

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

February 8, 2024

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

CONSTRUCTION RELEASE

The Avenue

347 Military Cutoff Road
Project # 2022039

Consultant/Agent: Rob Balland, PE
Paramounte Engineering
122 Cinema Drive
Wilmington, NC 28403

Property Owner: 347 MCO, LLC
201 North Elm Street
Suite 201
Greensboro, NC 27401

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).
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. Design Adjustments were approved by the Design Adjustment Committee on 7/27/22 for the following design standards:
 1. A reduction in the minimum offset between intersections on the same side of the street.
 2. A reduction in the minimum offset between intersections on opposite sides of the street.
 3. Relief from providing 10-foot non-municipal easements along proposed private rights-of-way.
 4. Allow for non-standard right-of-way widths on Street A.
 5. Allow for non-standard street cross-section on Street B.
 6. Reduction in the minimum tangent lengths between horizontal curves.
 7. Reduction in the minimum standard centerline curve radii for local streets.
 8. Reduction in the minimum width of a median on a collector street.
 9. Allow for non-standard street cross-section on Street C.
 10. Allow for a non-standard cul-de-sac bulb and drop-off area on Street C.
 11. Allow for non-standard street cross-section on Street D.
 12. Allow for non-standard street cross-section on Street E.
 13. Allow for non-standard street cross-section on Alley F.
2. All improvements included in the approved Traffic Impact Analysis (TIA) shall be installed and inspected prior to the issuance of the final zoning approval.
3. 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.
4. This project will require the dedication of public drainage easement(s).
5. 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.
6. This project will require the dedication of private right(s)-of-way.

Name(s): Carroll Avenue, Harborview Way, Everton Way, Lilygate Lane, New Vine Drive, Havenstone Way
7. This project will require the submittal of a request for recycling and trash services form. Submittal of this form will ensure all residents receive city recycling and trash services as required by Section 10-4 of the city code. It is required for public street dedications serving single-family or duplex lots and is optional for private streets. This is not applicable for streets (public/private) serving commercial or multi-family development. This form can be submitted to the City Engineering Department.
8. 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.
 - An Engineer's certification shall also 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 is required by City of Wilmington Engineering personnel (910) 341-5856.
9. 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.
 10. 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.
 11. 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.
 12. 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.
 13. 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.
 14. 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.
 15. 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.

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

Project Planner:



Brian Chambers, Assistant Director

2/8/24

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:

Traci Lunceford, Compliance Officer

Date

The following items are included in this release package:

Item	Permit Number	Date
The Avenue Approved Plans	2022039	2/2/24
City of Wilmington Tree Permit	TPP-23-051	11/21/22
New Hanover County Grading Permit	GP 53-22	1/10/23
City Comprehensive Stormwater Management Permit (under separate cover)	2023050	2/2/24
U.S. ACOE Wetland Permit	SAW-2017-02531	9/28/20
N.C. DEQ CRC Permit	Renewal 2-20	2/2/24

Copy: Traci Lunceford
Bret Russell
Rob Gordon
Jim Quinn
Aaron Reese
Ray Perryman
Eric Seidel
Trent Butler
Chris Elrod
Chris Walker
Robert Bentfield
Brian Blackmon

Zoning Compliance
Construction Manager
Engineering (email only)
Stormwater Specialist (email only)
Urban Forestry (email only)
Engineering (email only)
Engineering (email only)
Engineering (email only)
Wilmington Fire Department (e-mail only)
Wilmington Fire Department (e-mail only)
Wilmington Fire Department (e-mail only)
Surveyor (e-mail only)



Bill McDow
Randall Glazier
Denys Vielkanowitz
Bernice Johnson
Beth Easley Wetherill
Jeff Thomas
Bobby Lloyd
Amy Beatty
Ron McMillan
Catherine Horner
Shawn Evans
Courtney Salgado
Michael Satterfield
Frank Mike
Nick Drees
Jon Roan
Ben Hughes
Randy Chavis
Angela Hammers
Michael Bass

Traffic Engineering (e-mail only)
Traffic Engineering (e-mail only)
Traffic Engineering (e-mail only)
CFPUA (e-mail letter only)
NHC Erosion Control (e-mail only)
GIS Analyst (e-mail only)
GIS Analyst (e-mail only)
Community Services (e-mail only)
Community Services (e-mail only)
City Zoning (email only)
City Attorney's Office (email only)
City Attorney's Office (email only)
City Attorney's Office (email only)
NC DOT (email only)
NC DOT (email only)
NC DOT (email only)
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File: **The Avenue**

Project #: **2022039**



Department of Planning,
 Development and Transportation
 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-23-051

Application for Tree Removal Permit

Name of Applicant: PARAMOUNT ENGINEERING
MIKE NICHOLS Phone: _____ Date: 9-14-2022

Name of Property Owner: 347 MCO, LLC. Phone: 336-274-8531

Property Owner Address: 201 NORTH ELM ST., SUITE 201, GREENSBORO, NC 27401

Address of Proposed Tree Removal: 347 + 349 MILITARY CUTOFF, 565 MILITARY CUTOFF,
302 + 306 LANCE DR., 128 E. WESTWOOD DR.

- Description of tree(s) to be removed/reason for removal: (provide attachment if necessary)
1. SEE TREE INVENTORY AND 6. _____
 2. REMOVALS PLAN, SHTS. L-1.1 7. _____
 3. THRU L-1.12 8. _____
 4. _____ 9. _____
 5. _____ 10. _____

Description of Replacement Tree(s): NONE REQUIRED.

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

Applicant Signature: [Signature] Date: 9-14-2022

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

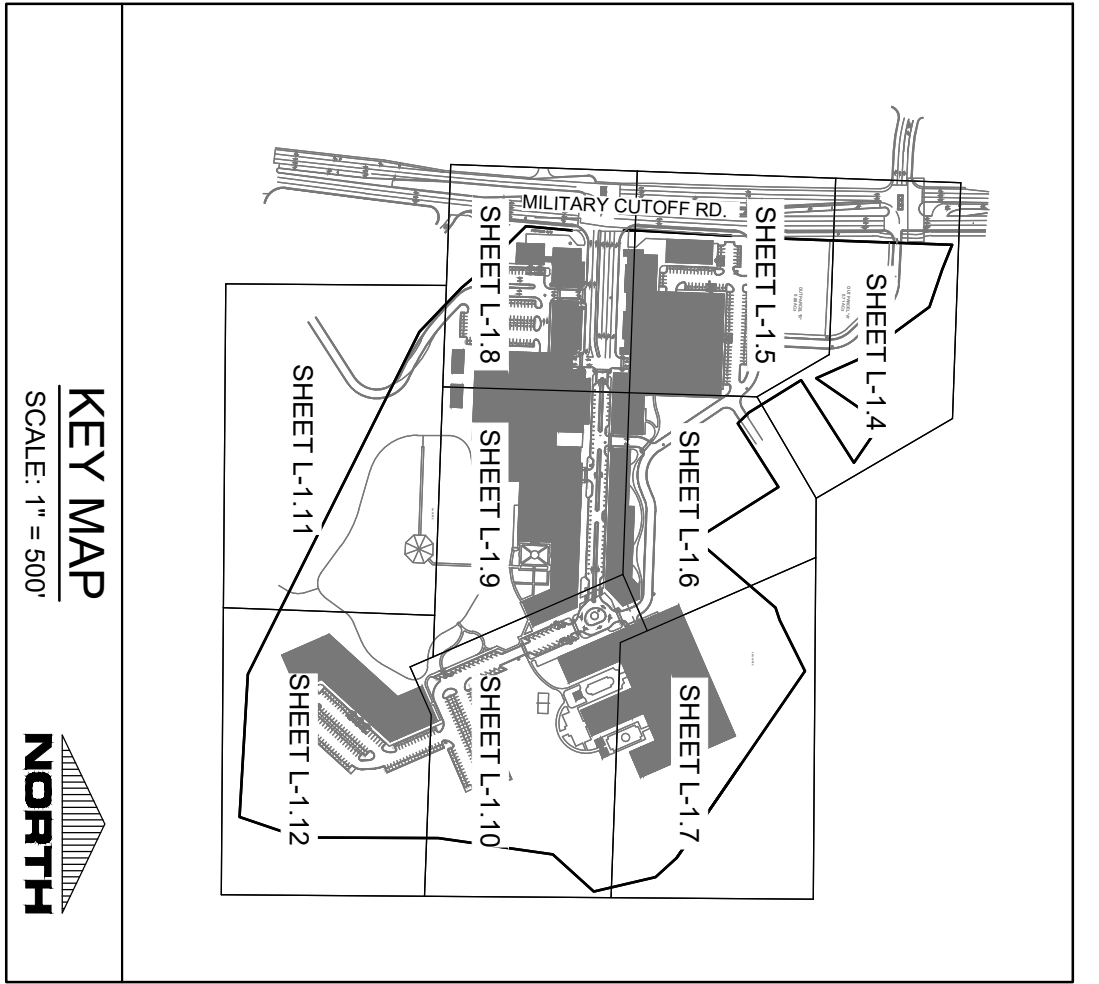
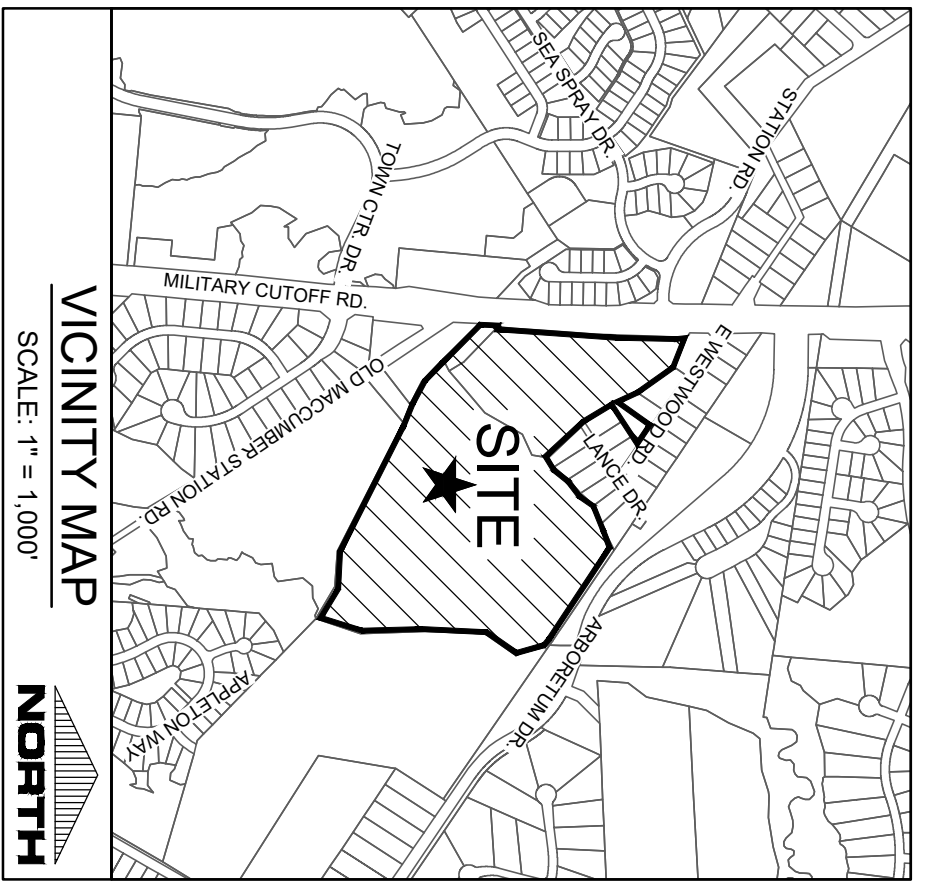
Reviewed By: B. Chambers Date: 11/21/22

