



City of Marion  
Board of Adjustment Meeting  
City Hall Annex  
194 North Main Street, Marion, NC 28752  
Thursday, October 9th, 2025, 6:00PM  
**AGENDA**

- **Call Meeting to Order**
- **Agenda changes and approval**
- **Minutes**

a) June 12, 2025

- **Public Comment**
- **New Business**

a) **Item One: Variance Request**

*A request by Pilot Travel Centers, LLC for Variance Approval to exceed the maximum size for directional signage, pursuant to the City of Marion UDO 6-2.9(D) Directional Signs, to be located at 3365 Sugar Hill Road, Marion NC 28752 and having the McDowell County Tax Parcel Number 0790.00-72-1555.*

b) **Item Two: Special Use Request**

*A request by L & T Associates, LLC for Special Use approval to operate an all-terrain vehicle sales establishment, pursuant to the City of Marion UDO 4-3.4 Specific Requirements by Land Use, to be located at 700 East Court Street, Marion NC 28752 and having the McDowell County Tax Parcel Number 1701.08-99-6164 and 1701.08-99-4094*

c) **Item Three: Special Use Request**

*A request by Mountain Motors, LLC for Special Use approval to operate an automobile sales establishment, pursuant to the City of Marion UDO 4-3.4 Specific Requirements by Land Use, to be located at 1122 North Main Street, Marion NC 28752 and having the McDowell County Tax Parcel Number 1702.17-21-4335*

- **Staff Updates**  
a) None
- **Adjourn Meeting**

*Any individual with a disability who needs an interpreter or other auxiliary aids, please contact City Hall at (828) 652-3551. To request services needed, please make the request 3-5 days prior to the meeting. For additional information or assistance, please contact Vance McNees, City Planner at (828) 652-3551 ext. 303. Servicios de intérpretes están disponibles sin costo de acuerdo a la ley del Título VI.*



**For Office Use Only**

Fee Paid \$ \_\_\_\_\_

Cash \_\_\_\_\_ Check # \_\_\_\_\_

Application # \_\_\_\_\_

Date Received \_\_\_\_\_

**CITY OF MARION**  
194 N. Main Street • P.O. Drawer 700 • Marion, NC 28752  
**Planning & Development Department**

**VARIANCE APPLICATION**  
(PLEASE TYPE OR PRINT IN INK)

**All applications must be deemed complete prior to the item being scheduled.**

Property Owner's Name: Pilot Flying J Phone Number: 1-877-866-7378

Property Owner's Mailing Address: 5508 LONAS RD KNOXVILLE TN 37909

Applicant's Name (if different from above): MICHAEL B EVERETT

Applicant's Mailing Address: 2211 PECH RD HOUSTON TX 77055 Phone Number: 832-865-4662

**Note: Applicant must submit a notarized letter authorizing them to act on the property owner's behalf and stating the Applicant's name, address and phone number.**

Physical Address of Property: 3365 Sugar Hill Rd. Marion NC. 28752

Parcel ID Number (PIN) 0790-00-72-1555 Zoning District: X Flood zone Lot Size: 5.58 acres

Existing Use: retail fuel and merchandise sales Proposed Use: Same

This is a permitted use/ special exception under Section 6-2.9(D) "Directional signs" of the Marion City Code.

6-2.9(D) Directional signs b.

This involves a request to vary from Article/ Section \_\_\_\_\_ of the Marion City Code for the following reasons:

Describe the Variance request and exactly what the variance would allow you to do:

See attached

Describe any additional information or evidence that the Applicant feels will further the case:

See attached

**Pursuant to Section 21-303.3 *Variances* of the Marion City Code, to authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board that the following conditions exist:**



- (1) There are extraordinary and exceptional conditions pertaining the particular place or property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- (2) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- (3) A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the districts in which the property is located.
- (4) The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- (5) The special circumstances are not the result of the actions of the applicant.
- (6) The variance requested is the minimum variance that will make possible the legal use land building and structure.
- (7) The variance is not a request to permit a use of land, building, or structure which is not permitted by right or by special exception the district involved.

**The following supporting information must accompany the application for variance:**

✓ Site Plan, drawn to a scale of at least one (1) inch to forty (40) feet, showing property lines, setbacks and proposed and existing structures on the property in question as well as neighboring properties.

✓ Photographs of the site, looking N, E, S & W from perimeters of the subject property and from the main adjacent road. A recent aerial photograph with delineated property boundaries may be substituted.

✓ Property Assessor Card of the subject property. (Information can be obtained from the McDowell County Property Assessor's Office 10 East Court Street, Marion NC 28752, (828) 652-7121.

**I UNDERSTAND THAT THE BURDEN IS UPON ME, THE APPLICANT, TO PRODUCE COMPETENT, MATERIAL AND SUBSTANTIAL EVIDENCE WHICH TENDS TO ESTABLISH THE EXISTENCE OF FACTS, STANDARDS AND CONDITIONS WHICH THE ORDINANCE REQUIRES UNDER SECTION 1204.3 VARIANCES OF THE MARION CITY CODE.**

**I CERTIFY THAT ALL OF THE INFORMATION PRESENTED IN AND WITH THIS APPLICATION IS TO THE BEST OF MY KNOWLEDGE, IS TRUE, COMPLETE AND ACCURATE.**

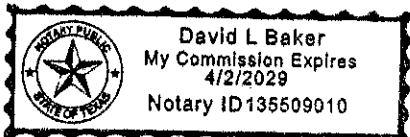
Michael B. Everett  
SIGNATURE OF APPLICANT

7-10-25  
DATE

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL

I, DAVID L. BAKER a Notary Public, certify that MICHAEL B. EVERETT personally came before me this day and acknowledged the due execution of the foregoing instrument. IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal, this the 10<sup>TH</sup> day of JULY, 20 25.

SEAL:



David L. Baker  
Notary Public Signature  
My Commission Expires 4-2-29



#### Description of the Variance Request:

**Current Code Restriction:** The local zoning or signage code limits directional signs to a maximum of 4 square feet.

**Requested Variance:** The applicant is seeking approval to install three directional signs, each measuring 16.67 square feet, significantly larger than the code's limit.

**Purpose:** The larger signs are intended to improve visibility and address traffic issues caused by trucks missing the turn into the truck stop due to inadequate signage.

#### Supporting Justification:

The 4-square-foot signs are deemed insufficient for visibility at a high-traffic truck stop.

The North Carolina Department of Transportation (NCDOT) contacted the truck stop regarding traffic problems stemming from trucks not knowing where to turn.

NCDOT has provided approval for the proposed larger signs, indicating state-level support for the variance to mitigate traffic safety concerns.

#### What the Variance Would Allow:

The variance, if approved, would permit the installation of three directional signs, each 16.67 square feet, instead of adhering to the 4-square-foot limit per sign.

These larger signs would enhance visibility for truck drivers, enabling them to locate the truck stop entrance more easily.

The increased sign size would help reduce traffic congestion and safety hazards by ensuring trucks can navigate the turn accurately, addressing the concerns raised by NCDOT.

The variance would provide a legal exception to the local signage code, allowing the truck stop to operate more effectively and safely with state-backed justification.

This variance is specific to the Pilot truck stop's operational and safety needs, supported by evidence of traffic issues and NCDOT's approval.



# **Request for Three 16.67-Square-Foot Directional Signs**

## **1. Exceptional Conditions Due to Size, Shape, or Topography**

- The Pilot truck stop's large size, unique shape, or specific topography creates visibility challenges that standard 4-square-foot directional signs cannot address.
- These conditions are not applicable to other properties in the same zoning district.
- The variance for three 16.67-square-foot signs is necessary to ensure safe navigation for truck traffic.
- **Supporting Evidence:** NCDOT's approval confirms the need for enhanced signage to address site-specific challenges.

## **2. No Special Privileges Conferred**

- Granting the variance will not confer special privileges denied to other residents in the same zoning district.
- The request addresses unique site-specific challenges due to the property's size, shape, or topography.
- Any similarly situated property facing comparable conditions could seek a variance under the same zoning process.
- **Purpose:** The larger signs resolve traffic safety issues, as confirmed by NCDOT.

## **3. Deprivation of Common Rights**

- A literal interpretation of the 4-square-foot sign size limit would deprive the Pilot truck stop of adequate directional signage.
- Other properties in the district can meet visibility needs with standard signs due to less challenging conditions.
- The variance ensures the applicant can exercise the right to safe and effective property access.
- **Supporting Evidence:** NCDOT highlights unique traffic issues necessitating larger signs.

## **4. Harmony with Ordinance Purpose**

- The variance aligns with the zoning ordinance's purpose of promoting public safety and welfare.
- Larger signs improve visibility and reduce traffic hazards, as endorsed by NCDOT.
- The variance will not harm the neighborhood or general welfare, addressing site-specific challenges without negative impacts.
- **Outcome:** Safer access for trucks while preserving the surrounding area's integrity.



## 5. Circumstances Not Caused by Applicant

- The need for larger signs stems from inherent site conditions—size, shape, or topography—not actions of the applicant.
- Visibility and traffic issues predate the variance request, as identified by NCDOT.
- **Key Point:** These conditions are unique to the site and justify the need for enhanced signage to ensure safety.

## 6. Minimum Variance for Legal Use

- The requested variance for three 16.67-square-foot signs is the minimum necessary for safe and legal use of the property.
- The 4-square-foot limit is insufficient to address visibility issues caused by the site's unique characteristics.
- Larger signs are essential for effective truck navigation and operational compliance.
- **Supporting Evidence:** NCDOT's concerns validate the need for this specific sign size.

## 7. No Request for Prohibited Use

- The variance does not seek to permit prohibited use, as directional signage is allowed in the zoning district.
- The request only modifies the sign size limit (from 4 square feet) to address visibility and traffic safety issues.
- **Purpose:** To ensure safe navigation due to the property's unique size, shape, or topography, as supported by NCDOT.





Travel Centers LLC

City of Marion, NC  
194 North Main St.  
Marion NC 28752

7-10-2025

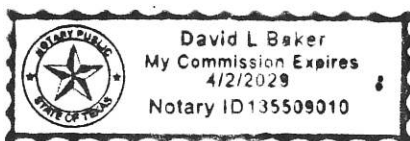
To Whom It May Concern,

Pilot Travel Centers, LLC. ("PFJ") grants Texas Republic Signs, LLC Michael B Everett 2211 Pech Rd Houston TX 77055 @832-865-462 the authorization to seek a variance and discuss permit matters on Pilot's behalf regarding the on-premises signage @ Pilot # 1063 – 3365 Sugarhill Rd Marion NC 28752

Should you have any questions or need additional information please do not hesitate to contact me at 865-474-3469.

Sincerely,

Jack Rymer,  
Project Manager II  
Construction Development  
Jack.Rymer@Pilottravelcenters.com



*David L. Baker*

10<sup>TH</sup> DAY OF JULY 2025

DAVID L. BAKER





321

1297

1665

7928

3884

1778

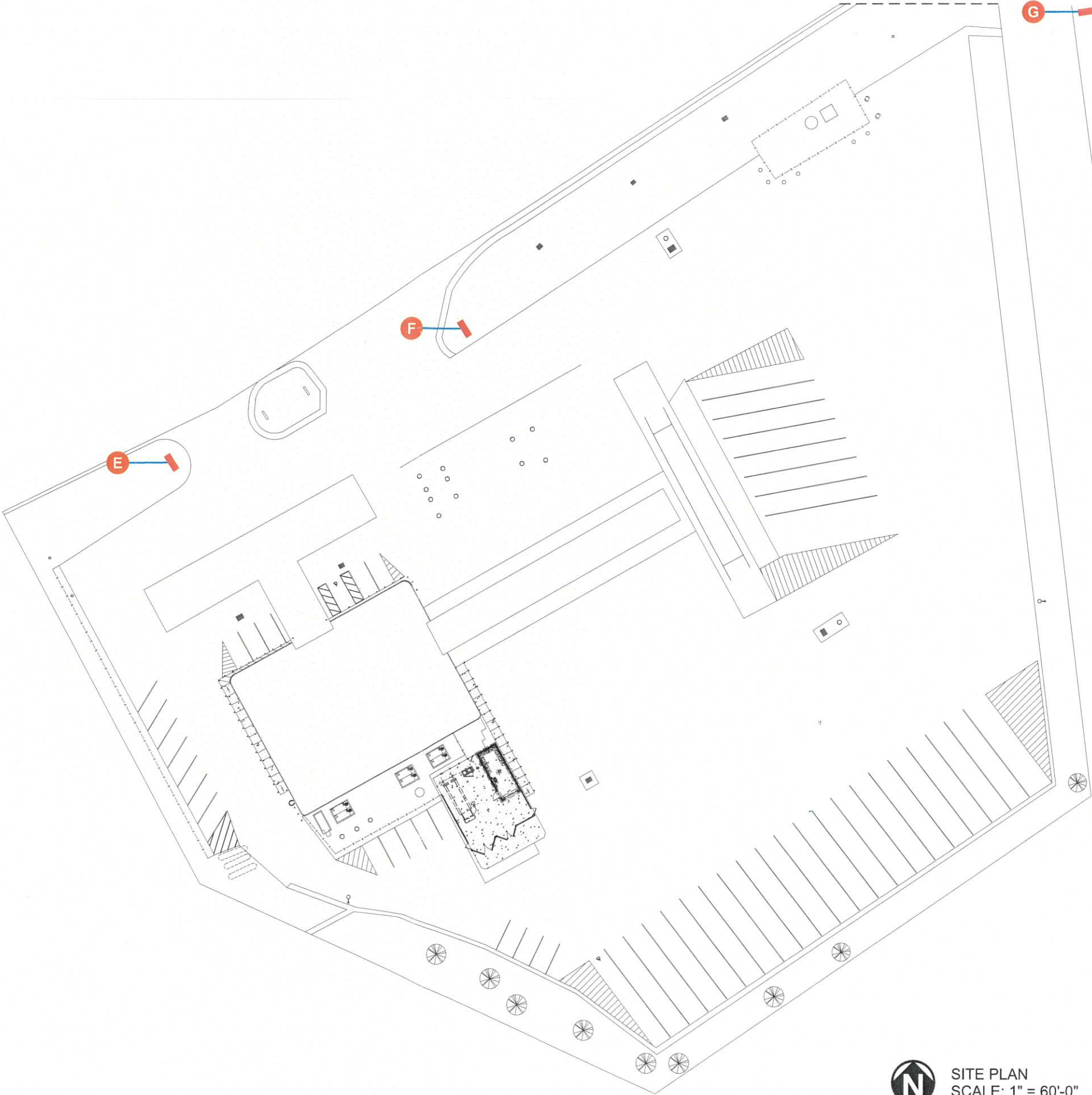
SUGAR HILL RD

EB ON RAMP SUGAR HILL RD  
EB OFF RAMP SUGAR HILL RD

40 EB



I.D	DESCRIPTION	QTY
E	DIRECTIONAL	1
F	DIRECTIONAL	1
G	DIRECTIONAL	1





2211 Pech Rd. Houston, TX 77055  
Texasrepublicsigns.com  
832-727-5415

CUSTOMER:  
PILOT # 1063

ADDRESS:  
3365 SUGAR HILL ROAD  
MARION, NC 28752

JURISDICTION:  
CITY OF MARION, NC

DESIGNER:  
GARRETT BAKER

DATE CREATED:  
6/18/25

W.O. #:

FILE PATH:  
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REVISION LOG	
R1:	
R2:	
R3:	
R4:	
R5:	
FINAL:	

CUSTOMER APPROVAL

TODD SIGNATURE:

DATE:

ELECTRICAL REQUIREMENTS		
AMPS:	VOLTS:	CIRCUITS:
0.0	0.0	0 @ 120VAC
TOTAL LOAD:		
0.0A @ 120VAC		

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NEC AND/ OR OTHER APPLICABLE LOCAL CODE. THIS INCLUDES PROPER GROUNDING AND BONDING OF SIGN.

