Pender County

Agenda

Planning Board Meeting

Wednesday, September 6, 2023 @ 6:00 PM

Pender County Public Assembly Room 805 S. Walker Street, Burgaw, NC 28425

			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.	August 1, 2023 Planning Board Meeting Minutes August 1, 2023 Meeting Minutes - Pdf		3 - 81
7.	PUBLIC COMMENT			
8.	PUBLIC HEARINGS			
	8.1.	Pender County Bicycle and Pedestrian Plan Bicycle & Pedestrian Plan - Pdf		83 - 206
	8.2.	MDP 2023-51: Master Development Plan proposal for 285 residential units in the RM, Residential Mixed zoning district in the Topsail Township MDP 2023-51 - Pdf		207 - 248
	8.3.	REZONE 2023-51: Request to rezone two parcels totaling approximately 20 acres from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3 in the Topsail Township REZONE 2023-51 - Pdf		249 - 312
	8.4.	MDP-R 2023-56: Request to revise the previously approved Scotts Hill Townhomes Master Development Plan in the Topsail Township MDP-R 2023-56 - Pdf		313 - 355
	8.5.	ZTA 2023-19: Text Amendment removing language that provides the County with criminal enforcement penalties for violations of the UDO ZTA 2023-19 - Pdf		357 - 367
	8.6.	ZTA 2023-20: Zoning Text Amendment to Article 8 , Landscaping and Buffering, of the County's Unified Development Ordinance ZTA 2023-20 - Pdf		369 - 381
9.	DISCUSSION			
10.	NEXT MEETING DATE			

11. ADJOURNMENT

Pender County
August 1, 2023 Planning Board Meeting Minutes

TO:	Planning Board
FROM:	Daniel Adams
DATE:	September 6, 2023
SUBJECT:	August 1, 2023 Planning Board Meeting Minutes

SUMMARY:
August 1, 2023 Planning Board Meeting Minutes

ACTION REQUESTED:
Approval of minutes from August 1, 2023 Planning Board meeting.

ATTACHMENTS:
1. August 1, 2023 Planning Board Meeting Minutes with exhibits

DRAFT MINUTES
Planning Board Meeting
Tuesday, August 1, 2023
Pender County Hampstead Annex Auditorium
7:00 PM

MEMBERS PRESENT:	Delva Jordan, Chairman Jeffrey Pitts Norman "Ken" Teachey Jeff Beaudoin John Gruntfest
MEMBERS ABSENT:	Damien Buchanan, Vice-Chairman Margaret Mosca
OTHERS PRESENT:	Daniel Adams, Planning Director Justin Brantley, Senior Planner Adam Moran, Long Range 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 7:03 pm.

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to approve agenda, with the change of case MDP-R 2023-53 being heard last made by Jeff Beaudoin, seconded by Jeffrey 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 ADOPTION OF MINUTES

Motion to approve the June 6, 2023, Planning Board minutes made by John Gruntfest, seconded by Ken Teachey.

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 PRESENTATIONS

No presentations.

8 PUBLIC COMMENT

No public comment.

9 PUBLIC HEARINGS

a) REZONE 2023-50

Taylor Davis, Current Planner, presented the staff report.

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

Mr. Jordan asked if the Applicant has a presentation. Mr. Adams stated that he did not believe there was a presentation, but the Applicant is present. Mr. Adams asked the Applicant if he would like to speak to the Board to which he chose not to.

Derek Peterson, 10815 US Hwy. 117, stated that he owns the adjacent property to the south of the subject property and strongly opposes the rezoning. He stated that he does not want this rezoning to affect what he may want to do with his property in the future. Mr. Adams informed Mr. Peterson that he will call him concerning the rezoning process.

Mr. Teachey stated that he feels it would be a tougher to rezone Mr. Peterson's property to GB if all the property surrounding his is zoned RP.

Mr. Gruntfest asked if the County has percentages of what is zoned commercial versus residential in the County. Mr. Adams stated not that he is aware of that though there may be a breakdown located in the Comprehensive Land Use Plan, but it is probably dated information due to it being from 2018.

Mr. Teachey stated that he feels Pender County needs to keep as much GB zoning as possible due to it creating less traffic and stress on the schools that are already at capacity. He stated that US Hwy. 117 in Rocky Point will end up looking like US Hwy. 17 in Hampstead.

Mr. Jordan asked how long the property has been zoned GB, General Business. Mr. Adams stated that the property was previously zoned RT, Rural Transition.

Mr. Jordan asked the Board members if they had any additional questions and none were presented.

Mr. Gruntfest made a Motion to deny due to the Rezoning due to it being inconsistent with the Pender 2.0 Comprehensive Land Use Plan and the Light Industrial Future Land Use classification by allowing for uses not supported nor desired by the Light Industrial Future Land Use classification. Mr. Beaudoin seconded the motion.

Motion to deny

	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. Adams informed the audience that this is a recommendation and that the Board of County Commissioners will have the final decision. The Applicant may proceed to the Commissioners with a denial recommendation from the Planning Board. He stated that mailed notice will be sent to property owners within five hundred feet of the property. Mr. Adams stated that they will talk with the Applicant before announcing the date.

b) REZONE 2023-52

Justin Brantley, Senior Planner, presented the staff report.

Mr. Jordan asked how many units per acre could currently be put on the site. Mr. Brantley stated that the property is approximately two acres and the property is zoned RP, Residential Performance. Mr. Brantley stated that the RP zoning district requires 15,000 square feet per structure, which is slightly more than three units per acre. He stated if water and sewer were able to be obtained, the lot size could be reduced to 12,00 square feet. Mr. Brantley stated that if a Low Impact Development design was used, the lot size could be further reduced to 9,000 square feet.

Mr. Jordan stated that the traffic count is from 2021 and it may be different than presently. Mr. Brantley stated that the numbers may not be perfect, but it is the most updated information available to the County.

Mr. Jordan asked if the Board members had any additional questions for staff and no questions were present.

Brian Nadeau, Applicant representing Owner, Roland Dixon, Jr., stated he feels this rezoning makes sense due to the residential development taking place all around it. Mr. Nadeau stated that Mr. Dixon has hired an Attorney and Surveyor concerning the access issue and both feel that they have a good case but are currently working through it.

Mr. Beaudoin asked if this was the property that was recently up for auction. Mr. Nadeau stated that the auctioned property is located about a quarter of a mile up the road.

Attorney Susan Keelin, 1213 Culbreth Drive, represents Farnell Shingleton who owns property adjacent to this lot. Ms. Keelin stated that the property does not border US Hwy. 17, which the application implies. She stated that this rezoning request is premature due to the dispute concerning the easement.

Ms. Keelin stated that this property is marketed as having water and sewer availability when it does not.

Ms. Keelin stated that she was told that Mr. Dixon's Attorney would be contacting her but to date, she has not been contacted nor has she been given the name of the Attorney so that she can contact him or her directly. She feels the process of resolving this issue needs to get started and this rezoning request is putting the cart before the horse.

Ms. Keelin presented the Board with **Exhibit A.** The Board accepted the Exhibit and it became a part of the record.

Mr. Nadeau again reiterated that they have hired an Attorney and Surveyor and they are not intentionally slowing the process down. He stated that they are working in good faith to get the access issue resolved.

Mr. Adams stated that all new lots require access but there is not a whole lot that can be done with existing lots.

Attorney Trey Thurman spoke of cart paths but could not state whether this

situation would meet the requirements. He stated that the access issue does not prevent the Board from acting tonight.

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

Mr. Pitts made a motion to approve due to the proposed Rezoning being consistent with the Neighborhood Mixed 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	0	0	2

CARRIED.

c) MDP-R 2023-53

Daniel Adams, Director, presented the staff report.

Mr. Adams stated that there are three revision requests, and he will address each request individually. He stated that the first request is the removal of Phase 10, which included forty-one single family dwelling units. Mr. Daniels stated that the second request is to reduce the town home units approved from seventy-six to fifty-six and to increase the commercial acreage from 1.6 to 4.3. He stated this proposal includes 16, 000 square feet of retail space and 40,000 square feet of medical office space. This request pertains to Phase 11. Mr. Adams stated that the third request pertains to Phase 7, which currently is shown as future development. He stated that sixty town homes and 2.66 acres of commercial development, which would contain 12,800 square feet of medical office space.

Mr. Adams stated that the requests pertaining to Phase 10 and 11, will remove sixty-one units, whereas the third request pertaining to Phase 7 will essentially add

sixty units back.

Mr. Jordan asked Mr. Adams to explain Type “C” buffer, which Mr. Adams complies.

Mike Pollock, Developer for Signature Top Sail NC, LTD., stated it is not a secret that there is no storm water drainage on the golf course or the adjoining subdivisions. He stated that they are now proposing three retention ponds that are almost twice the required size to help with drainage. Mr. Pollock also stated that the old pipes that were installed almost thirty years ago under the golf course will be addressed in this project, which will improve the drainage in the area. Mr. Pollock stated that this project will be a substantial improvement to the existing problems.

Mr. Pollock stated that they have located and uncovered the main lines that run over the property to make sure they are located where they are supposed to be. He stated that the pipes are approximately three and a half feet in the ground.

Mr. Pollock stated that the storage that was previously discussed is no longer going to be pursued.

Anthony Whitmore, 504 Fathom Court, stated he is representing Topsail Greens Association and is the HOA president. Mr. Whitmore presented **Exhibit 1** to the Board members. The Exhibit was received by the Board and became part of the record.

Mr. Whitmore stated that there are three wastewater pipelines, and the HOA has had no communication from the Developer concerning the digging that is taking place. He stated that the HOA has no idea if the digging that is taking place will impact their wastewater pipelines. He is concerned as to who will be responsible for any pipelines breaking in the future when roads and townhomes are built over the lines. Mr. Whitmore stated that there has been no discussion about an easement to maintain the lines.

Mr. Whitmore stated that there are wetlands registered with the National Wildlife Registry within the proposed area. He stated that there are four areas of wetland along with four ponds, with one already being drained by the Developer last year.

Mr. Whitmore stated that he feels the Board members need the Environmental Impact study results in front of them before making any decisions. He feels the Board needs to know what impact these revision requests will have on the land or if it is even legal.

Mr. Whitmore stated he does not feel that the Board does not have adequate information to make an educated informed decision.

Frank Russo, 407 Quartermaster Court, stated that he is the Vice President of Topsail Greens HOA. Mr. Russo presented **Exhibit 2** to the Board members. The Exhibit was received by the Board and became part of the record.

Mr. Russo stated his concern about the historical flooding and drainage issues in the Champion Drive area. He stated that part of his Exhibit are photos of flooding in different areas of their neighborhood. Mr. Russo also stated his concern about the wetlands that will be affected by further development.

Mr. Jordan asked Mr. Thurman if a speaker is representing a group, is there a need to allow two members from the same group to speak. Mr. Thurman stated that the HOA has had two representatives speak already, which is enough. Mr. Thurman stated that a group should only have one speaker to avoid information being repetitious and to help with efficiency.

Jocelyn Schlagetter, 411 Quartermaster Court, provided the Board with **Exhibit 3,** which was received by the Board and became part of the record. She stated she is concerned with the impact that the proposed street serving Phase 7 will have on the existing homes located on Quartermaster Court.

Ms. Schlagetter read from Section 7.5 of the Pender County Unified Development Ordinance. She discussed the photographs of her back yard that were included within Exhibit 3. Ms. Schlagetter stated that there is not even forty feet behind her house for a road much less an easement for the water and waste lines.

Ms. Schlagetter stated that there is a seventy-inch circumference oak tree within ten feet of her property line and although it may not be cut down, it would certainly die due to the large area of roots being disturbed if a road is located near it.

Amber Young, 400 Ensign Court, presented the Board with **Exhibit 4**, which the Board received and became part of the record. Ms. Young stated that the canal is in her backyard and there is supposed to be a bridge, but it was damaged, and she does not know if it even exists still. She stated that the Developer has not fixed the bridge and has allowed the land to become overgrown due to no maintenance since 2014.

Ms. Young stated that the Developer drained a natural spring, which is illegal to do so.

Ms. Young stated that the residents of Topsail Greens want a long-lasting healthy balance of human safety and wildlife. She stated that the Developer should have to pay for herself and any other residents to move to new homes if flooding occurs due to his developing.

Joy Stees, 400 Ensign Court, stated that she spoke to the Hampstead Fire Department and was told that it is against the law to drain a natural water pond. She stated that the Developer not only drained the natural collection pond but also wants to build on the drainage site. Mss. Stees stated she is concerned with additional flooding, wildlife, and the safety of the current residents.

Ms. Stees stated that Topsail Greens residents need the Board to protect them and their best interests. She stated that the Board needs to deny any further development. Ms. Stees presented the Board with **Exhibit 5,** which was received by the Board and made part of the record.

Andrew Adkinson, 108 Admiral Court, presented the Board with **Exhibit 6**, which was received by the Board and made part of the record. He stated that he is concerned with additional flooding since most of the residents' yards already flood during heavy rains and hurricanes. Mr. Adkinson stated that the Developer is trying to build in the middle of a flood zone and should not be permitted to do so.

Mr. Adkinson stated that traffic concerns should be addressed before any new developments take place and more residents move in. He stated that development needs to slow down on US Hwy 17 in the Hampstead area.

Pauline Wilgus, 511 Pirate Court, stated that her property butts up to the golf course. She stated that she has photographs of her husband standing in their yard in knee deep water due to flooding and drainage issues. She asked the Board to please not allow any further development in order to preserve the land.

Ron Maier, 911 Topsail Green, stated one of his major concerns is in the increase in traffic that future development will bring.

Mr. Jordan asked Mr. Adams if he had any information on a right-hand turn lane that Mr. Maier has just mentioned. Mr. Adams stated he would need to do some research to clarify, and that Mr. Pollock may be able to respond when he comes back up to the podium.

Mike Linton, 523 Topsail Plantation Drive, presented the Board with a slide show. He stated he is concerned with the flooding issues due to dealing with flooding since the golf course was closed in 2014. Mr. Linton stated that he is not sure how the residents can trust the Developer since the Developer has had many years to do the right thing and has not. He stated traffic is another major concern of his. Mr. Linton stated that he is requesting the Board deny any additional development.

Mario Pinierio, 614 Galley Court, asked who is going to pay for the EMS and police needs that this development will increase. He stated that taxes are already high enough and some of the residents of Topsail Greens are on a very tight budget and cannot afford an increase.

Judith Madison, 178 Champion Drive, stated that many issues have been brought up tonight but the one issue she is also concerned about is the quality of life for the residents of Topsail Greens. She stated that the quality of life for the current residents has changed dramatically since the development of Wyndwater.

John Barfield, 603 Harpoon Court, stated that his property backs up to the original development area and the Developer filled in a pond, which has increased flooding. He also stated his concern for additional traffic, which is causing a major safety issue.

Arthur Mark, 109 Hark Court, presented the Board with **Exhibit 8**, which the Board received and made part of the record. He stated that this area was originally designed as a double wide community and golf course. Mr. Mark stated that he does not feel any of his original complaints have been addressed by the Developer. He stated that he has numerous flood issues and is depending on the Board to protect their community from further flooding.

Lyndsey Oliver, 212 Spar Court, stated that Phase 7 is an absolute nightmare and is concerned with flooding, wildlife, and wetland disturbances. She stated she just wants to know if the truth is being told due to hearing so many discrepancies.

Darin Pope, 415 Quartermaster Court, stated his concern that a retention pond was filled in by the Developer. He stated another concern is overcrowding and the fact that existing homes will be underwater if more development is allowed. Mr. Pope asked the Board to deny any further development.

Mr. Pollock stated that they have seventy-six town homes approved currently. He stated he does not feel this hearing is the place to dispute everything that was incorrectly stated. Mr. Pollock stated that many of the people who spoke before him act as though this property is theirs and it is not. He stated that he is unsure of what else to say.

Mr. Beaudoin asked Mr. Pollock if a Wetlands Delineation had already been completed. Mr. Pollock responded affirmatively.

Mr. Jordan asked of there is going to be a right hand turn off Topsail Greens Drive. Mr. Pollock stated that NC DOT will determine what improvements will be needed.

Mr. Beaudoin stated his concerns about the proposed land being lower than the road and needing to be built up. Mr. Pollock stated that a topography has already been completed and the study is based on fact and not emotion. Mr. Beaudoin asked Mr. Pollock if he stands by his previous statement that the flooding will be better than it has been. Mr. Pollock stated that over the years that they have developed Wyndwater, they have worked with the Topsail Greens Association and spent money on ditch

maintenance for ditches that are on their property that had not been touched in twenty years.

Mr. Pollock stated that he resents some of the things that have been said pertaining to his character as a person.

Mr. Beaudion asked if there had been a meeting with the residents of Topsail Greens relating to easements leading to the waster and water lines. Mr. Pollock stated that they identified where the pipes were located and designed the layout to allow adequate room around them. Mr. Pollock stated those lines have an easement to them but not a recorded easement. An easement will be recorded in a future plat.

Mr. Adams stated that Al Burfield of 353 Topsail Plantation Drive, is unable to attend the meeting tonight but did want a letter he wrote to be presented to the Board. Mr. Burfield's letter was presented to the Board as **Exhibit 9**, which the Board received and made part of the record.

Mr. Jordan asked Garry Pape, Engineer, if ten- and twenty-five-year flood events were used in his analysis with Mr. Pape responding affirmatively. Mr. Pape stated that the ten- and twenty-five-year events are analyzed for the fifty-year event. Mr. Jordan asked if this stormwater plan was approved, would it help alleviate some of the flooding of Topsail Greens. Mr. Pape stated that in his opinion, once the improvements have been made and completed in the manner proposed, the flooding will be better than it is currently.

Mr. Jordan asked who would maintain the ditches and swales in the future. Mr. Pape stated that the HOA of Wyndwater would be responsible for the maintenance.

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

Mr. Jordan stated that some of the pictures depicting flooding that were presented as Exhibits are dated back to 2006, which indicates that flooding has been an issue for a long time. He stated that he is not sure if recent development has even made it worse

Mr. Teachey made a motion to approve the MDP Revision with Mr. Pitt seconding 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 DISCUSSIONS

Mr. Adams stated that there are several different cases on September's agenda that could be lengthy. He suggested the meeting begin at 6:00 p.m. instead of the normal 7:00 p.m. Mr. Adams stated that due to the holiday, the next meeting will be held on September 6, 2023.

Mr. Gruntfest made a motion to approve the September 6, 2023, meeting begin at 6:00 p.m. and be held in Burgaw at 805 S. Walker Street. Mr. Teachey seconded the motion, and the vote was unanimous.

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 introduced the new Long-Range Planner, Adam Moran, to the Planning Board members.

Mr. Adams also introduced the new Intern, Tanner Beaudoin, to the Planning Board members.

Mr. Thurman stated that there is a joint meeting between the Board of Commissioners and the Planning Board that will be held in the near future. He stated a date is currently being worked out.

10 NEXT MEETING DATE

September 6, 2023, at 6:00 p.m.
Pender County Administration Building
805 S. Walker Street
Burgaw, NC 28425

11 ADJOURNMENT

Mr. Teachey made a motion to adjourn with Mr. Gruntfest seconding the motion. Vote was unanimous.

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 9:45 p.m.

LAW OFFICE OF SUSAN M. KEELIN, PLLC
Landfall Business Center
1213 Culbreth Drive, Wilmington, NC 28405
(910) 509-1702

May 18, 2023

VIA EMAIL ONLY
mike@creativecommercial.biz
Mike Nadeau
Creative Commercial Properties
15894 Highway 17
Hampstead, NC 28443

Re: Dixon Tract in Hampstead

Dear Mike:

Farnell Shingleton has engaged me to review a title issue in connection with your marketing of a 2.2 acre parcel of property in Hampstead owned by Roland Dixon, Jr. Your marketing sheet states that the Dixon parcel has 222' of frontage on Highway 17, can be accessed from Highway 17 while traveling north or south, has Pender County Water and Pluris Private Sewer available to it, and can be accessed via an easement to Christian Chapel Road. The area site map included in your marketing materials includes a text box with the word "Easement" located adjacent to the southeast property line of the Dixon parcel.

The foregoing representation of the property rights associated with the Dixon parcel differs from what my title examination reflects. Mr. Shingleton owns the 7.533 acre tract that surrounds the Dixon parcel on three sides, including on the southeast. It appears that you believe an easement exists in favor of the Dixon parcel over the Shingleton land that separates the Dixon parcel from Highway 17.

According to the Map of Survey for Thomas Farnell Shingleton recorded in Map Book 39 at Page 131 of the Pender County Registry, the Dixon parcel is separated from Highway 17 by a strip of land 52.96 feet wide at its narrowest point. Hence, the Dixon parcel does not have frontage on Highway 17. Further, absent an easement over the Shingleton tract, the Dixon parcel does not have access from Highway 17, and does not have water or sewer availability from Highway 17 across the Shingleton property. I have not done the title work to be able to say whether or not the Dixon parcel can be accessed via easement to Christian Chapel Road across the tract marked as "Bradley" on the Shingleton map; however, I can say that I am aware of no easement in favor of the Dixon property over the Shingleton property.

M

Mike Nadeau <mike@creativecommercial.biz> Fri, May 19, 9:04 AM

to Brian, me

Ms. Keelin, we attach the several documents we shared with Farnell.

Farnell's grandfather divided this lot and the neighboring lot to the north, out of his holdings in the 1920s. The neighboring lot was sold first, to Dave Batts. That deed, apparently personally hand-written by Mr. Shingleton himself, has in the description a third call of "236 yards to a stake in the New Bern Road", and that became the shared line when the adjacent lot to the north was sold, and that stake referenced was the shared corner on the New Bern Road. In that subsequent sale, to CL Brown (my clients predecessor) in 1927, the description states "Beginning at the Dave Batts corner on the New Bern Road….".

Of course, at that time, Mr. Shingleton owned all the land out there, including the New Bern Road. It seems reasonable to assume that he struck the deal with Mr. Brown in good faith and certainly thought he was selling this man a lot with proper deeded access. Do you agree? This old road appears on all the subsequent recorded deeds and maps, including one done for Farnell in 2005 by Jonny Garrison.

Certainly, we are not attorneys and Mr. Dixon's counsel will be looking at the details also. We just tried to figure out how this situation came about and hoped a title suit could be avoided if the facts could be agreed upon.

We will amend our offering brochure as requested.

Thanks,
Mike

Mike Nadeau, CCIM
Cell: 910-620-1237
Office: 910-270-5100
Fax: 910-270-5110
15894 Highway 17
PO Box 56
Hampstead, NC 28443
www.creativecommercial.biz

From: SUSAN KEELIN <skeelinlaw@gmail.com>
Sent: Monday, June 12, 2023 11:17 AM
To: Mike Nadeau <mike@creativecommercial.biz>
Subject: Re: Dixon Tract in Hampstead

Mike,

This appears to be the original brochure. Please send the revision, which deletes all representations that express or imply that the Dixon tract has access from Hwy 17 over the Shingleton tract.

Thanks,
Susan

Law Office of Susan M. Keelin, PLLC
1213 Culbreth Drive
Wilmington, NC 28405
(T) 910-509-1702
skeelinlaw@gmail.com

Mike Nadeau

Mon, Jun 12, 11:53 AM

to me

Susan, we removed the explicit access reference that was originally there, as requested.

Certainly, we have a disagreement over the current status of the access provided by Mr. Shingleton when he originally divided out this tract in the 1920s. The Dixon's attorney should be in touch with you soon.

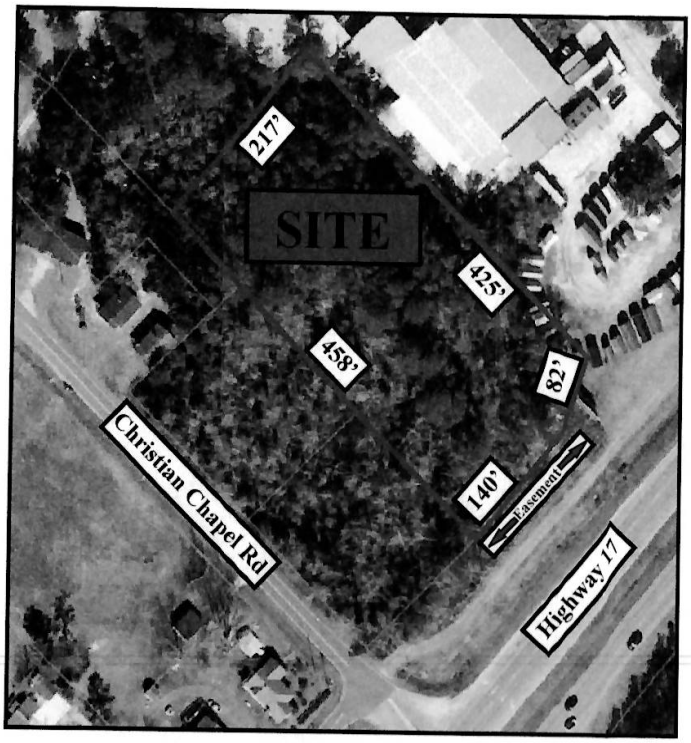
Mike

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12755 HIGHWAY 17

THE PROPERTY

- 2.2 Acres
- 222'+/- Frontage On Highway 17
- 458'+/- Depth
- Currently Zoned Residential Performance (RP)
- Application To Re-zone To General Business (GB) Is In Progress
- Located At Highway 17 Crossover Allowing Access While Traveling North Or South
- Pender County Water Available
- Pluris Private Sewer Available
- Pender County Deed Book 4654, Page 488
- Tax Parcel ID: 3281-19-9924-0000



THE AREA

- 125 Unit Development Going In Across The Street
- Traffic Count Of About 40,000 Cars Per Day

THE MARKET

Hampstead And East Pender Are Among The Fastest Growing Communities In The State. Currently, Over 10,000 New Residential Units Are Planned And Permitted. County Population Is Projected To Double In The Next 25 Years.

THE OFFERING

$869,000

CREATIVE COMMERCIAL PROPERTIES, INC.

CALL

MIKE NADEAU (910) 620-1237 Email:mike@creativecommercial.biz

Or

BRIAN NADEAU (910) 622-6258 Email:brian@creativecommercial.biz

CCIM Individual Members

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P.O. Box 56
Hampstead, NC 28443
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(910) 270-5110 FAX

359 N. Front Street
P.O. Box 215
Wilmington, NC 28402
(910) 251-2211
(910) 251-2218 FAX

REALTOR®

www.creativecommercial.biz

Creative Commercial Properties, Inc. reasonably believes the information in this brochure is fairly and accurately stated. However, any prospective purchaser is urged to independently confirm its accuracy and completeness.

(1)

Wyndwater Storm Water Concerns

The below Wyndwater Master Development Plan, Storm Water section, does not appear to have submitted a 100-year flood plan any different than in 2022 Master Development Plan. Previously the Pender County Planning Board requested a 100-year flood plan.

The plan simply reflects the "Plan" will be developed during construction...

The Master Development plan is based on a 1% chance of 100Yr flooding.

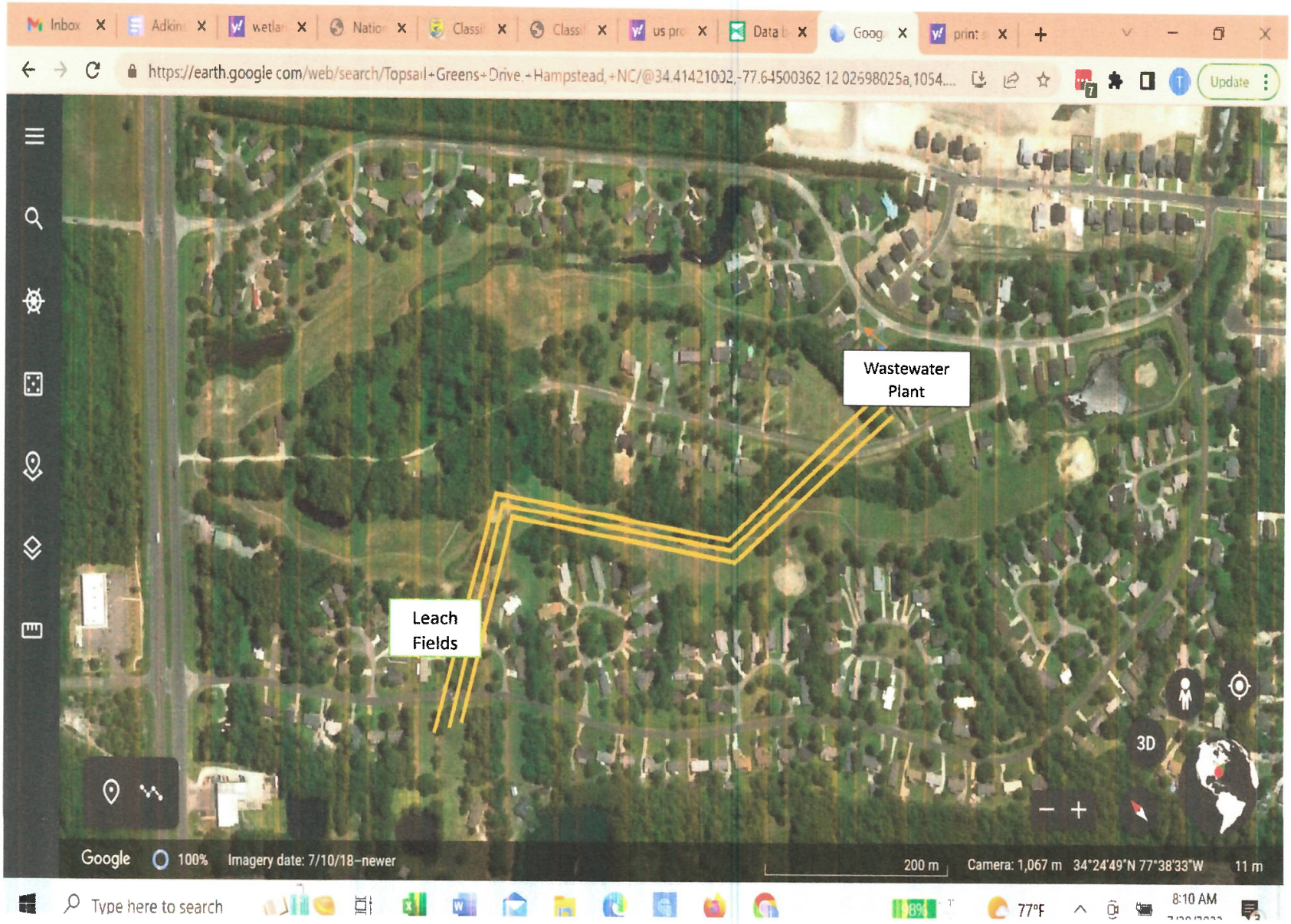
With the Wyndwater development elevated at 2' higher than the surrounding (North/South border) of TGCA homes, 214 home sites, flooding will occur.

Is this true?

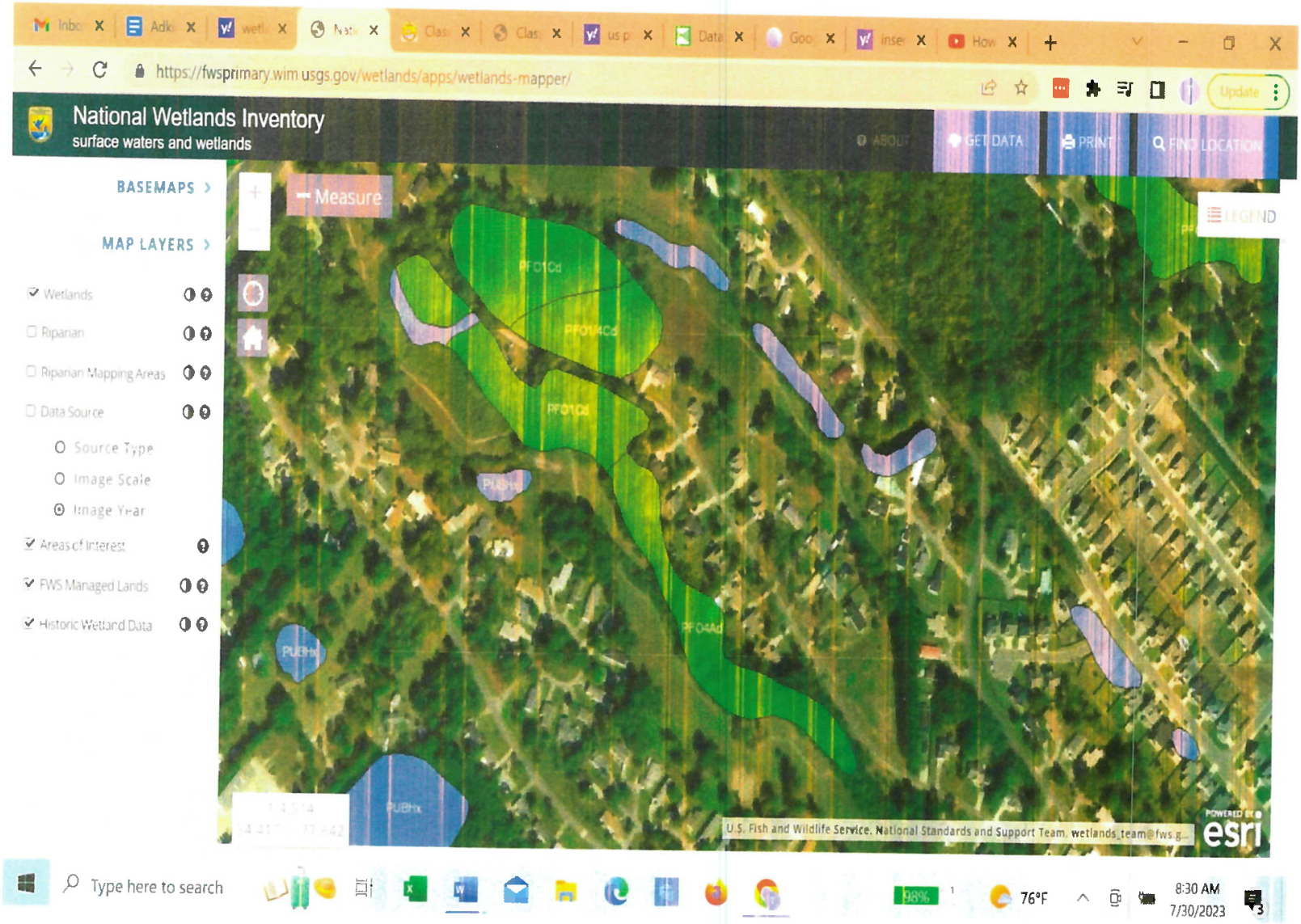
Stormwater Previously approved phases of the Wyndwater Master Development Plan were approved under a previous version of the Unified Development Ordinance. Section 7.9 of the Pender County Unified Development Ordinance, which addresses stormwater management, has been updated following the submittal of 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 flood zone 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.

TGCA Wastewater Pipelines



Wetlands Registered with the National Wildlife Registry



Wetlands Registered with the National Wildlife Registry

- There are 4 Weland areas registered in the national registry located on the Wyndwater proposed development property.
- There are 4 Wetland ponds registered in the national registry

National Wildlife Registry - Laws and Regulations

Recognizing the importance of wetlands to the safety and well-being of all Americans, as well as the conservation of fish, wildlife, and plants, Congress enacted the **Emergency Wetlands Resources Act of 1986 (Public Law 99-645).** This legislation directs the U.S. Fish and Wildlife Service to map America's wetlands, as well as conduct decadal national wetlands status and trends studies and report the findings to Congress. The Service created the National Wetlands Inventory (NWI) to carry out these responsibilities.

Does the Wetlands Resources Act of 1986 prohibit the destruction of registered wetland areas that are the home to numerous native wildlife species?

Classification code: PFO1Cd (1st Wetland area)

System **Palustrine (P)** : The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.
Class **Forested (FO)** : Characterized by woody vegetation that is 6 m tall or taller.
Subclass **Broad-Leaved Deciduous (1)** : Woody angiosperms (trees or shrubs) with relatively wide, flat leaves that are shed during the cold or dry season; e.g., black ash (Fraxinus nigra).

Wetlands Registered with the National Wildlife Registry

Water Regime **Seasonally Flooded (C)** : Surface water is present for extended periods especially early in the growing season, but is absent by the end of the growing season in most years. The water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface.
Special Modifier **Partially Drained/Ditched (d)** : A partly drained wetland has been altered hydrologically, but soil moisture is still sufficient to support hydrophytes. Drained areas that can no longer support hydrophytes are not considered wetland. This Modifier is also used to identify wetlands containing, or connected to, ditches. The Partly Drained/Ditched Modifier can be applied even if the ditches are too small to delineate. The Excavated Modifier should be used to identify ditches that are large enough to delineate as separate features; however, the Partly Drained/Ditched Modifier also should be applied to the wetland area affected by the ditching.

Classification code: PFO4/1Ad (3rd Wetland area)

System **Palustrine (P)** : The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.
Class **Forested (FO)** : Characterized by woody vegetation that is 6 m tall or taller.
Subclass **Needle-Leaved Evergreen (4)** : The dominant species in Needle-leaved Evergreen wetlands are young or stunted trees such as black spruce or pond pine.
Split Subclass **Broad-Leaved Deciduous (1)** : Woody angiosperms (trees or shrubs) with relatively wide, flat leaves that are shed during the cold or dry season; e.g., black ash (Fraxinus nigra).
Water Regime **Temporary Flooded (A)** : Surface water is present for brief periods (from a few days to a few weeks) during the growing season, but the water table usually lies well below the ground surface for the most of the season.
Special Modifier **Partially Drained/Ditched (d)** : A partly drained wetland has been altered hydrologically, but soil moisture is still sufficient to support hydrophytes. Drained areas that can no longer support hydrophytes are not

considered wetland. This Modifier is also used to identify wetlands containing, or connected to, ditches. The Partly Drained/Ditched Modifier can be applied even if the ditches are too small to delineate. The Excavated Modifier should be used to identify ditches that are large enough to delineate as separate features; however, the Partly Drained/Ditched Modifier also should be applied to the wetland area affected by the ditching.

Classification code: PFO1Cd (4th Wetland area)

System **Palustrine (P)** : The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.
Class **Forested (FO)** : Characterized by woody vegetation that is 6 m tall or taller.
Subclass **Broad-Leaved Deciduous (1)** : Woody angiosperms (trees or shrubs) with relatively wide, flat leaves that are shed during the cold or dry season; e.g., black ash (Fraxinus nigra).
Water Regime **Seasonally Flooded (C)** : Surface water is present for extended periods especially early in the growing season, but is absent by the end of the growing season in most years. The water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface.
Special Modifier **Partially Drained/Ditched (d)** : A partly drained wetland has been altered hydrologically, but soil moisture is still sufficient to support hydrophytes. Drained areas that can no longer support hydrophytes are not considered wetland. This Modifier is also used to identify wetlands containing, or connected to, ditches. The Partly Drained/Ditched Modifier can be applied even if the ditches are too small to delineate. The Excavated Modifier should be used to identify ditches that are large enough to delineate as separate features; however, the Partly Drained/Ditched Modifier also should be applied to the wetland area affected by the ditching.

Wetlands Registered with the National Wildlife Registry

Classification code: PFO4Ad (5th Wetland area)

System **Palustrine (P)** : The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.
Class **Forested (FO)** : Characterized by woody vegetation that is 6 m tall or taller.
Subclass **Needle-Leaved Evergreen (4)** : The dominant species in Needle-leaved Evergreen wetlands are young or stunted trees such as black spruce or pond pine.
Water Regime **Temporary Flooded (A)** : Surface water is present for brief periods (from a few days to a few weeks) during the growing season, but the water table usually lies well below the ground surface for the most of the season.
Special Modifier **Partially Drained/Ditched (d)** : A partly drained wetland has been altered hydrologically, but soil moisture is still sufficient to support hydrophytes. Drained areas that can no longer support hydrophytes are not considered wetland. This Modifier is also used to identify wetlands containing, or connected to, ditches. The Partly Drained/Ditched Modifier can be applied even if the ditches are too small to delineate. The Excavated Modifier should be used to identify ditches that are large enough to delineate as separate features; however, the Partly Drained/Ditched Modifier also should be applied to the wetland area affected by the ditching.

Wetlands Registered with the National Wildlife Registry

Classification code: PABHx (4 Wetland Ponds Registered)

System **Palustrine (P)** : The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.

Class **Aquatic Bed (AB)** : Includes wetlands and deepwater habitats dominated by plants that grow principally on or below the surface of the water for most of the growing season in most years.

Water Regime **Permanently Flooded (H)** : Water covers the substrate throughout the year in all years.

Special Modifier **Excavated (x)** : This Modifier is used to identify wetland basins or channels that were excavated by humans.

Wyndwater Phase 7
Impacts on Historical Flooding and Drainage Issues Champion Drive Area

Pender County UDO page 20
Appendix A- Definitions

NATURAL STORMWATER RETENTION AREA: Areas of poorly drained soils which are subject to periodic flooding and act as areas to temporarily store stormwater. In some cases, "natural stormwater retention areas" will contain floodplain and wetland areas

.

NATURAL WATERWAY: Creeks, streams, runs, or other annual or perennial waterways identified on United States Geological Survey, State of North Carolina or Pender County maps.

NON-ENCROACHMENT AREA: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study

Aerial views of the area on the following two pages show examples of all three of the above type areas, which would be altered or impacted by the proposed design of Wyndwater Phase 7 to the detriment of existing homes.

2:22
LTE
AA
gis.pendercountync.gov
Basemaps
CHAMPION DR
RUDDER CT
SPAR CT
PLANK CT

2:25
LTE
AA
gis.pendercountync.gov
Basemaps
PIRATE CT
CHAMPION DR
OUTRIGGER CT
TOPSAIL PLANTATION DR
NAVY CT
NAUTICAL CT
MAST CT
HARPOON CT
PEOPLES CT
GALLEY CT

DISTRICT 1

MAR 0 2 2006

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

February 23, 2006

COUNTY: Pender

MEMORANDUM TO: Mr. Glenn Crews
Maintenance Engineer

FROM: Roger E. D'Jernes
Regional Hydraulics Engineer

SUBJECT: Mr. Masi Complaint
Topsail Greens Subdivision
US 17 at Champion Drive

As you requested a review of the subject location has been conducted and the following are the results:

On January 25, 2006, you and I visited the subject site. Mr. Masi contacted you to complain about flooding within Topsail Greens Subdivision. He complained that flooding is more frequent since Division of Highways widened US 17 and believes drainage patterns were changed to direct additional flow into the subdivision. You requested a drainage investigation to determine responsibility for the flooding.

During our on site review it was observed that Topsail Greens is below the shoulder elevation of both northbound and southbound lanes of US 17. A 42" pipe provides conveyance of stormwater beneath the highway facility. Highway drainage is accommodated by lateral and median ditches with drop inlets piped toward the 42" pipe. Water depth at the inlet of the 42" pipe was approximately 6 inches deep. Water depth at the outlet was approximately 2.5 feet deep. The natural direction of flow is from west to east through Topsail Greens to a tributary of Mullet Run Creek. Subdivision roadway drainage is provided by sheet flow to ditches or ponds located behind residential lots. One pond begins at the outlet of the 42" pipe beneath US 17 and ends at a concrete outlet structure approximately 700' off highway right of way. The outlet structure for the pond was reported to be 18". That pipe drains approximately 400' and discharges into another pond. Outlet for the second pond is provided by one 8" pipe and one 18" pipe. The invert of the 18" pipe is 12" above the invert of the 8" pipe. The 8" and 18" pipes discharge into a wooded area where flow was obvious. Champion Drive, the entrance to Topsail Greens,

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
HYDRAULICS UNIT
1590 MAIL SERVICE CENTER

TELEPHONE: 919-250-4100
FAX: 919-250-4108

LOCATION:
CENTURY CENTER COMPLEX
BUILDING B

slopes down from US 17 and passes through a low area 100' from right of way and 100' from the first pond. A 36" pipe with minimum cover provides conveyance beneath Champion Drive with flow toward the first pond.

It has been determined that the drainage area to the 42" pipe beneath US 17 is 150 acres. Hydrologic and hydraulic analysis indicates the existing 1 @ 42" would provide conveyance of an estimated 50 year frequency storm which meets current Division of Highways desirable design criteria for a primary route.

Under project R-2405, US 17 was widened from two lanes with ditches to a 4 lane divided highway. As part of the project an existing 36" beneath the highway was replaced with a 42" pipe. Prior to widening roadway drainage was provided by ditches with 18" or 24" pipes at driveways. Driveway pipes were removed and replaced with drop inlets and piped to maintain the existing drainage patterns. Widening plans indicate the direction of flow was toward an established outlet into Topsail Greens Subdivision. No significant changes were made to drainage patterns or drainage areas during construction of the project. Before and after construction 150 acres drain to the outlet of the 42" pipe. Approximately 2200' of roadway widening converted approximately 2.0 acres of the watershed draining to Topsail Greens to impervious area.

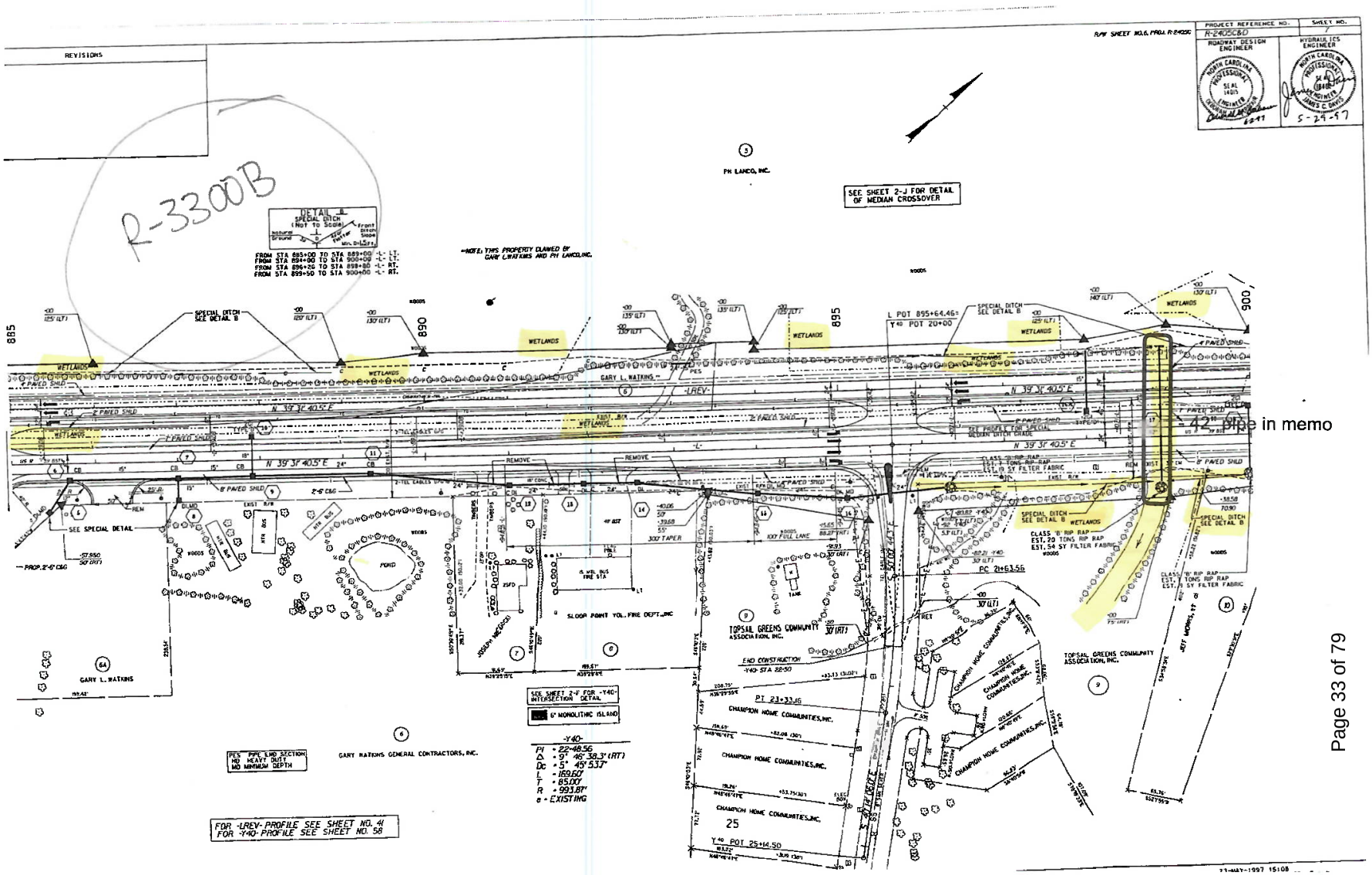
During the course of this review it was determined that approximately one third of the length of Champion Drive and the adjacent properties are located in a FEMA regulated flood hazard zone. As such this area would be reasonably anticipated to experience periodic flooding. It is the responsibility of each property owner to provide for proper conveyance of surface runoff across his or her property. Division of Highways meets this obligation to upstream property owners by providing and maintaining the cross pipe drainage beneath the highway. It is also the responsibility of each property owner to determine and provide proper measures to protect himself from potential flood damage. This would include building location, finish floor elevation, and provision for drainage across the property. When property is purchased, the buyer accepts that building site and finish floor elevations are suitable to meet his needs and properly protect him from potential flood damage.

It is the finding of this review that the flooding within Topsail Greens would be attributed to its location in the flood plain of a natural drainage course and control structures that restrict flow across private property. The Division of Highways acted in a proper and prudent manner widening the roadway and replacing existing driveway pipes and the cross pipe. The additional amount of impervious area created during the widening of US 17 would be considered insignificant when compared to the total drainage area. It is not the responsibility of the Division of Highways to eliminate flooding of private property not attributable to actions of the Division or its agents. Therefore it is felt the flooding within Topsail Greens is not the responsibility of the Division of Highways.

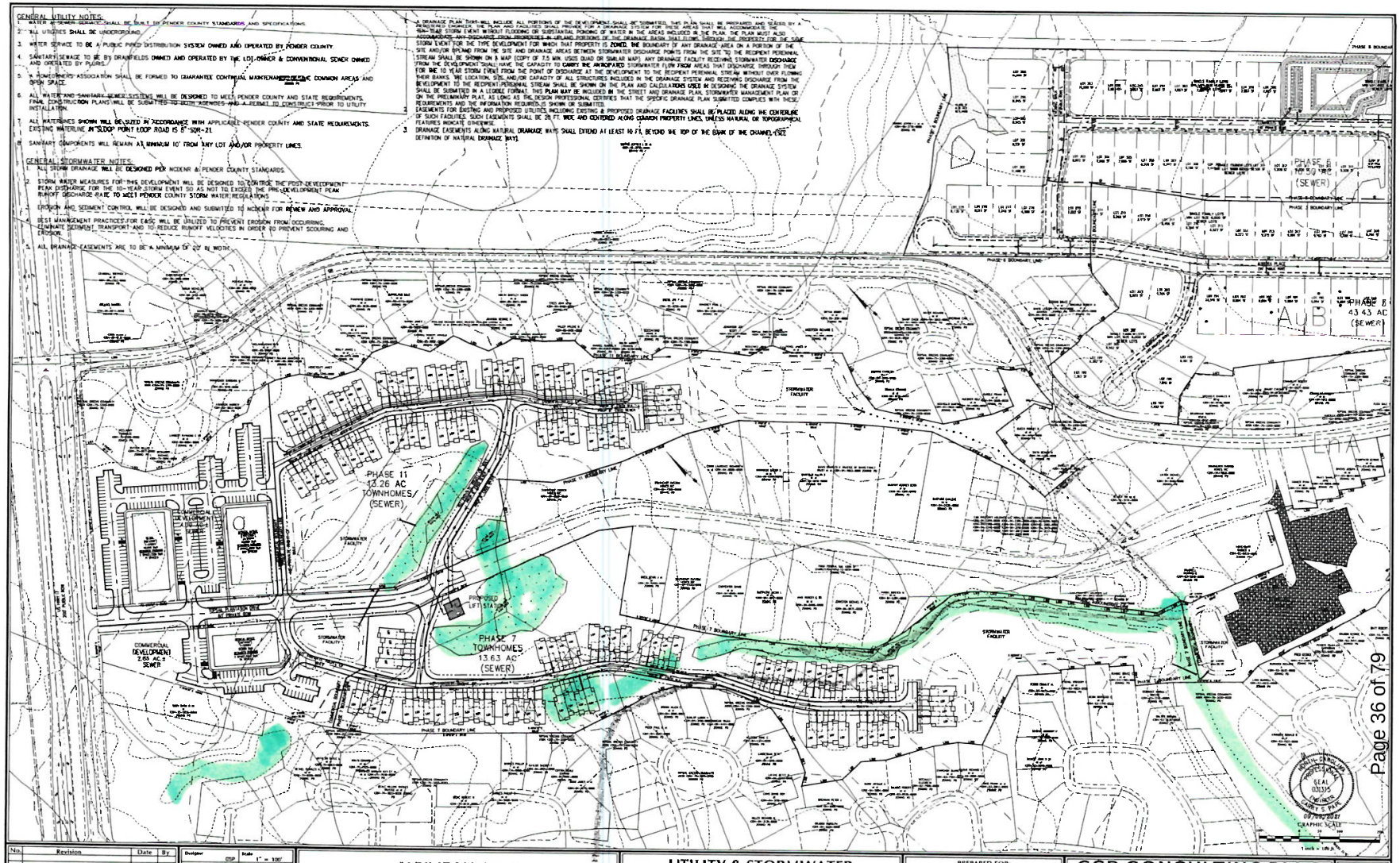
If further assistance can be provided, please advise.

RED

cc: Page 132 of 379
Mr. Robert Vause, PE


R-3300B
REVISIONS
PROJECT REFERENCE NO. R-2405CBD
SHEET NO.
ROADWAY DESIGN ENGINEER
HYDRAULICS ENGINEER
JAMES C. DAVIS
5-29-97
R/W SHEET NO.6 PROJ. R-2405C
DETAIL B SPECIAL DITCH (Not To Scale)
FROM STA 885+00 TO STA 889+00 -L- LT.
FROM STA 894+00 TO STA 900+00 -L- LT.
FROM STA 896+25 TO STA 898+80 -L- RT.
FROM STA 899+50 TO STA 900+00 -L- RT.
NOTE: THIS PROPERTY OWNED BY GARY L.WATKINS AND PH LANCO,INC.
PH LANCO, INC.
SEE SHEET 2-J FOR DETAIL OF MEDIAN CROSSOVER
SPECIAL DITCH SEE DETAIL B
WETLANDS
GARY L. WATKINS
-LREV-
N 39° 31' 40.5" E
L POT 895+64.46
Y40 POT 20+00
PC 21+63.56
PT 23+33.16
Y40 POT 25+14.50
42" pipe in memo
SEE SPECIAL DETAIL
PROP. 2'-6" C&G
POND
SLOOP POINT VOL. FIRE DEPT., INC
TOPSAIL GREENS COMMUNITY ASSOCIATION, INC.
CHAMPION HOME COMMUNITIES, INC.
GARY WATKINS GENERAL CONTRACTORS, INC.
SEE SHEET 2-F FOR -Y4C- INTERSECTION DETAIL
6" MONOLITHIC ISLAND
-Y40-
PI = 22+48.56
Δ = 9° 46' 38.3" (RT)
Dc = 5° 45' 53"
L = 169.60'
T = 85.00'
R = 993.81'
e = EXISTING
PES PIPE END SECTION NO HEAVY BUTT NO MINIMUM DEPTH
FOR -LREV- PROFILE SEE SHEET NO. 41
FOR -Y40- PROFILE SEE SHEET NO. 58
CLASS B RIP RAP EST. 20 TONS RIP RAP EST. 54 SY FILTER FABRIC
CLASS B RIP RAP EST. 7 TONS RIP RAP EST. 19 SY FILTER FABRIC
SPECIAL DITCH SEE DETAIL B
JEFF MORRIS, ET AL
11-MAY-1997 15:08

WYNDWATER
Porter County
Union Township
North Carolina
EXISTING CONDITIONS
GSP CONSULTING, PLLC
ENGINEERING
C-2.1



No.	Revision	Date	By

Designer	DSP
Drawn By	DSP
Checked By	
Scale	1" = 100'
Date	September 2021
Job No.	2016-0001
P-0718	

WYNDWATER
Topsail Township — Pender County — North Carolina

UTILITY & STORMWATER MANAGEMENT PLAN

PREPARED FOR:
SIGNATURE TOP SAIL NC, LP
15378 KATY FREEWAY #377
HOUSTON, TX 77084
713-785-0466

GSP CONSULTING, PLLC
ENGINEERING
6626 Gordon Road Unit C Wilmington, North Carolina 28411 tel: 910-443-7870 fax: 910-799-6659

Sheet No.
C-4.1

Wyndwater Phase 7 Street Location Impact

Existing homes located on Quartermaster Court will be adversely impacted by the proposed street location serving Wyndwater Phase 7 Townhomes

Existing homes located on Quartermaster Court will be adversely impacted by the proposed street location serving Wyndwater Phase 7 Townhomes

As proposed, this street would literally be built on the rear or side property lines of 3-4 existing homes on Quartermaster Ct.





the area behind 411 and 413 Quartermaster is not wide enough to accommodate), a 40 foot wide street, easements (which contain existing water and sewer lines) and a buffer.



APPROX. LOCATION OF NEW STREET EDGE BEHIND 411 & 409 QUARTERMASTER CT.

A.3) Existing, planned and proposed streets, topographic, drainage and other natural features of the property...

- The plans do not show an existing natural drainage area to which surface water flows from 411 and 413 Quartermaster Ct. This area would be filled in and paved as part of the new street.

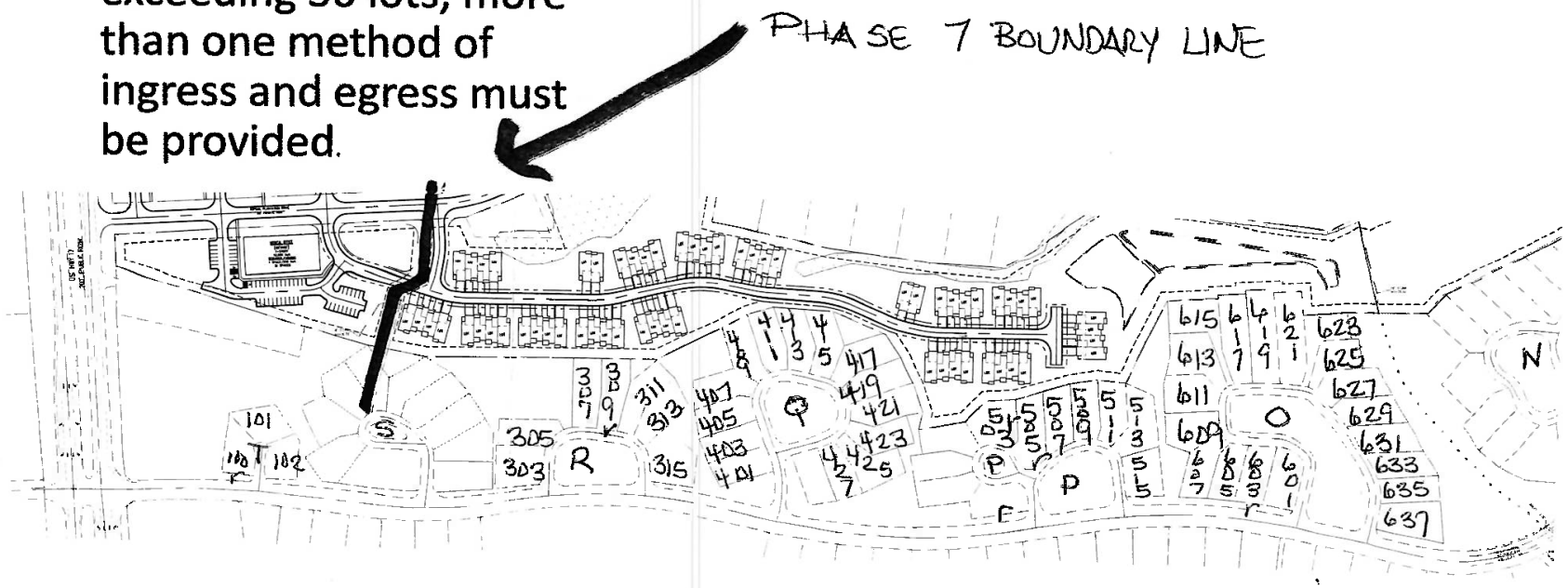




Proposed Street Would Require Special Approval

7.5.1

H. For new subdivisions exceeding 30 lots, more than one method of ingress and egress must be provided.



Significant Trees

A.i.b.v) Significant Trees, as defined (Section 8.1.3.A.2), are located on the subject property

An Oak measuring 70 inches in circumference sits within 10 feet of the rear property line of 411 Quartermaster Ct and would be adversely impacted by street construction.



Topsail Greens Home Land Owners vs. Wyndwater - Land Developer
TUES. 9/[illegible]/23 [illegible] Meeting/Hearing in [illegible] HAMPSTEAD ANNEX
Exhibits / Photos: A, B, C, D. All photos were shot on 10/16/22 in the afternoon.
By Amber Young, 400 Ensign CT., Hampstead, NC 28443 resident

Exhibit / Photo A: The picture is looking directly south where you can see a house on Plantation Dr.

This photo shot is on the edge of Topsail Greens land properties of (402, 404, and near 400 of Ensign CT.). Amber Young took this photo of where the beginning of the bridge began over the overflow canal connected to the natural water reservoir/dam surrounding Topsail Greens residents, who live off the entirety of Topsail Greens Drive and on courts/streets that begin with either of the following letters: Admiral, B, C, Dory, Ensign, Fathom, and those residents, who live passed the water reservoir/dam.

1. This bridge re: this current photo hasn't functioned since 2018. Land developer, Mike Pallack, has not fixed the bridge at all. I don't see that it exists any more.

2. The canal that runs under this original bridge has not been kept up to run efficiently and safely for humans to live around it. I can't see it in this photo.

Official website of the United States government Here's how you know

US Army Corps of Engineers Wilmington District Website

/ Contact

USACE Wilmington District



Public Affairs Office

For general questions, please call

910-251-4625 / 26.

USACE Wilmington District

69 Darlington Ave

Wilmington, NC 28403

Our Mission

Deliver vital engineering solutions, in collaboration with our partners, to secure our Nation, energize our economy, and reduce disaster risk.

About the Wilmington District Website

This is the official public website of the Wilmington District, U.S. Army Corps of Engineers. For website corrections, write to sawweb-pao@usace.army.mil

Accessibility
Contact Us
Quality Facts
Link Disclaimer

The Floodplain Management Services Program

The U.S. Army Corps of Engineers is the federal government's largest water resources development and management agency. Through the Floodplain Management Services (FPMS) program, the Corps provides information on flood hazards to local interests, state agencies, and other federal agencies to guide development of the floodplains of the rivers of the United States.

The FPMS program addresses the needs of people who live and work in floodplains to know about flood hazards, and the actions they can take to reduce property damage and prevent the loss of life caused by flooding. The program's objective is to foster public understanding of the options for dealing with flood hazards and to promote prudent use and management of the nation's floodplains. The FPMS program provides a full range of technical services and planning guidance that is needed to support effective floodplain management.

Under the FPMS Program, the Corps is authorized to compile and disseminate information on floods and flood damages, including identification of areas subject to inundation by floods of various magnitudes and frequencies, and general criteria for guidance of federal and non-federal interests and agencies in the use of floodplain areas; and to provide advice to other federal agencies and local interests for their use in planning to ameliorate the flood hazard.

Authorized by Section 206 of the Flood Control Act of 1960, as amended (33 U.S. Code § 709a), FPMS is sometimes referred to as the "Section 206" program.

Elements of the FPMS Program

Floodplain management services cover the full range of information, technical services, and planning guidance and assistance on floods and floodplain issues within the broad umbrella of floodplain management. Technical services and planning guidance under the FPMS Program are provided to state, regional, and local governments without charge, within program funding limits. FPMS services for federal agencies and private persons are on a cost-recovery or fee basis. The Corps may also accept voluntarily contributed funds to expand the scope of services requested.

Under FPMS, the Corps can provide:

- General Technical Services. Flood and floodplain data are obtained, developed, and interpreted, using available data whenever practical. The Corps will use data from all appropriate sources, including hydrologic and hydraulic information developed within the Corps, but also other federal, state, or local agencies. Outreach to communities, localities, and other public entities may be provided on request.
- General Planning Guidance. On a broader scale, assistance and guidance in the form of "Special Studies" are provided on all aspects of floodplain management planning, including the possible impacts of off-floodplain use changes on the physical, socioeconomic, and environmental conditions of the floodplain.
- Guides, Pamphlets, and Supporting Studies. Flood and floodplain data/information are disseminated to states, local governments, federal agencies, and private citizens to convey the nature of flood hazards and to foster public understanding of options for dealing with flood

hazards. Supporting studies are conducted to improve methods and procedures for flood risk management, or to illustrate alternative ways of achieving floodplain management goals.

- National Flood Insurance Program (NFIP) Support. The NFIP is administered by the Federal Emergency Management Agency. The Corps provides technical support to the NFIP, for example developing or contributing to Flood Insurance Studies, on a reimbursable basis.

Common FPMS activities include: developing studies or guidance on floodplain delineation, flood hazard evaluation, hurricane evacuation, flood warning/preparedness, regulatory floodway analysis, comprehensive floodplain management, flood risk reduction, urbanization impacts, storm water management, flood proofing, and inventory of flood-prone structures. The program also provides assistance for conducting workshops and seminars on nonstructural floodplain management measures such as flood proofing.

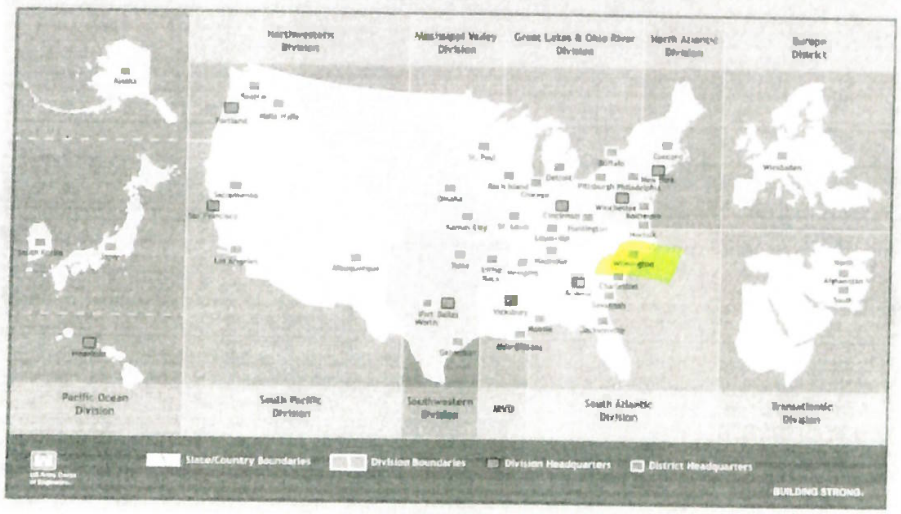
Other Corps Planning Technical Assistance Programs

The Corps Planning Program also supports water resources planning by states, non-federal interests, territories, and tribes. Through the cost-shared Planning Assistance to States (PAS) program, the Corps can support comprehensive water resources planning for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems.

Through the Interagency and International Services (IIS) program, the Corps can provide technical assistance to non-Department of Defense federal agencies, state and local governments, tribal nations, private U.S. firms, international organizations, and foreign governments. Through the IIS program, the Corps may provide engineering and construction services, environmental restoration and management services, research and development assistance, management of water and land related natural resources, relief and recovery work, and other management and technical services. Most IIS work is funded on a reimbursable basis.

For More Information

For more information on Corps technical assistance programs, including FPMS, please contact your local District's Planning office: http://www.usace.army.mil/Locations.





For 2/1/23 meeting - attach: photo by Amber Young 10/16/22 p.m.

Exhibit / Photo A: Looking directly South where you can see a house on Plantation Dr. from edge of property 404 and 402 Ensign Court, Topsail Greens Homeowners.

1. Land developer has not fixed the bridge at all. Here is where the bridge over the water reservoir canal used to be seen, I don't see that it exists any more.

(2.-4.) Refer to attached notes/outline.

5. Trees, bushes, and plants are extremely overgrown so the land hasn't been maintained for eight years since 2014. The land has gone down the drain.



by Amber Young Red Roper 8/1/23 Photo by Amber Young | 10/16/22 p.m. Deer

Exhibit/Photo B: Wild life - at least four deer can be seen in the lower far right hand corner of this photo. This photo is facing directly West toward U.S. Highway 17 in between Plantation Dr. and Topsail Greens residents' homes.

1. No warning sign.
2. You can't see where the water canal used to be.
3. You can see wild life (deer).
4. Topsail Greens residents want a long-lasting, healthful balance of human safety and to wild life. FOR 7/11/23 meeting - attach:



Photo by Amber Young on 10/16/22

8/1/23

Exhibit/Photo C: Photo shows where our back yards of 400, 402, 404 Ensign CT. end and points to Plantation Dr. home on the far South side.

1. Photo shows extra large flood plain, eight years of overgrowth and neglect by land developer, and no bridge, nor water canal that was probably built 49 years ago in 1973.

2. Land developer's land is lower than Topsail Greens Dr. and Plantation Drive properties' of residents. Please refer to notes/outlines. For 7/11/23 meeting - attach:



8/1/23 Photo on 10/16/22 p.m. by Amber Young

Exhibit / Photo D: looking at the backyard of my residence at 400 Ensign Ct.; and Ted and Arlene MacMillan's residence at 402 Ensign Ct.; and Jesse's, son of Arlene, residence at 404 Ensign Ct. of Topsail Greens, Hampstead.

1. Looking from the edge of the water canal (run-off) used to be seen, yet am looking at where our homes are about 10-15 seconds walk from the old water canal that used to protect all our homes.

FOR 7/11/23 meeting - attach:

Tuesday, August 1, 2023 Hampstead Annex 6:30 p.m.

Thank you for hearing us today.

The following points are extremely important:

- The USA exists for freedom, something we are losing every day.
- A couple from Washington Acres had a developer infringe upon their freedom. The developer built further up the hill, adjacent to them. In doing so, the developer changed the drainage runoff that literally flooded beneath their home and the couple lost their entire house they had for 15 years, making them rent then. They had no home or any financial compensation what so ever. This shows that developers DO NOT CARE. They are in it for the money only.
- After speaking with the Hampstead Fire Department, I was informed that it is against the law to drain a natural water pond. In this case, the developer has not only drained the natural collection pond but also wants to build right on the drainage site. What are laws for? Has the developer been fined or stopped from building on wet land? The building on Topsail Greens has been denied twice. Do deniels mean anything?
- This developer wants to build on wetland which eventually will sink. Either the State or the County will be sued.
- We have two water wells, one serving Champion Dr. residents and one serving Topsail Greens Rd. residents. These wells are strictly for the original Topsail Greens ressidents, not for "come-latelies". Legally, the developer must not infringe upon either of these wells. If the developer changes the drainage runoff, it will ultimately lead to flooding. These acres are flooding acres and the insurance companies are well aware of this fact.
- Flooding in the HOA areas will leave the residents homeless. We will lose our freedom of living.

