

ROCKY POINT DEVELOPMENT GROUP

155 WEST NEW YORK AVENUE, SUITE 200
SOUTHERN PINES, NC 28387

April 17, 2014

To: Pender County Planning & Community Development

Rocky Point Development Group, LLC respectfully requests that the Pender County Board of Adjustment grant a variance to section 7.4.4 *Cross Access Corridors* of the Pender County Unified Development Ordinance (UDO) for a 3.38 acre parcel located on Porter's Lane in Rocky Point, N.C. UDO Section 7.4.4 requires the construction of driveways "between adjoining properties to provide an alternative passageway to access adjoining developments without entering and exiting the roadway."

The site is being developed as a location for a 19,097 square foot Tractor Supply Company (TSC) retail store. Tractor Supply is a national retailer that requires strict adherence to a site layout template for store orientation and size and location of customer parking, drive aisles and outdoor display areas. The County and the State also have requirements for parking spaces, storm water system design, setbacks, etc. A site plan has been developed which accommodates all of these requirements (see Exhibit A). This plan shows the location of three proposed ingress/egress points to the Tractor Supply site, two to the north of the property accessing Porter's Lane and one to the south accessing Arlington Avenue and the Food Lion shopping area (Food Lion, Advance Auto Parts, Hardees, etc.). Arlington Avenue is currently a dirt path which will be improved to a fully paved driveway with direct access to NC Highway 117. The east property line of the TSC parcel borders two parcels, one that is under construction for a Family Dollar Store and one that is an area reserved for future development (Tract A). The Family Dollar parcel has direct access to NC Highway 117 and Tract A has direct access to Porter's Lane via a shared access driveway which also connects to the Family Dollar parcel. The mouth of the eastern most TSC access driveway on to Porter's Lane is approximately 75 feet from the mouth of the shared access driveway for Tract A and the Family Dollar. Porter's Lane is a paved, secondary road which runs west from NC Highway 117 for approximately 0.5 miles where it becomes a dirt road serving very low density rural areas. The road is currently a lightly travelled (180 vehicles/day according to NCDOT AADT 2012 data) with no increase in traffic over the past 10 years.

We request that the Board waive the requirement for the cross access driveway between the TSC parcel and Tract A for the following reasons:

1. Because of the multiple access points to the TSC parcel and the other adjacent commercial parcels, the traffic flow between the TSC parcel and Tract A will be limited. This traffic can enter and exit each parcel by using the driveways to Porter's Lane with minimal disruption to traffic flow on Porter's Lane. The movement out one driveway and into the other creates no additional traffic at the intersection of Porter's Lane and NC Highway 117.
2. The requirements for storm water basins, display areas and drive aisles would require the cross access driveway to be located in close proximity to Porter's Lane. This would create a potential traffic safety risk. Traffic entering and exiting the parcels on to Porter's Lane could be in conflict with traffic using the cross access driveway.

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3. In order to create the south access to the TSC parcel from Arlington Avenue and the Food Lion retail area, a cross access easement must be granted by Food Lion. The condition imposed by Food Lion for granting this easement was that there can be no cross access to the Family Dollar parcel (direct or indirect) through the TSC parcel. The cross access driveway between TSC and Tract A would violate this condition and Food Lion would refuse to grant an easement for the south access. We believe the south access is far more important to the County than the cross access between TSC and Tract A. The south access will receive much more traffic which otherwise would have to travel on NC Highway 117 to move between Food Lion and TSC. TSC will not locate on the proposed parcel without the cross access to Food Lion and Arlington. Additionally, the cross access easement with Food Lion will provide legal access to Arlington Avenue for the residents on multiple parcels located at the end of this drive who have no other legal access to NC Highway 117 or Porter's Lane. These residents have been using the unpaved Arlington Avenue for many years with no clearly defined legal right of access.
4. Rocky Point Development Group, LLC proposes the installation of a pedestrian walkway (See Exhibit B) between the TSC and Tract A parcels in lieu of the cross access driveway. This walkway would encourage customers to move between the stores on foot and potentially reduce vehicle congestion within the TSC and Family Dollar retail area and on Porter's Lane.

In summary, we believe that the requested variance is consistent with the spirit, purpose, and intent of the Pender County Unified Development Ordinance in the following ways:

- As stated above, the cross access between TSC and Tract A could cause traffic conflicts and a potential safety hazard.
- With the three planned access drives for the TSC parcel, customer traffic will be dispersed enough to not cause congestion on Porter's Lane or NC Highway 117.
- The proposed pedestrian cross access walkway will accommodate the Pender County UDO goal of using alternatives to private automobiles.
- The elimination of the requirement for the cross access between TSC and Tract A will allow the TSC project to move forward, including the construction of the south access to the Food Lion shopping area and improvements to Arlington Avenue. The Arlington Avenue improvements will attract additional businesses to the available parcels adjacent to Food Lion and provide legal access to State highways for the residents and St. Mathews Baptist Church located at the end of Arlington Avenue. The end result of this orderly development will be a more attractive, economically vibrant commercial area with increased employment and tax base for the County.

We look forward to the opportunity to meet with The Board of Adjustments to appeal for the variance that would make this development possible.

Sincerely,

William C Ronalter
Manager and Member

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