

COUNTY OF CLEVELAND, NORTH CAROLINA
AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

June 30, 2020

4:00 PM

Commissioners Chamber

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Approval of Minutes

Minutes from the February 27, 2020 Board of Adjustment Meeting

Cases

Case 20-07: Request for Conditional Use Permit to operate a Recreational Vehicle (RV) park at 2337 Gaffney Road

Case 18-09: Request for extension to CUP for Apex Solar Facility at 172 Pony Barn Road

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes

Department:

Agenda Title: Minutes from the February 27, 2020 Board of Adjustment Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 2-27-2020_BOA_minutes_.pdf	Minutes



MINUTES
CLEVELAND COUNTY BOARD OF ADJUSTMENT
Commission Chambers – County Administrative Building
311 East Marion St., Shelby, North Carolina
Regular Meeting - 4:00 p.m.
February 27, 2020

Members Present

Jeff Ward, Chairman
Joyce Coleman, Vice Chairman
Bobby Watson
Doug Lawing
Thomas Fletcher*

Members Absent

Paul Aulbach
Tommy Brooks

Others Present

Chris Martin, County Sr. Planner
Henry Earle, County Planner
Elliot Engstrom, Deputy Co. Atty.
Anna Parker, Clerk
Doug Brockelbank, *Applicant*
Jeremy King, *Applicant*
Alisha King

*For others present, see attached at
end of minutes on Page 13__*

CALL TO ORDER AND ESTABLISH QUORUM

Chairman Ward called the meeting to order at 4:20 p.m. He determined quorum was present.

Chairman Ward made a motion to change the agenda in order to hear cases 20-02 and 20-03 first.

The County and City of Shelby Fire Marshal offices determined the room was over occupancy limits. The Board was given the option of continuing the case to another venue that would accommodate the size of the crowd.

Doug Lawing made a motion to postpone cases 20-02 and 20-03 to the March 26th Board of Adjustment meeting at the LeGrand Center at 4:00 pm in Ballroom A. At this point, approximately 25 people in the audience voluntarily chose to leave so the cases could proceed.

Chairman Ward made a motion (1) to rescind the previous motion to postpone the meeting and (2) to return to the original agenda. It was seconded by Bobby Watson and unanimously carried.

PLEDGE OF ALLEGIANCE AND INVOCATION

Joyce Coleman led the Invocation and **Chairman Ward** led the Pledge of Allegiance.

APPROVAL OF JANUARY 30, 2020 MINUTES

Bobby Watson made a motion to approve the January 30, 2020 Minutes. It was seconded by Doug Lawing and unanimously carried.

CASE #20-04 CONDITIONAL USE PERMIT (CUP): Expansion of Non-Conforming Mobile Home Park

Applicant: Doug Brockelbank of Brockne, LLC.

Location: 605 Jess Hord Rd.

Parcel #: 42276

Henry Earle was sworn in to present the case. The applicant Doug Brockelbank submitted a complete application and site plan. He currently has eleven (11) manufactured home sites on the existing non-conforming manufactured home park, and his site plan shows the proposed location for two (2) new sites. The property is zoned Rural Agriculture as are the surrounding properties. Surrounding uses include auto sales and the Southern States Co-Op business uses, and residential uses. This manufactured home park is non-conforming since it was in existence prior to zoning. Expansion of a non-conforming use is allowed with a Conditional Use Permit. The site plan shows that the proposed new sites meet setback and density requirements.

Chairman Ward opened the evidentiary hearing at 4:35 p.m.

Doug Brockelbank of 170 Northshore Dr. was sworn in. He is the owner and wants to provide newer manufactured homes for lower income affordable housing. He stated he meets all the requirements.

Chairman Ward closed the evidentiary hearing at 4:37 p.m., as there was no further comment.

Bobby Watson made the motion to approve Conditional Use Permit 20-04 and Joyce Coleman seconded the motion.

The Board reviewed the four criteria.

- (1) Will it materially endanger the public health or safety- No.
- (2) Will it substantially injure the value of adjoining or abutting property- No.
- (3) Will it not be in harmony with the area in which it is to be located- No.
- (4) Will it not be in general conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the board of commissioners- No.

The motion unanimously carried.

CASE #20-02 CONDITIONAL USE PERMIT (CUP): Recreational Vehicle Park

Applicant: Jeremy King

Location: 1724 Riverhill Dr.

Parcel #: 48472

Chris Martin was sworn in. The applicant is Jeremy King, the property owner. He proposes to have seven (7) RV sites on about seven (7) acres in the Mt. Sinai / Riverhill / Red Rd. area on Riverhill Dr. The zoning of this property and surrounding properties is Residential. The surrounding use is primarily single-family dwelling and rural residential. There are many uses allowed in the Residential zoning district. Some are allowed by zoning right such as homes, churches, manufactured homes, and schools. Other uses require a conditional use permit such as RV Parks. Mr. Martin asked the board to consider the four criteria:

- (1) Will it materially endanger the public health or safety?
- (2) Will it substantially injure the value of adjoining or abutting property?
- (3) Will it not be in harmony with the area in which it is to be located?
- (4) Will it not be in general conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the board of commissioners?

Mr. Martin also stated Staff allows stakeholder agencies and departments to review plans in any type of land development plans. In this case, Emergency Management Services reviewed the plans and there is a written letter of opinion from Perry Davis, the Cleveland County Fire Marshal, for the board to review and to decide if they will accept it into the record.

Doug Lawing made a motion to accept the letter for the record as evidence. It was seconded by Bobby Watson and unanimously carried. The letter was shared with the applicant, Mr. King.

Chairman Ward opened the Evidentiary Hearing at 4:45 pm.

Jeremy King was sworn in. He stated he is requesting seven (7) RV sites. The report from Perry Davis is of his opinion. Mr. King stated that there is a trucking company two (2) miles away with trailers. He stated that the roads will be large enough for emergency vehicles, and his proposed development is not in the floodplain. He plans to have a mixed use for temporary workers, camping and recreational family use. The site is intended for recreational use, not for people to live permanently. He plans to use existing trees around the site for screening. There are mature trees already on the property. Chairman Ward inquired about utilities, sewer, security, and trash services. Mr. King stated that there will be someone there every day, but not be someone on site 24 hours a day at the start. He plans to have that if it grows. He will have a dumpster on site, and he will also have Cleveland County Water and will be hooked up to septic per the Environmental Health permit rules. The site will not be restricted by a gate. The site is accessed by the road on the site plan that ends in a cul-de-sac.

Mr. Martin explained that the floodplain area shown in blue on WebGIS is an approximation only. The survey that the applicant submitted, done by Licensed Surveyor Steve Smith, also

states it is an approximate location of the floodplain. The floodplain on WebGIS does not match the location marked on the survey (it shows the floodplain being higher than what is on the survey). WebGIS is not 100% accurate and the website has a disclaimer to this affect.

Chairman Ward invited adjacent landowners to speak.

Sarah Tongel of 1718 Riverhill Dr. was sworn in. She submitted photos of the road area of the property. She stated that the photos show flooding on the road. She feels that WebGIS is an accurate depiction of the floodplain based on living in that area. She is concerned about safety of the RV Park sites if there is flooding. The board allowed the photos as evidence and shared them with Mr. King. Ms. Tongel addressed the harmony of the area. She calculated that there were on average approximately twenty (20) acres per owner in this area (over 600 acres between 30 property owners). She felt that seven (7) RV sites on seven (7) acres is not in harmony with the residential density of the surrounding area.

Edward Holtz of 1712 Riverhill Dr. was sworn in. He is worried about the development being too close to his property line where his son rides his motorcycle. He stated concerns about loss of wildlife in the area. He is concerned about the site being in a floodplain area and does not think seven (7) sites is reasonable due to the contour of the property. Staff showed the property contour lines on WebGIS for the board members to see. There is about 36' change in elevation from the top to the bottom where the river is.

Dianne Freeman of 1714 Riverhill Dr. was sworn in. She lives directly across the street from the owner and her property is north of this site. She stated her concerns for flooding and RVs coming and going.

Ms. Tongel requested that Josh White be allowed to testify against the safety of the project. The board allowed Mr. White to state his credentials to determine if he can be qualified as an expert.

Josh White of 329 Sunrise Cir. was sworn in. He stated he is a civil engineer for TGS Engineers and is a professional land surveyor.

The Board held a discussion regarding a conflict of interest for board member Thomas Fletcher. Mr. Fletcher's father owns TGS Engineers and he works there. Mr. Fletcher stated he met with Mr. White prior to the meeting in direct communication and discussed the four rules of a Conditional Use Permit only, not the specific cases. Mr. Fletcher stated he has not spoken with the applicant. He was contacted by friends about safety concerns of the site. He is not a supervisor for Mr. White.

Mr. King stated he has a problem with Mr. Fletcher staying for his case. Mr. Watson, Ms. Coleman, and Mr. Lawing each felt like would be the appearance of conflict of interest.

The Board, minus Thomas Fletcher, voted unanimously that there is a perceived conflict of interest and that Thomas Fletcher recuse himself for cases 20-02 and 20-03. Mr. Fletcher recused himself for the remainder of the meeting.

Mr. White stated his qualifications. He graduated NC State University with a Bachelor's Degree in Civil Engineering. He is the president of the NC Society of Engineers, and has worked for twenty-four to twenty-five (24-25) years in the field since his graduation. He has worked on subdivisions, bridges, and other engineering type work. He is a licensed Professional North Carolina Engineer as a civil engineer, and a Professional Land Surveyor. He works at TGS Engineers. He has not had contact with Steve Smith, the surveyor for Mr. King.

Bobby Watson made a motion to accept Josh White as an expert witness on Civil Engineering. Joyce Coleman seconded the motion and it unanimously carried.

Mr. White addressed safety concerns. There is a sharp curve coming into the site. He is concerned about sight distance for RVs and trucks pulling campers (large vehicles), especially going downhill on the left if coming from the north. He stated that you need 450' to 550' of sight distance to stop with a normal vehicle. This not take into consideration the downhill grade or the length of an extra-long vehicle coming out onto the road. To be able to see the vehicle coming out, it is going to be more like 700'. Currently the site driveway has 200' to 250' max uphill sight distance and 300' downhill. This is a concern to him. The speed limit is 45mph and the designed speed is 50 mph being used for his criteria. He does not feel vehicles can enter and exit the site safely. He presented photos of entering and leaving the driveway (looking uphill to the left and downhill to the right) to the Board and Mr. King. The photos were entered into evidence.

Phillip Piercy of 1915 Red Rd. was sworn in. He is the spokesperson for the neighbors opposing the development present at the meeting. He stated his and the community's concerns for traffic safety, school buses, crime, the limited sight distance, and the hilly, curvy road. He has lived here for 34 years. He presented a slideshow about harmony with photos of RV Parks and the neighborhood, stating the development is not in harmony. He requested that a petition signed by neighbors who are against the project be entered into evidence. He stated he has letters from Real Estate Agents, one of whom is present at the meeting.

Elliot Engstrom stated the Board can accept the petition into evidence but cannot use it in their decision since whether or not there is public support for a conditional use permit application is not relevant to the board's decision. The real estate agent may present as a witness, but the Board will need to determine what that testimony will bring to the case, and if his/her testimony is relevant to one of the board's quasi-judicial decision. He stated that real estate agents are not appraisers.

Chairman Ward made a motion to accept Mr. Piercy's signed petition into the evidence. Joyce Coleman seconded the motion and it carried three in favor and one against (3-1).

Bobby Watson made a motion to qualify Don Costner as an expert in the real estate market in order to address testimony for this case. It was seconded by Joyce Coleman and it carried three in favor and one against (3-1).

