



CASE SUMMARY
Design Adjustment Committee
DAC-4-1024

Design Adjustment
October 16, 2024

Zac Smith, Planner I, 910-341-3257, zachary.smith@wilmingtonnc.gov

Request

<i>Address</i>	3803 Peachtree Avenue	
<i>Acreage</i>	Approximately 0.99 acres	
<i>Request</i>	Request to allow payment-in-lieu for required open space	
<i>Consultant/ Agent</i>	Howard Resnik, Rodney Wright CSD Engineering P.O Box 4041 Wilmington, NC 28406	(910) 791-4441 howard@csd-engineering.com
<i>Property Owner</i>	GBT Acquisitions, LLC 3807 Peachtree Avenue Wilmington, NC 28403	(910) 395-6036 kdull@mckinleybuilding.com
<i>Pre-TRC Review</i>	February 8, 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
<i>Current Land Use</i>	Medical office, Single-family dwelling
<i>Proposed Land Use</i>	34-unit multi-dwelling development
<i>CAMA Land Use</i>	Urban
<i>Existing Water Main(s) Public/CFPUA</i>	Peachtree Avenue (6-inch) & Park Avenue (8-inch)
<i>Existing Sewer Main(s) Public/CFPUA</i>	Peachtree Avenue (8-inch) & Park Avenue (8-inch)
<i>Existing Impervious</i>	Approximate 9,865 sq. ft. (23%)
<i>Proposed Impervious*</i>	Approximate 28,751 sq. ft. (67%)

*A stormwater management permit is required.

ADJUSTMENTS REQUESTED

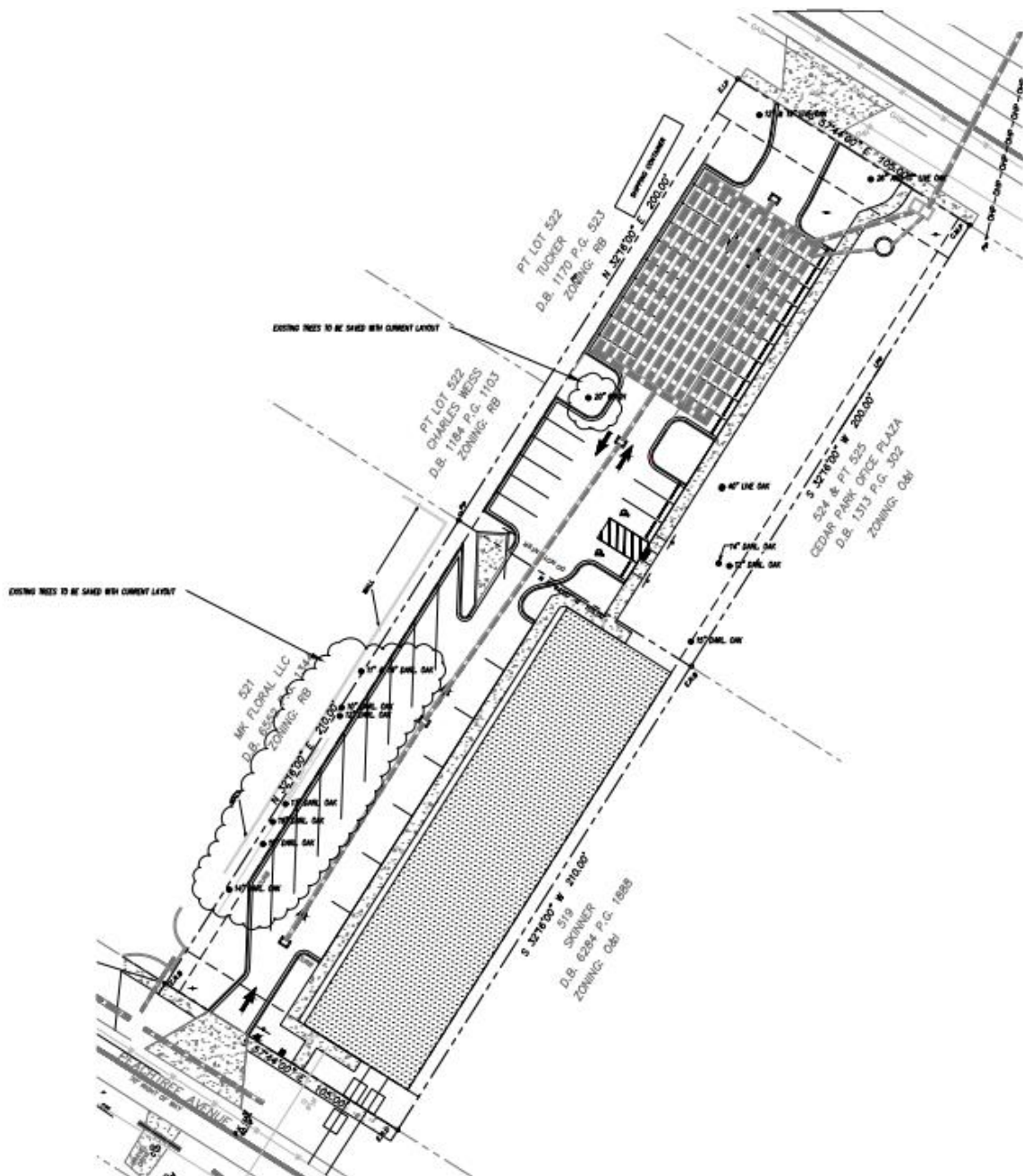
The applicant has requested the following design adjustments (Attachment 2):

