



1. CALL TO ORDER
2. ROLL CALL AND INVOCATION
3. APPROVE MINUTES OF SEPTEMBER 21, 2020 REGULAR MEETING
4. ADDITIONS OR DELETIONS OF AGENDA ITEMS
5. REPORTS OF COMMITTEES, MEMBERS, AND STAFF
6. OLD BUSINESS
7. NEW BUSINESS
 - A. DISCUSSION AND RECOMMENDATION ON [#ZC20-8](#), FILED BY CHARLOTTE MECKLENBURG BOARD OF EDUCATION, TO REQUEST A REZONING TO ALLOW AN ELEMENTARY SCHOOL ON PROPERTY LOCATED AT 11501 AND 11615 IDLEWILD ROAD, PARCEL NUMBER 135-321-07
 - B. DECISION ON [#S20-21](#) NELSON ROAD SUBDIVISION PRELIMINARY PLAT, FILED BY CENTURY COMMUNITIES FOR A TOTAL OF 147 LOTS, 69 SINGLE-FAMILY DETACHED AND 78 SINGLE-FAMILY ATTACHED (TOWNHOME) LOTS; LOCATED AT 7802, 7708, 7900 NELSON ROAD; A PORTION OF 7701 NELSON ROAD AND 4507 SUNSET DRIVE: TAX PARCEL NUMBERS 137-065-17, 137-065-20, 137-065-02, 137-065-23 AND A PORTION OF 137-061-08
8. OTHER BUSINESS
9. ADJOURNMENT

<p style="text-align: center;">VIEWING A PUBLIC MEETING ONLINE</p> <p>The Town of Mint Hill live-streams the regularly scheduled meetings of the Board of Commissioners, Planning Board and Board of Adjustment. Anyone can view the live meetings or watch at a later time on the Town’s YouTube Channel. To watch a meeting, hover a smartphone camera app over the QR Code to the right or navigate any web browser to https://bit.ly/2YBIORz.</p>	 <p style="text-align: center;">LIVE STREAM</p>
<p style="text-align: center;">AGENDAS & MINUTES</p> <p>Current and past Agendas and Minutes for the Board of Commissioners, Planning Board and Board of Adjustment can be found at https://bit.ly/3gulVL4 or hover a smartphone camera app over the QR Code to the right.</p>	 <p style="text-align: center;">AGENDA & MINUTES</p>

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

break ground and start demolition later this year. The house had to be gutted along with some other work, but they would like to get the facility open by the first quarter of 2021.

Planning Director Hoard noted if the Planning Board made a recommendation for Conditional Zoning (CD) then the applicant would need to circle back to complete the rezoning process.

Mr. Draffen asked what if the Planning Board made a favorable recommendation now and the Town amended the Ordinance later. So, the Town could come back after the approval of this project and do a text amendment for further clarification. Planning Director Hoard stated that was correct, there were many ways the Town could proceed. If the Planning Board was good with the use, then they could apply another text amendment; make changes now and send the recommendation to the Board of Commissioners by restricting the size or applying Conditional Zoning. Chairman Gatz clarified the Town could not change the Ordinance, once approved by the Board of Commissioners, after an applicant had applied for something the Town was not interested in supporting. Planning Director Hoard said he was correct. If the Planning Board wanted to cap the size/square footage of the facility, then they could not do that once an application was received.

Mr. Overcash stated capping the size was a great point, no Town wanted a 30,000 sq. ft. Brewery/Tap Room in their Downtown. Mr. Overcash stated they were willing to modify their request to limit the size to 5,000 sq. ft. Chairman Gatz said the Board should let Staff determine the language, based on size or capacity, and bring it back to the Planning Board as a second text amendment proposal.

Mr. Hendrix stated he was not anti-tap room as he thought they brought local flare and atmosphere to the market. Mr. Hendrix stated his concern was he thought our Town needed some control on this type of use.

Mr. Hendrix made a favorable recommendation, seconded by Mr. Todd, and the Board unanimously agreed to send a favorable recommendation to the Board of Commissioners 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.

Chairman Gatz asked Staff to bring back language to address the concerns of the Planning Board in the next two months. He asked the Planning Board to please consider any additional issues they may have and address them with Staff.

Deputy Town Manager Bailey stated the Town could keep the use by-right but could add a Conditional use was required if the facility exceeded 5,000 sq. foot; added layers could make the petition tonight nonconforming.

