



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: John Barham, Zoning Inspector
DATE: June 14, 2017
SUBJECT: **Lidl Arbor Commons** Project # 2016090
LOCATION: 4355 S. 17th Street

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

QUAN.	DWG./NO.	DESCRIPTION
1	Dated 6/2/17	Lidl Arbor Commons Approved Plans
1	Dated 5/30/17	City Tree Removal Permit TPP-17-227
1	Dated 5/30/17	NHC Erosion Control #GP 16-17
1	Dated 6/5/17	City Stormwater Discharge Permit No. 2017022 (under separate cover)

REMARKS: **Lidl Arbor Commons**, located at 4355 S. 17th 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: Wyatt Bone, PE
Chris Seamster
Bret Russell
Rob Gordon
Jim Quinn
Aaron Reese
Rich Christensen
Trent Butler
Chris Elrod
Chris Walker
Brian Blackmon
Jim Sahlie
Bill McDow
Don Bennett
Bernice Johnson
Beth Easley Wetherill
Michelle Hutchinson
Amy Beatty
Ryan O'Reilly
Joan Mancuso
Meredith Everhart
Jessica Miles

Bohler Engineering, PLLC
Applicant (e-mail only)
Construction Manager
Engineering
Stormwater Specialist
Urban Forestry
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)
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 Attorney's Office (email only)
City Attorney's Office (email only)

File: **Lidl Arbor Commons**

Project File # 2016090



June 14, 2017

Wyatt Bone, PE
Bohler Engineering, PLLC
4011 Westchase Blvd
Raleigh, NC 27607



**Planning, Development, &
Transportation Department**

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

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RE: Lidl Arbor Commons, located at 4355 S. 17th 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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Development and Transportation
Planning Division
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APPROVED: X DENIED: _____

PERMIT #: TRP-17-227

Application for Tree Removal Permit

Name of Applicant: Wyatt Bone Phone: 919-578-9000 Date: 3/30/17

Name of Property Owner: Present: Leon Capital - Future: Lidl US Operations, LLC Phone: (919) 307-3826

Property Owner Address: 1500 Sunday Drive, Suite 101, Raleigh, NC 27607

Address of Proposed Tree Removal: 4355 South 17th Street, Wilmington, NC 28412

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

- | | |
|--|-----------|
| 1. <u>Hardwood Tree (13)</u> | 6. _____ |
| 2. <u>Pine Tree (8)</u> | 7. _____ |
| 3. <u>Cherry Tree (1)</u> | 8. _____ |
| 4. <u>Magnolia Tree (1)</u> | 9. _____ |
| 5. <u>All trees removed due to site plan improvements and conflicts with grading</u> | 10. _____ |

Description of Replacement Tree(s): The trees chosen to replace the removed trees in accordance to the landscape code are 4 Hardwood Trees, 2 Conifer Trees, and 1 Flowering Tree of appropriate diameter.

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

Applicant Signature: [Signature] Date: 3-30-17

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

Reviewed By: [Signature] Date: 5/30/17

Remarks: Set Plan. Tree Mitigation
with Planting & Payment

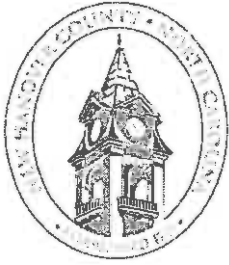
RECEIVED
MAR 31 2017
PLANNING DIVISION

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

NEW CONSTRUCTION: _____ EXPANSION: _____ OTHER: _____ PAID: [Signature]

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



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

May 30, 2017

Ashley Peace
1500 Sunday Drive,
Raleigh, North Carolina 27607

RE: Grading Permit # 16-17, Lidl S. 17th Street

Dear Ms. Ashley Peace:

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 me at (910) 798-7139 to schedule this meeting in our office.

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: Todd Harrelson, LG Barry Drive, LLC
Wyatt Bone PE, Bohler Engineering NC, PLLC
Brian Chambers, City of Wilmington Planning



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 Ashley Peace for LG Barry Drive, LLC authorizes the development of 3.91 acres of land at 4301 S. 17th Street for Lidl in New Hanover County. This permit issued on May 30, 2017 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.

