

MINUTES OF THE MINT HILL PLANNING BOARD MEETING
December 21st, 2015

The Mint Hill Planning Board met in regular session on Monday, December 21st, 2015 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Tony Long
Vice Chairman: Tom Gatz
Members: Chip Todd
ETJ Members: Roger Hendrix
Absent: Roy Fielding, 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

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

ORDER OF BUSINESS

Approval of Minutes of October 19th, 2015 Regular Meeting: Upon the motion of Mr. Gatz, seconded by Mr. Hendrix, the Board unanimously approved the minutes of the October 19th, 2015 Planning Board.

Additions or Deletions to Agenda Items: None.

Reports of Committees, Members and Staff: None.

Old Business: None.

New Business:

A. Discussion and Recommendation on #ZC15-9, Filed by Wendell Long, Requesting Tax Parcels 139-121-13, 139-121-09 and 139-121-24 to be Rezoned R to I-G.

Mr. Long stated, in regards to item A, I spoke with the Town Manager, Brian Welch, since this rezoning request was filed by my brother. Due to the fact that I have no financial ties to this matter, I must cast a vote.

Mr. Hoard informed the Board that this is byright zoning, which means the applicant is asking to rezone a district. I have attached in your memo a list of all possible uses. With some uses, such as retail, the applicant would have to come back and go through a conditional rezoning request.

Mr. Gatz asked, are there any areas that are byright? Mr. Hoard said that there is one building that he can recall besides the Clear Creek Business Park.

Mr. Gatz said, there is still a lot of land around here that we are not using. Is this land already his? Mr. Hoard said yes. From Staff, we are asked to tell the applicant and you all if it meets the ordinance and the land use plan. This is the land use plan map and you will notice that this area is projected for single family, which is why there is an unfavorable recommendation.

Mr. Gatz said, why that whole area on Albemarle Road is not zoned for industrial or commercial is odd. I'm not sure who would want that residential there anyways. Mr. Hoard said, for situations at this we look to the land use plan. Sometimes it seems wrong, but my job is to tell you what it says.

Mr. Gatz asked if the applicant, Wendell Long, could come to the stand for some questions.

Mr. Gatz asked Wendell, what is the acreage here? Mr. Long said there are seventeen acres.

Mr. Gatz asked Wendell, do you have any plans for what you would like to do with this? Mr. Long stated, we have the need for expansion from the location we have on Blair Road. We have forty-five businesses running out of there, and the goal would be to ultimately expand from that.

Mr. Gatz asked Wendell, have you looked at the uses for a byright versus special requirements versus conditional district zoning? Mr. Long said, yes sir. As the needs require we may have to come back for something else.

Mr. Gatz asked, is there any notification that would go out to the neighbors if this gets rezoned? Mr. Hoard said, yes. We are required to notify adjoining properties up to 200' around the parcels. We've had a lot of phone calls from where we posted the sign for potential rezoning and the public hearing.

Mr. Gatz asked, was there was a public hearing on this rezoning request? Mr. Hoard said, yes, it was at the previous Board of Commissioners meeting.

Mr. Gatz asked, were there any complaints? Mr. Hoard replied, no one came to the meeting to express any concerns on the matter.

Mr. Hendrix asked, have any of the phone calls you've received expressed any concerns? Mr. Hoard said, not a lot. Most of the calls are for general interest as to what it means. The people who have called that were concerned are curious as to what would become of the parcels out there.

Mr. Hendrix asked, are there any IG byright properties in Mint Hill? Mr. Hoard said he can only recall one building that is IG byright on Wilgrove. As far as large, vacant properties there are none.

Mr. Hendrix said to Wendell Long, my concern is the byright. Could you enlighten us into what you're looking to do out there? For me, on the byright, there are too many possible situations that could occur. I'm concerned about the scope of the type of business that could be allowed to be byright. We do not have this yet in Mint Hill and to be changing from residential to IG with no exact plans yet, that concerns me. Do you have an idea or concept? Mr. Long said, on Blair Road we've made places where a contractor could run his small business for a reasonable price and have his vehicles so they aren't in his driveway at his house. Those are the types of situations we have. Something else to consider is the pond out there acts as a shield or screen for the property.

Mr. Hendrix said, I know that buffers the people on Arlington Church Road and I think the residents off of Cabarrus are far enough up that it doesn't affect them as much. Financial Institutions, Medical offices, professional business and those types of offices are always something we need more of, but my concern is testing laboratories and such. Again, I was hoping there would be a plan for the type of business you want out there. Once it's done it can be anything and you could choose to sell it the day after it's done and who knows what could become of it.

Mr. Todd asked, going back to the neighbors, you had no negative feedback? Mr. Hoard said that he had some concerns about what was going out there, but there was really only one lady in particular that was against it.

Mr. Todd asked Wendell Long, are you going to pre-build structures or build to suit to those who want to come in? Mr. Long said, I'm not sure at this point. We hate to turn any business down in Mint Hill. Where we see the need for this is from the community. By having the zoning in place I think that attracts a lot of people because it moves the process along quicker.

Mr. Gatz asked, byright can have any of these on this list at the top that you provided us? Mr. Hoard answered, yes. The only thing they would have to go back through this process is if it says CD. SR means there are a couple special requirements that the owner would have to go through. They still have to go through Staff for site plan approvals, Mecklenburg County for water and sewer and NCDOT for traffic issues and patterns. Historically the Town has leaned toward Conditional Zoning to be able to have more of a say as to what comes in the Town.

