



September 1, 2021

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

CONSTRUCTION RELEASE
Louie's Limited Variety Store
5039 Wrightsville Avenue
Project # 2021015

<i>Consultant</i>	Mr. Charles Cazier, PE	<i>Property</i>	Mohamad Ali
<i>/Agent:</i>	<i>Intracoastal Engineering, PLLC</i>	<i>Owner:</i>	4709 Wedgefield Drive
	5725 Oleander Dr, Suite E-7		Wilmington, NC 28409
	Wilmington, NC 28403		(919) 946-8489
	(910) 859-8983		

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. 3rd 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. This project will require the dedication of public access easement(s).
3. Proper dedication of public easements requires an easement plat (or legal description) and a deed of easement. The easement plat or legal description is prepared by a licensed surveyor. The deed of easement is prepared by the City Attorney's Office (CAO). A title policy for the property is necessary to prepare the document. These documents can be submitted to the project planner for distribution to the pertinent city departments. Recordation of both the easement plat and the deed of easement will be required prior to the issuance of a Certificate of Occupancy. Please allow for no less than two weeks for deed preparation.
4. 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:
 - A final inspection is required by City of Wilmington Engineering personnel (910) 341-5856.
5. 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.
6. 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.
7. 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.
8. 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 \$250.00. 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.
9. 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.



10. 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.

11. 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.

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

Project Planner:

APPROVED
By waltonj at 12:02 pm, Sep 01, 2021

Jeff Walton, 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:

Chris Hatcher, Compliance Officer

Date



The following items are included in this release package:

Item	Permit Number	Date
Louie's Limited Variety Store Approved Plans	2021015	9/1/21
City of Wilmington Tree Permit	TPP-21-155	3/30/21
City Comprehensive Stormwater Management Permit	2021041	9/1/21
Administrative Variance Letter Engineering		2/24/21
Board of Adjustment Variance	BADV-2-720	9/17/20

Copy: Chris Hatcher	Zoning Compliance
Bret Russell	Construction Manager
Rob Gordon	Engineering (email only)
Jim Quinn	Stormwater Specialist (email only)
Aaron Reese	Urban Forestry (email only)
Rich Christensen	Engineering (email only)
Eric Seidel	Engineering (email only)
Trent Butler	Engineering (email only)
Chris Elrod	Wilmington Fire Department (e-mail only)
Chris Walker	Wilmington Fire Department (e-mail only)
Brian Blackmon	Surveyor (e-mail only)
Jim Sahlie	GIS Addressing (e-mail only)
Bill McDow	Traffic Engineering (e-mail only)
Mitesh Baxi	Traffic Engineering (e-mail only)
Denys Vielkanowitz	Traffic Engineering (e-mail only)
Bernice Johnson	CFPUA (e-mail letter only)
Beth Easley Wetherill	NHC Erosion Control (e-mail only)
Michelle Hutchinson	GIS Engineer (e-mail only)
Amy Beatty	Community Services (e-mail only)
Davina Bell	Community Services (e-mail only)
Joan Mancuso	City Zoning (email only)
Catherine Meyer	City Zoning (email only)
Shawn Evans	City Attorney's Office (email only)
Courtney Salgado	City Attorney's Office (email only)
Joseph Wurzel	NC DOT (email only)
Nick Drees	NC DOT (email only)
Jon Roan	NC DOT (email only)
Ben Hughes	NC DOT (email only)



Development Services
 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-21-155

Application for Tree Removal Permit

Name of Applicant: Mohamad Ali **Phone:** 919-946-8498 **Date:** 2/16/2021

Name of Property Owner: Mohamad Ali **Phone:** _____

Property Owner Address: 4709 Wedgefield Dr. Wilmington, NC 28409

Address of Proposed Tree Removal: 5039 Wrightsville Ave Wilmington, NC 28403

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

- | | |
|-------------------------|-----------|
| 1. <u>None Proposed</u> | 6. _____ |
| 2. _____ | 7. _____ |
| 3. _____ | 8. _____ |
| 4. _____ | 9. _____ |
| 5. _____ | 10. _____ |