Topsail Greens Flood



April 22, 2022

X - No Info - Coastal Plain all flood

A - next step up then AE then VE (oceanfront)

1:8,870

0 0.075 0.15 0.3 mi

0 0.1 0.2 0.4 km

12-17


6-20-17


5-19-23

5-19-23


6-4-21


6-4-21


6-4-21


5-19-23

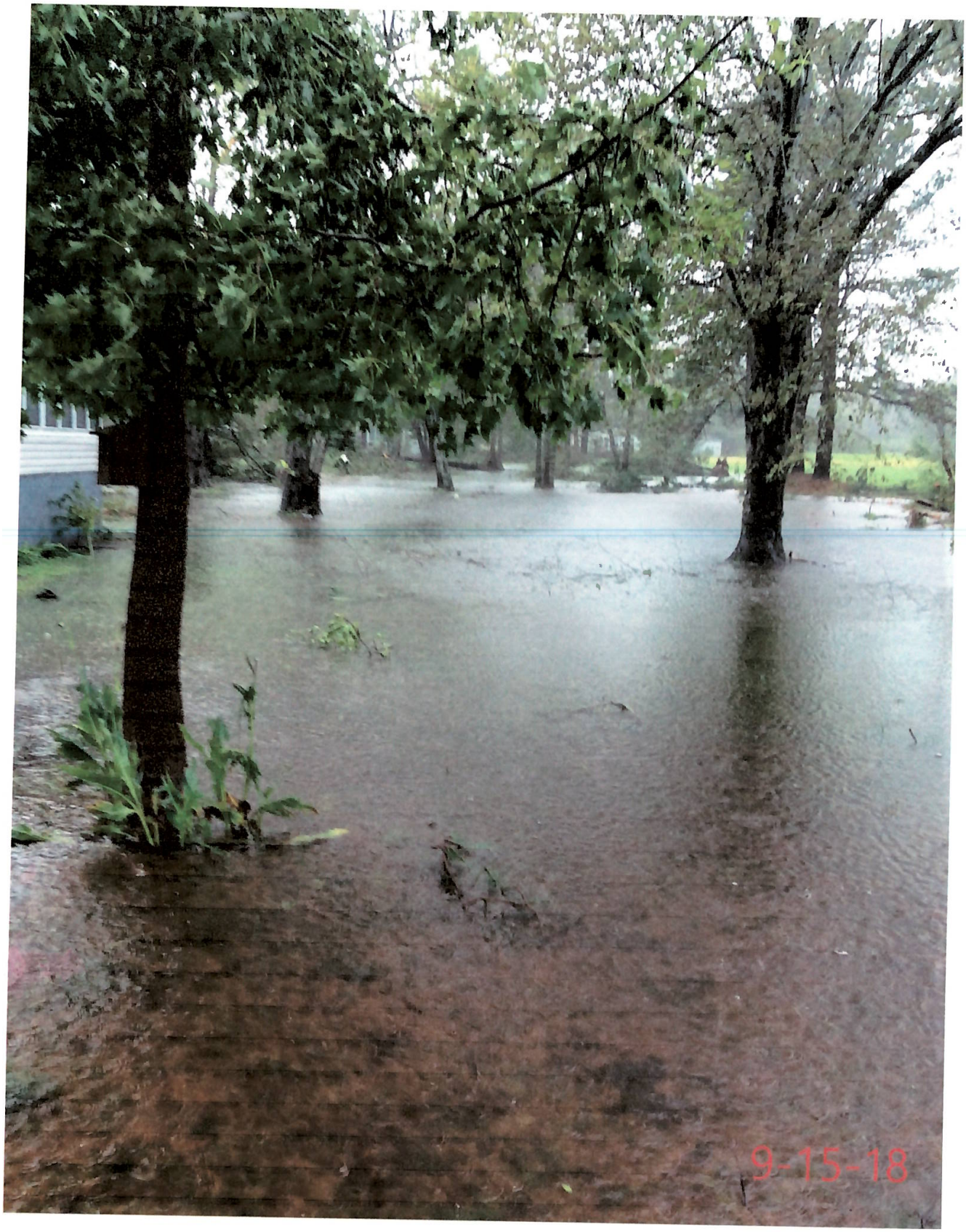

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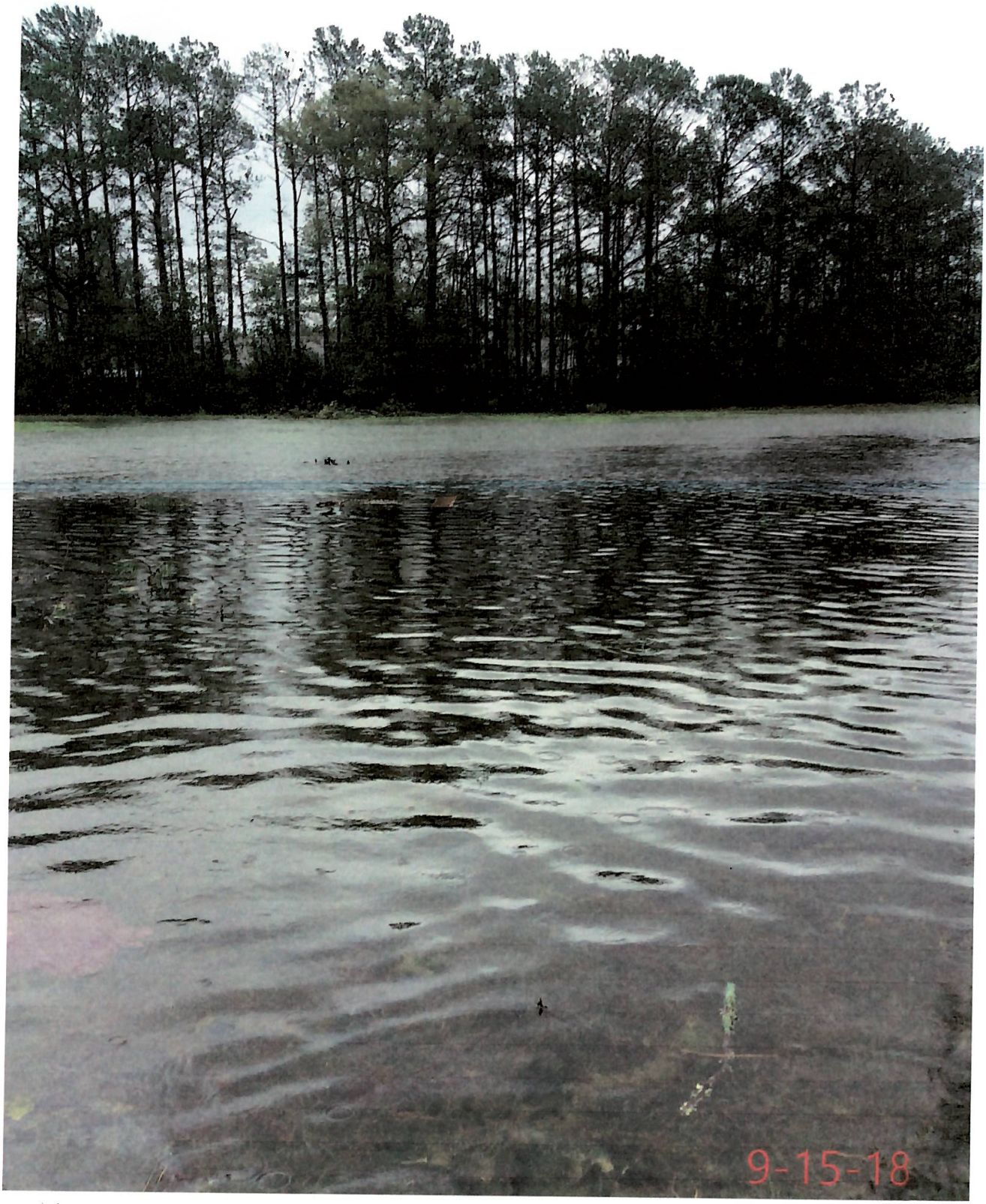
5-19-23

5-19-23


509
9-15-18


109 PLANK CT
9-15-18


9-15-18


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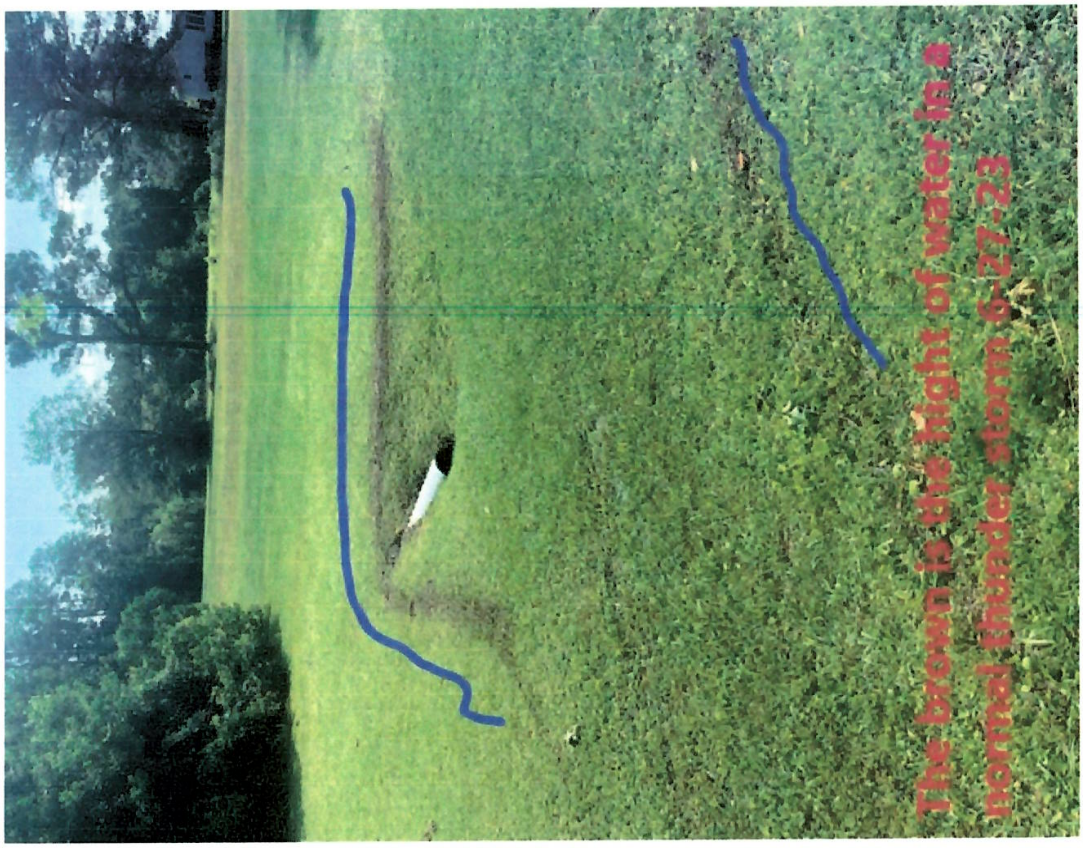

10-8-21


6-4-21


9-30-16


9-30-16


5/19/23


The brown is the hight of water in a
normal thunder storm 6-27-23

The gentleman is standing by the culvert

Depth of culvert about 4 ft below
ground level

To: Pender County Planning Board

From: Al Burfield
353 Topsail Plantation Drive
Hampstead NC

Re: Meeting August 1, 2023

This letter is intended for all members of the Planning Board in the hope this is received as my testimony with respect to the Wyndwater appeal for phases 7 and 11 of their development. It is not possible for me to attend this meeting in person. it is my desire this letter is sufficient substitution for live testimony. In the conversation I had with Daniel Adams Tuesday July 11, he indicated that he would present this letter and read it into the record.

1) I must state my disappointment in the cancellation of the meeting of July 11, 2023. The lack of communication and the last- minute decision to cancel this meeting given the history of this ongoing situation is at best hard to understand and very hard to excuse.

2) My testimony from previous meetings appears on the record and hasn't changed. Even with the revision set forth in Storm Water, I can see no real change and yet more questions. As I write this letter on Wednesday July 12, there is no evidence of site planning (stakes, markers etc.) to prove any of the engineering assessments presented in this agenda package.

3) There is no reference to traffic study with respect to Highway 17 and Topsail Greens Drive. The entire design and flow of proposed traffic has not been addressed. The existing cross traffic from Topsail Greens and Quarter Horse Lane is extremely dangerous, add the flow out of Topsail Plantation and it will be impossible for traffic to flow without necessary improvements to the intersection and addition of traffic signals.

4) The final configuration of Topsail Plantation Drive has not been addressed. If the county allows the developer to close off the existing road, the residents will have emergency services compromised. It also goes directly against the mandate of interconnected streets required in all new developments. Wyndwater is the owner of Topsail Plantation Drive.

5) Lastly, my major concern remains with addition of Pond #2 directly behind my property. Rising groundwater, a possible saturated drain field and a flooded septic system. I take this threat to my existing septic system and possible condemnation of my property very seriously and will hold Signature Top Sail NC LTD and Pender County accountable.

I hope this board can vote with true conscious and stick by the decision made in June of last year and affirmed in September by the Board of Adjustment.

Sincerely
Al Burfield
akburfield@hotmail.com
910.262.0924

Pender County
Pender County Bicycle and Pedestrian Plan

TO:	Planning Board
FROM:	Adam Moran
DATE:	September 6, 2023
SUBJECT:	Pender County Bicycle and Pedestrian Plan

SUMMARY:

The Plan

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

Public Needs and Desires Assessment

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

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

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

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

Recommendations

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

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

Next Steps, Implementation, and the Regulatory Process

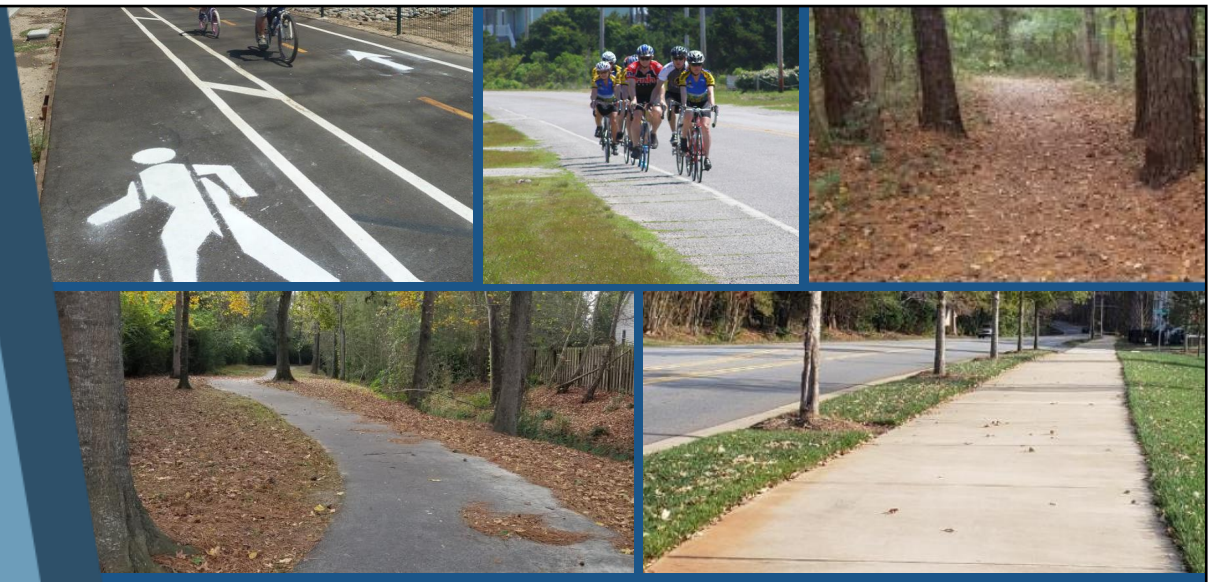
An adopted plan would guide staff when making policy and network facility decisions. The WMPO will also consider the plan and integrate its findings into their related plans. The North Carolina Department of Transportation often considers adopted plans such as this one when designing facility improvements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

ACTION REQUESTED:

To hold a public hearing and consider recommending approval of the Pender County Bicycle & Pedestrian Plan.

ATTACHMENTS:

1. Pender County Bicycle & Pedestrian Plan



Pender County Bicycle & Pedestrian Plan

July 2023

PENDER COUNTY, NC

WILMINGTON URBAN AREA
METROPOLITAN PLANNING ORGANIZATION

Acknowledgments

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Adam Moran, MA, MS, Long Range Planner

Wilmington Urban Area Metropolitan Planning Organization

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

Steering Committee

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

Consultant Team

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

Executive Summary

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

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

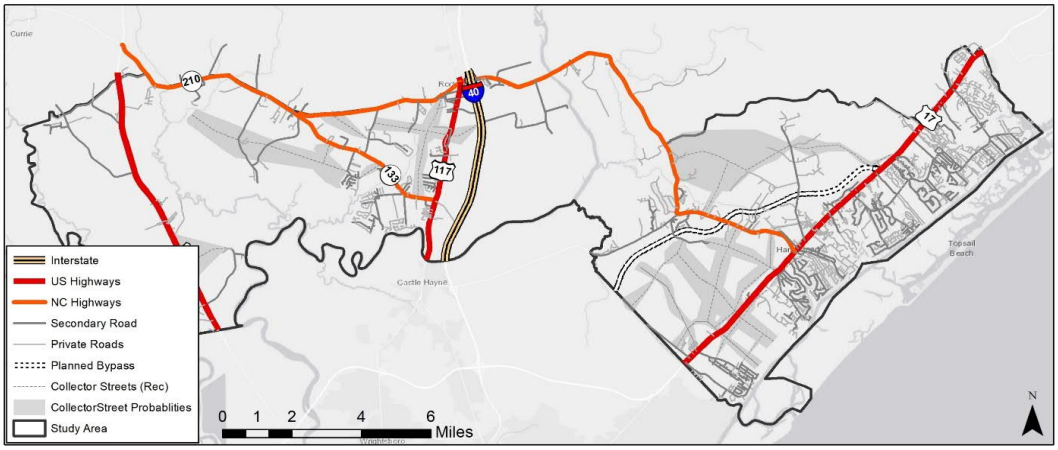


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1. Existing Conditions

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

1.1 Findings from Existing Plans

NC 210 East Coast Greenway Corridor Feasibility Study (2023)

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

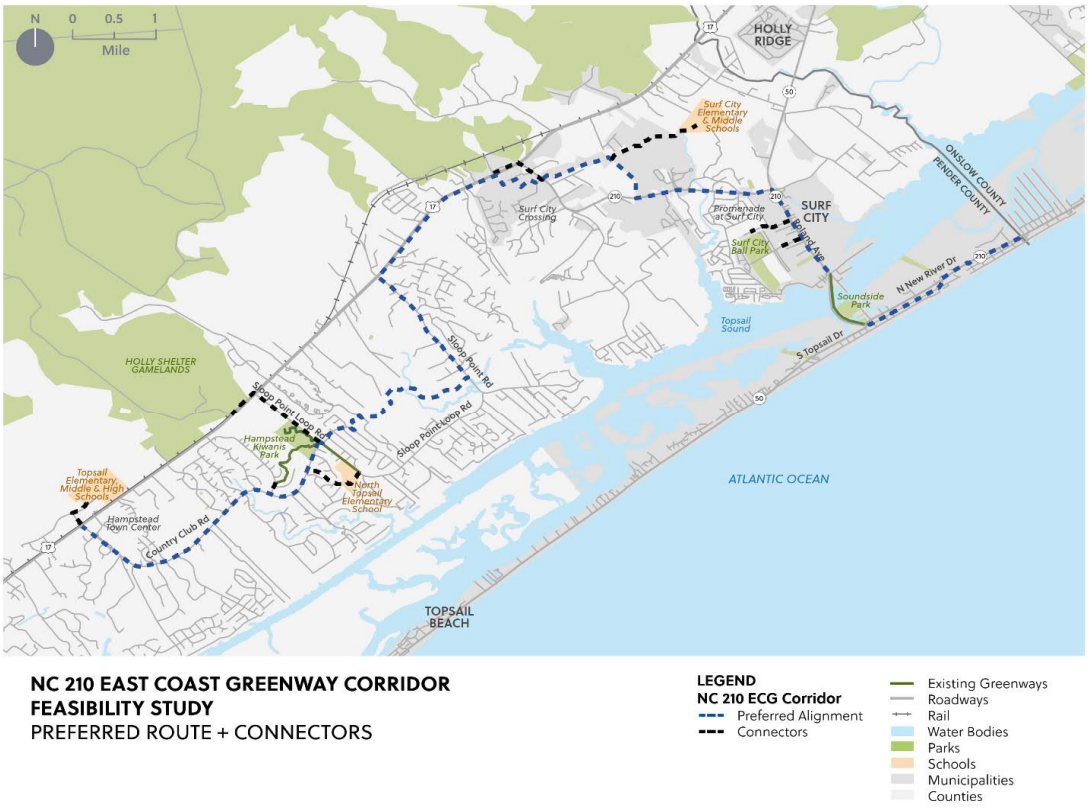


Figure 1.1: Preferred Route for the NC-210 East Coast Greenway Corridor

Pender County Comprehensive Parks and Recreation Master Plan (2022)

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

Great Trails State Plan (2022)

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

Pender County Streets Plan (2021)

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

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

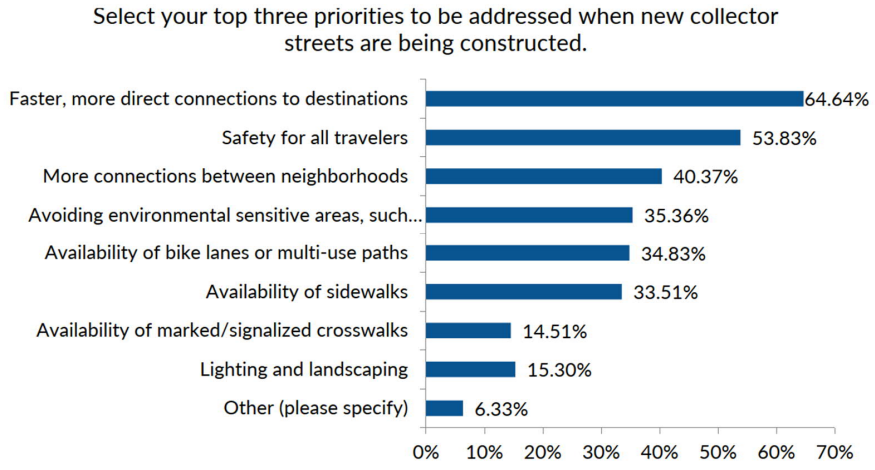


Figure 1.2: Transportation Priorities Identified in the First Public Survey for the Pender County Streets Plan

Cape Fear Moving Forward 2045 (2020)

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

Pender 2.0: Comprehensive Land Use Plan (2018)

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

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

Cape Fear Regional Bicycle Plan (2017)

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

Pender County Comprehensive Transportation Plan (2016)

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

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

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

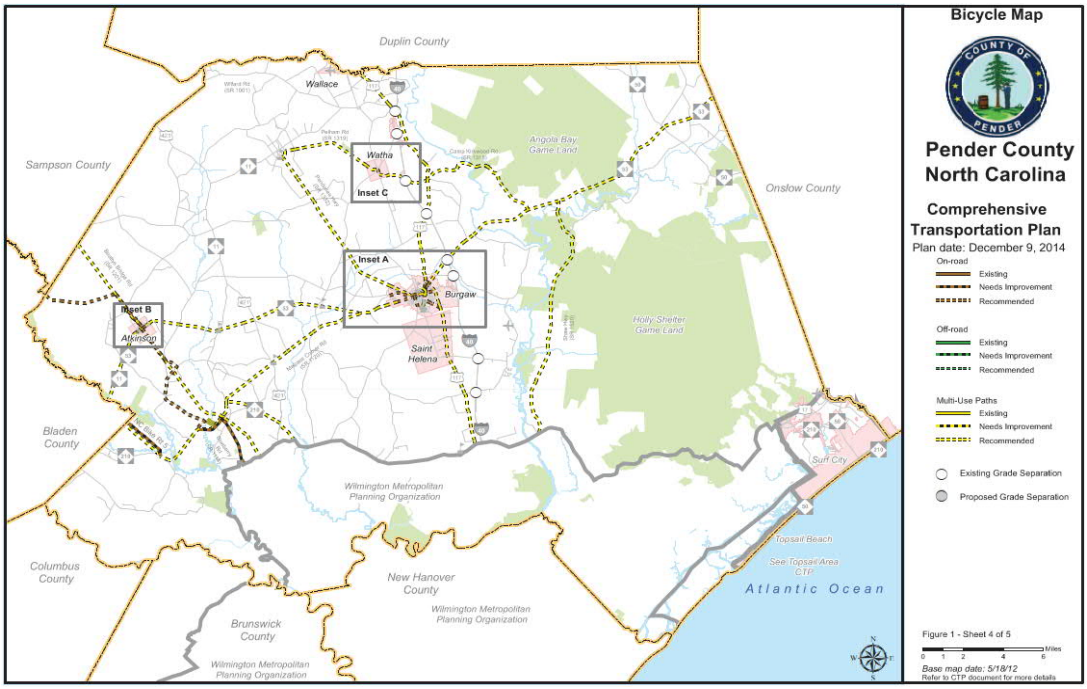


Figure 1.3: Pender County Transportation Plan Bicycle Map

1.2 Review of Development Codes

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

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

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

1.3 Demographic and Socioeconomic Analysis

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

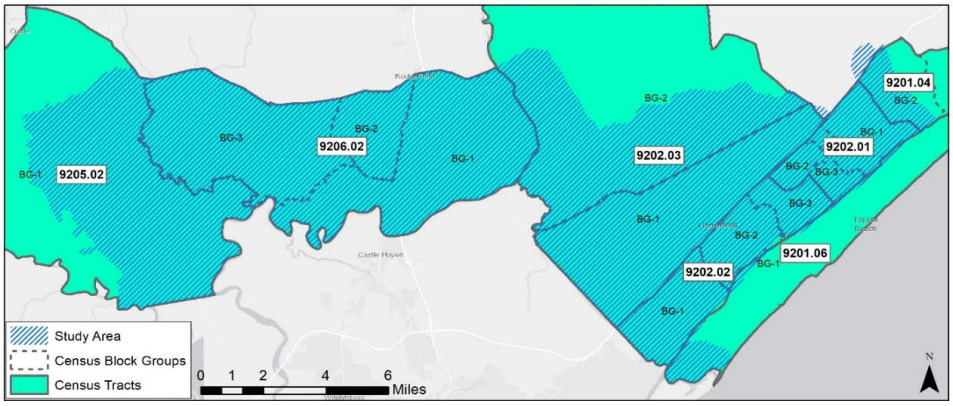


Figure 1.4: Census Block Groups in the Study Area

Population

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

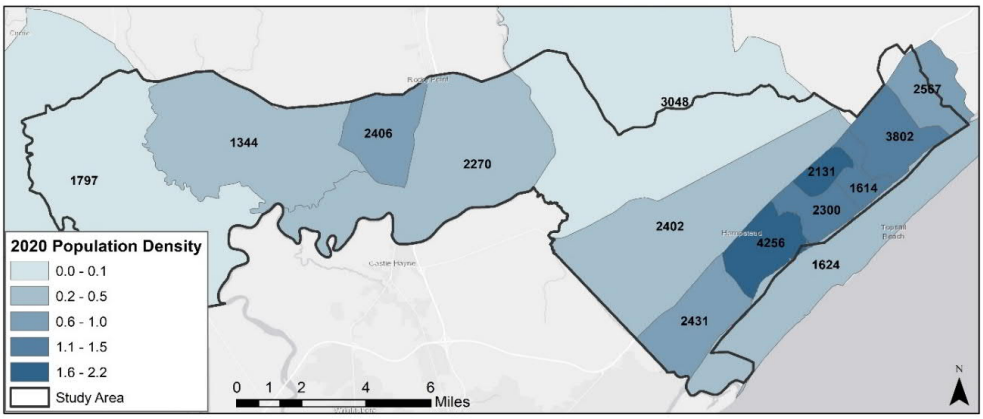


Figure 1.5: 2020 Population Density

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

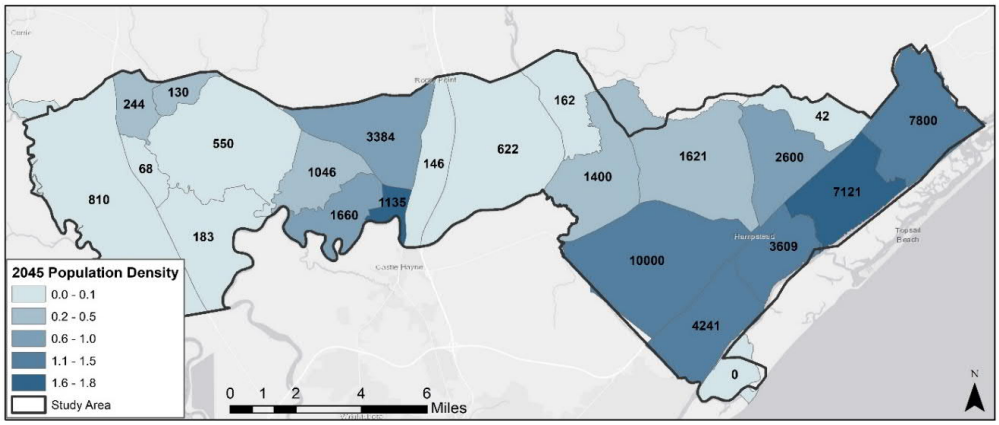


Figure 1.6: 2045 Population Density

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

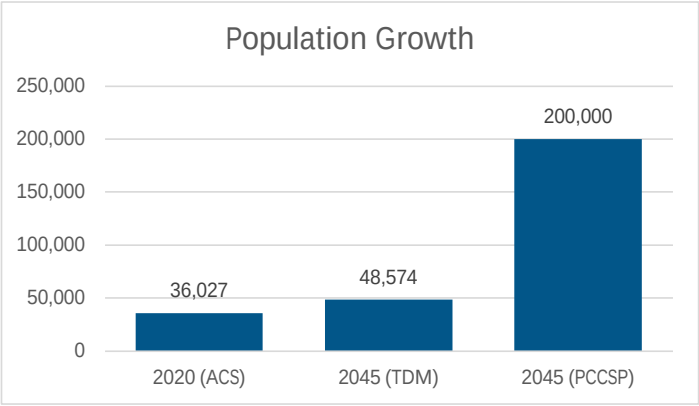


Figure 1.7: Population Growth

Age and Sex

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

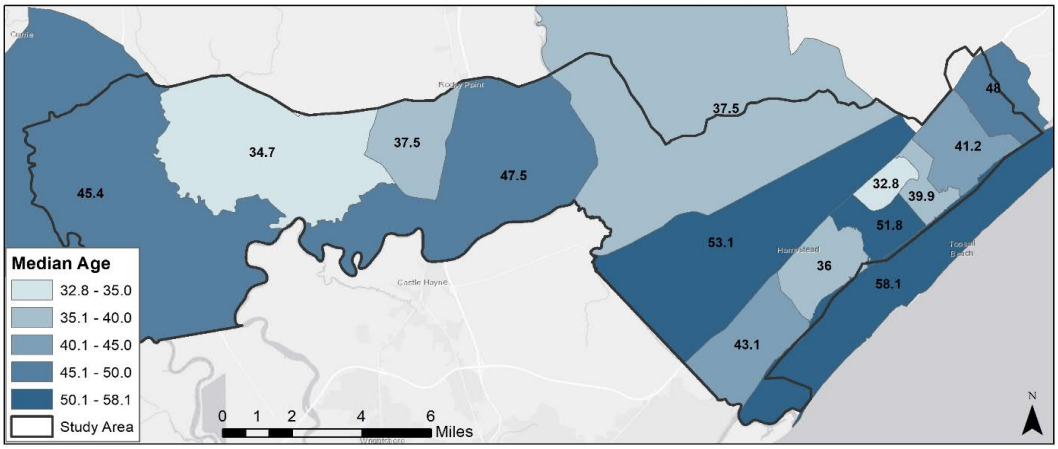


Figure 1.8: Median Age

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

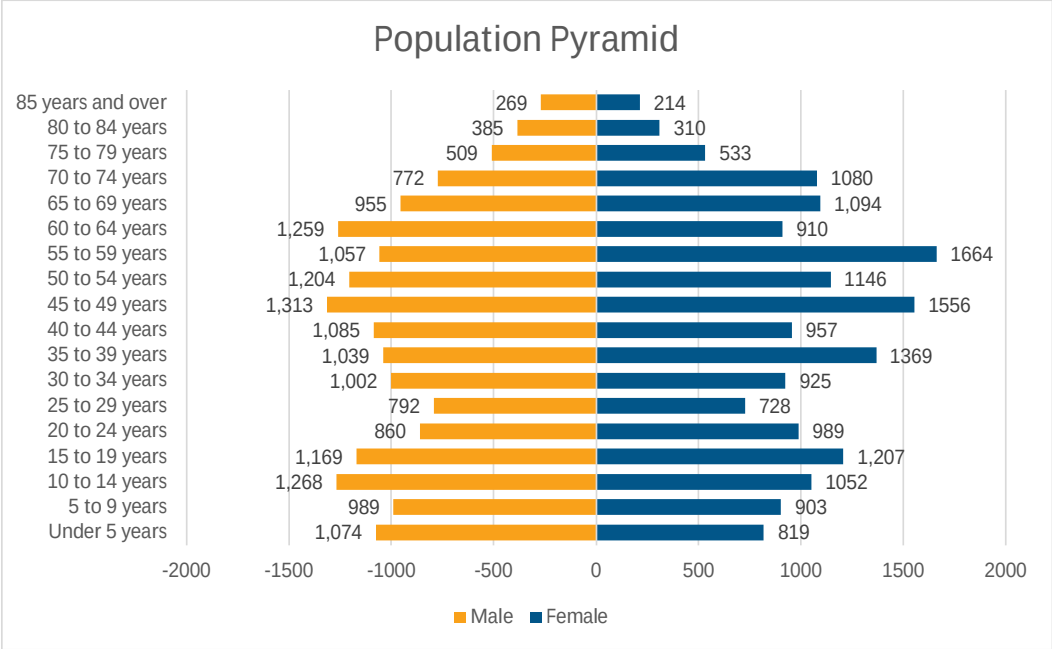


Figure 1.9: Population Pyramid

Race

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

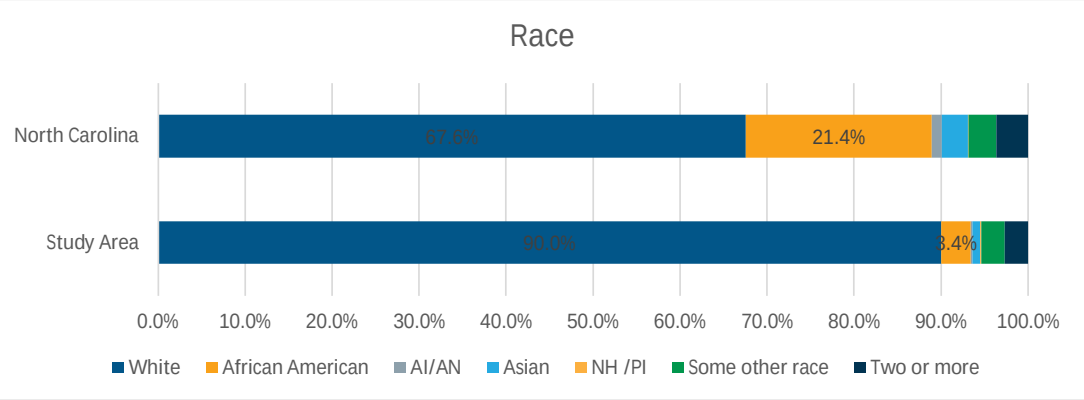


Figure 1.10: Racial makeup of the study area compared to North Carolina

Income and Poverty

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

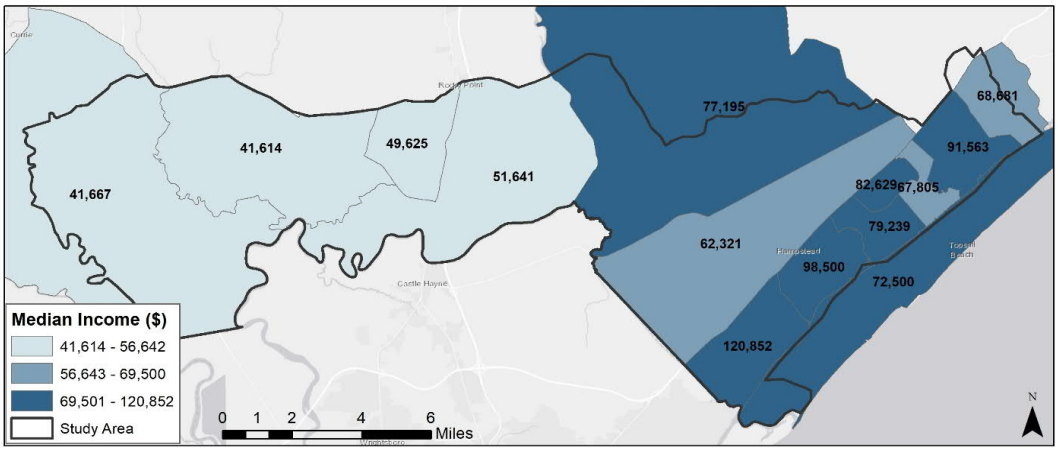


Figure 1.11: Median Income

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

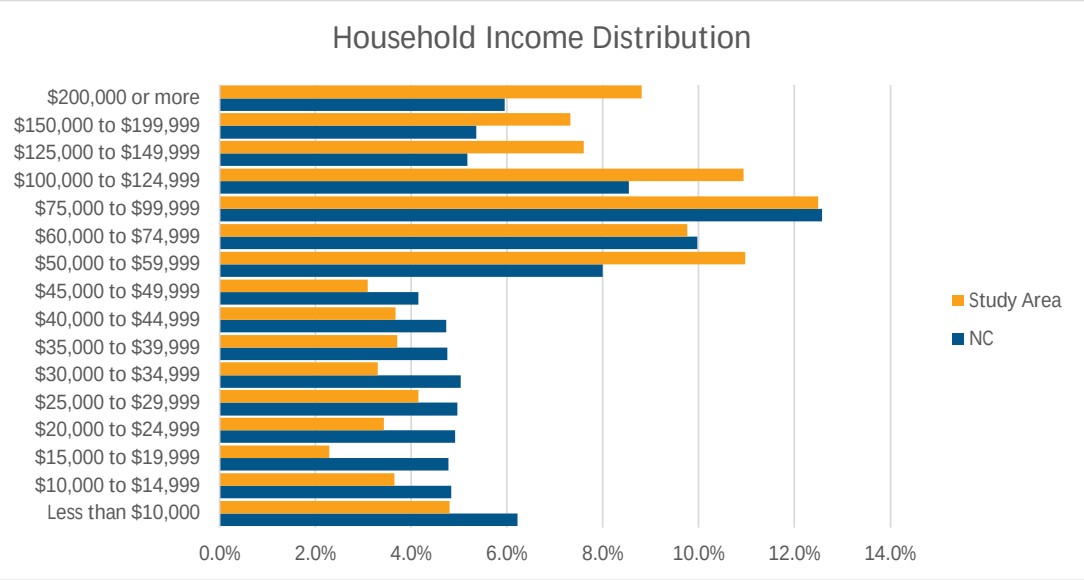


Figure 1.12: Household Income Distribution of the study area compared to North Carolina

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

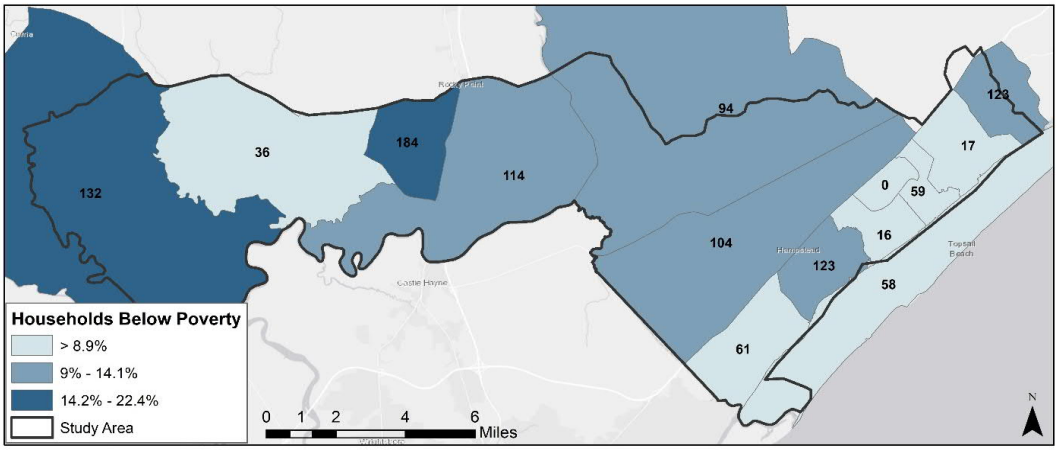


Figure 1.13: Households below Poverty

Environmental Justice Index

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

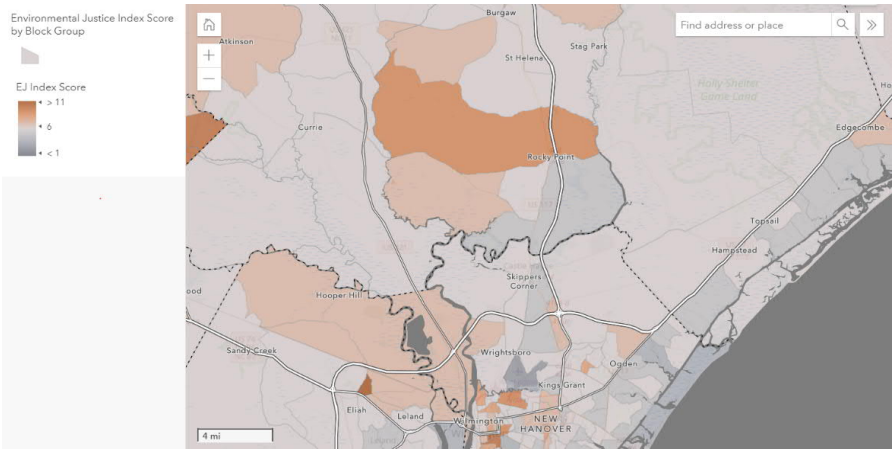


Figure 1.14: NCDOT's NC Equity and Transportation Disadvantage Screening Tool https://storymaps.arcgis.com/stories/7e3bbd00fe014a77b5f1620334209712

Transportation Disadvantage Index

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



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

Education

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

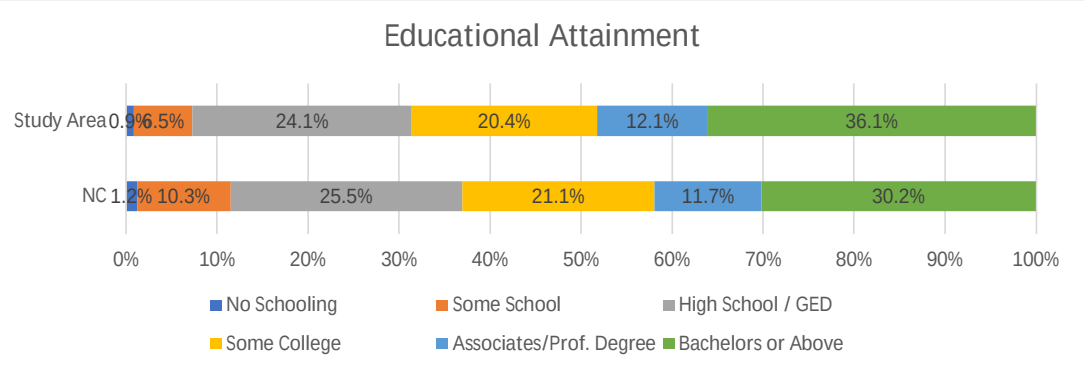


Figure 1.16: Educational Attainment for the study area and North Carolina

Employment

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

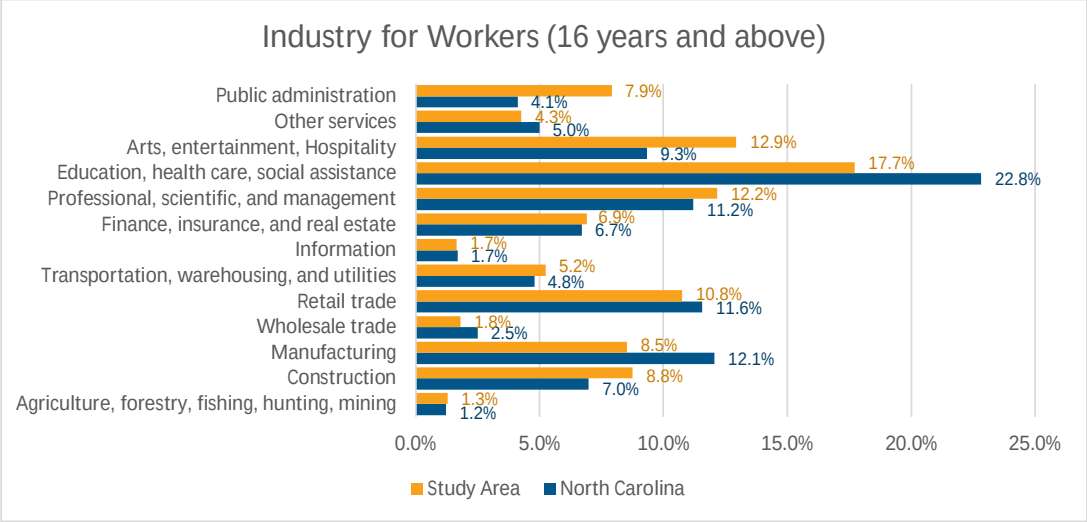


Figure 1.17: Industry for Workers for the Study Area and North Carolina

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

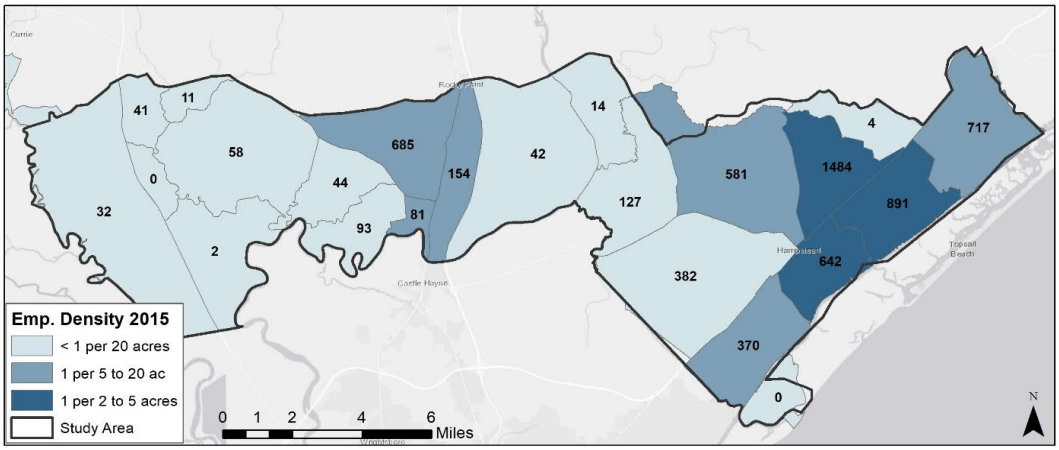


Figure 1.18: 2015 Employment Density

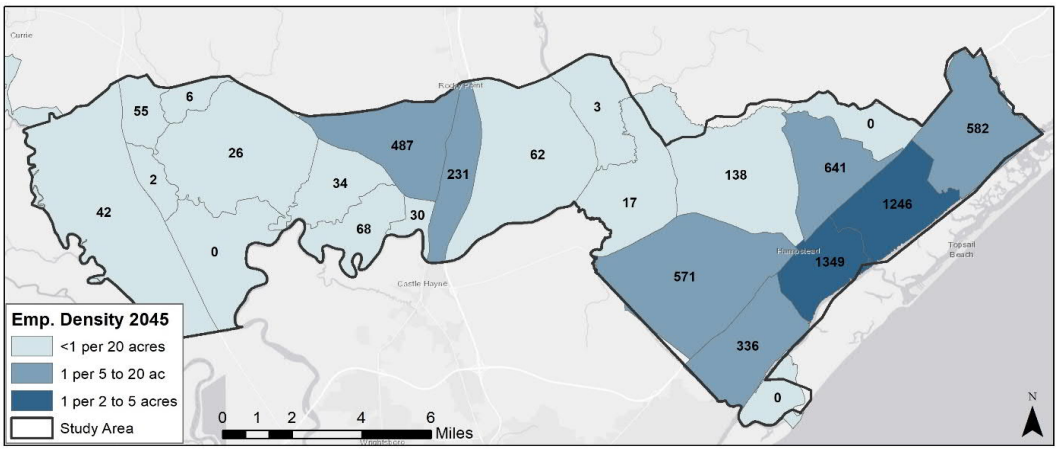


Figure 1.19: 2045 Employment Density

1.4 Travel Characteristics

Vehicle Availability

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

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

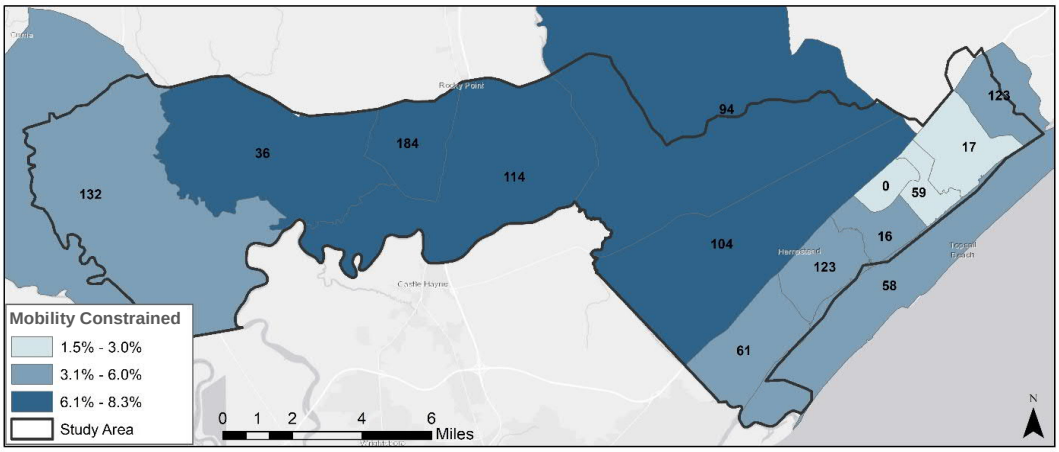


Figure 1.20: Mobility Constrained Households

Means of Transportation to Work

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

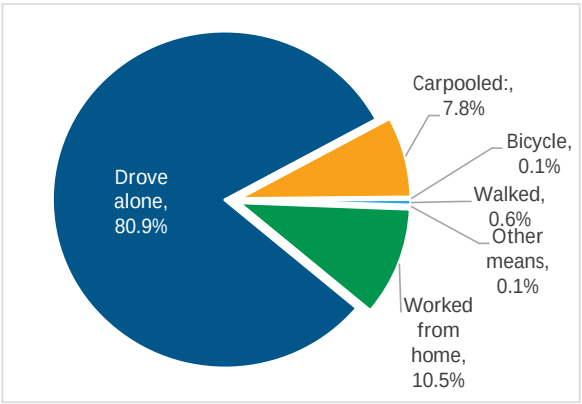


Figure 1.21: Means of Transportation to Work

Travel Time to Work

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

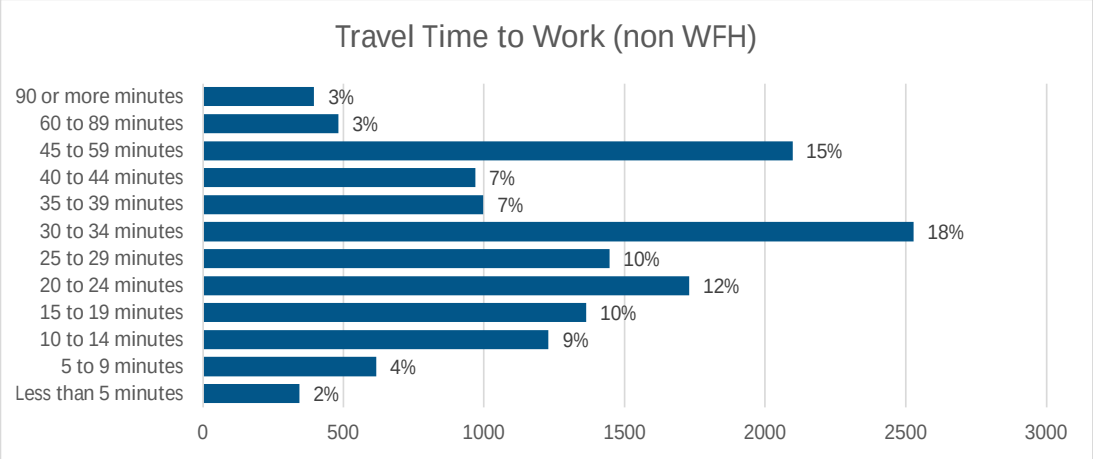


Figure 1.22: Travel Time to Work

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

1.5 Community Resources

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

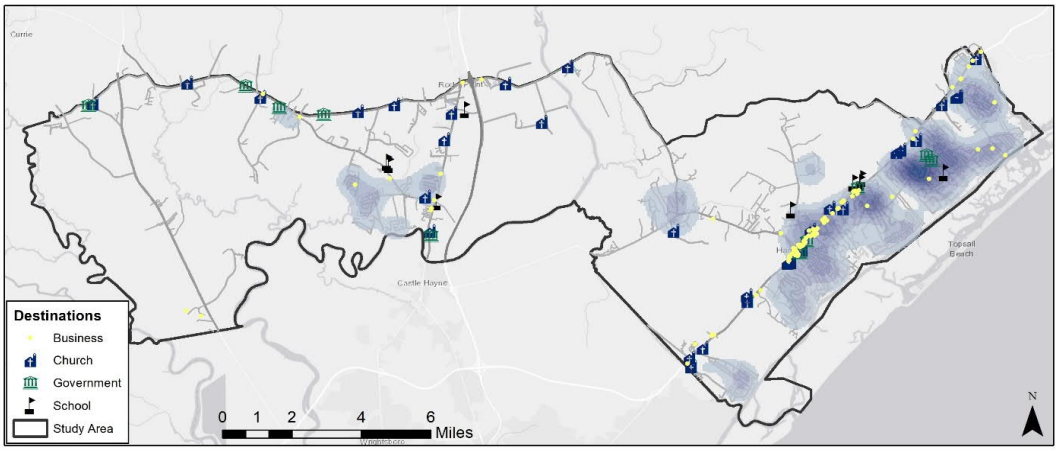


Figure 1.23: Community Resources

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

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

1.6 Land Use

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

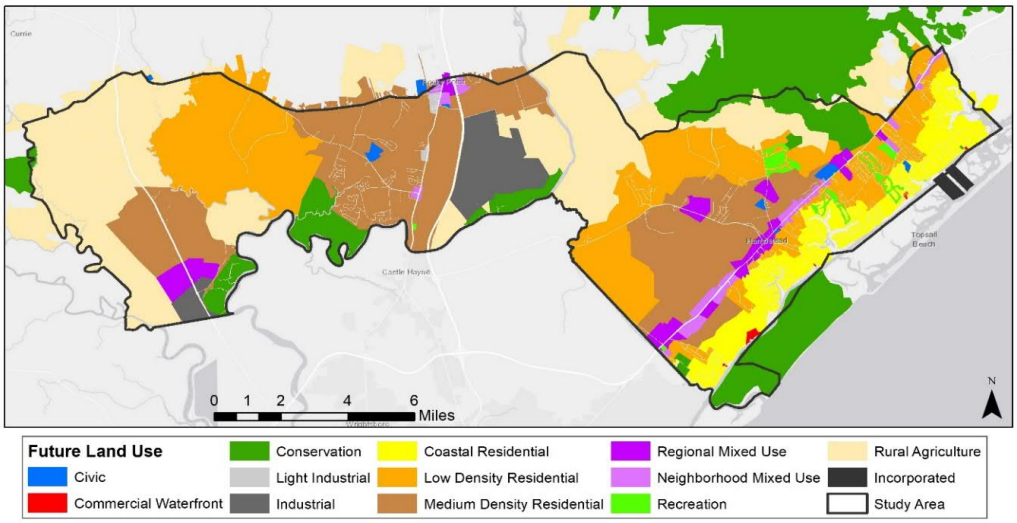


Figure 1.24: Future Land Use

1.7 Recent Developments

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

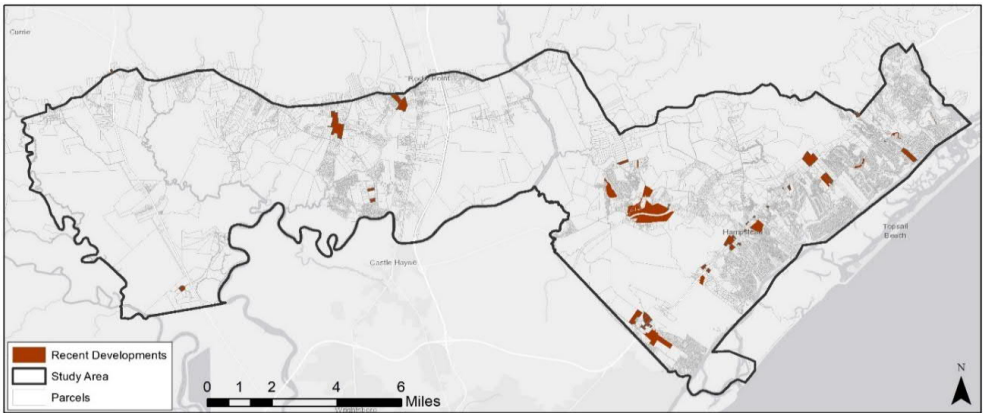


Figure 1.25: Recent Developments

1.8 Current and Proposed Transportation Network

Roadway

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

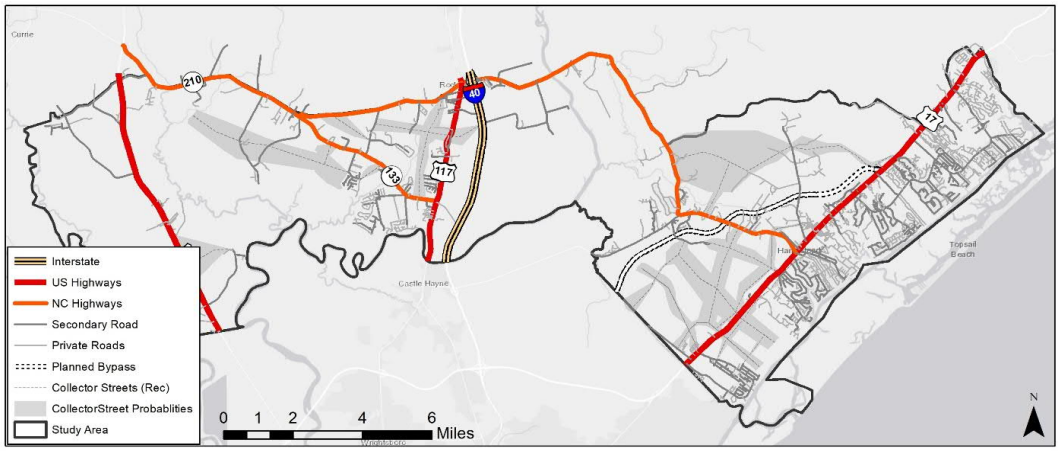


Figure 1.26: Existing Roadways and Collector Street Recommendations

Bicycle & Pedestrian

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

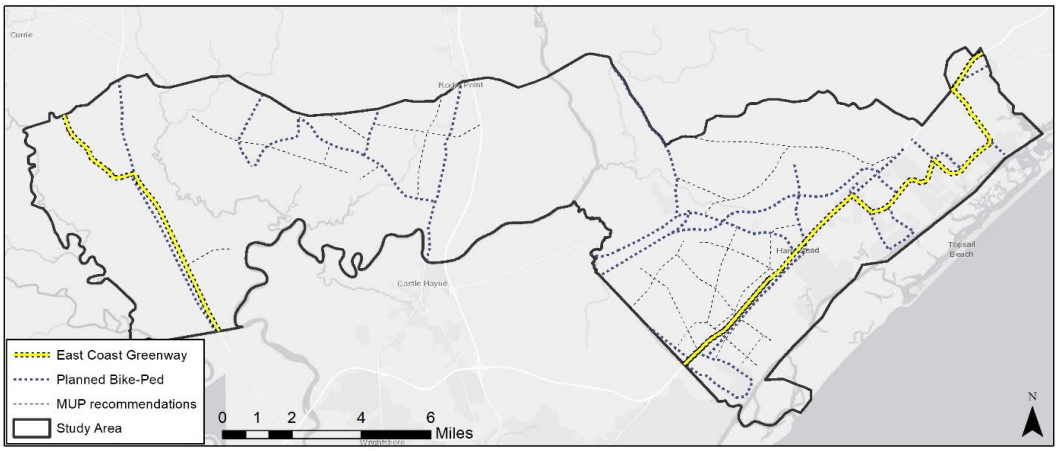


Figure 1.27: Planned Bicycle and Pedestrian Facilities

1.9 Bicycle and Pedestrian Crash Assessment

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

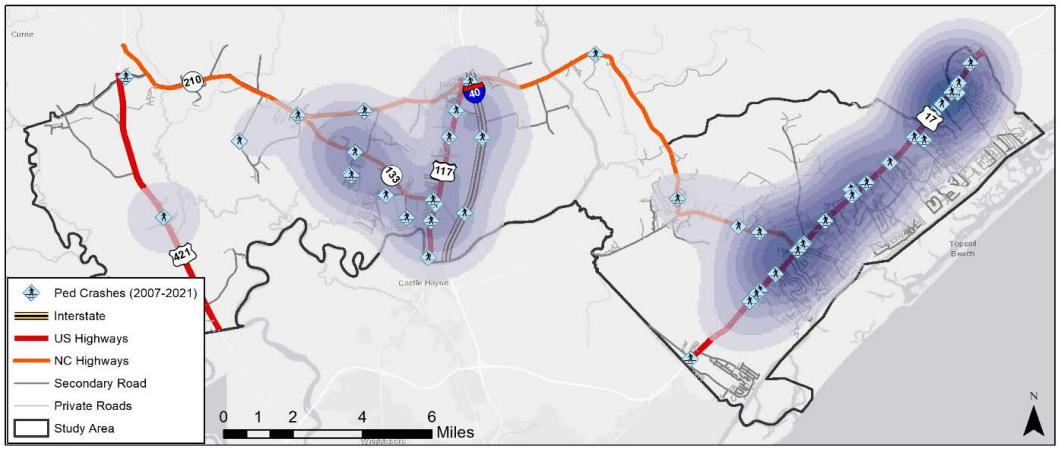


Figure 1.28: Pedestrian Crashes

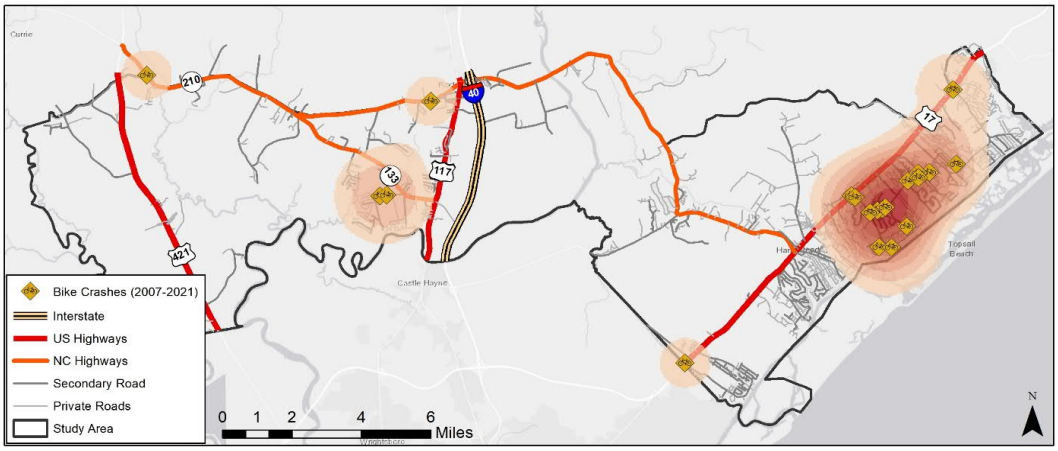


Figure 1.29: Bicycle Crashes

2. Network Assessment

2.1 Public Engagement Summary

Phase I

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



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

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

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

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

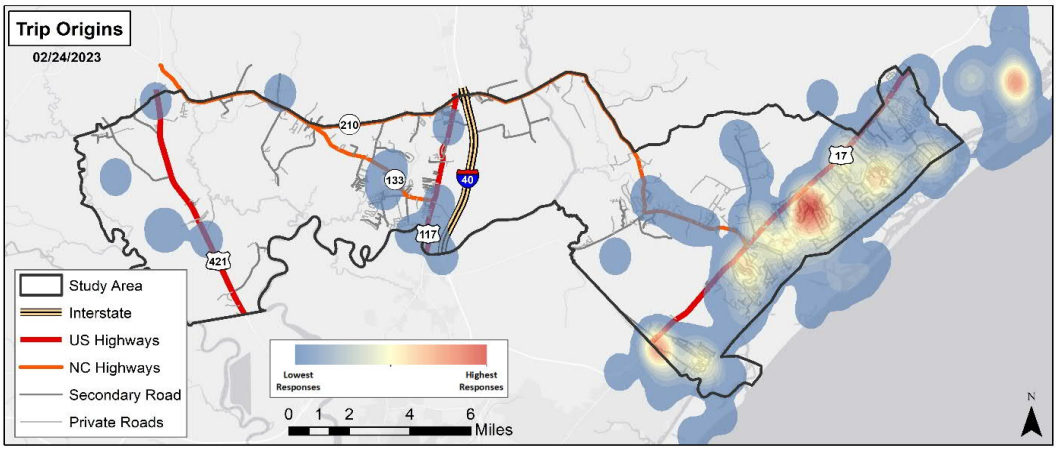


Figure 2.2: Trip Origins

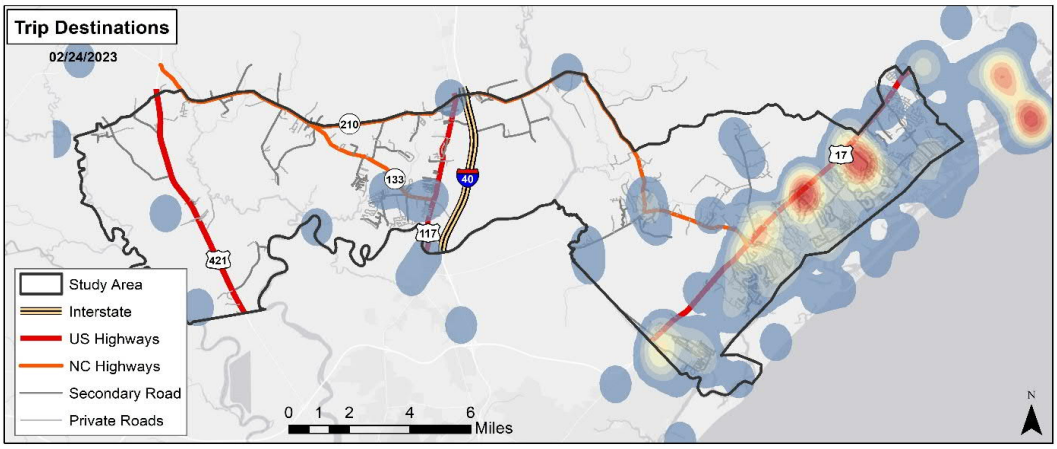


Figure 2.3: Trip Destinations

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

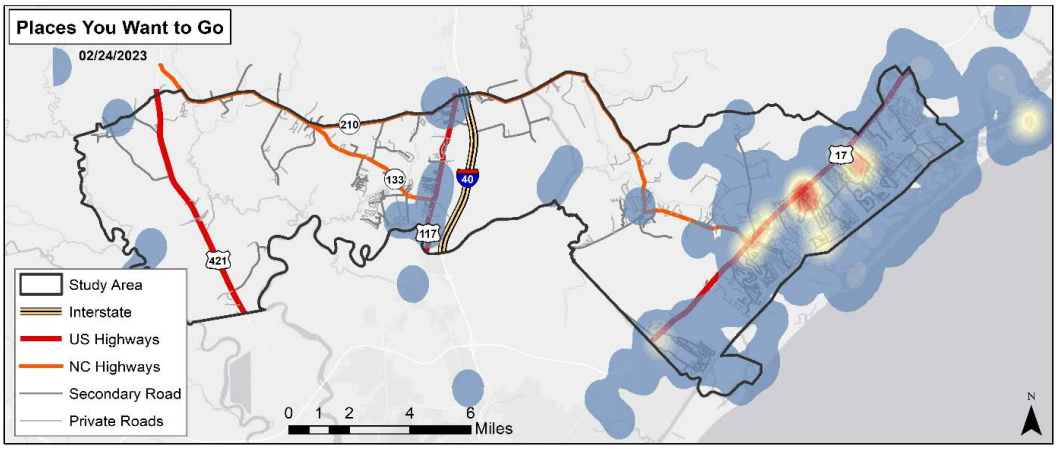


Figure 2.4: Places participants want to walk or bike to

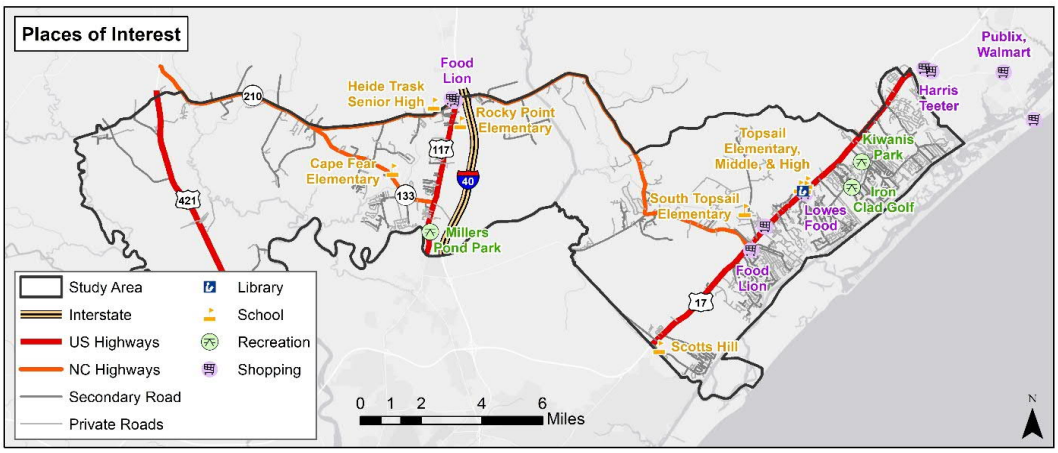


Figure 2.5: Places of Interest

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

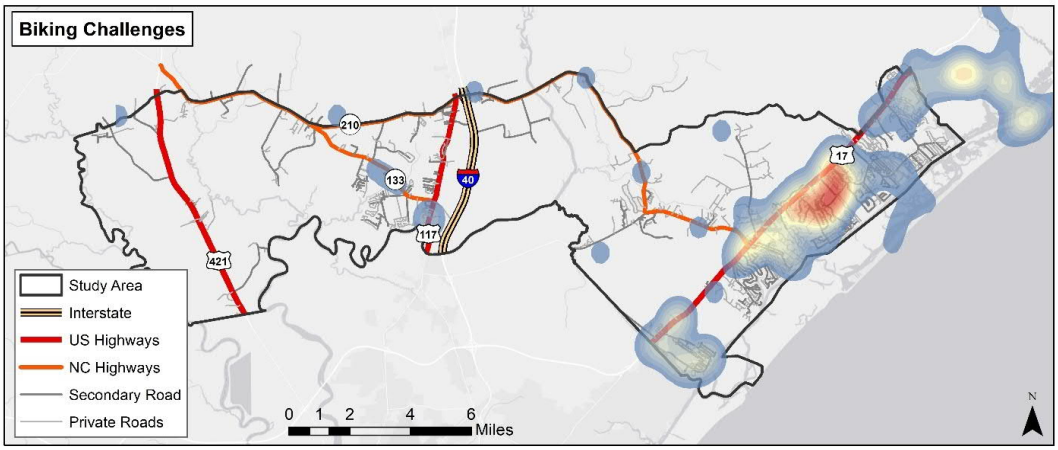


Figure 2.6: Biking Challenges

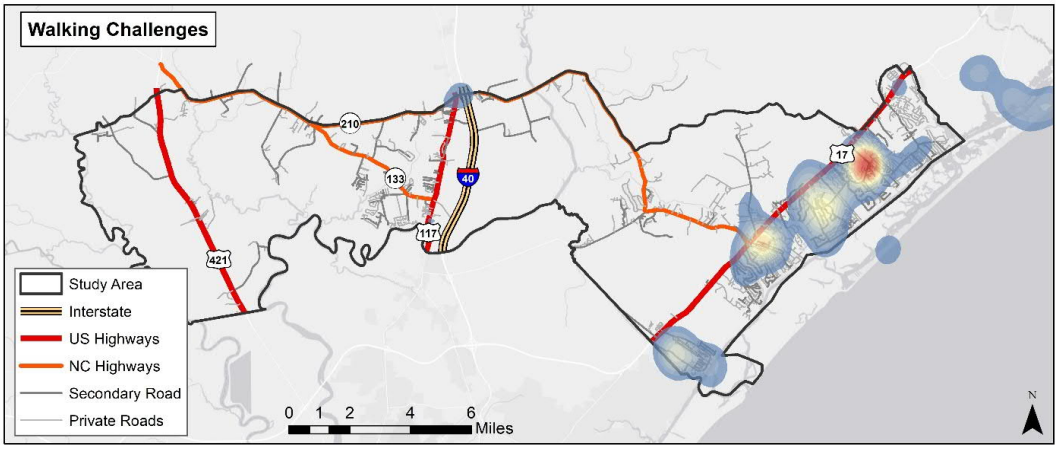


Figure 2.7: Walking Challenges

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

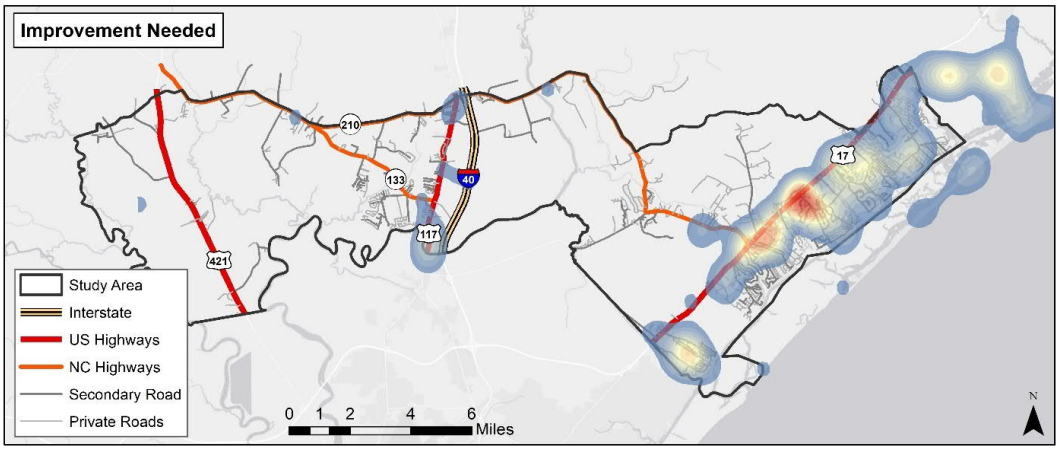


Figure 2.8: Improvements Needed

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

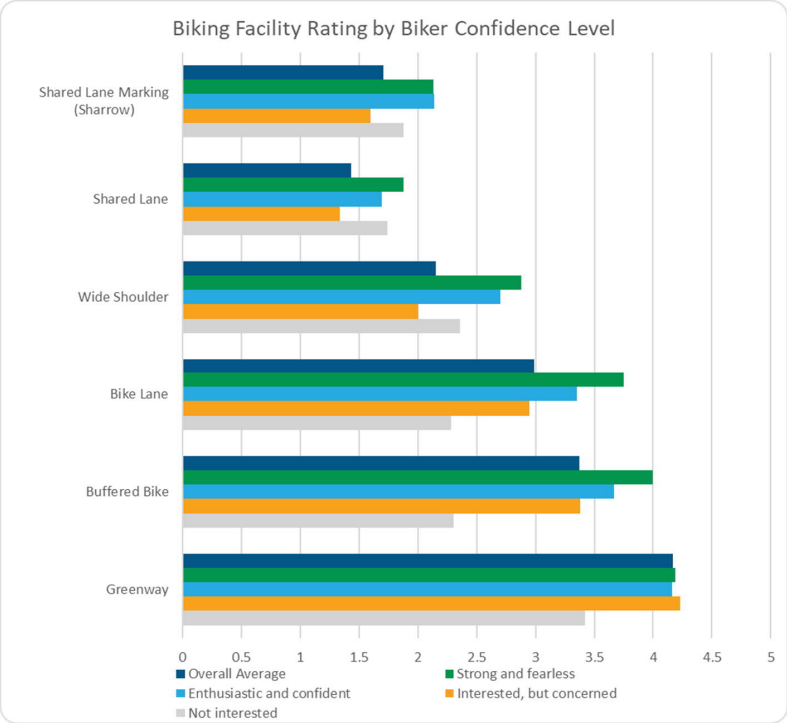
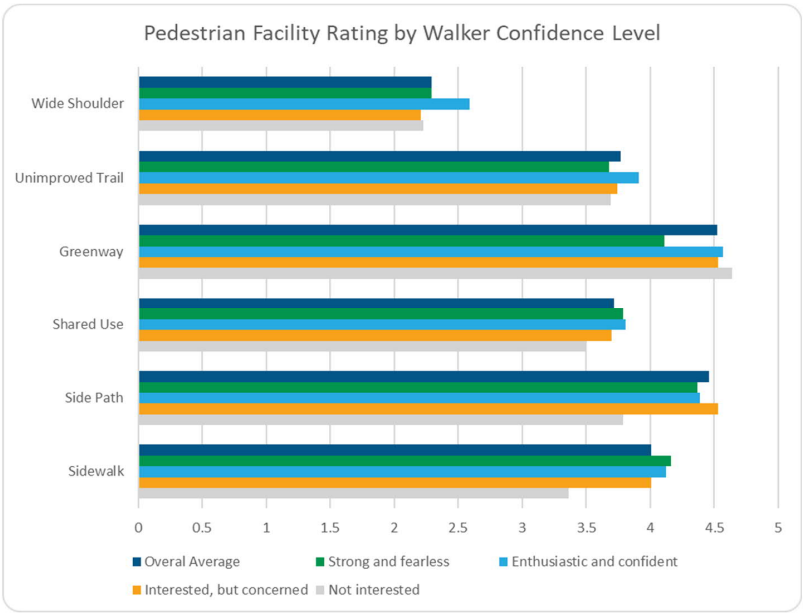


Figure 2.9: Bicycle Facility Rating by Biker Confidence Level



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

Figure 2.10: Pedestrian Facility Rating by Walker Confidence Level

Phase II

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

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

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

2.2 Steering Committee Meetings

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

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

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

Network Assessment

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

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

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

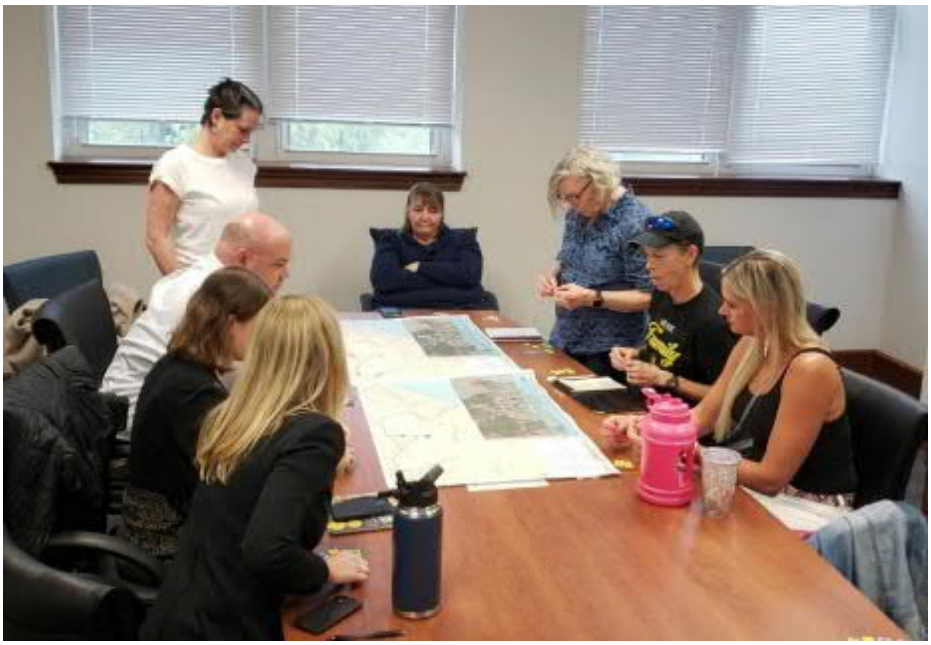


Figure 2.11: Steering Committee members completing a network prioritization exercise.

