



Planning & Zoning Board Meeting
Town Hall - 8590 Park Drive Mount Pleasant, NC
Monday, October 28, 2024
6:00 PM

1. **Call to Order** - Chair Whit Moose
2. **Recognition of Quorum**
3. **Oath of Office of Appointed/Re-appointed Members and Annual Election of Officers**
4. **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)
5. **Approval of Agenda**
6. **Approval of Minutes of Previous Meetings** (September 23, 2024)
7. **Public Comment Period**
8. **Planning Board Cases**
None
9. **Board of Adjustment Cases**
SUP 2024-01 & ADP 2024-01 Uwharrie Bank Drive (Order Approval only)
Description: Approval of order for Special Use Permit request for a drive-through use in the Center City zoning district and Alternative Design Proposal for building and parking location.
Property Owner/Applicant: Uwharrie Bank **Area:** portion of 3.707 acres
Location: 8320 W. Franklin Street **Cabarrus County Parcel Number:** 5670-13-6357
Zoning: CC Center City
10. **Comprehensive Plan Update Steering Committee Business**
Receive preliminary draft Comprehensive Plan and discuss
11. **Reports**
Planning Report and Zoning Permits for September & October 2024 (to date)
12. **Planning & Zoning Board Comment Period**
13. **Adjourn**



**Planning and Zoning Board Meeting Minutes
Monday, September 23, 2024**

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

Also Present: Mayor, Tony Lapish; James Stewart, Architect; Jim Nance, Brian Seagraves, Dale Fink, Catherine and Bernie Edwards; and Justin Simpson, Town Board Member.

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. Oath of Office of Appointed/Re-appointed Members and Annual Election of Officers

Clerk to the Board, Jennifer Blake swore in Rick Burleyson for reappointment of his position on Town Board from July 1, 2024, to June 30, 2027.

Bridget Fowler made a motion to renominate Whit Moose as Chairman to the Planning and Zoning Board/Board of Adjustments and a second was made by Jonathan Helms. All were in favor. (5-0)

Jonathan Helms made a motion to renominate Rick Burleyson as the Vice Chairman to the Planning and Zoning Board/Board of Adjustments and a second was made by Bridget Fowler. All were in favor. (5-0)

4. 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 G.S. 14-234, 160A-381(d), or 160A-388(e)(2). NC State Statute 160A-75)

No one had a conflict.

5. Approval of Agenda:

A motion to approve the agenda was made by Rick Burleyson with a second by Jonathan Helms. All members were in favor. (5-0)

5. Approval of Minutes of Previous Meeting:

A motion to approve the previous minutes for July 29, 2024, was made by Rick Burleyson with a second made by Whit Moose. All members were in favor. (5-0)

6.. Public Comment:

None

7. Planning Board Cases:

None

8. Board of Adjustment Cases:

SUP 2024-01 & ADP 2024-01 Uwharrie Bank Drive-through and Building Location in CC district

Description: Special Use Permit request for a drive-through use in the Center City zoning district and Alternative Design Proposal for building and parking location.

Property Owner/Applicant: Uwharrie Bank **Area:** portion of 3.707 acres

Location: 8320 W. Franklin Street **Cabarrus County Parcel Number:** 5670-13-6357 **Zoning:** CC Center City

We do have two Board of Adjustment cases that are being heard simultaneously because it is for the same site and all the information is interrelated. At the end you will be asked to vote on each item separately.

Let's go over the requests before we discuss what is involved in a Quasi-judicial hearing.

The first request is:

Special Use Permit for drive-through bays lanes: Table 4.6-1 of the Mount Pleasant Development Ordinance (MPDO) requires the issuance of a Special Use permit for drive throughs associated with permitted uses, subject to compliance with the design requirements of Section 11.3.12 of the MPDO. Banks and/or financial service uses are permitted in the CC zoning district.

The other request for this site is:

• **Alternative Design Proposal for building and parking location:** Table 4.7-1 requires a maximum front setback of 10 feet for buildings in the CC district in order to meet the intent of the design requirements of Section 11.4 Center City (CC) District Design standards. The standards of Section 11.4 encourage buildings to be located in close proximity to the street with parking to the side or rear for a more pedestrian-oriented setting within Downtown Mount Pleasant.

The applicant is requesting that it be set back farther than 10 feet close to where the previous building was.

Just to let everyone know, I will let the attorney pick up if I leave anything out, this is a quasi-judicial hearing. The Planning and Zoning Board is acting as a Board of Adjustment. It is evidentiary hearing that is sworn testimony, so anyone speaking, including myself, will need to be sworn in prior to the hearing, notice is provided for State statute, letters were sent to adjacent property owners, and the sign was posted on the property.

A Quasi-judicial hearing involved the application of the ordinance; it is evidentiary. It is based on materials substantial and competent evidence, by those who are standing only. We will let our attorney discuss what that means.

First sort of the order of business is that I would present this staff report and then sworn testimony may be provided by attendees withstanding. The Board is required to go through all the evidence and make findings of fact and review approval criteria prior to voting on the request.

John Scarbrough stated that as usual Erin has covered everything but the main thing to keep in mind and I think everybody on this Board's done a Quasi-judicial hearing before, but this is an evidentiary hearing. You are basing your decision on the evidence that is in the record and the testimony that you hear as evidence in the record includes the staff report. Then once the hearing is concluded, you will consider that evidence and then the standards that are in the staff report and the Ordinance for issuing a Special Use Permit and approval of Alternative Design proposal and you will consider the standards in light of the evidence that you have heard. Where you have a lot of discretion again is limited to the record then whether what you have heard meets these six standards in the staff report.
Any questions?

