

**MINUTES OF THE MINT HILL PLANNING BOARD MEETING
JUNE 21, 2021**

The Mint Hill Planning Board met in regular session on Monday, June 21, 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, Chip Todd, and Eric Tyson

Planning Director: John Hoard**

Clerk to the Board: Savanna Ocasio

Commissioner: Tony Long

Absent: Roger Hendrix and Jennifer Manchester

**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. Todd gave the invocation.

ORDER OF BUSINESS

Approval of Minutes for the May 17, 2021 Regular Meeting: Upon the motion of Mr. Fandel, seconded by Mr. Todd, the Board unanimously approved the minutes of the May 17, 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 #ZC21-6, Filed by Richard A. Peniston, Attorney, to allow a Conditional 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:
Planning Director Hoard submitted the following memo to the Board.

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.

Favorable Recommendation.

Mr. Peniston introduced himself and the proposed project to the Board members. He stated the Church in question was the Medhanie Alem Catholic Church of Geez Rite. He explained Medhanie Alem was defined as "Holy Savior" spoken in Geez Rite, an ancient language. Mr. Peniston provided the Board with the Churches background. He stated the two properties involved were 5345 and 5341 Wilgrove-Mint Hill Road. 5345 Wilgrove-Mint Hill Road was the larger home, comprised of 5.7 acres. He stated the home was built in the 1970's with an open floor plan at approximately 3,200 sq ft. 5341 Wilgrove-Mint Hill Road was the smaller home located closest to the road. A paved driveway led to both homes on the property, and the paved parking area would fit approximately 8 cars. He stated the border between the two homes were heavily planted with shrubbery and trees so parking for Church events at the larger home would not be visible from the road. Mr. Peniston said the use of the homes was consistent with the overall Land Use Plan and would work well in the future. He stated their intention was to use the larger home, 5345 Wilgrove-Mint Hill Road, as a place of worship with the expectation of at most 35 people or less present. The smaller home, 5341 Wilgrove-Mint Hill Road, was intended to be used as a classroom/study room. He stated the Church members present at the meeting planned to be assets to the community and understood that any future growth in terms of construction or development would require them to go back through the Town and County for any permitting.

Mr. Fandel asked if the bordering properties were made aware of the intended conversion. Mr. Peniston stated he had not spoken to any neighbors across the street from the property, but he had spoken with the homeowners behind and next to the property which were his family members. Those he had spoken with were supportive. Mr. Fandel asked if there were plans to alter the property. Mr. Peniston said no, not at this time.

Mr. Todd asked if the homes on the property were strictly going to be used as a house of worship. Mr. Peniston said no one would reside at the homes, the homes would only be used on the weekends for worship. Mr. Todd asked if there would be any Church activities during the week. Mr. Woldegiorgis, Church member, stated the Church would primarily be used on Sundays but if they had time, they would meet on a Wednesday or Saturday as well.

Mr. Draffen stated after looking at the zoning plan, he wanted clarification about the driveway going across the property owned by Brenda Mullis. Mr. Peniston said Brenda Mullis owned the property located at 5341 Wilgrove-Mint Hill Road which was included in the application. Including a second home was intentional to eliminate any concerns about the Church being too close to other homes. Mr. Draffen confirmed 5341 Wilgrove-Mint Hill Road was included in the parcel that was going to be used for Church purposes. Mr. Peniston said yes.

Chairman Gatz asked the number of people expected to attend a service. Mr. Woldegiorgis stated approximately 30-35 people. Chairman Gatz confirmed no additions would be made to the homes. Mr. Woldegiorgis said correct.

Mr. Todd made a favorable recommendation, seconded by Mr. Fandel, and the Board unanimously agreed to send a favorable recommendation to the Board of Commissioners on #ZC21-6, Filed by Richard A. Peniston, Attorney, to request a rezoning to allow a Church/place of worship.

Upon the motion of Mr. Todd, seconded by Mr. Fandel, the Board unanimously voted to approve the consistency statement for #ZC21-6:

The Land Use Plan does not identify locations for non-residential uses such as Churches. However, the Unified Development Ordinance, Table of Permissible Uses, allowed consideration of Churches in the Residential district through Conditional Zoning. Therefore, #ZC21-6 was found to be reasonable and in the public interest, based on the information presented and reviewed with this petition.

