

Town Board of Commissioners Meeting

Town Hall - 8590 Park Drive Mount Pleasant, NC

To: Mayor Eudy and Board of Commissioners
From: Erin S. Burris, AICP
Date: March 13, 2023
Subject: *ANX & REZ 2023-01 N. Skyland Drive – Common Grounds Property
Voluntary Contiguous Annexation & Standard Rezoning Request*

A. BACKGROUND

Applicant(s): Chris Swofford
Common Grounds Management Inc.
PO Box 967
Mount Pleasant, NC 28124

Location: 619 N. Skyland Drive

PIN(s): 5670-06-4884

Property Size: 0.6 acres

Current Zoning: RL Residential Low Density

Proposed Zoning: RM Residential Medium Density

The subject property is currently located in Mount Pleasant's extraterritorial jurisdiction (ETJ). The property is currently vacant. The property owner has petitioned for voluntary contiguous annexation, and there is a concurrent request to rezone the property to RM Residential Medium Density. Since this is a standard rezoning, all uses permitted in the RM district must be considered. Given the dimensions of the property, no more than two (2) residential lots would be permitted with the requested zoning district.

B. ANNEXATION EVALUATION

The property owner has submitted a petition for voluntary contiguous annexation for the subject property. The property is located across N. Skyland Drive from the current Town limits. Water service is located directly in front of the property. Sewer service is located within approximately 350 feet of the site near the intersection of N. Skyland Drive and Wood Street. The property owner is currently working with an engineer to extend the sewer line to the property. This extension would be at the expense of the applicant. The property is currently located in the Town's extraterritorial jurisdiction (ETJ) and is zoned Residential Low Density (RL).

The annexation assessment criteria are listed below and the applicable degree of favorability is **highlighted in red** for each of the criteria.

A. Contiguity

- **Contiguous to primary corporate limits – Most Favorable**
- Noncontiguous within ETJ but contiguous with other satellite area – More Favorable
- Noncontiguous but within ETJ – Favorable (within 265 feet)
- Noncontiguous outside of ETJ – Least Favorable

B. Size of Proposed Area

- Very large area (greater than 100 acres) – Most Favorable
- Large area (50 – 100 acres) – More Favorable
- Medium area (25 – 50 acres) – Favorable
- Smaller area (10 – 25 acres) – Less Favorable
- **Small area (less than 10 acres) – Least Favorable**

C. Utility Service

- Current water and sewer customer – Most Favorable
- **Access to existing water and sewer service (within 1,000 feet) – More Favorable**
- Access to existing sewer service only (within 1,000 feet) – Favorable
- Access to existing water service only (within 1,000 feet) – Favorable
- Access to planned water and sewer service (current project) – Favorable
- In serviceable sewer basin but no planned project – Less Favorable
- Outside serviceable sewer basin or outside of utility service agreement area – Least Favorable

D. Fire District

- **Inside of Mt. Pleasant Fire District – Most Favorable**
- Outside of Mt. Pleasant Fire District – Least Favorable

E. Development Status

- Developed property in conformance with Town ordinances (in ETJ) – Most Favorable
- Vacant property with planned development and proper zoning (in ETJ) – Most Favorable

- **Vacant property with planned development and requires rezoning (in ETJ)– More Favorable**
- Vacant property with planned development and requires rezoning (outside of ETJ, inside Planning Area)– Favorable
- Vacant property with no planned development (inside ETJ) – Favorable
- Developed property not in conformance with Town ordinances (in ETJ) – Less Favorable
- Vacant property with planned development (outside ETJ, outside of Planning Area) – Less Favorable
- Developed property not in conformance with Town ordinances (outside ETJ, inside Planning Area) – Less Favorable
- Vacant property with no planned development (outside ETJ, inside Planning Area) – Less Favorable
- Developed property not in conformance with Town ordinances (outside ETJ, outside Planning Area) – Least Favorable
- Vacant property with no planned development (outside ETJ, outside Planning Area) – Least Favorable

Based on the evaluation criteria, the proposed annexation has two (2) instances of being *Most Favorable*, two (2) instances of being *More Favorable*, and one (1) instance of being of being *Least Favorable*. Staff considers this annexation to be **More Favorable**.

