

# Mount Pleasant

North Carolina

*Founded in 1848*

## Planning & Zoning Board Meeting

Town Hall - 8590 Park Drive Mount Pleasant, NC

Monday, April 23, 2018

6:00 PM

1. Call to Order
2. Recognition of Quorum
3. Approval of Minutes of Previous Meetings
  - March 26, 2018
4. Approval of Agenda
5. Public Comment Period
6. Planning and Zoning Board Cases

### **REZ 2018-02 & SUB 2018-01 MPCl St./College St. Infill Residential**

Applicant, New Life Developers LLC, requests rezoning 4.077 acres in order to subdivide and develop 10 lots for single-family residential off of existing MPCl Street right-of-way, with concurrent Subdivision Preliminary Plat, which includes an Improvements Exception request. *Location:* MPCl Street (west of College Street). *Cabarrus County Parcel Number:* portion of 5670-04-9558. *Current Zoning:* I-1 Light Industrial. *Proposed Zoning:* CZ RM Conditional Zoning Residential Medium Density.

7. Board of Adjustment Cases (Quasi-judicial)

### **CUP 2018-01 Mount Pleasant Sporting Goods & Pawn Shop**

Applicant requests Conditional Use Permit to operate a retail store with a pawn shop component within an existing building. Pawn shops require the issuance of a Conditional Use Permit within the C-1 Light Commercial Zoning District. *Location:* 7991 W. Franklin Street. *Cabarrus County Parcel Number:* portion of 5670-05-1430. *Zoning:* C-1 Light Commercial

8. Other
9. Reports
  - Planning Report for April 2018
10. Planning and Zoning Board Comment Period
11. Adjourn

8590 Park Drive : P.O. Box 787 : Mount Pleasant, North Carolina 28124 : tel. 704.436.9803 : fax 704.436.2921

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**TOWN OF MOUNT PLEASANT, NORTH CAROLINA  
Planning and Zoning Board Meeting  
April 23, 2018**

**Members Present:** John Murdock, Chair; Whit Moose, Vice-Chair; Shirley Freeman, Mike Steiner, Jeff Helmintoller, Rick Burleyson; Alternate

**Members Absent:** None

**Staff Present:** Erin Burris, Town Planner; Jennifer Blake, Clerk to Planning Board

**Call to Order:** Chairman Murdock called the Town of Mount Pleasant Planning and Zoning Board meeting to order at 6:00 pm.

**Recognition of Quorum:** Chairman Murdock stated a quorum was present.

**Approval of Minutes:** Chairman Murdock entertained a motion to approve the March 26, 2018 minutes. Motion was made by Jeff Helmintoller to approve the minutes with second by Mike Steiner. All members (5-0) were in favor.

**Approval of Agenda:** Chairman Murdock entertained a motion to approve the Agenda. Motion was made by Mike Steiner and second was made by Jeff Helmintoller. All members (5-0) were in favor.

**Public Comment:** No public comment.

**Planning and Zoning Board Cases:**

**REZ 2018-02 & SUB 2018-01 MPCI St./College St. Infill Residential**

Applicant, New Life Developers LLC, requests rezoning 4.077 acres in order to subdivide and develop 10 lots for single-family residential off of existing MPCI Street right-of-way, with concurrent Subdivision Preliminary Plat, which includes an Improvements Exception request. *Location:* MPCI Street (west of College Street). *Cabarrus County Parcel Number:* portion of 5670-04-9558. *Current Zoning:* I-1 Light Industrial. *Proposed Zoning:* CZ RM Conditional Zoning Residential Medium Density.

Erin Burris reviewed the staff report enclosed in the Board packet.

**Howard Hurlocker of New Life Developers** addressed the Board to answer questions about the plans for College Street.

- Jeff Helmintoller was concerned about Lot #8 having a stream through the center of the Lot and what Mr. Hurlocker planned to do. Mr. Hurlocker stated that the lot had enough depth and was not in a flood plain.
- Jeff Helmintoller was also concerned about the parking on the street.

