



Town of Mint Hill

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

Mint Hill Planning Board Agenda July 25th, 2016 at 6:30 p.m.

1. Call To Order
2. Roll Call and Invocation
3. Approve Minutes of May 16th, 2016 Regular Meeting
4. Additions or Deletions of Agenda Items
5. Reports of Committees, Members, and Staff
6. Old Business
7. New Business
 - A. Discussion and Decision on S16-6, Filed by Donald Price for Minor Subdivision Approval for one lot without public road frontage, located at 4510 Matthews-Mint Hill Road, Parcel Number 195-021-16.
 - B. Discussion and Decision on S16-10, Filed by Gerald Hillock for Minor Subdivision Approval for one lot without public road frontage, located at 3701 Walter Nelson Road, Parcel Number 135-312-57.
 - C. Discussion and Recommendation on ZC16-6, Filed by Sam's Real Estate, Requesting a Conditional District Zoning for Office/Retail and a Quick Service Restaurant for Property Located at 13101 and 13215 Idlewild Road, Tax Parcel Numbers 195-018-95 and 195-018-96.
 - D. Discussion and Recommendation on ZC16-7, Filed by MHC Land Partners LLC, Requesting a Revision to a note on the Approved Zoning Plan for Mint Hill Commons Regarding the Sidewalk along Lawyers Road, Tax Parcel Numbers 195-182-31 and 195-182-55.
 - E. Discussion and Recommendation on ZC16-8, Filed by the Town of Mint Hill, Requesting a Text Amendment to the Unified Development Ordinance, Articles 6 and 8, Pertaining to Guarantees/Performance Bonds and Acceptance of New Streets.

8. Other Business

9. Adjournment

Candice Everhart
Program Support Assistant

MINUTES OF THE MINT HILL PLANNING BOARD MEETING
May 16th, 2016

The Mint Hill Planning Board met in regular session on Monday, May 16th, 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: Roy Fielding, Chip Todd and Brad Simmons
ETJ Members: Roger Hendrix
Absent: Scott Fandel
Staff: John Hoard and 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. Simmons gave the invocation.

ORDER OF BUSINESS

Approval of Minutes of April 18th, 2016 Regular Meeting: Upon the motion of Mr. Fielding, seconded by Mr. Gatz, the Board unanimously approved the minutes of the April 18th, 2016 Planning Board.

Reports of Committees, Members and Staff: Mr. Hoard stated, the Board of Commissioners approved the Elliotte's Family Care Home request. They had a condition to add brick and a privacy fence.

Old Business: None.

New Business:

- A. **Discussion and Decision on S16-3 Belle Grove Manor Revised Preliminary Plan (Additional three lots):** Mr. Hoard stated, this is a revision to create three lots. This does require your authorization since it is a revision to a preliminary plat that was approved back in 2006. As noted on the memo, this was a reserved site for aqua but now they are able to use public water and create three lots. Everything meets the ordinance.

Mr. Gatz said his only concern was had the builders talked about that area being more of a park area for the other residents and John informed me that it was only a common space so I'm good.

Mr. Fielding asked, was there aqua equipment on this property? No, there were only plans for it, said Mr. Hoard.

Tom Gatz made a motion for a favorable decision on S16-3 Belle Grove Manor Revised Preliminary Plan for the additional three lots. Mr. Hendrix seconded the motion and the Board unanimously agreed.

- B. Discussion and Recommendation on ZC16-5 Text Amendment, Changes to Mint Hill's Post-Construction Ordinance to comply with the newly adopted House Bill 44:** Mr. Hoard stated, I gave you several pages and the summary sheet. I think this does a good job of providing you what the law was and summarizes the County's position and what has to be amended. If you would like to speak with Rusty Rizell he has offered to answer any questions.

Mr. Gatz asked, is there a general theme of what this is changing or is it a lot of little things? Mr. Hoard said, it's several things we had to make adjustments in and some things we didn't have to amend at all. It is pretty minor and has no particular theme.

Mr. Hendrix asked, do we really have a choice? Don't we have to comply? Mr. Hoard said, yes we do have to comply, but it does have to come before you.

Mr. Simmons said, I didn't see anything other than case by case approval which we already do.

Mr. Gatz made a motion for a favorable recommendation on ZC16-5 Text Amendment, Changes to Mint Hill's Post-Construction Ordinance to comply with the newly adopted House Bill 44. Mr. Simmons 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 6:36 p.m.

Candice Everhart
Program Support Assistant



STAFF REPORT

| | |
|-------------------|---|
| CASE: | S16-6 |
| REQUEST: | 1 LOT WITHOUT PUBLIC ROAD FRONTAGE |
| APPLICANT: | DONALD PRICE |
| PARCEL #: | 195-021-16 |
| ADDRESS | 4510 MATTHEWS-MINT HILL ROAD |

EXECUTIVE SUMMARY:

The applicant is requesting minor subdivision approval for one (1) lot without public road frontage (easement lot), resulting in 3 lots without road frontage.

6.1.2 Lot Design Standards

Proposed lots for use by one family detached dwellings and which do not have frontage on a public street may be approved by the Planning Board after making the following findings:

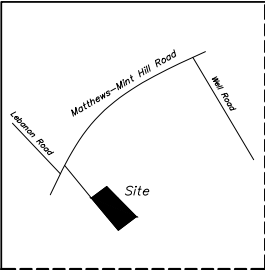
- A. Such lot is a minimum of two acres in size; and
- B. Such lot is provided with access to a public street by means of an easement of at least fifteen feet in width for the exclusive use of the dwelling to be established on such lot and such easement is a visibly identifiable access driveway which is maintained in a condition passable for service and emergency vehicles; however, in no event shall lots be created that result in more than a maximum of three (3) access easements to lots without road frontage; and
- C. Creation of such lot is made necessary by virtue of the fact that development of said property by conventional means (i.e. extension of public street) is impractical due to disproportionate costs of required improvements as compared to relative value of lots created; and
- D. Creation of such lots does not unduly restrict or impair future development or extension of an adequate system or public streets within the immediate area.

STAFF RECOMMENDATION:

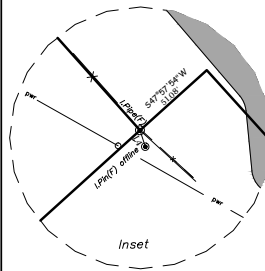
Staff recommends approval.

STAFF CONTACT:

Planning Staff
704-545-9726



LOCATION MAP-NOT TO SCALE



| NUM | BEARING | DISTANCE |
|-----|-------------|----------|
| L1 | N41°42'53"W | 33.13' |
| L2 | S19°42'47"W | 61.74' |
| L3 | N19°49'09"E | 71.39' |
| L4 | S29°48'10"E | 1.23' |

STATE OF NORTH CAROLINA
MECKLENBURG COUNTY

I certify that this map was drawn from an actual survey made under my supervision and was prepared in accordance with G.S. 42-30 as amended. The unadjusted error of closure as calculated is 1" / 10,000'. Boundaries not surveyed, if any, are noted. Deed descriptions are recorded in Book AS, Page SHOWN.

Witness my hand and seal this 15th day of May, 2016.



Note: The purpose of the final plat is to indicate the enforceable restrictions on property usage that run with the land to ensure that future development and redevelopment maintains the site in compliance with Ordinance requirements. Those restrictions that show up on the recorded final plat shall be shown on the lot survey given to purchasers at the time of closing. In this way, the property owner shall be made aware of the restrictions and shall maintain the site in compliance with Ordinance requirements.

Mint Hill Planning Board Certificate.

Approved in accordance with the provisions of the Subdivision Ordinance of the Town of Mint Hill, North Carolina.

Planning Board Chairman Date

Approved in accordance with the Engineering Requirements of the Subdivision Ordinance of the Town of Mint Hill, Mecklenburg County, North Carolina.

Mecklenburg County Land Use and Environmental Services Agency

County Staff, Mecklenburg County

Date

ZONING - R
MIN. LOT SIZE WITH ROAD FRONTAGE
40,000 SQ.FT.
LOT WITHOUT ROAD FRONTAGE 2.00 ACRES

SETBACKS

FRONT- 60'
SIDE- 20'
REAR- 50'
MIN. LOT WITH 140'

This parcel of land is within the Goose Creek Watershed

The subdivided property is considered a larger common plan of development and therefore will be subject to the applicable portions of the Town of Mint Hill Post Construction Storm Water Ordinance during development and redevelopment (including expansion)

NOTE:
ALL CORNERS ARE 1/4 IN (P) UNLESS OTHERWISE NOTED.

