

**MINUTES OF THE MINT HILL PLANNING BOARD MEETING
FEBRUARY 15, 2021**

The Mint Hill Planning Board met in regular session on Monday, February 15, 2021 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, and Eric Tyson
Planning Director: John Hoard

Clerk to the Board: Savanna Ocasio

Commissioner: Dale Dalton

Absent: Chip Todd

** In attendance through teleconference

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 November 16, 2020 Regular Meeting: Upon the motion of Mr. Hendrix, seconded by Mr. Tyson, the Board unanimously approved the minutes of the November 16, 2020 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 #ZC20-10, Filed By NVR, Inc. to allow a Conditional District Rezoning from R to R DO-A (CD) to allow a residential development located at parcel number(s) 135-381-67 (10524 Lawyers Road), 135-381-66 (10600 Lawyers Road), 135-381-64 (10616 Lawyers Road) and 135-381-65 (10608 Lawyers Road): Planning Director Hoard submitted the following memo to the Board.

25.19 acres. 130 Townhome units -114 lots detached garages; 16 lots attached garages. 5.16 dwelling units per acre (up to 6 units per acre is allowed in the Downtown). The Zoning plan indicates 11.92 acres (47%) total open space- 4.97 acres of Common Open Space per Downtown Code and 6.95 acres of undisturbed open space per the Post Construction Ordinance. The applicant, NVR, Inc., is requesting rezoning to the Downtown Conditional

Zoning district. The Zoning Plan is attached. The proposal includes a traffic signal on Lawyers Road at the Truelight Church Road intersection. The Zoning Plan also indicates a pedestrian network that includes interconnecting the neighborhoods Ellington Farms, Apple Creek and Brighton Park.

Unfavorable Recommendation. The Land Use Plan designates the site for low density, single family development at one to two dwelling units per acre, depending on the availability of public water and sewer.

Planning Director Hoard asked the Board members if they had watched the February 11, 2021 Board of Commissioners Public Hearing meeting. The Board said yes.

Scott Glover, NVR Inc. (Ryan Homes), gave a brief overview of the proposed Town Home community to be located on Lawyers Road. Mr. Glover stated Ryan Homes had been developing neighborhoods in Mint Hill for quite a while; building for about 10 to 15 years. Ryan Homes had built familiar neighbors such as Heathfield, Meadows of Mint Hill, Stonebridge, Summerwood, and most recently, Mint Hill Commons. Ryan Homes was excited to introduce their latest project, Hillgrove Townhomes. Mr. Glover stated they found almost half of their Townhome buyers were previously residents in Mint Hill or Matthews who were looking to downsize with less maintenance. Ryan Homes developers met with property owner Mr. Helms and put his property under contract. Since then, they had worked with Town Staff, Commissioners, and neighbors to introduce the new project. He stated they asked to change the zoning from residential to downtown overlay because they were proposing to build 5.2 homes per acre. The neighborhood adjacent to them, Traditions at Lawyers Glen, was a 4.8 home per acre Townhome community which was zoned residential. The Hillgrove Townhomes would border a little bit of the downtown overlay to Irvins Creek which was bordered to Brighton Park. Mr. Glover stated they felt they were in keeping with the other Townhome communities in Mint Hill. He stated pedestrian friendliness was one of the cornerstones to the downtown overlay. Mr. Glover stated when walking on the greenway in Brighton Park, you reached a dead end and had to turn around, so the developers spoke with Town Staff and neighbors about how to enhance the greenway. Ryan Homes had proposed to add a trail connection across the creek into Hillgrove Townhomes and Apple Creek. Mr. Glover said this proposal would link a lot of neighborhoods together and would encourage more pedestrian walking. He stated he did not believe what they were asking for was too far out of the realm as the lot was already touching downtown overlay property and a neighborhood with about the same density. Mr. Glover reviewed the downtown master plan with the Board members. He emphasized pedestrian access and their willingness to build about 2,000 feet of additional greenway trail. Mr. Glover stated at the intersection of Lawyers Road and Truelight Church Road, there was a warrant for a traffic light to be installed at the intersection. He stated they did not have enough trips with the number of homes to generate a traffic impact study; one was done anyway. As part of the new number of vehicles that would be using Lawyers Road in comparison to what was required, that itself did not warrant the new traffic signal at Truelight Church Road. Ryan Homes was willing to install a traffic light and signalized crosswalk for the residents on the side of Truelight Church Road to safely cross the street and access the greenway.