- Whit Moose asked about the sidewalks. Mr. Hurlocker said the sidewalks would go on one side. Erin Burris pointed out that the cross section on the plans showed the sidewalks on both sides. However, Mr. Hurlocker requests an exception to allow sidewalk on one side, the side with the homes.
- Jeff Helmtoller asked if Mr. Hurlocker would be considering all the setbacks that were listed in Frank Drake's e-mail that was provided to the Planning and Zoning Board. Howard Hurlocker said that New Life Developers would set the houses forward on Lots 1, 2, & 3 and take care of silt load in stream during construction. However, New Life Developers would not put a fence between the two properties. Erin Burris said a fence is usually requested between different zoning districts and not for the same zoning districts. These two properties would have the same zoning district.
- Whit Moose asked if the adjacent landowner would put up a fence would this cause a conflict. Mr. Hurlocker said that it would not cause any trouble.
- Mike Steiner asked about 3 onsite parking spots. Three parking spaces does take up a good bit of the lot. Mr. Hurlocker wanted the spaces to include the garage for parking spaces and not just outside of the garage.
- Jeff Helmtoller asked if there were any other recommendations that he would have issues with. Mr. Hurlocker would have a sidewalk on one side and not both, and have a minimum of 3 total parking spaces including inside and outside of the garage.
- Jeff Helmtoller wanted to know the time table of starting and finishing building. Mr. Hurlocker stated he would start as soon as he gets the plans with the engineers and surveyors complete. Then he would build 3 or 4 houses at a time until complete.
- Whit Moose asked about garages. Mr. Hurlocker hasn't seen the plans yet but plans to have garages front facing the road, and if there isn't a garage Mr. Hurlocker could have 40' space to park at the side for parking.

**Hunter Carter**, previous owner of 1150 North College Street addressed the Board.

Hunter Carter spoke on behalf of the homeowners that have been located at his old home at 1150 North College Street and the surrounding neighbors. Hunter Carter stated his concern for the current homeowners would be that they would be looking at roof tops out their back door.

Erin Burris recommended the setback for Lots 1, 2, & 3 be changed from the minimum setback of 25 feet to 35 feet since this is the second concern made on this issue. The first issue was stated in Frank Drake's email.

Erin Burris summed up the changes to the conditions on rezoning would be:

1. Impose a maximum set back of 35 feet to Lots 1, 2, & 3.
2. Request for 3 on-site parking spaces for each lot. Mr. Hurlocker requested that it included garage parking rather than not including it. The provision in the

ordinance required 3 parking spaces off street. It doesn't specify about the garage parking. That was added as a condition added by staff.

Changes to the Preliminary Plat

1. Adding to the exception request that the sidewalk only be on one side (along the side with houses to Lot 10)

The Planning and Zoning Board voted on the Procedures & Actions (page 6) as follows:

1. **Adopt a Statement(s) of Consistency.** The motion was made by Whit Moose to approve the statement of consistency, finding that *"the proposed use of the subject property is consistent with the Medium Intensity land use classification in the Town of Mount Pleasant Comprehensive Plan in that the proposed density is under four dwelling units an acre at 2.46 dwelling units per acre, water and sewer utilities are proposed for the site, and payment-in-lieu-of open space and sidewalks are provided. With the close proximity of existing utilities, the proposed development further meets the intent of the designation. The proposed development supports Land Use Strategy #3 that encourages infill residential development within walking distance to Downtown. Also, proposed voluntary design standards for the development meet the intent of Community Character Strategy #2 so that building design will enhance and be compatible with surrounding development."* Jeff Helmintoller seconded the motion. All members (5-0) were in favor.
2. **Adopt a Statement(s) of Reasonableness.** The motion was made by Jeff Helmintoller to approve the statement of reasonableness, finding that *"the proposed district and use are reasonable in that the 4.07 acre site was previously recorded in a 1942 subdivision plat to allow for 22 lots and that the proposed development is 10 lots, a density of 2.46 dwelling units per acre, with an average lot size of 0.36 acres. This is comparable to the zoning districts, density, and lot sizes in the vicinity of the proposed development."* Mike Steiner seconded the motion. All members (5-0) were in favor.
3. **Vote on Proposed Map Amendment (rezoning).** The motion was made by Mike Steiner to approve the map amendment with the following conditions:
  1. *No parking shall take place on the street, since the cross section is only of sufficient width for circulation and not on-street parking. A minimum of three on-site parking spaces shall be provided for each lot.*
  2. *Provide a driveway cuts for properties to either side of MPC1 Street right-of-way (identified by Cabarrus Parcel numbers 5670-14-8632 and 5670-14-8831).*
  3. *A maximum setback of 35 feet shall be observed on Lots 1, 2, & 3 to set the houses forward on these lots as far as possible.*
  4. *Building Design Conditions (as part of Conditional Zoning district)*
    - a. *Building elevations are subject to review for compliance with these conditions prior to the issuance of Zoning Permits by the Town of Mount Pleasant.*
    - b. *Exterior wall materials may include brick, stone, stucco and/or wood, wood composite, or vinyl horizontal, board-and-batten, or shake siding. Materials similar in appearance or durability to those listed may also be used. A maximum of three (3) materials shall be mixed on the front facades. Brick, stone or similar heavy materials shall be located below lighter materials such*

