



**Town Council
Regular Meeting
December 19, 2023, at 9:30 a.m.**

THIS MEETING WILL BE HELD ELECTRONICALLY AND IN PERSON
Please visit www.laurelpark.org for more information

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Public Comment**
- 4. Approval of the Agenda**
- 5. Consent Agenda**
 - A. November Monthly Report
 - B. Minutes for the November 16, 2023 Work Session
 - C. Closed Session Minutes for November 16, 2023
 - D. Minutes for the November 21, 2023 Regular Meeting
 - E. Closed Session Minutes for November 21, 2023
 - F. Audit Contract Extension
 - G. Ordinance 2024-4 - Budget Amendment #3
- 6. Old Business**
 - A. Ecusta Crossing Final Plat
- 7. New Business**
 - A. Organizational meeting
 - 1) 2024 Town Council Schedule of Meetings/Holidays
 - 2) Review of Council board representatives
 - 3) Mayor Pro Tem Nomination
 - 4) Budget Calendar
 - B. LGCCA Items to be discussed on January 16, 2024
 - C. BOA Rules of Procedure
 - D. Bee City Sign
 - E. Community Foundation of Western Carolina and Dogwood Trust Grant Discussion
- 8. Town Manager's Report**
- 9. Department Head Reports**
 - A. Public Works
 - B. Fire Department
 - C. Police
 - D. Administration
- 10. Mayor and Commissioner Comments**
- 11. Adjournment**



TOWN OF LAUREL PARK
AGENDA ITEM SUMMARY

Title of Item: Consent Agenda

Presenter: Mayor J. Carey O’Cain

Attachment(s): Yes/No

- Monthly Report
- Audit Contract Extension
- Ordinance 2024-4 - Budget Amendment #3

Summary of Item:

The monthly report, Audit Contract Extension and Ordinance 2024-4 Budget Amendment #3 are attached.

Council Action Requested:

Staff requests the Town Council review the consent agenda.

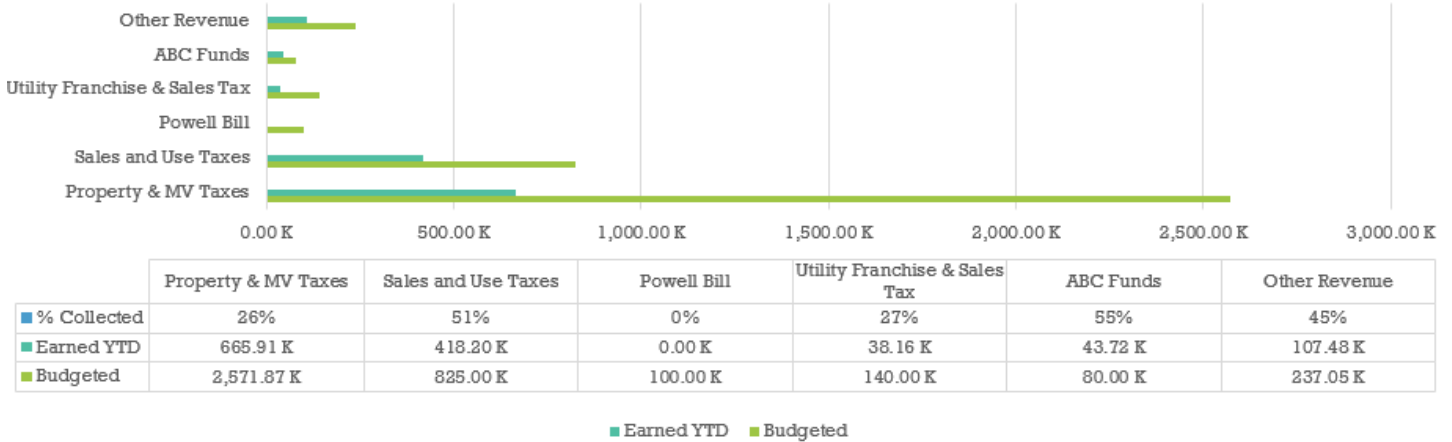
Suggested Motion:

Move to approve the consent agenda.

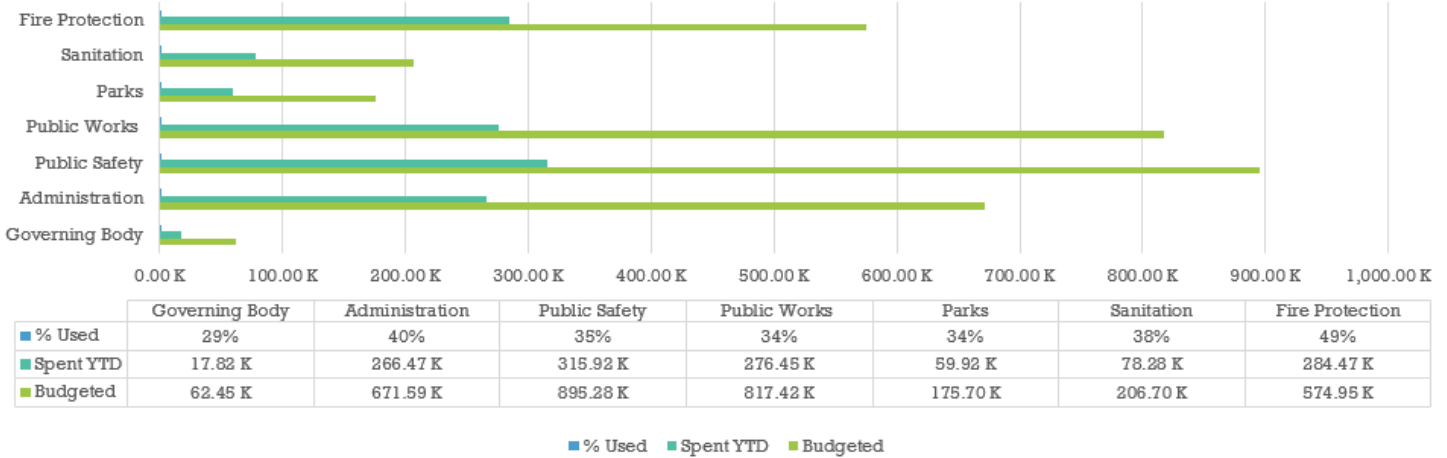


November Monthly Report

Revenues



Expenditures



Tax Collector's Report (November 30, 2023)

For prior year taxes, a total of \$30423.15 remains outstanding. The Town received \$864,102.88 from Henderson County for property taxes collected for August and a total of \$1,591,659.86 since the 2023 bills were mailed. The 2023 tax levy is \$2,571,274.43. The Town currently has a collection rate of 62.018%.



Planning & Zoning

Status of Single Family Residential Dwellings (SFRD)

2021-19	212 Beechwood	Jennifer Yost	UC
2022-1	312 Daniel Dr.	Chris St. Onge	UC
2022-23	74 Indian Woods Trl	Jon Skillman	UC
2022-31	10 Fawn Turn Ln	Sigfrid Della Valle	UC
2022-38	209 Ficker Cir.	Sarah Adams	UC
2022-44	945 Somersby Pkwy.	Matt Padula	UC
2023-4	200 Rowland Dr.	Loyd Alexander	LPZCP
2023-5	PIN# 9548467175/Clays Cv.	Josh Youngblood	LPZCP
2023-29	PIN# 9558252937	Chris Brock	UC

Status Legend

LPZCP = Laurel Park Zoning Compliance Permit

HCBP = Henderson County Building Permit

UC = Under Construction

NC = Nearly Complete

Monthly Permits Other Than SFRD

Deck	0
Sign	0
Fence	1
Additions or Remodel	1
Accessory Use or Structure	0
Total for November	2

Whereas	Primary Government Unit Town of Laurel Park
and	Discretely Presented Component Unit (DPCU) (if applicable)
and	Auditor Burluson & Earley, P.A.

entered into a contract in which the Auditor agreed to audit the accounts of the Primary Government Unit and DPCU (if applicable)

for	Fiscal Year Ending 06/30/23	and originally to be submitted to the LGC on	Date 10/31/23
-----	--------------------------------	----------------------------------------------	------------------

hereby agree that it is now necessary that the contract be modified as follows.

<input checked="" type="checkbox"/> Modification to date submitted to LGC <input type="checkbox"/> Modification to fee	Original date 10/31/23	Modified date 01/31/24
	Original fee	Modified fee

Primary **Other**
(choose 1)(choose 0-2)

Reason(s) for Contract Amendment

- Change in scope
- Issue with unit staff/turnover
- Issue with auditor staff/workload
- Third-party financial statements not prepared by agreed-upon date
- Unit did not have bank reconciliations complete for the audit period
- Unit did not have reconciliations between subsidiary ledgers and general ledger complete
- Unit did not post previous years adjusting journal entries resulting in incorrect beginning balances in the general ledger
- Unit did not have information required for audit complete by the agreed-upon time
- Delay in component unit reports
- Software - implementation issue
- Software - system failure
- Software - ransomware/cyberattack
- Natural or other disaster
- Other (please explain)

Plan to Prevent Future Late Submissions

If the amendment is submitted to modify the date the audit will be submitted to the LGC, please indicate the steps the unit and auditor will take to prevent late filing of audits in subsequent years. Audits are due to the LGC four months after fiscal year end. Indicate NA if this is an amendment due to a change in cost only.

The Town's Finance Officer left in January 2023. The Town was unable to find the permanent replacement until mid-July 2023. New to the position, the finance officer had to train and acclimate in his position with the town, in addition to prepare for the Town's audit. The Town has not historically filed late audits. Continuation below:

Additional Information


Please provide any additional explanation or details regarding the contract modification.

Additional time is required to finalize the audit fieldwork and the audit report. With the holidays, we included the extension of time requested to 1/31/24 to insure enough time to complete.

By their signatures on the following pages, the Auditor, the Primary Government Unit, and the DPCU (if applicable), agree to these modified terms.

SIGNATURE PAGE

AUDIT FIRM

Audit Firm* Burleson & Earley, P.A.	
Authorized Firm Representative* (typed or printed) Bronwyn S. Burleson CPA	Signature* 
Date* 11/27/23	Email Address bburleson@burlesonearley.com

GOVERNMENTAL UNIT

Governmental Unit* Town of Laurel Park	
Date Primary Government Unit Governing Board Approved Amended Audit Contract* (If required by governing board policy)	
Mayor/Chairperson* (typed or printed) J. Carey O'Cain	Signature*
Date	Email Address mayor@laurelpark.org

Chair of Audit Committee (typed or printed, or "NA") N/A	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT

(Pre-audit certificate not required for hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* Kirk Medlin	Signature*
Date of Pre-Audit Certificate*	Email Address* finance@laurelpark.org

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU	
Date DPCU Governing Board Approved Amended Audit Contract (If required by governing board policy)	
DPCU Chairperson (typed or printed)	Signature
Date	Email Address

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE
ONLY REQUIRED IF FEES ARE MODIFIED IN THE AMENDED CONTRACT
(Pre-audit certificate not required for hospitals)

Required by G.S. 159-28(a1) or G.S. 115C-441(a1)

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)	Signature
Date of Pre-Audit Certificate	Email Address

Ord. 2024-4
Town of Laurel Park, North Carolina
Budget Ordinance Amendment
Fiscal Year 2023-2024
Amendment #3

To record the addition of funds from the Town and from public contributions to provide additional funding for the Town’s Invasive Vine removal project.

Section 1. To amend the General Fund (10), the appropriations are to be changed as follows:

<u>Account</u>	<u>Decrease</u>	<u>Increase</u>
Part-Time Salary (10-6130-1260)		\$ 20,000.00
Park Contributions (10-3833-8400)		\$ 15,000.00
Equipment and Supplies (10-6130-2940)	\$ 5,000.00	
	_____	_____
Total Changes	\$ 20,000.00	\$ 20,000.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Town Council, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 19th day of December, 2023.

ATTEST:

 J. Carey O’Cain, Mayor

 Tamara Amin, CMC, NCCMC
 Town Clerk/Deputy Tax Collector



TOWN OF LAUREL PARK
AGENDA ITEM SUMMARY

Title of Item: Ecusta Crossing Final Plat

Presenter: Town Manager Alex Carmichael

Attachment(s): Yes/No

- Site Plan
- Plans
- Staff Memo
- Final Plat Checklist
- Required Certificates
- Plat
- 2018 -2 Order Granting Conditional Use Permit
- Improvements Guarantee Agreement
- Improvement Guarantee Diagram
- Cost for Completion of Road Paving and Sanitary Lift Station
- Mike Anderson Letter

Summary of Item:

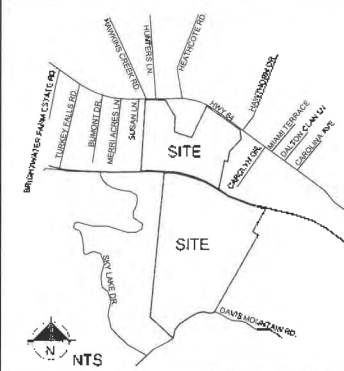
Council directed Staff to postpone the final plat discussion until the December 19, regular meeting to allow the developer time to produce a final plat that showed individual setbacks.

Council Action Requested:

Review and Discuss Final Plat for Ecusta Crossing.

Suggested Motion:

Move to approve/approve with conditions/deny the Ecusta Crossings Subdivision final plat contingent upon execution of the improvements guarantee agreement to install said improvements.



Vicinity Map 04

NAME OF SUBDIVISION	COTTAGES AT ARCADIA VIEWS PHASE 1	
LOCATION	BREVARD RD & DAVIS MOUNTAIN RD LAUREL PARK, NORTH CAROLINA	
OWNER/DEVELOPER	WXZ ACQUISITION, LLC 27230 FARMHOP CENTER DR SUITE 100 FARMVIEW PARK, OHIO 44128	
LANDSCAPE ARCHITECT	CLINE DESIGN ASSOCIATES, PA 123 W HARRINGTON STREET RALEIGH, NORTH CAROLINA 27603	
SURVEYOR	ASSOCIATED LAND SURVEYORS P.O. BOX 378 HORSE SHOE, NORTH CAROLINA 28742	
ENGINEER	WDC 204 STONE RIDGE BLVD ASHEVILLE, NORTH CAROLINA 28804	
PI	95559-21-7758	
TOTAL PROJECT AREA	90.8 AC (OVERALL)	
PHASE 1 PROJECT AREA	~18.0 AC	
EXISTING ZONING	R20/R30	
PROPOSED ZONING	RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUR) (FORM OF LAUREL PARK)	
PROPOSED UNITS	58 (58 DUPLEX COVAGES)	
OVERALL IMPERVIOUS SURFACE (EST.)	24% MAX	
IMPERVIOUS SURFACE (EST.)	33% (PHASE 1)	
LANDSCAPE AREA TO BE W/IN 50% OF SITE		
PARKING REQUIRED	142 SPACES (58 UNITS X 2 SPACES PER UNIT)	
PARKING PROVIDED	154 TOTAL SPACES (1 GARAGE PLUS 1 TANDUM DRIVEWAY 112 SPACES) (QUEVET PARKING - 40 SPACES)	
RPUR RESIDENTIAL DIMENSIONAL REQUIREMENTS		
MIN. LOT AREA	OPEN RANGE	PROPOSED
MIN. AREA OF HEATED STRUCTURE	1,300 SF	1,300 SF
MIN. FRONT BUILDING SETBACK	30'	NA
MIN. SIDE BUILDING SETBACK	30'	NA
MIN. REAR BUILDING SETBACK	30'	NA
MAX. BUILDING HEIGHT	30'	35'
MIN. UNITS PER ACRE	30'	30'
FIRE DISTRICT	VALLEY HILL	
WATER SUPPLY WATERSHED	SUPPER FRENCH BROAD WWSW/SP	
WATER	PUBLIC (LAUREL PARK)	
SEWER	PUBLIC (WEDDERSVILLE)	
DISTANCE TO PUBLIC WATER SUPPLY	415'	
DISTANCE TO PUBLIC SEWER SUPPLY	2,800'	
TRASH	PUBLIC (LAUREL PARK)	

Site Data 03

NOTES 02

DATE: 06/16/2017
PROJECT: 014085

NOTES:
-50% PORTION OF THE SITE IS WITHIN THE 100-YR FLOODPLAIN BASED ON FEMA FLOOD INSURANCE RATE MAPS 37012-0000-B & 37012-0005-B.
-PUBLIC ROAD CONSTRUCTION SHALL MEET TOWN OF LAUREL PARK DESIGN STANDARDS.
-ALL EXPOSED SURFACES TO BE COVERED WITH A PERMANENT PLANT, MULCH, OR OTHER SIMILAR NATURAL MATERIAL.

RPUR CONDITIONAL USE / PRELIMINARY PLAT APPLICATION

NOT FOR CONSTRUCTION

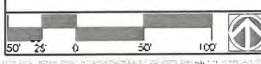
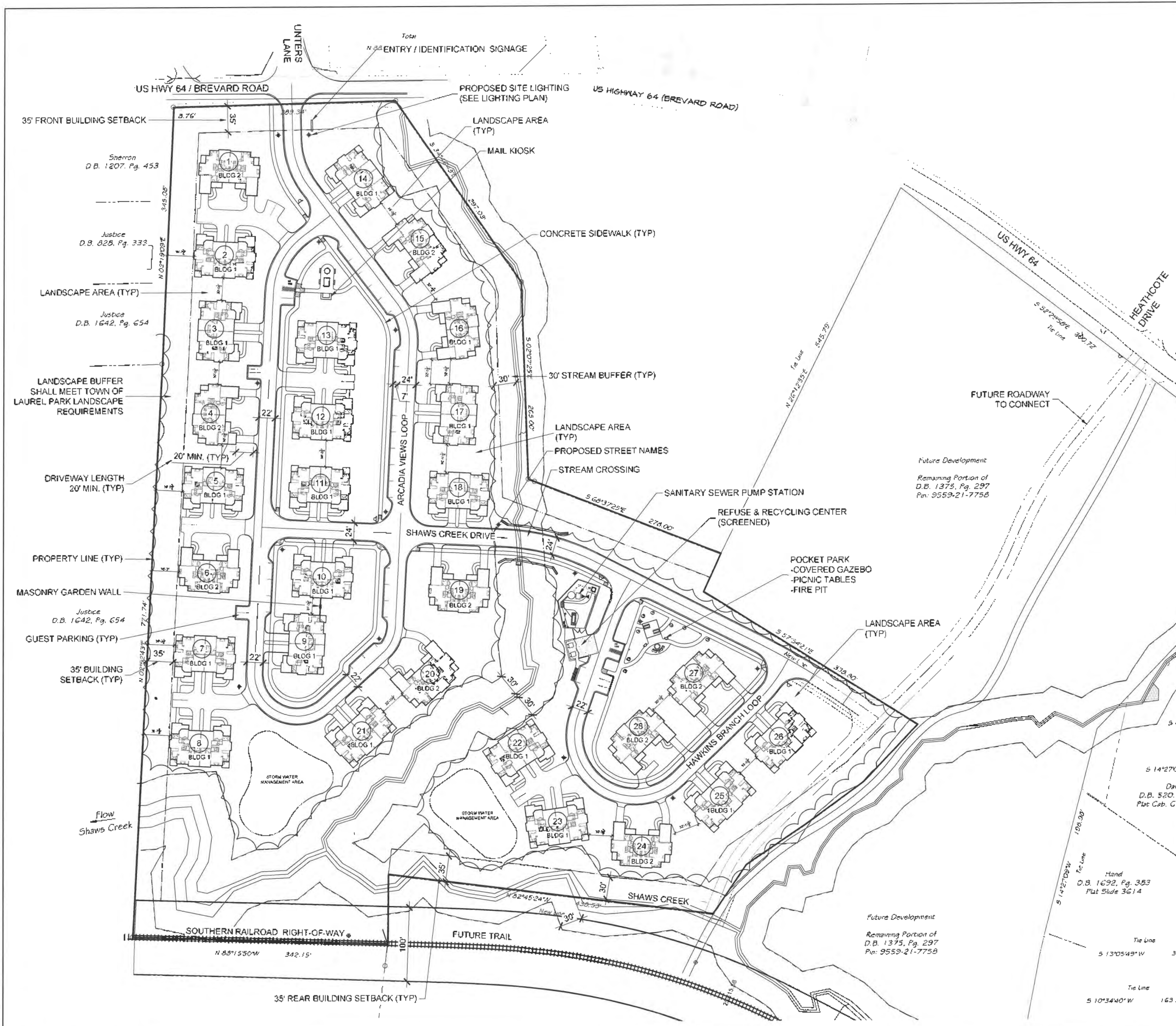
NOT FOR CONSTRUCTION

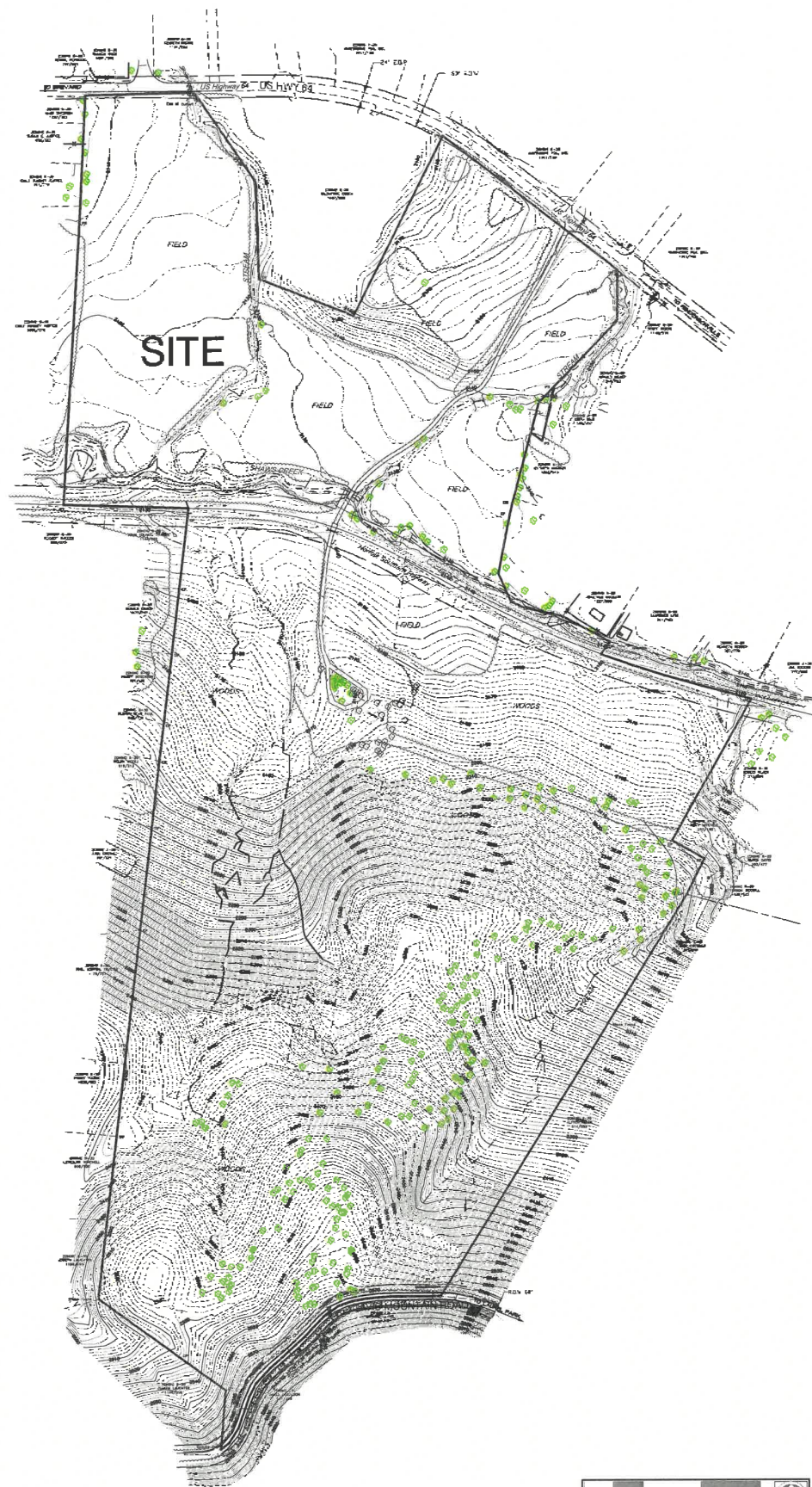
PROJECT:	014085
DATE:	06/16/2017
REVISIONS:	DATE
Prepared per Town's Criteria 01.06.17	
Revised per Town's Criteria 01.10.18	

DRAWN BY:	
CHECKED BY:	
PRELIMINARY SITE PLAN	

Preliminary Site Plan 01

SD1.00





COTTAGES AT ARCADIA VIEWS (PHASE 1)



125 N. Hargett St.
Raleigh, NC 27603
919/833-6423
919/836-4380 FAX
ClineDesignAssoc.com



Laurel Park, North Carolina

DEVELOPER:	WXZ /SG ACQUISITION, LLC Fairview Park, Ohio
ARCHITECT:	CLINE DESIGN ASSOCIATES, PA Raleigh, North Carolina
LANDSCAPE ARCHITECTURE :	CLINE DESIGN ASSOCIATES, PA Raleigh, North Carolina
CIVIL:	MDG Asheville, North Carolina
SURVEYOR:	ASSOCIATED LAND SURVEYORS Horse Shoe, North Carolina

SHEET INDEX:

Overall Density Exhibit	
Preliminary Site Layout Plan	SD1.00
Civil Infrastructure Plan	C-1
Civil Infrastructure Plan - West	C-2
Civil Infrastructure Plan - East	C-3
Preliminary Typical Building Landscape Plan	LP1.10
Landscape Plant Palette	LP1.11
Floor Plan Building 1	A1.01
Floor Plan Building 2	A1.02
Building Elevations Building 1	A2.01
Building Elevations Building 2	A2.02
Perspective View	A3.01

SETS ISSUED:

07/06/2017	Revised per Town's Comments

RPUD CONDITIONAL USE /
PRELIMINARY PLAT APPLICATION
NOT FOR CONSTRUCTION
June 16, 2017



MEADOW AREA A
PHASE 1
16.0 ACRES
56 UNITS
3.63 UNITS PER ACRE ATTACHED

MEADOW AREA B
12.7 ACRES
51 UNITS
4.0 UNITS PER ACRE ATTACHED

MID MOUNTAIN AREA B
6.9 ACRES
16 UNITS
2.3 UNITS PER ACRE ATTACHED

MID MOUNTAIN AREA A
12.3 ACRES
49 UNITS
4.0 UNITS PER ACRE ATTACHED

MID MOUNTAIN AREA C
15.3 ACRES
0 UNITS

UPPER MOUNTAIN AREA
27.4 ACRES
27 UNITS
1 UNIT PER ACRE

DEVELOPMENT DATA

AREA (ACRES)	UNITS	DENSITY (UN/AC)	BUILT UPON AREA (ACRES)	% BUILT UPON AREA
MEADOW AREA 'A'	56	3.63	5.5	34
MEADOW AREA 'B'	51	4.0	4.9	39
MID MOUNTAIN AREA 'A'	49	4.0	4.83	39
MID MOUNTAIN AREA 'B'	16	2.3	1.5	23
MID MOUNTAIN AREA 'C'	0	0	0	0
UPPER MOUNTAIN AREA	27	1.0	4.09	15
TOTAL	199	2.2	21.0	23%
AC.	90.6	UN/AC	AC.	

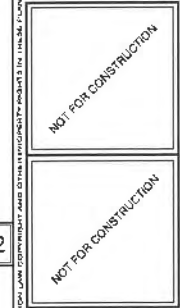
NOTE: TOTALS OVERALL ACREAGE 90.6 ACRES LESS 0.17 ACRES OF PAVEMENT IN HALF OF DAVIS MOUNTAIN ROAD FOR 90.6 ACRES USED IN THE WATERSHED CALCULATION TABLE



Cottages at Arcadia Views (Phase 1)

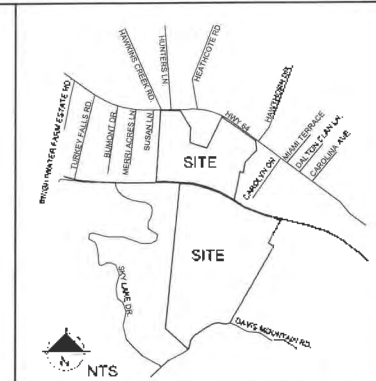
Laurel Park, North Carolina

RPUD CONDITIONAL USE / PRELIMINARY PLAT APPLICATION



PROJECT #14889	DATE: 06.16.2017
REVISIONS:	DATE
Revised per Towns Center 07.06.17	
Revised per Towns Center 01.10.18	
DRAWN BY:	
CHECKED BY:	
PRELIMINARY SITE PLAN	

SD1.00



Vicinity Map 04

NAME OF SUBDIVISION	COTTAGES AT ARCADIA VIEWS PHASE 1	
LOCATION	BREVARD RD & DAVIS MOUNTAIN RD LAUREL PARK, NORTH CAROLINA	
OWNER/DEVELOPER	WXZ ACQUISITION, LLC 22750 HARRISON CENTER DR SUITE 100 FAIRVIEW PARK, OHIO 44135	
LANDSCAPE ARCHITECT	CLINE DESIGN ASSOCIATES, PA 123 N HARRINGTON STREET RALEIGH, NORTH CAROLINA 27603	
SURVEYOR	ASSOCIATED LAND SURVEYORS P.O. BOX 579 HORSE SHOE, NORTH CAROLINA 28742	
ENGINEER	MDG 204 STONE RIDGE BLVD ASHEVILLE, NORTH CAROLINA 28804	
PI	35559-21-7758	
TOTAL PROJECT AREA	90.8 AC (OVERALL)	
PHASE 1 PROJECT AREA	4.7-16.0 AC	
EXISTING ZONING	R20/R30	
PROPOSED ZONING	RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) (TOWN OF LAUREL PARK)	
PROPOSED UNITS	56 (28 DUPLEX COTTAGES)	
OVERALL IMPERVIOUS SURFACE (EST.)	21% MAX	
IMPERVIOUS SURFACE (EST.) (LANDSCAPE AREA TO BE MIN. 50% OF SITE)	33% (PHASE 1)	
PARKING REQUIRED (5% UNITS X 2 SPACES PER UNIT)	112 SPACES	
PARKING PROVIDED (1 GARAGE PLUS 1 TANDUM DRIVEWAY= 112 SPACES) (GUEST PARKING= 40 SPACES)	152 TOTAL SPACES	
RPUD RESIDENTIAL DIMENSIONAL REQUIREMENTS		
MIN. LOT AREA	DISCREPANCY	PROPOSED
MIN. AREA OF HEATED STRUCTURE	1,500 SF	1,700 SF
MIN. FRONT YARD SETBACK	30'	NA
MIN. SIDE BUILDING SETBACK	30'	NA
MIN. REAR BUILDING SETBACK	30'	NA
MAX. BUILDING HEIGHT	30'	NA
MIN. BUILDING SEPARATION	30'	30'
FIRE DISTRICT	VALLEY HILL	
WATER SUPPLY WATERSHED	UPPER FRENCH BROAD WSPS/SP	
SEWER	PUBLIC(LAUREL PARK)	
DISTANCE TO PUBLIC WATER SUPPLY	425'	
DISTANCE TO PUBLIC SEWER SUPPLY	340'	
TRAIN	PUBLIC (LAUREL PARK)	

Site Data 03

NOTES 02

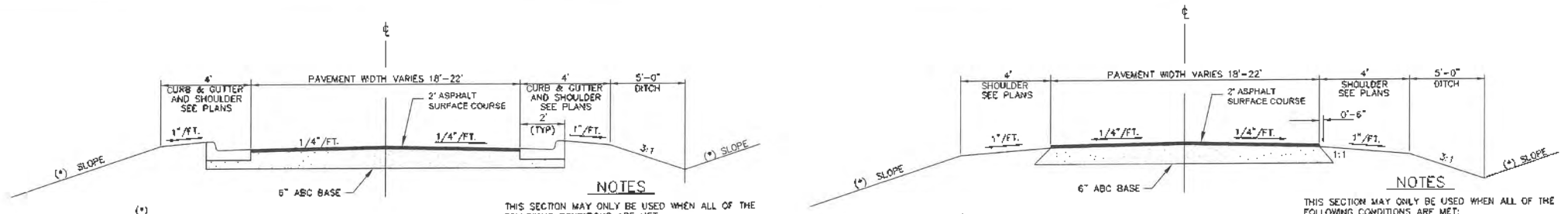
NOTES:
 -NO PORTION OF THE SITE IS WITHIN THE 100YR FLOODPLAIN BASED ON FEMA FLOOD INSURANCE RATE MAPS 37042-0002-0 & 37012-0002-0.
 -PUBLIC ROAD CONSTRUCTION SHALL MEET TOWN OF LAUREL PARK DESIGN STANDARDS.
 -ALL EXPOSED SURFACES TO BE COVERED WITH A PERMANENT PLANT, MULCH, OR OTHER SIMILAR MATERIAL.

NOTES 02

PROJECT #14889	DATE: 06.16.2017
REVISIONS:	DATE
Revised per Towns Center 07.06.17	
Revised per Towns Center 01.10.18	
DRAWN BY:	
CHECKED BY:	
PRELIMINARY SITE PLAN	

Preliminary Site Plan 01
 Scale: 1" = 50'





TERRAIN LEVEL ROLLING HILLY
MAX. SLOPE 2:1
1-1/2:1

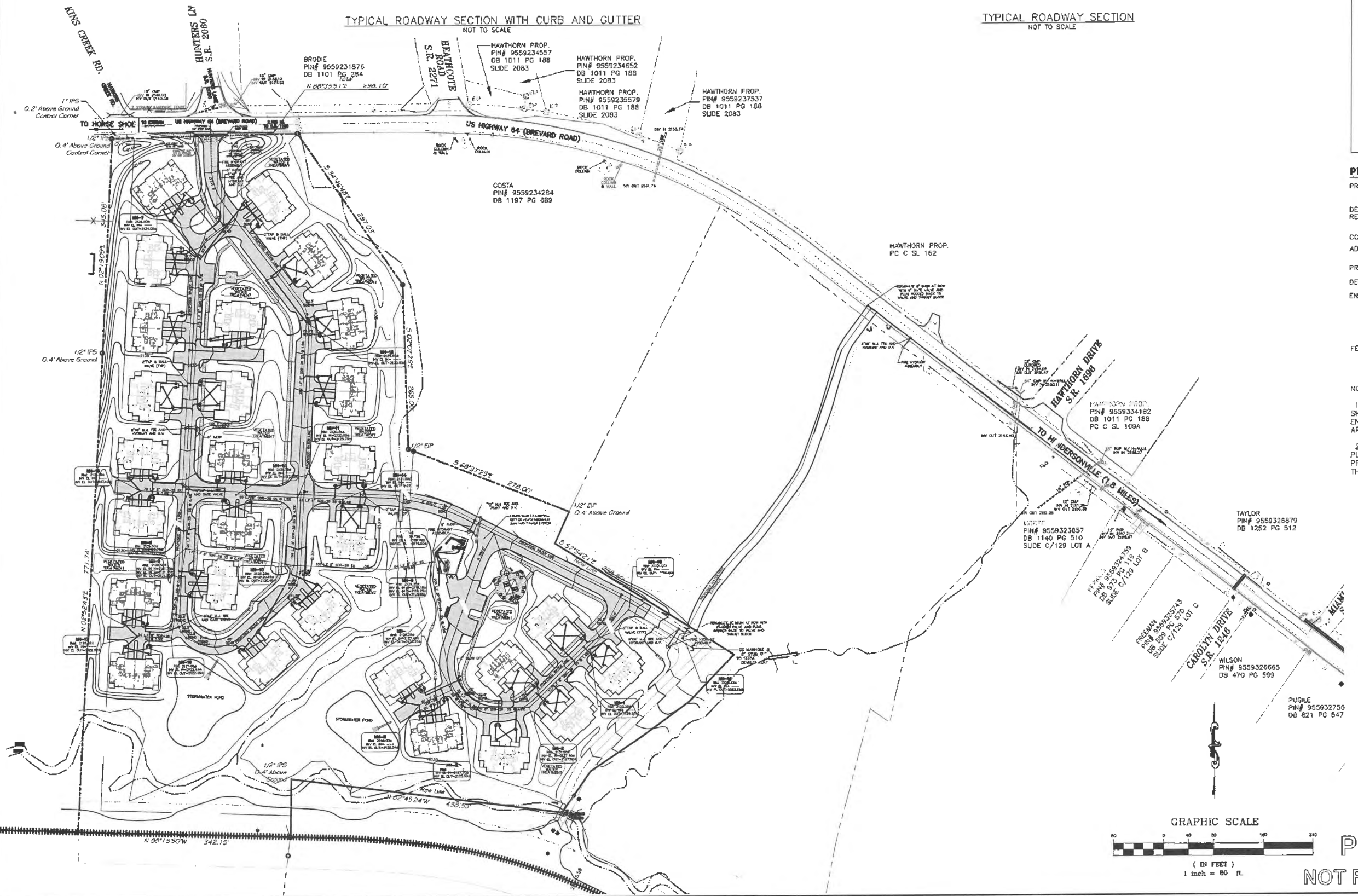
NOTES
THIS SECTION MAY ONLY BE USED WHEN ALL OF THE FOLLOWING CONDITIONS ARE MET:
1. STREET VERTICAL GRADE SHALL NOT EXCEED 18% AT ANY POINT.
2. SWALE SYSTEM DESIGNED TO CARRY AT LEAST THE 10 YEAR STORM.
3. VELOCITY WITHIN THE SWALE SHALL BE NON-EROSIVE.
4. DETAILED DRAINAGE CALCULATIONS REQUIRED.