Remarks: Per approved tree removal plan (attached). 235 replacement trees.
Mitigation trees to provided on landscape plan in excess of required plantings.

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

NEW CONSTRUCTION: _____ EXPANSION: _____ OTHER: _____ PAID: \$150 pd 9/22/22

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



SITE DATA TABULATION

APPLICANT: DENNIS H. BURTON, PE
CIP CONSTRUCTION COMPANY
201 NORTH ELM STREET, SUITE 201
GREENSBORO, NC 27401

PROJECT ADDRESS:

347 MILITARY CUTOFF RD
349 MILITARY CUTOFF RD
565 MILITARY CUTOFF RD
302 LANCE DRIVE
306 LANCE DRIVE
128 E. WESTWOOD DR
WILMINGTON, NC 28405

TAX PARCEL ID #:

R05-05-001-023-000
R05-05-002-008-000
R05-05-001-024-000
R05-05-001-015-000
R05-05-001-015-001
R05-05-001-019-000

DEED REFERENCE:

DB 1335 PG 019, DB 6519 PG 1573, DB 1220
PG 1622, DB 6949 PG 965, DB 2387 PG 146,
DB 9901 PG 501

TOTAL SITE AREA:

44.5 +/- ACRES (1,939,420 SQ')
UMA (CD)
THE SITE IS A DESIGNATED AREA OF HIGH
INTENSITY FROM THE COMP PLAN

CAMA LAND USE CLASSIFICATION: WATERSHED RESOURCE
PROTECTION AREA (CONSERVATION AREA)

TREE REMOVAL NOTES:

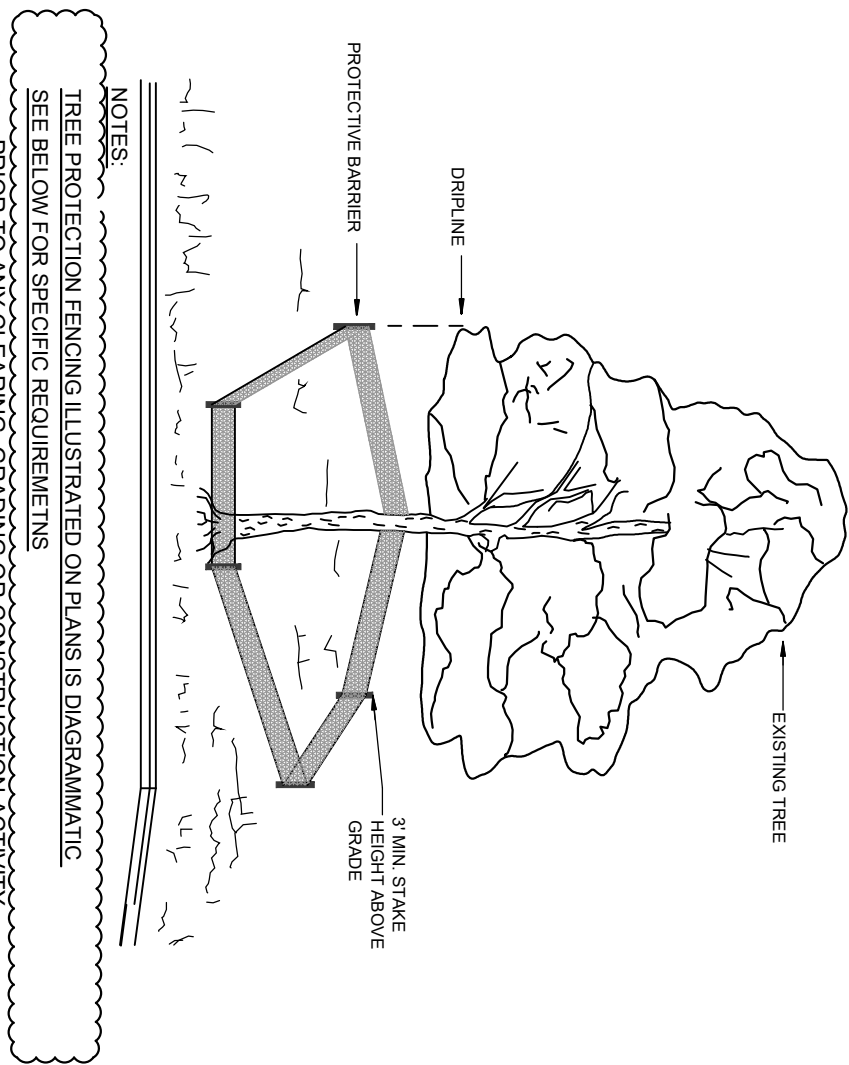
- PRIOR TO ANY CLEARING, GRADING, OR CONSTRUCTION ACTIVITY, TREE PROTECTION FENCING WILL BE INSTALLED AROUND PROTECTED TREES OR GROVES OF TREES. NO CONSTRUCTION WORKERS, TOOLS, MATERIALS OR VEHICLES ARE PERMITTED WITHIN TREE PROTECTION FENCING.

