



Pender County

Agenda

Planning Board Meeting

Tuesday, June 1, 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		
7. PRESENTATIONS		
8. PUBLIC COMMENT		
9. PUBLIC HEARINGS		
9.1. REZONE 2021-21 REZONE 2021-21 - Pdf		3 - 43
10. DISCUSSION		
11. NEXT MEETING DATE July 6, 2021 805 S. Walker Street Burgaw, NC 28425		
12. ADJOURNMENT		



Pender County REZONE 2021-21

TO: Planning Board
FROM: Travis Henley
DATE:
SUBJECT: REZONE 2021-21

SUMMARY:

Tribute Investment and Development, Inc, applicant on behalf of Wilbur R. Corbett Trust, owner is requesting the approval of a Conditional Zoning Map Amendment for 14 single-family homes, 148 multiplex units, 8 upper-story residential units over 6,240 sq. ft. of commercial space and a 3,600 sq. ft. commercial building intended for a restaurant or a healthcare facility. The subject property is approximately ±20.38 acres in size. The proposed development is located on the east side of US Hwy 17 directly across from Christian Chapel Rd (SR 1587) in the Topsail Township. The subject property is currently zoned PD, Planned Development zoning district and may be further identified by Pender County PIN 3281-29-4277-0000.

ACTION REQUESTED:

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

ATTACHMENTS:

REZONE 2021-21 Staff Report
REZONE 2021-21 Application
REZONE 2021-21 Narrative
REZONE 2021-21 Site Plan
REZONE 2021-21 Attachment 1
REZONE 2021-21 Attachment 2
REZONE 2021-21 Attachment 3

**PLANNING STAFF REPORT
CONDITIONAL ZONING MAP AMENDMENT
HAMPSTEAD SOUTH MIXED USE**

SUMMARY

Hearing Date: April 13, 2021 Planning Board
June 1, 2021 Planning Board
July 12, 2021 Board of Commissioners
Applicant: Tribute Investment and Development, Inc.
Property Owners: Wilbur R. Corbett Trust
Case Number: REZONE 2021-21

Rezoning and Development Proposal: Tribute Investment and Development, Inc, applicant on behalf of Wilbur R. Corbett Trust, owner is requesting the approval of a Conditional Zoning Map Amendment for 10 single-family homes, 160 multiplex units, and approximately 9,600 square feet of commercial space across two buildings.

Property Record Number, Acreage, and Location: The subject property is approximately ±20.38 acres in size. The proposed development is located on the east side of US Hwy 17 directly across from Christian Chapel Rd (SR 1587) in the Topsail Township. The subject property is currently zoned PD, Planned Development zoning district and may be further identified by Pender County PIN 3281-29-4277-0000.

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 four (4) 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 and uses 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.

PROJECT HISTORY

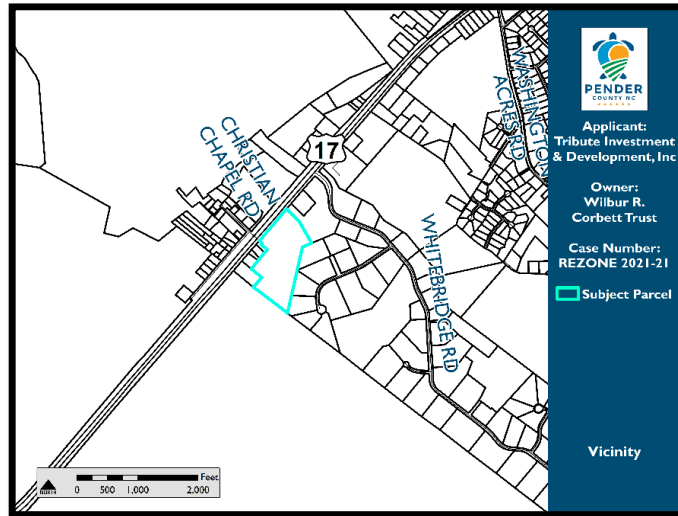
At the April 13, 2021 meeting of the Pender County Planning Board, a slightly updated plan was presented to the Board by the applicant which included a reduction in the number of single-family dwellings, a removal of the eight (8) proposed “live-work” units, an increase in the number of quadplex units from 148 units in 37 buildings to 160 units in 40 buildings, and the inclusion of an additional 6,000 square foot

building intended solely for commercial uses. The total number of units proposed was not modified, and the overall concept of the plan remained very similar to the original proposal. These proposed changes have no impact upon the overall proposal nor staff's evaluation of it.

Additionally, the applicant proposed a new condition of approval such that the age of residents of the project would be restricted to ages 55 and up for the first ten years of the project. Enforcement of the condition is proposed to take the form of an annual survey of residents of the neighborhood demonstrating compliance with the condition of approval, with Staff also given the ability to request a survey at any point outside of the regular annual updates as well. Planning staff respectfully submit the proposal with this potential condition of approval added; proposed language for the condition of approval is provided later in this report.

PROPOSAL OVERVIEW

This project was submitted under the name "Hampstead Mixed-Use". However, the Pender County Addressing Coordinator provided notification that the requested name is too similar to existing names. The applicant will be required to provide a name deemed suitable by the Addressing Coordinator prior to Preliminary Plat approval.



Proposed Uses

		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD-Attached: Multiplex				P		P					
Upper Story Residential						P	P	P			
Sectors 44-45 RETAIL TRADE											
Electronics and Appliance Stores	443	S				P	P		P		
Food and Beverage Stores	445	S	S			P	P		P		
Health and Personal Care Stores	446	S	S			P	P	P	P		
Clothing and Clothing Accessories Stores	448	S				P	P		P		
Sporting Goods, Hobby, Book, and Music Stores	451					P	P		P		
Miscellaneous Store Retailers	453	S				P	P				
Non store Retailers	454	S				P	P		P		

Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Postal Services	491110	S	S			P	P	P			
Sector 51: INFORMATION											
Finance and Insurance	52	S	S			P	P	P	P	P	
Sector 53: REAL ESTATE AND RENTAL AND LEASING											
Real Estate and Rental and Leasing	53	S	S			P	P	P	P	P	
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	
Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Sector 61: EDUCATIONAL SERVICES											
Educational Services	611	P	S			P	P	P			
Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Hospitals	622	S				P	P	P			
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
Performing Arts Companies	7111	S				P	P				
Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures	7114					P	P	P			
Museums, Historical Sites and Similar Institutions	712	S				P	P	P			
Fitness & Recreational Sports Centers	713940	S				P	P	P	P		
Sector 72: ACCOMMODATIONS AND FOOD SERVICES											
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				

Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	
Personal Care Services	8121	P	S			P	P	P	P		
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Other Personal Services	8129	S				P	P	P	P		
Business, Professional, Labor, Political and Similar Organizations	8139					P	P	P	P		
Sector 92: PUBLIC ADMINISTRATION											
Public Administration	92	P	P	P	P	P	P	P	P	P	

The applicant is proposing two residential use types consisting of 10 single-family lots and 160 multiplex units arranged into groups of four. The applicant is also proposing approximately 9,600 square feet of commercial space, the tenant(s) for which have not been established. Any commercial use would be required to fall into one of the requested uses listed above.

A pump station would also be constructed on the parcel in order to provide utility service to the proposed development.

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 in accordance with the Pender County Unified Development Ordinance.



