



Pender County

Agenda

Planning Board Meeting

Wednesday, April 7, 2021 @ 7:00 PM
Hampstead Annex

	Presenter	Page
1. CALL TO ORDER		
2. ROLL CALL		
3. INVOCATION		
4. PLEDGE OF ALLEGIANCE		
5. ADOPTION OF AGENDA		
6. ADOPTION OF MINUTES		
6.1. Planning Board Special Meeting Minutes for March 16, 2021 Planning Board Special Meeting Minutes for March 16, 2021 - Pdf		3 - 5
7. PUBLIC COMMENT		
8. PUBLIC HEARINGS		
8.1. REZONE 2021-22 REZONE 2021-22 - Pdf		7 - 54
8.2. REZONE 2021-20 REZONE 2021-20 - Pdf		55 - 90
9. DISCUSSION		
10. NEXT MEETING DATE April 13, 2021 Hampstead Annex 15060 US Highway 17 Hampstead, NC 28443		
11. ADJOURNMENT		



**Pender County
Planning Board Special Meeting Minutes
for March 16, 2021**

TO: Planning Board
FROM: Travis Henley
DATE: April 7, 2021
SUBJECT: Planning Board Special Meeting Minutes for March 16, 2021

SUMMARY:

Planning Board Special Meeting Minutes for March 16, 2021

ACTION REQUESTED:

To approve meeting minutes from Pender County Planning Board Special Meeting



MINUTES
Planning Board Meeting
Tuesday, March 16, 2021
Pender County Public Assembly Room
10:00 AM

MEMBERS PRESENT: Theatrice McClammy
 Delva Jordan
 Jeff Beaudoin
 Damien Buchanan
 John Gruntfest
 Jeffrey Pitts

MEMBERS ABSENT: Norman K. (Ken) Teachey

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

- 1 CALL TO ORDER**
Planning Board Special Meeting 3-16-2021 called to order by Vice Chairman
Delva Jordan at 10:41 AM
- 2 PB Special Meeting Notice for 3-16-2021**
 - a) PB Special Meeting Notice for 3-16-2021

Travis Henley, Director, advised the board of the four pending cases for April. He stated after speaking with staff and Chairman McClammy that a motion to break the cases up into two meetings for April and in Hampstead would be better feasible to accommodate the public and length of meeting times. After a brief discussion, Damien Buchanan made a motion to meet and hear cases MDP 2020-27 Evolve and REZONE 2021-20 Piney Run Farms on April 7, 2021 at 7:00 PM in Hampstead and REZONE 2021-21 Hampstead South and the 160D Text Amendment from staff on April 13th, 2021 at 7:00 PM in Hampstead as well.

Motion was seconded by Jeff Pitts.

Moved by Damien Buchanan, seconded by Jeffrey Pitts

Chairman McClammy and Jeff Beaudoin were present via telephone and voted as well.

	For	Against	Abstained	Absent
Theatrice McClammy	x			
Delva Jordan	x			
Jeff Beaudoin	x			
Damien Buchanan	x			
John Gruntfest	x			
Jeffrey Pitts	x			
Norman K. (Ken) Teachey				x
	6	0	0	1

CARRIED.

3 DISCUSSION

4 ADJOURNMENT



Pender County REZONE 2021-22

TO: Planning Board
FROM: Travis Henley
DATE: April 7, 2021
SUBJECT: REZONE 2021-22

SUMMARY:

Evolve Acquisitions LLC, applicant on behalf of Lanwillo Development Co. and Headwaters Properties LLC, owners, is requesting the approval of a Conditional Zoning Map Amendment from PD, Planned Development to CZ-4, Conditional Zoning District 4 for four (4) parcels to allow for two-hundred and ninety-four (294) multi-family residential units and three commercial outparcels, with numerous potential commercial uses to be allowable within the proposed conditional zoning district. The proposed development is located on the east side of US HWY 17 between the intersections with Hughes Road (SR 1618) to the south and Deerfield Drive (SR 1673) to the north, and approximately ±0.5 miles south of the intersection of US HWY 17 and NC HWY 210 in the Topsail Township. The subject properties may be further identified by the following Pender County PINs: 3282-74-3515-0000; 3282-74-1001-0000; 3282-74-6231-0000; and 3282-74-8862-0000.

ACTION REQUESTED:

To hold a Public Hearing and consider the Conditional Zoning Map Amendment.

ATTACHMENTS:

REZONE 2021-22 Staff Report
REZONE 2021-22 Application
REZONE 2021-22 Narrative
REZONE 2021-22 Site Plan
REZONE 2021-22 Community Meeting Report
REZONE 2021-22 TIA Scope Package
REZONE 2021-22 PCS Comments
REZONE 2021-22 Addressing Comments
REZONE 2021-22 EH Comments
REZONE 2021-22 FPA Comments

REZONE 2021-22 NCDOT Comments
REZONE 2021-22 WMPO Comments

PLANNING STAFF REPORT CONDITIONAL ZONING MAP AMENDMENT

SUMMARY:

Hearing Date: April 7, 2021 Planning Board
May 19, 2021 Board of Commissioners

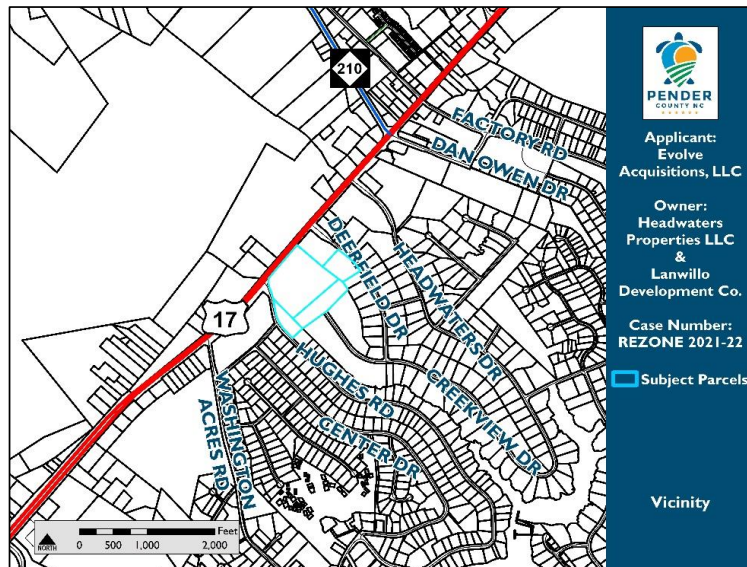
Applicant: Evolve Acquisitions, LLC

Property Owners: Lanwillo Development Company and Headwaters Properties, LLC

Case Number: REZONE 2021-22

Development Proposal: Evolve Acquisitions LLC, applicant on behalf of Lanwillo Development Co. and Headwaters Properties LLC, owners, is requesting the approval of a Conditional Zoning Map Amendment from PD, Planned Development to CZ-4, Conditional Zoning District 4 for four (4) parcels to allow for two-hundred and ninety-four (294) multi-family residential units and three commercial outparcels, with numerous potential commercial uses to be allowable within the proposed conditional zoning district.

Property Record Number, Acreage, and Location: The proposed development is located on the east side of US HWY 17 between the intersections with Hughes Road (SR 1618) to the south and Deerfield Drive (SR 1673) to the north, and approximately ± 0.5 miles south of the intersection of US HWY 17 and NC HWY 210 in the Topsail Township. The subject properties may be further identified by the following Pender County PINs: 3282-74-3515-0000; 3282-74-1001-0000; 3282-74-6231-0000; and 3282-74-8862-0000.



RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request for Conditional Zoning Map Amendment is compliant with the Pender County Unified Development Ordinance. The request is consistent with the Future Land Use Map, as well as three (3) goals, two (2) objectives, and five (5) policies within the Pender 2.0 Comprehensive Land Use Plan, while conflicting with one (1) objective and two (2) policies within the Plan.

While the request on balance is consistent with the Pender 2.0 Comprehensive Land Use Plan, its inconsistencies lie in the infrastructure needed to support such a proposal. Based upon the initial review of the proposal by various entities through the Technical Review Committee, Pender County Schools

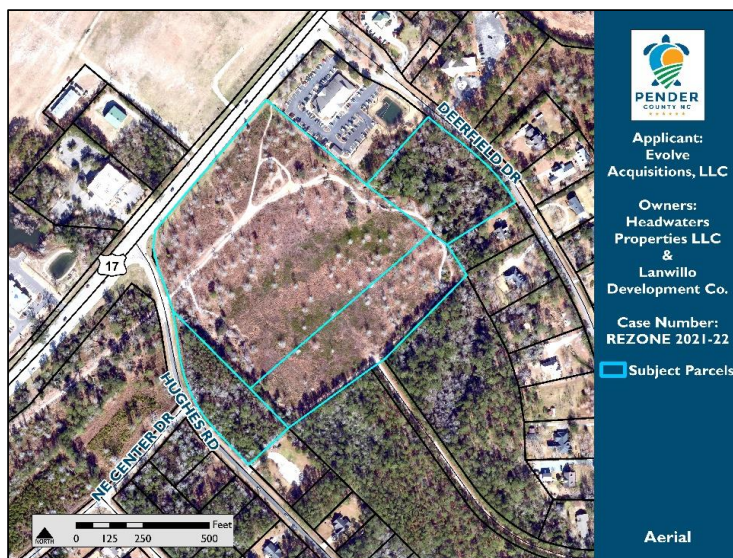
communicated to Planning Staff that the school system does not currently have the capacity to serve the proposed development, nor are there any plans currently adopted to increase capacity in the system at this time.

While the Pender 2.0 Comprehensive Land Use Plan supports the development types proposed in this request in this location, much of that support is qualified by ensuring that appropriate infrastructure is available or planned to be available to support that development. Therefore, Planning Staff respectfully recommend denial of the request based on the conditions outlined in this report. Staff have also provided draft conditions for a motion to recommend approval.

PARCEL HISTORY

At their October 3, 2017 meeting, the Pender County Planning Board approved a Master Development Plan and Major Site Development Plan for the construction and operation of a mixed-use commercial development known as Headwaters Town Center. This approval was a revision of a previously approved project that was identical in terms of proposed land uses, but revised condition language relating to the phasing of the proposed project. This Master Development Plan included only non-residential uses, including 75,000 sq. ft. of grocery store and retail uses along with five (5) outparcels collectively totaling approximately ± 5.21 acres. Per Section 3.5.4 of the Pender County Unified Development Ordinance, Master Development Plan approvals shall be valid for two (2) years. Due to the project failing to move forward in a manner to extend the validity of the Master Development Plan, the Plan expired on October 3, 2019.

The proposed site plan associated with the Conditional Zoning Map Amendment request is similar in terms of layout, with some carryover of proposed infrastructure, and also makes mention of previously approved conditions. These conditions are provided for contextual purposes only. As the previously approved Master Development Plan is expired, the Conditional Zoning Map Amendment described in this report is an unrelated submittal and no conveyances from the previous case should be considered automatically applicable to the newly-submitted case.



DEVELOPMENT PROPOSAL

Evolve Acquisitions, LLC, applicant, is requesting approval of a Conditional Zoning Map Amendment from PD, Planned Development to a new CZ-4, Conditional Zoning District 4, with associated Master Development Plan that shall be specific to this district. The proposal includes two-hundred and ninety-

four (294) multi-family units across twelve multi-family buildings, one of which including thirty (30) dwelling units, the other eleven including twenty-four (24) dwelling units. Additionally, the proposal includes three (3) parcels reserved for non-residential development along US HWY 17 to the north of the US HWY 17/Hughes Road intersection. The proposal also includes associated amenities for the residential uses, four roadways, a wastewater pump station, and other associated infrastructure.

Per the proposed Master Development Plan associated with the Conditional Zoning Map Amendment request, the multi-family component of the site is proposed to be constructed as one phase, including all amenities and all stormwater infrastructure. The non-residential outparcels along US HWY 17 shall be constructed as tenants are established. All phases of the proposed development shall occur in accordance with the parameters set by the requested Conditional Zoning District and the standards of the Unified Development Ordinance. Changes to the proposal, including modifications to layout, allowable uses, and dimensional standards, shall require the applicant to initiate another round of the Conditional Zoning Map Amendment process.

Dimensional Requirements

Per Section 3.3.9 of the Pender County Unified Development Ordinance, the applicant is requesting the dimensional standards shown in the table below. The dimensional standards are proposed to apply uniformly to all buildings and uses proposed to be included within Conditional Zoning District 4.

Side Yard	Setback
Front	5'
Side	5'
Rear	5'
Corner	5'
Max. Height	45'
Structure Separation	20'

Allowable Uses

Per Section 3.3.9.B of the Pender County Unified Development Ordinance, applicants for Conditional Rezoning shall provide a listing of all uses proposed for the conditional district. The proposed uses need not be limited to those allowable in any available by-right zoning district that exists within the Unified Development Ordinance. As shown on the attached site plan, the applicant has proposed the following non-residential uses to be allowable within proposed Conditional Zoning District 4 (shown on the following page):

Proposed Allowable Uses in Conditional Zoning District 4	
NAICS Code	Use
443	Electronic & Appliance Stores
445	Food & Beverage Stores
446	Health & Personal Care Stores
447	Gasoline Station
448	Clothing & Clothing Accessories Stores
451	Sporting Goods, Hobby, Book & Music Stores
453	Miscellaneous Store Retailers
454	Non-Store Retailers
491110	Postal Services
52	Finance and Insurance
53	Real Estate and Rental and Leasing
54	Professional, Scientific, and Technical Services
55	Management of Companies and Enterprises
561	Administrative and Support Services
611	Educational Services
6114	Business Schools, Computer and Management Training
6115	Technical and Trade Schools
6116	Other Schools and Instruction
622	Hospitals
7111	Performing Arts Companies
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures
712	Museums, Historical Sites, and Similar Institutions
713940	Fitness and Recreational Sports Centers
71395	Bowling Centers
72111	Hotels and Motels
7221	Full Service Restaurants
7222	Limited Service Eating Places
7223	Special Food Services
7224	Drinking Places
8114	Personal & Household Goods, Repair & Maintenance
8121	Personal Care Services
812310	Coin Operated Laundries and Dry Cleaners
812320	Dry Cleaning & Laundry Services
8129	Other Personal Services
8131	Religious Organizations
8139	Business Professional, Labor, Political, and Similar Organizations
92	Public Administration

Density

The proposed net density of the project is shown in the table below in accordance with Section 4.6.7.A.1 of the Unified Development Ordinance, totaling approximately ± 12.12 units per acre. The proposed density conforms with the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan, from which guidance for residential project density in conditional rezonings is sourced. The Future Land Use Category for the subject properties is Regional Mixed Use, which envisions multi-family residential development at a density of up to fifteen (15) units per acre.

Total Acreage	24.26
Potential Wetland Acreage	0.86
Total Units	294
Net Density	12.12 u/a

Street Connectivity and Access

Ingress and egress to the proposed development is shown through multiple entrances. From a roadway perspective, the proposed development is similar to previous proposals for the subject properties. Included in the proposal is "Collector Road B" which is designed to run parallel to US HWY 17 connecting Deerfield Drive (SR 1673) in the north to Hughes Road (SR 1618) in the south at the intersection of Hughes Road and NE Center Drive (SR 1684). This roadway is proposed in accordance with the Pender County Collector Street Plan, with this portion of the roadway intending to be part of a larger parallel collector street to US HWY 17 that extends from Factory Road south toward Scotts Hill. "Road A" is proposed to connect "Collector Road B" to US HWY 17 as a public right-of-way, meeting US HWY 17 at a new signal-controlled intersection.

A graphic of the proposed cross section to be utilized for Collector Road B, which shall include a 10 ft. wide Multi-Use Path parallel to it, is provided below as shown in the Pender County Collector Street Plan:



Additional roadways include “Road C” which will connect Road A to Collector Road B as a private right-of-way and also provide primary access to the non-residential outparcels (in accordance with proposed condition of approval #9), as well as a roadway stub to the east to connect to the proposed development (49 single-family detached dwelling units) established in 2018 under RM-CD4, Residential Mixed Conditional District 4. Through this adjacent development, an additional connection point with Deerfield and Creekview Drives (SR 1673/1674) will be established. Road C will include on-street parking adjacent to the northbound lane.

Per Section 7.4.4, cross access corridors are required for all non-residential adjacent properties. Cross access corridors between the proposed non-residential outparcels will be required when site specific development plans are submitted for each outparcel. As specified in proposed condition of approval #9, the non-residential outparcels shall not have direct access to US HWY 17 in order to limit the amount of conflict points along that roadway.

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

Pedestrian Access

Per the applicant’s submitted site plan, pedestrian facilities are proposed along one side of all rights-of-way within the proposed development and throughout the residential portion of the development. Per a note on the submitted site plan, the applicant proposes the “creation of a walkable community with sidewalks on every street and throughout the apartment/future mixed use development.” The proposed pedestrian infrastructure is in conformance with the Pender County Unified Development Ordinance as well as the Pender 2.0 Comprehensive Land Use Plan’s vision for this portion of the County, whereby bicycle and pedestrian access to proposed developments is greatly encouraged.

Per proposed Conditions of Approval #7 and #8, the applicant shall also construct sidewalks along the external boundaries of the proposed development that border along existing roadways. Sidewalks shall be required along the Hughes Road and Deerfield Drive boundaries, while staff recommend a payment-in-lieu of construction of sidewalks along US HWY 17 to be established in increments as the outparcels move forward for development.

Traffic

A Traffic Impact Analysis (TIA) is required due to the number of trips projected to associate with the proposed development exceeding thresholds set by Pender County in the Unified Development Ordinance. A TIA was previously approved for the former conception of the project and is currently in the process of being updated to reflect the current proposal. The scoping document has been approved and may be found as an attachment to this report.

Parking

The Pender County Unified Development Ordinance does not establish parking minimums for residential development including the multi-family residential use type. As such, the submitted site plan is found to be in conformance with the Unified Development Ordinance at this time, though parking will be

reevaluated through the zoning approval process for conformance with all other parking design standards. The applicant has proposed five garage buildings in the context of the residential component of the project as well. Per the applicant's submitted narrative and site plan, the project is proposed to use pervious pavement for parking in concert with the Low Impact Development certification proposed as a condition of approval for the project.

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

Landscape and Buffers

All landscape and buffers are to be approved in accordance with Section 8.2 of the Pender County Unified Development Ordinance with relation to landscaping and buffering. Type A buffers are proposed along all adjacent rights-of-way, a Type B buffer is proposed along all boundaries adjacent to the non-residential use to the north (The Church of Jesus Christ of Latter Day Saints), and a Type C buffer adjacent to all single-family residential uses. Due to the presence of a regional stormwater pond between the proposed development at the development to the east, the required Type C buffer along that border is proposed along Collector Road B instead of the property line. The buffer standards proposed are sourced from those required in the PD, Planned Development zoning district, and are in conformance with the Pender County Unified Development Ordinance, including the standards outlining Conditional Zoning Districts. All proposed buffers will be reevaluated through the zoning approval process.

Additionally, a Type C-3 Buffer is to be planted around the perimeter of the proposed pump station to provide a visual barrier for any adjacent residential properties due to comments received during the community meetings. All required project buffers are in compliance with Ordinance standards.

Significant Trees

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

Open Space

Per Section 7.6.1.C of the Pender County Unified Development Ordinance, 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 8.82 acres of open space would be required for this development, with a minimum of 4.41 acres of open space required to be active open space. The applicant's submitted site plan demonstrates compliance with this requirement, and total open space provided exceeds that which is required by the Unified Development Ordinance.

The applicant has illustrated an amenity area, active transportation infrastructure, and there are several potential common areas in and around the proposed multi-family buildings for future residents of the

development to use. Should the Conditional Rezoning be approved, conformance with open space requirements will be confirmed prior to administrative approval of project phases.

Recreational Units

Per Section 7.6.2 of the Pender County Unified Development Ordinance, developments are required to provide recreational units equivalent to financial credits based on the total proposed dwelling units as established in Table 5 below. The applicant has proposed 294 residential units and is therefore required to provide three (3) recreation units totaling a minimum of \$30,000. The applicant has illustrated an unspecified amenity area on the submitted plan.

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

Should the Conditional Rezoning be approved, conformance with ordinance requirements will be confirmed prior to administrative approval of project phases.

Utilities

The project has proposed water connection to Pender County Utilities (PCU); subject to review and approval by PCU. The development is proposed to be serviced by a County water service line that runs along US HWY 17. Wastewater service to the development is proposed through Pluris Hampstead, LLC, a private wastewater utility located along US HWY 17. All review and approvals for the wastewater services are subject to review and approval of the private wastewater entity and the State of North Carolina, in conjunction with Pender County. Additionally, a Type C-3 Buffer shall be located around the perimeter of the proposed pump station to act as an enhanced buffer to nearby residential properties.

Environmental Concerns

Stormwater

The Pender County Unified Development Ordinance requires projects proposed under a high-density stormwater permit from the North Carolina Department of Environmental Quality (NCDEQ) to be designed to retain stormwater from a 25-year, 24-hour storm event. This is a storm event that has a 4% chance of occurring per year. The applicant initially proposed the project with a stormwater retention system that exceeds the standards of the Unified Development Ordinance in that it is proposed to retain stormwater from the 100-year, 24-hour storm event. Per Conditional of Approval #2, the applicant shall be required to provide the Unified Development Ordinance-provided engineer's stormwater certification with modifications referencing the 100-year, 24-hour storm event prior to the issuance of any final plat or certificate of occupancy.

Additionally, the applicant has also proposed the project to meet Pender County's Low Impact Development standards. Where the previously referenced standards address stormwater quantity, Low Impact Development implementation has implications for water quality impacts that occur due to stormwater runoff. Low Impact Development certification requires the implementation of Best Management Practices (BMPs) to treat stormwater runoff on-site to ensure it does not impact water

quality in surrounding waterways. Per Condition of Approval #1, Planning Staff shall require the Low Impact Development certification located in the Unified Development Ordinance prior to the issuance of zoning approval for any portion of the site.

