

**MINUTES OF THE MINT HILL PLANNING BOARD MEETING
NOVEMBER 22, 2021**

The Mint Hill Planning Board met in a called session on Monday, November 22, 2021 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Vice Chairman: Roger Hendrix
Members: Kenny Draffen, Scott Fandel, Jennifer Manchester, and Chip Todd
Planning Director: John Hoard
Clerk to the Board: Savanna Ocasio
Commissioner: Dale Dalton
Absent: Tom Gatz and Eric Tyson

CALL TO ORDER AND INVOCATION

Vice Chairman Hendrix 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 October 18, 2021 Regular Meeting: Upon the motion of Mr. Fandel, seconded by Mrs. Manchester, the Board unanimously approved the minutes of the October 18, 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 #ZC21-13, Filed by JHP Holding Company, for property located at 13421 Jomac Drive, Tax Parcel number(s): 139-092-20 and 139-092-21, to permit a warehouse space and construction yard with outside storage of equipment and materials: Planning Director Hoard submitted the following memo to the Board.

The applicant is requesting Conditional Zoning approval to allow warehouse space and a construction yard with outside storage of equipment and materials. 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. Industrial uses are supported in the Land Use Plan and existing zoning district.

Stephen Price, JHP Holding, introduced himself to the Board. He stated he was seeking permission to allow the site to be used as a construction yard. Mr. Price presented the zoning plan, to the Board, which showed the location of the proposed warehouse, office, and construction yard.

Mr. Todd asked what was the size of the lot. Mr. Price stated the lot was approximately 15 acres. Mr. Todd asked what supplies would be stored on this site. Mr. Price stated construction vehicles, materials, and equipment. Mr. Todd asked if this was the last empty lot in the business park. Mr. Price said there were quite a few undeveloped lots nearby, but this lot was one of the last to be sold.

Mr. Fandel asked Planning Director Hoard if there were any buffer requirements. Planning Director Hoard said yes, the buffer was shown on the zoning plan. Mr. Price stated there were also some buffers associated with the stream on site.

Mr. Draffen stated he noticed a 30- and 35-foot swim buffer. He asked if that changed somewhere between those two points. Mr. Price stated as the stream moved across the property, the qualification of it changed; therefore, the buffer would change a little bit. Mr. Draffen asked if they had submitted their nationwide stream crossing permit. Mr. Price stated no, as he understood, if they kept it within a certain length the submittal requirements would be limited. Mr. Draffen stated the nationwide permit still went through the court. Mr. Price stated most permitting steps came next if they received approval. Mr. Draffen asked if they were going to tap onto the sewer system. Mr. Price said yes.

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

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 #ZC21-13, Filed by JHP Holding Company, to permit a warehouse space and construction yard with outside storage of equipment and materials. The recommended consistency statement was as follows: #ZC21-13 was consistent with the Land Use Plan and was found to be reasonable and in the public interest, based on the information presented and reviewed with the rezoning application.

B. Discussion and Recommendation on #ZC21-14, Filed by Stimmel Associates, PA, for property located at 4155 Mintwood Drive, Tax Parcel number(s): 195-031-04 and 195-031-06, to allow the property to be used for a Mecklenburg County public community park: Planning Director Hoard submitted the following memo to the Board.

The applicant is requesting Conditional Zoning approval to allow a Mecklenburg County Public Park. The Park, as indicated on the Zoning Plan, will be divided into two phases of development. Upon approval, the immediate Phase 1 includes all portions shown in green on the Zoning Plan. The phase 2 development timeframe has not been specified.

Park—A facility operated by an entity, other than the Town of Mint Hill, that may or may not be open to the general public for outdoor active recreational uses, including, but not limited to: ball

fields, swimming facilities, camping facilities, and which contains improvements designed specifically for such active recreational uses. Such facilities may also contain improvements designed for passive recreational uses. (See Section 7.2.15, Nonresidential Use in the Residential Zoning District.) 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.

