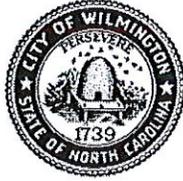


Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Sterling B. Cheatham, City Manager

Date: 10/6/2015

**Ordinance Modifying an MF-MH (CD), Multi-family, Medium-high (Conditional District)
Zoning on Property Containing 10.08 Acres of Land Located at 75 Cavalier Drive to
Modify the Approved Site Design (CD-3-1210-M715-M915)**

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, Single Family Residential and putting it in the MF-MH (CD), Multi-family, Medium-high (Conditional District) classification, said tract being more particularly described as follows:

Legal Description for
Conditional District Rezoning of
CAMBRIDGE VILLAGE TRACT
NEW HANOVER COUNTY, NORTH CAROLINA
NOVEMBER 18, 2010

A portion of land as referenced by pin #R05600001003000 as shown in the New Hanover County Register of Deeds and being more particularly described as follows:

Commencing at a rebar in the northern right of way of Eastwood Road (US Hwy 74, 150' right of way), said point being having NC Grid NAD 83 (2011) coordinates of North 177068.85 and East 2352349.57, said point being the true Point of Beginning;

Thence from the Point of Beginning, along said right of way North 56°23'25" West a distance of 269.01 feet to a point; thence leaving said right of way North 33°49'14" East a distance of 111.59 feet to a point; thence with a curve to the left have a chord bearing of North 17°23'34" East, a chord distance of 113.12 feet, and a radius of 200 feet to a point; thence North 0°57'53"

CITY CLERK
Katherine Spivey Sidbury
CERTIFIED TO BE A TRUE COPY

East a distance of 230.00 feet to a point; thence North 3°59'24" East a distance of 200.49 feet to a point; thence North 88°12'46" East a distance of 413.64 feet to a point; thence North 88°10'11" East a distance of 338.53 feet to a point; thence South 2°03'25" East a distance of 59.96 feet to a point; thence South 1°59'21" East a distance of 539.17 feet to a point near the bank of a creek; thence along said creek the following calls and distances South 88°00'39" West a distance of 68.49 feet; North 62°06'51" West a distance of 41.25 feet; North 66°05'00" West a distance of 41.95 feet; North 63°55'56" West a distance of 41.97 feet; North 69°03'03" West a distance of 43.44 feet; North 85°20'00" West a distance of 20.12 feet; South 61 °49'26" West a distance of 25.83 feet;

South 52°20'23" West a distance of 18.70 feet; South 51 °06'13" West a distance of 45.57 feet; South 55°38'22" West a distance of 50.69 feet; South 57°00'02" West a distance of 43.84 feet; South 52°49'55" West a distance of 15.21 feet; South 34°47'23" West a distance of 73.17 feet; South 31 °28'20" West a distance of 41.03 feet; South 43°43'28" West a distance of 19.99 feet; South 57°04'58" West a distance of 13.05 feet; South 65°22'22" West a distance of 13.11 feet; South 73°47'22" West a distance of 17.22 feet; South 76°37'45" West a distance of 29.43 feet; South 74°18'27" West a distance of 47.87 feet; South 71°11'11" West a distance of 22.88 feet; South 82°10'52" West a distance of 44.67 feet to the Point of Beginning, containing 518,237 Sq. Ft. or 11.90 Acres more or less.

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 proceedings shall be instituted to return the plan for development of the property to its previous conditional district zoning and associated site plan.
3. The use and development of the subject property shall be in accordance with the plan and building elevations as submitted and approved.
4. The use of the site shall be limited to 230 apartment units limited to residents of the age 55 and older, a 26,945 square foot wellness center, and a 955 square foot salon.
5. The use and development of the subject property shall comply with all other supplemental regulations and requirements imposed by the Land Development Code and 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.
6. Parking is limited to 300 spaces as proposed and shall be of pervious material as soils allow.
7. The applicant shall utilize additional bio-retention/infiltration basins throughout the site to reduce the size of the stormwater pond to an extent practical as determined by the City Engineer.
8. As a condition of the proposed Exceptional Design components as proposed by the applicant, the applicant shall use at a minimum 50% xeric landscaping.
 - a. Plant species specified for xeriscaping areas are to be drought tolerant
 - b. No permanent irrigation is permitted in xeriscaped areas.
 - c. All trees and shrubs shall be selected for compatibility with the area's climate and soil types.
 - d. Areas of xeriscaping shall be maintained by the owner in perpetuity until as such time the property is ever rezoned.

9. Compliance with all proposed Exceptional Design components shall be reviewed and approved by the TRC.
10. All buildings shall install a sprinkler system for fire suppression.
11. All conditions and recommendations to the Traffic Impact Analysis (TIA) as reviewed and approved by the Wilmington Metropolitan Planning Organization (WMPO), the North Carolina Department of Transportation (NCDOT), and staff shall be implemented accordingly.
12. The site shall be developed according to the approved Preliminary Plan.
13. All recommendations of the Traffic Impact Analysis shall be constructed prior to a Certificate of Occupancy being issued.
14. All City, State and Federal regulations shall be followed.
15. A signal warrant analysis shall be conducted by the applicant/developer prior to the construction release for Phase 2. Additionally, the developer of Phase 2 shall at that time install the traffic signal in conjunction with the development of Phase 2, or post a surety or bond to cover the cost to install a traffic signal at Cavalier Drive until such time a traffic signal is warranted.
16. All regulated trees removed from this site as a result of the approved conditional district modification (CD-3-1210-M715-M915) shall be mitigated.

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.

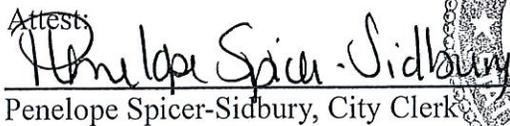
SECTION 5: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

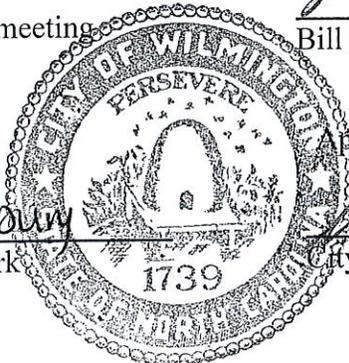
SECTION 6: If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions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

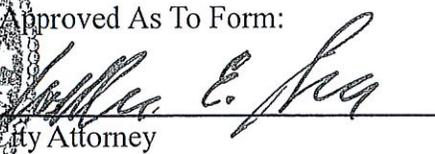
SECTION 7: This ordinance shall be effective immediately upon its adoption.

Adopted at a regular meeting
on October 6, 2015


Bill Saffo, Mayor

Attest:

Penelope Spicer-Sidbury, City Clerk



Approved As To Form:

City Attorney