

DESIGN ADJUSTMENT APPLICATION

DESIGN ADJUSTMENT COMMITTEE REVIEW



City of Wilmington
Planning and Development

PO Box 1810 | 929 N Front St.
Wilmington, NC 28401
Telephone 910.254.0900

- Subdivision Design Building Design & Materials Technical Standards & Specifications

All projects that require a design adjustment must submit a *Design Adjustment Application*. Design adjustments allow for deviations from the subdivision design standards, building design and material standards, or *Technical Standards and Specifications Manual*. Design adjustments will be heard by the Design Adjustment Committee (DAC) at a quasi-judicial hearing (Section 18-603). Following the DAC decision, construction plans may be submitted via the standard Formal TRC Review process. An application for a design adjustment must be submitted at the time of application for a preliminary subdivision plan or formal site plan review. Application packages must include the following:

- Design Adjustments Application & Fee (\$500.00)
- Design Adjustment Narrative (standard, requested adjustment, justification)
- Mailing Fee for Notification of Adjacent Property owners
 - o An invoice will be emailed for the mailing fee at a cost of \$0.85 per notice. Payment must be made within 5 business days of the invoice.

Project Information

Project Name: Circle K - Kerr & Market St
Location: 4500 Market Street, Wilmington NC 28405
Current Zoning: RB (Regional Business) Site Acreage: 1.39 ac
Proposed Land Uses: Convenience Store w/ Fuel Pumps Proposed Number of Units/Lots: 1
AM Peak Hour Vehicle Trips: 227 PM Peak Hour Vehicle Trips: 124

Owner Information

Owner(s) Name: MARKET STREET VENTURES, LLC
Mailing Address: 3013 HALL WATERS DRIVE SUITE A WILMINGTON, NC 28405
Phone: 910-399-6839 Email: brian.prewitt@wilmingtondeuco.com

Consultant/Agent Information

Consultant/Agent Name: Rick Baker (Timmons Group)
Mailing Address: 5410 Trinity Rd, Suite 102, Raleigh NC 27607
Phone: 919.532.3262 Email: publiclandpermits@timmons.com

Owner Authorization: H. Bin Brewster Date: 8-1-24
mem/manager

DESIGN ADJUSTMENT APPLICATION

Design Adjustment Narrative

The Design Adjustment Narrative must identify the standard(s) for which a design adjustment is being requested, the requested adjustments, and the justification for each requested adjustment. The applicant shall provide any pertinent material necessary for review. This may include architectural renderings, materials samples, roadway cross-sections, site or subdivision layouts, or other project specific information. It is recommended that a redline diagram (cutsheet from site plan) be provided to help illustrate each waiver/adjustment being requested.

DAC Review & Approval

In granting the requested adjustment, the design adjustment committee shall make findings of fact that the following requirements have been met, where applicable.

- The request meets the intent of this chapter.
- The request conforms with adopted comprehensive plans and other applicable plans.
- The request does not increase congestion or compromise safety.
- The request does not create any lots without direct street frontage.

A request for adjustment from a subdivision design standard or the Technical Standards and Specification Manual shall be deemed reasonable due to one or more of the following:

- Topographic constraints;
- The presence of existing buildings, stream, or other natural features;
- Site layout of adjacent adjoining properties;
- Adjoining uses or their vehicles are incompatible;
- Strict compliance would pose a safety hazard; or
- Conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site.

