



1. CALL TO ORDER
2. ROLL CALL AND INVOCATION
3. APPROVE MINUTES OF THE MAY 17, 2021 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 [#ZC21-6](#), FILED BY RICHARD A. PENISTON, ATTORNEY, TO ALLOW A CONIDITIONAL DISTRICT REZONING FROM R TO R (CD) TO ALLOW A CHURCH/PLACE OF WORSHIP AT PROPERTY LOCATED AT 5345 AND 5341 WILGROVE-MINT HILL ROAD, PARCEL NUMBER(S): 137-051-11 AND 137-051-21.
 - B. DISCUSSION AND RECOMMENDATION ON [#ZC21-7](#), FILED BY MHIP, LLC, TO CHANGE CONDITIONS AT MINT HILL BUSINESS PARK FOR PRROPERTY LOCATED AT PARCEL NUMBER(S): 139-092-17, 139-092-33, 139-092-19, 139-092-20, 139-092-21, 139-092-22, 139-092-23, 139-092-24, 139-092-25, 139-092-26, 139-092-27, 139-092-28 AND 139-092-29.
 - C. DISCUSSION AND RECOMMENDATION ON [#ZC21-8](#), FILED BY THE TOWN OF MINT HILL, TO ALLOW A TEXT AMENDMENET TO UPDATE UNIFIED DEVELOPMENT ORDINANCE TO COMPLY WITH 160D.
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
MAY 17, 2021**

The Mint Hill Planning Board met in regular session on Monday, May 17, 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, Chip Todd, and Eric Tyson

Planning Director: John Hoard

Clerk to the Board: Savanna Ocasio

Commissioner: Dale Dalton

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. Mrs. Manchester gave the invocation.

ORDER OF BUSINESS

Approval of Minutes for the April 19, 2021 Regular Meeting: Upon the motion of Mr. Hendrix, seconded by Mr. Todd, the Board unanimously approved the minutes of the April 19, 2021 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 #ZC21-4, Filed by the City of Charlotte, Charlotte Water, to allow a Conditional District Rezoning from R to R (CD) to allow the construction of a new elevated water tank located at 12910 Palomino Drive, parcel number: (part of) 135-331-05: Planning Director Hoard submitted the following memo to the Board.

The applicant is requesting Conditional Rezoning to permit construction of an elevated water tank. Elevated water storage tanks fall under the Essential Services category in Section 5.2 - Table of Principal Permitted Uses. **Essential Services, Class 2:** Elevated water storage tanks; booster stations, package treatment plants, telephone switching facilities (over one hundred (100) square feet gross floor area), substations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities, and solid waste/recycling convenience center. 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.

Favorable Recommendation

Recommended condition: Prohibit the installation of telecommunication antenna on the structure.

Mr. Wilson, Chief Engineer of capital projects and operation support with Charlotte Water, introduced himself and began presenting the proposed elevated water storage tank Charlotte Water would like to build in Mint Hill. He stated although the tank would be located in Mint Hill, the tank would also provide service to Matthews and portions of South and East Charlotte. Mr. Wilson explained the elevated storage tanks were filled with water during the off-peak usage hours (in the middle of the night) and water would be released during the day when the demand was high.

Mr. McClanahan, project manager, briefly explained the background of the proposed project. He stated the need for the water storage tank was originally identified in their water master plan which was done over ten years ago. He stated the tower would be approximately 188 feet tall, holding 1.5 million gallons. The estimated budget was 6 million dollars. They plan to begin construction mid-Summer 2023 and end in Winter 2024. Mr. McClanahan presented a satellite view of the property to the Board. He explained Idlewild Baptist Church, owner of the property, had graciously sold Charlotte Water three acres of land (currently all trees) to build their tank. He stated they plan to only demo approximately one out of the three acres of trees on the site; the remaining portion of the parcel would be left as a shaded tree buffer. Mr. McClanahan stated as part of the project, they would be building a sixteen-inch water main. The water main would not impact Palomino Drive, it would stay off the roadway. A lane might have to be closed every now and then for construction, but they currently did not anticipate that happening. Mr. McClanahan showed a photoshopped image of the proposed water tank from the Church and Food Lion parking lot to the Board. He stated their next steps, if approved, were to close on the property and begin their design and construction.

