



Pender County

Agenda

Board of Adjustment Meeting

Wednesday, September 21, 2022 @ 9:00 AM

Pender County Hampstead Annex Auditorium

	Presenter	Page
1. CALL TO ORDER		
2. ROLL CALL		
3. PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE		
4. ADOPTION OF AGENDA		
5. ADOPTION OF MINUTES		
5.1. August 17, 2022 Meeting Minutes 8/17/2022 Minutes - Pdf		3 - 11
6. PUBLIC COMMENT		
7. APPEAL		
7.1. APPEAL 2022-08 - Appeal of Administrative Decision - Planning Board Denial of Wyndwater Master Development Plan Revision (Case # MDP-R 2022-38) APPEAL 2022-08 - Pdf		13 - 134
8. DISCUSSION ITEMS		
9. NEXT MEETING DATE		
9.1. October 19, 2022 @ 9:00 AM Commissioners' Chambers 805 S. Walker Street Burgaw, NC 28425		
10. ADJOURNMENT		



Pender County Request for Board Action

TO: Board of Adjustment
FROM: Travis Henley
DATE: September 21, 2022
SUBJECT: August 17, 2022 Meeting Minutes

SUMMARY:

Meeting minutes from the August 17, 2022 Board of Adjustment meeting are attached for review and approval.

ACTION REQUESTED:

To review and approve August 17, 2022 meeting minutes.

Pender County Board of Adjustment Meeting Minutes – August 17, 2022

Members Present: Max Kipfer, Chairman
Kyle Breuer, Vice Chairman
Brett Keeler
Jeffrey Snider, Alternate
Andrew Olsen, Alternate

Members Absent: NA

Others Present: Travis Henley, Planning Director
Justin Brantley, Senior Planner
Donna Sayre, Administrative Specialist
Trey Thurman, County Attorney
Donna Sayre, Administrative Specialist
Amy Schaefer, Attorney

1. **Call to Order:** 9:03 a.m.

2. **Roll Call**

3. **Pledge of Allegiance and Moment of Silence**

4. **Adoption of Agenda**

Mr. Breuer made a motion to adopt the agenda. Mr. Olsen seconded the motion, and the motion was unanimously approved.

5. **Adoption of Minutes**

Mr. Breuer made a motion to adopt the minutes from the July 20, 2022, meeting. Mr. Snider seconded the motion, and the motion was unanimously approved.

6. **Public Comment**

There was not public comment.

7. **Swearing in of Applicants, Witnesses, and Other Interested Parties**

Before the Appeal hearing, County Attorney Trey Thurman informed the Board that Topsail Green's HOA Attorney, with the Law Office of Jordan Price, emailed a request for a continuance due to being unable to attend. The email was sent on Tuesday afternoon around 4:00 p.m.

Mr. Henley read into record the email that was received from The Law Office of Jordan Price. The email was submitted into record as **Exhibit A**.

Mr. Kipfer inquired as to how long of a time frame is being requested with this continuance. Mr. Henley stated they did not give a time frame. Mr. Henley informed the Board that the next regular meeting will be held on September 21, 2022.

Applicant Attorney, Amy Schaefer with the Law Firm of Lee Kaess, spoke to the Board about the applicant's desire to have the hearing take place today and requested that if the Board decides to not hear the Appeal today, to schedule a special hearing within two weeks.

Mr. Thurman stated that the continuance is at the Board's discretion as to approval and when the new hearing will take place.

Mr. Kipfer asked if the new hearing date would need to be re-advertised. Mr. Thurman stated that re-advertisement would not be necessary if a specific date and time is determined.

Mr. Breuer stated that he feels attorney representation is important and that their participation would be beneficial.

Mr. Olsen asked how many items were scheduled for the September 21st meeting. Mr. Henley stated that no items have been submitted for the September meeting.

Mr. Kipfer stated that he feels that hearing all the evidence at one time would be the best way to handle this Appeal.

Mr. Breuer made a motion to continue this hearing until September 21, 2022, at 9:00 a.m. at the Hampstead Annex Auditorium. Mr. Snider seconded the motion, and the vote was unanimous.

8. Discussion Items

There were no discussion matters.

9. Next Meeting Date

September 21, 2022
Hampstead Annex Building
15060 US Hwy. 17
Hampstead, NC 28443

10. Adjournment

Mr. Breuer made a motion to adjourn the meeting. Mr. Olsen seconded the motion, and the vote was unanimous. The meeting adjourned at 9:20 a.m.

August 16, 2022

Via Electronic Mail & U.S. Mail

Pender County Board of Adjustment
805 S. Walker Street
Burgaw, North Carolina 28425

Travis Henley, Director
thenley@pendercountync.gov

RE: *Topsail Greens Community Association, Inc & Appeal of Administrative Decision
– Planning Board Denial of Wyndwater Master Development Plan Revision (Case
#MDP-R 2022-38).*

Dear Members of the Pender County Board of Adjustment,

This firm is general counsel for and represents the interests of the Topsail Greens Community Association, Inc. (“Association”). As you may know, members of the Association attended the April and June 2022, Pender County Planning Board meetings regarding the Wyndwater Master Development Plan Revision – MDP-R2022-38 submitted by applicant, Signature Top Sail NC, Ltd (“Developer”) as it relates to modifications to the existing plans for Phase 7 and 11.

On August 15, 2022, the Association learned through written correspondence with Mr. Henley that the Developer would be represented by counsel at the hearing. Upon learning this information, the Association immediately contacted our firm and requested our attendance at the hearing. However, we are unable to attend tomorrow and respectfully request that the hearing be continued so that the Association (who is an interested persons/entity in the outcome of the Developer’s appeal and opponent of the modifications to Wyndwater plans for Phase 7 and 11) may have legal counsel present to submit evidence and testimony on its’ behalf and ask questions of persons who testify. We certainly acknowledge and understand the late notice of this request for continuance. Therefore, if the Board of Adjustment is unable to accommodate this continuance request, we would further request that members of the Association be given the opportunity to present evidence and testimony and ask questions of persons who testify.

The Association continues to be concerned about the potential impacts to the Association’s utility easements existing within Phases 7 and 11 of the development and I expect that several members of the community will attend tomorrow’s Board of Adjustment meeting in order to voice these concerns. We have enclosed for your reference the previous correspondences we shared with the Pender County Planning Board regarding this matter.

Sincerely,

JORDAN PRICE WALL GRAY JONES & CARLTON

/s/ Mollie L. Cozart

Enclosures

cc: Elizabeth Parker, for the Board of Directors

11 May 2022

Via Electronic Mail and U.S. Mail

Travis Henley, Director
Pender County Planning & Community Development
805 S. Walker St.
Burgaw, North Carolina 28425
thenley@pendercountync.gov

RE: Topsail Greens Community Association, Inc.

Dear Mr. Henley

This firm is general counsel for and represents the interests of the Topsail Greens Community Association, Inc. ("Association"). The Association received notice of the Public Hearing from the Pender County Planning Board regarding the Master Development Plan Revision by applicant, Signature Top Sail NC, Ltd ("Developer") as it relates to modifications to the existing plan for Phase 7 and 11.

The purpose of this letter is to further lodge the concerns of the Association regarding potential impacts to the Association's utility easements existing within Phases 7 and 11 of the development. Such utilities all existed upon the property subject to recorded easements granted to the Association prior the Developer's ownership of the property. These utility easements include easements for the purpose of access to and installation, maintenance, or repair to water and sewer and septic lines, disposal fields, wells and any related structures, equipment or improvements owned and operated by the Association that existed upon the Developer's property prior to its purchase of the property. Specifically, the Association maintains three sewer utility lines from the wastewater plant located on Topsail Plantation Drive to the leach fields on Champion Drive. These sewer lines extend over an area of the golf course that is proposed for development within Phase 7. These sewer lines exist within a 20-foot easement and 20-foot utility easement for the Association. The Association is particularly concerned about Phase 7 development blocking or preventing the Association from being able to access its septic repair field. Therefore, on behalf of the Association, we raise the following questions and requests to the Pender County Planning Board:

- Has the Developer sufficiently identified the Association's utility easements? If so, can you provide us with those surveys and/or preliminary plat plans?
- Has the Developer sufficiently reviewed and analyzed any potential impacts of Phases 7 and 11 construction and development to the Association's utility easements, including the Association's ability to utilize and access those easements? If so, can you provide us with those plans or reports?

- Has the Developer identified an area for an adequate access easement that the Association can utilize to access its' repair field?
- Will the Developer's proposed water lines in Phase 11 be located too closely to the existing water lines of the Association?

Based upon the Pender County Unified Development Ordinance, it is the Association's understanding that a site development plan as well as preliminary plat should include not only the location and width of proposed easements and dedications, but also the location and dimensions of all existing utility easements. The Association asserts that any building upon or moving of the Association's utility lines will require the Association's consent and the Association strongly opposes any moving of these lines. Further, the Association has been informed by its wastewater maintenance and repairman that the existing sewer lines were designed and constructed as gravity lines and that if these lines were moved then a pumping station would be required to reach the leach fields. Pumping stations require more maintenance, more chemicals, and more electricity, which results in increased costs to the Association.

It is my understanding that since the April meeting of the Planning Board, that the Developer agreed to perform a survey to locate the three force main lines that go across the Developer's property as well as any other existing utilities and then a preliminary plat would be provided. As of this date, we have not received any surveys of the Association's existing utility lines. The Association requests that the Developer provide these surveys of the existing utilities and also provide reports and information on potential damage and impacts to the utility lines of the Association and how such can be avoided and mitigated prior to the planning board issuing a decision on the Developer's Phase 7 and 11 proposals.

Sincerely,

JORDAN PRICE WALL GRAY JONES & CARLTON


Mollie L. Cozart

June 06, 2022

VIA ELECTRONIC MAIL

Pender County Planning & Community Development
Planning Board
c/o Travis Henley, Director
thenley@pendercountync.gov

RE: *Topsail Greens Community Association, Inc & MDP-R 2022-38.*

Dear Members of the Pender County Planning Board,

This firm is general counsel for and represents the interests of the Topsail Greens Community Association, Inc. ("Association"). As you know, members of the Association attended the April 5, 2022, Pender County Planning Board meeting regarding the Wyndwater Master Development Plan Revision – MDP-R2022-38 submitted by applicant, Signature Top Sail NC, Ltd ("Developer") as it relates to modifications to the existing plans for Phase 7 and 11.

The Association continues to be concerned about the potential impacts to the Association's utility easements existing within Phases 7 and 11 of the development and I expect that several members of the community will attend the June 07 Planning Board meeting in order to voice these concerns. Such utilities all existed upon the property subject to recorded easements granted to the Association prior the Developer's ownership of the property. These utility easements include easements for the purpose of access to and installation, maintenance, or repair to water and sewer and septic lines, disposal fields, wells and any related structures, equipment or improvements owned and operated by the Association that existed upon the Developer's property prior to its purchase of the property. Specifically, the Association maintains three sewer utility lines from the wastewater plant located on Topsail Plantation Drive to the leach fields on Champion Drive. These sewer lines extend over an area of the golf course that is proposed for development within Phase 7. These sewer lines exist within a 20-foot easement and 20-foot utility easement for the Association. The Association is particularly concerned about Phase 7 development blocking or preventing the Association from being able to access its septic repair field. The Association asserts that any building upon or moving of the Association's utility lines will require the Association's consent and the Association strongly opposes any moving of these lines. Further, the Association has been informed by its wastewater maintenance and repairman that the existing sewer lines were designed and constructed as gravity lines and that if these lines were moved then a pumping station would be required to reach the leach fields. Pumping stations require more maintenance, more chemicals, and more electricity, which results in increased costs to the Association.

It is my understanding that Mr. Damien Buchanan made a motion at the April meeting to table the decision on the MDP-R 2022-38 plan revisions until the next meeting in part for the Developer to fulfill Mr. Buchanan's request for clarification on the existing utility lines and how the proposed development of Phases 7 and 11 will not impact these areas. Ms. Margaret Moska further requested a survey of existing utilities to better address the concerns raised by members of the Association. According to the Association, since the April meeting of the Planning Board, the Developer agreed to perform a survey to locate the three force main lines that go across the Developer's property as well as any other existing utilities and then a preliminary plat would be provided. As of this date, the Association has not received any surveys of its' existing utility lines. I am copying Mr. Mike Pollak on this correspondence in order to also provide notice to Top Sail NC, Ltd. of the Association's continued concerns and to request that the Developer provide these surveys of the existing utilities and also provide reports and information on potential damage and impacts to the utility lines of the Association and how such can be avoided and mitigated prior to the planning board issuing a decision on the Developer's Phase 7 and 11 proposals.

Sincerely,

JORDAN PRICE WALL GRAY JONES & CARLTON

/s/ Mollie L. Cozart

cc: Elizabeth Parker, for the Board of Directors
Mike Pollak, for Top Sail NC, Ltd.

4881-3081-9876, v. 2



Pender County Request for Board Action

TO: Board of Adjustment

FROM: Travis Henley

DATE: September 21, 2022

SUBJECT: APPEAL 2022-08 - Appeal of Administrative Decision - Planning Board Denial of Wyndwater Master Development Plan Revision (Case # MDP-R 2022-38)

SUMMARY:

Signature Top Sail NC, Ltd., applicant and owner, and also on behalf of Trust Special, Ruth Kalmar Estate, owner, is requesting an Appeal of Administrative Decision made by the Pender County Planning Board at their June 7, 2022 regular meeting. The Pender County Planning Board voted unanimously (4-0) to deny the Master Development Plan (MDP 2022-38) that would have allowed for a modification of the existing plan to allow for townhomes in Phases 7 and 11, increase the non-residential area within both phases, and remove Phase 10, located across Sloop Point Loop Road from the Craftsman Way entrance, from the project. The property is located to the east of US HWY 17, north of Doral Drive (SR 1693), west and east of Sloop Point Loop Road (SR 1563), and south of the Cardinal Acres Lane (private) in the Topsail Township. The properties may be further identified by Pender County PIN(s): 4204-84-9111-0000; 4214-50-8387-0000; 4213-59-0181-0000; 4214-31-5745-0000; 4204-75-9493-0000; 4204-85-1358-0000; 4204-75-8439-0000; 4204-75-9493-0000; 4204-85-1358-0000.

ACTION REQUESTED:

To hold a public hearing and consider the APPEAL request.

ATTACHMENTS:

1. Appeal Staff Report
2. Applicant's Appeal Description
3. Appeal Application 1
4. Appeal Application 2
5. MDP-R 2022-38 Staff Report for Planning Board (June 7, 2022)
6. Wyndwater Project Narrative
7. Wyndwater MDP Original Proposal
8. Wyndwater MDP Revised Site Plan 1
9. Wyndwater MDP Revised Site Plan 2
10. Wyndwater Case History

11. April 5, 2022 Planning Board Minutes
12. June 7, 2022 Planning Board Minutes
13. MDP-R 2022-38 Denial Letter
14. Unified Development Ordinance Sections 3.5 (MDPs), 6.1 (MDP Contents), and 7.9 (Stormwater)
15. Wyndwater MDP Density Calculations
16. Wyndwater MDP Revision Application
17. Wyndwater MDP Public Meeting Summary
18. Wyndwater MDP TIA Scope Approval

**PLANNING STAFF REPORT
APPEAL OF ADMINISTRATIVE DECISION**

SUMMARY:

Hearing Date: August 17, 2022
Applicant: Signature Top Sail NC, Ltd.,
Property Owners: Signature Top Sail NC, Ltd.
Trust Special, Ruth Kalmar Estate
Case Number: APPEAL 2022-08

Property Location and Description: The subject properties are located to the east of US HWY 17, north of Doral Drive (SR 1693), east and west of Sloop Point Loop Road (SR 1563), and south of the Cardinal Acres Lane (private) in the Topsail Township.

Zoning District of Property: The subject property is zoned PD, Planned Development zoning district.

Summary of Appeal Request: Signature Top Sail NC, Ltd., applicant and owner, and also on behalf of Trust Special, Ruth Kalmar Estate, owner, is requesting an Appeal of Administrative Decision made by the Pender County Planning Board at their June 7, 2022 regular meeting. The Pender County Planning Board voted unanimously (4-0) to deny the Master Development Plan (MDP 2022-38) that would have allowed for a modification of the existing plan to allow for townhomes in Phases 7 and 11, increase the non-residential area within both phases, and remove Phase 10, located across Sloop Point Loop Road from the Craftsman Way entrance, from the project.

BACKGROUND AND DESCRIPTION OF APPEAL REQUEST:

The Master Development Plan known as Wyndwater was originally approved in November 2013 and has been subject to numerous revisions over time since the original approval (see attached for a more detailed history of the project). As it currently exists, the Master Development Plan of Wyndwater includes approximately ±234.28 acres, a significant number of which have already been developed or are in the process of being developed. Within Wyndwater, Phases 1, 2, 3, 6, 8, and 9 have received Final Plat approval and are entirely or mostly built out. All of Phase 4 has received Final Plat approval as well and is nearing completion, and Phase 5 is currently under construction. The overall Master Development Plan is approved to include 529 units, with the most recent revision being approved in March 2021.

An application for a further Master Development Plan revision under the PD, Planned Development zoning district requirements was received on September 10, 2021 for the subject properties. Specifically, the Master Development Plan Revision was designed to accomplish the following items:

- Phase 10 (Pender County PINs 4213-49-8163-0000 and 4214-40-7044-0000): Remove from the project. This parcel was originally intended to include 41 single-family detached and townhome units. The parcel shall retain the PD, Planned Development zoning district designation but shall require its own Master Development Plan process if developed in the future.
- Phase 11 (northern portion of Pender County PIN 4204-84-9111-0000, as well as Pender County PINs 4204-75-8439-0000; 4204-75-9493-0000 and 4204-85-1358-0000): Previously approved for 76 townhome units, proposal reduces this number to 56 townhome units and increases commercial acreage to include 56,000 square feet of medical office and retail space.
- Phase 7 (southern portion of Pender County PIN 4204-84-9111-0000): previously noted as future development, proposal includes 60 townhome units as well as 12,800 square feet of medical office space. The 60 residential units allocated to this phase are sourced from the reduction of units in Phase

APPEAL 2021-06

11 and the removal of Phase 10 from the project. This phase was designated to contain townhomes in the most recent Master Development Plan Revision, however no units were allocated to it.

Upon the applicant presenting their application to the Planning Board at their April 5th, 2022 meeting, numerous members of the public spoke in opposition to the project, specifically mentioning stormwater and drainage, water quality, traffic, density, and overall fit within the community. The Planning Board tabled the request to the next meeting, which was held on June 7th, 2022, at which time many similar concerns were heard from the public as well. After lengthy discussion between the applicant and development team, the Planning Board, and Staff, a motion to deny the application carried on a unanimous 4-0 vote, specifically citing the proposals lack of conformance to Article 7.9.D 'Design Standards' relating specifically to stormwater. Planning Staff provided the applicant a letter stating the Board's decision which may be found attached to this packet, as are and the approved minutes from the April 5th and June 7th meetings. Additionally, Unified Development Ordinance standards relating to Master Development Plans (3.5), the contents required within Master Development Plans (6.1), and the Stormwater Design standards (7.9) are also found as attachments to this report.

If the Board of Adjustment grants approval of the appeal, reversing the denial of the Master Development Plan by the Planning Board, the applicant must still meet all requirements in Pender County's Unified Development Ordinance and agreed upon conditions of approval, including submitting all necessary permits prior to any subdivision or site plan approval within the Master Development Plan.

ZONING ADMINISTRATOR'S CONCLUSION:

Signature Top Sail NC, Ltd., applicant and owner, and also on behalf of Trust Special, Ruth Kalmar Estate, owner, is requesting an Appeal of Administrative Decision made by the Pender County Planning Board at their June 7, 2022 regular meeting. According to Section 3.5.4.H below, any denial of a Master Development Plan may be appealed to the Board of Adjustment within thirty (30) days of the decision.

3.5 Master Development Plan

3.5.4 Review

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

BOARD ACTION FOR VARIANCE:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Kipfer: _____ Breuer: _____ Keeler: _____ Olsen: _____ Snider: _____

APPEAL DESCRIPTION

Pursuant to Pender County Unified Development Ordinance, Section 3.5.4.H, the Applicant, Signature Top Sail NC, LP joining with Property Owners, Trust Special, Ruth Kalmar Estate hereby provide notice of appeal of the Planning Board's denial of the Master Development Plan ("MDP 2022-38") for a mixed-use development known as Wyndwater located to the east of US Highway 17, north of Doral Drive, west of Sloop Point Loop Road, and south of the Cardinal Acres Lane in the Topsail Township as more fully described in the attached letter dated June 7, 2022. Also attached, please find a copy of the application and staff report for MDP 2022-38.

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP	Date	
Application Fee	\$	Receipt No.	
Pre-Application Conference		Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Signature Top Sail NC, LP	Owner's Name:	Signature Top Sail NC, LP
Applicant's Address:	9337B Katy Freeway #377	Owner's Address:	9337B Katy Freeway #377
City, State, & Zip	Houston, Texas 77024	City, State, & Zip	Houston, Texas 77024
Phone Number:	713-822-3891	Phone Number:	
Legal relationship of applicant to land owner: Land Owner and Developer			
SECTION 2: PROJECT INFORMATION			
Type of Master Development Plan	☐ Residential RP, PD, RM MH District ☐ Commercial GB, OI, IT, GI District ☐ Mixed Use PD ☐ Exempt		
Property Identification Number (PIN):	4214-12-8251-0000	Total property acreage:	205.96
Zoning Classification:	PD	Acreage to be disturbed:	
Project Address:	Sloop Point Loop Road		
Description of Project Location:	Wyndwater Subdivision		
Describe activities to be undertaken on project site:	Development of Residential Lots & Commercial Development		
SECTION 3: SIGNATURES			
Applicant's Signature	<i>[Signature]</i>	Date:	9/10/21
Owner's Signature	<i>[Signature]</i> Signature Top Sail NC Ltd	Date:	9/10/21

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP	Date	
Application Fee	\$	Receipt No.	
Pre-Application Conference		Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Signature Top Sail NC, LP	Owner's Name:	Trust Special, Ruth Kalmar Estate
Applicant's Address:	9337B Katy Freeway #377	Owner's Address:	2237 Queens Road East
City, State, & Zip	Houston, Texas 77024	City, State, & Zip	Charlotte, NC 28207
Phone Number:	713-822-3891	Phone Number:	704-661-7426
Legal relationship of applicant to land owner: Developer			
SECTION 2: PROJECT INFORMATION			
Type of Master Development Plan	☐ Residential RP, PD, RM MH District	☐ Commercial GB, OI, IT, GI District	☒ Mixed Use PD
Property Identification Number (PIN):	4214-50-8387-0000	Total property acreage:	19.56
Zoning Classification:	PD	Acreage to be disturbed:	
Project Address :	Sloop Point Loop Road		
Description of Project Location:	Project is located between Hwy 17 & Sloop Point Loop Road		
Describe activities to be undertaken on project site:	Development of Residential Lots		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	
Owner's Signature	Richard Alan Davis, Successor Trustee	Date:	9/9/2021

NOTICE TO APPLICANT							
1. Applicant or agent authorized in writing must attend the public hearing. 2. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 3. All fees are non-refundable 4. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda							
Office Use Only							
☐		MDP Fees: (\$500.00 plus \$10/acre for the first 100 acres \$5/acre thereafter)				Total Fee Calculation: \$	
Attachments Included with Application: (Please include # of copies)							
CD /other digital version	☐ Y ☐ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☐ Y ☐ N	
Payment Method:		Cash : ☐ \$ _____		Credit Card: ☐ Master Card ☐ Visa		Check: ☐ Check # _____	
Application received by:						Date:	
Application completeness approved by:						Date:	
Date scheduled for public hearing:							

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

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

MASTER DEVELOPMENT PLAN PROPOSAL
Signature Top Sail NC, Ltd., applicant and owner, and also on behalf of Trust Special, Ruth Kalmar estate, owner, is requesting a revision to the previously approved Master Development Plan for the mixed-use development known as Wyndwater. Specifically, the request is to modify the existing Plan to allow for townhomes in Phases 7 and 11, increase the commercial area within both phases, and remove Phase 10 from the Plan. The Master Development Plan is proposed to reduce in size to approximately 206 acres (from approximately 235 acres) with the total number of units remaining consistent with previous approvals.
LOCATION
The property is located to the east of US HWY 17, north of Doral Drive (SR 1693), west of Sloop Point Loop Road (SR 1563), and south of the Cardinal Acres Lane (private) in the Topsail Township.
RECOMMENDATION <i>(Revised April 1, 2022)</i>
Planning Staff is submitting the proposal for Planning Board disposition. The request was found to be consistent with one goal, one objective, and three policies within the Pender 2.0 Comprehensive Land Use Plan, and was also found to be generally consistent with the Future Land Use Map within said plan. The request is also consistent with previous approvals for the Wyndwater Master Development Plan, and with the Unified Development Ordinance. Therefore, Staff respectfully recommends approval of the revision as described in this report.



MDP REVISION PROPOSAL

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

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

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

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

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





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

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

Density

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

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

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

Non-Residential Development

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

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

Proposed Setbacks and Dimensions

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

Allowable Uses

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

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

TRANSPORTATION INFRASTRUCTURE

Roadways, Street Connectivity, and Access

The applicant is proposing private roadways in Phases 7 and 11.

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

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

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Pedestrian Access

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

Traffic

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

Parking

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

LANDSCAPING, ENVIRONMENT, AND OTHER INFRASTRUCTURE

Landscape and Buffers

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

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

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

Significant Trees

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

Open Space

The Wyndwater Master Development Plan has expanded in acreage multiple times over the course of previous approvals. As such, the proposal conflicts with Section 7.6.1.E.1 of Pender County Unified Development Ordinance with regard to open space: per Section 7.6.1.E.1, the dedicated [open space] land shall form a single parcel of land, whether the subdivision is developed in phases or sections, except where it is determined by the appropriate governing body, that two (2) or more parcels would be in the best interests of the residents of the subdivision and the public; and in such case, the appropriate governing body, may require that such parcels be connected.