C. ZONING DISTRICT REVIEW CRITERIA

Adopted Plans

The subject property is located in the “Medium Intensity” land use classifications on the Future Land use Map of the Town’s Comprehensive Plan. This classification is described below:

“This land use classification is intended for a variety of medium density residential uses of two to four dwelling units per acre and low to medium intensity civic, institutional, office, service, and retail uses designed to keep the impact on adjacent residential areas to a minimum. Medium intensity designated areas have easy access to utility infrastructure.”

Based on Table 4.3-1 in the Mount Pleasant Development Ordinance (MPDO), the proposed RM Residential Medium Density district is consistent with this land use designation.

Zoning District Intent

The MPDO states the primary intent of the RM district is:

“The RM district is established to provide areas for medium density, single-family residential uses, with a maximum of four (4) dwelling units per acre, where adequate

public facilities and services exist with capacity to serve development. Residential Medium Density provides flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.”

Existing Zoning and Development Patterns within 1,000 feet

	Zoning District(s)	Land Use(s)
North	RL	Single-family Residential, NC Highway 49
East	RL, RM	Agricultural, Single-family residential
South	RL, RM	Agricultural, Single-family residential
West	RL, CZ C-2	Single-family residential, Retail, Service

The requested zoning district of RM is within approximately 65 feet of an existing RM district. The subject property is also located within 1,000 feet of a mixture of uses and a four-lane state highway.

Utility Availability

Water service is located directly in front of the property. Sewer service is located within approximately 350 feet of the site near the intersection of N. Skyland Drive and Wood Street. The property owner is currently working with an engineer to extend the sewer line to the property. This extension would be at the expense of the applicant.

Transportation Capacity

The property is located on N. Skyland Drive, a state-maintained road and approximately 500 feet south of NC Highway 49, a four-lane thoroughfare. Access to the site will be subject NCDOT standards. The proposed rezoning would only add an estimated 10 vehicle trips per day to N. Skyland Drive according the ITE Trip Generation Manual.

Environment

There are no streams or ponds on the site. The topography of the property is slightly sloped with the highest point at N. Skyland Drive with a descent of approximately 15-20 feet to the rear of the property over 200 feet of distance. Any grading would be less than an acre and not subject to the issuance of a soil and erosion control permit by NCDEQ.

D. STAFF COMMENTS

Staff finds that the requested RM Residential Medium Density district is consistent with the current land use designation of “Medium Intensity” on the *Town of Mount Pleasant Comprehensive Plan Future Land Use Map*.

Any development of the property would still be subject to the review procedures set forth in the Mount Pleasant Development Ordinance (MPDO). The proposed use would still be subject to the issuance of Zoning Permits for construction of single-family homes and any associated accessory structures.

Neighborhood Meeting for Adjacent Property Owners

A Neighborhood Meeting for adjacent property owners was held on February 23. Only the property owner attended the meeting.

E. PLANNING & ZONING BOARD RECOMMENDATION

Since this request is accompanied with a voluntary annexation request, the Planning & Zoning Board held an advisory hearing at its February 27 meeting and made a recommendation regarding the proposed rezoning. The Planning & Zoning Board **recommended approval and consistent:** The Planning & Zoning Board finds that the proposed RM zoning district is consistent with the “Medium Intensity” land use designation on the “Future Land Use Map” in the *Town of Mount Pleasant Comprehensive Plan*.

F. ACTION REQUESTED

Following the joint legislative public hearing for the annexation and rezoning, two (2) actions are requested of the Town Board:

1. **Vote to approve or deny the requested contiguous annexation.** In approving the request, the Town Board is adopting Annexation Ordinance 2023-01 (attached).

AND

2. Take one of the following actions on the requested rezoning:
 - **Approve and consistent:** The Planning & Zoning Board finds that the proposed RM zoning district is consistent with the “Medium Intensity” land use designation on the “Future Land Use Map” in the *Town of Mount Pleasant Comprehensive Plan*.

OR

- **Approve and not consistent (also amends Future Land Use Map):** The Planning & Zoning Board finds that the proposed RM 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.

OR

- **Deny and not consistent:** The Planning & Zoning Board finds that the proposed RM zoning district is not consistent with the Comprehensive Plan and does not consider the action to reasonable and in the public interest.

