

Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Sterling B. Cheatham, City Manager

Date: 6/21/2011

Ordinance Rezoning Property Containing 49.45 Acres Located at 3907 Shipyard Boulevard From R-15, Single family Residential and MF-M, Multi-family Medium Density District to O&I-1 (CD), Office and Institutional District-1 (Conditional District) for Creation of an Office Park Including the Construction of One New Structure (CD-4-511)

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 and MF-M, Multi-family Medium Density District and putting it in the O&I-1(CD), Office and Institutional District-1 (Conditional District) classification, said tract being more particularly described as follows:

Legal Description for
Conditional District Rezoning of 3907 Shipyard Boulevard

Beginning at an iron on the eastern right-of-way of Independence Boulevard (100 foot public right-of-way), said iron being the southwestern corner of The Oleander Company Tract, said iron is also the northwestern corner of the Independence East Phase One and Two tracts (condo book 6 page 326 and condo book 7 page 108): **Proceed** from said point of beginning and with the eastern right-of-way of Independence Boulevard N 00-53-34 E 362.86 feet, thence leaving said right-of-way S 89-06-26 E 102.07 feet to a point thence with a curve to the right having a radius of 315.00 feet a chord S 65-54-42 E 248.14 feet, thence N 47-17-01 E 52.42 feet, thence N 19-04-43 E 78.26 feet, thence N 21-26-14 E 148.99 feet, thence N 45-23-48 E 127.01 feet, thence N 63-35-47 E 136.56 feet, thence S 10-11-17 E 51.90 feet, thence S 13-26-32 W 73.06 feet, thence S 28-33-05 W 78.07 feet, thence S 14-49-14 W 159.10 feet, thence S 72-56-07 E 52.99 feet, thence S 82-12-58 E 125.25 feet, thence N 00-53-34 E 514.79 feet, thence S 71-12-57 E 1699.68 feet, thence N 27-57-26 E 45.75 feet, thence N

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CITY CLERK
Shirley Spear Shipley

17-06-04 E 126.95 feet, thence N 27-51-29 E 56.24 feet, thence S 52-53-16 E 350.12 feet to an iron, thence S 38-35-01 W 1337.03 feet to an iron in the southern line of the Oleander Company Tract, thence with said southern line N 62-08-14 W 311.32 feet to an iron, thence N 46-37-34 W 239.95 feet to an iron, thence N 81-07-16 W 388.58 feet to an iron, thence N 62-09-10 W 322.17 feet to an iron, thence N 62-08-33 W 405.18 feet to an iron, thence N 78-31-07 W 434.10 feet to the point of beginning and containing 49.45 acres according to a partial survey and computations by Hanover Design Services, P.A.

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 rezone the property to its previous zoning classification.
3. The use and development of the subject property shall be in accordance with the plan as submitted and approved.
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 applicant shall work with staff to install adequate traffic calming measures within the proposed public right-of-ways. The developer shall be responsible for the installation of these traffic calming devices.
6. All conditions and recommendations to the traffic impact analysis (received 5/9/11) as reviewed and approved by the Wilmington Metropolitan Planning Organization, the North Carolina Department of Transportation, and staff shall be implemented accordingly.
7. All recommendations of the traffic impact analysis shall be constructed prior to a Certificate of Occupancy being issued.
8. The site shall be developed according to the approved Preliminary Plan.
9. All city, state and federal regulations shall be followed.
10. Parcels A, A-1, B, C, and D, as shown on the plan dated June 6, 2011, shall be limited to banking, business services and medical and professional office uses.
11. An agreement between the developer and the city's stormwater staff shall be reached on the location of the stormwater outfall for the development to manage and ensure no additional runoff impacts the adjacent single-family neighborhood.

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 July 12, 2011.

ATTEST:

Penelope Spicer-Sidbury
Penelope Spicer-Sidbury, City Clerk



Bill Saffo
Bill Saffo, Mayor

APPROVED AS TO FORM:

Carolyn D. Johnson
City Attorney