

Board of Adjustment Meeting

Town Hall - 8590 Park Drive Mount Pleasant, NC
Monday, October 24, 2022 at 6:00 PM

To: Board of Adjustment
From: Erin S. Burris, AICP – Town Planner
Date: October 24, 2022
Subject: SUP 2022-02 Tuscarora Taphouse-Iron Axe Society

A. SITE INFORMATION

Applicant: Tuscarora Taphouse-Iron Axe Society
Property Owner(s): Chris Pinto
Pinto Holdings LLC
4981 St. Stephens Church Road
Gold Hill, NC 28071
Tax PIN: 5670-42-0239
Location: 1530 Pinto Place
Zoning: I-1 Light Industrial
Lot Area: 1.965 acres
SUP Area Approx. 0.68 acres

B. SPECIAL USE PERMIT REQUEST

The subject property is zoned I-1 Light Industrial and has previously been used as a religious institution and for light manufacturing. The applicant requests a Special Use Permit for a taproom, classified as a “bar” under the “Recreation and Entertainment 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 I-1 district. This use will be associated with an axe-throwing venue, classified as an “indoor amusement”, also under the “Recreation and Entertainment Uses” category of the Permitted Uses Table. “Indoor Amusements” are permitted by right in the I-1 district.

The intent of the I-1 district from Section 4.3.2.3 of the MPDO is as follows:

“The I-1 district is established to provide for areas that contain a mix of light manufacturing uses, office park, institutional, and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. I-1 districts should include areas which continue the orderly development and concentration of light industrial uses. I-1 zones should be located so as to have direct access to or within proximity to a major or minor thoroughfare. This shall not apply where an existing building or structure used as permitted within the I-1 District has been established prior to the adoption of this Ordinance on a parcel subject to an application for rezoning.”

Surrounding Area / Existing Conditions

Zoning and land uses of surrounding properties include:

Direction	Zoning	Land Use
North	I-1 Light Industrial and RH Residential High Density	Tuscarora Mill and single-family residential
East	C-1 Light Commercial and RM Residential Medium Density	Single -family residential, Restaurant, ABC Store
South	I-1 Light Industrial, RM Residential Medium Density, RH Residential High Density, OI Office & Institutional	Vacant, Single-family residential, cemetery and church building
West	I-1 Light Industrial, RH Residential High Density	Office, pest control storage, hardware store, single-family residential

The property is located on W. Franklin Street (NC Highway 73) near the intersection with Barringer Street, with a mixture of zoning districts and land uses in the vicinity. The site has recently been divided from the historic Tuscarora Mill property. Other uses on the site include light manufacturing, storage, and an office.

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 and sewer.

Site Plan

The applicant provided a “site plan” showing existing buildings and paved parking. The only exterior site alteration proposed is an area for picnic tables between the two existing buildings on the property.

Landscaping

The applicant has not indicated any additional landscaping on the site plan. The buildings are existing and have been utilized by uses permitted in the I-1 district.

Access and Parking

There are two existing driveways into the site from W. Franklin St. (NC Highway 73) and how large existing driveway from Barringer Street. No new access points are proposed.

Section 8.1.3 of the MPDO requires paved parking for all non-residential and multi-family residential uses. Existing shared parking adequately covers the existing office use, light manufacturing use, and

proposed indoor amusement and bar use. If the Tuscarora Mill building is utilized in future, an assessment of additional parking needs will need to take place. The provision of ADA parking will need to be reviewed by Cabarrus County Building Inspections prior to occupancy.

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 has been proposed on the plan.

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.

“Indoor amusements” are permitted by right in the I-1 district. “Bars” are permitted with a Special Use Permit in the I-1 district. The surrounding area has a mixture of residential and commercial uses and has frontage on North Carolina Highway 73, a major thoroughfare. The intensity of the proposed use is compatible with the Future Land Use Map designation in the Comprehensive Plan and is no more intense than other industrial, retail, restaurant, office, and service uses located within 1,000 feet of the property.