- Sidewalks are required on the property’s road frontage (Matthews-Mint Hill Road, Well Road & Mintwood Drive). The Zoning Plan indicates a sidewalk on Hwy 51. The applicant is not proposing sidewalks for Mintwood Drive or Well Road
- Street trees are typically required along the road frontage for new developments
- Add note to acknowledge the future 118’ R/W for Matthews-Mint Hill Road. 9’ of additional R/W should be reserved

Emily Bruehrer, Stimmel Associates, introduced herself to the Board. Ms. Bruehrer gave a brief explanation of the planning and design process they had covered so far. She stated Mecklenburg County had held two community workshops to gather input and validate programming for the proposed park. She stated there had been a previous master plan done 12 years ago. Since quite a bit of time had passed since then, they decided it was important to reengage the community to be sure the programming for the park still met the community’s needs. Through the workshops they were able to engage with community members, understand what they wanted to see in the park, listen to what was important to them, and develop a new plan that met their current needs to develop a long-term asset for the community and Town of Mint Hill. She stated if the Planning Board approved their request, their next step was to hear the Board of Commissioners decision in December. Ms. Bruehrer presented the zoning plan to the Board. She stated the site was located on Matthews-Mint Hill Road (Highway 51), bordered by Well Road and Mintwood Drive. She stated the vacant 90 acres was currently zoned residential. A majority of the property was currently hayed as the lot was primarily used as agriculture. The surrounding uses were all residential. Ms. Bruehrer requested the site be rezoned from residential (R) to conditional zoning (R(CZ)) to accommodate the development of the public community park. She stated the future Land Use Plan showed the recommended land use as single family residential (20,000-40,000 sq ft lots) and since the park would be an extension of resident’s backyard, they felt like it was a good use for the land. She stated the areas highlighted green on the zoning plan represented what would be developed as the first phase of the park which included the multiuse path along Matthews-Mint Hill Road with a signalized pedestrian crossing, an accessible trail connection to the Southeastern edge of the property along Mintwood Drive, a basketball court, community garden enhancements, a playground, splash pad, restroom facility, a mowed meadow, an informal amphitheater, and parking to support those uses. She stated the remainder of the proposed amenities would be developed at a later date as funding becomes available, those uses include pickleball courts, a welcome center with a formal event lawn, picnic shelter, agrarian amenities, an orchard, additional natural surface hiking trails, and parking to support those uses. Ms. Bruehrer stated they maintained a 100-foot recreation setback along the entire perimeter of the property and most of the natural vegetation was being retained to protect and encourage the biodiversity and wildlife habitats that were already out there. The technical data sheet, presented to the Board, listed all of the technical details as well as the architectural renderings that showed the intent of the welcome center and restroom facility on the

property as well as the materials they would like to use which were earth toned and humble to be complementary to land and indicative of the historic and rural nature of the area. Ms. Bruehrer requested the following four exceptions:

- **Sidewalk installation along all public streets.** The petitioner was requesting an exemption from this requirement and proposing the following instead: Petitioner was proposing to install a 12' multiuse path along the Matthews-Mint Hill Road frontage of the property in lieu of a sidewalk from Well Road to Mintwood Drive. A sidewalk easement would be provided if and where the proposed path alignment was located outside of the public right of way. The petitioner was also proposing to provide an accessible trail network connecting building entrances to the multi-use path and to a pedestrian access point in the Southeastern corner of the property along Mintwood Drive, as generally depicted on the rezoning plan.
- **Curb and gutter installation along all public streets.** The petitioner was requesting an exemption from this requirement due to the existing road infrastructure being ditch section. Installing curb and gutter would increase and concentrate runoff onto adjacent properties instead of continuing to allow it to infiltrate through vegetated conveyances.
- **Installation of street trees along all street frontages.** The petitioner was requesting an exemption from this requirement and proposing the following instead: In order to retain the rural and agrarian nature of the property as viewed from the public way, the petitioner would preserve the majority of the existing vegetation along the front and side street property lines in lieu of planting new street trees, as generally depicted on the rezoning plan.
- **Phased development.** The petitioner was requesting for the development of the park to be phased as generally depicted on the rezoning plan; allowing the petitioner five years from date of zoning approval to commence efforts to develop in accordance with the approved plans.

