

Mount Pleasant

North Carolina

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**TOWN OF MOUNT PLEASANT, NORTH CAROLINA
Planning and Zoning Board Meeting Minutes
June 24, 2019**

Members Present: John Murdock, Chairman; Whit Moose; Shirley Freeman; Rick Burleyson; Mike Steiner

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)

Jeff Helmtoller disclosed a conflict of interest with Walker Road Subdivision case since he is part owner of the property. Therefore, he asked the board to excuse him from this case.

Members Absent: None

Staff Present: Erin Burris, Planning Director; Jennifer Blake, Clerk to Planning Board; Randy Holloway, Town Manager

Also Attending: Caren Dowless, Ron Hurlocker, Mary Ellen Brafford, Jan Cress, Lewis Walker Cress, Wayne Collins, Keith Cauthen, Glenn Sellers, Justin McClure, Terry Crayton, Lisle Crayton, Katie Cauthen, Jane Cauthen, Kirk Hanson, Shirley White, David McDonald, Angela McDonald, Terrie Reece, Sharon Campbell, Joseph Burleson, Tony Furr, John Jones, Margie Jones, Melissa Seagraves, Tim Seagraves, and Steve Ashby.

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

Recognition of Quorum Chairman John Murdock stated a quorum was present with Rick Burleyson as a voting member for the Walker Road Subdivision since Jeff Helmtoller was excused from the first item on the board cases.

Approval of Agenda: Chairman John Murdock entertained a motion to approve the Agenda as presented with the addition of the Conflict of Interest statement. Motion was made by Whit Moose, and a second was made by Jeff Helmtoller. All members were in favor (5-0).

Approval of Minutes: Chairman John Murdock entertained a motion to approve the April 29, 2019 minutes with changes to page 2 and 8 to say opened/closed the public hearing – not a motion was called to open/close the public hearing. Rick Burleyson made a motion to approve the minutes with changes to pages 2 and 8. Whit Moose seconded the motion. All members were in favor (5-0).

Public Comment: No public comment at this time.

The Planning & Zoning Board excused Jeff Helmtoller for the first zoning case.

Planning and Zoning Board Cases:

ANX 2019-01, REZ 2019-01, SUB 2019-01 Walker Road Subdivision (Recommendation) Requests for voluntary noncontiguous annexation, map amendment (rezoning), and major subdivision preliminary plat approval for 74 single-family residential lots. These requests are also accompanied by a development agreement in order to facilitate the location of an emergency services substation and increased sewer line size. Area: approximately 38 acres. Location: 777- 941 Walker Road (east side near schools). Cabarrus County PINs: 5650-95-6345, 5660-05-0225, 5650-95-8958, 5650-96-8496 Current Zoning: Cabarrus County Countryside Residential (CR). Proposed Zoning: Town of Mount Pleasant Conditional Zoning Residential Medium Density (CZ RM) with associated plan and development agreement.

Erin Burris reviewed the A). Background, B). Review Criteria, and C). Staff Comments on pages 1 - 7.

Erin Burris reported D). The Neighborhood Meeting scheduled on June 20, 2019. Mrs. Burris 12 people came to the meeting and comments were very similar to the last neighborhood meeting.

These comments include:

- Not fitting the character of Mt. Pleasant
- Density
- Concern for traffic
- School crowding
- Fence/buffer preferred being white vinyl or opaque

Erin Burris stated that, since this case involved an annexation and development agreement, this meeting was a courtesy hearing and the official public hearing would be at the Town Board of Commissioners meeting on Monday, July 8th at 6p.m. at Town Hall.

John Murdock opened the courtesy hearing with the developer making a presentation.

Tim Seagraves, Developer

4600 Lower Stone Church Rd., Rockwell, NC 28138

Tim Seagraves said he took the recommendations of the density and cut 24% of the volume out to meet all the requirements requested. He tried to leave as much of the benefits of the fire station and dual sidewalks for the esthetics of this project. We are here to answer any questions you may have.

Whit Moose asked Tim Seagraves about the space between the buffer and the road.