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 to the site are existing with no proposed changes and no increase in the number of trips that the site has experienced from previous light industrial and religious institution uses.

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

The proposed indoor amusement and bar use is primarily indoors with only picnic tables located outdoors and shall be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

Proposed condition: Since there are residential uses nearby, no sound amplification shall be heard off-site over surrounding ambient noise during daylight hours, and no sound amplification shall occur after 11pm.

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 in an existing building off a state highway in close proximity to a mixture of medium and high intensity uses. The Future Land Use Map in the Town's Adopted Comprehensive Plan classifies this area for "Employment Center". 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 Alcohol Beverage Commission (ABC), NC Fire Code and Building Code 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 ABC, NC Fire Code, and Building Code 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.

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 October 12, 2022.
2. Posted signs on subject property on October 11, 2022.

E. ATTACHMENTS

1. Application
2. Applicant 'site plan'
3. Zoning Map
4. Aerial Map



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 2022-02

1. Property Information

Date of Application 09/23/2022 Name of Project Tuscarora Taphouse - Iron Axe Society
Location 1530 Pinto Place Property Size (acres) .5 acre
Current Land Use Industrial I-1 Proposed Land Use Amusement + Taphouse
Parcel Identification Number(s) 56704202390000 Zoning District I-1

2. Contact Information

Pinto Holdings LLC
Property Owner
1544 Pinto Place Mount Pleasant NC, 28124
Mailing Address City, State Zip
704-363-5209
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.

Signature [Signature] Print Name Cristina Pinto Date 9-26-22

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.

Yes. New business will maintain current structural appearance with no major landscaping changes. A small section of the grounds will be designated as outdoor seating with picnic tables.

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

Yes. Large parking lot currently available with no impact to local traffic patterns.

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

Yes. No hazardous materials will be used. Any construction dust, dirt, or debris will be collected and properly disposed of. Sound deadening materials will be used in targets to minimize noise. Any outdoor activities will comply with local noise ordinances.

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

No. No impediments will be created. Our operation will be contained to our location.

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

No. Strict safety measures will be implemented in relation to current standards set forth by World and International Axe Throwing Leagues, insurance carriers, fire and safety officials, and highly trained certified staff. Additional safety measures to prevent harm or injury to participants will be included in the construction of the throwing areas. Staff will be required to complete necessary training to ensure alcohol sales and consumption for participants comply with state, federal, and local laws.

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

- 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: 9-26-22

Received By: Jennifer Blake

Fee Paid: \$ 510.00 CK # 2243 → OVER

Case #: SUP 2022-02

Scheduled Date of Public Hearing: 10-24-2022

Adjacent Property Letter Date: 10-12-22 Sign Posting Date: 10-11-22

Notes: _____

VICINITY MAP
(Scale: 1" = 500')

LEGEND
 --- 10'-0" CHALK LINE POINT
 --- 1" = 1" ELECTRIC
 --- 1" = 1" EDGE OF PAVEMENT
 --- 1" = 1" PROPILET
 --- 1" = 1" SIGN POLE
 --- 1" = 1" WATER LETTER
 --- 1" = 1" WATER VALVE
 --- 1" = 1" WIRE OPTIC BURN STAIL
 --- 1" = 1" SHAWT WIRE CEMENT - CEMENT

NCGS - NAD 83
 Cabarrus Co. Registry
 1438000.000
 1438000.000
 1438000.000

Certificate of Final Plat Approval
 It is hereby certified that this plat complies with the Subdivision Regulations of the Town of Union, and therefore the plat has been approved by the Board of Planning and Zoning. The plat is subject to the provisions of the Town of Union Ordinance No. 2008-06, which provides for the final plat to be recorded within 90 days of the date shown.

Director of Planning: _____ Date: _____

Review Officers Certificate
 County of Cabarrus
 I, _____, Clerk of Cabarrus County, certify that the map or plat to which this certificate is affixed, meets all statutory requirements for recording.

