

MINUTES OF THE MINT HILL PLANNING BOARD MEETING
February 15th, 2016

The Mint Hill Planning Board met in regular session on Monday, February 15th, 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, Scott Fandel
ETJ Members: Roger Hendrix
Absent: Brad Simmons
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 January 25th, 2016 Regular Meeting: Upon the motion of Mr. Fielding, seconded by Mr. Hendrix, the Board unanimously approved the minutes of the January 25th, 2016 Planning Board.

Reports of Committees, Members and Staff: Mr. Hoard stated that the Board of Commissioners approved the Text Amendment to the Downtown Code as well as Mr. Long's rezoning request.

Old Business: None.

New Business:

- A. **Discussion and Recommendation on #ZC16-1, Filed by Sam's Real Estate, Requesting Conditional Zoning to Allow a Car Wash for Property Located at 9230 Lawyers Road, Tax Parcel Number 135-221-09.** Mr. Hoard asked the applicant to give his presentation. John Ross, President of Eagle Engineering in Indian Trail introduced himself along with Padman from Sam's Real Estate. Mr. Ross stated, the site at 9230 Lawyers Road is three acres. To the east and north of the parcel there are commercial properties, one corner is residential and the other is institutional. We have developed a site plan which shows site circulation, parking, landscaping and water. One comment we received was the concern of stacking the cars before the pay station and that backing up. There are twenty-two spaces there so we see no issue with stacking the vehicles. We are

reserving fifty-nine feet from the road as noted in the Mint Hill comprehensive plan. The function of the plan in bound from Lawyers would be to enter at the pay station then move into the tunnel. Patrons may pull over to either side to vacuum or stop. There is parking for employees and room for trucks. The water and sewer is available along Lawyers Road and 90% of water will be reused or recycled. The materials used will be brick, stucco and metal panels. We will have state of the art equipment and the chemicals used are environmentally sensitive. Sam's Express is heavily involved with community service and our proposed development with help with the Town's commercial property taxes.

Mr. Hendrix asked Mr. Hoard have the special requests have all been met? Mr. Hoard said, yes they have met all of the guidelines.

Mr. Hendrix asked, is there a timeline? Mr. Ross said, as soon as we are approved we will move forward with the permits and construction documents.

Mr. Fielding asked, is the residential area to the northeast? Mr. Ross said, there is a residential area diagonally from one corner.

Mr. Fielding said, is this similar to the one by UNCC off of 49? Mr. Ross said, operationally yes it is similar, but architecturally no it is different.

Mr. Fielding asked, are there future plans for gas pumps? Mr. Ross said, no there are no future plans for that.

Mr. Todd asked, what are the peak times of this facility? Mr. Padman Nadimi introduced himself. He said the hours of operation are from 9:00am til 7:00 pm. The busiest times are Saturday and Sunday and also at lunch time during the week days.

Mr. Todd asked, will there be tall lighting? Mr. Nadimi said, there will only be yard lights.

Mr. Fielding made a favorable recommendation on #ZC16-1, Filed by Sam's Real Estate, Requesting Conditional Zoning to Allow a Car Wash for Property Located at 9230 Lawyers Road, Tax Parcel Number 135-221-09. Mr. Hendrix seconded the motion and the Board unanimously agreed.

- B. **Discussion regarding permitted uses in the I-G district:** Mr. Hoard said, I am bringing this to the table from the discussion we had at last month's meeting. We can have a full on discussion or we can setup a workshop. If your main concern is just with experimental laboratories then we can write a text amendment for that.

Mr. Fielding asked how many local jurisdictions have byright? Mr. Hoard said all of them have byright. They may just call it something different.

Mr. Fielding asked, with the general industrial district they will be able to be used in byright? Yes, said Mr. Hoard. The applicant would come to me with an idea of what they want to do and we would look at this and make sure it falls correctly.

Mr. Fielding said, you can look at all of these and they are such generalized terms, that there can be positive or negative things about them. Mr. Hoard said, what we are looking at here is that this is a land use decision. When you think more environmentally then you are looking at more of a regulation. What I've experienced with the railroad, is that there are lots of agencies that have already looked into the regulations.

Mr. Fielding asked, when would we come in if it was going to cause harm to the environment? Mr. Hoard said, for example, a radio TV station came to us and said they wanted to build one here. If there are environmental issues they would be brought up on a county or state level due to regulations that they already have set forth.

Mr. Todd said, if we pull one item I think that we need to pull quite a few. Mr. Hoard said I know laboratories were mentioned quite a bit. Was there anything else?

Mr. Hendrix said, I think beginning at laboratories and ending at photo processing needs to be removed completely and placed under conditional or special requirements. The level of those uses needs to go through a process to be allowed since they would all use a type of chemical. Mr. Hoard said, special requirements are still byright. The difference is that we outline particular rules. For example, this carwash we had four specific rules for car washes that they had to meet.

Mr. Hendrix said, okay then I would make it conditional.

Mr. Fielding said I would be concerned about storage warehouses and yards.

Mr. Todd said, even with retail nurseries they could have chemical runoff. Mr. Hoard said, I can write up a text amendment and take it to the Board of Commissioners if that is what you all would like.

Mr. Fandel said all of them have a chemical nature to them.

Mr. Hendrix said, I personally have a problem with the ones I mentioned.

Mr. Todd said, I have an issue with sign painting and the nurseries due to runoff.

Mr. Fielding said, I would be concerned on storage warehouse and yards.

Mr. Hendrix asked, John did you say with this we could put explanation? For instance we would say, inside or outside storage, we can define that further? Mr. Hoard said, our attorney would shy away from building regulations within a definition, but we could certainly look at it.

Mr. Fielding asked, we have storage warehouse and yard, then right below there is contractors office, so they could split the property and do both right?

Mr. Hendrix asked, wouldn't that be wholesaling? Mr. Hoard said, we've come across that issue before and you're correct Mr. Fielding.

Mr. Hendrix asked, didn't you say that a lot of Towns are going away from byright? Mr. Hoard said, I think more towns are leaning towards CD. I have been in meetings with other towns and we all said it seems less and less rights for property owners and more conditional zoning.

Mr. Fielding asked, as a citizen and employee, we are trying to keep the well-being of the Town at heart. Would you leave all of these in there or would you be more cautious? Mr. Hoard said, over time I have become to believe more in byright. If you build a good land use plan and zoning properly I think it works. There are of course flaws and concerns always.

Mr. Hendrix asked, who came up with the definition? Mr. Hoard said, it was a mixture of the towns. It was first adopted in 1922 and has developed over time.

Mr. Hendrix asked, how does our byright categories fair against other towns around us? Mr. Hoard said, there are similarities and differences, but there are over 500 towns in North Carolina so if there were some you wanted to compare I could do that research.

Mr. Todd asked, what does this do for us if we go through and define these? Mr. Hoard said, I think we need to look at some of these because there are issues with a few.

Mr. Hendrix asked, you're going to be looking at this from a town perspective? Mr. Hoard said, yes, particularly storage buildings.

Mr. Hendrix motioned to table the discussion until the Town could bring something forward in a Text Amendment format. Mr. Fielding seconded the motion and the Board unanimously agreed.

Other Business: None

Adjournment: Upon the motion of Mr. Fielding, seconded by Mr. Hendrix, and unanimously agreed upon, Chairman Long adjourned the meeting at 7:12 p.m.

Candice Everhart
Program Support Assistant