

Public Services

Engineering
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September 21, 2015

D. Porter Jones, Manager
DPJ Residential, LLC
1539 Tippah Park Court
Charlotte, North Carolina 28205

**Subject: Stormwater Management Permit No. SWMP #2015030
Westfall Park Apartments Mixed Use
High Density Project Served by an Offsite Stormwater System**

Dear D. Porter Jones:

The City of Wilmington Engineering Division has received a complete Stormwater Management Permit application for Westfall Park Apartments Mixed Use. Having reviewed the application and all supporting materials, the City of Wilmington has determined that the proposed development meets the requirements of the City of Wilmington's Comprehensive Stormwater Ordinance. We are forwarding the Stormwater Management Permit for the construction, operation and maintenance of the subject project and stormwater management system.

This permit shall be effective from the date of issuance until 9/21/2025, and shall be subject to the conditions and limitations specified therein. Please pay special attention to the following permit conditions:

- Condition 14 – Operation and Maintenance responsibilities. Failure to establish an adequate system for inspection and maintenance of the stormwater management system will result in future compliance problems.
- Condition 16 – As built and certification requirements. All items must be completed prior to issuance of a certificate of occupancy.

The stamped, approved stormwater management drawing set will be released for construction by the Wilmington Planning Division under separate cover. An electronic copy of the approved drawing set, permit, application and supplementary documents will be maintained by the Wilmington Engineering Division. If you have any questions, or need additional information, please contact Derek Pielech at (910) 341-5818 or derek.pielech@wilmingtonnc.gov

Sincerely,

for Sterling Cheatham, City Manager
City of Wilmington

cc: John Tunstall, Norris & Tunstall Consulting Engineers
Jeff Walton, Wilmington Development Services/Planning
Raiford Trask, Offsite Permittee
NCDENR - DWQ
Frank A. Stewart – Stewart Realty Investments, LLC



COMPREHENSIVE STORMWATER MANAGEMENT PERMIT

**HIGH DENSITY DEVELOPMENT
SERVED BY AN OFF-SITE STORMWATER SYSTEM**

SECTION 1 – APPROVAL

Having reviewed the application and all supporting materials, the City of Wilmington has determined that the application is complete and the proposed development meets the requirements of the City of Wilmington's Comprehensive Stormwater Ordinance.

PERMIT HOLDER: **DPJ Residential, LLC**
PROJECT: **Westfall Park Apartments Mixed Use**
ADDRESS: **1817 Sir Tyler Drive**
PERMIT #: **SW Permit #2015030**

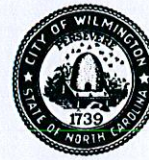
Therefore, the above referenced site is hereby approved and subject to all conditions set forth in Section 2 of this approval and all applicable provisions of the City of Wilmington Comprehensive Stormwater Management Ordinance.

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

Section 2 - CONDITIONS

1. The runoff associated with this project has been approved to be discharged into Westfall Office Park Pond #4 operated and maintained by Raiford G. Trask, Jr. under the terms and conditions set forth in the latest version of Permit No. SWM 2014002 and State Permit No. SW8 990306.
2. This approval is valid only for the stormwater management system as proposed on the approved stormwater management plans dated September 21, 2015.
3. The built-upon area allocated to this development by Stormwater Management Permit No. 2014002, is 124,384 (85% of the lot area) square feet. The built upon area for this project must not exceed the maximum built-upon area allocated to this project or a modification to Stormwater Management Permit No. 2014002 will be required. This project proposes 106,178 square feet. The amount available for future development is 18,206 square feet.
4. This permit is issued concurrently with NCDENR/DWQ State Stormwater Offsite Permit No. SW8 990306. This project is subject to the requirements, terms and conditions of both permits. A revision or modification to one permit will not be reflected in the other without separate application.
5. The project will be limited to the amount and type of built-upon area indicated in Section IV of the Stormwater Management Application Form submitted as part of the approved stormwater permit application package, and per the approved plans.
6. This permit shall become void unless the facilities are constructed in accordance with the approved stormwater management plans, specifications and supporting

