

CASE SUMMARY • SPECIAL USE PERMIT

City Council Evidentiary Hearing • August 4, 2026

Project Planner | Brian Chambers | 910.342.2782

1. Case Overview and Status

This item was continued by City Council at the July 21, 2026, meeting to the August 4, 2026 meeting.

Application to modify an existing special use permit for a private recreation facility located at **4950 Holly Tree Road**. (Grand Slam, LLC c/o Mike Harms, Applicant/Owner, 910.431.3612; Nicole Ratliff, Equitas Law Partners, nicole@equitaslp.com, 910.900.8042).



Report Organization

1. Case Overview & Status
2. Executive Summary
3. Analysis
4. Attachments

SUP-CC-2026-0002

Attachment 2
Aerial Imagery
4950 Holly Tree Rd

- Site
- Parcels



2. Executive Summary

2.1 Proposal

- The applicant proposes to modify an existing special use permit for a private recreation facility.
- 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 (fka Holly Tree Racquet Club, originally constructed circa 1994).
- Private recreation facilities are defined in the City's Land Development Code 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 not classified as a public park.
- On February 4, 2025, City Council approved a special use permit 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.
- On August 5, 2025, City Council approved a Land Development Code amendment that reduced the number of uses permitted by special use permit by allowing some special uses to be permitted by-right with prescribed conditions and some special uses to be approved by conditional zoning.
- Private recreation facilities are currently permitted in the R-15 zoning district with conditional zoning.
- The approved special use permit predates the Land Development Code amendment that permits private recreation facilities in the R-15 district with conditional zoning. The property owner has the option to request conditional zoning or to modify the existing special use permit and has elected to request a modification to their existing special use permit and proceed with a quasi-judicial hearing.
- The applicant proposes to modify the existing special use permit for a private recreation facility to allow padel courts in place of pickleball courts, place padel courts closer to shared property line with the adjacent subdivision (Teal Trace), install a six-foot tall fence around the perimeter of the site, and install gated access at the two driveway entrances on Wallington Road and the pedestrian access on Kirby Smith Drive.

