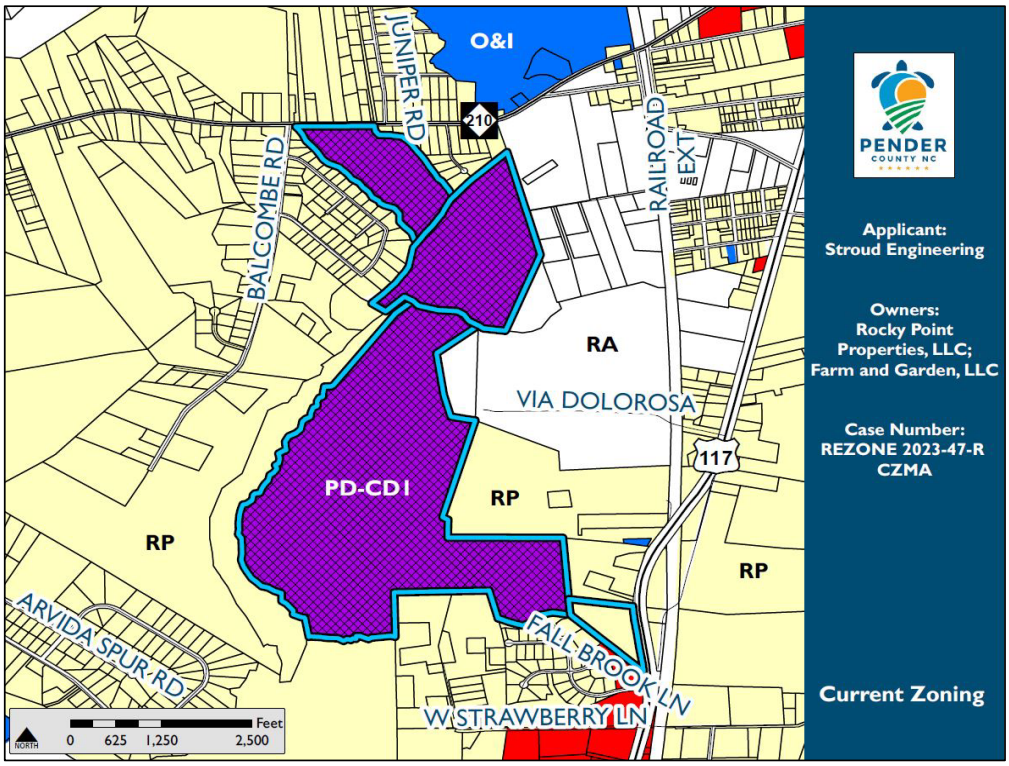
[2] According to the NC Division of Coastal Management (NC DCM)

[3] According to the National Wetlands Inventory (NWI)

[4] According to the North Carolina Department of Environmental Quality (NCDEQ)

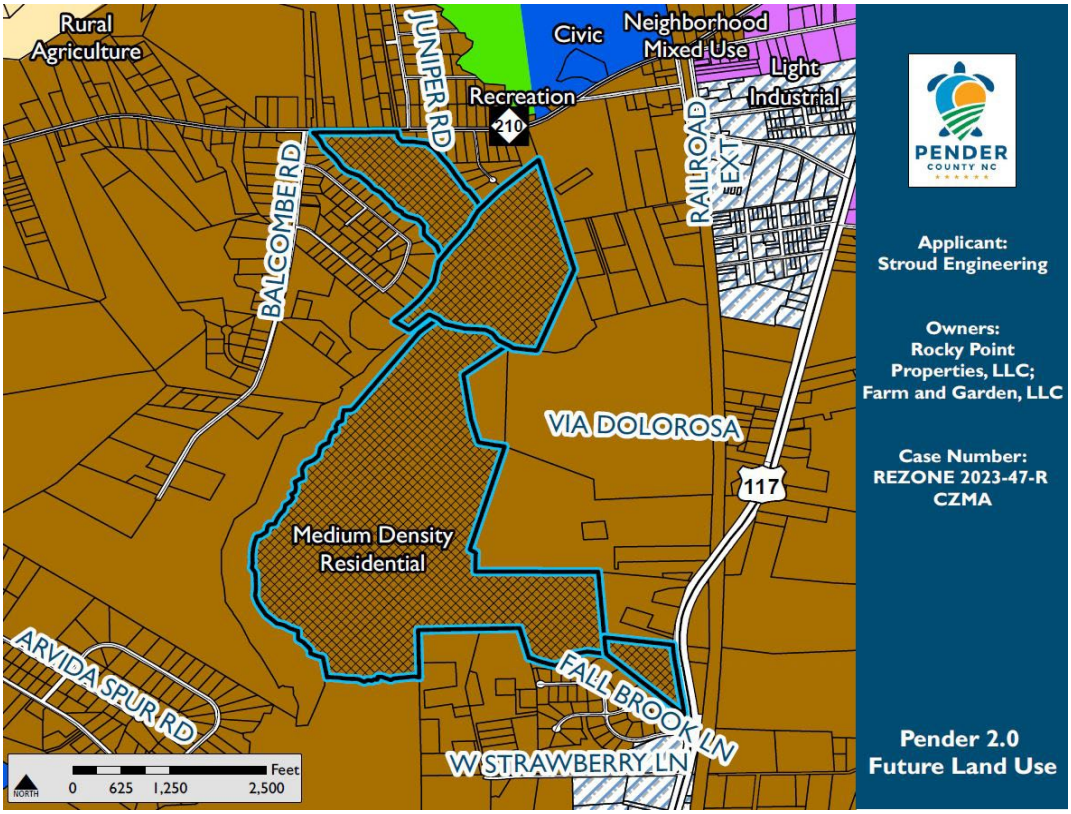
EVALUATION

Below: Current Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Residential	RP, Residential Performance & RA, Rural Agricultural
East	Undeveloped, Residential	RP, Residential Performance, RA, Rural Agricultural
South	Residential (Fall Brook Subdivision)	RP, Residential Performance, GB, General Business
West	Undeveloped, Residential	RP, Residential Performance

Below: Current Future Land Use Map of Area



Pender 2.0 Comprehensive Land Use Plan Compliance: The Pender 2.0 Comprehensive Land Use Plan designates the subject property as Medium Density Residential. Medium density residential uses are vital to supporting Pender County's growing population by strategically locating more dense residential development in areas that will not create conflicts with existing neighborhoods. These uses are located in close proximity to supporting services and a mixture of development types, and are generally found in the southern portion of the County. Appropriate uses include single-family residences, duplexes, townhomes, community recreation and open space uses, and neighborhood-scale institutional uses such as religious and civic organizations. Townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Clustering of new residential communities is encouraged.

Planned communities may also include well-integrated neighborhood-scale commercial and office uses. Industrial and manufacturing uses, and commercial and office uses not located within a planned community, are inappropriate. Development density within this category is three to six dwelling units an acre or less.

This application is consistent with the Medium Density Residential Future Land Use classification because it proposes a clustered single-family neighborhood at a density of 3.47 units an acre in addition to integrated commercial frontage. The Pender 2.0 Comprehensive Land Use Plan also encourages bicycle and pedestrian infrastructure within this Future Land Use classification, which the applicant has proposed.

In addition to conforming with the Future Land Use Map, the Conditional Zoning Map Amendment request is supported by three (3) goals, two (2) objectives, and six (6) policies within the Pender 2.0 Comprehensive Land Use Plan:

> **Policy 3.1.H: Low Impact Development (LID):** The County supports Low Impact Development practices. Such LID practices may include retaining/infiltrating most of the runoff on-site, maximizing the use of permeable pavements, reducing the amount of impervious coverage, and clustering housing to allow a profitable development density while maximizing open space and minimizing wildlife habitat fragmentation.
>
> **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.D: Focused Growth and Development: The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.

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.

Policy 5.1.Z: Cluster Development Incentive: The County supports the clustering of residential development within the residential future land use categories for the preservation of coastal natural resources, prime agricultural lands, or wildlife habitat areas.

The project fulfills several desired policy outcomes for development as described in the Pender 2.0 Comprehensive Land Use Plan. The proposal provides enhanced transportation infrastructure, constructing multiple collector streets as well as bicycle and pedestrian connectivity throughout the development. While not proposing to certify the project to the Low Impact Development stormwater engineering standard, the project exhibits multiple characteristics of LID design – namely clustering development to preserve open space and providing above-average stormwater infrastructure. Additionally, based on comments received from the relevant agencies, sufficient infrastructure is available or will be constructed to serve the development.

The Conditional Zoning Map Amendment proposal was not found to conflict with any goals, objectives, or policies in the Pender 2.0 Comprehensive Land Use Plan.

CONDITIONS FOR APPROVAL OF PETITION

Per Sections 3.4.5 and 4.13.6 of the Pender County Unified Development Ordinance, the Pender County Planning Board and the Board of County Commissioners can add reasonable and appropriate conditions based on mutually established goals with the Applicant and adjacent property owners. Conditions may address parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the participants in the public input meeting, staff, Planning Board and County Commission find appropriate or the petitioner may propose.

The following conditions of approval were previously agreed upon by the applicant, Planning Board, and Board of County Commissioners. Planning Staff has removed three previously agreed upon conditions of approval that were related to the Fall Brook Lane connection and shown those as "struck-through" below. These conditions have been removed because they are no longer applicable due to the requested removal of the connection to Fall Brook Lane:

1. The project shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff for the 10, 25, and 50 year return period events and be analyzed for the 100-year event**.**

2. All wetlands which will not be disturbed via an Army Corps of Engineers wetlands fill permit as part of the proposed development shall be placed under a conservation easement.

3. Informational signs to be installed at 500 foot intervals along all delineated wetland boundaries within platted open space, and to be maintained by the HOA and replaced as necessary. The applicant shall include this provision in the recorded covenants and restrictions for the development in perpetuity.

4. Sidewalks will be installed along all streets, and crosswalks will be marked at all intersections with a Collector Street.

5. A siren-activated gate meeting the standards of the Pender County Fire Marshal will be required at the border of the development and the existing A.R. Black Avenue, to be installed prior to final plat approval of the appropriate section, and be required to remain in place until such time as A.R. Black Avenue is brought up to the street design standards of the Pender County Unified Development Ordinance.

6. The wastewater treatment plant shall utilize membrane filtration technology, or other technology certified by the project engineer to render no greater negative impact to local water quality than membrane filtration.

7. Evidence that the Army Corps of Engineers has received any Certificate of Completion forms for wetland disturbance permits relating to the project shall be provided to staff prior to approval of the last Final Plat associated with this development.

REMOVED CONDITIONS THAT WERE PART OF THE ORIGINAL APPROVAL:

~~1. Fall Brook Ln will be accepted for NCDOT maintenance prior to preliminary plat approval of the 601st lot of this development, preliminary plat approval of any portion of the development within the boundary of Tract 2 as shown on Pender County Map Book 42 P 116, or use of Fall Brook Ln for construction traffic, whichever shall come first.~~

~~2. Prior to completing the roadway connection between Fall Brook and the proposed development, a measure similar to a chicane that is acceptable to the NCDOT and Pender County Emergency Services shall be installed within the proposed development near the interconnection~~

~~with Fall Brook, as well as at least one additional traffic calming measure along Fall Brook that is acceptable to NCDOT. The applicant shall also make a written request to the North Carolina Department of Transportation that a speed limit of 25 MPH should be posted on Fall Brook Lane.~~

~~3. From the time that the road network of this development connects to Fall Brook Lane, to the time that the 600th home receives its Certificate of Occupancy, a gate shall be placed on the roadway between the two developments to allow only residents of Falls Mist and emergency vehicle traffic (siren activated) to utilize the connection. Means of access for construction vehicles shall not be granted. Following the Certificate of Occupancy for the 600th home, the gate shall be removed.~~

CONSISTENCY OF PROPOSAL WITH COUNTY PLANS AND POLICIES

At their January 18th, 2022, meeting, the Pender County Board of Commissioners approved the initial Conditional Zoning Map Amendment request as outlined in Attachment 1. At their May 2, 2023, meeting, the Pender County Planning Board unanimously recommended approval of the proposed revision to the Conditional Zoning Map Amendment. The proposed development is consistent with three goals, two objectives, and six policies, and the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan. The proposed development is also compliant with, and meets the intent of, the Pender County Unified Development Ordinance. The proposed revision also has the potential to minimize wetland impacts by removing the connection to Fall Brook Lane. Therefore, Planning Staff has found that this proposal is consistent with the adopted goals and policies of Pender County.

Unified Development Ordinance Compliance: Section 3.3.9 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board and Board of County Commissioners before a favorable recommendation of approval for a rezoning or future land use map amendment can be made. The standards have been outlined in this report for consideration by the Planning Board and Board of County Commissioners.

3.3.9.B.3 Approval Criteria for Conditional Rezoning

When evaluating an application for the establishment of a conditional zoning district, the reviewing bodies shall consider the following:

A. The Approval Criteria for a Rezoning (Section 3.3.5).
B. That the application meets the intent of a conditional rezoning, per this subsection.
C. That the contents of the application are complete, sufficient, and recorded appropriately either as conditions of approval or on the associated site plan or preliminary plat, and that the appropriate procedures have been followed.
D. The potential impacts and/or benefits on the surrounding area and adjoining properties.
E. The report of results from the public input meeting.
F. That sufficient guarantee is in place or can be made that any off-site impacts generated by the proposed project shall be mitigated appropriately at the time the need for the mitigating action is generated.

BOARD OF COMMISSIONERS ACTION NEEDED:

TO APPROVE: Motion to recommend approval of the Conditional Zoning Map Amendment and to make a finding that the approval is consistent with the following goals, objectives, and policies in the Pender 2.0 Comprehensive Land Use Plan:

- **Policy 3.1.H**
- **Goal 4.2**
- **Policy 4.2.F**
- **Goal 4.3**
- **Objective 4.3**
- **Goal 5.1**
- **Objective 5.1**
- **Policy 5.1.D**
- **Policy 5.1.H**
- **Policy 5.1.V**
- **Policy 5.1.Z**

TO DENY: Motion to deny the Conditional Zoning Map Amendment and to make a finding of denial because although the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING] ….

PLANNING BOARD ACTION FOR CONDITIONAL ZONING MAP AMENDMENT REVISION	
MOTION	**SECONDED**
Buchanan	Pitts

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
Yes	Yes	Yes	Yes	Yes	Yes	Yes

APPROVED	DENIED	UNANIMOUS
Yes		**Yes**

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

CONDITIONAL REZONING

Intent

A. Conditional zoning districts hereby included are to allow for the consideration of certain uses that are permitted uses in the underlying zoning district but due to their nature may not be appropriate for a particular location.

B. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses on small and large scale projects.

C. Although, it is not intended to be used for speculative purposes, a conditional zoning district applicant may include as part of the application, a list of uses which will not be developed on the property.

D. All uses listed as part of any application must be in the same format and description as listed in the Table of Permitted Uses.

E. The following zoning district categories are approved to be assigned conditional zoning districts: PD, RP, RM, GB, OI, IT, IG (Reference Article 4 for Zoning District Descriptions).

Application

Except as provided herein, all applications to establish a conditional zoning district must follow the regulations prescribed in this section in addition to the standard rezoning process as described in Section 3.3, Rezoning of this Ordinance.

Public Input Meeting

Prior to scheduling a public hearing on the rezoning application, **the applicant must conduct one public input meeting and file a report of the results with the Administrator.**

1. The report for the public hearing will include a summary of the public input meeting.
2. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting.
3. The notice shall include the time, date and location of the meeting as well as a description of the proposal.
4. The applicant's report of the meeting shall include:
    a. A copy of the letter announcing the meeting.
    b. A list of adjoining property owners contacted.
    c. An attendance roster.
    d. A summary of the issues discussed.
    e. The results of the meeting including changes to the project's proposal, if any.

Review

When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:

1. The application's consistency to the general policies and objectives of the adopted Land Use Plan.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. The report of results from the public input meeting.

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE			
Application No.	ZMA-CD	**Date**	3/3/2023
Application Fee	$ 3,555.60	**Invoice Number:**	00032075
Pre-Application Conference	N/A	**Hearing Date**	PB: May 2, 2023 BOCC: June 19, 2023

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	STROUD ENGINEERING, PA	**Owner's Name:**	Rocky Point Properties, LLC & Farm & Garden, LLC
Applicant's Address:	102-D Cinema Dr.	**Owner's Address:**	332 Military Cutoff Road
City, State, & Zip	Wilmington, NC 28403	**City, State, & Zip**	Wilmington, NC 28405
Phone Number:	910-815-0775	**Phone Number:**	910-338-3585
Email Address:	jfentress@stroudengineer.com	**Email Address:**	corporate@tributecompanies.com

Legal relationship of applicant to landowner: ENGINEER

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3234-29-6506-0000 = 35.25ac. RP 3234-38-5366-0000 = 57.20ac. RA	**Total property acreage:**	310.56 AC
Current Zoning District:	3234-24-6900-0000 = 208.64ac. RP 3234-53-1216-0000 = 9.47ac. RP	**Proposed Zoning District:**	310.56 AC
Project Address or Location:	HWY 210 / OFF HWY 210 & OFF 117 S. US HWY		

Proposed Uses to be Considered (Include NAICS Code):

SINGLE FAMILY

Proposed Uses to be Eliminated from Consideration (Include NAICS Code):

SECTION 3: SIGNATURES

Applicant's Signature		**Date:**	3/2/2023
Applicant's Name Printed	STROUD ENGINEERING, PA / James H. Fentress, Jr.	**Date:**	
Owner's Signature		**Date:**	03.02.2023
Owner's Name Printed	ROCKY POINT PROPERTIES, LLC / Mark Maynard	**Date:**	

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning 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 Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Attachment 1: REZONE 2020-16 Staff Report

PLANNING STAFF REPORT ADDENDUM
CONDITIONAL ZONING MAP AMENDMENT
"FALLS MIST GARDENS"

SUMMARY

Hearing Date:	October 6, 2020 Planning Board (tabled) November 5, 2020 Planning Board January 19, 2021 Board of Commissioners (tabled) November 15, 2021 Board of Commissioners
Applicant:	Stroud Engineering
Property Owners:	Rocky Point Properties LLC, Farm and Garden LLC
Case Number:	REZONE 2020-16, MDP 2020-21

Rezoning and Development Proposal: Stroud Engineering, applicant, on behalf of Rocky Point Properties LLC and Farm and Garden LLC, owners, is requesting the approval of a Conditional Zoning Map Amendment for three (3) tracts totaling approximately ±301.09 acres from RP, Residential Performance and RA, Rural Agricultural zoning districts to PD-CD1, Planned Development Conditional zoning district 1. This request is to allow for 750 single family detached residential units, associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230).

Property Record Number, Acreage, and Location: The proposed development is south of NC HWY 210, approximately ±0.03 miles east of the intersection of NC HWY 210 and Balcombe Rd (SR 1425), and west of US HWY 117 in the Rocky Point Township and may be further identified by Pender County PINs 3234-29-6506-0000, 3234-38-5366-0000, and 3234-24-6900-0000.

Recommendation: At their November 5, 2020 meeting, the Pender County Planning Board recommended conditional approval of this application based on its consistency with the Pender County Unified Development Ordinance and Pender 2.0 Comprehensive Land Use Plan, with Staff still recommending approval as well. The proposed development is consistent with three (3) goals, two (2) objectives, and six (6) policies and the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan, and conflicts with none. The proposed development is compliant with the Pender County Unified Development Ordinance.

PROJECT HISTORY AND UPDATE

At their January 19, 2021 meeting, the Pender County Board of County Commissioners tabled the request outlined in the subsequent packet, directing the applicant to further study traffic impacts brought forward by the project, specifically differing options for phasing the connection and usage of the existing Fall Brook Lane as an entrance to the proposed development, the potential non-residential uses on commercial property located at the intersection of Fall Brook Lane and US HWY 117, and the sight lines and distance of Fall Brook Lane/US HWY 117 intersection to the bridge over the former railroad right-of-way.

Based on the direction from the Board of County Commissioners, the applicant has concluded the entirety of their Traffic Impact Analysis (TIA) and will present those findings to the Board. Additionally, there has been one change to the layout of the project since the previous Board meeting: the extension of Fall Brook Lane into the proposed development is no longer proposed to be designed as a collector street, but as a local street. This is in reference to the recently adopted update to the Pender County Collector Street Plan which no longer designates the corridor as one for a collector street. The connection to Fall Brook Lane is

still required due to other regulations within the Unified Development Ordinance relating to street design as well as emergency vehicle access.

As a reminder, this project was submitted, and review started, prior to the approval of Zoning Text Amendment 2020-11 which revised certain items related to conditional rezoning applications. For consistency, all ordinance references are to the UDO as amended 3/16/2020 – the last revision date prior to the approval of ZTA 2020-11 unless noted. Based on staff evaluation, the only material difference if reviewed under the new version is that the project density would likely be lower under the new calculation.

CONDITIONS FOR APPROVAL OF PETITION

Per Sections 3.4.5 and 4.13.6 of the Pender County Unified Development Ordinance, the Pender County Planning Board and the Board of County Commissioners can add reasonable and appropriate conditions based on mutually established goals with the Applicant and adjacent property owners. Conditions may address parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the participants in the public input meeting, staff, Planning Board and County Commission find appropriate or the petitioner may propose.

Staff, the applicant, and the Pender County Planning Board have previously collaborated to reach agreement on the following potential conditions of approval for this application:

1. The project shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff for the 10, 25, and 50 year return period events and be analyzed for the 100-year event.
2. All wetlands which will not be disturbed via an Army Corps of Engineers wetlands fill permit as part of the proposed development shall be placed under a conservation easement.
3. Informational signs to be installed at 500 ft intervals along all delineated wetland boundaries within platted open space, and to be maintained by the HOA and replaced as necessary. The applicant shall include this provision in the recorded covenants and restrictions for the development in perpetuity.
4. Sidewalks will be installed along all streets, and crosswalks will be marked at all intersections with a Collector Street.
5. Fall Brook Ln will be accepted for NCDOT maintenance prior to preliminary plat approval of the 601st lot of this development, preliminary plat approval of any portion of the development within the boundary of Tract 2 as shown on Pender County Map Book 42 P 116, or use of Fall Brook Ln for construction traffic, whichever shall come first.
6. A siren-activated gate meeting the standards of the Pender County Fire Marshal will be required at the border of the development and the existing A.R. Black Av., to be installed prior to final plat approval of the appropriate section, and be required to remain in place until such time as A.R. Black Av. Is brought up to the street design standards of the Pender County Unified Development Ordinance.
7. The wastewater treatment plant shall utilize membrane filtration technology, or other technology certified by the project engineer to render no greater negative impact to local water quality than membrane filtration.
8. Evidence that the Army Corps of Engineers has received any Certificate of Completion forms for wetland disturbance permits relating to the project shall be provided to staff prior to approval of the last Final Plat associated with this development.

9. Prior to completing the roadway connection between Fall Brook and the proposed development, A measure similar to a chicane that is acceptable to the NCDOT and Pender County Emergency Services shall be installed within the proposed development near the interconnection with Fall Brook, as well as at least one additional traffic calming measure along Fall Brook that is acceptable to NCDOT. The applicant shall also make a written request to the North Carolina Department of Transportation that a speed limit of 25 MPH should be posted on Fall Brook Ln.

Additionally, a tenth condition was discussed at the January 19, 2021 hearing and is again up for discussion at the November 15, 2021 meeting:

10. From the time that the road network of this development connects to Fall Brook Lane, to the time that the 700th home receives its Certificate of Occupancy, a gate shall be placed on the roadway between the two developments to allow only residents of Falls Mist and emergency vehicle traffic (siren activated) to utilize the connection. Means of access for construction vehicles shall not be granted. Following the Certificate of Occupancy for the 700th home, the gate shall be removed.

Attachment 2: Applicant's Narrative

STROUD ENGINEERING, P. A.
CONSULTING ENGINEERS
102D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
WWW.STROUDENGINEER.COM
LICENSE NO. C-0647

December 21, 2021

Pender County Planning Department
805 S. Walker Street
Burgaw, North Carolina 28425

Re: Falls Mist Conditional Zoning Map Amendment
Rocky Point, Pender County

To Whom it May Concern,

What follows is an application for the amendment of the Conditional Zoning Map approved for the Falls Mist Planned Development. There are two revisions requested in this effort. The first and primary is the removal of the required roadway connection to the Fall Brook subdivision road network. As presently approved, Fall Brook Lane will be connected to the Falls Mist development. The Pender County Unified Development Ordinance, UDO, Article 7.4.1.F is the basis of the required roadway connection. Through the original iterative rezoning process, an additional 9.4 acre parcel adjacent to the north of the Fall Brook subdivision tract was purchased and incorporated into the plan to provide collector street connection to US Highway 117 for the Falls Mist development. This alternate route is intended to relieve the collector street traffic through the Fall Brook Subdivision on the basis of ordinance required road connectivity, the stub right of way is still to be connected. The connection to Fall Brook Lane requires a lengthy wetland crossing. The alternate route enables a significant reduction of wetland impacts effectively minimizing the environmental affect of this development. Article 7.5.1.A (b) of The UDO affords exception to the cross-connection requirements provided environmental hardships that may be realized by such connection. On this basis, avoidance of the wetland impacts necessitated by the Fall Brook Lane connection is substantiated.

Article 4.14 (1) reports that setbacks for the PD zone are to be as shown by the Master Development Plan. The originally approved Master Development Plan represented PD zoning residential side setbacks to be ten feet. The developer is requesting the PD zoning residential side setbacks to be reduced to five feet to afford the builder opportunity to maximize the building envelope on smaller lots. On this premise, Note 10. Now represents the PD zoning residential side setbacks to be five feet. No other setbacks are proposed to be revised.

We hope the attached submission addresses the requirements to amend these two aspects of the Conditional Zoning Map. Please include this compilation for the next available review itinerary. Feel free to contact me with any additional needs that may arise in this regard.

Thanks,

James H. Fentress Jr. PE, PLS

Attachments

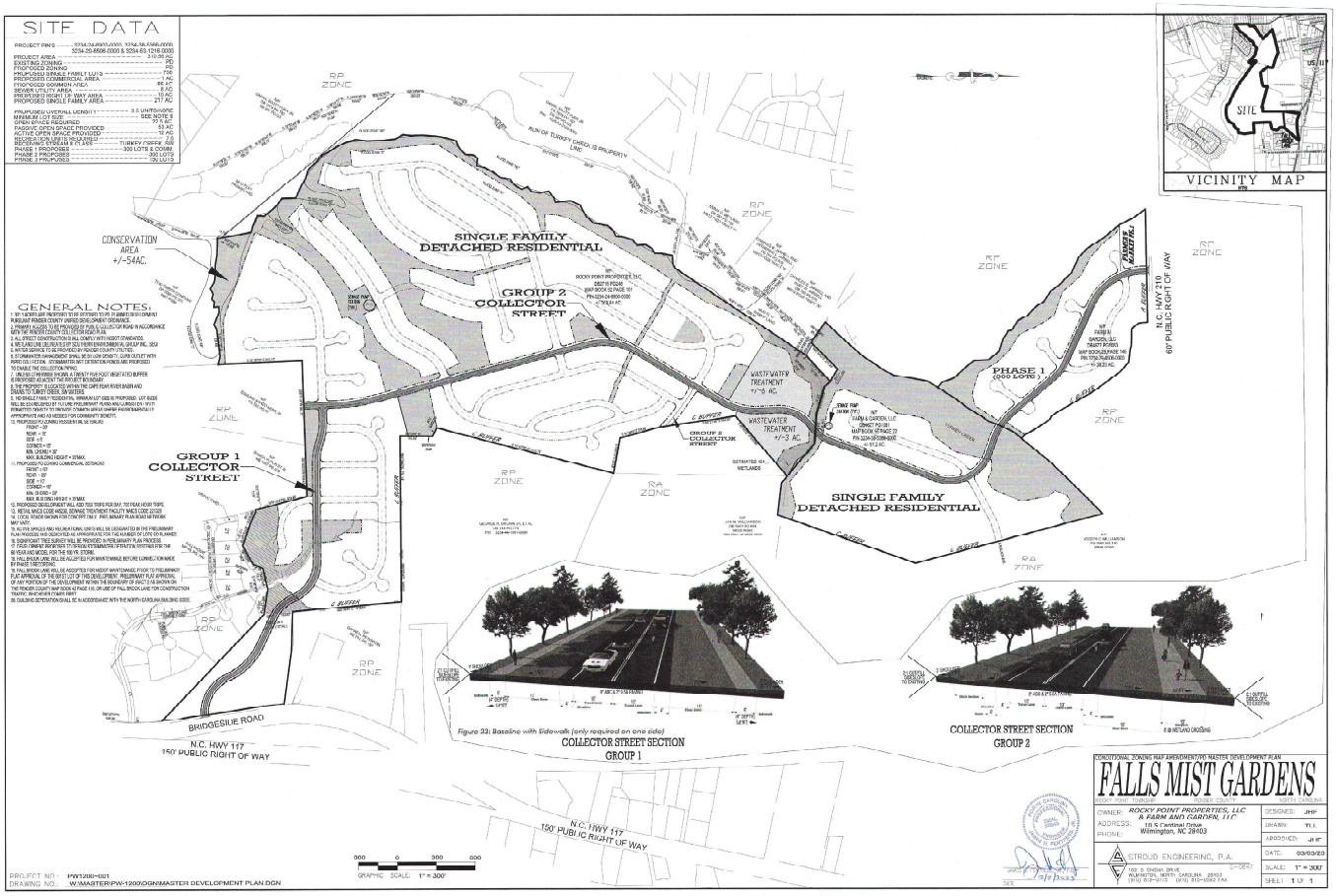
JHF/jf
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107B COMMERCE STREET
GREENVILLE, NORTH CAROLINA 27858
252.756.9352

102D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
910.815.0775

3302C BRIDGES STREET
MOREHEAD CITY, NORTH CAROLINA 28557
252.247.7479

Attachment 3: Revised Master Development Plan


SITE DATA
GENERAL NOTES:
CONSERVATION AREA +/-54AC.
SINGLE FAMILY DETACHED RESIDENTIAL
GROUP 2 COLLECTOR STREET
GROUP 1 COLLECTOR STREET
PHASE 1 (200 LOTS)
WASTEWATER TREATMENT +/-6 AC.
WASTEWATER TREATMENT +/-3 AC.
SINGLE FAMILY DETACHED RESIDENTIAL
N.C. HWY 210 60' PUBLIC RIGHT OF WAY
BRIDGESIDE ROAD
N.C. HWY 117 150' PUBLIC RIGHT OF WAY
VICINITY MAP
SITE
US 17
COLLECTOR STREET SECTION GROUP 1
COLLECTOR STREET SECTION GROUP 2
Figure 22: Baseline with Sidewalk (only required on one side)
FALLS MIST GARDENS
OWNER: ROCKY POINT PROPERTIES, LLC & FARM AND GARDEN, I.I.C.
ADDRESS: 18 N Central Drive Wilmington, NC 28403
STROUD ENGINEERING, P.A.
DESIGNED: JHF
DRAWN: TLL
APPROVED: JHF
DATE: 03/03/23
SCALE: 1" = 300'
SHEET 1 OF 1
PROJECT NO.: PW1200-001
DRAWING NO.: W:\MASTER\PW-1200\DGN\MASTER DEVELOPMENT PLAN.DGN
GRAPHIC SCALE 1" = 300'

Attachment 4: Public Input Meeting Packet

STROUD ENGINEERING, P. A.
CONSULTING ENGINEERS
102D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
WWW.STROUDENGINEER.COM
LICENSE NO. C-0647

January 6, 2023

Re: Falls Mist PD Master Development Plan as approved by Pender County Commission

To All It May Concern,

Stroud Engineering, PA is writing you on behalf of Rocky Point Properties, LLC and Farm and Garden, LLC to notify you of an informal community meeting to discuss a proposed Master Development Plan revision of the Falls Mist project located off NC Highway 210 & US Highway 117 S, in Rocky Point, Pender County, NC. The primary plan revision to be discussed is the proposed elimination of the roadway connection to Fall Brook Lane.

