MOUNT PLEASANT
EST. 1859
NORTH CAROLINA

Planning & Zoning Board Meeting
Town Hall - 8590 Park Drive Mount Pleasant, NC
Monday, September 28, 2026, 6pm

1. **Call to Order** - Chair Whit Moose (or Vice Chair Rick Burleyson)

2. **Recognition of Quorum**

3. **Oath of Office**
Reappointed member will take the oath of office.

4. **Annual Election of Officers**
Elect Chair and Vice Chair of Planning & Zoning Board serving as Planning Board and Board of Adjustment

5. **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)

6. **Approval of Agenda**

7. **Approval of Minutes of Previous Meetings** (August 24, 2026)

8. **Public Comment Period (comments shall be limited to 3 minutes or less)**

9. **Planning Board Business**

Discussion Regarding Potential Development Ordinance Text Amendments
- Statutory compliance-Parking (NCGS 160D-702), Vested Rights, Residential in Commercial Districts (SL 2026-59), Vacation/Short Term Rental Homes
- Landscaping Requirements, Fences, and stormwater pond safety
- Theater Marquees & Electronic Signs in the CC district
- Sports facility signage
- Shipping containers for fire training facilities
- Open discussion about other ordinance concerns

10. **Board of Adjustment Business**
None

11. **Reports**
Planning Report and Zoning Permits June, July & August Reports (to date)

12. **Planning & Zoning Board Comment Period**

13. **Adjourn**

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Planning and Zoning Board Meeting Minutes
Monday, September 28, 2026

Members Present:
Chairman - Whit Moose **(Absent)**
Vice Chairman - Rick Burleyson
Member - Bridget Fowler
Member – Kiesha Garrido
Member – Jonathan Helms
Alternate – Bernie Edwards
P&Z Clerk to the Board – Jennifer Blake
Planning & Economic Development Director - Erin Burris

Also Present: Tony Lapish, Allen Kindley, Shellie Kindley, Megan Redford, Gary Clark, Ronald Allmond, Bill and Cathy Feehan, Patty Conforth, and Steve and Debbie Plott.

1. Call to Order
Vice-Chairman Rick Burleyson called the Town of Mount Pleasant Planning and Zoning Board meeting to order at 6:00 p.m.

2. Recognition of Quorum
Vice-Chairman Rick Burleyson stated a quorum was present with Bernie Edwards was a voting member.

3. Oath of Office
Clerk, Jennifer Blake swore in Bernie Edwards as Alternate member on the Mount Pleasant Planning and Zoning Board for the term ending June 30, 2029.

4. Annual Election of Officers
Jonathan Helms made a **motion** for Whit Moose to continue to be Chairman and a second motion was made by Bernie Edwards. All were in favor. (5-0)

Bridget Fowler made a **motion** to have Rick Burleyson continue to be Vice-Chairman and a second motion was made by Jonathan Helms. All were in favor. (5-0)

5. 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)

No one had a conflict.

6. Approval of Agenda
A **motion** was made by Bridget Fowler to approve the agenda and a second motion made by Jonathan Helms. All were in favor. (5-0)

7. Approval of Minutes of Previous Meetings (August 24, 2026)
A **motion** was made by Jonathan Helms to approve the minutes for the previous meeting (August 24, 2026) and a second motion was made by Kiesha Garrido. All were in favor. (5-0)

8. Public Comment Period:

Allen Kindley
2401 Cold Springs Road, Concord, NC 28025
Allen Kindley property owner of 2401 Cold Springs Road wanted to talk about the proposed Pleasant Springs neighborhood at Highway 49 and Cold Springs Road. Mr. Kindley's property backs up to the line with the proposed subdivision, and his property contains a 4-acre lake. He requested the Town to ask the developer to install fencing around the property for safety, which is his primary concern. He provided a copy of the approved Preliminary Plat of the Pleasant Springs subdivision to the Board. Mr. Kindley had questions about surrounding property owners not receiving letters.