3. Proposed Network

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

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

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

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

3.1 Bicycle and Pedestrian Network Recommendations

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

Proposed Network

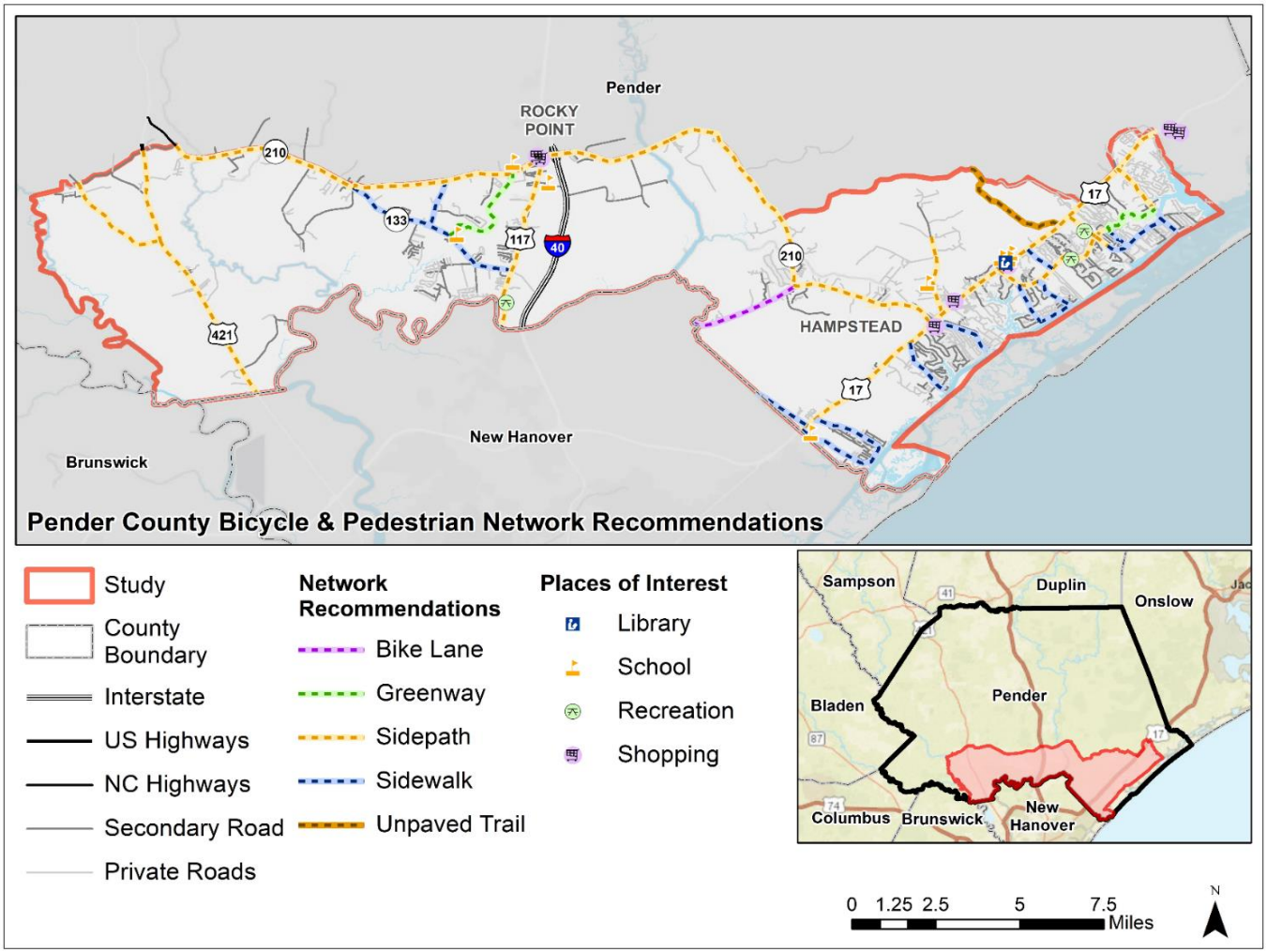


Figure 3.1: Network Recommendations

Proposed Network

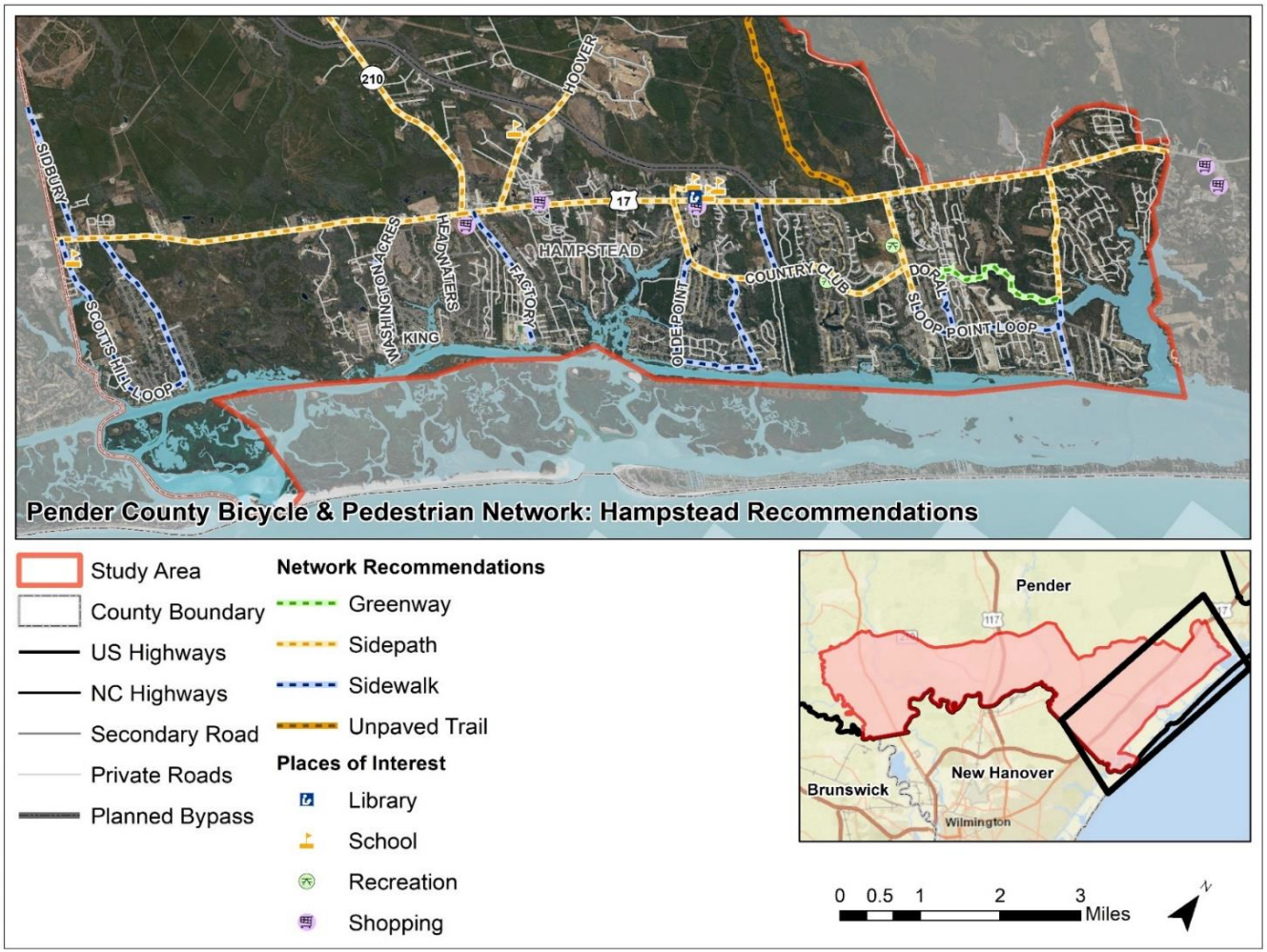


Figure 3.2: Network Recommendations for Hampstead

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

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

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

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

3.2 Network Priorities

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

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

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

Proposed Network

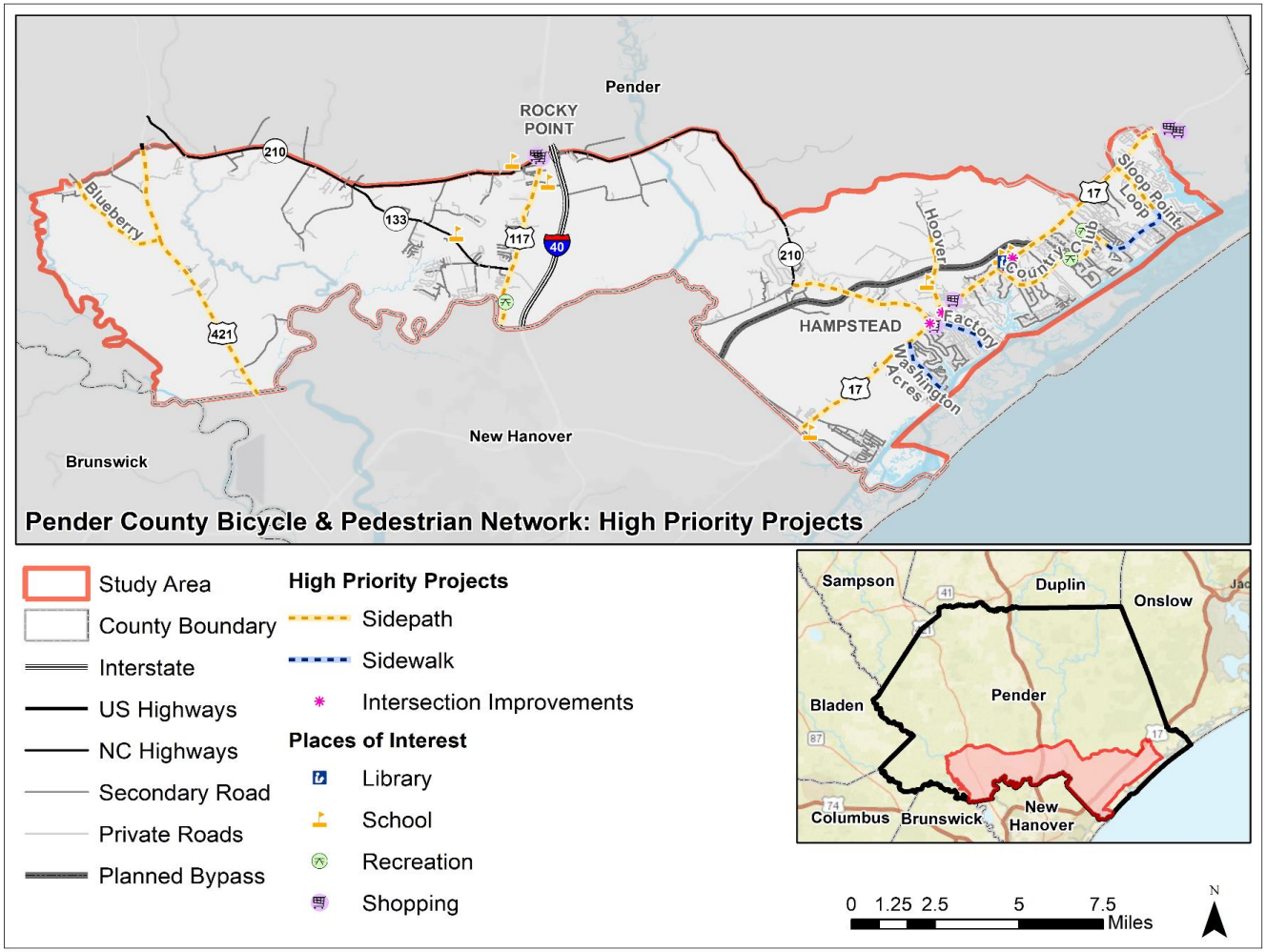


Figure 3.3: High Priority Projects

Proposed Network

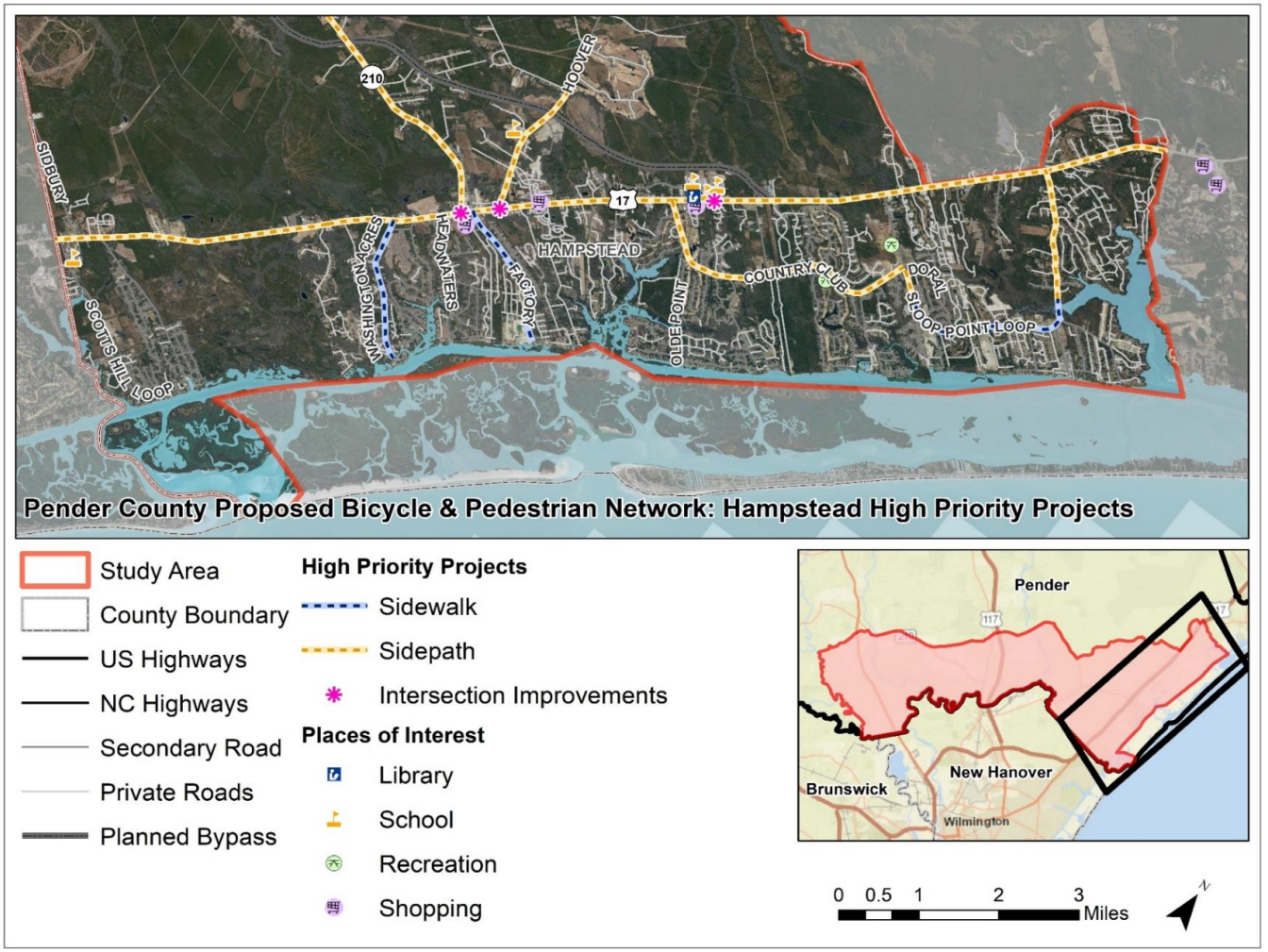


Figure 3.4: High Priority Projects for Hampstead

Table 3.2: Priority Bicycle and Pedestrian Projects

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

3.3 Bicycle and Pedestrian Network Recommended Facility Types

Greenway / Shared Use Path

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



Figure 3.5: Sample greenway/ shared use path graphics

Context Considerations

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

Design Considerations

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

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

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

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

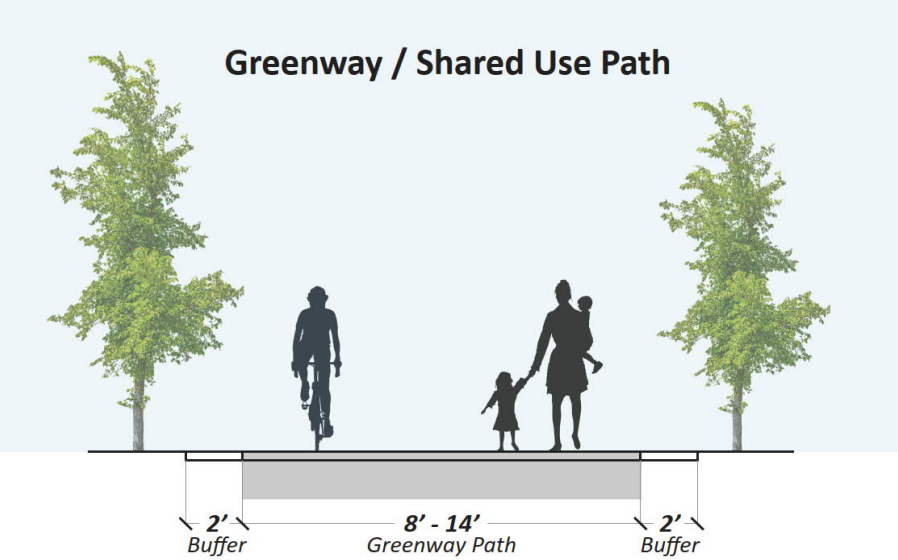


Figure 3.6: Example cross-section of a preferred greenway facility.

Sidepath

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



Figure 3.7: Sample sidepath graphics

Context Considerations

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

Design Considerations

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

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

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

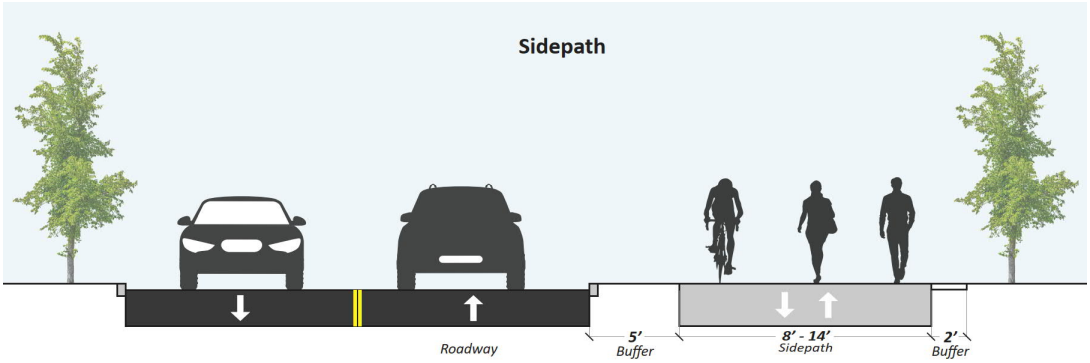


Figure 3.8: Example cross-section of a preferred sidepath facility

On-Road Facilities

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

Separated Bicycle Lane

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



Figure 3.9: Sample separated bike lane graphics

Context Considerations

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

Design Considerations

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

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

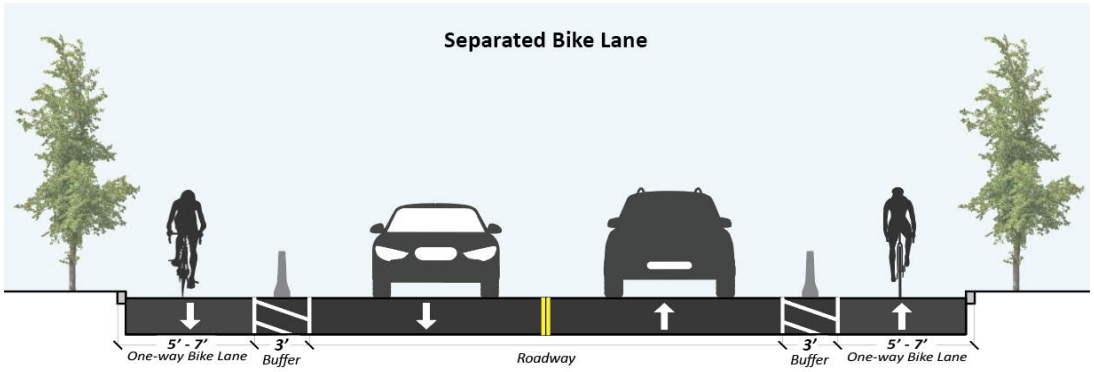


Figure 3.10: Example cross-section of a preferred separated bike lane facility

Buffered Bicycle Lane

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

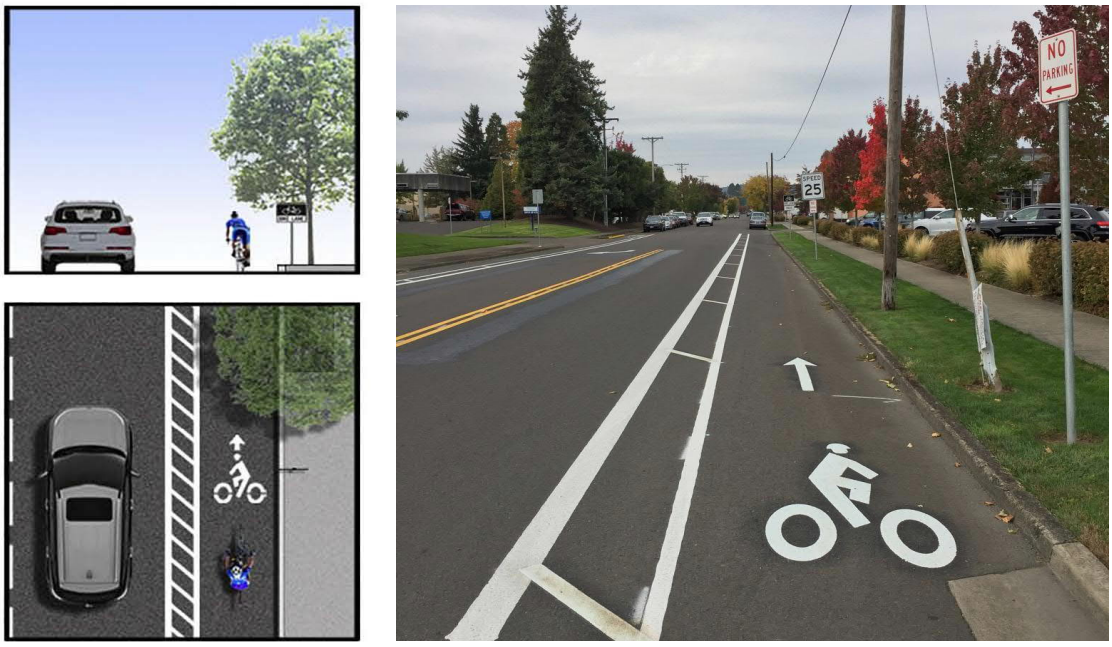


Figure 3.11: Sample buffered bike lane graphics

Context Considerations

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

Design Considerations

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

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

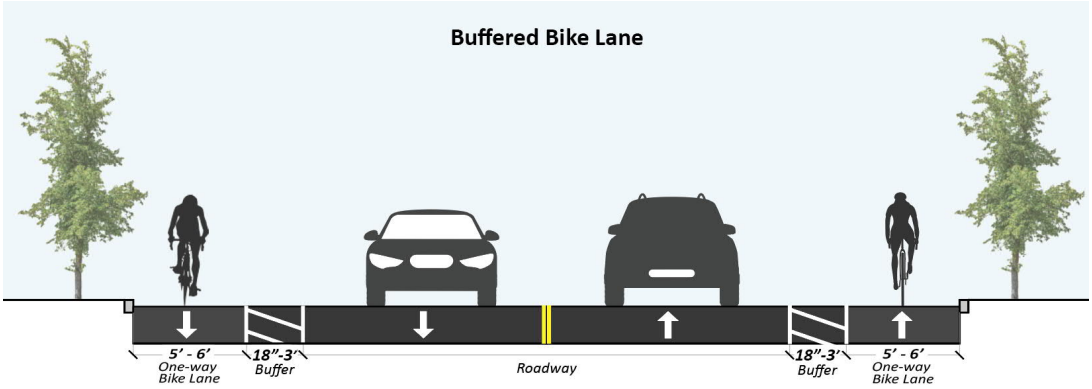


Figure 3.12: Example cross-section of a preferred buffered bike lane facility.

Bicycle Lane

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



Figure 3.13: Sample bicycle lane graphics

Context Considerations

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

Design Considerations

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

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

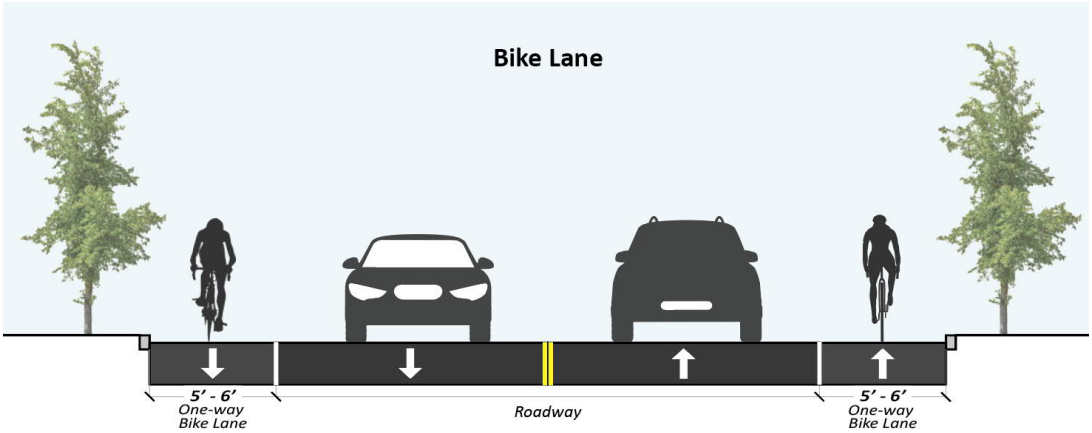


Figure 3.14: Example cross-section of a preferred bike lane facility

Sidewalk

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



Figure 3.15: Sample sidewalk graphics

Context Considerations

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

Design Considerations

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

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

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

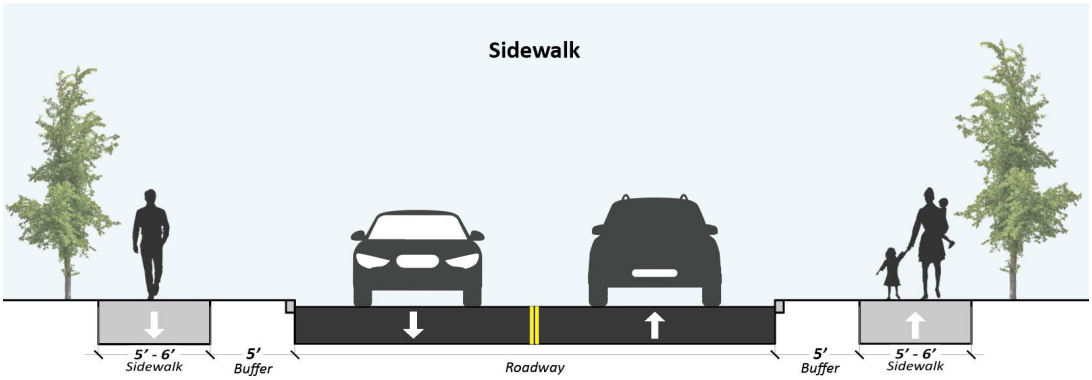


Figure 3.16: Example cross-section of a preferred sidewalk facility

Intersection Improvements

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

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



Figure 3.17: Rectangular Rapid Flashing Beacon



Figure 3.18: HAWK Signal

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

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

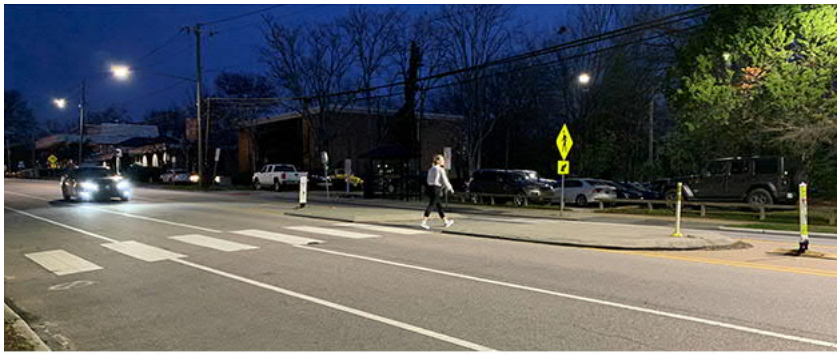


Figure 3.19: High visibility crosswalk with a median pedestrian island and enhanced lighting

4. Policy Review and Recommendations

4.1 Policy Review

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

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

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

Table 4.1: Policy Review

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

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

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

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

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

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

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

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

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

4.2 Policy Recommendations

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

Table 4.2**: Policy Recommendations**

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

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

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

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

4.3 Example Policies

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

Table 4.3: Example Policies

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

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

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

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

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

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

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

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

D. Sidewalks

1. Sidewalk Requirement

Sidewalks are required in accordance with the following:

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

2. Exceptions

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

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

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

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

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

5. Implementation

5.1 Implementation Methods

Bicycle and pedestrian facilities can be implemented through several methods:

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

5.2 Funding

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

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

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

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

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

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

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

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

5.3 Maintenance

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

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

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

Maintenance Management

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

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

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

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

5.4 Checklist

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

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

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

Appendix A: Public Engagement Summaries

Public Engagement Phase I Summary

1. Introduction

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

2. Promotion and Outreach

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

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



Figure 1. Pop-up at Food Lion



Figure 2. Pop-up in the Castle Bay Community

3. Survey Results

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

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

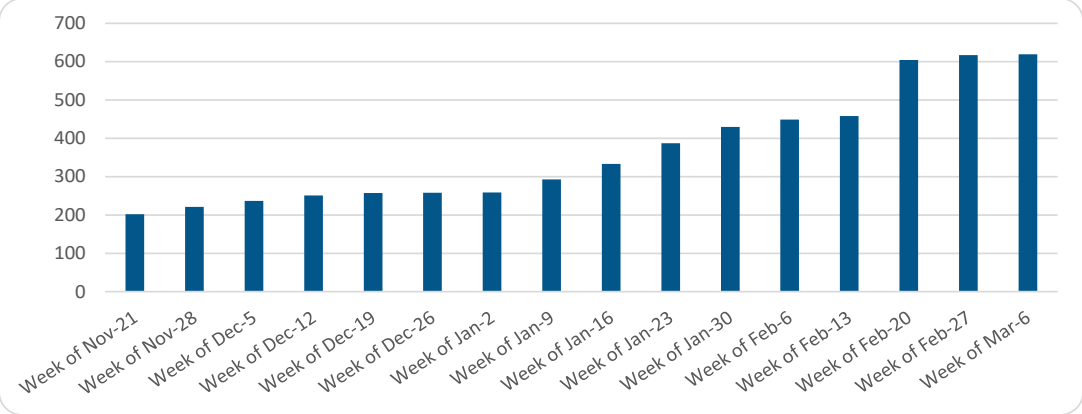


Figure 3. Survey participants by week

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

Screen 1: Welcome Screen

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



Figure 4. Welcome screen

Screen 2: How Do You Bike and Walk?

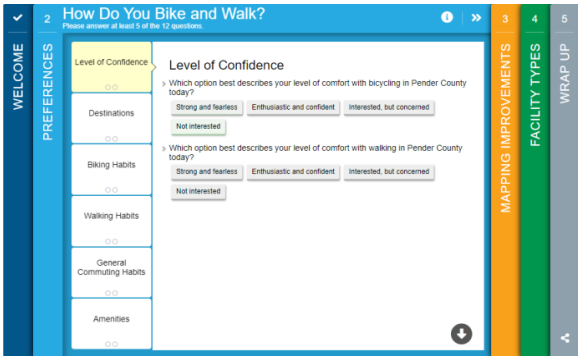


Figure 5. Preferences screen- How Do You Bike and Walk?

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

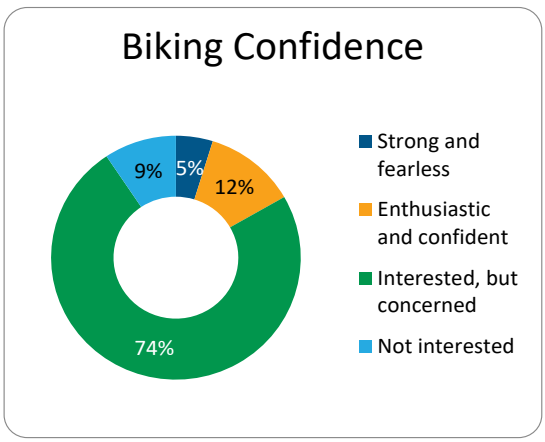


*Figure 6. Which option best describes your level of comfort with **bicycling** in Pender County today?*

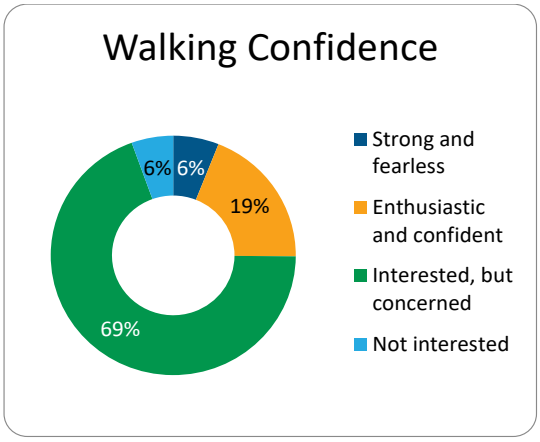


*Figure 7. Which option best describes your level of comfort with **walking** in Pender County today?*

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

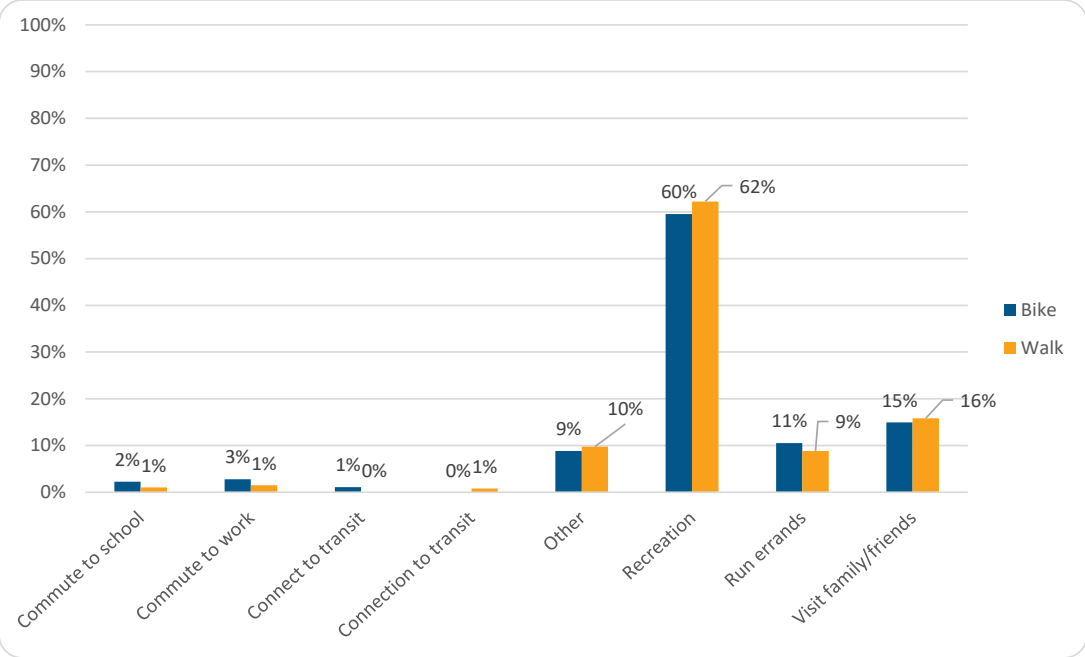


Figure 8. What purposes do you currently bike for? What purposes do you currently walk for?

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

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

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

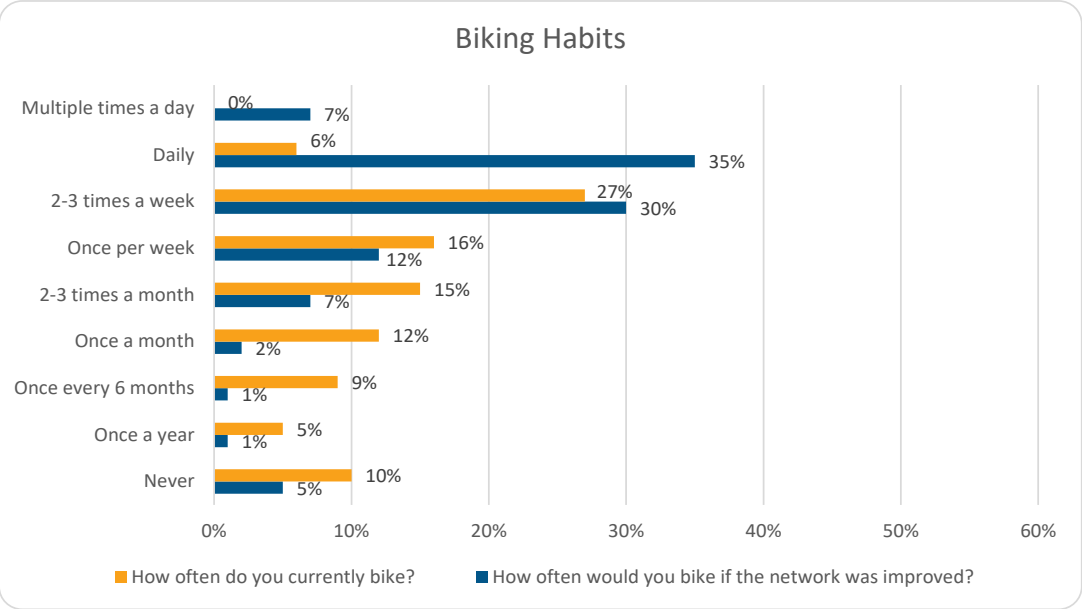


Figure 9. How often do you currently bike? How often would you bike if the network was improved?

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

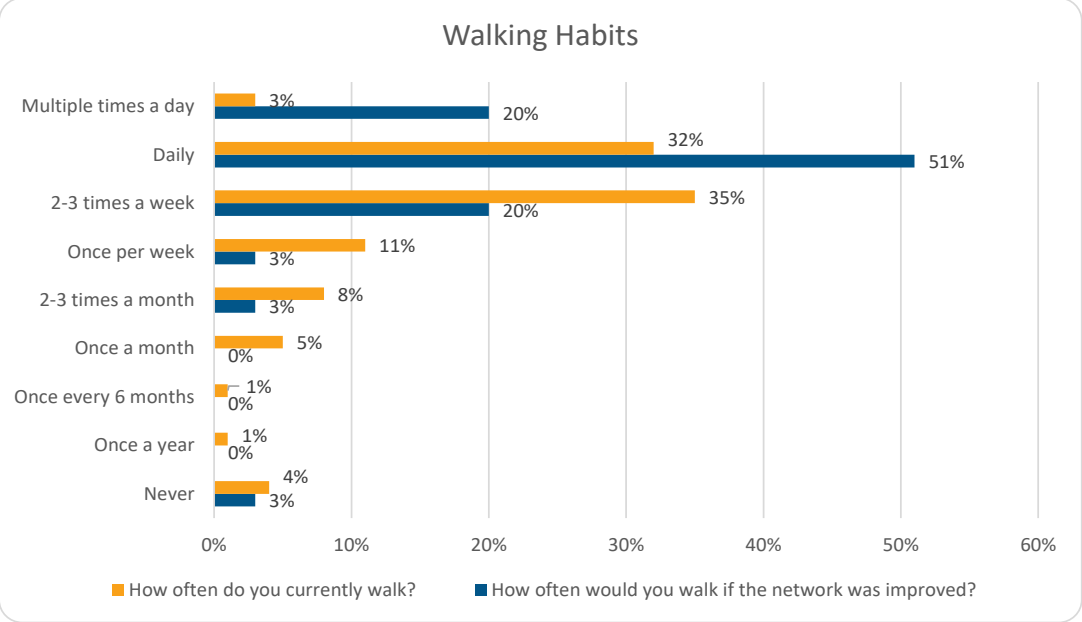


Figure 10. How often do you currently walk? How often would you walk if the network was improved?

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

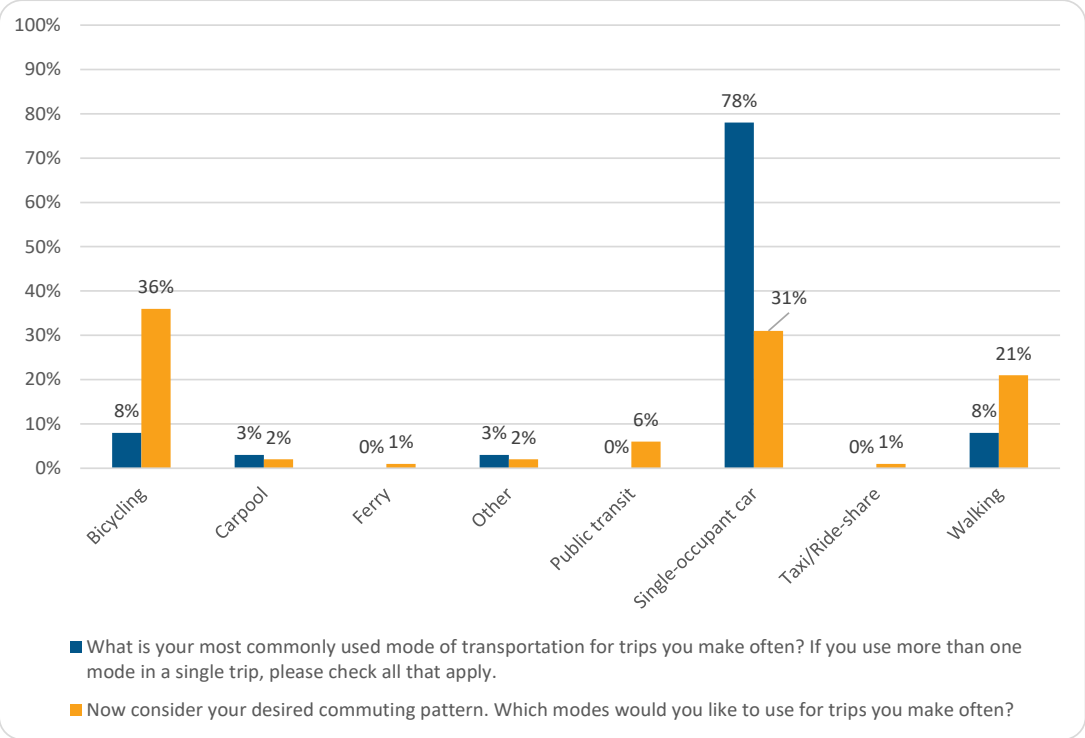


Figure 11. What is your most commonly used mode of transportation for trips you make often? Which modes would like to use for trips you make often?

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

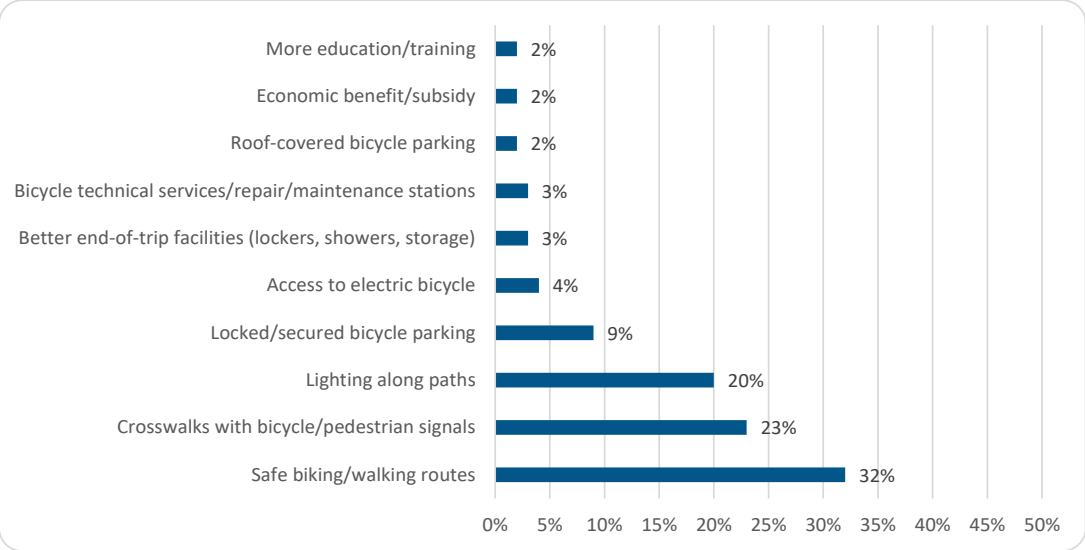


Figure 12. Which of the following amenities would encourage you to bike or walk? (Select all that apply)

Screen 3: Mapping Improvements Where You and Bike

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

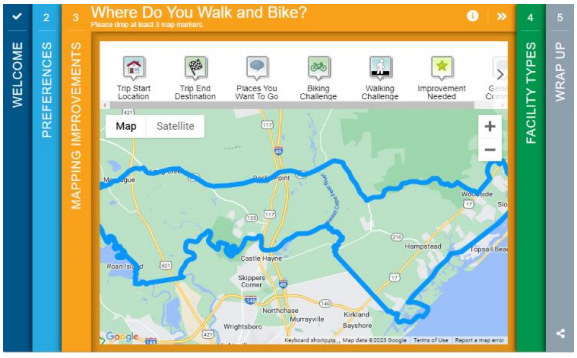


Figure 13. Mapping improvements- Where Do You Bike and Walk?

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

Table 1. Number of Pins Placed on Survey Map

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

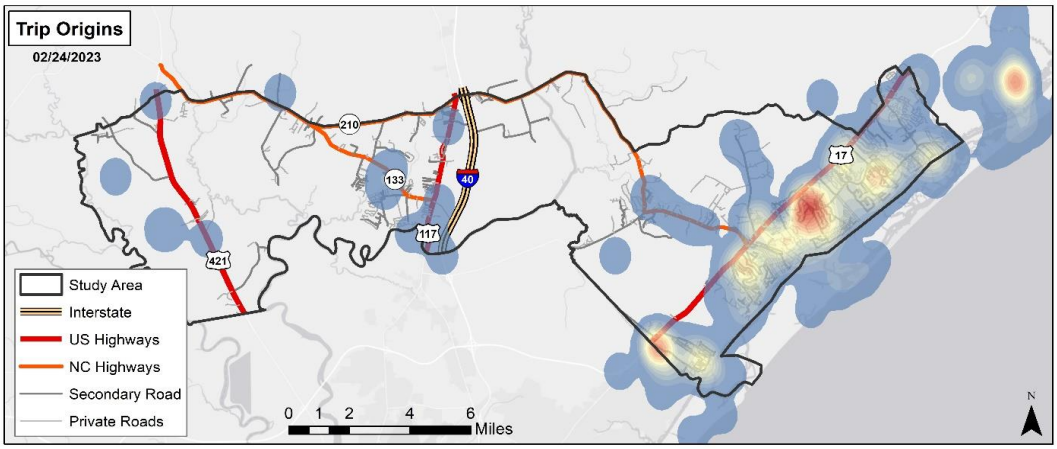


Figure 14. Map Results of pins placed for "Trip Start Location"

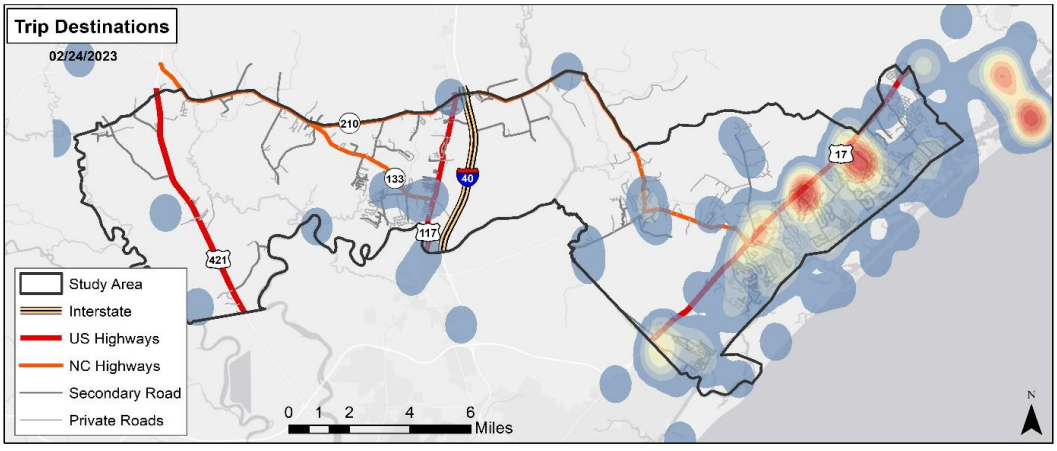


Figure 15. Map Results of pins placed for "Trip End Destinations"

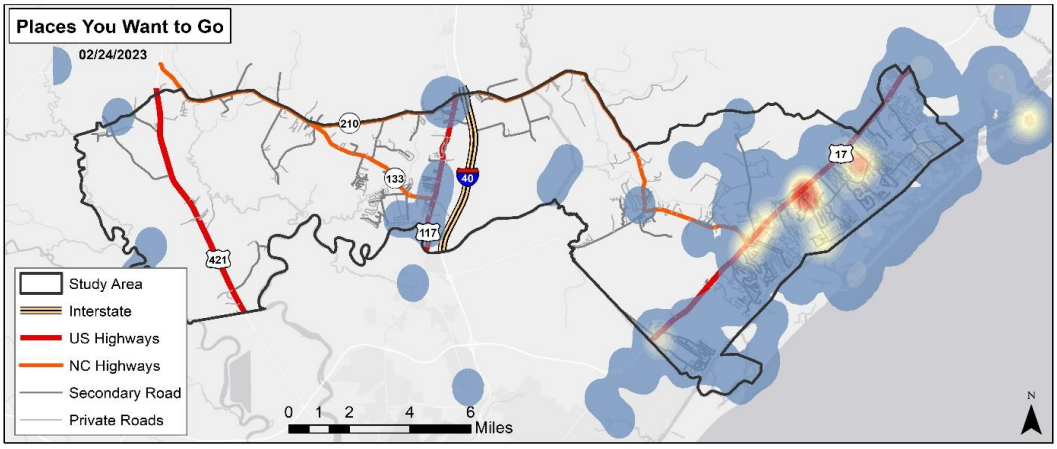


Figure 16. Map Results of pins placed for "Places You Want To Go"

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

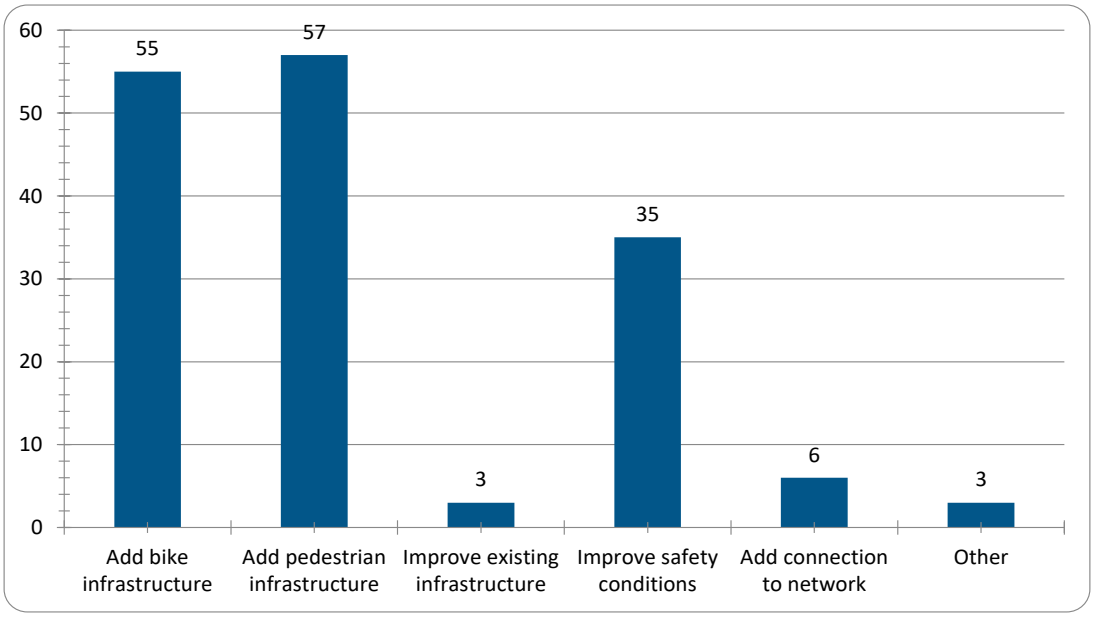


Figure 17. Result of pins placed for "Improvements Needed"

Screen 4: Facility Preferences

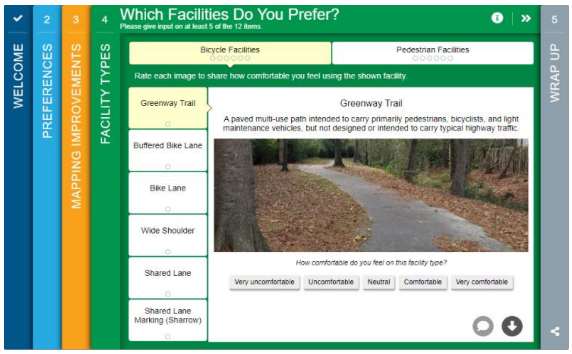


Figure 18. Facility Preferences screen- Which Facilities Do You Prefer?

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

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

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

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

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

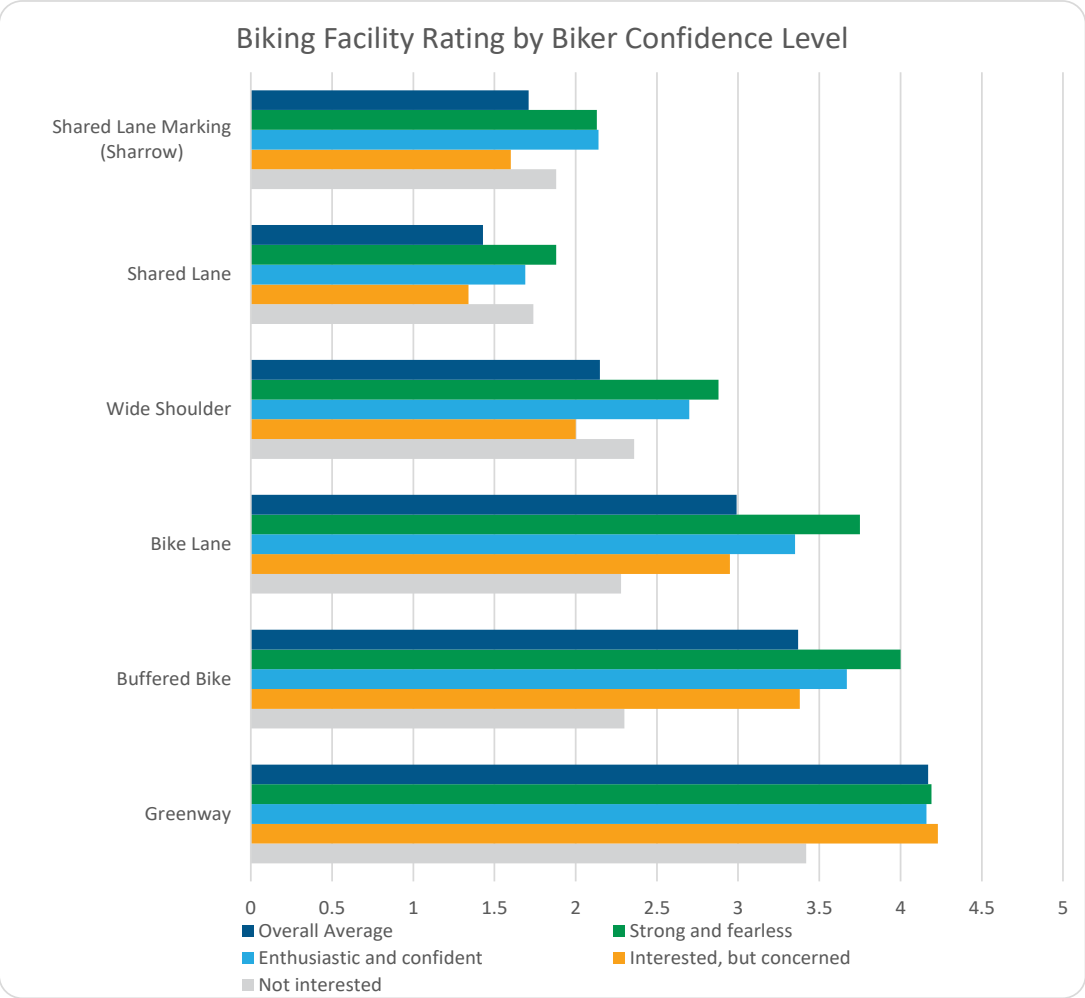


Figure 19. Bicycle Facilities: How comfortable do you feel on this facility type?

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

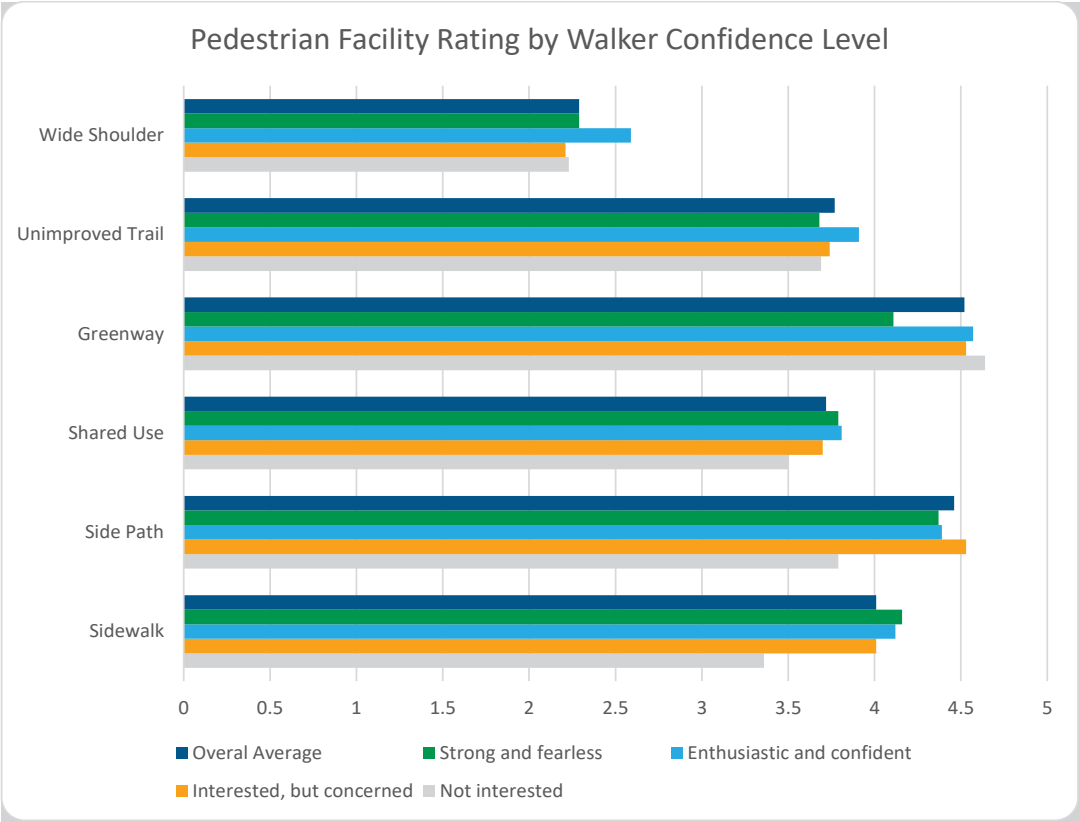


Figure 20. Pedestrian Facilities: How comfortable do you feel on this facility type?

Screen 5: Demographics

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

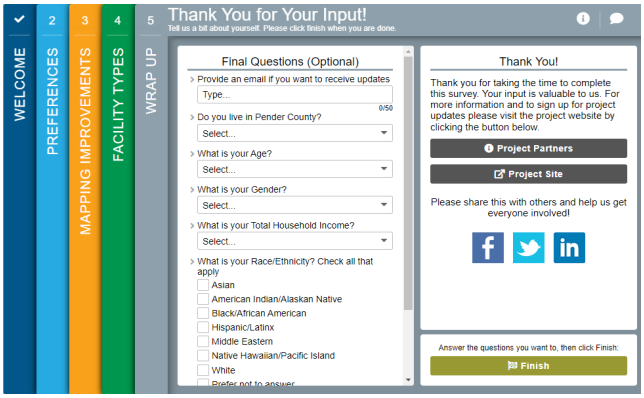


Figure 21. Wrap Up screen- Tell us a bit about yourself.

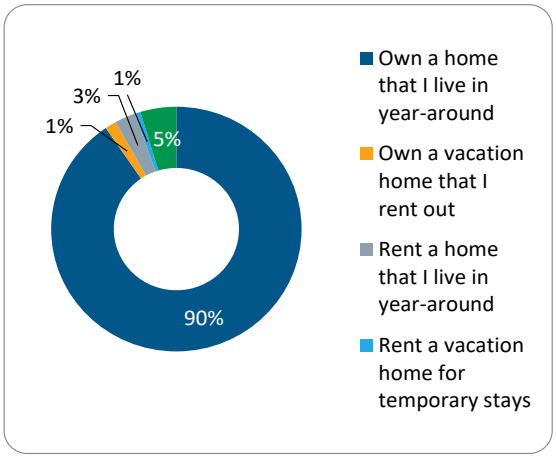


Figure 22. Do you live in Pender County?

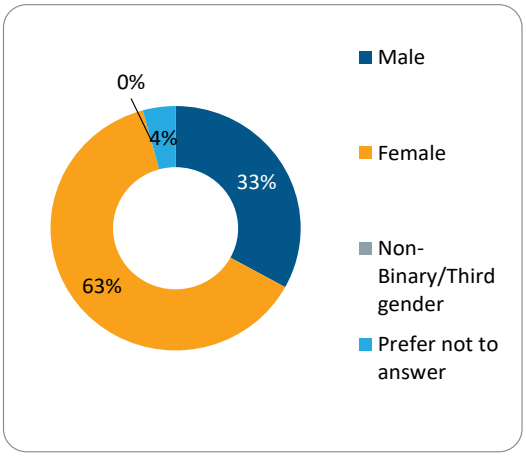


Figure 23. What is your Gender?

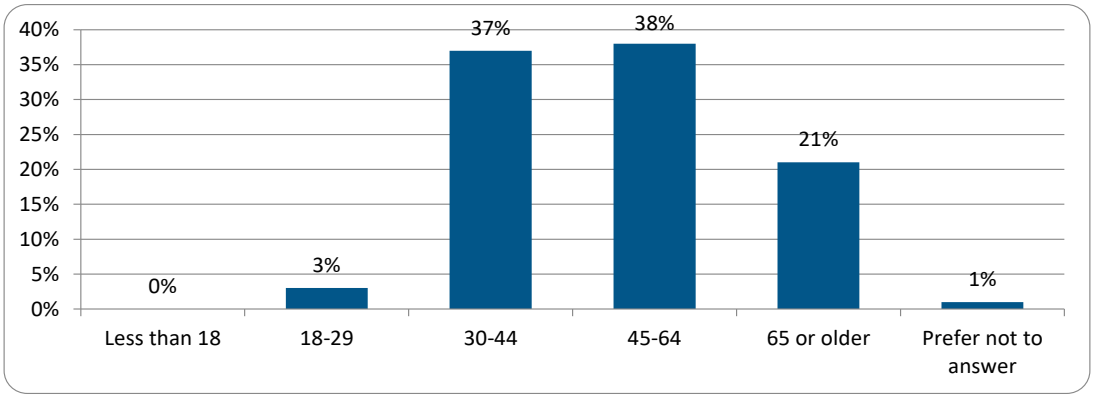


Figure 24. What is your Age?

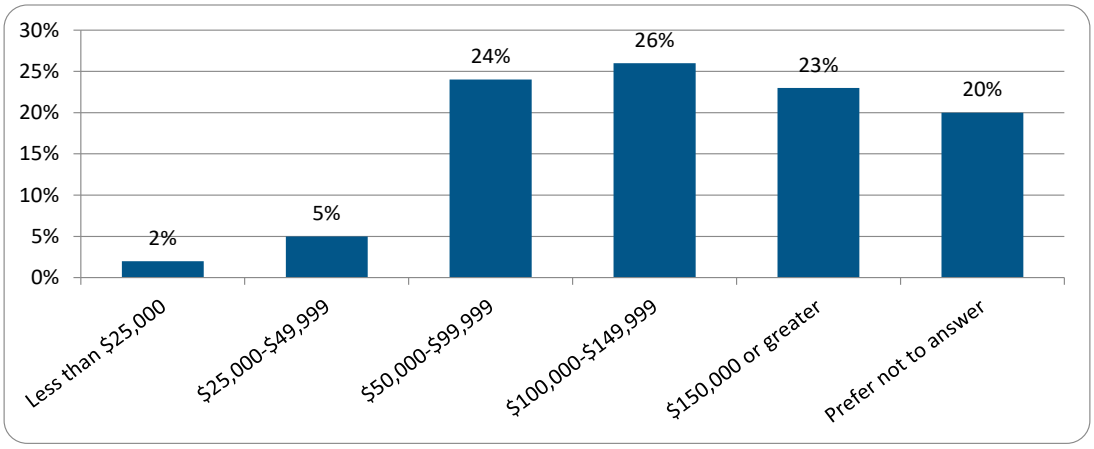


Figure 25. What is your total household income?

