



August 29, 2022

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

CONSTRUCTION RELEASE
Olivero (formerly 520 & 522 S 3rd Street)
520 & 522 South 3rd Street
Project # 2019099

*Consultant/
Agent:* Howard Resnik, PE
CSD Engineering
PO Box 4041
Wilmington NC 28406

*Property
Owner:* ALBERTA PROPERTIES LLC
2108 CLARK AVE
RALEIGH NC 27605

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. Cape Fear Public Utility Authority has authorized the water and sewer activities
 - c. 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).
7. 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.



Conditions of Final Zoning Approval

1. An Administrative Adjustment was approved on August 10, 2022 for the following standards:
 - A. Chapter VII (Traffic Engineering), Section E (Parking Off-street), 4 (Design), Table 6 (Parking Stall Dimensions): *For a parking angle of 90 degrees, the minimum drive aisle width is 24 feet.* Standard #2
2. A variance was approved by the Board of Adjustment on 2/4/20 for the following waiver:
 - A. Maximum lot width in the MSMU district
 - B. Landscape buffer requirements
3. 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.
4. 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.
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.

Project Planner: _____ 8/30/22
 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: _____
 John Barham, Zoning Officer Date

The following items are included in this release package:

Item	Permit Number	Date
Olivero Approved Plans	2019099	8/29/22
City of Wilmington Tree Permit	TPP-23-043	8/29/22
Board of Adjustment Order	BADV-37-220	2/4/20
Administrative Waiver – Engineering		8/10/22

- | | |
|-------------------|--|
| Copy: John Barham | 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) |






Tree Removal Permit Application

Final Audit Report

2019-11-04

Created:	2019-11-04
By:	Brooke Hanford (brookehanford@yorkproperties.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAGAlOY0zbP67RSnzgyFvObzErNuvFjpOF

"Tree Removal Permit Application" History

-  Document created by Brooke Hanford (brookehanford@yorkproperties.com)
2019-11-04 - 8:25:34 PM GMT- IP address: 174.108.215.122
-  Document emailed to James Goodnight (james.goodnight@sas.com) for signature
2019-11-04 - 8:26:42 PM GMT
-  Email viewed by James Goodnight (james.goodnight@sas.com)
2019-11-04 - 8:52:53 PM GMT- IP address: 166.216.158.145
-  Document e-signed by James Goodnight (james.goodnight@sas.com)
Signature Date: 2019-11-04 - 8:56:23 PM GMT - Time Source: server- IP address: 166.216.158.145
-  Signed document emailed to James Goodnight (james.goodnight@sas.com), Brooke Hanford (brookehanford@yorkproperties.com) and brianwallace@yorkproperties.com
2019-11-04 - 8:56:23 PM GMT





**Planning, Development and
Transportation**

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

910 254-0900
910 341-7801 fax
www.wilmingtonnc.gov
Dial 711 TTY/Voice



CERTIFIED/RETURN RECEIPT REQUESTED

February 4, 2020

Mr. James Goodnight
Alberta Properties, LLC
2108 Clark Avenue
Raleigh, NC 27605

**Ref: 520 South 3rd Street
Case No: BADV-37-220**

Dear Mr. Goodnight:

On December 17, 2020, the City of Wilmington Board of Adjustment held a quasi-judicial hearing to consider your request for a variance to City Code Chapter 18, Section 18-193(e) to the maximum lot width in the main Street Mixed Use (MSMU) District; and to City Code Chapter 18, Section 18-450 to waive landscape buffer requirements for property located at 520 South 3rd Street.

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,

Debra Cuevas
Administrative Support Specialist/
Secretary to the Board of Adjustment

Enc.

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

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

CITY OF WILMINGTON
BOARD OF ADJUSTMENT
FILE NO.: BADV-37-220

ORDER GRANTING A VARIANCE

This matter came before the Wilmington Board of Adjustment (hereinafter "Board") for a quasi-judicial hearing on December 17, 2020 to consider application number BADV-37-220 submitted by James Goodnight, Alberta Properties, LLC (hereinafter, "Applicant") for a variance to City Code Chapter 18, Section 18-193(e) to the maximum lot width in the Main Street Mixed Use (MSMU) District, to allow the recombination of two (2) parcels; and City Code Chapter 18, Section 18-450 to waive landscape buffer requirements for property located at 520 South 3rd Street.

