

# Mount Pleasant

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North Carolina

*Founded in 1848*

## Planning & Zoning Board Meeting

Town Hall - 8590 Park Drive Mount Pleasant, NC

Tuesday, October 29, 2019

6:00 PM

1. Call to Order-Chair Whit Moose
2. Recognition of Quorum
3. Approval of Agenda
4. Approval of Minutes of Previous Meetings (September 23, 2019)
5. Public Comment Period
6. Planning and Zoning Board Cases

### **REZ 2019-02 NC Hwy. 49 near Cold Springs Road (Public Hearing & Decision)**

At the September 9, 2019 meeting, the Town Board of Commissioners voted to annex approximately 42 acres of property into the Town limits. According to the General Statutes, the Town has 60 days to establish a zoning on this property.

Location: 5061, 5122, 5130 NC Hwy. 49 North

Cabarrus County PIN: 5559-69-1561

Previous Zoning: Cabarrus County Office & Institutional (OI), Cabarrus County General Industrial Special Use District (GI-SU), and Cabarrus County Countryside Residential (CR)

Zoning requested by property owner: Town of Mount Pleasant C-2 General Commercial and RH Residential High Density

### **TA 2019-03 Use Matrix, Supplemental Regulations, and Use Definitions (Recommendation)**

Text Amendments to begin compliance with new NCGS Chapter 160D, update Use Matrix and related supplemental requirements and definitions. Affected Sections of UDO: Article 4, Article 5, and Appendix A.

7. Board of Adjustment Cases  
None
8. Reports
  - Planning Report for September & October (to date)
9. Planning & Zoning Board Comment Period
10. Adjourn

8590 Park Drive : PO Box 787 : Mount Pleasant, North Carolina 28124 : tel. 704-436-9803 : fax 704-436-2921

Website: [www.mtpleasantnc.org](http://www.mtpleasantnc.org) Email: [townhall@mtpleasantnc.us](mailto:townhall@mtpleasantnc.us)

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## TOWN OF MOUNT PLEASANT, NORTH CAROLINA Planning and Zoning Board Meeting Minutes October 29, 2019

**Members Present:** Chairman, Whit Moose, Mike Steiner, Shirley Freeman, Bridget Fowler, and Alternate, Rick Burleyson

**Conflict of Interest:**

The Chair and Board Members are asked at this time to reveal if they have a Conflict of Interest with any item on the Agenda in order to be excused for that item. (No member shall be excused from voting except upon matters involving the consideration of the member's own financial interest or official conduct or on matters on which the member is prohibited from voting under G.S. 14-234, 160A-381(d), or 160A-388(e)(2). NC State Statute 160A-75).

No Board members shared a conflict of interest.

**Members Absent:** Jeff Helmintoller

**Staff Present:** Town Planner, Erin Burris, Clerk to Board, Jennifer Blake, Town Attorney, John Scarbrough

**Also Attending:** Jeff Boelte, Allen Kindley, Jeff Young, Sue Hyde, Cathy Feehan, Bill Feehan, Patty Conforth, John Conforth, Steve Plott, Debbie Plott, M. Ryan Sellers, Liz Phillips Hallman, Tom Earnhardt, Andrea Nicholson, Chris Joyce, Jenna Cook, Brian Seagraves, Gary Clark, Marc Amos, and Phillip Biles.

**Call to Order:** Chairman Whit Moose called the Town of Mount Pleasant Planning and Zoning Board meeting to order at 6:00 pm.

**Recognition of Quorum:** Chairman Whit Moose stated a quorum was present with Rick Burleyson as a voting member with the absence of Jeff Helmintoller.

**Approval of Agenda:** Chairman Whit Moose entertained a motion to approve the Agenda as presented. A motion was made by Mike Steiner and a second was made by Bridget Fowler. All members were in favor (5-0).

**Approval of Minutes:** Chairman Whit Moose entertained a motion to approve the minutes September 23, 2019 minutes. Bridget Fowler made a motion to approve the minutes with a second by Rick Burleyson. All members were in favor (5-0).

**Public Comment:** None

**Planning and Zoning Board Cases:**

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Erin Burriss presented the staff report. Ms. Burriss emphasized that this map amendment is a standard zoning district and not a conditional zoning district. No site-specific plan is presented with a standard zoning district request, and all uses and arrangements permitted in the district must be considered by the Board.