Figure 2.1-A: Current Approved Site Plan

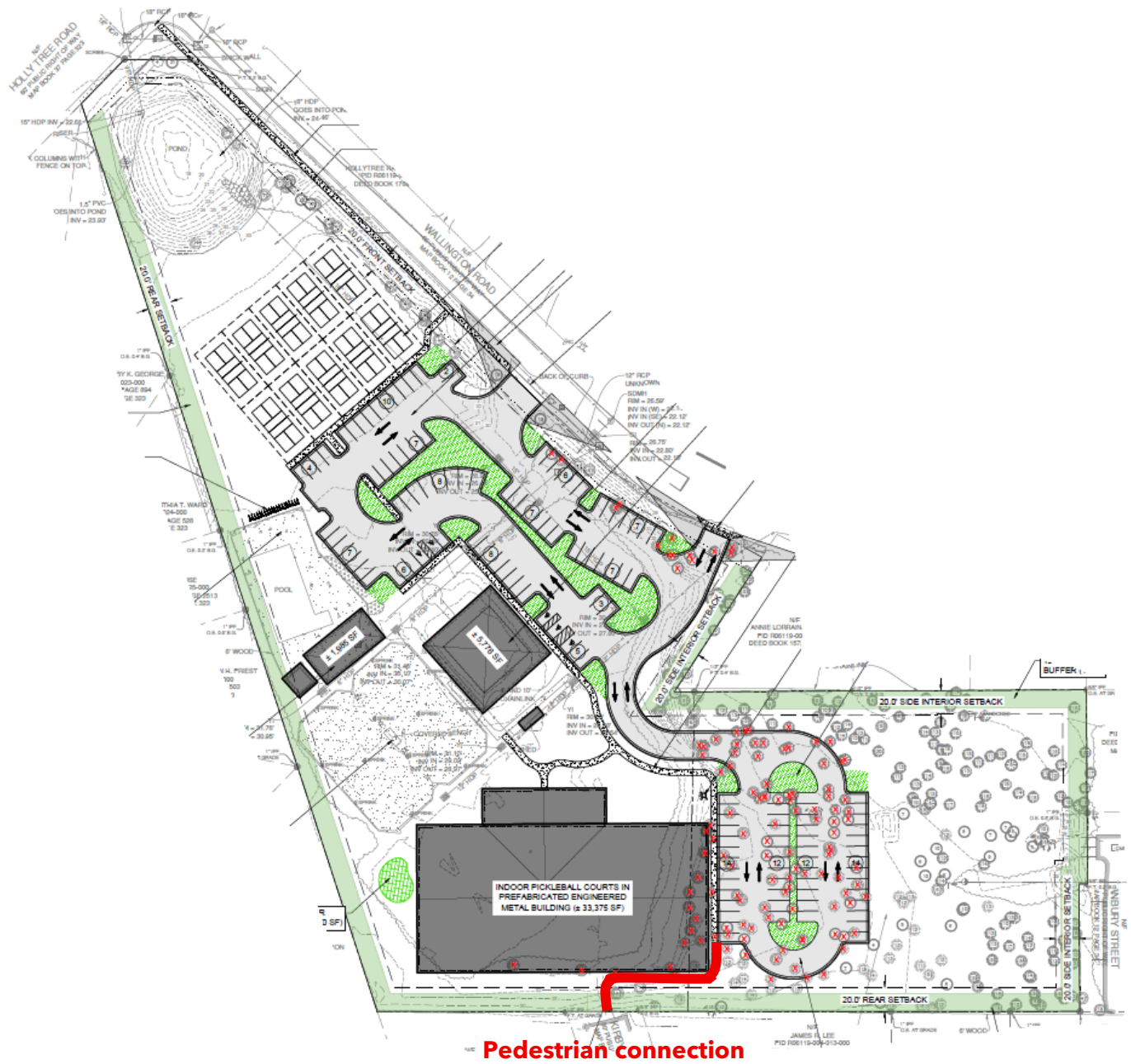
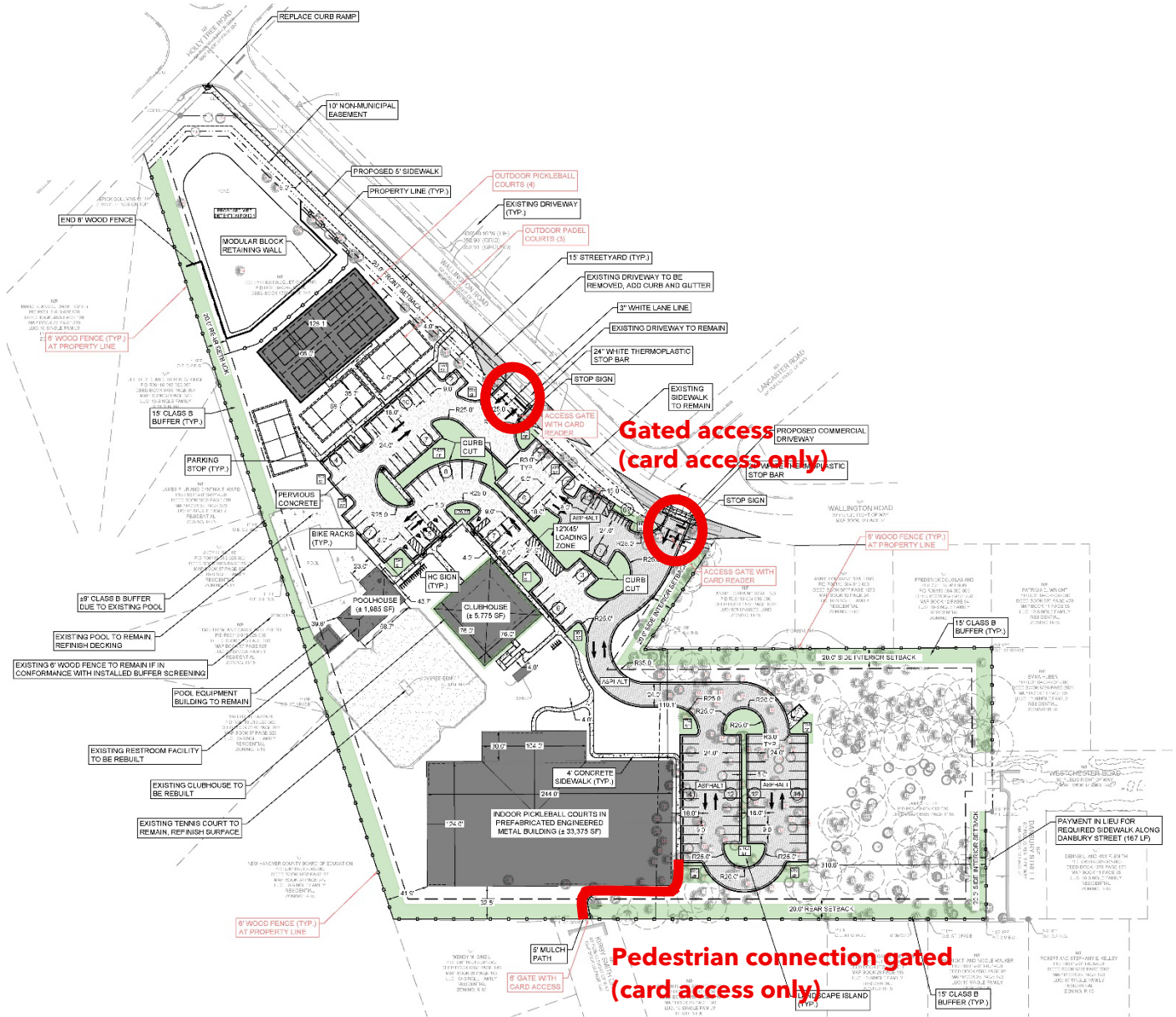