The meeting is scheduled to be held on ***Tuesday, January 24th at the Pender County Library -103 S. Cowan Street, Burgaw, NC*** **from 6:30 to 9:30 pm.** Exhibits of the project and meeting locations are attached.

Please R.S.V.P. by email (Tracy Lowe: tlowe@stroudengineer.com) or call (910) 815-0775. I look forward to meeting you and addressing any questions that you may have.

Thank you,

James H. Fentress, Jr. PE, PLS

Attachments

JHF/jf
File W:\Master\PW-1200\pdf\community meeting\MASTER DEV PLAN REV COMMUNITY MEETING NOTICE.doc

STROUD ENGINEERING, P. A.
CONSULTING ENGINEERS
102D CINEMA DRIVE
WILMINGTON, NORTH CAROLINA 28403
WWW.STROUDENGINEER.COM
LICENSE NO. C-0647

Falls Mist
Community Informational Meeting Report
For
Conditional Zoning Map Amendment

Stroud Engineering, PA held a community meeting on Tuesday, January 24, 2023 from 6:30 pm to 9:30 pm at the Burgaw Library in Pender County, NC to inform residents within five hundred feet of the proposed Conditional Zoning Map Amendment ambitioned to eliminate the Fall Brook Lane road connection as well as reduce the reported side setback from ten feet to five feet. The meeting was an opportunity to report the proposal, address questions, and hear concerns regarding the proposed map amendment. The residents were notified of the meeting by mail.

Relative to the original community meeting in July of 2020, there were at least twenty new residents notified due to the 9.4 acre parcel purchased and approved for alternate connection to US Highway 117. The County required collector street corridor now emanates from this newly proposed driveway in lieu of converting Fall Brook Lane as originally interpreted from the Pender County Collector Street Plan. Community meeting attendance included; two Stroud Engineering, PA representatives, the property owner/developer, owner/developer Attorney, one senior Transportation Engineer from Davenport Engineering and fourteen interested residents. A reporting of the attendees is attached. There were several inquiries of Stroud Engineering in the weeks leading up to the meeting. The primary interests were to do with drainage, safety and traffic as well as some unfounded concerns of a possible convenient store apparently the result of rumor. There were no questions raised with regards to the setback reduction proposal.

The majority of the comments and concerns were from the Fall Brook Subdivision Community residents and residents along AR Black Avenue. A general overview of the dialog follows:

Drainage:

The focus of the drainage discussion was related to the flooding that occurs in the branch between the Fall Brook subdivision and the Falls Mist development tract. This flooding was reportedly aggravated by numerous downstream beaver dams. The Falls Mist developer reported that they had recently had several of the beavers removed and their dams destroyed in effort of improving the drainage in the branch and Turkey Creek. It was noted that the elimination of the Fall Brook Lane road connection would mean less flow obstruction in the branch which would not adversely affect drainage in the area. It was also noted that the development was conditioned on providing stormwater detention for the 100 year storm event which far exceeds the ordinance minimum.

Safety:

The Fall Brook community is relieved by the proposed elimination of the road connection to their subdivision. There were a few that were concerned about traffic safety on NC Highway 117 given the proposed driveways proximity to the bridge South of the Fall Brook Subdivision. It was noted that the proposed driveway is planned on the Bridgeside Road and not directly onto

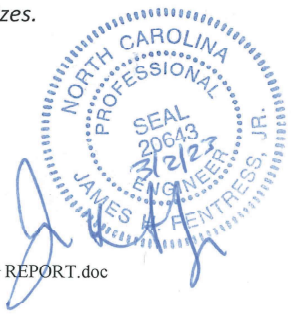
the highway. It was discussed that there was currently no traffic light proposed however the Traffic Impact Analysis would dictate what improvements would need to be made for that connection if and when the elimination of the Fall Brook Road connection was approved.

Traffic :

Traffic pattern was the primary discussion point as traffic from the Falls Mist development would not be realized if the connection to Fall Brook Lane could be eliminated by the proposed Map Amendment. Fall Brook Lane was recorded in 2008 to be a fifty feet wide public road right of way with twenty feet of pavement consistent to referenced North Carolina Department of Transportation, NCDOT, collector road standards. It was emphasized that, as presently approved, Fall Brook Lane will be connected to the Falls Mist development. Through the original iterative rezoning process, an additional 9.4 acre parcel adjacent to the north of the Fall Brook subdivision tract was purchased and incorporated into the plan to provide collector street connection to US Highway 117 for the Falls Mist development. That was intended to relieve the collector traffic through the Fall Brook Subdivision but on the basis of ordinance required road connectivity, the stub right of way was still to be connected. The popular consensus of the Fall Brook Community was that elimination of the road connection to their development would be an improvement to the plan. The residents from AR Black Avenue expressed disinterest in their private road being connected even if only for emergency access. Several requested that we make the same request for exception to the ordinance that road connection. There was one however who asked the Falls Mist developer to pave AR Black. That was explained as not possible given the developer of the Falls Mist does not have right of access to AR Black.

Various questions:

- AR Black Ave residents are concerned about emergency use of their private road.
- AR Black Ave residents also concerned about proposed emergency gate at the end of the road.
- AR Black Ave residents concerned about buffer width behind proposed homes, due to several of the residents being avid target shooters.
- Safety flashing cautions lights near new entrance off HWY 117 next to Fall Brook Lane?
- Any proposals for the Owl Creek wetland area?
- When will the construction start? *18 months +/- for approval and permits.*
- Concerns of existing homes being devalued by the additional traffic.
- What size lots are proposed? *The PD zone is proposed to enable a diversity of lot sizes.*
- Residents want to be made aware of all upcoming meetings for attendance.
- Where will wastewater treatments be located?



Attachments

JHF/jf
File W:\Master\PW-1200\MASTER PLAN REVISION\JAN 2023 COMMUNITY MEETING\2nd COMMUNITY MEETING REPORT.doc

FALLS MIST COMMUNITY MEETING NOTES From 1/24/2023

Call ins -

- Vincent Barger 910-619-9737 vincentbarger@gmail.com
- Anna Marie Fern off Strawberry 910-233-3112
- Mark Giardina 303-958-3601 giardina2955@gmail.com owner off AR Black Ave
- Ed Hill owns 46 ac blackberry farm across new 9.4 ac tract

14 land owners attended / 5 reps attended

NOTES : (random notes throughout the evening)

- Traffic Signals – No traffic lights – Concerns of traffic over bridge heading North on HWY 117
- Sewer treatment plant
- DOT/TIA was updated – study was moved to new connector road
- Reduction of setbacks 10' – 5'
- Wetland – Owl Creek backs up to additional parcel – Condition to revise-10yr to 100yr storm are there any plans for Ped-Xing over wetlands?
- Fall Brook owners thrilled with ne update to reroute away from their subdiv
- Stroud/developer is asking county to oppose the Fall Brook Connection
- Questions RE: the proposed Farmers Mkt off 210
- When will ground breaking start
- The approved plan has connection to AR Black Ave. – County requires it – Developer/Stroud wants to eliminate the connection
- If there is a connection for 911 on AR Black – how & where will the gate be placed, how will it work, any potential for others to use it.
    - Owners along AR Black want the ex. gravel road to paved and maintained if county emergency is planning to use the access.
- AR Black Ave. end of road owners are concerned with the small proposed buffer, because they frequently target shoot on the back of their property.
- Concerned with price of proposed homes – hoping the mass building won't devalue their property.

FALLS MIST - 2ND COMMUNITY MEETING (January 24, 2023)
MAIL OUT INFORMATION & ATTENDANCE

ATTENDING YES OR NO	NAME	ADDRESS	COMMENTS
@ 1	Johnathan Vaughan		Excited to see progress RE: New Entry
1	Dacia Zimmer		" "
1	Vincent Barger		Empty envelope - I emailed him
No	Anne Maria Farm	Strawberry Ln.	Q's I gave her my email
2	Aubrey Harvey	714-925-9976	
2	Edd Hill	Owns access from New Parcel Blackberry Farm	Was Wanting to know Time line

FALLS MIST - 2ND COMMUNITY MEETING (January 24, 2023)
SIGN -IN SHEET

	NAME	ADDRESS	CONCERNS
•	Stuart Petersen	203 Fall Brook Lane	
—	Don Bennett	5917 Oleander Dr. 28403	Davenport Engineer
•	Bob Summerlin	237 W. Tumbling Waters Rd.	
•	Joe Williamson	44 Casha Rd, Rocky Pt	
•	Natalie Tribett	44 Casha Rd, Rocky Pt	
•	Matthew Tribett	44 Casha Rd, Rocky Pt	
•	Aubrey Harvey	30 Owl Creek Ct	
•	Jesse Harvey	30 Owl Creek Ct	
•	Ty Barnett	42 babbling Crk Rd RP 28457	
•	Johnathan Vaughan	160 Fallbrook Ln	
—	Tracy Lowe	Stroud Engineering	
=	Sam Potter Atty		
=	Jimmy Fentress	102 D Cypress Pointe Wilm. NC 28403	/ Stroud Engineering
•	Matthew Lukens	50 E Tumbling Waters Rd. 28457	
•	Douglas Lukens	" "	
•	Martin Camp —	221 AR Black Ave →	grypmartin@gmail.com
•	Mark Giardina —	187 AR Black Ave	Rotaeria@2955.
—	Mark Marshall Jr. — Developer	Developer/owner	
	~~Douglas Lukens~~	50 E Tumbling Waters Rd	
•	Matt Lukens	Same	

Pender County
REZONE 2023-51: Request to rezone two parcels totaling approximately 20 acres from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3 in the Topsail Township

TO:	Board of County Commissioners
FROM:	Daniel Adams
DATE:	October 16, 2023
SUBJECT:	REZONE 2023-51: Request to rezone two parcels totaling approximately 20 acres from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3 in the Topsail Township

SUMMARY:
DR Horton Inc., applicant, on behalf of Mary Beth Morgan Carlson, owner, is requesting the approval of a Conditional Zoning Map Amendment to rezone approximately 20 acres across two tracts from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3. Specifically, the request is for 70 townhomes and 15,000 square feet of commercial office space classified under NAICS code 53, Real Estate and Rental and Leasing. The subject properties are located on the west side of US Hwy 17, approximately ¼ mile north of the intersection of US Hwy 17 and Pandy Ann Lane in the Topsail Township and may be further identified by Pender County PINs 3271-64-5893-0000 and 3271-65-9054-0000.

ACTION REQUESTED:
To hold a public hearing and consider the rezoning request.

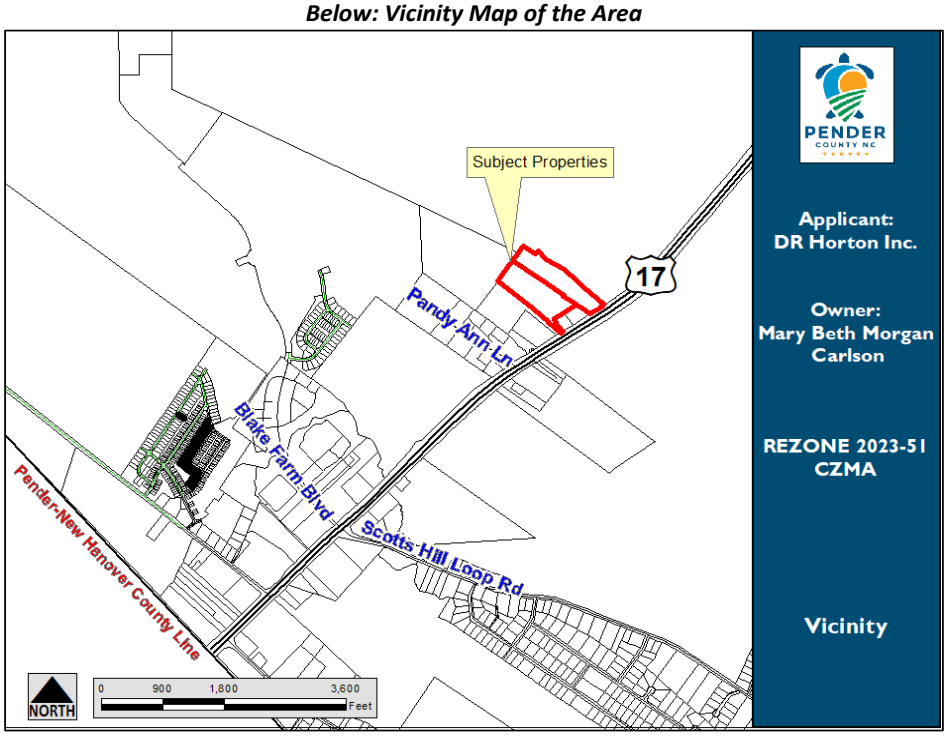
ATTACHMENTS:
1. Staff Report
2. Application
3. Narrative
4. Land Purchase Contract
5. Applicant's Written Approval of Proposed Conditions
6. Attachment 1: Site Plan
7. Attachment 2: Public Input Meeting Information
8. Attachment 3: Letter from Duke Energy Progress
9. Attachment 4: Approved Traffic Impact Analysis Scope

STAFF REPORT FOR REZONE 2023-51
CONDITIONAL ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	REZONE 2023-51
Hearing Dates	September 6, 2023 – Planning Board October 16, 2023 – Board of Commissioners
Applicant	DR Horton Inc
Property Owner	Mary Beth Morgan Carlson
Parcel Identification Number(s)	3271-64-5893-0000 & 3271-65-9054-0000
Proposed Rezoning Area	Approximately 20 acres
Township	Topsail
Pender 2.0 Future Land Use Category	Medium Density Residential & Neighborhood Mixed Use

REZONING PROPOSAL
DR Horton Inc., applicant, on behalf of Mary Beth Morgan Carlson, owner, is requesting the approval of a Conditional Zoning Map Amendment to rezone approximately 20 acres across two tracts from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3. Specifically, the request is for 70 townhomes and 15,000 square feet of commercial office space classified under NAICS code 53, Real Estate and Rental and Leasing.
LOCATION
The subject properties are located on the west side of US Hwy 17, approximately ¼ mile north of the intersection of US Hwy 17 and Pandy Ann Lane in the Topsail Township and may be further identified by Pender County PINs 3271-64-5893-0000 and 3271-65-9054-0000.

Below: Vicinity Map of the Area



REZONING & DEVELOPMENT PROPOSAL

The applicant is proposing to rezone approximately 20 acres across two tracts from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning district 3. The applicant previously requested to amend the Future Land Use Map from Medium Density Residential and Neighborhood Mixed Use to Regional Mixed Use and rezone the two parcels from Residential Performance to Planned Development, but withdrew their application at the May 2, 2023, Planning Board meeting.

Since the withdrawal of the Zoning Map amendment and Future Land Use Map amendment applications, the applicant has submitted a conditional zoning map amendment request. The proposed request is for 70 townhome units and 15,000 square feet of commercial office space defined under NAICS code 53, Real Estate and Rental and Leasing. The townhome units are proposed to be spread across 14 buildings, with each building containing either four, five or six units. This development will also complete the connection of the collector street, known as Atlantic Avenue, that runs from Blake Farm Boulevard to US Highway 17. The applicant's site plan, shown as Attachment 1, provides an overview of the proposal and conceptual layout of the site.

Below: Aerial Map of the Subject Properties



Intent of Conditional Zoning, Article 3.3.9.B

A conditional zoning district (aka "CZ") is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or special use, accompanied by a plan showing proof of concept, and typically including the spatial relation of uses and site elements.

If approved, the applicant would be required to submit a preliminary plat for the residential component of the project, and a major site development plan for the commercial component of the project. Both the preliminary plat and the major site development plan would be reviewed by staff and the Pender County Technical Review Committee (TRC). Review and approval of the preliminary plat and major site development plan would be an administrative procedure, meaning staff would issue any approvals, consistent with the requirements outlined in the Unified Development Ordinance (UDO). Changes to the proposed conditional zoning district, including an alteration of the proposed dimensional standards, uses, requirements or conditions would require the applicant to resubmit a conditional zoning proposal in accordance with Article 3.3.9.B.6 of the UDO.

Density

Maximum density for conditional zoning districts is established in Article 4.6.7 of the UDO, which outlines a calculation for determining the maximum number of dwelling units within a conditional zoning district. The calculation is as follows:

Max. dwelling units = ([max. zoning district density] X [acres not in resource conservation areas]) + ([max. zoning district density] X [acres in resource conservation areas] X 0.50)

In this case, the proposed density is 4.6 units per acre. The proposal shows 14.97 acres of residential development, 3.79 acres of commercial development and .75 acres of wetlands (i.e., resource conservation area). Based on the formula above, the maximum number of units for the site is 71. The applicant has proposed 70 units with a density of 4.6 units per acre. The proposed density is consistent with the Medium Density Residential Future Land Use Category, which is the future land use category for the majority of these parcels.

Table 1: Density	
Total Acreage	19.51
Areas not in RCA/Commercial	14.97
Total Units	70
Net Density	4.6 du/ac

Dimensional Standards

Per Article 4.13 of the UDO, standards of a conditional zoning district are specific to the conditions of the site and are set by a conditional rezoning application. The applicant has proposed the following conditions for the site:

Table 2: Residential Dimensional Standards	
Minimum Front Yard	25’
Minimum Rear Yard	25’
Minimum Structure Separation	13’
Maximum Building Height	40’

Table 3: Commercial Dimensional Standards	
Minimum Front Yard	25’
Minimum Side Yard	25’
Minimum Rear Yard	25’
Maximum Building Height	30’

Allowable Uses

The applicant is proposing one residential use within this district – Single Family Dwelling-Townhouse. Additionally, the applicant is proposing 15,000 square feet of Real Estate and Rental and Leasing (NAICS 53), shown as commercial office space within one building on the attached plan. The applicant has indicated that DR Horton, Inc. will occupy the commercial building as their regional office.

Figure 1: Pender County Table of Permitted Uses

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 53: REAL ESTATE AND RENTAL AND LEASING											
Real Estate and Rental and Leasing	53	S	S			P	P	P	P	P	

Landscaping and Buffers

The applicant has proposed a Type A buffer along the US Highway 17 boundary, a Type C buffer along the northern boundary of the project, and a Type B buffer along the western and southern boundaries. These proposed buffers are consistent with the vegetative buffering requirements found in Article 8 of the UDO.

Significant Trees

A significant tree survey conforming with Article 8.1.3 of the UDO will be required prior to administrative approval of any subsequent Preliminary Plat or Site Development Plan within this 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 inches or greater.

Open Space

Per Article 7.6.1.C of the UDO, all new residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision. No more than 50% of the required open space shall be designated as passive open space. 50% or more of the required open space shall be designated as active open space. A minimum of 2.1 acres of open space is required for the project. The applicant has provided 3.9 acres of open space, 2.2 of which is proposed to be active open space. The passive open space is predominantly wetlands, while the active open space is shown across four areas, three of which include a stormwater pond.

Subsection 7.6.1.E discusses design standards, specifically shape and unity of land. The UDO states the following regarding the unity of open space, “The dedicated land shall form a single parcel of land, whether or not the subdivision is developed in phases or sections, except where it is determined by the appropriate governing body, that 2 or more parcels would be in the best interests of the residents of the subdivision and the public; and in such case, the appropriate governing body, may require that such parcels be connected.”

The UDO goes on to state the following regarding the shape of open space, "The portion of dedicated land to be used for active recreation shall be of such a shape to be usable for active recreational facilities including but not limited to tennis courts, racquetball courts, swimming pools, exercise rooms, clubhouses, athletic fields, basketball courts, swings, slides and play apparatus."

While the proposed development does not offer its active space as a contiguous area of land, the Planning Board and Board of Commissioners may determine that the design as proposed is in the best interest of the residents of the subdivision and the public.

Recreational Units

Per Article 7.6.2 of the UDO, residential developments exceeding 34 units are required to provide recreational units equivalent to financial credits based on the total proposed dwelling units as established in the table below. The applicant has proposed 70 dwelling units and is therefore required to provide one recreational unit totaling a minimum of $10,000. The applicant has proposed site furnishings such as benches, cluster mailboxes, pet waste stations, and play equipment to satisfy their financial requirement. These recreational units are expected to be placed within the areas designated as active open space.

Table 4: Recreational 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
201-250	2.5	$25,000
251-300	3.0	$30,000
301-350	3.5	$35,000
351-400	4.0	$40,000

Public Input Meeting

As required by Article 3.3.9 of the UDO, the applicant hosted a public input meeting at the Hampstead Annex on June 14th from 5:30-7:00pm. Notice of the meeting was mailed to all property owners within 500 feet of the subject parcels. As described in the applicant's report of the meeting, no members of the public attended. The applicant's report can be found as Attachment 2.

TRANSPORTATION INFRASTRUCTURE

Roadways and Access

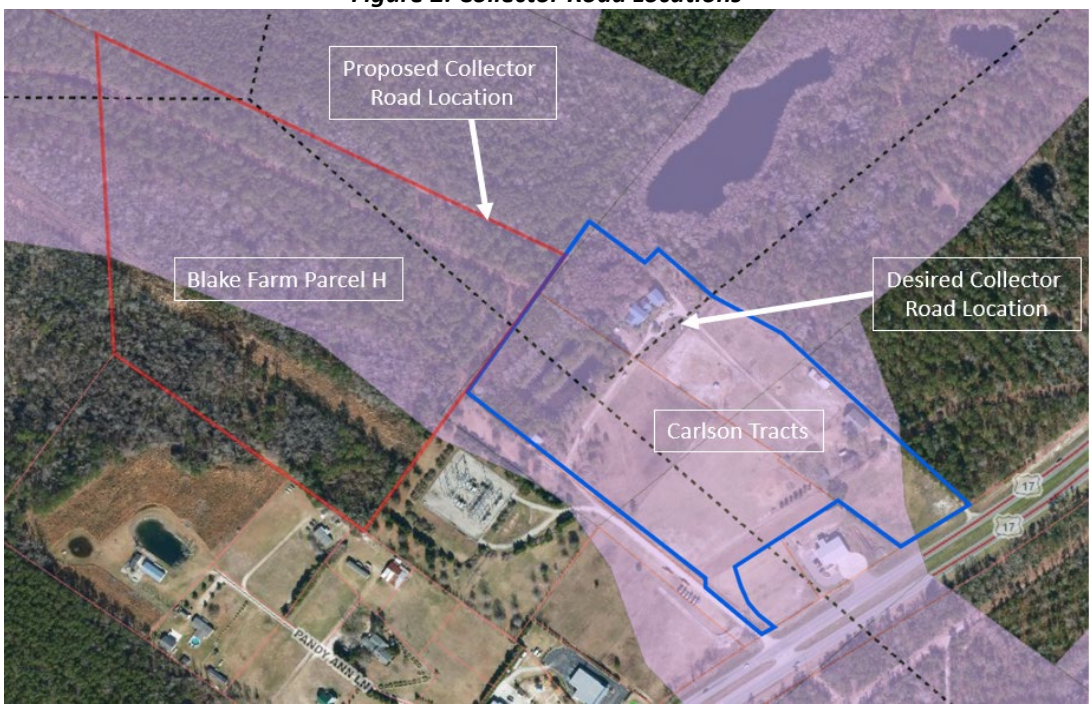
The subject area consists of two parcels. Both Parcel PIN: 3271-64-5893-0000 and 3271-65-9054-0000 have direct access to US Highway 17. The applicant is proposing separate accesses from US Highway 17 for the commercial and residential components of the project. As shown on the plan, the commercial site will be accessed directly via US Highway 17 and through the interior of the

development via a private drive. The residential component of the project will be accessed via the proposed Atlantic Avenue, which is a collector road that connects this project to the Blake Farm development to the west and ultimately loops back around to Blake Farm Boulevard from US Highway 17. The applicant is also proposing several private roads that will access the individual townhome units from Atlantic Avenue.

The Pender County Streets Plan calls for a second collector road on this site that would run north-south parallel to US Highway 17. This collector road is proposed to connect Atlantic Avenue to NC Highway 210 near Peanut Road, as shown on the Pender County Streets Plan. The applicant is not proposing to build their portion of this collector road as part of this project; however, they have instead proposed to include it in the development of Parcel H of the Blake Farm development, which is immediately west of the project site. Parcel H of Blake Farm is owned by D.R. Horton, Inc. and McKim and Creed is the engineer for that development proposal, so there is common ownership and coordination across these projects. Additionally, there is concern that the desired location of the collector road would impact environmental features such as wetlands and existing ponds.

The map below illustrates the location of the proposed collector road and the desired collector road. The purple polygons roughly indicate the potential alignment areas for collector roads while the black dashed line represents the most probable location.

Figure 2: Collector Road Locations



The proposed collector road, Atlantic Avenue, is shown to cross property owned by Duke Energy Progress (DEP) as the road joins US Highway 17. The applicant and staff have spoken with DEP representatives and communicated the proposal to them. Brian West with the Land Services Division of DEP has provided a letter stating their acknowledgement of the proposal and the ongoing negotiations between DEP and DR Horton, Inc. regarding this access. That letter can be found in the Board's packet as Attachment 3.

Traffic

A Traffic Impact Analysis (TIA) has been scoped for this project (see Attachment 4) in coordination with North Carolina Department of Transportation (NC DOT) and the Wilmington Urban Area Metropolitan Planning Organization (WMPO). The UDO requires a Traffic Impact Analysis (TIA) to be completed when a development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. The proposed development is not projected to reach the peak hour or daily threshold volumes; however, the applicant is proceeding with the TIA as this project will connect to the Blake Farm development via the proposed Atlantic Avenue collector road.

NCDOT Average Annual Daily Traffic (AADT) – 2020; WMPO Roadway Capacities – 2020

Road	Location	Volume	Planning Capacity	V/C
US HWY 17	Between Pandy Ann Lane and Christian Chapel Road	40,500	41,369	0.98

Bicycle and Pedestrian Access

The applicant has agreed to proposed conditions of approval involving bicycle and pedestrian infrastructure throughout the project site. Specifically, the applicant has agreed to provide a five-foot sidewalk along both sides of the proposed Atlantic Avenue that connects the project to US Highway 17 from the Blake Farm development. Additionally, the applicant has agreed to provide sidewalks along one side of each private road and has agreed to provide marked crosswalks at the intersections of Atlantic Avenue and private road A and private road C. Additional curb ramps and unmarked crossings at the street intersections were recommended by staff at the Wilmington Urban Area Metropolitan Planning Organization (WMPO) and have been incorporated into the plan. The proposed collector road, Atlantic Avenue, will include bicycle lanes on each side of the road, consistent with the remainder of Atlantic Avenue that stretches into the Blake Farm development. The intent is for the bicycle and pedestrian facilities to be consistent across developments and not be stagnated or inconsistent when crossing project boundaries.

The applicant has also agreed to a condition of approval to install a 10-foot-wide multi-use path along the portion of the subject properties that front the US HWY 17 right-of-way. This path is consistent with the stated goals and policies of the recently completed Pender County Bicycle and Pedestrian Plan.

OTHER INFRASTRUCTURE

Utilities

Public water is available through Pender County Utilities (PCU) via the water main that runs along US Highway 17. Private sewer is available at the site through private sewer provider, Pluris. Relevant documentation from state, local or private entities involved in the construction and operation of these systems will be required prior to administrative approval to construct the development.

Stormwater

Article 7.9 of the Pender County Unified Development Ordinance requires that stormwater infrastructure be built such that the post development runoff from the project be no more than ten (10) percent more than the pre-development runoff. Low-density projects are required to meet this standard for the 1 year 24-hour event, while high density projects shall meet this requirement for the 10- and 25-year return period events and be analyzed for the 50-year event. The applicant has proposed exceeding these standards by constructing a stormwater system that will meet those standards for the 10-, 25- and 50-year events and be analyzed for the 100-year event. Certification from a licensed engineer that the project meets these requirements shall be required prior to staff issuing administrative approval of the development. Additionally, all necessary state permits will be required prior to administrative approval for land disturbing activities.

Schools

The addition of 70 residential units will likely result in more school-aged children in the County's school district, though no specific data are available to quantify the impact. Pender County Schools did not provide any comment via TRC.

