

US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: December 23, 2005  
Comment Deadline: January 22, 2006  
Corps Action ID #: 200521200

The Wilmington District, Corps of Engineers (Corps) has received an application from ZP No. 158, LLC, c/o Mr. Mike Ogden, seeking Department of the Army authorization to impact 0.02 acre of wetlands and 172 linear feet of stream channel associated with development of the Jefferson Village Town Center Shopping Center in Greensboro, Guilford County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** ZP No. 158, LLC  
c/o Mr. Mike Ogden  
111 Princess Street  
Wilmington, North Carolina 28402

**Agent:** Mr. Wendell Overby  
Soil & Environmental Consultants, P.A.  
236 LePhillip Court, Suite C  
Concord, North Carolina 28025

## Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

## Location

The project, Jefferson Village, is approximately 32 acres in size and is located south of Joseph M. Bryan Boulevard and east of New Garden Road, in Greensboro, Guilford County, North Carolina. Coordinates (in decimal degrees) for the site are 36.1132 North, 79.8765 West. The site contains unnamed tributaries to Horsepen Creek in the Cape Fear River Basin (8-Digit Cataloging Unit 03030002).

## **Existing Site Conditions**

Prior to 1999, the project site was part of a 413-acre tract of land owned by the Jefferson Pilot Corporation. Department of the Army (DA) nationwide permit authorization was issued to Jefferson Pilot in 1999 for the construction of roads, sewers, and dam maintenance necessary to develop infrastructure on the 413-acre property. Highwoods Realty Limited Partnership then purchased two 40-acre parcels from the larger tract, which were zoned for office and shopping center use. In 2000, Highwoods received additional DA nationwide permit authorization for the construction of a stormwater pond on the property. Highwoods constructed a total of three stormwater ponds on the 80-acre tract, including two that were placed in high ground. They also developed several out parcels along New Garden Road, and an office complex on the southern portion of the site. The 32-acre parcel that comprises the current project site was recently purchased from Highwoods by ZP No. 158, LLC (the applicant for the proposed work).

The project site is located in the northeast portion of the original 80-acre tract. It is bounded to the north by Bryan Boulevard, to the east by a lake, and to the south and west by the Highwoods office park and commercial development. Jurisdictional waters of the U.S. are currently located on two areas of the project site. A wetland and stream system that contains 0.02 acre of wetland and 172 linear feet of stream channel is located immediately upstream of the center stormwater pond on the property, and just east of Highwoods Boulevard. This system, which is proposed to be impacted, has been determined to be of relatively low quality. A second jurisdictional area that contains approximately 0.05 acre of wetlands and 245 linear feet of stream channel is located in the northeast corner of the project site adjacent to Joseph M. Bryan Boulevard. This system would be avoided by the proposed development plans. The majority of the project site is currently in low herbaceous ground cover, however the two wetland and stream systems located on the site are forested, and a forested buffer exists along the edge of the lake to the east of the site.

## **Applicant's Stated Purpose**

As stated by the applicant, the purpose of the project is to provide an upscale commercial shopping center to meet the growing demand for this type of retail space in the local market.

## **Project Description**

The proposed project, known as Jefferson Village, would provide an upscale, commercial retail development with approximately 350,000 square feet of retail and restaurant space. The type of design, called a Town Center Shopping Center, is intended to recreate an open-air "Main Street" shopping experience. The project would have an anchor department store and several other types of retail spaces and restaurants. The development would also include parking and transportation infrastructure necessary for the shopping center.

Development of the project would require the addition of approximately 90,000 cubic yards of fill material to achieve the proper grade and prepare the site for construction. There are currently three non-jurisdictional stormwater ponds on the original 80-acre parcel, two of which are located on the 32-acre project site. One of the two ponds on the project site would be filled for the development. The two remaining stormwater ponds (including one located just off the project site to the south) would be converted into extended detention wetlands capable of treating all of the stormwater from the 80-acre development area.

