Pender County

Agenda

Planning Board Meeting

Tuesday, July 11, 2023 @ 7:00 PM

Pender County Hampstead Annex Auditorium

		Presenter	Page
1.	CALL TO ORDER		
2.	ROLL CALL		
3.	INVOCATION		
4.	PLEDGE OF ALLEGIANCE		
5.	ADOPTION OF AGENDA		
6.	ADOPTION OF MINUTES		
6.1.	June 6, 2023 Planning Board Meeting Minutes June 6, 2023 Meeting Minutes - Pdf		3 - 14
7.	PRESENTATIONS		
8.	PUBLIC COMMENT		
9.	PUBLIC HEARINGS		
9.1.	MDP-R 2023-53: Request to revise the Wyndwater Master Development Plan MDP-R 2023-53 - Pdf		15 - 72
9.2.	REZONE 2023-50: Request to rezone one parcel totaling approximately 6 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district in the Rocky Point Township REZONE 2023-50 - Pdf		73 - 99
9.3.	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		101 - 125
10.	DISCUSSION		
11.	NEXT MEETING DATE		
12.	ADJOURNMENT		

Pender County
June 6, 2023 Planning Board Meeting Minutes

TO:	Planning Board
FROM:	Daniel Adams
DATE:	July 11, 2023
SUBJECT:	June 6, 2023 Planning Board Meeting Minutes

SUMMARY:
June 6, 2023 Planning Board Meeting Minutes

ACTION REQUESTED:
Approval of minutes from the June 6, 2023, Planning Board meeting.

ATTACHMENTS:
1. June 6, 2023 Planning Board Meeting Minutes

MINUTES
Planning Board Meeting
Tuesday, June 6, 2023
Pender County Public Assembly Room
7:00 PM

MEMBERS PRESENT:	Delva Jordan, Chairman Damien Buchanan, Vice-Chairman Jeffrey Pitts Norman “Ken” Teachey Jeff Beaudoin
MEMBERS ABSENT:	Margaret Mosca John Gruntfest
OTHERS PRESENT:	Daniel Adams, Planning Director Justin Brantley, Senior Planner Taylor Davis, Current Planner Donna Sayre, Planning Technician Trey Thurman, County Attorney Members of the Public

1 CALL TO ORDER

Chairman Delva Jordan called the meeting to order at 7:02 pm.

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to approve agenda as presented made by Mr. Teachey, seconded by Mr. Pitts.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				X
John Gruntfest				X
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

6

Motion to approve agenda with the correction as indicated on page 9 made by Mr. Pitts, seconded by Mr. Buchanan.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				X
John Gruntfest				X
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

7 PUBLIC COMMENT

There was no public comment.

8 PUBLIC HEARINGS

a) REZONE 2023-48

Daniel Adams, Planning Director, presented the staff report.

Mr. Adams stated that the Applicant, Brian Nadeau, is present and available to answer any questions that the Board may have.

Mr. Jordan asked what type of Buffer would be required at the rear of the property. Mr. Adams stated the buffer between the residential property and the commercial property would be Buffer “C”. Mr. Adams stated that the Pender County Unified Development Ordinance provides four different C Buffer options to meet the requirement.

Mr. Jordan asked if the smaller piece of property is owned by the same owner to which Mr. Adams affirmed.

Mr. Buchanan asked if Groves Point Drive is a private road. Mr. Brantley responded affirmatively.

Mr. Beaudoin asked what type of businesses were located across the street. Mr. Adams stated that there is a business by the name of Art Exposure across the street.

Mr. Buchanan stated that in the past, the Planning Board recommended rezoning the property behind Art Exposure to General Business.

Mr. Jordan asked if the Board members had any further questions for Planning staff and no questions were presented.

Brian Nadeau, Applicant, stated that he feels that this particular stretch of US Hwy 17 needs to be zoned commercially due to being surrounded by businesses. Mr. Nadeau stated that their rezoning request is consistent with the Future Land Use Plan and would be beneficial to Pender County.

Mr. Jordan asked the Board if they had any questions for the Applicant and no questions were presented.

Barbara Soderman, 63 Groves Point Circle, stated that many people in her neighborhood have concerns about this proposed rezoning. She stated that most houses on Robin Court have pools in the backyard and privacy fences. Ms. Soderman stated that there is a school bus pickup at the intersection of Hwy.

17 and Groves Point Road and is worried that the extra commercial traffic would put the children at risk. She stated she would like to know if the driveway for any commercial traffic would be located on Hwy. 17 or Groves Point Road.

Ms. Soderman stated that when a person buys a residential lot with a residential lot immediately adjacent to it, you expect the zoning to remain the same.

Ms. Soderman stated that she and her neighbors are very concerned with the amount of traffic that already travels that section of Hwy. 17. She stated that with the traffic already being over capacity, that adding more commercial traffic is not going to benefit anyone, especially the people in her neighborhood.

Mr. Beaudoin asked if the road going into her neighborhood is a paved road. Ms. Soderman stated that it is a privately owned paved road.

Ms. Soderman stated that there are approximately one hundred-ten houses in her neighborhood and is afraid that the other vacant lots in her area will also have the zoning changed to commercial.

Mr. Beaudoin asked about the land across the street in between Robin Court and Cornel Lane. Ms. Soderman stated that the land is vacant, and she is not sure who owns the property.

Mr. Jordan asked if any of the members of the Board had questions for Ms. Soderman and no questions were presented.

Mr. Buchanan stated that the Future Land Use Map is the direction that the County would like to proceed as time progresses. He stated that staff is recommending approval due to the Future Land Use Map indicating this area is a Neighborhood Mixed Use classification where commercial growth is encouraged.

Mr. Buchanan asked if Pinnancle Parkway is a private road. Mr. Beaudoin stated that he feels that Pinnancle Parkway is privately owned.

Mr. Buchanan stated that in order to obtain a driveway permit, the Department of Transportation would need to be contacted. He stated that DOT has certain standards that would need to be met, which may include a turning lane, in order for the access to be located off Hwy. 17.

Ms. Soderman stated that there is already a turn lane in front of her neighborhood.

Mr. Beaudoin stated that he does not feel DOT would have the entrance on Groves Point Road, but rather Hwy. 17. Ms. Soderman asked if DOT does choose to have

the ingress/egress located on Groves Point Road, is there any actions that she and her neighbors can do to dispute. Mr. Beaudoin stated that the Developer would need to present a plan to numerous bodies, one being DOT, and the entrance decision would be DOT's. He stated that he himself does not feel that it would make sense to swing traffic around to have access to an entrance on Groves Point Road.

Mr. Adams stated that due to this being a General Rezoning, no site-specific development plan is required. He stated that when a business is decided upon, the Developer would need to go through a formal review process. Mr. Adams stated that the Technical Review Committee would review it and the committee not only is composed of Pender County staff but also representatives from Department of Environmental Quality, Department of Transportation, Army Corp of Engineers, and Wilmington Metropolitan Planning Organization.

Mr. Beaudoin asked Mr. Adams to explain the "C" Buffer that is required between a commercial and residential property. Mr. Adams provided an overview of the "C" Buffer.

Mr. Jordan asked if this rezoning is approved, and a site-specific plan is presented to the Planning staff, would the neighbors be notified. Mr. Adams stated the TRC meeting is a public meeting and notice will be sent out to adjacent property owners, but that TRC meetings do not include public input.

Mr. Buchahan stated that he is in favor of the rezoning due to it being consistent with the Future Land Use Map and that the property is in a hub of commercial activity. Mr. Buchanan stated that he does understand the concerns of the public. He stated that he does not feel that this property is conducive for residential development and should be commercial.

Mr. Buchanan made a Motion to approve the Zoning Map Amendment due to being consistent with policies 5.1.C, 5.1.D, 5.1.H, and 5.1.K and with the Neighborhood Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan. Mr. Teachey seconded the motion.

Motion to approve

	For	**Against**	**Abstained**	**Absent**
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				X
John Gruntfest				X
Jeff Beaudoin	X			

Norman (Ken) Teachey	X			
	5			2

CARRIED.

Mr. Brantley stated that this isn't the final approval. He stated that it will go before the Board of Commissioners at their July meeting. Mr. Brantley stated all property owners within five hundred feet of this property will receive notification.

b) REZONE 2023-49

Justin Brantley, Senior Planner, presented the staff report.

Mr. Brantley stated that there was an error in the report. The Parcel ID number was identified incorrectly and should have been listed as 3292-08-0050-0000.

Mr. Brantley read a provision from the North Carolina General Statutes, Chapter 160D, Section 703.B, as it relates to this application.

Mr. Beaudoin asked if this property has a cell tower located on it. Mr. Brantley stated that the cell tower is not located on this piece of property though this property does have an easement across the property granting access to the tower.

Mr. Pitts asked if this parcel of land was used in calculating open space. Mr. Brantley stated that the portion of the rezoning site associated with this current request was not included as part of the open space, passive and active, requirement.

Mr. Jordan asked the Board if there were any additional questions for the staff and no questions were presented.

Henry Nadeau, Applicant, stated that his clients once owned the whole parcel of land but chose to sell the property in the back. Mr. Nadeau stated that the person who purchased the back property has never had any ownership interest in the front parcel.

Mr. Nadeau stated that he does not feel this piece of property needs to be residential due to most people not wanting to build a home on a busy road that will have so much traffic traveling it daily. He stated that he thinks a commercial property will reduce the traffic. Mr. Nadeau stated that he feels this lot being zoned commercially will benefit the local people due to it building tax base and a commercial lot will not bring additional children to the area when the schools are already overcrowded.

Mr. Jordan asked if there were any questions for the Applicant and no questions

were presented.

Mr. Teachey made a Motion to approve the Zoning Map Amendment due to it being consistent with policies 5.1.C, 5.1.D, 5.1.H, and 5.1.K and with the Regional Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan. Mr. Pitts seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				X
John Gruntfest				X
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	5			2

CARRIED.

c) REZONE 2023-53

Justin Brantley, Senior Planner, presented the staff report.

Mr. Brantley read Section 4.3.2 of the Pender County Unified Development Ordinance.

Mr. Brantley stated that the Board of Commissioners had no authority concerning this property being de-annexed back to the County in June of 2022. He stated that the State approved the de-annexation but the State does not designate zoning. Mr. Brantley stated that a de-annexed property automatically defaults to EC, Environmental Conservation. He stated that the Planning staff worked with the owner to make this property consistent with its surroundings.

Mr. Brantley stated that this request has two parts with the first part consisting of the rezoning of the property from EC, Environmental Conservation to RP, Residential Performance. He stated that Planning staff is also requesting a second motion to amend the Future Land Use Plan to designate the property as Medium Density Residential, which is consistent with surrounding properties.

Mr. Teachey asked if this piece of property was at one time zoned RP or was the

rezoning all around it after it was annexed. Mr. Buchanan stated that it appears to have been zoned R-20 before being annexed by Surf City. Mr. Brantley stated that this property was historically zoned residential, but he is unable to confirm what it was zoned for the past ten years.

Mr. Teachey asked if when the mass rezoning was done and everything around it was designated to RP, was this property within Pender County's jurisdiction or Surf City's. Mr. Brantley stated that when the County did the mass rezoning back in 2010, this piece of property would have been included within Pender County's jurisdiction.

Mr. Jordan asked how many units per acre would be allowed in Medium Density. Mr. Adams stated that three to six units would be allowed.

Mr. Jordan asked if there were any additional questions for staff and no questions were presented.

Mr. Brantley stated that the owner of the property was not present but does plan on attending the Board of Commissioners' meeting.

Mr. Buchanan made a motion to approve the Future Land Use Map from unclassified to Medium Density Residential, which is consistent with Policy 5.1.C and 5.1.V and is also consistent with the surrounding properties. Mr. Pitts seconded the motion.

Motion to approve

	For	**Against**	**Abstained**	**Absent**
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				X
John Gruntfest				X
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

Mr. Buchanan made a motion to approve the Zoning Map Amendment, which

is consistent with Policy 5.1.C and 5.1.V and is consistent with the Medium Density Residential Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan. The rezoning is also consistent with the surrounding properties. Mr. Teachey seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				X
John Gruntfest				X
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

9 CLOSED SESSION

Not applicable.

10 DISCUSSION

Mr. Adams introduced Taylor Davis to the Board members as a newly hired Planning staff member. He stated Ms. Davis filled the vacancy position of Current Planner and most likely will be presenting a case to the Board at the July meeting.

Mr. Adams stated that due to the Wyndwater matter being calendered on the July meeting agenda, it may be appropriate to hold the meeting at the Hampstead Annex. Mr. Buchanan asked if there were any other cases on the agenda. Mr. Adams stated that there are two other Rezonings, with one being in the Rocky Point area and the second is in the Hampstead area.

Mr. Buchanan made a motion to hold the July 2022 Planning Board meeting at the Hampstead Annex. Mr. Beaudoin seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				X
John Gruntfest				X
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

Mr. Adams stated that there is a need for people on the west side of the County to serve on the Board of Adjustment. He stated that if any of the Board members know of anyone interested in serving, he would be happy to speak with them.

Mr. Thurman stated that the budget season was uneventful although there will be a tax increase to help fund the necessary additional schools. Mr. Buchanan asked if the budget had been passed yet. Mr. Thurman stated that due to a glitch with how it was entered online, the vote will be in front of the Commissioners again at the June 19, 2023, meeting. Mr. Thurman stated that he expects it to pass.

Mr. Buchanan asked if there was a line item in the budget for improvements to or for a new Unified Development Ordinance. Mr. Adams stated that the Resolution signed by the Planning Board was presented as part of the budget request, which supports a new Future Land Use Plan.

11 NEXT MEETING DATE

July 11, 2023, at 7:00 p.m.
Hampstead Annex Auditorium
15060 Us. Hwy. 17
Hampstead, NC 28443

12 ADJOURNMENT

Mr. Pitts made a motion to adjourn. Mr. Beaudoin seconded the motion.

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca				X
John Gruntfest				X
Jeff Beaudoin	X			
Norman (Ken) Teachey	X			
	5	0	0	2

CARRIED.

Meeting adjourned at 8:07 p.m.

Pender County
MDP-R 2023-53: Request to revise the Wyndwater Master Development Plan

TO:	Planning Board
FROM:	Daniel Adams
DATE:	July 11, 2023
SUBJECT:	MDP-R 2023-53: Request to revise the Wyndwater Master Development Plan

SUMMARY:
Signature Top Sail NC LTD, applicant and owner, and also on behalf of Richard Alan Lewis Successor Trustee, owner, is requesting a revision to the previously approved Master Development Plan (MDP) for the mixed-use development known as Wyndwater. Specifically, the request is to modify the existing MDP to allow for townhomes in Phases 7 and 11, increase the commercial area within Phases 7 and 11, and remove Phase 10 from the MDP. The MDP is proposed to be reduced in size from approximately 235 acres to 205.96 acres with the total number of units (528) remaining consistent with previous approvals. The subject properties are located east of US Highway 17, near Sloop Point Loop Road (SR 1563), Doral Drive (SR 1693) and Cardinal Acres Lane (private). The subject properties are located in the Topsail Township.

ACTION REQUESTED:
To hold a public hearing and consider the Master Development Plan Revision request.

ATTACHMENTS:
1. Staff Report
2. Phase 7 and 11 Application
3. Phase 10 Application - Signature Top Sail NC LTD Properties
4. Phase 10 Application - Lewis Property
5. Applicant's Narrative
6. Attachment 1: June 7, 2022, Staff Report
7. Attachment 2: Stormwater Narrative and Drainage Plan
8. Attachment 3: Wyndwater Master Development Plan
9. Attachment 4: Public Input Meeting Information

STAFF REPORT FOR MDP-R 2023-53
MASTER DEVELOPMENT PLAN REVISION APPLICATION

APPLICATION SUMMARY	
Case Number	MDP-R 2023-53
Hearing Date	July 11, 2023 – Planning Board
Applicant	Signature Top Sail NC LTD
Property Owner(s)	Signature Top Sail NC LTD & Richard Alan Lewis Successor Trustee
Parcel Identification Number(s)	Phase 7: 4204-84-9111-0000 & 4204-84-3986-0000; Phase 10: 4213-59-0181-0000, 4214-40-5134-0000 & 4213-49-8163-0000; Phase 11: 4204-84-9111-0000, 4204-85-1358-0000, 4204-75-9493-0000 & 4204-75-8439-0000
Acreage	205.96
Township	Topsail
Pender 2.0 Future Land Use Category	Low Density Residential and Coastal Residential

MASTER DEVELOPMENT PLAN REVISION PROPOSAL
Signature Top Sail NC LTD, applicant and owner, and also on behalf of Richard Alan Lewis Successor Trustee, owner, is requesting a revision to the previously approved Master Development Plan (MDP) for the mixed-use development known as Wyndwater. Specifically, the request is to modify the existing MDP to allow for townhomes in Phases 7 and 11, increase the commercial area within Phases 7 and 11, and remove Phase 10 from the MDP. The MDP is proposed to be reduced in size from approximately 235 acres to 205.96 acres with the total number of units (528) remaining consistent with previous approvals.
LOCATION
The subject properties are located east of US Highway 17, near Sloop Point Loop Road (SR 1563), Doral Drive (SR 1693) and Cardinal Acres Lane (private). The subject properties are located in the Topsail Township.

*Staff have provided a brief background, overview and recommendation of the proposal below. The revision request and the associated development details remain consistent with the information provided in the staff report that was previously presented to the Board at their June 7, 2022, meeting. That staff report is included as Attachment 1.

CASE BACKGROUND

The proposed revision to the Wyndwater Master Development Plan was previously heard by the Planning Board on April 5, 2022, and June 7, 2022. At the June 7, 2022, meeting, the Planning Board denied the revision request. The applicant subsequently appealed the denial to the Pender County Board of Adjustment where it was heard on August 17, 2022, and September 21, 2022. The Board of Adjustment voted to deny the appeal at their September 21, 2022, meeting. The same request is being brought back before the Planning Board; however, the applicant has provided greater detail regarding the stormwater and drainage plan in their current application.

MASTER DEVELOPMENT PLAN PROPOSAL

The proposed revision to the Wyndwater Master Development Plan (MDP) includes three requests:

1. Phase 10 (PINs: 4213-59-0181-0000, 4214-40-5134-0000 & 4213-49-8163-0000) consists of three parcels totaling approximately 27.79 acres. This phase is to be removed from the MDP. This phase originally included 41 single family detached and townhome units. Parcel 4213-49-8163-0000 is under different ownership than the rest of the Wyndwater development. If the MDP Revision request is approved, this parcel will maintain its Planned Development zoning designation.
2. Phase 7 (PINs: 4204-84-9111-0000 & 4204-84-3986-0000) is proposed to include 60 townhomes and 2.66 acres of commercial development, which will include 12,800 square feet of medical office space. The current MDP notes this area as future development. The 60 townhomes proposed in this phase are sourced from the reallocation of units from Phases 10 and 11.
3. Phase 11 (PINs: 4204-84-9111-0000, 4204-85-1358-0000, 4204-75-9493-0000 & 4204-75-8439-0000) is proposed to include 56 townhomes, 16,000 square feet of retail space, and 40,000 square feet of medical office space. The current MDP shows 76 townhomes and 1.6 acres of land designated for commercial use.

Density

As stated in the applicant's narrative, the total unit count for the development remains the same, but the reduction in size (i.e. removal of Phase 10) changes the net density of the project to 4.0 dwelling units per acre.

Stormwater

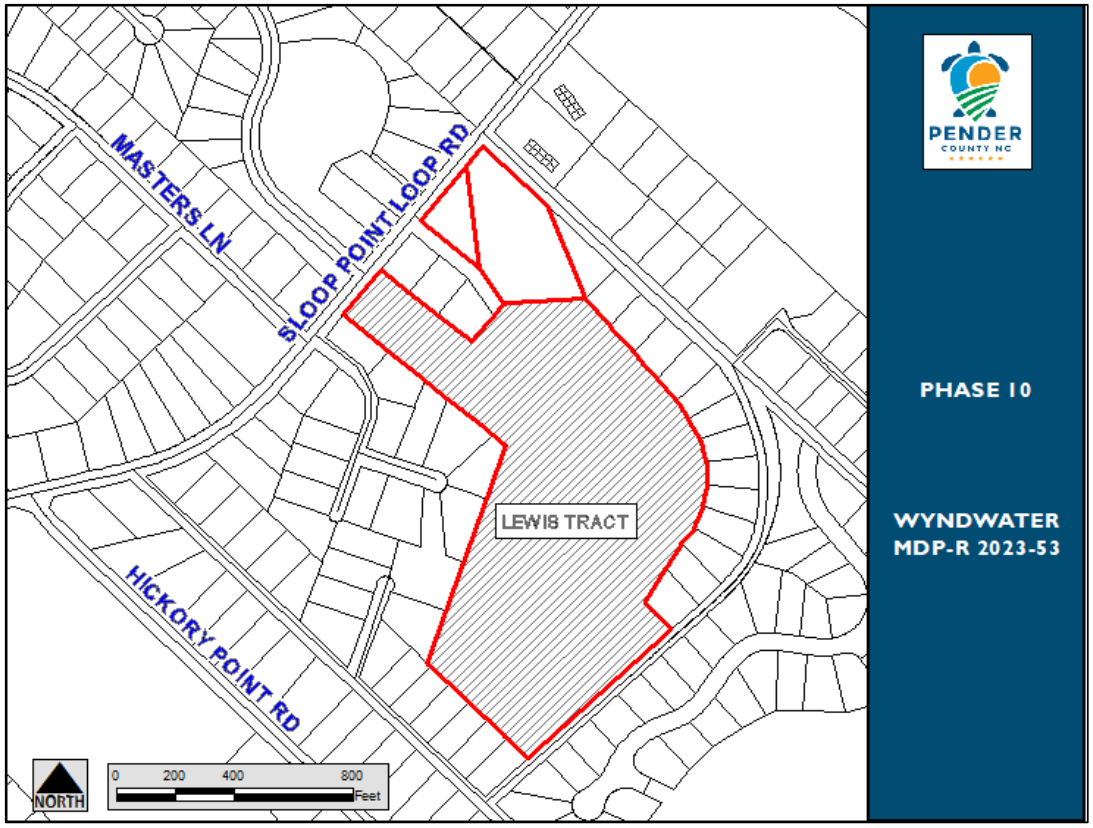
The applicant has provided greater detail regarding stormwater infrastructure, including a Drainage Plan, Stormwater Management Plan, and Stormwater Narrative that includes pre-development and post-development stormwater runoff calculations (see Attachment 2).

Public Input Meeting

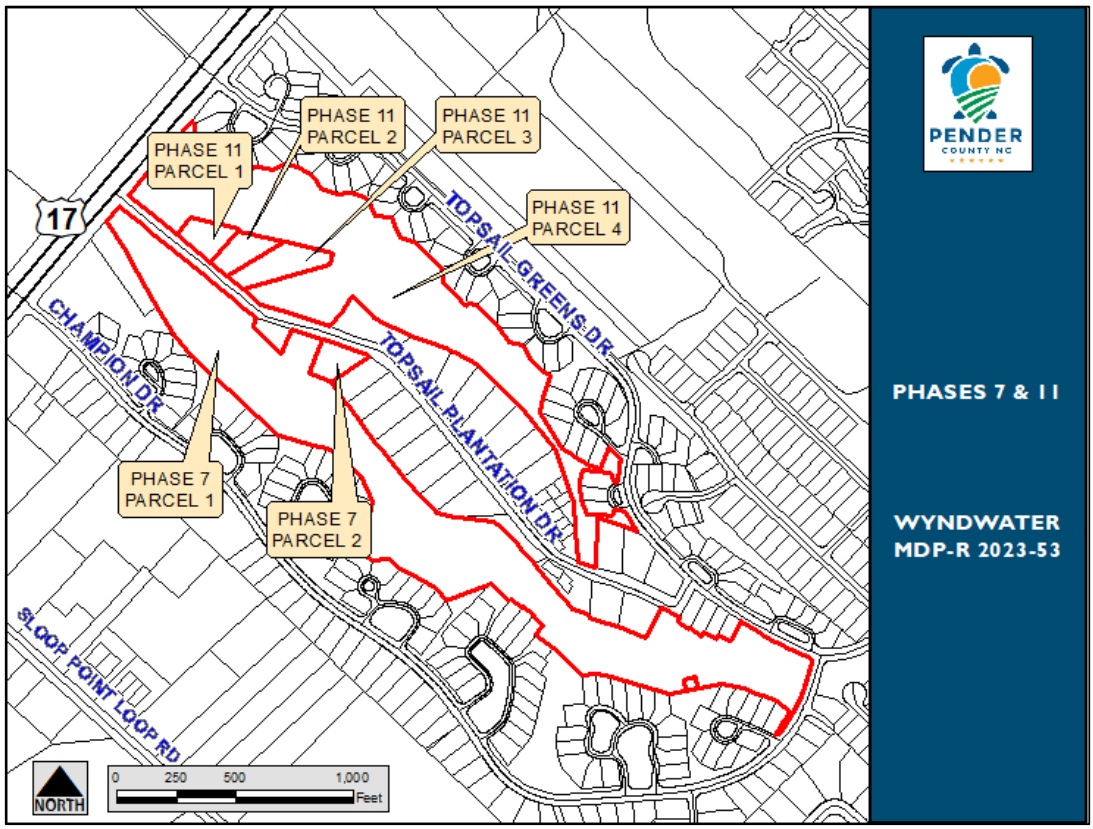
The applicant held a public input meeting on Tuesday, June 13, 2023, at the County's Hampstead Annex building, located at 15060 US HWY 17. The applicant's report is included as Attachment 4.

SITE MAPS

Below: Phase 10



Below: Phases 7 & 11



STAFF RECOMMENDATION

Planning staff is submitting the proposal for Planning Board disposition. The request was found to be consistent with one goal, one objective and three policies within the Pender 2.0 Comprehensive Land Use Plan (see below). The request was also found to be generally consistent with the Future Land Use Map, even though the density exceeds the two units or fewer per acre desired in the Low Density Residential Future Land Use Category and the three units or fewer per acre desired in the Coastal Residential Future Land Use Category. The removal of Phase 10 increases the project density to 4.0 units per acre due to the reduction of total project acreage; however, the Future Land Use Map is not intended to be parcel specific and areas on the border between future land use categories are intended to be areas of transition. The proposed density is consistent with developments in the area.

The proposal also fulfills several desired policy outcomes for development as described in the Pender 2.0 Comprehensive Land Use Plan. The project includes multiple housing types, substantial open space preservation, pedestrian infrastructure, and more stringent tree

preservation standards than what is required by the Unified Development Ordinance. Staff respectfully recommends approval of the proposed master development plan revision as detailed in this report.

Pender 2.0 Comprehensive Land Use Plan Supporting Policies, Goals, and Objectives

Policy 3.1.L: Tree Preservation: The County shall continue to require tree preservation for significant trees.

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

Objective 4.3: Encourage alternate 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.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.X: Coastal Residential Development: The County supports the protection of existing coastal single-family residential neighborhoods and property values by encouraging low-impact development principles, impervious coverage thresholds, public trust access, and preservation of tree canopy.

CONDITIONS OF APPROVAL

1. Phase III: Provide connection to adjacent property for future development to the northwest of the subject property (documented under case #11067 Cardinal Pointe, as submitted to Planning Board in December 2013);

2. Phase II: Provide connection to identified “Capstone Property” identified by Pender County PIN 4214-22-7567-0000;

3. Phase I: Allow for “alternative” design for alleyway

4. Phase III: Allow for emergency access along the connection to Doral Drive (SR 1693).

5. Phase III: The temporary cul de sac shown on the western portion of Phase III shall be converted to a through roadway at the time of the adjacent parcel development.

6. Phase III: Additional to condition five (5), a second roadway connection shall be shown to the adjacent parcel (PIN: 4204-94-9912-0000 and identified as the Cardinal Pointe Master Development Plan Case # 11067).

7. Phase IV: Provide adjacent property connection north to PIN 4214-43-1229-0000 (Westbrook tract).

8. Phase VI: Provide connection to Oak Circle (private).

9. Phase IV: Allow for "alternative" design of a hammerhead. The applicant has implemented this design into the Phase IV submittal.

10. Phase VI: A roadway connection to "Amanda Lane", which is part of the Cardinal Acres Manufactured Home Park, adjacent to proposed Phase VI of Wyndwater.