PRINTED:

 SITE PLAN  
SCALE: 1" = 60'-0"



SCOPE OF WORK

MANUFACTURE & INSTALL (3)THREE INTERNALLY ILLUMINATED DIRECTIONAL SIGNS

SPECIFICATIONS: DIRECTIONALS

- EXTRUDED ALUM CABINET & RETAINERS
- FACES: FORMED & EMBOSSED W/ PRINTED GRAPHICS

SPECIFICATIONS: SUPPORT

- 4" X 1/2" ALUM SQ TUBE
- DIRECT BURIAL IN CONCRETE PIER

COLOR SCHEDULE

- V1: 3630-33 RED
- V2: 3630-53 CARDINAL RED
- V3: 3630-25 SUNFLOWER YELLOW
- P5: BLACK

I.D.	DESCRIPTION	SQFT	QTY
E	DIRECTIONAL - AUTO	16.67	1
F	DIRECTIONAL - TRCK EX	16.67	1
G	DIRECTIONAL - TRCK EN	16.67	1



2211 Pech Rd. Houston, TX 77055  
Texasrepublicsigns.com  
832-727-5415

CUSTOMER:  
PILOT # 1063

ADDRESS:  
3365 SUGAR HILL ROAD  
MARION, NC 28752

JURISDICTION:  
CITY OF MARION, NC

DESIGNER:  
GARRETT BAKER

DATE CREATED:  
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W.O. #:

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REVISION LOG

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R2:	
R3:	
R4:	
R5:	
FINAL:	

CUSTOMER APPROVAL

TODD SIGNATURE:

DATE:

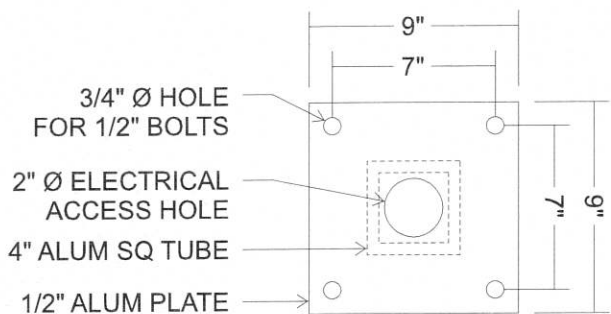
ELECTRICAL REQUIREMENTS

AMPS: 0.0 VOLTS: 0.0 CIRCUITS: 0 @ 120VAC  
TOTAL LOAD: 0.0A @ 120VAC

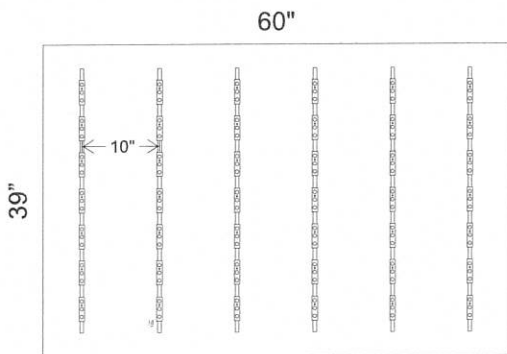
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PRINTED:

SHEET: 2.0



MATCH PLATE DETAIL  
SCALE: 1 1/2" = 1'-0"



ELECTRICAL DETAILS

MODULE

(6) TAP OUT STIK DS 36

PART NUMBER

PL-OP2-TO3-P/ST-DS-36-TW

TOTAL WATTS: 110.9

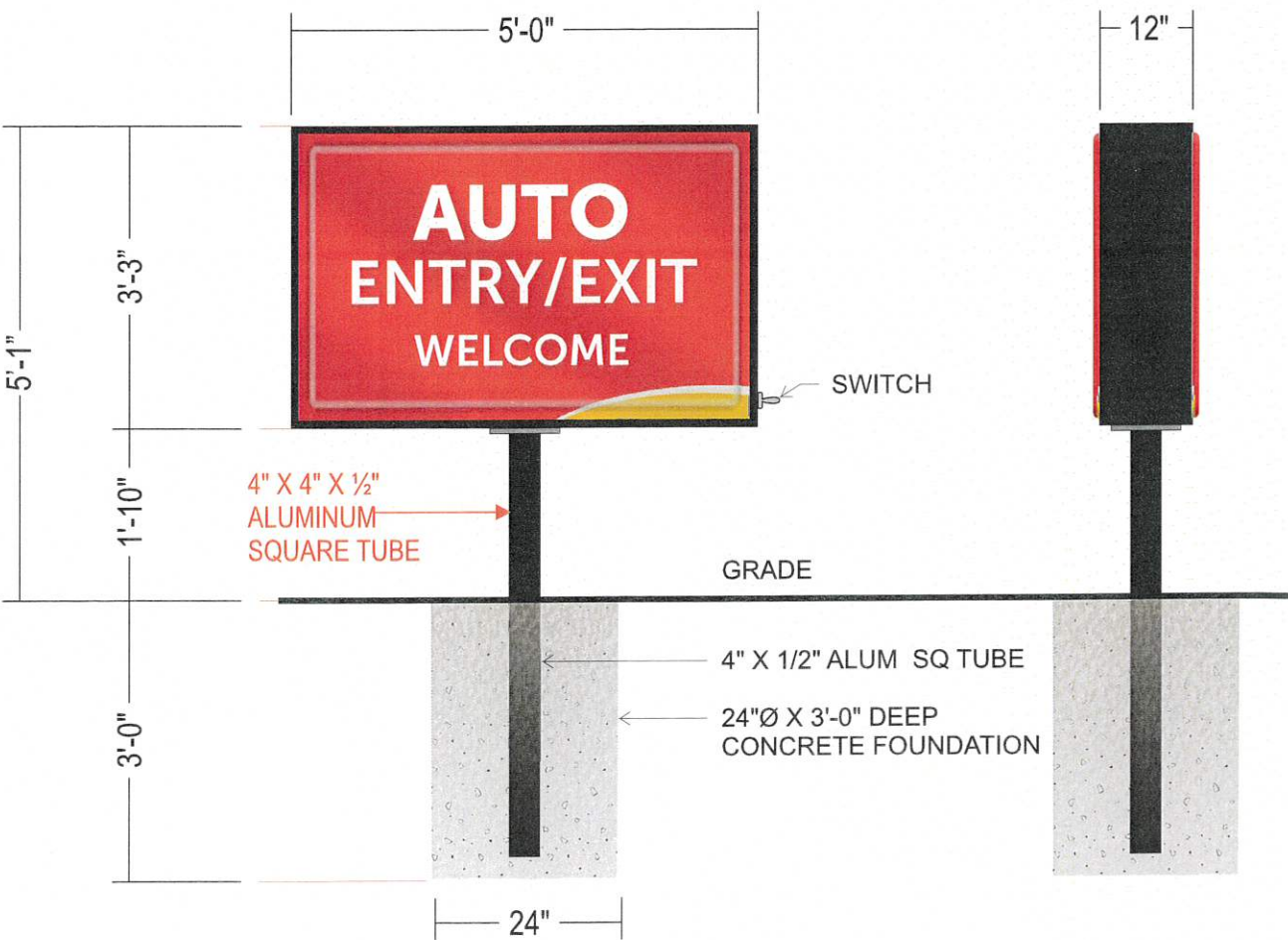
POWER SUPPLY

(2) 12V ENERGIZER SERIES UNIV 60W

POWER SUPPLY PART NUMBER

P-OH060-12-EC

TOTAL LOAD: 2.6A AT 120VAC



ELEVATION

SCALE: 1/2" = 1'-0"



SIDE A



E GRAPHIC LAYOUT - QTY:1

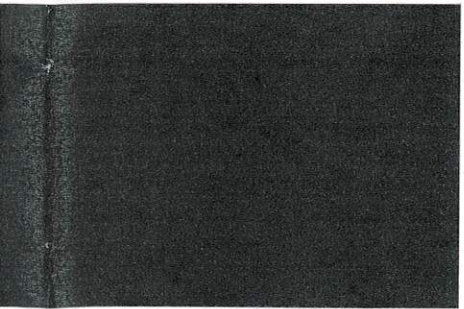
SIDE B



F GRAPHIC LAYOUT - QTY:1



G GRAPHIC LAYOUT - QTY:1



I.D.	DESCRIPTION	SQFT	QTY
E	DIRECTIONAL - AUTO	16.67	1
F	DIRECTIONAL - TRCK EX	16.67	1
G	DIRECTIONAL - TRCK EN	16.67	1



2211 Pech Rd. Houston, TX 77055  
Texasrepublicsigns.com  
832-727-5415

CUSTOMER:  
PILOT # 1063

ADDRESS:  
3365 SUGAR HILL ROAD  
MARION, NC 28752

JURISDICTON:  
CITY OF MARION, NC

DESIGNER:  
GARRETT BAKER

DATE CREATED:  
6/18/25

W.O. #:

FILE PATH:  
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REVISION LOG

R1:

R2:

R3:

R4:

R5:

FINAL:

CUSTOMER APPROVAL

TODD SIGNATURE:

DATE:

ELECTRICAL REQUIREMENTS

AMPS: 0.0 VOLTS: 0.0 CIRCUITS: 0 @ 120VAC  
TOTAL LOAD:  
0.0A @ 120VAC

THIS SIGN IS INTENDED TO BE INSTALLED  
IN ACCORDANCE WITH THE REQUIRE-  
MENTS OF ARTICLE 600 OF THE NEC AND/  
OR OTHER APPLICABLE LOCAL CODE.  
THIS INCLUDES PROPER GROUNDING  
AND BONDING OF SIGN.

PRINTED:





2211 Pech Rd. Houston, TX 77055  
Texasrepublicsigns.com  
832-727-5415

CUSTOMER:  
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TODD SIGNATURE:

DATE:

ELECTRICAL REQUIREMENTS

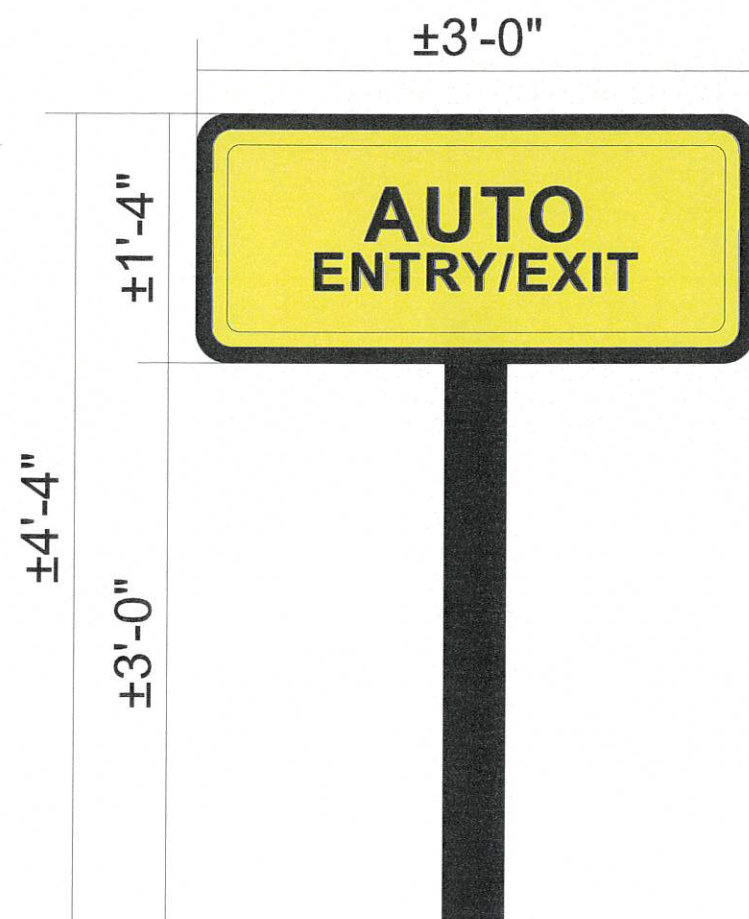
AMPS: 0.0 VOLTS: 0.0 CIRCUITS: 0 @ 120VAC

TOTAL LOAD:  
0.0A @ 120VAC

THIS SIGN IS INTENDED TO BE INSTALLED  
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OR OTHER APPLICABLE LOCAL CODE.  
THIS INCLUDES PROPER GROUNDING  
AND BONDING OF SIGN.

PRINTED:

EXISTING



PROPOSED



DIRECTIONAL DETAILS  
SCALE: 1" = 1'-0"



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## Variance - NCDOT documentation

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**Butler, Jason** <jbutler5@ncdot.gov>

Thu, Sep 4, 2025 at 3:48 PM

To: Vance McNees <vmcnees@marionnc.org>

Cc: Jack Rymer <jack.rymer@pilottravelcenters.com>, Brad Everett <Brad@texasrepublicsigns.com>, "Young, Jonathan C" <jcyoung1@ncdot.gov>

Good afternoon,

The proposed sign request originally came from the City of Marion with concerns to congestion and safety. In addition, we received calls and complaints from residents about trucks blocking the roadway. Trucks were passing by the entrance and unable to maneuver the existing site. Once passing the truck entrance, trucks were traveling several miles down Sugar Hill Road and unable to turn around safely. NCDOT installed signs notifying trucks of "No-Turn-Around" and LOGO signs updated on the exit ramp and new signage on Sugar Hill Road to improve traffic flow and prohibit trucks from using the automobile entrance. In addition, NCDOT recommended for Pilot to replace existing signs and install a new sign at the truck entrance to enhance visibility to the site.

If you have any questions, please feel free to give me a call.

Regards,

Jason Butler

Assistant District Engineer

Division 13

North Carolina Department of Transportation

[jbutler5@ncdot.gov](mailto:jbutler5@ncdot.gov)

[3931 NC 226 S](#)

Marion, NC 28752

828-803-6100





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**From:** Jack Rymer <[jack.rymer@pilottravelcenters.com](mailto:jack.rymer@pilottravelcenters.com)>

**Sent:** Monday, August 25, 2025 2:15 PM

**To:** Brad Everett <[Brad@texasrepublicsigns.com](mailto:Brad@texasrepublicsigns.com)>; Butler, Jason <[jbutler5@ncdot.gov](mailto:jbutler5@ncdot.gov)>; Young, Jonathan C <[jcyoung1@ncdot.gov](mailto:jcyoung1@ncdot.gov)>

**Subject:** [External] RE: Variance - NCDOT documentation

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good afternoon Jason and Jonathan,

Can you please provide a letter noting the need for directionals and recognition of the size requested? I attached our original emails for reference.