Attorney John Scarbrough stated that the June 2026 meeting had two cases: The first being a Rezoning of the front portion of the Pleasant Springs property along Highway 49. A rezoning requires direct notice to adjacent property owners and that was advertised in the newspaper and had a sign posted. The second matter was approval of a Preliminary Plat which is an administrative decision, and a lot of local governments have a staff person sign off on this Plat. It is checking to see if this Plat checks all the boxes in our Ordinance. That is not a legislative decision and does not require notice according to the North Carolina General Statutes.

Allen Kindley (from Audience) made the comment that the Chairman, Whit Moose he told them everyone from the 2019 meeting would get letters for this.

Gary Clark
2320 Cold Springs Road, Concord, NC 28025
Gary Clark, property owner of 2320 Cold Springs Road, wanted to know the status of the new Fire Station on Walker Road since this subdivision is coming.

Erin Burris shared that there was a Rezoning of the Town-owned property on Walker Road last month to accommodate the future Emergency Service Station and constructing a training facility on the property with the help of a grant in the state budget. It would be at least 5 to 10 years before a Station would be on the property based on the pace of growth.

Steve Plott
2317 Cold Springs Road, Concord, NC 28025
Steve Plott, property owner of 2317 Cold Springs Road, shared that his has 1-acre lot that backs up to that fence that Allen Kindley was talking about. A fence would be a good deterrent for a

small child. The current fence is in bad shape and needs to be replaced with a berm, and some shrubbery is what we are asking for.

With no one else coming forward to speak, Vice-Chairman Rick Burleyson Closed the Public Comment Period.

9. Planning Board Cases:

Discussion Regarding Potential Development Ordinance Text Amendments

Erin Burris stated that the state General Assembly has recently made several changes to the General Statutes that will affect the Town's Development Ordinance and that several amendments are needed to be compliant with state law. There are other sections that may also need to be amended for clarification. She wanted to provide a preliminary summary to the Planning & Zoning Board so they would know what to expect.

- **Parking (NCGS 160D-702)** – A recent change in the North Carolina General Statutes has prohibited all jurisdictions except coastal ones from having a minimum parking requirement for any use. Jurisdictions can still have parking guidelines and recommendations for number of parking spaces. If a development constructs parking, there can still be minimum standards for paving, curb, and gutter and circulation dimensions. The dimensional standards cannot require a parking spot larger than 9 feet by 20 feet, unless designated for handicap, parallel, or diagonal parking. This will mainly affect Article 8. The Town will have to do its best to prevent parking problems in the residential districts with considerations like minimum driveway area and parking required on-site when a right-of-way is less than a certain width. The Center City (downtown) district never have had a parking minimum since the buildings are on lots that do not have parking with them. Parking minimums have applied to new buildings or a significant changes in use in an existing buildings. If they do have parking the Town does have requirements for what those parameters look like. Basically, our parking minimums would have to turn into guidelines.

- **Session Law 2026-59 (Regulatory Relief)–**
  - Manufactured Homes – change definition to meet the Federal definition and there are no regulation changes.
  - Design Requirements for nonresidential buildings – Town's standards already comply with this change but wanted Board to be aware that the Town is not permitted to require windows or glazing for more than 35 percent of the front first floor façade. The Town's Ordinance has 30 percent right now. In 2015, the General Assembly made it so the Town cannot require any specific design requirements for Residential buildings in a new subdivision and can only require that houses meet building code. As far as a Conditional Zoning, if a developer agrees to the conditions and then it can be included as part of a Conditional Zoning District, but it must be on a voluntary basis.
  - Vested Rights-Small changes to a discontinuance period during states of emergency and a 5-year rather than a 2-year vesting period.
  - Residential in Commercial Districts – only applies to cities with over 80,000 people in counties with over 1,000,000 like Wake and Mecklenburg County.
  - Accessory Dwelling Units – Dwelling Units had to be allowed that applied to cities of over 50,000 people. The Town's Ordinance already permits Accessory Dwellings of a certain size and falls within the parameters set forth by the General Assembly. It says that the

Town can still have parking guidelines and recommendations for the number of spaces, which is contradictory with newly updated NCGS 160D-702.

- Development Fee Transparency- The Town is already complying with our fee schedule published on the Town's website but now must provide a Final Fee Statement to tell developers all fees upfront.