Description of Replacement Tree(s): N/A

Applicant Signature: *Mohamad Ali* **Date:** 2/19/21

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

Reviewed By: _____ **Date:** _____

APPROVED
 By waltonj at 12:41 pm, Mar 30, 2021

Remarks: _____

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

NEW CONSTRUCTION: _____ **EXPANSION:** _____ **OTHER:** _____ **PAID:** _____

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

RECEIVED
 By waltonj at 12:41 pm, Mar 30, 2021



Public Services
 Engineering
 212 Operations Center Dr.
 Wilmington, NC 28412
 910 341-7807
 910 341-5881 fax
 wilmingtonnc.gov
 Dial 711 TTY/Voice



February 24, 2021

Via e-mail: charlie@intracoastalengineering.com

Charles D. Cazier, PE
 Intracoastal Engineering, PLLC
 5725 Oleander Drive, Unit E-7
 Wilmington, NC 28403

Re: Request for Administrative Variance – Louie’s Limited Variety Store

Dear Mr. Cazier:

On behalf of the City Engineer, I have reviewed your request for a variance and rendered the following decision:

Minimum Drive Aisle Width for 90-Degree Parking Granted Denied

Technical Standard: Section VII (Traffic Engineering), E.4(2) Table 6:
The drive aisle width for 90 degree parking is 24 feet.

Description: The applicant seeks relief from the 24-foot minimum width. The applicant is providing a 23-foot wide drive aisle.

Justification: Because this site is only proposing a single-loaded parking facility, a 23-foot wide drive aisle is ample room for vehicles to enter and exit the parking stalls. For this reason, it is appropriate to grant this variance.

Location and Spacing of Driveways Granted Denied

Technical Standard: Section VII (Traffic Engineering), C.2.c.
The location and spacing of driveways shall be as follows: (1) All driveways for corner lots shall have at the intersecting street property lines, a minimum corner clearance of 230 feet along the major thoroughfares and/or 60 feet along all intersecting side streets not classified herein as a major thoroughfare. All distances are measured along the curb line. (2) All driveways along the major thoroughfares shall have a property line offset of 75 feet, measured at the curb line, however, driveways shall comply with (1) one above and be at least 230 feet from the intersecting street when the lot has sufficient frontage to meet the requirement.

Description: The applicant seeks relief from all of these requirements.

Justification: The minimum corner clearance of 230 feet along the major thoroughfare and the 75-foot property line offset along the major thoroughfare cannot be met as there is only 170’ feet of

frontage along the major thoroughfare (Wrightsville Avenue). The Wrightsville Avenue driveway has been located as far away from the Woodland Drive intersection as is feasible. The minimum corner clearance of 60 feet along the intersecting side street cannot be met because there is an existing building on the parcel that prohibits a driveway location that would meet the requirement. The Woodland Drive driveway has been pushed as far back along Woodland Drive as is feasible. For these reasons, it is appropriate to grant this variance.

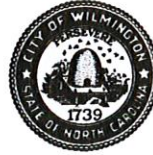
Please contact me at richard.christensen@wilmingtonnc.gov if you have any questions.

Sincerely,

Richard Christensen

Richard Christensen, PE
Project Engineer

cc: David Cowell, City Engineer, City of Wilmington
Bill McDow, Transportation Planning, City of Wilmington
Jeff Walton, Associate Planner, City of Wilmington
Mitesh Baxi, Senior Traffic Engineering Technician, City of Wilmington



**Planning, Development and
Transportation**

Zoning Administration
305 Chestnut Street
PO Box 1810
Wilmington, NC 28402-1810

910 254-0900
910 341-7801 fax
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CERTIFIED/RETURN RECEIPT REQUESTED

October 27, 2020

Cindee Wolf
Design Solutions
P.O.B. 7221
Wilmington, NC 28406

**Ref: 5039 Wrightsville Avenue
Case No: BADV-2-720**

Dear Ms. Wolf:

On September 17, 2020, the City of Wilmington Board of Adjustment held a public hearing to consider your request for a variance to City Code Chapter 18, Section 18-213.2(c) to requirements that prohibit driveway access to Wrightsville Avenue in order to allow for a driveway installation for property located at 5039 Wrightsville Avenue

A copy of the Order granting the variance outlining the Board's findings and conclusions is enclosed. Please call our office at 254-0900 if you have any questions.

Sincerely,

Kathryn Thurston

KT/dc

Enc.

Cc: Melissa Huffman, Asst. City Attorney (W/Encl.)