Thank you,



**Jack Rymer**

Project Manager II,  
Construction Development

[Jack.Rymer@pilottravelcenters.com](mailto:Jack.Rymer@pilottravelcenters.com)

cell: 8657199181 | office: (865) 474-2470



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**From:** Brad Everett <[Brad@texasrepublicsigns.com](mailto:Brad@texasrepublicsigns.com)>  
**Sent:** Friday, August 22, 2025 2:24 PM  
**To:** Jack Rymer <[jack.rymer@pilottravelcenters.com](mailto:jack.rymer@pilottravelcenters.com)>  
**Subject:** FW: Variance - NCDOT documentation

**This Message Is From an External Sender** This message came from outside your organization. Please use caution when replying with sensitive information, opening attachments, or clicking links. If you are unsure, please report this using the phish alert button.

Jack,

Can you help me with this request?

Thank You,

Brad Everett

Texas Republic Signs, LLC

2211 Pech Rd

Houston TX 77055

832-865-4662

---

**From:** Vance McNees <[vmcnees@marionnc.org](mailto:vmcnees@marionnc.org)>  
**Sent:** Friday, August 22, 2025 1:23 PM



**To:** Brad Everett <[Brad@texasrepublicsigns.com](mailto:Brad@texasrepublicsigns.com)>

**Subject:** Variance - NCDOT documentation

Hi Brad,

[Quoted text hidden]

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Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.



**For Office Use Only**

Fee Paid \$ \_\_\_\_\_

Cash \_\_\_\_\_ Check # \_\_\_\_\_

Application # \_\_\_\_\_

Date Received \_\_\_\_\_

**CITY OF MARION**

194 N. Main Street • P.O. Drawer 700 • Marion, NC 28752

**Planning & Development Department****SPECIAL USE APPLICATION**

(PLEASE TYPE OR PRINT IN INK)

**All applications must be deemed complete prior to the item being scheduled.**Property Owner's Name: L&T Associates LLC. Phone Number: 828-652-3767Property Owner's Mailing Address: 2024 Nix Creek Rd. Marion, NC 28752

Applicant's Name (if different from above): \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

**Note: Applicant must submit a notarized letter authorizing them to act on the property owner's behalf and stating the Applicant's name, address and phone number.**Physical Address of Property: 700 E. Court St. Marion, NC 28752Parcel ID Number (PIN) 1701.08-99-6164 and 1701.08-99-4094 Zoning District: C2 Lot Size: 2.3Existing Use: Commercial Vacant Proposed Use: Commercial ATV DealershipThis is a special exception under Section 3-7.1 of the Marion City Code.**COMPLETENESS OF APPLICATION**

The following items shall be submitted with or on the Site Plan and included as an attachment to this application:



Site Plan, indicating:



Location of proposed and existing structures;



Setbacks from current (or proposed) right-of-way and property lines, structures and traveled ways;



Plan drawn to scale (indicating scale);



Current and proposed right-of-ways, easements, streets, walkways, parking lots, spaces, and loading zone, (Insure adequate ingress and egress in reference to automotive as well pedestrian safety.);



Proposed and existing landscape, screening or buffering;



Location of refuse and service areas (dumpsters, loading zones, etc.);



Identify adjacent zoning districts to the property;



Location and specifications for signs and lighting; and



Location of public utilities.



Property Assessor Card of the subject property. (Information can be obtained from the McDowell County Property Assessor's Office 10 East Court Street, Marion NC 28752, (828) 652-7121.

**Pursuant to Section 3-7.1 Special Use of the City of Marion Unified Development Ordinance, a special use may be granted by the Board of Adjustment only after it makes the required written findings:**



1. The special use request must be granted by the Board of Adjustment when all of the following findings have been made:
  - a. That the proposed use will not be detrimental to the health or safety of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
  - b. That the proposed use at the particular location provides a service or facility that will contribute to the general well-being of the neighborhood or the community; and
  - c. That the location and character of the proposed use will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.
2. If the Board of Adjustment does not make these findings, then the special use request may not be granted.
3. Review Factors. The applicant must demonstrate that the review factors listed below have been adequately addressed. If an application is denied, the decision-making body must specify which of these review factors were not adequately addressed.
  - a. Circulation.  
Number and location of access points to the property and the proposed structures and uses, are provided with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - b. Parking and Loading.  
Location of off-street parking and loading areas are sufficiently provided.
  - c. Service Entrances and Areas.  
Locations of refuse and service areas are provided with particular reference to ingress and egress of service vehicles.
  - d. Lighting.  
Locations of exterior lighting are provided with reference to glare, traffic safety, economic effect and compatibility with other property in the area.
  - e. Signs.  
Appropriateness of signs considering location, height, size, and design within the context of other property in the area.
  - f. Utilities.  
Location and availability of utilities is provided.
  - g. Open Spaces.  
Location of required yards and other open spaces and preservation of existing trees and other natural features is provided.
  - h. Environmental Protection.  
Is in compliance with landscape, floodplain, watershed, wetlands, steep slopes, open space and other natural feature requirements.
  - i. Screening, Buffering and Landscaping.  
Installation of screening, buffering, fencing and landscaping where necessary to protect adjacent property is provided.
  - j. Effect on Adjacent Property.  
Effects of the proposed use on nearby property, including, but not limited to, the effects of noise and odor is mitigated.
  - k. Compatibility.  
The level of general compatibility with nearby properties and the appropriateness of the use in relationship to other properties is provided.

**THIS APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL ALL PLANS HAVE BEEN SUBMITTED AND REVIEWED BY CITY STAFF. PLEASE BE AWARE THAT IF PLANS ARE INCOMPLETE, A HEARING WILL NOT BE SCHEDULED.**

**I UNDERSTAND THAT THE BURDEN IS UPON ME, THE APPLICANT, TO PRODUCE COMPETENT MATERIAL AND SUBSTANTIAL EVIDENCE TO ESTABLISH THE EXISTENCE OF FACTS, STANDARDS AND CONDITIONS WHICH THE ORDINANCE REQUIRES UNDER SECTION 3-7.1 *SPECIAL USE OF THE***



CITY OF MARION UNIFIED DEVELOPMENT ORDINANCE.

I CERTIFY THAT ALL OF THE INFORMATION PRESENTED IN AND WITH THIS APPLICATION IS TO THE BEST OF MY KNOWLEDGE, IS TRUE, COMPLETE AND ACCURATE.

Reese M. Munn  
SIGNATURE OF APPLICANT

9/3/2025  
DATE

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL

I, \_\_\_\_\_ a Notary Public, certify that \_\_\_\_\_ personally came before me this day and acknowledged the due execution of the foregoing instrument. IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal, this the 3<sup>rd</sup> day of September 2025.

SEAL:

\_\_\_\_\_  
Notary Public Signature

My Commission Expires \_\_\_\_\_





# EAST COURT STREET TRACT

## MARION, NORTH CAROLINA

SEPTEMBER 4, 2025

### OWNER/APPLICANT:

L & T ASSOCIATES, LLC  
2024 NIX CREEK ROAD  
MARION, NC 28752  
PHONE: (828) 652-3767  
EMAIL: todd@gemconstructors.com  
CONTACT: TODD MILLER

### GENERAL CONTRACTOR:

GEM CONSTRUCTORS, INC.  
2024 NIX CREEK ROAD  
MARION, NC 28752  
PHONE: (828) 652-3767  
EMAIL: todd@gemconstructors.com  
CONTACT: TODD MILLER

### ARCHITECT:

URSA  
5 SPRING COVE TERRACE  
ASHEVILLE, NC 28804  
PHONE: (704) 488-2294  
EMAIL: bill@ursaarchitecture.com  
CONTACT: BILL SINKOVIC, RA

### LANDSCAPE ARCHITECT:

LAND PLANNING COLLABORATIVE  
98 HORIZON HILL ROAD  
ASHEVILLE, NORTH CAROLINA 28804  
PHONE: (828) 242-0111  
EMAIL: bgrasso@landplancollab.com  
CONTACT: ROBERT M. GRASSO, RLA

LIST OF DRAWINGS

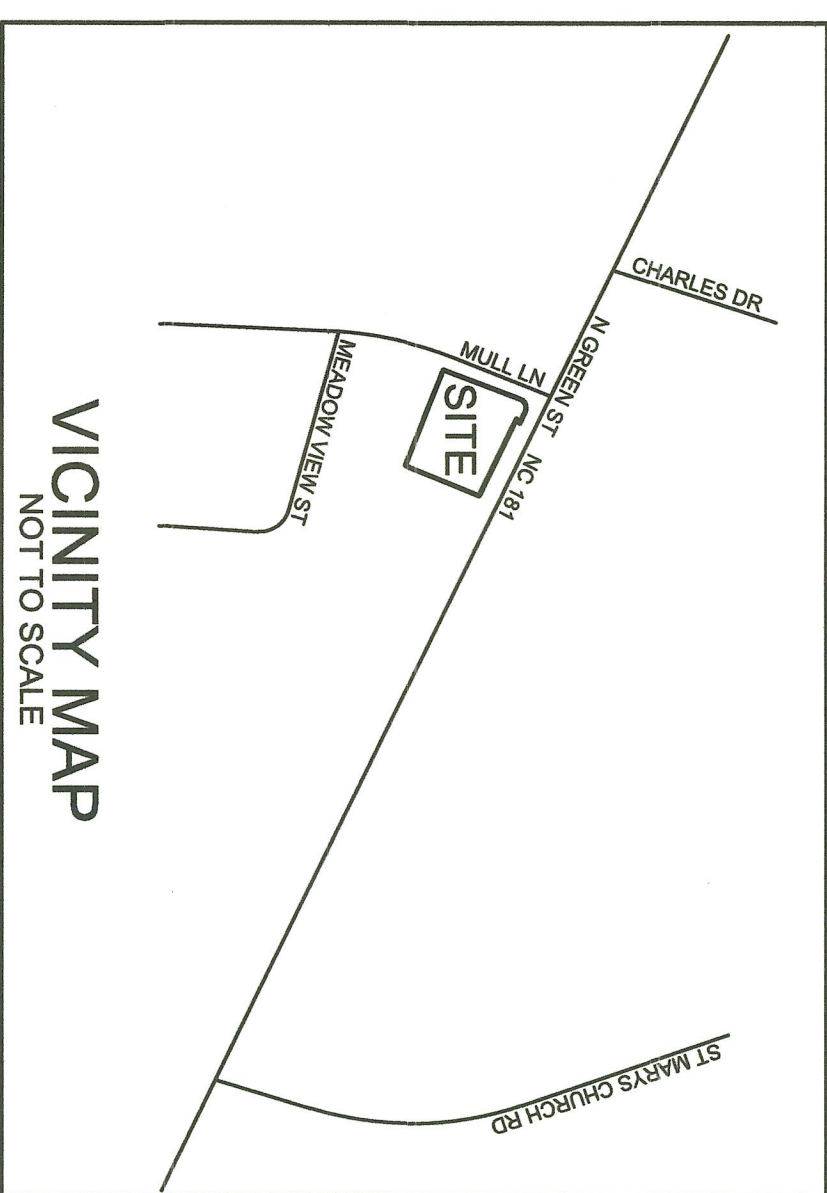
- L-1 TITLE SHEET
- L-2 SITE PLAN
- L-3 EXISTING CONDITIONS & SITE DEMOLITION PLAN
- L-4 LAYOUT & MATERIALS PLAN
- L-5 GRADING PLAN
- L-6 LANDSCAPE PLAN
- L-7 SITE CONSTRUCTION DETAILS

### CIVIL ENGINEER:

DAVIS CIVILSOLUTIONS PA  
135-A CHARLOTTE HIGHWAY  
ASHEVILLE, NORTH CAROLINA 28803  
PHONE: (828) 299-9449  
EMAIL: gary@cvtisol.com  
CONTACT: GARY D. DAVIS, PE

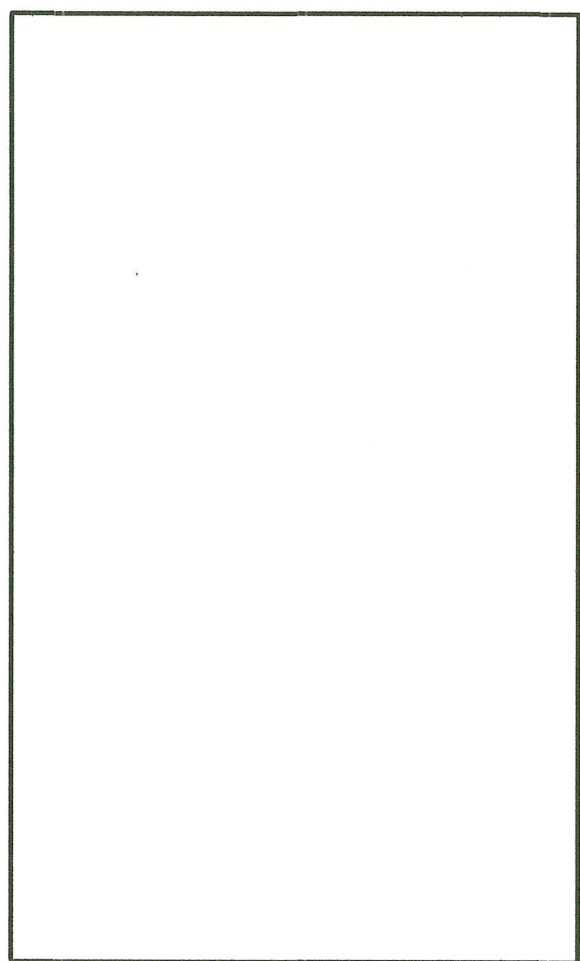
### SURVEYOR:

BEN PATTON LAND SURVEYING, PLLC  
931 NORTH MAIN STREET, SUITE 5  
MARION, NC 28752  
PHONE: (828) 559-8004  
EMAIL: ben@bpsurveying.com  
CONTACT: BEN PATTON, PLS



EAST COURT STREET TRACT  
MARION, NORTH CAROLINA

TITLE SHEET



JOB NO.: 2025500	
DWG. NAME: court-stlta.dwg	
DATE: September 4, 2025	
REVISIONS:	
REV. / DATE:	BY:
1 /	
2 /	
3 /	
4 /	
5 /	

SHEET  
L-1



8993321  
30 LLC  
URT ST  
COURT

170108993284  
FORBES MICHAEL DEAN ET UX  
COURT ST  
COURT

170108994094  
2024 NIX CREEK RD  
170108994094  
L & T ASSOCIATES LLC  
EAST COURT ST

2024 NIX CREEK RD  
170108996164  
L & T ASSOCIATES LLC  
COURT ST

170108987943  
0  
91 S McDOWELL AVE  
37111 170108987943

## PROJECT INFORMATION

### OWNER/APPLICANT:

L & T ASSOCIATES, LLC  
2024 NIX CREEK ROAD  
MARION, NC 28752  
PHONE: (828) 652-3767  
EMAIL: todd@gemconstructors.com  
CONTACT: TODD MILLER

### GENERAL CONTRACTOR:

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MARION, NC 28752  
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PHONE: (828) 242-0111  
EMAIL: bgrasso@landplancollab.com  
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ASHEVILLE, NC 28803  
PHONE: (828) 299-9449  
EMAIL: gary@civsol.com  
CONTACT: GARY D. DAVIS, PE