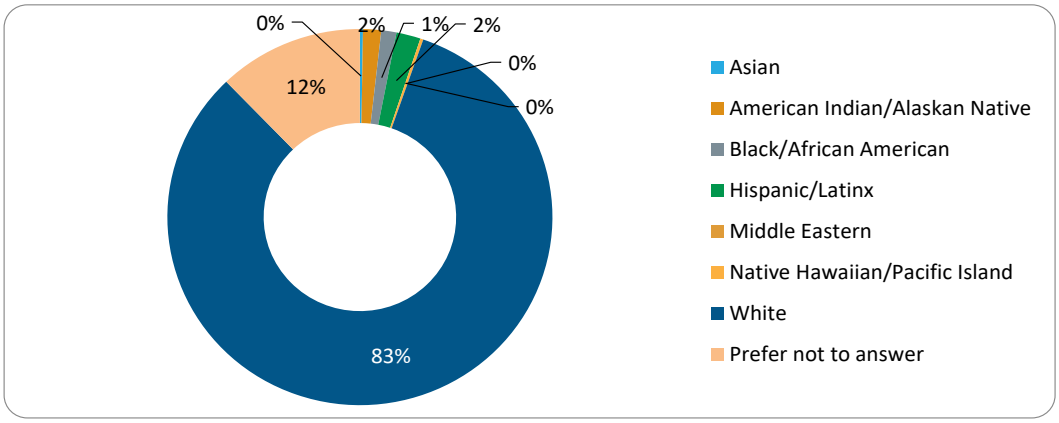


Figure 26. What is your Race/Ethnicity? Check all that apply.

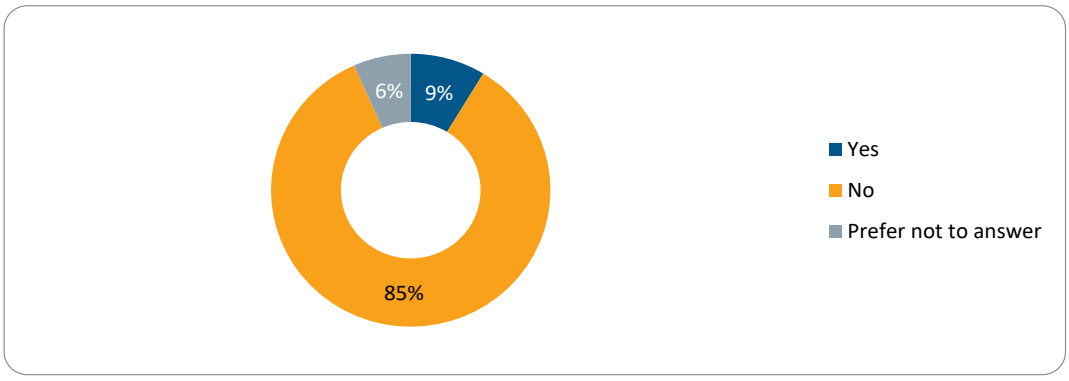


Figure 27. Do you have a Disability?

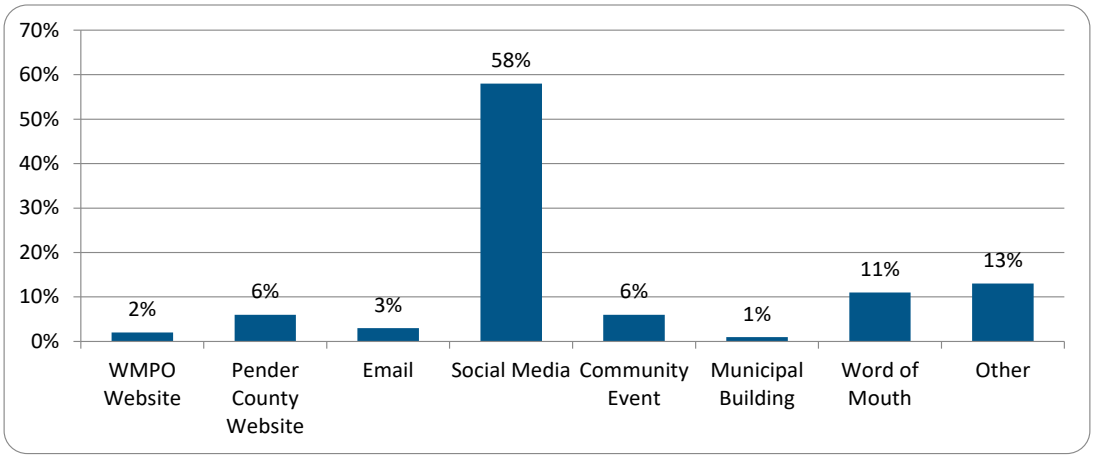


Figure 28. How did you hear about this survey?

Appendix A. Mapping Screen Comments

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix B. Promotional Materials

E-blast Content

Pender County Bike/Ped Study
Phase I Engagement

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

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

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

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

We Want to Hear from You!

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

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

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

Future Public Engagement Opportunities

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

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

FOR IMMEDIATE RELEASE

News Media Contact: Emma Stogner

Pender County Seeks Public Input on Bicycle and Pedestrian Study

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

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

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###

Public Engagement Phase II Summary

1. Introduction

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

2. Promotion and Outreach

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

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



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

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

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

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

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

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

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



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

3. Comment Period

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

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

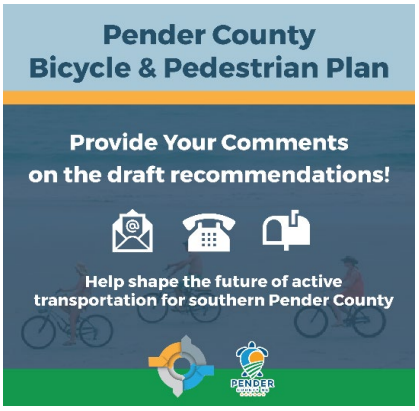
Comments of support were provided for **Hoover Road** (one comment), **Country Club Drive** (five comments), while an additional five comments generally supported the recommendations. One comment opposed recommendations on Doral Drive, and one was in opposition to any bicycle or pedestrian improvements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

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

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

Appendix A. Promotional Materials

Social media Content





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

E-blast Content

Pender County Bike/Ped Study
Phase 2 Engagement

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

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

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

Provide Your Comments!

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

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

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

Want to Talk with a Planner?

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

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

FOR IMMEDIATE RELEASE

News Media Contact: Emma Stogner

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

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

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

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

Provide Your Comments!

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

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  - Wilmington, NC 28401

Public Engagement Opportunities

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

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

###

Pender County Bicycle & Pedestrian Plan

About This Study

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

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

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



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

PENDER COUNTY NC

Appendix B. Public Comments Received

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

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

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

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

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

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

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

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

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

Thanks.
Debbie Gutch

Hello,

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

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

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

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

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

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

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

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

Good afternoon,

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

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

Good morning Vanessa,

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

Thanks,
Jon Winter

Hi Vanessa!

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

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

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

Pender County
MDP 2023-51: Master Development Plan proposal for 285 residential units in the RM, Residential Mixed zoning district in the Topsail Township

TO:	Planning Board
FROM:	Taylor Davis
DATE:	September 6, 2023
SUBJECT:	MDP 2023-51: Master Development Plan proposal for 285 residential units in the RM, Residential Mixed zoning district in the Topsail Township

SUMMARY:
Hoover Road Investments LLC., applicant and owner, is requesting approval of a Master Development Plan within the RM, Residential Mixed zoning district to allow for a development consisting of 156 single-family detached units and 129 single family attached units for a total of 285 units. The subject properties are located on the east side of Hoover Road, across from Tim Moore Drive in the Topsail Township and may be further identified by Pender County PINs 3283-94-9377-0000, 3283-93-1673-0000, and 3283-83-9765-0000.

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

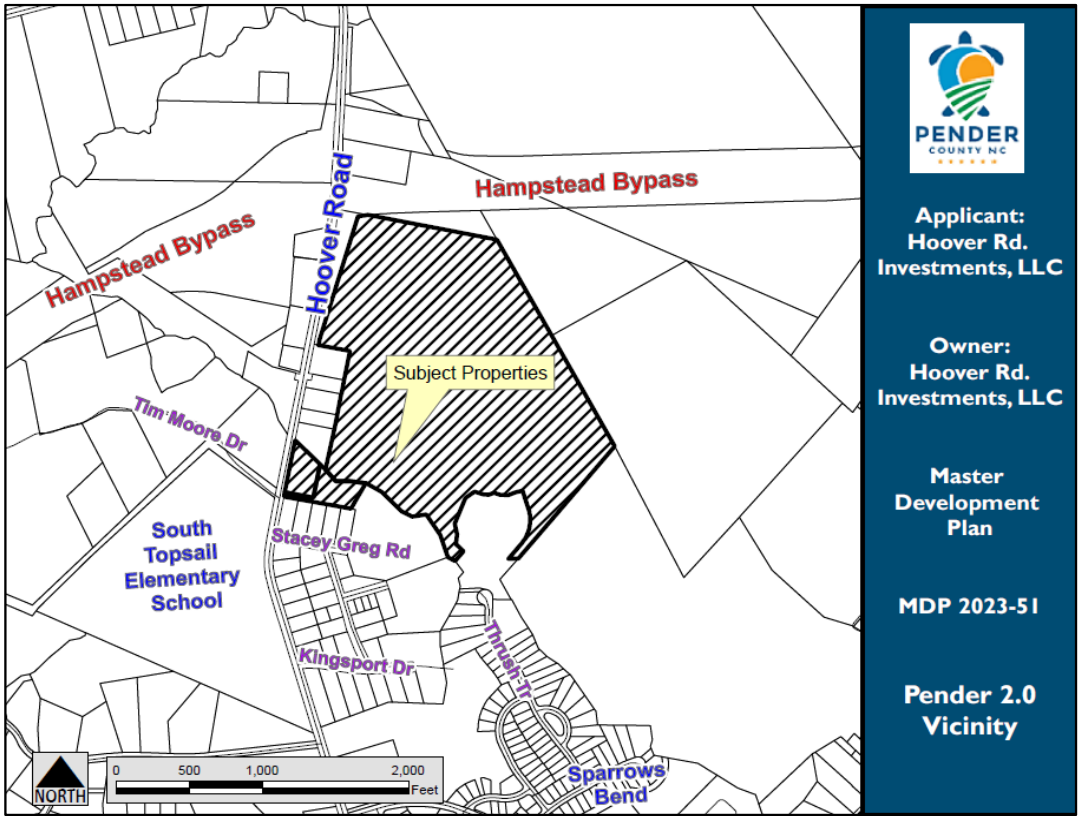
ATTACHMENTS:
1. Staff Report
2. Application
3. Attachment 1: Site Plan
4. Attachment 2: Public Input Meeting Information
5. Attachment 3: Approved TIA Scope

STAFF REPORT FOR MDP 2023-51
MASTER DEVELOPMENT PLAN APPLICATION

APPLICATION SUMMARY	
Case Number	MDP 2023-51
Hearing Date	September 6th, 2023
Applicant	Hoover Road Investments LLC
Property Owner(s)	Hoover Road Investments LLC
Parcel Identification Number	3283-83-9765-0000, 3283-93-1673-0000, 3283-94-9377-0000
Acreage	72.08 ac
Township	Topsail
Zoning District	RM, Residential Mixed
Pender 2.0 Future Land Use Category	Regional Mixed Use, Medium Density Residential

MASTER DEVELOPMENT PLAN PROPOSAL
Hoover Road Investments LLC., applicant and owner, is requesting approval of a Master Development Plan within the RM, Residential Mixed zoning district to allow for a development consisting of 156 single-family detached units and 129 single family attached units for a total of 285 units.
LOCATION
The subject properties are located on the east side of Hoover Road, across from Tim Moore Drive in the Topsail Township and may be further identified by Pender County PINs 3283-94-9377-0000, 3283-93-1673-0000, and 3283-83-9765-0000.

Below: Vicinity Map of the Project Area



MASTER DEVELOPMENT PLAN PROPOSAL

The applicant is proposing to construct a residential development, Hoover Road Subdivision, to be completed in two phases consisting of 156 single-family detached units and 129 single family attached (townhome) units (total of 285 units). The 129 townhome units will be distributed across 17 structures consisting of three buildings with three units, three buildings with four units, and 11 buildings with five units. The proposal also includes a neighborhood amenity center, shown on the proposed master plan as a clubhouse and pool with an activity lawn.

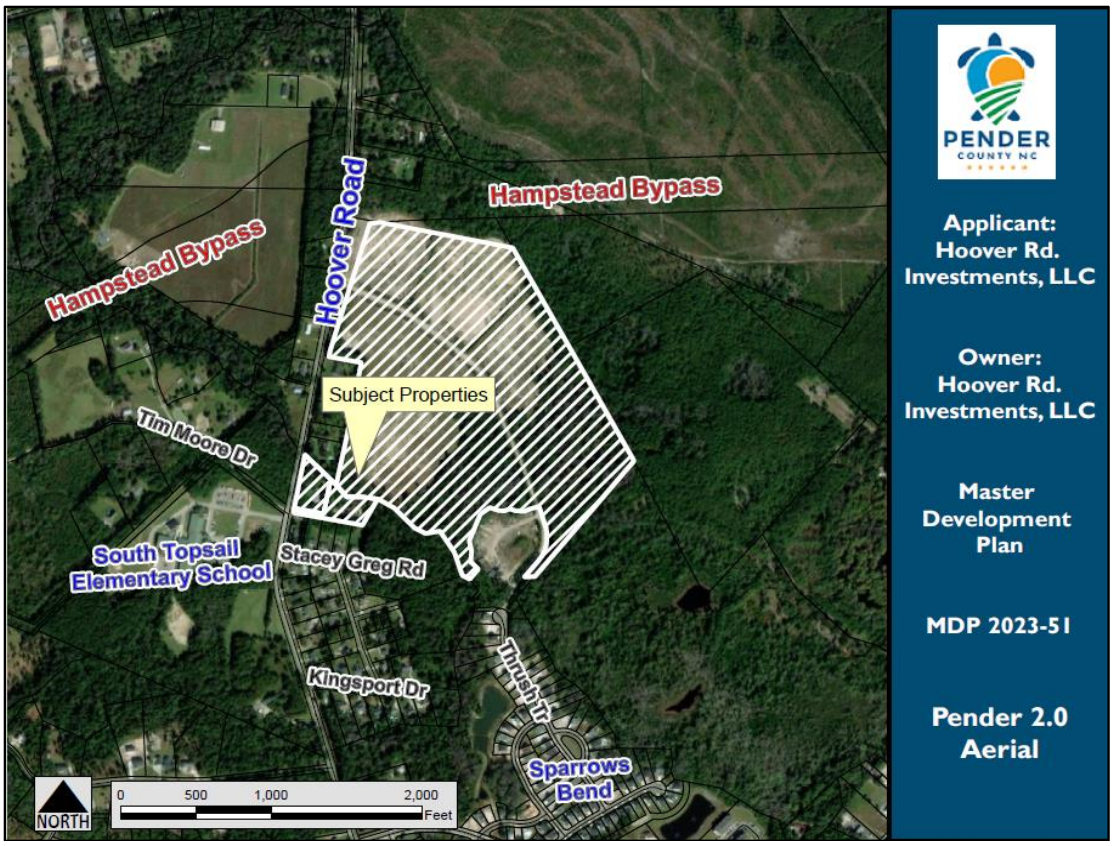
Based on the proposed uses associated with this request and the design of the site, this application meets the requirements of Section 4.7.3 of the Unified Development Ordinance (UDO). As proposed, the uses associated with the Hoover Road Subdivision Master Development Plan will be limited to single-family lots and townhomes. Additional information regarding the proposed development is detailed in subsequent sections of this report.

Intent of the Residential Mixed Zoning District

The Residential Mixed (RM) District is designed to allow for a variety of conventional built and multifamily housing types which can be accommodated dependent on necessary infrastructure

including but not limited to community or regional utilities and infrastructure. A variety of housing types as referenced within the Table of Permitted Uses shall be allowable, however only one housing type is required for development. The type of development should be compatible with surrounding land uses and consistent with the goals and policies of the Comprehensive Land Use Plan. The density development standards shall be calculated similar to the Planned Development (PD) District (4.8.1.D.1).

Below: Aerial Map of the Project Area



If this proposed request is approved, the applicant will be required to submit a preliminary plat to be reviewed by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations. Approval of the Master Development Plan shall not be construed to grant approval to begin construction.

Density

The proposed net density of the project is shown in the table below and calculated in accordance with Section 4.6.7.A.2 of the UDO. The proposed net density of 9.17 dwelling units/acre (du/ac) is in conformance with the Future Land Use Map as it falls under the maximum density recommended for the Regional Mixed Use Future Land Use Classification, which envisions development at a density of up to ten dwelling units an acre for single family development.

Density Calculation	
Total Site Acreage	69.12 ac
Potential Wetland Acreage	24.04
Non-Residential Acreage (including ROW)	9.57
Required Open Space*	8.55 ac
Total Number of Units	285
Net Density	**9.17 du/ac**

*Passive open space may be subtracted from the total wetland area (Section 4.6.7.A.2)

Dimensional Requirements

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

The applicant proposes the dimensional standards shown in the table below:

Hoover Road Subdivision Proposed Setbacks - Detached	
	Minimum Setback
Front	15’
Side	5’
Corner	5’
Rear	10’
Max. Building Height	35’
Structure Separation	12’
Minimum Lot Size	3,400 SF
Maximum Lot Size	35,000 SF

Hoover Road Subdivision Proposed Setbacks - Attached	
	Minimum Setback
Front	15’
Side	5’
Corner	5’
Rear	10’
Max. Building Height	35’
Structure Separation	10’
Minimum Lot Size	1,500 SF
Maximum Lot Size	35,000 SF

Landscaping & Buffers

The table below outlines the required buffers in the RM zoning district based on the adjacent land uses to the subject property. As shown, the proposed master plan is in compliance with landscaping and buffer requirements outlined in Article 8 of the UDO.

Required and Proposed Buffers	
Buffer Type	**Location of Buffer**
Type C	Along all boundaries (other than wetlands)

Open Space

The proposed development is required to provide a minimum of 8.55 acres of open space, with a minimum of 4.275 acres dedicated as active and a maximum of 4.275 acres dedicated as passive. The table below outlines the required open space as well as the proposed open space associated with the master plan.

Required and Proposed Open Space		
Open Space Dedication	**Open Space Required**	**Open Space Provided**
Active	4.275 ac	4.43 ac
Passive	4.275 ac	4.25 ac
Total	8.55 ac	8.68 ac

Recreational Units

Per Section 7.6.2 of the Pender County Unified Development Ordinance, developments are required to provide recreational units equivalent to financial credits based on the total proposed dwelling units. The bolded information in the table below includes the Recreational Unit requirement for the proposed project. The applicant has illustrated a location for an amenity area on the master plan that is expected to exceed the required financial unit value.

Required Recreation Units		
Dwelling Units	Recreational Unit(s)	Financial Unit
34-99	1.0	$10,000
100-150	1.5	$15,000
151-200	2.0	$20,000
201-250	2.5	$25,000
251-300	**3.0**	**$30,000**

TRANSPORTATION INFRASTRUCTURE

Roadways, Street Connectivity, and Access

The applicant is proposing access to the development via a 50-foot-wide private road connection to Hoover Road, a collector street, as deemed by the 2021 Pender County Streets Plan. Collector streets are defined as streets that connect local roads and neighborhoods to arterial roadways. They are typically two lanes, two to three miles in length, have speed limits between 25 and 45 miles per hour, and accommodate lower volumes of traffic. They are very important in reducing congestion on arterial roads by equitably distributing the traffic burden so that shorter, local trips use the collector street system and long-distance trips remain on the arterial streets, such as Hwy 17.

All internal roadways are currently proposed as private, with connections being made to an undeveloped parcel to the north via a stub at the property line and to the southeast via a connection to Thrush Trail.

The proposed roadway network conforms with the Pender County Collector Street Plan and the UDO. Staff will continue to ensure all submittals meet state and local requirements upon the submission of a preliminary plat.

Traffic

A Traffic Impact Analysis (TIA) is required for the proposed master development plan because it is estimated to generate more than 100 trips in the morning and evening peak hours and at least 1,000 trips per day. Any traffic requirements will be addressed by NCDOT and will be required to be compliant with their standards. The table below includes estimates provided by the applicant's traffic engineer that reflect the estimated trips anticipated to be generated by the proposed development. A TIA scope has been approved and can be found in the Board's packet as Attachment 3.

Land Use	Unit	Daily Trips	AM Peak Hour Trips	PM Peak Hour Trips
Single Family Residential – Attached/Detached	Dwelling Units	2,623	179	229

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

NCDOT Average Annual Daily Traffic (AADT) – 2021; WMPO Roadway Capacities – 2022

Road	Location	Volume	Capacity	V/C
Hoover RD	Between US 17 and Orchard Mill RD	4,100	13,895	0.3

Pedestrian Access

Per developer response at the TRC meeting held on July 6th, it is currently the intention of the applicant to install sidewalks or other equivalent pedestrian infrastructure along the rights-of-way or drive aisles throughout the development. This is further reflected in the site plan, shown as Attachment 1.

OTHER INFRASTRUCTURE

Utilities

According to the applicant, the proposed development intends to utilize Pender County Utilities (PCU) for water service and Pluris or another approved area provider for wastewater service. Relevant documentation from state, local, or private entities involved in the construction and operation of these utilities will be required prior to administrative approval to construct the development.

Stormwater

The applicant has indicated the stormwater management plans for the development will be in accordance with the standards prescribed in Section 7.9 of the UDO by the construction of two stormwater ponds within the subdivision. The applicant has also proposed to incorporate Low Impact Development (LID) design principles into the stormwater design. The goal of LID design is to balance development needs with natural resource protection and enhancement.

Compliance with these standards will be verified during TRC review if this request is approved. Certification from a licensed engineer that the project meets these requirements shall be required at administrative approval of the development, and all necessary state permits will be required prior to administrative approval for land disturbing activities.

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

[1] According to the effective regulatory and preliminary Flood Insurance Rate Maps 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)

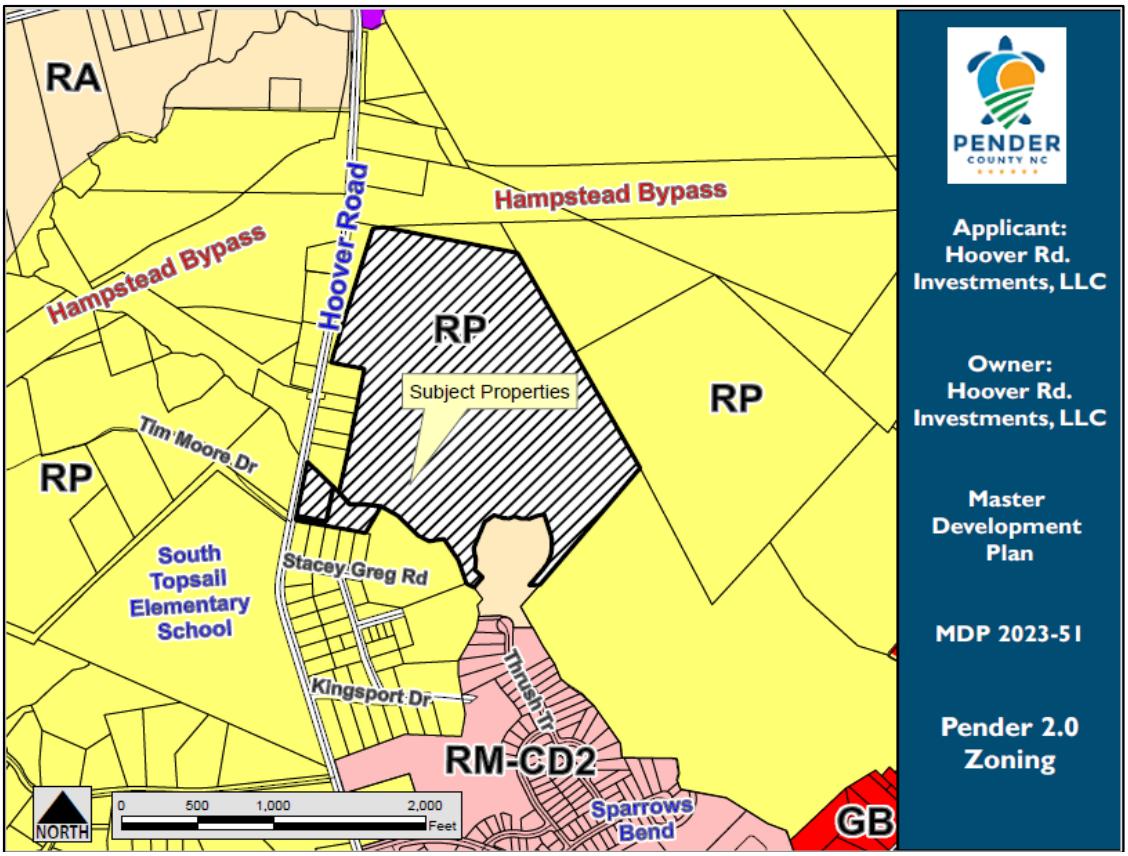
PUBLIC INPUT MEETING

In accordance with the Pender County Unified Development Ordinance, the applicant, assisted by representatives of Kimley-Horn and Associates, Inc. held a public input meeting on Thursday, August 3rd, 2023, at the Hampstead Annex. The applicant notified property owners within 500 feet of the

subject property via mail on July 20th, 2023. Fifteen members of the public attended and were given the opportunity to raise concerns and ask questions. The most prominent topic of discussion being the road connection to Thrush Trail and the potential for increased traffic through the Sparrows Bend neighborhood. A summary of the report provided by the applicant can be found in Attachment 2.

EVALUATION

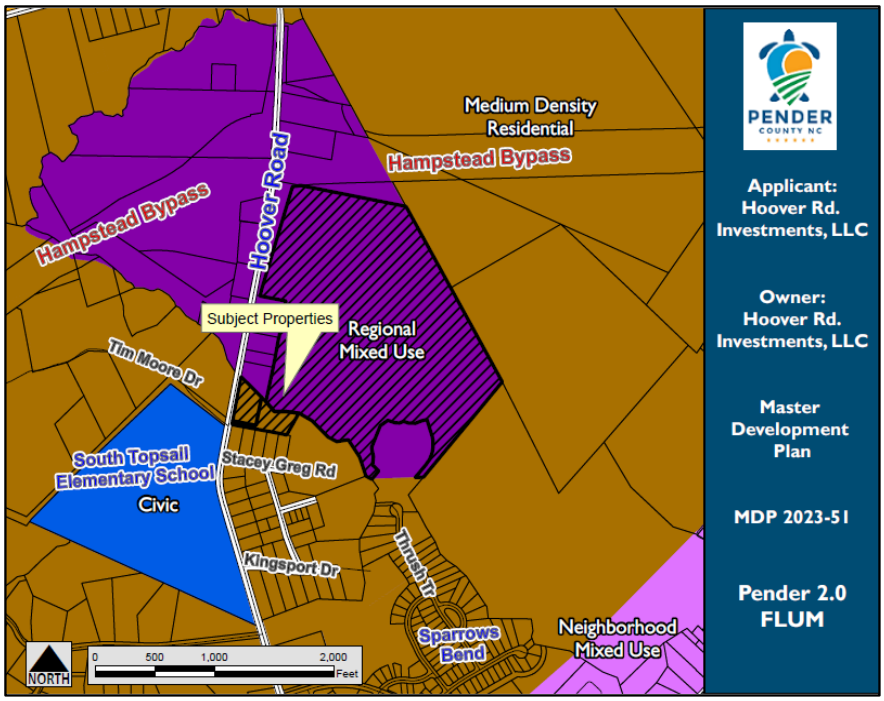
Below: Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Vacant	RP. Residential Performance
East	Vacant	RP, Residential Performance
South	Commercial	RA, Rural Agriculture

	Vacant, Residential	RP. Residential Performance
West	Residential, Vacant School	RP, Residential Performance

Pender 2.0 Comprehensive Land Use Plan Compliance: The Pender 2.0 Comprehensive Land Use Plan designates the subject property as Regional Mixed Use. Regional Mixed Use allows for the strategic allocation of future development and population growth. Growth is focused on locations that are served by water/sewer infrastructure and are located along planned major collector roadways and existing primary roadway corridors in the southern portion of the County. This future land use category provides access to retail, office, and multi-family residential uses accessed primarily by automobile, but facilities should be included to increase the viability of access via walking or cycling. The preferred land use mix is primarily commercial/retail and office with multi-family residential uses. Large employment centers and retail spaces are encouraged. Higher density single-family uses should account for less than 25% of a development proposal and should complement a more substantial mix of commercial/office and multi-family development. Development density within this category allows for up to 15 units per acre for multi-family residential development and up to 10 units per acre for single family development.



Desired uses include commercial, retail, and office or institutional uses such as employment centers, multi-family residential, high density single-family residential uses, and upper story residential. Artisan manufacturing is encouraged in this category. Inappropriate uses include medium and low density single-family residential, storage facilities, and industrial uses.

Although this project does not include the commercial aspect sought after in the Regional Mixed-Use classification as described in the Pender 2.0 Comprehensive Land Use Plan, it does conform to the prescribed future land use category as it provides for the desired levels of high density residential called

for in this area. Additionally, the development fulfills the sought after policy outcomes for walkable infrastructure in this category, to include paved sidewalks and crosswalks in close proximity to schools.

As well as conforming to the Future Land Use Map, the Master Development Plan is supported by at least four policies within the Pender 2.0 Comprehensive Land Use Plan:

Policy 4.2.I: Connectivity: The County shall continue to enforce connectivity requirements that require new developments and individual sites to provide vehicular and pedestrian interconnectivity to existing or planned adjacent sites and adjoining developments.

Policy 5.1.C: Coordination with Infrastructure/Services: The County shall encourage development in areas where the necessary infrastructure – roads, water, sewer, broadband, and schools – is available, planned or can be most cost effectively provided and extended to serve existing and future development. Natural resource conservation should be considered.

Policy 5.1.D: Focused Growth and Development: The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.

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

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

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request is consistent with the Future Land Use Map as well as four policies within the Pender 2.0 Comprehensive Land Use Plan. The proposed development is also consistent with the Pender County Unified Development Ordinance. Therefore, Planning Staff recommend the approval of the Master Development Plan as detailed in this report.

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

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

By- Right Master Development Plan Submission

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

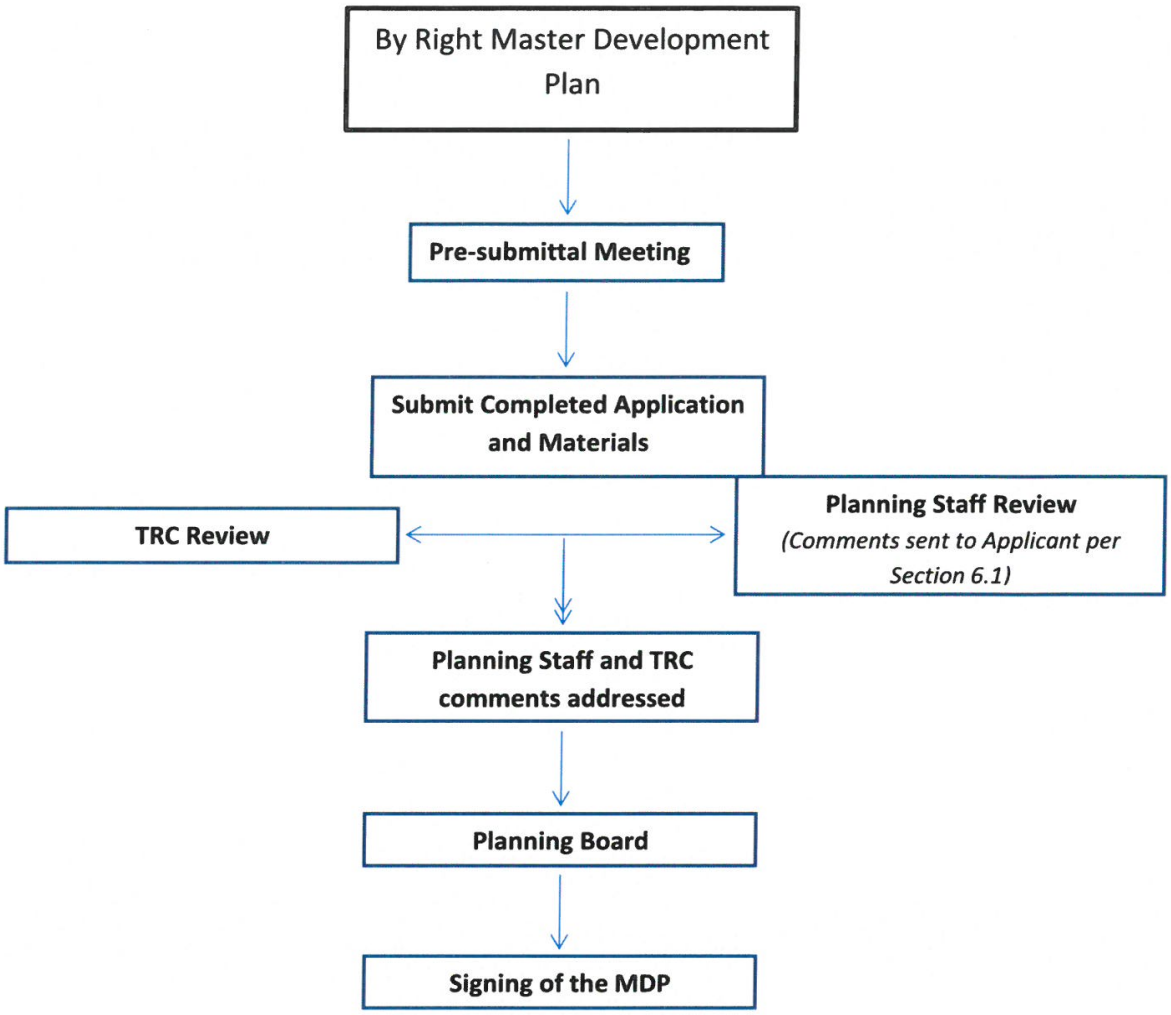
1. X — **Pre-submittal Meeting**
   Date of Meeting 05/10/2023
2. X — **Signed Application**
3. X — **Payment**
   $500 plus $10 per acre for the first 100 acres, $5 per acre thereafter
4. X — **Paper Plan Sets**
   One (1) 24 x 36, Fifteen (15) 11 x 17
5. X — **Digital Submission**
   For all documents submitted in paper copy, bring a digital copy with paper submission.
6. X — **Adjacent Property List**
   A list of names and addresses, as obtained from the county tax listings and tax abstract, to the owners of all properties located within 500-feet of the of the perimeter of the project bounds.
7. X — **Adjacent Property Envelopes**
   The applicant shall provide a set of business envelopes addressed to each of the owners of all properties located within 500-feet of the perimeter of the project bounds and accompanied with the amount of postage required for first class postage.
8. N/A — **Permits**
   Include any permits issued on the project including but not limited to: environmental, traffic analysis, utility, or other site specific conditions.
9. X — **Site Plan Requirements**
   A prepared site plan in accordance with the Unified Development Ordinance standards 6.1, Pender County Collector Street Plan, Pender County Transportation Plan, other approved State of Federal Transportation Improvement Plan, or any other adopted plan in Pender County.
   (See Master Development Plan Checklist)

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

Signature of Applicant _____ Date 5/30/23

Printed Name D Logan

Staff Initials: _____
Date: _____


By Right Master Development Plan
Pre-submittal Meeting
Submit Completed Application and Materials
TRC Review
Planning Staff Review
(Comments sent to Applicant per Section 6.1)
Planning Staff and TRC comments addressed
Planning Board
Signing of the MDP

		Meeting Date	Complete Application Due Date
TRC	January	1.8.20	12.13.19
	February	2.5.20	1.17.20
	March	3.4.20	2.14.20
	April	4.1.20	3.13.20
	May	5.6.20	4.17.20
	June	6.3.20	5.15.20
	July	7.1.20	6.12.20
	August	8.5.20	7.17.20
	September	9.2.20	8.14.20
	October	10.7.20	9.18.20
	November	11.4.20	10.16.20
	December	12.2.20	11.13.20

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

Specific requirements can be found in Section 6.1 of the Pender County Unified Development Ordinance

Master Development Plan Specific Requirements

1. Project Narrative - Site plans shall contain a conceptual plan, showing the location and functional relationship between all proposed housing types and land uses, including the following information:

- A land use plan, showing the location, arrangement and approximate boundaries of all proposed land uses.
- The location and approximate boundaries of proposed housing types conceptually shown in accord and with other non-residential uses dimensional requirements.
- The proposed number of dwelling units of each type in each phase and in the total development accompanied by density calculation of the development.
- The location and approximate boundaries of existing environmental features as defined.
- The location of environmental protection land to be included in common open space.
- The approximate acreage in common open space, each use, housing type and in roads, streets or right-of-ways for each phase and the total development.
- Open space labeled Cleary with Acreages (per Section 7.6)
  - Open Space
  - Passive Open Space acreage
  - Active Open Space acreage
- The location and general configuration of recreational facilities, with a general statement of the types of recreational facilities to be provided if applicable.
- The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided if applicable.

2. Density

- Non-Residential Acreage
- Wetlands Acreage
- Passive Open space Acreage
- Active Open Space Acreage
- Right of Way Acreage
- Total Units
- Developable Land
- Net Density

3. Location Guidelines

- The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
- Letter of intent if a private wastewater service provider will be utilized
- A conceptual plan for stormwater management with the location of stormwater facilities designed to serve more than one lot.
- The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or as identified on any historical landmarks survey for Pender County.
- Calculations describing all proposed bonus factors with the location of and specifications for bonus improvements, when proposed.
- Location and timing of construction for all amenities.
- Landscaping and Buffer requirements per Article 8.

Specific requirements can be found in Section 6.1 of the Pender County Unified Development Ordinance

4. Lot Design (per Section 7.2)

- Access easements have not been included to meet any minimum lot area
- Lots shall be arranged to allow for the opening of future streets
- Lots that have double frontage on streets are prohibited except where it provides separation of residential development from traffic arteries. A buffer of at least 10 feet in width with no right of access abutting such traffic arteries shall be provided on these double frontage lots. - lots are near right angles or radial to street lines have been provided.
- Lot boundaries coincide with natural, existing and new drainage

5. Roadways

- The location and arrangement of street entrances, driveways and parking areas.
- The use of adjoining parcels and the location of adjoining streets and utilities.

6. Traffic - A Traffic Impact Analysis is required when the development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. The Traffic Impact Analysis must state the dates and times the counts were conducted.

- Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
- Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.

7. Access (per Section7.4)

- All lots shall have direct or indirect access to a public street, private street, or private access easement.
- Access must provide a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

8. Private streets - will be subject to requirements to construct public collector streets under any of the following conditions (per Section 7.5.3.C)

- Dimension of more than 5280 ft.,
- Any street in the subdivision has the potential to serve more than 200 residential or commercial units,
- Access to any lot or unit in the subdivision is more than 5280 ft. by a private street to a public street,
- Existing public streets have been dedicated or constructed to the property line of the subdivision,
- Access to adjacent properties will be hindered as a result of private streets being allowed in the subdivision.

9. Public and Private Street Design (per Section 7.5.1)

- Adjoining street systems
- Existing, planned and proposed streets, topographic, drainage and other natural features of the property
- Continuity in existing streets and proposed streets,
- Public roadways
- Both Public and Private streets designed must be constructed in compliance with the current NCDOT Subdivision Roads Minimum Construction Standards

Specific requirements can be found in Section 6.1 of the Pender County Unified Development Ordinance

10. Specific Standards

- Adequate right-of-way for collector streets
- Reasonable access provided to adjacent properties for development
- No spite strips
- Street intersections are directly aligned if possible.
- If not aligned not offset centerline to centerline by not less than 125 ft.
- intersect as nearly as possible at right angles
- Permanent dead end streets (cul-de-sacs) or temporary dead end (stub) streets are longer than 1,000 ft.
- Street name approval from the Pender County Addressing Coordinator.
- Sight triangles as required in the NCDOT

11. Adopted Plan Compliance

- Compliance with all adopted plans and Ordinances of Pender County
- Collector Roadways have been shown Per the Pender County Collector Street Plan

Pender County
Planning and Community Development

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

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

MASTER DEVELOPMENT PLAN

Prior to submission of a preliminary master development plan for approval, the applicant shall request a pre-application review conference with the County staff.

1. The purpose of the pre-application conference shall be to discuss the proposal in relation to the requirements of the Land Use Plan and UDO and to obtain advice on the preparation of the master development plan.
2. At the pre-application conference, the applicant shall provide a land use plan describing the following:
    a. The general location of the site.
    b. The general location of proposed roads.
    c. The general location of proposed uses, environmental areas, housing types or open space.
    d. The uses on adjoining properties.
    e. Utility requirements.

The purpose of the master development plan (MDP) is to promote orderly and planned development of property within Pender County. It is the purpose of the MDP to ensure that such development occurs in a manner that suits the characteristics of the land, is harmonious with adjoining property, is in substantial compliance with the goals and policies of the adopted Land Use Plan, and is in the best interest of the general public. The MDP shall be used to illustrate the characteristics of the property proposed for development and of surrounding properties.

**See Figures 2 and 3 at the end of Section 3.4, Pender County UDO for an illustrative process*

1. The MDP shall at least include all contiguous land under single or common ownership in the above zoning districts.
2. A preliminary MDP may be submitted with an application for a conditional rezoning but shall not be considered binding until approval of a final MDP.

Waivers to MDP – Residential Districts

The Administrator may waive the requirements of a MDP in the Residential Districts if the proposed development contains all of the following criteria:

1. Contains ten (10) or less traditional detached single-family dwelling units;
2. Is not an integral portion of a property proposed or planned for future development or subdivision;
3. Is planned to be developed in a manner that is harmonious with surrounding properties and land uses; and
4. Does not substantially affect the purpose and intent of its zoning district and the intent of this article.

Waivers to MDP – Commercial and Industrial Districts

The Administrator may waive the requirement of a MDP in the Commercial and Industrial Districts if the proposed development contains all of the following criteria:

1. If the proposed subdivision or development is less than five (5) acres in size;
2. Includes no new streets, roads or rights-of-way, does not further extend any existing or dedicated street, road or rights-of-way and does not significantly change the layout of any existing or dedicated street, road or rights-of-way;
3. Is not an integral portion of a property proposed or planned for future development or subdivision;
4. That such development is limited to one individual parcel and one single use in accordance with Section 5.2.

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP 2023-51	**Date**	6/5/2023
Application Fee	$ 1,000	**Invoice Number:**	00033693
Pre-Application Conference		**Hearing Date**	PB: 8/1/2023

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	~~Hoover~~ Hoover Road Investments LLC	**Owner's Name:**	Hoover Road Investments LLC
Applicant's Address:	60 Gregory Road Suite 1	**Owner's Address:**	60 Gregory Road Suite 1
City, State, & Zip	Belville, NC 28451	**City, State, & Zip**	Belville, NC 28451
Phone Number:	910-507-2115	**Phone Number:**	910-507-2115
Email Address:	tlong@logandevelopers.com	**Email Address:**	tlong@logandevelopers.com

Legal relationship of applicant to land owner: Developer / Owner

SECTION 2: PROJECT INFORMATION

Type of Master Development Plan	☑ **Residential** *RP, PD, RM MH District*	☐ **Commercial** *GB, OI, IT, GI District*	
Property Identification Number (PIN):	3283-83-9765-0000, 3283-93-1673-0000, 3283-94-9377-0000	**Total property acreage:**	+/- 72.08 AC
Zoning Classification:	RM	**Acreage to be disturbed:**	+/- 50 AC
Project Address :	1038 Hoover Road, Hampstead, NC 28443		
Description of Project Location:	Near the intersection of Stacey Greg Rd and Hoover Rd, across from the intersection of Tim Moore Dr and Hoover Rd		
Describe activities to be undertaken on project site:	Development of single-family residential for rent community		

SECTION 3: SIGNATURES

Applicant's Signature	D Z	**Date:**	5/30/23
Applicant's Printed Name	D Logan, Manager	**Date:**	5/30/23
Owner's Signature	D Z	**Date:**	5/30/23
Owner's Printed Name	D Logan, Manager	**Date:**	5/30/23

NOTICE TO APPLICANT

1. Applicant or agent authorized in writing must attend the public hearing.
2. 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.
3. All fees are non-refundable
4. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Office Use Only

☐	**MDP Fees:** (*$500.00 plus $10/acre for the first 100 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:
Date scheduled for public hearing:		

ATTACHMENT 1 – SITE PLAN

MASTER DEVELOPMENT PLAN
FOR
HOOVER ROAR SFR
HAMPSTEAD, NORTH CAROLINA

PROJECT CONTACTS

OWNER:	HOOVER ROAD INVESTMENTS, LLC. 60 GREGORY ROAD, SUITE 1 BELVILLE, NORTH CAROLINA 28451 PHONE: 910.507.2115 CONTACT: TIM LONG
CIVIL ENGINEER:	KIMLEY-HORN AND ASSOCIATES, INC. 25 BULL STREET, SUITE 400 SAVANNAH, GEORGIA 31401 PHONE: 912.231.4384 CONTACT: RUSTY WINDSOR, P.E.
SURVEYOR:	PARAMOUNTE ENGINEERING, INC. 122 CINEMA DRIVE WILMINGTON, NORTH CAROLINA 28403 PHONE: 910.791.6707 CONTACT: JOSHUA W. TAYLOR, PLS
24-HR CONTACT:	TIM LONG LOGAN DEVELOPERS INC. 910-742-6472

LAND LOT ---- - 7TH DISTRICT
PARCEL NO.: 3283-94-9377, 3293-03-2340, 3283-93-1673, 3283-83-9765
EXISTING ZONING: RM (RESIDENTIAL MIX)
PROPOSED ZONING: RM (RESIDENTIAL MIX)
CITY OF HAMPSTEAD, PENDER COUNTY, NORTH CAROLINA
PROPERTY AREA = 79 ACRES
TOTAL DISTURBED AREA = 40.6 ACRES
IMPERVIOUS AREA = 28.7 ACRES (36.3%)
PERVIOUS AREA = 50.30 ACRES (63.7%)

PENDER COUNTY CASE #: TBD
NCDOT PERMIT #: XX-2018-XXX-XXX-XXXXXX

EPD STREAM BUFFER VARIANCE: BV-XXX-XX-XX
USACE NATIONWIDE PERMITS 39: SAS-XXXX-XXXXX

PROJECT NARRATIVE:

HOOVER ROAD SFR IS A PROPOSED TOWN HOMES AND SINGLE FAMILY DEVELOPMENT. IT WILL CONTAIN 151 DETACHED SINGLE FAMILY UNITS, AND 129 TOWNHOME UNITS.

THE PROJECT ALSO INCLUDES THE CONSTRUCTION OF SURFACE ROADS, STORMWATER CONVEYANCE AND DETENTION, AND ALL ASSOCIATED UTILITIES. THE DISTURBED AREA ON SITE IS 79 ACRES, AND THE TOTAL DISTURBED AREA IS 40.6 INCLUDING PUBLIC ROW.

THE PROJECT LIES WITHIN A FLOOD HAZARD AREA PER FIRM PANEL 3720329300J DATED 2/16/2007.

NOTES:

1. ATTENTION IS DRAWN TO THE FACT THAT THE SCALE OF THESE DRAWINGS MAY HAVE BEEN DISTORTED DURING THE REPRODUCTION PROCESS. THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.
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3. THE APPROVAL OF THESE PLANS AND THE ISSUANCE OF THIS LAND DISTURBANCE PERMIT DOES NOT IN ANY WAY SUGGEST THAT ALL OTHER REQUIREMENTS FOR THE LEGAL OR APPROPRIATE OPERATIONS FOR THIS ACTIVITY, WHICH MAY REQUIRE ADDITIONAL PERMITTING HAVE BEEN MET. THE ONUS IS ON THE OWNER/DEVELOPER/ BUILDER TO DISCOVER WHAT ADDITIONAL PERMITTING OR APPROVALS MAY BE NECESSARY TO OPERATE FROM THIS POINT IN AN APPROPRIATE AND LEGAL MANNER. PLAN APPROVAL OR PERMIT ISSUANCE DOES NOT ABSOLVE THE APPLICANT FROM COMPLYING WITH ALL APPLICABLE LAWS, STANDARDS, OR OTHER PERMITS WHICH MAY BE REQUIRED FOR THIS PROJECT.



VICINITY MAP

CIVIL SHEET INDEX

REVISION NO.	SHEET NO.	SHEET TITLE
	E0-00	COVER SHEET
	SV-1	EXISTING CONDITIONS
	E2-00	MASTER DEVELOPMENT PLAN
	E2-01	MASTER DEVELOPMENT PLAN
	E2-02	UTILITY DETAILS
	E2-03	UTILITY DETAILS

811 Know what's **below.** **Call** before you dig.

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PREPARED FOR
LOGAN DEVELOPERS INC.
60 GREGORY ROAD (SUITE 1)
BELVILLE, NC 28451
PHONE: 910-507-2115

No.	ISSUANCE AND REVISION DESCRIPTIONS	DATE	BY

PROJECT
HOOVER ROAD SUBDIVISION
1038 HOOVER ROAD,
HAMPSTEAD, NC 28443
3283-83-9765-0000, 3283-93-1673-0000, 3283-94-9377-0000

DRAWN BY	NJ
DESIGNED BY	NJ
REVIEWED BY	RW
DATE	8/25/2023
PROJECT NO.	014793000

TITLE
COVER SHEET

SHEET NUMBER
E0-00

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Drawing name: K:\SAV_Civil\014793000_Hoover Road SFR\CAD\Exhibits\2023-08-02 Master Development Plan - 2nd Round Comment Revisions\C00-00_CIVIL COVER SHEET.dwg C0-00 COVER SHEET Aug 25, 2023 3:17pm by Jamal Alexander

LINE	BEARING	DISTANCE
L1	N 01°02'45" E	16.39'
L2	N 74°20'38" W	43.89'
L3	N 08°27'24" E	16.94'
L4	N 11°29'28" W	60.18'
L5	N 39°22'50" E	53.15'
L6	N 35°52'58" W	97.94'
L7	N 62°05'22" W	55.84'
L8	S 80°16'07" W	94.49'
L9	N 61°55'52" W	82.96'
L11	N 40°15'53" E	90.79'
L12	N 47°24'27" W	69.51'
L13	N 04°36'14" E	72.60'
L14	N 11°47'55" W	75.65'
L15	N 54°49'17" E	76.82'
L16	S 72°43'59" E	65.24'
L17	S 85°43'07" E	34.09'
L18	N 68°03'28" E	37.38'
L19	S 78°13'16" E	10.54'
L20	S 67°49'26" E	33.49'
L21	S 87°48'33" E	58.57'
L22	N 67°00'39" E	53.90'
L23	N 76°22'37" E	47.87'
L24	N 87°45'35" E	67.63'
L25	N 10°58'49" E	45.07'
L26	N 78°59'20" W	29.13'
L27	S 89°05'42" W	97.59'
L28	S 60°50'46" E	51.36'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA
C1	53.00'	69.81'	64.87'	N 36°36'39" W	75°27'58"
C2	5759.58'	478.45'	478.31'	N 08°37'53" E	4°45'34"
C3	265.00'	273.59'	261.60'	S 10°54'25" W	59°09'07"
C4	585.00'	27.66'	27.65'	S 39°07'43" W	2°42'31"
C5	4016.73'	64.63'	64.63'	N 83°59'48" E	0°55'19"

CERTIFICATE OF ACCURACY AND MAPPING

I, JOSHUA W. TAYLOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS RECORDED IN THE REFERENCES NOTED ON THIS DRAWING); THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS DASHED LINES AS DRAWN FROM INFORMATION NOTED; THAT THE RATIO OF PRECISION IS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600). THIS 30TH DAY OF NOVEMBER, A.D., 2022

JOSHUA W. TAYLOR, PLS LICENSE NO. L-5217

REVISIONS:

CLIENT INFORMATION:
HOOVER ROAD INVESTMENTS, LLC
60 GREGORY RD SUITE 1
LELAND, NC, 28451

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

EXISTING CONDITIONS
PIN: # 3283-94-9377-0000, 3283-93-1673-0000 & 3283-83-9765-0000
PLAT BOOK 67, PAGE 62 & PLAT BOOK 19 PAGE 68

TOPSAIL TOWNSHIP
PENDER COUNTY, NC

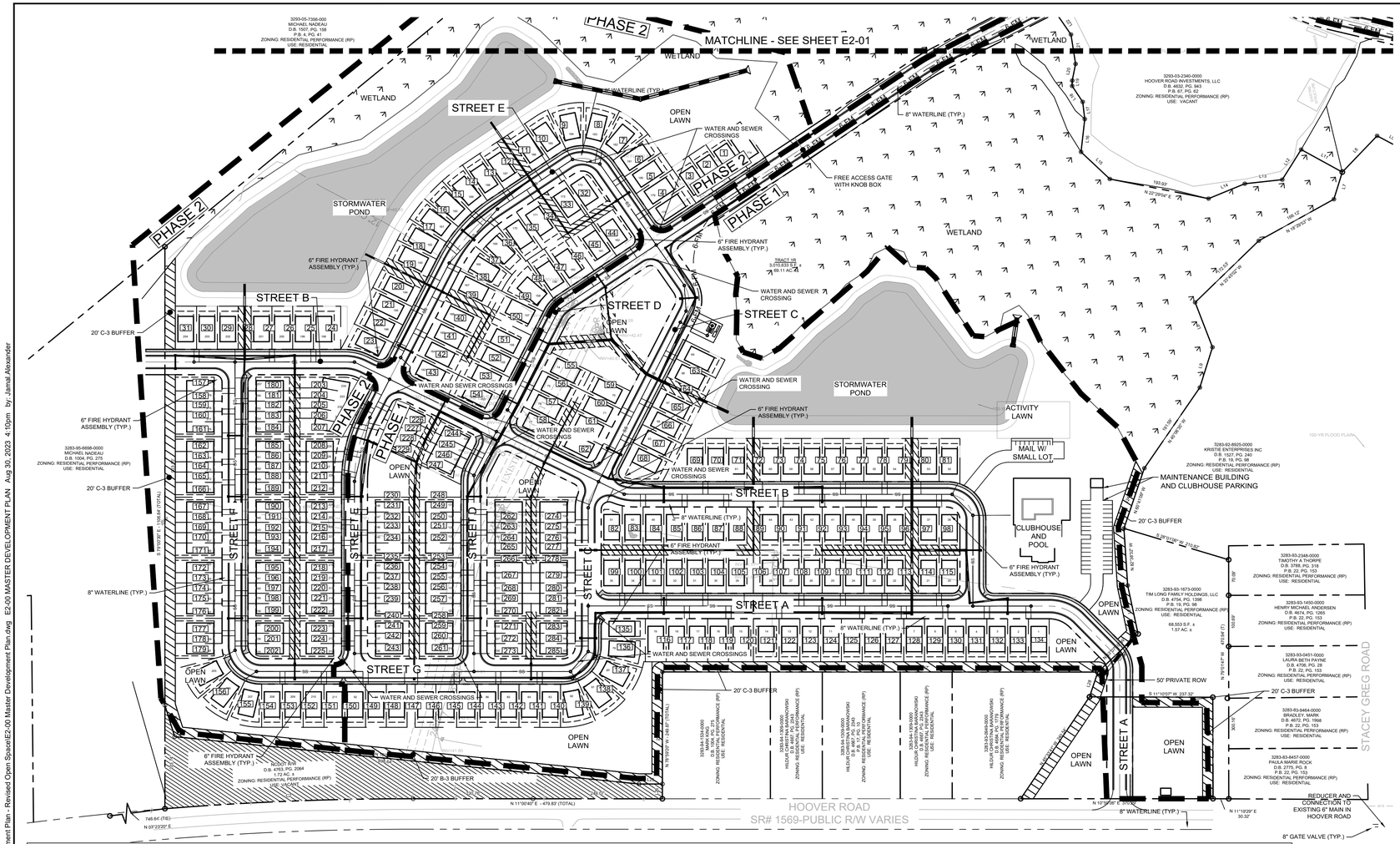
PROJECT STATUS
PRELIMINARY
PRELIMINARY LAYOUT
NOT RELEASED
RELEASED FOR CONST.

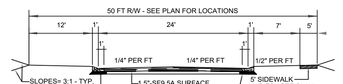
DRAWING INFORMATION
DATE: 11/15/22
SCALE: 1"= 100'
DESIGNED: JJE
DRAWN:
CHECKED:

SEAL
NORTH CAROLINA PROFESSIONAL SEAL L-5217 LAND SURVEYOR JOSHUA W. TAYLOR

SV-1

PEI JOB#: 19245.PE



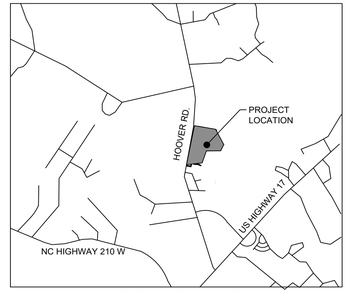


PAVING NOTE: ALL PAVING THICKNESS WILL BE DETERMINED BASED ON SOILS DATA. NO TESTING HAS BEEN COMPLETED AT THIS TIME, SO A MINIMUM PAVING SECTION HAS BEEN PROVIDED AND WILL BE FURTHER EVALUATED WITH THE AVAILABILITY OF SOILS DATA.

REFERENCE PROJECT ROAD NOTES THIS SHEET FOR ADDITIONAL INFORMATION

TYPICAL 50' PRIVATE ROW ROAD CROSS SECTION

50' ROW APPLIES TO STREETS A,B,C,D,E,F, AND G.
NOT TO SCALE



LOCATION MAP

MDP LEGEND:

- PROPERTY LINE
- PHASE BOUNDARY
- W — PROPOSED WATER LINE
- SS — PROPOSED SANITARY SEWER PIPE
- SANITARY SEWER MANHOLE
- WATER VALVE
- FIRE HYDRANT
- WATER CONNECTIONS AND BENDS
- WETLAND
- BUFFER
- STORMWATER POND
- SIDEWALK
- 100 — LOT NUMBER

SITE INFORMATION

APPLICANT INFORMATION:
LOGAN DEVELOPERS INC.
60 GREGORY RD, SUITE 1
BELVILLE, NC 28451
(910) 507-2115
TLONG@LOGANDEVELOPERS.COM

OWNER:
HOOVER ROAD INVESTMENTS INC.
60 GREGORY RD, SUITE 1
BELVILLE, NC 28451
(910) 507-2115
TLONG@LOGANDEVELOPERS.COM

CURRENT LAND USE: VACANT LAND / SINGLE FAMILY

CAMA LAND USE PLAN DESIGNATION:
URBAN GROWTH AREAS

EXISTING ZONING: RM - RESIDENTIAL MIXED
PROPOSED ZONING: RM - RESIDENTIAL MIXED

OWNER:
3283-83-9765-0000,
3283-93-1673-0000,
3283-94-9377-0000

TOWNSHIP: TOPSAIL

DEED BOOK/ PAGE: PB 19/68, PB 19/98, PB 67/62

PROPOSED USE:
SFD- SINGLE FAMILY DWELLING
DETACHED CONVENTIONAL (SEC. 4.15.1)

TOTAL AREA: +72.08 ACRES

SINGLE FAMILY DETACHED DIMENSION REQUIREMENTS

PROPOSED HOUSING TYPE:
ALL UNITS ARE SINGLE FAMILY DWELLING DETACHED CONVENTIONAL
(SEC. 4.15.1)

DIMENSION (LID OPTION PER SECTION 7.14 OF THE UDO):
MINIMUM LOT SIZE: 3,400 SF
MAXIMUM RESIDENTIAL LOT SIZE: 35,000 SF
FRONTYARD SETBACK: 15' MINIMUM
SIDEYARD SETBACK: 5' MINIMUM
CORNER SIDEYARD SETBACK: 5' MINIMUM
REAR SETBACK: 10' MINIMUM
MAXIMUM BUILDING HEIGHT: 35'
STRUCTURE SEPARATION: 12' MINIMUM
MINIMUM CHORD DISTANCE: 15'
MINIMUM LOT WIDTH: 30'

SINGLE FAMILY ATTACHED DIMENSION REQUIREMENTS

PROPOSED HOUSING TYPE:
ALL UNITS ARE SINGLE FAMILY DWELLING ATTACHED TOWNHOUSE
(SEC. 4.15.4)

DIMENSION (LID OPTION PER SECTION 7.14 OF THE UDO):
MINIMUM LOT SIZE: 1,500 SF
MAXIMUM RESIDENTIAL LOT SIZE: 35,000 SF
FRONTYARD SETBACK: 15' MINIMUM
SIDEYARD SETBACK: 5' MINIMUM
CORNER SIDEYARD SETBACK: 5' MINIMUM
REAR SETBACK: 10' MINIMUM
MAXIMUM BUILDING HEIGHT: 35'
STRUCTURE SEPARATION: 10' MINIMUM
MINIMUM CHORD DISTANCE: 15'
MINIMUM LOT WIDTH: 20'

STORMWATER

1. STORMWATER MANAGEMENT WILL BE DESIGNED IN ACCORDANCE WITH STATE STORMWATER STANDARDS AND PER PENDER COUNTY UDO, SECTION 7.9.
2. FULL PERMIT APPROVALS TO BE PROVIDED TO COUNTY WHEN RECEIVED
3. STORMWATER WILL BE HANDLED ON SITE IN COMPLIANCE WITH ALL STATE AND COUNTY STORMWATER STANDARDS.

LANDSCAPING

1. ALL PROPOSED LANDSCAPE TO COMPLY WITH ARTICLE 6 OF THE PENDER COUNTY UDO.

LOW IMPACT DESIGN

1. STORMWATER CONTROLS WILL INCLUDE ONE OF THE FOLLOWING OR A COMBINATION OF THE FOLLOWING:
   - FILTER STRIP
   - LEVEL SPREADER
   - HYDRAULIC INFILTRATION
   - REUSE
2. IMPLEMENTATION OF LID MEASURES (TO THE EXTENT POSSIBLE) IN ACCORDANCE WITH PENDER COUNTY UDO 7.14, NC STATE STATUTES AND *CHAPTER 4: LID STORMWATER BMPS* OF NORTH CAROLINA STATE UNIVERSITY'S *LOW IMPACT DEVELOPMENT: A GUIDEBOOK FOR NORTH CAROLINA*. THESE MEASURES INCLUDE THE STORMWATER MANAGEMENT AND RUNOFF TREATMENT REQUIREMENTS THEREIN AND ALSO INCLUDE THE IMPLEMENTATION OF THE FOLLOWING:
   - BIORETENTION / RAIN GARDENS
   - SWALES
3. INFILTRATION STRIPS / BASINS / TRENCHES
4. PRESERVATION OF SPECIMEN TREES ON SITE
5. VOLUME OF RUNOFF LEAVING SITE IS LESS THAN OR EQUAL TO VOLUME PRIOR TO DEVELOPMENT

TRAFFIC IMPACTS

1. THE TRAFFIC IMPACT ANALYSIS IS IN PROGRESS.

NAICS

CODE USE
(NO CODE) SFD: SINGLE FAMILY DETACHED - CONVENTIONAL AND SFD: TOWNHOUSE (5+ ATTACHED) AND ALL USES ASSOCIATED WITH CONSTRUCTION AND SALE OF HOMES, TEMPORARY BUILDINGS FOR CONSTRUCTION OR DEVELOPMENT, AMENITIES, ETC.

STREETLIGHT NOTES

1. STREETLIGHT LOCATIONS SHOWN ON PLAN ARE PRELIMINARY, AND BASED ON PENDER UDO SPECIFICATIONS. FINAL DESIGN, LOCATIONS, AND CALCULATIONS WILL BE PROVIDED BY DUKE ENERGY.

HISTORICAL & ARCHAEOLOGY NOTES

1. NO KNOWN HISTORIC OR ARCHEOLOGICAL SITES EXIST ON ANY OF THE SUBJECT PARCELS.

FLOODPLAIN NOTES

1. THIS PARCEL IS IN FLOOD ZONE AE, WITH PORTIONS OF THE PARCEL IN X FLOOD ZONES, ACCORDING TO FEMA FLOOD PANEL 3720328300J AND 3720329300J WITH AN EFFECTIVE DATE OF FEBRUARY 16, 2007.

UTILITIES

1. ALL WATER UTILITIES WILL BE COORDINATED WITH PENDER COUNTY ENGINEERING & UTILITIES; AND SEWER UTILITIES WILL BE COORDINATED WITH PLURIS HOLDINGS OR OTHER APPROVED PROVIDER.

SIGNS

1. ALL PROPOSED SIGNS SHALL CONFORM TO PENDER COUNTY UDO 9.6.1 FOR PERMANENT SIGNS FOR SUBDIVISIONS AND RESIDENTIAL DEVELOPMENTS AND SHALL BE SUBMITTED UNDER SEPARATE PERMIT AS OUTLINED IN ARTICLE 9, SECTION 9.2.

BUFFER NOTES

1. SEE PLANS FOR SPECIFIC BUFFER TYPES AND LOCATIONS AS REQUIRED BY UDO.
2. EXISTING VEGETATION MEETS BUFFER REQUIREMENTS FOR THE PORTION OF THE SITE THAT IS BORDERED BY WETLANDS TO THE EAST AND SOUTH.

WETLAND NOTES

1. SEE APPROVED WETLAND JD.

WETLAND PRESERVATION NOTES

1. THE DEVELOPER IS COMMITTED TO PROTECTING THE SITE'S EXISTING WETLANDS TO THE GREATEST EXTENT POSSIBLE.
2. ANY IMPACTS WILL BE PERMITTED AS NECESSARY.

HOMEOWNERS ASSOCIATION

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

RECREATION UNIT NOTES

1. 156 SINGLE FAMILY DETACHED AND 129 SINGLE FAMILY ATTACHED DWELLING UNITS REQUIRE 3 RECREATION UNIT TOTALING $30,000 OR MORE. INSTALLATION OF THE PROPOSED ACTIVE RECREATION AREAS WILL FAR EXCEED THE 3 UNIT REQUIREMENT. FOR FULL DETAILS OF PROPOSED ACTIVE RECREATION AREAS, REFER TO COST ESTIMATE PROVIDED WITH SUBMITTAL TO PENDER COUNTY.

PROJECT ROAD NOTES

1. ALL COLLECTOR ROADS WILL BE PUBLIC RIGHT OF WAYS CONSTRUCTED TO NCDOT SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS.
2. ALL PRIVATE ROADS IN THE PROJECT WILL BE ACCESSIBLE TO FIRE AND EMERGENCY SERVICES.
3. ALL PROPOSED INTERNAL ROADWAY INTERSECTIONS AND CONNECTIONS TO EXISTING ROADWAYS & THE PROJECT COLLECTOR ROAD WILL HAVE A 30' RADIUS MINIMUM UNLESS OTHER NCDOT DESIGN RADIUS IS ALLOWED.
4. STREET NAME SIGNS SHALL BE INSTALLED AS SOON AS ROADWAYS ARE ACCESSIBLE BY VEHICLE TRAFFIC TO INCLUDE DURING CONSTRUCTION AND MEET PENDER COUNTY STREET SIGN SPECIFICATIONS.
5. ADDRESSING WILL COMPLY WITH PENDER COUNTY UDO ARTICLE 11. NO PROPOSED ROAD EXCEEDS 1 MILE IN LENGTH OR ACCESSES MORE THAN 200 LOTS. ALL ROADS WILL COMPLY WITH SECTION 7.5.3 OF THE PENDER COUNTY UDO.

BOUNDARY & TOPOGRAPHIC SURVEY

1. SURVEY IS COMPLETE. FINAL PLAT WILL REFLECT ANY EASEMENTS. SURVEY COMPLETED ON NOVEMBER 30, 2022.

PHASING SCHEDULE

1. PHASE 1 TO INCLUDE 95 SINGLE-FAMILY DETACHED UNITS AND 60 SINGLE-FAMILY ATTACHED UNITS. THIS PHASE ALSO TO INCLUDE THE FOLLOWING AMENITY/RECREATIONAL FACILITIES: POOL, CABANA WITH GRILLS, FITNESS ROOM, YOGA SPACE, LOUNGE WITH POOL TABLE, ACTIVITY LAWN, AND ALL OPEN LAWNS AND WALKING PATHS THAT ARE WITHIN THE PHASE 1 BOUNDARY. PHASE 1 TO INCLUDE STREET A AND PORTIONS OF STREETS B, C, D, E AND G AS SHOWN ON THE PLAN. PHASE 1 ALSO TO INCLUDE A STORMWATER POND AND UTILITIES SHOWN WITHIN PHASE 1 BOUNDARY, AS NECESSARY.
2. PHASE 2 TO INCLUDE 61 SINGLE-FAMILY DETACHED UNITS AND 69 SINGLE-FAMILY ATTACHED UNITS. THIS PHASE ALSO TO INCLUDE THE FOLLOWING AMENITY/RECREATIONAL FACILITIES: ALL OPEN LAWNS AND WALKING PATHS NOT COMPLETED AS PART OF PHASE 1. PHASE 2 TO INCLUDE THE COMPLETION OF ALL STREETS. PHASE 2 ALSO TO INCLUDE AN ADDITIONAL STORMWATER POND AND THE COMPLETION OF ALL UTILITIES.

TRAFFIC NOTES

ESTIMATED AM PEAK HOUR TRIPS: 179
ESTIMATED PM PEAK HOUR TRIPS: 229
ESTIMATED AVERAGE DAILY TRIPS: 2,623

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GRAPHIC SCALE IN FEET
0 50 100 200

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PHONE: 910-507-2115

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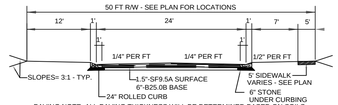
PROJECT
HOOVER ROAD SUBDIVISION
1038 HOOVER ROAD,
HAMPSTEAD, NC 28443
3283-83-9765-0000, 3283-93-1673-0000, 3283-94-9377-0000

DRAWN BY	NJ
DESIGNED BY	NJ
REVIEWED BY	RW
DATE	8/30/2023
PROJECT NO.	014793000

TITLE
MASTER DEVELOPMENT PLAN

SHEET NUMBER
E2-00

DENSITY CALCULATIONS (RM) - HOOVER RD			
	PHASE 1	PHASE 2	TOTAL
SINGLE-FAMILY DETACHED UNITS	95	61	156
SINGLE-FAMILY ATTACHED UNITS	60	69	129
TOTAL UNITS	155	130	285
SINGLE-FAMILY DETACHED ACREAGE	7.24	4.89	12.13
SINGLE-FAMILY ATTACHED ACREAGE	2.88	3.57	6.45
SITE ACREAGE	48.55	20.57	69.12
NON-RESIDENTIAL ACREAGE (INCLUDING ROW)	6.34	3.23	9.57
WETLANDS ACREAGE	21.93	2.11	24.04
REQUIRED OPEN SPACE (0.03 AC/UNIT)	4.65	3.90	8.55
PASSIVE OPEN SPACE PROVIDED	2.15	2.10	4.25
ACTIVE OPEN SPACE PROVIDED	3.64	0.79	4.43
UNDEVELOPABLE LAND ACREAGE	31.91	6.13	38.04
DEVELOPABLE LAND ACREAGE*	16.64	14.44	31.08
ALLOWABLE DENSITY (UNITS/ACRE)	10.00	10.00	10.00
PROPOSED DENSITY (UNITS/ACRE)	9.31	9.00	9.17
*DEVELOPABLE LAND CALCULATED AS FOLLOWS: TOTAL ACREAGE – NON-RESIDENTIAL, WETLANDS (REMOVING PASSIVE OPEN SPACE), ROW, OPEN SPACE (PASSIVE AND ACTIVE) = DEVELOPABLE LAND AREA			

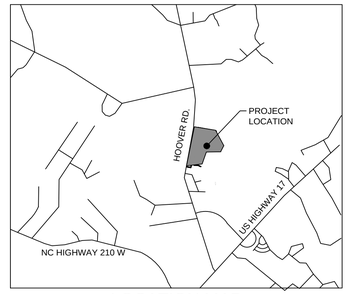


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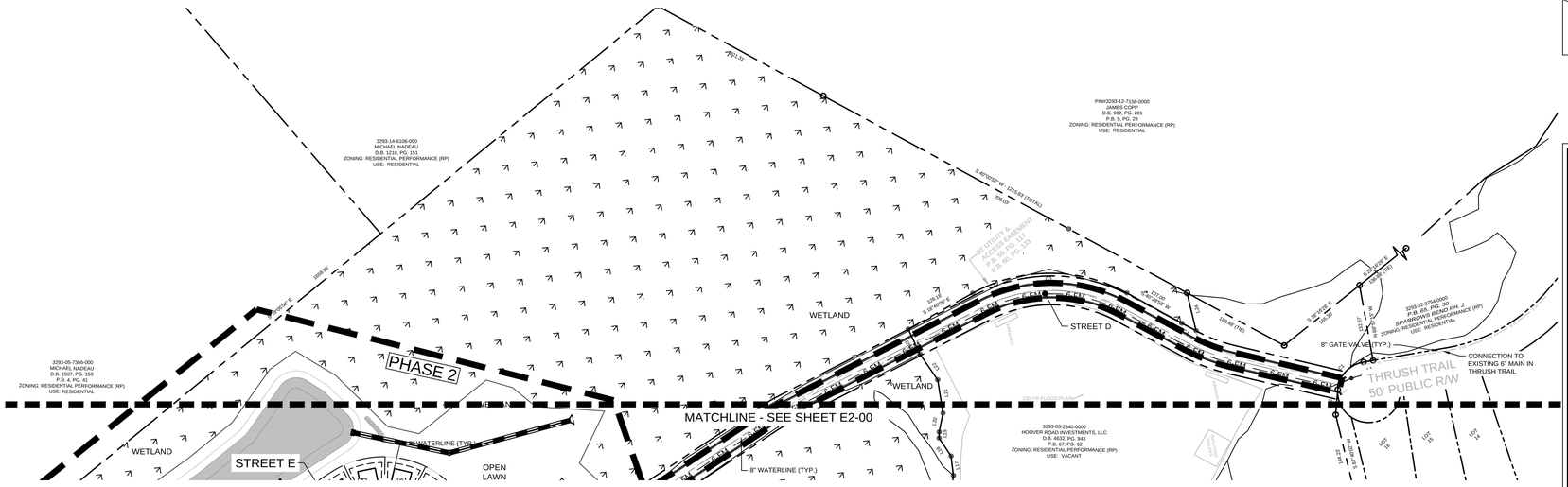
REFERENCE PROJECT ROAD NOTES THIS SHEET FOR ADDITIONAL INFORMATION.