The applicant's submitted site plan shows a regional stormwater pond to the east that is intended to also be utilized by the proposed single-family detached development on that parcel. This is consistent with the Conditional Zoning Map Amendment approval for those parcels.

Wetlands

There are wetlands located on the proposed development as shown on the submitted site plans. Any development within these areas may be subject to the permit requirements of Section 404 of the Clean Water Act under review and approval of the US Army Corps of Engineers. Per the applicant's submitted site plan, the proposed development is intended to avoid wetlands where possible and the intended wetlands impact across the entire site is less than a tenth of an acre. Wetlands Impact permits shall be required prior to the issuance of zoning approval for any portion of the development that proposes impacts to wetlands.

Flood

The subject properties are not located within a designated Special Flood Hazard Area.

Tree Survey

Per the applicant's submitted site plan, the development was designed to preserve significant trees on-site where they do not interfere with essential infrastructure improvements. In the context of previous development proposals, previous applicants provided a significant tree survey. Planning Staff shall require an updated significant tree survey and associated mitigation plan prior to the issuance of zoning approval for any portion of the proposed development. Per the Pender County Unified Development Ordinance, any significant tree proposed to be removed is required to be mitigated by planting two (2) of the same species of tree on-site. Such plantings shall be required to have a caliber width of 2" or greater at the time of planting.

Permits

All applicable local, state, and federal agency permits including a Stormwater Management Permit, Sedimentation and Erosion Control permit, wetlands impact permits, and NCDOT Driveway Permit will be required prior to the approval of each phase as applicable.

PUBLIC INPUT MEETING

In accordance with the Pender County Unified Development Ordinance, the applicant held a public input meeting on Thursday, February 4, 2021 at the Hampstead Annex. Among the concerns raised by the public and noted by the applicant in the attached meeting summary include the multi-family component of the project, specifically whether or not Section 8 housing would be included in the project and the height and visibility of the proposed buildings, in addition to impacts on the school system, stormwater and flooding, and traffic.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES

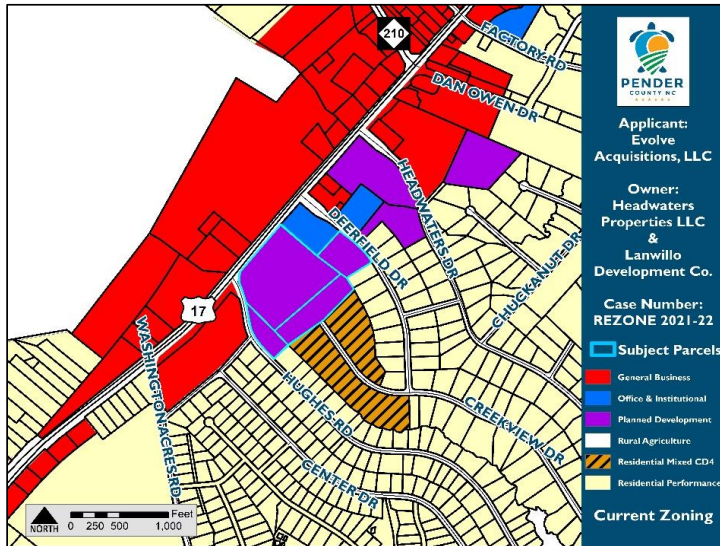
Due to the impacts of COVID-19, Pender County's Technical Review Committee meeting was held virtually over the course of multiple days in early January, 2021. Comments received are located in Attachment 8 incorporated within this report. As previously stated, compliance with all appropriate local, state, and federal rules will be ensured through the zoning approval process should the Conditional Zoning Map

Amendment request be approved. This process will include additional review by the members of the Technical Review Committee.

EVALUATION

A. **Public Notifications:** Public Notice of the proposal for the Master Development Plan and Major Site Plan has been advertised in the Pender-Topsail Post and Voice. Adjacent property owners within 500' of the proposed development have been given written notice of the request, and a public notification sign has been placed on the property.

B. **Existing Zoning in Area:** The subject properties are currently located within the PD, Planned Development zoning district. Properties in the GB, General Business and O&I, Office and Institutional zoning districts exist to the north, west, and south. The majority of parcels to the east are within the RP, Residential Performance zoning district, as well as the proposed single-family detached development within the RM-CD4, Residential Mixed Conditional Zoning District 4.



C. **Existing Land Use in Area:** The site is currently vacant and is immediately surrounded commercial uses to the northeast, including The Church of Jesus Christ of Latter Day Saints, vacant land directly south, and residential uses to the east, including the Deerfield and Washington Acres subdivisions. The Beacon Building, vacant land (Spot Festival tract), and other commercial uses are located to the west across US HWY 17.

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

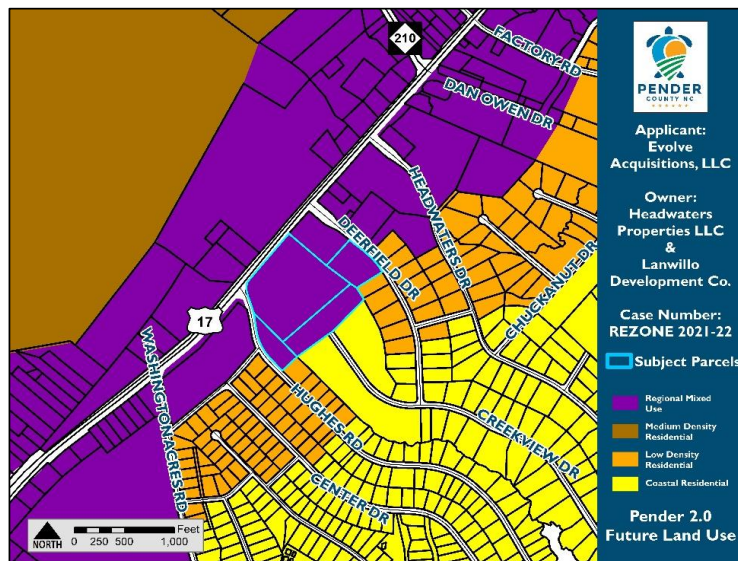
The preferred land use mix is primarily commercial/retail and office with multi-family residential uses. Large employment centers and retail spaces are encouraged. Higher density single-family uses should account for less than 25% of a development proposal and should complement a more substantial mix

of commercial/office and multi-family development. Development within this category should provide ample landscaping and street trees to present an inviting environment to travelers passing through the County. More intense commercial and offices uses requiring larger lots sizes, parking area, and stormwater infrastructure are permitted in this land use category. Artisan manufacturing is encouraged in this category. Inappropriate uses include medium and low-density single family uses, as well as storage facilities and industrial uses.

Big box buildings, such as department stores, variety stores, warehouse retail centers, grocery stores, furniture outlets, and similar buildings shall be designed such that the exterior façade has the appearance of several smaller, human scale, buildings through the use of vertical treatments and elements that break up the horizontal wall.

Internal circulation patterns should create street-like spaces lined with on-street angled or parallel parking and parking areas. Internal pedestrian connections should also be provided whereby structures within a development are connected with each other. Sidewalks should connect all buildings within the site and to adjoining sites. Sidewalks should have street trees and pedestrian lighting. Surface parking lots should be heavily shaded, landscaped, and located in the rear of new development where practicable. Shared parking should be encouraged where multiple uses are located within walking distance (1/4 mile). Stormwater infrastructure should be located behind buildings or incorporated into the design of the development as an amenity. 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.

From the perspective of the Future Land Use Map and the desired development outcomes proposed by it over a 30-year planning horizon, the proposed development is consistent with the County's preferred growth pattern for the subject properties for a number of reasons. The proposal includes both multi-family residential and non-residential uses along the existing primary corridor through the Hampstead area. The project is proposing to construct a walkable



community, with pedestrian facilities along roadways along project boundaries and internal to the project. Furthermore, the project is proposing a stormwater management system that is proposed to retain more stormwater than is required by the Unified Development Ordinance, be a certified Low Impact Development, and also uses some of the stormwater management system as an amenity. Finally, the project seeks to increase the interconnectivity of the surrounding community by extending an existing collector street and providing an additional, signal-controlled access point to US HWY 17.

In addition to the Future Land Use Map, the Conditional Zoning Map Amendment was found to be consistent with three (3) goals, two (2) objectives, and five (5) policies within the Pender 2.0 Comprehensive Land Use Plan:

Policy 3.1.H: Low Impact Development (LID): The County supports Low Impact Development practices. Such LID practices may include retaining/infiltrating most of the runoff on-site, maximizing the use of permeable pavements, reducing the amount of impervious coverage, and clustering housing to allow a profitable development density while maximizing open space and minimizing wildlife habitat fragmentation.

Goal 4.2: Manage the timing, location and intensity of growth by coordinating transportation improvements in accordance with development and ensuring safe and efficient modes of transportation are available to all residents and visitors.

Policy 4.2.F: Collector Street Plan: The County shall continue to support and implement the Pender County Collector Street Plan when reviewing and approving new development proposals within the WMPO Boundary area of the County.

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

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

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

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

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

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

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

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

The proposed Conditional Zoning Map Amendment was found to conflict with one (1) objective and two (2) policies within the Pender 2.0 Comprehensive Land Use Plan:

Objective 4.6: Ensure adequate student space in Pender County Public Schools and encourage co-location of community facilities.

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.

Pender County Schools has indicated that insufficient capacity is available to serve the proposed development at this time, and the Pender 2.0 Comprehensive Land Use Plan only supports otherwise-consistent development applications when appropriate infrastructure is available to serve them.

- E. **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 the following criteria:

Utilities

The applicant has provided statements from Pender County Utilities and Pluris Hampstead, LLC that state that water and wastewater service is available for the subject properties. Should the proposed Conditional Zoning Map Amendment be approved, any final zoning approvals are contingent upon review and approval by appropriate local and state agencies with relation to water and wastewater service provision.

Traffic & Roadways

The subject property has direct frontage on US HWY 17. Average Annual Daily Trips (AADT) and capacity of US Hwy 17 in this area are 39,000/66,000 (V/C), which represents a V/C ratio of 0.59:1, suggesting that traffic volumes are approximately 59% of the full capacity of the roadway.

A Traffic Impact Analysis (TIA) has been scoped for the proposed development. A Traffic Impact Analysis is required when the development generates 100 trips in the morning or peak hours or 1,000 trips per day. The proposed development is projected to result in 3,813 daily trips, 342 adjusted AM peak hour trips, and 414 adjusted PM peak hour trips at buildout. Any traffic management requirements and/or roadway improvements will be required by the NCDOT and will be required to be compliant with the NCDOT's Driveway Manual.

Schools

294 residential units are proposed in this application. Therefore, an impact to the school system should be anticipated. In consultation between Planning Staff and Pender County Schools, the school system indicated that insufficient school capacity was available to support the proposed residential construction (see attached email).

3.3.9.B.3) Review Approval Criteria for Conditional Rezoning

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

- i) The Approval Criteria for a Rezoning.
- ii) That the application meets the intent of a conditional rezoning, per this subsection.
- iii) 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.
- iv) The potential impacts and/or benefits on the surrounding area and adjoining properties.
- v) The report of results from the public input meeting.
- vi) 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.

CONDITIONS FOR APPROVAL OF PETITION

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.

Planning staff have identified the following conditions of approval to consider in a motion to recommend approval of the request. These conditions of approval have been sourced from the "Superior Design" components of the design as submitted by the applicant as well as previous approvals for other projects proposed for the subject properties and have been agreed to by the applicant:

1. The applicant shall be required to submit Low Impact Development design certifications in accordance with Section 7.14 of the Pender County Unified Development Ordinance prior to receiving zoning approval for any phase of the proposed development.
2. In accordance with Section 7.9 of the Pender County Unified Development Ordinance, the applicant shall be required to submit stormwater certifications with updates to reference the proposed 100-year pre-post retention standard.
3. The applicant shall be required to submit an updated significant tree survey and mitigation plan prior to issuance of zoning approval for any portion of the site.
4. The applicant shall be required to demonstrate species and location of native vegetation on all submitted site development plans or preliminary plats.
5. Prior to the issuance of a Certificate of Occupancy for any residential building, all roadways shall be installed and certified in accordance with the standards for such found within the Pender County Unified Development Ordinance.
6. The non-residential outparcels shall include pedestrian facilities that provide effective pedestrian linkages to the residential component of this project and the surrounding community as a whole.
7. Pedestrian facilities shall be constructed along the portions of Hughes Road and Deerfield Drive that border the proposed development.
8. A pedestrian easement shall be required along US HWY 17 in advance of the U-5732 Hampstead Median Project, which will include sidewalks along both sides of US HWY 17 at the time of construction. All sidewalks and multi-use paths within the development shall be maintained by the development, unless they are proposed within a current or future NCDOT right-of-way. A tri-party agreement shall be required for such facilities within NCDOT rights-of-way.
9. Parcels 1-3 shall only be accessed internally to the development; no direct access to these parcels from US HWY 17 shall be permitted.
10. A type C-3 Buffer shall be located around the perimeter of the proposed pump station.

RECOMMENDATION

Planning Staff is submitting the proposal for Planning Board disposition. The request for Conditional Zoning Map Amendment is compliant with the Pender County Unified Development Ordinance. The request is consistent with the Future Land Use Map, as well as three (3) goals, two (2) objectives, and five (5) policies within the Pender 2.0 Comprehensive Land Use Plan, while conflicting with one (1) objective and two (2) policies within the Plan.

While the request on balance is consistent with the Pender 2.0 Comprehensive Land Use Plan, its inconsistencies lie in the infrastructure needed to support such a proposal. Based upon the initial review of the proposal by various entities through the Technical Review Committee, Pender County Schools communicated to Planning Staff that the school system does not currently have the capacity to serve the proposed development, nor are there any plans currently adopted to increase capacity in the system at this time.

While the Pender 2.0 Comprehensive Land Use Plan supports the development types proposed in this request in this location, much of that support is qualified by ensuring that appropriate infrastructure is available or planned to be available to support that development. Therefore, Planning Staff respectfully recommend denial of the request based on the conditions outlined in this report. Staff have also provided draft conditions for a motion to recommend approval.

PLANNING BOARD ACTION NEEDED:

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

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

The proposed rezoning is consistent with the Regional Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan because the proposed development is of an appropriate density for the area, enhances local transportation infrastructure, and utilizes design techniques to minimize stormwater runoff and create a walkable, interconnected community.

TO DENY: Motion to recommend denial of the Conditional Zoning Map Amendment and to make a finding that the proposal is inconsistent with the following objective, and policies in the Pender 2.0 Comprehensive Land Use Plan:

- **Objective 4.6**
- **Policy 5.1.C**
- **Policy 5.1.D**

While the proposed rezoning is consistent with the Regional Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan, the lack of available infrastructure – specifically schools – to support the proposed development renders the proposal inconsistent with the Pender 2.0 Comprehensive Land Use Plan.

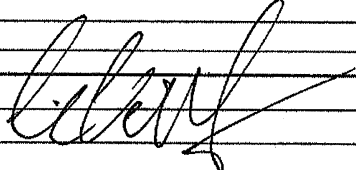
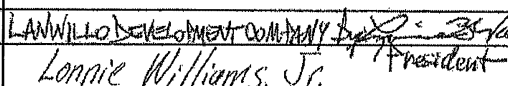
BOARD ACTION FOR MASTER DEVELOPMENT PLAN AND MAJOR SITE DEVELOPMENT PLAN:

Motion: _____ **Seconded** _____

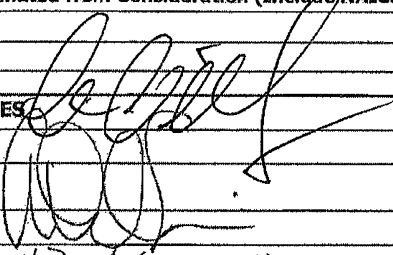
Approved: _____ **Denied:** _____ **Unanimous** _____

McClammy: ____ Jordan: ____ Beaudoin: ____ Buchanan: ____ Gruntfest: ____ Pitts: ____ Teachey: ____

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:	EVOLVE ACQUISITIONS, LLC - MIKE WINSTEAD	Owner's Name:	Lanwillo Development Co.
Applicant's Address:	2918-A MARTINSVILLE ROAD	Owner's Address:	2325 Tatersalls Dr.
City, State, & Zip	GREENSBORO, NC 27408	City, State, & Zip	WILMINGTON, NC 28403
Phone Number:	910-239-9120	Phone Number:	910-619-0248
Email Address:	MIKE@EVOLVECOS.COM	Email Address:	CLAUDE@SWAINASSOCIATES.COM
Legal relationship of applicant to landowner: APPLICANT IS DEVELOPER OF PROPERTY			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3282-74-3515-000 3282-74-1001-000	Total property acreage:	24.26
Current Zoning District:	PD	Proposed Zoning District:	CONDITIONAL DISTRICT
Project Address or Location:	HWY 17 BETWEEN HUGHES ROAD AND DEERFIELD DRIVE		
Proposed Uses to be Considered (Include NAICS Code):			
COMMERCIAL			
MULTI-FAMILY			
See attached narrative.			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
SECTION 3: SIGNATURES			
Applicant's Signature			Date: 1.25.21
Applicant's Name Printed			Date:
Owner's Signature			Date: 01/19/21
Owner's Name Printed	Lonnie Williams, Jr. President		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.			

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:	EVOLVS ACQUISITIONS, LLC - MIKE WINSTEAD	Owner's Name:	HEADWATERS PROPERTIES, LLC
Applicant's Address:	2918-A MARTINSVILLE ROAD	Owner's Address:	1131-B MILITARY CUTOFF ROAD
City, State, & Zip	GREENSBORO, NC 27408	City, State, & Zip	WILMINGTON, NC 28405
Phone Number:	910-239-9120	Phone Number:	910-239-5590
Email Address:	MIKE@EVOLVECOS.COM	Email Address:	CLAUDE@SWAINASSOCIATES.COM
Legal relationship of applicant to landowner: APPLICANT IS DEVELOPER OF PROPERTY			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3282-74-3515-000 3282-74-1001-000	Total property acreage:	24.26
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Proposed Uses to be Considered (Include NAICS Code):			
COMMERCIAL			
MULTI-FAMILY			
See attached narrative.			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	1.25.21
Applicant's Name Printed		Date:	
Owner's Signature		Date:	1/19/2021
Owner's Name Printed	H. David Swain, Manager	Date:	1/19/2021
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.			

Hawthorne at Headwaters Narrative

Evolve Acquisitions, LLC is requesting a conditional rezoning to allow for approximately 294 multifamily units and commercial and retail on three outparcels located directly off of HWY 17 and currently zoned PD. The subject parcels include 3282-74-8862-0000, 3282-74-6231-0000, 3282-74-3515-0000, and 3282-74-1001-0000 totaling ±24.26 acres.

The future land use plan classification identifies this site as regional mixed use which allows up to 15 units/acre. Our design integrates a planned collector road between Hughes Road and Deerfield Drive and public road connection to connect to Hwy 17. As part of the collector road, we are implementing an 8-foot multi use path along one side of the road and bike lanes. We are also having sidewalks throughout the development to promote a walking project. This project is asking for the increase in density through exceptional design features. We understand that stormwater on this and all sites throughout the county are of major importance. We are proposing to go above and beyond the county stormwater requirements of the 25-year event but designing our stormwater BMP's to control the peak stormwater flow up and including the 100-year event. We believe this not only enhances our project but also addresses some of the County's and downstream neighbors' concerns. We also will amenitize the ponds by placing fountains, walking trails and lookout viewing stations therefore having the pond be a vital part of our active open space. In addition to handling the peak flow from the larger storms, in and around the amenity, we will integrate pervious parking and vegetated bioretention areas to be used as both secondary water quality treatment and an addition to the natural aesthetics.

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

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

Superior Design strategies have been included and highlighted on the plan to qualify the project for the proposed density increase. These efforts include:

1. This plan outlines the 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 Developments Guidebook for North Carolina*. These measures include the stormwater management and runoff treatment requirements therein and include the implementation of the following:

- a. Compliance with requirements for stormwater management as set forth in NC State 15A NCAC 02h.1005 (storm water ponds will be sized with final soils reports)
 - b. Utilization of a combination of engineered, structural LID BMPs as defined in *Chapter 4: LID Stormwater BMPs of North Carolina State University's Low Impact Developments Guidebook for North Carolina* and designed in accordance with NC State 15A NCAC 02h.1008 to treat runoff from all surfaces generated by one and one-half inches of rainfall, in order to achieve average annual 90% Total Suspended Solids (TSS) removal for the developed area of the site
 - c. Utilization of a combination of engineered structural LID BMPs as defined in *Chapter 4: LID Stormwater BMPs of North Carolina State University's Low Impact Development: A Guidebook for North Carolina* to control and treat the increase in storm water runoff volume associated with post-construction conditions as compared with pre-construction (existing) conditions for the 1-year frequency, 24-hour duration storm event in order to achieve a storage volume discharge rate equal to or less than the predevelopment discharge rate for the 1-year, 24-hour storm event. This may be achieved by hydraulic abstraction, recycling or reuse, or the other accepted management practices as described in the North Carolina Department of Water Quality's *Stormwater Best Management Practices Manual*, and in consultation with North Carolina State University's *Low Impact Developments Guidebook for North Carolina*, which includes:
 - i. bio retention / rain gardens
 - ii. permeable pavement
 - iii. water harvesting / rain barrels
 - iv. swales
 - v. infiltration strips and basins
2. Preservation of majority of wetlands on site, intended wetland impact is less than 0.1ac.
 3. Preservation of significant trees on site per UDO Section 8.1.3.A.2.
 5. Preservation of existing natural landforms and drainage patterns, reducing the amount of required grading.
 6. Use of native and adaptive plants well suited to our southeastern North Carolina climate.
 7. Creation of walkable community with sidewalks on every street & throughout the apartment/future mixed-use development.
 8. Providing an 8-foot multi-use trail and bike lanes along the collector road.
 9. Connection of sidewalks to secondary collector road to Hwy 17.
 10. Additional buffers along existing residential areas.
 11. Fountains, lookout viewing stations and walking trails around the stormwater pond.
 12. Educational opportunities in and around the LID stormwater practices.
 13. Handling the pre/post runoff up to and including the 100-year storm event.
 14. Implementation of pervious paving at amenity area patios.
 15. Provision of multi-purpose outdoor recreation spaces.