Erin Burriss explained that the RH district could accommodate:

Single-family residential- potentially 5 units per acre, based on minimum lot size of 7,500 square feet

Townhomes – potentially 6 units per acre with allowed reduction in minimum lot width and setbacks

Multi-family residential home – potential maximum of 8 units per acre, which requires a special use permit and would could back to the Board of Adjustment through quasi-judicial public hearing.

Erin Burriss corrected that there is an 8-inch sewer line and not a 12-inch sewer line located along Highway 49. The engineer drawing had an oversight and mislabeled it at first. It should have it labeled as an 8-inch line.

Erin Burriss pointed out that since this is a standard rezoning, conditions cannot be placed on the zoning district. However, buffers may take place at the Preliminary Plat stage to mitigate any requested exceptions, in accordance with the UDO.

Rick Burleyson asked to see the sections designated for commercial and residential. Erin Burriss shared the map of the property:

- North parcel of 3.28 acres that would be C-2
- Front parcel of 7.55 acres would be C-2
- Rear parcel of 31.15 acres would be RH

There is only frontage on Highway 49 and no frontage on Cold Springs Road. Any entrances into a development would be subject to NCDOT approval. The Fire Marshal would require that the residential development have sprinklered houses, since the Fire Code requires that if there 30 lots there has to be a secondary fire access and if more than 100 lots they would have to have a true secondary road

access. If not, they not they have to have the fire-sprinkled houses. This would come up in the preliminary plat and construction drawing review if that is proposed.

Whit Moose opened up the public hearing for comments.

**Jeff Young, land development planner and consultant**

Mr. Young has been involved with the project for the past year.

This project has been an effort to follow the Town plans and to work carefully with the staff, and now come to a point where detailed planning can be done.

Erin Burris has done a thorough job explaining what can be done with this property but wanted to let it be known that there are limitations to the property with the single frontage and the stream dividing the property. This puts limitations on what can be put on the property. Mr. Young expects the high intensity area to have less density than the commercial property. On behalf of the property owner, he respectfully requested consideration to approve this zoning now that the property is in the Town limits.

**Sue Hyde**

**2200 Walker Road**

Commented on what she saw in the report:

- Title – Highway 49 Commercial Properties. “Commercial was left out of the title”
- Address – had the Old Middle School address but the business is actually on Copperfield Blvd.
- Engineer – Ally, Williams, Carmen, and King which used to be the Town’s engineer. If still the Town’s engineer, that may be a conflict of interest.

Understands timing for the annexation but there are too many unanswered questions without a plan. Her major concern is with the RH zoning. She doesn’t see where the RH is compatible with the surrounding areas. She wanted the area to have a zoning that is similar to the existing zoning until the applicant can show a plan and can decide if that meets the goal of keeping Mt. Pleasant’s small town charm. That is a goal listed in your plan. Let’s keep Mt. Pleasant unique and provide housing projects you can’t get in other places.

**Allen Kindley**

**2401 Cold Springs Road**

Had a question about RH having 8 units per acres or RM with 4 houses.

Erin Burris restated that 8 units per acre was the maximum. The only way to get 8 units would be with a multi-family residential plan and that would have to come back to the Board for a conditional use permit. The issue with RH zoning is the setbacks of 5 feet which is 10 feet between the houses. This is going to be tight between the houses. Mr. Kindley was concerned about the growth and population in the 31 acres and these issues as well:

- Increasing population by 35%
- Having more houses in 31 acres than Oldenburg’s 115 acres

- Zoning regulations is to lesson congestion on the streets which is 228 houses x (times) 3 people = 684 people
- Fire Department isn't close
- Agreement for water availability between Concord and Mt.Pleasant  
Got an e-mail from Concord Engineering from meeting Oct. 21<sup>st</sup>.

Mr. Kindley got an e-mail that the City of Concord was not aware of the project. The negotiations for water to serve Mt. Pleasant area are still on-going and nothing has been finalized. But the statement is true that the developer will be able to extend water once the agreement is in place. After further research the 30-inch main serves Concord and Kannapolis and if there is a tap on it, it will be at Hwy 49 and 73 intersection and there would not be multiple taps.

