



January 24, 2023

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

CONSTRUCTION RELEASE

7-Eleven Market Street

4615 Market Street
Project # 2022036

Consultant/Agent: Mr. Robert Lindgren
Koontz Bryant Johnson
Williams, INC
1703 North Parham Rd.,
Suite 202
Henrico, VA 23229

Property Owner: Patrick Budronis
Encore- Birchwood, LLC
1646 West Snow Ave. #63
Tampa, FL 33606

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. Your project is hereby conditionally released for construction. Please make note of the conditions for this release as they appear below. These conditions must be followed and met for the construction to be approved.

Conditions of Release

1. A pre-construction meeting must be held between the site contractor/superintendent and city staff prior to any site work, tree removal, clearing or grading commences on site. Failure to comply will result in civil penalties. Please contact our zoning office at 910.254.0900 to schedule the preconstruction meeting.
2. Any trees, including the critical root zone area and/or the area designated to be saved, must be properly barricaded or marked with fencing and protected throughout construction to ensure that no clearing or grading will occur in those areas.
3. No equipment is allowed on the site and no construction of any building, structure, wall, utilities, infrastructure, etc. of any kind, including footings and building slabs, will be permitted until:
 - a. All tree protection fencing and silt fencing has been installed
 - b. New Hanover County has issued the grading permit and authorized the activity
 - c. Cape Fear Public Utility Authority has authorized the water and sewer activities
 - d. The assigned city zoning compliance officer has authorized the activity
4. This development shall comply with all local, regional, state, and federal development regulations. All applicable City of Wilmington Technical Review Committee requirements must be completed prior to the issuance of final zoning approval.
5. All truck traffic to and from the site shall adhere to NCDOT and City of Wilmington truck routes and restrictions (e.g. S. 3rd Street, Market Street). See city GIS gallery for routes, weight restrictions, etc.
6. Failure to comply with the above conditions may result in the issuance of a Stop Work Order (SWO).
7. No construction activity shall occur within the North Carolina Department of Transportation (NCDOT) right-of-way until all NCDOT permits have been issued and received by the City. All improvements required shall be installed and approved by NCDOT prior to issuance of a certificate of occupancy.

Conditions of Final Zoning Approval

1. 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:
 - As-built drawings for all stormwater management facilities shall be submitted to the City of Wilmington Engineering Division.
 - An Engineer's certification shall also be submitted, along with all supporting documentation that specifies, under seal that the as-built stormwater measures, controls and devices are in compliance with the approved stormwater management plans.
 - A final inspection is required by City of Wilmington Engineering personnel (910) 341-5856.
2. 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.
3. 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 **\$250**. 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.
4. Approval of a major or minor site plan shall expire after 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.
5. 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.
6. 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. Reference NC GS 160d-403.



7. Please notify New Hanover County Building Inspections of this release.

1/24/23

Project Planner:

Patrick O'Mahony, Associate Planner

Date

I hereby acknowledge receipt of this construction release and understand and agree to adhere to all conditions as contained herein. The owner/developer assumes all risks and penalties with any delay or stop work order associated with a violation of this release. The City of Wilmington assumes no liability for any costs associated with this construction release.

Authorized Representative

Date

Zoning Compliance Officer:

Traci Lunceford, Zoning Compliance

Date

The following items are included in this release package:

Item	Permit Number	Date
7-Eleven Market Street Approved Plans	2022036	1/13/23
City of Wilmington Tree Permit	TPP-23-028	1/17/23
New Hanover County Grading Permit	GP 54-22	1/23/23
City Comprehensive Stormwater Management Permit	2023001	TBD
TIA Approval Letter	NA	9/9/22

Copy: Traci Lunceford

Bret Russell

Rob Gordon

Jim Quinn

Aaron Reese

Rich Christensen

Eric Seidel

Trent Butler

Chris Elrod

Chris Walker

Brian Blackmon

Bill McDow

Mitesh Baxi

Denys Vielkanowitz

Bernice Johnson

Beth Easley Wetherill

Michelle Hutchinson

Zoning Compliance

Construction Manager

Engineering (email only)

Stormwater Specialist (email only)

Urban Forestry (email only)

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)

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)