Density

The proposed net density of the project is shown in Table 1 below and calculated in accordance with Section 4.6.7.A.1 of the UDO, totaling approximately 9.13 units per acre. The proposed density conforms with the Future Land Use Map in the Pender 2.0 Comprehensive Land Use Plan as it is slightly less than the maximum density recommended for the Neighborhood Mixed use Future Land Use Classification,

which envisions development at a density of up to ten dwelling units an acre. Note that despite the changes to residential use types, the overall density of the project has not changed.

Table 1: Density

Total Acreage	20.38
Potential Wetland Acreage	3.50
Total Units	170
Net Density	9.13

The submitted site plan states that the density is 10.07 units per acre. This is due to the applicant removing the entirety of the wetland acreage from the density calculation, whereas the Unified Development Ordinance provides half-credit for wetlands.

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. The applicant has proposed the following dimensional requirements:

Table 2: Requested Dimensional Standards

Proposed Dimensional Standards for CZ-3 Zoning District	All Uses
Minimum Front Yard	10'
Minimum Side Yard	5'
Minimum Rear Yard	15'
Maximum Building Height	30'
Structure Separation	10'

The applicant has not proposed a minimum lot size or minimum lot width. The single-family lots would instead be based on the general location illustrated on the sketch plan, capped by the number of units proposed in the application – 10.

Phasing

The applicant is proposing to construct the project in one phase.

ENVIRONMENT, LANDSCAPING AND RECREATION

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 entire property is unranked, as much of the interior is already cleared. Small portions around the wetlands shown on the site plan are ranked as a 7 or 8, denoting significant preservation priority.

Landscaping and Buffers

The applicant has proposed a type A buffer along US Hwy 17, a C buffer adjacent to the existing residential parcels along US Hwy 17 and within the Whitebridge neighborhood, as well as a type B buffer along all remaining property boundaries. These proposed buffers conform to the vegetative buffering requirements for Planned Developments found in Article 8 of the Pender County Unified Development Ordinance.

Significant Trees

A significant tree survey conforming with section 8.1.3 of the Pender County Unified Development Ordinance will be required prior to administrative approval of any subsequent Preliminary Plat or Site Development Plan within this project. Any significant tree proposed for removal shall be mitigated by the on-site planting of two (2) trees of the same species with a minimum caliper of 2” or greater.

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 5.1 acres of open space would be required for this development, with a minimum of 2.55 acres of active open space.

Table 4: Required Open Space

Open Space Type	Open Space Required (acres)
Passive	2.55
Active	2.55
Total	5.1

The applicant has illustrated an amenity area, active transportation infrastructure, and there are several potential common areas including wetlands. 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 170 residential units and is therefore required to provide two (2) recreation units totaling a minimum of \$20,000. The applicant has illustrated an unspecified amenity area on the submitted plan.

Table 5: 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

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

TRANSPORTATION INFRASTRUCTURE

Roadways

The applicant is proposing to construct two public roadways illustrated in the Pender County Collector Street Plan. A Major Collector Street would run generally parallel to US Hwy 17 throughout the development. A Minor Collector Street would connect this new collector to US Hwy 17 and serve as the entrance to the project. No decision regarding the ownership of the internal roadway network has been provided at this time.

The proposal conforms with the Pender County Collector Street Plan and the Pender County Unified Development Ordinance. Staff will ensure all submittals meet state and local requirements prior to administrative approval.

Street Connectivity and Access

The applicant has proposed three total connections to the proposed development: One to existing roadways, and two stubs to be continued in the case of adjoining development. The development would connect to existing roadways via an entrance on US Hwy 17 via a Minor Collector Street. The Major Collector Street stubs to both sides of the property and would ultimately connect to future development.

In accordance with the Pender County Collector Street Plan and Unified Development Ordinance, individual driveway access will not be permitted on the collector streets.

Traffic

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 evening peak hours or 1,000 trips per day. The proposed development is projected to result in 1,927 daily trips, 153 adjusted AM peak hour trips, and 126 adjusted PM peak hour trips at buildout. Any traffic management requirements will be required by the NCDOT and will be required to be compliant with the NCDOT's Driveway Manual.

The Traffic Impact Analysis will be required to be complete prior to administrative approval of the project.

All roadway improvements will be tracked through the driveway permit process and coordinated with the NCDOT and Staff.

Pedestrian Access

The applicant has agreed to proposed conditions of approval to provide multi-use paths along each side of the collector street running parallel to US Hwy 17. Specifically, a multi-use path along one side of the collector street connecting to US Hwy 17, and sidewalks or other equivalent pedestrian infrastructure along one side of every right-of-way or drive aisle throughout the development.

OTHER INFRASTRUCTURE

Utilities

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

Stormwater

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 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. The applicant has proposed exceeding these standards by constructing a stormwater system which would accommodate a fifty-year storm and be analyzed for a hundred-year storm. Certification from a licensed engineer that the project meets these requirements shall be required at administrative approval of the development, and all necessary state permits will be required prior to administrative approval for land disturbing activities.

Signage

All subdivision 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 March 8, 2021 from 6:00 PM-7:00 PM in the auditorium at the Hampstead Annex. 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 an open house style and took questions from the attendees. Community concerns included housing type, stormwater runoff, and traffic. The applicant did not propose any changes to the proposal based on community feedback at the meeting. The applicant provided a report from the public input meeting that 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:

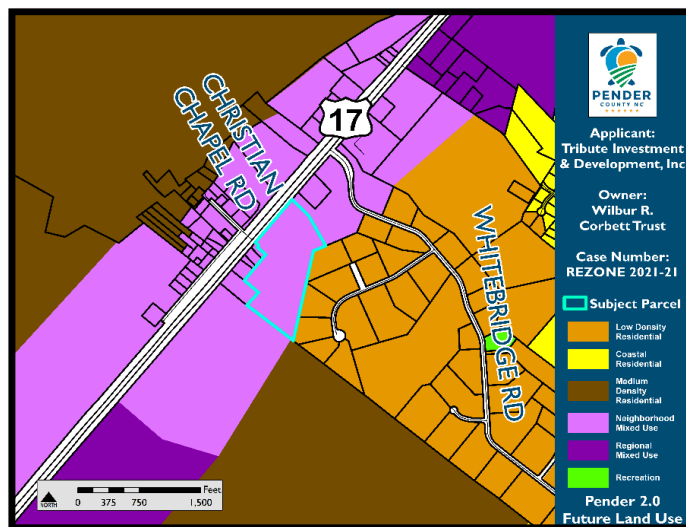
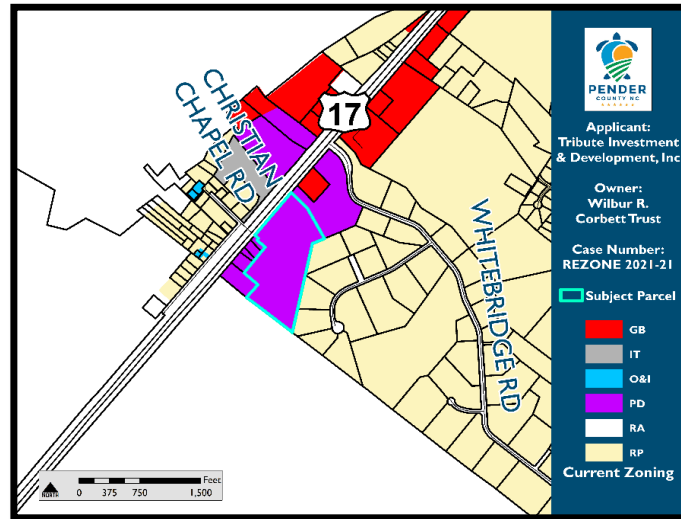
The subject property is currently zoned PD, Planned Development. The subject property is bordered by additional PD zoning to the north, RP, Residential Performance zoning district to the east, RA, Rural Agricultural zoning district to the south, and RP, RA, and IT Industrial Transitional zoning districts to the west.