Mr. Todd asked if telecommunication antennas were allowed on the structure. Mr. McClanahan stated their preference was to keep telecoms off the tanks as it had become a maintenance issue with previous water tower projects. Mr. Todd asked if a secure fence would be installed around the perimeter of the tank. Mr. McClanahan said yes, for security purposes a fence would be installed.

Mr. Wilson shared a past situation to emphasize why Charlotte Water prefers no telecoms on their water storage tanks.

Mr. Fandel asked if there was any opportunity for branding the water tank with “Welcome to the Town of Mint Hill”. Mr. Wilson stated that question had been asked and they were taking it into consideration. In general, they try to keep branding off their infrastructures so there were no guarantees.

Mr. McClanahan stated one of the reasons Charlotte Water did not add logos to their tanks was because it was costly and difficult to maintain.

Mr. Hendrix asked Planning Director Hoard if this project met all the Planning Departments requirements. Planning Director Hoard stated this was considered to be an essential service in the Towns Ordinance. He

stated other than defining what essential services was, there was no real requirements in the Ordinance. He stated his department had no problem with the proposed plan.

Mr. Hendrix asked if a 1.5-million-gallon tank was their standard size. Mr. McClanahan stated 1.5 to 2 million gallons was the most common across the nation. Mr. Hendrix asked if the proposed water tank would fulfill the Town's needs within the next thirty years because of all of the open ground property that would eventually become homes. Mr. McClanahan said yes. Mr. Hendrix asked if the County believed in the need for another water tank in Mint Hill. Mr. McClanahan said their master plan projected all the way out to 2028 of new tanks being built and they did not identify any need for another tank unless development skyrockets within the next ten years.

Mr. Draffen asked what the hatched area represented on the drawing presented by Mr. McClanahan. Mr. McClanahan stated the hatched area was a 100-foot-wide tree buffer. As of right now, they plan to keep two acres of trees but in the future if the tank ever needed to be outsized (which they did not anticipate) in 25-30 years, then they would have to take down more trees and widen the space.

Mr. Hendrix made a motion, seconded by Mr. Fandel, the Board unanimously voted to recommend the consistency statement for #ZC21-4. The consistency statement was as follows:

The Land Use Plan does not specifically identify areas for Essential Services, such as elevated water tanks. However, the Unified Development Ordinance allows consideration of Essential Services on residentially zoned properties through the conditional zoning process. Therefore, #ZC21-4 was found to be reasonable and in the public interest, based on the information presented and reviewed with this petition, and because:

- The elevated water tank will improve water service to the area
- The applicant's commitment to retain tree coverage

Mr. Todd made a favorable recommendation with the recommended condition to prohibit the installation of a telecommunication antenna on the structure and branding of the tank as defined by the Town of Mint Hill, seconded by Mr. Hendrix, and the Board unanimously agreed to send a favorable recommendation to the Board of Commissioners on #ZC21-4, Filed by the City of Charlotte, Charlotte Water, to request a rezoning to allow the construction of a new elevated water tank on the property to serve the area.

B. Discussion and Recommendation on #ZC21-5, Filed by Souder Properties, Inc, to allow a Conditional District Rezoning from R to I-G (CD) to allow the development of a business park located at 10821 and 10905 Blair Road, parcel number(s): 137-151-22 and 137-151-20: Planning Director Hoard submitted the following memo to the Board.

The applicant is requesting Conditional Rezoning from R to I-G (CD) to allow development of a business park. 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.

Favorable Recommendation.

Mr. Souder, with Souder properties, introduced the proposed business park to the Board members. He stated the entrance of the business park would be lined up with Connell Road, across the street. They were looking at adding 42, 800 sq foot office warehouse units. Each unit would consist of an 150 sq foot office, a handicap restroom, and a small warehouse. Mr. Souder showed an example of what the proposed business park would look like to the Board. They had about 500 units all over Charlotte as well as the Matthews and Mint Hill area. Their typical tenants would be various types of businesses where they were trying to move out of their home or to have a few mini storage units.

