

Mount Pleasant

North Carolina

Founded in 1848

Planning & Zoning Board Meeting
Town Hall - 8590 Park Drive Mount Pleasant, NC
Monday, June 27, 2022
6:00 PM

1. **Call to Order** - Chair Whit Moose
2. **Recognition of Quorum**
3. **Conflict of Interest**
The Chairman 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 recused 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 NCGS 160A-175, NCGS 14-234, and NCGS 160D-109)
4. **Approval of Agenda**
5. **Approval of Minutes of Previous Meetings** (April 25, 2022)
6. **Public Comment Period**
7. **Board of Adjustment Cases (Quasi-judicial hearing)**

SUP 2022-01 North Carolina Masonry Contractors Association Office (continued from May meeting)
Applicant requests a Special Use Permit to open an office in the RL zoning district under the "civic, social, and fraternal organization" category. Applicant: Ryan Shaver, North Carolina Masonry Contractors Association. Property Owner: Thyra Eagle Drye. Area: 0.61 acre. Location: 8030 NC Highway 49 N (ETJ). Cabarrus County Parcel Number: 5670-07-4558. Zoning: RL Residential Low Density.
8. **Planning Board Cases**

TA 2022-03 Infrastructure Amendments
Proposed amendments to infrastructure standards. Amendments regarding street frontage, adequate public facilities, plan submittal requirements, and standards & specifications. Affected Sections of the MPDO: Article 10, Article 14, and Appendix B, C, D
9. **Reports**
Planning Report and Zoning Permits for June (to date)
10. **Planning & Zoning Board Comment Period**
11. **Adjourn**

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

Website: www.mtpleasantnc.org **Email:** townhall@mtpleasantnc.us

Mount Pleasant

North Carolina

Founded in 1848

TOWN OF MT. PLEASANT, NORTH CAROLINA Planning and Zoning Board Meeting Minutes Monday, June 27, 2022

Members Present: Chairman - Whit Moose
Vice Chairman - Mike Steiner (**absent**)
Member - Bridget Fowler (**absent**)
Member - Shirley Freeman
Member - Rick Burleyson
Alternate – Warren Love (**voting member**)
P&Z Clerk to the Board - Jennifer Blake
Planning & Economic Development Director - Erin Burris

Also Present: Ryan Shaver, NCMCA and Doug Drye, Property Owner, and Attorney Jim Scarbrough

1. Call to Order:

Chairman Whit Moose called the Town of Mount Pleasant Planning and Zoning Board meeting to order at 6:02 p.m.

2. Recognition of Quorum:

Chairman Whit Moose stated a quorum was present with Warren Love as a voting member.

3. Conflict of Interest:

The Chairman 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 recused 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 one had a conflict.

4. Approval of Agenda:

A motion to approve the agenda was made by Rick Burleyson with a second by Warren Love. All members were in favor. (4-0)

5. Approval of Minutes of Previous Meeting:

A motion to approve the previous minutes for May 23, 2022, was made by Rick Burleyson with a second made by Whit Moose. All members were in favor. (4-0)

6. Public Comment:

None

7. Board of Adjustment Cases (Quasi-judicial hearing)

SUP 2022-01 North Carolina Masonry Contractors Association Office

Applicant requests a Special Use Permit to open an office in the RL zoning district under the "civic, social, and fraternal organization" category. Applicant: Ryan Shaver,

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

Website: www.mtpleasantnc.org Email: townhall@mtpleasantnc.us

North Carolina Masonry Contractors Association. Property Owner: Thyra Eagle Dry.
Area: 0.61 acre. Location: 8030 NC Highway 49 N (ETJ). Cabarrus County Parcel
Number: 5670-07-4558. Zoning: RL Residential Low Density.

Chairman Whit Moose opened the Board of Adjustment Case

Erin Burris shared that the Public Hearing SUP 2022-01 was held open, continued.
Anyone who was sworn in at the last meeting which was me and Mr. Shaver are still sworn
in. Anybody else that wants to speak regarding this case would need to be sworn in as
well.

Chairman, Whit Moose asked if Doug Drye would like to speak.
Mr. Drye said he was only there for support.

Chairman Whit Moose opened the Board of Adjustment said we'll continue from our May
meeting with our Board of Adjustment case 2022-01 and do you have anything else to
report on that.

(Erin Burris) Mr. Shaver submitted the plan that is in your packets and says 1100 square
feet of permeable pavers installed and he may have to explain what that means but that's
what was submitted.

(Moose) So, before he comes up, does know if that complies with what we needed.

(Burris) I will have to have him explain it.

(Moose) Does anyone have any questions for Erin before we get to Mr. Shaver.

No questions currently.

Ryan Shaver
P. O. Box 308
Mt. Pleasant, NC 28124

Mr. Chairman I've got to correct you on one statement you made last meeting, you said that
I was way smarter than you and that is incorrect.

(Moose) That is not up for debate.

We here on tv we determined that is a lie.

