

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, Section 8.2, and Appendix B, C, D
9. **Reports**
Planning Report and Zoning Permits for June (to date)
10. **Planning & Zoning Board Comment Period**
11. **Adjourn**

TOWN OF MT. PLEASANT, NORTH CAROLINA
Planning and Zoning Board Meeting Minutes
Monday, May 23, 2022

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

Also Present: Ryan & Brandy Shaver (applicant), Doug Drye (homeowner), Del Eudy (Mayor), and Christin Lindsey.

1. Call to Order:

Chairman Whit Moose called the Town of Mount Pleasant Planning and Zoning Board meeting to order at 6:00 p.m.

2. Recognition of Quorum:

Chairman Whit Moose stated a quorum was present.

3. Conflict of Interest: (Skipped by Vice Chairman, Mike Steiner)

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 April 25, 2022, was made by Bridget Fowler with a second made by Rick Burleyson. All members were in favor. (5-0)

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, 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.

The Town Attorney, John Scarborough shared the basic rules with the Board from his book concerning Quasi-judicial decisions:

“Quasi-judicial zoning decisions differ from legislative zoning decisions (such as rezoning) in a fundamental manner- these decisions involve applying zoning policies rather setting new policies. In quasi-judicial decisions, the board making the decision must act much like a court to apply the ordinance (the law) to a specific case.

This fundamental difference leads to a very different set of procedures that must be followed by the board. When new policies are being set, as with a rezoning, the law is designed to make sure there is wide public notice and opportunity to comment. On the other hand, when the policies already set out in the ordinance are being applied to an individual case, the legal requirements shift to a focus on securing a fair and impartial hearing on the merits of the case.

In legislative zoning hearings, citizens can appear and say whatever is on their minds. In evidentiary hearings for quasi-judicial zoning decisions, however, the purpose of the hearing is to gather legally acceptable evidence in order to establish sufficient facts to apply the ordinance. The fact that a hundred angry citizens appear expressing the opinion that the proposed special use permit would be the worst thing to ever happen to the town should have little, if any bearing on the decision. The question before the board is whether the proposal meets the standards in the ordinance, not whether it is popular among the citizens.

A board making a quasi-judicial decision must do two things. First, it must determine the facts of the case. In this task, the board acts much like a jury in a court proceeding. Second, it must apply the standards in the ordinance to those facts. In this task the board acts much like a judge in applying the law (in his case the standards in the zoning ordinance) to a given set of facts.”

Board member, Mike Steiner shared that he talked to Ryan 3 or 4 months ago and it was well before this meeting was put together.

(Attorney, John Scarborough): Was it about this address?

(Mike Steiner): It was, and I said, “Ryan, you probably need to call Town Hall because I don't know.”

(Scarborough) You described the communication, and do you have a fixed opinion about how this case should be decided as a result of this communication or otherwise?

(Steiner) No

(Scarborough) Does anyone object to Mr. Steiner serving as a board member and rendering a decision on this special use permit? Any objections?

No objections by the board.

(Whit Moose) I would also say that I had conversation about that same time and basically said the same thing. I was made aware of the situation but at that time it was not even a case. I was also contacted at a later time when I felt like there was a good chance that we may be hearing that and of course Mr. Shaver when I told him I could not talk about it, we did not, and he did not push the issue. I do not have any predetermined feeling about how this should go and did not feel like Mr. Shaver was trying to push that in any way.

(Scarborough) Does anybody on the board have an objection to Mr. Moose serving tonight and the audience.

No objections were heard.

(Scarborough) You can proceed.

(Moose) Any questions from the attorney before we get started?

Chairman Whit Moose Opened the Board of Adjustment Board

(Erin Burriss) This being a quasi-judicial hearing anyone, including myself, who is going to speak to the board on the matter has to be sworn in and Jennifer is the Clerk to the Board and is going to do that for anybody that is going to speak at all and come down here (to podium) to be sworn in

Clerk to the Board, Jennifer Blake swore in Erin Burriss and Ryan Shaver. They acknowledged the oath.

(Erin Burriss) I will go through the staff report to present it into evidence and then anyone who wishes to speak, that has been sworn in after that has been presented can do so and you guys can ask questions along the way.

A. SITE INFORMATION

Applicant: Ryan Shaver, Workforce Development & Training Coordinator
North Carolina Masonry Contractor's Association

Property Owner(s): Thyra Drye
PO Box 192
Mount Pleasant, NC 28124

Tax PIN: 5670-07-4558

Location: 8030 NC Highway 49 N

Zoning: RL Residential Low Density

Area: Approx. 0.60 acre

B. SPECIAL USE PERMIT REQUEST

The subject property is zoned Residential Low Density (RL) and has been a single-family residential use since constructed. The applicant requests a Special Use Permit for an office for a "civic, social, fraternal organization", under the "Civic, Governmental, & Institutional Uses" category in the Permitted Uses Table (Table 4.6-1 of the Mount Pleasant Development Ordinance). This use is permitted with a Special Use Permit in the RL district. If approved the Special Use Permit would only permit an office for a similar non-profit use and would not allow for the use of the property for commercial purposes.

The intent of the RL district from Section 4.3.2.3 of the MPDO is as follows:

“The RL district is established to provide areas for low density single family uses, with a maximum of two (2) dwelling units per acre, which may provide buffers between the agricultural and RE classifications and the higher density areas of the Town. It includes flexible density and minimum lot size 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.”

Erin Burris pulled up the SUP 2022-01 NCMCA/Drye Property and Zoning Code Map on the screen for the Board to view the surrounding areas.

Surrounding Area / Existing Conditions

Zoning and land uses within 1,000 feet of the property include:

Direction	Zoning	Land Use
North	RL Residential Low Density	Single-family residential
East	RL Residential Low Density, C-2 General Commercial, C-1 Light Commercial, RM Residential Medium Density	Single-family residential, unused athletic field, bank, retail
South	RL Residential Low Density	Single-family residential, agriculture
West	RL Residential Low Density, C-1 Light Commercial, CZ C-2 Conditioning Zoning C-2	

The property is located on Highway 49 at the intersection with North Drive across from N. Skyland Drive, with a mixture of zoning districts and land uses in the vicinity.

Comprehensive Plan & Other Relevant Plans

The Future Land Use Map in the adopted Comprehensive Plan designates the subject property and surrounding area for “Medium Intensity” development. This designation is intended primarily for a variety of medium density residential uses of two-four dwelling units per acre and low to medium intensity civic, institutional, office, service and retail uses designed to keep impact on adjacent residential areas to a minimum. Medium intensity designated areas have easy access to utility infrastructure.

Utilities

The property is currently served by Town water but does not have public sewer. It has an on-site septic system associated with the existing residential use.

Site Plan

The applicant provided a “site plan” showing that the only proposed improvement to the site was a 24x24 concrete pad. Staff has included a site plan in the packet showing the Mount Pleasant Development Ordinance requirements for parking and landscaping for an institutional use in accordance with Articles 7 & 8. The “plans” were provided to NCDOT, the Town Engineer, the Town Public Works Director. Their comments are provided below:

Town Engineer (Richard McMillan) comments:

- “Currently, property has a circular gravel driveway. The lower end needs to be closed and only driveway connection will be to the north of the drop inlet with a concrete apron.
- The driveway may be 24’ wide max, allowing a two-car width.
- The driveway would be required to be paved (2” asphalt on 6” stone min), or 6” concrete
- NCDOT can make the call if the C&G needs to be extended to the mailbox as part of the driveway closure. I want to make sure that once the drive and parking area is paved, the lower gravel driveway does not come back as a “convenience”.
- Does the sidewalk need to be extended past the new driveway? If it needs to be, now is the time.
- Are three (3) parking spaces going to be enough for staff and any visitors?”

NCDOT (Jason Faulkner) comments:

“Your drives will need to be paved. There are two options will approve:

- 1) Pave with either asphalt or concrete both entrances 14 foot wide by 15 long into the property and create a circular drive around the drop inlet basin.
- 2) Pave with either asphalt or concrete one side 24 foot wide by 20 foot long into the property that creates an entrance/exit scenario on one side and close off the other side completely.

We will allow these to be done under an encroachment permit which does not have a fee.”

“I informed Ryan Shaver of the requirements for the driveway to this parcel. I also told him over the phone that DOT does not allow trees to be planted in the right of way or sight triangle and they cannot obstruct sight distance if they are planted outside the right of way.

Following Town Engineer’s comments:

“The NCDOT agrees the curb does need to be extended. The sidewalk is the town’s call since they will maintain it. If they go with asphalt it will need to be on 8” of stone. As I mentioned in the earlier email, I informed Ryan Shaver that no trees can be planted in the right of way or sight triangle and the canopies can’t grow over these lines that would restrict any sight distance. If there is to be new sidewalk, no trees can grow over the sidewalk that will interfere with the ADA requirements. “

Town Public Works Director (Darrell Layton) comments:

Looks like a good time to continue the sidewalk from where DOT left it while going from residential to business.

County Building Inspections (Matt Love) comments:

1. “Make sure the ADA parking is Van Accessible
2. Is there an ADA compliant restroom there now? If not, we will require a upfit permit to make restroom accessible”

County Asst. Fire Marshall (Doug Steele) comments:

“I have already conducted a code consultation with the new Owner NC Masonry Contractors group. I have given the property manager a couple of fire code issues to correct prior to occupying the building, I do not have any additional fire concerns.”

Landscaping

Section 7.4 of the MPDO requires a 15-foot opaque buffer yard between the institutional use and the adjacent residential uses. Existing vegetation satisfies this requirement along the rear property. However, existing vegetation on the eastern property line is limited and needs to be supplemented with fencing and/or landscaping to meet the standards of Section 7.4.

Section 7.5 of the MPDO requires a 6-foot building yard in front of the building. This is achieved with existing landscaping.

Section 7.6 of the MPDO requires a parking lot yard. This is achieved with existing landscaping and proximity to required street yard.

Section 7.7 of the MPDO requires an 8-foot street yard for an institutional use. Existing trees satisfy the requirements for trees, but small to medium size shrubs need to be installed along the Highway 49 and North Drive frontages to meet the requirements of Section 7.7.

Access, Parking, & Infrastructure There is an existing gravel driveway into the property from North Drive that appears to be used as a circular drive, with one side primarily used for ingress and the other primarily used for egress. In accordance with Appendix D-8 of the MPDO, non-residential two-way driveways shall be a minimum of 24 feet and maximum of 36 feet. The gravel driveway currently spans approximately 75 feet. NCDOT will allow two 14-foot-wide, one-way driveways or one 24-foot-wide two-way driveway. The Town Engineer recommends one 24-foot-wide, two-way driveway. DOT concurred with this recommendation and that the curb be extended to the driveway entrance. Furthermore, Strategy IS7 (Infrastructure and Services Section of the Town's Comprehensive Plan) recommends the reduction of curb cuts and driveway access points and driveway widths in pursuit of access management and aesthetic improvements.

Section 8.1.3 of the MPDO requires paved parking for all non-residential and multi-family residential uses. Only single-family and two-family residential uses are excluded from this requirement. In accordance with the parking Table 8-1.6, a minimum of one parking space per 300 square feet of floor area is required for institutional uses.

(Burris) I was pointing out to the attorney earlier more specifically for this specific fraternal organization category it is one for 250 square feet. When you do the math, it ends up being the same number being which is four parking spaces.

Therefore, three (3) regular parking spaces and one (1) ADA van space are required. Minimum parking space size for regular spaces is 9'x18'. ADA Van space size is 11 feet wide with a five (5) accessible aisle.

In accordance with Section 10.2.4, sidewalks are only required for new streets and new development, not for a change of use in which no new structures are proposed. The Town Engineer and Town Public Works director recommends sidewalk extension along North Drive, but this is not a requirement of the MPDO.

Solid Waste Storage Areas

Solid waste disposal method has not been identified on the site plan. Roll out storage containers shall be stored out of site. A dumpster would require screening in accordance with Section ~~40-7~~. (Section 11.7)

Lighting

No additional site lighting is proposed.

Signs

Signs shall be permitted separately and shall meet the requirements of Article 12.

(Erin Burris) That's everything to enter into evidence. All of the comments that were referenced from the technical review folks, the engineer and everything those e-mails are in the file and are copied verbatim into the staff report for ease of briefing.

(Burris) The findings-of-fact are in your packet.

(A Copy of the six (6) finding-of-facts are enclosed in the minute book)

Try to address each one of those with the information that I have. Once you've heard evidence if anyone else that wants to speak, we can go through those and make sure that still seems like their covered and you get any new information you can include that at the time.

Do you have anyone have questions for me right now, I will be happy to answer them. Otherwise, the applicant is here and will be speaking on behalf of this application.

(Moose) Does anyone have any questions for Erin before we bring Mr. Shaver up?

(Rick Burleyson) Looking at the photo, the sidewalk ends right here at the end of the site line.

(Burris) Yes, when they came through and they were doing the 4-lane it is kind of where it dropped off to 2-lanes, they did put that segment of sidewalk in. So, if this was a brand-new construction, they would have to bring that sidewalk all the way up to this point (past driveway on map), but it's not. It's just a change of use, the building's already there, and you are not getting your rezoning, so it does not trigger their requirement for putting that sidewalk segment in.

(Burleyson) Have our consultants recommended that it go all the way to the length of the property or just up to the driveway?

(Burris) Again, if it was new construction, it would have to go all the way up the edge of the property. They did not specify whether it should just go to the driveway or all the way up. They just said if concrete is being poured it would be best for them to go ahead and extend the sidewalk but again not a requirement of the ordinance.

(Mike Steiner) Who bears the cost of that?

(Burris) It would be the applicant, but again it is not a requirement of the ordinance. However, if they would like to generously donate a sidewalk that is up to them.

(Moose) Any other questions for Erin?

(Moose) Mr. Shaver would you like to state your name and address for the record.

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

Guys I have trouble with hearing so if I don't hear you, I apologize. I am gone in this ear and have a hearing aid in this ear one. I have to look directly at you if I am speaking and I apologize if I don't hear you and ask you to repeat that.

(Moose) Do you have anything you want to just go ahead and present?

Well, I presented a site plan on the basis of I have done a lot of research. The site plan that I have there I will read a couple things I've got here, what I proposed. I proposed the concrete of 576 square foot area, 4 inches thick for an ADA parking and that sits to the rear of the existing ADA ramp. The planting of trees and shrubs in close proximity to an existing septic area would eventually impede the lines and cause problems. Planting shrubs on top of 6-inch water main which you can see I have got marked- your fire hydrant and this 6-inch water main that I have yet to get a drawing of where that water main is would inhibit the maintenance of the utilities. The same would be for grading and paving or pouring of concrete over that. So, that's the problem I had there.

My goal, I want to move the association, the NC Masonry Contractor Association office from Hickory to Mt. Pleasant. Our associate director is retiring, he is 70 and the Board has demoted me to take his position.

(Steiner) Demoted!

Yes, sir I will be demoted. So, I will be moving the association office to Mt. Pleasant. This is my goal for what I am asking is to do that. Our Town, our County has a deep history in Masonry. If you took the local high schools, we have four in Cabarrus County that teach this. We have been able to build more masonry champions than the rest of the country combined on a national level. The Town will be showcased and supported on the State National level and everything the association does. In the month of June, I will travel to three different states, Colorado being one of them, to promote what we do in North Carolina to push our industry forward.

I have met on-site with the Fire Marshall, Doug Steel, the County building inspector, David McEachern and I spoke with the Town's Public Works Director, Darrell Layton about the 6-inch water main and I have spoken with Jason Faulkner with the NCDOT. So, that is the people that I have spoken with in doing my research on what I am willing to do to the property. If I took the upgrade estimation on what's being proposed by the Town that figure is \$31,400 for an upgrade to a house that is tax valued at \$98,000.

My proposal is to keep my site plan intact and bring a heck of an association to the Town of Mt. Pleasant to highlight what we have to offer.

(Moose) Does anyone have any questions for Mr. Shaver?

(Warren Love) How long has the current headquarters been in Hickory?

(Shaver) 25 years.

(Rick Burleyson) What size facility is it in in Hickory now, is it similar?

(Shaver) Very similar, yes sir. Lynn Nash, which is our executive director who is retiring, he and I's role will change September 1st that's when he will not be called anything, and I will be called everything. That facility there is right at 1,000 square feet just like the Drye home is. We have two employees, Lynn and myself. Lynn is retiring, we are a nonprofit, we are a 501-C6. We will be coming to Town as a nonprofit with one employee. I travel daily, I go everywhere, the whole state is my territory. I have all 100 counties. We have 101 masonry programs within the high schools in North Carolina which is more training that happens in masonry than the rest of the Country combined. No other state has even close to what we have as far as training. That's what my job is. They want me to keep dedicating my job towards what it is and that's building our industry with the youth that's needed to make it happen.

We had an apprentice contest Saturday in Colfax, NC had 54 apprentices competing for 14 companies. We promote the industry strong which is what I would like to see happen in Mt. Pleasant where we could start bringing some of our events and some of our highlights that we do to the Town.

(Mike Steiner) So, let me clarify if I may, Ryan. Your proposal varies as I see it in a couple ways. First of all, the shrubbery is eliminated. I guess that is shrubbery.

(Burris) Yes, the key shows that there are large shrubs on the eastern boundary and the staff report stated that could be either combination of shrubs and fencing along that property line. That is a buffer requirement in the ordinance for an institutional use instead of family use. There is small to medium shrubs outside of the site triangle on the property shown along the street yard which is the front entrance of 49 and North Drive. The water main is in the right-of-way not on the property. So, those are small shrubs, not trees being shown.

(Shaver) What we have got to be careful with NCDOT their right-of-way is 56 feet from the double center line of that road plus 10 feet, meaning you can't put anything that would have any kind of growth over that.

(Burris) Right, so, this blue line here (map) is the property line which is the edge of the NCDOT right-of-way and the small to medium shrubs are shown within the property boundary and outside of the site triangle shown on here.

(Steiner) Your concern on the shrubs is that it will impede the existing water main and the sewer line.

(Shaver) Correct, and the mowing of that. Doug Drye keeps that maintained; the city has not mowed. Mr. Drye keeps that maintained. That would be asking more. DOT when the road was widened there were two beautiful oak trees in the front yard, and they took all those down for the site triangle. So, adding anymore things to dodge while mowing when we already do the bank, and the sidewalks and all that is already being mowed by the property owner. This causes more things to go around and conflict to deal with. When we are talking something this tall (shrub) that can exceed in growth.

(Steiner) The second issue you had was the parking as I understand it. Did I understand you to say that you would put a concrete pad down?

(Shaver) Yes, sir. I would be willing to do that. What your engineer had proposed was 6 inches. I have been in masonry my whole life, thank God. That would pour 54 square feet of concrete. What is being proposed on the plan there, is over 2400 square feet of parking area that I feel like will impede and impose that culvert that is already in place by the impervious area. The impervious area can exceed a certain percentage of what's on property, that includes the detached garage, and the house is there. The impervious area is very important. So, what I proposed just like on my site plan is I will make an ADA accessible place for the ramp that is already existing. The building inspector met me out there and we will not have to do any upgrades or upfits to the back room that's in place. The ramp meets the condition, so I am good to go there as long as I provide a parking place and accessible way to that ramp for a handicap person. I am more than happy to do that like I had on my original site plan. But I would like to pour 4 inches which covers 81 square feet which is what anybody and everybody will pour for vehicle traffic. Six (6) inches is for a fire department. Let's hope we never have to call them.

(Burris) I believe the 6 inches is for the driveway apron, not for the parking area.

(Moose) The parking area was not the full....

(Burris) No, when they were discussing the 6 inches verses 8 inches, they were talking about the driveway apron, not once you get onto the property. That would be the part within the right-of-way driveway apron.

(Moose) So, just so I understand and just so you know, we definitely want this thing in Mt. Pleasant, and we want to work with you to make that happen. That is the goal, I think where we are at and that is me speaking, but these recommendations for like the driveway, for an example that's not an option.

(Burris) They are not recommendations; the ordinance requires paved driveway and 4 paved parking spaces.

(Moose) I guess that is my point.

(Burris) That is kind of the hang up here. The paved parking which is a requirement of the ordinance for you to be able to approve the Special Use Permit you have to make findings and it meets the minimum standards of the ordinance. It only exempts single-family residential homes and two-family residential homes from the required requirement. It requires paved driveway and parking, and it requires a buffer yard to adjacent to residential uses, which again, can be done with a fence or shrubs, it has to be opaque and the street yard which is supposed to be an 8-foot street yard.

(Shaver) Your ordinance book is 507 pages long. I have been through it. What I am saying is what I would like to see happen is under the special use permit if you would like to put a time limit on that for me in order to look at other options, that is up to you guys. But what I am saying is I can't pay \$31,000 for an upfit to a property that I will be renting, nor can I ask the property owner to do the same.

(Burris) Was it the parking that was \$31,000?

(Shaver) Well, the parking the way I've got it figured is \$15,400 for the concrete and then you add your labor to that, we are going to be well over the \$20,000 mark with that. And then the landscaping, how it was proposed, we got to put that if you want anything planted you just can't go in that yard and plant it. You've got to put a berm there where it can grow, where you can mow around, and where you are not dodging in and out like having cones in your front yard and mowing around all of them. We need to build a bed and we need to plant those. So, the cost is incurring there. Number 1, I am not going to inhibit it because I physically can't on a rental which you guys can understand and number 2, I can't ask the property owner to endure that cost for that purpose. That's the only hiccup I have. I, Ryan Shaver, "I" am willing to pour the ADA accessible spot and concrete that to the already existing ramp. I am willing to do that, and I am not asking the property owner to do that.

(Moose) Did you have an estimate from the landscaping also?

(Shaver) Yes, sir. It was \$7800 to get everything in place like what was proposed.

(Shaver) When you go out on the property and look, you've got a fire hydrant. That 6- inch main goes up right beside that driveway and you are going to cross that. If I go in and start excavating and grading to get it where that culvert is already in place by DOT for me to upfit that and get it right, I am going to have to dig. Who's responsible if I hit that water line? Who's responsible if the water main goes out in five years to cut up that concrete to get back to it. It would be different if it was a 2-inch main going to a house, but this is a 6-inch main crossing that. That's the problem I have there. The existing infrastructure has us set up is very great and I am willing pour that ADA accessible spot to help on that sense.

(Steiner) There was a comment there also about the egress, going in and coming out as I would say.

(Shaver) Yes, sir. The way it is set up now works great. Jason Faulkner helped put it in his report as you can see. He's accepted the round-a-bout how it is. I think you guys had 75 foot was the maximum on that and it is 75 foot and I forget what the maximum was.

(Burris) The maximum is 36 feet.

(Shaver) We are going to exceed that, but what I am trying to say is education comes in all forms. Common sense plays a big role. Leaving the existing as it is because it works, not over exceeding the impervious area is hard not to argue my point. I understand that you guys have 507 pages that you must adhere and try to. All I am saying is that we need to look at things from a different light.

(Moose) Well, I guess it still comes down to what we are required to allow.

(Burris) You have to go through the findings if you can find all the findings affirmative then you can in prove it.

(Love) How old is the home?

(Shaver) 1947.

(Love) Is there any things that can be grandfathered in to keep from having to?

(Burris) It's a house as it currently stands. So, in any jurisdiction in the county of Cabarrus, Cabarrus County itself and you go in and change a house to a different use, even without rezoning it, with a special use permit there are certain things that have to be done. All of the other jurisdictions do require if you are going from house to institutional use and office or anything like that you have to put in paved parking. All of them Harrisburg, Kannapolis, and Midland every single one of them does and Cabarrus County itself has certain stipulations when you're changing a house to an office.

(Steiner) What latitude do we have Mr. Scarbrough as far as diverting from the ordinance?

(Scarbrough) You have no latitude in that respect, again it is applying the ordinance to the set of facts. It is not application for a variance, or a hardship would come into play. It's simply these six (6) items that you have to vote for in the affirmative when you apply the ordinance as written to the facts. I mentioned now that I am talking there was testimony when you deliberate the desirability of this project cannot be taken into account in a quasi-judicial setting. The cost unfortunately cannot be taken into account again, it is not a variance it is simply applying the ordinance as written to this set of facts. It is not a legislative hearing where there is that lead way.

(Moose) So, I am also clear if Mr. Shaver was able and was willing to meet all of these, we would still need the special use permit.

(Burris) Special use permits require to have the institutional use in the residential district. They did not want to rezone the property, so the only other option was a special use permit for this category. If there was a hardship in place that prevented them from meeting the letter of the ordinance, they would need to apply for a variance to not meet the letter of the ordinance because of a hardship created. The hardship cannot be financial, it has to be a hardship created by the property itself which he made a few statements about the water main location and the septic system location and things like in this case a variance can be considered.

(Moose) What we have is a situation that a use may not make sense and common sense may not always be present in these ordinances but at the same time because that's what's written we really don't have any lead way to give on it. As much as I want it personally as Mr. Scarbrough said we can't come into the conversation about whether we grant the special use or not. As much as we don't want to see this go away, there is just to me and I think everyone on the Board would agree, there is not a way to make that happen unless we can figure out a way that you to comply with the regulations of it, which means all those things you don't want to have to do. And I think Erin has probably given us and given you as many options as she could come up with to try to make it work. So, we can go through the list of the requirements for it to pass but I think we all know that they are not going to with what you are proposing. We can do that if need be. I don't know if there is an option to tabling to give Mr. Shaver more time to see if there are other ways to come up with the finances to make it happen.

(Scarbrough) The Board can always continue the hearing.

(Moose) Because as I said we don't want to slam the door on the opportunity you've been given. I am open to whatever you feel like you want us to proceed. I would hate for it to

be shot down. You've come this far and the Drye's have come this far and if there is a way to make it work, we would like to do that.

(Shaver) Yes, sir. Like I said \$31,400 is I don't think anybody here sitting here would do that for a rental they're renting, and I can't ask the property owner to endure that cost because it would take a while to recoup that in rental. So, that's my only thing that I am saying. I am willing to work, I am willing to do whatever I can to meet in the middle. But to incur that much cost to do what a home occupation we could move in there, and I could sleep there at night. My wife might like that.

Like I said at the end of the day, what makes sense and I have to look at it as common sense, where you guys have 507 pages that I have scrolled through, so what I am trying to say is you see my situation, I see your situation can we figure a way to meet.

(Steiner) One statement was made, you made to ask us for a period of time. If we approve this as it is presented here and correct me if I am wrong, we give you six months, and it doesn't happen. I don't know that you want to do that.