C. Existing Land Use in Area:

The subject parcel is currently vacant. The Whitebridge single-family detached residential subdivision is to the east, Topsail Montessori School is to the north, small scale residential development and Awe Outdoors shed company to the west, and vacant land to the south.

D. Pender 2.0 Comprehensive Land Use Plan Compliance:

The Pender 2.0 Comprehensive Land Use Plan designates the subject property as Neighborhood Mixed Use. Neighborhood mixed use allows for a transition between more intense commercial, office, and residential development to lower density residential neighborhoods. The neighborhood mixed use category is primarily dedicated to non-residential uses that provide services, entertainment, and amenities to residents within a three mile radius. Land use and development within this category is closely coordinated with existing and planned roadway transportation networks, while encouraging bicycle and pedestrian access. This future land use category should be composed of a mixture of integrated commercial, office,



institutional, and single-family residential uses. This future land use classification is not intended to be solely reserved for mixed use developments. Single use developments that contribute toward an integrated land use pattern of appropriate commercial, office, civic, and medium density residential uses are encouraged.

Desired uses include single-family dwellings – detached, duplex, and townhouse (up to ten units in a single structure) in addition to commercial/retail and office uses that serve existing communities. Examples include restaurants, cafes, drug stores, healthcare facilities, professional offices, and retail-oriented uses.

Inappropriate uses include Establishments requiring large surface parking in excess of 20,000 square feet, low density residential uses, industrial uses, and storage facilities.

The project conforms with the Neighborhood Mixed Use Future Land Use classification, providing for a level of residential density called for in this area in combination with a mixture of neighborhood scale commercial services.

In addition to conforming with the Future Land Use Map, the Conditional Zoning Map Amendment request is supported by three (3) goals, two (2) objectives, and four (4) policies within the Pender 2.0 Comprehensive Land Use Plan:

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

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

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

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

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

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

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

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

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

The project fulfills several desired policy outcomes for development as described in the Pender 2.0 Comprehensive Land Use Plan. The proposal provides enhanced transportation infrastructure, constructing multiple collector streets as well as bicycle and pedestrian connectivity throughout the development in addition to providing residential density and commercial uses in a key location to support the projected population growth of Pender County.

The Conditional Zoning Map Amendment was found to conflict with one (1) objective and two (2) policies in 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. Pender County Schools communicated that it and the County are continuing efforts to acquire land for additional sites and

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. The Planned Development District encourages progressive land planning and design concepts and is intended to provide an alternative to a conventional development. The PD Districts allows projects of innovative design and layout that may not otherwise be permitted under this Ordinance due to the strict application of zoning

district or general development standards. The PD District shall not be used as a means of circumventing the County's adopted land development regulations.

Utilities

Public water services are available for the subject properties through Pender County Utilities and the applicant has proposed receiving sewer service from Pluris, a private wastewater provider. Any final zoning approvals are contingent upon review and approval by appropriate local and state agencies.

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 38,500/75,800 (V/C), which represents a V/C ratio of 0.51:1, suggesting that traffic volumes are approximately 51% 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 1,927 daily trips, 153 adjusted AM peak hour trips, and 126 adjusted PM peak hour trips at buildout. Any traffic management requirements will be required by the NCDOT and will be required to be compliant with the NCDOT's Driveway Manual.

Schools

170 residential units are proposed in this application. Therefore, an impact to the school system should be anticipated. Pender County Schools attended the TRC meeting on March 4, 2021 and indicated that insufficient school capacity was available to support the proposed residential construction. Pender County Schools and Pender County Government have and will continue to collaborate on land acquisition efforts for additional school sites throughout the County.

At the Public Input Meeting, community concerns included housing type, stormwater runoff, and traffic.

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. Enforcement of all conditions shall followed prescribed methods as found in Article 13 of the Pender County Unified Development Ordinance.

The applicant has agreed to conditions #1-#4 prior to the April 13, 2021 meeting of the Pender County Planning Board. Condition #5 was proposed during the hearing and has been expanded

Potential Conditions for Conditional Zoning Map Amendment Approval

1. A multi-use path shall be constructed along both sides of the collector street running parallel to US Hwy 17 and one side of the collector street connecting to US Hwy 17. *(Note – the parallel collector is a Group 4, which should have facilities along both sides per the Collector Street Plan)*
2. Sidewalks or other equivalent pedestrian infrastructure shall be constructed along at least one side of every right-of-way or drive aisle.
3. The project shall be designed so that the post development runoff from the project be no more than ten (10) percent more than the pre- development runoff for the 10-, 25-, and 50-year return period events and be analyzed for the 100-year event.
4. Informational signs to be installed at 500 ft intervals along all delineated wetland boundaries within platted open space, and to be maintained by the HOA and replaced as necessary. The applicant shall include this provision in the recorded covenants and restrictions for the development in perpetuity.
5. All residential units within the proposed development shall be restricted to residents ages 55 and over through restrictive covenants or other applicable means for the first ten years of the project's existence.
 - a. The ten-year timeline shall begin upon approval of the final Final Plat application for the residential component of the project.
 - b. The applicant shall provide annual census reports of the residents of the community, including a documentation of the ages of all residents, throughout the ten-year timeline. Reports shall be provided to Planning Staff on or near July 1 of each year.
 - c. Planning Staff shall have the ability to request additional census reports at any point.

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 four (4) policies in 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:

- **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 Neighborhood 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 while maximizing preservation of open space.

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 Neighborhood 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 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. ☒ **Pre-submittal Meeting**
Date of Meeting 12/03/2020
2. ☒ **Signed Application**
3. ☒ **Payment**
\$500 for the first 5 acres; \$10/ acre thereafter up to 1,000 acres; \$5 per acre thereafter
4. ☒ **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. ☒ **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. ☐ **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. ☒ **Digital Submission**
For all documents submitted in paper copy, a digital copy shall be sent via email or digital drive.
8. ☒ **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. ☒ **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.

