

AGENDA

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Town of Valdese, Town Council (Acting as Board of Adjustments)

Special Called Meeting – Quasi-Judicial Hearing
102 Massel Avenue SW, Valdese, NC

Monday, December 8, 2025
5:00 p.m., Valdese Town Hall, Council Chambers

The Town Council Meeting will be live-streamed on YouTube [@townofvaldese](https://www.youtube.com/@townofvaldese).

1. Call Meeting to Order
2. Quasi-Judicial Public Hearing – Special Use Permit – Pineburr Property
3. Adjournment

The Town of Valdese holds all public meetings in accessible rooms. Special requests for accommodation should be submitted by individuals with disabilities at least 48 hours before the scheduled meeting time. Contact Town Hall at 828-879-2120 or TDD Phone Line (hearing impaired) 1-800-735-2962.



TOWN OF VALDESE

NORTH CAROLINA'S FRIENDLY TOWN

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MEMORANDUM

TO: Town of Valdeese Council (Acting as Board of Adjustment)

FROM: Daniel Odom, WPCOG Planning Manager

DATE: December 8, 2025

SUBJECT: Special Use Permit: Public Hearing

APPLICANT: KEVIN BROWN – East McDowell Street Properties, LLC. (Under contract to purchase)	PROPERTY OWNER: TOWN OF VALDESE
LOCATION: 800 PINEBURR AVE SE	ZONING: B-2

BACKGROUND/REQUEST:

On June 24, 2024, the applicant requested a Special Use Permit to allow multi-family development in the B-2 Zoning District. (Attachment A: Application, and Attachment B: Site Plan)

Within the B-2 Zoning District, multi-family development is allowed by issuance of a Special Use Permit. Special Use Permits require a quasi-judicial hearing, that rely on findings of fact to determine whether the proposal meets the standards set forth in the Ordinance (Section 9-3147).

These findings of fact can come ONLY from sworn testimony or submitted evidence. A written copy of the Board's decision shall be made available for the record and distributed to parties who request it. The public hearing has been duly advertised and noticed in accordance with Section 9-3147 and 9-3144 of the Town of Valdeese Zoning Ordinance. The subject property notice was posted on 11/19/2025 and mailing notices to adjacent property owners were mailed first class on 11/18/2025.

The Town Council's sole task in this case is to determine whether the application for proposed development meets the standards of the ordinance and should be approved, OR does not meet the standards of the ordinance and should be denied.

The requirements for granting a Special Use Permit Under the Town of Valdeese Zoning Ordinance (Section 9-3147) are:

- The Town Council finds that in the particular case in question the use for which the

Special Use Permit is sought:

- The Application to be complete
 - The hearing has been conducted following the procedures set forth in section 9-3144
 - will not adversely affect the health, or safety of persons residing or working in the neighborhood of the proposed use, and
 - will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.
- In granting such a permit, the Town Council may designate such conditions in connection therewith as will, in its opinion in written form for the applicant's or landowner's consent to assure that the proposed use will conform to the requirements and spirit of this Chapter.
 - Upon testimony, cross-examination and deliberation the Council should decide as to whether the application meets all three findings list above. Upon a motion, all findings will have been met to approve the application. Should all findings not be satisfied then Council can render a decision of denial.

LAND USE AND ZONING

The 14.91 vacant and undeveloped tract is zoned Business (B-2). (Attachment C: Zoning Map and Attachment D: Future Land Use Map). Land use to the South and West is primarily residential. Land use to the North and East is Zoned for Manufacturing and residential.

LOT SIZE AND GEOMETRY

The Geometrical requirements of the B-2 district are given as:

- (d) Minimum lot width: none (minimum frontage on a public street shall be thirty-five (35) feet).
- (d) Minimum building setback:
 - (3) Minimum front building setback: forty (40) feet.
 - (3) Minimum side building setback: ten (10) feet (twenty (20) feet for side abutting a residential district). An average of ten (10) feet may meet the side building setback requirements under the following requirements:
 - a. A special use permit is required.
 - b. Under no circumstances shall the principal building be any closer than five (5) feet from the side property line.
 - c. An opaque, vegetative buffer is required along the side property line where the averaging option is approved. However, if topography or other issues make the buffer impractical, other options may be used.
 - (3) Minimum rear building setback: ten (10) feet (twenty (20) feet for side adjoining a residential district).
- (d) Maximum building height: fifty (50) feet.
- (d) Minimum lot sizes and maximum lot coverages. Within the B-2 General Business District, there is no minimum lot size, and development activities can cover one hundred percent (100%) of the total lot area not within the required setbacks. However, if the

development activity requires a sedimentation/erosion control plan, the maximum permissible impervious surface coverage, as defined by this chapter, shall not exceed thirty-six percent (36%) of the total lot area, or twenty-four percent (24%) of the total lot area if the lot is located within a WS-4 critical area or if the lot adjoins a curb and gutter street system.