Platman City: _____ Date: _____

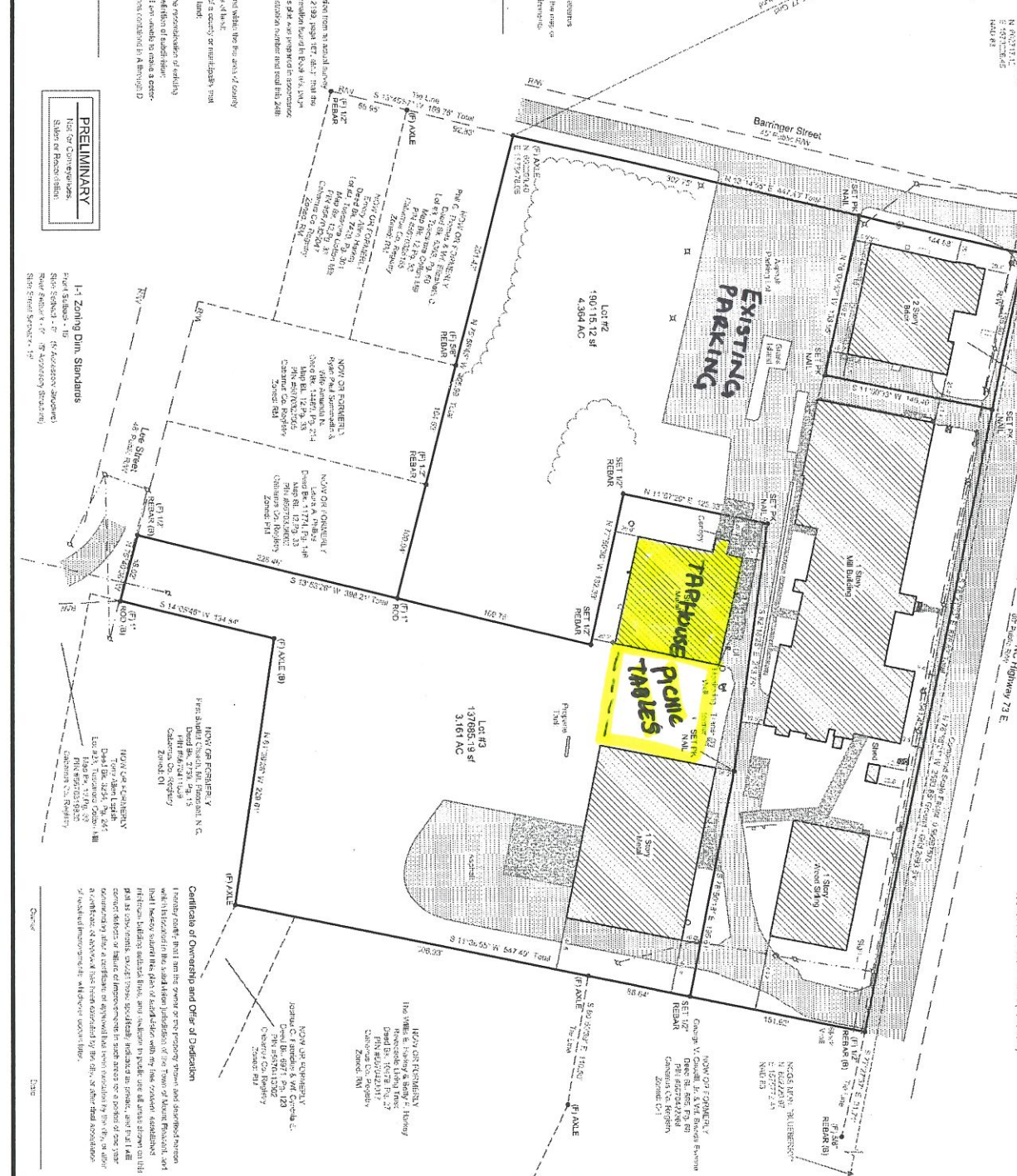
State of North Carolina
 I, _____, State Director of Planning, certify that this plat complies with the Subdivision Regulations of the Town of Union, and therefore the plat has been approved by the Board of Planning and Zoning. The plat is subject to the provisions of the Town of Union Ordinance No. 2008-06, which provides for the final plat to be recorded within 90 days of the date shown.

