

## 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: **RP Independence, LLC**  
PROJECT: **CAVA Restaurant**  
ADDRESS: **3500 Oleander Drive**  
PERMIT #: **2022007**

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This permit shall be effective from the date of issuance until rescinded and shall be subject to the following specified conditions and limitations: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 offsite City Pre/Post infiltration basin operated and maintained by RSE Independence, LLC under the terms and conditions set forth in the latest version of Permit No. 2019052.
2. This approval is valid only for the stormwater management system as proposed on the approved stormwater management plans dated 2/7/2022.
3. The built-upon area allocated to this development by Stormwater Management Permit No. 2019052, is 19,583 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. 2022007 will be required. This project proposes 16,880 square feet. The amount available for future development is 2,703 square feet.
4. 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.
5. 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.
6. 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.



**Public Services**

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

7. 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.
8. A copy of the approved plans and specifications shall be maintained on file by the Permittee.
9. During construction, erosion shall be kept to a minimum and any eroded areas of the system will be repaired immediately.
10. 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.
11. 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.
12. 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.



13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. 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.



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21. 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.
22. 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.
23. 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 14th day of February, 2022

A handwritten signature in blue ink, appearing to read "A. Caudle", is written over a horizontal line.

for Anthony Caudle, City Manager  
City of Wilmington



Public Services  
 Engineering  
 212 Operations Center Dr  
 Wilmington, NC 28412  
 910 341-7807  
 91 341-5881 fax  
 wilmingtonnc.gov  
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**STORMWATER MANAGEMENT PERMIT APPLICATION FORM**  
 (Form SWP 2.3)

**I. GENERAL INFORMATION**

1. Project Name (subdivision, facility, or establishment name - should be consistent with project name on plans, specifications, letters, operation and maintenance agreements, etc.):

PROPOSED CAVA RESTAURANT

2. Location of Project (street address):

Portion of Tax Parcel R05517-008-009-002 (address to be determined after subdividing)

City: Wilmington County: New Hanover Zip: 28403

**II. PERMIT INFORMATION**

1. Specify the type of project (check one):  Low Density  High Density  
 Offsite Stormwater System  Drainage Plan  Redevelopment  Other

If the project drains to an Offsite System, list the Stormwater Permit Number(s):

City of Wilmington: Permit No. SWP2019052 State – NCDEQ/DEMLR: n/a

2. Is the project currently covered (whole or in part) by an existing City or State (NCDEQ/DEMLR) Stormwater Permit?  Yes  No

If yes, list all applicable Stormwater Permit Numbers:

City of Wilmington: Permit No. SWP2019052 State – NCDEQ/DEMLR: n/a

3. Additional Project Permit Requirements (check all applicable):

CAMA Major  Sedimentation/Erosion Control  404/401 Permit

**III. CONTACT INFORMATION**

1. Print Applicant / Signing Official's name and title (the developer, property owner, lessee, designated government official, individual, etc. who owns the project):

Applicant / Organization: RP Independence, LLC

Signing Official & Title: Greg Wilson, Partner

a. Contact information for Applicant / Signing Official:

Address: 1200 EAST MOREHEAD STREET, SUITE 106  
City: CHARLOTTE State: NC Zip: 38204  
Phone: 704-914-5445 Email: GWILSON@RISEPARTNERS.NET

b. Please check the appropriate box. The applicant listed above is:

- The property owner/Purchaser (Skip to item 3)
- Lessee (Attach a copy of the lease agreement and complete items 2 and 2a below)
- Developer (Complete items 2 and 2a below.)

2. Print Property Owner's name and title (if different from the applicant).

Property Owner / Organization: \_\_\_\_\_

Signing Official & Title: \_\_\_\_\_

a. Contact information for Property Owner:

Street Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

3. (Optional) Other Contact name and title (such as a construction supervisor) who would like to be copied on all correspondence:

Other Contact Person / Organization: RP Indpenence, LLC

Signing Official & Title: Sam Berry, Sr. Development Manager

a. Contact information for person listed in item 3 above:

Street Address: 1200 EAST MOREHEAD STREET, SUITE 106  
City: CHARLOTTE State: NC Zip: 38204  
Phone: 423-802-5358 Email: sberry@risepartners.net

4. Agent Authorization: Complete this section if you wish to designate authority to another individual and/or firm (such as a consulting engineer and /or firm) so that they may provide information on your behalf for this project (such as addressing requests for additional information).