The Applicant was represented at the hearing by Attorney Sam Potter. Assistant City Attorney Melissa Huffman represented the City of Wilmington. Attorney Dolores Williams advised the Board.

This meeting was properly noticed and scheduled for hearing before the Board on December 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, located at 520 and 522 S. 3rd Street, consists of two (2) parcels totaling approximately 9,982 square feet and is zoned Main Street Mixed Use District (MSMU).
2. The subject property is located within the original 1945 Corporate Limits of Wilmington.
3. 520 S. 3rd Street is a vacant lot and 522 S. 3rd Street contains a commercial structure built in 1947, according to New Hanover County Tax records.
4. The applicant proposes to utilize 520 S. 3rd Street as parking to serve a proposed commercial use in the existing building at 522 S. 3rd Street.
5. Pursuant to City Code Chapter 18, Land Development Code (LDC) Section 18-193, the MSMU does not allow stand-alone commercial parking lots; therefore, the parcels must be combined to allow the vacant lot to serve as off-street parking for the existing commercial building.
6. City Code Chapter 18, Land Development Code (LDC) Section 18-193 (e)(1)(f) allows a maximum lot width of 66-feet in the MSMU.
7. 520 S. 3rd Street has a lot width of 44-feet and a depth of 165-feet, which complies with current code.
8. 522 S. 3rd Street is 41.25-feet by 66-feet. Combining the two lots would not change the subject property's frontage along Castle Street but would result in 110-feet of frontage along South 3rd Street.

9. Pursuant to City Code Chapter 18, Land Development Code (LDC) Section 18-448 and Section 18-482, a landscaped yard 10-feet in width shall be required along any side of a parking lot abutting a separate parking lot, driveway, or residentially zoned property.
10. Properties adjacent to the north are zoned Historic District-Residential (HD-R) and properties to the south are zoned Residential (R-3).
11. On January 8, 2020, the applicant submitted a request for a variance from the maximum lot width to allow the recombination of the two parcels and a variance of 6-feet from the required 10-foot landscaped yard buffer along areas of the parking lot that border residential properties.
12. The March 19, April 16, May 21, June 18, and July 16 Board of Adjustment meetings were canceled due to concerns with the spread of the Covid-19 virus.
13. This matter was continued from the August 20, September 17, and October 15, and November 19, 2020 Board of Adjustment meetings.
14. This matter was considered by the Board of Adjustment at the December 17, 2020 regular meeting.
15. At the hearing, the applicant testified that without a variance allowing the recombination, the lots will remain vacant because the commercial building at 522 S. 3rd Street is not functional without off-street parking.
16. That the Main Street Mixed Use zoning district does not require off-street parking for nonresidential uses.
17. The applicant testified that the current building located at 522 S. 3rd Street is on a busy corner of 3rd Street and Castle Street, which creates a unique situation for that property.
18. Staff testified that although this condition is not unique for the subject property, the configuration of the existing building on the corner with a vacant lot to the rear that could serve as off-street parking is unique and preferable to providing off-street parking along the Castle Street corridor.
19. The applicant testified that the hardship caused by the maximum lot width was not the result of actions taken by the current owner.
20. The applicant further testified that he believed the variance will assist in revitalizing the property at the corner of South 3rd Street and Castle Street and contribute to the economic growth to the area.
21. Howard Resnick, Professional Engineer, testified on behalf of the applicant that a variance to the required 10-foot buffer is necessary to accommodate a parking lot that complies with the City of Wilmington Technical Standards and Specifications.
22. Mr. Resnick further testified that a solid masonry wall could be incorporated into the site plan without diminishing the functionality of the parking area.
23. The applicant agreed that a 6-foot masonry wall with four feet of landscaping along the neighboring properties would be appropriate for this site.