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. This project has 2 phases of construction. Erosion Control measures include a construction entrance, silt fences with silt fence outlets, inlet protection and immediate construction and stabilization of a lined 3:1 sloped diversion ditch 8 feet wide with a 2-foot bottom and the sediment basin, its slopes and the outlet structure with a 2.5 inch Faircloth Skimmer and a 1.9-inch orifice and 3 coir baffles. Polyacrylamide will be required to address turbidity.

*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 ½-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 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/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.**

(Continued) - Page Three

Permit# GP 16-17

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

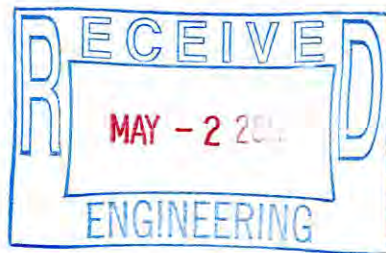
By (please print)

Signature



Energy, Mineral &
Land Resources
ENVIRONMENTAL QUALITY

April 17, 2017



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

TRACY DAVIS
Director

Mr. Peyton Reid, VP of Real Estate of Lidl US Operations, LLC
LIDL US Operations, LLC (*permittee/purchaser of SW8 170217*)
3500 S. Clark Street
Arlington, VA 22202

AND

Mr. Todd Harrelson, Vice President
LG John Barry Drive, LLC
(*property owner for SW8 170217 & Master Permittee for Arbor Commons/ SW8 160811*)
2301 Cedar Springs Road, Suite 200
Dallas, TX 75201

Subject: State Stormwater Management Permit No. SW8 170217
Lidl Grocery Store - #1181
Project served by an Offsite System
New Hanover County

Dear Gentlemen:

The Wilmington Regional Office received a complete, Stormwater Management Permit Application for Lidl Grocery Store - #1181 on April 17, 2017. Staff review of the plans and specifications has determined that the project, as proposed, will comply with the Stormwater Regulations set forth in Session Law 2008-211 and Title 15A NCAC 2H.1000. We are forwarding Permit No. SW8 170217, dated April 17, 2017, for the construction of the built-upon areas and the runoff conveyance / collection system associated with the subject project.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the conditions and limitations as specified therein. The designated permit holder, LIDL US Operations, LLC, shall be responsible for meeting the conditions and limitations specified therein. As required for compliance, a copy of the final deed listing LIDL US Operations, LLC as the property owner must be submitted within 30 days of the property being purchased. Please pay special attention to the conditions listed in this permit regarding the operation and maintenance of the runoff conveyance / collection system on the lot, the maximum built-upon area limits, and the procedures for changing ownership and transferring the permit. Failure to establish an adequate system for operation and maintenance of the runoff conveyance / collection system, to limit the built-upon area, or to transfer the permit in a timely manner, will result in future compliance problems.

Please be aware that it is the responsibility of the permit holder, LIDL US Operations, LLC, to notify the Division of any changes in ownership and request an ownership/name change for the stormwater permit. However, please be reminded that if the purchase agreement or contract between LIDL US Operations, LLC and LG John Barry Drive, LLC is dissolved, cancelled or defaults, and the Division is not notified by LIDL US Operations, LLC to transfer the permit, then the responsibility for permit compliance reverts back to the property owner, LG John Barry Drive, LLC. As the property owner, LG John Barry Drive, LLC must notify the Division immediately of the permit ownership change and submit a completed Name/Ownership form to the Division within 30 days. Otherwise LG John Barry Drive, LLC will be operating a stormwater treatment facility without a valid permit. This is a violation of NC General Statute 143-215.1 and may result in appropriate enforcement action including the assessment of civil penalties of up to \$25,000 per day, being taken against the property owner, LG John Barry Drive, LLC.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing by filing a written petition with the Office of Administrative Hearings (OAH). The written petition must conform to Chapter 150B of the North Carolina General Statutes, and must be filed with the OAH within thirty (30) days of receipt of this permit. You should contact the OAH with all questions regarding the filing fee (if a filing fee is required) and/or the details of the filing process at 6714 Mail Service Center, Raleigh, NC 27699-6714, or via telephone at 919-431-3000, or visit their website at www.NCOAH.com. Unless such demands are made this permit shall be final and binding.