The Wyndwater open spaces do not connect due to the applicant acquiring additional pieces of property throughout the Master Development Plan's multiple revisions. As the applicant completes the infill development, the open spaces become better connected throughout the Master Development Plan using sidewalks and pedestrian easements. The proposed 36.07 acres of open space exceeds the requirements within Section 7.6.1.C, which requires 0.03 acres per dwelling unit. All recreational unit requirements have been fulfilled at this time.

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

Utilities

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

Stormwater

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

Special Flood Hazard Areas

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

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

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

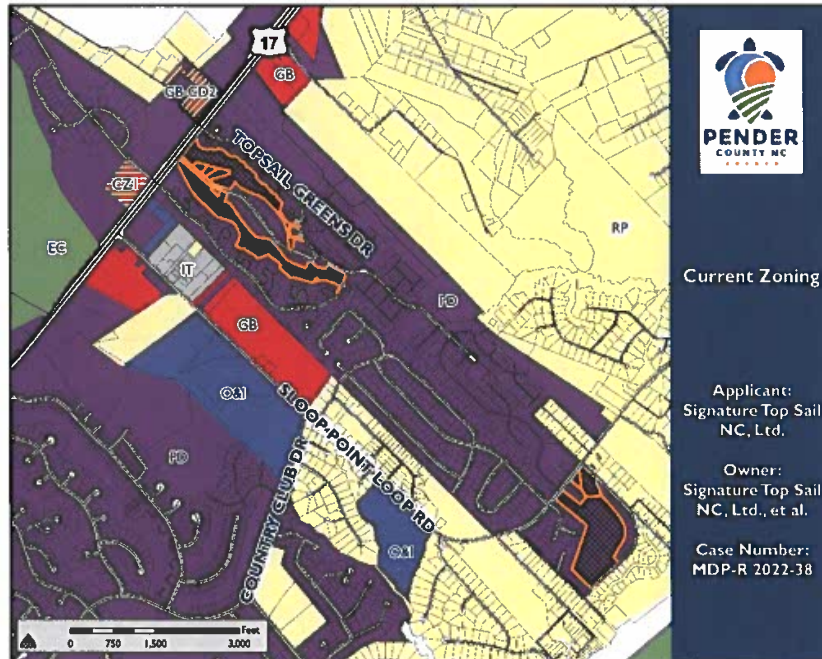
External Permits

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

PUBLIC INPUT MEETING

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

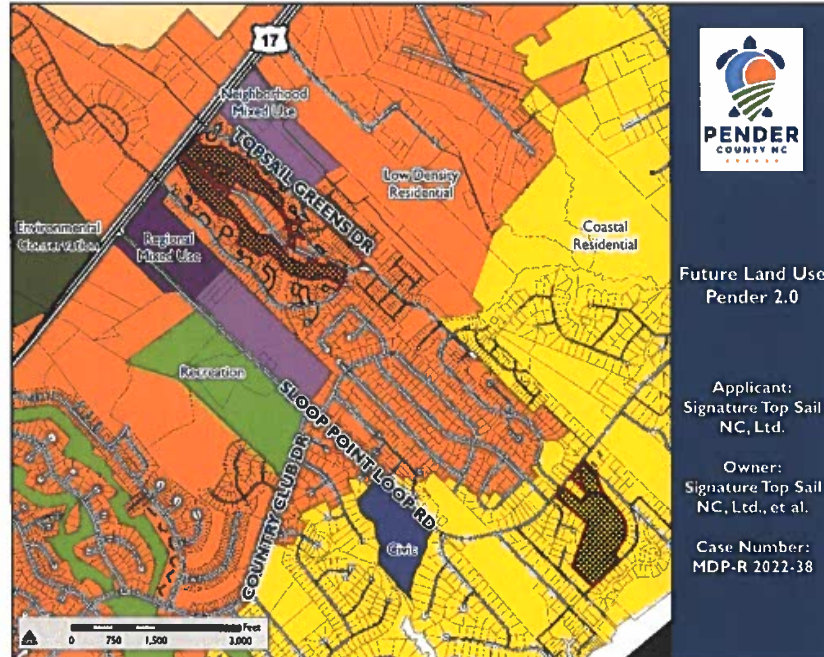
EVALUATION



Below: Zoning Map of the Area

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

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



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

The Pender 2.0 Comprehensive Land Use Plan designates the subject properties as Low Density Residential and Coastal Residential. The Low Density Residential future land use category is established in areas that are typically established single-family neighborhoods with a low density residential development pattern. Appropriate uses include single-family dwellings and neighborhood-scale institutional facilities. Commercial and industrial uses are inappropriate in these areas, as are large institutions and other significant traffic generators. Duplexes and townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Clustering of new communities is encouraged.

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

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

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

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

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

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

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

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

Policy 5.1.X: Coastal Residential Development: The County supports the protection of existing coastal single-family residential neighborhoods and property values by encouraging low-impact development principles, impervious coverage thresholds, public trust access, and preservation of tree canopy.

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

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

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

3.5.4 Master Development Plan Review

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

STAFF RECOMMENDATION

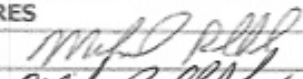
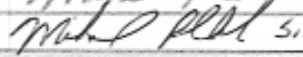
Planning Staff is submitting the proposal for Planning Board disposition. The request was found to be consistent with one goal, one objective, and three policies within the Pender 2.0 Comprehensive Land Use Plan, and was also found to be generally consistent with the Future Land Use Map within said plan.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

CONDITIONS OF APPROVAL

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

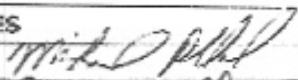
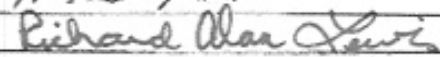
1. Phase III: Provide connection to adjacent property for future development to the northwest of the subject property (documented under case #11067 Cardinal Pointe, as submitted to Planning Board in December 2013);
2. Phase II: Provide connection to identified "Capstone Property" identified by Pender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

APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION

THIS SECTION FOR OFFICE USE			
Application No.	AAD	Date	
Application Fee	\$	Receipt No.	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Signature Top Sail NC, LP	Owner's Name:	Signature Top Sail NC, LP
Applicant's Address:	9337B Katy Freeway #377	Owner's Address:	9337B Katy Freeway #377
City, State, & Zip	Houston, Texas 77024	City, State, & Zip	Houston, Texas 77024
Phone Number:	(713)822-3891	Phone Number:	
Legal relationship of applicant to land owner: Land Owner and Developer			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	6-24-22
Owner's Signature	 SIGNATURE TOP SAIL NC, LP	Date:	6-26-22
NOTICE TO APPLICANT: MEL			
1. Applicant must also submit the information described below in the Appeal of Administrative Decision 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 Board of Adjustment agrees to table or delay the hearing.			
APPEAL OF ADMINISTRATIVE DECISION CHECKLIST			
☐ Signed application form ☐ Application fee ☐ One business size envelope legibly addressed with certified postage for all participants for the appeal ☐ Appeal Description: Written description of the Appeal taken forward including all pertinent materials (pictures, permits, etc.)			
OFFICE USE ONLY			
☐ AAD Fees \$250		Total Fee Calculation \$	
Payment Method:	Cash: ☐ \$ _____ Credit Card: ☐ Master Card ☐ Visa Check: ☐ Check # _____		
Application received by:		Date:	
Application completeness approved by:		Date:	
Date scheduled for public hearing:			

Print Form

APPLICATION FOR APPEAL OF ADMINISTRATIVE DECISION

THIS SECTION FOR OFFICE USE			
Application No.	AAD	Date	
Application Fee	\$	Receipt No.	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Signature Top Sail NC, LP	Owner's Name:	Trust Special, Ruth Kalmar Estate
Applicant's Address:	9337B Katy Freeway #377	Owner's Address:	2237 Queens Road East
City, State, & Zip	Houston, Texas 77024	City, State, & Zip	Charlotte, NC 28207
Phone Number:	(713) 822-3891	Phone Number:	(704) 661-7426
Legal relationship of applicant to land owner: Developer			
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	11-26-22
Owner's Signature		Date:	6-29-22
NOTICE TO APPLICANT:			
1. Applicant must also submit the information described below in the Appeal of Administrative Decision 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 Board of Adjustment agrees to table or delay the hearing.			
APPEAL OF ADMINISTRATIVE DECISION CHECKLIST			
☐ Signed application form			
☐ Application fee			
☐ One business size envelope legibly addressed with certified postage for all participants for the appeal			
☐ Appeal Description: Written description of the Appeal taken forward including all pertinent materials (pictures, permits, etc.)			
OFFICE USE ONLY			
☐ AAD Fees \$250		Total Fee Calculation \$	
Payment Method:	Cash: ☐ \$	Credit Card: ☐ Master Card ☐ Visa	Check: ☐ Check #
Application received by:		Date:	
Application completeness approved by:		Date:	
Date scheduled for public hearing:			

Print Form

AUTHORITY TO ACT

The undersigned owner(s) and applicant(s) do hereby appoint James R. Holland and/or Amy C. Schaefer of Lee Kaess, PLLC to act on our behalf for the purpose of the appeal of the Master Development Plan. They are authorized to submit applications, provide supplemental information and materials, appear at hearings and any other acts related to the appeal of the Master Development Plan.

This the _____ day of June 2022.

Signature Top Sail NC, LP

By: 
Name: MICHAEL BOLLOR
Title: SIGNATURE TOP SAIL NC LP MEMBER

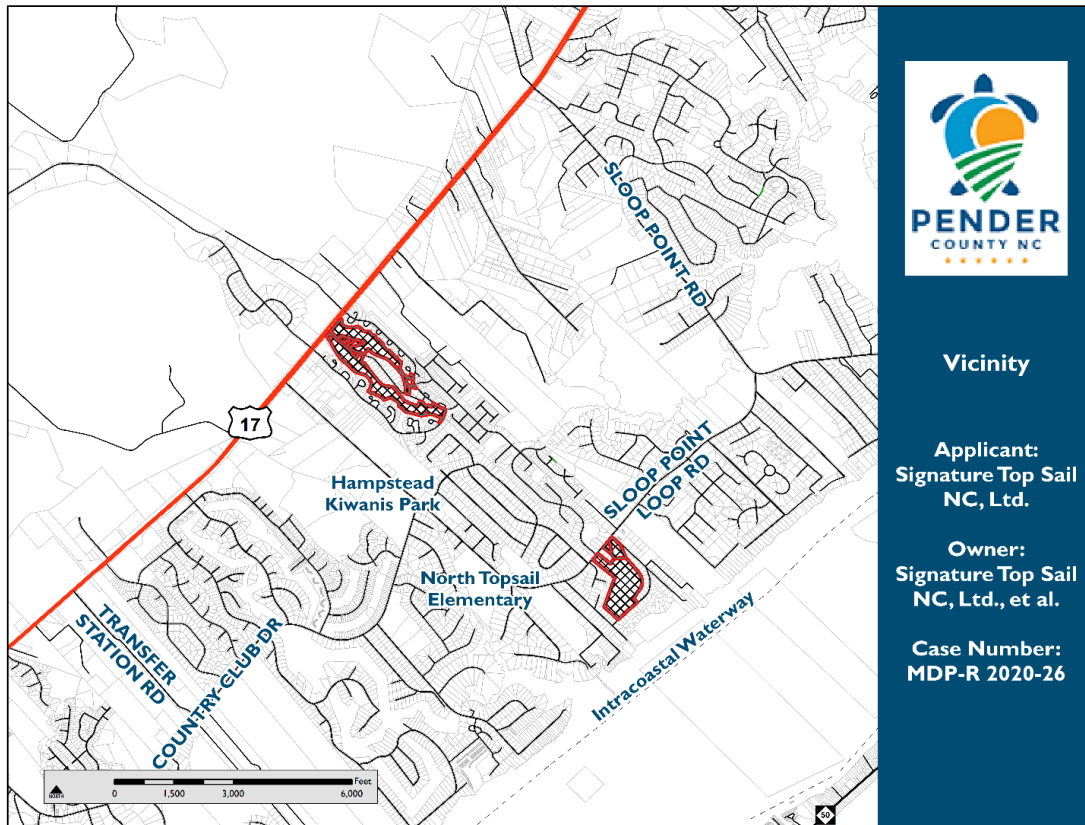
Trust Special, Ruth Kalmar Estate

By: 
Name: Richard Alan Lewis
Title: Successor Trustee to Trust Special

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

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

MASTER DEVELOPMENT PLAN PROPOSAL
Signature Top Sail NC, Ltd., applicant and owner, and also on behalf of Trust Special, Ruth Kalmar estate, owner, is requesting a revision to the previously approved Master Development Plan for the mixed-use development known as Wyndwater. Specifically, the request is to modify the existing Plan to allow for townhomes in Phases 7 and 11, increase the commercial area within both phases, and remove Phase 10 from the Plan. The Master Development Plan is proposed to reduce in size to approximately 206 acres (from approximately 235 acres) with the total number of units remaining consistent with previous approvals.
LOCATION
The property is located to the east of US HWY 17, north of Doral Drive (SR 1693), west of Sloop Point Loop Road (SR 1563), and south of the Cardinal Acres Lane (private) in the Topsail Township.
RECOMMENDATION (Revised April 1, 2022)
Planning Staff is submitting the proposal for Planning Board disposition. The request was found to be consistent with one goal, one objective, and three policies within the Pender 2.0 Comprehensive Land Use Plan, and was also found to be generally consistent with the Future Land Use Map within said plan. The request is also consistent with previous approvals for the Wyndwater Master Development Plan, and with the Unified Development Ordinance. Therefore, Staff respectfully recommends approval of the revision as described in this report.



MDP REVISION PROPOSAL

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

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

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

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

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





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

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

Density

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

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

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

Non-Residential Development

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

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

Proposed Setbacks and Dimensions

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

Allowable Uses

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

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

TRANSPORTATION INFRASTRUCTURE

Roadways, Street Connectivity, and Access

The applicant is proposing private roadways in Phases 7 and 11.

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

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

Pedestrian Access

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

Traffic

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

Parking

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

LANDSCAPING, ENVIRONMENT, AND OTHER INFRASTRUCTURE

Landscape and Buffers

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

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

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

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

Open Space

The Wyndwater Master Development Plan has expanded in acreage multiple times over the course of previous approvals. As such, the proposal conflicts with Section 7.6.1.E.1 of Pender County Unified Development Ordinance with regard to open space: per Section 7.6.1.E.1, the dedicated [open space] land shall form a single parcel of land, whether the subdivision is developed in phases or sections, except where it is determined by the appropriate governing body, that two (2) or more parcels would be in the best interests of the residents of the subdivision and the public; and in such case, the appropriate governing body, may require that such parcels be connected.

The Wyndwater open spaces do not connect due to the applicant acquiring additional pieces of property throughout the Master Development Plan's multiple revisions. As the applicant completes the infill development, the open spaces become better connected throughout the Master Development Plan using sidewalks and pedestrian easements. The proposed 36.07 acres of open space exceeds the requirements within Section 7.6.1.C, which requires 0.03 acres per dwelling unit. All recreational unit requirements have been fulfilled at this time.

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

Utilities

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

Stormwater

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

Special Flood Hazard Areas

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

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

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

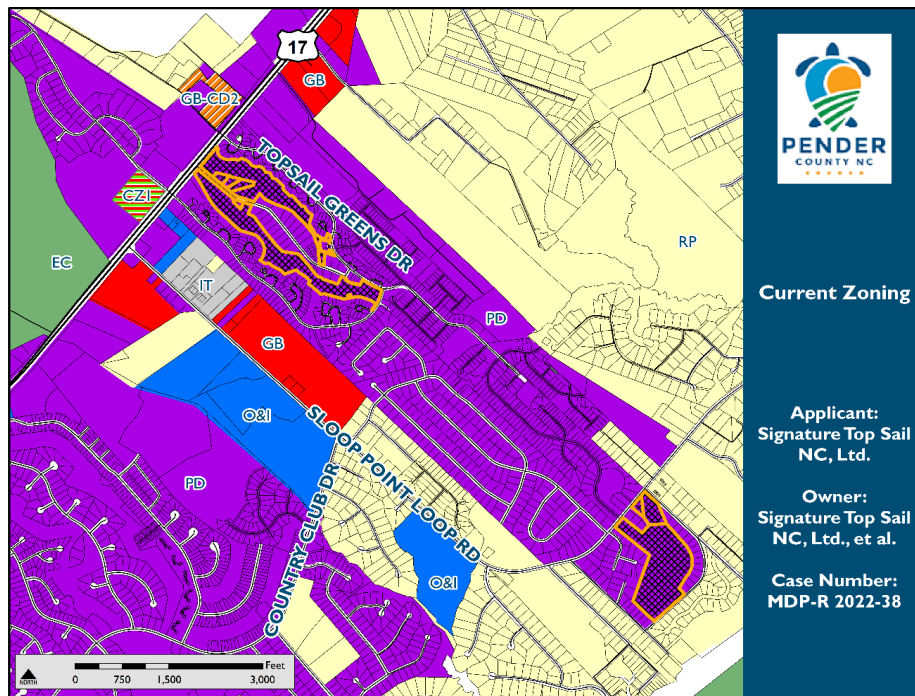
External Permits

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

PUBLIC INPUT MEETING

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

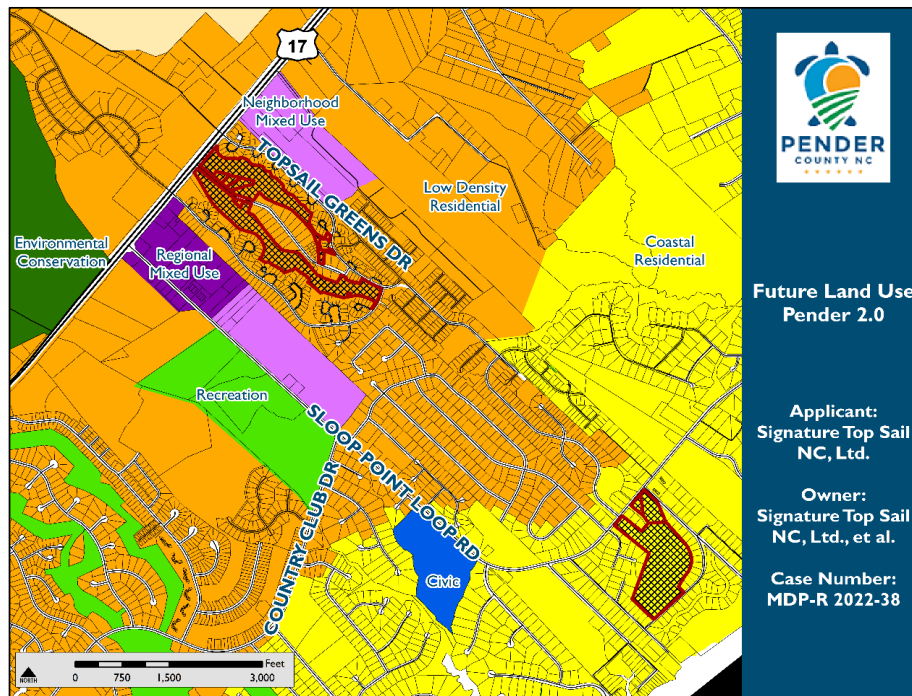
EVALUATION



Below: Zoning Map of the Area

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

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



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

The Pender 2.0 Comprehensive Land Use Plan designates the subject properties as Low Density Residential and Coastal Residential. The Low Density Residential future land use category is established in areas that are typically established single-family neighborhoods with a low density residential development pattern. Appropriate uses include single-family dwellings and neighborhood-scale institutional facilities. Commercial and industrial uses are inappropriate in these areas, as are large institutions and other significant traffic generators. Duplexes and townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Clustering of new communities is encouraged.

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

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

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

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

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

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

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

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

Policy 5.1.X: Coastal Residential Development: The County supports the protection of existing coastal single-family residential neighborhoods and property values by encouraging low-impact development principles, impervious coverage thresholds, public trust access, and preservation of tree canopy.

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

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

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

3.5.4 Master Development Plan Review

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

STAFF RECOMMENDATION

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

CONDITIONS OF APPROVAL

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

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

GSP CONSULTING

September 10, 2021

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

Re: Wyndwater
Master Development Plan Project Narrative

This project is located off and has direct access to Sloop Point Loop Road (SR 1563) in Hampstead, Pender County, North Carolina. This project will be developed in Phases. Completed Phase 1 contains 40 lots to be served by Public NCDOT & Private subdivision roads serving all the lots as well as a Public waterline extension. Phase 1 sewer is treated by the use of septic systems. Completed Phase 2 contains 65 lots to be served by Public NCDOT & Private subdivision roads serving all the lots as well as a Public waterline extension. Phase 2 sewer is treated by the use of septic systems owned by the individual lot owners & gravity sewer owned and operated by Pluris. Completed Phase 3 contains approximately 114 single family lots to be served by Public NCDOT & Private subdivision roads serving all the lots as well as a Public waterline extension. Phase 3 sewer is treated by the use of gravity sewer and a lift station owned and operated by Pluris. Partially completed Phase 4 contains 52 single family lots to be served by Public NCDOT & Private subdivision roads serving all the lots as well as a Public waterline extension. Phase 4 sewer will be treated by the use of gravity sewer and a lift station owned and operated by Pluris. Currently in Permitting Phase 5 contains 63 single family lots to be served by Public NCDOT & Private subdivision roads serving all the lots as well as a Public waterline extension. Phase 5 sewer will be treated by the use of gravity sewer and a lift station owned and operated by Pluris. Completed Phase 6 contains approximately 45 single family lots to be served by Public NCDOT & Private subdivision roads serving all the lots as well as a Public waterline extension. Phase 6 sewer will be treated by the use of gravity sewer owned and operated by Pluris. Phase 7 contains approximately 60 townhomes to be served by Private drive aisles with 30' Utility & Access Easements and/or 40' Private Right of Ways serving all the lots as well as a Public waterline extension. Phase 7 sewer will be treated by the use of gravity sewer and a lift station owned and operated by Pluris. Completed Phase 8 contains approximately 25 single family lots to be served by Private subdivision roads serving all the lots as well as a Public waterline extension. Phase 8 sewer will be treated by the use of gravity sewer owned and operated by Pluris. Completed Phase 9 contains approximately 8 single family lots to be served by Private subdivision roads serving all the lots as well as a Public waterline extension. Phase 9 sewer will be treated by the use of gravity sewer owned and operated by Pluris. Phase 11 contains approximately 56 townhomes to be served by Private drive aisles with 30' Utility & Access Easements and/or 40' Private Right of Ways serving all the lots as well as a Public waterline extension. Phase 11 sewer will be treated by the use of gravity sewer and a lift station owned and operated by Pluris. With this MDP Revision 52,800 sf of Medical Office and 16,000 sf of Retail are being proposed at the US Hwy 17 frontage of the development. These commercial parcels will be accessed off US Hwy 17 by the existing Topsail Plantation Drive. Topsail Plantation Drive will be a Private Right of Way and the roadway will be improved up to the Phase 7 & Phase 11 access points to NCDOT standards. Additionally, a 2.04 Ac. Storage Area is proposed off Topsail Plantation Drive between Phases 7 & 3 near the Topsail Plantation Drive and Topsail Greens Drive intersection. The primary stormwater measures for the development will be closed conduit systems, road side ditches and overland sheet flow that will direct the runoff to proposed wet detention basins that will be designed to control the peak runoff from the 10-year & 25-year storm events and will be analyzed for the 50-year storm event. This development will require approvals from the USACOE for onsite wetlands, NCDEQ-Public Water Supply Section for the water line extensions, NCDOT for the driveway connections and the subdivision streets, NCDEQ-Division of Water Resources for the sewer extensions & NCDEQ-Division of Mineral, Energy and Land Resources for the stormwater systems and erosion & sediment control. The development (412 single family lots, 116 townhome/duplex units, 52,800 sf of Medical Office & 16,000 sf of Retail) will generate approximately 5,917 total daily trips based on the ITE Trip Generation Manual 8th edition using ITE Code 210 for single family homes, Code 230 for the duplex/townhome units, Code 710 for the Medical Office & Code 814 for the Retail. All recommended improvements through TIA Phase 2

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have been installed. Through the first several phases of this development, the majority of the Open Space areas provided were mostly unconnected in areas of Environmental concern. Starting with Phase 6 the Open Spaces were designed to connect with the previously designed and approved Open Space areas. Phases 7 & 11 and the commercial areas of the development are situated in areas of the development separate from the other phases and thusly the open space areas are not connected to the previous open spaces. This development contains Public road connection to Sloop Point Loop Road from Phase 1 and from Phase 5, a Public road connection to the Morris Property in Phase 3 that is intended to connect to the Westbrook Property to the north with future land acquisition & development, a second Public road connection to the Morris Property in Phase 3 that is intended to connect to US Hwy 17 in the future and a third Public road connection to the Morris Property in Phase 6. This development is being developed with both Public and Private Streets and contains multiple connections to adjacent properties as well as areas with Private streets used to create smaller pocket neighborhoods to increase public safety and create privacy for the future homeowners in these smaller sections. The MDP revisions are provided in more detail below.

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

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

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

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

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

Storage Area (Pender County PIN 4204-84-9111-0000): This area of the development was previously noted as future development. The current MDP Revision proposes to split this 5.69 ac. area into a 2.04 ac. Storage area (containing +/-64,000 sf storage), 0.54 ac. area for a storm water pond and the remaining 3.11 ac. as open space for the development.

Based on the development containing a total of 528 residential units (previously approved for 529 residential units) the required open space (0.03 ac./unit) is 15.84 ac. The current MDP Revision contains 36.06 ac. of open space which is more than double of which is required. Based on the required amount of open space the Net Density for the development equates to 3.46 units per acre which is less than the adjacent existing Topsail Greens development which is 3.67 units per acre.