Figure 2.1-B: Proposed Site Plan



2.2 Community Outreach

2.2.1 Neighborhood Meeting

A community meeting for the proposed special use permit modification was held on Tuesday, April 7, 2026, at 6:15 p.m. at the YWCA Lower Cape Fear located at 2815 S. College Road. A copy of the community meeting report is attached. Several citizens attended the meeting. Discussion items included the special use permit modification process, the additional pickleball courts, the reduction in noise associated with the pickleball courts, and the addition of a fence and secured gate.

2.2.2 Public Hearing Notices

<i>Signs Posted By</i>	7/7/2026 7/22/2026
<i>Letters Mailed to Property Owners Within 300 Feet By</i>	7/7/2026 7/22/2026
<i>Advertisement Date(s)</i>	7/10/26 & 7/17/2026

2.3 Decision Making

Special use permits add flexibility to the land development code by allowing certain uses that may be appropriate in a district if held to a higher standard of planning and design. By means of controls issued through the special use permit procedures, land uses that would otherwise be undesirable in certain districts can be developed to minimize any adverse impacts they may have on surrounding properties.

2.3.1 Criteria for Review

Special use permit applications may only be granted after an evidentiary hearing conducted in keeping with the requirements of N.C.G.S §160D-406. In considering such applications, the City Council must find that all four of the following factors exist:

1. That the use would 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 special use permit;
2. That the use meets all required conditions and specifications;
3. That the use would not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use, if developed according to the plan as submitted and approved, would 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.

2.3.2 Staff Analysis

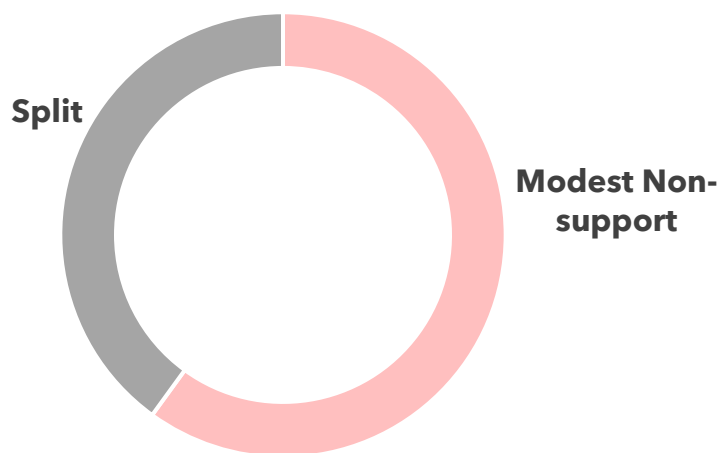
In reviewing the application, staff find the following applicable policies in the Create Wilmington Comprehensive Plan:

- Areas well-suited for infill development should be redeveloped in a way that maintains or enhances the desired character, increases housing options, and improves the overall quality of life in the vicinity.
- While staff has evaluated the proposal for consistency with several policies, the policies identified below most directly apply to the proposed special use permit:
 - **1.4.2.** New commercial development should be properly managed through the use of development regulations, the development review process, and other tools. The intent is to avoid unreasonable impacts, such as traffic, parking, litter, shadow, light, view obstruction, odor, noise, and/or vibration impacts on nearby residential areas.

- **1.7.10.** Infill sites within existing neighborhoods should be developed consistently with the design elements of nearby structures and in a manner that enhances or improves the character of the area.

2.3.3 Policy Support/Non-support

Staff reviewed the proposed project for consistency with the policies established in the *Create Wilmington Comprehensive Plan*. While the chart below depicts the complete breakdown of consistency between applicable policies and the proposed rezoning, staff notes that not all policies carry equal weight; applicability and priority of policies may depend on the specifics of the proposal. (See analysis for detailed policy analysis.)



2.4 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 (fka Holly Tree Racquet Club, originally constructed circa 1994).
2. Private recreation facilities are defined in the City's Land Development Code 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 not classified as a public park.
3. On February 4, 2025, City Council approved a special use permit 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 a Land Development Code amendment that reduced the number of uses permitted by special use permit by allowing some special uses to be permitted by-right with prescribed conditions and some special uses to be approved by conditional zoning.
5. Private recreation facilities are currently permitted in the R-15 zoning district with conditional zoning.
6. The approved special use permit predates the Land Development Code amendment that permits private recreation facilities in the R-15 district with conditional zoning. The

property owner has the option to request conditional zoning or to modify the existing special use permit and has elected to request a modification to their existing special use permit and proceed with a quasi-judicial hearing.

7. The applicant proposes to modify the existing special use permit for a private recreation facility to allow padel courts in place of pickleball courts, place padel courts closer to shared property line with the adjacent subdivision (Teal Trace), install a six-foot tall fence around the perimeter of the site, and 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 special use permit be limited to two (2) tennis courts, four (4) outdoor pickleball courts, three (3) 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 special use permit, 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 special use permit conditions include provisions for sound proofing, 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 special use permit conditions do not include any restrictions for existing tennis courts or 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. Access to the site would be from two driveways located along Wallington Road.

2.5 Special Use Permit Conditions

The applicant is requesting the following amendments to the approved special use permit conditions, additions are underlined, and deletions are in ~~striketrough~~. If City Council elects to approve the requested modification, staff recommends changes to conditions #10 and #11 as proposed by staff and included below (~~STUL~~ in blue).

1. The applicant shall fully comply with all of the specific requirements stated in the Land Development Code 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 special use permit 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 Land Development Code 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) existing~~ tennis courts, ~~10 four (4)~~ outdoor pickleball courts, ~~three (3) padel courts, an approximately 1,985 square-foot pool house, an renovated approximately 5,776 square-foot feet~~ 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 special use permit 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 construction release, and 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 the outdoor ~~pickleball~~ 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. ~~Outdoor pickleball~~ All outdoor courts, excluding tennis courts, shall be bordered by sound proofing materials with a covered awning.
11. Outdoor ~~pickleball~~ courts, excluding tennis courts, shall be limited to the use of sound-reducing paddles; and no tournament play shall be allowed ~~on outdoor pickleball courts~~ at any time.
12. Club membership shall be limited to no more than 800 members.
- ~~13. The internal walkway that will be connected to Kirby Smith Drive as part of the project shall remain as an open access walkway with no physical barriers between Kirby Smith Drive and the walkway.~~

