

**APPLICATION FOR
UDO FLOODWAY AND/OR FLOODWAY FRINGE
DEVELOPMENT/FILL REQUIRING DRB APPROVAL**

**Unified Development Ordinance Section 8.4.4C -- Development in Special Flood Hazard
Area: Fill or Development in the Floodway Fringe or Non-Encroachment Area Fringe
Requiring Development Review Board Approval**

8.4.4C.2. "Land in the floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO) may be used for the following purposes, and may be filled in support of such uses, provided that the DRB determines that such uses are designed and shall be constructed to minimize clearing, grading, erosion and water quality degradation.

- a. Crossings by streets, driveways, pedestrian walkways, and railroads provided that they cross the Special Flood Hazard Areas or Future Conditions Flood Hazard Areas as nearly perpendicular to the stream as possible. Such facilities may run within and parallel to the stream if no other access to the property is feasible.
- b. Intakes, docks, piers, utilities (including water and wastewater treatment, stormwater control and sedimentation and erosion control facilities), bridges, other public facilities and water-dependent structures."

Case D1100118

Project Name: McDonald's @ 1010 N. Miami Blvd. (Wellons Village)

Applicant: Commercial Site Design, PLLC on Behalf of McDonald's USA, LLC

PIN 0831-12-86-7423 & 0831-12-96-2562

What is the nature of the proposed development within the floodway fringe or non-encroachment area fringe?

Redevelopment of McDonald's

What is the area of the site within the floodway fringe or non-encroachment area fringe?

Acres = 3.41 Square Feet = 148,557

What is the area and percentage of existing floodway fringe or non-encroachment area fringe previously filled or developed on site, if any?

Area of fill = unknown Percentage of fill = unknown
Area of development = unknown Percentage of development = unknown

What is the area and percentage of floodway fringe or non-encroachment area fringe to be filled or developed on site?

Area of fill = .64 AC Percentage of fill = 18.6%
Area of development = .94 AC Percentage of development = 27.6%

Provide a separate, written narrative of how the request minimizes clearing, grading, erosion and water quality degradation.

8.4.4C.3. "Land in the floodway or non-encroachment area may be used for the following purposes, and may be filled in support of such uses, if a professional engineer registered in the State of North Carolina certifies that such uses will result in no increases in flood levels during the occurrence of a base flood or if the Federal Emergency Management Agency (FEMA) authorizes conditional approval of the proposed encroachment via a Conditional Letter of Map Revision (CLOMR), and provided that the DRB determines that such uses are designed and shall be constructed to minimize clearing, grading, erosion and water quality degradation.

- a. Crossings by streets, driveways, pedestrian walkways, and railroads provided that they cross Special Flood Hazard Areas or Future Conditions Flood Hazard Areas as nearly perpendicular to the stream as possible. Such facilities may run within and parallel to the stream if no other access to the property is feasible.
- b. Intakes, docks, piers, utilities (including water and wastewater treatment, stormwater control and sedimentation and erosion control facilities), bridges, other public facilities and water-dependent structures.
- c. Other encroachments authorized by FEMA."

What is the nature of the proposed development within the floodway or non-encroachment area?
commercial development

What is the area of the site within the floodway or non-encroachment area?
Acres = N/A Square Feet = N/A

What is the area and percentage of existing floodway or non-encroachment area previously developed on site, if any?
Area of development = N/A Percentage of development = N/A

What is the area and percentage of floodway or non-encroachment area to be developed on site?
Area of development = N/A Percentage of development = N/A

Provide a copy of a sealed, no-rise certification and a separate, written narrative of how the request minimizes clearing, grading, erosion and water quality degradation.

Attach to this application any additional supporting documentation to be considered by the DRB in their deliberation of this request.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

[Signature]
Applicant Signature

11/13/12

The Development Review Board at their meeting on November 16, 2012 after reviewing this application and supporting documentation has approved /deferred action / denied the request for filling 18.6 % (0.64 acres) and developing 27.6 % (0.94 acres) of the floodway fringe or non-encroachment area fringe. In making this determination, the Board based their decision on the following factors:

The proposed uses are designed to minimize clearing, grading, erosion and water quality degradation and designed to be consistent with the approved site plan.

Required Conditions:

1. Floodplain development permit shall be approved prior to commencement of construction.
2. Site to be constructed in conformance with the approved site plan.
3. As-built drawings to be submitted and approved prior to Certificate of Compliance and final approval.
4. N/A

Angie Bailey Taylor
Clerk to the Development Review Board

November 20, 2012
Date

The Development Review Board at their meeting on _____ after reviewing this application and supporting documentation, has approved /deferred action / denied the request for filling _____% (_____ acres) and developing _____% (_____ acres) of the floodway or non-encroachment area. In making this determination, the Board based their decision on the following factors: The proposed uses are designed to minimize clearing, grading, erosion and water quality degradation, a no-rise certification/CLOMR/LOMR has been approved and

Required Conditions:

1. Floodplain development permit shall be approved prior to commencement of construction.
2. Site to be constructed in conformance with the approved site plan.
3. As-built drawings to be submitted and approved prior to Certificate of Compliance and final approval.
4. _____

Clerk to the Development Review Board

Date