Mr. Hendrix agreed with Deputy Town Manager Bailey, it was a good idea for Staff to draft language around the square footage and bring it back to the Planning Board. He stated he was not anti-business but would like the Town to have control and did not wish to see these businesses on every corner.

Other Business: None.

Adjournment: Upon the motion of Mr. Hendrix, seconded by Mr. Draffen, and unanimously agreed upon, Chairman Gatz adjourned the meeting at 6:52 p.m.

Savanna Ocasio
Program Support Assistant



STAFF REPORT

CASE:	ZC20-8
EXISTING ZONING	I (CD)
PROPOSED ZONING	I (CD)
PROPERTY OWNER:	CHARLOTTE-MECKLENBURG BOARD OF EDUCATION
APPLICANT	GARY S. ADAMS -CHARLOTTE MECKLENBURG SCHOOLS
LOCATION	11615 IDLEWILD ROAD
TAX PARCEL NUMBER	135-231-07
REQUEST	TO ALLOW CONSTRUION OF A NEW ELEMENTARY SCHOOL

APPLICATION SUMMARY:

The applicant is requesting Conditional District Rezoning to permit construction of a new elementary school. The total property area is 62.65 acres, including the existing middle school.

Calculating parking for institutional/civic uses is a collaborative process that will depend on factors specific to the individual development proposal.

Minimum setbacks are 50' Front, 50' Rear and 50' Side. Maximum building height is 35' and no more than 2 stories.

7.2.20 Supplementary Use Regulations for Institutional District Uses.

- A. *Institutional District Uses.* Institutional District uses established in the (I) Zoning District are typically located on large tracts of land and can have significant adverse impact on the surrounding areas. Therefore, these uses shall be subject to the requirements contained in this and other sections of this Ordinance and any particular requirements or limitations approved and made part of a Conditional District by the Board of Commissioners. These requirements are intended to encourage respect and compatibility with existing development, especially when occurring adjacent to residential neighborhoods. Development of these uses will be in such a manner as to stabilize or improve property values and to reduce conflict between the proposed and existing land use.
- B. *Location.* The location of the institutional use shall have frontage on a public major or minor thoroughfare or a collector street. Road improvements may be required for each of these streets.
- C. *Site Plan Review.* The Board of Commissioners shall evaluate the design and layout of structures and improvements for proposed institutional use in terms of the degree in which they meet the intent of this part to protect property values and reduce conflict between the proposed and existing development. All proposed construction shall require Site Plan approval by the Board of Commissioners.
- D. Development proposals and Site Plans shall be evaluated with respect to the existing features of the site such as large trees and other significant vegetation, the existing topography, architectural appropriateness and proposed access drives, traffic flows and parking.

- E. New construction and improvements shall be compatible with surrounding existing development in terms of scale, orientation and mass.
- F. The Board of Commissioners may deny the Site Plan if the Board finds the plan does not contain adequate measures to protect the surrounding area from possible adverse effects expected from the proposed institutional development and is not compatible with the goals of the Land Use Plan.

The Zoning Plan indicates the elementary school would utilize the two existing curb cuts on Idlewild Road.