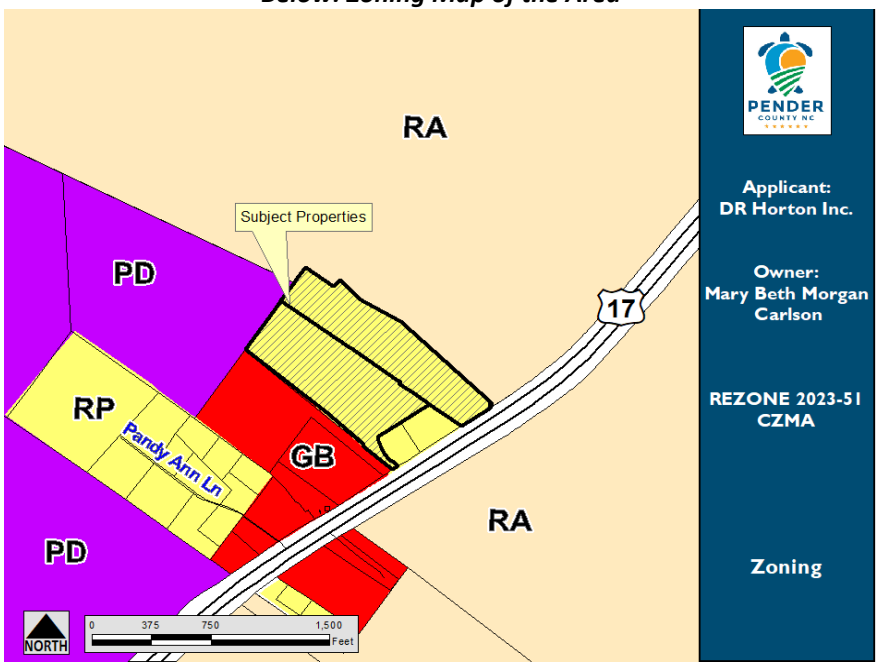
ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas[1].
Wetlands	Portions of the subject properties do contain wetlands according to data provided by the applicant. Any disturbance within these wetlands is subject to review and approval by the U.S. Army Corps of Engineers.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC)[2].

[1] According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)

[2] According to the North Carolina Department of Environmental Quality (NCDEQ)

EVALUATION

Below: Zoning Map of the Area



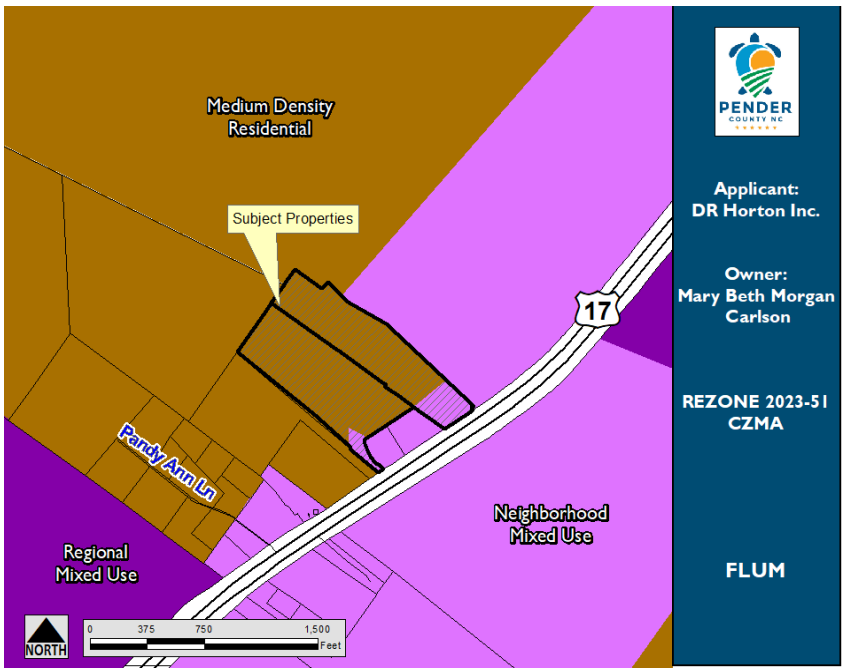
CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Vacant	RA, Rural Agricultural
East	Vacant	RA, Rural Agricultural
South	Commercial, Vacant	GB, General Business, RA, Rural Agricultural
West	Commercial, Vacant	PD, Planned Development, GB, General Business

Surrounding Zoning

The subject properties are currently zoned RP, Residential Performance. Properties immediately adjacent to the subject properties are currently zoned RA, Rural Agriculture; PD, Planned Development; and GB, General Business as indicated by the zoning map and table above.

Pender 2.0 Comprehensive Land Use Plan Compliance

The subject properties are located within two future land use categories. Both properties are located in the Medium Density Residential and the Neighborhood Mixed Use Future Land Use categories within the Pender 2.0 Comprehensive Land Use Plan and as shown in the Future Land Use Map. According to Pender County GIS, approximately two of the roughly 20 total acres between both subject properties are located within the Neighborhood Mixed Use Future Land Use Category while the remaining ~18 acres are within the Medium Density Residential category. As shown on the map above, the Neighborhood Mixed Use designation is along the frontage of US Highway 17.



Medium Density Residential Overview

Medium Density Residential uses are vital to supporting Pender County's growing population by strategically locating more dense residential development in areas that will not create conflicts with existing neighborhoods. These uses are located in close proximity to supporting services and a mixture of development types, and are generally found in the southern portion of the County. Appropriate uses include single-family residences, duplexes, townhomes, community recreation and open space uses, and neighborhood-scale institutional uses such as religious and civic organizations. Townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Clustering of new residential communities is encouraged. Planned communities may also include well-integrated neighborhood-scale commercial and office uses. Industrial and manufacturing uses, and commercial and office uses not located within a planned community, are inappropriate. Development density within this category is three to six dwelling units an acre or less.

Neighborhood Mixed Use Overview

Neighborhood Mixed Use allows for a transition between more intense commercial, office, and residential development to lower density residential neighborhoods. The Neighborhood Mixed Use category is primarily dedicated to non-residential uses that provide services, entertainment, and amenities to residents within a three-mile radius. Land use and development within this category is closely coordinated with existing and planned roadway transportation networks, while encouraging bicycle and pedestrian access. This future land use category should be composed of a mixture of integrated commercial, office, institutional, and single-family residential uses. This future land use category is not intended to be solely reserved for mixed use developments. Single use developments that contribute toward an integrated land use pattern of appropriate commercial, office, civic, and Medium Density Residential uses are encouraged. Appropriate uses include neighborhood-scale retail, restaurant, and office establishments; religious and educational institutions; and higher-density single-family residences – attached and detached. Large-scale or intense commercial establishments, multi-family development, and industrial operations are not appropriate. Building footprints are generally limited to 15,000 square feet in size or smaller. These areas should be served by water and sewer infrastructure. Development density within this category allows for up to 10 units per acre for residential development.

Evaluation

The proposed conditional zoning district is consistent with the Medium Density Residential classification since the proposed development supports Pender County's growing population by strategically locating more dense residential development in an area that will not create conflicts with existing neighborhoods and would be in close proximity to supporting services and a mixture of development types. The proposed density is 4.6 dwelling units per acre, which is within the desired range for Medium Density Residential. Additionally, townhomes are found to be compatible in this future land use category when developed as part of a master planned community. Considering the proximity to, and interconnectivity with, the Blake Farm development, the townhomes are compatible with the uses in the area.

The proposed development is also consistent with the Neighborhood Mixed Use Future Land Use Category because it provides a mixture of commercial and residential uses, and strategically locates the commercial uses along the US Highway 17 corridor. The proposed commercial use is an office establishment, which is an appropriate use in this future land use category, and falls within the desired footprint of commercial buildings in this future land use category.

The applicant has also agreed to develop bicycle and pedestrian infrastructure along several roadways within the project, including sidewalks and crosswalks at intersections throughout the development. Atlantic Avenue, the proposed collector road that connects this development to US Highway 17 and the Blake Farm development to the west, will also include bike lanes on both sides of the roadway. The applicant has also agreed to higher stormwater standards than currently required by the UDO. While this proposal does not include the desired collector road connection to the north, shown in the Pender County Streets Plan, the applicant is proposing to

meet that requirement immediately west of the site within the development of Parcel H of the Blake Farm project.

The proposal was also found to be consistent with one goal and eight policies within the Pender 2.0 Comprehensive Land Use Plan:

> **Policy 4.2.I: Connectivity:** The County shall continue to enforce connectivity requirements that require new developments and individual sites to provide vehicular and pedestrian interconnectivity to existing or planned adjacent sites and adjoining developments.
>
> **Goal 4.3: Alternate Modes of Transportation:** 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.
>
> **Policy 5.1.C: Coordination with Infrastructure/Services:** The County shall encourage development in areas where the necessary infrastructure – roads, water, sewer, broadband, and schools – is available, planned or can be most cost effectively provided and extended to serve existing and future development. Natural resource conservation should be considered.
>
> **Policy 5.1.D: Focused Growth and Development:** The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.
>
> **Policy 5.1.E: Compatible Development:** The County supports new commercial and multi-family developments that blend with surrounding neighborhoods and limit traffic, noise, and light impacts on existing residential uses.
>
> **Policy 5.1.F: Conditional Zoning:** The County shall continue to use the conditional zoning process as a tool for encouraging desirable development outcomes.
>
> **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.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.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.

Unified Development Ordinance Compliance: Section 3.3.9 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board and Board of County Commissioners before a favorable recommendation of approval for a rezoning can be made. These standards include evaluating proposals against whether adequate public facilities/services (i.e. water, wastewater, roads, schools, etc.) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change. The standards have been outlined in this report for consideration by the Planning Board and Board of County Commissioners.

3.3.9.B.3 Approval Criteria for Conditional Rezoning

When evaluating an application for the establishment of a conditional zoning district, the reviewing bodies shall consider the following:

A. The Approval Criteria for a Rezoning (Section 3.3.5).
B. That the application meets the intent of a conditional rezoning, per this subsection.
C. That the contents of the application are complete, sufficient, and recorded appropriately either as conditions of approval or on the associated site plan or preliminary plat, and that the appropriate procedures have been followed.
D. The potential impacts and/or benefits on the surrounding area and adjoining properties.
E. The report of results from the public input meeting.
F. That sufficient guarantee is in place or can be made that any off-site impacts generated by the proposed project shall be mitigated appropriately at the time the need for the mitigating action is generated.

CONSISTENCY OF PROPOSAL WITH COUNTY PLANS AND POLICIES

Planning staff is submitting the proposed Conditional Zoning Map amendment to the Board of Commissioner's for disposition. In addition to the consistency with the future land use map, the proposal was also found to be supported by one goal and eight policies within the Pender 2.0 Comprehensive Land Use Plan. Based on the information outlined in this report, staff finds the proposed Conditional Zoning Map amendment to be consistent with the adopted policies and plans of the County. If the Conditional Zoning Map amendment is approved, the applicant will be required to submit all necessary local, state and federal permits prior to receiving administrative approval to begin construction.

PROPOSED CONDITIONS OF APPROVAL

Per Section 3.3.9.B.4 of the Pender County Unified Development Ordinance, the Pender County Planning Board and the Board of County Commissioners can add reasonable and appropriate conditions based on mutually established goals with the Applicant and adjacent property owners. Conditions may address parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the participants in the public input meeting, staff, Planning Board and County Commission find appropriate or the petitioner may propose. The following conditions have been proposed by staff and the applicant has agreed to each of them.

1. The proposed collector road, Atlantic Avenue, shall include five-foot sidewalks and bicycle lanes on both sides of the road.
2. Provide sidewalks along one side of each private road and provide marked crosswalks at the intersections of Atlantic Avenue and private road A and private road C.
3. The project shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff for the 10-, 25-, and 50- year return period events and be analyzed for the 100-year event.
4. Construct a 10-foot-wide multi-use path adjacent to the US Highway 17 right of way and dedicate this path for public use via an easement.

At their September 6 meeting, the Planning Board unanimously (5-0) recommended approval of the proposal as outlined above, with the addition of one more condition, which reads as follows:

Condition 5: If Pender EMS & Fire provides written notice to the County and the applicant that they desire a connection from the rear of their parcel to the private drive that accesses the commercial structure from Atlantic Avenue, the developer must provide that access and update the Master Plan to reflect that connection. That potential revision may be approved administratively.

The applicant confirmed they are agreeable to each of these conditions.

BOARD OF COMMISSIONERS ACTION NEEDED:

TO APPROVE: Motion to approve the Conditional Zoning Map Amendment and to make a finding that the approval is consistent with the following policies and goals in the Pender 2.0 Comprehensive Land Use Plan:

- **4.2.I: Connectivity**
- **4.3: Alternate Modes of Transportation**
- **5.1.C: Coordination with Infrastructure/Services**
- **5.1.D: Focused Growth and Development**
- **5.1.E: Compatible Development**
- **5.1.F: Conditional Zoning**
- **5.1.H: Mixed Use Development**
- **5.1.K: Commercial Development**
- **5.1.V: Residential Development**

The proposed rezoning is consistent with the Neighborhood Mixed Use and Medium Density Residential Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan.

TO DENY: Motion to deny the Conditional Zoning Map Amendment and to make a finding of denial because although the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING]…

PLANNING BOARD ACTION FOR CONDITIONAL ZONING MAP AMENDMENT

MOTION	SECONDED
Buchanan	Pitts

APPROVED	DENIED	UNANIMOUS
Yes		**Yes (5-0)**

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
Yes	Yes	Absent	Absent	Yes	Yes	Yes

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

CONDITIONAL REZONING

Intent

A. Conditional zoning districts hereby included are to allow for the consideration of certain uses that are permitted uses in the underlying zoning district but due to their nature may not be appropriate for a particular location.

B. A conditional zoning district is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses on small and large scale projects.

C. Although, it is not intended to be used for speculative purposes, a conditional zoning district applicant may include as part of the application, a list of uses which will not be developed on the property.

D. All uses listed as part of any application must be in the same format and description as listed in the Table of Permitted Uses.

E. The following zoning district categories are approved to be assigned conditional zoning districts: PD, RP, RM, GB, OI, IT, IG (Reference Article 4 for Zoning District Descriptions).

Application

Except as provided herein, all applications to establish a conditional zoning district must follow the regulations prescribed in this section in addition to the standard rezoning process as described in Section 3.3, Rezoning of this Ordinance.

Public Input Meeting

Prior to scheduling a public hearing on the rezoning application, **the applicant must conduct one public input meeting and file a report of the results with the Administrator.**

1. The report for the public hearing will include a summary of the public input meeting.
2. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting.
3. The notice shall include the time, date and location of the meeting as well as a description of the proposal.
4. The applicant's report of the meeting shall include:
    a. A copy of the letter announcing the meeting.
    b. A list of adjoining property owners contacted.
    c. An attendance roster.
    d. A summary of the issues discussed.
    e. The results of the meeting including changes to the project's proposal, if any.

Review

When evaluating an application for the creation of a conditional zoning district, the Planning Board and Board of Commissioners shall consider the following:

1. The application's consistency to the general policies and objectives of the adopted Land Use Plan.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. The report of results from the public input meeting.

APPLICATION FOR CONDITIONAL REZONING

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

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	DR Horton, Inc.	**Owner's Name:**	Carlson, Mary Beth Morgan
Applicant's Address:	4049 Belle Terre Blvd.	**Owner's Address:**	8139 Market Street
City, State, & Zip	Myrtle Beach, SC 29579	**City, State, & Zip**	Wilmington, NC 28411
Phone Number:	843 737 2904	**Phone Number:**	
Email Address:	WHRiddick@drhorton.com	**Email Address:**	
Legal relationship of applicant to landowner:	Purchaser / Developer		

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3271-64-5893-0000 3271-65-9054-0000	**Total property acreage:**	20.13
Current Zoning District:	RP	**Proposed Zoning District:**	PD-CZ
Project Address or Location:	11471 US Hwy 17, Wilmington, NC 28411		

Proposed Uses to be Considered (Include NAICS Code):

Commercial office space (236220), townhomes (236117)

Proposed Uses to be Eliminated from Consideration (Include NAICS Code):

Single-family residences (236117)

SECTION 3: SIGNATURES			
Applicant's Signature	Elizabeth Shelton Elizabeth Shelton (May 3, 2023 18:03 EDT)	**Date:**	05/03/2023
Applicant's Name Printed	Elizabeth Shelton	**Date:**	
Owner's Signature	Mary Beth Morgan Carlson (May 4, 2023 10:17 EDT)	**Date:**	05/04/2023
Owner's Name Printed	Mary Beth Morgan Carlson	**Date:**	

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning 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 Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Conditional (Zoning Map) Amendment Checklist

☐	Signed application form
☐	Application fee
☐	A list of names and addresses, as obtained from the county tax listings & tax abstract, all adjacent property owners, including property owners directly across any road or road easement, & owners of the property under consideration for rezoning.
☐	Two (2) business size envelopes legibly addressed with **first class** postage for each of the adjacent and abutting property owners on the above list.
☐	Accurate legal description or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☐	12 (11"x17") map copies to be distributed to the Planning Board
☐	20 (11"x17") map copies to be distributed to the Board of Commissioners
☐	Digital (.pdf) submission of all application materials
☐	Public Input Meeting Report (Section 3.4.3 or see Public Input Meeting on the first page of this application)
☐	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.
☐	All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application
☐	A generalized site development plan shall include the following items: ☐ A vicinity map drawn to a suitable scale which illustrates adjacent or nearby roadways, railroads, waterways & public facilities. ☐ A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed. ☐ All existing easements, reservations and rights of way. ☐ Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands. ☐ For residential uses, the number of units, heights and a generalized location. For non-residential uses, the height, approximate footprint and location of all structures. ☐ If a known use is proposed: Traffic impact report, parking and circulation plans illustrating dimensions, intersections and typical cross sections. ☐ All proposed setbacks, buffers, screening and landscaping. ☐ Phasing. ☐ Signage. ☐ Outdoor lighting. ☐ Current zoning district designation and current land use status. ☐ Other information deemed necessary by the Administrator, Planning Board, or Board of Commissioners, including but not limited to a Traffic Impact Analysis or other report from a subject matter expert.

Office Use Only

ZMA-CD Fees: (*$500.00 for first 5 acres; $10/acre thereafter up to 1,000 acres; $5/acre thereafter)*	**Total Fee Calculation: $**

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

CD /other digital version	☐ Y ☐ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☐ Y ☐ N

Payment Method:	**Cash :** ☐ **$**_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☐ Check # _____

Application received by:		**Date:**
Application completeness approved by:		**Date:**

Dates scheduled for public hearing:	☐ **Planning Board:**	☐ **Board of Commissioners:**

Conditional Rezoning Standards Checklist

When submitting a conditional rezoning application, the site plan and supporting materials must provide proposed standards for a variety of standards which are guided by the zoning district. This may be by requesting custom standards or by requesting the existing standards of an existing general use zoning district. Please provide proposed standards for:

□	Maximum density
□	Setbacks (Front, side, rear, corner)
□	Minimum lot width/Minimum chord length at the right-of-way for cul de sacs
□	Structure separation
□	Minimum lot size
□	Maximum building height
□	Permitted uses (Including NAICS code)
□	Buffer standards (Depth, number and type of vegetation per 100 linear feet)
□	Sign standards to the extent that the UDO's requirements are zoning district-specific

Where desired, the applicant must explicitly request varying standards for different uses within the conditional zoning district.

Conditional rezoning applications may not be used to vary from the general standards of the ordinance, including but not limited to:

- Traffic Impact Analysis thresholds
- Stormwater regulations
- Open space/recreational unit requirements
- Street design standards
- Off-street parking standards
- HOA requirements
- Water and wastewater requirements

The Pender County Planning Board and Board of County Commissioners may approve or deny the request entirely, or approve with modifications. Additionally, In approving a petition for the reclassification of property to a conditional zoning district, the Planning Board may recommend, and the Board of Commissioners request that the applicant add reasonable and appropriate conditions to the approval of the petition.

McKIM&CREED

ENGINEERS
SURVEYORS
PLANNERS

May 5, 2023 M&C 04245-0038 (40)

Pender County Planning
805 South Walker Street
Burgaw, NC 28425

RE: Carlson Tracts
(Conditional Zoning Map Amendment)

Pender County Planning Department:

We submit the following to serve as the application narrative required as part of the Conditional Zoning Map Amendment submission for the Carlson tracts.

The applicant, DR Horton, Inc., is applying for approval for a Conditional Zoning Map Amendment for two tracts of land referred to as the Carlson Tracts. The Pender County Parcel Identification Numbers (PINs) for the two tracts are: 3271-64-5893-0000 and 3271-65-9054-0000, with combined acreage of approximately 20.13 acres.

Current parcel information is as follows:

Owner	Owner Address	PIN	Zoning	Acreage
Carlson, Mary Beth Morgan	8139 Market Street Wilmington, NC 28411	3271-64-5893-0000	RP	10.6*
Carlson, Mary Beth Morgan	8139 Market Street Wilmington, NC 28411	3271-65-9054-0000	RP	10.19*
			Total:	± 20.13

*Per Pender County GIS (1/3/23)

DR Horton, Inc. is in contract with the property owner to purchase both tracts, contract documentation is included in this application package.

This Conditional Zoning Map Amendment is for the Carlson Tract to be amended from Residential Performance (RP) to Planned Development Conditional Zoning (PD-CZ) zoning designation.

This request is being made for proposed uses of Commercial Office Space (NAICS Code 236220) and Townhomes (NAICS Code 236117). Refer to the Generalized Site Development plans included in the application package for site specific information.

243 North Front Street
Wilmington, NC 28401

910.343.1048
Fax 910.251.8282
www.mckimcreed.com

The present land use classification of the two parcels is Medium Density Residential and Neighborhood Mixed Use. It is our understanding that if approved, the Future Land Use Plan will automatically be revised to reflect the proposed land use and intensity (density). No additional submittal process will be needed.

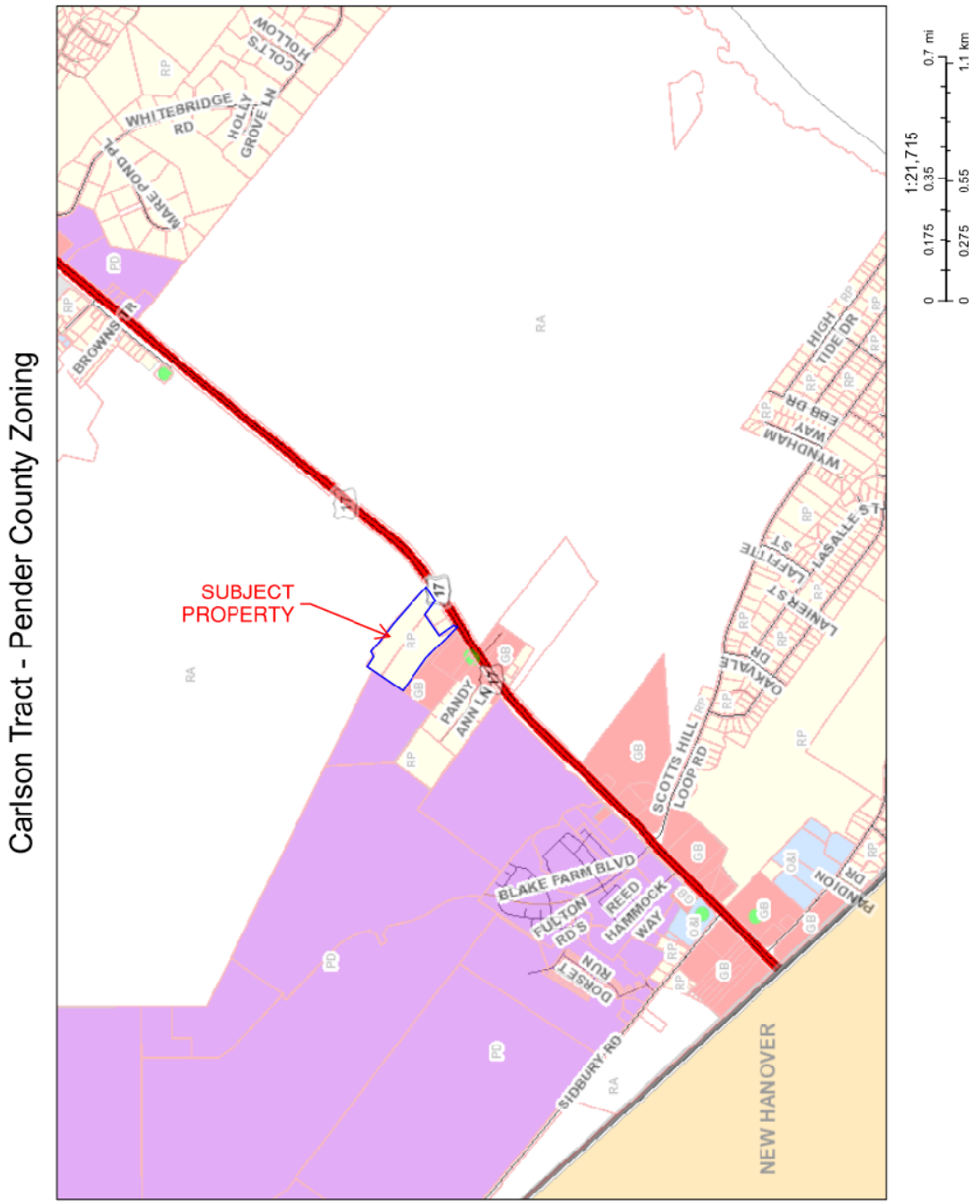
Respectfully,
McKIM & CREED, INC.



Trae H. Livick, PE
Project Engineer

Enclosure: Exhibit A: Carlson Tract – Present Zoning Vicinity Map

EXHIBIT A



McKIM&CREED

NORTH CAROLINA
PENDER COUNTY

COASTAL CAROLINA DIVISION
CARLSON TRACT

Land Purchase Contract

THIS LAND PURCHASE CONTRACT (this "Contract") is made by and between **D.R. Horton, Inc.**, a Delaware corporation ("Buyer") and **Mary Beth Morgan Carlson and Gregg R. Carlson** ("Seller"). Both parties state and acknowledge as follows:

A. Seller owns certain land located in Pender County, North Carolina, and described in **Exhibit A** attached hereto and incorporated herein (the "Land"). The Land, all rights, permits, privileges, licenses and easements appurtenant thereto, and all vegetation located thereon, are hereinafter collectively referred to as the "Property."

B. Seller desires to sell the Property to Buyer, and Buyer desires to purchase the Property from Seller.

THEREFORE, for and in consideration of the reciprocal covenants stated herein, the parties agree as follows:

1. **Conveyance**. Seller shall sell and convey the Property to Buyer, and Buyer shall purchase the Property from Seller, on the terms and conditions stated herein.

2. **Effective Date**. The "Effective Date" means the last of the following dates: (a) the date this Contract is executed by Buyer, (b) the date this Contract is executed by Seller, or (c) the date of Buyer's corporate ratification, as required by Section 21 below.

3. **Purchase Price.** The purchase price of the Property (the "Purchase Price") shall be [redacted]. The Purchase Price shall be payable at closing on the sale and purchase of the Property ("Closing") by delivery of cash or other immediately available funds, subject to adjustments, prorations and credits as herein provided.

4. **Earnest Money**.

a. Within ten (10) business days of the Effective Date, the parties shall execute an escrow agreement in form substantially as shown by **Exhibit B** attached hereto and incorporated herein (the "Escrow Agreement"), whereupon Buyer shall deposit the sum of [redacted] (the "Earnest Money") with Chicago Title Company, LLC ("Escrow Agent"). The Escrow Agent shall deposit such cash in an escrow account with a federally insured bank, as required by the Escrow Agreement. Buyer shall determine, at Buyer's sole discretion, whether the escrow account shall be interest-bearing; however, any interest earned on any funds held in escrow shall be for the benefit of Buyer.

b. Escrow Agent shall hold and disburse the Earnest Money pursuant to the terms of this Contract and the Escrow Agreement. Upon the request of either party, the other party shall promptly execute and deliver written instructions to the Escrow Agent to disburse the Earnest Money as required by this Contract. Notwithstanding any other provision herein, at Closing hereunder, all Earnest Money held by the Escrow Agent shall be credited to Buyer in full towards the Purchase Price.