### SURVEYOR:

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MARION, NC 28752  
PHONE: (828) 559-8004  
EMAIL: ben@bpsurveying.com  
CONTACT: BEN PATTON, PLs

## SITE INFORMATION

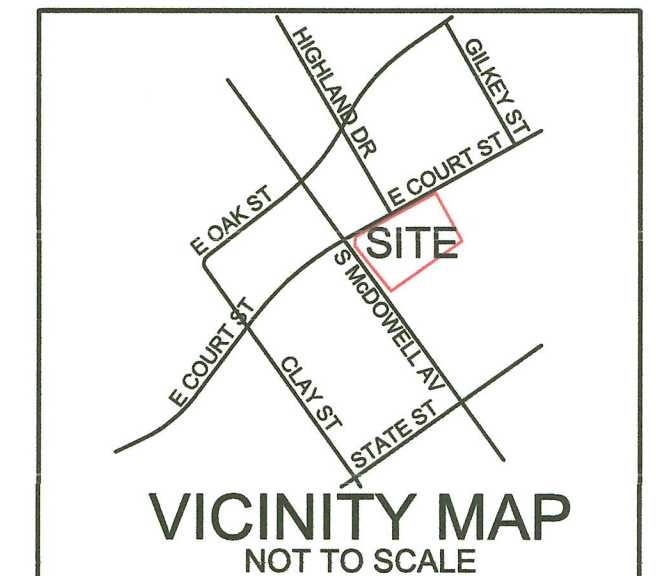
PIN: 1701-99-6164 & 1701-99-4094  
DEED BOOK/PAGE: 01374/0099  
ADDRESS: 700 E. COURT STREET  
ZONING DISTRICT: C2 GENERAL BUSINESS  
PROPOSED USE: COMMERCIAL/RETAIL  
TOTAL ACREAGE: 2.30 ACRES  
BUILDING SETBACKS:  
FRONT: 15'  
SIDE: 0'  
REAR: 0'  
MAX. BUILDING HEIGHT: 35'  
EXISTING BUILDING SIZE: 12,350 SF, 1-STORY  
PROPOSED BUILDING SIZE: 1,500 SF (30' X 50'), 1-STORY  
IMPERVIOUS SURFACE AREA:  
TOTAL NO. OF PARKING SPACES (REQUIRED.): 75 SPACES  
TOTAL NO. OF PARKING SPACES (PROVIDED): 75 SPACES  
NUMBER OF ADA PARKING SPACES: 2 SPACES  
PARKING LOT LIGHTS: DUKE ENERGY 100% CUT-OFF FIXTURE TO COMPLY WITH CITY OF MARION STDS. PRIVATELY OWNED & MAINTAINED  
ROAD MAINTENANCE: CITY OF MARION WATER SYSTEM  
WATER: CITY OF MARION SANITARY SEWER SYSTEM  
SANITARY SEWER: UNDERGROUND POWER  
UTILITIES: YOUNGS FORK (COPERNING CREEK), CLASS C  
WATERSHED: STREAM, CATAWBA RIVER BASIN

## GENERAL NOTES:

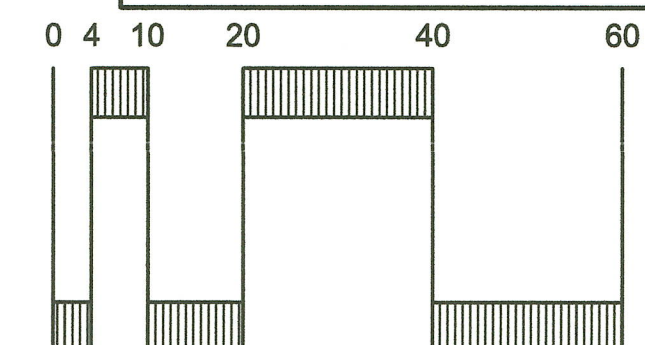
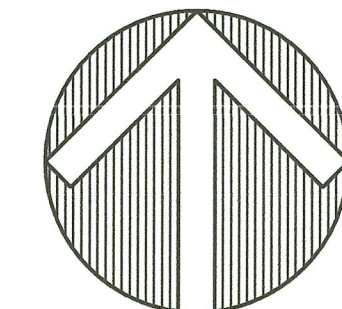
1. THE PROPERTY OWNER WILL MAINTAIN THE COMMON AREAS & OPEN SPACE.
2. PROPOSED BUILDING & PARKING AREA DO NOT LIE WITHIN FLOOD HAZARD ZONE. FEMA FIRM MAP # 3710179400J, EFFECTIVE DATE: 9/5/2007.
3. ALL UTILITIES WITHIN NCDOT R.O.W. SHALL BE BURIED 3' MIN. DEPTH.
4. WATER & SANITARY SEWER LINES SHALL BE SCH. 40 PVC, MEETING NCDOT STANDARDS.
5. PAVEMENT MARKINGS SHALL COMPLY WITH NCDOT STD. 1205.
6. ALL WALKS & PEDESTRIAN ROUTES SHALL COMPLY WITH ADA REGULATIONS.
7. DISSIPATE CURB BETWEEN ROAD CURB CONNECTION & FRONT FACE OF SIDEWALK.
8. DRIVEWAY CURB CUT SHALL BE CONSTRUCTED PER NCDOT STD. DRIVEWAY TURNOUT, RADIUS TYPE 848.02.
9. DEMOLITION & DISPOSAL OF BUILDING MATERIALS SHALL COMPLY WITH ALL STATE & LOCAL REGULATIONS.
10. VERIFY LOCATION OF ALL UTILITIES SERVING EXISTING BUILDINGS PRIOR TO BEGINNING CONSTRUCTION & DEMOLITION.
11. COORDINATE RELOCATION OF UTILITIES WITH DUKE ENERGY, AT&T & ANY OTHER APPLICABLE UTILITY COMPANY.
12. STOP SIGNS & OTHER REGULATORY SIGNS SHALL HAVE HIGH INTENSITY PRISMATIC SHEETING.

## LEGEND:

- A EXISTING COMMERCIAL/RETAIL BUILDING
- B EXISTING 15' BUILDING SETBACK
- C PROPOSED RETAIL BUILDING #1
- D PROPOSED RETAIL BUILDING #2
- E PROPOSED PARKING
- F PROPOSED DUMPSTER WITH SCREENING
- G PROPOSED DRIVE-THRU
- H PROPOSED RETAINING WALL
- I PROPOSED CROSS-WALK
- J PROPOSED ENTRANCE



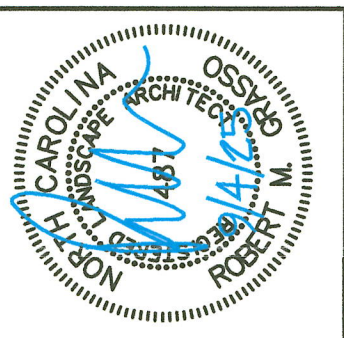
VICINITY MAP  
NOT TO SCALE



## LAND PLANNING COLLABORATIVE



98 HORIZON HILL ROAD  
ASHEVILLE, N.C. 28804  
(828) 242-0111  
EMAIL: bgrasso@landplancollab.com



## SITE PLAN

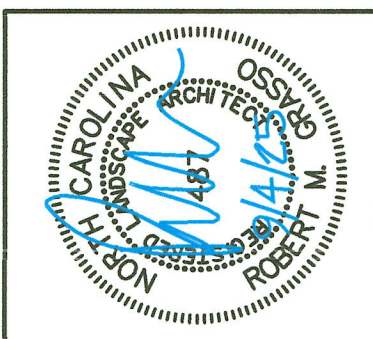
## EAST COURT STREET TRACT MARION, NORTH CAROLINA

JOB NO.: 2025500  
DWG. NAME: court-site.dwg  
DATE: September 4, 2025

REVISIONS:	
REV.	DATE
1	
2	
3	
4	
5	

SHEET  
L-2










## EXISTING CONDITIONS / SITE DEMOLITION PLAN

**EAST COURT STREET TRACT**  
MARION, NORTH CAROLINA

JOB NO.: 2025500  
 DWG. NAME: court-site.dwg  
 DATE: September 4, 2025  
 REVISIONS:

REV.	DATE:	BY:
	-	-
	-	-
	-	-
	-	-
	-	-

SHEET  
L-3



8993321  
80 LLC  
URT ST  
COURT

170108993284  
FORBES MICHAEL DEAN ET UX  
COURT ST  
COURT

2024 NIX CREEK RD  
170108996164  
L & T ASSOCIATES LLC  
COURT ST

170108994094  
2024 NIX CREEK RD  
170108994094  
L & T ASSOCIATES LLC  
EAST COURT ST

170108987943  
0  
91 S MCDOWELL AVE  
37111 170108987943

## PROJECT INFORMATION

OWNER/APPLICANT:

L & T ASSOCIATES, LLC  
2024 NIX CREEK ROAD  
MARION, NC 28752  
PHONE: (828) 652-3767  
EMAIL: todd@gemconstructors.com  
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LANDSCAPE ARCHITECT:

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EMAIL: gary@cvlsol.com  
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SURVEYOR:

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MARION, NC 28752  
PHONE: (828) 559-8004  
EMAIL: ben@bpsurveying.com  
CONTACT: BEN PATTON, PLS

## SITE INFORMATION

PIN:

1701-99-6164 & 1701-99-4094

DEED BOOK/PAGE:

01374/0099

ADDRESS:

700 E. COURT STREET

ZONING DISTRICT:

C2 GENERAL BUSINESS

PROPOSED USE:

COMMERCIAL/RETAIL

TOTAL ACREAGE:

2.30 ACRES

BUILDING SETBACKS:

FRONT:

15'

SIDE:

0'

REAR:

0'

MAX. BUILDING HEIGHT:

35'

EXISTING BUILDING SIZE:

12,350 SF, 1-STORY

PROPOSED BUILDING #1 SIZE:

2,100 SF (30' X 70'), 1-STORY

PROPOSED BUILDING #2 SIZE:

1,500 SF (30' X 50'), 1-STORY

IMPERVIOUS SURFACE AREA:

TOTAL NO. OF PARKING SPACES (REQUIRED):

79 SPACES

TOTAL NO. OF PARKING SPACES (PROVIDED):

79 SPACES

NUMBER OF ADA PARKING SPACES:

2 SPACES

PARKING LOT LIGHTS:

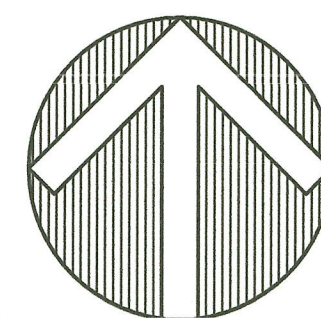
DUKE ENERGY 100% CUT-OFF FIXTURE TO  
COMPLY WITH CITY OF MARION STDS.  
PRIVATELY OWNED & MAINTAINED  
CITY OF MARION WATER SYSTEM  
CITY OF MARION SANITARY SEWER SYSTEM  
UNDERGROUND POWER  
YOUNGS FORK (COPERNING CREEK), CLASS C  
STREAM, CATAWBA RIVER BASIN

## GENERAL NOTES:

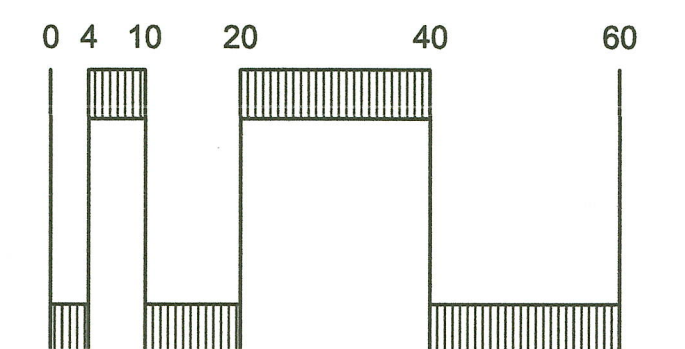
1. THE PROPERTY OWNER WILL MAINTAIN THE COMMON AREAS & OPEN SPACE.
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3. ALL UTILITIES WITHIN NCDOT R.O.W. SHALL BE BURIED 3' MIN. DEPTH.
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5. PAVEMENT MARKINGS SHALL COMPLY WITH NCDOT STD. 1205.
6. ALL WALKS & PEDESTRIAN ROUTES SHALL COMPLY WITH ADA REGULATIONS.
7. DISSIPATE CURB BETWEEN ROAD CURB CONNECTION & FRONT FACE OF SIDEWALK.
8. DRIVEWAY CURBOUT SHALL BE CONSTRUCTED PER NCDOT STD. DRIVEWAY TURNOUT, RADIUS TYPE 848.02.
9. DEMOLITION & DISPOSAL OF BUILDING MATERIALS SHALL COMPLY WITH ALL STATE & LOCAL REGULATIONS.
10. VERIFY LOCATION OF ALL UTILITIES SERVING EXISTING BUILDINGS PRIOR TO BEGINNING CONSTRUCTION & DEMOLITION.
11. COORDINATE RELOCATION OF UTILITIES WITH DUKE ENERGY, AT&T & ANY OTHER APPLICABLE UTILITY COMPANY.
12. STOP SIGNS & OTHER REGULATORY SIGNS SHALL HAVE HIGH INTENSITY PRISMATIC SHEETING.