Peter Tatge, ESP, thanked the Board for their time and consideration. Mr. Tatge stated the site was in a key location. This parcel was right outside of the downtown overlay, adjacent to two land

uses; Mint Hill Assisted Living and Traditions at Lawyers Glen. He stated there were issues with the development being alongside a creek such as flooding, so Ryan Homes was going to be responsible for complying with the Towns requirements. He said the plan itself met all the Towns requirements for a downtown overlay community in terms of open space, position of units, guest space parking, and greenway access. Mr. Tatge echoed Mr. Glover about how pedestrian friendly the Town was and reviewed the greenway site plan. He referred to the Towns 10-year Land Use Plan and acknowledged the changes. Mr. Tatge stated there was a lot of open space on this parcel along with a large roadway buffer, which was not common with these projects. He presented the transportation technical memorandum to the Board indicating that the proposed Lawyers Road Townhomes were below the threshold. Mr. Tatge stated they wanted to be good neighbors, so a trip generation comparison chart was created to show the comparison of a single-family detached home to a multifamily home. Ryan Homes was willing to do the following if approved by the Board:

- Build +/- 2,000 of new public greenway for the Town of Mint Hill.
- Install a pedestrian bridge connection to Brighton Park (existing dead end) trail.
- Build a publicly dedicated greenway connecting to Apple Creek Drive on Town owned land.
- Fund and install a new stoplight at Lawyers Road and Truelight Church Road intersection (with pedestrian crossing).

Mr. Tatge stated when the Land Use Plan was updated, he believed it would then be consistent.

Mr. Hendrix thanked Mr. Tatge for the presentation. He spoke of the additional parking with 45 spaces for 130 units, he referred to Brighton Park in comparison. There seemed to be an issue with using garages for storage rather than parking so more cars were parked on the street. He stated it made it difficult for emergency apparatus to access homes in these situations. Any extra parking tended to be occupied which leads to the roads being full. Mr. Hendrix stated he liked the amenities shown; it was an important piece, but his concern was fire access. He saw Ryan Homes had proposed a fire lane but with 45 parking spaces for 130 units, it seemed inadequate. He stated he was part of the Land Use Plan 10 years ago so he understood updates needed to be made, but he did not know if these were the updates that were necessary to put this type of density in the area. Mr. Hendrix asked Mr. Tatge how he would propose emergency vehicles to access the area if 260 vehicles were in the environment. Mr. Tatge emphasized there was adequate parking dispersed throughout the community: 43 visitor spots, 260 garage spots, and 32 driveway spots which made a total of 335 spots for 130 units. Mr. Hendrix stated when visiting his children who live in this type of development, there was never a parking spot available. Mr. Tatge referred to Mr. Hendrix fire concern, the alleys would be oversized at 24 feet and there would be no parking allowed in the alleys. He stated the fire lane was a tradeoff, the Town wanted a median in front of Truelight Church Road, NCDOT declined the thought. There was not enough frontage to put two full movement access points along the frontage and to space them according to NCDOT's criteria, so the tradeoff was to extend the alley and limit access for emergency vehicles. Mr. Tatge stated a vehicle turning analysis was done which showed both a trash truck and fire truck could successfully fit throughout the community.

Mr. Tyson agreed with Mr. Hendrix regarding the neighborhood's density. He asked if there had been any consideration on more of a mixed development to lessen density. Mr. Tatge stated their plan to build both, detached and attached homes, would help mitigate density. He stated they had

not considered the mixed development idea. Mr. Tyson asked if there had been a runoff study. He stated he had visited the property recently and due to the heavy rain, there was a lot of runoff. Mr. Tatge stated the Towns rules would prevent that from happening. He said there was a pre-versus post condition, so the Towns rules did not allow Ryan Homes to shed rain on other properties. That was what the large pond was behind the property; they had to oversize it 125 percent of the capacity to be sure the water could be detained and treated properly.

