



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: Zoning Enforcement Inspector
DATE: March 20, 2018
SUBJECT: Riverplace (Water Street Parking Deck Redevelopment) (2016049)
LOCATION: 200 North Water Street

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

QUAN.	DWG./NO.	DESCRIPTION
1	Dated 3/19/18	Riverplace Approved Plans
1	Dated 9/14/16	Approved Tree Preservation Permit
1	Dated TBD	City Comprehensive Stormwater Management Permit No. 2018014
1	Dated 1/30/17	NC State Erosion Control Permit No. NEWHA-2017-017
1	Dated 8/22/16	BAVFPP-1-816 Floodplain Variance

REMARKS: The Riverplace Project, located at 200 North Water 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. THE CFPUA HAS AUTHORIZED THE WATER AND SEWER ACTIVITIES. THE CONTRACTOR MUST HAVE A PRECON WITH CFPUA 332-6560.**
 - 3. THE CITY ZONING INSPECTOR AUTHORIZES THE ACTIVITY.**
- D. A COPY OF THE RECORDED MAP SHOWING REQUIRED PUBLIC DRAINAGE EASEMENTS, PUBLIC ACCESS EASEMENTS, AND RIGHTS-OF-WAY FOR THE**

PROJECT MUST BE SUBMITTED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.

- E. THIS DEVELOPMENT SHALL COMPLY WITH ALL LOCAL, CITY TECHNICAL STANDARDS, REGIONAL, STATE AND FEDERAL DEVELOPMENT REGULATIONS.**
- F. ALL APPLICABLE TRC REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF THE FINAL ZONING APPROVAL.**
- G. THIS PROJECT WILL REQUIRE THE CREATION/RECORDATION OF RESTRICTIVE COVENANTS TO ENSURE COMPLIANCE WITH THE APPROVED STORMWATER PERMIT. RESTRICTIVE COVENANTS AND HOA/POA DOCUMENTS MUST BE REVIEWED AND APPROVED BY THE CITY ATTORNEY'S OFFICE, PLANNING DIVISION, AND CITY ENGINEERING PRIOR TO RECORDING A FINAL PLAT.**
- 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.**
 - 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. 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.**
- K. 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.**
- L. 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.

M. 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: _____
Jeff Walton, Associate Planner

Copy: Richard Collier, PE	Applicant (e-mail only)
Bret Russell	Construction Manager
Rob Gordon	Engineering
Jim Quinn	Stormwater Specialist
Aaron Reese	Urban Forestry
Rich Christensen	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)
Don Bennett	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)
Ryan O'Reilly	Community Services (e-mail only)
Joan Mancuso	City Zoning (email only)
Amy Schaefer	City Attorney's Office (email only)
Amy Dukes	City Attorney's Office (email only)



Planning, Development, &
Transportation Department
Planning Division
305 Chestnut Street
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Wilmington, NC 28402-1810

910 254-0900
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wilmingtonnc.gov

March 20, 2018

McKim & Creed, Inc.
Richard M. Collier, PE
243 North Front Street
Wilmington, NC 28401

RE: Riverplace (Water Street Parking Deck Redevelopment)

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,

A handwritten signature in black ink that reads "Jeff Walton".

Jeff Walton
Associate Planner



Department of Planning,
Development and Transportation
Planning Division
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APPROVED: DENIED:

PERMIT #: TPP-17-53
2016049

Application for Tree Removal Permit

Name of Applicant: Lucien Ellison, East West Partners Phone: 910.200.3572 Date: 09.02.16

Name of Property Owner: Water Street Ventures, LLC Phone: 910.200.3572

Property Owner Address: 1450 Environ Way, Chapel Hill, NC 27517

Address of Proposed Tree Removal: 200 Water Street, Wilmington NC 28412

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

- 1. 18" Birch / Essential site improvements 6. _____
- 2. 8" Oak / Essential site improvements 7. _____
- 3. _____ 8. _____
- 4. _____ 9. _____
- 5. _____ 10. _____

Description of Replacement Tree(s): Five (5) Foster Hollies (along the street frontage of 8" Oak)

The 18" Birch is in an alley, and will not be replaced until Bijou Park is updated in a future project. The overall project will add approx. 38 shade trees to the immediate project area.