Please contact me immediately at (910) 442-7870 or gpape@gsp-consulting.com if you have any questions or require additional information.

GSP CONSULTING

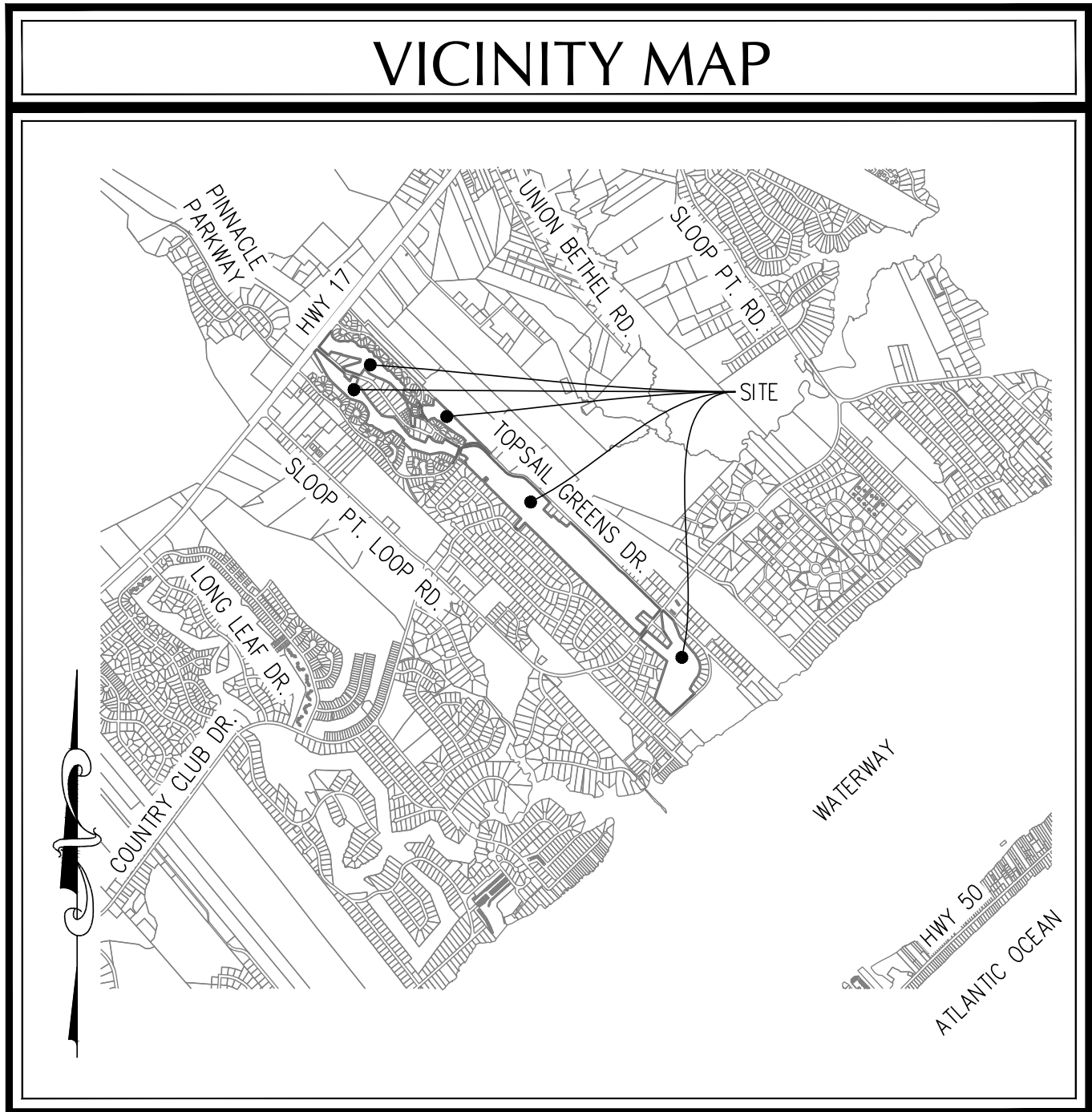
Sincerely,

GSP CONSULTING, PLLC.

A handwritten signature in blue ink, appearing to read 'GSP' followed by a stylized flourish.

Garry S. Pape, P.E.

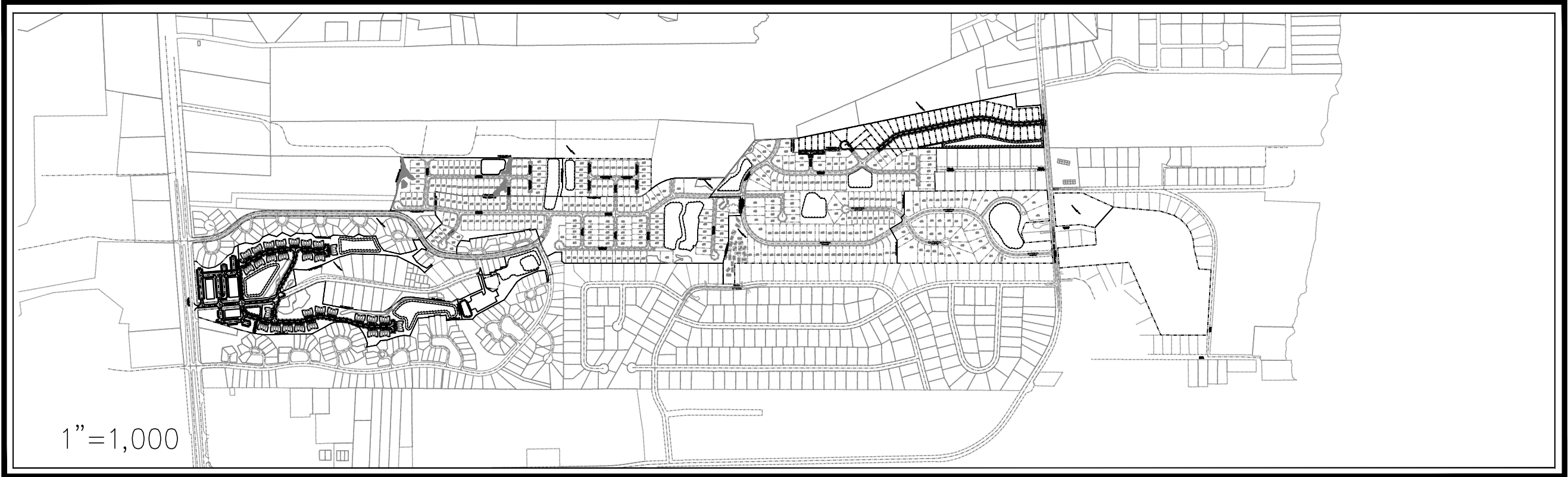
MASTER DEVELOPMENT PLAN
FOR
WYNDWATER
PENDER COUNTY, NORTH CAROLINA
SEPTEMBER 2021



VICINITY MAP
(NTS)

LEGEND

DESCRIPTION	EXISTING	PROPOSED
1' CONTOUR INTERVAL	---	---
5' CONTOUR INTERVAL	---	---
PROPERTY LINE	---	---
ROADWAY CENTERLINE	---	---
RIGHT OF WAY LIMITS	---	---
EASEMENT LINE	---	---
CURB & GUTTER	---	---
SANITARY SEWER FACILITIES	---	---
STORM SEWER FACILITIES	---	---
WATERLINE	---	---
FIRE HYDRANT ASSEMBLY	---	---
WATERWAYS	---	---
PROPOSED LOT AND S.F.	---	---
OPEN SPACE LABEL	---	---
OPEN SPACE	---	---
BUILDING SET BACKS	---	---
PRIVATE SANITARY SET BACKS	---	---



DEVELOPER/OWNER

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

OTHER PROPERTY OWNERS

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

PREPARED BY:

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

INDEX OF SHEETS

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

SITE DATA TABLE

DEVELOPMENT NOTES:

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

GENERAL NOTES:

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

SINGLE FAMILY DEVELOPMENT STANDARDS:

MINIMUM LOT DIMENSIONS:	PROPOSED BUILDING SETBACKS:
AREA IN (S.F.)	12,000 SF (W/SEPTIC)
MAX USABLE LOT AREA (%)	95%
MIN LOT WIDTH (FT)	70' (W/SEPTIC)
MIN CHORD AT ROW (CUL-DE-SAC)	30'
MAX BLDG. HT. (FT)	38'

SINGLE FAMILY ATTACHED DEVELOPMENT STANDARDS:

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

REQUIRED OPEN SPACE:

36.07 AC± TOTAL OPEN SPACE PROVIDED

NOTE: PROPOSED OPENSAPCE/RECREATION SPACE AREAS ARE NOT FOR BUILDING OR STRUCTURAL DEVELOPMENT & ARE SUBJECT TO CHANGE

CUMULATIVE TRIP GENERATION:

PHASE	TRIP GENERATION
PHASE 1	1.31
PHASE 2	0.00
PHASE 3	3.63
PHASE 4	0.35
PHASE 5	0.00
PHASE 6	1.39
PHASE 7	3.32
PHASE 8	0.00
PHASE 9	0.00
PHASE 10	3.68
PHASE 11	1.83
TOTAL	15.52

OPEN SPACE BY PHASE:

PHASE	OPEN SPACE (AC)
PHASE 1	1.31
PHASE 2	0.00
PHASE 3	3.63
PHASE 4	0.35
PHASE 5	0.00
PHASE 6	1.39
PHASE 7	3.32
PHASE 8	0.00
PHASE 9	0.00
PHASE 10	3.68
PHASE 11	1.83
TOTAL	15.52

DEVELOPMENT DATA BY PHASE:

PHASE	# OF LOTS	ROAD LEN. (LF)	ROW AREA (AC)
PHASE 1	40	2,517	3.33
PHASE 2	65	2,394	2.89
PHASE 3	114	7,060	7.54
PHASE 4	52	3,171	3.60
PHASE 5	63	2,797	2.87
PHASE 6	45	2,462	2.72
PHASE 7	60	1,774	1.76
PHASE 8	25	1,350	1.17
PHASE 9	8	600	0.70
PHASE 10	56	1,595	1.68
PHASE 11	56	1,595	1.68
TOTAL	528	25,720	28.26

DEVELOPMENT DATA:

DEVELOPMENT DATA	DEVELOPMENT DATA
TOTAL TRACT AREA = 8,971,551 SF = 205.96 AC.±	TOTAL TRACT AREA = 205.96 AC
AVERAGE LOT SIZE = 10,587 SF	NON-RESIDENTIAL ACREAGE = 9.60 AC
AREA OF LOTS = 4,361,809 SF = 100.13 AC±	WETLAND ACREAGE = 4.34 AC
AREA OF TOWNHOMES = 253,855 SF = 5.83 AC±	RIGHT OF WAY ACREAGE = 28.26 AC
AREA OF ROW = 1,231,006 SF = 28.26 AC±	OPEN SPACE ACREAGE = 36.07 AC
TOTAL ROAD LENGTH = 25,720 LF±	ACTIVE = 20.54 AC
OVERALL BUA = 2,806,934 S.F. (31.3%)	PASSIVE = 15.52 AC
	TOTAL UNITS = 528
	DEVELOPABLE LAND = 132.03 AC
	NET DENSITY = 4.00 UNITS/AC

DEVELOPMENT NOTES:

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

NOTE:

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

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

COORDINATION NOTES

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

GENERAL NOTES:

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

DEMOLITION NOTES

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

EROSION AND SEDIMENT CONTROL NOTES

GENERAL NOTES:

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

MAINTENANCE PLAN

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

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

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

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

AFTER ALL DEMENT-PRODUCING AREAS HAVE BEEN PERMANENTLY STABILIZED, REMOVE THE STRUCTURE AND ALL UNSTABLE SEDIMENT. SMOOTH THE AREA TO BLEND WITH THE ADJOINING AREAS, AND STABILIZE PROPERLY.

7. INSPECT EXCELISOR MATTING AT LEAST WEEKLY AND AFTER EACH SIGNIFICANT (1/2 INCH OR GREATER) RAINFALL EVENT REPAIR IMMEDIATELY. GOOD CONTACT WITH THE GROUND MUST BE MAINTAINED, AND EROSION MUST NOT OCCUR BENEATH THE MATTING. ANY AREAS OF THE MATTING THAT ARE DAMAGED OR NOT IN CLOSE CONTACT WITH THE GROUND SHALL BE REPAIRED AND STARTED. IF EROSION OCCURS DUE TO POORLY CONTROLLED DRAINAGE, THE PROBLEM SHALL BE FIXED AND THE ERODED AREA PROTECTED. MONITOR AND REPAIR THE MATTING AS NECESSARY UNTIL GROUND COVER IS ESTABLISHED.
7. INSPECT BAFFLES AT LEAST ONCE A WEEK AND AFTER EACH RAINFALL. MAKE ANY REQUIRED REPAIRS IMMEDIATELY. EVANT REPAIR IMMEDIATELY. GOOD CONTACT WITH THE GROUND MUST

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

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

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

STABILIZATION NOTES

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

PERMANENT SEEDING SCHEDULE - MIXTURE 5CP

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

Seeding Dates
MARCH - JUNE

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

Mulch
DO NOT MULCH.

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

TEMPORARY SEEDING-LATE WINTER/EARLY SPRING

WINTER AND EARLY SPRING

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

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

SUMMER

SPECIES	RATE (LB/ACRE)
GERMAN MILLET	40

FALL

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

Seeding dates

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

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

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

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

GENERAL GRADING NOTES

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

SITE NOTES

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

GENERAL STORM SEWER NOTES

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

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

EXISTING UTILITY NOTES

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

UTILITY CONTACTS:

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

NOTICE REQUIRED

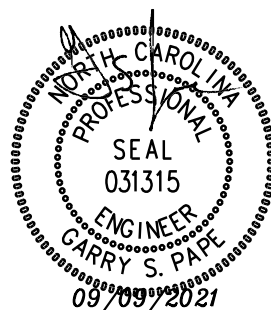
ALL EXISTING UNDERGROUND UTILITIES SHALL BE PHYSICALLY LOCATED BY CONTRACTOR PRIOR TO THE BEGINNING OF ANY CONSTRUCTION IN THE VICINITY OF SAID UTILITIES.

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

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

EMERGENCY DIAL 911

POLICE - FIRE - RESCUE



No.	Revision	Date	By

Designer	GSP	Scale	
Drawn By	GSP	Date	September 2021
License #	P-0718	Job No.	2016-0001

Topsail Township	Pender County	North Carolina
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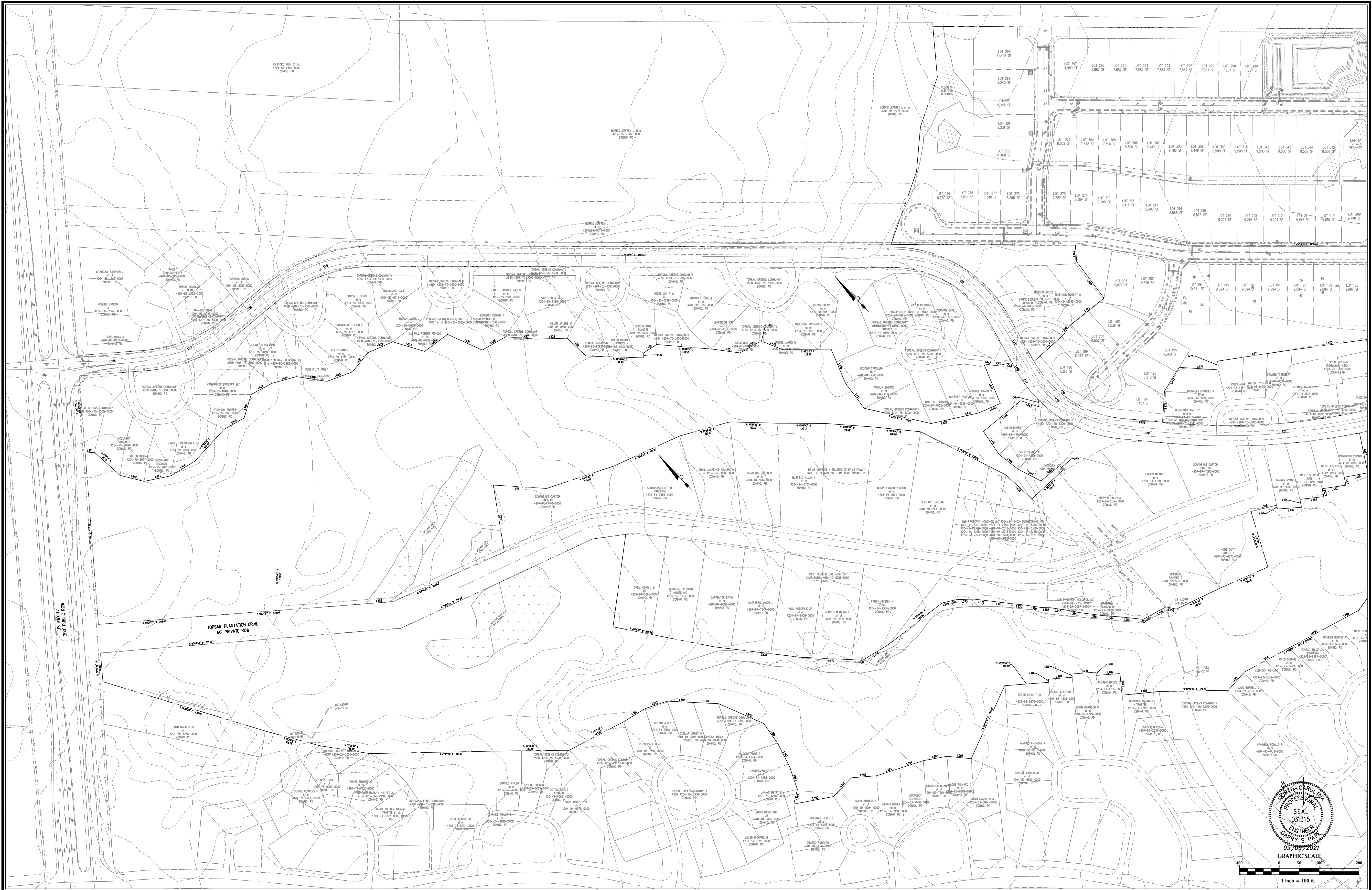
GENERAL NOTES

PREPARED FOR:
SIGNATURE TOP SAIL NC, LP
93378 KATY FREEWAY #377
HOUSTON, TX 77024
713-789-0466

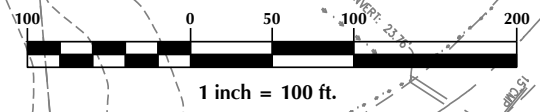
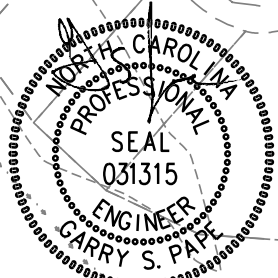
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ENGINEERING
6626 Gordon Road Unit C Wilmington, North Carolina 28411 tel: 910-442-7870 fax: 910-799-6659

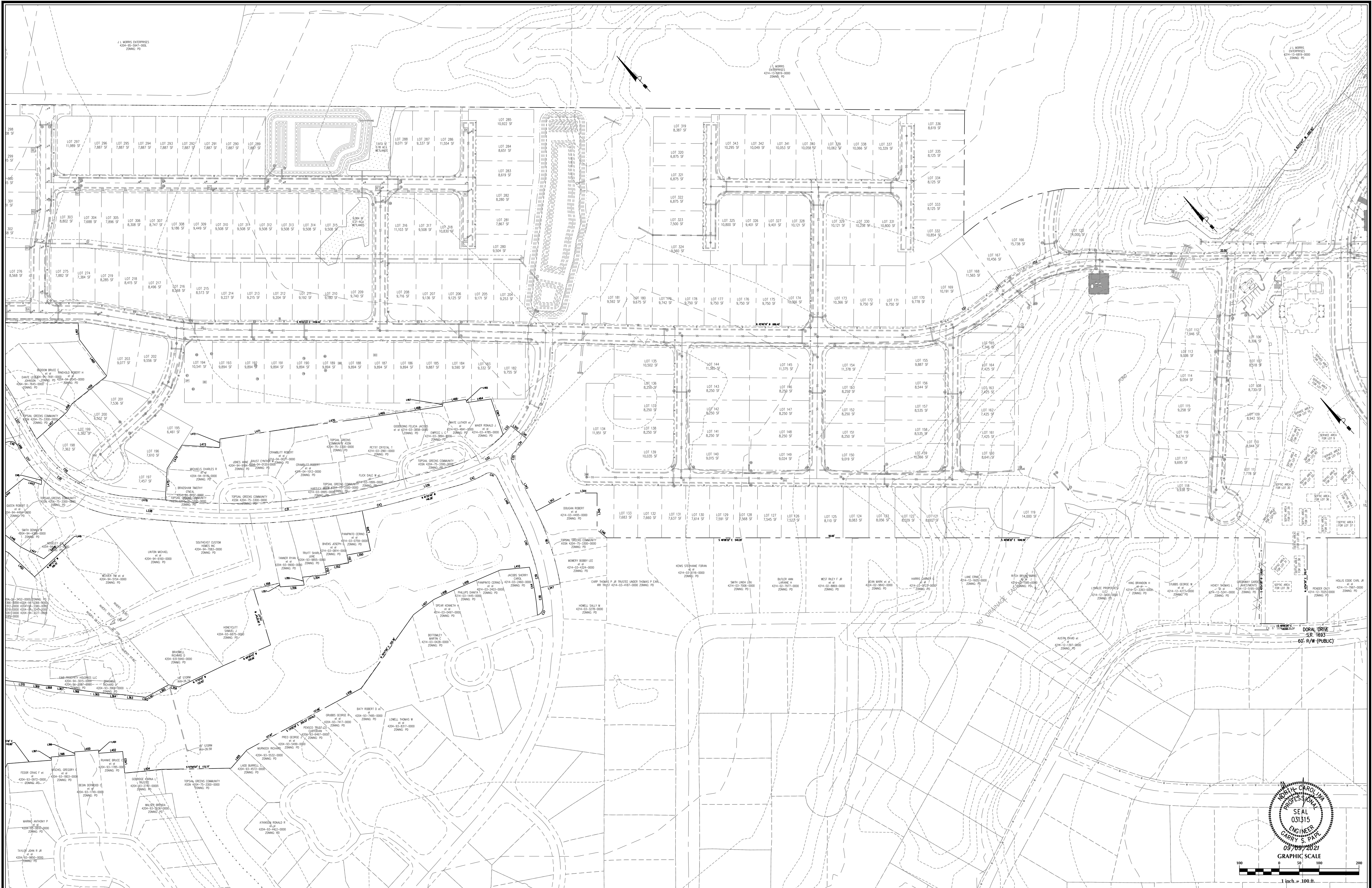
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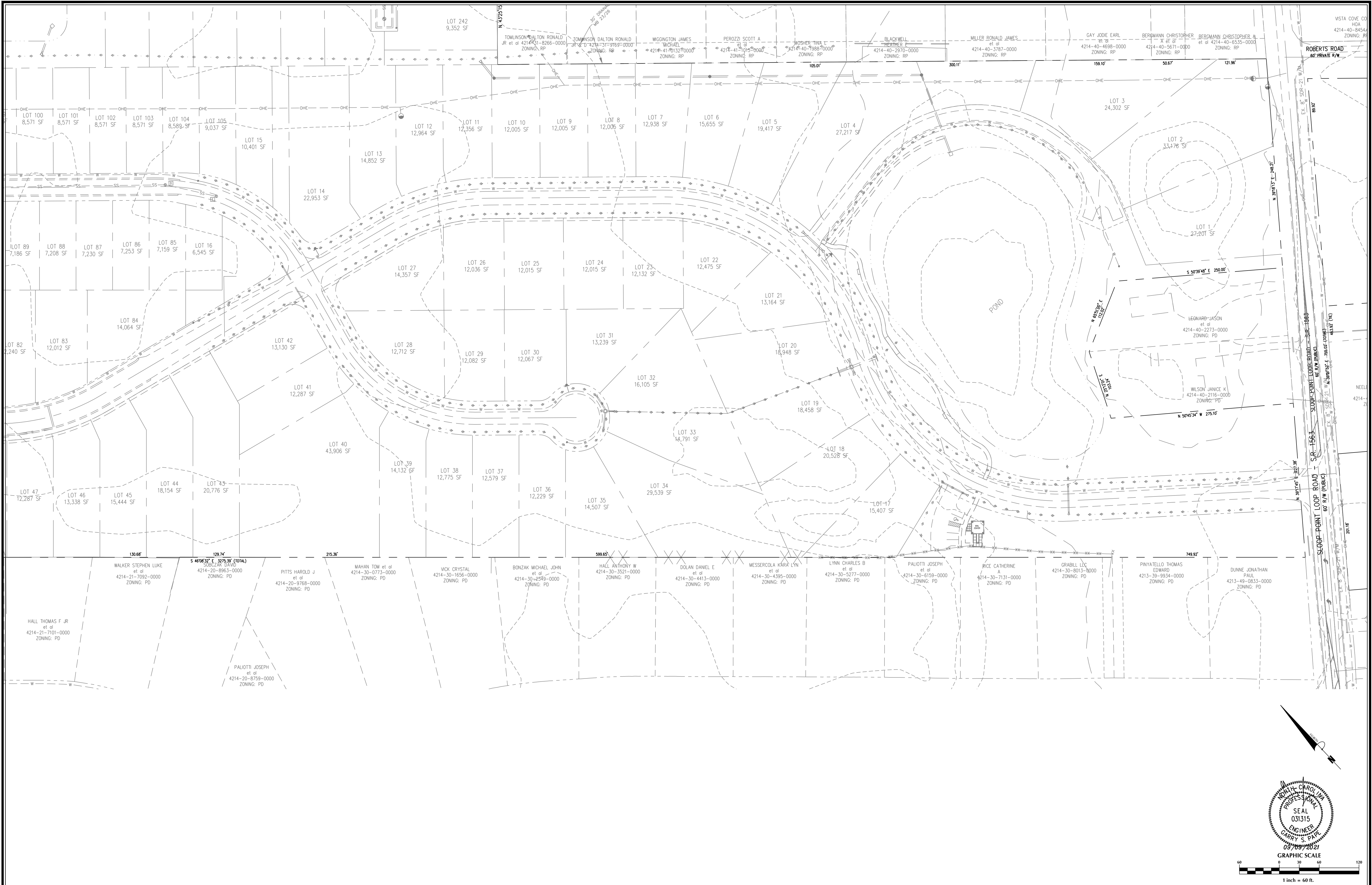
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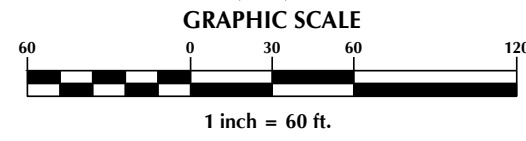
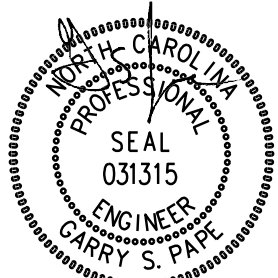