NOTE:
ALL DISTANCES ARE HORIZONTAL DISTANCES UNLESS OTHERWISE NOTED.

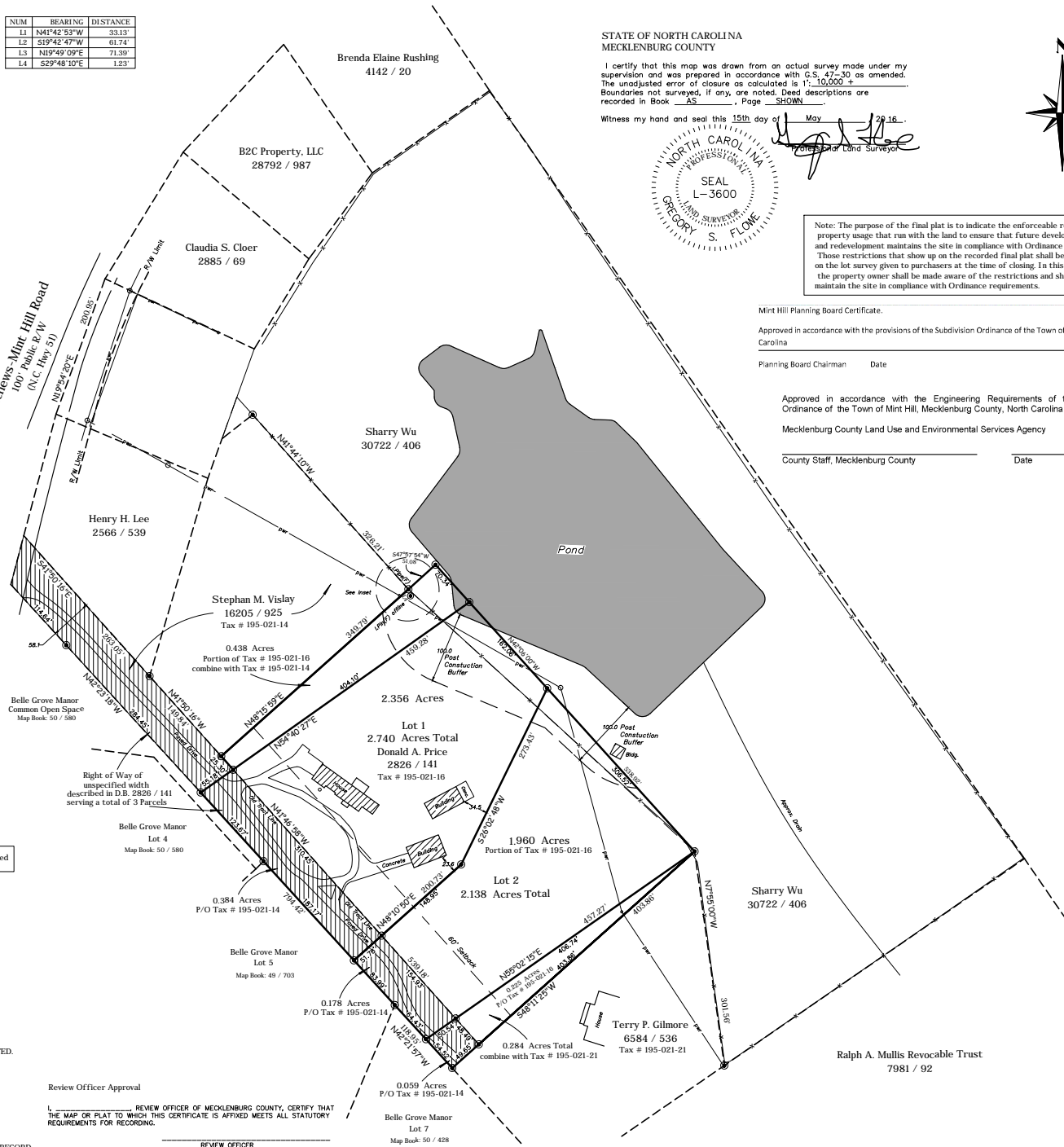
NOTE:
AREA BY COORDINATE COMPUTATION.

NOTE:
PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS & RIGHTS OF WAY OF RECORD.

Review Officer Approval

I, _____, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER



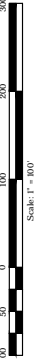
NOTE:
THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA THAT IS IN THE TOWN OF MINT HILL.

Minor Subdivision
for

Donald A. Price & wife, Muriel I. Price Property
4510 Matthews-Mint Hill Road
Mecklenburg County
Mint Hill, N.C.

Map Prepared By:
Ben M. Flove and Son
Land Surveying and Mapping Services
Ben M. Flove, R.L.S., P.L.S.
Gregory S. Flove, R.L.S.
Charlotte, NC 28227
Phone: (704) 345-3060

Owner: Donald A. & Muriel I. Price
4510 Matthews-Mint Hill Road
Matthews, NC 28105
Owner: Stephen M. & Cheryl A. Vislay
506 Matthews-Mint Hill Road
Matthews, NC 28105
Tax Parcel: 85-021-16 & p/o 195-021-14
E.C.: 10.0000.



Scale: 1" = 300'



STAFF REPORT

| | |
|-------------------|---|
| CASE: | S16-10 |
| REQUEST: | 1 LOT WITHOUT PUBLIC ROAD FRONTAGE |
| APPLICANT: | GERALD HILLOCK |
| PARCEL #: | 135-312-57 |
| ADDRESS | 3701 WALTER NELSON ROAD |

EXECUTIVE SUMMARY:

The applicant is requesting minor subdivision approval for one (1) lot without public road frontage.

6.1.2 Lot Design Standards

Proposed lots for use by one family detached dwellings and which do not have frontage on a public street may be approved by the Planning Board after making the following findings:

- A. Such lot is a minimum of two acres in size; and
- B. Such lot is provided with access to a public street by means of an easement of at least fifteen feet in width for the exclusive use of the dwelling to be established on such lot and such easement is a visibly identifiable access driveway which is maintained in a condition passable for service and emergency vehicles; however, in no event shall lots be created that result in more than a maximum of three (3) access easements to lots without road frontage; and
- C. Creation of such lot is made necessary by virtue of the fact that development of said property by conventional means (i.e. extension of public street) is impractical due to disproportionate costs of required improvements as compared to relative value of lots created; and
- D. Creation of such lots does not unduly restrict or impair future development or extension of an adequate system or public streets within the immediate area.

STAFF RECOMMENDATION:

Staff recommends approval.

STAFF CONTACT:

Planning Staff
704-545-9726

Planning Board Chairman _____ Date _____

Witness my hand and seal this 13th day of Juny, 2016.



Professional Land Surveyor

NOTE: THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA THAT IS IN THE TOWN OF MINT HILL.

Owner: Gerald A. Hillock & wife, Margaret N. Hillock
3701 Walter Nelson Road
Mint Hill, N.C. 28227

Minor Subdivision

Gerald A. Hillock and wife, Margaret N. Hillock Property
for

3701 Walter Nelson Road
(Map Book: 30 / 289)

Tract 1, Dewey Neal Nelson, ETAL
Mecklenburg County, Mint Hill, N.C.

