

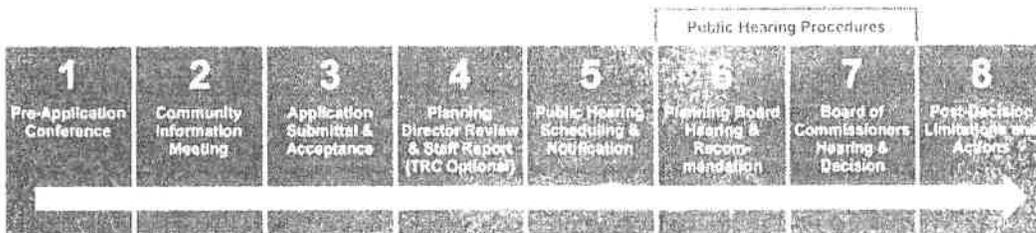


NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE
 230 Government Center Drive, Suite 110
 Wilmington, North Carolina 28403
 Telephone (910) 798-7165
 FAX (910) 798-7053
 planningdevelopment.nhcgov.com

MASTER PLANNED DEVELOPMENT APPLICATION

This application form must be completed as part of a master planned development application submitted through the county's online COAST portal. The main procedural steps in the submittal and review of applications are outlined in the flowchart below. More specific submittal and review requirements, as well as the standards to be applied in reviewing the application, are set out in Section 10.3.4 of the Unified Development Ordinance.



1. Applicant and Property Owner Information

Applicant/Agent Name Frank Pasquale	Owner Name (if different from Applicant/Agent) Ray Bordeaux
Company KFJ Development Group LLC	Company/Owner Name 2 DBDL LLC
Address	Address 1120 Village Rd - B9
City, State, Zip Wilmington, NC, 28405	City, State, Zip Leyland, NC, 28451
Phone 913-590-7478	Phone
Email Frank@KFJDevelopmentGroup.com	Email

2. Subject Property Information

Address/Location 1100 Point Harbor Rd	Parcel Identification Number(s) KD-04700-003-007-000	
Total Parcel(s) Acreage 8.34	Existing Zoning and Use(s) I-2	Future Land Use Classification RUMXZ

3. Proposed Zoning, Use(s), & Narrative

Proposed Zoning District: RUMXZ

Total Acreage of Proposed District: 8.43

Please provide a project narrative, describe the purpose of the master planned development, and list the uses that will be allowed (attach additional pages if necessary).

See Attachment "A"

4. Traffic Impact

Please provide the estimated number of trips generated for the project's proposed maximum density and intensity based off the most recent version of the Institute of Traffic Engineers (ITE) Trip Generation Manual. A Traffic Impact Analysis (TIA) must be completed for all proposed developments that generate more than 100 peak hour trips, and the TIA must be included with this application.

ITE Land Use:

Please See TIA

Trip Generation Use and Variable (gross floor area, dwelling units, etc.)

AM Peak Hour Trips:

PM Peak Hour Trips:

5. Master Planned Development Considerations

Please explain how the proposed development meets the following criteria (attach additional pages if necessary).

1. How would the requested change be consistent with the County's policies for growth and development, as described in the 2016 Comprehensive Plan, applicable small area plans, etc.

The development is consistent with the current Master Plan.

2. How would the requested development be consistent with the property's classification on the 2016 Comprehensive Plan's Future Land Use Map.

The development is consistent with the property's classification on the 2016 comprehensive Future Land Use Map.

3. How does the proposed master planned development meet the required elements and intent of the proposed zoning district?

This proposed master planned development meets all the requirements of the proposed RUMXZ zone.

- The plan supports:
- mixed use residential/Retail
 - Community benefits
 - Land setbacks
 - Open space
 - Walking Path
 - Bicycle path
 - Sidewalks
 - Riverwalk
 - Density
 - Storm water control/Retention Runoff

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". Applications determined to be incomplete must be corrected in order to be processed for further review.

Application Checklist

Applicant Initial

- This application form, completed and signed FAP

- Application fee:
 - \$600 for 5 acres or less
 - \$700 for more than 5 acres
 - \$300 in addition to base fee for applications requiring TRC review

- Community meeting written summary FAP

- Traffic impact analysis (if applicable) FAP

- Legal description (by metes and bounds) or recorded survey Map Book and Page Reference of the property requested for rezoning FAP

- A copy of the title to all land that is part of the proposed master planned development district to demonstrate unified control FAP

- Master Development Plan (MDP) Master Plan including the elements listed on the attached checklist: FAP