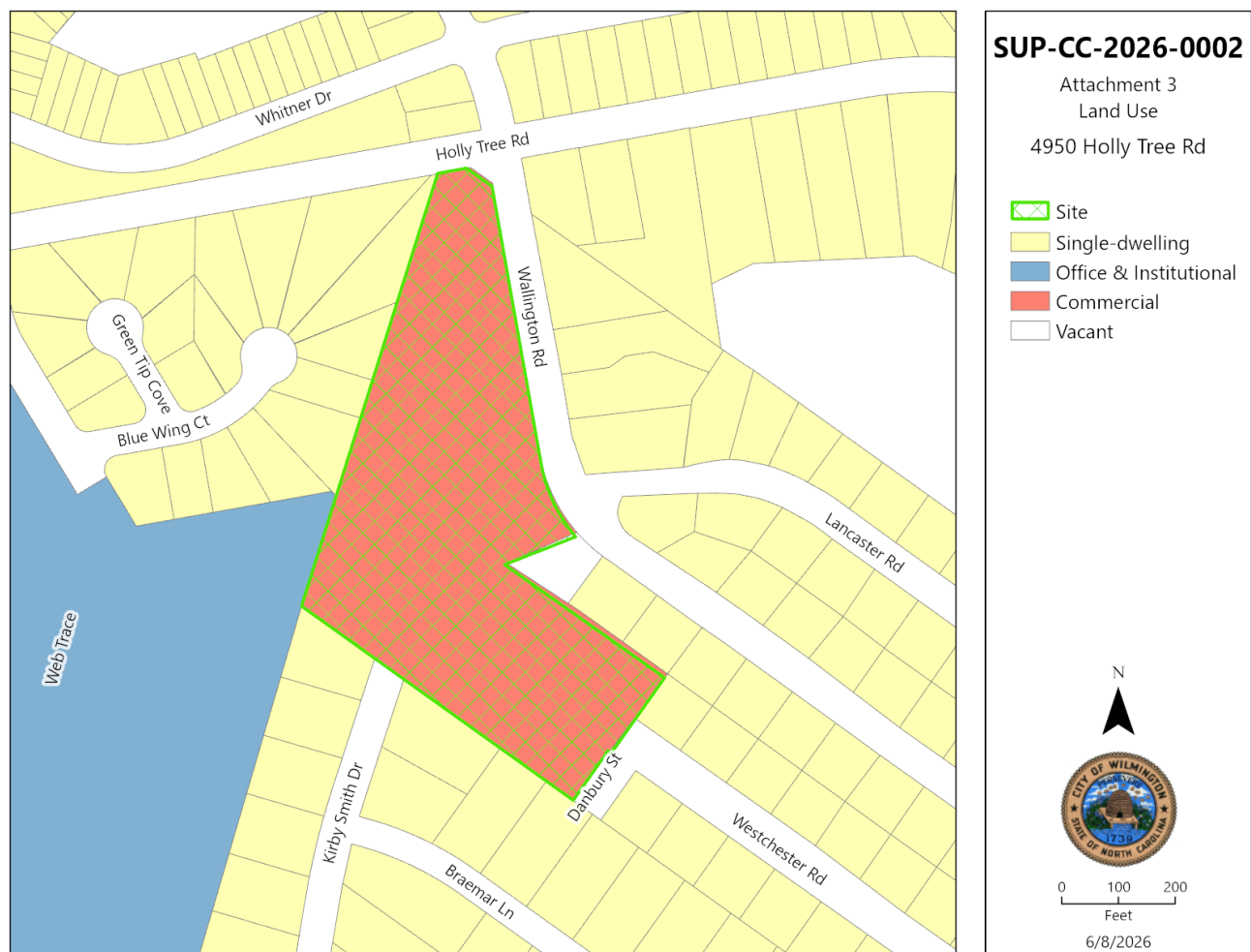
3. Analysis

3.1 Site & Zoning History

- 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 (fka Holly Tree Racquet Club, originally constructed circa 1994).
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3.2 Area Context and Existing Conditions

Figure 3.2-A: Land Use & Zoning Map



	Current Zoning	Existing Land Use(s)
Subject Properties	R-15	Private Recreation Facility, Vacant
North	R-15	Right-of-way, single-dwelling residential
South	R-15	Right-of-way, single-dwelling residential
East	R-15	Right-of-way, single-dwelling residential
West	R-15	Single-dwelling residential, elementary school

3.3 Consistency of Proposed Development with Land Development Code (LDC) Requirements

3.3.1 Zoning District Purpose Statement

- **R-15, Moderate-density single-dwelling district (existing):** The R-15 district is intended to accommodate existing single-dwelling neighborhoods on moderate sized lots, yielding a gross density of less than three units per acre. Use of the R-15 district should be limited to infill sites in already developed locations.

