



## **Town of Mint Hill**

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

### **Mint Hill Planning Board Agenda** August 22<sup>nd</sup>, 2016 at 6:30 p.m.

1. Call To Order
2. Roll Call and Invocation
3. Approve Minutes of July 25<sup>th</sup>, 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 Recommendation on ZC16-9, Filed by St Luke Catholic Church, Father Paul Gary, Property Located at 9738 & 9848 Fairview Rd, Tax Parcel #s 197-081-02 & 197-081-03
8. Other Business
9. Adjournment

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Candice Everhart  
Program Support Assistant



**MINUTES OF THE MINT HILL PLANNING BOARD MEETING**  
**July 25<sup>th</sup>, 2016**

The Mint Hill Planning Board met in regular session on Monday, July 25<sup>th</sup>, 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: Scott Fandel, Roy Fielding, Brad Simmons and Chip Todd  
ETJ Member: Roger Hendrix  
Staff: John Hoard, Chris Breedlove and Steve Frey  
Commissioners: Mickey Ellington  
Clerk to the Board: Candice Everhart

**CALL TO ORDER AND INVOCATION**

Chairman Long called the meeting to order at 6:28 p.m., declared a quorum present and the meeting duly constituted to carry on business. Mr. Gatz gave the invocation.

**ORDER OF BUSINESS**

**Approval of Minutes of May 16<sup>th</sup>, 2016 Regular Meeting:** Upon the motion of Mr. Gatz, seconded by Mr. Fielding, the Board unanimously approved the minutes of the May 16<sup>th</sup>, 2016 Planning Board.

**Reports of Committees, Members and Staff:** None.

**Old Business:** None.

**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.** Mr. Breedlove stated this is a simple easement lot map. I would be happy to answer any questions you all may have about it. Having no questions from the Board, Chairman Long asked for a motion.

Mr. Gatz made a favorable 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. Mr. Simmons seconded the motion and the Board unanimously agreed.

- 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.** Mr. Breedlove stated this is the exact same situation



as the previous case. Having no questions from the Board, Chairman Long asked for a motion.

**Mr. Gatz made a favorable 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. Mr. Simmons seconded the motion and the Board unanimously agreed.**

**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.**

Mr. Hoard asked the applicant to give the presentation that was given at the Public Hearing.

John Ross, from Eagle Engineering, introduced himself along with Jeremy Roberts, Mr. Padman Nadimi and Troy Legg. The petitioner is requesting the conditional rezoning in order to allow for construction of a restaurant on the corner of Idlewild Road and another retail use on the corner of Idlewild and Hoods Crossing. Existing zoning is general business. On one side there is the residential zoning with Mint Lake Village. The plan was designed to work with the NCDOT roundabout. On this image the property shaded has been dedicated to NCDOT for the road improvements. We are looking at two different uses, one being a restaurant and another being a lesser intense use.

Topographically the site falls from the south to the northeast. The low point of our site would be our water quality and storm water facility. We are requesting pedestrian connectivity throughout the two parcels as well as the adjoining community. We've done preliminary grading, site plan development, initial storm water management and landscaping to get up to seventy five percent design. A couple of features this plan has is the dedication of an easement in the front corner. We recognize that the intersection of Idlewild and Matthews-Mint Hill Road will ultimately serve as a gateway for people coming from the south to the north. Therefore we have the easement for a welcome to Mint Hill sign. The petitioner took it upon themselves to have public meetings for input from the adjoining community. One meeting was with Mint Lake Village and another at the Public Library. On the conditional land use plan there are conditions that the petitioner is proposing. First of all, the site may be developed with a sit down restaurant with drive thru, as well as others that you see listed below. Along with that we have established an architectural standard. The building materials used should be a combination of the following: brick, stone, precast stone, precast concrete, synthetic stone, stucco, metal panels and wood. We believe the intended buildings will be architecturally and aesthetically pleasing. The petitioner is looking to improve the street scape along both roads with landscaping, pedestrian level lighting and benches.

A couple of the discussion points that came out of the meeting with the neighborhood is: Will the project be constructed before or after the NCDOT roundabout? Back in November when we had this meeting we thought that NCDOT would definitely be ahead of us, but at this time we should be along right behind them. Will the restaurant on the corner be drive thru or sit down? We are not certain at this point. It could be either or even both. Will the storm water runoff increase to the Mint Lake Village pond? No. We have done the preliminary design so that we detain the water from that community. Will



there be large signs? We will uphold to the Mint Hill standards and ordinance when it comes to the signage. They were concerned about where the construction access would be and if it would be off of Hoods Village and it will not. The construction access would be off of Idlewild or Matthews-Mint Hill Road.