The loss of wetlands and streams due to development of the site would total 0.02 acre of wetlands and 172 linear feet of stream channel. These impacts would result from the placement of fill and grading activities required for the construction of parking areas. The applicant has proposed to mitigate for these impacts with payment to the North Carolina Ecosystem Enhancement Program necessary for the restoration of 172 linear feet of stream channel (1:1 ratio) and 0.04 acre of forested, riparian wetlands (2:1 ratio).

### **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650, Attention: Ms. Cyndi Karoly, by January 22, 2006.

### **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

## **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

## **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

## **Evaluation**

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

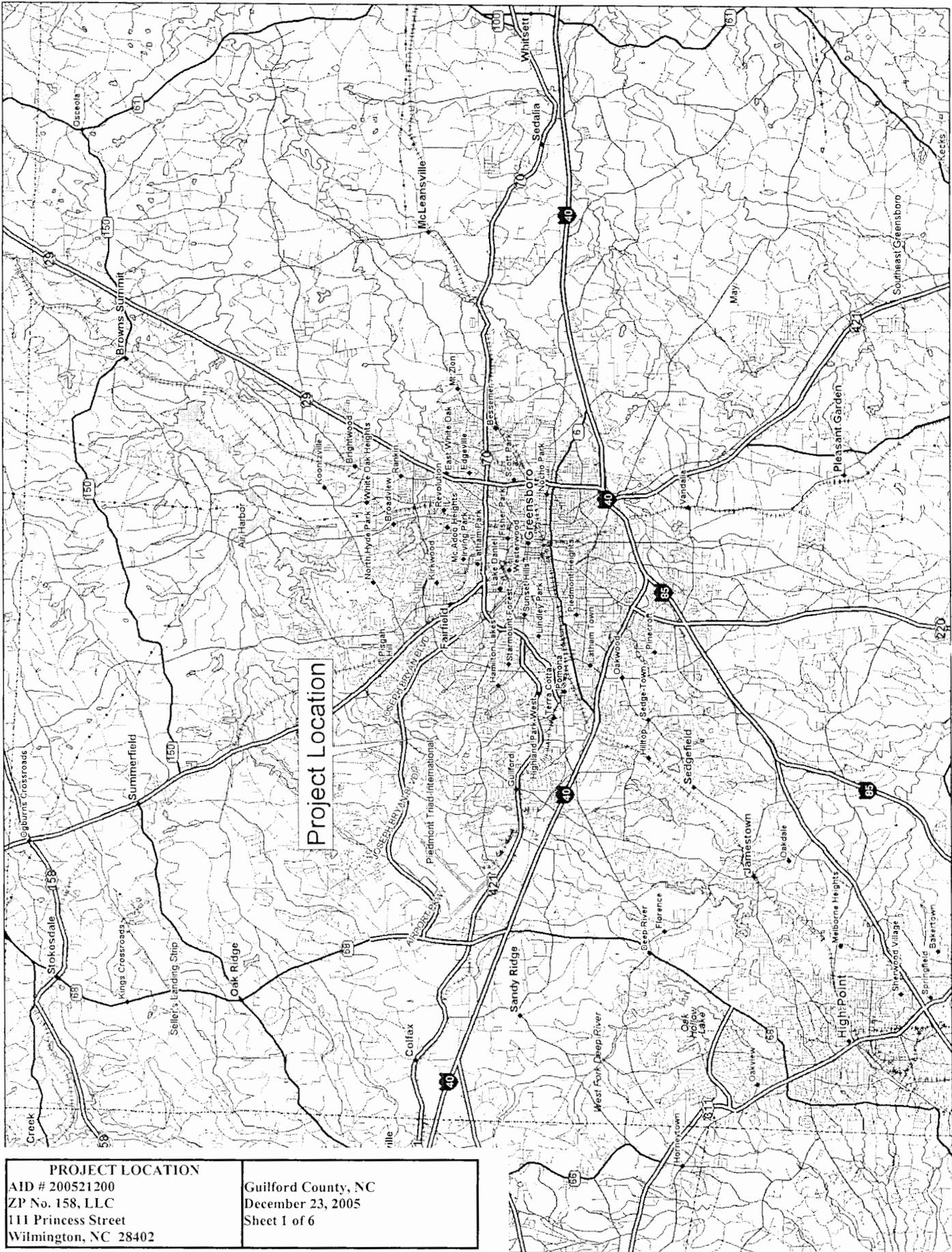
## **Commenting Information**

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for

this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

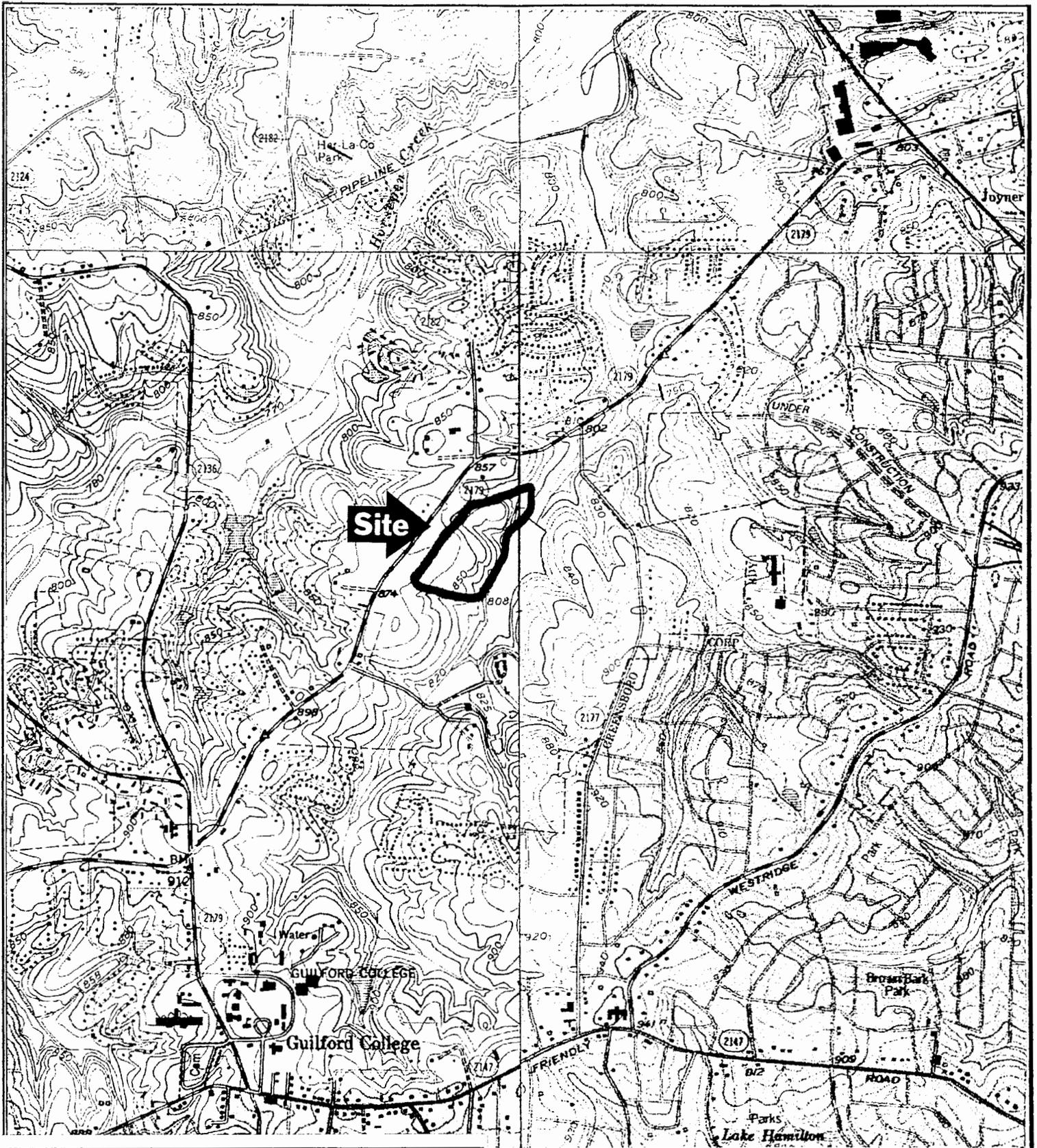
Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, January 22, 2005. Comments should be submitted to Mr. Todd Tugwell, Raleigh Regulatory Field Office, 6508 Falls of the Neuse Road, Suite 120, Raleigh, North Carolina, 27615.