- Proposed MDP Terms & Conditions Document specifying
 - Conditions related to approval of the application for the master planned development zoning district classification;
 - References to the MDP Master Plan, including any density/intensity standards, dimensional standards, and development standards;
 - Conditions related to the approval of the MDP Master Plan, including any conditions related to the form and design of development shown in the MDP Master Plan;
 - Provisions addressing how transportation, potable water, wastewater, stormwater management, and other infrastructure will be provided to accommodate the proposed development;
 - Provisions related to environmental protection and monitoring; and
 - Any other provisions relevant and necessary to the development of the master planned development in accordance with applicable standards and regulations.FAP

- One (1) hard copy of ALL documents AND 5 hard copies of the site plan. Additional hard copies may be required by staff depending on the size of the document/site plan. _____

- One (1) digital PDF copy of ALL documents AND plans _____

6. Acknowledgement and Signatures

By my signature below, I understand and accept all of the conditions, limitations, and obligations of the Master Planned Development zoning for which I am applying. I understand that the existing Official Zoning Map is presumed to be correct. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

If applicable, I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and comments;
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application; and
4. Provide written consent to any and all conditions of approval.

See Attached Assignment

Signature of Property Owner(s)

Print Name(s)



Signature of Applicant/Agent

Frank Pasquale

Print Name

Note: This form must be signed by the owner(s) of record. If there are multiple property owners, a signature is required for each owner of record.

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper, the item will be calendared for the next meeting and no fee will be required. If delay is requested after notice has been sent to the newspaper, the Board will act on the request at the scheduled meeting and are under no obligation to grant the continuance. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the New Hanover County Planning website will be required.

Master Planned Development (MPD) Master Plan Requirements Checklist

Requirements for All MPD Districts (UMXZ, RFMU, PD)

- Tract boundaries and total area, location of adjoining parcels and roads FAP
- General configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, pedestrian and vehicular circulation, and public facilities. FAP
- Proposed resource protection and open space areas FAP
- Development schedule, including proposed phasing FAP
- All existing and proposed easements, required setbacks, rights-of-way, and buffering FAP
- The location of Special Flood Hazard Areas, if applicable FAP
- A narrative of the existing vegetation on the subject site including the approximate location, species, and size (DBH) of regulated trees. For site less than 5 acres, the exact location, species, and sized (DBH) of specimen trees must be included. FAP

Requirements for Modifications to Existing EDZD Districts

- All applicable information required for All MPD Districts listed above FAP
- Map showing location of existing public water and sewer lines, roadway classification, existing or planned bicycle and pedestrian facilities, schools, parks, employers, and shopping districts within a 1/2 mile of the outermost project boundary FAP
- Proposed location, size, and type of signage FAP
- Inventory of existing environmental, cultural, historical, and natural site attributes FAP
- Calculations of the requested density/intensity and documentation supporting the award of points for any density bonus FAP

Additional Requirements for PD Districts

- Identification of the proposed compensating community benefits. They may include, but are not limited to, improved design, natural preservation, improved connectivity for pedestrians and/or vehicles, mixed-use development, green building practices, and dedication of land or in-lieu fee contribution. FAP



Battleship Point

Battleship Point is an 8.36 acre high-density, mixed-use community located on the Western shore of the Northeast Cape Fear River, directly across from the central business district of Wilmington, in New Hanover County, North Carolina.

The community is an iconic project that will change the complexion of downtown Wilmington forever. The developer's intention is to begin the process of reclaiming and restoring both the Cape Fear and the Northeast Cape Fear riverfronts. The mission of the developers is intelligent environmental and ecological restoration of this Southernmost land mass between the Holmes and Rhodes Bridges.

Over the last 60+ years, this area has become an eyesore (blight zone) for Wilmington and New Hanover County. The hope is to create a variety of housing, retail and community benefits in this underserved area. The extreme housing shortage combined with the scarcity of developable land in New Hanover County requires a clean-sheet approach in utilizing any developable land area. This being the case, the developers are bringing a new architectural style and new construction methodology to this site. The plan is focused on celebrating the unique composition of the area's rich and vibrant history, international reputation, cultural attributes and its position as the only international seaport in the state. In order to accomplish this goal, the developers have assembled a diverse team of local, state and nationally recognized architectural, engineering, environmental, and construction experts.

This celebration of the area's rich heritage begins with the extensive cleanup of both the Cape Fear and Northeast Cape Fear riverfronts. Combined, these represent more than ½ mile of river frontage.

The cleanup will be followed by the rehabilitation of a living shoreline to further the rebirth of a healthy riverfront environment. The developers are committed to the development of the riverfront with the assistance of local and state environmental agencies, and with additional input, as needed, from local and state centers for higher education. This effort will be complemented by the developers' focus on celebrating an environment-centric design philosophy. This will include the integration of river life ecology throughout the project's Pedestrian Mall, River Walk and River Observation Stations.