If you have any questions, or need additional information concerning this matter, please contact Kelly Johnson at (910) 796-7215.

Sincerely,



For Tracy Davis, P.E., Director
Division of Energy, Mineral and Land Resources

GDS/kpj: \\Stormwater\Permits & Projects\2017\170217 Offsite\2017 04 permit 170217

cc: Wyatt Bone, PE, Bohler Engineering, NC, PLLC
Mr. Sterling Cheatham, City Manager, City of Wilmington
(SW8 940810 Permittee for "Preston Woods Subdivision")
102 North 3rd Street, Wilmington, NC 28401
Mr. Allen Trask, (SW8 051234 Permittee for "Trask Tract")
4209 Red Bird Road, Wilmington, NC 28412
Mr. George Harris,
Pine Valley Commercial Center Number One, LLC
(SW8 060201 Permittee for "Food Lion Tract")
2524 Independence Boulevard, Wilmington, NC 28412
Inspector, New Hanover County Building Inspections
New Hanover County Engineering
Division of Coastal Management
Wilmington Regional Office Stormwater File

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL AND LAND RESOURCES

STATE STORMWATER MANAGEMENT PERMIT

HIGH DENSITY DEVELOPMENT
SERVED BY AN OFF-SITE PERMITTED STORMWATER BMP

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended and other applicable Laws, Rules, and Regulations,

PERMISSION IS HEREBY GRANTED TO

LIDL US Operations, LLC

Lidl Grocery Store - #1181

4301 South 17th Street, Wilmington, New Hanover County

FOR THE

construction of impervious areas with runoff to be treated in an offsite permitted stormwater facility, in compliance with the provisions of SL 2008-211 and Title 15A NCAC 2H .1000 (hereafter the "stormwater rules") and the approved stormwater management plans, application, supplement, specifications and other supporting data as attached and on file with and approved by the Division of Energy, Mineral and Land Resources (hereafter referred to as the Division or DEMLR) and considered a part of this permit. The stormwater runoff from the site will be routed to the offsite wet detention pond operated and maintained by the City of Wilmington under the terms and conditions set forth in the latest version of Permit No. SW8 940810.

This permit shall be effective from the date of issuance until rescinded, and shall be subject to the following specified conditions and limitations:

I. DESIGN STANDARDS

1. The runoff associated with this project has been approved to be discharged into a stormwater management system permitted under the latest version of SW8 940810.
2. The built-upon area allocated to this development by Stormwater Management Permit No. SW8 940810, is 139,669 square feet. This project proposes the amount of impervious as specified in Table 1

Table 1: SW8 170217 Impervious Summary		
Impervious, Total	139,669	ft ²
Impervious That Does Not Drain to the Pond ¹	305	ft ²
Impervious that Drains to the Pond	139,364	ft ²
Onsite Buildings/Lots	35,962	ft ²
Onsite Parking	76,137	ft ²
Onsite Sidewalks	11,706	ft ²
Future	15,559	ft ²
¹ 305ft ² of impervious could not be collected due to the crown in the road.		

3. All stormwater conveyance and collection systems must be located in either public rights-of-way, dedicated common areas or recorded easements. The final plats for the project will be recorded showing all required public rights-of-way, common areas and easements, in accordance with the approved plans.
4. The runoff from the permitted built-upon area of this project must be collected and conveyed to the permitted offsite stormwater BMP.
5. A 50' wide vegetative buffer must be provided and maintained adjacent surface waters, measured horizontally from and perpendicular to the normal pool of impounded structures, the top of bank of both sides of streams and rivers and the mean high water line of tidal waters.