Tim Seagraves wasn't sure but he thought it would be a 15 feet plant buffer. Erin Burris stated that the dimensions of the berm (barrier to separate 2 areas) are regulated in the ordinance. It is not exact until it is engineered at a maximum slope of 3.1. The buffer is more than 15 feet on most of the way along the frontage.

Tim Seagraves said that last time there was a misconception that he would be building the homes. He is just the developer and will be selling the lots to a homebuilder like a Niblock and they would follow all the guidelines that are set.

John Murdock opened the courtesy hearing and asked those in favor of the development to speak first.

Jeff Helmtoller (as a property owner)

8931 Crestwood Drive, Mt. Pleasant, NC 28124

When new neighborhoods like Oldenburg and Walker Road are introduced to the Mt. Pleasant area, the neighbors get nervous of what kind of new neighbors this will attract. However, with rumors and social media he would address some of these issues:

First, Houses in this area will not sell. According to statistics from the World Population Review Cabarrus County is growing at a rate of 2.63% per year or an average of 5,200 new people each year. Mt. Pleasant is closely following this trend with a rate of 2% per year.

Second, People will not live in Mt. Pleasant and drive out of the area to work. According to accessnorthcarolina.com an average of 50.3% of its citizen's in Cabarrus County worked outside of Cabarrus County. 63.4% of all Cabarrus citizens drive at least 20 minutes or more to work each day with a majority of those driving at least 30 minutes to work per day.

Third, Jobs are not available in the area for more population growth. Charlotte Pipe and Foundry has just closed \$325 million dollar deal to move its manufacturing operations to Oakboro, NC from Charlotte. This will bring 475 new jobs to the area. Job growth for Cabarrus County in 2018 was 2.7%. This is because the cost of living in Cabarrus County rate being .5% less than the national average. The projected job growth rate for the next 10 years in Cabarrus County is 46.7%; this is well above the U.S. national average of 33.5%. Not only will a neighborhood of this type caliber allow more people to move to a peaceful lifestyle, but it will help ease the burden of the current tax rate in Mt.

Pleasant. Mt. Pleasant has the highest tax rate in the area of .505 per \$100 of evaluation compared to Midland with a rate of .20 and Richfield with a rate of .29.

Last, is school capacity. According to the Data Manager at Mt. Pleasant Middle School the school has an additional capacity of more than 100 students. Future student enrollment has been projected to decline and has already resulted in one less middle school teacher for the next school year of 2019-2020.

Benefits from this type of neighborhood will help:

- Our current water and sewer services,
- Bring in tax money from tap on fees for both.
- This will also allow tax money to be spent on our emergency services locations
- Bring a new satellite location for the fire department to be directly across from two of our schools

Mt. Pleasant is currently task with a declining student population and burdensome tax rate and upcoming increase of jobs and people moving to the area. This with a struggling infrastructure and additional needs for emergency service makes this type of neighborhood something Mt. Pleasant can build upon.

**Kirk Hanson (Realtor – owns 2 homes in Mt. Pleasant)
Blackwelder Drive, Concord, NC 28025**

Kirk Hanson talked about the need for housing in Mt. Pleasant. Currently, active, listings in Mt. Pleasant is only 6 homes that are under \$320,000.

New Construction sold in the last two years is 9 homes.

The average days on the market for new construction are 10 days.

This shows we have limited housing available and have desire for people to buy homes in Mt. Pleasant.

Also, mentioned the 38 acres at Walker Road was on the fair market for sale but no one wanted to buy it to build one house or two houses and had limited interest on this land as a whole. We cannot get any commercial development in Mt. Pleasant. If you want a Chick-fil-A you have to get the roof tops before you get the businesses in.

**Joe Burleyson
Stanly County**

Joe Burleyson is representing Tim Seagraves. He is making sure he does a good job. Joe Burleyson feels Tim Seagraves has done that and has gone above and beyond to put in the berm and to put in the fire department station and it is in The Land Use Plan. Kirk Hanson hit in on the head when he said there is no housing inventory on the market. The houses will sell and be nice homes and something Mt. Pleasant can grow upon and help to develop your downtown more and more. I encourage you to support this and I think you will be proud of this for years to come.

Chairman John Murdock asked those opposed to the development to speak.