TERRAIN LEVEL ROLLING HILLY
MAX. SLOPE 2:1
1-1/2:1

NOTES
THIS SECTION MAY ONLY BE USED WHEN ALL OF THE FOLLOWING CONDITIONS ARE MET:
1. STREET VERTICAL GRADE SHALL NOT EXCEED 18% AT ANY POINT.
2. SWALE SYSTEM DESIGNED TO CARRY AT LEAST THE 10 YEAR STORM.
3. VELOCITY WITHIN THE SWALE SHALL BE NON-EROSIVE.
4. DETAILED DRAINAGE CALCULATIONS REQUIRED.

TYPICAL ROADWAY SECTION WITH CURB AND GUTTER
NOT TO SCALE

TYPICAL ROADWAY SECTION
NOT TO SCALE



LEGEND

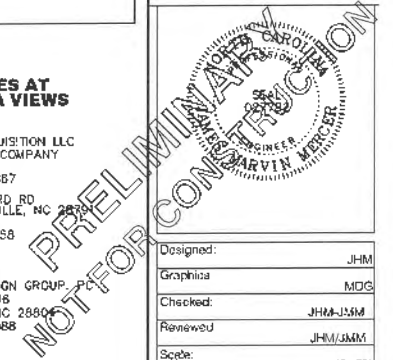
PROPOSED P-1
XX L.F., XX' CURB/DOVE
STA. 2000.00
BY OUT = 2000.00

	PROPOSED CURB/SHOULDER LABEL
	PROPOSED STREET NAME
	PROPOSED METER INSET
	PROPOSED MATCH LINE
	PROPOSED BELL FENCE
	EXISTING MATCH LINE
	EXISTING STREET NAME
	EXISTING STREET NAME LABEL
	LIMITS OF CONSTRUCTION
	PROPOSED STORM PIPE
	PROPOSED STORM PIPE PROTECTION
	PROPOSED OUTLET INLET
	TEMPORARY ELEVATION
	PROPOSED HEADWALL
	PROPOSED CATCH BASIN
	PROPOSED JUNCTION BOX
	PROPOSED HEADWALL REFERENCE LABEL
	PROPOSED CATCH BASIN REFERENCE LABEL
	PROPOSED STORM INLET REFERENCE LABEL
	EXISTING WATER CONTROL
	EXISTING WATER CONTROL
	PROPOSED FENCE
	PROPOSED SPOT ELEVATION
	PROPOSED TOP OF CURB ELEVATION
	EXISTING STORM INLET
	EXISTING CATCH BASIN
	CONSTRUCTION DISTANCE
	TEMPORARY STREAM BANK

PROJECT DATA

PROJECT: COTTAGES AT ARCADIA VIEWS
DEVELOPER/FINANCIALLY RESPONSIBLE PARTY: WK2 SC ACQUISITION LLC AN OHIO LL COMPANY
CONTACT NUMBER: 440-476-9867
ADDRESS: 2710 BREVARD RD HENDERSONVILLE, NC 28043
PROJECT PIN: 9559-21-7758
DEED BOOK: 1375/297
ENGINEER: MERCER DESIGN GROUP, PC P.O. BOX 1516 ASHEVILLE, NC 28802 828-645-7088
FEMA PANEL: 3700955900J (DATED 10-02-2008) NO FEATURES IN VICINITY

- NOTES:
1. PUBLIC WATER AND SANITARY SEWER SYSTEM SHALL BE DESIGNED BY A LICENSED NC PROFESSIONAL ENGINEER AND SHALL BE PERMITTED THROUGH APPLICABLE LOCAL AND STATE AUTHORITIES.
 2. EROSION CONTROL AND STORMWATER CONTROL PLANS SHALL BE DESIGNED BY A LICENSED NC PROFESSIONAL ENGINEER AND SHALL BE PERMITTED THROUGH APPLICABLE LOCAL AND STATE AUTHORITIES.



NO.	REVISIONS/SUBMISSIONS	DATE

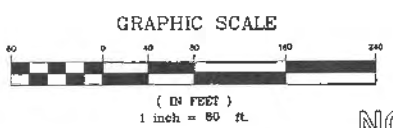
MDG
ENGINEERING EXCELLENCE
Civil

8308 WILSON AVE. SUITE 100
ASHEVILLE, NC 28806
828-645-7088
www.mdgnc.com

COTTAGES AT ARCADIA VIEWS
LAUREL PARK, NORTH CAROLINA
CIVIL INFRASTRUCTURE PLAN

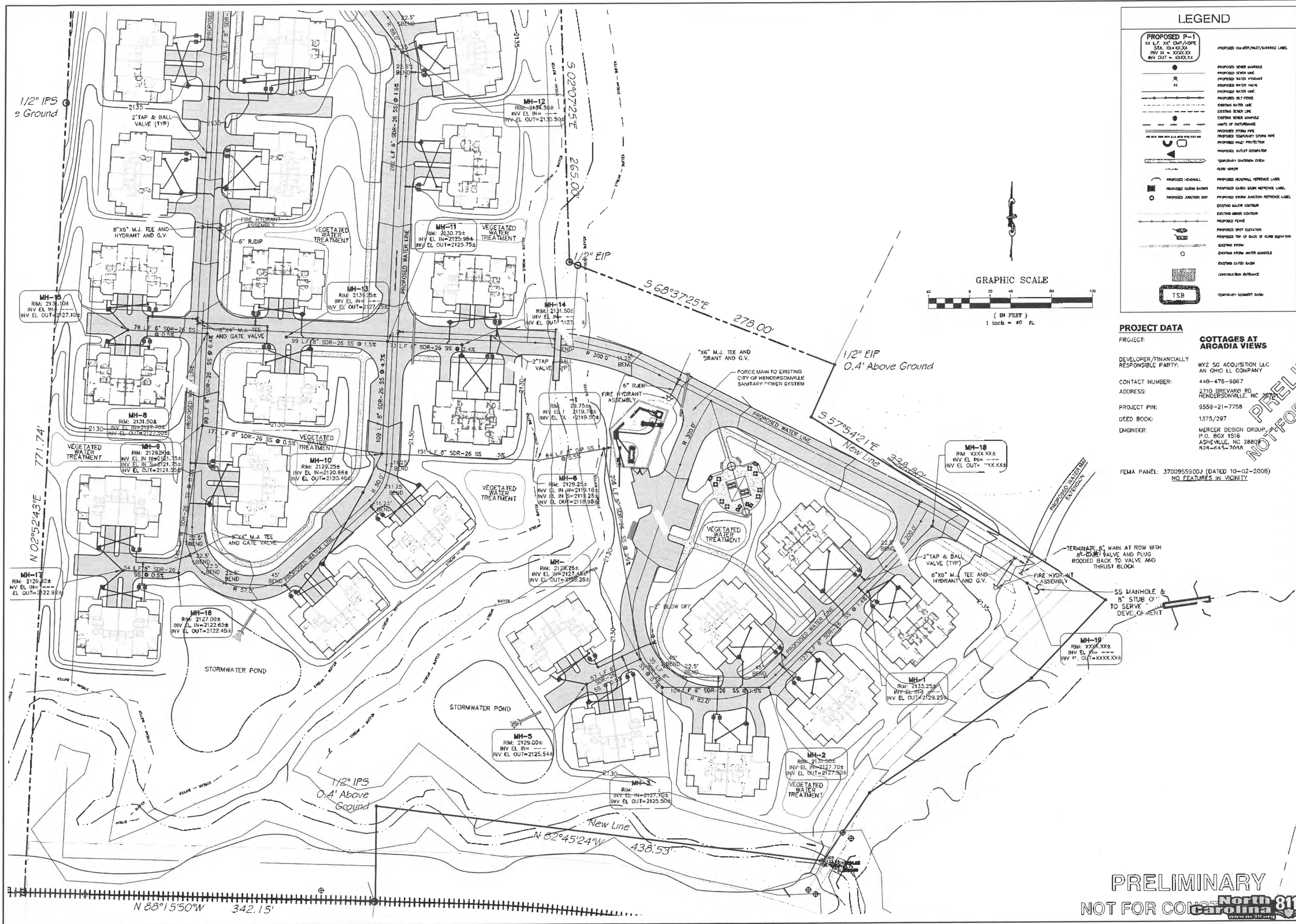
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PRELIMINARY
NOT FOR CONSTRUCTION





LEGEND

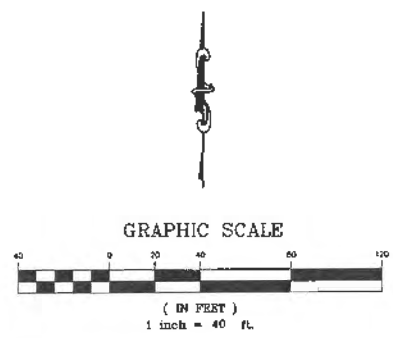
PROPOSED P-1
XX LF, XX" CMP/HOPE
STA. XX+XX.XX
INV IN = XXXX.XX
INV OUT = XXXX.XX

PROPOSED DRAIN/PALET/WHOLE LABEL

PROPOSED SEWER MANHOLE
PROPOSED SEWER LINE
PROPOSED WATER HYDRANT
PROPOSED WATER TAP
PROPOSED WATER LINE
PROPOSED SILT FENCE
EXISTING WATER LINE
EXISTING SEWER LINE
EXISTING SEWER MANHOLE
LIMITS OF DISTURBANCE
PROPOSED STORM PIPE
PROPOSED TEMPORARY STORM PIPE
PROPOSED PALET PROTECTOR
PROPOSED OUTLET ORIFICE
TEMPORARY EXISTENCE DRAIN
FLOW ARROW
PROPOSED HEADWALL
PROPOSED GARCH BAKER
PROPOSED JUNCTION BOX

PROPOSED HEADWALL REFERENCE LABEL
PROPOSED GARCH BAKER REFERENCE LABEL
PROPOSED STORM JACKSON REFERENCE LABEL
EXISTING MANHOLE COURTESY
EXISTING WATER COURTESY
PROPOSED FENCE
PROPOSED SPOT ELEVATION
PROPOSED TOP OF BACK OF CURB ELEVATION
EXISTING STORM
EXISTING STORM WATER MANHOLE
EXISTING GARCH BAKER
CONSTRUCTION BOUNDARY
TEMPORARY EXISTENCE BOUNDARY

TSB



PROJECT DATA

PROJECT: COTTAGES AT ARCADIA VIEWS

DEVELOPER/FINANCIALLY RESPONSIBLE PARTY: WXYZ SQ ACQUISITION LLC AN OHIO LL COMPANY

CONTACT NUMBER: 440-476-9867

ADDRESS: 2710 BREVARD RD HENDERSONVILLE, NC 28759

PROJECT PIN: 9559-21-7758

DEED BOOK: 1375/297

ENGINEER: MERCER DESIGN GROUP, P.C. P.O. BOX 1516 ASHEVILLE, NC 28806 XZR-645-7000

FEMA PANEL: 3700955900J (DATED 10-02-2008)
NO FEATURES IN VICINITY

NO.	REVISIONS/SUBMISSIONS	DATE

DESIGNED: JHM
GRAPHICS: MDG
CHECKED: JHM/JMM
REVIEWED: JHM/JMM
SCALE: 1" = 40'
DATE: Jul 05 2017 4:28pm



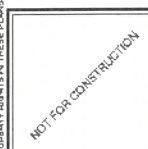
COTTAGES AT ARCADIA VIEWS

HENDERSON COUNTY
DRAWING TITLE: **INFRASTRUCTURE PLAN - SOUTH**

LAUREL PARK, NORTH CAROLINA

Sheet No: OF NO
Sheet: **C-3**
Project No: **17-087**

PRELIMINARY
NOT FOR CONSTRUCTION



PROJECT: 014005	DATE: 06 18 2017
REVISIONS:	DATE:
Revised per Town's Condit: 07 08 17	

DRAWN BY:
CHECKED BY:
PRELIMINARY TYPICAL
LANDSCAPE PLANS
AND LIGHTING FIXTURE



NOTES:
-SEE SHEET LP1.11 FOR LANDSCAPE PLANTING SCHEDULE
PALLETT



LED Solutions
Offered by Duke Energy*



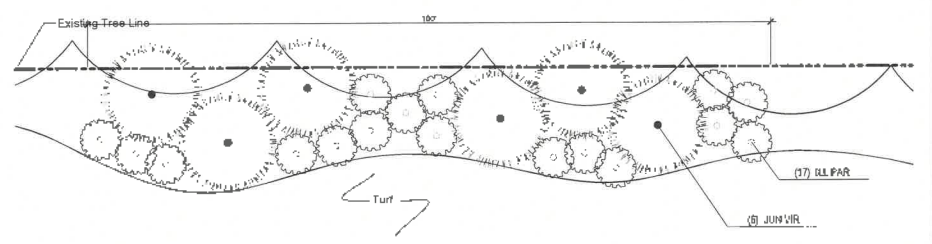
Traditional Luminaire
Application uses: residential and commercial areas
LED lantern-style fixture that creates a traditional appearance and illuminates walkways, residential communities or small parking areas safely and with style.

Typical Site Lighting Fixture 03

PLANT SCHEDULE

TREES	QTY	BOTANICAL NAME	COMMON NAME	CAL.	HT.	SPR.	REMARKS
*JUN VIR	6	Juniperus virginiana	Eastern Red Cedar	-	6-8'	4-6'	Full to Ground, Watched
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	HT.	SPR.	REMARKS	
**ILL PAR	17	Ilicium parviflorum	Anise Tree	35-48"	24-36"	Full	

* Alternate: See Evergreen Understory Trees LP1.11
** Alternate: Needlepoint Holly



Typical 100' Buffer Planting and Schedule 02
Scale: 1" = 10'

Preliminary Typical Building Landscape Plan 01
Scale: 1" = 10'

CANOPY TREES



Sycamore*



Sugar Maple*



Red Maple*



Scarlet Oak*



Laurel Oak



Elm



Southern Magnolia



White Oak*

UNDERSTORY TREES



Flowering Dogwood*



Eastern Redbud*



Flowering Cherry



Grape Myrtle



Carolina Cherry Laurel*



Hemlock*



Eastern Red Cedar*



Nellie Stevens Holly



Little Gem Magnolia

SHRUBS



Inkberry Holly*



D. Burford Holly



Abelia



Ninebark



Carissa Holly



Hydrangea Species*



Butterfly Bush



Compacta Holly



Carolina Allspice*



Rose



Rhododendron*



Mountain Laurel



Arborvitae



Clethra*



Itea*

* - Native Plant Material

**GRASSES AND
GROUND COVER**



Switchgrass



Liriope



Fountain Grass



Muhly Grass



Juniper Species



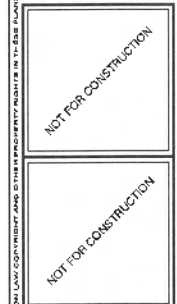
Pachysandra



Mexican Feather Grass

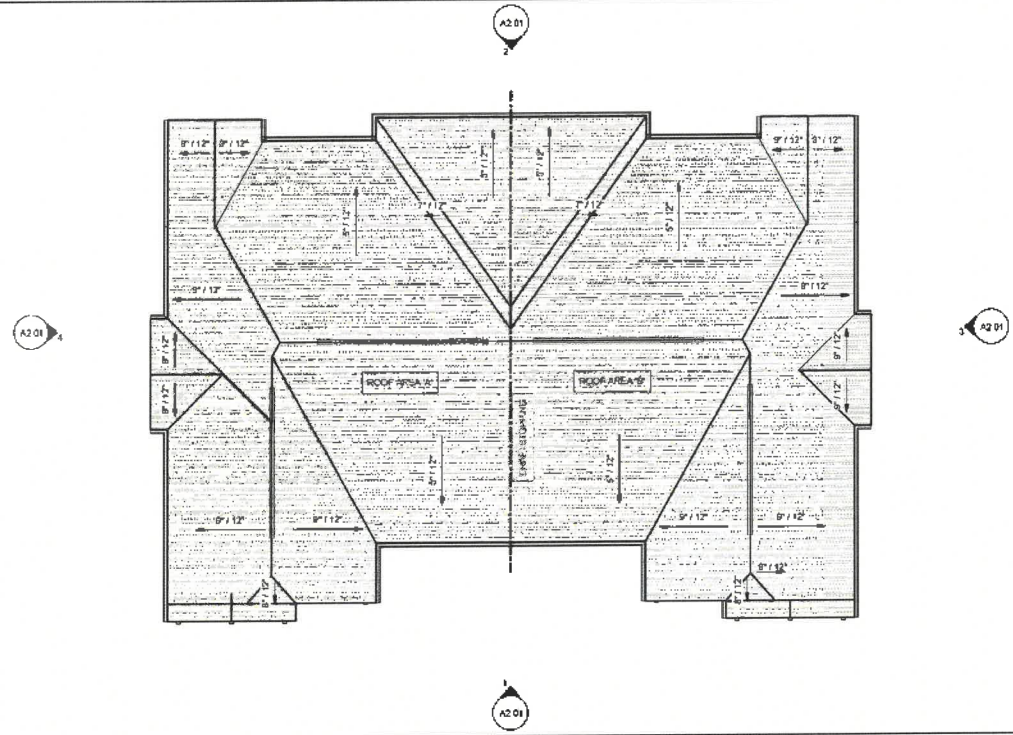
WXZ Development, Inc.
Cottages at Arcadia Views (Phase 1)
Laurel Park, North Carolina

RPUD CONDITIONAL
USE / PRELIMINARY
PLAT APPLICATION

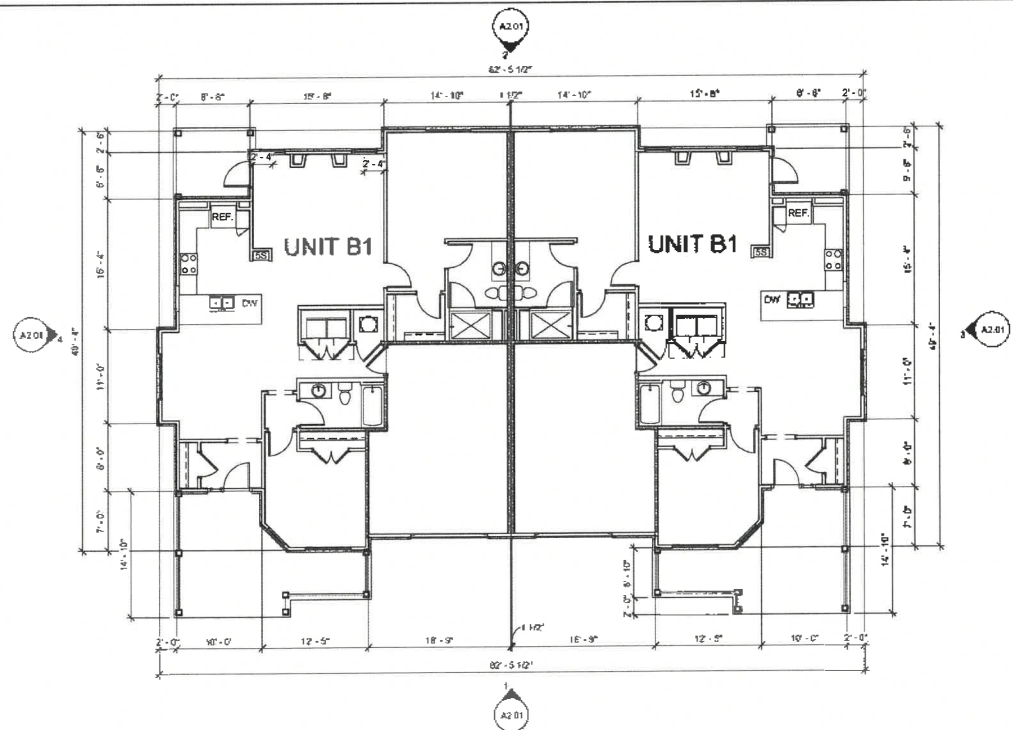


PROJECT: 014058
DATE: 05.16.2017
REVISIONS: _____ DATE _____
Revised per Town's Citrix 07.28.17

DRAWN BY _____
CHECKED BY _____
LANDSCAPE PLANT
PALLET



BUILDING 1 - ROOF PLAN 2
1/8" = 1'-0"



BUILDING 1 - 1ST FLOOR PLAN 1
1/8" = 1'-0"

GENERAL NOTES

1. ALL DIMENSIONS SHOWN ARE TO FACE OF ST. J.C. FACE OF CONCRETE WALL OR COLUMN OR 2. U.O.N. DIMENSIONS NOTED AS "D.F." ARE TO BE CLEAR FROM FACE OF FINISH MATERIAL TO FACE OF FINISH MATERIAL.
2. REFER TO STRUCTURAL DRAWINGS FOR ALL COLUMN DIMENSIONS & LOCATIONS.
3. NO MASONRY CORE HOLES SHALL BE EXPOSED "TYP. CLOSURE" (SOLID CORE) MASONRY SHALL BE USED WHERE CORE HOLES WOULD OTHERWISE BE EXPOSED TO THE ELEMENTS.
4. AT ALL RATED PARTITIONS, PROVIDE STENOILED SIGNAGE "FIRE BARRIER" - PROTECT ALL OPENINGS 1 1/2" HIGH LETTERING, 48" O.C ABOVE CEILING ON EACH SIDE OF PARTITION.
5. PROVIDE CLEAR EACH SIDE OF ALL EXTERIOR DOORS & WINDOWS TO ALLOW FOR CASING.
6. REFER TO LANDSCAPE SERIES DRAWINGS FOR ALL FINAL HARDSCAPE CONNECTIONS TO BUILDING.
7. G.O. TO PROVIDE & INSTALL ALL BLOCKING IN WALLS.
8. ALL EXTERIOR PATIOS & WALKS TO BE SLOPED 1/8" PER FOOT AWAY FROM THE BUILDING.
9. EXPOSED STEEL LINTELS TO BE PAINTED TO MATCH ADJACENT SURFACES UNLESS OTHERWISE NOTED TYP.
10. ALL EXTERIOR SIGHT PANELS & STAIR CEILINGS TO BE PAINTED UNLESS OTHERWISE NOTED.
11. SEE SHEET 01.20 FOR LIFE SAFETY INFORMATION.
12. PROVIDE SOLID BLOCKING WITH ALL DAY TO DAY SECURITY BENCH ALL EXTERIOR LIGHTS & SIGNAGE.
13. FACE OF SLAB SHALL NOT BE EXPOSED AT SLOPED EXTERIOR PAVING CONDITIONS COORDINATE EXT. PAVING CONDITIONS WITH CIVIL TYP.
14. EXTERIOR PAVING SHALL NOT HAVE A FINISHED ELEVATION HIGHER THAN THE SILL HEIGHT AT ADJACENT DOOR LOCATIONS.
15. ALL CALLING TO MATCH ADJACENT SURFACES.
16. VERIFY ALL FINISH FLOOR ELEVATIONS (F.F.E.) WITH CIVIL DRAWINGS.
17. SEE EXTERIOR ELEVATIONS FOR LOCATION & TASKS OF EXTERIOR FINISHES.
18. SEE UNIT PLANS (A4.00 SERIES) FOR UNIT DOOR TASKS.
19. SEE SLOPE ELEVATIONS (A2.00 SERIES) AND/OR UNIT PLANS (A4.00 SERIES) FOR WINDOW TASKS.
20. COORDINATE DOWNSPOUT DETAILS WITH THE CIVIL DRAWINGS FOR THOSE LOCATIONS, PROVIDE SPLASH BLOCKS.
21. CONTRACTOR TO SUBMIT SHOP DRAWINGS OF FINAL ROOF TRUSS DESIGN TO STRUCTURAL ENGINEER FOR APPROVAL. ALL TRUSSES DESIGNED BY OTHERS.
22. INSTALL ALL ROOFING PER MANUFACTURER'S STANDARD DETAILS & PROCEDURES.
23. FIRE RATED SEPARATIONS TO EXTEND INTO ALL CHASES & CORNERS AT EXISTING UNIT SEPARATIONS. SEPARATION WALL TO BE CONTINUOUS FROM SLAB TO UNDER-SIDE OF ROOF SHEATHING.
24. WITHIN DWELLING UNIT, THE COMMON PATH OF EGRESS TRAVEL, SHALL NOT EXCEED 75 FEET (1014.3).
25. PROVIDE 3/4" PLYWOOD WITHIN WALL CAVITY SEGMENTS 20" HD ALL SPACES ISOLATED ELECTRICAL PANELS PRIOR TO PANEL INSTALLATION.
26. ALL WOOD IN CONTACT WITH MASONRY TO BE PRESSURE TREATED.
27. ALL DECK FRAMING AND MATERIALS NOT PROTECTED FROM WEATHER SHALL BE PRESSURE TREATED.
28. TRUSS MANUFACTURER SHALL NOTIFY STRUCTURAL ENGINEER OF ANY CHANGES IN TRUSS LAYOUT AND ALL LOADS IMPOSED ON BEAMS AND HEADERS.
29. AT POINT LOADED CONDITIONS USE BUILT-UP SOLID POST AND PROVIDE SOLID BLOCKING AT FLOOR CAVITY (BETWEEN FLOORS).
30. SEE STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION.
31. MASONRY CONTRACTOR TO PROVIDE STRIPS HORIZONTAL AND VERTICAL EXPANSION JOINTS IN BRICKWORK PER TECHNICAL NOTES 18A AS PUBLISHED BY THE BRICK INDUSTRY ASSOCIATION.
32. ATTACHMENT TO MASONRY SHALL BE PER TECHNICAL NOTES 14B AS PUBLISHED BY THE BRICK INDUSTRY ASSOCIATION.

MASONRY NOTES

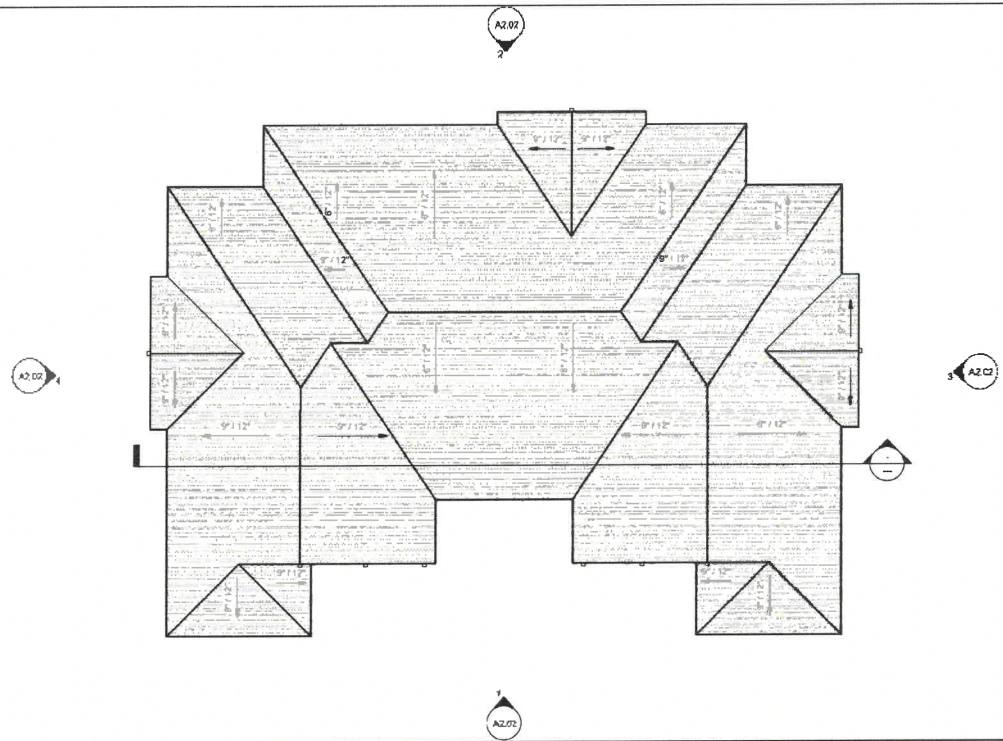
WXZ Development, Inc.
Cottages at Arcadia Views (Phase 1)
Laurel Park, North Carolina

RPUD PRELIMINARY
USE / PRELIMINARY
PLAT APPLICATION

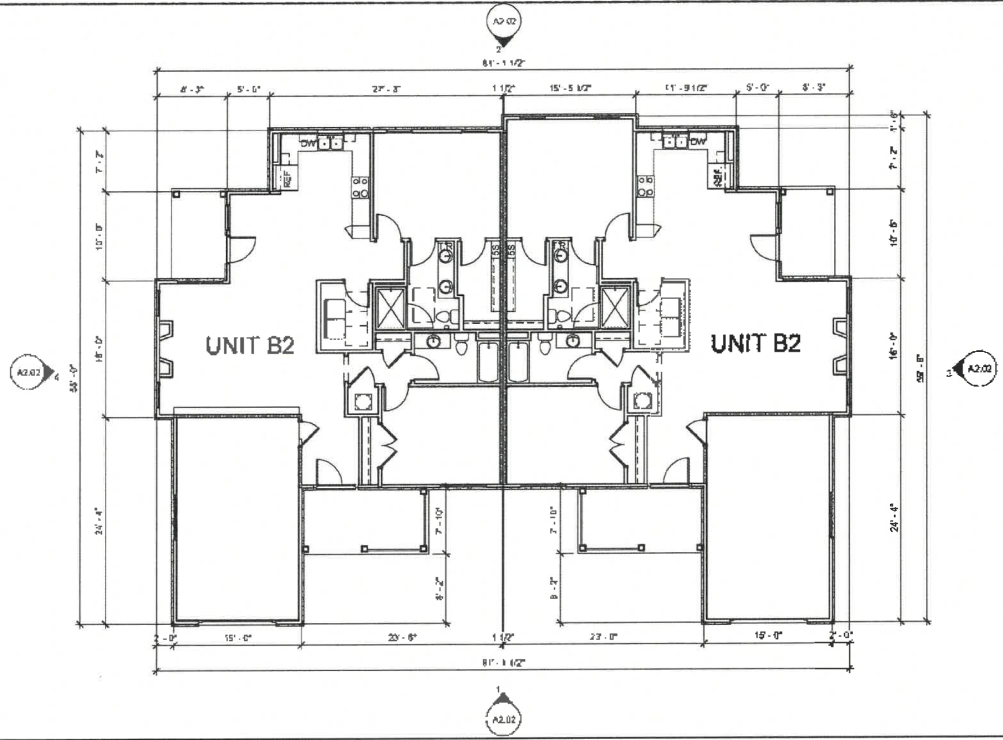
NOT FOR CONSTRUCTION
NOT FOR CONSTRUCTION

PROJECT: 014085
DATE: 05.18.2017
REVISIONS: DATE
Prepared by: Fowdy Center 07.25.17

DRAWN BY:
CHECKED BY:
FLOOR PLANS
BUILDING 1



BUILDING 2 - ROOF PLAN 2
1/8" = 1'-0"



BUILDING 2 - 1ST FLOOR PLAN 1
1/8" = 1'-0"

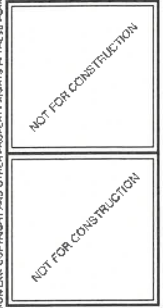
GENERAL NOTES

- 1 ALL DIMENSIONS SHOWN ARE TO FACE OF STUD. FACE OF CONCRETE WALL OR COLUMN OR IS. U.O.M. DIMENSIONS NOTED AS 'CLR' ARE TO BE CLEAR FROM FACE OF FINISH MATERIAL TO FACE OF FINISH MATERIAL.
- 2 REFER TO STRUCTURAL DRAWINGS FOR ALL COLUMN DIMENSIONS & LOCATIONS.
- 3 NO MASONRY CORE HOLES SHALL BE EXPOSED. TYP. CLOSURE (SOLID CORE) MASONRY SHALL BE USED WHERE CORE HOLES WOULD OTHERWISE BE EXPOSED TO THE ELEMENTS.
- 4 AT ALL RATED PARTITIONS, PROVIDE STENCILED STORAGE 1 HR. FIRE BARRIER - PROTECT ALL OPENINGS IN 2" HIGH LETTERING 18" O.C. ABOVE BEELING ON EACH SIDE OF PARTITION.
- 5 PROVIDE 6" CLEAR EACH SIDE OF ALL EXTERIOR DOORS & WINDOWS TO ALLOW FOR CASING.
- 6 REFER TO LANDSCAPING SERIES DRAWINGS FOR ALL FINAL HARDSCAPE CONNECTIONS TO BUILDING.
- 7 O.C. TO PROVIDE & INSTALL ALL BLOCKING IN WALLS.
- 8 ALL EXTERIOR PARTS & WALLS TO BE BLOKED 18" PER FOOT AWAY FROM THE BUILDING.
- 9 EXPOSED STEEL LINTELS TO BE PAINTED TO MATCH ADJACENT SURFACES UNLESS OTHERWISE NOTED TYP.
- 10 ALL EXTERIOR SCFFIT PANELS & GIBB DELINGS TO BE PAINTED UNLESS OTHERWISE NOTED.
- 11 SEE SHEET 01 20 FOR LIFE SAFETY INFORMATION.
- 12 PROVIDE SOLID BLOCKING WITHIN ALL CAVITY SECTIONS BEHIND ALL EXTERIOR LIGHTS AND SIGNAGE.
- 13 FACE OF SLAB SHALL NOT BE EXPOSED AT SLOPED EXTERIOR PAVING CONDITIONS COORDINATE EXT. PAVING CONDITIONS WITH CIVIL TYP.
- 14 EXTERIOR PAVING SHALL NOT HAVE A FINISHED ELEVATION HIGHER THAN THE S.U.L.E. GH AT ADJACENT DOOR LOCATIONS.
- 15 ALL CAULKING TO MATCH ADJACENT SURFACES.
- 16 VERIFY ALL FINISH FLOOR ELEVATIONS (F.F.E.) WITH CIVIL DRAWINGS.
- 17 SEE EXTERIOR ELEVATIONS FOR LOCATION & TAGS OF EXTERIOR FINISHES.
- 18 SEE UNIT PLANS (A1 00 SERIES) FOR UNIT DOOR TAGS.
- 19 SEE BLDG ELEVATIONS (A1 00 SERIES) AND/OR UNIT PLANS (A1 00 SERIES) FOR WINDOW TAGS.
- 20 COORDINATE DOWNSPOUT TIES WITH THE CIVIL DRAWINGS FOR THOSE VIO TIES, PROVIDE SPLASH BLOCKS.
- 21 CONTRACTOR TO SUBMIT SHOP DRAWINGS OF FINAL FLOOR TRUSS DESIGN TO STRUCTURAL ENGINEER FOR APPROVAL. ALL TRUSSES DESIGNED BY OTHERS.
- 22 INSTALL ALL ROOFING PER MANU. STANDARD DETAILS & PROCEDURES.
- 23 FIRE RATED SEPARATIONS TO EXTEND INTO ALL EAVES & GUTTERS AT DWELL. H-S UNIT SEPARATION. SEPARATION WALL TO BE CONTINUOUS FROM SLAB TO VAPOR SIDE OF ROOF SHEATHING.
- 24 WITHIN DWELL. H-S UNIT, THE COMMON PATH OF EGRESS TRAVEL SHALL NOT EXCEED 75 FEET (1014.3).
- 25 PROVIDE 3/4" PLYWOOD WITHIN WALL CAVITY SECTIONS BEHIND ALL SURFACE MOUNTED ELECTRICAL PANELS PRIOR TO PANEL INSTALLATION.
- 26 ALL WOOD IN CONTACT W/ MASONRY TO BE PRESSURE TREATED.
- 27 ALL DECK FRAMING AND MATERIALS NOT PROJECTED FROM WEATHER SHALL BE PRESSURE TREATED.
- 28 TRUSS MAN. FABRICATOR SHALL NOTIFY STRUCTURAL ENGINEER OF ANY CHANGES IN TRUSS LAYOUT AND ALL LOADS IMPOSED ON BEAMS AND JACKS.
- 29 AT POINT LOADED JOINT ONE USE BUILT-UP SOLID POST AND PROVIDE SOLID BLOCKING AT FLOOR CAVITY (BETWEEN FLOORS).
- 30 SEE STRUCTURAL DRAWINGS FOR ADDITIONAL INFORMATION.
- 31 MASONRY CONTRACTOR TO PROVIDE STUDS, HORIZONTAL AND VERTICAL EXPANSION JOINTS IN BRICKWORK PER TECHNICAL NOTES 18A AS PUBLISHED BY THE BRICK INDUSTRY ASSOCIATION.
- 32 ATTACHMENT TO MASONRY SHALL BE PER TECHNICAL NOTES 18A AS PUBLISHED BY THE BRICK INDUSTRY ASSOCIATION.

