



**Development Services**

320 Chestnut Street  
PO Box 1810  
Wilmington, NC 28402-1810

910 254 0900  
910 341 3264 fax  
wilmingtonnc.gov  
Dial 711 TTY/

February 13, 2008

Mr. Josh Mihaly  
Mihaly-Cirello PLLC  
5725 Oleander Drive, Suite A-7  
Wilmington, NC 28403

Ref: 1426 Navaho Trail & a portion of  
4032 Masonboro Loop Road  
Case No: CD-6-1107

Dear Mr. Mihaly:

On Tuesday, February 5, 2008, the Wilmington City Council approved your Conditional District request to rezone property located at 1426 Navaho Trail & a portion of 4032 Masonboro Loop Road from R-15, Residential District to O&I(CD), Office & Institutional Conditional District for a mixed-use building containing 3,600 square feet of office space and 3 residential units.

A copy of the signed Conditional District Ordinance rezoning this property is enclosed. Please call our office at 254-0900 if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive that reads 'Jeff Walton'. To the right of the signature is a circular stamp containing the initials 'AMW'.

Jeff Walton  
Associate Planner

/am  
Encl.

c: City Clerk (W/Encl.)  
Code Enforcement Office (W/Encl.)  
GIS Planner (W/Encl.)  
Masonboro Retreat Venture/Worsley Investment, Earl Worsley, PO Box 490,  
Wilmington, NC 28403

fm cc cond dist app ltr-Ord. Encl

# Ordinance



City Council  
City of Wilmington  
North Carolina

Introduced By: Sterling B. Cheatham, City Manager

Date: 02/05/2008

**Ordinance Amending the Official Zoning Maps  
Of the City Adopted March 27, 1984  
(CD-6-1107)**

**LEGISLATIVE INTENT/PURPOSE:**

WHEREAS, NCGS Section 160A-385 authorizes local governments to change or modify zone boundaries within their jurisdiction; and

WHEREAS, the amendment set out below is made in accordance with NCGS Section 160A-364 and Article 3, Section 18-117 of the Land Development Code.

**THEREFORE, BE IT ORDAINED:**

SECTION 1: The Official Zoning Maps of the City of Wilmington are hereby amended by removing the hereinafter described tract of land from the present R-15, Residential District Classification and putting it in the O&I-1(CD), Office & Institutional-1 Conditional Zoning District Classification, said tract being more particularly described as follows:

A tract of land located in Wilmington Township, New Hanover County, North Carolina being more particularly described as follows: beginning at an iron pipe marking the northwestern corner of Lot 2 of *Navaho Woods* as shown on a plat of same recorded in map book 32, page 192 of the New Hanover County Register of Deeds office, said beginning point marking an angle point in the current City of Wilmington zoning boundary between CB zoning and R-15 zoning, running thence as a new zoning boundary line with the northern line of Lot 3 of said *Navaho Woods* and with the southern line of Tract A of that property shown on a map of division for *Worsley Investment & Development Company, LLC*, said map being recorded in map book 42, page 21 of said registry North 77 degrees 51 minutes 35 seconds West 22.76' to the dividing corner between Tracts A & B of said *Worsley* division, thence continuing with the southern line of Tract B of said division North 77 degrees 51 minutes 35 seconds West 106.50' to the southwestern corner of said Tract B, thence with the western line of Tract B of the *Worsley* division and with the eastern line of Lot 4 of *Navaho Woods* North 15 degrees 36 minutes 00 seconds East 144.82' to the northwestern corner of Tract B, said corner lying in the southern right of way line of *Navaho Trail* (SR # 1516, 60' public right of way), thence with said right of way line and the northern line of Tract B South 73 degrees 54 minutes 50 seconds East 71.3' more or less to the current intersection of the CB, R-15 zoning line with the southern line of *Navaho Trail*, thence continuing with said right of way line

CERTIFIED TO BE A TRUE COPY  
*Randee S. S. S. S.*  
City Clerk

South 73 degrees 54 minutes 50 seconds East 35.00' to the diving corner between Tracts A & B of the *Worsley* division, thence with said right of way South 73 degrees 54 minutes 50 seconds East 38' more or less to an angle point in the current location of the CB, R-15 zoning boundary, thence with said zoning boundary South 22 degrees 01 minutes 19 seconds West 136.65' to the point of beginning, the above described parcel containing 19,150 square feet more or less, 4,144 square feet of which falls within the bounds of Tract A of the *Worsley* division and 15,006 square feet within the bounds of Tract B of said division.

SECTION 2: The following rules, regulations and conditions shall apply to the property described in this ordinance:

- 1) The property shall be subject to 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 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 site plan for the district shall be null and void and of no effect and proceeds shall be instituted to rezone the property to its previous zoning classification.
- 3) The subject property shall be allowed uses related to all permitted uses within the O&I-1 district.
- 5) The subject property shall also be limited to 3 two-bedroom residential units.
- 6) 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.
- 7) The subject property shall be allowed uses related to all permitted uses within the O&I-1 district.
- 8) The subject property shall also be limited to 3 two-bedroom residential units. To further limit the impact of the proposed development on water and sewer systems, the applicant shall install low-flow water fixtures.
- 9) A landscape plan shall show a minimum of 50 percent landscaping area designed as xeric landscaping with appropriate plant and soil materials.
- 10) Solid waste collection shall be via roll-out containers stored within the building footprint.
- 11) All outdoor lighting shall be installed so as not to shine or reflect directly onto surrounding properties.
- 12) Freestanding signs within the right-of-way shall be of monument-type only. No pole signs shall be permitted.
- 13) The site shall be developed in accordance with the approved site plan.
- 14) All city, state and federal regulations shall be met.
- 15) All Technical Review Committee requirements shall be met.

SECTION 3: The City Clerk and the Planning Manager are hereby authorized and directed under the supervision of the City Manager to change the Zoning Maps on file in the office of the City Clerk and the Planning Division, to conform with this ordinance.

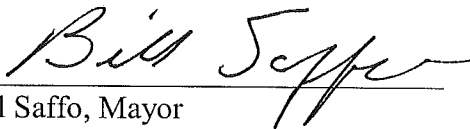
SECTION 4: That any person violating the provisions of this ordinance, including the approved

site plan, shall be subject to the penalties set forth in Section 18-52 of the Land Development Code.

SECTION 5: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 6: If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7: This ordinance shall be effective immediately upon its adoption.

  
Bill Saffo, Mayor

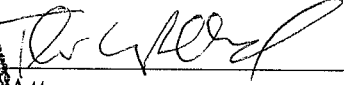
Adopted at a regular meeting  
on February 5, 2008.

ATTEST:

  
City Clerk



APPROVED AS TO FORM:

  
City Attorney