

**MINUTES OF THE MINT HILL PLANNING BOARD MEETING  
AUGUST 17, 2020**

The Mint Hill Planning Board met in regular session on Monday, August 17, 2020 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

**ATTENDANCE**

Chairman: Tom Gatz

Members: Kenny Draffen, Scott Fandel, Roger Hendrix, Jennifer Manchester, Chip Todd and Eric Tyson

Planning Director: John Hoard

Clerk to the Board: Savanna Ocasio

Deputy Town Manager: Lee Bailey

**CALL TO ORDER AND INVOCATION**

Chairman Gatz called the meeting to order at 6:30 p.m., declared a quorum present and the meeting duly constituted to carry on business. Chairman Gatz said they loss one of their board members, Roy Fielding, last April. He passed away suddenly at his home in the mountains. Mr. Fielding was a great person and served on the Planning Board for 15 years. He always brought a sense of humor to the Planning Board meetings. His primary concern was for the citizens of the community. He would be truly missed. As most people do, they pass away too early. Mr. Hendrix gave the invocation.

**ORDER OF BUSINESS**

**Approval of Minutes for the March 16, 2020 Regular Meeting:** Upon the motion of Mr. Fandel, seconded by Mr. Todd, the Board unanimously approved the minutes of the March 16, 2020 Planning Board meeting.

**Additions or Deletions of Agenda Items:** None.

**Reports of Committees, Members and Staff:** Planning Director Hoard gave the Planning Board a copy of the rules and procedures. At the next Planning Board meeting they could review it if they would like. Planning Director Hoard said as of now the Planning Board was also the Park and Recreation Committee. Planning Director Hoard asked Deputy Town Manager Bailey to further explain their role and to answer any questions. Deputy Town Manager Bailey said the Town always had a Park and Recreation Committee and it was a passive Committee. The Park and Recreation was a liaison between the Town and Mint Hill Athletic Association. Overtime, everything became more Staff driven, Staff led and Staff approved. The Park and Recreation Committee made rules for the parks and approved the Minor Event Applications, less than 250 people, and Major Event Applications, more than 250 people. Overtime, Staff did the approvals which left the Park and Recreation Committee contemplating their duties. For the past five to ten years there had been a conversation back and forth with the Board of Commissioners and Park and Recreation on their duties. The Town never had a Park and Recreation Staff. The Town had a great maintenance crew, Public Works, and a Town Engineer that helped maintain the parks. The Staff

recommendation was to remove that role from the Park and Recreation Committee to Staff. It was no one's fault, the Town had trouble with attendance at the meetings. Everything now was Staff approved such as Major and Minor Events, shelter reservations, and all other approvals. It was recently changed by Ordinance. What did it mean for the Planning Board? Not a lot. The Planning Board was not going to have separate meetings or agenda items. Was it going to increase the workload for the Planning Board? Honestly, no; if the Town applied for a grant, state or federal, usually in the scoring of the grants, there would be a check box and points given for a Park and Recreation Committee resolution passed to endorse the grant for Park and Recreation Funds. They may occasionally want them to adopt and support grant applications. That was the primary role of the Park and Recreation Committee. In the future, there may be a need for an active Park and Recreation Committee. In that case Deputy Town Manager Bailey would recommend the installation of another Park and Recreation Committee separate from the Planning Board. For the time being, this was the primary purpose.

**Old Business:** None.

**New Business:**

**A. Discussion and Recommendation on #ZC19-9, Filed by Streetscape Land Partners, LLC, for a Conditional Rezoning from R to R DO-A (CD) to allow a Residential Development for Property Located at Parcel #'s 197-011-16, 197-011-45 and 197-011-42:** Planning Director Hoard submitted the following memo to the Board.

The applicant is requesting Conditional District Rezoning to the Downtown. The site is approximately 56.16 acres. The revised Zoning Plan consist of 166 lots. The townhome lots were removed. Additionally, the plan indicates full access to Crest Hill Drive.

The proposed density for the site is approximately 2.95 acres. The Downtown Code allows up to 6 units per acre.

The proposed plan includes two access points on Lawyers Road, a future connection at the southeast corner and a connection to Crest Hill Drive.