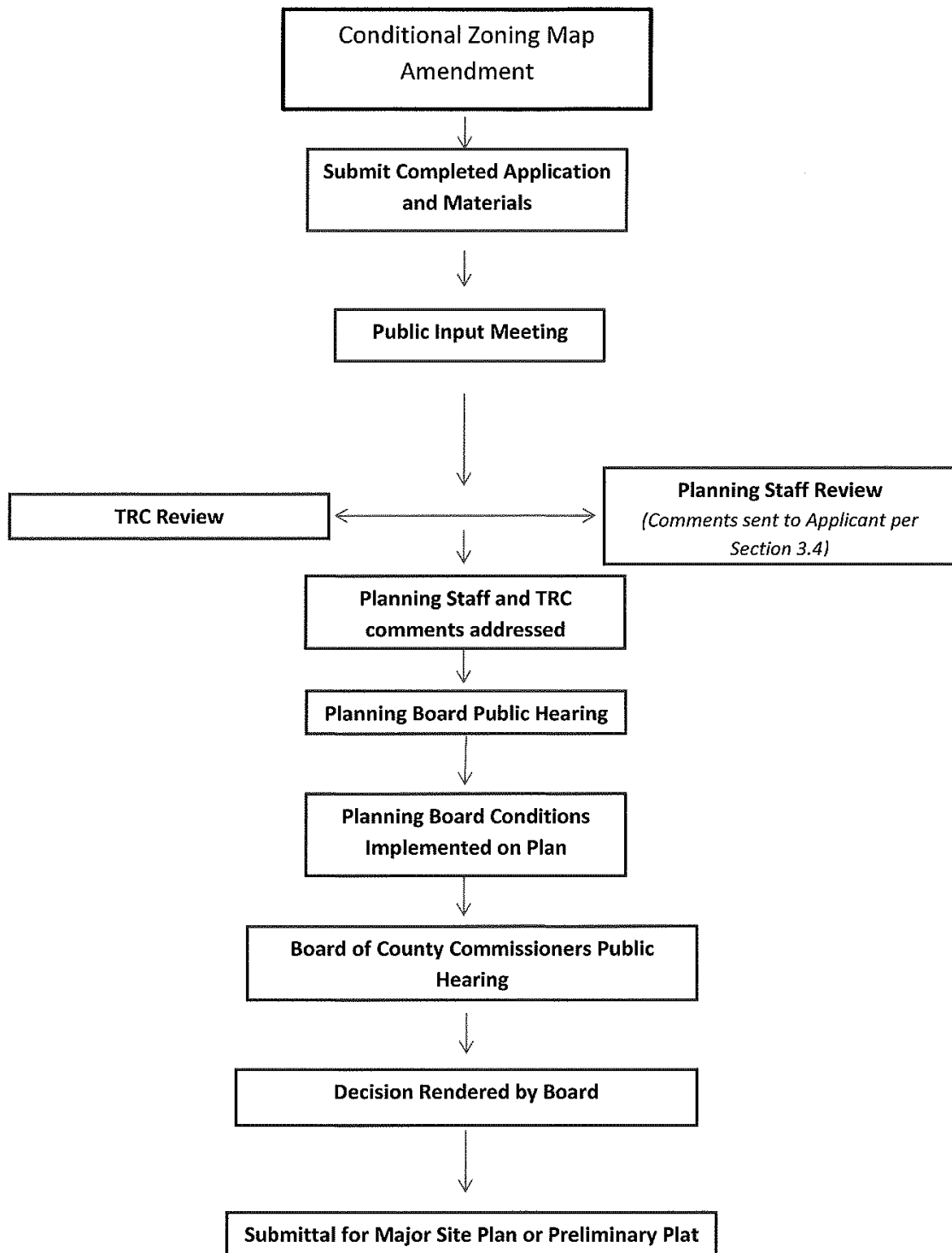
I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant [Signature]

Date 2/2/2021

Printed Name MARK L. BRYANT JR.

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.**

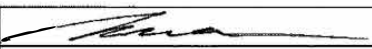
- 1. The report for the public hearing will include a summary of the public input meeting.
- 2. The applicant shall mail a notice for the public input meeting to adjoining property owners not less than ten (10) days prior to the scheduled meeting.
- 3. The notice shall include the time, date and location 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:	Tribute Investment and Development, Inc.	Owner's Name:	Wilbur R. Corbett Trust
Applicant's Address:	10 S. Cardinal Drive	Owner's Address:	928 Cove Point Lane
City, State, & Zip	Wilmington, NC 28403	City, State, & Zip	Tega Cay, SC 29708
Phone Number:	910-251-5030	Phone Number:	
Email Address:	InfoCompanies@tributeproperties.com	Email Address:	rebmcgowan@comporium.net
Legal relationship of applicant to landowner: Agent for owner			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3281-29-4277-0000	Total property acreage:	20.38 acres
Current Zoning District:	PD	Proposed Zoning District:	CZ
Project Address or Location:	Highway 17, Hampstead, NC 28443		
Proposed Uses to be Considered (Include NAICS Code):			
Proposed Uses to be Eliminated from Consideration (Include NAICS Code):			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	2/2/21
Applicant's Name Printed	MARK L. HAYWARD JR.	Date:	2/2/21
Owner's Signature		Date:	
Owner's Name Printed		Date:	
<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.			

APPLICATION FOR CONDITIONAL REZONING

THIS SECTION FOR OFFICE USE

Application No.	ZMA-CD	Date	
Application Fee	\$	Invoice Number:	
Pre-Application Conference		Hearing Date	

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Email Address:	InfoCompanies@tributeproperties.com	Email Address:	rebmcgowan@comporium.net

Legal relationship of applicant to landowner: Agent for owner

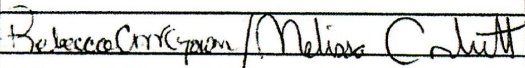
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Current Zoning District:	PD	Proposed Zoning District:	CZ
Project Address or Location:	Highway 17, Hampstead, NC 28443		

Proposed Uses to be Considered (Include NAICS Code):

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

SECTION 3: SIGNATURES

Applicant's Signature		Date:	2/8/21
Applicant's Name Printed	Mark Maynard, Jr.	Date:	2/8/21
Owner's Signature		Date:	2-8-21
Owner's Name Printed	Rebecca C. McGowan / Melissa Corbett	Date:	2-8-21

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Rezoning Checklist.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing.
4. All fees are non-refundable
5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda

Conditional (Zoning Map) Amendment Checklist

☐	Signed application form
☐	Application fee
☐	A list of names and addresses, as obtained from the county tax listings & tax abstract, all adjacent property owners, including property owners directly across any road or road easement, & owners of the property under consideration for rezoning.
☐	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.
☐	Accurate legal description or a map drawn to scale showing the property boundaries that are to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☐	12 (11"x17") map copies to be distributed to the Planning Board
☐	20 (11"x17") map copies to be distributed to the Board of Commissioners
☐	Digital (.pdf) submission of all application materials
☐	Public Input Meeting Report (Section 3.4.3 or see Public Input Meeting on the first page of this application)
☐	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.
☐	All applications which specify an intended use must include a generalized site development plan drawn to a suitable scale, supporting information and text which specifies the use or uses intended for the property and any development standards to be approved concurrently with the rezoning application
☐	A generalized site development plan shall include the following items: ☐ A vicinity map drawn to a suitable scale which illustrates adjacent or nearby roadways, railroads, waterways & public facilities. ☐ A (metes and bounds) boundary of the parcel or portion of the parcel to be rezoned and developed. ☐ All existing easements, reservations and rights of way. ☐ Delineation of all Areas of Environmental Concern including but not limited to federal jurisdictional wetlands. ☐ For residential uses, the number of units, heights and a generalized location. For non-residential uses, the height, approximate footprint and location of all structures. ☐ If a known use is proposed: Traffic impact report, parking and circulation plans illustrating dimensions, intersections and typical cross sections. ☐ All proposed setbacks, buffers, screening and landscaping. ☐ Phasing. ☐ Signage. ☐ Outdoor lighting. ☐ Current zoning district designation and current land use status. ☐ Other information deemed necessary by the Administrator, Planning Board, or Board of Commissioners, including but not limited to a Traffic Impact Analysis or other report from a subject matter expert.

Office Use Only

ZMA-CD Fees: (<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.