*Mr. Todd asked, had any environmental studies been done on this property? I know there used to be a gas station on this site.* Mr. Nadimi said, there have been reports done and the tanks have been removed. We are in the process of receiving a letter from the NFA.

*Mr. Fielding asked, are there any plans about the screening around the retention pond?* It's a small scale drawing, but there are shrubs and trees planted along Hoods Village Drive in the drawings said Mr. Ross.

*Mr. Fielding said, the larger of the two buildings is either going to be a restaurant or drive thru. Any thoughts or ideas of the other building?* Mr. Ross said, not yet. We intend on the corner lot to be something more frequently used and on the rear side it would be something that would not be as heavily traffic.

*Mr. Gatz asked, are the entries and exits you've presented approved by NCDOT?* Mr. Ross said, yes and they are even going to extend raised concrete median.

*Mr. Gatz asked, it states here that there is an option of combining them to make 8,000 square feet, is that correct?* Mr. Ross said, yes. We would rather have two separate locations, but if one is what works best then that is an option.

*Mr. Hendrix asked, what was the take away from the public hearing?* Mr. Hoard said there weren't many comments if any. Mr. Ross said, there were some people who sat behind us and commented. There was a property owner, Mr. Jack O'Roarke who spoke in favor of seeing a quality development go on this versus what was here a while ago.

*Are there any concerns from Staff,* asked Mr. Hendrix. Nothing from us, said Mr. Hoard.

*Mr. Hendrix asked, are you just wanting to get a chance to do whatever comes up that is in your interest?* Mr. Ross said, we have no end users yet.

*Mr. Hendrix said, I'm just amazed we didn't hear from residents.* Mr. Ross said, we had a public meeting and invited all attendants from next door. We had twenty-five attendees and a few Commissioners that evening and we thought it was a good exchange of information.

*Are there things you would not want to see,* asked Mr. Gatz. Mr. Troy Legg said, we want to be good neighbors. We want to build high quality developments with great tenants. We want to be proud and we understand this is a gateway location that will help us to grow our firm. When I think about this I would love to see a Starbucks and a Chick-fil-a. I don't think that would necessarily happen, but those are the type of quality businesses we would like.



**Mr. Gatz made a favorable 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. Mr. Simmons seconded the motion and the Board unanimously agreed.**

- 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.** Mr. Hoard said, we may have a no show. If you would like to continue we can unless you would like to hear from the applicant.

*Mr. Long said, after the way you explained this to me this afternoon, I think if we have any questions you can't answer then we can defer it.*

Mr. Hoard said, this is the property located behind Publix. This has always been anticipated to be a residential piece. When they came in to get Mint Hill Commons approved they made a commitment to build the sidewalk connecting Farmwood East to the shopping center along Lawyers Road. At that time they thought the residential development was going to happen sooner than later. They said with an 18 month term, and as of last Wednesday that time has expired. The new owner of the land asked that he could defer that grace period. He is still committed to the sidewalk, he would just like to defer it until they have the development going. He asked to delete the 18 months. He further committed he would do the sidewalk as part of his first phase in development.

*Mr. Simmons asked, may we hold him to that first phase?* Yes, said Mr. Hoard.

*Mr. Gatz asked, how long could his first phase take?* Mr. Hoard said, his first phase would include approximately forty homes. That is when they are also going to put in the transportation improvements. It's one of those situations that he doesn't want to put the sidewalk in yet due to the unknown of the road improvements.

*Mr. Fielding asked, who originally agreed to the 18 months?* Mr. Hoard said, it was Stiles that was the developer at the time. They sold this several months ago to MHC. This group did have many delays, one being with Charlotte Water having a hard time getting sewer out there.

*Mr. Fielding said, if we can put something in there saying when they start grading it needs to move forward with the sidewalk.* Mr. Hoard said, they have to come to you guys for subdivision approval and at that time you can see what they are phasing and make more recommendations there.

*Mr. Hendrix asked, how long is the sidewalk there?* Mr. Hoard said, I don't know the exact amount, but it is a large chunk.



