



**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

**TRANSMITTAL LETTER**

TO: Traci Lunceford, Zoning Enforcement Inspector  
 DATE: November 7, 2018  
 SUBJECT: Circle K on Market Street (2018018)  
**Release for Grading Purposes Only**  
 Plans Sealed as of 08/24/18

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

QUAN.	DWG./NO.	DESCRIPTION
1	C-0.10, C-1.0, C-3.0, C-5.0-5.6, C-6.0 & L-0	Plans Sealed by John H. Nourzad, PE on 08/24/18 and stamped received by the City on 08/28/18.
1	Dated 05/14/18	Approved Tree Preservation Permit
1	Dated 06/01/18	NHC Erosion Control # GP 24-18
1	Dated 11/19/02	Policy on the Release of Projects for the Purpose of Clearing and Grading

REMARKS: The Circle K on Market Street, located at 6330 Market Street, is hereby conditionally released for **Clearing and Grading Purposes Only**. The following conditions must be satisfied as part of this release:

1. **A PRE-CONSTRUCTION MEETING MUST BE HELD BETWEEN THE SITE CONTRACTOR AND CITY STAFF PRIOR TO ANY GRADING BEGINNING ON THE SITE. FAILURE TO COMPLY WILL RESULT IN IMMEDIATE CIVIL PENALTIES.**
2. **NO CONSTRUCTION OF ANY BUILDING, STRUCTURE, WALL, UTILITIES, INFRASTRUCTURE ETC. OF ANY KIND, INCLUDING FOOTINGS AND BUILDING SLABS, WILL BE PERMITTED UNTIL THE TECHNICAL REVIEW COMMITTEE HAS APPROVED THE FINAL CONSTRUCTION RELEASE.**
3. **ANY TREES 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.**
4. **THIS GRADING RELEASE IS GIVEN IN ACCORDANCE WITH THE EROSION CONTROL PLAN APPROVED BY NEW HANOVER COUNTY.**
5. **IF THE CONDITIONS LISTED ABOVE ARE VIOLATED; A STOP WORK ORDER WILL BE ISSUED.**

6. THE DEVELOPER ASSUMES ALL RISKS AND PENALTIES WITH ANY DELAY OR STOP WORK ORDER ASSOCIATED WITH THE VIOLATION OF THIS RELEASE. BY SIGNING THIS, 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 CLEARING AND GRADING RELEASE.

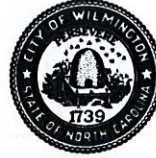
Signature: Nicole D. Smith  
Nicole D. Smith, Associate Planner

Signature: Philip Rotary  
Applicant/Agent for Applicant  
*SEA BUILDING CORPORATION*

Copy: Yezenia E. Ortiz  
Bret Russell  
Rob Gordon  
Chris Walker  
Aaron Reese  
Rich Christensen  
Trent Butler  
Chris Elrod  
Jim Sahlie  
Bill McDow  
Don Bennett  
Mitesh Baxi  
Bernice Johnson  
Beth Easley Wetherill  
Michelle Hutchinson  
Amy Beatty  
Ryan O'Reilly  
Joan Mancuso

Greenberg Farrow (e-mail only)  
Construction Manager  
Engineering  
Wilmington Fire Department  
Urban Forestry  
Engineering (email only)  
Engineering (email only)  
Wilmington Fire Department (e-mail only)  
GIS Addressing (e-mail only)  
Transportation Planning (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)

File: Circle K on Market Street



**Planning, Development, &  
Transportation Department**

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

November 8, 2018

Greenberg Farrow  
Hamilton Williams  
1430 West Peachtree St. NW, Suite 200  
Atlanta, GA 30309