16. Installation of an accessible 2-12-year-old playground at the multifamily active open space.
17. Creation of courtyards at the apartment area, serving as gathering spaces and promoting social interaction.

In addition to the Superior Design measures proposed that fall under the Pender County UDO and as defined in *Chapter 4: LIS Stormwater BMPs* of North Carolina State University's *Low Impact Development: A Guidebook for North Carolina*, the project strives to implement strategies found in neighboring municipalities which result in density increases, such as:

1. use of LID techniques as described in this narrative,
2. wetlands preservation,
3. inclusion of porous pavement to minimize stormwater runoff,
4. preserving undeveloped open space and existing vegetation, and
5. xeriscaping to minimize water use.

Evolve Acquisitions, LLC, not only seeking to satisfy Pender County's requirements for a Superior Design project, has also investigated other leading exceptionally designed project standards and requirements and is including the following strategies integral in those projects:

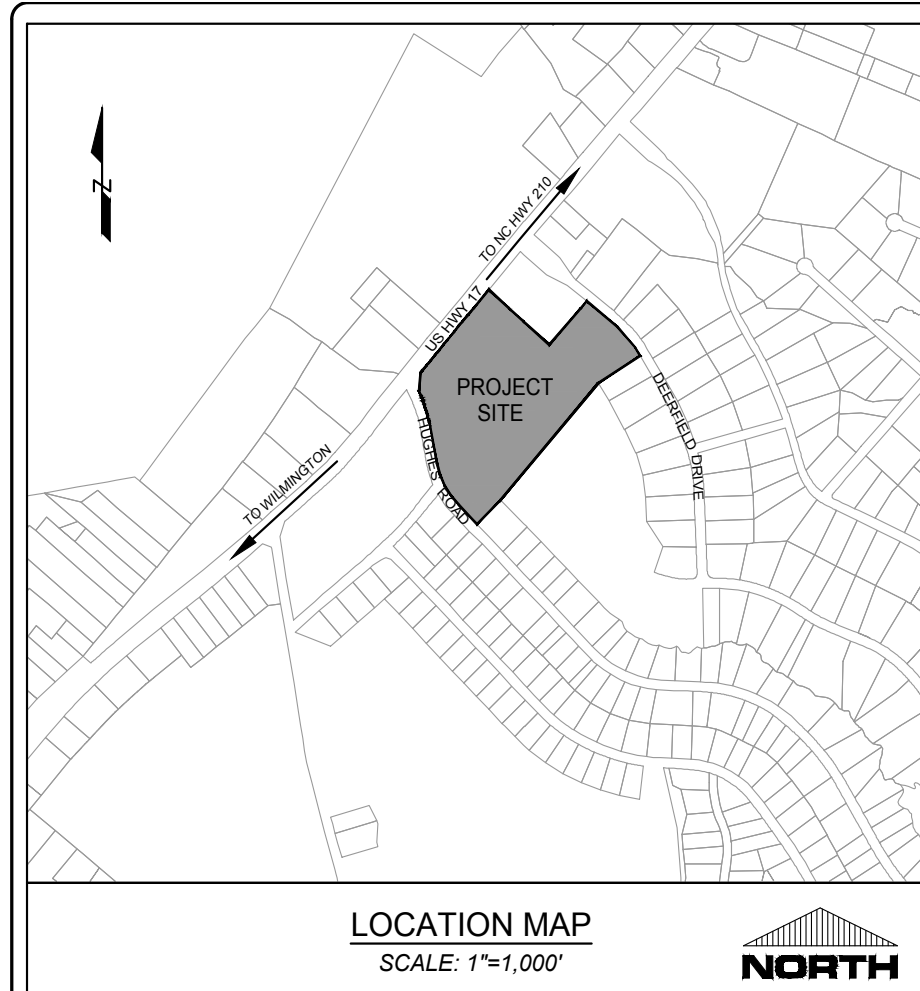
1. Preservation of wetlands.
2. Managing storm water on site.
3. Using storm water management and treatment features as amenities.
4. Use of native and adaptive plants.
5. 100-year pre/post stormwater peak flow design.

In additional to the proposed multifamily units, the conditional rezoning includes the potential for the three outparcels to contain a mix of restaurant and retail. The applicant requests the proposed uses as follows:

<u>NAICS CODE</u>	<u>USE</u>
441	Motor Vehicle and Parts Dealers
442	Furniture and Home Furnishing Stores
443	Electronic & appliance stores
444	Building Material, Garden Equipment and Supplies Dealers
445	Food & Beverage Stores
446	Health & Personal Cares Stores
447	Gasoline Station
448	Clothing & clothing accessories stores
451	Sporting Goods, hobby, book and music stores
453	Miscellaneous Store Retailers
454	Non-Store Retailers
491110	Postal Services
52	Finance & Insurance
53	Real Estate & Rental & Leasing
54	Professional, Scientific & Technical Services

55	Management of Companies & Enterprises
561	Administrative & Support Services
611	Educational Services
6114	Business Schools, Commuter and Management Training
6115	Technical & Trade Schools
6116	Other School & Instruction
622	Hospitals
7111	Performing Arts Companies
7114	Agents & Managers for Artists, Athletes, Entertainers & Other Public Figures
712	Museums, Historical Sites & Similar Institutions
713940	Fitness & Recreational Sports Centers
71395	Bowling Centers
72111	Hotels & Motels
7221	Full Service Restaurants
7222	Limited Service Eating Places
7223	Special Food Services
7224	Drinking Places
8111	Automotive Repair and Maintenance
8114	Personal & Household Goods, Repair & Maintenance
8121	Personal Care Services
812310	Coin Operated Laundries & Dry Cleaners
812320	Dry Cleaning & Laundry Services
8129	Other Personal Services
8131	Religious Organizations
8132	Grant making and Giving Services
8133	Social Advocacy Organizations
8139	Business Professional, Labor, Political, & Similar Organizations
92	Public Administration

The conditional rezoning is not requesting any Sector 21, 22, 23, or 31-33 uses with the exception of Artisan Manufacturing.



SITE INFORMATION
APPLICANT INFORMATION: HEADWATERS ACQUISITIONS, LLC
2918-A MARTINSVILLE ROAD
GREENSBORO, NC 27408

OWNER INFORMATION: LANWILLO DEVELOPMENT CO.
PO BOX 2088
WILMINGTON, NC 28402

PINS: 3282-74-8862-0000 (LANWILLO)
3282-74-6231-0000 (LANWILLO)
3282-74-3515-0000 (HEADWATERS)
3282-74-1001-0000 (HEADWATERS)

CURRENT LAND USE: VACANT LAND
ZONING: PD

PROPOSED USE: COMMERCIAL
MULTI-FAMILY RESIDENTIAL

TOTAL SITE AREA: ± 24.26 ACRES

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

OPEN SPACE REQUIREMENTS
REQUIRED: 0.03 ACRES X 294 UNITS = 8.82 ACRES
(NO MORE THAN 50% OF THE REQUIRED OPEN SPACE CAN BE PASSIVE)
PROVIDED: 10.2 ACRES INCLUDING:
ACTIVE SPACE: 4.41 ACRES
PASSIVE SPACE: 5.79 ACRES

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

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

HISTORICAL & ARCHAEOLOGY NOTES
1. NO KNOWN HISTORIC OR ARCHEOLOGICAL SITES EXIST.

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

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

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

RECREATION UNIT NOTES
1. 294 LOTS REQUIRE 3 RECREATION UNIT TOTALING \$30,000 MIN. INSTALLATION OF THE PROPOSED ACTIVE RECREATION AREAS WILL FAR EXCEED THE \$30,000, 3 UNIT REQUIREMENT. REFERENCE COST ESTIMATE SUBMITTED WITH THESE PLANS

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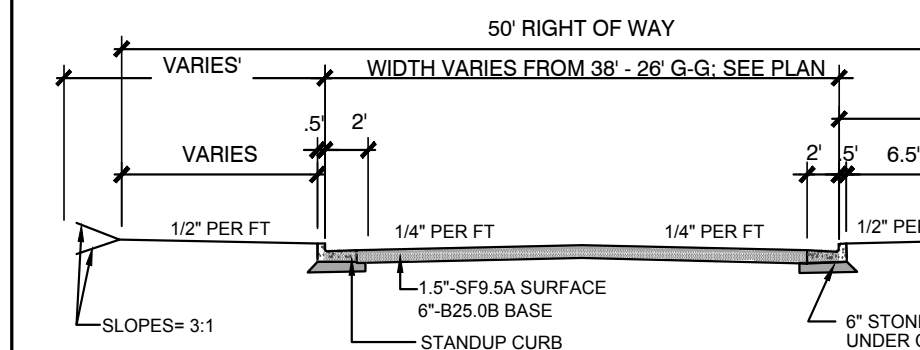
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RECREATION UNIT NOTES
1. 294 LOTS REQUIRE 3 RECREATION UNIT TOTALING \$30,000 MIN. INSTALLATION OF THE PROPOSED ACTIVE RECREATION AREAS WILL FAR EXCEED THE \$30,000, 3 UNIT REQUIREMENT. REFERENCE COST ESTIMATE SUBMITTED WITH THESE PLANS

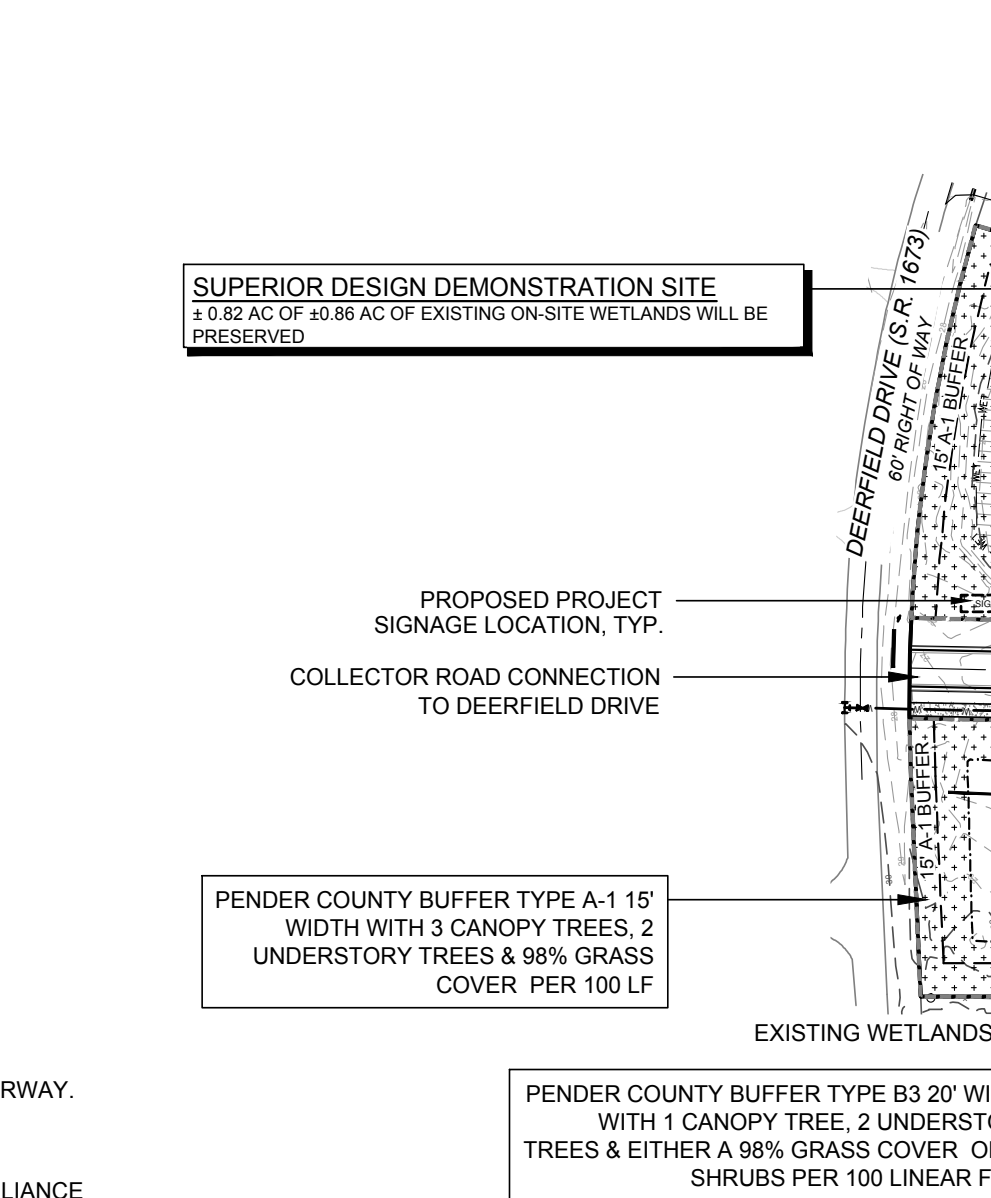


NOTES:
1. ALL PAVING THICKNESS WILL BE DETERMINED BASED ON SOILS DATA. NO TESTING HAS BEEN COMPLETED AT THIS TIME, SO A MINIMUM PAVING SECTION HAS BEEN PROVIDED AND WILL BE FURTHER EVALUATED WITH THE AVAILABILITY OF SOILS DATA.

TYPICAL PUBLIC ROAD A CROSS SECTION
NOT TO SCALE

SUPERIOR DESIGN
THIS PROJECT REQUESTS DENSITY BONUS IN ACCORDANCE WITH PENDER COUNTY UDO SECTION 4.8.1.C.2 UNDER THE ENVIRONMENTALLY SENSITIVE AND SUPERIOR DESIGN. PROPOSED SUPERIOR DESIGN MEASURES ARE AS FOLLOWS:

- IMPLEMENTATION OF LID MEASURES 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
 - PERMEABLE PAVEMENT
 - WATER HARVESTING / RAIN BARRELS
 - SWALES
 - INFILTRATION STRIPS / BASINS
- PRESERVATION OF MAJORITY (±0.62 AC) OF WETLANDS ON SITE; INTENDED WETLAND IMPACT IS LESS THAN 0.1 AC
- PRESERVATION OF SIGNIFICANT TREES ON SITE, WHERE THEY DO NOT INTERFERE WITH ESSENTIAL SITE IMPROVEMENTS, PER UDO SECTION 8.1.3.A.2
- PRESERVATION OF EXISTING NATURAL LANDFORM AND DRAINAGE PATTERNS, AS MUCH AS POSSIBLE, REDUCING THE AMOUNT OF REQUIRED GRADING
- USE OF NATIVE AND ADAPTIVE PLANTS WELL SUITED TO OUR SOUTHEASTERN NORTH CAROLINA CLIMATE
- CREATION OF WALKABLE COMMUNITY WITH SIDEWALKS ON EVERY STREET & THROUGHOUT THE APARTMENT/FUTURE MIXED-USE DEVELOPMENT
- CONNECTION OF SIDEWALKS TO SECONDARY COLLECTOR ROAD TO HWY 17
- ADDITIONAL BUFFERS ALONG EXISTING RESIDENTIAL AREAS
- FOUNTAINS, LOOKOUT VIEWING STATIONS AND WALKING TRAILS AROUND THE STORMWATER POND
- EDUCATIONAL OPPORTUNITIES IN AND AROUND THE LID STORMWATER PRACTICES
- HANDLING THE PRE/POST RUNOFF UP TO AND INCLUDING THE 100-YEAR STORM EVENT
- IMPLEMENTATION OF PERVIOUS PAVING AT AMENITY AREA PATIOS
- PROVISION OF MULTI-PURPOSE OUTDOOR RECREATION SPACES
- INSTALLATION OF AN ACCESSIBLE 2-12-YEAR-OLD PLAYGROUND AT THE MULTIFAMILY ACTIVE OPEN SPACE
- CREATION OF COURTYARDS AT THE APARTMENT AREA, SERVING AS GATHERING SPACES AND PROMOTING SOCIAL INTERACTION
- INCLUSION OF A 10' WIDE MULTI USE PATH ALONG COLLECTOR ROAD B



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

Code	Land Use	Size	Unit	Daily			Peak			Peak		
				In	Out	Total	In	Out	Total	In	Out	Total
001	Apartment	284	311	430	331	1,161	29	13	59	10	6	28
002	Shopping Center	4,500	KSF	367	333	700	95	59	154	26	29	55
003	Fast Casual Restaurant	5,500	KSF	882	885	1,767	8	4	12	21	36	57
004	Office	10,000	KSF	100	100	200	0	0	0	0	0	0
005	Hotel	7	KSF	360	360	720	38	42	80	83	59	121
006	General Office	1,400	KSF	10	10	20	0	0	0	0	0	0
007	Public Works	2,400	2,404	4,900	101	179	186	229	229	448	448	448
008	Pendur County	800	801	1,601	25	25	59	76	49	125	125	125
009	Health Services	287	288	733	35	35	134	26	21	55	55	55
010	Healthcare Services	1,274	1,279	2,558	64	46	110	109	159	267	267	267
011	Office Building	1	1	1	1	2	1	4	12	12	12	12



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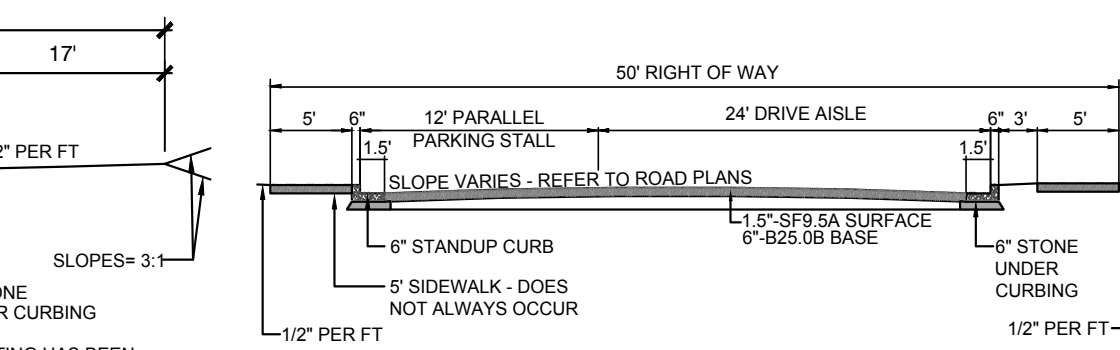
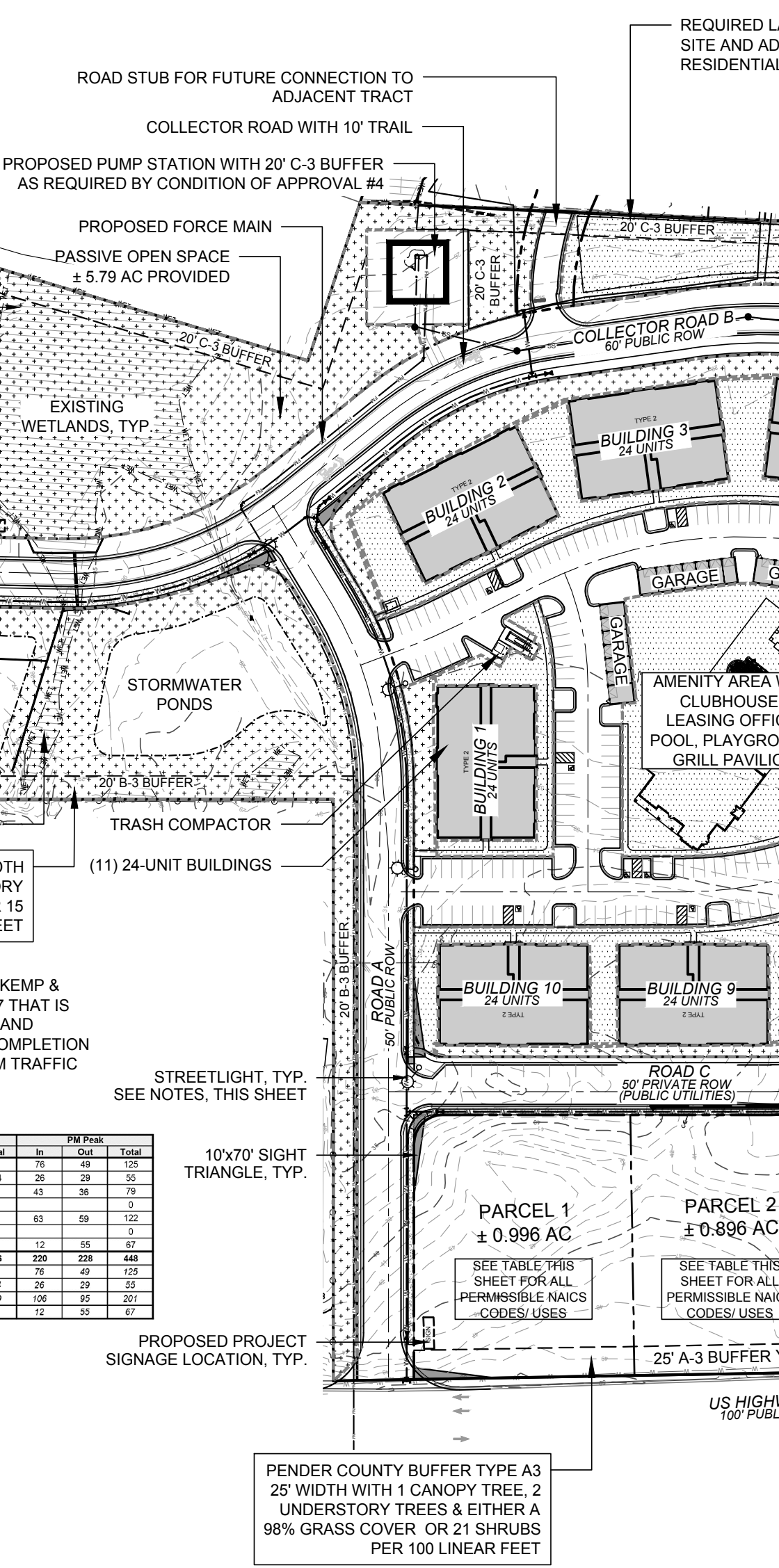
TYPICAL PUBLIC COLLECTOR ROAD B CROSS SECTION
NOT TO SCALE

- PROJECT ROAD NOTES**
- ALL COLLECTOR ROADS WILL BE PUBLIC RIGHT OF WAYS CONSTRUCTED TO NC DOT SUBDIVISION ROADS MINIMUM CONSTRUCTION STANDARDS AND IN COORDINATION WITH PENDER COUNTY COLLECTOR STREETS PLAN
 - ALL PROPOSED INTERNAL ROADWAY INTERSECTIONS AND CONNECTIONS TO EXISTING ROADWAYS & THE PROJECT COLLECTOR ROAD WILL HAVE A 30' RADIUS MINIMUM. ALL OTHER RADI ON THE PROJECT WILL BE 25' MIN OR AS OTHERWISE DICTATED BY TRUCK MOVEMENTS.
 - 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.
 - SIDEWALKS WILL BE LOCATED ON ONE SIDE OF ALL ROADS EXCEPT THE MAIN COLLECTOR ROAD
 - COLLECTOR ROAD SIDEWALKS WILL BE BUILT TO THE COUNTY'S COLLECTOR STREET STANDARDS AS DESIGNATED IN PENDER COUNTY COLLECTOR STREET PLAN. SIDEWALKS SHALL MEET ALL APPLICABLE ADA REQUIREMENTS.
 - NO PROPOSED ROAD EXCEEDS 1 MILE IN LENGTH OR ACCESSES MORE THAN 200 LOTS. ALL ROADS WILL COMPLY WITH SECTION 7.5.3 OF THE PENDER COUNTY UDO.