### **Phillip Biles**

**5170 Highway 49N** - Adjacent to property.

Mr. Biles believes no designation should be on the property until they reclassify intermittent "stream" to be intermittent "river." Some parts of his property were under 12 ft of water and the resulting river is almost 200 yards wide. This has happened twice in the last 30 years and any type of high density development is going to impact that considerably.

### **Gary Clark**

**2020 Cold Springs Road**

Mr. Clark wants to keep it a rural area at one unit per acre and trying to keep that. It is a nice area and knows something will be coming there. Mr. Clark had a question about the developers offering funds for the Town to acquire recreational land to serve the development or subdivision including the purchase of land which may be used to serve more than one subdivision or development in the area. Mr. Clark also wanted to know if they would propose to do those things.

Erin Burris answered by stating that there is an ordinance that requires 20% open space and active open space, like playgrounds, walking trails, and other things depending on the number of units.

Erin Burris also addressed other points from Sue Hyde, Allen Kindley, and others.

Applicant Name – Commercial was left off – typo. It was on their application and was included in your packet.

New address: Erin called and pointed out their tax records didn't reflect the new address. They had recently moved and would reach out to the tax office to let them know the updated address 270 Copperfield Blvd. They are currently located at 402 N. Main Street.

Engineer – cannot speak for the engineer. The original engineer they were working with was Northeast Engineering and those folks were absorbed by Alley, Williams, Carmen, and King. It is up to the Engineering Board to determine if this is conflict of interest.

Water agreement with the City of Concord – The staff report said, "in agreement with the City of Concord this line may be tapped at the developer's

expense.” The line is there, tapping it is possible, but an agreement would have to be worked out. The attorney, John Scarbrough stated that capacity was available but there would have to be a utility agreement to memorialize that. The 30-inch line is available to be tapped.

Whit Moose asked to clarify the number of dwelling units per acre that could result from each development type.

Erin Burris explained again that single-family residential would potentially yield approximately 5 units per acre, based on minimum lot size of 7,500 square feet, after subtracting street right-of-way and required open space. Townhomes would potentially yield 6 units per acre with allowed reduction in minimum lot width and setbacks. Multi-family residential would potentially yield a maximum of 8 units per acre, which requires a special use permit and would could back to the Board of Adjustment through quasi-judicial public hearing.

**Chris Joyce**

**5332 Fox Meadow Court, Concord, NC 28025**

Chris Joyce’s main concerns were the number of additional kids impacting the schools and teachers, the impact on the value of their home, and don’t have any plans or idea what the developers want to do there. So why would we want to approve this without more information?

**Bill Feehan**

**2143 Cold Springs Road, Concord, NC 28025**

Bill Feehan stated that the size and population will be growing at that location and then it won’t be long that growth will build up on the other corners. He wanted to know if the Town of Mt. Pleasant was ready for all that growth.

**Tom Earnhardt-one of the property owners**

**2138 Lentz Harness Shop Road N., Mt. Pleasant, NC 28124**

Tom Earnhardt wanted to point out that Mt. Pleasant is his hometown. He wants to be a good neighbor and has a vested interest with his children going to the schools now. Also, he said that everything they are proposing is keeping within the Comprehensive Plan and tried to follow that to precisely.

He is concerned with the aging infrastructure within the Town and that the tax payers cannot afford to repair the existing lines. So, although we need some controlled growth, we do need some growth to help with that. The reason they haven’t prepared a site-specific plan is because it costs a lot of money and engineering fees if it ended up being turned down. They thought it would be best to do this project in stages and have to come back multiple times for additional approvals. They will be working with the Town with requirements like the open space.

**Ryan Sellers**

**2265 Cold Springs Road, Concord, NC 28025**

Ryan Sellers's main objection is the high density. The density doesn't go along with any surrounding property or neighborhood. The Walker Road project was denied for fewer houses than what is being proposed here it doesn't make sense.

Also, this is the first thing you see when you come into Mt. Pleasant and is that the image people want to see. Lastly, he is concerned about the added traffic at a busy intersection.

**Steve Flock**

**2317 Cold Springs Road, Concord, NC 28025**

Steve Flock said 3 houses per acre would be plenty, 5 houses would be tight, and 8 houses would be out the question.

