



## **Town of Mint Hill**

John M. McEwen Assembly Room  
4430 Mint Hill Village Lane  
Mint Hill, North Carolina 28227

### **Mint Hill Planning Board Agenda** April 20<sup>th</sup>, 2015 at 6:30 p.m.

1. Call To Order
2. Roll Call and Declaration of Quorum
3. Communications
4. Approve Minutes of March 16<sup>th</sup>, 2015 Regular Meeting
5. Reports of Committees, Members, and Staff
6. Old Business
7. New 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
8. Other Business
9. Adjournment

**MINUTES OF THE MINT HILL PLANNING BOARD MEETING**  
**March 16<sup>th</sup>, 2015**

The Mint Hill Planning Board met in regular session on Monday, March 16<sup>th</sup>, 2015 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

**ATTENDANCE**

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

**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.

**ORDER OF BUSINESS**

**Communications:** Mr. Hoard presented information to the Board concerning Text Amendment #ZC14-13, to Amend the Unified Development Ordinance. They decided to hold off on the amendment now and work on developing a policy regarding public involvement.

**Approval of Minutes of January 20, 2015 Regular Meeting:** Upon the motion of Mr. Gatz, seconded by Mrs. McMahan, the Board unanimously approved the minutes of March 2<sup>nd</sup>, 2015.

**Reports of Committees, Members and Staff:** Mr. Hoard introduced the Town's new Planner, Chris Breedlove.

**Old Business:**

- A. **Discussion and Recommendation on #ZC15-1, Filed by William Gray, Requesting a Rezoning from R to 1-G (CD) for Property Located at 11131 and 11207 Blair Road to Allow Construction of a Storage Facility:** Mr. Hoard asked the applicant to give the presentation he gave at the public hearing on March 12<sup>th</sup>.

Brian Crutchfield introduced himself to the Board as a representative of the applicant. This consists of two parcels, one full parcel totaling 4.79 acres and a partial second parcel totaling 3.04 acres. The property's primarily surrounded by other IG Zoned property. This application is for mini warehouse buildings, or storage buildings, that would be located completely on the rear of the property. That portion of the site is currently undeveloped. There are a couple of houses that sit on the front of Blair

Road that would remain, but would not immediately be a part of this development. We would access off of Blair Road with a driveway into the property. A portion of the property in the very back may be used as outdoor storage until we can orchestrate some buildings back there. We had a public information meeting on February 18<sup>th</sup>. There were a handful of citizens show up, and there were no major concerns from them. There was a public meeting March 12<sup>th</sup> that no one spoke in opposition of it. We've submitted some preliminary building elevations. This is a fairly standard storage building with masonry exterior and metal doors. Due to this being industrial zoned property we would be subject to buffers around the property. It will be completely fenced and secured with a gate and have an access code pad. We would be planting a vegetated buffer around the remaining R zoned property. We have received some recommended conditions from Mr. Hoard and Staff, and we've reviewed those and have no objections to those.

Further information gained regarding the request for Text Amendment was obtained through *opinions/comments/questions (in Italics) from the Board* to Mr. Hoard as follows:

*Mr. Gatz asked, if the house on one of the parcel was going to stay?* Mr. Crutchfield stated, there are houses on both of the parcels. The one on the northeast quadrant that is going to remain R zoned, we would preserve that as a rental house that is owned by the applicant. The house that is on the property that is going to be rezoned is vacant at this time. There are no immediate plans to convert that to any other use. We do recognize that if we decide to do something with that, that we would need to come back for a new application.

*Would both of these parcels will be left as R, asked Mr. Gatz.* Only the one on the northeast quadrant would remain R, stated Mr. Crutchfield.

*Mr. Gatz asked, where would your signage be?* It would be on the green portion just south of the main driveway, answered Mr. Crutchfield.

*What are the sign limitations, Mr. Gatz asked.* Generally I think you would have no more than a 6' tall ground mounted sign, and no more than 64 square feet, stated Mr. Hoard.

*Mr. Simmons asked, how far are we going to come this way towards Town with the industrial are? In the past when we've discussed our 'Master Plan' we did not have the industrial area coming up this far.* Initially when the Land Use Plan was created when they contemplated the industrial in this area, you're right they did not have it coming this far up. They did change that years later, and on the front page of your memo I have clipped out of the Land Use Plan the area that is projected for industrial and this property is in that area.

*What is the zoning directly across the street, asked Mr. Simmons.* That is also IG, stated Mr. Hoard.

