

**To:** Howard Resnik, PE  
**From:** Jeff Walton, Associate Planner; 910-341-3260  
**CC:** File; Protrak  
**Date:** 4/2/2014  
**Re:** Pier 33 – 715 Nutt Street

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The following is a list of comments for review from planning regarding the project. Please provide your corrections as listed below. Additional review will be required once all the needed documents have been provided. Items or documents not provided on initial submission will be subject to further review. Please contact me for any further questions.

SRB Conditions of Approval:

**SRB-3-1012: Approval Conditions that apply:**

- At the time of constructing improvements on Lot 2, Nutt Street shall be constructed along the entire frontage of Lot 2 in accordance with city standards.
  - Review of Pier 33 and plan review of Nutt Street must occur at the same time. Both projects must be released for construction at the same time for compliance. Certificate of Occupancy will not be given for the Pier 33 project until Nutt Street has been constructed and accepted as a public street.
- Approval conditions as adopted with SRB approval number SRB-1-708 shall remain valid.
  - Conditions added to my comments.
- **Nutt Street conditions:**
  - All driveway locations shall be subject to approval by the Traffic Engineering division.
  - State water and sewer permits and a Cape Fear Public Utility Authority Water Extensions Agreement must be obtained prior to construction release.
  - A Landscaping Plan shall be submitted for review and approval by city staff prior to release of the plan for construction.
  - Traffic improvements required by the City of Wilmington shall be installed prior to issuance of city approval for certificates of occupancy.
  - In accordance with the Land Development Code guidelines, Sec. 18-69, required improvements shall be constructed prior to submission of a final subdivision plat.
  - A Landscaping Plan, to include installment of street trees with an adequate 10-foot wide pedestrian passage and consistent timing of construction with other capital projects adjacent to the project area shall be submitted. This plan shall be for review and approval by city staff prior to release of site plans for construction.
  - Mr. Flechtner offered another condition as follows: “When lot 2 is developed at the intersection of Nutt Street, Brunswick to Harnett will be improved.” The way it is now with Lot 3 fronting part of Nutt Street, there could be an unimproved

- gap. Since it is not being done with lot 3, when lot 2 is approved, it should include the entire length of Nutt Street to Brunswick and Harnett.
  - Chairman Satterfield reiterated that another condition is that Nutt Street between Brunswick and Harnett be improved when lot 2 is developed.
- The Preliminary Plan is effective for a period of eighteen (18) months, or until April 17, 2014.
  - A 6 month extension can be requested in writing prior to April 17, 2014 to prevent expiration. If granted, the plan will be extended once prior to full expiration resulting in a new review of the plans by SRB.

**SRB-1-708 Approval Conditions:**

- A landscaping plan shall be reviewed to address installment of street trees with an adequate 10-foot wide pedestrian passage and the timing of construction be consistent with other capital projects adjacent to the project area.
- From the minutes: Mr. Satterfield clarified that the 12-foot sidewalks requirements in the CBD will apply to properties north of Red Cross where there are no existing sidewalks with the intent to allow the street level of buildings to be pushed back to allow additional pedestrian space, such as café areas and tree drip line.
  - 12-foot sidewalks are required on both sides on Nutt Street when the plans are officially submitted.
- A variance was approved to allow a reduction of the street corner radii of 30 feet, less than the required 35-foot radius.
  - Add note of Nutt Street Plans
- A variance was approved to allow a reduction of right-of-way from the required 60 feet for an urban site specific street cross section proposal of 52 feet.
  - Add Note on Nutt Street plans

Site Plan Comments:

- Show and label Brunswick Street as a public right-of-way along the southern portion of the building.
- Is the stormwater pipe along the riverwalk proposed to be public or private?
- Prior to release for construction, will need confirmation of the final location of the bathrooms per the developers agreement. This will affect the approval of the Pier 33 construction plans.
- Sec. 18-60 (c) (5): Additional information is the site data table as follows:
  - Setbacks of Building (proposed)
    - On western side show setbacks of building in various locations from the riverwalk.
- Sec. 18-60 (c) (9): Show location and dimension of any easements, public rights-of-way, existing and proposed.
  - What is the timeline for permitting and construction of Nutt Street.
- Sec. 18-60 (c) (11): Show location and dimension of all fencing and screening.
  - Include screening type and height of screen on the architectural drawings.
- Sec. 18-60 (c) (15): Show a proposed landscape plan.
- Per old CBD rules, bicycle parking is not required but encouraged. I hope you consider adding locations.
- Dumpsters: In the food and bev site plan a dumpster pad was proposed in the turnaround area to the north of the proposed building. Be sure to show both plans having similar designs for final permits.
- All federal, state and local permits are required prior to full construction release. This includes, but is not limited to: state storm water, state utility extension permits, wetland disturbance permits, city storm water, tree protection permits, etc.

CBD Comments:

- Show height of any fence proposed against the riverwalk.