Scotts Hill - Conditional Rezoning Narrative

Description

Conditional rezoning of approximately ± 20.38 acres to allow for 14 single family homes, 148 townhomes, a 3500 sq ft commercial building intended for a restaurant or a healthcare facility, and 8 live/work units totaling 6240 sq ft of commercial space. The proposed development is located along US Highway 17 in the Topsail Township. The subject property is zoned PD, Planned Development zoning district and may be further identified by Pender County PIN 3281-29-4277-0000.

Existing Uses

The subject property is ± 20.38 acres (see "Exhibit A – Map of Property"). The property is along the southern corridor of US Hwy 17 with over 650 feet of frontage along Hwy 17. The property is to the south of Whitebridge Road with the southeastern section of the property bordering homes in the Whitebridge subdivision. The property is currently vacant and is very open land. Many of the trees on the property were cleared many years ago for agricultural purposes, but the land has not been farmed for the last few years.

Proposed Uses

According to population projections provided by the NCOSBM & Cape Fear Council of Governments, Pender County is anticipated to experience a population growth rate of nearly 62% or an increase of more than 35,000 residents from 2015 to 2045.

Table 2.4: 2045 Population Projections

Source: NCOSBM & Cape Fear Council of Governments

2045 Population Projections				
Population Estimates	Pender County	Brunswick County	New Hanover County	Duplin County
2045 Projection	93,846	216,691	318,058	59,867
2040 Projection	87,941	201,058	300,947	59,867
2035 Projection	82,566	186,128	278,612	59,866
2030 Projection	76,410	170,230	264,016	59,866
2025 Projection	70,254	154,332	249,424	59,866
2020 Projection	64,102	138,430	234,826	59,866
2015 Population	57,941	115,926	213,091	59,453
2010 Population	52,205	107,431	202,667	58,505
2000 Population	41,079	73,143	160,307	49,063
Population Growth/Projections				
Growth 2015-2045 (%)	61.97%	86.92%	49.26%	0.70%
Growth 2015-2020 (%)	10.63%	19.41%	10.20%	0.69%

*2045 Unincorporated County Population Projection: 83,578.

This proposed development is consistent with the goals and policies outlined in the Pender County 2.0 Comprehensive Land Use Plan adopted to facilitate orderly growth and development. The plan is to be used as a guide in developing and approving land development proposals.

Under the Pender County 2.0 Comprehensive Land Use Plan, the subject property is designated for neighborhood mixed use (see "Exhibit B, Map 5.14: Topsail Planning Area Future Land Use Map"). According to the Land Use Plan, neighborhood mixed use is to provide a transition between more intense commercial, office, and residential development to lower density residential neighborhoods. The future land use for neighborhood mixed use should be a mixture of integrated commercial and office uses, and single-family residential uses. There are two types of desired uses for neighborhood mixed use. The first is "commercial/retail and office uses that serve existing communities" and examples include restaurants, cafes, drug stores, healthcare facilities, professional offices, and retail-oriented uses. The second is "single-family dwellings" which are "detached, duplex, and townhouse (up to ten units in a single structure)." (See pages 5-17 and 5-18 of Pender 2.0: Comprehensive Land Use Plan.)

The building footprints are to be generally limited to 15,000 square feet in size or smaller. The areas should be served by water and sewer infrastructure. Development density allows for up to 10 units per acre for residential development.

Appropriate uses include "neighborhood-scale restaurant and office establishments" and "higher density single-family residences – attached and detached." Inappropriate uses for neighborhood mixed use are establishments requiring large surface parking in excess of 20,000 square feet, low density residential uses, industrial uses and storage facilities.

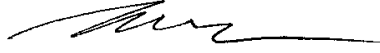
The proposed development is a mixture of integrated commercial and office use and single-family dwellings. The proposed commercial uses are a 3500 square foot building intended for a restaurant or a healthcare facility and two live/ work buildings (8 units) totaling 6,240 square feet of commercial area intended for professional offices and retail-oriented uses such as hair stylist, interior designer, accountant, consultant, wealth manager, attorney, or chiropractor. These properties will provide services, entertainment, and amenities to area residents. The proposed residential uses are 14 single family detached homes, 148 townhomes that are four units per building, and 8 units on the second floors of the two live/work buildings, which is consistent with the Future Land Use Plan to provide "high-density single-family residences – attached and detached" and less than the ten units per structure permitted. The proposed residential density is 170 units for 20.38 acres, which is less than the 10 units per acre density permitted. The proposed building footprints are all under 15,200 square feet; the largest proposed building is the 3500 square foot commercial building.

The proposed development includes concepts consistent with the Pender County 2.0 Comprehensive Land Use Plan with regards to preservation of environmentally sensitive areas, including wetlands.

Access to the property will be from US Hwy 17. We have begun determining the scope of the Traffic Impact Analysis that will be produced. The proposed development includes a collector street that is consistent with the Pender County Collector Street Plan.

SIGNATURES ON FOLLOWING PAGE

APPLICANT: TRIBUTE INVESTMENT AND DEVELOPMENT, INC.



MARK L. MAYNARD, JR.

OWNER: WILBUR R. CORBETT TRUST



MELISSA CORBETT



REBECCA MCGOWAN

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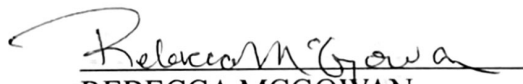
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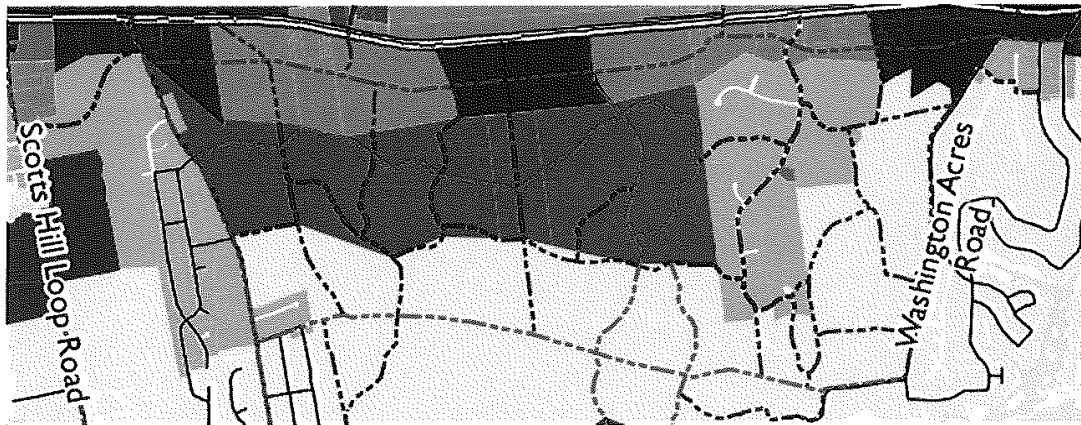
MELISSA CORBETT



REBECCA MCGOWAN

Exhibit A – Map of Property

[illegible]

[illegible]

Adjacent property owners for Hwy 17, Scotts Hill, Pender County, PIN 3281-29-4277-0000