*Mr. Simmons asked, how much of that is being used now? It is not at capacity, stated Mr. Hoard.*

*Do you know a percentage; say under fifty percent, asked Mr. Simmons. Yes, answered Mr. Hoard.*

*My concern is I own property in an industrial area in this Town and we keep setting more industrial area that doesn't get filled up, stated Mr. Simmons. Going back and reading through some of the past workshops, there hasn't been much adjustment. This has been the area the Town has called for industrial. This goes back to when it was annexed and in the late 90's they were working with the industrial property that became Clear Creek Industrial, stated Mr. Hoard.*

*Mr. Fielding asked, for clarification, the two parcels ending in nineteen that would stay residential correct? Yes sir. That is not in the rezoning request, stated Mr. Hoard.*

*If you go to the large parcel to the southwest, how is that zoned right now, asked Mr. Fielding. That is all Clear Creek, stated Mr. Hoard.*

*Mrs. McMahan asked, are these intended to be one level? Initially they will be one level. Some of the larger buildings have the ability to be two levels depending on demand. There will be a design capable of supporting a second story, but it would not be for all buildings, stated Mr. Crutchfield.*

*Mr. Long said, Mr. Crutchfield you stated that the large home on the southern parcel was empty. Correct, answered Mr. Crutchfield.*

*When I went by there this afternoon and there were vehicles in the yard, that to me looks occupied, stated Mr. Long. It is being renovated. Some improvements are being made to it, answered Mr. Crutchfield.*

*These were cars and not construction trucks. So is it empty, asked Mr. Long. I thought it was, stated Mr. Crutchfield. There is an apartment behind the house that people are currently living in, said Mr. Gray.*

*People are living there, so it is occupied, asked Mr. Long. Correct, stated Mr. Crutchfield.*

*Mr. Long asked Mr. Gray to introduce himself so that he may speak to the Board concerning the residents living there.*

For clarification, the house is empty. There is an apartment, which is basically a two bedroom old garage that was converted into an apartment. I currently have some people staying there, but they do not pay rent. They look after the place for me, stated Mr. Gray.

*I have no problem with that, I was just trying to set the record straight because Mr. Crutchfield said it was empty on Thursday night as well to our Elected Officials and it is misleading, stated Mr. Long.*

*Mr. Crutchfield stated that no surrounding property was IG. I would submit, John, that 5210 to the west, is that IG or is that Light Industrial Business Park, asked Mr. Long. The zoning we have states is as General Industrial, answered Mr. Hoard.*

*So it's not IG, asked Mr. Long. It is IG, that is how we refer to it, said Mr. Hoard.*

*I'm referring to Clear Creek when I sat through those meetings because I didn't remember that we approved Clear Creek as an Industrial General property, stated Mr. Long. That was approved as IGCUD at that time and it was set up as a conditional use district with the idea that they would come back for conditional use permit for each property that was developed. We eliminated that conditional use permit process so it would all come through this process. It is considered IG though, stated Mr. Hoard.*

*I'm excited that there are finally some people to pay taxes and we can get some tax base. When I pull it up on the website, it says it was produced by the Mint Hill Planning Department July 2011. When did you say this was changed to IG? No, this is how it was originally set up. Clear Creek started in 1998 or 1999, answered Mr. Hoard.*

*Okay, so let's say twelve years since then. In 2011 this is produced and it is showing all of the zoning in that quadrant as Light Industrial Business Park. Is that accurate or not, asked Mr. Long. What you're referencing is what we call a Land Use Map and that is not our Zoning Map, stated Mr. Hoard.*

*Right, but to Brad's point, we've spent in the neighborhood of \$250,000 in the last fifteen years for land use studies and now we are saying we've spent this money but we're going to ignore it, stated Mr. Long. I believe this is consistent with what everyone would think of as industrial, said Mr. Hoard.*

*The applicant is spot on and I'm supporting it. I would just take issue with when you say general industrial zoning is consistent with the land use plan; I do not think it is consistent, stated Mr. Long. That's our only industrial zoning, stated Mr. Hoard.*

*Are you talking about the land use plan we did about fifteen years ago? If that's what we're referring to, I remember that being what we had set up, said Mr. Gatz.*

*Was it Light Industrial or IG, asked Mr. Long.*

*It was more of Light Industrial because I'm not sure if we got into the specifics of IG, stated Mr. Gatz. My understanding was they framed it as Light Industrial, but our zoning that accommodates that as General Industrial. I can certainly look back*

through the history of the land use plan, but from what I remember Clear Creek Business Park had a grand plan to have a university look to it with tree-lined streets and specifications with brick, said Mr. Hoard.