## LEGEND:

A	ENTRANCE	L	ADA CURB CUT RAMP	5
B	EXISTING RETAIL BUILDING (12,350 SF)	M	HEAVY-DUTY CONCRETE PAVEMENT	6
C	EXISTING GRAVEL PAVEMENT	N	CONCRETE WHEELSTOP	7
D	RETAIL BUILDING #1 (2,100 SF)	O	DUMPSTER SCREEN	8
E	RETAIL BUILDING #2 (1,500 SF)	P	DUMPSTER PAD LAYOUT	9
F	CROSS WALK	Q	DUMPSTER BOLLARD	10
G	STOP BAR, WHITE, 24" WIDTH, 6" FROM	R	ADA PARKING SIGN	11
H	DOUBLE LINE, YELLOW, 4" WIDTH			
I	18" CONCRETE CURB & GUTTER			
J	ASPHALTIC CONCRETE PAVEMENT			
K	CONCRETE WALK			



NORTH

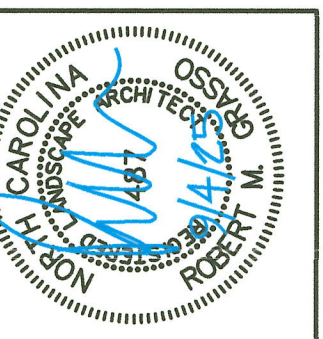


SCALE: 1" = 20'

## LAND PLANNING COLLABORATIVE



98 HORIZON HILL ROAD  
ASHEVILLE, N.C. 28804  
(828) 242-0111  
EMAIL: bgrasso@landplancollab.com



## LAYOUT & MATERIALS PLAN

## EAST COURT STREET TRACT MARION, NORTH CAROLINA

JOB NO.: 2025500

DWG. NAME: court-site.dwg

DATE: September 4, 2025

REVISIONS:

REV.	DATE	BY
1	6/8/25	RMG
2	-	-
3	-	-
4	-	-
5	-	-

SHEET  
L-4



DURT ST  
COURT

170108993284

FORBES MICHAEL DEAN ET UX  
COURT ST  
COURT

2024 NIX CREEK RD  
170108996164  
L & T ASSOCIATES LLC  
COURT ST

170108994094  
2024 NIX CREEK RD  
170108994094  
L & T ASSOCIATES LLC  
EAST COURT ST

NOTE:

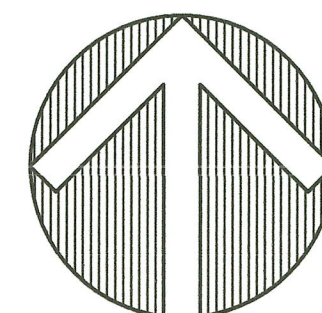
- PLANT SO THAT TOP OF ROOT BALL IS EVEN WITH THE FINISHED GRADE
- PAIN ALL CUTS OVER 1" DIA.
- STAKE & GUY TREE AS REQUIRED
- FLAG GUYING WIRES WITH SURVEYOR TAPE
- REMOVE BURLAP & WIRE CAGE FROM TOP HALF OF ROOT BALL
- REMOVE GUY WIRES & STAKES WITHIN 1 YEAR OF INSTALLATION
- RUBBER HOSE 1" DIA.
- GUYING WIRES 2 STRAND TWIST 12 GAUGE WIRE
- 3 2"x4"x24" PRESS TREATED STAKES - TOP OF STAKE 6" ABOVE GROUND
- SPECIFIED PLANTING MIX WATER & TAMP TO REMOVE AIR POCKETS

1 TREE PLANTING - GUY WIRES  
NOT TO SCALE

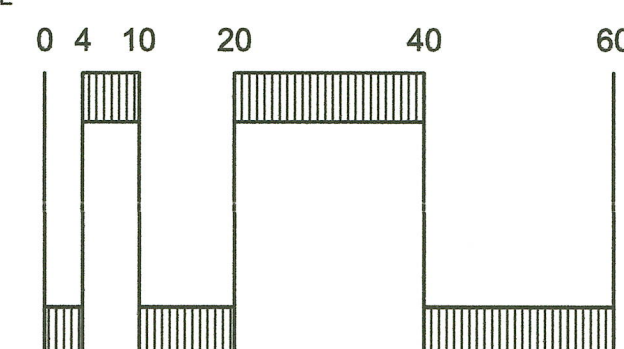
NOTE:

- PLANT SO THAT TOP OF ROOT BALL IS EVEN WITH THE FINISHED GRADE
- PAIN ALL CUTS OVER 1" DIA.
- STAKE & GUY TO FIRST BRANCHES AS NECESSARY FOR FIRM SUPPORT
- GUY WIRE SHALL NOT TOUCH OR RUB ADJACENT TRUNKS OR BRANCHES
- FLAG GUYING WIRES WITH SURVEYOR TAPE
- REMOVE BURLAP & WIRE CAGE FROM TOP HALF OF ROOT BALL
- REMOVE GUY WIRES & STAKES WITHIN 1 YEAR OF INSTALLATION
- FORM SAUCER WITH 3" CONTINUOUS RIM
- 2" x 2" HARDWOOD STAKES DRIVEN FIRMLY A MINIMUM OF 18" INTO THE SUBGRADE - PRIOR TO BACKFILLING
- 2 STRAND 12 GAUGE GALV. WIRE TWISTED AND ENCASED IN RUBBER HOSE 6 - 9" FROM TOP OF STAKE
- 2 WIRE SUPPORTS SHALL BE USED ON MAIN STRUCTURAL BRANCHES

2 MULTI-TRUNK TREE STAKING  
NOT TO SCALE



NORTH



SCALE: 1" = 20'

STREET YARD

EAST COURT STREET YARD

LENGTH:	345 LF	
LANDSCAPE BED WIDTH:	10'	REQUIRED PROVIDED
	0	7 24
LARGE TREES (1 TREE/100 LF):	4	35 54
SMALL TREES (2 TREES/100 LF):	7	
SHRUBS (10 SHRUBS/100 LF):	35	

SOUTH McDOWELL AVENUE YARD

LENGTH:	226 LF	
LANDSCAPE BED WIDTH (1/2 WIDTH):	10'	REQUIRED PROVIDED
	0	5 0
LARGE TREES (2 TREES/100 LF):	5	7 14
SMALL TREES (3 TREES/100 LF):	7	32 34
SHRUBS (14 SHRUBS/100 LF):	32	

PARKING LOT YARD

NO. OF PARKING SPACES:	78 SPACES	REQUIRED PROVIDED
	6	4 15
LARGE TREES (1 LARGE TREE/15 PARKING SPACES):	6	
SMALL TREES (OR 2 SMALL TREES/15 PARKING SPACES):	0	

LANDSCAPE NOTES:

- LANDSCAPE CONTRACTOR SHALL VERIFY QUANTITIES SHOWN ON PLAN & SHALL NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
- PLANT MATERIAL SHALL CONFORM TO ANSI Z60.1-1996 STANDARDS FOR NURSERY STOCK.
- LANDSCAPE CONTRACTOR SHALL PROVIDE ONE-YEAR WARRANTY FOR PLANTS & LABOR AT TIME OF COMPLETION & ACCEPTANCE OF WORK.
- PLANT MATERIAL SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PLANTING INSTALLATION.
- REFER TO SHEET L-20 FOR LANDSCAPE PLANTING DETAILS.
- LANDSCAPE CONTRACTOR SHALL PREPARE ALL PLANTING BEDS BY TILLING TO A DEPTH OF 24" & INCORPORATING "NATURES HELPER" AT A RATE OF 2:1.
- LANDSCAPE CONTRACTOR SHALL PREPARE ALL LAWN AREAS BY TILLING EXISTING SOIL TO A DEPTH OF 6" (EXCEPT WITHIN DRIPLINE OF EXISTING TREES).
- LANDSCAPE CONTRACTOR SHALL MUCH ALL PLANTING BEDS WITH AGED SHREDDED PINE BARK TO A DEPTH OF 3".
- LANDSCAPE CONTRACTOR SHALL ESTABLISH PERMANENT GRASS COVER ON ALL DISTURBED AREAS & AREAS NOT TO BE PLANTED.

PLANT LIST

SYMBOL	QUANT	NAME	SIZE / SPECIFICATION
	4	Acer rubrum "Red Maple"	2" - 2-1/2" cal., 12' - 14' Ht., B&B, Single Straight Leader, Matched
	16	Betula nigra "River Birch"	1-1/2" - 1-3/4" cal., 8' - 10' Ht., B&B, Multi-stem, 3 stems min., Matched
	19	Lagerstroemia indica x fauriei 'Natchez' Natchez Crapemyrtle	1-1/2" - 1-3/4" cal., 8' - 10' Ht., B&B, Multi-stem, 3 stems min., Matched
	19	Lagerstroemia indica x fauriei 'Muskogee' Muskogee Crapemyrtle	1-1/2" - 1-3/4" cal., 8' - 10' Ht., B&B, Multi-stem, 3 stems min., Matched
	40	Rhododendron 'Roblet' Autumn Sunburst Azalea	24" Ht., 3 gal., Cont., Dense Full Plants
	48	Rhododendron 'Roblet' Autumn Ivory Azalea	24" Ht., 3 gal., Cont., Dense Full Plants
		Bark Mulch	Double Ground, Shredded Pine Bark, Spread 3" Thick
		Lawn	Refer to Sheet L-1 for Lawn Specs.
		River Rock Bed	3"-6" Round River Rock, Refer to Detail 4, Sheet L-1

LAND PLANNING  
COLLABORATIVE








98 HORIZON HILL ROAD  
ASHEVILLE, N.C. 28804  
(828) 242-0111  
EMAIL: lgrasso@landplanningcollab.com



LANDSCAPE PLAN

EAST COURT STREET TRACT  
MARION, NORTH CAROLINA

JOB NO.: 2025500		
DWG. NAME: court-site.dwg		
DATE: September 4, 2025		
REVISIONS:		
REV.:	DATE:	BY:
	-	-
	-	-
	-	-
	-	-
	-	-

SHEET  
L-6



GENERAL NOTES

1. FINISH GRADE TOLERANCES SHALL BE AS NOTED IN THE SPECIFICATIONS. THE ENGINEER MAY MAKE GRADE CHANGES, AS REQUIRED, IN THE FIELD WITHOUT EFFECTING THE UNIT PRICE BID FOR UNCLASSIFIED EXCAVATION.
2. UNLESS OTHERWISE NOTED, ALL FILL AREAS SHALL BE CONSTRUCTED IN LAYERS OF 8" MAX. THICKNESS, WITH WATER ADDED OR SOIL CONDITIONED TO THE OPTIMUM MOISTURE CONTENT AS DETERMINED BY THE GEOTECHNICAL ENGINEER & COMPACTED WITH A SHEEP'S FOOT ROLLER TO A COMPACTION EQUAL TO OR GREATER THAN 95% (100% IN THE TOP 2" OF THE SUBGRADE BELOW ROADWAYS, PARKING LOTS & BUILDING SLABS) OF THE DENSITY OBTAINED BY COMPACTING A SAMPLE OF THE MATERIAL IN ACCORDANCE WITH THE STANDARD PROCTOR METHOD OF MOISTURE-DENSITY RELATIONSHIP TEST, ASTM D998 OR AASHTO M-19, UNLESS SPECIFIED OTHERWISE. COPIES OF COMPACTION REPORTS SHALL BE PROVIDED TO THE LOCAL REGULATORY AGENCY, WHERE REQUIRED.
3. ENTIRE AREA TO BE GRADED SHALL BE CLEARED & GRUBBED. NO FILL SHALL BE PLACED ON ANY AREA NOT CLEARED & GRUBBED.
4. ALL SOIL EROSION CONTROL MEASURES REQUIRED BY THE GRADING PLAN SHALL BE PERFORMED PRIOR TO GRADING, CLEARING OR GRUBBING. ALL EROSION CONTROL MEASURES SUCH AS SILT FENCE, ETC., SHALL BE MAINTAINED IN WORKING CONDITION FOR THE LIFE OF THE PROJECT BY THE CONTRACTOR AT HIS EXPENSE. EROSION CONTROL MEASURES SHALL BE REMOVED AT THE COMPLETION OF THE PROJECT ONLY ON THE LANDSCAPE ARCHITECT'S APPROVAL. PAYMENT SHALL BE CONSIDERED INCIDENTAL TO CLEARING & GRUBBING UNLESS OTHERWISE SPECIFIED. IF DURING THE LIFE OF THE PROJECT, A RAINFALL EVENT CAUSES SOIL EROSION WHICH CHANGES FINISH GRADES OR CREATES "GULLIES" & "WASHED AREAS", THESE CONDITIONS SHALL BE REPAIRED & ALL OFF-SITE SEDIMENTATION SHALL BE REMOVED AS DIRECTED BY THE LANDSCAPE ARCHITECT AT AN ADDITIONAL COST. THE CONTRACTOR SHALL ADHERE TO ANY APPROVED EROSION CONTROL PLANS WHETHER INCLUDED IN THE CONSTRUCTION PLANS OR UNDER SEPARATE COVER.
5. EROSION CONTROL, IS FIELD PERFORMANCE BASED & ADDITIONAL EROSION CONTROL MEASURES MAY NEED TO BE INSTALLED IN ADDITION TO THE APPROVED PLANS AS NECESSARY. MEASURES INDICATED ON THE DRAWINGS CAN & SHOULD BE ADJUSTED TO ASSURE MAXIMUM PROTECTION OF THE SITE.
6. DISPOSABLE MATERIAL:
  - A. CLEARING & GRUBBING WASTES SHALL BE REMOVED FROM THE SITE & PROPERLY DISPOSED OF BY THE CONTRACTOR AT HIS EXPENSE, UNLESS NOT OTHERWISE.
  - B. SOLID WASTES TO BE REMOVED, SUCH AS CONCRETE WALKS, CURBS & ASPHALT PAVEMENT, SHALL BE PLACED IN SPECIFIC DISPOSAL AREAS DELINEATED ON THE PLANS WITH PRIOR APPROVAL OF THE LANDSCAPE ARCHITECT OR SHALL BE REMOVED FROM THE SITE AS REQUIRED BY THE SPECIFICATIONS. THIS MATERIAL SHALL NOT BE REUSED IN ANY OF THE AREAS. THE CONTRACTOR SHALL MAINTAIN SPECIFIED COMPACTION REQUIREMENTS IN THESE AREAS. WHEN DISPOSAL SITES ARE NOT PROVIDED, THE CONTRACTOR SHALL REMOVE THIS WASTE FROM THE SITE & PROPERLY DISPOSE OF IT AT HIS EXPENSE.
  - C. ABANDONED UTILITIES, SUCH AS CULVERTS, WATER PIPE, HYDRANTS, CASTINGS & UTILITY POLES SHALL BE THE PROPERTY OF THE SPECIFIC UTILITY AGENCY OR COMPANY HAVING JURISDICTION. BEFORE THE CONTRACTOR CAN REMOVE, DESTROY, SLAVE, REUSE, SELL OR STORE FOR HIS OWN USE, ANY ABANDONED UTILITY, THE CONTRACTOR SHALL PRESENT TO THE OWNER WRITTEN PERMISSION FROM THE UTILITY INVOLVED.
  - D. ON-SITE BURNING IS AN ACCEPTABLE METHOD OF DISPOSING OF FLAMMABLE WASTES WHERE ALLOWED BY LOCAL CODES. WHEN BURNING IS ANTICIPATED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS & MEETING GOVERNING CODES. THE CONTRACTOR SHALL NOTIFY THE OWNER & LANDSCAPE ARCHITECT AS TO THE SPECIFIC LOCATION OF BURNING & SHALL PROVIDE COPIES OF SECURED PERMITS. AFTER BURNING IS COMPLETED, PURE ASH MAY BE DISPOSED OF BY MIXING WITH FILL SOIL UPON THE APPROVAL OF THE LANDSCAPE ARCHITECT. ALL MATERIAL, NOT TOTALLY BURNED, SHALL BE DISPOSED OF AS SPECIFIED IN "B" ABOVE. THE CONTRACTOR SHALL NOT HOLD UP WORK PROGRESS FOR THE PURPOSE OF WAITING FOR A "BURNING DAY".
7. IN THE EVENT EXCESSIVE GROUNDWATER OR SPRINGS ARE ENCOUNTERED WITHIN THE LIMITS OF CONSTRUCTION, THE CONTRACTOR SHALL INSTALL NECESSARY UNDER DRAINS & STONE AS DIRECTED BY THE GEOTECHNICAL ENGINEER & AS APPROVED BY PERMITTING FROM THE REGULATORY AGENCIES. ALL WORK SHALL BE PAID BASED UPON UNIT PRICE BIDS, UNLESS SPECIFIED OTHERWISE REGULATORY AGENCIES. ALL WORK SHALL BE PAID BASED UPON UNIT PRICE BIDS, UNLESS SPECIFIED OTHERWISE.
8. THE CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION OR ADJUSTMENT OF ALL UTILITY SURFACE ACCESS WHETHER THE CONTRACTOR OR UTILITY COMPANY PERFORMS THE WORK.
9. THE CONTRACTOR SHALL CONTROL ALL "DUTTS" BY PERIODIC WATERING & SHALL PROVIDE ACCESS AT ALL TIMES FOR PROPERTY OWNER WITHIN THE LIMITS OF THE CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE OWNER & LANDSCAPE ARCHITECT AS TO THE SPECIFIC LOCATION OF BURNING & SHALL PROVIDE COPIES OF SECURED PERMITS. AFTER BURNING IS COMPLETED, PURE ASH MAY BE DISPOSED OF BY MIXING WITH FILL SOIL UPON THE APPROVAL OF THE LANDSCAPE ARCHITECT. ALL MATERIAL, NOT TOTALLY BURNED, SHALL BE DISPOSED OF AS SPECIFIED IN "B" ABOVE. THE CONTRACTOR SHALL NOT HOLD UP WORK PROGRESS FOR THE PURPOSE OF WAITING FOR A "BURNING DAY".
10. ALL AREAS WHERE THERE IS EXPOSED SOIL SHALL BE SEEDED, FERTILIZED & MULCHED ACCORDING TO THE SPECIFICATIONS. THE FINISHED SURFACE SHALL BE TO GRADE & SMOOTH, FREE OF ALL ROCKS LARGER THAN 1" EQUIPMENT TRACKS, RIDGES, RUMPS, RIDGES & GULLIES PRIOR TO SEEDING. THE SURFACE SHALL BE LOOSEMED TO A DEPTH OF 4" TO ACCEPT SEED. THE CONTRACTOR SHALL BE NOT PROCEED WITH SEEDING OPERATIONS WITHOUT FIRST OBTAINING THE LANDSCAPE ARCHITECT'S APPROVAL OF THE GRADED SURFACE. ALL SEEDING SHALL BE PERFORMED BY A MECHANICAL "HYDRO-SEEDER". HAND SEEDING SHALL BE AUTHORIZED ONLY ON AREAS APPROVED BY THE LANDSCAPE ARCHITECT. ALL FILL & CUT SLOPES WITH 2:1 OR GREATER HORIZONTAL TO VERTICAL SLOPE, SHALL BE COVERED. AFTER SEEDING, WITH AN EROSION CONTROL MATTING CONSISTING OF BIODEGRADABLE STRAW WITH NATURAL FIBER OR BIODEGRADABLE NETTING, APPROVED BY THE LANDSCAPE ARCHITECT.
11. WHERE SPECIFIED, STORM DRAIN PIPE SHALL BE CORRUGATED METAL PIPE (CMP) CONFORMING TO AASHTO M-38, WITH PERFORATED ENDS TO ACCOMMODATE CORRUGATED COUPLING BANDS. 18" PIPE SHALL BE 16 GA. 24" 30" PIPE SHALL BE 14 GA. & 36" & GREATER PIPE SHALL BE 12 GA., AS SPECIFIED ON THE PLANS. PIPE & COUPLING BANDS SHALL CONFORM NCDOT 1032-3 FOR PLAIN PIPE OR 1032-4(A) FOR BITUMINOUS COATED & PARTIALLY PAVED PIPE. DIMPLE BANDS SHALL NOT BE USED.
12. WHERE SPECIFIED, STORM DRAIN PIPE SHALL BE REINFORCED CONCRETE PIPE (RCP), CONFORMING TO AASHTO M-170, AS CONTAINED IN NCDOT STANDARD SPECIFICATION 1032-9 FOR WALL "B" TYPE.

