



Town of Fairview

PLANNING AND ZONING BOARD

Agenda

November 21, 2023 @ 6:30 p.m.

Meeting will be at Fairview Town Hall Meeting Room

1. Roll Call and Determination of Quorum --- Chairman Buchanan
2. Business:
 - a. Mini Mart @ 601 and Brief (Permitted with Special Use Permit)
 - b. Food Trucks
Add "Food Trucks" to Land Use Ordinance in Definitions and Table of Uses
 - c. Approve Previous Minutes: October 17, 2023---Regular meeting
3. Public Comments
4. Adjourn

Discuss Mini Mart @ 601 and Brief

**Town of Fairview
Staff Report for:
Planning Board**
DATE: Nov.21 2023

CASE #: NR 23 098	
Applicant(s):	Carlos Rivera Ana L Mercado 13570 Broadway Ave Midland NC 28108 Mercadito Corporation
Property Owner(s):	Charlotte and Nicolette Inc. 601 Brier Patch Terrace Waxhaw NC
Requested Action:	Obtain a Special Use Permit to operate a convenience store /without Fuel/party rentals
Existing Zoning:	RA-40
Requested Zoning:	Special Use Permit-B-4-Conditional to operate Convenience Store
Location:	Corner of 601 and Brief 9804 Highway 601 Midland NC 28107
Property Size:	2.0 ac
Tax Parcel(s):	08177008A
Purpose/Narrative:	To operate a convenience store without Fuel/with party rentals at northeast corner of 601 and Brief intersection
Surrounding Area Zoning:	Residential/B-4
Existing Conditions:	building on property not being used.
Land Use Plan Recommendation:	lot should be B-4 Commercial Highest and best Use
Compliance with Zoning Ordinance:	Table of uses require zoning with special use permit for Convenience Store without fuel
Conditional Use Permit Conditions:	<ol style="list-style-type: none"> 1. NCDOT approved entrance/exits 2. Environmental Health approved septic system
Staff Recommendation on Application:	Recommend approval to Council

Town of Fairview

7516 Concord Highway Monroe NC 28110

Zoning Classification*: <u>B-4</u>
<small>*If Conditional Use, attach recorded permit</small>

Commerical Or NON-RESIDENTIAL USE ZONING PERMIT

Permit Number: NR 23098 Date: 10/04/2023 Fee Paid: \$500 Check Number: (RIVERAS JR 70@gmail)
13570 Broadway ave Phone #: (704) 905-5841 Email: RIVERAS JR 70@gmail.com
 Applicant Name: Juan Carlos Rivera City: Midland State: NC Zip: 28107
 Applicant Mailing Address: _____

Property Information

Street Address: 9804 HS-601 Fairview NC
 Tax Parcel Number: 08177008A Street Frontage: _____
 Gross Floor Area: _____ Principal Use: _____
 Sign Square Footage: _____ Parking Spaces Provided: _____

Principal Structure Requirements:

Required:		Proposed
_____ Feet	Front Setback :	_____
_____ Feet	Rear Yard Setback	_____
_____ Feet	Left Side Yard	_____
_____ Feet	Right Side Yard	_____
_____ Feet (Max)	Bldg. Height	_____
_____ Feet (Max)	Lot Width @ Front Setback	_____

**See Section 184 Building Setback Requirements of the Land Use Ordinance

ATTACH THE FOLLOWING: Two copies of a scaled dimensional survey drawn by and certified as true and correct by a surveyor or engineer registered with the state of North Carolina which shows the shape, dimensions and location of the lot to be built upon, uses and existing structures on the lot. Upon this survey shall be sketched the following : (a) the shape, dimensions, and area of proposed location of proposed structure to be placed upon the lot; (b) all setback lines on the lot once the proposed structure is completed, affirmatively showing that the area of the proposed location will meet all setback requirements, and; (c) any other information that may be needed to insure that the proposed structure is in compliance with all applicable provisions of the Town of Fairview Land Use Ordinance.