This design philosophy is driven by the developers' desire to bring a new style of clean, modern architecture to southeastern North Carolina with cutting-edge multi-story towers. The architectural design provides unique opportunities for a combination of condominiums, apartments, retail, and hospitality integrated into a vibrant community that not only complements the area, but sets it apart by providing a spectacular skyline for downtown Wilmington to embrace and enjoy.

The design concept of integrating condominium, apartment, and hospitality living space into tall multi-story towers is in itself unique to the area. The celebration of the rich maritime history of the Cape Fear River is reflected in the design of the southern edge of "The Pointe" building. The design team's decision to integrate the image of a ship's bow is unique in the architectural world. "The Pointe" combines a full-service luxury hospitality entity, multiple restaurants, a sky lounge, and lifestyle amenities along with oversized 1, 2, and 3-bedroom condominiums. The unique penthouses present incredible views of downtown Wilmington to the east, and beautiful vistas to the west.

Battleship Point is a symbol of creativity and intelligent design. The Pedestrian Plaza features a 200' tall central waterfall and babbling brook that flows through a series of ecological pools and ponds as it flows to the Cape Fear River. This feature celebrates the beauty and importance of river life to the community and is intended to be one of the most unique structures in the area.

"The Pointe" building is flanked by two high-rise towers. Separate ownership and lifestyle options are offered in each tower. The amenity level skywalk connecting

each building is designed to allow owners and residents easy access to a full complement of lifestyle conveniences.

The Village Plaza and riverfront levels are designed to provide a host of retail, restaurant, and services for the general public. The developers' dedication to celebrating the environmental and ecological rebirth of the riverfront is obvious in more than ½-mile of Riverwalk, Bicycle, and Walking Paths connecting the dedicated Gardens, Parks and Outdoor Exhibit and Event Space. A River Taxi service will allow easy movement between Battleship Point, downtown Wilmington, the Battleship North Carolina, and City Marina.

The Village Plaza and riverfront levels are designed to provide a host of retailers, restaurants, and other services for the public. The developer's dedication to celebrating the environmental and ecological rebirth of the riverfront is obvious in more than ½-mile of Riverwalk, Bicycle and Walking Paths - all connecting the dedicated Gardens, Parks, Outdoor Local Artist Exhibits, and event space. A River Taxi service, an important and integral component of the design philosophy, will allow easy movement from The Villages at Battleship Pointe to downtown Wilmington, the Battleship North Carolina, and upper west side convention and recreation areas.

The project is projected to provide a full-service premiere Hotel, as well as 550 units in a combination of Penthouse, 1-, 2-, and 3-bedroom oversized condominiums. The project will also provide 300 1-, 2-, and 3-bedroom apartments. The lifestyle retail and restaurant space will total 100,000 total square feet, across multiple levels in each of the towers.

A total of 5+ acres of open space featuring undisturbed marsh and including unique flood and storm management techniques will embody the founding commitment to rebuild and restore the currently derelict 8.4 acre site. This project will set a new standard in intelligent, energy efficiency, and environmental development in New Hanover County.

Natural and Cultural Context

This project hopes to find harmony with the natural ecosystems occurring on the existing site—riverine, marshes, coastal forest, as well as transitional successional areas between. This will not only be accomplished by incorporating and emulating native systems into the design of built areas, but also by formulating buildings which lessen their impact on existing and future ecosystems.

Mitigation and integration strategies in this regard are not hidden, rather they give the architecture of the project form and detail. This includes strategies for capturing, directing, and treating stormwater runoff, providing sun and shade, leveraging breezes, and creating storm resiliency.

The experiential goal of this project is to celebrate the river. This includes not only adapting to the sensitive nature of the river's ecology but acknowledging its role in the cultural formation of the region and providing a platform for its future evolution. It is hoped that by providing an experience for visitors and residence where the river plays a central role, it will foster greater stewardship of its cultural and environmental legacy in the community.

Spatial Composition

Generally, the primary intervention of this project is to create a raised pedestrian plaza that provides an “artificial ground plane” and connects towers of stacked programmatic space. The benefits of this strategy are the following:

- Separation of vehicular and pedestrian areas increases opportunities for vegetation, hardscape, and activates outdoor programmatic spaces between buildings.
- Provides an elevated area for a gravity fed stormwater system which routes water through successive filtering treatment zones before emitting into surrounding environment.
- Provides an elevated artificial wetland preservation area, raised above rising tidal flows. Since the surrounding cypress and gum wetland forest is threatened by rising tides with increased salinity due to climate change, this project provides a raised area of protection for native specimen.
- Provides an opportunity for educational and cultural components to be integrated into outdoor areas, such environmental demonstrations and exhibits, public art, and music.
- Provides an elevated arrangement for riverfront and marina access over flood prone areas and maximizes opportunity for natural flood buffer zones.

