

**AN ORDINANCE TO AMEND THE REZONING CONDITIONS ESTABLISHED
IN ORDINANCE 09-18Z PERTAINING SPECIFICALLY TO PHASE 2 OF THE
PROPOSED BIG BOX DEVELOPMENT AT 645 WEST FLEMING DRIVE**

WHEREAS the City Council of the City of Morganton adopted an ordinance to rezone 141.67 acres property at 645 West Fleming Drive from Heavy Industrial to General Business Conditional Use (GB-CU) on the 3rd day of August, 2009, and

WHEREAS the conditions attached to this rezoning ordinance setforth specific land uses, design standards, infrastructure criteria, and site layout as per plans submitted and approved at the time, and

WHEREAS the property owner and developer have now requested certain changes in the plans be permitted to expand the development to accommodate a propsed Phase 2 to add 1 additional major anchor, 1 additional mini anchor and 2 more sections of small shop spaces bringing the overall retail space within the overall center to 455,487s.f., and

WHEREAS in addition to the revised plans for retail development the developer has also requested permission to eliminate the proposed 144 residential units from the original plans and instead preserve and adaptively reuse 218,000 of manufacturing space remaining on the site from the previous Henredon Manufacturing facility for permitted Light Industrial and General Business uses, and

WHEREAS a revised plan has been submitted, reviewed and recommended for approval by the Morganton Planning Zoning Commission,

NOW THEREFORE BE IT ORDAINED that new development conditions be established for following described property:

Beginning at the NCGS Monument "SMITH" having grid coordinates N: 732419.8800 E: 1194460.4400 thence with a tie line S 72-47-46 E for 1613.45 feet to a point located at the intersection of the centerline of Southern Railroad (200' R/W) and the centerline of Herredon Creek; thence along said centerline of Southern Railroad N 82-21-53 E for 117.71 feet; thence N 84-34-48 E for 99.99 feet; thence;86-42-50 E for 100.00 feet; thence N 88-40-50 E for 100.00 feet; thence S 89-23-10 E for 100.00 feet; thence S 87-32-10 E for 100.00 feet; thence S 85-34-10 E for 100.00 feet; thence S 83-39-10 E for 100.00 feet; thence S 81-35-10 E for 100.00 feet; thence S 79-37-10 E for 100.00 feet; thence S 77-33-10 E for 100.00 feet; thence S 75-32-10 E for 100.00 feet; thence S 74-00-10 E for 100.00 feet; thence S 73-11-10 E for 100.00 feet; thence S 72-53-10 E for 1506.60 feet; thence S 73-05-10 E for 100.00 feet; thence S 73-49-10 E for 100.00 feet; thence leaving said centerline S 20-17-10 E for 422.55 feet; thence S 17-01-55 W for 25.50 feet; thence N 89-12-58 E for 16.40 feet; thence S 20-17-10 E for 1181.03 feet; thence S 20-08-22 E for 38.37 feet to a point located along the centerline of Hopewell Road (60' R/W); thence along said Hopewell Road N 76-04-11 W for 82.94 feet; thence N 89-06-10 W for 710.58 feet; thence S 48-44-50 W for 386.00 feet; thence S 51-43-50 W for 524.72 feet; thence S 29-22-50 W for 608.80 feet to a point located at the intersection of the centerline of said Hopewell Road and the centerline of Herredon Creek; thence along said centerline of Hervedon Creek N 47-42-27 W for 104.81 feet; thence N 61-42-11 W for 124.36 feet; thence N 52-29-14 W for 70.16 feet; thence N 25-34-26 W for 47.83 feet; thence N 50-23-41 W for 29.28 feet; thence N 23-30-55 W for 62.12 feet; thence N 45-40-28 W for 18.18 feet; thence N 88-06-49 W for 26.00 feet; thence N 22-19-14 W for 39.93 feet; thence N 50-51-36 W for 56.03 feet; thence N 23-05-48 W for 43.84 feet; thence N 50-00-53 W for 50.54 feet; thence N 34-16-37 W for 98.70 feet;