I HEREBY CERTIFY that all of the information provided for this application and all attachments are true and correct to the best of my knowledge. I further certify that I am familiar with all requirements of the Town of Fairview Land Use Ordinance concerning this proposed use. I acknowledge that any violation of this ordinance will be grounds for revoking this permit and any subsequent permit issued by the Town of Fairview.

APPLICANT SIGNATURE Juan Carlos Rivera

DATE 10/04/2023

THIS PERMIT IS: APPROVED _____

DISAPPROVED _____

LAND USE ADMINISTRATOR [Signature]

DATE 10/17/2023

Comments: Special Use Permit Approved

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Mercadito Mini Market Project Plan

Our plan is to bring a Mini Market into the town of Fairview!

We want to provide a market that is not only close but has a huge range of supplies to the community!

We will not only be providing fresh local produce to the community! But Job Opportunities as well!

Within this Market, we will be providing fresh produce such as vegetables, fruits, groceries, and other implementations. The community of Fairview

is very important to us! To connect and grow together as a community we will have Snow cones with multiple different flavors, along with snow cones! As the season approaches we will have a coffee section as well! A huge part of reaching out to the community, we wanted to implement Party

Rentals! Provide a resource to support family gatherings and celebrations! Our operation hours will be 7am until 9pm, Monday through Sunday! We hope that you will give us this opportunity to bring Mercadito Mini Market to your community!



COMMERCIAL LEASE AGREEMENT
(Single Tenant Facility)

#NR 23098

(Note: This form is not intended to be used as a Sublease and SHOULD NOT be used in Sublease circumstances)

THIS COMMERCIAL LEASE AGREEMENT, including any and all addenda attached hereto ("Lease"), is by and between
Charlotte And Nicolette Inc

a(n) Corporation ("Landlord"),
(individual or State of formation and type of entity)

whose address is 601 Briar Patch Terrace, Waxhaw, NC 28173, and
Mercadito Corporation

a(n) Corporation ("Tenant").
(individual or State of formation and type of entity)

whose address is 13520 Broadway Ave, Midland, NC 28107

If this box is checked, the obligations of Tenant under this Lease are secured by the guaranty of _____
(name(s) of guarantor(s)) attached hereto and incorporated herein by reference.

(Note: Attach Guaranty Agreement (Form 595-T) or attorney-drafted guaranty).

For and in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

PREMISES

1. Landlord leases unto Tenant, and Tenant hereby leases and takes upon the terms and conditions which hereinafter appear, the following described property, including any improvements located thereon (herein after called the "Premises"), to wit:

(Address): ~~9404 Hwy 601, Fairview, NC 28107~~ MIDLAND (in Fairview)
9804

All A portion of the property in Deed Reference: Book 6637, Page No. 864, Union
County; consisting of approximately _____ acres.

Plat Reference: Lot(s) _____, Block or Section _____, as shown on Plat Book or Slide
_____ at Page(s) _____, _____ County, consisting of _____ acres.

If this box is checked, Premises shall mean that property described on **Exhibit A** attached hereto and incorporated herewith by reference.

(For information purposes only, the tax parcel number of the Premises is: 08177008A)

Occupancy Limitation: If this box is checked, notwithstanding any greater occupancy of the Premises which may be permitted by any law, statute, ordinance, regulation, rule (including rules enacted pursuant to any private use restrictions), as the same may be amended from time to time, Tenant shall not allow occupancy of the Premises to exceed _____ persons per _____ square feet in the Premises at any one time.

TERM

2. The term of this Lease shall commence on April 24, 2023 ("Lease Commencement Date"), and shall end at 11:59 p.m. (based upon the time at the locale of the Premises) on July 31, 2028, unless sooner terminated as herein provided. The first Lease Year Anniversary shall be the date twelve (12) calendar months after the first day of the first full month immediately following the Lease Commencement Date and successive Lease Year Anniversaries shall be the date twelve (12) calendar months from the previous Lease Year Anniversary.

