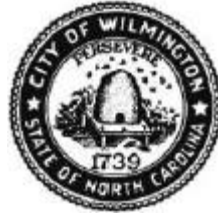


Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Rebecca L. Hawke, City Manager

Date: 8/4/2026

**Ordinance Granting/Denying a Special Use Permit for a Private Recreation Facility
Located at 4950 Holly Tree Road
(SUP-CC-2026-0002)**

The City Council for the City of Wilmington held a public hearing on August 4, 2026, to consider the following application:

Application Number: SUP-CC-2026-0002
Applicant: Grand Slam, LLC C/O Mike Harms
Owner: Grand Slam, LLC C/O Mike Harms
6329 Oleander Drive, Suite 200
Wilmington, NC 28403
Location: 4950 Holly Tree Road
Tax Map: R06119-004-015-000
Proposed Use: Private recreation facility
Zoning District: R-15, Moderate-density single-dwelling residential district

Meeting Dates: City Council: 7/21/2026, 8/4/2026

Wilmington City Council, having heard all evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT:

1. The site includes approximately 7.56 acres of land (approximately 329,313 sq. ft.) that is currently zoned R-15, Moderate-density single-dwelling district, and contains an existing private recreation facility, The Club at Midtown (f/k/a Holly Tree Racquet Club, originally constructed circa 1994).
2. A private recreation facility is defined in the City's Land Development Code ("LDC") as a facility that is restricted to use by members and their invited guests, including country, golf, and tennis clubs. This also includes athletic fields and stadiums that are not classified as public parks.
3. On February 4, 2025, City Council approved a special use permit ("SUP") for the expansion of a private recreation facility that included two (2) tennis courts, 10 outdoor pickleball courts, a 33,375 square-foot indoor pickleball facility, a 5,776 square-foot clubhouse, and an expanded parking facility.
4. On August 5, 2025, City Council approved an LDC amendment that reduced the number of uses required to obtain a SUP, allowing some special uses to be permitted by-right with prescribed conditions and some special uses to be approved by conditional zoning.

5. The site is currently zoned R-15, a moderate-density single-dwelling residential district. Private recreation facilities are currently permitted in the R-15 zoning district, subject to conditional zoning.
6. The approved SUP predates the LDC amendment that permits private recreation facilities in the R-15 district with conditional zoning. The property owner, therefore, has the option to request conditional zoning or to modify the existing SUP, and has elected to request a modification to the existing SUP and proceed with a quasi-judicial hearing.
7. The applicant proposes to modify the existing SUP in order to allow outdoor padel courts in place of pickleball courts, to place padel courts closer to the shared property line with the adjacent subdivision (Teal Trace), to install a six-foot tall fence around the perimeter of the site, and to install gated access at the two driveway entrances on Wallington Road and the pedestrian access on Kirby Smith Drive.
8. The applicant proposes that the SUP be limited to two (2) outdoor tennis courts, four (4) outdoor pickleball courts, three (3) outdoor padel courts, an approximately 1,985 square-foot pool house, an approximately 5,776 square-foot clubhouse, and an approximately 33,375 square-foot indoor pickleball facility.
9. The applicant proposes to allow the conversion of the outdoor courts to any other court type as a minor modification to the SUP, with the stipulation that the footprint of overall court space does not exceed the overall area reflected on the approved site plan and that the coverings, noise prevention materials, and other applicable restrictions to each type of sport provided herein be complied with.
10. The existing SUP conditions include provisions for soundproofing, covered awnings, the use of sound-reducing paddles, and the prohibition of tournament play for all outdoor pickleball courts.
11. The applicant's proposed modifications to the SUP conditions do not include any restrictions for existing tennis courts or any provisions for soundproofing, covered awnings, the use of sound-reducing paddles, or the prohibition of tournament play for the proposed padel courts.
12. Staff recommends sound-reducing provisions be applied to all outdoor courts, excluding tennis courts.
13. Compliance with all site plan requirements shall be enforced as part of the final review and approval by the TRC.
14. The applicant's proposed modifications would provide access to the site from two driveways located along Wallington Road with gated access. The previous SUP restriction requiring that the internal walkway connected to Kirby Smith Drive must remain as an open access walkway with no physical barriers between Kirby Smith Drive and the walkway, would be removed.