- **Session Law 2026-51 (No Impact Home Based Businesses)** – Town has regulations for Home Occupations. People can have home-based businesses in their homes if they are low impact, get a home occupation permit, only have one nonresidential employee, only have three vehicles associated with the business, cannot be retail, etc. The new law mentions changes such as:
  - Total number of onsite employees and clients not to exceed the city's occupancy limit for residential property which is typically defined as no more than 5 or more unrelated people or as many family people that can fit in the home that are blood related
  - Business acts are characterized by the following:
    a. limited to the sale of lawful goods and services (this does not appear to prohibit retail)
    b. not generating on-street parking or substantial increase in traffic throughout the residential area (potential contradiction with changes to 160D-702)
    c. must occur inside or in a yard of the residential dwelling
    d. cannot be visible from the street
    e. cannot store merchandise, equipment, products, supplies, or materials outside the premises

- **Vacation/Short Term Rental Homes** – Two subsections need to be updated in the Ordinance to comply with previously adopted state law.

- **Secondary Access for Subdivisions-** A couple of years ago the General Assembly changed the law regarding the requirement for additional fire apparatus access roads into a development of one- or two-family dwellings. A secondary access may now only be required for developments of greater than 100 units in accordance with the Fire Code.

Ms. Burris stated that the UNC School of Government Coates' Canons website helps with guidance on additional laws that have been passed and how jurisdictions need to address those changes.

Other Potential Amendments to be discussed:

- **Landscaping Requirements, Fences, and stormwater pond safety** – The Ordinance needs to address fences around stormwater ponds since this was brought up from Green Acres with concerns of the stormwater pond not having a fence. There are currently no regulations on fences around stormwater ponds and fences in general. Other issues that need to be discussed may be fence height, fence location, and fence maintenance. There are some jurisdictions to address general fence materials.
- **Theater Marquees & Electronic Signs in the CC district**
- **Sports facility signage** – There have been a lot of questions about signs at sports facilities and it not currently expressly addressed in the Ordinance.
- **Shipping containers for fire training facilities** – Needs to be addressed if the Town is going to pursue the use of shipping containers for the Fire Department Training Facility.

- **Open discussion about other ordinance concerns** – May need to add Donation Kiosks to the Business Kiosks section. The Planning & Zoning Board expressed no other ordinance concerns at this time.

Erin Burris shared that the Town has not completed this extensive of an update to the Development Ordinance since 2016 and this will take some time to do anticipating having these ready for review by the Board in January.

10. Board of Adjustment Business
None

11. Reports
Erin Burris reviewed the reports as presented. (*copy in the Minute Book)*

Board members asked about the ANX 2026-04 Town-owned North Drive Ballfield Property. This property would be an annexation of the property that the Town owns. This would be an annexing of the ballfield property where the Mount Pleasant Dixie Youth Baseball has an agreement to use that property for practice. A Town owned property should be in the Town limits. The Public Works facility is also being annexed for the same reason.

12. Planning & Zoning Comment Period
Bernie Edwards asked how and when will Mr. Kindley and his party be addressed with their concerns as far as what the Ordinances dictate or what a builder can do as far as what he is asking.

Erin Burris stated that the Preliminary Plat that the Board approved meets the minimum requirements of the Ordinance. The Town can ask the developer nicely to put up a fence, but they are under no legal obligation to do so. There is an eight-foot landscaping buffer shown on the Preliminary Plat that will also be on the Construction Plans when those get submitted. The developer has up to two years to submit Construction Plans. Again, the Town can ask the developer for a fence but with a standard zoning district there are no conditions that can be placed on it. The Town hopes that the developer can accommodate that, but there is no legal mechanism to require it.

Mr. Edwards also asked if, based on the possibility of liabilities there, how and where would it fall if there was an accident?

Attorney John Scarbrough said that is between the developer and the existing property owners. It is his understanding is that the Town Manager trying to facilitate communication between the Developers and Property Owners so they can discuss potential improvements to the buffer.

12. Adjournment:
With no further discussion, Vice-Chairman Rick Burleyson entertained a motion to adjourn. Bridget Fowler made a **motion** to adjourn, and a second was made by Jonathan Helms.
All were in favor. (5-0)

Vice-**Chairman, Rick Burleyson**

Clerk to the Board, Jennifer Blake