If this box is checked, Tenant shall have the option of renewing this Lease, upon written notice given to Landlord at least _____ days prior to the end of the then expiring term of this Lease, for _____ additional term(s) of _____ years each.



North Carolina Association of REALTORS®, Inc.

REALTOR® Tenant Initials J C Landlord Initials Dk



STANDARD FORM 592-T
Revised 7/2022
© 7/2022

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LEGEND
 ○ = BOUNDARY CORNER
 (S) = SET
 (F) = FOUND
 IR = IRON REBAR
 IP = IRON PIPE
 IN = IRON NAIL
 MN = MAG NAIL
 RRSPK = RAILROAD SPIKE
 MON = MONUMENT

I, DAVID E. GRIFFIN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 8637, PAGE 864, ETC.) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION IN DEED BOOK 88, PAGE 482; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10000+; THAT THIS PLAT WAS NOT PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITHIN MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 26TH DAY OF SEPTEMBER, 2023.



I, DAVID E. GRIFFIN NCPLS L-3850, CERTIFY TO ONE OR MORE OF THE FOLLOWING:
 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
 THAT THIS SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND
 THAT THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND
 THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECONCILIATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION
 THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO THE PROVISIONS CONTAINED ABOVE.



NOTES:
 1) THIS PROPERTY IS NOT LOCATED WITHIN ANY SPECIAL FLOOD HAZARD AREAS AS SHOWN ON FEMA PANEL #3710504900L (EFFECTIVE 11/16/2018)
 2) ALL DISTANCES ARE SURFACE HORIZONTAL DISTANCES MEASURED IN US SURVEY FEET
 3) AREA WAS COMPUTED BY COORDINATE METHOD
 4) SURVEY WAS PERFORMED IN JUNE 2023
 5) NO NCORS MARKER FOUND WITHIN 2000'
 6) THIS PROPERTY IS ZONED S-4 & R-25.
 REFER TO THE TOWN OF FAIRVIEW FOR SETBACK INFORMATION.