5. **Primary Contingencies; Definitions.**

a. Primary Contingencies. Buyer's obligation to close on the purchase of the Property under this Contract is contingent upon each and all of the following (collectively, the "Primary Contingencies"): (1) all of Seller's warranties, representations and covenants contained in this Contract shall be and remain true, correct, complete and fully performed; (2) all applicable governmental authorities having jurisdiction over the Property, including, without limitation, Pender County and the State of North Carolina (and their respective agencies) (collectively and as applicable,

the "Governing Jurisdiction") shall have issued all final, non-appealable site plan approvals, construction plan approvals, zoning approvals, variances, land disturbance permits, building permits, wetlands permits, curb cut approvals, and other Federal, State and municipal approvals and permits that Buyer deems, in its reasonable discretion, necessary or desirable for the development of the Property (collectively the "Approvals"), including but not limited to (a) Final Plat Approval (as defined below) with conditions to approval of the final subdivision plat acceptable to Buyer in Buyer's reasonable discretion, (b) Final Sewer Approval (as defined below), (c) Final Water Approval (as defined below), (d) Apartment Site Approvals (as defined below), and (e) Office Building Approvals (as defined below); (3) there shall have occurred no material adverse change in the physical (including environmental) conditions of the Property from the conditions existing as of the Effective Date; (4) all Offsite Easements (as defined below) reasonably required for Buyer's intended use and/or development of the Land shall be existing of record, appurtenant to the Land, and part of the Property; and (5) Seller shall be ready, willing and able to deliver good and marketable title (as defined in below) to the Property to Buyer, and Buyer's title insurer (the "Title Company") shall be prepared to issue a standard ALTA owner's form title policy insuring good and marketable fee simple title to the Property, including all appurtenant easements and interests, with a liability limit in the amount of the Purchase Price at standard premium rates. In connection with Buyer's applications for and efforts to obtain the Approvals, Seller shall cooperate with Buyer's efforts and shall execute such applications and take such actions as are reasonably requested by Buyer. Should any of the Primary Contingencies not be satisfied or waived by Buyer prior to Closing, then Buyer, at its option, may terminate this Contract by giving written Notice to Seller, in which event, all of the Earnest Money shall be immediately refunded to Buyer; provided, however, if Buyer elects to terminate this Contract pursuant to this Section 5.a. as a result of either of the Primary Contingencies designated above as (2) and (4) not being satisfied or waived by Buyer after Buyer has delivered Notice of Suitability for the Property (as provided in Section 10(c)) but prior to Closing, then [redacted] shall be immediately released to Seller and the remainder of the Earnest Money shall be immediately refunded to Buyer.

b. Final Plat Approval. As used herein, "Final Plat Approval" means: (1) that the Governing Jurisdiction has issued written, final and irrevocable approval of a subdivision plat of the Land creating residential lots out of the Land (the "Final Plat"), on terms and conditions acceptable to Buyer, and (2) that Buyer shall be authorized by the Governing Jurisdiction to develop the Property pursuant to the subdivision plat. Seller agrees to cooperate in obtaining Final Plat Approval, including signing such applications and attending such meetings as may be required by Buyer. Buyer shall pay all fees required by the Governing Jurisdiction in connection with obtaining Final Plat Approval.

c. Final Sewer Approval. As used herein, "Final Sewer Approval" means that Buyer has obtained written evidence from the Governing Jurisdiction, in form and content acceptable to Buyer, that sufficient sewer capacity exists to serve all lots and amenities shown by the Final Plat, the Apartment Site (as defined below) and the Office Building Site (as defined below), and that Buyer shall be allowed to utilize that sewer capacity to serve all lots and amenities shown by the Final Plat, the Apartment Site and the Office Building Side, without any conditions or restrictions unacceptable to Buyer. Seller agrees to cooperate in obtaining Final Sewer Approval for the Property, including signing such applications and attending such meetings as may be required by Buyer. Buyer shall pay all fees required by the Governing Jurisdiction in connection with the sewer taps and Final Sewer Approval.

d. Final Water Approval. As used herein, "Final Water Approval" means that Buyer has obtained written evidence from the Governing Jurisdiction, in form and content acceptable to Buyer, that sufficient water capacity exists to serve all lots and amenities shown by the Final Plat, the Apartment Site and the Office Building Site, and that Buyer shall be allowed to utilize that water capacity to serve all lots and amenities shown by the Final Plat, the Apartment Site and the Office Building Site, without any conditions or restrictions unacceptable to Buyer. Seller agrees to cooperate in obtaining Final Water Approval for the Property, including signing such applications and attending such meetings as may be required by Buyer. Buyer shall pay all fees required by the Governing Jurisdiction in connection with Final Water Approval.

e. Apartment Site Approvals. As used herein, "Apartment Site Approvals" means: (1) that the Governing Jurisdiction has issued written, final and irrevocable approval of the development of a portion of the Land (the "Apartment Site") into a residential apartment complex or residential apartment complexes, on terms and conditions approved by Buyer, and (2) that Buyer shall be authorized by the Governing Jurisdiction to develop the Apartment Site pursuant to such approvals. Seller agrees to reasonably cooperate in obtaining Apartment Site Approvals, including signing such applications and attending such meetings as may reasonably be required by Buyer, at no cost or liability to Seller.

f. Office Building Approvals. As used herein, "Office Building Approvals" means: (1) that the Governing Jurisdiction has issued written, final and irrevocable approval of the development of a portion of the Land (the "Office Building Site") into an office building or office buildings, on terms and conditions approved by Buyer, and (2) that Buyer shall be authorized by the Governing Jurisdiction to develop the Office Building Site pursuant to such approvals. Seller agrees to reasonably cooperate in obtaining Office Building Site Approvals, including signing such applications and attending such meetings as may reasonably be required by Buyer, at no cost or liability to Seller.

g. Offsite Easements. As used herein, "Offsite Easements" means: (1) those permanent utility easements located outside of the boundaries of the Land that may be needed to construct utility infrastructure necessary for the development of the Property; (2) those permanent road widening easements located outside of the boundaries of the Land that may be required by the Governing Jurisdiction in connection with the development of the Property; (3) the permanent access easement over, across and through an adjoining parcel of land now or formerly owned by Duke Energy Progress, Inc. and located near the southwestern portion of the Land for the purpose of installing additional access road(s) to serve the Property; and (4) any temporary construction easements located outside of the boundaries of the Land that may be related to the aforementioned easements or may be needed in connection with the development of the Property.

6. **Closing and Possession**. Closing shall be held no more than thirty (30) days after the later of: (a) the date on which Buyer delivers Notice of Suitability for the Property (as provided in Section 10(c)), or (b) the date on which all conditions to Buyer's obligation to close have been either satisfied or waived by Buyer; provided that Closing must take place on a Tuesday, Wednesday or Thursday that is a business day (a "Permitted Closing Day"), and may be extended no more than an additional five (5) days in order to be scheduled on one of those days of the week. Closing shall be held at a time, date and location designated by Buyer. Buyer shall notify Seller as to the scheduled date of Closing at least thirty (30) days prior to Closing. Seller, at Seller's expense, shall restore and repair any damage caused to the Property as a result of Seller's removal of any improvements from the Property. At Closing, Seller shall deliver a special warranty deed conveying fee simple title to the Property in recordable form acceptable to Buyer in Buyer's reasonable discretion (the "Deed"). At Closing, Seller shall also execute and deliver to Buyer a general assignment of rights against third-parties in the form of **Exhibit C** attached hereto and incorporated herein, and specific assignments of any Seller Entitlements (defined below) that Buyer desires to assume, including any consents to such assignments from the applicable authority if required. Except as otherwise provided in Section 23 below, Seller shall deliver exclusive possession of the Property to Buyer at Closing.

7. **Closing Costs and Prorations.** Seller shall pay the state transfer tax, the cost of preparation of the deed, the cost of satisfaction of any liens on the Property, Seller's attorneys' fees and all other expenses incurred by Seller related to Closing. Buyer shall pay Buyer's attorneys' fees, the cost of any title search and survey and the cost for preparation and issuance of an owner's title insurance policy. Ad valorem taxes on the Property for the tax year of Closing shall be prorated between Seller and Buyer as of Closing based on the latest assessment available. Should such proration be inaccurate based on the actual ad valorem tax bill when received, either party shall be entitled, upon demand, to adjustment of the proration and corresponding reimbursement from the other party. Seller shall be responsible for and shall pay any past due taxes; provided, however, Buyer, and not Seller, shall be responsible for and shall pay any roll-back taxes or other taxes attributable to the Property having been assessed or exempted for agricultural or other special uses prior to Closing, whether such taxes become due before, at or after Closing. The provisions of this Section shall survive Closing.

8. **Conveyance of Title.** At Closing, Seller shall convey good and marketable title to the Property to Buyer pursuant to the Deed. As used in this Contract, "good and marketable title" shall mean title that is free and clear of all liens, encumbrances and other exceptions to title and rights of others except those Permitted Exceptions listed on **Exhibit D** attached hereto and incorporated herein. Buyer shall examine title to the Property and give written notice to Seller of any objections that Buyer may have prior to the expiration of the Inspection Period (the "Initial Objection to Title Notice"). Failure of Buyer to give written notice to Seller of any title objections prior to the expiration of the Inspection Period shall be deemed an election by Buyer to waive any objections that Buyer may have as to matters first appearing of record prior to the expiration of the Inspection Period. Within ten (10) days after receipt of the Initial Objection to Title Notice, Seller shall provide written notice to Buyer whether Seller will cure any such objections or refuse to cure such objections. Failure by Seller to give written notice of its election within ten (10) days after receipt of the Initial Objection to Title Notice shall be deemed an election by Seller not to cure the objections. In the event Seller elects, or is deemed to have elected, not to cure any objections, then Buyer shall have the right to elect either: (a) to waive the unsatisfied objections and proceed with Closing, or (b) to terminate this Contract in its entirety and receive an

immediate refund of the Earnest Money. Failure by Buyer to give written notice of its election within ten (10) days after Seller's election or deemed election shall constitute an election by Buyer to terminate this Contract and receive an immediate refund of the Earnest Money. In the event Seller elects to cure the objections, Seller shall have thirty (30) days from the date of the notice to cure all such objections, at Seller's sole cost. The Closing shall be delayed during and extended for any such cure period. If Seller fails for any reason to cure the objections within thirty (30) days, Buyer may: (1) waive the unsatisfied objections and complete the purchase of all portions of the Property scheduled for Closing, including those subject to the unsatisfied objections, or (2) terminate this Contract in its entirety and receive an immediate refund of the Earnest Money. Any objections that are waived in writing by Buyer, or deemed to be waived by Buyer pursuant to this Section, shall become "Permitted Exceptions." Notwithstanding anything to the contrary contained herein, Seller shall be obligated to remove any exception that can be cured by the payment of money, such as a deed of trust, mortgage, lien, judgment, deferred tax or confirmed assessment (collectively, "Monetary Liens"). Any Monetary Lien can be satisfied at Closing by Seller. Buyer may re-examine title up to Closing and give written notice to Seller of any objections that Buyer may have as to matters first appearing of record subsequent to Buyer's Initial Objection to Title Notice, or in the event Buyer did not provide an Initial Objection to Title Notice, as to matters that did not exist or were not of public record as of the Effective Date, which new title objections shall be addressed as set forth above. At Closing, Seller shall execute an Owner's Affidavit and any other affidavits, certificates and documents reasonably required by Buyer or the Title Company to deliver title as required by this Contract.

9. **Buyer's Survey.** Buyer may obtain at its expense an ALTA survey of the Property. If Buyer obtains a survey, Buyer shall provide Seller with a copy of a plat of the survey. In addition to the Deed, at Closing, Seller shall execute and deliver to Buyer a quitclaim deed with a legal description derived from Buyer's survey.

10. **Inspection Period.**

a. Duration. The period of time beginning with the Effective Date and ending at 11:59 p.m. on that date which is [redacted], is hereinafter referred to as the "Inspection Period." TIME IS OF THE ESSENCE with respect to the Inspection Period.

b. Rights and Obligations. From the Effective Date through Closing, Buyer may enter upon the Property to inspect and examine the Property and to perform tests and studies of the Property Buyer reasonably deems necessary or appropriate. Seller shall use commercially reasonable efforts to cooperate with Buyer in its entry upon, and its inspections, tests, examinations and studies of, the Property. Buyer shall indemnify Seller for any and all claims of bodily injury or damage to property (including the Property itself) arising out of Buyer's inspections of the Property. Buyer shall also indemnify Seller for liens which may be filed against the Property by persons or entities employed or contracted by Buyer to perform inspections of the Property. However, Buyer's indemnity of Seller shall not cover or apply to: (1) any loss, cost or expense arising or resulting from acts or omissions of Seller, (2) any diminution in the value of the Property arising or resulting from matters discovered by Buyer during its investigations of the Property, (3) any latent defects in the Property discovered by Buyer, or (4) the release or spread of any Hazardous Substance discovered, but not deposited, by Buyer on or under the Property. Buyer's indemnity of Seller pursuant to this subsection b shall survive Closing or any earlier termination of this Contract for a period of one (1) year. Furthermore, Buyer shall procure and/or maintain in effect during the term of this Contract a policy of insurance insuring against any liability which may arise out of, or by virtue of, Buyer's inspections and examinations of the Property by Buyer, Buyer's agents, employees and/or contractors. The liability coverage under such policy shall be not less than $1,000,000.00 per occurrence. Buyer shall cause Seller and its successors and assigns to be named as an additional insured on such policy, and shall provide Seller and its successors and assigns with a certificate of insurance evidencing such coverage.

c. Notice of Suitability. The results of all inspections, tests, examinations and studies of the Property performed during the Inspection Period must be suitable to Buyer, in its sole discretion. Prior to the expiration of the Inspection Period, Buyer may notify Seller that such results are suitable to Buyer by delivering to Seller a written Notice of Suitability signed by one of the executive officers of Buyer listed in Section 21 below (collectively, the "Authorized Officers"). No such Notice of Suitability shall be valid and effective unless signed by one of the Authorized Officers. If Buyer fails for any reason to send Seller the Notice of Suitability by the end of the Inspection Period, and such failure continues for a period of ten (10) days after written notice from Seller, this Contract shall automatically terminate. Also, if Buyer notifies Seller in writing at any time prior to issuance of a Notice of Suitability that the results of its inspections, tests, examinations or studies are not suitable to Buyer, then this Contract shall automatically terminate. Upon such termination, Buyer shall be entitled to an immediate refund of all Earnest Money then held by the Escrow

Agent, and thereafter neither party shall have any further obligation to the other hereunder, except such obligations that survive termination by express provision herein.

d. Due Diligence Materials. In the event of any termination of this Contract for any reason other than a default by Seller hereunder, then Buyer shall within ten (10) days after receipt of written notice from Seller, at its sole cost and expense, but without any recourse, representation or warranty with respect to the same, provide to Seller complete copies of all studies, reports, plans, specifications, applications, information and other materials prepared by third parties for, on behalf of or at the request of Buyer (collectively, "Due Diligence Information") in connection with its feasibility studies of the Property. The term "Due Diligence Information" shall not be deemed to include any environmental reports obtained by Buyer or any reports or materials which are proprietary or confidential. Buyer does not represent or warrant to Seller that it will obtain any Due Diligence Information. With respect to any Due Diligence Information provided to Seller and any other information made available to Seller by or on behalf of Buyer, Seller acknowledges and agrees that (i) Buyer makes no covenant, representation or warranty whatsoever as to such information, including, without limitation, its content, reliability, accuracy or completeness, (ii) if Seller uses or relies on any information provided by Buyer, Seller shall do so solely at Seller's own risk, and Buyer makes no representation, warranty or assurance as to whether Seller has any right to use or rely thereon, (iii) the parties preparing any such information are not the agents of Buyer, (iv) Buyer shall have no duty to advise Seller of any misrepresentations, misstatements, mistakes, errors or other inaccuracies contained in such information, and (v) Buyer shall have no liability, and is hereby released from all liability, to Seller, its successors and/or assigns, with respect to such information, including, without limitation any liability for misrepresentations, misstatements, mistakes, errors or other inaccuracies contained in such information.

11. **Delivery of Information**. Within five (5) business days after the Effective Date, Seller shall deliver to Buyer:

a. Copies of all of the following materials, to the extent they are in the possession or control of Seller: (i) all surveys, (ii) all title reports, commitments and policies, (iii) all zoning documents, construction plans, approved site plans or plats, permits, development orders or other documents of entitlement obtained by or assigned to Seller prior to Closing, including any applications therefor (collectively, "Seller Entitlements"), (iv) all reports, documents and surveys regarding rock tests and other soil conditions, (v) all environmental studies and reports, (vi) all wetland delineation studies, (vii) all other reports, studies and other materials that pertain to environmental hazards, wetlands, flood studies or any aspect of the physical or environmental condition of the Property or other property in the vicinity of the Property, and (viii) all existing or proposed leases, licenses, easements and contracts affecting the Property.

b. If Buyer does not consummate the Closing for any reason other than Seller default, then Buyer shall return to Seller all materials delivered by Seller to Buyer.

12. **Condemnation and Casualty.** If prior to Closing, all or any portion of the Property is condemned or taken, or threatened to be condemned or taken, by any authority, or any portion of the Property suffers a casualty loss, Seller shall give Buyer immediate Notice thereof with a complete description of all relevant information and complete copies of all relevant documentation. Within thirty (30) days of such Notice, Buyer may elect either: (i) to terminate this Contract, in which event all of the Earnest Money shall be immediately refunded to Buyer; or (ii) to collect all awards and proceeds from any condemnation or insurance policy and keep this Contract in full force and effect, in which case Seller shall promptly execute all documents required by Buyer to assign Seller's rights therein to Buyer. Notwithstanding anything to the contrary herein, in the event Buyer elects to terminate this Contract pursuant to option (i) above and Buyer had actual knowledge of a pending taking or condemnation of the Property filed with the public records of Pender County prior to Buyer having delivered a Notice of Suitability to Seller (as provided in Section 10(c)), then all the Earnest Money shall be released to Seller instead of being refunded to Buyer.

13. **Seller's Representations and Warranties**. Seller represents, warrants and covenants to Buyer that, as of the Effective Date, continuing through Closing:

a. INTENTIONALLY DELETED;

b. To the best of Seller's knowledge, Seller is in sole and exclusive possession of the Property, and no person or entity claims any right of possession to all or any portion of the Property;

c. Seller has full authority to execute this Contract and convey the Property to Buyer and execute and deliver the Deed and such other documents, instruments, affidavits and certificates as are necessary or desirable to effectuate this transaction, and no other signatures are required for this Contract to be fully enforceable by Buyer;

d. INTENTIONALLY DELETED;

e. To the best of Seller's knowledge, there is no pending or threatened taking or condemnation of the Property or any portion thereof, and no pending or threatened action, litigation or proceeding by any organization, entity, person or governmental agency affecting the Property or Seller;

f. Seller has no notice or knowledge of any violation of law, order, ruling, ordinance, rule or regulation with respect to Seller or the Property or the use thereof;

g. INTENTIONALLY DELETED;

h. INTENTIONALLY DELETED;

i. INTENTIONALLY DELETED;

j. To the best of Seller's knowledge, the Property has full and free access to and from public streets and/or roads;

k. The execution and delivery of this Contract, and the consummation of this transaction, will not result in a breach of any of the terms of, or constitute a default under, any (i) indenture, contract or instrument to which Seller is a party or by which Seller or the Property is bound, or (ii) law, order, ruling, ordinance, rule or regulation with respect to Seller or the Property or the use thereof;

l. INTENTIONALLY DELETED;

m. INTENTIONALLY DELETED;

n. INTENTIONALLY DELETED;

o. INTENTIONALLY DELETED;

p. INTENTIONALLY DELETED; and

q. Seller is not a "foreign person" as that term is defined in Internal Revenue Code Section 1445 (f)(3), nor is the sale of the Property subject to any withholding requirements imposed by the Internal Revenue Code, including, without limitation, Section 1445 thereof; and, at Closing, Seller shall execute and deliver to Buyer a Non-Foreign Person Affidavit in form reasonably acceptable to Buyer stating such.

Seller will not allow or cause any action to be taken that will cause any of the foregoing representations or warranties to be untrue or incorrect at Closing, or fail to take any action that may be required to keep such representations and warranties true and correct at Closing. Seller shall indemnify and hold Buyer harmless from and against any and all liabilities, losses, costs, damages and expenses (including attorneys' fees and expenses and costs of litigation) incurred by Buyer as a result of the untruth, incorrectness or incompleteness when made and through Closing of any representation or warranty made herein or in connection herewith. The representations, warranties and obligations of Seller pursuant to this Section 13 shall survive Closing or any termination of this Contract.

BUYER ACKNOWLEDGES AND AGREES THAT BUYER IS EXPERIENCED IN THE OWNERSHIP AND OPERATION OF PROPERTIES SIMILAR TO THE PROPERTY BEING PURCHASED AND THAT BUYER, PRIOR TO THE EXPIRATION OF THE INSPECTION PERIOD WILL HAVE INSPECTED THE PROPERTY TO ITS SATISFACTION AND IS QUALIFIED TO MAKE SUCH INSPECTION. EXCEPT AS PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING, BUYER ACKNOWLEDGES THAT IT IS FULLY RELYING ON BUYER'S (OR BUYER'S REPRESENTATIVE'S) INSPECTION OF THE PROPERTY AND NOT UPON ANY STATEMENTS (ORAL OR WRITTEN)

WHICH MAY HAVE BEEN MADE OR MAY BE MADE (OR PURPORTEDLY MADE) BY SELLER OR ANY OF ITS REPRESENTATIVES. BUYER ACKNOWLEDGES THAT BUYER HAD (OR BUYER'S REPRESENTATIVES HAVE), OR PRIOR TO THE EXPIRATION OF THE INSPECTION PERIOD WILL HAVE, THOROUGHLY INSPECTED AND EXAMINED THE PROPERTY TO THE EXTENT DEEMED NECESSARY BY BUYER IN ORDER TO ENABLE BUYER TO EVALUATE THE CONDITION OF THE PROPERTY AND ALL ASPECTS OF THE PROPERTY, AND BUYER ACKNOWLEDGES THAT, EXCEPT AS PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING, BUYER IS RELYING SOLELY UPON ITS OWN (OR ITS REPRESENTATIVE'S) INSPECTION, EXAMINATION AND EVALUATION OF THE PROPERTY. AS A MATERIAL PART OF THE CONSIDERATION FOR THIS AGREEMENT, BUYER HEREBY AGREES TO ACCEPT THE PROPERTY ON THE CLOSING DATE IN ITS "AS IS" - "WHERE IS" CONDITION AND WITH ALL FAULTS, AND WITHOUT REPRESENTATIONS AND WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, EXCEPT ONLY THE LIMITED REPRESENTATIONS AND WARRANTIES PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING AND EXCEPT AS TO THE LIMITED REPRESENTATIONS AND WARRANTIES PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING, IN CONNECTION WITH THE SALE OF THE PROPERTY TO BUYER, SELLER AND SELLER'S OFFICERS, MEMBERS, AGENTS, DIRECTORS, EMPLOYEES, MANAGERS, ATTORNEYS, CONTRACTORS, REPRESENTATIVES AND AFFILIATES ("SELLER'S RELATED PARTIES") HAVE MADE NO, AND SPECIFICALLY DISCLAIM, AND BUYER ACCEPTS THAT SELLER AND SELLER'S RELATED PARTIES HAVE DISCLAIMED, ANY AND ALL REPRESENTATIONS, GUARANTEES OR WARRANTIES, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW (EXCEPT AS TO TITLE AS HEREINABOVE PROVIDED), OF OR RELATING TO THE PROPERTY, INCLUDING WITHOUT LIMITATION, OR RELATING TO (A) THE USE, INCOME POTENTIAL, EXPENSES, OPERATION, CHARACTERISTICS, QUANTITY, OR QUALITY OF OR CONDITION OF THE PROPERTY OR ANY PORTION THEREOF, INCLUDING WITHOUT LIMITATION, WARRANTIES OF SUITABILITY, HABITABILITY, MERCHANTABILITY, TENANTABILITY, DESIGN OR FITNESS FOR ANY SPECIFIC OR A PARTICULAR PURPOSE, OR GOOD AND WORKMANLIKE CONSTRUCTION, (B) THE NATURE, MANNER, CONSTRUCTION, CONDITION, STATE OF REPAIR OR LACK OF REPAIR OF ANY IMPROVEMENTS LOCATED ON THE PROPERTY, ON THE SURFACE OR SUBSURFACE THEREOF, WHETHER OR NOT OBVIOUS, VISIBLE OR APPARENT, (C) THE NATURE OR QUALITY OF CONSTRUCTION, STRUCTURAL DESIGN OR ENGINEERING OF ANY IMPROVEMENT ON THE PROPERTY, (D) THE ENVIRONMENTAL CONDITION OF THE PROPERTY AND THE PRESENCE OR ABSENCE OF OR CONTAMINATION BY HAZARDOUS MATERIALS, OR THE COMPLIANCE OF THE PROPERTY WITH REGULATIONS OR LAWS PERTAINING TO HEALTH OR THE ENVIRONMENT, AND (E) THE SOIL CONDITIONS, DRAINAGE, FLOODING CHARACTERISTICS, UTILITIES OR OTHER CONDITIONS EXISTING. EXCEPT AS TO THE LIMITED REPRESENTATIONS AND WARRANTIES PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING, BUYER HEREBY EXPRESSLY ASSUMES ALL RISKS, LIABILITIES, CLAIMS, DAMAGES, AND COSTS (AND AGREES THAT SELLER SHALL NOT BE LIABLE FOR ANY SPECIAL, DIRECT, INDIRECT, CONSEQUENTIAL, INCIDENTAL, PUNITIVE, OR OTHER DAMAGES) ON AND AFTER THE CLOSING DATE RESULTING OR ARISING FROM OR RELATED TO THE OWNERSHIP, USE, CONDITIONS, LOCATIONS, MAINTENANCE, REPAIR OR OPERATION OF THE PROPERTY. EXCEPT IN CONNECTION WITH THE LIMITED REPRESENTATIONS AND WARRANTIES PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING BUYER ACKNOWLEDGES THAT ANY CONDITION OF THE PROPERTY WHICH BUYER DISCOVERS OR DESIRES TO CORRECT OR IMPROVE PRIOR TO OR AFTER THE CLOSING DATE SHALL BE AT BUYER'S SOLE EXPENSE. EXCEPT AS TO THE LIMITED REPRESENTATIONS AND WARRANTIES PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING, BUYER EXPRESSLY WAIVES (TO THE EXTENT ALLOWED BY APPLICABLE LAW) ANY CLAIMS UNDER FEDERAL LAW, STATE OR OTHER LAW THAT BUYER MIGHT OTHERWISE HAVE AGAINST SELLER RELATING TO THE USE, CHARACTERISTICS OR CONDITION OF THE PROPERTY.

14. **Broker Fees.** Except as to Sognia Weiss with Focus Real Estate Services LLC ("Seller's Broker"), for whose commission Seller is solely responsible, Seller represents to Buyer that Seller has not discussed this Contract or the subject matter hereof with any real estate broker, agent, or salesperson in any manner or context that would create any legal right of any such broker, agent, or salesperson to claim a real estate commission, finder's fee, or similar compensation from Buyer with respect to the sale and/or conveyance of the Property contemplated in this Contract. Seller shall indemnify and hold Buyer harmless from and against any and all liabilities, losses, costs, damages and expenses (including reasonable attorneys' fees and expenses and costs of litigation) that Buyer may suffer or incur because of any claim by any broker, agent, or salesperson, whether or not meritorious, for any compensation with regard to this Contract or the sale and purchase of the Property contemplated herein, arising out of any acts or agreements of Seller. Except as to Seller's Broker, for whose commission Seller is solely responsible (and as to whose commission Buyer shall have no responsibility), Buyer represents to Seller that Buyer has not discussed this Contract or the subject matter hereof with any real estate broker, agent, or salesperson, in any manner or context that would

create any legal right of any such broker, agent, or salesperson to claim a real estate commission, finder's fee, or similar compensation from Seller with respect to the sale and/or conveyance of the Property contemplated in this Contract. Buyer shall indemnify and hold Seller harmless from and against any and all liabilities, losses, costs, damages and expenses (including reasonable attorneys' fees and expenses and costs of litigation) that Seller may suffer or incur because of any claim by any broker, agent, or salesperson (exclusive of Seller's Broker), whether or not meritorious, for any compensation with regard to this Contract or the sale and purchase of the Property contemplated herein, arising out of any acts or contracts of Buyer. The provisions of this Section shall survive Closing or any termination of this Contract.

15. **Default**.

a. Buyer's Default. If Buyer defaults in the performance of any obligation or covenant hereunder, Seller's sole and exclusive remedy shall be to terminate this Contract and receive payment of the Earnest Money then held by the Escrow Agent as Seller's full liquidated damages as a result of such default. The parties hereby agree and acknowledge that: (i) ascertaining the actual damages in the event of a default by Buyer would be difficult, (ii) it is impossible more precisely to estimate the damages to be suffered by Seller upon Buyer's default, (iii) such payment of Earnest Money is intended not as a penalty, but as full liquidated damages, and (iv) the amount of the Earnest Money constitutes a good faith estimate of the potential damages that could arise from a default by Buyer hereunder.

b. Seller's Default. If Seller defaults in the performance of any obligation or covenant hereunder, or if any of Seller's representations or warranties prove to be false, inaccurate, incomplete or misleading in any material respect, then Buyer's sole and exclusive remedy shall be to: (i) terminate this Contract and receive payment of the Earnest Money then held by the Escrow Agent as Buyer's full liquidated damages as a result of such default; or (ii) pursue the remedy of specific performance; provided, however, in the event the remedy of specific performance is not available to Buyer, then Buyer shall have the right to sue for Buyer's actual, out-of-pocket damages for Seller's breach in an amount not to exceed [redacted].

c. Post-Closing and Post-Termination Remedies. Notwithstanding subsections a and b above, from and after the Closing or any termination of this Contract, each party shall have the right to pursue its actual (but not consequential or punitive) damages against the other party for: (1) a material breach of any covenant or agreement contained herein that is performable after or that expressly survives the Closing or termination of this Contract (including the indemnification obligations contained in this Contract), and (2) a material breach of any representation or warranty in this Contract; provided, however, in no event shall the non-defaulting party be entitled to recover from the defaulting party an amount exceeding [redacted].

d. Notice and Cure Rights. In the event of a default hereunder, the non-defaulting party shall give the defaulting party notice of such default, specifying in reasonable detail the nature of the default. Thereafter, the defaulting party shall have forty-five (45) days from the date notice of default is given to cure the default. If the defaulting party cures the default within the 45-day period, it shall not incur any liability to the other party for the default. Each party shall reasonably cooperate with any and all attempts by the other to cure any default within the aforesaid cure period.

e. Legal Fees. In the event of any litigation between Buyer and Seller regarding this Contract, the losing party shall promptly pay the prevailing party's attorneys' fees and expenses and costs of litigation.

16. **Notices**. All notices required or permitted to be given hereunder shall be in writing and shall be deemed given: (a) upon hand-delivery, receipt required, (b) the next business day after deposit with Federal Express, UPS or other nationally recognized overnight courier service, or (c) when transmitted via email or facsimile, provided a copy is sent the next business day by method (a) or (b) or by regular first-class U.S. Mail. All notices shall be addressed as follows:

If to Buyer:
Libby Shelton, Division President
D. R. Horton, Inc.
131 Racine Drive, Suite 201
Wilmington, NC 28403
Phone: (910) 742-7946
Email: elshelton@drhorton.com

With copies to:
D.R. Horton, Inc.
ATTN: East Region Counsel
2325 Lakeview Parkway, Suite 275
Alpharetta, GA 30009
Phone: (678) 292-4883
Fax: (678) 292-4881
Email: kmrys@drhorton.com and hparrish@drhorton.com

Christopher A. Crowson
Bagwell Holt Smith P.A.
111 Cloister Court, Ste. 200
Chapel Hill, NC 27514
Phone: 919-401-0062
Fax: 919-403-0063
Email: ccrowson@bhspa.com

If to Seller:
Mary Beth Morgan Carlson and Gregg R. Carlson
c/o Sognia Weiss
Focus Real Estate Services, LLC
6233 Murrayville Rd.
Wilmington, NC 28411
Phone: (910) 232-3468
Fax: _____
Email: sognia@focusresnc.com

With a copy to:
James L. Seay, III
Seay Law Firm, PLLC
519 Market Street
Wilmington, NC 28411
Phone: (910) 763-2525
Fax: _____
Email: james.seay@seaylaw.com

If to Escrow Agent:
Robert B. Markworth
Chicago Title Company, LLC
300 Blackwell Street, Suite 103
Durham, NC 27701
Phone: (919) 682-3018
Fax: (919) 682-3518
Email: rob.markworth@ctt.com

With copies to:
The other party at the applicable addresses shown above.