G. ATTACHMENTS

1. Annexation Petition
2. Annexation Map
3. Annexation Ordinance (to include property survey and boundary description)
4. Map Amendment (Rezoning) Application
5. Zoning Map
6. Aerial Map
7. Notice of Public Hearing Letter to adjacent properties
8. Notice of Public Hearing Advertisement

Founded in 1848

VOLUNTARY CONTIGUOUS ANNEXATION PETITION

Date of Petition: 1/19/23

To the Town of Mount Pleasant Board of Commissioners:

1. We the undersigned owners of the real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Mount Pleasant.
2. The area to be annexed is non-contiguous to the Town of Mount Pleasant and the boundaries of such territory are as such:

Property Address 619 SKYLARK RR Property PIN 56700648840000

(Attach metes and bounds description and survey)

3. We acknowledge that any zoning vested rights acquired pursuant to NCGS 160D-108 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof).

4. The property is currently served by Town of Mount Pleasant
 Water Sewer *Active In Progress with engineering company*

We acknowledge that if the property is not currently served by one or both utilities, then the Town is not responsible for the cost of the extension of utilities to the property.

5. We acknowledge that, if annexed, the property would be subject to the current Town of Mount Pleasant tax rate and subsequent changes to the tax rate.

		<u>Do you declare vested rights? (Yes or No)</u>	
Owner Names	Mailing Address		Signature
1. <u>Common Grounds Management, Inc</u>	<u>PO Box 967 Mt Pleasant, NC 28124</u>	_____	<u><i>Carl J. ...</i></u>
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

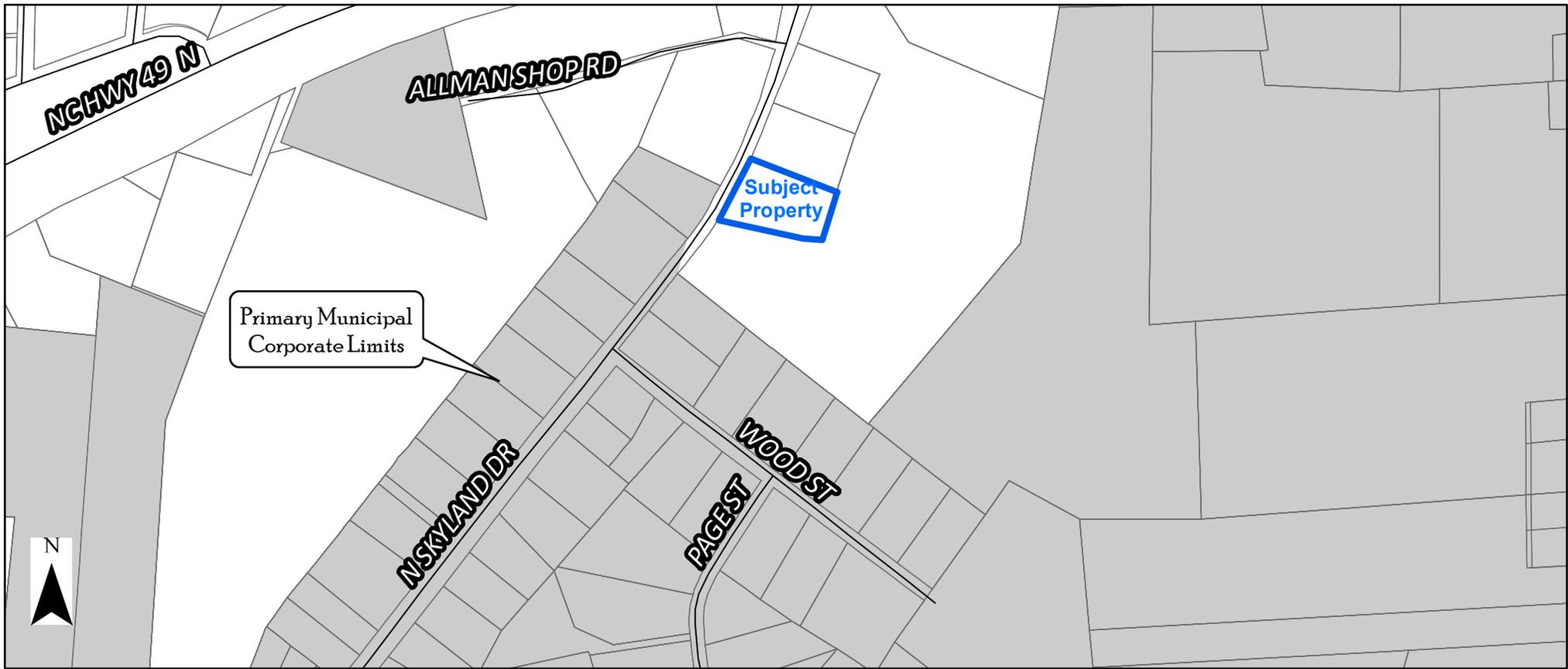
EXHIBIT "A"