TYPICAL 50' PRIVATE ROW ROAD CROSS SECTION

50' ROW APPLIES TO STREETS A,B,C,D,E,F, AND G.
NOT TO SCALE



LOCATION MAP



MDP LEGEND:

- PROPERTY LINE
- PHASE BOUNDARY
- WETLAND DELINEATION
- PROPOSED WATER LINE
- PROPOSED SANITARY SEWER PIPE
- SANITARY SEWER MANHOLE
- WATER VALVE
- FIRE HYDRANT
- WATER CONNECTIONS AND BENDS
- BUFFER
- STORMWATER POND
- 100 UNIT NUMBER

Know what's **below.** **Call** before you dig.

GRAPHIC SCALE IN FEET
0 50 100 200

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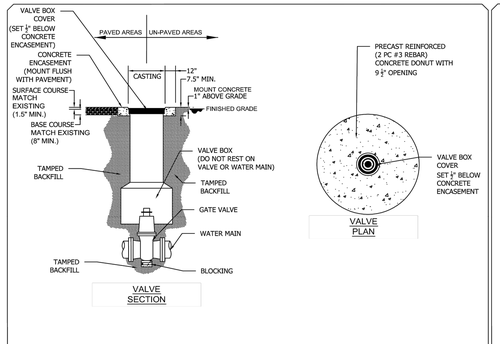
DRAWN BY	NJ
DESIGNED BY	NJ
REVIEWED BY	RW
DATE	8/30/2023
PROJECT NO.	014793000

TITLE
MASTER DEVELOPMENT PLAN

SHEET NUMBER
E2-01

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Drawing name: K:\SAV_Civil\014793000_Hoover Road SFR\CAD\Exhibits\2023-08-30 Master Development Plan - Revised Open Space\E2-00 Master Development Plan.dwg E2-01 MASTER DEVELOPMENT PLAN Aug 30, 2023 4:50pm by Jamal.Alexander

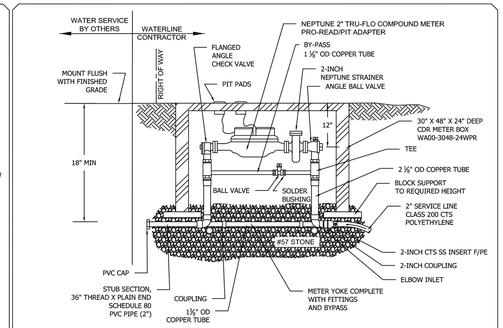


NOTE:
1. DO NOT ALLOW VALVE BOX TO REST ON THE VALVE OR WATER MAIN.
2. A VALVE MARKER SHALL BE PLACED ON THE RIGHT OF WAY AT EACH ISOLATION VALVE.

VALVE INSTALLATION DETAIL
NOT TO SCALE

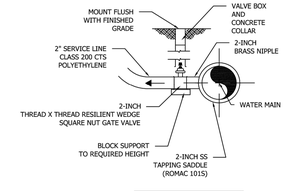
PENDER COUNTY UTILITIES
605 EAST FREMONT STREET
BURGAW, NC 28425

VALVE INSTALLATION
STANDARD DETAIL
VERSION #3 - JUNE 2016



2-INCH METER DETAIL

NOTE:
1. CONTRACTOR SHALL PLACE METER BOX IN NON-TRAFFIC AREA ONLY.
2. CONTRACTOR SHALL CENTER METER YOKE IN METER BOX AS REQUIRED TO PROPERLY FIT METER.
3. BOX TO BE ADJUSTED VERTICALLY TO ACCEPT COUNTY'S STANDARD SERVICE METER AND STRAINER. (NEPTUNE 2" TRU-FLO COMPOUND METER PRO-READ/PIT ADAPTER)
4. TAPS ON WATER MAINS LARGER THAN 16" SHALL BE MADE WITH DUAL WIDE BAND, STAINLESS STEEL TAPPING SADDLES (ROMAC 202S).
5. ANY TAP LARGER THAN 2-INCHES SHALL BE MADE WITH A TAPPING SLEEVE AND VALVE. A STRAINER AND BY-PASS SHALL ALSO BE PROVIDED.

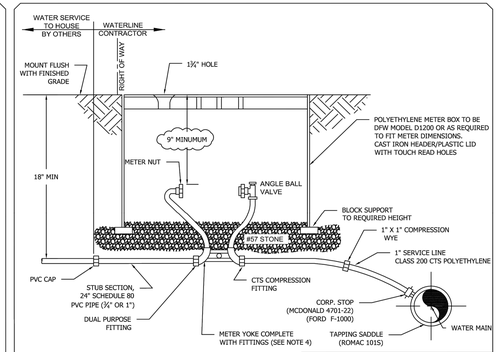


2-INCH TAP DETAIL

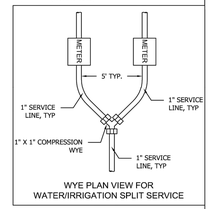
STANDARD 2-INCH WATER SERVICE DETAIL
NOT TO SCALE

PENDER COUNTY UTILITIES
605 EAST FREMONT STREET
BURGAW, NC 28425

2-INCH WATER SERVICE
STANDARD DETAIL
VERSION #1 - AUGUST 2010



NOTE:
1. CONTRACTOR SHALL PLACE METER BOX IN NON-TRAFFIC AREA ONLY.
2. ALL TAPS TO BE MADE ON THE TOP QUARTER OF THE WATER MAIN.
3. CONTRACTOR SHALL CENTER METER YOKE IN METER BOX.
4. (3/4") MCDONALD 26-702WXQD 33, FORD VB72-7W-41-33-NL (1") MCDONALD 26-410WXQD 44, FORD VB-72-10W-41-44-NL BOX TO BE ADJUSTED VERTICALLY TO ACCEPT COUNTY'S STANDARD SERVICE METER. (NEPTUNE T-10, PRO READ REGISTER, R900 MIU)
5. METER TO BE SET BY COUNTY UPON RECEIPT OF WATER SERVICE FEES, AND SATISFACTORY INSPECTION OF WATER SERVICE TO HOUSE.
6. TAPS ON WATER MAINS LARGER THAN 16" SHALL BE MADE WITH DUAL WIDE BAND, STAINLESS STEEL TAPPING SADDLES (ROMAC 202S).
7. 1 1/2" METERS REQUIRE 2" TAP AND 2" SQUARE NUT GATE VALVE PER 2" METER DETAIL. REDUCE TO 1 1/2" SERVICE PIPE.
8. INSTALL WYE TO PROVIDE A DOMESTIC METER SETTER AND IRRIGATION METER SETTER PER SPLIT SERVICE INSET.



WYE PLAN VIEW FOR WATER/IRRIGATION SPLIT SERVICE

STANDARD WATER SERVICE DETAIL
NOT TO SCALE

PENDER COUNTY UTILITIES
605 EAST FREMONT STREET
BURGAW, NC 28425

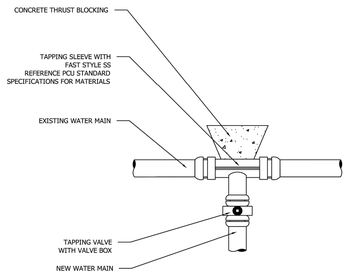
WATER SERVICE (3/4" - 1")
STANDARD DETAIL
VERSION #4 - FEB 2016

PCU STANDARD NOTES

1. A PRE-CONSTRUCTION MEETING IS REQUIRED BEFORE BEGINNING WORK. THE MEETING MUST BE SCHEDULED WITH PENDER COUNTY UTILITIES (PCU) AT LEAST ONE WEEK IN ADVANCE. ATTENDEES MUST INCLUDE PCU, THE UTILITY CONTRACTOR'S SUPERINTENDENT, THE SUPPLIER, AND THE CONSULTING ENGINEER.
2. ALL MATERIALS USED SHALL CONFORM TO PENDER COUNTY UTILITIES REQUIREMENTS. NON-CONFORMING MATERIAL WILL NOT BE ACCEPTED FOR FINAL CERTIFICATION.
3. ALL PIPE SHALL BE C900 DR18 PVC, UNLESS OTHERWISE NOTED (SEE PCU STANDARD DETAIL). PVC PIPE TO BE SDR 21 WHERE C900 IS UNAVAILABLE. THE USE OF DUCTILE IRON PIPE (DIP) IS REQUIRED UNDER PAVED AREAS. PCU MUST APPROVE THE USE OF DIP IN THE FIELD BEFORE INSTALLATION IN OTHER LOCATIONS.
4. PCU STANDARD WATERLINE PIPE RESTRAINING METHOD IS MJ GRIP RINGS. AT A MINIMUM ALL FITTINGS, VALVES, ETC. MUST BE RESTRAINED (SEE PCU STANDARD DETAIL).
5. PCU MUST INSPECT CASING INSTALLATIONS PRIOR TO BACKFILL. PCU MUST WITNESS PRESSURE TESTS, AND WITHDRAWAL OF BACTERIOLOGICAL SAMPLES. CONTACT PCU UTILITIES INSPECTOR TO SCHEDULE.
6. CLOSE-OUT DOCUMENTS WHICH MUST BE RECEIVED PRIOR TO PCU SIGNING THE NCDEQ PWSS APPLICANT CERTIFICATION INCLUDE: BACTERIOLOGICAL TESTS, PRESSURE TESTS, DEED OF DEDICATION, AFFIDAVIT/RELEASE OF LIENS, WARRANTY, AND RECORD DRAWINGS (PDF & CAD).
7. AN 18-MONTH WARRANTY PERIOD APPLIES TO ALL WATERLINE CONSTRUCTION. THIS WARRANTY PERIOD DOES NOT BEGIN UNTIL FINAL APPROVAL OF THE SYSTEM HAS BEEN RECEIVED FROM NCDEQ PWSS.

PENDER COUNTY UTILITIES
605 EAST FREMONT STREET
PO BOX 995, BURGAW, NC 28425

STANDARD NOTES
PCU WATER SYSTEMS
VERSION #3 - APRIL 2022



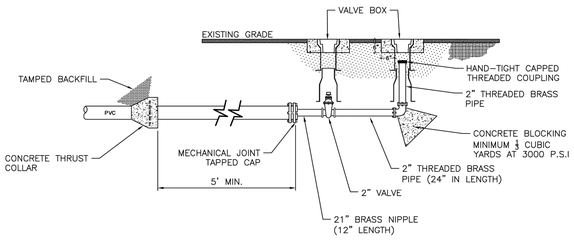
TAPPING SLEEVE AND VALVE ASSEMBLY DETAIL
NOT TO SCALE

PENDER COUNTY UTILITIES
605 EAST FREMONT STREET
BURGAW, NC 28425

TAPPING SLEEVE AND VALVE ASSEMBLY
STANDARD DETAIL
VERSION #3 - FEB 2016

NOTE:
1. A BLOW OFF MARKER SHALL BE PLACED ON THE RIGHT OF WAY AT EACH BLOW.
2. BLOW OFF MARKER TO BE SAME DESIGN AS VALVE MARKER EXCEPT DENOTE "BO" ON MARKER RATHER THAN "MV"

NOTES:
1. ALL PVC SHALL BE RESTRAINED PER THE RESTRAINED LENGTH SCHEDULE PROVIDED ELSEWHERE.

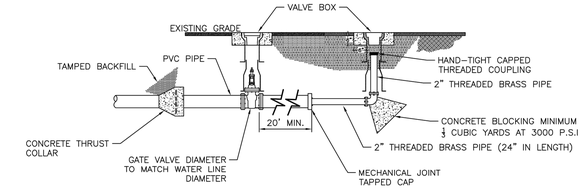


PERMANENT BLOW-OFF ASSEMBLY DETAIL
NOT TO SCALE

PENDER COUNTY UTILITIES
605 EAST FREMONT STREET
BURGAW, NC 28425

PERMANENT BLOW-OFF ASSEMBLY
STANDARD DETAIL
VERSION #1 - SEPTEMBER 2015

NOTE:
1. ALL PVC SHALL BE RESTRAINED PER THE RESTRAINED LENGTH SCHEDULE PROVIDED ELSEWHERE.
2. A BLOW OFF MARKER SHALL BE PLACED ON THE RIGHT OF WAY AT EACH BLOW.
3. BLOW OFF MARKER TO BE SAME DESIGN AS VALVE MARKER EXCEPT DENOTE "BO" ON MARKER RATHER THAN "MV"



TEMPORARY BLOW-OFF ASSEMBLY DETAIL
NOT TO SCALE

PENDER COUNTY UTILITIES
605 EAST FREMONT STREET
BURGAW, NC 28425

TEMPORARY BLOW-OFF ASSEMBLY
STANDARD DETAIL
VERSION #1 - SEPTEMBER 2015

Know what's below. Call before you dig.

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

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PREPARED FOR
LOGAN DEVELOPERS INC.
60 GREGORY ROAD (SUITE 1)
BELVILLE, NC 28451
PHONE: 910-507-2115

No.	ISSUANCE AND REVISION DESCRIPTIONS	DATE	BY

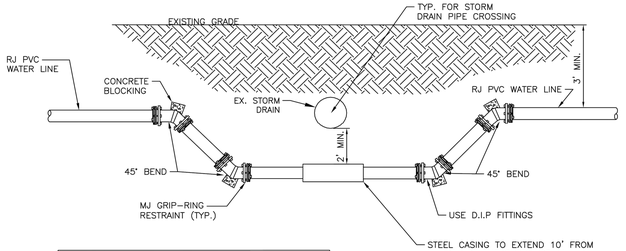
PROJECT
HOOVER ROAD SUBDIVISION
1038 HOOVER ROAD,
HAMPSTEAD, NC 28443
3283-83-9765-0000, 3283-93-1673-0000, 3283-84-9377-0000

DRAWN BY	NJ
DESIGNED BY	NJ
REVIEWED BY	RW
DATE	8/15/2023
PROJECT NO.	014793000

TITLE
UTILITY DETAILS

SHEET NUMBER
E2-02

Drawing name: C:\Users\AJAMAL.~1.ALE\AppData\Local\Temp\AcPublish_19808\E2-00 Master Development Plan.dwg E2-02 UTILITY DETAILS Aug 15, 2023 9:11am by Jamal Alexander



NOTES:

1. SPACERS SHALL BE PROVIDED WITHIN THE CASING PIPE AND CASING ENDS SHALL BE SEALED PER "PCU STANDARD BORE ENCASEMENT".
2. DIP SHALL NOT BE USED WITHOUT PRIOR APPROVAL OF PCU IN THE FIELD.
3. CARRIER PIPE TO BE C900 DR 18 PVC.

PIPE CROSSING "A" DETAIL

NOT TO SCALE

PENDER COUNTY UTILITIES
605 EAST FREMONT STREET
BURGAW, NC 28425

PIPE CROSSING "A"
STANDARD DETAIL
VERSION #1 - SEPTEMBER 2015

Restrained Length In Feet Each Side of Fitting Joint

PIPE DIAMETER (INCHES)	D. I. P.				P. V. C.			
	90°	45°	22 ½°	11 ¼°	90°	45°	22 ½°	11 ¼°
3"	30'	15'	10'	5'	40'	20'	10'	5'
4"	30'	15'	10'	5'	55'	25'	15'	10'
6"	55'	25'	10'	5'	80'	35'	20'	10'
8"	65'	30'	15'	10'	90'	40'	20'	10'
10"	80'	35'	20'	10'	110'	50'	25'	15'
12"	90'	40'	20'	10'	130'	55'	30'	15'
16"	120'	50'	25'	15'	160'	70'	35'	20'
20"	150'	65'	30'	15'	200'	85'	40'	20'
24"	180'	70'	35'	20'	210'	90'	45'	25'
30"	190'	80'	40'	20'	260'	105'	50'	25'
36"	220'	95'	45'	25'	0	0	0	0
42"	240'	100'	50'	25'	0	0	0	0
48"	260	120'	60'	30'	0	0	0	0

Restrained lengths for valves, dead ends and branches from tees shall be the same as for 90° (degree) bends

Restrained Length In Feet For Reducer

PIPE DIAMETER (INCHES)	3"	4"	6"	8"	10"	12"	16"	20"	24"	30"
3"	0	0	0	0	0	0	0	0	0	0
4"	40'	0	0	0	0	0	0	0	0	0
6"	50'	45'	0	0	0	0	0	0	0	0
8"	75'	70'	40'	0	0	0	0	0	0	0
10"	95'	90'	70'	40'	0	0	0	0	0	0
12"	120'	115'	100'	75'	40'	0	0	0	0	0
16"	150'	155'	140'	125'	100'	70'	0	0	0	0
20"	200'	195'	185'	170'	150'	130'	75'	0	0	0
24"	160'	155'	150'	140'	135'	120'	90'	50'	0	0
30"	195'	190'	185'	180'	170'	160'	120'	105'	70'	0
36"	225'	220'	215'	210'	205'	195'	180'	150'	125'	70'
42"	245'	240'	235'	230'	225'	220'	205'	180'	155'	105'
48"	255'	250'	245'	240	235'	230'	215'	195'	175'	125'

Length of restrained joint for larger diameter pipe

NOTES:

1. PENDER COUNTY STANDARD RESTRAINT METHOD IS MJ "GRIP RING" TYPE. ALL RJ TO BE MJ "GRIP RING" TYPE, UNLESS SPECIFICALLY APPROVED BY PCU IN WRITING.
2. ALL FITTINGS AND JOINTS SHALL BE RESTRAINED JOINT.
3. "L" ABOVE IS GIVEN IN FEET FROM FITTING JOINT.

PENDER COUNTY UTILITIES
605 EAST FREMONT STREET
BURGAW, NC 28425

RESTRAINED JOINT TABLE
STANDARD DETAIL
VERSION #1 - OCTOBER 2015

811 Know what's **below.** **Call** before you dig.

PREPARED BY
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60 GREGORY ROAD (SUITE 1)
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PHONE: 910-507-2115

No.	ISSUANCE AND REVISION DESCRIPTIONS	DATE	BY

PROJECT
HOOVER ROAD SUBDIVISION
1038 HOOVER ROAD,
HAMPSTEAD, NC 28443
3283-83-9765-0000, 3283-93-1673-0000, 3283-94-9377-0000

DRAWN BY	NJ
DESIGNED BY	NJ
REVIEWED BY	RW
DATE	8/15/2023
PROJECT NO.	014793000

TITLE
UTILITY DETAILS

SHEET NUMBER
E2-03

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

Drawing name: C:\Users\JAMAL~1.ALE\AppData\Local\Temp\AcPublish_13680\E2-03 Master Development Plan.dwg E2-03 UTILITY DETAILS Aug 15, 2023 9:12am by: Jamal Alexander

ATTACHMENT 2 – PUBLIC INPUT MEETING INFORMATION

Kimley»Horn

July 19, 2023

Dear Pender County Area Property Owner:

The purpose of this letter is to notify you of an application filed with Pender County for a land use change or development proposal involving property adjacent to, or in close proximity to, property shown in your ownership by Pender County tax records. Per Pender County regulations, a Community Meeting will be held to provide information to area residents about the nature of the proposal. A representative of the applicant will be present to explain their application, answer questions, and solicit comments.

Meeting Date: August 3rd, 2023 Meeting Time: 6:00 p.m.

Meeting Location: Hampstead Annex - Auditorium
15060 US-17, Hampstead, NC 28443

Type of Application:	Master Development Plan
Project/proposal Property Address:	1038 Hoover Road, Hampstead, NC 28443
Description of project/proposal:	Proposed Single-Family for Rent Community, consisting of 156 single-family detached units and 129 single-family attached (townhome) units. The total project acreage is 69.12 acres.
Upcoming public meetings for this application:	Public Input Meeting – August 3rd, 2023

At a minimum, the following will be available for your inspection at the Community Meeting:

1. A copy of the project application
2. A map at a scale that is appropriate to the project and shows neighboring properties and roads.
3. A map, drawing, or other depiction of the proposed land use change or development proposal.

A map is enclosed with this letter showing the location of the property that is subject to this application for land use change and/or development proposal.

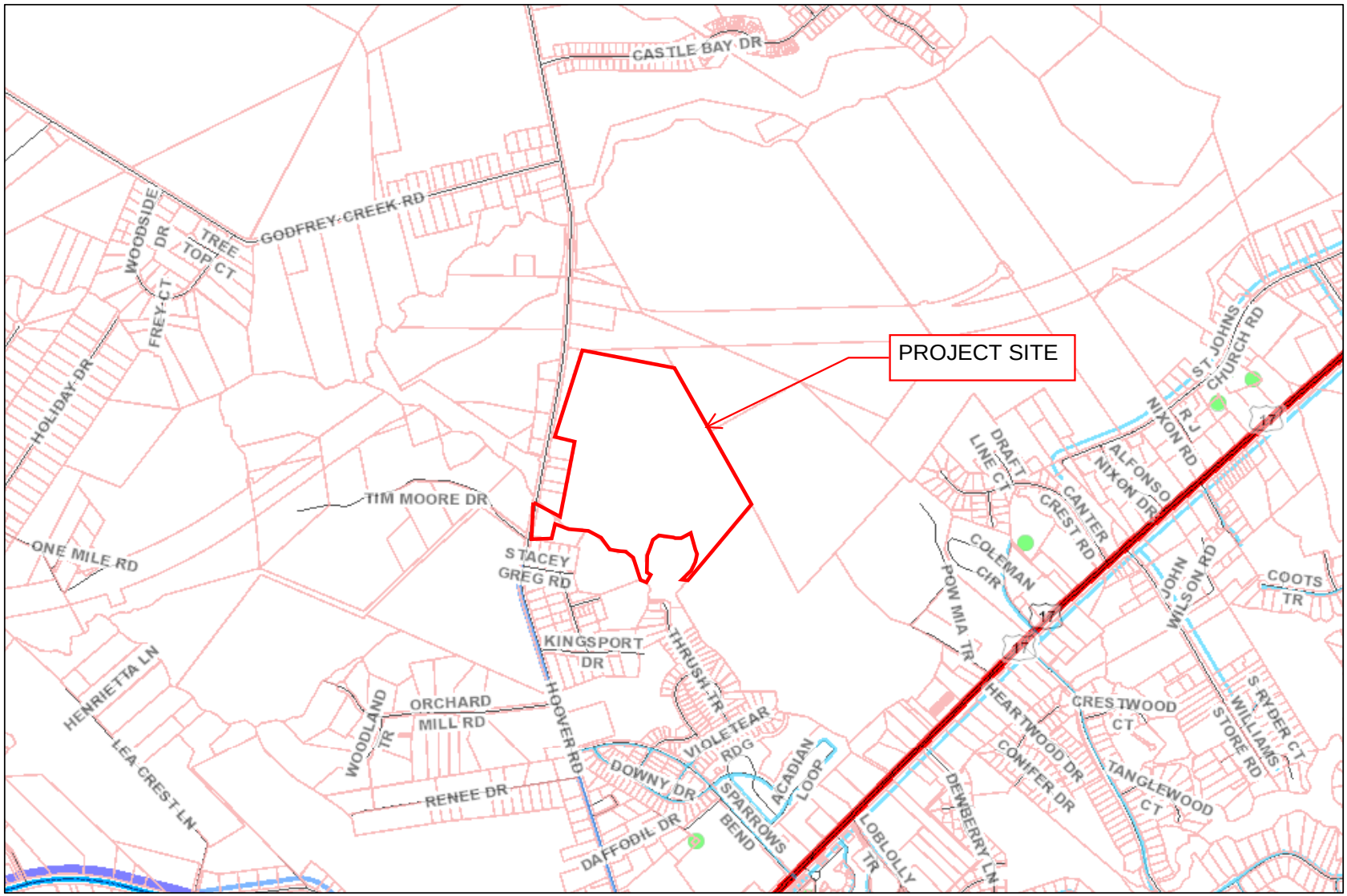
If you have any questions prior to or after this meeting, you may contact Tim Long at 910-507-2115. You may also contact the Planning & Community Development Department at 910-259-1202.

Sincerely,
Kimley-Horn & Associates, Inc.

Rusty Windsor, PE

Cc: Pender County Planning & Community Development Department

Pender County



July 13, 2023

1:16,511

0 0.125 0.25 0.5 mi

0 0.225 0.45 0.9 km

Neighborhood Meeting Summary

Project:	Hoover Rd Subdivision
Date of Mailing:	July 19, 2023
Date of Meeting:	August 3, 2023
Time of Meeting:	6:00pm - 7:30pm
Location of Meeting:	Hampstead Annex - Auditorium 15060 US-17, Hampstead, NC 28443

Attendees: Kimley-Horn and Associates, Inc. Representatives: Rusty Windsor and Jamal Alexander

Hoover Road Investments, Inc. Representatives: Tim Long and Bernadette Dickson

Introduction:
In accordance with Section3.1.3 of the Pender County Unified Development Ordinance, a Public Input Meeting to discuss the Master Development Plan application for Hoover Road Subdivision commenced at 6:15pm on August 3, 2023.

Rusty Windsor introduced himself and Jamal Alexander of Kimley-Horn and Associates, Inc., as well as Tim Long and Bernadette Dickson of Hoover Road Investments, LLC. Rusty gave an overview of the project, detailing the proposed site acreage, amenities, roads, density, density types, and phasing. The Master Development Plan was on display for those in attendance before, during, and after Mr. Windsor's presentation. Mr. Windsor also provided an explanation of the Master Development Plan application process, and the site development standards established for the site. He advised that there will be connectivity between Sparrows Bend and the proposed development through Thrush Trail per the North Carolina Department of Transportation (NCDOT) and public safety requirements. Mr. Windsor then opened the floor for questions and requested that attendees step up to the podium to speak one at a time.

Summary:
Throughout the meeting, the greatest concern was the connectivity between the existing and proposed developments. Questions about this connectivity arose from nearly every attendee who spoke.

Questions and Answers:

Question: Stephanie Hanson commented on her priorities in choosing her property location, the width of the street, and asked if the design team took traffic safety into consideration.

> Response: The access to Hoover Road has direct access to Highway 17 and the design team is anticipating most Hoover Road Subdivision residents to use this access.

Question: Ms. Hanson commented on the volume of traffic existing in the development and Sparrows Bend currently being utilized as an alternate route to avoid Highway 17 traffic, commented on safety concerns, and asked if there would be an opportunity for a vote for Sparrows Bend residents to prevent Thrush Trail from becoming a connection for the project.

Response: The project will be going to the Planning Board to discuss the connection to Thrush Trail. The Planning Board meeting is open to the public.

Question: Janelle Haydt commented on her priorities in choosing her property location, accountability, traffic safety, dirt and debris, and communication concerns.

Response: The residents at the front of the community will have the same amount of traffic as those who reside in the back. We are also unable to comment on information that may have been discussed during the purchase of Ms. Haydt's home.

Question: Ms. Haydt voiced concerns with issues occurring on her property, the addition of a new development nearby, and community safety issues. Ms. Haydt departed the podium.

Question: An individual, the grandmother of residents of Thrush Trail, asked if anyone from the County or Board of Commissioners is present.

Response: No.

Question: The individual asked if the design team was asked by the County to complete a traffic study and when it would be due.

Response: A traffic study has been conducted and is under review by NCDOT.

Question: The individual asked if the traffic study only includes Hoover Road and Sparrows Bend.

Response: Yes, the study includes Hoover Rd, Sparrows Bend, and Thrush Trail.

Question: Julie Gerlich voiced concerns about width of Thrush Trail, vehicles parked on the street, speed of vehicles within the Sparrows Bend community, and asked who she could speak to about the connection to Thrush Trail?

Response: Thrush Trail is NCDOT owned and maintained, and residents can also reach out to Pender County. The police can be contacted if vehicles are not following posted speed limits.

Question: Julie commented that a point-of-contact for rerouting the connection would be great and thanked the team.

Question: Walter Kaszyck voiced concerns with the condition of his property, Logan Homes, and his home value due the conversion from cul-de-sac to through street. Mr. Kaszyck stated he would pursue legal action and departed the podium.

Question: Laura Beth Payne asked what the next steps are for the design team and the County.

Response: The Planning Board meeting is scheduled for September 6th. The location of that meeting will be published on the County website. Also, residents who live within 500 feet of the proposed development will receive a meeting notice from the Planning Department.

Question: Ms. Payne asked if people from the County will be present at the meeting to discuss their concerns.

Response: Yes.

Question: Ms. Payne estimated the number of cars leaving the proposed development and asked if there would be a traffic light installed on Hoover Road near the entrance of the proposed development. Ms. Payne also asked if the traffic study would include traffic due to the elementary school across the street.

Response: The traffic study includes the elementary school. Traffic studies can only occur during the school year.

Question: Ms. Payne asked if the NCDOT would oversee the decision to install a traffic light.

Response: Yes, and the review of the traffic study is currently underway.

Question: Ms. Payne voiced concerns with being "blocked in" due to a traffic light.

Response: There is no traffic light currently being proposed.

Question: Ms. Payne asked how the traffic study accounts for the bypass and associated traffic.

Response: The design team has ongoing communication with NCDOT to coordinate traffic for the proposed development and bypass.

Question: Ms. Payne asked if there was someone at NCDOT that she could contact to ask questions.

Response: The NCDOT District Engineer's contact information is available online.

Question: Ms. Payne asked if the proposed development's water system will be connecting into the Pender County water system.

Response: Yes. There is also an additional well already proposed near the school.

Question: Ms. Payne asked if the design team had numbers regarding impacts to nearby schools and how they would be supported.

Response: The proposed development will provide tax revenue. The property has been rezoned and the development's proposal is known.

Question: Ms. Payne asked if the development will remain solely rentals.

Response: The proposed development is solely rental units.

Question: Ms. Payne asked if there was someone at the County level with whom the design team has been working who has familiarity with the project.

Response: Any resident can reach out to Pender County Planning Department. The Planning Director is Justin Brantley, and the Pender County staff directory is available online.

Question: A resident of Hoover Road voiced concerns with traffic and asked how long the project has been "on the books."

Response: The rezoning occurred in February.

Question: The Hoover Road resident voiced concerns with installation of infrastructure and site drainage.

Response: The proposed development is required to reduce the total discharge of stormwater off the site by 50% of the existing condition. The pond sizing is dependent on the reduced discharge.

Question: The Hoover Road resident asked where the property entrance on Hoover Road was located.

Response: The design team showed the resident the connection location.

Question: The Hoover Road resident asked if residents of the proposed development will either be turning or going to the bypass.

Response: Yes.

Question: Drew Rhodes inquired about the cul-de-sac "cut-through" timeline. He asked if the design team went to the Planning Board, informed the Board that the team was not providing a "cut-through," and DOT responded that there must be a "cut-through."

Response: The submittal was provided to the Technical Review Committee (TRC), not Planning Board. This submittal occurred in mid-July. We submitted to the County originally on June 1st. The rezoning for residential mixed-use occurred in February. The design team worked to determine locations of site features for approximately 2 months and preparing of the submittal package to the County took approximately 2 more months.

Question: Ms. Hanson asked if the design team could have another exit on Hoover Road instead of Thrush Trail.

Response: The design team's original plan was to avoid connection to Thrush Trail, installing a knox box to provide emergency access only. The TRC consists of various representatives from different departments such as Utilities, Health, Fire Marshal, Board of Education, Code Enforcement, and NCDOT. NCDOT and Fire Marshal requested connectivity. The Pender County Collector Street Program consists of pre-planned collector streets to help create connectivity.

Question: Ms. Hanson voiced concerns with her current property and County leadership and exited the Auditorium.

Question: Mr. Rhodes asked if there was one connection to Thrush Trail and one connection to Hoover Road.

Response: Yes.

Question: A seated attendee asked where the bypass was located.

Response: The design team described the bypass location near the project.

Question: Mr. Rhodes asked if the development will be entirely Logan Homes-owned rental units.

Response: The plan is for the community to be entirely rentals but is parceled and could go either way.

Question: Mr. Rhodes asked if the development would consist of Section 8 homes.

Response: The proposed development is a very similar product to the Sparrows Bend community.

Question: Nigel Henbest asked about the development timeline.

Response: Roughly, the design team estimates 4-6 months of permitting, then 8-12 months of construction. Vertical construction of homes will start about a year from now, and homes take 1-2 years to be constructed. Approximately 2-3 years before anyone moves into the development.

Question: A seated attendee asked if construction traffic will be using Thrush Trail.

Response: That is not the current plan.

Question: A seated attendee voiced concerns regarding her hearing-impaired child.

Question: A seated attendee asked about the building that exists on the proposed site and is currently owned by Logan Homes at the end of Thrush Trail and inquired about an increase in traffic.

Response: The area in question is a laydown yard, and the design team is not expecting an increase.

Question: A seated attendee asked if the traffic from Highway 17 during the evening has been investigated.

Response: The Traffic Impact Analysis conducted by a traffic engineer involves a Scoping meeting to review NCDOT data, proposed development, access points, and density to study the surrounding area and intersections. They consider the future bypass, traffic counts, and future traffic, and use that information to develop a study and design improvements.

Question: A seated attendee asked at the timeline of the proposed development in comparison to the nearby bypass.

Response: The schedules may run similarly, but the bypass will be installed prior to the completion of the proposed development based on current projections, which are also dependent on the market.

Question: A Hoover Road resident asked about the "Street A" location.

Response: The design team clarified the street, parcel, and open space locations.

Question: An attendee asked if the design team had considered widening Hoover Road and installing a divider that prohibits residential left turn movements onto Hoover Road while enabling emergency access.

Response: That specific type of improvement would fall under NCDOT. The design team's typical roadway improvement would include something such as a right turn lane into the site. The developer typically does not provide improvements along the entire length of the road.

Question: Mr. Henbest asked if the proposed development will change the Thrush Trail access once the bypass is complete.

Response: The design team understands the concern with connection to Thrush Trail and was hoping to prevent that connection; however, the team is not expecting Thrush Trail to be a primary connection point due to the immediate access to the bypass that exists on Hoover Road. There are also traffic-calming measures within Thrush Trail, such as the parked cars mentioned by current residents. Exiting via Hoover Road will be a faster exit for residents in the proposed developments, as well as residents departing Sparrows Bend. NCDOT requires the connectivity.

Question: A seated attendee inquired about timeline for connection to Thrush Trail.

Response: The design team is expecting it to occur at the end of this year, once permitting is complete. Horizontal construction will be approximately a year-long process.

Question: A seated attendee asked if Phase 1 construction would start this year.

Response: That is the design team's estimate, but timelines tend to extend. End of this year is the best-case scenario.

Question: Lori Loukonen asked about traffic study during the pandemic and the recency of the proposed development's traffic study.

Response: There was a County study that occurred much earlier, but the proposed development's specific study was completed 2 weeks prior to the community meeting.

Question: Lori asked if the new study would provide potential for another exit onto Hoover Road for the proposed development if NDCOT is unable to work with Planning to provide a gate for the Thrush Trail access.

Response: The design team considered a secondary access on Hoover Road, but the property that was considered for an additional access is owned by NCDOT and cannot become an access for the proposed development due the area requirements for the bypass.

Question: Lori asked if residents could contact NCDOT regarding access and development within the State-owned property.

Response: Residents are able to contact public and NCDOT officials on their website.

Mr. Windsor thanked the attendees and stated that the design team would remain present for any additional questions.

Question: A seated attendee asked if the design team would take the feedback and provide it to another entity.

Response: We will be assembling a report of the comments. The design team understands the traffic concerns and was denied the initial plan.

Question: A seated attendee asked if there was a more creative way to propose the development again.

Response: The current decision depends on Fire reviewers requiring two points of egress and the required connectivity.

Question: A seated attendee commented that the emergency services would find a way to access the site.

Response: The design team understands, but emergency services also look for easier ways to access the site.

Question: A seated attendee asked who would be at the meeting on September 6th.

Response: The Planning Board will be present.

The Public Input Meeting concluded at 7:15pm.

Print: Tim Long Development Director Signature: _____

Community Meeting Attendance Roster

Project: Hoover Rd Subdivision
Application Type: Master Development Plan
Project Location: 1038 Hoover Rd, Hampstead, NC 28443
Date: August 3, 2023

Name	Address	Phone	Email
Drew Rhodes	33 THRUSH TR HAMPSTEAD NC	919-819-7418	drew.rhodes24@gmail.com
David Audette	34 Thrush Tr Hampstead NC	978-988-0394	djaudette6@gmail.com
Walter Kaszycki	142 Thrush Tr Hampstead	315-794-7292	walter_k@ab-mlogistics.com
Stephanie Hansen	184 Thrush Tr Hampstead, NC	720-980-0488	Stephaniehansen30@yahoo.com
Julie Gerlich	77 Downy Dr Hampstead	443-805-4501	abrokenvessel51@yahoo.com
Jennifer Kelso	52 Violetear Pdg Hampstead NC	813-748-8875	jkelso73@yahoo.com
Janelle Haydt	293 Thrush Trl Hampstead NC	(610 7625053	JanelleChae@gmail.com
Jonathan Haydt	293 Thrush trail	610-554-2441	jonathanjames76@gmail.com
Laura Beth Payne	105 Stacey Greg Rd. Hampstead	910-512-5104	lbpayne@bellsouth.net
JOHN GRUNTFEST	218 HOOVER RD HAMPSTEAD	910-228-3457	JOHNCING@GMAIL.COM
Paula Rock	982 Hoover Rd Hampstead NC	910 228-0771	rock.paula72@gmail.com
LORI LOUKONEN	227 THRUSH TRAIL HAMPSTEAD	949-543-7150	ljloukonen@gmail.com
CHLOE LANGLEY	227 THRUSH TRAIL HAMPSTEAD	—	—
NIGEL HENBEST	151 STARLING DR, HAMPSTEAD	910-685-3589	nigel.henbest@hotmail.co.uk
BRIDGET BROWNE	151 STARLING DR, HAMPSTEAD	631-576-9090	missy moo629@gmail.com

ATTACHMENT 3 – APPROVED TIA SCOPE

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

June 7, 2023

Mr. Jonathan Guy, PE, PTOE, AICP
Kimley Horn Associates
115 Fairchild Street, Suite 250
Charleston, SC

RE: Scope approval for the Traffic Impact Analysis (TIA) associated with the proposed **Hoover Road Residential Development** in Pender County, NC.

Dear Mr. Guy,

According to the information provided, and conversations held to date, it is our understanding that the proposed **Hoover Road** residential development has a build year of 2025 and will consist of:

- ITE Land Use Code 210 Single Family detached – 132 dwelling units
- ITE Land Use Code 220 Multi-family (low-rise) residential – 180 dwelling units

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

1. **Data Collection - Analysis Parameters:**

a) Study Intersections
   i. For existing intersections, provide turning movement counts for weekday AM (7:00am-9:00am) and PM (4:00 pm - 6:00pm) peak periods, signal timing (if applicable), and lane geometry:
      1) US 17 and NC 210/SR 1784 (Dan Owen Drive) signalized
      2) US 17 and SR 1569 (Hoover Road) signalized
      3) US 17 and SR 1803 (Sparrows Bend Road) signalized
      4) SR 1569 (Hoover Road) and Site Access

Site Trip Generation, Site Trip Distribution and Background Traffic Assumptions

ii. Site Trip Generation Estimate – use 11th Edition rates
iii. Site Trip Distribution - To be submitted and approved prior to use in TIA
iv. Adjacent Development (approved but not yet fully built):
- Hampstead Retail and Apartments (also called Headwaters)
- Oyster Creek Development

Planned Roadway Improvements
- R – 3300B Hampstead Bypass

Background Traffic Assumptions
- Growth rate – 1% per year
- Build Year: 2025

2. Capacity Analysis: Weekday AM & PM Peak Hour

a) Technical Analysis
i. 2023 Existing
ii. 2025 Future No Build
[Existing + 1% background growth+ approved developments]
iii. 2025 Build Conditions
[Existing + 1% background growth + approved developments + site trips]
iv. 2025 Build Conditions w/ Mitigation
[Existing + 1% background growth + site trips + improvements]

TIP Design year analysis (Future No Build and Future Build scenarios):
- If the development has been rezoned from what was included in the TIP forecast, then the TIA must include a TIP design year analysis for the difference in the zoned use.
- If there is no change in zoning, the TIA must include the Build year of the development, but not a TIP design year analysis.
- The TIA must include documentation of zoning in TIP forecast.

3. Final Report Submittal:

a) Completed TIA Application
b) Signed and sealed by a Professional Engineer
c) Electronic copies to include PDF of TIA and Synchro output files and Synchro analysis files in digital format

4. Notes:

a) This scope shall remain valid for three months from the date of this letter.
b) Please note that if any changes occur (including but not limited to; land use, intensity, phasing, and/or site access) additional analysis may be required.

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

Sincerely,

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

Attachments: Traffic Impact Analysis Supplemental Guidelines – September 28, 2022
Scoping request letter (provided by Kimley Horn)

Ec: Kirsten Spirakis, PE, District Engineer, NCDOT
Doug Racine, Deputy District Engineer, NCDOT
Jessi Leonard, PE, Assistant Division Maintenance Engineer, NCDOT
Stonewall Mathis, PE, Deputy Division Traffic Engineer, NCDOT
Krupa Koilada, Senior Assistant Division Traffic Engineer, NCDOT
Bryce Cox, Assistant Traffic Engineer, NCDOT
Daniel Adams, Director, Planning & Community Development
Justin Brantley, Senior Planner, Pender County
Taylor Davis, Current Planner, Pender County
Jamar Johnson, EI, Engineering Associate, WMPO

Pender County
REZONE 2023-51: Request to rezone two parcels totaling approximately 20 acres from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3 in the Topsail Township

TO:	Planning Board
FROM:	Daniel Adams
DATE:	September 6, 2023
SUBJECT:	REZONE 2023-51: Request to rezone two parcels totaling approximately 20 acres from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3 in the Topsail Township

SUMMARY:
DR Horton Inc., applicant, on behalf of Mary Beth Morgan Carlson, owner, is requesting the approval of a Conditional Zoning Map Amendment to rezone approximately 20 acres across two tracts from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3. Specifically, the request is for 70 townhomes and 15,000 square feet of commercial office space classified under NAICS code 53, Real Estate and Rental and Leasing. The subject properties are located on the west side of US Hwy 17, approximately ¼ mile north of the intersection of US Hwy 17 and Pandy Ann Lane in the Topsail Township and may be further identified by Pender County PINs 3271-64-5893-0000 and 3271-65-9054-0000.

ACTION REQUESTED:
To hold a public hearing and consider the rezoning request.

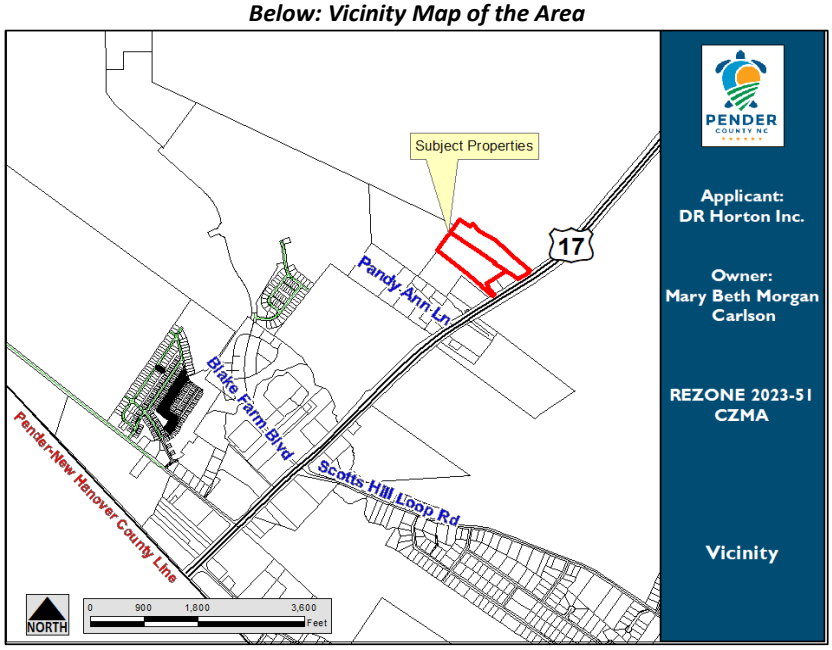
ATTACHMENTS:
1. Staff Report
2. Application
3. Narrative
4. Land Purchase Contract
5. Attachment 1 - Site Plan
6. Attachment 2 - Public Input Meeting Information
7. Attachment 3 - Letter from Duke Energy Progress
8. Attachment 4 - Approved Traffic Impact Analysis Scope

STAFF REPORT FOR REZONE 2023-51
ZONING MAP AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	REZONE 2023-51
Hearing Dates	September 6, 2023 – Planning Board
Applicant	DR Horton Inc
Property Owner	Mary Beth Morgan Carlson
Parcel Identification Number(s)	3271-64-5893-0000 & 3271-65-9054-0000
Proposed Rezoning Area	Approximately 20 acres
Township	Topsail
Pender 2.0 Future Land Use Category	Medium Density Residential & Neighborhood Mixed Use

REZONING PROPOSAL
DR Horton Inc., applicant, on behalf of Mary Beth Morgan Carlson, owner, is requesting the approval of a Conditional Zoning Map Amendment to rezone approximately 20 acres across two tracts from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3. Specifically, the request is for 70 townhomes and 15,000 square feet of commercial office space classified under NAICS code 53, Real Estate and Rental and Leasing.
LOCATION
The subject properties are located on the west side of US Hwy 17, approximately ¼ mile north of the intersection of US Hwy 17 and Pandy Ann Lane in the Topsail Township and may be further identified by Pender County PINs 3271-64-5893-0000 and 3271-65-9054-0000.

Below: Vicinity Map of the Area

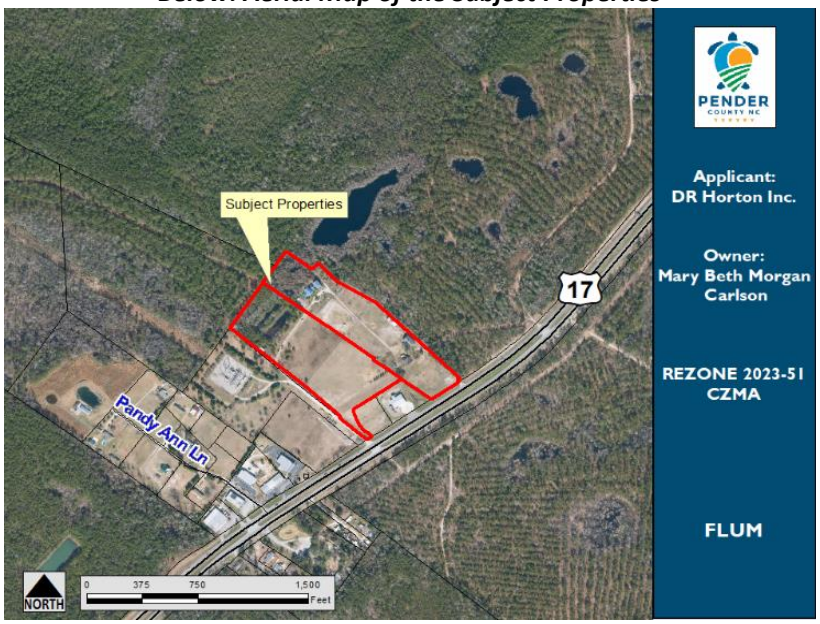


REZONING & DEVELOPMENT PROPOSAL

The applicant is proposing to rezone approximately 20 acres across two tracts from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning district 3. The applicant previously requested to amend the Future Land Use Map from Medium Density Residential and Neighborhood Mixed Use to Regional Mixed Use and rezone the two parcels from Residential Performance to Planned Development, but withdrew their application at the May 2, 2023, Planning Board meeting.

Since the withdrawal of the Zoning Map amendment and Future Land Use Map amendment applications, the applicant has submitted a conditional zoning map amendment request. The proposed request is for 70 townhome units and 15,000 square feet of commercial office space defined under NAICS code 53, Real Estate and Rental and Leasing. The townhome units are proposed to be spread across 14 buildings, with each building containing either four, five or six units. This development will also complete the connection of the collector street, known as Atlantic Avenue, that runs from Blake Farm Boulevard to US Highway 17. The applicant's site plan, shown as Attachment 1, provides an overview of the proposal and conceptual layout of the site.

Below: Aerial Map of the Subject Properties



Intent of Conditional Zoning, Article 3.3.9.B

A conditional zoning district (aka "CZ") is intended for a development that has a high level of certainty of being constructed and the most commonly expected application will contain a specified use or uses, permitted by right or special use, accompanied by a plan showing proof of concept, and typically including the spatial relation of uses and site elements.

If approved, the applicant would be required to submit a preliminary plat for the residential component of the project, and a major site development plan for the commercial component of the project. Both the preliminary plat and the major site development plan would be reviewed by staff and the Pender County Technical Review Committee (TRC). Review and approval of the preliminary plat and major site development plan would be an administrative procedure, meaning staff would issue any approvals, consistent with the requirements outlined in the Unified Development Ordinance (UDO). Changes to the proposed conditional zoning district, including an alteration of the proposed dimensional standards, uses, requirements or conditions would require the applicant to resubmit a conditional zoning proposal in accordance with Article 3.3.9.B.6 of the UDO.

Density

Maximum density for conditional zoning districts is established in Article 4.6.7 of the UDO, which outlines a calculation for determining the maximum number of dwelling units within a conditional zoning district. The calculation is as follows:

Max. dwelling units = ([max. zoning district density] X [acres not in resource conservation areas]) + ([max. zoning district density] X [acres in resource conservation areas] X 0.50)

In this case, the proposed density is 4.6 units per acre. The proposal shows 14.97 acres of residential development, 3.79 acres of commercial development and .75 acres of wetlands (i.e., resource conservation area). Based on the formula above, the maximum number of units for the site is 71. The applicant has proposed 70 units with a density of 4.6 units per acre. The proposed density is consistent with the Medium Density Residential Future Land Use Category, which is the future land use category for the majority of these parcels.

Table 1: Density	
Total Acreage	19.51
Areas not in RCA/Commercial	14.97
Total Units	70
Net Density	4.6

Dimensional Standards

Per Article 4.13 of the UDO, standards of a conditional zoning district are specific to the conditions of the site and are set by a conditional rezoning application. The applicant has proposed the following conditions for the site:

Table 2: Residential Dimensional Standards	
Minimum Front Yard	25’
Minimum Rear Yard	25’
Minimum Structure Separation	13’
Maximum Building Height	40’

Table 3: Commercial Dimensional Standards	
Minimum Front Yard	25’
Minimum Side Yard	25’
Minimum Rear Yard	25’
Maximum Building Height	30’

Allowable Uses

The applicant is proposing one residential use within this district – Single Family Dwelling-Townhouse. Additionally, the applicant is proposing 15,000 square feet of Real Estate and Rental and Leasing (NAICS 53), shown as commercial office space within one building on the attached plan. The applicant has indicated that DR Horton, Inc. will occupy the commercial building as their regional office.

Figure 1: Pender County Table of Permitted Uses

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					

Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 53: REAL ESTATE AND RENTAL AND LEASING											
Real Estate and Rental and Leasing	53	S	S			P	P	P	P	P	

Landscaping and Buffers

The applicant has proposed a Type A buffer along the US Highway 17 boundary, a Type C buffer along the northern boundary of the project, and a Type B buffer along the western and southern boundaries. These proposed buffers are consistent with the vegetative buffering requirements found in Article 8 of the UDO.

Significant Trees

A significant tree survey conforming with Article 8.1.3 of the UDO will be required prior to administrative approval of any subsequent Preliminary Plat or Site Development Plan within this project. Any significant tree proposed for removal shall be mitigated by the on-site planting of two (2) trees of the same species with a minimum caliper of 2 inches or greater.

Open Space

Per Article 7.6.1.C of the UDO, all new residential subdivisions shall provide open space in the amount of 0.03 acres per dwelling unit within the subdivision. No more than 50% of the required open space shall be designated as passive open space. 50% or more of the required open space shall be designated as active open space. A minimum of 2.1 acres of open space is required for the project. The applicant has provided 3.9 acres of open space, 2.2 of which is proposed to be active open space. The passive open space is predominantly wetlands, while the active open space is shown across four areas, three of which include a stormwater pond.

Subsection 7.6.1.E discusses design standards, specifically shape and unity of land. The UDO states the following regarding the unity of open space, “The dedicated land shall form a single parcel of land, whether or not the subdivision is developed in phases or sections, except where it is determined by the appropriate governing body, that 2 or more parcels would be in the best interests of the residents of the subdivision and the public; and in such case, the appropriate governing body, may require that such parcels be connected.”

The UDO goes on to state the following regarding the shape of open space, "The portion of dedicated land to be used for active recreation shall be of such a shape to be usable for active recreational facilities including but not limited to tennis courts, racquetball courts, swimming pools, exercise rooms, clubhouses, athletic fields, basketball courts, swings, slides and play apparatus."

While the proposed development does not offer its active space as on contiguous area of land, the Planning Board and Board of Commissioners may determine that it is in the best interest of the residents of the subdivision and the public.

Recreational Units

Per Article 7.6.2 of the UDO, residential developments exceeding 34 units are required to provide recreational units equivalent to financial credits based on the total proposed dwelling units as established in the table below. The applicant has proposed 70 dwelling units and is therefore required to provide one recreational unit totaling a minimum of $10,000. The applicant has proposed site furnishings such as benches, cluster mailboxes, pet waste stations, and play equipment to satisfy their financial requirement. These recreational units are expected to be placed with the areas designated as active open space.

Table 4: Recreational Units

Dwelling Units	Recreational Unit(s)	Financial Unit
34-99	1.0	$10,000
100-150	1.5	$15,000
151-200	2.0	$20,000
201-250	2.5	$25,000
251-300	3.0	$30,000
301-350	3.5	$35,000
351-400	4.0	$40,000

Public Input Meeting

As required by Article 3.3.9 of the UDO, the applicant hosted a public input meeting at the Hampstead Annex on June 14th from 5:30-7:00pm. Notice of the meeting was mailed to all property owners within 500 feet of the subject parcels. As described in the applicant's report of the meeting, no members of the public attended. The applicant's report can be found as Attachment 2.

TRANSPORTATION INFRASTRUCTURE

Roadways and Access

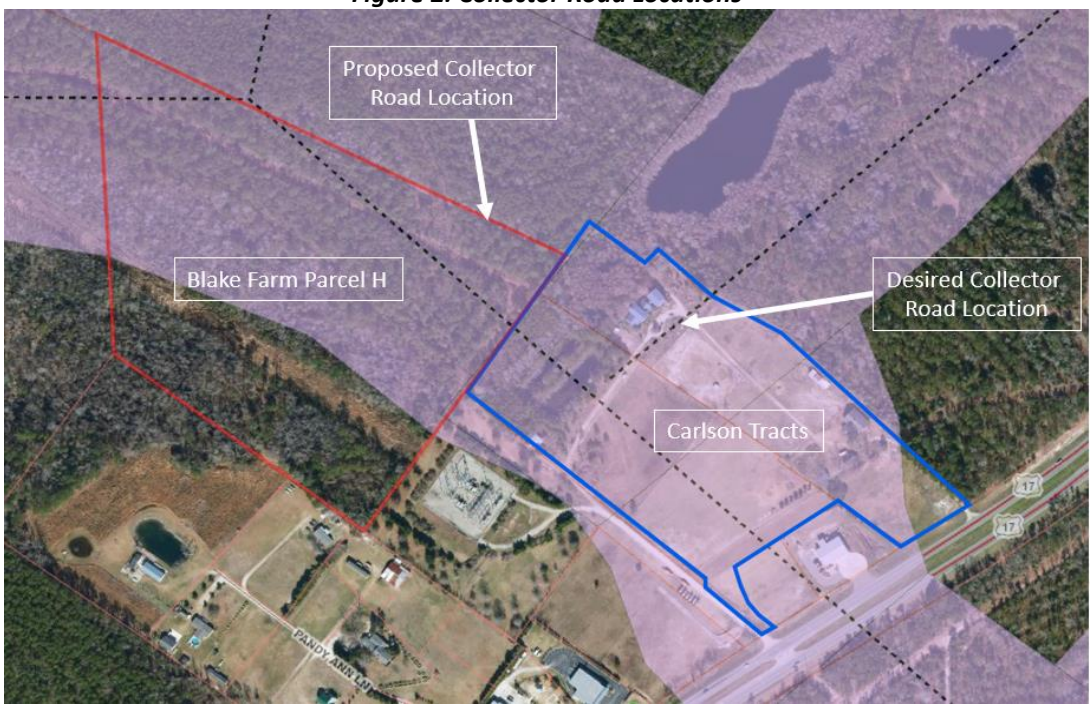
The subject area consists of two parcels. Both Parcel PIN: 3271-64-5893-0000 and 3271-65-9054-0000 have direct access to US Highway 17. The applicant is proposing separate accesses from US Highway 17 for the commercial and residential components of the project. As shown on the plan, the commercial site will be accessed directly via US Highway 17 and through the interior of the

development via a private drive. The residential component of the project will be accessed via the proposed Atlantic Avenue, which is a collector road that connects this project to the Blake Farm development to the west and ultimately loops back around to Blake Farm Boulevard from US Highway 17. The applicant is also proposing several private roads that will access the individual townhome units from Atlantic Avenue.

The Pender County Streets Plan calls for a second collector road on this site that would run north-south parallel to US Highway 17. This collector road is proposed to connect Atlantic Avenue to NC Highway 210 near Peanut Road, as shown on the Pender County Streets Plan. The applicant is not proposing to build their portion of this collector road as part of this project; however, they have instead proposed to include it in the development of Parcel H of the Blake Farm development, which is immediately west of the project site. Parcel H of Blake Farm is owned by D.R. Horton, Inc. and McKim and Creed is the engineer for that development proposal, so there is common ownership and coordination across these projects. Additionally, there is concern that the desired location of the collector road would impact environmental features such as wetlands and existing ponds.

The map below illustrates the location of the proposed collector road and the desired collector road. The purple polygons roughly indicate the potential alignment areas for collector roads while the black dashed line represents the most probable location.

Figure 2: Collector Road Locations



The proposed collector road, Atlantic Avenue, is shown to cross property owned by Duke Energy Progress (DEP) as the road joins US Highway 17. The applicant and staff have spoken with DEP representatives and communicated the proposal to them. Brian West with the Land Services Division of DEP has provided a letter stating their acknowledgement of the proposal and the ongoing negotiations between DEP and DR Horton, Inc. regarding this access. That letter can be found in the Board's packet as Attachment 3.

Traffic

A Traffic Impact Analysis (TIA) has been scoped for this project (see Attachment 4) in coordination with North Carolina Department of Transportation (NC DOT) and the Wilmington Urban Area Metropolitan Planning Organization (WMPO). The UDO requires a Traffic Impact Analysis (TIA) to be completed when a development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. The proposed development is not projected to reach the peak hour or daily threshold volumes; however, the applicant is proceeding with the TIA as this project will connect to the Blake Farm development via the proposed Atlantic Avenue collector road.

NCDOT Average Annual Daily Traffic (AADT) – 2020; WMPO Roadway Capacities – 2020

Road	Location	Volume	Planning Capacity	V/C
US HWY 17	Between Pandy Ann Lane and Christian Chapel Road	40,500	41,369	0.98

Bicycle and Pedestrian Access

The applicant has agreed to proposed conditions of approval involving bicycle and pedestrian infrastructure throughout the project site. Specifically, the applicant has agreed to provide a five-foot sidewalk along both sides of the proposed Atlantic Avenue that connects the project to US Highway 17 from the Blake Farm development. Additionally, the applicant has agreed to provide sidewalks along one side of each private road and has agreed to provide marked crosswalks at the intersections of Atlantic Avenue and private road A and private road C. Additional curb ramps and unmarked crossings at the street intersections were recommended by staff at the Wilmington Urban Area Metropolitan Planning Organization (WMPO) and have been incorporated into the plan. The proposed collector road, Atlantic Avenue, will include bicycle lanes on each side of the road, consistent with the remainder of Atlantic Avenue that stretches into the Blake Farm development. The intent is for the bicycle and pedestrian facilities to be consistent across developments and not be stagnated or inconsistent when crossing project boundaries.

The applicant has also agreed to a condition of approval to install a 10-foot-wide multi-use path along the portion of the subject properties that front the US HWY 17 right-of-way. This path is consistent with the stated goals and policies of the recently completed Pender County Bicycle and Pedestrian Plan.

OTHER INFRASTRUCTURE

Utilities

Public water is available through Pender County Utilities (PCU) via the water main that runs along US Highway 17. Private sewer is available at the site through private sewer provider, Pluris. Relevant documentation from state, local or private entities involved in the construction and operation of these systems will be required prior to administrative approval to construct the development.

Stormwater

Article 7.9 of the Pender County Unified Development Ordinance requires that stormwater infrastructure be built such that the post development runoff from the project be no more than ten (10) percent more than the pre-development runoff. Low-density projects are required to meet this standard for the 1 year 24-hour event, while high density projects shall meet this requirement for the 10- and 25-year return period events and be analyzed for the 50-year event. The applicant has proposed exceeding these standards by constructing a stormwater system which would accommodate a 10-, 25-, and 50-year event and be analyzed for a 100-year event. Certification from a licensed engineer that the project meets these requirements shall be required prior to staff issuing administrative approval of the development. Additionally, all necessary state permits will be required prior to administrative approval for land disturbing activities.

Schools

The addition of 70 residential units will likely result in more school-aged children in the County's school district, though no specific data are available to quantify the impact. Pender County Schools did not provide any comment via TRC.

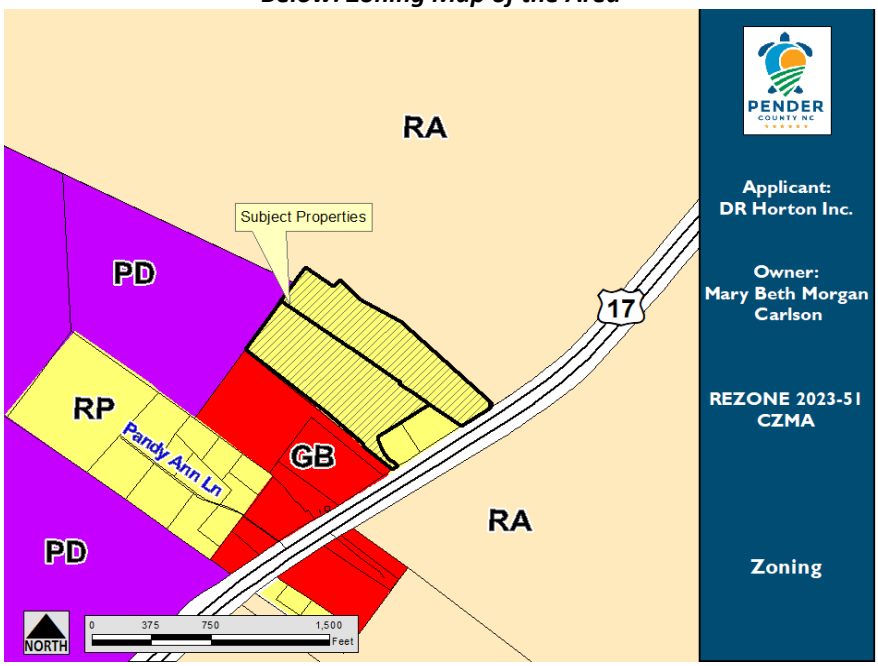
ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas[1].
Wetlands	Portions of the subject properties do contain wetlands according to data provided by the applicant. Any disturbance within these wetlands are subject to review and approval by the U.S. Army Corps of Engineers.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC)[2].

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

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

EVALUATION

Below: Zoning Map of the Area



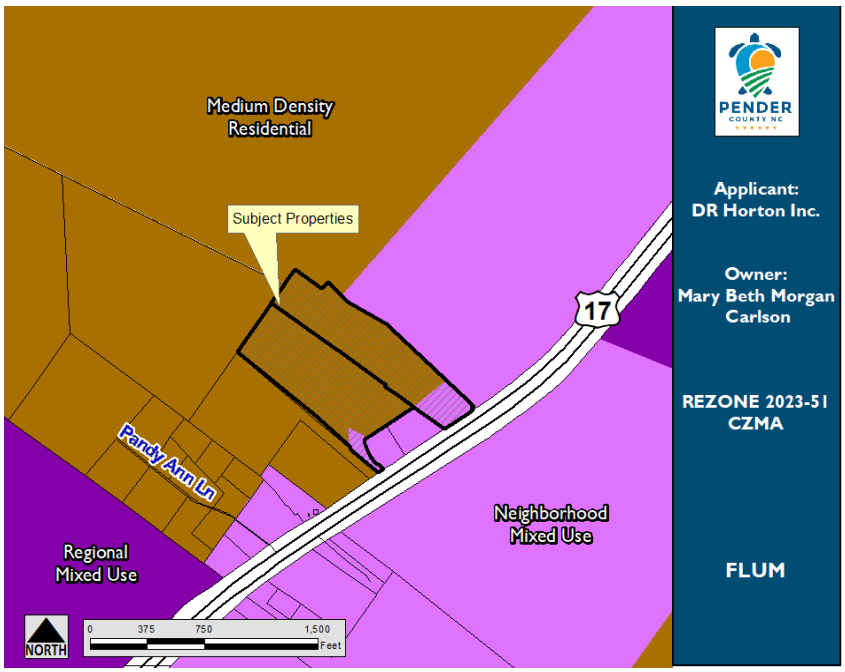
CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Vacant	RA, Rural Agricultural
East	Vacant	RA, Rural Agricultural
South	Commercial, Vacant	GB, General Business, RA, Rural Agricultural
West	Commercial, Vacant	PD, Planned Development, GB, General Business

Surrounding Zoning

The subject properties are currently zoned RP, Residential Performance. Properties immediately adjacent to the subject properties are currently zoned RA, Rural Agriculture, PD, Planned Development and GB, General Business as indicated by the zoning map and table above.

Pender 2.0 Comprehensive Land Use Plan Compliance

The subject properties are located within two future land use categories. Both properties are located in the Medium Density Residential and the Neighborhood Mixed Use Future Land Use categories within the Pender 2.0 Comprehensive Land Use Plan and as shown in the Future Land Use Map. According to Pender County GIS, approximately two of the roughly 20 total acres between both subject properties are located within the Neighborhood Mixed Use Future Land Use Category while the remaining ~18 acres are within the Medium Density Residential cateogry. As shown on the map above, the Neighborhood Mixed Use designation is along the frontage of US Highway 17.



Medium Density Residential Overview

Medium Density Residential uses are vital to supporting Pender County's growing population by strategically locating more dense residential development in areas that will not create conflicts with existing neighborhoods. These uses are located in close proximity to supporting services and a mixture of development types, and are generally found in the southern portion of the County. Appropriate uses include single-family residences, duplexes, townhomes, community recreation and open space uses, and neighborhood-scale institutional uses such as religious and civic organizations. Townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Clustering of new residential communities is encouraged. Planned communities may also include well-integrated neighborhood-scale commercial and office uses. Industrial and manufacturing uses, and commercial and office uses not located within a planned community, are inappropriate. Development density within this category is three to six dwelling units an acre or less.

Neighborhood Mixed Use Overview

Neighborhood Mixed Use allows for a transition between more intense commercial, office, and residential development to lower density residential neighborhoods. The Neighborhood Mixed Use category is primarily dedicated to non-residential uses that provide services, entertainment, and amenities to residents within a three-mile radius. Land use and development within this category is closely coordinated with existing and planned roadway transportation networks, while encouraging bicycle and pedestrian access. This future land use category should be composed of a mixture of integrated commercial, office, institutional, and single-family residential uses. This future land use category is not intended to be solely reserved for mixed use developments. Single use developments that contribute toward an integrated land use pattern of appropriate commercial, office, civic, and Medium Density Residential uses are encouraged. Appropriate uses include neighborhood-scale retail, restaurant, and office establishments; religious and educational institutions; and higher-density single-family residences – attached and detached. Large-scale or intense commercial establishments, multi-family development, and industrial operations are not appropriate. Building footprints are generally limited to 15,000 square feet in size or smaller. These areas should be served by water and sewer infrastructure. Development density within this category allows for up to 10 units per acre for residential development.

Evaluation

The proposed conditional zoning district is consistent with the Medium Density Residential classification since the proposed development supports Pender County's growing population by strategically locating more dense residential development in an area that will not create conflicts with existing neighborhoods and would be in close proximity to supporting services and a mixture of development types. The proposed density is 4.6 dwelling units per acre, which is within the desired range for Medium Density Residential. Additionally, townhomes are found to be compatible in this future land use category when developed as part of a master planned community. Considering the proximity to, and interconnectivity with, the Blake Farm development, the townhomes are compatible with the uses in the area.

The proposed development is also consistent with the Neighborhood Mixed Use Future Land Use Category because it provides a mixture of commercial and residential uses, and strategically locates the commercial uses along the US Highway 17 corridor. The proposed commercial use is an office establishment, which is an appropriate use in this future land use category, and falls within the desired footprint of commercial buildings in this future land use cateogry.

The applicant has also agreed to develop bicycle and pedestrian infrastructure along several roadways within the project, including sidewalks and crosswalks at intersections throughout the development. Atlantic Avenue, the proposed collector road that connects this development to US Highway 17 and the Blake Farm development to the west, will also include bike lanes on both sides of the roadway. The applicant has also agreed to higher stormwater standards than currently required by the UDO. While this proposal does not include the desired collector road connection to the north, shown in the Pender County Streets Plan, the applicant is proposing to

meet that requirement immediately west of the site within the development of Parcel H of the Blake Farm project.

The proposal was also found to be consistent with one goal and eight policies within the Pender 2.0 Comprehensive Land Use Plan:

> **Policy 4.2.I: Connectivity:** The County shall continue to enforce connectivity requirements that require new developments and individual sites to provide vehicular and pedestrian interconnectivity to existing or planned adjacent sites and adjoining developments.
>
> **Goal 4.3: Alternate Modes of Transportation:** Encourage alternative means of transportation to reduce traffic, enhance economic development, offer services to those without use of a vehicle, and provide recreational opportunities for residents and visitors.
>
> **Policy 5.1.C: Coordination with Infrastructure/Services:** The County shall encourage development in areas where the necessary infrastructure – roads, water, sewer, broadband, and schools – is available, planned or can be most cost effectively provided and extended to serve existing and future development. Natural resource conservation should be considered.
>
> **Policy 5.1.D: Focused Growth and Development:** The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.
>
> **Policy 5.1.E: Compatible Development:** The County supports new commercial and multi-family developments that blend with surrounding neighborhoods and limit traffic, noise, and light impacts on existing residential uses.
>
> **Policy 5.1.F: Conditional Zoning:** The County shall continue to use the conditional zoning process as a tool for encouraging desirable development outcomes.
>
> **Policy 5.1.H: Mixed Use Development**: The County supports a wide range of commercial and residential development at varying intensities, when appropriately located, and provided that impacts to adjacent property owners and traffic congestion is mitigated.
>
> **Policy 5.1.K: Commercial Development:** The County supports a wide range of commercial development, particularly those businesses that provide needed services to residents and visitors, provided that the impacts on traffic are minimized.