1. Given there is no minimum lot size in the B-2 zoning district, the 14.914 acre lot is compliant with lot size regulations.
2. Frontage requirements of 35 feet are met by the proposal as presented.
3. Proposed lot coverage is 4.72%, meeting requirements in the B-2 zoning district.
4. As proposed, multi-family development will feature a 10-foot side setback, and a 40-foot street setback, meeting requirements.
5. All units are proposed as 38 feet in height, in compliance with the Maximum building height of 50 feet.

TRAFFIC ANALYSIS

The project is accessed via Pineburr Avenue SE. Pineburr Avenue is a 2-lane local roadway, with approximately 10' travel lanes, and a posted speed limit of 25 MPH. The maximum vehicular capacity of Pineburr Avenue is 9300 Vehicles Per Day. 2023 Traffic Data sourced from Probe Data shows an average of 505-531 Vehicles Per Day. (Exhibit E, NCDOT Level of Service Manual and Exhibit F, PlacerAI Vehicle Travel Analysis). The Institute of Transportation Engineers *Trip Generation Manual* Estimates the number of trips generated by each unit in a low-rise multifamily building to be 7.52 trips per day. Based on the number of proposed units (20) and the ITE Trip Generation Rate (7.52), the estimated additional vehicles per day generated by the development is 150.4.

ATTACHMENT A: SITE PLAN

TOWN OF VALDESE
APPLICATION FOR SPECIAL USE PERMIT

DATE SUBMITTED: 6/24/2025

I (We), the undersigned, do hereby make application to the Valdese Town Council for approval of a **special use permit**.

1. The property address of the property to be considered for review is located on 800 Pineburr Avenue SE, Valdese, NC 28690.
 REID NO. (S): 85564
 Deed Book: 2681; Page: 919
 Physical (Street) Address: 800 Pineburr Avenue SE

2. The property is owned by: (please print) Town of Valdese
 (Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)
 Owner Information:
 Name: Town of Valdese
 Address: PO Box 339, Valdese, NC 28690
 Phone Number: _____
 Email: _____

3. The application is submitted by: East McDowell Street Properties, LLC
 (If the application is submitted by someone other than the owner proper authorization from the property owner is required.)
 Agent Information:
 Name: Kevin Brown
 Address: 3111 Cramer Pond Drive, Charlotte, NC 28205
 Phone Number: 704-648-8247
 Fax Number: N/A Email: kbrown150@gmail.com