(Shaver) Yes, sir that is correct. I have banking to move, I have got a lot that has to happen. It's not just me coming into that house. I have to got to move our financial situation. We have eight (8) local chapters in the state, we handle all their finances as well and we have our state finances. I have already been in contact with Uwharrie who is my personal bank as well, here in town and they are willing to help me move that to here. So, I have a lot of steps, and this was my first step but if this first step went through, then I have a lot to get done before September 1st.

(Burriss) We can try to be flexible on the street yard where the hydrant is. We can try to reduce that as much as possible in that general vicinity. But I mean there's going to have to be at least a few shrubs put on the front just to show that the effort was made to meet the standard of the ordinance. The same thing on the side, either a fence or shrubs because there is a house right here and there's a couple of trees right here, but this is totally open and with those adjacent uses there has to be some effort made to put a barrier between the two uses. So, there is some flexibility with the landscaping but on the paved parking, I don't. Again that 6 inches was just the apron coming in, it didn't apply completely to the parking area itself. That still is just a comp to your 2 inches, if you do 2 inches of asphalt on a compacted base or you can do concrete that meets industry standards. Apron is what they were talking about with that, that thickness. But I can't get any less than the four spaces required including any kind of space within the bounds of the ordinance. Thinking you can reduce it 10% but when you are only talking about four spaces it doesn't even knock out a whole space.

(Shaver) One thing to realize we are not a C-1, we are not a Family Dollar, we don't see clients every 30 minutes. The office in Hickory never gets, I will be there Thursday, I go there once a month. So, what I am saying is looking at the parking area we are not a dentist office, we are not someone that sees clients on a regular basis, a hair salon. I understand we have to be grouped looking at that, but the special use permit is what I was hoping we could work together with to overcome some of those scenarios.

(Moose) Do you feel like if you had time there would be other funds, sources whether it's the community, the association, somewhere that might help put that together and come back?

(Shaver) I can't answer that. I can't answer that honestly. I would love to say heck yeah. You know for our state skills contest for the high schools we had 81 students laying brick that day and I raised enough money through a gun raffle to award the top 10 with a tool bag, a 4-foot level full of tools, plus we gave out \$500 to the young man that came in fifth place. I had one of my colleagues do that while I was out of town. So, to answer that question, I can't say we will have a hotdog sale and do our best. Everything fits so well if we can just figure out how to make it fit. I appreciate you guys hearing me, I really do. I want to come to you as humble and respectful as I possibly can. But I want to be as honest as I can while I am coming to you.

(Burris) Do you want to go through the findings and see where you stand?

(Moose) We can go through them, but I think we all know what we are going to find.

(Burris) Well, I think you'll see that most of them are met and probably narrow it down where it's not being met and think it will further the discussion.

(Love) Is parking required on-site or is there a way say that if he is not getting visitors that there is no on-site parking?

(Burris) There is a minimum number of parking spaces for every use. Every single use is spelled out to how many spaces there has to be and there is a level of flexibility as far as reducing that 10% which usually helps when you are doing a shopping center. But one space per 250, one space per 300 this is only a 1,000 square foot house. It's four total parking spaces including the ADA space which is required by the building code.

(Fowler) Does it have to be if Mr. Shaver agrees to do the ADA parking space like he's agreed to do, do the other three spaces have to be paved or can they be like the concrete

(Burris) So, what the ordinance says, basically it says that your minimum required parking has to be paved any extra parking you have beyond that you do not have to pave because its minimum is four (4), the minimum of four (4) is to be paved.

(Shaver) So, that would be 38 x 18 just so you know: the minimum.

(Burris) It says they are supposed to be graded for drainage and paved, surfaced with concrete or asphalt pavement on a compacted base, constructed to industry standards. Alternative materials such as pervious pavement or pavers may be approved by the administrator such to the standards of Section 10.3.8 with such material exhibits equivalent low bearing anywhere the characteristics has asphalt. In making such determination, the administrator may consult the Town engineer, the director of Public Works to designate. So, overflow parking in industrial with the overflow parking areas, event parking areas, and industrial storage parking areas may use gravel instead as long as the minimum number of parking spaces required is paved. All parking areas within the front and side yards are paved, driveway aprons 20 feet deep or greater if required by DOT are paved, required ADA spaces are paved. If you do gravel and anything extra, it has to be 4 inches deep and if the property is not located in the CC district. Those are the only exemptions for paved parking, also assembly uses for overflow that has an exemption too. So, basically the minimum number of parking spaces is just the four (4) and the ordinance requires them to be paved.

(Steiner) We have been spending a considerable time going through the ordinances and making adjustments and things like that, is that correct?

(Burris) Yes and we have recently done that for parking. Actually, it used to be a lot worse: every single parking space used to have to be paved and that was reduced for at least the extra parking that wasn't in their front yard. So, that was a text amendment that was done a couple of years ago because it was so burdensome. The Town Board at the recommendation of the Planning Board decided that okay just the minimum number of parking spaces have to be paved and if you have any more than that it can be gravel as long as it is in the rear yard. There is an example of that, the hair salon over on Highway 73 across from Dutch Road, their minimum parking in the front is paved but their extra is gravel.

(Moose) Can you flip back to the ordinance.
So, the ordinance said we can use an alternative material such as pavers as long as it carries the same load.

(Burris) As long as it bears the same load.

(Moose) Is that an option to do part of that entrance or drive with pavers?

(Shaver) I can get my hands on pavers. I know a guy.

(Steiner) I bet you do.

(Burleyson) And some guys to help you put them down.

(Shaver) Yes, sir. I will let you know what day that will be.

(Moose) We can do that.

(Steiner) That would enhance the effectiveness of the Masonry Association.

(Shaver) It is a brick house, thank goodness. Like I said I am willing to work with you guys and I know you are willing to work with me and I appreciate the opportunity of you wanting to work with me. It is just making it happen to be good on both sides and that is the struggle.

(Steiner) If we make a request for variance outside this situation, request a variance in the ordinance then it has to be approved by the Town Board.

(Burris) No, so there's text amendments. He could apply for a variance, but he would have to site a hardship created by the property.

(Steiner) Okay, so that's out, probably.

(Burris) Yeah, it would be kind of hard to meet the hardship standards that the state statutes have. Another way is to amend the Ordinance which has recently been done to the bare minimum that the Town Board felt was adequate.

(Steiner) So, we would have to go back through the Town Board to get that approved?

(Burris) The Planning and Zoning Board would need to make a recommendation to the Town Board of Commissioners you have to have a public hearing and do all that to remove that requirement from the ordinance or change it.

(Steiner) The best-case scenario we are looking at three months there. Would you say best case scenario?

(Burris) If they agree to that text amendment which again, they just went through it. The pavers is that an option?

(Shaver) It depends on how big you want it.

(Burris) Well, the four parking spaces.

(Shaver) Now what we propose is 2400 plus square foot is a ton of material. Do you we put a soil cement solution under it, do we do a 6-inch compacted stone base and it's got to be non-spec abc.

(Burris) Yes, that would have to be written Town engineer that is why it says that.

(Shaver) Can I get my consulting engineer instead of the Town getting there consulting engineer to approve that?

(Burris) Get the two consulting engineers together.

(Shaver) So, what I am saying is, time is at hand for me, and I will be willing to bend and work, work doesn't scare me, it never has. If we can find a solution that works for you guys and as well as us, I am willing to work towards that.

Is it just wanting the 4 parking spaces that are required instead of the whole area? Do I still need to grade and change the ingress egress? There is a lot riding there.

(Moose) You are way smarter than me, so let me say that right away.

It looks like a combination of concrete and pavers using something projected here could be made to work, whether you use your connections to get as many pavers and what nots as you can get. I don't know if that brings it anywhere close to what is in your price range but hopefully it will bring it closer.

It would meet our requirements and get you what you need as far as the vegetation and all that goes, we are willing to as Erin said making an effort to try to follow.

(Burris) Four shrubs and take anything along that site triangle just not, since the hydrant is there and it's along the site triangle, just maybe not doing that and just doing it where they have a little bit of frontage on North Drive and then just a few out front. There has to be some level of effort.

(Moose) We are making an effort.

(Burleyson) Back to the parking. Is it just the spaces that have to be paved or is it the apron?

(Burris) The driveway and the spaces all have to be paved; the parking area has to be paved.

(Love) We are sure the hardship has to be something due to the property, not the price of materials, now or the fact we can't get materials now.

(Burris) If he was applying for a variance the standards for a variance are in Article 3 and also the general statutes and I will tell you what they say. But it's hardship created by the property that they removed the standard that it prevents reasonable use of the property the state did say.

(Scarborough) Mr. Chair, what you can do is continue that evidentiary hearing to accept additional evidence, site plan, plans and that is perfectly allowed. You do not have to vote tonight if you feel it would be aided by additional evidence or plans from the applicant.

(Moose) I know you've got your back against the wall timewise. But do you think that would be a reasonable possibility to get done with that drive.

(Shaver) What he is proposing is 20 x 24 DOT on that one side there. Can that be pavers as well?

(Burris) I'm sorry, this

(Shaver) DOT has proposed 20 x 24 ingress and egress. So, if we did the 20x24 ingress and egress out of permeable pavers and we did the 18x38, but the parking needs to switch and if you are going to do any kind of cobblestone or paver you might as well go in front of that detached garage and make that use. So, the parking needs to be switched and then the sidewalk to the existing ramp and the rest could be left alone.

(Moose) Do you think that is possible?

(Shaver) Yes, sir.

(Burris) So. the parking this way.

(Shaver) Yes, it would go the other way in front of the detached garage. That would make more sense.

(Burris) As long as the Town Engineer signs off on it, it is fine with me. I don't know about the permeable pavers in the right-of-way, that would be a question for DOT. I have no idea if they allow that for their apron for a nonresidential use. I don't know.

(Steiner) I think we ought to continue it.

(Moose) That is up to Mr. Shaver. How do you feel about trying to get that information together, continue it, come back next month? Once, we've made our decision, it's official. Is that right, he's good to go? He doesn't have to do anything else if it's approved.

(Burris) He still has to do the improvements.

(Moose) But he doesn't have to go before the Town Board for anything else.

(Burris) No.

(Scarborough) But if it is denied, the application can't be resubmitted withing a year unless there is substantial changes.

(Steiner) Continuing it is not denying it?

(Burris) No.

(Scarborough) No, no

(Shaver) Just so I am clear, we are talking about 4 parking places which would be 18x38. If somebody can do the math behind me. I think it's 9x18 required for 3 and 11x18 required for the handicap so that would be a 18x38. Then we are talking a 20x24 ingress and egress and leaving the rest parking or area like it is currently.

(Burris) So you are talking about doing the apron, leaving a bunch of gravel, and then having the parking spaces.

(Shaver) Say that again. I am sorry.

(Burris) So the apron would be paved or pavers, and then your parking spaces themselves would be paved or pavers and in between them would be gravel.

(Shaver) Yes, ma'am. 20x24 ingress, egress and the 18x38 to get the required portion, places and spot there. If someone will do the math. If you will do 18x38 and give me that square footage and then 20x24 and add those two together; divide by 81. That is 15.5 yards, so you order 16. If we concreted it, but if we did a permeable paver that would save me and I would like to do, we can concrete the ingress, egress, but I would like to do a permeable paver on the 18 x 38 and do it in front of the garage.

(Moose) But we still have to have something, we can't have that gravel section, right?

(Burris) Let's read exactly what it says.

(Moose) Do you know how large approximately that gravel section would be?

(Shaver) No, sir not to give you an accurate number, but the best measurements that I took on-site on the proposed was right around 2400 square feet total on everything that was proposed.

(Burris) It says, "All required parking and vehicular traffic services."

(Moose) What did we come up with square footage with the two pieces we were talking about?

(Shaver) A little over a thousand.

(Moose) So, we would still need another thousand basically to cover the whole thing.

(Shaver) Yes, sir.

(Moose) Which could be pavers. Does that put it out of range to have that gravel surface done in pavers also?

(Shaver) God yeah! I am not ready for another knee replacement.

(Love) Asked Erin scroll down on the Ordinance so he could read it. Thank you.

(Moose) Can the parking area be moved closer to the road and the entrance?

(Burris) You have to be careful so that the cars are not backing out into the right-of-way because the ordinance says you are not allowed to back the cars out in the right-of-way. The car has to be able to back up on the property and then pull out. It can't be the situation like the old Hardware Store where everyone almost dies every time they try to pull out. They don't allow that anymore.

(Shaver) There is not going to be vehicular traffic in and out this lot every day.

(Steiner) Yes, we understand that.

(Shaver) If we had a residence there, there would be way more vehicular traffic in and out and I understand, you know that.

(Moose) Is there anything else you can do with that property as far as storage or anything that would offset the cost?

(Shaver) No, sir.

(Moose) It looks like there is a good bit of property in the back.

(Shaver) Yeah, if you go out on-site and visit it, the septic area is in the clear area and the lines run all the way to the property line. So, that's why planting, if you guys have ever been around a weeping willow or anything like that, they love septic lines. So, planting in something like that attracts a root system. So, that is what we have to be careful of.

(Shaver) I am willing to plant here or there as long as it does not interfere with what is existing.

(Steiner) We have seen people meet the ordinance by planting something there and it dies 2 months later, and I don't think you would do that.

(Shaver) No, sir. I just want my corn to grow this year, that is what I am hoping.

(Steiner) Okay.

(Fowler) I was just trying to find a way to reconfigure that.

(Burris) It doesn't matter which way the parking spaces face as long as you can back out of the parking space and stay on the property while you're doing it. There are all kinds of requirements as far as how much width you have to have. Normally, if you have to have if you are going to have a perpendicular space you have to have 24 feet

to back out of it, so all are typically 24 feet. The ordinance requires 24-foot width for perpendicular parking. But at this site, we are not going to get down to that level of detail because you have existing structures there. You just need to be able to back out of the space and get off the property without backing into the right-of-way.

(Fowler) I was trying to find a way to reconfigure to cut some of that.

(Burriss) She was putting the spaces this way (different than on map) which is fine as long as you can back out of the space without going into the right of way.

(Love) Is there an option to have a one-way drive, potentially?

(Burriss) Well, they have the one-way drive kind of going that way and DOT said that would be fine to do that but it's going to have to be paved.

What you could do, here's an option, you could do the one-way driveway and then do parallel spaces on it which could be less, but you have to get that ADA accessibility. So, I know my engineer recommended one driveway and DOT said they would except the two, but then you are paving the circular driveway, but you could do parallel spaces off of it as long as the spaces are 8 by (a little bit longer for parallel space size), anyway parallel space if you can get the four (4) and staying on the property and not in the right of way. So, none of the parking spaces can be out here in this area beyond this blue line. They all have to be within the property. So, if you bring it this way with one space, two space, and three space before you go off the property this may cut down some.

(Shaver) Yeah, I'll just have to do the math and lay it out on the site.

(Fowler) Would you be opposed to us continuing it next month in June?

That way it gives you time to go and lay it out and maybe get someone out there to reconfigure to find the best way, because I don't want to vote on this tonight and shut it down. I know you are pressed for time, but I'd rather have a little more time than just say no.

(Shaver) I'll entertain that, exactly. I will be glad to do that. I've got a really good idea when we pour concrete, asphalt a different thing, you don't get the job done that you do with concrete with asphalt that is why I like concrete. But remember I am biased.

What I am saying is I will be glad to relay it out and try to come up with a configuration, work with Erin on a new site plan on what I've come up with and we can reintroduce it at your next meeting when you convene. I will be happy to do that. That's how bad I want to be here.

(Fowler) We want you here.

(Shaver) Yes, ma'am and I thank you for that.

(Moose) Anyone else have questions before we close or not close?

(Fowler) Let me make sure I got this right. Let's say Mr. Shaver comes back next month and has a new site plan at that time we can give him six (6) months to get everything done, correct?

If we approve it and it meets everything and we approve it, just like with previous we gave certain six (6) months to get shrubs done. Is that right, Erin?

(Burris) Not so great, but yes that has been done.

(Shaver) I am glad she asked that, so if we come to an agreement, I will have a little bit of time and I will thank you for that.

(Burris) The ordinance allows for temporary Certificates of Compliance typically because of the weather and things like that, but it does have a provision in there for temporary.

(Steiner) This is about weather, whether they come from Hickory or not.

(Scarborough) Just say the evidentiary hearing remains open and is continued until.

(Moose) Are there any comments, questions? do you have anything else Ryan, questions?

(Shaver) Just so I am clear. I will submit another site plan before you convene next month, I will try to get that done in the next week, submit that to Erin and then we will reconvene next month on the new site plan on what I proposed and how I think we can work together just so I am clear.

(Burris) It's June 27th is the next meeting.
The fourth Monday.

(Shaver) I will be in town just home from Atlanta. So, that will be great.

(Burleyson) Also, Mr. Shaver, just to be clear whatever you come up with it is still going to have to meet the ordinance or we won't be able to approve it because we have to take the evidence that's there and say it meets or it doesn't meet. So, you will be working to try to reconfigure it, so it does meet the ordinance which means paved pavers, four parking spaces, and all that.

(Shaver) Yes, sir.

(Burleyson) Okay and I know you will work with Erin, and you'll have an idea that it meets it before you bring it back.

(Shaver) Yes, sir.

(Burleyson) And the landscaping, I think we can probably make that work.

(Shaver) Yes, sir. I'll do my best.

(Burleyson) I know you will and like everybody else said we want to make it work, and we are proud of what you'll do and what you bring the community and what you bring to Mount Pleasant and all our championships.

(Shaver) Yes, sir.

(Moose) Excellent. I am glad you do it and I appreciate you too.

(Shaver) Yes, sir.

(Moose) So, if there is nothing else then we will close the meeting but leave this as an open item.

(Scarborough) You need to say hold the evidentiary hearing open until the next month's meeting, June 27, 2022.

(Moose) We will hold the evidentiary meeting open and then we'll hear this again June 27. We will convene it and hopefully we'll have our decision for you.

Chairman, Whit Moose closed the Board of Adjustment Case and opened the Planning and Zoning Board.

8. Planning Board Cases

TA 2022-03 Infrastructure Amendments

Continue discussing amendments to infrastructure standards. Amendments regarding street frontage, adequate public facilities, plan submittal requirements, and standards & specifications. Affected Sections of the MPDO: Article 3, Table 4.6-2, Article 10, Article 14, Appendix B, Appendix C, Appendix D. (Draft amendments to be provided at meeting)

Erin Burris reviewed Fire Protection with the following recommendations from the engineer as follows:

- Took out the part about contracting with the developer to install that's their responsibility. We don't contract with them; they install the hydrant.
- Recommend putting a color specification in. I feel like that should be in the Specifications Manual not in the ordinance, but we will make sure that that specification is spelled out in the manual.
- No hydrant shall be placed in the middle of the frontage of a residential lot.
- 6- inch on fire service to fire may be reduced to 2 inches
- Take the part out about sprinklers. The Fire Code allows sprinklers if you don't have a secondary true entrance (required for more than 100 lots secondary and a secondary fire entrance if more than 30 lots) and if you cannot achieve a secondary true entrance the fire code allows developers to sprinkler houses.
- Take out: A dead-end main that is 12 inches is really a bad idea for water quality purposes.

Erin Burris said that we still have appendix B, C, and D and will see what we can do at the next meeting.

9. Reports

Planning Report and Zoning Permits for April & May (to date)

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

Mrs. Burris shared that the Trailhead is coming along.

- Shelter is coming today
- Ordering signs
- Getting lighting
- Camera system
- Clear out under brush

A copy of the Reports has been enclosed in the minute book

Planning & Zoning Board Comment Period:

1. Dollar General Sign
2. Sidewalk -grass is responsibility of homeowner at the right of way

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 Bridget Fowler. All were in favor. (5-0)

Chairman, Whit Moose

Clerk to Board Jennifer Blake

Board of Adjustment Meeting

Town Hall - 8590 Park Drive Mount Pleasant, NC
Monday, May 23, 2022 at 6:00 PM

To: Board of Adjustment
From: Erin S. Burris, AICP – Town Planner
Date: May 23, 2022
Subject: SUP 2022-01 Drye Property-North Carolina Masonry Contractors Association Office

A. SITE INFORMATION

Applicant: Ryan Shaver, Workforce Development & Training Coordinator
North Carolina Masonry Contractor's Association
Property Owner(s): Thyra Drye
PO Box 192
Mount Pleasant, NC 28124
Tax PIN: 5670-07-4558
Location: 8030 NC Highway 49 N
Zoning: RL Residential Low Density
Area: Approx. 0.60 acre

B. SPECIAL USE PERMIT REQUEST

The subject property is zoned Residential Low Density (RL) and has been a single-family residential use since constructed. The applicant requests a Special Use Permit for an office for a "civic, social, fraternal organization", under the "Civic, Governmental, & Institutional Uses" category in the Permitted Uses Table (Table 4.6-1 of the Mount Pleasant Development Ordinance). This use is permitted with at Special Use Permit in the RL district. If approved the Special Use Permit would only permit an office for a similar non-profit use, and would not allow for the use of the property for commercial purposes.

The intent of the RL district from Section 4.3.2.3 of the MPDO is as follows:

"The RL district is established to provide areas for low density single family uses, with a maximum of two (2) dwelling units per acre, which may provide buffers between the agricultural and RE classifications and the higher density areas of the Town. It includes flexible density and minimum lot size 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."

Surrounding Area / Existing Conditions

Zoning and land uses within 1,000 feet of the property include:

Direction	Zoning	Land Use
North	RL Residential Low Density	Single-family residential
East	RL Residential Low Density, C-2 General Commercial, C-1 Light Commercial, RM Residential Medium Density	Single-family residential, unused athletic field, bank, retail
South	RL Residential Low Density	Single-family residential, agriculture
West	RL Residential Low Density, C-1 Light Commercial, CZ C-2 Conditional Zoning C-2	Single-family residential, manufactured homes, retail

The property is located on Highway 49 at the intersection with North Drive across from N. Skyland Drive, with a mixture of zoning districts and land uses in the vicinity.

Comprehensive Plan & Other Relevant Plans

The Future Land Use Map in the adopted Comprehensive Plan designates the subject property and surrounding area for “Medium Intensity” development. This designation is intended primarily for a variety of medium density residential uses of two-four dwelling units per acre and low to medium intensity civic, institutional, office, service and retail uses designed to keep impact on adjacent residential areas to a minimum. Medium intensity designated areas have easy access to utility infrastructure.

Utilities

The property is currently served by Town water, but does not have public sewer. It has an on-site septic system associated with the existing residential use.

Site Plan

The applicant provided a “site plan” showing that the only proposed improvement to the site was a 24x24 concrete pad. Staff has included a site plan in the packet showing the Mount Pleasant Development Ordinance requirements for parking and landscaping for an institutional use in accordance with Articles 7 & 8. The “plans” were provided to NCDOT, the Town Engineer, the Town Public Works Director. Their comments are provided below:

Town Engineer (Richard McMillan) comments:

- “Currently, property has a circular gravel driveway. The lower end needs to be closed and only driveway connection will be to the north of the drop inlet with a concrete apron.
- The driveway may be 24’ wide max, allowing a two-car width.
- The driveway would be required to be paved (2” asphalt on 6” stone min), or 6” concrete
- NCDOT can make the call if the C&G needs to be extended to the mailbox as part of the driveway closure. I want to make sure that once the drive and parking area is paved, the lower gravel driveway does not come back as a “convenience”.
- Does the sidewalk need to be extended past the new driveway? If it needs to be, now is the time.
- Are three (3) parking spaces going to be enough for staff and any visitors?”

NCDOT (Jason Faulkner) comments:

“Your drives will need to be paved. There are two options will approve:

- 1) Pave with either asphalt or concrete both entrances 14 foot wide by 15 long into the property and create a circular drive around the drop inlet basin.
- 2) Pave with either asphalt or concrete one side 24 foot wide by 20 foot long into the property that creates an entrance/exit scenario on one side and close off the other side completely.

We will allow these to be done under an encroachment permit which does not have a fee.”

“I informed Ryan Shaver of the requirements for the driveway to this parcel. I also told him over the phone that DOT does not allow trees to be planted in the right of way or sight triangle and they cannot obstruct sight distance if they are planted outside the right of way.

Following Town Engineer’s comments:

“The NCDOT agrees the curb does need to be extended. The sidewalk is the town’s call since they will maintain it. If they go with asphalt it will need to be on 8” of stone. As I mentioned in the earlier email, I informed Ryan Shaver that no trees can be planted in the right of way or sight triangle and the canopies can’t grow over these lines that would restrict any sight distance. If there is to be new sidewalk, no trees can grow over the sidewalk that will interfere with the ADA requirements. “

Town Public Works Director (Darrell Layton) comments:

Looks like a good time to continue the sidewalk from where DOT left it while going from residential to business.

County Building Inspections (Matt Love) comments:

1. “Make sure the ADA parking is Van Accessible
2. Is there an ADA compliant restroom there now? If not, we will require a upfit permit to make restroom accessible”

County Asst. Fire Marshall (Doug Steele) comments:

“I have already conducted a code consultation with the new Owner NC Masonry Contractors group. I have given the property manager a couple of fire code issues to correct prior to occupying the building, I do not have any additional fire concerns.”

Landscaping

Section 7.4 of the MPDO requires a 15-foot opaque buffer yard between the institutional use and the adjacent residential uses. Existing vegetation satisfies this requirement along the rear property. However, existing vegetation on the eastern property line is limited and needs to be supplemented with fencing and/or landscaping to meet the standards of Section 7.4.

Section 7.5 of the MPDO requires a 6-foot building yard in front of the building. This is achieved with existing landscaping.

Section 7.6 of the MPDO requires a parking lot yard. This is achieved with existing landscaping and proximity to required street yard.

Section 7.7 of the MPDO requires an 8-foot street yard for an institutional use. Existing trees satisfy the requirements for trees, but small to medium size shrubs need to be installed along the Highway 49 and North Drive frontages to meet the requirements of Section 7.7.

Access, Parking, & Infrastructure

There is an existing gravel driveway into the property from North Drive that appears to be used as a circular drive, with one side primarily used for ingress and the other primarily used for egress. In accordance with Appendix D-8 of the MPDO, non-residential two-way driveways shall be a minimum of 24 feet and maximum of 36 feet. The gravel driveway currently spans approximately 75 feet. NCDOT will allow two 14-foot-wide, one-way driveways or one 24-foot wide two-way driveway. The Town Engineer recommends one 24-foot-wide, two-way driveway. NCDOT concurred with this recommendation and that the curb be extended to the driveway entrance. Furthermore, Strategy IS7 of the Town's Comprehensive Plan recommends the reduction of curb cuts and driveway access points and driveway widths in pursuit of access management and aesthetic improvements.

