

# Mount Pleasant

North Carolina

Founded in 1848

## Planning & Zoning Board Meeting

Town Hall - 8590 Park Drive Mount Pleasant, NC

Monday, July 25, 2022

6:00 PM

1. **Call to Order** - Chair Whit Moose

Added - Oaths of Office - WhitMoose, Bridget Fowler, Jonathan Helms

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** (June 27, 2022)

6. **Public Comment Period**

7. **Planning Board Cases**

### **REZ 2022-03 Highway 49 Mini Storage (associated with and ANX 2022-01)**

Applicants request non-contiguous annexation and rezoning of subject property to construct a mini-storage facility.

Area: 11.279 acres (mini-storage area less than 10 acres). Location: 8830 NC Highway 49 N. Cabarrus County Parcel Number: 5670-47-4622. Current Zoning: RL Residential Low Density. Proposed Zoning: CZ I-1 Conditional Zoning Light Industrial

### **REZ 2022-04 Propel Church (associated with ANX 2022-02)**

Applicants request contiguous annexation and rezoning of subject property.

Area: 6.886 acres. Location: 7801 NC Highway 73 E. Cabarrus County Parcel Number: 5660-96-0186 & 5660-86-9211. Current Zoning: RL Residential Low Density. Proposed Zoning: O-I Office & Institutional.

### **TA 2022-03 Infrastructure Amendments (request to continue to August)**

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

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

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

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**TOWN OF MT. PLEASANT, NORTH CAROLINA  
Planning and Zoning Board Meeting Minutes  
Monday, July 25, 2022**

**Members Present:** Chairman - Whit Moose  
Vice Chairman - Mike Steiner  
Member - Bridget Fowler  
Member - Shirley Freeman  
Member - Rick Burleyson  
Alternate – Jonathan Helms  
P&Z Clerk to the Board – Amy Schueneman for Jennifer Blake  
Planning & Economic Development Director - Erin Burris

**Also Present:** Attorney John Scarbrough, Sam King Jr., Thomas Moss, Roy Keene, and Charlie James.

**1. Call to Order:**

Chairman Whit Moose called the Town of Mount Pleasant Planning and Zoning Board meeting to order at 6:01 p.m.

**ADDED: Oaths of Office** for Whit Moose, Bridget Fowler, and Jonathan Helms.

**2. Recognition of Quorum:**

Chairman Whit Moose stated a quorum was present.

**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 Mike Steiner with a second by Bridget Fowler. All members were in favor. (5-0)

**5. Approval of Minutes of Previous Meeting:**

A motion to approve the previous minutes for June 27, 2022 was made by Rick Burleyson with a second made by Whit Moose. All members were in favor. (5-0)

**6. Public Comment:**

None

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## 7. Planning Board Cases

### **REZ 2022-03 Highway 49 Mini Storage (associated with and ANX 2022-01)**

Applicants request non-contiguous annexation and rezoning of subject property to construct a mini-storage facility.

Area: 11.279 acres (mini-storage area less than 10 acres). Location: 8830 NC Highway 49 N. Cabarrus County Parcel Number: 5670-47-4622. Current Zoning: RL Residential Low Density. Proposed Zoning: CZ I-1 Conditional Zoning Light Industrial

Erin Burris presented the packet of information. In addition to the packet information, she stated it would be 108,000 sq ft of storage space. If it was used for homes, the area would hold 22-24 homes and generate the same amount of traffic. During site review, the design of the buildings will be looked at. The front buildings must meet current building standards. Dumpster on plan will have to be moved from the current position on the site plan.

At the Neighborhood Meeting, only 2 attendees came: 1. Whittington's property located between the proposed site and the Lumber Mill 2. Laura Devine whose mother is across the road. Their concerns were the storm water drainage direction, the collapsed pipe on Hwy 49 which is a DOT issue, and the extra traffic which is less than a subdivision.

Annexation of this property is required as well as rezoning. NCDOT stated the need for a left turn lane in that area for the mini-storage location.

Chair Whit Moose opened the Public Hearing.

Roy Keene, 8865 Erbach Lane, is for anything other than a subdivision. He lives in a subdivision where their needs are not being met and would rather have anything other than houses being built.

Sam King of King Engineering said he drew the site plan and is for the mini-storage buildings. He stated that he had designed a similar project in Albemarle. They do not have any renderings to show at this time.

Erin Burris informed the Board the fronts facing Hwy 49 of the first building on each side (and possibly a third if the second building behind on the left is visible from the road) would have to meet the design standards for I-1 and the others will not have to since they will not be seen from the road.

Mr. King said at this time there is no outdoor storage for RV's and boats proposed. Ms. Burris said the site plan does not currently show outdoor storage, but if they were to want a small area of it as a minor amendment to the proposed plan, it would be subject to Section 11.7 of the Development Ordinance.

With no one else wishing to speak in support or opposition of the project, Chair Whit Moose closed the Public Hearing.