Below the raised plaza is placed parking, utility, and riverine access, and amenity areas. In these zones, flood resilience emphasizing passive, rather than hardened, structures are to be employed. These systems take cues from historic precedents from the area where tidal changes and floods were integrated rather than resisted.

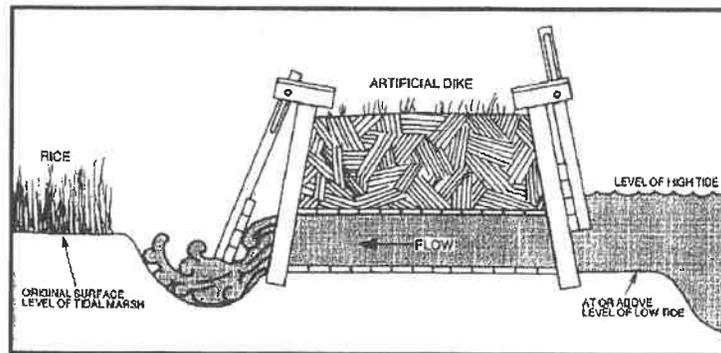


Diagram of a Rice Trunk (Anderson and Logan 1981).

On levels adjacent to the raised plaza, “active” uses are to be employed:

- Retail
- Lobbies
- Restaurants and Cafes
- Swimming Pools and accessory areas
- Event Spaces

The vertical towers arranged in connection to the plaza are to be formulated with a minimized footprint to maximize the surrounding open space. To achieve this, a mid-tower amenities level has been incorporated which will include public and semi-private spaces such as bars and restaurants, fitness, and business areas, as well as outdoor terraces.

In all areas, an emphasis will be placed on providing a variety of experiences which engage the senses of people of all abilities.

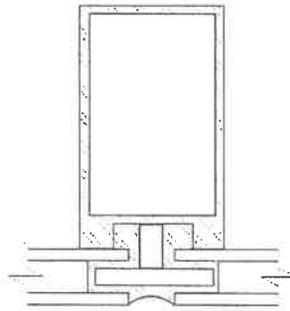
Architectural Form and Detailing

A cohesive architectural language has been developed for the project. Generally, the goal is to create an identifiable and dynamic form on the macro level, while employing minimalism and simplicity on the micro scale, all informed by the natural and cultural heritage of the site.

The “point” building, located at the crux of the Cape Fear and Northeast Cape Fear Rivers, takes a “V” shape configuration in response to this confluence. This allows for full advantage of the elevated natural topography at the core of the site. The arrangement also offers its slenderest profile to direct southern solar exposure, reducing its energy demand.

The cross-sectional profile of the two wings of the “V” are kept slender, thus maximizing daylighting within the interior of the building, while also offering the sunlight and breezes to the outdoor plaza below. The 28-foot-wide structural grid established by this building emanates north to formulate the portions of successive building on the site. All buildings on the site are formulated with a minimal area with direct southern exposure, with a rectangular plan shape with a 2:1 proportional ratio. To reinforce cohesiveness in the project, the building towers are kept at approximately the same height- but below 250’ above the raised plaza level.

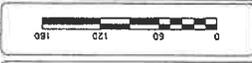
Detailing is composed to reinforce the core goals of the project. The buildings take on a boat-like nature both in acknowledgment of its cultural context, but also to enhance resilience. The employment of a composition of smooth white cementitious surfaces, minimalist glass detailing, natural wood accents, and stainless-steel hardware create an architectural identity for the project that can withstand the elements. The east and west facades of the buildings are nearly entirely glazed with a flush glass curtain wall system using high efficiency insulated, thermally broken solar reflective glass. This creates an interior environment that puts the surrounding urban and natural context on display at all times.



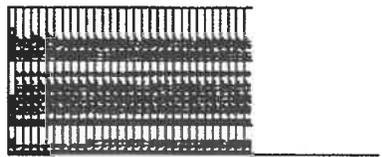
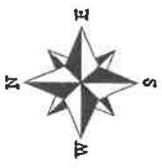
flush glass curtain wall detail

The upper levels of the building are stepped back, in order to create outdoor areas for viewing and amenities. The buildings are capped with a dynamic, boat hull like canopy which provides both solar shading, but also conceals roof mounted systems. Roof areas are configured for the installation and maintenance of photovoltaic arrays.