Amy Beatty
Ron McMillan
Joan Mancuso
Catherine Meyer
Shawn Evans
Courtney Salgado
Frank Mike
Nick Drees
Jon Roan
Ben Hughes
Randy Chavis
Angela Hammers
Michael Bass

Community Services (e-mail only)
Community Services (e-mail only)
City Zoning (email only)
City Zoning (email only)
City Attorney's Office (email only)
City Attorney's Office (email only)
NC DOT (email only)
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File: **7-Eleven Market Street**

Project #: **2022036**



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

APPROVED: ✓ DENIED: _____

PERMIT #: TPP-23-028

Application for Tree Removal from Private Property

Name of Applicant: Encore-Birchwood, LLC Phone: 813.495.6536 Date: 20 Jul 2022

Name of Property Owner: Market & Kerr LLC; Market St Ventures, LLC; Prevatte Properties, LLC Phone: _____

Property Owner Address: 3013 Hall Waters Drive

Email address for permit to be sent: RLindgren@kbjwgroup.com

Address of Proposed Tree Removal: 4615 Market St, Wilmington, NC 28405

Description and location of tree(s) to be removed & reason for removal (provide attachment if necessary and tag tree(s) on site):

- 1. N/A
- 2. _____
- 3. _____

Description of replacement trees:

N/A

I, Robert J. Lindgren, certify that the property owner has given me permission to apply for this permit on his/her behalf.

Applicant Signature: Robert J. Lindgren Date: 20-Jul-2022

*****FOR OFFICIAL USE ONLY*****

Reviewed by: [Signature] Date: 1-17-23

Remarks: No tree removal proposed.

ALL WORK MUST BE IN COMPLIANCE WITH THE CITY LAND DEVELOPMENT CODE, Section 18-317

NEW CONSTRUCTION: EXPANSION: OTHER: PAID: \$50.00 4/8/22

Tree preservation permit fees

Less than 1 acre	\$25.00
1-5 acres	\$50.00
5-10 acres	\$100.00
Greater than 10 acres	\$150.00

IF MITIGATION IS REQUIRED, CONTACT THE ZONING DEPARTMENT AT (910) 254-0900 TO DISCUSS A PLANTING SCHEDULE

Application can be mailed, emailed to: zoning@wilmingtonnc.gov or dropped off at our office. No tree removal shall occur until permit application has been reviewed and approved by City Staff. Failure to comply shall result in enforcement action, including civil penalties.



NEW HANOVER COUNTY

ENGINEERING

230 Government Center Drive, Suite 160, Wilmington, NC 28403

P: (910) 798-7139 | F: (910) 798-7051 | NHCgov.com

Jim Iannucci, PE, CFM, County Engineer

January 23, 2023

Chicago Title Company
223 E West Street, Suite 900,
Raleigh, North Carolina 27603

Encore-Birchwood, LLC
1646 W. Snow Avenue, #63
Tampa, Florida 33606

RE: Grading Permit #54-22, 7-Eleven 4615 Market Street

Dear Sirs:

This office has reviewed the erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this land-disturbing permit with modifications. **Please read the permit conditions carefully, return the signed color original to our office and keep the copy for your records. A copy of the enclosed land-disturbing permit must be posted at the job site.** This letter gives the notice required by GS 113A-61.1(a) and the New Hanover County Erosion and Sedimentation Control Ordinance Article VIII Section 8.21 of our right of periodic inspection to ensure compliance with the approved plan.

As of April 1, 2019, all new construction activities are required to complete and submit an electronic Notice of Intent (eNOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction General Permit. The COC **must** be obtained **prior** to the commencement of any land-disturbing activity on the above-named project, according to State Stormwater requirements. The NOI form may be accessed at deq.nc.gov/NCG01. Please direct questions about the NOI form to Paul Clark at Paul.clark@ncdenr.gov. After you submit a complete and correct NOI Form, you will receive a link with payment instructions for the \$100 annual permit fee. After the fee is received, you will receive the COC via email. The \$100 fee will be charged annually until the project receives a final land-disturbance inspection. Once the project is stabilized and receives the final land-disturbance inspection, you should file a Notice of Termination (NOT) with the State to final out the project.