Chairman Ward called for a recess at 5:43 pm. The meeting reconvened at 5:51 pm.

Mr. Martin pointed out that if a witness provides testimony, they must stay for the duration of the Evidentiary Hearing to be available for rebuttal. Each RV Park case is being considered separately and any witness testimony or evidence presented will need to be restated for it to be considered in the next RV Park case.

Don Costner of 814 E. Marion St. was sworn in. He has worked for thirteen (13) years in real estate, has his Real Estate license, is a graduate of the Real Estate Institute (GRI) with about sixty (60) hours of extra work for that. He is licensed in NC as a Broker Realtor. A realtor is a member of the Realtors Association of the United States. A Broker is someone who has their license but is not affiliated with Realtors Association. He does residential, land and some commercial sales. He has Brokerage Price Opinion (BPO) experience- he sets a price on a property, and then bank does the actual appraisal when someone wants to buy it. He feels that his price is close.

Chairman Ward made a motion to accept Mr. Costner's qualifications as an expert as a real estate agent/broker. Bobby Watson seconded the motion and it unanimously carried.

Don Costner stated that RV Parks should be along highways due to their noise and nuisance. He has been a realtor with Allen Tate for twelve (12) years and he is presenting his personal professional opinion, not that of Allen Tate. It is his personal opinion that property values adjoining RV Parks will be substantially reduced, and would be harder to sell.

Mr. Watson asked Mr. Costner if he has seen the rise or fall of properties next to RV Parks.

Mr. Costner stated that no, there is nothing available to do comps on.

Mr. King presented rebuttal. He stated he can do fewer than seven (7) RV sites if the Board requests. As far as harmony of the site, there are five (5) businesses within a mile of his property. He submitted photos of businesses nearby and the Board accepted them into evidence.

Mr. King asked Mr. White if he is an engineer for the NCDOT. Mr. White stated no, but has done work for them. Mr. King stated that the NCDOT oversees road safety and it is up to them to determine road safety. Chairman Ward stated that a stipulation can be added for NCDOT approval. Mr. King said his trees by the road can be trimmed back for visibility. He stated that the flood zone comments have all been based on opinion of safety, not proof. It is in his favor to keep the site clean and safe for good business. Many of the people complaining are miles away.

Mr. King asked Mr. Costner how many RV Parks has he worked with and if he has personally seen the effects of RV Parks on properties. Mr. Costner said none, he has only had inquiries. He said he does not have comps to go by, just his opinion.

Mr. King stated that his application portion filled out by Staff states "No", it is not in a floodplain.

Mr. Martin said Staff bases that determination on the estimated WebGIS floodplain data and a site plan at the time it is presented to Staff; it is an estimation at the time of application. If there

needs to be an exact determination, the applicant needs to provide a survey by a professional licensed surveyor.

Mr. King stated that there were no rules preventing RV Park sites in a floodplain at the time of his application.

Elliot Engstrom confirmed that there was no standard specifically for RV Park sites at the time Mr. King's application was submitted, then the Board must consider the four criteria and whether or not the site being in a floodplain is relevant to one of the four criteria.

Mr. Martin also confirmed, and added that the code states if they *are* located in a floodplain, they shall be on site fewer than 180 consecutive days and be fully licensed and ready for highway use (it is ready for highway use if it is on its wheels or decking system, and attached to the site only by quick disconnect utilities, and has no permanently attached additions). If not, then it must be built to meet the State building code for new construction and be at least three feet over the floodplain elevation, as determined by a licensed surveyor.

Mr. King stated that he felt like RV's pulling out of the driveway at this site would be similar to himself or someone driving their personal RV and trailer equipment from their home out of the driveway. He clarified that he had planned to build a house on this site years ago and the site passed the PERC test at that time years ago.

Chairman Ward closed the Evidentiary Hearing for case 20-02 at 6:21 pm as there were no more questions or public comment at this time.

The Board discussed the case. Bobby Watson expressed concerns about the sight distance presented by Mr. White and the letter from the Perry Davis, the County Fire Marshal, addressing the situation. Chairman Ward said the NCDOT handles road access issues and it is not in our Ordinance. Mr. Ward stated that the letter also addresses Emergency Response apparatus to safely access this area. Joyce Coleman and Bobby Watson both want to consider how much weight to give the response letter from Emergency Management Services. Chairman Ward stated the future floodplain is unknown and can't be predicted in his opinion. He also stated the NCDOT is considered the expert for sight distances on roads.

Elliot Engstrom said to consider what each witness is an expert in and what it applies to regarding the criteria. For example, what does Emergency Management have to do with traffic.

Chairman Ward entertained a motion.

The Board reviewed the four criteria. Mr. Lawing requested a vote on each of the criteria.

- (1) Will it materially endanger the public health or safety- The Board voted three in favor stating "yes" it will materially endanger the public safety and one against stating "no", it will not materially endanger the public health or safety.
- (2) Will it substantially injure the value of adjoining or abutting property- The Board voted unanimously "No".

- (3) Will it not be in harmony with the area in which it is to be located- Mr. Elliott pointed out that the presumption is that RV Parks are in harmony in residential zoning, and the Board needs to review evidence as to why it *is not* in harmony for a particular case. The Board was split two against it being in harmony with the residential lots and two in favor stating there isn't evidence to the contrary, that it is waterfront property, and if it is properly maintained it will be in harmony. Mr. Elliott stated that a tie is not a "finding" as far as a determination and therefore he does not think this should be considered as criteria for denial based on only half the Board's support.
- (4) Will it not be in general conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the board of commissioners- The Board voted unanimously "No".

Bobby Watson made a motion to deny Conditional Use Permit 20-02 for an RV Park based on criteria #1 about endangering public health and safety, citing the letter submitted as evidence from Cleveland County Emergency Management, Perry Davis, and the testimony of civil engineer Josh White. Joyce Coleman seconded the motion and it passed with three in favor of denial and one opposed (3-1).

CASE #20-03 CONDITIONAL USE PERMIT (CUP): RV Park

Applicant: Jeremy King

Location: 1700 Riverhill Dr.

Parcel #'s: 48474 & 2838

Mr. Martin, still under oath, presented the case information. He stated that the applicant originally planned to utilize three parcels but chose to only develop on and present site plans for two instead. The surrounding property use is rural residential with single family dwellings. Some are allowed by zoning right such as homes, churches, manufactured homes, and schools. Other uses require a conditional use permit such as RV Parks. Mr. Martin asked the board to consider the four criteria:

- (1) Will it materially endanger the public health or safety?
- (2) Will it substantially injure the value of adjoining or abutting property?
- (3) Will it not be in harmony with the area in which it is to be located?
- (4) Will it not be in general conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the board of commissioners?

Mr. Martin stated that the two surveyed site plans show a total of fifty-six (56) RV sites. The northern parcel has twenty (20) sites and the southern parcel has thirty-six (36) sites. There is some floodplain area on a creek to the east. Mr. Martin showed the contour lines of the property on the map. There is currently a house on the property but it appears to be vacant and in need of a lot of work.

Chairman Ward opened the Evidentiary Hearing at 6:44 pm

Mr. King stated that the usage will be same as his proposal for Case 20-02, which he intends for recreational use. Fifty-six is his proposed number of sites, but he doesn't have to develop them all. He plans to have a dumpster on site. The sites will be hooked up to septic tanks. He does not have an office planned for now on the site plan, but plans to have one in the future on the northern parcel in the vicinity of the vacant house near the entrance, which he plans to demolish. The RV sites on the plan are 40'x60' with a 30' right-of-way due to the topography falling. The lower site driveway is a pull through with three internal driveways between the two main right-of-ways that connect to the road. The upper northern site shows a cul-de-sac driveway access.

Mr. King stated that the RV Park is in harmony with the area. There is an RV Park on Davis Rd. in a residential area on a busy road. There are other businesses in this area including a junkyard. There are five (5) commercial areas within a mile and that relates to harmony.

Mr. Martin stated that County-wide zoning was adopted in 2001. There are business uses in the County that predate the adoption of zoning. These uses are allowed to continue and operate as "non-conforming uses" since they were established prior to zoning.

Phillip Piercy, still under oath, asked Mr. King where he grew up and if he has ever owned an RV Park before. Mr. King stated he grew on Davis Rd., Trent McSwain Rd., and Nicky Sharts Rd. He has not operated an RV Park before. Mr. Piercy stated his concerns for safety on the curvy road for RV traffic pulling in and out of the site, especially on rainy days. He stated that the surrounding business use is light (only one to two trucks go the other way toward Hwy 150) and feels that this proposed RV Park is not in harmony.

Gary Strickland of 1646 Riverhill was sworn in. He has lived across the street from this site for thirty (30) years. Two (2) people have wrecked on his property into the trees from people coming north too quickly through the curve, and he is concerned for safety. The neighborhood is residential.

Sarah Tongel, still under oath, addressed harmony. She said that the NCDOT 2015 traffic data says 550 cars travel on Riverhill Dr. per day. They use the standard of 4-6 car trips per residence per day. This RV Park will bring a 50% traffic increase and it is her opinion that is not in harmony. There is an average of 20 acres per resident, not including Mr. King's land, and no mobile home parks in the area. To have 56 RV sites on less than 20 acres is not in harmony; it becomes a high-density use in a low-density area. She feels this is in direct conflict with the harmony of the area. She showed photos of the houses in the neighborhood, and photos of RV Parks in the area to show the RV Parks do not belong in the neighborhood. She suggested the following conditions if the RV Park is approved:

- Adhere to the new RV Park standard adopted by the Board of Commissioners.
- Finish the project in a reasonable time.
- Have screening at the road and property lines planted at the beginning of the project.

Mr. Engstrom reminded the Board that opinion evidence may only be considered if it is offered by an expert. Observations, such as witnessing an accident, are evidence. Opinions and beliefs are not evidence.

Peggy Baker of 1901 Burke Rd. was sworn in. She owns three parcels on Riverhill Dr., including 1624 Riverhill Dr. and she grew up in this area and lived here her whole life. She requested that the Mr. Piercy's PowerPoint from Case 20-02 about harmony be submitted into testimony for this case also and Mr. Piercy agreed. The Board agreed to her request.

Josh White, still under oath, presented his qualifications to provide expert testimony. He works at TGS Engineers as a Civil Engineer and he is also a Professional Land Surveyor. He graduated NC State University with a Bachelor's Degree in Civil Engineering. He is the president of the NC Society of Engineers, and has worked for twenty-four to twenty-five (24-25) years in the field since his graduation.

Bobby Watson made a motion to accept Mr. White's qualifications as an expert on civil engineering. Doug Lawing seconded the motion and it unanimously carried.

Mr. White expressed his concerns with the sight distance of both locations. He stated he has not looked at this site as in depth as the site in Case 20-02. The driveway furthest to the south was difficult to determine the exact location, but it looked like it had 300' to 350' sight distance which in his opinion is not enough. It needs 450' minimum, possibly 700' for RVs. The northern parcel has plenty of sight distance currently, but if the parcel between the two RV Park sites, which is owned by someone else, grows over with foliage, it will be difficult to see into the curve and dip of the road. Also, RV Sites being used on the lower southern site could block visibility for drivers accessing the northern site. He also has a problem with the turn radius at the entrances; they should be wider.

Chris Turner of 1419 Mt. Sinai Church Rd. was sworn in. He presented three (3) photos into evidence of the property showing the curve at the vacant house with northern and southern views. He has property in the area. As a trucker with experience driving large trucks, he feels that the curves are dangerous. He said he did not think the site is in harmony with the area.