**Mark Amos**

**977 N. Main Street**

Mark Amos's main concern was the high density and it doesn't fit the community.

**Jeff Young** made one last comment that the request has to be is consistent with the comprehensive plan. It doesn't say it has to be consistent with the adjacent neighbors. The other owners, Mr. Seagraves, Mr. Earnhardt, and other investors are working in good faith and partnership with the Town respecting the State laws and process to conform to what you have adopted. We do appreciate your considerate of that.

**Adam Kindley** responded that there are 3 areas of high density. This spot the furthest away from Town and the 85 acres owned by CM Black. They will be in here next week asking for the same thing. The 3<sup>rd</sup> area is the old Middle School which the same owners own. They are trying to go in the rural area farther away from Town. The plan doesn't seem to be looked at and defined. Let the growth happen in urban areas not in rural areas.

There were no other speakers and Chairman Whit Moose closed the public hearing.

Bridget Fowler mentioned it was hard to visualize without having plans but her main concern was the amount of homes going into this area and understand the concerns for traffic. Whit Moose reminded the Board that the Town has adopted this where the growth should happen and traffic was something that was looked at in the area.

Mike Steiner asked to explain the difference between the proposed zoning and what was proposed at Walker Road.

Erin Burris said the proposed Walker Road development that was turned down was in a low intensity designated area. At first, they had proposed 2.55 dwelling units per acre and came in at 97 lots on 38 acres. This Board requested that they look at this again and came down to 2.00 dwelling units per acre which met the low intensity designation. They asked for a conditional zoning RM but held the

density to 2.00 dwelling units per acre. It was turned down because the Town Board disagreed that it met the intent of the land use designation. It was a different land use designation in a different location and not on a 4-Lane Highway.

Rick Burleyson asked for a calculation of the amount of homes.

Erin Burris said if they did single-family residential you are looking at approximately 115 lots, accounting for street right-of-way and open space.

Townhomes could potentially yield 186 units. If it was multi-family residential they would have to come back to the Board for a conditional use permit.

Erin Burris reviewed the options for Procedures and Actions for the Board.

- **Approve and consistent:** The Planning & Zoning Board finds that the proposed "C-2 General Commercial" and "RH Residential High Density" districts are consistent with the High Intensity land use designation on the "Future Land Use Map" in the Town of Mount Pleasant Comprehensive Plan.
- **Approve and not consistent:** The Planning & Zoning Board finds that the proposed zoning district is not consistent with the Town of Mount Pleasant Comprehensive Plan as adopted, but finds the proposed amendments to be reasonable and in the public interest and amends the Comprehensive Plan with this action to establish consistency.
- **Deny and not consistent:** The Planning & Zoning Board finds that the proposed zoning districts are not consistent with the Comprehensive Plan and does not consider the action to reasonable and in the public interest. Assignment of appropriate zoning district(s): If the Planning & Zoning Board finds that the proposed C-2 and RH zoning districts are not consistent with the adopted Comprehensive Plan, then the Board may choose to assign any less intense district or districts similar to the existing districts that it finds more appropriate, providing a statement of consistency for such.

**Mike Steiner** made a statement that the proposal does follow the future land use map but does have concerns especially with the traffic. He just drove through Harrisburg for the meeting and understands. Whit Moose stated that it is up to NCDOT's studies that would have to be done and that would help.

The developer has to come up with a plan then it will have to come back to the Board for approval of the Preliminary Plat.

**Rick Burleyson** added that the statutes don't provide the option to deny and is consistent with the plan. He said we have a tax base and we have to grow somewhere to maintain the infrastructure of the Town. He felt he couldn't say to deny it and that the request wasn't consistent with the comprehensive plan that we have in place.

**Mike Steiner** made a motion to approve that the proposed "C-2 General Commercial" and "RH Residential High Density" districts are consistent with the



High Intensity land use designation on the "Future Land Use Map" in the Town of Mount Pleasant Comprehensive Plan.

**Rick Burleyson** seconded the motion to approve C2 and RH density and is consistent. All were in favor (5-0).

**Whit Moose** made the comment that the Board takes its role very seriously. It would be great if Mt. Pleasant could stay a sleepy community but the Board has the task of following the Comprehensive Plan in accordance with the state statutes. I believe the Board has done that tonight. We are going to try to do our best that this can be something you are proud of.