**Mr. Gatz made a favorable 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, with the condition that the sidewalk be constructed in Phase One with further discussion at the Preliminary Subdivision approval. Mr. Simmons seconded the motion, and the Board unanimously agreed.**

- 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.** Mr. Frey stated, the purpose of the amendment is to bring our Unified Development Ordinance into compliance with the North Carolina Session Law which was passed last year which lowers the maximum bond multiplier that a municipality can place on a performance bond. It lowers it from 150% to 125%. Also at the same time we are going to make changes regarding procedures of accepting public streets for Town maintenance. This will address issues we've been having with roadway integrity related to leaving the final lift of asphalt off the roads when a developer stalls or goes bankrupt. Basically right now our UDO restricts a developer to do those improvements at a 75% build out. This will allow for full construction of the roadway in a shorter time frame. Also allow the developer to petition the Town to take over the streets at an earlier date under the protection of a Maintenance Bond. That bond will last through 100% build out.

*Mr. Fielding said, I remember discussion about what we require compared to others to be more robust as far as thickness, is that still true?* Mr. Frey said, our repairs are thicker. We require a six inch base. All towns have decided to bring our full final asphalt thickness to a total of three inches where we are currently at two and a half inches.

**Mr. Gatz made a favorable 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. Mr. Simmons seconded the motion and the Board unanimously agreed.**

**Other Business:** None

**Adjournment:** Upon the motion of Mr. Hendrix, seconded by Mr. Todd, and unanimously agreed upon, Chairman Long adjourned the meeting at 7:08 p.m.

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Candice Everhart  
Program Support Assistant





# STAFF REPORT

CASE:	ZC16-9
PROPERTY OWNER:	PETER J JUGIS, ROMAN CATHOLIC DIOCESE OF CHARLOTTE
APPLICANT	FR. PAUL GARY, PASTOR, ST. LUKE CATHOLIC CHURCH
LOCATION	9738 AND 9848 FAIRVIEW ROAD
TAX PARCEL NUMBER	197-081-03 AND 197-081-02
REQUEST:	TO CONSTRUCT A RELIGIOUS INSTITUTION
STAFF RECOMMENDATION	APPROVAL

## APPLICATION SUMMARY:

The applicant is requesting conditional zoning approval to allow construction of a religious institution. The Zoning Plan depicts the location of buildings, structures, parking, athletic fields and other site elements. The site will have access via two driveways off Fairview Road (improvements to Fairview Road to be determined by NCDOT).

Phase 1 of the development will include Fairview Road improvements, driveways, parking (45 spaces), temporary overflow grass parking, open grassed recreation area and open air pavilion and patio. The remainder of the development will be completed in future phases.

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 RECOMMENDATION:

Staff recommends approval.