Mr. Hendrix asked how wide the street was regarding emergency apparatus access and departure. Mr. Toler said they had gotten enough parking spaces but could certainly provide some type of turn around. Mr. Hendrix stated he thought it would be crucial to address that issue. He stated Planning Director Hoard could possibly assist them with making sure the Fire Chief signed off on the correct amount of space needed for an apparatus turnaround.

Planning Director Hoard stated this did go under review with Mecklenburg County in which the Fire Marshall participated so they would absolutely require some type of turn around.

Mr. Hendrix asked what type of road improvements they had planned. Mr. Toler stated there was both a left and right turn. The right turn would require some additional paving along with the driveway which would require partial lane closure. Mr. Hendrix asked if there would be a deceleration lane. Mr. Toler said there would be a widening on the North side of Connell Road for the deceleration and right turn lane. On the other side of their entrance, they had enough existing pavement to provide a left turning lane. Mr. Hendrix asked if that had been cleared by NCDOT. Mr. Toler stated at this point, it had been 2-3 years since they had last heard from NCDOT due to short staffing. He stated when he did hear from them, they were concerned about improvements near Highway 485, but he said this project was on the lower side of Blair Road. Mr. Hendrix asked if those improvements were in place. Mr. Toler said yes.

Mr. Hendrix stated it looked like there was an encroachment into the private resident's property on the Northern side. He asked if that was an issue. Mr. Souder stated as he understood, their driveway was on the Souder's property so that was something that needed to be addressed. He explained currently, the homeowner had a side garage so when they back out of their garage, they back onto the Souder's property. He stated they were still in the beginning stages of their project but that would be addressed. Mr. Hendrix confirmed the sidewalk project was still taking place. Mr. Toler said yes.

Chairman Gatz asked what the lease timeline was for the 800sq foot units. Mr. Souder stated they typically implemented annual leases. He stated their tenants tend to begin their businesses at the business park so they leased for a few years and eventually grew into larger spaces. Chairman Gatz asked if they had a maintenance contract to help maintain the park. Mr. Souder stated they had their own staff of about eight gentlemen, in house, as well as subcontractors for landscaping, plumbing, etc. Chairman Gatz asked for a price range for the units. Mr. Souder stated rent was about \$1,295 a month.

Mr. Hendrix made a motion, seconded by Mr. Todd, the Board unanimously voted to recommend the consistency statement for #ZC21-5. The consistency statement was as follows:

#ZC21-5 was found to be consistent with the Land Use Plan. Map #13 indicated the area was planned for General Industrial. The proposed use, shops for building trades, was allowed in the I-

G district. Therefore, #ZC21-5 was found to be reasonable and in the public interest, based on the information presented and reviewed with this petition.

Mr. Todd made a favorable recommendation with the recommended condition to add a driveway for the access or turnaround of emergency vehicles as approved by the Mint Hill Fire Department, seconded by Mr. Hendrix, and the Board unanimously agreed to send a favorable recommendation to the Board of Commissioners on #ZC21-5, Filed by Souder Properties, Inc, to request a rezoning to allow the development of a business park.

C. Discussion and Decision on #S21-6, Courtyards at Mint Hill Subdivision, Filed by Epcon Communities, to subdivide property located at 14333 Idlewild Road, parcel number: 195-231-01:

Planning Director Hoard submitted the following memo to the Board.

Courtyard at Mint Hill received conditional zoning approval on September 10, 2020. The approved zoning plan is attached. *Note the decrease in lot count. The subdivision application reflects the correct acreage and corresponding 2 units to acres. The new lot count is 38 based on 19 acres.

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 the Courtyards at Mint Hill received conditional zoning approval in September 2020. The plan presented to the Board members appeared to match the requirements from the conditional zoning. Planning Director Hoard mentioned as stated in the memo, Epcon did decrease the lot sizes as they found the acreage was not accurate. The plan that was presented through the original conditional zoning had shown 21 acres, they discovered it was actually 19 acres, so they drew their plan down to 38 lots with 2 units to an acre.

Mr. Hendrix asked if the Planning Department had any concerns. Planning Director Hoard said no.

Mr. Tyson asked if the changing of lot sizes would have any effect on the buffer zone with Davis Trace. Mr. Rossi, Civil Engineer, stated essentially, no. They still had the thirty-foot buffer between Davis Trace and the North and North East side of the property.