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

Applicant Signature: [Signature] Date: 9/9/16

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

Reviewed By: [Signature] Date: 9-14-16

Remarks: _____

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

NEW CONSTRUCTION: EXPANSION: OTHER: PAID: \$500 9/14/16

Tree Preservation Permit Fees	
Less than 1 acre	\$25.00
<u>1-5 acres</u>	<u>\$50.00</u>
5-10 acres	\$100.00
Greater than 10 acres	\$150.00

RECEIVED

SEP 14 2016

PLANNING DIVISION

CITY OF WILMINGTON
*** CUSTOMER RECEIPT ***

Batch ID: 9/14/16 01

Type SvcCd Descr:
02 PERMIT

Qty
01.000000947600E
PERMITS / TREE REMOVAL PERMIT
TREE REMOVAL PERMIT
WATER STREET VENTURES LLC
200 WATER STREET
SAN FRANCISCO
FOR JEFF WALTON
DTM

Tender detail
CK Ref#: 184407 \$50.00
Total rendered: \$50.00
Total payment: \$50.00

Trans date: 9/14/16 Time: 10:51:11

** THANK YOU **

RECEIVED

SEP 14 2016

PLANNING DIVISION



Energy, Mineral
and Land Resources
ENVIRONMENTAL QUALITY

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

TRACY DAVIS

Director

January 30, 2017

**LETTER OF APPROVAL WITH MODIFICATIONS
AND PERFORMANCE RESERVATIONS**

City of Wilmington
ATTN: Sterling B. Cheatham, City Manager
Post Office Box 1810
Wilmington, NC 28402

RE: Project Name: RIVERPLACE
Acres Approved: 2.65
Project ID: NEWHA-2017-017
County: New Hanover, City: Wilmington
Address: North Water Street
River Basin: Cape Fear
Stream Classification: Other
Submitted By: Richard Collier, PE, McKim & Creed, Inc.
Date Received by LQS: January 11, 2017 and January 25, 2017
Plan Type: Commercial

Dear Mr. Cheatham:

This office has reviewed the subject erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this Letter of Approval. The enclosed Certificate of Approval must be posted at the job site. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129.

Please be aware that your project will be covered by the enclosed NPDES Construction Stormwater General Permit NCG010000. Please become familiar with all the requirements and conditions of this permit in order to achieve compliance.

Title 15A NCAC 4B .0118(a) requires that a copy of the approved erosion control plan be on file at the job site. Also, this letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to ensure compliance with the approved plan.

Division of Energy, Mineral, and Land Resources
127 Cardinal Drive Extension Wilmington, NC 28405 • Phone: 910-796-7215 • FAX: 910-350-2004
Internet: <http://portal.ncdenr.org/web/lr/>

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Letter of Approval with Modifications and Performance Reservations
City of Wilmington
January 30, 2017
Page 2 of 4

North Carolina's Sedimentation Pollution Control Act is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to ensure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form, which you provided. You are requested to file an amended form if there is any change in the information included on the form. In addition, it would be helpful if you notify this office of the proposed starting date for this project. Please notify us if you plan to have a preconstruction conference.

Your cooperation is appreciated.

Sincerely,



Rhonda Hall
Regional Engineering Associate
Land Quality Section

Enclosures: Certificate of Approval
Modifications and Performance Reservations
NPDES Permit

cc: Richard Collier, PE, McKim & Creed, Inc., 243 North Front Street, Wilmington, NC 28401

