

Planning, Development, & Transportation Department Planning Division 305 Chestnut Street PO Box 1810 Wilmington, NC 28402-1810

910 254-0900 910 341-3264 fax wilmingtonnc.gov Dial 711 TTY/Voice

APPROVED By waltonj at 9:46 am, Jul 21, 2021



TRANSMITTAL LETTER

TO:Zoning Enforcement InspectorDATE:July 21, 2021SUBJECT:**1502 Kidder Street**LOCATION:1502 Kidder Street

The following items are being sent to you via this package.

QUAN.	DWG./NO.	DESCRIPTION

- 1 Dated 7/21/21 1502 Kidder Street Approved Plans
- 1 Dated 7/20/21 Approved Tree Preservation Permit TPP-21-205
- 1 Dated TBD City Comprehensive Stormwater Management Permit No. 2021033
- 1 Dated 10/16/18 SU-3-918 Ordinance

REMARKS: The **1502 Kidder Street** project, located at 1502 Kidder Street, is hereby conditionally released for construction. The following conditions must be satisfied as part of this release:

- A. A PRE-CONSTRUCTION MEETING MUST BE HELD BETWEEN THE SITE CONTRACTOR AND CITY STAFF PRIOR TO ANY SITE WORK, TREE REMOVAL, CLEARING, OR GRADING BEGINNING ON THE SITE. FAILURE TO COMPLY WILL RESULT IN IMMEDIATE CIVIL PENALTIES. CONTACT 910-254-0900.
- B. ANY TREES, INCLUDING THE CRITICAL ROOT ZONE AREA, AND/OR AREA DESIGNATED TO BE SAVED MUST BE PROPERLY BARRICADED OR MARKED WITH FENCING AND PROTECTED THROUGHOUT CONSTRUCTION TO INSURE THAT NO CLEARING AND GRADING WILL OCCUR IN THOSE AREAS.
- C. THIS DEVELOPMENT SHALL COMPLY WITH ALL LOCAL, CITY TECHNICAL STANDARDS, REGIONAL, STATE AND FEDERAL DEVELOPMENT REGULATIONS. ALL APPLICABLE TRC REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.
- D. PER THE REQUIREMENTS OF THE STORMWATER PERMIT, THE FOLLOWING SHALL OCCUR PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR OPERATION OF THE PERMITTED FACILITY:
 - A FINAL INSPECTION IS REQUIRED BY CITY OF WILMINGTON ENGINEERING PERSONNEL (910) 341-5856.
- E. PRIOR TO A FINAL INSPECTION, A WALKTHROUGH WITH CITY INSPECTIONS SHALL TAKE PLACE TO VERIFY COMPLETENESS OF SITE WORK IN ROW. ANY MATERIAL TEST REPORTS AND STORMWATER VIDEOS AS REQUIRED SHALL

BE SUBMITTED PRIOR TO AND APPROVED BY CITY ENGINEERING. PLEASE CONTACT THE CITY ENGINEERING DIVISION AT 910.341.0094.

- F. CONTRACTOR SHALL SUBMIT A RADIO SIGNAL STRENGTH STUDY FOR ALL COMMERCIAL BUILDINGS THAT DEMONSTRATES THAT EXISTING EMERGENCY RESPONDER RADIO SIGNAL LEVELS MEET THE REQUIREMENTS OF SECTION 510 OF THE 2018 NC FIRE CODE.
- G. This project is proposing less than 500 linear feet of right-of-way or public improvements. Per Chapter V of the City Fee schedule, the project will require Engineering inspection fees in the amount of <u>\$250.00</u>. This fee must be paid prior to issuance of plat recordation of certificate of occupancy. Please contact City Engineering at 910.341.0094 for payment options.
- H. THE DEVELOPER ASSUMES ALL RISKS AND PENALTIES WITH ANY DELAY OR STOP WORK ORDER ASSOCIATED WITH THE VIOLATION OF THIS RELEASE. THE DEVELOPER ACKNOWLEDGES THE CONDITIONS OF THIS RELEASE AND ASSUMES ALL RESPONSIBILITIES AND RISKS ASSOCIATED WITH IT. THE CITY OF WILMINGTON WILL NOT BE HELD LIABLE FOR ANY COSTS ASSOCIATED WITH THE CONSTRUCTION RELEASE.
- I. APPROVAL OF A MAJOR OR MINOR SITE PLAN SHALL EXPIRE AFTER EIGHTEEN (18) MONTHS FROM THE DATE OF SUCH APPROVAL IF THE APPLICANT HAS FAILED TO MAKE SUBSTANTIAL PROGRESS ON THE SITE. THE TECHNICAL REVIEW COMMITTEE MAY GRANT A SINGLE, SIX-MONTH EXTENSION OF THIS TIME LIMIT FOR MAJOR AND MINOR SITE PLANS, FOR GOOD CAUSE SHOWN, UPON RECEIVING A REQUEST FROM THE APPLICANT BEFORE THE EXPIRATION OF THE APPROVED PLAN. IN THE EVENT APPROVAL OF A SITE PLAN HAS EXPIRED, FOR WHATEVER REASONS, THE OWNER AND/OR APPLICANT WILL BE REQUIRED TO RESUBMIT FOR APPROVAL OF A SITE PLAN THAT MEETS CURRENT DEVELOPMENT STANDARDS UNLESS OTHERWISE NOTED IN THIS CHAPTER.
- J. IF THE CONDITIONS LISTED ABOVE ARE VIOLATED, A STOP WORK ORDER WILL BE ISSUED.