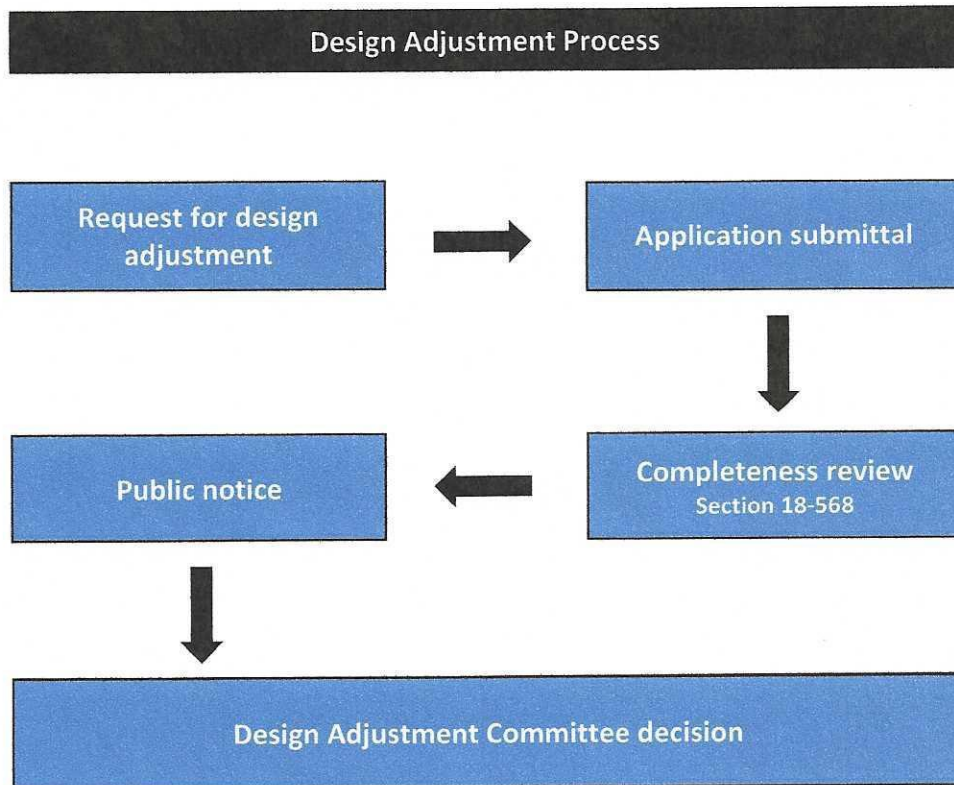
A request for an adjustment from a building design and materials standard shall be deemed reasonable due to one or more of the following situations.

- Unnecessary hardship would result from the strict application of this chapter. It shall not be necessary to demonstrated that in the absence of the adjustment no reasonable use can be made of the property.
- The adjustment would meet the intent of the standards requested for adjustment.
- The adjustment would conform with adopted comprehensive plans and any applicable adopted plans or design manual.
- The adjustment would not substantially injure the value of adjoining or abutting property.
- The character of the requested adjustment would be in harmony with the area in which the subject property is located.
- Strict compliance would pose a safety hazard.

In no instance shall the design adjustment committee consider an application regarding:

- Minimum or maximum dimensional requirements for lot area, building height, or buffer width;
- Increases in maximum allowable residential density;
- Minimum required separation distance between two use types;
- Design elements required for compliance within a local historic district;
- Floodplain regulations; or
- Any condition of approval from another board or commission with purview of the project.

DESIGN ADJUSTMENT APPLICATION





August 2nd, 2024

Attn:

**City of Wilmington Planning Department
Design Adjustment Application Narrative**

Project:

**Circle K – Kerr & Market St – Wilmington, NC
4500 Market Street
Wilmington, NC, 28405**

We are formally requesting a design adjustment to the following City of Wilmington Technical Standards listed below. Enclosed is our concept site plan, and approved TIA Waiver.

S Kerr Ave Driveway Clearance

Code: All driveways for corner lots shall have at the intersecting street property lines, a minimum corner clearance of 230 feet along the major thoroughfares and/or 60 feet along all intersecting side streets not classified herein as a major thoroughfare. All distances are measured along the curb line. CH. VII (C)(2)(c)(1) (Page 7-13)

Proposal: We are proposing to remove the existing full access driveway +/- 123' south of the intersection of Market Street and S Kerr Ave and add a right-in-right-out access approximately 65' to the south, along S Kerr Ave. The driveway has +/- 185' of clearance from the intersecting street property line, and +/- 75' feet of offset distance from the property line to the south.