(legal description for 619 Skyland Ave. N., Mt. Pleasant, NC)
File 22-2257dg

Lying and being in Number EIGHT (8) Township of Cabarrus County, North Carolina on the Southeast side of North Skyland Drive and Being all of Lot Numbers ONE (1), TWO (2), THREE (3), FOUR (4), and FIVE (5), and a part of Lot Numbers SIX (6) and SEVENTEEN (17) in Block "D" of EAGLE HEIGHTS, as surveyed and platted, a copy of which plat is filed in the Office of the Register of Deeds for Cabarrus County in Map Book 8, Page 14, and being more fully described as follows:

BEGINNING at a railroad spike set on the Southeast side of N. Skyland Drive, the Southwestern corner of Lot Number 1, and runs thence with the Southeast side of N. Skyland Drive a curve to the left in a Northeastern direction having a radius of 670.70 feet a chord bearing and distance of North 30-24-05 East 87.84 feet and an arc length of 87.90 feet to a computed point, a corner of Lot Numbers 3 and 4; thence continuing with the Southeast side of said Drive North 26-38-48 East 62.10 feet to an existing iron with plastic cap in the front line of Lot Number 6; thence a line through Lots Numbers 6 and 17 South 63-30-00 East 203.25 feet to an existing iron in the line of Allman Enterprises of Mt. Pleasant, LLC (now or formerly, Book 9697 Page 53); thence with the line of Allman Enterprises of Mt. Pleasant, LLC South 21-01-58 West 93.45 feet to an existing iron; thence South 89-00-00 West 30.00 feet to a nailset in base of cedar tree, a corner of Lot Numbers 1, 2, and 17; thence with the line of Lot Number 1 North 76-06-13 West 196.42 feet to the BEGINNING, as surveyed and platted by Billy B. Long, Jr. PLS, dated June 5, 2017.

Being the same property conveyed by deed recorded in Deed Book 12522, Page 219, Cabarrus County Registry.