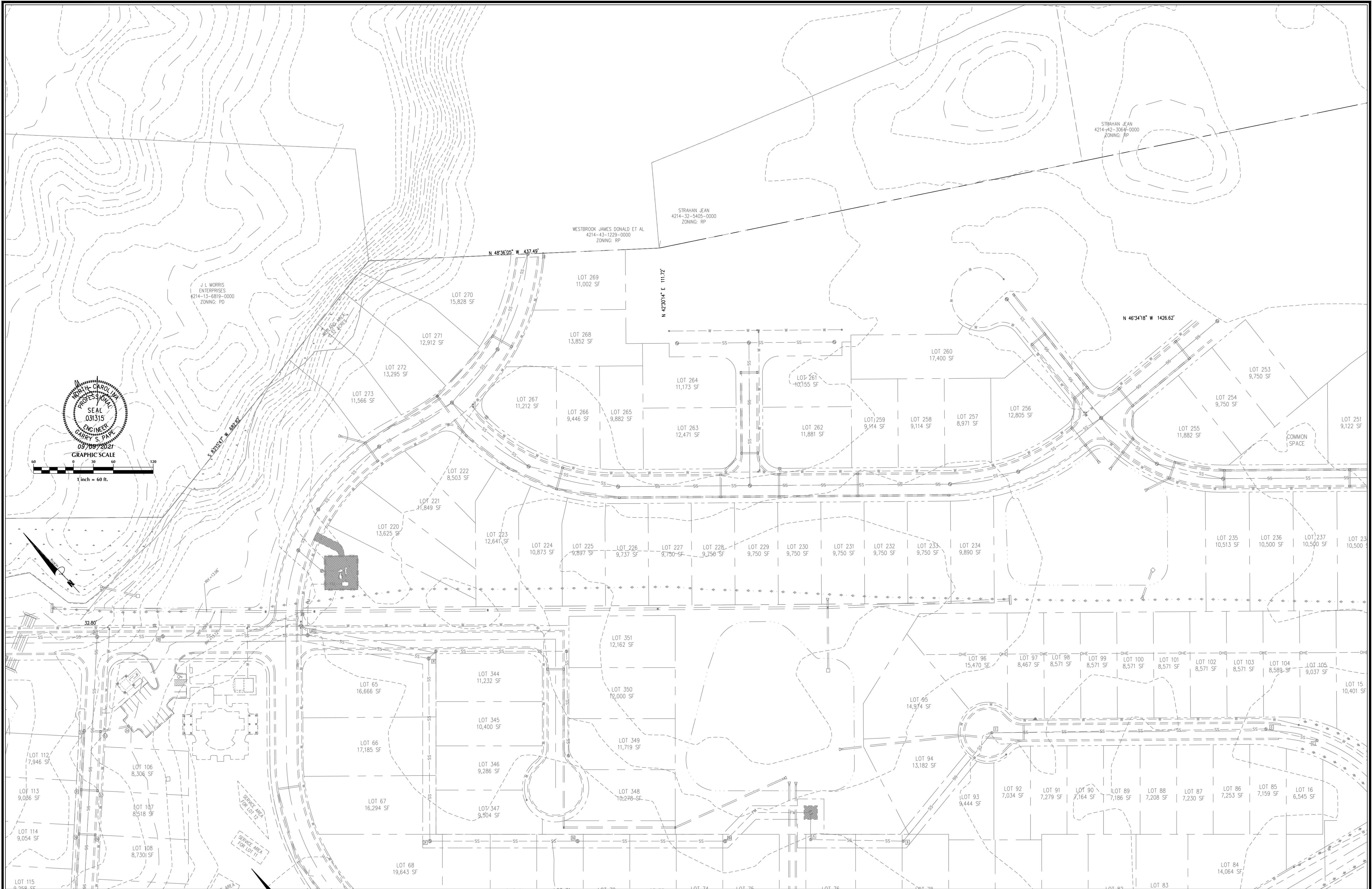
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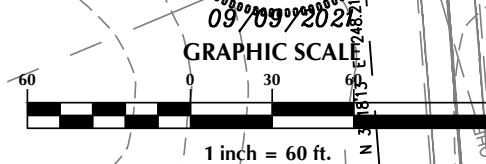
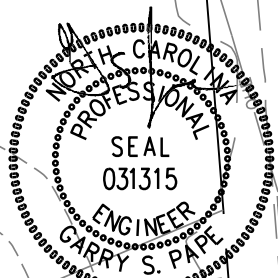


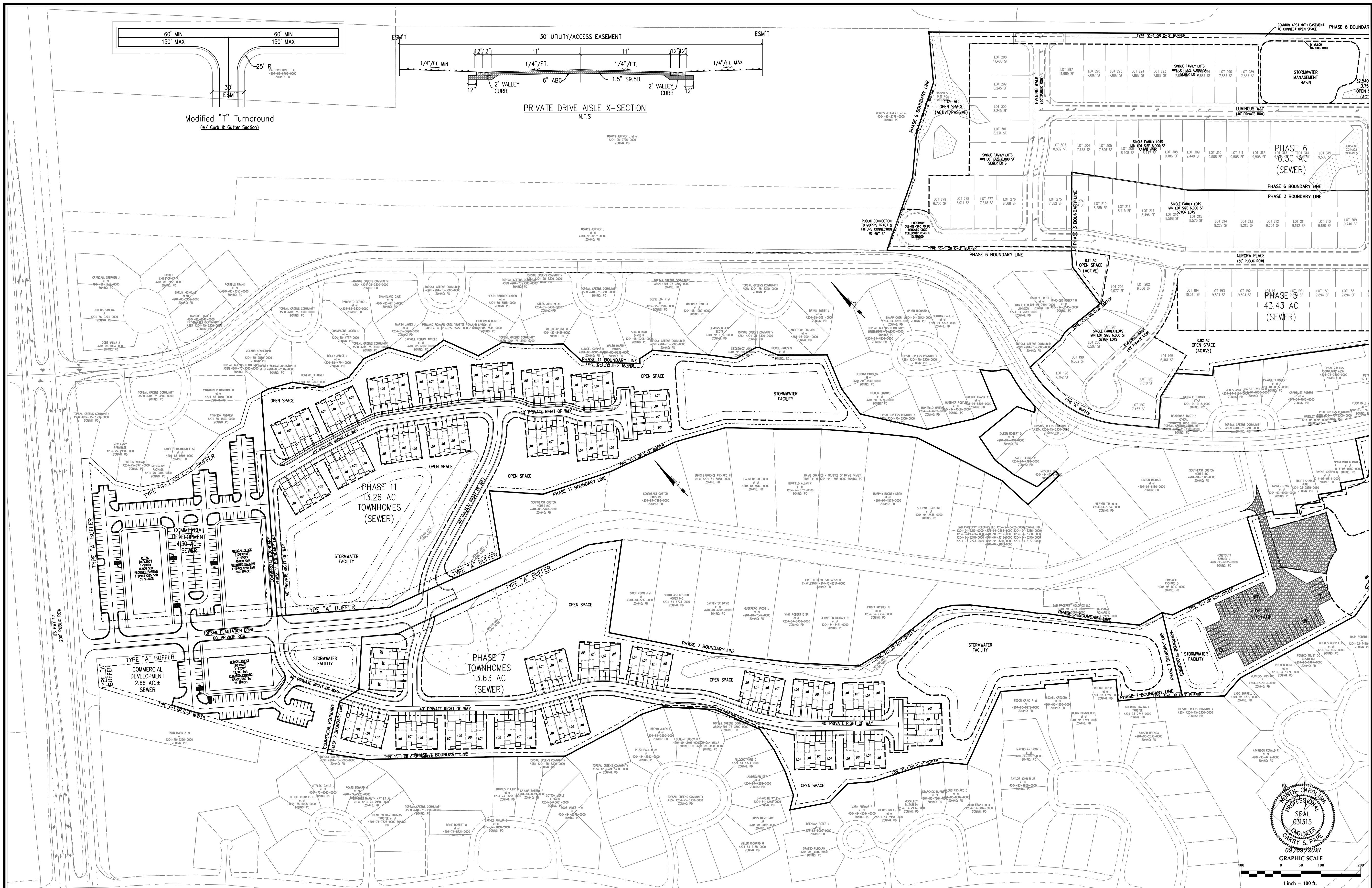


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WYNDWATER

Topsail Township Pender County North Carolina

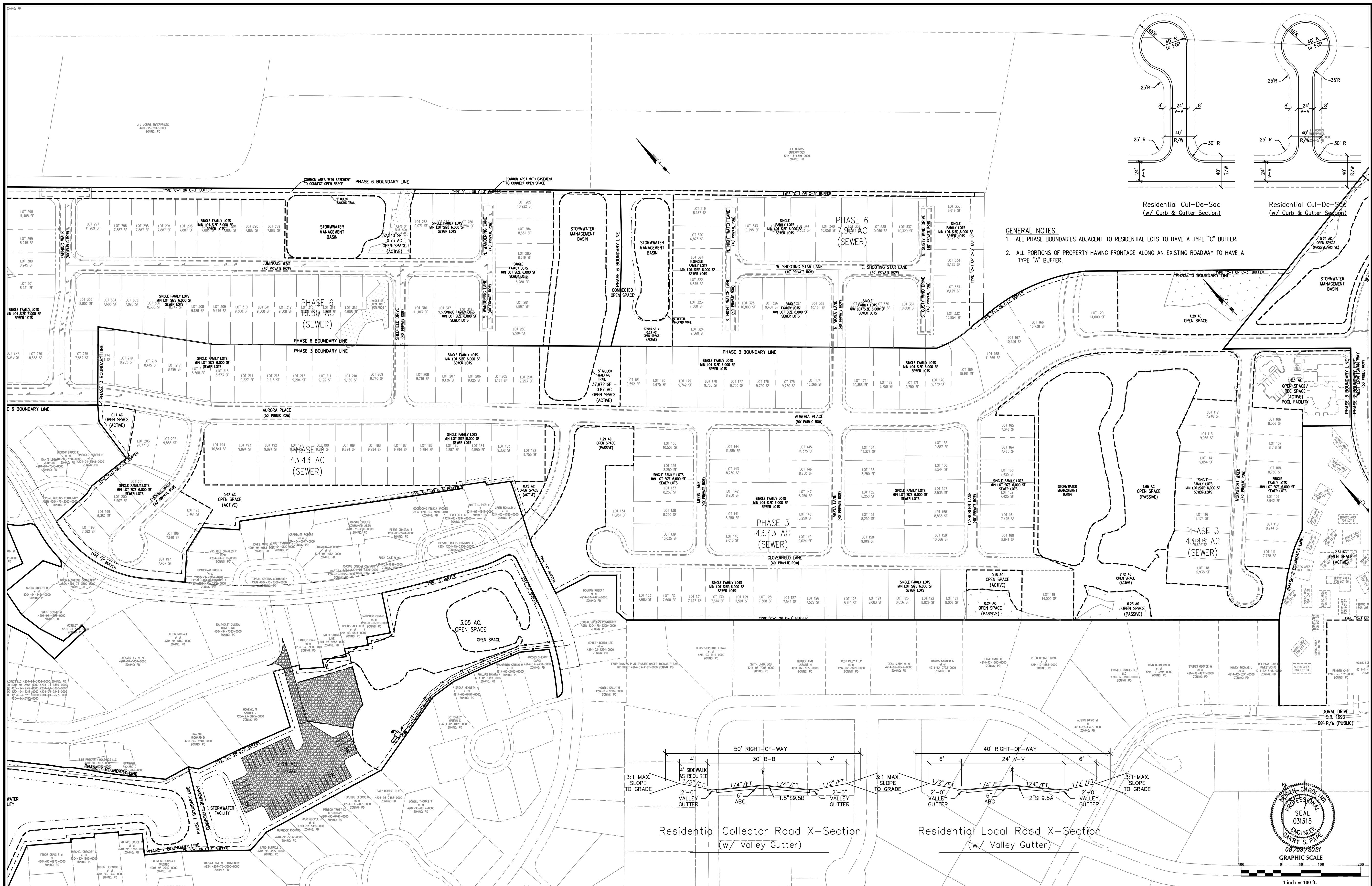
SITE PLAN

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GSP CONSULTING, PLLC
ENGINEERING

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

Seal No. **C-3.1**



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Drawn By	GSP	Date	September 2021
License #	P-0718	Job No.	2016-0001

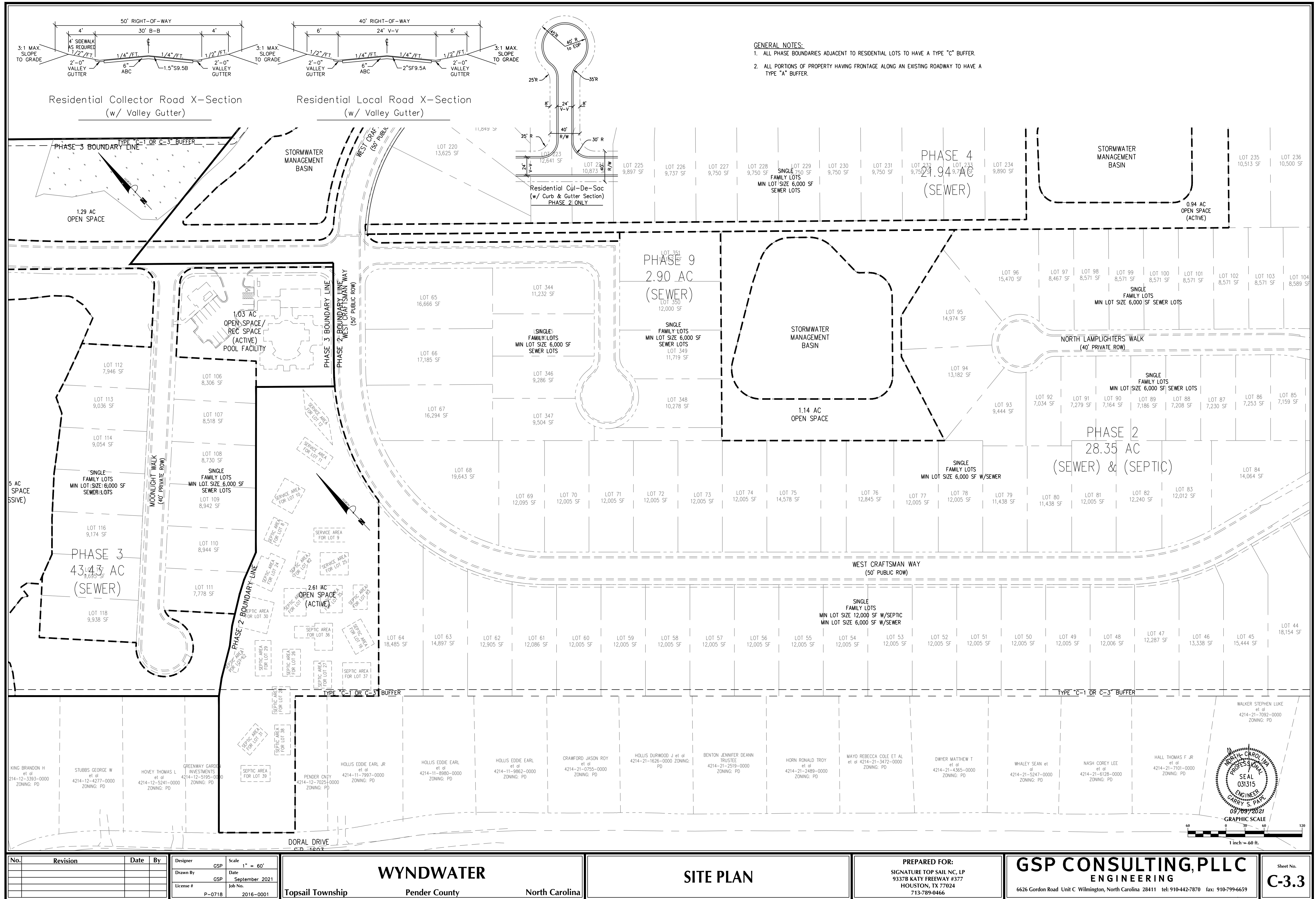
WYNDWATER
Topsail Township
Pender County
North Carolina

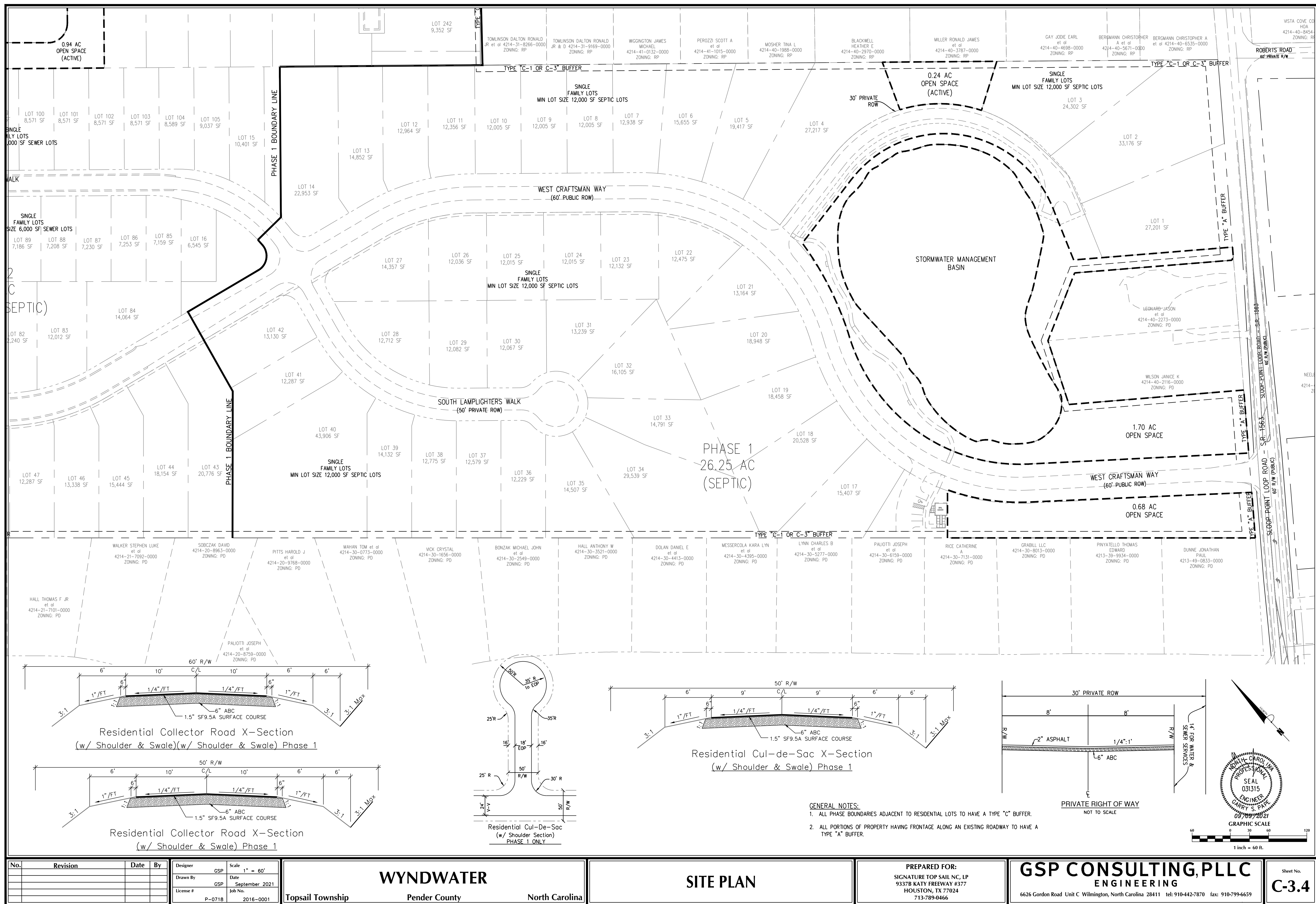
SITE PLAN

PREPARED FOR:
SIGNATURE TOP SAIL NC, LP
93378 KATY FREEWAY #377
HOUSTON, TX 77024
713-789-0466

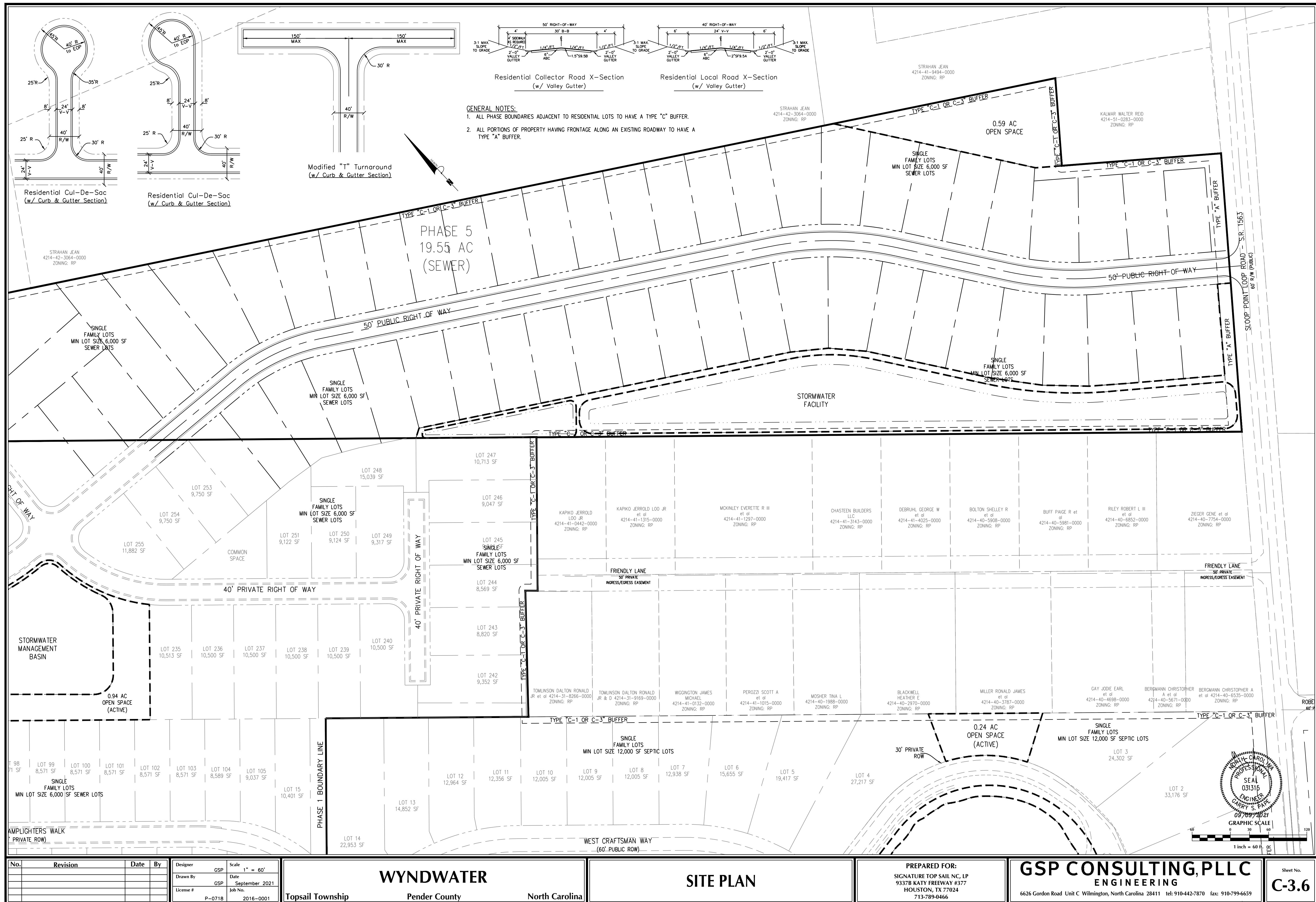
GSP CONSULTING, PLLC
ENGINEERING
6626 Gordon Road Unit C Wilmington, North Carolina 28411 tel: 910-442-7870 fax: 910-799-6659