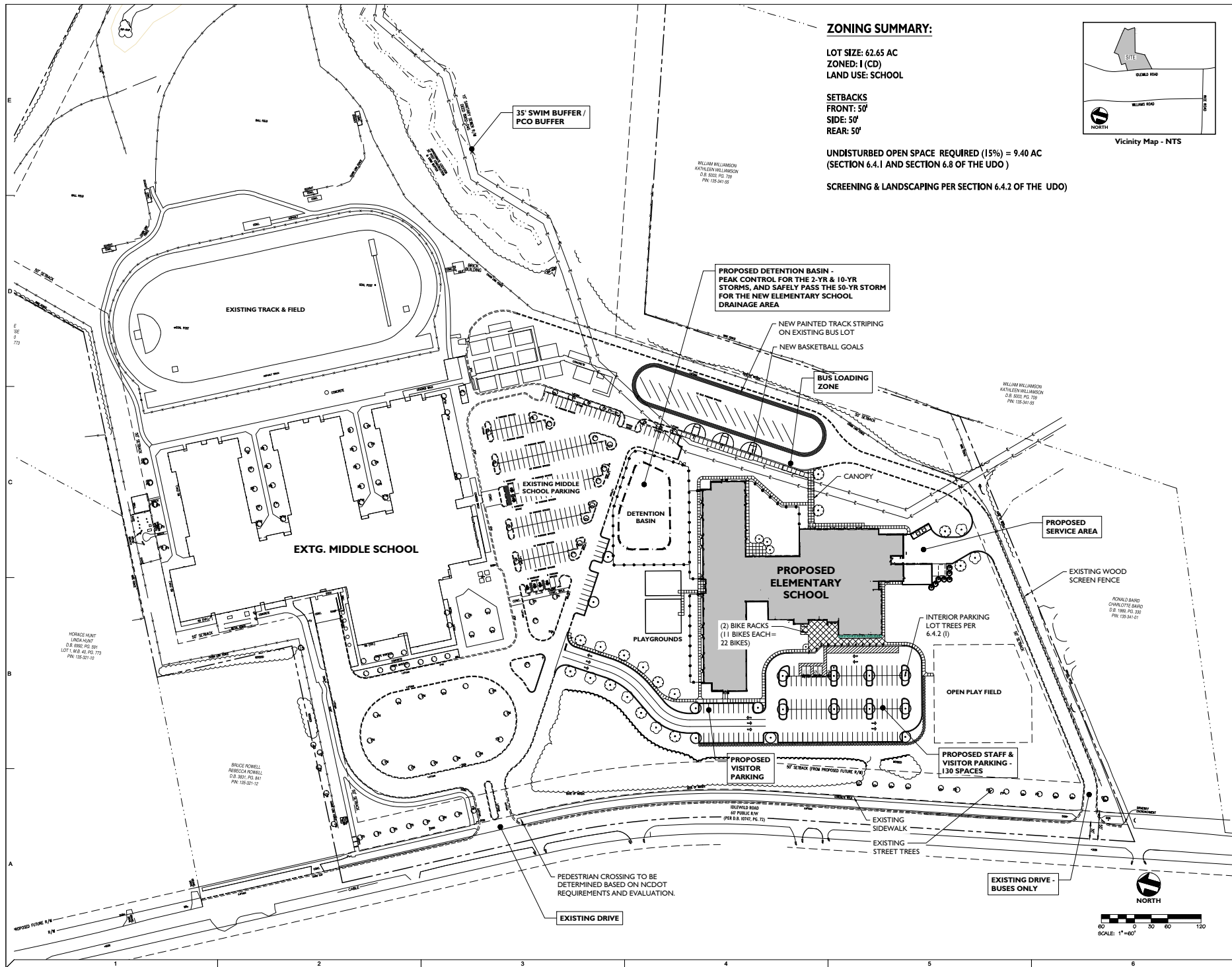
Conditional District decisions shall be made in consideration of identified relevant adopted land use plan. Conditional District rezoning is a legislative procedure under which the Board of Commissioners has the authority to increase, tighten, add, vary, modify, or waive specific conditions or standards. 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:

ZC20-8 is consistent with the Land Use Plan. The Future Land Use Map identifies the property as Institutional..

RECOMMENDATIONS:

Favorable recommendation



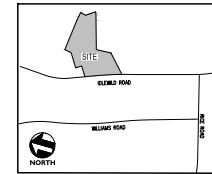
ZONING SUMMARY:

LOT SIZE: 62.65 AC
ZONED: I (CD)
LAND USE: SCHOOL

SETBACKS
FRONT: 50'
SIDE: 50'
REAR: 50'

UNDISTURBED OPEN SPACE REQUIRED (15%) = 9.40 AC
(SECTION 6.4.1 AND SECTION 6.8 OF THE UDO)

SCREENING & LANDSCAPING PER SECTION 6.4.2 OF THE UDO)