as wood or vinyl. The front wall shall incorporate at least 25 percent of the primary material used on the side walls of the building.

- c. Visible front and side foundation walls shall be clad in brick, stone, or a material similar in appearance and durability.
- d. Roof materials shall be asphalt shingles, standing seam metal, slate, tile, or similar materials.
- e. The primary roofs of residential structures shall be pitched and shall have a slope of between 4:12 and 12:12.
- f. Architectural elements such as height variations, gables, dormers, cupolas, towers, and other similar elements shall be incorporated into the roof design at a minimum of every 25 linear feet on the primary/front façade.
- g. Roofs have an overhang of nine (9) inches or more to facilitate proper water run-off.
- h. Front-loaded garages shall not have visual prominence on the front façade and shall not compose more than 50 percent of the total length of the front elevation. Front-loaded garages and carports shall be flush with or recessed behind the front wall area of the principal structure.
- i. Attached garages for more than two (2) cars shall not face the primary street. Such garages on corner lots may face the non-fronting street.
- j. Façade articulation in the form of gables, projections, recesses, and/or porches of a minimum of three (3) feet in depth shall be located a minimum of every 25 feet along the front and corner side façades.
- k. Decks and patios shall only be installed on the side or rear of the house. This does not apply to handicap accessible ramps.
- l. Accessory structures shall be constructed of materials and colors that match that of the principal structure.

The motion was seconded by Whit Moose. All members (5-0) were in favor.

4. **Vote on Proposed Preliminary Plat.** The motion was made by Whit Moose to approve with the following conditions and exceptions, including the 30-foot right-of-way for first 160 feet, and sidewalks on one side:
  1. A 30-foot right-of-way without curb and gutter or sidewalk is permitted for the first approximately 165 feet of MPCl Street.
  2. Sidewalk shall be provided on one side of MPCl Street in front of lots 1-10.
  3. Provide existing conditions plan.
  4. A riparian buffer is required along the streams shown along the western boundary of the subdivision (Section 9.3.4).
  5. In the absence of the dedication of 0.611 acres of open space, payment-in-lieu-of dedication shall be provided for the Town's parks and recreation fund in accordance with UDO Section 6.5.3.2.
  6. Provide street names as approved by Cabarrus County E-911 addressing.
  7. Provide grading/storm drainage plan with construction drawings. The development will be required to comply with the NCDEQ State Stormwater Program, and on-site stormwater detention may be required.
  8. Fire Hydrant locations shall meet the minimum standard and be shown on construction drawings. Demonstration of minimum required fire flow will be required during construction drawing review.
  9. All electrical and communications utilities shall be buried underground within the development in accordance with utility provider and Town specifications.

10. *Submit sewer capacity flow acceptance forms to the Town of Mount Pleasant.*
11. *Ensure adequate turning radius and sight triangle distance at intersection with College Street.*
12. *Provide note that the Town of Mount Pleasant will be maintaining the streets within the subdivision upon inspection and acceptance of maintenance by the Town.*

The motion was seconded by Jeff Helmtoller. All members (5-0) were in favor.