Drawing No. 218-16
Deed Book: 10216 /
Map Book: 30 / 289
July 13, 2016

Phone: (704) 545-3060

Ben M. Flowe, R.L.S., P.L.S.
Gregory S. Flowe, R.L.S.
11316 Brief Road
Charlotte, N.C. 28227

Map Prepared By:
Ben M. Flowe and Soni

Land Surveying and Mapping Services

Phone: (704) 545-3060

Ben M. Flowe, R.L.S., P.L.S.
Gregory S. Flowe, R.L.S.
11316 Brilef Road
Charlotte, N.C. 28227

Tax Parcel: 135-312-57
E.C. = 10,000+

Walter Nelson Road

LOCATION MAP-NOT TO SCALE

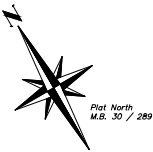
North Carolina
Department of Transportation
Division of Highways

Approved: _____

District Engineer

Date: _____

Dewey N. Nelson Trust
28873 / 824



Dewey N. Nelson Trust
28873 / 824

ZONING - R

MIN. LOT SIZE WITH ROAD FRONTAGE
20,000 SQ.FT.
LOT WITHOUT ROAD FRONTAGE 2.00 ACRES

SETBACKS

FRONT-50'
SIDE- 15'
REAR- 40'

MIN. LOT WITH 130'

NOTE:
ALL CORNERS ARE I.PIN(F) UNLESS OTHERWISE NOTED.

NOTE:
ALL DISTANCES ARE HORIZONTAL DISTANCES
UNLESS OTHERWISE NOTED.

NOTE:
AREA BY COORDINATE COMPUTATION.

NOTE:
PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE
EASEMENTS, RESTRICTIONS & RIGHTS OF WAY OF RECORD.

Review Officer Approval

I, _____, REVIEW OFFICER OF MECKLENBURG COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

Dewey N. Nelson Trust
28873 / 824

| NUM | DELTA | ARC | RADIUS | BEARING | DISTANCE |
|-----|----------|---------|----------|-------------|----------|
| C1 | 9°17'03" | 171.18' | 1056.40' | N64°44'06"W | 170.99' |
| C2 | 9°20'01" | 176.98' | 1086.40' | S64°45'35"E | 176.78' |

0.120 Acres
Note: Area within 30' of centerline
of Walter Nelson Road is dedicated to
NCDOT as Public R/W.



STAFF REPORT

| | |
|--------------------------|---|
| CASE: | ZC16-6 |
| EXISTING ZONING | B-G (CD) |
| PROPOSED ZONING | B-G (CD) |
| PROPERTY OWNER: | REAL ESTATE HOLDINGS-GEORGIA, LLC |
| APPLICANT | SAM'S REAL ESTATE (PAYMAN NADIMI) |
| LOCATION | 13101 & 13215 IDLEWILD ROAD |
| TAX PARCEL NUMBER | 195-018-95 & 195-018-96 |
| REQUEST: | OFFICE/RETAIL AND A QUICK SERVICE RESTAURANT |
| RECOMMENDATION: | APPROVAL |

BACKGROUND INFORMATION:

- Rezoning petition ZC07-1 and CUP07-2 was approved on April 12, 2007. CUP07-2 was ratified on December 13, 2007.
- CUP07-2 expired December 13, 2009 (N.C. provided mandatory extensions to most permits that were approved during this time period but the extensions ended in 2011)
- Request for convenience store, ZC14-1, was denied on March 27, 2014.

APPLICATION SUMMARY:

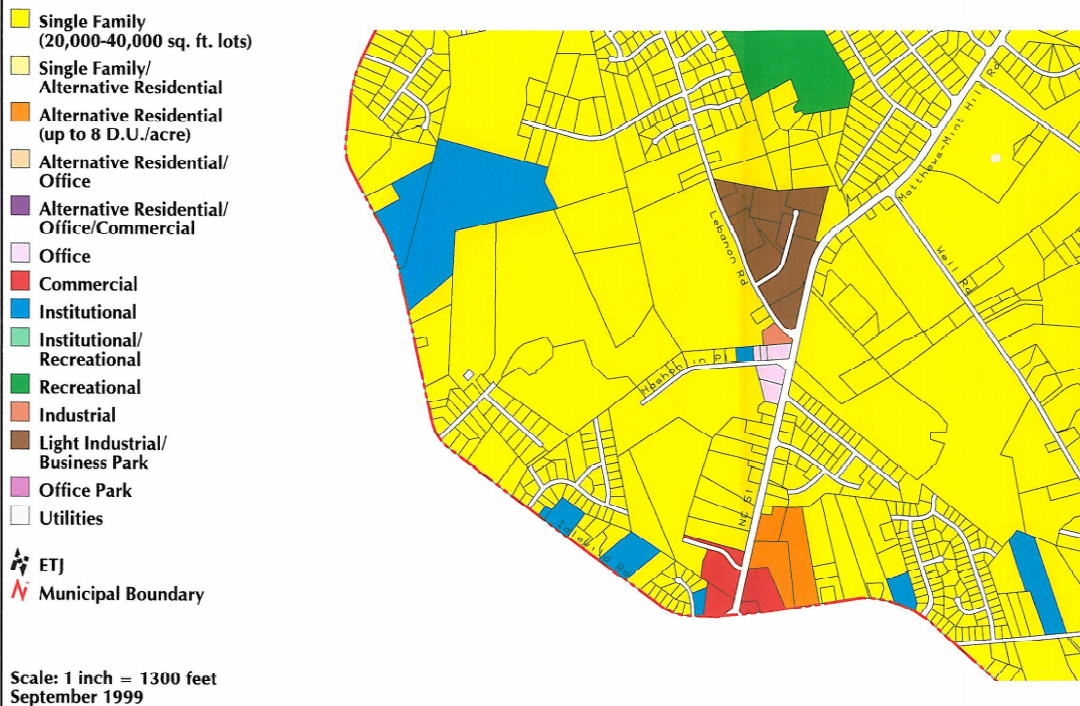
The applicant is requesting Conditional District Zoning to allow up to 8,000 square feet of commercial gross floor area. The Zoning Plan indicates plans for two buildings, one approximately 3,000 square feet and the second building 5,000 square feet. **Please note**, Note #4 under General Provisions states the 8,000 square feet allowance may be used as a single principal building. According to the Zoning Plan, the site may be developed with a restaurant, coffee shop, medical use, retail use, financial institution, and any other use permitted by right in B-G district, including uses with accessory drive through windows. For your reference, find attached the uses allowed in the B-G district.

Conditional District decisions shall be made in consideration of identified relevant adopted land use plan. Conditional District rezoning is a legislative procedure under which the Board of Commissioners has the authority to increase, tighten, add, vary, modify or waive specific conditions or standards. In approving a petition for the rezoning of property to a Conditional District the Board of Commissioners may request reasonable and appropriate conditions.

PLAN CONSISTENCY:

| | |
|---|-----|
| Mint Hill Land Use Plan | Yes |
| Downtown Master Plan | N/A |
| Mint Hill Comprehensive Transportation Plan | Yes |
| CRTPO Thoroughfare Plan | Yes |
| Pedestrian Plan | Yes |

Map #15 **Proposed Future Land Use** **NC 51 and Idlewild Road**



STAFF RECOMMENDATION:

STAFF RECOMMENDS APPROVAL.

