



Founded in 1848

P.O. BOX 787  
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704-436-9803

Troy W. Barnhardt  
Mayor

**Town of Mount Pleasant  
Planning and Zoning Meeting  
July 13, 2009  
7:00 P.M.**

Microfilmed by:  
NC Dept of Cultural Resources  
Division of Historical Resources  
Archives and Records Section  
Filmed by: LAD Date: 5/27/14

**Members Present:** Whit Moose, Jr., Penny Suggs, Shirley Freeman,  
Alternate Margaret Strickland.

**Staff Present:** Vagn Hansen of Benchmark, Adrian Cox, Town Administrator,  
John Murdock Chairman, Joy Eudy, Clerk to Board.

**Visitors Present:** Brian Arrowood, Maria Arrowood, Michael Protheroe, Anita Helms, John Camp, Judy Camp, Vincent Vezza, Maureen Vezza, Wesley Miller, Ken Rowland, Etta Rowland, William Foil, Virginia Foil, Mark Lomax, Brooke Harris, Mike Steiner.

**Call to Order:** Chairman Murdock called the meeting to order.

**Quorum:** Chairman Murdock stated that there was a quorum present.

**Agenda:** Chairman Murdock asked if there were any changes to be made to the agenda. With no changes to be made Chairman Murdock entertained a motion to accept the agenda as presented. Board Member Whit Moose, Jr. made a motion to accept the agenda as presented. Board Member Shirley Freeman seconded the motion, with all Board Members in favor 5-0.

**Minutes:** Chairman Murdock entertained a motion to accept or make changes to the minutes. Board Member Penny Suggs made a motion to accept the minutes as presented. Board Member Whit Moose, Jr. seconded the motion with all Board Members in favor 5-0.

### **REZ 2009-02 Floodplain Protection Overlay District:**

Chairman Murdock stated that we had two issues coming before the Board tonight and the first one is the Floodplain Protection Overlay District. Chairman Murdock turned the meeting over to Vagn Hansen of Benchmark to speak and explain about the Floodplain. Vagn Hansen explained that the properties were still zoned RL and that the boundaries ran along Adams Creek to Dutch Buffalo Creek and that it could reduce the cost of homeowners insurance.

Vagn Hansen of Benchmark Planning Services then explained,  
**A: Action Requested by the Planning Board:**

**1:** Vote to approve or deny the proposed application of the Floodplain Protection Overlay District. **2:** Provide a statement of consistency with the motion. If the Planning Board chooses to approve the zoning map amendment, then it may use the following statement: "The Planning Board finds that the zoning map amendment to apply the Floodplain Protection Overlay District is consistent with the plans and policies of the Town of Mount Pleasant."

**B: Required Votes to Pass Requested Action:**

A  $\frac{3}{4}$  majority is required to apply the overlay zone on the subject properties. If only a simple majority is achieved, then the Planning Board's vote becomes a recommendation to the Town Board of Commissioners.

**C: Background:**

**Applicant(s):** Town of Mount Pleasant  
**Current Zoning:** Various base zoning districts (primarily residential districts)  
**Proposed Zoning:** Floodplain Protection Overlay District (no change in base zoning)  
**Existing Use:** Various (primarily vacant wooded and agricultural tracts, some Residents)  
**Location:** Flood hazard areas are located along Adams Creek and Dutch Buffalo Creek

**D: Proposed Amendment and Recommendation:**

The proposed zoning map amendment will apply the recently revised Floodplain Protection Overlay District (Section 4.14 of the UDO) to areas of those properties which have been identified by the NC Department of Crime Control and Public Safety as lying within Special Flood Hazard Areas on the Flood Insurance Rate Maps which became effective for Cabarrus County on November 5, 2008. This action is the final step in revising the Town's application for admission to the National Flood Insurance Program.

By applying this overlay district to Special Flood Hazard Areas, the Town will ensure that future development within areas of high risk of flooding is conducted according to best practices to reduce the potential to damage to property and the loss of life. The application of this overlay district will also ensure that property owners who are within Special Flood Hazard Areas are well informed of their situation and are better prepared to make decisions about the future use and development of those areas of their property which are prone to flooding.

Staff recommends that the Planning Board approve this proposed zoning map amendment.

**E: Notice of Public Hearing:**

- 1: Property owner notices were mailed on June 25<sup>th</sup>.
- 2: Newspaper advertisement posted on July 1<sup>st</sup> and July 8<sup>th</sup>.
- 3: Signs advertising the hearing were placed throughout Town on July 6<sup>th</sup>.

**Public Hearing:**

After Vagn Hansen of Benchmark Planning Services had explained the Floodplain Protection Overlay District, Chairman Murdock opened the Public Hearing and asked if any one would like to speak, if so come to the podium and state their name and address. Etta Rowland came forward and she wanted to know if this would help them get insurance. Anita Helms wanted to know if it would affect the tax rate. Wesley Miller wanted to know how this would affect adding on to a building. After Vagn Hansen of Benchmark answered each question, and no one else wanting to speak Chairman Murdock closed the Public Hearing.

Chairman Murdock stated that it was up to the Planning Board to approve or deny this plan and there needed to be a 3/4/ majority vote to approve the plan. Chairman Murdock entertained a motion to approve the plan. Board Member Penny Suggs stated that the Planning Board finds that the zoning map amendment to apply the Floodplain Protection Overlay District is consistent with the plans and policies of the Town of Mount Pleasant and made a motion to approve the plan. Board Member Shirley Freeman seconded the motion with all Board Members in favor 5-0.

**Voluntary Annexation Petition 05-13-2009:**

Chairman Murdock stated that the next item on the agenda was the Voluntary Annexation Petition 05-13-2009. He turned the meeting over to Vagn Hansen of Benchmark Planning Services to explain the petition. He explained that it was zoned CR for country side and it is single residence, it can have a convenient store and it is in the ETJ area. The applicant will be limited as to what he can do.