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

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

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



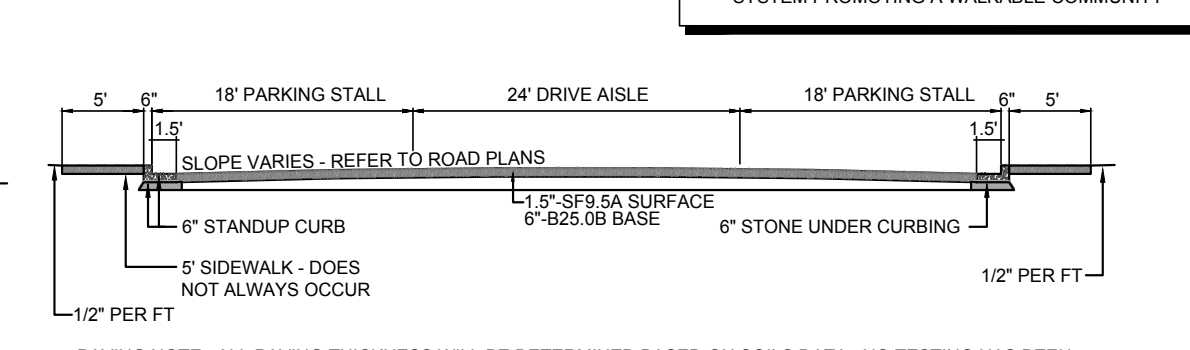
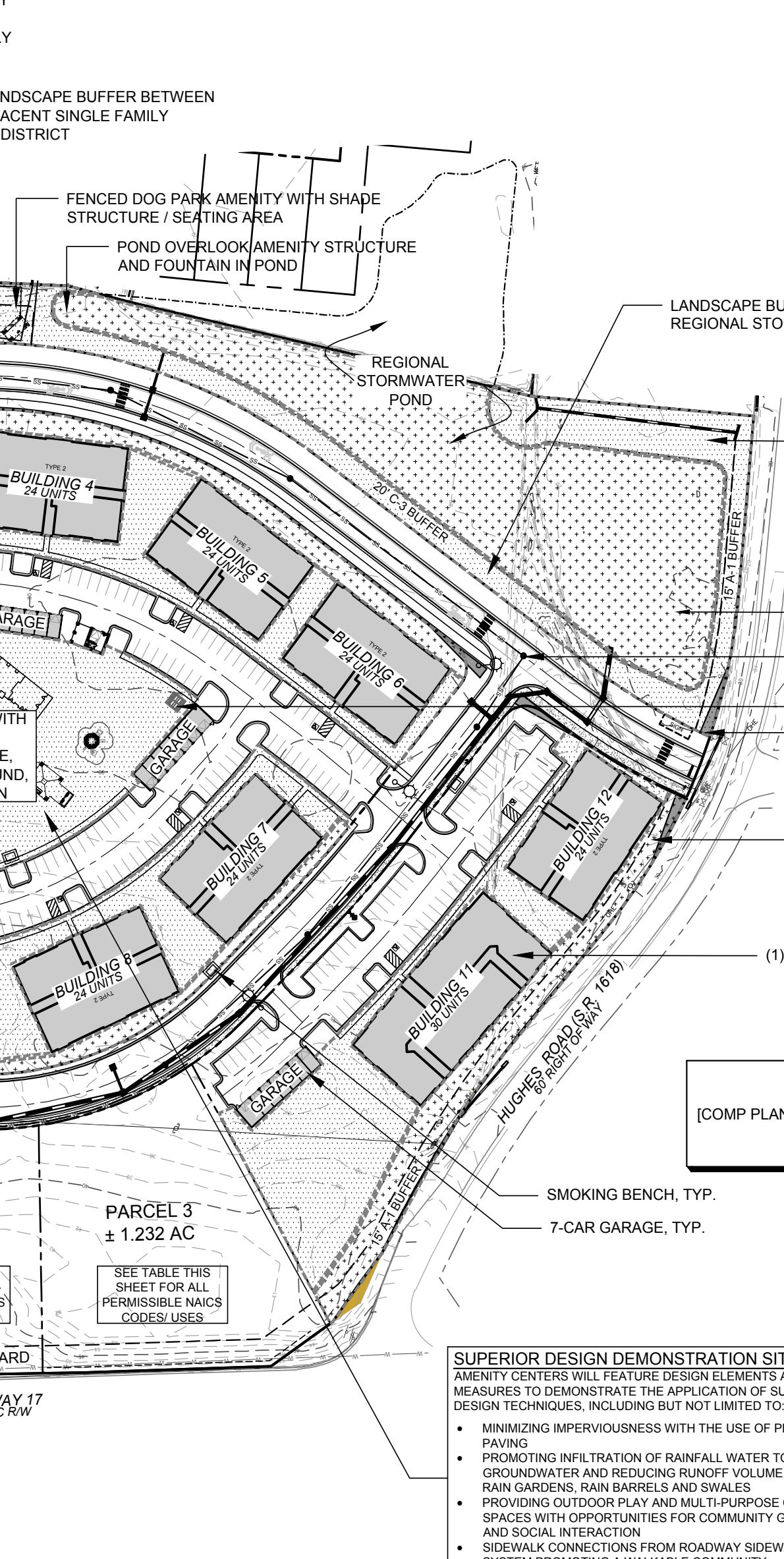
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TYPICAL PRIVATE ROAD C CROSS SECTION
NOT TO SCALE

- MASTER DEVELOPMENT PLAN CONDITIONS**
EXCEPT FROM APPROVAL LETTER 436-2016 MASTER DEVELOPMENT PLAN CONDITIONAL APPROVAL - ISSUED 1/9/17 FROM PENDER COUNTY PLANNING STAFF:
- UNLESS OUTPARCEL DEVELOPMENT OCCURS PRIOR TO THE CONSTRUCTION OF THE U-5732 HAMPSTEAD MEDIAN PROJECT, PEDESTRIAN FACILITIES SHALL BE CONSTRUCTED PARALLEL TO US HWY 17 AS EACH OUTPARCEL IS DEVELOPED, ALONG WITH INTERIOR PEDESTRIAN FACILITIES TO CONNECT EACH OUTPARCEL AND TO THE SHOPPING CENTER IN ORDER TO MEET THE REQUIREMENTS OF SECTION 4.8.1.D OF THE PENDER COUNTY UNIFIED DEVELOPMENT ORDINANCE. IF AN OUTPARCEL IS DEVELOPED PRIOR TO THE COMPLETION OF THE U-5732 HAMPSTEAD MEDIAN PROJECT, A PAYMENT IN LIEU OF CONSTRUCTION SHALL BE REQUIRED FOR SIDEWALK CONSTRUCTION ON THE EXTERIOR SIDEWALK PARALLEL TO US HWY 17. ALL SIDEWALKS AND MULTI-USE PATHS SHALL BE MAINTAINED BY THE DEVELOPMENT, UNLESS SUCH FACILITIES ARE LOCATED IN AN NC DOT RIGHT OF WAY. A TRIP-UP AGREEMENT (SHALL) BE REQUIRED IF SUCH FACILITIES ARE LOCATED WITHIN AN NC DOT RIGHT OF WAY.
 - ALL PEDESTRIAN FACILITIES ALONG SITE ENTRANCES, COLLECTOR STREETS, AND LOCATED WITHIN THE INTERIOR OF GROCERY AND RETAIL DEVELOPMENT SHALL BE CONSTRUCTED DURING PHASE 1 (MAIN ANCHOR/GROCERY/RETAIL CENTER).
 - THE REQUIRED COLLECTOR STREET SHALL BE CONSTRUCTED DURING PHASE 1 (MAIN ANCHOR/GROCERY/RETAIL CENTER) AND COMPLETED PRIOR TO ANY FINAL ZONING APPROVALS.
 - A TYPE C-3 BUFFER SHALL BE LOCATED AROUND THE PERIMETER OF THE PROPOSED PUMP STATION.
 - PARCELS 1-5 SHALL ONLY BE ACCESSED INTERNALLY TO THE DEVELOPMENT.

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

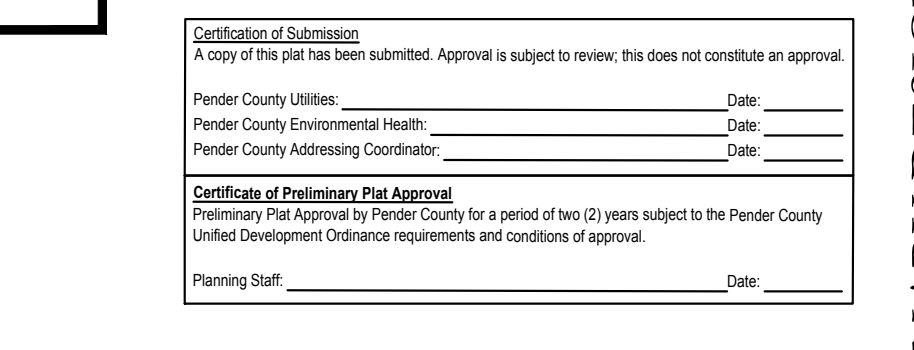
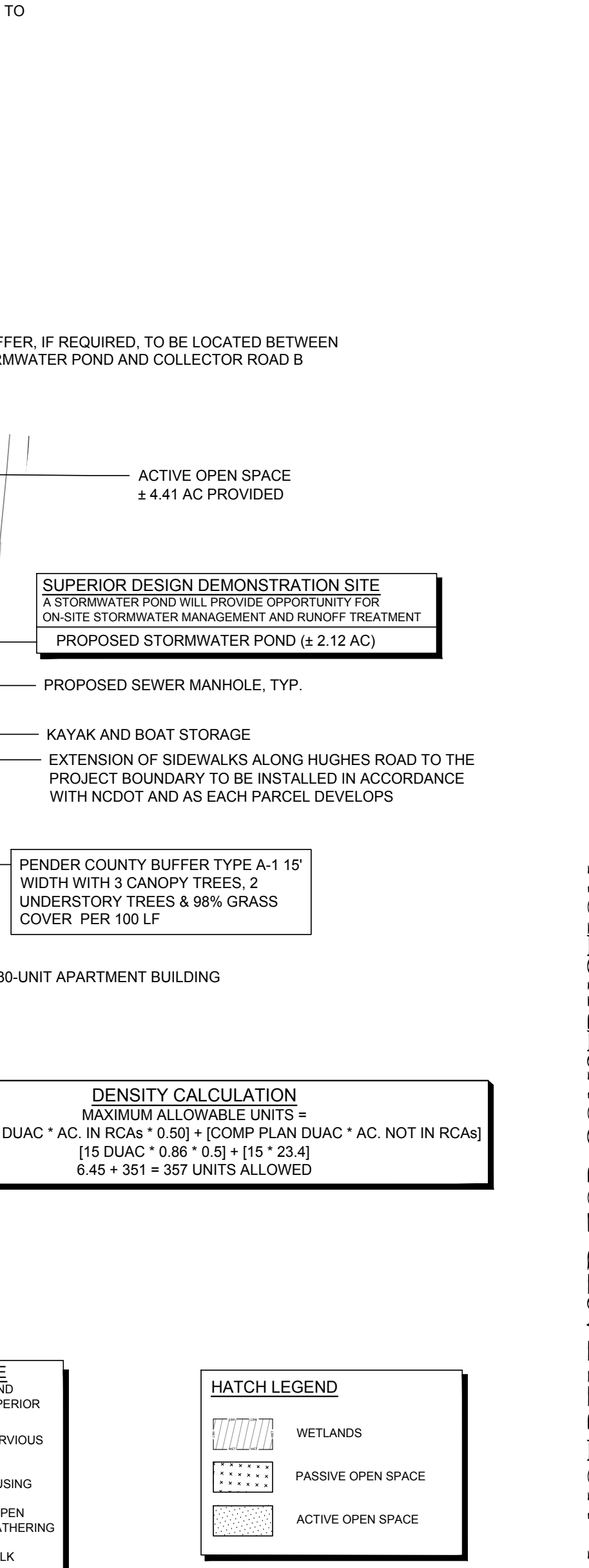
HOMEOWNERS ASSOCIATION
1. PER PENDER COUNTY UDO 7.3, HOMEOWNERS ASSOCIATIONS SHALL BE REQUIRED FOR ALL DEVELOPMENTS WITH DEDICATED IMPROVEMENTS SUCH AS PRIVATELY MAINTAINED STREETS AND/OR OPEN SPACE DEDICATIONS AND MUST BE RECORDED ALONG WITH THE FIRST PHASE OF A FINAL PLAT TO ENCOMPASS THE ENTIRE DEVELOPMENT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



REFERENCE PROJECT ROAD NOTES THIS SHEET FOR ADDITIONAL INFORMATION.

TYPICAL PRIVATE DRIVE CROSS SECTION
NOT TO SCALE

NAICS CODE	USE		
443	ELECTRONIC & APPLIANCE STORES	622	HOSPITALS
445	FOOD & BEVERAGE STORES	7111	PERFORMING ARTS COMPANIES
446	HEALTH & PERSONAL CARES STORES	7114	AGENTS & MANAGERS FOR ARTISTS, ATHLETES, ENTERTAINERS & OTHER PUBLIC FIGURES
447	GASOLINE STATION	712	MUSEUMS, HISTORICAL SITES & SIMILAR INSTITUTIONS
448	CLOTHING & CLOTHING ACCESSORIES STORES	713940	SPORTS CENTERS
451	SPORTING GOODS, HOBBY, BOOK AND MUSIC STORES	71395	BOWLING CENTERS
453	MISCELLANEOUS STORE RETAILERS	72111	HOTELS & MOTELS
454	NON STORE RETAILERS	7221	FULL SERVICE RESTAURANTS
491110	POSTAL SERVICES	7222	LIMITED SERVICE EATING PLACES
52	FINANCE & INSURANCE	7223	SPECIAL FOOD SERVICES
53	REAL ESTATE & RENTAL & LEASING	7224	DRINKING PLACES
54	PROFESSIONAL, SCIENTIFIC & TECHNICAL SERVICES	8114	PERSONAL & HOUSEHOLD GOODS, REPAIR & MAINTENANCE
55	MANAGEMENT OF COMPANIES & ENTERPRISES	8121	PERSONAL CARE SERVICES
561	ADMINISTRATIVE & SUPPORT SERVICES	812310	COIN OPERATED LAUNDRIES & DRY CLEANERS
611	EDUCATIONAL SERVICES	812320	DRY CLEANING & LAUNDRY SERVICES
6114	BUSINESS SCHOOLS, COMMUTER AND MANAGEMENT TRAINING	8129	OTHER PERSONAL SERVICES
6115	OTHER SCHOOLS & INSTRUCTION	8131	RELIGIOUS ORGANIZATIONS
6116		8139	BUSINESS PROFESSIONAL, LABOR, POLITICAL, & SIMILAR ORGANIZATIONS
		92	PUBLIC ADMINISTRATION



REFERENCE PROJECT ROAD NOTES THIS SHEET FOR ADDITIONAL INFORMATION.

TYPICAL PRIVATE DRIVE CROSS SECTION
NOT TO SCALE

APPLIES TO APARTMENT PARKING AREAS

SCALE: 1"=100'

NORTH

0' 50' 100' 200'

PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION

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

REVISIONS:

NO.	DESCRIPTION	DATE
1	ISSUED FOR CONSTRUCTION	03-31-21

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

PROJECT STATUS
CONCEPTUAL LAYOUT:
PRELIMINARY DESIGN:
FINAL DESIGN:
RELEASED FOR CONST:

DRAWING INFORMATION
DATE: 03-31-21
DESIGNED: JAC
CHECKED: JAC

SEAL

MDP
PEI JOB#: 20358 PE

Community Meeting Summary
for Conditional Rezoning Request by Evolve Acquisitions, LLC
Meeting Date & Time: Thursday, February 4, 2021, 6:00 PM -7:00 PM
Meeting Location: Hampstead Annex

Paramounte Engineering, Inc. (PEI), Evolve Acquisitions, LLC (Evolve), and Swain & Associates (Swain) (collectively, Development Team) hosted a meeting to introduce the proposed development for Hawthorne at Headwaters to the adjacent neighbors attending the meeting. Property owners within 500 ft. of the proposed development (as required by Pender County) were notified of the community meeting by mail on January 25, 2021.

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

- Attendees were most concerned about the multifamily portion of the project. Neighbors express worry about what could be built there and the type of people the development would attract. Specifically, people wanted assurance that Section 8 housing will not ever be built on the project. Section 8 housing will not be part of the proposed development.
- Several people expressed concern about the multifamily and stated that a grocery store and more commercial/retail are needed.
- Concerns were raised regarding a multifamily project's impact on the school system.
- Neighbors on Deerfield Drive expressed concern over the visibility of the multifamily structures over the tree line.
- Portions of the adjacent neighborhoods flood, according to the surrounding community participants. PEI heard several residents describe the flooding observed by residents in 12" rains on Deerfield and Hughes roads. Water ponds on the roadways and heads toward the waterway from Highway 17. There were repeated worries that Hawthorne at Headwaters would send more that water toward their homes, contributing to flooding. It was explained that the state stormwater regulations require the project to treat all water on site and not contribute to flooding in the area, but the developer would not be addressing flooding off-site.
- Concerns from people living on Deerfield Drive centered around traffic that will be created by the development and the proposed traffic signal. PEI explained that the approved traffic impact analysis direct the developer on driveway accesses and traffic improvements necessary to accommodate traffic. PEI explained that the proposed multifamily use would decrease the number of trips generated from the commercial use in the prior approval.
- Several people expressed concerns over the proposed collector road. It was explained that the County requires the developer to construct a collector road running north/south that will connect Deerfield Drive to Hughes Rd. The traffic engineers and NCDOT have agreed that the project warrants a traffic light at Hwy. 17 and Road A. This traffic light will funnel the majority of the vehicles through the Road A, Collector Road B portions of the development.
- There was one request to have the public hearing in Hampstead and not Burgaw.

Attached, please find the sign-up sheet and a copy of Mr. Scot Ricks' concerns provided to the Development Team at the meeting.

Name

Address

Wilbert Brooks

117 DEERFIELD DR

HAMPSTEAD NE 28443

ANN TODD JACKLOVELESS

320 CREEKVIEW DR

HAMPSTEAD

Winnifred & MARK Brooks 117 DEERFIELD DR Hamp

Chita Mueller

976 WA RD

Beara Goldstein

1086 WA Rd

Vincent Kolb

1086 WA Rd

RON & PAULINE STARK

115 DEERFIELD DR

David Barnes

134 Forest Hwy Deerfield-

Bob Terabek

118 DEERFIELD DR

RON Whitaker

411 Hughes Road

J Lucas

611 " "

J Nekron

411 Cushman

Scott Masak

171 Estuary Dr

Asbury Hewitt

1024 Washington Acres Rd

Damien Buchanan

621 WASHINGTON Aves Rd

Stella Williams

901 Beacon St Hampstead

Joseph Fawcett

29 Rochester St Hampstead

Scott Ricks

121 Deerfield Dr

Gail Ricks

121 Deerfield Dr

JOHN GRUNTFEST

520 N. LINE DR

Mr & Mrs Dennis Wehrle

329 Hughes Rd

Name	Address
Joe & Cindy Jackson	602 Hughes Rd
HARRY WALSH	101 Hughes Rd
Lynne & Doug Young	326 Creekview Dr.
Emma Dill	806 Orange St.
Glen Seeman	116 Deerfield Dr
BRANDON LAFOON	669 HUGHES Rd
Miranda & Jeff Synakowski	130 Deerfield Dr.
Elizabeth Jordan	406 E. Creekview Dr.
Mark & Jan Burns	1542 Washington Ave
Channing Langrud.	213 Circle Dr.
CHAZ ELAM	208 BATES RETREAT
Doug Holdstein	313 Creekview Dr.
Michael Suter	454 Turner Way
Myriam Nelson	610 Center Drive
Mary Suhland	311 Center Dr
Scott T Suhland	311 center Dr
Donna Hinrichs	334 Hughes Rd.
Malin Wynn	97 Kinkaid Ct.
Breck George	102 Doran Dr

Community Meeting Concerns

Feb.4,2021 (Scot Ricks) *ScotRicks1@gmail.com*

- Additional traffic on Deerfield Dr. due to new stop light on Collector Road.
There is a long-term plan to make HYW 17 in Hampstead right turn only when exiting Deerfield and Headwater. If this is true, all the residents of Deerfield, Mill Creek Ridge, and Majestic Oaks will migrate to the light to travel south. This would change the traffic on Deerfield by 3-4 times.
- Change in the appearance of the neighborhood. If there are large multi-level structures, they will create a skyline eyesore above what is now trees resembling natural maritime forest.
- Added pedestrian traffic walking and running in the neighborhood due to the higher concentration of people living in the apartment complex. Their desire to enjoy the outdoors will draw them into the adjacent neighborhoods for outdoor exercise. What will be done to ensure the roads remain safe for everyone? Will sidewalks be constructed, and will that be the responsibility of the developer?
- Concerns about contamination of nearby creeks leading to intercoastal water way. (2 potential issues)
 1. Potential failure of storm water ponds during hurricanes allowing pollutants to flow into natural creeks and wetlands.
 2. Even though proper septic tank permits have been issued in the higher density neighborhoods; there are cases where swage is leaching into roadside ditches and flowing ultimately into the marsh. There needs to be a study completed as to why and how this occurs to stop it.

