



Development Services
Planning Division
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November 12, 2012

Mr. Kyle Myers
Mr. Adam Lisk
Riverfront Holdings II, LLC
720 North 3rd Street, Suite 200
Wilmington, NC 28401

RE: Upper Downtown, SRB-3-1012

Dear Messrs. Myers and Lisk:

On October 17, 2012 the Subdivision Review Board (SRB) conditionally approved the Preliminary Plan creating four (4) lots from 26.67 acres near 10 Harnett Street. The subject property is zoned CBD. Approval of the Preliminary Plan is subject to the following conditions:

1. The board stated that SRB approval has not been granted regarding location of the future city park and the easement in which the Riverwalk is to be located. The location of this easement, the Nutt Street right-of-way and the park site is required to be placed on all final plats for the subdivision.
2. At the time of constructing improvements on Lot 2, Nutt Street shall be constructed along the entire frontage of Lot 2 in accordance with city standards.
3. Approval of the preliminary plan requires that the plan accurately show all existing and proposed easements. These easements include but are not limited to Riverwalk Easements as reflected in the agreements recorded on Dec. 6, 2008 at the New Hanover County Register of Deeds.
4. Approval conditions as adopted with SRB approval number SRB-1-708 shall remain valid.
5. All driveway locations shall be subject to approval by the Traffic Engineering division.
6. State water and sewer permits and a Cape Fear Public Utility Authority Water Extensions Agreement must be obtained prior to construction release.
7. A Landscaping Plan shall be submitted for review and approval by city staff prior to release of the plan for construction.
8. Traffic improvements required by the City of Wilmington shall be installed prior to issuance of city approval for certificates of occupancy.
9. In accordance with the Land Development Code guidelines, Sec. 18-69, required improvements shall be constructed prior to submission of a final subdivision plat.
10. The site shall be developed according to the approved preliminary plan.
11. All City, State and Federal regulations shall be followed.

12. A Landscaping Plan, to include installment of street trees with an adequate 10-foot wide pedestrian passage and consistent timing of construction with other capital projects adjacent to the project area shall be submitted. This plan shall be for review and approval by city staff prior to release of site plans for construction.

An appeal from a decision of the Subdivision Review Board shall be to the Planning Commission, provided written notice of the appeal is filed within twenty (20) days of the Board's action to the secretary of the Planning Commission. The appeal shall be set for hearing before the Planning Commission within thirty (30) days receipt of the appeal or as soon thereafter as is practicable.

The decision of the Planning Commission shall be subject to review by the New Hanover County Superior Court. The appellant must file a petition for judicial review in Superior Court within thirty (30) days of the Planning Commission's final decision. Failure to file such petition within the time frame stated shall bar Superior Court review.

Should you or any interested party elect not to file an appeal, approval of the Preliminary Plan is effective for a period of eighteen (18) months, or until April 17, 2014.

Development Services staff will be glad to assist you with site plan submission so that the necessary review can occur so you can obtain release for construction. Before beginning clearing and grading, please submit application for a Tree Removal Permit. If you need additional information, please contact me at 341-3257.

Sincerely,

Jim Diepenbrock
Associate Planner