Please notify New Hanover County Building Inspections of this release.

App Walter

Signature: _

Jeff Walton, Associate Planner

Copy: Cheryl Piner, PE Bret Russell Rob Gordon Jim Quinn Aaron Reese Rich Christensen Eric Seidel **Trent Butler** Chris Elrod Chris Walker Brian Blackmon Jim Sahlie **Bill McDow** Mitesh Baxi Don Bennett Bernice Johnson Beth Easley Wetherill Michelle Hutchinson Amy Beatty Ryan O'Reilly Joan Mancuso Catherine Meyer Debra Hornbuckle Shawn Evans Courtney Salgado

Applicant (e-mail only) **Construction Manager** Engineering Stormwater Specialist Urban Forestry Engineering (email only) Engineering (email only) Engineering (email only) Wilmington Fire Department (e-mail only) Wilmington Fire Department (e-mail only) Surveyor (e-mail only) GIS Addressing (e-mail only) Traffic Engineering (e-mail only) Traffic Engineering (e-mail only) Traffic Engineering (e-mail only) CFPUA (e-mail letter only) NHC Erosion Control (e-mail only) GIS Engineer (e-mail only) Community Services (e-mail only) Community Services (e-mail only) City Zoning (email only) City Zoning (email only) City Zoning (email only) City Attorney's Office (email only) City Attorney's Office (email only)



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July 21, 2021

Cheryl M. Piner, PE LAT 34 Engineering, PLLC 507 Charlotte Avenue Carolina Beach, NC 28428

RE: 1502 Kidder Street project, located at 1502 Kidder Street

Please make note of the conditions for the release as they appear on the attached release letter. These conditions must be followed and met in order for the construction to be approved. *Prior to beginning any construction or grading on the site, you must have a pre-construction meeting between City staff and the project's representatives. Any violation of this condition will result in an immediate stop work order and other civil penalties. Please contact our zoning office at 254-0900 to schedule the preconstruction meeting.*

All construction on the site must be in accordance with the City of Wilmington standards and the approved construction plans stamped by the City. All trees and areas designated to be saved or protected must be properly barricaded and/or marked throughout construction. In addition please be aware that to obtain a final zoning inspection for this construction project, the appropriate departments within the City of Wilmington must perform and approve final inspections.

To arrange for inspections please contact the assigned Zoning Enforcement Officer, at 254-0900. Staff will coordinate the inspections and provide a punch-list to the Developer within 5 working days. Upon correction of the punch-list items, a final inspection will be performed. **NOTE: Zoning will not issue final approval until all requirements of the City of Wilmington are fulfilled.**

Please also be advised that any party aggrieved by the issuance of this approval may file a notice of appeal to the City Clerk within 30 days of receipt of active or constructive notice of this decision. It shall be presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

The City thanks you for your investment in our community and we look forward to working with you towards the construction of a quality development project.

Sincerely,

Walte

Jeff Walton Associate Planner



Department of Planning, Transportation, and Development

Phone: 910 254-0900 | Fax: 910 341-3264 Dial 711 TTY/Voice 305 Chestnut Street | PO Box 1810



APPROVED: DENIED: PI	ERMIT #: TPP-21-205
Application for Tre	ee Removal Permit
Name of Applicant: Sonny Russell	Phone: 910-599-4199 Date: 6/10/2021
Name of Property Owner: Sonny Russell	Phone: 910-599-4199
Property Owner Address: 1502 Kidder Street, W	/ilmington NC
Email address for permit to be sent: PO Box 1488 C	arolina Beach NC 28428
Address of Proposed Tree Removal: 1502 Kidder Str	eet, Wilmington, NC
Description and location of tree(s) to be removed & reason for site)	
2. N/A	
3. <u>N/A</u>	
Description of replacement trees:	
	property owner has given me permission to apply for this
permit on his/her behalf. Applicant Signature:	Date: 6/10/2021