### **Board of Adjustment Cases (Quasi-judicial)**

The Planning and Zoning Board convened as the Board of Adjustment to hear the following case:

#### **CUP 2018-01 Mount Pleasant Sporting Goods & Pawn Shop**

Applicant requests Conditional Use Permit to operate a retail store with a pawn shop component within an existing building. Pawn shops require the issuance of a Conditional Use Permit within the C-1 Light Commercial Zoning District. *Location:* 7991 W. Franklin Street. *Cabarrus County Parcel Number:* portion of 5670-05-1430. *Zoning:* C-1 Light Commercial

Town Attorney, John Scarborough explained the general rules and proceedings of a quasi-judicial hearing

Chairman John Murdock opened the Public Hearing for the case.

Chairman Murdock asked if anyone had any communication or knowledge of the meeting prior to the meeting. Whit Moose disclosed he ran into Mr. Ricky Lambert, owner of the property and he did mention that he was going before the board. At the time, Whit didn't know this would be the case we were discussing but told Mr. Lambert he should not go any further with that discussion. Nothing was disclosed. There was conversation but had no discussion at that time

Chairman Murdock asked for anyone that wants to speak to be sworn in.

Board Clerk, Jennifer Blake swore in Erin Burris, Town Planner; Justin Moose, applicant; and Raymond Moose, father of applicant.

Chairman Murdock asked Erin Burris to present the staff report and related exhibits.

Town Planner, Erin Burris presented the staff report and answered the following questions. There were no questions at this time.

Chairman Murdock asked if anyone that wanted to speak in favor of the application.

Raymond Moose, father of client and Justin Moose, client (lessee from the property owner Ricky Lambert), 632 Lentz Harness Shop Road, Mount Pleasant, approached the podium to answer questions for items not covered in the staff report.

Jeff Helmintoller asked how much of the retail is going to be based in pawn shop versus sporting goods. Justin Moose stated that it is going to be more sporting goods, 60 to 70 percent sporting goods and 30 to 40 percent pawn shop.

Whit Moose wanted to know the vision of the sporting goods store. Justin Moose said that he would be starting out with firearms, ammo, fishing supplies and a couple of hunting things and later may add tree stands. Whit also, asked about live bait being offered there. Justin said he would not start out with live band may down the road.

Erin Burris stated that outdoor storage could be permitted, but would have to be on the side of the building and have to be screened from view of the road and adjacent properties. It cannot be on the front of the building. The outdoor storage can be done as long as it meets the standards of section 11.1.

Mike Steiner asked about the concern with the competition of the big box stores and what would set him apart from competing with the big stores. Justin stated that he would try to build up a clientele and have better customer service.

Chairman Murdock wanted more clarification of how he would compete with big box. Justin commented that the Pawn Shop would help supplement his income until he could build up his clientele for the Sporting Goods Store. Justin gave other examples of other shops that ran both pawn and guns or goods such as Hal's Pawn & Gun Shop in Concord and 49 Sporting Goods.

Whit Moose asked about the hours of business. Justin Moose stated the hours would be Monday through Friday 9a.m. to 5p.m., Saturday 9a.m. to 2p.m., and closed Sunday.

Jeff Helmintoller asked about Justin's proposal for security of guns. Justin said he would have a gun cage for the larger guns and the smaller guns would be locked up in the safe each night. He would also have an alarm system as well.

Whit Moose asked about any additional upgrades besides the planters in the front of building. Justin said that they would not be doing any additional exterior repairs currently since the interior needs a lot of extra work.

Chairman Murdock asked for anyone who wishes to speak against the applicant to come forward. None spoke against

Chairman Murdock closed the public hearing and opened discussion to board members.

The Board discussed the evidence as it related to findings-of-fact and any conditions that could be imposed to ensure that the findings are met.

Erin Burris reviewed the Conditional Use Permit request and the Board of Adjustment action that is supplied in the packet (pages 1-4).

Whit Moose and Jeff Helmintoller had concern about the floodlights not being enough light. The applicant shared that the telephone poles had lights on them at the left entrance and there are two lights at the back of the building.

Chairman Murdock recommended asking the sheriff if the lighting was enough. Erin Burris said that we could add the condition of asking the sheriff's department about safety including the lighting.