11. Improve the temporary construction connection from Aurora (public) to Topsail Greens (private) to be an additional means of ingress and egress for the Wyndwater Subdivision.

12. Resurface and maintain Topsail Greens Drive (private) from the intersection of US HWY 17 to its terminus at Aurora Place (public) to NCDOT road surfacing standards until an additional access is provided from Wyndwater to US HWY 17.

13. All subsequent phases of the Wyndwater Master Development Plan that have not received an approved Preliminary Plat or Major Site Development Plan as of February 2, 2021 shall provide sidewalks or other equivalent pedestrian infrastructure along at least one side of every right-of-way or drive aisle within those phases.

14. All subsequent phases of the Wyndwater Master Development Plan that have not received an approved Preliminary Plat or Major Site Development Plan as of February 2, 2021 shall be held to a significant tree mitigation factor of 4:1 (for every significant tree removed, four of the same species shall be planted). Significant trees to be kept shall be shown on Preliminary Plats or Major Site Development Plans and fenced prior to approval of those documents. Fencing shall not be removed until all construction on-site is complete.

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

3.5.4 Master Development Plan Review

A. Applicants shall submit the MDP to the Administrator, together with completed application materials.

B. Application form must be completed, and fee paid at the time of submission.

C. The Master Development Plan must meet all the requirements prescribed in Section 6.1, Master Development Plan Contents.

D. The Administrator will forward the MDP to the Technical Review Committee for review. The TRC shall make recommendations concerning whether the plan meets the requirements and or plans of their particular state agency, county department or utility authority.

E. When the submission is complete, the Administrator shall submit the plans, application materials and comments to the Planning Board for its consideration, if required in accordance with Section 3.5.2.

F. The Planning Board shall act on the MDP within 90 days of the date of the presentation of the plan to the Board. The Planning Board shall approve the plan, approve it with required changes or deny the plan. If the Planning Board fails to act within 90 days, the plan shall be deemed approved. The applicant may request additional time if he/she deems it necessary.

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

H. Any decision rendered by the Planning Board is appealable to the Zoning Board of Adjustment within thirty (30) days of the decision.

I. Planning Board Master Development Plan approval shall be valid for two (2) years

PLANNING BOARD ACTION FOR MASTER DEVELOPMENT PLAN REVISION	
MOTION	**SECONDED**

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey

APPLICATION FOR MASTER DEVELOPMENT PLAN

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

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Signature Top Soil NC LP	**Owner's Name:**	Signature Top Soil NC LP
Applicant's Address:	9337 Katy Freeway #377	**Owner's Address:**	9337 Katy Freeway #377
City, State, & Zip	Houston Tx 77024	**City, State, & Zip**	Houston Tx 77024
Phone Number:	713-822-3891	**Phone Number:**	
Email Address:	Mike@Signaturecompanies.com	**Email Address:**	
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION

Type of Master Development Plan	☐ Residential *RP, PD, RM MH District*	☐ Commercial *GB, OI, IT, GI District*	☐ Mixed Use *PD*
Property Identification Number (PIN):	4204-84-9111-0000 4204-75-8439-6000	**Total property acreage:**	39.28
Zoning Classification: PD	4204-75-9493-0000 4204-85-1358-0000	**Acreage to be disturbed:**	
Water Provider	4204-84-3986-0000	**Wastewater Provider:**	
Project Address :			
Description of Project Location:	Phase 7/11 & Lots 1,2,3,4 of Topsoil Plantation		
Describe activities to be undertaken on project site:			

SECTION 3: SIGNATURES

Applicant's Signature	Jennifer P. Evans / Mike Pollak	**Date:**	5/15/23
Applicant's Printed Name	Jennifer P. Evans / Mike Pollak	**Date:**	5/15/23
Owner's Signature	Signature Top Soil NC Ltd	**Date:**	5/15/23
Owner's Printed Name	Signature Top Soil NC Ltd	**Date:**	5/15/23

Mike Pollak - Manager
Jennifer Evans - Manager

APPLICATION FOR MASTER DEVELOPMENT PLAN

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

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Signature Top Soil NC LP	**Owner's Name:**	Signature Top Soil NC LP
Applicant's Address:	9337 Katy Freeway #377	**Owner's Address:**	9337 Katy Freeway #377
City, State, & Zip	Houston TX 77024	**City, State, & Zip**	Houston TX 77024
Phone Number:	713-822-3891	**Phone Number:**	713-822-3891
Email Address:	MIKE@SIGNATURE-COMPANIES.com	**Email Address:**	
Legal relationship of applicant to land owner:			

SECTION 2: PROJECT INFORMATION			
Type of Master Development Plan	☑ **Residential** *RP, PD, RM MH District*	☐ **Commercial** *GB, OI, IT, GI District*	☐ **Mixed Use** *PD*
Property Identification Number (PIN):	4214-40-5134-0000 4213-59-0181-0000	**Total property acreage:**	3.68
Zoning Classification:	PD	**Acreage to be disturbed:**	
Water Provider	Pender County	**Wastewater Provider:**	
Project Address :			
Description of Project Location:			
Describe activities to be undertaken on project site:			

SECTION 3: SIGNATURES			
Applicant's Signature	Jennifer P. Evans / Mike Pollak	**Date:**	5/15/23
Applicant's Printed Name	Jennifer P. Evans / Mike Pollak	**Date:**	5/15/23
Owner's Signature	Signature Top Soil NC Ltd	**Date:**	5/15/23
Owner's Printed Name	Signature Top Soil NC Ltd Mike Pollak - Manager Jennifer Evans - Manager	**Date:**	5/15/23

APPLICATION FOR MASTER DEVELOPMENT PLAN

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

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Signature Top Sail NC, LP	**Owner's Name:**	Richard Alan Lewis, as Successor Trustee of Trust Special
Applicant's Address:	9337B Katy Freeway #377	**Owner's Address:**	2237 Queens Road East
City, State, & Zip	Houston, Texas 77024	**City, State, & Zip**	Charlotte, NC 28207
Phone Number:	713-822-3891	**Phone Number:**	704-661-7426
Legal relationship of applicant to land owner: Developer			

SECTION 2: PROJECT INFORMATION				
Type of Master Development Plan	☐ **Residential** *RP, PD, RM MH District*	☐ **Commercial** *GB, OI, IT, GI District*	☑ **Mixed Use** *PD*	☐ **Exempt**
Property Identification Number (PIN):	4213-49-8163-0000	**Total property acreage:**	24.11	
Zoning Classification:	PD	**Acreage to be disturbed:**		
Project Address :	Sloop Point Loop Road			
Description of Project Location:	Project is located between Hwy 17 & Sloop Point Loop Road			
Describe activities to be undertaken on project site:	Development of Residential Lots			

SECTION 3: SIGNATURES			
Applicant's Signature	[signature]	**Date:**	5/10/23
Owner's Signature	Richard Alan Lewis, as Successor Trustee of Trust Special	**Date:**	5/10/23

June 29, 2023

Pender County
Planning and Community Development
805 S. Walker Street
Burgaw, NC 28425

Re: Wyndwater
Master Development Plan Project Narrative

This MDP Revision modifies the commercial area off Hwy 17 from 2.66 Acres to 6.96 Acres. In this revision the commercial area is detailed to contain approximately 52,800 sf of Medical Office and 16,000 sf of Retail. This MDP Revision also modifies the number of townhomes from the previously approved 76 units to a total of 116 units encompassing the area to the north of Topsail Plantation Drive and the area to the south of Topsail Plantation Drive. The previously Approved MDP contained all 76 townhome units to the area north of Topsail Plantation Drive and the area to the south of Topsail Plantation Drive was listed as Future Development.

Phase 10 (Pender County PIN's 4213-59-0181-0000, 4214-40-5134-0000 & 4213-49-8163-0000): This phase of the development consisting of approximately 27.79 ac. is being removed from the Wyndwater MDP Development. This property is located to the east of Sloop Point Loop Road, directly across from Phase 1 of Wyndwater, and is to the south of Roberts Road (private) and west of Oak Circle (private).

Phase 11 (Pender County PIN's 4204-84-9111-0000, 4204-85-1358-0000, 4204-75-9493-0000 & 4204-75-8439-0000): This Phase of the development was approved with the last MDP Revision to contain seventy-six (76) townhome units. The current MDP Revision proposes fifty-six (56) townhome units. Phase 11 is to the north of Topsail Plantation Drive, south of Topsail Greens Drive, and directly east of US HWY 17.

Phase 7 (Pender County PIN's 4204-84-9111-0000 & 4204-84-3986-0000): This Phase of the development was previously noted as future development. With this MDP Revision Phase 7 is proposed to contain sixty (60) townhome units. Phase 7 is to the south of Topsail Plantation Drive, north of Champion Drive, and directly east of US HWY 17.

Phase 11 Commercial area (Pender County PIN's 4204-84-9111-0000, 4204-85-1358-0000, 4204-75-9493-0000 & 4204-75-8439-0000): This area of the development was approved with the last MDP Revision as a 1.6 ac. Commercial area. The current MDP Revision proposes a 4.30 ac. Commercial area containing 16,000 sf of Retail and 40,000 sf of Medical Office space. This area of the development is to the north of Topsail Plantation Drive, south of Topsail Greens Drive, and directly east of US HWY 17.

Phase 7 Commercial area (Pender County PIN's 4204-84-9111-0000 & 4204-84-3986-0000): This area of the development was approved with the last MDP Revision as a 1.06 ac. Commercial area. The current MDP Revision proposes a 2.66 ac. Commercial area containing 12,800 sf of Medical Office space. This area of the development is to the south of Topsail Plantation Drive, north of Champion Drive, and directly east of US HWY 17.

Based on the development containing a total of 528 residential units (previously approved for 529 residential units) the required open space (0.03 ac./unit) is 15.84 ac. The current MDP Revision contains 36.06 ac. of open space which is more than double of which is required. Based on the required amount of open space the Net Density for the development equates to 4.00 units per acre.

6626 Gordon Road, Unit C Wilmington, North Carolina 28411 tel: 910-442-7870 fax: 910-799-6659

ATTACHMENT 1 – June 7, 2022 Staff Report

Pender County
MDP-R 2022-38

TO:	Planning Board
FROM:	Travis Henley
DATE:	June 7, 2022
SUBJECT:	MDP-R 2022-38

SUMMARY:
Signature Top Sail NC, Ltd., applicant and owner, and also on behalf of Trust Special, Ruth Kalmar estate, owner, is requesting a revision to the previously approved Master Development Plan for the mixed-use development known as Wyndwater. Specifically, the request is to modify the existing Plan to allow for townhomes in Phases 7 and 11, increase the commercial area within both phases, and remove Phase 10 from the Plan. The Master Development Plan is proposed to reduce in size to approximately 206 acres (from approximately 235 acres) with the total number of units remaining consistent with previous approvals. The property is located to the east of US HWY 17, north of Doral Drive (SR 1693), west of Sloop Point Loop Road (SR 1563), and south of the Cardinal Acres Lane (private) in the Topsail Township.

ACTION REQUESTED:
Consideration of MDP-R 2022-38

ATTACHMENTS:
1. MDPR 2022-38 Staff Report
2. Wyndwater MDP Project Narrative
3. Wyndwater MDP
4. Wyndwater MDP Net Density Calculation
5. Wyndwater MDP Application
6. Wyndwater MDP Revision Public Input
7. Wyndwater TIA Revision Scope Approval
8. Revised Site Plans for Phases 7 and 11

STAFF REPORT FOR MDP-R 2022-38
MASTER DEVELOPMENT PLAN REVISION APPLICATION

APPLICATION SUMMARY	
Case Number	MDP-R 2022-38
Hearing Date	April 5, 2022 - Planning Board, tabled June 7, 2022 - Planning Board
Applicant	Signature Top Sail NC, Ltd.
Property Owner(s)	Signature Top Sail NC, Ltd. and Trust Special, Ruth Kalmar Estate
Parcel Identification Number	4204-84-9111-0000; 4214-50-8387-0000; 4213-59-0181-0000; 4214-31-5745-0000; 4204-75-9493-0000; 4204-85-1358-0000; 4204-75-8439-0000; 4204-75-9493-0000; 4204-85-1358-0000.
Acreage	205.96
Township	Topsail
Zoning District	PD, Planned Development
Pender 2.0 Future Land Use Category	Low Density Residential and Coastal Residential

MASTER DEVELOPMENT PLAN PROPOSAL

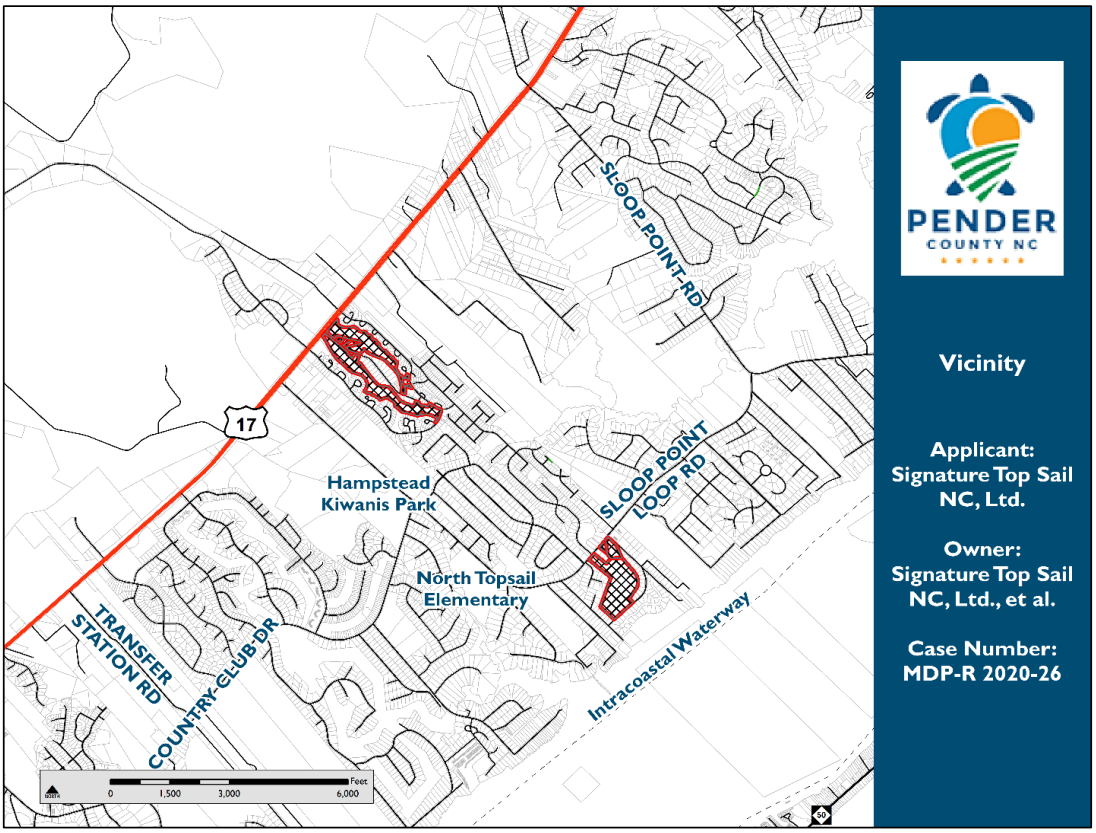
Signature Top Sail NC, Ltd., applicant and owner, and also on behalf of Trust Special, Ruth Kalmar estate, owner, is requesting a revision to the previously approved Master Development Plan for the mixed-use development known as Wyndwater. Specifically, the request is to modify the existing Plan to allow for townhomes in Phases 7 and 11, increase the commercial area within both phases, and remove Phase 10 from the Plan. The Master Development Plan is proposed to reduce in size to approximately 206 acres (from approximately 235 acres) with the total number of units remaining consistent with previous approvals.

LOCATION

The property is located to the east of US HWY 17, north of Doral Drive (SR 1693), west of Sloop Point Loop Road (SR 1563), and south of the Cardinal Acres Lane (private) in the Topsail Township.

RECOMMENDATION *(Revised April 1, 2022)*

Planning Staff is submitting the proposal for Planning Board disposition. The request was found to be consistent with one goal, one objective, and three policies within the Pender 2.0 Comprehensive Land Use Plan, and was also found to be generally consistent with the Future Land Use Map within said plan. The request is also consistent with previous approvals for the Wyndwater Master Development Plan, and with the Unified Development Ordinance. Therefore, Staff respectfully recommends approval of the revision as described in this report.



MDP REVISION PROPOSAL

In accordance with standards of the PD, Planned Development zoning district as laid out in the Pender County Unified Development Ordinance, Master Development Plans within this zoning district shall be subject to the review and approval of the Pender County Planning Board. In addition, major modifications to previously approved Master Development Plans shall also be subject to the review and approval of the Planning Board.

The Master Development Plan known as Wyndwater has been subject to a number of revisions of the course of its existence (see Attachment 1 for a history of the project). As it currently exists, the Master Development Plan of Wyndwater includes approximately ±234.28 acres, a significant number of which have already been developed or are in the process of being developed. Within Wyndwater, Phases 1, 2, 3, 6, 8, and 9 have received Final Plat approval and are entirely or mostly built out. All of Phase 4 has received Final Plat approval as well, and Phase 5 is currently under construction. The overall Master Development Plan is approved to include 529 units.

The proposal as outlined in this report does not seek to expand the previously approved unit allowance within the Master Development Plan. Rather, the proposed Master Development

Plan Revision seeks to allocate uses and unit counts to the remaining phases of the project, as well as provide additional clarity as to the infrastructure within the remaining phases. Additionally, the proposal seeks to increase non-residential acreage and uses within the project, with all non-residential uses continuing to be clustered along US HWY 17 at its intersection with Topsail Plantation Drive. Furthermore, the request seeks to remove approximately 29 acres from the overall Master Development Plan. Specifically, the Master Development Plan Revision proposal seeks approval for the following:

- Phase 10 (Pender County PINs 4213-49-8163-0000, 4214-40-7044-0000, and 4214-40-7044-0000): Remove from the project. This parcel was originally intended to include 41 single-family detached and townhome units. The parcel shall retain the PD, Planned Development zoning district designation but shall require its own Master Development Plan process if developed in the future.
- Phase 11 (northern portion of Pender County PIN 4204-84-9111-0000, as well as Pender County PINs 4204-75-8439-0000; 4204-75-9493-0000 and 4204-85-1358-0000): Previously approved for 76 townhome units, proposal reduces this number to 56 townhome units and increases commercial acreage to include 56,000 square feet of medical office and retail space.
- Phase 7 (southern portion of Pender County PIN 4204-84-9111-0000): previously noted as future development, proposal includes 60 townhome units as well as 12,800 square feet of medical office space. The 60 residential units allocated to this phase are sourced from the reduction of units in Phase 11 and the removal of Phase 10 from the project. This phase was designated to contain townhomes in the most recent Master Development Plan Revision, however no units were allocated to it (see below).





Above: Property previously designated as Phase 10, proposed to be removed from the project.

With approval of the proposed Master Development Plan Revision as outlined in this report, there would be no other phases within the project designated for future development. All residential units approved for the project would be allocated to one of the phases within it, all residential and non-residential uses would be designated, and all phases would be of sufficient detail to move forward to construction without any further revisions to the Master Development Plan. The majority of the remainder of this report is in the context of Phases 7 and 11 specifically, as all proposed changes within the Master Development Plan (with the exception of the removal of Phase 10) are contained within these two phases.

Density

The Wyndwater Master Development Plan has added additional land over time, and as such the overall density calculation has fluctuated over time. Generally, the approved residential density has been around 3 units per acre over the course of the Master Development Plan's existence. The most recent Master Development Plan revision established a net density of 2.76 units per acre across the entirety of the project. Given that the proposal seeks to remove approximately 29 acres from the project, the project now yields a higher units per acre figure of 3.46 units per

acre across the entirety of the project. However, the total number of residential units is not increasing by virtue of this proposal.

The standards of the PD, Planned Development zoning district at the time of Wyndwater's initial approval included a maximum of 5 units per acre for development within that zoning district, and the Comprehensive Land Use Plan adopted by the County at that time also recommended a density maximum of 5 units per acre in this location as well. While both the standards of the Unified Development Ordinance, as well as the adopted Comprehensive Land Use Plan have changed since that original approval, the Wyndwater Master Development Plan as proposed remains consistent with the standards and guidance that existed at the time it was established. A further discussion of density is included below in relation to the Pender 2.0 Comprehensive Land Use Plan.

Non-Residential Development

The applicant is proposing approximately 9.60 acres of non-residential space within the Master Development Plan. The majority of this acreage is clustered at the intersection of US HWY 17 and Topsail Plantation Drive, within Phases 7 and 11. Overall non-residential uses in this area includes approximately 68,800 square feet of medical office and retail space with associated parking and other typical features of non-residential development. Development of these areas shall require submittal of a Major Site Development Plan for all or a portion of the site, during which time the project shall be reviewed for its conformance to the Master Development Plan's requirements as well as those found within the Unified Development Ordinance.

In a previous iteration of this proposal, the applicant has floated the idea of a storage lot to be utilized by the Topsail Greens community and replace an existing storage lot along Topsail Plantation Road near US HWY 17. According to the applicant's submitted public input meeting report following the meeting in October, the Topsail Greens Homeowners Association was in support of this endeavor. Since that time, the ability for the land home to the existing storage area to be transferred to the applicant has been called into question. As such, the applicant has removed that property and all storage uses from the proposal (section revised April 1, 2022).

Proposed Setbacks and Dimensions

The applicant is requesting no changes to previously approved dimensional standards for the project. Structure separation between townhome buildings is proposed to be 10 ft. Maximum building height for all phases of the development is 38 ft. As outlined in the Unified Development Ordinance, Section 4.8.1.D outlines that the minimum distance between structures, minimum lot width, and minimum yard requirements are established in the Master Development Plan approval process and may be modified by the Planning Board.

Allowable Uses

Per Section 6.1.1.A of the Pender County Unified Development Ordinance (UDO), all proposed uses shall be specified in the Master Development Plan narrative by NAICS code. The applicant has requested a change in allowable uses outlined in the approved Master Development Plan, necessitating a revision to be considered by the Planning Board.

	Proposed Allowable Uses in Master Development Plan	
	NAICS Code	Use
Proposed Allowable Uses	443	Electronics and Appliance Stores
	445	Food and Beverage Stores
	446	Health and Personal Care Stores
	447	Gasoline Stores
	448	Clothing and Clothing Accessory Stores
	451	Sporting Goods, Hobby, Book, and Music Stores
	453	Miscellaneous Store Retailers
	454	Non-Store Retailers
	54	Professional, Scientific, and Technical Offices
	621	Ambulatory Health Care Services

TRANSPORTATION INFRASTRUCTURE

Roadways, Street Connectivity, and Access
The applicant is proposing private roadways in Phases 7 and 11.

Per Section 7.5.3, all designated private streets are required to be designed and constructed in compliance with the current NCDOT Subdivision Roads Minimum Construction Standards manual. The townhomes within Phases 7 and 11 shall be served by 40 ft. private rights of way, some of which will also serve future commercial development along US HWY 17 as well. This is in conformance with the Pender County Unified Development Ordinance. These roadways will be reevaluated at the point of Preliminary Plat and/or Major Site Development Plan submittal.

According to Section 4.8.1.E, the PD, Planned Development zoning district requires reasonable access to be provided to adjacent properties for development. Adequate connections to adjacent parcels will promote interconnectivity and build road networks throughout the County. Per Section 7.5.3.C.5, these roadways are required to be designated as public when connected to adjacent parcels. Phases 7 and 11 are designated to include private rights-of-way to reach the proposed townhomes from Topsail Plantation Drive. The design of the existing Topsail Greens subdivision, particularly those lots along Topsail Greens Drive, Topsail Plantation Drive, and Champion Drive, does not permit additional access points to be established to Phases 7 and 11. As such, the proposal is found to be in conformance with the Unified Development Ordinance from an access standpoint.

Pedestrian Access
Per Section 4.8.1.E.2 pedestrian-oriented communities are encouraged to maximize the opportunity for pedestrian activity and improve the quality of the pedestrian experience. Many existing phases of Wyndwater include pedestrian facilities. At the March 2, 2021 meeting of the Planning Board, a condition was placed upon the Wyndwater Master Development Plan such that all future roadways within the project would include pedestrian facilities on at least one side of the right-of-way or drive aisle. That condition shall be applicable to all private rights-of-way within Phases 7 and 11.

Traffic
A revision to the Traffic Impact Analysis (TIA) is currently underway given the proposed changes to the Master Development Plan, and the approved Scope for the revision is included as an attachment to this report. The TIA will analyze the proposal in the context of existing traffic volumes and roadway projects in coordination with NCDOT and the Wilmington Metropolitan Planning Organization, identifying roadway improvements to be installed by the developer to mitigate the impacts of the proposal on the NCDOT system. Additional units or other further revisions to the Master Development Plan may also require a further update to the Wyndwater TIA in the future. The TIA shall be approved, in addition to all applicable NCDOT Driveway Permits, prior to zoning approval being issued for any phase of the project.

Parking
Parking for the commercial uses will be determined based on the specific type of use and the total square footage of the building. As specific tenants for the proposed commercial developments are not yet known, parking requirements for this portion of the project cannot be determined at this time, and all parking areas shown on the Master Development Plan are only placeholders at this time. Through the site development plan approval process, parking will be reevaluated for conformance with the UDO.

LANDSCAPING, ENVIRONMENT, AND OTHER INFRASTRUCTURE

Landscape and Buffers
The table below outlines the required buffers in the PD, Planned Development zoning district based on the adjacent land uses to the subject property within Phases 7 and 11. The proposed master plan illustrates the type of buffer along each property boundary, all of which are compliant with UDO requirements.

Required and Proposed Buffers	
Buffer Type	**Location of Buffer**
Type A	Adjacent to US HWY 17 and Topsail Plantation Drive

Type C	Adjacent to all residential uses along Topsail Plantation Drive, Topsail Greens Drive, Champion Drive, and other roadways

Significant Trees

The PD, Planned Development zoning district requires a tree survey to be submitted prior to the Final Preliminary Plat approval. The Applicant shall be required to submit this documentation for all phases prior to the issuance of staff approvals of either Preliminary Plats or Major Site Development Plans. The applicant has agreed to a condition of approval requiring all significant trees to remain on site to be marked on the Master Development Plan and wrapped with protective fencing prior to issuance of any construction authorization and until construction is complete for all subsequent phases of the development. They have also agreed to mitigate significant trees required to be removed at a 4:1 ratio, whereas the Pender County Unified Development Ordinance requires mitigation at a 2:1 ratio.

Open Space

The Wyndwater Master Development Plan has expanded in acreage multiple times over the course of previous approvals. As such, the proposal conflicts with Section 7.6.1.E.1 of Pender County Unified Development Ordinance with regard to open space: per Section 7.6.1.E.1, the dedicated [open space] land shall form a single parcel of land, whether the subdivision is developed in phases or sections, except where it is determined by the appropriate governing body, that two (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 Wyndwater open spaces do not connect due to the applicant acquiring additional pieces of property throughout the Master Development Plan's multiple revisions. As the applicant completes the infill development, the open spaces become better connected throughout the Master Development Plan using sidewalks and pedestrian easements. The proposed 36.07 acres of open space exceeds the requirements within Section 7.6.1.C, which requires 0.03 acres per dwelling unit. All recreational unit requirements have been fulfilled at this time.

Open Space Type	Required (acres)	Proposed (acres)
Passive	7.92	15.52
Active	7.92	20.54
Total	15.88	36.07

Utilities

An Intent to Service Letter was provided by the applicant on behalf of Pluris Hampstead, LLC and Pender County Utilities during a previous approval process for the September 2016 MDP revision. No additional density has been added to this revision and no further action in required. Coordination with Pender County Utilities and Pluris Hampstead, LLC shall continue as individual phases are brought forward for review and approval by Planning Staff and the Technical Review Committee.

Stormwater
Previously approved phases of the Wyndwater Master Development Plan were approved under a previous version of the Unified Development Ordinance. Section 7.9 of the Pender County Unified Development Ordinance, which addresses stormwater management, has been updated following the submittal of the last revision to this Master Development Plan. Due to the submittal of this revision, all subsequent phases of the Wyndwater Master Development Plan shall be required to meet the updated stormwater standards enforced by Pender County. Conformance to these standards shall be verified during the site development plan and/or preliminary plat process for each individual phase.