Project Location

**PROJECT LOCATION**  
 AID # 200521200  
 ZP No. 158, LLC  
 111 Princess Street  
 Wilmington, NC 28402

Guilford County, NC  
 December 23, 2005  
 Sheet 1 of 6



USGS TOPOGRAPHIC MAP  
 AID # 200521200  
 ZP No. 158, LLC  
 111 Princess Street  
 Wilmington, NC 28402

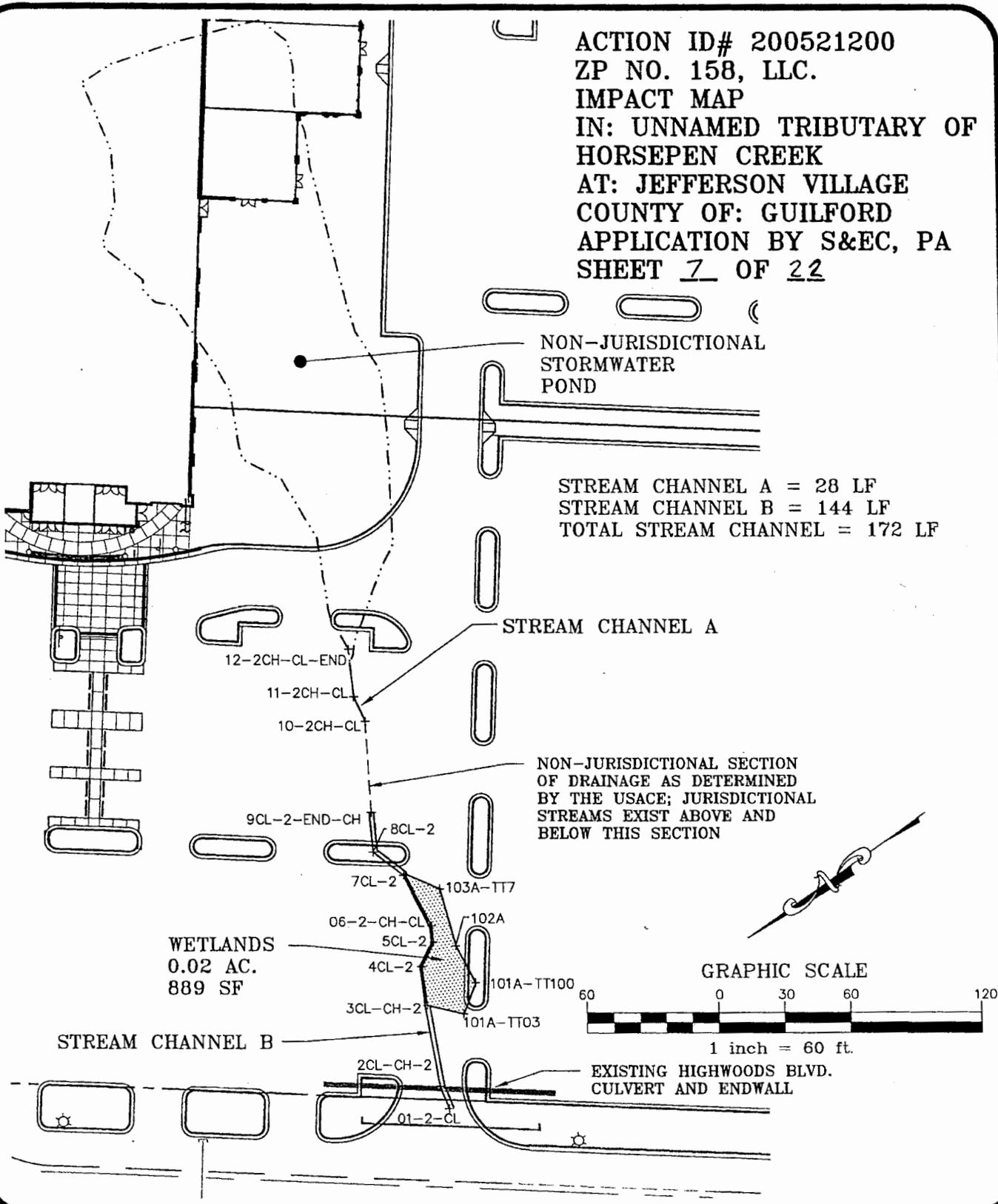
Guilford County, NC  
 December 23, 2005  
 Sheet 2 of 6