Lewis Cress

1223 Walker Rd., Mt. Pleasant, NC 28124

Lewis Cress spoke about have plenty of traffic with new Middles School. Traffic is already bad. Also, Mr. Cress mentioned sewer lines running along Walker Road in front of his house. Mr. Cress didn't want growth in the county.

Shirley White

Walker Road, Mt. Pleasant, NC 28124

Shirley White was concerned for children's safety walking to and from school for sporting events and getting killed. Also, wasn't sure the buffer would keep kids off her property. She already has trouble and adding 74 homes would make it worse.

David McDonald

830 Walker Road, Mt. Pleasant, NC 28124

David McDonald's main concern was to set the precedence for the Town to get it right with neighborhoods. Consider this density for 2 houses per acre and the lot size is only 10,000 square feet which is a lot less than Oldenburg and Bedford developments at 15,000- 20,000 square feet.

Glenn Sellers

133 Birnamwood Drive, Concord, NC 28025

Glenn Sellers main concern was the density. If you have 80 acres and build 4 houses per acre on only 20 acres. You have left 60 acres as green space and have met your requirements. Erin Burris stated the Ordinance says how to calculate dwelling units per acres is to divide the total number of dwelling units by the total property area. Mr. Sellers again said it would be wonderful to do 4 houses per acre and didn't like the density.

Terry Crayton

301 St. John's Church Road

All people here want money. Not one person in Town wants this. Last time the developer was going to build the homes and showed all his pictures and this time we find out he is only the developer and selling to other builders. Then the builder can build any type house and we won't have any control. Build houses on 1 acre lots. I am saying build 37 houses not 74. You won't be making any less property tax for the Town. Who do you want to represent the Town? Do you want it to be the people or the developers?

Terry Reece

6309 Cress Road, Concord, NC 28025

Terry Reece's main concern was the traffic and doesn't want the nice Town with its deer and greenways to lose that hometown feel for a housing development.

Jane Culp Cress (Retired Teacher)

Jane Culp's concern is the children and we do not need this.

John Jones

441 Walker Road, Mt. Pleasant, NC 28124

John Jones's concern was how much more building can we take on Walker Road. Normally schools are not built in residential areas except Elementary schools which make sense. That street is very heavily loaded.

John Jones also asked how or who would make the decision of the façade of these homes.

Erin Burris stated that the State legislature no longer allows communities to regulate the design of single-family residential houses. However, if a developer asks for a conditional rezoning, which is what this is, and agrees to conditions proposed by the Town then those conditions can be imposed and enforced. The list of conditions is in the report. The builder would have to submit elevations when they ask for a zoning permit and I would ensure that each of those conditions were met on the elevations (front of the house) before the zoning permit was approved.

Lisle Crayton in the audience asked if there was a stipulation on the square footage, size the house and a stipulation on the cost.

Erin Burris stated that legally you cannot stipulate how big a house would be or the cost. We do have setbacks and we can impose maximums and can't go beyond the setbacks on that property.

The developers can impose their own covenants to where they have a minimum house size they enforce but that is not something a Town is allowed to do.

There is enabling legislation. You can't make rules the State doesn't give permission to make. Setting minimum price points and minimum house sizes beyond what the building code says cannot be done by the Town. A building code establishes minimums for kitchen size, and bedroom size things like that based on the area needed, building code wise, but we are not allowed to set prize points or house size according to State law. Mrs. Burris restated that a developer can choose to put a covenant into place to set a minimum house size.

Mrs. Crayton asked have they have set a covenant.

Erin Burris stated that they have not proposed any covenants to her, so she would not be aware of that.

Mrs. Crayton asked so once they sell this land to builders; the builders can build anything they want.

Erin Burris stated that they could build 1 house on 1 lot and they would have to meet ALL the design requirements listed in the conditions if that's what the Board were to approve.

Someone from the audience asked if there would be a HOA in the neighborhood. Erin Burris said that since there is open space there would likely be an HOA (Home Owner's Association).

Caren Dowless

493 Walker Road, Mt. Pleasant, NC 28124

Caren Dowless main concern was that she moved to Mt. Pleasant to get away from all the building to a more peaceful place. Mrs. Dowless didn't feel this development was a good fit for this Town.