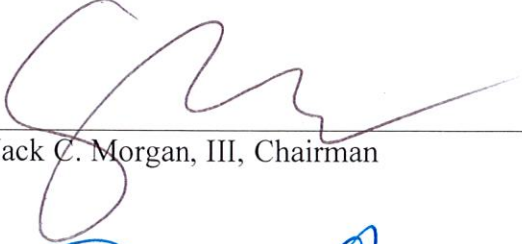
CONCLUSIONS

Based upon the foregoing findings of fact, the Board concludes that the Applicants are 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 Applicants 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 18-193(e) to the maximum lot width in the Main Street Mixed Use (MSMU) District, to allow the recombination of two (2) parcels (520 and 522 South 3rd Street) be granted for a total of 110-feet of frontage along South 3rd Street be granted; and the Board further orders that a conditional variance to City Code Chapter 18, Sections 18-448 and 18-482 be granted to reduce the landscape buffer requirements from a 10 foot to a 4 foot vegetative buffer along the northern and southern property lines, with the construction of a 6-foot masonry privacy wall along the southern and northern property lines be granted.

SIGNED this 21st day of January, 2021.



Jack C. Morgan, III, Chairman



Debra Cuevas
Administrative Support Specialist

ATTEST:



Kathryn Thurston
Zoning Administrator

Date Order Filed with Planning Office/Development Center: 2-4-2021

Date Order Mailed/Emailed: 2-4-2021



Public Services

Engineering
P.O. Box 1810
Wilmington, NC 28402-1810
910 341-7807
910 341-5881 fax
wilmingtonnc.gov
Dial 711 TTY/Voice



Via e-mail: mike@cspd-engineering.com

August 10, 2022

Mr. Mike Broyhill
CSD Engineering
3805 Cherry Avenue
Wilmington, NC 28403

Re: Administrative Variance Requests – Olivero

Dear Mr. Broyhill:

On behalf of the City Engineer, I have reviewed your request for waivers and rendered the following decisions:

Minimum Drive Aisle Width Granted Denied Conditional

Technical Standard: Chapter VII (Traffic Engineering), Section E (Parking Off-street), 4 (Design), Table 6 (Parking Stall Dimensions): *For a parking angle of 90 degrees, the minimum drive aisle width is 24 feet.*

Description: The applicant is proposing a 22-foot wide drive aisle starting inside the property line for approximately 30+/- feet which will then narrow to a 20-foot wide drive aisle behind the single row of 90 degree parking spaces.

Justification: The parcel is a unique shape. The proposed parking area is long and narrow. Additionally, the City of Wilmington Board of Adjustment required a 6-foot masonry wall and a 4-foot landscape buffer along the neighboring properties further narrowing the parking area. The applicant provided an exhibit demonstrating the ability of large vehicles to maneuver within in the parking facility without issue.

Condition: The 4-foot buffer along the northern property line is also to provide the required 2.5' vehicle overhang for the 16-foot long parking spaces. The proposed vegetation shall be placed so as not to interfere with that overhang. Trees must be planted in line with the parking striping and shrubbery planted as close to the masonry wall as is possible for the shrubbery to survive. Vegetation in the southern buffer shall also be planted so as not to inhibit vehicle backing movements.

Minimum Driveway Width at Property Line Granted Denied Conditional

Technical Standard: Chapter VII (Traffic Engineering), Section C (Driveways), 1 (General Driveway Requirements), b. Table 3 (Driveway Widths at Property Line): *Minimum width for two-way traffic is 23 feet.*

Description: The applicant sought relief from the required 23-foot driveway width at the property line. by proposing a 22-foot wide driveway.

Justification: The driveway location has sufficient space to provide the driveway width of 23 feet at the property line. The applicant agreed to provide the necessary width to meet the technical standard, therefore the variance request will be disregarded.

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

Sincerely,

Richard Christensen

Richard Christensen, PE
Project Engineer

cc: David Cowell PE, City Engineer, City of Wilmington
Denys Vielkanowitz, PE, City Traffic Engineer, City of Wilmington
Jeff Walton, Associate Planner, City of Wilmington
Bill McDow, Associate Planner, MPO
Mitesh Baxi, Senior Traffic Engineering Technician, City of Wilmington