Mr. Hendrix asked if the Hillgrove Townhomes would be a retirement community. Mr. Tatge said no, it would not be age restricted. Mr. Hendrix said Mr. Tatge had been comparing this community to the adjacent retirement community for density. He stated what went on a senior living community would be much less than what had been presented. Mr. Hendrix stated he was still concerned regarding the traffic flow within the neighborhood. Mr. Tatge said the word they used with the community was “trust”, that was how things were taken care of. Mr. Hendrix asked if the Board could hear from their traffic staff to discuss his concerns.

Andrew Eagle, Ramey Kemp Associates, gave his introduction. He stated when his team began looking at a traffic study, they were most concerned about the public roadways, so they had not dug into the internal circulation within the site. Mr. Eagle said to give an idea of density and how it played into the number of trips the site would be generating; the number of trips the site would generate were well below the thresholds that would require doing a traffic impact analysis. Mr. Eagle referred to the trip generation comparison as presented earlier. He stated as far as the number of vehicles the development would be adding to Lawyers and Truelight Road intersection, there would be less than a vehicle every minute being added to that intersection.

Mr. Hendrix confirmed the study RKA did would make little to no difference. Mr. Eagle stated there were hardly any trips from this development that would cause impact at the Lawyers and Truelight Road intersection.

Chairman Gatz asked if money was driving this plan to go against the Land Use Plan. Mr. Tatge stated it was more of the greater of two goods. He stated after hearing the Towns input, once you start adding up improvements, those improvements had to be paid for some way so the number of homes per acre increased.

Chairman Gatz asked the applicants for a price point. Mr. Glover said about \$300,000. With the price of improvements and land not being inexpensive, that was how the number came about. Chairman Gatz asked as a developer, was there a price point where down the line, these types of communities were built and turned into rental properties. Mr. Glover stated that typically happens in a lower price point community. He was glad Chairman Gatz mentioned rentals, it was a concern with neighbors as well. He stated Ryan Homes was not looking to sell to investors, so they typically wrote into their HOA documents stating there was nothing less than some sort of timeframe that's a long-term lease to prevent homeowners from renting out the Townhomes.

Ms. Manchester asked if Ryan Homes had any intentions of putting a restriction in their covenants on the percentage that could be allowed to be used as rental units. Mr. Glover stated that had been done in the past but was a very difficult thing to monitor. These homes were completely maintenance free so in the far future if driving through one of these communities, someone may

not be able to determine which was a rental and which was for sale as they will be maintained the same. He stated Ryan Homes was a for sale builder so to help with the rental issue, they would do a limit on the timing of the rental (no less than 12 months).

Chairman Gatz asked Planning Director Hoard who would maintain the developments roads. Planning Director Hoard said ultimately, the roads would be Town maintained.

Chairman Gatz asked if Ryan Homes stayed involved with the community once it was built. Mr. Glover said when the community was complete, Ryan Homes did turn it over to the homeowners. While developing, they would be the Board. As there were more occupants, there would be an additional homeowner added to the Board. Ryan Homes would train the Board and once sold out, they would then turn all Board of Director spots over to the homeowners. Mr. Glover stated they would hope the Board would stay with the same management company as they would know how the community was ran. The HOA fee would be about \$150 a month in addition to what the homeowner would pay for everything else.

Mr. Tatge emphasized the benefits of Townhome living. Mr. Gatz stated he was on the original Land Use Plan committee. He asked how could the Planning Board not follow what was on paper. Once permission was granted to go outside of the Land Use Plan, more applicants would want to do the same.

Mr. Hendrix asked what type of demographic Ryan Homes was pursuing with this type of development. Mr. Glover stated with Mint Hill Commons, they thought the majority living there would be empty nesters. They had learned the system was smarter than they were; about half of the residents were empty nesters. Mr. Hendrix stated his concern still stood; he did not think Hillgrove Townhomes would be an empty nester community. He asked if the bedrooms were on the first floor in these units. Mr. Glover said some of them did have a bedroom on the first floor.

Mr. Fandel echoed Mr. Hendrix stating he was also concerned about the traffic and emergency apparatus access. He was apprehensive about putting the responsibility of keeping the roads clear on the HOA; it may fall under the Towns jurisdiction which added more burden to the Mint Hill Police Department to make sure road clearance was being done.

