

**MINUTES OF THE MINT HILL PLANNING BOARD MEETING
JULY 15, 2019**

The Mint Hill Planning Board met in a regular session on Monday, July 15, 2019 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Tony Long
Members: Scott Fandel, Brad Simmons and Chip Todd
Planning Director: John Hoard
Clerk to the Board: Cassie Crutchfield
Commissioners: Carl M. Ellington
Absent: Roy Fielding, Roger Hendrix, and Tom Gatz

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. Todd gave the invocation.

ORDER OF BUSINESS

Approval of Minutes of February 18, 2019 Regular Meeting: Upon the motion of Mr. Fandel, seconded by Mr. Simmons, the Board unanimously approved the minutes of the February 18, 2019 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 #ZC19-2, filed by MHIP, LLC, Parcel Number 139-092-19, located at 13936 Cabarrus Road, to allow a conditional zoning request for a storage warehouse and landscape material yard at Mint Hill Business Park: Planning Director Hoard asked Ms. Wanda Fuller to present her case.

Ms. Fuller stated she was a civil engineer that did site plans. She said Mr. Lanier, the applicant, had looked to do a material yard on the portion of the lot fronting Cabarrus Road. Their plan was to do a two-phase development on Lot 2 of the Mint Hill Business Park. There was a stream in the middle and they were not going near it. The Cabarrus Road side would be used for material yard and the other side would be used for industrial building with parking. She showed the Board Lot 2 and said it was within the Mint Hill Business Park. The lot extended from Jomac Drive within the park to Cabarrus Road on the outside of the park. Phase One proposed for a landscape material

yard which consisted of mulch, topsoil, gravel, sand, etc. This area would be approximate 5 acres of the total site. A portion of the existing house would be removed. The two-story portion of the house or building would remain and be upfitted to serve as an office for the material yard. A weigh scale would be added, behind the existing house or office building, for quantifying the materials to be purchased. They have landscapers, trailers, pickup trucks and dump trucks coming in to purchase materials based on weight. They met with NCDOT about the existing driveway and NCDOT wanted to close the existing driveway and relocate it to the east side of the site away from the railroad tracks. They had located a 50' buffer on that side and they did not read the ordinance and restrictions correctly. It should have been a 100' buffer. They hope they would not have anything at the site except for the driveway going out. She said NCDOT specifically stated site distance and stacking that had gone up the railroad track and how they would like to be as far back as possible. The Landscape Material Use falls under category industrial and storage with principal use storage warehouse and yards by-right. The future industrial/ manufacturing use for the remainder of the site would be developed per the uses in the chart from the Mint Hill Zoning Ordinance on ZC-1.3. A landscaped area would be installed along Cabarrus Road with a decorative wood fence. She said this would be planted in such a way that it met the parking lot screening requirements. Stormwater would not be required for material yard installation, Phase One. The impervious area was less than the maximum of 12% threshold. When Phase Two was developed, it would be designed to handle Phase One, as well as, Phase Two. They would have a 10% ± buffer undisturbed area around the stream and along the stream on the east property line and the sewer. When the stormwater facility was developed, the outlet pipe from the facility may need to be allowed to impact the undisturbed area to drain into the stream. She said Lot 2 was 14.409 acres and was already zoned industrial. They had a 30' driveway with two lanes. They were requesting three driveways on Jomac Drive because they were separating the truck traffic from the parking. The building was so long that they did two driveways where they had two accesses into the parking lot. They did have sewer and water that extended through the site. There was an existing well and septic which they would continue to use. She asked the Board if they had any questions.

Mr. Todd asked if NCDOT had any concerns about that size of equipment exiting on to Cabarrus Road? Ms. Fuller said no, they had site distance both ways when they pulled out of the driveway. NCDOT did not have a problem with it.

Mr. Fandel asked if the buffers were determined by Mint Hill or NCDOT? Planning Director Hoard said the buffers, Ms. Fuller was referring to, were in the 90's when it was originally approved; there was an agreement to buffer 100' around the park. In 2007, they reduced it to 50' buffer, however; they wanted to retain 100' buffer where the property was adjacent to residential. Portions of the site had been reduced to 50' and small pieces stayed 100'. Mr. Fandel asked if the landscaping in the buffer was determined by Mint Hill or NCDOT? Planning Director Hoard said they would lean on the ordinance or within the conditional process; they could recommend more if they thought it was appropriate. Ms. Fuller said they were planning on keeping the existing vegetation in that buffer.

Mr. Simmons asked in addition to Norfolk Southern Railway, how many other property owners surrounded the proposed property? Ms. Fuller said there was a vacant lot and a house next door that belonged to Mr. Flow. He had a business where he rented the building. Mr. Simmons asked

did they have a conversation with Mr. Flow? Ms. Fuller said they did not, but Mr. Flow did attend the Board of Commissioners meeting. Planning Director Hoard said Mr. Flow had questions about the buffer. Planning Director Hoard had explained to Mr. Flow that it should have been a 100' buffer instead of a 50' buffer. He looked closely at the ordinance after it had passed and that was when he noticed it was not reduced across the board to 50' buffer; there was a portion that remained 100' buffer. The driveway was still 50' away, but not 100' away. There were no buildings or other structures in the 100' area.

Chairman Long asked what were the size of the vehicles? Ms. Fuller said there would be a few dump trucks. The majority of vehicles were pickup trucks and trailers. There were landscapers that did mulch in their yards.

Mr. Todd asked about the type of manufacturing done in Phase Two. Ms. Fuller said they did not know yet.

Chairman Long asked if they needed to come back to gain approval with any changes to the site? Planning Director Hoard said no, as long as they followed by the Town's ordinance. If they happened to take longer than five years, since they were asking for five years, then they would need to come back for approval. Or if there were some significant changes to the site that they did not anticipate, they would need to come back for approval.

Mr. Simmons asked if the Land Use Plan supported industrial at that specific site? Planning Director Hoard said yes, it was an industrial site. All the uses the Town had were generic such as manufacturing, industrial, warehouse, etc. Ms. Fuller said they would not go bigger on the building.

Upon the motion of Mr. Simmons, seconded by Mr. Todd, the Board unanimously agreed to send a favorable recommendation to the Board of Commissioners on #ZC19-2, filed by MHIP, LLC, Parcel Number 139-092-19, located at 13936 Cabarrus Road, to allow a conditional zoning request for a storage warehouse and landscape material yard at Mint Hill Business Park. #ZC19-2 was consistent with the Land Use Plan and the Conditional District established in 1999. Therefore, #ZC19-2 was found to be reasonable in the public interest, based on the information presented and reviewed with this petition.

Other Business: None.

Adjournment: Upon the motion of Mr. Simmons, seconded by Mr. Fandel and unanimously agreed upon, Chairman Long adjourned the meeting at 6:45 p.m.

Cassie Crutchfield, Clerk to the Board