Consulting Engineer: Mike Hull

Consulting Firm: Donaville Group, Inc.

a. Contact information for consultant listed above:

Mailing Address: 3471 Donaville Street  
City: Duluth State: GA Zip: 30096  
Phone: 404-567-5701 x106 Email: mike.hull@bdgse.com

**IV. PROJECT INFORMATION**

1. Total Property Area: 22,475 square feet
2. Total Coastal Wetlands Area: 0 square feet
3. Total Surface Water Area: 0 square feet
4. Total Property Area (1) – Total Coastal Wetlands Area (2) – Total Surface Water Area (3) = Total Project Area: 22,475 square feet.
5. Existing Impervious Surface within Project Area: 19,583 square feet
6. Existing Impervious Surface to be Removed/Demolished: 19,583 square feet
7. Existing Impervious Surface to Remain: 0 square feet
8. Total Onsite (within property boundary) Newly Constructed Impervious Surface (in square feet):

Buildings/Lots	2,535
Impervious Pavement	13,339
Pervious Pavement (total area / adjusted area w credit applied)	0 /
Impervious Sidewalks	1,006
Pervious Sidewalks (total area / adjusted area w credit applied)	0 /
Other (Describe)	0
Future Development	2,703
<b>Total Onsite Newly Constructed Impervious Surface</b>	<del>14,147</del> <b>19,583</b>

9. Total Onsite Impervious Surface  
(Existing Impervious Surface to remain + Onsite Newly Constructed Impervious Surface) ~~10,880~~ **19,583** square feet
10. Net Change in Onsite Impervious Surface (+ for net increase, - for net decrease) -2,703 square feet
11. Project percent of impervious area: (Total Onsite Impervious Surface / Total Project Area) x100 = 75.1 %
12. Total Offsite Newly Constructed Impervious Area (in square feet):

Impervious Pavement	0
Pervious Pavement (total area / adjusted area w credit applied)	0 /
Impervious Sidewalks	70
Pervious Sidewalks (total area / adjusted area w credit applied)	0 /
Other (Describe)	0
<b>Total Offsite Newly Constructed Impervious Surface</b>	0

13. Complete the following information for each Stormwater SCM drainage area. Low Density and Drainage Plan projects (with no permeable pavements) may omit this section and skip to Section V.

N/A - drains to a previously permitted stormwater pond City Pre/Post Infiltration Basin

Basin Information	Type of SCM SCM #	Type of SCM SCM #	Type of SCM SCM #
Receiving Stream Name			
Receiving Stream Index Number			
Stream Classification			
Total Drainage Area (sf)			
On-Site Drainage Area (sf)			
Off-Site Drainage Area (sf)			
Buildings/Lots (sf)			
Impervious Pavement (sf)			
Pervious Pavement (total / adjusted) (sf)	/	/	/
Impervious Sidewalks (sf)			
Pervious Sidewalks (total / adjusted) (sf)	/	/	/
Other (sf)			
Future Development (sf)			
Existing Impervious to remain (sf)			
Offsite (sf)			
<b>Total Impervious Area (sf)</b>			
<b>Percent Impervious Area (%)</b>			

Basin Information	Type of SCM SCM #	Type of SCM SCM #	Type of SCM SCM #
Receiving Stream Name			
Receiving Stream Index Number			
Stream Classification			
Total Drainage Area (sf)			
On-Site Drainage Area (sf)			
Off-Site Drainage Area (sf)			
Buildings/Lots (sf)			
Impervious Pavement (sf)			
Pervious Pavement (total / adjusted) (sf)	/	/	/
Impervious Sidewalks (sf)			
Pervious Sidewalks (total / adjusted) (sf)	/	/	/
Other (sf)			
Future Development (sf)			
Existing Impervious to remain (sf)			
Offsite (sf)			
<b>Total Impervious Area (sf)</b>			
<b>Percent Impervious Area (%)</b>			



**V. SUBMITTAL REQUIREMENTS**

Only complete application packages will be accepted and reviewed by the City. A complete package includes all of the items listed below. Copies of forms, deed restrictions, checklists as well as detailed instructions on how to complete this application form may be downloaded from the City of Wilmington Plan Review website below:

<https://www.wilmingtonnc.gov/departments/engineering/plan-review/stormwater-permits>

The complete application package should be submitted to the following address:

City of Wilmington – Engineering  
Plan Review Section  
212 Operations Center Dr.  
Wilmington, NC 28412

Please indicate that the following required information have been provided by initialing in the space provided for each item.