Erin Burris stated that this was approved by 3/4 super-majority and once the property owners prepare a Preliminary Plat it does come back to this Board for review. You are welcome to look at the agenda for future meetings on our website. The Planning Board requested that the adjacent property owners be notified when a Preliminary Plat would be reviewed by the Board, beyond the notification requirements of the Ordinance or statutes.

**TA 2019-03 Use Matrix, Supplemental Regulations, and Use Definitions** (Recommendation) Text Amendments to begin compliance with new NCGS Chapter 160D, update Use Matrix and related supplemental requirements and definitions. Affected Sections of UDO: Article 4, Article 5, and Appendix A.

Erin Burris provided a summary of the changes to Article 4 from our last meeting.

**Article 5** was mostly going to be reorganization.

5.3.1 added all enclosures, buildings, or structure used to house fowl shall be located so that they are no closer than 150 feet from an adjacent dwelling unit or 40 feet from any property line.

Added pot-bellied pigs as a domestic animal in Agricultural Uses. This definition needs more information and will come back to this later.

5.4.1 E. the part about the exterior was deleted because not allowed to talk about the appearance. Also, manufactured homes being permitted in the MH (Manufactured Home Overlay district) was deleted since it was inconsistent with the table of uses and was a conflict.

5.4.2.2 Home Occupations - Added low volume baking and canning, catering, and low volume mail order or internet-based business.

5.4.3 Vacation Rental Homes – lot of things cannot be done without a verified problem of having 4 violations like inspections, registration, and renewal of a permit. This section will be revisited.

5.5.2 & 5.5.3 Child Care Facilities and Residential Care Facilities – follow the State regulations and don't add to or conflict with that our own regulations.

5.6.1 Beach Bingo Establishments – added provisions of NCGS 14-309.14 to apply to these establishments.

5.8.1 Motor Vehicle Sales or Rental – removed part about temporary automobile sales office and display areas since this was covered in Design Regulations in Article 11.

5.8.4 Retail added "Sales outside a fully enclosed building" and removed from Article 11

Added 5.9.1 Electric Power Generation (Solar & Wind)

The Planning Board decided to continue review of the amendments at the next meeting.

**Board of Adjustment Cases:**

None

**Monthly Permits:**

Erin Burris reviewed the Planning and Zoning Development Cases and Permits for September and October.

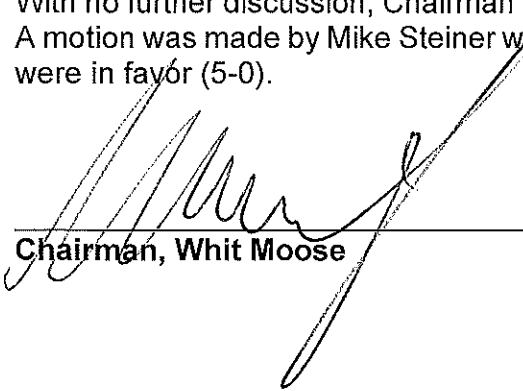
**Board Comments:**

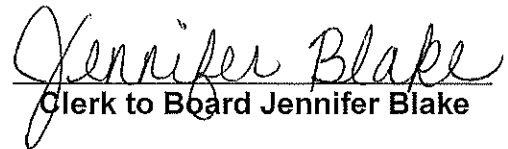
Whit Moose asked if there was still activity going on at the Domino's building. Erin Burris stated there was activity and there is a dumpster out there. She was able to get them to put in the additional landscaping that was deficient on that building when it went into foreclosure. There are three Crepe Myrtles there now to match the Family Dollar side.

Rick Burleyson said he noticed the concrete going into the Family Dollar and Domino's. Erin Burris said she will have the code enforcement officer; Jeff Watts go out there to document it and send a notice of violation, since that does violate our ordinance about the cracked driveway.

**Adjournment:**

With no further discussion, Chairman Whit Moose entertained a motion to adjourn. A motion was made by Mike Steiner with a second by Bridget Fowler. All members were in favor (5-0).

  
Chairman, Whit Moose

  
Clerk to Board Jennifer Blake