Justification: The property is a corner lot fronting Market Street and S Kerr Ave with a frontage of +/- 309'. Meeting a 230' clearance on the north side towards the intersection and a 75' offset requirement from the southern property line is not achievable. We attended a Pre-Application meeting with WMPO and NCDOT in attendance on 06/21/2023. During the meeting and from a follow-up email with Scott James from WMPO, the access strategy and locations along S Kerr Ave were proposed and are included on our concept plan. Compared to the existing access location, the proposed improvements will improve this stretch of S Kerr Ave by decreasing congestion at the intersection of S Kerr Ave and Market Street.



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S Kerr Ave Driveway Width

Code: A 2-lane, two-way driveway, which provides access to a Commercial use, has a maximum driveway width of 30 feet, measured at the property line. CH. VII (C)(1)(b) (Table 3) (Page 7-9).

Proposal: The right-in / right-out driveway along S Kerr Ave has a width of 45 feet at the property line.

Justification: Due to the nature of the site, a 45-foot-wide driveway is required for safe movements of a WB-50 refueling truck in and out of the site.



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Please review for approval and contact us with any questions, comments, or additional information needed.

Thank you,

John Best, PE
Project Manager
919-532-3262
john.best@timmons.com

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DATE: DESCRIPTION:

PROFESSIONAL SEAL:

PROFESSIONAL IN CHARGE:
 R. BAKER
 PROJECT MANAGER:
 T. PHILLIPS
 QUALITY CONTROL:
 J. DOOLEY
 DRAWN BY:
 C. BUNN
 DATE ISSUED:
 05/10/2023

PROJECT NAME:
 NTI KERR & MARKET

4500 MARKET STREET
 WILMINGTON, NC

COASTAL CAROLINA
 BUSINESS UNIT



CIRCLE K STORES INC.

PROJECT NUMBER:
 37630.168

SHEET TITLE:

CONCEPTUAL SITE PLAN

SHEET NUMBER:

CSP 1.0 A

SITE LEGEND:

- PROPERTY SETBACK LINE
- GREEN SPACE SETBACK
- PROPERTY LINE
- NUMBER OF PARKING SPACES

SITE DATA:

PARCEL ID: R04914-004-001-000, R04914-004-002-000
 OWNER: MARKET STREET VENTURES LLC, MARKET PLAZA CENTER LLC
 ZONING: RB (CURRENT AND PROPOSED)

CURRENT LAND USE: VACANT LOT (NO TREES EXIST ON SITE)
 PROPOSED USES: CONVENIENCE STORE (5,200 SF) WITH FUEL PUMPS

TOTAL LOT AREA: ±1.39 ACRES
 ±60,380 SQ. FT.
 AREA OF OUTPARCEL 1: N/A
 AREA OF OUTPARCEL 2: N/A
 AREA OF COMMERCIAL PARCEL: N/A
 AREA OF OPEN SPACE: N/A
 GROSS FLOOR AREA OF BUILDINGS: 5,200 SQ. FT. (8.6%)
 IMPERVIOUS COVERAGE: 49,700 SF
 DISTURBANCE AREA: 1.39 ACRES

BUILDING SETBACKS:	REQUIRED	ACTUAL
FRONT	20'	133'
SIDE	20'	106'
REAR	20'	29'

BUILDING HEIGHT/# OF STORIES: 22' / 1 STORY
 18.5' CANOPY

BUILDING CONSTRUCTION: BUILDING: V-B NON-SPRINKLERED
 CANOPY: II-B

GREENSPACE SETBACKS: 10' FRONT
 10' SIDE (WEST)
 10' SIDE (EAST)
 10' REAR

PARKING REQUIRED: (9'x18' PER CODE)
 ONE (1) SPACES PER 250 SQUARE FEET OF GROSS
 AREA - 5,200/250 = 21 SPACES

PARKING PROVIDED:
 22 SPACES + 2 ADA = 24 PARKING
 + 8 PUMP SPACES
 PARKING SPACES DIMENSION = 9.5'x18'