Upon the motion of Mr. Hendrix, seconded by Mr. Fandel, the Board unanimously approved #S21-6, Courtyards at Mint Hill Subdivision, Filed by Epcon Communities, to subdivide property located at 14333 Idlewild Road, parcel number: 195-231-01.

Other Business: None.

Adjournment: Upon the motion of Mr. Fandel, seconded by Mr. Tyson, and unanimously agreed upon, Chairman Gatz adjourned the meeting at 7:16 p.m.

Savanna Ocasio
Program Support Assistant



STAFF REPORT

CASE# ZC21-6

Scan QR Code with your Smartphone Camera for Meeting Agenda Packets





APPLICATION

CASE:	ZC21-6
EXISTING ZONING:	R
PROPOSED ZONING:	R (CD)
PROPERTY OWNER:	Medhanie Alem Catholic Church of Geez Rite in Charlotte
APPLICANT:	Richard A. Peniston, Attorney
LOCATION:	5345 & 5341 Wilgrove Mint Hill Road
TAX PARCEL NUMBER(S):	137-051-11 & 137-051-21
REQUEST:	Church/Place of Worship allowance

Scan QR Code with your Smartphone Camera for Meeting Agenda Packets





Town of
MINT HILL
North Carolina

STAFF REPORT

APPLICATION SUMMARY

The applicant is requesting Conditional Rezoning from R to R (CD) to allow conversion of the existing house at 5345 Wilgrove Mint Hill Road to a church. *Church/Place of Worship* may be considered in the residential district under the Conditional Zoning process. No improvements to the site or exterior modifications to the structure are proposed.

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

MINT HILL LAND USE PLAN

The Land Use Plan does not identify preferred locations for non-residential uses such as churches. However, the Unified Development Ordinance, Table of Permissible Uses, allows consideration of *Church/Place of Worship* in the Residential district through the Conditional Zoning process.