17. **Covenants Pending Closing**. From and after the Effective Date through Closing, Seller shall: (a) operate and maintain the Property in a good and workmanlike manner, at least as well as Seller has operated and maintained it prior to the Effective Date, and shall not commit or allow any waste of or on the Property; (b) within 3 business days after Seller's receipt thereof, give notice to Buyer of any litigation, arbitration or administrative proceeding concerning or affecting the Property, together with copies of all relevant documents; and (c) comply with all requirements of all laws, orders, rulings, ordinances, rules and regulations of any governmental authority having jurisdiction over Seller over the Property and/or the use thereof. From and after the Effective Date through Closing, Seller shall not convey

or encumber any portion of the Property or any rights therein, nor enter into any conveyance, mortgage, security document, option, right of first refusal, easement, lease or other contract granting to any person or entity any rights or interests in any portion of the Property.

18. **Standard Provisions**.

a. This Contract shall be interpreted in accordance with the laws of the State of North Carolina.

b. Time is of the essence in the occurrence of all events, the satisfaction of all conditions and the performance of all obligations hereunder.

c. This Contract constitutes the sole and entire agreement between the parties with regard to its subject matter. All prior discussions, negotiations and agreements regarding the subject matter of this Contract are merged herein and shall have no further force or effect. No representations or warranties have been made by either party except as stated herein.

d. All representations and warranties of both parties contained in this Contract, together with all covenants expressly surviving Closing, shall survive Closing and delivery of the deed and other documents delivered at Closing, and shall not be merged with delivery thereof.

e. The term "business day" shall mean Monday through Friday, excluding days on which federally-chartered banks or banks chartered by the state in which the Property is located are closed for business. If the day for any action under this Contract falls on a day other than a business day, the day for the action shall automatically be extended until the next business day.

f. If any provision of this Contract shall be declared invalid or unenforceable by laws applicable thereto, or unenforceable as to certain parties, then the performance of such provision shall be excused by the parties hereto and the remaining provisions of this Contract shall remain in full force and effect.

g. The titles, captions and paragraph headings herein are inserted for convenience only and are in no way intended to interpret, define or limit the scope or content of this Contract or any provision hereof. Both parties have been represented by counsel in the drafting and negotiation of this Contract, and this Contract shall be construed without regard to any presumption or other rule requiring construction against the party causing this Contract to be drafted.

h. INTENTIONALLY DELETED.

i. Any failure or delay of Buyer or Seller to enforce any term of this Contract shall not constitute a waiver of such term. Any waiver of any term of this Contract by either party must be specifically stated in a writing delivered to the other party in compliance with Section 16 above. Any such waiver by Buyer or Seller shall not be deemed to be a waiver of any other term of this Contract or of a subsequent breach of the same term.

j. Except as otherwise provided herein, if this Contract is terminated prior to Closing, the Earnest Money shall be refunded to Buyer, unless Buyer is in default hereunder and Seller is entitled to the Earnest Money pursuant to Section 15 above. Upon termination of this Contract and return of the Earnest Money to Buyer, Buyer and Seller shall thereafter have no further rights, obligations or liabilities hereunder, other than those expressly surviving termination; provided that if this Contract is terminated prior to Closing but after Buyer's issuance of a Notice of Suitability pursuant to Section 10 above, the parties shall execute a written Termination Agreement on terms reasonably acceptable to counsel for both parties and the Escrow Agent. Failure of the parties to execute a Termination Agreement shall not negate or otherwise affect the termination; however, either party shall have the right to sue for its actual damages resulting from the refusal or willful failure of the other party to execute a written Termination Agreement upon reasonable terms.

k. This Contract shall be binding upon and shall inure to the benefit of Seller and Buyer, their respective heirs, successors, legal representatives and permitted assigns. Buyer may assign its rights and obligations hereunder. Seller may not assign its rights and obligations hereunder without the prior written consent of Buyer, which shall not be unreasonably withheld. Any change in control of Seller resulting from a merger, consolidation, or a transfer or transfers

of ownership interest or interests shall be deemed to be an assignment of rights and obligations hereunder that requires the prior written consent of Buyer. If Seller consists of more than one person or entity, then: (1) each reference to Seller herein shall be deemed to refer to each person or entity constituting Seller, both individually and in the aggregate, and (2) each person or entity constituting Seller shall be jointly and severally liable for all liabilities and obligations of Seller hereunder.

l. This Contract may be executed in multiple, separate counterparts, and such counterparts shall constitute one and the same document. This Contract may not be modified or amended except by a writing signed by both Buyer and Seller.

m. This Contract, any amendments hereto, the Earnest Money instrument (if any), and the Notice of Suitability (if any) may be executed by hand-signatures or by electronic signatures using DocuSign or other similar technology. Such signatures may be transmitted by facsimile or email. Any such electronic signatures or electronic transmissions of signatures shall be deemed to constitute originals. In addition, either party and/or the Escrow Agent may rely upon any electronic transmission of any document that is properly executed by the other party. The ratification of this Contract or any amendment hereto by any of the Authorized Officers on behalf of Buyer also may be accomplished by either hand-signature or by electronic signature using DocuSign or other similar technology. Except as provided in this subsection, the Electronic Signatures in Global and National Commerce Act and any parallel, corresponding or similar state law or regulation shall not apply to the execution of this Contract or any amendment hereto, and Buyer shall not be bound by any electronic signature.

19. **Environmental Matters/Hazardous Substances.**

a. As used in this Contract, "Hazardous Substance" shall mean and include all hazardous or toxic substances, wastes or materials, any pollutants or contaminates (including, without limitation, petroleum, oil and gas, asbestos and raw materials which include hazardous constituents, radon and urea formaldehyde), and any other similar substances or materials which are regulated by, or are the subject of, any Environmental Law. As used in this Contract, "Environmental Law" shall mean and include any and all local, state, or Federal laws, rules, or regulations pertaining to regulation of the air, water, groundwater, land, natural resources and/or pertaining to the contamination, clean-up or disclosure of Hazardous Substances, including, without limitation, the Comprehensive Environmental Response Compensation and Liability Act of 1980, the Superfund Amendments and Reauthorization Act of 1986, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, the Endangered Species Act, the Federal Insecticide, Fungicide and Rodenticide Act, as amended, or by tort or other common law.

b. Seller hereby represents and warrants to Buyer that, to the best of Seller's knowledge: (i) Seller is in full compliance with all Environmental Laws, including, without limitation, that Seller has all permits required by Environmental Laws, (ii) neither Seller, nor any person during Seller's ownership of the Property, nor to the best of Seller's knowledge, any previous owner of the Property or any other person or entity, has ever used, generated, processed, stored, disposed of, released or discharged any Hazardous Substance on, under, or about the Property or transported it to or from the Property, nor, to the best of Seller's knowledge, has any party ever alleged that any such activities have occurred, (iii) no use by Seller, or, to the best of Seller's knowledge, any prior owner of the Property or any other person, has occurred which violates or violated, any applicable Environmental Law, nor to the best of Seller's knowledge has any party ever alleged that such violations have occurred, and (iv) the Property is not on any "Superfund" list under any applicable Environmental Law, nor is it subject to any lien related to any environmental matter. In the event Seller breaches the representations and warranties in this paragraph, Seller shall indemnify, defend and hold Buyer and its affiliates, agents, employees, directors, officers, managers, members, partners, shareholders, assigns and/or successors (collectively, the "Indemnitees") harmless from and against all fines and penalties and liabilities (including, without limitation, those arising under statute or government regulation, common law or contract), including all foreseeable and unforeseeable consequential damages, any other damages, costs and losses, including reasonable attorneys' fees, directly or indirectly and in whole or in part arising out of or attributable to Seller's breach. Notwithstanding anything to the contrary contained herein, the representations and warranties in this paragraph shall be deemed remade as of Closing, and such representations and warranties and the indemnification provisions in this paragraph shall survive Closing and shall not be merged therein. The provisions of this paragraph are in addition to any other rights Buyer may have under this Contract. Notwithstanding the foregoing, Seller discloses to Buyer that the Property contains two underground propane tanks of approximately 200 gallons each.

c. Buyer's obligation to close on the purchase of the Property hereunder is expressly conditioned upon: (i) Buyer's receipt, at Buyer's expense, of an environmental report (or reports), addressed to Buyer prior to the expiration of the Inspection Period, the form, content and preparer of which must be acceptable to Buyer in its sole discretion, presenting the results of an investigation of the Property, and such property in the vicinity of the Property, as may be deemed appropriate by Buyer, in Buyer's sole discretion in light of the intended use of the Property, with regard to the presence, generation, processing, storing, disposal, release or discharge of any Hazardous Substances, from, on, under, about, or in the vicinity of the Property and compliance with Environmental Laws relating to or affecting the Property, which investigation is commonly referred to as a Phase I Environmental Site Assessment, which report has been prepared or updated no more than six (6) months prior to the date of Closing, and such further investigations and/or reports as Buyer may require (collectively, the " Environmental Inspections and Reports"); and (ii) Buyer's satisfaction with the results of the Environmental Inspections and Reports.

d. In the event Buyer is not satisfied with the results of any Environmental Inspections and Reports prior to the expiration of the Inspection Period, then Buyer, at its sole discretion may terminate this Contract pursuant to Section 10 above. In the event there has been any change to the environmental condition of the Property or the property in the vicinity of the Property following the expiration of the Inspection Period as such condition was reflected in the Environmental Inspections and Reports, then Buyer, at its sole discretion and in addition to any other provision of this Contract, may (i) terminate this Contract as to any or all of the Property, in which event all of the Earnest Money shall be immediately returned to Buyer, or (ii) proceed to closing on the Property.

20. **Memorandum of Contract**. Upon ratification of this Contract pursuant to Section 21below, Seller, upon request and at Buyer's expense, shall execute a short-form memorandum of this Contract in a recordable form reasonably acceptable to Buyer, which Buyer may record at the Pender County Registry. Seller shall deliver the recordable Memorandum of Contract to Buyer within five (5) business days of the date of ratification. Seller shall promptly cause to be recorded a notice of termination of said short form memorandum in the event this Contract is terminated for any reason other than uncured Seller default.

21. **Corporate Ratification**. NOTWITHSTANDING ANY OTHER PROVISION HEREIN, NEITHER THIS CONTRACT NOR ANY AMENDMENT HERETO SHALL BE A VALID, BINDING OR ENFORCEABLE OBLIGATION OF BUYER UNLESS AND UNTIL SUCH DOCUMENT IS RATIFIED IN WRITING BY ONE OF THE FOLLOWING EXECUTIVE OFFICERS OF BUYER: DONALD R. HORTON, DAVID V. AULD, MICHAEL J. MURRAY, BILL W. WHEAT, PAUL ROMANOWSKI, BRIAN ETHERIDGE, THOMAS F. HILL, JR. OR BRADFORD C. BRUNDAGE; PROVIDED THAT IF RATIFICATION OF THIS CONTRACT DOES NOT OCCUR WITHIN THIRTY (30) DAYS OF THE DATE OF EXECUTION OF THIS CONTRACT BY SELLER AND BUYER, THEN THIS CONTRACT SHALL AUTOMATICALLY TERMINATE AND BE OF NO FURTHER FORCE OR EFFECT.

22. **Binder/Option Fee.** Seller acknowledges receipt of One Hundred Dollars ($100.00) paid to Seller by Buyer as a Binder/Option Fee, in consideration for which Seller shall be irrevocably bound by the terms of this Contract from and after the date of Seller's execution hereof. The Binder/Option Fee shall not be applied against the Purchase Price of the Property at Closing.

23. **Seller Possession After Closing Agreement**. Seller has disclosed to Buyer that Seller currently resides on the Property. At Closing, the parties shall execute and deliver to each other a "Seller Possession After Closing Agreement" in form substantially as shown by **Exhibit E** attached hereto and incorporated herein (the "Seller Possession After Closing Agreement") which would allow Seller to continue to reside on the Property and allow Seller, at Seller's sole cost and expense, to remove certain structures, improvements, fixtures, household furnishings and personal belongings from the Property for up to sixty (60) days after Closing. Seller, at Seller's sole expense, shall restore and repair any damage caused to the Property as a result of Seller's removal of any such structures, improvements, fixtures, household furnishings and personal belongings from the Property. To secure Seller's timely vacation of the Property upon the expiration of the term of the Seller Possession After Closing Agreement, a portion of Seller's proceeds at Closing in the amount of [redacted] (the "Holdback Funds") shall be held by Escrow Agent and released to Seller upon the expiration of the Seller Possession After Closing Agreement provided that Seller has completely vacated the Property. If Seller remains on the Property after the expiration of the Seller Possession After Closing Agreement, the Holdback Funds shall be released to Buyer and the Holdback Funds shall be deemed the property of Horton. In the event Seller fails to execute and deliver to Buyer the Seller Possession After Closing Agreement at Closing or such agreement is deemed unnecessary by Seller prior to Closing, Seller shall have the

obligation to deliver exclusive possession of the Property to Buyer at Closing free and clear of any right of possession to all or any portion of the Property by any person or entity.

SIGNATURES ON NEXT PAGE

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed on the dates shown below.

Seller:

DocuSigned by:
Mary Beth Morgan Carlson
76D31120B1C84D2...

Mary Beth Morgan Carlson

Date: 11/9/2022

DocuSigned by:
GR Carlson
76D31120B1C84D2...

Gregg R. Carlson

Date: 11/9/2022

Buyer:

D.R. Horton, Inc.

By: DocuSigned by:
Bradford C Brundage
42EC2E08EBF7482...

Bradford C. Brundage, East Region Vice President

Date: 11/8/2022

By: DocuSigned by:
Elizabeth Shelton
D8BFC24B0568A8E...

Libby Shelton, Division President

Date: 11/8/2022

Pursuant to Section 21 above, the undersigned hereby ratifies this Contract on behalf of D.R. Horton, Inc.

DocuSigned by:
MJ Murray
C9911D31F2B84B8...

Print Name: Michael J Murray

Title: Chief Operating Officer

Date: 1/12/2023

Exhibit A

Legal Description of the Land

BEING all of those two (2) parcels of land containing a total of approximately 20.79 acres of land located on or near US HWY 17, Wilmington, Pender County, North Carolina, and designated as Parcel Number 3271-64-5893 and 3271-65-9054 by Pender County, North Carolina; and being the same property described in Deed Book 3920 Page 157, Deed Book 4437 Page 161, and Deed Book 4667 Page 1997 at the Pender County Registry.

Exhibit B

ESCROW AGREEMENT

THIS ESCROW AGREEMENT (hereinafter referred to as this "Agreement"), is made and entered into _____, by and among: _____ having as a mailing address: _____ (hereinafter referred to as "Seller"); D.R. Horton, Inc. having as a mailing address: _____ (hereinafter referred to as "Buyer"); and _____ TITLE INSURANCE COMPANY, having as a mailing address: _____ (hereinafter referred to as "Escrow Agent").

WITNESSETH

WHEREAS, Seller and Buyer have entered into that Land Purchase Contract having an Effective Date of _____, (hereinafter referred to as "the Contract") as to certain real property situated in _____ County, North Carolina (hereinafter referred to as the "Property"); and

WHEREAS, Buyer and Seller have appointed _____ Title Insurance Company to hold all earnest money under the Contract in accordance with the terms of the Contract and this Agreement.

NOW, THEREFORE, in furtherance of the transaction contemplated hereby and for and in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto covenant and agree as follows:

1. Seller and Buyer hereby designate, constitute and appoint _____ Title Insurance Company as the "Escrow Agent" under this Agreement to hold all earnest money under the Contract, and _____ Title Insurance Company accepts such designation and appointment and agrees to act in accordance with the terms of the Contract and this Agreement. In the event or a conflict between the terms of this Agreement and those of this Agreement, the terms of the Contract shall control. Seller and Buyer agree (a) that Escrow Agent shall be a stakeholder only and not liable for any losses, costs or damages it may incur in performing its responsibilities hereunder unless such losses, costs or damages shall arise out of the willful default or negligence of Escrow Agent or its agents, (b) that no releases or disbursements shall be made hereunder except upon consistent written instructions from both Seller and Buyer or their successors or assigns; and (c) that in the event of a dispute hereunder between Seller and Buyer (or their successors or assigns), Escrow Agent shall have the right, exercisable in its sole discretion, to be discharged by tendering unto the registry or custody of any court of competent jurisdiction, the closing documents and funds held by Escrow Agent, together with any such legal pleadings as it deems appropriate. Escrow Agent shall be indemnified, saved and held harmless by the Seller and Buyer for all of its expenses, costs and reasonable attorney's fees incurred in connection with such interpleader action.

2. Upon receipt of consistent written instructions from both Seller and Buyer, or their respective counsel, then Escrow Agent shall disburse the funds held in escrow in accordance with the written instructions signed by both Buyer and Seller, or their respective counsel. Said written instructions may be given in duplicate counterparts and by facsimile. Escrow Agent shall have the right to deduct any costs Escrow Agent has incurred for overnight delivery charges or wire transfer fees from the funds held prior to disbursement.

3. All checks, money orders or drafts deposited with Escrow Agent under this Agreement will be processed for collection in the normal course of business. Escrow Agent will not commingle funds received by it in escrow with funds of others and shall deposit such funds in a separate escrow account with a federally insured Bank. Escrow Agent shall not be liable for any loss caused by the failure, suspension, bankruptcy or dissolution of any such investment vehicle or fund.

4. Escrow Agent shall not be liable for any loss or damage resulting from the following:

(a) Any default, error, action or omission of any other party;

(b) The expiration of any time limit unless such time limit was known to Escrow Agent and such loss is solely caused by failure of Escrow Agent to proceed in its ordinary course of business;

(c) Any loss or impairment of funds while on deposit with a federally insured Bank resulting from failure, insolvency or suspension of such institution; or

(d)Escrow Agent's complying with any and all legal process, writs, orders, judgments and decrees of any court whether issued with or without jurisdiction and whether or not subsequently vacated, modified, set aside or reversed.

5. Escrow Agent shall be entitled to rely upon the instructions and other matters covered thereby, and shall not be required to investigate the authority of the person executing and delivering such instructions, or otherwise verify the accuracy of the statements of information presented therein.

6. The terms and provisions of this Agreement are for the benefit of Seller, Buyer and Escrow Agent and their respective successors and assigns only. Nothing contained herein shall be deemed or construed to inure to the benefit of any other person or party, it being the express intent of Seller, Buyer and Escrow Agent that no such person party shall be entitled to any of the benefits hereof,

except as herein expressly provided.

7. Time is of the essence of this Agreement.

8. This Agreement is intended as a contract under the laws of the State of _____ and shall be governed thereby and construed in accordance therewith.

9. This Agreement may be executed by facsimile signatures, which for all purposes shall be deemed to constitute originals. This Agreement may be executed in counterparts, all of which when taken together shall be deemed one original.

10. Any interest earned on the funds held in escrow shall accrue to the benefit of Buyer, whose tax identification number is _____.

IN WITNESS WHEREOF, the parties hereto have executed this Escrow Agreement as of the day, month and year first above written.

NOTE: THIS IS AN EXHIBIT. INITIAL ONLY – DO NOT EXECUTE.

Exhibit C

GENERAL ASSIGNMENT

THIS GENERAL ASSIGNMENT (this "**Assignment**") is made as of the ____ day of _____, 20__, by _____, a _____ ("**Seller**"), to D.R. Horton Inc., a Delaware corporation ("**Buyer**").

WHEREAS, of even date herewith, Seller has conveyed to Buyer the land described in Exhibit "A" attached hereto ("**Land**"), together with all improvements (the "**Improvements**") located thereon (the Land and Improvements are referred to herein collectively as the "**Property**"); and

WHEREAS, Seller and Buyer intend that Seller also convey to Buyer all of the Conveyed Property Rights (as hereinafter defined).

NOW, THEREFORE, Seller, for and in consideration of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, hereby agrees as follows:

1. Seller has GRANTED, BARGAINED, SOLD, CONVEYED and ASSIGNED, and by these present does hereby GRANT, BARGAIN, SELL, CONVEY and ASSIGN to Buyer all of Seller's right, title and interest in and to the following, but only to the extent same pertain to the Property ("**Conveyed Property Rights**"):

(a) all surveys, engineering, soils, seismic, geological, environmental, reports, studies and certificates and other technical descriptions;

(b) all warranties, guaranties and indemnities received from third parties, and all claims, demands and causes of action against third parties, but only to the extent they are for the benefit of, and applicable to, the Property or the owner thereof, including, without limitation, any warranties, guaranties, indemnities, contractual rights, claims, demands and causes of action pertaining to the development, construction, design or completion of the Property and/or the common areas, streets, utilities or other subdivision infrastructure;

(c) all licenses, permits, governmental approvals, utility commitments, utility rights (including rights to capacity or service), drainage and detention rights, development rights or other similar rights, inclusive of any prepaid impact fees, impact fee credits or other similar development credits (but excluding any rights to MUD reimbursables other than reimbursement rights (i) accruing to Buyer by reason of funds expended by Buyer, or on behalf of Buyer, after the date hereof, or (ii) otherwise expressly agreed to by Seller in writing pursuant to the contract of sale for the Land by and between Seller and Buyer);

(d) all rights under any plats (preliminary or final) of any portion of the Property or any rights-of-way abutting the Property or any portion thereof, including any boundary plats and any right-of-way plats, submitted, approved or recorded;

(e) all unpaid awards or proceeds, including awards in connection with insurance and any eminent domain taking; and

(f) all other rights, powers, privileges, options, or other benefits associated with, that pertain to, are attributable to, are appurtenant to, apply to, or which otherwise benefit the Property.

TO HAVE AND TO HOLD the Conveyed Property Rights unto Buyer and Buyer's successors and assigns forever.

2. This Assignment shall be binding on Seller, its successors and assigns, and shall inure to the benefit of Buyer, its successors and assigns.

3. This Assignment does not constitute an assumption of any liability or obligation by Buyer, nor shall it be deemed to impose on Buyer any liability or obligation. This Assignment is made WITHOUT RECOURSE. Furthermore, Seller assigns the Conveyed Property Rights only to the extent they may exist and in fact be assignable, and without any representation or warranty whatsoever.

4. Seller and Buyer will each cooperate with each other, their employees, and agents to facilitate the purpose and intent of this Assignment including, without limitation, the providing of information and documentation that may be reasonably required for the enforcement of the rights and interests assigned hereby.

5. This Assignment may be executed in several counterparts, each of which shall be fully effective as an original and all of which together shall constitute one and the same instrument.

EXECUTED as of the date first above written.

NOTE: THIS IS AN EXHIBIT. INITIAL ONLY – DO NOT EXECUTE.

Exhibit D

Permitted Exceptions

1. Ad valorem taxes for the year of Closing (to be prorated) and subsequent years.
2. Utility easements and rights-of-ways of record that do not materially affect Buyer's intended use or the value of the Property.
3. All matters appearing on record and not objected to by Buyer prior to expiration of the Examination Period.
4. All matters that would be revealed by an accurate and complete survey of the Property, which are not objected to prior to expiration of the Examination Period.
5. Subject to matters shown on recorded Map Book 20 Page 7.
6. Subject to matters shown on recorded Map Book 56 Page 28.
7. Subject to matters shown on recorded Map Book 56 Page 79.
8. Easement recorded in Book 386 Page 192.
9. Easement to AT&T recorded in Book 1216, Page 53
10. Right of Way to the North Carolina Department of Transportation recorded in Book 1221 Page 337.
11. Title to any portion of the Property within the current right-of-way of U.S. 17.
12. Title to any portion of the Property lying withing the bounds of the railroad right of way of Seaboard Coastline Railroad.

- END –

Exhibit E

SELLER POSSESSION AFTER CLOSING AGREEMENT

Mary Beth Morgan Carlson and Gregg R. Carlson (hereinafter collectively referred to as "Seller") has entered into a Land Purchase Contract dated _____, 2022 (the "Contract") with **D.R. Horton, Inc.,** a Delaware corporation ("Horton") to sell to Horton that certain tract of land described in **Exhibit A** attached hereto and incorporated herein ("Property"). Seller desires to remain in possession of the Property on or after the Closing date until sixty (60) days after the Closing date pursuant to the Contract, and Seller and Horton, in consideration of the provisions set forth below, do hereby agree as follows as part of this Seller Possession After Closing Agreement (the "Agreement"):

1. Except for the removal of the buildings, improvements, fixtures, remaining household furnishings and personal belongings from the Property specifically identified in **Exhibit B** attached hereto and incorporated herein (collectively, the "Removal Property"), Seller shall not alter, modify, damage or fail to maintain the Property in its condition at Closing. In the event that the Property is altered, modified, damaged or not maintained by the Seller in its condition at Closing (except for the removal of the Removal Property), Seller agrees to pay all costs necessary to correct any alterations, modifications or damage to the Property to bring the Property back to the condition it was in at Closing. Furthermore, Seller, at Seller's sole expense, shall restore and repair any damage caused to the Property as a result of Seller's removal of the Removal Property from the Property. Any Removal Property that remains on the Property after the expiration of the Term (as defined below) or earlier termination of this Agreement shall be deemed abandoned by Seller and shall be deemed the property of Horton.

2. The term of this Agreement shall commence on the Closing date under the Contract and terminate at 11:59 p.m. Eastern time on that date which is sixty (60) days following the Closing date (the "Term"), unless sooner terminated pursuant to the terms of this Agreement. During the Term, Seller shall pay **no** rental for its occupancy of the Property.

3. In any event, Seller shall vacate the Property no later than the expiration of the Term of this Agreement. Time is of the essence with regard to this time and date. In the event Seller intends to vacate the Property prior to the aforesaid date, then Seller shall provide Horton, its successors and assigns with written notice at least three (3) days in advance of vacating the Property.

4. To secure Seller's timely vacation of the Property upon the expiration of the Term of this Agreement, a portion of Seller's proceeds at Closing in the amount of [redacted] (the "Holdback Funds") shall be held by Escrow Agent (as defined in the Contract) and released to Seller upon the expiration of the Term of this Agreement provided that Seller has completely vacated the Property. If Seller remains on the Property after the expiration of the Term of this Agreement, Escrow Agent shall immediately release the Holdback Funds to Horton and the Holdback Funds shall be deemed the property of Horton.

5. Seller shall keep all utilities registered in Seller's name and shall pay the costs of all utilities (water, sewer, gas, electricity, etc.) until the Property is vacated by Seller pursuant to this Agreement.

6. Seller shall be responsible for lawn maintenance and trash removal until the Property is vacated by Seller pursuant to this Agreement. If any third party contractors or vendors work on the Property for Buyer during the Term of this Agreement, those contractors and vendors shall not contract directly with Seller and must contract directly with Horton on Horton's approved form vendor agreement. Any such contractors and vendors must have appropriate insurance coverage, as required pursuant to Horton's vendor agreement. Notwithstanding the foregoing, this provision shall not apply to any contractors or vendors which Seller procures for removing the Removal Property.

7. Seller shall admit Horton, its successors and assigns, and their authorized agent at reasonable times for the purpose of inspecting the Property and performing any work on the Property deemed necessary by Horton, in its sole discretion, in connection with Horton's planned development of the Property.

8. Seller shall procure and/or maintain in effect a policy of insurance covering Seller's personal property located on the Property, and insuring against any liability which may arise out of, or by virtue of, the use and occupancy of the Property by Seller, Seller's agents, employees and/or contractors. The property damage coverage under such policy shall be for full replacement value. The liability coverage under such policy shall be not less than $1,000,000.00 per occurrence. Seller shall cause Horton and its successors and assigns to be named as an additional insured on such policy, and shall provide Horton and its successors and assigns with a certificate of insurance evidencing such coverage at closing under the Contract. Risk of loss or damage to the Property by fire or other casualty shall remain with Seller until Seller has completely vacated the Property. Seller hereby releases Horton and its successors and assigns from any liability for any loss, cost or damage coverable by the insurance to be procured and maintained by Seller hereunder, and Seller shall look solely to such insurance for recovery of any such loss, cost or damage. The policy of insurance required to be carried by Seller hereunder shall include a waiver of subrogation to any and all claims of Seller against Horton and its successors and assigns.

9. Seller shall indemnify and hold Horton and its successors and assigns harmless from and against any and all liability, fines, suits, claims, demands, actions, costs, and expenses of any kind or nature whatsoever caused by or arising out of, or in any manner connected with any damage to any property, including the Property itself, occasioned by the Seller's use and/or occupancy of the Property from the date of Closing to the date of vacating the Property, including intentional or negligent acts by Seller, Seller's family, and/or agents and employees of Seller, or any injury to person or persons, including death, or any damage occurring in or about the Property and resulting from or occasioned by Seller's use and/or occupancy of the Property from the date of Closing to the date of vacating the Property.

10. Seller shall not sublet the Property or assign this Agreement. Horton may assign its rights and obligations hereunder. This Agreement shall not be recorded with the county register of deeds.

11. Should any action be instituted by Horton and its successors or assigns to recover any rent or damages based on the provisions of this Agreement, Seller agrees to pay all of Horton's and its successors' and assigns' legal expenses not to exceed an amount which would normally be allowed for said expenses.