4. The subject property is located in the B-2 Zoning District.

5. The purpose of the Special Use Permit: Develop Multi-family buildings

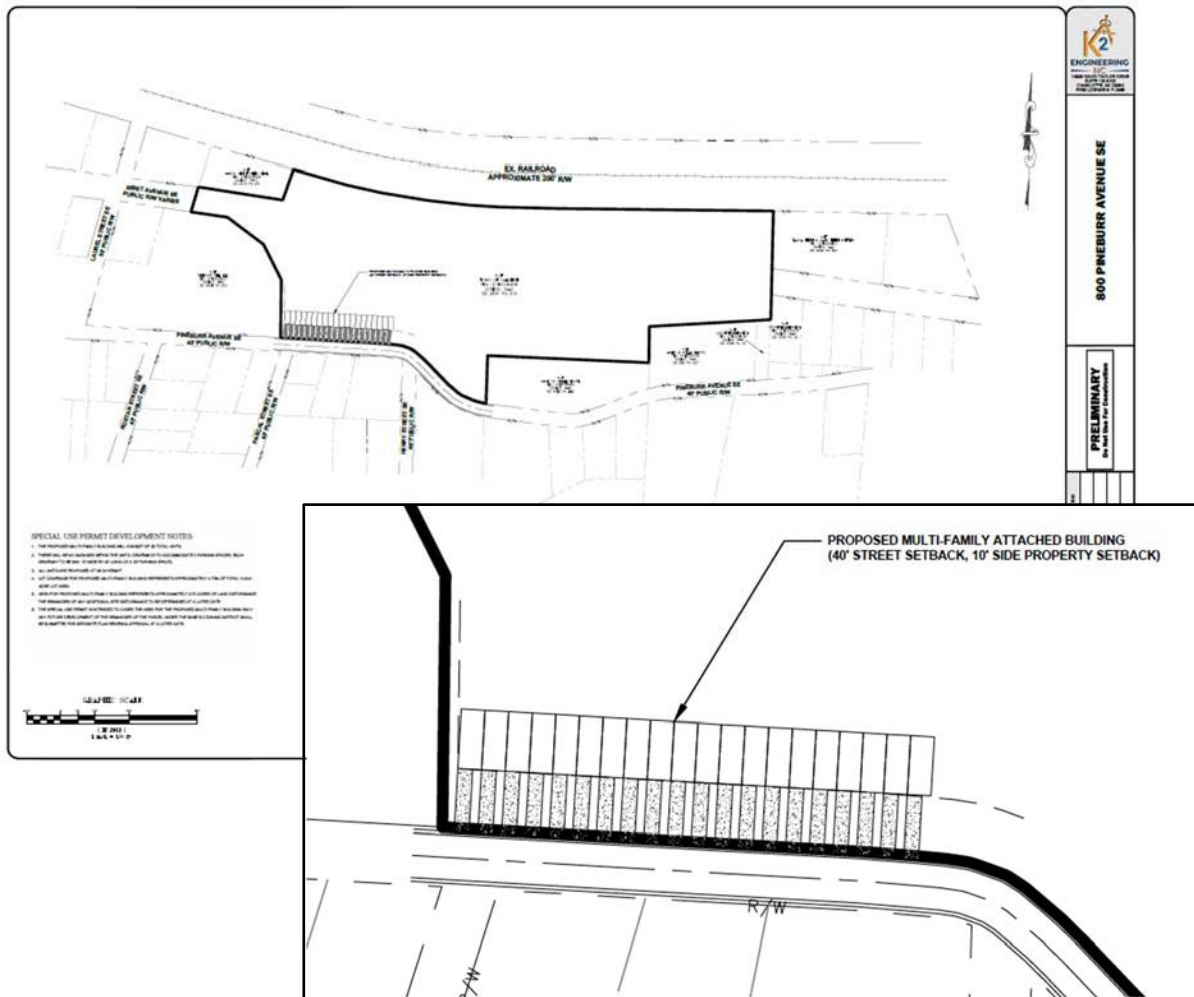
Applicant Signature _____

KB

Date 6-24-25

This Application must be submitted to the Planning Department by 5:00 p.m. on the last regular working day of the month preceding the meeting at which it is to be considered by the Planning Board. Only complete applications will be accepted.

