

MINUTES OF THE MINT HILL PLANNING BOARD MEETING
May 15th, 2017

The Mint Hill Planning Board met in regular session on Monday, May 15th, 2017 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Tony Long
Members: Brad Simmons and Chip Todd
ETJ Members: Roger Hendrix and Tom Gatz
Absent: Roy Fielding and Scott Fandel
Staff: John Hoard
Commissioner: Commissioner 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 April 17th, 2017 Regular Meeting: Upon the motion of Mr. Gatz, seconded by Mr. Simmons, the Board unanimously approved the minutes of the April 17th, 2017 Planning Board meeting.

Reports of Committees, Members and Staff: Mr. Hendrix motioned to move Item A under Old Business after Item A under New Business due to the applicant not being present. Mr. Gatz seconded the motion and the Board unanimously agreed.

New Business:

- A. Discussion and Recommendation on #ZC17-4, Filed by White Horn LLC, for Property Located at 7014 Tutor Street, Tax Parcel Number 135-381-70 for a proposed commercial building:** Mr. Hoard stated that they were going to leave the number of tenants open at this time. All of the associated parking spaces and storm water have been approved. They are asking to not install curb and gutter. They have asked for extra signage as well on each side of the building. Right now the ordinance is no more than 35sq' and they are asking for an additional 35sq'.

Mr. Gatz asked, have we give acceptance before for curb and gutter? Mr. Hoard said, yes. Jersey Mike's asked this request as well and what we came to terms with was that we had an infrastructure account to which they contributed a sum of money for the Town to use within ten years to make any repairs or updates needed to curb and gutter. If we did not use that money within the ten years than it went back to them.

Mr. Gatz asked, is there a reason they're asking? Mr. Hoard said, they're asking because

in 2022 there is supposed to be a road widening project from Matthews-Mint Hill Road to Lawyers Road.

Mr. Gatz asked, will the State put in curb and gutter? Mr. Hoard said, correct and we make no contributions to that.

Mr. Gatz asked, has anyone asked for more signage? Mr. Hoard said, yes. Publix asked for a larger sign almost double what is allowed.

Mr. Gatz asked, will the extra signage be per tenant? Mr. Hoard said, no, it will only be on the endcaps.

Mr. Jim Livesay stated, we will only have the larger signs on the endcaps in order to get more quality tenants.

Mr. Gatz asked, do the endcaps have more visible exposure? Mr. Hoard said, yes they do.

Mr. Gatz said, at one time I saw a place where they had all of the tenants listed on the endcaps. Is this what you're doing? Mr. Livesay said, no that is not what we are doing. It will be the one tenant on the ends.

Mr. Hendrix said, on the curb and gutter I understand why you're asking for the exception. Would you however, be open to how Jersey Mike's had an infrastructure fund? Mr. Livesay said, I don't see that being a problem.

Mr. Hendrix said, the building design looks smart and I don't have an issue with the extra signage the way you're presenting it.

Mr. Simmons said, I don't have any questions at this time. Mine were all the same as the previous asked.

Mr. Todd asked, are there any proposed tenants? Mr. Livesay said, not anyone in particular for certain yet, but we see there being a very nice, high quality dining place, possibly a salon and maybe medical or other service component along those lines.

Mr. Gatz made a favorable recommendation on #ZC17-4, Filed by White Horn LLC, for Property Located at 7014 Tutor Street, Tax Parcel Number 135-381-70 for a proposed commercial building with the exception for curb and gutter requirements with contribution to the infrastructure account, along with signage square foot approved. Mr. Hendrix seconded the motion and the Board unanimously agreed.

Old Business:

- A. **Discussion and Recommendation on #ZC17-3, Filed by Keith Paris, for a Text Amendment to authorize golf cart use on public streets with a maximum speed limit of 25 miles per hour:** Mr. Hoard said, where we left off at the last meeting there

was a question about the noise. We have a general noise ordinance so if there ever was an issue the Police would get involved. Other Towns Ordinance's in North Carolina provides a model to follow which most that have adopted this type of ordinance have followed. Some Towns have more restrictions on speed and some have more on age. Most Towns have the registration program in place. Some restricted operators from highways. We looked into street legal and I contacted Mr. Paris about that and asked, but he wants to keep going with what he has due to expenses of those types of golf carts.

Mr. Todd asked, this ordinance would open it up to any neighborhood correct? Mr. Hoard said, yes, everything 25mph or less. Most roads are at least 35mph.

Mr. Todd said, I'm still concerned about the age.

Mr. Simmons asked, is there any language about crossing a road over 35mph? Mr. Hoard said, yes. Street legal golf carts can already ride anywhere. The ordinance does allow crossing, but very specific how to do it.

Mr. Hendrix said, our ordinance doesn't say anything about hours of operation, just about headlights and tail lights. People from Cheval are going to come down Lawyers Road and go get ice cream, etc. whether it's legal or not.

Mr. Gatz asked, are Law Enforcement from other Towns saying they wish they didn't have this in their ordinance? Mr. Hoard said, our Chief did reach out and some towns didn't like having it. It could be a pain due to those towns having registration.

Mr. Gatz asked, can we modify the amendment to say they have to pay \$100 fee? Mr. Hoard said, yes, you may make any modifications you would like.

Mr. Gatz asked, do they have to have liability insurance? Mr. Hoard said, I'm not sure. I guess that would depend on the value of the vehicle.

Mr. Gatz asked, then what would it fall against if I hurt someone? Mr. Hoard said, I guess your homeowner's insurance.

Mr. Hendrix said, I keep having issues with how we are going to enforce the rules.

Mr. Long asked, does anyone from the Board have a street legal golf cart or visit anywhere that has implemented these types of ordinances? Mr. Simmons said, I have a registered golf cart, but it's more of a headache to get it registered and upkeep than to just get a street legal cart.

Mr. Hoard said, if this doesn't pass I think that will be an option potentially.

Mr. Gatz made an unfavorable recommendation on #ZC17-3, Filed by Keith Paris, for a Text Amendment to authorize golf cart use on public streets with a maximum speed limit of 25 miles per hour based on safety and enforcement concerns, not

requiring golf carts to have registration, and no limit to amount of people on a cart. Mr. Simmons seconded the motion and the Board unanimously agreed with the motion.

Other Business: None

Adjournment: Upon the motion of Mr. Hendrix, seconded by Mr. Todd, and unanimously agreed upon, Chairman Long adjourned the meeting at 7:07 p.m.

Candice Everhart
Program Support Assistant