12. This Agreement shall be interpreted in accordance with the laws of the State of North Carolina. Time is of the essence in the occurrence of all events, the satisfaction of all conditions and the performance of all obligations hereunder. This Agreement shall be binding upon and shall inure to the benefit of Seller and Horton, their respective heirs, successors, legal representatives and permitted assigns. This Agreement constitutes the sole and entire agreement between the parties with regard to its subject matter. All prior discussions, negotiations and agreements regarding the subject matter of this Agreement are merged herein and shall have no further force or effect. If any provision of this Agreement shall be declared invalid or unenforceable by laws applicable thereto, or unenforceable as to certain parties, then the performance of such provision shall be excused by the parties hereto and the remaining provisions of this Agreement shall remain in full force and effect.

13. THIS AGREEMENT IS INTENDED ONLY TO GIVE SELLER THE RIGHT TO POSSESSION FOR A LIMITED PERIOD FOLLOWING CLOSING AND IS NOT INTENDED TO ESTABLISH A LANDLORD AND TENANT RELATIONSHIP.

SIGNATURES ON NEXT PAGE

Seller:

_____

Mary Beth Morgan Carlson

Date: _____

_____

Gregg R. Carlson

Date: _____

Horton:

D.R. Horton, Inc.

By:_____

Print Name:_____

Title: _____

Date: _____

Exhibit A [to the Seller Possession After Closing Agreement]

INSERT LEGAL DESCRIPTION OF PROPERTY

Exhibit B [to the Seller Possession After Closing Agreement]

Removal Property

[TO BE INSERTED]

From: Will Riddick, IV
To: Daniel Adams; Camille Marie Teuben
Cc: Tara Schwenzfeier Murphy
Subject: [External]RE: Carlson Tracts Condition
Date: Friday, September 22, 2023 11:27:13 AM
Attachments: image003.png

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.

These conditions are agreeable.

Sorry for the typo.

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: "Will Riddick, IV" <WHRiddick@drhorton.com>
Date: 9/22/23 11:19 AM (GMT-05:00)
To: Daniel Adams <dadams@pendercountync.gov>, Camille Marie Teuben <CMTeuben@drhorton.com>
Cc: Tara Schwenzfeier Murphy <TSchwenzfeier@mckimcreed.com>
Subject: RE: Carlson Tracts Condition

Yes sir. These conditions are aggregable.

Will Riddick
Enititlements Manager – Wilmington Division
D.R. HORTON
6752 Parker Farm Dr. Suite 210, Wilmington, NC 28405
m: 843.737.2904

Home for every stage in life. | D.R. Horton · Express · Emerald · Freedom

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From: Daniel Adams <dadams@pendercountync.gov>
Sent: Thursday, September 21, 2023 2:46 PM
To: Will Riddick, IV <WHRiddick@drhorton.com>; Camille Marie Teuben <CMTeuben@drhorton.com>
Cc: Tara Schwenzfeier Murphy <TSchwenzfeier@mckimcreed.com>
Subject: RE: Carlson Tracts Condition

[External]

Will and Camille,

Following up on this thread. Are you all agreeable to the conditions in the email below?

Daniel Adams

Planning & Community Development Director
(910) 259-0231

From: Daniel Adams
Sent: Wednesday, September 13, 2023 11:26 AM
To: Will Riddick, IV <WHRiddick@drhorton.com>; Camille Marie Teuben <CMTeuben@drhorton.com>
Cc: Tara Schwenzfeier Murphy <TSchwenzfeier@mckimcreed.com>
Subject: Carlson Tracts Condition

Will and Camille,

We've got to have a written record of you all accepting conditions on a conditional rezoning application prior to the hearing, so I am following up with this email to establish that you all agree to the four conditions we had previously discussed and agreed to prior to the Planning Board meeting, and the additional condition regarding connecting to the fire station if Pender EMS so desires. Please confirm you all agree to these conditions.

1. The proposed collector road, Atlantic Avenue, shall include five-foot sidewalks and bicycle lanes on both sides of the road.

2. Provide sidewalks along one side of each private road and provide marked crosswalks at the intersections of Atlantic Avenue and private road A and private road C.

3. The project shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff for the 10-, 25-, and 50- year return period events and be analyzed for the 100-year event.

4. Construct a 10-foot-wide multi-use path adjacent to the US Highway 17 right of way and dedicate this path for public use via an easement.

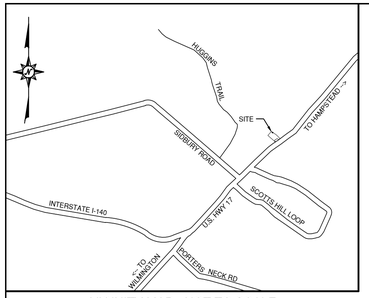
5. If Pender EMS & Fire provides written notice to the County and the applicant that they desire a connection from the rear of their parcel to the private drive that accesses the commercial structure from Atlantic Avenue, the developer must provide that access and update the Master Plan to reflect that connection. That potential revision may be approved administratively.

Thanks,
Daniel

Daniel Adams, CFM
Planning & Community Development Director
Pender County, NC
(910)259-0231

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.

ATTACHMENT 1 – SITE PLAN



VICINITY MAP - NOT TO SCALE

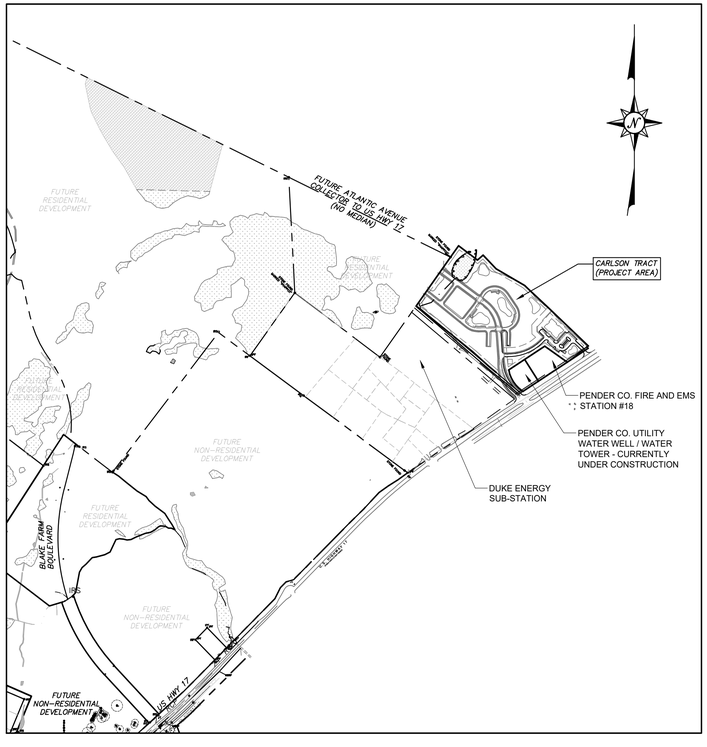
CARLSON TRACT

PENDER COUNTY
CONDITIONAL REZONING

MAY 5, 2023

(Revised & Resubmitted JUNE 13, 2023)

(Revised & Resubmitted AUGUST 11, 2023)



NOT TO SCALE

SHEET INDEX	
SHEET TITLE	DESCRIPTION
C1.0	COVER
C2.0	EXISTING CONDITIONS
C3.0	GENERAL SITE DEVELOPMENT PLAN
C3.1	ROAD SECTIONS

COUNTY AND AGENCY CONTACTS

A. **Pender County**
Planning Department
805 S Walker Street
Burgaw, NC 28425
(910) 259-0231
Contact: Daniel Adams
Email: dadams@pendercountync.gov

B. **NCDENR**
Sediment and Erosion Control
127 N Cardinal Dr.
Wilmington, NC 28405
(910) 796-7215
Contact: Dan Sams
Email: dan.sams@ncdenr.gov

C. **Pender County Public Utilities**
605 E Fremont St
Burgaw, NC 28425
(910) 259-0212
Contact: Kenny Keel
Email: kkeel@pendercountync.gov

D. **NCDENR**
Division of Environmental Health
Public Water Supply Section
1634 Mail Service Center
Raleigh, NC 27699-1634
(919) 707-9051

E. **Pluris Hampstead, LLC**
Sanitary Sewer
1095 NC-210
Sneads Ferry, NC 28460
(910) 328-6277
Contact: Randy Hoffer
Email: rhoffer@plurisusa.com

F. **NCDOT Division 3 - District 1**
299 Wilmington Hwy
Jacksonville, NC 28540
(910) 455-3777

G. **NCDENR**
Division of Water Quality
127 Cardinal Drive Ext.
Wilmington, NC 28405
(910) 796-7387
Contact: Dean Hunkele
Email: Dean.Hunkele@ncdenr.gov

PROJECT DATA

NAME OF PROJECT:
CARLSON TRACT
PENDER COUNTY, NORTH CAROLINA

OWNER / DEVELOPER:
D.R. HORTON
131 RACINE DR, SUITE 201
WILMINGTON, NC 28403
PHONE: (910) 742-7946
CONTACT: ELIZABETH (LIBBY) SHELTON

PREPARED BY:
MCKIM & CREED, INC
243 NORTH FRONT ST
WILMINGTON, NC 28401
PHONE: (910)343-1048
FAX: (910)251-8282
CONTACT: RICHARD COLLIER, PE / TRAE LIVICK
EMAIL: RCOLLIER@MCKIMCREED.COM; TLIVICK@MCKIMCREED.COM

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Phone: (910)343-1048
Fax: (910)251-8282
License: F-1222
www.mckimcreed.com

811 Know what's below. Call before you dig.

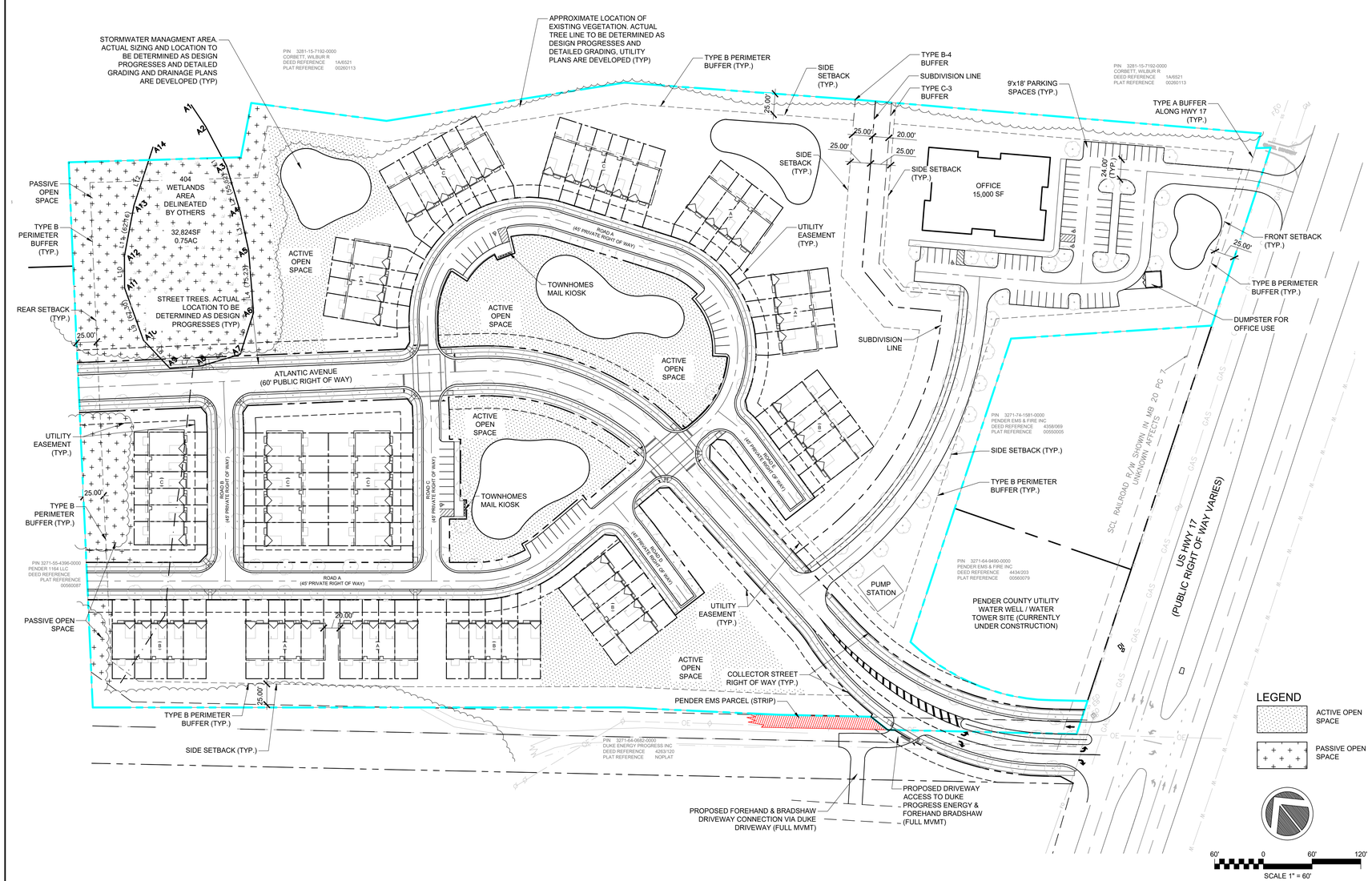
CARLSON TRACT PENDER COUNTY

MC FILE: 04245-0038

STATUS: CONDITIONAL REZONING

LINE	BEARING	DISTANCE
L1	S 09°29'55" W	11.61
L2	S 21°53'31" W	49.52
L3	S 23°03'21" W	49.67
L4	S 35°49'32" W	75.23
L5	S 67°47'43" W	50.21
L6	N 67°47'43" E	50.21
L7	N 35°49'32" E	48.83
L8	N 35°08'05" E	49.54
L9	N 18°06'48" E	67.30
L10	N 35°09'20" E	62.62
L11	N 49°31'04" E	62.16
L12	N 58°48'50" E	58.05

PIN 3281-15-7192-0000
CORBETT, WILBUR R
DEED REFERENCE 1A/6521
PLAT REFERENCE 00260113
ZONED: RA
LAND USE CLASS: MED DENSITY RES
N 35°51'31" E
124.94
S 53°13'56" E
98.94
212.07
90.07
23.07
A1
A2
A3
A4
A5
A6
A7
A8
A9
A10
A11
A12
A13
A14
404 WETLANDS AREA
DELINEATED BY OTHERS
SURVEYED BY THIS OFFICE
32,824SF
0.75AC
S 44°12'47" E
168.01
APPROX LAND USE CLASS LINE
PIN 3281-15-7192-0000
CORBETT, WILBUR R
DEED REFERENCE 1A/6521
PLAT REFERENCE 00260113
ZONED: RA
LAND USE CLASS: NEIGHBORHOOD MIXED USE
LN 49°34'23" E
66.62
S 60°31'52" E 296.35
S 47°28'22" E 286.01
S 46°56'25" E 500.42
GRID NORTH 68°
LEGEND:
DI = DROP INLET
EB = ELECTRICAL BOX
EIP = EXISTING IRON PIPE
EMH = ELECTRIC MANHOLE
FH = FIRE HYDRANT
FO = FIBER OPTIC
GM = GAS MARKER
HB = HOTBOX
MB = ELECTRIC METER BOX
OHP = OVERHEAD POWER LINE
PAT = PATIO
POR = PORCH
PP = POWER POLE
RBS = REBAR SET
SCP = SEWER CLEANOUT
SSMH = SANITARY SEWER MANHOLE
WM = WATER METER
PIN 3281-15-7192-0000
CORBETT, WILBUR R 1A/6521
DEED REFERENCE 00260113
PLAT REFERENCE
ZONED: RA
LAND USE CLASS: NEIGHBORHOOD MIXED USE
S 57°09'14" W
18.78
S 53°42'22" E
18.09
S 57°07'13" W 226.12
N 55°13'01" W 247.80
S 57°07'39" W 385.60
N 35°48'28" E 531.87
DITCH
POND
POND
DITCH
N 51°35'35" W
655.05
50'
30'
BARN ENCROACHMENT
STRUCTURE 2FT ACROSS LINE TO SW
CONCRETE PAD 4FT ACROSS LINE TO SW
(SMALL STRIP OF LAND ALONG THIS AREA)
PIN 3271-64-4637-0000
PENDER EMS & FIRE INC
DEED REFERENCE 4434/203
PLAT REFERENCE 00560079
ZONED: RP
LAND USE CLASS: MED DENSITY RES
PIN 3271-64-0682-0000
DUKE ENERGY PROGRESS INC
DEED REFERENCE 4263/120
PLAT REFERENCE NOPLAT
ZONED: GB
LAND USE CLASS: MED DENSITY RES
PIN 3271-65-9054-0000
ALLISON MARY BETH MORGAN
DEED REFERENCE 3940/157
ZONED: RP
LAND USE CLASS: MED DENSITY RES
APPROX LAND USE CLASS LINE
ZONED: RP
LAND USE CLASS:
NEIGHBORHOOD MIXED USE
PIN 3271-64-5893-0000
CARSON MARY BETH MORGAN
DEED REFERENCE 4667/200
ZONED: RP
LAND USE CLASS: MED DENSITY RES
N 48°56'59" W
190.72
N 50°26'04" W
112.81
N 14°05'31" W
25.88
N 56°19'38" W
252.12
APPROX LAND USE CLASS LINE
PIN 3271-64-9490-0000
PENDER EMS & FIRE INC
DEED REFERENCE 4434/203
PLAT REFERENCE 00560079
ZONED: RP
LAND USE CLASS:
NEIGHBORHOOD MIXED USE
R=260.00
Arc=89.10
CB=S 43°14'41" E
CHORD=185.34
S 33°23'26" E
N 89°26'40" W
R=5.42
S 27°07'13" E
25.00
PIN 3271-74-1581-0000
PENDER EMS & FIRE INC
DEED REFERENCE 4358/069
PLAT REFERENCE 00560005
ZONED: RP
LAND USE CLASS:
NEIGHBORHOOD MIXED USE
SCL RAILROAD R/W SHOWN IN MB 20 PG 7
UNKNOWN AFFECTS
SS AND GAS LINES SHOWN HERE BY LOCATOR FLAGS/PAINT ONLY
US HWY 17 PUBLIC R/W VARIES (INCLUDES OLD RAIL CORRIDOR SEE REFERENCES)
DRIVE
GAS
GAS
GAS



2 SITE PLAN

SITE DATA TABLE

GENERAL INFORMATION		
PROPERTY OWNER:	MARY BETH MORGAN CARLSON	
PARCEL ID:	3271-64-5893-0000 3271-65-9054-0000	
CURRENT ZONING:	RP (RESIDENTIAL PERFORMANCE)	
CURRENT LAND USE:	MEDIUM DENSITY RESIDENTIAL / NEIGHBORHOOD MIXED USE	
PROPOSED ZONING:	PD-CZ (PLANNED DEVELOPMENT CONDITIONAL ZONING)	
TOTAL ACREAGE (OVERALL DEVELOPMENT):	±19.51 AC	
RESIDENTIAL ACREAGE	±15.72 AC	
COMMERCIAL ACREAGE	±3.79 AC	
PROPOSED USE:	COMMERCIAL OFFICE SPACE (NAICS: 53) / TOWNHOMES	
BUILDING HEIGHTS		
OFFICE	30'	
TOWNHOMES	40'	
RESIDENTIAL BUILDING TYPE	NUMBER OF BUILDINGS	NUMBER OF UNITS
BUILDING A 4 UNITS PER BUILDING ± 45'x99'	5	20
BUILDING B 5 UNITS PER BUILDING ±45'x116'	4	20
BUILDING C 6 UNITS PER BUILDING ±45'x136'	5	30
TOTAL NUMBER OF UNITS		70
DENSITY	ALLOWED	PROPOSED
MAX. DWELLING UNITS 19.51 TOTAL ACRES -3.79 COMMERCIAL ACRES 15.72 RESIDENTIAL ACRES 15.72 RESIDENTIAL ACRES - .75 WETLAND ACREAGE 14.97 SITE AREA [4.6 x 14.97 AC.] + [4.6 x .75 AC. x .50] = 71 UNITS	4.6 DU/AC 71 UNITS	70 UNITS
OPEN SPACE	REQUIRED	PROVIDED
	.03 ACRES PER DWELLING UNIT (2.1 ACRES TOTAL)	.06 ACRES PER DWELLING UNIT (3.90 ACRES TOTAL)
PASSIVE OPEN SPACE	MAX 50% OF TOTAL OPEN SPACE (1.95 ACRES)	1.7 ACRES (44%)
ACTIVE OPEN SPACE	MIN 50% OF TOTAL OPEN SPACE (1.95 ACRES)	2.2 ACRES TOTAL (56%)
APPROXIMATE TOWNHOME LOT SIZES:		
INTERIOR UNIT	20' WIDTH x 95' DEPTH (±1,900 SF)	
END UNIT	28' WIDTH x 95' DEPTH (±2,660 SF)	
TOWNHOME BUILDING SETBACKS:		
	FRONT	25'-0"
	REAR	25'-0"
	MIN. SEPARATION	13'-0"
COMMERCIAL LOT SIZE:	3.67 ACRES (±160,050 SF)	
COMMERCIAL BUILDING SETBACKS:		
	FRONT	25'-0"
	SIDE	25'-0"
	REAR	25'-0"
SECTION 7.10 OFF-STREET PARKING AND LOADING REQUIREMENTS		
REQUIRED	1 PER 300 SF OFFICE SPACE (MIN.)	
PROPOSED	1 PER 300 SF OFFICE SPACE (MIN.)	
SITE TRIP GENERATION (PER ITE LAND USE CODES 215 & 710):		
215 - SINGLE FAMILY RESIDENTIAL	DAILY	483
	AM PEAK	39
	PM PEAK	43
710 - GENERAL OFFICE	DAILY	224
	AM PEAK	34
	PM PEAK	34
TOTAL SITE	DAILY	707
	AM PEAK	73
	PM PEAK	77

NOTES:

1. SITE PLAN IS GENERAL IN NATURE.
2. TRAFFIC IMPACT ANALYSIS: SCOPE HAS BEEN APPROVED AND THE ANALYSIS IS IN PROGRESS.
3. JURISDICTIONAL DETERMINATION IS IN PROGRESS.
4. REFER TO PLAN FOR PROPOSED SETBACKS, BUFFERS, SCREENING & LANDSCAPING INFORMATION.
5. REFER TO PLAN FOR OPEN SPACE INFORMATION.
6. DEVELOPMENT IS PROPOSED AS A SINGLE PHASE.
7. SIGNAGE WILL BE IN COMPLIANCE WITH THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE ARTICLE 9.
8. LIGHTING WILL BE IN COMPLIANCE WITH THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE ARTICLE 7.11.
9. COLLECTOR ROAD RIGHT OF WAY IS 60' WIDE (TYPICAL).
10. LOCAL ROAD RIGHT OF WAY IS 45' WIDE (TYPICAL).
11. ACTUAL EXISTING TREE LINE TO BE DETERMINED AS DESIGN PROGRESSES AND DETAILED GRADING, UTILITY PLANS ARE DEVELOPED.
12. ACTUAL STREET TREE LOCATIONS TO BE DETERMINED AS DESIGN PROGRESSES AND DETAILED LANDSCAPE PLANS ARE DEVELOPED.
13. BUILDING FOOTPRINTS AND DETAILED PARKING/SITE LAYOUT TO BE DETERMINED DURING SPECIFIC SITE PLAN REVIEW AS PART OF THE TECHNICAL REVIEW PROCESS.
14. ACTIVE OPEN SPACES SHALL BE IMPROVED SPACES WITH USES CONSISTENT WITH UDO SECTION 7.6.1.

1 NOTES

REV.NO.	DESCRIPTIONS	DATE
1	PENDER COUNTY TRC COMMENTS	07/20/23

REVISIONS

SEAL

PRELIMINARY DESIGN NOT FOR CONSTRUCTION

McKIM&CREED
243 North Front Street
Wilmington, North Carolina 28401
Phone: (910)343-1048, Fax: (910)251-8282
NC LIC. No. F-1222
www.mckimcreed.com

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CARLSON TRACT
TOPSAIL TOWNSHIP
PENDER COUNTY NORTH CAROLINA

GENERAL SITE DEVELOPMENT PLAN

DATE:	07/25/2023
MCE PROJ. #	04245-0033
DRAWN	AJW/TL
DESIGNED	TL/TSM
CHECKED	TL/TSM
PROJ. MGR.	TSM

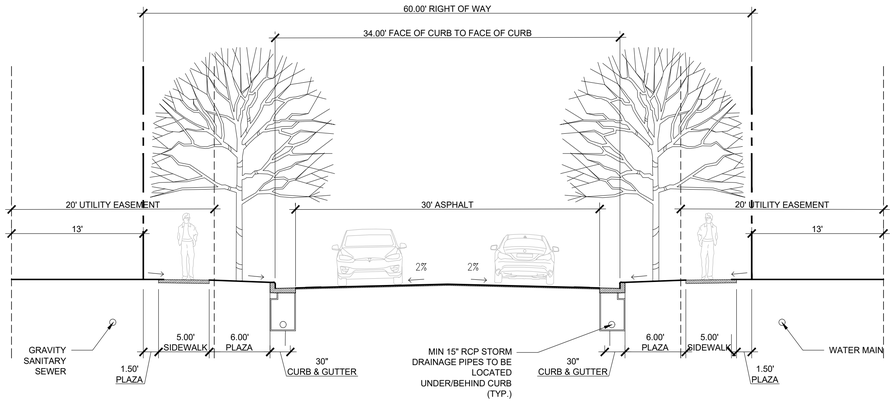
SCALE
HORIZONTAL: 1" = 40'-0"
VERTICAL: --

C3.0
DRAWING NUMBER

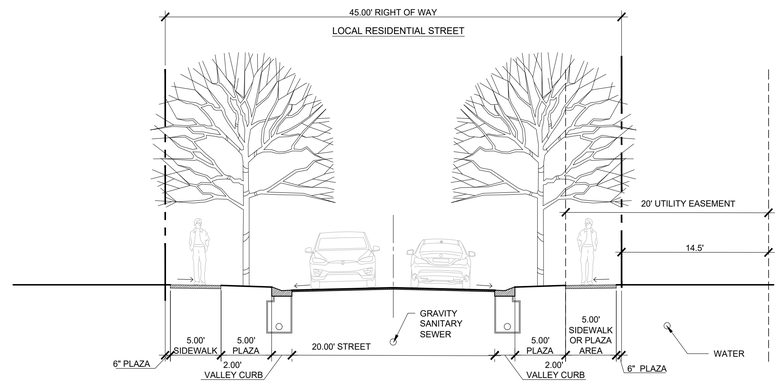
REVISION

STATUS: CONDITIONAL REZONING

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2 | COLLECTOR STREET CROSS SECTION - 60' RIGHT OF WAY — NTS



NOTES:

1. REFER TO SITE PLAN, SHEET 3.0 FOR STREET LOCATIONS.

1 | LOCAL RESIDENTIAL STREET CROSS SECTION - 45' RIGHT OF WAY — NTS

REV.NO.	DESCRIPTIONS	DATE
1	PENDER COUNTY TRC COMMENTS	07/20/23

REVISIONS

SEAL

PRELIMINARY DESIGN NOT FOR CONSTRUCTION

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TOPSAIL TOWNSHIP
PENDER COUNTY NORTH CAROLINA

ROAD SECTIONS

DATE:	07/25/2023
MCE PROJ. #	04245-0033
DRAWN	AJW/TL
DESIGNED	TL/TSM
CHECKED	TL/TSM
PROJ. MGR.	TSM

SCALE
HORIZONTAL: --
VERTICAL: --

C3.1
DRAWING NUMBER

REVISION

STATUS: CONDITIONAL REZONING

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ATTACHMENT 2 – PUBLIC INPUT MEETING INFORMATION

McKIM&CREED

ENGINEERS
SURVEYORS
PLANNERS

May 16, 2023

Name
Street Address
City, State, Zip

Re: Public Input Meeting – Proposed Conditional Rezoning
Carlson Tract, Pender County, NC
Parcels: PIN # 3271-64-5893-0000, PIN # 3271-65-9054-0000

This letter serves as notice that a public meeting has been scheduled as follows to review the Proposed Conditional Rezoning of Parcels: PIN # 3271-64-5893-0000, PIN # 3271-65-9054-0000:

Date: Wednesday, June 14, 2023

Time: 5:30 PM – 7:00 PM

Location: Hampstead Auditorium
15060 US-17
Hampstead, NC 28443

Description of Proposal:

This Conditional Zoning Map Amendment is for the Carlson Tract to be amended from Residential Performance (RP) to Planned Developent Conditional Zoning (PD-CZ) zoning designation. This request is being made for proposed uses of Commercial Office Space (NAICS Code 236220) and Townhomes (NAICS Code 236117).

Sincerely,

243 North Front Street
Wilmington, NC 28401

910.343.1048
Fax 910.251.8282
www.mckimcreed.com

Trae Livick
Project Engineer
McKim & Creed

Carlson Tract Public Meeting Input Summary Memo
June 14th, 2023
5:30PM – 7:00PM

Attendees: Richard Collier – McKim & Creed
Trae Livick – McKim & Creed
Tara Murphy – McKim & Creed

Location: Hampstead Auditorium
15060 US-17
Hampstead, NC 28443

Re: Proposed Conditional Rezoning of Parcels: PIN # 3271-64-5893-0000, PIN # 3271-65-9054-0000

The McKim & Creed team were present and prepared to discuss the Carlson Tract Proposed Conditional Rezoning Project with the public from 5:30PM – 7:00PM.

No members of the public were in attendance.

The McKim & Creed team closed the meeting at 7:00PM

243 North Front Street, Wilmington, NC 28401 910.343.1048 Fax: 910.251.8282 www.mckimcreed.com

ATTACHMENT 3 – LETTER FROM DUKE ENERGY PROGRESS

DUKE ENERGY PROGRESS

Duke Energy Progress
1451 Military Cutoff Road
Wilmington, NC 28403

August 15, 2023

Daniel Adams
Pender County Planning Director
Burgaw, NC
28425

Re: Rezoning Request for Pender County Tax Parcels #3271-64-5893-0000 and 3271-65-9054-0000 Adjacent to Duke Energy Progress, LLC, (DEP) Owned Property PIN#3271-64-0682-0000.