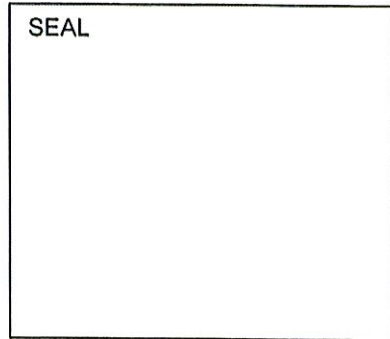
- |  | Initials   |
|--|------------|
| 1. One completed Stormwater Management Permit Application Form.  | <u>GVK</u> |
| 2. One completed Supplement Form for each SCM proposed (signed, sealed and dated).   | <u>n/a</u> |
| 3. One completed Operation & Maintenance agreement for each <u>type</u> of SCM.  | <u>n/a</u> |
| 4. Proposed Deed Restrictions and Restrictive Covenants (for all subdivisions)   | <u>n/a</u> |
| 5. Appropriate stormwater permit review fee.   | <u>GVK</u> |
| 6. Minimum requirements identified on the Engineering Plan Review Checklist have been addressed.   | <u>GVK</u> |
| 7. One set of calculations (sealed, signed and dated).   | <u>GVK</u> |
| 8. A detailed narrative (one to two pages) describing the stormwater treatment/management system for the project.  | <u>GVK</u> |
| 9. A USGS map identifying the site location. If the receiving stream is reported as class SA or the receiving stream drains to class SA waters within ½ mile of the site boundary, include the ½ mile radius on the map. | <u>GVK</u> |
| 10. A copy of the soils report, if applicable. Must meet NCDEQ SCM Manual and MDC requirements for the type of SCM proposed. The report must include boring logs and a map of boring locations.                          | <u>n/a</u> |
| 11. One full set of plans <u>folded to 8.5" x 14"</u> .  | <u>GVK</u> |
| 12. A map delineating and labeling the drainage area for each SCM proposed.  | <u>n/a</u> |
| 13. A map delineating and labeling the drainage area for each inlet and conveyance proposed.   | <u>GVK</u> |
| 14. A digital copy of the entire submittal package (can be submitted via flash drive, CD, email, dropbox or other file sharing system).  | <u>GVK</u> |

**VI. PROPERTY OWNER AUTHORIZATION** (If Section III(2) has been filled out, complete this section)

I, \_\_\_\_\_, certify that I own the property identified in this permit application, and thus give permission to \_\_\_\_\_ with \_\_\_\_\_ to develop the project as currently proposed. A copy of the lease agreement or pending property sales contract has been provided with the submittal, which indicates the party responsible for the operation and maintenance of the stormwater system.

As the legal property owner I acknowledge, understand, and agree by my signature below, that if my designated agent \_\_\_\_\_ dissolves their company and/or cancels or defaults on their lease agreement, or pending sale, responsibility for compliance with the City of Wilmington Stormwater Permit reverts back to me, the property owner. As the property owner, it is my responsibility to notify the City of Wilmington immediately and submit a completed Name/Ownership Change Form within 30 days; otherwise I will be operating a stormwater treatment facility without a valid permit. I understand that the operation of a stormwater treatment facility without a valid permit is a violation of the City of Wilmington Municipal Code of Ordinances and may result in appropriate enforcement including the assessment of civil penalties.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



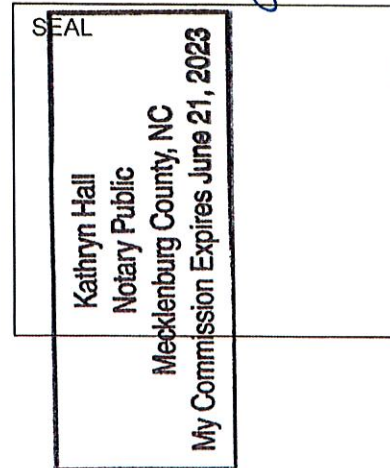
I, \_\_\_\_\_, a Notary Public for the State of \_\_\_\_\_, County of \_\_\_\_\_, do hereby certify that \_\_\_\_\_ personally appeared before me this day of \_\_\_\_\_, \_\_\_\_\_, and acknowledge the due execution of the application for a stormwater permit. Witness my hand and official seal,

My commission expires: \_\_\_\_\_

**VII. APPLICANT'S CERTIFICATION**

I, Greg Wilson certify that the information included on this permit application form is, to the best of my knowledge, correct and that the project will be constructed in conformance with the approved plans, that the required deed restrictions and protective covenants will be recorded, and that the proposed project complies with the requirements of the applicable rules under the City's Comprehensive Stormwater Ordinance.