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

Unified Development Ordinance Compliance: Section 3.3.5 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.

3.3.9.B.3 Approval Criteria for Conditional Rezoning

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

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

RECOMMENDATION

Planning staff is submitting the proposed Conditional Zoning Map amendment for Planning Board recommendation. In addition to the consistency with the future land use map, the proposal was also found to be supported by one goal and eight policies within the Pender 2.0 Comprehensive Land Use Plan. Based on the information outlined in this report, staff is recommending approval of the proposed Conditional Zoning Map amendment. If the Conditional Zoning Map amendment is approved, the applicant will be required to submit all necessary local, state and federal permits prior to receiving administrative approval to begin construction.

PROPOSED CONDITIONS OF APPROVAL

Per Section 3.3.9.B.4) of the Pender County Unified Development Ordinance, the Pender County Planning Board and the Board of County Commissioners can add reasonable and appropriate conditions based on mutually established goals with the Applicant and adjacent property owners. Conditions may address parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the participants in the public input meeting, staff, Planning Board and County Commission find appropriate or the petitioner may propose. The following conditions have been proposed by staff and the applicant has agreed to each of them.

1. The proposed collector road, Atlantic Avenue, shall include five-foot sidewalks and bicycle lanes on both sides of the road.
2. Provide sidewalks along one side of each private road and provide marked crosswalks at the intersections of Atlantic Avenue and private road A and private road C.
3. Stormwater infrastructure shall be designed such that the post development runoff from the project be no more than ten (10) percent more than the pre-development runoff. The stormwater system shall be designed to accommodate a 10-, 25-, and 50-year event and be analyzed for a 100-year event.
4. Construct a 10-foot-wide multi-use path adjacent to the US Highway 17 right of way and dedicate this path for public use via an easement.

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 goals in the Pender 2.0 Comprehensive Land Use Plan:

- **4.2.I: Connectivity**
- **4.3: Alternate Modes of Transportation**
- **5.1.C: Coordination with Infrastructure/Services**
- **5.1.D: Focused Growth and Development**
- **5.1.E: Compatible Development**
- **5.1.F: Conditional Zoning**
- **5.1.H: Mixed Use Development**
- **5.1.K: Commercial Development**
- **5.1.V: Residential Development**

The proposed rezoning is consistent with the Neighborhood Mixed Use and Medium Density Residential Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan.

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

PLANNING BOARD ACTION FOR CONDITIONAL REZONING	
MOTION	**SECONDED**

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey

Pender County
Planning and Community Development

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

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

CONDITIONAL REZONING

Intent

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

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

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

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

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

Application

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

Public Input Meeting

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

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

Review

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

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

APPLICATION FOR CONDITIONAL REZONING

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

SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	DR Horton, Inc.	**Owner's Name:**	Carlson, Mary Beth Morgan
Applicant's Address:	4049 Belle Terre Blvd.	**Owner's Address:**	8139 Market Street
City, State, & Zip	Myrtle Beach, SC 29579	**City, State, & Zip**	Wilmington, NC 28411
Phone Number:	843 737 2904	**Phone Number:**	
Email Address:	WHRiddick@drhorton.com	**Email Address:**	
Legal relationship of applicant to landowner:	Purchaser / Developer		

SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3271-64-5893-0000 3271-65-9054-0000	**Total property acreage:**	20.13
Current Zoning District:	RP	**Proposed Zoning District:**	PD-CZ
Project Address or Location:	11471 US Hwy 17, Wilmington, NC 28411		

Proposed Uses to be Considered (Include NAICS Code):

Commercial office space (236220), townhomes (236117)

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

Single-family residences (236117)

SECTION 3: SIGNATURES			
Applicant's Signature	Elizabeth Shelton Elizabeth Shelton (May 3, 2023 18:03 EDT)	**Date:**	05/03/2023
Applicant's Name Printed	Elizabeth Shelton	**Date:**	
Owner's Signature	Mary Beth Morgan Carlson (May 4, 2023 10:17 EDT)	**Date:**	05/04/2023
Owner's Name Printed	Mary Beth Morgan Carlson	**Date:**	

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Conditional (Zoning Map) Amendment Checklist

☐	Signed application form
☐	Application fee
☐	A list of names and addresses, as obtained from the county tax listings & tax abstract, all adjacent property owners, including property owners directly across any road or road easement, & owners of the property under consideration for rezoning.
☐	Two (2) business size envelopes legibly addressed with **first class** postage for each of the adjacent and abutting property owners on the above list.
☐	Accurate legal description or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☐	12 (11"x17") map copies to be distributed to the Planning Board
☐	20 (11"x17") map copies to be distributed to the Board of Commissioners
☐	Digital (.pdf) submission of all application materials
☐	Public Input Meeting Report (Section 3.4.3 or see Public Input Meeting on the first page of this application)
☐	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.
☐	All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application
☐	A generalized site development plan shall include the following items: ☐ A vicinity map drawn to a suitable scale which illustrates adjacent or nearby roadways, railroads, waterways & public facilities. ☐ A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed. ☐ All existing easements, reservations and rights of way. ☐ Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands. ☐ For residential uses, the number of units, heights and a generalized location. For non-residential uses, the height, approximate footprint and location of all structures. ☐ If a known use is proposed: Traffic impact report, parking and circulation plans illustrating dimensions, intersections and typical cross sections. ☐ All proposed setbacks, buffers, screening and landscaping. ☐ Phasing. ☐ Signage. ☐ Outdoor lighting. ☐ Current zoning district designation and current land use status. ☐ Other information deemed necessary by the Administrator, Planning Board, or Board of Commissioners, including but not limited to a Traffic Impact Analysis or other report from a subject matter expert.

Office Use Only

ZMA-CD Fees: (*$500.00 for first 5 acres; $10/acre thereafter up to 1,000 acres; $5/acre thereafter)*	**Total Fee Calculation: $**

Attachments Included with Application: (Please include # of copies)

CD /other digital version	☐ Y ☐ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☐ Y ☐ N

Payment Method:	**Cash :** ☐ **$**_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☐ Check # _____

Application received by:		**Date:**
Application completeness approved by:		**Date:**

Dates scheduled for public hearing:	☐ **Planning Board:**	☐ **Board of Commissioners:**

Conditional Rezoning Standards Checklist

When submitting a conditional rezoning application, the site plan and supporting materials must provide proposed standards for a variety of standards which are guided by the zoning district. This may be by requesting custom standards or by requesting the existing standards of an existing general use zoning district. Please provide proposed standards for:

□	Maximum density
□	Setbacks (Front, side, rear, corner)
□	Minimum lot width/Minimum chord length at the right-of-way for cul de sacs
□	Structure separation
□	Minimum lot size
□	Maximum building height
□	Permitted uses (Including NAICS code)
□	Buffer standards (Depth, number and type of vegetation per 100 linear feet)
□	Sign standards to the extent that the UDO's requirements are zoning district-specific

Where desired, the applicant must explicitly request varying standards for different uses within the conditional zoning district.

Conditional rezoning applications may not be used to vary from the general standards of the ordinance, including but not limited to:

- Traffic Impact Analysis thresholds
- Stormwater regulations
- Open space/recreational unit requirements
- Street design standards
- Off-street parking standards
- HOA requirements
- Water and wastewater requirements

The Pender County Planning Board and Board of County Commissioners may approve or deny the request entirely, or approve with modifications. Additionally, In approving a petition for the reclassification of property to a conditional zoning district, the Planning Board may recommend, and the Board of Commissioners request that the applicant add reasonable and appropriate conditions to the approval of the petition.

McKIM&CREED

ENGINEERS
SURVEYORS
PLANNERS

May 5, 2023 M&C 04245-0038 (40)

Pender County Planning
805 South Walker Street
Burgaw, NC 28425

RE: Carlson Tracts
(Conditional Zoning Map Amendment)

Pender County Planning Department:

We submit the following to serve as the application narrative required as part of the Conditional Zoning Map Amendment submission for the Carlson tracts.

The applicant, DR Horton, Inc., is applying for approval for a Conditional Zoning Map Amendment for two tracts of land referred to as the Carlson Tracts. The Pender County Parcel Identification Numbers (PINs) for the two tracts are: 3271-64-5893-0000 and 3271-65-9054-0000, with combined acreage of approximately 20.13 acres.

Current parcel information is as follows:

Owner	Owner Address	PIN	Zoning	Acreage
Carlson, Mary Beth Morgan	8139 Market Street Wilmington, NC 28411	3271-64-5893-0000	RP	10.6*
Carlson, Mary Beth Morgan	8139 Market Street Wilmington, NC 28411	3271-65-9054-0000	RP	10.19*
			Total:	± 20.13

*Per Pender County GIS (1/3/23)

DR Horton, Inc. is in contract with the property owner to purchase both tracts, contract documentation is included in this application package.

This Conditional Zoning Map Amendment is for the Carlson Tract to be amended from Residential Performance (RP) to Planned Development Conditional Zoning (PD-CZ) zoning designation.

This request is being made for proposed uses of Commercial Office Space (NAICS Code 236220) and Townhomes (NAICS Code 236117). Refer to the Generalized Site Development plans included in the application package for site specific information.

243 North Front Street
Wilmington, NC 28401

910.343.1048
Fax 910.251.8282
www.mckimcreed.com

The present land use classification of the two parcels is Medium Density Residential and Neighborhood Mixed Use. It is our understanding that if approved, the Future Land Use Plan will automatically be revised to reflect the proposed land use and intensity (density). No additional submittal process will be needed.

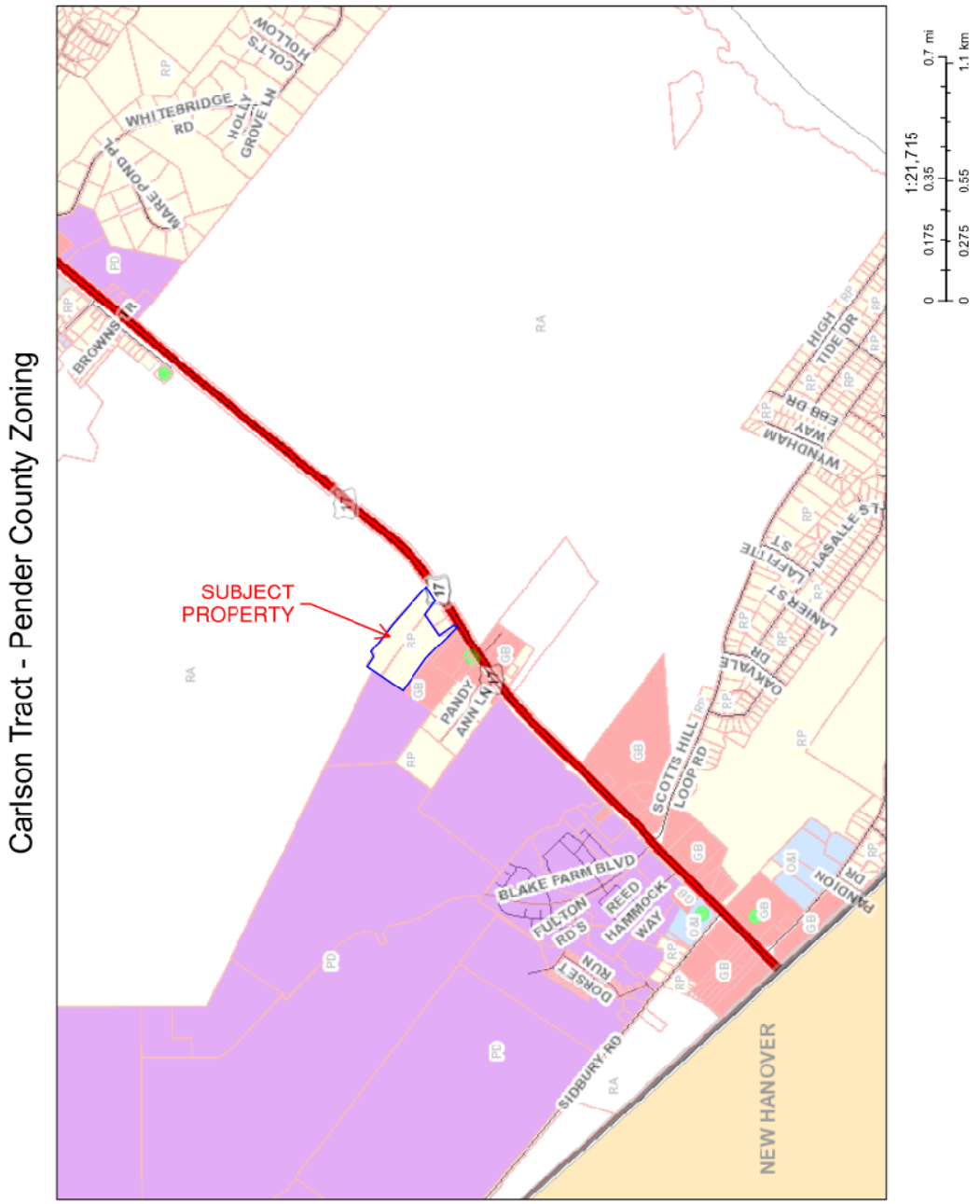
Respectfully,
McKIM & CREED, INC.



Trae H. Livick, PE
Project Engineer

Enclosure: Exhibit A: Carlson Tract – Present Zoning Vicinity Map

EXHIBIT A



McKIM&CREED

NORTH CAROLINA
PENDER COUNTY

COASTAL CAROLINA DIVISION
CARLSON TRACT

Land Purchase Contract

THIS LAND PURCHASE CONTRACT (this "Contract") is made by and between **D.R. Horton, Inc.**, a Delaware corporation ("Buyer") and **Mary Beth Morgan Carlson and Gregg R. Carlson** ("Seller"). Both parties state and acknowledge as follows:

A. Seller owns certain land located in Pender County, North Carolina, and described in **Exhibit A** attached hereto and incorporated herein (the "Land"). The Land, all rights, permits, privileges, licenses and easements appurtenant thereto, and all vegetation located thereon, are hereinafter collectively referred to as the "Property."

B. Seller desires to sell the Property to Buyer, and Buyer desires to purchase the Property from Seller.

THEREFORE, for and in consideration of the reciprocal covenants stated herein, the parties agree as follows:

1. **Conveyance**. Seller shall sell and convey the Property to Buyer, and Buyer shall purchase the Property from Seller, on the terms and conditions stated herein.

2. **Effective Date**. The "Effective Date" means the last of the following dates: (a) the date this Contract is executed by Buyer, (b) the date this Contract is executed by Seller, or (c) the date of Buyer's corporate ratification, as required by Section 21 below.

3. **Purchase Price.** The purchase price of the Property (the "Purchase Price") shall be [redacted]. The Purchase Price shall be payable at closing on the sale and purchase of the Property ("Closing") by delivery of cash or other immediately available funds, subject to adjustments, prorations and credits as herein provided.

4. **Earnest Money**.

a. Within ten (10) business days of the Effective Date, the parties shall execute an escrow agreement in form substantially as shown by **Exhibit B** attached hereto and incorporated herein (the "Escrow Agreement"), whereupon Buyer shall deposit the sum of [redacted] (the "Earnest Money") with Chicago Title Company, LLC ("Escrow Agent"). The Escrow Agent shall deposit such cash in an escrow account with a federally insured bank, as required by the Escrow Agreement. Buyer shall determine, at Buyer's sole discretion, whether the escrow account shall be interest-bearing; however, any interest earned on any funds held in escrow shall be for the benefit of Buyer.

b. Escrow Agent shall hold and disburse the Earnest Money pursuant to the terms of this Contract and the Escrow Agreement. Upon the request of either party, the other party shall promptly execute and deliver written instructions to the Escrow Agent to disburse the Earnest Money as required by this Contract. Notwithstanding any other provision herein, at Closing hereunder, all Earnest Money held by the Escrow Agent shall be credited to Buyer in full towards the Purchase Price.

5. **Primary Contingencies; Definitions.**

a. Primary Contingencies. Buyer's obligation to close on the purchase of the Property under this Contract is contingent upon each and all of the following (collectively, the "Primary Contingencies"): (1) all of Seller's warranties, representations and covenants contained in this Contract shall be and remain true, correct, complete and fully performed; (2) all applicable governmental authorities having jurisdiction over the Property, including, without limitation, Pender County and the State of North Carolina (and their respective agencies) (collectively and as applicable,

the "Governing Jurisdiction") shall have issued all final, non-appealable site plan approvals, construction plan approvals, zoning approvals, variances, land disturbance permits, building permits, wetlands permits, curb cut approvals, and other Federal, State and municipal approvals and permits that Buyer deems, in its reasonable discretion, necessary or desirable for the development of the Property (collectively the "Approvals"), including but not limited to (a) Final Plat Approval (as defined below) with conditions to approval of the final subdivision plat acceptable to Buyer in Buyer's reasonable discretion, (b) Final Sewer Approval (as defined below), (c) Final Water Approval (as defined below), (d) Apartment Site Approvals (as defined below), and (e) Office Building Approvals (as defined below); (3) there shall have occurred no material adverse change in the physical (including environmental) conditions of the Property from the conditions existing as of the Effective Date; (4) all Offsite Easements (as defined below) reasonably required for Buyer's intended use and/or development of the Land shall be existing of record, appurtenant to the Land, and part of the Property; and (5) Seller shall be ready, willing and able to deliver good and marketable title (as defined in below) to the Property to Buyer, and Buyer's title insurer (the "Title Company") shall be prepared to issue a standard ALTA owner's form title policy insuring good and marketable fee simple title to the Property, including all appurtenant easements and interests, with a liability limit in the amount of the Purchase Price at standard premium rates. In connection with Buyer's applications for and efforts to obtain the Approvals, Seller shall cooperate with Buyer's efforts and shall execute such applications and take such actions as are reasonably requested by Buyer. Should any of the Primary Contingencies not be satisfied or waived by Buyer prior to Closing, then Buyer, at its option, may terminate this Contract by giving written Notice to Seller, in which event, all of the Earnest Money shall be immediately refunded to Buyer; provided, however, if Buyer elects to terminate this Contract pursuant to this Section 5.a. as a result of either of the Primary Contingencies designated above as (2) and (4) not being satisfied or waived by Buyer after Buyer has delivered Notice of Suitability for the Property (as provided in Section 10(c)) but prior to Closing, then [redacted] shall be immediately released to Seller and the remainder of the Earnest Money shall be immediately refunded to Buyer.

b. Final Plat Approval. As used herein, "Final Plat Approval" means: (1) that the Governing Jurisdiction has issued written, final and irrevocable approval of a subdivision plat of the Land creating residential lots out of the Land (the "Final Plat"), on terms and conditions acceptable to Buyer, and (2) that Buyer shall be authorized by the Governing Jurisdiction to develop the Property pursuant to the subdivision plat. Seller agrees to cooperate in obtaining Final Plat Approval, including signing such applications and attending such meetings as may be required by Buyer. Buyer shall pay all fees required by the Governing Jurisdiction in connection with obtaining Final Plat Approval.

c. Final Sewer Approval. As used herein, "Final Sewer Approval" means that Buyer has obtained written evidence from the Governing Jurisdiction, in form and content acceptable to Buyer, that sufficient sewer capacity exists to serve all lots and amenities shown by the Final Plat, the Apartment Site (as defined below) and the Office Building Site (as defined below), and that Buyer shall be allowed to utilize that sewer capacity to serve all lots and amenities shown by the Final Plat, the Apartment Site and the Office Building Side, without any conditions or restrictions unacceptable to Buyer. Seller agrees to cooperate in obtaining Final Sewer Approval for the Property, including signing such applications and attending such meetings as may be required by Buyer. Buyer shall pay all fees required by the Governing Jurisdiction in connection with the sewer taps and Final Sewer Approval.

d. Final Water Approval. As used herein, "Final Water Approval" means that Buyer has obtained written evidence from the Governing Jurisdiction, in form and content acceptable to Buyer, that sufficient water capacity exists to serve all lots and amenities shown by the Final Plat, the Apartment Site and the Office Building Site, and that Buyer shall be allowed to utilize that water capacity to serve all lots and amenities shown by the Final Plat, the Apartment Site and the Office Building Site, without any conditions or restrictions unacceptable to Buyer. Seller agrees to cooperate in obtaining Final Water Approval for the Property, including signing such applications and attending such meetings as may be required by Buyer. Buyer shall pay all fees required by the Governing Jurisdiction in connection with Final Water Approval.

e. Apartment Site Approvals. As used herein, "Apartment Site Approvals" means: (1) that the Governing Jurisdiction has issued written, final and irrevocable approval of the development of a portion of the Land (the "Apartment Site") into a residential apartment complex or residential apartment complexes, on terms and conditions approved by Buyer, and (2) that Buyer shall be authorized by the Governing Jurisdiction to develop the Apartment Site pursuant to such approvals. Seller agrees to reasonably cooperate in obtaining Apartment Site Approvals, including signing such applications and attending such meetings as may reasonably be required by Buyer, at no cost or liability to Seller.

f. Office Building Approvals. As used herein, "Office Building Approvals" means: (1) that the Governing Jurisdiction has issued written, final and irrevocable approval of the development of a portion of the Land (the "Office Building Site") into an office building or office buildings, on terms and conditions approved by Buyer, and (2) that Buyer shall be authorized by the Governing Jurisdiction to develop the Office Building Site pursuant to such approvals. Seller agrees to reasonably cooperate in obtaining Office Building Site Approvals, including signing such applications and attending such meetings as may reasonably be required by Buyer, at no cost or liability to Seller.

g. Offsite Easements. As used herein, "Offsite Easements" means: (1) those permanent utility easements located outside of the boundaries of the Land that may be needed to construct utility infrastructure necessary for the development of the Property; (2) those permanent road widening easements located outside of the boundaries of the Land that may be required by the Governing Jurisdiction in connection with the development of the Property; (3) the permanent access easement over, across and through an adjoining parcel of land now or formerly owned by Duke Energy Progress, Inc. and located near the southwestern portion of the Land for the purpose of installing additional access road(s) to serve the Property; and (4) any temporary construction easements located outside of the boundaries of the Land that may be related to the aforementioned easements or may be needed in connection with the development of the Property.

6. **Closing and Possession**. Closing shall be held no more than thirty (30) days after the later of: (a) the date on which Buyer delivers Notice of Suitability for the Property (as provided in Section 10(c)), or (b) the date on which all conditions to Buyer's obligation to close have been either satisfied or waived by Buyer; provided that Closing must take place on a Tuesday, Wednesday or Thursday that is a business day (a "Permitted Closing Day"), and may be extended no more than an additional five (5) days in order to be scheduled on one of those days of the week. Closing shall be held at a time, date and location designated by Buyer. Buyer shall notify Seller as to the scheduled date of Closing at least thirty (30) days prior to Closing. Seller, at Seller's expense, shall restore and repair any damage caused to the Property as a result of Seller's removal of any improvements from the Property. At Closing, Seller shall deliver a special warranty deed conveying fee simple title to the Property in recordable form acceptable to Buyer in Buyer's reasonable discretion (the "Deed"). At Closing, Seller shall also execute and deliver to Buyer a general assignment of rights against third-parties in the form of **Exhibit C** attached hereto and incorporated herein, and specific assignments of any Seller Entitlements (defined below) that Buyer desires to assume, including any consents to such assignments from the applicable authority if required. Except as otherwise provided in Section 23 below, Seller shall deliver exclusive possession of the Property to Buyer at Closing.

7. **Closing Costs and Prorations.** Seller shall pay the state transfer tax, the cost of preparation of the deed, the cost of satisfaction of any liens on the Property, Seller's attorneys' fees and all other expenses incurred by Seller related to Closing. Buyer shall pay Buyer's attorneys' fees, the cost of any title search and survey and the cost for preparation and issuance of an owner's title insurance policy. Ad valorem taxes on the Property for the tax year of Closing shall be prorated between Seller and Buyer as of Closing based on the latest assessment available. Should such proration be inaccurate based on the actual ad valorem tax bill when received, either party shall be entitled, upon demand, to adjustment of the proration and corresponding reimbursement from the other party. Seller shall be responsible for and shall pay any past due taxes; provided, however, Buyer, and not Seller, shall be responsible for and shall pay any roll-back taxes or other taxes attributable to the Property having been assessed or exempted for agricultural or other special uses prior to Closing, whether such taxes become due before, at or after Closing. The provisions of this Section shall survive Closing.

8. **Conveyance of Title.** At Closing, Seller shall convey good and marketable title to the Property to Buyer pursuant to the Deed. As used in this Contract, "good and marketable title" shall mean title that is free and clear of all liens, encumbrances and other exceptions to title and rights of others except those Permitted Exceptions listed on **Exhibit D** attached hereto and incorporated herein. Buyer shall examine title to the Property and give written notice to Seller of any objections that Buyer may have prior to the expiration of the Inspection Period (the "Initial Objection to Title Notice"). Failure of Buyer to give written notice to Seller of any title objections prior to the expiration of the Inspection Period shall be deemed an election by Buyer to waive any objections that Buyer may have as to matters first appearing of record prior to the expiration of the Inspection Period. Within ten (10) days after receipt of the Initial Objection to Title Notice, Seller shall provide written notice to Buyer whether Seller will cure any such objections or refuse to cure such objections. Failure by Seller to give written notice of its election within ten (10) days after receipt of the Initial Objection to Title Notice shall be deemed an election by Seller not to cure the objections. In the event Seller elects, or is deemed to have elected, not to cure any objections, then Buyer shall have the right to elect either: (a) to waive the unsatisfied objections and proceed with Closing, or (b) to terminate this Contract in its entirety and receive an

immediate refund of the Earnest Money. Failure by Buyer to give written notice of its election within ten (10) days after Seller's election or deemed election shall constitute an election by Buyer to terminate this Contract and receive an immediate refund of the Earnest Money. In the event Seller elects to cure the objections, Seller shall have thirty (30) days from the date of the notice to cure all such objections, at Seller's sole cost. The Closing shall be delayed during and extended for any such cure period. If Seller fails for any reason to cure the objections within thirty (30) days, Buyer may: (1) waive the unsatisfied objections and complete the purchase of all portions of the Property scheduled for Closing, including those subject to the unsatisfied objections, or (2) terminate this Contract in its entirety and receive an immediate refund of the Earnest Money. Any objections that are waived in writing by Buyer, or deemed to be waived by Buyer pursuant to this Section, shall become "Permitted Exceptions." Notwithstanding anything to the contrary contained herein, Seller shall be obligated to remove any exception that can be cured by the payment of money, such as a deed of trust, mortgage, lien, judgment, deferred tax or confirmed assessment (collectively, "Monetary Liens"). Any Monetary Lien can be satisfied at Closing by Seller. Buyer may re-examine title up to Closing and give written notice to Seller of any objections that Buyer may have as to matters first appearing of record subsequent to Buyer's Initial Objection to Title Notice, or in the event Buyer did not provide an Initial Objection to Title Notice, as to matters that did not exist or were not of public record as of the Effective Date, which new title objections shall be addressed as set forth above. At Closing, Seller shall execute an Owner's Affidavit and any other affidavits, certificates and documents reasonably required by Buyer or the Title Company to deliver title as required by this Contract.

9. **Buyer's Survey.** Buyer may obtain at its expense an ALTA survey of the Property. If Buyer obtains a survey, Buyer shall provide Seller with a copy of a plat of the survey. In addition to the Deed, at Closing, Seller shall execute and deliver to Buyer a quitclaim deed with a legal description derived from Buyer's survey.

10. **Inspection Period.**

a. Duration. The period of time beginning with the Effective Date and ending at 11:59 p.m. on that date which is [redacted], is hereinafter referred to as the "Inspection Period." TIME IS OF THE ESSENCE with respect to the Inspection Period.

b. Rights and Obligations. From the Effective Date through Closing, Buyer may enter upon the Property to inspect and examine the Property and to perform tests and studies of the Property Buyer reasonably deems necessary or appropriate. Seller shall use commercially reasonable efforts to cooperate with Buyer in its entry upon, and its inspections, tests, examinations and studies of, the Property. Buyer shall indemnify Seller for any and all claims of bodily injury or damage to property (including the Property itself) arising out of Buyer's inspections of the Property. Buyer shall also indemnify Seller for liens which may be filed against the Property by persons or entities employed or contracted by Buyer to perform inspections of the Property. However, Buyer's indemnity of Seller shall not cover or apply to: (1) any loss, cost or expense arising or resulting from acts or omissions of Seller, (2) any diminution in the value of the Property arising or resulting from matters discovered by Buyer during its investigations of the Property, (3) any latent defects in the Property discovered by Buyer, or (4) the release or spread of any Hazardous Substance discovered, but not deposited, by Buyer on or under the Property. Buyer's indemnity of Seller pursuant to this subsection b shall survive Closing or any earlier termination of this Contract for a period of one (1) year. Furthermore, Buyer shall procure and/or maintain in effect during the term of this Contract a policy of insurance insuring against any liability which may arise out of, or by virtue of, Buyer's inspections and examinations of the Property by Buyer, Buyer's agents, employees and/or contractors. The liability coverage under such policy shall be not less than $1,000,000.00 per occurrence. Buyer shall cause Seller and its successors and assigns to be named as an additional insured on such policy, and shall provide Seller and its successors and assigns with a certificate of insurance evidencing such coverage.

c. Notice of Suitability. The results of all inspections, tests, examinations and studies of the Property performed during the Inspection Period must be suitable to Buyer, in its sole discretion. Prior to the expiration of the Inspection Period, Buyer may notify Seller that such results are suitable to Buyer by delivering to Seller a written Notice of Suitability signed by one of the executive officers of Buyer listed in Section 21 below (collectively, the "Authorized Officers"). No such Notice of Suitability shall be valid and effective unless signed by one of the Authorized Officers. If Buyer fails for any reason to send Seller the Notice of Suitability by the end of the Inspection Period, and such failure continues for a period of ten (10) days after written notice from Seller, this Contract shall automatically terminate. Also, if Buyer notifies Seller in writing at any time prior to issuance of a Notice of Suitability that the results of its inspections, tests, examinations or studies are not suitable to Buyer, then this Contract shall automatically terminate. Upon such termination, Buyer shall be entitled to an immediate refund of all Earnest Money then held by the Escrow

Agent, and thereafter neither party shall have any further obligation to the other hereunder, except such obligations that survive termination by express provision herein.

d. Due Diligence Materials. In the event of any termination of this Contract for any reason other than a default by Seller hereunder, then Buyer shall within ten (10) days after receipt of written notice from Seller, at its sole cost and expense, but without any recourse, representation or warranty with respect to the same, provide to Seller complete copies of all studies, reports, plans, specifications, applications, information and other materials prepared by third parties for, on behalf of or at the request of Buyer (collectively, "Due Diligence Information") in connection with its feasibility studies of the Property. The term "Due Diligence Information" shall not be deemed to include any environmental reports obtained by Buyer or any reports or materials which are proprietary or confidential. Buyer does not represent or warrant to Seller that it will obtain any Due Diligence Information. With respect to any Due Diligence Information provided to Seller and any other information made available to Seller by or on behalf of Buyer, Seller acknowledges and agrees that (i) Buyer makes no covenant, representation or warranty whatsoever as to such information, including, without limitation, its content, reliability, accuracy or completeness, (ii) if Seller uses or relies on any information provided by Buyer, Seller shall do so solely at Seller's own risk, and Buyer makes no representation, warranty or assurance as to whether Seller has any right to use or rely thereon, (iii) the parties preparing any such information are not the agents of Buyer, (iv) Buyer shall have no duty to advise Seller of any misrepresentations, misstatements, mistakes, errors or other inaccuracies contained in such information, and (v) Buyer shall have no liability, and is hereby released from all liability, to Seller, its successors and/or assigns, with respect to such information, including, without limitation any liability for misrepresentations, misstatements, mistakes, errors or other inaccuracies contained in such information.

11. **Delivery of Information**. Within five (5) business days after the Effective Date, Seller shall deliver to Buyer:

a. Copies of all of the following materials, to the extent they are in the possession or control of Seller: (i) all surveys, (ii) all title reports, commitments and policies, (iii) all zoning documents, construction plans, approved site plans or plats, permits, development orders or other documents of entitlement obtained by or assigned to Seller prior to Closing, including any applications therefor (collectively, "Seller Entitlements"), (iv) all reports, documents and surveys regarding rock tests and other soil conditions, (v) all environmental studies and reports, (vi) all wetland delineation studies, (vii) all other reports, studies and other materials that pertain to environmental hazards, wetlands, flood studies or any aspect of the physical or environmental condition of the Property or other property in the vicinity of the Property, and (viii) all existing or proposed leases, licenses, easements and contracts affecting the Property.

b. If Buyer does not consummate the Closing for any reason other than Seller default, then Buyer shall return to Seller all materials delivered by Seller to Buyer.

12. **Condemnation and Casualty.** If prior to Closing, all or any portion of the Property is condemned or taken, or threatened to be condemned or taken, by any authority, or any portion of the Property suffers a casualty loss, Seller shall give Buyer immediate Notice thereof with a complete description of all relevant information and complete copies of all relevant documentation. Within thirty (30) days of such Notice, Buyer may elect either: (i) to terminate this Contract, in which event all of the Earnest Money shall be immediately refunded to Buyer; or (ii) to collect all awards and proceeds from any condemnation or insurance policy and keep this Contract in full force and effect, in which case Seller shall promptly execute all documents required by Buyer to assign Seller's rights therein to Buyer. Notwithstanding anything to the contrary herein, in the event Buyer elects to terminate this Contract pursuant to option (i) above and Buyer had actual knowledge of a pending taking or condemnation of the Property filed with the public records of Pender County prior to Buyer having delivered a Notice of Suitability to Seller (as provided in Section 10(c)), then all the Earnest Money shall be released to Seller instead of being refunded to Buyer.

13. **Seller's Representations and Warranties**. Seller represents, warrants and covenants to Buyer that, as of the Effective Date, continuing through Closing:

a. INTENTIONALLY DELETED;

b. To the best of Seller's knowledge, Seller is in sole and exclusive possession of the Property, and no person or entity claims any right of possession to all or any portion of the Property;

c. Seller has full authority to execute this Contract and convey the Property to Buyer and execute and deliver the Deed and such other documents, instruments, affidavits and certificates as are necessary or desirable to effectuate this transaction, and no other signatures are required for this Contract to be fully enforceable by Buyer;

d. INTENTIONALLY DELETED;

e. To the best of Seller's knowledge, there is no pending or threatened taking or condemnation of the Property or any portion thereof, and no pending or threatened action, litigation or proceeding by any organization, entity, person or governmental agency affecting the Property or Seller;

f. Seller has no notice or knowledge of any violation of law, order, ruling, ordinance, rule or regulation with respect to Seller or the Property or the use thereof;

g. INTENTIONALLY DELETED;

h. INTENTIONALLY DELETED;

i. INTENTIONALLY DELETED;

j. To the best of Seller's knowledge, the Property has full and free access to and from public streets and/or roads;

k. The execution and delivery of this Contract, and the consummation of this transaction, will not result in a breach of any of the terms of, or constitute a default under, any (i) indenture, contract or instrument to which Seller is a party or by which Seller or the Property is bound, or (ii) law, order, ruling, ordinance, rule or regulation with respect to Seller or the Property or the use thereof;

l. INTENTIONALLY DELETED;

m. INTENTIONALLY DELETED;

n. INTENTIONALLY DELETED;

o. INTENTIONALLY DELETED;

p. INTENTIONALLY DELETED; and

q. Seller is not a "foreign person" as that term is defined in Internal Revenue Code Section 1445 (f)(3), nor is the sale of the Property subject to any withholding requirements imposed by the Internal Revenue Code, including, without limitation, Section 1445 thereof; and, at Closing, Seller shall execute and deliver to Buyer a Non-Foreign Person Affidavit in form reasonably acceptable to Buyer stating such.

Seller will not allow or cause any action to be taken that will cause any of the foregoing representations or warranties to be untrue or incorrect at Closing, or fail to take any action that may be required to keep such representations and warranties true and correct at Closing. Seller shall indemnify and hold Buyer harmless from and against any and all liabilities, losses, costs, damages and expenses (including attorneys' fees and expenses and costs of litigation) incurred by Buyer as a result of the untruth, incorrectness or incompleteness when made and through Closing of any representation or warranty made herein or in connection herewith. The representations, warranties and obligations of Seller pursuant to this Section 13 shall survive Closing or any termination of this Contract.

BUYER ACKNOWLEDGES AND AGREES THAT BUYER IS EXPERIENCED IN THE OWNERSHIP AND OPERATION OF PROPERTIES SIMILAR TO THE PROPERTY BEING PURCHASED AND THAT BUYER, PRIOR TO THE EXPIRATION OF THE INSPECTION PERIOD WILL HAVE INSPECTED THE PROPERTY TO ITS SATISFACTION AND IS QUALIFIED TO MAKE SUCH INSPECTION. EXCEPT AS PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING, BUYER ACKNOWLEDGES THAT IT IS FULLY RELYING ON BUYER'S (OR BUYER'S REPRESENTATIVE'S) INSPECTION OF THE PROPERTY AND NOT UPON ANY STATEMENTS (ORAL OR WRITTEN)

WHICH MAY HAVE BEEN MADE OR MAY BE MADE (OR PURPORTEDLY MADE) BY SELLER OR ANY OF ITS REPRESENTATIVES. BUYER ACKNOWLEDGES THAT BUYER HAD (OR BUYER'S REPRESENTATIVES HAVE), OR PRIOR TO THE EXPIRATION OF THE INSPECTION PERIOD WILL HAVE, THOROUGHLY INSPECTED AND EXAMINED THE PROPERTY TO THE EXTENT DEEMED NECESSARY BY BUYER IN ORDER TO ENABLE BUYER TO EVALUATE THE CONDITION OF THE PROPERTY AND ALL ASPECTS OF THE PROPERTY, AND BUYER ACKNOWLEDGES THAT, EXCEPT AS PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING, BUYER IS RELYING SOLELY UPON ITS OWN (OR ITS REPRESENTATIVE'S) INSPECTION, EXAMINATION AND EVALUATION OF THE PROPERTY. AS A MATERIAL PART OF THE CONSIDERATION FOR THIS AGREEMENT, BUYER HEREBY AGREES TO ACCEPT THE PROPERTY ON THE CLOSING DATE IN ITS "AS IS" - "WHERE IS" CONDITION AND WITH ALL FAULTS, AND WITHOUT REPRESENTATIONS AND WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, EXCEPT ONLY THE LIMITED REPRESENTATIONS AND WARRANTIES PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING AND EXCEPT AS TO THE LIMITED REPRESENTATIONS AND WARRANTIES PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING, IN CONNECTION WITH THE SALE OF THE PROPERTY TO BUYER, SELLER AND SELLER'S OFFICERS, MEMBERS, AGENTS, DIRECTORS, EMPLOYEES, MANAGERS, ATTORNEYS, CONTRACTORS, REPRESENTATIVES AND AFFILIATES ("SELLER'S RELATED PARTIES") HAVE MADE NO, AND SPECIFICALLY DISCLAIM, AND BUYER ACCEPTS THAT SELLER AND SELLER'S RELATED PARTIES HAVE DISCLAIMED, ANY AND ALL REPRESENTATIONS, GUARANTEES OR WARRANTIES, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW (EXCEPT AS TO TITLE AS HEREINABOVE PROVIDED), OF OR RELATING TO THE PROPERTY, INCLUDING WITHOUT LIMITATION, OR RELATING TO (A) THE USE, INCOME POTENTIAL, EXPENSES, OPERATION, CHARACTERISTICS, QUANTITY, OR QUALITY OF OR CONDITION OF THE PROPERTY OR ANY PORTION THEREOF, INCLUDING WITHOUT LIMITATION, WARRANTIES OF SUITABILITY, HABITABILITY, MERCHANTABILITY, TENANTABILITY, DESIGN OR FITNESS FOR ANY SPECIFIC OR A PARTICULAR PURPOSE, OR GOOD AND WORKMANLIKE CONSTRUCTION, (B) THE NATURE, MANNER, CONSTRUCTION, CONDITION, STATE OF REPAIR OR LACK OF REPAIR OF ANY IMPROVEMENTS LOCATED ON THE PROPERTY, ON THE SURFACE OR SUBSURFACE THEREOF, WHETHER OR NOT OBVIOUS, VISIBLE OR APPARENT, (C) THE NATURE OR QUALITY OF CONSTRUCTION, STRUCTURAL DESIGN OR ENGINEERING OF ANY IMPROVEMENT ON THE PROPERTY, (D) THE ENVIRONMENTAL CONDITION OF THE PROPERTY AND THE PRESENCE OR ABSENCE OF OR CONTAMINATION BY HAZARDOUS MATERIALS, OR THE COMPLIANCE OF THE PROPERTY WITH REGULATIONS OR LAWS PERTAINING TO HEALTH OR THE ENVIRONMENT, AND (E) THE SOIL CONDITIONS, DRAINAGE, FLOODING CHARACTERISTICS, UTILITIES OR OTHER CONDITIONS EXISTING. EXCEPT AS TO THE LIMITED REPRESENTATIONS AND WARRANTIES PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING, BUYER HEREBY EXPRESSLY ASSUMES ALL RISKS, LIABILITIES, CLAIMS, DAMAGES, AND COSTS (AND AGREES THAT SELLER SHALL NOT BE LIABLE FOR ANY SPECIAL, DIRECT, INDIRECT, CONSEQUENTIAL, INCIDENTAL, PUNITIVE, OR OTHER DAMAGES) ON AND AFTER THE CLOSING DATE RESULTING OR ARISING FROM OR RELATED TO THE OWNERSHIP, USE, CONDITIONS, LOCATIONS, MAINTENANCE, REPAIR OR OPERATION OF THE PROPERTY. EXCEPT IN CONNECTION WITH THE LIMITED REPRESENTATIONS AND WARRANTIES PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING BUYER ACKNOWLEDGES THAT ANY CONDITION OF THE PROPERTY WHICH BUYER DISCOVERS OR DESIRES TO CORRECT OR IMPROVE PRIOR TO OR AFTER THE CLOSING DATE SHALL BE AT BUYER'S SOLE EXPENSE. EXCEPT AS TO THE LIMITED REPRESENTATIONS AND WARRANTIES PROVIDED IN THIS CONTRACT AND IN ANY CLOSING DOCUMENTS DELIVERED BY SELLER AT CLOSING, BUYER EXPRESSLY WAIVES (TO THE EXTENT ALLOWED BY APPLICABLE LAW) ANY CLAIMS UNDER FEDERAL LAW, STATE OR OTHER LAW THAT BUYER MIGHT OTHERWISE HAVE AGAINST SELLER RELATING TO THE USE, CHARACTERISTICS OR CONDITION OF THE PROPERTY.

14. **Broker Fees.** Except as to Sognia Weiss with Focus Real Estate Services LLC ("Seller's Broker"), for whose commission Seller is solely responsible, Seller represents to Buyer that Seller has not discussed this Contract or the subject matter hereof with any real estate broker, agent, or salesperson in any manner or context that would create any legal right of any such broker, agent, or salesperson to claim a real estate commission, finder's fee, or similar compensation from Buyer with respect to the sale and/or conveyance of the Property contemplated in this Contract. Seller shall indemnify and hold Buyer harmless from and against any and all liabilities, losses, costs, damages and expenses (including reasonable attorneys' fees and expenses and costs of litigation) that Buyer may suffer or incur because of any claim by any broker, agent, or salesperson, whether or not meritorious, for any compensation with regard to this Contract or the sale and purchase of the Property contemplated herein, arising out of any acts or agreements of Seller. Except as to Seller's Broker, for whose commission Seller is solely responsible (and as to whose commission Buyer shall have no responsibility), Buyer represents to Seller that Buyer has not discussed this Contract or the subject matter hereof with any real estate broker, agent, or salesperson, in any manner or context that would

create any legal right of any such broker, agent, or salesperson to claim a real estate commission, finder's fee, or similar compensation from Seller with respect to the sale and/or conveyance of the Property contemplated in this Contract. Buyer shall indemnify and hold Seller harmless from and against any and all liabilities, losses, costs, damages and expenses (including reasonable attorneys' fees and expenses and costs of litigation) that Seller may suffer or incur because of any claim by any broker, agent, or salesperson (exclusive of Seller's Broker), whether or not meritorious, for any compensation with regard to this Contract or the sale and purchase of the Property contemplated herein, arising out of any acts or contracts of Buyer. The provisions of this Section shall survive Closing or any termination of this Contract.

15. **Default**.

a. Buyer's Default. If Buyer defaults in the performance of any obligation or covenant hereunder, Seller's sole and exclusive remedy shall be to terminate this Contract and receive payment of the Earnest Money then held by the Escrow Agent as Seller's full liquidated damages as a result of such default. The parties hereby agree and acknowledge that: (i) ascertaining the actual damages in the event of a default by Buyer would be difficult, (ii) it is impossible more precisely to estimate the damages to be suffered by Seller upon Buyer's default, (iii) such payment of Earnest Money is intended not as a penalty, but as full liquidated damages, and (iv) the amount of the Earnest Money constitutes a good faith estimate of the potential damages that could arise from a default by Buyer hereunder.

b. Seller's Default. If Seller defaults in the performance of any obligation or covenant hereunder, or if any of Seller's representations or warranties prove to be false, inaccurate, incomplete or misleading in any material respect, then Buyer's sole and exclusive remedy shall be to: (i) terminate this Contract and receive payment of the Earnest Money then held by the Escrow Agent as Buyer's full liquidated damages as a result of such default; or (ii) pursue the remedy of specific performance; provided, however, in the event the remedy of specific performance is not available to Buyer, then Buyer shall have the right to sue for Buyer's actual, out-of-pocket damages for Seller's breach in an amount not to exceed [redacted].

c. Post-Closing and Post-Termination Remedies. Notwithstanding subsections a and b above, from and after the Closing or any termination of this Contract, each party shall have the right to pursue its actual (but not consequential or punitive) damages against the other party for: (1) a material breach of any covenant or agreement contained herein that is performable after or that expressly survives the Closing or termination of this Contract (including the indemnification obligations contained in this Contract), and (2) a material breach of any representation or warranty in this Contract; provided, however, in no event shall the non-defaulting party be entitled to recover from the defaulting party an amount exceeding [redacted].

d. Notice and Cure Rights. In the event of a default hereunder, the non-defaulting party shall give the defaulting party notice of such default, specifying in reasonable detail the nature of the default. Thereafter, the defaulting party shall have forty-five (45) days from the date notice of default is given to cure the default. If the defaulting party cures the default within the 45-day period, it shall not incur any liability to the other party for the default. Each party shall reasonably cooperate with any and all attempts by the other to cure any default within the aforesaid cure period.

e. Legal Fees. In the event of any litigation between Buyer and Seller regarding this Contract, the losing party shall promptly pay the prevailing party's attorneys' fees and expenses and costs of litigation.

16. **Notices**. All notices required or permitted to be given hereunder shall be in writing and shall be deemed given: (a) upon hand-delivery, receipt required, (b) the next business day after deposit with Federal Express, UPS or other nationally recognized overnight courier service, or (c) when transmitted via email or facsimile, provided a copy is sent the next business day by method (a) or (b) or by regular first-class U.S. Mail. All notices shall be addressed as follows:

If to Buyer: Libby Shelton, Division President
D. R. Horton, Inc.
131 Racine Drive, Suite 201
Wilmington, NC 28403
Phone: (910) 742-7946
Email: elshelton@drhorton.com

With copies to: D.R. Horton, Inc.
ATTN: East Region Counsel
2325 Lakeview Parkway, Suite 275
Alpharetta, GA 30009
Phone: (678) 292-4883
Fax: (678) 292-4881
Email: kmrys@drhorton.com and hparrish@drhorton.com

Christopher A. Crowson
Bagwell Holt Smith P.A.
111 Cloister Court, Ste. 200
Chapel Hill, NC 27514
Phone: 919-401-0062
Fax: 919-403-0063
Email: ccrowson@bhspa.com

If to Seller: Mary Beth Morgan Carlson and Gregg R. Carlson
c/o Sognia Weiss
Focus Real Estate Services, LLC
6233 Murrayville Rd.
Wilmington, NC 28411
Phone: (910) 232-3468
Fax: _____
Email: sognia@focusresnc.com

With a copy to: James L. Seay, III
Seay Law Firm, PLLC
519 Market Street
Wilmington, NC 28411
Phone: (910) 763-2525
Fax: _____
Email: james.seay@seaylaw.com

If to Escrow Agent: Robert B. Markworth
Chicago Title Company, LLC
300 Blackwell Street, Suite 103
Durham, NC 27701
Phone: (919) 682-3018
Fax: (919) 682-3518
Email: rob.markworth@ctt.com

With copies to: The other party at the applicable addresses shown above.

17. **Covenants Pending Closing**. From and after the Effective Date through Closing, Seller shall: (a) operate and maintain the Property in a good and workmanlike manner, at least as well as Seller has operated and maintained it prior to the Effective Date, and shall not commit or allow any waste of or on the Property; (b) within 3 business days after Seller's receipt thereof, give notice to Buyer of any litigation, arbitration or administrative proceeding concerning or affecting the Property, together with copies of all relevant documents; and (c) comply with all requirements of all laws, orders, rulings, ordinances, rules and regulations of any governmental authority having jurisdiction over Seller over the Property and/or the use thereof. From and after the Effective Date through Closing, Seller shall not convey

or encumber any portion of the Property or any rights therein, nor enter into any conveyance, mortgage, security document, option, right of first refusal, easement, lease or other contract granting to any person or entity any rights or interests in any portion of the Property.

18. **Standard Provisions**.

a. This Contract shall be interpreted in accordance with the laws of the State of North Carolina.

b. Time is of the essence in the occurrence of all events, the satisfaction of all conditions and the performance of all obligations hereunder.

c. This Contract constitutes the sole and entire agreement between the parties with regard to its subject matter. All prior discussions, negotiations and agreements regarding the subject matter of this Contract are merged herein and shall have no further force or effect. No representations or warranties have been made by either party except as stated herein.

d. All representations and warranties of both parties contained in this Contract, together with all covenants expressly surviving Closing, shall survive Closing and delivery of the deed and other documents delivered at Closing, and shall not be merged with delivery thereof.

e. The term "business day" shall mean Monday through Friday, excluding days on which federally-chartered banks or banks chartered by the state in which the Property is located are closed for business. If the day for any action under this Contract falls on a day other than a business day, the day for the action shall automatically be extended until the next business day.

f. If any provision of this Contract shall be declared invalid or unenforceable by laws applicable thereto, or unenforceable as to certain parties, then the performance of such provision shall be excused by the parties hereto and the remaining provisions of this Contract shall remain in full force and effect.

g. The titles, captions and paragraph headings herein are inserted for convenience only and are in no way intended to interpret, define or limit the scope or content of this Contract or any provision hereof. Both parties have been represented by counsel in the drafting and negotiation of this Contract, and this Contract shall be construed without regard to any presumption or other rule requiring construction against the party causing this Contract to be drafted.

h. INTENTIONALLY DELETED.

i. Any failure or delay of Buyer or Seller to enforce any term of this Contract shall not constitute a waiver of such term. Any waiver of any term of this Contract by either party must be specifically stated in a writing delivered to the other party in compliance with Section 16 above. Any such waiver by Buyer or Seller shall not be deemed to be a waiver of any other term of this Contract or of a subsequent breach of the same term.

j. Except as otherwise provided herein, if this Contract is terminated prior to Closing, the Earnest Money shall be refunded to Buyer, unless Buyer is in default hereunder and Seller is entitled to the Earnest Money pursuant to Section 15 above. Upon termination of this Contract and return of the Earnest Money to Buyer, Buyer and Seller shall thereafter have no further rights, obligations or liabilities hereunder, other than those expressly surviving termination; provided that if this Contract is terminated prior to Closing but after Buyer's issuance of a Notice of Suitability pursuant to Section 10 above, the parties shall execute a written Termination Agreement on terms reasonably acceptable to counsel for both parties and the Escrow Agent. Failure of the parties to execute a Termination Agreement shall not negate or otherwise affect the termination; however, either party shall have the right to sue for its actual damages resulting from the refusal or willful failure of the other party to execute a written Termination Agreement upon reasonable terms.

k. This Contract shall be binding upon and shall inure to the benefit of Seller and Buyer, their respective heirs, successors, legal representatives and permitted assigns. Buyer may assign its rights and obligations hereunder. Seller may not assign its rights and obligations hereunder without the prior written consent of Buyer, which shall not be unreasonably withheld. Any change in control of Seller resulting from a merger, consolidation, or a transfer or transfers

of ownership interest or interests shall be deemed to be an assignment of rights and obligations hereunder that requires the prior written consent of Buyer. If Seller consists of more than one person or entity, then: (1) each reference to Seller herein shall be deemed to refer to each person or entity constituting Seller, both individually and in the aggregate, and (2) each person or entity constituting Seller shall be jointly and severally liable for all liabilities and obligations of Seller hereunder.

l. This Contract may be executed in multiple, separate counterparts, and such counterparts shall constitute one and the same document. This Contract may not be modified or amended except by a writing signed by both Buyer and Seller.

m. This Contract, any amendments hereto, the Earnest Money instrument (if any), and the Notice of Suitability (if any) may be executed by hand-signatures or by electronic signatures using DocuSign or other similar technology. Such signatures may be transmitted by facsimile or email. Any such electronic signatures or electronic transmissions of signatures shall be deemed to constitute originals. In addition, either party and/or the Escrow Agent may rely upon any electronic transmission of any document that is properly executed by the other party. The ratification of this Contract or any amendment hereto by any of the Authorized Officers on behalf of Buyer also may be accomplished by either hand-signature or by electronic signature using DocuSign or other similar technology. Except as provided in this subsection, the Electronic Signatures in Global and National Commerce Act and any parallel, corresponding or similar state law or regulation shall not apply to the execution of this Contract or any amendment hereto, and Buyer shall not be bound by any electronic signature.

19. **Environmental Matters/Hazardous Substances.**

a. As used in this Contract, "Hazardous Substance" shall mean and include all hazardous or toxic substances, wastes or materials, any pollutants or contaminates (including, without limitation, petroleum, oil and gas, asbestos and raw materials which include hazardous constituents, radon and urea formaldehyde), and any other similar substances or materials which are regulated by, or are the subject of, any Environmental Law. As used in this Contract, "Environmental Law" shall mean and include any and all local, state, or Federal laws, rules, or regulations pertaining to regulation of the air, water, groundwater, land, natural resources and/or pertaining to the contamination, clean-up or disclosure of Hazardous Substances, including, without limitation, the Comprehensive Environmental Response Compensation and Liability Act of 1980, the Superfund Amendments and Reauthorization Act of 1986, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, the Endangered Species Act, the Federal Insecticide, Fungicide and Rodenticide Act, as amended, or by tort or other common law.

b. Seller hereby represents and warrants to Buyer that, to the best of Seller's knowledge: (i) Seller is in full compliance with all Environmental Laws, including, without limitation, that Seller has all permits required by Environmental Laws, (ii) neither Seller, nor any person during Seller's ownership of the Property, nor to the best of Seller's knowledge, any previous owner of the Property or any other person or entity, has ever used, generated, processed, stored, disposed of, released or discharged any Hazardous Substance on, under, or about the Property or transported it to or from the Property, nor, to the best of Seller's knowledge, has any party ever alleged that any such activities have occurred, (iii) no use by Seller, or, to the best of Seller's knowledge, any prior owner of the Property or any other person, has occurred which violates or violated, any applicable Environmental Law, nor to the best of Seller's knowledge has any party ever alleged that such violations have occurred, and (iv) the Property is not on any "Superfund" list under any applicable Environmental Law, nor is it subject to any lien related to any environmental matter. In the event Seller breaches the representations and warranties in this paragraph, Seller shall indemnify, defend and hold Buyer and its affiliates, agents, employees, directors, officers, managers, members, partners, shareholders, assigns and/or successors (collectively, the "Indemnitees") harmless from and against all fines and penalties and liabilities (including, without limitation, those arising under statute or government regulation, common law or contract), including all foreseeable and unforeseeable consequential damages, any other damages, costs and losses, including reasonable attorneys' fees, directly or indirectly and in whole or in part arising out of or attributable to Seller's breach. Notwithstanding anything to the contrary contained herein, the representations and warranties in this paragraph shall be deemed remade as of Closing, and such representations and warranties and the indemnification provisions in this paragraph shall survive Closing and shall not be merged therein. The provisions of this paragraph are in addition to any other rights Buyer may have under this Contract. Notwithstanding the foregoing, Seller discloses to Buyer that the Property contains two underground propane tanks of approximately 200 gallons each.

c. Buyer's obligation to close on the purchase of the Property hereunder is expressly conditioned upon: (i) Buyer's receipt, at Buyer's expense, of an environmental report (or reports), addressed to Buyer prior to the expiration of the Inspection Period, the form, content and preparer of which must be acceptable to Buyer in its sole discretion, presenting the results of an investigation of the Property, and such property in the vicinity of the Property, as may be deemed appropriate by Buyer, in Buyer's sole discretion in light of the intended use of the Property, with regard to the presence, generation, processing, storing, disposal, release or discharge of any Hazardous Substances, from, on, under, about, or in the vicinity of the Property and compliance with Environmental Laws relating to or affecting the Property, which investigation is commonly referred to as a Phase I Environmental Site Assessment, which report has been prepared or updated no more than six (6) months prior to the date of Closing, and such further investigations and/or reports as Buyer may require (collectively, the " Environmental Inspections and Reports"); and (ii) Buyer's satisfaction with the results of the Environmental Inspections and Reports.

d. In the event Buyer is not satisfied with the results of any Environmental Inspections and Reports prior to the expiration of the Inspection Period, then Buyer, at its sole discretion may terminate this Contract pursuant to Section 10 above. In the event there has been any change to the environmental condition of the Property or the property in the vicinity of the Property following the expiration of the Inspection Period as such condition was reflected in the Environmental Inspections and Reports, then Buyer, at its sole discretion and in addition to any other provision of this Contract, may (i) terminate this Contract as to any or all of the Property, in which event all of the Earnest Money shall be immediately returned to Buyer, or (ii) proceed to closing on the Property.

20. **Memorandum of Contract**. Upon ratification of this Contract pursuant to Section 21below, Seller, upon request and at Buyer's expense, shall execute a short-form memorandum of this Contract in a recordable form reasonably acceptable to Buyer, which Buyer may record at the Pender County Registry. Seller shall deliver the recordable Memorandum of Contract to Buyer within five (5) business days of the date of ratification. Seller shall promptly cause to be recorded a notice of termination of said short form memorandum in the event this Contract is terminated for any reason other than uncured Seller default.

21. **Corporate Ratification**. NOTWITHSTANDING ANY OTHER PROVISION HEREIN, NEITHER THIS CONTRACT NOR ANY AMENDMENT HERETO SHALL BE A VALID, BINDING OR ENFORCEABLE OBLIGATION OF BUYER UNLESS AND UNTIL SUCH DOCUMENT IS RATIFIED IN WRITING BY ONE OF THE FOLLOWING EXECUTIVE OFFICERS OF BUYER: DONALD R. HORTON, DAVID V. AULD, MICHAEL J. MURRAY, BILL W. WHEAT, PAUL ROMANOWSKI, BRIAN ETHERIDGE, THOMAS F. HILL, JR. OR BRADFORD C. BRUNDAGE; PROVIDED THAT IF RATIFICATION OF THIS CONTRACT DOES NOT OCCUR WITHIN THIRTY (30) DAYS OF THE DATE OF EXECUTION OF THIS CONTRACT BY SELLER AND BUYER, THEN THIS CONTRACT SHALL AUTOMATICALLY TERMINATE AND BE OF NO FURTHER FORCE OR EFFECT.

22. **Binder/Option Fee.** Seller acknowledges receipt of One Hundred Dollars ($100.00) paid to Seller by Buyer as a Binder/Option Fee, in consideration for which Seller shall be irrevocably bound by the terms of this Contract from and after the date of Seller's execution hereof. The Binder/Option Fee shall not be applied against the Purchase Price of the Property at Closing.

23. **Seller Possession After Closing Agreement**. Seller has disclosed to Buyer that Seller currently resides on the Property. At Closing, the parties shall execute and deliver to each other a "Seller Possession After Closing Agreement" in form substantially as shown by **Exhibit E** attached hereto and incorporated herein (the "Seller Possession After Closing Agreement") which would allow Seller to continue to reside on the Property and allow Seller, at Seller's sole cost and expense, to remove certain structures, improvements, fixtures, household furnishings and personal belongings from the Property for up to sixty (60) days after Closing. Seller, at Seller's sole expense, shall restore and repair any damage caused to the Property as a result of Seller's removal of any such structures, improvements, fixtures, household furnishings and personal belongings from the Property. To secure Seller's timely vacation of the Property upon the expiration of the term of the Seller Possession After Closing Agreement, a portion of Seller's proceeds at Closing in the amount of [redacted] (the "Holdback Funds") shall be held by Escrow Agent and released to Seller upon the expiration of the Seller Possession After Closing Agreement provided that Seller has completely vacated the Property. If Seller remains on the Property after the expiration of the Seller Possession After Closing Agreement, the Holdback Funds shall be released to Buyer and the Holdback Funds shall be deemed the property of Horton. In the event Seller fails to execute and deliver to Buyer the Seller Possession After Closing Agreement at Closing or such agreement is deemed unnecessary by Seller prior to Closing, Seller shall have the

obligation to deliver exclusive possession of the Property to Buyer at Closing free and clear of any right of possession to all or any portion of the Property by any person or entity.

SIGNATURES ON NEXT PAGE

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed on the dates shown below.

Seller:

DocuSigned by:
Mary Beth Morgan Carlson
76D31120B1C84D2...

Mary Beth Morgan Carlson

Date: 11/9/2022

DocuSigned by:
GREGG CARLSON
76D31120B1C84D2...

Gregg R. Carlson

Date: 11/9/2022

Buyer:

D.R. Horton, Inc.

By: DocuSigned by:
Bradford C Brundage
42EC2E08EBF7482...

Bradford C. Brundage, East Region Vice President

Date: 11/8/2022

By: DocuSigned by:
Elizabeth Shelton
D8B8F24B0568A8E...

Libby Shelton, Division President

Date: 11/8/2022

Pursuant to Section 21 above, the undersigned hereby ratifies this Contract on behalf of D.R. Horton, Inc.

DocuSigned by:
C9911D31F2B84B8...

Print Name: Michael J Murray

Title: Chief Operating Officer

Date: 1/12/2023

Exhibit A

Legal Description of the Land

BEING all of those two (2) parcels of land containing a total of approximately 20.79 acres of land located on or near US HWY 17, Wilmington, Pender County, North Carolina, and designated as Parcel Number 3271-64-5893 and 3271-65-9054 by Pender County, North Carolina; and being the same property described in Deed Book 3920 Page 157, Deed Book 4437 Page 161, and Deed Book 4667 Page 1997 at the Pender County Registry.

Exhibit B

ESCROW AGREEMENT

THIS ESCROW AGREEMENT (hereinafter referred to as this "Agreement"), is made and entered into _____, by and among: _____ having as a mailing address: _____ (hereinafter referred to as "Seller"); D.R. Horton, Inc. having as a mailing address: _____ (hereinafter referred to as "Buyer"); and _____ TITLE INSURANCE COMPANY, having as a mailing address: _____ (hereinafter referred to as "Escrow Agent").

W I T N E S S E T H

WHEREAS, Seller and Buyer have entered into that Land Purchase Contract having an Effective Date of _____, (hereinafter referred to as "the Contract") as to certain real property situated in _____ County, North Carolina (hereinafter referred to as the "Property"); and

WHEREAS, Buyer and Seller have appointed _____ Title Insurance Company to hold all earnest money under the Contract in accordance with the terms of the Contract and this Agreement.

NOW, THEREFORE, in furtherance of the transaction contemplated hereby and for and in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto covenant and agree as follows:

1. Seller and Buyer hereby designate, constitute and appoint _____ Title Insurance Company as the "Escrow Agent" under this Agreement to hold all earnest money under the Contract, and _____ Title Insurance Company accepts such designation and appointment and agrees to act in accordance with the terms of the Contract and this Agreement. In the event or a conflict between the terms of this Agreement and those of this Agreement, the terms of the Contract shall control. Seller and Buyer agree (a) that Escrow Agent shall be a stakeholder only and not liable for any losses, costs or damages it may incur in performing its responsibilities hereunder unless such losses, costs or damages shall arise out of the willful default or negligence of Escrow Agent or its agents, (b) that no releases or disbursements shall be made hereunder except upon consistent written instructions from both Seller and Buyer or their successors or assigns; and (c) that in the event of a dispute hereunder between Seller and Buyer (or their successors or assigns), Escrow Agent shall have the right, exercisable in its sole discretion, to be discharged by tendering unto the registry or custody of any court of competent jurisdiction, the closing documents and funds held by Escrow Agent, together with any such legal pleadings as it deems appropriate. Escrow Agent shall be indemnified, saved and held harmless by the Seller and Buyer for all of its expenses, costs and reasonable attorney's fees incurred in connection with such interpleader action.

2. Upon receipt of consistent written instructions from both Seller and Buyer, or their respective counsel, then Escrow Agent shall disburse the funds held in escrow in accordance with the written instructions signed by both Buyer and Seller, or their respective counsel. Said written instructions may be given in duplicate counterparts and by facsimile. Escrow Agent shall have the right to deduct any costs Escrow Agent has incurred for overnight delivery charges or wire transfer fees from the funds held prior to disbursement.

3. All checks, money orders or drafts deposited with Escrow Agent under this Agreement will be processed for collection in the normal course of business. Escrow Agent will not commingle funds received by it in escrow with funds of others and shall deposit such funds in a separate escrow account with a federally insured Bank. Escrow Agent shall not be liable for any loss caused by the failure, suspension, bankruptcy or dissolution of any such investment vehicle or fund.

4. Escrow Agent shall not be liable for any loss or damage resulting from the following:

(a) Any default, error, action or omission of any other party;

(b) The expiration of any time limit unless such time limit was known to Escrow Agent and such loss is solely caused by failure of Escrow Agent to proceed in its ordinary course of business;

(c) Any loss or impairment of funds while on deposit with a federally insured Bank resulting from failure, insolvency or suspension of such institution; or

(d)Escrow Agent's complying with any and all legal process, writs, orders, judgments and decrees of any court whether issued with or without jurisdiction and whether or not subsequently vacated, modified, set aside or reversed.

5. Escrow Agent shall be entitled to rely upon the instructions and other matters covered thereby, and shall not be required to investigate the authority of the person executing and delivering such instructions, or otherwise verify the accuracy of the statements of information presented therein.

6. The terms and provisions of this Agreement are for the benefit of Seller, Buyer and Escrow Agent and their respective successors and assigns only. Nothing contained herein shall be deemed or construed to inure to the benefit of any other person or party, it being the express intent of Seller, Buyer and Escrow Agent that no such person party shall be entitled to any of the benefits hereof,

except as herein expressly provided.

7. Time is of the essence of this Agreement.

8. This Agreement is intended as a contract under the laws of the State of _____ and shall be governed thereby and construed in accordance therewith.

9. This Agreement may be executed by facsimile signatures, which for all purposes shall be deemed to constitute originals. This Agreement may be executed in counterparts, all of which when taken together shall be deemed one original.

10. Any interest earned on the funds held in escrow shall accrue to the benefit of Buyer, whose tax identification number is _____.

IN WITNESS WHEREOF, the parties hereto have executed this Escrow Agreement as of the day, month and year first above written.

NOTE: THIS IS AN EXHIBIT. INITIAL ONLY – DO NOT EXECUTE.

Exhibit C

GENERAL ASSIGNMENT

THIS GENERAL ASSIGNMENT (this "**Assignment**") is made as of the ____ day of _____, 20__, by _____, a _____ ("**Seller**"), to D.R. Horton Inc., a Delaware corporation ("**Buyer**").

WHEREAS, of even date herewith, Seller has conveyed to Buyer the land described in Exhibit "A" attached hereto ("**Land**"), together with all improvements (the "**Improvements**") located thereon (the Land and Improvements are referred to herein collectively as the "**Property**"); and

WHEREAS, Seller and Buyer intend that Seller also convey to Buyer all of the Conveyed Property Rights (as hereinafter defined).

NOW, THEREFORE, Seller, for and in consideration of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and confessed, hereby agrees as follows:

1. Seller has GRANTED, BARGAINED, SOLD, CONVEYED and ASSIGNED, and by these present does hereby GRANT, BARGAIN, SELL, CONVEY and ASSIGN to Buyer all of Seller's right, title and interest in and to the following, but only to the extent same pertain to the Property ("**Conveyed Property Rights**"):

(a) all surveys, engineering, soils, seismic, geological, environmental, reports, studies and certificates and other technical descriptions;

(b) all warranties, guaranties and indemnities received from third parties, and all claims, demands and causes of action against third parties, but only to the extent they are for the benefit of, and applicable to, the Property or the owner thereof, including, without limitation, any warranties, guaranties, indemnities, contractual rights, claims, demands and causes of action pertaining to the development, construction, design or completion of the Property and/or the common areas, streets, utilities or other subdivision infrastructure;

(c) all licenses, permits, governmental approvals, utility commitments, utility rights (including rights to capacity or service), drainage and detention rights, development rights or other similar rights, inclusive of any prepaid impact fees, impact fee credits or other similar development credits (but excluding any rights to MUD reimbursables other than reimbursement rights (i) accruing to Buyer by reason of funds expended by Buyer, or on behalf of Buyer, after the date hereof, or (ii) otherwise expressly agreed to by Seller in writing pursuant to the contract of sale for the Land by and between Seller and Buyer);

(d) all rights under any plats (preliminary or final) of any portion of the Property or any rights-of-way abutting the Property or any portion thereof, including any boundary plats and any right-of-way plats, submitted, approved or recorded;

(e) all unpaid awards or proceeds, including awards in connection with insurance and any eminent domain taking; and

(f) all other rights, powers, privileges, options, or other benefits associated with, that pertain to, are attributable to, are appurtenant to, apply to, or which otherwise benefit the Property.

TO HAVE AND TO HOLD the Conveyed Property Rights unto Buyer and Buyer's successors and assigns forever.

2. This Assignment shall be binding on Seller, its successors and assigns, and shall inure to the benefit of Buyer, its successors and assigns.

3. This Assignment does not constitute an assumption of any liability or obligation by Buyer, nor shall it be deemed to impose on Buyer any liability or obligation. This Assignment is made WITHOUT RECOURSE. Furthermore, Seller assigns the Conveyed Property Rights only to the extent they may exist and in fact be assignable, and without any representation or warranty whatsoever.

4. Seller and Buyer will each cooperate with each other, their employees, and agents to facilitate the purpose and intent of this Assignment including, without limitation, the providing of information and documentation that may be reasonably required for the enforcement of the rights and interests assigned hereby.

5. This Assignment may be executed in several counterparts, each of which shall be fully effective as an original and all of which together shall constitute one and the same instrument.

EXECUTED as of the date first above written.

NOTE: THIS IS AN EXHIBIT. INITIAL ONLY – DO NOT EXECUTE.

Exhibit D

Permitted Exceptions

1. Ad valorem taxes for the year of Closing (to be prorated) and subsequent years.
2. Utility easements and rights-of-ways of record that do not materially affect Buyer's intended use or the value of the Property.
3. All matters appearing on record and not objected to by Buyer prior to expiration of the Examination Period.
4. All matters that would be revealed by an accurate and complete survey of the Property, which are not objected to prior to expiration of the Examination Period.
5. Subject to matters shown on recorded Map Book 20 Page 7.
6. Subject to matters shown on recorded Map Book 56 Page 28.
7. Subject to matters shown on recorded Map Book 56 Page 79.
8. Easement recorded in Book 386 Page 192.
9. Easement to AT&T recorded in Book 1216, Page 53
10. Right of Way to the North Carolina Department of Transportation recorded in Book 1221 Page 337.
11. Title to any portion of the Property within the current right-of-way of U.S. 17.
12. Title to any portion of the Property lying withing the bounds of the railroad right of way of Seaboard Coastline Railroad.

- END –

Exhibit E

SELLER POSSESSION AFTER CLOSING AGREEMENT

Mary Beth Morgan Carlson and Gregg R. Carlson (hereinafter collectively referred to as "Seller") has entered into a Land Purchase Contract dated _____, 2022 (the "Contract") with **D.R. Horton, Inc.,** a Delaware corporation ("Horton") to sell to Horton that certain tract of land described in **Exhibit A** attached hereto and incorporated herein ("Property"). Seller desires to remain in possession of the Property on or after the Closing date until sixty (60) days after the Closing date pursuant to the Contract, and Seller and Horton, in consideration of the provisions set forth below, do hereby agree as follows as part of this Seller Possession After Closing Agreement (the "Agreement"):

1. Except for the removal of the buildings, improvements, fixtures, remaining household furnishings and personal belongings from the Property specifically identified in **Exhibit B** attached hereto and incorporated herein (collectively, the "Removal Property"), Seller shall not alter, modify, damage or fail to maintain the Property in its condition at Closing. In the event that the Property is altered, modified, damaged or not maintained by the Seller in its condition at Closing (except for the removal of the Removal Property), Seller agrees to pay all costs necessary to correct any alterations, modifications or damage to the Property to bring the Property back to the condition it was in at Closing. Furthermore, Seller, at Seller's sole expense, shall restore and repair any damage caused to the Property as a result of Seller's removal of the Removal Property from the Property. Any Removal Property that remains on the Property after the expiration of the Term (as defined below) or earlier termination of this Agreement shall be deemed abandoned by Seller and shall be deemed the property of Horton.