What I have suggested here is the permeable pavers. Permeable pavers, they are really
good solution to concrete or pavement because of the impervious area that we are working
with, that way the permeable pavers will absorb moisture instead of having created more
runoff than necessary. And they are very aesthetic if you have been to the Biltmore Estate
you have seen a lot of them. They are everywhere at the Biltmore Estate and permeable
pavers are very popular.

That is something I would be willing to do and can do. I have reached out to my supplier,
and we can get them. The lead time is about six weeks once I place an order. So, that
would be a lead time on me getting the product and then the installation could happen
thereafter. I will answer any questions about permeable pavers that you guys would like.

(Burleyson) Is this the type of paver you familiar with McGhee Park as you are going to Concord on Highway 73?

(Moose) No, I am not familiar with it.

(Burris) I have seen them, yes, but I don't know.

(Shaver) Are you talking about Corban Avenue right on the right, right in there?

(Burleyson) Yes

(Shaver) Yes, sir, which is exactly what a permeable paver is. It deters all run off, so, it helps absorb the moisture back into the ground instead of a kind of concrete pavement that keep the water shed rolling. This allows a percentage of the moisture to be absorbed back into the ground.

(Attorney, Jim Scarbrough) Are you talking about the Mickey McGhee Park?

(Burleyson) Yeah, that is what I am talking about.

So, the 1100 foot of pavers would be in place of what, what are we seeking in terms of?

(Burris) I don't know if this is being proposed with the paved driveway that was required or if it is being proposed with the landscaping that was required. This is what I was given was the permeable paver section.

(Shaver) No ma'am. I am proposing to put down 1100 square foot of permeable pavers. That is my proposal.

(Burris) Then that is what is being proposed, 1100 square feet of permeable pavers with a gravel driveway and no additional landscaping.

(Shaver) Correct and that would give you the four parking spaces that you are asking for as well as the access to the existing handicap ramp.

So, basically, that's what you have proposed is an 18 x 38 area, but we are going to stretch that out a little bit where it looks nicer. So, we are going to go from the back edge of the detached garage all the way to the house and then over to the existing wheelchair ramp.

(Moose) So, that would cover the parking, correct?

(Burris) That would cover the four parking spaces, yes.

(Moose) But we still need some sort of concrete or asphalt entrance to that, is that right?

(Burris) That is what is required by the Ordinance.

(Shaver) Guys, I want to make this clear where nobody is misinterpreting, The NCMCA is a nonprofit and the office would not be open to the public. We are not a public entity like Family Dollar, a dentist office, something like that. I am willing to meet you to make this happen. But I what I want to really make clear is we are not open to the public, our restrooms are not open to the public, our facility will not be open to the public. It is to handle the business of the association.

I think that was your last amendment that you made was on 8.1 on your parking. I have studied the UDO extremely well. You've amended it 23 times since 2017. So, what I am trying to say is that it's not a one size fits all document. I found nothing in there that mentioned anything about an association or a nonprofit especially with an office on page 119 5.7 there is nothing for office and service uses under an association or nonprofit.

(Burris) I have pulled up the Section 8.1 of the MPUDO it says:
Unless otherwise specified, the requirements of this Section shall be initiated by any one (1) or more of the following activities on the property:

- New construction or the initial use of the property
- A substantial change of use or change in zoning classification
- Any building or parking expansion of greater than 25%

The middle bullet point, "A substantial change of use or change in zoning classification" is what triggers this; It is being changed from a residential use to an office use for a nonprofit. So, if you guys want to determine this is not a substantial change of use that is up to you interpreting the ordinance, but generally speaking any other time there has been a change from a residential use to an office use it's considered a substantial change of use.

(Love) Other than the fact that it is putting in a driveway which is mandated to do because of the classification change, there is not going to be a sign out front, it is going to stay looking exactly like it is?

(Shaver) That is correct. Our office in Hickory now does not have a sign out front.

(Love) So, it is going to look like a house and other than the fact he has to put in a driveway is the only reason anyone is going to know there is a change from what it is.

(Shaver) You guys talk about Economic Development, I have reached out to the people that own the Mt. Pleasant Inn now and worked out with those folks I've got a group traveling in from Washington State. So, I don't know if you are missing the point, but I don't want the point to be missed that we are not open to the public this is to run our association, the business part of our association. I will be using the venues that we have in Town for events. I have reached out to 73 & Main, the upstairs I'd like to move my certification class there. Two months ago, I had 90 in attendance for certification, and I have got another class scheduled in July, but I have got to schedule a class for September, and they have agreed to let me use the facility for September for 90 people to come in the town to take the certification class. I want to help in every way possible, this is why I am here in front of you. And I appreciate you guys, the input you give me.

(Love) He is going to have less traffic than a home occupation and we don't make them put...

(Burris) You guys make the findings. If you determine this is not a substantial change of use from residential to an office use, then you make determination in your findings.

(Shaver) And since you brought that up, association management is not listed in 5.4.2.3 in Home Occupations not permitted, so that would definitely work.

(Burris) Just to be clear, this is not a home occupation.

(Love) What I was saying with the home occupation where we discussed that, and we had so many cars could be there at one time he is actually going to have less than that.

