

ORDER APPROVING A PRELIMINARY PLAN

This matter came before the Wilmington Subdivision Review Board (SRB) for a public hearing on October 19, 2016, to consider case number SRB-3-1016 submitted by Stroud Engineering Inc. on behalf of JAF4, LLC for preliminary plan approval for a 224-unit (152 units existing, 72 units proposed) multi-family development to include the extension of public utilities, public and private streets, stormwater management systems, and open space located at the southeast corner of Independence Boulevard and River Road. The property contains approximately 57.11 acres and is currently zoned MF-M, Multi-family Medium Density Residential District.

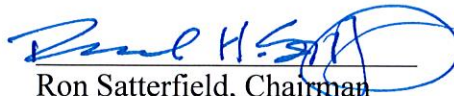
The SRB having heard the evidence and arguments presented at the hearing makes the following findings of fact:

1. The site includes two tracts totaling 57.11 acres currently zoned MF-M, Multi-family Medium-density.
2. The site has frontage on both Independence Boulevard and River Road.
3. The Subdivision Review Board (SRB) granted approval of a Preliminary Plan for the subject property on November 21, 2002.
4. The approved Preliminary Plan consisted of 224 multi-family units, the extension of public utilities, public and private streets, stormwater management systems, and open space.
5. The City of Wilmington Code Secs. 18-60 and 18-68 states that substantial physical site improvements must be made on the site of an approved subdivision in order for a Preliminary Plan to be vested.
6. To date, 152 units of the 224 units approved for this site and a substantial amount of the infrastructure has been constructed.
7. The current approved preliminary plan is considered vested and the applicant can proceed with construction upon reissuance of all required permits.
8. The applicant proposes to construct the remainder of the site which includes five buildings for a total of 72 multi-family units.
9. The applicant proposes modify the approved Preliminary Plan to remove the required pedestrian access to the open space that is located on an island surrounded by marshland.
10. The applicant proposes to bring the site into compliance with the approved stormwater management permits.
11. A payment-in-lieu was received/approved on May 9, 2005 for improvements that were required along the Independence Boulevard frontage of the site.

THEREFORE, IT IS ORDERED that the preliminary plan for a 224-unit multi-family development to include the extension of public utilities, public and private streets, stormwater management systems, and open space at the southeast corner of Independence Boulevard and River Road is approved subject to the following:

1. The use and development of the subject property shall comply with all regulations and requirements imposed by the Land Development Code, the City of Wilmington Technical Standards and Specifications Manual and any other applicable federal, state or local law, ordinance or regulation, as well as any condition stated below. In the event of a conflict, the more stringent requirement or higher standard shall apply.
2. Approval of this preliminary plan does not constitute technical approval of a site plan. Final approval by the Technical Review Committee and the issuance of all required permits must occur prior to release of the project for construction.
3. 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 preliminary plan shall be null and void.
4. The use and development of the subject property shall be in accordance with the approved preliminary plan as submitted and approved.
5. A tree preservation plan and tree removal permit shall be required for this project and city staff shall issue these based on acceptable limits of clearing and tree preservation.
6. Trees designated to be preserved shall be properly protected during construction and tree protection fencing shall be noted on the construction plans. Tree clearing will be limited to essential site improvements within the project limits as shown on the approved site plan.
7. If necessary, resource areas, buffers and setbacks per requirements of the LDC shall be shown and labeled on the Preliminary Plan.
8. All existing and proposed public and non-municipal easements shall be added as necessary to the Preliminary Plan.
9. An acceptable Preliminary Plan which adequately addresses all TRC/SRB comments shall be submitted for signature within thirty (30) calendar days of SRB approval.
10. The use of pine straw as ground cover shall be prohibited within ten (10) feet of any combustible exterior construction.
11. Requirements of the approved Traffic Impact Analysis (TIA) must be completed prior to issuance of a certificate of occupancy.
12. Required improvements associated with River Road shall be reviewed and approved by the Technical Review Committee.
13. All city, state and federal regulations shall be followed.

SIGNED this 24th day of October, 2016.


Ron Satterfield, Chairman
Subdivision Review Board

ATTEST:



Tamara Mercer

Designated Secretary to the Subdivision Review Board

Date Order Filed with Planning Office: October 24, 2016