



Town of Mint Hill

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

Mint Hill Planning Board Agenda October 16, 2017 at 6:30 p.m.

1. Call To Order
2. Roll Call and Invocation
3. Approve Minutes of July 17, 2017 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 ZC17-6, Filed by Randy Briscoe, Greater Life Church, requesting Conditional District Rezoning to permit a church at 3821 & 3901 Matthews-Mint Hill Road, Tax Parcel numbers 135-331-09 and 135-331-10.
 - B. Discussion and Recommendation on ZC17-7, Filed by Shelly and Dave Shaeffer, requesting a text amendment to Section 2.4 terms defined in this ordinance and related sections regarding livestock to differentiate standard goats from miniature goats.
 - C. Discussion and Decision on S17-11, Filed by Wilgrove Pond, LLC, requesting Preliminary Plat approval for 37 lots, Located at 6011 Wilgrove-Mint Hill Road, Tax Parcel # 137-042-03.
8. Other Business
9. Adjournment

MINUTES OF THE MINT HILL PLANNING BOARD MEETING
July 17th, 2017

The Mint Hill Planning Board met in regular session on Monday, July 17th, 2017 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Tony Long

Members: Brad Simmons, Roy Fielding, Scott Fandel and Chip Todd

ETJ Members: Roger Hendrix and Tom Gatz

Staff: John Hoard

Clerk to the Board: Candice Hawkins

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 May 15th, 2017 Regular Meeting: Upon the motion of Mr. Gatz, seconded by Mr. Hendrix, the Board unanimously approved the minutes of the May 15th, 2017 Planning Board meeting.

Additions or Deletions of Agenda Items: None.

Reports of Committees, Members and Staff: None.

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 stated, after the unfavorable recommendation from Planning Board, it went to the Board of Commissioners and they deferred it at their next meeting. The Attorney took a glance at it and made further changes. What the Attorney tried to do was align it closer to the North Carolina model ordinance. He addressed the concerns about liability insurance and provisions on administration as far as registration and such. The Attorney's suggestion was to get it closer to the model ordinance.

Mr. Gatz said, the second sentence hits it on the head with saying "Golf carts are not designed or manufactured to be on public streets, roads or highways." This was the consensus we took away from it last time. Do we know how liability insurance is covered in North Carolina? Mr. Hoard said, there are different liability insurances that can be taken out. One for golf course use only and the other is for roadways and such just like what you would have on a car.

Mr. Gatz said, what is a controlled access facility? Mr. Hoard said, I circled that myself.

This is a model ordinance so I believe that refers to railroad crossings and such.

Mr. Gatz said, there needs to be something that requires them to put down their liability insurance number on the registration. Mr. Hoard said, I've looked at some of the beach towns that have this and their paperwork does have that on there.

Mr. Gatz asked, can you be issued a DUI while driving a golf cart? Mr. Hoard said, it is my understanding that once you're using it on the streets then you are subject to the same laws as everyone else.

Mr. Gatz asked, does it counter it when it says the maximum penalty shall be \$500? Mr. Hoard said, I'm not sure, surely it doesn't. I will make sure to follow up on that.

Mr. Hendrix said, the low speed electric owners vehicles you can be given a DUI and everything else. Who is going to be the person doing the enforcement? Mr. Hoard said, this is a conversation we're beginning to have. For years, both Chiefs haven't like this. When we removed the part about administration they became more susceptible to it. If the Town really wants this then, I have said the Planning Department would step up to the plate and take the administrative side into our hands. We would give them a registration sticker and from there the enforcement will be the Police Department.

Mr. Hendrix asked, could Code Enforcement take care of the registration? Mr. Hoard said, yes they could. We all work together so it doesn't make too much of a difference.

Mr. Simmons said, understanding rule number one saying a golf cart may not be driven on any roads or streets over 25mph, I assume this is to keep them from cutting through yards to get from one 25mph road to another. In rule number two it says golf carts may cross a road with speed limits greater than 25mph or a sidewalk, but then in number fourteen it says they may cross over a sidewalk. Which is it? Mr. Hoard said, I would say in the cases where they have to cross a sidewalk then they can. Driving on a sidewalk is something different.

Mr. Simmons said, I just want to go on record as reading the same thing as Mr. Gatz in the first paragraph.

Mr. Fielding asked, does along the sidewalk mean beside it or on it? Mr. Hoard said, it means on the sidewalk.

Mr. Simmons said, prime example in Brighton Park can they drive on the walking paths? Mr. Hoard said, if that happens actually that is private so people could drive those on there and it would be up to the HOA to police that. Any private roads currently could use golf carts.

Mr. Fielding said, I'm concerned about kids under the age of sixteen hopping on the golf carts and driving them. It would be less likely for a kid underage to drive a car than a golf cart. Mr. Hoard said, I don't disagree with that statement.

Mr. Fandel asked, is Chief Ledford on board with this or will he just accept it if it's passed? Mr. Hoard said, I don't think the Chief would be a cheerleader for the ordinance, but I he has accepted it the way it's written.

Mr. Fandel asked, as far as liability goes, the Town would not be responsible for deaths, injuries, etc, correct? Mr. Hoard said, we would have people sign a liability waiver when they register their golf cart.

Mr. Todd said, my concern always has been the kids that are underage. We can have as many rules and regulations, but I don't think the kids are going to obey them necessarily.

Mr. Hendrix said, from the people I've spoken with, the golf carts are already being driven and if anything this is giving at least some regulations to it. I'm not the biggest fan of this, but it at least would give some substance to what is and is not permitted.

Mr. Hendrix made a motion for a favorable 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. Simmons seconded it and the Board entered into more discussion.