REVISIONS

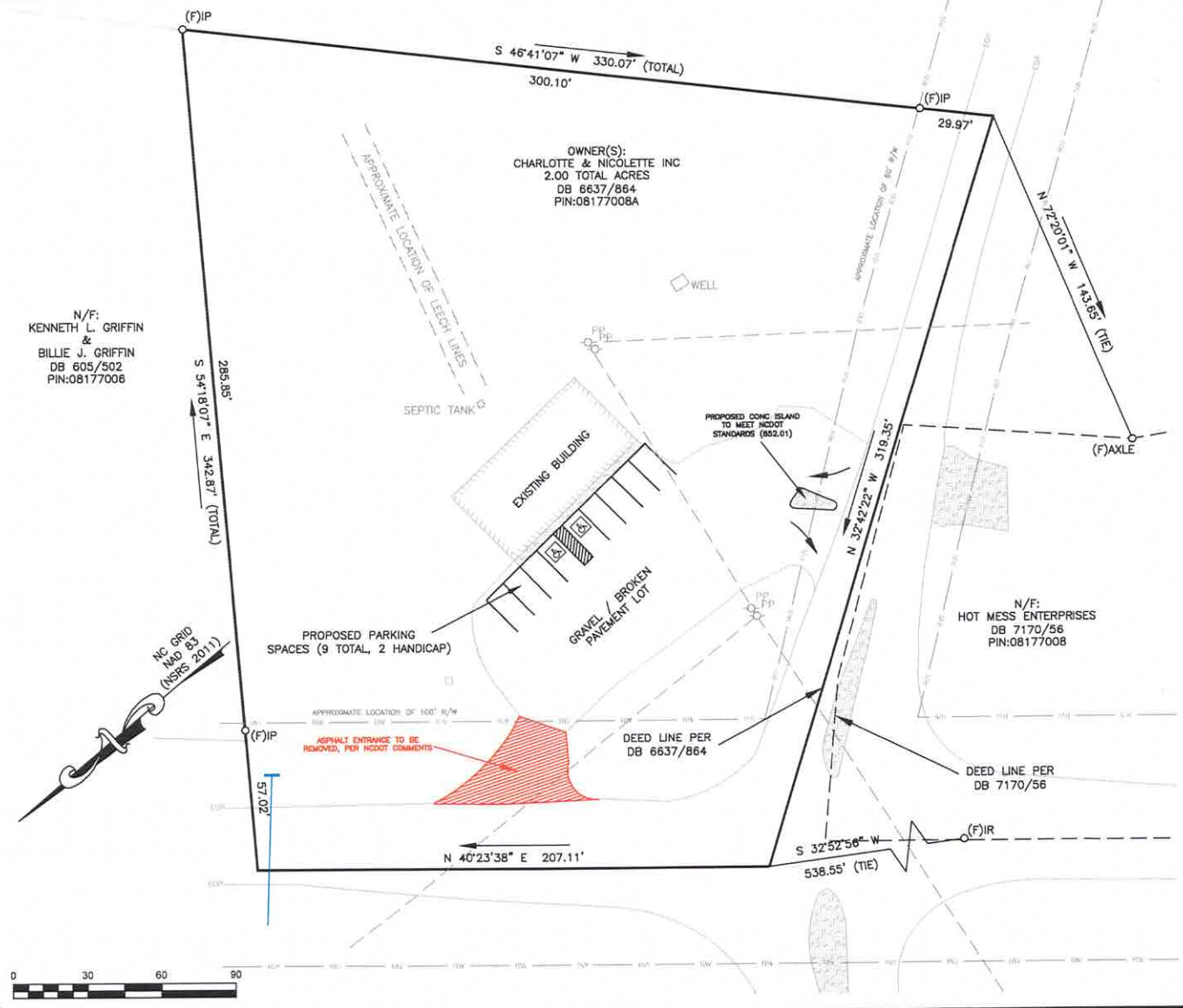
#	DATE	DESCRIPTION
1	09/28/23	PER NCDOT COMMENTS
2		
3		
4		
5		

Devised by
 David E. Griffin
 L-3850
 REGISTRATION No.

N/F:
 VIVIAN RUSSEL
 DB 98/482
 LESS & EXCEPT 7430/211
 PIN:08177005

N/F:
 KENNETH L. GRIFFIN
 &
 BILLIE J. GRIFFIN
 DB 605/502
 PIN:08177008

OWNER(S):
 CHARLOTTE & NICOLETTE INC
 2.00 TOTAL ACRES
 DB 6637/864
 PIN:08177008A



GRIFFIN SURVEYING SERVICES, PA
 GDS SERVICES
 FIRM #: C-1671
 1310 Brief Road East Monroe, NC 28110
 QUALITY IS OUR PRIORITY
 PH: (704) 753-5008 E-MAIL: david@griffinsurveying.net FAX: (704) 753-9041

PLOT PLAN OF PARCEL # 08177008A
 TOWN OF FAIRVIEW ~ UNION COUNTY ~ NORTH CAROLINA
 PREPARED FOR
JASON KHIM
 WAXHAW, NC

DRAWING NAME:
 601 RETAIL
 SCALE: 1" = 30'
 TAX ID # SEE PLAT
 SURVEYED BY: AC
 DRAWN BY: AG
 CHECKED BY: DG
 DATE: 09/28/23



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J.R. "JOEY" HOPKINS
SECRETARY

October 11, 2023

Mr. Ed Humphries
Land Use Administrator (Town of Fairview)
7516 Concord Highway
Monroe, NC 28110

SUBJECT: Request for Approval of Access Permit Application in Town of Fairview

PERMIT NUMBER: D103-090-23-00115

Dear Mr. Humphries

Enclosed are permit applications for access onto Brief Rd (SR-1547) serving the proposed Brief Rd Convenience Store in the Town of Fairview, Union County. An access permit and a site plan are included for your review.