ATTACHMENT B: SITE PLAN



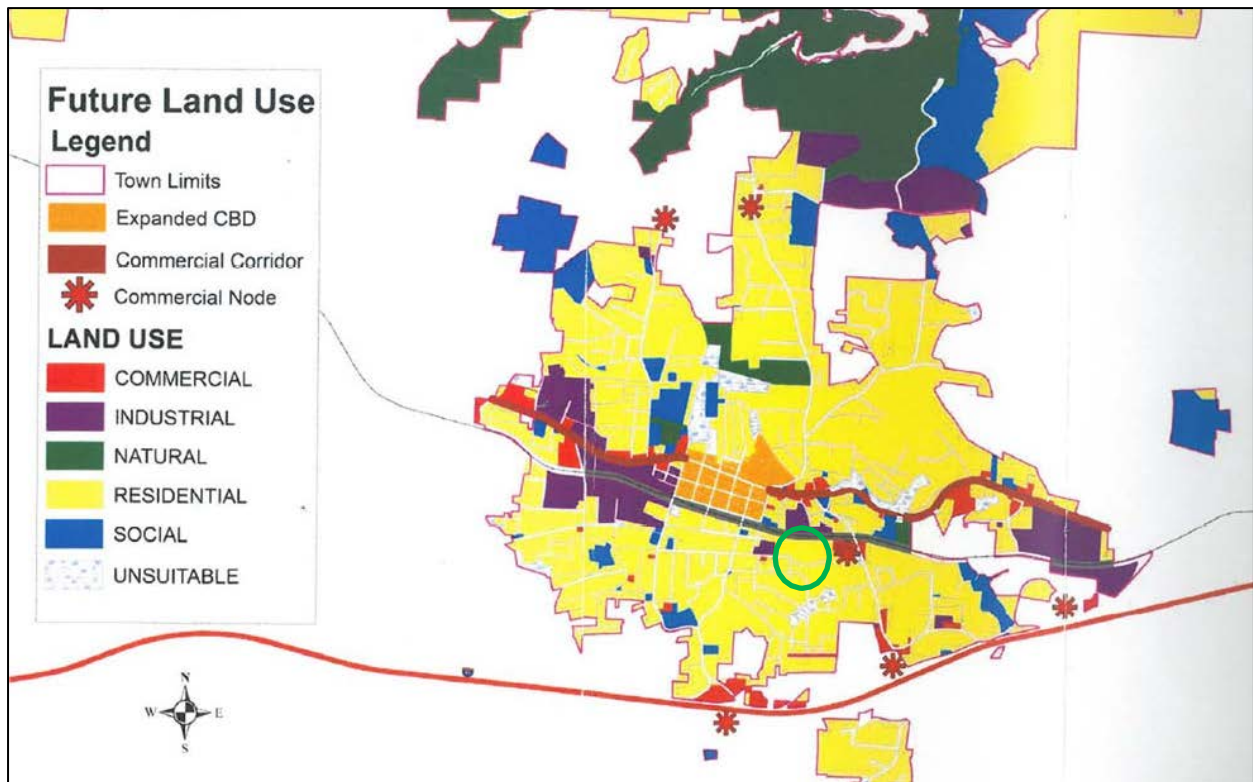
SPECIAL USE PERMIT DEVELOPMENT NOTES:

1. THE PROPOSED MULTI-FAMILY BUILDING WILL CONSIST OF 20 TOTAL UNITS.
2. THERE WILL BE NO GARAGES WITHIN THE UNITS. DRIVEWAYS TO ACCOMMODATE 2 PARKING SPACES. EACH DRIVEWAY TO BE MIN. 10' WIDE BY 40' LONG (10' X 20' PARKING SPACE).
3. ALL UNITS ARE PROPOSED AT 38' IN HEIGHT.
4. LOT COVERAGE FOR PROPOSED MULTI-FAMILY BUILDING REPRESENTS APPROXIMATELY 4.72% OF TOTAL 14.914 ACRE LOT AREA.
5. AREA FOR PROPOSED MULTI-FAMILY BUILDING REPRESENTS APPROXIMATELY 0.70 ACRES OF LAND DISTURBANCE. THE REMAINDER OF ANY ADDITIONAL SITE DISTURBANCE TO BE DETERMINED AT A LATER DATE.
6. THE SPECIAL USE PERMIT IS INTENDED TO COVER THE AREA FOR THE PROPOSED MULTI-FAMILY BUILDING ONLY. ANY FUTURE DEVELOPMENT OF THE REMAINDER OF THE PARCEL UNDER THE BASE B-2 ZONING DISTRICT SHALL BE SUBMITTED FOR SEPARATE PLAN REVIEW & APPROVAL AT A LATER DATE.

ATTACHMENT C: ZONING MAP



ATTACHMENT D: FUTURE LAND USE MAP



ATTACHMENT E: NCDOT LEVEL OF SERVICE MANUAL

Mountain Level of Service D Standards for Minor Thoroughfares *

55 MPH	1 Lane Per Direction				1 Lane Per Direction WCLTL		
	Urban	Suburban	Rural		Urban	Suburban	Rural
12 foot lanes	14000	14600	15100		15300	15900	16500
11 foot lanes	13500	14100	14600		14800	15400	16000
10 foot lanes	13100	13600	14100		14300	14800	15400
9 foot lanes	12600	13100	13600		13800	14300	14900

45 MPH	1 Lane Per Direction				1 Lane Per Direction WCLTL		
	Urban	Suburban	Rural		Urban	Suburban	Rural
12 foot lanes	11700	12200	14600		13100	13200	16000
11 foot lanes	11300	11800	14100		12700	12800	15500
10 foot lanes	10900	11400	13600		12200	12300	14900
9 foot lanes	10500	11000	13100		11800	11900	14400