Sharon Campbell

6431 Private Drive, Mt. Pleasant, NC 28124

Sharon Campbell's main concern was she liked Mt. Pleasant the way it is and didn't mind if she had to drive to Concord for a Chick-fil-A. She is the fifth generation in Mt. Pleasant and enjoys hearing the birds and loves Mt. Pleasant for what it is.

John Murdock asked if the developer would like to respond to comments presented.

Melissa Seagraves

4322 Lower Stone Church Rd., Rockwell, NC 28138

Melissa Seagraves thinks people are being driven by fear and being dramatic on social media. When they speak of these concerns that they have, I think about the other developments or subdivisions and the traffic, we all survive in very congested areas. You look at Huntersville, Harrisburg, or Charlotte people adapt and survive. As the area changes, along with the roads safety measures will be put into place to help with the traffic.

This can be a positive effect on the Town of Mt. Pleasant and Cabarrus County and the local businesses within that area.

Lisle Crayton (in the audience) commented that 4 people spoke for the development and 11 spoke against it.

John Murdock made a comment about our responsibility is to abide by regulations and try to look at various ways of implementing growth. We have 24% open space and a few years ago you wouldn't have had any open space. There are several advantages, one is when you cluster your homes you reduce your cost and the upside is you get to have a greenway and more open space. That is why there are several options in our regulations. We don't think about the cost, we think about the benefit to the residents in the area. It is not an easy decision to make, but we will make it.

John Murdock closed the public hearing and opened the floor for discussion.

Whit Moose asked Erin Burris to clarify sidewalks not being required along Walker Road and how to address pedestrian travel from the subdivision to the schools.

Erin Burris stated that internally to the subdivision there are sidewalks on both sides of the roads. Along Walker Road there are no current sidewalks. The requirement in the Ordinance does point to using the CTP index for whether or not sidewalks are required as well as proximity to existing sidewalk networks. They are no sidewalks anywhere on Walker Road. The preferred cross section that we have provided to be in the Comprehensive Transportation Plan involves a multi-use path which would be on one side or the other. It would be preferable to be on the side with the schools. There is not a proposed path on the subdivision side and would not be required to install it.

Whit Moose also asked if there would potentially be looking at a crosswalk to connect to that if/when it was made.

Erin Burris said if and when the multi-use path would be installed there would need to be a crosswalk.

Whit Moose asked about recommendation to do a fence.

Erin Burris stated it would be minimum 8-foot, Type A buffer shall be installed along the northern property line, with a fence to prevent trespass on adjacent property. (Page 6, number 4 in packet). It would be up to the developer to install the fence and agree to the white fence that Mrs. White requested.

Rick Burleyson commented that he lived on 63 acres and moved to Mt. Pleasant on a quarter acre lot. He adjusted to the people, traffic and noise compared to where he was previously. He understands they he chose to move and they are not choosing the development, but we are looking for growth and controlled growth. It is a hard decision but this is in our zoning requirements for this development.

Whit Moose said he agrees with that. He said that everyone on the Board takes every comment very seriously and we understand you are our neighbors and the people will see tomorrow. I hope we showed you that as a Board. We heard you last time and heard you this time. I think the developers have met the conditions with this situation which allows us to have some control, but we don't have all the control with the building because the State won't allow. I think this follows our guidelines.

Whit Moose made a motion to recommend approval with conditions and that the request is consistent with the Comprehensive Plan. The Planning & Zoning Board finds that the proposed 74-lot single-family residential subdivision and future emergency services substation is consistent with the Town

Comprehensive Plan and Cabarrus County Eastern Area Plan in that the proposed density is 2.0 dwelling units per acre and existing utilities are in close proximity. The proposed development supports Infrastructure Strategy #6 that encourages adequate fire protection facilities. Additionally, the proposed district and uses are reasonable in that the approximately 38-acre site is located in close proximity to two existing schools on a minor state-maintained thoroughfare that has signalized intersections on two North Carolina highways.

Rick Burleyson seconded the motion. All were in favor (4-0).

