



CASE SUMMARY
Design Adjustment Committee
DAC-3-1024

Design Adjustment
October 16, 2024

Patrick O'Mahony, Planning Manager, 910.341.3260, patrick.omahony@wilmingtonnc.gov

Request

<i>Address</i>	3990 Independence Blvd.	
<i>Acreage</i>	Approximately 60.9 acres	
<i>Request</i>	Request for a design adjustment for length of a private driveway, length of a cul-de-sac, and standards for a residential collector street	
<i>Consultants/ Agents</i>	Cindee Wolf Design Solutions P.O. Box 7221 Wilmington, NC 28406	(910) 620-2374 cwolf@lobodemar.biz
<i>Property Owner</i>	New Hanover County 230 Government Center Drive Wilmington, NC 28403	(910) 762-2421
<i>Pre-TRC Review</i>	August 15, 2024	
<i>Design Adjustment Committee Action</i>	10/16/24; Scheduled for evidentiary hearing	

Property Characteristics

<i>Existing Zoning</i>	MD-17, High-density multiple-dwelling residential district & IND, General Industry
<i>Proposed</i>	MD-17(CD), High-density multiple-dwelling residential district (Conditional District)
<i>Current Land Use</i>	Vacant
<i>CAMA Land Use</i>	Urban, Conservation
<i>Existing Water Main(s) Public/CFPUA</i>	Independence Blvd. (10-inch)
<i>Existing Sewer Main(s) Public/CFPUA</i>	Independence Blvd. (12-inch)
<i>Existing Impervious</i>	None
<i>Proposed Impervious*</i>	Approximate 148,471 sq. ft. (43.3%)

*A stormwater management permit is required.

ADJUSTMENTS REQUESTED

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

1. Relief from the minimum standards for a residential collector street.
2. Relief from the maximum length of a private driveway.
3. Relief from the maximum length of a cul-de-sac street.

ANALYSIS

1. The site includes 60.9 acres that is currently undeveloped in the MD-17, High-density multiple-dwelling residential district & IND, General Industry zoning districts.
2. The site currently has direct road frontage on Independence Blvd.
3. The applicant proposes to construct a 580-unit residential project.
4. Driveway access is proposed to the site at two locations along Independence Blvd.
5. A residential collector street is proposed at the eastern site entrance and extends to the northwest to the property boundary.
6. The Land Development Code (Section 18-344) requires parking facilities to meet the ingress and egress requirements prescribed by the city's Technical Standards and Specifications Manual.
7. The *Technical Standards and Specifications Manual* specifies that the length of a private driveway shall not exceed 500 linear feet. The applicant proposes maximum driveway lengths that exceed this standard, and an adjustment is required.
8. The *Technical Standards & Specifications Manual* (TSSM) specifies a standard cross-section for a residential collector street. The applicant proposes a non-standard cross-section that includes the following modifications:
 - The applicant is proposing a variable width residential collector street right-of-way. The proposal includes three separate cross sections, pavement widths, and medians (Attachment 3).
 - Reduced plaza widths from eight feet (required) to two feet and six feet.
 - Sidewalks are proposed on each side of the residential collector street.
 - No parking is proposed within the portion of the 48 feet wide right-of-way ([Sec. 1](#) below).
 - Reverse angled parking is proposed within a 77 feet wide right-of-way ([Sec. 2](#) below).
 - Dual side parallel parking is proposed within a portion of a 64 feet wide right-of-way ([Sec. 3](#) below).
9. The *Technical Standards and Specifications Manual* stipulates that the maximum length of a cul-de-sac street be no more than 500 feet. The applicant proposes a cul-de-sac street that exceeds the maximum length by approximately 1,945 feet a waiver is required.

Figure 1. Proposed Site Plan (Attachment 4)



Figure 2. Proposed Cross Sections (Attachment 4)