Reviewed by:	Date APPROVED By waltonj at 5:33 pm, Jul 20, 2021
Remarks:	By wanton at 5:33 pm, Jul 20, 2021
ALL WORK MUST BE IN COMPLIANCE WITH THE CITY LAND PRESERV	
NEW CONSTRUCTION: EXPANSIO	DN: OTHER: PAID:
Tree preservati	
Less than 1 acre	\$25.00
1-5 acres	\$50.00 \$100.00
5-10 acres Greater than 10 acres	\$150.00
****IF MITIGATION IS REQUIRED, CONTACT THE ZONING DEPART	

Application can be mailed, emailed to: zoning@wilmingtonnc.gov or dropped off at our office.

Ordinance



City Council City of Wilmington North Carolina

Date: 10/16/2018

Introduced By: Sterling B. Cheatham, City Manager

Ordinance Granting a Special Use Permit for Property Located at 1502 Kidder Street for a Contractor Storage Yard on Property Zoned UMX, Urban Mixed-use District (SU-3-918)

The City Council for the City of Wilmington held a public hearing on October 16, 2018 to consider the following application:

Application Number: SU-3-918 Applicant/Owner: Sonny Ray Russell PO Box 1488 Carolina Beach, NC 28428

Location:	1502 Kidder Street
Tax Map:	R05414-018-001-000
Proposed Use:	Contractor Storage Yard
Zoning District:	UMX, Urban Mixed-use District

Meeting Dates: Planning Commission 9/5/2018 City Council 10/16/2018

The City Council, having heard all evidence and arguments presented at the hearing, makes the following findings of fact:

- 1. The site is part of an area annexed into the city limits in December 1945.
- 2. The site is zoned UMX, Urban Mixed-use District and is currently vacant.
- 3. An eight-foot tall fence along rights-of-way is not consistent with the purpose of the UMX district because it creates large expanses of flat, unadorned wall.
- 4. The applicant is requesting to locate a contractor storage yard on the subject site. The Land Development Code (LDC) requires the issuance of a special use permit for a contractor's storage yard use in the UMX district.
- 5. The applicant proposes one driveway on S. 15th Street and one on Kidder Street.
- 6. The applicant does not propose any interconnections to any adjacent sites.
- 7. Compliance with all applicable LDC requirements would be required as part of the construction plan review and approval.
- 8. An eight-foot tall fence is proposed on the site. As the fence would exceed the four-foot allowable fence height in front yards, it would be located 10 feet from the property line along S. 15th Street and 11.5 feet from the property line along Kidder



Street.

- 9. A shed is the only building proposed for the site. The shed would be located at the south-east corner of the site, fronting S. 15th Street. It would be set back 10 feet from the property line on S. 15th Street and 17.7 feet from Kidder Street.
- 10. Kidder Street and S. 15th Street are currently operating at a level of service A.

Based upon the foregoing FINDINGS OF FACT, the City Council draws the following conclusions as required by Section 18-85(b)(6) of the City of Wilmington Land Development Code:

- a. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the special use permit;
- b. The use does meet all required conditions and specifications;
- c. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- d. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the city's comprehensive plan and adopted special area plans (i.e. corridor plans, neighborhood plans, Wilmington Vision 2020: A Waterfront Downtown Plan, and the CAMA plan).

Therefore, because the City Council concludes that all general and specific conditions precedent to the issuance of a SPECIAL USE PERMIT have been satisfied, IT IS ORDERED that the application for the issuance of a SPECIAL USE PERMIT be GRANTED, subject to the following conditions:

- 1. The property shall be subject to all of the specific requirements stated in the Land Development Code for the proposed use as well as any additional conditions stated below.
- 2. The use and development of the property shall comply with all other supplemental regulations and requirements imposed by the Land Development Code or any other applicable federal, state or local law, ordinance or regulation. In the event of a conflict, the more stringent requirement or higher standard shall apply.
- 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 for the district shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.
- 4. The use and development of the property shall be in accordance with the plans and elevations as submitted and approved.
- 5. Approval of this special use permit does not constitute technical approval of the site plan. All Technical Review Committee comments shall be followed prior to issuance of a construction release or final zoning approval.
- 6. A fence exceeding four feet in height is allowable with a minimum setback of 10 feet

along rights-of-way. The fence must be consistent with "proposed fence option 1," as shown in the special use permit application (dated received 7/24/18) and shall be no more than eight feet in height.