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

RE: Circle K on Market Street, located at 6330 Market Street

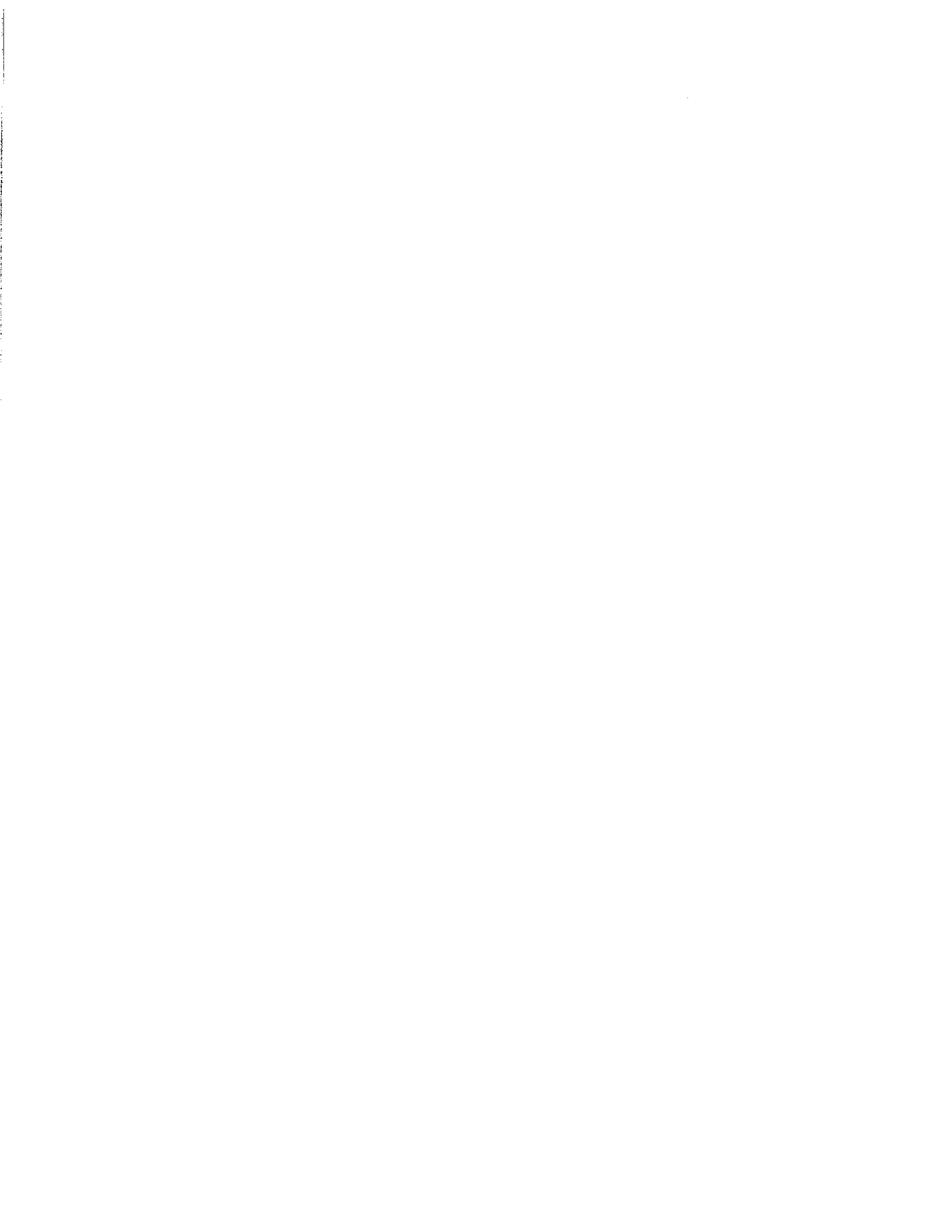
I have attached a copy of the release for grading for Circle K on Market Street, located at 6330 Market Street dated sealed on plans as of 08/24/18. **Please make note of the conditions for the release as they appear on the attached release letter.** These conditions must be followed and met in order for the construction to be approved. ***Prior to beginning 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.***

All grading on the site must be in accordance with New Hanover County erosion control standards and the erosion control plan approved by New Hanover County and the City of Wilmington. Any trees and areas designated to be saved or protected must be properly barricaded and/or marked throughout construction. In addition please be aware that no construction of buildings, structures, walls, etc. may begin until the City of Wilmington's Technical Review Committee has approved the final plans and final construction release is granted.

Please contact our office at 254-0900 if you have any questions or concerns regarding this information and to schedule a pre-construction meeting with City staff. The City thanks you for your investment in our community and looks forward to working with you towards construction of a quality development project.

Sincerely,

  
Nicole D. Smith, AICP, CZO, CFM  
Associate Planner





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

910 254-0900  
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APPROVED:  DENIED:

PERMIT #: TPP-18-172

**Application for Tree Removal Permit**

Name of Applicant: LARRY DIEHL Phone: 404-601-4000 Date: 3/28/18

Name of Property Owner: CIRCLE K STORES INC. Phone: 919-609-5052

Property Owner Address: 1100 SITUS CT. SUITE 100 RALEIGH, NC 27606

Address of Proposed Tree Removal: 6390 MARKET STREET

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

- 1. 8" HICKORY (Located within PROP. DRIVE) 6. \_\_\_\_\_
- 2. \_\_\_\_\_ 7. \_\_\_\_\_
- 3. \_\_\_\_\_ 8. \_\_\_\_\_
- 4. \_\_\_\_\_ 9. \_\_\_\_\_
- 5. \_\_\_\_\_ 10. \_\_\_\_\_

Description of Replacement Tree(s): 3- 2 1/2" SOUTHERN RED OAKS

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

Applicant Signature: [Signature] Date: 3/28/18

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

Reviewed By: Nicole D Smith Date: 5/14/18

Remarks: Removal of 18" Hickory is an essential site improvement & requires no mitigation

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

NEW CONSTRUCTION: \_\_\_\_\_ EXPANSION: \_\_\_\_\_ OTHER: \_\_\_\_\_ PAID: \$50.00 pd 4/2/18 ml

**Tree Preservation Permit Fees**

Less than 1 acre	\$25.00
1-5 acres <input checked="" type="checkbox"/>	\$50.00 <input checked="" type="checkbox"/>
5-10 acres	\$100.00
Greater than 10 acres	\$150.00





# NEW HANOVER COUNTY

Engineering Department  
230 Government Center Drive · Suite 160  
Wilmington, North Carolina 28403  
TELEPHONE (910)-798-7139  
Fax (910) 798-705

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

June 1, 2018

Circle K Stores, Inc.  
1100 Situs Court, Suite 100,  
Raleigh, North Carolina 27606

**RE: Grading Permit #24-18, Circle K - Market Street**

Dear Mr. Meredith Rice Jr.:

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.**

The land disturbing fee of \$1172 is due to be paid to New Hanover County Engineering, to my attention, prior to issuance of the Certificate of Occupancy.