TRUCK USED: WB - 50 - OVERALL LENGTH = 55 FT
 TRAILER LENGTH 42.5 FT

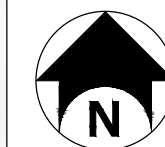
TRIP GENERATION/TIA STATUS: TBD

FLOOD HAZARD ZONE: ZONE X

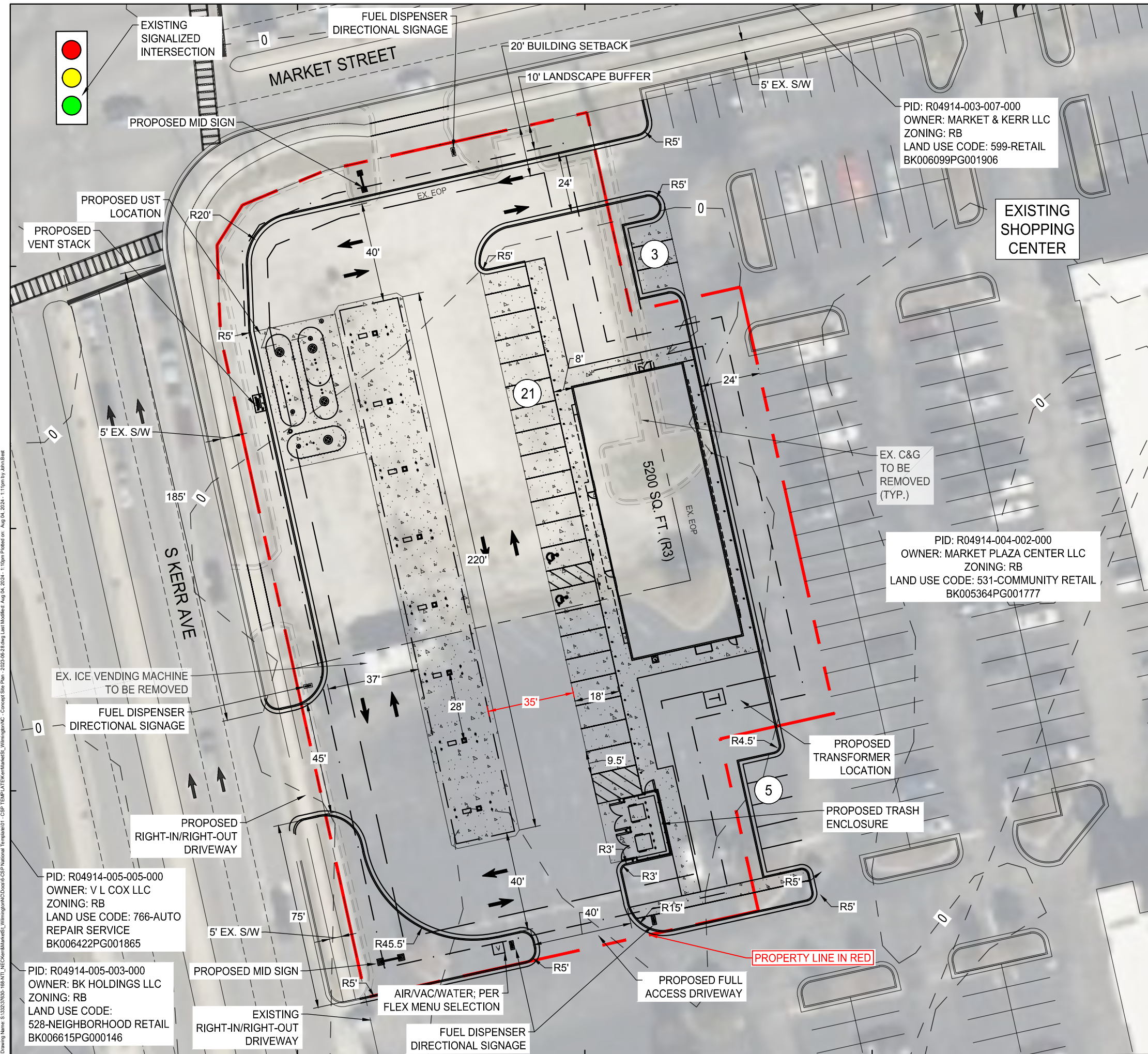
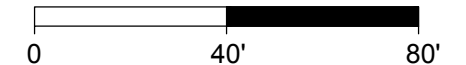
CAMA LAND USE CLASSIFICATION: URBAN