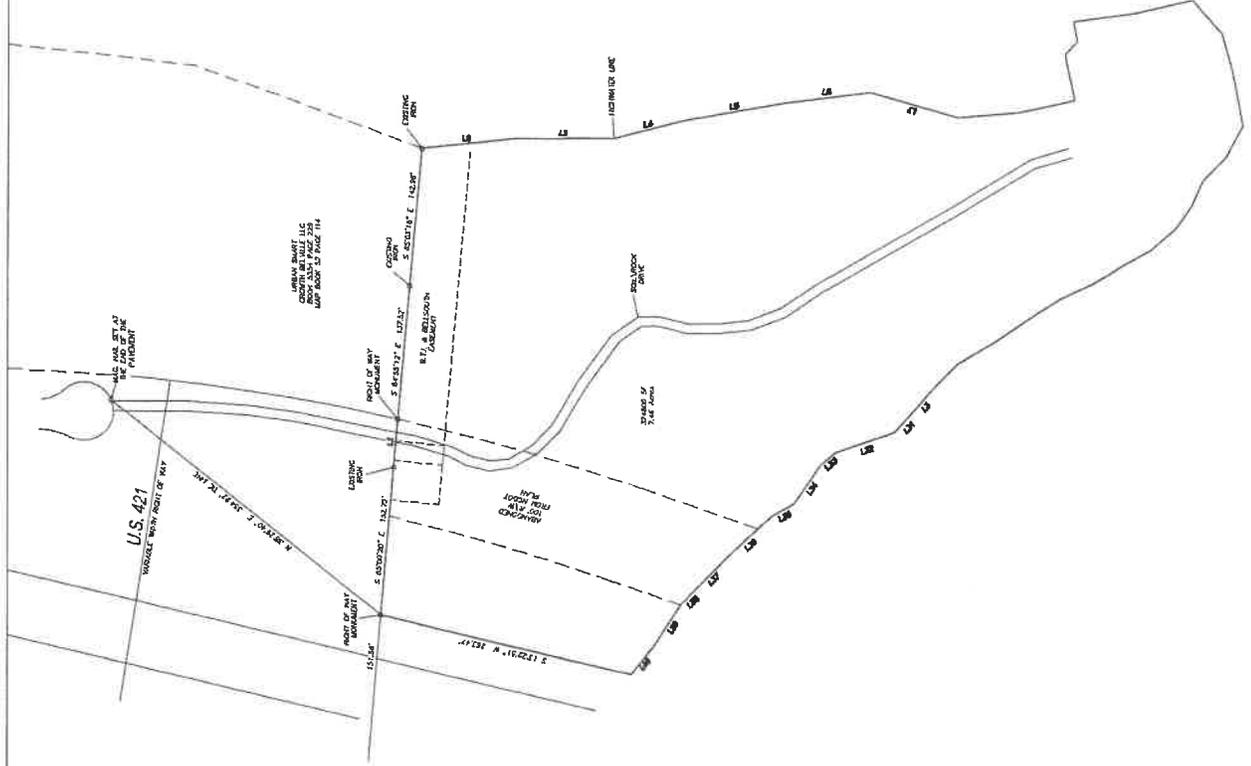
REVISIONS	DATE



1100 Point Harbor Road
 Parcel No. R04700-003-007-000
 W. HANOVER COUNTY, NORTH CAROLINA



NORTHEAST CAPE FEAR RIVER



Proposed Development Schedule

Rezoning from I-2 to RUMXZ	10/21
Planning board	11/21
County Commissioners Review	12/21
Brownfield Completion	12/22
Groundbreaking	6 /23
Infrastructure completion	12/23
Building completion	12/24
Project completion	12/25

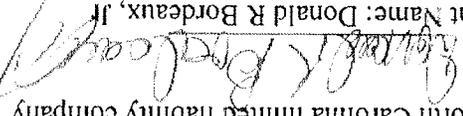
To Whom It May Concern:

July 27, 2021

As landowner of the property located at or near 1 Point Harbor Road, Wilmington, New Hanover County, North Carolina 28401 (aka 1100 Point Harbor Road, Wilmington, North Carolina 28401, per tax office listing), R04700-003-007-000 ("Property"), as such property may be more fully described in Exhibit A, such exhibit being attached hereto and incorporated herein by reference, I designate [KFL, LLC, a North Carolina limited liability, its successors, agents, and assigns] as my agents to contact, discuss, and negotiate with, and to submit to any applicable approving or governmental agency or authority any and all required documentation, applications, permits, and supporting documentation for, but not limited to:

1. All North Carolina Department of Transportation ("DOT") all matters related to the right of way acquisitions, temporary construction easements, and permanent easements, as the same may be set forth in the attached boundary maps, Cadd maps, parcel outlines, and plan sheets;
2. All plats, improvement plans, drawings and specifications, and development rights and credits relating to the Property;
3. All books, records, reports, test results, environmental assessments, as-built plans, specifications, and other similar documents and materials relating to the use, operation, maintenance, repair or construction of all or any portion of the Property;
4. All licenses, architectural, site, landscaping or other permits, applications, approvals, authorizations, and other entitlements affecting any portion of the Property; and
5. All matters with the State of North Carolina, New Hanover County, the City of Wilmington, or other applicable planning and zoning jurisdictions;
6. All environmental matters, to include specifically but not to be limited to Brownfield applications, with the Environmental Protection Agency, N.C. Department of Environment and Natural Resources, or other applicable agencies; and
7. All guarantees and warranties relating to all or any portion of the Property