MASONRY NOTES

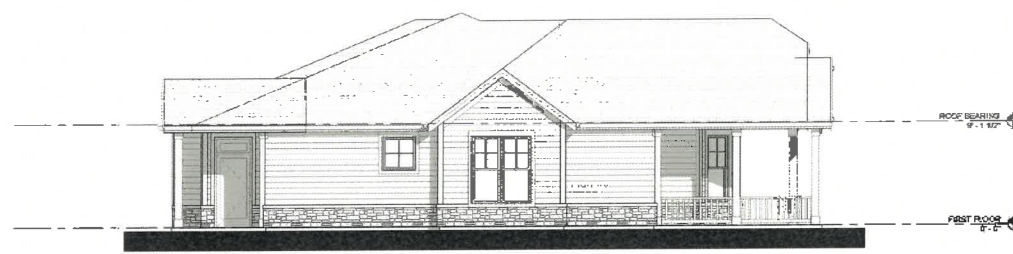
W X Z Development, Inc.
Cottages at Arcadia Views (Phase 1)
Laurel Park, North Carolina

RPUD CONDITIONAL
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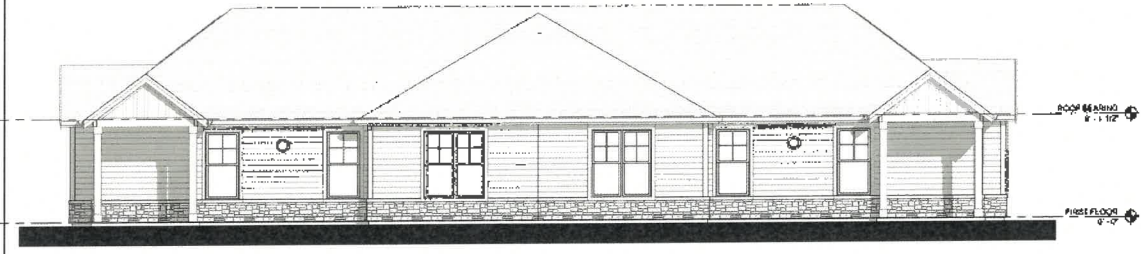


PROJECT: 014085	DATE: 08 16 2017
REVISIONS	DATE
Revised per Towns Council 07 06 17	

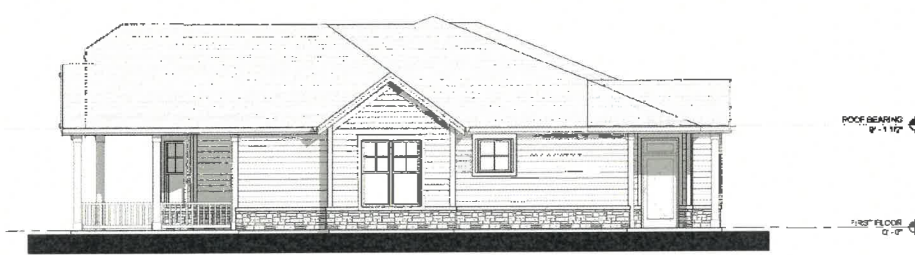
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CHECKED BY: _____
FLOOR PLANS
BUILDING 2



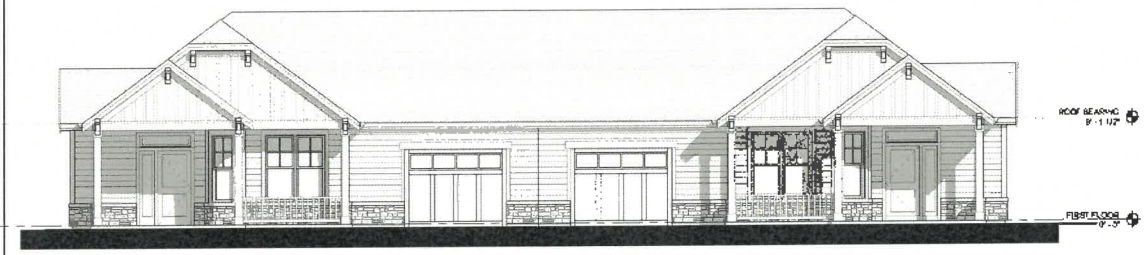
BUILDING 1 - LEFT ELEVATION 4
3/16" = 1'-0"



BUILDING 1 - REAR ELEVATION 2
3/16" = 1'-0"



BUILDING 1 - RIGHT ELEVATION 3
3/16" = 1'-0"



BUILDING 1 - FRONT ELEVATION 1
3/16" = 1'-0"

WXZ Development, Inc.
Cottages at Arcadia Views (Phase 1)
Laurel Park, North Carolina

PRELIMINARY
USE / PRELIMINARY
PLAT APPLICATION

NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

PROJECT: 014065
DATE: 06 16 2017
REVISIONS: DATE

Revised per Town's Center: 07.01.17

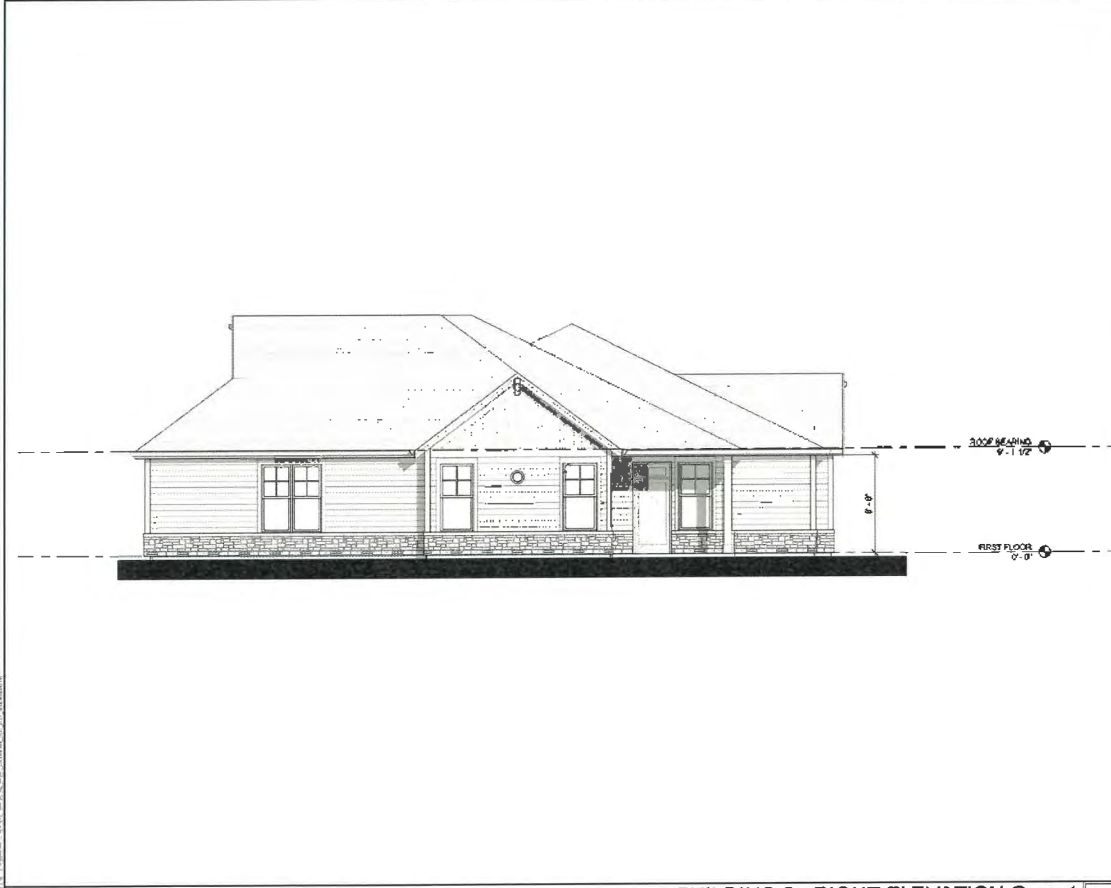
DRAWN BY:
CHECKED BY:
BUILDING ELEVATIONS
BUILDING



BUILDING 2 - LEFT ELEVATION 4
3/8" = 1'-0"



BUILDING 2 - REAR ELEVATION 2
3/8" = 1'-0"



BUILDING 2 - RIGHT ELEVATION Copy 1 3
3/8" = 1'-0"



BUILDING 2 - FRONT ELEVATION 1
3/8" = 1'-0"

**CLINE
DESIGN**

125 N. Harrington St.
Raleigh, NC 27603
919/836-4411
919/836-2880 FAX
ClineDesignAssoc.com

W X Z

WXZ Development, Inc.
Cottages at Arcadia Views (Phase 1)
Laurel Park, North Carolina

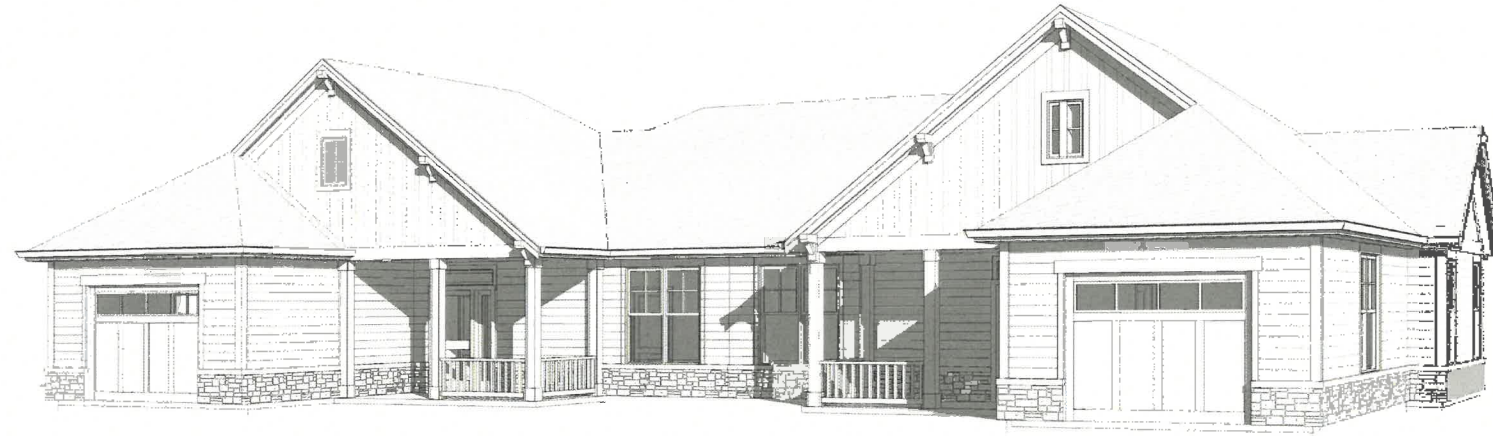
REPLACES PREVIOUS
USE / PRELIMINARY
PLAT APPLICATION

NOT FOR CONSTRUCTION

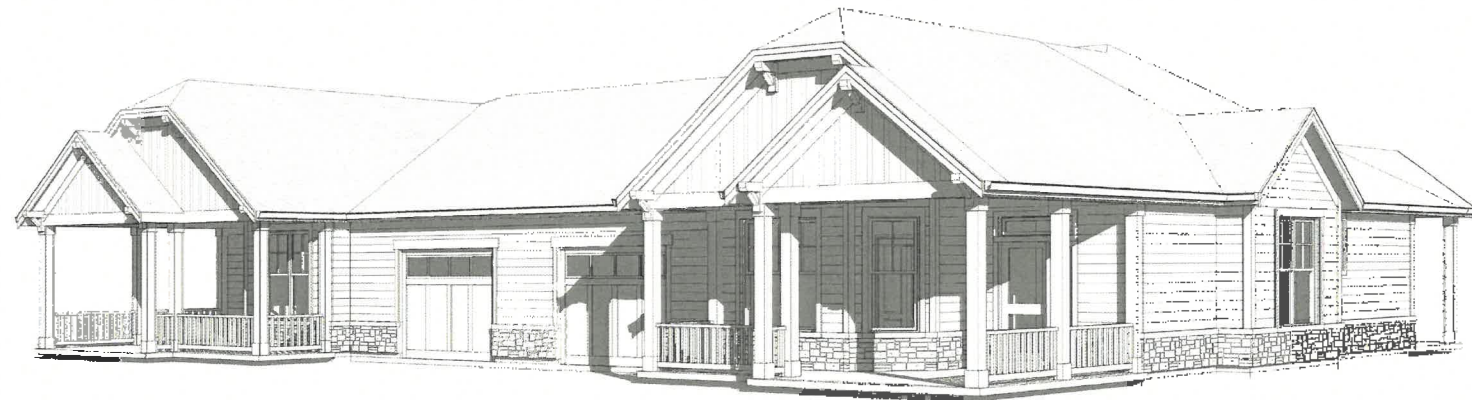
NOT FOR CONSTRUCTION

PROJECT: 01488S	
DATE: 06.10.2017	
REVISIONS:	DATE
Revised per Council Order 27.05.17	

DRAWN BY:
CHECKED BY:
BUILDING ELEVATIONS
BUILDING 2



3D View - BUILDING 2 2



3D View - BUILDING 1 1

**CLINE
DESIGN**

125 N. Hargett St.
Raleigh, NC 27603
919/833-6412
919/836-1283 FAX
ClineDesignAssoc.com



WXZ Development, Inc.
Cottages at Arcadia Views (Phase 1)
Laurel Park, North Carolina

RPJD CONDITIONAL
USE / PRELIMINARY
PLAT APPLICATION

NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

PROJECT: 01-5083
DATE: 06-18-2017
REVISIONS: DA:"
Revised per Town's Comment 01-08-17

DRAWN BY:
CHECKED BY:
Views
BUILDING 1 & 2



December 14th, 2023

To: The Laurel Park Mayor, and Town Council Members

WXZ Residential Group/Arcadia One, LLC is seeking to secure approval of a final plat for the subdivision known as the Ecusta Crossing subdivision. The Ecusta Crossing subdivision, formerly known as The Cottages at Arcadia Views was granted a Conditional Use Permit (CUP) (2018-2) on January 16th, 2018, to construct 56 residential units on the property identified by PIN 9559-21-7758. This CUP was permitted under the old Laurel Park Zoning and Subdivision Ordinance and not the new Unified Development Ordinance.

According to Order Number 2018-2, Exhibit A, page 3, List of Conditions, item number 2: Guarantee of Performance from section A states, "The applicant shall provide a Guarantee of Performance as required in 1103.8 of the Zoning Ordinance prior to Town Council's issuance of approval of the Final Residential Planned Unit Development." Section B states, "The value of such guarantee, which shall be subject to review and approval by the Town Manager, shall be 125% (one hundred and twenty five percent) of the true cost of construction of the following:

- 1) On-site public water and wastewater infrastructure, as well as any off-site public water, wastewater.
- 2) Site access and off-site roadway improvements which may be necessitated by the project.

As of November 28th, 2023, the developer has made efforts to install site access and wastewater infrastructure; however, two items identified in section B.1&2 above have yet to be installed. The developer has installed roughly 70% of curb and gutter but lacks 30% to be installed. An estimated 35% of asphalt paving needs to be completed as well as the installation of the sanitary sewer lift station.

Section 404.6 of the Laurel Park Subdivision Ordinance states,

“In lieu of requiring the completion, installation, and dedication of all improvements prior to a final plat approval, the Town of Laurel Park may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements as specified by the approved preliminary plat for that portion of the subdivision to be shown on the final plat. Once the said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Town Council if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the Town Council, either one or a combination of, the following guarantees or other assurances for the installation of the required improvements within a specified period of time, which shall be in an amount equal to 1.25 times the entire cost as provided herein:”

- (1) Surety Performance Bond(s). The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bond(s) shall be payable to the Town of Laurel Park and shall be in an amount equal to 1.25 times the entire cost of installing all required improvements as estimated by the subdivider and approved by the Town Council. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town Council or a default is declared.
- (2) Cash or Equivalent Security. The subdivider shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value either with the Town or in escrow with a financial institution designated as an official depository of the Town. The use of any instrument other than cash shall be subject to the approval of the Town Council. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the Town Council, of installing all required improvements.

The developer has provided an improvement guarantee agreement in the amount of 125% of the total cost in the amount of \$384,220 through a surety bond with Great Midwest Insurance Company. The developer will, on or before June 30th, 2024, complete the installation of 18” concrete curbs and gutters, pave remaining site-access roads, and install the sanitary sewer lift station. The final plat meets all other administrative requirements and required data.

Staff has reviewed the final plat and all required documentation for conformance with the approved preliminary plat and the provisions of the Laurel Park Zoning and Subdivision Ordinance. Staff recommends conditional approval of the final plat contingent upon execution of the improvements guarantee agreement to install said improvements.

Respectfully,

Town Staff

APPENDIX B

FINAL PLAT CHECKLIST

The final plat shall meet the following requirements prior to any review of the plat by the subdivision administrator:

Date Final Plat Submitted August 2023

Date Preliminary Plat Approved January 16, 2018

Name of Subdivision Ecusta Crossing

Location 2710 Brevard Rd. Laurel Park, NC 28739

Owner WXZ Residential Group/Arcadia One, LLC

Address 22720 Fairview Center Dr. #150 Fairview Park Tel. 440-801-1690

Surveyor Glaspy Land Surveying

Address 784 Glaspy Mountain Rd, Hendersonville, NC Tel. 828-974-1811

Checklist:

Administrative Requirements

- | | |
|------------|-----------------------------------------------------------------------------------------------------------------------|
| <u>X</u> | Notice that improvements guarantee has been accepted or that certification of improvements has been granted. |
| <u>N/A</u> | Submitted within twelve months of preliminary plat approval, unless written extension is granted by the Town Council. |
| <u>X</u> | Final plat is 18" by 24" or 24" by 36" and is at an appropriate scale adequately illustrating required information. |
| <u>X</u> | Three (3) prints submitted of final plat. |

Required Data

(a) Title Block:

- | | |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>X</u> | Subdivision name, North Arrow, scale (denoted graphically and numerically), date of plat preparation, location of subdivision (township, country and state), the name(s) of the owner(s) and the registered surveyor responsible for the subdivision (including the surveyor's seal). |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

- (b) Tract Boundaries:
- X Exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of intersecting boundary lines of adjoining lands.
- (c) Adjoining Property Owners:
- X Names and deed references (when possible) of owners of abutting properties and subdivisions of record (proposed or under review).
- (d) Location of Improvements:
- X All rights-of-way, easements, watercourses, utilities, roadways, and other such improvements shall be accurately located where crossing or forming any boundary of the property shown.
- (e) Engineering Data:
- X Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, and easement line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent curved property lines that are not the boundary of curved streets. Building setback lines are to be notated.
- (f) Monuments:
- X The accurate locations and descriptions of all monument markers and control points.
- (g) Lot and Block Numbers:
- X The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block.
- (h) Streets:
- X Street names and right-of-way lines of all streets. The designation of all streets as public (or private when approved by the Town Council in accordance with the provisions of this ordinance.).
- (i) Street Construction Certification:
- X Certification by an independent testing laboratory that, based on randomly taken core samples, all streets meet the N.C. Department of

Transportation's Subdivision Roads, Minimum Construction Standards, January 1, 1999, or as hereafter amended except that the top course thickness is increased to two (2) inches of compacted Asphalt Concrete Surface Course, Type I-2.

(j) Rights-of-way:

 X The location and dimensions of all rights-of-way, utility or other easements, riding trails, natural buffers, pedestrian or bicycle paths, and areas to be dedicated to public use with the purpose of each stated.

Required Certificates

The following certificates are to appear on the final plat in such a manner as to insure that the said certificate will be legible on any prints made therefrom, or are to be submitted with and recorded with the final plat in accordance with the provisions of this ordinance:

Certificate of Survey and Accuracy signed by the surveyor
_____ 08/03/2023 _____ Date

*Certificate of Ownership, Dedication, and Maintenance
_____ 08/03/2023 _____ Date

*Certificate of Improvements signed by the Subdivision Administrator
_____ Date

Certificate of approval by the Town Council
_____ Date

*To accompany final plat if improvements are completed prior to final plat review or as separate documents if guarantees are used.

NOTES

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM #37009559004, DATED 10/02/2008.

SURVEYOR WAS NOT PROVIDED WITH A LEGAL TITLE SEARCH. THERE MAY EXIST EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS PERTINENT TO THIS PROPERTY THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE THAT ARE NOT SHOWN ON THIS SURVEY.

NO UNDERGROUND UTILITIES WERE LOCATED. CALL 1-800-632-4949 BEFORE DIGGING.

ALL BUILDINGS, SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR CONSIDERED AS PART OF THIS SURVEY.

NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS, OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.

AREA BY COORDINATE COMPUTATION.

PROPERTY LINES SHOWN AS DASHED WERE NOT FIELD SURVEYED. THEY WERE PLOTTED FROM RECORD DOCUMENTS.

SUBJECT PROPERTY CURRENTLY ZONED R-20 BY LAUREL PARK, HENDERSON COUNTY. SETBACKS: FRONT-35' SIDE-20' REAR-20'

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

SUBJECT PROPERTY LOCATED IN WS-IV, UPPER FRENCH BROAD RIVER WATERSHED.

SUBJECT PROPERTY IS NOT ADJACENT OR WITHIN A 1/2 MILE OF A FARMLAND PRESERVATION DISTRICT.

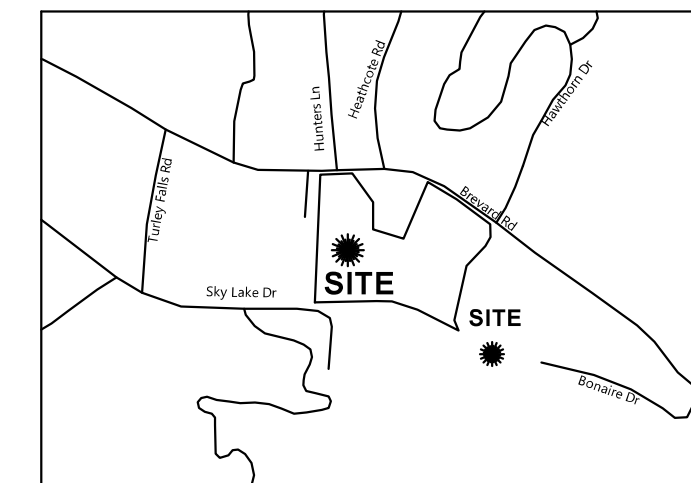
ALL ROADS ON PROPERTY SHOWN ARE PRIVATE.

ALL AREAS OUTSIDE OF PROPOSED STRUCTURES ARE COMMON AREAS KNOWN AS BLOCK A.

CERTIFICATE OF OWNERSHIP, DEDICATION AND MAINTENANCE
THE EXISTING AND PROPOSED ROAD/DRIVEWAY EASEMENTS SHALL BE MAINTAINED BY THE PROPERTY OWNERS TO ALLOW CLEAR PASSAGE FOR EMERGENCY RESPONSE VEHICLES. MAINTENANCE RESPONSIBILITY OF THE EASEMENTS IS CONVEYED TO THE HOMEOWNERS UTILIZING IT TO ACCESS THEIR PROPERTIES.

Total Proposed Land Area: 714925 Sq. Feet±
16.41 Acres±
Total Existing Acreage: 90.80 Acres±
per Plat Slide 2006/6234

Total Proposed Building Area: 112378 Sq. Feet±
2.58 Acres±
Total Proposed Area of Block A (Common Area): 602547 Sq. Feet±
13.83 Acres±

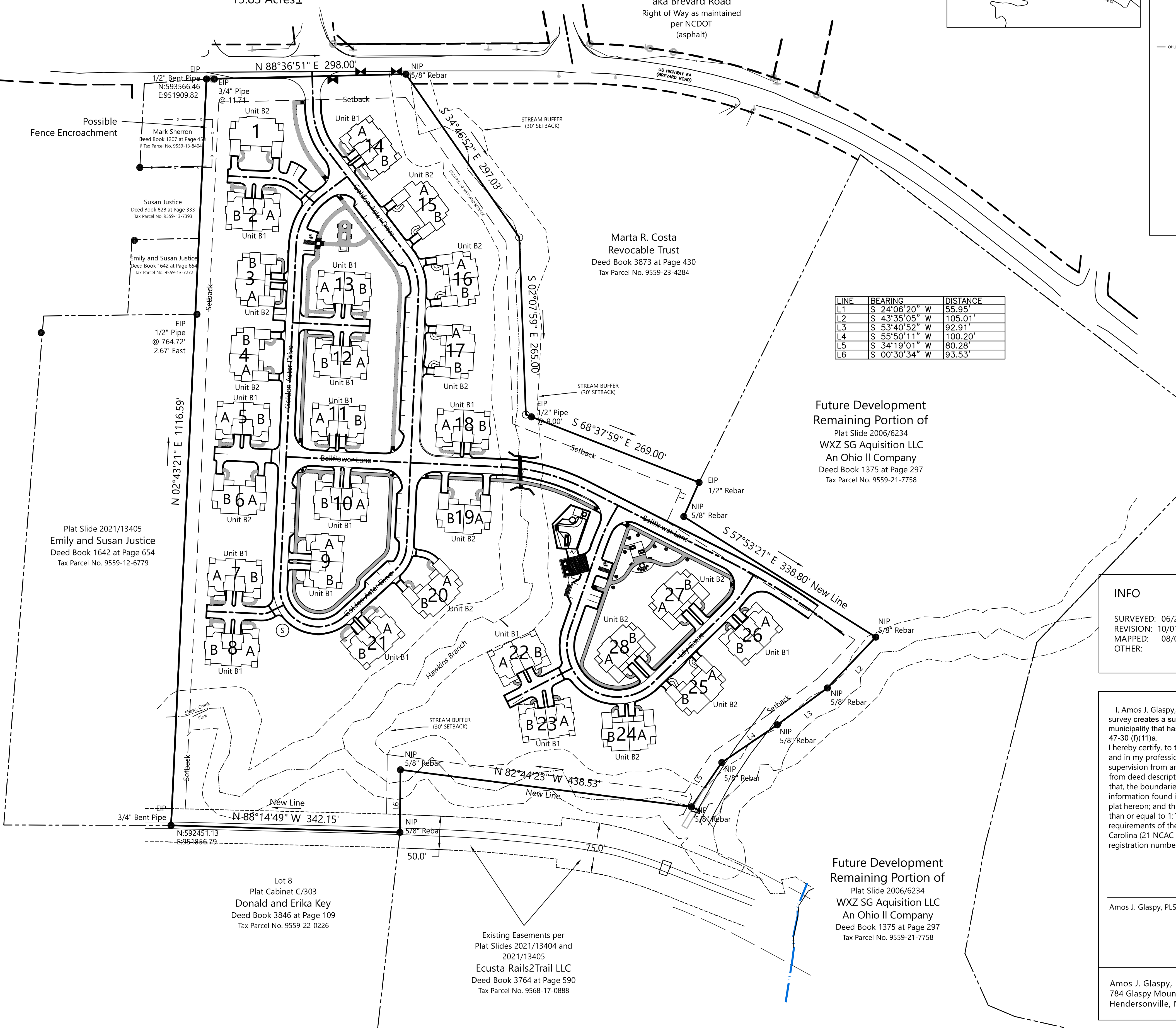
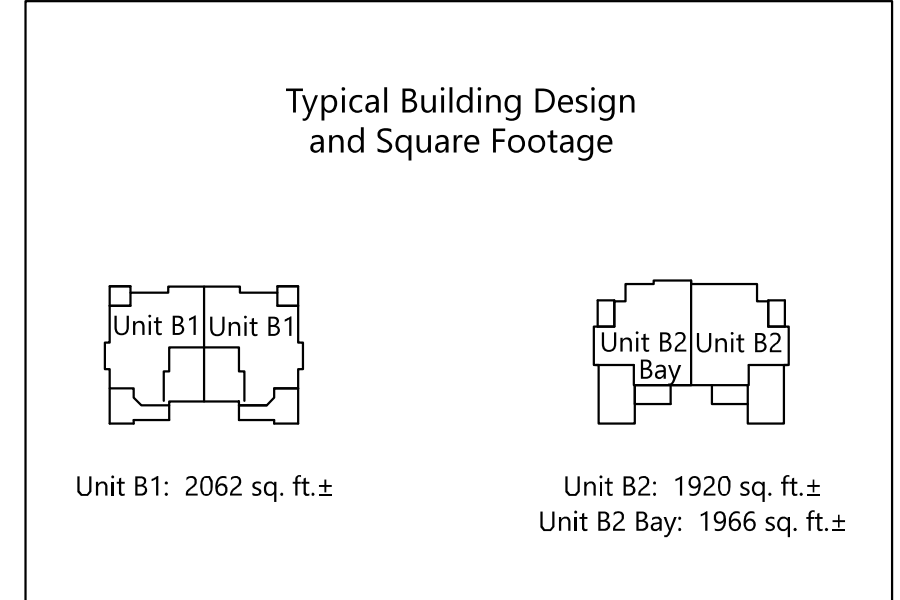


LEGEND

- ▲ NC GEODETIC CONTROL MONUMENT
- CONCRETE MONUMENT (CM)
- EXISTING IRON PIN (EIP)
- 5/8" REBAR SET (NIP)
- ◆ EXISTING STONE MARKER
- ◇ MAGNAIL FOUND OR SET
- UNMARKED POINT (CP)
- UTILITY POLE (PP)
- UTILITY LINES
- FIRE HYDRANT (FH)
- WATER METER OR WELL
- WATER VALVE (WV)
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- CLEANOUT
- DRAIN INLET
- CURB INLET

NOW OR FORMERLY (N/F)
DEED BOOK & PAGE (DB)
PLAT BOOK & PAGE (PB)
RIGHT OF WAY (R/W)

LINE	BEARING	DISTANCE
L1	S 24°06'20" W	55.95'
L2	S 43°35'05" W	105.01'
L3	S 53°40'52" W	92.91'
L4	S 55°50'11" W	100.20'
L5	S 34°19'01" W	80.28'
L6	S 00°30'34" W	93.53'



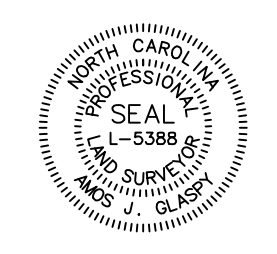
Future Development Remaining Portion of Plat Slide 2006/6234
WXZ SG Aquisition LLC
An Ohio II Company
Deed Book 1375 at Page 297
Tax Parcel No. 9559-21-7758

Future Development Remaining Portion of Plat Slide 2006/6234
WXZ SG Aquisition LLC
An Ohio II Company
Deed Book 1375 at Page 297
Tax Parcel No. 9559-21-7758

INFO

SURVEYED: 06/2023	Plat Refs. Slide 2000/3614
REVISION: 10/01/2023	Slide 2021/13361
MAPPED: 08/03/2023	Slide 2021/13362
OTHER:	Slide 2021/13404
	Slide 2021/13405

I, Amos J. Glaspy, professional land surveyor, certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land. GS 47-30 (f)(11)a.
I hereby certify, to the best of my knowledge, information and belief, and in my professional opinion, that this plat was drawn under my supervision from an actual survey made under my supervision, taken from deed description recorded in Deed Book 1375, Page 297; and that the boundaries not surveyed are clearly indicated from information found in Deed Books and Plat Slides as shown on survey plat hereon; and that the ratio of precision as calculated is greater than or equal to 1:10000; and that this plat/map meets the requirements of the standards of practice for land surveying in North Carolina (21 NCAC 56.1600), witness my original signature, registration number and seal this 3rd day of August 2023.



Amos J. Glaspy, PLS No. L5388

Amos J. Glaspy, PLS-5388
784 Glaspy Mountain Road
Hendersonville, NC 28792

glaspylandsurveying.com
amos.gls@gmail.com
828-974-1811

Certificate of Approval for Recording

I certify that the final plat shown hereon complies with the Laurel Park Subdivision Ordinance and is approved by the Town Council for recording in the Henderson County Register of Deeds office.

Mayor of Laurel Park _____ Date _____

I, _____ Subdivision Administrator for Henderson County certify that this plat plan has been Reviewed and approved as (a) _____ in accordance with the Henderson County Subdivision Ordinance.

Subdivision Administrator _____ Date _____

State of North Carolina
Henderson County

I, _____ Review Officer of Henderson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer _____



PLAT OF SUBDIVISION SURVEY | PREPARED FOR ECUSTA CROSSING
WXZ SG Aquisition LLC an Ohio LL Company (owner)

2710 Brevard Road, Henderson County NC
Hendersonville Township
Plat Slide 2006/6234
PIN NUMBER 9559-21-7758
Deed 1375/297





This document presented and filed:
03/09/2018 04:20:11 PM

WILLIAM LEE KING, Henderson COUNTY, NC

2018-2

**ORDER GRANTING
CONDITIONAL USE PERMIT FOR
THE COTTAGES AT ARCADIA VIEWS
PHASE I PRELIMINARY
RESIDENTIAL PLANNED UNIT DEVELOPMENT**

January 16, 2018

The Laurel Park Town Council, having held a quasi-judicial public hearing on September 19, 2017, and on January 16, 2018, pursuant to the Town of Laurel Park Zoning Ordinance Section 1306, Powers and Duties of the Town Council and 1307, Procedures for the Town Council to Hear and Decide Conditional Uses, to consider an application for a Conditional Use Permit, submitted by WXZ/SG Acquisition LLC (hereafter, the "Applicant"), 22720 Fairview Center Drive Suite 150, Fairview Park, OH 44126, to construct 56 residential units on the property identified by PIN 9559-21-7758, and described in Deed Book 1375, Page 297, and having heard all of the evidence and arguments presented at the hearing, makes the following Finds of Fact and draws the following Conclusions:

FINDINGS OF FACT:

1. The applicant, on June 19, 2017, submitted an application to the Town of Laurel Park for a Conditional Use Permit for a Residential Planned Unit Development (RPUD) on the property identified by PIN 9559-21-7758, and located within the R-20 zoning district.
2. The application was reviewed by the Planning Board in accordance with the Laurel Park Zoning Ordinance. On August 8, 2017, the Planning Board unanimously recommended approval of the permit with certain conditions.
3. The Cottages at Arcadia Views Phase 1 Residential Planned Unit Development and Conditional Use Permit (hereafter, "Arcadia Views Phase 1"), is generally compatible with adjacent property and other property in the district with respect to location, structure, design, and other applicable elements of the Town of Laurel Park's planning program.
4. The Town Council is empowered pursuant to Section 1306 and Section 1103 of the Zoning Ordinance of the Town of Laurel Park to grant the conditional use permit that is requested.
5. Arcadia Views Phase 1 is generally consistent with the Town of Laurel Park 2016 - 2026 Comprehensive Plan and granting the conditional use will not adversely affect the public interest, subject to the conditions,

plans and drawings provided in Exhibit A. List of Conditions, and Exhibit B. Approved Plans and Drawings, which are attached hereto and incorporated herein by reference.