Mr. King pointed out that there are single wide manufactured homes in the area. He said he can control the safety at his site by making people leave immediately if they don't comply with the law. He said he has not seen evidence about road safety at the site, only opinions. It is up to the NCDOT to review road safety. He stated that harmony is a matter of opinion and it is a fact that there is business activity in the area, including trucking. He stated that there is a 6.3 acre parcel between his site and Mr. Piercy's property. He asked Mr. White if he did measurements for the sites in this case.

Mr. White said no, he did not measure at this site. He looked only.

Mr. King stated that there is no evidence or proof. He said there will be a traffic increase if more houses are built. Road safety is in the NCDOT purview and Mr. White is not a NCDOT employee. Mr. King asked Mr. White to explain the site distance measurements he spoke about.

Mr. White stated that for a large truck pulling out, there needs to be 700' sight distance for a vehicle to see the truck, and a minimum of 450' to stop.

James Hayslett of 123 Riverwood Dr. was sworn in. Chairman Ward pointed out that Mr. Hayslett is not a property adjoiner. Mr. Hayslett stated he has operated motor vehicles since he was sixteen (16), he is sixty-two (62) years old, and has driven trucks for twenty (20) years. He drives on Riverhill Dr. everyday. He feels that the RV's can't pull onto the road safely.

Randy Bowen of 1947 Riverhill Dr. was sworn in. He stated he lives about half a mile south of the property. He has been in business since 1996. He pulls a 40' trailer every day and has two of them that go every day. They carry four (4) John Deere lawn mowers that weigh over one thousand (1000) pounds each, and so eighteen to twenty-thousand (18,000 to 20,000) pounds total. He stated safety concerns about being able to stop for an RV at this site, especially if it is raining.

Mr. King stated he had no more rebuttal.

Chairman Ward closed the Evidentiary Hearing for case 20-03 at 7:49 pm as there was no more public comment.

The Board discussed the case. Doug Lawing recommended that the NCDOT do a site distance evaluation survey and continue the case. Bobby Watson stated his concern for the road safety and agreed with Mr. Lawing.

Mr. Martin stated that the Board may require additional information such as a traffic impact study prepared by a qualified engineer or planner, per Code Section 12-33-b-5:

- (5) Traffic impact study prepared by a qualified engineer or planner. The study shall include:
 - a. Existing traffic conditions within the study area.
 - b. Comparison of traffic volumes generated by the existing and proposed development, including the morning peak, afternoon or evening peak, and the average annual daily traffic levels.
 - c. Distribution of existing and proposed trips through the street network.
 - d. Analyses of the capacities of intersections located within the study area.
 - e. Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development.
 - f. Other pertinent information including, but not limited to, accidents, noise, and impacts of air quality and other natural resources.

Mr. Martin submitted the Code reference into the evidence. He clarified for the Board that the Commissioners adopted a new RV ordinance at their February 18th, 2020 meeting that addressed setbacks, screening, and the number of sites per acre. He stated that Mr. King submitted his applications for the cases heard tonight prior to that ordinance being adopted and therefore he is not subject to the new code.

Doug Lawing made a motion to request additional information per Article III Section 12-33(b)(5) of the Cleveland County Code of Ordinances for a traffic study. Mr. Martin stated that this motion needs to be clarified; the code states that the Board may request this additional information from the applicant. Chairman Ward asked Mr. King if that is acceptable to get this traffic study done. Mr. King stated he is in agreeance with that.

Doug Lawing amended his motion to request additional information from the applicant per Article III Section 12-33(b)(5) of the Cleveland County Code of Ordinances for a traffic study. **Chairman Ward** asked about if there is a time limit to when this needs to be completed by. Mr. Martin stated that Board can continue the meeting again if the work is not ready since it is dependent on the engineer's time schedule, and Staff can notify adjoining property owners ahead of time if it is going to be continued.

Chairman Ward stated that if the Board is in agreeance, signified by voice acclamation, to continue Case 20-03 to the March 26th Board of Adjustment meeting to be held at the LeGrand Center at 4 pm in Ballroom A. The motion passed unanimously by voice acclamation of the Board.

MISCELLANEOUS BUSINESS

There was no miscellaneous business.

ADJOURNMENT

Chairman Ward entertained a motion to adjourn the meeting. Joyce Coleman so moved the motion and it unanimously carried to adjourn at 8:02 pm.

ATTEST:

Jeff Ward, Chairman

Anna Parker, Clerk

Others Present Continued

Deb Hardin	Angel Elam	Patsy Hamrick
Cindy McCraw	Barbara Bridges	Randy Bowen
Scott McCraw	H. Dean Bridges	Linda Bowen (of 1947 Riverhill Dr.)
Billy Mosley	Zina Rollins	Linda Bowen (of 1957 Riverhill Dr.)
Keith Rollins	Keith Rollins	Lee Ledbetter
Brandy Hamrick	Donna Piercy	Annette Ledbetter
Andy Hamrick	Miriam Jolly Satterfield	Floyd Queen
Carmen Davis	Vicki Blanton	(Illegible Name) of 814 E. Marion St.
Josh Biddix	Dwight Greene	Donna Freeman
Robin Costner	Vickie Morris	Todd Tongel
Peggy Baker	Rick Cox	Sara Tongel
Dana Ledbetter	Dennis Moore	Matthew Rollins
Thomas Smith	Phil Piercy	Tom Young
Pam Helms	Gary Strickland	Dorothy Young
Wayne Helms	Janice Strickland	Heidi Hamrick
Dean Putnam	Rita Harris	Jackie Ballenger
Todd Putnam	Kenny Harris	Diana Rollins
Katrina Callahan	Ben Campbell	Pam Turner
George Elam	Eddie Hardin	Chris Turner
Mitchell Rippy	Jessica Bridges	Darrell Morrison
K. Ben (Illegible name)	Esther Mae Bridges	Vickie Morrison
Jack Hamrick Jr.	Chloe Bridges	James Hayslett
Carl Bridges	Logan Bridges	Tom Turpish
Peter Strickland	Robert Morrison	Josh White
Emily Strickland	Logan Morrison	Carla Cody
John Hamrick	Ron Callahan	Richard Axelson
Harlan Edwards	Rita Lowe	Edward Holtz
Margaret Edwards	Jim Lowe	James Blanton Jr
Nellie Harrell	Steve Elam	Matt Greene
David Hamrick	Tyler Elam	June Herseck

Ricky Ledbetter	Bobby Ledbetter	Rocky Herseck
Suzanne Ledbetter	Deborah Bridges	James Baker
Dan Putnam	Chrissy Wince	Lindsey Baker
Jarrett Blanton	Cade Wince	David Bridges

DRAFT

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 20-07

Department:

Agenda Title: Case 20-07: Request for Conditional Use Permit to operate a Recreational Vehicle (RV) park at 2337 Gaffney Road

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 20-07_Staff_Report_CUP_2337_Gaffney_Road.pdf	Staff Report
<input type="checkbox"/> Site_Plan_6-18-20.pdf	Site Plan
<input type="checkbox"/> 20-07_Zoning_Map_2337_Gaffney_Road.pdf	Zoning Map
<input type="checkbox"/> 20-07_Aerial_Map_2337_Gaffney_Road.pdf	Aerial Map
<input type="checkbox"/> 20-07_Adjoiners_RV_Park_2337_Gaffney_rd.pdf	Adjoiners

STAFF REPORT

To: Board of Adjustment

Date: June 24, 2020

From: Chris Martin, Senior Planner

Subject: Conditional Use Permit Application 20-07

Summary Statement: Tyler Watts with SRI GP, LLC has requested a Conditional Use Permit to operate a Recreational Vehicle (RV) Park at 2337 Gaffney Road. He has submitted a completed application and a site plan showing the location of the RV Park.

Review: The property for consideration is parcel 395, located at 2337 Gaffney Road in Shelby and is owned by Abdul Elkout. Mr. Watts is requesting the creation of an RV Park with seventy-five (75) sites. The property is currently zoned Residential, and surrounding zoning is Residential to the north and east, as well as Residential and Neighborhood Business to the west, and Manufactured Home Parks to the south. Surrounding uses are mostly large vacant tracks of land with some single family residences on Gaffney Road, along with the Broad River Greenway to the North. RV Parks are an allowable use with a Conditional Use Permit in the Residential zone.

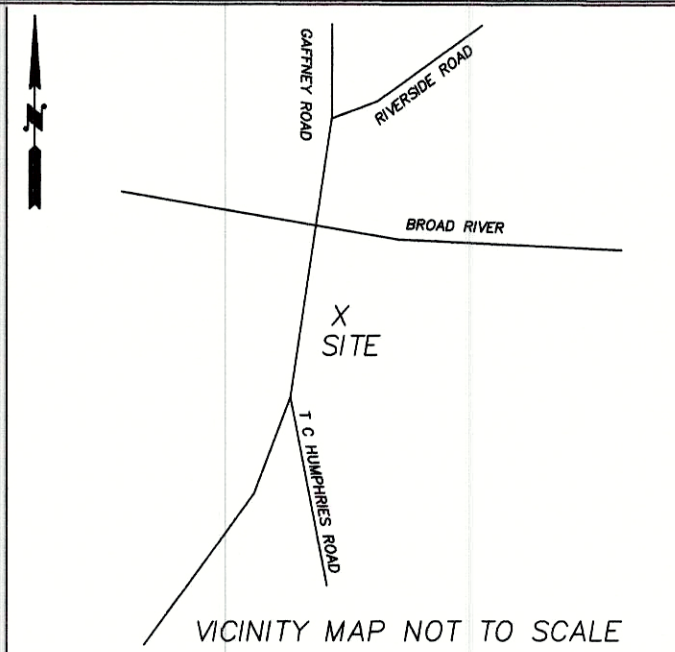
When issuing conditional use permits, the Board must consider the following four findings;

- (1) Will not materially endanger the public health or safety;
- (2) Will not substantially injure the value of adjoining or abutting property;
- (3) Will be in harmony with the area in which it is to be located; or
- (4) Will be in general conformity with the land use plan, thoroughfare plan, or other plans officially adopted by the board of commissioners.