*I don't think in the land use plan we've necessarily zoned things. I think we've just said this is an industrial area; this is a residential area, and so on, stated Mr. Gatz. You're correct. Our land use plan just says what areas could be and it's left up to our elected officials to decide what goes there. This property has remained residential even though the land use plan has called this industrial.*

*Is the website what you would call current information for the general public, asked Mr. Long? Yes, said Mr. Hoard.*

*Then why is this map on the website as future land use showing light industrial business park, asked Mr. Long. I'm using those interchangeably. The terminology we use is relevant to Mint Hill. In Mint Hill, industrial is going to be small flex buildings, storage buildings, etc., stated Mr. Hoard.*

*How many more residential areas are there that are currently zoned industrial, asked Mr. Fielding. I would have to look up that number. I wouldn't want to make a speculation, stated Mr. Hoard.*

*You did say at the public meeting, there weren't any concerns from the neighbors, asked Mrs. McMahan. That's correct. There were general questions about what it was going to be and look like. There weren't any objections, stated Mr. Crutchfield.*

**Mr. Gatz made a favorable recommendation on #ZC15-1, Filed by William Gray, Requesting a Rezoning from R to 1-G (CD) for Property Located at 11131 and 11207 Blair Road to Allow Construction of a Storage Facility, incorporating the notes 1,2,3,4, and 5 submitted by Staff. Mr. Simmons seconded the motion; and it was unanimously agreed upon by the Board.**

**New Business:** None.

**Other Business:** None

**Adjournment:** Upon the motion of Mr. Hendrix, seconded by Mrs. McMahan, and unanimously agreed upon, Chairman Long adjourned the meeting at 6:55 p.m.

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Candice Everhart, Program Support



# STAFF REPORT

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|-------------------|---|
| <b>CASE:</b>      | <b>ZC14-14, FAMILY CARE HOME</b>  |
| <b>REQUEST:</b>   | <b>AMEND THE UNIFIED DEVELOPMENT ORDINANCE (UDO) TO ESTABLISH A MINIMUM DISTANCE SEPARATION FOR FAMILY CARE HOMES AND ADD FAMILY CARE HOME SUBDIVISION OPTION</b> |
| <b>APPLICANT:</b> | <b>TOWN OF MINT HILL</b>  |

The purpose of the text amendment is to establish a minimum separation distance of 2,640 feet (1/2 mile) between Family Care Home facilities and create a Family Care Home development option.

## TEXT AMENDMENT OUTLINE

Family Care Home (SR Residential District-Table of Permitted Uses) \*Add 7.1.13 cross reference

Add Section 7.1.13- Establish minimum distance

Add Family Care Home Subdivision (CD Residential District-Table of Permitted Uses) \*Add 7.2.32 cross reference

Add new Section 7.2.32 –Specify development shall follow subdivision requirements

Add Family Care Home Subdivision to Section 2.4 Terms Defined in this Ordinance.

### **Family Care Home Subdivision**

*A subdivision development consisting of four or more residential lots, subdivided in accordance with the Mint Hill Subdivision regulations, created for the purpose of permitting Family Care Homes in close proximity with one another. The development shall be owned and operated by a single entity.*

### STATE STATUE

§ 168-22. Family care home; zoning and other purposes. (a) A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts of all political subdivisions. No political subdivision may require that a family care home, its owner, or operator obtain, because of the use, a conditional use permit, special use permit, special exception or variance from any such zoning ordinance or plan; provided, however, that a political subdivision may prohibit a family care home from being located within a one-half mile radius of an existing family care home. (b) A family care home shall be deemed a residential use of property for the purposes of determining charges or assessments imposed by political subdivisions or businesses for water, sewer, power, telephone service, cable television, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements. (1981, c. 565, s. 1; 1993 (Reg. Sess., 1994), c. 619, s. 1; 1999-219, s. 3.2.)

### **STAFF CONTACT:**

Planning Staff  
704-545-9726



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|--------|-------------|------------------------------|-------|
| 7.1.13 | RESIDENTIAL | Family Care Home             | BR-SR |
| 7.2.32 | RESIDENTIAL | Family Care Home Subdivision | CD    |

Add new Section 7.1.13

*7.1.13 Special Requirements for Family Care Homes*

- A. All Family Care Homes must comply with all applicable Federal, State, local licensing requirements and health regulations.
- B. New Family Care Homes (also referred to as Group Homes) shall be separated from existing Family Care Homes in single family residential district by a distance of 2,640 feet measured from the closest point of each lot property line in a straight line.

Add new Section 7.2.32

*7.2.32 Supplementary Use Regulations for Family Care Home Subdivision*

- A. Family Care Home Subdivision is a subdivision development consisting of four or more residential lots, subdivided in accordance with the Mint Hill Subdivision regulations, created for the purpose of permitting Family Care Homes in close proximity with one another. The development shall be owned and operated by a single entity.