Jeff Helmtoller returned to his seat. Rick Burleyson returned as alternate.

TA 2019-02 Photography Studios in the O-I district

Administrative text amendment request to allow photography studios by right in the Office and Institutional District. Affected Section: Table 4.6-1 of the UDO

Erin Burris reviewed the Background and the Economic Development Goal: Attract and retain a variety of businesses and light industry to promote a robust and diverse economic base and employment opportunities for residents.

Erin Burris stated that photography in the O-I district was overlooked in the UDO and we want to change that since someone is interested in a photography studio in the Town Hall. Erin Burris said that photography studios have similar professional impacts as other professions in the O-I district. Photography studios have to make appointments to come in and it is not retail.

Rick Burleyson wanted a reminder of which areas of Town are zoned OI. Erin Burris Stated that the Old Middle School, Elementary School, all the churches, the Museum, the New Middle School, and Town Hall Space are zoned OI.

Whit Moose made a statement that this would get the same opportunities as most of the other things listed accept in I-1 district.

Erin Burris said that it would make sense to add photography studios to the I-1 district as well. There is space at the Tuscarora Mill possibly and space at the Distillery, which may be a stretch, but could be a possibility. Since other office professions are permitted in the I-1 photography, it might as well be added now.

Mike Steiner made a motion to approve the amendments with the change to add photography studios in the I-1 district, as well. The Planning & Zoning Board finds that proposed amendment is consistent with the Comprehensive Plan in that it helps to implement the Economic Development Goal by attracting a variety of businesses to promote a robust and diverse economic base and employment opportunities for residents. Furthermore, photography studios provide a professional service that has similar impacts as other uses already permitted in the O-I and I-1 districts.

Whit Moose seconded the motion. All were in favor (5-0).

TA 2019-03 Parking Standards

Administrative text amendment request to allow rear-yard gravel overflow parking and industrial storage parking, amortize gravel parking in the CC district, improve parking lot maintenance standards, set a threshold for the requirement of curb and gutter in parking lots, establish requirements for large-scale parking lots, and limit the number of vehicles and boats that can be parked on a residential lot. Affected Sections: Section 5.2.10, Article 8

1. Erin Burris stated that the Town staff requests the proposed text amendments to allow more paving surface flexibility for rear-yard, overflow, and industrial storage parking. There are many instances where gravel parking areas may be appropriate, but the UDO currently only allows for paved parking or turf.

Erin Burris said there is no provision for gravel parking in the ordinance right now: you either pave it or have parking that is grass.

Erin Burris gave an example of Southern Roots Salon needing partial gravel in the back of their parking lot. The owners of the Salon could not afford to pave all the parking lot and only had enough money to pave the minimum parking requirement of 5 parking spots. The back of the parking lot is gravel and would have to be paved if they added another business to the upstairs.

Mrs. Burris had another example which is the Industrial Storage Parking at the old Kindley Mill off North Skyland Dr. They are currently parking in unusable pavement and if they could go further up the hill they could possibly use a gravel storage lot.

2. Staff also proposes amortizing existing gravel parking in the CC district to improve parking within downtown. There are currently two permanent gravel parking lots and one temporary gravel parking lot that would have to either be paved or closed within two years.

Erin Burris stated that there is a parking problem and it is not that there is not enough parking, but the parking we do have is poorly utilized.

Some examples are:

- The Buddy's parking lot has faded stripes and large potholes
- Hall Chiropractic cannot see where to park and unsafe gravel for elderly
- The parking lot for Simply Pleasant Boutique, Well Doctor, and Honeycutt Tire needs is unpaved and poorly utilized
- Town lot beside Barringer Tire Store was only supposed to be temporary parking for 73 & Main construction and has now been used for use during construction of the Lentz building.

The Board asked about why it couldn't be paved. Erin Burris stated that it be difficult and costly to make it a parking lot, because there is nowhere for the stormwater to go and would be too expensive to do it since it would need an underground on-site storm water detention. If develop the property, then someone could recoup some of the money for a parking lot with their business. Ms. Burris also cited the strategy in the Comprehensive Plan to encourage a new building on the property to increase the size and vitality of downtown.