A copy of the enclosed land-disturbing permit, a copy of the approved erosion and sedimentation control plan as well as any approved deviations, records of inspections made during the previous 12 months with the States Certificate of Compliance (COC) number on the report, and a rain gauge must be posted at the job site as required by 15A NCAC 4B .0118(a), the NCG01 permit, and the New Hanover County Erosion and Sedimentation Control Ordinance Article VIII Section 8.19(o).

The land disturbing fee of **\$729** is due to be paid to New Hanover County Engineering prior to issuance of the Certificate of Occupancy or Certificate of Completion.

A preconstruction meeting is optional prior to land-disturbing activity on this project. Please contact me at (910) 798-7139 if you would like to schedule this meeting in our office. If you choose not to have a preconstruction meeting, **you must contact us with the date the land-disturbing activity will take place onsite and again once the initial erosion control measures are installed.**


New Hanover County's Erosion and Sedimentation Control Program is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, it is determined that the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes 113A-51 through 66), and the New Hanover County Erosion and Sedimentation Control Ordinance Article VIII Section 8.19 (f), this office may require revisions to the plan and its implementation of the revisions to ensure compliance with the Act and Ordinance.

This land-disturbing permit will expire within 1 year following the date of approval, if no land-disturbing activity has been undertaken, as required by the New Hanover County Erosion and Sedimentation Control Ordinance Article VIII Section 8.18 (d). If no activity takes place within one year after work has begun onsite, the permit will expire. Please contact this office to reactivate a permit that has expired.

Acceptance and approval of this erosion control plan is conditioned upon your compliance with Federal and State water quality laws, regulations and rules and local city or county ordinances or rules. This land-disturbing permit approval does not supersede any other permits or approvals. It is the owner's responsibility to have all the permits and approvals that are required, prior to beginning construction.

Please note this approval is based in part on the accuracy of the information provided in the Financially Responsibility Form, which you provided. You are required to file an amended form if there is any change in the information included on the form.

Your cooperation is appreciated,


Beth Easley Wetherill, CPESC
Erosion Control Supervisor

Enclosures: Land-Disturbing Permit
NPDES NCG01 Fact Sheet and Monitoring Form

cc: Robert Lindgren PE, KBJW Group
Pat O'Mahoney, Associate Planner City of Wilmington



Permit GP #54-22

Revision GP 1-10

LNDP 22-00107

Permit for a Land-Disturbing Activity

New Hanover County
Department of Engineering
230 Government Center Drive - Suite 160
Wilmington, North Carolina 28403
(910) 798-7139

As authorized by the New Hanover County Erosion and Sedimentation Control Ordinance

This permit issued to **Encore-Birchwood, LLC** authorizes the development of **2.43 acres** of land at **4615, 4621 & 4623 Market Street for 7-Eleven** in New Hanover County with modifications. The permit issued on **January 23, 2023**, is subject to compliance with the application and site drawings, all applicable regulations and special conditions and notes set forth below. **Any plan modifications must be approved by this office prior to field changes.**

It is understood by the applicant that a representative of New Hanover County's Engineering Department may inspect the site at any time following the issuance of this Permit. A copy of the approved Soil Erosion Control Plan as well as any approved deviations, this permit, a rain gauge, the Certificate of Coverage (COC) number from the State and copies of the Combined Self-Monitoring and Self-Inspection Reports must be available at all times at the site.

Failure to execute the provisions of this permit and the approved Soil Erosion Plan, or any other provisions of the New Hanover County Soil Erosion and Sedimentation Control Ordinance, may result in immediate legal action by the County to the limits prescribed by the Ordinance. If the measures outlined on the approved Soil Erosion Control Plan and this Permit prove insufficient, additional Erosion Control measures can and will be required which in turn will be considered provisions of this Permit. This Permit does not preclude any other permits or approvals necessary for beginning or completing this development. Approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State laws, regulations, and rules. It is the Permittee's responsibility to obtain all necessary permits and approvals and to ensure the information given for this permit is accurate and updated if ownership or the financially responsible party changes.