Section 8.1.3 of the MPDO requires paved parking for all non-residential and multi-family residential uses. Only single-family and two-family residential uses are excluded from this requirement. In accordance with Table 8-1.6, a minimum of one parking space per 300 square feet of floor area is required for institutional uses. The building is approximately 1,000 square feet, therefore three (3) regular parking spaces and one (1) ADA van space are required. Minimum parking space size for regular spaces is 9'x18'. ADA Van space size is 11 feet wide with a five (5) accessible aisle.

In accordance with Section 10.2.4, sidewalks are only required for new streets and new development, not for a change of use in which no new structures are proposed. The Town Engineer and Town Public Works director recommend sidewalk extension along North Drive, but this is not a requirement of the MPDO.

Solid Waste Storage Areas

Solid waste disposal method has not been identified on the site plan. Roll out storage containers shall be stored out of site. A dumpster would require screening in accordance with Section 10.7.

Lighting

No additional site lighting is proposed.

Signs

Signs shall be permitted separately and shall meet the requirements of Article 12.

C. BOARD OF ADJUSTMENT ACTION

In order to determine whether a Special Use Permit is warranted, the Board must decide that each of the findings-of-fact as set forth in the MPDO and outlined below has been met and that the additional approval criteria have been satisfactorily addressed. Staff has provided draft findings-of-fact based on the application and site analysis. If the Board concurs completely with the draft findings provided by staff, the findings may be approved by the Board. However, if the Board wishes to approve different findings (perhaps as a result of additional evidence or testimony presented at the public hearing), alternate findings need to be provided by the Board.

Each of the findings should be voted on individually. If all findings are found in the affirmative (yes), then the Board of Adjustment should vote to approve the Special Use Permit with applicable conditions. If any of the findings are found in the negative (no), then the Board of Adjustment should vote to deny the Special Use Permit. Should a Special Use Permit be approved, the Board may impose such reasonable conditions as will ensure that the use of the property to which the Special Use Permit applies will be as compatible as practicable with the surrounding properties and all local, state, and federal requirements are met. Staff has also proposed conditions to be considered by the Board of Adjustment in the proposed findings below:

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.

“Civic, social, and fraternal organizations” are permitted with a Special Use Permit in the RL Residential Low Density district. The surrounding area has a mixture of residential and commercial uses and has frontage on North Carolina Highway 49, a major thoroughfare. The medium intensity nature of the proposed use is compatible with the Future Land Use Map designation in the Comprehensive Plan and is no more intense than other retail and service uses located within 1,000 feet of the property.

Proposed condition:

- **An opaque fence and/or landscaping shall be installed where the minimum 15-foot buffer is not met along the eastern property line in accordance with Section 7.4 of the MPDO.**

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.

Ingress and egress are provided to the site via an access point on North Drive. Comments from NCDOT and the Town Engineer as well as the requirements of the Mount Pleasant Development Ordinance and Town Comprehensive Plan identify a 24-foot-wide, two-way paved driveway with a curb extension up to the driveway entrance along North Drive for optimum traffic and access management.

Proposed condition:

- **Close the portion of the driveway closest to NC Highway 49 and pave a 24-foot-wide, two-way driveway with 2” asphalt on 8” compacted stone base or 6” concrete.**

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

The proposed use is an office under the “civic, social, and fraternal organization” category and will not be noxious or offensive.

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.

The proposed use is located on a state highway in close proximity to medium intensity commercial uses. The Future Land Use Map in the Town’s Adopted Comprehensive Plan classifies this area for medium intensity uses. Therefore, the proposed use does not impede orderly development.

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

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.

Proposed Condition:

- **Provide written documentation that all applicable NC Fire Code, Building Code, and NCDOT requirements are met prior to the issuance of a Certificate of Compliance for occupancy.**
6. Compliance with any other applicable Sections of the Mount Pleasant Development Ordinance.

The following conditions are proposed to meet the access, parking and landscaping requirements of the Mount Pleasant Development Ordinance:

- **Provide a 24-foot-wide, two-way paved driveway in accordance with Appendix D-8 of the MPDO.**
- **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, constructed to industry standards in accordance with Section 8.1.3 and Table 8.1-6 of the MPDO**
- **Supplement existing landscaping with large shrubs and/or opaque fencing on the eastern property boundary achieve a minimum 15-foot Type B Buffer Yard in accordance with Section 7.4.**
- **Supplement existing landscaping along the NC Highway 49 and North Drive frontages with small to medium shrubs to achieve the minimum 8-foot Type 2 street yard in accordance with Section 7.7 of the MPDO. No landscaping that exceeds two (2) feet in height may be placed in the sight triangle, as identified by NCDOT and Section 10.2.7.4 of the MPDO.**

All other applicable sections of the Mount Pleasant Development Ordinance are met.

D. NOTICE OF PUBLIC HEARING (per NCGS 160D-406)

1. Mailed notice to adjoining owners on May 12, 2022.
2. Posted signs on subject property on May 12, 2022.

E. ATTACHMENTS

1. Application
2. Applicant 'site plan'
3. Labeled Aerial Map/Site Plan reflecting MPDO requirements
4. Zoning Map
5. Property Photos



MOUNT PLEASANT

8590 Park Drive • PO Box 787 • Mount Pleasant, NC 28124 • 704-436-9803 • townhall@mtpleasant.nc.us

Special Use Permit Application

Board of Adjustment

Case #: SUP 2022-01

1. Property Information

Date of Application 4-6-2022 Name of Project Drye / NCMCA
 Location 8030 NC Hwy 49 N Property Size (acres) 1 LT
 Current Land Use RL (SFR) Proposed Land Use RL / Special Use (office for organization)
 Parcel Identification Number(s) 56700745580000 Zoning District Mt. Pleasant
RL

2. Contact Information

Thyra Eagle Drye
 Property Owner
P.O. Box 192 Mt. Pleasant, NC 28124
 Mailing Address City, State Zip
704-436-6557
 Telephone Fax

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

Thyra Eagle Drye Thyra Eagle Drye 4-6-2022
 Signature Print Name Date

3. Findings of Fact

The Board of Adjustment may approve the Special Use Permit if all of the findings-of-fact are met. Please describe the following:

A. The proposed 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.

No Changes are Needed. Natural Buffers are already in place.
Current Fire Hydrant does not need to be impeded by adding buffers.

B. The proposed use is so designed as to minimize traffic hazards and to minimize traffic congestion on public roads.

Current drive was planned and approved by NCDOT when NC Hwy 49 was widened and medians were included at entrance to North Drive.

C. The proposed use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

The proposed use WILL NOT be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas because the facility will only be occupied by one person, week days from 8am - 5pm.

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

The proposed use will create much less foot and vehicular traffic as opposed to being used as a full-time residence.

E. The proposed use will not be detrimental to or endanger public health, safety, or general welfare.

The proposed use will not be detrimental to or endanger public health, safety or general welfare because of its Nonprofit status and purpose of existing to support the Masonry Industry in improving the quality of construction.

F. The proposed plan conforms to specific standards of the Development Ordinance (if applicable).

The proposed plan conforms to specific standards with existing vegetation allowing access to fire hydrant as well as not impeding clear sight of traffic between HWY 49 and North Drive, NCDOT had several large trees and vegetation removed to clear line of sight from North Dr. down HWY 49.

- Prior to the filing of a Special Use Permit request, the applicant must have a pre-application meeting with Planning Staff.
- Requests for a Special Use Permit shall be accompanied by a Major Site Plan in accordance Section B-4 in Appendix B of the UDO, if applicable.
- Special Use Permit Fee is \$500.00 plus \$5.00 per acre.

Staff Use Only:

Date Application Received: 4-8-2022

Received By: EJB

Fee Paid: \$ 500.00

Case #: SUP 2022-01

Scheduled Date of Public Hearing: 5-23-2022

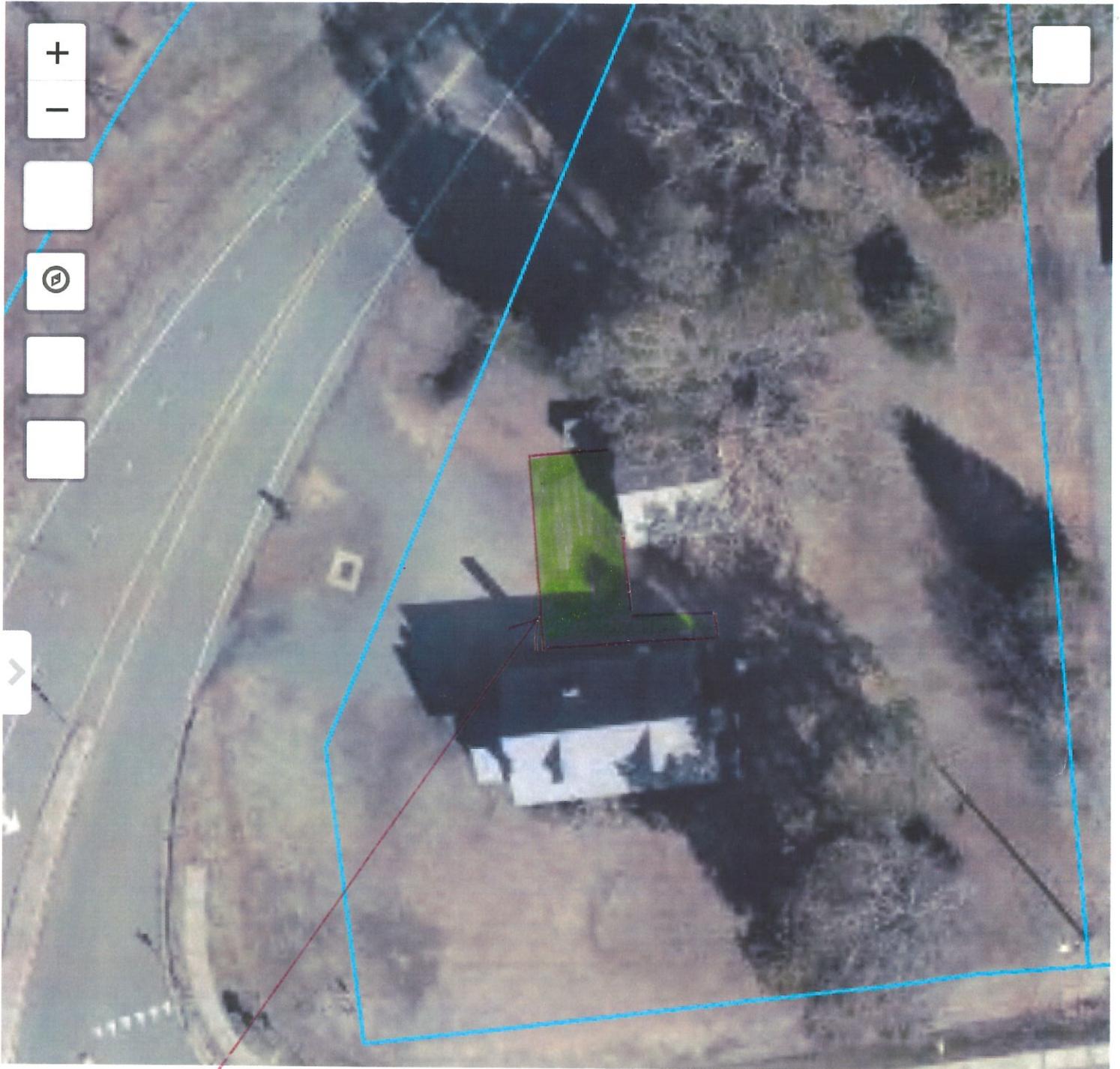
Adjacent Property Letter Date: 5-11-22 ^{Sign Posting} Adjacent Property Letter Date: 5-11-22

Notes: _____



Map Cabarrus

8030 NC HWY. 49 N, Mt. Pleasant, NC 28124



1100 sq. ft. of Permeable Pavers Installed

Lat: - Lon: -



Existing Septic Area
 New Tank and Lines Installed
 in 2008
 Trees and vegetation
 were removed by
 NCDOT to have clear
 line of sight

Existing
 Fire Hydrant

NCDOT Approved Driveway
 Access when NC HWY 49
 was widened

Proposed 24' x 24' Concrete
 Parking

SUP 2022-01 NCMCA/Drye Property Site Plan

Zoning: RL Residential Low Density

Proposed Land Use: Office for "civic, social, fraternal organization" (permitted in RL with Special Use Permit)

Lot Area: approx. 0.6 ac

Min. Parking Required (Section 8.4 of MPDO): 1 space per 250sf GFA=4 spaces - 3 standard (9'x18') spaces and 1 ADA space. Paved driveway and parking required (Section 8.1.3)

- Medium Shrub
- Large Shrub



SUP 2022-01
NCMCA/Drye Property

 Town Limits

ZONINGCODE

 AG

 CZ AG

 RE

 RL

 RM

 CZ R-M

 RH

 CZ RH

 OI

 CZ O-I

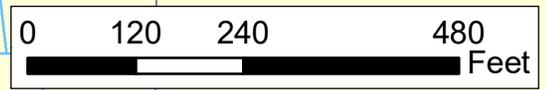
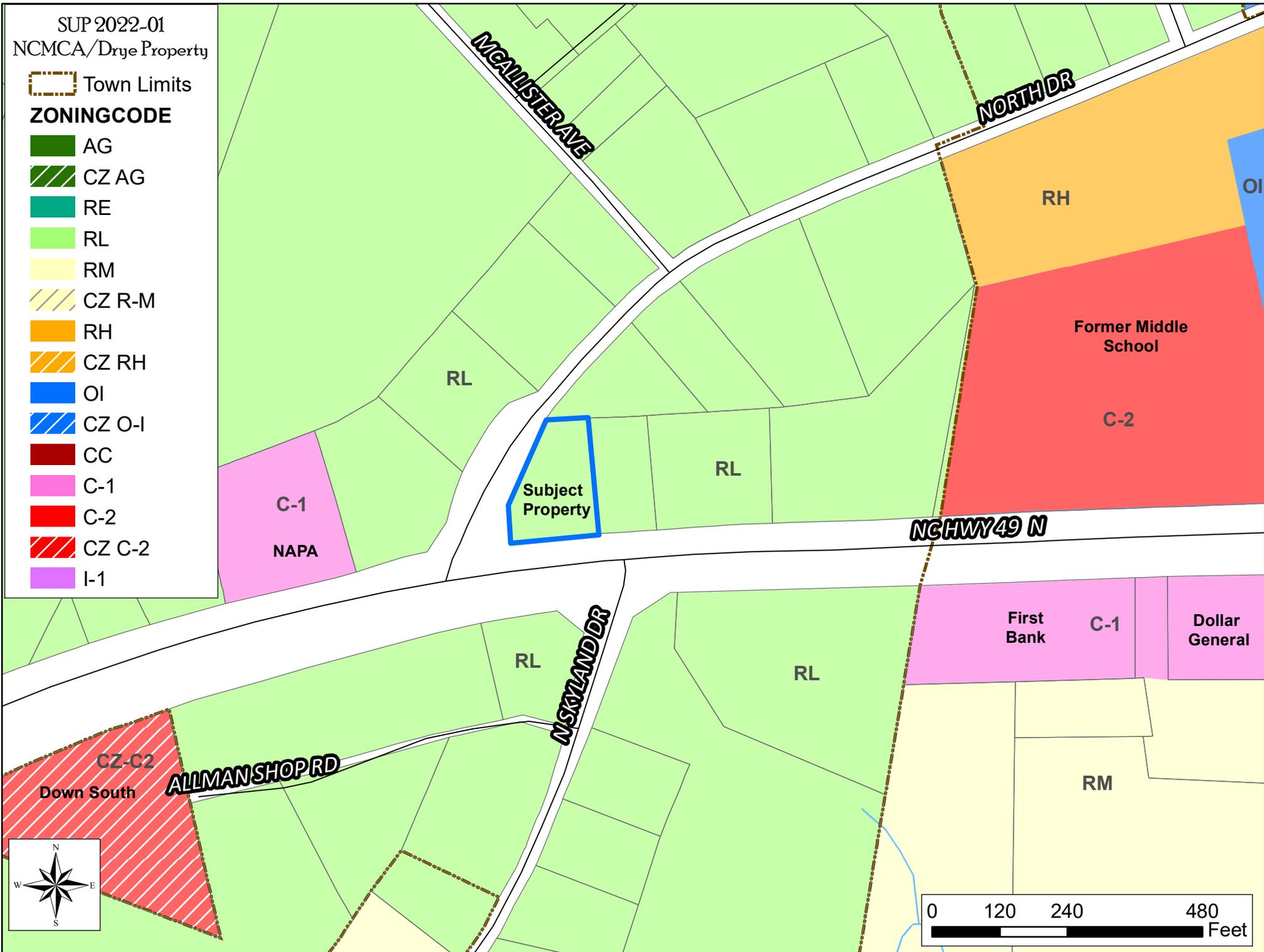
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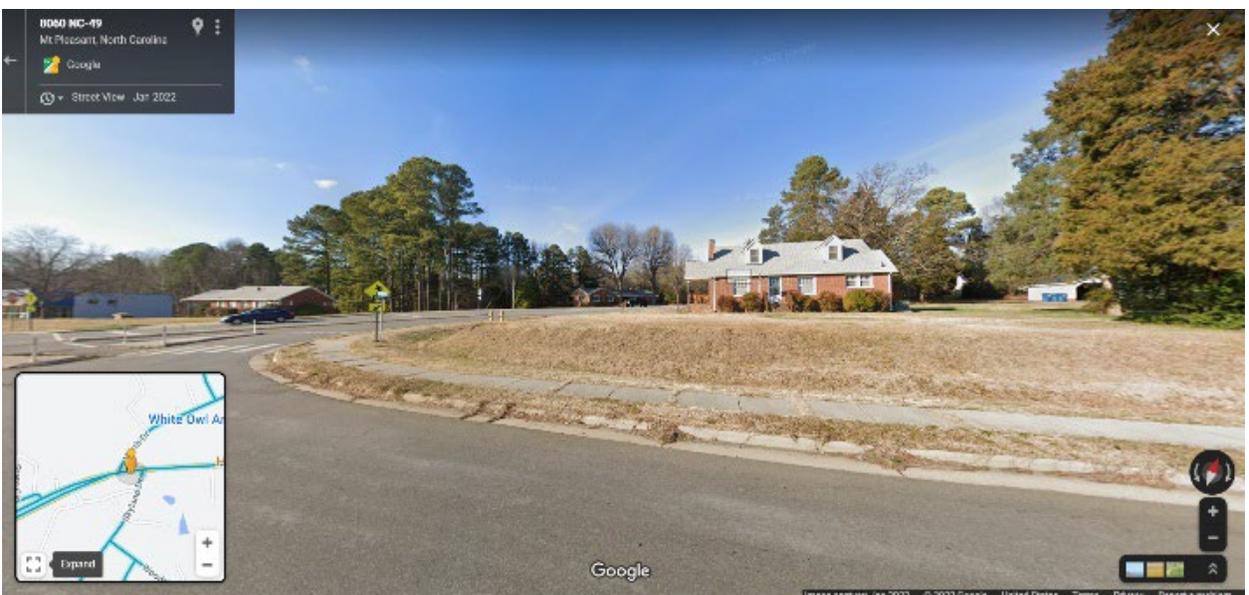
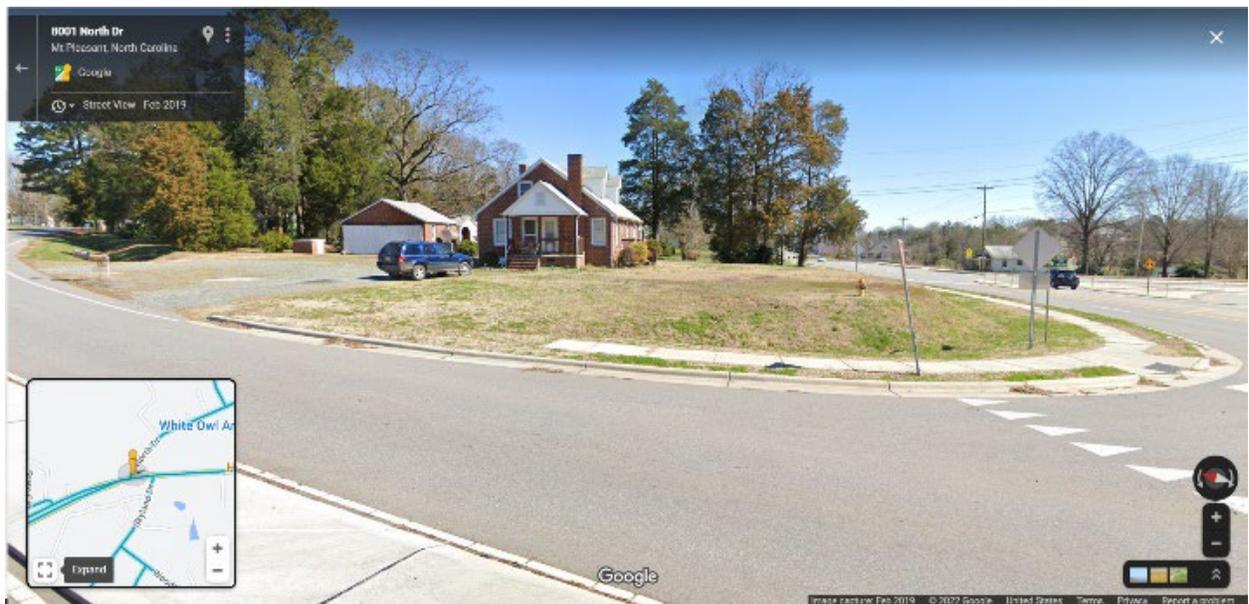
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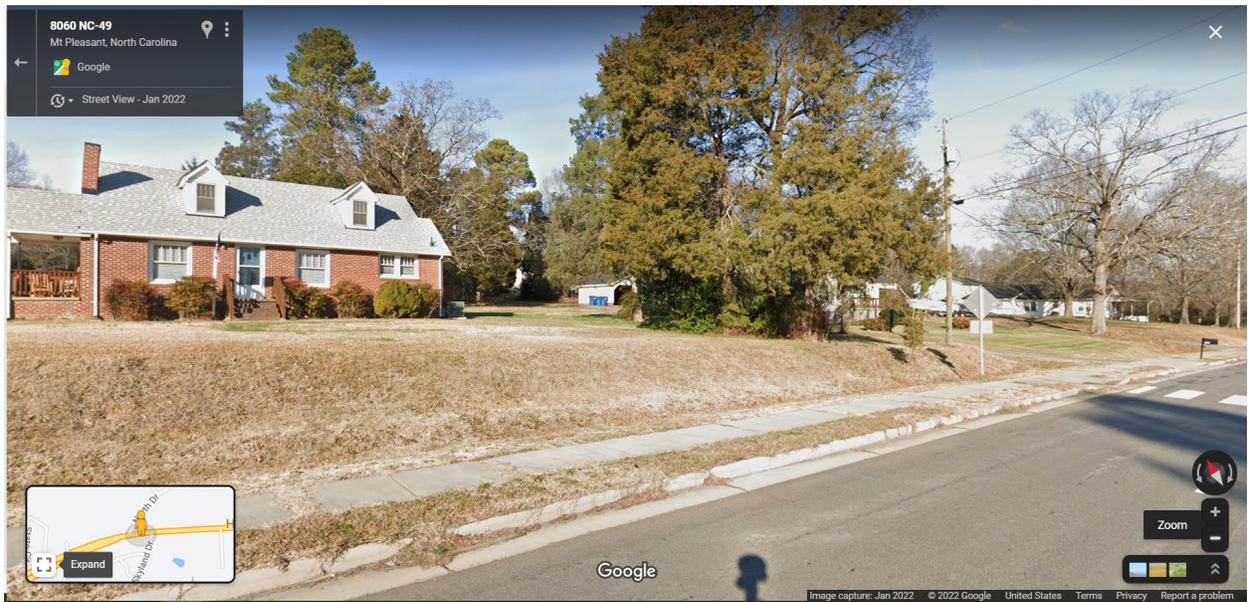
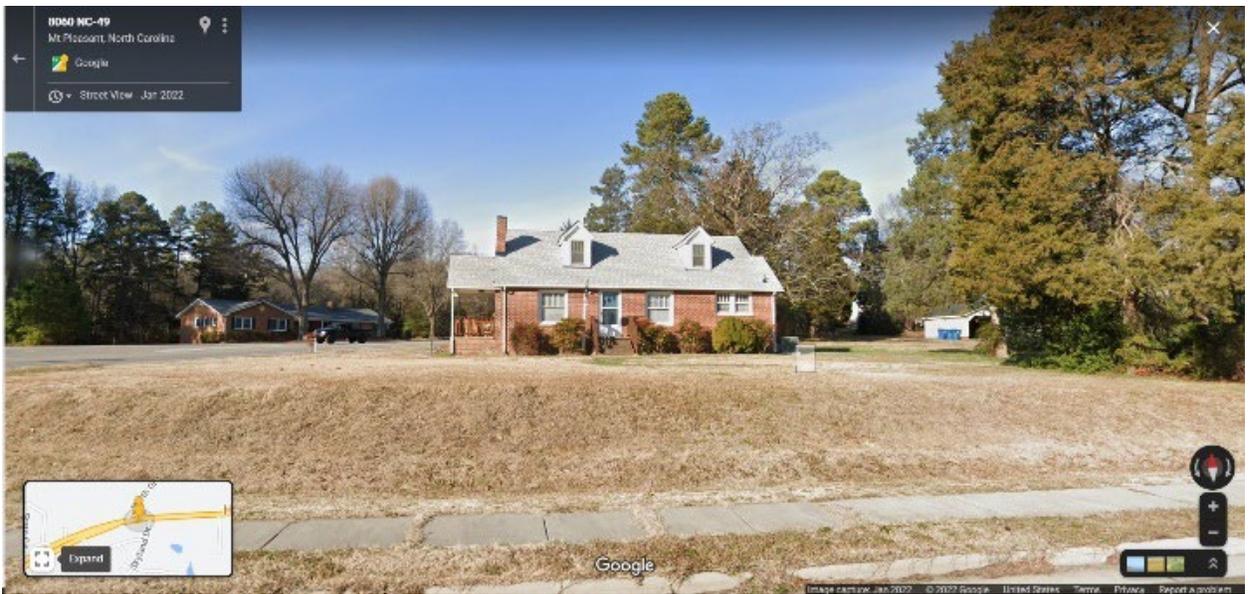
 C-2

 CZ C-2

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Planning & Zoning Board Meeting

Town Hall - 8590 Park Drive Mount Pleasant, NC

Monday, June 27, 2022

6:00 PM

To: Planning & Zoning Board

From: Erin S. Burris, AICP, Planning & Economic Development Director

Date: June 27, 2022

Subject: TA 2022-03 Infrastructure Amendments

A. BACKGROUND

Applicant: Town of Mount Pleasant

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

Town Planning Director and Engineer are proposing updates to the infrastructure standards of the Mount Pleasant Development Ordinance to improve organization, reduce inconsistencies and redundancies, and meet current best practices. These proposed amendments are also step 1 in a two-step process to separate the regulations of the ordinance from standards and specifications for required improvements. The Town Engineer is working on preparing a Standards and Specifications Manual that will provide details for improvements associated with development including paving schedules, curb details, driveway details, and utility details.