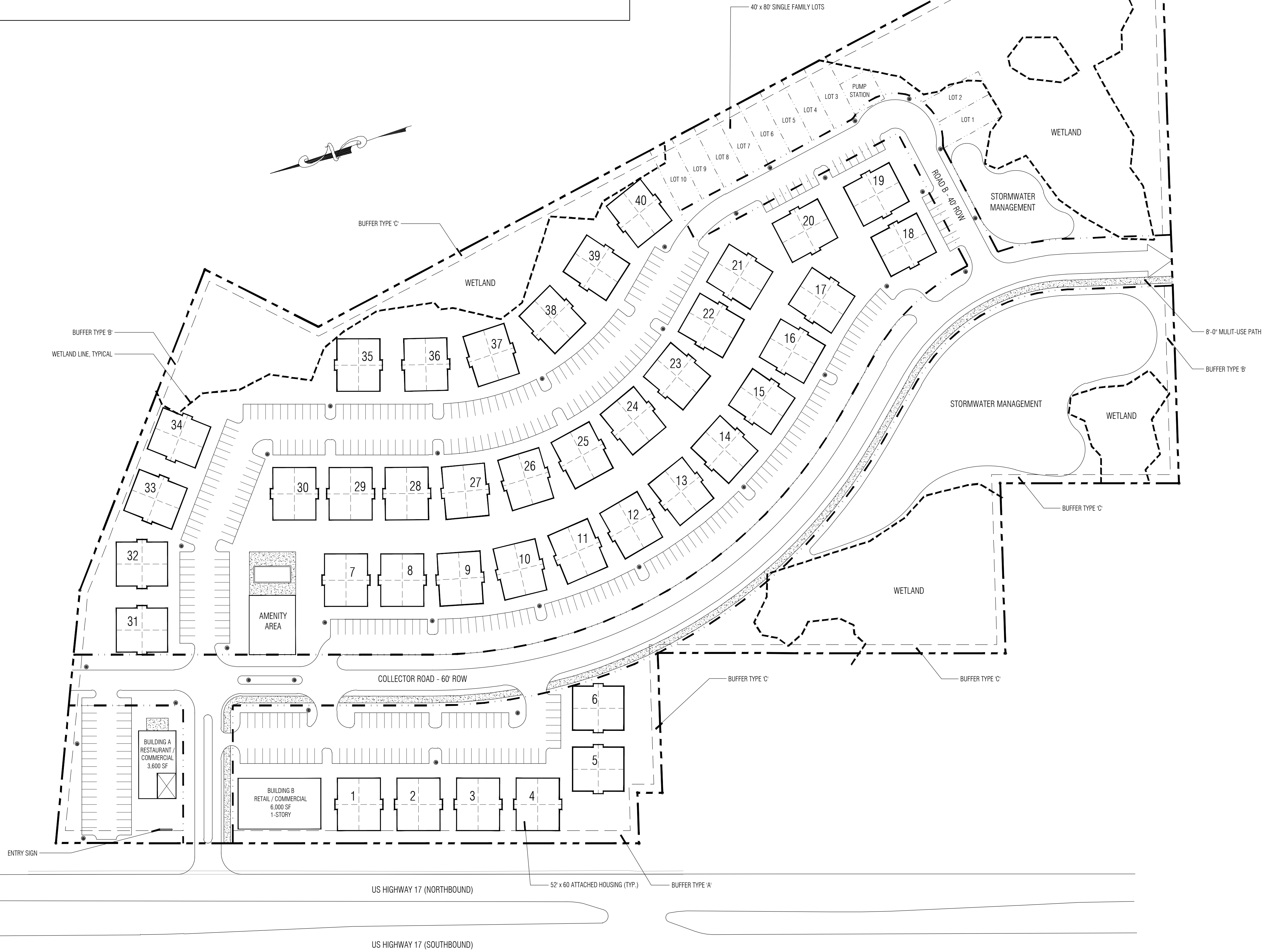
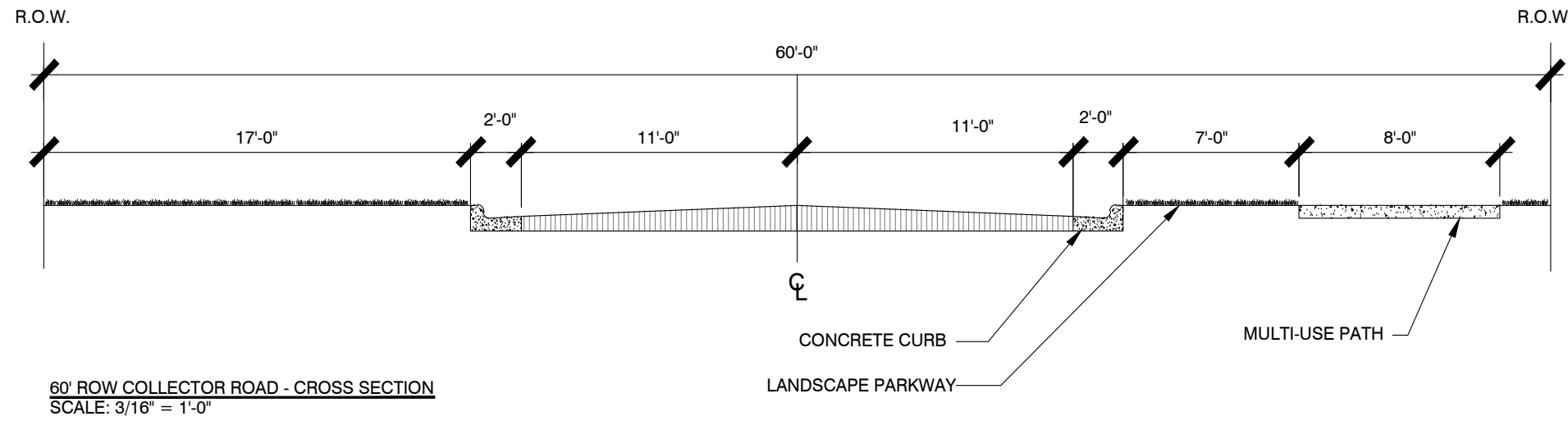
Property Owner	Property Address	Contact Address	PIN
SHINGLETON, RALPH N	12606 US HWY 17	PO BOX 4483, WILMINGTON, NC 28406	3281-18-8879-0000
JONES, BELINDA	12640 US HWY 17	12640 US HWY 17, WILMINGTON, NC 28405	3281-19-8097-0000
BROWN, ELLEN	13111 US HWY 17	13111 US HWY 17, HAMPSTEAD, NC 28443	3281-19-9270-0000
DIXON, ERNESTINE	12706 US HWY 17	12706 US HWY 17, HAMPSTEAD, NC 28443	3281-29-0236-0000
WHITEBRIDGE DEVELOPMENT LLC	301 WHITEBRIDGE RD	2001 BALMORAL PLACE, WILMINGTON, NC 28405	3281-29-0393-0000
GUZMAN, MYRA	309 WHITEBRIDGE RD	309 WHITEBRIDGE RD, HAMPSTEAD, NC 28443	3281-39-0902-0000
JOHNSON, MELVIN JR	233 MARE POND PL	233 MARE POND PL, HAMPSTEAD, NC 28443	3282-20-7160-0000
DORAZIO, JOAN P	LOT 10 WHITE BRIDGE SUBDIV	P O BOX 2711, SURF CITY, NC 28445	3281-39-5694-0000
VOGEL, BRADLEY LEE	239 MARE POND PL	PO BOX 55, HAMPSTEAD, NC 28443	3281-39-3461-0000
MARSHALL, ROY LEONARD	249 MARE POND PLACE	249 MARE POND PLACE, HAMPSTEAD, NC 28443	3281-38-0964-0000
ROBERTS, TONY P	259 MARE POND PL	249 MARE POND PLACE, HAMPSTEAD, NC 28443	3281-28-8634-0000
THORNTON, JAMIE O	250 MARE POND PLACE	259 MARE POND PL, HAMPSTEAD, NC 28443	3281-28-7365-0000
CORBETT, WILBUR R		250 MARE POND PLACE, HAMPSTEAD, NC 28443	3281-28-8182-0000
ST JOHNS CHURCH OF CHRIST DIS	106 BROWN TOWN RD	C/O REBECCA CORBETT MCGOWAN, TEGA CAY, SC 29708	3281-15-7192-0000
BROWN, CLAUDIUS JR	44 BROWN TOWN RD	P O BOX 251, HAMPSTEAD, NC 28443	3281-19-4202-0000
NIXON, MCKINLEY MARY	26 BROWN TOWN RD	44 BROWN TOWN RD, HAMPSTEAD, NC 28443	3281-19-5499-0000
BRINSON, PRIMMIE L/E	10 BROWN TOWN RD	C/O SYLVIA HYMAN, WILMINGTON, NC 28404	3281-19-5352-0000
MCLAURIN, DOROTHY BROWN	CHRISTIAN CHAPEL RD	26 BROWN TOWN RD, HAMPSTEAD, NC 28443	3281-19-7513-0000
BRADLEY, EMILY B LIFE ESTATE	12825 US HWY 17	10 BROWN TOWN RD, HAMPSTEAD, NC 28443	3282-00-9177-0000
DIXON, ROLAND JR	12915 US HWY 17	140 CHRISTIAN CHAPEL RD, HAMPSTEAD, NC 28443	3281-19-8786-0000
SHINGLETON, T FARNELL	CHRISTIAN CHAPEL RD	54 CHASE LANE, ROCKY POINT, 28457	3281-19-9924-0000
MOORE, CARLOS BERNELL ET AL	CHRISTIAN CHAPEL RD	12919 US HWY 17 NORTH, HAMPSTEAD, NC 28443	3282-10-8342-0000
HOTTON, KEVIN J	230 MARE POND PL	240 MARE POND PL, HAMPSTEAD, NC 28443	3282-20-2545-0000
HOLMY, JOHN C CO TRUS	240 MARE POND PL	C/O TONYA MOORE, CHESAPEAKE, VA 23320	3281-19-7859-0000
		230 MARE POND PL, HAMPSTEAD, NC 28443	3281-38-2487-0000
		240 MARE POND PL, HAMPSTEAD, NC 28443	3281-37-1934-0000