Mr. Fielding said, I would rather not give a favorable recommendation on this. I still have a problem with this and I think the Mayor and Commissioners should be left to make the ultimate decision. We are giving a recommendation and mine is unfavorable.

Mr. Gatz said, I agree with Mr. Fielding. Nothing has really changed from our issues that we had last time. If the Board of Commissioners would like to pass it, then they can.

Mr. Long asked for a vote. In favor of the motion was Mr. Fandel. Opposed to the favorable recommendation were Mr. Gatz, Mr. Long, Mr. Fielding and Mr. Todd. With three in favor of a favorable recommendation and four opposed, the Board gave an unfavorable recommendation.

New Business: None.

Other Business: None

Adjournment: Upon the motion of Mr. Simmons, seconded by Mr. Fandel, and unanimously agreed upon, Chairman Long adjourned the meeting at 6:59 p.m.

Candice Hawkins
Program Support Assistant



STAFF REPORT

CASE:	ZC17-6
EXISTING ZONING	R
PROPOSED ZONING	R (CD)
PROPERTY OWNER:	MCINTYRE
APPLICANT	RANDY BRISCOE, GREATER LIFE CHURCH
LOCATION	3821 AND 3901 MATTHEWS-MINT HILL ROAD
TAX PARCEL NUMBER	135-331-09 & 135-331-10
REQUEST:	PROPOSED CHURCH

APPLICATION SUMMARY:

The applicant, Randy Briscoe of Greater Life Church, is proposing construction of new church at 3821 and 3901 Matthews-Mint Hill Road. *Church/Place of Worship* may be considered in the Residential district through the Conditional Zoning process.

7.2.15 Supplementary Use Regulations for Nonresidential Uses in the Residential Zoning District.

- D. New Structures.* New structures shall be similar to existing structures in terms of scale, orientation, visual impact, major divisions in the facade and the proportion and relationship of windows and doors to the total wall surface. All nonresidential structures shall meet the following standards:
1. *Building Materials.*
 - a. Exposed foundations shall be stone or brick masonry or cement parging. No unfinished concrete masonry units shall be allowed.
 - b. Walls shall be brick, stone masonry, stucco or lapped horizontal or vertical board and batten siding. No unfinished concrete masonry walls or metal siding similar in appearance to siding used in commercial or industrial applications shall be used.
 - c. Windows shall be either double-hung, casement or fixed pane. No metal frame storefront windows shall be allowed.
 - d. Roofing materials shall be shingles, standing seam metal or roofing tiles.
 2. *Building Elements.*
 - a. Porches and stoops are required, with a minimum covered surface at the main entrance of twenty-four (24) square feet. Elevated porches and stoops visible from the ground require foundations or skirting to the ground.
 - b. Primary roof surfaces shall not be less than 4-on-12 pitch or more than a 12-on-12 pitch. Roof profiles compatible with the surrounding area are encouraged.
 - c. Mechanical equipment and service entrances located on the ground or building walls shall be completely hidden from the street. If located in the side yard, these shall be screened with evergreen shrubs or fencing.

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.

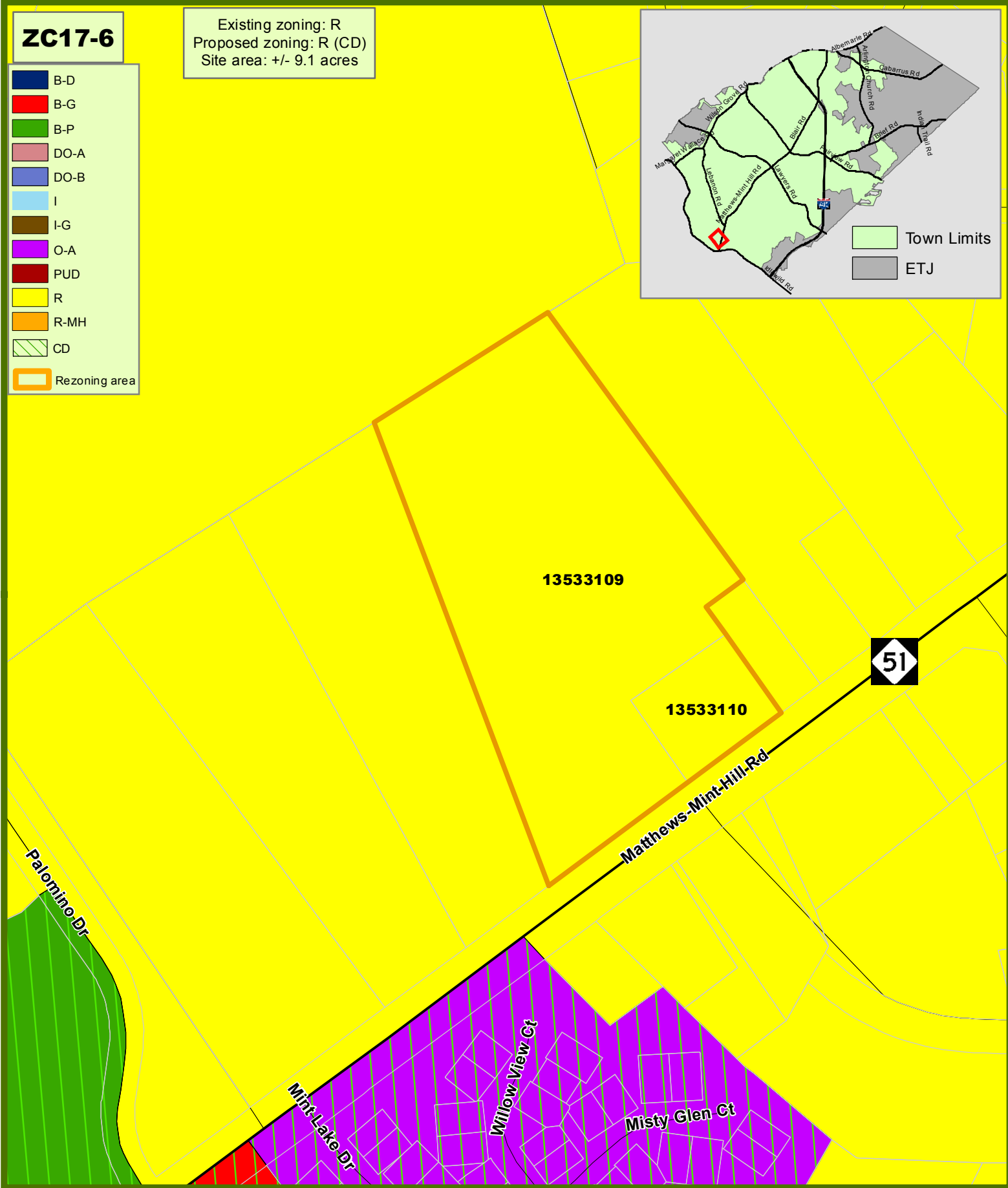
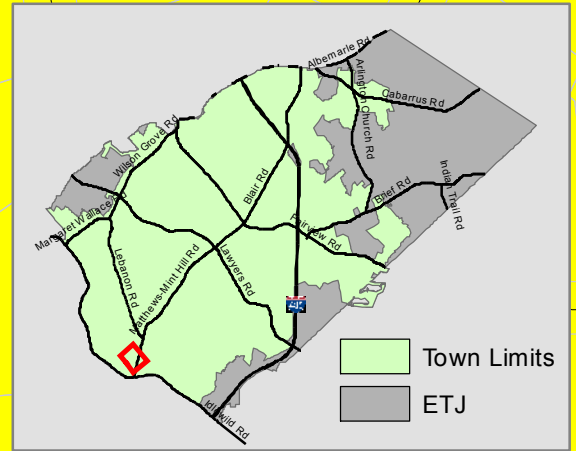
STAFF RECOMMENDATION:

Staff recommends approval

ZC17-6

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

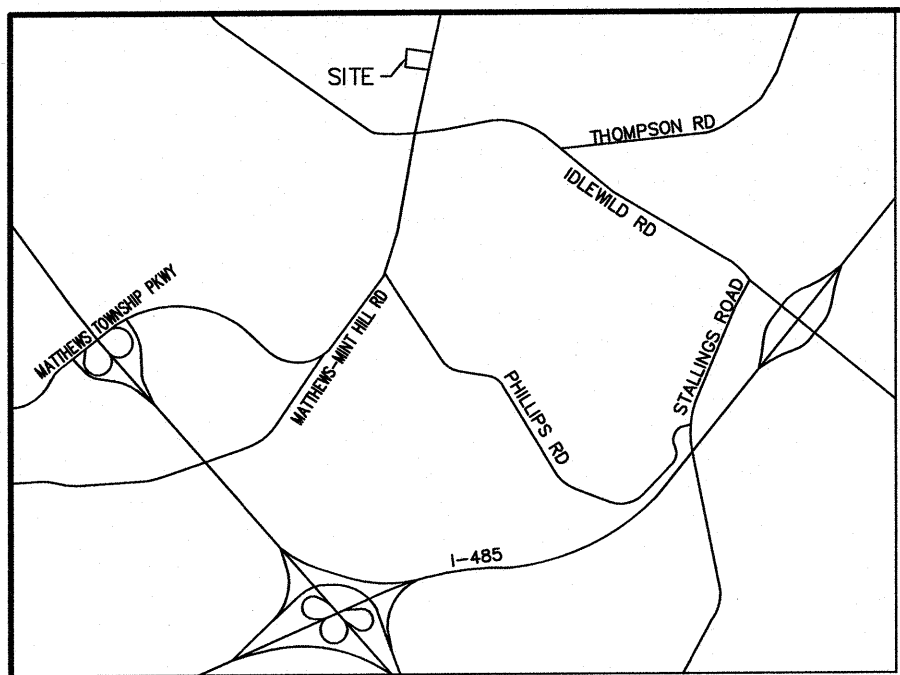
Existing zoning: R
Proposed zoning: R (CD)
Site area: +/- 9.1 acres