(Burris) Single-family residential use produces ten (10) trips per day according to the Trip Generation Manual. So, that is two people going to work, coming back and mom taking kid to soccer, or whatever, but it generates ten (10) trips per day. So, if this generates ten or less trips per day then it would be equivalent to that. You all make the findings.

(Shaver) On page 1.8 5.4.2.5 Exempt Home Occupations – home offices with no client visits to the home, I think we are considered exempt from that because we will have no clientele.

(Burris) You are not a home occupation because there is no one living there.

(Moose) So, I think your point is this will have less traffic than a home occupation potentially.

(Love) Right, and again the only reason anybody's going to know it's changed from what it is, because he is mandated to put in a driveway or if he wasn't mandated to put in a driveway no one would know that anything's changed at that location. He is not updating the building, he's not putting a sign out front, he's not doing anything just has to put in the driveway for him to show up every day.

(Shaver) And I won't be there every day. That's the thing, I will be in the office one day a week is what I probably guesstimate. Last week I was in Atlanta for a week, week before that I was in Florida, and the week before that I was in Colorado. So, I do a lot of traveling for our association so this will be a home office for me as a landing ground for about once a week as I am not traveling. Tomorrow I've got Kernersville, Wednesday I've got Raleigh, I've got the whole state, and I love it.

(Moose) So, what Erin has got hi-lighted there I think you can say for sure that there is not going to be a substantial change in the usage of the property, but you can't say there is not going to be a change in the zoning classification.

(Burris) Well it's not, it's not a change in the zoning classification; it's not being rezoned. It is staying the same zoning district. It is, however, a change of use. If you determine as the Board of Adjustment that this is not a substantial change of use and Article 8 does not apply and he does not have to have paved parking that is up to you all.

I will say you have to consider if somebody else were to come in with the same request on a different site if you would make the same determination because once you make that decision you are setting a precedent. If another nonprofit organization were to come in and ask for the special use permit for civic/institutional use on a site that is zoned RL, would you also say that is not a substantial change of use and they would not be required to have paved parking either. Once you kind of make that decision, you would need to stick with that line of thinking if somebody else were to make that same request.

(Love) I would think it would depend on what it is and if someone is trying to open a Goodwill Store which would also be a nonprofit you are talking about and they just want people to come and have like a drop off location you would have substantial traffic, trucks

in and out. I think that is on a case-by-case basis if the Board can decide that down the road. Also, wouldn't be stuck with a decision.

(Moose) So, to be clear then to conform to the ordinance assuming that we do find a substantial change we would still have to have a paved driveway which would be 24 x 20 foot, is that what Jason Faulkner says?

(Burris) He said, he is new to that position, they are not required to have a driveway permit which is unusual because any other time anybody has done something like this, they have been required to get a commercial driveway permit. He is saying they do not. So, if he is saying they don't need a commercial driveway permit, then there should really be an apron but, if he is saying they don't need to have a permit then there is no requirement of them in that regard from DOT. If you are saying he is exempt because he is not a substantial change of use, then these parts where it says all parking in vehicular surfaces must be paved then it doesn't apply to him because it is not a substantial change of use.

(Moose) What I meant to say was if it is considered substantial change of use, he would be required to have the 24 x20 foot driveway going in?

(Burris) Yes.

(Moose) Paved?

(Burris) Yes.

(Attorney Jim Scarbrough) Are we saying it's a change of use but not a substantial change of use?

(Burleyson) I guess you can look at that a couple of different ways. It's gone from Residential to Office, which is changing the use, but the quantity of use is probably less or the same, but I still don't know how you classify that.

(Moose) I think you make a good point. Substantial is a lawyer word, I guess.

(Attorney Scarbrough) Don't look at me. That would be the applicant's argument that it's not a substantial change of use.

(Burleyson) And to Erin's point, we see it as not substantial but the next one that comes along that's pretty much the same but maybe has more traffic or

(Burris) Well, it is a Special Use Permit, so you do review them on a case-by-case basis. The only concern is that that sort of line being drawn for what is substantial and what is not substantial. You need to kind of remain fairly consistent on that.

(Attorney Scarbrough) Did you put any conditions on the permit like for parking spaces?

(Burris) The ordinance requires 3.3 parking spaces for the area of the building.

(Attorney Scarbrough) No more?

(Burris) Yes, it says 3.3 and it says you are supposed to round up to the next full parking space, and one of the parking spaces is supposed to be ADA, so, we are letting him count one of those.

It does allow a reduction of 10% so if you go through and do that it brings it down to 3.00, so that's the number required for an office space like that.

(Attorney Scarbrough) So residential use?

(Burris) Minimum of two (2) parking spaces for residential use, they don't have to be paved. It is three (3) if the street that the use is on is less than a 60-foot right-of-way.

(Attorney Scarbrough) So, that is minimum for residential they could go to five (5)

(Burris) Basically, they are required to have the same number of parking spaces as a residential use, plus a handicap space, plus it's also supposed to be paved if there is a substantial change of use.

(Attorney Scarbrough) So, he's got a maximum of the residential, does it have a maximum?

(Burris) No, it doesn't have a maximum.