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

The Land Use Plan map indicates R zoning, with 20,000 to 40,000 square foot lots with a portion of the property, "suitable either for future institutional uses (schools, in particular) or a new park". Although the proposal is not generally consistent with the Land Use Plan, it is worth noting the Land Use Plan, particularly the area in question, was created 20 years ago. Since that time conditions have changed, such as water and sewer availability, the formation of the Downtown Master Plan and Code, the subsequent development in the

vicinity, the prioritization by the Town to encourage walkability, and the apparent disinterest to utilize the portion of the site for a park or school.

Mr. Nicholas Parker, President of Amicus Partners, PLLC, address 30 Union St S, Ste B, Concord, NC 28025. The total site acreage was 55.51 and was currently zoned R but they would like to have it rezoned to R DO-A (CD) to allow McEwen Manor. He highlighted the following points of interest.

McEwen Manor was being planned to optimize the design and integration of quality built homes and low impact development features in a traditional neighborhood development that promoted pedestrian connectivity to downtown, it was environmentally sensitive, and was a benefit to the larger community all the while maintaining Mint Hill's Quality and Design Standards. He noted, after conversations with Town Staff and the residents, the number of units had been reduced from 218 to 167 by eliminating the townhomes; there would be vehicular traffic connecting to Cresthill Drive per the Town Ordinance, and a sidewalk and streetlights would be installed along Cresthill Drive. He stated Mint Hill Manor was created to be a destination community by promoting Pedestrian Connectivity to the Downtown Area, Abundant Greenspace, True Front-Porch Living and Pocket Parks. He noted the potential amenities included an easement to the Town for a future greenway between lots 121 and 122, shaded kiddie parks, gathering barn, community garden and a series of "pocket parks". The site design would be one of low impact/light imprint; he had a vision for the way storm water was handled so it became an amenity. He stated the North Carolina Department of Transportation (NCDOT) guidance, along with the Town Staff, would determine if both entrances to Lawyers Road were needed since the connection to Cresthill Drive was made. The Blended Product included Village Cottage, Neighborhood Edge and Greenway Cottage Lots. Mr. Parker cited the Villas in Huntersville as a recent completed project.

Mr. Hendrix asked if each filter would be a vegetated sand filter. Mr. Parker said yes, the filters could easily be clogged and overgrown with weeds, so they were able to cover them with river rocks and use vegetative control to keep them clean. The rest of the structure could be sod with some plantings. Mr. Hendrix stated it looked very attractive. He asked if all alleys would allow access for fire truck or larger apparatus. Mr. Parker said there were two alley sizes. The alleys behind the lots that front the greenway, because there was not a traditional front street, were 20 ft wide. The other alleys were 16 ft wide which was 4 ft wider than the alleys at Brighton Park. Mr. Hendrix asked was parking consistent with the standard downtown overlay requirements. Mr. Parker said the two linear parks that run perpendicular to the creek, all of those had dedicated off street parking.

Mr. Fandel asked if the pocket parks would have street access or would they be within the development behind the structure. Mr. Parker said no; the pocket parks would have street access. The greenway itself, that runs along the creek, would only have pedestrian access. Mr. Fandel asked what amenities were in the pocket parks. Mr. Parker said a playground, nice hardwoods on the McEwen property that would be preserved to provide shade for benches, etc. Mr. Fandel asked if there would be a basketball court. Mr. Parker said they were not planning on having a basketball court.

Mr. Todd asked if there were three access points: two access points off Lawyers Road and one off of Cresthill Drive. Mr. Parker said when they first brought this project to the developers' workshop, they were proposing two connections, one at Lawyers Road and one at Cresthill Drive. They modified the plan a second time and added a connection at Lawyers Road while removing the connection at Cresthill Drive. The final draft added the connection at Cresthill Drive due to the Town's ordinance which required connectivity. Planning Director Hoard and Mr. Parker would be working with Kimley-Horn, who was their transportation consultant, and NCDOT to determine whether or not they wanted to keep both connections or the one connection on Lawyers Road. If they had two access points on Lawyers Road, one of them would be right in and right out only. NCDOT may require a concrete median which was not desired by the Town. They may end up with one access point on Lawyers Road. Mr. Todd stated he was concerned with the congestion on Cresthill Drive. Mr. Parker said during the public hearing last week and discussions he had with Town Staff they would be working with Kimley-Horn to provide internal calming measures. They would prefer to eliminate access from being a straight shot from Lawyers Road through Cresthill Drive. There would be stop signs and turns made; it would not be easy to cut through the development. Mr. Todd asked if there would be a Homeowners Association (HOA) for the neighborhood. Mr. Parker said yes. Mr. Todd asked if it would be a voluntary or a mandatory HOA. Mr. Parker said it would be mandatory. The reason the HOA would be mandatory was because of the maintenance of the BMP's, pocket parks and the greenway. Mr. Todd asked if Mr. Parker, or someone from his office would be on the HOA board. Mr. Parker asked Planning Director Hoard if they had a mandatory threshold for when the developer could turn over the development to the HOA. Planning Director Hoard said no, they did not have one. Mr. Parker said other projects they had completed had a threshold of usually 75 to 80 percent.