Vagn Hansen explained the

**A: Action Requested by Planning Board**

- 1: Vote to make a recommendation to the Town Board regarding the proposed voluntary annexation petition.

**B: Required Votes to Pass Requested Action**

A simple majority vote of the Planning Board is required to make a positive or negative recommendation on the proposed voluntary annexation petition.

**C: Background:**

**Applicant(s)** Green Acres Realty LLC  
**Location:** South side of NC 73 across from Green Acres Mobile Home Park  
(satellite corporate limits)

**PIN(s):** 5650785537 and 5650797003

**Property Size:** 6.37 acres total

#### **D: Proposed Ordinance and Text Amendment**

Green Acres Realty, LLC has submitted a petition for voluntary (noncontiguous) into the Town of Mount Pleasant. The Town Board has requested that the request be reviewed and a recommendation be made by the Planning Board on this matter prior to a final decision by the Town Board. The property in question is located across from property which the petitioner has previously annexed into the Town. The property subject to the current petition is comprised of two parcels which the applicant acquired in order to install a gravity sewer line which will eventually serve a future development on the property that the company owns on the north side of NC 73.

Vagn Hansen stated that Staff is not aware of any firm plans for the subject property beyond the current request for annexation. Adrian Cox the Town Administrator has presented some additional information to the Town Board on this request. Since this is a new realm for the Planning Board we should consider this request over a period of two meetings ( if you feel this is necessary) Vagn Hansen stated that the initial discussion on the matter will be used to begin discussing the case and familiarize you with the process of annexation and the type of review that is needed.

Some discussion began with Board Member Whit Moose, Jr. asking how the property is zoned across the street. Vagn Hansen of Benchmark stated it was zoned RL. Board Member Whit Moose, Jr. also asked if he had access to school property. Town Administrator Adrian Cox stated that he believed he was working on that now. Alternate Member Margaret Strickland asked if this annexation would include all of Green Acres. Vagn Hansen stated that it was just a section in that area. Board Member Penny Suggs asked if the owner had been asked what they want to put out there, and how this would affect other property owners. Vagn Hansen of Benchmark stated they should not see any difference in their property, but it should make the value of the property increase with sewer going through the property. Chairman Murdock asked if any contact had been made with the builder and how he would tie into the school and other property owners. Town Administrator Adrian Cox stated that there had been contact with the builder. Board Member Whit Moose, Jr. asked if it would affect the Town's finances. Vagn Hansen stated it would be marginal, that it may cost the Town for meter readers going out to read the meters. Chairman Murdock stated with the section across the street being annexed into the Town, would the property be more restricted than other property. Vagn Hansen stated that it would. Board Member Whit Moose, Jr. stated that it appeared the only thing we are doing is just annexing property, they can basically do anything they want. He also asked if there is a zoning we could place on the property. Vagn Hansen stated that we don't have anything quiet that strict to place out there. Board Member Whit Moose, Jr. wanted to know if any thing was built, would it be at the owner's expense and the Town would just maintain it.

Chairman Murdock stated that the Town Board wants a recommendation and he wanted to know just what they wanted. Town Administrator Adrian Cox stated at this time he would recommend not to voluntarily annex the property. Chairman Murdock asked what some of the negative reasons were for not annexing the property. Vagn Hansen of Benchmark stated it is not a nicely shaped piece of property and there is little road frontage and the roads do not line up to make an intersection. He stated that may not be enough reason not to annex.

Chairman Murdock wanted to know some of the positive reasons for annexing this property. Vagn Hansen of Benchmark stated that sewer would be going through, there would be some growth, and they are not in competition with anyone for growth.

Chairman Murdock stated he would be in favor of annexing the property and Board Member Whit Moose, Jr. stated he would be to.

With no further discussion Chairman Murdock entertained a motion to relay to the Town Board that the Planning Board makes a recommendation to annex the Green Acres property.

Board Member Whit Moose, Jr. made a motion that the Planning Board makes a recommendation that the Voluntary Annexation Petition 05-13-2009 Green Acres be annexed to the Town Board. Alternate Member Margaret Strickland seconded the motion, with all Board Members in favor 5-0.

Chairman Murdock wanted to relay to the Town Board that the Planning Board appreciated the opportunity to have input into this matter.

Chairman Murdock stated there were no Board of Adjustments items to be brought before the Board.

#### **Staff Report:**

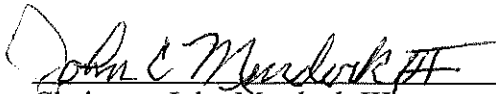
Vagn Hansen of Benchmark reported that zoning permits **Z-09-010** and **Z-09-011** had been issued. Z-09-010 permit is for a 378 square foot sunroom to an existing single family dwelling and the construction of a 224 foot accessory structure at 9117 J Ruth Street.

**Z-09-011** permit is for the construction of a 1,200 squared foot accessory structure at 7875 Fisher Road. Vagn Hansen stated there were 6 code violations that had been resolved and 7 are still opened.

Town Administrator Adrian Cox spoke on applications for the Planning Board, stating that the Town had received one application and asked the Board if they knew of anyone that might be interested and qualified, to come into Town Hall and fill out an application or they could go on the Website and get one. He stated they would have to reside within the Town limits.

**Adjournment:**

With no further business to come before the Board, Chairman Murdock entertained a motion to adjourn the meeting. Board Member Penny Suggs made a motion to adjourn. Alternate Member Margaret Strickland seconded the motion with all Board Members in favor 5-0.

  
Chairman John Murdock III

  
Clerk to Board Joy Eudy