Appendix B lists plan submittal requirements for the different development types outlined in Article 3 and Subdivisions in Article 6. Appendix C will be moved to the separate Standards and Specifications Manual. The Ordinance provisions of Appendix D will be moved to the Section 8.2 under the Private Driveway requirements in Article 8. Driveway details, pipe requirements, etc. in Appendix D will be moved to the Standards and Specifications. References to Appendix C and Appendix D throughout the ordinance will be updated with the new locations.

B. RELATIONSHIP TO ADOPTED PLANS & POLICIES

There are no strategies in the adopted Comprehensive Plan related to this request.

C. STAFF RECOMMENDATION

Staff recommends review and approval of the proposed amendments.

D. ACTION REQUESTED

The Planning & Zoning Board is requested to review and make a recommendation to the Town Board of Commissioners on one of the following items:

- **Recommend approval and consistent:** The Planning & Zoning Board finds that proposed amendments are not addressed by the Comprehensive Plan, but are not inconsistent with it. These amendments are intended to improve Development Ordinance organization, reduce inconsistencies and redundancies, and meet current best practices. Following these ordinance amendments, a new Standards and Specifications Manual will be produced.
- **Recommend approval and not consistent:** The Planning & Zoning Board finds that the proposed amendments are not consistent with the 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.
- **Recommend Denial and not consistent:** The Planning & Zoning Board finds that the proposed amendments are not consistent with the Comprehensive Plan and does not consider the action to reasonable and in the public interest.
- **Defer:** The amendment needs additional consideration.

E. ATTACHMENTS

Included in Packet:

1. Article 10
2. Article 14

To be provided at meeting:

3. Appendix B
4. Appendix C (to be moved to Standards and Specifications Manual)
5. Section 8.2 (showing relocated Ordinance provisions from Appendix D with removal of redundant/inconsistent text)
6. Details of Appendix D (to be moved to Standards and Specifications Manual)

ARTICLE 10 INFRASTRUCTURE STANDARDS

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10.5 WATER & SEWER STANDARDS.....	10-26
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10.7 ELECTRICAL SYSTEMS.....	10-29

10.1. PURPOSE AND APPLICABILITY

- A. The purpose of this Section is to ensure that new developments provide adequate infrastructure that is compatible with adopted plans and Town standards.
- B. Unless otherwise specified, the requirements of this Section shall be initiated by any one (1) or more of the following activities on a property:
 - 1. New building construction or the initial use of the property;
 - 2. Any building or parking expansion of greater than 25%;
 - 3. New street construction; and
 - 4. New major subdivisions.

10.2. GENERAL PROVISIONS

COMPLIANCE

~~Except as hereinafter provided, before any final plat of a subdivision shall be eligible for final approval, and before any street or utility shall be accepted for maintenance by the Town, minimum improvements shall have been completed and approved in accordance with town engineering standards and specifications, or their completion shall have been guaranteed in accordance with Article 6 of this Ordinance.~~

INTENT OF SPECIFICATIONS

~~The intent of the specifications set out in this Article is to prescribe minimum requirements for infrastructure improvements to be undertaken by a developer within the Town or its extraterritorial jurisdiction. Satisfactory completion of these improvements, attested by approval of the town Public Works Director or their designee will qualify streets and utilities in the Town to be accepted for maintenance by the Town.~~

STATEMENT BY OWNER

~~The owner of land, or his authorized agent, shown on a subdivision plat submitted for approval by the Town Board shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision regulation jurisdiction of the Town Board.~~

10.2.1. EFFECT OF PLAT APPROVAL ON DEDICATIONS

Pursuant to General Statutes 160D-806, the approval of a plat shall not be deemed to constitute or effect the acceptance by the Town or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Town Board may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulation jurisdiction but outside the corporate limits of the Town shall not place on the Town any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and the Town shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits.

10.2.2. ABROGATION

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposed greater restrictions, the provisions of this ordinance shall govern.

10.2.3. IMPROVEMENTS EXCEPTION

- A. The Planning & Zoning Board, acting as a Board of Adjustment, at the recommendation of the Town Engineer, Town Public Works Director, or their designee may grant an exception from the terms of these improvements regulations when such exception will not be contrary to the public interest and where, because of the existence of unusual physical conditions, strict compliance with the provisions of this chapter would cause an unusual and unnecessary hardship on the developer. Such exception shall not be granted if it has the effect of nullifying the intent and purpose of these regulations. Furthermore, such variance exception shall not be granted by the Planning & Zoning Board unless the following findings are made: and until a written application for an improvements exception is submitted to the office of the Town Public Works Director on forms provided by that office demonstrating:
1. That special conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements involved and which are not applicable to other lands, structures, or required subdivision improvements;
 2. That a literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties with similar conditions;
 3. That the special conditions and circumstances do not result from the actions of the applicant;
 4. That the granting of the exception requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or required subdivision improvements under similar conditions. No existing conditions on neighboring lands which are contrary to these regulations shall be considered grounds for the issuance of an exception.
 5. The Planning & Zoning Board shall make further finding That the granting of the variance exception would be in harmony with the general purpose and intent of these regulations and the adopted Comprehensive Plan, will not be injurious to the surrounding territory, or otherwise be detrimental to the public welfare.

~~The Planning and Zoning Board shall make findings that the requirements of this section have been met.~~

~~The Planning and Zoning Board shall further make a finding that the reasons set forth in the application justify the granting of the variance that would make possible the reasonable use of the land, buildings, or other improvements.~~

- B. An appeal from the finding of the Planning & Zoning Board may be taken to the Town Board, acting as a Board of Adjustment, by any person aggrieved. An appeal is taken by filing with the zoning Administrator a written notice requesting an improvements exception and specifying the grounds therefore, as set forth in Article 6 of this Ordinance. Any appeal must be taken within 15 days after the date of the findings by the Planning & Zoning Board. The Town Board may reverse or affirm (wholly or partly) or may modify the findings appealed from and shall make any order, requirements, decision or determination that in its opinion ought to be made in the case before it

10.3. STREET IMPROVEMENT STANDARDS

PURPOSE

~~The purpose of this Section is to prescribe minimum design standards for new streets. These requirements may exceed the standards prescribed by NCDOT for the acceptance of streets into the Secondary System of State Highways. Satisfactory completion of these improvements, attested by approval of the Town Public Works Director or their designee, is required to qualify streets in the Town to be accepted for maintenance by the Town. Additional information is available in the design standards of the subdivision regulations.~~

10.3.1. CTP CONFORMANCE AND RIGHT-OF-WAY DEDICATION

- A. The location and design of streets shall be in conformance with Cabarrus-Rowan Metropolitan Planning Organization (MPO) Comprehensive Transportation Plan (CTP). In any case where any part of a development lies within the corridor of a thoroughfare shown on a roadway corridor official map adopted pursuant to NCGS Chapter 136, Article 2E, no development approval shall be granted with respect to the property in the roadway corridor. Provided, however, no development plat approval shall be delayed by the provision of the roadway corridor official map procedure for more than three (3) years from the date of its original submittal.
- B. Pursuant to NCGS 136-66.2, where a proposed subdivision abuts an existing street or roadway included in the Town or North Carolina Department of Transportation (NCDOT) street system, the applicant shall be required to dedicate at least one-half of the land necessary to comply with the minimum width requirements referenced in this Section or the applicable regulations of the NCDOT, whichever is greater. No structures or parking shall be constructed within this area.
- C. Where a major subdivision abuts an existing street or roadway included in the Town or NCDOT street system and, where permitted, is designed to utilize such street for frontage and direct access, the subdivider shall be required to improve such street in accordance with the design requirements of this Section or, if the street is on the State Highway System, the adopted regulations of the North Carolina Department of Transportation.

10.3.2. STREET DESIGN

- A. The Town has adopted North Carolina Department of Transportation (NCDOT) construction standards. Unless otherwise specified in this Ordinance or the Town's Standards and Specifications Manual, streets shall be paved and meet the design standards in the latest published edition of NCDOT's *Subdivision Roads Minimum Construction Standards* and NCDOT's *Roadway Standards Drawings*.
- B. As an alternative, the latest published edition of the NCDOT *Division of Highways Traditional Neighborhood Development Guidelines* may be followed for higher density residential developments within the RM, RH, or PUD zoning districts.

10.3.2.1. Street Classification and General Design Criteria

- A. Classification of an existing or proposed street for the purpose of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location for a proposed use, shall be done by the Administrator in consultation with the Town Engineer, Public Works Director, Director of Public Works or their designee.
- B. The street classification system set forth in Table 10.1-1 is hereby adopted for streets within the Town's jurisdiction. Streets may be further categorized pursuant to the adopted Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) Comprehensive Transportation Plan (CTP). In determining the classification of a street,

factors to be considered include the following existing or proposed features:

- Facility geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.
- Access conditions, including any restrictions on access, the spacing of private accesses, and average lot frontages.
- Traffic characteristics, including ADT, percentage of trucks, average operating speed, percentage of turning movements, origin-destination characteristics of the traffic, and peak hour characteristics of traffic.

C. Utilizing the criteria below, the [Town Engineer, Public Works Director, Director of Public Works](#) or their designee shall determine which of the apply to the street under consideration. [Street design detail drawings are located in Appendix C of this Ordinance.](#)

- **Major Thoroughfare:** Streets that provide for expeditious movement of high volumes of traffic within and through urban areas
- **Minor Thoroughfare:** Streets that perform the function of collecting traffic from local access roads/streets and carrying it to the major thoroughfare. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating minor through traffic movements and may also serve abutting property.
- **Collector:** A road that provides service to small local communities and traffic generators and provides access to the major and minor thoroughfare system.
- **Local:** A local street serves to provide access to adjacent land, over relatively short distances. Local streets may end in cul-de-sacs where permitted by this Ordinance.
- **Alley:** An alley provides access to adjacent land, typically to the rear of parcels. Alleys are typically used for utilities, garbage service and garage access in residential areas.

Table 10.3-1: Street Design Minimum Criteria by Street Type

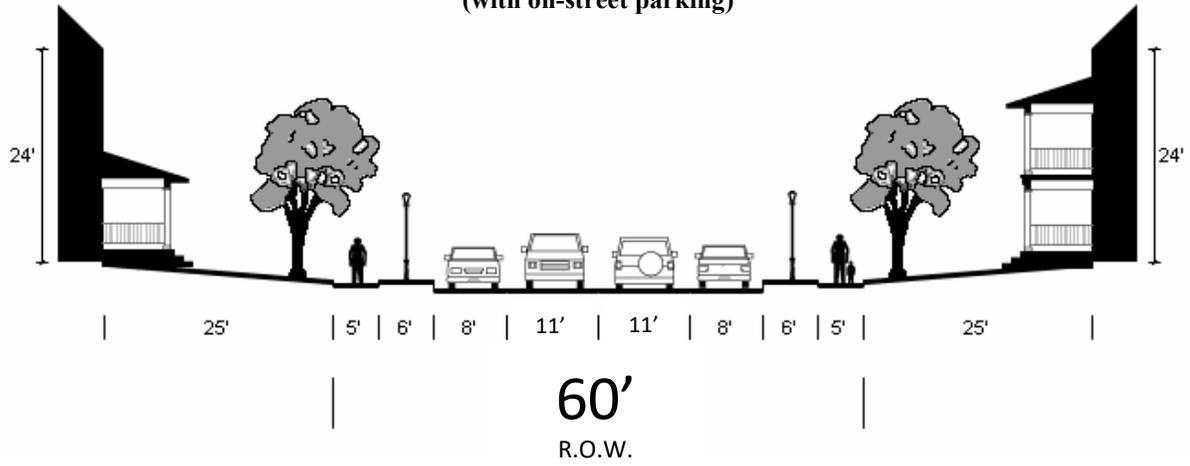
Element	Major Thoroughfare	Minor Thoroughfare	Collector	Local		Alley-Cul-de-sac	
				Residential	Non-Resid.	Residential	Non-Resid.
Avg. Daily Traffic	8,000+	5,000-8,000	3,000-5,000	500-1,000	1,000-3,000	0-300	0-500
Right-of-Way Width (face-to-face curb)	90-100ft	60-80ft	60ft	60ft ³	60ft	24 ft	60ft
Pavement Width ¹	64-68ft	28-70ft	28ft	24ft (26ft at fire hydrants)	28ft	16 ft	28ft
Design Speed	45-55mph	35-45mph	25-35mph	15-25mph	25-35mph	0-10mph	n/a
Stopping Sight Distance	650ft	550ft	200ft	200ft	325ft	300ft	325ft
Centerline Radius	1,530ft	765ft	365ft	300ft	575ft	300ft	575ft
Intersection Curve Radius ³	30ft	30ft	30ft	30ft	30ft	30ft	30ft
Turn Radius	n/a	n/a	n/a	n/a	n/a	n/a	100ft-ROW 60ft-Pavement
Sidewalk Buffer Strip	8	6	6	4	4	n/a	4

¹ Add a minimum of 8 feet of pavement width for any street with on-street parking.

² A 50-foot right-of-way may be used in single-family residential subdivisions with lots that have a minimum of 3 on-site parking spaces and driveways a minimum of 20 feet wide (minimum of 2 spaces and 12 feet wide for single-family attached/townhome units)

³Maximum curve radius in the RH, O-I, CC, PUD is 45 feet

Figure 10.3-1: Example Local Residential Street Section
(with on-street parking)



(no on-street parking)*

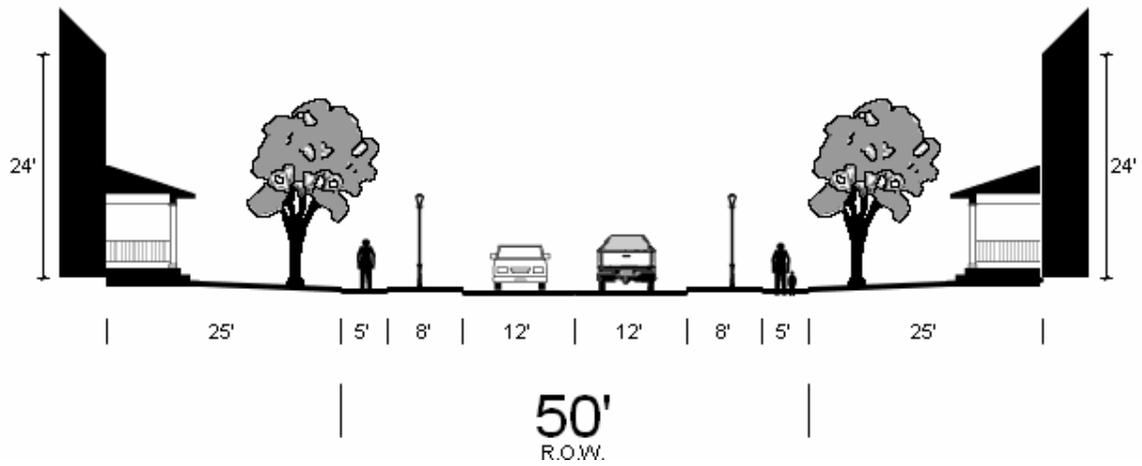


Figure 10.2: Recommended Alley Section

- D. Streets shall be designed to create a hierarchy of streets according to the following standards, provided, however, that the Town Engineer, Director of Public Works, or their designee may recommend design modifications where such modifications are consistent with an adopted access management plan or necessary by reason of natural features or existing development, and do not create safety hazards or increased maintenance costs.
 - 1. Local Streets ~~or Local Roads~~ shall intersect with two (2) streets of equal or higher classification, except where otherwise permitted by this Ordinance.
 - 2. Alleys shall intersect with ~~Residential~~ Local Streets.
 - 3. The ~~Administrator~~ Town Engineer may require a street to be of a collector level design where the anticipated ADT will exceed 3,000 vehicles per day and serves to collect and distribute traffic to the major street system identified on the *Comprehensive Transportation Plan (CTP)*.
 - 4. Reserve strips and cul-de-sac streets that interfere with street connections needed to serve existing or planned developments are prohibited.
- E. Pursuant to Appendix D of the North Carolina Fire Code, maximum street grade is 10%, maximum grade within 100 feet of an intersection is 5%. Steeper grades may be approved by the Fire Marshal and Mount Pleasant Fire Chief upon demonstration that emergency apparatus can be maintained.

10.3.2.2. Cul-de-sac and Dead-End Streets

Cul-de-sacs shall be subject to the same design guidelines as local ~~streets roads~~, above, except as modified herein:

- ~~A.~~ In no event shall more than 20 ~~equivalent~~ residential units (~~ERUs~~) take access from a cul-de-sac. ~~ERUs are determined in Article 14.~~
- B. The Preliminary and Final ~~Plats~~ site plan shall show a stub connecting the cul-de-sac to adjoining areas or parcels where future roadways are delineated in the Comprehensive Plan or Comprehensive Transportation Plan (CTP), or on a recorded subdivision plat or site plan (provided reasonable connection can be achieved without the need for a bridge or other feature to negate substantial differences in topography). The stub shall be improved as a pedestrian walkway, trail, or bikeway.
- C. Turnarounds for dead-end roads in excess of 150 feet, shall meet the requirements of Appendix D of the North Carolina Fire Code.
- D. ~~In no event shall the cul de sac exceed the lengths set forth below.~~ Maximum cul-de-sac street lengths are shown in the table below. Cul-de-sac length shall be measured from the first point of intersection with an existing street or the street providing access for the cul-de-sac.

Table 10.3-2 Cul-de-Sac Street Length

District	Max. Length (feet)
AG, RE, RL	1,000
RM, RH	800
O-I, C-1, C-2, CC, PUD	500
CD, I-1, I-2	1,500

10.3.3 SIDEWALKS AND MULTI-USE PATHS

10.3.3.1 Sidewalk Installation Required

- A. Sidewalks or multi-use paths shall be installed along the frontage of any public street from which a subdivision or new street takes access, as shown in the Cross Section Index of the most recently adopted Cabarrus-Rowan Metropolitan Planning Organization (MPO) Comprehensive Transportation Plan (CTP). This requirement may be waived by the Planning Board upon recommendation by the Town Engineer or Public Works Director and the Administrator if there are no sidewalks along that public street within 2,000 feet.
- B. Sidewalks shall also be required along existing streets for all new development, except for single-family and two-family residential development for which no new streets are being constructed.
- C. Sidewalks shall not be required for new development on existing streets within the AG and RE districts, unless a new street takes access from the existing street with sidewalks and the development has a density off greater than 0.5 dwelling units per acre.
- D. Sidewalks shall be installed in accordance the table below:

Table 10.3-3 Sidewalk Requirements

Zoning District	Sidewalk Requirements
AG, RE	<ul style="list-style-type: none"> • Not required for densities of less than 0.5 DUA • Required on one side of new streets for densities of greater than 0.5 DUA
RL, RM, O-I, I-1, I-2, CD	Required on one (1) side of new streets and along existing street frontage for all new <u>major subdivisions and non-residential</u> development
RH, C-1, C-2, PUD	Required on both sides of new streets and along existing street frontage for all new <u>major subdivisions and non-residential</u> development

DUA=Dwelling Units per Acre

- ~~E.~~ Sidewalks shall be a minimum of five (5) feet wide and shall be separated from the roadway by the minimum buffer set forth in Table 10.3-1. The requirement for a buffer strip may be waived by the Planning & Zoning Board upon recommendation by the Town Engineer or Public Works Director. Sidewalks ~~and~~ shall be constructed to NCDOT standards. All costs associated with the installation of the required infrastructure, including, but not limited to, the widening of streets, the dedication of additional right-of-way, or the relocation of utility lines to accommodate the additional infrastructure and appurtenant facilities shall be the responsibility of the developer. ~~Sidewalks shall be constructed of not less than three thousand (3,000) PSI concrete; be a minimum four (4) inches thick, except that where a sidewalk crosses a driveway, it shall be six (6) inches thick; be constructed on an adequately compacted and properly graded base have a lateral slope of one quarter (1/4) inch per foot toward the street. be steel trowelled and light broom finished and cured properly. Tooled joints shall be provided at intervals of not more than five (5) feet and expansion joints at intervals of not more than forty (40) feet.~~
- F. For Conservation Developments, a minimum eight (8) foot wide (10-foot preferred) asphalt multi-use path may be installed on one side of the street in lieu of any required sidewalks.
- G. All multi-use paths shall meet the requirements of Town’s *Standards and Specifications Manual (detail drawing #12 in Appendix B)*.

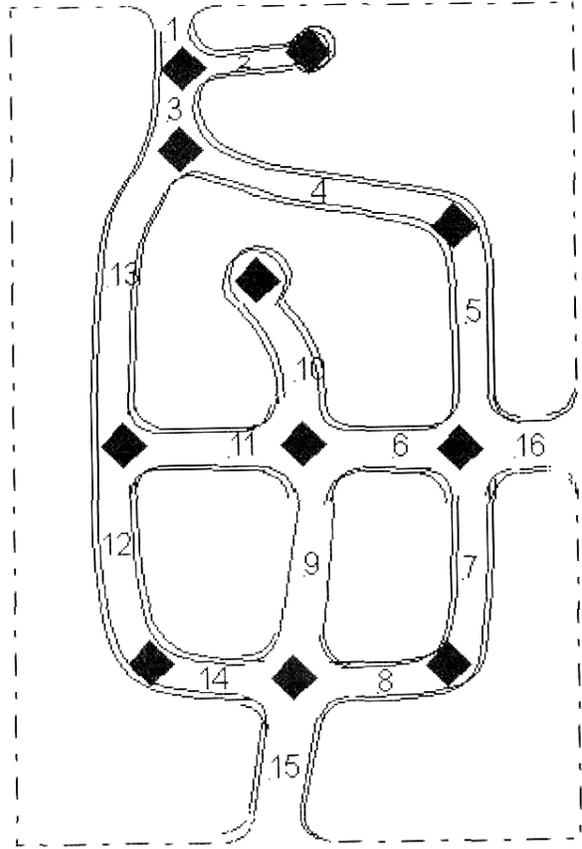
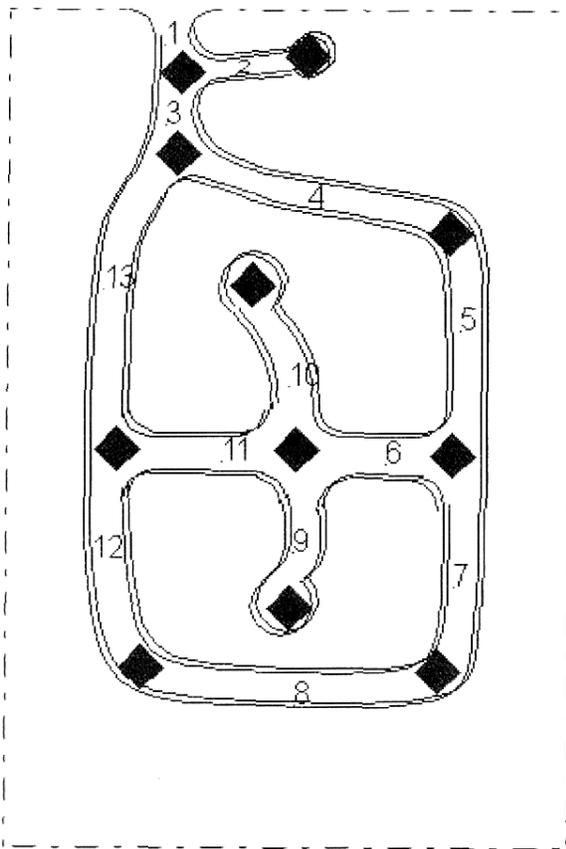
10.3.4 STREET CONNECTIVITY REQUIRMENTS

- A. The Town finds that an interconnected street system is necessary in order to protect the public health, safety and welfare in order to ensure that streets will function in an interdependent manner, to provide adequate access for emergency and service vehicles, to enhance non-vehicular travel such as pedestrians and bicycles, and to provide continuous and comprehensible traffic routes.
- B. All proposed streets shall be continuous and connect to existing or platted streets without offset with the exception of cul-de-sacs as permitted and except as provided below. Whenever practicable, provisions shall be made for the continuation of planned streets into adjoining areas.
- C. The street network for any subdivision shall achieve a connectivity ratio of not less than 1.40. (see example in Figure 10.3-2).
- D. The phrase “connectivity ratio” means the number of street links divided by the number of nodes or link ends, including cul-de-sac heads.
- E. A “link” means and refers to that portion of a street defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. However, alleys shall not be considered links.
- F. A “node” refers to the terminus of a street or the intersection of two (2) or more streets, except that intersections that use a roundabout shall not be counted as a node. For the purposes of this section, an intersection shall be defined as:
 - 1. any curve or bend of a street that fails to meet the minimum curve radius ~~as established in the second table of Table 10.2-1~~; or
 - 2. any location where street names change (as reviewed and approved by the Administrator).
 - 3. For purposes of this subsection, the street links and nodes within the collector or thoroughfare streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.
 - 4. Residential streets shall be designed so as to minimize the block length of local streets, to provide safe access to residences with minimal need for steep driveways and to maintain connectivity between and through residential neighborhoods for autos and pedestrians.
 - 5. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, rights-of-way and improvements shall be extended to the boundary of the development. Pursuant to Appendix D of the North Carolina Fire Code, a turnaround may be required where the dead end exceeds 150 feet in length. The platting of partial width rights-of-way shall be prohibited except where the remainder of the necessary right-of-way has already been platted, dedicated or established by other means.
- G. New subdivisions that intend to provide one (1) new cul-de-sac street shall be exempt from the connectivity ratio standard as set forth in this section, provided the Administrator determines that there is:
 - 1. no options for providing stub streets due to topographic conditions, adjacent developed sites, or other limiting factors; and
 - 2. interconnectivity (use of a looped road) within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.