Clerk to the Board, Jennifer Blake swore in Erin Burris, Bernie Edwards, and Brian Seagraves by having them place their left hand on the Bible and raising their right repeating the oath.

Board Member Rick Burleyson asked Erin before she got started if we were going to do the Special Use Permit and then have the hearing on that.

Erin Burriss let him know that we are going to present all the information at once, all the evidence, and then we will make the findings separately on each item. It was interrelated and hard to separate.

Erin Burriss shared some Background on the property at 8320 West Franklin Street. The project area is 1.17 acre of a 3.07-acre track.

- The current zoning is CC Center City zoning district which is the front portion of this site.
- The rear portion of this site is zoned RH which is residential high density, and it has been zoned that way since 2001 when the Development Ordinance was adopted originally.
- It is located in the Town limits; it has existing water and sewer taps.
- It was the previous location of the Fifth Third Bank. That building was demolished earlier in 2024 to make way for Uwharrie Bank to build a new building.
- So, again the project area is 1.17 acres, approximately 11,000 square foot mixed use building with a drive-through.
- The bank area of the building is 5,888 square feet, and there are four dwelling units on the second floor proposed.
- Total site impervious area is 73.2% and there are 36 parking spaces proposed which is about 6 more parking spaces than was previously on the site.
- There is a pedestrian connection proposed to the public sidewalk.

The intent of the CC Center City zoning district is in the Development Ordinance and is as follows:

To provide a concentrated Downtown retail service, office and mixed uses, residential uses, existing central business district.

Shopping centers are permitted to Urban Design Standards except for the Article 11, and they are ordered to maintain a neighborhood commercial scale, to provide pedestrian activity and to maintain the unique character of the center. Pedestrian circulation is required as well as parking areas.

The Center City district promotes the long-term vitality of the Central Business District.

As far as the Comprehensive Plan the Future Land Use Map shows the Core downtown designation the Downtown Core of the subject property. The purpose of that in the Comprehensive Plan is to: *“To protect and promote the vitality and character of Downtown Mount Pleasant. The Downtown Core is the central hub of the Town and eastern Cabarrus County, including civic activities tourism, arts, entertainment, restaurants, events, and small-scale specialty retail and professional services, in a pedestrian setting.”*

The existing conditions on the site are again the existing zoning in Center City. The previous use was a bank with a drive-through and the proposed use is a bank with a drive-through, but it is also a mixed-use building with four upper story residential units which are also connected in the Center City District.

The surrounding zoning you'll see on the map. Center City is on the edge of Center City district, and it has RH zoning around the back and the sides. There is also some Office and Institutional associated with Mount Pleasant Methodist Church diagonal from the property.

The land uses include restaurant, retail, service, institutional, and a single-family residential.

Access and Circulation: There is existing ingress and egress from West Franklin Street which is NC Highway 73.

The traffic count on Highway 73 will be approximately 10,000 trips per day. It is a similar use and is not expected to create much more traffic than the previous use.

There is more stacking space for the drive-through lanes than the previous use since it has switched to the other side of the building of the site plan. You can see how it wraps around the back of the building, whereas it used to be where you would just pull straight in. So, this design allows for more stacking room which NCDOT prefers, so the traffic doesn't back up almost to the road.

There is an existing public sidewalk along the road frontage and the new pedestrian connection has been provided where one did not exist before. So, if you look closely at the intent of the CC district sort of offsets the Alternative Design Proposal from the building being separate from the street. It gives that pedestrian connection even though it is set back.

Again, parking there are 36 paved parking spaces from curb and gutter are proposed. Four bicycle spaces on a bike rack which is required by the ordinance. Pedestrian path to the public sidewalk and the parking yard landscaping we would need to meet the requirements of Section 7.6.

There will need to be a couple of adjustments made as we go through construction plans to ensure that that part involving landscaping is compliant with the ordinance. So, that would be a condition.

The applicant proposes to retain the existing landscape buffer on the west side of the building adjacent to the single-family residential use. They will not be messing with those shrubs that are already there and there will be a little bit of additional landscaping as well once we go through the reviews off Section 7.6

Site & Environment The building will be located in the general location of the previous building with the drive-through on the opposite side of the building. So, where the drive-through would be adjacent to the single-family residential use before now it would be on the other side of the building on the commercial side.

There is a solid waste receptacle, with a screened dumpster.

The signs will be permitted separately in accordance with Article 12 of the Development Ordinance.

No existing environmental features are on this site, it is relatively flat with no streams or flood plains.

They are proposing an additional 9,580 square feet of additional impervious area which does not trigger storm water detention.

Less than an acre is being disturbed so there is no need to have Soil and Erosion control on it or be required.

Building Design- The Building that is proposed does meet the requirements of Section 11.4 of the Development Ordinance CC Design Standard. The standards are a bit different than design standards elsewhere. You may remember viewing some of the other plans that have come through the years.

Our CC design standards prefer more of a two-story building mask with certain features as far as a store front, different inlays, and offsets on the building. So, this building does meet the general requirements.

The drive-through cannot be tied to building design located on the side. One of the requirements of having a drive-through is that it is not being on the front of the building. We tried to base drive-throughs again to face the street and it does not meet the requirements of our ordinance, but this is on the side, and this does tie into the design of the building.