3/28/2021

Mail - Travis Henley - Outlook

[External]Headwaters Apartments TIA Scope Approval - Pender Co.

Kayla Grubb <Kayla.Grubb@wilmingtonnc.gov>

Tue 2/23/2021 7:39 AM

To: Jay Clapp <jclapp@rameykemp.com>

Cc: Mike Kozlosky <Mike.Kozlosky@wilmingtonnc.gov>; Scott James <Scott.James@wilmingtonnc.gov>; Bill McDow <Bill.McDow@wilmingtonnc.gov>; Cumbo, Daniel R <drcumbo@ncdot.gov>; dracine@ncdot.gov <dracine@ncdot.gov>; Haste, Bradley L <blhaste@ncdot.gov>; Leonard, Jessi L <jleonard6@ncdot.gov>; Covarrubias, Eva P <epcovarrubias@ncdot.gov>; Travis Henley <thenley@pendercountync.gov>; Sam Shore <sshore@pendercountync.gov>

3 attachments (5 MB)

210216 Scoping Checklist Headwaters Apartments.pdf; 20-02-05 TIA Supplemental Guidelines.pdf; 210223 Headwaters Apartments Scope Approval.pdf;

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

Jay,

Please see attached scope approval for Headwaters Apartments in Pender County. Please use the following trip generation for your analysis:

Land Use	Size	24 Hour Volumes	AM Peak Hour Trips		PM Peak Hour Trips	
			Enter	Exit	Enter	Exit
LUC 221 Multifamily Housing (Mid-Rise)	294	1601	25	73	76	49
LUC 712 Small Office Building (1,400 SF/~8 employees)	8	64	8	4	7	8
LUC 820 Shopping Center	4.55	735	26	29	26	29
LUC 932 High-Turnover (Sit-Down) Restaurant	12.6	1413	101	76	114	105
TOTAL			160	182	223	191
TOTAL		3,813	342		414	

Let me know if you have any questions. Thank you!

Kayla Grubb, E.I.

Project Manager

Wilmington Urban Area MPO

305 Chestnut Street, 4th Floor

Wilmington, NC 28401

(910) 772-4170

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



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

February 23, 2021

Mr. Jay Clapp, PE

Ramey Kemp Associates
PO Box 26932
Winston-Salem, NC 27114

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

Dear Mr. Clapp,

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

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

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

1. Data Collection - Analysis Parameters:

a) Study Intersections

i. For existing intersections, provide turning movement counts for weekday AM (7:00am-9:00am) and PM (4:00pm-6:00pm) peak periods, signal timing (if applicable), and lane geometry:

- US 17 at NC 210/ SR 1784 (Dan Owen Drive)
- US 17 at SR 1673 (Deerfield Drive)
- US 17 at SR 1618 (Hughes Road)
- US 17 at SR 1582 (Washington Acres Road)
- US 17 at Site Access 1
- SR 1673 (Deerfield Drive) at SR 1684 (NE Center Drive)/Site Access 3
- SR 1673 (Deerfield Drive) at SR 1674 (Creekview Drive)
- SR 1673 (Deerfield Drive) at Site Access 2
- SR 1582 (Washington Acres Road) at SR 1684 (SW Center Drive)

b) Site Trip Generation, Site Trip Distribution and Background Traffic Assumptions

i. Site Trip Generation Estimate

- Attached

ii. Site Trip Distribution

Wilmington Urban Area Metropolitan Planning Organization

City of Wilmington • Town of Carolina Beach • Town of Kure Beach • Town of Wrightsville Beach
County of New Hanover • Town of Belville • Town of Leland • Town of Navassa • County of Brunswick
County of Pender • Cape Fear Public Transportation Authority • North Carolina Department of Transportation

- To be submitted and approved prior to use in TIA
- iii. Adjacent Development (approved but not yet built):
 - Lea Marina
- iv. Planned Roadway Improvements
 - N/A
- v. Background Traffic Assumptions
 - Full Build - 2023
 - Growth rate – 1% per year

2. Capacity Analysis: Week day AM & PM Peak Hour

- a) Technical Analysis
 - i. 2021 Existing
 - ii. 2023 Future No-Build
[Existing + 1% background growth + approved development trips]
 - iii. 2023 Full Build Conditions
[Existing + 1% background growth + approved development trips + site trips]
 - iv. 2023 Full Build Conditions + improvements
[Existing + 1% background growth + site trips]

3. Final Report Submittal:

- a) Completed TIA Application
- b) Signed and sealed by a Professional Engineer
- c) Three bound copies
- d) Electronic copies to include PDF of TIA and Synchro output files and Synchro analysis files in digital format

4. Notes:

- a) This scope shall remain valid for three months from the date of this letter.
- b) Please note that if any changes occur (including but not limited to; land use, intensity, phasing, and/or site access) additional analysis may be required.

Please contact me at 910-772-4170 with any questions regarding this scope.

Sincerely,

Kayla Grubb, EI
Project Engineer
Wilmington Urban Area MPO

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

cc: Dan Cumbo, PE, District Engineer, NCDOT
Doug Racine, Assistant District Engineer, NCDOT
Brad Haste, Assistant District Engineer, NCDOT
Jessi Leonard, PE, Division Traffic Engineer, NCDOT
Eva Covarrubias, Transportation Engineering Associate, NCDOT

Mike Kozlosky, Executive Director, WMPO

Scott James, PE, Transportation Planning Engineer, WMPO

Travis Henley, MPA, Planning Director, Pender County

Sam Shore, MPA, Long Range Planner, Pender County



Traffic Impact Analysis (TIA): Procedures and Scoping Checklist



TIA Scoping Checklist:

1. Engineering Firm of Record: Ramey Kemp Associates
2. Contact information:
 - a. Applicant Name: Jay Clapp
 - b. Email: jclapp@rameykemp.com
 - c. Address: P.O. Box 26932 Winston-Salem, NC 27114
 - d. Phone Number: 336-631-4458
3. Development Name: Headwaters Apartments
3282-74-1001-0000, 3282-74-3515-0000, 3282-74-6231-0000, &
4. Tax Parcel ID #: 3282-74-8862-0000
5. Site Address(s):
US 17, between Hughes Road and Deerfield Drive
6. Type of Development: List Land Use(s)/Intensity and ITE codes:
Multifamily Housing Mid-Rise (221) - 294 Dwelling Units
General Office (710) - 1,400 square feet
Shopping Center (820) 4,550 square feet
Fast Casual Restaurant (930) - 5,600 square feet
High-Turnover (Sit-Down) Restaurant - 7,000 square feet
7. Development Concept:
 - a. Provide a site plan or conceptual plan (include road circulation pattern and development access points to public rights of way).
See attached Preliminary Site Plan
 - b. Add scaled site plan on Arial imagery which includes adjacent properties and access points
8. If this development is intended to be built in multiple phases the TIA is required to accurately reflect the phasing. If the phasing is not included within the TIA, a revision and/or interim TIA's will be required.
 - a. What is the proposed build out year? 2023
 - b. If the project is phased, specify the build out year for each phase.

Development Name: Headwater Apartments
WMPO ID #: _____

Updated 5/23/18



9. Site Trip Generation:

- a. Provide a trip generation estimate using the ITE Trip Generation Manual (latest) by phase, if applicable.

See attached Trip Generation

- b. Provide pass-by and internal capture reduction calculations, if applicable.

See attached Trip Generation

- c. Provide a trip generation on AM / PM and Saturday peak hour.

See attached Trip Generation

10. Check to see if any of the following apply:

- a. Proposed TIA is within the area of a known Transportation Improvement Project (TIP)

U-5732 - SR 1582 (Washington Access Road to SR 1563 (Sloop Point Loop Road). Convert to

- b. [NCDOT STIP Map](#) superstreet. Construction scheduled for FY 2029, after development build out year of 2023.

(<http://ncdot.maps.arcgis.com/home/webmap/viewer.html?webmap=cb02f4f828974670ad01bb83be91b18c>)

- c. Proposed TIA is within a surrounding municipality that has a planned or active transportation projects

11. Approved Adjacent Developments can be found at the following link:

- a. List all approved adjacent developments within the TIA study area:

[WMPO TIA WebApp](#)

(<http://wilmingtonnc.maps.arcgis.com/apps/webappviewer/index.html?id=d3af4a0e091941d8886344c4d1c609d5>)

49 Single-Family Homes located to the southeast, adjacent to the site. Cross access to be provided.

- b. Additional developments may be added to the approved scope once reviewed.

12. Roadway and/or Intersection improvements (planned and funded or required by others based on an approved TIA) within the general study area. List the proposed Intersections to be studied. Attached a map with a list that includes streets and intersections labeled as described below.

See attached Site Location Map Figure

13. Streets and intersections should include State Road Designation (US or State Road Number US/SR #, followed by the local road name in parenthesis. E.g.:

Market Street should be denoted as US-17-BUS (Market Street).

Judges Rd should be denoted as SR-2127 (Judges Rd).

State Road designations can be found via the following link: [NCDOT State Maintained Network Map](#)

(<http://ncdot.maps.arcgis.com/home/webmap/viewer.html?webmap=5d3ad78971714a30be7ff97fd580e4d5>)

- | | |
|--|--|
| a. <u>US 17 and NC 210 / SR 1784 (Dan Owen Dr)</u> | f. <u>SR 1582 (Washington Acres Rd) and SR 1684 (SW Center Dr)</u> |
| b. <u>US 17 and SR 1673 (Deerfield Dr)</u> | i. <u>SR 1673 (Deerfield Dr) and SR 1674 (Creekview Dr)</u> |
| c. <u>US 17 and SR 1618 (Hughes Rd)</u> | h. <u>US 17 and Site Access 1</u> |
| d. <u>US 17 and SR 1582 (Washington Acres Rd)</u> | j. <u>SR 1673 (Deerfield Dr) and Site Access 2</u> |
| e. <u>SR 1618 (Hughes Rd) and SR 1684 (NE Center Dr)/Site Access 3</u> | |

Development Name: Headwaters Apartments

WMPO ID #: _____

Updated 5/23/18



14. Growth Factor: ☐ 0.5 % (provide supporting methodology/reasoning)
See attached Growth Rate Calculations
15. Hours of Study and Data Collection to be determined once the scoping documents is reviewed.
16. Methods of Study as outlined in the [NCDOT Congestion Management Capacity Analysis Guidelines](https://connect.ncdot.gov/resources/safety/Pages/Congestion-Management.aspx). (<https://connect.ncdot.gov/resources/safety/Pages/Congestion-Management.aspx>)
17. Include Traffic Signal Warrant Analysis for locations with proposed signals. (13 hours counts must be provided.)

Proposed Signal Locations:

- a. US 17 and Site Access 1
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

18. Note:
- a. The TIA report shall be prepared following NCDOT Congestion Management guidelines and signed and sealed by a Professional Engineer. Any deviations must be approved prior to submitting the TIA. Failure to do so will result in an invalid submittal. [NCDOT Congestion Management Capacity Analysis Guidelines](https://connect.ncdot.gov/resources/safety/Pages/Congestion-Management.aspx). (<https://connect.ncdot.gov/resources/safety/Pages/Congestion-Management.aspx>)
 - b. Any improvements shown as needed for the background no-build condition SHALL reflect programmed and funded State/Municipal projects or those required as mitigation for surrounding approved developments. Should improvements outside those listed above be included, the TIA is considered INVALID and will not be returned for resubmission.
 - c. If any changes occur (including but not limited to; land use, intensity and/or site access/configuration) additional scoping and analysis may be required.
 - d. Data collected or analysis performed prior to an official scoping letter is issued may be considered invalid.
 - e. TIA approved scoping letter remain valid for three months from the date of issuance.

Development Name: Headwaters Apartments
WMPO ID #: _____

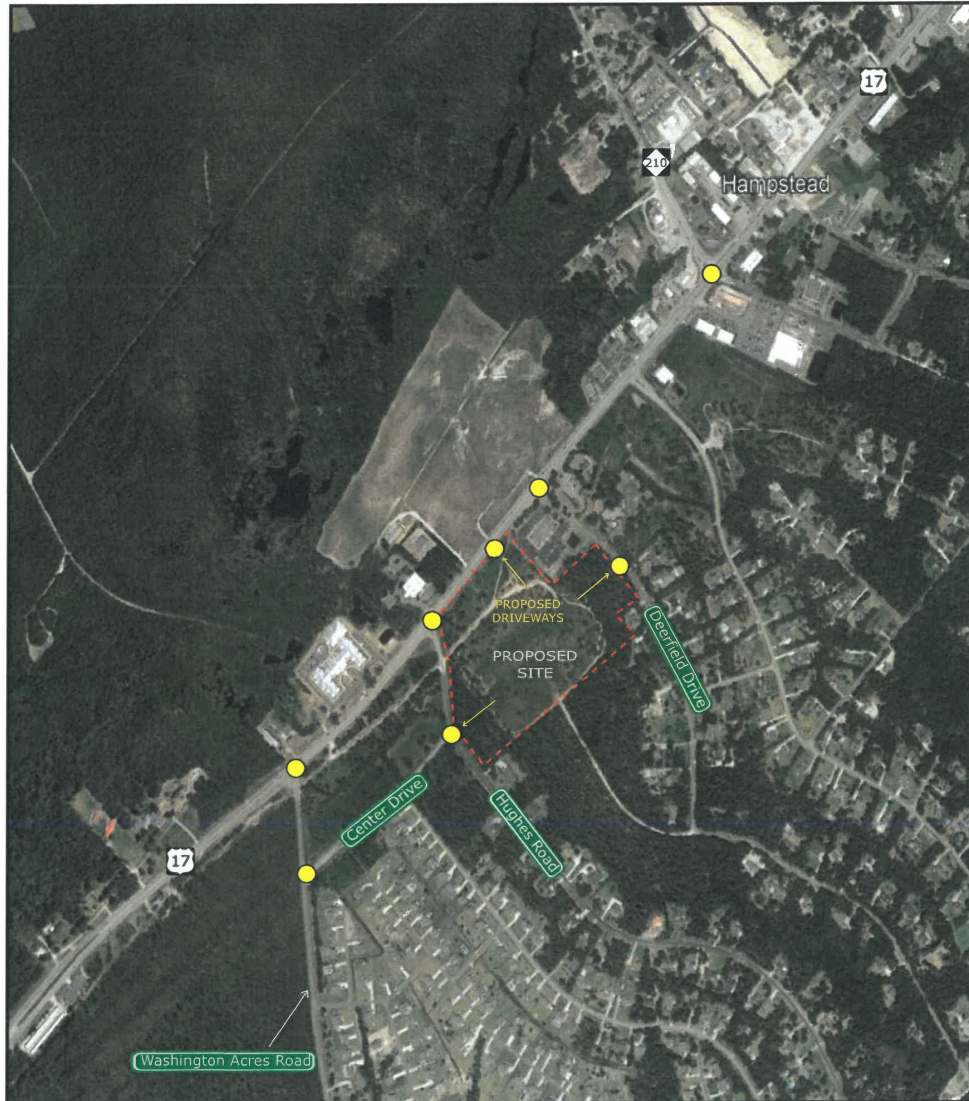
Updated 5/23/18



Site Trip Generation

Code	Land Use	Size	Unit	Daily		AM Peak		PM Peak	
				In	Out	In	Out	In	Out
221	Multifamily Housing (Mid-Rise)	294	DU	800	801	25	73	76	49
710	General Office ¹	1.4	SF	9	9	3	1	0	2
820	Shopping Center ²	4.55	SF	368	368	2	0	26	29
930	Fast Casual Restaurant	5.6	SF	883	883	8	4	43	36
932	High-Turnover (Sit-Down) Restaurant	7	SF	393	393	56	42	63	59
Subtotal				2451	2452	94	120	208	175
<i>Pass-by Trips (820 - 34%, 932 - 43%) - PM Peak Hour Only</i>						0	0	35	35
Primary (New) Trips						94	120	173	140
									709

1. Due to the minimal square footage of office space, rates for the general office land use were utilized for the PM peak hour since equations projected more PM peak hour trips than the daily trips.
2. Due to the minimal square footage of retail space, rates for the shopping center land use were utilized for the AM peak hour since equations project almost 3 times the number of PM peak hour trips.



LEGEND	
---	Proposed Site Location
●	Study Intersection



	Headwaters Apartments Hampstead, NC	Site Location Map	
		Scale: Not to Scale	

HISTORICAL TRAFFIC GROWTH RATE

Year	Road Name: US Hwy 17 Route ID: 20000017071 Station #: 0710000339	Road Name: US Hwy 17 Route ID: 20000017071 Station #: 0710000132	Road Name: NC 210 Route ID: 30000210071 Station #: 0710000122
2019	38,500	39,000	9,300
2018		43,000	11,000
2017		37,000	8,500
2016	43,000	38,000	9,000

2016-19 -3.6% 0.9% 1.7%

Average
Recommended Growth
Rate -0.4%
0.5%

3/30/2021

Mail - Travis Henley - Outlook

[External]Re: [External]Requested Follow-up Letter from PCS

Steven Hill <steven_hill@pender.k12.nc.us>

Wed 2/24/2021 4:00 PM

To: Travis Henley <thenley@pendercountync.gov>

Cc: Sam Shore <sshore@pendercountync.gov>; Brandon Smith <brandon_smith@pender.k12.nc.us>; darren_jafon@pender.k12.nc.us <darren_jafon@pender.k12.nc.us>; William Nelson <william_nelson@pender.k12.nc.us>

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

Good Afternoon,

We are following up from your request for a statement referencing the previous letter sent to you containing student capacity and populations. It is our understanding that you specifically need capacity information focusing on Topsail High School, Topsail Elementary School, Topsail Middle School, and South Topsail Elementary School attendance zones. I can state that the PCS Staff and BOE have limited transfers to Topsail High School and Topsail Elementary due to over capacity issues. It is clear that these two schools can not acquire additional populations at this time. During recent meetings there was unanimous agreement from the Pender Planning Department and the PCS Staff, after discussing the current permits on record & active building projects, that South Topsail Elementary has a very high likelihood of being over capacity in the near future.

Additionally, without prompting, the PCS BOE Chair recently sent me the below question referencing a concern for ongoing building projects and school capacity. I forwarded this question to you Monday, February 22, to try and provide as accurate an answer as possible. Thank you for responding today. It appears that BOE members and in my opinion the general public understand that PCS schools are becoming crowded and without new school construction in the very near future will be over capacity at several additional school sites. Current data, created with indicators from a previous Pender Planning Department *Population Growth and Its Impacts on Schools* study, shows three schools over capacity and eight schools between 85%-90% capacity. That is 11 out of 18 schools that should be securely in expansion phases as indicated by the previous study.

BOE Question Example and Reply Request:

Steven Hill <steven_hill@pender.k12.nc.us>

to Sam, Travis

Good Afternoon

Hope you guys are doing well. Also hope you can help me provide an answer to my BOE Chairs question below?

"I have a question..... how many single family dwellings would you say are in the process of being built or on the finalized books and ready to go?"

Thanks

Steve

Thank you for inquiring and involving our staff in planning efforts. We look forward to collaborating and supporting in any way to add value to the Pender community.

Sincerely,

Steven Hill, EdD
PCS Superintendent

Steven Hill, EdD
PCS Superintendent

"Classrooms to Careers"

Pender County Schools

925 Penderlea Hwy, Burgaw, NC 28425

Phone 910-259-2187 / Fax 910-259-0133

www.pendercountyschools.net



Technical Review Committee Review and Response

Date: 1/6/2021

Name: Mike Dickson

Phone: 910-259-1442

Case Name: Evolve Headwaters

Agency: Addressing Coordinator

Email: mdickson@pendercountync.gov

Requirements:

Requests must be made to reserve the road names for "Road A", "Collector Road B", "Road C", and the three roads which are not labeled per Pender County's UDO (Art.11.5.1.C). The request should include a list of requested names and alternates for review.

Recommendations:

n/a

Comments:

Street signs must meet the county specifications as noted in §11,10.2.A.

Information Requested:

Street names and alternates

Please Follow Up Prior to Meeting: Yes ☐ No ☒

Sam Shore

From: Vencent Dodge
Sent: Wednesday, December 23, 2020 3:02 PM
To: Sam Shore; Alexandra F. Perillo
Cc: Travis Henley
Subject: RE: Two TRC Cases - January TRC Meeting CANCELLED

Hey,

Forgot to mention this. If the applicant is wanting public pools, they will need to submit an application to EH a minimum for 45 days prior to wanting to begin construction. This is a plan review activity before any public pool can be built. Thanks

VRD

From: Sam Shore <sshore@pendercountync.gov>
Sent: Tuesday, December 22, 2020 2:43 PM
To: Sam Shore <sshore@pendercountync.gov>
Cc: Travis Henley <thenley@pendercountync.gov>
Subject: Two TRC Cases - January TRC Meeting CANCELLED

Good afternoon Pender County TRC members,

As outlined in the Pender County Unified Development Ordinance § 2.9.2 A, the Technical Review Committee shall make a recommendation on site development submittals. Please review the **two** cases below, which would regularly have gone to the in-person TRC meeting in January. However, due to a combination of factors, the in-person meeting is **cancelled** and you are requested to return comments, if any, via email.