13. CURB INLET FRAME, GRATE & HOOD SHALL BE NEENAH R-3230, DEWEY BROS., U.S. FOUNDRY OR EQUAL. DROP INLET FRAME & GRATE SHALL BE NEENAH R-3330A OR EQUAL. FIELD INLET PER SHALL CONFORM TO NCDOT STANDARD DETAIL 840.04, OPENING FACING UPSTREAM.
14. CONCRETE & MASONRY SHALL MEET THE REQUIREMENTS OF THE APPROPRIATE SECTION OF THE NCDOT STANDARD SPECIFICATIONS FOR ROAD & STRUCTURES (LATEST EDITION). CONCRETE SHALL BE CLASS A OR B, 4,000 PSI, MIN., MEETING THE REQUIREMENTS OF SECTION 100, CONSTRUCTED IN ACCORDANCE WITH SECTION 825. MASONRY SHALL MEET THE REQUIREMENTS OF SECTION 1040, CONSTRUCTED IN ACCORDANCE WITH SECTION 830 AND/OR 834.
15. TOPS OF PROPOSED FRAMES & GRATES SHALL BE FLUSH WITH FINISHED GRADE. ALL STORM DRAIN BOXES & MANHOLES OVER 4' IN DEPTH SHALL HAVE STEPS DIRECTLY BENEATH THE OPENING.
16. TINDALL PRE-CAST CONCRETE BOXES ARE ACCEPTABLE ALTERNATIVES FOR PROPOSED CATCHBASINS WHERE APPROVED BY THE LANDSCAPE ARCHITECT.
17. THE CONTRACTOR SHALL PROVIDE THE OWNER & LOCAL REGULATORY AGENCY WITH PROOF OF ACTIVE GRADING PERMITS FOR ANY BORROW OR WASTE SITES TO BE USED, PRIOR TO CONSTRUCTION.
18. THE CONTRACTOR SHALL ASSURE MAINTENANCE OF ALL EROSION CONTROL MEASURES LEFT ON SITE BY PREVIOUS CONTRACTORS IN THE CASE OF PHASED PROJECTS WHEN SPECIFIED BY THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL MAINTAIN, ADD TO AND/OR ADJUST ALL MEASURES TO ASSURE MAXIMUM PROTECTION OF THE SITE.
19. SEED & MULCH DENIED AREA WITH 14 DAYS ON DISTURBED FLAT AREAS & 7 DAYS ON ALL PERIMETER DIKES, SWALES, DITCHES, PERIMETER SLOPES & ALL SLOPES STEEPER THAN 3:1 HORIZONTAL TO VERTICAL. GROUND COVER SHALL BE REQUIRED AS SOON AS PRACTICAL, BUT IN ANY EVENT WITHIN 14 (OR 7) CALENDAR DAYS FROM THE LAST LAND DISTURBING ACTIVITY.
20. THE LOCATIONS OF ALL UTILITIES SHOWN ON THESE PLANS ARE BASED ON THE AVAILABLE INFORMATION THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF UTILITIES WITH THE UTILITY COMPANIES PRIOR TO CONSTRUCTION.
21. ACCESS TO UTILITIES, FIRE HYDRANTS, STREET LIGHTING, ETC., SHALL REMAIN UNDISTURBED, UNLESS COORDINATED WITH RESPECTIVE UTILITY.
22. THE CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO ANY EXISTING ITEM AND/OR MATERIAL INSIDE OR OUTSIDE THE CONTRACT LIMITS DUE TO CONSTRUCTION OPERATIONS.
23. THE CONTRACTOR SHALL REMOVE ALL TRASH & DEBRIS FROM THE SITE UPON COMPLETION OF THE PROJECT & AT LEAST ONCE A WEEK DURING CONSTRUCTION.
24. DO NOT SCALE FROM THESE DRAWINGS AS THEY ARE REPRODUCTIONS & SUBJECT TO DISTORTION.
25. THE CONTRACTOR SHALL VERIFY ALL LOCATIONS & ELEVATIONS OF ALL UNDERGROUND UTILITIES. THE LOCATION OF ALL EXISTING UTILITIES ARE NOT NECESSARILY SHOWN ON THE PLANS & WHERE SHOWN ARE ONLY APPROXIMATE. THE CONTRACTOR SHALL, ON HIS INITIATIVE & AT NO EXTRA COST, HAVE LOCATED ALL UNDERGROUND LINES & STRUCTURES AS NECESSARY. NO CLAIMS FOR DAMAGES OR EXTRA COMPENSATIONS SHALL ACCRUE TO THE CONTRACTOR FROM THE PRESENCE OF SUCH PIPE, OTHER OBSTRUCTIONS OR FROM ANY EAVY DUE TO REMOVAL OR REARRANGEMENT OF THEIR SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL NON-SUBSCRIBING UTILITIES. THE CONTRACTOR(S) SHALL CONTACT NC "ONE CALL" AT (800) 632-4444 FOR ASSISTANCE IN LOCATING EXISTING UTILITIES. CALL AT LEAST 48 HOURS PRIOR TO ANY EXCAVATION.
26. THE CONTRACTOR SHALL MAINTAIN AN "AS-BUILT" SET OF DRAWINGS TO RECORD THE EXACT LOCATION OF ALL PIPING PRIOR TO CONSTRUCTION. DRAWINGS SHALL BE GIVEN TO THE OWNER UPON COMPLETION OF THE PROJECT WITH A COPY OF THE TRANSMITTAL LETTER TO THE LANDSCAPE ARCHITECT.
27. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL REVIEW ALL PLANS & SPECIFICATIONS & THE JOB SITE. THE CONTRACTOR SHALL NOTIFY THE OWNER & THE LANDSCAPE ARCHITECT IF ANY DISCREPANCIES THE PROJECT WITH A COPY OF THE TRANSMITTAL LETTER TO THE LANDSCAPE ARCHITECT THAT MAY REQUIRE MODIFICATIONS TO THESE PLANS OR OF ANY FIELD CONFLICTS.
28. ALL PERMITS RELATIVE TO THE PROJECT MUST BE OBTAINED, PRIOR TO CONSTRUCTION. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH PERMITS ISSUED & APPLICABLE STATE, COUNTY & LOCAL CODES.
29. THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL DRAWINGS FOR ALL BUILDING DIMENSIONS.
30. THE CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR SHALL BE REQUIRED TO ASSUME SOLE & COMPLETE RESPONSIBILITY OF R.O.B SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS & PROPERTY. THE REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY & NOT BE LIMITED TO NORMAL WORKING HOURS. THE CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY & HOLD THE OWNER & DESIGN PROFESSIONALS, HARMLESS OF ANY & ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, ACCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR DESIGN PROFESSIONALS.

31. ALL RECOMMENDATIONS/REQUIREMENTS OUTLINED IN THE SOILS REPORT & ADDENDA TO THE SOILS REPORT CONTAINED IN THE CONTRACT DOCUMENTS SHALL BE INCORPORATED INTO THE EARTHWORK & RELATED SPECIFICATIONS FOR THIS PROJECT.
32. IF BORROWED OR WASTE FILL MATERIAL IS GENERATED, AN APPROVED GRADING PERMIT SHALL BE SECURED FOR THE BORROW OR WASTE MATERIAL SITE PRIOR TO INITIATION OF ANY LAND DISTURBING ACTIVITY.
33. UNLESS A PERMIT FROM NCDOE - DIVISION OF WASTE MANAGEMENT TO OPERATE A LANDFILL IS ON FILE FOR THE OFFICIAL SITE, ACCEPTABLE FILL MATERIAL SHALL BE FREE OF ORGANIC OR OTHER DEGRADABLE MATERIALS, MASONRY, CONCRETE & BRICK IN SIZES EXCEEDING 12" & ANY MATERIALS WHICH WOULD CAUSE THE SITE TO BE REGULATED AS A LANDFILL BY THE STATE OF NORTH CAROLINA.
34. ALL CONSTRUCTED SEVERE SLOPES GREATER THAN 2:1 & GREATER THAN 5' IN HEIGHT REQUIRE INSPECTIONS & STABILITY CERTIFICATION BY A NORTH CAROLINA REGISTERED GEOTECHNICAL ENGINEER. PERIODIC INSPECTIONS & COMPACTION REPORTS ARE REQUIRED BY CONDUCTED BY A NORTH CAROLINA REGISTERED GEOTECHNICAL ENGINEER.

EROSION CONTROL NOTES

- GENERAL: ALL EROSION CONTROL MEASURES SHALL BE PERFORMED IN STRICT ACCORDANCE WITH REQUIREMENTS OF N.C. EROSION & SEDIMENT CONTROL PLANNING & DESIGN MANUAL, 2013. THE FOLLOWING CONSTRUCTION SITEWORK SEQUENCE SHALL BE COMPLIED WITH FOR ALL WORK.
1. OBTAIN LAND DISTURBING PERMIT.
  2. INSTALL ALL EROSION CONTROL MEASURES AS REQUIRED BY NCDOE.
  3. OBTAIN GRADING PERMIT THROUGH ON-SITE INSPECTION BY NCDOE REPRESENTATIVE.
  4. PROCEED WITH CLEARING & GRUBBING & GRADING.
  5. SEED & MULCH DENIED AREA WITH 14 DAYS ON DISTURBED FLAT AREAS & 7 DAYS ON ALL PERIMETER DIKES, SWALES, DITCHES PERIMETER SLOPES & ALL SLOPES STEEPER THAN 3:1, HORIZONTAL TO VERTICAL. GROUND COVER SHALL BE REQUIRED AS SOON AS PRACTICAL, BUT IN ANY EVENT WITHIN 4 (OR 7) CALENDAR DAYS FROM THE LAST LAND DISTURBING ACTIVITY. REFER TO TEMPORARY & PERMANENT SEEDING SPECIFICATIONS. ALL SLOPES 2:1 OR GREATER SHALL BE SEEDED WITH SERICEA LESPEDEZA (KOREAN) AT A RATE OF 50 LBS./AC. & SHALL BE COVERED WITH EROSION CONTROL MATTING.
  6. MAINTAIN SOIL EROSION CONTROL MEASURES UNTIL PERMANENT GROUND COVER IS ESTABLISHED.
  7. REMOVE EROSION CONTROL MEASURES & STABILIZE THESE AREAS AFTER PERMANENT GROUND COVER HAS BEEN ESTABLISHED.
  8. REQUEST FINAL APPROVAL BY NCDOE REPRESENTATIVE.
  9. EROSION CONTROL IS FIELD PERFORMANCE BASED & ADDITIONAL EROSION CONTROL MEASURES MAY NEED TO BE ADDED IN ADDITION TO THE APPROVED PLANS AS NECESSARY. MEASURES SHOWN CAN & SHOULD BE ADJUSTED TO ASSURE MAXIMUM PROTECTION OF SITE.