Figure 10.3-2 Example of Street Connectivity Ratio as applied

Example 1: Subdivision that does not meet the Ratio
(13 links/11 nodes = 1.18 ratio)

Example 2: Same development modified to meet Ratio
(16 links/11 nodes = 1.45 ratio)

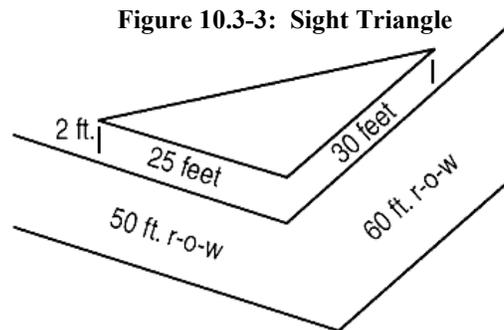


10.3.5 INTERSECTIONS AND SIGHT DISTANCE

- A. Insofar as practical, streets shall intersect at an angle of ninety (90) degrees for a minimum of fifty (50) feet from the roadway intersection. In no case shall the angle be less than sixty-five (65) degrees. Intersections having more than four (4) corners shall be prohibited.
- B. Proposed streets which intersect opposite sides of another street (either existing or proposed) shall be laid out to intersect directly opposite each other. Intersections which cannot be aligned shall be separated by a minimum length of 200 feet between survey center lines.
- C. Property lines at intersections shall be established so that the distance from the edge of pavement, of the street turnout, to the property line will be at least as great as the distance from the edge of pavement to the property line along the intersecting streets. This property line can be established as a radius or as a sight triangle.
- D. A sight triangle shall be maintained on each corner of property at the intersection of two streets, a street and an alley, a street and a railroad, and also at the point where driveways, private drives, or entrances to common parking areas intersect with a public or private street right-of-way. In the event that a proposed new street connection is located on a site near an adjoining property not under the ownership of the developer, the Town shall have the authority to acquire right-of-way (as set forth in NCGS 40-A) on the adjoining property for such area as necessary to establish a sight triangle. The following are the distances used to establish a sight triangle as measured from an intersecting right-of-way:

Table 10.3-4: Sight Distance

Right-of-Way Width (feet)	Distance (feet)
Driveway	10
50	25
60	30
70	35
80	40
90	45
100	50



E. A sight triangle shall contain no fence, structure, earth bank, hedge, planting, wall or other obstruction between a height greater than two (2) feet above the property line grade as established by the town Public Works Director or their designee. The Administrator (or his/her designee) may waive this provision where the natural contour of the ground is such that there can be no cross visibility at the intersection. The following are exempted from this provision:

- Public utility poles.
- Trees trimmed (to the trunk) to a height at least nine (9) feet above the level of the intersection.
- Other plant species of open growth habit that are not planted in the form of a hedge and which are so planted and trimmed as to leave in all seasons a clear and unobstructed cross-view.
- A supporting member or appurtenance to a permanent building lawfully existing on the effective date of this ordinance.
- Official warning signs or signals.
- Signs which conform to the Sign Ordinance (Article 12) mounted ten (10) feet or more above the ground with supports that do not encroach on the clear-vision area.
- Property within the CC District.

10.3.6 ACCESS MANAGEMENT STANDARDS

The following standards shall be used to determine the adequacy of lot layouts so that safe and adequate access to each lot is provided. The purpose of regulating the number, spacing and design of vehicular access points is to balance the need for providing access to individual private properties with the need to preserve an adequate level of capacity on the streets providing access. Vehicular access restrictions shall be required to be shown on subdivision plats.

10.3.6.1 Driveway Permit Required

A driveway permit is required prior to the construction of any new access point to a publicly maintained street. Said permits are issued by the NCDOT for a connection to any State-maintained street Highway (19A NCAL §§ 2B.0601-2B.0605). [All driveway permits for Town-maintained streets shall meet the requirements set forth in this Section and Section 8.2 of this Ordinance.](#)

10.3.6.2 Driveway Separation

A. Required spacing between adjacent access locations or a proposed access location and an adjacent street intersection is shown in Table 10.3-5. For existing lots, driveways shall be located at the point of maximum separation if the standards of this section cannot be met.

Table 10.3-5 Driveway Separation Standards

Street Classification	Minimum separation between driveways (in feet)	Minimum separation between driveways and intersecting public street (in feet)
Thoroughfare	400	250
Collector	120	120
Local	40	60

1. Access separation between driveways shall be measured from inside edge to inside edge of driveway.
2. Access separation between a driveway and an intersection shall be measured from the nearest edge of the driveway to the intersecting street right-of-way.

3. A maximum of ~~three (3)~~ two (2) access points shall be allowed to any one (1) parcel from any one (1) street.
 4. Single-family and duplex developments on individual lots of record shall be exempt from these standards. However, driveways associated with these uses shall not be located within any sight triangles.
- B. Where lots in a proposed subdivision front on a thoroughfare, options for designing access that meets the standards of this Section shall include:
1. The use of cross access easements in order to maintain private access points at intervals of no less than 400 feet; or
 2. The use of lower-level public streets to provide ~~secondary~~ access in accordance with Section 6.6.5.2; and
 3. Any other measure required by NCDOT.

Notation shall be provided on an approved Final Plat to restrict vehicular access for lots along the frontage of thoroughfares, nonresidential collectors or higher level streets.

10.3.6.3 Secondary Access

- A. Pursuant to Appendix D of the North Carolina Fire Code, where there are more than 30 dwelling units, a secondary access point for fire apparatus shall be provided, unless otherwise approved by the Fire Marshal. The secondary access shall be a minimum 16-foot wide driveway of eight (8) inches of compacted gravel for fire safety purposes with controlled access via a gate with a “Knox Box” control.
- B. Where there are more than 100 dwelling units, a second public road for ingress and egress to the development, built to the street standards of this Ordinance shall be provided and shall be routed to avoid hazard areas such as floodways, unless otherwise approved by the Fire Marshal.

Substandard Access

~~Where access meeting the spacing guidelines of this Section cannot be provided, the Town Engineer, Director of Public Works, or their designee shall consider the following standards in determining whether a substandard access location may be permitted.~~

~~The Town Engineer, Director of Public Works, or their designee shall first determine whether alternate access is available. Alternate access includes:~~

~~access to another street that meets the standards of the Ordinance; or~~

~~access provided jointly with an adjacent property that will meet the standards of this Ordinance.~~

~~Where alternate access opportunities are determined not to exist, the Town Engineer, Director of Public Works, or their designee may grant a reduction in spacing standards of up to 20%.~~

~~If after considering alternatives above, the Town Engineer, Director of Traffic of Public Works or their designee determines that no feasible alternatives exist, a substandard access permit may be granted only subject to the modification provisions of Section 6.4.16.~~

10.3.7 EMERGENCY VEHICLE ACCESS

All development shall have adequate emergency vehicle access in accordance with the NC Fire Code, as approved by the Cabarrus County Fire Marshal.

~~The purpose of this Section is to ensure that all premises shall be readily accessible for emergency service vehicles, particularly fire fighting equipment.~~

~~For developments which do not have frontage on a public street, access for fire vehicles and emergency apparatus~~

from a public street shall be provided as follows:

Except as provided by this Section 10.1.8, a fire lane shall be required to provide access to any portion of any structure which is more than:

~~one hundred and fifty (150) feet from the nearest street right of way when the structure is thirty (30) feet or less in height; or~~

~~fifty (50) feet from the nearest street right of way when the structure exceeds thirty (30) feet in height. When fire vehicles and emergency apparatus are provided access to any portion of a structure more than the distance from a street right of way specified in above, by means of either buffer yard area or adjoining property, the requirements of this Section 10.1.9 may be waived by the Administrator, after consultation with the fire chief.~~

~~The Town shall not be liable for damage to underground utilities beneath fire access lanes caused by fire fighting equipment.~~

10.3.8 GRADING FOR STREETS

A. All streets shall be graded to their full right-of-way width. Finished grade, cross-section and profile of the roadway shall be designed by a professional engineer ~~or registered land surveyor~~ and approved by the Town Engineer, Public Works Director, or their designee.

B. All grading shall meet NC Fire Code and NCDOT standards.

~~Longitudinal grades shall have a minimum grade of 0.5% and a maximum grade of 10 percent, unless otherwise approved by the Fire Marshal and Mount Pleasant Fire Chief.~~

~~Transverse grade or crown shall be one fourth (1/4) inch to one (1) foot slope. The maximum slope for cuts shall be two (2) to one (1) and for fill embankments, two (2) to one (1). Fill embankments shall be formed of suitable materials placed in successive layers of not more than six (6) inches in depth for the full width of the cross section, including width of slope area. No stumps, trees, brush, rubbish or other unsuitable materials or substances shall be placed in the embankments within any right of way or easement. Each successive six inch layer shall be thoroughly compacted by a sheepsfoot roller, ten ton, three wheel power roller, pneumatic tired roller or other method approved by the town Public Works Director or their designee. Embankments over and around all pipes and culverts shall be of select material, placed and thoroughly tamped and compacted as directed by the Town Public Works Director or their designee or his representative. Any soft spots or rolling areas must be removed and replaced in the manner stated above until satisfactory compaction is achieved.~~

10.3.9. STREET BASE AND SURFACE STANDARDS

Street base and surfaces shall meet NCDOT standards, unless otherwise specified in the Town's Standards and Specifications Manual.

~~The material for base course shall be crusher run stone with aggregate ranging from one and one half (1/2) inches to dust. The material shall consist of tough durable aggregate, containing sufficient fines to insure a well and uniformly bonded base after compaction. The aggregate shall be free from an excess of flat, elongated, soft disintegrated pieces, and shall not contain clay, silt, vegetable or other objectionable matter. The base shall not be less than that required by town standards. The mixing and shaping of the base course material shall be done with a power driven motor grader, equipped with a blade not less than ten (10) feet long, and of a size equal to a 212 Caterpillar. [See standard drawing(s) in Section C.7]~~

~~The base shall be compacted by rolling with ring or temping roller and with pneumatic tired roller. When completed, the base course shall be smooth, hard, dense, unyielding and well bonded.~~

~~Materials shall conform to the requirements of the State Highway Specifications, Section 401. Construction methods shall conform to Section 51. [See standard drawing(s) in Section C.7]~~

~~Plant mix asphalt shall conform in all respects to State Highway Specifications, Section 140 (Type "I 2"), and in addition, at least 50% of the fine aggregate (material passing the No. 10 sieve) used in the mix shall consist of natural sand or approved screenings. The prime coat shall be applied only when the base course is dry. The surface course shall not be less than that required by Town standards.~~

10.3.9 PRIVATE STREETS

~~Private streets that develop as part of a subdivision, or integrated commercial, industrial, multifamily residential or institutional development shall be designed and constructed to the street standards set forth this Ordinance. Private streets (with established right-of-way) shall be prohibited only be allowed in single family attached residential, multi-family residential, and PUD developments. This section shall not include private accessways/driveways as regulated in Article 8. A legally responsible organization (i.e. homeowners association, special district, etc.) as acceptable to the Administrator shall be established to maintain a private street(s). Documents to assure private responsibility of future maintenance and repair by a homeowners association or a special district shall be approved as to form by the Administrator.~~

10.3.10 UNOPENED DEDICATED RIGHT-OF-WAY STREETS

~~Streets for which Existing right-of-way which has been dedicated for public use by subdivision plat or deed to the North Carolina Department of Transportation or the Town of Mount Pleasant and recorded with the Cabarrus County Register of Deeds, but for which have a street has never been constructed, shall not be constructed or maintained by the Town until the following conditions have been met:~~

- Right-of-way shall be dedicated, and surveyed if necessary, sufficiently wide for the street and utilities, as determined by the Town Engineer, Public Works Director or their designee.
- Right-of-way shall be cleared and graded to meet Town standards for slope and drainage.
- Roadway shall be improved with a **surface of crusher-run stone to a depth of not less than six (6) inches, two (2) inches of HB binder, and one and one-half (1½) inches of I-2 asphalt.** Width of roadway shall be not less than eighteen (18) feet.
- The Town Engineer, Public Works Director, or their designee or his authorized representative shall inspect all work.
- The Town Engineer, Public Works Director, or their designee or his authorized representative shall issue a certificate of completion for the required improvements.

10.3.11 STREET NAMES AND SIGNS

10.3.11.1 E-911 Addressing

Proposed street names shall not duplicate nor too closely approximate phonetically the name of any street within the Town and Cabarrus County. Where proposed streets are extensions of existing streets, the existing street names shall be used except where a new name can reasonably be used to facilitate proper house numbering or to avoid further street name duplication. Street names shall be approved by Cabarrus County E-911 addressing prior to Preliminary Plat approval.

Standard Street Signs

~~In all subdivisions which include public streets, except as provided for in below, standard street signs shall be installed by the Town of Mount Pleasant. The developer shall reimburse the Town for full costs of installation. Installation, maintenance and replacement shall be the responsibility of the Town.~~

10.3.11.2 Design Standards for Street Signs

- A. Street signs shall be designed to meet the minimum standards for Cabarrus County and may be ordered through the Cabarrus County sign shop at the cost of the developer.

- B. A street signage plan shall be submitted with Construction Plans for Major Subdivisions. This plan shall include regulatory, warning, and informational signs meeting the standards of the Manual of Uniform Traffic Control Devices (MUTCD).
- C. On temporary street stubs or permanent dead-end streets, guardrail barricades and reflectors with adequate “No Parking” signs shall be installed.
- D. For emergency services purposes, all street signs shall be installed prior to any building construction.

the following standards:

Blades should be 9 inches high by 30, 36, or 48 inches long, depending on how many letters are in the street name.

Blades should be a minimum of .08 inches in thickness.

Street name letters should be a minimum of six (6) inches in height.

Block range numbers and street suffixes (DR, ST, LN, etc.) should be a minimum of three (3) inches in height.

The height from the lowest point of the blades should be seven (7) feet off the ground.

Standard blade colors are a Forest Green opaque background with lettering in High Intensity Reflective White.

Once a property owners association is established, that association will then become responsible for the maintenance of all road signs privately installed. (“privately installed signs” meaning installed by the developer or property owners association)

A note will be added to all final plats, indicating the property owner association’s maintenance responsibility for all privately installed street signs.

Standards blades will be ordered through the Cabarrus County Sign Shop. The cost for each sign will be per the adopted fee schedule.

10.3.11.3 Custom Street Signs

In subdivisions with architectural standards, restrictive covenants, and a property owner's association, custom street signs may be installed by the developer with all costs of installation, maintenance and replacement paid by the developer and as set forth below:

- A. Such street signs shall comply with the Manual on Uniform Traffic Control Devices published by the U.S. Department of Transportation and may be installed only after written approval by the Town Public Works Director or their designee. Submission requirements for consideration of custom street signs shall include detailed color drawings, plans and specifications of the proposed street signs and a written statement describing funding for installation, maintenance and replacement.
- B. Replacement of lost or damaged regulatory or warning signs, as defined by the Uniform Manual, shall be ~~accomplished immediately by the Town using standard street signs until the responsibility of the~~ developer or property owner's association ~~installs replacement custom street signs.~~ If the developer or property owner's association fails to install replacement custom street signs for regulatory and warning signs within ninety (90) days, the replacement by the Town shall be considered permanent and full costs shall be paid by the developer or property owner's association. Replacement of lost or damaged guide signs, as defined by the Uniform Manual, shall be accomplished by the developer or property owner's association within 90 days or the Town shall install standard street signs with full costs paid by the developer or property owner's association.

10.3.12 CLUSTER BOX UNITS

All new major subdivisions, multi-family residential development, and multi-tenant non-residential developments shall install mail cluster box units (CBU) in accordance with NCDOT standards and the latest edition of *US Postal Service National Delivery Planning Standards: A Guide for Builders and Developers.*

SUBDIVISION EXCEPTIONS

Requests for subdivision exceptions or relief from any provisions of the Article 10 shall be covered under Section 6.4.16 of this Ordinance.

10.4 STORMWATER MANAGEMENT

10.4.1 GENERAL PROVISIONS

- A. A drainage system shall be provided for by means of culverts under roadways and other drainage structures or outlet ditches that are necessary to provide adequate drainage of stormwater for all streets in the subdivisions and for adjoining property where necessary. All such drainage systems shall be designed in accordance with sizes and specifications established by the North Carolina Department of Transportation (NCDOT) for state-maintained roads. Drainage on local streets shall be designed for the 10-year storm event at a minimum. Drainage under local streets shall be designed for the 25-year storm event at a minimum. In critical areas, such as sags where structures may be present, the design shall be increased to the 50-year storm event design.
- B. Storm drainage systems shall be designed by a professional engineer according to specifications ~~of the public utilities department~~ of the Town of Mount Pleasant and approved by the Town Public Works Director or their designee. Installation of same shall be in accordance with Town or NCDOT specifications and standards.
- C. Adequate storm drainage shall be provided throughout by means of pipes or graded channels. Storm drain pipe shall be placed at all low points in the street grade to transmit storm water transversely across the street with catch basins being constructed on both sides of the street at the low points. In no case, shall stormwater be transmitted more than 500 feet in the gutter line. ~~No open ditches will be permitted within the limits of the street rights-of-way except for pre-existing stream channels which may be approved by the town Public Works Director or their designee or open channels designed in accordance with Low Impact Design: A Guidebook for North Carolina.~~
- D. No fences or structures shall be constructed across an open drainage channel that will reduce or restrict the flow of water. The Administrator may require any water course or stormwater management facility to be located within dedicated a drainage easement officially recorded by the Cabarrus County Register of Deeds as a “permanent drainage easement” that provides sufficient width for maintenance.

10.4.2 STORMWATER MANAGEMENT DRAINAGE PLAN

- A. For all land disturbances one acre or greater or developments that create 20,000 square feet or more of built upon area, including smaller projects that are a part of a larger common plan of development, subdivision or sale, stormwater management plans shall be prepared for, and shall be approved by the Administrator upon the recommendation of the Town Engineer and Public Works Director, subject to review by the North Carolina Department of Environmental Quality (NCDEQ), as applicable. Stormwater management plans shall:
1. Meet or exceed the criteria contained in North Carolina Administrative Code 15A NCAC 2H .0126.;
 2. Demonstrate that proposed stormwater facilities control the impacts of the development to the maximum extent practicable and that those facilities are designed to meet the criteria described in the North Carolina Department of Environmental Quality (NCDEQ) Stormwater Design Manual;
 3. Be signed and sealed by a qualified professional engineer or registered landscape architect in the State of North Carolina;
 4. Include drawings, maps, supporting calculations, specifications, and summaries;
 5. Identify the stormwater impacts of the proposed development. Stormwater impacts may include:
 - Effects on existing upstream and/or downstream drainage systems and property;

- [The ability of the natural drainage way to accommodate additional stormwater runoff;](#)
 - [Water quality impacts to receiving waterbodies; and](#)
 - [Site-specific criteria.](#)
6. [Demonstrate that stormwater runoff is adequately conveyed through the development in a drainage system; and](#)
7. [Control pollutants to levels required by the NCDEQ Stormwater Design Manual.](#)
8. A copy of the North Carolina Department of Environmental Quality (NCDEQ) approved Post-Construction Stormwater Management Plan and Sedimentation and Erosion Control Plan for the site shall be included with the project documentation.

~~The stormwater drainage plan shall be designed so that adjacent properties are not unreasonably burdened with surface waters as a result of the development of the subdivision or site improvements. No surface water shall be channeled or directed into a sanitary sewer. The stormwater drainage plan shall be approved by the Public Works Director or their designee.~~

~~A stormwater drainage plan submitted for approval under these provisions shall be prepared by a professional engineer in accordance with the standards of this Ordinance and approved by the Public Works Director or their designee. The plan shall include, but shall not be limited to the following information:~~

~~A site plan showing existing and proposed buildings, existing utilities, storm water drainage facilities, soil types, and ground cover.~~

~~Site construction plans, grading plans, existing and proposed topography, existing and flow patterns, and existing and proposed drainage system receiving runoff from the parcel.~~

~~Drainage plan design date.~~

~~Drainage area map and hydrologic engineering calculations including offsite drainage affecting the property.~~

~~Projected area of impervious cover and total land area.~~

~~Proposed land use and development plans.~~

~~Locations of Watershed Overlays boundaries and FEMA flood hazard areas.~~

~~A written description of the methodology used to analyze the pre and post development runoff with supporting calculations and documentations.~~

~~The Town Engineer, Public Works Director, or their designee may waive the requirement for a drainage plan if the land to be subdivided is part of a larger tract which has received prior subdivision approval, and has implemented, an overall storm water drainage plan under the provisions of this section, so long as run off from the property to be subdivided will not exceed the capacity of facilities constructed under the previously approved storm water drainage plan.~~

10.4.3 CURB AND GUTTER

- A. Curb and gutter shall be installed along all new streets [in accordance with the table below](#), and Curb and gutter may also be required along existing street frontage, [as required by NCDOT](#) ~~from which developments take access in accordance the table below:~~

Zoning District	Curb and Gutter Requirements
AG, RE	Not Required
RL, RM	<ul style="list-style-type: none"> • Not required for densities of less than 1 DUA • Required for densities of greater than 1 DUA
RH, O-I, C-1, C-2, I-1, I-2, CD, PUD	Required

DUA=Dwelling Units per Acre

~~The requirement may for curb and gutter may be waived by the Planning & Zoning Board upon recommendation by the Town Engineer or Public Works director that no sufficient downstream stormwater conveyance exists to handle the proposed channeled stormwater runoff and that a diffused, sheet flow drainage system would be of greater benefit.~~

- B. In the case of low-density residential development where lots are a minimum of one (1) acre in size, side ditches within a 60-foot street right-of-way are permitted to allow for sheet flow drainage, vegetative conveyances and infiltration.
- C. As an alternative to the use of curb and gutter, LID design, meeting the standards of the latest published edition of *Low Impact Development: A Guidebook for North Carolina*, may be utilized.
- D. Concrete drive entrances shall be built as shown in the Town's Standards and Specifications Manual Appendix C. Topography and drainage will be the main factors in the decision on whether standard curb and gutter or valley gutter curb will be used.

10.4.4 SYSTEM DESIGN STANDARDS

- A. Stormwater drainage and management facilities shall be designed in accordance with the current version of NCDOT's *Guidelines for Drainage Studies And Hydraulic Design*, the NCDEQ Stormwater Design Manual, North Carolina Administrative Code 15A NCAC 2H .1008 and all other applicable federal, state, and local requirements.
- B. The developer shall install the required storm drainage system for the development and the required stormwater management devices. If the stormwater devices do not handle the 50-year or 100-year storm events, then the downstream system shall be evaluated to determine if any negative downstream impacts will occur. If impacts are possible, then the developer may be required to provide for additional treatment capacity.
- C. The project engineer shall provide all necessary evaluations, justifications, and calculations with the Construction Plans as deemed necessary to meet the requirements of all federal, state, and local requirements and to ensure that the design conforms to good engineering practice.
- D. If a public storm drainage system is reasonably accessible to the development either by being within or by adjoining its boundaries, the developer shall connect with such storm drainage system and shall do all grading and ditching, and shall provide and install all piping, appurtenances and drainage structures deemed necessary by the Town Engineer, Public Works Director or their designee to properly carry surface water to the storm drainage system. If the Town determines that future development may require the use of the proposed storm drainage system that will require larger storm drainage structures than proposed, the Town will pay the difference of cost between the proposed storm drainage system materials and the materials required for conveying stormwater flow from future development.