MODIFICATIONS AND PERFORMANCE RESERVATIONS

Project Name: RIVERPLACE
Project ID: NEWHA-2017-017
County: New Hanover

1. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129.
2. The developer is responsible for the control of sediment on-site. If the approved erosion and sedimentation control measures prove insufficient, the developer must take those additional steps necessary to stop sediment from leaving this site (NCGS 113A-57(3)). Each sediment storage device must be inspected after each storm event (NCGS 113A-54.1(e)). Maintenance and/or clean out is necessary anytime the device is at 50% capacity. All sediment storage measures will remain on site and functional until all grading and final landscaping of the project is complete (15A NCAC 04B .0113).
3. Any and all existing ditches on this project site are assumed to be left undisturbed by the proposed development unless otherwise noted. The removal of vegetation within any existing ditch or channel is prohibited unless the ditch or channel is to be regarded with side slopes of 2 horizontal to 1 vertical or less steep (15A NCAC 04B .0124 (d)). Bank slopes may be mowed, but stripping of vegetation is considered new earth work and is subject to the same erosion control requirements as new ditches (NCGS 113A-52(6)).
4. The developer is responsible for obtaining any and all permits and approvals necessary for the development of this project prior to the commencement of this land disturbing activity. This could include our agency's Stormwater regulations and the Division of Water Resources' enforcement requirements within Section 401 of the Clean Water Act, the U.S. Army Corps of Engineers' jurisdiction of Section 404 of the Clean Water Act, the Division of Coastal Management's CAMA requirements, the Division of Solid Waste Management's landfill regulations, the Environmental Protection Agency and/or The U.S. Army Corps of Engineers jurisdiction of the Clean Water Act, local County or Municipalities' ordinances, or others that may be required. This approval cannot supersede any other permit or approval; however, in the case of a Cease and Desist Order from the Corps of Engineers, that Order would only apply to wetland areas. All highland would still have to be in compliance with the N.C. Sedimentation Pollution Control Act.
5. If any area on site falls within the jurisdiction of Section 401 or 404 of the Clean Water Act, the developer is responsible for compliance with the requirements of the Division of Water Resources (DWR), the Corps of Engineers and the Environmental Protection Agency (EPA) respectively. Any erosion control measures that fall within jurisdictional wetland areas must be approved by the aforementioned agencies prior to installation. The Land Quality Section must be notified of a relocation of the measures in question to the transition point between the wetlands and the uplands to assure that the migration of sediment will not occur. If that relocation presents a problem or contradicts any requirements of either DWR, the Corps, or the EPA, it is the responsibility of the developer to inform the Land Quality Section regional office so that an adequate contingency plan can be made to assure sufficient erosion control remains on site. Failure to do so will be considered a violation of this approval (NCGS 113A-54.1(b)).

Letter of Approval with Modifications and Performance Reservations

City of Wilmington

January 30, 2017

Page 4 of 4

6. Any borrow material brought onto this site must be from a legally operated mine or other approved source. Any soil waste that leaves this site can be transported to a permitted mine or separately permitted construction sites without additional permits under NCGS 74-49(7)(d). Disposal at any other location would have to be included as a permit revision for this approval.
7. This permit allows for a land disturbance, as called for on the application plan, not to exceed 2.65 acres. Exceeding that acreage will be a violation of this permit and would require a revised plan and additional application fee. Any addition in impervious surface, over that already noted on the approved plan, would also require a revised plan to verify the appropriateness of the erosion control measures and stormwater retention measures (NCGS 113A-54.1(b)).
8. The construction detail for the proposed silt fence requires reinforcing wire and **steel** posts a maximum of eight (8) feet apart. Omission of the reinforcing wire is a construction change that necessitates more posts for support, i.e., the spacing distance needs to be reduced to no greater than six (6) feet apart (E&SC Planning & Design Manual 6.63, Rev. 6/06).
9. Sediment storage basins have not been provided on this site. It is proposed that silt fencing be used for sediment retention. If this proves to be inadequate, the developer must take those additional steps necessary to stop sediment from leaving this site and a revised Soil and Erosion Control Plan will be required to be submitted (NCGS 113A-57(3)).
10. A graveled construction entrance must be located at each point of access and egress available to construction vehicles during the grading and construction phases of this project. Access and egress from the project site at a point without a graveled entrance will be considered a violation of this approval. Routine maintenance of the entrances is critical (113A-54.1(b)).
11. As a condition of the provided NPDES General Stormwater Permit (NCG010000), groundcover stabilization must meet specific time frames. Slopes (including cuts, fills, and ditch banks) that are steeper than 3 horizontal to 1 vertical left exposed will, within seven (7) calendar days after completion of any phase of grading, be provided with groundcover. Slopes that are 3 horizontal to 1 vertical or flatter will be provided with groundcover within fourteen (14) calendar days.
12. As a part of routine monitoring of the approved land-disturbing activity, the financially responsible party shall assure inspections of the area covered by the approved plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with North Carolina General Statute 113A-54.1(e).