Based upon the foregoing FINDINGS OF FACT, the City Council draws the following CONCLUSIONS, as required by Section 18-589 D(2)(a) of the City of Wilmington Land Development Code:

- a. The use will ____ or will not ____ materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the SUP;
- b. The use does ____ or does not ____ meet all required conditions and specifications;

- c. The use will ____ or will not ____ substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- d. The location and character of the use, if developed according to the plan as submitted and approved, will ____ or will not ____ be in harmony with the area in which it is to be located and in general conformity with adopted comprehensive plans, the CAMA plan, and adopted special area plans.

Based upon the foregoing CONCLUSIONS:

____ (DENIAL)

THEREFORE, because City Council concludes that all general and specific conditions precedent to the issuance of an SUP modification have NOT been satisfied, IT IS ORDERED that the application for the issuance of a modification to the existing SUP be DENIED.

____ (APPROVAL)

THEREFORE, because City Council concludes that all general and specific conditions precedent to the issuance of an SUP have been satisfied, IT IS ORDERED that the application for the issuance of a modification to the existing SUP be GRANTED, subject to the following conditions:

1. The applicant shall fully comply with all of the specific requirements stated in the LDC for the proposed use, as well as any additional conditions stated below.
2. If any section, subsection, paragraph, sentence, clause, phrase, or portion of this permit is for any reason held invalid or unconstitutional by any court of competent jurisdiction, this SUP shall be null and void and of no effect.
3. The use and development of the subject property shall be in substantial compliance with the site plan and renderings, as submitted and accepted by City Council on February 4, 2025, as modified on August 4, 2026.
4. The use and development of the subject property shall comply with all other supplemental regulations and requirements imposed by the LDC or any other applicable federal, state, or local law, ordinance, or regulation. In the event of a conflict, the more stringent requirement or higher standard shall apply.
5. The permit shall be limited to two (2) outdoor tennis courts, four (4) outdoor pickleball courts, three (3) outdoor padel courts, an approximately 1,985 square-foot pool house, an approximately 5,776 square-foot clubhouse, and an approximately 33,375 square-foot indoor pickleball facility, provided, however, that the outdoor tennis, pickleball, and padel courts may be altered to any other type of racket or other sporting court through a minor modification process so long as the footprint of such court(s) does not exceed the footprint reflected on the approved site plan, and the coverings, noise prevention materials and other applicable restrictions to each type of sport provided herein are complied with.

6. Approval of this SUP does not constitute technical approval of the site plan. All Technical Review Committee comments shall be followed prior to issuance of a construction release or final zoning approval.
7. All conditions of Sec. 18-165 of the LDC shall be met prior to issuance of the construction release, and the permit holder shall maintain compliance at all times the property is operated pursuant to this permit.
8. All city, state, and federal regulations shall be met.
9. Hours of operation for all outdoor courts and related lights shall be limited to 9:00 a.m. until 9:00 p.m., Monday through Friday, and 8:30 a.m. until 9:00 p.m. on Saturday and Sunday. Operation of the indoor facilities may begin at any time, but shall be limited to a closing time of 10 p.m., seven days a week.
10. All outdoor courts, excluding tennis courts, shall be bordered by soundproofing materials with a covered awning.
11. Outdoor courts, excluding tennis courts, shall be limited to the use of sound-reducing paddles, and no tournament play shall be allowed at any time.
12. Club membership shall be limited to no more than 800 members.

Adopted at a _____ meeting

On _____ 2026

Attest:

Penelope Spicer-Sidbury, City Clerk

Bill Saffo, Mayor

Approved As To Form:

City Attorney