Note that in the course of evaluated the proposal, Pender County Planning Staff, Planning Board or Board of Pender County Commissioners may request additional information from the applicant. The additional information may include the following:

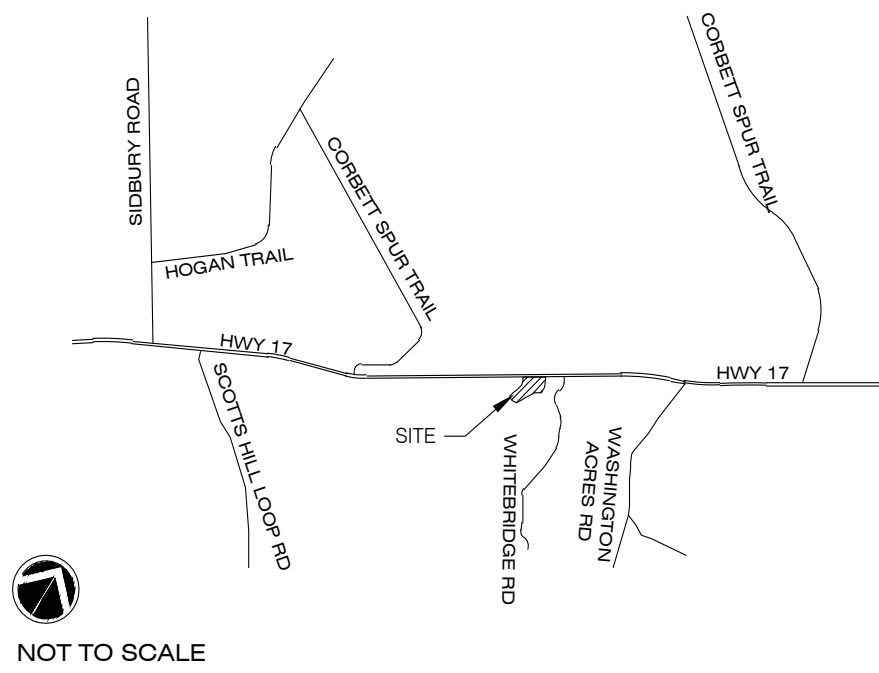
- Proposed screening, buffers, and landscaping;
- Existing and general topography;
- Building elevations and exterior features of proposed development; and
- Any other information needed to demonstrate compliance with the Comprehensive Land Use Plan

OWNER'S SIGNATURE: *In filing this application for a conditional rezoning, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate Tribute Investment & Development, Inc / Mark Maynard, Jr., to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.*

Signature / Date: Rebecca McGowan Co-Trustee 2/2/2021
Trustee for Wilbur R. Corbett Trust



VICINITY MAP



SITE DATA

PARCEL PIN:	3281-29-4277-0000
TOTAL PROJECT AREA:	887,753 SF (20.38 AC.)
FUTURE LAND CLASS CLASSIFICATION:	NEIGHBORHOOD MIXED USE
EXISTING ZONING:	PD - Planned Development
PROPOSED ZONING:	CONDITIONAL REZONING
BUILDING A: RESTAURANT / COMMERCIAL:	3,600 SF (30' HEIGHT)
BUILDING B: RETAIL / COMMERCIAL:	6,000 SF (30' HEIGHT)
TOTAL:	9,600 SF
SINGLE FAMILY LOTS:	10 LOTS
ATTACHED HOUSING:	160 UNITS (40 BUILDINGS @ 30' HEIGHT)
TOTAL UNITS:	170 UNITS

DENSITY CALCULATIONS

TOTAL SITE AREA:	887,753 SF (20.38 AC.)
1/2 TOTAL WETLAND AREA:	1.75 ACRES (3.50 TOTAL ACRES)
NET AREA:	18.63 ACRES
NET DENSITY:	9.13 UNITS / ACRE
RECOMMENDED DENSITY:	10 UNITS / ACRE
(FUTURE LAND USE PLAN)	

- NOTES:
1. PLAN BASED ON SURVEY TITLED 'WILCOX DIVISION' PROVIDED BY MICHAEL UNDERWOOD AND ASSOCIATES, P.A. ON JANUARY, 2021.
 2. WETLAND LINE BASED ON PLAN TITLED 'WETLAND DELINEATION SKETCH' PREPARED BY LAND MANAGEMENT GROUP ON JANUARY 2021.
 3. PROJECT WILL BE DEVELOPED AS ONE (1) PHASE.