Sheet No.
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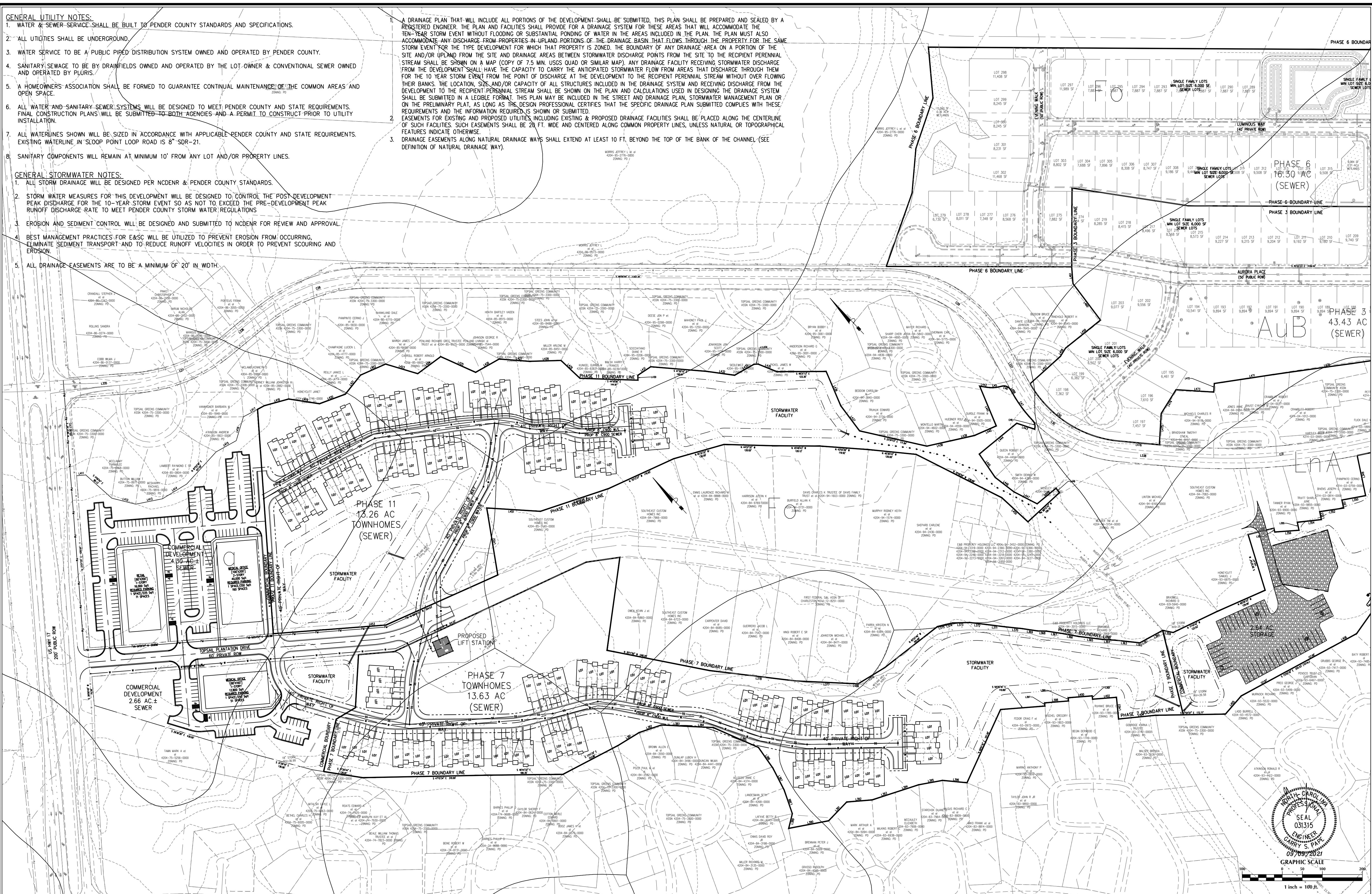
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4. SANITARY SEWAGE TO BE BY DRAINFIELDS OWNED AND OPERATED BY THE LOT OWNER & CONVENTIONAL SEWER OWNED AND OPERATED BY PLURIS.
5. A HOMEOWNERS ASSOCIATION SHALL BE FORMED TO GUARANTEE CONTINUAL MAINTENANCE OF THE COMMON AREAS AND OPEN SPACE.
6. ALL WATER AND SANITARY SEWER SYSTEMS WILL BE DESIGNED TO MEET PENDER COUNTY AND STATE REQUIREMENTS. FINAL CONSTRUCTION PLANS WILL BE SUBMITTED TO BOTH AGENCIES AND A PERMIT TO CONSTRUCT PRIOR TO UTILITY INSTALLATION.
7. ALL WATERLINES SHOWN WILL BE SIZED IN ACCORDANCE WITH APPLICABLE PENDER COUNTY AND STATE REQUIREMENTS. EXISTING WATERLINE IN SLOOP POINT LOOP ROAD IS 8" SDR-21.
8. SANITARY COMPONENTS WILL REMAIN AT MINIMUM 10' FROM ANY LOT AND/OR PROPERTY LINES.

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1. ALL STORM DRAINAGE WILL BE DESIGNED PER NCDCNR & PENDER COUNTY STANDARDS.
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WYNDWATER

North Carolina

Topsail Township

Pender County

UTILITY & STORMWATER
MANAGEMENT PLAN

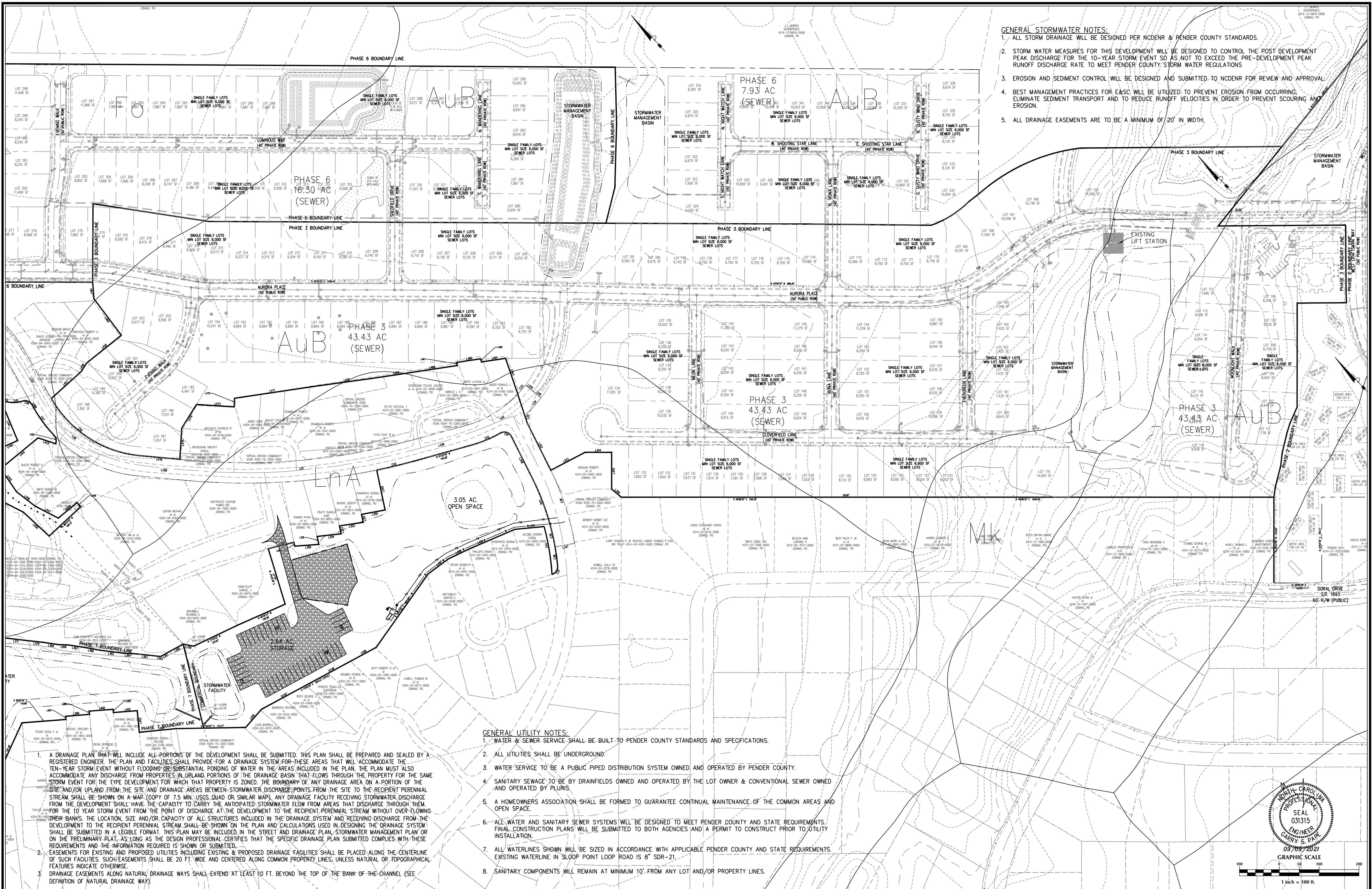
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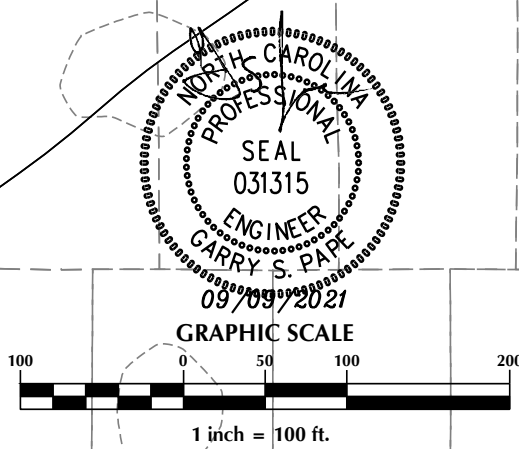
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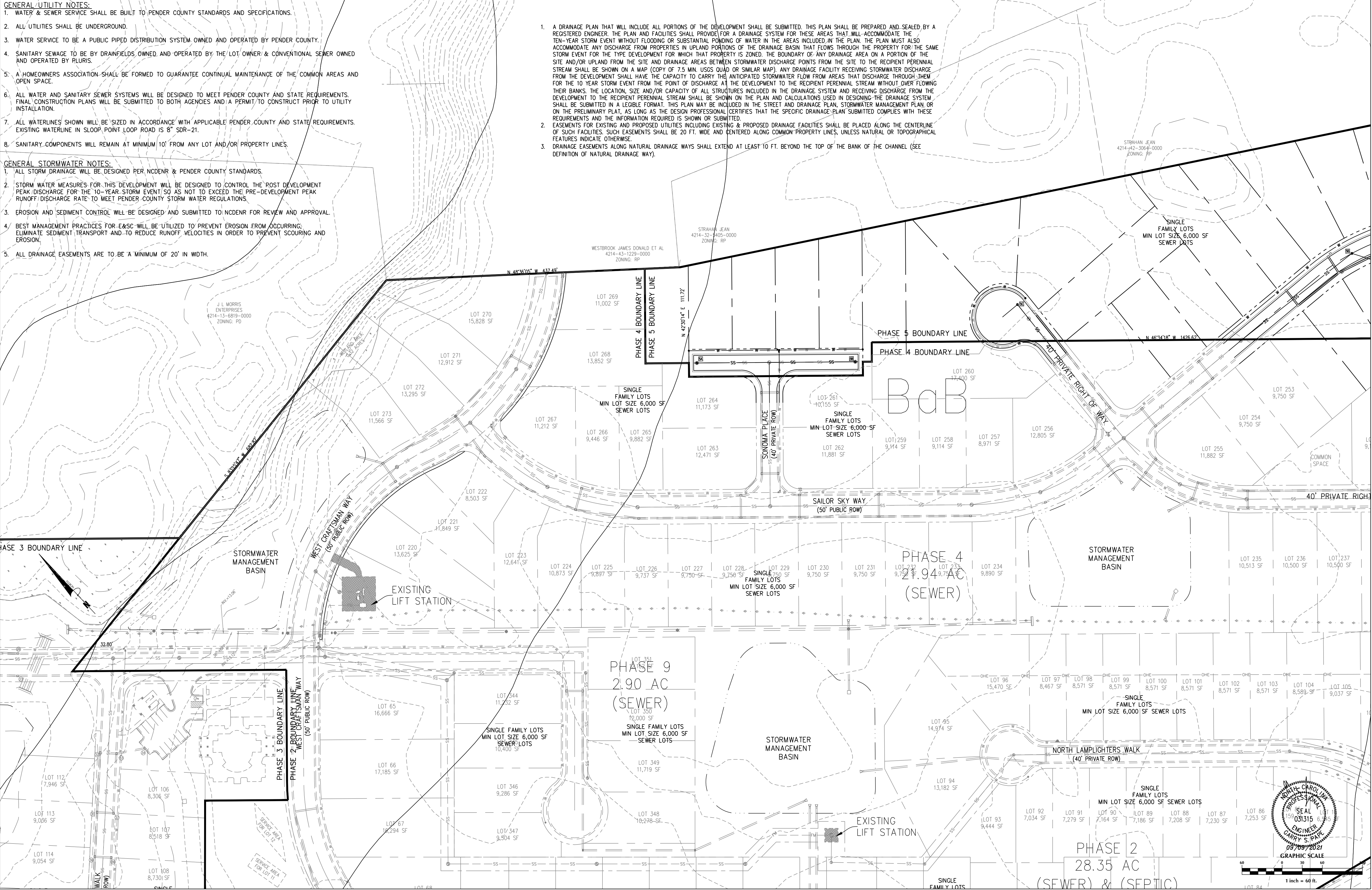
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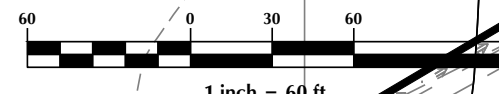
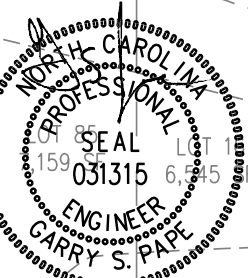
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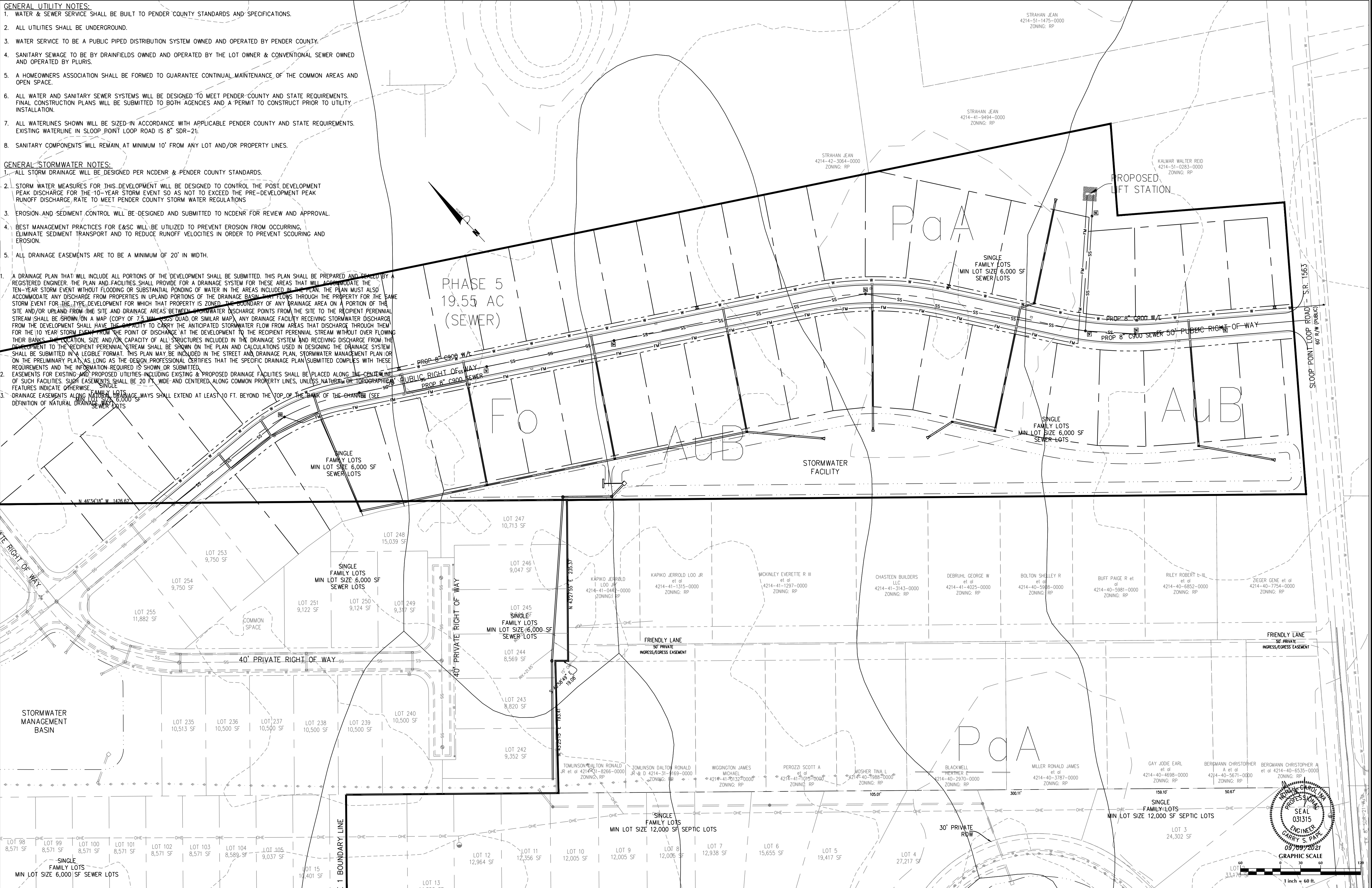
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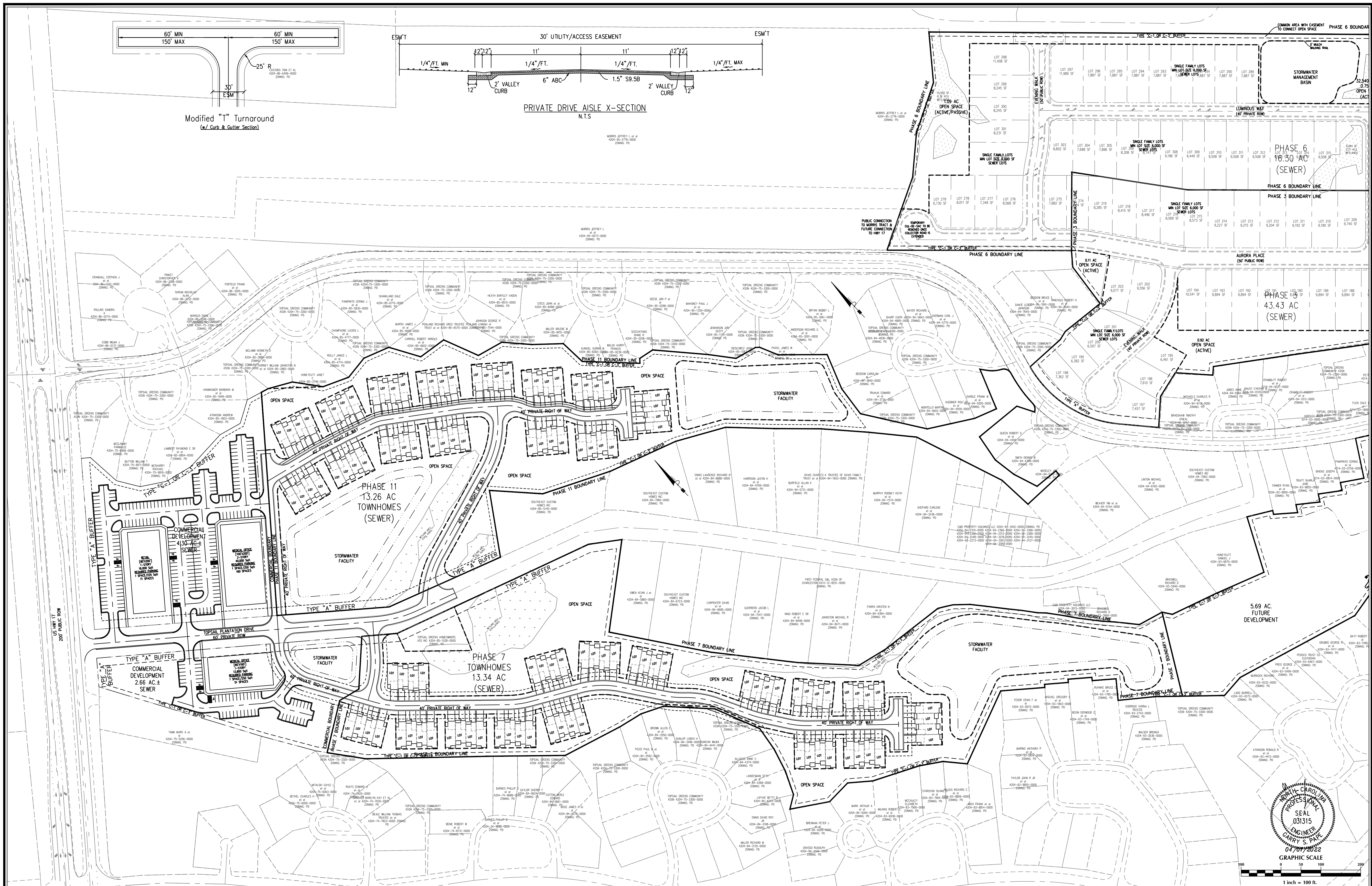
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09/09/2021



1 inch = 60 ft.



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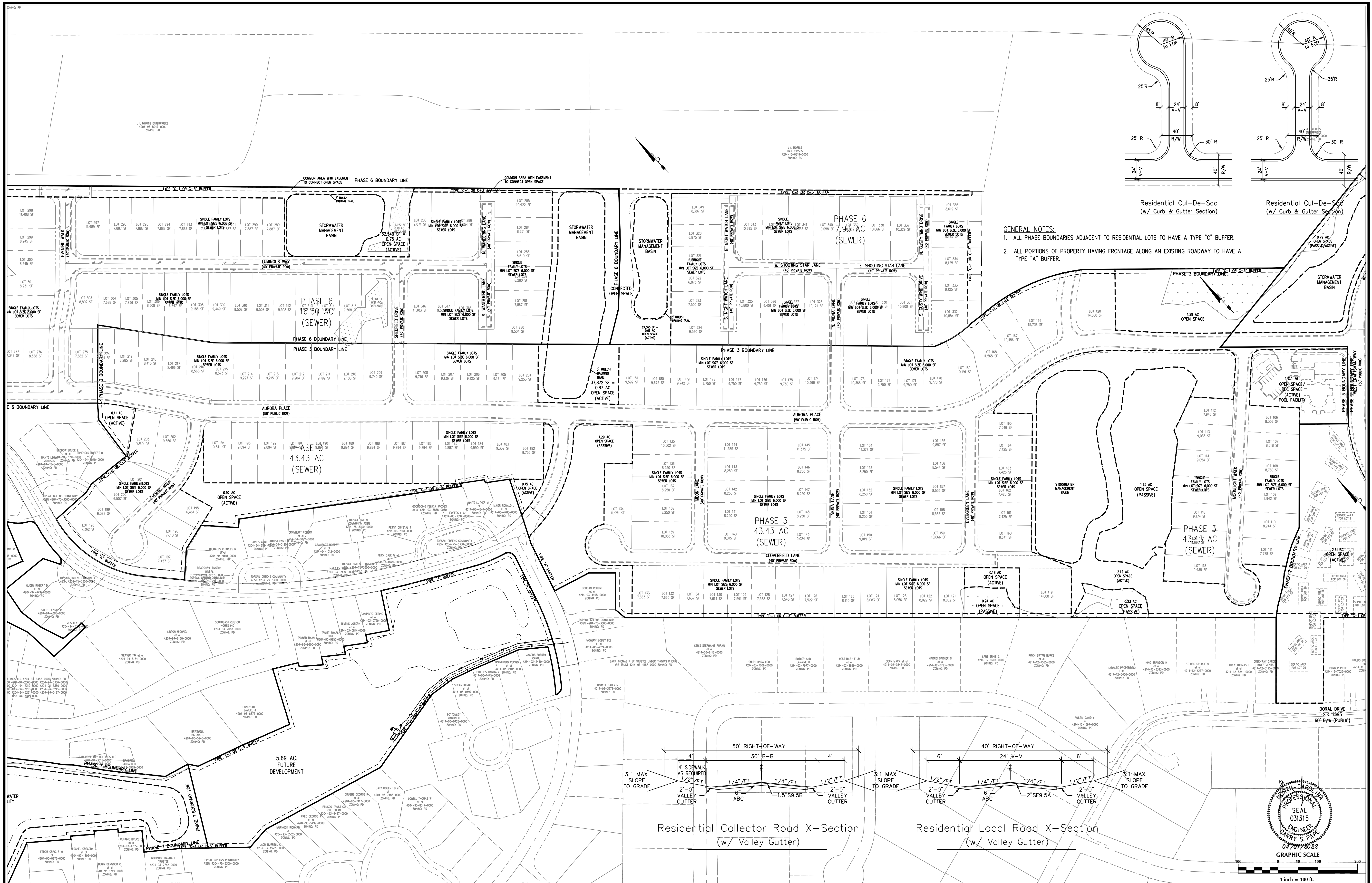
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Seal of the State of North Carolina
Professional Engineer
SEAL 031315
CARRY S. PAUL
04/07/2022
GRAPHIC SCALE
1 inch = 100 ft.

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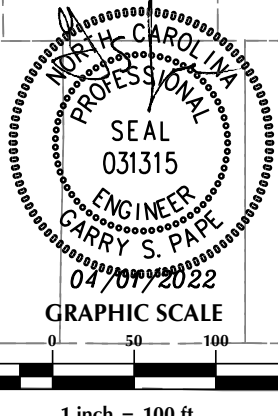
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Pender County Planning and Community Development

Planning Division

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



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

MEMORANDUM

TO: Pender County Planning Board
FROM: Planning Staff
DATE: February 2, 2021
RE: Wyndwater Master Development Plan Case History

The community known as “Wyndwater” is a Master Development Plan in eastern Pender County, located on a portion of the old Topsail Greens Golf Course and is immediately adjacent to the existing Topsail Greens community. The project is located in the PD, Planned Development zoning district and has been moving forward for some time. The history shown below captures previous cases before the Planning Board – it does not include staff approvals.