(Scarbrough) Okay

(Love) Is there anything we could if we hold off the decision to put some directives or clarifications on, so that the next time this comes up, maybe we can so that on the case-by-case basis a little clearer next time. If someone says you allowed this, yes, we allowed this, this is why we allowed it and it is in writing why we allowed it.

(Burris) You would have to define substantial and see if it is in here.

(Burris) This doesn't have the word substantial.

A change in use from one principal use of a building or land to another principal use of building or land whether or not there is an increase in the size of the existing building or the extent of the use of land.

Let's see if it is under substantial.

(Moose) What is that you just read?

(Burris) The definition of the change of use

No definition of substantial change of use. So, we just have "change of use" definition.

(Scarbrough) Substantial just leaves you with questions.

(Burris) Yes, it does.

(Moose) Which is?

(Burris) Typically in planning, a substantial change of use is something that increases the intensity. So, when you look at for instance Article 4 where you are defining uses and their general use types. So, when you are talking about district consistency it goes up in intensity from lower intensity uses to higher intensity uses in the districts. So, typically your

open space, your single-family residential, things like that are considered lower in intensity and when you start going up to civic and institutional like here; civic and institutional is more of a medium intensity use. But you see there are still also some detached single-family residential. The current zoning district is RL.

(Whit) Well, he's got limited civic and institution.

(Burris) Yeah, but you can make the determination that it's not a substantial change of use definitely when you are going from residential to something more than residential. It is considered substantial change of use, but you guys have the lead way to make that determination with these categories.

(Moose) So, I guess the only other consideration is with what he is talking about now, I think you could argue that it's a minimal change based on that being what I would consider limited but that does not guarantee that it stays that way. I guess. There is no way to predict that obviously you don't have plans of making that where you are there five days a week and traffic increases.

(Burris) The thing is once this Special Use Permit is issued it runs with the land so if this specific nonprofit were to move out another one could move in and use the same space. It would not be able to be like an insurance office because that would fall under a different category. It would not be a civic and an institutional office, it would be a commercial office so that would definitely require a rezoning.

(Scarborough) And they would be stuck with the maximum number of parking spaces.

(Burris) They would be stuck with that number of parking spaces based on the area of the building, so it is a 1,000 square foot building, it's three (3) full parking spaces. So, it is not based on how many employees there are it's based on how big the building is.

(Scarborough) Would they have to come back here to increase the building?

(Burris) Yes, if they were going to add on yes, they would have to come back and amend their Special Use Permit. They would also have to if it was to go to a commercial use like an insurance office or something like that, it would have to be rezoned. There is no option to do an insurance office in the RL district.

(Moose) Right. So, I guess my point is as we consider what's considered "substantial." There are implications to that moving forward.

(Burleyson) To that piece of property.

(Moose) For that intended purpose.

(Burleyson) Right.

(Moose) So, I guess as long as Mr. Shaver would be in that office, if the Drye's sold that property that would still all this would carry on to the new property owner.

(Burris) Yes, it runs with the property, it does not run with the organization, and it does not run with the property owner, it runs with the property.

(Love) There is no way to write an expiration in those permits.

(Burris) Mr. Attorney

(Scarborough) No expiration but I was thinking about conditions. I was wondering if the applicant and Board could have condition by some kind of consent.

(Burris) That is marginally legal. I will have to pull up the statute if you want to get that specific about it. I will have to grab my book.

(Burleyson) If you move in Mr. Shaver all your troubles will go away. If you move in there it becomes a home occupation and all these requirements go away.

(Shaver) That is correct and if my wife doesn't run me off, we will have to do that.

(Scarborough) Do you live in Mount Pleasant?

(Shaver) Yes, sir born and raised here, found my wife here, raised my two children here, and think I am going to stay here. That is my goal.

(Burris) The Statute says

"The regulations may provide that the Board of Adjustment hearing decide Special Use Permits in accordance with the principals, conditions, safeguards, and procedures specified in the regulations, reasonable and appropriate conditions and safeguards may be imposed upon these permits.

Where appropriate such conditions may include requirements of street utility rights of way be dedicated to the public and the provision be made for revision for recreational space facilities.

Conditions and safeguards imposed under the subsection shall not include requirements for which the local government does not have authority under statutes to regulate nor requirements for which the courts have held unenforceable imposed. I don't know all the case law, Mr. Attorney. That's all it says in the Statute.

(Scarborough) I always drop back and keep it simple.

(Shaver) There is one more "s" on the end of that, sir.

(Burris) So, the question from the Board was can they basically say this only for NC Masonry Association and once they leave then the Special Use Permit expires.

(Love) Mine was time thing, like can we say 15 years, the permit is good for a specific amount of time, and then he would have to come back in 15 years and ask for it again.

(Burris) Yeah, you can't do that.

(Scarborough) You've got four (4) parking spaces max.

(Shaver) I will go 30 with you.

(Love) I would give you 40 but it's not up to me.

(Shaver) I plan on retiring here. So, I will go 30 with you.