PLAT BOOK 19, PAGE 52

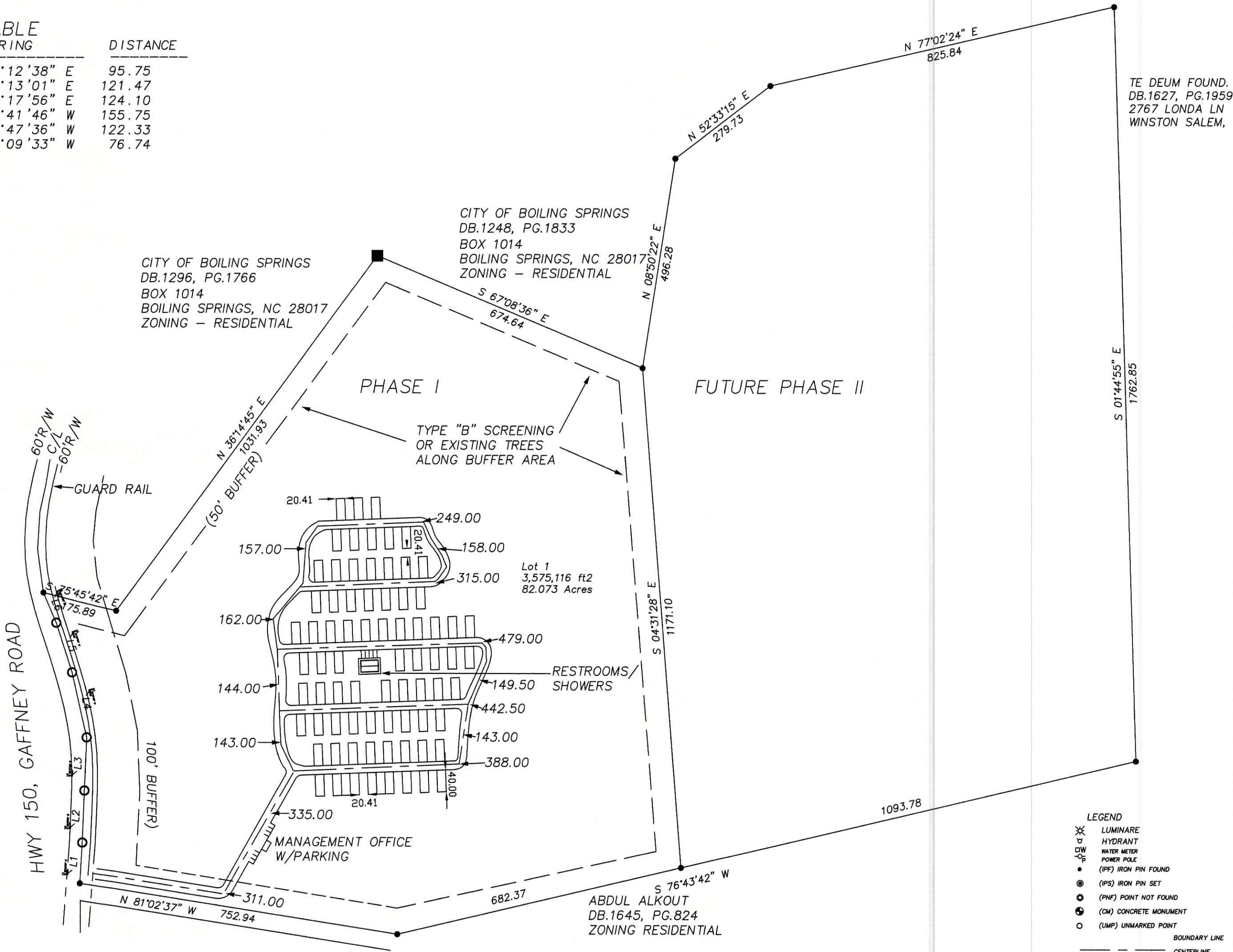
E. STEVE SMITH
SURVEYING
3518 MCKINNEY ROAD
MOORESBORO, NC 28114
ssmithpls@carolina.rr.com
704-434-5369
704-434-6682(fax)



VICINITY MAP NOT TO SCALE

LINE TABLE

NO.	BEARING	DISTANCE
L1	N 03°12'38" E	95.75
L2	N 02°13'01" E	121.47
L3	N 02°17'56" E	124.10
L4	N 12°41'46" W	155.75
L5	N 17°47'36" W	122.33
L6	N 23°09'33" W	76.74



NOTES

SURVEY BASED ON PHYSICAL EVIDENCE FOUND ON DATE OF SURVEY

THIS PROPERTY (SIS) IS NOT LOCATED WITHIN 2000 FEET OF A N.C.G.S./U.S.G.S. MONUMENT.

THIS PROPERTY MAY BE SUBJECT TO RECORDED OR UNRECORDED RIGHTS-OF-WAYS OR EASEMENTS NOT OBSERVED.

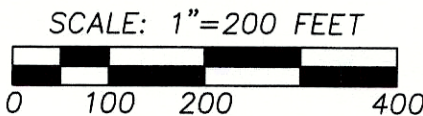
THIS PROPERTY (SIS) IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE DEPARTMENT OF HOUSING URBAN DEVELOPMENT, REF. PANNEL 371025300J, DTD. 2-20-2008

ALL DISTANCES ARE HORIZONTAL IN FEET.
THIS SURVEY CREATES A SITE PLAN FOR A RECREATIONAL VEHICLE PARK.

SITE DATA:
RECREATIONAL VEHICLE PARK
TOTAL PARCEL AREA = 82.07 ACRES
RECREATIONAL AREA = 29.03 ACRES PHASE 1
GAFFNEY ROAD FRONTAGE
PROPOSED SITES = 75, 20X40 CONCRETE PAD
MANAGEMENT OFFICE
RESTROOM/SHOWERS
OWNER: ABDUL ELKOUT
108 BENJAMIN COURT
SHELBY NC 28152
SCREENING EXISTING TREES
ROADWAY 20' WIDE IMPROVED ROAD
FLOOD PLAIN PANNEL 371025300J, DTD. 2-20-2008
WATER SUPPLY- MUNICIPAL
SEWER - ONSITE

"I certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 1632, page 83, or other source) that the boundaries not surveyed are indicated as drawn from information in Book _____, page _____, or other reference source _____; that the ratio of precision or positional accuracy is greater than 1:10,000; and that this map meets the requirements of the Standards of Practice for Land Surveying in North Carolina (21NCAC56.1600)."

This 15 day of JUNE, 2020
E. Steve Smith, PLS L-4297



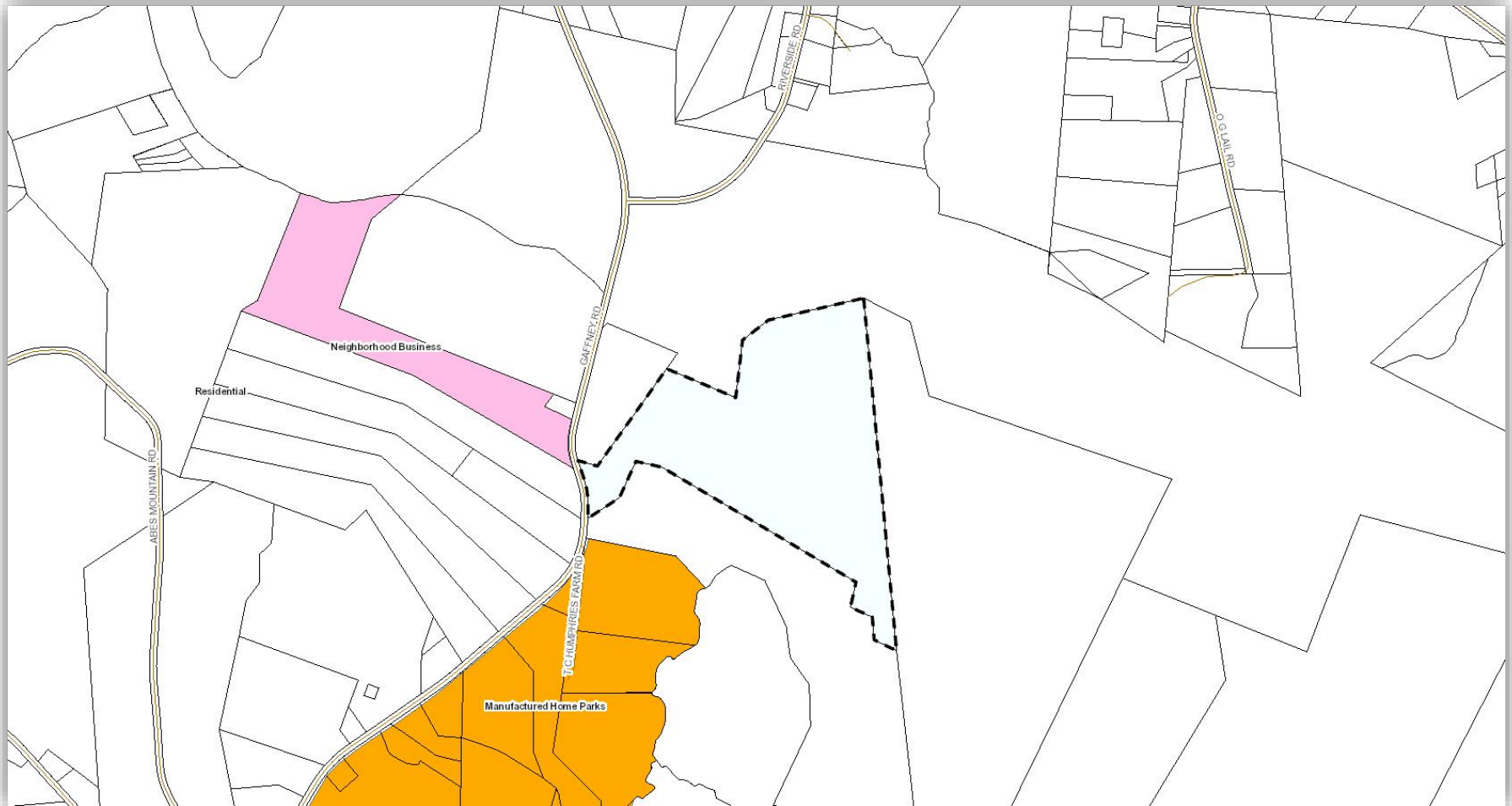
CLEVELAND COUNTY, NORTH CAROLINA
FORMERLY TOWNSHIP #1

SURVEY FOR:
SRI GP, LLC
PORTIONS OF:
DEED BOOK 1632, PAGE 83
DEED BOOK 1645, PAGE 824
TAX MAP 1180-2-5

ZONING- RESIDENTIAL

REVISED: JUNE 15, 2020

Case # 20-07 CUP for 2337 Gaffney Road
Zoning Map, Parcel 395 78.07 acres



Case # 20-07 CUP for 2337 Gaffney Road
Aerial Map, Parcel 395 78.07 acres



PARCEL	OWNER 1	OWNER 2	MAILING ADDRESS	CITY, STATE, ZIP	PARCEL ADDRESS
394 & 395	ABDUL ELKOUT		108 BENJAMIN COURT	SHELBY NC 28152	GAFFNEY RD
396	TE DEUM FOUNDATION INC		2767 LONDA LN	WINSTON SALEM NC 27103	COLLEGE AVE
47916	BILLY AND BRENDA HUMPHRIES		3702 DELTA DR	SHELBY NC 28152- 9068	2343 T C HUMPHRIES FARM RD
402	TOWN OF BOILING SPRINGS	CLEVELAND COUNTY	PO BOX 1014	BOILING SPRINGS NC 28017-1014	2311 GAFFNEY RD
456	TOWN OF BOILING SPRINGS	CLEVELAND COUNTY	PO BOX 1014	BOILING SPRINGS NC 28017-1014	126 BROAD RIVER DR
44875 & 400 & 401	RANDY AND BRENDA ANTHONY		PO BOX 545	BOILING SPRINGS NC 28017-0545	2328 GAFFNEY RD
<i>Applicant</i>	SRI GROUP LLC		PO BOX 1600	MATTHEWS, NC 28106	

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 18-09

Department:

Agenda Title: Case 18-09: Request for extension to CUP for Apex Solar Facility at 172 Pony Barn Road

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 18-09_Staff_Report_172_Pony_Barn_Solar_Farm-EXTENSION.pdf	Staff Report
<input type="checkbox"/> 061020_Apex_CUP_Extension_RY.pdf	CUP Extension Request
<input type="checkbox"/> 18-09_CUP_Apex_Solar_RECORDED.pdf	Recorded Order
<input type="checkbox"/> Apex_Zoning_Site_Plan_11-06-18.pdf	Site Plan

STAFF REPORT

To: Board of Adjustment Date: June 24, 2020
From: Chris Martin, Senior Planner
Subject: Extension for Conditional Use Permit Application 18-09

Summary Statement: A six month extension on the Conditional Use Permit (CUP) 18-09 has been requested.

