

**MINUTES OF THE MINT HILL PLANNING BOARD MEETING
MAY 21, 2018**

The Mint Hill Planning Board met in a called meeting on Monday, May 21, 2018 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Tony Long

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

Planning Director: John Hoard

Clerk to the Board: Cassie Crutchfield

Commissioner: Mike Cochrane

Absent: Roger Hendrix

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 16, 2018 Regular Meeting: Upon the motion of Mr. Fielding, seconded by Mr. Simmons, the Board unanimously approved the minutes of the April 16, 2018 Planning Board meeting.

Additions or Deletions of Agenda Items: None.

Reports of Committees, Members and Staff: Planning Director Hoard said the Board of Commissioners approved the Griffin Facility at Mint Hill Business Park. The Board adopted resolutions for bonds for the November ballot. It would be 15 million dollars for Park and Recreation and three million dollars for Cultural Events. There would be more details to come.

Mr. Fielding asked was this a bond package? Director Hoard said correct, this was a conversation the Board had at the retreat. Mr. Fielding asked was this for additional land to buy? Director Hoard said I do not think that's their intent right now, but it could cover it.

Old Business: None.

New Business:

A. Discussion and Recommendation on Conditional Rezoning Application #ZC18-6, Filed by Albemarle Road Associates, LLC, Located at Allen Station Drive and Blair Road, Tax Parcel Numbers 137-151-25, 137-151-27, 137-152-12, 137-152-18, 137-152-19, 137-152-20, 137-152-21, 137-152-01, 137-152-11, 137-152-53, 137-152-54: Planning Director Hoard provided the following memo to the Board.

In 2012 Clear Creek Business Park was divided into Part A and Part B (see attached map). Part A retained the original conditions established for Clear Creek plus a requirement for Conditional Zoning to apply to the remaining parcels within Part A. Part B was approved with a list of general standards and allowable uses, all of which would be administratively reviewed and approved. The property owner agrees to provide a 5' sidewalk in front of Griffin Tile & Marble.

Part A Conditions: 1. CD required for the remaining undeveloped Part A parcels. 2. All outdoor storage will be limited to the side or rear of the building and will be screened with a vegetative buffer, masonry walls or solid fences or chain linked fences (if chain link fences are installed, vegetation must be provided, and the fence shall be dark color to blend with the landscaping) 3. Street trees along Albemarle Road and Blair Road should be minimum of 4" caliper and 20-25 feet in height at time of planting. 4. The front facades shall be constructed of masonry or brick material. In addition, all buildings visible from the street shall be masonry or brick on side and rear 5. Access to all lots shall be from interior streets only 6. Eating establishment, retail sales and services should be limited to accessory uses to the principle structure and not be primary uses in the park 7. Bus stations, power generating or transmission facilities, radio, telephone masts, towers or similar structures, telephone repeater stations, blacksmiths, armories, bulk storage of flammable liquids and gases, and truck terminals shall be prohibited uses 8. Street shall be 80% occupied before the final inch of asphalt is applied and before the town will accept streets for maintenance 9. Installation of sidewalks within development shall be bonded to insure installation upon development/construction of site.

The primary objective of the rezoning petition is to establish by-right uses for Clear Creek. The intent is to allow Section 5.2 of the UDO to control the by-right uses and indicate those which are subject to conditional zoning. Please note condition #7 is a list of Prohibited uses.

Delete condition #6. By removing condition #6, restaurants, retail sales and services will be subject to conditional zoning.

Add a new condition: parking areas may extend into the 50' front setback up 25'

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 had 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.

Mr. Gatz asked what were the advantages and disadvantages of by-right and conditional use? Planning Director Hoard said conditional use advantages were rezoning and legislative. A disadvantage scenario would be if someone wanted a parcel and the town told them they needed to rezone and then they went to another town and had more support. The political process gets extremely messy in other towns. However, if someone had a use of the park and if it was by-right and they meet the ordinance, they would receive it and not have to go through a political process. The political process was timing and legislative. Mr. Gatz asked what was the process of the by-

right? Director Hoard said it eliminated the Board procedures and there were no public hearings. Mr. Gatz asked did we have a similar application like this before about chemical processes and buildings? Director Hoard said what you were recalling was the railway application and what they did was unload things that we were unfamiliar with at the time. We did have this conversation before. Mr. Simmons asked what things were permitted for the I-G district? Director Hoard said the uses permitted for the I-G district were attached to the staff report. The yellow highlight indicated the use was subject to conditional zoning. The red highlight indicated the use was specifically prohibited all other uses were considered by-right. The applicant was asking to eliminate the restaurants, retail sale and services and make it subjected to conditional zoning.