Whit Moose asked if North Carolina required to have anything to protect the front doors of a pawn shop and sporting goods store. Justin Moose said it depends on the Town and there are a lot of pawn shops in North Carolina that don't have laws on windows or doors. He needs to check the locks that and can have ballards or posts put in front of the doors. Erin Burris stated that it would be better to have the doors secured on the inside and not the outside of the building.

Chairman Murdock called for action on the findings-of-fact. The following findings were made by the Board of Adjustment:

1. The proposed conditional 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.

**A motion to approve Finding #1 was made by Mike Steiner with a second by Jeff Helmintoller. All members (5-0) were in favor.**

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.

**A motion to approve Finding #2 was made by Whit Moose with a second by Mike Steiner. All members (5-0) were in favor.**

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

**A motion to approve Finding #3 was made by Jeff Helmintoller with a second by Whit Moose. All were in favor (5-0).**

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.

**A motion to approve Finding #4 was made by Mike Steiner with a second by Jeff Helmintoller. All members (5-0) were in favor.**

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

**A motion to approve Finding #5 was made by Whit Moose with a second by Jeff Helmintoller. All members (5-0) were in favor.**

6. Compliance with any other applicable Sections of this Ordinance.

**A motion to approve Finding #6 was made by Jeff Helmintoller with a second by Mike Steiner.**



Chairman Murdock recommended asking the sheriff if the lighting was enough. Erin Burris said that we could add the condition of asking the sheriff's department about safety including the lighting.

Whit Moose asked if North Carolina required to have anything to protect the front doors of a pawn shop and sporting goods store. Justin Moose said it depends on the Town and there are a lot of pawn shops in North Carolina that don't have laws on windows or doors. He needs to check the locks that and can have ballards or posts put in front of the doors. Erin Burris stated that it would be better to have the doors secured on the inside and not the outside of the building.

Chairman Murdock called for action on the findings-of-fact. The following findings were made by the Board of Adjustment:

1. The proposed conditional 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.

**A motion to approve Finding #1 was made by Mike Steiner with a second by Jeff Helmintoller. All members (5-0) were in favor.**

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.

**A motion to approve Finding #2 was made by Whit Moose with a second by Mike Steiner. All members (5-0) were in favor.**

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

**A motion to approve Finding #3 was made by Jeff Helmintoller with a second by Whit Moose. All were in favor (5-0).**

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

**A motion to approve Finding #5 was made by Whit Moose with a second by Jeff Helmintoller. All members (5-0) were in favor.**

6. Compliance with any other applicable Sections of this Ordinance.

**A motion to approve Finding #6 was made by Jeff Helmintoller with a second by Mike Steiner.**

Based on all findings being made in the affirmative, Chairman Murdock called for a motion to approve or deny the Conditional Use Permit, including any conditions. Whit Moose made a motion to approve the Conditional Use Permit since all of the findings-of-fact were met with the following conditions agreed upon by the applicant:

1. Provide a parking plan indicating number, dimensions, and location of parking striping.
2. Indicate the intended method and materials for screening the solid waste storage area in accordance with Section 11.1.2.2.1 (3).
3. Provide a signage plan and sign permit application indicating compliance with Article 12.
4. Provide planters at the building entrance as substitute for street yard and building yard landscaping.
5. Consult the Cabarrus County Sherriff's Department for adequate safety measures and lighting.

Jeff Helmtoller seconded the motion. All members (5-0) were in favor.

**Monthly Permits:**


Erin Burris discussed and reviewed the permit reports included in the April permit report. She stated that one more permit was issued today, April 23, 2018 that is not on the list. It is the Simply Pleasant Boutique next to the Well Doctor at 8342 West Franklin Street.

**Board Comments:**

Rick Burleyson asked if the brick Mount Pleasant sign at Southern Grace Distilleries was complete. Erin Burris said no and that the sign has been ordered from Broome Sign and is not in yet. The banner is temporary and after the sign is in there will be some landscaping and light added as well.

**Adjournment:**

With no further discussion, Chairman Murdock entertained a motion to adjourn. Motion was made by Whit Moose with a second by Jeff Helmtoller. All members were in favor (5-0).

  
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John C. Murdock, III, Chairman

  
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Clerk to Board Jennifer Blake