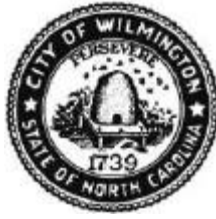


Ordinance



City Council
City of Wilmington
North Carolina

Introduced By: Rebecca L. Hawke, City Manager

Date: 8/4/2026

Ordinance Amending the Official Zoning Maps of the City of Wilmington to Rezone Property Containing 1.76 Acres Located at 524 S. College Road from O&I, Office and Institutional District, to CB(CD), Community Business (Conditional District), for a Convenience Store and Fuel Station (CD-6-226)

LEGISLATIVE INTENT/PURPOSE:

WHEREAS, N.C.G.S. §§160D-102, 160D-108(d), 160D-603, and 160D-702 authorize local governments to change or modify zoning boundaries within their jurisdiction; and,

WHEREAS, the amendment set out below is made in accordance with N.C.G.S. §160D-601, and Article 7, Divisions 1 and 2, of the City of Wilmington Land Development Code ("LDC").

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 ("Property") from the present O&I, Office and Institutional District, and putting it in the CB (CD), Community Business (Conditional District) Classification, said tract being more particularly described as follows:

Tract 1

COMMENCING at NGS Monument "Comfort" having Coordinates of North: 180,262.50' and East: 2,341,309.87' South 29°37'05" West a ground distance of 4,811.94' to an existing iron pipe being on the northwestern right of way of College Road (200' Public Right of Way) and being the southwestern corner of Daylight Investments, LLC as described in Deed Book 5900, Page 1571 recorded in the New Hanover County Public Registry and said point also being the point of BEGINNING; thence running with the northwestern right of way of College Road South 29°30'28" West a distance of 244.94' to an existing concrete monument being the northeastern corner of Wachovia Bank & Trust Co. as described in Deed Book 870, Page 393; thence with the Wachovia Bank & Trust Co. the following two (2) courses and distances:

1) North 60°26'51" West a distance of 175.02' to an existing iron pipe;

2) South 29°51'02" West a distance of 24.93' to an existing iron pipe being the northeastern corner of Pender Point Farms & Properties, LLC as described in Deed Book 6575, Page 2514; thence with the line of Pender Point Farms & Properties, LLC North 60°25'30" West a total distance of 124.98' (passing existing pipes at 89.99' & 94.96') to an existing iron pipe being on the line of The Glenn G, LLC as described in Deed Book 6333, Page 134; thence with the line of The Glenn G, LLC North 29°33'14" East a distance of 269.84' to an existing iron pipe being the southwestern corner of Daylight Investments, LLC as described in Deed Book 5900, Page 1571; thence with the line of Daylight Investments, LLC South 60°26'42" East a distance of 299.93' to the point and place of BEGINNING, containing an area of 76,605 square feet or 1.7586 acres of land, more or less, as shown on a survey prepared by Cornerstone Professional Land Surveying, PLLC, dated November 6, 2024, bearing Job No. 2024-315.

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

1. The use and development of the Property shall comply with all regulations and requirements imposed by the LDC, the City's 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 conditional district rezoning does not constitute technical approval of the 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 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.
4. The use and development of the subject property shall be in substantial compliance with the site plan and elevations as submitted and accepted by City Council on August 4, 2026, specifically including, but not limited to, the connection between the southern end of the property and the University Drive public right-of-way.
5. Any existing trees removed within the right of way must be relocated onsite unless: (1) existing utilities prevent relocation, (2) relocation is expected to cause irreparable damage to the health of the tree, or (3) removal/relocation is denied by the North Carolina Department of Transportation.

6. All doors located on the street-facing façade shall be designed to present an inviting and pedestrian-oriented appearance through glazing, architectural detailing, or other design features that contribute to a welcoming, human-scaled building entry.
7. Parking and loading areas along the primary frontage of the site shall be screened with shrubbery, a grade change, a low wall, or a planted berm, or any combination that serves to screen the parking from the adjacent roadway. The screen shall be at least 3 feet in height and may be incorporated into streetscape landscaping. The planting strip shall be at least four feet in width. Depressions and curb cuts shall be allowed for water quality protection.

SECTION 3: The City Clerk and the Planning Director 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 Department, to conform with this ordinance.

SECTION 4: Any person violating the provisions of this ordinance, including the approved site plan, shall be subject to the penalties set forth in Section 18-648 of the LDC.

SECTION 5: Any prior rezoning related to this Property in conflict with this ordinance is 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 upon its adoption by City Council and the City's receipt of written acceptance by the Applicant of all conditions adopted by the City.

Adopted at a _____ meeting

On _____ 2026

Bill Saffo, Mayor

Attest:

Penelope Spicer-Sidbury, City Clerk

Approved As To Form:

City Attorney