



CASE SUMMARY
Design Adjustment Committee
DAC-2-924

Design Adjustment
October 16, 2024

Zac Smith, Planner I, 910.341.3257, zachary.smith@wilmingtonnc.gov

Request

<i>Address</i>	4500 Market Street	
<i>Acreage</i>	Approximately 1.39 acres	
<i>Request</i>	Request for design adjustments for driveway offsets and driveway width.	
<i>Consultants/ Agents</i>	Rick Baker 5410 Trinity Road, Suite 102 Raleigh, NC 27607	(919) 532-3262 publiclandpermits@timmons.com
<i>Property Owner</i>	Market Street Ventures, LLC 3013 Hall Waters Drive, Suite A Wilmington, NC 28405	(910) 399-6839 brian.prevatte@wilmingtondevco.com
<i>Design Adjustment Committee Action</i>	9/18/24; Continued 10/16/24; Scheduled for Evidentiary Hearing	

Property Characteristics

<i>Existing Zoning</i>	RB, Regional Business District
<i>Current Land Use</i>	Vacant
<i>CAMA Land Use</i>	Urban
<i>Existing Water Main(s) Public/CFPUA</i>	Market Street (12 inch)
<i>Existing Sewer Main(s) Public/CFPUA</i>	South Kerr Avenue (8 inch), Market Street (10 inch)
<i>Proposed Impervious</i>	49,700 sf

ADJUSTMENTS REQUESTED

The applicant has requested the following design adjustments (Attachment 3):

1. Relief from the standard driveway offset from an intersection. (Approved 9/18/24)
2. Relief from the standard driveway width.

ANALYSIS

1. The site includes 1.39 acres and is located within RB, Regional Business District.
2. The proposal is for a new convenience store with fuel pumps along Market Street. The property is a corner lot fronting Market Street and S Kerr Ave with a frontage of 309’.
3. The applicant proposes to remove the existing full access driveway approximately 123’ south of the intersection of Market Street and S. Kerr Ave.

4. A new right-in-right-out driveway access is proposed approximately 185' from the intersection of Market Street and S. Kerr Ave., and 75' feet from the property line to the south.
5. The applicant also proposes a 45-foot-wide driveway instead of the maximum driveway width of 30 feet.
6. The Technical Standards & Specifications (TSSM) specifies minimum standards for driveway clearance (Approved 9/18/24):
 - 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.
7. The Technical Standards & Specifications Manual (TSSM) specifies minimum standards for driveway width:
 - 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.

Figure 1. Site Plan (Attachment 4)