Vicinity Map - NTS

REVISIONS	
NO.	DATE
1	2025-10-28
2	2025-10-28
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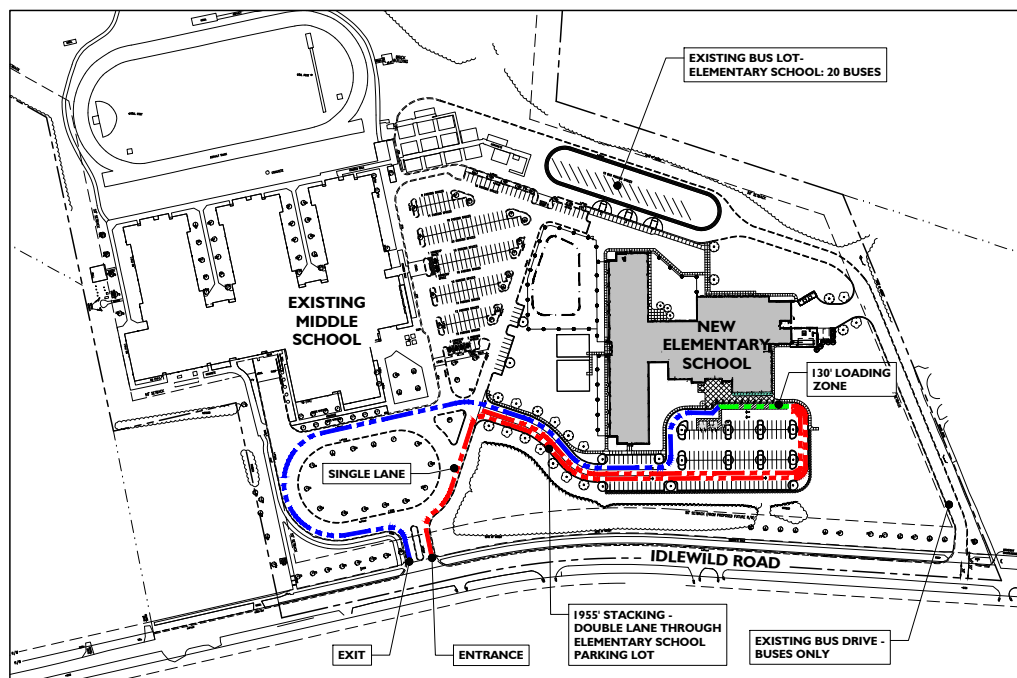
FWA PROJECT NO.: 2574
BENESCH PROJ. NO.: 17000004-00
DRAWN BY: PJ / DS
CHECKED BY: MC
APPROVED BY:

THESE DRAWINGS AND THE PROJECT MANUAL
ARE INSTRUMENTS OF SERVICE AND REMAIN
PROPERTY OF THE FW4 GROUP ARCHITECTS.
UNAUTHORIZED DUPLICATION OR REUSE
WITHOUT WRITTEN CONSENT IS PROHIBITED.

SHEET TITLE
**REZONING
SITE PLAN**

SHEET NUMBER

RZ-1

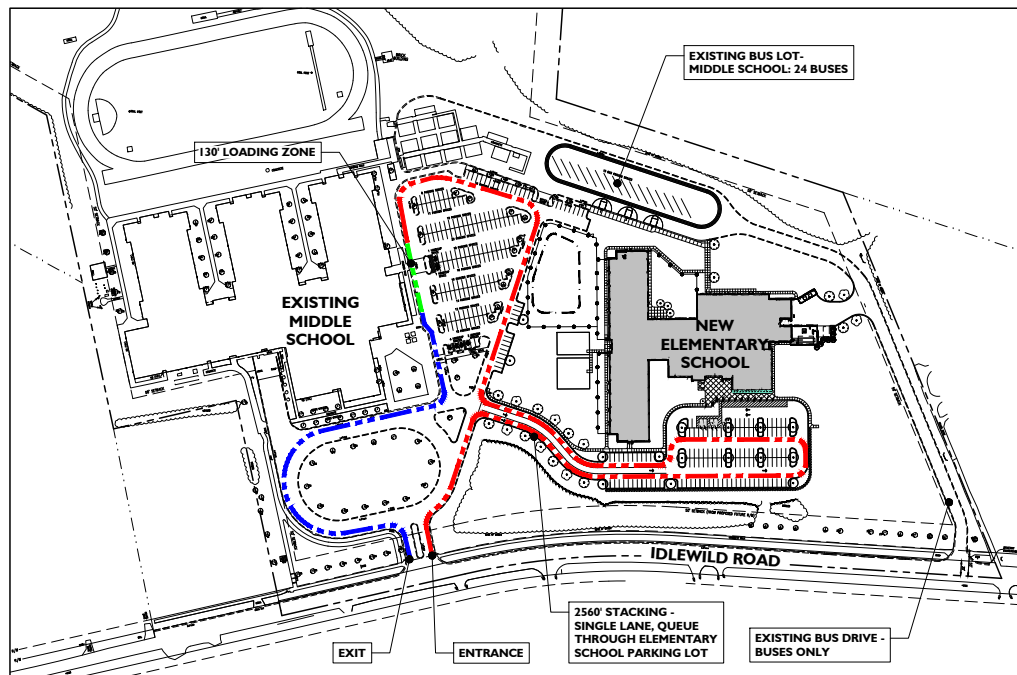


ELEMENTARY SCHOOL :

BELL SCHEDULE:

8:00 AM START AND 3:00 PM END OF DAY. CAR AND BUS TRAFFIC CAN BE ANTICIPATED FOR 30 MINUTES BEFORE AND AFTER DROP OFF AND PICK UP.