Certificate of Ownership and Order of Dedication
 I, _____, owner of the property shown and described herein, do hereby certify that the plat to which this certificate is affixed, meets all statutory requirements for recording. I hereby dedicate to the public use of the Town of Union, North Carolina, the streets, alleys, and easements shown on this plat as described in the text hereof. This dedication is irrevocable and shall be binding on me and my heirs, assigns, and assigns forever.

Owner: _____ Date: _____

NOTES:

- 1. Deed Reference - Deed Bk. 12,996, Pgs. 147, Pinto Holdings, LLC
- 2. Deed Reference - Deed Bk. 12,996, Pgs. 148, Pinto Holdings, LLC
- 3. Deed Reference - Deed Bk. 12,996, Pgs. 149, Pinto Holdings, LLC
- 4. Deed Reference - Deed Bk. 12,996, Pgs. 150, Pinto Holdings, LLC
- 5. Deed Reference - Deed Bk. 12,996, Pgs. 151, Pinto Holdings, LLC
- 6. Deed Reference - Deed Bk. 12,996, Pgs. 152, Pinto Holdings, LLC
- 7. Deed Reference - Deed Bk. 12,996, Pgs. 153, Pinto Holdings, LLC
- 8. Deed Reference - Deed Bk. 12,996, Pgs. 154, Pinto Holdings, LLC
- 9. Deed Reference - Deed Bk. 12,996, Pgs. 155, Pinto Holdings, LLC
- 10. Deed Reference - Deed Bk. 12,996, Pgs. 156, Pinto Holdings, LLC
- 11. Deed Reference - Deed Bk. 12,996, Pgs. 157, Pinto Holdings, LLC
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- 13. Deed Reference - Deed Bk. 12,996, Pgs. 159, Pinto Holdings, LLC
- 14. Deed Reference - Deed Bk. 12,996, Pgs. 160, Pinto Holdings, LLC
- 15. Deed Reference - Deed Bk. 12,996, Pgs. 161, Pinto Holdings, LLC
- 16. Deed Reference - Deed Bk. 12,996, Pgs. 162, Pinto Holdings, LLC
- 17. Deed Reference - Deed Bk. 12,996, Pgs. 163, Pinto Holdings, LLC
- 18. Deed Reference - Deed Bk. 12,996, Pgs. 164, Pinto Holdings, LLC
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- 103. Deed Reference - Deed Bk. 12,996, Pgs. 249, Pinto Holdings, LLC
- 104. Deed Reference - Deed Bk. 12,996, Pgs. 250, Pinto Holdings, LLC

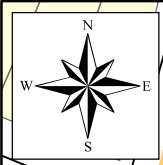


NORSTAR LAND SURVEYING, INC.
 552-B Newell Street NW
 Concord, NC 28025
 Ph 704 721 6651
 Fax 704 721 6653
 Firm Lic. # C-2294

Prepared for: Pinto Holdings, LLC
 DATE: March 24, 2022
 SCALE: 1" = 60'
 N.L.S. NO.: 16132
 DRAWN BY: S. Kimrey
 CHECKED BY: S. Dyer