- 7. The proposed storage shed shall not exceed 12'x20' in size and shall meet all existing building design standards for the UMX zoning district.
- 8. All city, state, and federal regulations shall be met.

Adopted at a <u>regular</u> meeting on <u>October 16</u>, 2018

Penelope Spicer-Sidbury, City Clerk

Bill Saffo, Mayor

Approved As To Availability of

Funds:

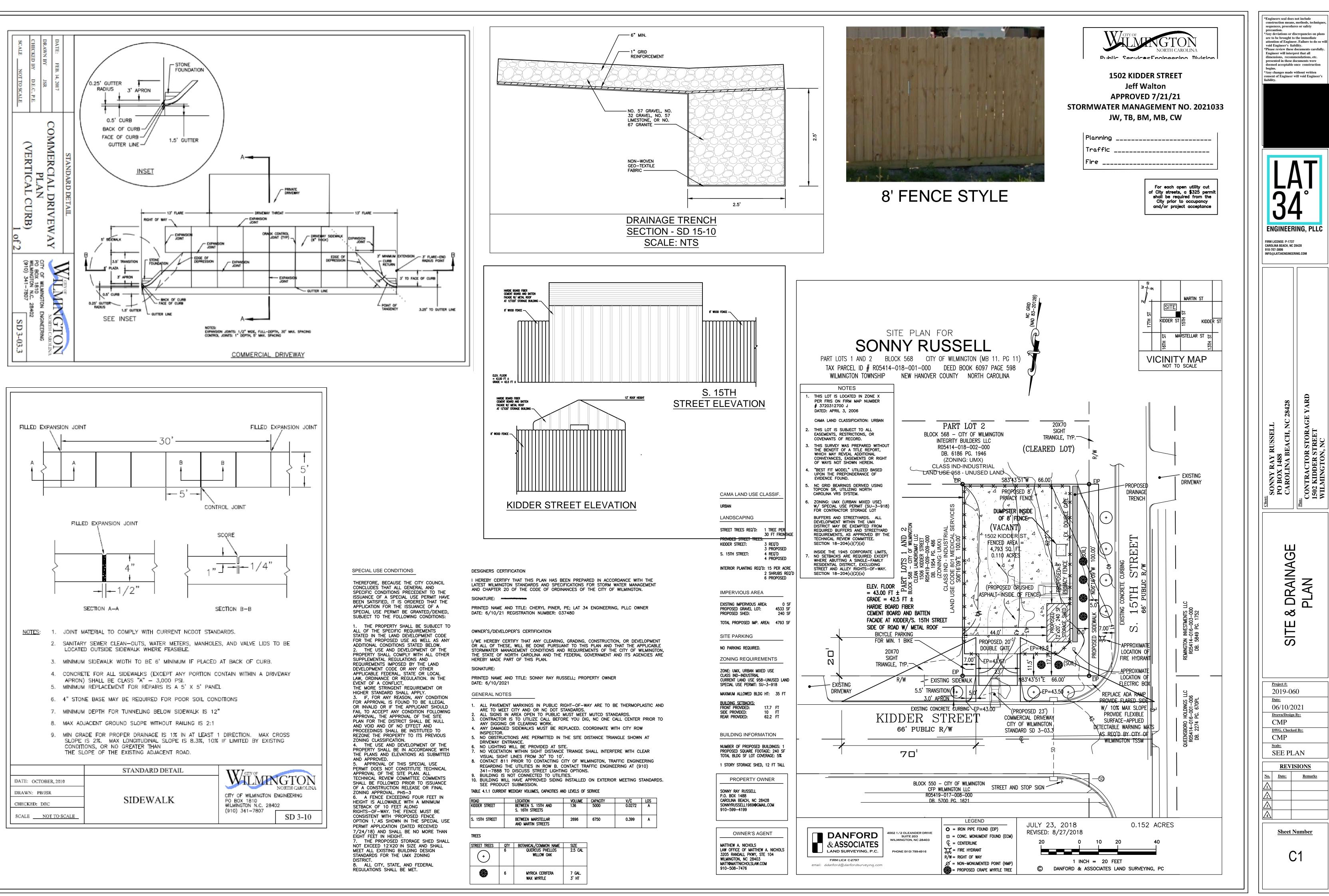
Ci

Finance Director

Attorr

Approved As To Form:





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R	6	MYRICA CERIFERA	7 GAL.