



February 8, 2022

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

## **CONSTRUCTION RELEASE**

### **Cava Restaurant**

3520 Oleander Drive  
Project # 2021058

*Consultant/Agent:* Mr. David Buckel  
Buckel Design Group, LLC.  
3471 Donaville Street  
Duluth, GA 30096

*Property Owner:* Belk, Inc.  
2801 W. Tyvola Rd.  
Charlotte, NC 28217

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. 3<sup>rd</sup> 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).



## ***Conditions of Final Zoning Approval***

1. A plat showing all required easements and right(s)-of-way must be reviewed by city staff and recorded at the Register of Deeds prior to issuance of final zoning approval.
2. 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.
3. Prior to a final inspection, a walkthrough with City Construction Management staff shall take place to verify completeness of site work in right(s)-of-way. Any material test reports and stormwater videos as required shall be submitted prior to and approved by city Engineering. Please contact the City Engineering Department at 910.341.0094.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.*
9. 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.

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

11. Prior to final CO the applicant shall submit a private drainage easement to City Engineering for review and approval.

Project Planner:  **2/8/22**  
 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: \_\_\_\_\_  
 John Barham, Compliance Officer Date

The following items are included in this release package:

Item	Permit Number	Date
Cava Restaurant Approved Plans	2021058	2/7/2022
City of Wilmington Tree Permit	TPP-22-100	1/5/22
New Hanover County Grading Permit	GP 54-18, Rev. #3	2/5/22
City Comprehensive Stormwater Management Permit	2022007	Under separate cover

Copy: John Barham  
 Bret Russell  
 Rob Gordon  
 Jim Quinn

Zoning Compliance  
 Construction Manager  
 Engineering (email only)  
 Stormwater Specialist (email only)



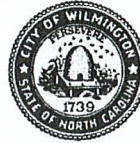
Aaron Reese  
Rich Christensen  
Eric Seidel  
Trent Butler  
Chris Elrod  
Chris Walker  
Brian Blackmon  
Jim Sahlie  
Bill McDow  
Mitesh Baxi  
Denys Vielkanowitz  
Bernice Johnson  
Beth Easley Wetherill  
Michelle Hutchinson  
Amy Beatty  
Ron McMillan  
Joan Mancuso  
Catherine Meyer  
Shawn Evans  
Courtney Salgado  
Joseph Wurzel  
Nick Drees  
Jon Roan  
Ben Hughes

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)  
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 Attorney's Office (email only)  
City Attorney's Office (email only)  
NC DOT (email only)  
NC DOT (email only)  
NC DOT (email only)  
NC DOT (email only)

File: **Cava Restaurant**

Project #: **2021058**

**RECEIVED**  
 By waltonj at 11:35 am, Nov 10, 2021



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

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

APPROVED:  DENIED:

PERMIT #: TPP-22-100

**Application for Tree Removal Permit**

Name of Applicant: RP Independence, LLC Phone: 704-914-5445 Date: 11/9/2021

Name of Property Owner: RP Independence, LLC Phone: 704-354-1000

Property Owner Address: 1200 EAST MOREHEAD STREET, SUITE 106, CHARLOTTE, NC 38204

Email address for permit to be sent: SBERRY@RISEPARTNERS.NET

Address of Proposed Tree Removal: 3520 OLEANDER DRIVE, WILMINGTON, NC 28403

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

1. (3) 12" Oak, construction of building and drives
2. \_\_\_\_\_
3. \_\_\_\_\_

Description of replacement trees: Per landscape plan.

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

Applicant Signature: [Signature] Date: 11/9/2021

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

Reviewed by: [Signature] Date: 1-5-22

Remarks: Tree removal per approved plans / essential site improvements.

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

NEW CONSTRUCTION:  EXPANSION:  OTHER:  PAID: \$25.00 11/15/21

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](mailto:zoning@wilmingtonnc.gov) or dropped off at our office.



# 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**

February 5, 2022

RP Independence, LLC  
1200 East Morhead Street, Suite 106,  
Charlotte, North Carolina 28204

**RE: Grading Permit #54-18 Revision #3, CAVA Restaurant @ Independence Mall**

Dear Mr. Sam Berry;

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 blue 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](http://deq.nc.gov/NCG01). Please direct questions about the NOI form to Paul Clark at [Paul.clark@ncdenr.gov](mailto: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, a copy of the States Certificate of Compliance (COC), records of inspections made during the previous 12 months 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).

**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 Wetherill C.P.E.S.C.  
Erosion Control Specialist

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

CC: Patrick O'Mahoney Associate Planner, City of Wilmington  
David Buckel President, Buckel Design Group, LLC



Permit GP #54-18  
Revision #3

## 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 RP Independence, LLC authorizes the development of 0.72 acres of land at 3520 Oleander Drive for Cava Restaurant @ Independence Mall in New Hanover County with modifications. This permit issued on February 5, 2022 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, barricade silt fence and several types of inlet protection.
- \*\*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 no 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.
  - \*\*Note the NCG01 permit requires concrete washouts and other regulations.
  - \*In issuing this permit New Hanover County has relied on the representations of the permit applicant. The county has no 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 including but not limited to the City of Wilmington, New Hanover County, NC DEMLR, C.A.M.A., the US Army Corps. of Engineers, DEM Solid Waste, any other agency or any 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 following completion of construction or development the site will be stabilized.
  - \*All slopes must be stabilized within 21 calendar days of completion 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 15 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, which is 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/NCG01](http://deq.nc.gov/NCG01). Please direct questions about the NOI form to Paul Clark at [Paul.clark@ncddenr.gov](mailto:Paul.clark@ncddenr.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, C.P.E.S.C.  
Soil Erosion Specialist/New Hanover County