Mr. Hendrix made a motion to deny #ZC20-10, it was found to be inconsistent with the adopted Land Use Plan. The plan recommended low density, single family developments at 1-2 dwelling units per acre; therefore the petition was found not to be reasonable in the public interest based on the information presented by the application and the opposition expressed from the adjacent property owners. The application was inconsistent with the downtown master plan. Mr. Tyson seconded Mr. Hendrix.

Mr. Hendrix made an unfavorable recommendation, seconded by Mr. Tyson, and the Board unanimously agreed to send an unfavorable recommendation to the Board of Commissioners on #ZC20-10, Filed by NVR Inc. (Ryan Homes), to request a rezoning to allow a residential development located at parcel number(s) 135-381-67 (10524 Lawyers Road), 135-381-66 (10600 Lawyers Road), 135-381-64 (10616 Lawyers Road), and 135-381-65 (10608 Lawyers Road).

B. Discussion and Decision on #S21-02, Wilgrove-Mint Hill Road Subdivision, Filed by Land Investment Resources, LLC. to subdivide property located at parcel number(s) 137-061-13 (7330 Happy Hollow Drive), 137-281-54 (7510 Happy Hollow Drive), 137-281-59 (4851 Wilgrove-Mint Hill Road), 137-281-56, and 137-281-57: Planning Director Hoard submitted the following memo to the Board.

Meadow Vista received conditional zoning approval on September 10, 2020. The approved zoning plan is attached. Planning Board Review and Decision (Mandatory). The Planning Board shall hold a hearing to review the Site Plan (Preliminary Plat) and determine whether the Site Plan (Preliminary Plat) complies with the requirements of this Ordinance, specifically including without limitation all substantive requirements and conditions set forth in Article 7, Section 7.3 (Conditions for Subdivisions). This hearing shall be held in an administrative proceeding and may be conducted in accordance with rules of procedure adopted by the Planning Board as the same may be changed from time to time. The Planning Board action may be approval (if the Site Plan (Preliminary Plat) complies with all Ordinance requirements), tentative approval with conditions (if the Ordinance requires such), or denial of the Site Plan (Preliminary Plat) (if the Site Plan (Preliminary Plat) does not comply with all Ordinance requirements). Upon approval of the Site Plan (Preliminary Plat) by the Planning Board, the Applicant may proceed to comply with the other requirements of this Ordinance and the preparation of the subdivision Final Plat for final approval by the Administrator.

Staff recommends approval.

Planning Director Hoard stated this was a follow up to the rezoning that was approved at the September 2020 meeting. Since that time, the applicant had pursued construction plans through Mecklenburg County. He stated this was a requirement in addition to the rezoning, the applicant had to come back to the Board to get the official subdivision approval.

Mr. Hendrix asked Planning Director Hoard if the requirements had been met for the Town. Planning Director Hoard said there were no concerns. The zoning was approved so the Planning Board had to confirm the rezoning plan was in sync with the plans the applicant was currently pursuing.

Chairman Gatz asked Planning Director Hoard if this subdivision was for more of an administrative approval. Planning Director Hoard said lots of subdivisions were going through conditional zoning, because of that the Planning Board saw it twice. He stated if it were a by right subdivision, it would only go to the Planning Board for approval; he could possibly look at changing it since the Board had to see it twice. Chairman Gatz said it was not time consuming he was just curious.

Upon the motion of Mr. Hendrix, seconded by Mrs. Manchester, the Board unanimously approved #S21-02, Meadow Vista Subdivision, Filed by Land Investment Resources, LLC. to Subdivide lots located at parcel number(s) 137-061-13 (7330 Happy Hollow Drive), 137-

281-54 (7510 Happy Hollow Drive), 137-281-59 (4851 Wilgrove-Mint Hill Road), 137-281-56, and 137-281-57.

Other Business: None.

Adjournment: Upon the motion of Mr. Hendrix, seconded by Mr. Tyson, and unanimously agreed upon, Chairman Gatz adjourned the meeting at 7:40 p.m.

Savanna Ocasio
Program Support Assistant