

MINUTES OF THE MINT HILL PLANNING BOARD MEETING
January 25th, 2016

The Mint Hill Planning Board met in regular session on Monday, January 25th, 2016 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, Roy Fielding
ETJ Members: Roger Hendrix
Absent: Brad Simmons, Scott Fandel
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. Hendrix gave the invocation.

ORDER OF BUSINESS

Approval of Minutes of December 21st, 2015 Regular Meeting: Upon the motion of Mr. Gatz, seconded by Mr. Hendrix, the Board unanimously approved the minutes of the December 21st, 2015 Planning Board.

Reports of Committees, Members and Staff: None.

Old 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. Hoard stated that the applicant, Wendell Long, is asking for byright rezoning, which is different from the past because usually we are dealing with conditional zoning. With byright there is no site plan required prior to approval. If the rezoning is successful it would become byright I-G and then the ordinance would apply from there. I have included a list of possible uses for the property. Under the first group on that list, byright can to any of those without Board approval. There would be conditional zoning on the second group and have to come back before the Board. Staff has an unfavorable recommendation due to the Land Use Plan.

Mr. Gatz said, my concern was that Mr. Long is unsure of what he is going to have out there. It is seventeen acres out there. What if he sells this to someone who brings in something we don't want? That's where we left this last time. Are we setting a precedent

for someone in the future to do this same thing? Mr. Hoard said, his success wouldn't mean we are required to do that for someone else.

Mr. Hendrix said he had been out to the property a few times and he understands there haven't been any complaints from the community surrounding it. I don't think this property would ever be residential really, but I have a concern of the property being byright. For this particular piece of property I lean towards industrial because of where it is located, but I wish it could be that way without the byright. Mr. Hoard said, that is exactly what conditional zoning is and why we have it.

Mr. Hendrix said, this would be the biggest piece of property to become byright, correct? Mr. Hoard said yes, within Town Limits it is, other than the downtown area.

Mr. Fielding asked, what areas are conditional industrial zoning? Mr. Hoard said, the Clear Creek area is the largest that is zoned Industrial and it is Conditional Zoning.

Mr. Fielding said, once the ground is broken, the possibilities of what could go up opens up the door too much. I would be much happier if this was Conditional Zoning.

Mr. Todd asked, for clarity, five years down the road, if someone comes in and buys this property, do they get to do whatever they like or do they have to come back to the Board? Mr. Hoard said, they would not have to go through a Board process, unless it is a restaurant because that is a Conditional Zoning.

Mr. Gatz asked, is it possible for the Board to put conditions on byright? Mr. Hoard said, no. There can be no conditions placed on it.

Mr. Hendrix said, my problem is not with the current applicant. My concern is with developers and others who may come in. Can we ask the applicant to come up and answer questions? Mr. Hendrix asked Mr. Long, I understand to have byright zoning makes it easier that you don't have to turn away tenants. Would you consider Conditional Zoning and if not can you share with us the hardship that it would cause you to do it that way? Mr. Long said, it's hard because we aren't sure what we are wanting out there yet. To make any change in a site plan, initial plans, etc we would have to come back to the Board every change we make. That is a large financial commitment and time as well.

Mr. Hendrix said, from a developers standpoint, see me why you need this. Mr. Long said, we have people come to us on a regular basis and tell us they can't find anywhere to run their business out of. Most people like to use our buildings until they are able to operate out of them in that meantime, versus working out of their houses.

Mr. Hendrix asked, how long do you think it would take to fill up those seventeen acres? Mr. Long said, that's tough to say, but I would approximate three to five years.

Mr. Hendrix asked if it was possible to do a five year fuse, say it was byright for five years then after that it would be conditional zoning? If that was a possibility, would you

be open to that Mr. Long? Mr. Long responded, I'm not sure. I don't know what kind of impact that would have. It's something I've never thought of before. Some of these are short term and some of them take years to build their company. It seems like the laboratory thing is the biggest concern from the board.

Mr. Gatz said, we had laboratories with Phillip Morris that burned off poisonous gases and such. That is my problem with laboratories. You never know, it could be a testing lab or it could be one from my experience that was dangerous.

Mr. Hoard said, if that is your one concern we can follow with a Text Amendment. We can write up a text amendment to take the laboratories out of byright as an option and bring that to the Board.