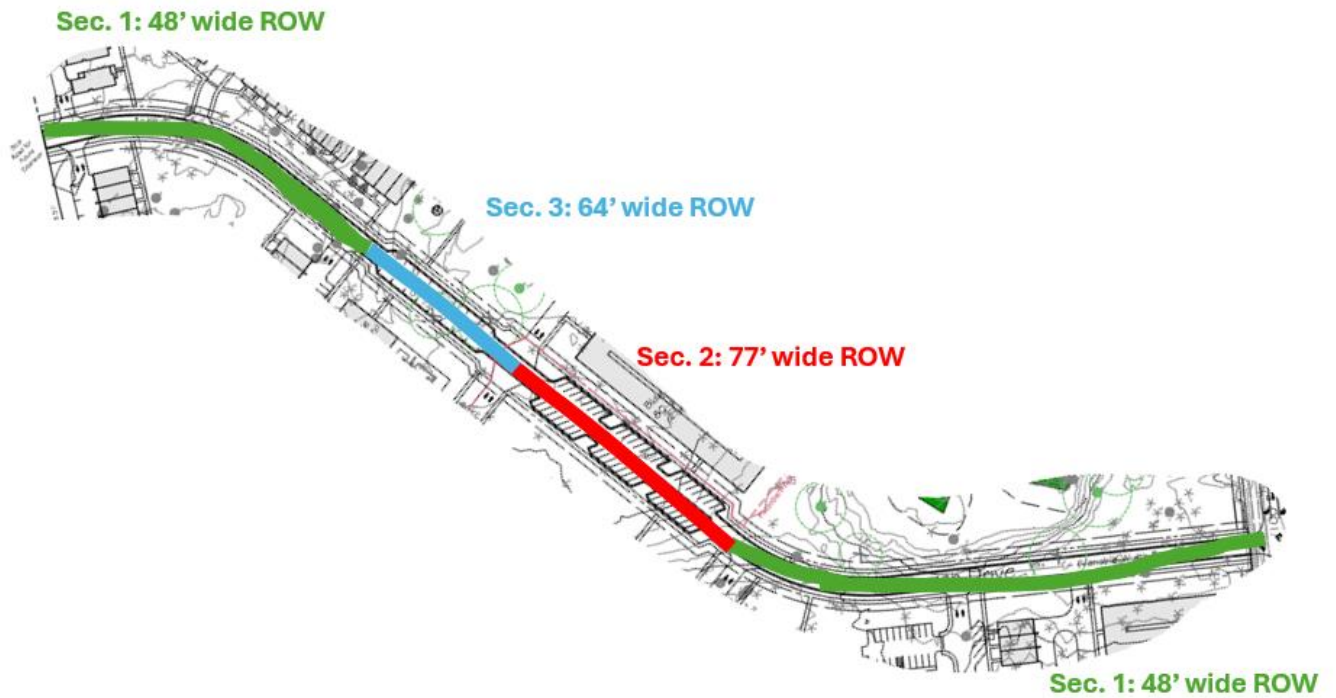
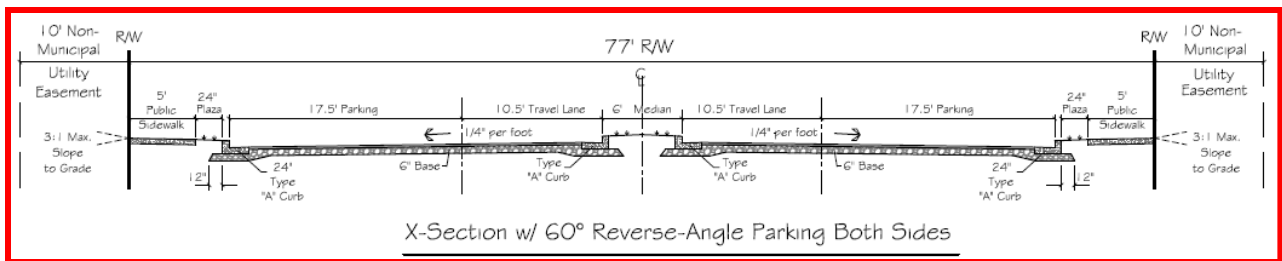
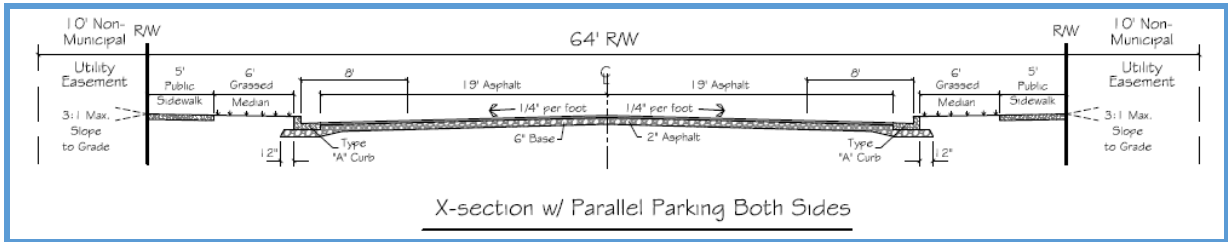
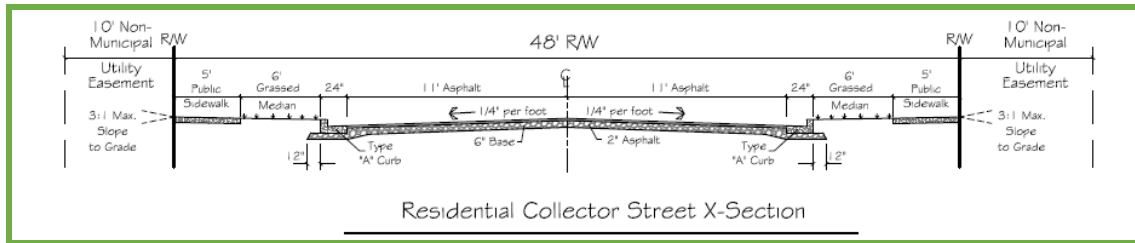