Carolina Outboard - Case # REZONE 2020-19

Chris & Vickie Jones, applicants, on behalf of PH Lanco, Inc, owner, is requesting approval of a Conditional Zoning Map Amendment of one (1) tract totaling approximately ±8.42 acres from PD, Planned Development zoning district to CZ-1, Conditional Zoning district 1 to allow for boat sales and service in addition to boat and RV storage. The subject property is located in the Topsail Township at the intersection of US HWY 17 and Pinnacle Parkway (Private), to the west of US HWY 17 and to the south of Pinnacle Parkway, and may be further identified by Pender County PIN: 4204-65-5211-0000.

Project Highlights:

- Current Zoning District: PD, Planned Development zoning district
- Requested Zoning District: CZ-1, Conditional Zoning district 1
- Private septic system
- Water provider not yet determined – PCU or well
- Access via US Hwy 17 and Pinnacle Pkwy (Private)
- TIA not required

Evolve Headwaters - Case # PENDING

Mike Winstead, Jr, applicant, on behalf of Lanwillo Development Co, owner, is proposing the development of two hundred and ninety-four (294) apartments and three (3) commercial outparcels on four (4) tracts totaling ±24.26 acres. Currently, this request is submitted as a PD Master Development Plan but may become a Conditional Zoning Map Amendment. The subject properties are located in the Topsail Township on US Hwy 17 between Hughes Rd (SR 1618)

and Deerfield Dr (SR 1673) and may be further identified by Pender County PINs 3282-74-3515-0000, 3282-74-6231-0000, 3282-74-8862-0000, and 3282-74-1001-0000.

Project Highlights:

- Current Zoning District: PD, Planned Development zoning district
- Currently submitted as a PD Master Development Plan – May be resubmitted as a Conditional Zoning Map Amendment
- Pluris Wastewater
- Pender County Utilities water
- Access via US HWY 17, Hughes Rd (SR 1618), and Deerfield Dr (SR 1673)
- TIA required

Please find the applicants' applications, narratives, and site plans [at this link](#) with the password "PenderCounty1875" and please have your comments, if any, to me by Wednesday, January 6th.

Thank you,

Sam Shore, MPA | Long Range Planner

[Pender County Planning & Community Development](#)

805 S. Walker St.

Burgaw, NC 28425

(910) 259-1274





Technical Review Committee Review and Response

Date: 12/29/2020

Name: Daniel Adams

Phone: 910-259-0231

Case Name: Evolve Headwaters

Agency: Pender County Planning Department

Email: dadams@pendercountync.gov

Requirements:

N/A

Recommendations:

No comment

Comments:

No comment

Information Requested:

No comment

Please Follow Up Prior to Meeting: Yes ☐ No ☒



Technical Review Committee Review and Response

Date: 12/29/20

Name: Brad Haste

Phone: (910)467-0500

Case Name: Evolve Headwaters

Agency: NCDOT

Email: blhaste@ncdot.gov

Requirements:

Recommendations:

Comments:

Driveway permit and encroachment required.

Information Requested:

Please Follow Up Prior to Meeting: Yes ☐ No ☒

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

MEMORANDUM

To: Pender County Technical Review Committee

Date: 1/6/2021

Subject: Evolve Headwaters

Comments:

NCDOT Projects:

TIP Projects in the Area: W-5803B

Project Description: US 17 BETWEEN NEW HANOVER / PENDER COUNTY LINE AND MILE POST 19.3 IN ONSLOW COUNTY. INSTALL SHOULDER RUMBLE STRIPS.

Construction Year: 2022

TIP Projects in the Area: U-5732

Project Description: US 17 from SR 1582 (WASHINGTON ACRES ROAD) TO SR 1563 (SLOOP POINT LOOP ROAD). CONVERT TO SUPERSTREET

Construction Year: 2029

TIP Projects in the Area: R-3300B

Project Description: US 17 from NC 210 TO US 17 NORTH OF HAMPSTEAD.

Construction Year: 2022

WMPO 2040 Projects:

Projects in the Area: R-12 (TIP# U-5732)

Project Description: US 17 Superstreet from Washington Acres Rd to Sloop Point Road

Pender County CTP:

N/A

TIA: A TIA will be required.

Wilmington Urban Area Metropolitan Planning Organization

[City of Wilmington](#) • [Town of Carolina Beach](#) • [Town of Kure Beach](#) • [Town of Wrightsville Beach](#)

[County of New Hanover](#) • [Town of Belville](#) • [Town of Leland](#) • [Town of Navassa](#) • [County of Brunswick](#)

[Counties of Wayne & Martin](#) • [Charlotte-Mecklenburg Transportation Authority](#) • [North Carolina Department of Transportation](#)



Pender County REZONE 2021-20

TO: Planning Board
FROM: Travis Henley
DATE: April 7, 2021
SUBJECT: REZONE 2021-20

SUMMARY:

Riley Alber, applicant, on behalf of Piney Run Farms, LLC, owner, is requesting the approval of a Conditional Zoning Map Amendment for one (1) tract totaling approximately ± 72.2 acres from RA, Rural Agricultural to CZ-2, Conditional Zoning district 2. This request is to allow for a compost facility, with requested uses including Compost Manufacturing (NAICS 325314), Other Non-Hazardous Waste Treatment and Disposal (NAICS 562219), Farm Supplies Merchant (NAICS 424910), General Combination Crop Farming (NAICS 111998), and Soil Testing Services (NAICS 541380). The proposed development is located on an easement approximately ± 380 feet east of NC Hwy 210, ± 0.32 miles south of the intersection of NC Hwy 210 and Sheep Ford Rd (Private) in the Topsail Township and may be further identified by Pender County PIN 3265-61-7071-0000.

ACTION REQUESTED:

To hold a Public Hearing and consider the Conditional Zoning Map Amendment

ATTACHMENTS:

REZONE 2021-20 Staff Report
REZONE 2021-20 Application
REZONE 2021-20 Narrative
REZONE 2021-20 Site Compliance Plan
REZONE 2021-20 Attachment 1
REZONE 2021-20 Attachment 2

**PLANNING STAFF REPORT
CONDITIONAL ZONING MAP AMENDMENT
PINEY RUN FARMS / WILMINGTON COMPOST COMPANY**

SUMMARY

Hearing Date: April 7, 2021 Planning Board
May 17, 2021 Board of Commissioners
Applicant: Riley Alber
Property Owners: Piney Run Farms, LLC
Case Number: REZONE 2021-20

Rezoning and Development Proposal: Riley Alber, applicant, on behalf of Piney Run Farms, LLC, owner, is requesting the approval of a Conditional Zoning Map Amendment for one (1) tract totaling approximately ± 72.2 acres from RA, Rural Agricultural to CZ-2, Conditional Zoning district 2. This request is to allow for a compost facility, with requested uses including Compost Manufacturing (NAICS 325314), Other Non-Hazardous Waste Treatment and Disposal (NAICS 562219), Farm Supplies Merchant (NAICS 424910), General Combination Crop Farming (NAICS 111998), and Soil Testing Services (NAICS 541380).

Property Record Number, Acreage, and Location: The proposed development is located on an easement approximately ± 380 feet east of NC Hwy 210, ± 0.32 miles south of the intersection of NC Hwy 210 and Sheep Ford Rd (Private) in the Topsail Township and may be further identified by Pender County PIN 3265-61-7071-0000.

Recommendation: The proposed development is consistent with three (3) policies and the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan, and conflicts with none. The proposed development is consistent with the Pender County Unified Development Ordinance. Staff is recommending approval based on the conditions outlined in this report.

PROPOSAL OVERVIEW

The intent of this proposal is to allow the development and operation of a large-scale composting facility which collects vegetative and food waste that is turned into compost and sold back to the public. In the future, the applicant intends to farm and engage in soil research on a portion of the site. Additionally, some of the property is proposed to be set aside as a post-disaster debris collection site should the need arise. The applicant has indicated a series of NAICS codes that will permit the use of the property as proposed:

Proposed Uses

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 11 AGRICULTURE, FORESTRY, FISHING AND HUNTING											
All Other Miscellaneous Crop Farming	111998										
Sectors 31-33 MANUFACTURING											
Fertilizer (Mixing Only) Manufacturing	325314										
Sector 42: Wholesale Trade											
Wholesale Trade	42	S					P		P		
Sector 54: PROFESSIONAL, SCIENTIFIC, AND TECHNICAL SERVICES											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	

NAICS code **324314 Fertilizer (Mixing Only) Manufacturing** includes compost manufacturing, while **562219 Other Nonhazardous Waste Treatment and Disposal** is how Land-Clearing and Inert Debris (LCID) landfills and compost dumps are classified. Together, these uses permit the collection of the materials which will be turned into compost.

Code **42 Wholesale Trade** includes Farm Supplies Merchant, which includes the sale of the finished compost material.

The applicant is requesting code **111998 All Other Miscellaneous Crop Farming** to allow a portion of the property to be used for general combination crop farming at some point in the future. While farming is not generally a regulated use in Pender County, or in North Carolina counties in general, the applicant is requesting it to clarify the intended uses of the property. Code **54 Professional, Scientific, & Technical Services** includes soil testing services for the purposes of operating a soil research field in the future.



All proposed uses may be permitted via the Conditional Rezoning process. The applicant would be required to provide all necessary permits – and adhere to all relevant review procedures and standards within the Pender County Unified Development Ordinance – to receive staff approval. All other uses or expansions will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processed in accordance with amendments to the zoning map and the Pender County Unified Development Ordinance.

Dimensional Requirements

Per Section 4.13 Conditional Zoning Districts, standards of a Conditional Zoning (CZ) district are specific to the conditions of the site and are set by a conditional rezoning application.

Table 2: Requested Dimensional Standards

Proposed Dimensional Standards for CZ-2 Zoning District	
Minimum Lot Size (in sq. ft.)	1 acre
Minimum Lot Width	100 ft
Minimum Front Yard	30 ft
Minimum Side Yard	15 ft
Minimum Corner Yard	15 ft
Minimum Rear Yard	30 ft
Chord	45 ft
Maximum Building Height	35 ft
Structure Separation	30 ft

The applicant has stated that they are requesting to be held to the dimensional standards of the RA, Rural Agricultural zoning district, which is reflected above.

In addition to County dimensional standards, the project would be held to the standards of their permit from the North Carolina Department of Environmental Quality, which includes several types of buffers. Confirmation from NCDEQ that all state requirements are being met shall occur prior to administrative approval of any subsequent Site Development Plan within this project.

Phasing

The applicant is seeking to establish the majority of the uses as one phase, with the soil research field and an expanded vegetative processing zone to follow in the future.

ENVIRONMENT AND LANDSCAPING

Environmental Conditions

Flood Zones

The property has no Special Flood Hazard Areas on the effective regulatory or preliminary Flood Insurance Rate Maps.

Wetlands

Both the National Wetlands Inventory and North Carolina Division of Coastal Management illustrate the potential of wetlands on the property, as does the submitted sketch 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 North Carolina Department of Environmental Quality (DEQ) has not identified any Areas of Environmental Concern (AECs) on the site.

Biodiversity and Wildlife

The North Carolina Wildlife Resources Commission (WRC) publishes the Biodiversity and Wildlife Habitat Assessment as part of their Conservation Planning Tool. Land that has been inventoried through this Assessment is ranked on scale ranging from 1 to 10, with higher numbers signifying a more prevalent presence of "more rare, abundant, and diverse species and habitats" in those areas. Nearly the entirety of the property is ranked as a 6, signifying an elevated conservation priority. A small portion of the property in the southeasternmost portion of the proposed development is ranked as a 7, representing a more significant conservation priority.

Landscaping and Buffers

The applicant has proposed a type D-1 buffer along all property lines not encumbered with potential 404 wetlands. The potential wetlands are proposed to remain undisturbed, with staff desktop analysis indicating existing vegetation around the site.

Table 3: Buffer Standards

Buffer "D" This buffer is a low density planting area to be used along boundary lines in rural areas between large lots or tracts with substantial buffer width and setbacks to provide spatial separation between uses that are developed at very low density. The requirements for buffer "D" shall be met by any one of the following:
D-1) 15 foot wide strip with 3 canopy trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet, or
D-2) 20 foot wide strip with 2 canopy trees, 2 understory trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet, or
D-3) 25 foot wide strip with 1 canopy tree, 3 understory trees and a grass or other approved vegetative ground cover of at least 98 % coverage (except within 4 feet of the base of any tree) per 100 linear feet.

A D buffer is required for industrial uses when no single-family residential structures are within 50' of the project boundary. Compost Manufacturing is not within the Table of Permitted Uses, but would fall within a category of NAICS codes generally permitted within industrial districts in Section 5.2.3 Table of Permitted Uses.

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 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.

TRANSPORTATION INFRASTRUCTURE

Street Connectivity and Access

The property has deeded access to NC Hwy 210, which has previously served as the entrance for Running Deer Landfill. Internal drives will be required to meet fire code.

Traffic

A Traffic Impact Analysis (TIA) is not required for this proposal by the Pender County Unified Development Ordinance as it is not anticipated to generate either 100 AM/PM peak hour trips or 1,000 daily trips. Any roadway improvements will be tracked through the driveway permit process and coordinated with the NCDOT and Staff.

OTHER INFRASTRUCTURE

Utilities

The applicant intends to utilize a private well and on-site septic as needed. Relevant documentation from Pender County Environmental Health will be required prior to administrative approval to construct the project.

Stormwater

Section 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, as this is proposed to be, are required to meet this standard for the 1 year 24-hour event, while high-density projects are required to meet this standard for a twenty-five year storm and be analyzed for a fifty-year storm. State permits and engineer certification regarding the stormwater design will be required prior to administrative approval to construct the project.

Signage

All signage shall be reviewed and approved per Section 9 of the Pender County Unified Development Ordinance.

PUBLIC INPUT MEETING

The public meeting was held on October 22, 2020 at 3:00 PM on the subject property. Notices of the meeting being held were mailed to all residents within 500 feet of the subject property at least 10 days prior to the meeting. The applicant provided a brief overview of the project and took questions from the attendees. Attendees expressed support for the project as presented. The applicant has provided a report from the public input meeting and is included as Attachment 1.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES

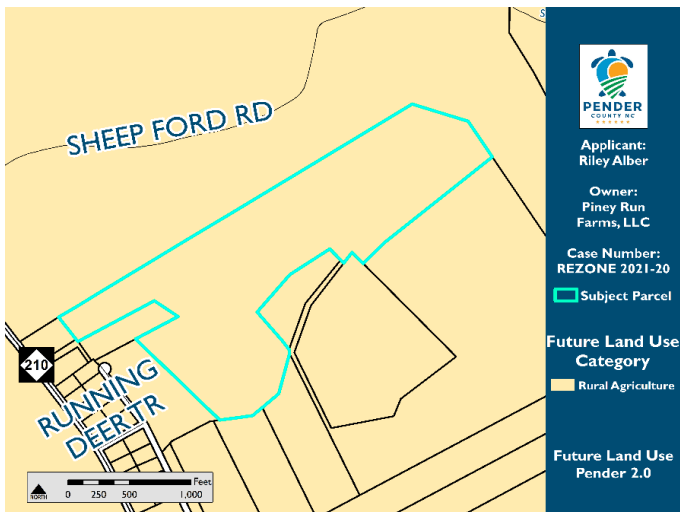
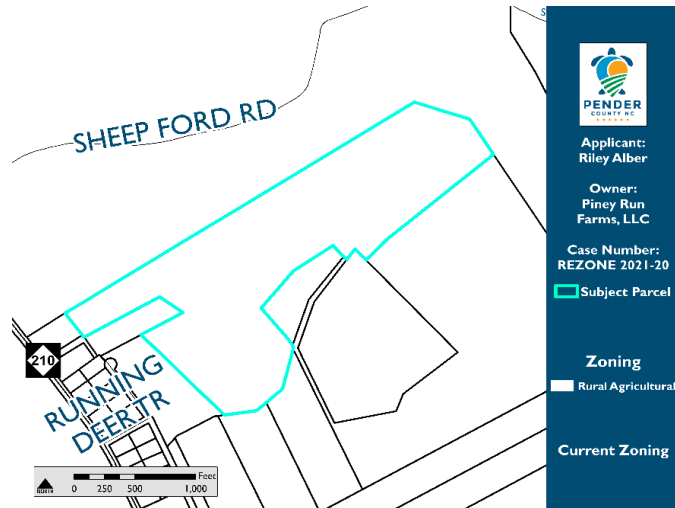
Pender County's Technical Review Committee meeting was held on Thursday, March 4, 2021 at 9:00 AM in the Board of County Commissioners meeting room, to review the proposal. The comments can be found in Attachment 2.

EVALUATION**A. Public Notifications:**

Advertisements for the proposal have been placed in the Pender-Topsail Post & Voice. Adjacent property owners within five hundred feet (500') of the subject parcel were notified by first class mail; and a sign advertising the public hearing was placed on the subject property.

B. Existing Zoning in Area: The subject property is currently zoned RA, Rural Agricultural zoning district and is bordered on all sides by additional parcels zoned RA, Rural Agricultural.**C. Existing Land Use in Area:**

The subject parcel is the site of the former Running Deer Landfill and are surrounded by low-density residential development to the south. Vacant/agricultural land uses can be found surrounding the property. Pender County Utilities has a water tank immediately to the west of the property.

D. Pender 2.0 Comprehensive Land Use Plan Compliance: The Rural Agricultural future land use category supports and protects Pender County's agricultural areas. These areas are an essential part of the County's economy and agricultural heritage. Within the Rural Agriculture future land use category, agriculture uses are highly encouraged. Preservation of prime farmland soils for continued prosperity of farming and forestry operations should be considered. Manufactured homes and very low density single-family detached dwellings are appropriate uses in this category. Commercial, civic, office, and institutional uses are permitted where compatible with existing neighborhoods and as a resource or employment opportunity for area residents. Development density within this category is one dwelling unit an acre or less. Expansion of centralized water and sewer systems within this future land use category are discouraged, unless necessary to protect public health when existing systems fail.

This application is consistent with the Rural Agriculture Future Land Use classification because it will provide a service that is complementary to local agricultural operations in a low-density residential setting.

In addition to conforming with the Future Land Use Map, the Conditional Zoning Map Amendment request is supported by three policies within the Pender 2.0 Comprehensive Land Use Plan:

Policy 5.1.CC: Agricultural Business: The County support efforts to preserve existing farming operations and to expand agri-business opportunities.

Policy 5.1.EE: Rural Land Use Patterns: The County supports the rural residential and agricultural land use patterns as they currently exist throughout much of the County and as depicted on the future land use map.

Policy 5.1.FF: Rural Non-Residential Uses: The County shall continue to accommodate limited non-residential uses in rural areas.

The project fulfills several desired policy outcomes for rural development as described in the Pender 2.0 Comprehensive Land Use Plan. As proposed, the project would provide an outlet for agricultural byproducts that may in turn get cycled back to farmlands in the form of compost. Additionally, the land use pattern would remain relatively similar to that of the previously-permitted landfill.

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

- E. 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.

Utilities

The applicant intends to utilize private well and on-site septic as needed. Relevant documentation from Pender County Environmental Health will be required prior to administrative approval to construct the project.

Traffic & Roadways

The subject property has access to NC Hwy 210. Average Annual Daily Trips (AADT) and capacity of NC Hwy 210 in this area are 5,700/17,100 (V/C), which represents a V/C ratio of 0.33:1, suggesting that traffic volumes are approximately 33% of the full capacity of the roadway.

A Traffic Impact Analysis (TIA) is not required for this proposal by the Pender County Unified Development Ordinance as it is not anticipated to generate either 100 AM/PM peak hour trips or 1,000 daily trips.

Schools

No impact on Pender County Schools is anticipated from a school attendance or capacity perspective. However, the applicant has developed a partnership program with New Hanover County Schools and has expressed interest in forming a similar partnership with Pender County Schools.

According to Attachment 1, attendees expressed support for the project as presented at the Public Input Meeting.

3.3.9.B.3) Review Approval Criteria for Conditional Rezoning

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

- i) The Approval Criteria for a Rezoning.
- ii) That the application meets the intent of a conditional rezoning, per this subsection.
- iii) 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.
- iv) The potential impacts and/or benefits on the surrounding area and adjoining properties.
- v) The report of results from the public input meeting.
- vi) 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.

CONDITIONS FOR APPROVAL OF PETITION

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.

Staff have not identified any potential conditions of approval in advance of the meeting. The Planning Board and Board of County Commissioners can seek mutually agreeable conditions prior to approval.

RECOMMENDATION

Riley Alber, applicant, on behalf of Piney Run Farms, LLC, owner, is requesting the approval of a Conditional Zoning Map Amendment for one (1) tract totaling approximately ±72.2 acres from RA, Rural Agricultural to CZ-2, Conditional Zoning district 2. This request is to allow for a compost facility, with requested uses including Compost Manufacturing (NAICS 325314), Other Non Hazardous Waste Treatment and Disposal (NAICS 562219), Farm Supplies Merchant (NAICS 424910), General Combination Crop Farming (NAICS 111998), and Soil Testing Services (NAICS 541380). The proposed development is located on an easement approximately ±380 feet east of NC Hwy 210, ±0.32 miles south of the intersection of NC Hwy 210 and Sheep Ford Rd (Private) in the Topsail Township and may be further identified by Pender County PIN 3265-61-7071-0000. The proposed development is consistent with three (3) policies and the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan, and conflicts with none. The proposed development is consistent with the Pender County Unified Development Ordinance. Staff is recommending conditional approval based on the conditions outlined in this report.