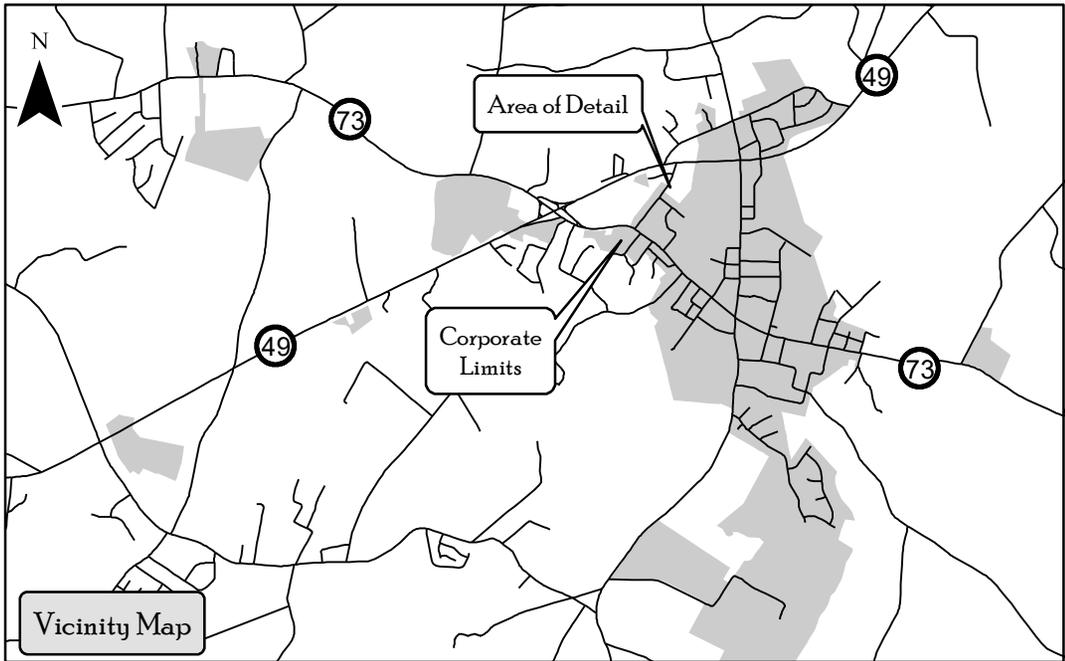


0 0.03 0.06 0.12 0.18 0.24 Miles

**Town of Mount Pleasant
Annexation Map
Ordinance 2023-01**

Effective Date: _____

Parcels: 5670-06-4884
Acres: 0.6 acres +/-



**ORDINANCE ANX 2023-01 TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF MOUNT PLEASANT, NORTH CAROLINA**

WHEREAS, the Board of Commissioners has been petitioned pursuant to G.S. Chapter 160A, Article 4A, Part 1 to annex the attached described area identified as ANX 2023-01; and

WHEREAS, the Town Clerk investigated and certified the sufficiency of the petition; and

WHEREAS, the Board of Commissioners held a public hearing for this annexation at the Mount Pleasant Town Hall at 6:00 PM on March 13, 2022 after due notice by publication on March 3 and March 10, 2023; and

WHEREAS, the Board of Commissioners finds that the petition meets the requirements of G.S. 160A-31 and any annexation agreement in effect as of the date of this ordinance; and

WHEREAS, the Board of Commissioners finds (1) that the area described in the petition meets all of the standards set out in G.S. 160A-31, (2) the petition bears the signatures of all of the owners of real property within the area proposed for annexation, (3) the petition is otherwise valid, and (4) the public health, safety, and welfare of the inhabitants of the Town and of the area proposed for annexation will be best served by the annexation; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Mount Pleasant, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the attached described territory (ANX 2023-01) is hereby annexed and made part of the Town of Mount Pleasant as of March 14, 2023.

Section 2. Upon and after March 14, 2023, the attached described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Mount Pleasant and shall be entitled to the same privileges and benefits as other parts of the Town of Mount Pleasant. Said territory shall be subject to municipal taxes according to G.S. 160A-31.

Section 3. The Mayor of the Town of Mount Pleasant shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described as attached, together with a duly certified copy of this ordinance. Such map shall also be delivered to the County Board of Elections.

Adopted this 13th day of March, 2023.

APPROVED AS TO FORM:

W. Del Eudy, Mayor

Town Attorney

ATTEST:

Amy Schueneman, Town Clerk



MOUNT PLEASANT

8590 Park Drive • PO Box 787 • Mount Pleasant, NC 28124 • 704-436-9803 • Fax 704-436-2921

Map & Text Amendment Application

Case #: REZ 2023-01

1. Application Type

Rezoning (Map Amendment):

Standard Rezoning
Conditional District Rezoning

Text Amendment:

Date of Application 1/19/23

2. Amendment Information

For All Rezoning

Name of Rezoning _____
Location 619 SKYLAND DR, MT PLEASANT, NC 28124 Property Size (acres) 0.61 acre
Tax Parcel Number(s) 56700048840000
Current Zoning RL Proposed Zoning RM Current Land Use vacant land

For CD Rezoning Proposed Use(s) _____

For Text Amendments Affected Section(s) of the UDO _____

3. Contact Information

Chris Swofford - Common Grounds management, inc
Applicant

Applicant Address City, State Zip

PO BOX 967 MT PLEASANT, NC 28124

Telephone Fax

704-305-8456

Signature [Signature] Print Name Christopher Swofford Date 1/19/23

Agent (Engineer, Surveyor, etc. if applicable)

Address

City, State Zip

Telephone Fax

Signature Date

SAME ↑
Property Owner (if applicable)

PO BOX 967 MT PLEASANT, NC
Address

MT PLEASANT, NC 28124
City, State Zip

704 305 8456
Telephone Fax

[Signature] 1/24/22
Signature Date

4. Description of Request

a. Briefly explain the nature of this request.