**A preconstruction meeting is optional prior to any 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 the preconstruction meeting, please contact us with the date land disturbing activity will take place onsite and once the initial erosion control measures are installed.**

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.

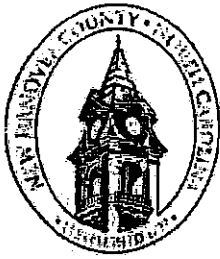
This permit will not preclude any other permits or approvals necessary for beginning or completing this development. It is the owner's responsibility to have all the approvals or permits that are required prior to beginning construction. Approval of an erosion control plan is conditioned on the applicant's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

Respectfully yours,

*Beth Easley Wetherill*

Beth Easley Wetherill  
NHC Soil Erosion Specialist

cc: Larry Diehl, Greenberg Farrow  
Nicole Smith Associate Planner, City of Wilmington  
Alex Hull, Jamar Co. LLC  
Alex Hull, Green Meadows Properties, LLC



Permit# GP 24-18

## 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 Circle K Stores, Inc. authorizes the development of 2.93 acres of land at 6330 Market Street for a Circle K Store in New Hanover County. This permit issued on June 1, 2018 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, 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.

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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. They include a construction entrance, silt fences, 8 inch compost socks, several types of inlet protection, a concrete washout, a stockpile with silt fence and installation of the storm drain system with inlet protection.

\*Tree Removal Permits and/or Approvals 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.

\*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 ½ 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/ir/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.

\*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 ½ 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 attached to the original copy of each land disturbing permit.

\*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.

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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

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Owner

*Beth Easley Wetherill*

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

---

By (please print)

---

Signature



**WILMINGTON**

City of  
Wilmington  
North Carolina

**Development  
Services**

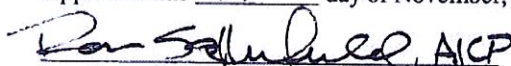
305 Chestnut Street  
PO Box 1810  
Wilmington, NC 28402-1810  
(910) 341-7873 tdd

**POLICY ON THE RELEASE OF PROJECTS FOR THE PURPOSE  
OF CLEARING AND GRADING**

No release of projects for the purpose of clearing and grading will be approved except under the following circumstances:

1. Any applications for State permits, including those for driveways, stormwater, water extensions and sewer extensions, CAMA, etc. must have been applied for and received by the applicable State agency. The application must have been submitted to the applicable State agency for a time period exceeding the minimum review time of such applicable agency, indicating a delay by the State agency in the review of the application. Evidence that the applicable State agencies will issue the permit as submitted shall be provided by the applicant or the clearing and grading release will not be issued.
2. If wetlands exist on the site, no clearing and grading release of the project will occur until all reviewing agencies have completed their review, approved the plan and issued the wetland permit. Any and all wetland permits shall be submitted to and received by the City of Wilmington prior to the clearing and grading release of a project.
3. If a project is released for clearing and grading, then the release shall be for clearing and grading only and subject to the limits as authorized by the approved erosion control plan. However, no walls, utilities, infrastructure, structure (including footings), etc. shall be constructed.
4. If the conditions listed above are violated, a stop work order shall be issued.
5. Pre-construction meetings shall be held with the applicant and city staff to discuss the limits of the conditional approval, construction entrance driveways, tree preservation/removal, and any other issue of concern that staff and/or the developer may have. The Technical Review Committee meeting is not a pre-construction meeting.
6. The developer assumes all risks and penalties with any delay or stop work order associated with the violation of this policy. An indemnification statement shall be placed on each release to guarantee that the City of Wilmington will not be held liable for any costs associated with the clearing and grading release.
7. The applicant will sign the clearing and grading release to acknowledge that he/she understands the conditions and risks associated with the release.
8. No partial release for clearing and grading release will be granted for any applicant that has violated these conditions during a twelve month time period from the date of request for clearing and grading release.

Approved this 19<sup>th</sup> day of November, 2002:

  
Ron Satterfield, Senior Planner

Community Development  
(910) 341-7836 telephone  
(910) 341-7802 facsimile

Planning  
(910) 341-3258 telephone  
(910) 341-7801 facsimile

Engineering  
(910) 341-7807 telephone  
(910) 341-5881 facsimile

Development Management  
(910) 254-0900 telephone  
(910) 341-3264 facsimile