ORDER GRANTING A VARIANCE

This matter came before the Wilmington Board of Adjustment for a public hearing on August 18, 2016 to consider application number BAVFPP-1-816 submitted by Water Street Ventures, LLC on behalf of the City of Wilmington for a variance to City Code Chapter 18, Article 13, Floodplain Management, Section 18-660, Standards for areas where base flood elevation data has been provided, to allow the construction of a twelve (12) story mixed use commercial project at 220, 210 and 200 North Water Street, 10 Grace Street and 101 Chestnut Street. The Board of Adjustment having heard the evidence presented at the hearing makes the following:

FINDINGS OF FACT

1. The property located at 220, 210 and 200 North Water Street, 10 Grace Street and 101 Chestnut Street is currently zoned Central Business District (CBD).
2. The subject property consists of approximately 61,127 square feet (1.4 acres).
3. The parcel currently contains a two-story structured parking lot.
4. The City of Wilmington is pursuing redevelopment of this parcel with a 12-story mixed use commercial project.
5. A portion of the property is located within a special flood hazard area, zone AE9.
6. Section 18-660 of the Land Development Code (LDC) requires that new construction must have the lowest floor elevated to at least two (2) feet above the base flood elevation or flood proofed below the regulatory flood protection elevation.
7. The AE9 flood zone has a base flood elevation of nine (9) feet, which imposes a regulatory flood protection elevation of eleven (11) feet after adding the required freeboard.
8. LDC Section 18-196(e)(2), Central Business District (CBD) requires that at least fifty (50) percent of the building wall be constructed within five (5) feet of the right-of-way and that no physical barrier may prevent the pedestrian public from entering the private property setback.
9. LDC Section 18-196(h)(3) requires that street level facades be predominately glazed by incorporating windows or doors of clear or lightly tinted glass that allow views into and out of the building.
10. The feasibility of effectively flood proofing glazed areas is reduced as the level of the required flood proofing increases.
11. Compliance with the Americans with Disabilities Act (ADA) requires that the entrances meet requirements for handicap accessibility.
12. The existing elevations of Water Street and the western portions of Chestnut Street and Grace Street are between five (5) feet and five and a quarter (5.25) feet above mean sea level.

13. Construction of an at-grade entrance on Water Street or the lower portions of Chestnut and Grace Street would result in an entry that is approximately six (6) feet lower than the regulatory flood protection elevation of eleven (11) feet.
14. The LDC and FEMA regulations allow flood proofing of nonresidential structures provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
15. A registered professional engineer or architect shall certify compliance with flood proofing pursuant to LDC Section 18-646(b).
16. The applicant would be required to submit an elevation certificate for the subject property.
17. On March 9, 2016, the applicant submitted a request for a one (1) foot variance to the freeboard requirement for a proposed mixed use project.
18. City Code authorizes the board to grant variances from the requirements of the floodplain requirements pursuant to LDC Sec. 18-649, including consideration of the following factors:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of an alternative location, not subject to flood damage, for the proposed use;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
19. The proposed structure would exceed FEMA's standard of elevating or flood proofing at or above the base flood elevation of nine (9) feet by one (1) foot.
20. This matter was set for hearing before the Board of Adjustment on August 18, 2016.

CONCLUSIONS

Based upon the foregoing findings of fact, the Board concludes that the applicant is entitled a variance as permitted by City Code Chapter 18, Land Development Code, Section 18-649 Variance procedures.

THEREFORE, IT IS ORDERED that a variance to City Code Chapter 18, Article 13, Floodplain Management, Section 18-660, Standards for areas where base flood elevation data has been provided, from the City's higher standards be granted.

SIGNED this 22nd day of August, 2016.




Ron Sparks, Chairman



Ron H. Satterfield, Assistant Planning Director
Secretary to the Board

ATTEST:



Kathryn Thurston
Zoning Administrator

Date Order Filed with Planning Office/Development Center: 8-23-16

Date Order Mailed Certified Mail, Return Receipt Requested: 8-23-16