6. The built upon area ratios on the overall density plan for Arcadia Views Phase 1 comply with the Town's Watershed Overlay District Regulations but are subject to review & approval by Henderson County pursuant to the procedures of Article XVI Section 1608.
7. The use proposed is multi-family residential structures, and such use is permitted by §1103.3 of the Ordinance.
8. The property proposed for development is located on a tract which has more than two hundred (200') feet of frontage on Davis Mountain Road.
9. The size of Arcadia Views Phase 1 is more than five (5) contiguous acres.
10. The design and density of Arcadia Views Phase 1 as depicted on Exhibit B. Approved Plans and Drawings, is acceptable as to health, safety and general welfare of the subject property and all adjacent properties, and the Laurel Park Planning Board has also evaluated the plan and reached a determination that it is acceptable as to health, safety and general welfare of the subject property and all adjacent properties.
11. The density of Arcadia Views Phase 1 is five (5) dwelling units per acre or less.
12. Arcadia Views Phase 1 will have an approved connection to a public water system and sewage will be disposed of through a connection with a public sewer system.
13. A soil erosion and sedimentation control plan will be submitted to and approved by the Henderson County Erosion Control Division prior to any land disturbing activities on the site.
14. Stormwater will be collected, channeled or piped to discharge into natural drainageways without creating potential for damage to neighboring properties.
15. Off-street parking will be provided at a ratio of at least two (2) parking spaces per dwelling unit, and shall be designed in such a way as to prevent the obstruction of pedestrian sidewalks.
16. Arcadia Views Phase 1 will have exterior lighting sufficient for the safety of drives, services areas and pedestrian walks.
17. A landscaping plan has been submitted reflecting a permanent plant, mulch or other similar natural material on all exposed surfaces and landscaping covering at least forty (40%) of the gross lot area.
18. All exterior wiring for Arcadia Views Phase 1 will be underground.
19. The driveways and streets within Arcadia Views Phase 1 will be adequate in width and alignment to accommodate vehicles operated by residents, guests, service personnel and emergency vehicles.

20. The plan reflects paved walks connecting all parking areas with entries and other areas such as service facilities and recreation facilities.
21. Town Council has made satisfactory provision and arrangement, pursuant to the conditions of this Permit, for all matters set out in Sections 1103, 1306 and 1307.
22. Subject to the conditions of this Order, the use sought for Arcadia Views Phase 1 will not be detrimental to the public welfare or injurious to the property or public improvements in the neighborhood.
23. Subject to the conditions of this Order, the use sought for Arcadia Views Phase 1 will not adversely affect the health and safety of any person residing or working in the neighborhood. Arcadia Views Phase 1 complies with all specific rules governing the project as set forth in the Zoning Ordinance.
24. Arcadia Views Phase 1 provides for adequate yards, open space, screening and buffering, with reference to type, dimensions, character, and proposed exterior lighting is sufficient with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district; provided that the applicant complies substantially, with the conditions, plans and drawings provided in Exhibits A and B, which are attached hereto and incorporated herein by reference.

CONCLUSIONS

1. The proposed Residential Planned Unit Development will not adversely affect the health and safety of the persons residing or working in the neighborhood of the proposed use.
2. The proposed Residential Planned Unit Development will not be detrimental to the public welfare or injurious to the property or public improvements in the neighborhood.
3. Arcadia Views Phase 1 adequately provides for the provision of public water and wastewater services with respect to technical design, location, availability, and compatibility.
4. Arcadia Views Phase 1 is compliant with the Town's Watershed Overlay District Regulations in Chapter 16 of the Zoning Ordinance.

Based on the foregoing Findings of Fact and Conclusions drawn, and it appearing to the Laurel Park Town Council that the application for a Conditional Use Permit should be granted, subject to the following conditions:

- A. Applicant shall comply substantially with all plans, drawings and conditions provided on Exhibit A. List of Conditions, which is attached hereto and incorporated by reference.
- B. Future development and use of lands situated within Arcadia Views Phase 1, shall comply substantially, with the plans and drawings submitted with the application and supplemented and

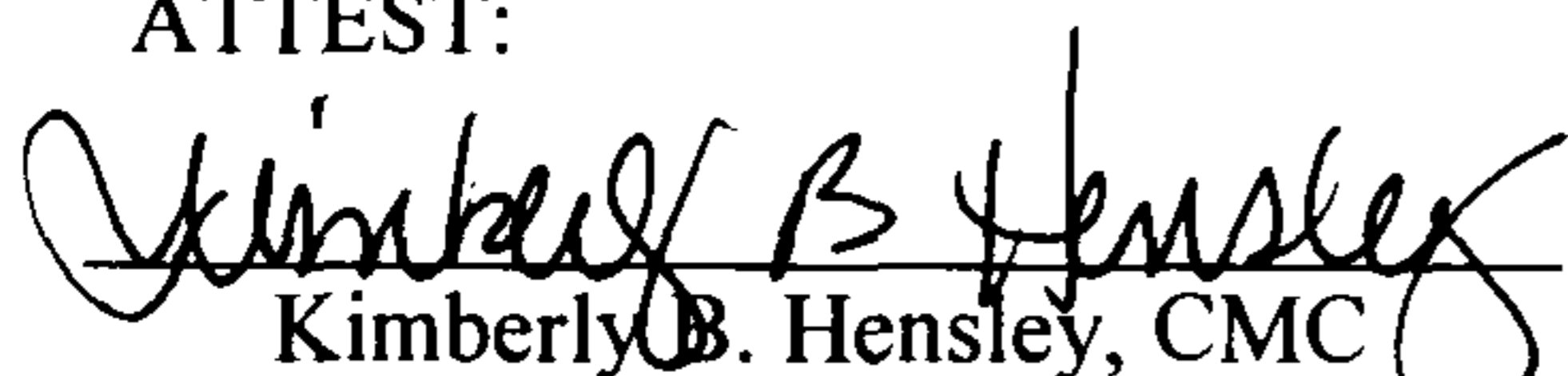
modified through the date of this order, and which are depicted on Exhibit B. Approved Plans and Drawings, which is attached hereto and incorporated herein by reference.


- C. Future development and use of lands situated within Arcadia Views Phase 1 shall, at all times, comply with all applicable provisions of the Town Code of the Town of Laurel Park, including the Zoning and Subdivision ordinances, except as explicitly modified herein or varied as permitted by the Ordinance.
1. The Conditional Use Permit for a Residential Planned Unit Development is approved, in accordance with the procedures in Article XIII of the Zoning Ordinance and the conditions set forth herein.
 2. This Order shall run with the land and shall be binding on the Applicant, its heirs and assigns.
 3. The Town Manager is hereby authorized and directed to administer this order.
 4. The Town Clerk is directed to file a copy of this Order along with a certified copy of all Exhibits in the Office of the Register of Deeds of Henderson County.

IT IS, THEREFORE, ORDERED, by the Laurel Park Town Council that the Application for a Conditional Use Permit for a Residential Planned Unit Development (RPUD), submitted by WXZ/SG Acquisition LLC, is granted and a conditional use permit shall be issued, with the conditions listed above, in addition to those requirements imposed by the ordinances of the Town of Laurel Park. If no development has occurred pursuant to such conditional use permit within one (1) year from the date such permit is issued, the conditional use permit shall become null and void, and no further development shall be permitted pursuant to such permit in the absence of further action by Laurel Park Town Council.

ORDERED this the 8th day of March, 2018.

ATTEST:


Kimberly B. Hensley, CMC
Town Clerk


J. Carey O'Cain
Mayor

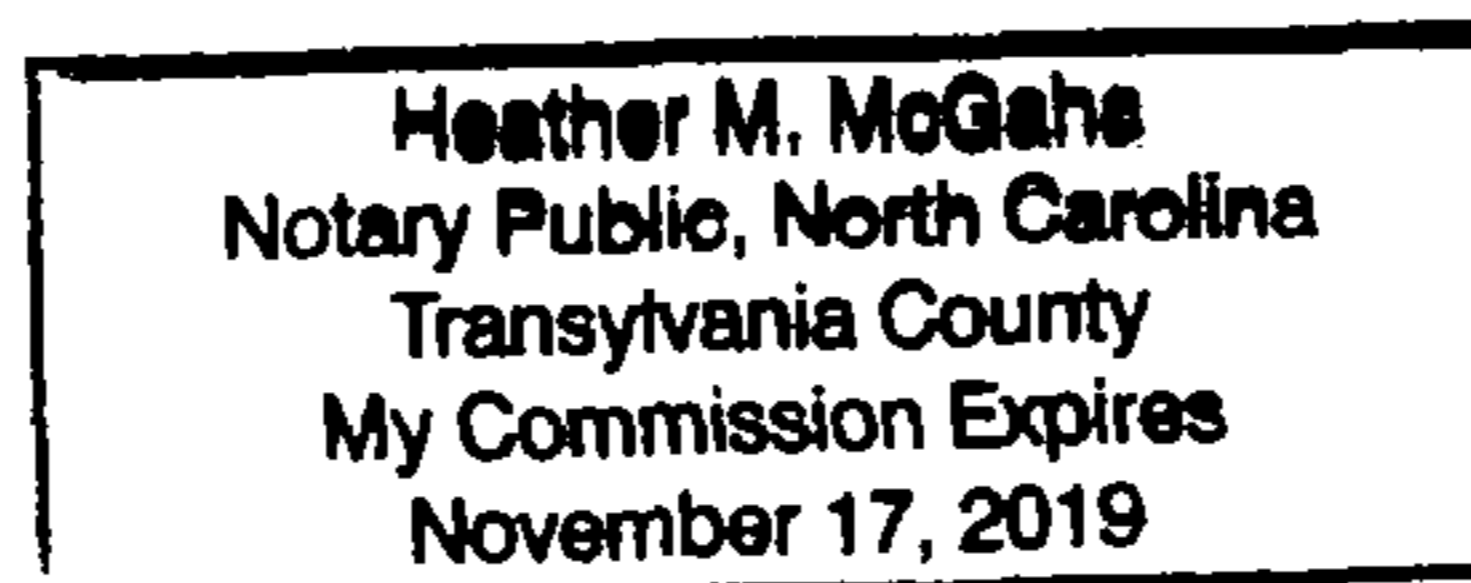
NORTH CAROLINA

HENDERSON COUNTY

I, Heather M. McGaha, Notary Public for said County and State, certify that Kimberly B. Hensley personally appeared before me this day and acknowledged that she is the Town Clerk of the Town of Laurel Park, a corporation, and that, by the authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by J. Carey O'Cain, Mayor of the Town of Laurel Park, sealed with its corporate seal, and attested by herself as Town Clerk.

Witness my hand and official seal, this 8th day of March, 2018.

Heather M. McGaha
Heather M. McGaha, Notary



**EXHIBIT A:
LIST OF CONDITIONS**

**APPROVING
CONDITIONAL USE PERMIT FOR
THE COTTAGES AT ARCADIA VIEWS PHASE 1
RESIDENTIAL PLANNED UNIT DEVELOPMENT**

A Conditional Use Permit for the Cottages at Arcadia Views Phase 1 Residential Planned Unit Development (hereafter, "Arcadia Views Phase 1") is hereby approved, subject to the following findings, allowances and conditions:

1. Internal and External Streets and Points of Access:

- A. The applicant shall construct internal streets in compliance with Exhibit B. Approved Plans and Drawings, which is attached hereto and incorporated herein by reference.
- B. The applicant shall construct on-street parking spaces and other internal street markings in conformance with the Manual on Uniform Traffic Control Devices and the applicable requirements Henderson County 911 and property addressing; and,
- C. Signage and addressing shall be subject to review and approval by the Town Manager and shall comply with the Town of Laurel Park Zoning Ordinance, Article IX Section 902 Sign Regulations as well as Henderson County's 911 signage and addressing regulations; and,
- D. All proposed streets and drives in phase 1 shall be private and maintained by the owner or an association and the Town will not be requested to take dedication of same; and,
- E. All streets within phase 1 shall be subject to review and approval by Valley Hill Fire District and the Town's Engineer to provide acceptable emergency vehicle access prior to approval of final plan; and,
- F. A driveway permit, approved by NCDOT, shall be provided for the first and second entrances from Brevard Road, and confirmation thereof shall be submitted as part of the final plan; and,
- G. A traffic impact analysis (TIA) has been performed and submitted for review by the North Carolina Department of Transportation (NCDOT). NCDOT has reviewed and provided comments related thereto, which are referenced and incorporated herein as conditions of approval by Town Council:
 - 1) The Applicant shall comply with NCDOT's required modifications as provided in correspondence from Steve Cannon, PE, NCDOT District Engineer, dated January 10, 2018,

regarding “Cottages at Arcadia Views driveway permit application – NCDOT review and comment,” which is included in Exhibit B.

- 2) The Applicant shall complete the conditions provided above for Phase I prior to issuance of the first certificate of occupancy of the first dwelling unit within Arcadia Views Phase I.
- 3) The Applicant shall complete the conditions provided above for Phase II prior to issuance of the first certificate of occupancy of the first dwelling unit within Arcadia Views Phase II;
and,

H. Second point of access:

- 1) A secondary, gated, all weather emergency ingress/egress road shall be constructed from the Phase I streets to the property eastern frontage on Brevard Road. The gate shall be located a minimum of one fire truck length off the Brevard Road pavement edge and be equipped with a Knox Box™, to provide access for emergency personnel. Such access road, gate and Knox Box™ shall be provided at the developer’s expense.
- 2) The location, design and layout of such access road is subject to review and approval by Valley Hill Fire District and the Town’s Engineer prior to approval of final plan; and,
- 3) Such gate and road will be completed prior to issuance of a certificate of occupancy for the first dwelling; and,

I. The applicant stated the applicant’s willingness and commitment to collaborate with the Hunters Crossing Homeowners Association, the Hawthorn Hills Property Owners Association, and NCDOT to evaluate, design, fund, and implement roadway improvements for the purposes of traffic calming and safety at the following intersections:

- 1) Hunters Lane; and,
- 2) Heathcote Road; and,
- 3) Hawthorn Drive; and,
- 4) The eastern and western access points to Arcadia Views.

The applicant shall make reasonable efforts to initiate the evaluation, design, funding and implementation of such improvements, in collaboration with the organizations referenced above, and shall submit documentation of such efforts as part of a future request for final subdivision approval and final RPUD approval for the Cottages at Arcadia Views Phase I.

2. Guarantee of Performance:

- A. The applicant shall provide a Guarantee of Performance as required in §1103.8 of the Zoning Ordinance prior to Town Council's issuance of approval of the Final Residential Planned Unit Development.
- B. The value of such guarantee, which shall be subject to review and approval by the Town Manager, shall be equal to 125% (one hundred and twenty five percent) of the true cost of construction of the following:
 - 1) On-site public water and wastewater infrastructure, as well as any off-site public water, wastewater.
 - 2) Site access and off-site roadway improvements which may be necessitated by the project.

3. Ecusta Trail:

- A. Prior to the Ecusta Trail being built the applicant shall:
 - 1) Plan, build and dedicate an roadway to NCDOT standards from Brevard Road to the south side of the railroad right-of-way, subject to approval of, and acceptance by, the Town of Laurel Park, with phase two; or,
 - 2) In the event phase two is not built prior to the opening of the Ecusta Trail, dedicate an appropriate ROW to the Town of Laurel Park for the purpose of access from Brevard Road; and,
- B. The applicant shall release or convey interest in railroad right-of-way land rights in the future to the Town of Laurel Park, to the extent reasonably necessary to facilitate construction and opening of the proposed Ecusta Trail, including area for reasonable trail access parking, provided that applicant shall:
 - 1) Not suffer a reduction in allowable density or built upon area; nor,
 - 2) Not be responsible for the costs of construction or maintenance of the trail or access parking facilities; and,
 - 3) Be fully indemnified from any liability related to the trail and its use; and,
 - 4) Maintain all right to construct and maintain a roadway crossing the trail as well as utility connections crossing and/or adjacent to the trail; and,
 - 5) The applicant shall provide documentation confirming the applicant's right to convey the applicant's interest in such right-of-way to the Town of Laurel Park.

4. Public Utilities and Road Connection to Davis Mountain Road:

- A. The applicant shall plan, obtain approvals for and construct the following:

- 1) A road, constructed to such standards as shall be determined by the Town of Laurel Park, which shall connect from Brevard Road to Davis Mountain Road with future phases; and,
- 2) Public, municipal water and sanitary sewer connections from Brevard Road to Davis Mountain Road with future phases; and,
- 3) In the event such road, water and sanitary connections from Brevard to Davis Mountain are not constructed prior to January 1, 2028, the applicant shall grant appropriate easements and / or rights-of-way to the Town of Laurel Park for construction of same. Applicant's granting of reasonably appropriate easements and/or rights-of-way to the Town will be subject to reasonable approval of the entity controlling the railroad right-of-way and the Town Manager and Town's legal counsel.

B. Approvals from the City of Hendersonville, Town of Laurel Park and NCDWQ shall be required for water and sanitary sewer system connections, extensions and installations, and confirmation thereof shall be submitted as part of the final plan; and,

5. Development Agreement:

A. Conditions 3 and 4, above, will be memorialized in a development agreement reviewed and approved by the Town's legal counsel and Town Council and executed by the Applicant and the Town prior to the issuance of final approval of Arcadia Views Phase 1.

B. A memorandum of said agreement shall be filed in the Henderson County Register of Deeds.

6. The Environment:

A. Storm Water and Sedimentation & Erosion Control Plans must be approved by Henderson County and NCDWQ and shall comply with the Town of Laurel Park Zoning Ordinance, Article XI, Section 1103.5 (4) & (5) and the Phase II Stormwater Ordinance, and shall submitted as part of the final plan; and,

B. The final plan shall be reviewed by Henderson County and the Town Manager in accordance with, and shall comply with, the requirements of Laurel Park Town Code, Article XVI Watershed Overlay District, and confirmation thereof shall submitted as part of the and plan; and,

C. Approvals for any disturbance of streams or wetlands shall be obtained from The US Army Corps of Engineers and/or North Carolina Division of Water Quality (NCDWQ), and shall submitted as part of the plan; and,

D. Outdoor lighting must be reviewed and approved by the Town Manager and shall comply with the Town of Laurel Park Zoning Ordinance, Article XI Section 1103.5 (8); and,

7. Landscaping, Buffers and Lighting:

- A. The applicant shall submit detailed landscaping plans for the entire site with the submittal for the final plan, which plans shall comply with the general provisions of Laurel Park Zoning Ordinance; and,
- B. Landscaping shall be submitted for review by the Town Manager and shall comply with the Town of Laurel Park Zoning Ordinance, Article XI Section 1103.5 (9); and,
- C. The applicant shall provide screening to adjacent properties in compliance with Town of Laurel Park Zoning Ordinance, Article XI Section 1103.5 (10), by means of either a sufficient natural buffer, a newly constructed buffer, or a combination thereof; and,
 - 1) Such buffer shall be generally consistent with the design that is depicted in Exhibit B; and,
 - 2) Such buffer shall be subject to review and approval by the Town Manager; and,
- D. Street trees shall be provided along both sides of all streets within Arcadia Views Phase I, and shall comply with the following requirements:
 - 1) Trees shall be 3" minimum caliper, exceeding 30' at maturity.
 - 2) In locations beneath overhead utility lines, tree size may be reduced to 15' to 30' at maturity.
 - 3) Trees shall be planted at maximum intervals of 50' on both sides of streets.
 - 4) No more than 33% of street trees shall be of the same species.
- E. Lighting within the Cottages at Arcadia Views shall be designed to preserve the night sky from undue glare and shall comply with the following requirements:
 - 1) Street lights and all exterior lights shall employ full-cutoff fixtures to prevent the upward spillage of light.
 - 2) Outdoor lighting shall not shine directly into the yard or into the windows of an adjacent residence.
 - 3) Outdoor lighting shall be designed, located, and mounted at heights no greater than 18 feet above grade for pedestrian lights, or 35 feet above grade for street or parking area lights.
 - 4) All lighting must be located at least ten feet from property lines.
 - 5) On site lighting may be used to accent architectural elements and not be used to illuminate entire portions of buildings.
 - 6) Floodlights, spotlights or any other similar lighting shall not be used to illuminate buildings or other site features. Floodlights or other type of lighting attached to light poles that illuminate the site and/or buildings are prohibited.
 - 7) The unshielded outdoor illumination of any building or landscaping is prohibited.

- 8) Lighting fixtures used to illuminate an outdoor sign either shall be directed ground lighting or mounted on top of the sign and shall comply with shielding requirements.
- 9) Flickering, rotating, or flashing lights, or search lights, shall be prohibited.
- 10) Wall packs on buildings may be used at entrances to a building to light unsafe areas. They are not intended to draw attention to the building or provide general building or site lighting. Wall packs on the exterior of the building shall be fully shielded (true cut-off type bulb or source light not visible from off-site) to direct the light downward.

8. Parking:

- A. Parking as shown on plan, 152 spaces total (56 garage, 56 driveway & 40 guest spaces) exceeds the requirement (2 spaces per unit) at 2.7 spaces per unit; and,
- B. The final parking design shall be subject to review and approval by the Town Manager and shall comply with the Town of Laurel Park Zoning Ordinance, Article XI Section 1103.5 (6); and,

9. Plats, Plans and Drawings:

- A. Exhibit B, which is attached hereto and incorporated herein by reference, contains plans and drawings which depict the general layout and design of Arcadia Views Phase 1 Development, as well as the general placement and design of structures and associated setbacks and separation, landscaping and buffers, streets and sidewalks, and public utilities located therein; and,
- B. Such plans and drawings, and the information that they depict, are conditions of approval of this Order.

**EXHIBIT B:
APPROVED PLANS AND DRAWINGS

FOR
CONDITIONAL USE PERMIT FOR
THE COTTAGES AT ARCADIA VIEWS PHASE 1 PRELIMINARY
RESIDENTIAL PLANNED UNIT DEVELOPMENT**

A Conditional Use Permit for the Cottages at Arcadia Views Phase 1 Residential Planned Unit Development (hereafter, "Arcadia Views Phase 1") is hereby approved, subject to the following findings, allowances and conditions:

1. The following plats, plans and drawings depict the general layout and design of Arcadia Views Phase 1 Development, as well as the general placement and design of structures and associated setbacks and separation, landscaping and buffers, streets and sidewalks, and public utilities located therein; and,
2. Such plans and drawings, and the information that they depict, are hereby approved as presented; and,
3. Future development / construction activity within Arcadia Views Phase 1 shall comply with the following plans and drawings, provided, however, that that Town Council may approve minor modifications thereto as part of its future approval of final plans.
4. Such plans and drawings are conditions of approval of this Order for the purposes of administration and enforcement.

PROJECT#: 014085

COTTAGES AT ARCADIA VIEWS (PHASE 1), LAUREL PARK, NC



ARCHITECTS
PLANNERS
LANDSCAPE ARCHITECTS

W X Z

COTTAGES AT ARCADIA VIEWS (PHASE 1)

Laurel Park, North Carolina

DEVELOPER: WIZ/SG ACQUISITION, LLC
Harrisburg, Pa, Ohio

ARCHITECT: CLINE DESIGN ASSOCIATES, PA
Raleigh, North Carolina

LANDSCAPE ARCHITECTURE: CLINE DESIGN ASSOCIATES, PA
Raleigh, North Carolina

CIVIL: MDG
Asheville, North Carolina

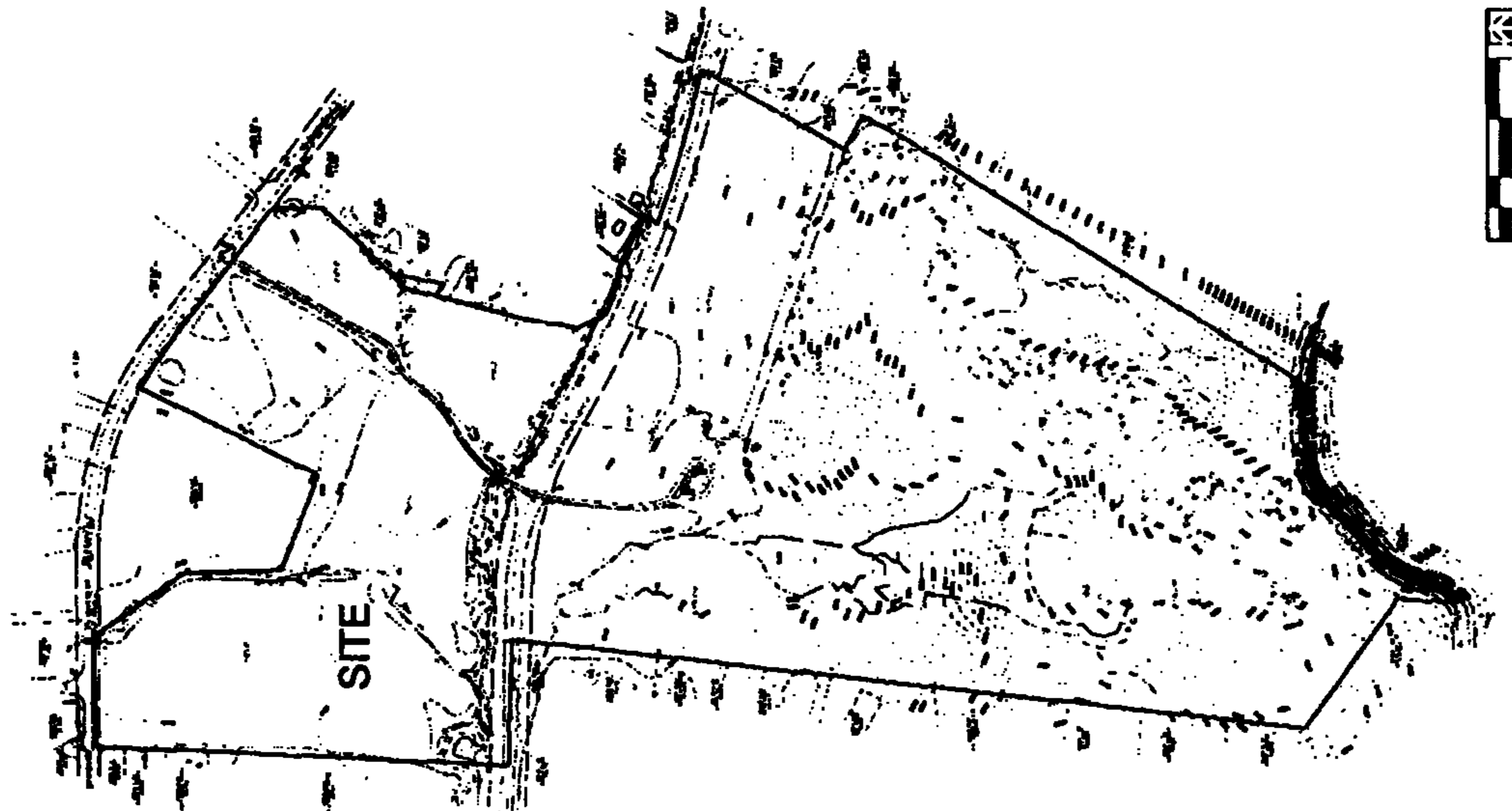
SURVEYOR: ASSOCIATED LAND SURVEYORS
Horse Shoos, North Carolina

SHEETINDEX:

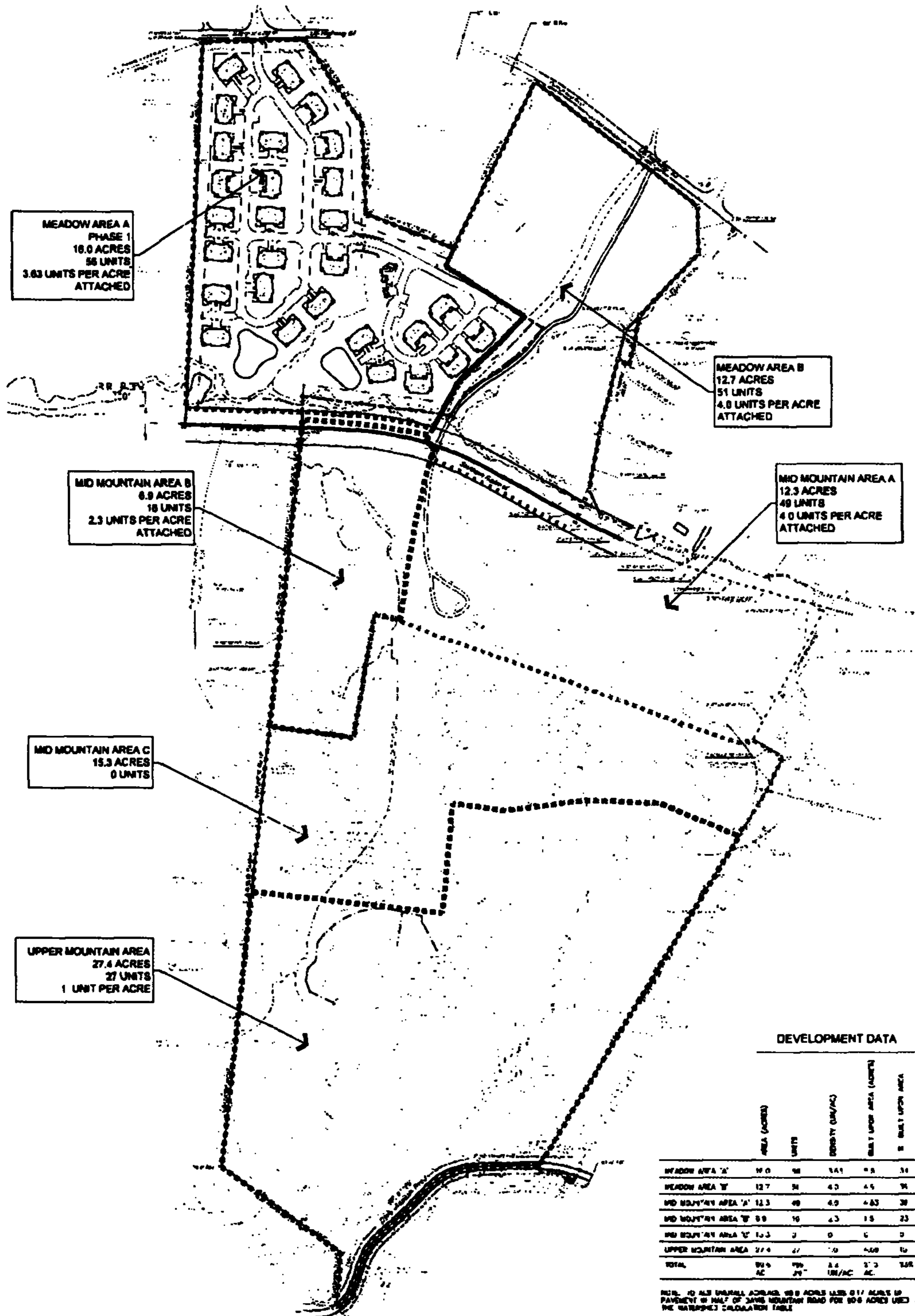
Overall Property Exhibit	SD1.00
Preliminary Site Layout Plan	C-1
Civil Infrastructure Plan	C-2
Civil Infrastructure Plan - West	C-3
Preliminary Typical Building Landscape Plan	LP-10
Landscaping Plans Packet	LP-11
Floor Plan Building 1	AI-01
Floor Plan Building 2	AI-02
Building Elevation Building 1	AE-01
Building Elevation Building 2	AE-02
Perimeter View	AS-01

SETS ISSUED:
07/08/2017 Revised per Town's Comments

RPUD CONDITIONAL USE /
PRELIMINARY PLAT APPLICATION
NOT FOR CONSTRUCTION
June 16, 2017



This map may not be a certified survey and has not been reviewed by a Local Government Agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.



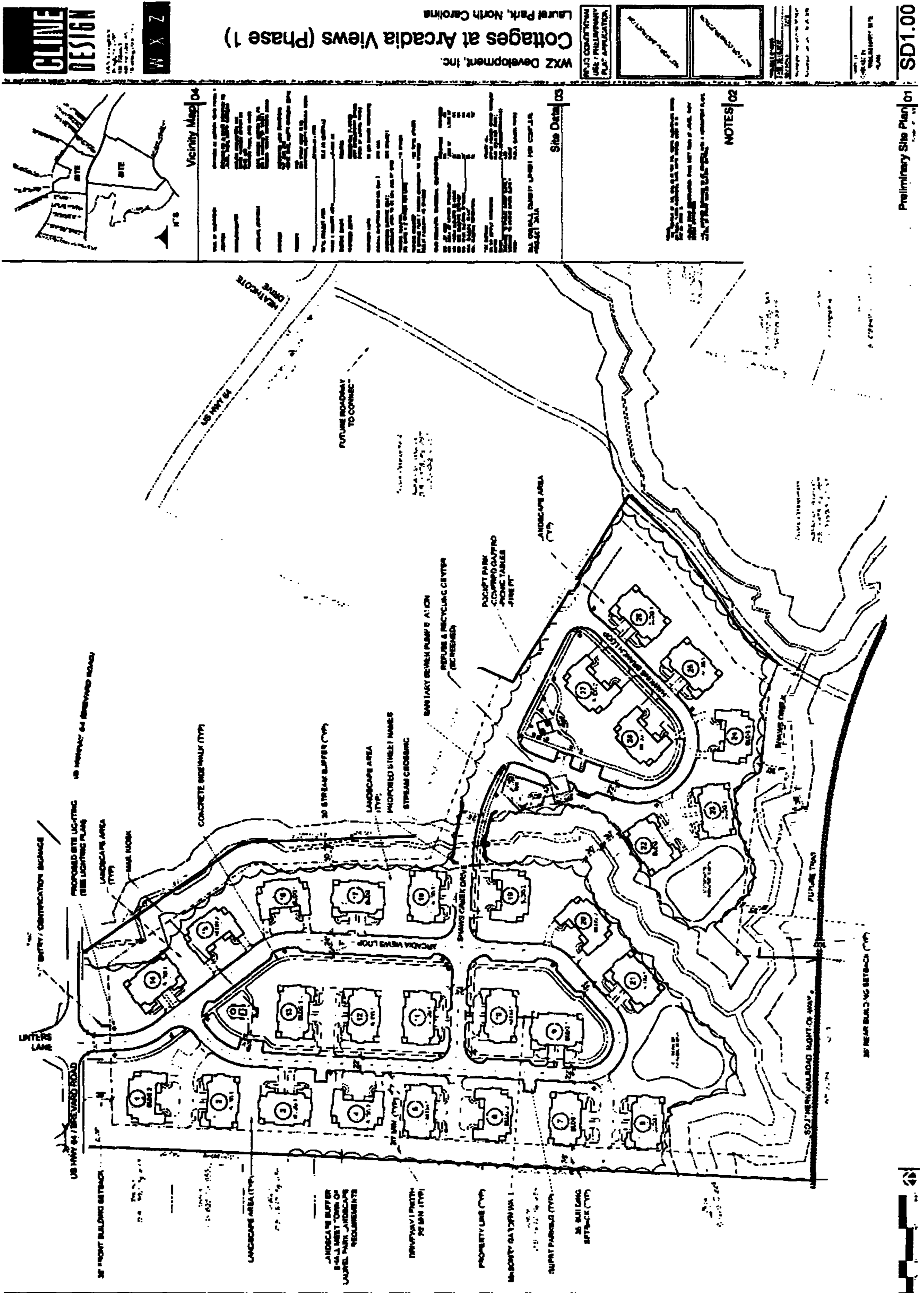
Arcadia Views
Laurel Park, North Carolina