- The following design element standards apply to all new construction:
  - Building facades shall incorporate periodic transitions such as expression of structural lines with offsets or change of materials. Transitions shall be no further apart than two-thirds ( 2/3) of the building height. The predominant orientation of fenestration (window arrangement) within the facade shall be vertical. Large building facades shall be divided into distinct massing elements utilizing methods including but not limited to: facade offsets, pilasters or change in materials.
    - Show proposed materials used, some vertical elements may need to be added to the parking deck to break up the façade.
- Sec. 18-196 (c) (3): Height relationships. In calculating the dimensions of a story for new construction, the following provisions shall apply: The exterior expression of the facade height at the pedestrian level, which may be distinguished by a distinct horizontal architectural member, or a change in materials or fenestration, shall not be less than thirteen (13) feet, four (4) inches.
  - Label for compliance on the elevation sets along Nutt Street, Brunswick Street and the riverwalk.
    - This includes even your elevated courtyards.
- Sec. 18-196 (c) (4): Street wall definitions/setbacks. Setbacks shall be measured from the front property line to the foremost face of the building facade. New buildings shall be constructed at a setback no greater than five (5) feet from the public right-of-way; however, for buildings located in the CBD north of Red Cross Street and no further east than property with frontages abutting North 3rd Street, **front setbacks may be voluntarily increased to a depth no greater than forty-five (45) percent of the building height, measured according to subsection 18-196(i), provided that the following criteria are met:**
  - **The building must be located on a corner of a public street intersection and front on a north/south running street.**
    - The proposed building does comply with the above statement, so the 45 percent setback based on height can be applied to assist in setbacks not within 5 feet of the property line. Please show your math on compliance.
  - The non-planter areas of the setback shall be hardscaped, i.e. paved. Sixty (60) percent of the proposed hardscaped, non-planter setback areas shall be covered with pavers approved by the City Engineer. Forty (40) percent of the proposed hardscaped, non-planter setback area may be paved with light-colored (not white) concrete in lieu of pavers.
  - The edge of the public right-of-way must be defined by a change in pavement type (not including change in color) and/or vertical element not greater than three (3) feet in height; however, no physical barrier shall entirely prevent the pedestrian public from entering the private property setback.
  - Planters, raised, recessed, or contained shall be installed in the front setback area to accommodate canopy or understory trees at a minimum of one (1) tree per one thousand two hundred (1,200) square feet of increased front setback area between the outermost side facades of the building. The area used for the calculation of increased front setback shall not include the square footage beneath building overhangs and fountains or sculptures larger than three (3) square feet.
  - Trees and any additional vegetation in the setback area shall meet the general landscaping requirements of section 18-448 except subsections (c), (d), and (e) and that opacity is not required.
  - Trees and shrubs in the setback area shall be maintained by the owner to ensure that the material remains living and prospers.
- Sec. 18-196 (c) (6): Street level facades. Buildings shall front onto public sidewalks to reinforce activity levels along public streets and pedestrian ways. **Window glazing shall be the predominant material of the street-level facade.** Such glazing shall be transparent under all lighting conditions; however, spandrel or colored glass may be used in the area above the height of the door head. Storefront glazing shall extend from the sill or from a base not to exceed four (4) feet in height and of contrasting material, to at least

- the height of the door head. Storefront entrances shall be recessed from the property line allowing a pedestrian space between the sidewalk and the front door. For buildings located on street corners, a corner entrance is permissible. Exterior burglar bars, fixed "riot shutters" or similar security devices shall not be installed so as to be visible from public right-of-way in any new or existing building.
- Label for compliance on the elevation sets along Nutt Street, Brunswick Street and the riverwalk.
  - Sec. 18-196 (c) (7): Exterior building materials. Acceptable exterior building materials must be congruous with the context of the CBD. Materials without a visual precedent in the developed CBD shall not be permitted. Vinyl siding is not permitted.
    - Please define the material types and colors used on all sides of the elevations.
  - Sec. 18-196 (c) (12): Streets, landscaping. For new commercial development, street tree plantings in below-grade planters on the public right-of-way shall be included at the rate of one (1) tree for each thirty (30) feet of frontage. If the City Manager or designee determines there is no plaza or other space available for tree plantings in the right-of-way, or determines that the planting is problematic for the site, then a payment in lieu, equal to the cost for required trees, shall be paid by the developer into the City of Wilmington Tree Improvement Fund. All plans for street tree plantings must be reviewed and approved by the City Manager or designee and must be a minimum of three (3) inches in caliper.
    - Show compliance on landscape plan.
  - Sec. 18-196 (c) (15): Additional treatments. HVAC equipment, air conditioning window units, and other electrical equipment shall not be located on facades with street frontage. All such equipment shall be placed in the interior yards or on the roof of the building and screened from the right-of-way. Through-wall mechanical units are permitted on any facade if they are incorporated into the design of the building, flush with the facade on which they are located, concealed by a vent cover and have an internal drip system for condensation. Utility meters, transformers and fixed trash disposal receptacles which cannot be located out of sight shall be screened.
    - Add note on location of HVAC equipment for compliance.
  - *Encroachment agreements.* An encroachment agreement shall be required for any projection into the right-of-way, such as balconies and door swings. De minimus encroachments including gutters, fabric awnings, door swings, and signs will be approved by the Zoning Administrator. Architectural elements less than twelve (12) inches in depth, and sub-grade structural elements shall be reviewed by City Engineering prior to approval by the Zoning Administrator. Encroachments over 12 inches in depth must be approved prior to construction release or issuance of a building permit. Application for any encroachment must be made to the City Engineer for review and the format of the encroachment agreement shall be determined and approved by the City Attorney. Official approval of such agreement shall be by resolution of the City Council. Contact Engineering to schedule an appointment 341- 5899.
  - Show right-of-way line on all elevation drawings.

Landscape Plan:

- Sec. 18-462 (d) (13): Show proposed schedule for landscaping.