3.3.2 Use-specific Standards

- LDC Section 18-165 sets forth conditions for private recreation facilities, including the following:
 - Maintenance structures shall be at least 100 feet from any residential use.
 - In the R districts, stadiums and athletic fields shall be prohibited.
 - All buildings shall be setback at least 20 feet from any lot lines.

3.3.3 Impacts on Public Services, Facilities, and Infrastructure

- The site is currently served with water and sewer.
- CFPUA requires a Meter Sizing Form to confirm the existing services are the appropriate size for the new use.
- Any necessary utility connections that result in disturbance of pavement will require the applicant to make necessary repairs.
- Based on the estimated peak hour trip generation numbers, a traffic impact analysis was not required.

3.3.4 Access and Parking

- Access to the site is provided via two driveways located along Wallington Road and a pedestrian access on Kirby Smith Drive. The applicant proposes to install gated access at the two driveway entrances on Wallington Road and the pedestrian access at Kirby Smith Drive.
- The maximum permitted parking spaces for the site is 184 spaces. A minimum of 74 spaces is required. The applicant is proposing 139 spaces.
- No other changes to the approved parking area are proposed.

3.3.5 Buffers, Landscaping, and Trees

- A landscaping plan that complies with city standards will be required prior to construction release.
- Required buffer yard plantings must be located between the proposed fence and the property line.
- Two significant trees are proposed to be removed (8" cherry, 8" magnolia) and 86 regulated trees.

- Regulated trees within the area of disturbance necessary for essential site improvements, including but not limited to, underground utility corridors, detention basins, and sidewalks are exempt from mitigation.

3.4 Consistency with Adopted Plans

3.4.1 CAMA Plan

The property is designated as Watershed Resource Protection in the 2006 CAMA plan. Compliance with Article 4, Exceptionally Designed Projects will be required.

3.4.2 2023 Walk Wilmington Plan

No improvements are identified in the vicinity of the request.

3.5 Consistency with *Create Wilmington Comprehensive Plan*

The Comprehensive Plan identifies three questions to be considered when determining the consistency of a proposed use or zoning district with the Comprehensive Plan:

- Is the proposal consistent with the themes and policies contained in the Comprehensive Plan?
- Is the form and function of the proposed development appropriate for the category designated on the Growth Strategy Maps?
- Will community facilities, parks, and other infrastructure be available at the appropriate levels to serve the development as proposed?

Analysis of policies that are applicable to the proposed amendment are organized pursuant to these three considerations. Only policies that directly relate to the location and design of development and associated infrastructure have been included in this analysis. (Policies that recommend changes to regulation as well as policies that recommend action by the City or other organizations were deemed not applicable to this proposal.)

Not all policies carry equal weight; applicability and priority of policies may depend on the specifics of the proposal.

The policy analysis uses the following symbology:

Strong Support



Modest Support



Split (Modest Support & Modest Non-Support)