These are the other elevations; at the rear you can see the back of the drive-through and then you can see the side elevations with the drive-through.

So, as far as the Special Use Permit for the drive-through is concerned, as you hear the rest of the evidence just keep in mind that you will need to have enough information to make findings and there are some draft findings in the staff report.

1. You need to make findings with the proposed steps that conform 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.

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.
3. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
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.
5. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
6. Compliance with any other applicable Sections of the Mount Pleasant Development Ordinance.

You would need to find all those things in the affirmative to approve in order to approve the Special Use Permit.

As far as the Alternative Design Proposal these are not the criteria findings but the same basic premises:

1. The proposed project represents a design in site and/or architecture which will result in a development that is equivalent to or superior to that achievable under the applicable regulations.
2. The proposed project will be compatible with adjoining property.
3. The proposed project is consistent with the intent of the MPDO and substantially meets its requirements.
4. The proposed project is consistent with the adopted plans and policies of the Town.

The above criteria shall be considered in approval of the Alternative Design Proposal for building and parking.

Whit Moose asked if we specifically addressed in the presentation or is that coming later what the specifics are that don't meet the current standard.

Erin Burris shared that with the Special Use Permit it's just that drive-throughs require a Special Use Permit in the Center City district. It is just a matter of is that use appropriate for that location. T

The Alternative Design Proposal basically with where the previous building sat as far as site work and everything goes you really need to know where the previous

building sat, but also it takes care of the intent of having more pedestrian environment by having the pedestrian connection to the public sidewalk whereas it did not before. The insidious is one thing I need to address in that regard.

The building is on both sides and across the street also do not meet the maximum 10-foot setback. They are all between 25-35 feet and the previous building sat back 75 feet. This is within 5 feet of the where the previous building was.

Whit Moose asked if the public walkway is the black marks on the map. Erin Burris showed where there was a break in the landscaped area, there will be a sidewalk break, it will come down, it will be more of a peninsula than is shown right now with a sign next to it and then the hatch mark shows there is pedestrian connection to the front door. The previous building did not have that, you just had to walk across the parking lot without having that pedestrian connection. This gives us the intent of having a building that is connected for pedestrians within the Downtown area.

Rick Burleyson asked about the 36 parking spaces, those in the front, and there are some on the East side, and the South side.

Erin Burris pulled up the aerial picture for the Board to see the spaces are part way across the back and along the side as well. There's a row of parking up front at the bank now. What they are doing is basically pushing that a little closer so they will have a row of parking there, have a row of parking in front directly in front of the bank, retaining some parking along the side, not as much, and then having parking along the back as well. So, when I counted there were about 30 spaces before and now there will be 36. So, there will be six (6) more spaces Downtown. Whit Moose invited those that would like to speak in favor to come forward.

Brian Seagreaves, LCJ Construction
6200 Sisk Carter Rd.
Rockwell, NC 28138

I want to thank you for your time and Erin has pretty much done it for us. Thank you for doing such a great job on that, Erin.

We have been contracted to design and build the bank for Uwharrie Bank. I know Uwharrie Bank is very excited about moving from their old location and getting back into a bigger building and more on the main roadside over there.

Basically, on the first floor of the building, we are right at 5900 square feet which the bank will have part of that, and there will be a community room and two commercial lease spaces on the bottom floor.

Then on the second floor, there's going to be two commercial lease spots and then there will be two two-bedroom apartments and two one-bedroom apartments up there for some extra lease space.

Then on top of the building there will be a 688 square foot patio area on top of the building.

Then we worked back and forth with Erin on the exterior part of the building which of course is all going to be masonry. A lot of the masons are going back to the lot of the old detail work that is in the buildings Downtown like the arches.

It is like Erin was talking about on the drive-through area, we could not get enough stacking to put the drive-through exactly back where it was, so we had to move to the other side of the building to make it work. If not, we were going to back them up on the highway. There was just not enough room stacking room there so we had to put it on the other side so we could stack them around behind the building. We compromised with a walking area we gave up a parking spot in the front to make a walking area access to the building. The building is in almost the same exact spot we are just moving the drive-through area over.

This building will be a two story except on the back, the back part of it will be a three story, where there's a stair tower going up to the back of the roof top patio.

Jonathan Helms asked if he could share the proximity of where the community room will be and the residential area. Mr. Seagraves was able to pass around a copy of the plans for the second floor. Mr. Seagraves showed the community room on the first floor along with the commercial spaces in the back. Then when you go up the elevator the stair tower is in the back, there will be two commercial spots as soon as you get off the elevator and then two two-bedrooms will be on the front and on then the back of the right side are the two one-bedrooms.

Chairman Whit Moose asked if the commercial spots have separate entrances and if they would be accessible through the bank. Mr. Seagraves said they would have separate entrances and would not have access from the bank.

The community room will be accessible through the bank, but the bank will be able to lock it up on their side and then the other two spaces is Commercial on the back side of the building have their own access.

Then on this building we are going to do a structural steel, a concrete deck on it and all that, so you won't have to worry about the clutter underneath the bottom side for them to clean the bank and the apartments up above. Like I said, when go up the stair tower or the elevator down the hallway to the first rooms on the right will be the Commercial spots. It will be a structural steel building, concrete decking, so it will be secure from the bank.

Whit Moose asked who can use the rooftop deck area.

That will be for whoever is renting one of the apartments, someone that has a commercial space rented, or the bank wants to have a party. It will be up to them,

but it will not be public. You will have to have a key to the building for the stairs or an elevator to get to that area.