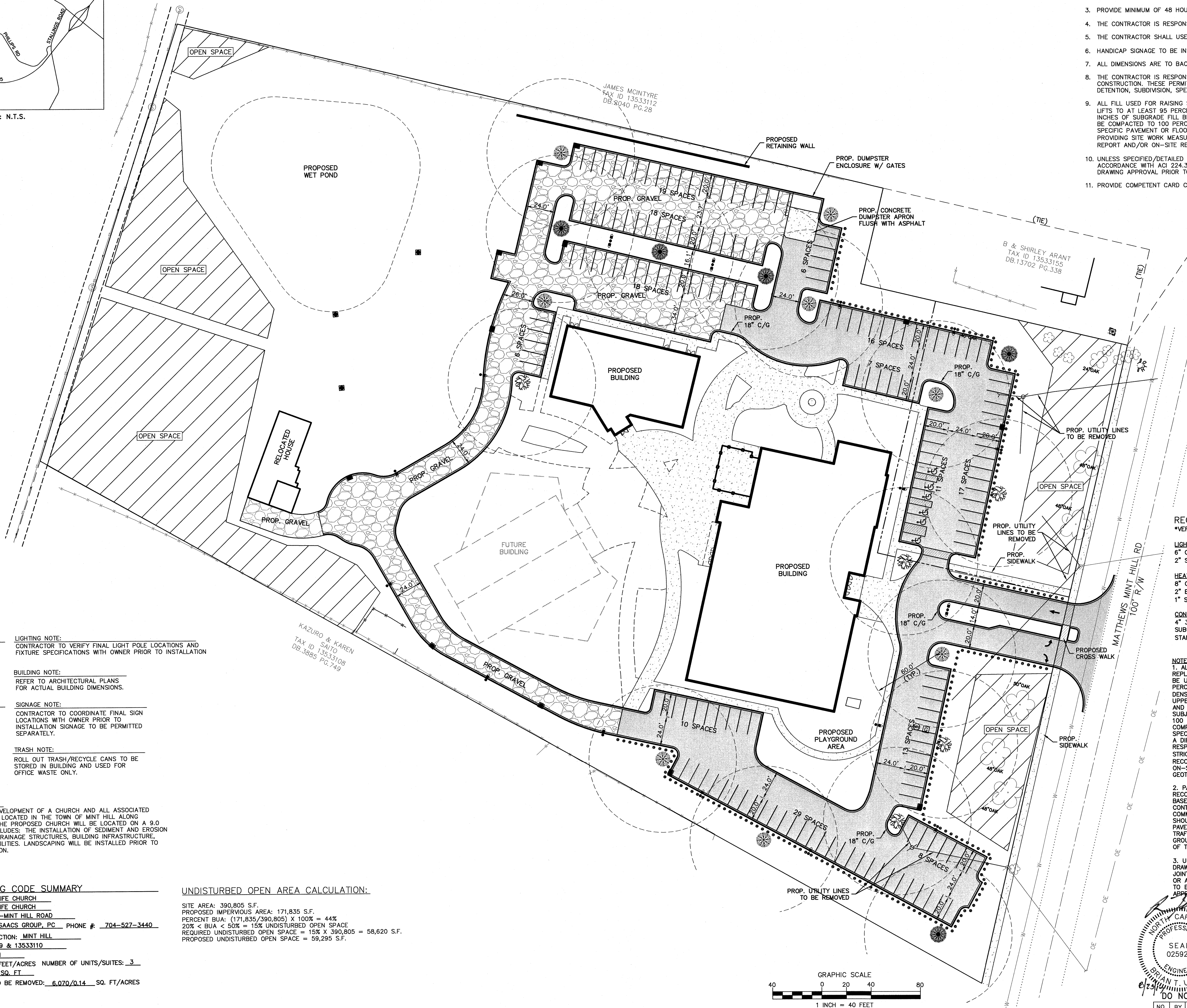
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Produced by the Mint Hill Planning Department
8/1/2017





VICINITY MAP: N.T.S.



NOTES:

1. THIS MAP IS NOT A CERTIFIED SURVEY. BOUNDARY AND TOPOGRAPHIC INFORMATION PROVIDED BY THE ISAACS GROUP.
2. THE UTILITIES SHOWN ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THIS PLAN; THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES PRIOR TO COMMENCEMENT OF CONSTRUCTION. CONFLICTS BETWEEN EXISTING UTILITIES AND PROPOSED EXCAVATION SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY.
3. PROVIDE MINIMUM OF 48 HOUR NOTICE TO OWNER OR REPRESENTATIVE PRIOR TO INTERRUPTION OF ANY EXISTING UTILITY, IF BEING UTILIZED.
4. THE CONTRACTOR IS RESPONSIBLE FOR REPAIR AND/OR REPLACEMENT OF ANY UTILITIES DAMAGED DURING CONSTRUCTION.
5. THE CONTRACTOR SHALL USE EXTREME CARE WHEN WORKING NEAR ALL UNDERGROUND AND OVERHEAD UTILITIES.
6. HANDICAP SIGNAGE TO BE INSTALLED IN ACCORDANCE WITH A.D.A STANDARDS AT H/C PARKING SPACES SHOWN.
7. ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
8. THE CONTRACTOR IS RESPONSIBLE FOR ENSURING THAT ALL NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED PRIOR TO CONSTRUCTION. THESE PERMITS AND APPROVALS MAY INCLUDE BUT ARE NOT LIMITED TO GRADING, DEMOLITION, ZONING, BUILDING, DRIVEWAY, DETENTION, SUBDIVISION, SPECIAL USE, SEWER AND WATER.
9. ALL FILL USED FOR RAISING SITE GRADES OR FOR REPLACEMENT OF MATERIAL THAT IS UNDERCUT SHOULD BE UNIFORMLY COMPACTED IN THIN LIFTS TO AT LEAST 95 PERCENT OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D 698). IN ADDITION, AT LEAST THE UPPER 18 INCHES OF SUBGRADE FILL BENEATH PAVEMENTS AND FLOOR SLABS AND 24 INCHES BELOW PAVEMENTS SUBJECT TO TRUCK TRAFFIC SHOULD BE COMPACTED TO 100 PERCENT OF THE SAME SPECIFICATION. THE ABOVE COMPACTION SPECIFICATION IS A RECOMMENDATION ONLY. SPECIFIC PAVEMENT OR FLOOR SLAB DESIGNS MAY REQUIRE A DIFFERENT COMPACTION STANDARD. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING SITE WORK MEASURES IN STRICT ACCORDANCE WITH THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS IN THE PROJECT SOILS REPORT AND/OR ON-SITE RECOMMENDATIONS PROVIDED BY A QUALIFIED GEOTECHNICAL ENGINEER DURING CONSTRUCTION.
10. UNLESS SPECIFIED/DETAILED WITHIN THE CONTRACT DRAWINGS, CONTRACTOR SHALL PREPARE A CONCRETE JOINT LAYOUT PLAN IN ACCORDANCE WITH ACI 224.3R-95 OR ACI 330.1-03 FOR CONCRETE SURFACES AND PROVIDE TO ENGINEER, OWNER AND ARCHITECT FOR SHOP DRAWING APPROVAL PRIOR TO CONCRETE INSTALLATION.
11. PROVIDE COMPETENT CARD CARRYING INDIVIDUALS FOR OSHA REGULATIONS.