Mr. Adams:

Please be advised that DEP acknowledges that DR Horton is currently engaged in a rezoning process for property at 11331 US HWY 17, further identified by the parcel identification numbers referenced above and these parcels are adjacent to DEP owned property, also referenced above.

Please also be advised that DEP and DR Horton are currently in discussions regarding a public right of way connection to US HWY 17, which may involve a portion of DEP owned property. Given the ongoing discussions, we request that DR Horton be allowed to continue through the rezoning process.

Final design of the proposed roadway, right of way and driveway connection(s) will be determined if/as the rezoning is approved, and more detailed engineering commences.

Finally, this letter does not constitute final approval by DEP with DR Horton in the ongoing negotiations of the proposed right of way and driveway connections. Final approval by DEP is not a certainty; however, it could occur only after a thorough review and concurrence by all DEP stakeholders.

Respectfully,

Brian West

Brian West

Duke Energy Progress, LLC
1451 Military Cutoff Rd.
Wilmington, NC
28403

ATTACHMENT 3 – APPROVED TRAFFIC IMPACT ANALYSIS (TIA) SCOPE

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

June 15, 2023

Mr. Tyler O'Ferrell, PE
Kimley-Horn Associates
421 Fayetteville Street, Suite 600
Raleigh, NC 27601

AMENDED June 7, 2023

RE: Scope of study for the **REVISED** Traffic Impact Analysis (TIA) associated with the proposed **DR Horton Residential (~~w~~/ Carlson Tract)** development in Pender County, NC

Dear Mr. O'Ferrell,

According to the revised information provided, and conversations held to date, it is our understanding that the proposed development will be built over four (4) phases and contain the following land uses:

Phase 1 (build year 2025):

- ITE Land Use Code 210 Single Family Detached Housing – 255 DU

Note: This phase has an approved TIA (approval letter dated May 2, 2022)

Phase 2 (build year 2026):

- ITE Land Use Code 210 Single Family Detached Housing – 443 DU (Phase 1 & Pods I, R)
- ITE Land Use Code 215 Single Family Attached Housing – 49 DU (Pod H)

Phase 3 (build year 2027)

- ITE Land Use Code 210 Single Family Detached Housing – 923 DU (Phase 1 & Pods I, O, P & R)
- ITE Land Use Code 215 Single Family Attached Housing – 119 DU (Pod H & Carlson Tract)
- ITE Land Use Code 710 General Office Building – 15,000 SF (Carlson Tract)

Full Build (build year 2033):

- ITE Land Use Code 210 Single Family Detached Housing – 1,672 DU
  (Phase 1 & Pods I, M, O, P, Q, R, S, U, V, W, X, & Y)
- ITE Land Use Code 215 Single Family Attached Housing – 221 DU (Pods H & T & Carlson Tract)

- ITE Land Use Code 710 General Office Building – 15,000 SF (Carlson Tract)

Site Access

1. Phases 1 & 2
   a. Access via existing intersection of US 17 and Blake Farm Boulevard
2. Phases 3 & Full Build Out
   a. Site Drive 1 – proposed RCI on US 17 at existing median opening at power substation access, via extension of N. Atlantic Avenue
   b. Site Drive 2 – proposed right-in/right-out access on US 17, approximately 700 feet north of existing power substation access
   c. Site Drive 3 – proposed full-movement access on SR 1572 (Sidbury Road), via extension of S. Atlantic Ave through existing Huggins Rd.

Below is the scope to be used for the Traffic Impact Analysis:

1. **Data Collection - Analysis Parameters:**

a) Study Intersections

a. For existing intersections, provide turning movement counts for weekday AM (7:00am-9:00am) and PM (4:00 pm - 6:00pm) peak periods, signal timing (if applicable), and lane geometry:

1) US 17 and Blake Farm Boulevard / SR 1571 (Scotts Hill Loop Road) (north)
2) US 17 and existing median opening at Fred's Beds – (Phases 3 & Full Build, only)
   a. Scenario 1 – existing location to be redesigned as a RCI [1]
   b. Scenario 2 – RIRO access (with relocation of median opening to Pandy Ann Lane)
3) US 17 and Pandy Ann Lane (non-system) – (Phases 3 & Full Build, only)
   a. Scenario 1 – existing RIRO access
   b. Scenario 2 – relocate existing median opening to Pandy Ann Lane as a left-over/U-turn to accommodate NB and SB movements [2]
4) US 17 at existing Abbey Nature Preserve (future signalized SB left-over / SB to NB U-turn configuration) [3]
5) US 17 and SR 1572 (Sidbury Road) - (Phases 3 & Full Build, only)
6) US 17 and SR 1571 (Scotts Hill Loop Road) south - (Phases 3 & Full Build, only)
7) US 17 and Site Drive 1 at existing median opening at power substation access [4] (proposed N. Atlantic Avenue – to be converted to a left-over/U – turn to accommodate northbound and southbound movements) – (Phases 3 & Full Build, only)

[1] For proposed intersection, review future build conditions according to NCDOT publication Signalization of Intersections with Two of Three Approaches
[2] See above reference for Footnote 1.
[3] To be constructed under NCDOT Contract DC00416.
[4] See above reference for Footnote 1.

8) US 17 and Site Drive 2 (right-in/right-out) – (Phases 3 & Full Build, only)
9) SR 1572 (Sidbury Road) and Site Drive 3 (proposed S. Atlantic Avenue / Hogans Trail) – (Phases 3 & Full Build, only)

b) Site Trip Generation, Site Trip Distribution and Background Traffic Assumptions

i. Site Trip Generation Estimate – use 11th Edition rates
   - Trip generation estimates for Phase 1 are required in the TIA documentation. The estimated site trips for any built and occupied dwellings at the time counts are conducted should be removed from existing traffic counts so they are not counted twice in the analysis.

ii. Site Trip Distribution
   - To be submitted and approved prior to use in TIA

iii. Adjacent Development (approved but not yet fully built):
   - Blake Farm (revised approval April 22, 2022) –
     - Include residential portion from Blake Farm TIA for Phase 1 (consistent with approved 255 Single Family Home TIA by DR Horton)
     - Include Full Build-out from Blake Farm TIA for Phases 2 to Full Build-out in this analysis
   - Scotts Hill Loop Road Convenience Store (approval September 13, 2021)
     - Include in all future year scenarios in this analysis

iv. Planned Roadway Improvements
   - US 17 at existing Abbey Nature Preserve (future signalized SB left-over / SB to NB U-turn configuration) to be constructed with NCDOT Contract DC00416 scheduled for this year (2023).
   - R-3300A and B

v. Background Traffic Assumptions
   - Phase 1 Build Year – 2025
   - Phase 2 Build Year – 2026
   - Phase 3 Build Year – 2027
   - Full Build Year – 2033
   - Growth rate – 1% per year

2. **Capacity Analysis: Weekday AM & PM Peak Hour**

   a) Technical Analysis
      i. 2023 Existing Conditions
      ii. 2025 Future No-Build – Phase 1
      [Existing + 1% background growth + approved developments]
      iii. 2025 Phase 1 Build Conditions
      [Existing + 1% background growth + approved developments + site trips]
      iv. 2025 Phase 1 Build Conditions + Improvements
      v. 2026 Future No-Build – Phase 2
      [Existing + 1% background growth + approved developments]
      vi. 2026 Phase 2 Build Conditions
      [Existing + 1% background growth + approved developments + site trips]
      vii. 2026 Phase 2 Build Conditions + Improvements
      viii. 2027 Future No-Build – Phase 3
      [Existing + 1% background growth + approved developments]
      ix. 2027 Phase 3 Build Conditions
      [Existing + 1% background growth + approved developments + site trips]
      x. 2027 Phase 3 Build Conditions + Improvements
      xi. 2033 Future No-Build – Full Build Conditions
      [Existing + 1% background growth + approved developments]
      xii. 2033 Full Build Conditions – for both Scenarios 1 and 2
      [Existing + 1% background growth + approved developments + site trips]
      xiii. 2033 Full Build Conditions + Improvements – for both Scenarios 1 and 2

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

4. **Notes:**
   a) This scope of study wholly replaces the prior scoping letters (March 22, 2023 & May 10, 2023)
   b) This scope shall remain valid for three months from the date of this letter.
   c) 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) 343-3915 with any questions regarding this scope.

Sincerely,

Jamar Johnson, EI
Engineering Associate
Wilmington Urban Area MPO

Attachments: Traffic Impact Analysis Supplemental Guidelines September 28, 2022
Scoping request letter and map (provided by Kimley-Horn Associates)
2nd Revised Scope approval letter dated May 10, 2023 (w/ red line markups from June 6, 2023)

Ec: Kirsten Spirakis, PE, District Engineer, NCDOT
Doug Racine, Deputy District Engineer, NCDOT
Jessi Leonard, PE, Assistant Division Maintenance Engineer, NCDOT
Stonewall Mathis, PE, Deputy Division Traffic Engineer, NCDOT
Krupa Koilada, Senior Assistant Division Traffic Engineer, NCDOT
Bryce Cox, Assistant Traffic Engineer, NCDOT
Daniel Adams, Director, Planning & Community Development, Pender County
Justin Brantley, Senior Planner, Pender County
Taylor Davis, Current Planner, Pender County
Scott A. James, PE, Transportation Planning Engineer, WMPO

Pender County
REZONE 2023-52: Request to rezone one parcel totaling approximately 2 acres from the RP, Residential Performance zoning district to the GB, General Business zoning district in the Topsail Township

TO:	Board of County Commissioners
FROM:	Justin Brantley
DATE:	October 16, 2023
SUBJECT:	REZONE 2023-52: Request to rezone one parcel totaling approximately 2 acres from the RP, Residential Performance zoning district to the GB, General Business zoning district in the Topsail Township

SUMMARY:
Brian Nadeau, applicant, and Roland Dixon, Jr., owner, are requesting the approval of a Zoning Map Amendment to rezone one tract of land totaling approximately 2.0 acres from the RP, Residential Performance zoning district, to the GB, General Business zoning district. The subject property is located on the west side of US Hwy 17 approximately 1,000 feet south of the intersection of US Hwy 17 and Whitebridge Road within the Topsail Township and can be further identified by PIN: 3281-19-9924-0000.

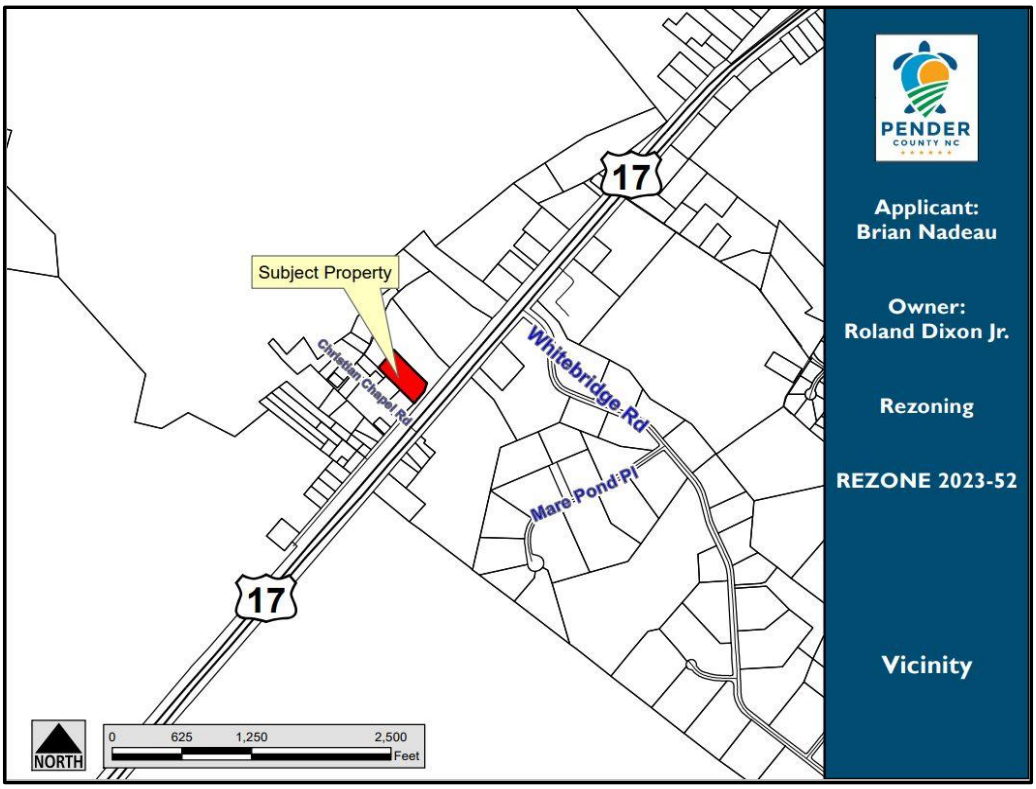
ACTION REQUESTED:
To hold a public hearing and consider the Zoning Map Amendment request.

ATTACHMENTS:
1. Staff Report
2. Application
3. Narrative
4. Site Map
5. Attachment 1 - Table of Permitted Uses

STAFF REPORT FOR REZONE 2023-52
ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	REZONE 2023-52
Hearing Dates	July 11th, 2023, Planning Board (Continued) August 1st, 2023 Planning Board October 16th, 2023, Board of Commissioners
Applicant	Brian Nadeau
Property Owner	Roland Dixon Jr.
Parcel Identification Number(s)	3281-19-9924-0000
Proposed Rezoning Area	2.0
Township	Topsail
Pender 2.0 Future Land Use Category	Neighborhood Mixed Use

REZONING PROPOSAL
Brian Nadeau, applicant, and Roland Dixon, Jr., owner, are requesting the approval of a Zoning Map Amendment to rezone one tract of land totaling approximately 2.0 acres from the RP, Residential Performance zoning district, to the GB, General Business zoning district.
LOCATION
The subject property is located on the west side of US Hwy 17 approximately 1000 feet south of the intersection of US Hwy 17 and Whitebridge Road within the Topsail Township and can be further identified by PIN: 3281-19-9924-0000.



REZONING PROPOSAL

The applicant is proposing to rezone approximately 2.0 acres of land from the RP, Residential Performance zoning district to the GB, General Business 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 GB, General Business zoning district. However, any future development of the site must comply with the standards of the GB, General Business 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.

Intent of the General Business Zoning District

The General Business zoning district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.



Dimensional Requirements

As this is a general use rezoning, the standard setbacks in the GB, General Business zoning district apply and are outlined in the table below. The dimensional standards are proposed to apply uniformly to all buildings and uses on the subject properties.

Minimum Setback (General Business)	
Front	25’
Side	10’
Rear	10’
Corner	12’
Max. Height	40’
Structure Separation	20’

Allowable Uses
Because this is a general use rezoning, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the GB, General Business zoning district. The table below provides a general list of typical developments permitted in the GB, General Business zoning district. A comprehensive list of all uses from Section 5.2.3 of the UDO is included in Attachment 1.

	GB, General Business
Residential Uses	≈ 1 uses by-right (Upper Story Residential, Agritourism) ≈ 1 use w/ SUP (Cottage Occupation)
Commercial Uses	≈ 83 uses by-right (Construction of buildings, Artisan Manufacturing, Motor Vehicle and Parts Dealers, Non Store Retailers, Real Estate and Rental and Leasing, etc.) ≈ 15 uses w/ SUP (Truss Manufacturing, RV Parks and Recreational Camps, Storage of Boats and Watercraft, etc.)

TRANSPORTATION INFRASTRUCTURE

Access
The subject property has no direct access to US Highway 17 or Christian Chapel Rd. Access would need to be achieved through an adjacent property and with driveway approval from the North Carolina Department of Transportation (NCDOT) to US Highway 17.

Traffic
Traffic Impact Analyses (TIA) are not required for general use rezonings since a site-specific development plan is not required to be included in the application package. The UDO requires a Traffic Impact Analysis (TIA) to be completed when a development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. If approved and developed in the future, estimated trip generation data will be required during the review of any site-specific development plan to determine if a TIA is required.

NCDOT Annual Average Daily Traffic (AADT) – 2021[1]

Road	Location	Volume	Planned Capacity	V/C
US HWY 17	Between Whitebridge Rd and Lark Lane	39,000	37,323	1.05

OTHER INFRASTRUCTURE

Utilities
Public water is available through Pender County Utilities (PCU) and according to available GIS data, the nearest PCU water main is along the southeast side of US Highway 17 and on the southwest side of Christian Chapel Rd. Based on available data and information from private sewer providers, private sewer is available at this location. The method of water and sewer service will be determined when a site-specific development plan is submitted for review.

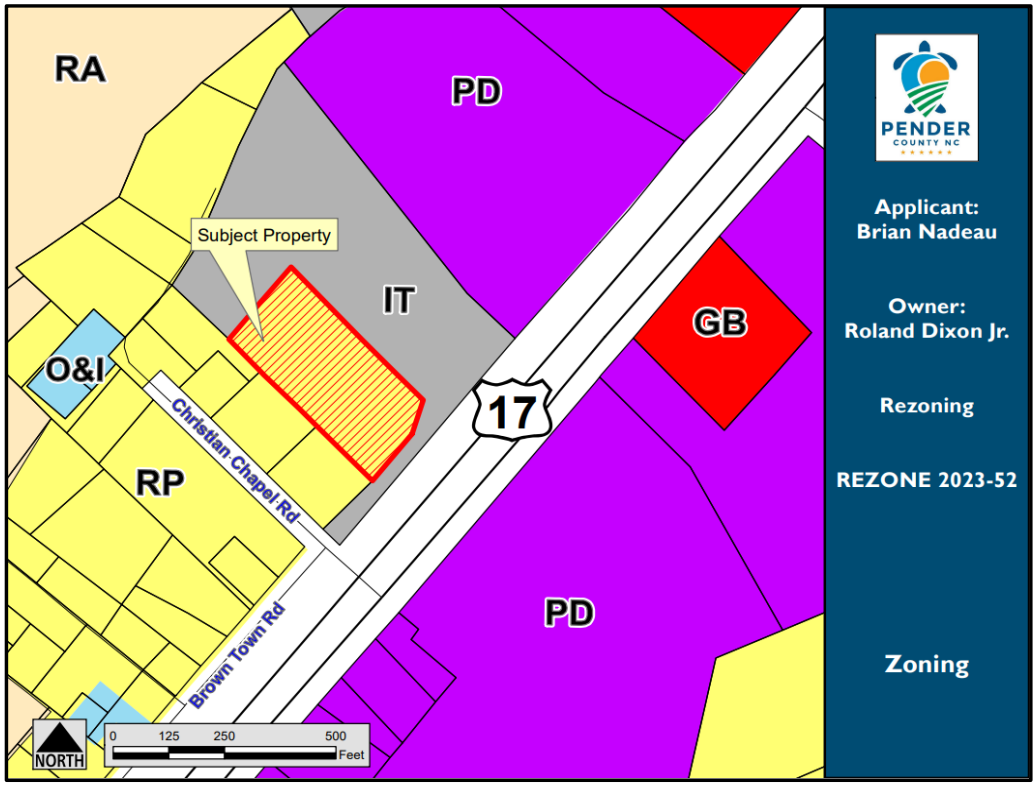
Schools
There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time.

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].
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 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)

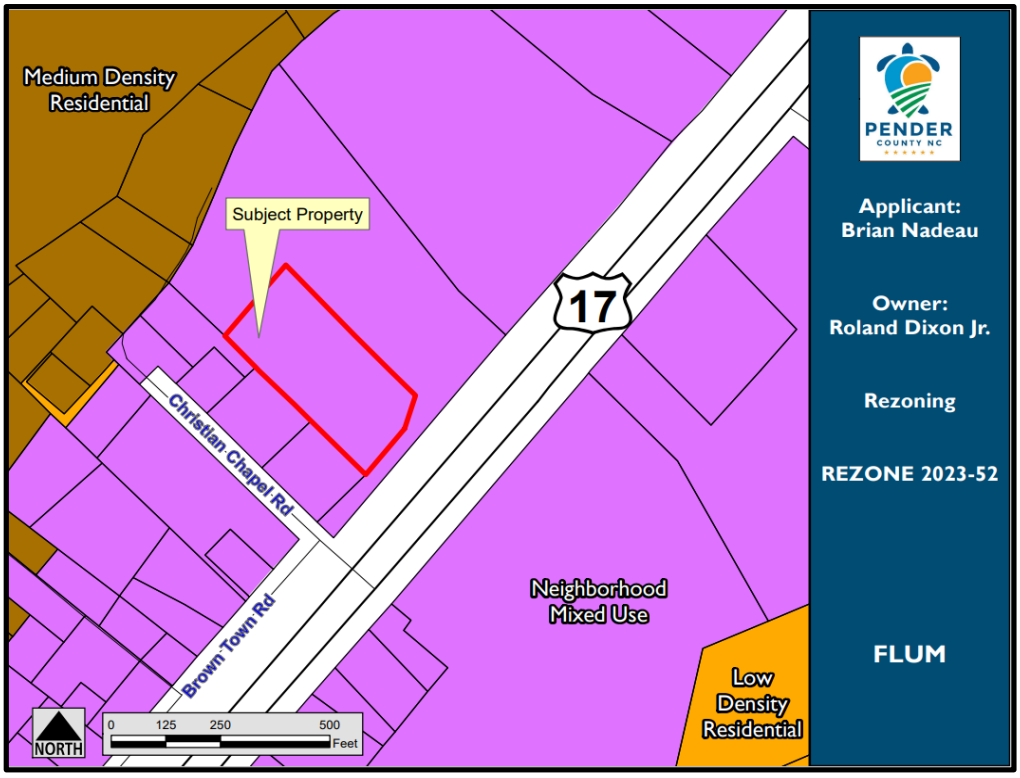
EVALUATION

Below: Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Commercial	IT, Industrial Transitional
East	Commercial, Vacant	IT, Industrial Transitional; PD, Planned Development
South	Commercial, Vacant	IT, Industrial Transitional; PD, Planned Development
West	Residential	RP, Residential Performance; O&I, Office & Institutional

Surrounding Zoning
Properties immediately adjacent to the subject property are currently zoned RP, Residential Performance, IT, Industrial Transitional, PD, Planned Development, and O&I, Office & Institutional as indicated by the zoning map and table above.



Pender 2.0 Comprehensive Land Use Plan Compliance
The subject property is located within the Neighborhood Mixed Use Future Land Use Category as shown in the Future Land Use Map (FLUM) within the Pender 2.0 Comprehensive Land Use Plan. The Neighborhood Mixed Use category allows for a transition between more intense commercial, office, and residential development to lower density residential neighborhoods. The neighborhood mixed use category is primarily dedicated to non-residential uses that provide services, entertainment, and amenities to residents within a three mile radius. Land use and development within this category is closely coordinated with existing and planned roadway transportation networks, while encouraging bicycle and pedestrian access. This future land use category should be composed of a mixture of integrated commercial, office, institutional, and single-family residential uses. This future land use classification is not intended to be solely reserved for mixed use developments. Single use developments that contribute toward an integrated land use pattern of appropriate commercial, office, civic, and medium density residential uses are encouraged.

Appropriate uses include neighborhood-scale retail, restaurant, and office establishments; religious and educational institutions; and higher-density single-family residences – attached and detached. Large-scale or intense commercial establishments, multi-family development, and industrial operations are not appropriate. Building footprints are generally limited to 15,000 square feet in size or smaller. These areas should be served by water and sewer infrastructure. Development density within this category allows for up to 10 units per acre for residential development.

In addition to the Future Land Use Map, the proposed Zoning Map Amendment request was found to be consistent with the following policies within the Pender 2.0 Comprehensive Land Use Plan:

> **Policy 5.1.D: Focused Growth and Development:** The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.
>
> **Policy 5.1.E: Compatible Development:** The County supports new commercial and multi-family developments that blend with surrounding neighborhoods and limit traffic, noise, and light impacts on existing residential uses.
>
> **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.

Unified Development Ordinance Compliance: Section 3.3.5 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board and Board of County Commissioners before a favorable recommendation of approval for a rezoning can be made. These standards include evaluating proposals against whether adequate public facilities/services (i.e. water, wastewater, roads, schools, etc.) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change. The standards have been outlined in this report for consideration by the Planning Board and Board of County Commissioners.

3.3.5 Approval Criteria for Rezoning

The reviewing bodies (Planning Board and Board of Commissioners) shall consider the following matters in deciding a rezoning proposal, in addition to any other considerations as detailed in the specific rezoning application type:

A. Whether the entire range of uses permitted by the proposed change would be appropriate to the area concerned, including that the proposed rezoning not:
    1. be detrimental to the natural environment,
    2. adversely affect the health, safety, or welfare of residents or workers in the area,
    3. be detrimental to the use or development of adjacent property,
    4. materially or adversely affect the character of the general neighborhood, and
    5. be reasonable as it relates to the public interest.
B. Whether adequate public facilities/services (i.e.- water, wastewater, roads, schools, etc.) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;
C. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan, CAMA Land Use Plan, and any other adopted land use document.

CONSISTENCY OF PROPOSAL WITH COUNTY PLANS AND POLICIES

At their August 1st, 2023 meeting, the Planning Board unanimously (5-0) recommended approval of the Zoning Map Amendment. The proposed Zoning Map Amendment is consistent with the Future Land Use Map and three policies within the Pender 2.0 Comprehensive Land Use Plan. Furthermore, the allowable uses within the requested zoning district are compatible with the surrounding area. Therefore, Planning Staff has found that this proposal is consistent with the adopted goals and policies of Pender County.

BOARD OF COMMISSIONERS ACTION NEEDED:

TO APPROVE: Motion to approve the Zoning Map Amendment and to make a finding that the approval is consistent with the following policies and objectives in the Pender 2.0 Comprehensive Land Use Plan:

- **5.1.D: Focused Growth and Development**
- **5.1.E: Compatible Development**
- **5.1.K: Commercial Development**

The proposed rezoning is consistent with the Neighborhood Mixed Use Land Use classification in the Pender 2.0 Comprehensive Land Use Plan.

TO DENY: Motion to deny the Zoning Map Amendment and to make a finding of denial because although the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING]…

PLANNING BOARD ACTION FOR GENERAL USE REZONING

MOTION	SECONDED
PITTS	TEACHEY

APPROVED	DENIED	UNANIMOUS
YES	-	Yes

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
YES	ABSENT	YES	YES	ABSENT	YES	YES

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

Zoning Map Amendment Submission (Rezoning)

Applications will be considered for review 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 4/18/23
2. ✓ **Signed Application**
3. ✓ **Payment**
   $500 for the first 5 acres; $10/ acre thereafter up to 1,000 acres; $5 per acre thereafter
4. ✓ **Requested Revision Boundary Map**
   Rezoning must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance. An illustration containing a metes and bounds description is required.
4. ✓ **Narrative**
   A description and/or statement of the present and proposed land use classification and stating why the request is being made and any information that is pertinent to the case.
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, of the owners of all properties located within 500-feet of the perimeter of the project bounds as obtained from the county tax listings and tax abstract, of the property under consideration for project parcel.
7. ✓ **Adjacent Property Envelopes**
   The applicant shall provide a set of business envelopes addressed to each person of the owners of all the 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 [signature] Date 5/3/23

Printed Name Brian Nadeau

Staff Initials:	
Date:	

DocuSign Envelope ID: A7ED5D4C-8111-4C0F-AA52-A56174326AC8

APPLICATION FOR REZONING (Zoning Map Amendment)

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

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Brian Nadeau	**Owner's Name:**	Roland Dixon, Jr.
Applicant's Address:	15894 US Hwy 17	**Owner's Address:**	54 Chase Ln
City, State, & Zip	Hampstead, NC 28443	**City, State, & Zip**	Rocky Point, NC 28457
Phone Number:	910-622-6258	**Phone Number:**	910-352-1694
Email Address:	brian@creativecommercial.biz	**Email Address:**	roland.dixon37@gmail.com
Legal relationship of applicant to landowner:	Agent		

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3281-19-9924-0000	**Total property acreage:**	2.2 Acres
Current Zoning District:	Residential Performance (RP)	**Proposed Zoning District:**	General Business (GB)
Project Address:	12755 US Highway 17		
Description of Project Location:	2.2 acre parcel on Highway 17 in Hampstead, adjacent to the southern side of 12825 US Highway 17.		

SECTION 3: SIGNATURES			
Applicant's Signature		**Date:**	5/3/23
Applicant's Name Printed	Brian Nadeau	**Date:**	5/3/23
Owner's Signature	Roland Dixon, Jr.	**Date:**	5/2/2023
Owner's Name Printed	Roland Dixon, Jr.	**Date:**	5/2/2023

DocuSigned by: C52788952C924BF...

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning 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 Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Rezoning/Zoning Map Amendment Checklist

☑	Signed application form
☑	Application fee
☑	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.
☑	Two (2) business size envelopes legibly addressed with **first class** postage for each of the adjacent and abutting property owners on the above list.
☑	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☑	18 (11"x17") map copies to be distributed to the Planning Board
☑	20 (11"x17") map copies to be distributed to the Board of Commissioners
☑	Digital (.pdf) submission of all application materials
☑	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.

Office Use Only

☐	**ZMA Fees:** (*$500.00 for first 5 acres; $10/acre thereafter up to 1,000 acres; $5/acre thereafter)*	**Total Fee Calculation: $**

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

CD /other digital version	☐ Y ☐ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☐ Y ☐ N

Payment Method:	**Cash :** ☐ **$**_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☐ Check # _____

Application received by:		**Date:**
Application completeness approved by:		**Date:**

Dates scheduled for public hearing:
☐ **Planning Board:**
☐ **Board of Commissioners:**

RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
805 South Walker Street
P.O. Box 1519
Burgaw, NC 28425

DocuSign Envelope ID: 8A7EAD90-EDAB-4E5A-A572-79BE9ECFCF37

REZONING NARRATIVE
12755 HIGHWAY 17
April 3, 2023

This undeveloped 2.2+/- acre property is located on Highway 17 about 150' north of Christian Chapel Road in Hampstead.