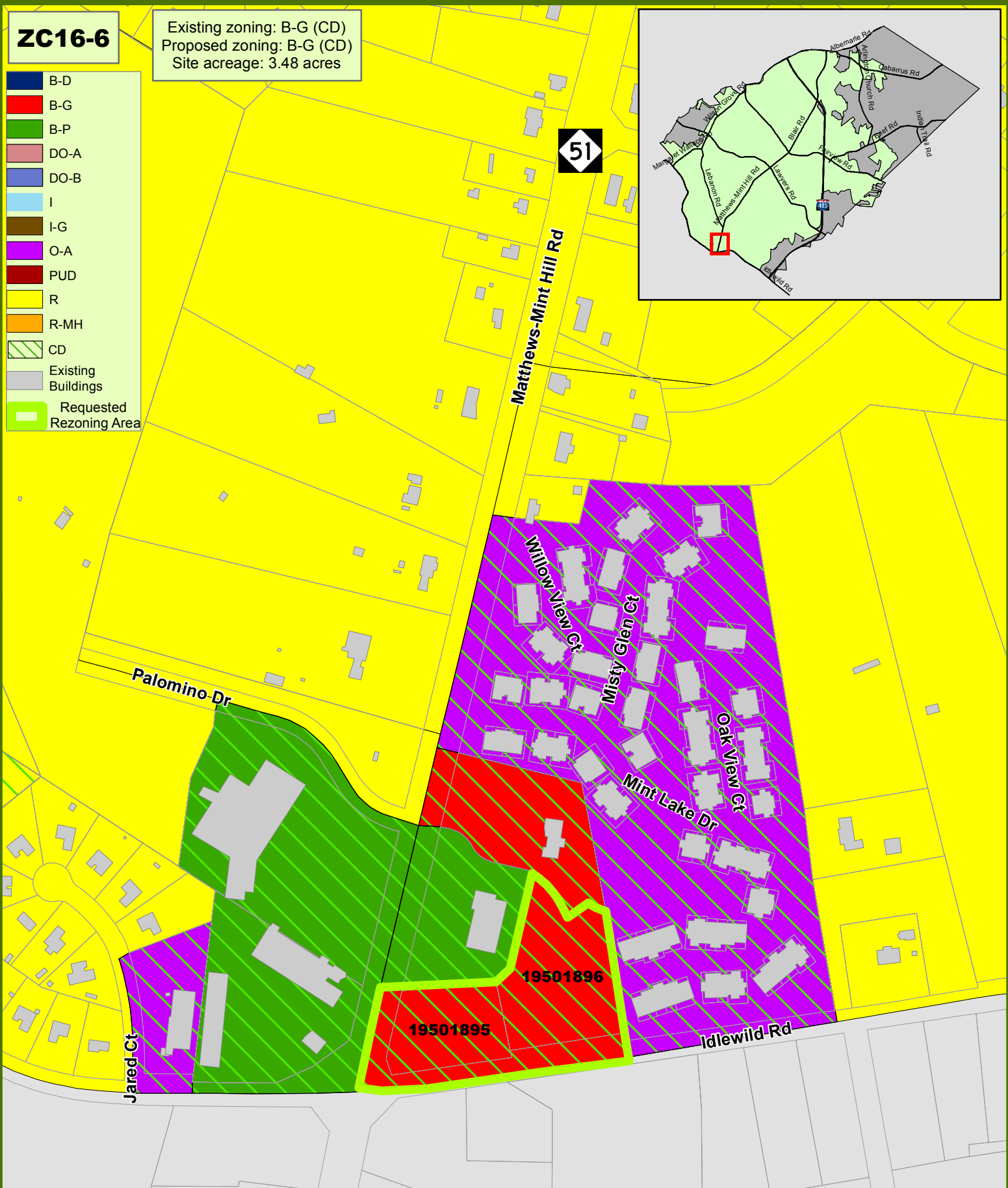
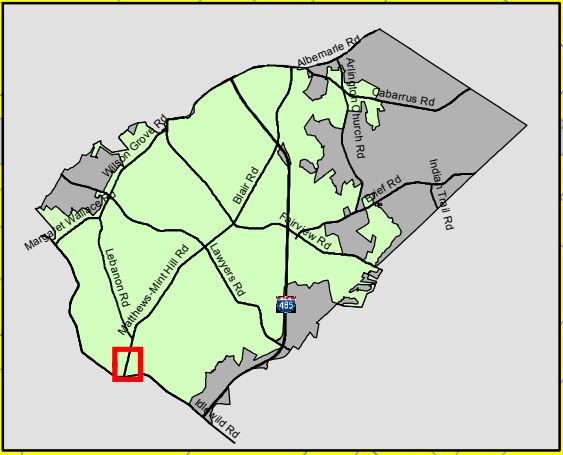
STAFF CONTACT:

Planning Staff
 704-545-9726

ZC16-6

Existing zoning: B-G (CD)
Proposed zoning: B-G (CD)
Site acreage: 3.48 acres

- B-D
- B-G
- B-P
- DO-A
- DO-B
- I
- I-G
- O-A
- PUD
- R
- R-MH
- CD
- Existing Buildings
- Requested Rezoning Area



