

**MINUTES OF THE MINT HILL PLANNING BOARD MEETING
JANUARY 24, 2022**

The Mint Hill Planning Board met in a regular session on Monday, January 24, 2022 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Tom Gatz

Members: Kenny Draffen, Jennifer Manchester, Chip Todd, and Eric Tyson

Planning Director: John Hoard

Clerk to the Board: Savanna Ocasio

Commissioner: Patrick Holton

Absent: Scott Fandel and Roger Hendrix

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 November 22, 2021 Called Meeting: Upon the motion of Mr. Todd, seconded by Mr. Tyson, the Board unanimously approved the minutes of the November 22, 2021 Planning Board meeting.

Additions or Deletions of Agenda Items: Planning Director Hoard deferred Agenda Item B to next months meeting.

Reports of Committees, Members and Staff: Planning Director Hoard stated if everything held to schedule, the draft Land Use Plan would be brought to the Planning Board at their next months meeting. He stated initially, the idea was to have the Planning Board review the draft plan for their information but based on the interpretation of State law, the Planning Boards recommendation was required. A public hearing on the draft plan would be held at the Board of Commissioners next meeting and then brought to the Planning Board for their recommendation. The Planning Boards recommendation would then go to the Board of Commissioners meeting in March where it would likely be adopted.

Chairman Gatz stated it would be to the Planning Boards benefit to either attend next months public hearing or to watch the meeting stream on YouTube. Planning Director Hoard agreed, he encouraged the Board to watch the public hearing since the consultant would be giving a presentation. He stated he would send the Board a link to the website that was created for this process which included the presentation so they could review the plan and even track it's history to be brought up to speed. As always, the Board could call Planning Director Hoard if they had any questions.

Chairman Gatz asked Planning Director Hoard if he knew of any plans for the construction on Matthews-Mint Hill Road where houses and trees had been torn down. Planning Director Hoard stated he had been in conversation with the gentleman who purchased the property. He stated the gentleman had a plan

although nothing had been submitted yet. He believed the gentleman was interested in building a structure but as far as use and tenants, Planning Director Hoard did not know.

Old Business: None.

New Business:

A. Discussion and Recommendation on #ZC21-15, Filed by Luther Jones, Jr., for property located at 5011 Wilgrove-Mint Hill Road, Tax Parcel number: 137-051-05, to request to rezone to the General Business (B-G) district: Planning Director Hoard submitted the following memo to the Board.

The applicant is seeking approval to rezone 1.56 acres located at 5011 Wilgrove-Mint Hill Road, from Residential to General Business. *Individual, particularized conditions on rezoning's to a general use district are unenforceable in North Carolina.* The Board should consider all potential uses permitted in the B-G district. The permitted use table is attached. All uses designated as BR (by-right) or SR (special requirements) in the B-G district are permitted without Board approval if the rezoning is granted. All uses designated as CZ would necessitate a separate rezoning process specific to a detailed Zoning Plan.

Staff Recommendation: Unfavorable.

Planning Director Hoard stated the applicant was present but before he began his presentation, he wanted to briefly mention something to the Board. He stated this request was somewhat unusual as this type of rezoning was not common in Mint Hill. Tonight's request would be considered a Conventional Rezoning or as some would say, a by right Rezoning. He stated the Board was familiar with Conditional Rezoning's in which a site plan was provided to show exactly what was going to be placed on the property. With Conventional Rezoning, there was no site plan or use provided to the Board. When making a decision or recommendation, he suggested the Board consider any of the uses that were allowed within that district. Even if the applicant promised something, the Board could not hold them to it since condition could not be placed on the property. In the Board's agenda packet, Planning Director Hoard provided a list of all the uses that were allowed in that district. He stated several of the uses listed required Conditional Zoning so for example, if the zoning change was approved and someone had interest in building a convenient store, they would have to go back through a Conditional Zoning process for approval. He stated the highlighted uses in the packet were uses that would be allowed if the rezoning were approved by right; meaning it would be administratively handled.

Mr. Luther Jones, 5011 Wilgrove-Mint Hill Road, introduced himself to the Board. He was before the Board requesting his property be rezoned from Residential to General Business. Mr. Jones explained he and his wife were previous Mint Hill residents. They ended up moving to the mountains to live closer to their children. As his wife suffered with dementia, her doctor recommended moving back to Mint Hill as that was all Mrs. Jones seemed to remember. Quickly, Mr. and Mrs. Jones made their move to Mint Hill to reside at the home Mrs. Jones fell in love with, 5011 Wilgrove-Mint Hill Road, where Mr. Jones continued to be his wife's caregiver 24/7. Mr. Jones purchased their home without an inspection, so they had been putting up with conditions due to the cost associated with completely renovating the house, so he decided he wanted to rezone his property. Mr. Jones mentioned the successful rezoning's that had been approved in Mint Hill and felt as though he was being discriminated against since his request had not been

approved. He stated there were more businesses than individual households along Wilgrove-Mint Hill Road, so he did not understand how his property differed. Mr. Jones stated if he did not receive the Towns approval, he and his wife might have to stay in that home for the rest of their lives which was bad for their health. Mr. Jones concluded by thanking the Board for their time and hoped they would cooperate with him.

Mr. Todd thanked Mr. Jones for coming before the Board to share his heart and story. He asked Mr. Jones what his intentions for the home were. Mr. Jones stated if someone were interested in his property, he would sell it and buy a home for him and his wife that did not require any repair work to be done. Mr. Todd asked how long Mr. Jones had lived in that home. Mr. Jones stated this past Labor Day made one year since they moved in. He went on to describe a major reasoning behind his request, safety. He stated that Labor Day there were a few kids walking along Wilgrove-Mint Hill Road that had asked Mr. Jones if they could have a few fresh grapes that were growing in his yard. He welcomed the children to the grapes and asked where they were headed. The children were headed to the nearest convenient store to get some ice cream. As the kids ate grapes and continued on, Mr. Jones saw them playing and one of the children had accidentally been pushed into the road. He stated he would like to have the property rezoned to keep the children safe. If his property were a convenient store, it would be safer for the children so they would not have to cross such a busy highway. Mr. Todd said he respected Mr. Jones and thanked him again for coming before the Board.

Mr. Tyson asked if Mr. Jones tried selling the property in its current zone, residential. He stated the house on the property seemed beyond his level of repair. Mr. Jones said a gentleman had approached him whom seem interested in the home. The gentleman told Mr. Jones that he could add four more houses on the property. Mr. Jones explained to the gentleman that he was in the process of requesting a zoning change. The gentleman asked Mr. Jones to keep him updated and gave him his business card.

**Mr. Todd made an unfavorable recommendation, seconded by Mr. Draffen, and the Board unanimously agreed to send an unfavorable recommendation to the Board of Commissioners on #ZC21-15, Filed by Luther Jones Jr., to request to rezone to the General Business (B-G) district. The recommended consistency statement was as follows:
#ZC21-15 was found to be inconsistent with the Mint Hill Land Use Plan based on the information contained in the application and because the Mint Hill Land Use Plan recommended residential land use for the property. We found this petition to not be reasonable and in the public interest based on the potential disruptive nature of commercial use within a predominantly residential setting.**

Other Business: None.

Adjournment: Upon the motion of Mr. Todd, seconded by Mr. Tyson, and unanimously agreed upon, Chairman Gatz adjourned the meeting at 6:58 p.m.

Savanna Ocasio
Program Support Assistant