Table 1. Requested Adjustments (Attachment 3)

Adjustment	Requirement	Proposed
<p>1 Street Right-of-Way, Pavement Width, Alignment and Geometric Design Standards: CH. VII (B)(Table 1)</p>	<p>a. Width: 60 feet b. Asphalt: 29 feet c. Plaza: 8 feet d. Sidewalks: 5 feet</p>	<p>a. Variable 48, 64, 77 feet b. 22 (Sec.1), 25 (each side, Sec. 2), 38 feet (Sec. 3) c. 2 feet (Sec. 2) & 6 feet (Sec. 3) d. 5 feet</p>
<p>Applicant's Justification:</p> <ul style="list-style-type: none"> • Continue to meet the intent of the Code to ensure the protection and safety of life and property in our community. • Conform with adopted comprehensive plans and other applicable plans in that development is promoted for under-utilized land where existing urban services are available. Multi-dwelling residential projects can accommodate that growth strategy. • Not increase congestion or compromise safety based on the waivers proposing to meet technical standards that are expected to be adopted in the near future. • Provide traffic "calming" along the roadway, thereby reducing speeding. • Not be contrary to the public interest, nor materially endanger the overall public safety because all proposed improvements continue to meet emergency services criteria. 		
Adjustment	Requirement	Proposed
<p>2 Driveways – Private Driveways: 1. If the private driveway accesses a through street, as defined in Section A - Definitions, of this chapter the total length shall not exceed five hundred linear feet (500 l.f.). CH. VII (C)(4)(1) (Page 7-15)</p>	<p>500 linear feet</p>	<p>>500 linear feet (+935 feet max.)</p>
<p>Applicant's Justification: The subject buildings either have frontage on streets or drive aisles and are accessible from dual directions. All travel lanes are a minimum of 20' in width, and interior curves have a minimum radius of 20'. Additionally, many of the buildings have sprinkler systems.</p>		
Adjustment	Requirement	Proposed
<p>3 Length of cul-de-sac (from curb line of intersecting through street to bottom of bulb or end of roadway) CH. VII (B) (Page 7-5)</p>	<p>500 feet</p>	<p>1945 feet</p>
<p>Applicant's Justification:</p> <ul style="list-style-type: none"> • Not increase congestion or compromise safety. Traffic along the new street will be limited to the traverse of the residents and guests of the apartment complex until such time as the road may be extended. • Not be contrary to the public interest, nor materially endanger the overall public safety because all proposed improvements continue to meet emergency services criteria for adequate and safe turning movements. • Conform with policies which promote inter-connectivity for increased traffic circulation patterns. 		

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.

RECOMMENDATION

If the Design Adjustment Committee elects to approve the proposed preliminary plan, staff recommends the following conditions be applied:

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Land Development Code, the City of Wilmington Technical Standards and Specifications Manual and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below. In the event of a conflict, the more stringent requirement or higher standard shall apply.

2. Approval of this change of use plan does not constitute technical approval of a site plan. Final approval by the Technical Review Committee and the issuance of all required permits must occur prior to release of the project for construction.
3. If, for any reason, any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the preliminary plan shall be null and void.
4. The use and development of the subject property shall be in accordance with the preliminary plan as submitted and approved by the Design Adjustment Committee on 10/16/24.
5. All City, State and Federal regulations shall be met.

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 10/1/24)
2. Design Adjustment Application (received 8/30/24)
3. Waiver Request Letter (received 8/30/24)
4. Proposed Site Plan (received 8/30/24)