**Soil & Environmental Consultants, PA**  
 228 Lafayette Ct., Suite C • Concord, North Carolina 28025 • Phone (704) 723-9495 • Fax (704) 723-9498

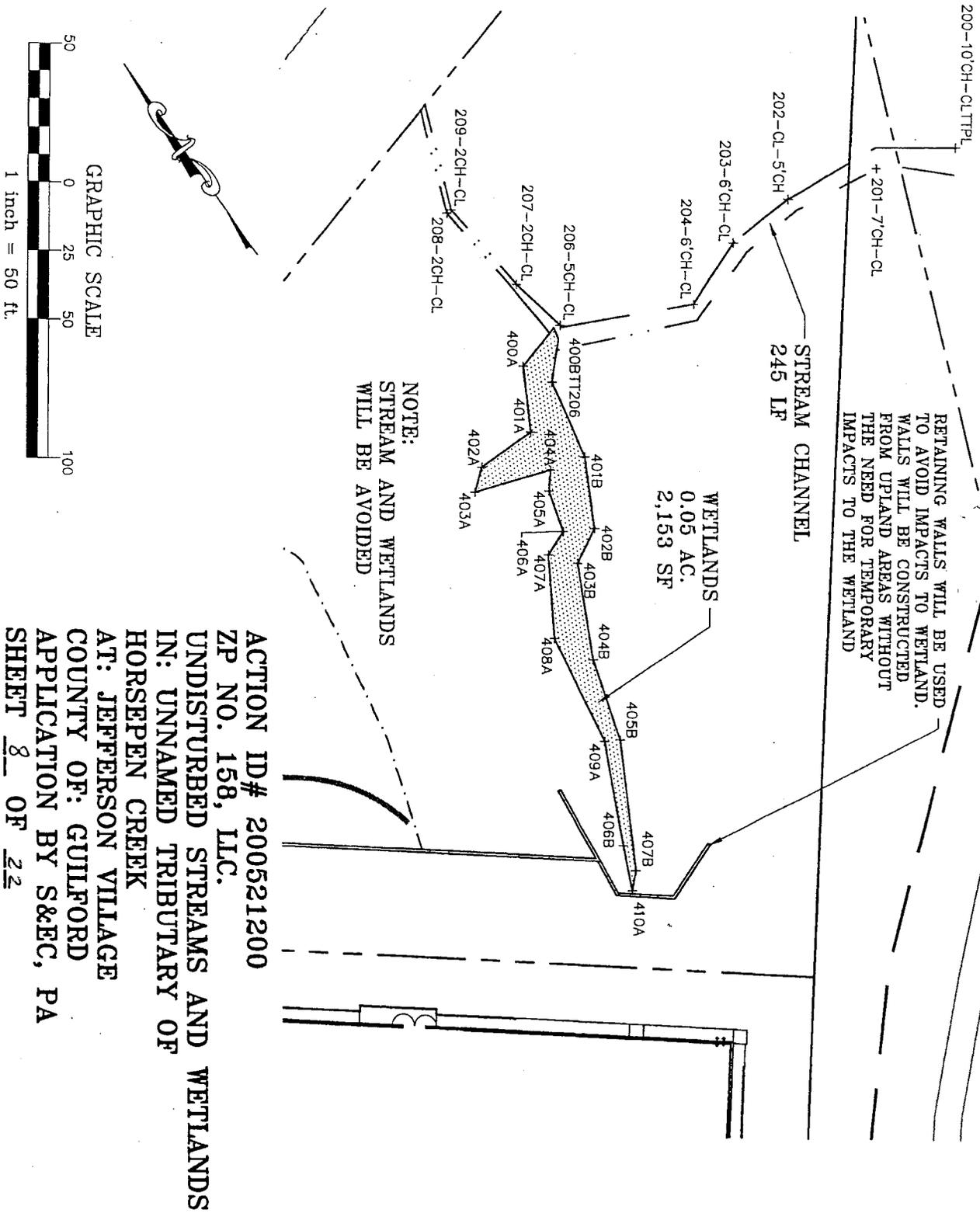
PROJECT NO.	11-2005
SUBMITTER	W.O. DAVENPORT
PROJECT MGR.	W.O. DAVENPORT
FIELD WORK	W.O. DAVENPORT
DATE	11-2005