PLAN NOTES:

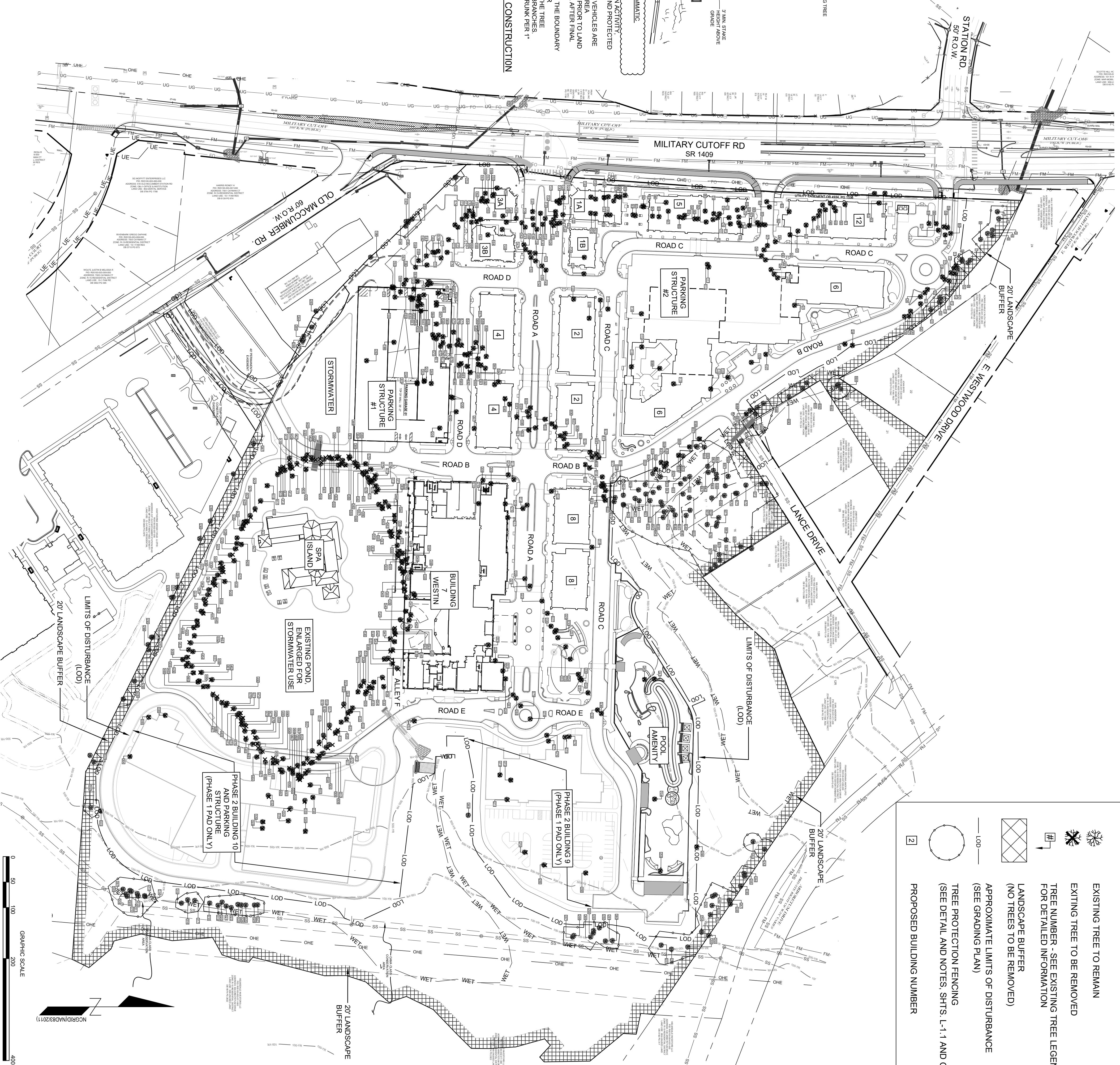
- REFER TO SHEETS L-1.2 AND L-1.3 FOR EXISTING TREE INVENTORY AND TREE REMOVAL LEGEND.
- REFER TO SHEETS L-1.4 THRU L-1.12 FOR DETAIL PLANS FOR EXISTING TREE INVENTORY AND TREE REMOVALS AT 1" = 30'. OVERLAY ON PROPOSED SITE PLAN IMPROVEMENTS.

TREE SPECIES NOTES:

- FOR THE PURPOSES OF MITIGATION, WHERE REQUIRED, ASSUME ALL "OAK" TREES ARE LIVE OAK SPECIES AND WILL BE MITIGATED AT THE QUANTITY / RATE COMMENSURATE AS REQUIRED.
- "LONG LEAF PINE" IS DIFFERENTIATED IN IT REQUIRED MITIGATION AND IS IDENTIFIED AS A SPECIFIC SPECIES IN THE TREE LEGEND. ALL OTHER PINES ARE CONSIDERED DIFFERENTIALLY BY THE ORDINANCE AND ARE CONSIDERED "PINE" AS A WHOLE AND SEPARATED FROM "LONG LEAF" VARIETY.
- THIS PLAN SHALL BE REVIEWED UNDER THE OLD CITY ORDINANCE, FROM THE DATE OF PLAN APPROVAL. THE PLAN WAS APPROVED IN JUNE 2018.

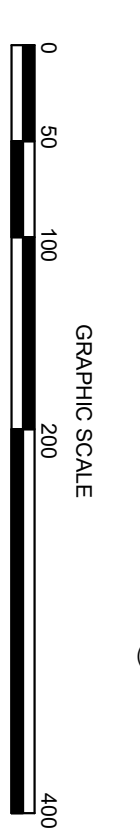


A METHOD OF TREE PROTECTION DURING CONSTRUCTION



LEGEND

	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED
	TREE NUMBER - SEE EXISTING TREE LEGEND FOR DETAILED INFORMATION
	LANDSCAPE BUFFER (NO TREES TO BE REMOVED)
	APPROXIMATE LIMITS OF DISTURBANCE (SEE GRADING PLAN)
	TREE PROTECTION FENCING (SEE DETAIL AND NOTES, SHTS. L-1.1 AND C-0.2)
	PROPOSED BUILDING NUMBER



FINAL DESIGN - NOT RELEASED FOR CONSTRUCTION

PROJECT STATUS
CONCEPTUAL LAYOUT:
PRELIMINARY LAYOUT:
FINAL DESIGN:
RELEASED FOR CONST:

DRAWING INFORMATION
DATE: 09/14/2022
SCALE: 1" = 100'
DESIGNED: MN
DRAWN: MN
CHECKED: RFB

PEL JOB#: 18173 PE

TREE INVENTORY & REMOVALS OVERALL PLAN
CARROLL AT THE AVENUE
MILITARY CUTOFF RD.
WILMINGTON, NC 28405

PARAMOUNTE ENGINEERING, INC.
122 Cinema Drive
Wilmington, North Carolina 28403
(910) 791-6707 (O) (910) 791-6760 (F)
NC License #: C-2846

CLIENT INFORMATION:
CIP CONSTRUCTION COMPANY
201 NORTH ELM STREET, STE. 201
GREENSBORO, NC 27401

REVISIONS:

APPROVED ADMINISTRATIVE MODIFICATION	3/10/2022
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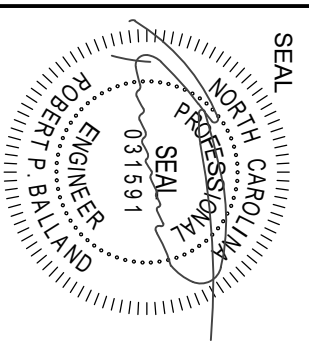
REVISIONS:		3/10/2022
APPROVED ADMINISTRATIVE MODIFICATION		

CLIENT INFORMATION:
CIP CONSTRUCTION COMPANY
 201 NORTH ELM STREET, STE. 201
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PARAMOUNT ENGINEERING INC.
 122 Cinema Drive
 Wilmington, North Carolina 28403
 (910) 791-6707 (O) (910) 791-6760 (F)
 NC License #: C-2846

TREE INVENTORY & REMOVALS
TREE LEGEND
CARROLL AT THE AVENUE
MILITARY CUTOFF RD.
WILMINGTON, NC 28405

PROJECT STATUS	CONCEPTUAL LAYOUT: PRELIMINARY LAYOUT: FINAL DESIGN: RELEASED FOR CONST:
DRAWING INFORMATION	DATE: 09/14/2022 SCALE: NO SCALE DESIGNED: MFB DRAWN: MFB CHECKED: RFB



PE LJOB# - 18173 PE
L-1.3
 10/2/2022

TREE NUMBER	SIZE (D.B.H.) INCHES	THE COMMON NAME	REMOVE SIGNIFICANT	ESSENTIAL SITE IMPROVEMENT	LOCATION OF TREE TO BE REMOVED FOR ESSENTIAL SITE IMPROVEMENT	TREES TO BE REMOVED FOR ESSENTIAL SITE IMPROVEMENT	TREE CATEGORY	% TREE MITIGATION REQUIRED (REMOVALS)	PRESERVED TREE CREDIT (SAVES)
640	15	WALNUT	NO	NO	HANDWOOD	1			
641	15	WALNUT	NO	NO	HANDWOOD	1			
642	15	WALNUT	NO	NO	HANDWOOD	1			
643	15	WALNUT	NO	NO	HANDWOOD	1			
644	15	WALNUT	NO	NO	HANDWOOD	1			
645	15	WALNUT	NO	NO	HANDWOOD	1			
646	15	WALNUT	NO	NO	HANDWOOD	1			
647	15	WALNUT	NO	NO	HANDWOOD	1			
648	15	WALNUT	NO	NO	HANDWOOD	1			
649	15	WALNUT	NO	NO	HANDWOOD	1			
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656	15	WALNUT	NO	NO	HANDWOOD	1			
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701	15	WALNUT	NO	NO	HANDWOOD	1			
702	15	WALNUT	NO	NO	HANDWOOD	1			
703	15	WALNUT	NO	NO	HANDWOOD	1			
704	15	WALNUT	NO	NO	HANDWOOD	1			
Total Tree Save Credits Earned Per Plan 0									
Total Mitigation Replacement Trees Required 235.0									

TREE MITIGATION NOTES:
 1. MITIGATION TREES REQUIRED AS A RESULT OF THE REMOVAL OF PROTECTED TREES SHALL NOT BE COUNTED TO MEET THE REQUIREMENTS OF THE STREET YARD BUFFERS OR TO ANY INTERIOR PARKING REQUIREMENTS. THESE TREES MUST BE PROVIDED IN ADDITION TO ANY TREE REQUIRED BY THIS ORDINANCE.
 2. ALL PLANTED TREES PLANTED AS A FUNCTION OF MITIGATION (OR OTHERWISE) SHALL BE A MINIMUM OF (2) TWO TO TWO AND ONE-HALF (2'-1 1/2") INCH CALIPER FOR SHADE TREES, AND (8) EIGHT TO (10) TEN FEET IN HEIGHT FOR UNDERSTORY AND MULTI-TRUNK TREES.