RECOMMENDED PAVING SPECIFICATIONS
VERIFY WITH GEOTECHNICAL REPORT

LIGHT DUTY PAVEMENT (LDP):
6" COMPACTED AGGREGATE BASE COURSE (CABC)
2" SURFACE COURSE, S9.5B

HEAVY DUTY PAVEMENT (HDP):
8" COMPACTED AGGREGATE BASE COURSE (CABC)
2" BINDER COURSE, I19.0B
1" SURFACE COURSE, S9.5B

CONCRETE SIDEWALK PAVEMENT
4" 3,600 PSI CONCRETE
SUBGRADE SHALL BE COMPACTED TO 98% MIN. OF THE STANDARD MAXIMUM DRY DENSITY (ASTM D698).

NOTES:

1. ALL FILL USED FOR RAISING SITE GRADES OR FOR REPLACEMENT OF MATERIAL THAT IS UNDERCUT SHOULD BE UNIFORMLY COMPACTED IN THIN LIFTS TO AT LEAST 95 PERCENT OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D 698). IN ADDITION, AT LEAST THE UPPER 18 INCHES OF SUBGRADE FILL BENEATH PAVEMENTS AND FLOOR SLABS AND 24 INCHES BELOW PAVEMENTS SUBJECT TO TRUCK TRAFFIC SHOULD BE COMPACTED TO 100 PERCENT OF THE SAME SPECIFICATION. THE ABOVE COMPACTION SPECIFICATION IS A RECOMMENDATION ONLY. SPECIFIC PAVEMENT OR FLOOR SLAB DESIGNS MAY REQUIRE A DIFFERENT COMPACTION STANDARD. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING SITE WORK MEASURES IN STRICT ACCORDANCE WITH THE GEOTECHNICAL ENGINEER'S RECOMMENDATIONS IN THE PROJECT SOILS REPORT AND/OR ON-SITE RECOMMENDATIONS PROVIDED BY A QUALIFIED GEOTECHNICAL ENGINEER DURING CONSTRUCTION.
2. PAVEMENT SPECIFICATIONS LISTED ABOVE ARE RECOMMENDATIONS ONLY AND ARE SUBJECT TO CHANGE BASED UPON PROJECT CONDITIONS OR RECOMMENDATIONS CONTAINED WITHIN THE SOILS REPORT. PRIOR TO COMMENCEMENT OF PAVING, THE OWNER OR CONTRACTOR SHOULD HIRE A GEOTECHNICAL ENGINEER TO PROVIDE A PAVEMENT DESIGN BASED UPON ANTICIPATED VEHICULAR TRAFFIC AND PROJECT SOIL CONDITIONS. THE ISAACS GROUP ASSUMES NO RESPONSIBILITY FOR THE ADEQUACY OF THE PAVEMENT SPECIFICATION PROVIDED ABOVE.
3. UNLESS SPECIFIED/DETAILED WITHIN THE CONTRACT DRAWINGS, CONTRACTOR SHALL PREPARE A CONCRETE JOINT LAYOUT PLAN IN ACCORDANCE WITH ACI 224.3R-95 OR ACI 330.1-03 FOR CONCRETE SURFACES AND PROVIDE TO ENGINEER, OWNER AND ARCHITECT FOR SHOP DRAWING APPROVAL PRIOR TO CONCRETE INSTALLATION.

LEGEND

- PROPOSED LIGHT DUTY PAVEMENT (LDP)
- PROPOSED HEAVY DUTY PAVEMENT (HDP)
- PROPOSED CONCRETE
- PROPOSED LIGHT POLE
- RIGHT OF WAY
- SANITARY SEWER LINE
- SEWER MANHOLE
- SEWER LINE CLEANOUT
- FIRE HYDRANT
- WATER LINE
- WATER VALVE
- WATER METER
- BACK-FLOW PREVENTER
- LIGHT POLE
- UTILITY POLE
- OVERHEAD UTILITY LINE
- TREE PROTECTION FENCE
- FENCE
- PROPOSED RETAINING WALL

ENGINEER CONTACT
THE ISAACS GROUP, P.C.
8720 RED OAK BLVD.
SUITE 420
CHARLOTTE, NC 28217
(704) 527-3440
nftzgerald@isaacsgroup.com

CONTRACTOR CONTACT
TO BE DETERMINED

LIGHTING NOTE:
CONTRACTOR TO VERIFY FINAL LIGHT POLE LOCATIONS AND FIXTURE SPECIFICATIONS WITH OWNER PRIOR TO INSTALLATION

BUILDING NOTE:
REFER TO ARCHITECTURAL PLANS FOR ACTUAL BUILDING DIMENSIONS.

SIGNAGE NOTE:
CONTRACTOR TO COORDINATE FINAL SIGN LOCATIONS WITH OWNER PRIOR TO INSTALLATION. SIGNAGE TO BE PERMITTED SEPARATELY.

