

**Planning, Development, & Transportation Department**

Planning Division  
305 Chestnut Street  
PO Box 1810  
Wilmington, NC 28402-1810

March 29, 2017

Joe Boyd, PE  
Withers & Ravenel  
1410 Commonwealth Drive  
Wilmington, NC 28403

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

**RE: Arbor Commons located at 4301 S. 17<sup>th</sup> 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,

Brian Chambers, AICP  
Senior Planner



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## TRANSMITTAL LETTER

TO: John Barham, Zoning Inspector  
 DATE: March 29, 2017  
 SUBJECT: **Arbor Commons** (2016058)  
 LOCATION: 34301 S. 17<sup>th</sup> Street

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

QUAN.	DWG./NO.	DESCRIPTION
1	Dated 3/27/17	Arbor Commons Approved Plans
1	Dated 12/12/16	City Tree Removal Permit TPP-17-127
1	Dated 12/19/16	New Hanover County Grading Permit #44-16
1	Dated 3/25/17	City Stormwater Permit No. 2017006 (under separate cover)

REMARKS: **Arbor Commons**, located at **4301 S. 17<sup>th</sup> 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. 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:**
  - 1. ALL TREE PROTECTION FENCING AND SILT FENCING HAS BEEN INSTALLED**
  - 2. BETH WETHERILL HAS FORMALLY ISSUED THE GRADING PERMIT AND AUTHORIZED THE ACTIVITY**
  - 3. THE CFPUA HAS AUTHORIZED THE WATER AND SEWER ACTIVITIES. THE CONTRACTOR MUST HAVE A PRECON WITH CFPUA 332-6560.**
  - 4. THE CITY ZONING INSPECTOR AUTHORIZES THE ACTIVITY.**
- D. ALL IMPROVEMENTS, AS RECOMMENDED BY THE SUBMITTED AND APPROVED TRAFFIC IMPACT ANALYSIS (TIA) SHALL BE INSTALLED AND INSPECTED PRIOR TO THE ISSUANCE OF THE FINAL ZONING APPROVAL.**

- E. A COPY OF THE RECORDED MAP SHOWING ANY REQUIRED EASEMENTS AND RIGHT-OF-WAY FOR THE PROJECT MUST BE SUBMITTED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.**
- F. THIS DEVELOPMENT SHALL COMPLY WITH ALL LOCAL, CITY TECHNICAL STANDARDS, REGIONAL, STATE AND FEDERAL DEVELOPMENT REGULATIONS.**
- G. ALL APPLICABLE TRC REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.**
- H. 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.**
- I. 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.**
- J. 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.**
- K. PROPERTIES WITHIN THE SPECIAL FLOOD HAZARD AREA SHALL BE SUBJECT TO COMPLIANCE WITH ARTICLE 13 OF THE LAND DEVELOPMENT CODE. PLEASE CONTACT KATHRYN THURSTON, ZONING ADMINISTRATOR/FLOODPLAIN MANAGER (910.341.3249) FOR CLARIFICATION ON REQUIREMENTS FOR DEVELOPMENT IN THE FLOOD PLAIN.**
- L. 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.**
- M. 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.**

**N. IF THE CONDITIONS LISTED ABOVE ARE VIOLATED, A STOP WORK ORDER WILL BE ISSUED.**

Please notify New Hanover County Building Inspections of this release.

Signature: \_\_\_\_\_

  
Brian Chambers, AICP  
Senior Planner

Copy: Joe Boyd, PE	Withers & Ravenel (e-mail only)
Bret Russell	Construction Manager
Rob Gordon	Engineering
Jim Quinn	Stormwater Specialist
Aaron Reese	Urban Forestry
Rich Christensen	Engineering (email only)
Trent Butler	Engineering (email only)
Chris Elrod	Wilmington Fire Department (e-mail only)
Chris Walker	Wilmington Fire Department (e-mail only)
Brian Blackmon	Surveyor (e-mail only)
Jim Sahlie	GIS Addressing (e-mail only)
Bill McDow	Traffic Engineering (e-mail only)
Don Bennett	Traffic Engineering (e-mail only)
Bernice Johnson	CFPUA (e-mail letter only)
Beth Easley Wetherill	NHC Erosion Control (e-mail only)
Michelle Hutchinson	GIS Engineer (e-mail only)
Amy Beatty	Community Services (e-mail only)
Ryan O'Reilly	Community Services (e-mail only)
Joan Mancuso	City Zoning (email only)

File: Arbor Commons

Project File # 2016058



RECEIVED  
AUG 10 2016  
PLANNING DIVISION



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Planning Division  
305 Chestnut Street  
PO Box 1810  
Wilmington, NC 28402-1810

910 254-0900  
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www.wilmingtonnc.gov  
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APPROVED:  DENIED:

PERMIT #: TPP - 17 - 127

### Application for Tree Removal Permit

Name of Applicant: Withers Ravenel Phone: 910-256-9277 Date: 8/5/16

Name of Property Owner: GWT Properties, LLC Phone: 336-327-3050

Property Owner Address: 2926 Boundary Street, Suite 100

Address of Proposed Tree Removal: 807 John D Barry Drive (ARBOR COMMONS INFRASTRUCTURE)

Description of tree(s) to be removed/reason for removal: (provide attachment if necessary)

- |  |           |
|--|-----------|
| 1. <u>For development of 3 Commercial lots</u> | 6. _____  |
| 2. <u>See attached plan</u>                    | 7. _____  |
| 3. _____                                       | 8. _____  |
| 4. _____                                       | 9. _____  |
| 5. _____                                       | 10. _____ |

Description of Replacement Tree(s): See attached plan

Applicant Signature: [Signature] Date: 8/5/16

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

Reviewed By: [Signature] Date: 12/12/16

Remarks: REGULATED ? SIGNIFICANT TREES TO BE MITIGATED AS PART OF SITE SPECIFIC DEVELOPMENT PLANS.