DOWNTOWN MASTER PLAN

N/A

MINT HILL COMPREHENSIVE TRANSPORTATION PLAN

N/A

PEDSTRIAN PLAN

N/A

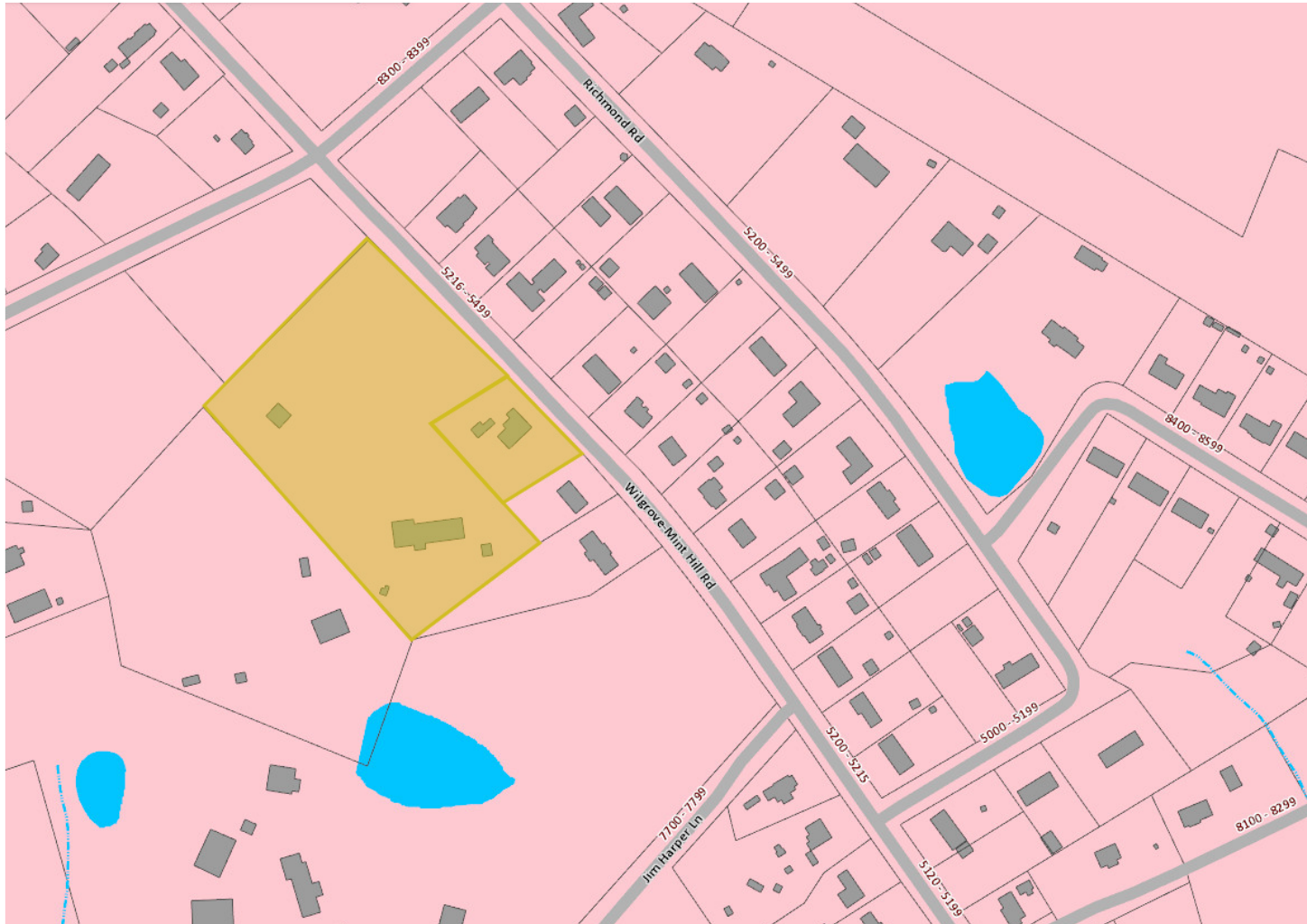
STAFF RECOMMENDATION

Favorable

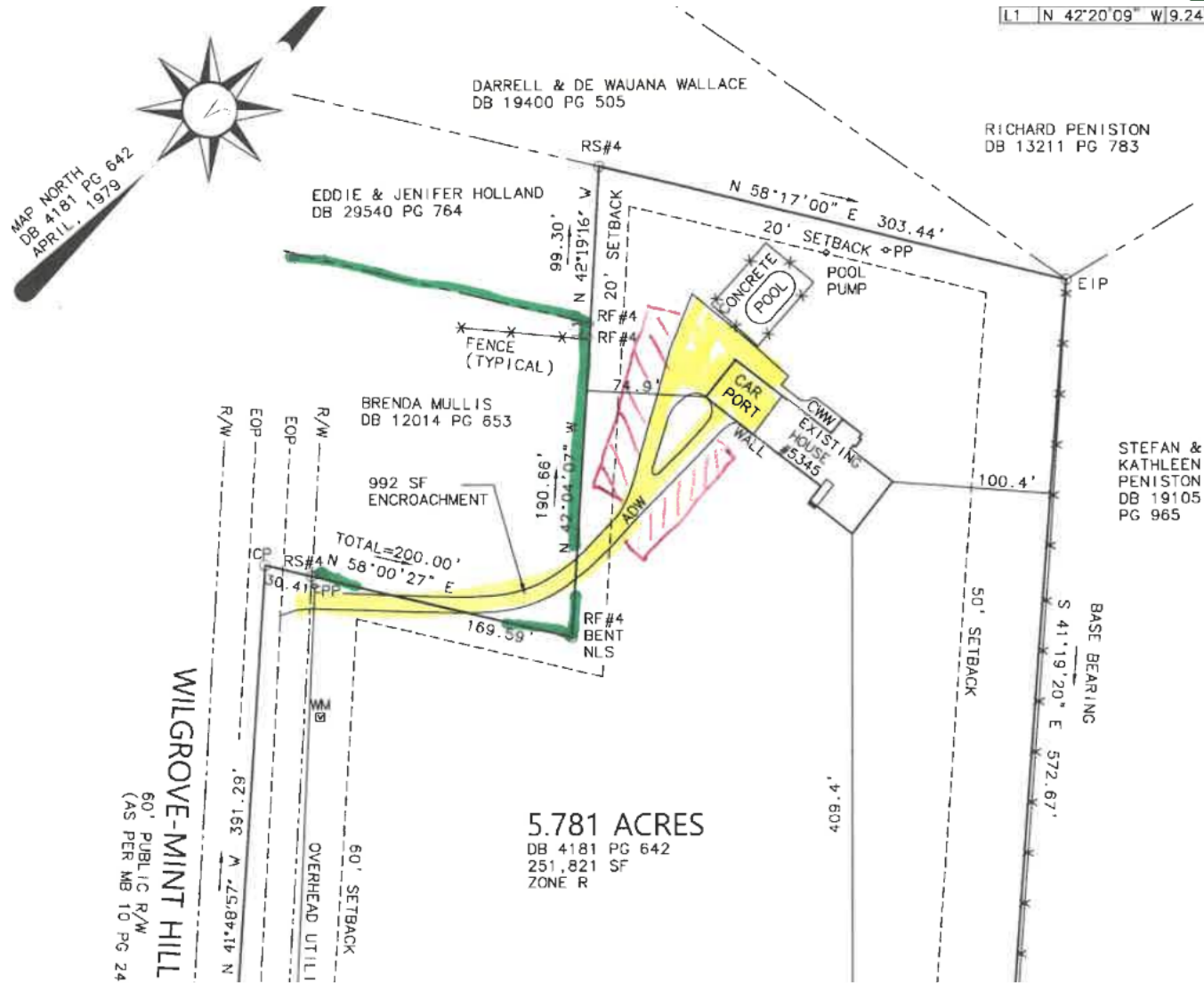
Scan QR Code with your Smartphone Camera for Meeting Agenda Packets