1. Allowance for a payment-in-lieu for required open space.

ANALYSIS

1. The site is located along Peachtree Avenue and Park Avenue.
2. The site is approximately 0.99 acres in size and currently contains a medical office and a single-family dwelling.
3. The site is currently zoned MD-17, High-density multiple-dwelling residential.
4. The proposal for this site includes a 34-unit multi-dwelling residential development known as 'Midtown Flats'.
5. Projects within the MD-17, High-density multiple-dwelling residential district require 20% of the site to be set aside for open space.
6. The site has access to water and sewer mains located along Peachtree Avenue and Park Avenue.
7. A stormwater management permit is required. Designs for on-site stormwater management would be reviewed for compliance with the city's stormwater management regulations.
8. Section 18-28 (B) of the Land Development Code requires a minimum open space equal to 20 percent of the total lot area.
9. Section 18-507 of the Land Development Code stipulates that the design adjustment committee may allow payment to the city in lieu of dedication of open space set aside or a combination of dedication and payment.
10. If the design adjustment committee approves a payment-in-lieu of dedication, the amount of such payment shall be the product of the number of acres to be dedicated and the average fair market value of the land being developed.
11. The design adjustment committee shall determine value of the land based on the value of the land for property tax purposes, fair market value information submitted by the developer, and other relevant information.
12. The required open space for the proposed project is 8,610 square feet (20%). The applicant is proposing 6,350 square feet of open space (14.8%).
13. The applicant requests a payment-in-lieu for 2,260 square feet (5.2%) of open space.
14. The tax value of the entire tract is \$340,400 per the New Hanover County Tax records.
15. Based on the tax value of the property, the price per square foot is \$7.89
16. The applicant is requesting to pay \$17,831.40 for the 2,260 square feet of required open space.

Figure 1. Proposed Design Adjustment Plan (Attachment 3)



STANDARDS FOR APPROVAL

- Payment in lieu of dedication may be approved when conditions exist such that providing the entire amount of required open space set aside is not reasonable and the recreational needs of the development can be adequately met.
- The maximum amount of required open space that can be waived and payment made in lieu of open space shall be 20,000 square feet.

RECOMMENDATION

If the Design Adjustment Committee elects to approve the proposed request for payment-in-lieu, staff recommends the following conditions be applied:

1. A fee of \$17,831.40 in lieu of providing the total amount of on-site open space shall be paid prior to final zoning approval in accordance with Section 18-507 of the Land Development Code.
2. Staff may require an additional payment-in-lieu or reduction in the total amount of payment-in-lieu at a rate of \$7.89 per square foot for any change to the proposed plan which may result in a change in open space provided.

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. Application (received 8/27/24)
3. Waiver Request Letter (received 8/27/24)
4. Site Plan (received 9/4/24)