If the enclosed material and site conditions comply with the Town of Fairview's requirements for access, please indicate approval with your signature in the appropriate area on the back of the permit forms and return them to this office. An approved access permit will be returned to you.

If you have any questions, please contact me at the number below.

Sincerely yours,

A handwritten signature in cursive script that reads "Robert Weltner".

Robert Weltner
Assistant District Engineer

Enclosures



APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION STREET AND DRIVEWAY ACCESS PERMIT APPLICATION
Driveway <u>D103-090-23-</u> Permit No. <u>00115</u>	Date of Application <u>10-9-2023</u>	
County: <u>Union</u>		
Development Name: <u>Charlotte And Nicolette INC</u>		

LOCATION OF PROPERTY:	
Route/Road: <u>SR-1547</u>	
Exact Distance <u>100</u>	<input type="checkbox"/> Miles N S E W <input checked="" type="checkbox"/> Feet <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
From the Intersection of Route No. <u>SR-1547</u> and Route No. <u>HWY 601</u> Toward <u>Fairview</u>	
Property Will Be Used For: <input type="checkbox"/> Residential /Subdivision <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input type="checkbox"/> Other	
Property: <input checked="" type="checkbox"/> is <input type="checkbox"/> is not within <u>Fairview</u> City Zoning Area.	

AGREEMENT	
<ul style="list-style-type: none"> I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location. I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation. I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT. I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans. I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary. I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction. I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways". I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied. I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel. I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer. I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction. I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction. I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system. The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point. I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees. I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED. 	
2004-07	NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation
	TEB 65-04rev. 61-03419

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SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	<u>Charlotte and Nicolette INC</u>	NAME	<u>Young Kim</u>
SIGNATURE	<u>[Signature]</u>	SIGNATURE	<u>[Signature]</u>
ADDRESS	<u>9804 Concord Hwy</u>	ADDRESS	<u>9804 Concord Hwy</u>
	<u>Midland</u> Phone No. <u>28107</u>		<u>Midland NC 28107</u>

AUTHORIZED AGENT		WITNESS	
COMPANY	_____	NAME	_____
SIGNATURE	<u>N/A</u>	SIGNATURE	<u>N/A</u>
ADDRESS	_____	ADDRESS	_____
	_____ Phone No. _____		_____