Modest Non-Support



Strong Non-Support



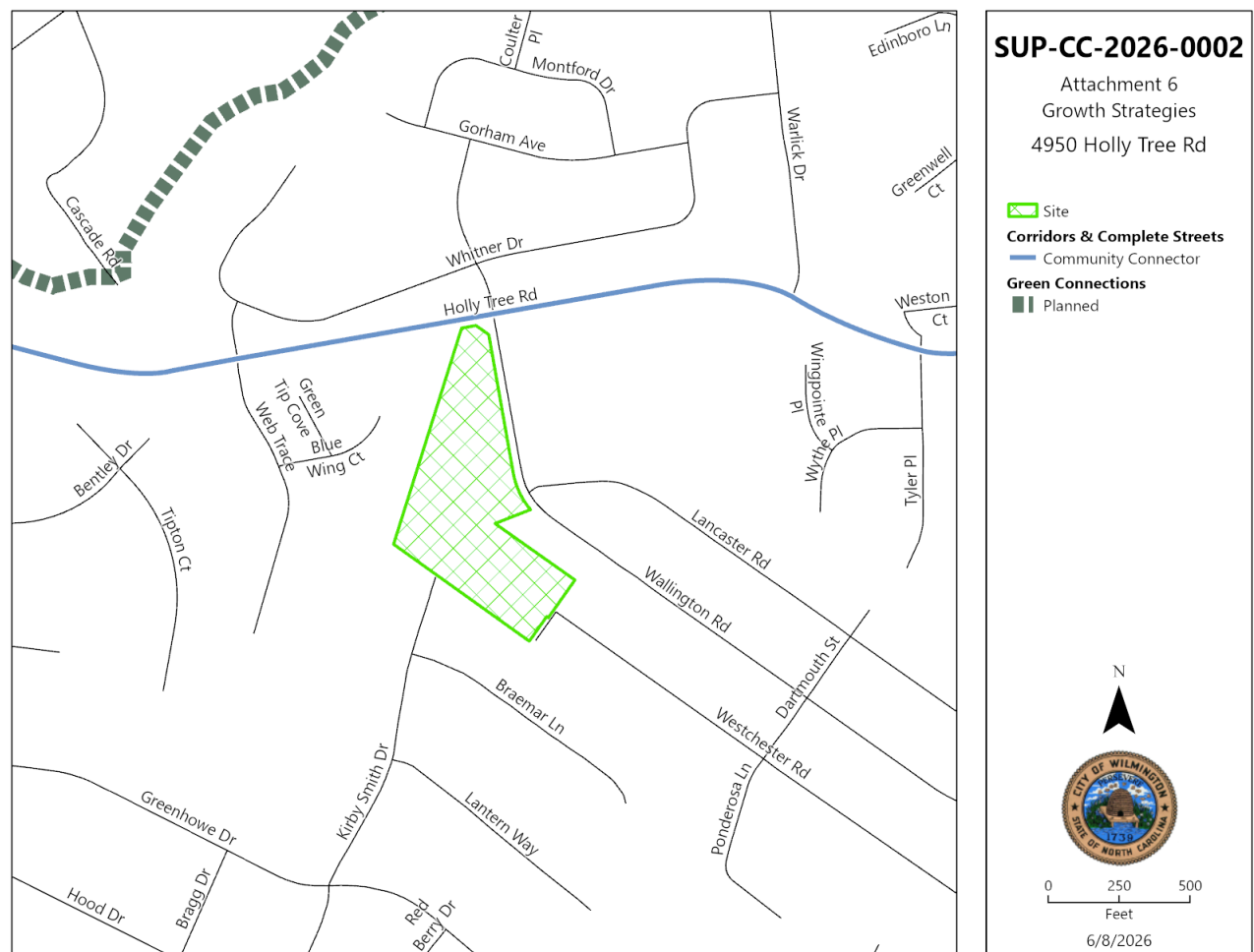
3.5.1 Is the Proposal consistent with the themes contained in the Comprehensive Plan?

1	Development and City Building
Citywide Growth	
1.2.1	Development should create places, streets, and spaces that are visually attractive, safe, accessible, functional, inclusive, have their own distinct identities, and maintain or improve desired character. 