New Construction Homes

b. For All Rezoning & Text Amendments: Provide a statement regarding the consistency of this request with Town Plans and the surrounding land uses.

Re-zoning for Residential Useage

c. For Conditional District Rezoning: Provide a statement regarding the reasonableness of the rezoning request and any proposed conditions of approval.

Re-zoning for Residential Useage

Staff Use Only:

Date Application Received: 1-23-2023

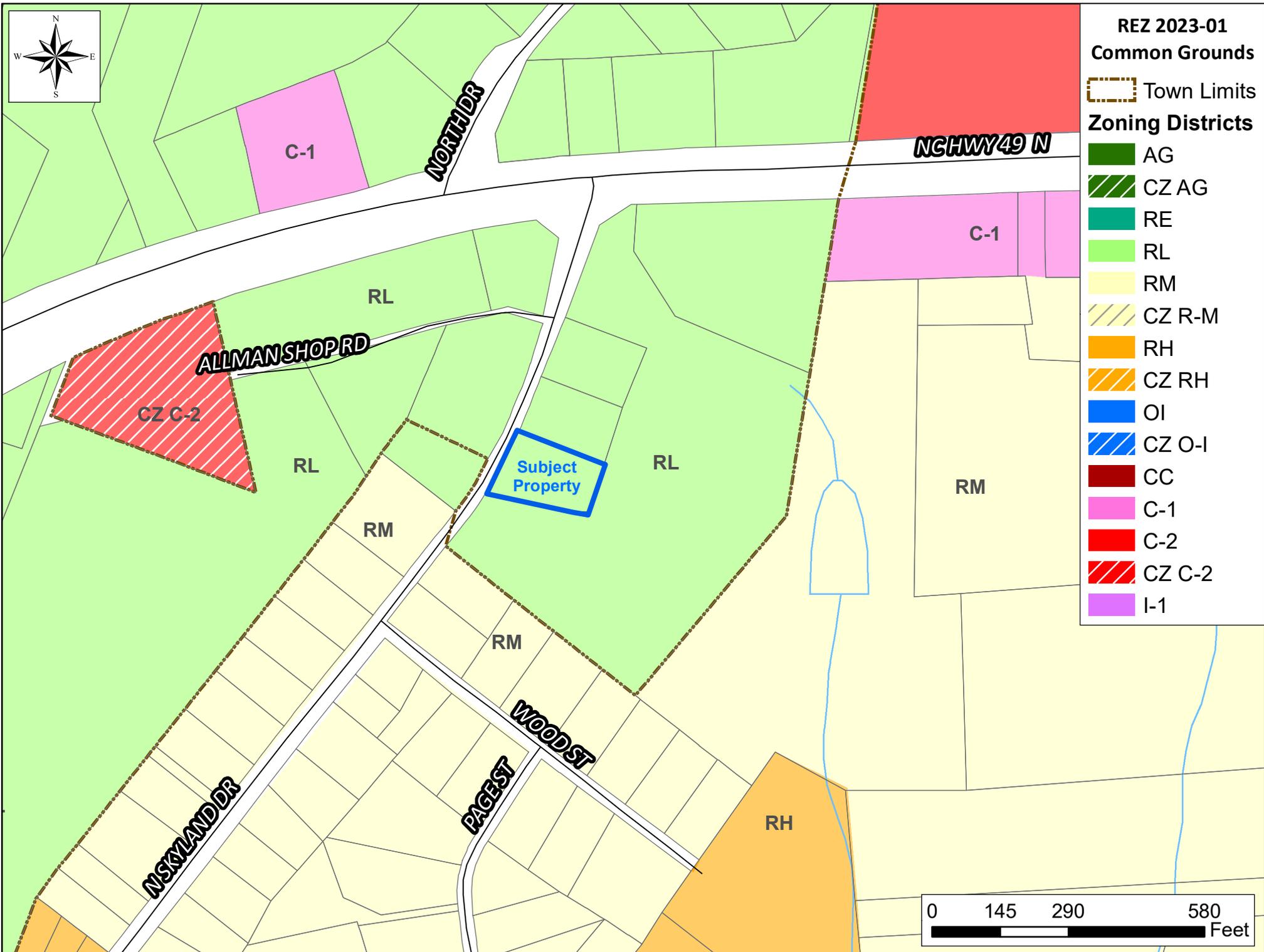
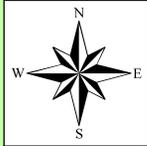
Received By: EJB