TRASH NOTE:
ROLL OUT TRASH/RECYCLE CANS TO BE STORED IN BUILDING AND USED FOR OFFICE WASTE ONLY.

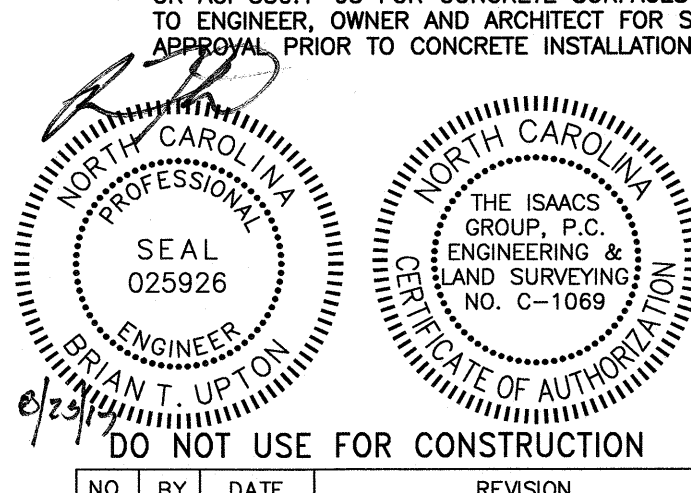
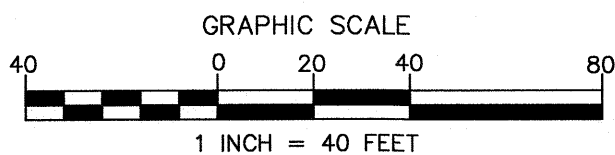
PROJECT NARRATIVE:
THE PROJECT ENTAILS THE DEVELOPMENT OF A CHURCH AND ALL ASSOCIATED INFRASTRUCTURE. THE SITE IS LOCATED IN THE TOWN OF MINT HILL ALONG MATTHEWS-MINT HILL ROAD. THE PROPOSED CHURCH WILL BE LOCATED ON A 9.0 ACRE SITE. CONSTRUCTION INCLUDES: THE INSTALLATION OF SEDIMENT AND EROSION CONTROL MEASURES, STORM DRAINAGE STRUCTURES, BUILDING INFRASTRUCTURE, PARKING LOT AND PRIVATE UTILITIES. LANDSCAPING WILL BE INSTALLED PRIOR TO REQUESTING A FINAL INSPECTION.

ZONING CODE SUMMARY

PROJECT NAME: GREATER LIFE CHURCH
OWNER/AGENT: GREATER LIFE CHURCH
ADDRESS: 3851 MATHEWS-MINT HILL ROAD
PLANS PREPARED BY: THE ISAACS GROUP, PC PHONE #: 704-527-3440
ZONING: R JURISDICTION: MINT HILL
TAX PARCEL #: 13533109 & 13533110
PROPOSED USE: CHURCH
LOT SIZE: 390,805/9.0 SQ. FEET/ACRES NUMBER OF UNITS/SUITES: 3
PROP. FLOOR AREA: 44,910 SQ. FT.
EXISTING IMPERVIOUS AREA TO BE REMOVED: 6,070/0.14 SQ. FT./ACRES

UNDISTURBED OPEN AREA CALCULATION:

SITE AREA: 390,805 S.F.
PROPOSED IMPERVIOUS AREA: 171,835 S.F.
PERCENT BUA: $(171,835/390,805) \times 100\% = 44\%$
 $20\% < \text{BUA} < 50\% = 15\% \text{ UNDISTURBED OPEN SPACE}$
REQUIRED UNDISTURBED OPEN SPACE = $15\% \times 390,805 = 58,620 \text{ S.F.}$
PROPOSED UNDISTURBED OPEN SPACE = 59,295 S.F.



Project: GREATER LIFE CHURCH 3851 MATHEWS-MINT HILL ROAD MINT HILL, NORTH CAROLINA			
Title: SITE PLAN			
File #: 17133-PB.DWG	Date: 08/25/17	Project Egr: BTU	Design By: NPF
THE ISAACS GROUP CIVIL ENGINEERING DESIGN AND SURVEYING		Drawn By: NPF	Scale: 1"=40'
8720 RED OAK BOULEVARD, SUITE 420 CHARLOTTE, N.C. 28217 PHONE (704) 527-3440 FAX (704) 527-8335			
C1.0			



STAFF REPORT

CASE:	ZC17-7
APPLICANT	DAVID AND SHELLY SHAEFFER
REQUEST:	MINIATURE GOAT TEXT AMENDMENT

APPLICATION SUMMARY:

The proposed text amendment offers several adjustments to the Unified Development Ordinance definition section in order to differentiate standard goats from miniature goats. The applicant's proposal adds "standard" goat to the *Livestock* definition and adds miniature goats to the *Household Pet* definition. The intent and purpose of the amendment is to allow miniature goats without a minimum acreage requirement.

Animals listed under *Livestock* are only permitted on properties with two or more acres.

LIVESTOCK: Cows, beef cattle, sheep, swine, horses, ponies, mules, goats, llamas, alpaca, emu, ostrich or any other animals typically used by man for use on a farm or raised for sale or profit including mutations or hybrids of such animals such as miniature horses or miniature ponies.

