

MINUTES OF THE MINT HILL PLANNING BOARD MEETING
October 19th, 2015

The Mint Hill Planning Board met in regular session on Monday, October 19th, 2015 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Vice Chairman: Tom Gatz
Members: Roy Fielding and Chip Todd
ETJ Members: Roger Hendrix
Absent: Tony Long, Brad Simmons, Scott Fandel
Planning Director: John Hoard
Town Planner: Chris Breedlove
Commissioners: Mickey Ellington
Clerk to the Board: Candice Everhart

CALL TO ORDER AND INVOCATION

Vice Chairman Gatz called the meeting to order at 6:30 p.m., declared a quorum present and the meeting duly constituted to carry on business. Mr. Hendrix gave the invocation.

ORDER OF BUSINESS

Approval of Minutes of September 21st, 2015 Regular Meeting: Upon the motion of Mr. Hendrix, seconded by Mr. Fielding, the Board unanimously approved the minutes of the September 21st, 2015 Planning Board with one revision, to have the motion regarding item D under New Business to state there was a four to two vote.

Additions or Deletions to Agenda Items: None.

Reports of Committees, Members and Staff: Mr. Hoard announced to the Board that the Nature Facility and the Park was approved by the Board of Commissioners.

Old Business: None.

New Business:

- A. **Discussion and Recommendation on #ZC15-7, Filed by Keith Paris, Requesting Conditional Zoning to allow a Private Street with Entry Gate Property Located at Volte Drive in Cheval, Portions of Parcel #195-051-96 and #195-222-09.** Mr. Hoard stated that this is specific to the applicant's site and only this one street in the subdivision. The Conditional Zoning is only for Volte Drive, no other streets. Both our Fire and Police Chiefs have spoken with Mr. Paris about this and their concerns. After talking about their access in case of emergency, they've said they are okay with having this allowed.

Mr. Todd asked, will they have access to the gate? Yes, Mr. Hoard stated.

Mr. Fielding asked, do other subdivisions in Mint Hill have gates? No, there aren't any others, stated Mr. Hoard.

Mr. Fielding asked, what was the clarity that Mr. Paris gave the Police and Fire Chiefs? The applicant, Keith Paris, introduced himself. Mr. Paris stated, they will have a lock box as well as an access code. There is also new technology called Click It To Enter. The EMS or Police just have to click their two-way and the gate opens up. If nothing else it is just a two leaf aluminum gate and you can run through it.

Mr. Fielding asked, do you have any future plans to have other gated communities? Mr. Paris said, that remains to be seen at this point. As of now, we think this is something the market is looking for on the higher end and we will see what this does for them.

Mr. Hendrix asked, only this street is going to be private correct? Mr. Hoard said that it would be private.

Mr. Hendrix asked, is it exclusively to this street? Mr. Paris answered, yes it is a cul-de-sac.

Mr. Fielding said, I mentioned to John the other week that Hollow Oak Drive signs say Hollow Oak Road right now. Are they going to go back to Hollow Oak Drive? Yes, we have made our sign company aware of that, stated Mr. Paris.

Mr. Gatz asked, is the sidewalk going to be secured? We have pedestrian gates and yes, they will have private access, stated Mr. Paris.

Mr. Gatz asked, what is the reasoning for this? Mr. Paris said, this is what people in high—end developments and communities are looking for. They feel that being in a gated community is safer and more exclusive.

Mr. Fielding made a favorable motion on #ZC15-7 Filed by Keith Paris, Requesting Conditional Zoning to allow a Private Street with Entry Gate Property Located at Volte Drive in Cheval, Portions of Parcel #195-051-96 and #195-222-09. Mr. Todd seconded the motion and the Board unanimously agreed.

B. Discussion and Recommendation on #ZC15-8, Filed by Town of Mint Hill, Text Amendment Regarding Design-Dependent Provisions. Mr. Hoard said there was a law passed in June that prohibits Town's from having design standards, which affects some of our ordinances. This is an amendment we've worked with our Attorney on to comply with the law and to clarify some of our interpretations.

Mr. Fielding asked if we still have the voluntary agreement with Publix from before. Mr. Hoard responded, yes. This ordinance is broken into three parts. The first part acknowledges the design provisions are invalid. The second part is what you're referring to which is the existing developments that were developed under design dependent

ordinances. The property behind Publix was approved under conditional zoning which did have design standards. It is our understanding those standards would hold on that property. Part three talks about how to deal with new developments from this point forward.

This has nothing to do with downtown overlay or anything that's not currently been approved, asked Mr. Fielding. If it's existing under conservation, then they voluntarily complied to that ordinance so they are held to it. For new developments, you're right. Downtown has its own standards with design provisions. If this ordinance passes it would allow you to choose between the Downtown code with design provisions or between the Residential standards.

Mr. Todd asked for a brief overview of the law. Mr. Hoard said, this is a law the State Legislature has been looking at and it finally went into effect in June. It prohibits Towns from having any design regulations related to residential structures. Our Downtown conservation requires you to have brick. We also require a certain type of shingle and dimension requirements for a porch. They State has said no to those standards. We are trying to make this very clear that if there are provisions it would be voluntary.

What would it look like in Brighton Park if people said they didn't want to agree to the standards, asked Mr. Gatz. To go back in time before it was built, if the developer said I don't want the government telling me how to build, they could've changed the lot size and appearance, said Mr. Hoard.

Mr. Hendrix said, our interpretation from our attorney in the Town is that, the people who have already voluntarily complied, they will be held to those standards, correct? Mr. Hoard answered, yes. It's not going over well with some, but that is our position. Mint Hill does not have a conservation district; a developer comes to us and chooses that option.

Do you have a feeling what percentage may comply for future developments, asked Mr. Hendrix. A lot of the style home that is built in Mint Hill kind of follows our standards anyways, said Mr. Hoard.

Mr. Fielding asked if we thought this piece of Legislation would change with a re-election or it would remain for a while. Mr. Hoard said that it was a large majority to pass the law and he didn't see it changing.

Mr. Fielding made a favorable motion on #ZC15-8, Filed by Town of Mint Hill, Text Amendment Regarding Design-Dependent Provisions. Mr. Hendrix seconded the motion. Mr. Todd and Mr. Gatz agreed with the favorable motion. Mr. Fielding abstained.

Other Business: None

Adjournment: Upon the motion of Mr. Hendrix, seconded by Mr. Fielding, and unanimously agreed upon, Chairman Long adjourned the meeting at 6:58 p.m.

Candice Everhart
Program Support Assistant