Mr. Draffen stated he was concerned about the curb and gutter. He stated if there were any other developments, they were going to install curb and gutter. He asked if this meant this property would never get curb and gutter. Ms. Bruehrer stated it would get curb and gutter once NCDOT completed their widening project. Mr. Draffen asked when that was planned for. Ms. Bruehrer stated they met with NCDOT in February and were told right of way acquisition construction would take place in 2030. She stated they would probably have to redesign due to the timeline that had gone on so the plan they had seen may not even be valid by the time they get back to it again. Planning Director Hoard stated the Ordinance would require curb and gutter on Mintwood Drive and Well Road. By Ordinance, curb and gutter would not be required on Matthews-Mint Hill Road. Typically, on State roads they did not require curb and gutter, only in the Downtown district. Mr. Draffen asked if installation of sidewalks on Mintwood Drive and Well Road was a requirement. Planning Director Hoard said that was an Ordinance requirement, so they were asking for an exception. Now again, Matthews-Mint Hill Road was excluded from this because they showed a multiuse path along Matthews-Mint Hill Road which would satisfy the sidewalk requirement. He stated sidewalks were being discussed along Mintwood Drive and Well Road. Mr. Draffen asked if the property developed on each side of the park, would their sidewalk just stop and terminate into nothing. Planning Director Hoard stated yes, if filling in the gap became necessary, it could possibly become a future Town project.

Mr. Fandel asked Ms. Bruehrer why they were asking for an exemption from the installation of street trees along all street frontages. Ms. Bruehrer stated the property was heavily vegetated along Matthews-Mint Hill Road so they would like to retain what was currently there. Mr. Fandel stated he thought there were not many trees along Matthews-Mint Hill Road. Ms. Bruehrer stated there were minimal areas where there

were no trees; the only area where trees were sparse was at the corner of Matthews-Mint Hill Road and Mintwood Drive. She stated a big reason behind preserving the existing trees was because there were a lot of comments in their community workshop from the neighbors who really wanted to preserve the current look of the property. Asking for this exemption would allow them to retain as much of the existing character of the property as they could. Mr. Fandel asked if the sparse tree portion of the property would be developed during phase one or phase two. Ms. Bruehrer stated that portion would not be developed until phase two.

Mr. Todd asked if the community garden would remain intact or would the park take it over. Ms. Bruehrer stated the garden would remain in place. She stated they had allocated space for the garden to expand if the gardeners wished to add more plots. They were adding a tool shed and material storage bin area for the gardeners to help facilitate their maintenance and proposing to upgrade their fence. Mr. Todd asked where parking for the basketball and pickleball courts would be located. Ms. Bruehrer stated that would all be in the main parking lot near the welcome center. Mr. Todd asked what the size of the basketball and pickleball courts would be. Ms. Bruehrer stated there was one full size basketball court and she believed they had allocated space for three pickleball courts.