Review: Apex Solar was granted a CUP in November 2018 for a solar facility on parcels 35642, 59529, 57509, 35644, 35649 and 3561, owned by D. Leon Leonhardt, as well as parcels 35586, 35587 and 35585 owned by Dennis Peeler and parcel 71199 owned by Jean Elliot. Rex Young, attorney at Oakhurst Energy who is representing Apex Solar, has applied for a six month extension on the original CUP. Section 12-38(c) of the Cleveland County Unified Development Ordinance (UDO) allows the issuing authority to grant an extension of up to six months.

This approval can be done through a simple majority vote of the Board in open session.

June 10, 2020

Cleveland County Planning Department
Attn: Henry Earle, Planner
PO Box 1210
Shelby, NC 2815

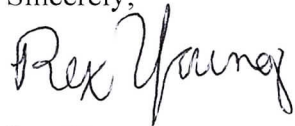
Dear Mr. Earle,

As you know, on November 29, 2018, the Cleveland County Board of Adjustment approved a Conditional Use Permit for Apex Solar, LLC, to construct a solar farm off Pony Barn Road in Cleveland County. In April 2019, the Cleveland County Planning Department issued the approved Conditional Use Permit to Apex Solar.

As understood by Apex Solar, Section 12-38 of the Cleveland County Unified Development Ordinance specifies that, under certain circumstances, a Conditional Use Permit may expire one year after issuance unless an extension is requested and granted by the Planning Department. Despite considerable financial investment, ongoing due diligence, and other development work, Apex Solar, LLC, has not commenced construction on this project yet. In order to complete final due diligence efforts and obtain building and electrical permits, Apex Solar, LLC, hereby requests the Cleveland County Planning Department to grant a six-month extension for its Conditional Use Permit.

Thank you for your time and attention to this request. Please let us know if we can answer any questions or provide any additional information.

Sincerely,



Rex Young
Development Attorney* | Oakhurst Energy
866.795.4015x705 | rex.young@oakhurstenergy.com
*Exclusively licensed only by the Virginia State Bar



Doc No: 200025954
Recorded: 05/06/2019 02:56:28 PM
Fee Amt: \$26.00 Page 1 of 3

Cleveland County North Carolina
Betsy S. Harnage, Register of Deeds
BK 1791 PG 358 - 360 (3)

RECORDING FEE \$ 26.00

ANNA PARLER

COUNTY OF CLEVELAND CONDITIONAL USE PERMIT GRANTED

The Cleveland County Board of Adjustment held a Public Hearing on November 29, 2018 to consider the following application:

Applicant: Apex Solar, LLC, on behalf of Cypress Creek Renewables Case #: 18-09
Property Location: 172 Pony Barn Road
Parcels: 35585, 35586, 35587, 35641, 35642, 35644, 35649, 57509, 59529, and 71199
Property Owners: Leon Leonhardt, Dennis and Elizabeth Peeler, and Jean Elliot
Zoning: Rural Agriculture (RA) and Residential (R)
Proposed Use: Solar Generation Facility

FINDINGS OF FACT:

1. Leon Leonhardt owns six (6) parcels of land, Dennis Peeler owns three (3) parcels of land and Jean Elliot owns one (1) parcel of land recorded in the Register of Deeds in Deed Books listed below, collectively known as "the property".
 - Leon Leonhardt:
 - Parcel 35641: Deed Book 1624 Page 1760
 - Parcel 35642: Deed Book 1212 Page 2122
 - Parcel 35644: Deed Book 1212 Page 2122
 - Parcel 35649: Deed Book 1493 Page 646
 - Parcel 57509: Deed Book 1388 Page 1456
 - Parcel 59529: Deed Book 1489 Page 2387
 - Dennis and Elizabeth Peeler:
 - Parcel 35585: Deed Book 1645 Page 1922
 - Parcel 35586: Deed Book 1233 Page 111
 - Parcel 35587: Deed Book 1473 Page 2200
 - Jean Elliot
 - Parcel 71199: Deed Book 18Z Page 639
2. The total acreage of the ten (10) parcels of land is 474.52, per the respective deeds.
3. The property is zoned Rural Agriculture (RA), except for the portion of Parcel 71199 located north of East Stage Coach Trail, which is zoned Residential (R), per the Cleveland County Planning Department.
4. Solar energy facilities (NAICS 221114) are a compliant use in the Rural Agriculture and Residential zoning districts, with the issuance of a conditional use permit, per Cleveland County Code Section 12-124.
5. The Cleveland County Board of Adjustment issues conditional use permits.
6. Section 12-160 of the Cleveland County Development Ordinance lists required development codes for solar facilities.
7. Apex Solar, LLC has requested a Conditional Use Permit to develop the property for use as a solar energy facility.
8. An application and site plan were submitted to the Cleveland County Planning Department on September 24, 2018.
9. Notice of the evidentiary hearing was mailed to the adjoining property owners and a sign posted on the property November 16, 2018.
10. An evidentiary hearing was held by the Board of Adjustment on November 29, 2018 at 4:00pm.
11. Mike Fox, attorney representing Apex Solar, LLC, stated that a community meeting was held in Fallston to discuss the project with the adjoining property owners.
12. Chris Sandifer, a licenses Engineer, Nick Kirkland of Kirkland Appraisers, and Danny Obeler of Cypress Creek Renewables were called on by the applicant as witnesses to discuss public safety, appraisal value, and project parameters.
13. The evidentiary hearing was closed at 4:50 pm.

IN CONCLUSION:

1. The board finds that the application and site plan submitted are complete.
2. There was no substantial evidence presented at the public hearing that the proposed development of the property for the use as a solar energy facility will materially endanger the public health or safety; and
3. There was no substantial evidence presented at the public hearing that the proposed development will injure the value of adjoining or abutting property; and,

4. The proposed development of the property for the use as a solar energy facility, if developed according to the site plan submitted with the approved screening shown on the site plan, will be in harmony with the area in which it is to be located. The applicant increased the setbacks on the site plan, shows additional screening, and an upgraded fence, in an attempt to be in harmony with the surrounding properties; and,
5. The proposed development of the property for the use as a solar energy facility, if developed according to the site plan submitted and approved by the Board of Adjustment, will be in general conformity with the land use plan adopted by the Board of Commissioners.

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Cleveland County Code for the development proposed, and that the application for a solar generating facility is hereby approved, subject to all applicable provisions of the County Code and the following conditions:

- The applicant shall complete the development strictly in accordance with the site plan, maintenance, and decommission plan submitted to and approved by the Cleveland County Planning Department.

In witness whereof, the County has caused this permit to be issued in its name, and the undersigned, being all of the property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

COUNTY OF CLEVELAND

Jeff Ward, Chairman, Board of Adjustment

We, Apex Solar, LLC, Applicant, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

[Signature] (Seal)

NAY HYTEL AUTHORIZED PERSON
(Name & Title), Applicant Representative

STATE OF NORTH CAROLINA, ~~CLEVELAND~~ COUNTY

I, _____, a Notary Public of said State and County, do hereby certify that _____, an authorized representative of _____, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and notarial seal, this the _____ day of _____.

Notary Public

My commission expires: _____

See Attached Notary
Acknowledgment Certificate

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Los Angeles)

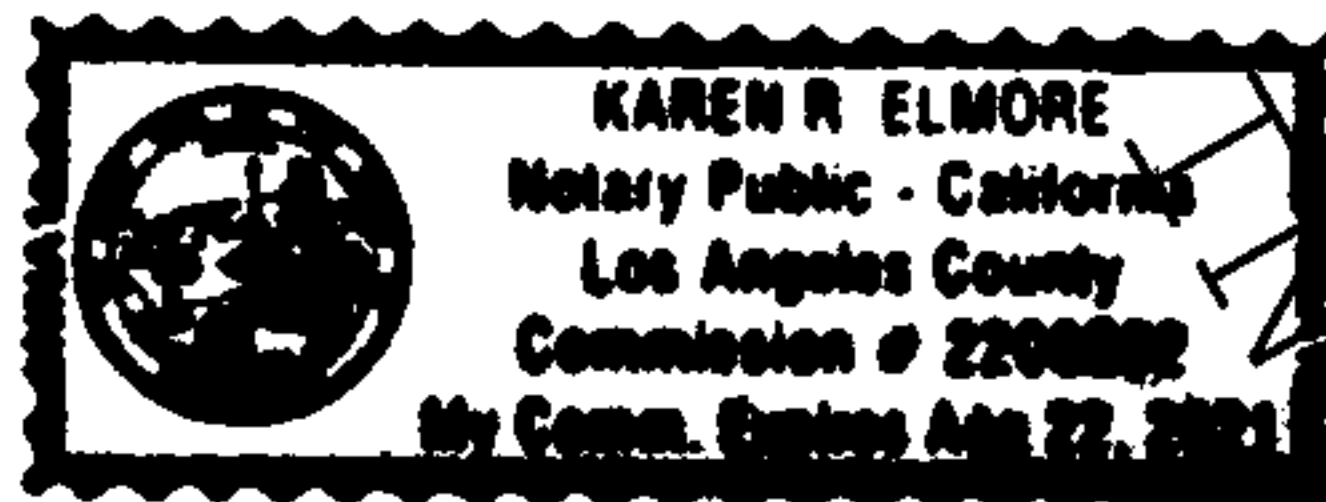
On April 5, 2019 before me, Karen R. Elmore, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Noah Hyte
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in his/her/their authorized capacity~~(ies)~~, and that by his/her/their signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Karen R. Elmore
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Cleveland County Conditional Use Permit Granted- Apex Solar, LLC