John Scarbrough asked if we could keep the copy of the second-floor plan for our records. Mr. Seagraves said that we could have the copy.

Whit Moose also asked if they had a timeline in place yet.

Mr. Seagraves said that he hoped to start by the first of the year. Civil Engineering and Architecture get them going. He thought he would be pushing dirt by January and hopefully by March we have the stilts come up he would hope. We still have a few hurdles on the Civil side and then we are working with the bank with all the design, but I think we have them pinned down on everything now so we can turn all the construction guys loose. We sure are hoping by the end of the year or the first of January to have something going on.

Rick Burleyson stated that he liked the idea of driving the drive-through to the other side. Once you finish your banking business you are ready to exit.

Mr. Seagraves said the stacking did not work on the other side. We tried but the stacking would not work and then you had to build a split over to the other side and all.

Whit Moose added that you are further away from the Residential too, I think that is always good too.

Chairman Whit Moose asked those to speak not in favor of the Special Use Permit and Alternative Design.

With none, Whit Moose Closed the Public portion of our case.

Burris reviewed the Board of Adjustment Action in our packets as follows:

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 have 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:

Erin Burris shared that she would read the draft findings, and you asked if the Board would discuss each one and find anything that needs to be changed, we can do so otherwise we can vote on each finding individually.

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.

Banks and upper story residential units are both permitted by right in the CC zoning district. Drive-through uses associated with permitted uses are permitted subject to the issuance of a Special Use Permit. The previous building on the site was a bank with a drive-through use. There is a mixture of commercial and residential uses within 250 feet of the proposed use. Landscaping shall conform with the requirements of Article 7 of the MPDO, and an existing buffer between the proposed use and the adjacent single-family residential use will be maintained. The dumpster will be screened in accordance with Section 11.7 of the MPDO.

A **motion** was made to approve Finding #1 by Bridget Fowler, and a second motion was made by Jonathan Helms. All were in favor. (5-0)

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 in the same location as the existing driveways on the property. Access to the site is provided by two (2) one-way drives, with the western driveway being the ingress, and the eastern driveway being the egress. Adequate stacking room is provided for the drive-through use.

A **motion** was made to approve Finding #2 by Rick Burleyson, and a second motion was made by Bridget Fowler.

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

As a mixed-use building with an office/financial service use and upper story residential units and a drive-through within a downtown area, the proposed shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

A **motion** was made to approve Finding # 3 by Whit Moose, and a second motion was made by Rick Burleyson. 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.

The proposed use is located on a site where the previous structure was similarly situated and used. It is located between two developed lots. The rear of the subject property is currently undeveloped, and the development of this portion of the property will not impede future development or use of the rear of the property. However, future connectivity to the existing rear driveway is encouraged for circulation within the downtown area.

Rick Burleyson asked if the bullet point future connectivity to existing rear is encouraged does that means they do not have to.

Erin Burris shared that is correct, I cannot require it without knowing what the future use is. But let's say there were to be a development plan for the rear of the property it would be encouraged at that time that the adjacent uses worked together for circulation.

It was Erin's understanding that NCDOT due to the circumstances preferred that it be closed off for now.

A **motion** was made to approve Finding #4 by Rick Burleyson, and a second motion was made was made by Jonathan Helms. All were in favor. (5-0)

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

The proposed use shall not be detrimental to the public health, safety or general welfare.

A **motion** was made to approve finding #5 by Bridget Fowler and a second motion was made by Whit Moose. All were in favor. (5-0)

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, except that the following conditions shall be addressed during construction plan review:

- **Meet the requirements of Section 7.6 of the MPDO for parking lot yard landscaping, including a row of shrubs between the parking area and the sidewalk on W. Franklin Street**
- **Provide a lighting plan compliant with Section 11.8 of the MPDO.**

A **motion** was made to approve finding #6 by Rick Burleyson and a second motion was made by Bridget Fowler. All were in favor. (5-0)

Erin Burriss said that since all six findings have been found in the affirmative, we need a final zoning approving the Special Use Permit.

A **motion** was made to approve the Special Use Permit for the drive-through was made by Jonathan Helms and a second motion was made by Bridget Fowler. All were in favor. (5-0)

So, that was the approval of the drive-through and this is the Alternative Design Proposal which will be the building and parking location within the Center City District.

The criteria for the Alternate Design Proposals are a little more informal, not quite findings that need to be gone through. I am going to present these as a whole so you do not have to vote on them individually unless you feel there is a necessity to pull them out separately. Once I have gone through them all, if you think we need to make any changes to how we address the criteria, please let me know but you can vote on this one as a whole.

1. The proposed project represents a design in site and/or architecture which will result in a development that is equivalent to or superior to that achievable under the applicable regulations.

The building design meets the requirements of Section 11.4 of the MPDO. The location of the proposed building is roughly the same location as the previous building.

2. The proposed project will be compatible with adjoining property.

The proposed building is located between a commercial restaurant building and a single-family residential home that each located approximately 35 feet from the street right-of-way. Buildings across the street are located between 20 feet and 35 feet from the street-right-of-way (all more than the maximum 10 feet). The previous building on the site was located approximately 75 feet from the street right-of-way. The proposed building is located approximately 80 feet from the street right-of-way in order to have adequate stacking room and circulation.