NOTES:
 1. TREES SHOWN WITH SHADED BACKGROUND ARE DESIGNATED REMOVALS FOR ESSENTIAL SITE IMPROVEMENTS - NO MITIGATION REQUIRED (PER SECTION 18-457)
 2. TREES WITH BLACKENED BACKGROUNDS ARE SIGNIFICANT AND REQUIRE MITIGATION.



NEW HANOVER COUNTY

ENGINEERING

230 Government Center Drive, Suite 160, Wilmington, NC 28403

P: (910) 798-7139 | F: (910) 798-7805 | NHCgov.com

Tim Lowe, PE, County Engineer

January 10, 2023

347 MCO, LLC
201 North Elm Street, Suite 201,
Greensboro, North Carolina 27401

RE: Grading Permit #53-22, Carroll @ The Avenue

Dear Mr. Stephen Anderson CFO,

This office has reviewed the erosion and sedimentation control plan. We find the plan to be acceptable and hereby issue this land-disturbing permit with modifications. **Please read the permit conditions carefully, return the signed color original to our office and keep the copy for your records.** A copy of the enclosed land-disturbing permit must be posted at the job site. This letter gives the notice required by GS 113A-61.1(a) and the New Hanover County Erosion and Sedimentation Control Ordinance Article VIII Section 8.21 of our right of periodic inspection to ensure compliance with the approved plan.

As of April 1, 2019, all new construction activities are required to complete and submit an electronic Notice of Intent (eNOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction General Permit. After the form is reviewed and found to be complete, you will receive a link with payment instructions for the applicable annual permit fee. After the fee is processed, you will receive the COC via email. As the Financially Responsible Party shown on the FRO form submitted for this project, you MUST obtain the COC prior to commencement of any land disturbing activity. The eNOI form and fee details may be accessed at deq.nc.gov/NCG01. Please direct questions about the eNOI form to the Stormwater Program staff in the Raleigh central office. **If the owner/operator of this project changes in the future, the new responsible party must obtain a new COC.**

A copy of the enclosed land-disturbing permit, a copy of the approved erosion and sedimentation control plan as well as any approved deviations, records of inspections made during the previous 12 months with the States Certificate of Compliance (COC) number on the report, and a rain gauge must be posted at the job site as required by 15A NCAC 4B .0118(a), the NCGO1 permit, and the New Hanover County Erosion and Sedimentation Control Ordinance Article VIII Section 8.19(o).

The land disturbing fee of \$8700 is due to be paid to New Hanover County Engineering, to my attention, prior to issuance of any Certificate of Occupancy or Certificate of Completion or prior to Plat Recordation, whichever is first.

A preconstruction meeting is optional prior to land-disturbing activity on this project. Please contact me at (910) 798-7139 if you would like to schedule this meeting in our office. If you choose not to have a preconstruction meeting, **you must contact us with the date the land-disturbing activity will take place onsite and again once the initial erosion control measures are installed.**

New Hanover County's Erosion and Sedimentation Control Program is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, it is determined that the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes 113A-51 through 66), and the New Hanover County Erosion and Sedimentation Control Ordinance Article VIII Section 8.19 (f), this office may require revisions to the plan and its implementation of the revisions to ensure compliance with the Act and Ordinance.

This land-disturbing permit will expire within 1 year following the date of approval, if no land-disturbing activity has been undertaken, as required by the New Hanover County Erosion and Sedimentation Control Ordinance Article VIII Section 8.18 (d). If no activity takes place within one year after work has begun onsite, the permit will expire. Please contact this office to reactivate a permit that has expired.

Acceptance and approval of this erosion control plan is conditioned upon your compliance with Federal and State water quality laws, regulations and rules and local city or county ordinances or rules. This land-disturbing permit approval does not supersede any other permits or approvals. It is the owner's responsibility to have all the permits and approvals that are required, prior to beginning construction.

Please note this approval is based in part on the accuracy of the information provided in the Financially Responsibility Form, which you provided. You are required to file an amended form if there is any change in the information included on the form.

Your cooperation is appreciated,



Beth Easley Wetherill CPESC
Erosion Control Supervisor

Enclosures: Land-Disturbing Permit
NCG01 Fact Sheet and Self Inspection & Monitoring Form

cc: Andrew Richards PE, Paramounte Engineering Inc.
Brian Chambers, City of Wilmington Planning
Charles Worsham, The Carroll Companies



Permit GP 53-22
LNDP 22-00101

Permit for a Land-Disturbing Activity

New Hanover County
Department of Engineering
230 Government Center Drive - Suite 160
Wilmington, North Carolina 28403
(910) 798-7139

As authorized by the New Hanover County Erosion and Sedimentation Control Ordinance

This permit issued to **347 MCO, LLC** authorizes the development of **29.0 acres** of land at **349 Military Cutoff Road for Carroll @ The Avenue** in New Hanover County with modifications. The permit issued on **January 10, 2024**, is subject to compliance with the application and site drawings, all applicable regulations and special conditions and notes set forth below. **Any plan modifications must be approved by this office prior to field changes.**

It is understood by the applicant that a representative of New Hanover County's Engineering Department may inspect the site at any time following the issuance of this Permit. A copy of the approved Soil Erosion Control Plan as well as any approved deviations, this permit, a rain gauge, the Certificate of Coverage (COC) number from the State and copies of the Combined Self-Monitoring and Self-Inspection Reports must be available at all times at the site.

Failure to execute the provisions of this permit and the approved Soil Erosion Plan, or any other provisions of the New Hanover County Soil Erosion and Sedimentation Control Ordinance, may result in immediate legal action by the County to the limits prescribed by the Ordinance. If the measures outlined on the approved Soil Erosion Control Plan and this Permit prove insufficient, additional Erosion Control measures can and will be required which in turn will be considered provisions of this Permit. This Permit does not preclude any other permits or approvals necessary for beginning or completing this development. Approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State laws, regulations, and rules. It is the Permittee's responsibility to obtain all necessary permits and approvals and to ensure the information given for this permit is accurate and updated if ownership or the financially responsible party changes.

SPECIAL CONDITIONS

(THESE CONDITIONS MUST BE FOLLOWED IN ADDITION TO THE PLANS AND SPECIFICATIONS)

*All the soil erosion control measures will be installed as the site is cleared and maintained throughout construction. These include construction entrance on **all** entrances and exits, ditch plugs and immediate ditch filling prior to any rain event, silt fences at the limits of disturbance as noted on the plans, silt fence outlets, 5 minimum 2:1 sloped diversions with min. 12 inch bottoms with 2 sections in each of the 5 diversions that will **all** be lined and all will have **rock** check dams according to the chart on page C-6.2, note diversion 4A does not include any rock check dams, **note the diversions will be reinstalled as grade is altered**, immediate installation and stabilization of 6 sediment basins their slopes and outlet structures with Faircloth skimmers and 3 coir baffles in each basin, sediment basin #1 will have a 4 inch Faircloth skimmer with a 3.3 inch orifice, sediment basin #2 will have a 2.5 inch Faircloth skimmer with a **2.0 inch orifice** as the chart on C 6.1 is incorrect, sediment basin #3 will have a 2 inch Faircloth skimmer with a 1.7 inch orifice, sediment basin #4 will have a 1.5 inch Faircloth skimmer with a 1.4 inch orifice, sediment basin #5 will have a 2 inch Faircloth skimmer with a 1.9 inch orifice and sediment

basin #6 will have 2 (two) 8 inch Faircloth skimmers both with 7.2 inch orifices, inlet and outlet protection, 12 inch compost sock wattles will be installed in several locations noted on the plans and in the level spreader, a rock lined level spreader, rear slopes noted on the plans will be seeded and lined when installed and left undisturbed for 7 calendar days, temporary pump around systems and dewatering with filter bags and polyacrylamide will be used to address turbidity. NOTE: Prior to any R/W work north of the entrance on Military Cut-off new plans and the disturbed area must be submitted and approved and no activity is allowed on the offsite road until the easement has been submitted to this office.

*Note the required separate NCG01 permit that requires concrete washouts and other NCG01 regulations.

*In issuing this permit New Hanover County has relied on the representations of the permit applicant. The County has no jurisdiction to determine any contested property rights or ownership.