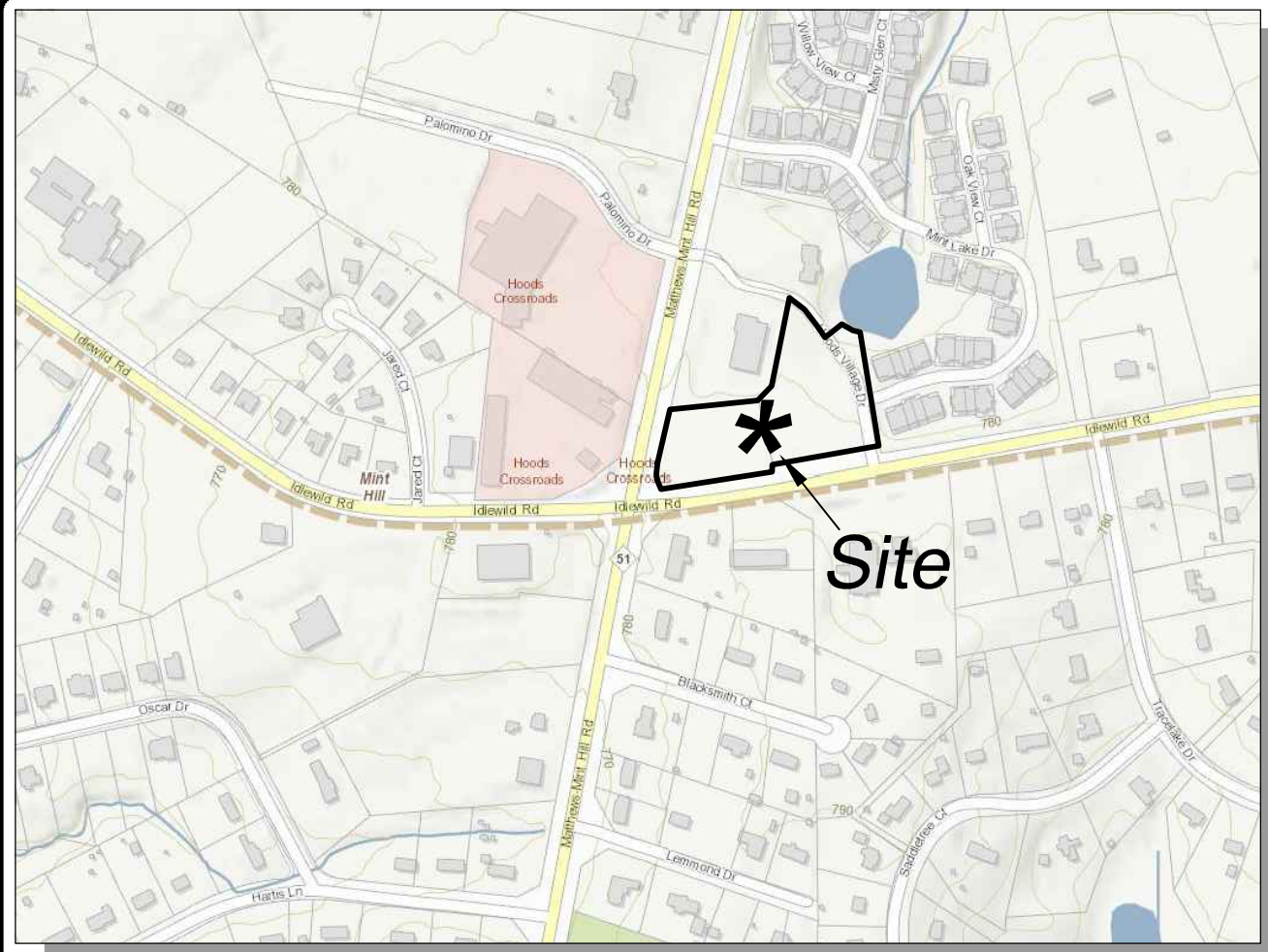
0 250 500 Feet

Produced by the Mint Hill Planning Department
6/10/2016



TOWN OF
MINT HILL

| B-G, General Business District | | Permitted Uses |
|--------------------------------|--------------------------------------|---|
| | By-Right | Parking Garages; Radio and Television Stations; Art Gallery; Libraries; Museum; Schools: Vocational and Professional; Governmental Essential Services Class 1; Post Offices; Laboratories, Medical and Dental; Charitable and Welfare Organizations; Fraternal and Service Organization Meeting Facility; Financial Institution; Office, Medical Services; Offices, Professional and Business; Outpatient Wellness Center; Health Club, Spa, Gymnasium (principal use); Theaters, Indoor; Hotels; Motels; Dry Cleaning/Laundry Service Outlet; Farm Supply Store; Grocery Store; Grooming Services; Lawn and Garden Center; Nurseries, Retail; Restaurant; Retail Sales (Less than 10,000 SF Gross Floor Area) |
| | Special Requirements | Car Wash, Automatic & Self Service; Parking Areas, Commercial; Funeral Home; Playground; Animal Hospital (indoor kennel) |
| | Conditional District zoning required | Automobile Repair Shop; Automobile Service Station; Automobile Towing and Wrecker Service; Automobile, Truck, Boat, Motorcycle, Manufactured Home and Recreational Vehicle Sales and Rental; Bus or Train Terminal, Passenger; Bus Stations; Transit Station; Truck Stop; Auditorium/Assembly Hall/Amphitheatre; Medical Education Center; Governmental Essential Services Classes 2-4; Mini-Warehouse; Animal Shelter; Charitable Service Facility; Church/Place of Worship; Day Care Center, Child; Day Care/Day Health Centers, Adult; Food Pantry; Adult Bookstore; Adult Live Entertainment Business; Adult Mini-Motion Picture Booth; Adult Mini-Motion Picture Theatre; Adult Motion Picture Theatre; Contractor Offices with Accessory Storage; Amusement and Sporting Facility, Indoor and Outdoor; Stadium; Bed and Breakfast; Dwelling, Multifamily; ABC Store; Animal Grooming Services for Household Pets; Animal Hospital (outdoor kennel); Animal Kennel; Convenience Store; Dry Cleaning/Laundry Plant; Farmers Market; Flea Market; Lounges, Bars and Night-Clubs; Outdoor Resale Business; Restaurant with In-Car Dining; Restaurant with Drive Through |



VICINITY MAP
NOT TO SCALE

SITE NOTES:

- ALL SITE DIMENSIONS ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED.
- ROUNDOUT PLANS SHOWN WERE TAKING FROM 75% NCDOT PLANS AND MAY BE SUBJECT TO CHANGE.
- ROADWAY IMPROVEMENTS SHOWN OUTSIDE OF THE NCDOT PROPOSED ROUNDOUT PLANS WERE TAKEN FROM A TECHNICAL MEMORANDUM BY KIMLEY-HORN AND ASSOCIATES, INC. DATED NOVEMBER 6, 2015 BASED ON THEIR TRAFFIC ANALYSIS FOR THE SITE.
- SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE PER NFIP F.I.R.M. MAP NUMBER 371045000J, EFFECTIVE DATE: MARCH 2, 2009.

GENERAL PROVISIONS:

- DEVELOPMENT OF THE SITE SHALL BE GOVERNED BY THIS ZONING SITE PLAN, DEVELOPMENT STANDARDS, AND THE APPLICABLE PROVISIONS OF THE TOWN OF MINT HILL UNIFIED DEVELOPMENT ORDINANCE (UDO).
- THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, AND OTHER SITE ELEMENTS SET FORTH ON THE ZONING SITE PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT AND SITE ELEMENTS PROPOSED AND MAY BE ALTERED OR MODIFIED IN ACCORDANCE WITH THE SETBACK REQUIREMENTS SET FORTH ON THE ZONING SITE PLAN AND DEVELOPMENT STANDARDS. HOWEVER ANY SUCH ALTERATIONS AND MODIFICATIONS SHALL NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE ZONING SITE PLAN.
- PARKING LAYOUTS AND DRIVEWAYS FOR SURFACE PARKING MAY BE MODIFIED TO ACCOMMODATE FINAL BUILDING LOCATION. SIDEWALKS GENERALLY DEPICTED ON THE ZONING SITE PLAN ARE INTENDED TO REFLECT THE GENERAL PEDESTRIAN CIRCULATION FOR THE DEVELOPMENT BUT THE SPECIFIC LOCATIONS OF SUCH SIDEWALKS MAY BE SUBJECT TO VARIATIONS THAT DO NOT MATERIALLY CHANGE DESIGN INTENT GENERALLY DEPICTED ON THE ZONING SITE PLAN.
- THE TOTAL NUMBER OF PRINCIPAL STRUCTURES TO BE DEVELOPED ON THE SITE SHALL NOT EXCEED TWO. A SINGLE PRINCIPAL STRUCTURE SHALL BE PERMISSIBLE PROVIDED IT DOES NOT EXCEED THE MAXIMUM GROSS FLOOR AREA ALLOWED. ACCESSORY BUILDINGS AND STRUCTURES LOCATION ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE.

PERMITTED USES & DEVELOPMENT AREA LIMITATIONS:

- THE SITE MAY BE DEVELOPED WITH A RESTAURANT, COFFEE SHOP, MEDICAL USE, RETAIL USE, FINANCIAL INSTITUTION, AND ANY OTHER USE PERMITTED BY RIGHT IN THE GENERAL BUSINESS (B-G) DISTRICT WITH UP TO 8,000 SQUARE FEET OF TOTAL GROSS FLOOR AREA.
- USES WITH ACCESSORY DRIVE THROUGH WINDOWS SHALL BE ALLOWED ON THE SITE.

ACCESS NOTES

- SITE WILL HAVE ACCESS, AS GENERALLY DEPICTED ON THE ZONING SITE PLAN, TO IDLEWILD ROAD, MATTHEWS-MINT HILL ROAD, AND HOODS VILLAGE DRIVE.
- THE PETITIONER WILL DEDICATE IN FEE-SIMPLE TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) RIGHT OF WAY AS GENERALLY SHOWN ON THE ZONING SITE PLAN PENDING COMPENSATION TO BE DETERMINED AND AGREED UPON BY PETITIONER AND NCDOT. THIS RIGHT OF WAY DEDICATION SHALL OCCUR PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE FIRST BUILDING CONSTRUCTED ON THE SITE.
- THE PLACEMENTS AND CONFIGURATIONS OF VEHICULAR ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS, AS APPROVED BY NCDOT, REQUIRED TO ACCOMMODATE FINAL SITE DEVELOPMENT AND CONSTRUCTION PLANS OR AS REQUIRED FOR APPROVAL BY NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.
- THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS, AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY NCDOT IN ACCORDANCE WITH PUBLISHED STANDARDS.