3. The proposed project is consistent with the intent of the MPDO and substantially meets its requirements.

The intent of requirements related to the CC zoning district is to provide concentrated downtown retail, service, office and mixed uses (including residential uses) in the existing central business district. Urban design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the

center. Pedestrian circulation is required as are common parking areas for the long-term vitality of the central business districts. The proposed building meets the intent of the CC district more closely than the previous building in that it has a two-story mass, provides a mixture of uses including upper story residential and provides a pedestrian connection from the public sidewalk. The building design also more closely aligns with the CC design standards in Section 11.4 of the MPDO.

4. The proposed project is consistent with the adopted plans and policies of the Town.

The Comprehensive Plan states that the Downtown Core land use designation is intended to protect and promote the vitality and character of Downtown Mount Pleasant. The Downtown Core is the central hub of the Town and eastern Cabarrus entertainment, restaurants, events, and small-scale specialty retail and professional services, in a pedestrian-oriented setting. The proposed building and site layout also help implement strategies for the Downtown Goal in the Comprehensive Plan by adding eight (6) more parking spaces than were previously on the site, construction of a compatible infill building, and providing a pedestrian connection to the front of the building where one did not previously exist.

If you have any questions on those and if you need to change them in any way, please let me know.

With no discussion Whit asked for an approval or denial of the Alternative Design Plan.

Whit Moose made a **motion** to approve all 4 of the Design Proposals and a second motion was made by Rick Burleyson. All were in favor. (5-0)

Whit Moose Closed the Board of Adjustment and opened the Planning and Zoning portion of the meeting.

10. Comprehensive Plan Update Steering Committee Business

Discussion regarding draft Vision, Goal, and Strategies

Topics of discussion or questions presented:

- Asked if any of the 36 parking spaces at the new Uwharrie Bank building would be designated as “ public parking.” That would be up to the landowner but believes there will be some public parking.
- Erin Burris met with a group the Performance Marketing Study for all Cabarrus County theatres including plans for the new Mt. Pleasant theatre. It was through the Cabarrus Arts Council.
- Need more sidewalks especially from Highway 73 to Food Lion.

- Question about what they plan to do with the old baseball fields and the old library building. We do not know since they are both owned by Cabarrus County.

11. Reports

Planning Report and Zoning Permits for July, August, & September (to date)

Erin Burris reviewed the Zoning permits. She shared that Virginia Foil Park is near completion and that there would be a ribbon cutting on Wednesday, October 23, 2024, at 5:30 p.m.

Liz Poole asked if Brighton Park would have a traffic signal. Erin Burris said no but they would have to put in turning lanes on the main entrance. They did not have to do a Traffic Impact Analysis because there were less than 4,000 trips per day, which is much higher than the Town's threshold of 2,000 trips per day. The road did not meet either threshold for a Traffic Impact Analysis.

Erin Burris checked with Liz Poole to see if the gate at the end of the subdivision was put up. Erin Burris said they told her they would be doing that so she will call them back and check on that.

Erin Burris shared that there would be a Ribbon Cutting for the new Kingdom Corner Shop in the old Nona- Louis building on Thursday, September 26th at 5:30 p.m. and the Cabarrus County Chamber would be having a Ribbon Cutting for Southern Grace Distilleries new gift shop and tasting room at 4:00 p.m. on Thursday, September 26th as well.

Liz Poole asked about the property at 800 N. Main Street, having one or two houses on the property.

Erin Burris stated that he has talked about more houses than that, but he has not submitted any plans yet. Mrs. Burris also shared that he has five acres, and he will have to build a road to have more than one house on the property.

12. Adjournment:

With no further discussion, Chairman Whit Moose entertained a motion to adjourn. Bridget Fowler made the motion to adjourn, and a second motion was made by Jonathan Helms. All were in favor. (5-0)

Vice Chairman, Rick Burleyson

Clerk to the Board Jennifer Blake

STATE OF NORTH CAROLINA
TOWN OF MOUNT PLEASANT

Mount Pleasant Board of Adjustment
Approved and Filed

Date: _____

Clerk: _____

In Re Application for Special Use
Permit 2024-01 and Alternative Design
Proposal 2024-01

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ORDER APPROVING
SPECIAL USE PERMIT AND
ALTERNATIVE DESIGN PROPOSAL

THE BOARD OF ADJUSTMENT for the Town of Mount Pleasant, North Carolina held a public hearing on September 23, 2024 to consider the Application of Uwharrie Bank (“Applicant”) for a Special Use Permit allowing drive-through lanes at 8320 W. Franklin Street (the “Subject Property”) and an Alternative Design Proposal for building and parking location at the Subject Property.

The Board of Adjustment considered the staff report and testimony from Erin Burris, Planning Director. The Board also considered the testimony and evidence in support of the Application presented by Brian Seagreaves of LCJ Construction.

There was no opposition to the Application.

Having heard and reviewed all the evidence and testimony presented at the hearing, the Board of Adjustment makes the following FINDINGS OF FACT:

FINDINGS OF FACT

1. The Subject Property is located at 8320 W. Franklin Street, Mount Pleasant, NC 28124 and is designated Cabarrus County PIN 56701363570000.

2. The owner of the Subject Property is Uwharrie Bank, as evidenced by the General Warranty Deed recorded at Book 16510, Page 80, Cabarrus County Registry.

3. The proposed use presented by the Applicant is a two-story commercial bank building with drive-through lanes, including residential units on the upper floor.