PLAN REVIEW NOTES

- LANDSCAPE ISLANDS AREN'T DEPICTED. FINAL CONSTRUCTION DRAWINGS MAY REQUIRE ISLANDS AND THIS WOULD IMPACT THE LAYOUT AND PARKING COUNT.
- EXISTING CONDITIONS BASED ON DATA OBTAINED FROM NEW HANOVER COUNTY, NC COUNTY DATA HUB ON 05/05/2023.
- THIS CONCEPT SITE PLAN DOES NOT GUARANTEE ALL REQUIREMENTS FROM ZONING ISSUES, NOR SIGNAGE, STORM DRAINAGE, GRADING, UTILITIES, EASEMENTS, AND THE LIKE ARE PROPERLY ADDRESSED AT THE TIME. THE ABOVE REQUIREMENTS CAN AFFECT THE SITE LAYOUT. ALL REQUIREMENTS ASSUMED WITH THIS LAYOUT ARE TENTATIVE AND SUBJECT TO CHANGE AS MAY BE DIRECTED BY THE CLIENT, ARCHITECT, JOINT DEVELOPER, OR ANY OF THE GOVERNMENTAL PERMITTING AGENCIES.



SCALE 1"=40'



PID: R04914-003-007-000
 OWNER: MARKET & KERR LLC
 ZONING: RB
 LAND USE CODE: 599-RETAIL
 BK006099PG001906

EXISTING SHOPPING CENTER

EX. C&G TO BE REMOVED (TYP.)

PID: R04914-004-002-000
 OWNER: MARKET PLAZA CENTER LLC
 ZONING: RB
 LAND USE CODE: 531-COMMUNITY RETAIL
 BK005364PG001777