LOCATION MAP



ZONING PLAN





STAFF REPORT

CASE# ZC21-7

Scan QR Code with your Smartphone Camera for Meeting Agenda Packets





APPLICATION

CASE:	ZC21-7
EXISTING ZONING:	I-G (CD)
PROPOSED ZONING:	I-G (CD)
PROPERTY OWNER:	MHIP, LLC, Spanking Balls, LLC, Griffin-Goforth Properties, LLC, Square A Land Holdings, LLC, Robert and Eric Lanier, Griffin Land Holding, LLC, McGee Brothers Co
APPLICANT:	MHIP, LLC (Chuck Jones)
LOCATION:	Mint Hill Business Park
TAX PARCEL NUMBER(S):	139-092-20, 21, 22, 25, 26 & 27
REQUEST:	Reduce 100' perimeter buffer to 50'

Scan QR Code with your Smartphone Camera for Meeting Agenda Packets





STAFF REPORT

APPLICATION SUMMARY

The applicant is requesting a reduction to the remaining portions of the perimeter, undisturbed buffer for the Mint Hill Business Park. The 100' perimeter buffer was a condition applied to the initial rezoning in 1999. Since 1999 there have been several rezoning applications that successfully reduced the buffer from 100' to 50'. The applicant is requesting the remaining sections of the 100' buffer be reduced to 50'.