2. The term of this Agreement shall commence on the Closing date under the Contract and terminate at 11:59 p.m. Eastern time on that date which is sixty (60) days following the Closing date (the "Term"), unless sooner terminated pursuant to the terms of this Agreement. During the Term, Seller shall pay **no** rental for its occupancy of the Property.

3. In any event, Seller shall vacate the Property no later than the expiration of the Term of this Agreement. Time is of the essence with regard to this time and date. In the event Seller intends to vacate the Property prior to the aforesaid date, then Seller shall provide Horton, its successors and assigns with written notice at least three (3) days in advance of vacating the Property.

4. To secure Seller's timely vacation of the Property upon the expiration of the Term of this Agreement, a portion of Seller's proceeds at Closing in the amount of [redacted] (the "Holdback Funds") shall be held by Escrow Agent (as defined in the Contract) and released to Seller upon the expiration of the Term of this Agreement provided that Seller has completely vacated the Property. If Seller remains on the Property after the expiration of the Term of this Agreement, Escrow Agent shall immediately release the Holdback Funds to Horton and the Holdback Funds shall be deemed the property of Horton.

5. Seller shall keep all utilities registered in Seller's name and shall pay the costs of all utilities (water, sewer, gas, electricity, etc.) until the Property is vacated by Seller pursuant to this Agreement.

6. Seller shall be responsible for lawn maintenance and trash removal until the Property is vacated by Seller pursuant to this Agreement. If any third party contractors or vendors work on the Property for Buyer during the Term of this Agreement, those contractors and vendors shall not contract directly with Seller and must contract directly with Horton on Horton's approved form vendor agreement. Any such contractors and vendors must have appropriate insurance coverage, as required pursuant to Horton's vendor agreement. Notwithstanding the foregoing, this provision shall not apply to any contractors or vendors which Seller procures for removing the Removal Property.

7. Seller shall admit Horton, its successors and assigns, and their authorized agent at reasonable times for the purpose of inspecting the Property and performing any work on the Property deemed necessary by Horton, in its sole discretion, in connection with Horton's planned development of the Property.

8. Seller shall procure and/or maintain in effect a policy of insurance covering Seller's personal property located on the Property, and insuring against any liability which may arise out of, or by virtue of, the use and occupancy of the Property by Seller, Seller's agents, employees and/or contractors. The property damage coverage under such policy shall be for full replacement value. The liability coverage under such policy shall be not less than $1,000,000.00 per occurrence. Seller shall cause Horton and its successors and assigns to be named as an additional insured on such policy, and shall provide Horton and its successors and assigns with a certificate of insurance evidencing such coverage at closing under the Contract. Risk of loss or damage to the Property by fire or other casualty shall remain with Seller until Seller has completely vacated the Property. Seller hereby releases Horton and its successors and assigns from any liability for any loss, cost or damage coverable by the insurance to be procured and maintained by Seller hereunder, and Seller shall look solely to such insurance for recovery of any such loss, cost or damage. The policy of insurance required to be carried by Seller hereunder shall include a waiver of subrogation to any and all claims of Seller against Horton and its successors and assigns.

9. Seller shall indemnify and hold Horton and its successors and assigns harmless from and against any and all liability, fines, suits, claims, demands, actions, costs, and expenses of any kind or nature whatsoever caused by or arising out of, or in any manner connected with any damage to any property, including the Property itself, occasioned by the Seller's use and/or occupancy of the Property from the date of Closing to the date of vacating the Property, including intentional or negligent acts by Seller, Seller's family, and/or agents and employees of Seller, or any injury to person or persons, including death, or any damage occurring in or about the Property and resulting from or occasioned by Seller's use and/or occupancy of the Property from the date of Closing to the date of vacating the Property.

10. Seller shall not sublet the Property or assign this Agreement. Horton may assign its rights and obligations hereunder. This Agreement shall not be recorded with the county register of deeds.

11. Should any action be instituted by Horton and its successors or assigns to recover any rent or damages based on the provisions of this Agreement, Seller agrees to pay all of Horton's and its successors' and assigns' legal expenses not to exceed an amount which would normally be allowed for said expenses.

12. This Agreement shall be interpreted in accordance with the laws of the State of North Carolina. Time is of the essence in the occurrence of all events, the satisfaction of all conditions and the performance of all obligations hereunder. This Agreement shall be binding upon and shall inure to the benefit of Seller and Horton, their respective heirs, successors, legal representatives and permitted assigns. This Agreement constitutes the sole and entire agreement between the parties with regard to its subject matter. All prior discussions, negotiations and agreements regarding the subject matter of this Agreement are merged herein and shall have no further force or effect. If any provision of this Agreement shall be declared invalid or unenforceable by laws applicable thereto, or unenforceable as to certain parties, then the performance of such provision shall be excused by the parties hereto and the remaining provisions of this Agreement shall remain in full force and effect.

13. THIS AGREEMENT IS INTENDED ONLY TO GIVE SELLER THE RIGHT TO POSSESSION FOR A LIMITED PERIOD FOLLOWING CLOSING AND IS NOT INTENDED TO ESTABLISH A LANDLORD AND TENANT RELATIONSHIP.

SIGNATURES ON NEXT PAGE

Seller:

_____

Mary Beth Morgan Carlson

Date: _____

_____

Gregg R. Carlson

Date: _____

Horton:

D.R. Horton, Inc.

By:_____

Print Name:_____

Title: _____

Date: _____

Exhibit A [to the Seller Possession After Closing Agreement]

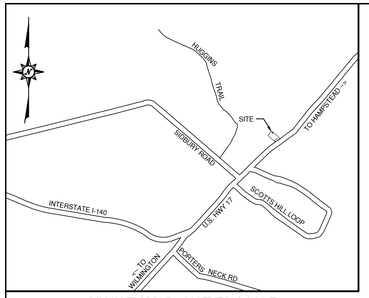
INSERT LEGAL DESCRIPTION OF PROPERTY

Exhibit B [to the Seller Possession After Closing Agreement]

Removal Property

[TO BE INSERTED]

ATTACHMENT 1 – SITE PLAN



VICINITY MAP - NOT TO SCALE

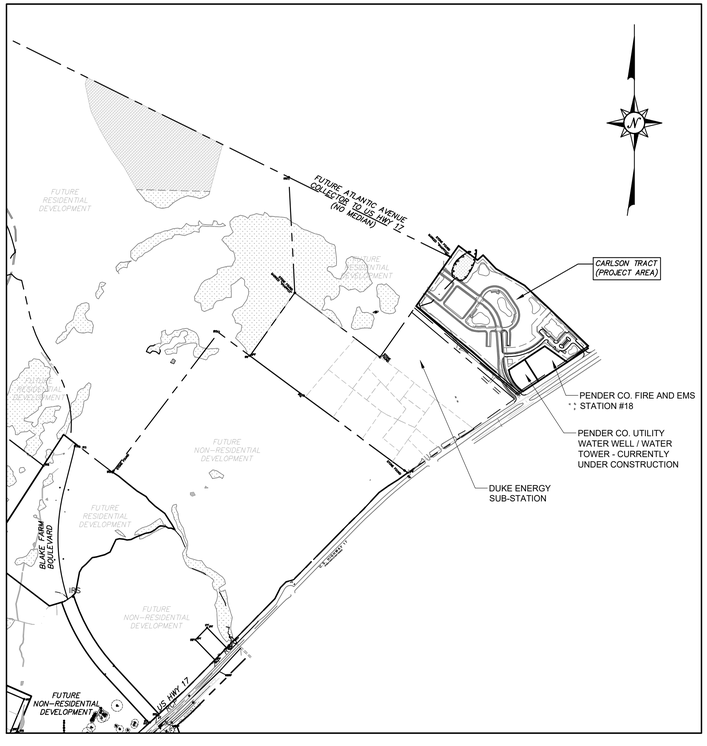
CARLSON TRACT

PENDER COUNTY
CONDITIONAL REZONING

MAY 5, 2023

(Revised & Resubmitted JUNE 13, 2023)

(Revised & Resubmitted AUGUST 11, 2023)



NOT TO SCALE

SHEET INDEX	
SHEET TITLE	DESCRIPTION
C1.0	COVER
C2.0	EXISTING CONDITIONS
C3.0	GENERAL SITE DEVELOPMENT PLAN
C3.1	ROAD SECTIONS

COUNTY AND AGENCY CONTACTS

A. **Pender County**
Planning Department
805 S Walker Street
Burgaw, NC 28425
(910) 259-0231
Contact: Daniel Adams
Email: dadams@pendercountync.gov

B. **NCDENR**
Sediment and Erosion Control
127 N Cardinal Dr.
Wilmington, NC 28405
(910) 796-7215
Contact: Dan Sams
Email: dan.sams@ncdenr.gov

C. **Pender County Public Utilities**
605 E Fremont St
Burgaw, NC 28425
(910) 259-0212
Contact: Kenny Keel
Email: kkeel@pendercountync.gov

D. **NCDENR**
Division of Environmental Health
Public Water Supply Section
1634 Mail Service Center
Raleigh, NC 27699-1634
(919) 707-9051

E. **Pluris Hampstead, LLC**
Sanitary Sewer
1095 NC-210
Sneads Ferry, NC 28460
(910) 328-6277
Contact: Randy Hoffer
Email: rhoffer@plurisusa.com

F. **NCDOT Division 3 - District 1**
299 Wilmington Hwy
Jacksonville, NC 28540
(910) 455-3777

G. **NCDENR**
Division of Water Quality
127 Cardinal Drive Ext.
Wilmington, NC 28405
(910) 796-7387
Contact: Dean Hunkele
Email: Dean.Hunkele@ncdenr.gov

PROJECT DATA

NAME OF PROJECT:
CARLSON TRACT
PENDER COUNTY, NORTH CAROLINA

OWNER / DEVELOPER:
D.R. HORTON
131 RACINE DR, SUITE 201
WILMINGTON, NC 28403
PHONE: (910) 742-7946
CONTACT: ELIZABETH (LIBBY) SHELTON

PREPARED BY:
MCKIM & CREED, INC
243 NORTH FRONT ST
WILMINGTON, NC 28401
PHONE: (910)343-1048
FAX: (910)251-8282
CONTACT: RICHARD COLLIER, PE / TRAE LIVICK
EMAIL: RCOLLIER@MCKIMCREED.COM; TLIVICK@MCKIMCREED.COM

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Wilmington, North Carolina 28401
Phone: (910)343-1048
Fax: (910)251-8282
License: F-1222
www.mckimcreed.com

811 Know what's below. Call before you dig.

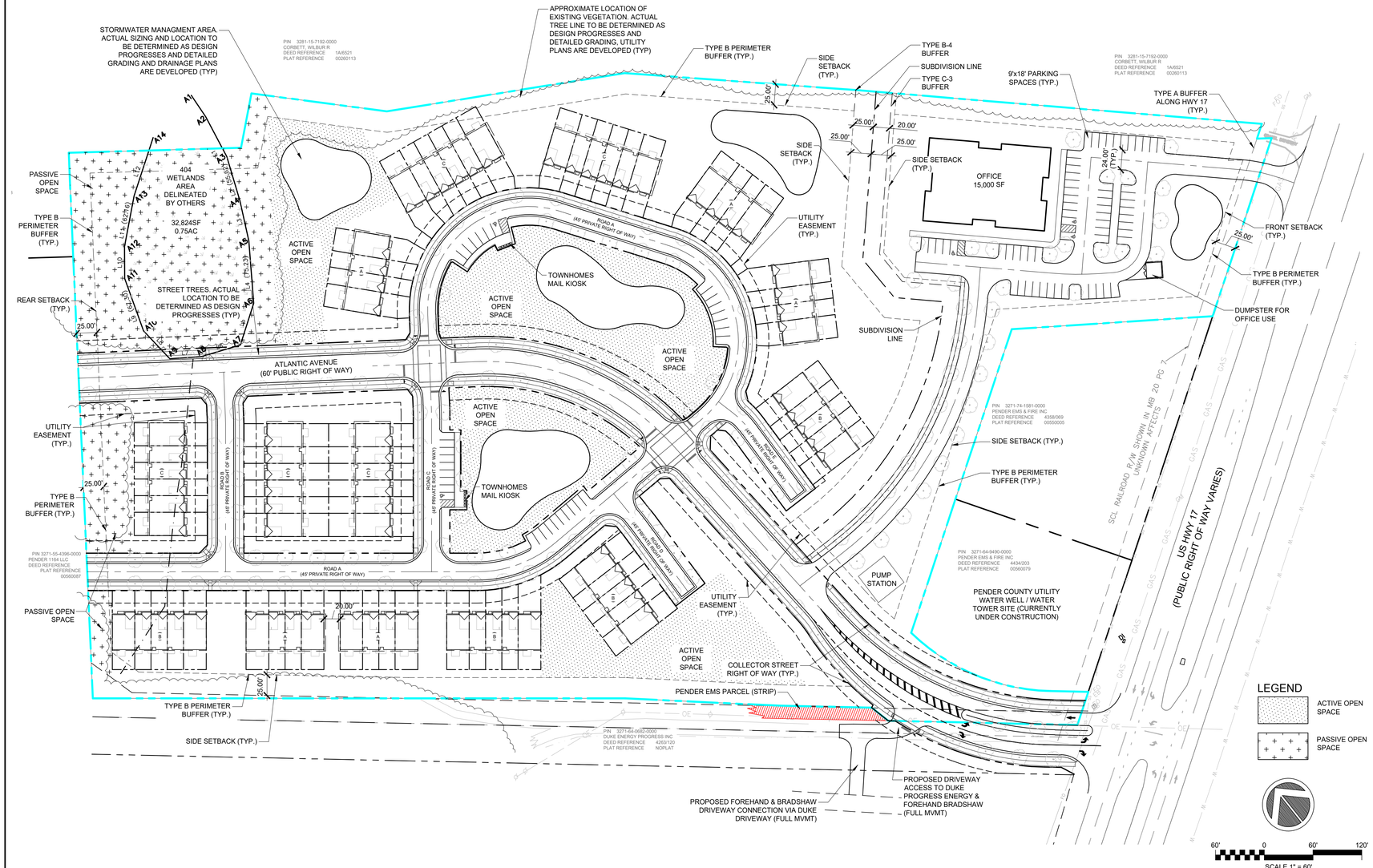
CARLSON TRACT PENDER COUNTY

MC FILE: 04245-0038

STATUS: CONDITIONAL REZONING

LINE	BEARING	DISTANCE
L1	S 09°52'55" W	11.61
L2	S 21°03'31" W	49.57
L3	S 23°57'21" W	65.62
L4	S 35°49'32" W	75.23
L5	S 49°29'38" W	50.28
L6	N 67°47'43" W	50.21
L7	N 75°28'05" W	48.83
L8	N 82°08'26" W	49.54
L9	N 86°06'48" E	67.30
L10	N 86°06'48" E	62.97
L11	N 49°31'04" E	62.16
L12	N 58°48'30" E	58.05

PIN 3281-15-7192-0000
CORBETT, WILBUR R
DEED REFERENCE 1A/6521
PLAT REFERENCE 00260113
ZONED: RA
LAND USE CLASS: MED DENSITY RES
N 35°51'31" E
124.94
S 53°13'56" E
98.94
212.07
90.07
23.07
A1
A2
A3
A4
A5
A6
A7
A8
A9
A10
A11
A12
A13
A14
404 WETLANDS AREA
DELINEATED BY OTHERS
SURVEYED BY THIS OFFICE
32,824SF
0.75AC
S 44°12'47" E
168.01
APPROX LAND USE CLASS LINE
PIN 3281-15-7192-0000
CORBETT, WILBUR R
DEED REFERENCE 1A/6521
PLAT REFERENCE 00260113
ZONED: RA
LAND USE CLASS: NEIGHBORHOOD MIXED USE
LN 49°34'23" E
66.62
S 60°31'52" E 296.35
S 47°28'22" E 286.01
S 46°56'25" E 500.42
GRID NORTH
LEGEND:
DI = DROP INLET
EB = ELECTRICAL BOX
EIP = EXISTING IRON PIPE
ERM = EXISTING REBAR
FH = FIRE HYDRANT
FO = FIBER OPTIC
GM = GAS MARKER
HB = HOTBOX
MB = ELECTRIC METER BOX
OHP = OVERHEAD POWER LINE
PAT = PATIO
POR = PORCH
PP = POWER POLE
RBS = REBAR SET
SCP = SEWER CLEANOUT
SSMH = SANITARY SEWER MANHOLE
WM = WATER METER
PIN 3281-15-7192-0000
CORBETT, WILBUR R 1A/6521
DEED REFERENCE 00260113
PLAT REFERENCE
ZONED: RA
LAND USE CLASS: NEIGHBORHOOD MIXED USE
S 57°09'14" W
18.78
S 53°42'22" E
18.09
S 57°07'13" W 226.12
N 55°13'01" W 247.80
S 57°07'39" W 385.60
N 68°56'59" W
190.72
N 50°26'04" W
112.81
N 14°05'31" W
25.88
N 68°19'38" W
232.32
N 37°07'13" E
25.00
N 89°26'40" W
16.42
R=2160.00
Arc=89.03
CB=N 88°14'41" W
CHORD=89.02
PIN 3271-65-9054-0000
ALISON MARY BETH MORGAN
DEED REFERENCE 3940/157
ZONED: RP
LAND USE CLASS: MED DENSITY RES
APPROX LAND USE CLASS LINE
ZONED: RP
LAND USE CLASS:
NEIGHBORHOOD MIXED USE
PIN 3271-74-1581-0000
PENDER EMS & FIRE INC
DEED REFERENCE 4358/069
PLAT REFERENCE 00550005
ZONED: RP
LAND USE CLASS:
NEIGHBORHOOD MIXED USE
PIN 3271-64-5893-0000
CAROLYN MARY BETH MORGAN
DEED REFERENCE 4667/200
ZONED: RP
LAND USE CLASS: MED DENSITY RES
PIN 3271-64-4890-0000
PENDER EMS & FIRE INC
DEED REFERENCE 4434/203
PLAT REFERENCE 00560079
ZONED: RP
LAND USE CLASS:
NEIGHBORHOOD MIXED USE
SCL RAILROAD R/W SHOWN IN MB 20 PG 7
UNKNOWN AFFECTS
SS AND GAS LINES SHOWN HERE BY LOCATOR FLAGS/PAINT ONLY
US HWY 17 PUBLIC R/W VARIES (INCLUDES OLD RAIL CORRIDOR SEE REFERENCES)
DRIVE
GAS
GAS
GAS



2 SITE PLAN

SITE DATA TABLE

GENERAL INFORMATION		
PROPERTY OWNER:	MARY BETH MORGAN CARLSON	
PARCEL ID:	3271-64-5893-0000 3271-65-9054-0000	
CURRENT ZONING:	RP (RESIDENTIAL PERFORMANCE)	
CURRENT LAND USE:	MEDIUM DENSITY RESIDENTIAL / NEIGHBORHOOD MIXED USE	
PROPOSED ZONING:	PD-CZ (PLANNED DEVELOPMENT CONDITIONAL ZONING)	
TOTAL ACREAGE (OVERALL DEVELOPMENT):	±19.51 AC	
RESIDENTIAL ACREAGE	±15.72 AC	
COMMERCIAL ACREAGE	±3.79 AC	
PROPOSED USE:	COMMERCIAL OFFICE SPACE (NAICS: 53) / TOWNHOMES	
BUILDING HEIGHTS		
OFFICE	30'	
TOWNHOMES	40'	
RESIDENTIAL BUILDING TYPE	NUMBER OF BUILDINGS	NUMBER OF UNITS
BUILDING A 4 UNITS PER BUILDING ± 45'x99'	5	20
BUILDING B 5 UNITS PER BUILDING ±45'x116'	4	20
BUILDING C 6 UNITS PER BUILDING ±45'x136'	5	30
TOTAL NUMBER OF UNITS		70
DENSITY	ALLOWED	PROPOSED
MAX. DWELLING UNITS 19.51 TOTAL ACRES -3.79 COMMERCIAL ACRES 15.72 RESIDENTIAL ACRES 15.72 RESIDENTIAL ACRES - .75 WETLAND ACREAGE 14.97 SITE AREA [4.6 x 14.97 AC.] + [4.6 x .75 AC. x .50] = 71 UNITS	4.6 DU/AC 71 UNITS	70 UNITS
OPEN SPACE	REQUIRED	PROVIDED
	.03 ACRES PER DWELLING UNIT (2.1 ACRES TOTAL)	.06 ACRES PER DWELLING UNIT (3.90 ACRES TOTAL)
PASSIVE OPEN SPACE	MAX 50% OF TOTAL OPEN SPACE (1.95 ACRES)	1.7 ACRES (44%)
ACTIVE OPEN SPACE	MIN 50% OF TOTAL OPEN SPACE (1.95 ACRES)	2.2 ACRES TOTAL (56%)
APPROXIMATE TOWNHOME LOT SIZES:		
INTERIOR UNIT	20' WIDTH x 95' DEPTH (±1,900 SF)	
END UNIT	28' WIDTH x 95' DEPTH (±2,660 SF)	
TOWNHOME BUILDING SETBACKS:		
	FRONT	25'-0"
	REAR	25'-0"
	MIN. SEPARATION	13'-0"
COMMERCIAL LOT SIZE:	3.67 ACRES (±160,050 SF)	
COMMERCIAL BUILDING SETBACKS:		
	FRONT	25'-0"
	SIDE	25'-0"
	REAR	25'-0"
SECTION 7.10 OFF-STREET PARKING AND LOADING REQUIREMENTS		
REQUIRED	1 PER 300 SF OFFICE SPACE (MIN.)	
PROPOSED	1 PER 300 SF OFFICE SPACE (MIN.)	
SITE TRIP GENERATION (PER ITE LAND USE CODES 215 & 710):		
215 - SINGLE FAMILY RESIDENTIAL	DAILY	483
	AM PEAK	39
	PM PEAK	43
710 - GENERAL OFFICE	DAILY	224
	AM PEAK	34
	PM PEAK	34
TOTAL SITE	DAILY	707
	AM PEAK	73
	PM PEAK	77

NOTES:

1. SITE PLAN IS GENERAL IN NATURE.
2. TRAFFIC IMPACT ANALYSIS: SCOPE HAS BEEN APPROVED AND THE ANALYSIS IS IN PROGRESS.
3. JURISDICTIONAL DETERMINATION IS IN PROGRESS.
4. REFER TO PLAN FOR PROPOSED SETBACKS, BUFFERS, SCREENING & LANDSCAPING INFORMATION.
5. REFER TO PLAN FOR OPEN SPACE INFORMATION.
6. DEVELOPMENT IS PROPOSED AS A SINGLE PHASE.
7. SIGNAGE WILL BE IN COMPLIANCE WITH THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE ARTICLE 9.
8. LIGHTING WILL BE IN COMPLIANCE WITH THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE ARTICLE 7.11.
9. COLLECTOR ROAD RIGHT OF WAY IS 60' WIDE (TYPICAL).
10. LOCAL ROAD RIGHT OF WAY IS 45' WIDE (TYPICAL).
11. ACTUAL EXISTING TREE LINE TO BE DETERMINED AS DESIGN PROGRESSES AND DETAILED GRADING, UTILITY PLANS ARE DEVELOPED.
12. ACTUAL STREET TREE LOCATIONS TO BE DETERMINED AS DESIGN PROGRESSES AND DETAILED LANDSCAPE PLANS ARE DEVELOPED.
13. BUILDING FOOTPRINTS AND DETAILED PARKING/SITE LAYOUT TO BE DETERMINED DURING SPECIFIC SITE PLAN REVIEW AS PART OF THE TECHNICAL REVIEW PROCESS.
14. ACTIVE OPEN SPACES SHALL BE IMPROVED SPACES WITH USES CONSISTENT WITH UDO SECTION 7.6.1.

1 NOTES

REV.NO.	DESCRIPTIONS	DATE
1	PENDER COUNTY TRC COMMENTS	07/20/23

REVISIONS

SEAL

PRELIMINARY DESIGN NOT FOR CONSTRUCTION

McKIM&CREED
243 North Front Street
Wilmington, North Carolina 28401
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NC LIC. No. F-1222
www.mckimcreed.com

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CARLSON TRACT
TOPSAIL TOWNSHIP
PENDER COUNTY NORTH CAROLINA

GENERAL SITE DEVELOPMENT PLAN

DATE:	07/25/2023
MCE PROJ. #	04245-0033
DRAWN	AJW/TL
DESIGNED	TL/TSM
CHECKED	TL/TSM
PROJ. MGR.	TSM

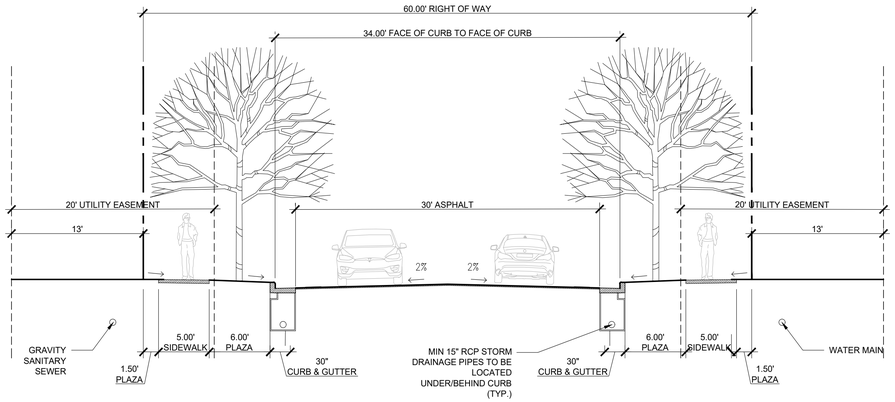
SCALE
HORIZONTAL: 1" = 40'-0"
VERTICAL: --

C3.0
DRAWING NUMBER

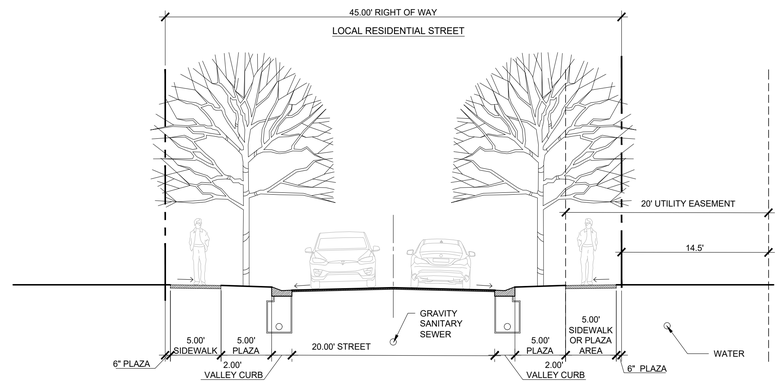
REVISION

STATUS: CONDITIONAL REZONING

I:\04245\0038\ENG\80-DRAWINGS\81_PRODUCTION_SHEETS\2_WORKING_DWGS\C3.0_SITE PLAN.DWG ---- 08/11/2023 15:35:50



2 | COLLECTOR STREET CROSS SECTION - 60' RIGHT OF WAY — NTS



NOTES:

1. REFER TO SITE PLAN, SHEET 3.0 FOR STREET LOCATIONS.

1 | LOCAL RESIDENTIAL STREET CROSS SECTION - 45' RIGHT OF WAY — NTS

REV.NO.	DESCRIPTIONS	DATE
1	PENDER COUNTY TRC COMMENTS	07/20/23

REVISIONS

SEAL

PRELIMINARY DESIGN NOT FOR CONSTRUCTION

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TOPSAIL TOWNSHIP
PENDER COUNTY NORTH CAROLINA

ROAD SECTIONS

DATE:	07/25/2023
MCE PROJ. #	04245-0033
DRAWN	AJW/TL
DESIGNED	TL/TSM
CHECKED	TL/TSM
PROJ. MGR.	TSM

SCALE
HORIZONTAL: --
VERTICAL: --

C3.1
DRAWING NUMBER

REVISION

STATUS: CONDITIONAL REZONING

I:\04245\0038\ENG\80-DRAWINGS\81_PRODUCTION_SHEETS\2_WORKING_DWGS\C3.1_ROAD SECTIONS.DWG ---- 08/11/2023 13:27:46

ATTACHMENT 2 – PUBLIC INPUT MEETING INFORMATION

McKIM&CREED

ENGINEERS
SURVEYORS
PLANNERS

May 16, 2023

Name
Street Address
City, State, Zip

Re: Public Input Meeting – Proposed Conditional Rezoning
Carlson Tract, Pender County, NC
Parcels: PIN # 3271-64-5893-0000, PIN # 3271-65-9054-0000

This letter serves as notice that a public meeting has been scheduled as follows to review the Proposed Conditional Rezoning of Parcels: PIN # 3271-64-5893-0000, PIN # 3271-65-9054-0000:

Date: Wednesday, June 14, 2023

Time: 5:30 PM – 7:00 PM

Location: Hampstead Auditorium
15060 US-17
Hampstead, NC 28443

Description of Proposal:

This Conditional Zoning Map Amendment is for the Carlson Tract to be amended from Residential Performance (RP) to Planned Developent Conditional Zoning (PD-CZ) zoning designation. This request is being made for proposed uses of Commercial Office Space (NAICS Code 236220) and Townhomes (NAICS Code 236117).

Sincerely,

243 North Front Street
Wilmington, NC 28401

910.343.1048
Fax 910.251.8282
www.mckimcreed.com

Trae Livick
Project Engineer
McKim & Creed

Carlson Tract Public Meeting Input Summary Memo
June 14th, 2023
5:30PM – 7:00PM

Attendees: Richard Collier – McKim & Creed
Trae Livick – McKim & Creed
Tara Murphy – McKim & Creed

Location: Hampstead Auditorium
15060 US-17
Hampstead, NC 28443

Re: Proposed Conditional Rezoning of Parcels: PIN # 3271-64-5893-0000, PIN # 3271-65-9054-0000

The McKim & Creed team were present and prepared to discuss the Carlson Tract Proposed Conditional Rezoning Project with the public from 5:30PM – 7:00PM.

No members of the public were in attendance.

The McKim & Creed team closed the meeting at 7:00PM

243 North Front Street, Wilmington, NC 28401 910.343.1048 Fax: 910.251.8282 www.mckimcreed.com

ATTACHMENT 3 – LETTER FROM DUKE ENERGY PROGRESS

DUKE ENERGY PROGRESS

Duke Energy Progress
1451 Military Cutoff Road
Wilmington, NC 28403

August 15, 2023

Daniel Adams
Pender County Planning Director
Burgaw, NC
28425

Re: Rezoning Request for Pender County Tax Parcels #3271-64-5893-0000 and 3271-65-9054-0000 Adjacent to Duke Energy Progress, LLC, (DEP) Owned Property PIN#3271-64-0682-0000.

Mr. Adams:

Please be advised that DEP acknowledges that DR Horton is currently engaged in a rezoning process for property at 11331 US HWY 17, further identified by the parcel identification numbers referenced above and these parcels are adjacent to DEP owned property, also referenced above.

Please also be advised that DEP and DR Horton are currently in discussions regarding a public right of way connection to US HWY 17, which may involve a portion of DEP owned property. Given the ongoing discussions, we request that DR Horton be allowed to continue through the rezoning process.

Final design of the proposed roadway, right of way and driveway connection(s) will be determined if/as the rezoning is approved, and more detailed engineering commences.

Finally, this letter does not constitute final approval by DEP with DR Horton in the ongoing negotiations of the proposed right of way and driveway connections. Final approval by DEP is not a certainty; however, it could occur only after a thorough review and concurrence by all DEP stakeholders.

Respectfully,

Brian West

Brian West

Duke Energy Progress, LLC
1451 Military Cutoff Rd.
Wilmington, NC
28403

ATTACHMENT 3 – APPROVED TRAFFIC IMPACT ANALYSIS (TIA) SCOPE

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

June 15, 2023

Mr. Tyler O'Ferrell, PE
Kimley-Horn Associates
421 Fayetteville Street, Suite 600
Raleigh, NC 27601

AMENDED June 7, 2023

RE: Scope of study for the **REVISED** Traffic Impact Analysis (TIA) associated with the proposed **DR Horton Residential (~~w~~/ Carlson Tract)** development in Pender County, NC

Dear Mr. O'Ferrell,

According to the revised information provided, and conversations held to date, it is our understanding that the proposed development will be built over four (4) phases and contain the following land uses:

Phase 1 (build year 2025):

- ITE Land Use Code 210 Single Family Detached Housing – 255 DU

Note: This phase has an approved TIA (approval letter dated May 2, 2022)

Phase 2 (build year 2026):

- ITE Land Use Code 210 Single Family Detached Housing – 443 DU (Phase 1 & Pods I, R)
- ITE Land Use Code 215 Single Family Attached Housing – 49 DU (Pod H)

Phase 3 (build year 2027)

- ITE Land Use Code 210 Single Family Detached Housing – 923 DU (Phase 1 & Pods I, O, P & R)
- ITE Land Use Code 215 Single Family Attached Housing – 119 DU (Pod H & Carlson Tract)
- ITE Land Use Code 710 General Office Building – 15,000 SF (Carlson Tract)

Full Build (build year 2033):

- ITE Land Use Code 210 Single Family Detached Housing – 1,672 DU
  (Phase 1 & Pods I, M, O, P, Q, R, S, U, V, W, X, & Y)
- ITE Land Use Code 215 Single Family Attached Housing – 221 DU (Pods H & T & Carlson Tract)

- ITE Land Use Code 710 General Office Building – 15,000 SF (Carlson Tract)

Site Access

1. Phases 1 & 2
   a. Access via existing intersection of US 17 and Blake Farm Boulevard
2. Phases 3 & Full Build Out
   a. Site Drive 1 – proposed RCI on US 17 at existing median opening at power substation access, via extension of N. Atlantic Avenue
   b. Site Drive 2 – proposed right-in/right-out access on US 17, approximately 700 feet north of existing power substation access
   c. Site Drive 3 – proposed full-movement access on SR 1572 (Sidbury Road), via extension of S. Atlantic Ave through existing Huggins Rd.

Below is the scope to be used for the Traffic Impact Analysis:

1. **Data Collection - Analysis Parameters:**

a) Study Intersections

a. For existing intersections, provide turning movement counts for weekday AM (7:00am-9:00am) and PM (4:00 pm - 6:00pm) peak periods, signal timing (if applicable), and lane geometry:

1) US 17 and Blake Farm Boulevard / SR 1571 (Scotts Hill Loop Road) (north)
2) US 17 and existing median opening at Fred's Beds – (Phases 3 & Full Build, only)
   a. Scenario 1 – existing location to be redesigned as a RCI [1]
   b. Scenario 2 – RIRO access (with relocation of median opening to Pandy Ann Lane)
3) US 17 and Pandy Ann Lane (non-system) – (Phases 3 & Full Build, only)
   a. Scenario 1 – existing RIRO access
   b. Scenario 2 – relocate existing median opening to Pandy Ann Lane as a left-over/U-turn to accommodate NB and SB movements [2]
4) US 17 at existing Abbey Nature Preserve (future signalized SB left-over / SB to NB U-turn configuration) [3]
5) US 17 and SR 1572 (Sidbury Road) - (Phases 3 & Full Build, only)
6) US 17 and SR 1571 (Scotts Hill Loop Road) south - (Phases 3 & Full Build, only)
7) US 17 and Site Drive 1 at existing median opening at power substation access [4] (proposed N. Atlantic Avenue – to be converted to a left-over/U – turn to accommodate northbound and southbound movements) – (Phases 3 & Full Build, only)

[1] For proposed intersection, review future build conditions according to NCDOT publication Signalization of Intersections with Two of Three Approaches
[2] See above reference for Footnote 1.
[3] To be constructed under NCDOT Contract DC00416.
[4] See above reference for Footnote 1.

8) US 17 and Site Drive 2 (right-in/right-out) – (Phases 3 & Full Build, only)
9) SR 1572 (Sidbury Road) and Site Drive 3 (proposed S. Atlantic Avenue / Hogans Trail) – (Phases 3 & Full Build, only)

b) Site Trip Generation, Site Trip Distribution and Background Traffic Assumptions

i. Site Trip Generation Estimate – use 11th Edition rates
   - Trip generation estimates for Phase 1 are required in the TIA documentation. The estimated site trips for any built and occupied dwellings at the time counts are conducted should be removed from existing traffic counts so they are not counted twice in the analysis.

ii. Site Trip Distribution
   - To be submitted and approved prior to use in TIA

iii. Adjacent Development (approved but not yet fully built):
   - Blake Farm (revised approval April 22, 2022) –
     - Include residential portion from Blake Farm TIA for Phase 1 (consistent with approved 255 Single Family Home TIA by DR Horton)
     - Include Full Build-out from Blake Farm TIA for Phases 2 to Full Build-out in this analysis
   - Scotts Hill Loop Road Convenience Store (approval September 13, 2021)
     - Include in all future year scenarios in this analysis

iv. Planned Roadway Improvements
   - US 17 at existing Abbey Nature Preserve (future signalized SB left-over / SB to NB U-turn configuration) to be constructed with NCDOT Contract DC00416 scheduled for this year (2023).
   - R-3300A and B

v. Background Traffic Assumptions
   - Phase 1 Build Year – 2025
   - Phase 2 Build Year – 2026
   - Phase 3 Build Year – 2027
   - Full Build Year – 2033
   - Growth rate – 1% per year

2. **Capacity Analysis: Weekday AM & PM Peak Hour**

   a) Technical Analysis
      i. 2023 Existing Conditions
      ii. 2025 Future No-Build – Phase 1
      [Existing + 1% background growth + approved developments]
      iii. 2025 Phase 1 Build Conditions
      [Existing + 1% background growth + approved developments + site trips]
      iv. 2025 Phase 1 Build Conditions + Improvements
      v. 2026 Future No-Build – Phase 2
      [Existing + 1% background growth + approved developments]
      vi. 2026 Phase 2 Build Conditions
      [Existing + 1% background growth + approved developments + site trips]
      vii. 2026 Phase 2 Build Conditions + Improvements
      viii. 2027 Future No-Build – Phase 3
      [Existing + 1% background growth + approved developments]
      ix. 2027 Phase 3 Build Conditions
      [Existing + 1% background growth + approved developments + site trips]
      x. 2027 Phase 3 Build Conditions + Improvements
      xi. 2033 Future No-Build – Full Build Conditions
      [Existing + 1% background growth + approved developments]
      xii. 2033 Full Build Conditions – for both Scenarios 1 and 2
      [Existing + 1% background growth + approved developments + site trips]
      xiii. 2033 Full Build Conditions + Improvements – for both Scenarios 1 and 2

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

4. **Notes:**
   a) This scope of study wholly replaces the prior scoping letters (March 22, 2023 & May 10, 2023)
   b) This scope shall remain valid for three months from the date of this letter.
   c) Please note that if any changes occur (including but not limited to; land use, intensity, phasing, and/or site access) additional analysis may be required.

Please contact me at (910) 343-3915 with any questions regarding this scope.

Sincerely,

Jamar Johnson, EI
Engineering Associate
Wilmington Urban Area MPO

Attachments: Traffic Impact Analysis Supplemental Guidelines September 28, 2022
Scoping request letter and map (provided by Kimley-Horn Associates)
2nd Revised Scope approval letter dated May 10, 2023 (w/ red line markups from June 6, 2023)

Ec: Kirsten Spirakis, PE, District Engineer, NCDOT
Doug Racine, Deputy District Engineer, NCDOT
Jessi Leonard, PE, Assistant Division Maintenance Engineer, NCDOT
Stonewall Mathis, PE, Deputy Division Traffic Engineer, NCDOT
Krupa Koilada, Senior Assistant Division Traffic Engineer, NCDOT
Bryce Cox, Assistant Traffic Engineer, NCDOT
Daniel Adams, Director, Planning & Community Development, Pender County
Justin Brantley, Senior Planner, Pender County
Taylor Davis, Current Planner, Pender County
Scott A. James, PE, Transportation Planning Engineer, WMPO

Pender County
MDP-R 2023-56: Request to revise the previously approved Scotts Hill Townhomes Master Development Plan in the Topsail Township

TO:	Planning Board
FROM:	Daniel Adams
DATE:	September 6, 2023
SUBJECT:	MDP-R 2023-56: Request to revise the previously approved Scotts Hill Townhomes Master Development Plan in the Topsail Township

SUMMARY:
The Townhomes at Scotts Hill, LLC, applicant and owner, is requesting a revision to the previously approved Master Development Plan for the planned development known as The Townhomes at Scotts Hill. Specifically, the request is to modify the existing plan to allow for 19,500 square feet of commercial space across three buildings to be located along the US HWY 17 frontage between the future collector road, Pearsall Lane, and US HWY 17. The previously approved Master Development Plan noted this area as "Open Space." The subject property is located to the east of US HWY 17, approximately 0.2 miles south of Whitebridge Road (private) and across from Christian Chapel Road (SR 1587) on US HWY 17 in the Topsail Township.

ACTION REQUESTED:
To hold a public hearing and consider the requested revision to the Scotts Hill Townhomes Master Development Plan.

ATTACHMENTS:
1. Staff Report
2. Application and Narrative
3. Attachment 1: Site Plan
4. Attachment 2: Approved TIA Scope
5. Attachment 3: MDP 2021-31 Staff Report
6. Attachment 4: Community Input Meeting Information

STAFF REPORT FOR MDP-R 2023-56
MASTER DEVELOPMENT PLAN REVISION

APPLICATION SUMMARY	
Case Number	MDP-R 2023-56
Hearing Date	September 6, 2023 – Planning Board
Applicant	The Townhomes at Scotts Hill, LLC
Property Owner(s)	The Townhomes at Scotts Hill, LLC
Parcel Identification Number	3281-29-4277-0000
Acreage	± 20.38
Township	Topsail
Zoning District	PD, Planned Development
Pender 2.0 Future Land Use Category	Neighborhood Mixed Use

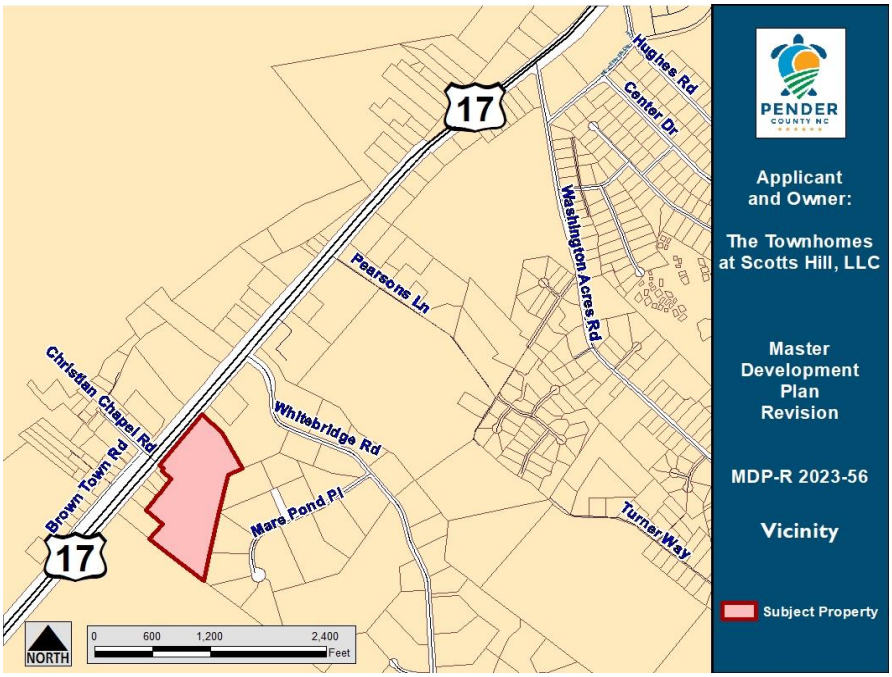
MASTER DEVELOPMENT PLAN PROPOSAL

The Townhomes at Scotts Hill, LLC, applicant and owner, is requesting a revision to the previously approved Master Development Plan for the planned development known as The Townhomes at Scotts Hill. Specifically, the request is to modify the existing plan to allow for 19,500 square feet of commercial space across three buildings to be located along the US HWY 17 frontage between the future collector road, Pearsall Lane, and US HWY 17. The previously approved Master Development Plan noted this area as “Open Space.”

LOCATION

The subject property is located to the east of US HWY 17, approximately 0.2 miles south of Whitebridge Road (private) and across from Christian Chapel Road (SR 1587) on US HWY 17 in the Topsail Township.

Below: Vicinity Map of the Project Area



PROJECT BACKGROUND

In accordance with the standards of the PD, Planned Development zoning district as laid out in the Pender County Unified Development Ordinance (UDO), Master Development Plans (MDPs) 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 MDPs shall also be subject to the review and approval of the Planning Board.

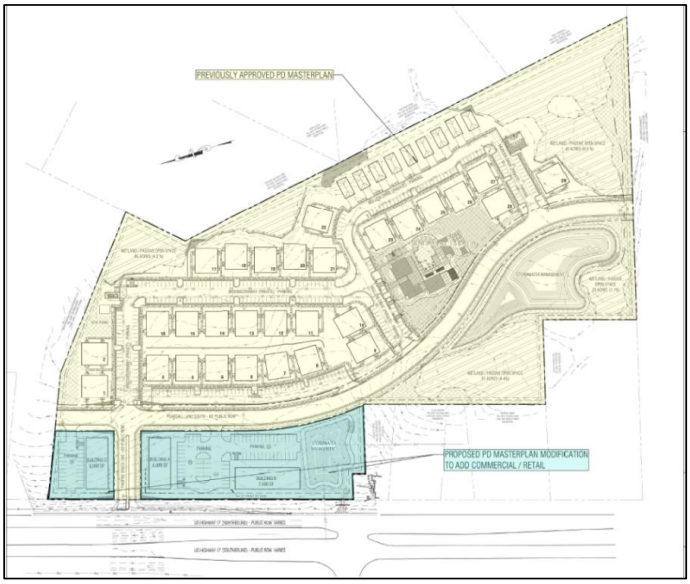
The Master Development Plan known as The Townhomes at Scotts Hill was originally approved by the Pender County Planning Board on September 1, 2021, by a 5-1 vote (see staff report for MDP 2021-31 as Attachment 3). As it currently exists, the MDP of The Townhomes at Scotts Hill includes approximately 20.38 acres, with site work beginning upon the issuance of preliminary plat approval on May 25, 2023. The final plat for this project was approved and recorded on August 22, 2023. A major site development plan application for the amenity center associated with this development was reviewed by the Technical Review Committee in February 2023 and is currently under review.

Below: Aerial Map of the Project Area



MDP REVISION PROPOSAL

The proposal as outlined in this report does not seek to expand the previously approved residential unit allowance within the Master Development Plan. Rather, the proposed MDP Revision seeks to add 19,500 square feet of commercial space to the plan, which is proposed to be distributed across three buildings along the frontage of US HWY 17.



This report is intended to focus its analysis on the proposed commercial development

included in the MDP revision request because the residential portion of the project has been previously approved. The area encompassed in the proposed revision was noted as “Open Space” or “Common Area” in prior versions of this plan.

The applicant is proposing to revise the MDP to provide for the addition of approximately 5.42 acres of non-residential development, including 19,500 square feet of commercial space across three buildings. As shown on the site plan (Attachment 1) and in the table to the right, several uses are requested to be permitted within the three proposed buildings. 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.

Table 1: Proposed Commercial Uses

Table of Permitted Use	
Sectors 31-33: Manufacturing	**Ref NAICS**
Artisan Manufacturing	N/A
Sectors 44-45: Retail Trade	**Ref NAICS**
Electronics and Appliance Stores	443
Food and Beverage Stores	445
Health and Personal Care Stores	446
Clothing and Clothing Accessories Stores	448
Sporting Goods, Hobby, Book, and Music Stores	451
Miscellaneous Store Retailers	453
Non store Retailers	454
Sectors 48-49: Transportation & Warehousing	**Ref NAICS**
Postal Services	491110
Sector 51: Information	**Ref NAICS**
Information	51
Finance and Insurance	52
Sector 53: Real Estate and Rental and Leasing	**Ref NAICS**
Real Estate and Rental and Leasing	53
Sector 55: Management of Companies and Enterprises	**Ref NAICS**
Management of Companies and Enterprises	55
Sector 56: Administrative and Support and Waste Management and Remediation Services	**Ref NAICS**
Administrative and Support Services	561
Sector 61: Educational Services	**Ref NAICS**
Business Schools, Computer & Management Training	6114
Technical and Trade Schools	6115
Sector 62: Health Care and Social Assistance	**Ref NAICS**
Social Assistance	624
Sector 71: Arts, Entertainment, and Recreation	**Ref NAICS**
Fitness & Recreational Sports Centers	713940
Sector 72: Accommodations and Food Services	**Ref NAICS**
Full Service Restaurants	7221
Limited Service Eating Places	7222
Drinking Places (Alcoholic Beverages)	7224
Sector 81: Other Services, Except Public Administration	**Ref NAICS**
Personal and Household Goods Repair and Maintenance	8114
Personal Care Services	8121
Coin Operated Laundries and Drycleaners	812310
Dry-cleaning and Laundry Services	812320
Other Personal Services	8129
Pet Care Services	812910
Religious Organizations	8131
Grant making and Giving Services	8132
Social Advocacy Organizations	8133
Civic and Social Organizations	813410
Business, Professional, Labor, Political and Similar Organizations	8139
Miscellaneous Uses	**Ref NAICS**
Family Child Care Home	N/A

Density

The current iteration of this project, which includes 116 townhomes, nine cottages, and a neighborhood amenity center, has a net density of 9.98 dwelling units per acre. The property falls within the Neighborhood Mixed Use Future Land Use Category, which supports a residential density of up to ten units per acre. While the MDP revision proposal involves removing land shown as open space on previous plans, the land area was not actually included in the open space calculation and therefore does not impact the net density of the previously approved project.

The intent of the PD zoning district is to provide a mix of uses within one development. Since the site is less than 100 acres, the applicant was not required to provide a mixture of residential and commercial uses when this project was initially approved. While not required, this revision more

closely aligns with the intent of the PD district by providing a mixture of residential and commercial uses.

The designated Neighborhood Mixed Use district in the Pender 2.0 Comprehensive Plan notes that these areas are intended to accommodate up to 10 units per acre. In terms of the commercial square footage, the Neighborhood Mixed Use future land use category also notes that buildings should be smaller than 15,000 square feet each. The revision proposal includes two buildings of 6,000 square feet and one building that is 7,500 square feet, thus remaining consistent with the intent of the future land use classification.

Proposed Setbacks and Dimensions

Dimensional standards within the PD zoning district are specific to individual parcels or parcels included in master development plans. If a property is not included in a master development plan, dimensional standards must be reviewed and approved by the Planning Board. The applicant is requesting no changes to the previously approved dimensional standards for the project, which are shown below.

Scotts Hill Residential Mixed-Use Proposed Setbacks	
	Minimum Setback
Front (Adjacent US HWY 17)	25’
Front (Adjacent Collector Road)	15’
Side	15’
Rear	25’
Max. Building Height	35’
Structure Separation	15’

TRANSPORTATION INFRASTRUCTURE

Roadways, Street Connectivity, and Access

According to Section 4.8.1.E, the PD 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. The collector street Pearsall Lane is to be stubbed out at the property lines, as previously approved, enabling future access along the identified collector street corridors. As such, the proposal is found to be in conformance with the UDO and adopted plans with regard to access.

The final plat for the residential component of this project has been approved and thus no changes to the roadways are proposed as part of this MDP revision. The plan shows the commercial development being accessed via the Pearsall Lane collector road that was approved as part of the residential development approval.

Pedestrian Access

Per Section 4.8.1.E.2 pedestrian-oriented communities are encouraged in the PD district to maximize the opportunity for pedestrian activity and improve the quality of the pedestrian experience. The previously approved collector street included a five-foot sidewalk along the east side of Pearsall Lane and an eight-foot multi-use path along the west side of Pearsall Lane. As shown on the plan, the applicant is proposing to continue that multi-use path up to US Highway 17 from Pearsall Lane on both sides of the road that accesses the site from US Highway 17. Appropriate crosswalk facilities are shown at the intersection of Pearsall Lane and the access road.

Traffic

A revision to the Traffic Impact Analysis (TIA) is currently underway given the proposed changes to the MDP, and the approved scope for the revision is included as Attachment 2. 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. 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. Specific tenants for the proposed commercial buildings are not yet known, therefore specific parking requirements for cannot be determined at this time. All parking areas shown on the site plan are conceptual in nature. 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 zoning district based on the adjacent land uses to the subject property. The proposed site 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 all street boundaries
Type B	Along all other boundaries
Type C	Adjacent to existing residential uses on US Highway 17 and along the boundary with the Whitebridge community.

Significant Trees

The PD zoning district requires a tree survey to be submitted prior to major site plan approval. The Applicant will be required to submit this documentation prior to the issuance of staff approvals of the major site plan.

Open Space

The land upon which the commercial component of this project is being proposed was labeled as "Open Space" in the previously approved MDP; however, it was not counted as part of the open space intended to conform to the standards of the UDO. The proposed 4.17 acres of open space exceeds the requirements within Section 7.6.1.C, which requires 0.03 acres per dwelling unit (a total of 3.75 acres for the 125 dwelling units). All recreational unit requirements have been fulfilled at this time.

Open Space Type	Required (acres)	Proposed (acres)
Passive	1.88	2.29
Active	1.88	1.88
Total	3.75	4.17

Utilities

Coordination with Pender County Utilities and Pluris Hampstead, LLC shall continue as the project progresses. Appropriate water and sewer permits will be required prior to further development approvals.

Stormwater

The previous approval for the residential component of this project included a condition that the project be designed so that the post development runoff be no more than ten (10) percent more than the pre-development runoff for the 10-, 25- and 50-year return period events and be analyzed for the 100-year event. The applicant plans to meet this condition for the commercial component of the project as well.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas[1].
Wetlands	Portions of the subject property contain wetlands[2, 3]. The extent of these wetlands are illustrated on the submitted master plan. The wetlands are confined to the residential portion of the project.
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)

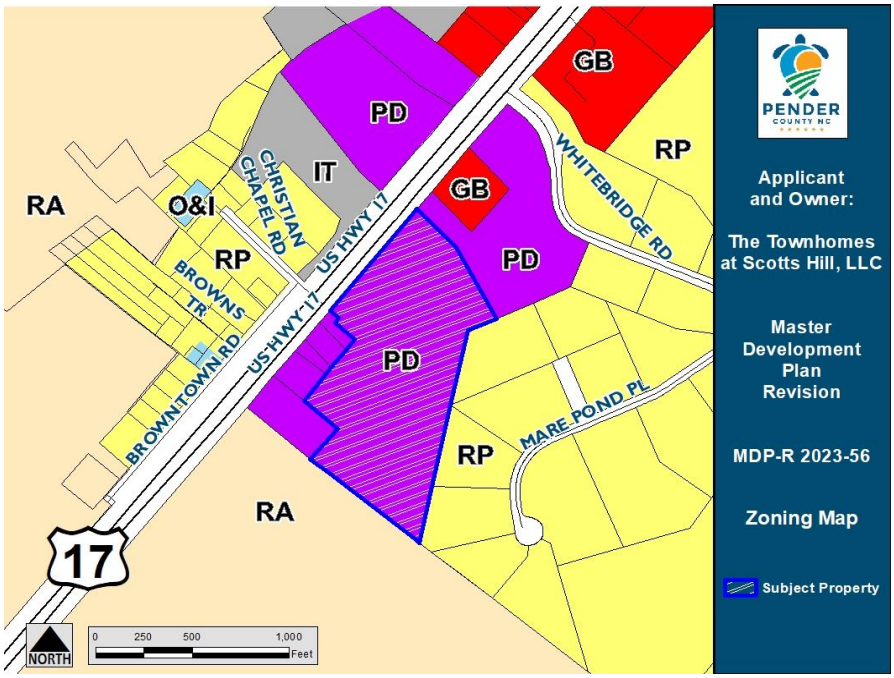
[4] According to the North Carolina Department of Environmental Quality (NCDEQ)

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 a public input meeting on Thursday, August 17, 2023, at the County's Hampstead Annex. According to the submitted report from the applicant, attendees posed questions pertaining to stormwater, traffic, boundary lines, and proposed uses. Three people attended the meeting, with two of those residing on adjacent parcels along Mare Pond Place. The applicant's report of the meeting can be found in the Board's packet as Attachment 4.

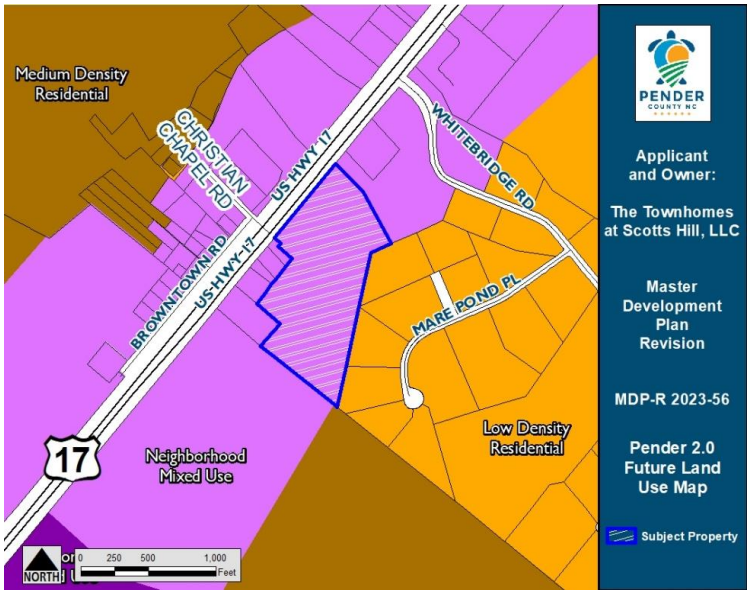
EVALUATION

Below: Zoning Map of the Project Area



CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Private School, Light Industrial, Retail	PD, Planned Development; GB, General Business;
East	Residential	PD, Planned Development; RP, Residential Performance
South	Residential; Vacant Land	PD, Planned Development; RP, Residential Performance; RA, Rural Agricultural
West	Residential, Church, Commercial	PD, Planned Development; RP, Residential Performance; IT, Industrial Transitional; OI, Office Institutional

Pender 2.0 Comprehensive Land Use Plan Compliance: The Pender 2.0 Comprehensive Land Use Plan designates the subject property as Neighborhood Mixed Use. This future land use category is established in areas that are meant to be a transitional area between low density, single-family neighborhoods and more intensive commercial, office, and higher density residential multifamily development. 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.



The previously approved MDP was found to be compliant with the Pender 2.0 Comprehensive Land Use Plan, primarily because the residential density properly aligned with the desired density for this future land use category. The addition of the commercial acreage does not affect the density calculation of the overall development, thus maintaining conformance with the Comprehensive Plan. The proposed MDP revision further meets the intent of the Planned Development zoning district and the Neighborhood Mixed Use future land use category by becoming a more conventional mixed-use development, including both residential and commercial components.

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

> **Policy 4.2.F: Collector Street Plan:** The County shall continue to support and implement the Pender County Collector Street Plan when reviewing and approving new development proposals within the WMPO Boundary area of the County.

Goal 4.3: Provide safe opportunities for walking and cycling, while supporting the need for paratransit 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.C: Coordination with Infrastructure/Services: The County shall encourage development in areas where the necessary infrastructure – roads, water, sewer, broadband, and schools – is available, planned or can be most cost effectively provided and extended to serve existing and future development. Natural resource conservation should be considered

Policy 5.1.D: Focused Growth and Development: The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.

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

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

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 five 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 the Comprehensive plan. The request is also consistent with previous approvals for the Scotts Hill Townhomes 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

Previous Conditions of Approval

The following conditions of approval were placed on the residential development when it was approved by the Planning Board at their September 1, 2021, meeting.

1. A multi-use path shall be constructed along one side of the collector street running parallel to US Hwy 17 and one side of the collector street connecting to US Hwy 17.
2. Sidewalks or other equivalent pedestrian infrastructure shall be constructed along at least one side of every right-of-way or drive aisle.
3. The project shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff for the 10-, 25-, and 50-year return period events and be analyzed for the 100-year event.
4. Informational signs to be installed at 500 ft intervals along all delineated wetland boundaries within platted open space, and to be maintained by the HOA and replaced as necessary. The applicant shall include this provision in the recorded covenants and restrictions for the development in perpetuity.

The applicant has not proposed to deviate from any of these conditions.

Proposed Conditions of Approval

The applicant has agreed to the following condition of approval, in addition to the previous conditions of approval noted above:

1. An eight-foot-wide multi-use path shall be constructed along the connector road (Pampas Grass Ln/Driveway) south of Building C.
2. Continuation of the eight-foot-wide multi-use path along the east side of Building C to the property line to the north, which conforms with the Pender County Streets Plan.
3. Provide a 10-foot-wide multi-use path or a 10-foot-wide easement for a multi-use path on the subject property adjacent to the US HWY 17 right of way.
4. The project shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff for the 10-, 25-, and 50-year return period events and be analyzed for the 100-year event. (Consistent with the condition of approval for the residential component).

PLANNING BOARD CONSISTENCY STATEMENT:

TO APPROVE: Motion to approve the Zoning Text Amendment and to make a finding that the approval is consistent with the Pender County Unified Development Ordinance. The proposal has also been found to be consistent with the following objective, goal, and policies in the Pender 2.0 Comprehensive Land Use Plan:

- **Goal 4.3**
- **Objective 4.3**
- **Policy 4.2.F**
- **Policy 5.1.C**
- **Policy 5.1.D**
- **Policy 5.1.H**
- **Policy 5.1.K**

TO DENY: Motion to deny the Zoning Text Amendment and to make a finding that the proposal is inconsistent with the Pender County Unified Development Ordinance and Pender 2.0 Comprehensive Land Use Plan, as evidenced by the following reasons: [INSERT REASONING].

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Pitts	Teachey	Mosca

Pender County
Planning and Community Development

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

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

Planned Development & Residential Mixed Zoning Districts
Master Development Plan Submission

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

1. X **Pre-submittal Meeting**
   Date of Meeting _____
2. X **Signed Application**
3. X **Payment**
   $500 plus $10 per acre for the first 100 acres, $5 per acre thereafter # 250.00 Amendment
4. X **Paper Plan Sets**
   One (1) 24 x 36, Fifteen (15) 11 x 17
5. X **Digital Submission**
   For all documents submitted in paper copy, bring a digital copy with paper submission.
6. X **Adjacent Property List**
   A list of names and addresses, as obtained from the county tax listings and tax abstract, to the owners of all properties located within 500-feet of the of the perimeter of the project bounds.
7. X **Adjacent Property Envelopes**
   The applicant shall provide a set of business envelopes addressed to each of the owners of all properties located within 500-feet of the perimeter of the project bounds and accompanied with the amount of postage required for first class postage.
8. X **Permits :** Project is under construction with all Applicable Permits.
   Please include any permits issued on the project including but not limited to: environmental, traffic analysis, utility, or other site specific conditions.
9. X **Site Plan Requirements**
   A prepared site plan in accordance with the Unified Development Ordinance standards 6.1, Pender County Collector Street Plan, Pender County Transportation Plan, other approved State of Federal Transportation Improvement Plan, or any other adopted plan in Pender County.
   (See Master Development Plan Checklist)

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

Signature of Applicant _____ Date 7/6/23

Printed Name Robert J. Hollis Manager

Staff Initials: DMM
Date: 7/11/23

Pender County
Planning and Community Development

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

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MASTER DEVELOPMENT PLAN

Prior to submission of a preliminary master development plan for approval, the applicant shall request a pre-application review conference with the County staff.

1. The purpose of the pre-application conference shall be to discuss the proposal in relation to the requirements of the Land Use Plan and UDO and to obtain advice on the preparation of the master development plan.
2. At the pre-application conference, the applicant shall provide a land use plan describing the following:
    a. The general location of the site.
    b. The general location of proposed roads.
    c. The general location of proposed uses, environmental areas, housing types or open space.
    d. The uses on adjoining properties.
    e. Utility requirements.

The purpose of the master development plan (MDP) is to promote orderly and planned development of property within Pender County. It is the purpose of the MDP to ensure that such development occurs in a manner that suits the characteristics of the land, is harmonious with adjoining property, is in substantial compliance with the goals and policies of the adopted Land Use Plan, and is in the best interest of the general public. The MDP shall be used to illustrate the characteristics of the property proposed for development and of surrounding properties.

**See Figures 2 and 3 at the end of Section 3.4, Pender County UDO for an illustrative process*

1. The MDP shall at least include all contiguous land under single or common ownership in the above zoning districts.
2. A preliminary MDP may be submitted with an application for a conditional rezoning but shall not be considered binding until approval of a final MDP.

Waivers to MDP – Residential Districts

The Administrator may waive the requirements of a MDP in the Residential Districts if the proposed development contains all of the following criteria:

1. Contains ten (10) or less traditional detached single-family dwelling units;
2. Is not an integral portion of a property proposed or planned for future development or subdivision;
3. Is planned to be developed in a manner that is harmonious with surrounding properties and land uses; and
4. Does not substantially affect the purpose and intent of its zoning district and the intent of this article.

Waivers to MDP – Commercial and Industrial Districts

The Administrator may waive the requirement of a MDP in the Commercial and Industrial Districts if the proposed development contains all of the following criteria:

1. If the proposed subdivision or development is less than five (5) acres in size;
2. Includes no new streets, roads or rights-of-way, does not further extend any existing or dedicated street, road or rights-of-way and does not significantly change the layout of any existing or dedicated street, road or rights-of-way;
3. Is not an integral portion of a property proposed or planned for future development or subdivision;
4. That such development is limited to one individual parcel and one single use in accordance with Section 5.2.

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP-R-2023-56	**Date**	7/11/23
Application Fee	$ 250.00	**Invoice Number:**	34445
Pre-Application Conference	✓	**Hearing Date**	9/5/23

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	The Townes at Scott Hill LLC	**Owner's Name:**	Same as applicant
Applicant's Address:	332 Military Cutoff Rd.	**Owner's Address:**	
City, State, & Zip	Wilmington, NC 28405	**City, State, & Zip**	
Phone Number:	910-338-3585	**Phone Number:**	
Email Address:	corporate@tributecompanies.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):	3291-29-4277-0000	**Total property acreage:**	20.38
Zoning Classification:	PD	**Acreage to be disturbed:**	ADDITIONAL — Ac.
Water Provider	Pender County	**Wastewater Provider:**	PCUWS.
Project Address :	US Hwy 17		
Description of Project Location:	In front of Whitebridge		
Describe activities to be undertaken on project site:	Proposed Amendment to Previously Approved PD-Master Plan to Include 19,500 SF of Commercial		

SECTION 3: SIGNATURES

Applicant's Signature		**Date:**	7/6/23
Applicant's Printed Name	Robert J. Hollis, Manager	**Date:**	7/6/23
Owner's Signature		**Date:**	7/6/23
Owner's Printed Name	Robert J. Hollis, Manager	**Date:**	7/6/23

NOTICE TO APPLICANT

1. Applicant or agent authorized in writing must attend the public hearing.
2. 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.
3. All fees are non-refundable
4. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Office Use Only

☐	**MDP Fees:** ~~*($500.00 plus $10/acre for the first 100 acres $5/acre thereafter)*~~ Revision	**Total Fee Calculation: $** 250.00

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:	Daniel Adams	Date: 7/7/23
Application completeness approved by:	Daniel Adams	Date: 7/7/23
Date scheduled for public hearing:		

MIHALY
LAND DESIGN
PLANNING+LANDSCAPE ARCHITECTURE

Date: July 6, 2023

To: Pender County Planning

Attention: Daniel Adams, MPA, CFM

Reference Our Job #: Scotts Hill Townhomes / Mixed Use

Subject: PD Master Plan Modification

We Are Transmitting:

_____	**Per Your Request**	**For Further Action**	**Preliminary Drawings**
___x___	**For Your Review**	**For Your Records**	**Final Drawings**
_____	**For Your Approval**	**For Your Proposal**	**Specifications**
_____	**Other:**		

Description: Attached you will find amendment plans for the Scotts Hill Townhomes PD Master Plan. We have modified the site plan to include 19,500 sf of commercial use along the Highway 17 frontage. The previously approved townhomes and single-family lots will remain as presented in the previous submittal. By incorporating the commercial use into the project frontage, the overall project will truly be a mixed-use project that further aligns with the future land classification for the site which is neighborhood mixed use.

Please call me with any questions or concerns.