Wyndwater History

Wyndwater was brought forward as a Master Development Plan in November 2013 for +/-185 single family residential units and +/- 58,370 square footage of commercial space to be located on +/-143 acres. The Planning Board approved the Master Development Plan with four conditions: 1) Provide connection to adjacent property to future development to the northwest (document cases #11067), 2) Provide Connection to identified Capstone Property, 3) Allow for "alternative" design for alleyway as shown on sheet C 3.4, 4) Allow for emergency access along the connection to Doral Drive (SR 1693).

In March 2014, the preliminary plat for Phase 1 was brought forward with a total of 42 single family lots on +/-25.58 acres. The Planning Board did not impose additional conditions. In May 2014, the preliminary plat was brought forward with 55 single family lots on +/-28.35 acres. The Planning Board did not impose additional conditions.

In January 2015, the applicant revised the Master Development Plan to add zero lot lines to the setbacks for the development. Planning Board did not impose additional conditions.

In July 2015, the applicant revised the Master Development Plan to increase the project area +/-6.2 acres, adding duplexes to the housing type, reducing the minimum lot size from 12,000 sq. Ft. To 5,000 sq. Ft., increased the total number of units to 350 units resulting in an increase project density from 2.72 to 3.1 units per acre. The Planning Board added two conditions: 5) The temporary cul-de-sac shown on the western portion of the Master Development Plan (PG C-3.2 of the Site Plan) shall be converted to a through roadway at the time of the adjacent parcel development; the roadway connecting the

Wyndwater and Cardinal Pointe shall be built to constructor street standards as outlined in Section 7.5.3.C. Coordination between the applicant and the adjacent property owner shall be necessary to ensure interconnectivity and 6) Addition to the condition five (5), a second roadway connection shall be shown to the adjacent parcel (PIN: 4204-94-9912-0000).

In November 2015, the applicant proposed a revision to Phase II preliminary plat—calling it Phase IIB for a total of 31 lots. Planning Board did not impose additional conditions.

In February 2016, the applicant proposed a revision to the Master Development Plan to increase the project acre to +/-204.07 acres, increase the project density to 3.1 units per acre to 3.14 units per acres, changing the front yard setback from 20 Ft. To 15 Ft., allow “alternative” design for alleyway located in Phase II as shown on the MDP submittal PG C2-3, allow for "alternative" design of a hammerhead in Phase IV as shown on the MDP submittal PG C-3.7. The Planning Board proposed four additional conditions on the project: 7) Provide adjacent property connection north to PIN 4214-43-1229-0000 (Westbrook Tract), 8) Provide Connection to Oak Circle (private), 9) Allow "Alternative" design for alleyway located in Phase II as shown on the MDP submittal PG C-2.3, 10) Allow for "alternative" design of a hammerhead in Phase IV as shown on the MDP submittal PG C-3.7.

In September 2016, the applicant brought Phase III preliminary plat forward with 69 single family detached lots and 40 single family attached duplex lots. The applicant requested a tabling until October 2015, which the Planning Board approved with no additional conditions.

In May 2016, the applicant revised the Phase III preliminary plat to be 118 single family conventional lots. The Planning approved with no additional conditions.

In June 2018, the applicant revised the Master Development Plan and Phase VIII and IX Preliminary Plat, the meeting was continued in November 2018 and again to January 2019. The Master Development Plan and Phase VIII and IX preliminary plats were denied. The applicant appealed the Planning Board decision within 30 days and the Board of Adjustment overturned the Planning Board decision to approve the Master Development Plan and Phase VIII and IX Preliminary Plat. Conditions of the approval are as followed: The Applicant will construct a temporary construction easement to connect Aurora Place (public) to Topsail Greens Drive (Private). The applicant states that upon completion of Phase 6, Topsail Greens Drive (private) will be repaved to US HWY 17. Aurora Place (public) will eventually be extended to allow for connections to US HWY 17 when the commercial component of the development is proposed. Staff is recommending that the extension of Aurora Place (public) is conditioned on the Master Development Plan Revision. This resulted in the Master Development Plan being approximately 234 acres in size.

In March 2021, the applicant revised the Master Development Plan to modify the roadway and stormwater layout in Phase 5, establish Phase 11 with 76 townhome units, establish Phase 7 as future development, reduce the size of the commercial area along US HWY 17 at Topsail Plantation Drive, and allocate 41 residential units to Phase 10. Additional conditions were added to the project at this time involving pedestrian facilities and significant tree mitigation.



Pender County Request for Board Action

TO: Planning Board
FROM: Travis Henley
DATE: June 7, 2022
SUBJECT: April 5, 2022 Meeting Minutes

ACTION REQUESTED:

Review and Approve Meeting Minutes from April 5, 2022

Pender County Planning Board Meeting Minutes – April 5th, 2022

Members Present:

Delva Jordan, Damien Buchanan, Jeff Beaudoin, Jeffrey Pitts, & Margaret Mosca.

1 Call To Order: 7:01pm

2 Roll Call:

All Members present except for Norman K. Teachey and John Gruntfest.

3 Invocation

4 Pledge of Allegiance

5 Adoption of Agenda

Mr. Pitts made a motion to adopt the agenda. Mr. Buchanan seconded the motion, and the motion was unanimously approved.

6 Adoption of Minutes

Mr. Buchanan made a motion to adopt the minutes from the March 1st, 2022 Planning Board Meeting. Mr. Pitts seconded the motion, and the motion was unanimously approved.

7 Public Comment

There was not public comment.

8 Public Hearings

a) Wyndwater Master Development Plan Revision - MDP-R 2022-38

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

Mr. Buchanan asked for clarification on the change to the number of units. Mr. Henley provided that the total number of units will decrease by one unit. He added that the section of the project proposed to be removed would be allowed up to three units per acre based on current standards.

Mr. Mike Pollak, applicant and owner, addressed the Board. Mr. Pollak provided that Wyndwater has been developing over the last 8 years and that he is working on adding additional townhomes to the project as well as some additional commercial. This was related to the removing townhomes from a previously approved section. Mr. Pollak stated that he would like to bring in some medical offices for the commercial component of this project which has recently been acquired with the intention of incorporating it into the existing Master Development Plan.

Next, Mr. Pollak explained that a land swap was pursued with Topsail Greens related to the existing boat and RV storage facility that did not work out. This led to this portion being removed from the request.

Lastly, Mr. Pollak explained that townhomes have always been a part of the project and added that townhomes are sought after in today's market as they allow a better price point for home buyers.

Mr. Buchanan asked for clarification on the medical businesses intended for the commercial area. Mr. Pollak provided that this would be for smaller medical offices and practices such as dentists, doctors, etc. and would not include assisted living facilities.

Mr. Jordan asked for clarification on the northern property adjoining the townhomes. Mr. Pollak provided that this area is a part of Topsail Greens. Mr. Pollak added that the density proposed for Wyndwater is consistent with Topsail Greens.

Mr. Pollak addressed setbacks and buffers in this area. Mr. Pollak stated that he has heard from adjoining property owners that they would like to see a more open buffer design.

Mr. Pitts asked if properties in the flood zone could have flexibility with height allowances. Mr. Henley answered yes and provided that they would need to meet the requirements of the Flood Damage Prevention Ordinance.

Mr. Henley addressed the group and provided that he was made aware that copies of the mailed notices were copied placed in private mailboxes without postage which is a violation of Federal law.

Al Burfield addressed the Board. Mr. Burfield provided that he is concerned about the impact on his septic system in proximity to a proposed stormwater pond, the impact of a potential TIA on needed road improvements, as well as the uncertainty of who will maintain Topsail Plantation Drive which is a private road owned by Wyndwater.

Anthony Whitmore addressed the Board. Mr. Whitmore requested consideration for preserving a natural barrier at a portion of the property boundary for Phase 11 around Ensign Drive and Fathom Court to help preserve the existing natural area.

James Quaglia addressed the Board. Mr. Quaglia provided that he is seeking clarification on the maintenance of existing roads and the septic suitability of several lots. Mr. Quaglia stated that he is concerned with heavy equipment going over drain lines that run under the roadway.

Becky Maness, Vice President of the Topsail Greens HOA, addressed the Board. Ms. Maness provided a handout and stated that she is concerned with Topsail Greens septic lines. Ms. Maness requested that Phase 7 be denied and modified to protect the existing water system.

Arthur Mark addressed the Board. Mr. Mark provided that he lives of Plank Ct and is concerned about stormwater runoff in his vicinity.

Casey Gunn addressed the Board. Ms. Gunn provided that she is concerned that the golf course which is a great community open space will be developed leaving no open space for the community.

Kimberly Zampitella addressed the Board. Ms. Zampitella provided that the areas around the proposed phases 7 and 11 are home to many forms of wildlife such as the red cockaded woodpecker. Ms. Zampitella provided that habitat loss for wildlife is undesired.

Micheal Milko addressed the Board. Mr. Milko provided maps from the North Carolina Fish and Wildlife Service and stated that he is concerned with potential impact to the nature area such as the freshwater ponds. Mr. Beaudoin clarified that the developer will be responsible for performing a wetlands delineation.

Mr. Dave Gunn addressed the Board. Mr. Gunn provided that his main concern is water and sewer infrastructure in regard to the existing system in the area. Mr. Gunn stated that he would like to know where wastewater will go. His additional concern was uncertainty on the increase in population the community will see as a result of approval.

Andrea Wheatley addressed the Board. Ms. Wheatley stated that she is concerned with the process and asked for clarification on the buffer requirements.

Andrew Atkinson addressed the Board. Mr. Atkinson provided that he is representing residents on Breakers Court and Admiral Court. Mr. Atkinson provided that he is concerned with the proposal as the community is susceptible to flooding. He also shared concern of traffic where the community meets US HWY 17. Next, Mr. Atkinson provided that members of the community are concerned with the density associated with the proposal. He added that there should not be more development in this area until the Hampstead bypass is complete.

Lynne Fedor addressed the Board. Ms. Fedor shared concern that this area is rapidly developing and that the character of the area is in jeopardy.

Mr. Henley provided clarity by explaining buffer requirements and the various options a developer may pursue. He explained that required buffers are determined by adjacent uses with the C Buffer being the most intense.

Mr. Jordan asked for clarification on the green space or open space within the community and how this would be impacted. Mr. Henley provided that this is evaluated at the Master Plan level and added that overall, the project is providing 36 acres of open space spread throughout the phases.

Mr. Buchanan asked if a TIA would be performed. Mr. Henley provided that the TIA would be required to be updated to inform needed road improvements.

Mr. Buchanan asked for clarification on utilities in relationship to existing infrastructure including septic systems and associated easements as well as road maintenance in relationship to construction trucks. Mr. Henley provided that water will be provided by Pender County Utilities with sewer being provided by Pluris.

Mr. Jordan asked for clarification on elevation requirements in terms of the flow of water. Mr. Henley provided that Pender County does not prohibit fill being brought in to improve the elevation of properties and added that this would need to be approved by NCDEQ. Mr. Henley stated that water being potentially redirected should be addressed by stormwater engineering.

Mr. Pitts asked for clarification on existing water, sewer, and septic lines and associated easements. Mr. Henley provided that he would defer to the applicant for knowledge of existing easements.

Ms. Mosca asked if the proposed townhomes would be on sewer. Mr. Henley provided that the proposed townhomes will be serviced by Pluris.

Mr. Pollak addressed Mr. Burfield's concern and provided that the stormwater pond shown indicates the potential location and added that the actual location will be designed based on all applicable requirements.

Mr. Pollak provided that he is aware of the existing water and sewer lines and stated that everyone will be addressed. The current plans at this stage do not address this level of detail. He continued and stated that he spent a one quarter of a million dollars on a new well for the community and intends to address all concerns related to the existing infrastructure.

Mr. Pollak stated that he intends to work with the community and comply with all applicable rules. Mr. Pollak added that he wishes to explore preserving the natural vegetation within buffers as well as limit wetland impacts. Mr. Pollak reiterated that this plan is conceptual and that once site-specific design occurs existing wetlands may cause changes to the layout of proposed buildings.

Mr. Pollak addressed concerns about road conditions and traffic. Mr. Pollak briefly discussed the history of the HOA in terms of road maintenance. He added that if the community wanted to work to improve the existing road and would be open to getting involved. Mr. Pollak provided that he intends to bring drainage improvements to the community.

Mr. Jordan stated that he is concerned with fill diverting water to existing developed properties. Mr. Pollak provided that the engineer would design to the applicable requirements to ensure that the system works in terms of drainage and water flow. He clarified that the proposal would not be allowed to divert water to existing properties.

Mr. Buchanan asked what storm event the proposed stormwater infrastructure be designed to. Mr. Garry Pape, engineer, provided that the system will be designed for the 25-year

storm event. Mr. Henley stated that this is the minimum requirement for stormwater engineering.

Mr. Atkinson addressed the Board. Mr. Atkinson stated that the project area is within a basin and reiterated that there is significant concern with water flow and drainage in this area.

Mr. Jordan asked Mr. Henley if Topsail Greens has an HOA. Mr. Henley answered yes and clarified that Wyndwater has a separate HOA. Mr. Pollak stated that Plantation Drive does not have an HOA. Mr. Henley provided that this section was established prior to statutory requirements for HOAs.

Mr. Buchanan reiterated his concern that the large portion being removed from the project may be re-entitled to allow a specific density. Mr. Henley stated that the Zoning Map is set by the County Commissioners and clarified that the Future Land Use Map informs what types and intensities of developments are generally desired.

Mr. Buchanan stated that he would like to see stormwater infrastructure engineered for the 100-year storm event. Mr. Henley clarified that the Planning Board is tasked with providing an administrative review and decision for the proposal.

Mr. Buchanan made a motion to table the item until the next meeting and hold the meeting in Hampstead. Mr. Buchanan requested that the applicant to highlight the buffers on the map with additional visual representations for the buffer types that will be utilized to add clarity. Mr. Buchanan also requested clarification on the existing utility lines and how the proposal will not impact these areas. Ms. Moska requested a survey of existing utilities to better address concerns of the community. Ms. Moska made a second and the motion unanimously carried with a 5-0 vote.

b) REZONE 2022-30

Mr. Greg Feldman, Current Planner, presented the Rezoning application. Mr. Feldman provided that the request is to two tracts totaling approximately 2.2 acres of land from the RP, Residential Performance zoning district to the GB, General Business zoning district. Planning staff recommended approval of the rezoning request, citing consistency among the application and Future Land Use Map along with three policies within the Pender 2.0 Comprehensive Plan.

Cole Burack, applicant, addressed the Board. Mr. Burack suggested to the Planning Board that his application has the potential to better the surrounding area by bringing commercial development to Hampstead. Mr. Burack then suggested developing the property commercially would enhance its current state.

Mr. Buchanan made a motion to recommend approval of the rezoning application, citing consistency with policies 5.1.D, 5.1.H, and 5.1.K from the Pender 2.0 Comprehensive Land Use Plan. Mr. Buchanan also stated that commercial development on the property would be an improvement to the community. Mr. Pitts seconded the motion and it passed unanimously with a 5-0 vote.

9 Discussion

There was no discussion.

10 Next Meeting Date

May 4th, 2022

15060 US HWY 17

Hampstead, NC 28443

Pender County Hampstead Annex

11 Adjournment

Meeting adjourned at 9:24pm



MINUTES
Planning Board Meeting
Tuesday, June 7, 2022
15060 US Highway 17/Hampstead Annex
7:00 PM

MEMBERS PRESENT:

Delva Jordan
Damien Buchanan
Jeffrey Pitts
Margaret Mosca

MEMBERS ABSENT:

Jeff Beaudoin
John Gruntfest
Norman K. (Ken) Teachey

OTHERS PRESENT:

Travis Henley, Planning Director (virtually)
Greg Feldman, Current Planner
Daniel Adams, Floodplain Administrator
Donna Sayre, Administrative Specialist
Trey Thurman, County Attorney
Other Staff and Members of the Public.

1 CALL TO ORDER

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

2 ROLL CALL

3 INVOCATION

4 PLEDGE OF ALLEGIANCE

5 ADOPTION OF AGENDA

Motion to approve agenda as presented.

Moved by Margaret Mosca, seconded by Damien Buchanan

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

6 ADOPTION OF MINUTES

Motion to approve Planning Board minutes for April 5, 2022, meeting.

Moved by Jeffrey Pitts, seconded by Damien Buchanan

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

7 PUBLIC COMMENT

- a) Pender County resident, Ed Hirsch, spoke to the Board stating that any zoning requests that add more traffic, congestion, and other issues should be denied. Higher taxes are being created and the longtime residents will be gone due to the area being too expensive to live here. He feels newcomers to the area do not respect the area. This Board has the power to stop this trend.
- b) Jimmy Tate spoke to the Board and the members of the audience introducing himself as a newly elected Commissioner. He stated that he was proud of the fact that the public is engaging and working together. Mr. Tate stated that whether you voted for him or not, to give him the opportunity to work with the residents.

8 PUBLIC HEARINGS

- a) MDP-R 2022-38

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

Travis Henley, Planning Director, reviewed the staff report with the board and members of the public interest. He stated that this was originally heard at the April 5, 2022, meeting but was tabled due to the request of the Board members. Mr. Henley stated that the Board requested at the April meeting that the applicant provide clarification and additional requested information. He stated that the proposal has not changed since the last meeting.

Applicant, Mike Pollak, spoke to the Board stated that concerning the buffer issue, the Ordinance requires an "A" type buffer and there is plenty of room to accommodate this type of buffer. He stated that he is fully aware of all the existing utilities on the property and the Engineer laid out the plan with the lines in mind.

Mr. Pollak reported that Phase 10 is no longer being pursued due to the property no longer being owned by them. Property was swapped out so that Phase 5 could be pursued instead.

Ms. Mosca stated her concern off run-off water. Garry Pape with GSP Consulting stated that he has walked the property and they will put drains where needed. The drains that they install will help existing drainage issues.

Mr. Pollak stated that Topsail Greens was developed when rules were different or even non-existent.

Ms. Mosca again stated that she is concerned with elevation issues and the management of the run-off, per UDO requirements.

Mr. Pollak stated they are not wanting to make the existing properties worse rather they would be improving some of the existing problems by cleaning or enlarging existing ditches and replace smaller broken pipes.

Ms. Mosca questioned where would the water go? The land is very flat, low density and already saturated. She expressed her concern that the stormwater plan will not be followed.

Damien Buchanan stated that shouldn't the stormwater information be included and where does this project fall into this process? Mr. Henley stated that normally the engineer will draw it on the plat.

Ms. Mosca stated that she does not feel that there is enough information and does not like the "we'll figure it out later" mindset. She stated that retention ponds only further retain water, and she is concerned that there is going to be stormwater issues.

Mr. Pollak stated that nothing gets permeated that does not meet criteria.

Ms. Mosca understands the concept due to being an Engineer herself but is still concerned about the impact this will have on surrounding areas due to not knowing where the extra water will flow to.

Mr. Pollak stated that they are doing maintenance that has not been done and should have been done for several years. He is 100% confident that they will meet all the stormwater criteria.

Mr. Buchanan stated that a major concern of his is that with this development butting up to existing septic systems will cause future problems that will not be able to be corrected.

Ms. Mosca requested that the GIS map be pulled up and Mr. Feldman located the map and projected it onto the screen. She stated with the flood zones and wetlands, the whole area is already waterlogged. By using a gravity sewer system, the developer will have to raise the area around this property and that will increase the runoff water for existing surrounding properties.

Mr. Buchanan asked what is the developer's runoff water solutions? Mr. Pape stated that the ditches tie into the pond area. Many of the pipes are in bad condition and will be replaced. They will also make the existing ditch wider and deeper.

Mr. Buchanan asked if the ditches would be inside the landscape buffer and Mr. Pape stated possibly.

Mr. Pollak stated that all the water will not run into the pond and Ms. Mosca asked where it will run?

Chairman Delva Jordan asked if the Board had any additional questions for the applicant and no further questions were asked. He then moved on to comments from the public.

County Attorney Trey Thurman explained the time frame each signed up person or representative of a group would receive. He also stated that a person could pass if they feel their question was already answered or their point was already made.

Al Burfield, 353 Topsail Plantation Drive, expressed his concerns of the all conceptual plans with nothing being firm, traffic issues that have not been addressed, and ownership of Topsail Plantation Drive not being addressed.

Lyndsay Oliver, 21 Spar Court, addressed the Board with her concerns runoff water. She stated that the retention ponds kept her home from flooding during Hurricane Florence. Ms. Oliver is also concerned with wildlife being disturbed when she feels there should be more green areas and trees and not less. She stated that she does not want to hear concepts from the developer.

Becky Maness, 914 Lighthouse Court, stated that she is the HOA Vice-President for Topsail Greens and Topsail Greens has never had septic

issues and the developer is not able to guarantee it will stay that way in the future. She feels the developer will not protect their septic and utility lines and is requesting that the Board not approve this request.

Joy Stees, 400 Ensign Court, expressed her concern that the townhouses will add tremendous traffic and no consideration has been given to the traffic issues. There is no definite completion date for the by-pass and adding additional traffic will only cause more harm. She stated that Pender County needs to care about the residents and their lives and not the money. Ms. Stees questioned if people were possibly getting paid under the table.

Amber Young of Ensign Court stated that the State of North Carolina has declared Topsail Greens a bird sanctuary and that there are state regulations that need to be followed pertaining to bird sanctuaries. She would like to have the land sold to the state of North Carolina and have it converted into a nature preserve. Her concerns relate to the wetlands, flood zone designation, and the bird sanctuary.

Karen Koon, 214 Spar Court, expressed that she has many concerns, but her main concern is flooding. During Hurricane Florence, water made it to her back porch and that was with drainage so what will happen if the drainage is blocked? She feels that the developer needs to state facts and have everything put in writing.

Andrew Adkinson, 108 Admiral Court, does not feel the trade that Mr. Pollak was speaking of was not a nice trade at all. The developers are trying to squeeze too much into a small area. He stated that the retention ponds already fill up after rain fall and this request is not in the best interest of Pender County. This needs to be stopped and the Planning Board can stop this now.

Michaele Blunt, 110 Admiral Court, has been a resident for twenty years and is concerned with flooding issues. There is a pond near her home that will be filled in and replaced with parking area. She stated that the golf course already stands in water during rain. Ms. Blunt feels that traffic will become even more unacceptable if this is improved. She expressed that if this is approved by the Board, that it will be an irresponsible decision.

Bob Aberman, 140 Champion Drive, moved into his home in Topsail Greens in 2012 and was told that open areas were going to be golf courses and that idea has seemed to change and disappear. He feels that the quiet and peaceful area that he currently lives in will no longer exist if this approved.

Harold Ballitch, 307 Ruddek Court, questioned the traffic count at Topsail Greens Drive and 17. Mr. Feldman stated that the study was submitted and completed on March 10, 2022. Mr. Ballitch also questioned the plan for the numerous turtles that live in the area and stated that Onslow County is a turtle community and is Pender County?

Karna Godridge, 623 Outtrigger Court, questioned the Board as to how many fatalities Pender County is willing to take on because they happen now and will increase if this is approved. The Developer is always seeking more and this needs to come to an end. The Board needs to consider what is right because this development will change Topsail Greens forever.

Anthony Whitmore, 504 Fathom Court, expressed his concern of the natural border and questioned as to whether the wetlands were registered and has the applicant submitted a 100-year flood plan?

Mario Pinerio, 614 Galley Court, stated his concerns of the school overcrowding, can the fire department save people in a 3-story townhouse, some of the ponds are empty and where is the water going, and that there are big trucks driving by his house on a regular basis that are ruining the current drainage.

Steven Wedgeworth, 138 Pebble Beach Drive, stated that he understands the Board's responsibilities but is questioning what the Board's mission for Pender County is? He also feels the plans need to be more informative and has emailed the Planning Department and has received no response.

Arthur Mark, 109 Plank Court, stated that he was at the last meeting and that flooding is his biggest concern and not just during a hurricane.

Kimberly Zampitella, 115 Navy Court, stated that the loss of green space would be detrimental, and that the loss of the cart path would be very negative.

Paul Lee, 115 Navy Court, expressed to the Board his concerns pertaining to noise, sound, and traffic pollution. He is particularly concerned with the lighting that would need to be installed in the parking lots. He has no doubt it will bother the neighbors who live nearby.

Anne Bridges, 146 Champion Drive, expressed her concern with the history of the developer. Despite what the developer said earlier in the meeting, she has never met with him. Wyndwater is a big lie, and she stands with and for her community.

Mr. Buchanan read the mission statement of the Pender County Planning Department. Mr. Henley also stated that the Unified Development Ordinance that was adopted in 2018, is also part of the mission plan.

Mr. Henley stated that this proposal is a Master Plan Development under the zoning district and all PD's go through this same process. This property is already zoned PD, so this is an administrative process. He reviewed that the Planning Board has three options at this point: to approve, approval with modifications, or to deny. If denied, the case can be appealed to the Board of Adjustments by the applicant.

Chairman Jordan asked the applicant if he would like to address some of the questions and concerns of the audience. He agreed and came back up to the podium. Mr. Pollak stated that they are not filling in any wetlands. The pond that is being filled in is up front and not in the wetlands.

Mr. Buchanan asked the applicant what the height of the townhomes will be? Mr. Pollak stated that they will be 2 story units that cater to "empty nesters". This property has always been about future development and the townhomes were approved from the very beginning.

Chairman Jordan asked the Board members if they have any additional questions of the applicant or the Planning Department. All members responded that they had no additional questions.