Agricultural Use	The commercial production, keeping or maintenance, of plant and animals useful to man, including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or standard goats or any mutations or hybrids thereof, including the breeding and grazing all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts; vegetables; nursery, floral and ornamental products; or lands devoted to a soil conservation or forestry management program. Uses which shall not be deemed as "agricultural uses" include: (i) zoos, (ii) kennels, (iii) riding stables, and (iv) retail or wholesale nurseries.
Airport	A facility where aircraft can land and take off on a recurring basis and which is equipped with hangars, refueling facilities and/or repair facilities.
Airstrip	An area of land or water that is designed or used on a recurring basis for the landing and takeoff of aircraft, ultra lights, model airplanes or other flying apparatus excluding hot air balloons and which does not contain hangars, refueling facilities or repair facilities.
Alteration	A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing size, configuration, location, or use.
Amusement and Sporting Facility, Indoor	A facility providing entertainment or games of skill activities to the general public for a fee and that is wholly enclosed in a building. This shall include, but not be limited to: a bowling alley, skating rink and movie theater. This definition does not include game rooms.
Amusement and Sporting Facility, Outdoor	A facility providing recreational activities outside of an enclosed building. Typical uses include: miniature golf, golf driving range, skeet shooting, skating rink, etc., but does not include a stadium.
Amusement Arcade	A place of entertainment primarily featuring coin-operated gaming machines.
Amusement Game Room	A building or a part of a building containing eight (8) or more billiard/pool, video, pinball, or similar player operated amusement devices, in any combination, for commercial use. An establishment containing a game room may have more than one principal use.

Commented [DLS1]: This would clarify that livestock includes standard size goats only.

Holiday Decorations	Displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material.
Home for the Aged	See definition for "Nursing Home."
Home Occupation, Customary	A commercial activity that: (i) is conducted by a person on the same lot where such person resides, and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use, but that can be conducted without any significantly adverse impact on the surrounding neighborhood. See Section 6.9.1 for regulations and further illustrations.
Hospital	As defined in G.S. 131E-76, as may be amended from time to time.
Household Pet	A tame animal that is kept as a pet and is not a wild animal or livestock, including, but not limited to, dogs, cats, fish, <u>miniature goats</u> , and fowl/chickens.
HVAC Equipment	External heating, ventilation, air conditioning, and other mechanical and utility equipment, including, but not limited to, hoses, pipes, vents, fans, compressors, pumps, and heating and cooling units associated with buildings and accessory structures.

Commented [DLS2]: This would classify miniature goat such as pygmy, Nigerian dwarf, and pygora as a household pets.

	supply from melting snows or other sources. It is dry for a large part of the year.
Junkyard and Salvage Yard	The use of more than five hundred (500) square feet of the area of any lot for the outdoor storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of two (2) or more automobiles, vehicles or machinery, farm equipment or parts thereof.
Kindergarten	An agency, organization, or individual whose primary purpose is to provide pre-school instruction for six (6) or more children, unrelated by blood or marriage to, and not the legal wards or foster children of, the attendant adult.
Land Use Plan	The land use plan as referenced herein is the comprehensive plan for the present and future development of the Town of Mint Hill prepared, adopted and from time to time amended by the Board of Commissioners.
Laundromat	A commercial facility open to the general public where coin operated washing and drying machines are available for use.
Lawn and Garden Center	A retail sales and service establishment with retail sales of nursery stock and accessory supplies, fresh produce, landscaping supplies, lawn furniture, playground equipment, topsoil, mulching materials, garden tractors, utility vehicles, and lawn mowers and similar powered lawn and garden equipment and other similar supplies and equipment used for lawn and garden purposes and retail repair and service for such equipment.
Library	A public facility for the shared use of literary, musical, audio-visual, artistic, or reference materials.
Livestock	Cows, beef cattle, sheep, swine, horses, ponies, mules, <u>standard goats</u> , llamas, alpaca, emu, ostrich or any other animals typically used by man for use on a farm or raised for sale or profit including mutations or hybrids of such animals such as miniature horses or miniature ponies.
Live-Work Unit	Small commercial enterprises with the ground floor occupied by commercial uses and a residential unit above. Commercial space may be a home-based business or may be leased independently

Commented [DLS3]: This would clarify that livestock includes standard size goats only.

- FF. *Phase of grading* means one of two (2) types of grading, rough or fine.
- GG. *Plan(s)* means an erosion and sedimentation control plan.
- HH. *Sediment* means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.
- II. *Sedimentation* means the process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a wetland, lake or watercourse.
- JJ. *Storm drainage facilities* means the system of inlets, conduits, channels, ditches and appurtenances that serve to collect and convey stormwater through and from a given drainage area.
- KK. *Stormwater runoff* means the direct runoff of water resulting from precipitation in any form.
- LL. *Subsidiary* means an Affiliate that is directly, or indirectly through one or more intermediaries, controlled by another Person.
- MM. *Ten-year storm* means a rainfall of an intensity expected to be equaled or exceeded, on the average, once in ten (10) years, and of a duration that will produce the maximum peak rate of runoff, for the watershed of interest under average antecedent wetness conditions.
- NN. *Tract* means all land and bodies of water being disturbed, developed or to be disturbed or developed as a unit, regardless of ownership.
- OO. *twenty-five-year storm* means a rainfall of an intensity expected to be equaled or exceeded, on the average, once in twenty-five (25) years, and of a duration that will produce the maximum peak rate of runoff, from the watershed of interest under average antecedent wetness conditions.
- PP. *Uncovered* means the removal of ground cover from, on, or above the soil surface.
- QQ. *Undertaken* means the initiating of any activity, or phase of activity, which results or will result in a change in the Ground Cover or topography of a tract of land.
- RR. *Velocity* means the average velocity of flow through the cross section of the main channel at the peak flow of the design storm. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.
- SS. *Waste* means surplus materials resulting from on-site construction and disposed of at other locations.
- TT. *Watershed* means any water supply watershed protection area regulated with various controls within the jurisdictional boundaries of Mecklenburg County.
- UU. *Wetland(s)* means land having the vegetative, soil and hydrologic characteristics to be regulated by Section 401 and 404 of the Federal Clean Water Act as defined by the United States Army Corp of Engineers.
- VV. *Working days* means days exclusive of Saturday, and Sunday and County government holidays during which weather conditions or soil conditions permit land-disturbing activity to be undertaken.
- 6.7.4 *Scope and Exclusions.* This Ordinance shall regulate land-disturbing activity within the jurisdiction of the Town of Mint Hill and authorizes Mecklenburg County to enforce this Ordinance in their town limit and extra-territorial jurisdiction. This Ordinance shall not apply to the following land-disturbing activities:
- A. Activities including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man, including, but not limited to:
1. Forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts.