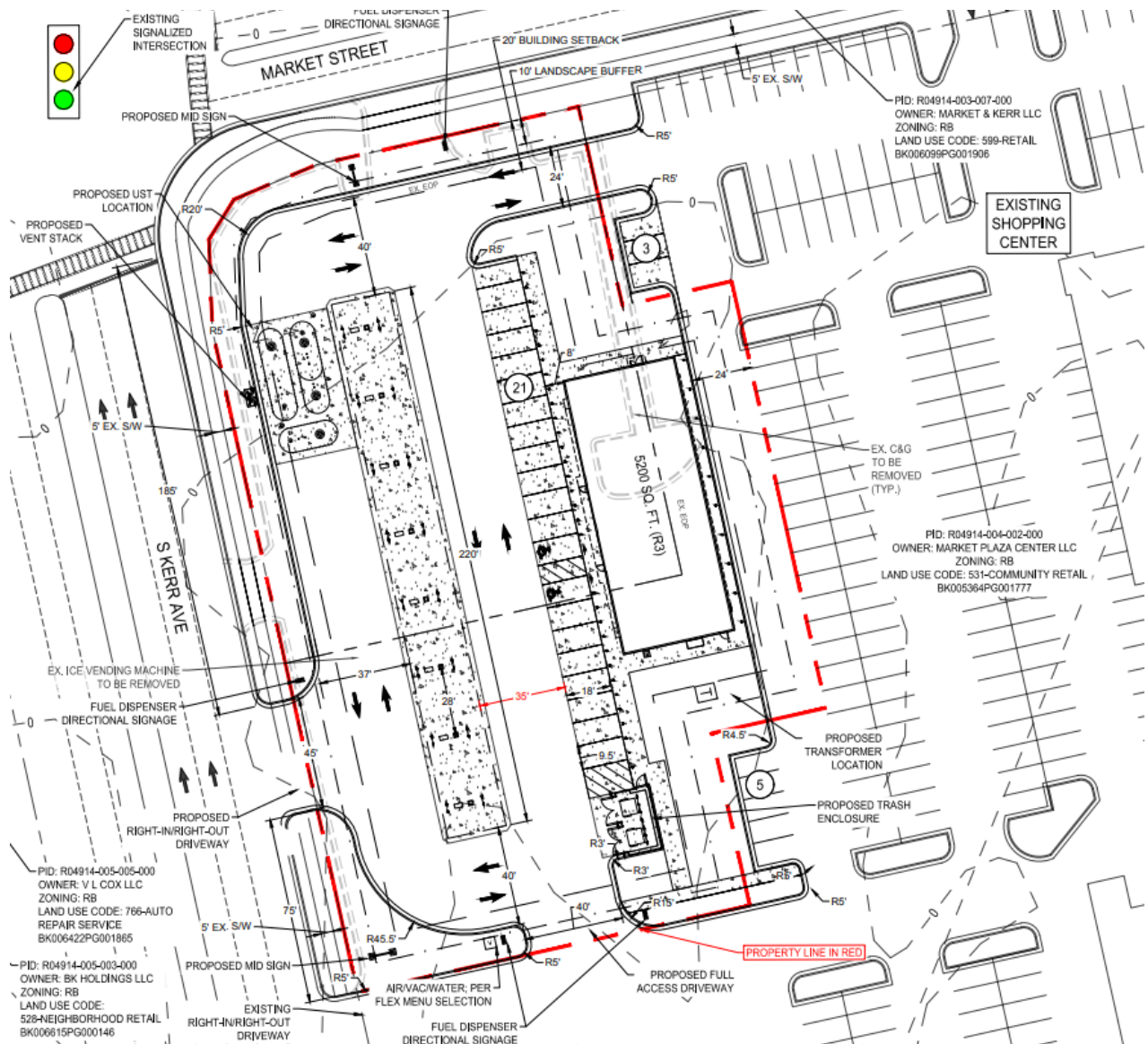


Figure 2. Site Plan (Attachment 4- updated for 10/16/24 hearing)

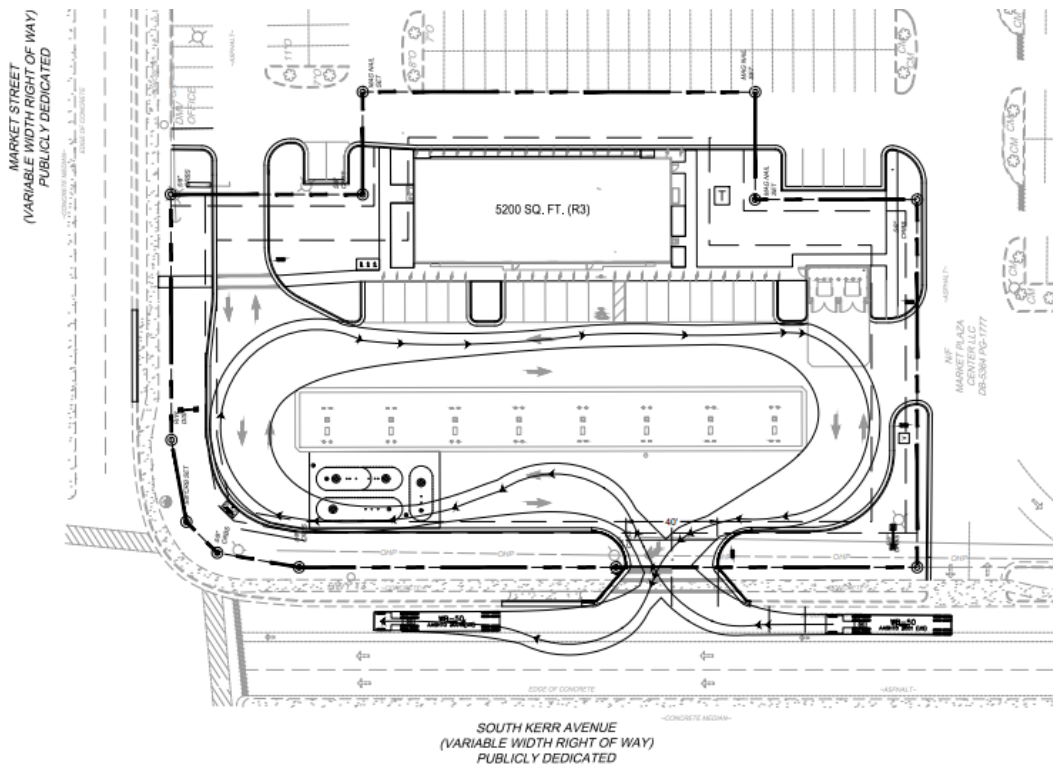


Table 1. Requested Adjustments (Attachment 3)

Adjustment	Requirement	Proposed
<p>1</p>	<p>Driveway Clearance: (Approved 9/18/24) a). Required 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. CH. VII (C)(2)(c)(1) (Page 7-13)</p>	<p>230 feet</p>
	<p>Applicant’s Justification: The purpose of the relief is due to the property being 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.</p>	
<p>2</p>	<p>Driveway Width: (Updated for the 10/16/24 hearing) a). 30’ maximum width, measured at the property line. CH. VII (C)(1)(b) (Table 3) (Page 7-9)</p>	<p>30 feet</p>
	<p>Applicant’s Justification: The purpose of the relief is 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.</p>	

FINDINGS OF FACT

In granting a 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.

STANDARDS FOR APPROVAL

A request for adjustment from the subdivision design standards 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.
- Conflict with an approved or built roadway construction project adjacent to or in the vicinity of the site.

The request from the building design and materials standards 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 demonstrate 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.

NEIGHBORHOOD CONTACT

Design Adjustment Committee	
<i>Signs Posted</i>	10/3/24
<i>Property Owner Letters</i>	10/3/24
<i>Advertisement Date(s)</i>	10/11/24
<i>Adjacent Owner Inquiry</i>	None

ATTACHMENTS

1. Location Map (dated 10/3/24)
2. Design Adjustment Application (dated 8/1/2024)
3. Waiver Request Letter (received 8/2/2024)
4. Proposed Site Plan (received 8/1/2024)
5. Proposed driveway exhibit (9/26/2024)