thence N 09-39-39 W for 48.39 feet; thence N 56-32-09 W for 38.36 feet; thence N 20-40-12 W for 79.22 feet; thence N 40-07-54 E for 18.89 feet; thence N 33-05-16 W for 59.43 feet; thence N 07-21-52 W for 71.14 feet; thence N 34-28-17 W for 59.57 feet; thence N 21-22-29 W for 80.20 feet; thence N 43-15-43 W for 44.80 feet; thence N 25-49-24 W for 116.95 feet; thence N 18-36-42 W for 52.39 feet; thence N 24-22-52 W for 505.70 feet; thence N 31-52-20 W for 77.92 feet; thence N 11-50-35 W for 55.10 feet; thence N 03-55-05 E for 42.58 feet; thence N 30-19-38 W for 48.87 feet; thence N 05-42-22 W for 80.63 feet; thence N 21-46-24 W for 45.55 feet; thence N 00-53-45 W for 76.80 feet; thence N 29-00-43 W for 46.47 feet; thence N 46-03-18 W for 69.30 feet; thence N 31-56-54 W for 70.71 feet; thence; 44-13-35 W for 106.39 feet; thence N 19-28-03 W for 27.10 feet; thence N 39-24-27 W for 145.21 feet; thence N 43-12-22 W for 106.85 feet; thence N 18-51-00 W for 50.24 feet; thence N 35-04-57 W for 111.03 feet; thence N 39-01-49 E for 16.49 feet; thence N 13-01-31 W for 85.12 feet; thence N 12-16-23 E for 36.71 feet; thence N 16-33-49 W for 26.24 feet; thence N 55-06-30 W for 20.07 feet; thence; 25-17-35 W for 34.82 feet; thence N 27-54-39 E for 13.96 feet; thence N 06-40-49 W for 39.23 feet; thence N 51-06-49 W for 18.19 feet; thence N 00-06-37 E for 35.45 feet; thence N 43-11-54 W for 28.39 feet; thence N 11-22-06 W for 77.85 feet; thence N 48-39-42 W for 28.99 feet; thence N 13-34-48 W for 26.74 feet; thence N 14-34-13 E for 24.94 feet; thence N 30-21-28 W for 51.93 feet; thence N 48-52-52 W for 78.11 feet; thence N 34-46-41 W for 77.03 feet; thence N 46-05-55 W for 46.39 feet; thence N 21-04-27 W for 54.05 feet to the Beginning containing 6,171,266 Sq. Ft. or 141.672 Acres more or less.

The above described parcel includes any and all right of way of Southern Railroad, Fleming Drive, Henredon Road and Hopewell Road. Said parcel also includes PIN # 1793814302 - HDM Furniture Industries Inc., PIN # 179320708354- HDM Furniture Industries Inc., PIN # 179207794541 - HDM Furniture Industries Inc. (D.B. 1075 pg. 435) and PIN # 1793804073 - Daniel A. & Deborah M. Jordan (D.B. 769 pg. 2065).

IT IS FURTHER ORDAINED that Phase 2 of this development be approved and additional development be permitted to take place in accordance with the plans submitted, approved and on file with the City of Morganton dated June 8, 2012 subject to the following conditions:

1. The City shall receive and approve building elevation drawings for Anchor 1 within Phase 2 prior to building permit issuance. All elevation drawings submitted must contain adequate information to indicate compliance with the standards for architectural appearance criteria found within the Big Box Ordinance.
2. The development may retain 218,000 square feet of the prior manufacturing building for adaptive reuse. The remaining space may be used for any permitted Light Industrial (LI) or General Business (GB) use listed in the table of permitted uses of the City's Zoning Ordinance in accordance with all local, state and federal requirements in place at the time of building permit application for final upfit to accommodate the intended use.
3. The previous allocation of 144 residential units on the site is eliminated from the plans.

Adopted this the 6th day of August

ATTEST: Sandy W. Sandy
City Clerk



[Signature]
Mayor