A motion to "recommend approval with conditions and not consistent (also amends Future Land Use Map): The Planning & Zoning Board finds that the proposed CZ I-1 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 by changing the designation of the subject property on the Future Land Use Map to "Employment Center"

was made by Mike Steiner with a second by Rick Burleyson. All Board members were in favor. (5-0)

The Public Hearing for Annexation and Rezoning will be August 8<sup>th</sup> at the Town Board of Commissioners meeting.

*A copy of the REZ 2022-03 Highway 49 Mini Storage (associated with and ANX 2022-01) packet is included in the Minute Book.*

**REZ 2022-04 Propel Church (associated with ANX 2022-02)**

Applicants request contiguous annexation and rezoning of subject property. Area: 6.886 acres. Location: 7801 NC Highway 73 E. Cabarrus County Parcel Number: 5660-96-0186 & 5660-86-9211. Current Zoning: RL Residential Low Density. Proposed Zoning: O-I Office & Institutional.

Erin Burris stated the subject line on the staff report was incorrect, should be REZ 2022-04 Propel Church. She proceeded to present the information to the Board. This is a standard rezoning proposal and does not have a site plan, so all potential uses for O-I districts should be considered. The initial intent is for Propel Church to build at this location, but you should consider all the possible uses: governmental facilities, cultural and recreational facilities, educational facilities, and charitable institutions. No retail or wholesale trade allowed.

Water is directly across the street. Sewer is available within 350' at a manhole near N. Skyland Dr. It will depend on how deep the sewer line is and if gravity can be used. Currently, the Town has enough sewer capacity, but it could affect other projects until the WSACC expansion is completed in 2024. This will be evaluated during site plan review.

NCDOT will not comment on a driveway permit until they have a site plan. It will probably involve a turn lane.

At the Neighborhood Meeting, only Propel Church members attended.

The Town Board asked for Planning & Zoning recommendations on this property.

Chair Whit Moose opened the Public Hearing.

Roy Keene, 8865 Erbach Lane, did not understand the Board approving something that had no plan. It could be a church bringing a lot of traffic to a high-density area already. There is no plan to say it will be a church, a daycare center or something else. In the previous item the Board had a plan to approve. It is just going to be whatever they decide. As a resident, we would be left with the ramifications of what they decided to build there. He is against this.

Erin Burris stated if rezoned, it would be open to anything that is in that zoning district. Typically, when you have a request that does not match the land use designation on the future land use map, the Town asks they submit a plan and do a conditional zoning district. That way you know exactly what you are getting. When the action does match what the future land use map says we are willing to accept any of these zoning districts within this area and whatever comes with it. That is why you have a future land use map. There is a lot of expense on the front end to do site plans, so you would need to know that the zoning

is appropriate for that location. In this case, the future land use map and our Comprehensive Plan that was adopted in 2017 does state that medium intensity uses which do include churches and office use are appropriate for that land use designation.

A motion to recommend approval and it is consistent with the Future Land Use Map was made by Rick Burleyson with a second from Whit Moose. All Board members were in favor. (5-0)

*A copy of the REZ 2022-04 Propel Church (associated with ANX 2022-02) is included in the Minute Book.*

**TA 2022-03 Infrastructure Amendments (request to continue to August)**

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 Burriss stated with the Annexations and Rezonings she would like to postpone until August.

A motion to continue the TA 2022-03 Infrastructure Amendments discussion until August 22<sup>nd</sup> was made by Mike Stiener with a second from Whit Moose. All Board members were in favor. (5-0)

Chairman Whit Moose CLOSED the Planning & Zoning meeting and opened the Board of Adjustment meeting.

**8. Board of Adjustment Cases-Approve Order**

**SUP 2022-01 North Carolina Masonry Contractors Association Office**

Erin Burriss stated at last meeting P&Z Board meeting the Board held the continuance of the Public Hearing for Special Use Permit 2022-01. Anytime the BOA takes action on something the attorney prepares an order to confirm what was improved. It states the findings of fact, what the Board went through in the discussions to meet the findings of fact, it says what your conclusions of law were that it does in fact meet all the findings based on the Boards discussion, and what your decision was that the Board did grant a Special Use Permit for as an office for Civic, Social, or Fraternal organization.

There were two conditions:

1. Applicant shall meet all Fire Code regulations and obtain Fire Marshalls approval prior to issuance of Certificate of Compliance.
2. Applicant shall provide a parking area of 18'x44' at the property using permeable pavers which will result in four parking spaces for the property.

Based on Minutes of last meeting, it was determined that there were no stipulations on ADA improvements to current restroom since they were not building or changing anything and there is already an ADA ramp to the house. Building code regulates ADA parking not the Town Ordinance.

