

**MINUTES OF THE MINT HILL PLANNING BOARD MEETING
AUGUST 16, 2021**

The Mint Hill Planning Board met in regular session on Monday, August 16, 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, Jennifer Manchester, and Chip Todd

Planning Director: John Hoard

Clerk to the Board: Savanna Ocasio

Commissioner: Dale Dalton

Absent: Roger Hendrix and Eric Tyson

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 June 21, 2021 Regular Meeting: Upon the motion of Mr. Todd, seconded by Mr. Draffen, the Board unanimously approved the minutes of the June 21, 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 #ZC21-10, Filed by the Town of Mint Hill, to amend section 6.1.2 A 1 (b) of the Unified Development Ordinance: Planning Director Hoard submitted the following memo to the Board.

Such lot is provided with access to a public street by means of an easement at least fifteen (15) feet in width for the exclusive use of the dwelling to be established on such lot and such easement is a visible identifiable access driveway which is maintained in a condition passable for service and emergency vehicles; however, in no event shall lots be created that result in more than a maximum of three (3) four (4) access easements to lots without road frontage;

Planning Director Hoard stated previously, these applications were approved by the Planning Board. Basically, this Ordinance required all lots in the Town of Mint Hill to have public road frontage with one exception. The exception was what they called an "easement lot". An easement lot was defined as a lot

without road frontage that could be accessed by an easement. The Town had certain conditions to qualify for an easement lot. One of which, the lot had to be at least two acres and had to be served by a 15-foot exclusive easement. He stated around 2006, the Planning Board did a series of text amendments and put a cap on that. They implemented a maximum of three easement lots; if one had a raw track of land and cut it up into easement lots, they could create no more than three. What staff was proposing with this text amendment was to increase the limit from three to four. Four aligned with the Towns minor subdivision rules so it made sense to implement the change.

Chairman Gatz asked Planning Director Hoard if he could explain what he meant by “align”, how did this text amendment align with a minor subdivision? Planning Director Hoard stated a subdivision was considered minor up to four lots. After four lots, a subdivision was then considered major. Which would mean a developer would have to go through the Planning Board approval process. He stated if an applicant submitted a minor subdivision, it would be administratively reviewed. Chairman Gatz asked if the only difference between this text amendment and a minor subdivision was road frontage. Planning Director Hoard said correct. Even with this text amendment, Staff would still approve it since the Planning Board would no longer play a role in that decision making. This previously was exclusively a Planning Board function, but approximately five years ago they struck that rule and allowed it to be administratively handled. He stated if this text amendment passed, they would now pass up to four easement lots under the minor subdivision rule, which would be all Staff level. Anything more than four would be a major subdivision. If it were a subdivision where the lots did not have road frontage, then the owner would not be allowed to come to the Planning Board. This would set a hard cap on the number of easement lots. Chairman Gatz asked what the difference was between this Ordinance and a minor subdivision. Planning Director Hoard stated there really was no difference, with a minor subdivision, one could have road frontage. Now in this case, one could have easement lots. They could do it all under this minor subdivision rule administratively, so there would be no approval needed by the Planning Board. He stated the difference with a minor subdivision was once someone exceeded four, it became a major subdivision. With these easement lots, once the request hits four lots, there was no other option. Chairman Gatz stated for example, he could have a twenty-lot subdivision and four of those lots could have easements. Planning Director Hoard said correct. If this passes, four of those could be easement lots. He stated when the Planning Board passed this amendment, it was a series of amendments. The Planning Board went through all of the Ordinances and approved a series of text amendments. He stated he could not find record of why three lots were selected because before that, there was no cap. This update came up because of a property owner that Staff had been working with last year. The property owner ran into an issue with the three-lot limit, this led Staff to talk about a text amendment. Chairman Gatz asked if there was a downside to this text amendment. Planning Director Hoard stated no, the reason he thought it was done before was to try to deal with situations where at that time, people were taking advantage of the Ordinance. They would do this by doing a minor subdivision, coming back and doing another minor subdivision. Planning Director Hoard stated they later created an amendment that would prevent that. Now, to avoid that loophole, the Towns Ordinance had a requirement where if one did a minor subdivision, they could not come back 3-5 years later with another minor subdivision. Planning Director Hoard stated let’s say someone had twenty acres and they cut up four lots and tried to come back next week to cut up another four lots to stay in the minor subdivision category, the Town would require them to go through the major subdivision process. The difference between a minor and major subdivision was two things, 1) the major subdivision required Planning Board approval and 2) when in the major subdivision category, the owner of the property was required to improve road frontage. An example would be a sidewalk, the property owner would have to sidewalk their frontage, with a minor subdivision they would not be required to build a sidewalk. Chairman

Gatz confirmed one driveway could be shared as long as the easement stayed on the deed. Planning Director Hoard said correct. Staff's role was to secure the easement for the record but typically what was found when these easement lots were done, there was a shared driveway. He stated if lot three for example had a conflict with the other property owners later on in life, they could say they would like to utilize their own easement and that they were going to build a driveway just for their lot. Planning Director Hoard stated they would have the right to do that. Usually, if someone had four easements, they would most likely find one shared driveway and have some sort of cost sharing agreement. Chairman Gatz stated this was not a minor subdivision so if he wanted to play the game, he could come in and request the text amendment and then develop a minor subdivision right next door and then have another lot. Planning Director Hoard stated no, not today. Today Staff would look at the accumulative effect, even if he brought four one year and two the next year, Staff was going to look at that and say well now they were at six total so he would require them to do a major subdivision.

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 #ZC21-10, Filed by the Town of Mint Hill, to amend section 6.1.2 A 1 (b) of the Unified Development Ordinance.

Other Business: None.

Adjournment: Upon the motion of Mr. Draffen, seconded by Mrs. Manchester, and unanimously agreed upon, Chairman Gatz adjourned the meeting at 6:43 p.m.

Savanna Ocasio
Program Support Assistant