(Burris) So, back to the findings which is what you have to run through because the next question would be about the landscaping since he is not proposing a buffer yard adjacent to the adjacent residential. Which the Section on applicability – planting guards shall be required for all uses except single-family residential, agriculture. This is where it gets back into substantial or increase intensity. Any use, building, or structure for which only a change of use is requested, and which requires no structural modifications which would increase its volume, scale, or intensity. The trigger word there is intensity.

Is it an increase in intensity to change this structure from residential to Office?

Every other time we ever interrupted this in the entire history of my 21-year career, yes, it is an increase in intensity.

But if you all determine that it is not, then he would not have to put in a buffer yard and he would not have to put in any other landscaping next to the single-family residential use right next to it.

(Burleyson) So, you say natural buffers are already in place. I see it looks like a tree line, but was there one section that did not have a buffer?

(Burris) This section here (side next to resident on the map) is not.

(Shaver) The plum trees were took down that were there because of the new septic system that was put in.

(Burleyson) Right, the roots.

(Shaver) There were beautiful plum trees there, but the decision was made to take those down to keep the new system from the same thing happening with the old system had happen.

(Burris) Fences are also permissible.

(Burleyson) Yeah.

(Burris) If you all determine this is not an increase in intensity brought on by a change of use then it is not applicable.

(Moose) So, it is a Special Use so we can make...

(Burris) You are the Board of Adjustment, and you are making the findings and you are determining if this is applicable and if this is an increase in intensity or not.

(Love) So, if somebody else moved in after they moved out and then changed the front of the building, at that point does it violate anything that would cancel the permit.

(Burris) Changing the front, like the paint color?

(Love) It talks about adding to the building structure if somebody made adjustments to the structure of the building.

(Burris) Yeah, if they were to increase it all, increase the size at all, they would have to come back.

(Love) So, they have to come back and at that point you would say, hey now you have to put in your buffer, you have to put in your trees, and you have to do all that stuff.

(Burris) Yes.

(Love) So, there is some checks in place that would limit someone from making any major improvements or adjustments to the facility.

(Burris) Yes.

(Moose) So, to me, so what it seems to me that we are looking at is the definition of substantial. I think we have a chart that we can consider this to be limited (had Erin pull the chart back up) and if you look at that chart, we are currently low intensity, which is RL, and it does include limited civic and institutional.

If we consider his one (1) day per week as limited or whatever he is looking at as limited, I think in my opinion, I'm throwing it out there to you guys, would that be considered a non-substantial change of use? We are not necessarily going to a higher intensity.

(Love) I would agree with that statement.

(Burleyson) I would agree.

(Moose) Alright Shirley, do you agree with that as well, that we wouldn't be changing to a higher intensity. Would you agree with that?

(Shirley Freeman) What? Oh, I was reading, what?

(Moose) Would you agree that what he's talking about with the limited use is not a substantial change of use like the rest of the Board seems to?

In other words, he is proposing to be there one (1) day a week or so and it is not changing the zoning, so the other Board members feel like we are not increasing the intensity by going down the list.

Would you agree with that also?

(Freeman) You want me to state if he is low, medium, or high?

(Moose) Yes, ma'am. Do you still feel like he is still low?

(Freeman) Well, I would say low you know because you don't see much going on.

(Moose) Everybody seems to agree that the intensity is not changing, it is still staying low. Alright, so, if that's the case and we agree that that doesn't cause a substantial change can we put other conditions on that because now if we agree with that he technically doesn't have to pave, and those things and he doesn't have to do the landscaping?

If there is something a Board Member feels like should be there though, can we put a condition that says we can do this, but we want.....

(Burris) Yes, it depends on the condition. It has to be based on ordinance language.

You can't just say, you can't be there on Thursday's. You can't do that.

(Moose) So, if a Board Member feels like that it should be paved anyway or if a Board Member feels like there should be a buffer of some kind, we could put that as a special condition?

(Burris) Yes, the applicant would need to agree to it.

If you are saying it is low and it does not apply, yes you can still place a condition on it to mitigate any impacts that that use would have on an adjacent property.

(Moose) Okay, I am not trying to lead you guys in a decision, but I just want to make sure we are all clear as I understand it and then you guys can help me.

If we feel like the intensity has not changed and he can do what he is suggesting with the pavers and leave the drive and he can leave the buffering and the plants like it is. But if you feel like that something else needs that there is something in here that you'd like to see added to, we can propose that to Mr. Shaver and if he agrees to it, we may be able to make this thing happen. Or by the same the token, if you feel like no we don't meet this what the ordinance says currently then we can tell him he has to pave and do those other things, or we can't grant it.

(Burris) The conditions need to be in order to help it to reach a finding. Right, so if you feel like he is short on meeting a finding then you place a condition on it in order for you to be able to make that finding in the affirmative is essentially what you are doing. Because you have to make findings in the affirmative for all of them in order to be able to approve it.

(Moose) Does that make sense to everybody?

(Burleyson) So, not that it will be our final go through, but should we just look at each finding and say...

(Moose) Yeah

(Burleyson) And those are the ones numbered one through six?