PID: R04914-005-005-000
 OWNER: V L COX LLC
 ZONING: RB
 LAND USE CODE: 766-AUTO REPAIR SERVICE
 BK006422PG001865

PID: R04914-005-003-000
 OWNER: BK HOLDINGS LLC
 ZONING: RB
 LAND USE CODE: 528-NEIGHBORHOOD RETAIL
 BK006615PG000146

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 Plot Lineweight: 0.5
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 Plot Sheet: 1 of 1
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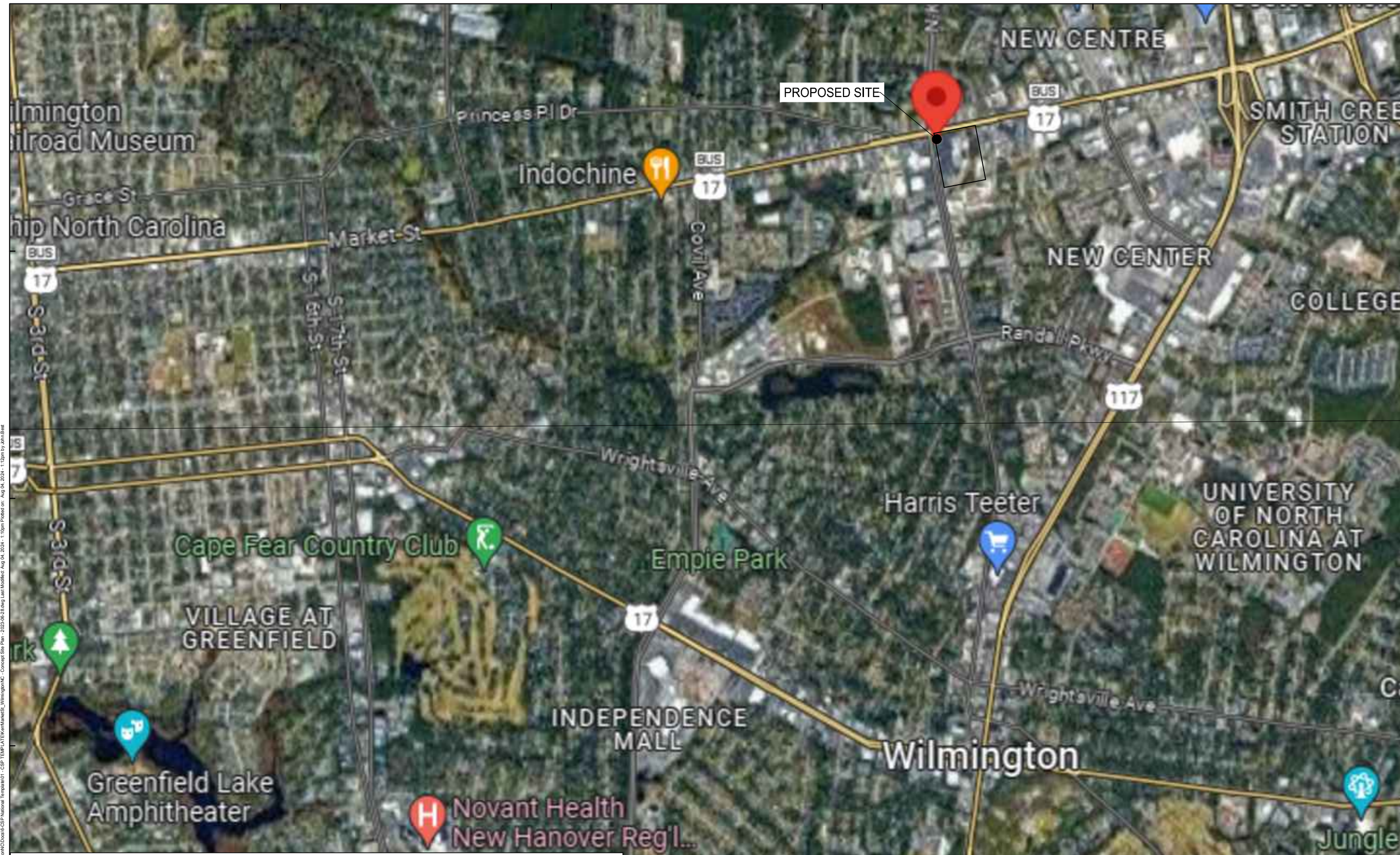
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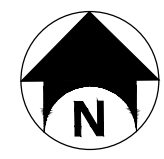
SHEET NUMBER:

CSP 1.0



TRIP GENERATION SUMMARY

ITE LAND USE CODE	INDEPENDENT VARIABLE	AM PEAK HOUR			PM PEAK HOUR			DAILY TRAFFIC
		IN	OUT	TOTAL	IN	OUT	TOTAL	
945 - CONVENIENCE STORE / GAS STATION - VFP (16-24)	5,200 SF	216	217	433	182	182	364	4,114



Drawing Name: S:\33237830-188\NTI_NC\KerrMarket\Wilmington\Wilmington\Concept Site Plan - 2023-05-23.dwg Last Modified: Aug 01, 2024 - 1:08pm Plotted on: Aug 04, 2024 - 1:13pm by John Bell