

MINUTES OF THE MINT HILL PLANNING BOARD MEETING
October 16, 2017

The Mint Hill Planning Board met in regular session on Monday, October 16, 2017 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Tony Long

Members: Brad Simmons, Scott Fandel and Chip Todd

Absent Members: Tom Gatz, Roger Hendrix, and Roy Fielding

Planning Director: John Hoard

Clerk to the Board: Cassie Crutchfield

Commissioner to the Board: Commissioner Ellington

CALL TO ORDER AND INVOCATION

Chairman Long called the meeting to order at 6:27 p.m., declared a quorum present and the meeting duly constituted to carry on business. Mr. Fandel gave the invocation.

ORDER OF BUSINESS

Approval of Minutes of July 17, 2017 Regular Meeting: Upon the motion of Mr. Simmons, seconded by Mr. Todd, the Board unanimously approved the minutes of the July 17, 2017 Planning Board meeting.

Additions or Deletions of Agenda Items: None.

Reports of Committees, Members and Staff: None.

Old Business: None

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:**

Mr. Hoard stated this is a proposal for a church and the applicants are asking for a conditional zoning approval on the church. Mr. Hoard addressed the site plan does meet the ordinance and the applicants are going through Mecklenburg County for the engineering.

Andrew Byrd, the applicant, came up to the platform. Mr. Byrd stated he is the lead pastor of Greater Life Church. He and Randy Briscoe, the pastor of Garr Church voted to become one church with Mint Hill Community Church this past year. Mr. Byrd said the property they are meeting at now is Garr Church off of Independence Boulevard and it has been sold to Hendrick Automotive group. Mr. Byrd explained how they are wanting to expand in Matthews-Mint Hill Road and be a part of Mint Hill town community.

Mr. Todd asked, what size congregation do you have now? Mr. Byrd said, currently at 250 people. We are building a seating capacity between 300-500 people.

Mr. Todd asked, what is the service time? Mr. Byrd said, Sundays at 10:30 a.m. and Wednesday evenings.

Mr. Simmons asked, what is the date you need to get off the Hendrick property? Mr. Byrd said, June 2018.

Mr. Simmons asked if there were plans to work the 'Jesus Saves' sign back into the design? Mr. Byrd explained there's going to be a prayer garden on site and would like to have it in there.

Mr. Long asked, what did you mean when you said finished with NCDOT? Mr. Hoard said, I wanted to let the members know that the applicants are still following through with NCDOT and Mecklenburg County. They may have to do a turn lane, but that's still up in the air.

Mr. Long asked, going forward are you saying you will have a sanctuary for 500 people? Mr. Byrd said, yes that's the maximum.

Mr. Long asked, what are your thoughts as far as traffic and what kind of discussions have you had with the other pastor? Mr. Byrd said, we have discussed it. We did look at other properties, Lebanon Road and Lawyers Road intersection and determined that the plan was not as conducive as we hope for growth. We did take in consideration Matthews-Mint Hill Road being a state road, knowing that we may occur more expenses, however; it is a better design no matter how much we grow.

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

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: Mr. Hoard said the applicants were not present. He said the Board could defer this if they wanted to hear from the applicants or if they were comfortable deciding they could proceed.

Mr. Fandel asked for clarification that it's a two-acre minimum for livestock. Mr. Hoard informed him that was correct. He explained that the property owners went through the procedures to require a permit from Charlotte for their goats. Charlotte has the animal control ordinance that we've adopted as well. Mr. Hoard said the code enforcement officer received a complaint about the goats and investigated that the goats were on property less than 2 acres which is a zoning requirement we have. The applicants are requesting a text amendment of the distinction between a standard goat and a miniature goat; such as one will be on the two acres which is required and the other would be

considered a pet. If you weren't here for the Public Hearing, they do believe they did the right thing by going to Charlotte for the permit and they truly feel these are their pets.

Mr. Simmons said, I have researched the topic and my concerns are should someone else want to make the same motion, there are baby doll sheep that would be considered the same thing. There are miniature cattle sold in Iowa, so my opinion would we have to allow miniature sheep or cattle if the text amendment was changed differentiating one from the other. Mr. Hoard said, this text amendment is specific to goats. If someone comes in to say they have a miniature pig, they would have to go through this process too. We adopted the Charlotte animal control ordinance, but this is our own zoning ordinance that requires two acres. With the animal control ordinance these goats would've been allowed so there is a lingering issue there. That ordinance differentiates acreage per-type of livestock. The Charlotte process makes a distinction between a large life stock and a small life stock.