~~If a storm drainage system is not reasonably accessible to the subdivision, the developer shall do all grading and ditching, provide and install all piping, appurtenances and structures that are necessary to properly carry the surface water to locations within the boundaries of the subdivision which are acceptable to the Public Works Director or their designee.~~

~~All proposed site plans, except single family and two family dwellings (on individual lots), that will exceed 20,000 square feet of new impervious coverage shall be required to construct a complete drainage system sufficient to mitigate the impacts of the design rainfall event identified in the official manual adopted in subsection (2), below. Residential subdivisions, single family dwellings on individual sites, and/or duplexes on individual sites are exempted from the on-site detention requirements of this Section, except as required by NCDEQ post construction stormwater requirements. Post development runoff rates shall not exceed pre development runoff rates unless a maximum~~

~~discharge rate has been adopted for the applicable drainage basin and the discharge does not exceed that rate. If a maximum discharge rate has not been adopted for the applicable drainage basin, post development discharge may not exceed pre development discharge. Stormwater volumes resulting from the proposed development shall be detained within the development and released at a rate no greater than existed prior to the development.~~

- E. ~~The Town Board hereby finds that hydrologic conditions in Mount Pleasant are similar to those in Concord and throughout Cabarrus County and Mecklenburg County are similar and that it is in the public interest to maintain a uniform regional procedure for computing the stormwater impacts of new development. Accordingly, the design of stormwater management facilities shall be computed in accordance with latest edition of the City of Concord Technical Standards Manual, Article 1. Charlotte Mecklenburg Storm Water Design Manual (hereinafter “Stormwater Manual”).~~

~~Impervious cover which would result from the development shall not increase stormwater run off from the new development unless measures are taken to control and limit the run off to the level which existed prior to the installation of the impervious cover. This determination will be based on run off figures for the 1 year and 10 year frequency storm (a storm which could be expected to occur at least once in one (1) year and ten (10) years).~~

~~Greater runoff or exemption from the on-site detention requirements may be permitted by the Town Engineer, Public Works Director or their designee if downstream stormwater management facilities are adequate for the conveyance or if the development is adjacent to a receiving body of water such as a lake or river which can accommodate the 100-year frequency storm event.~~

~~The use of overland drainage and retention as an integral part of the control of stormwater runoff is encouraged where it benefits groundwater recharge and reduces long term maintenance costs. The town encourages developers to maximize the use of vegetated or natural areas, pervious pavement, discontinuous imperviousness, and other structural and non structural Best Management Practices (BMPs) when applicable for the purpose of infiltrating and diffusing surface water flow. If the difference between pre development and post development peak flows for the 1 year and 10 year storms is less than 10% percent through the use of structural and non structural BMPs and if the development consists of less than 24% impervious surface, the Public Works Director, in consultation with the Town Engineer and NCDEQ, may waive the requirement for a stormwater detention facility.~~

~~The Public Works Director or their designee may waive the requirements for a drainage plan if the land to be developed is part of a larger tract which has received prior subdivision or development approval, and has implemented, an overall stormwater drainage plan under the provisions of this section, so long as run off from the property to be subdivided will not exceed the capacity of facilities constructed under the previously approved stormwater drainage plan.~~

~~The minimum size pipe shall be fifteen (15) inches, regardless of drainage area. The minimum cover for all pipe shall be two (2) feet. Subdrainage shall be provided where ground water table is within two (2) feet of the subgrade. Six-inch corrugated black plastic pipe or corrugated metal pipe with open joints or perforations laid on six (6) inches of clean sand or washed stone, covered with six (6) inches of clean sand or washed stone shall be used to lower water table. Ditches shall be minimum of thirty six (36) inches deep and two (2) feet in width.~~

~~All surface drainage pipe shall be concrete conforming to state Highway Commission Standard Specification of Road and Structures. For special conditions, pipe recommended by the manufacturer for the type installation involved, and approved by town Public Works Director or their designee will be considered. Any concrete pipe laid between the concrete curbs shall be reinforced. All pipe shall be laid with the bell or groove upgrade and joint entirely interlocking. Catch basins shall be built as shown on the standard drawings. Improvised grates will not be acceptable. Catch basins walls shall be built straight with inside joints struck smooth. Precast catch basins may be acceptable with the approval of the town Public Works Director or their designee.~~

10.4.5 DETENTION FACILITY DESIGN STANDARDS

- A. The detention facility must limit the 1-year, 10-year, and 25-year design storm developed discharge rates to pre-developed peak discharge rates. Emergency spillways shall be designed to accommodate 50-year and 100-year frequency storms or as may be required by the North Carolina Dam Safety Law. In areas specifically designated as sensitive water quality areas (for example, within watershed protection overlay districts and the River/Stream

~~Overlay District (RSOD) or other applicable Overlay Districts) the more stringent design criteria applies.~~

- B. Detention facilities within areas specifically designated as sensitive water quality areas, (for example, within protected water supply watersheds or stream riparian buffers) shall comply with the regulations and design criteria for those areas.
- C. Design and installation of all storm water detention or other impoundment facilities shall comply with applicable federal, state and local laws.
- D. In no case, shall a habitable structure be located within the impoundment area of any storm water detention facility or over a storm water drainage line.
- E. No utilities (sanitary sewer lines, underground power lines, water lines, etc.) shall be located within any impoundment facility.
- F. No structures may be located over storm drain lines not associated with the detention system.
- G. ~~No automobile parking shall be permitted with an impoundment area. facilities located within automobile parking areas shall not exceed a maximum water depth of ten (10) inches.~~
- H. All impoundment facilities will be considered permanent.
- I. Maintenance of all impoundment or detention facilities will be the responsibility of the property owner. Adequate provisions for such private maintenance shall be included in a declaration of covenants for subdivisions which shall be approved by the Town Board and recorded by the Cabarrus County Register of Deeds. Stormwater management plans shall be developed for site developments not associated with a subdivision development and shall be approved by the Public Works Director and recorded by the Cabarrus County Register of Deeds. Failure to maintain a storm water detention or impoundment facility shall be considered a violation of this ordinance and shall be subject to penalties as set forth in Article 1.6 of this Ordinance.
- J. Impoundment or detention facilities which may impact existing storm drainage systems may be required to be protected by a "drainage detention easement" recorded by the Cabarrus County Register of Deeds.
- K. Vegetated and rip-rap protected embankments shall have side slopes no steeper than 3:1 (h:v) within open spaces and no steeper than 2:2 (h:v) elsewhere, and shall meet requirements of the Dam Safety Act when necessary.
- L. Stormwater detention or impoundment facilities shall be located on the site from which the run-off to be controlled is generated; provided, however, that off-site impoundment facilities are acceptable provided the land area involved within the facility is delineated on an acceptable map and officially recorded by the Cabarrus County Register of Deeds as a permanent "drainage ~~detention~~ easement." Regional detention facilities are allowed if approved by the Public Works Director or their designee and if the development plans provide for the proper operation, inspection, and maintenance of the facilities in perpetuity through a restrictive covenant or other legal, enforceable mechanism.
- M. Stormwater facilities to be located in designated open space areas shall be regulated in accordance with Article 6 of this Ordinance.

~~Impoundment facilities located within automobile parking areas shall not exceed a maximum water depth of six (6) inches in code required parking areas, 10 inches in additional parking area, and 15 inches in truck storage and loading areas.~~

~~The stormwater detention facilities in High Quality Water (HQW) or source water protection areas shall detain the first ½ inch of runoff and release the stored volume in not less than 18 hours and not more than 36 hours.~~

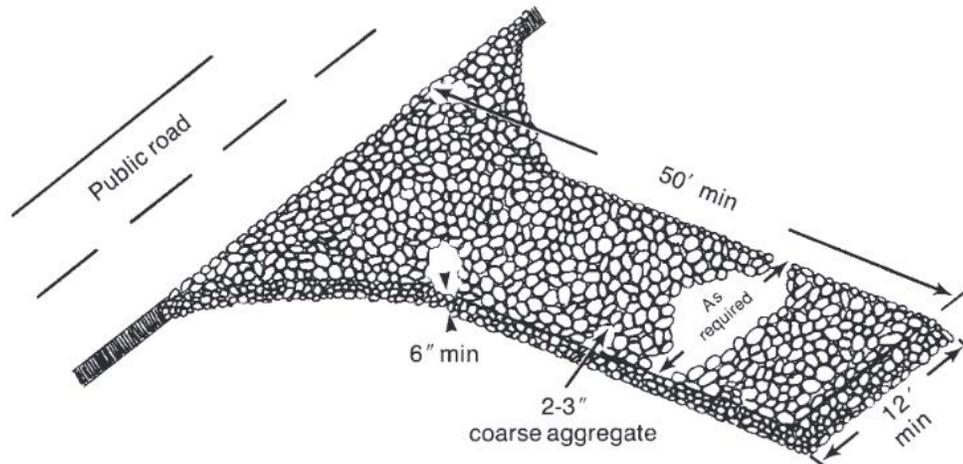
~~The following hydrologic soil groups shall apply for Cabarrus County, North Carolina:~~

<u>Series Name</u>	<u>Hydrologic Group</u>
Altavista	C
Appling	B
Armenia	D
Badin	C
Cecil	B
Chewacla	C
Coronaca	B
Cullen	C
Enon	C
Georgeville	B
Goldston	C
Herndon	B
Hewassee	B
Iredell	C/D
Kirksey	C
Mecklenburg	C
Misenheimer	C
Paeolet	B
Poindexter	B
Sedgefield	C
Tatum	C
Vance	C
Wehadkee	D

Source: United States Department of Agriculture, Soil Conservation Service, *Soil Survey of Cabarrus County, North Carolina*, Table 16. Page 86 and pages 124-126 of the *Soil Survey of Cabarrus County, North Carolina* shows permeability ratings by depth and type for each soil type.

10.4.6 LOT GRADING AND LANDSCAPING STANDARDS

- A. All grading of areas greater than one (1) acre in size shall be completed in accordance with a Sedimentation and Erosion Control Plan approved by the North Carolina Department of Environmental Quality (NCDEQ).
- B. For all development that involves soil disturbing activities, silt fence shall be installed along the perimeter downslope of the construction activity. In addition to silt fence along the downslope perimeter, a stone construction entrance shall be installed and maintained throughout the project to prevent tracking of sediment onto the roadways. See Figure 10.4-1 for specification for the construction entrance. All measures shall be installed at the beginning of the project prior to grading of the site, and shall be maintained until the completion of the project. Removal measures shall occur after the disturbed area on the site has sufficient permanent stabilization. Stabilization of the site shall be established prior to the Certificate of Occupancy is issued.

FIGURE 10.4-1 CONSTRUCTION ENTRANCE DETAIL

- C. Developments shall be designed and constructed with a positive drainage flow away from buildings towards approved stormwater management facilities. Plans for drainage facilities shall be approved by the Engineer. All interim and permanent drainage facilities shall be designed and constructed in accordance with the standards established in the Stormwater Standards of this Ordinance.
- D. In the design of site grading plans, all impervious surfaces in the proposed development (including off street parking shall be considered.
- E. Site grading and drainage facilities shall protect sinkholes, wetlands, ponds and lakes from increased sediment loading.
- F. Site grading shall not increase the volume or velocity of runoff onto downstream properties unless specifically approved as part of a project's drainage plan.
- G. All disturbed areas within the dedicated right-of-way and easements of any street shall be restored with vegetation. Street trees shall be planted or, where permitted trees already exist, consistent with the landscaping standards of Article 7.

10.4.7 INSPECTION AND MAINTENANCE

- A. The best maintenance is preventative, through proper design of bank slopes, outlet structures, and other features of the detention structures. However, periodic inspection and maintenance of detention structures is necessary to assure the proper operation of the facility. In developments, regular inspection and maintenance
- B. The Town may accept stormwater improvements or detention facilities for maintenance if such facilities are constructed to the standards set forth in this Section and are located within a street right-of-way that has been accepted for maintenance by the Town or within a public storm-drainage easement conveyed to and accepted by the Town for maintenance. Maintenance and repair of all stormwater structures located on private property are the responsibility of the property owner.
- C. If privately-owned stormwater conveyance or detention facilities are not maintained properly, the Town [may cite the owner in accordance with Section 1.6 of this Ordinance and](#) perform the necessary [repairs maintenance](#) and [assess](#) the full cost of such maintenance against the property [in the form of a lien.](#)

10.4.8 STORMWATER EASEMENTS

Due to the depth of drainage pipes, as well as required area for any future repairs, and to avoid possible foundation issues for structures, the chart below should be used to determine the widths of easements between lots. The minimum widths are based on depths, required excavation widths, and 1:1 slope failure potential. The project engineer is still responsible for determining the width necessary for future repairs.

TABLE 10.4-1 CONSTRUCTION ENTRANCE

<u>Pipe Size</u>	<u>Less than 10 ft. deep</u>	<u>10-20 ft. Deep</u>	<u>>20 ft. Deep</u>
<u>15-24 inches</u>	<u>20 feet wide</u>	<u>30 feet wide</u>	<u>40 feet wide</u>
<u>30-36 inches</u>	<u>30 feet wide</u>	<u>40 feet wide</u>	<u>50 feet wide</u>
<u>42-48 inches</u>	<u>40 feet wide</u>	<u>50 feet wide</u>	<u>50+ feet wide</u>
<u>>48 inches</u>	<u>40 feet wide</u>	<u>50+ feet wide</u>	<u>60+ feet wide</u>

10.4.9 PERMEABLE PAVEMENT

Certain provisions of this ordinance (~~See Parking Standards; Site Design & Standards~~) may permit Permeable Pavement in some situations. ~~Other~~ Permeable Pavement ~~is~~ may be permitted on a case-by-case basis if the location and design shall comply with the following:

- A. Permeable Pavement shall be located only on soils having a permeability rating of Moderate Rapid to Very Rapid (see definition of Permeability in Appendix A of this Ordinance).
- B. Permeable Pavement shall not be located in soils with an apparent or perched high water table or a depth to bedrock of less than ten 10 feet, ~~as set forth in Table 16 of the Soil Survey.~~
- C. Permeable Pavement shall not be located on any slope exceeding ten percent (10%) over twenty (20) feet.
- D. The Permeable Pavement area shall be vacuum-swept and washed with a high-pressure hose not less than four (4) times per year.
- E. Permeable Pavement Designs may vary from the requirements listed above if the system is used as a Stormwater BMP and is designed to comply with the latest edition of NCDEQ’s Stormwater Design Manual and have an approved Stormwater Management Plan.

10.5 WATER AND SEWER STANDARDS

10.5.1 SYSTEM EXTENSION

The water and sewer systems shall be extended in accordance with [Part 5 of the](#) Town of Mount Pleasant Code of Ordinances regarding water and sewer extension.

10.5.2 DESIGN STANDARDS

- A. Design standards and specifications for public water and/or sewer improvements shall meet WSACC Standard Specifications and NCDEQ standards.
- B. Private water and sewer utility systems shall meet all [Cabarrus Health Alliance and](#) NCDEQ standards, [as applicable](#).

10.5.3 INSPECTIONS OF UTILITIES

- A. The Town Public Works Director or his/her designee shall be notified 24 hours in advance of the work to be started so that an authorized representative of the town Public Works Director or their designee may be assigned to make any and all necessary inspections of the work performed.
- B. The Town Public Works Director or his/her designee shall be allowed access to all parts of the work, and shall be furnished with every reasonable facility to ascertain whether or not the work is performed in accordance with the specifications.
- C. No material shall be placed nor any work performed except in the presence of the Town Public Works Director or his/her designee, or his authorized inspector, without special permission of the Town Public Works Director or his/her designee. Such inspections, however, shall not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.
- D. In case of any dispute arising as to the material furnished or the manner of performing the work, the inspector shall have authority to reject materials or suspend work until the question at issue can be referred to and decided by the Town Public Works Director or his/her designee. The contractor shall remove any work or material condemned as unsatisfactory by the Town Public Works Director or their designee and shall rebuild and replace same to the standard required by the specifications, all at his own expense.
- E. The office of the town Public Works Director or his/her designee will be responsible for all inspection.
- F. When conflicts occur between North Carolina Department of Transportation (NCDOT) standards and the Town standards, the more stringent standard shall apply.
- G. All contracts for the performance of work to construct required improvements must be approved by the Town Public Works Director or their designee.

10.6 FIRE PROTECTION

10.6.1 FIRE HYDRANTS

- A. Developers shall install fire hydrants in accordance with Water and Sewer Authority of Cabarrus County (WSACC) specifications and requirements. ~~The Town may contract with a developer to install required fire hydrants, but in all cases;~~ The full cost of providing for such hydrants shall be borne by the developer.
- B. Any hydrant connected to the public water system constructed pursuant this subsection, shall constitute dedication to the ~~Water and Sewer Authority of Cabarrus County the public entity (i.e. Town of Mount Pleasant~~ of such hydrant.
- C. All newly installed fire hydrants shall be 5-1/4 inch barrel hydrants. All foot valves shall be 5-1/4 inch in diameter. Only three-way hydrants shall be installed with steamer connections. All hydrants shall be delivered with a primer coat. After hydrant installation, the primer shall be touched up and then painted yellow (2 coats) (color specification)
- D. All newly installed fire hydrants shall meet the spacing and flow standards of the Appendices B and C of the North Carolina Fire Code, unless otherwise approved by the Fire Marshal and Mount Pleasant Fire Chief. ~~No hydrant shall be placed in the middle of the frontage of a residential lot.~~
- E. All newly installed fire hydrants shall be tested by the Mount Pleasant Fire Department. The developer shall notify the Mount Pleasant Fire Department, upon completion of the system and its availability for testing. No construction shall be allowed in the protected area until the water system has been tested and approved unless otherwise allowed by the authority having jurisdiction. In phased construction or development, the minimum loops sizes, or applicable performance specifications required by these regulations, must be completed before construction of the structures can commence.

10.6.2 FIRE PROTECTION FACILITIES

10.6.2.1 Connections

Connections for fire protection systems shall be made in compliance with Article VI Backflow Prevention and Cross-Connection Control Ordinance. Fire protection water facilities installed upon the owner's private property are for the use of the owner, and the Town assumes no responsibility for such facilities. No water service, other than fire protection, will be taken from water mains intended to provide fire protection only. Metering may be required of systems that are run periodically for testing with the water going to waste. Notification of testing shall be given a minimum of 48 hours prior to testing. Violation of this notification may require the installation of approved metering devices and appurtenances as specified in Section 8-3, subsection (a). The Town reserves the right to make necessary inspections to ensure compliance with these regulations. No pumps may be directly connected to the public system.

10.6.2.2 Cold Water Meters – Fire Service Type Size 6", 8" AND 12"

All meters shall fully comply with the AWWA specification C-703-79. Fire service meters shall consist of a combination of main line meter of the proportional type, having an unobstructed waterway of essentially the full pipe size for measuring high rates of flow, and a by-pass meter of appropriate size for measuring low rates of flow. The meter shall have an automatic valve mechanism for diverting low rates of flow through the by-pass meter. Meters must be approved by the National Fire Protection Association and listed by the Underwriters Laboratories. Loss inhead not to exceed for (4) psi.

10.6.2.3 Casing

Main casing shall be either of copper alloy containing not less than 75% copper or of cast iron protected by a corrosion resistant coating or other anti-corrosion treatment. Main-case connections shall be flanged. Flanges shall be of the round type, faced and drilled, and shall conform to ANSI B16.1, Class 125. Companion flanges are not required.

10.6.2.4 Registers

Registers shall be straight reading type and shall read in cubic feet. Registers will be provided with a center-sweep test hand. Registers will be perma-sealed.

10.6.2.5 Automatic Valves

The automatic valve shall be of a type suitable for the purpose. It shall close by force. The weight of the valve and any supplemental force imposed on it shall offer sufficient resistance to the incoming water to diver all small flows through the by-pass meter until such time as the rate of flow through the meter is great enough to ensure efficient operation of the main measuring section. Test plugs must be comparable to meter size.

10.6.2.6 Test Outlet

A minimum 2 inch outlet shall be provided on the downstream side of the meter.

10.6.2.7 Piping Sizes

- 3/4" - 2" piping shall be brass.
- 3" - 10" piping shall be ductile iron (cement lined).

10.6.2.8 Fire Service Requirements

- A. Fire flow shall meet the requirements of Appendix B of the North Carolina Fire Code.
- B. The minimum size of fire service water mains in residential developments shall be six (6) inches. All 6-inch mains must be looped, where feasible. Dead end mains shall be 8 inches or greater and have a hydrant placed to provide fire protection to end structures but may be reduced to two (2) inches after hydrant. Exceptions: Mains installed may meet minimum performance specifications for the expected demand upon the system.

~~Mains in residential subdivisions may be designed to provide 50% of the required flow in gpm if the homes are provided with an approved sprinkler system in compliance with NFPA 13D. In any case, the flow shall not be designed to provide less than 500 gpm at 20 psi. Single family dwellings shall be provided with supply lines which will support the sprinkler system. Minimum service lines shall be 1 inch.~~

- C. The minimum size of fire service water mains in commercial and multi-family dwelling areas shall be eight (8) inches. All 8-inch mains shall be looped. ~~Dead end mains shall be 12 inches.~~ The minimum size of fire service water mains in industrial areas shall be 12 inches. All 12-inch mains shall be looped. Dead end mains shall provide the minimum fire flow as required in this subsection. Notwithstanding the foregoing, mains installed may meet minimum performance specifications for the expected demand upon the system in lieu of the minimum size requirement.
- D. Individual large structures with life safety hazards or extra hazardous operations shall, where required, be provided with on-site hydrants and water mains designed to provide the required fire flow as determined by the ISO formula and the Fire Prevention Bureau.

10.7 ELECTRIC UTILITIES

10.7.1 GENERAL PROVISIONS

- A. All electrical utilities shall be buried underground within new developments and along new streets.
- B. Electric utilities shall be installed in accordance with the standards of the electric utility provider.

10.7.2 CITY OF CONCORD ELECTRICAL SERVICES

In areas where electric utility is provided by the City of Concord, City of Concord standards shall be met.

**ARTICLE 14
ADEQUATE PUBLIC FACILITIES (APF) STANDARDS**

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14.1. GENERAL STANDARDS

14.1.1 PURPOSE AND INTENT

The purpose and intent of this Section is:

- To ensure that adequate public facilities are in place to support new development.
- To ensure that adequate Public Facilities needed to support new development are available concurrent with the impacts of such development;
- To encourage development in areas where public services are available and underutilized.
- To establish uniform procedures for the review of development applications subject to the standards and requirements of this Section;
- To facilitate implementation of goals and policies set forth in the *Comprehensive Plan* and any applicable *Area Plan* relating to adequacy of Public Facilities; and
- To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

14.1.2 DEFINITIONS

The words, terms and phrases set forth herein shall have the meanings prescribed below provided, however, that any words, terms or phrases not included below shall have the meanings prescribed by Appendix A to this Ordinance.

ADOPTED LEVEL OF SERVICE. A measurement quantifying a specific amount, frequency, capacity, or response time of a service which has been established by the governing board. For purposes of determining adequacy, this shall not exceed the actual level of service.

AVERAGE DAILY TRAFFIC (ADT) The total traffic volume during a given time period, divided by the number of days in that time period, expressed in vehicles per day (VPD).

AVAILABLE CAPACITY. Existing Capacity and Planned Capacity less Existing Demand and demand that will be generated by Committed Development.

CAPACITY. The maximum demand that can be accommodated by a Public Facility without exceeding the Adopted Level of Service.

CAPITAL IMPROVEMENT. A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the Town, County, special district, or a private service provider.

CAPITAL IMPROVEMENT, PLANNED. A Capital Improvement designed for construction within a period not to exceed six (6) years in a Capital Improvements Program.

CAPITAL IMPROVEMENTS PROGRAM. A plan setting forth, by category of public facilities, those capital improvements that will be provided over a period of specified years. “Capital Improvements Program” may refer either to the plan for a particular service area or to the aggregation of capital improvements and the associated costs programmed for all service areas for a particular category of public facilities.

COMMITTED DEVELOPMENT. Committed Development includes: development with an approved determination of concurrency; or developments which are approved, but which are unbuilt such as unbuilt preliminary subdivision plans, or minor development final plats; or final plats or building permits approved without a determination of concurrency.

COMMON OWNERSHIP. Ownership by the same person, corporation, firm, entity, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of his family owns an interest

in each corporation, firm, partnership, entity or unincorporated association, but excluding ownership of less than 1% of any stock traded on the New York, American or Pacific Stock Exchanges or traded over-the-counter where the price is listed at least weekly in the Wall Street Journal.

CONSENT AGREEMENT. The executed contract between the local jurisdiction and developer that formally sets forth development approval and requirements to achieve adequacy.

CURRENTLY AVAILABLE REVENUE SOURCES. An existing source or amount of revenue presently available to the Town or the entity providing a Public Facility and that may be allocated towards capital expenses and which has been budgeted for the capital disbursements or debt service account applicable to a planned capital improvement; provided, however, that this term shall not refer to a mere intent to increase the future level or amount of a revenue source, nor to a revenue source which is contingent on ratification by a public referendum.

EXISTING DEMAND. The demand for Public Facilities from existing (built) Development.

EQUIVALENT RESIDENTIAL UNIT OR “ERU”. For purposes of Section 14.1 of this Ordinance, the demand for public facilities generated by a proposed development which is equivalent to the demand for public facilities generated by one (1) residential dwelling unit. [ERU table found in Table 14-3].

IMPACT AREA. The area in which a proposed residential development is presumed to create a demand for Public Facilities and which area, therefore, will be evaluated to determine whether the Capacity of Public Facilities is adequate to accommodate the demand created by existing residential development, Committed Development and the proposed residential development pursuant to § 6.1 of this Ordinance.

LEVEL OF SERVICE. Level of Service indicates the capacity per unit of demand for each public facility. It is an indicator of the extent or degree of service provided by a facility based upon and related to the operational characteristics of the facility.

NCDEQ. [North Carolina Department of Environmental Quality.](#)

PLANNED CAPACITY. The Capacity to be added by Planned Capital Improvements included in adopted capital improvement plans. Projects must be definitively scheduled to be considered as planned capacity with the effective date of that capacity the expected completion of the improvement.

PUBLIC FACILITIES. Capital Improvements including Water Facilities, Wastewater Facilities, Fire Protection Facilities, Public Schools, and Streets.

STIP. [State Transportation Improvement Program.](#)

WSACC. [Water and Sewer Authority of Cabarrus County.](#)

14.1.3 APPLICABILITY

- A. The provisions of this section shall apply to any:
- application for a [standard rezoning or Conditional Zoning district that results in a higher intensity district than the district in place in accordance with Table 4.3-1 in Section 4.3 of this Ordinance](#);
 - application for Site Plan approval of any project that generates an ADT of 2,000 or more trips per day [greater than the existing use of the property](#);
 - application for Site Plan approval of a multi-family ~~or attached single-family~~ residential project; and
 - any application for a Major Subdivision Preliminary Subdivision Plat. Subdivision plats that qualify as Minor Subdivisions shall not be subject to this Article.

- B. No application for development approval subject to this Section shall be accepted, approved, granted or issued unless it is accompanied by an application which provides sufficient information to determine whether the capacity of Public Facilities is adequate to support the proposed development.

14.2 APF PROCESSING PROCEDURES

14.2.1 SUBMISSION REQUIREMENTS

- A. All applications and plans for Conditional Rezoning, Site Plans, and Preliminary Plats shall be accompanied by sufficient information to determine the adequacy of public facilities in accordance with this article. This includes the following:
1. Total number of dwelling units or Equivalent Residential Units
 2. Estimated water and sewer usage per current applicable flow rate assigned by the North Carolina Department of Environmental Quality
 3. Fire flow rate of available water service
 4. Traffic impact analysis for any use generating greater than 2,000 ADT above the existing use of the property
 5. Any proposed phasing and the impacts of each phase on public facilities

~~It is the intent of this Section that no application for development approval shall be approved unless accompanied by a positive determination, or a positive determination subject to conditions, relating to adequacy of public facilities as provided herein. Each application, in addition to other applicable and required processing fees, shall be submitted and shall be accompanied by all required administrative fees.~~

- B. A proposed standard rezoning to a higher intensity district which could result in a range of potential impacts shall be reviewed as if the greatest impact would result. The review of adequacy of public facilities for the application for a rezoning shall compare the Capacity of Public Facilities to the maximum projected demand which may result from the proposed rezoning based upon the potential density of the affected area pursuant to the rezoning. Nothing herein shall authorize a rezoning or the issuance of a Special Use Permit that would otherwise be inconsistent with the *Comprehensive Plan*.

14.2.2 PROCEDURES FOR DETERMINATION

- ~~A. Following the applicable review procedure for each development type as set forth in Article 3 of this Ordinance, the staff report to the Planning & Zoning Board, shall, at a minimum, include the following, based upon staff and referral agency Technical Review Committee (TRC) recommendations:~~

- the number of equivalent dwelling units proposed by the Applicant, by type, for each Public Facility;
- the timing and phasing of the proposed development, if applicable;
- the specific Public Facilities impacted by the proposed development;
- the extent of the impact of the proposed development in the applicable Impact Areas;
- the Capacity of existing Public Facilities in the impact areas which will be impacted by the proposed development;
- the demand on existing Public Facilities in the Impact Areas from existing and approved development;
- the availability of Existing Capacity to accommodate the proposed development; and
- if Existing Capacity is not available, Planned Capacity and the year in which such Planned Capacity is projected to be available.