A motion to adopt the Order approving Special Use Permit and authorize the Board Chairman to enter the Order was made by Mike Stiener with a second from Whit Moose. All Board members were in favor. (5-0)

### **SUP 2021-01 Threadgill Carp Pond**

Concord Engineering & Surveying was contracted to do the site plan and engineering for this pond as directed by the Board of Adjustment as a condition of approval for this use: Recreational Carp Pond. Concord Engineering & Surveying started with the survey and had to stop because Mr. Threadgill's carp pond was encroaching on Mr. Foil's property by a lot to the point that if Mr. Threadgill does not purchase property from Mr. Foil, the entire pond including dam would have to be moved. This would be very expensive. Mr. Foil did come to an agreement in the last few weeks with Mr. Threadgill to obtain that section of property. So, Concord Engineering & Surveying is just now able to get back on track. They did provide a site plan and it meets all the conditions except the engineering condition. They will have to install spillways and send the information to NCDEQ to see if it will get a high hazard rating because it is 17' deep at deepest point. Mr. Threadgill will have to add more gravel since 17' driveway now and Fire Code requires 20'. All that has been provide to the Town meets all but one condition. Mr. Threadgill has continually used the pond without stopping all this time. He is behind since it was all supposed to be completed by July 1<sup>st</sup>. At this time, he is technically in violation of the BOA's approval. Ms. Burris stated that a letter should probably be sent notifying Mr. Threadgill of the missed deadline and operating without a Certificate of Compliance.

John Scarbrough said we are not talking about revoking the permit, but in order to revoke the permit the BOA would have to go through the same process as it did in holding the hearing to approve the permit. This would give due process rights recognition. Before it comes to that the BOA would have to schedule a hearing date for the owner to come in. He suggested Ms. Burris send a letter to let him know of the violations and give him the date of the hearing to address them if the BOA wants to consider revoking the permit.

Ms. Burris stated Mr. Threadgill is making forward progress but has exceeded his deadline and continues to enjoy the use of the property as if he has met all the requirements. Also, tents have been seen in the early morning hours and it was not within the hours Mr. Threadgill requested with his Special Use Permit. She suggested sending a letter that he has missed the deadline and he does not have a Certificate of Compliance allowing him to use the site in the manner that was approved because he has not met all the requirements for what was approved. He would also need to stop all activity until these conditions are met and continue to update Town on progression.

Mr. Scarbrough looked at the draft of the Order and it says, "In the event the applicants fail to comply with any of the above conditions this matter shall be placed on the agenda of the next regularly scheduled meeting of the BOA to consider possible revocation of the Special Use permit.

The Board agreed to Ms. Burris sending a letter to Mr. Threadgill to inform him he is in violation. If he continues to operate, he can be fined because he did not meet the deadline of July 1.

Ms. Fowler stated he had since November to complete it. What will happen if he does not follow through and the next person follows his example?

Mr. Scarbrough felt the proper way to do this is to receive a notice from Erin Burris with what Town Staff believes is in violation and the BOA is scheduling this for a hearing and possible revocation. Then, Mr. Threadgill has a chance to address what the BOA is discussing today concerning the deficiencies.

Ms. Fowler asked if the BOA could wait for a response, then put on the September agenda.

Ms. Burris clarified the letter would include letting Mr. Threadgill know he was in the violation of not having the Certificate of Compliance and still operating. Also, the possible revocation because of the violations would need to be addressed with the BOA. Then, if the conversation didn't go well, the BOA could schedule a Public Hearing.

Mr. Scarbrough stated, "The Statute says that Local Government shall follow the same development review and approval process required over issuance of the development approval including any required notice for hearing in the review and approval and revocation of that approval." The BOA must determine based on what they have heard from the Zoning Administrator tonight, whether they want to initiate a hearing for the owner to meet and address these allegations that he has violated the permit.

Chairman Moose would like the letter to go out and give him a chance to respond. John Scarbrough stated the Board should not dictate what Ms. Burris puts in the letter.

Ms. Burris said she would let Mr. Threadgill know he is past the deadline and these are the potential ramifications of that and potential fines.

Mr. Burleyson stated he did not see any incentive for him to move forward. Agrees with a letter being sent.

No motion was made. Information only.

A motion to adjourn the Board of Adjustment was made by Mike Stiener with a second by Rick Burleyson. All Board members were in favor. (5-0)

Chairman Moose reopened the Planning & Zoning meeting.

#### **9. Reports**

Planning and Economic Development Report was placed at each person's seat prior to the meeting.

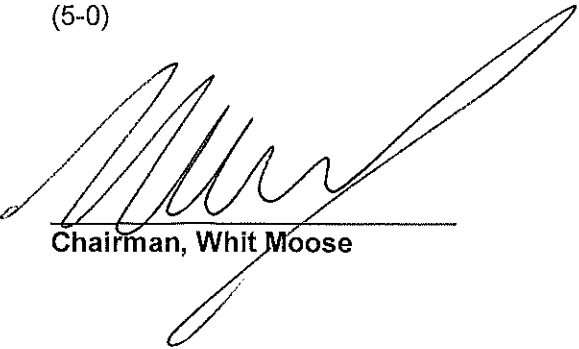
*A copy of the Board Report and Zoning Permits have been enclosed in the Minute Book*

#### **10. Comment Period:**

Rick Burleyson has a new grandson born during this meeting.

#### **11. Adjournment:**

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



Chairman, Whit Moose



Clerk to Board Amy Schueneman