(Burris) Yes, so I'll read them out and just exactly what it says and you guys talk amongst yourselves. Right now, basically what you are doing is just making sure you have enough information from Mr. Shaver to be able to answer yes or no on that finding. And once you feel like you have all the information you need then you need to close the hearing, do your formal discussion, and vote on each finding individually, and then vote on the whole thing, in total. But right now, we are just kind of running through to make sure you have enough information before you close the hearing.

1. The proposed special use conforms to the character of the neighborhood, considering the location, type, and height of the buildings or structures and the type and extent of landscaping and screening on the site.

(Moose) You are not proposing changing any of the lighting outside?

(Shaver) No, sir

(Moose) The only thing we are really looking at right now is just that paver area that you are going to put in.

(Shaver) Correct.

(Moose) And that can be made a condition that that goes in?

(Burris) Yes, you can do that, and it will probably fall under number six (6).

(Moose) Okay, so based on number one (1) does anyone have any questions for Ryan about that. He is not changing the building, right now there is no discussion of changing the landscaping or screening.

(Burleyson) That is my only question would be the screening and whether we feel like that would be adequate.

I know you said that there were trees there and they took them out, any consideration for a fence or something in that one section?

(Shaver) No, sir.

(Burleyson) Okay.

(Shaver) If you would physically go and look at the site, you would know why. It would be all on top of the neighbor's driveway and that would deter his good visual of surroundings and he is a deputy; he don't want that.

(Burris) This section back here.

(Shaver) Yes ma'am.

(Moose) The trees were a problem with the WSAAC line or something, is that what the problem was?

(Shaver) It was the Septic System when the new tank and lines were installed.

(Moose) On that piece of property – the Drye's Property?

(Shaver) Yes, sir that is correct.

(Burleyson) That piece that doesn't have a screen, looks actually like it's up more away from the building and the parking area than closer.

(Shaver) It is at the rear of that, correct.

(Burleyson) I think I would be okay with that.

(Moose) So, no questions for Mr. Shaver on that one. Erin, do you want to do number 2.

(Burris) **2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.**

(Love) That is probably not applicable if we are saying it's not a substantial change of use.

(Burris) If DOT is saying they are not requiring a driveway permit, then.

(Moose) Comments or questions on that one? (none) Number 3.

(Burris) **3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.**

(Moose) Nothing is changing on what you are doing there?

(Shaver) No, sir.

(Moose) Questions on that one? Number 4.

(Burris) **4. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.**

(Moose) Anybody have questions on that one?

(Burleyson) I think we do need to make sure of the fire code and building code and all that stuff.

(Moose) That is in number 5.

(Burris) Yes, that is in number 5.

(Burleyson) Sorry, I just got ahead.

(Moose) Number 5, please.

(Burris) **5. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.**

The finding that the staff had proposed was **All NC Fire Code, Building Code, and NCDOT regulations are required to be met. Inspections will be conducted by each entity prior to the issuance of a Certificate of Compliance to ensure health, safety, and general welfare.**

I know you spoke with the building inspector so, as far as ADA accessibility that would be up to the building code for that.

(Shaver) So, the house was built in '47. I will meet the fire code but to get it up to current model, which no bathrooms in town that were built in 1947 are, I can't get it to that, but it is accessible. But I will meet the fire code. The only thing the fire marshal told me was hang the fire extinguisher that was already hanging in the house in a location and put 8030 in 6-inch numbers on the front of the house and he's good.

(Burleyson) I think providing that documentation is all we need.

(Burris) 6. Compliance with any other applicable Sections of the Mount Pleasant Development Ordinance.

(Moose) Okay. So, if we're considering this not to be substantial it appears that providing the parking area would be the condition that would apply, and we're talking about doing that in pavers as apposed to concrete or asphalt

(Burris) So that Section there because there is the provision in the ordinance does allow permeable pavers in place of concrete or asphalt, that would cover the parking spaces

(Moose) Would we specify that as a condition in that section?

(Burris) Yes.

(Moose) Right. I'll ask again does anybody feel like there should be any additional landscaping or anything done landscaping wise.

Any other questions for Mr. Shaver before we go into discussion.

Chairman Whit Moose CLOSED the Public part for the Board of Adjustments.
We can still ask Mr. Shaver questions if we need.

(Burris)As long as he is not introducing "a new evidence" you can ask questions, yes.

(Moose) All right everyone, you've had a good bit of time to think on this, I think. We know our options. Any discussion, first of all, if we go back to that initial finding of whether this is substantial or not. Appears we are all in agreement that the intensity is still low, which does not seem to define substantial, and zoning has not changed. So, everybody is good with that and waives the need for the paved driveway and the landscaping being changed.

Any discussion on that? (silent) Anybody feel like their needs to be any conditions added? We will go through each one of those one (1) through six (6) again, but are there any other conditions that we need to add other than and we can do on each one of those instead of.. So, is there any further discussion about what we want to do before we go onto each one of the findings? Any clarification anybody needs?

(Burleyson) I don't think so.

(Moose) **Finding number 1.**

1. The proposed special use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.

Everybody's good with that and no one sees any conditions you want to add to that.

(Burleyson) I said we would remove that proposed condition.

(Burris) It's a proposed finding. The proposed finding is fine, the proposed condition you don't have to except that. That was a proposed condition proposed by staff, so you don't have to do that.