Mr. Gatz said, Roger brings up a good point that someone could buy the land and they have an open book really of what they can do. The only other thing is to have him come in with a site plan right? Mr. Hoard said, with Conditional Zoning requires so much work up front without any approval from the Town and it's difficult for the applicant because he really doesn't know what is going to be out there yet.

Mr. Hendrix asked, would this be the first open parcel to be like this? Mr. Hoard said, yes. This would be the only open IG.

Mr. Hendrix said, I'm not against business. I'm a business man, but it has to be in our best interest for Mint Hill to know what kind of businesses we are allowing to come into our Town. Mr. Chairman I think this puts you in a tight spot and I would like this to be tabled until we have a fuller Board here because this is something unique and we have not seen or done before.

Mr. Hendrix made a motion to table #ZC15-9, Filed by Wendell Long, Requesting Tax Parcels 139-121-13, 139-121-09 and 139-121-24 to be Rezoned R to I-G. Mr. Gatz seconded the motion and the Board unanimously agreed.

- B. Discussion and Recommendation on #ZC15-10, Filed by Town of Mint Hill, Requesting a Text Amendment to Downtown Code.** Mr. Hoard said the Board of Commissioners met in March at their retreat and out of that meeting these are the three Text Amendments they gave us to come back to them with. What you can see here is they want the meters prohibited from the front of the buildings in downtown facing 51 and Lawyers. They spoke about this and decided on a specific color which is green. They want to require sod for all new developments. All meaning residential and commercial developments in the downtown only.

Mr. Todd asked, what is considered downtown? Mr. Hoard said, from the Sunshine House to Food Lion and from the State Employees Credit Union to Nelson Road.

Mr. Hendrix asked, is the sod requirement strictly for what is added from this point forward? Mr. Hoard said, yes it is only for new from this point forward. If a site does make changes, then we have to look at the percentage of what they are changing and if it's within a certain amount then they would fall within a retroactive and have to follow new code.

Mr. Gatz asked, how far down Wilgrove does downtown go? Mr. Hoard said the line goes all the way down Nelson Road to Wilgrove and comes back out toward 51.

Mr. Gatz asked, why just Mint Hill Matthews Road and Lawyers Road? Mr. Hoard said, they wanted sidewalks and lights because that is the most traveled area and with small businesses around. The Mayor did have a comment that we may want to build some discretion into the meter amendment. He did not specify what he was looking for. We did something similar when we built discretion into the sidewalk width where we said if the Town Manager approves, due to practical difficulty, a waiver could be granted.

Mr. Gatz said, if it is written in like this then there is no way to get around that? Mr. Hoard said, the downtown code has the exception clause but that requires the person to go through a conditional rezoning request.

Mr. Gatz made a favorable recommendation on ZC15-10, Filed by the Town of Mint Hill, Requesting a Text Amendment to Downtown Code with a recommendation to consider authorizing Town Manager and Administrator to waive the requirements related to meters if there are practical difficulties complying with the code. Mr. Hendrix seconded the motion and the Board unanimously agreed.

C. Discussion and Decision on S15-16, Filed by John Champoux, requesting Preliminary Subdivision approval, 12309 Bain School Road, Tax Parcel 197-051-01.

Mr. Hoard said, this is on Bain School Road. You are all probably familiar with this property; it has beautiful trees that line the driveway. The applicant has purchased this land and he would like to subdivide it. It will use public water and septic which our ordinance requires 30,000 square foot lots and the plans seem to comply with that. In the middle, under staff analysis, lot #6 there seems to be a slight discrepancy there where they have the setbacks so I've told the engineer about that. On a corner lot we require the front yard to be the one with the smallest dimension. They are using the existing road and a year ago the owner went out and had core samples done to show how durable the road is out there. The applicant agreed to put in sidewalk and curb and gutter. It is a smaller right of way than what we are accustomed to, but it meets Mecklenburg County standards. The approval of the two lots that I point out in the Staff comments, my understanding is that the owner is working with the adjacent property owner to acquire some additional property to acquire additional road frontage so that those two lots can exist.

Mr. Gatz asked, is the applicant going to curb and gutter both Bain School and the subdivision street? Mr. Hoard said, not Bain School Road, but it will be the new public street will be curb and gutter. Sidewalks will be added to Bain School Road.

Mr. Gatz asked, are our sidewalks either five foot or eight foot? Mr. Hoard said, yes and in our downtown we require eight to ten feet.

Mr. Gatz said, they have one labeled four foot. Mr. Hoard said, thank you for catching that because it is something we will have to note to change in the plans.

Mr. Gatz asked, has this come up before? Mr. Hoard said, they came to ask about a lot that this serves in the back without road frontage and they had to ask your permission about that.

Mr. Hendrix asked, the conditions you have listed does that address the concerns with lot #6? Mr. Hoard said yes.

Mr. Todd asked, will there be any additions to Bain School Road for a turn lane or anything? Mr. Hoard said, this request will have to go through NCDOT and they will determine that, but for this amount of lots there typically isn't one added.

Mr. Todd asked, what is the buffer between this neighborhood and the cemetery at Philadelphia Presbyterian Church? Mr. Hoard said this is past that quite a ways.

Mr. Gatz made a motion for favorable decision on S15-16, Filed by John Champoux, requesting Preliminary Subdivions approval, 12309 Bain School Road, Tax Parcel 197-051-01 with recommendations as stated by the Planning Board as well as the sidewalk corrected from four foot to five foot. Mr. Todd seconded the motion and the Board unanimously agreed.

Other Business: None

Adjournment: Upon the motion of Mr. Gatz, seconded by Mr. Hendrix, and unanimously agreed upon, Chairman Long adjourned the meeting at 7:13 p.m.

Candice Everhart
Program Support Assistant