Fee Paid: \$ 750⁰⁰

Case #: REZ 2023-01

Date Neighborhood Meeting Held (for rezonings): Feb. 23, 2023

Notes:

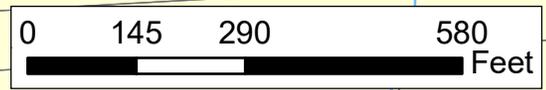


REZ 2023-01
Common Grounds

- Town Limits

Zoning Districts

- AG
- CZ AG
- RE
- RL
- RM
- CZ R-M
- RH
- CZ RH
- OI
- CZ O-I
- CC
- C-1
- C-2
- CZ C-2
- I-1





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February 16, 2023

Dear Property Owner,

Please be informed that the Town of Mount Pleasant has received the following request for property in the vicinity of property that you own:

ANX 2023-01, REZ 2023-01 Common Grounds Property

- **Description:** Request for voluntary annexation and rezoning to RM district, which generally permits medium density single-family residential uses
- **Area:** approx. 0.60 acres
- **Location:** 619 N. Skyland Drive
- **Cabarrus County Parcel Number:** 5670-06-4884
- **Current Zoning:** RL Residential Low Density
- **Proposed Zoning:** RM Residential Medium Density

Per Section 3.1.11 of the *Mount Pleasant Development Ordinance (MPDO)*, a Neighborhood Meeting is required for any application for development approval that increases the density or intensity of the subject property. The **Neighborhood Meeting to review proposed rezoning will be held on Thursday, February 23 at 5:00pm** in the Conference Room of the Town of Mount Pleasant Town Hall, 8590 Park Drive, Mount Pleasant, NC. The developer will be present to answer questions and receive comments.

The **Planning & Zoning Board advisory hearing will be held on Monday, February 27 at 6:00pm** in the Meeting Room of the Town of Mount Pleasant Town Hall, 8590 Park Drive, Mount Pleasant, NC. Since an annexation is involved with this request, the Planning & Zoning Board will only be making a recommendation to the Town Board of Commissioners.

The **Town Board of Commissioners legislative hearing will be held Monday, March 13 at 6:00pm** in Meeting Room of the Town of Mount Pleasant Town Hall, 8590 Park Drive, Mount Pleasant, NC by the Town Board of Commissioners.

If you have any questions regarding this request, you may contact Erin Burris at Town Hall at 702-436-9803 or burrise@mtpleasantnc.us.

Sincerely,



Erin S. Burris, AICP
Planning & Economic Development Director

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

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

NOTICE OF PUBLIC HEARING

The Town of Mount Pleasant **Board of Commissioners will hold a legislative hearing on Monday, March 13, 2022 at 6:00pm** in the Meeting Chamber of Town Hall, 8590 Park Drive, Mount Pleasant, NC 28124 regarding the following case:

REZ 2023-01 and ANX 2023-01 Common Grounds Property

Applicant requests voluntary contiguous annexation and rezoning to RM district. Location: 619 N. Skyland Drive; Cabarrus County Parcel Number: 5670-06-4884; Area: approx. 0.60 acres; Current Zoning: RL Residential Low Density; Proposed Zoning: RM Residential Medium Density

Please call Mount Pleasant Town Hall at 704-436-9803 if you have questions or need special accommodations for the meeting. Those who are unable to attend the in-person meeting may submit comments or concerns in writing to be presented to the Planning & Zoning Board. Hearing impaired persons desiring additional information or having questions regarding this subject should call the North Carolina Relay Number (711 or 800-735-2962).

Publish dates: Fridays, March 3 and 10