(Burleyson) So how do we not accept it, just cross out.

(Burris) Just don't include it in your motion.

(Moose) We are going to make a motion and vote on each one of these individually and if there is a condition, we will add that and make sure that is part of it.

(Burleyson) Gotcha.

(Moose) So, do we need to go through motions to except and all that or do we just vote?

(Burris) Yes, you need to vote on each finding.

(Moose) We need motions and seconds and all that as well for each thing.

(Burris) Yep.

(Moose) All right for each one of these findings we will take a motion and a second and then we'll all vote by saying yes or no.

Chairman Whit Moose asked for a motion to accept proposal finding number one (1) as presented with no conditions.

Warren Love made a motion to accept proposal finding number one (1) as presented with no conditions and second was Rick Burleyson. All were in favor. (4-0)

(Moose) **Finding number two (2)**

2. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

(Moose) In our previous discussion no one felt like there needed to be any conditions added to that, is that still the case?

Do we know what the current width of the driveway at the road is now?

(Burris) Well, it depends on if you are considering it one big driveway or two separate driveways, it has been kind of used both ways. It is 70 something feet.

(Shaver) I can speak to that because I measured everything.

(Moose) Right. We discussed that in the last meeting so I wouldn't consider that new, would you?

(Burris) We did discuss that in the last meeting. And the drive is measuring 71 feet.

(Moose) Would you propose that you want to keep the circle drive there?

(Shaver) Yes.

(Moose) Okay. Is everybody good with that then keeping the circle drive and not making any changes to that.

Chairman Whit Moose asked for a motion to approve finding number two (2) as presented with no conditions.

Warren Love made a motion to approve finding number two (2) as presented with no conditions and a second was made by Rick Burleyson. All were in favor (4-0)

(Moose) Finding number three (3)

3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

Chairman Whit Moose made a motion to approve finding number three (3) as presented with no conditions and a second was made by Rick Burleyson. All were in favor. (4-0)

(Moose) Finding number 4

4. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

(Burris) The proposed finding basically impede orderly development and it is fine.

Chairman Whit Moose asked for a motion to approve finding number four (4) as presented with no conditions.

Rick Burleyson made a motion to approve finding number four (4) as presented with no conditions and a second was made by Warren Love. All were in favor. (4-0)

(Moose) Finding number five (5)

5. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

(Moose) The condition that was proposed was that the provided written documentation of all fire code, regulations, and inspections are met.

Was there anything other than the fire code by the Fire Marshall that you guys wanted to include in there?

Would that not be required anyway?

(Burris) Yes, when there is a nonresidential use, we always have the Fire Marshal do an inspection and provide an inspection report.

(Moose) And then...

(Burris) The question mark is over building code they are not building anything; they are not proposing on changing anything and there is already an ADA ramp to the house. It is up to them if they want to open themselves up to litigation by someone that cannot get in. That is up to them.

(Burleyson) Are there any new NCDOT Regulations that come in to play here?

(Burris) Not since they are not requiring a driveway permit, the only DOT Regulations that were coming into play was because we were requiring paving according to the ordinance if it was a substantial change of use, but you all have determined it was not a substantial change of use, therefore, there would be no NCDOT requirements there.

(Burleyson) So, we are we are just saying the fire code.

(Moose) Which would be required anyway. If you want to pursue building code that opens a can of worms.

(Burleyson) Yeah, I am with you. There is an ADA ramp and there is going to be ADA parking, right?

(Burris) There is a parking space near the ramp. I am not going to say it is ADA parking because it's not marked. It's a space near the ramp.

(Moose) Will it be marked as a handicap space at that time?

(Burris) It's up to you if you want to make that condition, we have already determined they are not subject to parking standards.

That is number six (6) anyway. I guess when you get into building code is the bathrooms and all the other which that is going to put a burden on an old building like that. But if they want to take that on, Erin did mention that it would be up to them if there was a complaint.

(Burris) It wouldn't come to us; it would go to an attorney.

(Moose) So, unless someone wants to add that to it, I think five (5) can stand as it is because the Fire Marshall inspection will be required anyway.

(Burleyson) Do you not need to strike Building Code and DOT regulations, though.

(Moose) That was not included in the actual finding, correct?

(Burris) Basically, you all would say fire code regulations are required to be met, inspections will be conducted by the Fire Marshall prior to the issuance of the Certificate of Compliance. You are just taking out the part with building code and DOT.

(Moose) Okay. Any discussion on that one?

Chairman Whit Moose asked for a motion to approve proposal finding number five (5) as amended with no conditions.

Rick Burleyson made a motion to approve finding number five (5) as amended and a second was made by Chairman Whit Moose. All were in favor. (4-0)

(Moose) Number six (6)

6. Compliance with any other applicable Sections of the Mount Pleasant Development Ordinance. The following proposed condition are to be met.

And as we discussed in our provisional discussion it looks like the parking area is the area that we are potentially looking at being the only condition here. It currently says

- **Provide a parking area with a minimum of three (3) standard 9'x18' parking spaces and one ADA accessible van space (11'x18' with 5' aisle), paved with concrete or bituminous asphalt over a compacted base course.**

We talked about that being pavers instead now.