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

<u>[Signature]</u>	10/11/2023
SIGNATURE	DATE

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

_____	_____	_____
SIGNATURE	TITLE	DATE

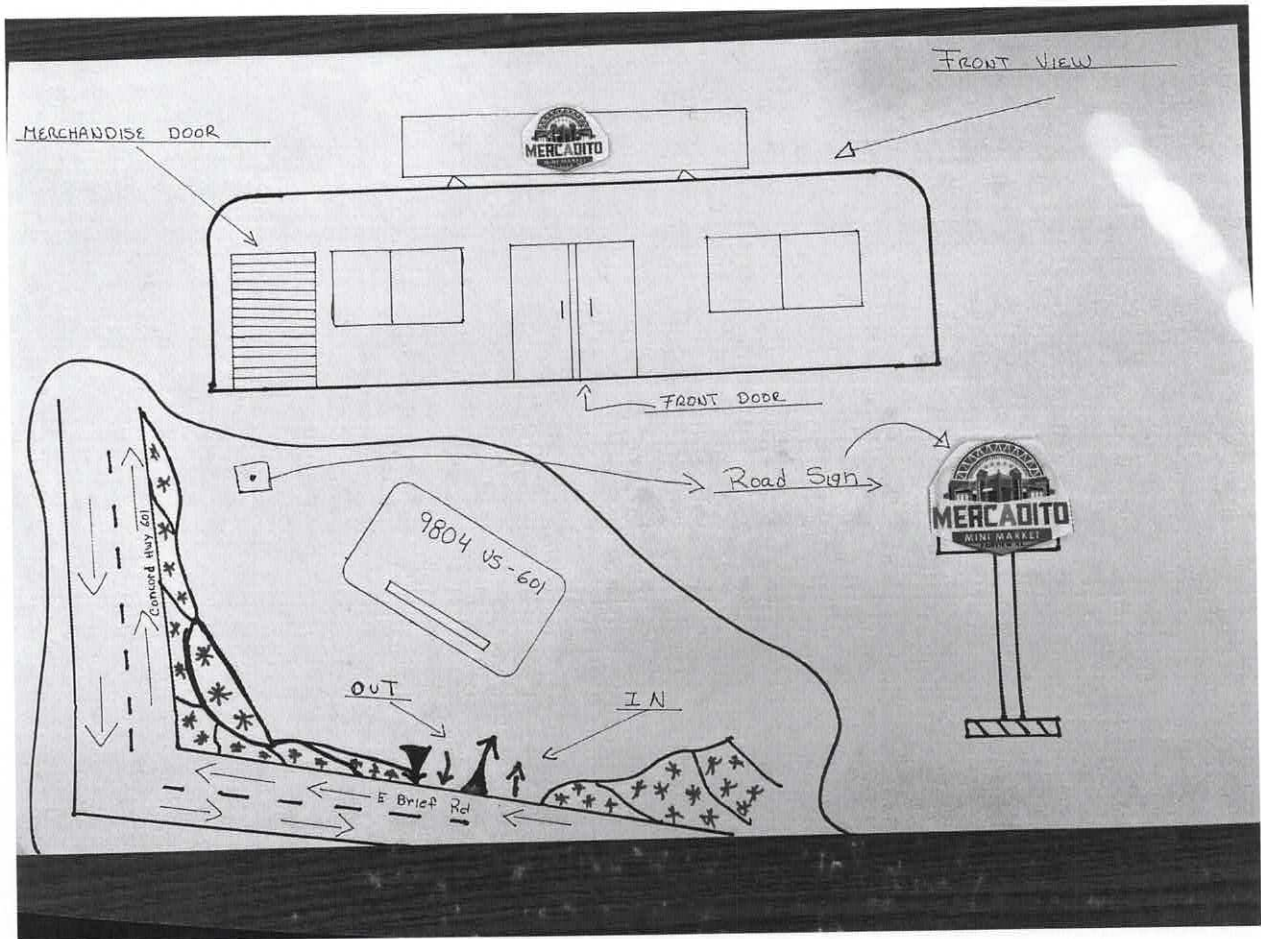
APPLICATION APPROVED BY NCDOT

_____	_____	_____
SIGNATURE	TITLE	DATE

INSPECTION BY NCDOT

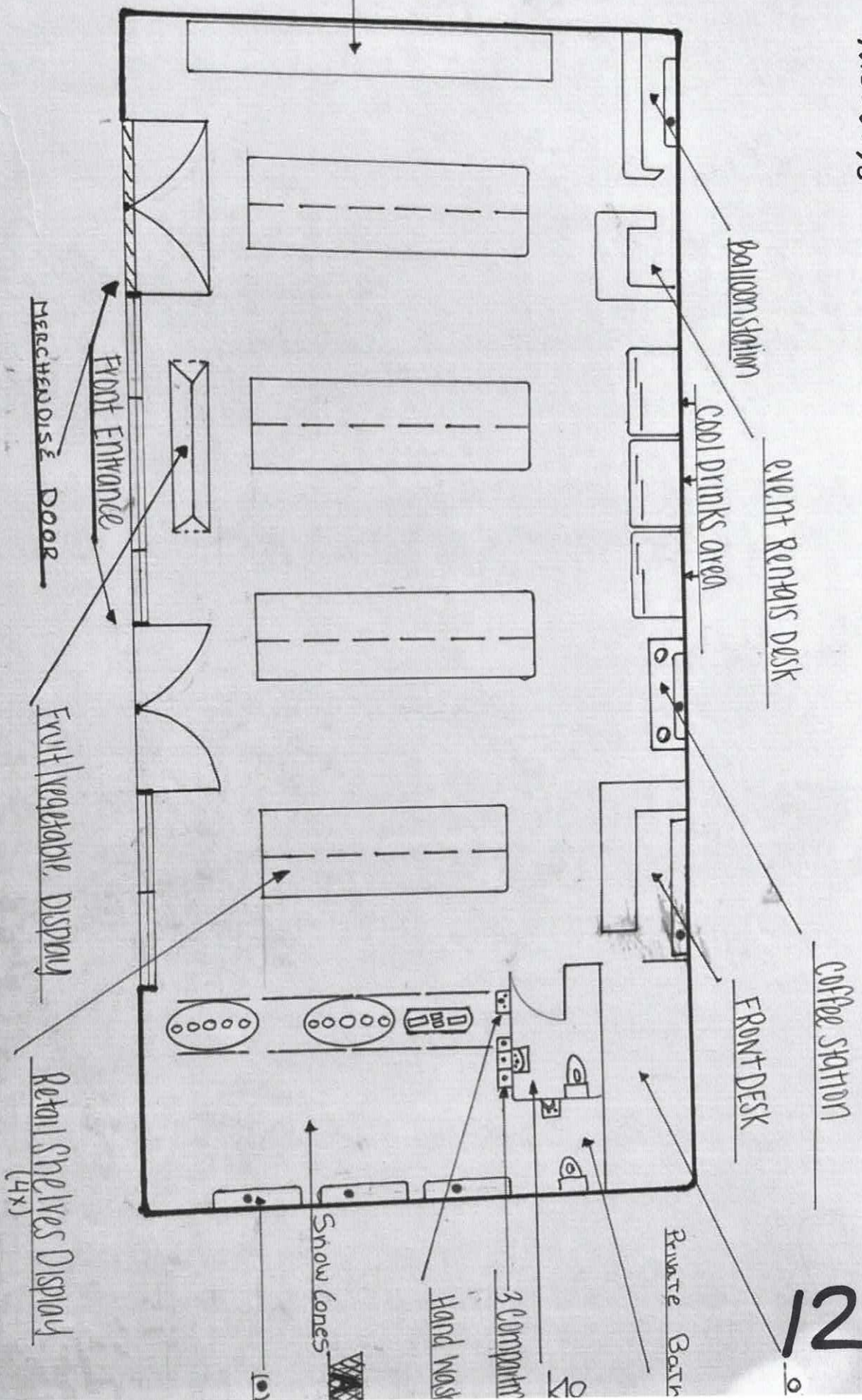
_____	_____	_____
SIGNATURE	TITLE	DATE

COMMENTS:



N/A 23098

Retail Store Floor Plan



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Discuss Food Trucks

FOOD TRUCK. A licensed, motorized vehicle or mobile food unit that is designed and equipped to serve food and is temporarily located for the purpose of selling food items to customers. This use includes ice cream trucks.