***Tree Removal Permits and/or Approvals are required from the City of Wilmington and/or New Hanover County PRIOR to clearing of the site.**

*Silt fence stakes must be steel and will be placed **six feet apart without wire reinforcement or eight feet apart with wire reinforcement**. Silt fence is not allowed as inlet protection.

*This permit does not preclude any permits or approvals which may be necessary such as City of Wilmington or New Hanover County, NC DEMLR, C.A.M.A., and/or the US Army Corps. of Engineers, DEM Solid Waste or any other agencies or approvals that may be necessary.

*No sediment shall leave the site in suspension of water.

*If plan revisions are necessary, you must submit a copy to this office for approval prior to any field changes.

*If soil is brought onto this site or removed from this site, it must come from or be taken to an approved or permitted site, to be identified to this office prior to being brought onsite or removal from the site.

*All City and/or County and State drainage and stormwater requirements will be adhered to.

*If these measures fail to adequately control erosion, more restrictive measures will be required.

*If any phase of grading ceases for more than 90 calendar days, the site will be temporarily stabilized.

*All slopes must be stabilized within 21 calendar days of any phase of activity.

The approval of an erosion control plan is conditioned on the applicant's compliance with Federal and State Water Quality laws, regulations, and rules.

*Note the required rates for seed, lime, fertilizer, and mulch in your seeding specifications.

***Enclosed is a Combined Self-Monitoring and Self-Inspection Form that meets the requirements of both the NPDES Stormwater Permit for Construction Activities, NCG 010000 reporting and the Land Resources Self-Inspection Program that satisfies the requirements of the Sedimentation Pollution Control Act. These are mentioned below with specific requirements for each program. These reports are the responsibility of the property owner. They require a rain gauge onsite, inspections and reporting every 7 calendar days and within 24 hours of every 1.0-inch rain per 24-hour period and at specific phases of construction. Additional copies of this Combined Construction Inspection Report can be found at <https://www.deq.nc.gov/about/divisions/energy-mineral-and-land-resources/erosion-and-sediment-control-and-sediment-control-forms> . Reports must be available onsite at all times. If you have questions, please contact New Hanover County Engineering (910) 798-7139 or the Land Quality Section at the NC DEMLR Regional office at (910) 796-7215.**

***Note the NPDES information from the State for sites disturbing 1 acre or more and the reporting requirements.** All **NEW** projects permitted after August 3, 2011, **must include** the following surface water withdrawal locations and stabilization requirement designations on the plan in order to qualify for coverage under the most recent NPDES Construction General Permit. All settling basins must have outlet structures that withdraw water from the surface, with the exception of basins or traps that have a drainage area of less than 1 acre. The NPDES permit also requires ground cover within 14 calendar days on disturbed flat areas and ground cover within 7 calendar days on all areas within HQW Zones, perimeter dikes, swales, ditches, perimeter slopes and all slopes steeper than 3:1. Exceptions include slopes that are 10 feet or less in length and not steeper than

2:1 which must be stabilized within 14 calendar days and slopes greater than 50 feet which must be stabilized within 7 calendar days. It requires inspections of all erosion control measures and reporting every 7 days and within 24 hours of every 1.0-inch rain event in a 24-hour period. This permit also includes other new requirements which are listed in the text of the NPDES Stormwater Discharge Permit for Construction Activities and are included with the original copy of each land-disturbing permit.

*As of April 1, 2019, all new construction activities are required to complete and submit an electronic Notice of Intent (eNOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction General Permit. After the form is reviewed and found to be complete, you will receive a link with payment instructions for the applicable annual permit fee of \$120. After the fee is processed, you will receive the COC via email. As the Financially Responsible party shown on the FRO form submitted for this project, **you MUST obtain the COC prior to commencement of any land disturbing activity.** The eNOI form and fee details may be accessed at deq.nc.gov/NCG01. Please direct questions about the eNOI form to the stormwater Program staff in the Raleigh central office. If the owner/operator of this project changes in the future, the new responsible party must obtain a new COC. Once the project is stabilized and receives the final land-disturbance inspection, you should file a Notice of Termination (NOT) with the State to final out the project.

*Note the Land Resources Self Inspection Program Requirements. This program is separate from the NPDES reporting and requires inspection and documentation after each phase of construction. These phases include: Installation of perimeter erosion control measures, Clearing and Grubbing of existing ground cover, Completion of any phase of grading of slopes or fills, Installation of storm drainage facilities, Completion of construction or development, Establishment of permanent ground cover sufficient to restrain erosion and any Deviation from the approved plan.

*Pre-construction meetings are optional. Contact Beth E. Wetherill at (910) 798-7139 to set up a meeting prior to land-disturbing activity onsite. If you do not choose to have a preconstruction meeting prior to starting work on site, **you should contact us when activity begins and again when the initial measures have been installed.**

This Permit will expire one year from date of issue if no construction activity begins on site. This permit may not be amended or transferred to another party without approval of this office.

Acknowledgment of receipt of Permit

Owner

By (please print)

Signature

Beth E. Wetherill
Beth E. Wetherill CPESC
Erosion Control Supervisor



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

September 28, 2020

Regulatory Division

Action ID: SAW-2017-02531

347 MCO LLC
Roy E. Carroll II
201 North Elm Street
Suite 201
Greensboro, NC 27401

Dear Mr. Carroll:

Please reference your July 9, 2020, request submitted by your agent, Land Management Group, Inc., to modify the Department of the Army (DA) permit issued on January 27, 2020 to fill approximately 0.47 acre of jurisdictional wetlands and 70 linear feet of stream, and convert 3.4 acres of open water into stormwater use associated with a mixed use development. This site is located at 349 and 565 Military Cutoff Road in Wilmington, New Hanover County, North Carolina.

Specifically, your request is to impact an additional 0.037 acre of jurisdictional channel and enlarge the open water pond to create two islands for the construction footprint of designated amenities. With the expansion and inclusion of the islands the pond size will remain 3.4 acres. These changes are due to a modification of the original 5/10/2019 plans for the commercial development layout of the original 5/10/2019 plans for the commercial development.

Upon the review of your permit modification request, our office has determined that the modification is hereby authorized pursuant to Section 404 of the Clean Water Act provided adherence to all new, modified, and original conditions (attached). The original expiration date of December 31, 2025 remains unchanged.

1) New Special Condition:

- a) Prior to initiating any work in the permitted wetland impact area, a finalized copy of the Mitigation Transfer Form, signed by the Lower Cape Fear Mitigation Bank Sponsor or authorized agent, shall be provided to the Corps of Engineers Wilmington Regulatory Field Office, Attn: Ms. Rachel Capito.
- b) Notification of work start date shall be provided to our office two (2) weeks prior to the initiation of any construction.

2) Modified Special Condition (number coincides with the original permit condition):

a) Special Condition (2) Work Limits: All work authorized by this permit shall be performed in strict compliance with the attached plans dated June 30, 2020, which are a part of this permit. The Permittee shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Any modification to the attached permit plans must be approved by the U.S. Army Corps of Engineers (Corps) prior to any active construction in waters or wetlands.

All other permit conditions pursuant to the January 27, 2020 authorization (copy enclosed) remain applicable. If you have any questions or comments, please contact the project manager, Rachel Capito at (910) 251-4487 or Rachel.A.Capito@usace.army.mil.

Sincerely,

Mickey Sugg, Chief
Wilmington Regulatory Field Office

Copies furnished with enclosures:

Kim Williams-LMG- kwilliams@lmgroup.net

Paul Wojoski-DWR- Paul.wojoski@ncdenr.gov

Robb Mairs-DWR- Robb.mairs@ncdenr.gov

Tara McPherson-DCM- Tara.macpherson@ncdenr.gov

Brian Chambers-City of Wilmington- Brian.chambers@wilmingtonnc.gov

DEPARTMENT OF THE ARMY PERMIT

Permittee: 347 MCO, LLC Mr. Roy E. Carroll II

Permit No.: SAW-2017-02531

Issuing Office: CESAW-RG-L

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: This verification authorizes the discharge of fill material into 0.47 acres of wetlands and 70 linear feet of stream for the construction of a mixed use development with commercial retail, hospitality, office, residential units, and parking garages. This project, known as Carroll at the Avenue, will also impact 3.4 acres of open water jurisdictional pond in order to convert the pond for stormwater use.

Project Location: The project area is located off Military Cutoff Road, between Old MacCumber Station Road and East Westwood Road, adjacent to an unnamed tributary to Howes Creek, in Wilmington, New Hanover County, North Carolina. The address for this site is 349 and 565 Military Cutoff Road, Wilmington, North Carolina 28405.

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2025. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit,

Special Conditions:

SEE ATTACHED SPECIAL CONDITIONS

Further Information:

1. **Congressional Authorities:** You have been authorized to undertake the activity described above pursuant to:

- () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. **Limits of this authorization.**

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. **Limits of Federal Liability.** In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.



(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.