Special Flood Hazard Areas
A portion of the subject property (PIN 4204-84-9111-0000) located directly east of US HWY 17 is located within the "Approximate Zone A" Special Flood Hazard Area, according to the 2007 Flood Insurance Rate Map (FIRM) Map Number 3720420400J. This was the established flood zone at the time of the original Master Development Plan approval, and construction standards in the Approximate Zone A would require elevation of structures within it at an elevation of 2' about highest adjacent grade (HAG). However, preliminary FIRMs are available for public review but not yet adopted, on which the amount of the parcel shown to be in the Special Flood Hazard Area is reduced and is within "Zone AO," which is a 1% annual-chance floodplain (also known as 100-year floodplain) with a depth of 2 ft. in all locations. Construction standards in this floodzone would include a 2' freeboard in addition to the 2' depth, leading to finish floor elevations for those structures being required to be 4' above highest adjacent grade (HAG). Finally, the applicant has the option to conduct a standalone flood study for this area and provide it for the County Floodplain Manager for their review in accordance with the Pender County Flood Damage Prevention Ordinance.

All development in these areas will require re-examination by Staff at the time of development submittal in accordance with the best available flood data and the effective Special Flood Hazard Area maps at that time. Both Phases 7 and 11 are and will be subject to the requirements of the Flood Damage Prevention Ordinance at the time of construction.

ENVIRONMENTAL CONCERNS	
Wetlands	It appears that the subject properties may contain wetlands per data provided by the NC Division of Coastal Management and the National Wetlands Inventory. The presence of any wetlands will be verified during the site development plan review process.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC), according to the North Carolina Department of Environmental Quality.

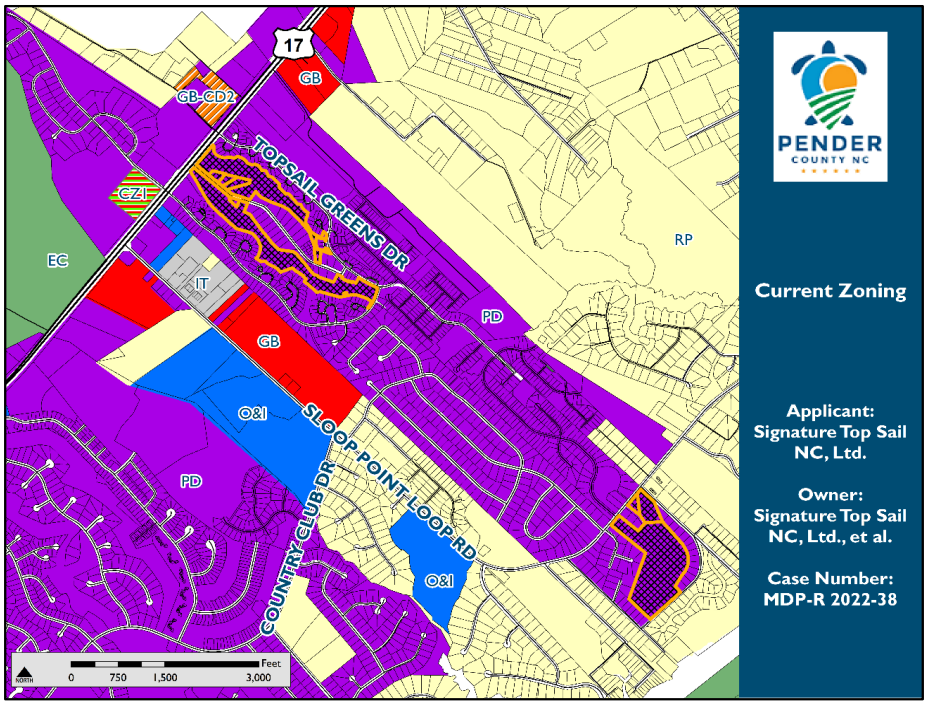
External Permits

All applicable state and federal agency permits, including but not limited to a Stormwater Management Permit, Erosion Control Plan, wetlands impact permits and delineations, and NCDOT Driveway/Encroachment Permits will be required prior to the approval of the for each phase as applicable, in addition to any further permits that may be required in the context of each phase.

PUBLIC INPUT MEETING

Per Sections 3.1 and 4.8 of the Pender County Unified Development Ordinance, an applicant for a Master Development Plan or major revision to said plan is required to hold a public input meeting prior to being scheduled for a public hearing with the Planning Board. The applicant held their meeting on Saturday, October 8th, 2021 at the Wyndwater pool and amenity site. According to the submitted report from the applicant, questions included flexibility in the buffer standards to remove fencing requirements (discussed earlier in this report). Additionally, the report confirms the Topsail Greens' Homeowners Association approval of the movement of the storage lot area, which has since been removed from the proposal (revised April 1, 2022).

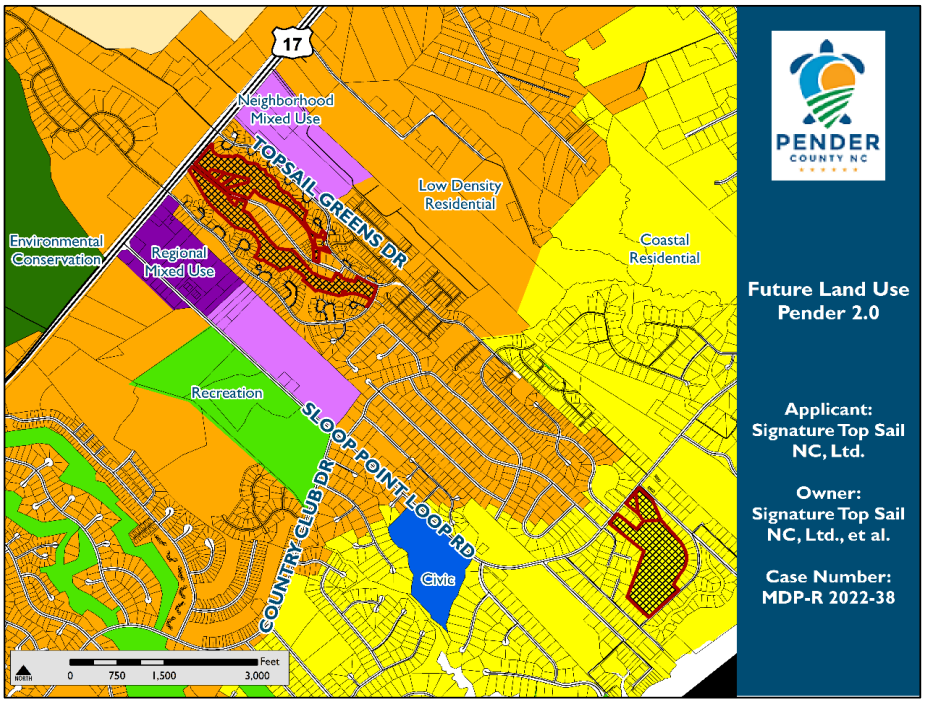
EVALUATION



Below: Zoning Map of the Area

CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Topsail Greens, Cardinal Acres, farm uses	PD, Planned Development
East	Multiple Low Density Residential Subdivisions	PD, Planned Development
South	Greenway Plantation, Topsail Greens, Various Commercial and Light Industrial Uses	PD, Planned Development; GB, General Business; IT, Industrial Transitional
West	Low Density Residential, Various Commercial	PD, Planned Development, Multiple Conditional Districts

Pender 2.0 Comprehensive Land Use Plan Compliance: The Wyndwater Master Development Plan was originally approved under the 2010 Pender County Comprehensive Land Use Plan. That Plan designated the subject parcels within the "Mixed Use" Future Land Use Category, which established areas where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian, and transit-friendly manner.



Pender County adopted the Pender 2.0 Comprehensive Land Use Plan in August 2018. As this is a proposed revision to the approved Wyndwater Master Development Plan, the project shall now be evaluated under the Pender 2.0 Comprehensive Land Use Plan.

The Pender 2.0 Comprehensive Land Use Plan designates the subject properties as Low Density Residential and Coastal Residential. The Low Density Residential future land use category is established in areas that are typically established single-family neighborhoods with a low density residential development pattern. Appropriate uses include single-family dwellings and neighborhood-scale institutional facilities. Commercial and industrial uses are inappropriate in these areas, as are large institutions and other significant traffic generators. Duplexes and 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 communities is encouraged.

The Coastal Residential future land use category is established to protect the County's coastal character. Coastal residential land uses are located east of the US 17 corridor and generally within a half-mile of estuarine waters such as coastal creeks and the Intracoastal Waterway. Appropriate uses include single-family residences, community recreation and open space uses, and water-based recreation uses (public and private). Unencumbered access to public trust coastal waters and maximum development setback from the shoreline is highly encouraged. Clustering of new communities is encouraged. In addition, Low Impact Development techniques are encouraged, as are enhanced tree preservation and mitigation strategies and the limiting of impervious surfaces.

Desired development density within the Low Density Residential future land use category is 2 units an acre or less, while in Coastal Residential, desired development density is 3 units an acre or less.

The Wyndwater Master Development Plan was previously approved for 529 units over 234.28 acres, yielding a net density of 2.76 units per acre over the entirety of the project. Because a phase of the project is proposed to be removed, the net density figure changes to become 3.46 units per acre. While this density is slightly higher than what is desired by the Pender 2.0 Comprehensive Land Use Plan in the Low Density and Coastal Residential Future Land Use Classifications, Phases 7 and 11 are immediately between areas designated for higher density, mixed use development. The Future Land Use Map is not intended to be parcel specific, and areas on the border between future land use categories are intended to be areas of transition between them. Based on an analysis of the area as one of transition, along with previous approvals and the specifics of the proposed revision, Staff find that the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan.

In addition to the future land use map, the proposal was found to be consistent with one goal, one objective, and three policies within the Pender 2.0 Comprehensive Land Use Plan:

Policy 3.1.L: Tree Preservation: The County shall continue to require tree preservation for significant trees.

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

Objective 4.3: Encourage alternate 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.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.X: Coastal Residential Development: The County supports the protection of existing coastal single-family residential neighborhoods and property values by encouraging low-impact development principles, impervious coverage thresholds, public trust access, and preservation of tree canopy.

The proposal fulfills several desired policy outcomes for development as described in the Pender 2.0 Comprehensive Land Use Plan. Primary among them is the provision of multiple housing types within the development, which can address different needs of the community at different price points. Furthermore, the applicant has agreed to providing pedestrian infrastructure along all subsequent rights-of-way and drive-aisles within the development, allowing residents additional opportunities for recreation and access to open space areas. The applicant has also agreed to a more stringent significant tree protection and mitigation standard than is provided for in the Unified Development Ordinance.

The proposal was not found to conflict with any goals, objectives, or policies within the Pender 2.0 Comprehensive Land Use Plan.

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

3.5.4 Master Development Plan Review

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

STAFF RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request was found to be consistent with one goal, one objective, and three policies within the Pender 2.0 Comprehensive Land Use Plan, and was also found to be generally consistent with the Future Land Use Map within said plan. The request is also consistent with previous approvals for the Wyndwater Master Development Plan, and with the Unified Development Ordinance. Therefore, Staff respectfully recommends approval of the revision as described in this report.

CONDITIONS OF APPROVAL

The following conditions of approval are all applicable to various phases of the Wyndwater Master Development Plan and were added over various previous approvals. The majority of the conditions have already been addressed through review of various phases, and Staff propose no additional conditions at this time:

1. Phase III: Provide connection to adjacent property for future development to the northwest of the subject property (documented under case #11067 Cardinal Pointe, as submitted to Planning Board in December 2013);
2. Phase II: Provide connection to identified “Capstone Property” identified by Pender County PIN 4214-22-7567-0000;
3. Phase I: Allow for “alternative” design for alleyway
4. Phase III: Allow for emergency access along the connection to Doral Drive (SR 1693).
5. Phase III: The temporary cul de sac shown on the western portion Phase III shall be converted to a through roadway at the time of the adjacent parcel development.
6. Phase III: Additional to condition five (5), a second roadway connection shall be shown to the adjacent parcel (PIN: 4204-94-9912-0000 and identified as the Cardinal Pointe Master Development Plan Case # 11067).
7. Phase IV: Provide adjacent property connection north to PIN 4214-43-1229-0000 (Westbrook tract).
8. Phase VI: Provide connection to Oak Circle (private).
9. Phase IV: Allow for “alternative” design of a hammerhead. The applicant has implemented this design into the Phase IV submittal.
10. Phase VI: A roadway connection to “Amanda Lane”, which is part of the Cardinal Acres Manufactured Home Park, adjacent to proposed Phase VI of Wyndwater.
11. Improve the temporary construction connection from Aurora (public) to Topsail Greens (private) to be an additional means of ingress and egress for the Wyndwater Subdivision.
12. Resurface and maintain Topsail Greens Drive (private) from the intersection of US HWY 17 to its terminus at Aurora Place (public) to NCDOT road surfacing standards until an additional access is provided from Wyndwater to US HWY 17.
13. All subsequent phases of the Wyndwater Master Development Plan that have not received an approved Preliminary Plat or Major Site Development Plan as of February 2, 2021 shall provide sidewalks or other equivalent pedestrian infrastructure along at least one side of every right-of-way or drive aisle within those phases.
14. All subsequent phases of the Wyndwater Master Development Plan that have not received an approved Preliminary Plat or Major Site Development Plan as of February 2, 2021 shall be held to a significant tree mitigation factor of 4:1 (for every significant tree removed, four of the same species shall be planted). Significant trees to be kept shall be shown on Preliminary Plats or Major Site Development Plans and fenced prior to approval of those documents. Fencing shall not be removed until all construction on-site is complete.

ATTACHMENT 2 – Stormwater Narrative and Drainage Plan

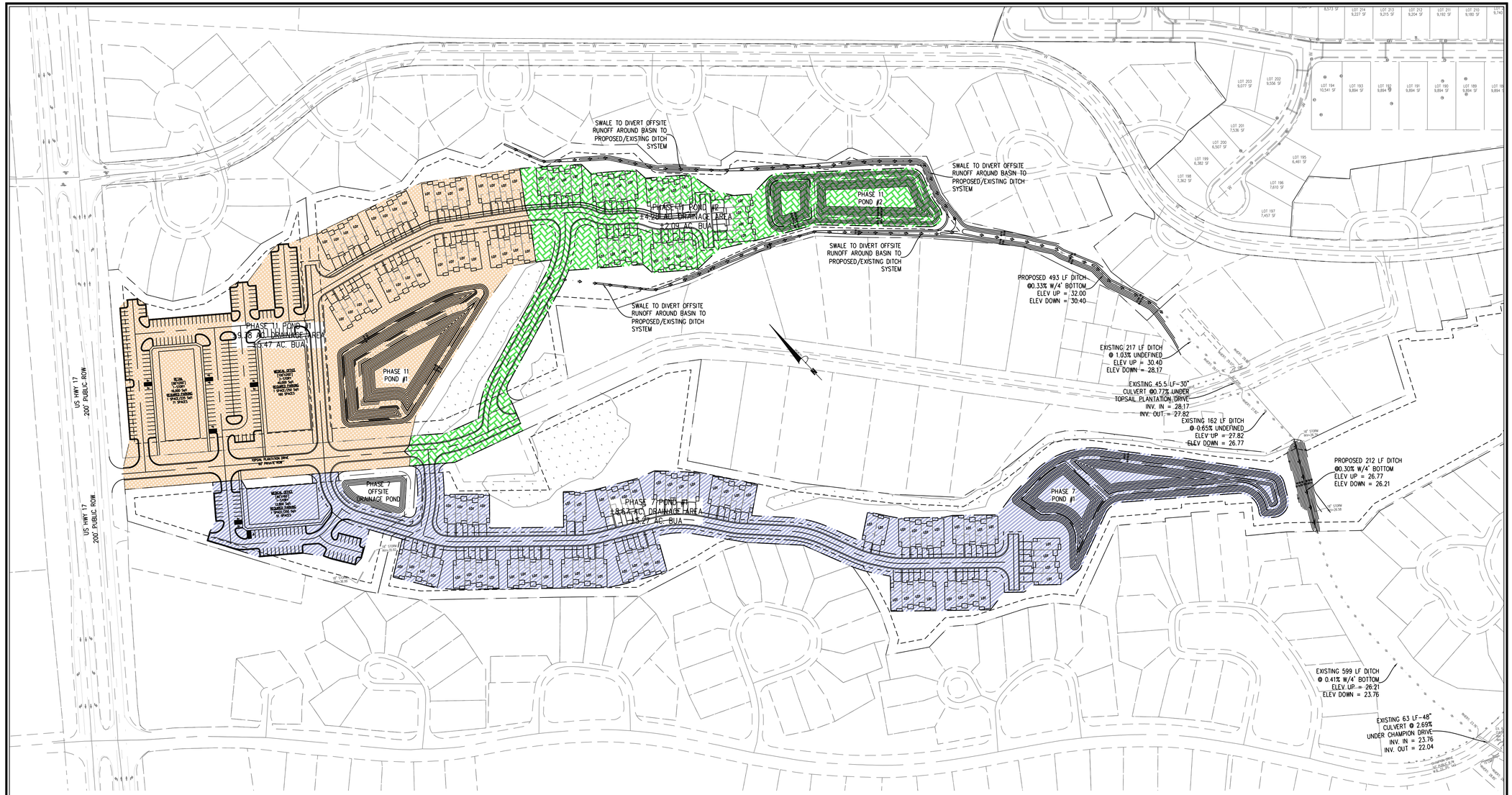
STORMWATER NARRATIVE
WYNDWATER – PHASE 7 & 11
PENDER COUNTY, NC

SITE DESCRIPTION

Phase 7 (Pender County PIN 4204-84-9111-0000): This Phase of the development is proposed to contain sixty (60) townhome units & a 2.66 ac commercial area containing +/-12,800 sf of Medical Office space. Phase 7 is to the south of Topsail Plantation Drive, north of Champion Drive, and directly east of US HWY 17. This phase of the project is proposed to be treated by a wet detention basin that will discharge to an existing ditch system along the eastern portion of this phase of the project. The drainage area is +/-8.67 acres and the total amount of impervious area draining to the wet detention basin is 60.8%. The proposed wet detention basin will be designed to treat the first 1.5" of rainfall and to control the peak runoff from the 10 & 25-year storm events so as not to exceed the pre-development peak runoff discharge rate to meet Pender County and the state of North Carolina Stormwater Regulations. An Emergency Spillway will be provided to convey the 50-year storm event. The site drains to an unnamed tributary of Mullet Run (classification SA, HQW) but is greater than ½ mile.

Phase 11 (Pender County PIN 4204-84-9111-0000): This Phase of the development is proposed to contain fifty-six (56) townhome units & a 4.30 ac. commercial area containing +/-16,000 sf of Retail and +/-40,000 sf of Medical Office space. Phase 11 is to the north of Topsail Plantation Drive, south of Topsail Greens Drive, and directly east of US HWY 17. This phase of the project is proposed to be treated by 2 wet detention basins that will discharge to a ditch system along the eastern portion of this phase of the project. The drainage area for Pond #1 is +/-9.38 acres and the total amount of impervious area draining to the wet detention basin is 58.4%. The drainage area for Pond #2 is +/-4.28 acres and the total amount of impervious area draining to the wet detention basin is 48.8%. The proposed wet detention basins will be designed to treat the first 1.5" of rainfall and to control the peak runoff from the 10 & 25-year storm events so as not to exceed the pre-development peak runoff discharge rate to meet Pender County and the state of North Carolina Stormwater Regulations. Emergency Spillways will be provided to convey the 50-year storm event. The site drains to an unnamed tributary of Mullet Run (classification SA, HQW) but is greater than ½ mile.

	PRE		POST	
	10	25	10	25
Phase 7 – Basin #1	21.61	30.61	2.83	7.91
Phase 11 – Basin #1	23.38	33.12	6.45	10.62
Phase 11 – Basin #2	12.52	17.20	2.72	6.32



DRAINAGE AREAS

- PHASE 7 WET DETENTION BASIN #1 AREA=8.67 AC.
- PHASE 11 WET DETENTION BASIN #1 AREA=9.38 AC.
- PHASE 11 WET DETENTION BASIN #2 AREA=4.28 AC.

NORTH CAROLINA PROFESSIONAL SEAL 031315 ENGINEER GARRY S. PAPE
02/16/2023

GRAPHIC SCALE

100 0 50 100 200

1 inch = 100 ft.

No.	Revision	Date	By

Designer GSP	Scale 1"=100'
Drawn By GSP	Date February 2023
License # P-0718	Job No. 2023-0001

WYNDWATER

Topsail Township Pender County North Carolina

DRAINAGE AREA MAP

PREPARED FOR:
SIGNATURE TOP SAIL NC, Ltd.
9337B KATY FREEWAY #377
HOUSTON, TX 77024
713-822-3891

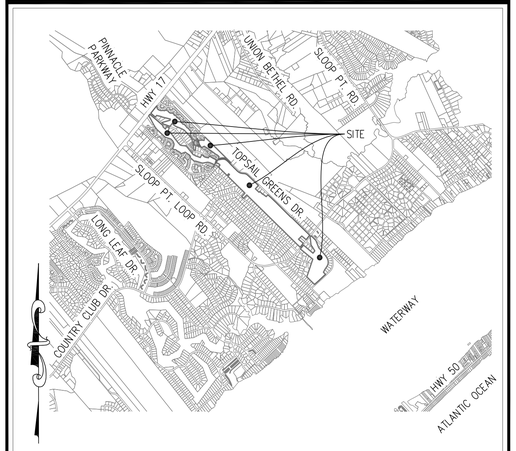
GSP CONSULTING, PLLC
ENGINEERING
6626 Gordon Road Unit C Wilmington, North Carolina 28411 tel: 910-442-7870 fax: 910-799-6659

Sheet No. **D-1**

ATTACHMENT 3 – Wyndwater Master Development Plan

MASTER DEVELOPMENT PLAN
FOR
WYNDWATER
PENDER COUNTY, NORTH CAROLINA
APRIL 2023

VICINITY MAP



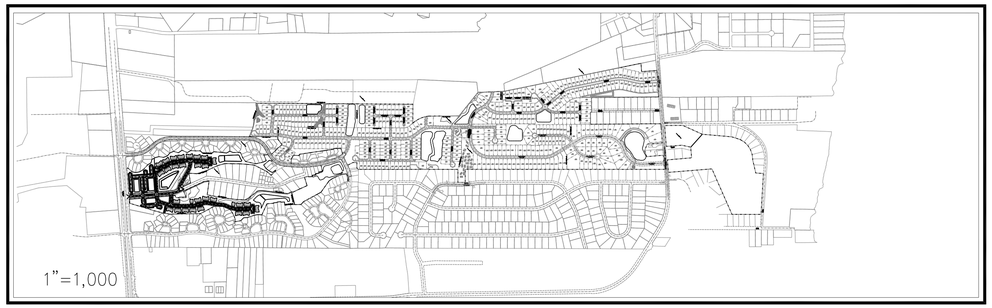
VICINITY MAP
(NTS)

LEGEND

DESCRIPTION	EXISTING	PROPOSED
1' CONTOUR INTERVAL		
5' CONTOUR INTERVAL		
PROPERTY LINE		
ROADWAY CENTERLINE		
RIGHT OF WAY LIMITS		
EASEMENT LINE		
CURB & GUTTER		
SANITARY SEWER FACILITIES		
STORM SEWER FACILITIES		
WATERLINE		
FIRE HYDRANT ASSEMBLY		N/A
WATERWAYS		

PROPOSED

PROPOSED LOT AND S.F.	X 5,000 s.f.	STREET SIGN	
OPEN SPACE LABEL	Ⓐ		
OPEN SPACE		404 WETLANDS	
BUILDING SET BACKS			
PRIVATE SANITARY SET BACKS		FLOW DIRECTION	



DEVELOPER/OWNER

Signature Top Sail NC, LP
9337b Katy Freeway #377
Houston, Texas 77024
Phone: (713) 789-0466

OTHER PROPERTY OWNERS

Ruth Caroline Kalmar Lewis Estate
2237 Queens Road East, Charlotte, NC 28207
Capstone Ventures, LLC
129 Timber Hill Place, Chapel Hill, NC 27514

PREPARED BY:

GSP CONSULTING,PLLC
ENGINEERING
6626 Gordon Road, Unit C, Wilmington, North Carolina 28411 tel: 910-442-7870 fax: 910-799-6659 License # P-0718

INDEX OF SHEETS

SHT C-0	COVER SHEET
SHT C-1	GENERAL NOTES
SHT C-2.1 – C-2.6	BOUNDARY SURVEY
SHT C-3.1 – C-3.6	SITE PLAN
SHT C-4.1 – C-4.6	UTILITY & STORMWATER MANAGEMENT PLAN

SITE DATA TABLE

DEVELOPMENT NOTES:

1. PENDER COUNTY PARCEL NO.: PIN 4214-12-8251-0000
2. TOTAL TRACT AREA: 8,971,551 SF = 205.96 AC.±
3. ZONING: PLANNED DEVELOPMENT (PD)
4. LAND CLASSIFICATION: VACANT
5. A PORTION OF THIS PROPERTY IS WITHIN A SPECIAL FLOOD HAZARD ZONE PER FEMA FLOOD INSURANCE RATE MAP #3720420400J, EFFECTIVE DATE 2/16/2007 AND FLOOD INSURANCE RATE MAP #3720421400J, EFFECTIVE DATE 2/16/2007.
6. THIS PROPERTY DOES NOT CONTAIN ANY A.E.C. AREAS OR IS UNDER CAMA JURISDICTION.
7. THIS PROPERTY DOES CONTAIN 404 FEDERAL WETLANDS WHICH HAVE BEEN APPROVED BY THE USACOE.

GENERAL NOTES:

1. OWNERSHIP REFERENCE: D.B. 4379 P.G 330
2. PROPERTY IS LOCATED IN PENDER COUNTY AND IS ZONED PLANNED DEVELOPMENT (PD).
3. A HOME OWNERS ASSOCIATION WILL BE FORMED TO GUARANTEE CONTINUAL MAINTENANCE OF THE COMMON AREAS AND OPEN SPACE.
4. ALL INTERIOR ROADWAYS ARE TO BE BUILT TO NCDOT SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS.
5. INTERIOR ROADWAYS ARE TO BE PRIVATE AND PUBLIC AS DEPICTED ON THE MASTER PLAN OR FUTURE PRELIMINARY PLANS. PUBLIC ROADWAYS SHALL BE DEDICATED TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
6. A HOME OWNERS ASSOCIATION WILL BE FORMED PRIOR TO THE SALE OF ANY LOTS AND MEMBERSHIP WILL BE AUTOMATIC UPON PURCHASE.
7. THIS MASTER PLAN IS CONCEPTUAL AND IS SUBJECT TO CHANGE IN ACCORDANCE WITH THE PROVISIONS OF PENDER COUNTY DEVELOPMENT ORDINANCE.
8. THE DEVELOPERS HAVE THE SOLE RIGHT TO MODIFY THIS MASTER PLAN IN ACCORDANCE WITH MARKET CONDITIONS OR OTHER CONDITIONS WHICH INDICATE A CHANGE IS DESIRED OR REQUIRED. ANY AND ALL CHANGES MUST BE REVIEWED BY THE PLANNING DEPARTMENT AND IN SOME INSTANCES MAY REQUIRE PLANNING BOARD APPROVAL.
9. BUFFERS WILL BE PROVIDED PER CURRENT PENDER COUNTY ZONING ORDINANCE.
10. WETLANDS IMPACTED WILL BE MITIGATED IN ACCORDANCE WITH ANY REQUIREMENTS OF APPLICABLE STATE AND FEDERAL PERMITS.
11. ALL LOTS SHALL MEET CURRENT PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE REGULATIONS.
12. IT IS THE INTENT FOR PHASE 3 OF THIS DEVELOPMENT TO INCLUDE A POOL FACILITY AND MULTI-USE PATHS/SIDEWALKS WITHIN THE DEVELOPMENT AS SHOWN ON THE MDP.