This authorization shall permit my agents to access my Property at all reasonable times in furtherance of any existing or contemplated agreements, surveys, engineering tests or reports, preliminary subdivision plans and conditions, site plans, construction plans or specifications for infrastructure improvements, grading permits, environmental permits, architectural documents, zoning documents, environmental assessments, title insurance policies or reports, soil and geological test and reports, flood control conditions, drainage and grading information, association documents and all other tests or reports or governmental approvals, if any, as may be reasonably needed or that may otherwise relate to the Property. I further agree to execute such other agency specific authorizations as may be needed in the future, from time to time, as long as the Agreement for Purchase and Sale of the Property dated April 15, 2021 remains in effect.

DBDL LLC,
a North Carolina limited liability company
By: 
Print Name: Donald R Bordeaux, Jr
Print Title: Member/Manager

[Consider attaching a map, survey, plat, and/or GIS information to further depict the Property].

Being all of that 8.34 acres, more or less, described in Book 5863, page 2634, New Hanover County.

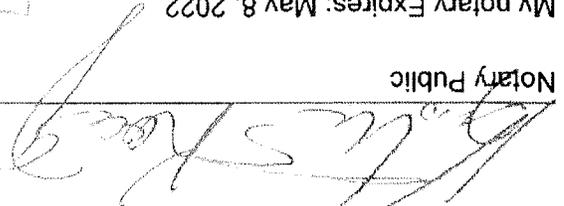
Property Description

EXHIBIT A

State of North Carolina
County of New Hanover

I, Kristine E. Roody, a Notary Public of New Hanover County, North Carolina certify that Donald R. Bordaue, Jr. personally appeared before me this day and acknowledged that he is Member/Manager of DBDL, LLC, a North Carolina Limited Liability Company, and being authorized to do so, as Manager of the limited liability company, executed the foregoing instrument on behalf of the limited liability company.

Witness my hand and official seal on this date shown.



Notary Public

My notary Expires: May 8, 2022



Date July 27, 2021

KFJ Development Group

The Villages at Battleship Pointe Community Meeting

The community meeting was held on September 29, 2021 at 1001 Military Cutoff Road, Wilmington NC. The public in attendance totaled 24 individuals

A brief video of the development site was shown, by Kirk Pugh, Director of Marketing, along with multiple poster sized exhibits of the current conditions on the site and renderings of the proposed development.

The meeting was opened by Mr. James Lea, esq. who reviewed his 40-year history in Wilmington and how the area has grown and matured. He talked about the downtown waterfront and the new development to the north as great examples of the forward thinking of both the city and county leaders. This was then followed by a presentation by Frank Pasquale, Technical Director of KFJ Development Group, who provided a guide as to the riverfront situation on the site and the developments group commitment to cleaning up the shorelines on both the Cape Fear River and the Cape Fear Rivers Northeast Extension. The floor was then opened to questions the majority of which focused on the development and cleanup schedule as well as financing of the project. One person mentioned that this area has been the focus of development plans in the past whereby Mr. Pasquale explained that the areas of concern from those past attempts have been mitigated by the growth in the region and the expansion of potable water and sewer service to the west side of the river as well as the NCDOT's current plan to remove the traffic light at the base of the Holmes bridge. Several positive comments were made by the public that cleaning up the riverfront is a priority for them and supported the project as the mechanism to provide a clean natural shoreline while bringing the additional housing the Wilmington metroplex so desperately needs. The question of Affordable Housing was raised and the public was made aware that KFJ Development Group has a longer term plan for bring Affordable or Workforce Housing to the west side of the river.

A variety of handouts explaining the scope and features of the project were provided for the public as well as a sampling of the conceptual design to date.

The meeting lasted approximately 45 minutes.