4. A site plan for the proposed use and drive-through lanes is attached hereto as Exhibit A. (A drawing of the exterior elevations is included with the site plan.) A Cabarrus County GIS satellite image of the Subject Property and surrounding properties is attached hereto as Exhibit B, and a map of the surrounding area with zoning district classifications is attached hereto as Exhibit C. All three exhibits were introduced into evidence as part of the Planning Director's report on the Application.

5. The Subject Property is located within the Town's downtown area and is zoned "CC" (Center City District). The CC zoning district is described in Section 4.3.2.3 of the Mount Pleasant Development Ordinance ("MPDO") as follows:

"To provide concentrated downtown retail, service, office and mixed uses (including residential uses) in the existing central business district. Shopping centers are permitted, but urban design standards as set forth in Article 11 are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. The CC district promotes the long-term vitality of the central business districts."

6. The Subject Property is currently vacant, but until recently had a bank with drive-through.

7. Banks and upper story residential units are both permitted by right in the CC zoning district. See MPDO Table 4.6-1. However, drive-through uses are subject to issuance of a Special Use Permit and compliance with the design requirements of Section 11.3.12 of the MPDO.

8. The zoning and land uses surrounding the Subject Property are as follows:

Surrounding Area / Existing Conditions

Zoning and land uses within 250 feet of surrounding properties include:

Direction	Zoning	Land Use
North	CC Center City District, OI Office & Institutional	Veterinarian, personal services, automotive repair, restaurant, parking, park
East	CC Center City District	Restaurant, office, service, retail, automotive repair, parking
South	RH Residential High Density District	Single-family residential
West	RH Residential High Density District, OI Office & Institutional District	Single-family residential, cemetery

9. The Town’s Comprehensive Plan designates the Subject Property and surrounding area as suitable for “Downtown Core” development. This designation is intended primarily:

“To protect and promote the vitality and character of Downtown Mount Pleasant. The Downtown Core is the central hub of the Town and eastern Cabarrus County, including civic activities tourism, arts, entertainment, restaurants, events, and small-scale specialty retail and professional services, in a pedestrian-oriented setting.”

10. The Subject Property is served by public water and sewer.

11. The location of the proposed building will be roughly in the same location as the previous bank building on the site, with the exception of the drive-through lanes being moved from the west side of the building to the east side of the building.

12. The proposed building will be located between a commercial restaurant building and a single-family residence.

13. The maximum setback for buildings in the CC zoning district is 10 feet from the street right-of-way. The proposed building will be approximately 80 feet from the street right-of-way to facilitate adequate stacking room and circulation for the drive-

through lanes. Existing buildings in the vicinity of the Subject Property are located between 20 and 35 feet from the street right-of-way, and the previous bank building on the Subject Property was located 75 feet from the street right-of-way.

14. Section 11.1.3 of the MPDO (“Flexibility in Administration”) allows the Board to approve Alternative Design Proposals, including proposals for uses exceeding the maximum street right-of-way setback.

15. There is an existing landscape buffer on the west side of the building adjacent to the single-family residence on the adjacent property.

16. Access to the site will be provided by two (2) one-way drives, with the western driveway providing ingress and the eastern driveway providing egress. Adequate stacking area has been provided for the drive-through use, with the driveway wrapping around the rear of the building to provide more stacking area than the previous drive-through use.

17. The site plan for the proposed use shows a pedestrian connection from the public sidewalk to the commercial bank building.

18. The proposed use will include 36 parking spaces.

19. The site plan shows a dumpster that will be located at the southwest corner of the Subject Property and screened in accordance with Section 11.7 of the MPDO.

20. A lighting plan for the proposed use will be required during construction plan review.

21. A monument sign location is shown at the center of the property on the W.

Franklin Street frontage. (Signage is to be separately permitted in accordance with Article 12 of the MPDO.)

22. There is no evidence that the proposed use will cause any vibration, odor, dust, smoke, or gas that would impact surrounding properties.

23. There is no evidence that the proposed use will impede the orderly development and improvement of surrounding properties.

24. There is no evidence that the proposed use will be detrimental to, or will endanger, the public health, safety, or general welfare.

CONCLUSIONS OF LAW (SPECIAL USE PERMIT)

Based on the Application; the competent, material, and substantial evidence submitted in support of the Application; and the above Findings of Fact, the Town of Mount Pleasant Board of Adjustment concluded, by a vote of 5-0 on September 23, 2024, that the Applicant met each of the six standards set forth in Section 3.3.6.1 of the MPDO and is therefore entitled to issuance of a Special Use Permit for a drive-through use:

1. In accord with section 3.3.6.1(B)(1) of the MPDO, 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.

2. In accord with section 3.3.6.1(B)(2) of the MPDO, 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.

3. In accord with section 3.3.6.1(B)(3) of the MPDO, the proposed use will not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

4. In accord with section 3.3.6.1(B)(4) of the MPDO, the establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

5. In accord with section 3.3.6.1(B)(5) of the MPDO, the establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare.

6. In accord with section 3.3.6.1(B)(6) of the MPDO, the proposed use complies with all other applicable sections of the MPDO, with the following conditions:

- a. Landscaping on the Subject Property must conform with the requirements of Article 7 of the MPDO and the existing landscape buffer between the proposed use and adjacent single-family residence will be maintained.
- b. The dumpster on site must be screened in accordance with Section 11.7 of the MPDO.
- c. Future connectivity to the existing rear driveway is encouraged for circulation within the downtown area.
- d. The proposed use must meet the requirements of Section 7.6 of the MPDO for parking lot yard landscaping, including a row of shrubs between the parking area and the sidewalk on W. Franklin Street.