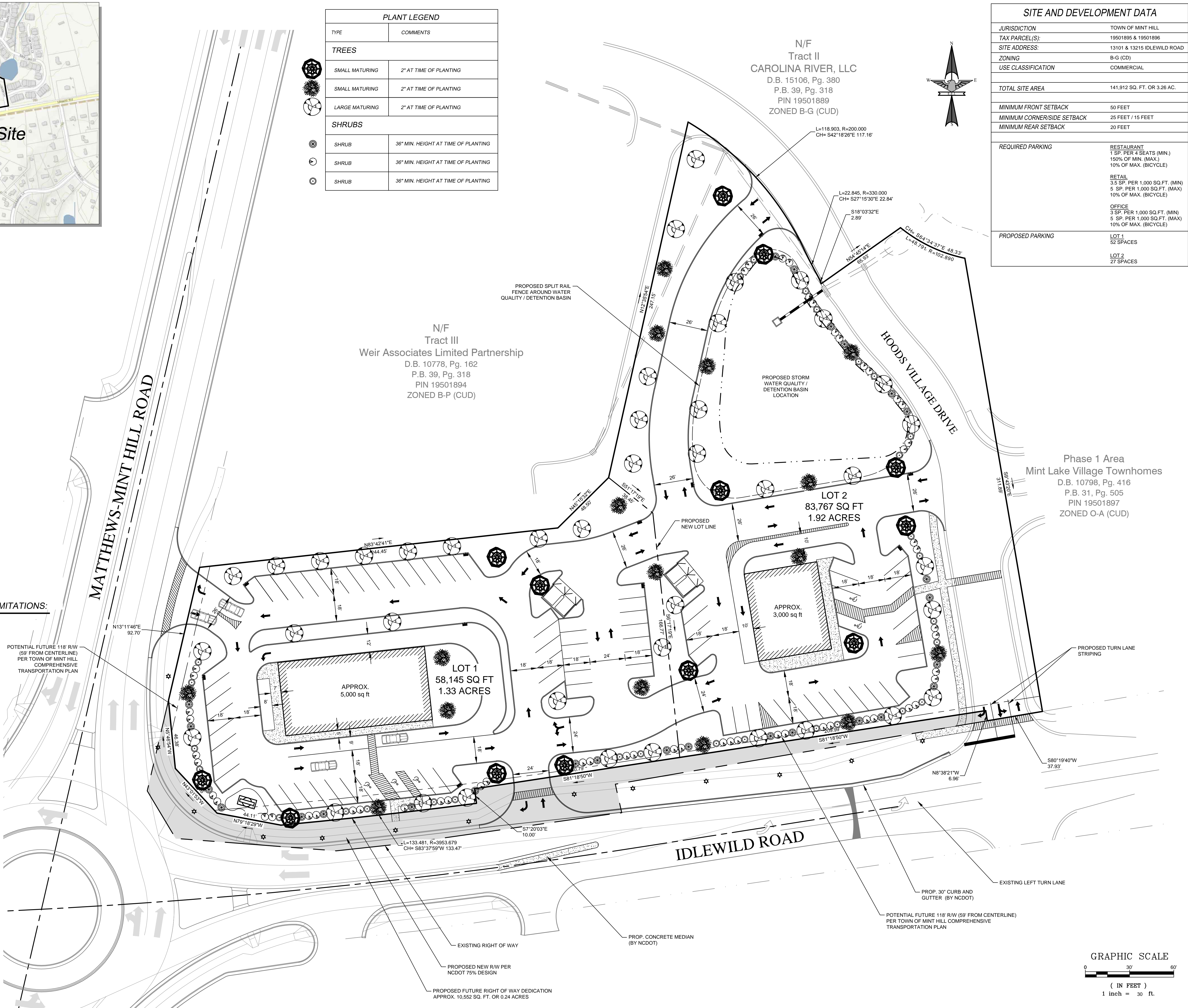
ARCHITECTURAL STANDARDS

- THE BUILDING MATERIALS USED ON THE PRINCIPAL BUILDINGS CONSTRUCTED ON THE SITE SHALL BE A COMBINATION OF PORTIONS OF THE FOLLOWING: BRICK, STONE, PRECAST STONE, PRECAST CONCRETE, SYNTHETIC STONE, STUCCO, METAL PANELS, AND/OR WOOD. ILLUSTRATIVE BUILDING ELEVATIONS HAVE BEEN INCLUDED AS PART OF THE ZONING SITE PLAN TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE BUILDING THAT MAY BE CONSTRUCTED ON THE SITE. THE ACTUAL BUILDING CONSTRUCTED MAY VARY FROM THIS ILLUSTRATION AS LONG AS THE GENERAL ARCHITECTURAL CONCEPTS AND INTENT ILLUSTRATED IS MAINTAINED.

BRANDING & SIGNAGE

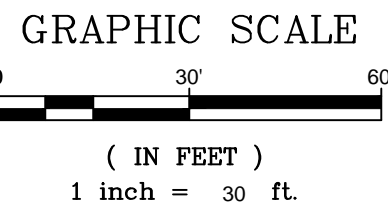
- NO ADDITIONAL RESTRICTIONS SHALL BE REQUIRED PERTAINING TO BRANDING AND SIGNAGE BEYOND WHAT IS REQUIRED IN THE TOWN OF MINT HILL UDO, PARTICULARLY SECTION 6.5.

| PLANT LEGEND | |
|----------------|-------------------------------------|
| TYPE | COMMENTS |
| TREES | |
| SMALL MATURING | 2" AT TIME OF PLANTING |
| SMALL MATURING | 2" AT TIME OF PLANTING |
| LARGE MATURING | 2" AT TIME OF PLANTING |
| SHRUBS | |
| SHRUB | 36" MIN. HEIGHT AT TIME OF PLANTING |
| SHRUB | 36" MIN. HEIGHT AT TIME OF PLANTING |
| SHRUB | 36" MIN. HEIGHT AT TIME OF PLANTING |



| SITE AND DEVELOPMENT DATA | |
|---------------------------------|-----------------------------|
| JURISDICTION | TOWN OF MINT HILL |
| TAX PARCEL(S) | 19501895 & 19501896 |
| SITE ADDRESS | 13101 & 13215 IDLEWILD ROAD |
| ZONING | B-G (CD) |
| USE CLASSIFICATION | COMMERCIAL |
| TOTAL SITE AREA | |
| 141,912 SQ. FT. OR 3.26 AC. | |
| MINIMUM FRONT SETBACK | |
| 50 FEET | |
| MINIMUM CORNER/SIDE SETBACK | |
| 25 FEET / 15 FEET | |
| MINIMUM REAR SETBACK | |
| 20 FEET | |
| REQUIRED PARKING | |
| RESTAURANT | |
| 1 SP. PER 4 SEATS (MIN.) | |
| 150% OF MIN. (MAX.) | |
| 10% OF MAX. (BICYCLE) | |
| RETAIL | |
| 3.5 SP. PER 1,000 SQ.FT. (MIN.) | |
| 5 SP. PER 1,000 SQ.FT. (MAX.) | |
| 10% OF MAX. (BICYCLE) | |
| OFFICE | |
| 3 SP. PER 1,000 SQ.FT. (MIN.) | |
| 5 SP. PER 1,000 SQ.FT. (MAX.) | |
| 10% OF MAX. (BICYCLE) | |
| PROPOSED PARKING | |
| LOT 1 | |
| 52 SPACES | |
| LOT 2 | |
| 27 SPACES | |

Phase 1 Area
Mint Lake Village Townhomes
D.B. 10798, Pg. 416
P.B. 31, Pg. 505
PIN 19501897
ZONED O-A (CUD)



EAGLE ENGINEERING
P.O. BOX 551
Alpharetta, GA 30009
Indian Trail, NC 28079
(704) 882-2222
www.eagleonline.net

PRELIMINARY
NOT FOR
CONSTRUCTION

| NO. | DATE | BY | ISSUE |
|-----|------|----|-------|
| | | | |

SRE
SAM'S REAL ESTATE

IDLEWILD ROAD AND
MATTHEWS-MINT HILL ROAD
MINT HILL, NC 28227

SAM'S REAL ESTATE
7935 COUNCIL PLACE, SUITE 102
MATTHEWS, NC 28105

| ZONING SITE PLAN | | CHECKED BY | JHR |
|---------------------|----------|------------|------|
| DESIGNED BY | JLR | DRAWN BY | JLR |
| DATE | 06/06/16 | JOB NUMBER | 5280 |
| SCALE | AS SHOWN | | |

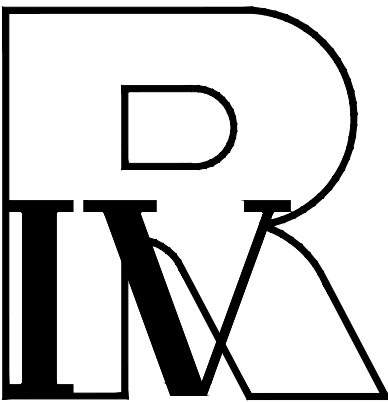
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Project

Building Concepts
Mint Hill, NC

Owner

Sam's Mart
793 Council Place
Suite 200
Matthews, NC 28105



124 Floyd Smith Dr
Suite 375
Charlotte, NC 28262
Tel - 704 - 688-7500

7301 Rivers Avenue
Suite 188
North Charleston, SC 29406
Tel - 843 - 531-6848

www.R4architecture.com

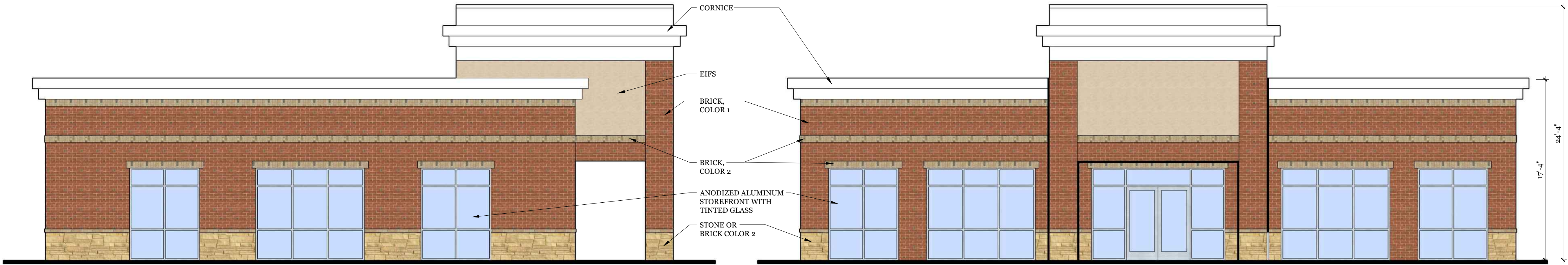
Revision Date

| | |
|------------|---------|
| Drawn By | TRB |
| Checked By | MJR |
| Issue Date | 2.17.16 |
| Project No | 160318 |