- ~~B. If it is determined that adequate capacity is not in place, then the Planning & Zoning Board or Town Board of Commissioners, as applicable, may apply conditions, project phasing, and/or advancement of capacity that are mutually agreed to by the applicant in writing. One method to achieve advancement of capacity is through the use of a development agreement subject to the provisions of NCGS 160D, Article 10.~~

~~The Administrator shall determine whether the application is complete and complies with the submission requirements set forth in this subsection and Appendix B. If the application is incomplete or the submission requirements have not been complied with, the Administrator shall so notify the Applicant, specifying the deficiencies. If the application is complete and the submission requirements have been complied with, the Administrator shall evaluate the proposed development for compliance with the Adopted Level of Service and shall submit a recommendation pursuant to subsection (B), below. If the Administrator concludes that each Public Facility will be available concurrent with the impacts of the proposed development at the Adopted Levels of Service, the Administrator shall make a positive recommendation in its staff report. If the Administrator determines that any Public Facility will not be available concurrent with the impacts of the proposed development at the Adopted Level of Service based upon available capacity, the Administrator shall make a negative recommendation in the staff report or, in the alternative, shall make a positive recommendation with appropriate conditions consistent with the criteria set forth in this Section. If the Administrator recommends that the application be conditionally approved, the staff report shall recommend conditions or stipulations that may be included regarding the density of the proposed development, the timing and phasing of the proposed development, the provision of Public Facilities by the Applicant or any other reasonable conditions to ensure that all Public Facilities will be adequate and available concurrent with the impacts of the proposed development.~~

WITHDRAWAL OF APPLICATION

~~The Applicant may withdraw the Application at any time by submitting a written request to the Administrator. Withdrawal will result in the forfeiture of all administrative fees paid by the Applicant for the processing of the application.~~

DETERMINATION

~~Upon receipt of the staff report, and subject to compliance with all other applicable standards of approval for a Development Approval, the decision-making body shall confirm:~~

- ~~A. That the application for development approval shall be approved because public facilities and services are available; or~~
- ~~B. That the application for development approval shall be denied because public facilities and services are not available; or~~
- ~~C. That the application for development approval shall be approved subject to one or more of the following conditions as agreed to between the applicant and the Town Board:
 - ~~1. Deferral of further development until all Public Facilities are available and adequate if Public Facilities in the Impact Area are not adequate for the entire development proposal, consistent with the requirements of this Article;~~
 - ~~2. Reduction of the density or intensity of the proposed development to a level consistent with the available capacity of Public Facilities;~~
 - ~~3. Provision by the Applicant of the Public Facilities necessary to provide capacity to accommodate the proposed development and at the time that the impact of the development will occur; or~~
 - ~~4. Conditions agreed upon by the applicant to advance, or partially advance the Public Facilities necessary to provide capacity to accommodate the proposed development and at the time that the impact of the development will occur. Provisions for advancement of capacity are included in Subsection 14.2.9.~~~~

14.2.3 EXPIRATION OF DETERMINATION

A determination pursuant to subsection 14.2.2, above, shall be deemed to expire when the development approval to which it is attached expires, lapses or is waived or revoked, or if the Applicant has not complied with conditions attached to its issuance.

~~If a determination of adequacy of public facilities attached to a rezoning expires, the Planning & Zoning Board or Town Board may initiate proceedings to rezone the property to its original zoning classification.~~

~~EFFECT OF DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.~~

~~A determination of adequacy of public facilities for a development approval shall be deemed to indicate that:~~

- ~~A. Public Facilities are available at the time of issuance of the determination; and~~
- ~~B. For subdivision plats and site plans only, that Public Facilities will be considered to be available at all subsequent stages of the development approval process up to the date of expiration of the Preliminary Plat or final site plan provided, however, that the determination of adequacy of public facilities shall expire and become null and void upon the expiration of: (1) the development approval to which it is attached, or (2) the time frame for submitting a subsequent application for approval, recordation of a subdivision plat, or issuance of a certificate of occupancy unless an application for a subsequent development approval is submitted within the time frames set forth in this document. If no expiration date is provided in this Ordinance, the conditions attached to the determination of adequacy of public facilities, or in the conditions of permit approval, the determination shall expire within two (2) years after approval of the development approval.~~
- ~~C. The provisions of Section 14.2.8.1, above shall not apply to any rezoning except a Site-Specific Vesting Plan or Phased Development Plan.~~
- ~~D. A determination of adequacy of public facilities shall not affect the need for the Applicant to meet all other requirements as set forth in this Ordinance.~~

14.2.4 ADVANCEMENT OF CAPACITY

No advancement of Capacity for Public Facilities shall be accepted by the Town unless the proposed Public Facility is a planned Capital Improvement or appropriate conditions are included to ensure that the Applicant will obtain necessary approvals prior to or concurrent with the issuance of a final subdivision plat or final site plan or, if subdivision or site plan approval is not required, a building permit. The commitment to construction of Public Facilities prior to the issuance of a building permit shall be included as a condition of the determination and shall contain, at a minimum, the following:

- A. For Planned Capital Improvements, a finding that the Planned Capital Improvement is included within the Capital Improvements Program of the applicable service provider;
- B. An estimate of the total financial resources needed to construct the Planned Capital Improvement and a description of the cost participation associated therewith;
- C. A schedule for commencement and completion of construction of the Planned Capital Improvement with specific target dates for multi-phase or large-scale Capital Improvement projects;
- D. A statement, based on analysis, that the Planned Capital Improvement is consistent with the applicable *Area Plan* and, if applicable, the *Comprehensive Plan*; and
- E. At the option of the Town and only if the Planned Capital Improvement will provide Capacity exceeding the demand generated by the proposed development, reimbursement, or a method to affect reimbursement, to the Applicant for the pro rata cost of the excess Capacity, subject to the approval of a development agreement pursuant to NCGS 160D, Article 10.

14.3 CRITERIA FOR DETERMINATION OF ADEQUACY

METHODOLOGY AND CRITERIA FOR DETERMINING AVAILABILITY AND ADEQUACY OF PUBLIC FACILITIES

No determination as to compliance with this Section shall be recommended by the Administrator or rendered by the approving agency unless Public Facilities within the Impact Areas set forth in Column (C) of Table 14-2 are:

- A. Adequate, as measured by the adopted level of service (“LOS”), as set forth in this Section and Column (B) of Table 14-2; and
- B. Available, as set forth in this Section and Column (D) of Table 14-2.

14.3.1 ADOPTED LEVEL OF SERVICE (“LOS”) STANDARDS (ADEQUACY OF PUBLIC FACILITIES)

Compliance with Level of Service (“LOS”) standards shall be measured for each Public Facility set forth in Column (A) of Table 14.3-1 in accordance with the corresponding standards set forth in Column (B) of Table 14.3-1. The LOS for each application for development approval shall be measured within the impact area set forth in Column (C) of Table 14.3-1 for each corresponding facility in Column (A). Column (D) of Table 14.3-1 indicates whether Programmed Capital Improvements may be included in determining whether the improvements are available. [Rules for interpretation of Table 14.3-1 are set forth in this § 14.3](#)

**Table 14.3-1
APF LEVEL OF SERVICE (LOS) STANDARDS**

(A) Public Facility	(B) Adopted LOS Standard Criteria	(C) Impact Area	(D) Availability
Water	215 gpd per ERU* *as determined by the Town Engineer and Water Plant Supervisor, subject to NCDEQ standards	<u>Water Treatment Plants (WTPs)</u> – the service area of each treatment plant as defined by the operators.	Programmed capital improvements may be considered for rezoning or preliminary plat approval. Only existing capital improvements may be considered for issuance of approval for a final site plan or final subdivision plat.
Sewer	240 gpd per ERU* *as determined by Town Engineer, WSACC, subject to NCDEQ standards and local government allocation policy	The service area of each public treatment plant as defined by WSACC, any package treatment plant or other wastewater system serving a proposed development	Programmed capital improvements may be considered for rezoning or preliminary plat approval. Only existing capital improvements may be considered for issuance of approval for a final site plan or final subdivision plat.
Streets/ Roads	As determined by Traffic Impact Analysis for all developments generating an additional 2,000 ADT or greater.	The street from which the development takes access and the first collector or arterial to which such street connects and any intersection thereof.	Programmed capital improvements may be considered for rezoning or preliminary plat approval. Programmed capital improvements within five (5) years and guaranteed by currently available revenue sources (i.e. STIP) may be considered for development approval.
Schools	As determined by Cabarrus County Schools.	As determined by Cabarrus County Schools.	Programmed capital improvements or capacity may be considered for rezoning or development approval.

14.3.2 WATER

- A. Water requirements shall not apply to agricultural uses.
- B. Adequate water availability shall be determined by the Town Engineer and the Water Plant Supervisor. Determination of adequate water availability shall not constitute approval of required distribution systems.

~~The water standard applies to water supply and water treatment needed to accommodate the gallons per capita per day (gpcd) generated by residential and non-residential uses. Usage figures for residential and non-residential usage are taken from Boyle Engineering Corporation, WSACC Wastewater and Water Master Plan, Volume 5 (1995), and Camp Dresser & McKee, Water & Sewer Authority of Cabarrus County Master Plan Update [October (1996)]. These documents identify six (6) pressure zones in the WSACC service area. Flow rates used to estimate the demand produced by the proposed development shall comply with 15A NCAC § 18C.0409, which is hereby incorporated by reference and made a part of this Ordinance, unless a different standard is identified in any Local Water Supply Plan for the service area adopted pursuant to NCGS § 143-55(l), in which case the flow rates identified for the particular use in the Water Supply Plan may be used. If the category of development proposed in the application is not identified in the above referenced regulations, the professional engineer shall use the applicable industry and manufacturer's standards to calculate average and peak daily flows and demands, in gallons per day. The capacity for elevated storage and distribution systems shall comply with 15A NCAC § 18C.0805 to 18C.0901, which regulations are hereby incorporated by reference. Approval through the Adequate Facilities Process outlined in this section shall in no manner imply approval of required distribution systems.~~

14.3.3 WASTEWATER

The wastewater standard applies to wastewater treatment plants (WWTPs), interceptor sewers, and pumping stations. The standard for source facilities applies only to treatment capacity legally reserved for usage by WSACC. Determination of adequate wastewater capacity shall not constitute approval of required collection systems.

~~The figures for gallons per capita per day (gpcd) are taken from Boyle Engineering Corporation, WSACC Wastewater and Water Master Plan, Volume 1 (1995). Flow rates used to estimate the demand produced by the proposed development shall be consistent with the assumptions set forth in § 14.1.8.1 of this Ordinance and 15A NCAC 18A.1949 (Sewage Flow Rates for Design Units), as said section may be revised from time to time. If the category of development proposed in the application is not identified in 15A NCAC 18A.1949, the professional engineer shall use the applicable industry and manufacturer's standards to calculate average and peak daily flows and demands, in gallons per day. Approval through the Adequate Facilities Process outlined in this section shall in no manner imply approval of required interceptor and collection systems.~~

14.3.4 ROADS/STREETS.

A Traffic Impact Analysis Studies, completed by a professional engineer in accordance with NCDOT standards, shall be required for any Conditional Zoning district rezoning, subdivision Preliminary Plat, conditional Special Use Permit, certificate of Zoning compliance, preliminary plat or Site Plan under the following described conditions which is estimated to generate more than 2,000 ADT greater than the existing use of the property, as determined by the ITE Trip Generation Manual. A new analysis may be required if changes to the proposed development will increase the estimated trip generation by more than 10% or if the study is more than four (4) years old, unless the Town Engineer has determined that conditions have not significantly changed since the original analysis was completed.

~~The types of traffic studies required under the ordinance are:~~

~~A Rezoning Traffic Analysis. The purpose of these studies will be to evaluate whether adequate transportation capacity exists or will be available within a reasonable time period to safely and conveniently accommodate proposed uses permitted under the requested land use or zoning classification.~~

~~A Traffic Impact Report—This Report will be required for certain permitted and Conditional Uses, Land Subdivisions and Preliminary Plats—exceeding specific trip generation threshold.~~

~~A Rezoning Traffic Analysis shall be required for:~~

~~A proposed rezoning that could generate 100 or more directional trips during the peak hour or at least 1000 more trips per day for the most intensive use that could be developed under existing zoning;~~

~~A proposed rezoning on a site located along or which has the potential to take access within 500 feet of a corridor identified as a freeway or expressway on the Thoroughfare Plan;~~

~~A proposed amendment to the Comprehensive Plan involving more than one acre which would permit uses generating higher traffic than the existing Comprehensive Plan designation;~~

~~Where a Rezoning Traffic Analysis is required, the acceptance of the rezoning application for the purposes of beginning the mandatory 60 day time limit applicable to Town action on a rezoning request shall not commence until the Rezoning Traffic Analysis has been reviewed for completeness and has been accepted by the Administrator as meeting the content requirements of the ordinance.~~

~~A Traffic Impact Report shall be required when a proposed conditional use, major subdivision, or major/minor site plan is:~~

~~Of a land use type which has an average trip generation rate of 2,000 trips per day or greater, according to most current versions of the ITE Trip Generation Informational Report or comparable research data published by a public agency or institution; or~~

~~Designed so that it utilizes an at-grade access opening onto an existing or proposed freeway or expressway as indicated on the Thoroughfare Plan.~~

~~The LOS for each zoning district tier shall be as listed in Table 14-1, below.~~

~~Table 14-1~~

~~ZONING DISTRICT TIER~~

	Rural	Suburban	Urban
Freeway/Expressway	C	D	n/a
Major thoroughfare	C	D	n/a
Minor thoroughfare	C	D	E
Minor arterial	C	D	E
Major collectors	C	D	E
Minor collector	B	D	E
Local roads	B	C	E
Local streets	B	C	E

~~Zoning districts shall be classified into three development tiers (Tier 1—Urban, Tier 2—Suburban, and Tier 3—Rural). The classifications are as follows:~~

~~Tier 1 (Urban) includes the CC District where the development pattern is established, and which public policy favors relatively high levels of human activity.~~

~~Tier 2 (Suburban) districts are suburban or urbanizing in nature and are as follows: RL, RM, RH, O I, C-1, CD, I-1, and I-2.~~

~~Tier 3 (Rural) zoning districts are characterized by agricultural and/or rural service levels and are as follows: AG Agricultural; RE Rural Estate. Land within these zoning districts shall be protected in order to avoid the unnecessary conversion of agricultural land to suburban or urban development. These zoning districts are characterized by lands which do not have public facilities and services at urban service levels, and will not be provided with urban levels of service for at least a twenty (20) year horizon.~~

~~Transportation LOS shall be based upon the volume to capacity ratios as established by the Transportation Research Board, *Highway Capacity Manual* (Washington, D.C.: National Research Council, 3d ed. 1998), which document is hereby incorporated by this reference. The traffic analysis shall be consistent with the assumptions and guidelines of the following documents, which are hereby incorporated by reference: Cabarrus/South Rowan Thoroughfare Plan, Appendix H; Institute of Transportation Engineers, *Trip Generation* (5th ed. 1991). For uses generating less than ten (10) trips per day, the directional split of traffic leaving the site shall be deemed to be 50% in either direction. For all other applications, the directional split shall be based upon the traffic Impact Study.~~

~~The Town Board finds and determines that I-85 experiences significant pass-through traffic, and that the ability to expand I-85 is limited due to jurisdictional, funding, and physical constraints. Accordingly, I-85 shall not be included in the Impact Area for any Application for Development Approval.~~

~~The LOS standard for Planned Unit Developments and Traditional Neighborhood Development shall correspond to the zoning classification at the time of application for development approval.~~

~~**Waiver.** The requirements of this section for a Traffic Impact Study may be waived by the Public Works Director or their designee when it is determined that such report is not necessary to determine needed road improvements or that no unsafe or hazardous conditions will be created by the development as proposed.~~

14.3.5 SCHOOLS

Cabarrus County Schools may provide a non-binding statement on the effect that a proposed development will have on the capacity of the elementary, middle, and high schools that serve the area in which the proposed development is located. This information shall be provided in the staff report.

~~The number of students generated for each residential dwelling unit (hereinafter the “student generation rate”) for each dwelling unit is computed using the Student Information Management System data and actual numbers of dwellings to determine expected students/dwelling. For purposes of this Ordinance, the student generation rate for each category of schools shall be as follows:~~

~~Elementary schools: 0.30~~

~~Middle or Junior High schools: 0.167~~

~~High School: 0.167~~

~~The above referenced figures may be adjusted from time to time by the Town Board by amending this Ordinance to reflect updates to the student generation rate calculated by the Cabarrus County Planning Services Department.~~

~~The Administrator shall certify that public schools within the County have sufficient available capacity and acreage to accommodate the demand generated by the proposed residential development at the adopted level of service. Available capacity shall be calculated for the applicable high school feeder area and shall be expressed in terms of possible student enrollment which can be accommodated, in accordance with the following formulae:~~

~~Formula #1: $CAC = (EC) - (E + C)$ and~~

~~Formula #2: $FAC = (EC + PC) - (E + C)$~~

~~where:~~

~~CAC = Current Available Capacity (in student enrollment)~~

~~FAC = Future Available Capacity (in student enrollment)~~

~~EC = Existing Capacity, in enrollment, for elementary, middle and high schools within the high school feeder area. The capacity of school facilities shall be computed in accordance with the North Carolina Public Schools, *Facilities Guidelines* (January 1997), “Class Sizes and Teacher Allotments.” This document is hereby incorporated by this reference and made a part of this Ordinance.~~

~~PC = Planned Capacity, in enrollment, for funded but unbuilt elementary, middle and high schools within the high school feeder area based upon the Ten Year School District School Facilities Plan, based on two years or five years consistent with §§ 14.3.8.2.1 and 14.3.8.2.6, below~~

~~E = Current enrollment based upon the most recent enrollment counts per monthly membership report by the School District~~

~~C = Enrollment generated by Committed Development within the high school feeder area.~~

~~If current available capacity is equal to or greater than zero (0) (Formula #1 of~~

~~subsection 1, above), and adequate capacity exists to accommodate the enrollment projected to be generated by the~~

~~proposed development school services shall be deemed to be adequate. If current available capacity for any school type is a negative number, adequate capacity does not currently exist to accommodate the enrollment projected to be generated by the proposed development.~~

~~If current available capacity is inadequate, Formula #2 of subsection 1, above, shall be applied and "PC" shall equal two (2) years of planned capacity. If future available capacity is equal to or greater than the projected enrollment that will be produced by the proposed development for all school types, the development may be approved, or approved with conditions, and the applicant shall be permitted to proceed through the development approval process.~~

~~If future available capacity pursuant to subsection 3 above, is less than zero (0), Formula #2 above, shall be applied and "PC" shall equal five (5) years of planned capacity. If future available capacity is then greater than or equal to the projected enrollment that will be produced by the proposed development for all school types, the application shall only be approved with the condition that funding has been approved or acceptable project phasing conditions are set forth in a Site Specific Development Plan or Phased Development Plan which provides for the commencement of construction of the required public schools.~~

~~The applicant shall compute the enrollment generated by the proposed development. Projected enrollment from the proposed residential development and enrollment generated by Committed Development (C, in § 14.3.6.2, above) shall consist of the sum of all proposed dwelling units multiplied by the student generation rate.~~

~~For purposes of this subsection, the following terms shall have the following meanings:~~

~~**High School Feeder Area.** A grouping of schools consisting of one or more high schools and one or more middle and elementary schools, as determined by the School District.~~

~~**Student Generation Rate.** The figure to be multiplied by the number of proposed dwelling units, by type, in order to determine projected enrollment.~~

~~**DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES.**~~

~~Public Facilities shall be deemed to be adequate if it is demonstrated that they have Available Capacity to accommodate the demand generated by the proposed development in accordance with the following calculation methodology, unless otherwise indicated herein:~~

~~**CALCULATE TOTAL CAPACITY** by adding together the total Capacity of Public Facilities consistent with §§ 14.3.2 through 14.3.8 herein.~~

~~**CALCULATE AVAILABLE CAPACITY** by subtracting from the total Capacity the sum of:~~

- ~~the demand for each Public Facility created by existing residential development; and~~
- ~~the demand for each Public Facility created by the anticipated completion of Committed Development; and~~
- ~~the demand for each Public Facility created by the anticipated completion of the proposed development under consideration for determination.~~

~~Applicants may propose mitigation measures to overcome a failure to meet one or more LOS standards including, but not limited to, payment of a pro rata share of facility capacity costs necessary to accommodate the demand generated by the proposed development. Mitigation measures, particularly those proposing pro rata cost sharing, should base such proposals on the Tischler & Associates report, *Capital Costs Due to Growth*, prepared for the Cabarrus County Board of Commissioners and incorporated herein by reference.~~

14.3.6 PUBLIC FACILITIES AFFECTING AREAS OUTSIDE OF INCORPORATED AREA OF TOWN

- A. Availability and adequacy of Public Facilities shall be determined only with respect to Public Facilities located within Cabarrus County, including any incorporated areas of the County. If part of the applicable service area or traffic Impact Area lies in an adjacent municipality or an unincorporated area ~~of Mecklenburg, Union, or Rowan County~~, absent an intergovernmental agreement with the County or municipality, availability and adequacy shall be determined only with respect to Public Facilities located within the County, including its incorporated and unincorporated areas.

- B. If the Town Board has entered into an intergovernmental agreement with an adjacent county or with a municipality to evaluate Public Facilities in such areas, an Applicant will be subject to the evaluation of the Level of Service standard for the facility as adopted by the adjacent county or municipality. Prior to the determination of adequacy of public facilities, the Administrator shall require that the adjacent county or municipality certify that issuance of a Development Order for the proposed development will not cause a reduction in the Level of Service standards for those facilities lying within the adjacent county or the municipality.

**Table 14-3
Equivalent Residential Units**

Land Use	Variable	Factor	ERU
Residential Single-family	dwelling unit	9.55	1.00
General Light Industrial	1,000 square feet	6.97	0.73
Industrial Park	1,000 square feet	6.97	0.73
Manufacturing	1,000 square feet	3.85	0.40
Warehousing	1,000 square feet	4.88	0.51
Mini-warehouse	1,000 square feet	2.61	0.27
Apartments (post-1973)	dwelling unit	6.28	0.66
Low-rise apartment	dwelling unit	6.59	0.69
High-rise apartment	dwelling unit	4.2	0.44
Condo/Townhouse	dwelling unit	5.86	0.61
High-rise condo	dwelling unit	4.18	0.44
Mobile homes	dwelling unit	4.81	0.50
Hotel	room	8.7	0.91
Elementary school	1,000 square feet	10.72	1.12
High school	1,000 square feet	10.9	1.14
Church	1,000 square feet	9.32	0.98
Day care center	1,000 square feet	79.26	8.30
Hospital	1,000 square feet	16.78	1.76
General office (<10,000 s.f.)	1,000 square feet	24.6	2.58
General office (10-25,000 s.f.)	1,000 square feet	19.72	2.06
General office (25-50,000 s.f.)	1,000 square feet	16.58	1.74
General office (50-100,000 s.f.)	1,000 square feet	14.03	1.47
General office (100-200,000 s.f.)	1,000 square feet	11.85	1.24
General office (200-300,000 s.f.)	1,000 square feet	10.77	1.13
General office (300-400,000 s.f.)	1,000 square feet	9.96	1.04
General office (400-500,000 s.f.)	1,000 square feet	9.45	0.99
General office (600-700,000 s.f.)	1,000 square feet	9.05	0.95
General office (700-800,000 s.f.)	1,000 square feet	8.75	0.92
General office (>800,000 s.f.)	1,000 square feet	8.46	0.89
Corporate headquarters	1,000 square feet	6.27	0.66
Single tenant office	1,000 square feet	11.5	1.20
Office park	1,000 square feet	11.42	1.20
Research and development center	1,000 square feet	7.7	0.81
Business park	1,000 square feet	14.37	1.50
Building materials store	1,000 square feet	30.56	3.20
Specialty retail	1,000 square feet	40.67	4.26
Discount store	1,000 square feet	70.13	7.34
Hardware store	1,000 square feet	51.29	5.37
Nursery	1,000 square feet	36.08	3.78
Shopping center (<10,000 s.f. GLA)	1,000 square feet	167.59	17.55
Shopping center (10-50,000 sf GLA)	1,000 square feet	91.65	9.60
Shopping center (50-100,000 sf GLA)	1,000 square feet	70.67	7.40
Shopping center (100-200,000 sf GLA)	1,000 square feet	54.5	5.71
Shopping center (200-300,000 sf GLA)	1,000 square feet	46.81	4.90
Shopping center (300-400,000 sf GLA)	1,000 square feet	42.02	4.40
Shopping center (400-500,000 sf GLA)	1,000 square feet	38.65	4.05
Shopping center (500-600,000 sf GLA)	1,000 square feet	36.35	3.81
Shopping center (600-800,000 sf GLA)	1,000 square feet	33.88	3.55