2. Dairy animals and dairy products.
3. Poultry and poultry products.
4. Livestock, including beef cattle, sheep, swine, horses, ponies, mules and standard goats.
5. Bees and apiary products.
6. Fur producing animals.

Commented [DLS4]: This would clarify that livestock includes standard size goats only.

- B. Activities undertaken on forest land for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines.
- C. Activities for which a permit is required under the Mining Act of 1971, G.S. Chapter 74, Article 7, of the General Statutes.
- D. For the duration of an emergency, activities essential to protect human life.
- E. Land-disturbing activity over which the State has exclusive regulatory jurisdiction as provided in G.S. 113A-56(a).

6.7.5 *Forest Practice Guidelines.*

- A. The Town Board adopts by reference the Forest Practice Guidelines.
- B. If land-disturbing activity undertaken on forest land for the production and harvesting of timber and timber products is not conducted in accordance with Forest Practice Guidelines, the provisions of this Ordinance shall apply to such activity and any related land-disturbing activity on the tract.

6.7.6 *General Requirements.*

- A. *Erosion and Sedimentation Control Measures.* All land-disturbing activities, including those that disturb less than an acre, shall provide adequate erosion control measures, structures, or devices in accordance with this Ordinance.
- B. *Plan Required.* No person shall initiate, direct, allow or conduct any land-disturbing activity on a tract that meets any of the following criteria without having a copy of an approved Erosion and Sedimentation Control Plan on the job site, or a plan approved by the County Engineer with performance reservations on the job site.
 1. Uncovers one acre or more,
 2. In borrow and waste areas covered by Subsection 6.7.9(F), with a disturbed area greater than one acre.
- C. *Compliance.* Persons who submit a plan to the County Engineer shall comply with the provisions of Sections 6.7.10 and 6.7.11 of this Ordinance.
- D. *Protection of Property.* Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity and associated sedimentation.
- E. *More Restrictive Rules Shall Apply.* Whenever conflicts exist between federal, state or local laws, ordinances, or rules, the more restrictive provision shall apply.

6.7.7 *Basic Control Objectives.* A plan may be disapproved pursuant to Section 6.7.10 of this Ordinance if the plan fails to include adequate erosion control measures, structures, or devices to address the following control objectives:

- A. *Identify Critical Areas.* On-site areas that are subject to severe Erosion and off-site areas that are especially vulnerable to damage from erosion and/or sedimentation are to be identified and receive special attention.



MEMO

TO: Planning Board Members

FROM: Staff

RE: #S17-11 Wilgrove Pond Preliminary Plat, filed by Wilgrove Pond, LLC for 37 Lots; Located at 6011 Wilgrove-Mint Hill Road; Tax Parcel # 137-042-03

MEETING DATE: October 16, 2017

Preliminary Plan Request

The applicant, Wilgrove Pond, LLC, is requesting Preliminary Plat approval for property located at 6011 Wilgrove-Mint Hill Road. The site consists of 28.76 acres. The site plan indicates 37 lots.

Staff Analysis

Lots are to be served with public water and public sewer. The Mint Hill Unified Development Ordinance requires a minimum 20,000 square foot lots. The minimum setbacks are 50 ft front, 25 ft side street (corner lots), 15 ft side yard, and a 40 ft rear yard. Each lot shall have at least 60 ft of road frontage and a minimum lot width of 125 ft at the minimum front setback line.

The Preliminary plans appear to meet the above requirements.

Mecklenburg County Land Use and Environmental Services Agency will review the construction plans for sedimentation and erosion control, storm water, flood, and road profiles. The applicant is responsible for submitting these plans to Mecklenburg County. Mint Hill staff will review the construction plans to assure compliance before grading begins.

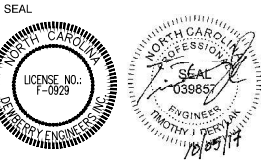
Staff Recommendation

Staff recommends **approval**



Dewberry Engineers Inc.
3300 Harris Corners Pkwy, SUITE 220
Charlotte, NC 28269
Phone: 704.509.9918
Fax: 704.509.9937
www.dewberry.com
NCBELS #F-0929

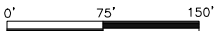
WILGROVE POND
EASTWOOD DEVELOPMENT CORP.
100% CONSTRUCTION DOCUMENTS
MINT HILL, NORTH CAROLINA



KEY PLAN

FOR REVIEW ONLY
NOT ISSUED FOR
CONSTRUCTION

SCALE: 1" = 150'



NO.	DATE	BY	DESCRIPTION

REVISIONS

DRAWN BY	ADS
APPROVED BY	TJD
CHECKED BY	TJD
DATE	08/15/2017

TITLE

SITE PLAN

PROJECT NO. 50094556

SHEET NO.

C3.01