Ms. Manchester asked what materials they were planning on using for the exterior of the homes. Mr. Parker said 50 percent of the homes would be all brick which was the Town's requirement; they would be primarily on the perimeter lots. HardiePlank and a blend of stone and brick on the remainder of the product.

Mr. Tyson stated he liked the concept; however, he was not familiar with the creek running through the property. Had any considerations been made regarding heavy rains and floods? Mr. Parker said they were at the upstream furthest point of that creek. There was little flow; it was spring fed. It was within Mecklenburg County's buffer and it did have flowing water year-round. It was not a raging river during higher storm events. They would erect a fence along the downstream side of the trail. The buffer was 100 ft wide on each side of the creek from the top of the bank. The greenway and creek would not be close to one another hence the greenway would not be right on top of the creek.

Mr. Draffen asked if they had done a wet land survey. Mr. Parker said they had done a wetland study. There were no jurisdiction wetlands on the property, just the perennial creek. They had a phase one environmental done and it went great. Mr. Draffen asked if they had any developments similar to this one. Mr. Parker said yes, the Villa in Huntersville. Mr. Draffen asked if the pictures shown were from Huntersville. Mr. Parker said yes. Also, they had a project which were not passive spaces, but traveling down Lawyers Road near I-485, there was an eye doctor's office located on the left-hand side. If the Planning Board members looked at either side of the building, there were very shallow BMPs where they had designed some nice short retaining walls.

Mr. Gatz asked if they had an idea of a price point for the homes. Mr. Parker said in the high \$290,000 to \$500,000 on the perimeter product. Mr. Gatz stated he had a safety concern about having the creek flowing through because of the children in the neighborhood. Also, he was concerned with possible flooding from the heavy rain and thunderstorms. Mr. Parker said this design was a safer design. Mr. Gatz asked if they would try to save as many trees as possible. Mr. Parker said yes, they had two pocket parks and kept a grating plan. They would protect the roots of the tree. Mr. Gatz asked if it was family friendly. Mr. Parker said yes. As part of the development, they would be adding sidewalks and streetlights to Cresthill. Mr. Gatz asked if the greenway was all the way up to Cresthill. Mr. Parker said yes. There was a greenway that went on the western edge of the property, behind some lots. They had a comment from one of the neighbors about that being a trail to nowhere, so instead, between lots 121 and 122, they would provide the Town with an easement so if that land behind there was ever developed, the Town could then extend that greenway and provide that connectivity. In conversations with some of the Commissioners, the frontage on Lawyers Road would be designed to look more like Brighton Park, with trails and landscaping, verses what was across the street which consisted of mounds of dirt, in the Ryan Homes development.

**Mr. Hendrix made a favorable recommendation, seconded by Mr. Fandel, and the Board unanimously agreed to send a favorable recommendation to the Board of Commissioners on #ZC19-9, Filed by Streetscape Land Partners, LLC, for a Conditional Rezoning from R to R DO-A (CD) to allow a Residential Development for Property Located at Parcel #'s 197-011-16, 197-011-45 and 197-011-42.**

**B. Discussion and Recommendation on #ZC20-3, Filed by Piedmont Companies, Inc. for Tax Parcel# 197-033-14, to allow Conditional District Rezoning from B-G DO-B to B-G DO-B (CD) to allow an Auto Parts Store:** Planning Director Hoard submitted the following memo to the Board.

The applicant is requesting Conditional District Rezoning to allow an Auto Parts Store in the Downtown. On August 9, 2018, the Town passed an amendment to the Downtown Code requiring Conditional District rezoning for Auto Parts Retail (ZC18-8).