June 16, 2017
Revised per Towns Comts 07.08.17

Overall Density Exhibit

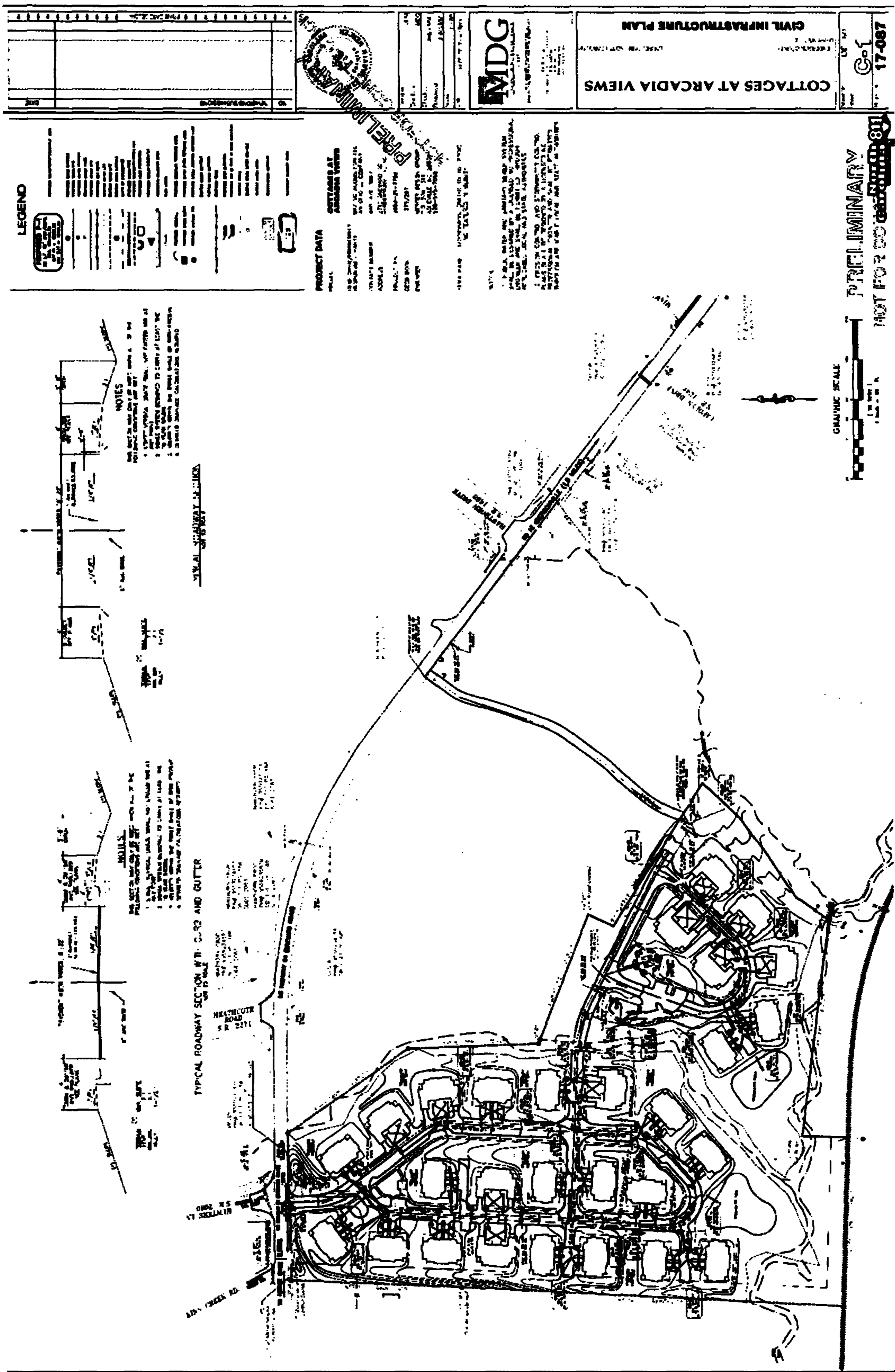
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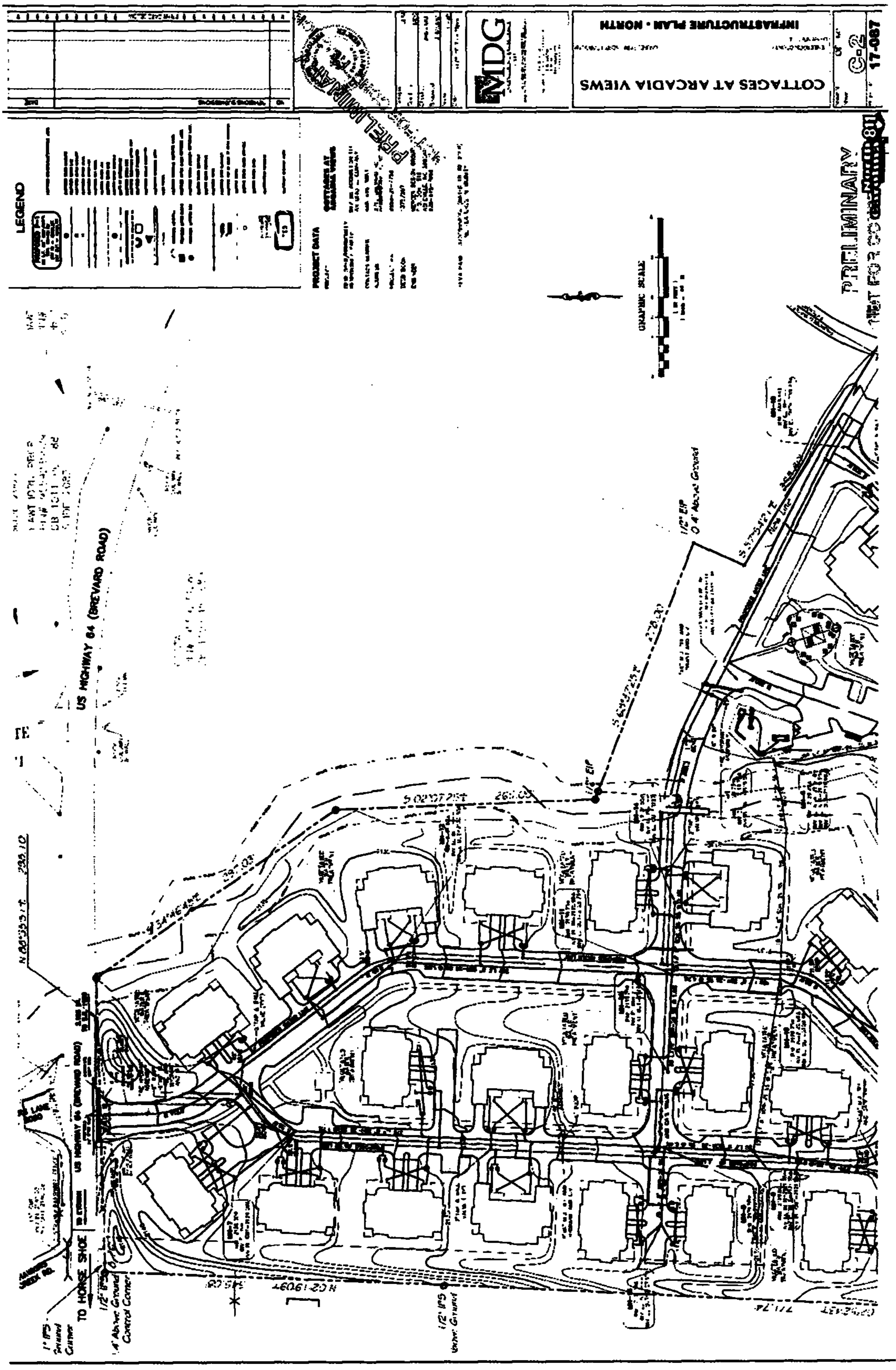


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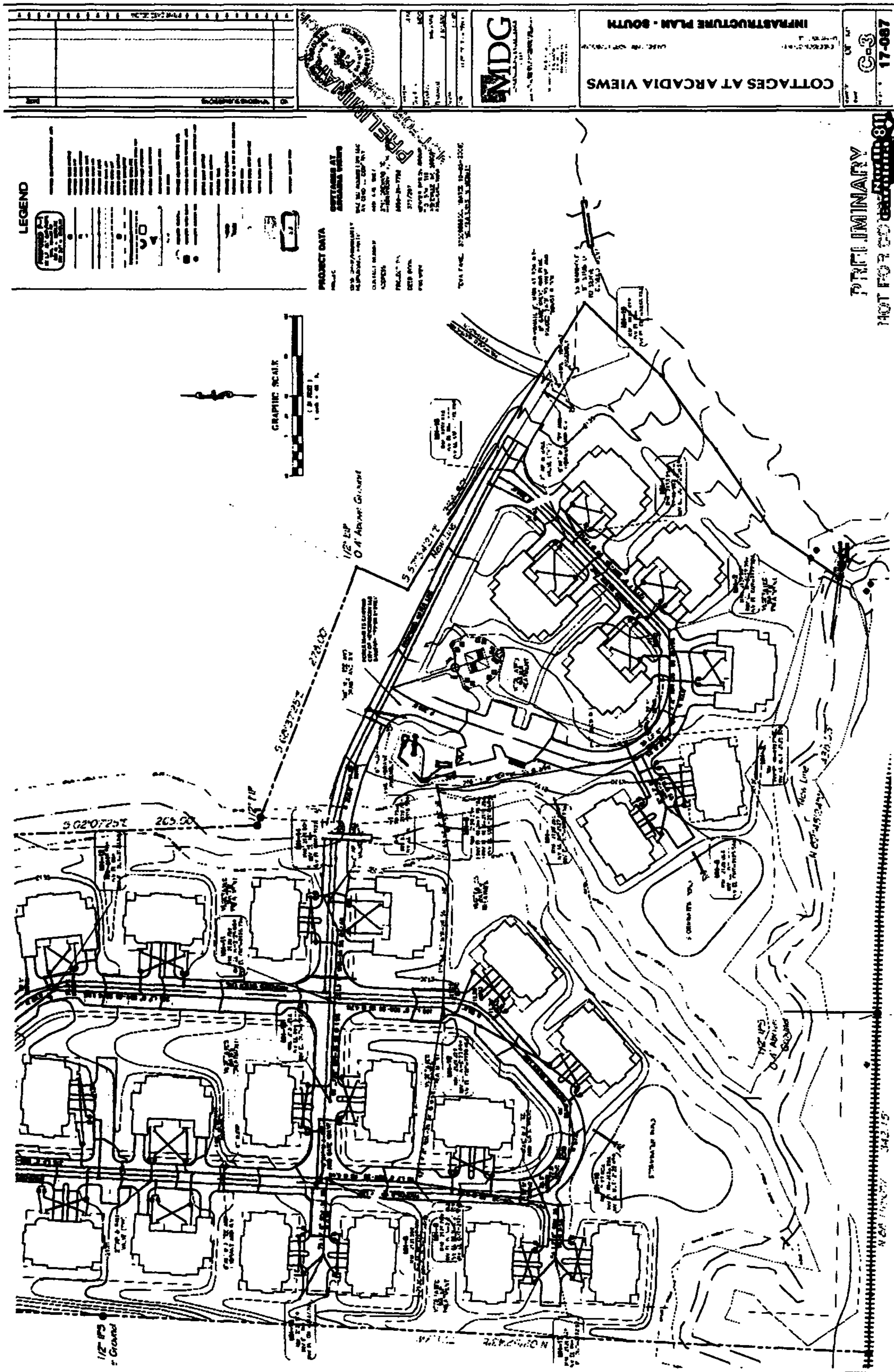
Order No. 2018-2, Exhibit B, Page 4 of 21



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CLINE DESIGN
ARCHITECTS & PLANNERS
1000 W. HARRIS STREET, SUITE 100
COLUMBUS, GA 31906
TEL: 706.321.1111
WWW.CLINEDSIGN.COM

WXZ

WXZ Development, Inc.
Lafayette Park, North Carolina
Cottages at Arcadia Views (Phase 1)

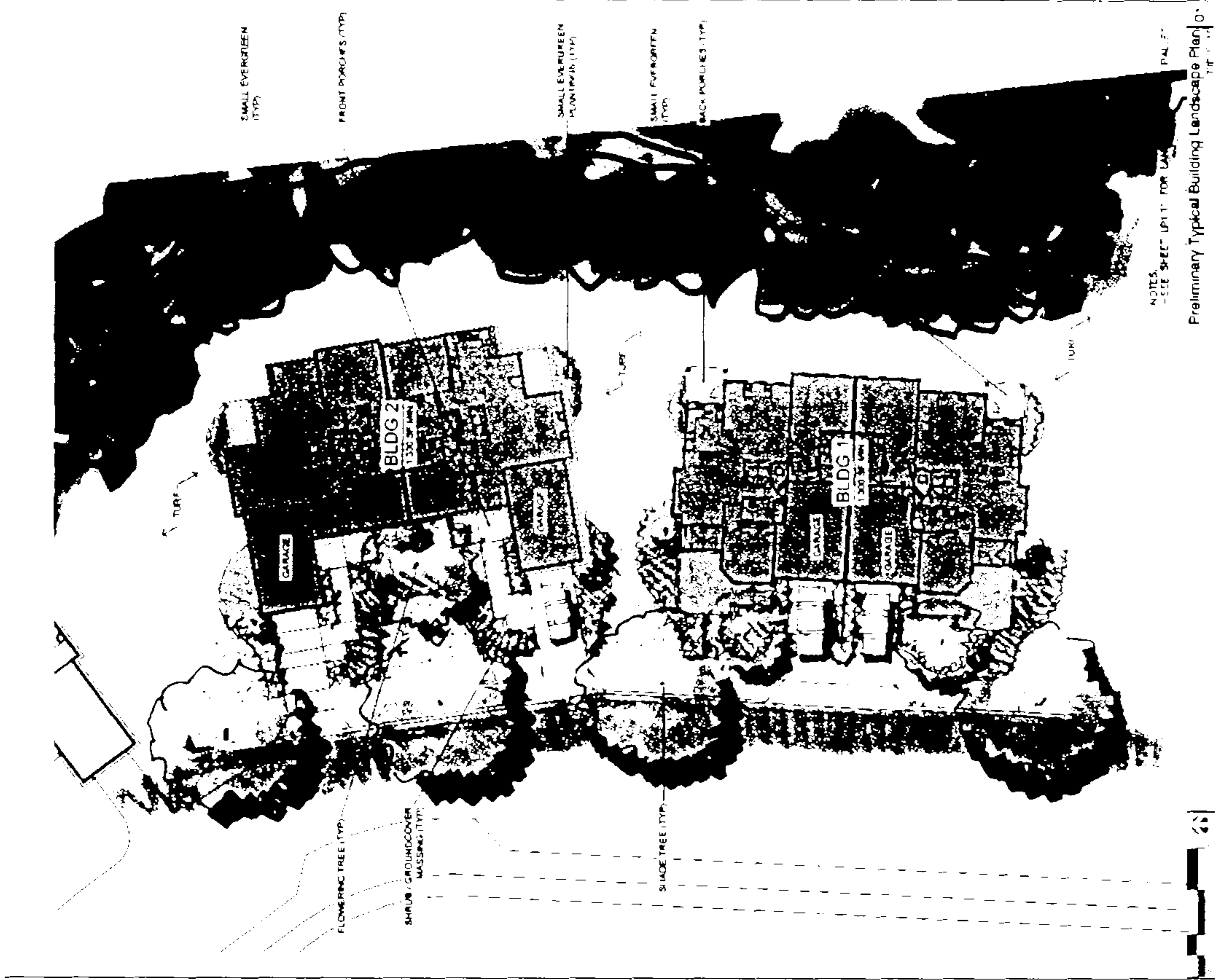
DUKE ENERGY
CONNECTIONAL
PERMITTING
FOR UTILITIES
CONSTRUCTION

DATE: 08/14/18
SCALE: 1/8" = 1'-0"
SHEET: 01

PROJECT NO.: 18-001
SHEET NO.: 01

NOTES:
- SEE SHEET 01.1 FOR LAYOUT
- PALM 27

LP1.10



DUKE ENERGY

Visitors' Comments:
Addition of site, residential and commercial areas.
The site plan for the residential area is a good mix of
addition of site, residential and commercial areas.

Typical Site Lighting Fixture

PLANT SCHEDULE

PLANT	QUANTITY	LOCATION
SMALL EVERGREEN (NON-TYP)	100	FRONT PORCHES
SMALL FOLIAGE	100	BACK YARDS
FLORICAN TREE	100	FRONT PORCHES
SHRUB GROUNDCOVER (MIXED)	100	FRONT PORCHES
SHADE TREE	100	FRONT PORCHES

Notes:
1. All plants are to be installed within 14 days of construction completion.
2. All plants are to be installed within 14 days of construction completion.

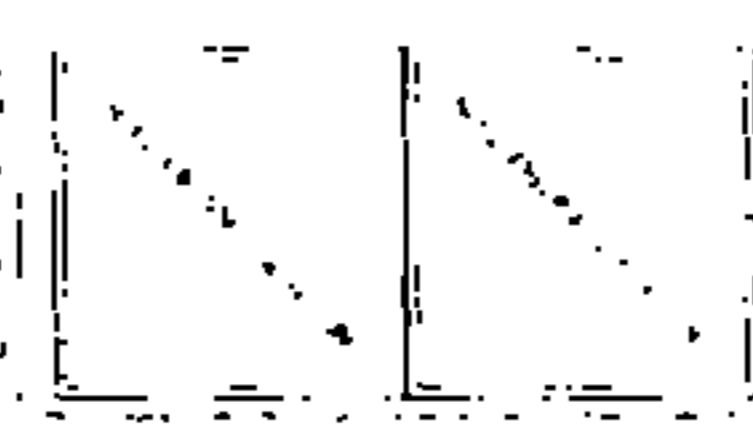
Typical 100' Buffer Planting and Schedule



W X Z

Cottages at Arcadia Views (Phase 1)

WXL DESIGN/ARCHITECT, INC.
1001 PARK NORTH DR. #100
NORTH CHARLOTTE, NC 28215
704.484.1100
WWW.WXLDESIGN.COM



DATE: 11/14/18
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN
SCALE: AS SHOWN

Plant Selection List LP1.11



CANOPY TREES



UNDERSTORY TREES



SHRUBS
GRASSES AND
GROUND COVER



WXZ Development, Inc.
Laurel Park, North Carolina
Cottages at Arcadia Views (Phase 1)

THIS DRAWING IS PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.

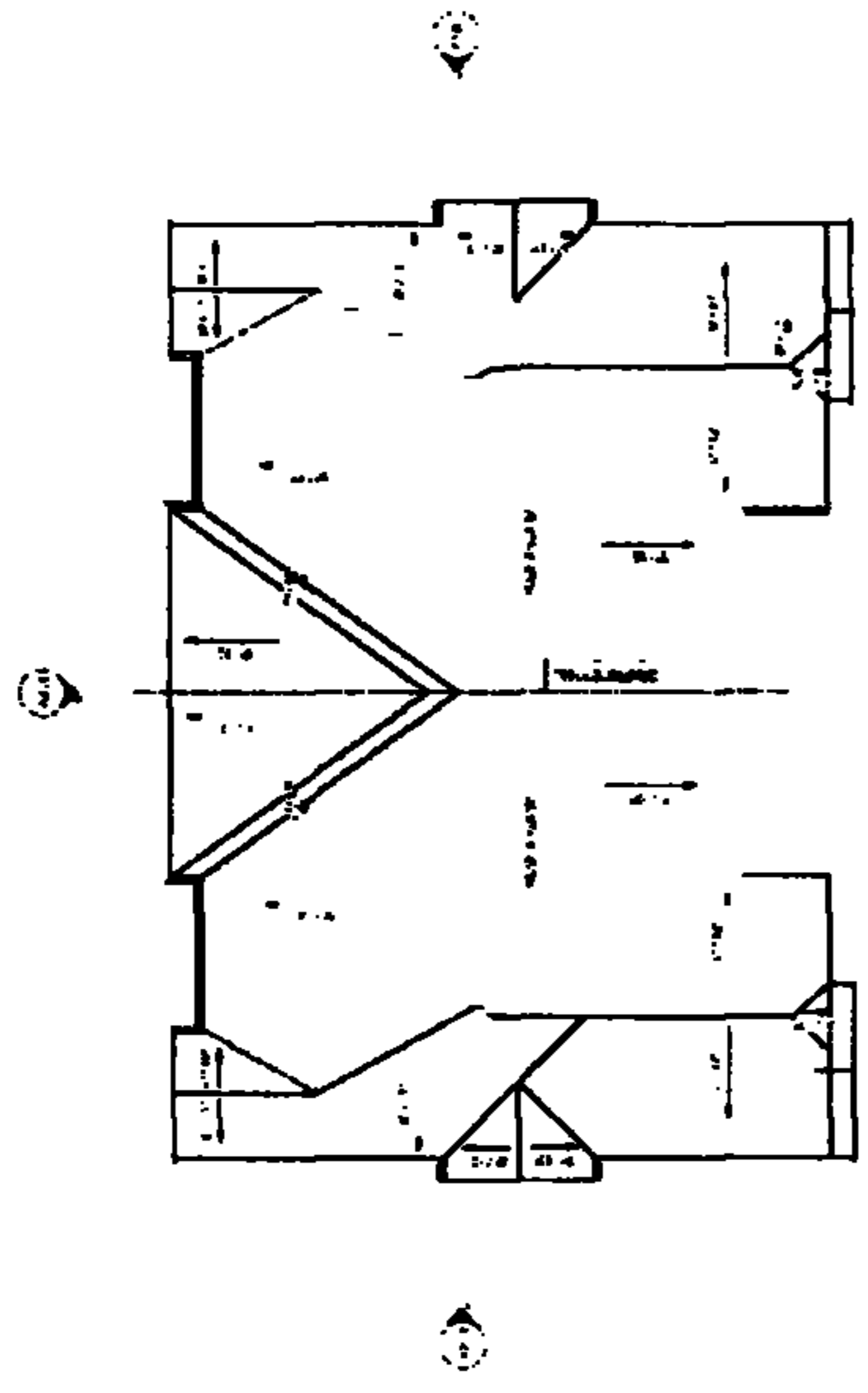
DATE: 08/15/18
DRAWN BY: J. W. Z. (JWZ)
CHECKED BY: J. W. Z. (JWZ)
SCALE: AS SHOWN
PROJECT: Cottages at Arcadia Views (Phase 1)
SHEET: A1.01

GENERAL NOTES

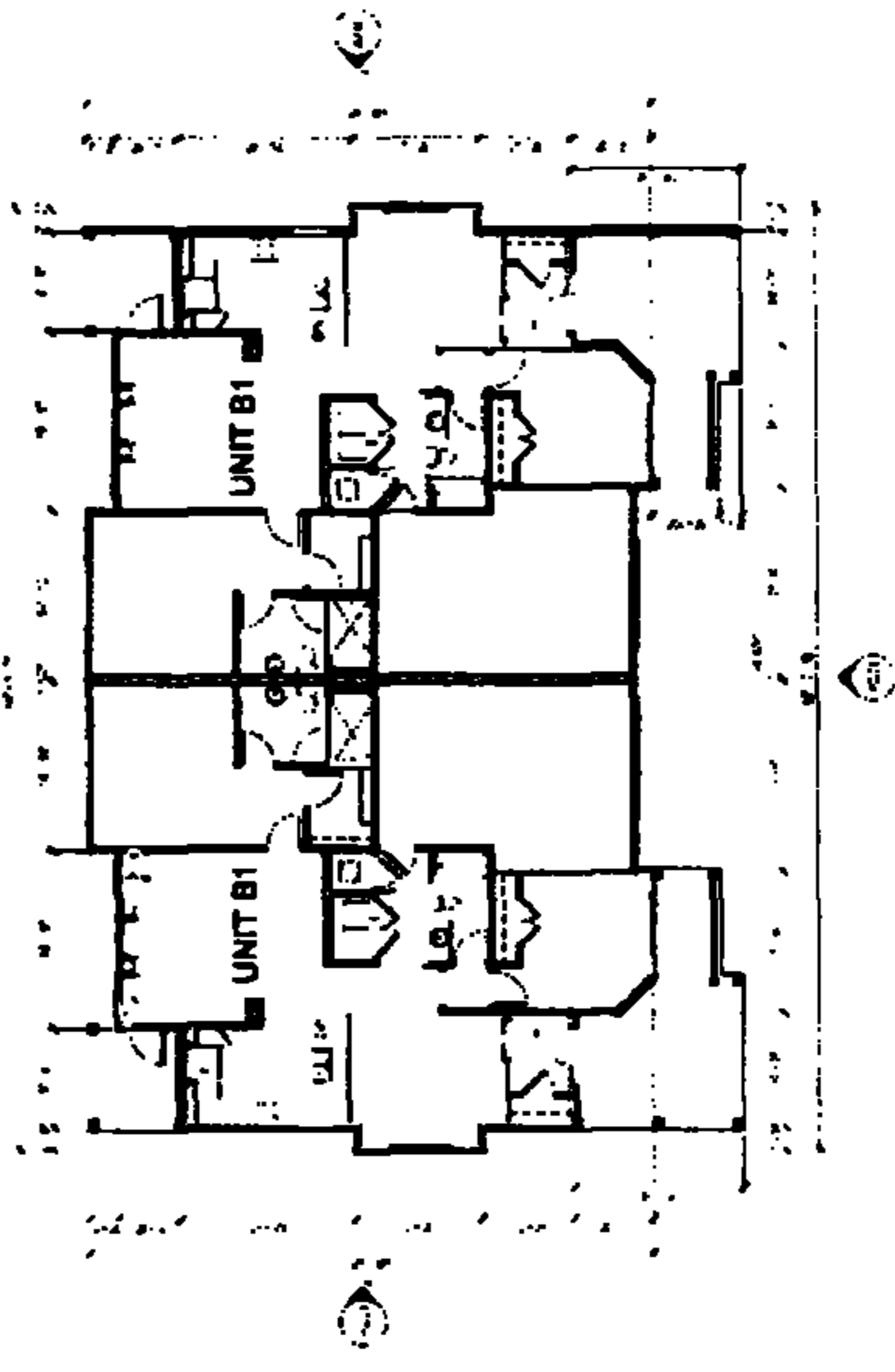
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
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MASONRY NOTES

1. ALL MASONRY SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC).
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
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BUILDING 1 - ROOF PLAN | 2



BUILDING 1 - 1ST FLOOR PLAN | 1



W X Z

WXZ Development, Inc.
Laurel Park, North Carolina
Cottages at Arcadia Views (Phase 1)

PROVIDED FOR THE ARCHITECT'S USE ONLY



DATE: 11/14/17
SCALE: AS SHOWN

PROJECT NO.: 17-001

DATE: 11/14/17

A1.02

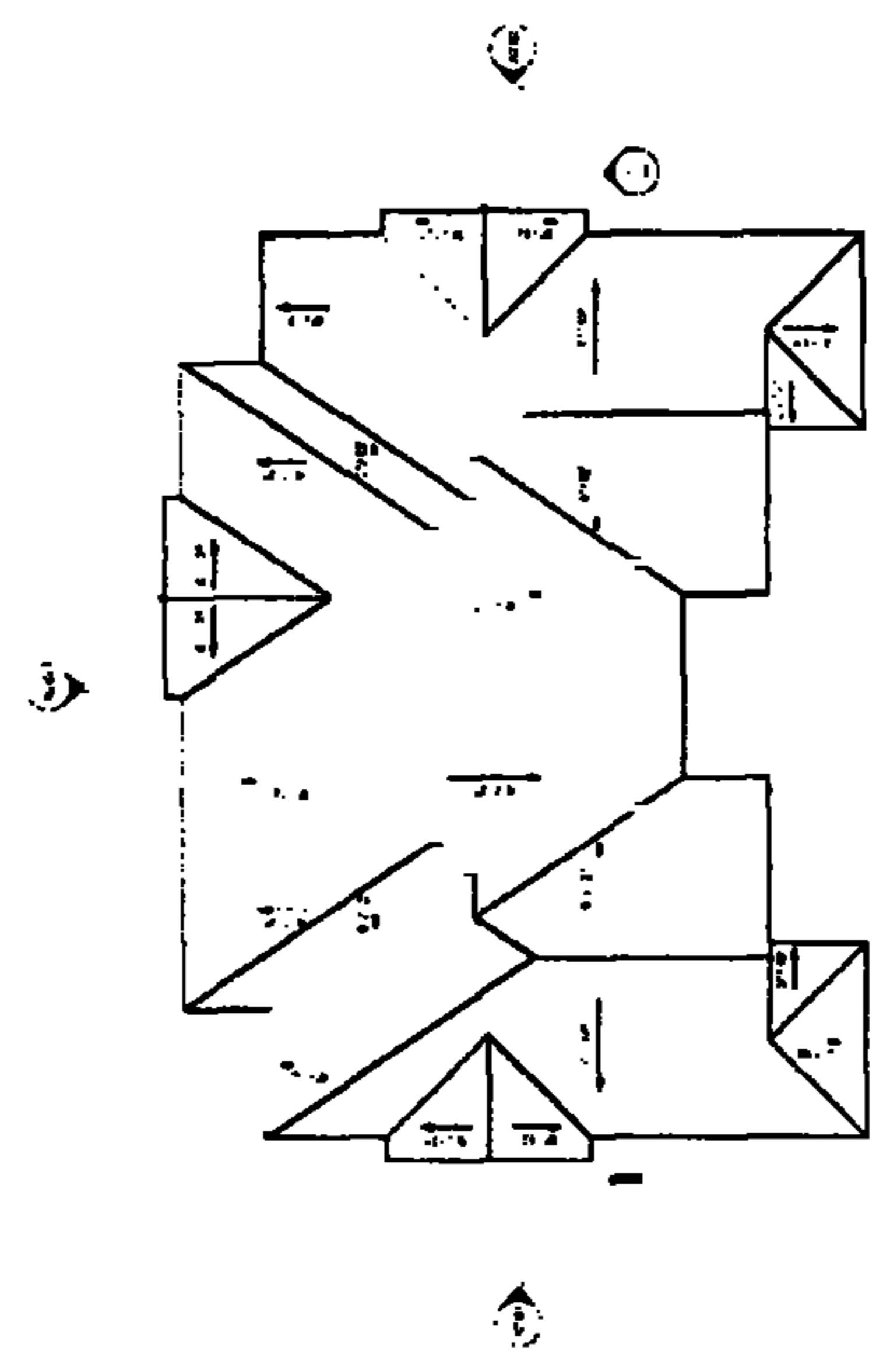
GENERAL NOTES

- 1. REFER TO ALL APPLICABLE SPECIFICATIONS AND NOTES.
- 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
- 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES (IMC/NEC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
- 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODES (IPMPC/IMC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
- 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODES (IFSC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
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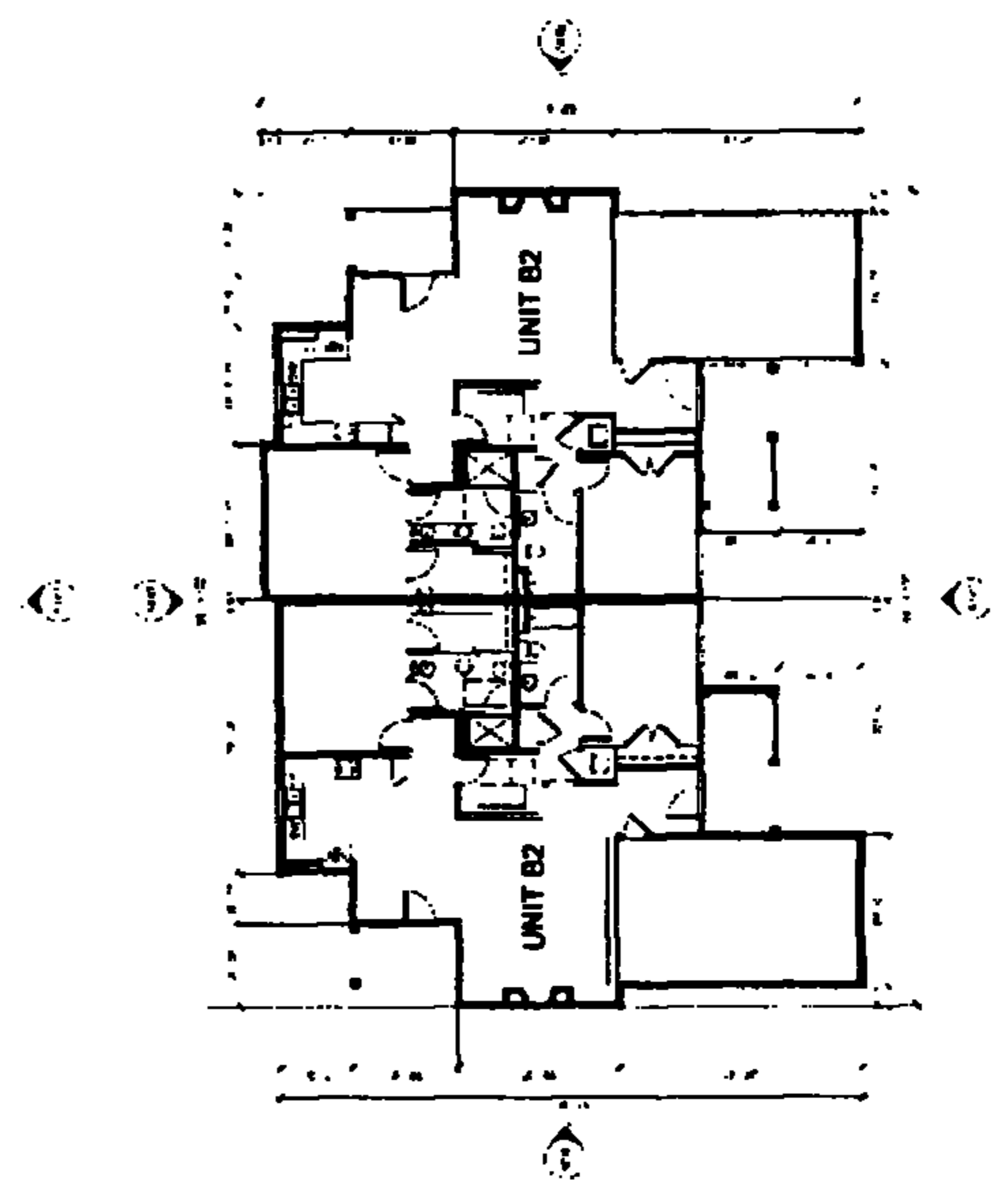
MASONRY NOTES

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BUILDING 2 - ROOF PLAN 2



BUILDING 2 - 1ST FLOOR PLAN 1





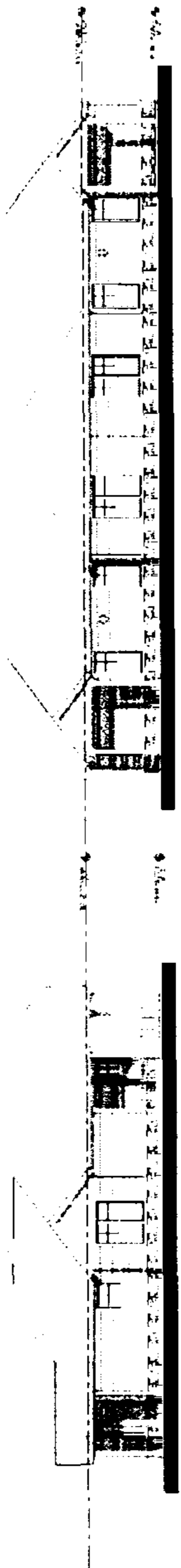
WYZ Development, Inc.
Cottages at Arcadia Views (Phase 1)
Laurel Park, North Carolina

REG. CONDITIONAL
USE - PRELIMINARY
NOT FOR CONSTRUCTION

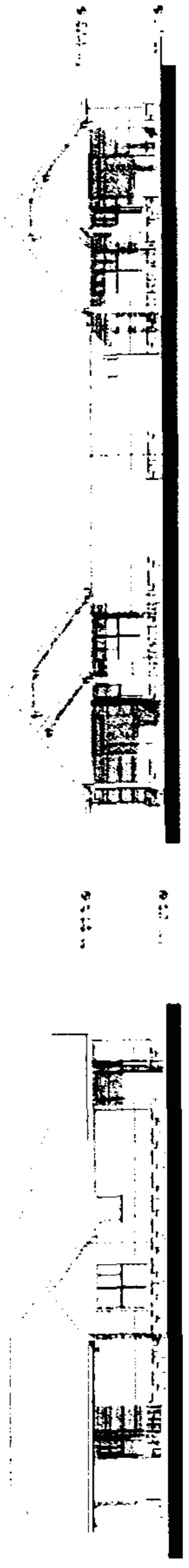
DATE: 01/11/17
PROJECT: WYZ DEVELOPMENT, INC.
LOCATION: LAUREL PARK, NC
SCALE: AS SHOWN
DATE: 01/11/17
PROJECT: WYZ DEVELOPMENT, INC.
LOCATION: LAUREL PARK, NC
SCALE: AS SHOWN

WYZ DEVELOPMENT, INC.
11111 WYZ DRIVE
LAUREL PARK, NC 27053
TEL: 704.888.1111
WWW.WYZDEVELOPMENT.COM

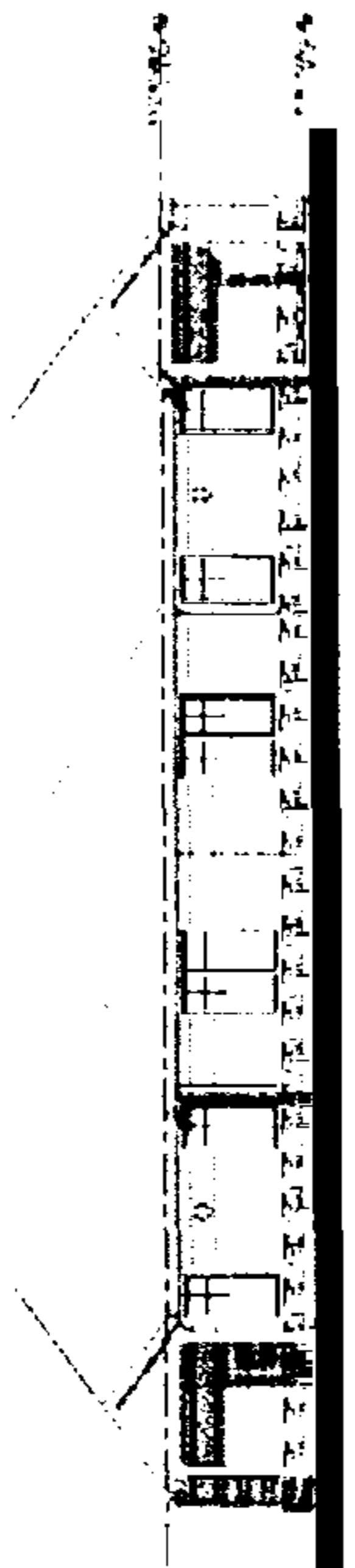
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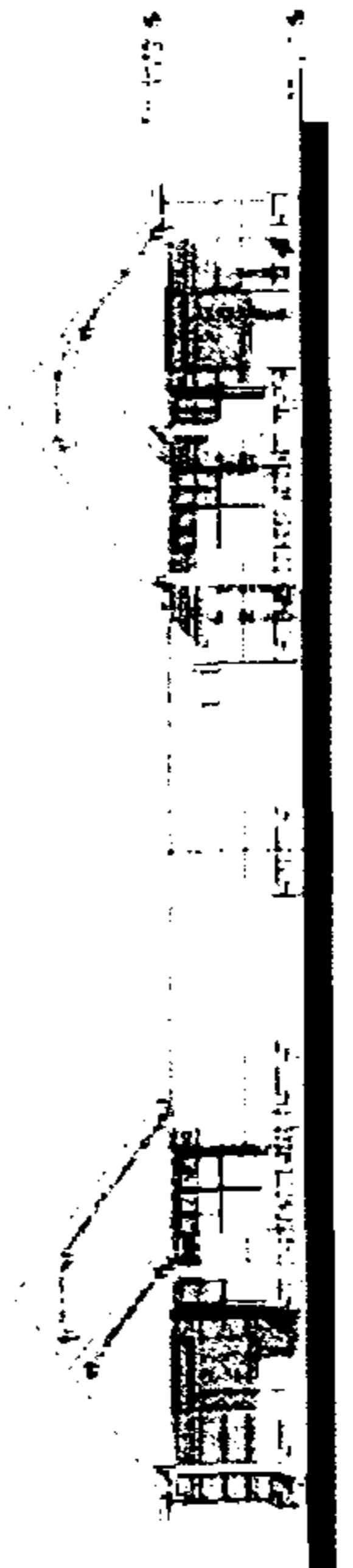
BUILDING 1 - LEFT ELEVATION | 4



BUILDING 1 - RIGHT ELEVATION | 3



BUILDING 1 - REAR ELEVATION | 2



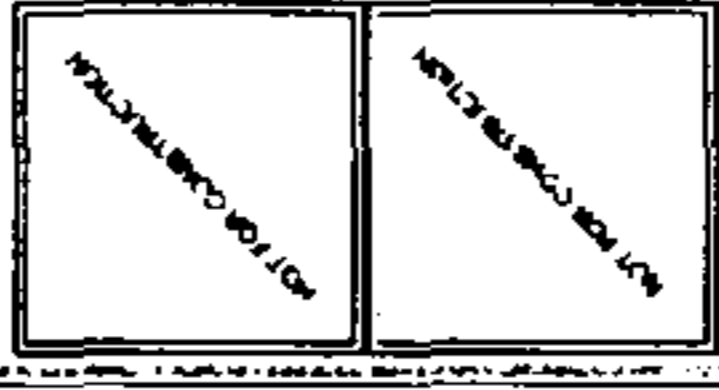
BUILDING 1 - FRONT ELEVATION | 1



W X Z

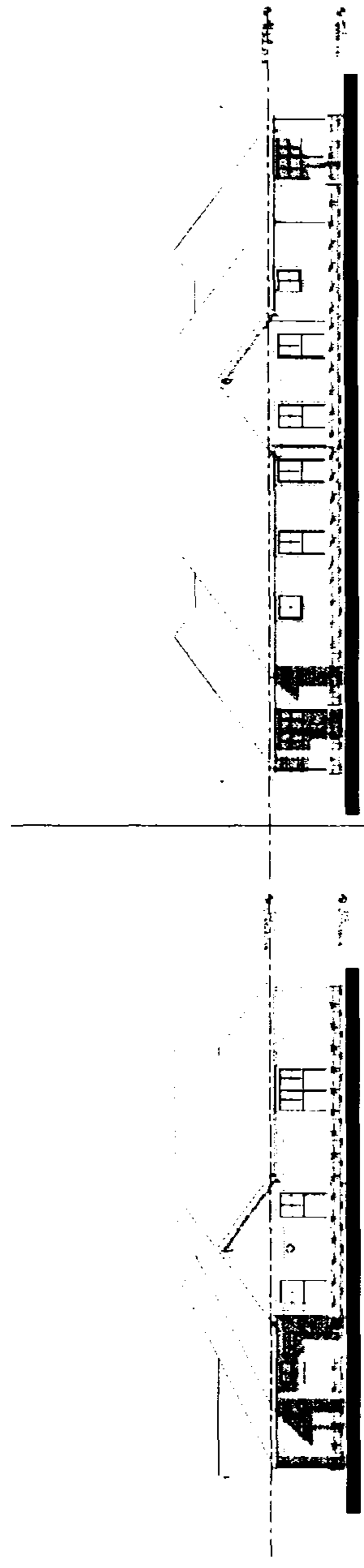
WXZ Development, Inc.
Cottages at Arcadia Views (Phase 1)
Laurel Park, North Carolina

THIS DOCUMENT IS FOR PRELIMINARY USE ONLY. IT IS NOT TO BE USED FOR CONSTRUCTION.