NCDOT STORMWATER PHASE II REQUIREMENTS FOR CONSTRUCTION SITES

- FEDERAL NPDES STORMWATER PHASE II REQUIREMENTS SHALL BE MET BY THE CONTRACTOR FOR ALL CONSTRUCTION SITES LARGER THAN 1 ACRE EFFECTIVE AUGUST 3, 2011. THESE REQUIREMENTS ARE SUMMARIZED AS FOLLOWS:
1. IMPLEMENT THE APPROVED EROSION & SEDIMENTATION CONTROL PLAN & KEEP A COPY OF THE PLAN ON SITE. DEVIATION FROM THE APPROVED EROSION & SEDIMENTATION CONTROL PLAN WILL BE CONSIDERED A VIOLATION OF THE FEDERAL NPDES GENERAL PERMIT.
  2. PREVENT SPILLING OF FUELS, LUBRICANTS, COOLANTS, HYDRAULIC FLUIDS & ANY OTHER PETROLEUM PRODUCTS ONTO THE GROUND OR INTO SURFACE WATERS. DISPOSE OF SPENT FUELS APPROPRIATELY.
  3. USE HERBICIDES, PESTICIDES & FERTILIZER IN A MANNER CONSISTENT WITH THE FEDERAL INSECTICIDE, FUNGICIDE & RODENTICIDE ACT & IN ACCORDANCE WITH LABEL RESTRICTIONS.
  4. CONTROL MANAGEMENT & DISPOSAL OF LITTER & SANITARY WASTE FROM THE SITE SO THAT NO ADVERSE IMPACTS TO WATER QUALITY OCCUR.
  5. INSPECT ALL EROSION & SEDIMENTATION CONTROL MEASURES EVERY 7 CALENDAR DAYS (TWICE IN 7 CALENDAR DAYS FOR STORMWATER DISCHARGES TO STREAMS ON THE LATEST EPA-APPROVED 300) LIST & WITHIN 24 HOURS OF ANY STORM EVENT OF MORE THAN 0.5" OF RAIN IN A 24-HOUR PERIOD. MAINTAIN A RAIN GAUGE ON SITE & KEEP A RECORD OF THE RAINFALL AMOUNTS & DATES. REFER TO TEMPORARY & PERMANENT SEEDING SPECIFICATIONS.
  6. OBSERVE STORMWATER RUNOFF DISCHARGES & LOOK FOR CLAY, FLOATING SOLIDS, SUSPENDED OILS, SHEEN & OTHER OBVIOUS INDICATORS OF POLLUTION & EVALUATE THE EFFECTIVENESS OF THE EROSION & SEDIMENTATION CONTROL MEASURES. IF SEDIMENTATION IS LEAVING THE DISTURBED AREA, TAKE IMMEDIATE ACTION TO CONTROL THE DISCHARGE.
  7. KEEP A RECORD OF INSPECTIONS. RECORD ANY VISIBLE SEDIMENTATION FOUND OUTSIDE THE DISTURBED LIMIT & RECORD MEASURES TAKEN TO CLEAN UP THE SEDIMENT. MAKE THESE RECORDS AVAILABLE TO NCDOE OR ITS AUTHORIZED AGENT UPON REQUEST.
  8. RECORDS SHALL BE KEPT FOR 3 YEARS & AVAILABLE UPON REQUEST.
  9. MAINTAIN EROSION & SEDIMENT CONTROL MEASURES TO KEEP THEM OPERATING AT OPTIMUM EFFICIENCY.
  10. CONTACT THE LANDSCAPE ARCHITECT FOR A COPY OF THE GENERAL PERMIT TO DISCHARGE STORMWATER UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.
  11. VIOLATIONS OF THE NPDES STORMWATER RULES CONSTITUTE A VIOLATION OF THE FEDERAL CLEAN WATER ACT & ARE SUBJECT TO CIVIL PENALTIES OF UP TO \$27,000 PER DAY. UNDER STATE LAW, A DAILY CIVIL PENALTY OF \$10,000 PER VIOLATION CAN BE ASSESSED FOR VIOLATION OF TERMS OF THE PERMIT.
  12. REVEGETATION OF SLOPES 3:1 OR GREATER, INCLUDING PERIMETER AREAS, ARE REQUIRED WITHIN 7 CALENDAR DAYS.

Permanent Seeding

Lawn Seeding Mixture	
Species	Rate (lb/acre)
Kentucky Bluegrass (20%)	280 lbs.
Rebel Fescue (80%)	
Seeding Dates	
Mountains	March 15 - May 15 August 15 - October 15
Soil Amendments	
Follow recommendations of soil tests or apply 2,000 lb/acre ground agricultural limestone and 750 lb/acre 10-10-10 fertilizer.	

Mulch  
Apply 4,000 lb/acre straw. Anchor straw by tacking with asphalt, netting or a mulch anchoring tool. A disk with blades set nearly straight can be used as a mulch anchoring tool.

Maintenance  
Refertilize if growth is not fully adequate. Reseed, refertilize and mulch immediately following erosion or other damage.

Slope Seeding Mixture	
Species	Rate (lb/acre)
Valde Hard Fescue	20 lbs.
Astro Tall Fescue	8 lbs.
Perennial Ryegrass	25 lbs.
Perennial Ryegrass	25 lbs.
Kentucky Bluegrass	1.5 lbs.
Seeding Dates	
Mountains	March 15 - May 15 August 15 - October 15
Soil Amendments	
Follow recommendations of soil tests or apply 2,000 lb/acre ground agricultural limestone and 400 lb/acre 18-46-50 fertilizer.	

Mulch  
Apply 4,000 lb/acre straw. Anchor straw by tacking with asphalt.

Maintenance  
Refertilize if growth is not fully adequate. Reseed, refertilize and mulch immediately following erosion or other damage.

Temporary Seeding for Summer

Seeding Mixture	
Species	Rate (lb/acre)
German Millet	40 lbs.
Seeding Dates	
Mountains	May 15 - August 15
Coastal Plain	May 15 - August 15
Coastal Plain	April 15 - August 15

Soil Amendments  
Follow recommendations of soil tests or apply 2,000 lb/acre ground agricultural limestone and 750 lb/acre 10-10-10 fertilizer.

Mulch  
Apply 4,000 lb/acre straw. Anchor straw by tacking with asphalt, netting or a mulch anchoring tool. A disk with blades set nearly straight can be used as a mulch anchoring tool.

Maintenance  
Refertilize if growth is not fully adequate. Reseed, refertilize and mulch immediately following erosion or other damage.

Temporary Seeding for Fall

Seeding Mixture	
Species	Rate (lb/acre)
Rye (grain)	260 lbs.
Seeding Dates	
Mountains	August 15 - December 15
Piedmont	August 15 - December 15
Coastal Plain	August 15 - December 30
Soil Amendments	
Follow recommendations of soil tests or apply 2,000 lb/acre ground agricultural limestone and 1,000 lb/acre 10-10-10 fertilizer.	

Mulch  
Apply 4,000 lb/acre straw. Anchor straw by tacking with asphalt, netting or a mulch anchoring tool. A disk with blades set nearly straight can be used as a mulch anchoring tool.

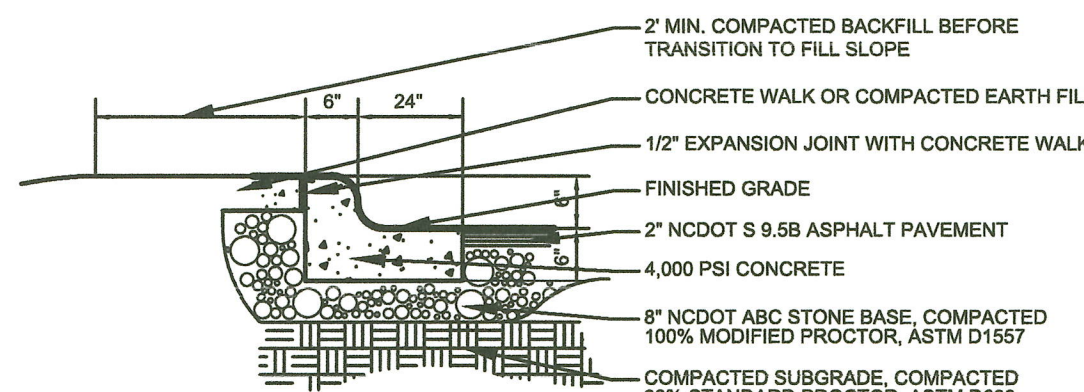
Maintenance  
Repair and refertilize damaged areas immediately. Topdress with 50 lb/acre of nitrogen in March. If it is necessary to extend temporary cover beyond June 15, overseed with 50 lb/acre Koba (Piedmont and Coastal Plain) or Koreon (Mountains) Lespedeza in late February or early March.

Temporary Seeding for Winter & Early Spring

Seeding Mixture	
Species	Rate (lb/acre)
Rye (grain)	260 lbs.
Annual Lespedeza (Koba in Piedmont & Coastal Plain)	50 lbs.
Seeding Dates	
Mountains (Above 2,500')	February 15 - May 15
Mountains (Below 2,500')	February 1 - May 1
Piedmont	January 1 - May 1
Coastal Plain	December 1 - April 15
Soil Amendments	
Follow recommendations of soil tests or apply 2,000 lb/acre ground agricultural limestone and 750 lb/acre 10-10-10 fertilizer.	

Mulch  
Apply 4,000 lb/acre straw. Anchor straw by tacking with asphalt, netting or a mulch anchoring tool. A disk with blades set nearly straight can be used as a mulch anchoring tool.

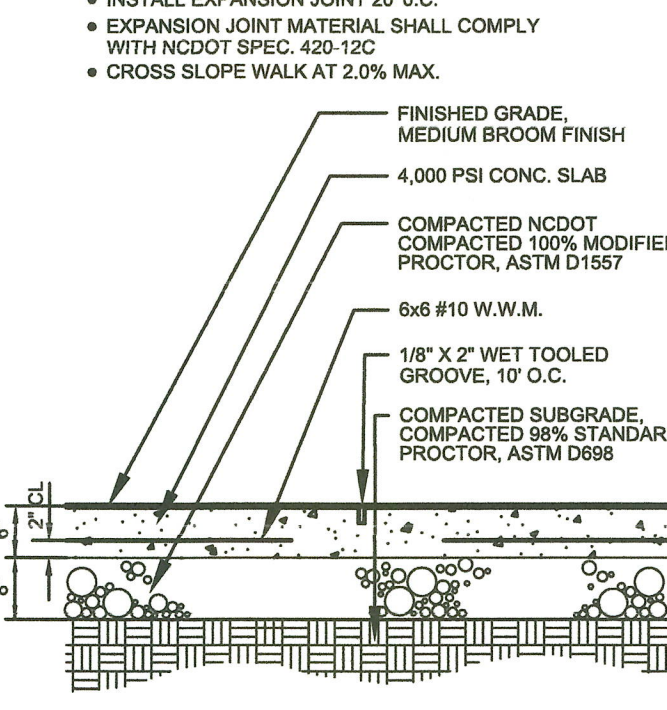
Maintenance  
Refertilize if growth is not fully adequate. Reseed, refertilize and mulch immediately following erosion or other damage.



30" CONCRETE CURB & GUTTER

NOT TO SCALE

- INSTALL CONTROL JOINTS 5' O.C.
- INSTALL EXPANSION JOINT WHERE WALK JOINS TO CURB, WALL OR BUILDING
- INSTALL EXPANSION JOINT 20' O.C.
- EXPANSION JOINT MATERIAL SHALL COMPLY WITH NCDOT SPEC. 420-12C
- CROSS SLOPE WALK AT 2.0% MAX.