Currently zoned Residential Performance (RP), we are requesting a change to General Business (GB), recognizing this is the most appropriate designation given the frontage on the high traffic highway as well as the zoning surrounding this parcel.

This parcel has Industrial Transition (IT) zoning on two sides and Highway 17 on the front. The fourth side of the property is largely bordered by vacant land that appears to be wetlands.

The Pender Future Land Use Plan designates the subject property as well as the surrounding properties as "Neighborhood Mixed Use", which supports business development.

Brian Nadeau
Applicant

DocuSigned by:
Roland Dixon, Jr.
C627B0052C0924BF...
Roland Dixon, Jr.
Owner

Pender County



May 2, 2023

1:1,430

0 0.01 0.02 0.04 mi

0 0.0175 0.035 0.07 km

ATTACHMENT 1 – TABLE OF PERMITTED USES

TABLE OF PERMITTED USES											
P=Permitted Use D=Permitted w/ Use Standards S=Special Use Approval Required SD=Special Use Approval Required w/ Additional Standards PM=Permitted in conjunction w/ the MDP process											
Use Category Specific Use Type		Residential				Mixed Use	Commercial		Industrial		Special Purpose
		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling Unit		D	D	P		D					
Accessory Dwelling Unit on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119	S	S			S			P	P	
Electric Bulk Power Transmission & Control	221121	S	S	S	S	S	S	S	P	P	
Natural Gas Distribution Except Transmission Lines	221210									P	
Water Supply Facilities*	221310		S			PM				P	

Sewage Treatment Facilities*	221320		S	PMD/S		PMD/S				P	
Except: Sewage Lift Stations*		SD	SD	PMD/S	PMD/S	PMD/S	D	D	D	D	
*County Owned or County Service District Provided Systems=P											

		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
Sector 23: CONSTRUCTION											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D		P	P	
Specialty Trade Contractors	238						D		P	P	
Sectors 31-33 MANUFACTURING											
Artisan Manufacturing		S	S			P	P		P		
Food Manufacturing	311									P	
Beverage and Tobacco Product Manufacturing	312									P	
Textile Mills	313									P	
Textile Product Mills	314									P	
Apparel Manufacturing	315									P	
Wood Product Manufacturing	321								P	P	
Truss Manufacturing	321214						S		P	P	
Prefabricated Wood Building Manufacturing	321992						S		P	P	
Prefabricated Metal Building and Component Manufacturing	332311						S		P	P	
Paper Manufacturing	322									S	
Converted Paper Product Manufacturing	3222									P	
Printing and Related Support Activities	323								P	P	
Petroleum and Coal Products Manufacturing	324									S	
Synthetic Dye and Pigment Manufacturing	32513									P	
Other Basic Organic Chemical Manufacturing	32519									P	
Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing	3252									P	
Pharmaceutical Manufacturing	3254								P	P	
Paint, Coating and Adhesive Manufacturing	3255									P	

Soap, Cleaning Compound and Toilet Preparation Manufacturing	3256									P	
Other Chemical Product and Preparation Manufacturing										P	
Except: 32592 Explosive Manufacturing											
Plastics and Rubber Products Manufacturing	326									P	
Clay Product and Refractory Manufacturing	3271									P	
Ready-Mix Concrete Manufacturing	32732									P	
Concrete Pipe, Brick, & Block Manufacturing	32733									P	

		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
Sectors 31-33 MANUFACTURING											
Other Concrete Product Manufacturing	32739									P	
Gypsum Product Manufacturing	32742									P	
Fabricated Product Manufacturing	332									P	
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	3327								P	P	
Machinery Manufacturing	333									P	
Computer & Electronic Product Manufacturing	334								P	P	
Electrical Equipment, Appliance, & Component Manufacturing	335									P	
Transportation Equipment Manufacturing	336									P	
Furniture and Related Product Manufacturing	337								P	P	
Miscellaneous Manufacturing	339								P	P	
Sector 42 WHOLESALE TRADE											
Wholesale Trade	42	S							P	P	
Sectors 44-45 RETAIL TRADE											

Motor Vehicle and Parts Dealers	441	S					P		P		
Furniture and Home Furnishings Stores	442						P		P		
Electronics and Appliance Stores	443	S				P	P		P		
Building Material, Garden Equipment & Supplies Dealers	444	S					P		P	P	
Food and Beverage Stores	445	S	S			P	P		P		
Health and Personal Care Stores	446	S	S			P	P	P	P		
Gasoline Stations	447	S				P	P		P		
Clothing and Clothing Accessories Stores	448	S				P	P		P		
Sporting Goods, Hobby, Book, and Music Stores	451					P	P		P		
Miscellaneous Store Retailers	453	S				P	P				
Non store Retailers	454	S				P	P		P		
Liquefied Petroleum Gas Dealers	454312									P	
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Air Transportation	481								P	P	
Rail Transportation	482								P	P	
Truck Transportation	484								P	P	
Transit and Ground Passenger Transportation	485								P	P	
Interurban and Rural Bus Transportation	4852						P		P	P	
Taxi and Limousine Service	4853						P		P	P	
School and Employee Bus Transportation	4854								P	P	
Charter Bus Industry	4855								P	P	
Support Activities for Transportation	4881								P	P	
Support Activities for Road Transportation	4884	S					P		P	P	
Postal Services	491110	S	S			P	P	P			
Couriers and Messengers	492						P	P	P	P	
		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**

Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Warehousing and Storage	493	S							P	P	
Sector 51: INFORMATION											
Information	51					P	P	P	P	P	
Finance and Insurance	52	S	S			P	P	P	P	P	
Sector 53: REAL ESTATE AND RENTAL AND LEASING											
Real Estate and Rental and Leasing	53	S	S			P	P	P	P	P	
Commercial and Industrial Machinery and Equipment Rental and Leasing	5324								P	P	
Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	
Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	
Sector 61: EDUCATIONAL SERVICES											
Educational Services	611	P	S			P	P	P			

Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Ambulatory Health Care Services	621					P	P	P			
Except: Outpatient Mental Health and Substance Abuse Centers	62142						P	S			
Hospitals	622	S				P	P	P			
		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Except: Psychiatric and Substance Abuse Hospitals	6222							S			
Except: Outpatient Mental Health and Substance Abuse Hospitals	62142						S	S			
Nursing and Residential Care Facilities	623	S	S			P	P	P			
Except: Residential Mental Retardation, Mental Health & Substance Abuse Facilities	6232	S						S			
Social Assistance	624	S				P	P	P			
Vocational Rehabilitation Services	6243						P	P	P	P	
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
Performing Arts Companies	7111	S				P	P				
Spectator Sports	7112	S					P		P		
Promoters of Performing Arts, Sports and Similar Events	7113	S				S	S				
Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures	7114					P	P	P			
Museums, Historical Sites and Similar Institutions	712	S				P	P	P			
Amusement and Theme Parks	713110	S				S	S				
Amusement Arcades	713120						P				

Golf Courses and Country Clubs	713910	S	PM			P					
Fitness & Recreational Sports Centers	713940	S				P	P	P	P		
Bowling Centers	71395					P	P	P	P		
All Other Amusement & Recreation Industries	71399	S				P	P		P		
Aviation Clubs, Recreational	713990	S	S			P	P		P		
Canoeing, Recreational	713990	S	S			P	P		P		
Fishing Clubs, Recreational	713990	S	S			P	P		P		
Flying Clubs, Recreational	713990	S	S			P	P		P		
Guide Services (i.e. Fishing, Hunting, Tourist)	713990	S	S			P	P		P		
Horse Riding, Recreational	713990	P	S								
Outdoor Shooting Ranges	713990	S									
		Zoning Districts									
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
Sector 72: ACCOMMODATIONS AND FOOD SERVICES											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				
All Other Traveler Accommodation	721199	S	S		S	P	P				
RV Parks and Recreational Camps	7212	SD					SD				
Recreational and Vacation Camps	721214	S									S
Rooming and Boarding Houses	721310	S				P	P				
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Automotive Repair and Maintenance	8111	S					P		P	P	
Electronic and Precision Equipment Repair and Maintenance	8112	S					P	P	P	P	

Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113								P	P	
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	
Personal Care Services	8121	P	S			P	P	P	P		
Funeral Homes and Funeral Services	81221	S					P	P	P	P	
Cemeteries and Crematories Except: Private Cemetery	81222	S	S			S	S	S	S	S	
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Linen & Uniform Supply	81233								P	P	
Other Personal Services	8129	S				P	P	P	P		
Pet Care Services	812910	D					D		D	D	
Religious Organizations	8131	P	S			P	P	P	P		
Grant making and Giving Services	8132					P	P	P	P		
Social Advocacy Organizations	8133					P	P	P	P		
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political and Similar Organizations	8139					P	P	P	P		
Public Administration	92	P	P	P	P	P	P	P	P	P	
			Zoning Districts								
Use Type	**Ref NAICS**	**RA**	**RP**	**RM**	**MH**	**PD**	**GB**	**OI**	**IT**	**GI**	**EC**
MISCELLANEOUS USES											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Disaster Volunteer Housing		D	D	D	D	D	D	D	D	D	

Family Care Home		D	D	D	D	D					
Family Child Care Home		P	P			P	P	P			
Industrial Park										SD	
Marina (Commercial)		SD	PMD			PMD					
Portable Storage Containers		D	D	D	D	D	D	D	D	D	
Private Cemetery less than 6,000 sq. ft.		D	D				D	D	D		
Private Cemetery 6,000 sq. ft. and larger		S	S				S	S	S		
Public Parks		P	P	P	P	P	P	P	P	P	
Private Residential Boating Facility		D	D	D	D	D					
Salvage Operations		S								D	
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage		S							P	P	
Storage of boats and watercraft outdoors or on dry stack structures							S				
Sweepstakes Center							SD		SD	SD	
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	
Telecommunication Facilities – Public Safety		SD	SD			SD	SD	SD	SD	SD	
Temporary Manufactured Homes		P	P			P					
Temporary Modular/Manufactured Offices						P	P	P	P	P	
Temporary Fruit & Vegetable Stands		P	P								
Temporary Buildings for Construction or Development		D	D	D	D	D	D	D	D	D	
Temporary Events		D					D	D	D	D	

5.3 USES WITH STANDARDS

5.3.1 General

A. These standards shall only apply to those districts and uses where the "S", "PM" or "D" is designated on the use table in Section 5.2.3. In addition to these standards the use shall be permitted in compliance with the general development standards of the underlying

Pender County
ZTA 2023-19: Text Amendment removing language that provides the County with criminal enforcement penalties for violations of the UDO

TO:	Board of County Commissioners
FROM:	Adam Moran
DATE:	October 16, 2023
SUBJECT:	ZTA 2023-19: Text Amendment removing language that provides the County with criminal enforcement penalties for violations of the UDO

SUMMARY:
Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 11.12.2(B) “Penalties;” and Section 13.4.10(D)(1) “Remedies and Penalties, Criminal Penalty.” These amendments are requested to comply with state law. The proposal is to strike language referring to instituting criminal penalties for violation of planning and development ordinances.

ACTION REQUESTED:
1. To hold a public hearing and consider the Zoning Text Amendment request.

ATTACHMENTS:
1. Staff Report
2. Application
3. Attachment 1: Red-lined Copy of Proposed Text Changes
4. Attachment 2: SL2021-138 Part XIII Section 12 (a-d)

STAFF REPORT FOR ZTA 2023-19
ZONING TEXT AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	ZTA 2023-19
Hearing Dates	September 6, 2023 - Planning Board October 16, 2023 - Board of County Commissioners
Applicant	Pender County

ZONING TEXT AMENDMENT PROPOSAL
Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 11.12.2(B) "Penalties;" and Section 13.4.10(D)(1) "Remedies and Penalties, Criminal Penalty." These amendments are requested to comply with state law. The proposal is to strike language referring to instituting criminal penalties for violation of planning and development ordinances.

AMENDMENT DESCRIPTION

Pender County, applicant, is requesting a text amendment to the Unified Development Ordinance (UDO) to comply with state law. A recent change in state law, passed in 2021, no longer allows local governments to impose criminal penalties against individuals or organizations for violations of zoning or land use development codes. Staff is seeking this text amendment to incorporate the changes that impact code enforcement penalties by removing language that is unenforceable and non-compliant with state law.

The two impacted sections of the UDO lay out the means to charge any person violating the provisions of Article 11 or Article 13 of the UDO with a criminal misdemeanor. The state law referenced above has prohibited such language within a planning and development ordinance. Therefore, this section of the UDO is not compliant with state law. This text amendment is meant to resolve that situation by striking this language from the ordinance. Civil Penalties, other Court Orders, and Administrative Determinations remain as means to find remedy for matters in which violations of the UDO have been determined to have occurred.

The state law necessitating this change is North Carolina General Session Law 2021-138 PART XIII. Decriminalization of Certain Ordinances, Section 13. (a-d). There are two sections in the UDO that must be updated to conform to the new state law: Section 11.12.2(B) "Penalties;" and Section 13.4.10(D)(1) "Remedies and Penalties, Criminal Penalty."

Article 11.12.2(B), currently reads:

> **11.12.2 Penalties**
>
> **B. Any person violating provisions in this article shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty dollars ($50) dollars or imprisonment of**

not more than thirty (30) days as provided by North Carolina General Statute 14-4. Each day shall constitute a separate violation and shall be punishable as a separate offense.

Article 13.4.10(D)(1) currently reads:

13.4.10 Remedies and Penalties

D. Criminal Penalty

1) As provided in Section 14-4 of the North Carolina General Statutes, violation of this Ordinance constitutes a misdemeanor, punishable by a fine up to $500.00 or imprisoned not more than thirty (30) days.

Proposed amendments to the language of the UDO from Section 11.12.2.(B) and Section 13.4.10(D)(1) within which all proposed amendments are located, is provided as Attachment 1. An excerpt of the relevant state law is provided as Attachment 2.

EVALUATION

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

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

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Board of County Commissioners is whether the proposed amendment advances the public health, safety, or welfare of its citizens.

RECOMMENDATION

At their September 6, 2023 meeting, the Pender County Planning Board unanimously recommended approval of the proposed Zoning Text Amendment. Planning staff respectfully recommends approval of the Zoning Text Amendment to the UDO as described in this report, as the amendment is consistent with the requirements of North Carolina General Session Law 2021-138 PART XIII. Decriminalization of Certain Ordinances, Section 13. (a-d). The proposed text amendment involves striking language that provides for criminal misdemeanors to be charged for violating certain UDO provisions. Overall, the proposed Zoning Text Amendment seeks to provide clarity to the UDO by bringing it into compliance with state law.

BOARD OF COMMISSIONERS CONSISTENCY STATEMENT:	
TO APPROVE:	Motion to approve the Zoning Text Amendment and to make a finding that the approval is consistent with state law and the spirit, purpose, and intent of the Pender County Unified Development Ordinance.
TO DENY:	Motion to deny the Zoning Text Amendment and to make a finding that although the proposal is consistent with the Pender County Unified Development Ordinance, said denial is reasonable and in the public interest and does not further the goals of the Unified Development Ordinance and Comprehensive Plan because [INSERT REASONING].

PLANNING BOARD ACTION FOR ZONING TEXT AMENDMENT

MOTION	SECONDED
Mosca	Buchanan

APPROVED	DENIED	UNANIMOUS
Yes		Yes (5-0)

Jordan	Buchanan	Beaudoin	Gruntfest	Pitts	Teachey	Mosca
Y	Y	Absent	Absent	Y	Y	Y

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

Zoning Text Amendment Submission

Applications will be considered for review 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.

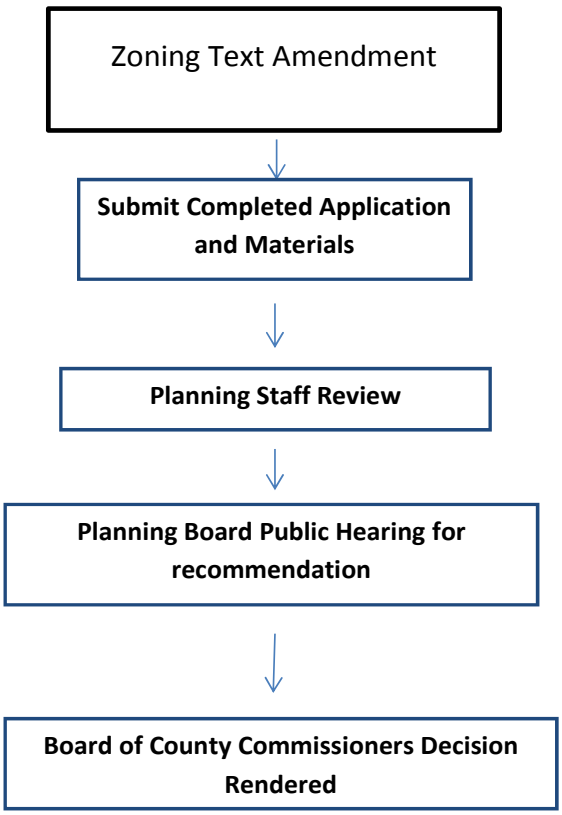
1. X — **Pre-submittal Meeting**
   Date of Meeting 7/18/2023
2. X — **Signed Application**
3. N/A — **Payment**
   $250
4. X — **Narrative**
   A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO.
5. X — **Digital Submission**
   For all documents submitted in paper copy, please a digital copy with paper submission.

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

Signature of Applicant Adam Moran Date 8/1/2023

Printed Name Adam Moran

Staff Initials: AM
Date: 8/1/2023


Zoning Text Amendment
Submit Completed Application and Materials
Planning Staff Review
Planning Board Public Hearing for recommendation
Board of County Commissioners Decision Rendered

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

TEXT AMENDMENT

A request to amend the text of this Ordinance may be initiated by the County Commissioners, Board of Adjustment, Planning Board, Administrator, or a citizen of Pender County.

Approval Criteria *(Section 3.18.5)*

In evaluating any proposed ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

a. The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
b. The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
c. Whether or not the proposed text amendment corrects an error in the Ordinance; and
d. Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.
e. In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

Action by the Planning Board

1. Before making any recommendation on a text amendment, the Planning Board shall consider any recommendations from the Administrator and shall conduct a public hearing where interested parties may be heard.
2. The Planning Board shall make a recommendation based on the approval criteria.
3. The Planning Board shall make its recommendation following the initial public hearing.

Action by County Commissioners

1. Before taking action on a text amendment, the County Commissioners shall consider the recommendations of the Planning Board and Administrator and shall conduct a public hearing.
2. The County Commissioners shall make a decision based on the approval criteria.
3. Following the public hearing, the County Commissioners may approve the text amendment, deny the amendment, or send the amendment back to the Planning Board or a committee of the County Commissioners for additional consideration.

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

APPLICATION FOR TEXT AMENDMENT

THIS SECTION FOR OFFICE USE			
Application No.	ZTA 2023-19	**Date**	8/1/2023
Application Fee	$ N/A - Staff Submission	**Invoice Number:**	N/A - Staff Submission
Pre-Application Conference	7/18/2023	**Hearing Date**	9/6/2023

SECTION 1: APPLICANT INFORMATION	
Applicant's Name:	Pender County Attorney & Pender County Planning and Community Development
Applicant's Address:	805 S. Walker Street
City, State, & Zip	Burgaw, NC 28425
Phone Number:	910-259-1202
Email Address:	amoran@pendercountync.gov

SECTION 2: UDO TEXT TO BE AMENDED

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

11.12.2(B) and 13.4.10(D)(1)

Proposed Text to be added:

Both sections noted above are to be removed from the UDO as they are in violation of North Carolina Session Law 2021-138 PART XIII. Decriminalization of Certain Ordinances, Section 13.(a-d).

SECTION 3: SIGNATURE

Applicant's Signature	Adam Moran	**Date:**	8/1/2023
Applicant's Printed Name	Adam Moran	**Date:**	8/1/2023

NOTICE TO APPLICANT

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

TEXT AMENDMENT CHECKLIST

☒	Signed application form
☒	Application fee
☒	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application

Office Use Only

☐ **ZTA Fees:** $250 N/A - Staff Submission		**Total Fee Calculation:** N/A - Staff Submission	
Payment Method: N/A - Staff Submission	**Cash :** ☐ **$**_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☐ Check # _____
Application Received By:	Adam Moran	Date:	8/1/2023
Application completeness approved by:	Daniel Adams	Date:	8/1/2023
Dates Scheduled for Public Hearings:	☒ Planning Board: 9/6/2023	☒ BOC: 10/16/2023	

ATTACHMENT 1 – RED-LINED COPY OF PROPOSED TEXT CHANGES

11.12.2 Penalties

A. Any person who does not comply with this article will be notified, by certified mail, to meet the requirements within 30 days from the date of notification.

~~B. Any person violating provisions in this article shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty dollars ($50) dollars or imprisonment of not more than thirty (30) days as provided by North Carolina General Statute 14-4. Each day shall constitute a separate violation and shall be punishable as a separate offense.~~

B. Any person who does not comply with this article will be notified, by certified mail, and required to come into compliance within 30 days from the date of notification.

C. Any violation of this article may be subject to civil remedies as set forth in North Carolina General Statute 153A-123C.

13.4.10 Remedies and Penalties

The Administrator may pursue one or more of the following remedies and penalties to prevent, correct, or abate a violation of this Ordinance. Use of one of the authorized remedies and penalties does not preclude the Administrator from using any other authorized remedies of penalties, nor does it relieve any party to the imposition of one (remedy or penalty) from imposition of any other authorized remedies or penalties.

A. Permit Revocation

1) In accordance with the provisions of Section 12.2 of this Ordinance and the provisions of N.C.G.S. 160D-403(f) and 160D-1115, the Administrator or Building Inspector may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.

B. Permit Denial

1) As long as a violation of this Ordinance remains uncorrected, the Administrator may deny or withhold approval of any permit or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.

C. Civil Penalty

1) Violation of this Ordinance subjects the violator to a civil penalty in the amount of One Hundred ($100.00) Dollars for each offense. If the offender fails to remedy the violation and pay any civil penalty within ten days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten days), the civil penalty may be recovered in a civil action in the nature of a debt, as provided in G.S. 153A-123(c). The Administrator shall make written or in person demand for payment, delivered by certified mail, return receipt requested, upon the person or persons responsible or their agents and assigns, and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is received, the County may refer the matter to the County

Attorney for the institution of a civil action in the nature of debt in the name of Pender County in the appropriate division of the General Court of Justice in Pender County, for recovery of the penalty, and any equitable remedy available to the County.

2) Each day a violation continues, shall constitute a separate and distinct offense, punishable as set forth herein and described above.

a) Violations of Section 9.7.2, Temporary Signs, shall in all cases be deemed a civil penalty in accordance with Section 12.4.9.

~~D. Criminal Penalty~~

~~1) As provided in Section 14-4 of the North Carolina General Statutes, violation of this Ordinance constitutes a misdemeanor, punishable by a fine up to $500.00 or imprisoned not more than thirty (30) days.~~

D. Injunction and Abatement Order

1) If a building or structure is erected, constructed, reconstructed, or altered, repaired, converted, or maintained, or any building, structure or land is occupied or used in violation of the General Statutes of North Carolina, this Ordinance, or other regulation made under authority conferred thereby. The Administrator may institute action in the district Court, Civil Division, or any other court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct or cease a violation of this Ordinance. In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other structures on the property be closed, and demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the county may execute the order of abatement. The county shall have a lien on the property for the cost of executing an order of abatement.

E. Other Equitable Relief

1) In addition to the above remedies and penalties, the Administrator may institute any other appropriate equitable action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this Ordinance.

ATTACHMENT 2 – SL2021-138 PART XIII
SECTION 13 (a-d)

detention; (ii) best practices for handling incidents involving juveniles; (iii) adolescent development and psychology; and (iv) promoting relationship building with youth as a key to delinquency prevention.

c. Ethics.
d. Mental health for justice officers.
e. Community policing.
f. Minority sensitivity.
g. Use of force.
h. The duty to intervene and report.

…."

SECTION 11.(c) This section becomes effective January 1, 2022.

PART XII. EXEMPT CHANGES TO LAW ENFORCEMENT IN-SERVICE TRAINING STANDARDS FROM RULEMAKING

SECTION 12.(a) G.S. 150B-1(d) reads as rewritten:

"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

…

(6a) The Criminal Justice Education and Training Standards Commission with respect to establishing minimum standards for in-service training for criminal justice officers under G.S. 17C-6(a)(14).

(6b) The Sheriffs' Education and Training Standards Commission with respect to establishing minimum standards for in-service training for justice officers under G.S. 17E-4(a)(11).

…."

SECTION 12.(b) This section is effective when it becomes law.

PART XIII. DECRIMINALIZATION OF CERTAIN ORDINANCES

SECTION 13.(a) G.S. 153A-123 reads as rewritten:

"**§ 153A-123. Enforcement of ordinances.**

…

(b) ~~Unless the board of commissioners has provided otherwise,~~ Except for the types of ordinances listed in subsection (b1) of this section, violation of a county ordinance ~~is~~ may be a misdemeanor or infraction as provided by ~~G.S. 14-4.~~ G.S. 14-4 only if the county specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 153A-45, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

(1) Any ordinance adopted under Article 18 of this Chapter, Planning and Regulation of Development or, its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings.

(2) Any ordinance adopted pursuant to G.S. 153A-134, Regulating and licensing businesses, trades, etc.

(3) Any ordinance adopted pursuant to G.S. 153A-138, Registration of mobile homes, house trailers, etc.

(4) Any ordinance adopted pursuant to G.S. 153A-140.1, Stream-clearing programs.

(5) Any ordinance adopted pursuant to G.S. 153A-143, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising.

(6) Any ordinance adopted pursuant to G.S. 153A-144, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors.

(7) Any ordinance adopted pursuant to G.S. 153A-145, Limitations on regulating cisterns and rain barrels.

(8) Any ordinance regulating trees.

…."

SECTION 13.(b) G.S. 160A-175 reads as rewritten:

"**§ 160A-175. Enforcement of ordinances.**

…

(b) ~~Unless the Council shall otherwise provide,~~ Except for the types of ordinances listed in subsection (b1) of this section, violation of a city ordinance ~~is~~ may be a misdemeanor or infraction as provided by ~~G.S. 14-4.~~ G.S. 14-4 only if the city specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

(1) Any ordinance adopted under Article 19 of this Chapter, Planning and Regulation of Development, or its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings.

(2) Any ordinance adopted pursuant to G.S. 160A-193.1, Stream-clearing programs.

(3) Any ordinance adopted pursuant to G.S. 160A-194, Regulating and licensing businesses, trades, etc.

(4) Any ordinance adopted pursuant to G.S. 160A-199, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising.

(5) Any ordinance adopted pursuant to G.S. 160A-201, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors.

(6) Any ordinance adopted pursuant to G.S. 160A-202, Limitations on regulating cisterns and rain barrels.

(7) Any ordinance adopted pursuant to G.S. 160A-304, Regulation of taxis.

(8) Any ordinance adopted pursuant to G.S. 160A-306, Building setback lines.

(9) Any ordinance adopted pursuant to G.S. 160A-307, Curb cut regulations.

(10) Any ordinance regulating trees.

…."

SECTION 13.(c) G.S. 14-4 reads as rewritten:

"**§ 14-4. Violation of local ordinances misdemeanor.**

(a) Except as provided in subsection ~~(b),~~ (b) or (c) of this section, if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars ($500.00). No fine shall exceed fifty dollars ($50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars ($50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars ($50.00).

(c) A person may not be found responsible or guilty of a local ordinance violation punishable pursuant to subsection (a) of this section if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:

(1) No new alleged violations of the local ordinance within 30 days from the date of the initial alleged violation.

(2) The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance."

SECTION 13.(d) This section becomes effective December 1, 2021, and applies to offenses and violations committed on or after that date.

PART XIV. REQUIRE MANDATORY FIRST APPEARANCE FOR MISDEMEANORS WHEN DEFENDANT IS IN CUSTODY AND REQUIRE FIRST APPEARANCE FOR ALL CHARGES WHEN DEFENDANT IS IN CUSTODY TO BE HELD WITHIN SEVENTY-TWO HOURS

SECTION 14.(a) G.S. 15A-601 reads as rewritten:

"**§ 15A-601. First appearance before a district court judge; ~~right in felony and other cases in original jurisdiction of superior court;~~ consolidation of first appearance before magistrate and before district court judge; first appearance before clerk of superior court; use of two-way audio and video transmission.**

(a) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal process under Article 17 of this Chapter, Criminal Process, with a crime in the original jurisdiction of the superior court must be brought before a district court judge in the district court district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This first appearance before a district court judge is not a critical stage of the proceedings against the defendant.

Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal process under Article 17 of this Chapter, Criminal Process, with a misdemeanor offense and held in custody must be brought before a district court judge in the district court district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This first appearance before a district court judge is not a critical stage of the proceedings against the defendant.

…

(b) When a district court judge conducts an initial appearance as provided in G.S. 15A-511, ~~he~~ the judge may consolidate those proceedings and the proceedings under this Article.

(c) Unless the defendant is released pursuant to Article 26 of this Chapter, Bail, first appearance before a district court judge must be held within ~~96~~ 72 hours after the defendant is taken into custody or at the first regular session of the district court in the county, whichever occurs first. If the defendant is not taken into custody, or is released pursuant to Article 26 of this Chapter, Bail, within ~~96~~ 72 hours after being taken into custody, first appearance must be held at the next session of district court held in the county. This subsection does not apply to a defendant whose first appearance before a district court judge has been set in a criminal summons pursuant to G.S. 15A-303(d).

…

(e) The clerk of the superior court in the county in which the defendant is taken into custody may conduct a first appearance as provided in this Article if a district court judge is not available in the county within ~~96~~ 72 hours after the defendant is taken into custody. A magistrate may conduct the first appearance if the clerk is not available. The ~~clerk,~~ clerk or magistrate, in conducting a first appearance, shall proceed under this Article as would a district court judge."

SECTION 14.(b) This section becomes effective December 1, 2021, and applies to criminal processes served on or after that date.

PART XV. REQUIRE USE OF THE NATIONAL DECERTIFICATION INDEX MAINTAINED BY THE INTERNATIONAL ASSOCIATION OF DIRECTORS OF LAW