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

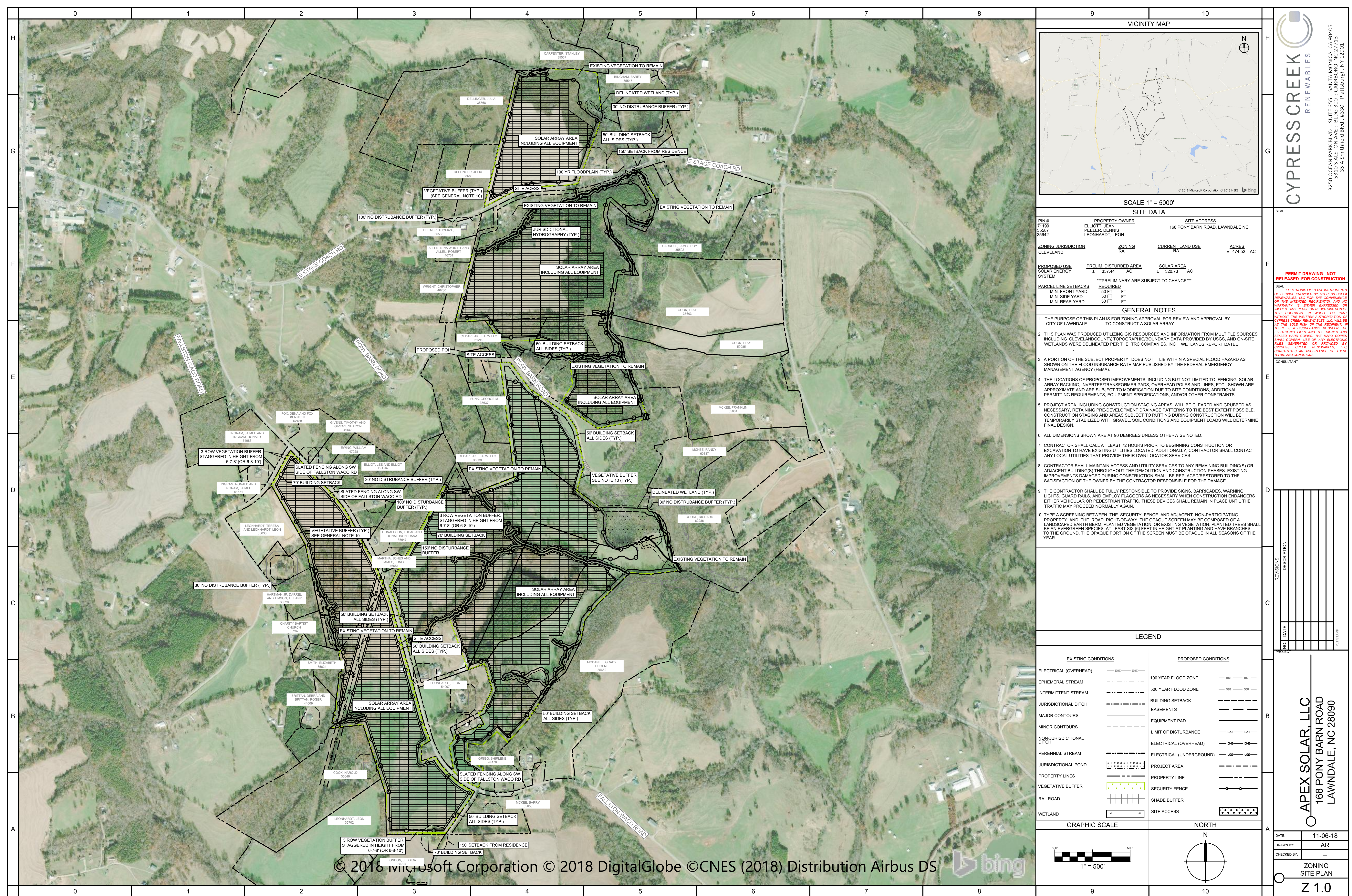
☐ Partner ☐ Limited ☐ General

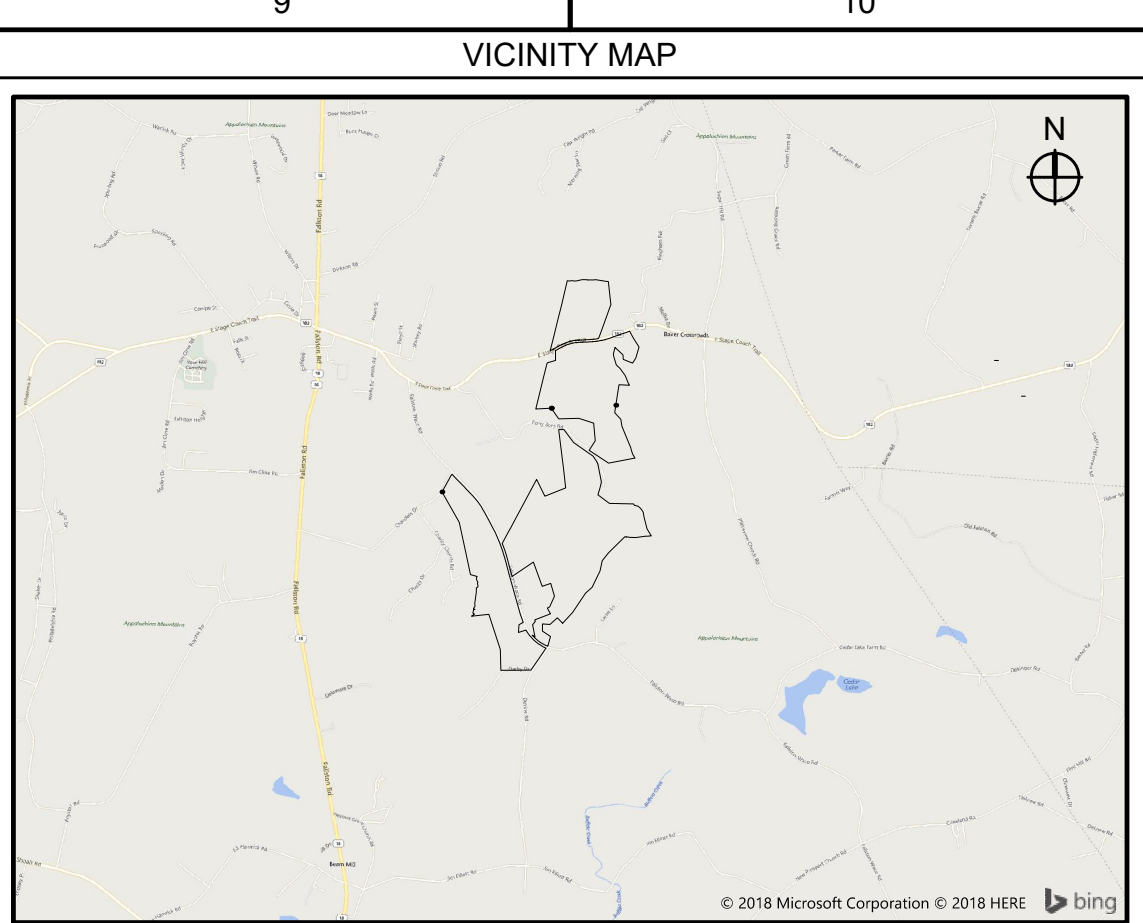
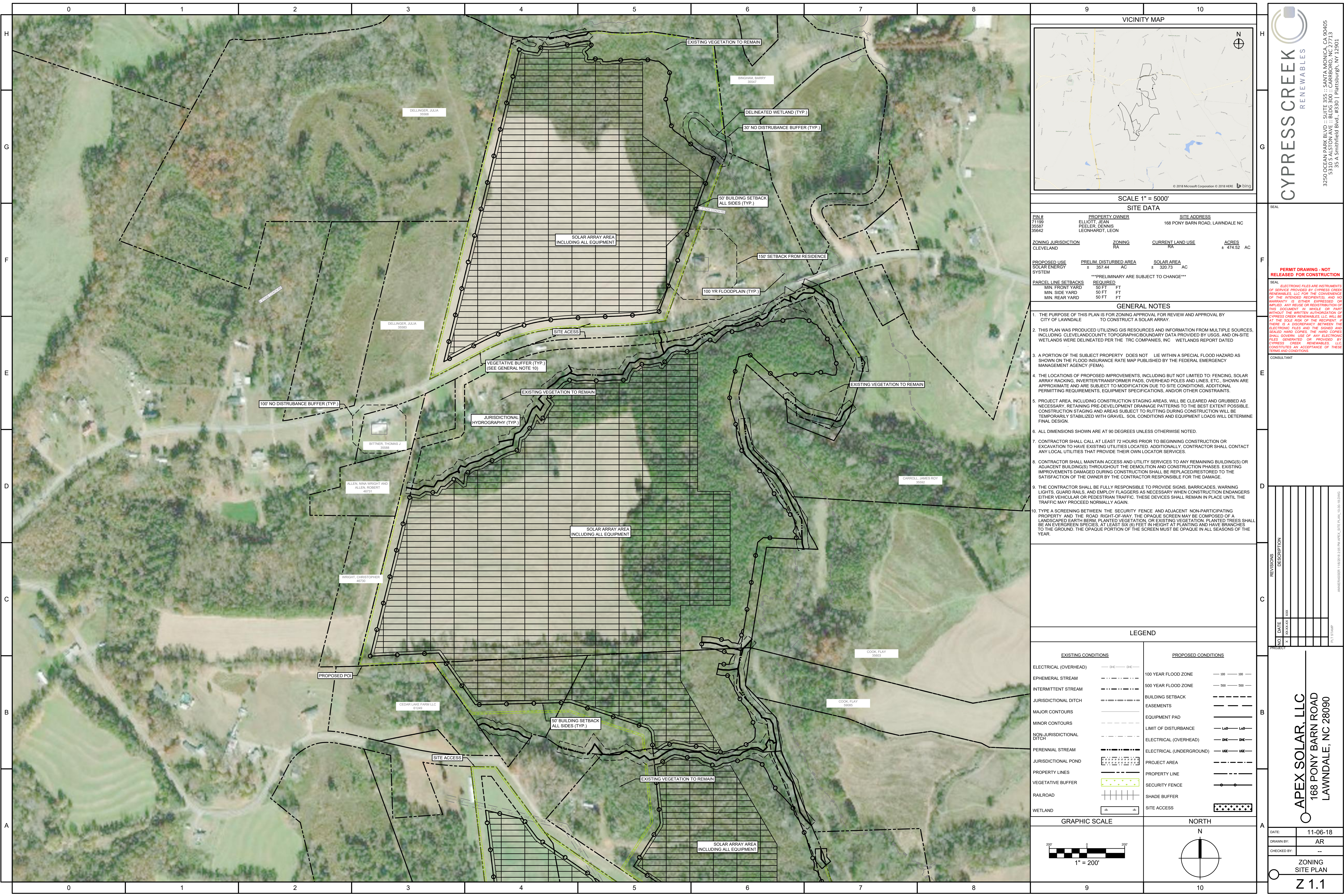
☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____



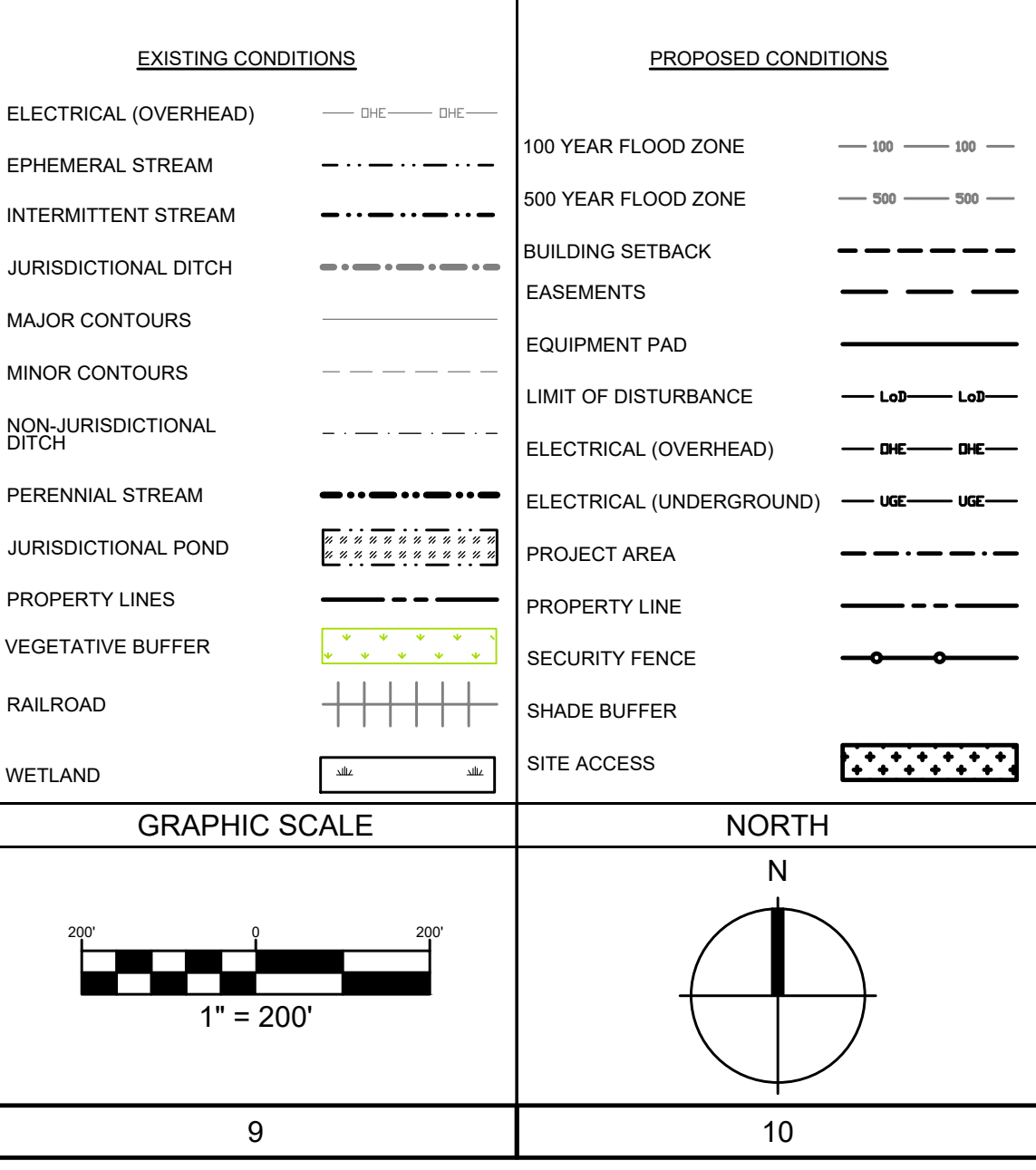


SCALE 1" = 5000'