II. SCHEDULE OF COMPLIANCE

1. A copy of the final deed listing LIDL US Operations, LLC as the property owner must be submitted within 30 days of the property being purchased.
2. It is the responsibility of the permit holder, LIDL US Operations, LLC, to notify the Division of any changes in ownership and request an ownership/name change for the stormwater permit. However, please be reminded that if the purchase agreement or contract between LIDL US Operations, LLC and LG John Barry Drive, LLC is dissolved, cancelled or defaults, and the Division is not notified by LIDL US Operations, LLC to transfer the permit, then the responsibility for permit compliance reverts back to the property owner, LG John Barry Drive, LLC. As the property owner, LG John Barry Drive, LLC must notify the Division immediately of the permit ownership change and submit a completed Name/Ownership form to the Division within 30 days. Otherwise LG John Barry Drive, LLC will be operating a stormwater treatment facility without a valid permit. This is a violation of NC General Statue 143-215.1 and may result in appropriate enforcement action including the assessment of civil penalties of up to \$25,000 per day, being taken against the property owner, LG John Barry Drive, LLC.
3. This permit is issued contingent on the construction of the permitted offsite stormwater BMP being complete and in compliance with the conditions of permit number SW8 940810, issued to the City of Wilmington on April 17, 2017, as subsequently revised, modified, transferred, or renewed. Prior to the construction of any built-upon area associated with this permit, the offsite permittee shall have constructed, operated, maintained, and certified the offsite stormwater management system in compliance with SW8 940810.
4. No person or entity, including the permittee, shall alter any component of the approved stormwater system shown on the approved plans unless and until the Division has approved of the revised plan.
5. The permittee shall construct and maintain the proposed stormwater runoff conveyance and collection system and the built-upon areas to the dimensions, elevations and grades as shown on the approved plans.
6. This lot is limited to the amount of built-upon area specified in Section I.2 of this permit, and as reported on the application, the supporting calculations and as shown on the approved plans. The project must maintain a built-upon area less than or equal to the amount permitted under Stormwater Permit No. SW8 940810. A total built-upon area in excess of the maximum allowed amount will require a modification to SW8 940810 prior to construction.
7. During construction, erosion shall be kept to a minimum and any eroded areas of the system will be repaired immediately. After construction, the permittee shall maintain the grassed areas, slopes and vegetated runoff conveyances on the lot in a densely vegetated state.

8. The permittee is responsible for keeping the stormwater collection system within the lot property boundaries clear of trash, debris and sediment, and must control the sediment on the lot in accordance with the requirements of the NC Erosion and Sediment Control Design Manual. The permittee shall follow the minimum maintenance procedures and intervals for the lot's built-upon areas and its stormwater collection / conveyance system as indicated in the Operation and Maintenance agreement.
9. The permittee shall maintain and repair or replace any of the components of the lot's stormwater collection and conveyance system such that the lot's runoff is captured and adequately conveyed to the BMP.
10. Upon completion of the permitted construction on this lot, and prior to occupancy of the facility, the permittee shall submit to the Division the completed Designer's Certification accompanied by an as-built survey of the project's built-upon areas and stormwater collection / conveyance system. Any deviation from the approved plans must be noted on the Certification. The permittee shall submit the Certification to the Division within 30 days of completion of the project.
11. The permittee shall submit to the Director and shall have received approval for revised plans, specifications, and calculations prior to construction, for any modification to the approved plans, including, but not limited to, those listed below:
 - a. Any revision to the approved plans, regardless of size.
 - b. Redesign of or addition to the approved amount of built-upon area.
 - c. Further development, subdivision, acquisition or sale of any, all or part of the project area covered by this permit.
 - d. The construction of built-upon area within any future development area noted on the approved plan.
 - e. Alteration of any component of the approved stormwater conveyance/collection system shown on the approved plan.
12. The Director may determine that other revisions to the project should require a modification to the permit.
13. The project shall be constructed and maintained in accordance with the conditions of this permit, the approved plans and specifications and other supporting data.
14. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made.
15. Prior to transfer of the permit, the stormwater facilities will be inspected by Division personnel. The project and the stormwater facility must be in substantial compliance with all permit conditions. Any items not in compliance must be repaired, replaced or restored to design condition prior to the transfer.