The property is located at the corner of Philadelphia Church Road and Hwy 218. The site is 1.66 acres.

The proposal includes a 7,639 square foot building. Parking is located to the side and rear of the building. The parking exposed to Philadelphia Church Road and Hwy 218 will be screened with a knee wall and landscaping. The main entrance (front elevation) faces Philadelphia Church Road. The left elevation faces Hwy 218. A functional door is required for both the Philadelphia Church Road and Hwy 218 elevations. The Zoning Plan indicates one curb cut for the site on Philadelphia Church Road. A direct pedestrian connection is shown from the Hwy 218 side.

The petition includes an Exception request to the Downtown Code, Section 4.4 2 A (1), for the elevations facing Hwy 218 and Philadelphia Church Road...No frontage wall shall

remain unpierced by a window or functional general access doorway for more than sixteen (16) feet.

Exceptions to the provisions of this Ordinance (except for Permitted Uses and Excluded Uses) may be approved as a Conditional District rezoning approval by the Board of Commissioners upon a recommendation by the Planning Board. In granting a Conditional District rezoning approval as an exception to these provisions, the Board shall first determine that: a. No practical design alternatives exist; and b. The variations/exceptions requested are consistent with the purpose and intent of this District as well as Section 1.2 General Building Design Guidelines.

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.

Mr. Lawrence Bearden, of Piedmont Companies, Inc. stated the property at the corner of Fairview Road (Highway 218) and Philadelphia Church Road, was under contract and the land had previously been subdivided and previously was a residential unit. #ZC20-3 was to allow for an O'Reilly Auto Parts store. Mr. Bearden went through the elevations with the Board noting the exceptions requested. After speaking with the North Carolina Department of Transportation (NCDOT) it was decided the driveway would be off Philadelphia Church Road, unlike the driveway when it was a residential unit, because NCDOT estimated 12,000 cars travel daily along Fairview Road. Mr. Bearden states that 60% of the product would be delivered to the customer. He noted there would be ample screening for cars, a knee wall, a 25' setback off Fairview Road, BMP (located in the rear part of the property) regulations would be followed, and they would try to save the trees to keep the integrity of the site. He stated the lot was 7,200 square feet and 80% of the building would be glass. The non-glass areas were for restrooms and stockroom/storage. O'Reilly Auto Parts had an architect, in Springfield, that worked for them exclusively and they were very proud of the elevations presented.

Mr. Fandel asked the hours of the store. Mr. Bearden said it could vary but it was typically 8 a.m. – 8 p.m., open 7 days a week. Mr. Fandel asked if the parking lot lighting met the Town requirements. Mr. Bearden said yes, the dots on the map are the locations of the lights and they were located in the right-of-way.

Mr. Hendrix asked if they were required, by code, to have a window where the bathrooms were located. He asked if they were looking for an exception for that, too. Mr. Bearden said yes. Mr. Hendrix said he had looked at the O'Reilly Auto Parts stores and they kept their storage very nice looking. The traffic would be 300 cars a day including their delivery vehicles, correct? Mr. Bearden said yes. Mr. Hendrix asked if they saw any issues from the entrance and exit as far as building on Philadelphia Church Road. Mr. Bearden said no, they had already discussed it with NCDOT. Mr. Hendrix said it looked like a very professional site.

Mr. Draffen asked what construction materials were being used for the wall. Mr. Bearden said it would be a solid brick structure with crown molding on the top.

Ms. Manchester asked if the trash would be held toward the back of the building. Mr. Bearden said yes. Ms. Manchester asked if it would be concealed. Mr. Bearden said yes, it would be enclosed with the same brick materials and it would match the building with the same colors. People would not see the dumpsters from the street or the adjacent property. Ms. Manchester asked if it would be kept locked. Mr. Bearden said yes.

Mr. Gatz asked if they looked at other designs or ways to meet their downtown code. Mr. Bearden said yes, the problem they encountered was the storage racks, behind the panel, up against the wall and that would prevent a window. If they had put a window in there, it would lead to nowhere. He did not want to put it in the bathrooms either. On the site plan, there was a large oak tree where they would put a window. They did not want any other entrance other than the front entrance and the side entrance of the building. Mr. Gatz asked if the door on Fairview Road was going to be another entrance door. Mr. Bearden said yes.

