

ORDER APPROVING A PRELIMINARY PLAN

This matter came before the Design Adjustment Committee (DAC) acting as the Subdivision Review Board (SRB) for a public hearing on February 16, 2022, to consider case number DAC-1-122 submitted by Chris Bostic of Kimley-Horn and Associates, Inc., applicant, on behalf of Ellan R. Hibbard, owner for preliminary plan approval for a four-lot subdivision including the construction of a public street and utility extensions located at 2430, 2346, 2370, and 2374 Carolina Beach Road. The property contains approximately 15.61 acres and is currently zoned MD-17, High-density multiple-dwelling residential district.

The DAC having heard the evidence and arguments presented at the hearing makes the following findings of fact:

1. The Preliminary Plan was submitted prior to the adoption of the new Land Development Code, effective 12/1/2021 and would be subject to the previous Land Development Code regulations. The Design Adjustment Committee would be acting in place of the former Subdivision Review Board for this review and approval.
2. The site consists of four parcels totaling 15.61 acres and was rezoned to MD-17, High-density multiple-dwelling residential district on December 1, 2021.
3. The applicant proposes to reconfigure all four existing parcels to create four new parcels.
4. The applicant proposes to construct a new public street (Maryland Avenue), including utility extensions and stormwater facilities to serve the new lots.
5. The proposed new public street will extend Maryland Avenue from the western side of the subject site to its terminus at Carolina Beach Road. This new street extension will provide access to the site from Carolina Beach Road as well as access to the existing neighborhoods of Sunset Park and Sunset South.
6. The proposed Maryland Avenue extension includes a variable width right-of-way to include between 25-feet to 30-feet of pavement width for the standard cross-section and 41-feet of pavement width where on-street parking is proposed.
7. The proposed Maryland Avenue extension will also include vertical curb and sidewalk along both sides of the street.
8. The site has access to public water and sewer mains located along Carolina Beach Road and Maryland Avenue. The applicant proposes a 12-inch public water main extension from Carolina Beach Road to Maryland Avenue. An eight-inch public sewer main will be installed within Lot 1, connecting from Carolina Beach Road.
9. The proposed public street creates approximately 111,949 square feet of impervious area, roughly 16.5% of the site.
10. A stormwater management permit is required. Designs for on-site stormwater management would be reviewed for compliance with the city's stormwater management regulations.
11. The *Technical Standards and Specifications Manual* stipulates that the right-of-way width for a residential collector street shall be 60 feet in width. The proposed residential collector

street right-of-way width for the extension of Maryland Avenue includes a variable width right-of-way and a waiver is required.

12. The *Technical Standards and Specifications Manual* stipulates that grassed plazas shall be eight feet wide and provided on both sides within the proposed street right-of-way from the back-of-curb to the sidewalk. The applicant is proposing to remove a portion of the plaza along the southern side of the proposed public street for the installation of on-street parking and a waiver is required.
13. The *Technical Standards and Specifications Manual* stipulates for the portion of sidewalk adjacent to back-of-curb on the southern side of the proposed public street, six-foot wide sidewalks are required. The applicant is proposing five-foot wide sidewalks on the southern portion of the proposed public right-of-way adjacent to the back-of-curb and a waiver is required.
14. The *Technical Standards and Specifications Manual* stipulates that 10-foot non-municipal easements are required on both sides of the proposed public street. The applicant is proposing to eliminate the 10-foot non-municipal easement on along a portion of the south side of the proposed public right-of-way and a waiver is required.


THEREFORE, IT IS ORDERED that the preliminary plan for a four-lot subdivision including the construction of a public street and utility extensions located at 2430, 2346, 2370, and 2374 Carolina Beach Road is approved subject to the following:

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Land Development Code, the City of Wilmington Technical Standards and Specifications Manual and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below. In the event of a conflict, the more stringent requirement or higher standard shall apply.
2. Approval of this preliminary plan does not constitute technical approval of a site plan. Final approval by the Technical Review Committee and the issuance of all required permits must occur prior to release of the project for construction.
3. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the preliminary plan shall be null and void.
4. The use and development of the subject property shall be in accordance with the preliminary plan as submitted and approved.
5. Any proposed driveway connections to Carolina Beach Road shall not be included in this Preliminary Plan approval.
6. Tree clearing shall be limited to essential site improvements within the project limits as shown on the approved site plan. Sidewalks within the proposed street shall be adjusted as necessary to allow tree preservations of critical root zones, where practical. Existing trees shall be incorporated into the existing street tree canopy.
7. All City, State and Federal regulations shall be met.

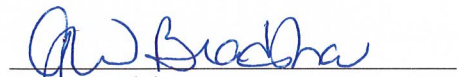
It is further ordered that the following allowances and waivers from the city's technical standards (TSSM) and Land Development Code (LDC) requirements are granted:

1. Approval of a waiver to allow the proposed Maryland Street to be constructed as a variable width right-of-way to between 25-feet to 30-feet of pavement width for the standard cross-section and 41-feet of pavement width where on-street parking is proposed. Based on providing on street parking and a narrowing of the right-of-way for traffic calming measures to the neighborhoods to the west.
2. Approval of a waiver from the standard residential collector street cross-section to allow sidewalk to be installed at the back-of-curb along a portion of the southern side of the proposed street. Based on site constraints including grading and to accommodate required landscaping.
3. Approval of a waiver from the standard residential collector street cross-section to allow for the elimination of a portion of the 10-foot non-municipal easement along a portion of the southern side of the proposed street. Based on dry utilities being placed on the northern side of the right-of-way and the ability of the property owner to the south to provide the 10-foot non-municipal easement if and when that property redevelops.

SIGNED this 1<sup>st</sup> day of March, 2022.

  
Rob Gordon, Chairman  
Design Adjustment Committee

ATTEST:

  
Amy Bradshaw  
Designated Secretary to the Subdivision Review Board

Date Order Filed with Planning Office: 3/1/22