ALL WORK MUST BE IN COMPLIANCE WITH THE CITY LAND DEVELOPMENT CODE, ARTICLE 8, LANDSCAPING AND TREE PRESERVATION.

NEW CONSTRUCTION:  EXPANSION:  OTHER:  PAID: 150.00

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

8/11/16  
[Signature]



# NEW HANOVER COUNTY

Engineering Department  
230 Government Center Drive • Suite 160  
Wilmington, North Carolina 28403  
TELEPHONE (910)-798-7139  
Fax (910) 798-7051

Beth E. Wetherill, C.P.E.S.C.  
Soil Erosion Specialist

December 19, 2016

Leon Capital Group  
Mr. Todd Harrelson  
5970 Fairview Road, Suite 450,  
Charlotte, North Carolina 28210

**RE: Grading Permit #44-16, Arbor Commons**

Dear Mr. Todd Harrelson:

This office has reviewed the revised subject sedimentation and erosion control plan. We find the plan to be acceptable.

**Please read the permit conditions carefully and return the signed blue original to our office and keep the copy for your records.**

**A preconstruction meeting is required** prior to any land disturbing activity on this project. Please contact us at (910) 798-7139 to set this up with us.

The land disturbing fee of **\$4048** is due to be paid to New Hanover County Engineering to my attention, prior to issuance of any Certificate of Occupancy or Certificate of Completion.

Please be advised that a copy of the approved soil erosion plan, a copy of the grading permit, a rain gauge and the Combined Inspection Reports must be available at all times at the site.

New Hanover County's Erosion and Sedimentation Control Program is performance oriented requiring protection of the natural resources and adjoining properties. If following the commencement of the project, it is determined that the plan is inadequate to meet the requirements of the New Hanover County's Erosion and Sedimentation Control Ordinance, this office may require revisions in the plan and its implementation to insure compliance with the ordinance.

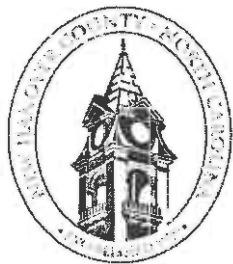
This permit will not preclude any other permits or approvals necessary for beginning or completing this development. It is the owner's responsibility to have all the approvals or permits that are required prior to beginning construction. Approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State Water Quality laws, regulations and rules.

Respectfully yours,

*Beth Easley Wetherill*

Beth Easley Wetherill  
NHC Soil Erosion Specialist

cc: LG John Barry Drive, LLC  
Joseph Boyd PE, Withers Ravenel  
Brian Chambers, Associate Planner City of Wilmington



## 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 Leon Capital Group authorizes the development of 10.12 acres of land at 4301 South 17th Street for Arbor Commons in New Hanover County. This permit issued on December 19, 2016 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, this permit, a rain gauge 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, shall 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.

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### **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 2 construction entrances, a barricade, immediate installation of 3 ditch plugs with immediate ditch filling prior to any rain event, silt fences, silt fence outlets, inlet and outlet protection, four 2:1 sloped diversion ditches 1.5 feet deep with six 18 inch wattles in 2 diversion ditches that have polyacrylamide on the first two wattles, two 3 foot high rock pipe inlet protector and immediate installation of liners prior to any rain event for all land disturbing activity on the slopes of the adjacent existing stormwater pond.

\*Tree Removal Permits are required from the City of Wilmington and/or New Hanover County prior to issuance of this permit and clearing 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 Stormwater, NCDENR Water Quality, C.A.M.A., and the US Army Corps. of Engineers, DEM Solid Waste or any other agencies.



\*No sediment shall leave the site.

\*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 15 working 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.**

**\*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 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. This permit also includes other new requirements which are listed in the text of the NPDES Stormwater Discharge Permit for Construction Activities. Inspections of all erosion control measures and reports are required every 7 days and within 24 hours of every 1/2 inch rain event in a 24 hour period.

**\*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.

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.

This report is the responsibility of the property owner. It requires a rain gauge onsite and inspections and reporting every 7 calendar days and within 24 hours of every 1/2 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 NCDENR Regional office at (910) 796-7215.

\*A pre-construction meeting is required prior to any activity on site. Please contact Beth E. Wetherill at (910) 798-7139 to set up this meeting.

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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

*Beth Easley Wetherill*

\_\_\_\_\_  
Beth E. Wetherill, C.P.E.S.C..  
Soil Erosion Specialist/New Hanover County

\_\_\_\_\_  
By (please print)

\_\_\_\_\_  
Signature