ACTION ID# 200521200  
 ZP NO. 158, LLC.  
 IMPACT MAP  
 IN: UNNAMED TRIBUTARY OF  
 HORSEPEN CREEK  
 AT: JEFFERSON VILLAGE  
 COUNTY OF: GUILFORD  
 APPLICATION BY S&EC, PA  
 SHEET 7 OF 22

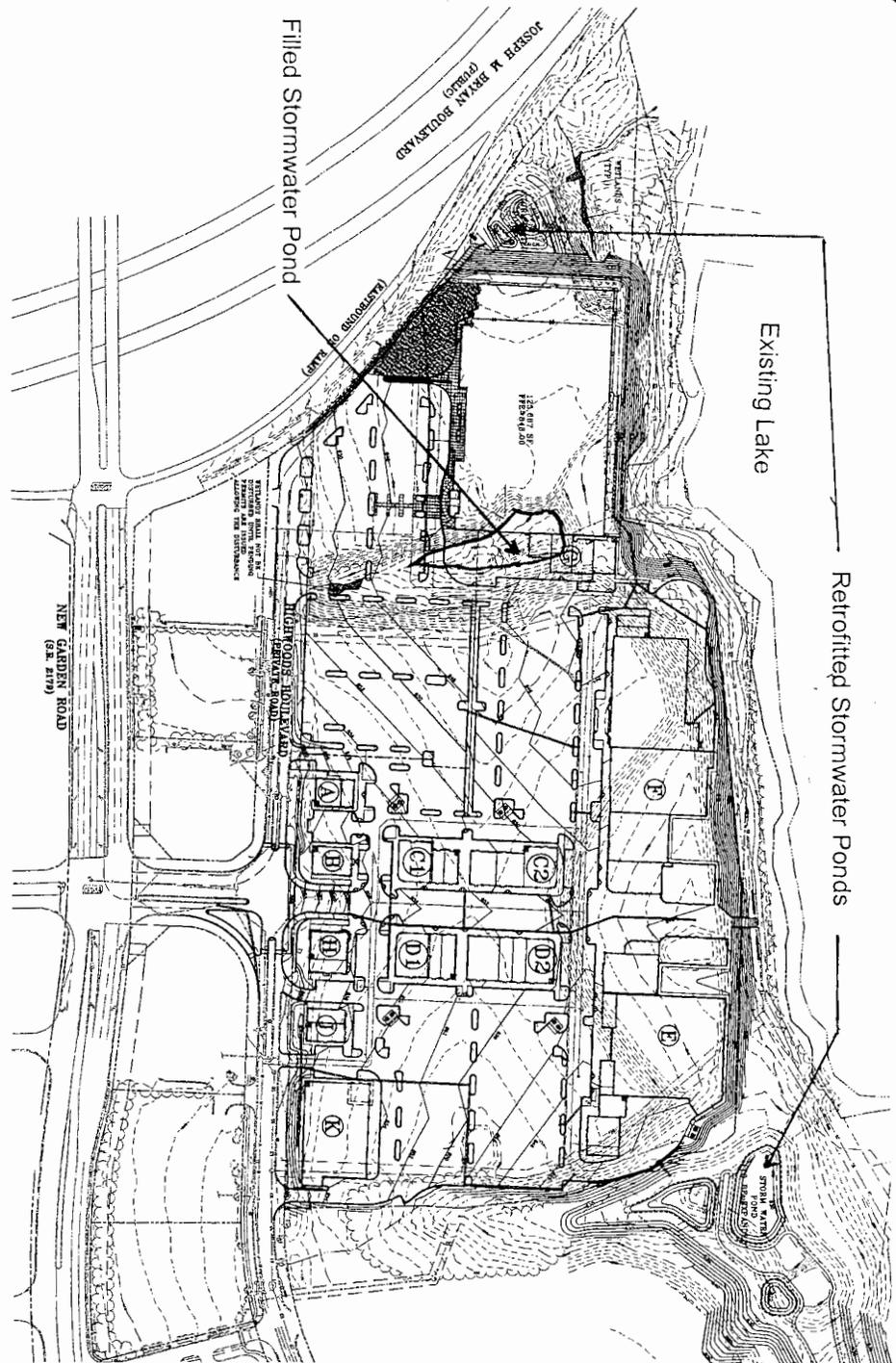


IMPACT DETAIL	
AID # 200521200	Guilford County, NC
ZP No. 158, LLC	December 23, 2005
111 Princess Street	Sheet 4 of 6
Wilmington, NC 28402	



ACTION ID# 200521200  
 ZP NO. 158, LLC.  
 UNDISTURBED STREAMS AND WETLANDS  
 IN: UNNAMED TRIBUTARY OF  
 HORSEPEN CREEK  
 AT: JEFFERSON VILLAGE  
 COUNTY OF: GUILFORD  
 APPLICATION BY S&EC, PA  
 SHEET 8 OF 22

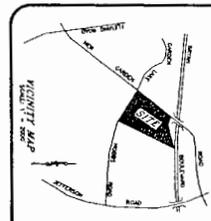
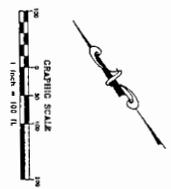
UNDISTURBED WATERS AID # 200521200 ZP No. 158, LLC 111 Princess Street Wilmington, NC 28402	Guilford County, NC December 23, 2005 Sheet 5 of 6
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**GRADING LEGEND**

FLUMED PIPE SECTION	STORM CHANNEL