(DISTRICT ENGINEER) Robert C. Clark, COLONEL

3/9/20

(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

SPECIAL CONDITIONS
Action ID: SAW-2017-02531

1. Stormwater Pond: It should be noted that the pond will be removed from Corps' permitting authority, pursuant to Section 404 of the Clean Water Act, once NC DWR authorizes its use as a permitted stormwater facility. The permittee shall maintain the feature in perpetuity as a 3.4 acre open water stormwater pond under the conditions of the State Stormwater Permit. Prior notification must be made to the Corps if there is any change from a wastewater facility to another designated use, as a change in use will potentially revert jurisdiction back to Corps and potentially require further authorization and/or mitigation.

2. Work Limits: All work authorized by this permit shall be performed in strict compliance with the attached plans dated 5/10/2019, which are a part of this permit. The Permittee shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Any modification to the attached permit plans must be approved by the U.S. Army Corps of Engineers (Corps) prior to any active construction in waters or wetlands.

3. Unauthorized Dredge and/or Fill: Except as authorized by this permit or any Corps-approved modification to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.

4. Permit Distribution: The Permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions and drawings shall be available at the project site during construction and maintenance of this project.

5. Notification of Construction Commencement and Completion: The Permittee shall notify the U.S. Army Corps of Engineers in writing prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.

6. Reporting Address: All reports, documentation, and correspondence required by the conditions of this permit shall be submitted to the following: U.S. Army Corps of Engineers, Wilmington District Wilmington Regulatory Field Office, Attn: Rachel Capito, 69 Darlington Ave Wilmington, NC 28403, or Rachel.A.Capito@usace.army.mil. The Permittee shall reference the following permit number, SAW-2017-02531, on all submittals.

7. Permit Revocation: The Permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the water or wetland to its pre-project condition.

8. Reporting Violations: Violation of these permit conditions or violation of Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act shall be reported to the Corps in writing and by telephone at: 910-251-4487 within 24 hours of the Permittee's discovery of the violation.

9. Endangered Species Act: The Permittee shall implement all necessary measures to ensure the authorized activity does not kill, injure, capture, harass, or otherwise harm any federally-listed threatened or endangered species. While accomplishing the authorized work, if the Permittee discovers or observes an injured or dead threatened or endangered species, the U.S. Army Corps of Engineers, Wilmington District Wilmington Field Office, Attn: Rachel Capito at 910-251-4487, or Rachel.A.Capito@usace.army.mil will be immediately notified to initiate the required Federal coordination.

10. Maintain Flows and Circulation Patterns of Waters: Except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within waters or wetlands or to reduce the reach of waters and/or wetlands.

11. Sediment and Erosion Control:

1) During the clearing phase of the project, heavy equipment shall not be operated in surface waters or stream channels. Temporary stream crossings will be used to access the opposite sides of stream channels. All temporary diversion channels and stream crossings will be constructed of non-erodible materials. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.

2) No fill or excavation impacts for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless the impacts are included on the plan drawings and specifically authorized by this permit. This includes, but is not limited to, sediment control fences and other barriers intended to catch sediment losses.

3) The Permittee shall remove all sediment and erosion control measures placed in waters and/or wetlands, and shall restore natural grades on those areas, prior to project completion unless deemed necessary for the establishment of permanent stabilization.

4) The Permittee shall use appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" to ensure compliance with the appropriate turbidity water quality standard. Erosion and sediment control practices shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such

Best Management Practices in order to ensure compliance with the appropriate turbidity water quality standards. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project shall remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4). Adequate sedimentation and erosion control measures shall be implemented prior to any ground disturbing activities to minimize impacts to downstream aquatic resources. These measures shall be inspected and maintained regularly, especially following rainfall events. All fill material shall be adequately stabilized at the earliest practicable date to prevent sediment from entering into adjacent waters or wetlands.

12. Clean Fill: The Permittee shall use only clean fill material for this project. The fill material shall be free of items such as trash, construction debris, metal and plastic products, and concrete block with exposed metal reinforcement bars. Soils used for fill shall not be contaminated with any toxic substance in concentrations governed by Section 307 of the Clean Water Act. Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source.

13. Water Contamination: All mechanized equipment shall be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the Permittee shall immediately report it to the N.C. Division of Water Resources at (919) 733-3300 or (800) 858-0368 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act shall be followed.

14. Aquatic Life Movement: No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area. All discharges of dredged or fill material within waters of the United States shall be designed and constructed to maintain low flows to sustain the movement of aquatic species.

15. Prohibitions on Concrete: The Permittee shall take measures necessary to prevent live or fresh concrete, including bags of uncured concrete, from coming into contact with any water in or entering into waters of the United States. Water inside coffer dams or casings that has been in contact with concrete shall only be returned to waters of the United States when it no longer poses a threat to aquatic organisms (concrete is set and cured).

16. Compensatory Mitigation: In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit.

17. Culverts:

1) Unless otherwise requested in the application and depicted on the approved permit plans, culverts greater than 48 inches in diameter shall be buried at least one foot below the bed of the stream. Culverts 48 inches in diameter and less shall be buried or placed on the stream bed as practicable and appropriate to maintain aquatic passage, and every effort shall be made to maintain existing channel slope. The bottom of the culvert shall be placed at a depth below the natural stream bottom to provide for passage during drought or low flow conditions. Culverts shall be designed and constructed in a manner that minimizes destabilization and head cutting.

2) Measures shall be included in the culvert construction/installation that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern, and profile of the stream above and below a culvert or pipe shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed opening shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. Spring flow should be determined from gauge data, if available. In the absence of such data, bankfull flow can be used as a comparable level.

3) The Permittee shall implement all reasonable and practicable measures to ensure that equipment, structures, fill pads, work, and operations associated with this project do not adversely affect upstream and/or downstream reaches. Adverse effects include, but are not limited to, channel instability, flooding, and/or stream bank erosion. The Permittee shall routinely monitor for these effects, cease all work when detected, take initial corrective measures to correct actively eroding areas, and notify this office immediately. Permanent corrective measures may require additional authorization by the U.S. Army Corps of Engineers.

4) Culverts placed within wetlands must be installed in a manner that does not restrict the flows and circulation patterns of waters of the United States. Culverts placed across wetland fills purely for the purposes of equalizing surface water shall not be buried, but the culverts must be of adequate size and/or number to ensure unrestricted transmission of water.

18. CAMA Permit: The Permittee shall fully abide by all conditions of the CAMA Major Development Permit No. **2-20**, dated **January 2, 2020**, issued by the North Carolina Division of Coastal Management, which are incorporated herein by reference.

19. Compliance Inspection: A representative of the Corps of Engineers will periodically and randomly inspect the work for compliance with these conditions. Deviations from these procedures may result in a directive to cease work until the problem is resolved to the satisfaction of the Corps.

Compensatory Mitigation Responsibility Transfer Form

Permittee: 347 MCO LLC, Roy E. Carroll II
Project Name: Carroll at the Avenue

Action ID: SAW-2017-02531
County: New Hanover County

Instructions to Permittee: The Permittee must provide a copy of this form to the Mitigation Sponsor, either an approved Mitigation Bank or the North Carolina Division of Mitigation Services (NCDMS), who will then sign the form to verify the transfer of the mitigation responsibility. Once the Sponsor has signed this form, it is the Permittee's responsibility to ensure that to the U.S. Army Corps of Engineers (USACE) Project Manager identified on page two is in receipt of a signed copy of this form before conducting authorized impacts, unless otherwise specified below. If more than one mitigation Sponsor will be used to provide the mitigation associated with the permit, or if the impacts and/or the mitigation will occur in more than one 8-digit Hydrologic Unit Code (HUC), multiple forms will be attached to the permit, and the separate forms for each Sponsor and/or HUC must be provided to the appropriate mitigation Sponsors.

Instructions to Sponsor: The Sponsor must verify that the mitigation requirements (credits) shown below are available at the identified site. By signing below, the Sponsor is accepting full responsibility for the identified mitigation, regardless of whether or not they have received payment from the Permittee. Once the form is signed, the Sponsor must update the bank ledger and provide a copy of the signed form and the updated bank ledger to the Permittee, the USACE Project Manager, and the Wilmington District Mitigation Office (see contact information on page 2). The Sponsor must also comply with all reporting requirements established in their authorizing instrument.

Permitted Impacts and Compensatory Mitigation Requirements

Permitted Impacts Requiring Mitigation*: **8-digit HUC and Basin:** 03030001, White Oak River Basin

Stream Impacts (linear feet)			Wetland Impacts (acres)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
	70			0.47		

*If more than one mitigation sponsor will be used for the permit, only include impacts to be mitigated by this sponsor.

Compensatory Mitigation Requirements: **8-digit HUC and Basin:** 03030001, White Oak River Basin

Stream Mitigation (credits)			Wetland Mitigation (credits)			
Warm	Cool	Cold	Riparian Riverine	Riparian Non-Riverine	Non-Riparian	Coastal
	140			0.94		

Mitigation Site Debited: Lower Cape Fear Umbrella Mitigation Bank

(List the name of the bank to be debited. For umbrella banks, also list the specific site. For NCDMS, list NCDMS. If the NCDMS acceptance letter identifies a specific site, also list the specific site to be debited).