ATTACHMENT A

Strategies and Mitigation of Flood Waters of the Cape Fear River

While there are a multitude of strategies and design, both active and passive, for dealing with potential raising river levels two issues drive the strategy adopted for The Villages at Battleship Pointe. These issues are first the rate of occurrence and second the amount or level of the event. The Villages location at the confluence of both the Cape Fear and Northeast Cape Fear will inevitably experience both minor rising river levels from lunar high tides and minor storm events and while less frequent rising river levels due to major storms that frequent the area. This simple fact causes concern for any development on the riverfront and a design strategy must be adopted to mitigate the effects of any event. The site topography, as a first step, must be considered as part of the overall mitigation design. The current site sits approximately 9' above sea level, we due to the environmental contamination on the site, are estimating adding another 2' of fill as part of the Brownfield cleanup process. This will provide a base elevation of approximately 11' above sea level. The next decision point in any design approach is the type of flood control system best suited to this particular site for this development. The approach we have embraced is considered passive, meaning a natural non mechanical systematic philosophy for dealing with the potential flood waters. This systematic approach must be designed into the project from the initial conceptual thought process to the final utilization, grading and landscaping, of the site. The design we have chosen is considered the oldest, simplest and most reliable design that has been proven over multiple centuries worldwide. The major component of this approach is to provide paths for the flood waters to invade the site and transect the site without creating any damage to the physical site components. We can look to examples of this philosophy within our own county that successfully have been employed to focus any flood waters and allow its unrestricted flow for those waters to transect the property without creating major destruction. The area of Blue Clay Rd and Old Dairy Rd currently has a federally documented spillway or flood channel that has for decades successfully prevented and major flooding in the area. We can also look on a more macro scale at cities such as Phoenix, Los Angeles, and San Diego for examples of a comprehensive successful static flood mitigation designs. These systems require little to no maintenance are not objectionable or unsightly to the community and effectively prevent the occurrence of any major damage to the properties they have been designed to protect. The Villages project has been designed around the central principle that by allowing, then directing any potential flood waters though the site, the amount of damage to the project can be easily controlled. Historically this particular property has not experienced and major flooding over the last 4 to 5 decades according to the patriarch of the family that has owned it during that time. Additionally, we have documented fact that the highest flood level recorded to date by, NOAA is 9.03 feet on 8/4/2020. This level was recorded at a NOAA station located approximately ½ mile down stream on the west shore of the Cape Fear River. This along with the NOAA, Advanced Hydrologic Prediction teams anticipated 3.85 foot increase in Cape Fear River rise in river level by 2050 supports that the effect of flooding either major or minor on this site is minimal at best. The design team however has

taken the further step of designing a multifunctional pedestal type support system for the actual pedestrian area of the site that can not only sacrifice up to 10' of additional elevation available for accommodating any river level rise and minor flood event without impact to the occupied area of the site but in the event of a catastrophic flood event an additional 25 feet of elevation is available to protect the physical site and its occupants. Further, currently Point Harbor Road the major ingress and egress avenue into the site historically experiences water coverage at approximately 6.5 feet of river level rise. The developers have been granted control of a major section of Point Harbor Rd by NCDOT and as part of the encroachment agreement calling for roadway improvements and resign, plan to raise the roadway by an additional 3.5 feet.

Proposed Riverfront Urban Mixed Use Zone Terms & Conditions

KFJ Development Group LLC- 1100 Point Harbor Road

1. Conditions to approval of the application for the Riverfront Urban Mixed Use zoning district classification:
 - a. The uses and density shall be in accordance with the Master Development Plan and this Terms & Conditions document. Maximum building heights shall be in accordance with the approved Riverfront Urban Mixed Use District (RUMXZ) in place on the date of adoption. Building height is defined as that measured from the base plate of the building to the highest point on the roof, excluding antennas.
 - b. The use and development of the project with all applicable regulations and requirements imposed by the New Hanover County Unified Development Ordinance (UDO), and any other applicable federal, state, or local law;
 - c. Approval of this rezoning does not constitute technical approval of the site plan. Issuance of all required permits must occur prior to construction commencing.

2. Reference to the RUMXZ, including any density/intensity standards, dimensional standards, and development standards:
 - a. Maximum density permitted in the Riverfront Urban Mixed Use (RUMXZ) District is unlimited for residential units in a vertically integrated mixed-use building.
 - b. Proposed maximum density of combined residential and hospitality units(which can be used for hotel/motel rooms or residential units) on this master development plan is 1,183 or 141.8 units per acre.
 - c. Maximum of 56,500 square feet of commercial/nonresidential uses (excluding hotel/motel units)
 - d. The project shall be developed in accordance with County, State, and Federal building, and environmental regulations, including compliance with current open space and storm water runoff requirements.