SPECIAL CONDITIONS

(THESE CONDITIONS MUST BE FOLLOWED IN ADDITION TO THE PLANS AND SPECIFICATIONS)

*All the soil erosion control measures will be installed as the site is cleared and maintained throughout construction. These include a construction entrance, silt fences, inlet and outlet protection, and immediate construction, and stabilization of the sediment basin its slopes and outlet structure with 2 coir baffles and a 2-inch Faircloth skimmer and a 1.25-inch orifice. **NOTE:** The construction entrance will be required in both Phases of construction. And additional silt fences may be required adjacent to Birchwood Drive. **NO** sediment is allowed to leave the site until its destination has been given to New Hanover County Engineering. All sediment must go to an approved site or another project with an active land disturbing permit.

*Note the required separate NCG01 permit that requires concrete washouts and other NCG01 regulations.

*In issuing this permit New Hanover County has relied on the representations of the permit applicant. The County has not jurisdiction to determine any contested property rights or ownership.

***Tree Removal Permits and/or Approvals are required from the City of Wilmington and/or New Hanover County PRIOR to clearing of the site.**

***Silt fence stakes must be steel and will be placed six feet apart without wire reinforcement or eight feet apart with wire reinforcement. Silt fence is not allowed as inlet protection.**

***This permit does not preclude any permits or approvals which may be necessary such as City of Wilmington or New Hanover County, NC DEMLR, C.A.M.A., and/or the US Army Corps. of Engineers, DEM Solid Waste or any other agencies or approvals that may be necessary.**

***No sediment shall leave the site in suspension of water.**

***If plan revisions are necessary, you must submit a copy to this office for approval prior to any field changes.**

***If soil is brought onto this site or removed from this site, it must come from or be taken to an approved or permitted site, to be identified to this office prior to being brought onsite or removal from the site.**

***All City and/or County and State drainage and stormwater requirements will be adhered to.**

***If these measures fail to adequately control erosion, more restrictive measures will be required.**

***If any phase of grading ceases for more than 90 calendar days, the site will be temporarily stabilized.**

***All slopes must be stabilized within 21 calendar days of any phase of activity.**

The approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State Water Quality laws, regulations, and rules.

***Note the required rates for seed, lime, fertilizer, and mulch in your seeding specifications.**

***Enclosed is a Combined Self-Monitoring and Self-Inspection Form that meets the requirements of both the NPDES Stormwater Permit for Construction Activities, NCG 010000 reporting and the Land Resources Self-Inspection Program that satisfies the requirements of the Sedimentation Pollution Control Act. These are mentioned below with specific requirements for each program. These reports are the responsibility of the property owner. They require a rain gauge onsite, inspections and reporting every 7 calendar days and within 24 hours of every 1.0-inch rain per 24-hour period and at specific phases of construction. Additional copies of this Combined Construction Inspection Report can be found at <http://portal.ncdenr.org/web/lr/erosion> . Reports must be available onsite at all times. If you have questions, please contact New Hanover County Engineering (910) 798-7139 or the Land Quality Section at the NC DEMLR Regional office at (910) 796-7215.**

***Note the NPDES information from the State for sites disturbing 1 acre or more and the reporting requirements. All NEW projects permitted after August 3, 2011, must include the following surface water withdrawal locations and stabilization requirement designations on the plan in order to qualify for coverage under the most recent NPDES Construction General Permit. All settling basins must have outlet structures that withdraw water from the surface, with the exception of basins or traps that have a drainage area of less than 1 acre. The NPDES permit also requires ground cover within 14 calendar days on disturbed flat areas and ground cover within 7 calendar days on all areas within HQW Zones, perimeter dikes, swales, ditches, perimeter slopes and all slopes steeper than 3:1. Exceptions include slopes that are 10 feet or less in length and not steeper than 2:1 which must be stabilized within 14 calendar days and slopes greater than 50 feet which must be stabilized within 7 calendar days. It requires inspections of all erosion control measures and reporting every 7 days and within 24 hours of every 1.0-inch rain event in a 24-hour period. This permit also includes other new requirements which are listed in the text of the NPDES Stormwater Discharge Permit for Construction Activities and are included with the original copy of each land-disturbing permit.**

***All construction activities are required to complete and submit an electronic Notice of Intent (eNOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction General Permit. The COC must be obtained prior to the commencement of any land-disturbing activity on the above-named Project, according to State Stormwater requirements. The NOI form may be accessed at deq.nc.gov/NDG01. Please direct questions about the NOI form to Paul Clark at Paul.clark@ncdenr.gov. After you submit a complete and correct NOI form, you will receive a link with payment instructions for the \$100 annual permit fee. After the fee is received you will receive the COC via email. The \$100 fee will be charged annually until the project receives a final land-disturbance inspection. Once the project is stabilized and receives the final land-disturbance inspection, you should file a Notice of Termination (NOT) with the State to final out the project.**

