

**MINUTES OF THE MINT HILL PLANNING BOARD MEETING  
SEPTEMBER 21, 2020**

The Mint Hill Planning Board met in regular session on Monday, September 21, 2020 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

**ATTENDANCE**

Chairman: Tom Gatz

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

Planning Director: John Hoard

Clerk to the Board: Savanna Ocasio

Commissioner: Dale Dalton

Absent: Scott Fandel

**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. Mr. Hendrix gave the invocation.

**ORDER OF BUSINESS**

**Approval of Minutes for the August 17, 2020 Regular Meeting:** Upon the motion of Mr. Hendrix, seconded by Mr. Todd, the Board unanimously approved the minutes of the August 17, 2020 Planning Board meeting.

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

**Reports of Committees, Members and Staff:** Planning Director Hoard stated all of the items from last month had been approved by the Board of Commissioners at their meeting on September 10, 2020.

Chairman Gatz revisited the Rules of Procedure for the Planning Board. Previously, joint meetings were held with the Board of Commissioners to listen to any public hearing comments. Going forward, Chairman Gatz asked the Planning Board members to please listen to the YouTube public hearing comments before the Planning Board Meeting so they could make an informed recommendation.

**Old Business:** None.

**New Business:**

**A. Discussion and Recommendation on #ZC20-7, Filed by ODA Architecture on Behalf of UTD Technology Corporation, for a Text Amendment to Section 5.2 to Allow a Brewery/Tap Room in the DO-B District:** Planning Director Hoard submitted and reviewed the following memo to the Board:

**BACKGROUND INFORMATION:**

ZC14-3 was approved on June 12, 2014. The Text Amendment created a new use and definition, **Brewery Tap Room**- *A separated area of the brewery maintained predominately for the purpose of tasting, selling and consumption of the alcohol beverages manufactured on the premises or at a production facility of a related entity, including the sale of take home containers such as kegs, growlers, bottles and cans as may be allowed under Federal and State law. May provide entertainment.* The initial text amendment permitted the use in the I-G district.

ZC15-6 was approved on October 8, 2015. ZC15-6 amended 5.2 *Table of Principal Permitted Uses* to allow Brewery Tap Room in the B-D district.

**APPLICATION SUMMARY:**

The applicant ODA Architecture on behalf of UTD Technology is requesting an amendment to Section 5.2 to allow *Brewery Tap Room* in the DO-B district (Downtown B-Town Center).

**DOWNTOWN A - NEIGHBORHOOD.** The Neighborhood zone is mixed in function, but principally residential in character. It is the largest area of the Downtown.

**DOWNTOWN B - TOWN CENTER.** The Town Center is the most dense business, service, and institutional center as it is shared by many neighborhoods in the Downtown area. Buildings in the Town Center are close to the street and offstreet parking is generally to the rear to create an active pedestrian environment.

Planning Director Hoard referred the Board to the memo provided (see above) for the background information and history/definition of the Brewery/Tap Room. He stated the Downtown was broken into two districts. The DO-A district was mostly residential, and the DO-B district was mostly commercial.

Mr. Stephen Overcash, ODA Architecture, 2010 S. Tryon Street, Suite 1A, Charlotte, North Carolina 28203. Mr. Overcash stated he was seeking a text amendment from Section 5.2 to allow a Brewery/Tap Room in the DO-B District. He stated the Brewery/Tap Room would be located at 7251 Matthews-Mint Hill Road, but the text amendment would allow for the Brewery/Tap Room to be located in the entire Downtown B-Town Center.

Mr. Hendrix asked if the text amendment was for both, Downtown A and B. Planning Director Hoard said DO-B only. Mr. Hendrix asked where the parcel was located. Mr. Overcash said it was just right down the road from Hawthorne's Pizza, it was a little red brick house that was currently for sale. Mr. Overcash stated the restaurant would be in the small brick home and the brewery would be beyond the house. The lot was very deep so the Brewery/Tap Room would be hard to see from the road. Mr. Hendrix asked if that parcel was located approximately two parcels up from the Mint Hill Police Department. Mr. Overcash said yes.

Mr. Todd asked Mr. Overcash to tell him a little more about the facility. Mr. Overcash stated the house was very small, 1,100 sq. ft. The front of the building would be the restaurant, there would

be a deck out front for exterior eating that can be seen from the road. Mr. Overcash stated the parking would be in the rear. There would be a connector between the 1,000 sq. ft. Brewery/Tap Room and the adjoining restaurant. The seating for the restaurant would be for approximately 60 people.

Mr. Draffen asked if Pour 64 had the same concept. Planning Director Hoard stated the definition of Tap Room was where you were producing and manufacturing the beer on site, that was the difference.

Mr. Tyson asked about the large trees on the property. Mr. Overcash stated there was only one tree that would need to be removed of the healthy trees. Mr. Tyson asked if the Brewery was going to be an additional structure. Mr. Overcash stated the Brewery would be connected but it would be an additional structure.

Chairman Gatz asked if the home needed improvements to bring it into DO-B standards. Planning Director Hoard said they had to go through the Mecklenburg County to make sure they met Mecklenburg County codes. Chairman Gatz asked if the new structure would have to match up to the Downtown overlay standards. Planning Director Hoard said yes, they would have to comply with the Downtown code. Mr. Overcash said they would meet all the Towns regulations.

Mr. Hendrix asked why the applicant wanted a text amendment for the entire district. Planning Director Hoard stated because the use was not permitted in the Downtown. Mr. Hendrix said right, but why not just the specific property? Planning Director Hoard said because it was not allowed in the district, they had to start with the text amendment. Mr. Hendrix asked how this was different from Vintner's Hill. Planning Director Hoard said the difference between them was they were making beer at that structure, that fell under the Tap Room definition. Currently, Brewery/Tap Rooms were allowed in the I-G and B-D district. Mr. Hendrix asked what the control would be, if it were approved, how would we safeguard the Town from having too many Brewery/Tap Rooms. Planning Director Hoard said that was a good question, this text amendment would not address that so if having a safeguard/control in place was something the Town wished to do, the Town would need to follow up with a second text amendment or make a recommendation with an amendment to this request.

Chairman Gatz stated it would be no different than any other business such as a drugstore or pharmacy. Mr. Hendrix said yes, but they would be making and selling alcohol. Mr. Hendrix stated even though he liked breweries, he did not wish to see one in every second or third building; Brewery/Tap Rooms were very popular. Planning Director Hoard stated the Planning Board could consider making the text amendment a Conditional Zoning District instead of a by-right use. Conditional Rezoning would allow for discretion as it did with auto part stores and convenience stores in the Downtown. Chairman Gatz asked if the Planning Board or the Board of Commissioners should make that decision. Planning Director Hoard stated the Planning Board makes recommendations on Conditional Rezoning applications to the Commissioners. If this was something the Planning Board wanted, the Planning Board could incorporate it into their recommendation.

Mr. Todd asked what the timeline was to get the project started. Mr. Overcash said they hoped to