- e. Riverfront shoreline is to be of a “living shoreline” design per all applicable USACE and CAMA standards, except where a river ferry or taxi dock is applicable. Approved bulkhead sheeting is permitted in the dock area only. This project shall be developed and engineered in accordance with all County, State, and Federal building, and environmental regulations.
 - f. A Riverwalk length equal to a minimum of ninety percent (90%) the river frontage is required in the RUMXZ district. The project will be developed with a River walk length of a minimum of ninety-two (92%) of the river frontage.
 - g. Sidewalks will be provided along one side of the roads within the development at a width of six feet (6’) except where existing wetlands preclude the six-foot (6’) width therein the widest sidewalk possible up to six feet (6’) will be utilized.
 - h. Open space shall be a minimum of 25% of the site.
 - i. The Riverwalk will be privately maintained but for public use.
 - j. Walking paths that fully envelope the site to provide the ability to take advantage of the restored environment of the site.
3. Conditions related to the approval of the RUMXZ plan, including any conditions related to the form and design of development shown on the Master Development Ordinance:
- a. Vehicular access from the Riverfront Urban Mixed-Use site will be from existing, street scaped Harbor Point Road;
 - b. Bicycle and Pedestrian access will be from Harbor Point Road;
 - c. Uses to be excluded from consideration in this application are as follows: Dwelling, Dual-Unit attached; Dwelling, Quadraplex; Dwelling, Single Family Detached; Dwelling Two-Family; and Dwelling, Row-Style.
 - d. River access will be available from a dedicated river ferry component via the ferry dock;
 - e. The Riverwalk will be in place prior to the issuance of the first Certificate of Occupancy for the second building constructed.
 - f. To the extent necessary to satisfy County and State standards additional vegetation and fencing will be added in the buffer area of State Route 421.

4. Provisions addressing how transportation, portable water, wastewater, stormwater management and other infrastructure will be provided to accommodate the proposed development:
 - a. Transportation will be provided by access to a public right of way.
 - b. Potable water will be provided by Cape Fear Public Utility Authority (CFPUA)
 - c. Wastewater will be provided by CFPUA.
 - d. Stormwater will be managed on site in accordance with NCDEQ and CAMA restrictions and regulations, will comply with all County, State regulations and any permit issued for the site. The engineers who will design and implement the stormwater plan have not been selected to date.
 - e. Infrastructure will be designed in accordance with the North Carolina building and energy codes, all other applicable government regulations, laws, and ordinances will be developed to be consistent with the approved RUMXZ.
5. Provisions related to environmental protection and monitoring:
 - a. Any 404 wetlands and Costal Marsh determined to exist on the site will be handled in accordance with all CAMA and USACE requirements. The developer will comply with all applicable regulations, laws, and ordinances from local, state, and federal sources with jurisdiction over the site.
 - b. Flood related design and mitigation is outlined in the attached design standard.
6. Any other provisions relevant and necessary to the development of the Riverfront Urban Mixed-Use Zone in accordance with the applicable standards and regulations:
 - a. All uses outlined for the RUMXZ district will be allowed, except as outlined in Note #2 above.
7. Identify the proposed community benefits. They may include but are not limited to, improved design, natural preservation, rebuilding and recharging of the riverfront ecology, improved public access, improved transportation access, mixed-used development, green building practices, and improved riverfront access.

The community will benefit from the development contemplated herein for the following reasons identified in the New Hanover County Unified Development Ordinance.

a. Improved design: The use of architectural design that exceeds any minimum standards established in the UDO or any other County regulation, or the use of building design that projects a sleek contemporary exterior mainly consisting of solar filtering glass, a dedication encouraging pedestrian access from both the riverfront and non-vehicular internal access, the design philosophy of a raised first floor occupiable elevation to counter potential flooding issues, and the developers dedication to the environmental and ecological restoration of the riverfront. The location of the high-density multifamily uses in the center of the site to promote easier resident friendly access to lifestyle amenities without additional vehicle trips.

b. Natural Preservation: The preservation of sensitive lands such as natural habitats, natural features, or landscaping that exceed the requirements of this UDO, located throughout the site. The cleanup of the riverfront along with the recharging of the riverfront through a natural living shoreline philosophy. The general site cleanup which includes a “Brownfield” regulated raw site remediation will combine to create a site which will exceed the “as is” condition existing and serve as a model of the County’s commitment to the smart well thought out rebirth of the west bank of The Cape Fear River.

c. Improved access for vehicles and county residents: The combination of the River Ferry, which provide additional connectivity to and from the development will allow for the public to benefit from this development without additional vehicular trips.

d. Mixed Use Development: The proposed development will have a mixture of residential and commercial uses within the property boundaries, integrated through primarily pedestrian paths to promote interconnectivity. Integration is primarily vertical, but there is a substantial horizontal mixed-use structure included in the proposed development plan.

e. Additional to the health and economy of the citizens and visitors of the county. The proposed development would be an example of successful High Density intelligent and environmentally sensitive mixed-use philosophy by repurposing a current inactive polluted industrial site into an example of the growth and maturity of the New Hanover County market. This project is designed to add substantially to the commercial and residential floorspace in the county while providing for the environmental remediation of the area's most valuable resource, The Cape Fear River. Additionally, this project expands greatly services and amenities to a current barren section of the county while seamlessly integrating into the Future Master Plan of the County.

While specific tenants have not been determined, it is the developers desire to include multiple and varied dining establishments, a premiere full-service hotel, grocery store, multiple car-charging stations, lifestyle amenities and a vibrant active riverfront with open spaces and a marine amenity where today there is none.