- e. A lighting plan must be submitted in compliance with Section 11.8 of the MPDO.

CONCLUSIONS OF LAW (ALTERNATIVE DESIGN PROPOSAL)

Based on the Application; the competent, material, and substantial evidence submitted in support of the Application; and the above Findings of Fact, the Town of Mount Pleasant Board of Adjustment concluded, by a vote of 5-0 on September 23, 2024, that the Applicant met each of the four standards set forth in Section 11.1.3 of the MPDO and is therefore entitled to approval of an Alternative Design Proposal for the proposed building's setback of 80 feet from the street right-of-way:

1. In accord with Section 11.1.3.1(A) of the MPDO, the proposed project represents a design in site and/or architecture which will result in a development that is equivalent to or superior to that achievable under the applicable regulations.
2. In accord with Section 11.1.3.1(B) of the MPDO, the proposed project will be compatible with adjoining property.
3. In accord with Section 11.1.3.1(C) of the MPDO, the proposed project is consistent with the intent of the MPDO and substantially meets its requirements.
4. In accord with Section 11.1.3.1(D) of the MPDO, the proposed project is consistent with the adopted plans and policies of the Town.

DECISION AND DISPOSITION

The Board of Adjustment for the Town of Mount Pleasant hereby grants a Special Use Permit for the proposed drive-through use subject to the conditions listed above.

The Board of Adjustment for the Town of Mount Pleasant hereby approves the

Applicant's Alternative Design Proposal as described above.

This decision is effective upon distribution to the parties and filing with the Clerk of the Board of Adjustment.

Date: _____

Whit Moose
Board Chairman



**Planning, Economic Development, & Infrastructure Projects
October 28, 2024**

Planning & Zoning Cases

SITE 2024-01 Uwharrie Bank (SUP 2024-01 and ADP 2024-01)

Description: Construction of new approximately 11,800sf bank/mixed use building

Location: 8320 W. Franklin St.

Cabarrus County Parcel Number(s): 5670-13-6357

Current Zoning: CC Center City

Area: 3.707 acres (approximately 1 acre portion of site to be used)

Estimated Sewer Capacity Usage: existing tap for previous building

Current Status: Applicant requested a Special Use Permit for a drive-through in the CC zoning district and an Alternative Design Proposal for setting the building back further than the maximum 10 feet with two small rows of parking in front of the building, similar to the previous building on the site. Board of Adjustment hearing scheduled approved the requests at September 23 meeting.

SITE 2022-04 Highway 49 Mini-Storage

Description: Site Plan for 10 acres of mini storage (site area 11.27 acres), including 20 storage buildings totaling 98,100 square feet

Location: 8830 NC Highway 49 N

Cabarrus County Parcel Number(s): 5670-47-4622

Current Zoning: I-1 Light Industrial

Area: 11.27 acres

Estimated Sewer Capacity Usage: 0gpd

Current Status: Applicant resubmitted with site design change. Currently under review.

SITE 2023-01 Propel Church

Description: Site plan for religious institution and Alternative Design Proposal for building design

Location: 7801 NC Highway 73 E

Cabarrus County Parcel Number(s): 5660-96-0201

Zoning: OI Office & Institutional

Area: approx. 6.8 acres

Estimated Sewer Capacity Usage: 1,520gpd (5gal per seat) (allocated administratively – under 5,000gpd)

Current Status: Working on final sewer plan. Grading only permit issued. Zoning permit approval pending.

SITE 2023-02 Parking Lot (corner of E. Franklin St. and Eastover Dr.)

Description: Site plan for commercial parking lot

Location: 8860 E. Franklin Street

Cabarrus County Parcel Number(s): 5670-42-6218

Zoning: C-1 Light Commercial

Area: approx. 0.5 acres

Estimated Sewer Capacity Usage: 0gpd

Current Status: Under construction.

SITE 2022-07 Virginia Foil Park/Library/Senior Center

Description: Site plan for athletic complex/library/senior center

Location: 1111 N. Washington St.

Cabarrus County Parcel Number(s): 5670-44-0187

Zoning: OI Office & Institutional

Area: approx. 29.11 acres

Estimated Sewer Capacity Usage: 19,400 gpd (allocated by Town Board 6/12/2023)

Current Status: Temporary Certificate of Compliance issued. To complete final zoning inspection for landscaping in October to issue Certificate of Compliance. Ribbon cutting scheduled for October 23.

SUB 2020-03 Brighton Park

Description: 178-lot single-family subdivision with community clubhouse and pool. Plans for development of this property were originally initiated in 2008.

Applicant: Niblock Homes

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

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

Zoning: RM Residential Medium Density

Area: approx. 86.77 acres

Density: 2.05 dwelling units per acre

Estimated Sewer Capacity Usage: 28,560gpd for first three phases and 14,160gpd for last two phases (42,720gpd total, allocated in development agreement 6/17/2022)

Current Status: Phase 1 improvements nearing completion. Final plat being prepared. Zoning Permits for entrance signs and model home issued.

SUB 2017-01 Green Acres

Description: 37-lot single-family subdivision. Plans for development of this property were originally initiated in 2008.

Location: NC Highway 73 at Sloop Arthur Drive and Green Acres Circle

Cabarrus County Parcel Number(s): 5651-70-6355

Zoning: RM CZ Conditional Residential Medium Density

Area: approx. 14.92 acres

Density: 2.28 dwelling units per acre

Estimated Sewer Capacity Usage: 8,880gpd (allocated in development agreement 7/12/2022)

Current Status: Installation of improvements underway. Final plat being prepared. Zoning permit for entrance sign issued.