Signature: Greg V. Wilson Date: 11/7/2021



I, Kathryn Hall, a Notary Public for the State of North Carolina, County of Mecklenburg, do hereby certify that Greg Wilson personally appeared before me this day of November 9, 2021, and acknowledge the due execution of the application for a stormwater permit. Witness my hand and official seal,

Kathryn Hall  
My commission expires: June 21, 2023

Permit No. 2022007  
(to be provided by D/WQ)  
City

State of North Carolina  
Department of Environment and Natural Resources  
Division of Water Quality

STORMWATER MANAGEMENT PERMIT APPLICATION FORM

**OFF-SITE SYSTEM SUPPLEMENT**

FOR DEVELOPMENT DRAINING TO PERMITTED OFF-SITE TREATMENT SYSTEMS  
*This form may be photocopied for use as an original*

City

D/WQ Stormwater Management Plan Review:

A complete stormwater management plan submittal includes a stormwater management permit application, an off-site system supplement for each off-site stormwater treatment system, appropriate supplement forms for any on-site stormwater treatment systems, and plans and specifications showing all stormwater conveyances and drainage details for the project.

**I. PROJECT INFORMATION**

Project Name : Proposed Cava Restaurant

Contact Person: Sam Berry Phone Number: (423)802-5358

Is all drainage from the project directed to the off-site system? (check one):  Yes  No

**II. OFF-SITE SYSTEM INFORMATION** (please complete the following information for the off-site system that will treat runoff from your project):

Permit No. 2019052

Project Name: Independece Mall Redevelopment

Type of System (wet pond, infiltration basin, etc.): Infiltration basin

Lot No. (if part of a subdivision): n/a

How much built upon area draining to the permitted treatment system has been allocated to this project? Existing BUA draining to permitted system= 19,583 square feet  
Net reudction in BUA for Future Allocation= 2,703 square feet

**III. REQUIRED ITEMS CHECKLIST**

Prior to issuing an off-site permit, verification of the following information must be provided. Initial in the space provided to indicate that the following requirements have been met and supporting documentation is attached. If the applicant has designated an agent in the Stormwater Management Permit Application Form, the agent may initial below. If a requirement has not been met, attach justification.

Applicants Initials

- N/A a. Deed restrictions limiting the built-upon area on the site have been recorded.
- N/A b. Engineers certification for the existing off-site system has been submitted to DWQ. *City Pre/Post only*
- ES c. There are no outstanding Notices of Violation for the off-site system.
- ES d. Off-site system is in compliance with the issued permit.

IV. STORMWATER COLLECTION SYSTEM MAINTENANCE REQUIREMENTS

1. Mowing will be accomplished as needed according to the season. Grass height will not exceed six inches at any time.
2. Accumulated sediment and trash will be removed from the collection system as necessary. Swales and ditches will be reseeded or sodded following sediment removal.
3. Eroded areas of swales and ditches will be repaired and reseeded. Swales and ditches will be revegetated as needed based on monthly inspections.
4. The collection system, including catch basins, curb cuts, velocity reduction devices, and piping, will be inspected monthly or after every significant runoff producing rainfall event. Trash and debris will be cleared away from grates, curb cuts, velocity reduction devices, and piping.
5. The collection system may not be altered in any way without prior approval from NCDENR Division of Water Quality.

I acknowledge and agree by my signature below that I am responsible for maintaining the stormwater collection system in accordance with the five maintenance procedures listed above. I agree to notify DWQ of any problems with the system or prior to any changes to the system or responsible party.

Print Name and Title: Greg Wilson, Partner

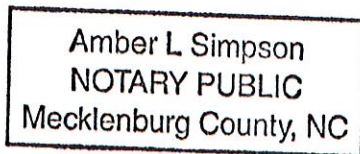
Address: 1200 EAST MOREHEAD STREET, SUITE 106, CHARLOTTE, NC 38204

Phone: 704-914-5445 Date: 11/16/21

Signature: *Greg V. Wilson*

*Note: The legally responsible party should not be a homeowners association unless more than 50% of the lots have been sold and a resident of the subdivision has been named the president.*

I, Amber L. Simpson, a Notary Public for the State of North Carolina, County of Mecklenburg, do hereby certify that Greg V. Wilson personally appeared before me this \_\_\_ day of 16, November, and acknowledge the due execution of the forgoing document including the stormwater collection system maintenance requirements. Witness my hand and official seal,



SEAL

*Amber L. Simpson*  
Notary Public  
My commission expires 08/05/2024