35 MPH	1 Lane Per Direction				1 Lane Per Direction WCLTL		
	Urban	Suburban	Rural		Urban	Suburban	Rural
12 foot lanes	10200	10200			11500	12700	
11 foot lanes	9900	9900			11100	12300	
10 foot lanes	9500	9500			10700	11900	
9 foot lanes	9200	9200			10400	11400	

25 MPH	1 Lane Per Direction				1 Lane Per Direction WCLTL		
	Urban	Suburban	Rural		Urban	Suburban	Rural
12 foot lanes	10000				11300		
11 foot lanes	9700				10900		
10 foot lanes	9300				10500		
9 foot lanes	9000				10200		

ATTACHMENT F: PROBE DATA TRAFFIC ANALYSIS & ITE TRIP GENERATION RATE

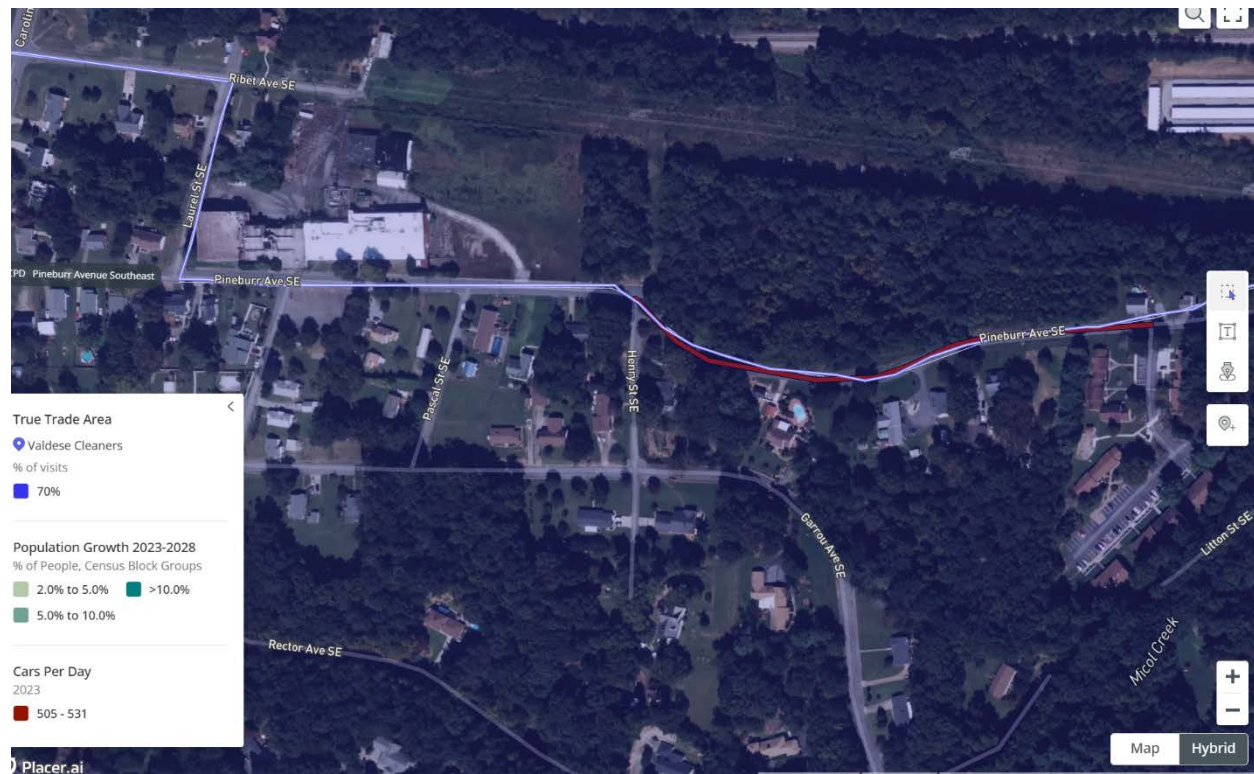


Figure 1: ITE Trip Generation per Dwelling Unit: Daily Trip Rate

SINGLE-FAMILY		MULTIFAMILY		
DETACHED		LOW-RISE 1-2 stories	MID-RISE 3-10 stories	HIGH-RISE 11+ stories
9.54		7.32	5.44	4.45
TRIPS PER DAY		TRIPS PER DAY		

Source: Institute of Transportation Engineers, *Trip Generation Manual*, 10th Edition