Sheet Title
BANK / OFFICE /
RETAIL ELEVATIONS

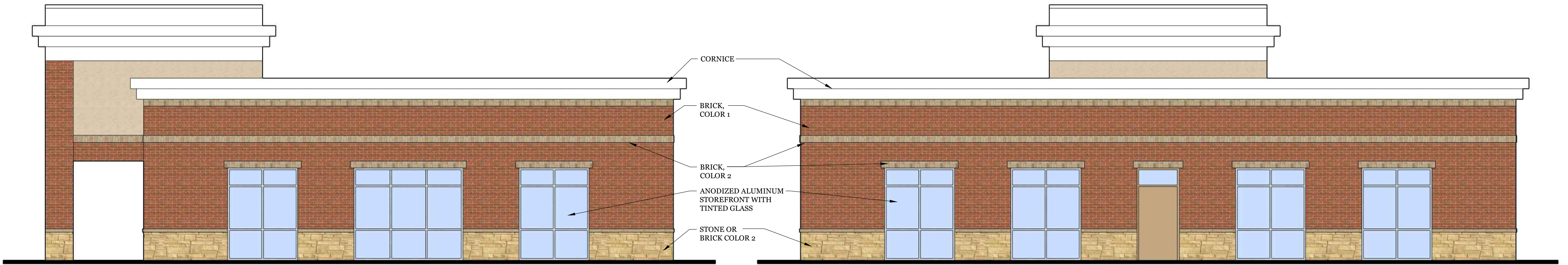
Sheet Number

A2



3 Side Elevation
3/16" = 1'-0"

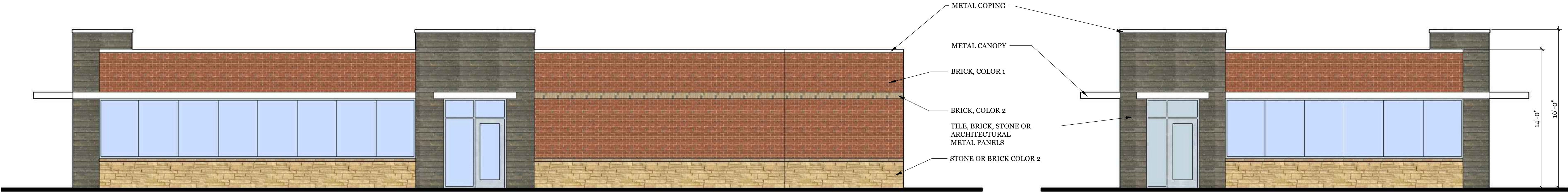
1 Front Elevation
3/16" = 1'-0"



4 Side Elevation
3/16" = 1'-0"

2 Rear Elevation
3/16" = 1'-0"

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3

Side Elevation

3/16" = 1'-0"

1

Front Elevation

3/16" = 1'-0"



4

Side Elevation

3/16" = 1'-0"

2

Rear Elevation

3/16" = 1'-0"

Project

Building Concepts
Mint Hill, NC

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www.R4architecture.com

Revision Date

Drawn By TRB
Checked By MJR
Issue Date 2.17.16
Project No 160318

Sheet Title
QUICK SERVICE
RESTAURANT
ELEVATIONS

Sheet Number

A1



STAFF REPORT

| | |
|-------------------|---|
| CASE: | ZC16-7 |
| PROPERTY OWNER: | MHC LAND PARTNERS, LLC |
| APPLICANT | MHC LAND PARTNERS, LLC |
| LOCATION | 11628 LAWYERS ROAD |
| TAX PARCEL NUMBER | 195-182-31 |
| REQUEST: | AMEND ZONING PLAN NOTE REGARDING SIDEWALK INSTALLATION FOR LAWYERS ROAD |

BACKGROUND INFORMATION:

Mint Hill Commons was approved on July 18, 2013. According to Note # 1 under Supplemental Zoning Notes in the approved Zoning Plan, the sidewalk along Lawyers Road was to be completed at the time of residential development or 18 months following the issuance of the certificate of occupancy for Publix, whichever occurred first. The c/o was issued on January 20, 2015.

SUPPLEMENTAL ZONING NOTES

1. PROPOSED 5' SIDEWALK ALONG LAWYERS ROAD WILL BE CONSTRUCTED AT TIME OF FUTURE RESIDENTIAL DEVELOPMENT OR 18 MONTHS FOLLOWING THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR THE PROPOSED GROCERY STORE WHICHEVER COMES FIRST.

APPLICATION SUMMARY:

The applicant MHC Land Partners, LLC is requesting to amend the Zoning Plan note to state: *Proposed 5' sidewalk along Lawyers Road will be constructed at time of future residential development.*

Conditional District decisions shall be made in consideration of identified relevant adopted land use plan. Conditional District rezoning is a legislative procedure under which the Board of Commissioners has the authority to increase, tighten, add, vary, modify or waive specific conditions or standards. In approving a petition for the rezoning of property to a Conditional District the Board of Commissioners may request reasonable and appropriate conditions.

STAFF CONTACT:

Planning Staff
704-545-9726



STAFF REPORT

| | |
|-------------------|--|
| CASE: | ZC16-8 |
| REQUEST: | TEXT AMENDMENT REGARDING PERFORMANCE BONDS AND PROCEDURES FOR ACCEPTING NEW STREETS |
| APPLICANT: | TOWN OF MINT HILL |

EXECUTIVE SUMMARY:

The purpose of the amendment is to comply with North Carolina Session Law 2015-187 by reducing the Town 150% bond multiplier to 125% (see 6.10). Additionally, the text amendment proposes changes to the Town ordinance regarding procedures for accepting public streets for town maintenance (see 8.4).

STAFF CONTACT:

Planning Staff
704-545-9726

Section 6.10 - Guarantees and Performance Bonds.

6.10.1 Authorizing Use, Occupancy, or Sale Before Completion of Development.

- A. In cases when, because of weather conditions or other factors beyond the control of the Applicant (exclusive of financial hardship), it would be unreasonable to require the Applicant to comply with all requirements of this Ordinance before commencing the intended use of the property or occupying any buildings or selling lots in a subdivision, the Administrator may release the hold on the Certificate of Occupancy and authorize the commencement of the intended use or the occupancy of buildings or the sale of subdivision lots (insofar as the requirements of this Ordinance are concerned) if the Applicant provides a performance bond or other security in accordance with the requirements of this Section 6.10.
- B. With respect to residential and nonresidential subdivisions in which the Applicant is selling only undeveloped lots and with respect to residential subdivisions in which the Applicant is selling developed lots, the Administrator may authorize Final Plat approval and the sale of lots before all the requirements of this Ordinance are fulfilled if the Applicant provides a performance bond or other security in accordance with the requirements of this Section 6.10 to ensure that all of these requirements will be fulfilled within a reasonable time after Final Plat approval.

6.10.2 Bond or Other Surety Required to Secure Construction of Required Improvements. Whenever occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, the Applicant shall post a performance bond or other sufficient surety to guarantee such facilities or improvements shall be completed by the Applicant within two (2) years (unless otherwise mandated by State law). The amount of such performance bond or other surety shall be equal to ~~125%~~ estimated cost of installing all required improvements, such estimate to be determined by the Town or its authorized agent. To assist the Town, or its authorized agent, in determining the estimated cost of all required improvements, the owner shall cause a licensed engineer or general contractor to submit a written cost estimate for review and consideration by the Town or its authorized agent.