PLANNING BOARD ACTION NEEDED:

TO APPROVE:	Motion to recommend approval of the Conditional Zoning Map Amendment and to make a finding that the approval is consistent with the following policies in the Pender 2.0 Comprehensive Land Use Plan: - Policy 5.1.CC - Policy 5.1.EE - Policy 5.1.FF The proposed rezoning is consistent with the Rural Agriculture Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan because the proposal would conform to the existing rural character while supporting agricultural activities.
TO DENY:	Motion to deny the Conditional Zoning Map Amendment and to make a finding of denial because although the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING]

BOARD ACTION FOR CONDITIONAL ZONING MAP AMENDMENT REQUEST

Motion: _____ Seconded: _____

Approved: _____ Denied: _____ Unanimous: _____

McClammy: ____ Jordan: ____ Beaudoin: ____ Buchanan: ____ Pitts: ____ Gruntfest: ____ 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

Conditional Zoning Map Amendment Submission (Conditional Rezoning)

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

1. X **Pre-submittal Meeting**
Date of Meeting 8/5/20 on site with Sam Shore, Abie Bonevac and Tommy Batson
2. X **Signed Application**
3. X **Payment**
\$500 for the first 5 acres; \$10/ acre thereafter up to 1,000 acres; \$5 per acre thereafter
4. X **Generalized Site Development Plan**
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.
5. X **Narrative**
A description and/or statement of the present and proposed land use classification and stating why the request is being made and any information that is pertinent to the case.
6. X **Public Input Meeting Report**
A meeting summary shall be submitted in accordance with the Unified Development Ordinance. This item is not required at the time of application submittal but must be received by the Administrator prior to any public hearings are noticed.
7. X **Digital Submission**
For all documents submitted in paper copy, a digital copy shall be sent via email or digital drive.
8. 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 perimeter of the project bounds.
9. X **Adjacent Property Envelopes**
The applicant shall provide two sets 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. No return address shall be placed on the envelopes at the time of submission.

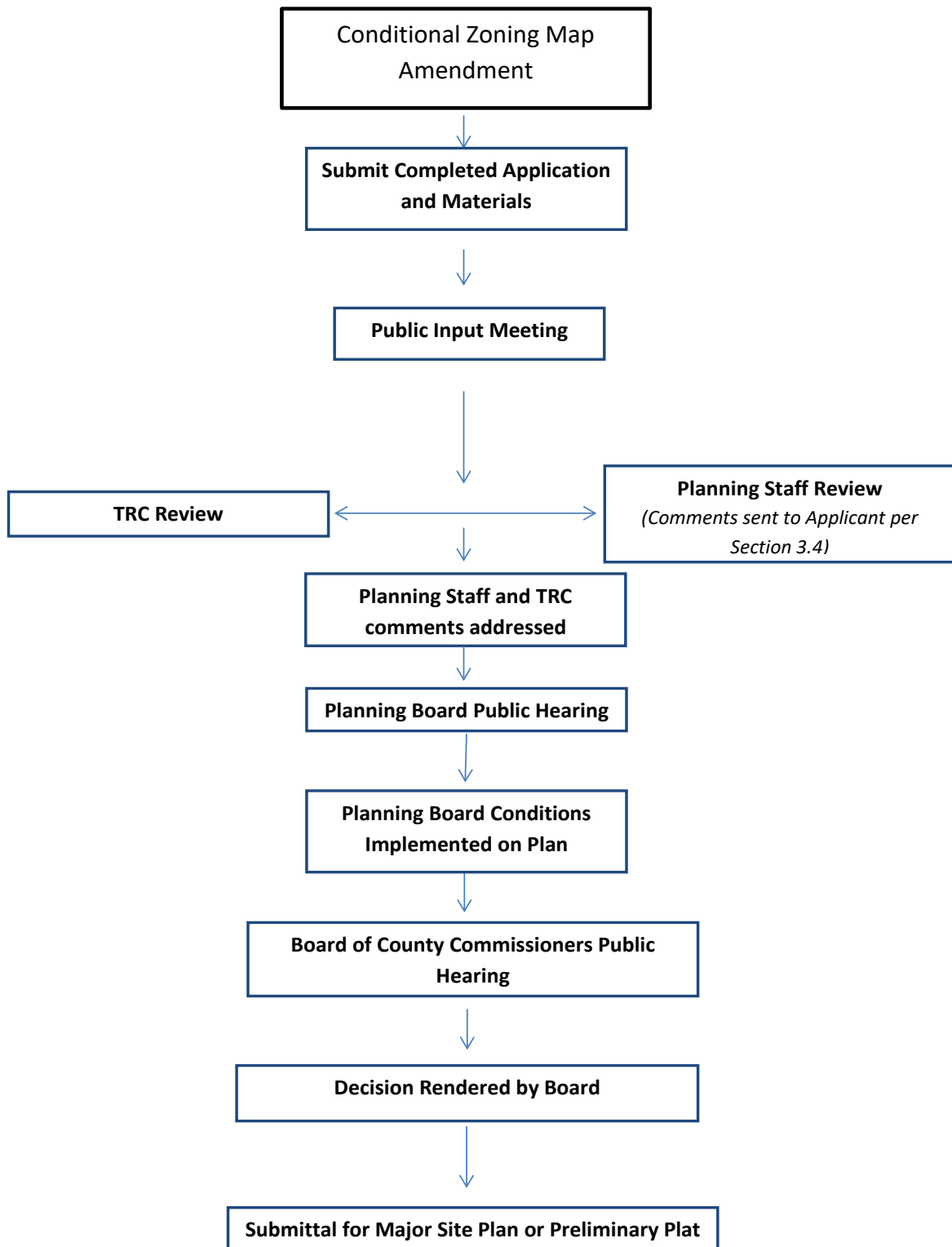
I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant _____

Date Feb. 12, 2021

Printed Name Riley Alber

Staff Initials:	_____
Date:	_____



	Complete Application Due Date	TRC Meeting Date	Applicant Final Submission for PB	Planning Board Meeting	Board of Commissioners Meeting
TRC, Planning Board and Board of Commissioners	12.13.19	1.8.20	1.17.20	2.4.20	3.16.20
	1.17.20	2.5.20	2.14.20	3.3.20	4.20.20
	2.14.20	3.4.20	3.13.20	4.7.20	5.18.20
	3.13.20	4.1.20	4.17.20	5.5.20	6.15.20
	4.17.20	5.6.20	5.15.20	6.2.20 (H)	7.6.20
	5.15.20	6.3.20	6.12.20	7.7.20	8.17.20
	6.12.20	7.1.20	7.17.20	8.4.20	9.21.20
	7.17.20	8.5.20	8.14.20	9.1.20	10.19.20
	8.14.20	9.2.20	9.11.20	10.6.20 (H)	11.16.20
	9.18.20	10.7.20	10.16.20	11.3.20	12.7.20
	10.16.20	11.4.20	11.13.20	12.1.20	January 2021
	11.13.20	12.2.20	12.17.20	1.5.21 (H)	February 2021

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

Final Applicant Submission for Planning Board: All final documents must be submitted by 10AM or the item will be removed from the Planning Board's Agenda.

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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:	Riley Alber	Owner's Name:	Piney Runs Farm, LLC
Applicant's Address:	1800 Eastwood Rd #232	Owner's Address:	1800 Eastwood Rd #232
City, State, & Zip	Wilmington, NC 28403	City, State, & Zip	Wilmington, NC 28403
Phone Number:	910-660-9117	Phone Number:	910-660-9117
Email Address:	Riley@WilmingtonCompostCompany.com	Email Address:	Riley@WilmingtonCompostCompany.com
Legal relationship of applicant to landowner: Same: Riley Alber, CEO, Wilmington Compost Company			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3265-61-7071-0000	Total property acreage:	72.2
Current Zoning District:	RA	Proposed Zoning District:	CS-X
Project Address or Location:	7390 NC Hwy 210, Rocky Point, NC 28457		
Proposed Uses to be Considered (Include NAICS Code):			
Compost Manufacturing, NAICS: 325314; Other NonHazardous Waste Treatment and Disposal, NAICS: 562219; Farm Supplies Merchant, NAICS: 424910; General CombinationCrop Farming, NAICS: 111998; NAICS: 111998; Soil Testing Services, NAICS: 541380;			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
Rubbish Disposal Landfill (including construction materials, concrete and brick), NAICS: 562212			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	
Applicant's Name Printed	Riley Alber	Date:	2/12/2021
Owner's Signature		Date:	
Owner's Name Printed	Riley Alber	Date:	2/12/2021
<u>NOTICE TO APPLICANT</u>			
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 * Will be provided following Planning Staff Review
☒	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: (<i>\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter</i>)				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.

Wilmington Compost Company - Narrative

The present land use classification is currently zoned as RA. The site was previously owned and operated by Running Deer, LLC as a Land Clearing Inert Debris landfill. Wilmington Compost Company is applying for a Conditional Use Permit under RA Zoning for the following land uses: Compost Manufacturing, NAICS: 325314; Farm Supplies Merchant, NAICS: 424910; General Combination Crop Farming, NAICS: 111998; Soil Testing Services, NAICS: 541380; Hunting & Trapping, NAICS: 114210. This request is being made in response to a request from Pender County Zoning for us to apply for a Conditional Use Permit so that our compost facility and bona-fide farm operations fall under the appropriate UDO classifications outlined by Pender County's Comprehensive Land Use Plan (2007). The Zoning Compliance is also required to comply with a Type 3 Facility permit application with the North Carolina Division of Environmental Quality's Department of Solid Waste Management. Our permit is contingent upon Pender County's approval that our facility and operations fall within the county's zoning ordinances.

The existing landfill property was located on approximately 72 acres and had access to Highway 210 through and access easement being beside Rocky Point Water & Sewer District water tank property. The property operated as a vegetative landfill since 1996. In converting to a compost facility, the existing filled areas will be brought back down to grade by processing the vegetated material back in with new feedstocks materials. The existing storm water flow patterns will remain in place. Minimal impervious areas will be added to the site.

Project Plan:

1. The following types of feedstocks, residuals, bulking materials, and amendments are to be accepted:
 - a. Pre and Post Consumer Food Waste – Collected from local commercial and residential sectors.
 - b. Agricultural Waste – Collected from local farm and agricultural operations:
 - i. Manure
 - ii. Spent Produce / Field waste
 - iii. Hemp Bio-Waste
 - iv. Mushroom Substrate Material
 - c. Yard Waste – Collected from commercial and residential sectors.
 - d. Land Clearing Debris – Collected from commercial and residential sectors.
 - e. Spent Brewery Trub/Grains – Collected from local breweries.
 - f. Seafood – Collected from local seafood outlets, markets, and fishermen.
 - g. Compostable Packaging Products – Collected from local commercial and residential sectors. All products must meet regulatory standards as set forth by the Biodegradable Product Institute, meeting standards ASTM D6400.
2. Total Estimated Amount of Materials to be Received Monthly:
 - a. An estimated nearly 5,000 tons a month in feedstocks, residuals, bulking materials, and amendments are projected to be received at the facility (in tons).
 - i. Pre and Post Consumer Food Waste Monthly: 250
 - ii. Agricultural Waste: 250
 - iii. Yard Waste: 2,000
 - iv. Land Clearing Debris: 2,000
 - v. Spent Brewery Trub/Grains: 100

vi. Seafood: 250

vii. Compostable Packaging Products: 60

Operational Plan

1. Contact Information: Facility Operator

a. Name: Riley P. Alber

2. Description of equipment, scales, structures, unloading areas, water sources, etc.:

a. Equipment:

- i. 2 Wheel Loaders – Bucket scales on wheel loader buckets
- ii. Box truck – 16' Box truck used for hauling service
- iii. Pickup truck – General use
- iv. Dump Truck – 16' dump truck
- v. Horizontal Grinder – grinder/chipper for wood waste recycling
- vi. Screener – 36 yds/hr used for screening processed/finished materials

b. Equipment maintenance: equipment will be monitored and maintained in operating status.

c. Structures:

- i. Office – Used to monitor and coordinate drop-offs and pick-ups, as well keep record
- ii. Storage structures – utilized for storing equipment/tools

d. Unloading areas:

- i. All unloading zones will occur in marked areas

e. Water Sources:

- i. Ponds – onsite there are 6 ponds. Each dug out to a depth of 2-14ft.

3. Site Security and Access Control:

- a. The site is secured with a locked gate system 24/7 except during operational hours.
- b. "No Trespassing" signs are visible at entrance to property.
- c. A camera system is in place.
- d. Yes, this site will receive feedstock residuals from the general public.

4. An operator will be on duty during operational hours to ensure compliance with operational requirements.

5. All access roads and internal road systems are of all-weather construction and will be maintained in good condition.

6. Operational Schedule: (Subject to change)

a. Days: Monday – Friday

b. Times: 7am-5pm

c. Preparations for opening:

- i. Opening the gate/site
- ii. Site/equipment inspection

d. Preparation for closing:

- i. Park/Store all equipment away in designated storage areas on site
- ii. Check on site/equipment
- iii. Lock the gate/site

7. A sign will be posted and maintained that includes the type of waste that can be received, the type of waste that is prohibited, the operational hours, permit number, and emergency contact phone numbers of the main operators and staff. The sign will also include that no hazardous waste, asbestos containing waste, or medical waste will be accepted at this site.

8. Boundary markers will be maintained and kept to clearly allow for a line of site from one marker to the next. All boundary markers will be marked to identify buffers and setbacks. These markers consist of white PVC piping with orange tips, along with tree's acting as markers clearly labeled with orange paint.

- a. These markers are at a distance <50' from one to the next.
9. The Compost facility will operate the following zones on the project site to convert raw feedstock materials into beneficial compost to be distributed to commercial and residential users:

Compost Component Description:

1. Retail Distribution Zone: Finish compost will be stockpiled in bays for pickup by commercial and residential customers. Front end loaders used to distribute materials to truck beds.
 2. Vegetated Tipping Zone: Primary receiving zone of accepted materials to be composted. Delivery trucks will be directed by onsite personnel to dump loads based on type of materials.
 3. Vegetated Processing Area: All feed stocks will be mixed in this area and monitored prior to placing in compost zone.
 4. Windrow Composting Zone: Mixed feedstocks will be placed in the compost zone in parallel windrows. Windrows shall be approximately 16' wide and 8' high and will remain in the compost zone for approximately 4-6 months while continuously being monitored.
 5. Screening Zone: Completed compost from windrows will be stockpiled in this area and fed through a material screener to separate large materials from the finished compost.
 6. Finish Compost Zone: Material that has passed through screening will cure in the finish compost zone for approximately 30 days. After curing is complete, product is ready for distribution and will be moved to Retail Distribution Zone.
 7. Future Vegetative Processing Zone: As business increases, this second processing zone will come on line for mixing feedstocks prior to compost windrow zone placement. Expected to come on line in approximately 2 years.
 8. Future Farm Soil Research Field: This area to be converted from prior landfill area to farming research. Various compost alternatives will be studied with crops in conjunction with State and Local Agricultural Programs.
 9. Food Waste Receiving Zone: Food waste from various restaurants, stores, schools, and other commercial establishments will be placed in a separate zone for monitoring and processing before being blended into the compost stream. Once material has met proper levels, it will be mixed into the vegetated process stream prior to windrow composting.
10. Plan for Maintaining Facility Property:
- a. Property will be maintained in a sanitary condition
 - b. Noise: Operate during operating hours only. Buffers, berms, and green space will be utilized to minimize noise exposure offsite.
 - c. Vectors: All vectors will be minimized by Best Management Practices (BMP) onsite such as, buffers, tree-lines, tarps, etc.
 - d. Litter: Will be monitored and maintained in proper disposal containers with a disposal rate that does not allow for excess waste to accumulate.
 - e. Dust: Water will be sprayed on roadways when needed to maintain low dust levels.
 - f. Airborne Particulates: tarps, buffers, screens, coverings, etc will be utilized when needed to minimize airborne particulates.
 - g. At the end of each operating day the unloading area will be organized, feedstocks will be processed, mixed, or properly stored.

Piney Run Farm Strategic Plan

Site Goal: The primary goal is to remediate the formerly known Running Deer LCID Landfill site, now named Piney Run Farm and operated by Wilmington Compost Company, back into state compliance with the Division of Solid Waste Management, good standing with Pender County, and ultimately bring the site back into a permittable, operating condition to serve the community and following sectors: renewable energy, wildlife and forest conservation, sustainable agriculture, soil manufacturing, waste management, composting and education in each of these areas. Upon reaching full operation, this site will strive to increase our communities' resiliency, ultimately enhancing soil, air, and water quality, which can directly improve the health of our region and people.

Site Targets and Timelines: This strategic site plan will address each section, Sections A-D, with an underlying focus on mitigating the fire hazard on Section D due to level of sawdust present there. Please allow approximately 1 year for each section to be remediated. Our target time frame for the entire site, Sections A-D, is approximately 3-4 years. The time frames stated in each section below include a degree of conservation, and do not take into consideration the assistance of processing and distribution from our strategic partners. We are taking every possible stride and measure to enhance our performance on this timeline per the best of our ability and external factors permitting.

Site Update: Piney Run Farm officially opened on Monday, September 7th of 2020. The property was purchased from Clyde Wisecarver of Running Deer LCID Landfill, with settlement taking place September 2nd, 2020. Wilmington Compost Company is the operator of the site and has been working round the clock to make headway on remediation despite some unforeseen setbacks. Unfortunately, what we were communicated during our due diligence period is not the case on site. The former owner in fact accepted debris he was not permitted to bring on site, and we are finding piles that were supposed to be "clean" are in contaminated and severely mixed with several types of unacceptable debris. This has accrued additional labor/costs to sort piles for processing to offload from the site. However, we are still making great time on progress and have implemented strategies to move through these hurdles efficiently as possible. A second factor that has been daunting is an unprecedented amount of rain over the winter, which has affected being able to work certain zones without creating more harm than good. Fortunately, we have been able to use this time to shift focus and make progress in other areas.

Main Focuses:

1. To take an LCID Landfill that was steered awry, and turn it back into a fully compliant and functioning organic recycling center with a focus in composting, healthy soil manufacturing, biofuel, and education/research.
2. Address and mitigate onsite fire hazard, with a focus on "hot zones" (mainly Section D) first
 - a. Temperature readings take twice weekly at minimum
 - b. Daily site and pile checks for steam/smokestacks – identify and address
 - c. Routine use of water application through sprinkler system for moisture when needed
 - d. Sorting out unwanted/unacceptable debris and high-risk materials, organizing piles, and offloading high risk materials from the site, turning piles where needed
3. Address and properly mark off buffer zones
 - a. 8' PVC pipes, along with trees, marked with bright orange spray paint
 - i. Section A completed

- ii. Section B partially completed
 - iii. Section C partially completed
 - iv. Section D partially completed
- b. Buffer zones are clearly marked every 50' with a clear line of visibility between each marker
- c. Bring 100' buffer zones into compliance
- 4. Address and restore proper drainage, ditching, and waterflow
 - a. Maintain water onsite
 - b. Improve onsite waterflow through roadways and bridges
 - i. Addition of culvers where needed
 - ii. Cleaning/maintenance of drainage ditches
 - c. Clear vegetation where needed to maintain proper flow
 - d. Maintain vegetation that helps combat erosion, improve vegetation and erosion factor when and where possible
- 5. Site layout to maximize compliancy, safety, BMPs, and workflow efficiency
 - a. Please see Exhibit A.1 "Rezone 2021-20 Site Plan 2" for updated layout from our team at Right Angle Engineers depicting our vision
 - b. Exhibit A.1 represents the current future vision/design of our site after remediation.

Sections: We are working these sections simultaneously.

*** Please note, all updates as of 3.5.2021 are in bold below. ***

Please Note: We will not accept or collect any onsite until compliance issues have been remedied to the point tipping may again begin, and WCC is permitted to operate accordingly with the NCDEQ and Pender County's grace. However, WCC asks the state to allow WCC to strategically collect and accept appropriate intermediate cover materials in case materials will be needed, which are solely to be used as cover materials while bringing the site into compliance. These may include the following: topsoil, dirt, mud, and sand please. As well, we would like to begin a small compost zone under the NC Compost Exemptions in the appropriate areas of Section B, also depicted in Exhibit A.1.

Section B: 1st Section to be addressed.

- 1. Size: 5.7 acres
 - a. Strategy: 1 acre per 60 business days
 - i. Section B.1, B.2, B.3, B.4, B.5
 - b. Goal: approximately 10 months
- 2. Existing Materials:
 - a. Concrete
 - i. Crush and sell
 - ii. **8,000 out of an estimated 25,000 tons of concrete has been processed and organized into 3 piles. We have offloaded roughly 6,000 tons thus far and offloading pace is increasing with warmer weather. Additional unprocessed concrete to be crushed in the next month or so as the crusher has committed to the job. We anticipate moving the concrete offsite within the next 6 months however, this is contingent upon the concrete crusher and what the local market can yield.**

- iii. **We have organized all processed and unprocessed concrete to one area of Section B, cleaning up roughly 1/3 of the section to date.**
 - b. Topsoil
 - i. Use on Section D for intermediate cover as needed
 - ii. **We have sorted and screened roughly 750 tons of topsoil from this section.**
 - iii. **This topsoil is being screened for retail purposes. By eliminating the saw dust we have not had a need for intermediate cover.**
 - c. Dirt/Stone
 - i. **We have utilized this material to improve roadway systems where needed, cleaning up the few miscellaneous piles that were in this section.**
 - d. Vegetative Debris
 - i. Process, chip, and sell
 - ii. Feedstock for composting
 - iii. **We have begun slowly sorting this material on off days to remove contaminations so that we can screen topsoil out and organize wood debris for processing.**
 - e. Contaminants
 - i. **There are more than expected, however we are making progress despite additional work this requires.**
 - ii. **We hand collect visible contaminants on days we cannot operate equipment.**
- 3. Compliance issues to resolve:
 - a. Contaminants: Will be collected and disposed of properly at a permitted NC Solid Waste site.
 - b. Markers/buffer zones
 - i. Currently clearing and marking this section
 - ii. **We have markers around current working areas as we remediate buffers for work zone safety.**
 - c. Drainage ditches and waterflow
- 4. Goal:
 - a. Bring section into state compliance
 - b. Clear area and materials down to ground level
 - c. Store suitable materials to Section D for intermediate cover when needed.
 - i. **Please refer to Section D for updates on why we are currently not covering this section with an intermediate cover.**
 - d. Set new buffer/boundary markers to meet future intent
- 5. Intent:
 - a. Identify area purposes for future use
 - i. **This will be the future composting area of the site including the following: waste receiving, windrow processing, screening, curing and final staging zones for offloading.**

Section A: 2nd Section to be addressed.