Vice Chairman Hendrix stated if approved, what did the timeline look like for developing the first phase. Ms. Bruehrer stated if approved, they were looking at starting design development and construction documents right after the new year, permitting process early Fall, then construction probably starting early 2023. Vice Chairman Hendrix asked if the second phase of development included more trails/connectivity to the adjacent neighborhoods. He stated his concern was pedestrian access points to Well Road and Mintwood Drive. Ms. Bruehrer stated the trail to Mintwood Drive would be part of the first phase so the neighborhoods down Mintwood Drive would have access from day one once the park was open. She stated they had not yet allocated trails to Well Road since there were only a few large lots on that side so from a density standpoint, they did not feel like it was needed. They could allocate a trail there in the future if it was deemed that it was wanted by the community. Vice Chairman Hendrix stated with the County completing this project in two phases, he asked how the money was appropriated and what was the length of this process. Ms. Bruehrer stated the original master plan was done twelve years ago. The budget that was allocated for this project was based off that plan and construction cost at that point in time. Since construction was more expensive today, that was the reason they did not have the funding to complete the entire project right now. The idea was to get more CIP funding to build out the rest of the park within that five-year period. Vice Chairman Hendrix asked Planning Director Hoard if the Planning Department had any concerns about the exception requests since this was going to be a marquee piece on the Town's main highway. Planning Director Hoard said this had been a project that had been talked about for a long time. He stated everything looked fine, including Ms. Bruehrer's exception requests. He stated he pointed out the things that conflicted with the Ordinance but this was conditional zoning so that was certainly something they could deviate from if the Board deemed it necessary.

Mr. Fandel made a favorable recommendation, seconded by Mr. Todd, and at a 6:1 vote, with Mr. Draffen voting against, the Board agreed to send a favorable recommendation to the Board of Commissioners on #ZC21-14, Filed by Stimmel Associates, PA, to allow the property to be used for a Mecklenburg County public community park with the recommendation acknowledging the future 118 foot right of way for Matthews-Mint Hill Road, nine feet of additional right of way should be reserved.

The recommended consistency statement was as follows:

#ZC21-14 was inconsistent with the Land Use Plan, but the Unified Development Ordinance allows consideration of a park in the R district through the conditional zoning process. The application was found to be reasonable and in the public interest based on the information presented and reviewed.

C. Discussion and Decision on #S21-28, Filed by Merrick & Company, to subdivide property located at 14250 Cabarrus Road, tax parcel number: 139-401-02: Planning Director Hoard submitted the following memo to the Board.

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

- Street trees are required on the internal streets and perimeter, fronting streets (Cabarrus Road and Williams Road) **7.3.2 General Requirements for Subdivisions.**

Planning Director Hoard stated this was a by right subdivision located on Cabarrus and Williams Road. He stated the Board might be familiar with this site as it was originally approved as a subdivision in 2006 but it was never built. He stated this new builder had gone through several different versions and they had landed here on this by right option. This development had 20,000 sq ft lots with 125 ft width along the street. He stated the site plan met all of the Towns Ordinance requirements.

The developers of the community, Scott Doerr (Merrick & Company) and Mike Shea (Empire Communities), introduced themselves to the Board.

Mr. Todd asked how many access points there would be to the neighborhood. Mr. Doerr stated they were going to have four access points total: two new access points and then two access points connecting to the existing roads to the South. Mr. Todd asked if they had a public hearing and if so, were there any complaints from neighbors? Mr. Doerr said being a by right subdivision, they have not had a public hearing. Mr. Shea stated he had met with most of the neighbors and there were no concerns. He stated if concerns were to occur, he would be more than welcome to meet with the resident(s) and handle the concerns in a gracious way. Mr. Todd asked about the design of the houses. Mr. Shea stated they built the community of Summerwood so if the Board was familiar with that subdivision, they intend to use the same products they used for that community. He stated they anticipated the homes to be in the half million-dollar range.

Mr. Hendrix asked Planning Director Hoard if the Planning Department had any concerns. Planning Director Hoard said no, everything appeared to meet the Ordinance.

Upon the motion of Mr. Fandel, seconded by Mr. Draffen, the Board unanimously approved #S21-28, Filed by Merrick & Company, to subdivide property located at 14250 Cabarrus Road, parcel number: 139-401-02 with the recommendation acknowledging that the street trees are required on the internal streets and perimeter street frontage of Cabarrus and Williams Road.

Other Business: None.

Adjournment: Upon the motion of Mr. Todd, seconded by Mr. Fandel, and unanimously agreed upon, Vice Chairman Hendrix adjourned the meeting at 7:02 p.m.

Savanna Ocasio
Program Support Assistant