REVISION		DATE
1		8/23

SHEET 1 OF 1

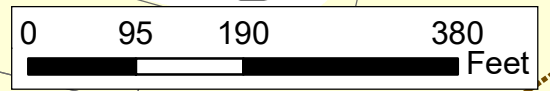
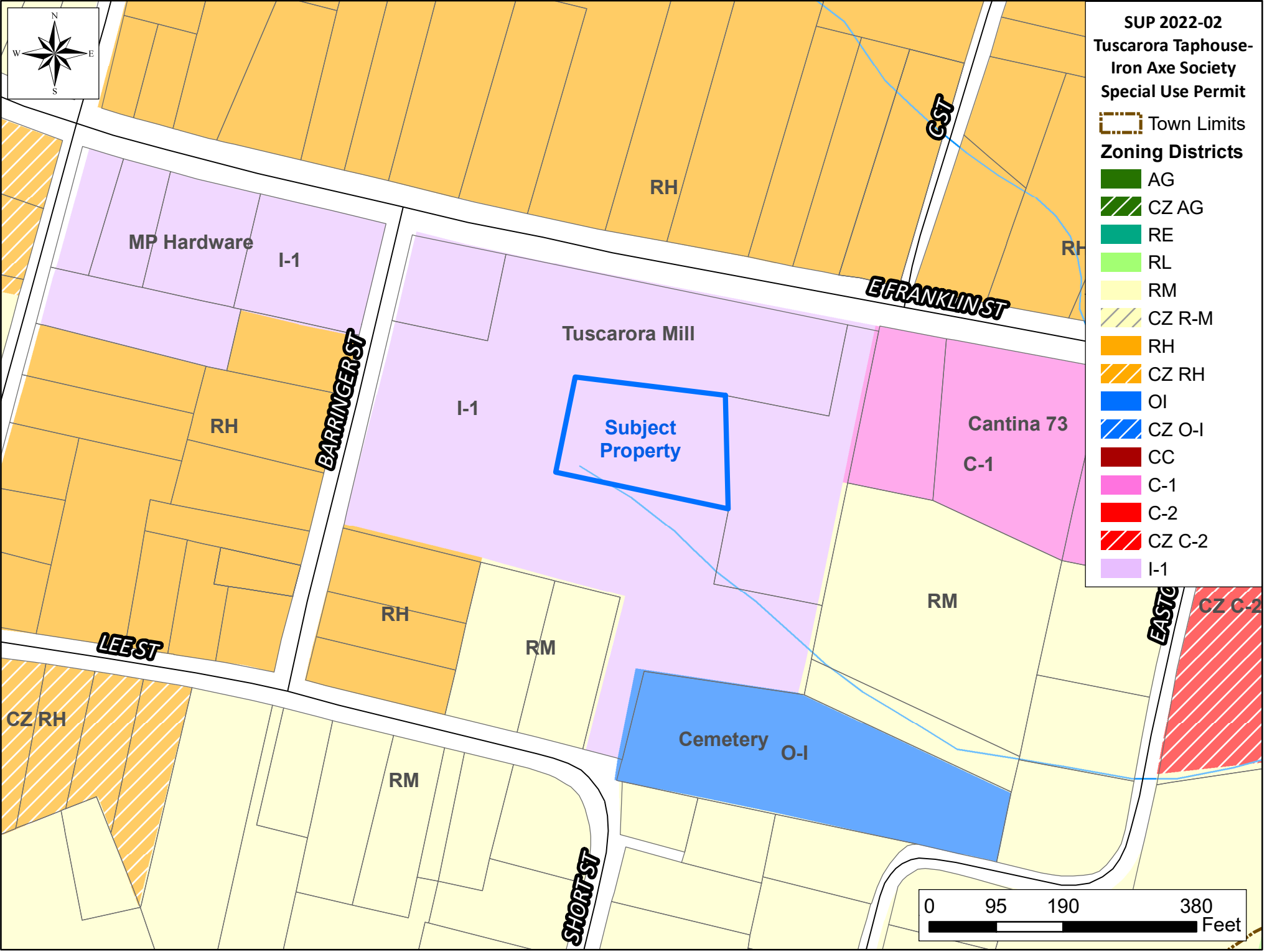


SUP 2022-02
**Tuscarora Taphouse-
Iron Axe Society**
Special Use Permit

Town Limits

Zoning Districts

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





SUP 2022-02 Tuscarora Taphouse-Iron Axe Society (1530 Pinto Place)