

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

The Mint Hill Planning Board met in a regular session on Monday, March 21, 2022 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, and Jennifer Manchester
Planning Director: John Hoard
Clerk to the Board: Savanna Ocasio
Commissioner: Patrick Holton
Absent: Tom Gatz, Chip Todd, 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. Mrs. Manchester gave the invocation.

ORDER OF BUSINESS

Approval of Minutes for the February 21, 2022 Regular Meeting: Upon the motion of Mr. Fandel, seconded by Mr. Draffen, the Board unanimously approved the minutes of the February 21, 2022 Planning Board meeting.

Additions or Deletions of Agenda Items: None.

Reports of Committees, Members and Staff: Planning Director Hoard informed the Board of the Draft Land Use Plan which was soon to be completed and would be presented at their next meeting in April.

Old Business: None.

New Business:

A. Discussion and Recommendation on #ZC22-1, Filed by Hatisha Mike, Conditional Rezoning to request a change in Zoning from Residential to Residential (CD) to allow a Residential Assisted Living for Seniors, for property located at 8025 Wilson Woods Drive, Tax Parcel Number 137-07-624: Planning Director Hoard submitted the following memo to the Board.

The applicant is requesting conditional zoning approval for an Assisted Living Facility for ten senior residents for property located at 8025 Wilson Woods Drive, Tax Parcel # 137-076-24.

Assisted Living Facility—A facility that provides supervision or assistance with activities of daily living, coordination of services by outside health care providers, monitoring of resident activities to help to ensure health, safety, and well-being but does not provide medical care in the way it is provided at a Nursing Home. R, Residential District. This district is designed to encourage the protection of the natural and manmade

environment and resources and the retention of existing farmlands, rural estates, forested and water areas and other open type uses. This district contains diverse modes of living and housing types by encouraging building lots of varying size and dwelling unit densities consistent with the stated goals and objectives for promoting and protecting the unique rural and country village character of the Town set forth in the adopted Land Use Plan. Other selected uses, consistent with the needs of the community, are also provided for in this 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.

Hatisha Mike, applicant, introduced herself to the Board and began her proposal. She stated her company acquired 8025 Wilson Woods Drive in May of 2021. Ms. Mike presented the Board with before and after images of the properties condition as well as the home they intend to build on the site. She stated approval of her rezoning request would allow her company to serve up to ten seniors in upscale residential assisted living. She stated there was an ever-increasing need in our communities for quality senior care and research had shown seniors fare far better in residential environments as opposed to nursing homes. Ms. Mike reviewed the services her company offered as they were defined by Mint Hill Ordinance and North Carolina Department of Health and Human Services. She stated her company would serve seniors who required assistance with their activities of daily living, however, the resident did not require critical or memory care. She explained there were two primary reasons as to why she believed the property was ideal for their intended use: one being the property sat over 400 feet away from Wilson Woods Drive and was not visible from the road. Secondly, having almost two and a half acres at their disposal would allow seniors to be able to enjoy outside activities and outdoor living, without encroaching on the quiet enjoyment of their neighbor's property. She believed in large extent the fact that the property was hidden and not visible from the street was why surrounding neighbors, indeed the Town itself, were unaware of all the trash and disrepair the property was in. Ms. Mike presented the site plan to the Board. She explained they planned on using the existing footprint of the property when building; the current house on the property was 1,500 square feet and they were going to build a house that was over 6,000 square feet. Where there was currently a partially demolished building on the property, they were going to build both storage and a detached garage. She said her team created a website to share information with neighbors and they solicited feedback, so she provided the Board with the most common questions and concerns they received from neighbors in which she addressed as followed:

- What will this do to my property value? *This is a luxury single-family residential home. It is an improved value compared to the existing structure.*
- Will there be a lot of traffic and deliveries? *No. this is a single-family home with ten residents. The seniors do not drive, meals are prepared onsite, and laundry is done onsite. There are no food deliveries and no laundry service deliveries.*
- Will there be several employees? *No. The plan is to have two employees onsite, 24/7.*
- What about visitors? *Visitor traffic for a ten-resident home would be no more than what one would expect for a large family. I've learned through conversations with neighbors, that as many as nine residents have lived in the existing property at the same time. There were no noise complaints. Because the property is not visible from the road, once a visitor enters the grounds, there's no infringement on our neighbors.*

- What about heavy traffic on the shared portion of the driveway? *There will be two employee cars on the property daily that would come through the driveway. Access to the property is a deeded easement.*
- What about emergency service vehicles? *The property is accessible for emergency service vehicles. This is an independent living residence for seniors and not a critical care facility. There is no expectation for emergency service vehicle traffic outside of what one would expect from any senior residence.*
- Why ten residents instead of six, eight, or even fifteen? *There is an increased need for quality senior care. We are equipped to offer a high standard of care to ten residents. Any number over ten compromises that goal. Serving less than ten fails to maximize our service capability.*
- If approved, what qualifies you to shepherd this project successfully?
Property Services Experience: *Licensed Real Estate broker in the Carolinas for over 20 years, property management experience serving landlords and HOA's for over 15 years, and managed budgets for property restorations and renovations.*
Senior Services Experience: *Owned and operated a Home Care Agency focused on senior care for 8 years, have been trained and certified in services for the aging for over 10 years, and personal experience in residential setting senior care, over 20 years.*

Mr. Draffen complimented Ms. Mike on her outlining of the characteristics. He asked to what extent of assisted living was this facility. Ms. Mike stated for their category of home, per Mint Hill's and North Carolina's Department of Health and Human Services, personal services were handled by outside agencies meaning each resident would be able to choose whichever agency they preferred to handle their personal care services. She stated they were simply required to have a contract with a licensed agency who provided those services. Ms. Mike explained, however, her company would not directly employ the Staff providing assistance as it related to activities of daily living, which included: ambulating, getting out of the bed, help with showering, getting dressed, and again, no memory or critical care.

Mr. Fandel stated his question pertained to access to the site. With such a narrow turning space, it appeared it would be difficult for emergency vehicles to turn and navigate through the two fenced in areas that lined the road. Ms. Mike explained the average fire truck and ambulance was between 7.5-8 feet wide. The road at its narrowest was 12 feet wide, and at the turn it was 15 feet wide, so the driveway was wide enough to accommodate emergency service vehicles. Mr. Fandel asked if it was wide enough to accommodate the turn that required a longer vehicle, such as a ladder truck, that would need to access the property? He stated widthwise it was probably okay, but he was concerned with the vehicle coming in and having to turn without getting into the fence to complete the turn. Ms. Mike stated again, at the turn was where it was 15 feet, its 12 feet the road, the turn is 15 feet and since it was a deeded easement, she imagined that was why it was 15 feet at the turn.

Planning Director Hoard stated this was something Staff had been looking into. David Leath, Mint Hill Fire Chief, was asked to go out to the site and give his recommendation. Chief Leath confirmed as far as ambulance service went, there was no problem; his concern was the fire truck accessibility. Planning Director Hoard stated Chief Leath confirmed it would be a tight fit but, a fire truck can access the house. He stated Staff needed that confirmation to be sure they were not setting up a situation where there was absolutely no way a fire truck could get back there, but Chief Leath did confirm the truck can get back there, it was just a tight fit.

Mr. Fandel continued and asked if the facility was going to have fire sprinklers. Ms. Mike said yes.

Mrs. Manchester stated in the Board of Commissioners meeting, there was some concern there would be a lot of traffic with possibly people coming to visit or service providers coming and going. She asked if Ms. Mike's company offered vehicles that transported residents and how did the normal day to day look as far as residents getting from point A to point B. Ms. Mike thanked Mrs. Manchester for her question. She stated as to who would be at the facility 24/7, as previously stated, two employees. When residents needed to go out shopping, her facility had two resident vans to transport the residents.

Vice Chairman Hendrix asked what the difference between this proposal and what the standard group home requirements were. Ms. Mike stated as far as a group home, she was unsure of what the group home requirements were because she was not interested in doing a group home. She stated if he meant a home where six residents could reside without the rezoning process; that was considered a family home. A family home allowed six residents, as she had interest in serving ten. Ms. Mike's facility was going to be upscale as her team had a responsibility to serve as many seniors they could without compromising the level of care. Vice Chairman asked if the certification process through the State was the same as a six-person family home. Ms. Mike said it was different, the State required registration with them and required a commercial standard building be built to house the seniors. They had to register and look at their policies and procedures every year. Vice Chairman Hendrix asked if this particular project was her company's project since she said she had managed other companies. Ms. Mike stated yes, this was her company's project.

Mrs. Manchester mentioned following the research she did, there were several family homes currently in Mint Hill. The proposed project seemed to be more of a hybrid, in between the larger facility and a smaller home facility, which she thought would make a good neighbor.

Vice Chairman Hendrix asked if each of the ten residents had in-service care with a company, how much in and out traffic was to be expected. Ms. Mike stated as previously mentioned, they were required by the State to have a contract with a licensed agency, so if ten residents had a contract with a licensed agency, two service providers were needed to be able to serve ten people.

Vice Chairman Hendrix asked Planning Director Hoard if he had anything he would like to add. Planning Director Hoard mentioned he provided a motion for the consistency statement. He stated one point the Board could highlight was Ms. Mike voluntarily limiting this to ten senior residents and understanding if this conditional zoning were approved, as proposed, it was limited to exactly what she was asking for: a facility for ten seniors, period. If Ms. Mike wanted to grow the business, she would have to go back through this process. If she went out of business or someone bought the property and wanted to utilize it for some other services, if it was not ten seniors, they would have to go back through this rezoning process.

Mr. Fandel made a favorable recommendation, seconded by Mrs. Manchester, and the Board unanimously agreed to send a favorable recommendation to the Board of Commissioners on #ZC22-1, Filed by Hatisha Mike, to request to permit an Assisted Living Facility. The recommended consistency statement was as follows:

#ZC22-1 was found to be reasonable and in the public interest, based on the information presented and reviewed with this petition, particularly the proposed limit of no more than ten senior residents.

Other Business: None.

Adjournment: Upon the motion of Mr. Draffen, seconded by Mr. Fandel, and unanimously agreed upon, Vice Chairman Hendrix adjourned the meeting at 6:53 p.m.

Savanna Ocasio
Program Support Assistant