Code of Ordinances

Part 2 Government and Administration has been codified and approved by the Town Board and updated on the Town website. Later During Fiscal Year 2024-25, codification and updates to Part 4 Public Works and Part 6 Licensing and Regulation will be completed.

Infrastructure

- The WSACC Wastewater Capacity Distribution #11 Memo dated July 22, 2024 shows that Mount Pleasant has a total of 116,573 gpd of allocation. The Town's updated sewer allocation spreadsheet shows 15,138 gpd of non-strategic reserve (equivalent of 67 homes) and 10,000gpd of strategic reserve remaining to be allocated through the 30MGD Rocky River Regional Wastewater Treatment Plant (RRWWTP) expansion.
- Work is nearing completion the on Empire Drive Sewer Pump Station and sewer line utilizing a USDA loan. The pump station will be operational by the end of October. Sewer line and manhole replacement on B, C, Wade, and Reid Streets began August and will be completed by December 2024. Visit www.mpnfuture.com for project updates.
- The Lower Adams Creek Sewer Interceptor and Water Line Projects went to bid at the end of August. Bid opening was scheduled for September 25. Five bids were received for the sewer line. Lowest responsible bid is being

researched. Only two bids were received for the water line project. The bid had to be readvertised with a new bid opening of October 16 scheduled. Visit www.mpncfuture.com for project updates.

- Volkert Engineering is currently working on the engineering for the N. Washington Street Sidewalk/Curb & Gutter project. Engineering is 30% complete and environmental review is underway.
- Staff submitted Congestion Mitigation and Air Quality Grant (CMAQ) applications for the sidewalk projects in the Bicycle & Pedestrian Project Acceleration Plan. The two W. Franklin Street segments and E. Franklin Street segment were included in front-loaded funding requested for CMAQ/CRP funding by the MPO. The total for these three segments is approximately \$5.3 million. The Town will work towards using a portion of the \$2.7 million state budget direct grant for the 20% match for these two segments in order to get more sidewalk installed. Deadlines and project parameters will be tight. Staff is working with NCDOT to determine if NCDOT can design and administer the project on behalf of the Town.
- McAdams Engineering is working on the engineering drawings for downtown stormwater improvements. The drawings are at 60% completion and are currently under review by the state.
- McAdams Engineering has completed a draft conceptual plan for parking and streetscape improvements in the southwest quadrant of downtown. This will facilitate coordination with adjacent property owners and businesses and provide the information needed to apply for grant funding. The next steps are additional property acquisition and engineering.
- The Town was selected to move forward in the FEMA Building Resilient Infrastructure and Communities (BRIC) grant process. The application includes Downtown utility duct bank installation and conversion and stormwater mitigation as recommended in the downtown stormwater study currently underway. The grant request is for approximately \$4.5 million. The grant match is 12%. Staff has provided additional information requested by FEMA regarding the benefit-cost analysis (BCA) and is waiting on assistance from FEMA staff.
- HMW Preservation has completed the National Register District update and is waiting on final review by the State Historic Preservation Office. The state National Register Advisory Committee approved the update to send to the National Park Service.

Comprehensive Plan Update

- Background information was presented to the Steering Committee at its March 25 meeting.
- A public input survey was available online from the end of April until May 31. The public workshop was held May 21. The survey and workshop were publicized on the Town's website, social media, and in the water bills. Benchmark Planning has prepared draft public input results and analysis that was presented to the Steering Committee its July 29 meeting.
- Greenfield Economic Development consultants have been gathering data for the economic development analysis.
- Draft goals and strategies were presented to the Steering Committee at the September 23 meeting.
- A first draft of the complete plan should be completed by the end of October.

Permits

September and October permits (to date) attached.

September and October 2024 Zoning Permits (to date)

Permit #	Date	Cab. Co. #	Add. #	Street Name	Type	Permit Description	Applicant	Notes
Z-2024-53	9/3/2024	5670-38-2941	8610	North Drive	Accessory	Storage Shed	Bethany Peck	
Z-2024-54	9/3/2024	5660-56-0705	7000	NC Highway 73 E	Sign	Monument-Brighton Park	Niblock Homes	
Z-2024-55	9/3/2024	5660-56-0705	7110	NC Highway 73 E	Sign	Monument-Brighton Park	Niblock Homes	
Z-2024-56	9/10/2024	5660-65-9578	7230	NC Highway 49 N	Upfit	Food Lion Interior and Façade	YCH Architects	
Z-2024-57	9/13/2024	5660-96-9193	769	N Skyland Drive	Accessory	Storage Shed	Sean Austin	

5 Zoning Permits

Permit #	Date	Cab. Co. #	Add. #	Street Name	Type	Permit Description	Applicant	Notes
Z-2024-58	10/1/2024	5660-74-4378	1112	Allman Road Ext.	New	Single-family home	KEBLG, LLC	
Z-2024-59	10/10/2024	5670-03-4174	1290	Summer Street	Driveway	New Driveway on New Street	Mara Roland	
Z-2024-60	10/21/2024	5660-94-2108	1255	Sullivan Hills Lane	New	Single-family home	Johnnie Sullivan	
Z-2024-61	10/22/2024	5670-23-3688	1431	N. Main Street	Change, Sign	The Cardinal Preserve	Scott Miller	

4 Zoning Permits