HEAVY DUTY CONCRETE

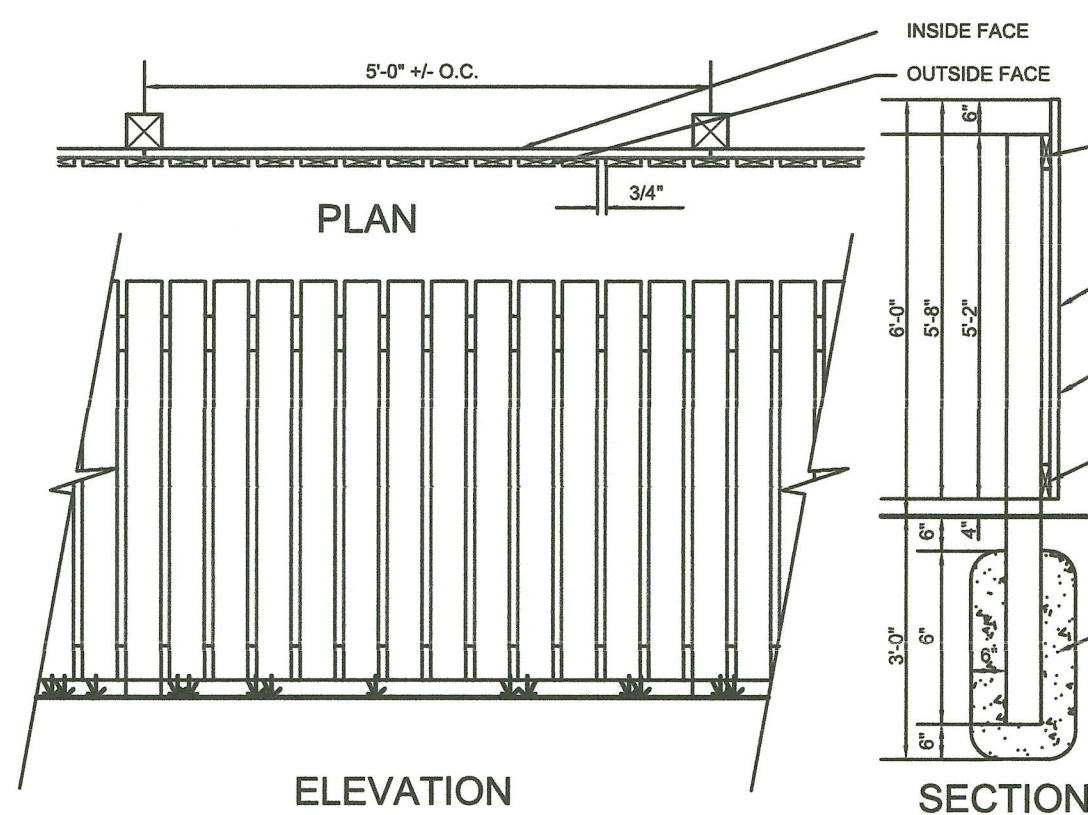
NOT TO SCALE

CONCRETE WHEELSTOP

NOT TO SCALE

18" CONCRETE CURB & GUTTER

NOT TO SCALE

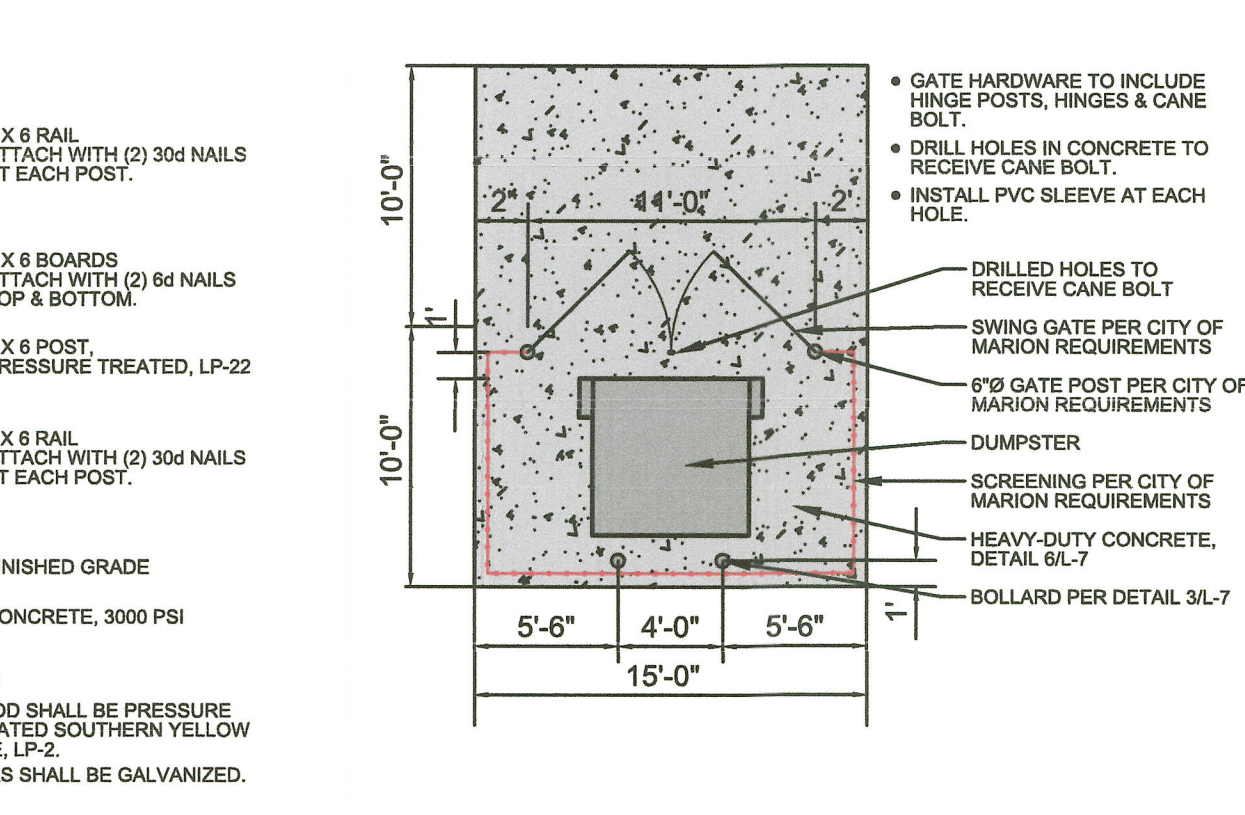


DUMPSTER SCREENING FENCE

NOT TO SCALE

ASPHALTIC CONCRETE PAVEMENT

NOT TO SCALE

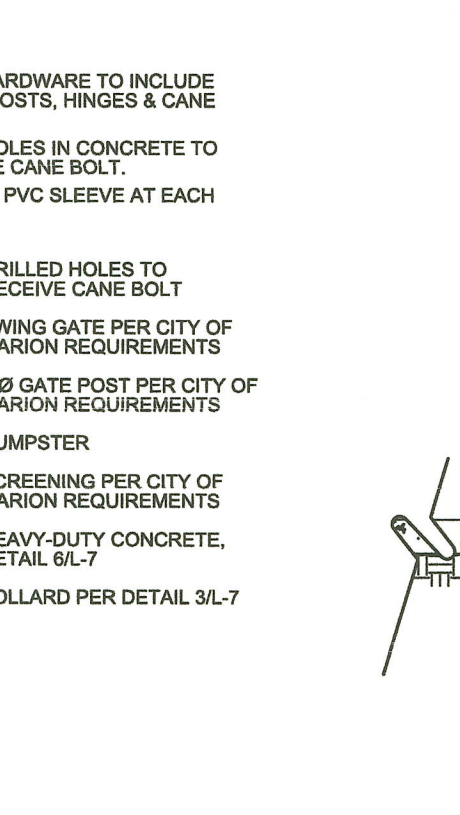


DUMPSTER PAD LAYOUT

NOT TO SCALE

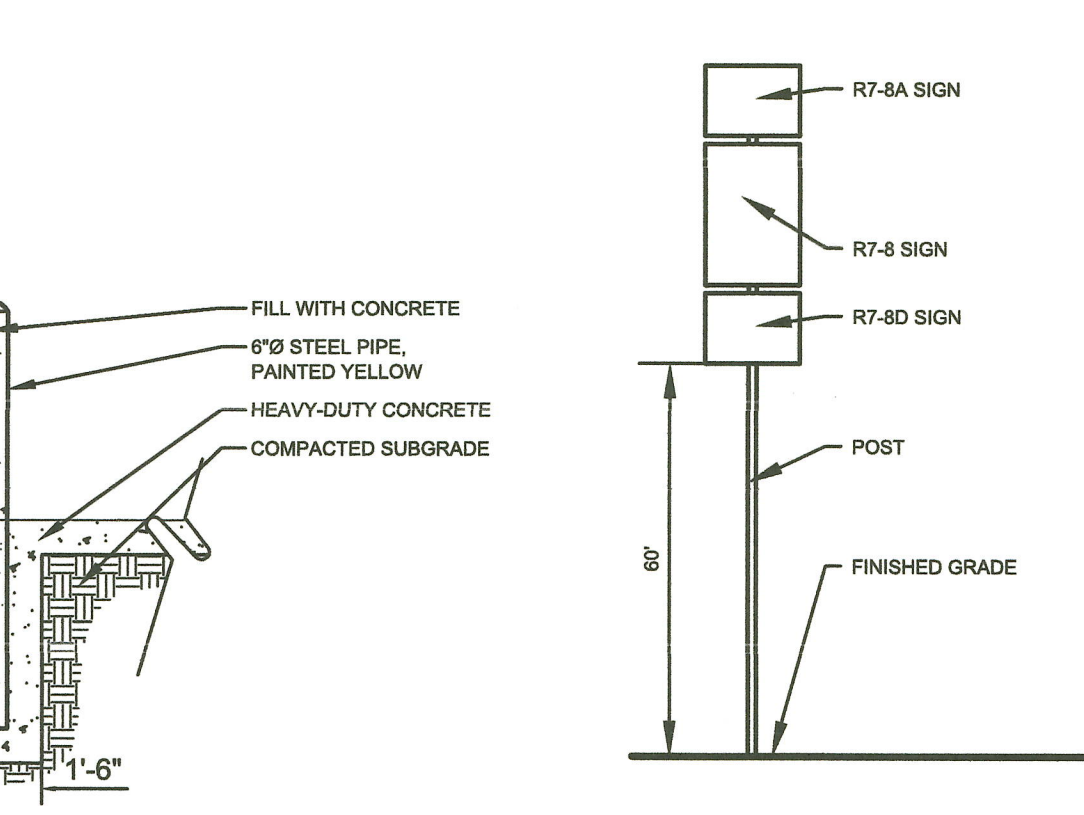
CONCRETE WALK

NOT TO SCALE



DUMPSTER BOLLARD

NOT TO SCALE

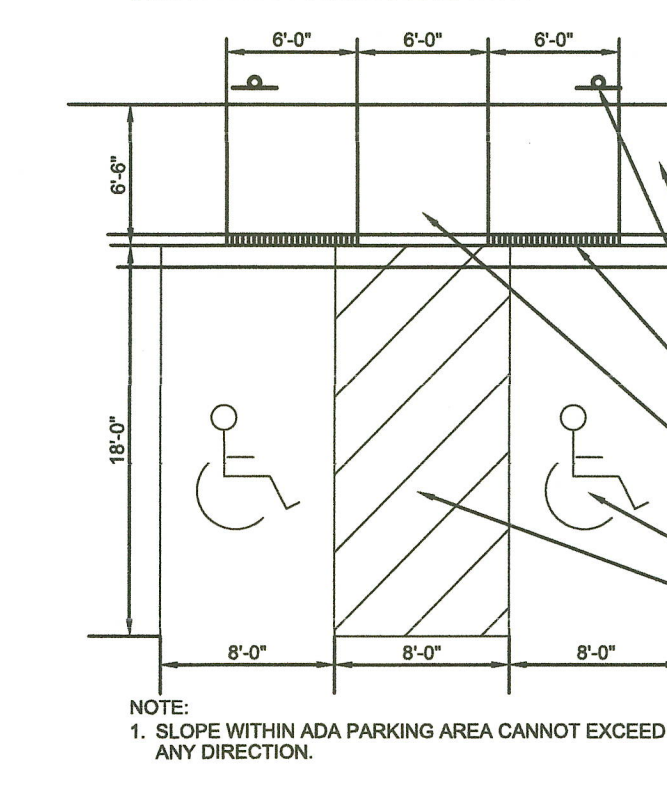


ADA PARKING SIGN

NOT TO SCALE

NOTE:

1. ADA PARKING SPACES & LOCATIONS SHALL COMPLY WITH NC BUILDING CODE 1106.6.



TYPICAL ADA PARKING DIMENSIONS

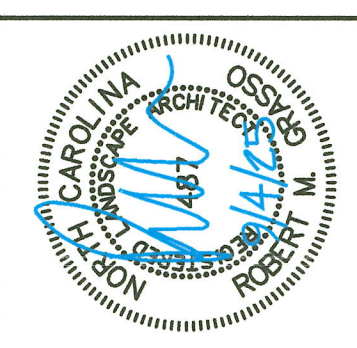
NOT TO SCALE

RIVER COBBLE LANDSCAPE BED

NOT TO SCALE

LAND PLANNING COLLABORATIVE

98 HORIZON HILL ROAD  
ASHEVILLE, N.C. 28804  
(828) 242-0111  
EMAIL: bgreen@landplanning.com



SITE CONSTRUCTION DETAILS

EAST COURT STREET TRACT  
MARION, NORTH CAROLINA

JOB NO.: 2025500	
DWG. NAME: court-site.dwg	
DATE: September 4, 2025	
REVISIONS:	
REV.:	DATE:
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SHEET

L-7



**For Office Use Only**

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Cash \_\_\_\_\_ Check # \_\_\_\_\_

Application # \_\_\_\_\_

Date Received \_\_\_\_\_

**CITY OF MARION**

194 N. Main Street • P.O. Drawer 700 • Marion, NC 28752

**Planning & Development Department****SPECIAL USE APPLICATION**

(PLEASE TYPE OR PRINT IN INK)

**All applications must be deemed complete prior to the item being scheduled.**Property Owner's Name: Dean Buff Phone Number: 828-925-7067Property Owner's Mailing Address: PO Box 186 Nebo NC 28761Applicant's Name (if different from above): Mountain Motors, NC, LLC.Applicant's Mailing Address: 17 East Glenview St Marion NC 28752 Phone Number: 828-442-7331**Note: Applicant must submit a notarized letter authorizing them to act on the property owner's behalf and stating the Applicant's name, address and phone number.**Physical Address of Property: 1122 North Main St Marion NC 28752Parcel ID Number (PIN) 170217214335 Zoning District: C2 Lot Size: .96 acresExisting Use: Selling storage sheds Proposed Use: Used car DealershipThis is a special exception under Section 3-7.1 of the Marion City Code.Email: joeyraben@gmail.com**COMPLETENESS OF APPLICATION**

The following items shall be submitted with or on the Site Plan and included as an attachment to this application:

- ☐ Site Plan, indicating:
  - ☐ Location of proposed and existing structures;
  - ☐ Setbacks from current (or proposed) right-of-way and property lines, structures and traveled ways;
  - ☐ Plan drawn to scale (indicating scale);
  - ☐ Current and proposed right-of-ways, easements, streets, walkways, parking lots, spaces, and loading zone, (Insure adequate ingress and egress in reference to automotive as well pedestrian safety.);
  - ☐ Proposed and existing landscape, screening or buffering;
  - ☐ Location of refuse and service areas (dumpsters, loading zones, etc.);
  - ☐ Identify adjacent zoning districts to the property;
  - ☐ Location and specifications for signs and lighting; and
  - ☐ Location of public utilities.
- ☐ Property Assessor Card of the subject property. (Information can be obtained from the McDowell County Property Assessor's Office 10 East Court Street, Marion NC 28752, (828) 652-7121.

**Pursuant to Section 3-7.1 Special Use of the City of Marion Unified Development Ordinance, a special use may be granted by the Board of Adjustment only after it makes the required written findings:**



1. The special use request must be granted by the Board of Adjustment when all of the following findings have been made:
  - a. That the proposed use will not be detrimental to the health or safety of persons residing or working in the vicinity or injurious to property or improvements in the vicinity;
  - b. That the proposed use at the particular location provides a service or facility that will contribute to the general well-being of the neighborhood or the community; and
  - c. That the location and character of the proposed use will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Plan.
2. If the Board of Adjustment does not make these findings, then the special use request may not be granted.
3. Review Factors. The applicant must demonstrate that the review factors listed below have been adequately addressed. If an application is denied, the decision-making body must specify which of these review factors were not adequately addressed.
  - a. Circulation.  
Number and location of access points to the property and the proposed structures and uses, are provided with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - b. Parking and Loading.  
Location of off-street parking and loading areas are sufficiently provided.
  - c. Service Entrances and Areas.  
Locations of refuse and service areas are provided with particular reference to ingress and egress of service vehicles.
  - d. Lighting.  
Locations of exterior lighting are provided with reference to glare, traffic safety, economic effect and compatibility with other property in the area.
  - e. Signs.  
Appropriateness of signs considering location, height, size, and design within the context of other property in the area.
  - f. Utilities.  
Location and availability of utilities is provided.
  - g. Open Spaces.  
Location of required yards and other open spaces and preservation of existing trees and other natural features is provided.
  - h. Environmental Protection.  
Is in compliance with landscape, floodplain, watershed, wetlands, steep slopes, open space and other natural feature requirements.
  - i. Screening, Buffering and Landscaping.  
Installation of screening, buffering, fencing and landscaping where necessary to protect adjacent property is provided.
  - j. Effect on Adjacent Property.  
Effects of the proposed use on nearby property, including, but not limited to, the effects of noise and odor is mitigated.
  - k. Compatibility.  
The level of general compatibility with nearby properties and the appropriateness of the use in relationship to other properties is provided.

**THIS APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL ALL PLANS HAVE BEEN SUBMITTED AND REVIEWED BY CITY STAFF. PLEASE BE AWARE THAT IF PLANS ARE INCOMPLETE, A HEARING WILL NOT BE SCHEDULED.**

**I UNDERSTAND THAT THE BURDEN IS UPON ME, THE APPLICANT, TO PRODUCE COMPETENT MATERIAL AND SUBSTANTIAL EVIDENCE TO ESTABLISH THE EXISTENCE OF FACTS, STANDARDS AND CONDITIONS WHICH THE ORDINANCE REQUIRES UNDER SECTION 3-7.1 *SPECIAL USE OF THE***



CITY OF MARION UNIFIED DEVELOPMENT ORDINANCE.

I CERTIFY THAT ALL OF THE INFORMATION PRESENTED IN AND WITH THIS APPLICATION IS TO THE BEST OF MY KNOWLEDGE, IS TRUE, COMPLETE AND ACCURATE.

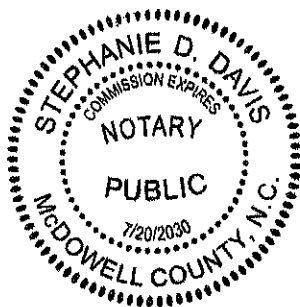
Joseph A. Rabon  
SIGNATURE OF APPLICANT

9-4-25  
DATE

STATE OF NORTH CAROLINA  
COUNTY OF McDOWELL

I, Stephanie D. Davis a Notary Public, certify that Joseph Rabon personally came before me this day and acknowledged the due execution of the foregoing instrument. IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal, this the 4<sup>th</sup> day of Sept, 20 25.

SEAL:



Stephanie D. Davis  
Notary Public Signature

My Commission Expires 7/20/2030



 employee parking

City of Marion

City of Marion

4335

3-4 Customer  
Parking  
(One handicapped)

Existing  
Sign

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LANDSCAPING  
○ - Tree  
x - Shrub

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