III. GENERAL CONDITIONS

1. Any individual or entity found to be in noncompliance with the terms and conditions of this stormwater management permit or the stormwater rules is subject to enforcement procedures in accordance with North Carolina General Statute 143 Article 21.
2. This permit is effective only with respect to the nature and volume of stormwater described in the application, supplement, and other supporting data. Any other activities undertaken at this site prior to receipt of the necessary permits or approvals to do so from any local, state or federal government agency having jurisdiction, are considered violations of NCGS 143-215.1, and subject to the enforcement procedures pursuant to NCGS 143-215.6.

3. This permit is not transferable to any person or entity except after notice to and approval by the Director. The permittee shall submit a completed and signed Name/Ownership Change Form, accompanied by the supporting documentation as listed on the form, to the Division of Energy, Mineral and Land Resources at least 60 days prior to any one or more of the following events:
- An ownership change including the sale or conveyance of the project area in whole or in part, except in the case of an individual lot sale that is made subject to the recorded deed restrictions;
 - The sale or conveyance of the common areas to a Homeowner's or Property Owner's Association, subject to the requirements of Session Law 2011-256;
 - Bankruptcy;
 - Foreclosure, subject to the requirements of Session Law 2013-121;
 - Dissolution of the partnership or corporate entity, subject to NCGS 57D-2-01(e) and NCGS 57D-6-07;
 - A name change of the current permittee;
 - A name change of the project;
 - A mailing address change of the permittee;
4. The permittee is responsible for compliance with all permit conditions until such time as the Division approves the transfer request. Neither the sale of the project, in whole or in part, nor the conveyance of common area to a third party constitutes an approved transfer of the stormwater permit.
5. The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit for cause as allowed by the laws, rules, and regulations contained in Title 15A of the North Carolina Administrative Code, Subchapter 2H.1000; and North Carolina General Statute 143-215.1 et. al.
6. The permittee grants permission for DEMLR Staff to enter the property for the purpose of inspecting all components of the permitted stormwater management facility.
7. The permit issued shall continue in force and effect until revoked or terminated. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and reissuance or termination does not stay any permit condition.
8. Approved plans, application, supplement forms, calculations and specifications for this project are incorporated by reference and are enforceable parts of the permit. The Permittee shall maintain a copy of this permit, the approved plans and the supporting documents, on file at all times.
9. Unless specified elsewhere, permanent seeding requirements for the swales must follow the guidelines established in the North Carolina Erosion and Sediment Control Planning and Design Manual.

Permit issued this the 17th day of April 2017.

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



For Tracy Davis, P.E., Director
Division of Energy, Mineral and Land Resources
By Authority of the Environmental Management Commission

Stormwater Project Number SW8 170217
Lidl Grocery Store - #1181
New Hanover County

Designer's Certification – Offsite Lot

I, _____, as a duly registered _____ in the State of North Carolina, having been authorized to observe (periodically/ weekly/full time) the construction of the project,

_____ (Project)

for _____ (Project Owner) hereby state that, to the best of my abilities, due care and diligence was used in the observation of the project construction such that the construction was observed to be built within substantial compliance and intent of the approved plans and specifications.

Required Items to be checked for this certification to be considered complete are listed below.

Please note any deviations from approved plans and specifications here:

SEAL

Signature _____

Registration Number _____

Date _____

Certification Requirements:

- _____ 1. The lot contains no more than the maximum permitted amount of built-upon area.
- _____ 2. All the built-upon area associated with this permit is graded such that the runoff drains to the permitted offsite BMP.
- _____ 3. The lot has been stabilized with permanent vegetation such that sediment is not leaving the lot.
- _____ 4. Vegetated slopes are no steeper than 3:1.
- _____ 5. Roof drains are located such that building runoff drains into the system.
- _____ 6. The inlet from this project into the approved offsite BMP or into the collection system draining to the offsite BMP is located per the approved plans.
- _____ 7. The stormwater conveyance / collection system on the lot adequately conveys the design storm runoff to the permitted BMP.

cc: NCDEQ-DEMLR
Inspector, New Hanover County Building Inspections