

MINUTES OF THE MINT HILL PLANNING BOARD MEETING
May 18th, 2015

The Mint Hill Planning Board met in regular session on Monday, May 18th, 2015 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Tony Long
Members: Roy Fielding and Brad Simmons
ETJ Members: Roger Hendrix
Absent: Tom Gatz and Mary McMahan
Planning Director: John Hoard
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. Simmons gave the invocation.

ORDER OF BUSINESS

Approval of Minutes of April 20th, 2015 Regular Meeting: Upon the motion of Mr. Fielding, seconded by Mr. Hendrix, the Board unanimously approved the minutes of the April 20th, 2015 Planning Board.

Additions or Deletions to Agenda Items: Mr. Long stated that Mr. Hoard had requested to have item number seven, New Business, on the Agenda switched with item number six, Old Business, in order to not hold anyone up.

Mr. Fielding made a motion to move switch the Agenda items and Mr. Simmons seconded. The Board unanimously agreed and the motion carried.

Reports of Committees, Members and Staff: None.

New Business:

- A. **Discussion and Decision on #S15-5 Truelight Church Road Preliminary Plan, filed by LiveWell Homes, 7 Lots, Located on Surface Hill Road and Truelight Church Road; Tax parcel #137-121-10.** Mr. Hoard presented to the Board that LiveWell Homes has asked to divide this plan into seven lots. This will be with public water and sewer so our ordinance allows a 20,000 square foot lot. The setbacks are in the memo and the plans appear to meet our Ordinance. We are recommending approval with the following conditions and corrections:
1. Retain as many existing trees as possible.

2. Mint Hill's approval is contingent upon approval from Mecklenburg County Land Use and Environmental Services Agency.
3. Mint Hill's approval is contingent on utilization of public water and public sewer.
4. The plans shall indicate the Undisturbed Open Space area in accordance with section 6.4.1 of the Mint Hill UDO.

Mr. Simmons asked, how do we decide what is retaining as many trees as possible? Mr. Hoard stated, we don't have a definitive number. It is a statement that has been in our memos for years, but there is no particular number. It is just to retain as many as possible.

Mr. Simmons asked, have we ever had someone not live up to this statement? I think this worked. There may be times that we disagree on what was necessary and what was not, but overall I do believe that many trees have been preserved due to this statement, answered Mr. Hoard.

Mr. Fielding asked, who is responsible for determining in that statement the term 'possible'? Mr. Hoard said it is a collaborative effort between the Town and the Applicant. After we see the plans and everything we can make adjustments from there if we see a need for it.

What area on the plan is supposed to be the undisturbed open space, asked Mr. Fielding. Mr. Hoard answered, I'm not sure where they are going to designate this area as of now because it is in preliminary plans. This is something the applicant will have to delineate on future plans and the plat.

This is just subdividing into lots right now, but it doesn't designate an undisturbed area correct, asked Mr. Fielding. Correct, stated Mr. Hoard.

Is there a percentage that has to be left undisturbed, asked Mr. Fielding. Yes, it is listed as 15% in our post-construction ordinance, stated Mr. Hoard.

Mr. Simmons said, just for clarification, the undisturbed open space area helps to establish a number for retaining as many trees as possible. Mr. Hoard stated, in a way it does.

Mr. Fielding asked, what would be the next steps after this preliminary plan? Mr. Hoard answered, they applicant would finalize their construction drawings with Mecklenburg County which I also have to sign off on. I would ensure they meet the conditions you all have set and that they have identified the undisturbed open space on their plans. Once it's approved they can go out and begin grading and after that they would plat it.

Mr. Hendrix made a motion to pass a favorable recommendation on S15-5 with Staff recommendations incorporated. Mr. Simmons seconded the motion and the Board unanimously agreed.

Old Business:

- A. **Discussion and Decision on Text Amendment, ZC14-14, Family Care Home, to amend the Unified Development Ordinance to establish a minimum distance separation for family care homes and add family care home subdivision option.** At the last meeting we spoke about this Text Amendment that was drafted by staff at the direction of the BOC. They have seen this language as well as our attorney and would recommend that we move forward. I have invited Mr. James Scruggs from Unlimited Possibilities to answer some of the questions you all had from the last meeting about Family Care Homes, stated Mr. Hoard.

We are a licensed family care home. On Thompson road we have four homes on the one piece of property. We are licensed by the Department of Health and Human Services. We have a medical director, full-time nurse, full time activity director and full time assistant activity director. We take care of our residents from bathing, dressing, grooming, medication administration, three home cooked meals, three snacks, daily activities, and monthly outings. We have a partnership with Hospice if anything ever came down to that. I've been doing this for five years and we opened up the Villages of Mint Hill in November and have already filled up to capacity.

Mr. Fielding asked are there coordinators in the homes themselves? Yes, we have CNA Med-techs around the clock 24/7.

In those four homes, which are filled right now, you have how many residents, asked Mr. Simmons. There are 6 residents in each home.

Mr. Simmons asked, there are a total of twenty four residents, and you have four CNA's on staff? Correct, as well as two floater CNA's, a medical director, a full-time nurse, a full-time activity director and assistant activity director.

Is the ratio you have of residents to staff what is required by the State, asked Mr Simmons. That is my standard. I am only required to have a 1:6 ratio, but I chose to have a 1:4, answered Mr. Scruggs.

Once this is established, what is the State or Federal criteria to meet the subdivision if anyone else wants to build, asked Mr. Hendrix. It would have to meet the Family Care Home definition. We know it has to be a mental or physical impairment. It cannot be used as a drug rehabilitation center, maternity ward, or a halfway house. These are things that have been clarified by a representative at the State, answered Mr. Hoard.

Do you feel confident the State upholds its standards, asked Mr. Hendrix. Yes. The State comes out once a year to do an annual survey unannounced. The Department of Social Services comes into each one of my homes unannounced every other month to inspect as well, stated Mr. Scruggs.

Mr. Fielding asked, is there any way we can put a cap on the four or more wording? Mr. Hoard said, staff is not recommending a cap. The preference would be to allow the BOC to make that determination as an application came in. I think that's the best way to set it up. Keep in mind that up until this point there has been no rules limiting anything.

Would any new subdivision have to come to the Board, asked Mr. Fielding. There will be a two-step process. It would have to go through the Planning Board as well as Board of Commissioners for the re-zoning process. Then if there are public streets, it would have to come to the Planning Board for the subdivision component, answered Mr. Hoard.

Mr. Scruggs stated, this process is making it harder because if I wanted to have twenty I could've had twenty without going through a re-zoning process. Therefore, I think this is a good way for Mint Hill to hold its standards for a Family Care Subdivision. As far as caps go, they concern me because I see the amount of people who need a Family Care Home facility. I wouldn't go out and build twenty at a time, but I would like that if the need is there then we have the possibility of growing.

Mr. Simmons made a motion to send a favorable recommendation on Text Amendment ZC14-14, Family Care Home, to amend the Unified Development Ordinance to establish a minimum distance separation for Family Care Homes and add Family Care Home Subdivision option. Mr. Fielding seconded the motion and the Board unanimously agreed.

Other Business: None

Adjournment: Upon the motion of Mr. Fielding, seconded by Mr. Simmons, and unanimously agreed upon, Chairman Long adjourned the meeting at 6:57 p.m.

Candice Everhart
Program Support Assistant