Section to be completed by the Mitigation Sponsor

Statement of Mitigation Liability Acceptance: I, the undersigned, verify that I am authorized to approve mitigation transactions for the Mitigation Sponsor shown below, and I certify that the Sponsor agrees to accept full responsibility for providing the mitigation identified in this document (see the table above), associated with the USACE Permittee and Action ID number shown. I also verify that released credits (and/or advance credits for NCDMS), as approved by the USACE, are currently available at the mitigation site identified above. Further, I understand that if the Sponsor fails to provide the required compensatory mitigation, the USACE Wilmington District Engineer may pursue measures against the Sponsor to ensure compliance associated with the mitigation requirements.

Mitigation Sponsor Name: _____

Name of Sponsor's Authorized Representative: _____

 Signature of Sponsor's Authorized Representative

 Date of Signature

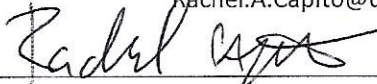
Conditions for Transfer of Compensatory Mitigation Credit:

- Once this document has been signed by the Mitigation Sponsor and the USACE is in receipt of the signed form, the Permittee is no longer responsible for providing the mitigation identified in this form, though the Permittee remains responsible for any other mitigation requirements stated in the permit conditions.
- Construction within jurisdictional areas authorized by the permit identified on page one of this form can begin only after the USACE is in receipt of a copy of this document signed by the Sponsor, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein. For authorized impacts conducted by the North Carolina Department of Transportation (NCDOT), construction within jurisdictional areas may proceed upon permit issuance; however, a copy of this form signed by the Sponsor must be provided to the USACE within 30 days of permit issuance. NCDOT remains fully responsible for the mitigation until the USACE has received this form, confirming that the Sponsor has accepted responsibility for providing the mitigation requirements listed herein.
- Signed copies of this document must be retained by the Permittee, Mitigation Sponsor, and in the USACE administrative records for both the permit and the Bank/ILF Instrument. It is the Permittee's responsibility to ensure that the USACE Project Manager (address below) is provided with a signed copy of this form.
- If changes are proposed to the type, amount, or location of mitigation after this form has been signed and returned to the USACE, the Sponsor must obtain case-by-case approval from the USACE Project Manager and/or North Carolina Interagency Review Team (NCIRT). If approved, higher mitigation ratios may be applied, as per current District guidance and a new version of this form must be completed and included in the USACE administrative records for both the permit and the Bank/ILF Instrument.

Comments/Additional Conditions:

This form is not valid unless signed below by the USACE Project Manager and by the Mitigation Sponsor on Page 1. *Once signed, the Sponsor should provide copies of this form along with an updated bank ledger to: 1) the Permittee, 2) the USACE Project Manager at the address below, and 3) the Wilmington District Mitigation Office, Attn: Todd Tugwell, 3331 Heritage Trade Drive, Suite 105, Wake Forest, NC 27587 (email: todd.tugwell@usace.army.mil).* Questions regarding this form or any of the permit conditions may be directed to the USACE Project Manager below.

USACE Project Manager: Rachel Capito
USACE Field Office: Wilmington Regulatory Field Office
US Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403
Email: Rachel.A.Capito@usace.army.mil

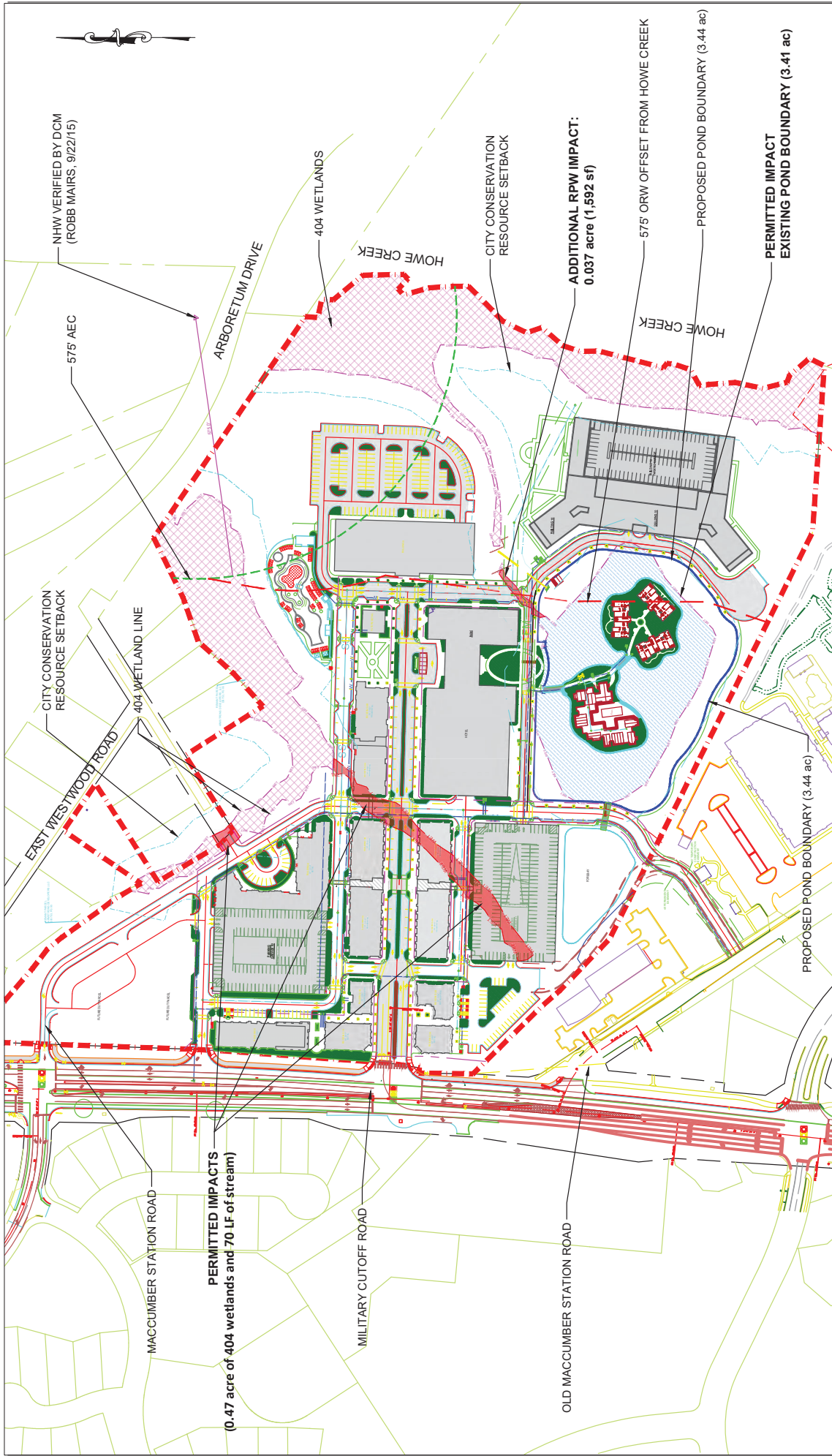


USACE Project Manager Signature

9-28-20

Date of Signature

Current Wilmington District mitigation guidance, including information on mitigation ratios, functional assessments, and mitigation bank location and availability, and credit classifications (including stream temperature and wetland groupings) is available at <http://ribits.usace.army.mil>.