SINGLE FAMILY DEVELOPMENT STANDARDS:

MINIMUM LOT DIMENSIONS:

AREA IN (S.F)	12,000 SF (W/SEPTIC) 5,000 SF (W/SEWER)
MAX USABLE LOT AREA (%)	95%
MIN LOT WIDTH (FT)	70' (W/SEPTIC) 40' (W/SEWER)
MIN CHORD AT ROW (CUL-DE-SAC)	30'
MAX BLDG. HT. (FT)	38'

PROPOSED BUILDING SETBACKS:

FRONT –	15'
REAR –	20'
SIDE –	ZERO LOT LINE (10' MAINTENANCE EASEMENT BETWEEN STRUCTURES, STRUCTURES TO BE A MINIMUM OF 5' FROM SIDE PROPERTY LINE)
CORNER –	10'

ANY PERIPHERAL PROPERTY LINE STRUCTURES – AS PER NORTH CAROLINA STATE BUILDING CODE

SINGLE FAMILY ATTACHED DEVELOPMENT STANDARDS:

MINIMUM LOT DIMENSIONS:

AREA IN (S.F)	5,000 SF
MAX USABLE LOT AREA (%)	95%
MIN LOT WIDTH (FT)	40'
MIN CHORD AT ROW (CUL-DE-SAC)	30'
MAX BLDG. HT. (FT)	38'

PROPOSED BUILDING SETBACKS:

FRONT –	15'
REAR –	20'
SIDE* –	ZERO LOT LINE (10' MAINTENANCE EASEMENT BETWEEN STRUCTURES)
CORNER –	10'

ANY PERIPHERAL PROPERTY LINE STRUCTURES – AS PER NORTH CAROLINA STATE BUILDING CODE
*TWO ATTACHED SINGLE FAMILY UNITS LOCATED ON ONE OR TWO LOTS THAT SHARE A COMMON WALL ALONG THE LOT LINE

REQUIRED OPEN SPACE:
528 LOTS * 0.03 AC/LOT = 15.84 AC±

PROVIDED OPEN SPACE
36.07 AC± TOTAL OPEN SPACE PROVIDED
NOTE: PROPOSED OPENSPACE/RECREATION SPACE AREAS ARE NOT FOR BUILDING OR STRUCTURAL DEVELOPMENT & ARE SUBJECT TO CHANGE

OPEN SPACE BY PHASE:

PHASE	PASSIVE (AC.)	ACTIVE (AC.)
PHASE 1	1.31	1.31
PHASE 2	0.00	3.82
PHASE 3	3.63	3.63
PHASE 4	0.35	1.38
PHASE 5	0.00	1.07
PHASE 6	1.39	1.39
PHASE 7	3.32	3.32
PHASE 8	0.00	0.81
PHASE 9	0.00	0.12
PHASE 11	3.68	3.68
OTHER	1.83	0.00
TOTAL	15.52	20.54 (36.07)

CUMULATIVE TRIP GENERATION:
412 SINGLE FAMILY HOMES* & 116 DUPLEX/TOWNHOME UNITS** 52,800 SF MEDICAL OFFICE*** & 16,000 SF RETAIL****:
5,917 – TOTAL DAILY TRIPS
552 – AM PEAK HOUR
599 – PM PEAK HOUR
*PER ITE TRIP GENERATION MANUAL 8TH EDITION, ITE CODE 210
**PER ITE TRIP GENERATION MANUAL 8TH EDITION, ITE CODE 230
***PER ITE TRIP GENERATION MANUAL 8TH EDITION, ITE CODE 710
****PER ITE TRIP GENERATION MANUAL 8TH EDITION, ITE CODE 814

TIA TRIP GENERATION:
379 SINGLE FAMILY HOMES*, 155 DUPLEX/TOWNHOME UNITS**
60,000 SF MINI-WAREHOUSE*** & 100 SENIOR ADULT HOUSING UNITS****:
5,143 – TOTAL DAILY TRIPS
410 – AM PEAK HOUR
497 – PM PEAK HOUR
*PER ITE TRIP GENERATION MANUAL 8TH EDITION, ITE CODE 210
**PER ITE TRIP GENERATION MANUAL 8TH EDITION, ITE CODE 230
***PER ITE TRIP GENERATION MANUAL 8TH EDITION, ITE CODE 151
****PER ITE TRIP GENERATION MANUAL 8TH EDITION, ITE CODE 251

DEVELOPMENT DATA BY PHASE:

PHASE	# OF LOTS	ROAD LEN. (LF)	ROW AREA (AC.)
PHASE 1	40	2,517	3.33
PHASE 2	65	2,394	2.89
PHASE 3	114	7,060	7.54
PHASE 4	52	3,171	3.60
PHASE 5	63	2,797	2.87
PHASE 6	45	2,462	2.72
PHASE 7	60	1,774	1.76
PHASE 8	25	1,350	1.17
PHASE 9	8	600	0.70
PHASE 11	56	1,595	1.68
TOTAL	528	25,720	28.26

DEVELOPMENT DATA:

TOTAL TRACT AREA = 8,971,551 SF = 205.96 AC.±
AVERAGE LOT SIZE – 10,587 SF
AREA OF LOTS – 4,361,809 SF = 100.13 AC.±
AREA OF TOWNHOMES – 253,855 SF = 5.83 AC.±
AREA OF ROW – 1,231,006 SF = 28.26 AC.±
TOTAL ROAD LENGTH – 25,720 L.F.±

OVERALL BUA – 2,806,934 S.F. (31.3%)

DEVELOPMENT DATA:

TOTAL TRACT AREA =	205.96 AC
NON-RESIDENTIAL ACREAGE =	9.60 AC
WETLAND ACREAGE =	4.34 AC
RIGHT OF WAY ACREAGE =	28.26 AC
OPEN SPACE ACREAGE =	36.07 AC
ACTIVE =	20.54 AC
PASSIVE =	15.52 AC
TOTAL UNITS =	528
DEVELOPABLE LAND =	132.03 AC
NET DENSITY =	4.00 UNITS/AC

DEVELOPMENT NOTES:
1. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE.
2. PROJECT SHALL COMPLY WITH ALL CITY, STATE & FEDERAL REGULATIONS.

NORTH CAROLINA PROFESSIONAL SEAL 031315 ENGINEER HARRY S. PAPP

NOTE:
ALL DESIGN AND CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE & THE STATE OF NORTH CAROLINA

04/03/2023

PROJECT NAME: WYNDWATER
GSP CONSULTING PROJECT #: 2016-0001

COORDINATION NOTES

1. THE CONTRACTOR IS REQUIRED TO OBTAIN ANY/ALL PERMITS REQUIRED FOR CONSTRUCTION OF THESE PLANS.
2. ALL WORK IS TO BE IN ACCORDANCE WITH PENDER COUNTY AND THE STATE OF NORTH CAROLINA.
3. THE CONTRACTOR IS TO ESTABLISH AND CHECK ALL HORIZONTAL AND VERTICAL CONTROLS TO BE USED WITH THE PROJECT. IN ADDITION, THE CONTRACTOR IS TO COMPUTE THE LAYOUT OF THE ENTIRE SITE PLAN IN ADVANCE OF BEGINNING ANY WORK ASSOCIATED WITH THE SUBJECT PLANS. CONTRACTOR SHALL EMPLOY A PROFESSIONAL SURVEYOR TO PERFORM SITE IMPROVEMENT STAKEOUT(S).
4. ANYTIME WORK IS PERFORMED OFF-SITE OR WITHIN AN EXISTING EASEMENT, THE CONTRACTOR IS TO NOTIFY THE HOLDER OF SAID EASEMENT AS TO THE NATURE OF PROPOSED WORK, AND TO FOLLOW ANY GUIDELINES OR STANDARDS WHICH ARE ASSOCIATED WITH OR REFERENCED IN THE RECORDED EASEMENT.

GENERAL NOTES:

1. EXISTING TOPOGRAPHY, BOUNDARY AND UTILITIES, HAVE BEEN PREPARED BY A FIELD SURVEY BY ATLANTIC COAST SURVEY, PLLC (P-0822) AND OTHER AVAILABLE INFORMATION.
2. REASONABLE CARE HAS BEEN EXERCISED IN SHOWING THE LOCATION OF EXISTING UTILITIES ON THE PLANS. THE EXACT LOCATION OF ALL EXISTING UTILITIES IS NOT KNOWN IN ALL CASES. THE CONTRACTOR SHALL EXPLORE THE AREA AHEAD OF DITCHING OPERATIONS BY OBSERVATIONS, ELECTRONIC DEVICES, HAND DIGGING AND BY PERSONAL CONTACT WITH THE UTILITY COMPANIES. IN ORDER TO LOCATE EXISTING UTILITIES IN ADVANCE OF TRENCHING OPERATIONS SO AS TO ELIMINATE OR MINIMIZE DAMAGE TO EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COSTS RESULTING FROM ANY DAMAGE TO THE EXISTING UTILITY LINES INCLUDING LOSS OF UTILITY REVENUES. CONTRACTOR SHALL ARRANGE FOR TEMPORARY SUPPORT OF EXISTING UTILITIES, SUCH AS POLES, CONDUITS, FIBER OPTIC CABLES, TELEPHONE CABLES, WATER LINES, ETC...
3. CONTRACTOR SHALL COMPLY WITH THE LATEST REVISIONS AND INTERPRETATIONS OF THE DEPARTMENT OF LABOR SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION PROMULGATED UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT.
4. CONTRACTOR SHALL PLAN AND CONSTRUCT WORK SO AS TO CAUSE MINIMUM INCONVENIENCE TO THE OWNER AND THE PUBLIC. THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN AT ALL TIMES DURING THE PROGRESS OR TEMPORARY SUSPENSION OF WORK, SUITABLE BARRIERS, FENCES, SIGNS OR OTHER ADEQUATE PROTECTION, INCLUDING FLAGMEN AND WATCHMEN AS NECESSARY TO INSURE THE SAFETY OF THE PUBLIC AS WELL AS THOSE ENGAGED IN THE CONSTRUCTION WORK. CONSTRUCTION SIGNING SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF "CONSTRUCTION AND MAINTENANCE OPERATIONS SUPPLEMENT TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" BY THE DOT.
5. ALL MATERIAL CLEARED OR DEMOLISHED BY THE CONTRACTOR IN ORDER TO CONSTRUCT THE WORK SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE PROPERLY DISPOSED OF OFF-SITE.
6. ALL WORK BY THE CONTRACTOR SHALL BE WARRANTED BY THE CONTRACTOR FOR A PERIOD OF ONE YEAR AFTER THE OWNER ACCEPTS THE WORK.
7. CONTRACTOR SHALL CALL THE NORTH CAROLINA ONE-CALL CENTER AT 1 (800) 632-4949 AND ALLOW THE CENTER TO LOCATE EXISTING UTILITIES BEFORE DIGGING.
8. CONTRACTOR SHALL REMOVE ASPHALT, AGGREGATE BASE COURSE, AND CONCRETE CURB & GUTTER WITHIN LIMITS OF DEMOLITION AS SHOWN ON PLAN.

DEMOLITION NOTES

1. CONTRACTOR TO COORDINATE WITH THE OWNER TO PROPERLY MAINTAIN OR RELOCATE EXISTING SERVICE CONNECTIONS WHEN NECESSARY
2. CONTRACTOR IS TO WALK THE SITE AND BECOME FAMILIAR WITH THE SCOPE OF DEMOLITION REQUIRED. ALL DEMOLITION WORK REQUIRED TO CONSTRUCT NEW SITE IMPROVEMENTS WILL BE PERFORMED BY THE CONTRACTOR AND WILL BE UNCLASSIFIED EXCAVATION.
3. DEMOLITION SHALL INCLUDE BUT IS NOT LIMITED TO THE EXCAVATION, HAULING AND OFFSITE DISPOSAL OF CONCRETE PADS, CONCRETE DITCHES, FOUNDATIONS, SLABS, STEPS, AND STRUCTURES; ABANDONED UTILITIES, BUILDINGS, PAVEMENTS AND ALL MATERIALS CLEARED AND STRIPPED TO THE EXTENT NECESSARY AS DIRECTED BY THE SOILS ENGINEER FOR THE INSTALLATION OF THE NEW IMPROVEMENTS AND WITHIN THE LIMITS OF CLEARING AND GRADING AND AS SHOWN ON THESE PLANS.
4. THE CONTRACTOR SHALL PROTECT ALL ADJACENT PROPERTY, STRUCTURES AND UTILITIES ON THE PROPERTY NOT TO BE DEMOLISHED. DAMAGE TO PROPERTIES OF OTHERS DUE TO THE CONTRACTOR'S ACTIVITIES SHALL BE REPLACED IN KIND BY THE CONTRACTOR AT NO COST TO OWNER.
5. ELECTRIC, TELEPHONE, SANITARY SEWER, WATER AND STORM SEWER UTILITIES THAT SERVICE OFF-SITE PROPERTIES SHALL BE MAINTAINED DURING THE CONSTRUCTION PROCESS BY THE CONTRACTOR.
6. EXISTING UTILITIES NOT INTENDED FOR DEMOLITION SHALL BE MAINTAINED, PROTECTED AND UNDISTURBED DURING DEMOLITION
7. ALL EXISTING IMPROVEMENTS INDICATED OR REQUIRED TO BE DEMOLISHED SHALL INCLUDE REMOVAL FROM THE PROPERTY AND PROPER DISPOSAL.
8. CONTRACTOR SHALL COORDINATE RELOCATION OF ALL EXISTING OVER HEAD AND UNDERGROUND UTILITIES INCLUDING CABLE, GAS, TELEPHONE AND ELECTRIC AND ANY OTHER UTILITIES THROUGH THE SITE WITH THE RESPECTIVE COMPANIES.
9. PROVIDE SMOOTH SAW CUT OF EXISTING PAVEMENTS, CURBS AND GUTTERS AND SIDEWALKS TO BE DEMOLISHED.
10. ALL DEMOLITION WORK SHALL BE DONE IN STRICT ACCORDANCE WITH LOCAL, STATE AND FEDERAL REGULATIONS AS WELL AS OSHA REGULATIONS.
11. INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS, BUT THE THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATIONS OF THE MAINS BY DIGGING TEST PITS BY HAND.

EROSION AND SEDIMENT CONTROL NOTES

GENERAL NOTES:

1. CLEAR AND REMOVE FROM SITE ALL TREES, ROOTS, ROOT MAT, ETC. FROM THE AREA WITHIN DESIGNATED CLEARING LIMITS.
2. PLANT GRASS OVER ALL GRADED AREAS AS SHOWN IN THE TABLE ON THIS SHEET OF CEASE OF ANY GRADING ACTIVITY.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING AND RESTORING TO PRE-CONSTRUCTION CONDITIONS ANY AREAS OUTSIDE THE PROJECT LIMITS THAT MAY INADVERTENTLY BE DAMAGED DUE TO THE FAILURE OF THE EROSION MEASURES
4. DURING GRADING AND AFTER GRADING HAS BEEN COMPLETED, CONTRACTOR SHALL CONTINUE TO MAINTAIN PERMANENT AND TEMPORARY EROSION CONTROL MEASURES UNTIL FINAL INSPECTION AND APPROVAL BY THE NCDENR DIVISION OF LAND QUALITY.
5. WATER, FERTILIZE, MOW AND MAINTAIN SPRIGGED, SODDED AND PLANTED AREAS UNTIL FINAL APPROVAL BY THE NCDENR DIVISION OF LAND QUALITY.
6. ANY BORROW MATERIAL BROUGHT ONTO SITE MUST BE FROM A LEGALLY OPERATED MINE OR OTHER APPROVED SOURCE.
7. ANY EXCESS MATERIAL REMOVED FROM SITE MUST BE HAULED TO A LEGALLY OPERATED MINE OR OTHER APPROVED SOURCE.

MAINTENANCE PLAN

1. ALL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CHECKED FOR STABILITY AND OPERATION FOLLOWING EVERY RUNOFF-PRODUCING RAINFALL BUT IN NO CASE LESS THAN ONCE EVERY WEEK. ANY NEEDED REPAIRS WILL BE MADE IMMEDIATELY TO MAINTAIN ALL PRACTICES AS DESIGNED.
2. ALL CONSTRUCTION ENTRANCES WILL BE PERIODICALLY TOP DRESSED WITH AN ADDITIONAL 2 INCHES OF #4 STONE TO MAINTAIN PROPER DEPTH. ANY SEDIMENT THAT IS TRACKED INTO THE STREET WILL BE IMMEDIATELY REMOVED.
3. SEDIMENT WILL BE REMOVED BEHIND THE SEDIMENT FENCE WHEN IT BECOMES 0.5 FEET DEEP AT THE FENCE. THE SEDIMENT FENCE WILL BE REPAIRED AS NECESSARY TO MAINTAIN A BARRIER. SILT FENCE STAKES WILL BE SPACED 6 FEET APART UNLESS A WIRE BACKING IS USED WITH 8 FOOT STAKE SPACING.
4. INSPECT INLET PROTECTION AT LEAST WEEKLY AND AFTER EACH SIGNIFICANT (1/2 INCH OR GREATER) RAINFALL EVENT. CLEAR THE MESH WIRE OF ANY DEBRIS OR OTHER OBJECTS TO PROVIDE ADEQUATE FLOW FOR SUBSEQUENT RAINS. TAKE CARE NOT TO DAMAGE OR UNDERCUT THE WIRE MESH DURING SEDIMENT REMOVAL. REPLACE STONE AS NEEDED.
5. ALL SEEDED AREAS WILL BE FERTILIZED, RESEEDED AS NECESSARY, AND MULCHED ACCORDING TO SPECIFICATIONS IN THE VEGETATIVE PLAN TO MAINTAIN A VIGOROUS, DENSE VEGETATIVE COVER.
6. INSPECT TEMPORARY SEDIMENT TRAPS AT LEAST WEEKLY AND AFTER EACH SIGNIFICANT (ONE-HALF INCH OR GREATER) RAINFALL EVENT AND REPAIR IMMEDIATELY. REMOVE SEDIMENT AND RESTORE THE TRAP TO ITS ORIGINAL DIMENSIONS WHEN SEDIMENT ACCUMULATES TO ONE-HALF THE DESIGN DEPTH OF THE TRAP. PULL THE SKIMMER TO ONE SIDE SO THAT THE SEDIMENT UNDERNEATH IT CAN BE EXCAVATED. EXCAVATE THE SEDIMENT FROM THE ENTIRE BASIN, NOT JUST AROUND THE SKIMMER OR THE FIRST CELL. MAKE SURE VEGETATION GROWING IN THE BOTTOM OF THE BASIN DOES NOT HOLD DOWN THE SKIMMER. PLACE THE SEDIMENT THAT IS REMOVED IN THE DISPOSAL AREA, AND REPLACE THE PART OF THE GRAVEL FACING THAT IS IMPAIRED BY SEDIMENT.

   IF THE SKIMMER IS CLOGGED WITH TRASH AND THERE IS WATER IN THE BASIN, USUALLY JERKING ON THE ROPE WILL MAKE THE SKIMMER BOB UP AND DOWN AND DISLODGE THE DEBRIS AND RESTORE FLOW. IF THIS DOES NOT WORK, PULL THE SKIMMER OVER TO THE SIDE OF THE BASIN AND REMOVE THE DEBRIS.

   IF THE SKIMMER ARM OR BARREL PIPE IS CLOGGED, THE ORIFICE CAN BE REMOVED AND THE OBSTRUCTION CLEARED WITH A PLUMBER'S SNAKE OR BY FLUSHING WITH WATER. BE SURE AND REPLACE THE ORIFICE BEFORE REPOSITIONING THE SKIMMER.

   CHECK THE STRUCTURE FOR DAMAGE FROM EROSION OR PIPING. PERIODICALLY CHECK THE DEPTH OF THE SPILLWAY TO ENSURE IT IS A MINIMUM OF 1.5 FEET BELOW THE LOW POINT OF THE EMBANKMENT. IMMEDIATELY FILL ANY SETTLEMENT OF THE EMBANKMENT TO SLIGHTLY ABOVE DESIGN GRADE. ANY RIPRAP DISPLACED FROM THE SPILLWAY MUST BE REPLACED IMMEDIATELY.

   AFTER ALL DEMENT-PRODUCING AREAS HAVE BEEN PERMANENTLY STABILIZED, REMOVE THE STRUCTURE AND ALL UNSTABLE SEDIMENT. SMOOTH THE AREA TO BLEND WITH THE ADJOINING AREAS, AND STABILIZE PROPERLY.
7. INSPECT EXCELSIOR MATTING AT LEAST WEEKLY AND AFTER EACH SIGNIFICANT (1/2 INCH OR GREATER) RAINFALL EVENT REPAIR IMMEDIATELY. GOOD CONTACT WITH THE GROUND MUST BE MAINTAINED, AND EROSION MUST NOT OCCUR BENEATH THE MATTING. ANY AREAS OF THE MATTING THAT ARE DAMAGED OR NOT IN CLOSE CONTACT WITH THE GROUND SHALL BE REPAIRED AND STAPLED. IF EROSION OCCURS DUE TO POORLY CONTROLLED DRAINAGE, THE PROBLEM SHALL BE FIXED AND THE ERODED AREA PROTECTED. MONITOR AND REPAIR THE MATTING AS NECESSARY UNTIL GROUND COVER IS ESTABLISHED.
7. INSPECT BAFFLES AT LEAST ONCE A WEEK AND AFTER EACH RAINFALL. MAKE ANY REQUIRED REPAIRS IMMEDIATELY. EVENT REPAIR IMMEDIATELY. GOOD CONTACT WITH THE GROUND MUST

   BE SURE TO MAINTAIN ACCESS TO THE BAFFLES. SHOULD THE FABRIC OF A BAFFLE COLLAPSE, TEAR, DECOMPOSE, OR BECOME INEFFECTIVE, REPLACE IT PROMPTLY.

   REMOVE SEDIMENT DEPOSITS WHEN IT REACHES HALF FULL TO PROVIDE ADEQUATE STORAGE VOLUME FOR THE NEXT RAIN AND TO REDUCE PRESSURE ON THE BAFFLES. TAKE CARE TO AVOID DAMAGING THE BAFFLES DURING CLEANOUT. SEDIMENT DEPTH SHOULD NEVER EXCEED HALF THE DESIGNED STORAGE DEPTH.

   AFTER THE CONTRIBUTING DRAINAGE AREA HAS BEEN PROPERLY STABILIZED, REMOVE ALL BAFFLE MATERIALS AND UNSTABLE SEDIMENT DEPOSITS, BRING THE AREA TO GRADE, AND STABILIZE IT.

STABILIZATION NOTES

1. ALL DISTURBED AREAS WILL BE STABILIZED WITHIN 15 WORKING DAYS OF CEASE OF ANY PHASE OF ACTIVITY AND SLOPES WITHIN 21 CALENDAR DAYS.

PERMANENT SEEDING SCHEDULE – MIXTURE 5CP

SPECIES	RATE (LB/ACRE)
CENTIPEDE GRASS	10-20

Seeding Dates
MARCH – JUNE

Soil Amendments
APPLY LIME AND FERTILIZER ACCORDING TO SOIL TESTS, OR APPLY 300 LB/ACRE 10-10-10 FERTILIZER.

Mulch
DO NOT MULCH.

Maintenance
FERTILIZE VERY SPARINGLY LB/ACRE NITROGEN IN SPRING WITH NO PHOSPHORUS. CENTIPEDE GRASS CANNOT TOLERATE HIGH PH OR EXCESS FERTILIZER.

TEMPORARY SEEDING-LATE WINTER/EARLY SPRING

WINTER AND EARLY SPRING

SPECIES	RATE (LB/ACRE)
Rye (GRAIN)	120
*ANNUAL LESPEDEZA (KOBE IN PIEDMONT AND COASTAL PLAIN, KOREAN IN MOUNTAINS)	50

*OMIT ANNUAL LESPEDEZA WHEN DURATION OF TEMPORARY COVER IS NOT TO EXTEND BEYOND JUNE.

SUMMER

SPECIES	RATE (LB/ACRE)
GERMAN MILLET	40

FALL

SPECIES	RATE (LB/ACRE)
RYE (GRAIN)	120

Seeding dates
COASTAL PLAIN – DEC.1-APR. 15 – LATE WINTER AND EARLY SPRING
APRIL 15 – AUG. 15 – SUMMER
AUG. 15 – DEC. 30 – FALL

Soil amendments
FOLLOW RECOMMENDATIONS OF SOIL TESTS OR APPLY 2,000 LB/ACRE GROUND AGRICULTURAL LIMESTONE AND 750 LB/ACRE 10-10-10 FERTILIZER.

Mulch
APPLY 4,000 LB/ACRE STRAW. ANCHOR STRAW BY TACKING WITH ASPHALT, NETTING OR A MULCH ANCHORING TOOL. A DISK WITH BLADES SET NEARLY STRAIGHT CAN BE USED AS A MULCH ANCHORING TOOL.

Maintenance
REFERTILIZE IF GROWTH IS NOT FULLY ADEQUATE. RESEED, REFERTILIZE AND MULCH IMMEDIATELY FOLLOWING EROSION OR OTHER DAMAGE.

GENERAL GRADING NOTES

1. REASONABLE CARE HAS BEEN EXERCISED IN SHOWING THE LOCATION OF EXISTING UTILITIES ON THE PLANS. THE EXACT LOCATION OF SUCH UTILITIES IS NOT KNOWN IN ALL CASES. THE CONTRACTOR SHALL EXPLORE THE AREA AHEAD OF THE DITCHING OPERATION BY OBSERVATIONS, ELECTRONIC DEVICES, HAND DIGGING AND BY PERSONAL CONTACT WITH THE UTILITY COMPANIES IN ORDER TO LOCATE EXISTING UTILITIES IN ADVANCE OF THE TRENCHING OPERATIONS SO AS TO AVOID AND PREVENT DAMAGE TO THE EXISTING UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL COST RESULTING FROM ANY DAMAGE TO THE EXISTING UTILITY LINES INCLUDING BUT NOT LIMITED TO REPAIRS AND LOSS SERVICE REVENUE. CONTRACTOR SHALL ARRANGE FOR TEMPORARY SUPPORT OF EXISTING UTILITIES, SUCH AS POLES, CONDUITS, FIBER OPTIC CABLES, TELEPHONE CABLES, WATER LINES, ETC...
2. CONTRACTOR SHALL COMPLY WITH THE LATEST REVISIONS AND INTERPRETATIONS OF THE DEPARTMENT OF LABOR SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION PROMULGATED UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT.
3. CONTRACTOR SHALL PLAN AND CONSTRUCT WORK SO AS TO CAUSE MINIMUM INCONVENIENCE TO THE OWNER AND THE PUBLIC. THE CONTRACTOR SHALL PROVIDE, ERECT AND MAINTAIN AT ALL TIMES DURING THE PROGRESS OR TEMPORARY SUSPENSION OF WORK, SUITABLE BARRIERS, FENCES, SIGNS OR OTHER ADEQUATE PROTECTION, INCLUDING FLAG MEN AND WATCHMEN AS NECESSARY TO INSURE THE SAFETY OF THE PUBLIC AS WELL AS THOSE ENGAGED IN THE CONSTRUCTION WORK. CONSTRUCTION SIGNING SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF "CONSTRUCTION AND MAINTENANCE OPERATIONS SUPPLEMENT TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" BY THE NCDOT.
4. ALL MATERIAL CLEARED AND GRUBBED BY THE CONTRACTOR IN ORDER TO CONSTRUCT THE WORK, SUCH AS TREES, VEGETATION, FENCING, ETC... SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE PROPERLY DISPOSED OF OFF-SITE OR BURNED IF PROPER PERMITS ARE RECEIVED.

SITE NOTES

1. ANY DISCREPANCY IN THIS PLAN AND ACTUAL FIELD CONDITIONS SHALL BE REPORTED TO THE OWNER PRIOR TO START OF CONSTRUCTION. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL SETBACKS, EASEMENTS AND DIMENSIONS SHOWN HEREON BEFORE BEGINNING CONSTRUCTION.
2. THE GENERAL CONTRACTOR SHALL CONTACT ALL OWNERS OF EASEMENTS, UTILITIES AND R.O.W.'S PUBLIC OR PRIVATE, PRIOR TO WORKING IN THESE AREAS.
3. CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC SHALL BE PROTECTED FROM INJURY, AND ADJOINING PROPERTY PROTECTED FROM DAMAGE.
4. ACCESS TO UTILITIES, FIRE HYDRANTS, STREET LIGHTING, ETC., SHALL REMAIN UNDISTURBED, UNLESS COORDINATED WITH THE RESPECTIVE UTILITY.
5. DO NOT SCALE THIS DRAWING AS IT IS A REPRODUCTION AND SUBJECT TO DISTORTION.
6. THE GENERAL CONTRACTOR SHALL REMOVE ALL DEBRIS FROM THE SITE UPON COMPLETION OF THE PROJECT AND AT LEAST ONCE A WEEK DURING CONSTRUCTION.
7. THE GENERAL CONTRACTOR SHALL KEEP THE AREA OUTSIDE THE "CONSTRUCTION LIMITS" BROOM CLEAN AT ALL TIMES.
8. CONTRACTOR SHALL MAINTAIN AN "AS-BUILT" SET OF DRAWINGS TO RECORD THE EXACT LOCATION OF ALL PIPING PRIOR TO CONCEALMENT. DRAWINGS SHALL BE GIVEN TO THE OWNER UPON COMPLETION OF THE PROJECT WITH A COPY OF THE TRANSMITTAL LETTER TO THE ENGINEER.
9. IF DEPARTURES FROM THE SPECIFICATIONS OR DRAWINGS ARE DEEMED NECESSARY BY THE CONTRACTOR, DETAILS OF SUCH DEPARTURES AND REASONS THEREOF SHALL BE GIVEN TO THE OWNER FOR REVIEW, NO DEPARTURES FROM THE CONTRACT DOCUMENT SHALL BE MADE WITHOUT THE PERMISSION OF THE OWNER.
10. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES. THE LOCATION OF ALL EXISTING UTILITIES ARE NOT NECESSARILY SHOWN ON PLANS AND WHERE SHOWN ARE ONLY APPROXIMATE. THE CONTRACTOR SHALL ON HIS INITIATIVE AND AT NO EXTRA COST HAVE LOCATED ALL UNDERGROUND LINES AND STRUCTURES AS NECESSARY. NO CLAIMS FOR DAMAGES OR EXTRA COMPENSATION SHALL ACCRUE TO THE CONTRACTOR FROM THE PRESENCE OF SUCH PIPE OTHER OBSTRUCTIONS OR FROM DELAY DUE TO REMOVAL OR REARRANGEMENT OF THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UNDERGROUND STRUCTURES. CONTACT NORTH CAROLINA ONE CALL" TOLL FREE 1-800-632-4949 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL NONSUBSCRIBING UTILITIES.
11. ALL PERMITS RELATIVE TO PROJECT MUST BE OBTAINED, PRIOR TO CONSTRUCTION
12. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH PERMITS ISSUED AND APPLICABLE STATE, COUNTY, AND LOCAL CODES.
13. FOR BUILDING DIMENSIONS, SEE ARCHITECTURAL DRAWINGS.
14. ALL DIMENSIONS AND RADII ARE TO OUTSIDE FACE OF BUILDING OR TO FACE OF CURB UNLESS OTHERWISE NOTED.
15. THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL INSPECTIONS, CERTIFICATIONS, EQUIPMENT, ETC., THAT MAY BE REQUIRED.
16. THE ENGINEER AND/OR OWNER DISCLAIM ANY ROLE IN THE CONSTRUCTION MEANS AND METHODS ASSOCIATED WITH THE PROJECT AS SET FORTH IN THESE PLANS.

GENERAL STORM SEWER NOTES

1. ALL STORM SEWERS SHALL BE CONSTRUCTED IN ACCORDANCE WITH PENDER COUNTY AND THE STATE OF NORTH CAROLINA REQUIREMENTS AS SPECIFIED ON THE DRAWINGS AND IN THE PROJECT SPECIFICATIONS.
2. BEDDING FOR ALL STORM SEWER PIPE SHALL BE AS SPECIFIED ON THE DRAWINGS, PROJECT SPECIFICATIONS, AND MANUFACTURER SPECIFICATIONS.
3. ALL STORM SEWER PIPES ON PRIVATE PROPERTY TO BE HDPE ADS N-12 OR EQUIVALENT, UNLESS OTHERWISE SPECIFIED. ALL STORM SEWER PIPES LOCATED WITHIN THE PUBLIC ROW TO BE RCP CLASS III.
4. ALL STORM SEWER PIPES SHOWN AS RCP ON THE PLANS SHALL BE REINFORCED CONCRETE PIPE CONFORMING TO ASTM C-76, UNLESS INDICATED OTHERWISE ON PLANS.

GROUND STABILIZATION

SITE AREA DESCRIPTION	STABILIZATION TIME FRAME	STABILIZATION TIME FRAME EXCEPTIONS
PERIMETER DIKES, SWALES, DITCHES AND SLOPES	7 DAYS	NONE
HIGH QUALITY WATER (HQW) ZONES	7 DAYS	NONE
SLOPES STEEPER THAN 3:1	7 DAYS	IF SLOPES ARE 10' OR LESS IN LENGTH AND ARE NOT STEEPER THAN 2:1, 14 DAYS ARE ALLOWED.
SLOPES 3:1 OR FLATTER	14 DAYS	7-DAYS FOR SLOPES GREATER THAN 50 FEET IN LENGTH
ALL OTHER AREAS WITH SLOPES FLATTER THAN 4:1	14 DAYS	NONE (EXCEPT FOR PERIMETERS AND HQW ZONES)

EXISTING UTILITY NOTES

1. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO VERIFY THE ACTUAL LOCATION AND AVAILABILITY OF ALL EXISTING AND PROPOSED UTILITIES IN THE FIELD PRIOR TO GROUND BREAKING.
2. EXISTING UTILITIES AND STRUCTURES SHOWN, BOTH UNDERGROUND AND ABOVE GROUND, ARE BASED ON A FIELD SURVEY AND THE BEST AVAILABLE RECORD DRAWINGS. THE CONTRACTOR SHALL FIELD VERIFY FIELD CONDITIONS PRIOR TO BEGINNING RELATED CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE IMMEDIATELY.

UTILITY CONTACTS:

1. CONTACT THE NORTH CAROLINA ONE CALL CENTER PRIOR TO DOING AND DIGGING. 1-800-632-4949

NOTICE REQUIRED

ALL EXISTING UNDERGROUND UTILITIES SHALL BE PHYSICALLY LOCATED BY CONTRACTOR PRIOR TO THE BEGINNING OF ANY CONSTRUCTION IN THE VICINITY OF SAID UTILITIES.

CONTRACTORS SHALL NOTIFY OPERATORS WHO MAINTAIN UNDERGROUND UTILITY LINES IN THE AREA OF PROPOSED EXCAVATION AT LEAST TWO WORKING DAYS, BUT NOT MORE THAN TEN WORKING DAYS PRIOR TO ANY EXCAVATION OR DEMOLITION.

CONTACT "CAROLINA ONE CALL" AT 1-800-632-4949

EMERGENCY DIAL 911 POLICE - FIRE - RESCUE

NORTH CAROLINA PROFESSIONAL SEAL 031315 ENGINEER HARRY S. PAPE
04/03/2023

No.	Revision	Date	By

Designer: GSP	Scale
Drawn By: GSP	Date: April 2023
License #: P-0718	Job No.: 2016-0001

WYNDWATER

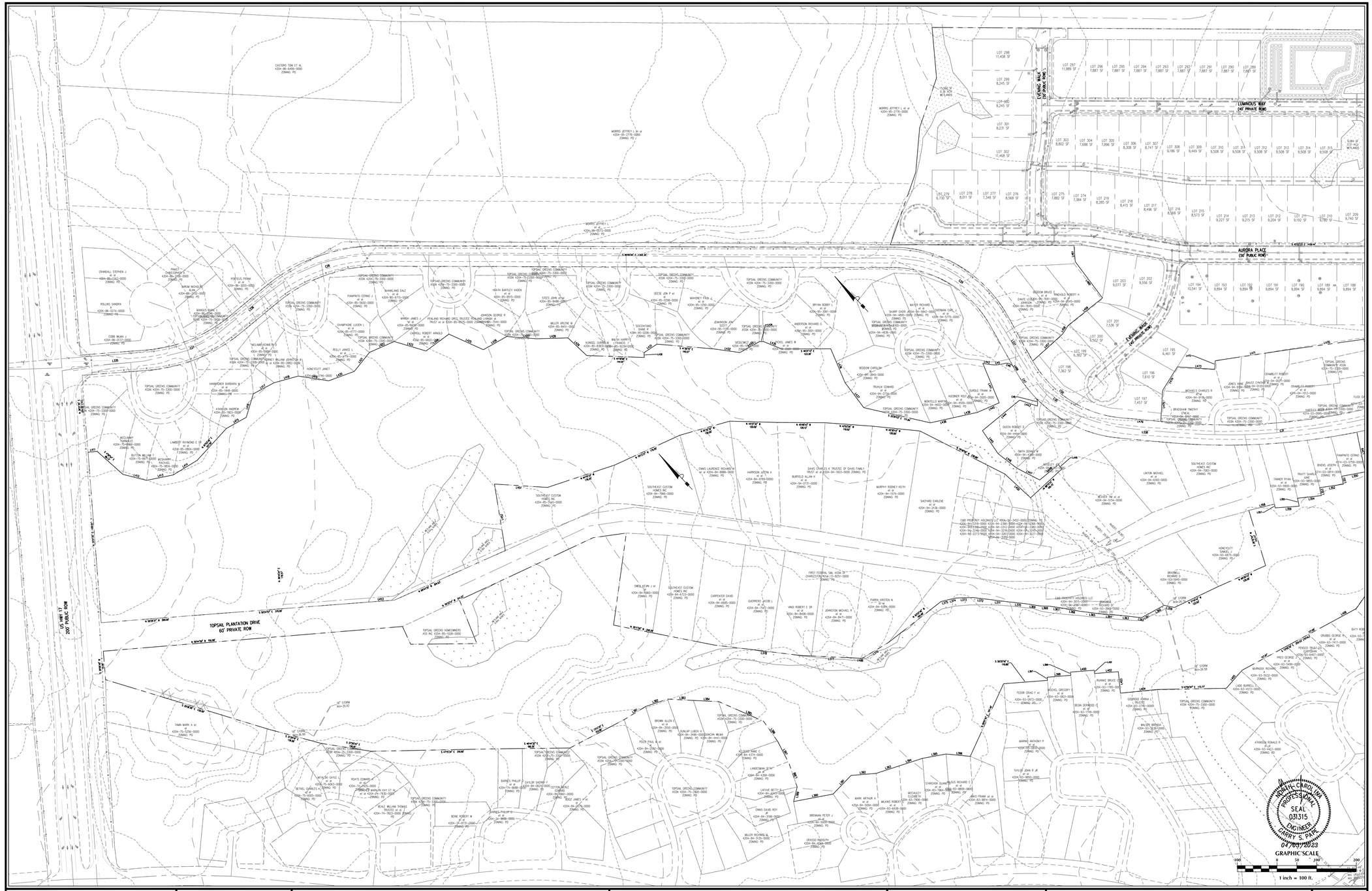
Topsail Township Pender County North Carolina

GENERAL NOTES

PREPARED FOR:
SIGNATURE TOP SAIL NC, LP
9337B KATY FREEWAY #377
HOUSTON, TX 77024
713-789-0466

GSP CONSULTING, PLLC
ENGINEERING
6626 Gordon Road Unit C Wilmington, North Carolina 28411 tel: 910-442-7870 fax: 910-799-6659

Sheet No. **C-1**


LUMINOUS WAY
(40' PRIVATE ROW)
AURORA PLACE
(50' PUBLIC ROW)
EVENING WALK
(50' PUBLIC ROW)
TOPSAIL PLANTATION DRIVE
60' PRIVATE ROW
US HWY 17
200' PUBLIC ROW
LOT 298
11,408 SF
LOT 299
8,245 SF
LOT 300
8,245 SF
LOT 301
8,231 SF
LOT 302
11,468 SF
LOT 297
11,989 SF
LOT 296
7,887 SF
LOT 295
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LOT 315
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371 AC±
WETLAND
LOT 279
6,730 SF±
LOT 278
8,011 SF
LOT 277
7,348 SF
LOT 276
8,568 SF
LOT 275
7,882 SF
LOT 274
7,364 SF
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8,894 SF
LOT 192
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LOT 191
8,894 SF
LOT 190
8,894 SF
LOT 189
8,894 SF
LOT 188
5,854 SF
75,560 SF ±
9.76 AC ±
WETLANDS
MORRIS JEFFREY L III et al
4204-85-2776-0000
ZONING: PD
MORRIS JEFFREY L
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ZONING: PD
CASSIDO TOM ET AL
4204-86-6498-0000
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CRANDALL STEPHEN J
et al
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BURUM NICHOLAS
et al
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FORTUS FRANK
et al
4204-86-3005-0000
ZONING: PD
ROLLINS SANDRA
4204-86-5274-0000
ZONING: PD
MANOUS MARK L
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TOPSAIL GREENS COMMUNITY
ASSN 4204-75-3300-0000
ZONING: PD
COBB MILAN J
4204-86-3737-0000
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TOPSAIL GREENS COMMUNITY
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ZONING: PD
PAMPINATO CONNO J
et al
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BUHMKLAND DALE
et al
4204-85-6775-0000
ZONING: PD
TOPSAIL GREENS COMMUNITY
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ASSN 4204-75-3300-0000
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TOPSAIL GREENS COMMUNITY
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HEATH BARTLEY VADEN
et al
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STEES JOHN M III
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et al
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WATER RICHARD L
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SHARP OWEN
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CHEYNAN CARL J
et al
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DAVIS LISA
JOHNSON
4204-94-7645-0000
ZONING: PD
CHAMPAGNE LUDEN L
et al
4204-85-4777-0000
ZONING: PD
WARSH JAMES J
et al
4204-85-4997-0000
ZONING: PD
TOPSAIL GREENS COMMUNITY
ASSN 4204-75-3300



NORTH CAROLINA PROFESSIONAL SEAL 031315 ENGINEER CAREY S. GAIR 04/19/2023

No.	Revision	Date	By

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Drawn By: GSP	Date: April 2023
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WYNDWATER

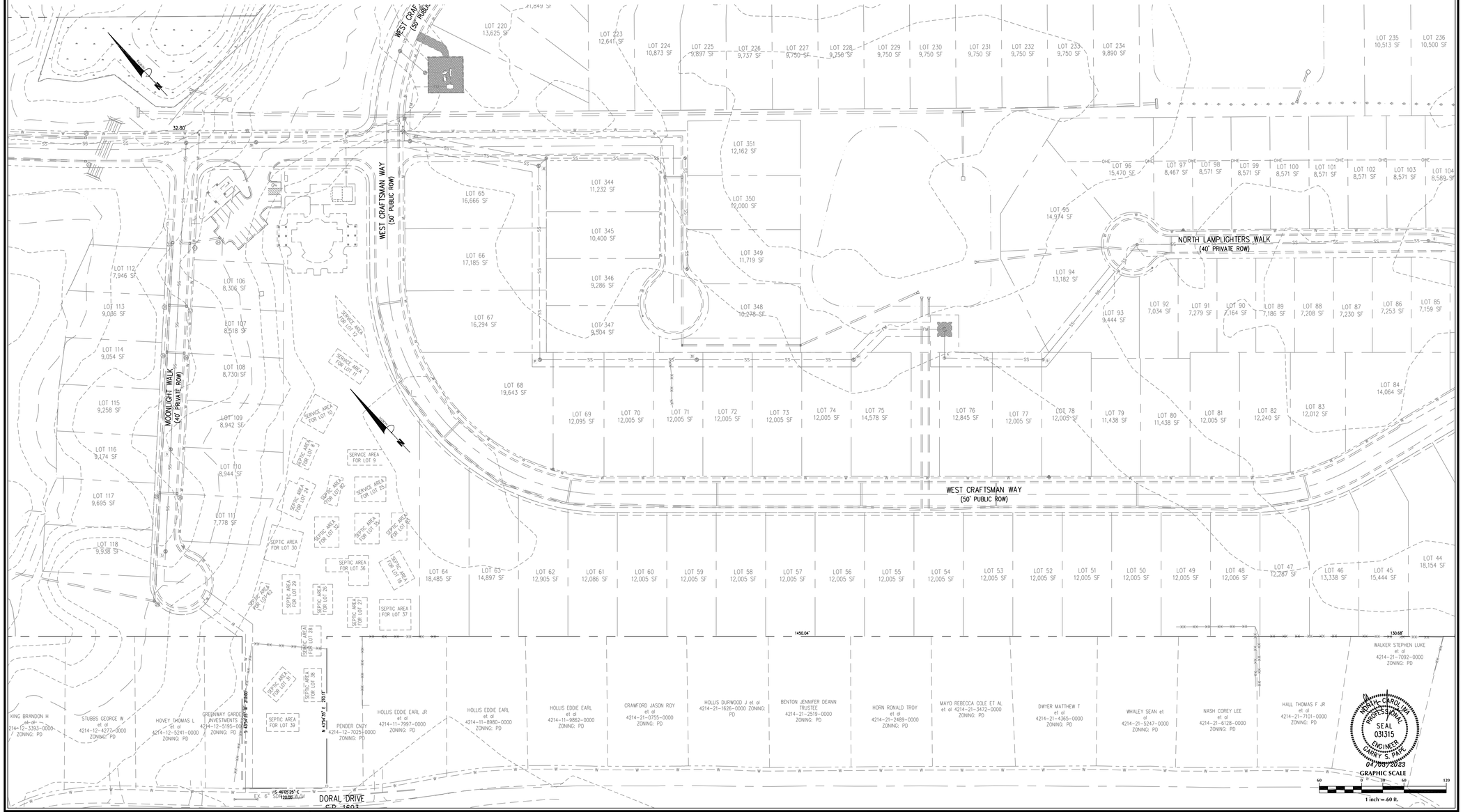
Topsail Township — Pender County — North Carolina

EXISTING CONDITIONS

PREPARED FOR:
SIGNATURE TOP SAIL NC, LP
9337B KATY FREEWAY #377
HOUSTON, TX 77024
713-789-0466

GSP CONSULTING, PLLC
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Sheet No. **C-2.2**



No.	Revision	Date	By

Designer	GSP
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License #	P-0718
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WYNDWATER

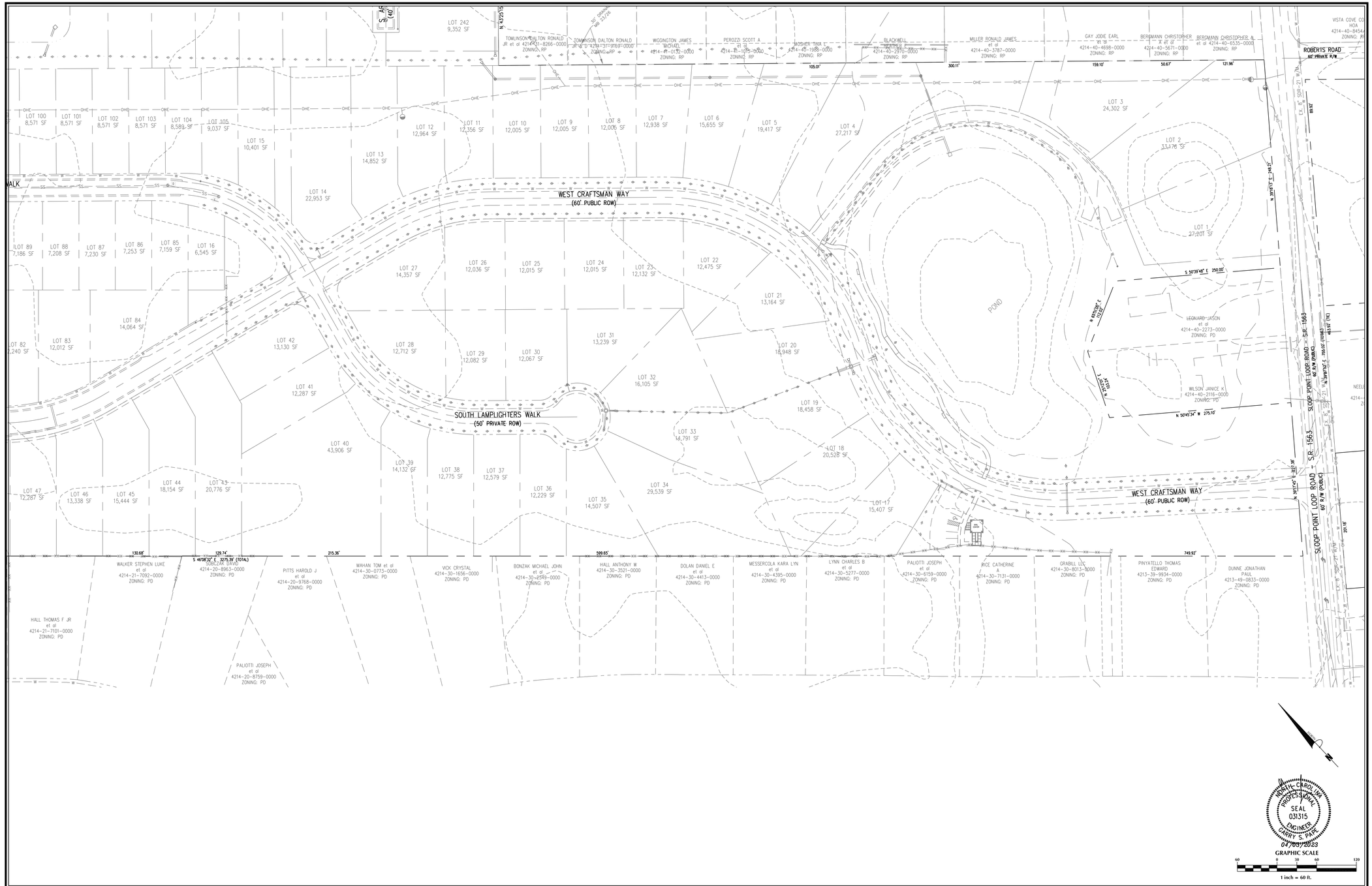
Topsail Township — Pender County — North Carolina

EXISTING CONDITIONS

PREPARED FOR:
SIGNATURE TOP SAIL NC, LP
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6626 Gordon Road Unit C Wilmington, North Carolina 28411 tel: 910-442-7870 fax: 910-799-6659

Sheet No.
C-2.3



NORTH CAROLINA PROFESSIONAL SEAL 031315 ENGINEER HARRY S. PAPE
04/03/2023

No.	Revision	Date	By

Designer: GSP	Scale: 1" = 60'
Drawn By: GSP	Date: April 2023
License #: P-0718	Job No.: 2016-0001

WYNDWATER

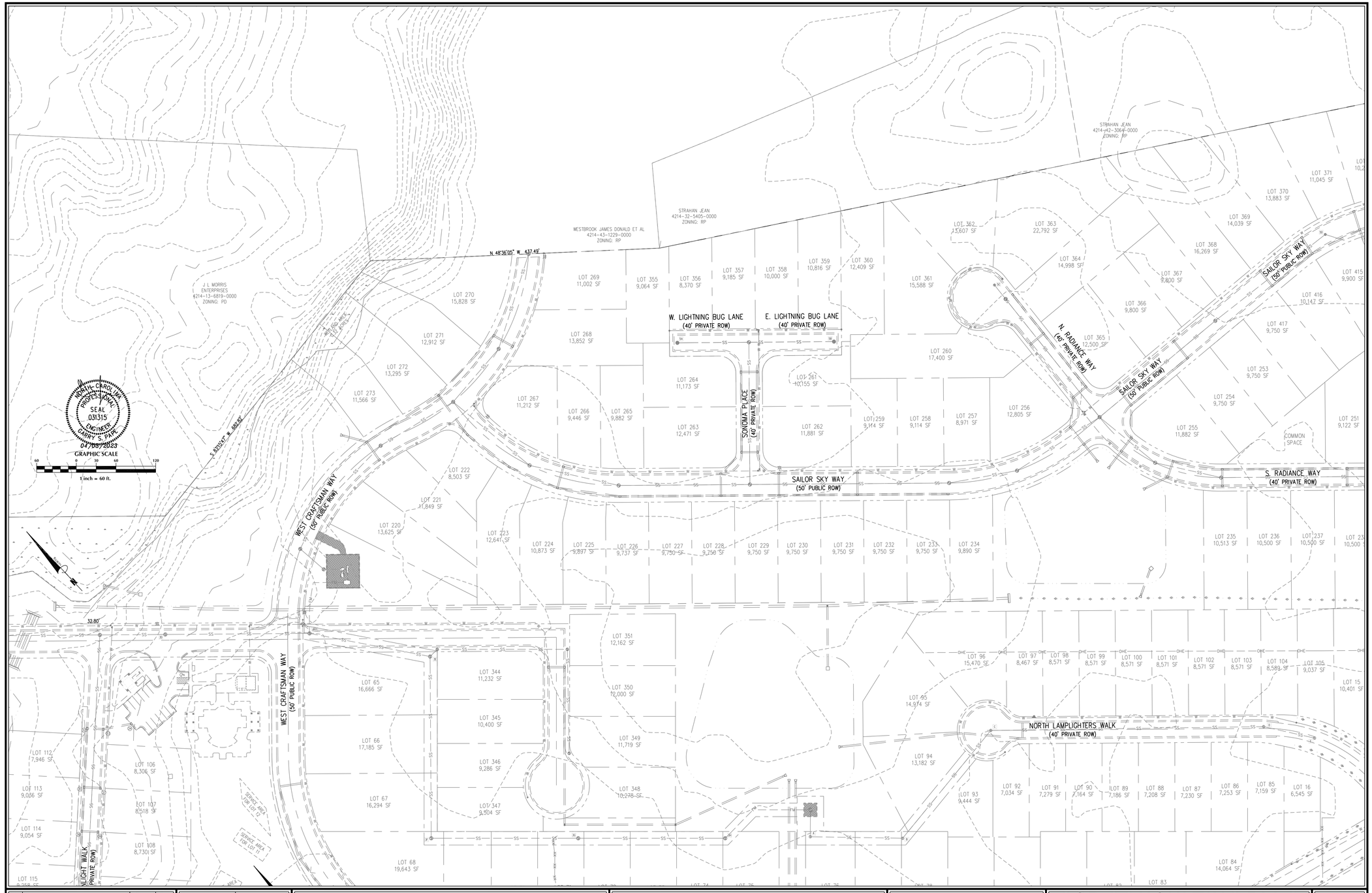
Topsail Township Pender County North Carolina

EXISTING CONDITIONS

PREPARED FOR:
SIGNATURE TOP SAIL NC, LP
9337B KATY FREEWAY #377
HOUSTON, TX 77024
713-789-0466

GSP CONSULTING, PLLC
ENGINEERING
6626 Gordon Road Unit C Wilmington, North Carolina 28411 tel: 910-442-7870 fax: 910-799-6659

Sheet No. C-2.4



No.	Revision	Date	By

Designer	GSP
Scale	1" = 60'
Drawn By	GSP
Date	April 2023
License #	P-0718
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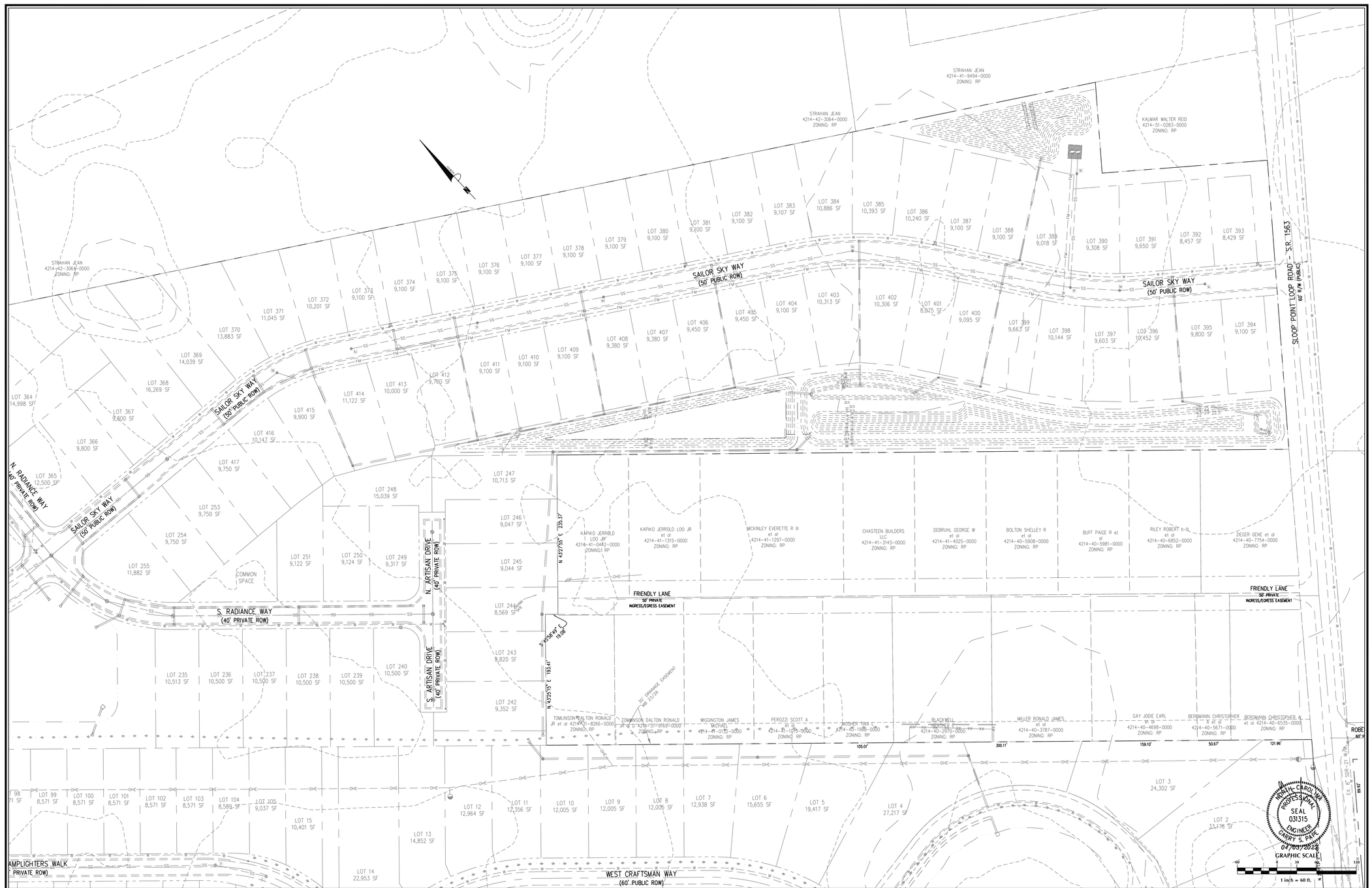
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Sheet No.
C-2.5



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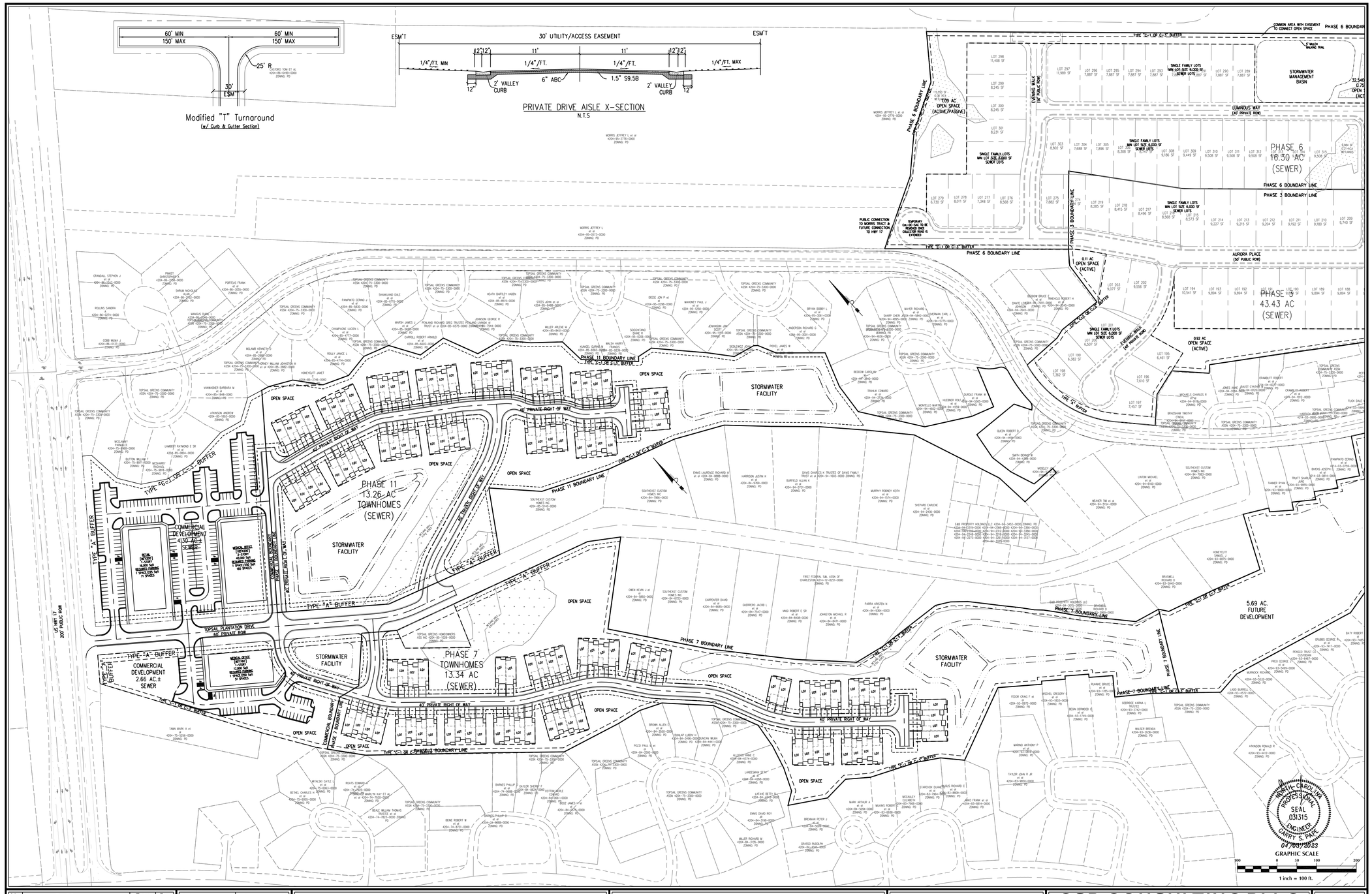
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Sheet No. C-2.6



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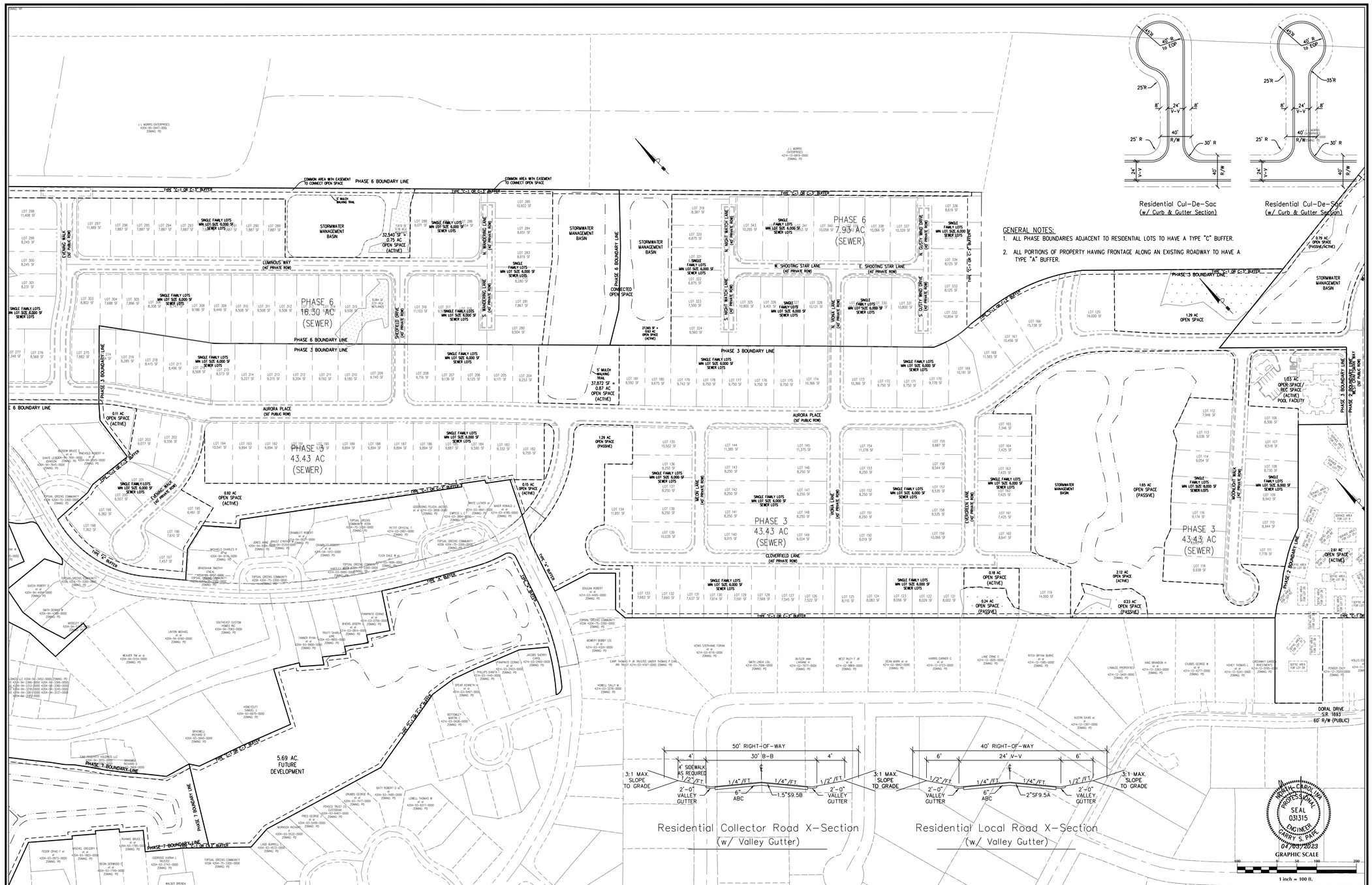
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713-789-0466

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Sheet No.
C-3.1



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License #: P-0718	Job No.: 2016-0001

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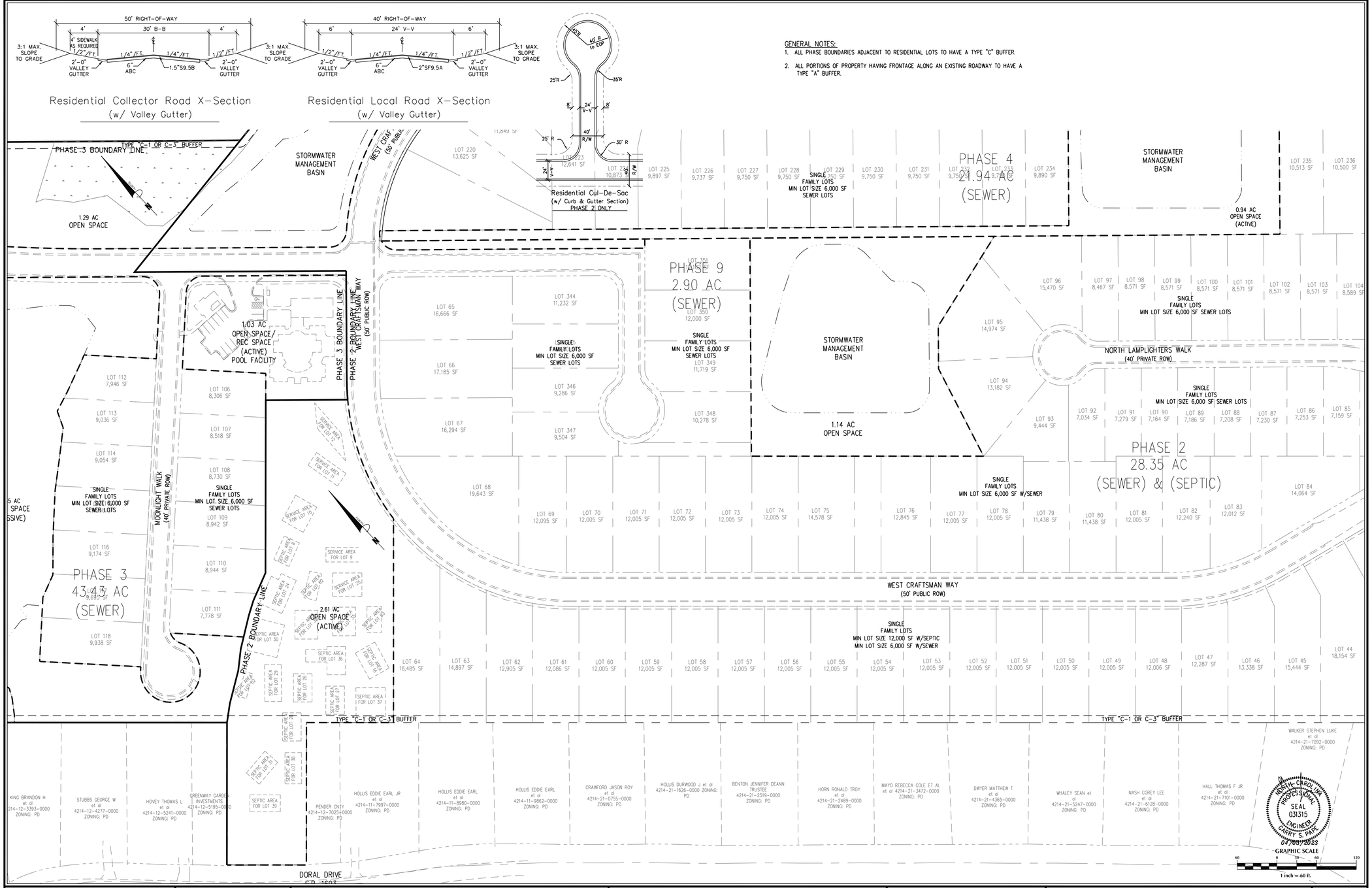
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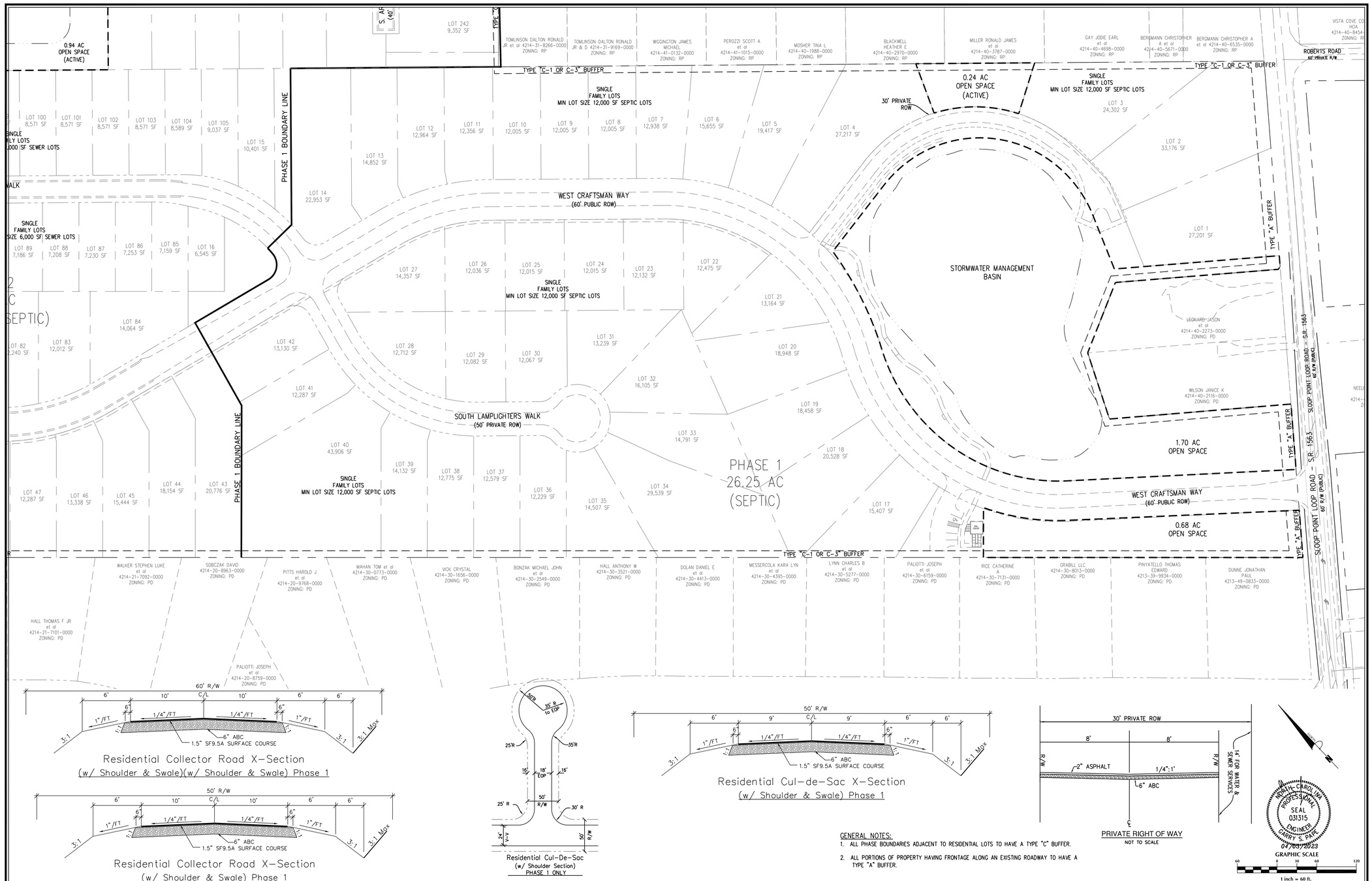
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Sheet No. **C-3.3**



GENERAL NOTES:

1. ALL PHASE BOUNDARIES ADJACENT TO RESIDENTIAL LOTS TO HAVE A TYPE "C" BUFFER.
2. ALL PORTIONS OF PROPERTY HAVING FRONTAGE ALONG AN EXISTING ROADWAY TO HAVE A TYPE "A" BUFFER.

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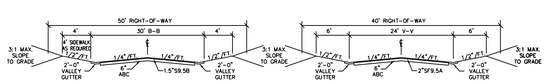
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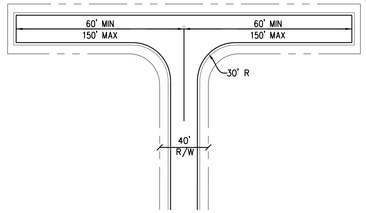
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Sheet No. **C-3.4**

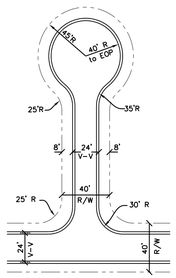


Residential Collector Road X-Section
(w/ Valley Gutter)

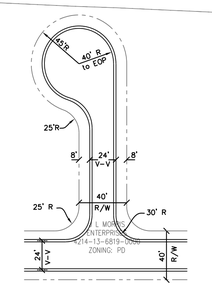
Residential Local Road X-Section
(w/ Valley Gutter)



Modified "T" Turnaround
(w/ Curb & Gutter Section)



Residential Cul-De-Sac
(w/ Curb & Gutter Section)



Residential Cul-De-Sac
(w/ Curb & Gutter Section)

NORTH CAROLINA PROFESSIONAL SEAL 031315 ENGINEER GARRY S. PAPE
07/03/2023

GRAPHIC SCALE
60 0 30 60 120
1 inch = 60 ft.

GENERAL NOTES:
1. ALL PHASE BOUNDARIES ADJACENT TO RESIDENTIAL LOTS TO HAVE A TYPE "C" BUFFER.
2. ALL PORTIONS OF PROPERTY HAVING FRONTAGE ALONG AN EXISTING ROADWAY TO HAVE A TYPE "A" BUFFER.

STRAHAN JEAN
4214-42-3064-0000
ZONING: RP

STRAHAN JEAN
4214-32-5405-0000
ZONING: RP

WESTBROOK JAMES DONALD ET AL
4214-43-1229-0000
ZONING: RP

J. MORRIS ENTERPRISES
4214-13-6819-0000
ZONING: PD

TYPE "C-1 OR C-3" BUFFER

TYPE "B" BUFFER

PHASE 4 BOUNDARY LINE

PHASE 5 BOUNDARY LINE

W. LIGHTNING BUG LANE
(40' PRIVATE ROW)

E. LIGHTNING BUG LANE
(40' PRIVATE ROW)

N. RADIANCE WAY
(40' PRIVATE ROW)

S. RADIANCE WAY
(40' PRIVATE ROW)

SAILOR SKY WAY
(50' PUBLIC ROW)

SONOMA PLACE
(40' PRIVATE ROW)

WEST CRAFTSMAN WAY
(50' PUBLIC ROW)

PHASE 3 BOUNDARY LINE

PHASE 2 BOUNDARY LINE

NORTH LAMPLIGHTERS WALK
(40' PRIVATE ROW)

MIDLAND AREA
13.3 ACRES

SINGLE FAMILY LOTS
MIN LOT SIZE 6,000 SF
SEWER LOTS

SINGLE FAMILY LOTS
MIN LOT SIZE 6,000 SF W/SEWER

PHASE 4
21.94 AC
(SEWER)

PHASE 9
2.90 AC
(SEWER)

PHASE 2
28.35 AC
(SEWER) & (SEPTIC)

0.79 AC
OPEN SPACE
(PASSIVE/ACTIVE)

0.94 AC
OPEN SPACE
(ACTIVE)

1.03 AC
OPEN SPACE/
REC SPACE
(ACTIVE)
POOL FACILITY

1.14 AC
OPEN SPACE

COMMON SPACE

STORMWATER MANAGEMENT BASIN

SERVICE AREA FOR LOT 67A

SERVICE AREA FOR LOT 67B

LOT 270 15,828 SF
LOT 271 11,064 SF
LOT 269 11,002 SF
LOT 268 13,852 SF
LOT 273 11,566 SF
LOT 272 13,295 SF
LOT 267 11,212 SF
LOT 266 9,446 SF
LOT 265 9,882 SF
LOT 264 11,173 SF
LOT 263 12,471 SF
LOT 355 8,370 SF
LOT 356 8,370 SF
LOT 357 9,185 SF
LOT 358 10,000 SF
LOT 359 10,816 SF
LOT 360 12,409 SF
LOT 361 15,588 SF
LOT 362 13,607 SF
LOT 363 22,792 SF
LOT 364 14,998 SF
LOT 365 12,500 SF
LOT 366 9,800 SF
LOT 367 9,800 SF
LOT 368 16,269 SF
LOT 369 14,039 SF
LOT 370 13,883 SF
LOT 371 11,045 SF
LOT 415 9,900 SF
LOT 416 10,147 SF
LOT 417 9,750 SF
LOT 260 17,400 SF
LOT 261 10,155 SF
LOT 262 11,881 SF
LOT 259 9,114 SF
LOT 258 9,114 SF
LOT 257 8,971 SF
LOT 256 12,805 SF
LOT 253 9,750 SF
LOT 254 9,750 SF
LOT 255 11,882 SF
LOT 251 9,122 SF
LOT 222 8,503 SF
LOT 221 11,849 SF
LOT 220 13,625 SF
LOT 223 12,641 SF
LOT 224 10,873 SF
LOT 225 9,897 SF
LOT 226 9,737 SF
LOT 227 9,750 SF
LOT 228 9,750 SF
LOT 229 9,750 SF
LOT 230 9,750 SF
LOT 231 9,750 SF
LOT 232 9,750 SF
LOT 233 9,750 SF
LOT 234 9,890 SF
LOT 235 10,513 SF
LOT 236 10,500 SF
LOT 237 10,500 SF
LOT 238 10,500
LOT 351 12,000 SF
LOT 350 12,000 SF
LOT 349 11,719 SF
LOT 348 10,278 SF
LOT 344 11,232 SF
LOT 346 9,286 SF
LOT 347 9,504 SF
LOT 65 16,666 SF
LOT 66 17,185 SF
LOT 67 16,294 SF
LOT 68 19,643 SF
LOT 112 7,946 SF
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LOT 107 8,518 SF
LOT 108 8,730 SF
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LOT 97 8,467 SF
LOT 98 8,571 SF
LOT 99 8,571 SF
LOT 100 8,571 SF
LOT 101 8,571 SF
LOT 102 8,571 SF
LOT 103 8,571 SF
LOT 104 8,589 SF
LOT 105 9,037 SF
LOT 15 10,401 SF
LOT 95 14,974 SF
LOT 94 13,182 SF
LOT 93 9,444 SF
LOT 92 7,034 SF
LOT 91 7,279 SF
LOT 90 7,164 SF
LOT 89 7,186 SF
LOT 88 7,208 SF
LOT 87 7,230 SF
LOT 86 7,253 SF
LOT 85 7,159 SF
LOT 16 6,545 SF
LOT 84 14,064 SF
LOT 83

No.	Revision	Date	By

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Scale	1" = 60'
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WYNDWATER

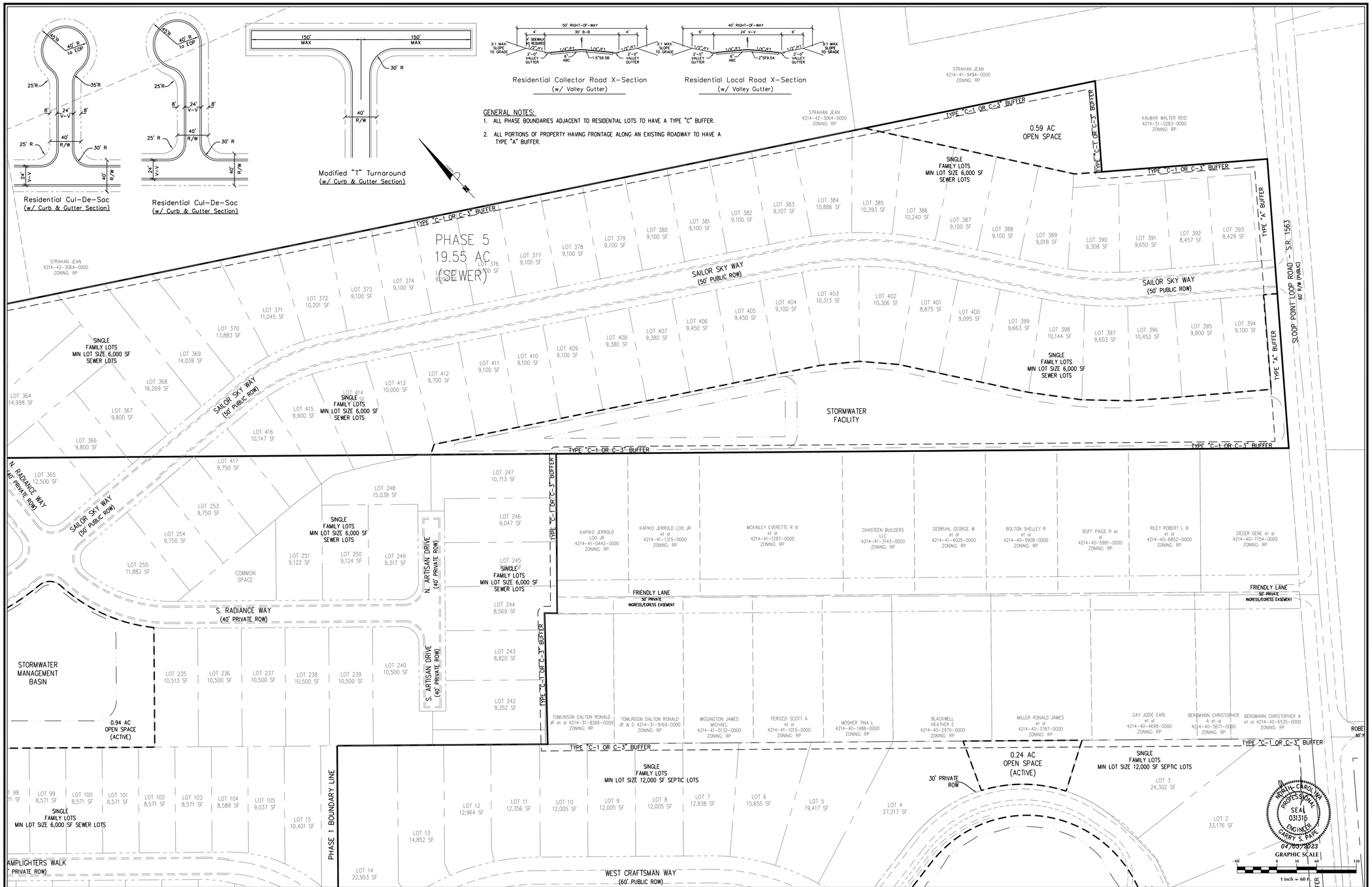
Topsail Township Pender County North Carolina

SITE PLAN

PREPARED FOR:
SIGNATURE TOP SAIL NC, LP
9337B KATY FREEWAY #377
HOUSTON, TX 77024
713-789-0466

GSP CONSULTING, PLLC
ENGINEERING
6626 Gordon Road Unit C Wilmington, North Carolina 28411 tel: 910-442-7870 fax: 910-799-6659

Sheet No.
C-3.5



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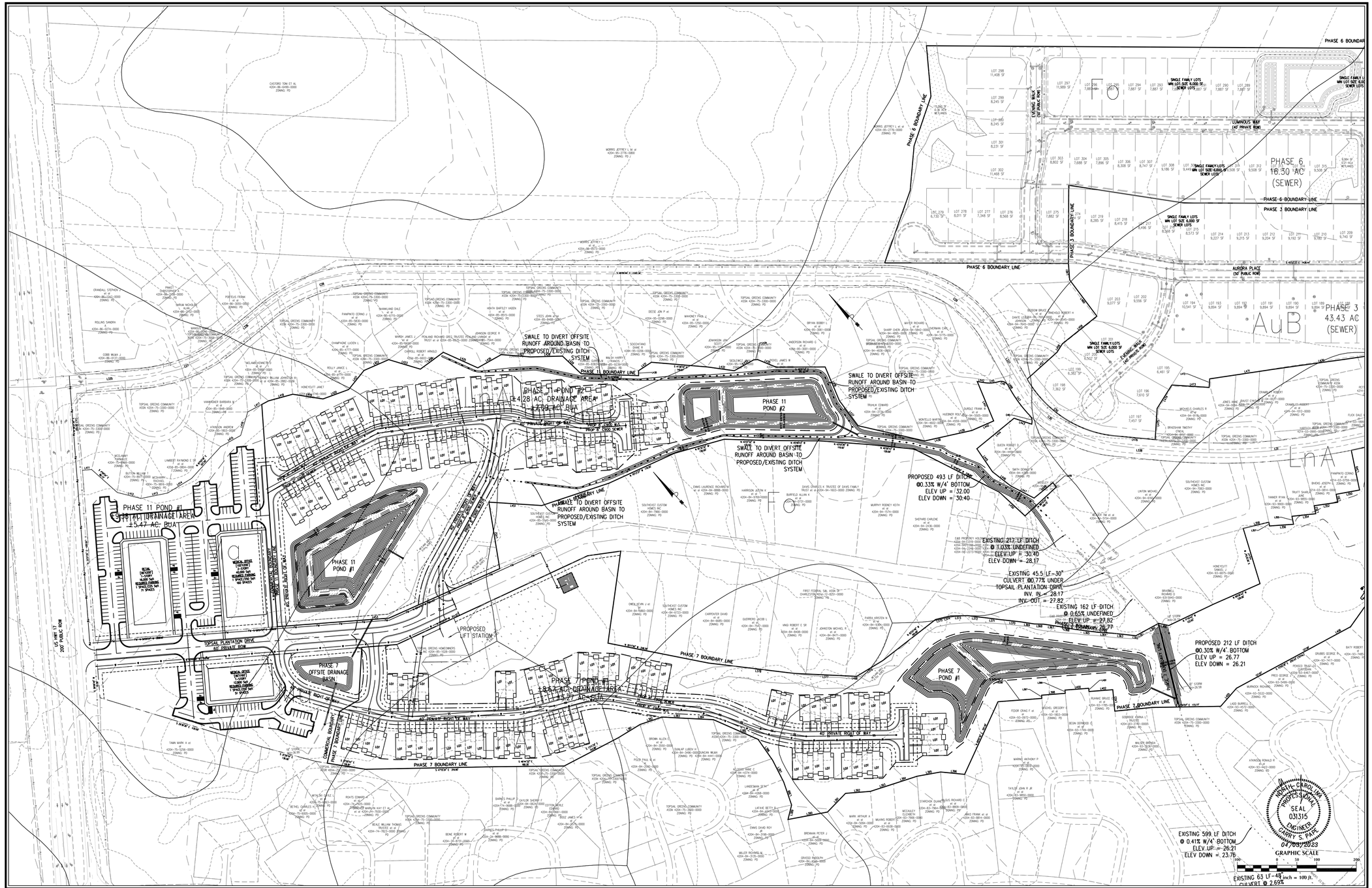
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Sheet No. **C-3.6**



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WYNDWATER

Topsail Township — Pender County — North Carolina

UTILITY & STORMWATER MANAGEMENT PLAN

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Sheet No.
C-4.1

PHASE 6 BOUNDARY LINE

PHASE 6 16.30 AC (SEWER)

PHASE 3 43.43 AC (SEWER)

PHASE 6 7.93 AC (SEWER)

PHASE 3 43.43 AC (SEWER)

PHASE 3 BOUNDARY LINE

PHASE 2 BOUNDARY LINE

AURORA PLACE (50' PUBLIC ROW)

CLOVERFIELD LANE (40' PRIVATE ROW)

LUMINOUS WAY (40' PRIVATE ROW)

W. SHOOTING STAR LANE (40' PRIVATE ROW)

E. SHOOTING STAR LANE (40' PRIVATE ROW)

EXISTING LIFT STATION

DORAL DRIVE SR 1893 60' R/W (PUBLIC)

EXISTING 212 LF DITCH @ 1.03% UNDEFINED ELEV UP = 30.40 ELEV DOWN = 28.17

EXISTING 45.5 LF-30" CULVERT @0.77% UNDER TOPSAIL PLANTATION DRIVE INV. IN = 28.17 INV. OUT = 27.82

EXISTING 162 LF DITCH @ 0.65% UNDEFINED ELEV UP = 27.82 ELEV DOWN = 26.77

PROPOSED 212 LF DITCH @0.30% W/4' BOTTOM ELEV UP = 26.77 ELEV DOWN = 26.21

EXISTING 599 LF DITCH @ 0.41% W/4' BOTTOM ELEV UP = 26.21 ELEV DOWN = 23.76

NORTH CAROLINA PROFESSIONAL SEAL 031315 ENGINEER HARRY S. PAR 07/07/2023

GRAPHIC SCALE

100 0 50 100 200

1 inch = 100 ft.

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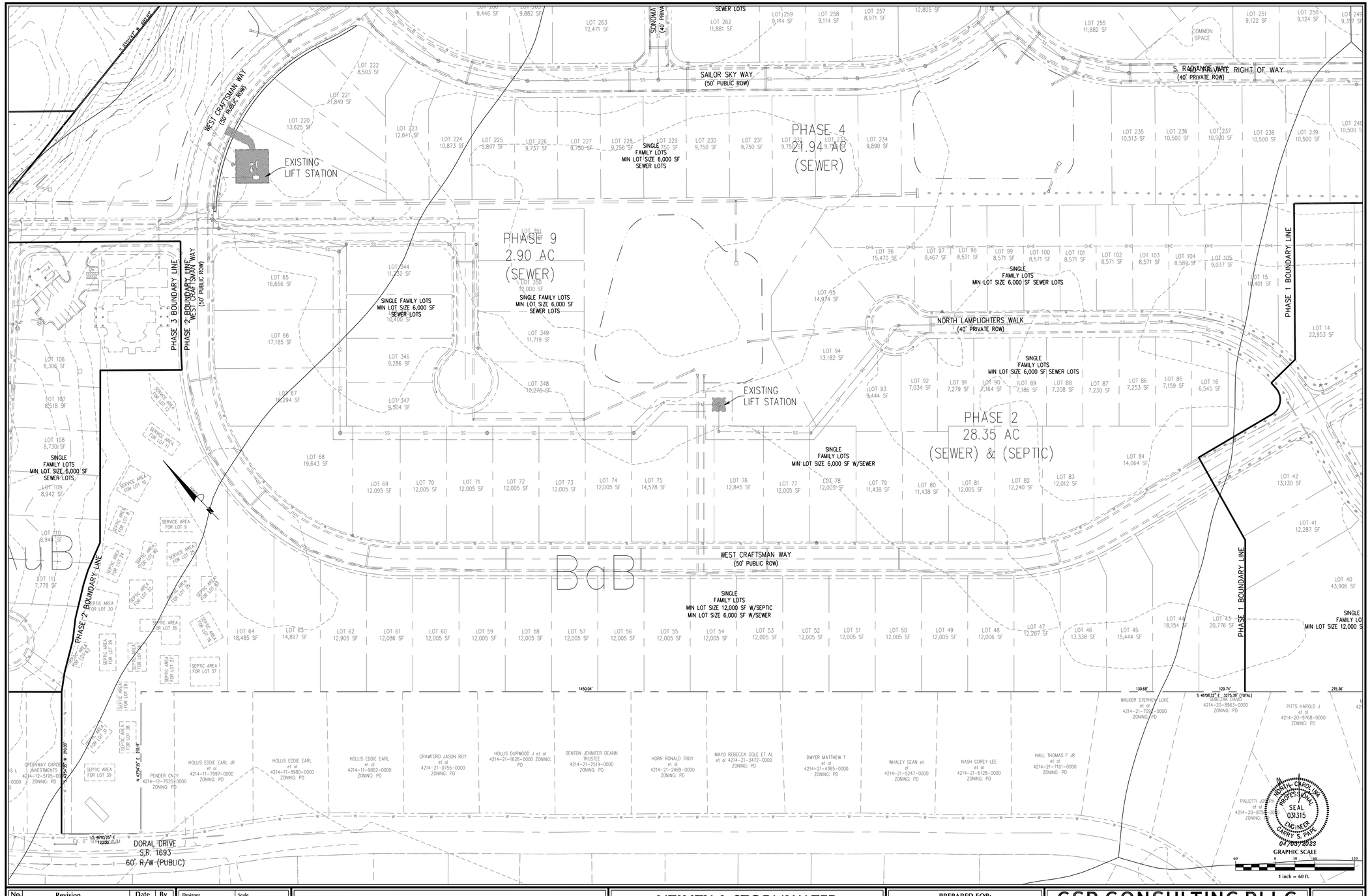
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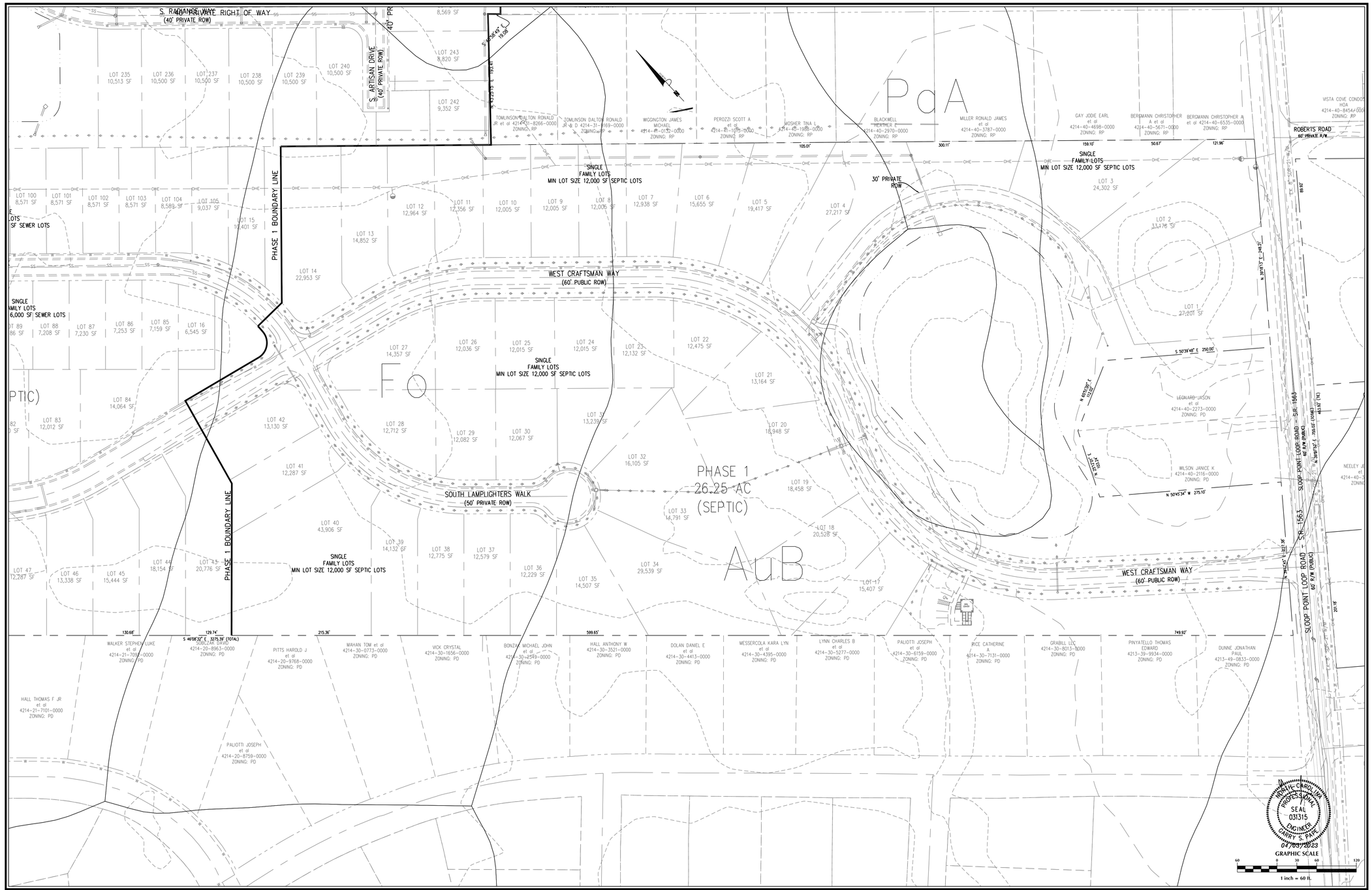
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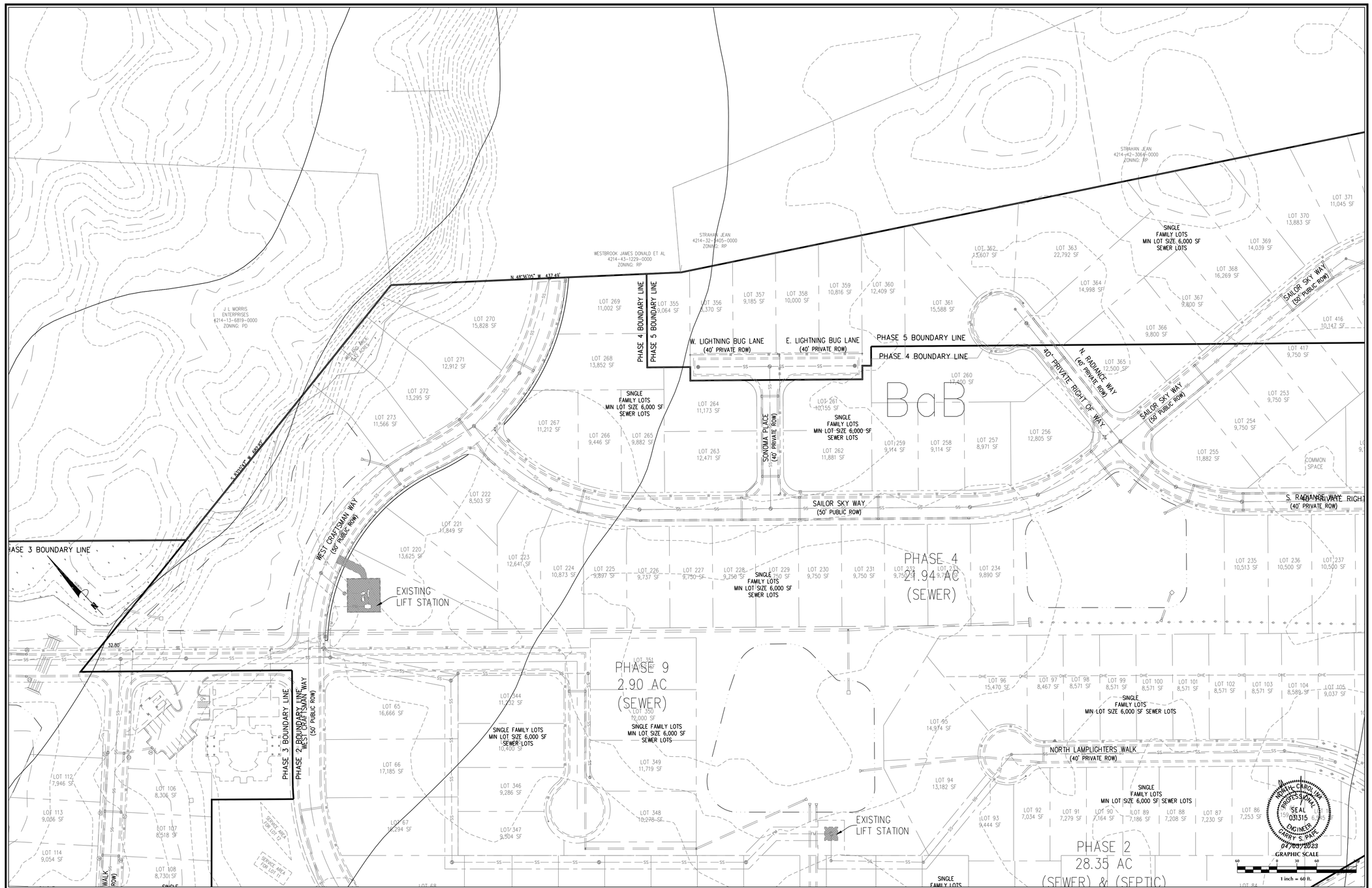
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Sheet No.
C-4.6

ATTACHMENT 4 – Public Input Meeting Mailed Notice, Report, and Sign-in Sheet

DATE: May 10, 2023

TO: Adjacent Property Owners

FROM: Signature Top Sail NC, Ltd.
Mike Pollak/David Greer
9337B Katy Freeway #377
Houston, TX 77024

SUBJECT: Proposed Townhome Community
Hwy 17 at Plantation Drive

You are invited to attend a community meeting where the developers of Wyndwater will be presenting a proposed townhome community for inclusion in the Planned Development of Wyndwater.

A preliminary site plan is included which locates the community at Hwy 17 and Plantation Drive. While this community is to be included in the WyndWater PD, it will have its own entrance, homeowner's association and amenities.

The County requires the developer notify property owners within an adjacency to the project and hold a meeting for any and all interested parties. This is intended to provide neighbors with an opportunity for explanation of the proposal, and for question to be answered concerning project improvements, benefits, and impacts.

Interested parties may choose between three (3) one hour sessions, on Tuesday, June 13, 2023, between 9:00 am and 12:00 pm. to visit with the Developers to discuss the proposed development. The meeting location will be at:

Pender County Annex Building Auditorium
15060 Hwy 17
Hampstead, NC. 28443

In lieu of attendance, you may contact Mike Pollak at mike@signature-companies.com with any questions or concerns. If you will forward such comments, concerns and recommendations to this email, we will record such in a report which will be delivered to the County.

In addition, the proposal will be reviewed by Pender County's Planning Staff & Planning Board with the Planning Board making the final decision on an approval. You will be notified about these meetings directly by the County. The public hearings will provide opportunity for public comment on any issues pertinent to the approval of the proposal.

We appreciate your interest and look forward to developing this piece in a way which will be a good neighbor and an asset to the community.

Mike Pollak
Signature-Topsail NC LTD
9337 Katy Freeway, #377
Houston, Texas 77024

June 20, 2023

Justin Brantley
Pender County Planning Department

Re: Public input meeting- Wyndwater PD

Justin,

The meeting was held on June 13, 2023 at the annex and we had about 25 people come by over the 3 hour time period. There were numerous questions about the drainage plans; each person was shown the drainage plans and they seemed comfortable once they understood the plan.

It was pointed out that the retention ponds have been sized substantially larger than required by the states storm water department and other details to the plans will improve the existing site drainage.

There were a few questions about the existing sewer lines across the property and we informed them that the lines have been located and the design takes their location into account. The existing lines are buried approximately 4 feet underground.

There were several questions about buffer fencing requirements. We showed each person that asked what the buffer was called out for at their property location. A few asked if we would consider not installing a fence at the rear of their property and we are looking into the alternative buffer options in those areas.

No changes to the plans are being made at this time.

Regards,

Mike Pollak

TOWN MEETING 4/3/23 SIGN IN

Bill Spence	330 Tobacco Plantation Dr.
Jocelyn Schlageter	411 Quartermaster Ct.
Anthony Whitmore	504 Fathom Court
Amy Petersen Brown	650 W. Craftsman Way
Lori Stage	284 W Craftsman Way
Liz Parker	118 Red Bird Lane
Shirley Felo	301 Rudder Ct.
Karen + Dave Kaeon	214 Spar Crt.
ARTHUR MARK	109 - FINK CT. 910-319-0558

Pender County
REZONE 2023-50: Request to rezone one parcel totaling approximately 6 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district in the Rocky Point Township

TO:	Planning Board
FROM:	Daniel Adams
DATE:	July 11, 2023
SUBJECT:	REZONE 2023-50: Request to rezone one parcel totaling approximately 6 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district in the Rocky Point Township

SUMMARY:
Fortino Martinez Arellanez, applicant, is requesting the approval of a Zoning Map Amendment to rezone approximately 6 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district. The subject property is located along US Highway 117 approximately 1 mile from the intersection of US Highway 117 and NC Highway 133 and located within the Rocky Point township and may be further identified by Pender County PIN 3234-40-7280-0000.

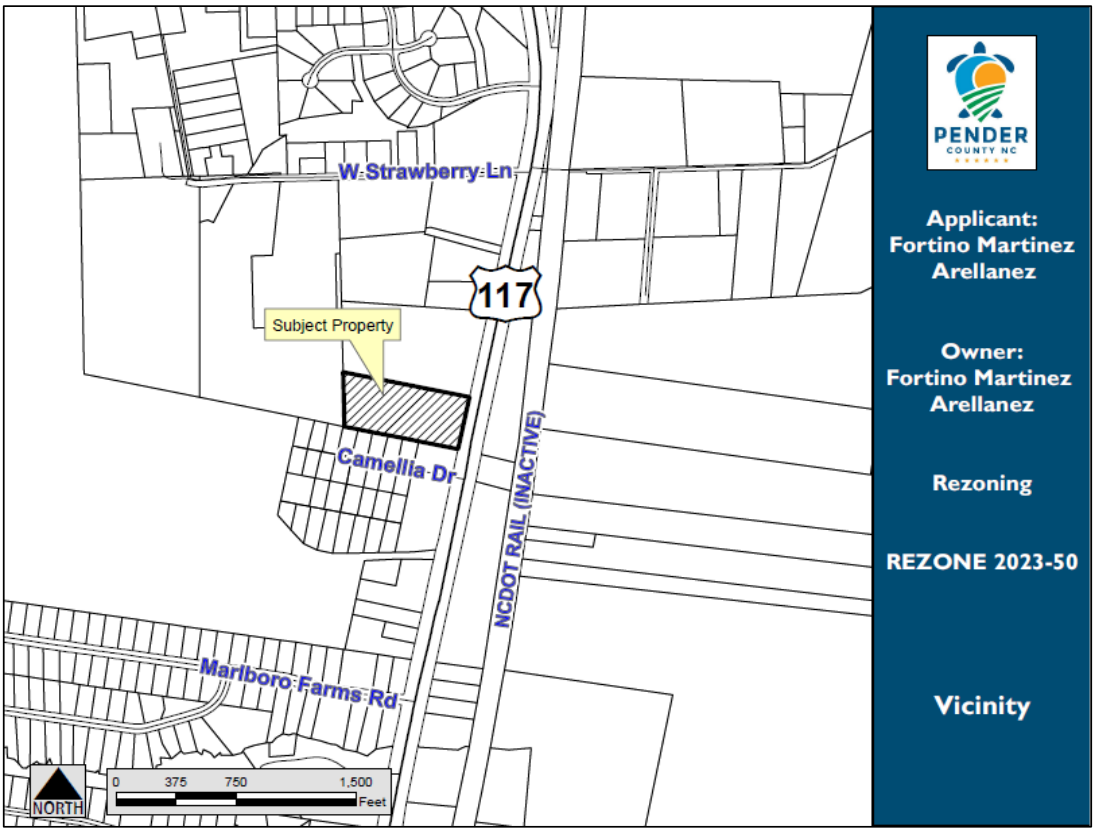
ACTION REQUESTED:
To hold a public hearing and consider the Zoning Map Amendment request.

ATTACHMENTS:
1. Staff Report
2. Application
3. Narrative
4. Site Map
5. Table of Permitted Uses

STAFF REPORT FOR REZONE 2023-50
ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	REZONE 2023-50
Hearing Dates	July 11th, 2023 – Planning Board August 21st, 2023 – Board of Commissioners
Applicant	Fortino Martinez Arellanez
Property Owner(s)	Fortino Martinez Arellanez
Parcel Identification Number	3234-40-7280-0000
Acreage	6
Township	Rocky Point
Pender 2.0 Future Land Use Category	Light Industrial

REZONING PROPOSAL
Fortino Martinez Arellanez, applicant, is requesting the approval of a Zoning Map Amendment to rezone approximately 6 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district.
LOCATION
The subject property is located along Hwy 117 approximately 1 mile from the intersection of US Hwy 117 and NC Hwy 133 and located within the Rocky Point township and may be further identified by Pender County PIN 3234-40-7280-0000.



REZONING PROPOSAL

The applicant is proposing to rezone 6 acres of land from the GB, General Business zoning district to the RP, Residential Performance zoning district. Because this is a general use rezoning, a conceptual plan is not included within the application. If approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the RP, Residential Performance zoning district. However, any future development of the site must comply with the standards of the RP, Residential Performance zoning district and is subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

Intent of the Residential Performance Zoning District (Proposed)
The intent of the RP, Residential Performance district is to allow for a variety of residential uses, densities, and limited commercial activities as well as agritourism.

Intent of the General Business Zoning District (Existing)
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 Residential Performance 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 property.

Minimum Setback (Residential Performance)*	
Front	30’
Side	10’
Rear	25’
Corner	15’
Max. Height	35’
Structure Separation	30’

*The minimum lot size in this district is 15,000 square feet.

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 Residential Performance zoning district. The table below provides a general list of typical developments permitted in the Residential Performance zoning district. A comprehensive list of all uses from Section 5.2.3 of the Pender County Unified Development Ordinance (UDO) is included in Attachment 1.

	RP, Residential Performance
Residential Uses	Single Family Detached Dwelling, Duplex, Accessory Dwelling Unit, Manufactured Home
Commercial Uses	≈ 6 uses by-right (Family Child Care Home, Public Park, Temporary Fruit & Vegetable Stand, etc.) ≈ 33 uses w/ SUP (Artisan Manufacturing, Water Supply Facilities, Food and Beverage Stores, Educational Services etc.)

TRANSPORTATION INFRASTRUCTURE

Access

The subject property has direct access to US Hwy 117. Development of the subject property would require driveway approval from the North Carolina Department of Transportation (NCDOT).

Traffic

Traffic Impact Analyses (TIA) are not required for general use rezoning 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) – 2020; WMPO Roadway Capacities – 2021

Road	Location	Volume	Capacity	V/C
US HWY 117	Between Marlboro Farms RD and Via Dolorosa RD	7,200	20,943	0.34

OTHER INFRASTRUCTURE

Utilities
According to current GIS data public water (PCU) is available on neighboring properties to the south and on the west side of HWY 117, the public water line could be extended to the subject property for connection.

As stated by Pender County Utilities (PCU) sewer is available on the opposite side of the road from the parcel, however, it is available for commercial use only. Therefore, it is likely that any proposed development on the subject property for residential purposes will utilize septic, which would be reviewed and approved by Pender County Environmental Health once a building permit application is submitted.

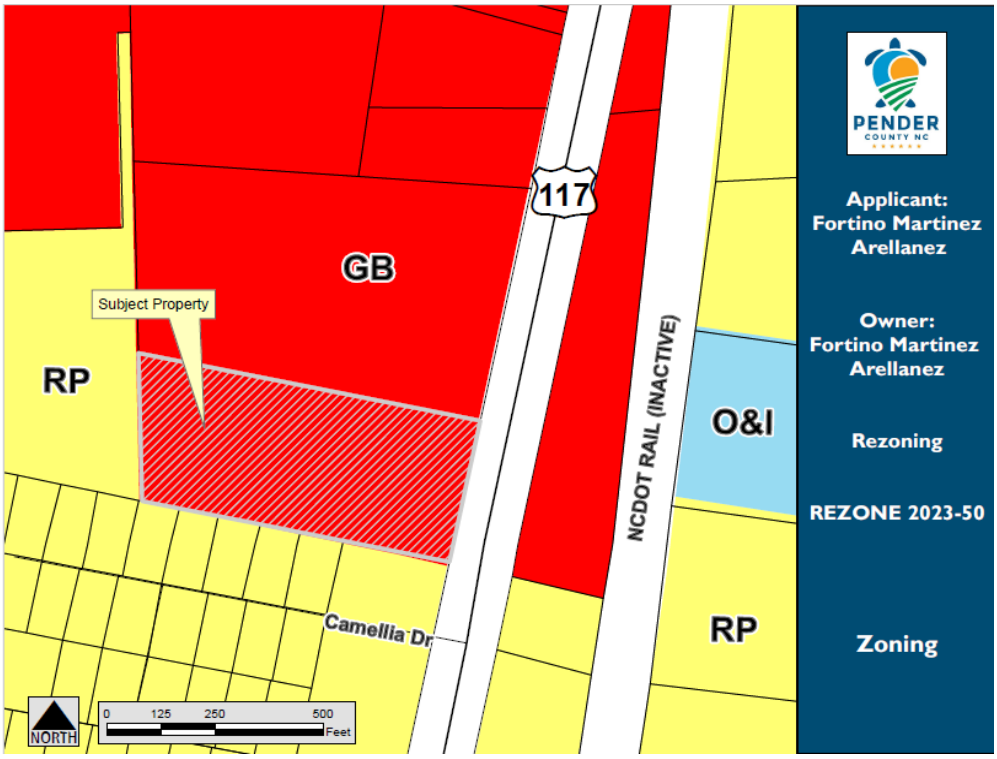
Schools
There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time. However, a residential zoning designation may have more of an impact on schools compared to the existing commercial designation.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does contain any Special Flood Hazard Areas[1].
Wetlands	Portions of the subject property may contain wetlands[2, 3]. The location of any wetlands will be verified when a site-specific development plan is submitted for review. Any disturbance within these wetlands is subject to review and approval by the U.S. Army Corps of Engineers.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC)[4].

[1] According to the effective regulatory and preliminary Flood Insurance Rate Maps 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	Vacant, Commercial	GB, General Business
East	Vacant, Residential	GB, General Business O&I, Office and Industrial RP, Residential Performance
South	Residential	RP, Residential Performance
West	Residential	RP, Residential Performance

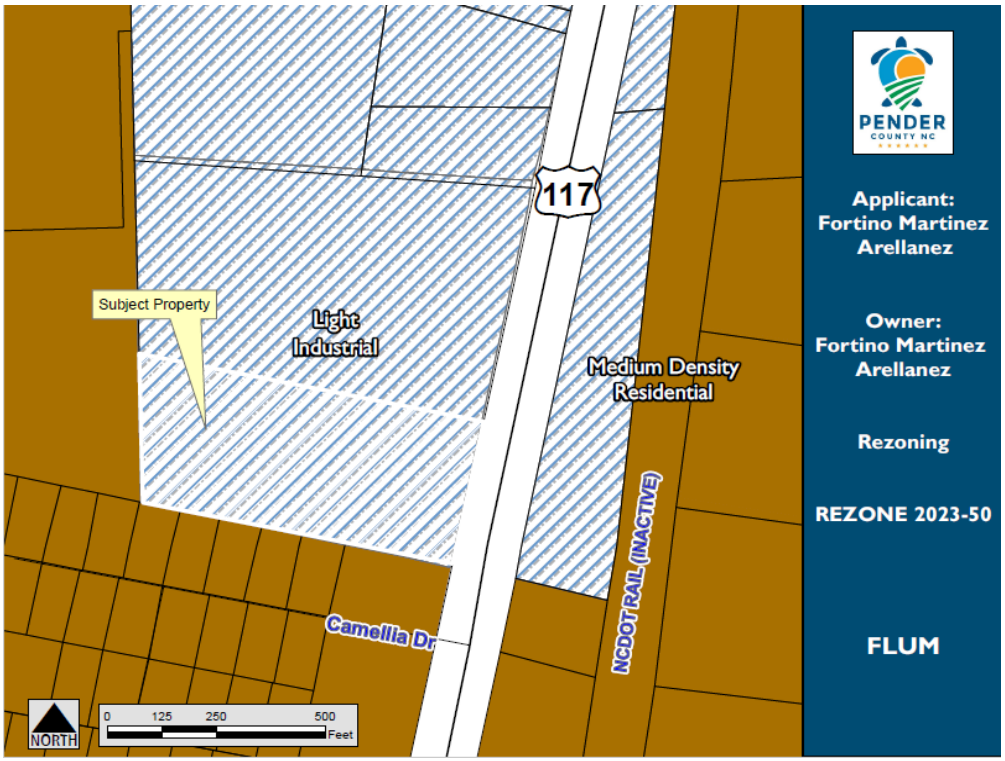
Surrounding Zoning

The subject property is currently within the GB, General Business zoning district. Properties in the immediate vicinity of the subject property are currently zoned RP, Residential Performance,

GB, General Business, and O&I, Office and Institutional as indicated by the table above. A former rail line, owned by NCDOT, is located across US HWY 117 from the subject property.

Pender 2.0 Comprehensive Land Use Plan Compliance: The subject property is located within the Light Industrial future land use classification as shown in the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan. This future land use category is established in areas that have excellent transportation access to primary roadways, such as Hwy 117 and where ample outdoor storage space is available. Light industrial uses create minimal emission of smoke, dust, fumes, glare, noise, and vibrations. These areas should be served by water and sewer infrastructure. Desired uses include light industrial, light manufacturing, office, heavy commercial, and storage facilities. Heavy industrial and heavy manufacturing uses within this area would not be appropriate nor would residential usage.

The Light Industrial Future Land Use classification is designed for areas that are suited for light industrial operations and heavy commercial uses such as building material suppliers, auto repair, auto sales, storage facilities, and other establishments with extensive outdoor storage or those that will have an impact on neighboring properties. Light industries typically require less space, raw power, and water consumption than those in the Industrial future land use category. These uses may entail the manufacturing of partially processed materials to produce items of relatively high value per unit weight.



The following two policies within the Pender 2.0 Comprehensive Land Use Plan would support the rezoning proposal:

> **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.W: Single-family Residential Development**: The County shall maintain areas exclusively for conventional single-family development. Conversion of single-family homes to two-family and/or multi-family residential uses within established single-family neighborhoods shall be discouraged.

The following two policies within the Pender 2.0 Comprehensive Land Use Plan conflict with the proposal:

> **Policy 5.1.N Industrial Uses and Business Development:** The County supports the recruitment and siting of compatible industrial, heavy commercial, and large-scale employment establishments in areas that are consistent with County's future land use map. Compatible heavy commercial and employment center uses are also appropriate within the Regional Mixed Use future land use category.
>
> **Policy 5.1.B: Land Use Plan Consistency:** The County generally requires that any official land use and development related actions (e.g. re-zonings, text amendments, and special use permits) remain consistent with the policies adopted in this plan and any other applicable plan. Any actions that are inconsistent with such plans shall require a statement from the Planning Board and Board of Commissioners approving such decisions, as to the in conditions taken into account in amending the Unified Development Ordinance to meet the development needs of the community, and why the action was reasonable and in the public interest.

Denial of the proposal is further substantiated by the following goal within the Pender 2.0 Comprehensive Land Use Plan:

> **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.

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.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board recommendation. The proposed Zoning Map Amendment is inconsistent with the Future Land Use Map which encourages the establishment of commercial and light industrial development in this area. While the proposed Zoning Map Amendment could be consistent with its neighboring residential surroundings to the south, it may also be incompatible with the surrounding zoning to the north and to the east.

The proposed RP, Residential Performance zoning district rezoning request is inconsistent with the Pender 2.0 Comprehensive Land Use Plan, nor are its allowable uses compatible with portions of its surroundings. Many areas of the county support a residential category per the Pender 2.0 Comprehensive Land Use plan while only limited areas are allocated to the Light Industrial future use category. However, in this case, it could be reasonably expected that a deviation from the Future Land Use Map would limit traffic, noise, and be of light impact on the existing residential areas to the south of the subject property, therefore the proposed rezoning could be congruent with some of the parcel's surroundings.

Respectfully, Staff is not providing a recommendation for this request. However, this report outlines policies and justifications for both the approval and denial of the request. In addition, it is important to note that an approval of this request would result in an automatic amendment to the Future Land Use Plan from Light Industrial to Medium Density Residential.

PLANNING BOARD ACTION NEEDED:

TO APPROVE: Motion to approve the Zoning Map Amendment and to make a finding of approval because although the proposal is inconsistent with the Pender 2.0 Comprehensive Land Use Plan, said approval is reasonable and in the public interest and furthers the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING]…

- **Policy 5.I.V**
- **Policy 5.I.W**

TO DENY: Motion to deny the Zoning Map Amendment and to make a finding that the approval is inconsistent with the following policies and goals in the Pender 2.0 Comprehensive Land Use Plan:

- **Policy 5.1.B**
- **Policy 5.1.N**
- **Goal 5.I**

The proposed rezoning is inconsistent with the Light Industrial Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan because it would allow for uses not supported nor desired by the Light Industrial future land use classification.

PLANNING BOARD ACTION FOR GENERAL USE REZONING

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS
–		

Mosca	Jordan	Beaudoin	Buchanan	Gruntfest	Pitts	Teachey

Pender County
Planning and Community Development

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

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

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 2/9/2023
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.

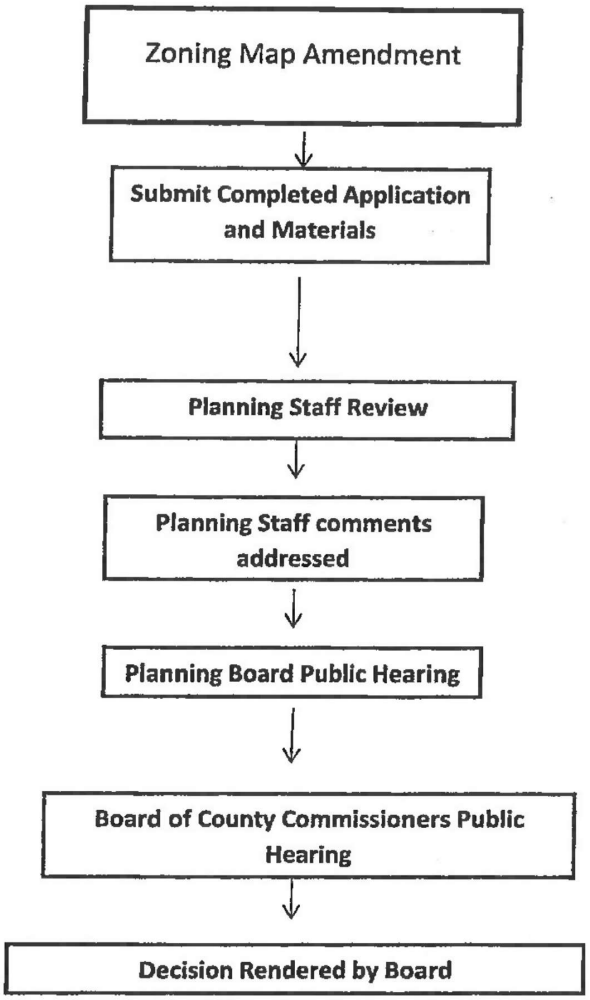
I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant _____ Date 2/10/23

Printed Name Fortino Martinez (POA)

Staff Initials:	
Date:	

Angel Hernandez


Zoning Map Amendment
Submit Completed Application and Materials
Planning Staff Review
Planning Staff comments addressed
Planning Board Public Hearing
Board of County Commissioners Public Hearing
Decision Rendered by Board

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

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA REZONE-2023-50	**Date**	4/27/2023
Application Fee	$ 510	**Invoice**	00033088
Pre-Application Conference	N/A	**Hearing Date**	PB-7/11/23 BOCC-8/21/23

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	FORTINO MARTINEZ ARELLANEZ	**Owner's Name:**	SAME
Applicant's Address:	89 GOLDEN EAGLE WAY	**Owner's Address:**	
City, State, & Zip	ROCKY POINT, NC 28457	**City, State, & Zip**	
Phone Number:	910-442-7948	**Phone Number:**	
Email Address:	grampamasonry@yahoo.com	**Email Address:**	
Legal relationship of applicant to landowner:	SELF		

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3234-40-7280-0000	**Total property acreage:**	6
Current Zoning District:	GB	**Proposed Zoning District:**	
Project Address:	US 117 HWY, ROCKY POINT		
Description of Project Location:	LT 2B PB 68/84 SEWELL CONTRACTORS MINOR SUBDIVISION		

SECTION 3: SIGNATURES			
Applicant's Signature	X	**Date:**	
Applicant's Name Printed	FORTINO MARTINEZ ARELLANEZ	**Date:**	
Owner's Signature		**Date:**	4/26/23
Owner's Name Printed	Fortino Martinez	**Date:**	4/26/23

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

On the matter of Rezoning Parcel number 3234-40-7280-0000 from General Business (GB) to Rural and Residential (RP), we feel that Residential is a better compliment to the surrounding area. The parcels directly to the south are an RP designation along with the adjacent property on the other side of Hwy 117.

Rezoning this parcel to RP will better fit the low-density Residential pattern that is already established in this immediate area. The only corresponding property in the area not zoned as RP is the parcel to the North, which is a wet lot and not likely to be heavily developed.



PIN: 3234-40-7280-0000
Owner: ARELLANEZ, FORTINO MARTINEZ
89 GOLDEN EAGLE WAY
ROCKY POINT, NC 28457
Deed Ref: 4762/2063

Property Address: US 117 HWY
Description: LT 2B PB 68/84 SEWELL CONTRACTORS MINOR SUBDIVISION

Sale Price: $162,000
Sale Date: LAST_SALE_DATE
Plat: 00680084
Account No: 1014492
Township: ROCKY POINT
Subdivision: WOODBERRY FARMS
Tax Codes: G01 F24 R40

Acres: 6
Land Value: $50,000
Building Value: $0
Total value: $50,000
Deferred Value: $0
Exempt Amount: 0
PCL Class: R
Heated Sq Feet:

Pender County

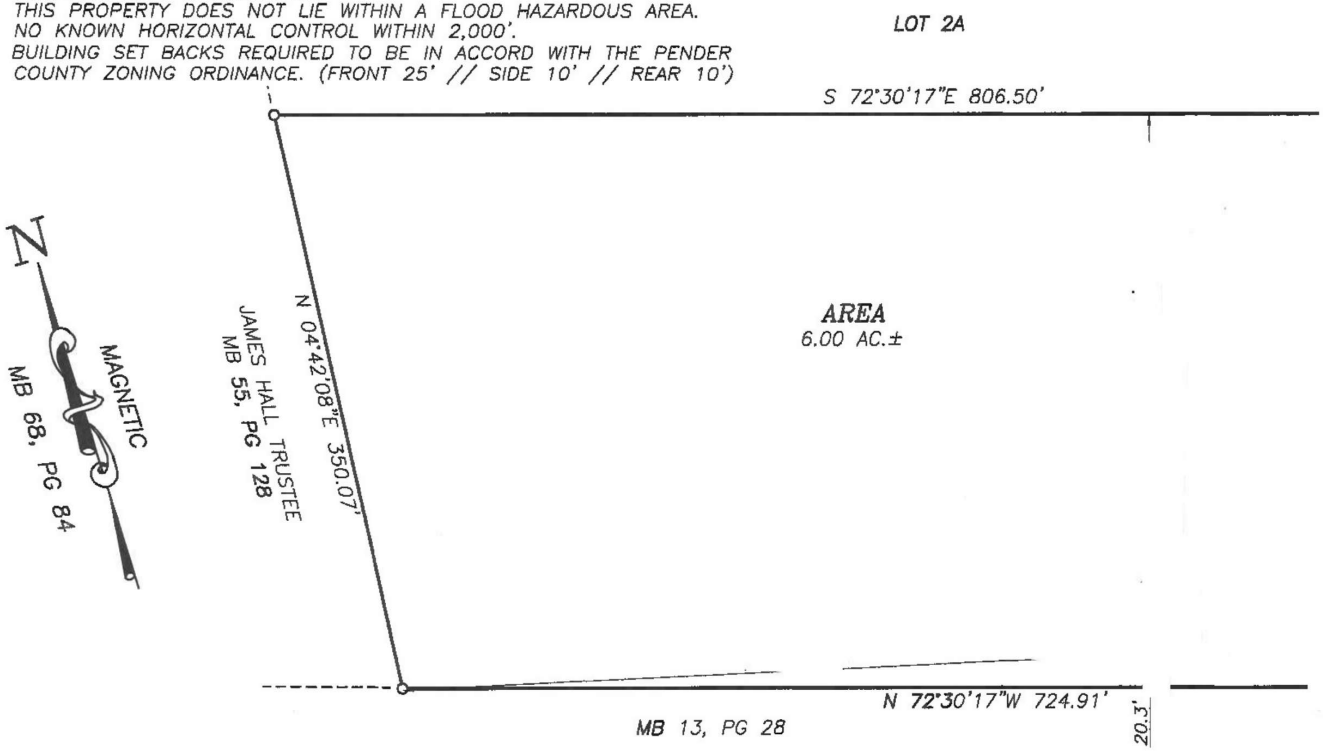
1:2,418
0 0.0175 0.035 0.07 mi
0 0.0275 0.055 0.11 km
1 inch = 201 feet

8/23/2021

N W E S

NOTES:

1. CORNERS ARE MARKED AS NOTED ON MAP.
2. ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
3. AREA COMPUTED BY THE COORDINATE METHOD.
4. THIS PROPERTY IS ZONED GB.
5. THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARDOUS AREA.
6. NO KNOWN HORIZONTAL CONTROL WITHIN 2,000'.
7. BUILDING SET BACKS REQUIRED TO BE IN ACCORD WITH THE PENDER COUNTY ZONING ORDINANCE. (FRONT 25' // SIDE 10' // REAR 10')



LEGEND:

- o — EIP (EXISTING IRON PIPE) OR EIS (EXISTING IRON STAKE)
- PROPERTY LINE
- NON-SURVEYED LINE
- ℄ (CENTER LINE)
- R/W (RIGHT OF WAY)

PROPOSED DWELLING PLACEMENT
FOR
FORTINO MARTINEZ ARELLANEZ

ROCKY POINT TOWNSHIP – PENDER COUNTY – NORTH CAROLINA
SCALE: 1" = 100' AUGUST 11, 2022

100 0 100 200 300
GRAPHIC SCALE – FEET

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	
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
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:	Planning Board
FROM:	Justin Brantley
DATE:	July 11, 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 Highway 17 approximately 1,000 feet south of the intersection of US Highway 17 and Whitebridge Road in the Topsail Township and can be further identified by PIN: 3281-19-9924-0000.

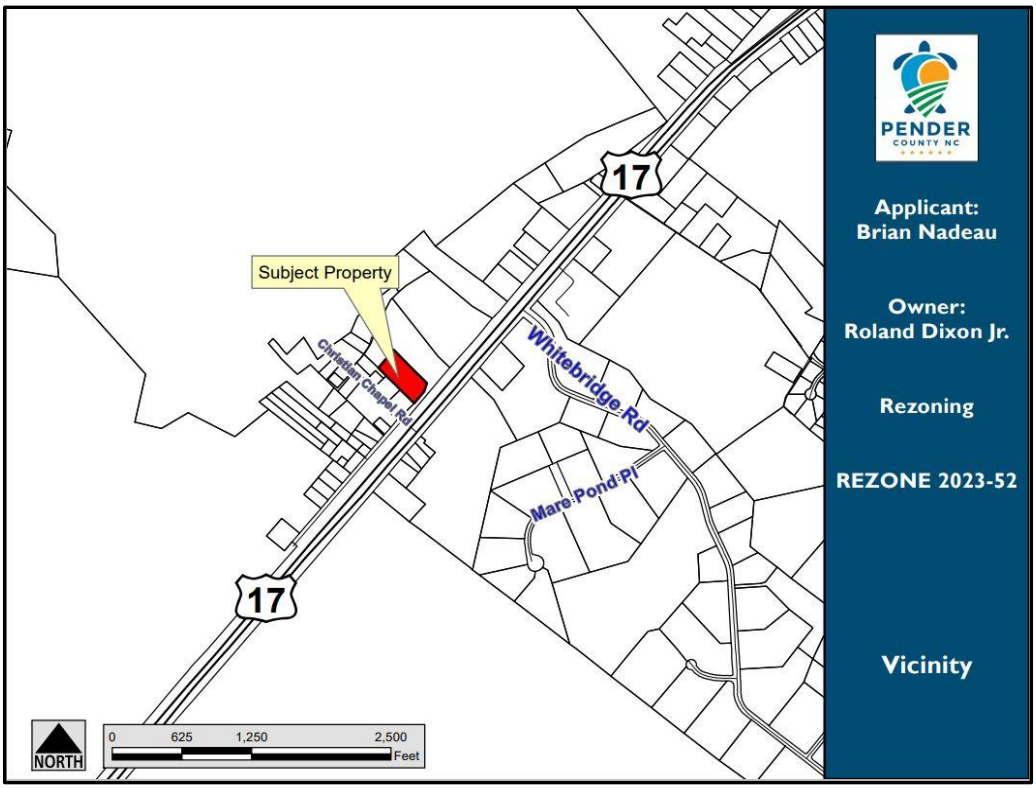
ACTION REQUESTED:
To hold a public hearing and consider the Zoning Map Amendment request.

ATTACHMENTS:
1. Staff Report
2. Application
3. Narrative
4. Site Map
5. Table of Permitted Uses

STAFF REPORT FOR REZONE 2023-52
ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	REZONE 2023-52
Hearing Dates	July 11, 2023, Planning Board August 21, 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. Development of the subject property would require the acquisition of an access easement and driveway approval from the North Carolina Department of Transportation (NCDOT).

Traffic
Traffic Impact Analyses (TIA) are not required for general use rezoning 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 Average Annual 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.

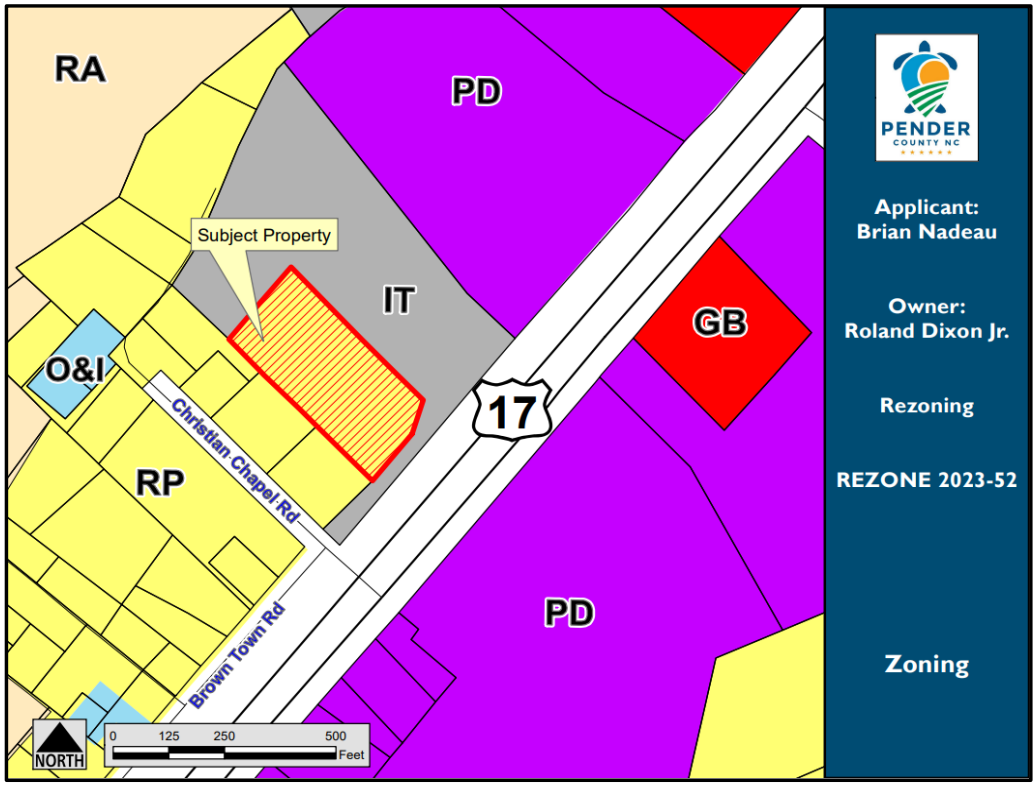
Schools
There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time.

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)

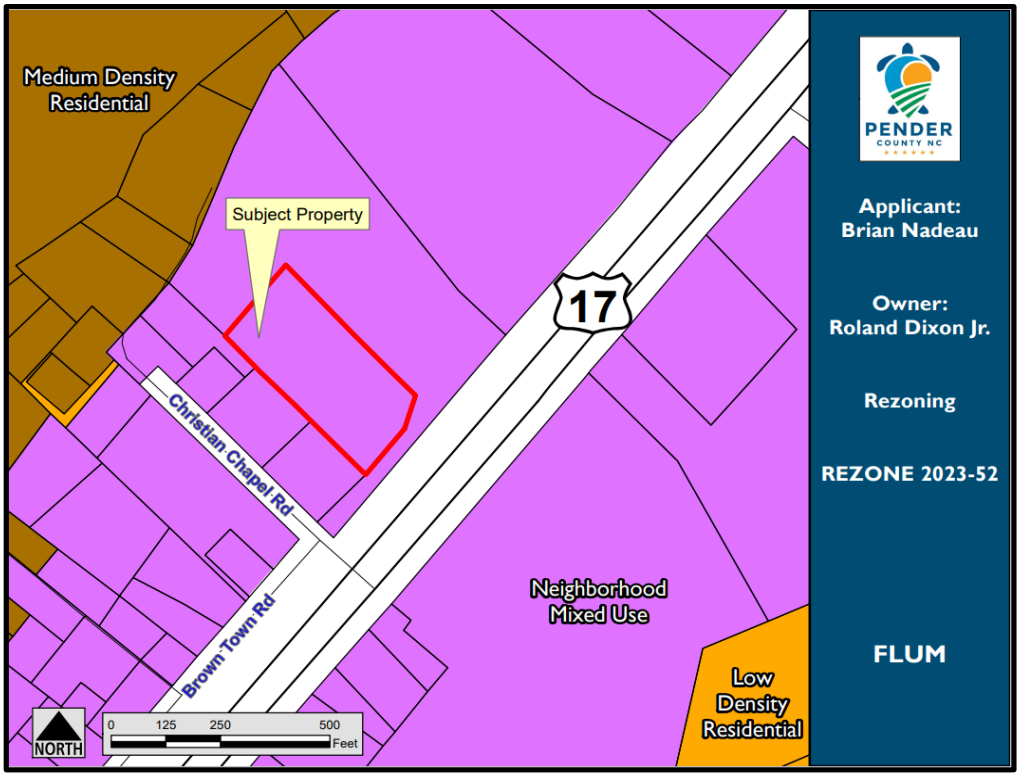
EVALUATION

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.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board Disposition. 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 districts are compatible with the surrounding area. Therefore, Planning staff respectfully recommends approval of the Zoning Map Amendment.

PLANNING BOARD 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

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey

Pender County
Planning and Community Development

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

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

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 _____ 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	Brian Nadeau	**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

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