

### ORDER APPROVING A PRELIMINARY PLAN

This matter came before the Wilmington Subdivision Review Board (SRB) for a public hearing on February 17, 2016, to consider case number SRB-8-216 submitted by Charles Cazier on behalf of Hanover Partners, LLC for preliminary plan approval of an 8-lot conventional single-family subdivision that includes the construction of a private street, utility extensions, storm water management facilities, and open space dedication located at 7920 Masonboro Sound Road. The property contains approximately 4.78 acres and is currently zoned R-15, Residential District.

The SRB having heard the evidence and arguments presented at the hearing makes the following findings of fact:

1. The site includes 4.78 acres and is currently zoned R-15, Residential.
2. The site has frontage on Masonboro Sound Road.
3. The preliminary plan shows an unimproved, non-public connection to the north of the site within the adjacent single-family subdivision (Whispering Pines).
4. The applicant will create eight single-family lots including the construction of a private street, utility extensions, storm water management facilities, and open space dedication.
5. The applicant is developing the site as a conventional single-family subdivision and all lots meet the minimum dimensional requirements of the R-15 district.
6. The applicant will construct one access to the site from Masonboro Sound Road.
7. The applicant will extend water and sewer infrastructure into the subject property to serve all lots.
8. The applicant will create a new private street with a cul-de-sac that will access the lots within the subdivision.
9. The private street will include 2-feet of ribbon curbing, 18-feet of asphalt, 2-feet of valley curbing, and sidewalk.
10. The applicant will construct stormwater management infrastructure to serve the proposed development.
11. The *Technical Standards and Specifications Manual (TSSM)* stipulates that a cul-de-sac street be no greater than 500-feet in length. The applicant proposes a cul-de-sac street that exceeds 500-feet by approximately 330 feet (830 feet total) and requests a waiver.
12. The *Technical Standards and Specifications Manual (TSSM)* stipulates that all public and private streets include sidewalks on both sides of the street. The applicant proposes sidewalk on one side of the street due to the proposed street cross-section and stormwater design and requests a waiver.
13. The *Technical Standards and Specifications Manual (TSSM)* stipulates that all public and private streets include street trees on both sides of the street. The applicant proposes street trees on one side of the street due to the proposed street cross-section and stormwater design and requests a waiver.

THEREFORE, IT IS ORDERED that the preliminary plan for 8-lot conventional single-family subdivision that includes the construction of a private street, utility extensions, storm water management facilities, and open space dedication located at 7920 Masonboro Sound Road is approved subject to the following:

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Land Development Code (LDC), the City of Wilmington Technical Standards and Specifications Manual (TSSM) and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below. In the event of a conflict, the more stringent requirement or higher standard shall apply.
2. Approval of this Preliminary Plan does not constitute technical approval of a site plan. Final approval by the Technical Review Committee (TRC) and the issuance of all required permits must occur prior to release of the project for construction.
3. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan shall be null and void.
4. The use and development of the subject property shall be in accordance with the approved preliminary plan as submitted and approved.
5. Utilities shall be placed in appropriate locations relative to the public rights of way and co-location of water and sewer utilities with the required street trees (per the City TSSM) shall be pursued by the applicant and designer.
6. A tree preservation plan and tree removal permit shall be required for this project and city staff will issue these based on acceptable limits of clearing and tree preservation.
7. The applicant is required to work with staff to preserve trees to the maximum extent practical. Trees designated to be preserved shall be properly protected during construction and tree protection fencing shall be noted on the construction plans. Tree clearing will be limited to essential site improvements within the project limits as shown on the approved site plan.
8. If necessary, resource areas, buffers and setbacks per requirements of the LDC shall be shown and labeled on the Preliminary Plan.
9. If impervious surface areas exceed 25% of the site the project must meet standards for exceptional design.
10. All City, State and Federal regulations shall be met.
11. All TRC comments shall be followed.
12. An acceptable Preliminary Plan which adequately addresses all TRC/SRB comments shall be submitted to the Subdivision Coordinator for signature within thirty (30) calendar days of SRB approval.
13. The applicant shall obtain approval of the street name from the city addressing coordinator and place the approved name on the Preliminary Plan. This is required prior to plat recordation and/or site plan submission.
14. The applicant shall provide a stub connection to the adjacent unimproved stub street to the north of the site unless the applicant can provide evidence that the existing stub is not a public right-of-way and a legal barrier exists that would prohibit a future connection to be made. The street shall be paved to the property line and a sign shall be posted that indicates future road connection will be made.

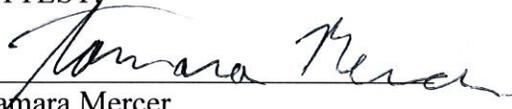
It is further ordered that the following allowances and waivers from the city's technical standards (TSSM) and Land Development Code (LDC) requirements are granted:

1. To allow sidewalk to be constructed on only the north side of the proposed street.
2. To allow street trees to be planted on only one side of the proposed street.
3. To allow the proposed cul-de-sac street to exceed the maximum length of 500 feet by approximately 330 feet, providing that the applicant shall submit evidence that the adjacent unimproved stub street to the north of the site is not a public right-of-way and a future connection could not be made.

SIGNED this 16<sup>th</sup> day of March, 2016.

  
Ron Satterfield, Chairman  
Subdivision Review Board

ATTEST:

  
Tamara Mercer  
Designated Secretary to the Subdivision Review Board

Date Order Filed with Planning Office: 3/16/16