SITE DATA			
PIN # 71199 35587 35642	PROPERTY OWNER ELLIOTT, JEAN PEELER, DENNIS LEONHARDT, LEON	SITE ADDRESS 168 PONY BARN ROAD, LAWDALE NC	
ZONING JURISDICTION CLEVELAND	ZONING RA	CURRENT LAND USE RA	ACRES ± 474.52 AC
PROPOSED USE SOLAR ENERGY SYSTEM	PRELIM. DISTURBED AREA ± 357.44 AC	SOLAR AREA ± 320.73 AC	
PRELIMINARY ARE SUBJECT TO CHANGE			
PARCEL LINE SETBACKS REQUIRED			
MIN. FRONT YARD	50 FT	FT	
MIN. SIDE YARD	50 FT	FT	
MIN. REAR YARD	50 FT	FT	

- GENERAL NOTES**
- THE PURPOSE OF THIS PLAN IS FOR ZONING APPROVAL FOR REVIEW AND APPROVAL BY CITY OF LAWDALE TO CONSTRUCT A SOLAR ARRAY.
 - THIS PLAN WAS PRODUCED UTILIZING GIS RESOURCES AND INFORMATION FROM MULTIPLE SOURCES, INCLUDING CLEVELAND COUNTY TOPOGRAPHIC BOUNDARY DATA PROVIDED BY USGS, AND ON-SITE WETLANDS WERE DELINEATED PER THE TRC COMPANIES, INC WETLANDS REPORT DATED
 - A PORTION OF THE SUBJECT PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AS SHOWN ON THE FLOOD INSURANCE RATE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).
 - THE LOCATIONS OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO: FENCING, SOLAR ARRAY RACKING, INVERTER/TRANSFORMER PADS, OVERHEAD POLES AND LINES, ETC., SHOWN ARE APPROXIMATE AND ARE SUBJECT TO MODIFICATION DUE TO SITE CONDITIONS, ADDITIONAL PERMITTING REQUIREMENTS, EQUIPMENT SPECIFICATIONS, AND/OR OTHER CONSTRAINTS.
 - PROJECT AREA, INCLUDING CONSTRUCTION STAGING AREAS, WILL BE CLEARED AND GRUBBED AS NECESSARY, RETAINING PRE-DEVELOPMENT DRAINAGE PATTERNS TO THE BEST EXTENT POSSIBLE. CONSTRUCTION STAGING AND AREAS SUBJECT TO RUTTING DURING CONSTRUCTION WILL BE TEMPORARILY STABILIZED WITH GRAVEL. SOIL CONDITIONS AND EQUIPMENT LOADS WILL DETERMINE FINAL DESIGN.
 - ALL DIMENSIONS SHOWN ARE AT 90 DEGREES UNLESS OTHERWISE NOTED.
 - CONTRACTOR SHALL CALL AT LEAST 72 HOURS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. ADDITIONALLY, CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES.
 - CONTRACTOR SHALL MAINTAIN ACCESS AND UTILITY SERVICES TO ANY REMAINING BUILDING(S) OR ADJACENT BUILDING(S) THROUGHOUT THE DEMOLITION AND CONSTRUCTION PHASES. EXISTING IMPROVEMENTS DAMAGED DURING CONSTRUCTION SHALL BE REPLACED/RESTORED TO THE SATISFACTION OF THE OWNER BY THE CONTRACTOR RESPONSIBLE FOR THE DAMAGE.
 - THE CONTRACTOR SHALL BE FULLY RESPONSIBLE TO PROVIDE SIGNS, BARRICADES, WARNING LIGHTS, GUARD RAILS, AND EMPLOY FLAGGERS AS NECESSARY WHEN CONSTRUCTION ENDANGERS EITHER VEHICULAR OR PEDESTRIAN TRAFFIC. THESE DEVICES SHALL REMAIN IN PLACE UNTIL THE TRAFFIC MAY PROCEED NORMALLY AGAIN.
 - TYPE A SCREENING BETWEEN THE SECURITY FENCE AND ADJACENT NON-PARTICIPATING PROPERTY AND THE ROAD RIGHT-OF-WAY. THE OPAQUE SCREEN MAY BE COMPOSED OF A LANDSCAPED EARTH BERM, PLANTED VEGETATION, OR EXISTING VEGETATION. PLANTED TREES SHALL BE AN EVERGREEN SPECIES, AT LEAST SIX (6) FEET IN HEIGHT AT PLANTING AND HAVE BRANCHES TO THE GROUND. THE OPAQUE PORTION OF THE SCREEN MUST BE OPAQUE IN ALL SEASONS OF THE YEAR.

LEGEND	
EXISTING CONDITIONS	PROPOSED CONDITIONS
ELECTRICAL (OVERHEAD) — DHE — DHE —	100 YEAR FLOOD ZONE — 100 — 100 —
EPHEMERAL STREAM — — — — —	500 YEAR FLOOD ZONE — 500 — 500 —
INTERMITTENT STREAM — — — — —	BUILDING SETBACK — — — — —
JURISDICTIONAL DITCH — — — — —	EASEMENTS — — — — —
MAJOR CONTOURS — — — — —	EQUIPMENT PAD — — — — —
MINOR CONTOURS — — — — —	LIMIT OF DISTURBANCE — Ld — Ld —
NON-JURISDICTIONAL DITCH — — — — —	ELECTRICAL (OVERHEAD) — DHE — DHE —
PERENNIAL STREAM — — — — —	ELECTRICAL (UNDERGROUND) — UGE — UGE —
JURISDICTIONAL POND [Pattern]	PROJECT AREA — — — — —
PROPERTY LINES — — — — —	PROPERTY LINE — — — — —
VEGETATIVE BUFFER [Pattern]	SECURITY FENCE — — — — —
RAILROAD [Pattern]	SHADE BUFFER — — — — —
WETLAND [Pattern]	SITE ACCESS [Pattern]



3250 OCEAN PARK BLVD :: SUITE 355 :: SANTA MONICA, CA 90405
5310 S ALSTON AVE :: BLDG 300 :: CARROLLTON, TX 75006
35 A Smithfield Blvd., #340 | Pittsborough, NC 27621