1930' STACKING DISTANCE REQUIRED
1955' STACKING PROVIDED INTERNALLY (2 IN-BOUND LANES)



MIDDLE SCHOOL :

BELL SCHEDULE:

8:45 AM START AND 3:45 PM END OF DAY. CAR AND BUS TRAFFIC CAN BE ANTICIPATED FOR 30 MINUTES BEFORE AND AFTER DROP OFF AND PICK UP.

2344' STACKING DISTANCE REQUIRED
2580' STACKING PROVIDED INTERNALLY (UTILIZING
ELEMENTARY SCHOOL)

LEGEND



IN-BOUND STACKING



OUT-BOUND LANE



LOADING ZONE

[illegible]



MEMO

TO: PLANNING BOARD

FROM: STAFF

RE: #S20-21 Nelson Road Subdivision Preliminary Plat, filed by Century Communities for a total of 147 lots, 69 single family detached and 78 single family attached (townhome) lots; Located at portion of 7701, 7802, 7708, 7900 Nelson Road and 4507 Sunset Drive : Tax Parcel #s 137-065-17, 137-065-20, 137-065-02, 137-065-23 and a portion of 137-061-08

DATE: November 16, 2020

Preliminary Plan Request

The applicant, Century Communities, is requesting preliminary subdivision approval for property located off Nelson Road and Sunset Drive. The site consists of 31.147 acres. The site plan indicates 69 detached single-family lots and 78 townhome lots for a total of 147 lots.

Staff Analysis

The property is in the Downtown. The development is subject to the Downtown Code. The density allowance is six units per acre. The total acreage is approximately 31.147 acres. The proposed density is approximately 4.7 units per acre.

DETACHED HOUSE - TYPE A (STREET LOT)

Setbacks: Front yard and side yard setbacks for structures on infill lots shall generally be equal to the average setbacks for all principal structures within three hundred (300) feet or one block length (whichever is greater). Where no frontage condition currently exists, the build-to line and/or setbacks shall be as follows:

Front Build-To Line: Ten (10) to twenty-five (25) feet.

Sides: The total of both side setbacks shall equal twenty (20) percent of the lot width at the frontage line, but shall not be less than 6 feet, except in new developments, where the entire setback may be allocated to one side).

Rear: Fifteen (15) feet.

Minimum Lot Width: Fifty (50) feet.

Driveway: The minimum length of any driveway shall be twenty-four (24) feet such that the surface area for outdoor parking of vehicles either in front of a closed residential garage or next to a residential structure on a parking pad shall eliminate situations where vehicles park on, over or across sidewalks.

DETACHED HOUSE - TYPE B (ALLEY LOT):

Setbacks: Front yard and side yard setbacks for structures on infill lots shall generally be equal to the average setbacks for all principal structures within three hundred (300) feet or one block length (whichever is greater). Where no frontage condition currently exists, the build-to line and/or setbacks shall be as follows:

Front Build-To Line: Ten (10) to twenty-five (25) feet.

Side: Six (6) feet each side, however the total of both side yards may be allocated to one side in new development.

Rear: Fifteen (15) feet from centerline of alley.

Minimum Lot Width: Twenty-four (24) feet.

Maximum Height: Two and one-half (2½) stories (as measured from the fronting street).

Encroachments: Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of twelve (12) feet.

Building Lot Coverage (Maximum): Fifty (50) percent.

TOWNHOUSE:

Setbacks:

Front (Maximum): Zero (0) to fifteen (15) feet.

Sides: Zero (0) feet (corner—six (6) feet).

Rear: Fifteen (15) feet from centerline of alley.

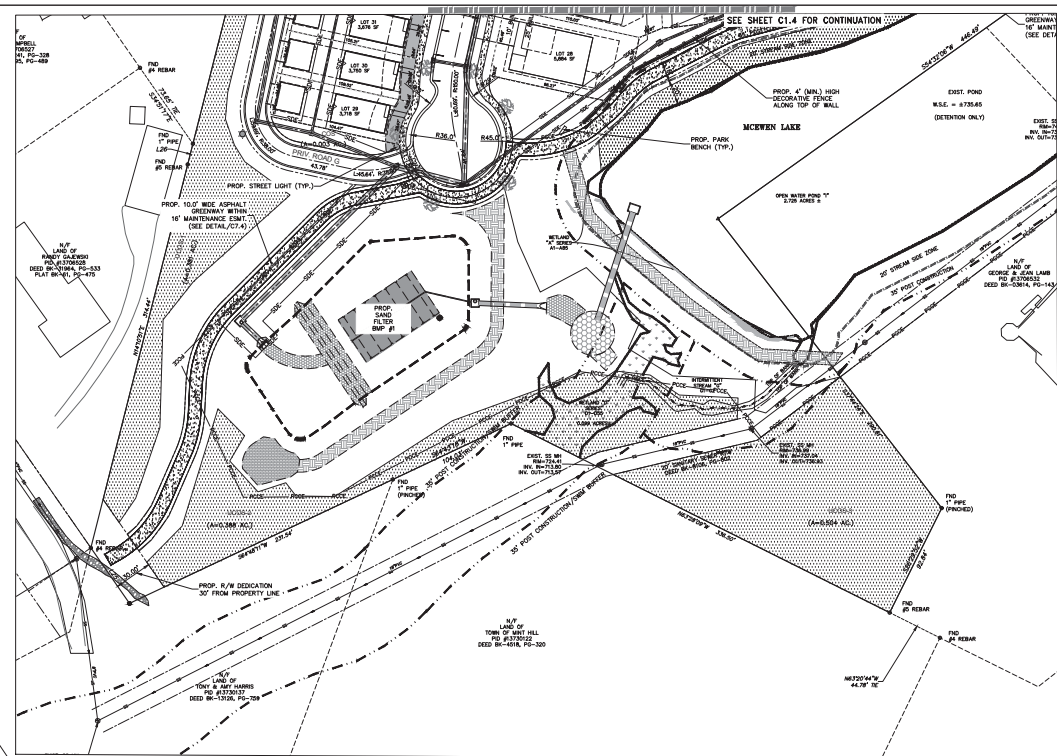
Parking and Vehicular Access: Primary vehicular access is provided using a rear lane or alley only. Off-street parking shall be located in the rear yard only. No curb cuts or driveways are permitted along the frontage.























Minimum Unit Width: Eighteen (18) feet (with a minimum average of twenty (20) feet per building block).

Mecklenburg County Land Use and Environmental Services Agency will review the construction plans for sedimentation and erosion control, storm water, flood, and road profiles. The applicant is responsible for submitting these plans to Mecklenburg County. Mint Hill staff will review the construction plans to assure compliance before grading begins.

Staff Recommendation

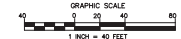
The Site Plan appears to meet the requirements of the Downtown Code. Staff recommends **approval**.



LEGEN	
—ELEV—	EXISTING CONTOUR
	EXISTING GAS LINE
—FCO—	EXISTING FIRE OPTIC CABLE
	EXISTING SEWER LINE
—W—	EXISTING WATER LINE
—OU/U—	EXISTING OVERHEAD UTILITY LINE
	EXISTING COMMUNICATION LINE
	EXISTING ELECTRIC LINE
	EXISTING FIRE HYDRANT
	EXISTING POWER POLE
	EXISTING WATER METER
	EXISTING RIGHT OF WAY
	NONBEARING POINT
	PROPERTY CORNER
	EXISTING SEWER LINE
	EXISTING POND
	EXISTING WETLAND
	UNDISTURBED OPEN SPACE
	EXISTING CONSTRUCTION
	PROPERTY UTILITY
	PROPERTY SIDEWALK
	PROPERTY STORM DRAINAGE PIPE
	PROPERTY STORM EASEMENT
	PROPERTY CHARLOTTE WATER EASEMENT
	PROPERTY RAMP POST CORNER
	PROPERTY GREENWAY EASEMENT
	PROPERTY STREET TREE
	PROPERTY STREET LIGHT
	PROPERTY SITE ADJACENT

GRAPHIC SCALE

1 INCH = 40 FEET



Digitally signed by
Anthony B. Cozart, P.E.
Date: 2016.10.18
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