Mr. Simmons asked, how did this go to the public hearing? Mr. Hoard said, there was a complaint to the Code Enforcement Officer and she approached the property owners and confronted them with the issue. The applicants sent out an email to the Commissioners to bring light on this issue. The applicants decided to push this text amendment forward.

Mr. Fandel asked, how many animals do they have? Mr. Hoard said, they have two goats.

Mr. Simmons asked, if we made this text amendment change how many goats can they have? Mr. Hoard said, four is the maximum.

Mr. Todd asked, did the applicant do everything right in their process to obtain this permit? Mr. Hoard said, the applicants would tell you they called the Town and were told to contact the City of Charlotte. We do say to contact Charlotte typically, but we also explain how the property needs to be two acres.

Mr. Todd asked, where is the property? Mr. Hoard said, it's on Richmond Road. They had four neighbors that came out and supported them at the Public Hearing.

Mr. Simmons asked, where did the complaint come from? Mr. Hoard said, that's the mystery. Someone called and didn't give their name.

Mr. Simmons asked, if it was a formal complaint? Mr. Hoard said, it was anonymous.

Mr. Todd made a motion for a favorable recommendation on ZC17-7, Filed by Shelly and Dave Shaeffer, for the request of a text amendment. Mr. Fandel seconded it and Mr. Long agreed. Mr. Simmons was opposed to the motion. With three in favor and one opposed, the Board gave a favorable recommendation.

- 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:** Mr. Hoard explained this was approved in the early 2000s. The applicants came back years later and tried to revive it. Mr. Hoard said the applicants are back and the main difference is they're using 20,000-square foot lots with thirty-

seven lots total. It appears to meet all our requirements. There's a fire access easement, which is required by the Fire Marshall, located at the back end of the cul-de-sac.

Mr. Simmons asked what's different from the year 2000 and what has been changed. Both applicants, Tim Derylak and Mike Kemp, came up to the podium. Mr. Derylak said, I am the civil engineer with Dewberry and this is Mike Kemp with Eastwood Homes. In 2004, there was some issues with NCDOT and getting the easements. Since then, we have been able to coordinate with NCDOT and work out requirements for what the widening needs to be along Wilgrove-Mint Hill Road. We worked out the situation with the adjacent property to get a fire access easement. The adjacent property agreed to allow access through that area with a 30ft fire access easement which will extend down that driveway to Orrview Road.

Mr. Simmons asked if they're up to speed with NCDOT? Mr. Derylak said, yes, we've had numerous meetings with them and public meeting with the neighbors. There will be an eleven-foot widening in front of the site, but no turn lanes based on the number of trips in and out of the neighborhood.

Mr. Fandel asked if there was an alternative to putting in the fire run? Mr. Derylak stated after going back and forth on that they had come to a conclusion that with the number of lots they had the extra fire access was needed.

Mr. Fandel said, other counties are requiring houses to have fire sprinklers. Is that an option? Mr. Derylak said, I think it was an option, but not realistic.

Mr. Todd asked if the property is heavily wooded and if so would it stay that way. Mr. Derylak said, the property is a 29-acre site, heavily wooded, and our intentions are to keep as many trees as possible with limited clearing between houses.

Mr. Todd asked, what is the price point on these houses. Mr. Kemp said, it's between \$300,000-\$400,000.

Mr. Long asked if that was a water feature in the center of the site? Mr. Derylak said, it's an existing pond that would be an undeveloped area with a potential walking trail.

Mr. Simmons asked, how many acres is that area? Mr. Derylak said approximately six or seven acres.

Mr. Simmons made a motion for a favorable 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. Mr. Fandel seconded it and the Board unanimously agreed.

Other Business: None

Adjournment: Upon the motion of Mr. Simmons, seconded by Mr. Fandel and unanimously agreed upon, Chairman Long adjourned the meeting at 6:58 p.m.

Cassie Crutchfield
Program Support Assistant