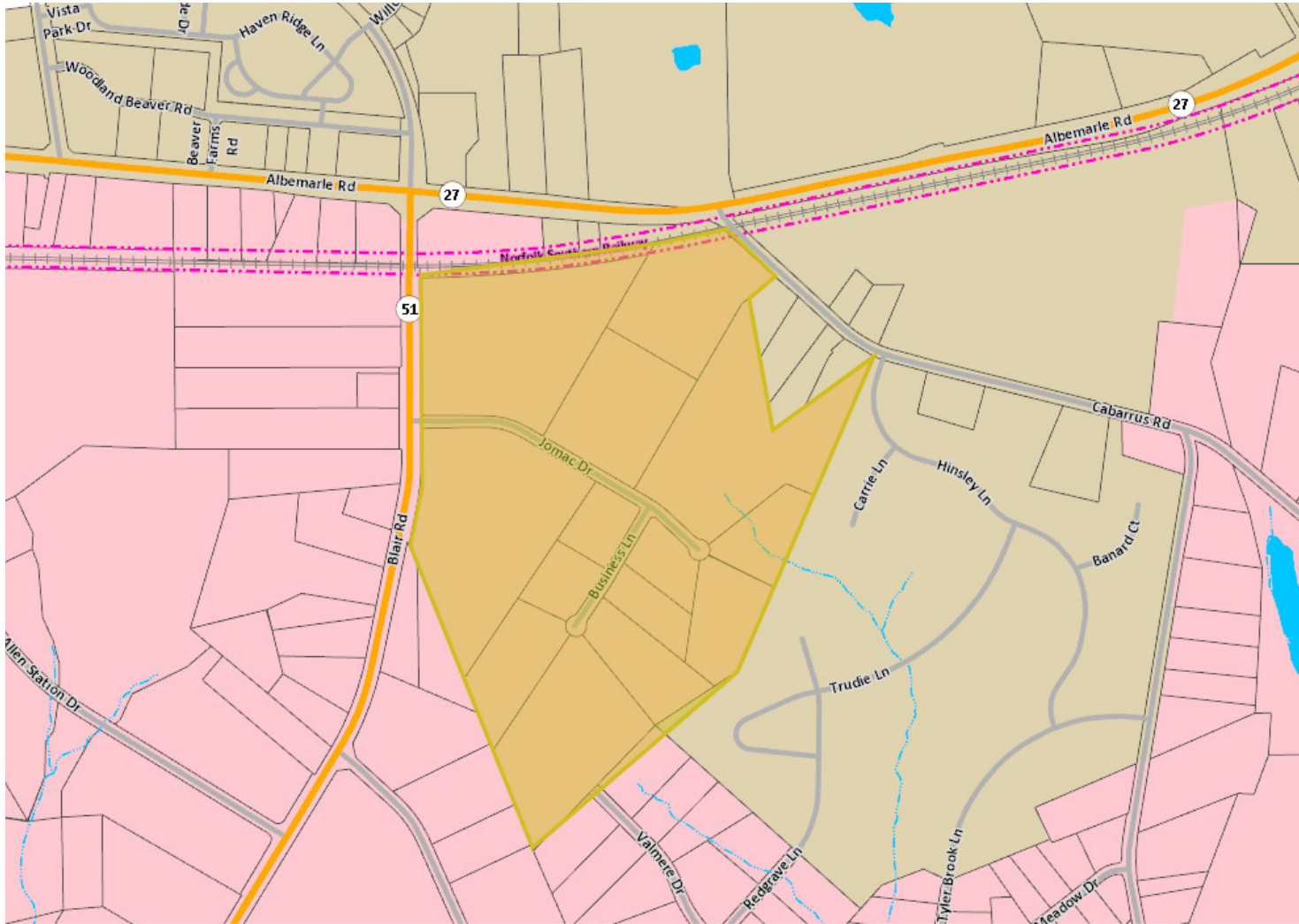
The remaining vacant properties in the Mint Hill Business Park shall obtain Conditional Zoning approval for each proposed development. If the 100' buffer condition is amended with this application, the Board of Commissioners may reinstate the 100' buffer or require supplemental landscaping if deemed necessary through the rezoning process.