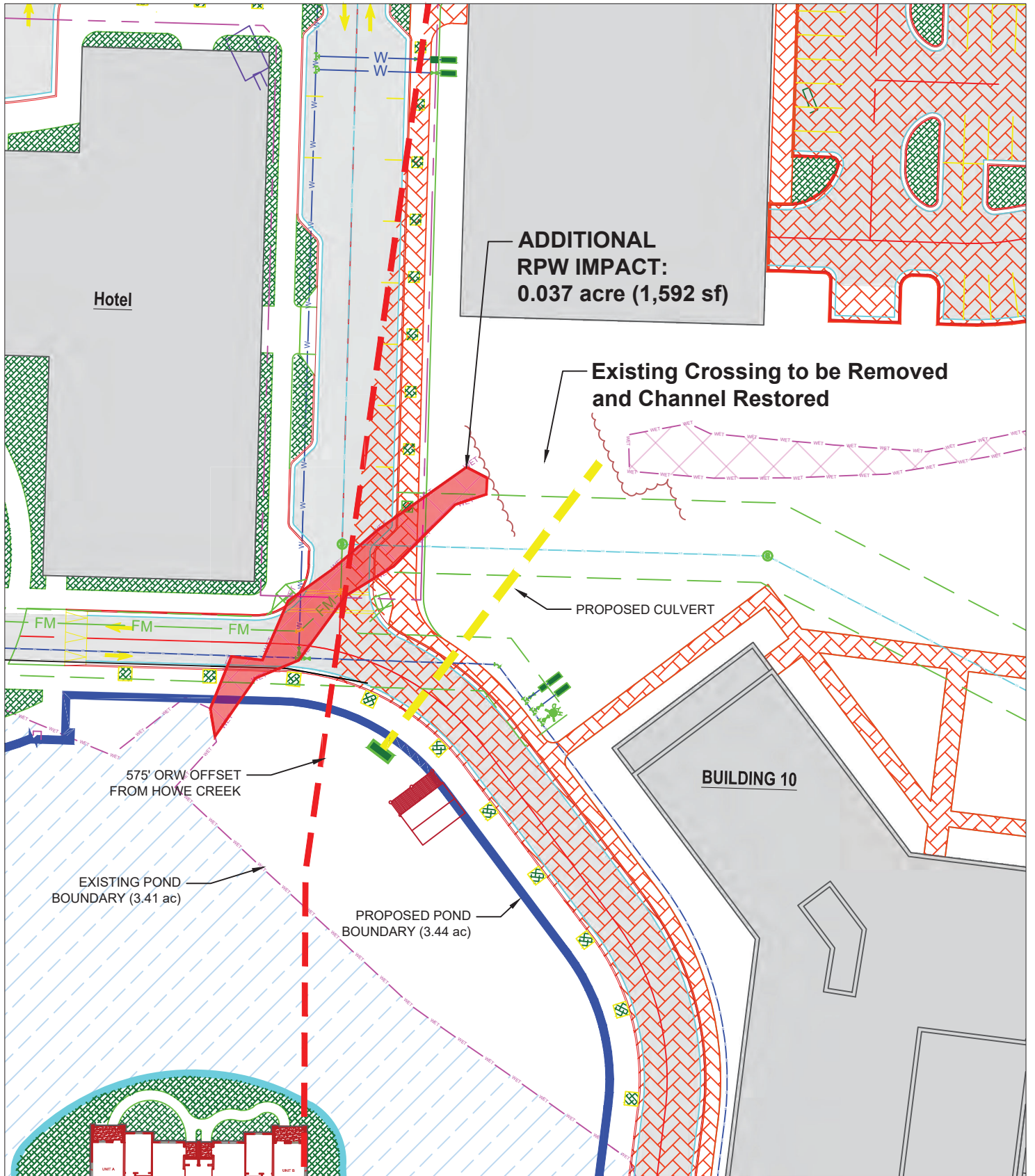
Legend

- Project Boundary
- 575' AEC
- 404 Wetlands
- Proposed Jurisdictional Impacts

- NOTES:**
1. BASE CAD FILE PROVIDED BY PARAMOUNT ENGINEERING, INC.
 2. NOT A SURVEYED OR ENGINEERED DRAWING.
 3. FOR ENVIRONMENTAL PERMITTING ONLY.



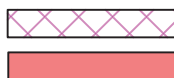
	Project/Applicant:	Date:	Revision Date:
	Carroll at the Avenue/ 347 MCC, LLC	6/30/20	NA
	Title:	Scale:	Job Number:
	Revised Project Plan View	1"=200'	LMG19.061
	Drawn By:	GSF/KCW	Sheet Number:
			5



- NOTES:
1. BASE CAD FILE PROVIDED BY PARAMOUNTE ENGINEERING, INC.
 2. NOT A SURVEYED OR ENGINEERED DRAWING.
 3. FOR ENVIRONMENTAL PERMITTING ONLY.



404 Wetlands
Proposed RPW Impacts



LMG
LAND MANAGEMENT GROUP
a DAVEY company
3805 Wrightsville Ave, Suite 15
Wilmington, North Carolina 28402
Telephone: 910-452-0001

Project/Applicant: Carroll at the Avenue/ 347 MCO, LLC	Date: 6/30/20	Revision Date: NA
Title: Project Plan View	Scale: 1"=50'	Job Number: LMG19.061
	Drawn By: GSF/KCW	Sheet Number: 6

C-6.0

REVISION: 18MAY16

PROJECT STATUS
CONSTRUCTION
PRELIMINARY DESIGN
REVISIONS FOR CONSTRUCTION
DRAWING INFORMATION
DATE
SCALE
PROJECT NO.
PROJECT NAME

DETAILS
 CARROLL AT THE AVENUE
 MILITARY CUTOFF RD.
 WILMINGTON, NC 28405

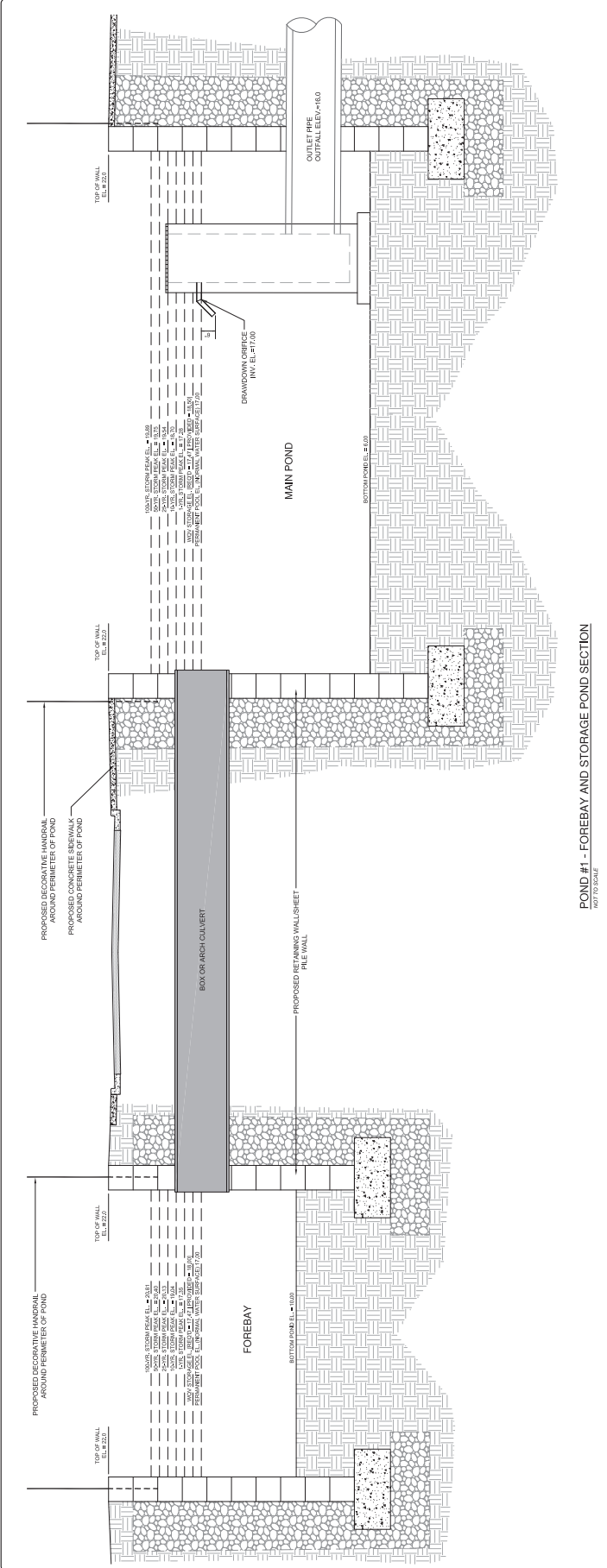
PARAMOUNT ENGINEERING, INC.
 122 Carolina Drive
 Wilmington, North Carolina 28403
 (910) 791-6707 (O) (910) 791-6769 (F)
 NC License # C-2846

CLIENT INFORMATION
 CIP CONSTRUCTION COMPANY
 201 NORTH ELM STREET, STE. 201
 GREENSBORO, NC 27401

REVISIONS:

FIGURE 7. STORMWATER POND CROSS SECTION

PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION



POND #1 - FOREBAY AND STORAGE POND SECTION
NOT TO SCALE

Permit Class
RENEWAL

Permit Number
2-20

STATE OF NORTH CAROLINA
Department of Environmental Quality
and
Coastal Resources Commission

Permit

for

Major Development in an Area of Environmental Concern
pursuant to NCGS 113A-118

Excavation and/or filling pursuant to NCGS 113-229

Issued to **347 MCO, LLC, 201 North Elm Street, Greensboro, NC 27401**

Authorizing development in New Hanover County at adj. to the headwaters of Howe Creek, at 347 Military Cutoff R., in Wilmington, as requested in the permittee's application ~~dated~~ letter dated 1/16/24

This permit, issued on **February 2, 2024**, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

NOTE: This renewal shall be attached to Permit No. 2-20, which was issued to the permittee on 1/2/20, as well as all subsequent modifications, refinements, and renewals, and copies of all documents shall be readily available on site when a Division representative inspects the project for compliance.

1) All conditions and stipulations of the active permit remain in force under this renewal. [07J .0209(a)]

NOTE: The N.C. Division of Water Resources has assigned the proposed project DWR Project No. 2017-1606v2.

NOTE: The U.S. Army Corps of Engineers has assigned the proposed project SAW Action Id. No. 2017-02531.

NOTE: A permit renewal application processing fee of \$100 was received by DCM for this project.

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

December 31, 2025

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DEQ and the Chairman of the Coastal Resources Commission.



For Tancred Miller, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee