

**MINUTES OF THE MINT HILL PLANNING BOARD MEETING
FEBRUARY 21, 2022**

The Mint Hill Planning Board met in a regular session on Monday, February 21, 2022 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: Patrick Holton
Absent: Roger Hendrix and Jennifer Manchester

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 January 24, 2022 Regular Meeting: Upon the motion of Mr. Fandel, seconded by Mr. Todd, the Board unanimously approved the minutes of the January 24, 2022 Planning Board meeting.

Additions or Deletions of Agenda Items: Planning Director Hoard deferred Agenda Item B to next month's meeting. Mr. Fandel asked if February's Board of Commissioners meeting was streamed and posted on the Town's YouTube page. Planning Director Hoard said yes.

Reports of Committees, Members and Staff: None.

Old Business: None.

New Business:

A. Discussion and Recommendation on #ZC21-16, Filed by Tim Arey, for property located at 11631 Lawyers Road, Tax Parcel number(s): 197-011-42, 197-011-45, and 197-011-16, to request to amend #ZC19-9 Zoning Plan: Planning Director Hoard submitted the following memo to the Board.

ZC19-9 was approved on September 10, 2020. The applicant is requesting an amendment to the approved ZC19-9 Zoning Plan. The need for the amendment is a result of the sewer extension. Charlotte Water will not allow sewer to extend through a private alley. If the requested amendment is approved, all alleys in McEwen Manor will be designated as public alleys. The applicant has agreed to meet CLT Water's conditions to allow sewer in the public alleys and the alleys will be built to the Town's specification. 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.

Planning Director Hoard stated this site was originally approved in 2020 in which the plan included private alleys. Typically in Mint Hill, alleys were private; but Charlotte Water had an issue extending sewer into a private alley. When Staff heard this news, they began exploring options including possibly turning the private alley into a public alley. That eventually evolved into something the Town had discussed for a while which was to do away with private alleys and to turn all alleys to public. For this development, the proposal was to convert what was going to be private to public alleys to satisfy Charlotte Water. Staff had met with Charlotte Water where they provided the conditions for the alleys, the minimal width, and easements; the developer had agreed to meet all of those conditions. Planning Director Hoard stated the alley conditions had met the Towns requirements as they would oversee maintaining the alleys if made public. Planning Director Hoard and the developer were opened to answering any questions.

Chairman Gatz asked what differentiated a private alley from a public alley. Planning Director Hoard said things had evolved over the last few years as private alleys were starting to move towards becoming public due to Fire apparatus access inconveniences in private alleys so for the last few years, it had been moving in that direction. He stated private alleys were similar to public alleys with the exception of the asphalt as it was more narrow, but the alley did meet the minimum width for sewer, Fire, and for the Towns future maintenance. Other than that, the difference was the communities HOA would take care of the alleys maintenance if it were private, but with becoming a public alley, the Town would maintain the road.

Mr. Draffen asked what Charlotte Water was allowing for an easement as to where water and sewer would be located in the alleys. Planning Director Hoard said 30 foot right of way with an easement on either side; the easement would have some kind of language in there to prevent encroachment, or to be sure a house was not built there. Mr. Draffen asked if Staff received that in writing from Charlotte Water. Planning Director Hoard said yes, they had also met with Charlotte Water a few times where they explained exactly what they were requesting. Mr. Draffen stated for Fire apparatus, what was the width of the pavement? Planning Director Hoard said 20 feet. Mr. Draffen asked if parking would be allowed along the alley. Planning Director Hoard said no, the road was at least 20 feet wide, but he was unsure if “no parking” signs would be installed along the alley or if it would just be an Ordinance.

Mr. Tyson asked if there was a significant cost increase to the Town with going from a private to public alley. Planning Director Hoard said yes, the Town would go from not maintaining the alley if private, to maintaining it if it were public so there was a cost increase. He stated the Town would receive a fraction of Powell Bill money which was money that helped maintain Town maintained roads. Mr. Tyson asked if this transition benefited the Town. Planning Director Hoard said Staff had previously spoken of moving towards public alleys, largely having to do with Staff fearing the possibility of an HOA not setting enough money aside to maintain the roads. In the long run, Staff was concerned with being put in a position where the alleys were failing as the HOA could not take care of it in which ultimately, the HOA would want to lean on the Town to help them. He stated keep in mind that the Towns trash service uses these alleys as well, so this was a way to get ahead by requiring a certain standard and being capable of maintenance. The good news with an alley was it was not used as heavily as a road, so the wear and tear should not be as significant as one might see on an average neighborhood street.

Chairman Gatz stated the agenda mentioned frontage requirements along a public street. He asked what was meant by that. Planning Director Hoard stated when this application was originally filed, the applicant was leaning towards a public street. With a public street, the applicant would have had to ask the Board for an exception since it created a problem where the rear end of the homes would back up to the public street which created a code issue. Now that the applicant had gone towards this public alley, no exceptions to the code was needed. Chairman Gatz asked how the motion would read. Planning Director Hoard said when the zoning plan was approved in 2020, the plan only mentioned an alley, not including private or public so the Board was just amending the approved zoning plan by stating that the alley would be public.

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 #ZC21-16, Filed by Tim Arey, to request to amend all alleys to a public alley.

Other Business: Chairman Gatz asked if Planning Director Hoard could explain to the Board how the Draft Land Use Plan would be reviewed. Planning Director Hoard stated the idea they were working on was previously going to be presented to the Board tonight as the consultants were separating the plans into comprehensive plans in which they were going to run through its process. He stated in the contract with the consultants, they agreed to one sub area plan, but Staff had them do two, so there were a few things the consultants wanted to work on before they came before the Planning Board. They were not going to be ready before tonight's meeting, so Staff recommended deferring this item to next months Planning Board meeting that way the consultants had enough time to finish the sub area plans, have Staff review it, and present it to the Land Use Committee all before next month's Planning Board so they would be presented with the entire plan at once which included the comprehensive plan, policy recommendations, and the two sub area plans. The consultants would then go before the Board of Commissioners in April and hold a second public hearing in which the Board of Commissioners would vote, and a decision would be made. Chairman Gatz asked where the two-sub area plans were located. Planning Director Hoard stated the two-sub area plans were a portion of the Downtown, focusing on the land behind Town Hall in which the Town of Mint Hill owned. The other sub area plan was near Veterans Park. The consultants planned on sharing everything with Staff this week where they would review it. He stated it worked out this way, so the Planning Board was only being presented one presentation where everything was included. He stated at last months Board of Commissioners meeting when the consultant presented the Draft Land Use Plan, it was just for the comprehensive plan. Chairman Gatz stated it was a high-level presentation. Planning Director Hoard said yes, that was the direction Staff gave the consultants. He stated he wanted to focus more on the map itself with these policy recommendations rather than a thick manual.

Adjournment: Upon the motion of Mr. Draffen, seconded by Mr. Fandel, and unanimously agreed upon, Chairman Gatz adjourned the meeting at 6:46 p.m.

Savanna Ocasio
Program Support Assistant