Mr. Fielding asked if this would include the restaurant with In-Car Dining on the list? Director Hoard said yes, any restaurants and retail sale and services highlighted in red would be subject to conditional zoning. Mr. Fielding asked why were the telecommunication towers use prohibited? Director Hoard said he believed they thought the use of the telecommunication towers would not generate a good opportunity and it was something they did not desire for Clear Creek.

Mr. Fandel asked about the flammable liquids and gases, bulk storage would that encompass gas stations? Director Hoard said no, gas stations did not fall under that category.

Mr. Gatz said the laboratories, analytical, experimental and testing needs to be more specific. This should be conditional use because we should know what they were bringing in the town. Applicant Bailey Patrick said the hospital and medical research lab was what all those medical type uses and their reasoning for those items on the list.

Upon the motion of Mr. Gatz, seconded by Mr. Long, the Board unanimously agreed to send a favorable recommendation to the Board of Commissioners on #ZC18-6, Filed by Albemarle Road Associates, LLC, Located at Allen Station Drive and Blair Road, Tax Parcel Numbers 137-151-25, 137-151-27, 137-152-12, 137-152-18, 137-152-19, 137-152-20, 137-152-21, 137-152-01, 137-152-11, 137-152-53, 137-152-54 with the recommendation of adding Laboratories, Analytical, Experiment and Testing, as well as Printing Plants including Blueprinting and Photo Processing as uses requiring conditional zoning.

B. Discussion and Recommendation on Text Amendment #ZC18-7, Filed by Par 5 Development Group, LLC, requesting a Text Amendment to Section 5.2 – Table 5.2-1

Principal Permitted Uses: Planning Director Hoard provided the following memo to the Board.

The applicant, Par 5 Development Group, LLC, is requesting a text amendment to Section 5.2 (Table 5.2-1 Principal Permitted Uses) to allow consideration through conditional rezoning for Animal Kennel in the DO-B district.

Par 5 Development Group, LLC presented the concept of developing a Pet Suites facility in the Downtown at the April Developer Workshop. Currently the Ordinance does not allow Animal Kennels in the Downtown. With the approval of the text amendment, the applicant plans to move forward with the rezoning process.

Mr. Todd asked where would the site be located? Planning Director Hoard said the site would be located at the back entrance of Harris Teeter on Evans Road near Brighton Park.

Mr. Fielding asked if the site going to be used to board animals? Planning Director Hoard said yes, their primary reason was for the use of kennels. Mr. Fielding asked would there be an outdoor area for animals? Mr. Hoard said yes. Mr. Fielding asked was there a possibility with noise complaints from neighbors? Mr. Hoard said it was possible, however; they have specific building material that would be used as a noise barrier. Mr. Fielding recommended that they talk to the neighbors around the facility and ask for their thoughts and concerns. Commissioner Cochrane said they were going to take a survey around Brighton Park area. Director Hoard said the closest kennel that they have near Mint Hill was in Greensboro. They were subject to the same noise ordinance just as anyone else.

Mr. Gatz made a favorable recommendation on #ZC18-7, Filed by Par 5 Development Group, LLC, requesting a Text Amendment to Section 5.2 – Table 5.2-1 Principal Permitted Uses. Mr. Simmons second the motion. Chairman Long asked for those in favor, which the majority of the Board agreed, and Mr. Fielding opposed. The motion carried to recommend approval of recommendation on #ZC18-7.

Other Business: None.

Adjournment: Upon the motion of Mr. Fielding, seconded by Mr. Simmons and unanimously agreed upon, Chairman Long adjourned the meeting at 7:00 p.m.

Cassie Crutchfield, Clerk to the Board