**Mr. Todd made a favorable recommendation, seconded by Mr. Hendrix, and the Board unanimously agreed to send a favorable recommendation to the Board of Commissioners on #ZC20-3, Filed by Piedmont Companies, Inc. for Tax Parcel# 197-033-14, to allow Conditional District Rezoning from B-G DO-B to B-G DO-B (CD) to allow an Auto Parts Store.**

**C. Discussion and Recommendation on #ZC20-4, Filed by Land Investment Resources, for Tax Parcel #'s 137-061-13, 137-281-56, 137-281-59, 137-281-54, to allow for Conditional District Rezoning from R To R (CD) to allow a Residential Development:** Planning Director Hoard submitted the following memo to the Board.

The applicant is requesting Conditional District Rezoning to permit a residential development. The Zoning Plan indicates a total 33.78 acres. The Plan includes 44 lots off Happy Hollow Drive and an additional 12 larger lots fronting Street D, for a total of 56 lots. The proposed density is less than 2 units per acre.

The proposal includes an access off Wilgrove-Mint Hill Road and three connections to Happy Hollow Drive. Sidewalk and curb and gutter are planned for the property-side of Happy Hollow Drive.

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.

Mr. Philip Hayes, Land Investment Resources, said he had spoken to the Board previously about a possible residential development at the intersection of Wilgrove-Mint Hill Road and Happy Hollow Drive. Mr. Hayes stated the property was located on parcel numbers 137-061-13, 137-

281-54, 137-281-56, 137-281-59 and was located on 35.24 acres. The property consisted of two portions, a front parcel of 19.14 +/- acres, and a rear portion of 16.20 +/- acres. The Dwelling Units to the Acre would be 1.56. The front portion was designed with a traditional grid lot design with the proximity of the site to downtown with 56 lots, while the rear portion was laid out with 12 larger lots and more extensive open space respecting the existing creek and stream. There would be three key open space areas which would remain undisturbed. There would be amenities, a small pet park and a playground.

After the community meeting, where 60 notifications were mailed out for the Monday meeting, approximately 20 attendees expressed their five to six main concerns, modifications were made to the project. The modifications included the engineers reversing Street D to alleviate the concerns of the Grove Hall residents. Mr. Hayes understood the potential traffic impact concerns; they were working with the North Carolina Department of Transportation (NCDOT) and the Town about the left turn lane. The NCDOT comments came in today ahead of the Planning Board meeting. NCDOT made Grove Hall add a third lane over the entire frontage of their length. A portion of the third lane was used as a left turn lane into Grove Hall. They anticipated, widening Wilgrove-Mint Hill Road from both ends of the property line; depending on where NCDOT required them to put the turn lane, whether it was the second entrance or at Happy Hollow Drive. The taper may go beyond their property line based on feedback from NCDOT. The stormwater run-off would comply with Town and County stormwater regulations; most likely a sand filter would treat and detain for a 25-year storm event. The density would allow for less land disturbance with the cluster sized lots which would be well below the average of 2 per acre. The homes would sell in the range of \$350,000-\$400,000. An age targeted product was also being considered, which would typically indicate the homeowner would spend more money on the interior of the home and would have lower impacts on the Town. Buffers would be placed on each side; they intended to try to save the trees, as applicable regarding topography and grading. Mr. Hayes said they would replant to meet or exceed the Town requirements. The question of a pedestrian crosswalk would be a discussion had with NCDOT per the request of residents from Dennis Drive. He stated he was on an advisory board for John Burns Real Estate. Assessments were made to indicate where buyers were placing their money in the current housing market. New homes represented health since no one else had lived in the houses. Other amenities such as home gyms, touchless amenities, two office/school spaces and extra living suites (multigenerational living was an evolving trend and had become quite important.)

Chairman Gatz asked about the demographics for this site. Mr. Hayes stated this product would be age targeted which usually meant fewer daily trips and less use of resources. These buyers had more disposable income and the home price was usually higher. The higher quality features led to a higher per square foot cost. These products work better in a cluster design. He stated more discretionary income would be available for the community.

Ms. Manchester asked the average square footage of the homes. Mr. Hayes said they would start about 2,800 square feet and expand to 3,200-3,400 square feet. She asked what the average price per square foot would be. Mr. Hayes said she was challenging his mathematics but \$375,000 divided by 3,200 square feet would equate to roughly \$117 a square foot.