PERMIT DRAWING - NOT RELEASED FOR CONSTRUCTION

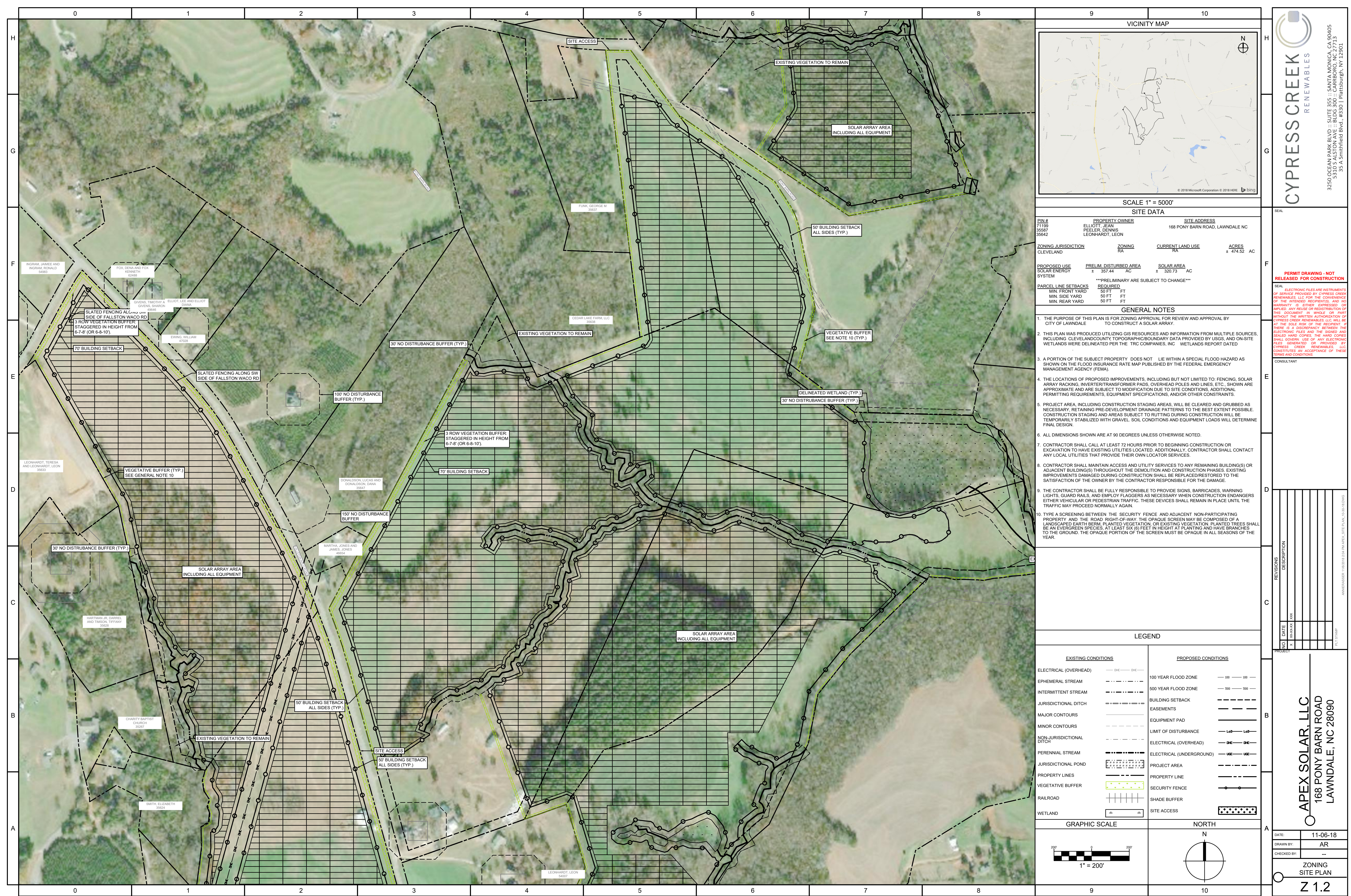
SEAL
CONSULTANT

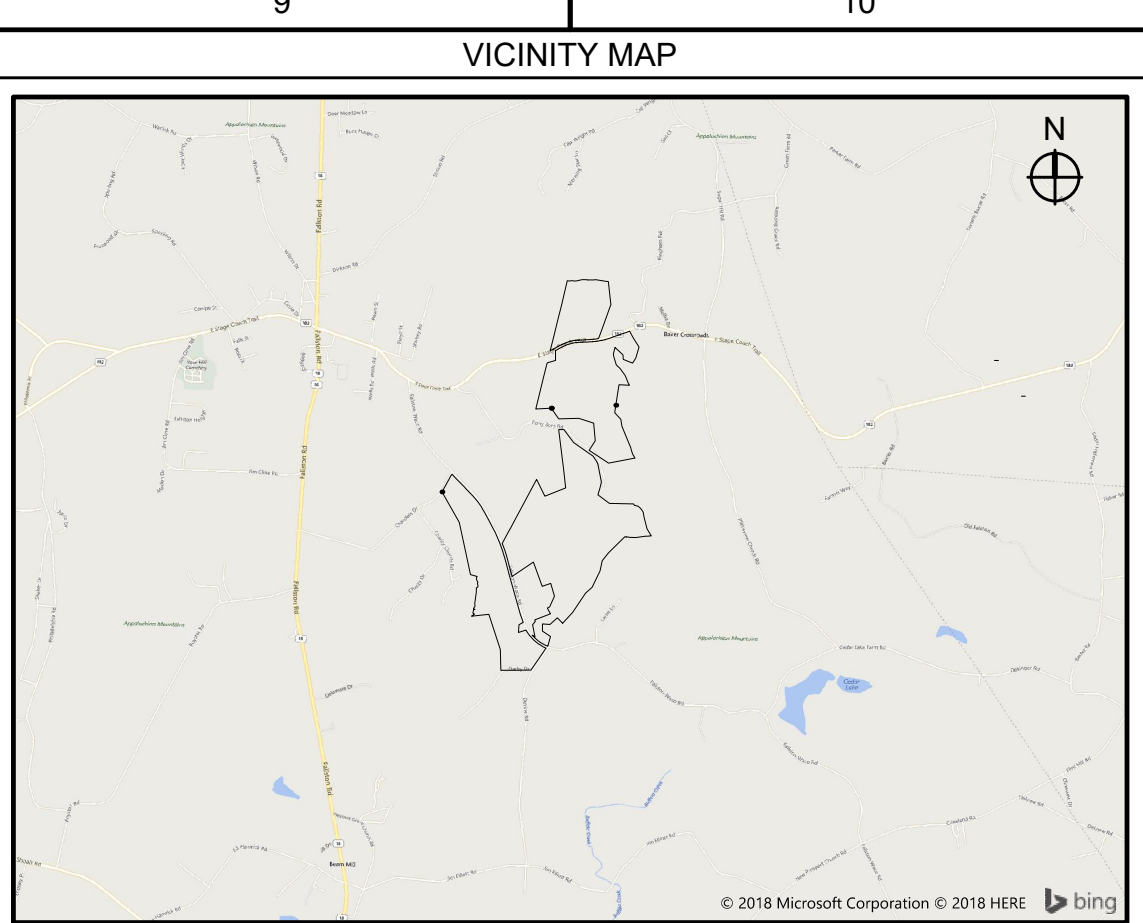
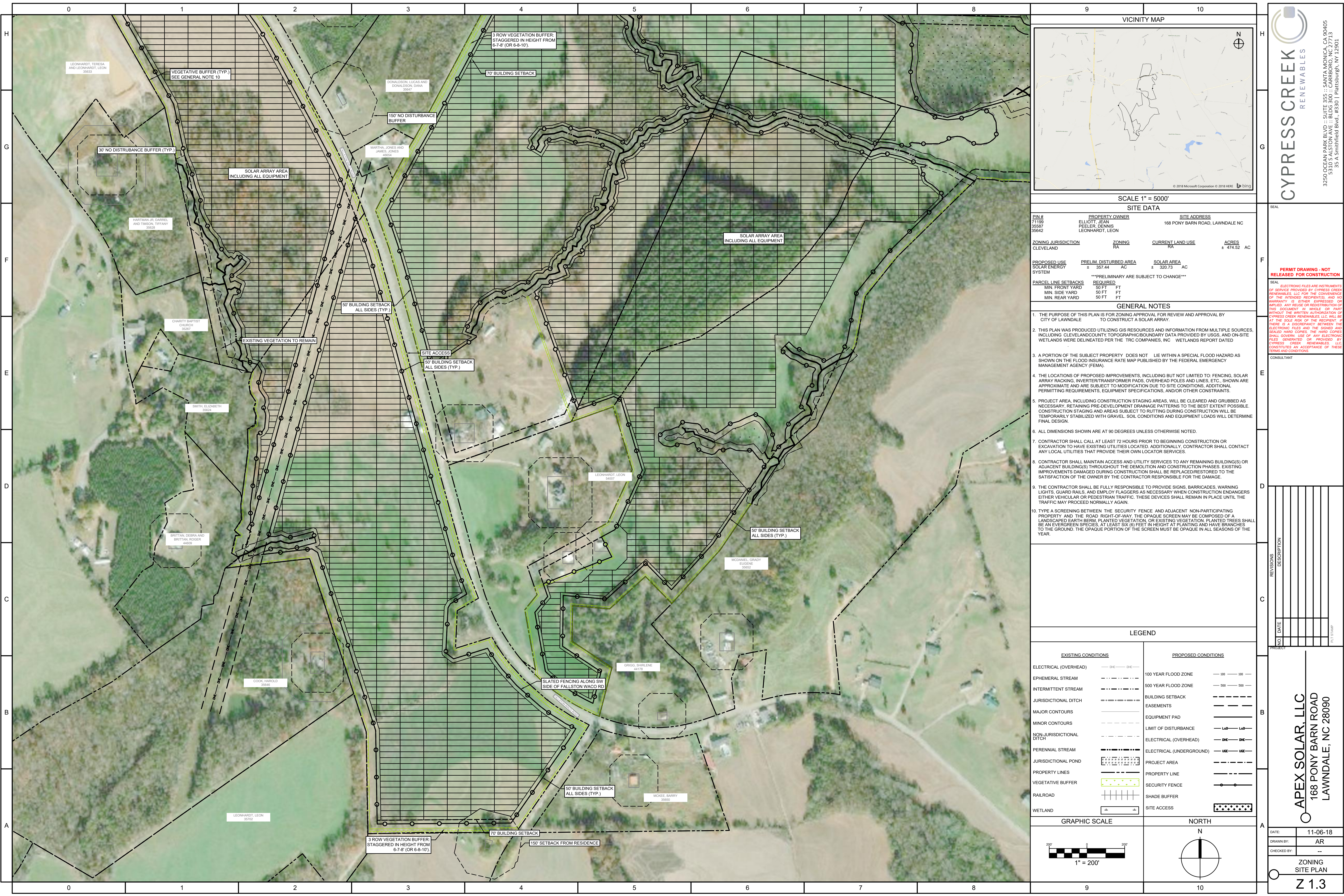
NO.	DATE	REVISIONS	DESCRIPTION
1	11-06-18	AR	11-06-18
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4			
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9			
10			

APEX SOLAR, LLC
168 PONY BARN ROAD
LAWDALE, NC 28090

DATE: 11-06-18
DRAWN BY: AR
CHECKED BY: --

ZONING SITE PLAN
Z 1.1





SITE DATA			
PIN # 71199 35587 35642	PROPERTY OWNER ELLIOTT, JEAN PEELER, DENNIS LEONHARDT, LEON	SITE ADDRESS 168 PONY BARN ROAD, LAWDALE NC	
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PROPOSED USE SOLAR ENERGY SYSTEM	PRELIM. DISTURBED AREA ± 357.44 AC	SOLAR AREA ± 320.73 AC	
PRELIMINARY ARE SUBJECT TO CHANGE			
PARCEL LINE SETBACKS MIN. FRONT YARD MIN. SIDE YARD MIN. REAR YARD	REQUIRED 50 FT 50 FT 50 FT		

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 - CONTRACTOR SHALL CALL AT LEAST 72 HOURS PRIOR TO BEGINNING CONSTRUCTION OR EXCAVATION TO HAVE EXISTING UTILITIES LOCATED. ADDITIONALLY, CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCATOR SERVICES.
 - CONTRACTOR SHALL MAINTAIN ACCESS AND UTILITY SERVICES TO ANY REMAINING BUILDING(S) OR ADJACENT BUILDING(S) THROUGHOUT THE DEMOLITION AND CONSTRUCTION PHASES. EXISTING IMPROVEMENTS DAMAGED DURING CONSTRUCTION SHALL BE REPLACED/RESTORED TO THE SATISFACTION OF THE OWNER BY THE CONTRACTOR RESPONSIBLE FOR THE DAMAGE.
 - THE CONTRACTOR SHALL BE FULLY RESPONSIBLE TO PROVIDE SIGNS, BARRICADES, WARNING LIGHTS, GUARD RAILS, AND EMPLOY FLAGGERS AS NECESSARY WHEN CONSTRUCTION ENDANGERS EITHER VEHICULAR OR PEDESTRIAN TRAFFIC. THESE DEVICES SHALL REMAIN IN PLACE UNTIL THE TRAFFIC MAY PROCEED NORMALLY AGAIN.
 - TYPE A SCREENING BETWEEN THE SECURITY FENCE AND ADJACENT NON-PARTICIPATING PROPERTY AND THE ROAD RIGHT-OF-WAY. THE OPAQUE SCREEN MAY BE COMPOSED OF A LANDSCAPED EARTH BERM, PLANTED VEGETATION, OR EXISTING VEGETATION. PLANTED TREES SHALL BE AN EVERGREEN SPECIES, AT LEAST SIX (6) FEET IN HEIGHT AT PLANTING AND HAVE BRANCHES TO THE GROUND. THE OPAQUE PORTION OF THE SCREEN MUST BE OPAQUE IN ALL SEASONS OF THE YEAR.

LEGEND	
EXISTING CONDITIONS	PROPOSED CONDITIONS
ELECTRICAL (OVERHEAD)	100 YEAR FLOOD ZONE
EPHEMERAL STREAM	500 YEAR FLOOD ZONE
INTERMITTENT STREAM	BUILDING SETBACK
JURISDICTIONAL DITCH	EASEMENTS
MAJOR CONTOURS	EQUIPMENT PAD
MINOR CONTOURS	LIMIT OF DISTURBANCE
NON-JURISDICTIONAL DITCH	ELECTRICAL (OVERHEAD)
PERENNIAL STREAM	ELECTRICAL (UNDERGROUND)
JURISDICTIONAL POND	PROJECT AREA
PROPERTY LINES	PROPERTY LINE
VEGETATIVE BUFFER	SECURITY FENCE
RAILROAD	SHADE BUFFER
WETLAND	SITE ACCESS

GRAPHIC SCALE

NORTH

REVISIONS

NO.	DATE	DESCRIPTION

PROJECT

APEX SOLAR, LLC
168 PONY BARN ROAD
LAWDALE, NC 28090

DATE:	11-06-18
DRAWN BY:	AR
CHECKED BY:	--

ZONING SITE PLAN
Z 1.3

3250 OCEAN PARK BLVD. :: SUITE 355 :: SANTA MONICA, CA 90405
5310 S ALSTON AVE. :: BLDG 300 :: CARROLLTON, TX 75006
35 A Smithfield Blvd., #340 | Pittsboro, NC 27571

SEAL

PERMIT DRAWING - NOT RELEASED FOR CONSTRUCTION

SEAL

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CONSULTANT

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ZONING SITE PLAN

Z 1.3