Thank You,

Josh Mihaly

Remarks:

330 Military Cutoff Road, Wilmington, NC 28405 tel. 910.392.4355 fax.

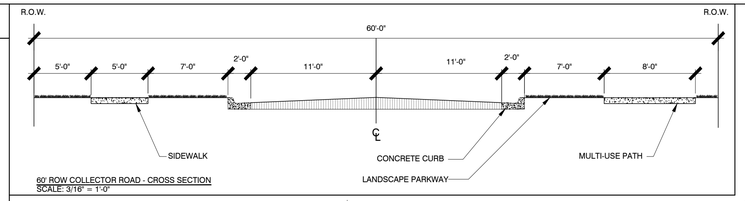
Adjacent property owners for Hwy 17, Scotts Hill, Pender County, PIN 3281-29-4277-0000
Updated July 2023

Property Owner	Property Address	Contact Address	PIN	Previous Owner
SHINGLETON, RALPH N	12606 US HWY 17	PO BOX 4483, WILMINGTON, NC 28406	3281-18-8879-0000	
JONES, BELINDA	12640 US HWY 17	12640 US HWY 17, HAMPSTEAD, NC 28443	3281-19-8097-0000	
BROWN, ELLEN HEIRS	13111 US HWY 17	C/O FAIR, BEULAH 114 FULCHER LANDING RD, SNEADS FERRY, NC 28460	3281-19-9270-0000 3281-29-0236-0000	BROWN, ELLEN
DIXON, ROLAND JR	12706 US HWY 17	54 CHASE LANE, ROCKY POINT, NC 28457	3281-29-0393-0000	DIXON, ERNESTINE
WHITEBRIDGE DEVELOPMENT LLC	301 WHITEBRIDGE RD	2001 BALMORAL PLACE, WILMINGTON, NC 28405	3281-39-0902-0000 3282-20-7160-0000	
GUZMAN, MYRA	309 WHITEBRIDGE RD	309 WHITEBRIDGE RD, HAMPSTEAD, NC 28443	3281-39-5694-0000	
JOHNSON, MELVIN JR	233 MARE POND PL	233 MARE POND PL, HAMPSTEAD, NC 28443	3281-39-3461-0000	
LAWS, RICHARD A.	235 MARE POND PL	235 MARE POND PL, HAMPSTEAD NC 28443	3281-29-9256-0000	DORAZIO, JOAN P
SPARE, MATTHEW THOMAS TRUSTEE	249 MARE POND PLACE	249 MARE POND PLACE, HAMPSTEAD, NC 28443	3281-28-8634-0000	
ROBERTS, TONY P	259 MARE POND PL	259 MARE POND PL, HAMPSTEAD, NC 28443	3281-28-7365-0000	
CORBETT, WILBUR R	US HWY 17	C/O REBECCA CORBETT MCGOWAN 928 COVE POINT LN, TEGA CAY, SC 29708	3281-15-7192-0000	
ST JOHNS CHURCH OF CHRIST DIS	106 BROWN TOWN RD	P O BOX 251, HAMPSTEAD, NC 28443	3281-19-4202-0000	
BROWN, CLAUDIUS JR	44 BROWN TOWN RD	44 BROWN TOWN RD, HAMPSTEAD, NC 28443	3281-19-5499-0000	
NIXON, MCKINLEY MARY	80 BROWN TOWN RD	C/O SYLVIA HYMAN WILMINGTON, NC 28404	3281-19-5352-0000	
BRINSON, PRIMMIE L/E	26 BROWN TOWN RD	26 BROWN TOWN RD, HAMPSTEAD, NC 28443	3281-19-7513-0000	
MCLAURIN, DOROTHY BROWN	10 BROWN TOWN RD	10 BROWN TOWN RD, HAMPSTEAD, NC 28443	3282-00-9177-0000	
BRADLEY, EMILY B LIFE ESTATE	LOT 2 MB 14/61 CHRISTIAN CHAPEL RD	140 CHRISTIAN CHAPEL RD, HAMPSTEAD, NC 28443	3281-19-8786-0000	
DIXON, ROLAND JR	2 AC 1587 N/RR	54 CHASE LANE, ROCKY POINT, NC 28457	3281-19-9924-0000	
SHINGLETON, T FARNELL	12825 US HWY 17 12915 US HWY 17	12919 US HWY 17 NORTH, HAMPSTEAD, NC 28443	3282-10-8342-0000 3282-20-2545-0000	
MOORE, CARLOS BERNELL ET AL	LOT 2 MB 14/61 CHRISTIAN CHAPEL RD	C/O TONYA MOORE 403 LINCOLN RD., CHESAPEAKE, VA 23320	3281-19-7859-0000	
HOTTON, KEVIN J	230 MARE POND PL	230 MARE POND PL, HAMPSTEAD, NC 28443	3281-38-2487-0000	
BRIES, JEFFERY S	LOT 14 WHITE BRIDGE SUBDIV	240 MARE POND PL, HAMPSTEAD, NC 28443	3281-37-1934-0000	HOLMY, JOHN C CO TRUSTEES
ALLEN, MARK	239 MARE POND PL	239 MARE POND PL, HAMPSTEAD, NC 28443	3281-38-0964-0000	
WESSNER, MATTHEW J	229 MARE POND PL.	229 MARE POND PL, HAMPSTEAD, NC 28443	3281-39-5112-0000	
ANCERAVAGE, STEPHEN R	250 MARE POND PL.	250 MARE POND PL., HAMPSTEAD, NC 28443	3281-28-8182-0000	THORNLAW, LINDA
SHEPARD, RUDOLPH JR	60 BROWN TOWN RD.	2401 HARLEY DR., GREENSBORO, NC 27406	3281-19-5461-0000	SHEPARD, MARY DOROTHY

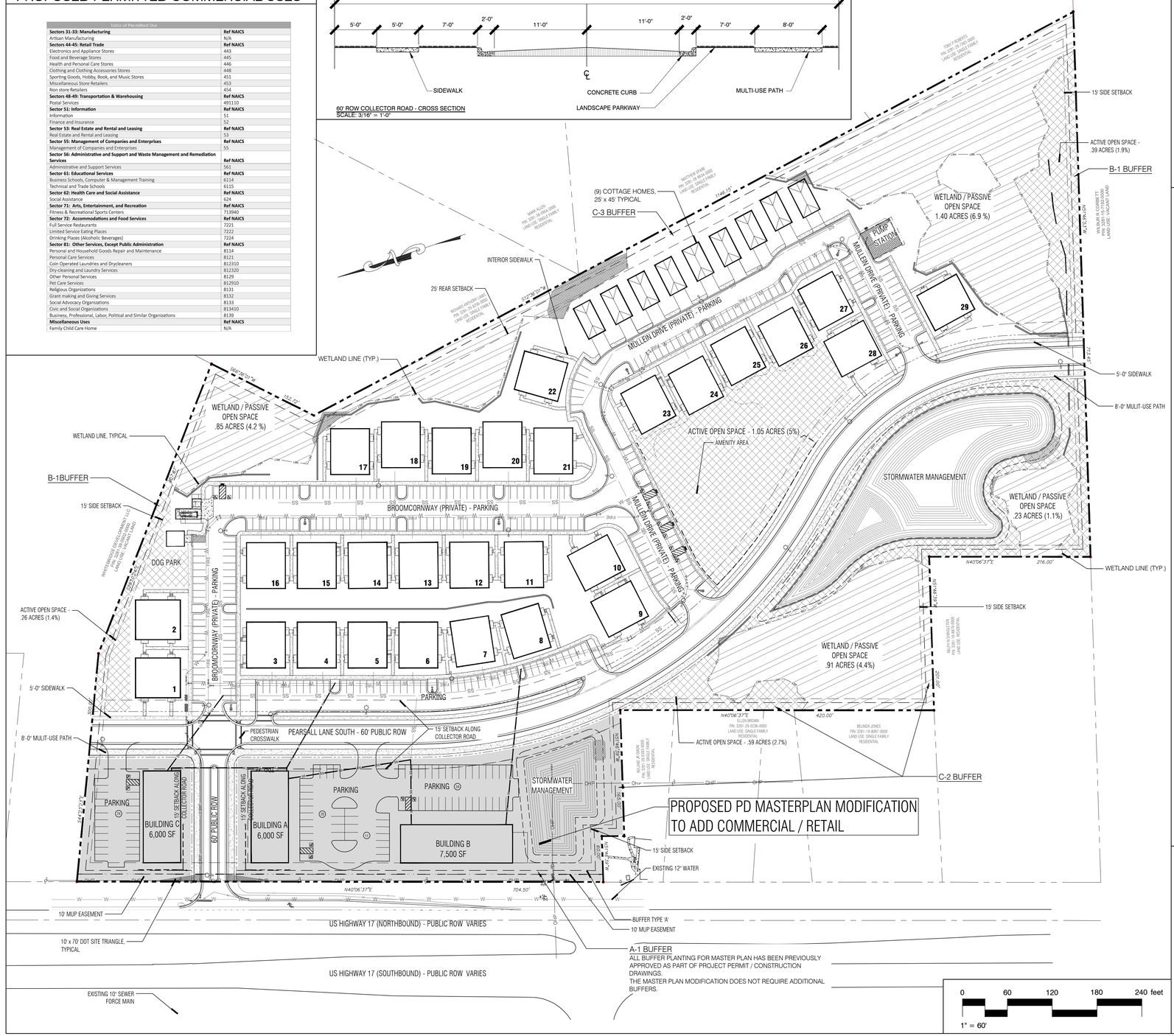
ATTACHMENT 1 – SITE PLAN

PROPOSED PERMITTED COMMERCIAL USES

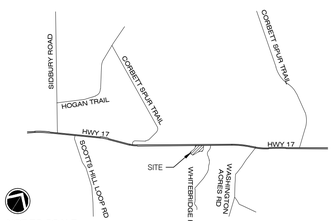
Table of Permitted Use	
Sectors 31-33: Manufacturing	**Ref NAICS**
Artisan Manufacturing	N/A
Sectors 44-45: Retail Trade	**Ref NAICS**
Electronics and Appliance Stores	443
Food and Beverage Stores	445
Health and Personal Care Stores	446
Clothing and Clothing Accessories Stores	448
Sporting Goods, Hobby, Book, and Music Stores	451
Miscellaneous Store Retailers	453
Non store Retailers	454
Sectors 48-49: Transportation & Warehousing	**Ref NAICS**
Postal Services	491110
Sector 51: Information	**Ref NAICS**
Information	51
Finance and Insurance	52
Sector 53: Real Estate and Rental and Leasing	**Ref NAICS**
Real Estate and Rental and Leasing	53
Sector 55: Management of Companies and Enterprises	**Ref NAICS**
Management of Companies and Enterprises	55
Sector 56: Administrative and Support and Waste Management and Remediation Services	**Ref NAICS**
Administrative and Support Services	561
Sector 61: Educational Services	**Ref NAICS**
Business Schools, Computer & Management Training	6114
Technical and Trade Schools	6115
Sector 62: Health Care and Social Assistance	**Ref NAICS**
Social Assistance	624
Sector 71: Arts, Entertainment, and Recreation	**Ref NAICS**
Fitness & Recreational Sports Centers	713940
Sector 72: Accommodations and Food Services	**Ref NAICS**
Full Service Restaurants	7221
Limited Service Eating Places	7222
Drinking Places (Alcoholic Beverages)	7224
Sector 81: Other Services, Except Public Administration	**Ref NAICS**
Personal and Household Goods Repair and Maintenance	8114
Personal Care Services	8121
Coin Operated Laundries and Drycleaners	812310
Dry-cleaning and Laundry Services	812320
Other Personal Services	8129
Pet Care Services	812910
Religious Organizations	8131
Grant making and Giving Services	8132
Social Advocacy Organizations	8133
Civic and Social Organizations	813410
Business, Professional, Labor, Political and Similar Organizations	8139
Miscellaneous Uses	**Ref NAICS**
Family Child Care Home	N/A



60' ROW COLLECTOR ROAD - CROSS SECTION
SCALE: 3/16" = 1'-0"



VICINITY MAP



NOT TO SCALE

SITE DATA

PARCEL PIN:	3281-29-4277-0000
TOTAL PROJECT AREA:	887,753 SF (20.38 AC.)
FUTURE LAND CLASS CLASSIFICATION:	NEIGHBORHOOD MIXED USE
EXISTING ZONING: PROPOSED ZONING:	PD - Planned Development NO CHANGE
OWNER: APPLICANT:	WILBUR R. CORBETT TRUST TRIBUTE INVESTMENT & DEVELOPMENT, INC.
PROPOSED BUILDING SEPARATION:	16'
PROPOSED BUILDING HEIGHT MAXIMUM:	35'

PROPOSED RESIDENTIAL

COTTAGE HOMES:	9 HOMES
ATTACHED HOUSING:	116 UNITS (29 BUILDINGS)
TOTAL RESIDENTIAL UNITS:	125 UNITS

PROPOSED COMMERCIAL/ RETAIL — 19,500 SF

ESTIMATED TRIP GENERATION

125 UNITS (9 COTTAGE HOMES / 116 ATTACHED HOUSING)	66 AM PEAK HOURS 77 PM PEAK HOURS
19,500 SF COMMERCIAL / RETAIL	
RETAIL: 4,750 SF	430/ DAY, 18 AM, 46 PM
OFFICE (MEDICAL OR GENERAL): 4,750 SF	96/ DAY, 16 AM, 16 PM
RESTAURANT: 6,000 SF	643/ DAY, 57 AM, 54 PM
GYM/FITNESS: 4,000 SF	290/ DAY, 5 AM, 29 PM
TOTAL:	1459/ DAY, 96 AM, 145 PM

DENSITY CALCULATIONS

TOTAL SITE AREA	20.38 ACRES (887,753 SF)	
TOTAL WETLAND AREA	3.39 ACRES	
60' ROW AREA	2.60 ACRES	
OPEN SPACE REQUIREMENT	REQUIRED	PROVIDED
ACTIVE	1.88 ACRES	2.29 AC (11.2 %)
PASSIVE (SUBTRACTED FROM TOTAL WETLAND AREA	1.88 ACRES	1.88 AC (9.2 %) (50% OF WETLANDS AREA)
FOR NET AREA CALCULATION		
TOTAL OPEN SPACE:	(12.5 x .03) 3.75 ACRES (18.4 % OF TOTAL SITE)	4.17 ACRES (20.4 % OF TOTAL SITE)
NET AREA:	12.52 ACRES	
NET DENSITY:	10 UNITS / ACRE	
RECOMMENDED DENSITY: (FUTURE LAND USE PLAN)	10 UNITS / ACRE	

PARKING CALCULATIONS

	REQUIRED	PROPOSED
19,500 SF COMMERCIAL RETAIL BUILDINGS (1 / 225 SF)	87	89
29 QUADRAPLEX BUILDINGS (2 / UNIT)	232	261
9 COTTAGE HOMES (2 / UNIT)	18	18
TOTAL PARKING:	337	368

PD DIMENSIONAL STANDARDS

	REQUIRED	PROPOSED
MIN. LOT WIDTH	50'	50'
MIN. FRONT YARD (ALONG HIGHWAY 17)	25'	25'
MIN. FRONT YARD (ALONG 60' COLLECTOR ROAD)	15'	15'
MIN. SIDE YARD	15'	15'
MIN. REAR YARD	25'	25'
MAX. HEIGHT	35'	35'
BUILDING SEPARATION	15'	15'

NOTES:
1. PLAN BASED ON SURVEY TITLED ' WILCOX DIVISION' PROVIDED BY MICHAEL UNDERWOOD AND ASSOCIATES, P.A. ON JANUARY, 2021.
2. WETLAND LINE BASED ON PLAN TITLED 'WETLAND DELINEATION SKETCH' PREPARED BY LAND MANAGEMENT GROUP ON JANUARY 2021.
3. PROJECT WILL BE DEVELOPED AS ONE (1) PHASE.
4. WATER WILL BE PROVIDED BY PENDER COUNTY UTILITIES.
5. SEWER WILL BE PROVIDED BY PLURIS HOLDINGS, LLC.
6. TOWNHOMES AND SINGLE FAMILY LOTS WILL BE SUBDIVIDED INTO INDIVIDUAL LOTS.
7. BUILDING FOOTPRINTS WILL BE USED AS LOT LINES WITH THE OPEN SPACE AS COMMON AREA. AN HOA WILL BE ESTABLISHED TO MAINTAIN COMMON AREA.
8. WATER AND WASTEWATER HAVE BEEN PREVIOUSLY APPROVED.
9. ALL PEDESTRIAN CROSSWALKS TO PROVIDE ADA WARNING MATS

LEGEND

- CONCEPTUAL SITE LIGHTING
- 8' MULTI-USE PATH
- PASSIVE OPEN SPACE
- ACTIVE OPEN SPACE
- ADDED COMMERCIAL/RETAIL
- RIGHT OF WAY LINE
- PROPERTY BOUNDARY
- WETLAND LINE
- SETBACK LINE
- WATER LINE
- PROPOSED WATER CONNECTION
- SEWER LINE
- PROPOSED SEWER CONNECTION
- ADA WARNING MATS
- 10' MUP EASEMENT

MIHALY LAND DESIGN
PLANNING + LANDSCAPE ARCHITECTURE
330 MILITARY CUTOFF RD., Suite A3
Wilmington, NC 28405 910.392.4335

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 1327 JOSHUA W. MIHALY

Revisions

2021-08-02: REVISED PER TRC COMMENTS
2023-06-09: REVISED PER COMMERCIAL AREA COMMENTS
2023-06-15: REVISED OPEN SPACE PER ADDITION OF COMMERCIAL
2023-08-30: REVISED PER TRC COMMENTS

PROJECT SCOTTS HILL RESIDENTIAL MIXED-USE

HIGHWAY 17
HAMPSTEAD, NC 28443

MASTERPLAN MODIFICATION

Date: 2021-07-09
Phase:
Job Number: 830-19
Designed by: MLD
Drawn by: MAS
Checked by: JWM
Sheet Title:
PD MASTERPLAN

Sheet Number:
L1.0
of 1 sheets

ATTACHMENT 2 – APPROVED TIA SCOPE

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

August 16, 2023

Mr. Don Bennett, PE
5917 Oleander Drive, Suite 206
Wilmington, NC 28403

RE: Scope approval for the Traffic Impact Analysis (TIA) associated with the proposed **Scotts Hill Residential Mixed Use** in Pender County, NC

Dear Mr. Bennett,

Based on the information provided, and conversations held to date, it is our understanding that the proposed development will be built two (2) phases and consist of:

Phase 1 (build year 2023)

- ITE Land Use Code 210 – Single Family Detached Housing 9 DU
- ITE Land Use Code 215 – Single Family Attached Housing 116 DU

Full Build (build year 2025)

- ITE Land Use Code 210 – Single Family Detached Housing 9 DU
- ITE Land Use Code 215 – Single Family Attached Housing 116 DU
- ITE Land Use Code 492 – Health/Fitness Club 4,000 SF
- ITE Land Use Code 720 – Medical-Dental Office Building 4,750 SF
- ITE Land Use Code 822 – Strip Retail Plaza 4,750 SF
- ITE Land Use Code 932 – High Turnover (Sit-Down) Restaurant 6,000 SF

Below is the scope to be used for the Traffic Impact Analysis:

1. **Data Collection - Analysis Parameters:**
   a) Study Intersections
      i. For existing intersections, provide turning movement counts for weekday AM (7:00am-9:00am) and PM (4:00pm-6:00pm) peak periods, signal timing (if applicable), and lane geometry:

         - US 17 at SR 1587 (Christian Chapel Road)* (unsignalized)
         - US 17 at Whitebridge Road* (unsignalized)
         - US 17 at Site Access 1 (proposed right-in/right-out)

* For these study intersections, review future build conditions according to NCDOT publication *Guidelines for the Signalization of Intersections with Two of Three Approaches*.

b) Site Trip Generation, Site Trip Distribution and Background Traffic Assumptions
   i. Site Trip Generation Estimate – Received July 31, 2023
      - Attached
   ii. Site Trip Distribution
      - To be submitted and approved prior to use in TIA
   iii. Adjacent Development (approved but not yet built):
      - N/A
   iv. Planned Roadway Improvements
      - Driveway Permit # D031-071-22-00133 requires improvements at the site access.
   v. Background Traffic Assumptions
      - Phase 1 – 2023
      - Full Build - 2025
      - Growth rate – 2% per year

2. **Capacity Analysis: Weekday AM & PM Peak Hour**
   a) Technical Analysis
      i. 2023 Existing
      ii. 2023 Phase 1 Future No-Build
      [Existing + 2% background growth]
      iii. 2023 Phase 1 Build Conditions **with signal warrant analysis**
      [Existing + 2% background growth + site trips]
      iv. 2023 Phase 1 Build Conditions with Mitigation
      [Existing + 2% background growth + site trips + improvements]
      v. 2025 Future No Build
      [Existing + 2% background growth]
      vi. 2025 Full Build Conditions **with signal warrant analysis**
      [Existing + 2% background growth + site trips]
      vii. 2025 Full Build Conditions with Mitigation
      [Existing + 2% background growth + site trips + improvements]

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

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

b) Please note that if any changes occur (including but not limited to; land use, intensity, phasing, and/or site access) additional analysis may be required.

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

Sincerely,

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

Attachments:

Traffic Impact Analysis Supplemental Guidelines – September 28, 2022
Scotts Hill Mixed Use Scoping Packet (provided by DAVENPORT)
NCDOT publication 2017-11 *Guidelines for the Signalization of Intersections with Two of Three Approaches*.

ec: Kirsten Spirakis, PE, District Engineer, NCDOT
Doug Racine, Assistant District Engineer, NCDOT
Tanya Sokolik-Porch, Assistant District Engineer, NCDOT
Stonewall Mathis, PE, Deputy Division Traffic Engineer, NCDOT
Krupa Koilada, Senior Assistant Division Traffic Engineer, NCDOT
Bryce Cox, Assistant Traffic Engineer, NCDOT
Daniel Adams, Planning & Community Development Director, Pender County
Justin Brantley, Deputy Planning Director, Pender County
Adam Moran, Long Range Planner, Pender County
Jamar Johnson, EI, Engineering Associate, WMPO

ATTACHMENT 3 – MDP 2021-31 STAFF REPORT

STAFF REPORT FOR MDP 2021-31
MASTER DEVELOPMENT PLAN APPLICATION

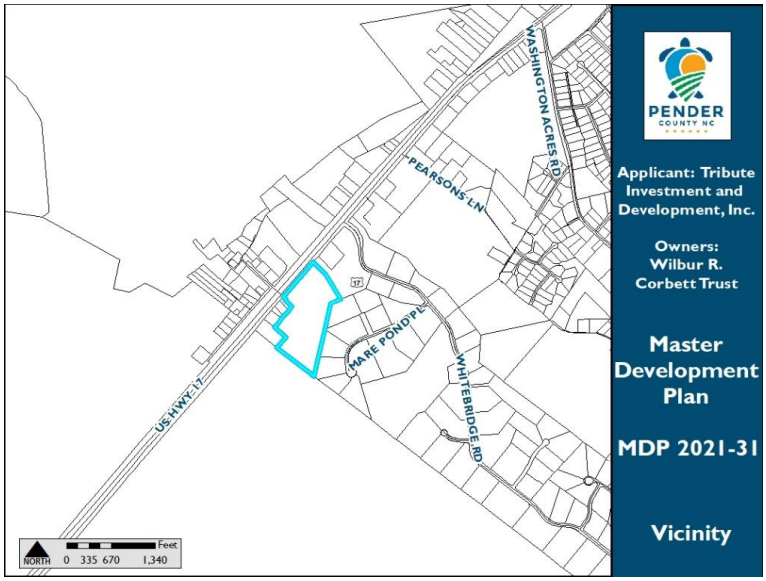
APPLICATION SUMMARY	
Case Number	MDP 2021-31
Hearing Date	September 1, 2021 Planning Board
Applicant	Tribute Investment and Development, Inc.
Property Owner(s)	Wilbur R. Corbett Trust
Parcel Identification Number	3281-29-4277-0000
Acreage	20.38
Township	Topsail
Zoning District	PD, Planned Development
Pender 2.0 Future Land Use Category	Neighborhood Mixed Use

MASTER DEVELOPMENT PLAN PROPOSAL

Tribute Investment and Development, Inc., applicant, on behalf of Wilbur R. Corbett Trust, owners, is requesting approval of a Master Development Plan within the PD, Planned Development zoning district to allow for a mixed-use development consisting of 9 single-family lots and 116 townhomes for a total of 125 units.

LOCATION

The subject property is located on the eastern side of US HWY 17 across from Christian Chapel Road in the Topsail Township.



MASTER DEVELOPMENT PLAN PROPOSAL

The applicant is proposing to construct a mixed-use development, Scotts Hill Residential Mixed-Use, in one phase that consists of 9 single-family cottage homes and 116 townhome units (total of 125 units). The 116 townhomes units will be distributed across 29 residential structures with 4 units each (a townhome structure with 3-4 units is also referred to as a multiplex in the Pender County Unified Development Ordinance (UDO)). Based on the proposed uses associated with this request and the design of the site, this application meets the requirements of Section 4.8.1.B.d of the UDO. Because the subject property is less than 100 acres, a mix of residential and non-residential uses is not required.

As proposed, the uses associated with the Scotts Hill Residential Mixed-Use Master Development Plan will be limited to single-family lots and townhomes. Additional information regarding the proposed development is detailed in subsequent sections in this report.



If this proposed request is approved, the applicant will be required to submit a site-specific plan to be reviewed by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations. Approval of the Master Development Plan shall not be construed to grant approval to begin construction.

Density

The proposed net density of the project is shown in the table below and calculated in accordance with Section 4.6.7.A.2 of the UDO. A net density of 9.98 dwelling units/acre (du/ac) is in conformance with the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan as it meets than the maximum density recommended for the Neighborhood Mixed Use Future Land Use Classification, which envisions development at a density of up to ten dwelling units an acre.

Density Calculation	
Total Site Acreage	20.38 ac
Potential Wetland Acreage	3.39 ac
Proposed Right-of-Way (60' wide)	2.6 ac
Required Open Space*	3.75 ac (1.88 ac active; 1.88 ac passive)
Total Number of Units	125
Net Density	**9.98 du/ac**

*Passive open space may be subtracted from the total wetland area (Section 4.6.7.A.2)

Dimensional Requirements

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

The applicant is proposing the below minimum dimensional standards. According to the applicant, the building footprints of both the cottage homes and the townhomes will be used as lot lines where residents will own the land beneath the house while the remainder of the site will be in common ownership maintained by a Homeowners' Association. Because the subject property will not be subdivided in a traditional sense, the proposed dimensional standards are to be applied to the exterior project boundary.

Scotts Hill Residential Mixed-Use Proposed Setbacks	
	Minimum Setback
Front (Adjacent US HWY 17)	25'
Front (Adjacent Collector Road)	15'
Side	15'
Rear	25'
Max. Building Height	35'
Structure Separation	15'

Landscaping & 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. As shown, the proposed master plan is in compliance with landscaping and buffer requirements outlined in Article 8 of the UDO.

Required and Proposed Buffers	
Buffer Type	**Location of Buffer**
Type A	Adjacent US HWY 17
Type B	Along all other boundaries
Type C	Adjacent existing residential lots along US HWY 17 and in the Whitebridge community

Significant Trees
A significant tree survey conforming with section 8.1.3 of the Pender County Unified Development Ordinance will be required prior to administrative approval of any subsequent Preliminary Plat or Site Development Plan within this project. Any significant tree proposed for removal shall be mitigated by the on-site planting of two (2) trees of the same species with a minimum caliper of 2" or greater. Please note that a significant tree survey is not required in areas designated as wetland and will be verified during site plan review if approved.

Open Space
The proposed mixed-use development is required to provide a minimum of 3.75 acres of open space, with a minimum of 1.88 acres dedicated as active and a minimum of 1.88 acres dedicated as passive. The table below outlines the required open space as well as the proposed open space associated with the master plan.

Required and Proposed Open Space		
Open Space Dedication	**Open Space Required**	**Open Space Provided**
Active	1.88 ac	1.97 ac (9.6% of site)
Passive	1.88 ac	3.39 ac (16.6% of site)
Total	3.75 ac	5.36 ac (26.2% of site)

Recreational Units
Per Section 7.6.2 of the Pender County Unified Development Ordinance, developments are required to provide recreational units equivalent to financial credits based on the total proposed dwelling units. The bolded information in the table below includes the Recreational Unit requirement for the proposed mixed-use project. The applicant has illustrated a location for an amenity area on the master plan.

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

TRANSPORTATION INFRASTRUCTURE

Roadways, Street Connectivity, and Access
The applicant is proposing to construct two public roadways illustrated in the Pender County Collector Street Plan. A Major Collector Street (60' right-of-way width) would run generally parallel to US HWY 17 throughout the development. A Minor Collector Street (60' right-of-way width) would connect this new collector road to US HWY 17 and serve as the entrance to the project.

The construction of the two collector roads will facilitate three new roadway connections that will provide access to the subject site via US HWY 17 and to the adjacent properties once developed. No decision regarding the ownership of the internal roadway network has been provided at this time.

In accordance with the Pender County Collector Street Plan and Unified Development Ordinance, individual driveway access will not be permitted on the collector streets. The proposed roadway network conforms with the Pender County Collector Street Plan and the UDO. Staff will ensure all submittals meet state and local requirements prior to administrative approval.

Traffic
A Traffic Impact Analysis (TIA) is not required for the proposed master development plan because it is estimated to generate less than 100 trips in the morning and evening peak hours and less than 1,000 trips per day. Any traffic requirements will be addressed by NCDOT and will be required to be compliant with their standards. The table below includes estimates provided by the applicant's traffic engineer that reflect the estimated trips anticipated to be generated by the proposed mixed-use development. The below estimates are also included as Attachment 1 in the Board's packet.

Scotts Hill Residential Mixed-Use Estimated Trip Generation							
Land Use	Size	Unit	Daily Trips	AM Peak Hour Trips		PM Peak Hour Trips	
				Enter	Exit	Enter	Exit
Single Family Residential (LUC 210)	9	Dwelling Units	113	3	8	6	4
Low-Rise Residential (LUC 220)	116	Dwelling Units	836	13	42	42	25
Total	125	Dwelling Units	949	66		77	

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

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

Road	Location	Volume	Capacity	V/C
US HWY 17	12700 Block	38,500	75,800	0.51

Pedestrian Access
The applicant has agreed to two conditions to provide a multi-use path along one side of the collector street running parallel to US HWY 17 and along one side of the collector street connecting to US HWY 17. Sidewalks or other equivalent pedestrian infrastructure will also be installed along one side of every right-of-way or drive aisle throughout the development.

OTHER INFRASTRUCTURE

Utilities
According to the applicant, the proposed mixed-use development intends to utilize Pender County Utilities (PCU) for water service and Pluris for wastewater service. A pump station will also be constructed on the parcel in order to provide utility service to the proposed development. Relevant documentation from state, local, or private entities involved in the construction and operation of these utilities will be required prior to administrative approval to construct the development.

Stormwater
The applicant is proposing to exceed the standards prescribed in Section 7.9 of the UDO by constructing a stormwater system which would accommodate a fifty-year storm and be analyzed for a one-hundred-year storm. Compliance with these standards will be verified during TRC review if this request is approved. Certification from a licensed engineer that the project meets these requirements shall be required at administrative approval of the development, and all necessary state permits will be required prior to administrative approval for land disturbing activities.

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

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

External Permits
All applicable state and federal agency permits including, but not limited to, a Stormwater Management Permit, Erosion Control Plan, wetlands impact permits, and NCDOT Driveway Permit will be required prior to approval of a site approval.

PUBLIC INPUT MEETING

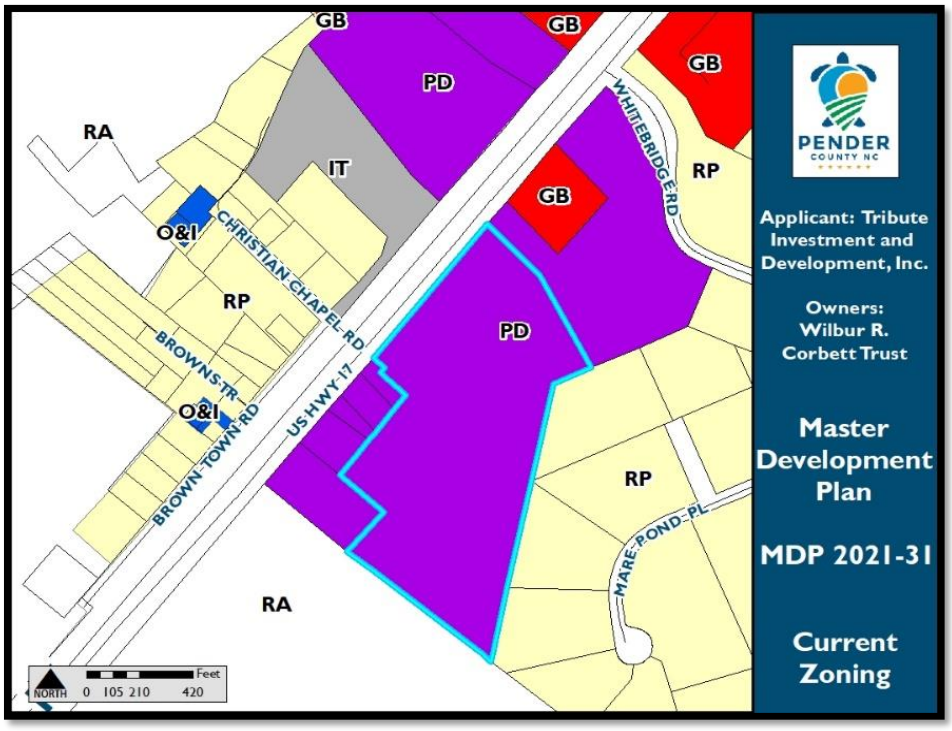
In accordance with the Pender County Unified Development Ordinance, the applicant held a public input meeting on Thursday, August 12, 2021 at the Hampstead Annex. The applicant notified property owners with 500 feet of the subject property via mail on August 2, 2021. Four neighboring properties owners attended the meeting citing concerns regarding flooding, the proposed density, and increased traffic in the area created by the development. A summary of the report provided by the applicant can be found in Attachment 2.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES

On July 12, 2021, the proposed master development plan was sent to the Pender County Technical Review Committee for review. The responses collected can be found in Attachment 3.

EVALUATION

Below: Zoning Map of the Area

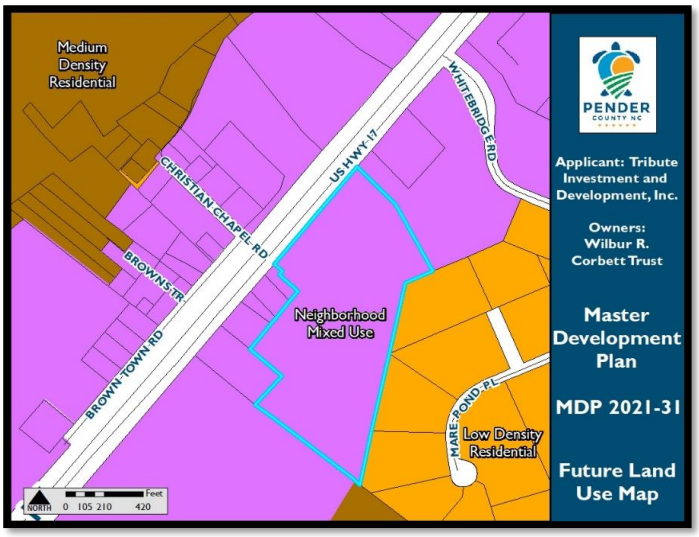


CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	**ZONING**
North	Educational Services (Topsail Montessori School)	PD, Planned Development
East	Single-Family Residential	RP, Residential Performance
South	Undeveloped	RA, Rural Agricultural
West	Single-Family Residential and AWE Outdoors	RP, Residential Performance, IT, Industrial Transitional

Pender 2.0 Comprehensive Land Use Plan Compliance: The Pender 2.0 Comprehensive Land Use Plan designates the subject property as Neighborhood Mixed Use. Neighborhood Mixed Use allows for a transition between more intense commercial, office, and residential development to lower density residential neighborhoods. The Neighborhood Mixed Use category is primarily dedicated to non-residential uses that provide services, entertainment, and amenities to residents within a three mile radius. Land use and development within this category is closely coordinated with existing and planned roadway transportation networks, while encouraging bicycle and pedestrian access. This future land use category should be composed of a mixture of integrated commercial, office, institutional, and single-family residential uses. This future land use 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.

Desired uses include single-family dwellings – detached, duplex, and townhouse (up to ten units in a single structure) in addition to commercial/retail and office uses that serve existing communities. Examples include restaurants, cafes, drug stores, healthcare facilities, professional offices, and retail-oriented uses.

Inappropriate uses include Establishments requiring large surface parking in excess of 20,000 square feet, low density residential uses, industrial uses, and storage facilities.



The project conforms with the Neighborhood Mixed Use Future Land Use classification, providing for a level of residential density called for in this area.

In addition to conforming with the Future Land Use Map, the Master Development Plan request is supported by four goals, two objectives, and four policies within the Pender 2.0 Comprehensive Land Use Plan:

> **Goal 4.2:** Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with development and ensuring safe and efficient modes of transportation are available to all residents and visitors.

Policy 4.2.F: Collector Street Plan: The County shall continue to support and implement the Pender County Collector Street Plan when reviewing and approving new development proposals within the WMPO Boundary area of the County.

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

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

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

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

Policy 5.1.D: Focused Growth and Development: The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.

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

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

Goal 5.8: Topsail Planning Area: Protect existing single-family neighborhoods and coastal habitats from the expansion of incompatible land uses, while focusing more intensive growth and development in key locations along the US 17 corridor and in accordance with the US 17 Bypass and Collector Street Plan.

The project fulfills several desired policy outcomes for development as described in the Pender 2.0 Comprehensive Land Use Plan. The proposal provides enhanced transportation infrastructure, constructing multiple collector streets as well as bicycle and pedestrian connectivity throughout the development in addition to providing residential density in a key location to support the projected population growth of Pender County.

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

3.5.4 Master Development Plan Review

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

CONDITIONS OF APPROVAL

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

1. A multi-use path shall be constructed along one side of the collector street running parallel to US Hwy 17 and one side of the collector street connecting to US Hwy 17.
2. Sidewalks or other equivalent pedestrian infrastructure shall be constructed along at least one side of every right-of-way or drive aisle.
3. The project shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff for the 10-, 25-, and 50-year return period events and be analyzed for the 100-year event.
4. Informational signs to be installed at 500 ft intervals along all delineated wetland boundaries within platted open space, and to be maintained by the HOA and replaced as necessary. The applicant shall include this provision in the recorded covenants and restrictions for the development in perpetuity.

RECOMMENDATION

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

PLANNING BOARD ACTION FOR MASTER DEVELOPMENT PLAN

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

McClammy	Jordan	Beaudoin	Buchanan	Gruntfest	Pitts	Teachey

ATTACHMENT 4 – COMMUNITY INPUT MEETING INFORMATION

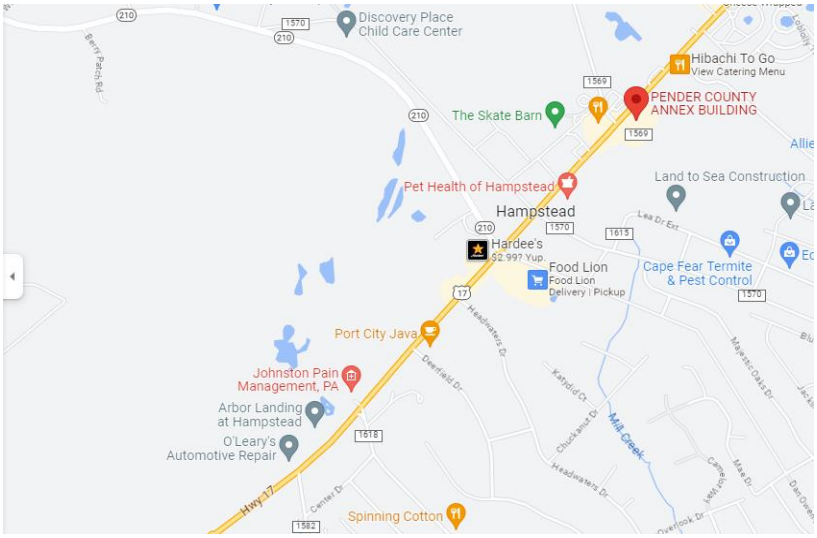
August 8, 2023

To: Adjacent Property Owners
From: The Townhomes at Scotts Hill Design Team
Re: Notice to Interested Parties of Community Meeting

The purpose of this community meeting is to cover a request made to the Pender County Planning Board to amend the Townhomes at Scotts Hill PD Master Plan to include a commercial/retail component. An exhibit of the site plan layout, including the previously approved PD Master Plan as well as the proposed modification is attached.

The County requires that the property owner hold a meeting for all property owners within 500 feet of the tract boundary prior to the request going to the Planning Board. Doing so provides neighbors with an opportunity for an explanation of the proposal and for questions to be answered concerning project improvements, benefits, and impacts.

A meeting will be held on **Thursday**, **August 17th** at the **Hampstead Annex (15060 Hwy 17, Hampstead, NC 28443)** from **5:30-6:30 PM.** If you cannot attend, you are also welcome to contact Josh Mihaly at telephone (910) 392-4355 / email at josh@mihalyland.net with comments and/or questions.



We appreciate your interest in the project and look forward to being a good neighbor and an asset to the community.

Enclosure: Exhibit

5725 Oleander Drive Suite A7 Wilmington, NC 28403 tel. 910.392.4355 fax. 910.791.9131

MIHALY
LAND DESIGN
PLANNING+LANDSCAPE ARCHITECTURE

August 25, 2023

To: Daniel Adams
Pender County Planning
805 S. Walker Street
Burgaw, NC 28405

Re: Scotts Hill Townhomes Community Meeting Report

Dear Mr. Adams,

A community meeting for the Scotts Hill Residential Mixed-Use Master Plan Modification was held on August 17th, 2023 at the Pender County Annex in Hampstead, NC. The meeting was held to discuss the proposed modification to the previously approved Master Plan. The proposed changes to the Master Plan include approximately 19,500 sf of commercial / retail to the project.

Only three people attended the meeting and the concerns were mostly related to the proposed uses, traffic, and stormwater. Christie Spare who lives behind the proposed development had some concerns regarding property lines. We have been in contact with the site contractor and surveyor to verify that there was no work done beyond the limits of the project property lines. She was also curious of to the types of uses that the commercial space will have and was excited to hear that a good anchor restaurant was a major goal for the development.

Mary Allen whom is also an adjacent property owner had some concerns regarding the proposed improvements to Highway 17 to handle the additional traffic. Our traffic engineer Don Bennett was not able to attend the meeting however, we informed her that an update to the project Traffic Impact Analysis was necessary and we would be providing her with the updates once it is complete. She also expressed concern of the project boundary buffers and the stormwater runoff. She was happy to hear that the proposed impervious for the project is all directed towards the stormwater ponds and not on to her property. We also discussed the notion of adding a fence if necessary, to the rear property line.

Overall, it was a productive meeting that helped alleviate some of the concerns of the adjacent property owners in attendance. We hope to continue the master plan modification process and work with the county staff and adjacent property owners in developing a well thought out and cohesive project.

Sincerely,

Josh Mihaly, RLA

330 Military Cutoff, Suite A3, Wilmington, NC 28405 tel. 910.392.4355

SCOTTS HILL - PD MASTERPLAN MODIFICATION
COMMUNITY MEETING 8/17/2023

SIGN-IN SHEET

NAME	ADDRESS	EMAIL
CHRISTIE SPARE	249 MARE POND PL	christiespare@gmail.com
MARY Allen	239 " " "	FDNature@icloud.com
Claude BROWN	44 BROWNTOWN Rd.	

Pender County
ZTA 2023-19: Text Amendment removing language that provides the County with criminal enforcement penalties for violations of the UDO

TO:	Planning Board
FROM:	Adam Moran
DATE:	September 6, 2023
SUBJECT:	ZTA 2023-19: Text Amendment removing language that provides the County with criminal enforcement penalties for violations of the UDO

SUMMARY:
Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 11.12.2(B) “Penalties;” and Section 13.4.10(D)(1) “Remedies and Penalties, Criminal Penalty.” These amendments are requested to comply with state law. The proposal is to strike language referring to instituting criminal penalties for violation of planning and development ordinances.

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

ATTACHMENTS:
1. Staff Report
2. Attachment 1: Red-Lined Copy of Proposed Text Changes
3. Attachment 2: SL2021-138 Part XIII Section 12 (a-d)

STAFF REPORT FOR ZTA 2023-19
ZONING TEXT AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	ZTA 2023-19
Hearing Dates	September 6, 2023 - Planning Board October 16, 2023 - Board of County Commissioners
Applicant	Pender County

ZONING TEXT AMENDMENT PROPOSAL
Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 11.12.2(B) "Penalties;" and Section 13.4.10(D)(1) "Remedies and Penalties, Criminal Penalty." These amendments are requested to comply with state law. The proposal is to strike language referring to instituting criminal penalties for violation of planning and development ordinances.

AMENDMENT DESCRIPTION

Pender County, applicant, is requesting a text amendment to the Unified Development Ordinance (UDO) to comply with state law. A recent change in state law, passed in 2021, no longer allows local governments to impose criminal penalties against individuals or organizations for violations of zoning or land use development codes. Staff is seeking this text amendment to incorporate the changes that impact code enforcement penalties by removing language that is unenforceable and non-compliant with state law.

The two impacted sections of the UDO lay out the means to charge any person violating the provisions of Article 11 or Article 13 of the UDO with a criminal misdemeanor. The state law referenced above has prohibited such language within a planning and development ordinance. Therefore, this section of the UDO is not compliant with state law. This text amendment is meant to resolve that situation by striking this language from the ordinance. Civil Penalties, other Court Orders, and Administrative Determinations remain as means to find remedy for matters in which violations of the UDO have been determined to have occurred.

The state law necessitating this change is North Carolina General Session Law 2021-138 PART XIII. Decriminalization of Certain Ordinances, Section 13. (a-d). There are two sections in the UDO that must be updated to conform to the new state law: Section 11.12.2(B) "Penalties;" and Section 13.4.10(D)(1) "Remedies and Penalties, Criminal Penalty."

Article 11.12.2(B), currently reads:

> **11.12.2 Penalties**
>
> **B. Any person violating provisions in this article shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty dollars ($50) dollars or imprisonment of**

not more than thirty (30) days as provided by North Carolina General Statute 14-4. Each day shall constitute a separate violation and shall be punishable as a separate offense.

Article 13.4.10(D)(1) currently reads:

13.4.10 Remedies and Penalties

D. Criminal Penalty

1) As provided in Section 14-4 of the North Carolina General Statutes, violation of this Ordinance constitutes a misdemeanor, punishable by a fine up to $500.00 or imprisoned not more than thirty (30) days.

Proposed amendments to the language of the UDO from Section 11.12.2.(B) and Section 13.4.10(D)(1) within which all proposed amendments are located, is provided as Attachment 1. An excerpt of the relevant state law is provided as Attachment 2.

EVALUATION

As prescribed in the Pender County Unified Development Ordinance Section 3.18.5, in evaluating any proposed Ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

1. The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
2. The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
3. Whether or not the proposed text amendment corrects an error in the Ordinance; and
4. Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Planning Board and County Commissioners is whether the proposed amendment advances the public health, safety, or welfare of its citizens.

RECOMMENDATION

Planning staff is submitting this text amendment request for Planning Board recommendation. Staff respectfully recommends approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report, as the amendment is consistent with the requirements of North Carolina General Session Law 2021-138 PART XIII. Decriminalization of Certain Ordinances, Section 13. (a-d). The proposed text amendment involves striking language that provides for criminal misdemeanors to be charged for violating certain UDO provisions. Overall, the proposed Zoning Text Amendment seeks to provide clarity to the UDO by bringing it into compliance with state law.

PLANNING BOARD CONSISTENCY STATEMENT:	
TO APPROVE:	Motion to approve the Zoning Text Amendment and to make a finding that the approval is consistent with state law and the spirit, purpose, and intent of the Pender County Unified Development Ordinance.
TO DENY:	Motion to deny the Zoning Text Amendment and to make a finding that although the proposal is consistent with the Pender County Unified Development Ordinance, said denial is reasonable and in the public interest and does not further the goals of Article 11 "Road Naming and Addressing" and Article 13 "Enforcement and Penalties" because [INSERT REASONING].

PLANNING BOARD ACTION FOR ZONING TEXT AMENDMENT	
MOTION	**SECONDED**

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Pitts	Teachey	Mosca

ATTACHMENT 1 – RED-LINED COPY OF PROPOSED TEXT CHANGES

11.12.2 Penalties

A. Any person who does not comply with this article will be notified, by certified mail, to meet the requirements within 30 days from the date of notification.

~~B. Any person violating provisions in this article shall be guilty of a misdemeanor and shall be subject to a fine of not more than fifty dollars ($50) dollars or imprisonment of not more than thirty (30) days as provided by North Carolina General Statute 14-4. Each day shall constitute a separate violation and shall be punishable as a separate offense.~~

B. Any person who does not comply with this article will be notified, by certified mail, and required to come into compliance within 30 days from the date of notification.

C. Any violation of this article may be subject to civil remedies as set forth in North Carolina General Statute 153A-123C.

13.4.10 Remedies and Penalties

The Administrator may pursue one or more of the following remedies and penalties to prevent, correct, or abate a violation of this Ordinance. Use of one of the authorized remedies and penalties does not preclude the Administrator from using any other authorized remedies of penalties, nor does it relieve any party to the imposition of one (remedy or penalty) from imposition of any other authorized remedies or penalties.

A. Permit Revocation

1) In accordance with the provisions of Section 12.2 of this Ordinance and the provisions of N.C.G.S. 160D-403(f) and 160D-1115, the Administrator or Building Inspector may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.

B. Permit Denial

1) As long as a violation of this Ordinance remains uncorrected, the Administrator may deny or withhold approval of any permit or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.

C. Civil Penalty

1) Violation of this Ordinance subjects the violator to a civil penalty in the amount of One Hundred ($100.00) Dollars for each offense. If the offender fails to remedy the violation and pay any civil penalty within ten days after being cited for said violation (or within the time prescribed by a citation if it provides for a longer period of time than ten days), the civil penalty may be recovered in a civil action in the nature of a debt, as provided in G.S. 153A-123(c). The Administrator shall make written or in person demand for payment, delivered by certified mail, return receipt requested, upon the person or persons responsible or their agents and assigns, and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is received, the County may refer the matter to the County

Attorney for the institution of a civil action in the nature of debt in the name of Pender County in the appropriate division of the General Court of Justice in Pender County, for recovery of the penalty, and any equitable remedy available to the County.

2) Each day a violation continues, shall constitute a separate and distinct offense, punishable as set forth herein and described above.

a) Violations of Section 9.7.2, Temporary Signs, shall in all cases be deemed a civil penalty in accordance with Section 12.4.9.

~~D. Criminal Penalty~~

~~1) As provided in Section 14-4 of the North Carolina General Statutes, violation of this Ordinance constitutes a misdemeanor, punishable by a fine up to $500.00 or imprisoned not more than thirty (30) days.~~

D. Injunction and Abatement Order

1) If a building or structure is erected, constructed, reconstructed, or altered, repaired, converted, or maintained, or any building, structure or land is occupied or used in violation of the General Statutes of North Carolina, this Ordinance, or other regulation made under authority conferred thereby. The Administrator may institute action in the district Court, Civil Division, or any other court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the violator to correct or cease a violation of this Ordinance. In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other structures on the property be closed, and demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the county may execute the order of abatement. The county shall have a lien on the property for the cost of executing an order of abatement.

E. Other Equitable Relief

1) In addition to the above remedies and penalties, the Administrator may institute any other appropriate equitable action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this Ordinance.

ATTACHMENT 2 – SL2021-138 PART XIII
SECTION 13 (a-d)

detention; (ii) best practices for handling incidents involving juveniles; (iii) adolescent development and psychology; and (iv) promoting relationship building with youth as a key to delinquency prevention.

c. Ethics.

d. Mental health for justice officers.

e. Community policing.

f. Minority sensitivity.

g. Use of force.

h. The duty to intervene and report.

…."

SECTION 11.(c) This section becomes effective January 1, 2022.

PART XII. EXEMPT CHANGES TO LAW ENFORCEMENT IN-SERVICE TRAINING STANDARDS FROM RULEMAKING

SECTION 12.(a) G.S. 150B-1(d) reads as rewritten:

"(d) Exemptions from Rule Making. – Article 2A of this Chapter does not apply to the following:

…

(6a) The Criminal Justice Education and Training Standards Commission with respect to establishing minimum standards for in-service training for criminal justice officers under G.S. 17C-6(a)(14).

(6b) The Sheriffs' Education and Training Standards Commission with respect to establishing minimum standards for in-service training for justice officers under G.S. 17E-4(a)(11).

…."

SECTION 12.(b) This section is effective when it becomes law.

PART XIII. DECRIMINALIZATION OF CERTAIN ORDINANCES

SECTION 13.(a) G.S. 153A-123 reads as rewritten:

"**§ 153A-123. Enforcement of ordinances.**

…

(b) ~~Unless the board of commissioners has provided otherwise,~~ Except for the types of ordinances listed in subsection (b1) of this section, violation of a county ordinance ~~is~~ may be a misdemeanor or infraction as provided by ~~G.S. 14-4.~~ G.S. 14-4 only if the county specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 153A-45, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

(1) Any ordinance adopted under Article 18 of this Chapter, Planning and Regulation of Development or, its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings.

(2) Any ordinance adopted pursuant to G.S. 153A-134, Regulating and licensing businesses, trades, etc.

(3) Any ordinance adopted pursuant to G.S. 153A-138, Registration of mobile homes, house trailers, etc.

(4) Any ordinance adopted pursuant to G.S. 153A-140.1, Stream-clearing programs.

(5) Any ordinance adopted pursuant to G.S. 153A-143, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising.

(6) Any ordinance adopted pursuant to G.S. 153A-144, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors.

(7) Any ordinance adopted pursuant to G.S. 153A-145, Limitations on regulating cisterns and rain barrels.

(8) Any ordinance regulating trees.

…."

SECTION 13.(b) G.S. 160A-175 reads as rewritten:

"**§ 160A-175. Enforcement of ordinances.**

…

(b) ~~Unless the Council shall otherwise provide,~~ Except for the types of ordinances listed in subsection (b1) of this section, violation of a city ordinance ~~is~~ may be a misdemeanor or infraction as provided by ~~G.S. 14-4.~~ G.S. 14-4 only if the city specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

(1) Any ordinance adopted under Article 19 of this Chapter, Planning and Regulation of Development, or its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings.

(2) Any ordinance adopted pursuant to G.S. 160A-193.1, Stream-clearing programs.

(3) Any ordinance adopted pursuant to G.S. 160A-194, Regulating and licensing businesses, trades, etc.

(4) Any ordinance adopted pursuant to G.S. 160A-199, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising.

(5) Any ordinance adopted pursuant to G.S. 160A-201, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors.

(6) Any ordinance adopted pursuant to G.S. 160A-202, Limitations on regulating cisterns and rain barrels.

(7) Any ordinance adopted pursuant to G.S. 160A-304, Regulation of taxis.

(8) Any ordinance adopted pursuant to G.S. 160A-306, Building setback lines.

(9) Any ordinance adopted pursuant to G.S. 160A-307, Curb cut regulations.

(10) Any ordinance regulating trees.

…."

SECTION 13.(c) G.S. 14-4 reads as rewritten:

"**§ 14-4. Violation of local ordinances misdemeanor.**

(a) Except as provided in subsection ~~(b),~~ (b) or (c) of this section, if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars ($500.00). No fine shall exceed fifty dollars ($50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars ($50.00).

(b) If any person shall violate an ordinance of a county, city, or town regulating the operation or parking of vehicles, he shall be responsible for an infraction and shall be required to pay a penalty of not more than fifty dollars ($50.00).

(c) A person may not be found responsible or guilty of a local ordinance violation punishable pursuant to subsection (a) of this section if, when tried for that violation, the person produces proof of compliance with the local ordinance through any of the following:

(1) No new alleged violations of the local ordinance within 30 days from the date of the initial alleged violation.

(2) The person provides proof of a good-faith effort to seek assistance to address any underlying factors related to unemployment, homelessness, mental health, or substance abuse that might relate to the person's ability to comply with the local ordinance."

SECTION 13.(d) This section becomes effective December 1, 2021, and applies to offenses and violations committed on or after that date.

PART XIV. REQUIRE MANDATORY FIRST APPEARANCE FOR MISDEMEANORS WHEN DEFENDANT IS IN CUSTODY AND REQUIRE FIRST APPEARANCE FOR ALL CHARGES WHEN DEFENDANT IS IN CUSTODY TO BE HELD WITHIN SEVENTY-TWO HOURS

SECTION 14.(a) G.S. 15A-601 reads as rewritten:

"**§ 15A-601. First appearance before a district court judge; ~~right in felony and other cases in original jurisdiction of superior court;~~ consolidation of first appearance before magistrate and before district court judge; first appearance before clerk of superior court; use of two-way audio and video transmission.**

(a) Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal process under Article 17 of this Chapter, Criminal Process, with a crime in the original jurisdiction of the superior court must be brought before a district court judge in the district court district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This first appearance before a district court judge is not a critical stage of the proceedings against the defendant.

Any defendant charged in a magistrate's order under G.S. 15A-511 or criminal process under Article 17 of this Chapter, Criminal Process, with a misdemeanor offense and held in custody must be brought before a district court judge in the district court district as defined in G.S. 7A-133 in which the crime is charged to have been committed. This first appearance before a district court judge is not a critical stage of the proceedings against the defendant.

…

(b) When a district court judge conducts an initial appearance as provided in G.S. 15A-511, ~~he~~ the judge may consolidate those proceedings and the proceedings under this Article.

(c) Unless the defendant is released pursuant to Article 26 of this Chapter, Bail, first appearance before a district court judge must be held within ~~96~~ 72 hours after the defendant is taken into custody or at the first regular session of the district court in the county, whichever occurs first. If the defendant is not taken into custody, or is released pursuant to Article 26 of this Chapter, Bail, within ~~96~~ 72 hours after being taken into custody, first appearance must be held at the next session of district court held in the county. This subsection does not apply to a defendant whose first appearance before a district court judge has been set in a criminal summons pursuant to G.S. 15A-303(d).

…

(e) The clerk of the superior court in the county in which the defendant is taken into custody may conduct a first appearance as provided in this Article if a district court judge is not available in the county within ~~96~~ 72 hours after the defendant is taken into custody. A magistrate may conduct the first appearance if the clerk is not available. The ~~clerk,~~ clerk or magistrate, in conducting a first appearance, shall proceed under this Article as would a district court judge."

SECTION 14.(b) This section becomes effective December 1, 2021, and applies to criminal processes served on or after that date.

PART XV. REQUIRE USE OF THE NATIONAL DECERTIFICATION INDEX MAINTAINED BY THE INTERNATIONAL ASSOCIATION OF DIRECTORS OF LAW

Pender County
ZTA 2023-20: Zoning Text Amendment to Article 8 , Landscaping and Buffering, of the County's Unified Development Ordinance

TO:	Planning Board
FROM:	Adam Moran
DATE:	September 6, 2023
SUBJECT:	ZTA 2023-20: Zoning Text Amendment to Article 8 , Landscaping and Buffering, of the County's Unified Development Ordinance

SUMMARY:
Pender County Planning & Community Development, applicant, is requesting the approval of a Zoning Text Amendment to the County's Unified Development Ordinance. Specifically, the request is to amend Article 8.1.1 “Intent,” and Article 8.1.3 “Tree Survey Required.” These amendments are requested to encourage and incentivize the preservation of significant trees and existing vegetation while also providing design flexibility that promotes development that is in harmony with the natural vegetation of the site.

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

ATTACHMENTS:
1. Staff Report
2. Application
3. Attachment 1: Proposed Text Amendment
4. Attachment 2: Current UDO Language

STAFF REPORT FOR ZTA 2023-20
ZONING TEXT AMENDMENT APPLICATION

APPLICATION SUMMARY	
Case Number	ZTA 2023-20
Hearing Dates	September 6, 2023 Planning Board October 16, 2023 Board of Commissioners
Applicant	Pender County Planning & Community Development

ZONING TEXT AMENDMENT PROPOSAL
Pender County Planning & Community Development, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Article 8.1.1 "Intent," and Article 8.1.3 "Tree Survey Required." These amendments are requested to encourage and incentivize the preservation of significant trees and existing vegetation while also providing design flexibility that promotes development that is in harmony with the natural vegetation of the site.

AMENDMENT DESCRIPTION

Pender County Planning & Community Development is requesting an amendment to Article 8.1.1 and Article 8.1.3, Landscaping and Buffering, of the Unified Development Ordinance (UDO). As stated in the UDO, there are numerous purposes that plants can serve on a site, including increasing the aesthetic value and real property value of a development. Additionally, more natural values include reducing air pollution, reducing stormwater runoff volume, and reducing noise and glare from automobile traffic or other light sources.

The intent of the proposed amendment is to provide a mechanism that incentivizes the preservation of existing vegetation, specifically significant trees, while providing design flexibility so that a development has options to adjust their site to preserve the existing vegetation. As it currently reads, the UDO simply identifies trees that are significant and requires that for every significant tree removed, two trees of the same species must be replanted on site. In practice, this has led to trees being planted in an unhealthy manner (e.g., too close together) just to satisfy the requirements of the ordinance. The proposed changes are designed to allow for the replanting of trees in a healthy manner so that they may reach maturity and become a beneficial contributor to the natural ecological systems in the area.

The proposed changes to the ordinance are provided as Attachment 1, along with commentary and supporting policies from the Pender 2.0 Comprehensive Land Use Plan. An overview of the changes includes the following:

- Adding language to the "Intent" statement (Article 8.1.1), that the preservation of existing trees and vegetation is to be encouraged.

- Requiring that any significant trees proposed to be removed within jurisdictional and coastal wetlands, Special Flood Hazard Areas, or Areas of Environmental Concern be required to be included in the significant tree count. Currently these areas, and the trees within them, are exempt from counting towards the significant tree total. (Article 8.1.3.A)
- Reducing the measurement of what constitutes a significant live oak tree from eight caliper inches to six caliper inches. (Article 8.1.3.A.2.d)
- Reducing the replanting ratio for significant American hollies, flowering dogwoods, and water oaks from 2:1 to 1:1. (Article 8.1.3.A.4.a-c)
- Increasing the size of the replacement tree from two caliper inches to three caliper inches for live oaks, other significant trees that exceed 12 caliper inches as found in the planting table, and trees previously planted under an approved tree mitigation plan. (Article 8.1.3.A.4.d-f)
- Providing design flexibility via a reduction in parking and/or setbacks to incentivize tree preservation. (Article 8.1.3.B)
- Requiring that significant trees that are to remain on site be clearly identified prior to land clearing activities being initiated. (Article 8.1.3.D)

EVALUATION

As prescribed in the Pender County Unified Development Ordinance, Article 3.18.5, in evaluating any proposed Ordinance text amendment, the Planning Board and the County Commissioners shall consider the following:

1. The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;

2. The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;

3. Whether or not the proposed text amendment corrects an error in the Ordinance; and

4. Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Planning Board and County Commissioners is whether the proposed amendment advances the public health, safety, or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

RECOMMENDATION

Planning Staff respectfully recommends approval of the Zoning Text Amendment to the Unified Development Ordinance as described in this report. The proposed text amendment is consistent with the purpose and intent of the Ordinance because it provides for incentives to preserve existing vegetation through design and site flexibility. The proposed changes are designed to strike the balance between tree preservation and allowing for design flexibility in commercial, industrial, and mixed-use developments. The current language offers no flexibility and has necessitated multiple appearances before the Board of Adjustment where developers are seeking relief from the existing requirements.

In addition to staff's recommendation of approval, the proposed changes are supported by two policies and one recommended action in 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.

Recommended Action 3.1.L.2: Consider removing the exemption for tree surveys/preservation in Special Flood Hazard Area (SFHAs), Areas of Environmental Concern (AECs), wetland buffers, and stream buffers.

Policy 5.1.A: New Development: The County shall require all development to adhere to the land use regulations set forth in the County's Unified Development Ordinance. Accordingly, the County shall utilize any and all zoning and subdivision procedures, allowed per NC General Statutes, to preserve the unique characteristics of Pender County. This may include – but shall not be limited to – overlay districts, cluster development requirements, density incentives, open space allocation, tree preservation, school site reservation, conditional zoning, and other tools as may be necessary.

PLANNING BOARD CONSISTENCY STATEMENT:

TO APPROVE:	Motion to approve the Zoning Text Amendment and to make a finding that the approval is consistent with the Pender County Unified Development Ordinance's purpose and intent, and advances the public health, safety, or welfare and is consistent with the Pender 2.0 Comprehensive Land Use Plan.
TO DENY:	Motion to deny the Zoning Text Amendment and to make a finding that the proposal is inconsistent with the Pender County Unified Development Ordinance and Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest because [INSERT REASONING…]

PLANNING BOARD ACTION FOR ZONING TEXT AMENDMENT

MOTION	SECONDED

APPROVED	DENIED	UNANIMOUS

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey

APPLICATION FOR TEXT AMENDMENT

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

SECTION 1: APPLICANT INFORMATION	
Applicant's Name:	Pender County Planning & Community Development
Applicant's Address:	805 S. Walker St.
City, State, & Zip	Burgaw, NC 28425
Phone Number:	910-259-1202
Email Address:	dadams@pendercountync.gov

SECTION 2: UDO TEXT TO BE AMENDED
Current Text to be Amended (Please site accurate Article number referenced):
Article 8 Landscaping and Buffering
Article 8.1.1 Intent
Article 8.1.3 Tree Survey Required
Proposed Text to be added:
See staff report and attachments

SECTION 3: SIGNATURE			
Applicant's Signature	DLA	**Date:**	8/4/2023
Applicant's Printed Name	Daniel Adams	**Date:**	8/4/2023

NOTICE TO APPLICANT

If the applicant makes significant changes to the application for a text amendment after the Planning Board has made its recommendation, the Administrator may refer the modified request back to the Planning Board for an additional public hearing.

TEXT AMENDMENT CHECKLIST

☐	Signed application form
☐	Application fee
☐	A letter describing, in detail the intent and purpose of the amendment presented, meeting the approval criteria set forth in Section 3.18.5 of the Pender County UDO (shown on page 1 of this application

Office Use Only

☐ **ZTA Fees:** $250		**Total Fee Calculation:**	
Payment Method:	**Cash :** ☐ **$**_____	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☐ Check # _____

Application Received By:		Date:	
Application completeness approved by:		Date:	
Dates Scheduled for Public Hearings:	☐ Planning Board:	☐ BOC:	

ATTACHMENT 1 – PROPOSED TEXT CHANGES

New text is in green, bolded and underlined

~~Removed text is in red and struck through~~

PROPOSED TREE MITIGATION AND PRESERVATION LANGUAGE ZTA 2023-20

8.1.1 Intent

The preservation of existing significant trees and vegetation is to be encouraged through this article. The preservation of existing vegetation and the placement of landscape plants on a property can serve numerous purposes. One of the most obvious is to enhance the appearance of the property and increase the property's value. Other benefits of plants and vegetative buffers in the home and business property landscape are as follows:

A. Reduce air pollution by absorbing Carbon Dioxide and releasing Oxygen.

B. Reduce erosion by dispersing and absorbing rainfall.

C. Reduce stream pollution by stabilizing soil and slowing, dispersing and absorbing stormwater runoff.

D. Reduce stormwater runoff and the potential for flooding.

E. As properties provide trees, plants and other landscape vegetation, not only is the appearance of individual properties improved, but community appearance is enhanced. This provides a substantial value to the community and other properties in the community.

F. Buffer and Landscape trees and other plants also help reduce noise from auto traffic, glare from auto and other lights and help collect & reduce litter from reaching adjacent properties.

Recommend amending 8.1.1, Intent to clarify that one intention of Article 8 is to preserve existing significant trees and vegetation. Existing language did not specify tree preservation as an intention of the article.

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

8.1.3 Tree Survey Required

A. Significant Tree Survey

1) A significant tree survey shall be required for any commercial or industrial zoned property and all mixed use districts. The significant tree survey shall show the general location, species and size of any significant tree. ~~However, a significant tree survey shall not be required for land in designated Special Flood Hazard Areas (unless filled or developed in accordance with an approved permit), jurisdictional and coastal wetlands and wetland buffers, designated Areas of Environmental Concern, and stream buffers.~~

2) For purposes of this Ordinance, a significant tree shall be defined as follows:

Recommend striking this language based on Pender 2.0 Comprehensive Plan Recommended Action 3.1.L.2.

Recommended Action 3.1.L.2: Consider removing the exemption for tree surveys/ preservation in Special Flood Hazard Area (SFHAs), Areas of Environmental Concern (AECs), wetland buffers, and stream buffers.

a) An American holly with a trunk caliper measurement of 6" or greater measured at 4.5 feet above ground;

b) A flowering dogwood with a trunk caliper measurement of 4" or greater measured at 4.5 feet above ground;

c) A water oak with a trunk caliper measurement of 8" or greater measured at 4.5 feet above ground;

d) A live oak with a trunk caliper measurement of ~~8~~ 6" or greater measured at 4.5 feet above ground;

e) Any tree species included in the planting table, except a "loblolly pine" (see Appendix B) with a trunk caliper measurement of 12" or greater measured at 4.5 feet above ground; and

f) Any tree species planted under a previously approved significant tree mitigation plan under this ordinance regardless of size.

3) For development plans where specific building locations are not shown, a more generalized survey of vegetation may be provided in lieu of a significant tree survey. This survey shall describe existing forest stands, indicating the average species and size of trees on the tract.

4) Where any significant tree shown on the significant tree survey is proposed to be removed such removal shall be mitigated by the planting on site of: ~~two (2) trees of the same species with a minimum caliper of 2" or greater.~~

a) **For an American holly with a trunk caliper measurement of 6" or greater measured at 4.5 feet above ground, one (1) tree of the same species with a minimum caliper of 2" or greater;**

b) **For a flowering dogwood with a trunk caliper measurement of 4" or greater measured at 4.5 feet above ground, one (1) tree of the same species with a minimum caliper of 2" or greater;**

c) **For a water oak with a trunk caliper measurement of 8" or greater measured at 4.5 feet above ground, one (1) tree of the same species with a minimum caliper of 2" or greater;**

d) **A live oak with a trunk caliper measurement of 6" or greater measured at 4.5 feet above ground,**

Recommend amending the definition of 'significant tree' for live oaks by decreasing the size required to be deemed 'significant' from 8" to 6". This is based on prioritizing the live oak as a vital species.

*Recommend amending Tree Mitigation and Replacement standards for all species **other than** live oak to a 1:1 replanting requirement. This will ensure a prioritization of 6" diameter or larger live oaks and large (12" caliper) existing trees and encourage preservation of such trees as noted in Pender 2.0 Comprehensive Plan Policy 3.1.L.*

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

two (2) trees of the same species with a minimum caliper of 3" or greater;

e) For any tree species included in the planting table, except a "loblolly pine" (see Appendix B) with a trunk caliper measurement of 12" or greater measured at 4.5 feet above ground, two (2) trees of the same species with a minimum caliper of 3" or greater; and

f) For any tree species planted under a previously approved significant tree mitigation plan under this ordinance, two (2) trees of the same species with a minimum caliper of 3" or greater.

B. If the site cannot accommodate the required number of replacement trees in a reasonable and healthy manner, the Administrator is authorized to consider an administrative adjustment as follows:

a) An adjustment in the Minimum Front Yard Setback, Minimum Side Yard Setback, Minimum Corner Yard Setback, or Minimum Rear Yard Setback (as defined in 4.14, District Dimensional Requirements) equated to a reduction of up to 20% per dimension;

b) An adjustment in Section 7.10.1, Off-Street Parking Requirement Minimums equated to a reduction of up to 25% in the required number of off-street parking minimum spaces.

C. Required mitigation trees that are unable to be accommodated on site may be planted on another parcel of land within the boundaries of the associated approved Master Development Plan, if applicable.

D. Significant trees that are not proposed to be disturbed shall be clearly identified on site using construction fencing or some similar mechanism prior to land clearing activities being initiated.

Recommend adding an opportunity for incentives to preserve trees that allows for adjustments to some Required Setbacks or Off-street Parking Requirements. (B)(a) allows for shifting a building into the setbacks, ultimately allowing a reduction in setbacks of up to 20%. This is meant to allow for the preservation of significant trees on one side of the property by shifting the building to avoid impacts to the significant tree(s). (B)(b) allows for 25% less parking to be required to allow for more trees to be planted or preserved. This is meant to incentivize preservation of existing significant trees, as noted in the Pender 2.0 Plan. A reduction in parking requirements would allow for preservation of existing trees and reduce impervious surface coverage, which will improve drainage, natural absorption of stormwater, and reduction of stormwater runoff.

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

Recommended Action 3.1.H.1: Explore options for implementing incentives for developers that utilize low-impact development (LID) techniques to manage the potential impacts of stormwater runoff.

ATTACHMENT 2 – EXISTING LANGUAGE IN ARTICLE 8.1.1 THROUGH ARTICLE 8.1.3 OF THE UDO

ARTICLE 8 LANDSCAPING AND BUFFERING

8.1 GENERAL

8.1.1 Intent

The placement of landscape plants on a property can serve numerous purposes. One of the most obvious is to enhance the appearance of the property and increase the property's value. Other benefits of plants and vegetative buffers in the home and business property landscape are as follows:

A. Reduce air pollution by absorbing Carbon Dioxide and releasing Oxygen.
B. Reduce erosion by dispersing and absorbing rainfall.
C. Reduce stream pollution by stabilizing soil and slowing, dispersing and absorbing stormwater runoff.
D. Reduce stormwater runoff and the potential for flooding.
E. As properties provide trees, plants and other landscape vegetation, not only is the appearance of individual properties improved, but community appearance is enhanced. This provides a substantial value to the community and other properties in the community.
F. Buffer and Landscape trees and other plants also help reduce noise from auto traffic, glare from auto and other lights and help collect & reduce litter from reaching adjacent properties.

8.1.2 Applicability

The landscaping and buffering requirements found in this Article shall apply to all development within Pender County with the exception of bona fide farming activities, properties listed on the National Register of Historic Places (NRHP) and residential development of one housing type in the Residential Performance Districts. Developments attempting to qualify for the National Register of Historic Places exemption must provide a copy of the National Parks Service listing, along with a narrative briefly requesting the aforementioned relief and how the landscaping standards would conflict with the historic significance of the property. Landscaping and buffer requirements shall apply in all business, planned development, industrial, and non-residential uses in other zoning districts when:

A. A new principal structure is built, or
B. An existing principal structure is expanded sufficiently to increase its interior square footage by fifty percent (50%) or more, in any one or more expansions, or
C. An existing use is expanded sufficiently to increase its square footage by fifty percent (50%) or more, in any one or more expansions, or
D. A change in use from residential related to office, service, commercial or industrial, or from office, service or commercial to industrial, or
E. In any residential development with two or more types of housing development, or
F. A use is discontinued on a site for a consecutive period of one hundred eighty (180) days per Section 10.4.4 and a new use is proposed.

8.1.3 Tree Survey Required

A. Significant Tree Survey

1) A significant tree survey shall be required for any commercial or industrial zoned property and all mixed use districts. The significant tree survey shall show the general location, species and size of any significant tree. However, a significant tree survey shall not be required for land in designated Special Flood Hazard Areas (unless filled or developed in accordance with an approved permit), jurisdictional and coastal wetlands and wetland buffers, designated Areas of Environmental Concern, and stream buffers.

2) For purposes of this Ordinance, a significant tree shall be defined as follows:
a) An American holly with a trunk caliper measurement of 6" or greater measured at 4.5 feet above ground;
b) A flowering dogwood with a trunk caliper measurement of 4" or greater measured at 4.5 feet above ground;
c) A water oak with a trunk caliper measurement of 8" or greater measured at 4.5 feet above ground;
d) A live oak with a trunk caliper measurement of 8" or greater measured at 4.5 feet above ground;
e) Any tree species included in the planting table, except a "loblolly pine" (see Appendix C) with a trunk caliper measurement of 12" or greater measured at 4.5 feet above ground; and
f) Any tree species planted under a previously approved significant tree mitigation plan under this ordinance regardless of size.

3) For development plans where specific building locations are not shown, a more generalized survey of vegetation may be provided in lieu of a significant tree survey. This survey shall describe existing forest stands, indicating the average species and size of trees on the tract.

4) Where any significant tree shown on the significant tree survey is proposed to be removed such removal shall be mitigated by the planting on site of two (2) trees of the same species with a minimum caliper of 2" or greater.