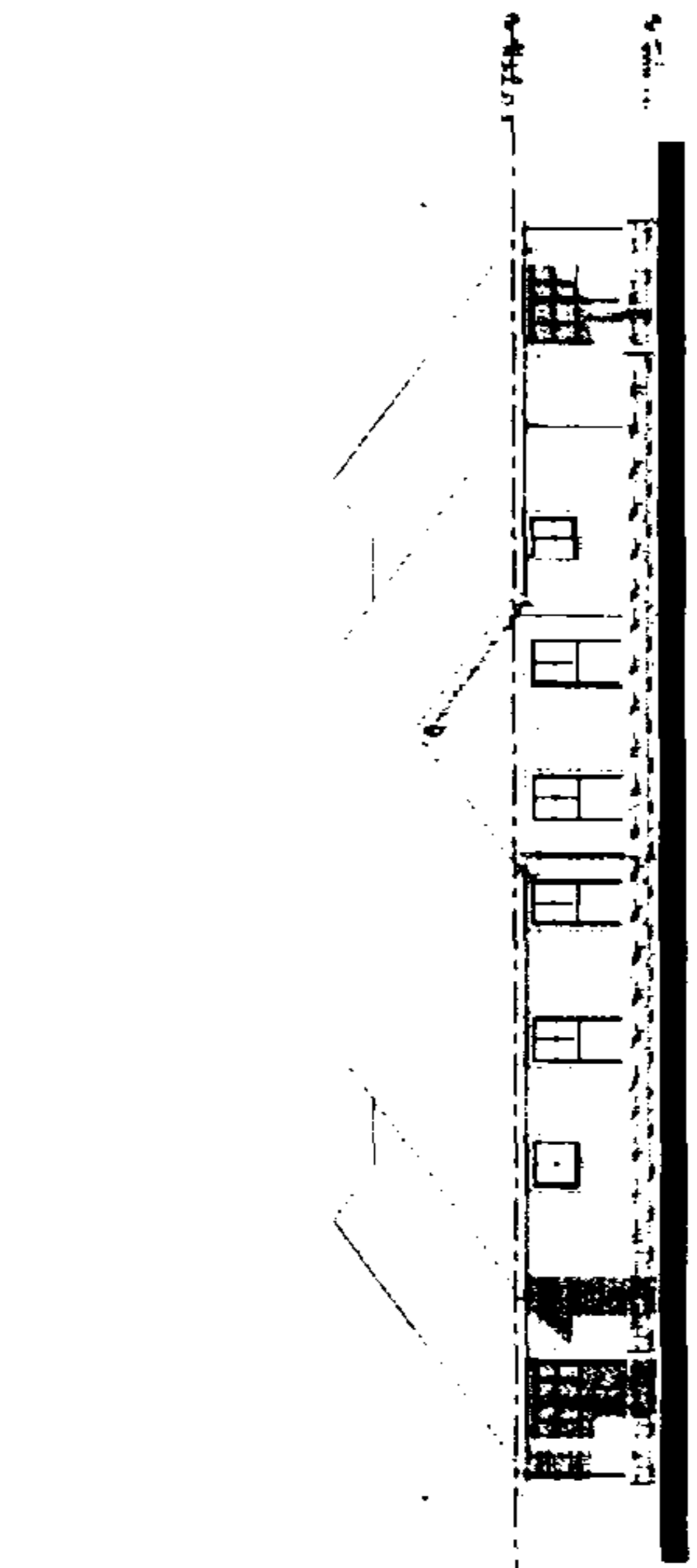


DATE:	11/14/18
BY:	W. W. W.
CHECKED BY:	W. W. W.
SCALE:	AS SHOWN

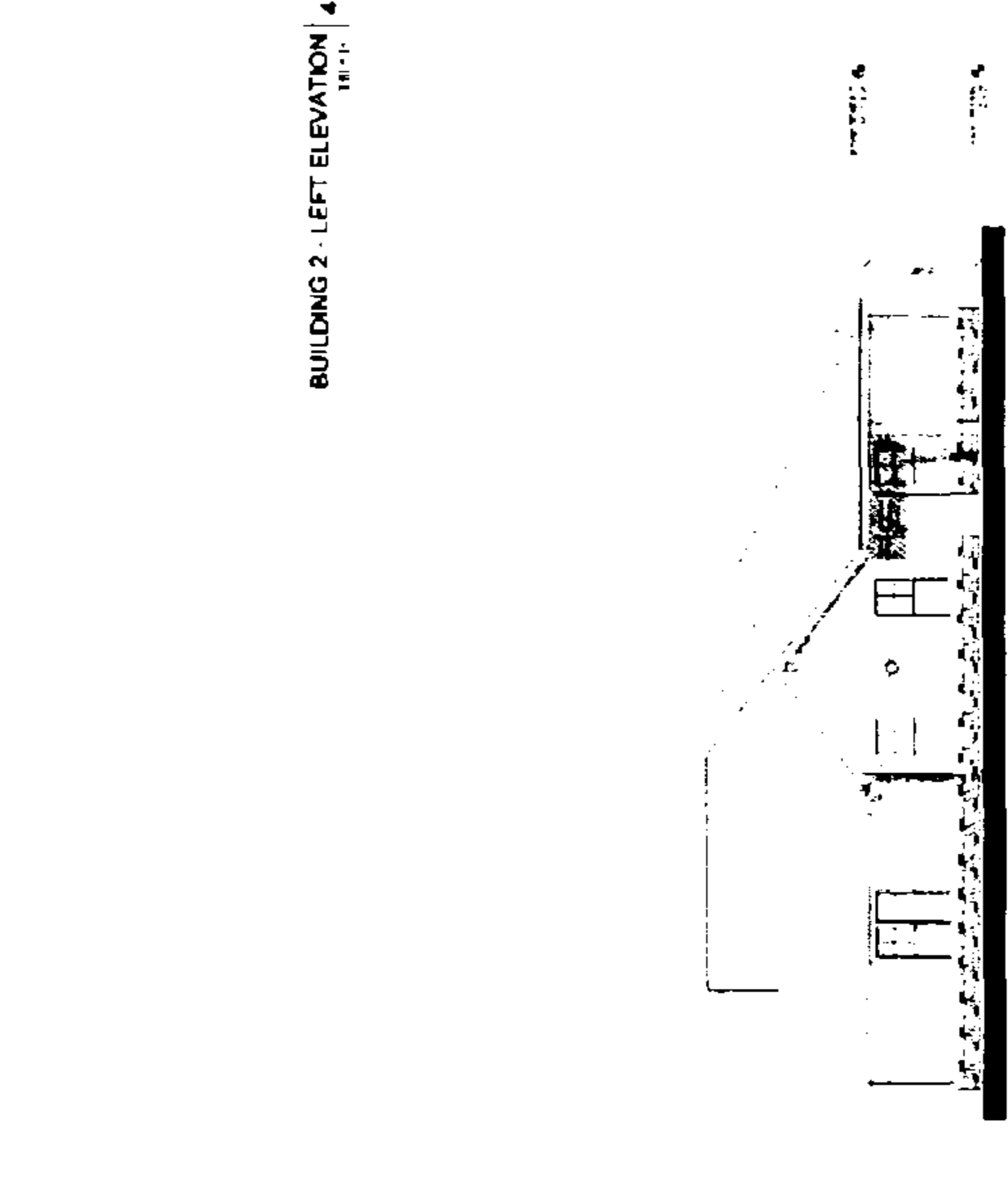
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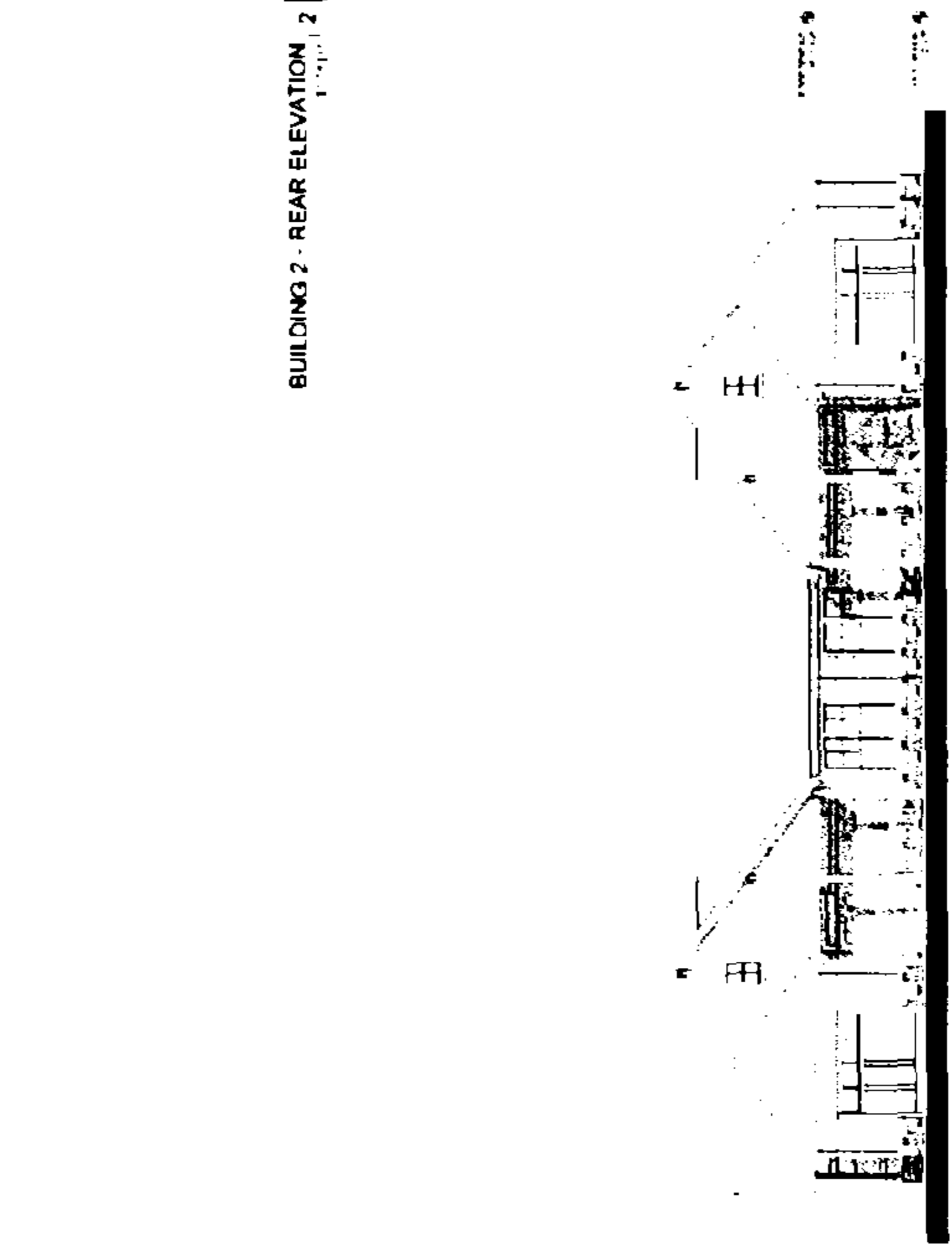
BUILDING 2 - LEFT ELEVATION | 4



BUILDING 2 - REAR ELEVATION | 2



BUILDING 2 - RIGHT ELEVATION Copy 1 | 3



BUILDING 2 - FRONT ELEVATION | 1

CLINE DESIGN
ARCHITECTS
1000 W. 10TH ST., SUITE 100
LAUREL PARK, NC 27053
TEL: 704.281.1111
WWW.CLINEDSIGN.COM

WXZ

WXZ Development, Inc.
Cottages at Arcadia Views (Phase 1)
Laurel Park, North Carolina

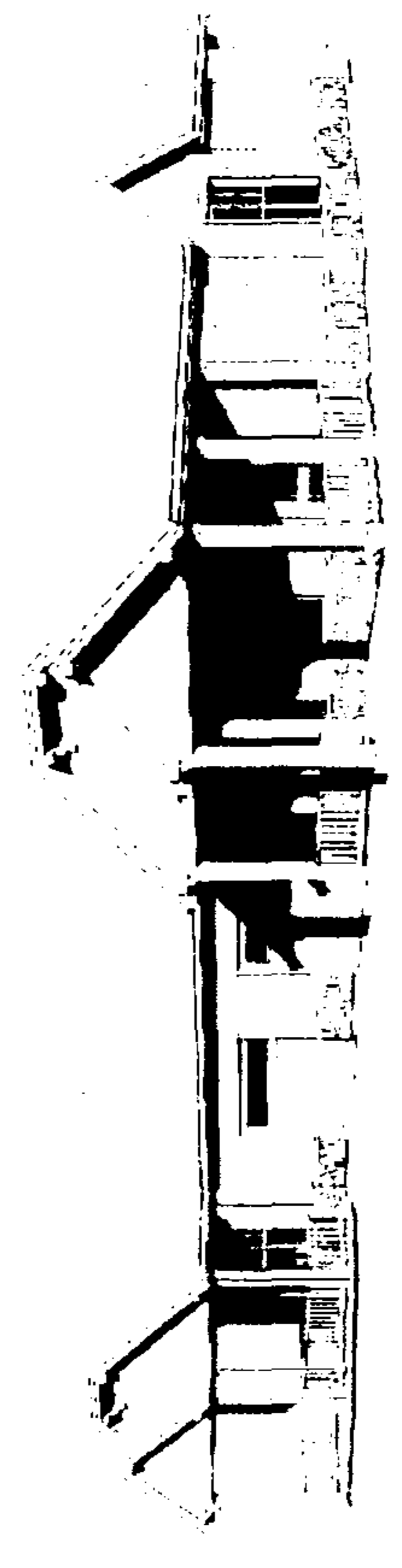
PLAT APPLICATION
PLAT APPLICATION
PLAT APPLICATION

DATE: 11/15/18
SCALE: AS SHOWN
BY: [Signature]
PROJECT NO. 18-001

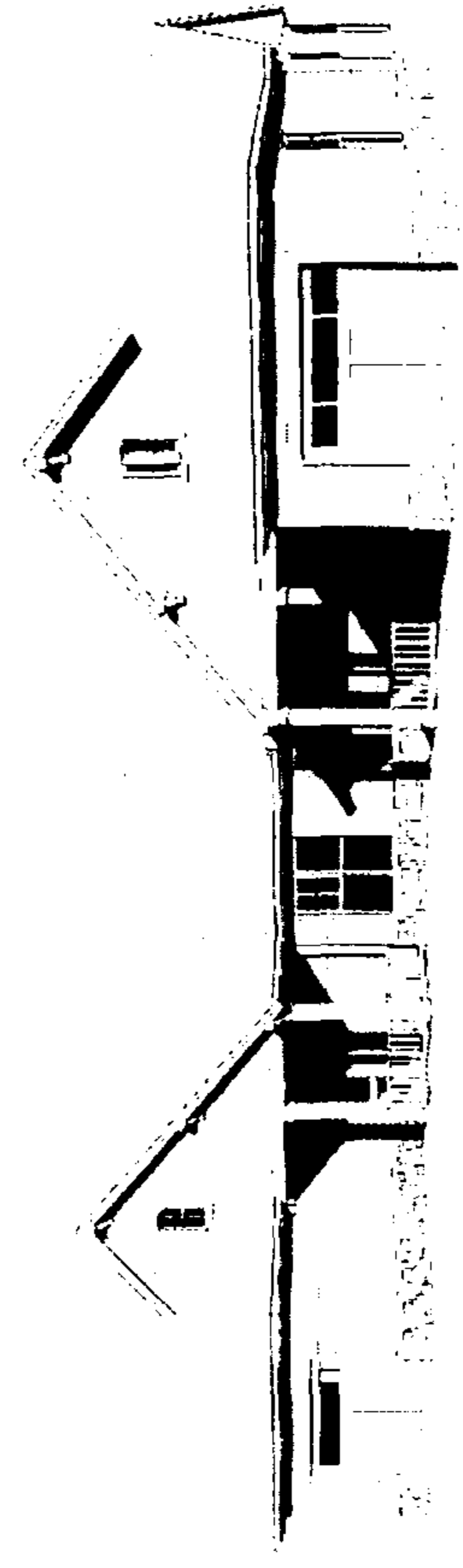
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BY: [Signature]
PROJECT NO. 18-001

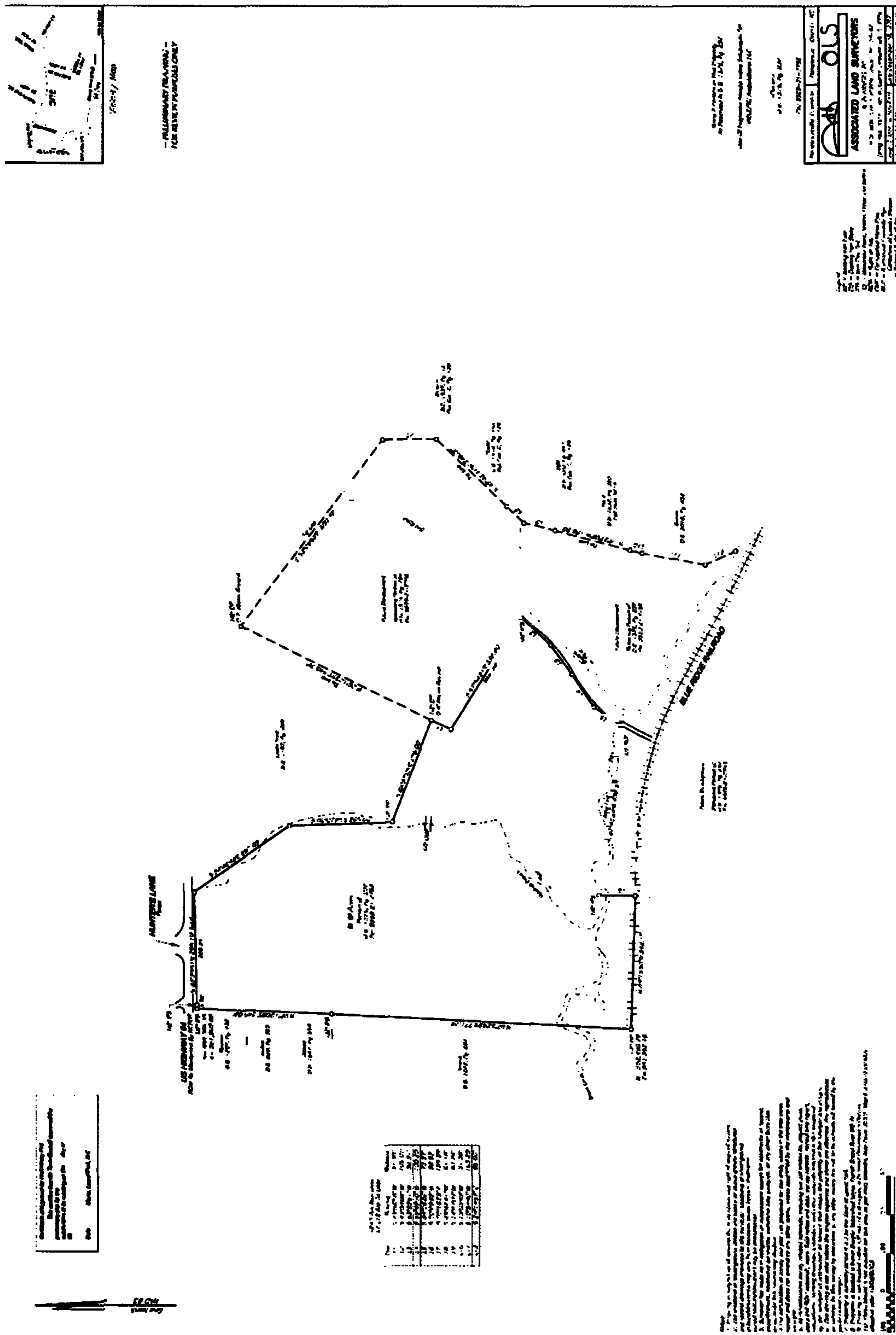
A3.01

3D View - BUILDING 1 | 1



3D View - BUILDING 2 | 2





This map may not be a certified survey and has not been reviewed by a Local Government Agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

January 10, 2018

Town of Laurel Park
C/o Alison Alexander, Town Manager
441 White Pine Drive
Laurel Park, NC 28739

RE: Cottages at Arcadia Views driveway permit application – NCDOT review and comment

Dear Mrs. Alexander,

NCDOT received a driveway permit application from WXZ, Development Inc. for a proposed development known as The Cottages at Arcadia Views. This proposed development is situated within the Township of Laurel Park. Therefore, in accordance with the *NCDOT Policy on Street and Driveway Access to North Carolina Highways* coordination with the Town of Laurel Park is required for issuance of the driveway permit.

Although only Phase I of the proposed development is being proposed by the developer NCDOT has required the developer to provide information for all Phases for review purposes. This is to identify any issues that could arise at a later date with additional proposed Phases. The developer was agreeable and has complied with this requirement.

The developer provided NCDOT with a driveway permit application, site plans, and a TIA (Traffic Impact Analysis). NCDOT has reviewed the submitted materials in accordance with the terms of the *NCDOT Policy on Street and Driveway Access to North Carolina Highways*. Items of concern during the review process included, but were not limited to;

- Traffic Safety
- Traffic Impacts
- Driveway sight distance
- Driveway separation

These items of concern have been properly addressed by the revised plans and now meet requirements.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 14, DISTRICT 1
4142 HAYWOOD ROAD
MILLS RIVER, NORTH CAROLINA 28759

Telephone: (828) 891-7911
Fax: (828) 891-5026
Customer Service: 1-877-368-4968

Location:
4142 HAYWOOD ROAD
MILLS RIVER, NORTH CAROLINA 28759

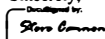
Website: www.ncdot.gov

After careful review of the proposed information NCDOT required modifications to include, but limited to;

- Phase I
 - Construction of a right turn lane taper
 - Increase driveway radii to 35'
- Phase II
 - Construction of left turn lane
 - Increase driveway radii to 35'
 - On site grading, as shown on the revised plans, to ensure adequate sight distance to the west approach

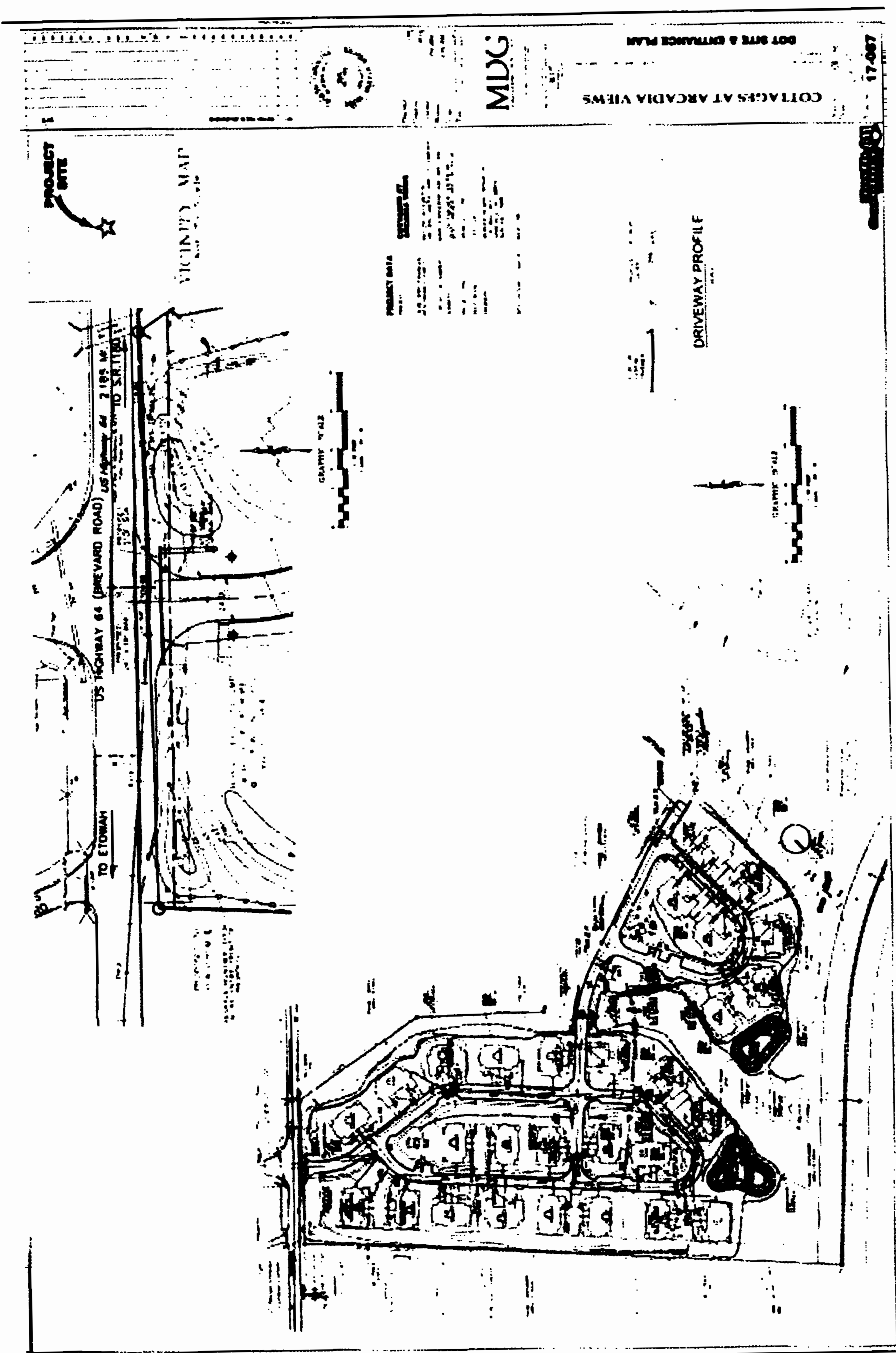
If the Town of Laurel Park approves of the driveway permit then NCDOT is prepared to process the driveway permit application.