***Note the Land Resources Self Inspection Program Requirements. This program is separate from the NPDES reporting and requires inspection and documentation after each phase of construction. These phases include: Installation of perimeter erosion control measures, Clearing and Grubbing of existing ground cover, Completion of any phase of grading of slopes or fills, Installation of storm drainage facilities, Completion of construction or development, Establishment of permanent ground cover sufficient to restrain erosion and any Deviation from the approved plan.**

***Pre-construction meetings are optional. Contact Beth E. Wetherill at (910) 798-7139 to set up a meeting prior to land-disturbing activity onsite. If you do not choose to have a preconstruction meeting prior to starting work on site, you should contact us when activity begins and again when the initial measures have been installed.**

This Permit will expire one year from date of issue if no construction activity begins on site. This permit may not be amended or transferred to another party without approval of this office.

Acknowledgment of receipt of Permit

Owner

By (please print)

Signature

Beth E. Wetherill

Beth E. Wetherill CPESC
Erosion Control Supervisor



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

September 9, 2022

Chase Smith, PE
Ramey Kemp Associates
5808 Faringdon Place, Suite 100
Raleigh, NC 27609

RE: Approval letter for the Traffic Impact Analysis (TIA) associated with the proposed Market Street 7 - Eleven commercial development in Wilmington, NC

Dear Mr. Smith,

The WMPO, NCDOT, and City of Wilmington staffs have reviewed the Market Street 7 – Eleven commercial development TIA (sealed July 15, 2022). Based on the information provided and conversations held to date, it is our understanding that this development has a build out year of 2023 and will consist of:

ITE Land Use Code 960 – 4,650 SF of Super Convenience Market/Gasoline Station

Based on review of the analysis provided in the TIA report, the following improvements are required:

US 17 (Market Street) and SR 3302 (Birchwood Drive) (signalized full movement intersection)

- *No improvements are required.*

SR 1175 (Kerr Avenue) and SR 3302 (Birchwood Drive) (signalized full movement intersection)

- *No improvements are required.*

SR 3302 (Birchwood Drive) and Connector Road (unsignalized left-over intersection)

- *No improvements are required.*

US 17 Business (Market Street) and Site Access (unsignalized left-over intersection)

- *Construct site access (southbound approach) with one ingress and one egress lane*
- *Provide stop-control for southbound approach*
- *Provide an internal protected stem of 75 feet measured from the right-of-way*

If changes are made to the proposed site driveways and/or land uses, the current trip distribution may need to be modified and would require a revised Traffic Impact Analysis to be submitted for review by the WMPO and City of Wilmington, at which point this approval would become null and void.

Wilmington Urban Area Metropolitan Planning Organization

TIA approval with conditions for the Market Street 7 – Eleven Traffic Impact Analysis (Wilmington, NC)

The applicant is required to obtain all applicable City permits for access to the road network. A copy of this TIA approval shall be included with any driveway permit application. All applicable City technical standards and policies shall apply.

Please contact me at (910) 343 – 3915 with any questions regarding this approval.

Sincerely,



Jamar Johnson, EI
Engineering Associate
Wilmington Urban Area MPO

Ec: Ben Hughes, PE, District Engineer, NCDOT
Jon Roan, Deputy District Engineer, NCDOT
Michael L. Bass, Assistant District Engineer, NCDOT
Frank Mike, Assistant District Engineer, NCDOT
Jessi Leonard, PE, Division Traffic Engineer, NCDOT
Stonewall Mathis, PE, Deputy Division Traffic Engineer, NCDOT
Krupa Koilada, Senior Assistant Traffic Engineer, NCDOT
Ken Vafier, Planning Supervisor, New Hanover County
Robert Farrell, Senior Planner, New Hanover County
Zachary Dickerson, Planner, New Hanover County
Mike Kozlosky, Executive Director, WMPO
Scott A. James, PE, Transportation Planning Engineer, WMPO
Bill McDow, Transportation Planner, WMPO