MOUNT PLEASANT DEVELOPMENT ORDINANCE

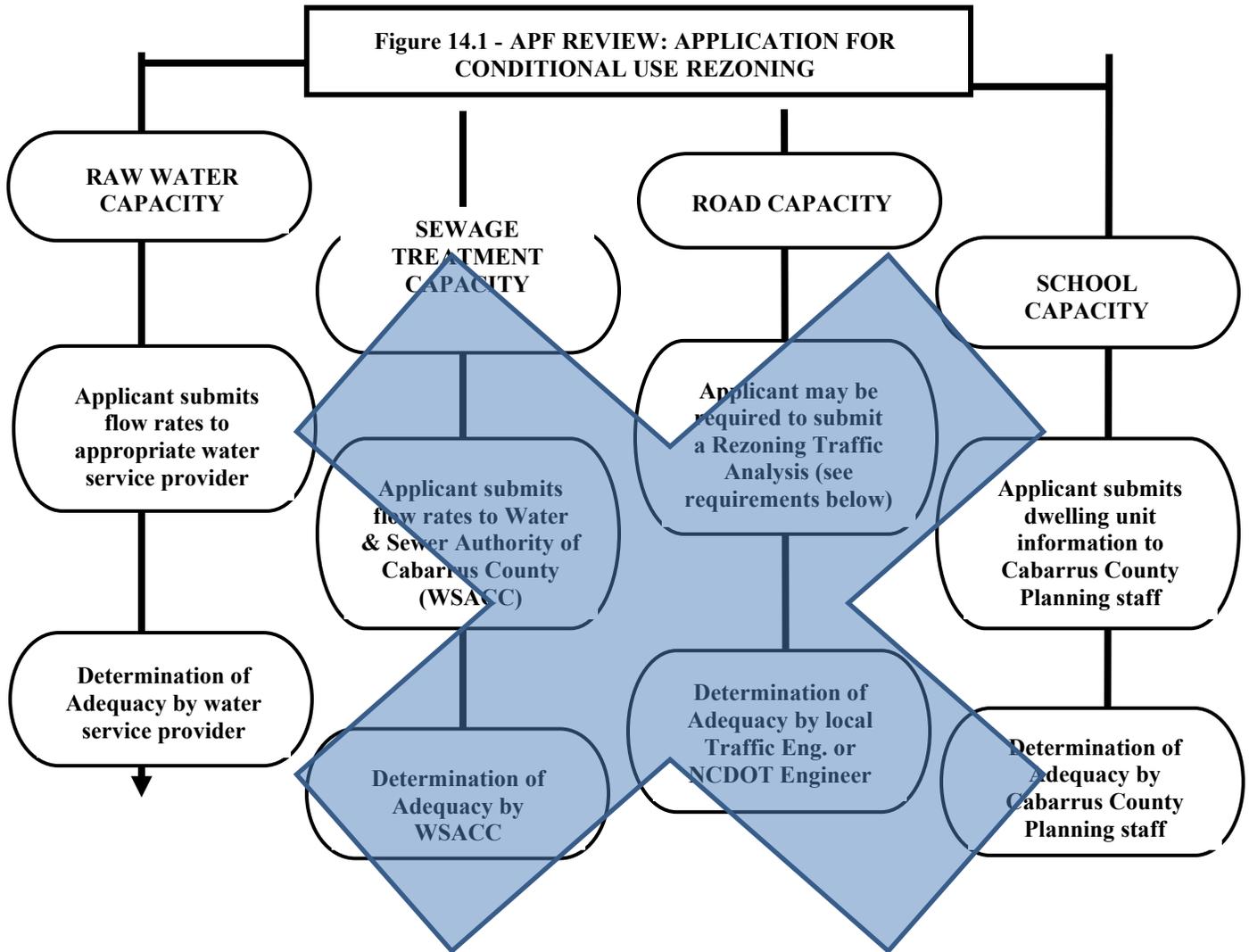
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Shopping center (800-1,000,000 sf GLA)	1,000 square feet	32.09	3.36
Shopping center (1M-1,200,000 sf GLA)	1,000 square feet	30.69	3.21
Shopping center (1.2M-1,400,000 sf GLA)	1,000 square feet	29.56	3.10
Shopping center (1.4M-1,600,000 sf GLA)	1,000 square feet	28.61	3.00
Sit-down restaurant	1,000 square feet	205.36	21.50
Fast food without drive-through	1,000 square feet	786.22	82.33
Fast food with drive-through	1,000 square feet	632.12	66.19
New car sales	1,000 square feet	47.91	5.02
Convenience market	1,000 square feet	737.99	77.28
Furniture store	1,000 square feet	4.34	0.45

Source: Freilich, Leitner, Carlisle

Table 14-2
 APF LEVEL OF SERVICE (LOS) STANDARDS

(A) Public Facility	(B) Adopted LOS Standard Criteria	(C) Impact Area	(D) Availability
Water	215 gpd per ERU*	<u>Water Treatment Plants (WTPs)</u> —the service area of each treatment plant as defined by the operators.	Programmed capital improvements may be considered for approval of a rezoning or issuance of a preliminary subdivision plat or preliminary site plan. Only existing capital improvements may be considered for issuance of approval for a final site plan or final subdivision plat.
Sewer	240 gpd per ERU* *see Table 14-3	The service area of each public treatment plant as defined by WSACC, any package treatment plant or other wastewater system serving a proposed development	Programmed capital improvements may be considered for approval of a rezoning or issuance of a preliminary subdivision plat or preliminary site plan. Only existing capital improvements may be considered for issuance of approval for a final site plan or final subdivision plat.
Streets/ Roads	see Table 14-1	The street lying between the proposed development and the first collector/collector or collector/arterial intersections, within which a proposed development generates traffic of more than 10 trips per day. Some roads may be excluded (see § 14.3.6).	Any programmed capital improvements may be considered for approval of a rezoning. Programmed capital improvements within the first three (3) years of the Capital Improvements Program and guaranteed by currently available revenue sources may be considered for subdivision plat or site plan approval.
Schools	The capacity of public schools as calculated in accordance with the Public Schools of North Carolina, State Board of Education, <i>North Carolina Public School Facility Guidelines</i> (January 1997), which document is hereby incorporated by this reference, and including any successor documents or amendments thereto which may be published from time to time.	High School Feeder Areas as designated by the Cabarrus County School District, as applicable.	Programmed capacity in the first three (3) years of the Capital Improvements Program may be considered in accordance with the formula set forth in § 14.3.8.



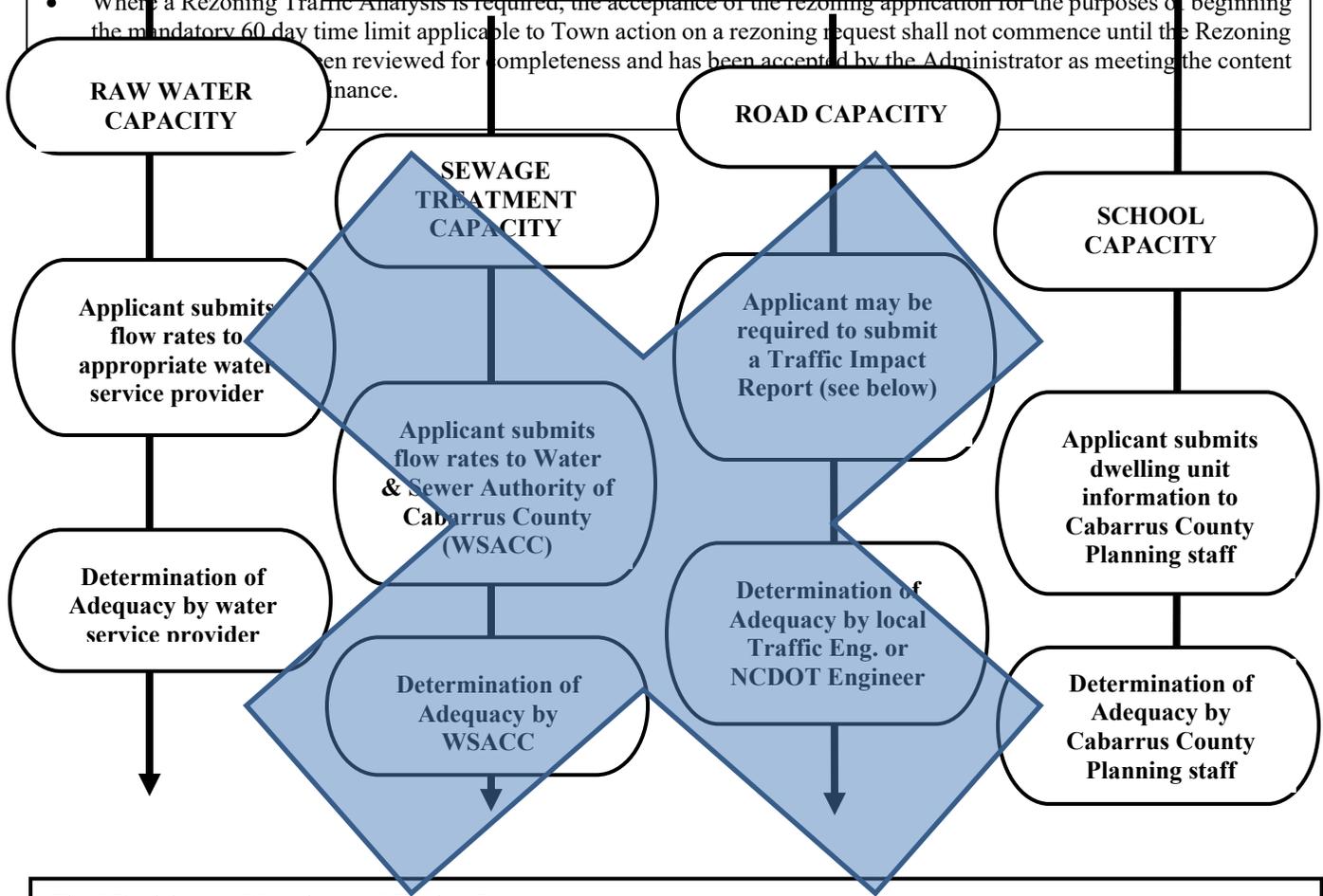
Rezoning Decision by Planning and Zoning Board (or Town Board—if not approved as an expedited rezoning)
 Planning Board shall review APF determinations and decide:

- to approve the rezoning if all four service determinations are positive
- to deny the rezoning if any of the four service determinations are negative
- to approve the rezoning if any of the four service determinations are negative, subject to the following conditions as listed in Section 14.2.6.1

A Rezoning Traffic Analysis shall be required for:

- A proposed rezoning that could generate 100 or more directional trips during the peak hour or at least 1000 more trips per day for the most intensive use that could be developed under existing zoning;
- A proposed rezoning on a site located along or which has the potential to take access within 500 feet of a corridor identified as a freeway or expressway on the Transportation Plan;
- A proposed amendment to a zoning ordinance that would permit uses generating higher traffic than the existing zoning;
- Where a Rezoning Traffic Analysis is required, the acceptance of the rezoning application for the purposes of beginning the mandatory 60 day time limit applicable to Town action on a rezoning request shall not commence until the Rezoning Traffic Analysis has been reviewed for completeness and has been accepted by the Administrator as meeting the content requirements of the Ordinance.

Figure 14. 2 - APF REVIEW: APPLICATION FOR PRELIMINARY SUBDIVISION PLAT

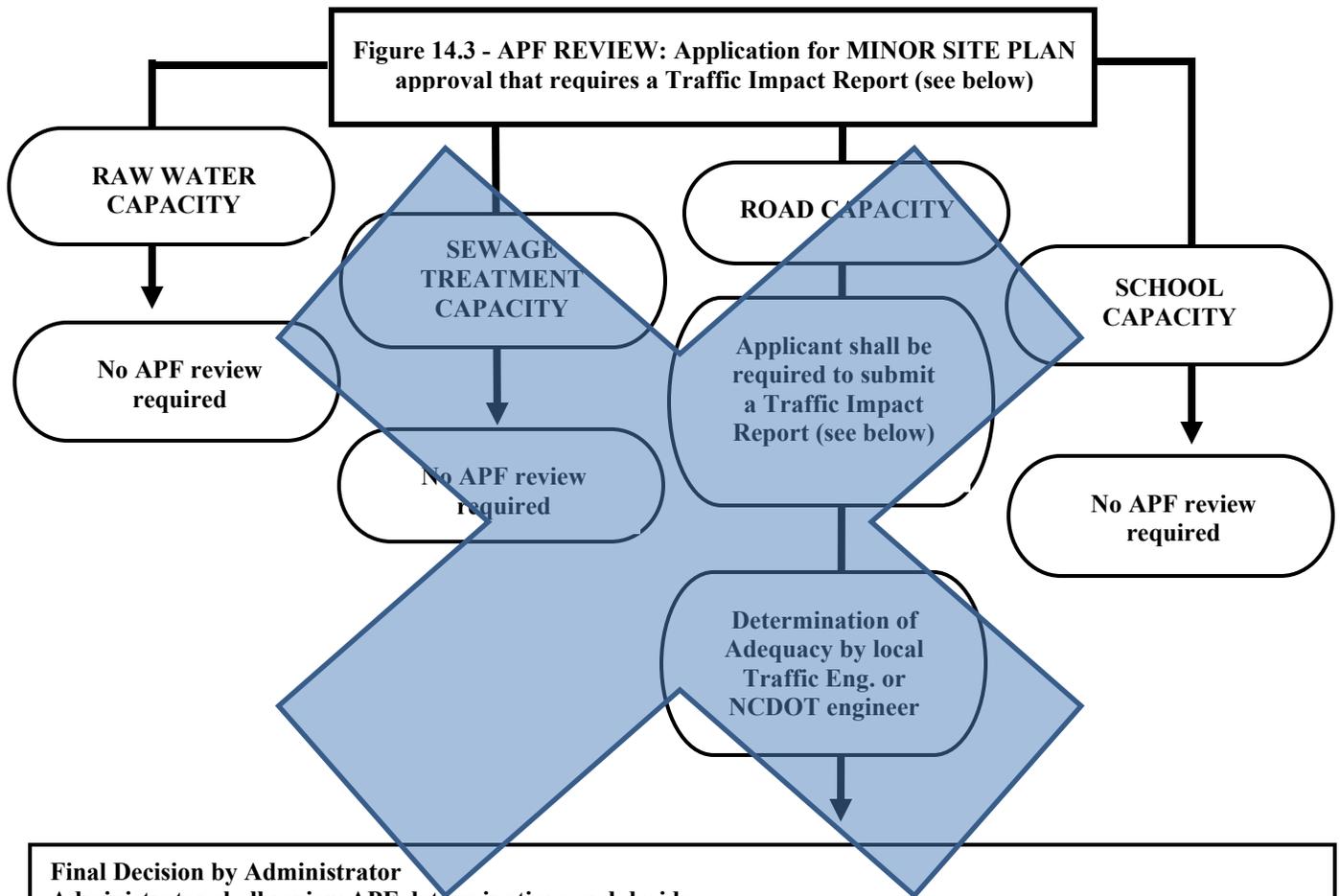


Final Decision by Planning and Zoning Board
Planning Board shall review APF determinations and decide:

- approve the application if all four service determinations are positive
- deny the application if any of the four service determinations are negative
- to approve the application if any of the four service determinations are negative, subject to the following conditions as listed in Section 14.2.6.1

A Traffic Impact Report shall be required for:

- a land use type which has an average trip generation rate of 2,000 trips per day or greater, according to most current versions of the ITE Trip Generation Informational Report or comparable research data published by a public agency or institution.



Final Decision by Administrator
 Administrator shall review APF determinations and decide:

- to approve the minor site plan if all four service determinations are positive
- to deny the minor site plan if any of the four service determinations are negative
- to approve the minor site plan if any of the four service determinations are negative, subject to the following conditions as listed in Section 14.2.6.1

A Traffic Impact Report shall be required for:

- a land use type which has an average trip generation rate of 2,000 trips per day or greater, according to most current versions of the ITE Trip Generation Informational Report or comparable research data published by a public agency or institution.

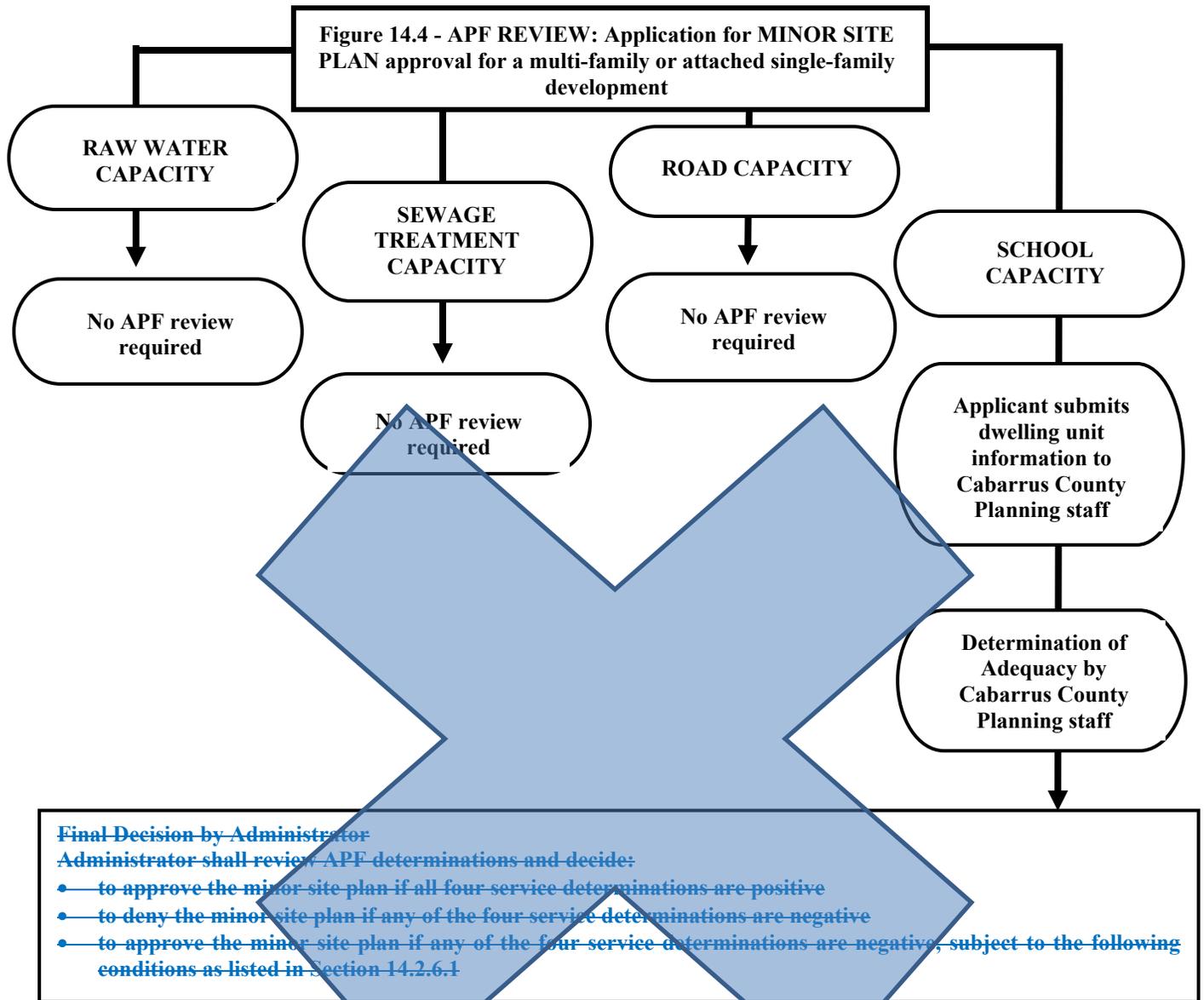


Figure 14.5— Final Determination for an APF review: Options for approving body (as taken from Sect. 14.2.6.1 of the UDO)

Upon receipt of the staff report, and subject to compliance with all other applicable standards of approval for a Development Approval, the decision-making body may determine:

- that the application for development approval shall be approved because public facilities and services are available at the adopted level of service; or
- that the application for development approval shall be denied because public facilities and services are not available at the adopted level of service; or

- ~~that the application for development approval shall be approved subject to one or more of the following conditions as agreed to between the applicant and the Town Board:~~
- ~~deferral of further Development Orders (as defined in Appendix A) until all Public Facilities are available and adequate if Public Facilities in the Impact Area are not adequate to meet the Adopted Level of Service for the entire development proposal, consistent with the requirements of this article;~~
- ~~reduction of the density or intensity of the proposed development to a level consistent with the Available Capacity of Public Facilities;~~
- ~~provision by the Applicant of the Public Facilities necessary to provide Capacity to accommodate the proposed development at the Adopted Level of Service and at the time that the impact of the development will occur; or~~
- ~~conditions agreed upon by the applicant to advance, or partially advance the Public Facilities necessary to provide capacity to accommodate the proposed development at the Adopted Level of Service and at the time that the impact of the development will occur. Provisions for advancement of capacity are included in Subsection 14.2.9.~~

Planning and Economic Development June 27, 2022

Planning & Zoning Cases

REZ 2022-03 Highway 49 Mini Storage and ANX 2022-01

Description: The applicant requests annexation and Conditional Zoning I-1 district to construct a mini-storage facility.

Applicant: Thomas Moss

Property Owner: Eric Smith

Area: 11.279 (mini-storage area less than 10 acres)

Location: 8830 NC Hwy 49 N

Cabarrus County Parcel Number: 5670-47-4622

Current Status: Planning & Zoning Board review anticipated on July 25. Annexation hearing anticipated on August 8.

SUP 2022-01 North Carolina Masonry Contractors Association Office

Description: The applicant requests a Special Use Permit from the Board of Adjustment to open an office in the RL Residential Low Density zoning district under the “civic, social, and fraternal organization” category of the Permitted Uses Table. The property has previously been used as a residence.

Applicant: Ryan Shaver

Property Owner: Thyra Eagle Dry

Area: 0.61 acres

Location: 8030 NC Highway 49 N

Cabarrus County Parcel Number: 5670-07-4558

Current Status: Board of Adjustment Public Hearing continued until June 27 meeting.

TA 2021-03 Infrastructure Text Amendments

Description: Update infrastructure standards in the Development Ordinance to incorporate best practices and move specifications and details into a separate Standards and Specifications Manual.

Current Status: Planning & Zoning Board will continue to review proposed amendments. Final review and recommendation anticipated at June meeting.

Development Agreement for SUB 2017-01 Green Acres

Description: Subject to NCGS Chapter 160D, Article 10, the Town Board opened a public hearing to enter into a revised development agreement with the property owner and developer for the approximately 14.88-acre property, which was approved for 37 single-family residential lots in 2017. The proposed agreement sets forth responsibilities for the installation of utilities to the site and a development schedule. Location: NC Highway 73 E at Green Acres Circle. Cabarrus County Parcel Number: 5651-70-6355. Zoning: CZ RM Conditional Zoning Residential Medium Density. This request does not change the approved zoning, subdivision preliminary plat, or number of dwelling units. The proposed agreement sets forth responsibilities and expectations for the installation of utilities, provision of utilities, and development schedule. The original development agreement was approved in 2009. This revision reflects the 2017 approved plan and current standards for infrastructure installation.

Current Status: The Town Board opened the public hearing and continued the public hearing until the developer can close on the property with property owner. Closing was delayed. Approval anticipated at June 30 special meeting or July 11 regular Town Board meeting.

SUB 2020-03 Brighton Park Preliminary Plat

Description: 178 single family lots with community clubhouse and pool. The proposed number of lots was reduced by one lot due to constraints determined during preparation of Construction Plans.

Applicant: Niblock Homes

Location: Southwest corner of NC Highway 73 and NC Highway 49

Cabarrus County Parcel Number: 5660-56-4096, 6785, 8647, & 9681

Area: approx. 86.77 acres

Proposed Density: 2.05 dwelling units per acre

Zoning: RM Residential Medium Density

Current Status: Construction Plans have been revised and are under review.

Code of Ordinances

Proposed amendments will be presented as they are completed.

Part 7: Motor Vehicles & Traffic

Staff is working on draft amendments to limit on-street parking on Town streets and one-way streets due to narrow street width. Speed on town streets is also being examined. This section would also include provisions for low-speed vehicles. The Town cannot control speed limits on State-maintained streets. Town Board opened and continued public hearing at the June 13 meeting.

Part 8: Offenses (Nuisances)

Staff has been researching noise ordinances in other jurisdictions. Additional updates to nuisance regulations are also being looked at. Staff hopes to present draft amendments at the July or August Town Board meeting.

Utilities

- The Town has 65,430 gpd to allocate between now and 2024 when the Phase 1 Rocky River Regional Waste Water Treatment is completed. The Town Board approved a sewer allocation policy at the June 13 meeting.
- LKC is currently working on engineering documents for water and sewer improvements to be completed with USDA loan funds. Additional water and sewer projects have been identified that could potentially be completed with the \$8 million state earmark. The Board approved a working Capital Improvements List at the April 11 meeting.
- Staff has applied for a \$950,000 Rural Transformation Downtown Revitalization Grant through the NC Department of Commerce to apply towards utility duct bank installation during the waterline project. Duke Energy prepared the study for the for utility line burial/relocation in the square downtown and reached out to Spectrum and Windstream to coordinate. Spectrum visited the Town the last week of March to verify field conditions and will work with Duke to locate. Spectrum also reached out to help identify potential funding for their portion of the project. NCDOT is also coordinating to make stormwater improvements during construction.

Comprehensive Plan Implementation

- Cabarrus County is working on plans for a new Mount Pleasant Library/Senior Center and Park. The site was rezoned in February to OI to facilitate the project. The site is currently under design with an anticipated opening in 2024.
- McGill and Associates has completed plans for the next phase of the Municipal Complex Improvements, which focus on amenities at McAllister Field. Two bids for construction were received and both were under budget. Construction is expected to begin in August after LGC approval of financing.
- The Town has been awarded the Carolina Thread Trail Implementation Grant for trailhead expansion at the Buffalo Creek Preserve. Trailhead expansion and picnic shelter installation are complete. Signage and miscellaneous site amenities (trash receptacles, portable toilet, security cameras) are being installed.

- The contract for the \$94,250 federal grant for the National Register Historic District Survey Update, Study Form Update, and Downtown Stormwater Study has been executed. HMW Preservation has been selected to complete the Survey and Nomination Form update. LKC was selected for the Downtown Stormwater study. The contract will be presented to the Town Board for approval in July. The National Register update work will begin in October.

Transportation

- CMAQ funding for sidewalks, curb & gutter, and widening to accommodate bike sharrows on N. Washington Street has been approved. Town Staff is working with NCDOT on project schedule. Property acquisition is complete. Staff will reach out to NCDOT in the next couple of weeks to enter into the project contract.

Permits

June (to date) report attached.

June 2022 Zoning Permits

Permit #	Date	Cab. Co. #	Add. #	Street Name	Type	Permit Description	Applicant	Notes
Z-2022-20	6/1/2022	5579-57-1842	8871	8871 Erbach Lane	Accessory	Swimming Pool	Quality Pools, Inc.	
Z-2022-21	6/2/2022	5579-35-6630	7911	Malibu	New	Trailhead Picnic Shelter	Town of Mount Pleasant	CoC
Z-2022-22	6/6/2022	5670-23-8628	8600	Park Dr.	New/Accessory	Park Restroom/Concession & Storage	Town of Mount Pleasant	CoC
Z-2022-23	6/9/2022	5671-81-2299	9597	Foil Rd.	Accessory	Swimming Pool	Jeremy Jalowitz	
Z-2022-24	6/14/2022	5670-37-3881	8660	Foil St.	New	Single-family residential home	Pinto Holdings LLC	
Z-2022-25	6/14/2022	5670-37-4863	8670	Foil St.	New	Single-family residential home	M. Kirk Hanson	
Z-2022-26	6/14/2022	5670-37-5845	8690	Foil St.	New	Single-family residential home	Pinto Holdings LLC	
Z-2022-27	6/15/2022	5670-27-4730	8425	NC Hwy. 49	Sign	Ground sign alt., Canopy sign replace	Branded Image Group	
Z-2022-28	6/20/2022	5670-23-8628	1415	N. Main St.	Addition/Upfit	MP Fire Station	Town of Mount Pleasant	CoC
Z-2022-29	6/21/2022	5660-95-4402	932	S. Skyland	New	Single-family residential home	Prespro	
Z-2022-30	6/21/2022	5671-40-1803	8754	Fisher Rd.	New	Single-family residential home	Niblock Homes	
Z-2022-31	6/21/2022	5670-35-3381	940	N. Washington St.	Accessory	Swimming Pool-above ground	Henry Kuusinen	

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