Do you want to leave that and is there room for to have the ADA accessible van parking there? and there sounds like there is.

I would propose that we leave that statement as it is with the exception that it is permeable pavers instead.

(Love) Are the dimensions on what he is proposing the same as the findings.

(Burris) It is hard for me to tell there is no scale to it. So let me guess.

(Moose) Mr. Shaver, do you know what the dimension of that area is?

(Shaver) You are requiring me to do 18 x 38 and that includes the ADA parking space. So, I am proposing to do 18 x 44 plus a nice walkway to the ramp. I can order 1200 square feet, but it will be right at 11.

(Moose) So the 18 x 44 is actually a good bit bigger than what the requirement would have been.

(Shaver) Correct. You might want to put Belgard in front of permeable pavers. They will be happy to see that.

(Moose) If we change paving to installing Belgard permeable pavers at the minimum which is already required which base on what he is saying we are well over that minimum.

Is that covered in Section 8.1.3 where it is says in accordance with that section?

(Burris) Yes, 8.1.3 has the permeable pavers option.

(Moose) All right any further discussion on that finding and condition

Chairman Whit Moose asked for a motion to approve finding number six (6) as presented with the condition stated.

Warren Love made a motion to approve the number six (6) as presented with the condition for paving stated and a second was by Rick Burleyson. All were in favor. (4-0)

(Moose) So, we found that all six findings are acceptable, and we've made our motions and passed them all with conditions that Mr. Shaver has accepted.

(Burris) You need to do one final vote to approving the Special Use Permit since all the findings were found in the affirmative.

Chairman Whit Moose made a motion that we approve all six findings that we voted in the affirmative on all six and we are issuing the Special Use Permit (helped by Burris) and a second was made by Warren Love. All were in favor. (4-0)

Chairman Whit Moose CLOSED the Board of Adjustments and Opened the Planning and Zoning Board.

8. Planning Board Cases

TA 2022-03 Infrastructure Amendments

TA 2022-03 Infrastructure Amendments

Proposed amendments to infrastructure standards. Amendments regarding street frontage, adequate public facilities, plan submittal requirements, and standards & specifications.

Affected Sections of the MPDO: Article 10, Article 14, Section 8.2, and Appendix B, C, D.

Erin Burris stated that since we do not have a full Board and she has not finished all the appendices that we put this off until the next meeting and said she would be happy to answer any questions about Article 10 and 14.

Mrs. Burris wanted to let us know about an addition to Article 10.3.12 - Cluster Box Units. If you build a new subdivision now the U.S Postal Service requires that you put in cluster boxes and there are NCDOT standards for that.

The Cluster Boxes would be for major subdivisions and multi-family residential homes.

Chairman Whit Moose tabled the Infrastructure Amendments until next month.

9. Reports

Planning Report and Economic Development

- Rezoning request at 8030 Highway 49 for Mini Storage and Annexation
- Added rezoning and annexation petition for 7801 Highway 73 (across from the apartments) Propel Church plans to build a new building and requesting O-I and it is currently zoned RL.

Erin Burris gave an update on a previously approved Special Use Permit for Threadgill Carp Pond that had a deadline of July that had several conditions to be completed. None of those conditions have been met and soon he will be in violation of the Special Use Permit that was ordered.

The engineer could never do the engineering because the engineer wouldn't move forward until the encroachment on the adjacent property was resolved and he didn't fix the problem with the encroachment. We suggested that he purchase a strip from his neighbor, Billy Foil and did not do so.

Also, it was discovered that Mr. Threadgill had built another pond that was mostly on Billy Foil's property which is another issue.

Mrs. Burris wanted to let us know that by the end of July there will likely be a notice of violation for violating the Special Use Permit that you issued.

Comprehensive Plan Implementation

Making progress on the park with financing approved by LKC in August and then will start moving dirt. Also, financing will be approved for the fire station.

The fire station will have a little expansion off the front for offices and tower for display of the antique truck and off the rear is new quarters and a patio area with additional storage, and possibly redoing the floors.

June 2022 Zoning Permits

Erin Burris reviewed the Reports and Zoning Permits to the Board.

A copy of the Zoning Permits has been enclosed in the minute book

Comment Period:

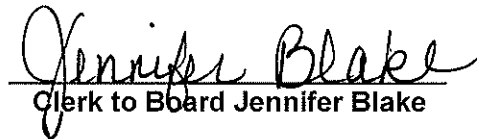
- The new electronic sign on Mt. Pleasant Road South (Pentecostal Church) is up and working.
- The ground sign and canopy on Highway 49 permit is for Circle K

11. Adjournment:

With no further discussion, Chairman Whit Moose entertained a motion to adjourn. A motion was made by Rick Burleyson with a second by Whit Moose. All were in favor. (4-0)

A handwritten signature in black ink, appearing to be 'Whit Moose', written over a horizontal line.

Chairman, Whit Moose

A handwritten signature in black ink, appearing to be 'Jennifer Blake', written over a horizontal line.

Clerk to Board Jennifer Blake