1.2.2	Development should occur in a compact pattern that reinforces the efficient provision of public services and utilities, improves the performance of the transportation network, preserves open space, and reduces negative impacts of low-intensity and noncontiguous development patterns.	↕
Compatibility		
1.4.1	Quality design and site planning should be promoted so that new development infill and redevelopment is implemented with minimal adverse impacts on desired character of the existing built environment.	↕
1.4.2	New commercial development should be properly managed through the use of development regulations, the development review process, and other tools. The intent is to avoid unreasonable impacts, such as traffic, parking, litter, shadow, light, view obstruction, odor, noise, and/or vibration impacts on nearby residential areas.	↓
Commercial Districts, Corridors, and Nodes		
1.6.4	Within commercial districts, development should be designed at a height, mass, scale, and form that is appropriate and provides a suitable transition to the surrounding areas.	↓
1.6.5	The location of high-impact commercial uses that generate excessive late night activity and noise should not negatively impact the quality of life in nearby residential areas.	↓
Neighborhood Conservation and Revitalization		
1.7.10	Infill sites within existing neighborhoods should be developed consistently with the design elements of nearby structures and in a manner that enhances or improves the character of the area.	↓
Infill and Redevelopment		
1.11.3	Areas well-suited for infill and redevelopment, should be redeveloped in a way that maintains or enhances the desired character of the surrounding area, improves access to goods, services, and amenities, increases housing options, and improves the overall quality of life in the vicinity.	↓
6	Environment and Natural Resources	
Urban Forest		
6.3.1	Tree preservation should be a priority in developments where significant clusters of trees can be protected for meaningful impact and appearance. Planting of street trees with frequent spacing should be a priority where the density of buildings, infrastructure, and required grading make the preservation of existing trees unfeasible.	↕
9	Urban Design and Placemaking	
Neighborhoods		
9.5.1	As population growth leads to new housing and development patterns, new development within established neighborhoods should address the existing distinctive character of the surrounding area, while allowing transitional changes.	↕

3.5.2 Is the form and function of the proposed development appropriate for the category designated on the Growth Strategies Maps?

Figure 3.5.2-A: Growth Strategies Map



3.5.1 Will community facilities, parks and other infrastructure be available at appropriate levels to serve the development as proposed?

Vehicular Traffic

- Table 3.5.1-A below indicates that the surrounding street network is currently operating within its designed capacity at a level of service (LOS) of D (Holly Tree Road). Table 3.5.1-B indicates that there would be a slight decrease in the estimated vehicle trips associated with the proposal when compared to the current approved plan.
- Based on the estimated trip generation a Traffic Impact Analysis (TIA) was not required.

Table 3.5.1-A. Current Volumes, Capacities and Levels of Service

Road	Location	Volume	Planning Capacity	V/C	LOS
Wallington Road	Between Holly Tree Rd. & Dartmouth St.	324	4000	0.08	A
Holly Tree Road	East of S. College Rd.	9,857	12,350	0.80	D

Table 3.5.1-B. Estimated Trip Generation

Zoning	Land Use	Intensity	AM Peak Hour Trips	PM Peak Hour Trips	Average Weekday 2-way Volume Trips (ADT)
Existing R-15 (SUP)	Private Recreation Facility	2 tennis courts; 10 pickleball courts; 33,375 sf indoor pickleball facility; swimming pool; 5,776 sf clubhouse	37	74	627
Proposed R-15 (SUP)	Private Recreation Facility	2 tennis courts; 4 pickleball courts; 3 padel courts; 33,375 sf indoor pickleball facility; swimming pool; 5,776 sf clubhouse	32	74	510
TOTAL					
NET DIFFERENCE			-5	-	-117

Source: Institute of Transportation Engineers Trip Generation, 11th Edition, 2021.

Bicycle, Pedestrian and Transit Facilities

- Installation and improvement of sidewalks along Holly Tree Road and Wallington Road is required, where necessary.
- A pedestrian connection is proposed from the interior of the site to Kirby Smith Drive to the south. The pedestrian connection at Kirby Smith Drive is proposed to be gated (card access only).

Public Utilities

- The site has access to water and sewer mains located along Wallington Road.

Table 3. Cape Fear Public Utilities (CFPUA)

Utility Type	Ownership	Size	Location
Water Main (Existing)	CFPUA	8-inch	Wallington Rd.
Sewer Main (Existing)	CFPUA	6-inch	Wallington Rd.

Stormwater

There are no proposed changes to the proposed onsite impervious coverage. Onsite stormwater management was reviewed for compliance with the city's stormwater management regulations and approved through the TRC process.

4. Attachments

1. Ordinance
2. Case Summary
3. Special Use Permit Application (received 5/22/26)
4. Community Meeting Report (dated 4/16/26)
5. Current Ordinance (approved 2/4/25)
6. Current Site Plan (approved 2/4/25)
7. Proposed Site Plan (received 5/22/26)
8. Aerial map (dated 6/5/26)
9. Land use map (dated 6/5/26)
10. Zoning map (dated 6/5/26)
11. Growth Strategies Map (adopted 3/1/16)