Mr. Tyson asked about landscaping along Wilgrove-Mint Hill Road. Mr. Hayes responded yes; they would do landscaping. He had not known if the sidewalk was part of the Grove Hall requirement or if it was already there. He said significant landscaping would be done between the sidewalk and the community.

Mr. Draffen asked if the stormwater could be handled by the detention shown on the plans. Mr. Hayes stated the County did not require another basin because the area in the back was below the level of impervious surface.

Mr. Hendrix asked about the peninsula point in the back and the closest homeowner. Mr. Hayes stated the homeowner would have access to the new public road. The homeowner was happy with the negotiation as they had no legal access currently. The road would be moved back toward the middle to make the access happen. Mr. Hayes stated the backyards had lots of trees and the buffer would be wooded, too. Mr. Hendrix asked Mr. Hayes what was the actual demographic being targeted. Mr. Hayes said the age range was 45-60. Mr. Hendrix asked if streets A, B and C were standard street widths. Planning Director Hoard said yes; also remember the road details will come back before the Planning Board during subdivision approval. Mr. Hendrix said that was good and very unique.

Mr. Fandel asked if the approval would come back to the Planning Board; and then he said, you answered my question when addressing Mr. Hendrix

Mr. Todd enjoyed the presentation. He noticed in a lot of the age targeted neighborhoods they had a clubhouse or a recreation center; would something like that be planned? Mr. Hayes said in this scenario the builder would make that determination. They would have the freedom to make the choice; there was a lack of demand for those amenities. He stated many homeowners would prefer not to pay large sums of money for those amenities. Mr. Hayes concluded by saying the builder would make the determination.

**Upon the motion of Mr. Hendrix, seconded by Mr. Fandel, the Planning Board made a favorable motion for on #ZC20-4, Filed by Land Investment Resources, for Tax Parcel Numbers 137-061-13, 137-281-56, 137-281-59 and 137-281-54, to allow for Conditional District Rezoning from R to R (CD) to allow a Residential Development.**

**D. Discussion and Recommendation on #ZC20-5, Filed by Epcon Communities, for Tax Parcel #195231-01 to allow Conditional District Rezoning from R to R (CD) to allow a Residential Development:** Planning Director Hoard submitted the following memo to the Board.

**APPLICATION SUMMARY:**

The applicant is requesting Conditional District Rezoning to permit a residential development. The Zoning Plan includes 49 lots. The site contains 21 acres. The proposed density is 2.33 units per acre. \*Past decisions have maintained "Density Neutral", understood by Staff as a max density of 2 units per acre.

The Zoning Plan indicates two curb cuts on Hooks Road and a connection to Nancy Ruth Lane in the Davis Trace subdivision. Sidewalk is planned for the property-side frontage of Hooks Road and Idlewild Road.

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.

**PLAN CONSISTENCY:**

ZC20-5 is inconsistent with the Land Use Plan regarding density neutral. Although the Land Use Plan primarily emphasizes single family large (20,000 sq. ft.) lots, the Land Use Plan includes guidance pertaining to cluster regulations. The cluster regulations described in the Land Use Plan closely resembles the development pattern presented with this petition, except for the gross density exceeding 2 units per acre.

**STAFF RECOMMENDATION:**

Unfavorable recommendation

Mike Davis, Epcon Communities, spoke about a possible residential development at tax parcel number 195-231-01. Epcon was a privately held home building company; building quality homes for individuals that were 55 years or older (as related to the Housing for Older Persons Act) for 33 years; active in the Charlotte Metro area market since 2013. These communities were age-restricted not age-targeted; the communities were smaller than typical large-scale age-restricted communities. Mr. Davis said Epcon reduced the density from the original request; currently they were requesting 42 lots on the site; 2 units per acre on the property. The side setback and open space was increased based on concerns raised at the community meeting. Many of the Epcon homeowners were actively volunteering their time and donated funds to charity. Typically, less than 3% had children due to different circumstances. He said there were 50% less trips per day because the average Epcon home had 1.7 individuals versus a typical home that had 3.3 individuals. He said the crime rate was low. The HOA maintained everything outside of the personalized fenced courtyards. The courtyard was the centerpiece of the homes, allowing access to a quiet area just steps from anywhere in their home where the owners personalized their courtyards with personal interest amenities. The rear yard was also maintained by the HOA and were passive areas. There were completed projects in Marvin, Weddington, and at Emerald Lake. He said the age restricted communities had much less impact on the Town and provided benefits to the Town. High quality materials were used in construction.