Deleted: one and one-half (1.5) times the

6.10.3 Maintenance Bonds.

- A. When the Administrator, or his/her designee, determines that construction will likely cause defects in either (i) existing public streets or infrastructure or (ii) public streets or other improvements to be offered for dedication to the Town, the Applicant shall post a performance bond or other sufficient surety to guarantee that any such defects that are caused by the Applicant shall be corrected by the Applicant. For purposes of this Section, the term "defects" refers to any condition in such existing or to be publicly dedicated facilities or improvements that requires repair over and above the normal amount of maintenance normally expected or required. If such defects appear, the guaranty may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this Ordinance.
- B. For determining the amount of the bond required by this Section, the ~~Administrator~~ shall consider the following:
 - 1. The length of streets in the existing subdivision or previously completed sections of the subject subdivision from the new subdivision site out to the nearest arterial street which is most likely to be used to provide access to the site;
 - 2. The condition of any existing streets which are likely to be utilized for access to the property being developed;
 - 3. Any existing defects noted by the Public Works Director of the Town of Mint Hill as provided for in Subsection 6.10.3(C) below;
 - 4. Number of lots in the proposed development.

Deleted: LUESA Land Development Staff

- C. The maintenance bond required by this Section shall not be released until the phase under development has met the criteria for acceptance of streets as outlined in Article 8, Section 8.4, of this Ordinance and it has been determined by the appropriate inspector(s) and the Public Works Director of the Town of Mint Hill that streets which were used for access to future phases or adjoining tracts are in an acceptable condition and that any damage suffered by said streets has been repaired. For the purpose of this Section, any damage suffered by a street used for access to property being developed shall be presumed to have been caused by construction traffic except any defects noted by the Public Works Director of the Town of Mint Hill as herein provided for. The Public Works Director shall, on request from the developer inspect existing streets likely to be used by construction traffic and document the condition of said streets prior to commencement of development of said subdivision. Any existing defects in streets will be noted and the developer will not be responsible for repair of such existing defects.

6.10.4 Inspections and Certifications.

- A. All subdivision construction, whether or not guaranteed by a surety bond or irrevocable letter of credit or other approved form of security, shall be inspected at all phases by appropriate inspector(s) as designated by the Administrator, accompanied as appropriate by the Public Works Director of the Town of Mint Hill. Notice of all such inspection requests by the developer shall be given to the Administrator or his/her designee's office at least ~~forty-eight (48) hours~~ prior to the date such inspection is requested to be made. Upon completion of all the improvements required by this Ordinance, written notice shall be given by the developer to Administrator or his/her designee. The authorized inspector(s), accompanied by Public Works Director shall inspect said improvements and within thirty (30) days either authorize the release of the security given or indicate to the developer any areas of noncompliance. In no case shall securities be released prior to the installation of the improvements required by this Ordinance except that the phased release of a bond or other form of security may be allowed in accordance with the current Mecklenburg Land Development Standards Manual, provided such phased release is recommended by the Administrator or as provided for in Subsection 6.10.5(C).
- B. An ~~engineer~~ retained by the Applicant shall certify to the Town that all facilities and improvements to be dedicated to the Town have been constructed in accordance with the requirements of this Ordinance and the ~~Land Development Standards Manual~~ as applicable. This certification shall be a condition precedent to acceptance by the Town of the offer of dedication of such facilities or improvements.

Deleted: twenty-four (24) hours

Deleted: architect or

Deleted: Mecklenburg County

6.10.5 Completing Developments in Phases.

- A. If a development is constructed in phases or stages in accordance with this Section, then, subject to Subsection (C), the provisions of this Ordinance shall apply to each phase as if it were the entire development.
- B. As a prerequisite to taking advantage of the provisions of Subsection (A), the Applicant shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this Ordinance that will be satisfied with respect to each phase or stage.
- C. In the event there is no definite beginning date for the commencement of future phases and it would be, in the opinion of the Administrator, unreasonable to require the continuation of securities, LUESA (or other Town agent) may release the posted securities. This may be done only after appropriate inspector(s) and the Public Works Director of the Town of Mint Hill have determined that all work guaranteed by the securities filed has been completed within the subject phase in compliance with the standards set forth in this Ordinance and that barricades approved in accordance with Article 6, Section 6.2, have been installed at the termination point of any street leading into future phases of the development.
- D. All subsequent development of future phases or development of adjoining tracts, whether or not such phases are shown on the Site Plan or plat required by Article 8 of this Ordinance, shall not be allowed nor shall the removal of barricades required by Article 6, Section 6.2, of this

Ordinance be allowed and no access to adjoining property for development purposes shall be allowed via previously completed sections of a subdivision within the Town of Mint Hill until the developer shall first have filed a bond or irrevocable letter of credit or other form of security in accordance with the requirements of this part.

- 6.10.6 Maintenance of Common Areas, Improvements, and Facilities. The recipient, or his or her successor, of any permit, Site Plan or Plat approval or Conditional District approval, shall be responsible for maintaining all common areas, improvements or facilities required by this Ordinance or any permit issued in accordance with its provisions, except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private drives and parking areas and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping or shading must be replaced if they die or are destroyed. Such areas shall be maintained by the owner unless and until such offer of dedication is accepted by the appropriate public authority.

(Ord. No. 598, 4-14-2011)

8.4 Procedures and Approval Requirements Specific to Subdivisions

F. Plat Approval Not Acceptance of Dedication Offers.

1. The approval of a Site Plan (Preliminary Plat) or Final Plat by the Town of Mint Hill shall not constitute the acceptance by the Town of Mint Hill of any street, public utility line or other public facility or ground shown upon such plat.
2. The Town of Mint Hill shall not maintain any street unless such street has been accepted as a public street by a resolution adopted by the Board of Commissioners.
3. The Board of Commissioners of the Town of Mint Hill shall not adopt any resolution accepting a street for public maintenance unless the improvements have been inspected by the Town of Mint Hill, and:
 - a. The Board of Commissioners has received a written request from the subdivider or from a majority of the property owners along a street that such street be accepted as a public street for maintenance by the Town of Mint Hill.
 - b. The Board of Commissioners has received a recommendation from the Town Engineer or designee. (Note: See the Mint Hill Land Development Standards Manual for additional information and guidance related to the dedication and road acceptance process.)
 - c. An engineer retained by the Applicant has certified to the Town that all facilities and improvements to be dedicated to the Town have been constructed in accordance with the requirements of this Ordinance and the Land Development Standards Manual as applicable. This certification shall be a condition precedent to acceptance by the Town of the offer of dedication of such facilities or improvements.

Moved down [1]: (Note: See the UDO Admin Manual for additional information and guidance related to the dedication and road acceptance process.)

Deleted: of the Town of Mint Hill in a regular or duly called special session. ¶

Deleted: new

Deleted: during its regular, annual meeting (typically in June) to evaluate dedication offers for new streets

Deleted: :

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Deleted: receives a

Deleted: report

Deleted: Administrator

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Moved (insertion) [1]

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Deleted: (i) . Either final approval of said street or streets was granted by the Mecklenburg County engineer (and Town Public Works Director) at least one year prior to the time of such request for maintenance or that such street or streets existed as a public street prior to the effective date of this Ordinance and as such have functioned as a street or streets for at least one year; provided however, the Town Board may, but is not required to, waive this one year testing period if the density requirement of Subsection (ii) below is satisfied and the Board of Commissioners finds the street or streets requested for maintenance would suffer damage from further delay of application of the final surface course; and ¶
(ii) . Subject to Section 6.10.5, which allows development in phases, at least seventy-five (75) percent of the total lots or project parcels slated for building improvements in a given phase of development have obtained a Certificate of Occupancy for such building improvements; and ¶
(iii) . Any defects which have appeared in new streets during the one-year waiting period or in the case of existing streets, any defects existing at the time such request for maintenance is made, have been repaired. ¶
c. . The Board of Commissioners determines such street corresponds in its location and aligns with a street shown on a Final Plat formally approved by the Planning Board of Mint Hill or that said street was established as a public st{ ... [1]

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Deleted: . An architect or engineer retained by the Applicant shall certify to the Town that all facilities and improvements to be dedicated to the Town have been{ ... [2]