Moved by Margaret Mosca, seconded by Damien Buchanan

Motion to deny

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

b) ZTA 2022-15

Trask Land Company Inc., applicant, is requesting approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 3.2.1 'Zoning Approval' to allow for the issuance of clearing and grading permits prior to the issuance of final zoning approval.

Mr. Henley stated that Trask Land Company is the applicant but the language already exists. This request is to increase efficiency in the development process. He stated that this proposal is found to be consistent with Policy 5.1.G, Development Review.

Mr. Buchanan asked what the process is now and what will it be if this is approved. Mr. Henley informed the Board of the current process and how this proposal will change that. Mr. Henley stated that if this approved, a clearing and grading permit can be issued before the final zoning is approved.

Ms. Mosca asked what would happen if the grading and clearing was done and zoning was not approved? Mr. Henley stated that this could happen but is very rare. The applicant/owner would still be responsible for the tree mitigation that the Ordinance requires.

Attorney Trey Thurman stated that language that it runs with the property should be added.

Ms. Mosca stated that applicants should have to put up a bond for the tree mitigation.

Mr. Henley stated from the Planning Department's prospective that it would not hurt to add that language.

Ms. Mosca asked what section of the Ordinance includes enforcement and Mr. Feldman responded with Article 13.

Gardner Noble, applicant, spoke to the Board. He stated that he is wanting the development process in Pender County to come into line with other counties. It will make construction quicker and easier.

Chairman Jordan asked the Board members if they have any questions for the applicant and there was no response.

Andy Wood, PO Box 1008, stated that he is part of the Coastal Plains Conservation Group and stated that the amendment will diminish and not improve and that this will help the developers but not the residents. He requested that the Board deny the proposed amendment change.

Chairman Jordan asked the Board if they had any questions for the Planning Department staff and no questions were asked.

Ms. Mosca stated that this is a legal matter that needs to be discussed.

Mr. Thurman stated that there is a concern that the applicant would not continue with the zoning process after clearing and grading but he imagines that the applicant would have a major reason to do so.

Mr. Henley stated that this exact situation could happen under the current process.

Motion made by Damien Buchanan, seconded by Jeffrey Pitts

Motion made by Damien Buchanan and seconded by Jeffrey Pitts to table this matter until the next scheduled meeting July 6th, 2022.

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

c) REZONE 2022-31

Benjamin Burgess, applicant, on behalf of B Squared LLC, owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 303 acres of land from RP, Residential Performance zoning district to the RA, Rural Agricultural zoning district. The subject project is located on Ashton Road, approximately one mile

west of the intersection of Ashton Road and US HWY 117 in the Rocky Point Township and may be further identified by Pender County PIN 3236-02-4982-0000.

Greg Feldman expressed to the Board that most of the area surrounding this parcel is zoned residential. This parcel is a vacant cleared tract of farmland. He stated that there are 7 Residential Uses by-right, 22 Commercial Uses by-right, and 70 Commercial Uses with Special Use Permit.

Mr. Feldman told the Board that this request is consistent with the Unified Development Ordinance and the Pender County Planning Department recommends approval.

Mr. Buchanan stated that he feels Rural Agricultural is actually “better” due to having less density and houses.

Chairman Jordan questioned how long the property has been zoned Rural Agricultural? Mr. Feldman stated since at least 2016 and that the property is currently distinguished as a bonafide farm.

Mr. Henley stated that previously this property had been zoned R-20 until the Unified Development Ordinance zoned it Rural Performance.

Chairman Jordan asked the Board members if they had any questions for the Planning Board staff and no members responded.

The applicant, Benjamin Burgess spoke to the Board by stating he wants to keep the land agriculture. He feels Rural Agricultural is more consistent with his intent.

Chairman Jordan asked the Board members if they had any questions for the applicant and no members responded.

Wanda Wilson, Ashton Road, owns the land adjacent to this property questioned what the intentions are of the applicant.

Attorney Trey Thurman stated that the Board must address the what “could be’s”.

Mr. Buchanan explained the difference between the two zoning to Ms. Wilson.

Ms. Wilson stated that clearing has been done and she is concerned with the trees that are being eliminated.

Nearby resident, Maurice Morrow, questioned if the property is rezoned Rural Agricultural would hog, turkey or chicken houses be permitted? Mr. Thurman stated that due to this property being delegated as a bonafide farm that it is exempt from zoning. Mr. Morrow stated that there is no farming being done on the land and it is a tree farm. Mr. Thurman stated that tree farming is farming. Mr. Morrow stated that he does not want hog, turkey, or chicken farming to be allowed next door to his property.

Moved by Margaret Mosca, seconded by Jeffrey Pitt

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

d) REZONE 2022-32

Michael Afify, applicant, on behalf of Share the Table, Inc., owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 0.6 acres of land from the RP, Residential Performance zoning district to the GB, General Business zoning district. The subject property is located along Perkins Drive, approximately 300 feet east of US HWY 17 in the Topsail Township and may be further identified by Pender County PIN 4226-74-5773-0000.

Planner, Daniel Adams stated that the surrounding properties are zoned GB, General Business, and RP, Rural Performance. To the west of this property, is vacant property zoned GB, to the north is a non-confirming residential structure and to the east and south are residential structures.

Mr. Adams reviewed the setback requirements and that there are 83 uses by-right and 18 uses with a Special Use Permit. A Traffic Impact Analysis is not required for a general use rezoning since a site-specific development plan is not required to be included in the application package.

Chairman Jordan asked if Perkins Drive was paved and Mr. Adams affirmed that it is a paved road.

Mr. Adams stated that this request is consistent with Policy 5.1.E., Compatible Development and 5.1.K., Commercial Development. Due to this request being consistent with two policies, the Planning Department is recommending that the Planning Board vote to approve.

Mr. Buchanan asked what the buffer requirement would be if the rezoning was approved. Mr. Adams stated that Buffer "C" would be required and Buffer "C" gives two different options.

Mr. Buchanan questioned what the height limitation is in both RP and GB? Mr. Daniels stated that in a GB zoning district, the height limit is 40 feet and in a RP zoning district, the limit would be 35 feet.

Chairman Jordan asked if any of the Board members had questions for the Planning Board staff, and no response was received.

Applicants, Dawn Ellis and Michelle Bennett, spoke to the Board and informed them that this property will be used for stormwater drainage.

Mr. Adams stated that the buffer requirement would be the same if it is used as stormwater drainage.

Kathleen Nixon, 681 Landing, stated she is not able to stay on her land and is not understanding why. She wants to be able to live on her property and is requesting help to do so.

Robert Kirkland, 100 Perkins Drive, stated that traffic is a major problem. Due to the new school being built, he can't get in and out of his driveway in the morning and afternoon. He is against any request that will bring more traffic to the area. Mr. Kirkland stated that the speed limit is still 45 in that area, which is entirely too fast.

Treana Kirkland, 100 Perkins Drive, stated that she is unclear as to what is occurring so Mr. Adams explains re-zoning from residential to

commercial use. Ms. Kirkland expressed her concern as to what will happen in the future.

Chairman Jordan asked the Board members if they had any additional questions for the Planning Department staff and no additional questions were asked.

Mr. Buchanan spoke of the uses, and he is comfortable with this request due to the uses already being allowed.

Moved by Jeffrey Pitt, seconded by Margaret Mosca

Motion to approve

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

e) REZONE 2022-33

Robert Batson, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 41 acres of land from the GB, General Business zoning district to the IT, Industrial Transitional zoning district. The subject project is located along Sloop Point Loop Road, approximately one-half mile east of its intersection with US HWY 17 in Topsail Township and may be further identified by Pender County PIN 4204-92-0474-0000.

Planner Greg Feldman stated that the property is primarily vacant with only a few metal buildings located on the property. He advised of the setback requirements if the property is rezoned to IT and that there are 90 commercial uses permitted by-right and 8 Special Use Permit uses.

Mr. Feldman stated that a Traffic Impact Analysis is not required for a general use rezoning since a site-specific development plan is not required to be included in the application packet. If approved and developed in the future, estimated trip generation data will be required during the review of any site-specific development plan to determine if a TIA is required.

Mr. Feldman stated that IT, Industrial Transitional is more intense and inconsistent with 2.0 Unified Developmental Ordinance. Due to this, the Planning Department is recommending that this request be denied.

The applicant, Robert Batson spoke to the Board. He expressed his desire to keep this land but that it was getting harder and harder to do so since there was no money in farming any longer. He inherited this land from his parents and wants to keep it in his name and not lose it. Mr. Batson stated that he is trying to put something there that will help pay the taxes.

Chairman Jordan asked the Board members if they have any questions of the applicant. No questions were presented.

Steven Wedgeworth, 138 Pebble Beach Drive, expressed to the Board that his property backs up to this parcel and is worried about the uses that the proposed zoning would allow. He requested that the Board deny the request.

Chairman Jordan asked the Board members if they have any questions for the Planning Department staff. No questions were presented.

Mr. Buchanan spoke to the other Board members of the uses in the proposed rezoning request and feels that this site is not the right location. He cannot say that he is in favor of the request to rezone as of today.

Ms. Mosca agreed with Mr. Buchanan in that the IT zoning is not proper for this area.

Chairman Jordan stated that he understands that this is family land and that the applicant wants to hang onto the land but this rezoning request is very broad. If the applicant had a specific use in mind, then the rezoning request may be possible.

Brad George, 102 Doral Drive, stated that the applicant is his wife's

uncle. He stated that the applicant is interested in possibly putting an outdoor boat storage on the parcel and would that use require permission in a GB, General Business zone? Mr. Feldman stated the current zoning is GB and if it was rezoned to IT, then outdoor storage is permitted. Mr. George expressed his concern that he is not sure that the applicant is thinking this request all the way through properly. He is afraid if the whole track is rezoned and just not a portion, then the tax value would increase and the applicant would be in a worse financial position to pay the required taxes. Mr. George feels that possibly rezoning a portion of the parcel would be a better option for the applicant.

Mr. Buchanan asked Mr. Feldman if the Board denies this request today, would the applicant be penalized concerning changing his request and submitting a new application? Mr. Feldman stated there would be no waiting period nor would the applicant be penalized.

Moved by Margaret Mosca, seconded by Jeffrey Pitts

Motion to deny

	For	Against	Abstained	Absent
Delva Jordan	X			
Damien Buchanan	X			
Jeffrey Pitts	X			
Margaret Mosca	X			
John Gruntfest				X
Jeff Beaudoin				X
Norman K. (Ken) Teachey				X
	4	0	0	3

CARRIED.

9 DISCUSSION

There were no discussions.

10 NEXT MEETING DATE

July 6, 2022 (Wednesday) at 7:00 p.m.
Pender County Administration Building
805 S. Walker Street
Burgaw, NC 28425

11 ADJOURNMENT

Meeting adjourned at 9:55 p.m.

Pender County Planning and Community Development

Planning Division

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



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

June 13, 2022

Signature Topsail NC, LP.
Mike Pollak
9337B Katy Freeway #377
Houston, Texas 77024

VIA EMAIL: mike@signature-companies.com

RE: MDP-R 2022-38 – Wyndwater Master Development Revision

Mr. Pollak,

At their June 7, 2022 meeting, the Pender County Planning Board voted unanimously (4-0) to deny the Master Development Revision (MDP-R 2022-38) that would have allowed for townhomes and non-residential development within Phases 7 and 11 and would have removed Phase 10 from the project. The subject site is located to the east of US HWY 17 and to the north and south of Topsail Plantation Drive (Phases 7 and 11) and to the east of Sloop Point Loop Road across from Craftsman Way (Phase 10), in the Topsail Township.

If you would like to appeal the Planning Board's decision to the Pender County Board of Adjustment, please submit an appeal of administrative decision application within 30 days of receipt of the decision in order to be scheduled for the next regular meeting.

If you have any questions or concerns, please do not hesitate to contact me at (910) 259-2110 or thenley@pendercountync.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Travis Henley".

Travis Henley – Director
Planning & Community Development
Pender County, North Carolina

3.5 MASTER DEVELOPMENT PLAN

3.5.1 Intent

The purpose of the Master Development Plan (MDP) is to promote orderly and planned development of property within Pender County. The purpose of the MDP is to ensure that such development occurs in a manner that suits the characteristics of the land, is harmonious with adjoining property, is in substantial compliance with the goals and policies of the adopted Land Use Plans, Unified Development Ordinance, and is in the best interest of the general public. The MDP shall be used to illustrate the characteristics of the property proposed for development and of surrounding properties. All proposed Master Development Plans must follow the review process illustrated in Figure 2 and 3 at the end of Section 3.4.

3.5.2 Applicability

A Master Development Plan (MDP) shall be submitted to the Administrator for approval prior to any subdivision or development of property in any of the following zoning district:

ZONING DISTRICTS SUBJECT TO MDP		
Symbol	Name	MDP Decision Authority
Residential Districts		
RP	Residential Performance	Administrator
RM	Residential Mixed	Planning Board
MH	Manufactured Housing Community	Planning Board
Commercial Districts		
GB	General Business	Administrator
OI	Office Institutional	Administrator
Industrial Districts		
IT	Industrial Transitional	Administrator
GI	General Industrial	Administrator
Mixed Use Districts		
PD	Planned Development	Planning Board

- A. The MDP shall at least include all contiguous land under single or common ownership in the above zoning districts.
- B. A preliminary MDP may be submitted with an application for a conditional rezoning but shall not be considered binding until approval of a final MDP.
- C. Waivers to MDP – Residential Districts: The Administrator may waive the requirements of an MDP in the Residential Districts if the proposed development contains all of the following criteria:
 - 1) Contains 10 or less traditional detached single-family dwelling units;

- 2) Is not an integral portion of a property proposed or planned for future development or subdivision;
 - 3) Is planned to be developed in a manner that is harmonious with surrounding properties and land uses; and
 - 4) Does not substantially affect the purpose and intent of its zoning district and the intent of this Article.
- D. Waivers to MDP – Commercial & Industrial Districts: The Administrator may waive the requirement of an MDP in the Commercial and Industrial District:
- 1) If the proposed development contains all of the following criteria:
 - a) If the proposed subdivision or development is less than 5 acres in size;
 - b) Includes no new streets, roads or rights-of-way, does not further extend any existing or dedicated street, road or rights-of-way and does not significantly change the layout of any existing or dedicated street, road or rights-of-way;
 - c) Is not an integral portion of a property proposed or planned for future development or subdivision;
 - d) That such development is limited to one individual parcel and one single use in accordance with Section 5.2.
 - 2) If the proposed development is located within an approved Industrial Park and meets the Design Standards as outlined in Section 5.3.12.

3.5.3 Pre Application Conference

- A. Prior to submission of a Master Development Plan for approval, the applicant ~~may shall~~ request a pre-application review conference with the Administrator.
- 1) The purpose of the pre-application conference shall be to discuss the proposal in relation to the requirements of the Land Use Plan and Unified Development Ordinance and to obtain advice on the preparation of the Master Development Plan.
 - 2) At the pre-application conference, the applicant shall provide a land use plan describing the following:
 - a) The general location of the site.
 - b) The general location of proposed roads.
 - c) The general location of proposed uses, environmental areas, housing types or open space.
 - d) The uses on adjoining properties.
 - e) Utility requirements.

3.5.4 Review

- A. Applicants shall submit the MDP to the Administrator, together with completed application materials.
- B. Application form ~~and materials~~ must be completed, ~~and fee paid~~ at the time of submission.
- C. The Master Development Plan must meet all the requirements prescribed in Section 6.1, Master Development Plan Contents.

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

3.5.5 Final Master Development Plan

- A. The final MDP shall conform to the requirements of this Article.
- B. Descriptions of changes made since approval of the preliminary MDP or as required with approval of the preliminary MDP shall be provided.
- C. An approval block and signature lines for the Administrator shall be provided.
- D. Applicants shall submit the final MDP to the Administrator. Final approval of the final MDP shall be given by the Administrator.
- E. The Administrator shall approve the final MDP if a preliminary MDP was approved by the Planning Board, or the Administrator as required in accordance with Section 3.5.2, and if all required changes have been made and all requirements of the County Code have been met, within 60 days of its submission. Failure of the Administrator to act in 60 days, without proper cause, shall be deemed approved.

6.1 MASTER DEVELOPMENT PLAN CONTENTS

6.1.1 All Master Development Plans shall be prepared in accordance with the following specifications:

- A. Site plans shall contain a conceptual plan, showing the location and functional relationship between all proposed housing types and land uses, including the following information:
- 1) The scale shall be one inch equals 100 feet or larger (the ratio of feet to inches shall be no more than one hundred feet to one inch) or at a scale acceptable to the Administrator. The scale shall be sufficient so that all features are clear.
 - 2) No sheet shall be smaller than 24"x36" in size unless approved by the Administrator. If the MDP is prepared on more than one sheet, match lines shall clearly indicate where the sheets join.
 - 3) North arrow, a scale of 1:100 or larger and a legend describing all symbols.
 - 4) A boundary survey of the entire property related to true meridian and certified by a registered surveyor with all dimensions in feet and decimals of feet. A vicinity map at a suitable scale shall be provided showing the location of the project along with the location of all existing or approved public roads, streets or rights-of-way within 2,000 feet of the boundaries of the project.
 - 5) The total area of the property shall be specified.
 - 6) The topography shall be shown at 2 foot contour intervals.
 - 7) The title of the proposed project; the date, month, year the plan was prepared or revised; the name of the applicant(s), owner(s) and contract owner(s); and the names of the individuals or firms preparing the plan shall be clearly specified.
 - 8) A schedule of phases, with the approximate location of phase boundaries and the order in which the phases are to be developed, shall be provided.
 - 9) The use of all adjoining properties by zoning, parcel identification number (PIN) and current property owner(s).
 - 10) All proposed uses shall be specified in the Master Development Plan narrative by NAICS code in accordance with Section 5.2.3.

6.1.2 Master Development Plan Contents - Residential Districts

- A. Site plans shall contain a conceptual plan, showing the location and functional relationship between all proposed housing types and land uses, including the following information:
- 1) A land use plan, showing the location, arrangement and approximate boundaries of all proposed land uses.
 - 2) The location and approximate boundaries of proposed housing types conceptually shown in accord and with other non-residential uses dimensional requirements.
 - 3) The proposed number of dwelling units of each type in each phase and in the total development accompanied by density calculation of the development.
 - 4) The location and approximate boundaries of existing environmental features as defined.
 - 5) The location of environmental protection land to be included in common open space.

- 6) The approximate acreage in common open space, each use, housing type and in roads, streets or right-of-ways for each phase and the total development.
- 7) The approximate boundaries and location of common open space, with the percentage of the total acreage of the site to be placed in common open space.
- 8) The location and general configuration of recreational facilities, with a general statement of the types of recreational facilities to be provided if applicable.
- 9) The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided if applicable.
- 10) The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels.
- 11) The location and arrangement of street entrances, driveways and parking areas.
- 12) The use of adjoining parcels and the location of adjoining streets and utilities.
- 13) Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
- 14) Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.
- 15) 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 Traffic Impact Analysis must state the dates and times the counts were conducted.
- 16) The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
- 17) A conceptual plan for stormwater management with the location of stormwater facilities designed to serve more than one lot.
- 18) Calculations describing all proposed bonus factors with the location of and specifications for bonus improvements, when proposed.
- 19) The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or as identified on any historical landmarks survey for Pender County.
- 20) Location and timing of construction for all amenities.
- 21) Landscaping and Buffer requirements per Article 8.
- 22) All subdivided land and parcels shall comply with Section 7.2, Lot Design.
- 23) Homeowners Association shall be required for all major residential subdivisions with privately maintained streets, open space, and other dedicated land as stated in Section 7.3, Homeowners Association Requirements.
- 24) Street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design
- 25) Calculated open space requirements shall adhere to Section 7.6, Open Space.

6.1.3 Master Development Plan Contents - Commercial and Industrial Districts

- A. The site plan shall contain a conceptual plan, showing the location and functional relationship between streets and land uses, including the following:
 - 1) A conceptual plan, showing the location and arrangement of proposed uses.
 - 2) The location and approximate boundaries of existing environmental features as defined.

- 3) The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or identified on any historical survey for Pender County.
- 4) The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided.
- 5) Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
- 6) Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.
- 7) A Traffic Impact Analysis is required when the development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. The Traffic Impact Analysis must state the dates and times the counts were conducted.
- 8) The proposed location of entrances to the development from existing public streets and proposed parking areas.
- 9) The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels.
- 10) Landscaping and Buffer requirements per Article 8.
- 11) The use of adjoining parcels and the location of adjoining streets and utilities.
- 12) The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
- 13) A conceptual plan for stormwater management and description and the location of all stormwater facilities designed to serve more than one parcel.

6.1.4 Master Development Plan Contents – Mixed Use Districts

- A. Site plan shall contain a conceptual plan, showing the location and functional relationship between all proposed housing types and land uses, including the following information:
 - 1) A land use plan, showing the location, arrangement and approximate boundaries of all proposed land uses.
 - 2) The location and approximate boundaries of existing environmental features as defined.
 - 3) The proposed location of entrances to the development from existing public streets and proposed parking areas.
 - 4) The approximate acreage in common open space, each use, housing type and in roads, streets or right-of-ways for each phase and the total development.
 - 5) The approximate boundaries and location of common open space, with the percentage of the total acreage of the site to be placed in common open space.
 - 6) The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels.
 - 7) The use of adjoining parcels and the location of adjoining streets and utilities.
 - 8) The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
 - 9) A conceptual plan for stormwater management and description and the location of all stormwater facilities designed to serve more than one parcel.

- 10) The proposed location and arrangement of all streets and utility systems.
- 11) The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided if applicable.
- 12) The location and approximate boundaries of proposed housing types conceptually shown in accord and with other non-residential uses dimensional requirements.
- 13) The proposed number of dwelling units of each type in each phase and in the total development accompanied by density calculation of the development.
- 14) Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
- 15) Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.
- 16) A Traffic Impact Analysis is required when the development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. The Traffic Impact Analysis must state the dates and times the counts were conducted.
- 17) The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
- 18) Calculations describing all proposed bonus factors with the location of and specifications for bonus improvements, when proposed.
- 19) The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or as identified on any historical landmarks survey for Pender County.
- 20) Location and timing of construction for all amenities.
- 21) Landscaping and Buffer requirements per Article 8.
- 22) All subdivided land and parcels shall comply with Section 7.2, Lot Design.
- 23) Homeowners Association shall be required for all major residential subdivisions with privately maintained streets, open space, and other dedicated land as stated in Section 7.3, Homeowners Association Requirements.
- 24) Street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design.
- 25) Calculated open space requirements shall adhere to Section 7.6, Open Space.

7.9 STORMWATER MANAGEMENT

A. Applicability

- 1) This ordinance shall be applicable to all new development projects from the date of the adoption of this ordinance that fit the following criteria.
 - a) New development of any tract of land or subdivision that requires a North Carolina Department of Environmental Quality (NCDEQ) Stormwater Permit.
- 2) Pre-development Exclusion
 - a) Any project or part of a project area that is granted a pre-development exclusion by the NCDEQ from having to obtain a standard NCDEQ stormwater permit requiring the project meet existing rules and regulations is excluded in whole or in part from this rule in accordance with the exclusion granted by NCDEQ.

B. Definition of Terms

- 1) NCDEQ – The North Carolina Department of Environmental Quality
- 2) NCDOT - The North Carolina Department of Transportation
- 3) PCPD – Pender County Planning Department
- 4) NOAA – National Oceanic and Atmospheric Administration
- 5) Time of Concentration – The calculated time of travel for runoff to flow across a project area from the farthest distance from the outfall to that outfall, expressed as a unit of time.
- 6) Peak Flow – The calculated maximum flow generated by a specific design storm as calculated by the rational method or other industry standard methodologies, expressed in cubic feet per second.
- 7) Impervious **Surface** - Any structure, **surface**, or improvement that reduces or prevents absorption of stormwater into land, and includes non-permeable pavement structures, sidewalks, rooftops or any other structure or improvement that impedes rainfall from entering the ground surface.
- 8) Pervious Surface – Any bare or vegetated soil or surface that allows the penetration of rainfall. This includes permeable pavement structures, drip through decks not covered by a roof structure, gravel surfaces meeting the standard of pervious surfaces as described by NCDEQ.
- 9) Post Development – Site conditions including impervious surface coverage that exist after the proposed development has occurred.
- 10) Pre- Development – Site conditions that exist prior to the proposed land development.
- 11) Design Storm – A specified storm event consisting of the return period, expressed in years.
- 12) Rainfall Depth – The depth of a specific storm event, expressed in inches.
- 13) Intensity – The rate at which rain falls, expressed in inches per hour.
- 14) Design Storm Duration – The length of time over which a storm event occurs, expressed in units of time.
- 15) Design Storm Return Period – The statistically expected occurrence of a given storm event, expressed in years.
- 16) High Density Projects – Projects deemed to be high density by NCDEQ standards.
- 17) Low Density Projects – Projects deemed to be low density by NCDEQ standards.

- 18) Storm Event – Precipitation greater or equal to a rainfall depth of .1 inches occurring in a continuous single time frame.

C. Administration

- 1) These regulations are adopted pursuant to the authority vested in the County of Pender by its charter and the General Statutes of North Carolina, particularly Chapter 153A, 160D, and Chapter 340.