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

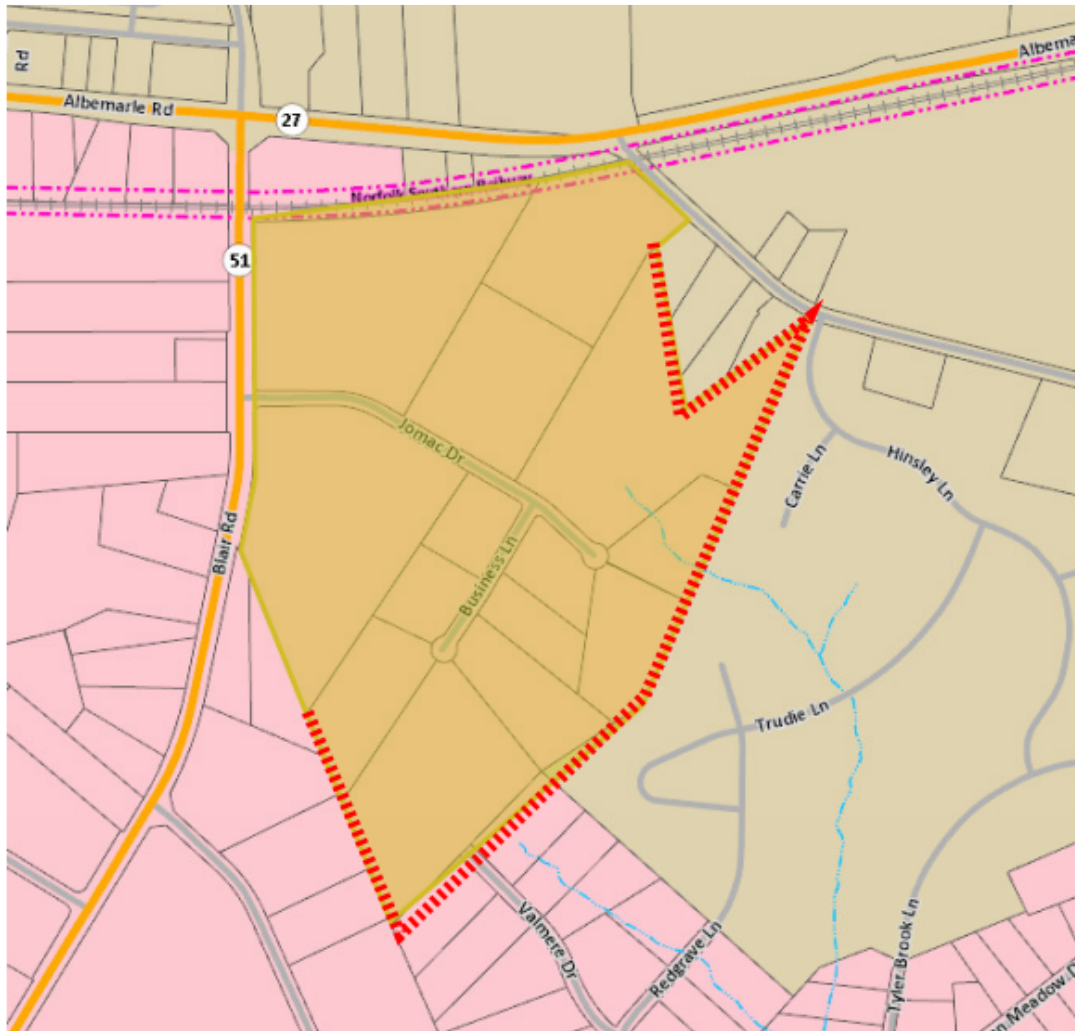
Scan QR Code with your Smartphone Camera for Meeting Agenda Packets



LOCATION MAP



REMAINING 100' BUFFER





STAFF REPORT

CASE:	ZC21-8
APPLICANT	TOWN OF MINT HILL
REQUEST	TEXT AMENDMENT: AMEND UDO TO COMPLY WITH 160D

APPLICATION SUMMARY:

The purpose of the text amendment is to align the Town's Unified Development Ordinance with the new State 160D legislation. [Text Amendment](#)

The new Chapter 160D of the North Carolina General Statutes consolidates current city- and county-enabling statutes for development regulations (Chapters 153A and 160A) into a single, unified chapter. Chapter 160D places these statutes into a more logical, coherent organization. While the new law does not make major policy changes or shifts in the scope of authority granted to local governments, it does provide many clarifying amendments and consensus reforms that will need to be incorporated into local development regulations.

Chapter 160D is effective now, but local governments have until July 1, 2021 for the development, consideration, and adoption of necessary amendments to conform local ordinances to this new law. All city and county zoning, subdivision, and other development regulations, including unified-development ordinances, will need to be updated by that date to conform to the new law. Cities and counties that have zoning ordinances must have an up-to-date comprehensive plan or land use plan by July 1, 2022.

[160D Resources](#)

The School of Government outlines the following major topic areas:

- Terminology and Definitions
- Rules for Boards and Commissioners
- Substance of Development Regulations
- Comprehensive Plans
- Procedures for Land Use Decisions
 - Legislative
 - Quasi-Judicial
 - Administrative
- Vested Rights and Permit Choice
- Judicial Review of Land Use Decisions