Mr. Hendrix asked about the amenities planned at the development. Mr. Davis stated there would be an outdoor pavilion beside Lot 40 near the mail kiosk. He stated typically it was not economically feasible to build a clubhouse if the community had less than 50 homes.

Mr. Todd asked if other amenities included decorative lighting and an upscale entrance. Mr. Davis said yes, Epcon liked to provide a sense of arrival with flowers, landscaping, and colors. He stated

it made the community more attractive. He further stated homeowners could be seen walking in the morning and evening, as the neighborhoods were very active. Sidewalks would be on both sides of the roads in the community.

Chairman Gatz asked who regulated the age restriction. Mr. Davis said a property manager would report the information to HUD or they could report it to specific Towns if that was the desire of the Town. Chairman Gatz asked Planning Director Hoard if Mint Hill cared about being notified. Planning Director Hoard stated he was unaware of a Town discussion on the matter. However, he stated he would discourage the Town from getting involved with managing the age restriction. The implication of our involvement could result in the expectation of enforcing it. Mr. Davis stated the covenants specified the age requirement and were stringent. Chairman Gatz asked about the curve at Hooks Road. Mr. Davis said they had gotten no timeline on the roundabout from the North Carolina Department of Transportation. He noted if a sightline issue was present, it would be addressed. Chairman Gatz said he had been out there earlier in the day and the area was dangerous. Chairman Gatz asked if all of the adjoining property owners questions had been addressed. Mr. Davis said yes; the three main concerns were traffic, buffers, and the price point of the homes.

Mr. Draffen asked who dictated the public roads. Planning Director Hoard said it depended on whether it was a Town Road or a State Road. Currently Hooks Road was in the ETJ, therefore under NCDOT's control. If the Board decided to include Hooks Road in the annexation of the property, then it would be subject to the Town's requirements.

**Upon the motion of Mr. Fandel, seconded by Mr. Todd, the Planning Board made a favorable recommendation for #ZC20-5, Filed by Epcon Communities, for Tax Parcel Number 195-231-01 to allow Conditional District Rezoning from R to R (CD) to allow a Residential Development**

**E. Discussion and Recommendation on #ZC20-6 Filed by John Lintner with Meritage Homes, for Mint Hill Village Subdivision for Conditional District Rezoning from R DO-A to R DO-A (CD) for the purpose of hearing an Exception Request to Section 4.2 (2) A3 of The Downtown Code for Lots 54, 1-3, 5-7, 11-14, 41-52, 59-62:** Planning Director Hoard submitted the following memo to the Board.

The applicant is requesting an Exception to the Downtown Code, Section 4.2. 2. A (3), All front entrances shall be raised from the street grade (at the curb or sidewalk) a minimum of one and one-half (1½) feet.

Mint Hill Village Mitigation Proposal: • Meritage Homes will add four sides brick/stone ("masonry") veneer to the model home located on lot 54 in Mint Hill Village. The masonry veneer will be installed after Meritage has sold all 74 lots in the community and will be required as part of the garage conversion certificate of occupancy during the model conversion. • Meritage Homes will meet the Downtown Overlay Code on all lots in Mint Hill Village except for Variance Lots 54, 13, 5-7, 11-14, 41-52, 59-62. In exchange for the variance, on the Variance Lots, Meritage agrees to install four sides masonry veneers on all 74 homes in the community.

Benefits of Proposal to Mint Hill and Future Homeowners: • Adding four sides masonry veneers to all 74 lots will create a cohesive impression between the commercial and residential portion of Mint Hill Village. In addition to increasing the value of the surrounding areas, the masonry will help aesthetically connect the residential to Town Hall and the retail and commercial portion of the project. • Masonry elevations require less maintenance than siding elevations. This will ensure a consistent streetscape with lower maintenance elevations to ensure this focal point of the Downtown Overlay District will maintain an established feel for many years to come. • Without the variance, the approved site plan grades will force the Variance Lots to have landings and steps in garage and steeper driveways. This will create garages with no, or greatly reduced, parking (See Attached Exhibit). Which will force residents and guests to park on driveways, on the street and in the commercial parking area of Mint Hill Village. • Meritage has performed market studies on this location and product and believes that a majority of the buyers will be young professionals without kids and empty nesters with grown kids. With the garages in rear of the home it attracts buyers without families because of the lack of outdoor living space in the backyard for children. Most empty nester buyers will not accept additional steps to the front of the home and also in the garage. The current approved grading plan and Mint Hill ordinance will force these steps in the garage which will shun this buyer from these lots.