D. Design Standards

- 1) New Development Projects Requiring a NCDEQ Stormwater Permit
- a) Pre-Development and Post Development Peak Flow Comparisons for Design Storm Events.
 - i) All projects 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.
 - ii) Low density projects shall meet this requirement for the 1 year 24-hour event or demonstrate that stormwater discharge is through multiple outlets with each not exceeding a flow of over 50% of the total predevelopment flow. High density projects shall meet this requirement for the 10 and 25 year return period events and be analyzed for the 50-year event.
 - iii) Peak flows shall be calculated using the rational method or other industry standard methods for doing so.
 - iv) For high density projects the time of concentration for pre- and post-development shall be calculated for each storm event using standard methods as set out in TR-55 or other industry standard methodology. These time of concentrations shall be used to determine the duration for each storm event which will yield the intensity used to calculate peak flows for each individual event.
 - v) All rainfall data for rainfall depth and intensity shall be determined by the National Oceanic and Atmospheric Administration (NOAA) for the specific project location.
 - vi) For low density projects or projects that do not require detention of stormwater, the sum of all outfalls shall be used to determine the post development peak flow.
 - vii) For projects with detention structures, the post development flow will be calculated using industry standard methods to route storm events through the detention device to illustrate the compliance with the pre and post development requirements. These calculations shall provide outlet structure details along with the retention basin geometry and peak stage calculations for each storm event.
 - viii) All NCDEQ stormwater requirements shall apply.
 - b) On-Site Collection System Requirements
 - i) All stormwater collection and conveyance systems shall convey the runoff from the 10-year storm event.
 - ii) All other project areas including parking lots and green spaces shall be designed to limit ponding of water during the 10-year event.
 - c) Low Impact Development (LID) design strategies shall be encouraged to reduce peak flows. LID devices shall be designed according to NCDEQ requirements using industry standard methodology.

- d) Off-Site Runoff
 - i) Runoff that is tributary to the project area but is not generated on the project may be bypassed around the collection, conveyance and treatment systems and discharged. Off-site runoff that is not bypassed must be accounted for in the calculations for conveyance systems, retention systems and pre- and post-development calculations.
 - ii) Conveyances for off-site runoff shall be designed for the 10-year event.
- e) Plan Submittal Requirements
 - i) All details of the stormwater collection, retention and discharge systems shall be included on the plans including pipe sizes, locations of all structures and devices, all proposed inverts and grades and any other typical details required to construct the system. Calculations and specifications are not required to be submitted.
 - ii) The plans shall include a statement that the proposed system meets the criteria of this ordinance.
 - iii) The plans shall be signed, dated and sealed by a NC licensed design professional in accordance with industry standards for doing so. Plans may be marked preliminary or with other indications that they are for review and permitting.
 - iv) All Plans shall be produced on D – size drawing sheets (24" x 36") at an appropriate and legible scale.
 - v) Typical industry standards of care shall be used in the design, analysis and preparation of plans in accordance with rules and requirements of the applicable licensing board.
- f) Plan Certification Requirements
 - i) Upon completion of the construction of the stormwater control system in part or in phases a design certification letter shall be submitted to the Pender County Planning Department (PCPD) stating that the system was installed in accordance with the plans. Any discrepancies from the original design shall be noted. The certification shall include a statement that the system, as installed, meets the requirements of this ordinance.
 - ii) If the system installation differs from the proposed plans a record drawing showing all discrepancies shall be submitted to the PCPD.
- E. Design Professional Requirements
 - 1) All stormwater analysis, design and preparation of plans shall be performed by or under the direct supervision of a NC licensed professional. A NC licensed professional is considered any individual licensed by the State of North Carolina to perform such work as defined by their respective licensing board. The design professional shall date, sign and seal all design documents according to the requirements and standards as set out by their licensing board.
 - 2) Typical industry standards of care shall be used in the design, analysis and preparation of plans in accordance with rules and requirements of the applicable licensing board.

Wyndwater Master Development Plan

Total Acreage	205.96
Non-Residential Acreage	9.60
Wetlands Acreage	4.34
Right of Way Acreage	27.98
Active	7.92
Passive	7.92
Total Units	528
Developable Land	152.53
Net Density	3.46

Topsail Greens

Residential Acreage	83.08
Non-Residential Acreage	18.25
	0.00
	0.00
	0.00
	0.00
Total Units	238
Developable Land	64.83
Net Density	3.67

Pender County Planning and Community Development

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



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

Planned Development & Residential Mixed Zoning Districts Master Development Plan Submission

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

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

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

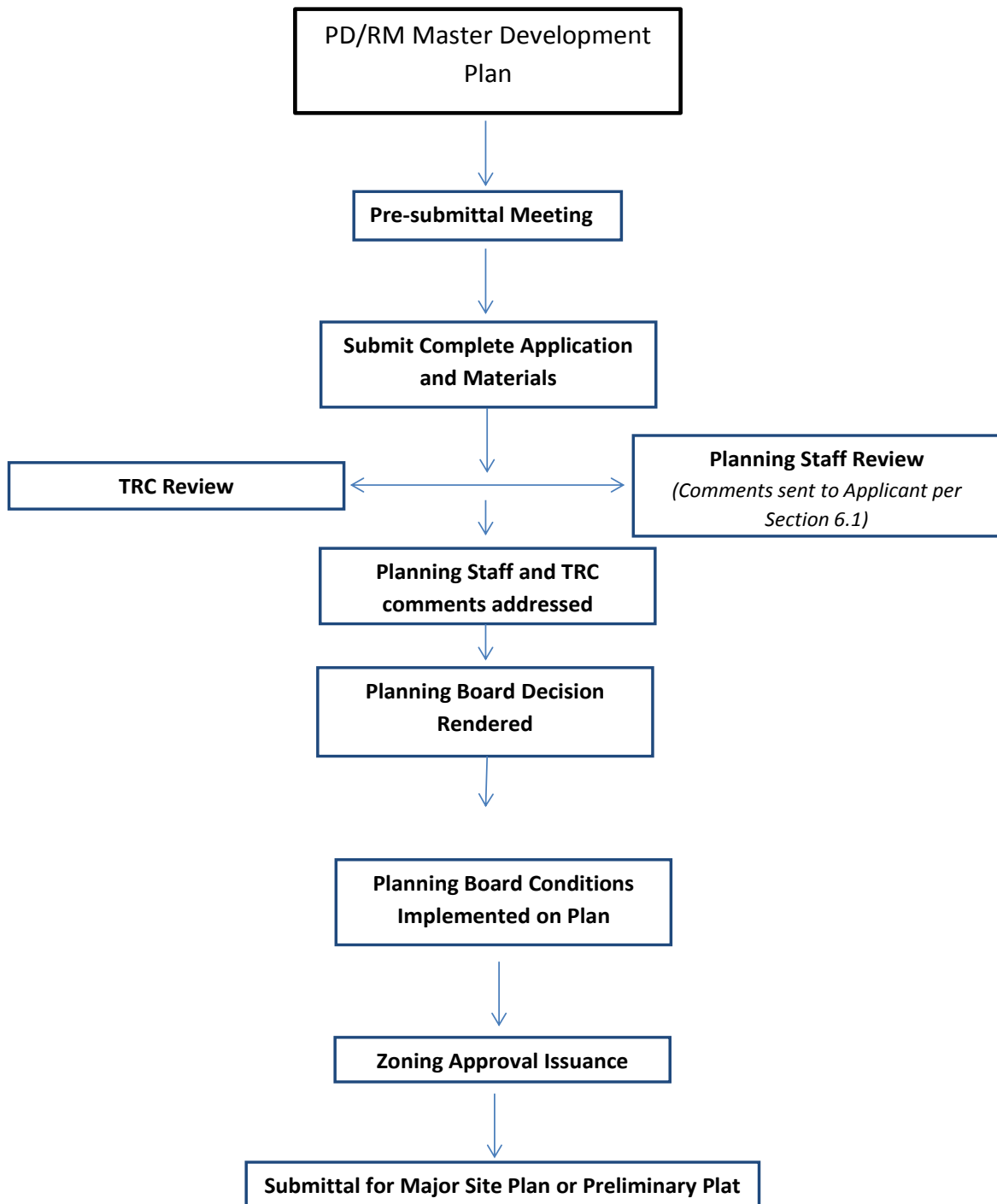
Signature of Applicant

Date

Printed Name

Staff Initials: _____

Date: _____



		Meeting Date	Complete Application Due Date	Applicant Final Submission for PB	Planning Board Meeting
TRC	January	1.8.20	12.13.19	1.17.20	2.4.20
	February	2.5.20	1.17.20	2.14.20	3.3.20
	March	3.4.20	2.14.20	3.13.20	4.7.20
	April	4.1.20	3.13.20	4.17.20	5.5.20
	May	5.6.20	4.17.20	5.15.20	6.2.20 (H)
	June	6.3.20	5.15.20	6.12.20	7.7.20
	July	7.1.20	6.12.20	7.17.20	8.4.20
	August	8.5.20	7.17.20	8.14.20	9.1.20
	September	9.2.20	8.14.20	9.11.20	10.6.20 (H)
	October	10.7.20	9.18.20	10.16.20	11.3.20
	November	11.4.20	10.16.20	11.13.20	12.1.20
	December	12.2.20	11.13.20	12.17.20	1.5.21 (H)

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.

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

Master Development Plan – Mixed Use Districts Specific Requirements

1. Requirements

- a. A land use plan
- b. Boundaries of existing environmental features as defined
- c. The proposed location of entrances to the development
- d. Proposed parking areas.
- e. The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets -providing access to adjoining parcels
- f. The use of adjoining parcels and the location of adjoining streets and utilities
- g. The approximate location of sewer
- h. Letter of intent for wastewater connection to package plant
- i. The approximate location of water mains
- j. Wastewater disposal method
- k. Water source with statements
- l. A conceptual plan for stormwater management
- m. The proposed location and arrangement of all streets
- n. Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
- o. 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 Traffic Impact Analysis must state the dates and times the counts were conducted.
- p. The location and treatment proposed for all historical structures
- q. Timing of construction for all amenities

2. Roadways

- a. Public roadways - Built to NCDOT Subdivision Roads Minimum Construction Standards
- b. Private roadways - All designated private streets designed and constructed in compliance with the current NCDOT Subdivision Roads Minimum Construction Standards
- c. Private streets will be subject to requirements to construct public collector streets under any of the following conditions (per Section 7.5.3.C)
 - Dimension of more than 5280 ft.
 - Any street in the subdivision has the potential to serve more than 200 residential or commercial units
 - Access to any lot or unit in the subdivision is more than 5280 ft. by a private street to a public street
 - Existing public streets have been dedicated or constructed to the property line of the subdivision
 - Access to adjacent properties will be hindered as a result of private streets being allowed in the subdivision

3. Access (per Section 7.4)

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

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

- a. Adjoining street systems,
- b. Existing, planned and proposed streets, topographic, drainage and other natural features of the property,
- c. Continuity in existing streets and proposed streets,

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

- d. Adequate right-of-way for collector streets
- e. Reasonable access provided to adjacent properties for development
- f. Street intersections are directly aligned if possible.
- g. If not aligned not offset centerline to centerline by not less than 125 ft.
- h. Intersect as nearly as possible at right angles
- i. Permanent dead end streets (cul-de-sacs) or temporary dead end (stub) streets are longer than 1,000 ft.
- j. Street name approval from the Pender County Addressing Coordinator.
- k. Sight triangles as required in the NCDOT

5. Buffers (8.2 please refer to Section 4.15 of the Pender County UDO)

- a. Along all boundaries adjacent to a street Buffer A
- b. Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and when a single family structure is within 50' of the boundary of the development Buffer C
- c. Along all other boundaries Buffer B
- d. -Boundaries and location of common open space, with the percentage of the total acreage of the site to be common open space.

6. Housing Types (per Section 4.15)

7. Residential Dimensional Requirements

- a. Front Setbacks
- b. Side Setback
- c. Rear Setbacks
- d. Corner Setbacks
- e. Building Height
- f. Structure Separation
- g. Minimum Chord distance
- h. Minimum lot width

8. Commercial Dimensional Requirements

- a. Front Setbacks
- b. Side Setback
- c. Rear Setbacks
- d. Corner Setbacks
- e. Building Height
- f. Structure Separation
- g. Minimum Chord distance
- h. Minimum lot width

9. Density

- a. Non-Residential Acreage
- b. Wetlands Acreage
- c. Passive Open space Acreage
- d. Active Open Space Acreage
- e. Right of Way Acreage
- f. Total Units
- g. Developable Land
- h. Net Density

10. Open Space Labeled Cleary with Acreages (per Section 7.6)

- a. Open Space
- b. Passive Open Space
- c. Active Open Space

Pender County Planning and Community Development

Planning Division

805 S. Walker Street
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MASTER DEVELOPMENT PLAN

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

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

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

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

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

Waivers to MDP – Residential Districts

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

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

Waivers to MDP – Commercial and Industrial Districts

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

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

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP	Date	
Application Fee	\$	Receipt No.	
Pre-Application Conference		Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Signature Top Sail NC, LP	Owner's Name:	Signature Top Sail NC, LP
Applicant's Address:	9337B Katy Freeway #377	Owner's Address:	9337B Katy Freeway #377
City, State, & Zip	Houston, Texas 77024	City, State, & Zip	Houston, Texas 77024
Phone Number:	713-822-3891	Phone Number:	
Legal relationship of applicant to land owner: Land Owner and Developer			
SECTION 2: PROJECT INFORMATION			
Type of Master Development Plan	☐ Residential <i>RP, PD, RM MH District</i>	☐ Commercial <i>GB, OI, IT, GI District</i>	☒ Mixed Use <i>PD</i>
Property Identification Number (PIN):	4214-12-8251-0000	Total property acreage:	205.96
Zoning Classification:	PD	Acreage to be disturbed:	
Project Address :	Sloop Point Loop Road		
Description of Project Location:	Wyndwater Subdivision		
Describe activities to be undertaken on project site:	Development of Residential Lots & Commercial Development		
SECTION 3: SIGNATURES			
Applicant's Signature	<i>Jennifer Pollak Evans</i>	Date:	9/10/21
Owner's Signature	<i>Jennifer Pollak Evans</i>	Date:	9/10/21
<i>Signature Top Sail NC Ltd</i>			

APPLICATION FOR MASTER DEVELOPMENT PLAN

THIS SECTION FOR OFFICE USE			
Application No.	MDP	Date	
Application Fee	\$	Receipt No.	
Pre-Application Conference		Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Signature Top Sail NC, LP	Owner's Name:	Trust Special, Ruth Kalmar Estate
Applicant's Address:	9337B Katy Freeway #377	Owner's Address:	2237 Queens Road East
City, State, & Zip	Houston, Texas 77024	City, State, & Zip	Charlotte, NC 28207
Phone Number:	713-822-3891	Phone Number:	704-661-7426
Legal relationship of applicant to land owner: Developer			
SECTION 2: PROJECT INFORMATION			
Type of Master Development Plan	☐ Residential <i>RP, PD, RM MH District</i>	☐ Commercial <i>GB, OI, IT, GI District</i>	☒ Mixed Use <i>PD</i> ☐ Exempt
Property Identification Number (PIN):	4214-50-8387-0000	Total property acreage:	19.56
Zoning Classification:	PD	Acreage to be disturbed:	
Project Address :	Sloop Point Loop Road		
Description of Project Location:	Project is located between Hwy 17 & Sloop Point Loop Road		
Describe activities to be undertaken on project site:	Development of Residential Lots		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	
Owner's Signature	<i>Richard Alan Davis, Successor Trustee</i>	Date:	<i>9/9/2021</i>

NOTICE TO APPLICANT							
1. Applicant or agent authorized in writing must attend the public hearing. 2. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 3. All fees are non-refundable 4. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda							
Office Use Only							
☐		MDP Fees: (<i>\$500.00 plus \$10/acre for the first 100 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:	
Date scheduled for public hearing:							

Contents of a Preliminary Master Development Plan – Residential Districts

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

	A land use plan, showing the location, arrangement and approximate boundaries of all proposed land uses.
	The location and approximate boundaries of proposed housing types conceptually shown in accord and with other non-residential uses dimensional requirements.
	The proposed number of dwelling units of each type in each phase and in the total development accompanied by density calculation of the development.
	The location and approximate boundaries of existing environmental features as defined.
	The location of environmental protection land to be included in common open space.
	The approximate acreage in common open space, each use, housing type and in roads, streets or right-of-ways for each phase and the total development.
	The approximate boundaries and location of common open space, with the percentage of the total acreage of the site to be placed in common open space.
	The location and general configuration of recreational facilities, with a general statement of the types of recreational facilities to be provided if applicable.
	The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided if applicable.
	The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels.
	The location and arrangement of street entrances, driveways and parking areas.
	The use of adjoining parcels and the location of adjoining streets and utilities.
	Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
	Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.
	Based on estimated traffic counts, a Traffic Impact Analysis may be required stating the dates and times counts were conducted for the proposed development.
	The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
	A conceptual plan for stormwater management with the location of stormwater facilities designed to serve more than one lot.
	Calculations describing all proposed bonus factors with the location of and specifications for bonus improvements, when proposed.
	The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or as identified on any historical landmarks survey for Pender County.
	Location and timing of construction for all amenities.
	Landscaping and Buffer requirements per Article 8.
	All subdivided land and parcels shall comply with Section 7.2, Lot Design.
	Homeowners Association shall be required for all major residential subdivisions with privately maintained streets, open space, and other dedicated land as stated in Section 7.3, Homeowners Association Requirements.
	Street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design
	Calculated open space requirements shall adhere to Section 7.6, Open Space.

Contents of a Preliminary Master Development Plan – Commercial and Industrial Districts

The site plan shall contain a conceptual plan, showing the location and functional relationship between streets and land uses, including the following:

	A conceptual plan, showing the location and arrangement of proposed uses.
	The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or identified on any historical survey for Pender County.
	The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided. The location and approximate boundaries of existing environmental features as defined.
	Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
	Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.
	Based on estimated traffic counts, a Traffic Impact Analysis may be required stating the dates and times counts were conducted for the proposed development.
	The proposed location of entrances to the development from existing public streets and proposed parking areas.
	The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels.
	Landscaping and Buffer requirements per Article 8.
	The use of adjoining parcels and the location of adjoining streets and utilities.
	The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
	A conceptual plan for stormwater management and description and the location of all stormwater facilities designed to serve more than one parcel.

Contents of a Preliminary Master Development Plan – Mixed Use Districts

Site plan shall contain a conceptual plan, showing the location and functional relationship between all proposed housing types

and land uses, including the following information:	
	A land use plan, showing the location, arrangement and approximate boundaries of all proposed land uses.
	The location and approximate boundaries of existing environmental features as defined.
	The proposed location of entrances to the development from existing public streets and proposed parking areas.
	The approximate acreage in common open space, each use, housing type and in roads, streets or right-of-ways for each phase and the total development.
	The approximate boundaries and location of common open space, with the percentage of the total acreage of the site to be placed in common open space.
	The proposed location, arrangement, and right-of-way widths of roads and streets, including roads and streets providing access to adjoining parcels.
	The use of adjoining parcels and the location of adjoining streets and utilities.
	The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
	A conceptual plan for stormwater management and description and the location of all stormwater facilities designed to serve more than one parcel.
	The proposed location and arrangement of all streets and utility systems.
	The location and extent of proposed buffers, with statements, profiles, cross sections or examples clearly specifying the screening to be provided if applicable.
	The location and approximate boundaries of proposed housing types conceptually shown in accord and with other non-residential uses dimensional requirements.
	The proposed number of dwelling units of each type in each phase and in the total development accompanied by density calculation of the development
	Estimated AM and PM Peak Hour Trips per the Institute of Transportation Engineers Trip Generation Manual.
	Estimated Average Daily Trips created by the development at build-out per the Institute of Transportation Engineers Trip Generation Manual.
	Based on estimated traffic counts, a Traffic Impact Analysis may be required stating the dates and times counts were conducted for the proposed development.
	The approximate location of sewer and water mains, sewage disposal and water source with statements concerning the connection with and availability of existing facilities.
	Calculations describing all proposed bonus factors with the location of and specifications for bonus improvements, when proposed.
	The location and treatment proposed for all historical structures and sites recognized as significant by the County Commissioners or as identified on any historical landmarks survey for Pender County.
	Location and timing of construction for all amenities.
	Landscaping and Buffer requirements per Article 8.
	All subdivided land and parcels shall comply with Section 7.2, Lot Design.
	Homeowners Association shall be required for all major residential subdivisions with privately maintained streets, open space, and other dedicated land as stated in Section 7.3, Homeowners Association Requirements.
	Street layout and access shall conform to Section 7.4, Access and Section 7.5, Street Design.
	Calculated open space requirements shall adhere to Section 7.6, Open Space.

Tuesday, November 2, 2021 at 7:52:55 AM Central Daylight Time

Subject: Town Meeting

Date: Tuesday, November 2, 2021 at 7:52:49 AM Central Daylight Time

From: Mike Pollak

To: Gideon Smith

Gideon

The town hall meeting was held October 8th at the Wyndwater pool facility. We had approximately 30 people attend. Both the president and vice president of the Topsail Greens HOA attended the meeting. They confirmed at the meeting that their board approved the land swap to relocate their storage area to the area we have proposed for the commercial storage.

The meeting was very informative and the majority of the people in attendance were supportive of the townhomes. There was a lot of concern about the fencing requirements for the perimeter of the project. Some adjacent property owners questioned if there was flexibility in the ordinance to leave out fencing where views of water amenities would be blocked.

Mike





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

March 10, 2022

Mr. Nate Bouquin, PE, PTOE

Ramey Kemp Associates
5808 Faringdon Place, Suite #100
Wilmington, NC 27609

RE: Scope for the Traffic Impact Analysis associated with the proposed revisions to the Wyndwater residential development in Hampstead, NC (Pender County).

Dear Mr. Bouquin,

Based on the information provided, and conversations held to date, this development is located between US 17 and Sloop Point Loop Road in Hampstead, North Carolina. It is our understanding that the proposed development will consist of two (2) phases for the purposes of the TIA.

TIA Phase 1

400 Single Family Homes (ITE Land Use Code 210)

- Construction Phase 1
 - o 40 Single Family Homes
- Construction Phase 2
 - o 65 Single Family Homes
- Construction Phase 3
 - o 103 Single Family Homes
- Construction Phase 4
 - o 52 Single Family Homes
- Construction Phase 5
 - o 63 Single Family Homes (*under construction*)
- Construction Phase 6
 - o 44 Single Family Homes
- Construction Phase 8
 - o 25 Single Family Homes
- Construction Phase 9
 - o 8 Single Family Homes

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 • North Carolina Department of Transportation

TIA Full Build (includes TIA Phase 1)

516 Single Family Homes (ITE Land Use Code 210)
42 berths (~63,800 SF) Boat/RV storage (ITE Land Use Code 420)
52,800 square feet of Office Space (ITE Land Use Code 710)
16,000 square feet of Strip Retail (ITE Land Use Code 822)

- Construction Phase 7
 - o 60 Single Family Homes
- Construction Phase 11
 - o 56 Single Family Homes
 - o 42 berths (~63,800 SF) Boat/RV storage
 - o 52,800 square feet of Office Space
 - o 16,000 square feet of Strip Retail

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

1. Data Collection - Analysis Parameters:

a) Existing Conditions

- i. For existing intersections, provide turning movement counts, including pedestrians for weekday during school (T,W,TH) morning (7:00am-9:00am) and afternoon (4:00pm-6:00pm) peak travel periods. For all signal warrant study locations, please collect 13 hour turning movement counts.

1. US 17 and Topsail Greens Drive/Quarter Horse Lane (signal warrant analysis)
2. US 17 and Topsail Plantation Drive
3. US 17 and Champion Drive/ Pinnacle Parkway (signal warrant analysis)
4. US 17 and SR 1561 (Sloop Point Road)
5. US 17 and SR 1563 (Sloop Point Loop Road)
6. US 17 and NB to SB U-turn located north of SR 1561 (Sloop Point Road)*
7. SR 1563 (Sloop Point Loop Road) and Site Access 1 (northeast of Masters Lane)
8. SR 1563 (Sloop Point Loop Road) and Site Access 2 (northeast of Friendly Lane)

*For this location, evaluate signal needs based on the NCDOT Publication Guidelines for Signalization of Intersections with Two or Three Approaches.

Signal timing plans may be acquired by sending a request to NCDOT Traffic Services.

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

1. Site Trip Generation Estimate

Note: Trip generation estimates for Phases 1-6, and 8-9, are required in the TIA documentation. All of these phases have been built out, except for Phase 5, which is under construction. The estimated site trips for the built houses should be removed from existing counts so that they are not double counted in the analysis.

Wyndwater residential Traffic Impact Analysis (TIA) scope - (Pender County)

2. Site Trip Distribution

To be determined based on collected traffic count data.

c) Adjacent Development (approved, but as of yet to be built, developments):

- Bay Ridge Development (without required improvements)

d) Planned Roadway Improvements

- U-5732

e) Background Traffic Assumptions

- Horizon year – 2026
- Growth rate – 2% per year

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

A) Technical Analysis

i. 2022 Existing

ii. 2026 Future No-Build

[Existing + 1% background growth + approved development trips – TIA Phase 1 Site Trips]

iii. 2026 Future Build Conditions

[Existing + 1% background growth + approved development trips + TIA Phase 1 & Full Build Site Trips]

iv. 2026 Future Build Conditions + improvements

3. **Final Report Submittal:**

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

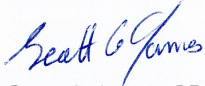
4. **Notes:**

- 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.

Wyndwater residential Traffic Impact Analysis (TIA) scope - (Pender County)

Please contact me at (910) 473-5130 with any questions regarding this scope.

Sincerely,



Scott A. James, PE
Transportation Planning Engineer
Wilmington Urban Area MPO

Attachments: Traffic Impact Analysis Supplemental Guidelines
Scoping request letter and map (provided by RKA)

cc: Kirsten Spirakis, PE, District Engineer, NCDOT
Doug Racine, Deputy District Engineer, NCDOT
Brad Haste, Assistant District Engineer, NCDOT
Jessi Leonard, PE, Division Traffic Engineer, NCDOT
Stonewell Mathis, PE, Deputy Division Traffic Engineer, NCDOT
Krupa Koilada, Senior Assistant Division Traffic Engineer, NCDOT
Travis Henley, MPA, Planning Director, Pender County
Vanessa Lacer, Planner II, Pender County
Mike Kozlosky, Executive Director, WMPO
Bill McDow, Associate Planner, WMPO
Jamar Johnson, EI, Engineering Associate, WMPO