## STAFF CONTACT:

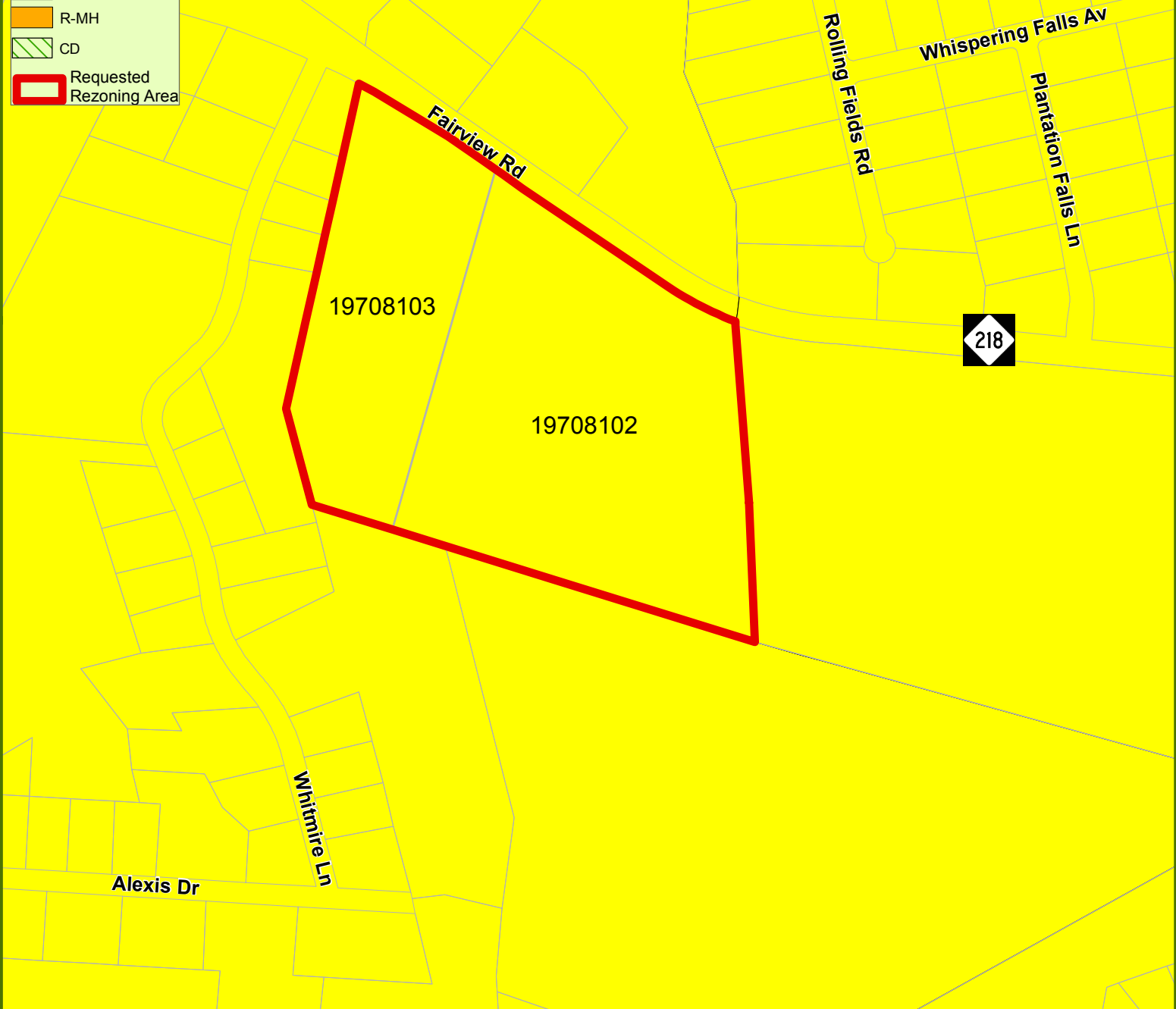
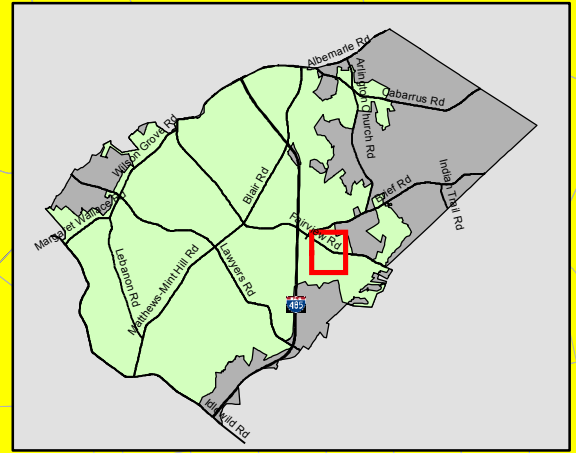
Planning Staff  
704-545-9726



# ZC16-9

Existing zoning: R  
Proposed zoning: R (CD)  
Site area: approximately 31 acres

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



Produced by the Mint Hill Planning Department  
8/11/2016



TOWN OF  
MINT HILL



ROOFING:STANDING SEAM  
METAL OR SHINGLES



EXTERIOR FINISH:  
MAJORITY BRICK WITH  
OTHER MATERIALS AS  
ALLOWED BY UDO

**ST LUKE CATHOLIC CHURCH  
PROPOSED FRONT ELEVATION**



## GENERAL PROVISIONS

- ACCESS NOTES:

- LANDSCAPE AREAS, TREES AND SCREENING

- ## SETBACKS, SIDE YARDS, AND REAR YARDS

1. ALL BUILDINGS CONSTRUCTED WITHIN THE SITE SHALL SATISFY OR EXCEED THE SETBACK, REAR YARD AND SIDE YARD

## ARCHITECTURAL STANDARDS

1. BUILDINGS SHALL COMPLY WITH SECTION 7.2.15

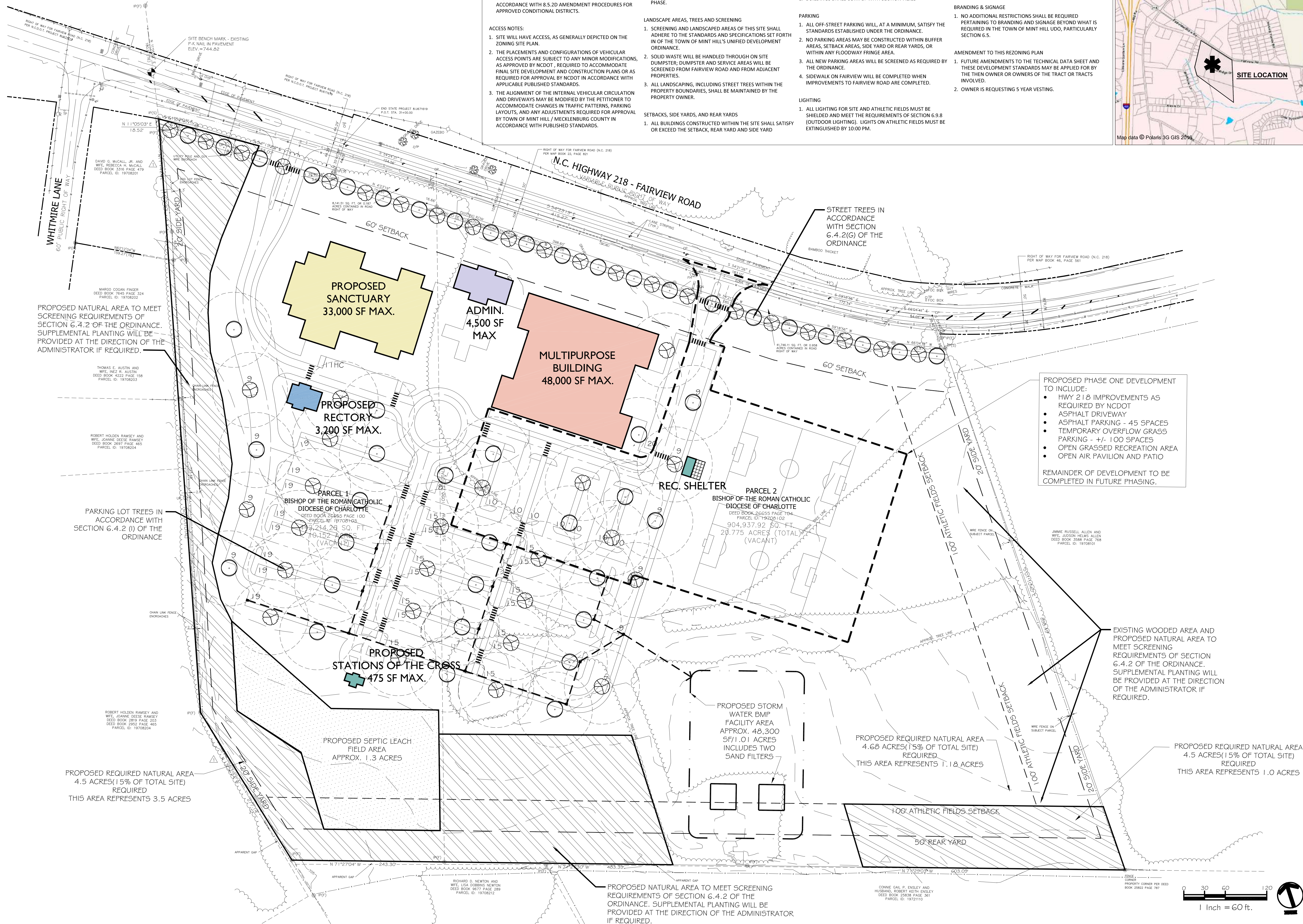
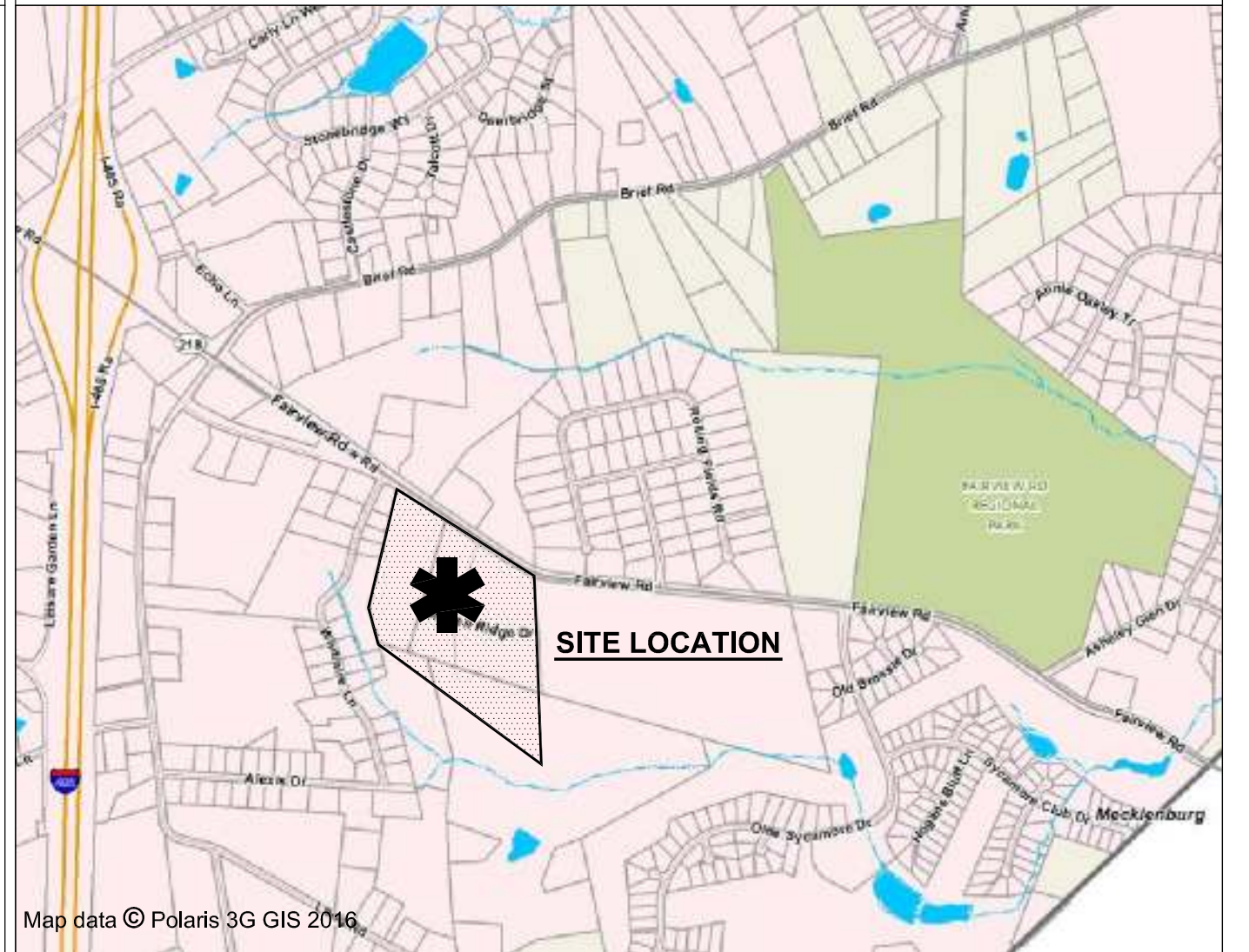
## PARKING

1. ALL OFF-STREET PARKING WILL, AT A MINIMUM, SATISFY THE STANDARDS ESTABLISHED UNDER THE ORDINANCE.
2. NO PARKING AREAS MAY BE CONSTRUCTED WITHIN BUFFER AREAS, SETBACK AREAS, SIDE YARD OR REAR YARDS, OR WITHIN ANY FLOWWAY FRINGE AREA.
3. ALL NEW PARKING AREAS WILL BE SCREENED AS REQUIRED BY THE ORDINANCE.
4. SIDEWALK ON FAIRVIEW WILL BE COMPLETED WHEN IMPROVEMENTS TO FAIRVIEW ROAD ARE COMPLETED.

## LIGHTING

1. ALL LIGHTING FOR SITE AND ATHLETIC FIELDS MUST BE SHIELDED AND MEET THE REQUIREMENTS OF SECTION 6.9.8 (OUTDOOR LIGHTING). LIGHTS ON ATHLETIC FIELDS MUST BE EXTINGUISHED BY 10:00 PM.

## Map data © Polaris 3G GIS 2016



**Mint Hill, NC 28227**



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