John Lintner, Meritage Homes, thanked the Board for allowing him to present this request. He stated Meritage owned three lots in Mint Hill Village and was under contract for 71 additional lots. He stated there had been a misinterpretation of the Downtown Code, Section 4.2. 2. A (3), All front entrances shall be raised from the street grade (at the curb or sidewalk) a minimum of one and one-half (1½) feet. He said Meritage had realized this when they tried to obtain the Certificate of Occupancy for the model home.

Mr. Lintner stated in exchange for the variance requested, Meritage would agree to install four-sided brick/stone veneers on all 74 homes in the community; this would lead to many benefits for the Town. It would increase the aesthetic value of the areas (commercial/residential) in close proximity, the masonry would allow for uniformity in the residential, Town Hall, the retail and commercial portions of the project. Mr. Lintner noted masonry elevations required less upkeep than siding elevations. Allowing the request would ensure a consistent streetscape.

Without the variance, they would have reduced parking which would force residents and guests to park on driveways, on the street and in shared parking areas of Mint Hill Village.

Meritage performed market studies and believed a majority of the buyers would be young professionals without kids and empty nesters. Garages in rear of the home attracted buyers without families mainly due to the lack of outdoor living space in the backyard. Most buyers would not want additional steps to the front of the home in addition to the garage.

Mr. Hendrix asked Planning Director Hoard where the Town stood on the petition. Planning Director Hoard said Staff typically did not provide recommendations for exception request. Mr. Hendrix asked what the Town did in a similar instance with Brighton Park. Planning Director Hoard said several homes were in violation. The mitigation agreement then was to add landscaping

to one of Brighton Park's open space areas. Mr. Hendrix asked how the Planning Staff looked at these 27 lots. Planning Director Hoard said Staff pointed out the violation during the inspection of the model home. At that point, the applicant came back and said they were going to have the same issue on another 26 lots. Mr. Hendrix asked how waterflow and runoff would be handled on these lots. Mr. Lintner stated no modifications would need to be made regarding drainage and grading. Mr. Hendrix reiterated that 100% of the homes would be brick. Mr. Lintner said yes, and even the model home would be converted to full masonry when the build out was complete. He anticipated selling out in late 2021 or early 2022. Mr. Hendrix asked if this was a better proposal than addressing the height requirements. Mr. Lintner said yes because of the adverse issues with the steps in the garage and the parking. He stated the alley fed neighborhoods typically appealed to empty nesters or young professionals as there was no place for a swing set for young families. Because of the demographic, additional steps would not be conducive due to the empty nest demographic.

Mr. Fandel said it was a generous offer made by Meritage. He asked how the change to 100% masonry would be economically feasible. Mr. Lintner said the original price point was \$300,000 and with full masonry the price point would be \$325,000.

Mr. Tyson asked how effective were the lots. Mr. Lintner replied the extreme lots were 36"-48" below the curb; especially as you got closer to the BMP, it was well below the curb. He said this was an opportunity for clarity in the approval process for slab homes and would create an opportunity to streamline the approval process from the engineering firm to the Town.

**Upon the motion of Mr. Todd, seconded by Mr. Hendrix, the Planning Board made a favorable recommendation of #ZC20-6, Filed by John Lintner with Meritage Homes, from R DO-A To R DO-A (CD) for the Purpose of Hearing an Exception Request to Section 4.2 (2) A3 of the Downtown Code for Lot Numbers 54, 1-3, 5-7, 11-14, 41-52, 59-62.**

**Other Business:** None.

**Adjournment:** Upon the motion of Mr. Hendrix, seconded by Mr. Fandel and unanimously agreed upon, Chairman Gatz adjourned the meeting at 8:08 p.m.

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Savanna Ocasio, Clerk to the Board