B. Discussion and Recommendation on #ZC21-7, Filed by MHIP, LLC, to change conditions at Mint Hill Business Park for property 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: Planning Director Hoard submitted the following memo to the Board.

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.

Mr. Chuck Jones introduced himself and the proposed project to the Board members. He stated he and his family started the business park in 2002, it being the first and only business park in Mint Hill at the time. Mr. Jones had previously gotten the approval to change conditions at the park from the Board for two lots but currently, there were six other applicants in the park who wished to do the same. He thought it would be best if he came before the Board to ask for a one-shot reduction of the entire park to keep from going through this process six more times. Mr. Jones explained what each property owner in the park had planned to do with their property. He stated lot three and four, closest to Cabarrus Road, were about 15 acres owned by MHIP, LLC. If permission were granted to reduce the buffer from 100' to 50', it would add over 3.5 acres of usable space for their property. Mr. Jones stated lot five, located in the cul-de-sac at Jomac Drive, was owned by Griffin Land Holdings. It was the only lot on the whole perimeter that was not completely wooded all the way to the back. He stated lots eight and nine had interest in building office buildings. Lot ten was owned by the McGee Brothers who had owned the property since 2003.

Mr. Draffen stated he was confused as to where each lot Mr. Jones spoke of was located. Mr. Jones reiterated the location of each lot. Mr. Draffen asked how much vegetation would be left after the reduction. Mr. Jones stated there would still be thick woods all the way around, except for on lot five which had a field behind it. Mr. Draffen asked if Trudie Lane and Carrie Lane were neighborhood roads. Mr. Jones said yes, there were a few homes, but they were sparsely along those two roads. Mr. Draffen asked if there would be consideration for more screening. Mr. Jones said yes, for their lot they agreed to plant whatever vegetation was necessary. He stated although they would be making this one change to the buffer, the owners of the property were made aware that they would have to come before the Board if any changes were to be made for approval.

Mr. Tyson asked Planning Director Hoard if there were any concerns with previously approved buffer reductions. Planning Director Hoard stated there were a few residents on Valmere Drive who contacted the Town Commissioners. Mr. Tyson asked other than the hardwoods mentioned earlier, were there any geographical features along the boundaries. Mr. Jones said in addition to thick woods, there were a few ditches and ravines.

Mr. Todd asked with what the Board approved, a few months ago, along with the request Mr. Jones had tonight, would this complete the project. Mr. Jones said yes.

Chairman Gatz confirmed each time someone wanted to develop one of the said lots, they would have to come before the Planning Board. Then the Board of Commissioners, since this was Conditional Zoning, the Board could add what they would like based on what the applicant presented. Mr. Jones said correct.

Mr. Todd made a favorable recommendation, seconded by Mr. Tyson, and the Board unanimously agreed to send a favorable recommendation to the Board of Commissioners on #ZC21-7, Filed by MHIP, LLC, to request a rezoning to change conditions at Mint Hill Business Park.

C. Discussion and Recommendation on #ZC21-8, Filed by the Town of Mint Hill, to allow a Text Amendment to update Unified Development Ordinance to comply with 160D: Planning Director Hoard submitted the following memo to the Board.

The purpose of the text amendment is to align the Town's Unified Development Ordinance with the new State 160D legislation.

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.

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

Planning Director Hoard briefly explained the proposed Text Amendment. He stated this change was a North Carolina requirement. He explained the Town Attorney had gone through and created the changes needed in the Towns UDO.

Chairman Gatz asked if there was a timeline. Planning Director Hoard stated starting July 2021, 160D would be active. Planning Director Hoard emphasized the changes made were relatively insignificant to the daily business of the Town.

Mr. Todd made a favorable recommendation, seconded by Mr. Fandel, and the Board unanimously agreed to send a favorable recommendation to the Board of Commissioners on #ZC21-8, Filed by the Town of Mint Hill, to allow a Text Amendment to update Unified Development Ordinance to comply with 160D.

Other Business: None.

Adjournment: Upon the motion of Mr. Fandel, seconded by Mr. Todd, and unanimously agreed upon, Chairman Gatz adjourned the meeting at 6:59 p.m.

Savanna Ocasio
Program Support Assistant