PARKING CALCULATIONS

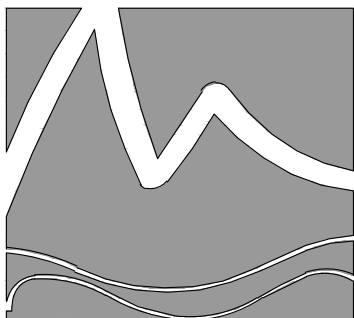
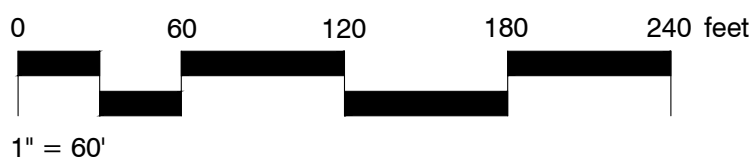
	REQUIRED	PROPOSED
40 QUADRAPLEX BUILDINGS (2 / UNIT)	320	335
RESTAURANT / COMMERCIAL: 3,600 SF (1 / 100 SF)	36	36
6,000 SF RETAIL / COMMERCIAL: 6,000 SF (1 / 300 SF)	20	20
TOTAL PARKING:	376	391

LEGEND

	MULTI-USE PATH		RIGHT OF WAY LINE
	SITE LIGHTING		PROPERTY BOUNDARY
	WETLAND LINE		

NAICS CODE USE

443	ELECTRONIC & APPLIANCE STORES
445	FOOD & BEVERAGE STORES
446	HEALTH & PERSONAL CARE STORES
448	CLOTHING & CLOTHING ACCESSORIES STORES
451	SPORTING GOODS, HOBBY, BOOK AND MUSIC STORES
453	MISCELLANEOUS STORE RETAILERS
454	NON STORE RETAILERS
481110	POSTAL SERVICES
53	FINANCE & INSURANCE
531	REAL ESTATE & RENTAL & LEASING
54	PROFESSIONAL, SCIENTIFIC, & TECHNICAL SERVICES
55	MANAGEMENT OF COMPANIES & ENTERPRISES
561	ADMINISTRATIVE & SUPPORT SERVICES
611	EDUCATIONAL SERVICES
6114	BUSINESS SCHOOLS, COMPUTER AND MANAGEMENT TRAINING
6115	TECHNICAL & TRADE SCHOOLS
6116	OTHER SCHOOLS & INSTRUCTION
622	HOSPITALS
7111	PERFORMING ARTS COMPANIES
7114	AGENTS & MANAGERS FOR ARTISTS, ATHLETES, ENTERTAINERS & OTHER PUBLIC FIGURES
712	MUSEUM, HISTORICAL SITES & SIMILAR INSTITUTIONS
71340	FITNESS & RECREATIONAL SPORTS CENTERS
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
812130	CON OPERATED LAUNDRIES & DRY CLEANERS
81220	DRY CLEANING & LAUNDRY SERVICES
8129	OTHER PERSONAL SERVICES
8131	RELIGIOUS ORGANIZATIONS
8135	BUSINESS PROFESSIONAL, LABOR, POLITICAL, & SIMILAR ORGANIZATIONS
92	PUBLIC ADMINISTRATION



MIHALY
LAND DESIGN
PLANNING + LANDSCAPE ARCHITECTURE
330 MILITARY CUTOFF RD., Suite A3
Wilmington, NC 28405 910.392.4355

Revisions

PROJECT
SCOTTS HILL MIXED-USE
HIGHWAY 17
HAMPSTEAD, NC 28443

REZONING
SUBMITTAL

Date: 2021-04-12
Phase:
Job Number: 830-19
Designed by: MLD
Drawn by: MAS
Checked by: JWM

Sheet Title:
CONDITIONAL
REZONING
SITE PLAN

Sheet Number:

L0.0
of 1 sheets

**Community Meeting Summary
for Conditional Rezoning Request by Tribute Investment and Development, Inc.**

Meeting Date & Time: Monday, March 8, 2021, 6:00 PM -7:00 PM

Meeting Location: Hampstead Annex

Paramounte Engineering, Inc. (PEI) and Tribute Investment and Development, Inc. (Tribute) along with DAVENPORT Engineering and Mihaly Land Design (collectively, Development Team) hosted a meeting to introduce the proposed development for the Tribute project at Scott's Hill Mixed-Use 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 February 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 Tribute 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 and if the project was for rent or for ownership.
- Attendees asked if the project would have an onsite management team and Tribute explained that it would have on site management.
- Portions of the adjacent neighborhoods flood, according to the surrounding community participants. Water ponds on the roadways and heads toward the waterway from Highway 17. 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.
- Misconceptions regarding the amount of traffic generated by the site in peak hours then we explained process and shared study numbers to address concerns.
- Attendees concerned about project impacts, we shared information regarding impacts, most of which are related to background growth and not project impacts. At this point, the required improvements by the development are a right turn lane entering the site.
- Asked about a signal at Whitebridge – no signal is proposed as part of this project.
- Concerned about traffic on Whitebridge, site does not increase traffic on Whitebridge.
- Community members asked about long term implications for US 17. Response was that the bypass will provide relief for US 17 long term, but that NCDOT currently also has a Feasibility study underway on US 17 from Hampstead to Marsh Oaks/Mendenhall. That study will look at all the intersections and provide appropriate recommendations to address issues.
- The public asked about direct left turns into the site, they were shown that the site proposes right in and right-out traffic only.

Pender County Agencies

County Manager's Office

No reply

Pender County Utilities

Currently, sufficient capacity exists for the proposed development.

Pender County Environmental Health

Plan review required prior to any construction for a restaurant.

Pender County Emergency Management / Pender County Fire Marshal

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

Pender County Parks and Recreation

No reply

Pender County Schools

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.

Pender County Sheriff's Department

No reply

Pender County Addressing Coordinator

Request must be made to reserve the road names for "ROAD B" and the "Collector Road" per Pender County's Unified Development Ordinance (Art. 11.5.1.C). The request should include a list of requested names and alternates for review. Furthermore, as the Collector Road has its origin at Road B, it must be assigned cardinal direction prefixes for each segment coming from Road B (Art.11.4.2.C). I suggest "N" and "S" be the prefixes to the road name.

Similar rules are required for subdivision names (Art.11.5.1.B). There are already subdivisions named "Hampstead ..." A new name and alternates must be submitted for approval.

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 – TIA process underway

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

Fill elevations and slopes for building pads should be evaluated and buffers implemented, if necessary, to ensure inadvertent impacts to wetlands do not occur.

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



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

February 17, 2021

Mr. Don Bennett, PE

DAVENPORT

5917 Oleander Drive, Suite 206

Wilmington, NC 28403

RE: Scope approval for the Traffic Impact Analysis (TIA) associated with the proposed
Scotts Hill Mixed Use Development
Pender County, NC

Dear Mr. Bennett,

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

- LUC 210 – 14 Single Family Detached Homes
- LUC 220 – 148 Multi-Family Housing (Low Rise)
- LUC 826 – 6,200 SF Specialty Retail Center
- LUC 932 – 3,600 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 SR 1587 (Christian Chapel Road)
 - US 17 at Whitebridge Road
 - US 17 at Site Access 1

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

- i. Site Trip Generation Estimate
 - See attached trip generation
- ii. Site Trip Distribution
 - To be submitted and approved prior to use in TIA
- iii. Adjacent Development (approved but not yet built):
 - Blake Farm Development
 - Hampstead Retail and Apartments
- iv. Planned Roadway Improvements
 - N/A

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 Currituck • Pamlico County • Dare County • Wayne County • North Carolina Department of Transportation

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 Davenport)
Site Map (provided by Davenport)

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