TEMPORARY VENDOR OPERATIONS. Temporary vendors shall operate under the following conditions:

- 1) Hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. except for special events operating under a temporary use permit.
- 2) Food trucks and food trailers shall be parked on private property with the property owner's permission and shall not be parked within any street, right-of-way or sidewalk area.
- 3) Temporary vendors are responsible for the proper disposal of solid waste, wastewater and trash associated with the operation. Waste and trash shall be removed from the location of operation at the end of each day to maintain the health and safety of the public.
- 4) No grease shall be disposed of in public places, streets, stormwater drainage system, or sanitary sewer system.
- 5) Advertising and signage is limited to what is displayed on the vendor truck, trailer or structure and any permitted signs on the site of operation.
- 6) Food vendors shall display or otherwise make available menu items and prices.
- 7) Vendor operations shall be walk up arrangements only. Drive through operations are prohibited.
- 8) Vendor operations as an accessory use shall not impede or otherwise compromise the vehicle access, pedestrian access or parking arrangements of principal uses on the same site.
- 9) Site plan may be required.

Approve Minutes



**Town of Fairview
Planning Board Meeting
October 17, 2023**

The following Planning Board members were present: Chrisie Black, Doug Buchanan, Sharon Clontz, Mike Medlin, Josh Presley, Bill Thomas, Fred Rogers (Alt.). Absent: Greg Morgan and Rodney Stephens (Alt.).

Others present: Ed Humphries, Land Use Administrator/Deputy Clerk; Spencer Cox, Administrative Assistant

Public Comments

None

Items of Business

A. Add “Animal Boarding---Horses” To “Table of Uses”

Ed Humphries presented the possibility of adding “Animal Boarding---Horses” To “Table of Uses” as a permitted use by right in RA-40 and RA-80, See sections 175, 168 and 180A.

Also add in Article II Basic Definitions and Interpretations: *“Horse Boarding is a service offered by established horse farms. For a monthly fee, the boarding facility will maintain the daily care of a client’s horse. These services may include feeding, turnout, stall cleaning, grooming, training, and even medical care. There is a minimum of 10 acres with a limit of horses to one horse per pasture acre”.*

The Board discussed. Add “Over 10 horses will require a Special Use Permit”. There should also be 2 lines added to the Table of Uses noting the same. Mr. Humphries stated that he would make changes and email everyone before the November meeting.

Josh Presley made a motion to recommend the following to the Council: *Add in Article II Basic Definitions and Interpretations: “Horse Boarding is a service offered by established horse farms. For a monthly fee, the boarding facility will maintain the daily care of a client’s horse. These services may include feeding, turnout, stall cleaning, grooming, training, and even medical care. There is a minimum of 10 acres with a limit of horses to one horse per pasture acre by right. Over 10 horses will require a Special Use Permit. Also add: Animal Boarding---Horses” To “Table of*

Uses” as a permitted use by right in RA-40 and RA-80, See sections 175, 168 and 180A and Over 10 horses will require a Special Use Permit. Sharon Clontz seconded the motion. Board members Black, Buchanan, Clontz, Medlin, Presley, Thomas, Rogers (Alt) voted yes (7-0).

B. The new ‘FEMA Flood Hazard Maps’

Ed Humphries presented the new FEMA Flood Hazard Maps being proposed by FEMA and the floodplain permit the town uses along with the current links provided by NC government. (<https://flood.nc.gov/ncflood/>, <https://fris.nc.gov/fris/Home.aspx?ST=NC>). He encouraged the Board to go online to the websites to familiarize themselves with them.

C. Food Truck Discussion

Ed Humphries reported to the Board that the town has had an inquiry regarding setting up a food truck on a piece of property. Currently the Table of Uses does not include food trucks, just street vendors. Mr. Humphries suggested that food trucks be added to the Table of Uses and produce a definition for the Land Use Ordinance. The Board discussed. Mr. Humphries will produce the definition per the discussion and bring the recommendation back in November.

D. Minutes

Josh Presley made a motion to approve the August 15, 2023 minutes. Bill Thomas seconded the motion. Board members Black, Buchanan, Clontz, Medlin, Presley, Thomas, Rogers (Alt) voted yes (7-0).

Chairman Buchanan adjourned the meeting.

Respectfully submitted,

Spencer Cox
Administrative Assistant

Doug Buchanan
Chairman

Approved this _____ day of _____, 2023