CURB BANK	ROOF FINISH, 4" AND
GRASS MILET	NON-PROTECTIVE FINISH ON
STORM SERVICE MILET	CONCRETE OR SCHEDULE 40 PIPE
STORM SERVICE BOX-CULVERT	THIS INDICATOR
STORM SERVICE	MAINTENANCE
DOWNSPUT FLOW METER	WOODS AREA
LAST PAVED SURFACE	1" OF CONCRETE
TOP OF WALL ELEVATION	2" OF CONCRETE
TOP OF RETAINING WALL ELEVATION	EXPOSED 3" OF CONCRETE
ELEVATION NOT WALL FOUNDATION	CONCRETE LIME
SHORT ELEVATION	HANDPAVING AREA
	(18 INCH SCALE)

Action ID# 200521200  
 Overall Grading Plan  
 for: Unimproved Tributary to Horseshoe Creek  
 At: Jefferson Village  
 County of Guilford  
 Application by: S&EC, PA  
 Sheet 9 of 22



**Grading Plan**  
 AID # 200521200  
 ZP No. 158, LLC  
 111 Princess Street  
 Wilmington, NC 28402

Guilford County, NC  
 December 23, 2005  
 Sheet 6 of 6

NO.	DATE	REVISIONS

**THE JOHN R. McADAMS COMPANY, INC.**  
 ENGINEERS/PLANNERS/SURVEYORS  
 RESEARCH TRIANGLE PARK, NC  
 P.O. BOX 14805 ZIP 27709-4005  
 (919) 361-5000