- documentation, including information provided in the application and supplements.
7. The runoff from all built-upon area within any permitted drainage area must be directed into the permitted stormwater control system for that drainage area.
 8. The permittee shall submit a revised stormwater management application packet to the City of Wilmington and shall have received approval prior to construction, for any modification to the approved plans, including, but not limited to, those listed below:
 - a. Any revision to any item shown on the approved plans, including the stormwater management measures, built-upon area, details, etc.
 - b. Redesign or addition to the approved amount of built-upon area or to the drainage area.
 - c. Further subdivision, acquisition, lease or sale of any part of the project area.
 - d. Filling in, altering, or piping of any vegetative conveyance shown on the approved plan.
 - e. Construction of any permitted future areas shown on the approved plans.
 9. A copy of the approved plans and specifications shall be maintained on file by the Permittee.
 10. During construction, erosion shall be kept to a minimum and any eroded areas of the system will be repaired immediately.
 11. All areas must be maintained in a permanently stabilized condition. If vegetated, permanent seeding requirements must follow the guidelines established in the North Carolina Erosion and Sediment Control Planning and Design Manual unless an alternative is specified and approved by the City of Wilmington.
 12. All stormwater collection systems as well as access to nearest right-of-way must be located in recorded easements.
 13. All applicable operation & maintenance agreements and easements pertaining to each stormwater treatment system shall be referenced on the final plat and recorded with the Register of Deeds upon final plat approval. If no plat is recorded for the site the operation and maintenance agreements and easements shall be recorded with the Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching standards.
 14. 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 following maintenance for the lot and its stormwater collection system shall be performed as indicated:
 - a. Semiannual scheduled inspections (every 6 months).
 - b. Sediment and trash removal as necessary.
 - c. Vegetate the stormwater conveyance swales and the non-paved areas of the lot.
 - d. Immediate repair and stabilization of any eroded areas on the lot.
 - e. Maintenance of all slopes in accordance with approved plans and specifications.
 - f. Repair or replacement of swales, catch basins and piping as necessary to capture the lot's runoff and maintain adequate drainage to the permitted



BMP.

15. Records of inspection, maintenance and repair for the permitted stormwater system must be kept by the permittee for at least 5 years from the date of record and made available upon request to authorized personnel of the City of Wilmington. The records will indicate the date, activity, name of person performing the work and what actions were taken.
16. Upon completion of construction, before a Certificate of Occupancy shall be granted, and prior to operation of this permitted facility, the applicant shall submit to the City of Wilmington as-built plans for all stormwater management facilities. The plans shall show the final design specifications and the field location, type, depth, and invert of all measures, controls and devices, as-installed. A certification shall 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 by City of Wilmington personnel will be required prior to issuance of a certificate of occupancy or operation of the permitted facility.
17. This permit is not transferable except after application and approval by the City of Wilmington. In the event of a change of ownership, name change or change of address the permittee must submit a completed Name/Ownership Change form to the City of Wilmington at least 30 days prior to the change. It shall be signed by all applicable parties, and be accompanied by all required supporting documentation. Submittal of a complete application shall not be construed as an approved application. The application will be reviewed on its own merits by the City of Wilmington and may or may not be approved. The project must be in compliance with the terms of this permit in order for the transfer request to be considered. The permittee is responsible for compliance with all permit conditions until such time as the City of Wilmington approves the transfer request. Neither the sale of the project nor the conveyance of common area to a third party should be considered as an approved transfer of the permit.
18. Failure to abide by the conditions and limitations contained in this permit may subject the Permittee to enforcement action by the City of Wilmington, in accordance with Sections 18-52 and 18-53 and any other applicable section of the Land Development Code.
19. The City of Wilmington 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 City of Wilmington for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the City of Wilmington that the changes have been made.
20. The issuance of this permit does not preclude the Permittee from complying with any and all statutes, rules, regulations, or ordinances, which may be imposed by other government agencies (local, state, and federal) having jurisdiction.
21. In the event that the facilities fail to perform satisfactorily, including the creation of nuisance conditions, the Permittee shall take immediate corrective action, including those as may be required by the City of Wilmington, such as the construction of additional or replacement stormwater management systems.



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22. The permittee grants City of Wilmington Staff permission to enter the property during normal business hours for the purpose of inspecting all components of the permitted stormwater management facility.
23. The permit issued shall continue in force and effect until revoked or terminated by the City of Wilmington. The permit may be modified, revoked and reissued or terminated for cause. The filing of a request for a permit modification, revocation and re-issuance or termination does not stay any permit condition.
24. The approved stormwater management plans and all documentation submitted as part of the approved stormwater management permit application package for this project are incorporated by reference and are enforceable parts of the permit.
25. The permittee shall submit a renewal request with all required forms and documentation at least 180 days prior to the expiration date of this permit.
26. If any one or more of the conditions of this permit is found to be unenforceable or otherwise invalidated, all remaining conditions shall remain in full effect.

Stormwater Management Permit issued this the 21 day of September, 2015

A handwritten signature in blue ink, appearing to read 'Sterling Cheatham', is written over a horizontal line.

for Sterling Cheatham, City Manager
City of Wilmington