- 1. Total Size: 5.1 acres
 - a. Strategy: 1 acre per 90 business days
 - b. Section A.1, A.2, A.3, A.4, A.5
 - c. Goal: approximately 1.25 years
- 2. Existing Materials:
 - a. Crushed Stone

- i. Use to improve roadway systems
 - ii. Grade out into a flat pad for future use
 - 1. **This will be “Retail Distribution Zone” on Exhibit A.1**
 - 2. **We have started to utilize this material to improve roadway systems where needed, cleaning up the few miscellaneous piles that were in this section.**
 - 3. **Collected visible waste material from the ground surface.**
 - b. Land Clearing/Vegetative Debris
 - i. Process, chip, sell
 - ii. Feedstock for composting
 - iii. **In roughly 2-4 months we should have additional larger equipment on site to begin processing these materials to be offloaded from the site at a high volume.**
 - c. FEMA Debris
 - i. Compost potting soil mix – sell
 - 1. See soil analysis Appendix B
 - 2. **We have begun offloading this pile from the site. Frequency is increasing with warmer season approaching.**
 - ii. Double and Triple Shredded Wood chips
 - 1. See soil analysis Appendix C
 - 2. **We have begun offloading this material to biofuel sectors. We are removing roughly 50-100 tons a day.**
 - d. Topsoil
 - i. Intermediate cover material for Section D as needed
3. Compliance issues to resolve:
- a. Buffer zones
 - i. Will fall into compliance as section is processed
 - b. **Markers: have been clearly set and marked with bright orange spray paint on 8’ white PVC pipes and trees so that they are clearly visible every 50’**
 - c. Drainage and flow
 - i. Install proper culver systems
 - ii. **We are cleaning drainage systems monthly to maintain maximum water flow where accessible as remediation occurs.**
 - iii. **Water onsite has visibly become more transparent (cleaner) and wildlife numbers are high.**
 - d. 3-1 slope
 - i. Will fall into compliance as section is processed
 - ii. **Tree lines are becoming more visible in areas we are moving materials off site.**
 - e. Vegetative growth on the slopes will fall into compliance as section is processed
 - f. Contaminants
 - i. Will be collected and disposed of properly to a permitted NC Solid Waste site
 - ii. **We are finding a decent level of contaminants such as construction debris, plastics, rubber, metal, and various other types of materials mixed into mulch and soil. We are sorting this from the mix and removing offsite.**
 - iii. **We hand collect visible contaminants on days we cannot operate equipment.**
4. Goal:
- a. Bring section into state compliance

- b. Clear area and materials down to ground level
- 5. Intent:
 - a. Identify area purposes for future use
 - i. **This zone will be converted into future “Vegetative Tipping Zone, Vegetative Processing Area, Processed Storage and FEMA/Emergency Zone” as seen in Exhibit A.1.**

Section C: 3rd Section to be addressed.

1. Size: 4.6 acres
 - a. Strategy: 1 acre per 90 business days
 - b. Section C 1, C 2, C 3, C.4
 - c. Goal: approximately 1 year
2. Existing Materials:
 - a. Crushed Stone
 - i. **Used for road system and site maintenance. We have some reserved at the front of this section.**
 - b. Sand
 - i. Intermediate cover material to be used on Section D
 - c. Vegetative Debris
 - i. Process, chip, sell
 - ii. Feedstock for composting
 - d. FEMA Debris
 - i. Process, chip, sell
 - ii. Feedstock for composting
 - e. Land Clearing Debris/Vegetative Debris
 - i. Process and sell
 1. Will sell as chips and mulch
 - f. Topsoil
 - i. Intermediate cover material for Section D as needed
3. Compliance issues to resolve:
 - a. Buffer zones
 - i. Will fall into compliance as section is processed
 - b. **Markers: will be clearly set every 50’ apart using 8’ white PVC pipes or trees with bright orange spray paint marked on them**
 - c. Drainage and flow
 - i. Install proper culver systems
 - d. 3-1 slope
 - i. Will fall into compliance as section is processed
 - e. Vegetative growth on the slopes will fall into compliance as section is processed
 - f. Contaminants
 - i. Will be collected and disposed of properly to a permitted NC Solid Waste site
 - ii. **We hand collect visible contaminants on days we cannot operate equipment.**
4. Goal:
 - a. Bring section into state compliance

- b. Clear area and materials down to ground level
- c. Move suitable materials to Section D for intermediate cover as needed
- 5. Intent:
 - a. **This area will be the future “Vegetative Processing Zone” as seen in Exhibit A.1**

Section D: Short Term Strategy

1. While working Landfill Sections B, A, and C, we will undertake measures to mitigate the fire hazard on Section D. They include the following:
 - a. **We are currently moving 100-200 tons of sawdust offsite each day. This has reduced fire risk and begun to improve slope.**
 - b. **Weekly monitoring of temperature and moisture.**
 - c. **Routine application of water through sprinkler system utilizing large pond to keep Section D wet as needed. Season has been relatively wet, so moisture content has been high and there has not been need for sprinkler.**
 - d. **Continue offloading sawdust at current rate to biofuel industry. They will take it all.**
 - e. **We have eliminated all steam/smokestacks and continue to locate and address the occasional ones that pop up. Previous owner had 20-25 smoke stacks every day. We see maybe 1-2 ever so often.**

Section D: 4th Section to be addressed.

1. Size: 11.6 acres
 - a. Strategy: 1 acre per 45 business days
 - b. Section D .1, D .2, D .3, D .4, D .5, D .6, D .7, D .8, D .9, D .10, D .11
 - c. Goal: approximately 1.5 years
2. Existing Material
 - a. Vegetative Debris
 - i. Process, chip, sell
 - b. Saw Dust
 - i. Sell: See soil analysis Appendix E
 - ii. **We are currently moving 100-200 tons of sawdust offsite each day. This has reduced fire risk and begun to improve slope. We are working with biofuel sectors to remove this material.**
 - c. Topsoil
 - i. Sell
 - d. Woodchip
 - i. Sell
3. Compliance issues to resolve:
 - a. ****FIRE MITIGATION****
 - i. **We continue to implement monitoring and fire risk mitigation practices while offloading risky materials from the site at a steady pace of 100-200 tons a day.**
 - b. Buffer zones
 - i. Will fall into compliance as section is processed
 - c. Contaminants

- i. Will be collected and disposed of properly to a permitted NC Solid Waste site
 - ii. **We hand collect visible contaminants on days we cannot operate equipment.**
 - d. 3-1 slope
 - i. Will fall into compliance as section is processed
 - ii. **Slope is already seeing improvements with removal of sawdust.**
- 4. Intent
 - a. Clear to ground level.
 - b. **This area will be set aside for future expansion of composting zones, as well research and agricultural education. It is labeled "Future Farm Soil Research Field" in Exhibit A.1.**

Overall Site Summary:

1. **Improvements:** We have made improvements in Sections A, B, and D simultaneously over the winter months despite an enormous amount of rain and the pandemic effecting our partner who haul materials off site. We continue to make improvements to the site from previous ownership using BMPs. After being on site since 9/2/2020, the community has caught wind of our services and we are seeing increased activity. We have also made great strides with our relationships in the biofuel and sustainable agriculture sectors, and foresee these relationships having a positive influence on our strategic plan as they have already begun to do so. We have formed a relationship with Pender County EMS, which is proving mutually beneficial and we are excited for their support. We have also formed a relationship with Pender State Extension, who is excited to work alongside us and the entire State Extension, as are we. There have further been a few education tours of the site including groups from UNCW and Cape Fear Community College, all providing positive feedback. Recently, we received interest from public schools in Pender to begin exploring dialogues on how we can support them.
2. **Permit Number Request:** Would it be possible to obtain a type of temporary permit number that we could use for the purpose of applying for grants to help support our mission? This was discussed with Liz Patterson at our last site inspection on Thursday, February 25th, 2021 as we have been unable to apply for grants that have come our way without this number. Grants would be a tremendous support in these early stages of remediation and greatly appreciated.
3. **Concerns:** The neighbor Clyde Wisecarver has a fire currently burning on what was previously Section E of Running Deer Landfill. We have been in communication with both Pender County EMS, NC Forest Service and Liz Patterson throughout this incident from the moment we were notified by Mr. Wisecarver. We continue to monitor the fire and communicate to Liz Patterson any updates we see happening.

Conclusion: We appreciate the opportunity to work alongside you all at the NCDEQ to bring this site back into compliance and service. We look forward to recommendations and feedback on the updates provided in Version 3.

Site Compliance Plan prepared by: Riley and Trey Alber

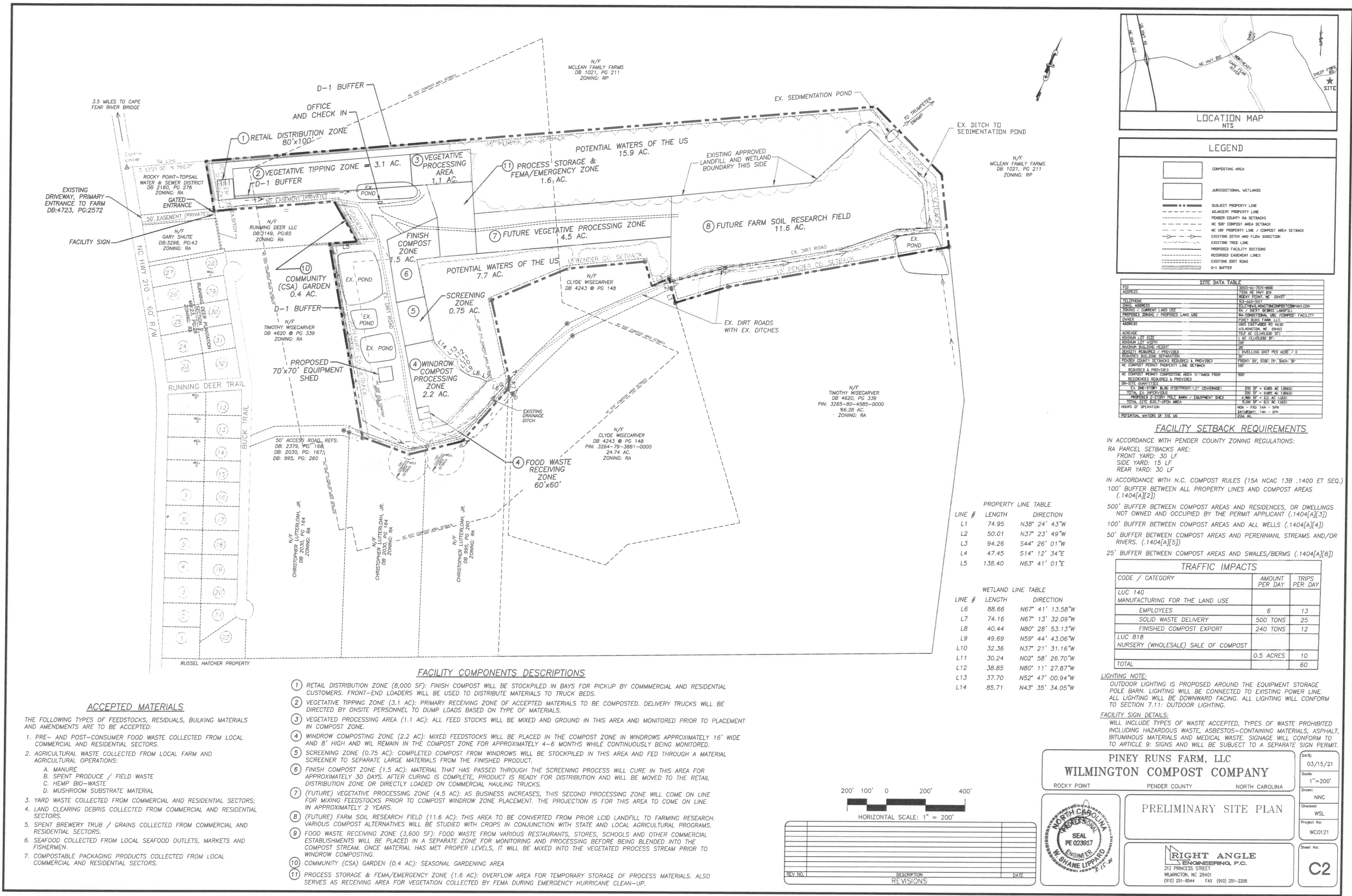
Company: Wilmington Compost Company

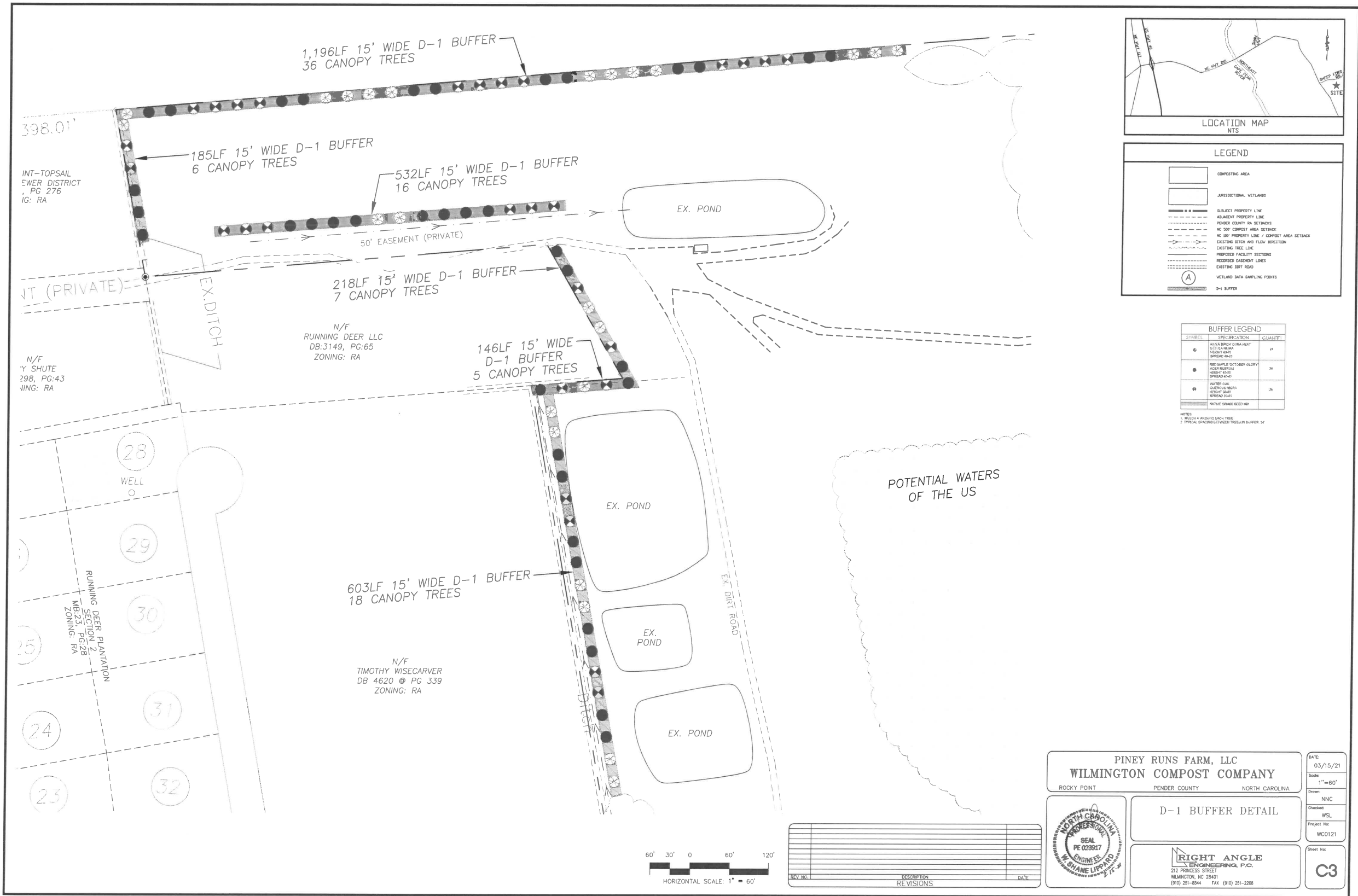
Contact Phone: 910-660-9117 or 910-660-3445

Contact Email: riley@wilmingtoncompostcompany.com or trey@wilmingtoncompostcompany.com

For additional questions or concerns, please contact either Riley or Trey. Thank you.







October 22, 2020 - Public Meeting Input Report

List of Attendees

Name	Phone Number	Email Address	Physical Address
Sam Shore	910-259-1274	sshore@pendercountync.gov	805 S Walker St, Burgaw
Abie Bonevac	910-259-1408	abonevac@pendercountync.gov	805 S Walker St, Burgaw
Liz Patterson	919-805-6499	elizabeth.patterson@ncdenr.gov	127 Cardinal Drive Ext. Wilmington
Marge/Richard Brightman	910-256-8529	ingab2105@gmail.com	2107 Bay Colony, Wilmington
Lloyd Singleton	910-798-7660	lsingleton@nhcgov.com	6206 Oleander, Wilmington
William McLean	910-228-4661	eowmclean@yahoo.com	131 Terrapin Station, Rocky Point
Marie Davis	336-207-3359	davis.marie@earamark.com	3389 Rooks Rd, Atkinson
Veda Lewin	910-880-5886	vedarlynn@gmail.com	944 Bonham Ave, Wilmington
Katherine Starzynski	910-467-7396	katherine.starzynski@hotmail.com	114 Courie Way, Jacksonville
Tim Wisecarver	910-604-3523	twisecarver@wildblue.net	7130 Hwy 210, Rocky Point
Deane Wisecarver	910-232-8402	diannewisecarver@yahoo.com	7130 Hwy 210, Rocky Point
Meghan Bowes	843-789-9579	meghanebowes@yahoo.com	1105 Boone Ln, Wilmington

Questions Asked:

1. Lloyd Singleton, New Hanover County Arboretum and NC State Extension Director: Will you be able to handle the current and future waste stream volumes of New Hanover and Pender County?

1. Answer: Yes, we have done forecasting on current volumes and predicted growth in the region over the next 10 years. *If we choose to capture this food waste, this site has the capacity not only to capture New Hanover and Pender County, but also Onslow and Brunswick County with room to grow.*

2. Sam Shore, Pender County Zoning: What will you do regarding odor?

2. Answer: We will implement Composting BMPs to reduce and eliminate the potential risk and creation of odors. Some of these include covering of piles, ensuring no feedstock materials are openly exposed, proper carbon to nitrogen ratio, as well close monitoring of temperature, moisture, and odors as indicators.

Comments:

1. Marie Davis, Coastal Composting Council President and Sustainability Director for Aramark's Campus Dining at UNCW:

3. "WCC has helped with the education awareness across our community as well bring NHC's composting efforts beyond capacity. This site would allow UNCW to continue building their composting efforts and scale them even further across various programs and the student body."

2. Tim Wisecarver, son of previous owner and Maintenance Director for the 421 Louisiana Plant

4. "As the previous owner and having been involved with the site prior, we are very excited to see what these boys can do out here. We look forward to being their neighbors."

General Notes:

1. Wilmington Compost Company provided BBQ for the attendees and the overall mood was positive and receptive. The only neighbors to show up were William McClean of Rose Hill Hunting Club and Tim Wisecarver, previous owner. Both neighbors expressed excitement and eagerness to see us get going and where our vision will lead to, as well to see the site get up and running again to serve the community.

2. Further support included members from Keep New Hanover Beautiful as well the Director of NC State Extension Arboretum in NHC, Lloyd Singleton. Both parties expressed excitement on what this site and our leadership/partnerships will mean for the community and growing efforts around composting.

Pender County Agencies

County Manager's Office

No reply

Pender County Utilities

No comment

Pender County Environmental Health

Contact EH if a septic or well permit(s) are needed

Pender County Emergency Management / Pender County Fire Marshal

Fire apparatus access roads, dead ends, and address numbers must meet Fire Code requirements.

Pender County Parks and Recreation

No reply

Pender County Board of Education

No comment

Pender County Sheriff's Department

No reply

Pender County Addressing Coordinator

An address will be assigned to the primary structure after a building permit has been applied for. The address will be assigned to NC Hwy 210 based on the location of the access easement. (Planning staff note: Upon request from Pender County Emergency Management, an address was created for the site: 7336 NC HWY 210, Rocky Point, NC 28457)

Pender County Soil & Water Conservation

No comment

Pender County Permitting Division

No comment

Pender County Flood Plain Manager

No comment

Pender County Code Enforcement

No reply

Pender County Building Inspections

No reply

Transportation

NCDOT - District Engineer Office

Driveway permit required

NCDOT - Division Engineer Office

No reply

NCDOT – Transportation Planning Branch

No reply

Wilmington Metropolitan Planning Organization (WMPO)

No reply

Cape Fear Rural Planning Organization (RPO)

No reply

Statewide Organizations

Division of Energy, Mineral and Land Resources (Stormwater Management)

No reply

Division of Coastal Management

No reply

Division of Energy, Mineral and Land Resources (Erosion Control)

No reply

Division of Water Resources

Wetlands onsite should be verified by the USACE

US Army Corps of Engineers

No reply

NC Wildlife

No reply

State Archeology

No reply

Division of Underground Storage Tanks

No reply

Utilities

Duke Energy

No reply

Four County Electric

No reply

Pluris Holdings LLC

No reply

Piedmont Natural Gas

No reply

AT&T

No reply