ORDER GRANTING A VARIANCE

This matter came before the Wilmington Board of Adjustment (hereinafter "Board") for a quasi-judicial hearing on September 17, 2020 to consider application number BADV-2-720 submitted by Cindee Wolf, Design Solutions (hereinafter, "Applicant") for a variance to City Code Chapter 18, Section 18-213.2(c) to requirements that prohibit driveway access to Wrightsville Avenue in order to allow for a driveway installation for property located at 5039 Wrightsville Avenue.

The applicant was represented at the hearing by herself. Assistant City Attorney Melissa Huffman advised the Board of Adjustment.

This meeting was properly noticed and scheduled for hearing before the Board on September 17, 2020 and all people speaking at the hearing were duly sworn.

The Board having heard the evidence presented at the hearing makes the following:

FINDINGS OF FACT

1. The subject property at 5039 Wrightsville Avenue is approximately .37 acres.
2. The subject property is zoned Community Business (CB) and is in the Wrightsville Avenue Corridor Overlay (WACO).
3. The property currently contains a vacant commercial building constructed in 1962 per New Hanover County Tax Records.
4. The property was annexed into the City effective March 25, 1985.
5. The WACO requires that for all new construction, conversions, or additions involving nonresidential uses on corner or double frontage lots, driveway access to Wrightsville Avenue shall be prohibited per Land Development Code, Article V, Section 18-213.2(c).
6. The property has frontage on both Wrightsville Avenue and Woodland Drive.
7. Currently the property has paved access from both frontages.
8. Pursuant to regulations for new construction or changes of use in the WACO, this property is required to close the Wrightsville Avenue access and be accessed only from Woodland Drive.
9. On February 6, 2020, the applicant requested a variance to allow access from Wrightsville Avenue.
10. The matter was set for hearing before the Board of Adjustment on March 19, 2020; however, that meeting was cancelled due to concerns with the spread of COVID-19.
11. This item was considered at the September 17, 2020 meeting of the Board of Adjustment.
12. At that hearing, the applicant testified that unnecessary hardship results from the strict application of the ordinance, as the building is existing, and vehicular traffic

would be severely limited if access were restricted to a single driveway into the only area available for parking.

13. The applicant also testified that hardship results from unique conditions that are peculiar to the property in that the property is very shallow and the width for the parking area and travel lane is limited.
14. The applicant further testified that the location of the driveway on Woodland Drive is very close to the intersection, creating the potential for a traffic hazard.
15. The applicant testified that the hardship did not result from actions taken by the applicant as the building is existing and the previous use was a non-conforming convenience food store with a fuel canopy use with paved access along the entire Wrightsville Avenue street frontage.
16. The applicant testified that the request is within the spirit, purpose, and intent of the code in that it would allow adaptive reuse of the existing commercial building while improving public safety and aesthetics, as well as improving circulation within the parking area.
17. The applicant testified that the Wilmington Technical Review Committee (TRC) has preliminarily reviewed the site plan attached to the case summary as Attachment 3; however, final TRC approval will still be required and may result in a slightly different driveway location than shown on the site plan.

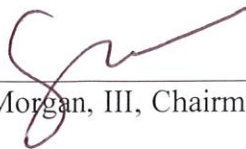
CONCLUSIONS

Based upon the foregoing findings of fact, the Board concludes that the applicant is entitled a variance as required by North Carolina General Statutes §160A-388 and City Code Chapter 18, Land Development Code, Section 18-29 Powers and Duties:

1. Unnecessary hardship would result from the strict application of the ordinance.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography.
3. The hardship did not result from actions taken by the applicant or the property owner.
4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

THEREFORE, IT IS ORDERED that a variance to City Code Chapter 18, Section 18-213.2 (c), which prohibits driveway access from Wrightsville Avenue, be granted for the subject property at 5039 Wrightsville Avenue to allow for the installation of a driveway off Wrightsville Avenue, with the condition that the existing building be reused as part of the project.

SIGNED this 23 day of October, 2020.



Jack C. Morgan, III, Chairman



Debra Hornbuckle
Administrative Support Specialist

ATTEST:



Kathryn Thurston
Zoning Administrator

Date Order Filed with Planning Office/Development Center: 10/27/2020

Date Order Mailed Certified Mail, Return Receipt Requested: 10/27/2020