Mr. Hendrix asked, if we were to follow up with changing what is allowed in byright, would that apply to Mr. Long? Mr. Hoard said, the only reason it would not is if, for example, it takes us five months to get it figured out and he already has someone signed up.

Mr. Fielding said, I think we need to look at all of these for the negatives. They are very generalized. If we are going to do one text amendment I think we need to look at all of these a little further. Mr. Hoard said, I agree. My opinion is that we should be able to lean more on byright because we should feel our Ordinance works. We should be able to trust our Ordinance to do its job.

Mr. Fielding said, If you look at medical services, you think dental and such, but there are also companies that burn off medical supplies. There is one across from the University. That is why I think we need to look at these options in depth.

Mr. Todd said, especially with the testing and experimental is a broad category.

Mr. Hendrix said, Wendell we are not trying to gut the whole intention of byright because I agree with John that we just need people to know what they can expect. We want business of course; we just want the correct kind.

Mr. Gatz said, I think Mint Hill should do Conditional Zoning on everything. That's the only way you can really control what is going to be built or brought in. Business leaders may think I'm crazy, but I think that's the only way to regulate it.

Mr. Fielding asked, how nitpicky is the process of Conditional Zoning? If they change an entryway, etc do they have to come back? Mr. Hoard said, you can place flexibility in the plan. We have administrative changes, so within the ordinance it says that if certain things change then I can approve them. Say if he signs off on something in the beginning, not thinking ahead of this as an option, then he comes to me with this great opportunity, then he would have to go back to the Board.

Mr. Todd asked, are you targeting any specific type of business or are you just fulfilling the need of what has come to you Mr. Long? Mr. Long replied, we've mostly been filling the need of what we've seen in the community. There are landscaping, gutter cleaners and other small businesses that Mint Hill could use. They ask to keep these at reasonable prices, whereas if we go through Conditional Zoning we have to raise the prices for them.

Mr. Gatz asked, is there any way to keep cost down for Conditional Zoning? Mr. Hoard said, in order to go through conditional zoning he has to build a site plan to bring before you, without knowing if you're even interested. A site plan includes an engineered drawing with water lines and everything that can cost up to tens of thousands of dollars before he ever comes through the door.

Mr. Long said, I'm not sure if I've addressed your concern as far as the comfort level. How do I address that Mr. Hendrix? *Mr. Hendrix said, well I guess I can't ask you to answer something that you're not able to at this time. Again, my concern is not the current applicant, but it's our responsibility to give the Commissioners help to make their decision. I think this is an industrial piece of property. I just struggle with byright. I think it is much more appealing to customers and buyers as well to be able to move or buy into byright. Developers concern me as well. My issue is that byright is so vast and this is a large piece of land. Mint Hill still has land which the majority of communities around Charlotte do not have anymore and we want to make sure we use it correctly.*

Mr. Long said, it's just that we don't know what is going in there. I've shared what we have done and that is what we would like to grow upon. What John said about the text amendment, that is fine with me. I'm not concerned about a laboratory and I appreciate you all sharing with me your concerns.

Mr. Gatz said, maybe we should go ahead to make a motion and take to the byright issue. Even if the Commissioners pass this or don't, I think it is still our responsibility to resolve the issues we have with byright allowances.

Mr. Gatz made a favorable 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. Hendrix seconded the motion. Mr. Long asked for those in favor which Mr. Gatz, Mr. Hendrix and Mr. Todd agreed. Mr. Long asked for those opposed which Mr. Fielding agreed. The motion of a favorable recommendation carried.

Mr. Hoard said, if you simply want to take laboratories out of byright, that is a simple text amendment. If you want to get detailed and change a lot of stuff to conditional zoning and such then we may need to have a workshop.

Mr. Hendrix said, I'm afraid we may have put the Commissioners in a tight spot. I think they should know the reasoning behind why we gave a favorable recommendation on this. Mr. Hoard said, I would give them a report about what all you have discussed.

Mr. Gatz said, I would find it interesting to know what other town's have as byright. Mr. Hoard said, most towns are going away from byright and only offering conditional

zoning. I will send out an email for us to discuss if we need a regular meeting or a workshop.

New Business: None.

Other Business: None

Adjournment: Upon the motion of Mr. Fielding, seconded by Mr. Hendrix, and unanimously agreed upon, Chairman Long adjourned the meeting at 7:27 p.m.

Candice Everhart
Program Support Assistant