Sincerely,

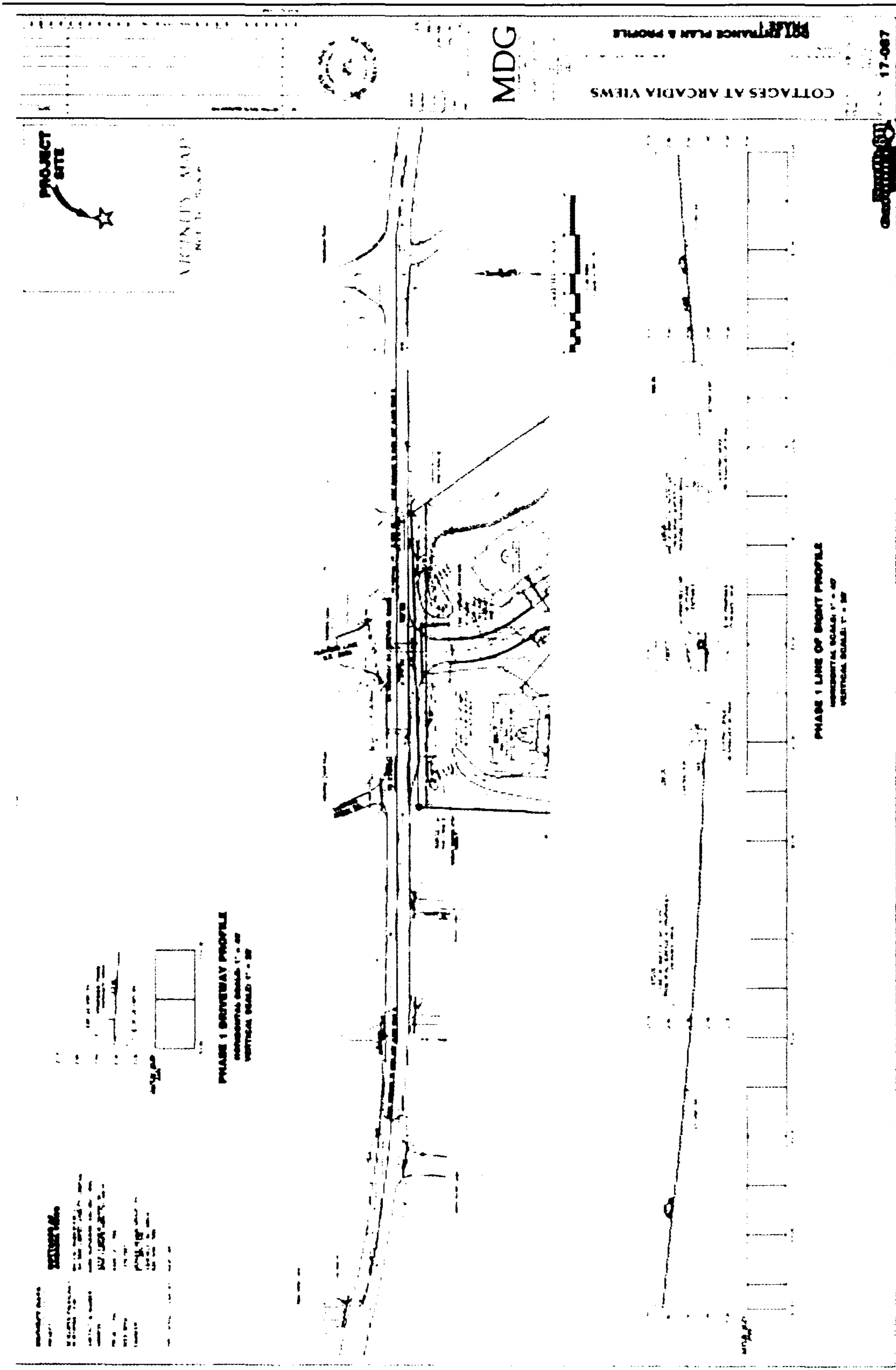


Steve Cannon
Steve Cannon, PE
NCDOT District Engineer

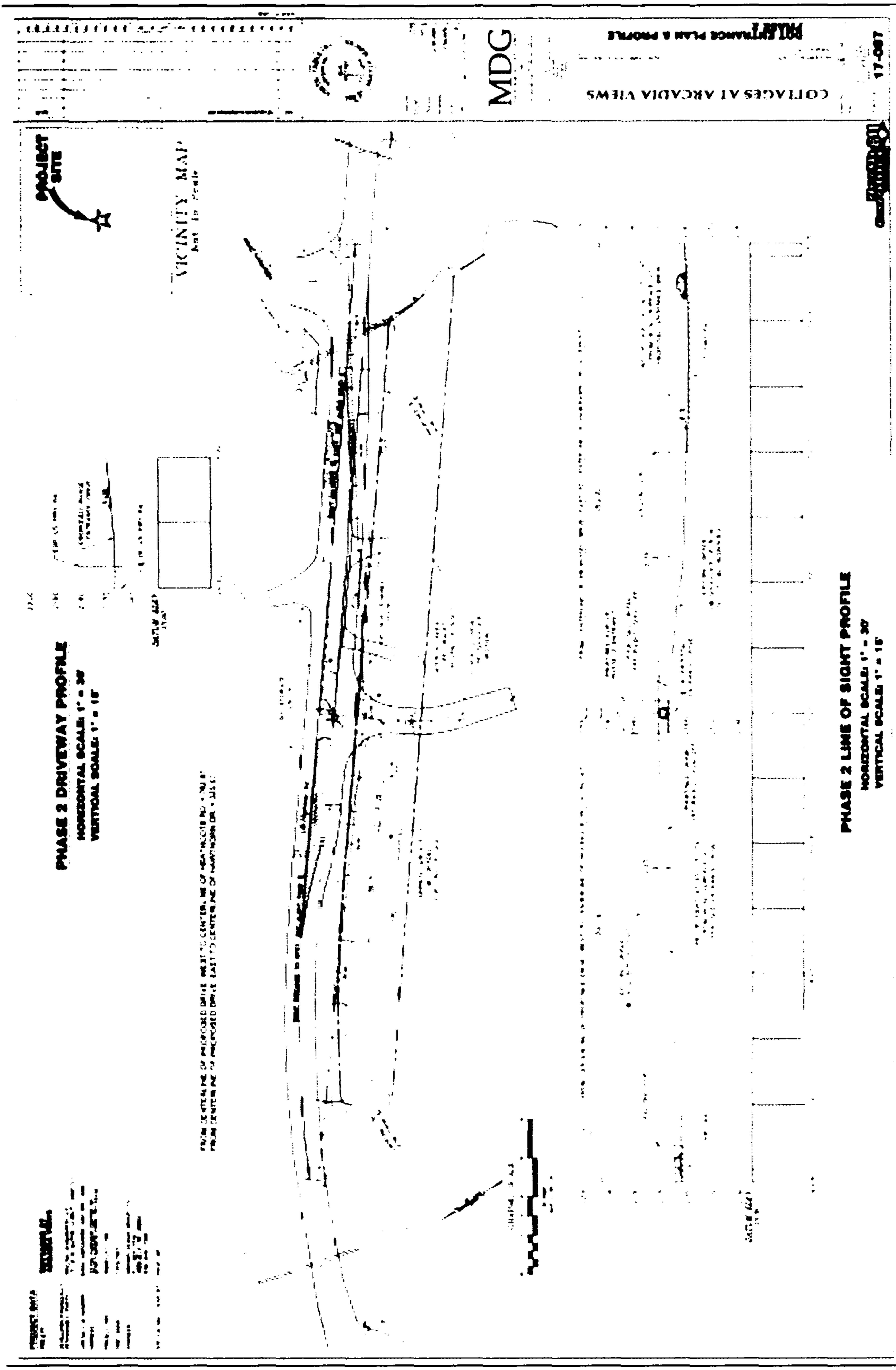
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CC: File



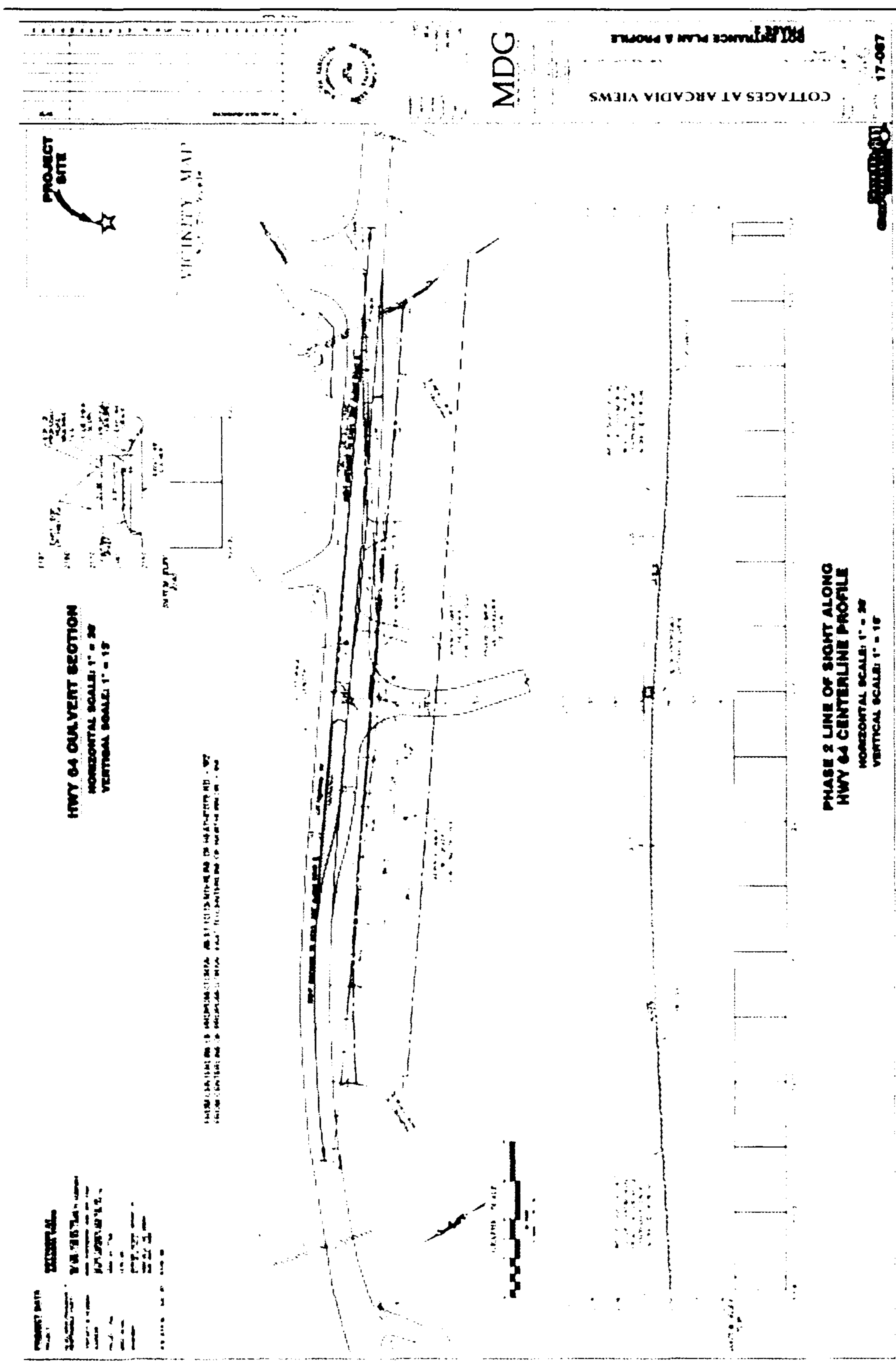
This map may not be a certified survey and has not been reviewed by a Local Government Agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.



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(3) IMPROVEMENTS GUARANTEE AGREEMENT

STATE OF NORTH CAROLINA
TOWN OF LAUREL PARK

THIS AGREEMENT WAS MADE AND ENTERED INTO this the _____ day of _____, 20_____, by and between **WXZ Residential Group/Arcadia One, LLC,** hereinafter known as "the Subdivider," and the Town Council of Laurel Park, hereinafter known as "the Council."

WITNESSETH:

WHEREAS, the Subdivider is attempting to secure from the Council approval of a final plat of a proposed subdivision to be known as the **Ecusta Crossing** Subdivision to be located within the jurisdiction of the Town of Laurel Park, North Carolina; and

WHEREAS, a town ordinance entitled Subdivision Ordinance of the Town of Laurel Park, North Carolina, as adopted by the Town Council on the **16th** day of **January, 2018**, (and as subsequently amended), requires the completion of certain improvements prior to final plat approval by the Council; and

WHEREAS, said ordinance allows the Council, at its discretion, to permit the Subdivider to (post a surety bond) (deposit cash or other instrument readily convertible into cash at face value) with the Town through the Council to guarantee the completion of said required improvements; and

WHEREAS, the Council desires to approve said final plat and, in lieu of requiring completion of all improvements prior to said approval, will accept from the Subdivider the filing of a (surety performance bond with **Great Midwest Insurance Company** as surety) to guarantee and secure completion of said improvements.

IT IS, THEREFORE, AGREED AS FOLLOWS:

- 1) The Subdivider will, on or before the **30th** day of **June, 2024**, complete as required the following improvements in the **Ecusta Crossing** Subdivision:

Concrete 18" curb and gutter (\$151,200 Total, 70% complete to date)	\$45,360
Asphalt Paving (\$367,510 total, 65% complete)	\$128,628
Sanitary lift station components	\$93,388
Sanitary lift station installation (WXZ)	\$40,000
Total	\$307,376
125% of total	\$384,220

- 2) The Subdivider shall file with the Town of Laurel Park through the Council a **Final Plat** securing and guarantecing completion of said improvements by the required date; and
- 3) 3) When the **Final Plat** is filed and other requirements of said ordinance are met, the Council will approve the final plat of the **Ecusta Crossing** Subdivision.

The Town Council of Laurel Park has, by appropriate Council action, caused this agreement to be executed by the Mayor or other authorized member and attested by the Town Clerk, and the **WXZ Residential Group/Arcadia One, LLC**. has, by appropriate action of its board of directors, caused this Agreement to be executed by its _____ and attested by its _____ Secretary under corporate seal, this the ____ day of _____, 20_____.

Town Council of
Laurel Park

By: _____
Mayor

Attest:

Town Clerk

Name of Corporation

By: _____
President

Attest:

Secretary

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

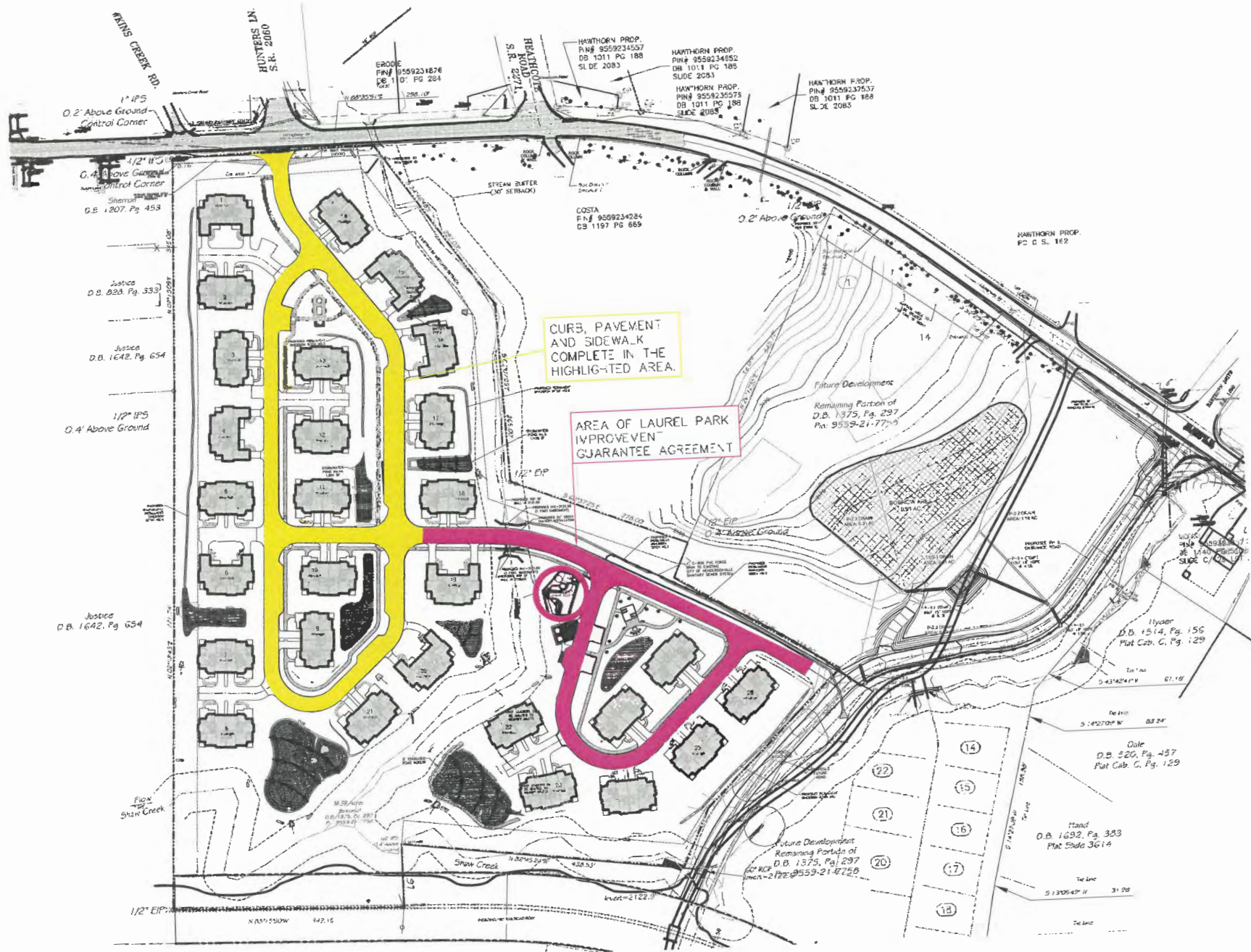
I, _____, a Notary Public for said County and State, do hereby certify that _____ personally came before me this day and acknowledged that (s)he is _____ of _____ and acknowledged, on behalf of _____, the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 20____

(Official Seal)

Notary Public

My Commission Expires _____, 20____.



CURB, PAVEMENT
AND SIDEWALK
COMPLETE IN THE
HIGHLIGHTED AREA.

AREA OF LAUREL PARK
IMPROVEMENT
GUARANTEE AGREEMENT

HUNTERS LN.
S.R. 2060

1" IPS
0.2' Above Ground
Control Corner

1/2" IPS
0.4' Above Ground
Control Corner

Sheridan
D.B. 1207, Pg. 453

Justice
D.B. 828, Pg. 333

Justice
D.B. 1642, Pg. 654

1/2" IPS
0.4' Above Ground

Justice
D.B. 1642, Pg. 654

Flow
Shaw Creek

1/2" EIP

HAWTHORN PROP.
P.N.# 9559234537
DB 1011 PG 188
SLIDE 2083

HAWTHORN PROP.
P.N.# 9559234552
DB 1011 PG 185
SLIDE 2053

HAWTHORN PROP.
P.N.# 9559235078
DB 1011 PG 189
SLIDE 2085

HAWTHORN PROP.
P.N.# 9559237537
DB 1011 PG 188
SLIDE 2085

ERODE
P.N.# 9559234876
DB 1011 PG 284

COSTA
P.N.# 9559234284
DB 1197 PG 669

HAWTHORN PROP.
PG C.S. 1E2

Future Development
Remaining Portion of
D.B. 1375, Pa. 297
P.N.# 9559-21-77

11 year
D.B. 1514, Pg. 156
Plat Cab. C, Pg. 129

Date
D.B. 520, Pg. 457
Plat Cab. C, Pg. 129

Hand
D.B. 1692, Pg. 383
Plat Slide 3G14

- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

Future Development
Remaining Portion of
D.B. 1375, Pa. 297
P.N.# 9559-21-77

Ecusta Crossing

Laurel Park, NC

WXZ Construction/SE, LLC

11/13/2023

COST FOR COMPLETION OF ROAD PAVING AND SANITARY LIFT STATION

COST

Concrete 18" curb and gutter (\$151,200 total, 70% complete to date)	\$	45,360
Ashphalt paving (\$367,510 total, 65% complete)	\$	128,628
Sanitary lift station components	\$	93,388
Sanitary lift station installation (WXZ)	\$	<u>40,000</u>
Total	\$	307,376
125% of total	\$	384,220.00

WXZ

CHANGE ORDER

WXZ Construction/SE, LLC
 22720 Fairview Center Dr. #150
 Fairview Park, OH 44126
 Office: 440-801-1890
 Fax: 440-801-1889

Issued To:
 JLS Company, LLC.
 P.O. Box 1265
 Skyland, NC 28776
 Office: 828-884-7776
 Cell: 828-884-7724
 Attn: Jessica Best
 Email: jessicab@jlscompanyllc.com

Change Order #	8
Subcontract/P.O. #	ARCVW-001
Change Order Date	3/20/2023
Project	Cottages at Arcadia Views
Address	2710 Brevard Road Laurel Park, NC 28739
Phone	440-801-1890
Project Manager	Bob Slattery

PHASE CODE	Change Order Description ITEM	COST
2.700	Increase in material costs for water distribution	\$ 38,497.00
2.600	Increase in material costs for on-site sanitary system	\$ 38,498.00
2.526	Provide concrete curbs (18" curb and gutter with 6" stone) per plans	\$ 151,200.00
	<i>70% COMPLETE</i>	
	Tax (Incl.)	
	TOTAL	\$228,195.00
	The Original Contract Sum was	\$ 459,480.00
	The net change by previously authorized Change Orders	\$ 1,595,685.34
	The Contract Sum prior to this Change Order was	<i>2,085,950.34</i> - 2,055,165.34 <i>JB</i>
	The Contract Sum will be increased by this Change Order in the amount of	\$ 228,195.00
	The new Contract Sum including this Change Order will be	\$ 2,283,360.34

ALL TERMS AND CONDITIONS OF SUBCONTRACT AGREEMENT OR PURCHASE ORDER ARE INCLUDED IN THIS CHANGE ORDER AS IF FULLY SET FORTH HEREIN.

Issued by <u>WXZ Construction/SE, LLC</u> By: David L. <i>David L. Slattery</i> , President Date: <u>3-20-23</u> D.S. _____ P.M. _____	Agreed to: By: <i>Jessica Best</i> Date: <u>3-28-23</u>
-------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------



CPW

CAROLINA PUMPWORKS, LLC

638 Spartanburg Hwy, STE 70 #313
Hendersonville, NC 28792
(803) 917-9798 - cell
(828) 692-4511 - ph.
(828) 692-4501 - fax
shale@cpwllc.com

March 10, 2023

To: WXZ Development
Attn: Dave Swindell
Re: Quote Rev2 – Duplex Submersible Sewage Pump Station for
Ecusta Crossing Development – Hendersonville, North Carolina

Page: 1 of 2
From: Scott M. Hale

DUPLEX SUBMERSIBLE SEWAGE PUMP STATION

- 3 ea Hydromatic Pump model **HPGBX1500ED** submersible solids handling sewage grinder pumps of heavy-duty cast iron construction to include the following materials of construction:
- 15-HP, 3450 RPM, 230-volt, 3-phase, Class H, submersible electric motors.
 - FM listed explosion-proof for Class 1, Division 1, Groups C & D hazardous locations.
 - Seal failure sensors and motor winding over-temperature sensors.
 - Lifting bail assembly.
 - Power/control cables – 35-ft. cable lengths.
 - **Note:** One pump provided to owner as spare pump – separately crated and labeled.
- 2 ea Pump lift-out rail systems for installation inside a 20-ft deep concrete wet-well to include:
- 3-inch cast iron base elbows, ANSI Class 125 flanged.
 - Pump slide plate sealing flange assembly.
 - SS upper guide rail brackets.
 - Pump sealing flange hardware includes: SS bolts, nuts, washers, and rubber flange gaskets.
- 4 ea 2-inch schedule 40, Type 304 stainless steel pipe for guide rails – 20-foot pipe lengths.
- 2 ea 316 stainless steel lifting chain packages – 20-foot sections.
- 1 ea Duplex pump control panel, UL 508A listed to include the following items of construction:
- Rated: 15-HP, 230-volt, 3-phase, 52.5 FLA.
 - NEMA 4X stainless steel enclosure w/ 3-point lockable latch.
 - Aluminum dead front inner door.
 - Distribution, neutral and grounding blocks
 - Lightning surge arrestor
 - 2kVA transformer with fusing
 - Main circuit breaker w/ through door operator disconnect
 - Individual pump circuit breakers
 - Control power circuit breaker
 - Square D motor starters with overload relays
 - Duplex float switch pump controller – PC-2000
 - Intrinsically safe float switch relays
 - Seal failure and motor over-temperature alarms with indicator lights
 - 22mm HOA switches, pilot lights and push buttons
 - Elapsed time meters
 - LED alarm light and audible alarm horn – remotely mounted by others
 - Alarm silence pushbutton
 - Control relays as required
 - Auxiliary contacts for telemetry system interface.
- 5 ea Liquid level float switches, internally weighted with 50-foot cables.
- 2 ea Float switch brackets, 316 stainless steel, U-hook mounting connections.

CONTINUED NEXT PAGE

Engineered Pumping & Process Equipment

Main Office: Port Royal, SC (843) 522-9600 • Branch Office: Greensboro, NC (336) 455-2871



CPW

CAROLINA PUMPWORKS, LLC

638 Spartanburg Hwy, STE 70 #313
Hendersonville, NC 28792
(803) 917-9798 - cell
(828) 692-4511 - ph.
(828) 692-4501 - fax
shale@cpwilc.com

- 2 ea Days start-up supervision, equipment calibration and operator training – 2-days, 2-trips inclusive.
- 1 ea Prepaid freight to jobsite – equipment off-loading by others.

Your Net Cost, Full Freight Allowed...\$ 53,643.00

NOTES & EXCEPTIONS:

1. Our proposal only includes the components quoted herein.
2. Pricing includes prepaid freight to job site via commercial carrier of our choice.
3. Taxes are not included in this proposal. Any applicable taxes will be added to the final invoice.
4. Excludes equipment off-loading and/or installation services.
5. Excludes site mounting and wiring of pump control panel.
6. Excludes site installation and wiring of submersible pumps.
7. Excludes site installation and wiring of level control/alarm devices.
8. Excludes concrete structures, discharge piping, valves, pressure gauges and/or aluminum access hatches.
9. Excludes generator, transfer switch, seal-offs and/or conduit.
10. Excludes jib crane and/or any hoisting equipment.
11. Excludes anchor bolts or any mounting hardware.
12. Excludes SCADA, telemetry RTU or any remote monitoring equipment.
13. Excludes main service disconnect, meter base and/or field wiring connections.
14. Excludes 12' x 12' building enclosure for electrical equipment as shown on Sheet D-10 dated 11-30-2020.
15. Equipment start-up inspection and operator training provided. While our offering includes start-up service, we are not a subcontractor.
16. Pricing valid for 60 days from date of quotation.

SERVICES AND OTHER ITEMS TO INCLUDE:

- Complete submittal package provided in electronic format.
- O&M manuals provided in electronic format.
- Equipment guarantees and warranties.
- Lead time is **10-12 weeks** after receiving approved shop drawing submittals and release to production.

All prices are F.O.B. factory, full freight allowed to jobsite where accessible by commercial carrier. Prices do not include any applicable taxes. Warranty and sales conditions are per manufacturers and Carolina Pumpworks standard terms and conditions. Payment terms are Net 30 days. A 1.5% per month finance charge will be applied to any past due invoices. Partial billing will be made on partial shipments. Payment terms are independent of and not contingent upon third party contracts or commitments unless Carolina Pumpworks specifically agrees to terms in writing.

We thank you for your interest in our equipment and look forward to being of service to you in the future.

Respectfully submitted,

Scott M. Hale

Scott M. Hale
CPW, LLC

Engineered Pumping & Process Equipment

Main Office: Port Royal, SC (843) 522-9600 • Branch Office: Greensboro, NC (336) 455-2871

CAROLINA PUMPWORKS, LLC STANDARD TERMS & CONDITIONS

Your assent to these terms and conditions of sale shall be presumed from your acceptance of any part of the goods to which this contract relates. Any proposals, negotiations and representations regarding this transaction made prior to the date hereof are merged herein. Carolina Pumpworks, LLC is not bound by any terms on Buyer's order blanks which attempt to impose any conditions of sale which are not included herein or stated on Carolina Pumpworks, LLC packages, invoices, or technical data sheets. Carolina Pumpworks, LLC failure to object to provisions contained in Buyer's order blanks shall not be deemed a waiver of the provisions of Carolina Pumpworks, LLC terms and conditions which shall constitute the entire contract between the parties. No terms proposed by the Buyer in conflict with or in addition to these terms and conditions shall become a part of the contract of sale unless accepted in writing by Carolina Pumpworks, LLC.

1. **TRANSPORTATION.** If transportation charges from point of origin of the shipment to a designated point are included in the prices herein named of heretofore quoted, any change in such transportation charges shall be for the account of the Buyer. Except as otherwise stated in Carolina Pumpworks, LLC quotation, Carolina Pumpworks, LLC shall not be responsible for switching, spotting, handling, storage, demurrage or any other transportation or accessorial service, nor for any changes included in the applicable tariff freight rate from shipping point to the designated point. Delivery will be made to nearest points reasonably accessible by the carrier as determined by the carrier.
2. **TAXES.** The price quoted herein shall be increased without notice of by the amount of any tax or duty of any kind levied or proposed under present or future laws either by any federal, state, municipal or other government authority upon goods or upon Carolina Pumpworks, LLC by reason of the performance of this order. If Buyer has tax exempt status then the Buyer must provide Carolina Pumpworks, LLC, prior to shipment, with a signed certificate of exemption from the state to which the equipment is to be shipped.
3. **LIABILITY AND DELAY.** Carolina Pumpworks, LLC shall be excused for any delay in performance due to acts of God, war, riot, civil disorder, embargoes, acts of civil or military authorities, fires, floods, accidents, quarantine restrictions, mill conditions, strikes, differences with workmen, delays in transportation, shortage of cares, fuel, labor or material, or any circumstances or cause beyond the control of Carolina Pumpworks, LLC in the reasonable conduct of its business. Carolina Pumpworks, LLC shall not be liable for any damages, losses or expenses because of improper installation, Carolina Pumpworks, LLC shall not be liable for any liquidated, special or consequential damages whether direct or indirect.
4. **RISK OF LOSS.** Risk of loss shall pass to the Buyer upon shipment by the manufacturer.
5. **INSPECTION.** If, upon receipt by the Buyer of the materials ordered, the same shall appear not to conform to the contract, Buyer shall immediately notify Carolina Pumpworks, LLC of such condition and alleged nonconformity and afford Carolina Pumpworks, LLC a reasonable opportunity to inspect the material. No material shall be returned to the manufacturer(s) without Carolina Pumpworks, LLC express written consent.
6. **PERMISSABLE VARIATION.** Except in the particulars specified by the Buyer and expressly agreed to in writing by Carolina Pumpworks, LLC and the manufacturer(s), all material shall be produced in accordance with the manufacturer's standard practices. All tolerances and variations consistent with usage of the trade and regular mill practices concerning dimension, weight, straightness, section, composition, and mechanical properties, and variations consistent with practical testing and inspection methods, and regular trade practices concerning over and under shipments.
7. **WARRANTY.** Carolina Pumpworks, LLC warrants the original purchaser of products sold through Carolina Pumpworks, LLC per the manufacturer's warranties and conditions.
8. **CREDIT TERMS.** Any order awarded to Carolina Pumpworks, LLC is subject to credit approval by Carolina Pumpworks, LLC. If Carolina Pumpworks, LLC so requests, Buyer agrees to execute and deliver to Carolina Pumpworks, LLC a Security Agreement and Financing Statement conforming to applicable commercial laws covering the items sold herein. Carolina Pumpworks, LLC reserves the right to require payment in advance. A 1-1/2% per month service charge shall be assessed upon the Buyer on any amount due not paid within thirty days of due date, and the Buyer assumes and agrees to pay same if assessed. All collection or remedy costs or attorney's and/or court costs incurred by Carolina Pumpworks, LLC in collecting the account or perfecting a security interest which are not paid in accordance with the agreed payment terms and conditions shall be borne by the Buyer.
9. **SECURITY INTEREST.** Carolina Pumpworks, LLC reserves a security interest in the goods as security for the performance of this Agreement. Notwithstanding any other terms of this Agreement, should Buyer default in the payment of the purchase price hereunder or fail to comply with this Agreement, Carolina Pumpworks, LLC shall have the right upon (10) days written notice to remove and/or repossess the goods and to take such action as permitted by law; it being understood that the remedies contained in this section are cumulative and in addition to all other rights and remedies of Carolina Pumpworks, LLC under this Agreement, by operation of law or otherwise. Carolina Pumpworks, LLC, will be filing a Financial Statement in the Office of the Register of Deeds or other appropriate otherwise authority in the county where the goods in which it retains a security interest are delivered and/or installed in order to perfect and preserve its security interest and protect itself in terms of priority and otherwise.
10. **Cancellation Fees:** Orders that are cancelled are subject to the following minimum cancellation fees:
 - a. 25% if cancelled during submittal preparation stage
 - b. 45% or more if cancelled after receipt of approved submittals.
 - c. 100% if the equipment is complete and ready for delivery. Products manufactured to a customer's specifications are not returnable and orders for such products cannot be cancelled after release to manufacturer. Order cancellations received after special products have been placed in engineering design are subject to a 45% cancellation charge for these services



Bid Proposal for COTTAGES AT ARCADIA PUMP STATION PIPING

CUSTOMER

WXZ CONSTRUCTION
6405 WEST SUGAR CREEK
CHARLOTTE, NC 28269

Job
COTTAGES AT ARCADIA PUMP STATION PIPING
LAUREL PARK, NC
Henderson County
Bid Date: 03/25/2022 05:00 pm
Bid #: 2264749

CONTACT

Sales Representative
Richard Moore
(M) 828-674-3260
(T) 828-274-8282
(F) 828-274-8296
Rick.Moore@coreandmain.com

Core & Main
1129 Sweeten Creek Rd
Asheville, NC 28803
(T) 828-274-8282

NOTES



Bid Proposal for COTTAGES AT ARCADIA PUMP STATION PIPING

WXZ CONSTRUCTION
 Job Location: LAUREL PARK, NC
 Bid Date: 03/25/2022 05:00 pm
 Core & Main 2264749

Core & Main
 1129 Sweeten Creek Rd
 Asheville, NC 28803
 Phone: 828-274-8282
 Fax: 828-274-8296

Seq#	Qty	Description	Units	Price	Ext Price
DUE TO CURRENT SUPPLY CHAIN DISRUPTIONS, MATERIALS ARE SUBJECT TO PRICING AT TIME OF SHIPMENT. MATERIAL AVAILABILITY AND TIMELINESS OF SHIPMENTS CANNOT BE GUARANTEED. THIS TERM SUPERSEDES ALL OTHER CONTRACTUAL PROVISIONS.					
DUE TO ESCALATED PRICES ON SCRAP METAL, RESULTING FROM THE RUSSIA-UKRAINE WAR, A MANUFACTURER IMPOSED SURCHARGE WILL BE ADDED TO ALL SHIPMENTS OF DUCTILE IRON PIPE. AN ESTIMATE OF THE SURCHARGE IS INCLUDED IN THIS BID FOR YOUR REFERENCE. THE MANUFACTURER SURCHARGE IS SUBJECT TO CHANGE AND WILL BE CALCULATED AT THE TIME OF SHIPMENT.					
FLANGE PIPING & FITTINGS					
20					
30	6	4 FLGXPE DI PIPE 6' IMP	EA	508.65	3,051.90
40	2	4 FLGXPE DI PIPE 20' IMP	EA	1,429.43	2,858.86
50	2	4 FLG 90 C110 IMP	EA	142.56	285.12
60	2	860-54-0108-16 4 HYMAX 2 FLIP CPLG 4.25-5.00 LR 4.92-5.63 HR OD	EA	262.53	525.06
70	2	4 MJXFLG ADPT C153 IMP STAR RAC04G	EA	105.10	210.20
80	2	4 1106LW KEN/CLOW CHECK VLV W/LEVER & WEIGHT	EA	1,749.10	3,498.20
90	2	4 F6102 FLG RW GV OL HW CLOW CLOW GATE VALVE EPOXY COATED	EA	689.18	1,378.36
100	10	4X1/8 FLG ACC RR FF 304SS B&N	EA	40.00	400.00
110	1	4 MJ REG ACC SET L/GLAND (I)	EA	23.70	23.70
4" PIPE, VALVES AND FITTINGS					
130					
140	20	4 TJ PR350 DI PIPE	FT	32.42	648.40
150	1	DUCTILE IRON SCRAP SURCHARGE MANUFACTURER IMPOSED	EA	17.00	17.00
160	2	4 F6100 MJ RW GV OL ON L/ACC CLOW GATE VALVE EPOXY COATED W/STAINLESS STEEL BOLTS & NUTS	EA	695.12	1,390.24
170	2	562-S VLV BOX W/LID M/WATER	EA	69.80	139.60
180	2	4 MJ TEE C153 IMP	EA	113.69	227.38
190	2	4 MJ 45 C153 IMP	EA	72.29	144.58
200	14	UFR1400-D-4-I 4 RET GLAND DIP FORD WEDGE ACTION	EA	32.22	451.08
210	14	4 MEGALUG ACC KIT L/GLAND	EA	21.85	305.90
4" RISER INTO BLDG.					
230					
240	1	BOSHART 0820-20NL 2 BR FP BALL VALVE NO LEAD	EA	58.59	58.59
250	1	4X2 TAPT BLIND FLG DI IMP	EA	99.67	99.67
260	1	4X1/8 FLG ACC RR FF	EA	16.86	16.86
270	1	4 FLGXPE DI PIPE 6' IMP	EA	508.65	508.65
280	1	4 MJ 90 C153 IMP	EA	81.36	81.36
290	3	UFR1400-D-4-I 4 RET GLAND DIP FORD WEDGE ACTION	EA	32.22	96.66



Bid Proposal for COTTAGES AT ARCADIA PUMP STATION PIPING

Bid #: 2264749

Seq#	Qty	Description	Units	Price	Ext Price
300	3	4 MEGALUG ACC KIT L/GLAND	EA	21.85	65.55
310	40	5/8X10' ALL THRD ROD ZINC PV35601	FT	1.45	58.00
320	6	5/8X4 90 DEG EYEBOLT	EA	2.67	16.02
330	12	5/8 PLAIN CUT FLAT WASHER	EA	0.23	2.76
340	12	5/8 HEAVY HEX BLACK NUT	EA	0.41	4.92
				Sub Total	16,564.62
				Tax	1,118.11
				Total	17,682.73

Branch Terms:

Due to current supply chain disruptions, materials are subject to pricing at time of shipment. Material availability and timeliness of shipments cannot be guaranteed. This term supersedes all other contractual provisions.
 This quotation is offered as an aid to bidding only and customer should confirm the validity of all materials and quantities prior to ordering. Pricing is based on receipt of the entire list of materials and any deviations may result in price changes.
 Special order materials must be shipped to customer within 30 days of receipt by Core and Main and may be non-returnable or subject to a restock charge.
 We reserve the right to increase prices to address factors including but not limited to government regulations, tariffs, transportation, fuel and raw material costs. Delivery will commence based on manufacturer lead times. Any material deliveries delayed beyond manufacture lead times may be subject to price increases and/or applicable storage fees.

UNLESS OTHERWISE SPECIFIED HEREIN, PRICES QUOTED ARE VALID IF ACCEPTED BY CUSTOMER AND PRODUCTS ARE RELEASED BY CUSTOMER FOR MANUFACTURE WITHIN THIRTY (30) CALENDAR DAYS FROM THE DATE OF THIS QUOTATION. CORE & MAIN LP RESERVES THE RIGHT TO INCREASE PRICES TO ADDRESS FACTORS, INCLUDING BUT NOT LIMITED TO, GOVERNMENT REGULATIONS, TARIFFS, TRANSPORTATION, FUEL AND RAW MATERIAL COSTS. DELIVERY WILL COMMENCE BASED UPON MANUFACTURER LEAD TIMES. ANY MATERIAL DELIVERIES DELAYED BEYOND MANUFACTURER LEAD TIMES MAY BE SUBJECT TO PRICE INCREASES AND/OR APPLICABLE STORAGE FEES. THIS BID PROPOSAL IS CONTINGENT UPON BUYER'S ACCEPTANCE OF SELLER'S TERMS AND CONDITIONS OF SALE, AS MODIFIED FROM TIME TO TIME, WHICH CAN BE FOUND AT: <https://coreandmain.com/TandC/>



AN EVERCAST COMPANY

1201 Biscayne Drive, Concord, NC 28027
Phone: 704-784-2000
www.precastsupply.net



4531 NC Hwy 16, Denver, NC 28037
Phone (704) 483-2363
www.dellingerprecast.com

PROPOSAL

Version 5.6

Quote Valid Delivery	30 Days FOB Site	Customer Attn.	Earth Link
Payment	NET 30	Quote Date	March 15, 2022
Plan Date/REV	December 1, 2020	Project	Arcadia Cottages
Estimator	Sarah Gardner	Location	Laurel Park, NC

*****This proposal is good for the next 30-days from above noted quote date. Given the current raw material pricing, freight issues and supply chain challenges, all pricing beyond quote validity date must be repriced. Proposals dated from 10/1/21 to 12/31/21 will only be honored till 2/28/2022.*****

SANITARY SEWER (UTILITIES)

STRUCTURE	STR #	Precast Height	Boots #	Boot Size	CUT	UNIT PRICE	DESCRIPTION
Valve Vault						\$ 3,159.00	4' x 6' x 4' Vault
Wet Well		19.20			19.50	\$ 18,783.00	8' Dia w/Std Ext Base, 3 Boots, Flat Top
						\$ 120.00	Outside wrap for all SSMH's (Qty = 3)
SUB-TOTAL						\$ 22,062.00	

Submittals will not be processed until after PO received and verified to quote. Proposals dated before 10/1/21 will not be honored. Dwgs backlog varies based on size.