Jeff Helmtoller was concerned if this is changed in the ordinance how that going to affect the plans to not pave that lot.

Erin Burris said the lot will get blocked off and will not get used for parking. The lot will sit there empty until we declare it a surplus and have an upset bid process where hopefully strict covenants or restrictions can be put into place on what can be built at the site.

Jeff Helmtoller said Dr. Hall of Hall Chiropractic did not participate in the Town's municipal parking lot. Erin Burris stated he declined to be involved in the joint parking lot.

Whit Moose asked if Dr. Hall could have the opportunity to tie into the Town parking lot. Erin Burris stated that he chose not to tie in, but we did try to make the parking lot available but now it would be difficult to tie in and may not look that great even though it is possible to do.

Rick Burleyson asked if Dr. Hall had to have a certain number of parking spots. Erin Burris stated that the Center City District doesn't have a minimum number of parking spaces. But what it does say is, if you have a parking lot, it needs to be paved and utilized efficiently and not put gravel onto the sidewalk and road where people are walking.

3. The amendments are intended to improve parking lot maintenance standards. Many parking lots in town have been neglected and are crumbling and/or have large potholes.

Whit Moose asked about the wheel stops and Erin Burris said that was included in the parking lot maintenance.

Whit Moose also asked if DOT regulated where handicap spaces needs to be included.

Erin Burris stated that DOT does not regulate that, the building code does and was referenced in the ordinance so no changes were needed.

Jeff Helmtoller commented about having 2 years to get this done.

Erin Burris stated in 8.1.3.1.5. Center City District Parking, all parking surfaces within the Center City district shall be paved. Any existing unpaved areas shall be paved within two (2) years of the adoption of this provision. The deadline for

any existing gravel or dirt parking area or driveway to be paved in accordance with the requirements of subsection 8.1.3.1.1 would be 2 years from the date of adoption by the Town Board and notification of the affected property owners.

Whit Moose asked if there was anything we can offer to help ease the burden of the property owners.

Erin Burris stated that Mr. Hall was offered for the Town to pay for his parking and passed on the offer and Mrs. Black and Mr. Howard are being offered the same thing for the Town to engineer and pay for that parking the same that was done for the municipal parking.

4. The amendments also set a threshold of 50 parking spaces for curb and gutter to be required in parking lots. There was previously no standard.
5. Requirements for large-scale parking lots have also been added. This limits parking in front of buildings to two (2) rows unless there is additional landscaping or outparcels so that parking lots are the primary visual aesthetic on the Town's corridors. These amendments include a requirement for landscaping and pedestrian accommodations with more than three parking aisles.
6. The final amendment proposed is to limit the number of vehicles and boats that can be parked on a residential lot. The Town continues to receive complaints about the number operable and inoperable vehicles parked on properties within the Town Limits and ETJ.

Jeff Helmintoller made a motion to recommend approval with the changes. The Planning and Zoning Board finds that proposed amendments are not addressed by the Comprehensive Plan, but are not inconsistent with it. This amendment is intended to maintain the character of residential areas within the Town's jurisdiction and minimize potential adverse impacts on adjacent property owners.

Whit Moose made a second. All were in favor (5-0).

Erin Burris asked to change the July 2019 Planning and Zoning Board meeting to the following Monday, July 29, 2019. Due to scheduling conflicts we have cancelled the July Board meeting and will resume for August 26, 2019.

Monthly Cases and Permits:

Erin Burris reviewed the Zoning Cases and Permit Report as listed on the chart in the packet.

Board Comments:


Rick Burleyson heard something different on the turn lanes for Main Street and Franklin Street intersection.

Erin Burris stated that there will not be turn lanes on Main Street but only on Franklin Street. She doesn't know if this will change the on-street parking or not at this time.


Jeff Helmtoller asked about Marvin's. Erin Burris stated that she heard the property was sold but doesn't know anything else at this time.

Adjournment:

With no further discussion, Chairman John Murdock entertained a motion to adjourn. A motion was made by Jeff Helmtoller with a second by Mike Steiner. All members were in favor (5-0).



John C. Murdock, III, Chairman



Clerk to Board Jennifer Blake