A. INCLUSIONS

1. Delivery to the project site on flatbed trailers. Actual Address to be provided.
2. Joint wrap (JW) included only with SS Manholes, as delineated by unit quantity and price. Additional joint wrap shall be charged at the yard price rate minus any potential discounts.
3. Sanitary Sewer MH pricing include appropriate boots, precast and joint sealant as delineated.
4. Proposal is based on full truck load deliveries. Partial loads are subject to additional freight and/or fuel surcharge fees.
5. Standard submittal drawings are assumed acceptable for submittals. Special drawings may incur additional charges.
6. Proposal pricing is based on full quoted quantities as noted above. If customer chooses to award portions of this proposal, they are subject to be repriced at a higher rate, due to the size of the award.

B. EXCLUSIONS

1. State or local sales or use taxes is not included in the structure or total pricing.
2. Unloading, setting, or installing any components quoted herein.
3. Any items not specifically call-out in the proposal, including castings, trash racks, ballast/sump concrete and/or baffle walls.
4. Proposal values do not include structural design services, drawings and/or calculations unless specifically noted in proposal.
5. Exterior or interior concrete coating, or mix additives not specifically identified in piece description are not included.
6. Expanded bases are not included on any structure, unless specifically called out. Contractor to CIP in the field.
7. Outside Joint wrap and sealant are not included with storm structures.
8. Offset Catch Basin quoting based on weir opening at centerline of pipe. Contractor to CIP flume extending structure to curb line.
9. All cuts that are in RED need to be verified due to inaccuracy or no information. Budget numbers were added.
10. Trash racks are priced per verbiage and standard designs available from mfg. only. Spec drawings will be provided for approval.
11. No concessions have been made to seal pipe penetrations on the storm structures. Sealing methods are responsibility of contractors.
12. Any structure not marked as DOT is subject to 5% cost adder, if required to be NCDOT stamped. Per NCDOT guidelines, we cannot add tags to cover contingencies of possible use. IT MUST BE STAMPED.
13. Any SSMH in wet conditions should use CS231 sealant material in lieu of standard Butyl joint sealant. This is a hydrophobic water seal material which Customer must request. Its an adder per roll/box.
14. OTCB posts to be field built, and not precast.

C. PROJECT NOTES

1. TBD
2. TBD

D. CONDITIONS

1. Any Revisions to plans voids quote in entirety and is subject to re quoting.
2. Pricing is valid for 30 days from quote per proposal. However any project that extends beyond the end of the calendar year is subject to an escalation percentage.
3. Freight includes one (1) hour per truck for unloading of product. Additional on site time in excess of first hour charged at \$100/hr.
4. The Purchaser is responsible to provide safe and sufficient access for tractor trailer delivery.
5. Product not accepted for delivery within 60 days of Production release shall be billed in full.
6. Unless otherwise specified and subject to Purchaser's credit approval, payment for materials under this contract are Net30 and not subject to any Retainage fees.
- 7.
8. Prepaid orders can be paid by credit card with a 3.5% processing fee or can be paid in advance by check.

Please indicate your acceptance of this proposal by signing below and returning.
Accepted by:

(Customer Signature)

Date



December 1, 2023

Mr. Alex Carmichael
Town Manager
Town of Laurel Park
441 White Pine Dr
Laurel Park, NC 28739

Re: Ecusta Crossings (Formerly Cottages at Arcadia Views)
Laurel Park Zoning Permit #
CED Project #2319
Engineer's Certification

Dear Mr. Carmichael,

On behalf of WXZ Development, Inc., the developer of Ecusta Crossings I, **Mike Anderson, P.E.**, a duly registered Professional Engineer in the State of North Carolina, have performed periodic observations during the construction of the above-listed project. I do hereby state that, to the best of my abilities, knowledge, and geotechnical testing results provided by Bunnell Lammons Engineering that the construction of "Road 1" as shown on the plans prepared by MDG Engineering Excellence sealed Dec. 9, 2021 has been installed in compliance with the approved permit, plans, and standards and specifications.

If you have any questions, comments, or desire additional information, please do not hesitate to contact our office at (828) 582-8970.

Sincerely,



Sincerely,
Mike Anderson, PE



**TOWN OF LAUREL PARK
AGENDA ITEM SUMMARY**

Title of Item: Organizational Meeting

Presenter: Mayor Carey O’Cain

Attachment(s): Yes/No

- 2024 Town Council Schedule of Meetings/Holidays
- Review of Council board representatives
- Budget Calendar

Summary of Item:

The first order of business is to review the 2024 Town Council Schedule of Meetings/Holidays.

Second order of business is to review Board Representatives for the upcoming 2024 year.

Third order of business is to review the Budget Calendar and venue.

Lastly, the Mayor to call for the selection of the Mayor Pro-Tempore. The Mayor Pro-Tempore fulfills the duties of the mayor when he is not available; chair meetings, meeting with other groups or individuals, making public appearances, and signing documents when required.

Council Action Requested:

Review and discuss the Agenda Item.

Suggested Motion:

1. Motion to approve/deny/change the Town Council Schedule for 2023
2. Motion to approve/deny/change the Budget Calendar
3. Motion to appoint Commissioner _____ as Mayor Pro Tem for the year 2024

Council Action Requested:

Discuss

Suggested Motion:

N/A

2024
Town of Laurel Park
Regularly Scheduled Meetings

	Council Regular Meeting	Council Work Session	Invasives Species Committee	Parks & Greenways	Planning Board	Board of Adjustment	Bee Committee	ABC Board	Centennial Committee	Bicycle Advisory Committee	Parks & Greenways Site Meeting
	9:30 a.m.	9:30 a.m.	10:00 a.m.	9:30 a.m.	3:00 p.m.	4:00 p.m.	4:30 p.m.	8:30 a.m.	11:30 a.m.	3:00 p.m.	4:00 p.m.
	3 rd Tuesday of each month	Thursday prior to the Regular Meeting	1st Wednesday of each month	2 nd Tuesday of each month	2 nd Tuesday of each month	Thursday prior to the Town Council Regular Meeting, every other month	3rd Tuesday of each month	4 th Tuesday of each month	Monday prior to the Town Council Work Session	Monday prior to the Parks and Greenways Meeting, every other month	4th Thursday of each month
January	16	11	3	9	9	11	16	23	8		25
February	20	15	7	13	13		20	27	12	12	22
March	19	14	6	12	12	14	19	26	11		28
April	16	11	3	9	9		16	23	8	8	25
May	21	16	1	14	14	16	21	28	13		23
June	18	13	5	11	11		18	25	10	10	27
July	16	11	3	9	9	11	16	23	8		25
August	20	15	7	13	13		20	27	12	12	22
September	17	12	4	10	10	12	17	24	9		26
October	15	10	2	8	8		15	22	7	7	24
November	19	14	6	12	12	14	19	26	Holiday		Holiday
December	17	12	4	10	10		17	Holiday	9	9	Holiday

Town Hall & Public Works Are Closed in Observance of the Following:			
Holiday	Date	Day of the Week	
New Year's Day	January 1, 2024	Monday	
Birthday of Martin Luther King, Jr.	January 15, 2024	Monday	
Good Friday	March 29, 2024	Friday	
Memorial Day	May 27, 2024	Monday	
Independence Day	July 4, 2024	Thursday	
Labor Day	September 2, 2024	Monday	
Veteran's Day (observed)	November 11, 2024	Monday	
Thanksgiving Day	November 28, 2024	Thursday	
Day After Thanksgiving	November 29, 2024	Friday	
Christmas Eve	December 24, 2024	Tuesday	
Christmas Day	December 25, 2024	Wednesday	
Christmas Holiday	December 26, 2024	Thursday	

Commissioner Representatives/Assignments

Friends of Laurel Park (FLP)

Debra Bridges (updated)

Friends of the Ecusta Trail (FOET)

George Banta

Paul Hansen

Technical Coordinating Committee (TCC)

Town Manager

Traffic Advisory Board (TAC)

George Banta

Mayor O’Cain as alternate

French Broad River Metropolitan Planning Board (MPO)

George Banta

Mayor O’Cain as alternate

Local Government Committee for Cooperative Action (LGCCA)

Mayor O’Cain

Paul Hansen

Kristin Dunn as alternate

Water Sewer Advisory Committee (WSAC)

Paul Hansen

Valley Hill Fire Department Board

Debra Bridges

BOA

None

Planning Board

Paul Hansen

Land of Sky

Deb Bridges

Paul Hansen- Alternate

Mayor O’Cain- Second Alternate

Parks & Greenways

George Banta

Centennial Committee

Kristin Dunn
Paul Hansen

ABC

None

Mayor O’Cain asked that each Commissioner attend one (1) ABC meeting a year.

Town of Laurel Park
Budget Calendar
Fiscal Year 2024-2025

Budget Procedure	Legally Required Date	Projected Date
Meet with Department Heads		January 22, 2024
CIP Meetings with Department Heads		February 8, 2024 (with Alex)
Departmental Budget Requests Due	April 30, 2024	February 13, 2024
Preliminary Rev./Exp. Estimates		February 14, 2024
Special Appropriation Requests Due		February 14, 2024
Council Retreat		February 21, 2024
Preliminary Budget Review - Admin		March 4–15, 2024
Meetings with Dept. Heads		March 18-22, 2024
Revised Rev./Exp. Estimates		April 2, 2024
Budget Review & Adjustments		April 3-19, 2024
Draft Budget Sent to Council		April 25, 2024
Budget Workshop		May 16, 2024
Budget to City Council and Clerk	June 1, 2024	May 24, 2024
Public Notice of Budget Hearing	June 1, 2024	May 29, 2024
Public Budget Hearing		June 13, 2024
Adoption	July 1, 2024	June 18, 2024



TOWN OF LAUREL PARK
AGENDA ITEM SUMMARY

Title of Item: LGCCA Items to be Discussed on January 16, 2024

Presenter: Mayor O’Cain

Attachment(s): Yes/**No**

Summary of Item:

The Town of Laurel Park is hosting the Local Government Committee for Cooperative Action (LGCCA) on Tuesday January 16th. Staff asks for agenda items from the Council.

Council Action Requested:

Discuss LGCCA items to be discussed on January 16, 2024

Suggested Motion:

N/A



**TOWN OF LAUREL PARK
AGENDA ITEM SUMMARY**

Title of Item: BOA Rules of Procedure

Presenter: Town Manager Alex Carmichael

Attachment(s): Yes/No

- Board of Adjustment Rules of Procedures

Summary of Item:

The Board of Adjustment (BOA) has been working with staff and Chad Meadows, our zoning consultant, for many months to update the board's Rules of Procedures.

Council Action Requested:

Review and discuss the BOA's proposed Rules of Procedures.

Suggested Motion:

Move to approve/deny the adoption of the Board of Adjustment's Rules of Procedures.



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SECTION 1: ORGANIZATION

1.1. Purpose

The function of the Board of Adjustment (“the BOA”) is to hold quasi-judicial public hearings in order to determine requests made by property owners for variances, appeals of administrative decisions, reasonable accommodation requests, special use permits for the establishment of governmental uses, and any other matters delegated to the BOA in accordance with NCGS§160D-302, other applicable State law, and as specified by the Laurel Park Town Council in accordance with applicable State and local law.

1.2. Composition

- A. The BOA has 7 regular members and 2 alternate members. Six of the 7 regular members shall reside within the Town’s corporate limits and one shall reside within the Town’s extraterritorial jurisdiction.
- B. One of the BOA’s 7 regular members and one alternate member shall reside outside the Town’s corporate limits but within the Town’s extraterritorial jurisdiction.

1.3. Participation

- A. Cases are heard at public hearing by 7 members (or as few as 4 if 7 are not present), who vote on all cases whether the property is located inside or outside the Town’s corporate limits.
- B. The 7 regular members are seated first at hearings.
- C. Alternates are seated when regular members are absent, tardy, excused early from the hearing, not eligible to vote due to a conflict of interest, or regular member seats are vacant.
- D. When an alternate is seated to hear a case, the alternate is treated as a regular member.
- E. Regular and alternate members who are not present at the meeting’s call to order are considered tardy.
- F. Non-seated regular or alternate members do not participate in discussions, ask questions, or vote in public hearings.
- G. Both regular and alternate members are seated and may vote at work sessions and during the consideration of business other than cases at public hearings.

1.4. Alternates

- A. Alternates prepare themselves for hearings in the same manner as regular members and are subject to the same attendance policies as regular members. The order in which they are called to sit is determined through a pre-arranged schedule prepared by the Secretary.
- B. Alternates who were present for the initial hearing and presentation of evidence in a case will be seated at subsequent hearings of that case prior to members/alternates who were not present.



1.5. Term

- A. The terms of BOA members are 3 years in length. Terms begin on the BOA's first meeting of each calendar year and end at the close of the last meeting of each calendar year.
- B. A BOA member may serve two successive terms (of 3 years each). Term limits for an individual BOA member may be waived by the Town Council.
- C. A member's term may be continued beyond 6 years if a successor member has not been appointed.
- D. A successor, if appointed after the initial BOA meeting of the calendar year, is considered to have started their term at the first BOA meeting of the year in which they were appointed.

1.6. Vacancies

Vacancies on The BOA are filled by the Town Council. If the departing member resigns or is removed mid-term, the appointee serves the balance of replaced member's term. If the departing member is a regular member, the appointee may either be appointed as a regular member or as an alternate, as determined by the Town Council.

1.7. Removal

Members may be removed from the BOA by the Town Council for cause, which includes violation of **SECTION 2: CONDUCT OF MEMBERS**. It is requested that, prior to taking action, the Town Council notify a member being considered for removal of the reasons for removal and give the member an opportunity to respond.

1.8. Officers

- A. The officers of the BOA consist of a Chair and Vice Chair.
- B. The Chair presides at all hearings/meetings, sign all written orders or notices of decision, excuses members from hearings as provided in these Rules, makes other decisions provided for in these Rules, and determines all issues, or a process for deciding such issues, not governed by these Rules.
- C. The Vice Chair serves as Chair in the Chair's absence or incapacity. If neither officer is present or able to lead the meeting, the regular member with the longest current term of service will serve as Chair.
- D. Officers must be regular members of the BOA.
- E. Officers are elected by majority vote of all members present at the first meeting of the calendar year and shall take immediately following the vote. Officers serve a term of one year or until their successors are elected.
- F. Officers are eligible for re-election.
- G. A vacancy in the office of the Chair is filled by the Vice Chair for the balance of the Chair's term. In cases where the Vice Chair assumes the Chair office, the BOA shall elect a Vice Chair during a special election conducted at its earliest possible meeting.

1.9. Secretary to the Board of Adjustment

The Laurel Park Town Clerk will serve as secretary for the BOA. The secretary shall keep the minutes and records of the BOA; assist the Chair with the preparation of the agenda of regular and special meetings; provide notice of meetings to BOA members; arrange for the proper and legal notice of hearings; attend to the correspondence of the BOA; and attend to such other duties as are normally carried out by the secretary.



1.10. Staff to the Board of Adjustment

Staff of the Town of Laurel Park provides technical and clerical assistance to BOA members in performing their duties. Specific arrangements for this assistance are coordinated by the BOA officers and the Town Manager.

1.11. Materials

The Secretary of the BOA shall provide to every new member the current ordinances applicable to land development, the BOA's Rules of Procedure, and the last annual report of the BOA. The staff shall provide an orientation for each regular and alternate BOA member after appointment. The Town may provide additional training courses or training materials to BOA members from time to time.

1.12. Rules of Procedure

- A.** The BOA shall, by majority vote, adopt Rules of Procedure.
- B.** These Rules shall be maintained by the Secretary to the BOA and made available on the Town's webpage in accordance with State law.
- C.** These Rules may be amended by majority vote, provided that the general substance of such amendment is presented, in writing, at a meeting preceding the meeting at which the amendment is to be voted upon.
- D.** The Rules may be suspended for good cause by a vote of 4/5 of a majority of members eligible to vote on the matter being considered.

1.13. Records

The BOA shall keep a record of its meetings and hearings, including members present, business transacted, and decisions made. All records of the BOA shall be maintained in the office of the Town Clerk of the Town of Laurel Park.



SECTION 2: CONDUCT OF MEMBERS

Members must observe the following rules concerning their conduct. Failure to do so shall be grounds for removal. If there is a question concerning whether a member has or has not followed these Rules, the matter shall be determined by a majority vote of all members of the BOA.

2.1. Attendance

- A. Board members, including alternates, shall faithfully attend meetings and perform their duties.
- B. The Secretary shall keep a record of attendance.
- C. Once a meeting or hearing has begun, members may request to be excused by the Chair from a meeting or hearing when an important conflict exists. In such cases, the member shall inform the BOA at the beginning of the meeting/hearing.
- D. For the purposes of these Rules of Procedure, attendance means physical presence or participation by a method of simultaneous communication as authorized by NCGS§166A-19.24.

2.2. Reporting Absences

Members, including alternates, who are unable to attend a meeting, must give the Secretary or Chair at least one business days' advance notice, but earlier notification is encouraged. At the meeting/hearing, the Secretary will inform the BOA of the absence and the BOA shall vote, by a simple majority, on whether to excuse the absence.

2.3. Conduct Outside of Hearings

- A. Board members shall not discuss any case with, or receive any information from, any parties or other interested persons outside the public hearing on a case. This does not include information received or solicited from the Chair, the Town Attorney's office, the staff, or the Secretary.
- B. A BOA member may conduct site visits to the properties for which applications have been made, as long as BOA members do not discuss the merits of the case or matter with persons at the site, applicants, other BOA members, or persons who may be involved with the case.
- C. BOA members shall not express opinions concerning a case before that case is heard, except for opinions regarding procedural or scheduling issues.
- D. BOA members shall keep in mind that they serve as impartial, quasi-judicial decision-makers, and shall avoid the appearance of impropriety.

2.4. Conduct During Hearings

A. Disclosure of Facts or Prior Knowledge

Prior to or during a hearing, BOA members seated for a hearing and alternates shall disclose pertinent facts they are aware of through site visits or through other prior knowledge if such facts or knowledge may affect a member's opinions regarding the case. Such disclosure shall be made so that the parties are aware of all information being considered by members and so that parties may address such information in their cases as necessary. Other than this type of disclosure, a member seated for a hearing shall not testify or present evidence in a hearing.



B. Testifying

1. Alternate members who are not seated for a case, are discouraged from testifying at hearings.
2. If a non-seated member wishes to testify in a case in which they have a financial or associational interest, they should consult with the Chair and be recused from the hearing on the case.

C. Voting

No BOA member shall vote in any final determination of the merits of a case unless that member was present for the hearing of the case or has reviewed the electronic recording of the hearing and all evidence submitted. This prohibition shall not apply to procedural issues, extensions, continuances, decisions to appeal, or other similar issues.

2.5. Conflict of Interest or Bias

- A.** A BOA member shall not participate in a vote when a member has an impermissible bias or conflict of interest. Impermissible conflicts include, but are not limited to:
 1. A member having a fixed opinion prior to hearing the matter that is not susceptible to change;
 2. Undisclosed ex parte communications;
 3. A close familial, business, or other associational relationship with an affected person or entity; or
 4. A direct, substantial, and readily identifiable financial interest in the outcome of the matter.
- B.** If an objection is raised to a member's participation and that member does not recuse themselves, the remaining members shall by majority vote rule on the objection.
- C.** A member with a potential conflict of interest or bias in a hearing matter shall, preferably at least one business day prior to the day of the meeting, consult with the Chair and, if necessary, with the Town Attorney regarding the potential conflict.
- D.** A member may excuse themselves on account of the potential conflict, or may ask the Chair to make a determination.
- E.** The Chair shall announce any recusals prior to the hearing affected by such recusals.



SECTION 3: MEETINGS; NOTICE; AGENDA

3.1. Open to the Public

All meetings, hearings, and records of the Board of Adjustment shall be open to the public.

3.2. Public Hearings

- A.** The BOA shall regularly hold public hearings for the disposition of cases on the Thursday before the regularly scheduled Town Council Meeting every other month at 4:00PM in Laurel Park Town Hall at 441 White Pine Street, Laurel Park, or remotely as authorized by State law.
- B.** Hearings may be cancelled by the Chair in the event there are not cases before the BOA and no official business to conduct.
- C.** Hearings may be rescheduled by the Chair if a scheduled public hearing cannot be held because of a holiday, weather, lack of a quorum, or other unusual circumstance.
- D.** The BOA may hold additional public hearings if necessitated by a heavy caseload. Such hearings must be approved by the Chair with at least two weeks advance notice given to members.
- E.** An emergency public hearing may be called without two weeks' notice if the Chair determines that a case is urgent and/or unusual circumstances require its immediate resolution, assuming that the public notice required by the Unified Development Ordinance or applicable State law can be given.
- F.** The Secretary staff shall notify all BOA members when it is necessary to change or cancel any scheduled meeting or hearing.
- G.** The Town may provide the opportunity for remote viewing of BOA meetings on a case by case basis.

3.3. Business Meetings

- A.** The BOA may hold business meetings as necessary for training, work sessions, or the conduct of business.
- B.** Business meetings shall be set by the Chair, with at least two weeks' notice given to members, unless the meeting is an emergency meeting regarding matters that need immediate resolution in which case at least 48 hours advance notice shall be given.
- C.** For all meetings, a written or oral agenda for the meeting shall be given to each member.

3.4. Public Access/Hearing Recordings

- A.** All meetings, hearings, records, and minutes of the BOA shall be open to the public.
- B.** All public hearings and business meetings shall be advertised in accordance with the applicable provisions in the Unified Development Ordinance and State law.
- C.** Recordings of Board of Adjustment meetings shall be maintained in accordance with the Town of Laurel Park's record retention policy.
- D.** Copies of meeting recordings may be obtained by contacting the Town Clerk.

3.5. Notice of Public Hearings and Business Meetings

- A.** Notice of public hearings shall be provided in accordance with Section 6.2.9 of the Laurel Park Unified Development Ordinance.



- B. No public hearing shall be conducted by the BOA without first providing required public notice in accordance with State law.
- C. Business meetings conducted by the BOA for purposes other than hearing cases are public meetings that do not require the provision of individual public notice to adjacent landowners about a pending application, but must still be advertised in accordance with NCGS§143-318.12 (the "open meetings" law).

3.6. E-mailing of Agenda/Staff Report Link

- A. BOA business meeting and public hearing agendas will be posted on the Town's webpage.
- B. A link to the agenda for each meeting or hearing, consisting of a listing of cases and other business, and the order in which they will be heard, shall be prepared by the Secretary and shall be e-mailed concurrently to all members, landowners, applicants, and interested persons entitled to received notice in accordance with State law or who requested an agenda or information about a particular case no less than 10 days prior to the hearing, except for emergency meetings/hearings.
- C. The Secretary shall include, within the posted agenda, links to staff reports prepared for each public hearing. These reports shall include:
 - 1. A map of the location of the property;
 - 2. Existing land use and zoning of the property and surrounding property;
 - 3. Factual information regarding the findings under the Ordinance;
 - 4. A listing of all relevant Unified development Ordinance sections; and
 - 5. The application submitted by the applicant.
- D. Staff reports shall be made available to the general public by posting on the Town's webpage at the same time it is e-mailed to members.

3.7. Setting of Agenda

- A. Variances, appeals of administrative decisions, special use permits, reasonable accommodations, and any other matters requiring hearing shall be placed on the agenda by filing of necessary applications within the deadlines shown on the Town's application submittal calendar, or, if such deadlines are not met, by the Town staff's determination that special circumstances apply.
- B. The Secretary shall place business and procedural matters on the agenda after verification with the Chair. If a member requests to the Chair (or Vice Chair in the Chair's absence) prior to the e-mailing of the agenda that a matter be included on the agenda it shall be included if the Chair approves.
- C. Items may be added to the agenda at a meeting/hearing by approval of a majority of the Board.

3.8. Order of Business for Public Hearings

The order of business at public hearings shall be as follows, unless varied by majority vote:

- A. Call to Order;
- B. Roll Call (includes requests for members to identify conflicts or early departures);
- C. Approval of Summary Minutes for Previous Meeting(s);
- D. Adjustments to the Agenda;
- E. Explanation of Quasi-Judicial Procedure for Cases by Chair;



- F. Swearing In of Witnesses;
- G. Hearing and Determination of Each Case;
- H. Old Business;
- I. New Business; and
- J. Adjournment.

3.9. Order of Business for Business Meetings

The agenda for the order of business at hearings of the Board of Adjustment shall be as follows:

- A. Business as announced in the notice of the hearing; and
- B. Adjournment



SECTION 4: PROCESS; WRITTEN DECISIONS; TRANSMITTAL

4.1. Quorum and Voting

A. Quorum

1. A quorum of members shall be present in order to transact any business or take actions as authorized. A quorum shall consist of at least four seated members.
2. An applicant in a case shall have the right to a rescheduled hearing if fewer than 7 members are seated for a hearing, in which case the Board shall vote to continue the hearing. If no quorum is present, the hearing shall be automatically continued to the next regularly scheduled meeting and no vote is required.

B. Voting

1. For purposes of voting on an application, vacant positions on the BOA and members who are disqualified from voting due to an impermissible conflict of interest or bias (as defined in Rule 2.5) shall not be considered members of the BOA for calculation of the requisite simple or super majority if there are no qualified alternates available to take the place of such members at the hearing.
2. In cases where a BOA member is simply absent from a meeting, the absence is unexcused, and there is no alternate member available to take that member's place, the member's position shall still be considered in the determination of super or simple majority.
3. In the case of abstention or failure to vote by a BOA member who has not been excused under these Rules, the member's vote shall be counted in the affirmative.

C. Super Majority Vote on a Variance Application

1. Approval of a variance case requires a supermajority, or 4/5 of the BOA members seated for the case, voting the approve the request.
2. The following table identifies the minimum supermajority requirements of affirmative votes in order to approve a variance, based on the number of BOA members who are seated for the case:

Number of BOA Members Voting on a Variance Case	Supermajority Raw Score (4/5 x # voting)	Minimum Number of Affirmative Votes to Approve a Variance (round up from raw score)
7	5.6	6
6	4.8	5
5	4	4
4	3.2	4
3	N/A (no quorum)	N/A (no quorum)

D. Simple Majority Vote Required for All Other Decisions

1. Approval of all other types of requests and decisions of the BOA shall require a simple majority of the BOA members voting.
2. Where majority approval is not otherwise defined in these rules, it means a majority of those members present and voting at a meeting where a quorum is present.



4.2. Process for Determining Cases

- A. A vote on a request for a variance, special use permit, reasonable accommodation, or an appeal of an administrative interpretation shall be in the form of a motion to approve the request.
- B. If an applicant withdraws a request, the case is closed. A new application and fee must be submitted if the request is thereafter reviewed.
- C. Cases continued by the BOA for lack of information or for necessary actions to be taken by the applicant shall be to a date certain. If the applicant does not submit the information or take the actions by the continuance date, the BOA shall either continue the case again or dismiss the case without prejudice to the applicant's right to initiate a new application. The BOA shall not grant multiple continuances without good cause.
- D. A written explanation of the quasi-judicial nature of the hearing that explains, among other things, the right to ask questions and to object to evidence shall be available to all persons attending the hearing.
- E. The Chair, prior to the swearing in of witnesses, shall briefly explain the nature of a quasi-judicial hearing and shall call attention to the written explanations available.
- F. BOA members with a conflict of interest or bias who do not become aware of the conflict until the time of the hearing should excuse themselves prior to the start of the hearing. At the same time, all members, including alternates, who have special knowledge about a case, should disclose it so that the parties may address such information in their cases.
- G. Evidence shall be presented as follows:
 - 1. Staff report;
 - 2. Applicant's evidence;
 - 3. Supporting party's evidence;
 - 4. Opponent's evidence; and
 - 5. Rebuttal (by Applicant, if requested).
- H. All administrative materials presented by staff shall become a part of the hearing record. The staff may provide a recommendation to the BOA on special use permit applications.
- I. Expert testimony is required on the issues of property valuation and traffic safety impacts from increased vehicular traffic; opinion testimony from lay witnesses on these topics is conclusively incompetent and the BOA cannot rely on it.
- J. The Chair shall rule on any objections or requests from participants in the hearing regarding the procedure of the hearing or evidence presented.
- K. The Chair must recognize speakers and BOA members before they may be heard.
- L. The Chair shall allow every speaker to be heard, but may limit and/or cut off evidence or testimony that is irrelevant, repetitive, incompetent, or hearsay.
- M. The Chair shall allow direct and cross-examination and presentation of rebuttal evidence if such are requested.
- N. The BOA may limit the length of a public hearing or set a time for adjournment by majority vote.
- O. After all evidence has been presented, the Chair may ask the parties if there is additional relevant information that has not been presented that would make a continuance in order.
- P. Following the completion of evidence presentation, the Chair shall close the public hearing so that the BOA may deliberate and vote on the case.



4.3. Deliberation and Voting

- A.** Deliberation among BOA members takes place after the public hearing has been closed and consists of discussion among the seated members regarding the evidence, testimony, and findings of the case prior to voting.
- B.** The BOA may deliberate and vote on the degree to which the evidence and testimony presented are in alignment with the applicable review criteria listed in the Unified Development Ordinance either one-by-one or as a group.
- C.** In cases where the BOA determines to deliberate and vote on applicable review criteria one-by-one, the BOA shall consider each review criterion listed for the type of application under consideration, and there shall be a motion and vote on each applicable criterion. Only those applications found to be in alignment with all applicable review criteria shall be approved.
- D.** The call for a vote on the degree to which the evidence and testimony are in alignment with the applicable review criteria shall be made by motion, which must be seconded. The mover may withdraw the motion at any time before it is voted on. Only one substantive motion and amendment to such motion may be considered at a time.
- E.** All motions must be made in the affirmative, or to approve a request, or to approve a request with conditions. Motions for denial of a case are not permitted. The outcome or vote on a motion is at the discretion of the voting members and may or may not be supportive of a motion.
- F.** All amendments to a motion must be offered as friendly amendments. A motion proposing a friendly amendment does not need a second. A friendly amendment is valid only when accepted by the maker of the original motion and once accepted, it becomes a part of the original motion. An unlimited number of friendly amendments are allowed. If a friendly amendment is not accepted by the motion maker it may be offered as a subsequent motion after the vote on the first motion has occurred, assuming that only one substantive vote has then occurred on the case.
- G.** Motions to continue are encouraged if additional information would be useful in determining the case or if there are other reasons a continuance is advisable. A motion to continue may be made at any time and takes precedence over substantive motions/amendments on the table. It requires a simple majority of seated members for approval. When the matter is reopened after continuance, any substantive motions on the table at the prior meeting will still be on the table. A motion to adjourn the meeting is not in order if there are motions/amendments pending on a case that has not been continued.
- H.** Voting on a motion shall be by roll call of the Board members seated for the case. Votes on other matters may be taken by ayes and nays, by a show of hands, or in any other reasonable fashion determined by the chairperson. All votes shall be recorded by the Secretary.

4.4. Written Decisions; Transmittal; Filing

- A.** A written decision shall be issued by the BOA for every case. Such a decision shall include the pertinent Unified Development Ordinance sections that were met or were not met.
- B.** In the case of denials and contested approvals, a description of the factual findings relating to the evidence heard by the BOA shall also be included. Approvals shall include any conditions that the BOA placed upon the approval. The Chair, Secretary, and Town staff shall sign each decision. Additionally, if conditions are imposed on the approval, the Applicant shall also sign a statement consenting to all listed conditions.



- C. For denials, the members voting for denial shall discuss what sections of the Unified Development Ordinance were not met and the factual information that was relevant to the decision to deny. For contested approvals, members shall discuss the factual information that was relevant to the decision to approve.
- D. The written decision for each case shall be delivered to the applicant and to any person who has filed a written request with the Secretary in accordance with State law. The Secretary shall maintain a file of all decisions. A decision shall be considered "filed" on the date that the final necessary signature on such decision is obtained and the decision is ready for distribution.

4.5. Reconsideration/Reopening

Substantive decisions on the merits of a request cannot be reconsidered and decided cases cannot be reopened following the approval of a written decision. If criteria for a change in circumstances are met, the case may be submitted as a new case under the Unified Development Ordinance.

4.6. Procedures Ensuring Expedited Review of First Amendment Activities

When an applicant appeals an administrative decision or requests a special use permit or variance regarding a protected First Amendment activity, and other applicable law does not provide that the activity may be initiated or continued during the pendency of the Board of Adjustment's decision-making, the BOA shall expedite its process for hearings and final decisions. The following procedures shall apply:

- A. The time between the point the applicant submits a completed application and fee and the point a final written decision is approved by the Board and mailed to the applicant shall not exceed three months.
- B. If necessary, in order to comply with this deadline, hearings may be scheduled more quickly than normal, and polling of members, following the procedures in these Rules, may approve written decisions.
- C. If the applicant requests judicial review, the BOA shall stipulate to the granting of a writ of certiorari within five working days of legal receipt of notice of the petition for certiorari, except in cases where improper procedure or process or other procedural defects raise jurisdictional issues.
- D. Town staff on behalf of the BOA shall file the official record within fifteen working days of date the BOA legally receives notice that the writ of certiorari has been granted. Where the appealing party has not provided a written transcript of the hearing, the record may include a recording of the proceeding, which recording shall be replaced by a transcript prior to the hearing.
- E. The BOA will stipulate to expedited scheduling of court hearings on the review of the BOA's decision, including motions for summary judgment, to the end that, if desired by the appealing party, a court hearing concerning the BOA decision will be available within 60 days of the date a petition for certiorari is served on the Board of Adjustment.

4.7. Appeal of Board of Adjustment Decision

An appeal of a decision of the BOA must be filed with the Superior Court of Henderson County by the later of 30 days after the decision is effective or after a written copy thereof is given. Appeals shall be considered in accordance with NCGS§160D-1402.



SECTION 5: AMENDMENT

These Rules may, within the limits allowed by State law, be amended at any time by an affirmative vote of not less than a quorum of the BOA, provided that such amendment shall have first been presented in writing to all members of the BOA prior to the meeting at which the vote is taken.

SECTION 6: ADOPTION

The Laurel Park Board of Adjustment hereby adopts and makes effective the by-laws as presented in the foregoing Articles and Sections.

ADOPTED and MADE EFFECTIVE this 16th day of November, 2023.

Chair

Secretary

SECTION 7: HISTORY OF AMENDMENTS

7.1. Initial Adoption: October, 2022

7.2. Revised: 11-16-23

7.3. Revised:



TOWN OF LAUREL PARK
AGENDA ITEM SUMMARY

Title of Item: Bee City Sign

Presenter: Town Manager Alex Carmichael

Attachment(s): Yes/No

- Bee City Sign Draft and Quote

Summary of Item: The Bee City Committee has worked with The Mad Signtist to design a street sign for the Town of Laurel Park. The Committee would like to order two signs for a total of \$135+tax. The money is budgeted as part of the Parks and Greenways Capital Outlay line in the Parks budget. The Committee would like to place one sign at the intersection of Laurel Park Highway and White Pine Drive, and the other either on Highway 64 East, or Hebron.

Council Action Requested:

Review and discuss proposed Bee City Sign.

Suggested Motion:

Move to approve/deny the placement of the Bee City signs on Laurel Park street signs sign post at _____ and _____.



Proposal

11/21/2023



(2) 24"x24" single sided aluminum signs,
\$135.00 + tax

Confirm spacing of holes

This sketch is
the property of

and may not be
used without
permission or
shown to other
signs shops for
bidding purposes

themadsignlist.com

408 7th Ave. E. Hendersonville, NC 28792 828-696-3447 themadsignlist@gmail.com



**TOWN OF LAUREL PARK
AGENDA ITEM SUMMARY**

Title of Item: Community Foundation of Western Carolina and Dogwood Trust Grant Discussion

Presenter: Town Manager Alex Carmichael

Attachment(s): Yes/**No**

Summary of Item:

Staff reached out to the Community Foundation of Western North Carolina and the Dogwood Health Trust to discuss grant funding for the renovation of Little Laurel Green into an inclusive, accessible playground.

The Community Foundation responded by saying, “at this time we are not accepting grant applications for playgrounds. This program is really set up to fund projects that fall under one of the following broad categories: pedestrian/multi-modal improvements; beautification; infrastructure; or economic activities.”

Though the playground may not be an eligible project, we may want to revisit the Community Foundation for partnerships with our Highway 64 plans.

Dogwood Trust referred me to their website, where there is an online application for grants. Although Playgrounds are not specifically listed, they may fit into their strategic priority of Health and Wellness.

Council Action Requested:

Discussion only.

Suggested Motion:

N/A