

**MINUTES OF THE MINT HILL PLANNING BOARD MEETING
FEBRUARY 20, 2023**

The Mint Hill Planning Board met in regular session on Monday, February 20, 2023 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Tom Gatz

Members: Kenny Draffen, Chip Todd, and Eric Tyson

Planning Director: John Hoard

Clerk to the Board: Savanna Ocasio

Absent: Commissioner Holton, Scott Fandel, 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 23, 2023 Regular Meeting and February 2, 2023 Called Meeting: Upon the motion of Mr. Tyson, seconded by Mr. Draffen, the Board unanimously approved the minutes of the January 23, 2023 Regular Meeting. Upon the motion of Mr. Todd, seconded by Mr. Draffen, the Board unanimously approved the minutes of the February 2, 2023 Called 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 #ZC23-1, Filed by LRH Holdings, LLC, for property located at 11110 Lawyers Road, Tax Parcel number: 135-381-60, to request permission to develop the property for a Commercial/Office building with associated parking frontage to exceed code requirements: Planning Director Hoard submitted the following memo to the Board.

The applicant is proposing a 41,400 square foot multi-level Workplace Building. The application includes an exception to the Downtown Code pertaining to the parking frontage limitation.

Road improvements based on NCDOT preliminary comments:

Proposed access off Evans Rd:

- Left turn lane storage on Lawyers Rd onto Evans Rd to be increased
- Signal at Evans Rd & Lawyers Rd intersection
- Evans Rd to be widened slightly more symmetrically to remove the bump-out at the crosswalk

Proposed access off Lawyers Rd:

- Right-in/Right-out only
- The existing concrete median is to be extended along Lawyers Rd 50' past the proposed driveway radii tangent point

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.

Plan Consistency:

- Land Use Plan: YES
- Downtown Masterplan: YES
- Pedestrian Plan: YES
- Comprehensive Transportation Plan: YES

Staff Recommendation: FAVORABLE RECOMMENDATION

Planning Director Hoard asked the applicant to present.

Dan Soder, V3 Companies, thanked the Board for this opportunity and began his presentation. Mr. Soder shared the project team he was representing which included Collin Brock (V3 Southeast), Austin Coleman (V3 Southeast), Terry Connarn (Capital Architecture, PLLC), and Roy Messer (Messer Financial Group). Mr. Soder presented an ariel view of the site located at the intersection of Lawyers Road and Evans Road; the primarily wooded site consisted of approximately 6.02 acres. He stated the site had challenging topography where the intermittent stream was located. He emphasized South of the existing stream and sanitary sewer easement would not be developed. Mr. Soder presented the overall site plan to the Board stating they proposed two entrances to the site, one off Evans Road, the other off Lawyers Road; both entrances being right in, right out only. He stated they were seeking to rezone the parcel in question from R DO-B to R DO-B (CD) to allow the use of office/retail and allow conditions regarding screening of the surface parking lot along Lawyers Road which exceeded 25% of the total road frontage length. In addition, the applicant was requesting the primary building be shifted southward away from the property corner at the intersection of Evans Road and Lawyers Road due to grading constraints for the driveway access from Evans Road. Mr. Soder brought forth a brief overview of the zoning summary stating they would provide approximately 242 parking spaces, a 55,000 square foot building, and the addition of a pedestrian node on the corner of Evans Road and Lawyers Road to serve as a scenic area. He presented a conceptual site sketch to the Board pointing out the surface lot located behind the proposed building along with a submerged parking deck. The submerged parking deck would be leveled with the other side of proposed parking and emergency apparatus accessible. Mr. Soder concluded by presenting site cross sections and building elevations to the Board.

Mr. Todd commended Mr. Soder's presentation. He asked how far back from Lawyers was the entrance off Evans Road. Mr. Soder stated including the proposed turning lane, approximately 200 feet back from the intersection. Mr. Todd asked how close the houses were near the second entrance onto Lawyers Road.

Mr. Soder stated the frontage of the existing parcel would be that distance, approximately 75 feet. Mr. Todd confirmed exiting onto Lawyers Road would be right turn only.

Mr. Draffen thanked Mr. Soder for his presentation. He asked if a turn lane would be added to the Evans Road intersection. Mr. Soder said yes, currently Evans Road had an entrance and an exit lane; they were proposing the addition of a right turn lane from Evans Road onto Lawyers Road. He added the entrance from Lawyers Road onto Evans Road would be widened to allow better flow of traffic. Mr. Draffen asked if a traffic signal was being proposed. Mr. Soder stated they planned to coordinate with NCDOT to see what could be accommodated. Mr. Draffen asked for further information on their stormwater control measure. Mr. Soder stated they proposed a mixed system meaning the stormwater would be collected into an underground basin, detaining the larger storms and an outlet control structure to bleed off the water quality setup to a surface sand filter.

Mr. Tyson asked Planning Director Hoard if there were any discussions with NCDOT regarding a traffic signal at this intersection. Planning Director Hoard stated a traffic signal at this intersection was required, the discussion was if it would be standard or decorative which would be a conversation between the Board of Commissioners, Town Manager, and the applicant. Mr. Tyson asked Mr. Soder the intended use of the three-story building. Mr. Soder stated the building would consist of mixed use; office space on the upper level for Messer Financial Group and the lower levels would be retail oriented. Mr. Tyson asked how many office employees were anticipated. Mr. Soder stated approximately 100.

Chairman Gatz asked what the proposed parking deck height would be for underneath. Mr. Soder stated they were considering a lower deck height to be cost effective and approximately 9 feet for clear height. Chairman Gatz asked what their construction timeline was. Mr. Soder stated the permitting process would be complete in a few months and then construction would begin. Chairman Gatz asked Planning Director Hoard for his definition of a decorative traffic signal. Planning Director Hoard stated a decorative traffic signal had a mass arm and either a stamped or paved crosswalk; he referenced the traffic signals on Matthews-Mint Hill Road near Chick-Fil-A and Publix as examples. Chairman Gatz asked if the Town had a common design for traffic signals. Planning Director Hoard said no, but he anticipated this traffic signal to be similar to those existing.

Mr. Todd asked if the parking deck would be permitted or open for public usage after business hours. Mr. Soder stated the parking deck would most likely be closed after business hours.

Mr. Todd made a favorable recommendation, seconded by Mr. Tyson, and the Board unanimously agreed to send a favorable recommendation to the Board of Commissioners on #ZC23-1, Filed by LRH Holdings, LLC, to request permission to develop a Commercial/Office building with associated parking frontage to exceed code requirements. The recommended consistency statement was as follows:

#ZC23-1 was found to be consistent with the Land Use Plan. The Land Use Plan (Downtown Subarea Plan) indicated Office/Employment. Office/Employment was described as mixed-use areas targeted as a primary location of job-generating uses in settings that meet today's workplace expectations. Therefore, #ZC23-1 was found to be reasonable and in the public interest, based on the information presented and reviewed with this petition.

B. Discussion and Recommendation on #ZC23-2, Filed by 8235FR, LLC, for property located at 8227 Fairview Road, Tax Parcel number(s): 139-011-11, 139-011-09, 139-011-23, 139-011-12, and 139-011-47, to request rezoning from I-G (CZD) to I-G to allow self storage and vehicle storage:
Planning Director Hoard submitted the following memo to the Board.

The initial rezoning to General Industrial took place in 1981. Through the 1990s several Conditional Use Permits were issued to build the storage units.

The new owner of the storage facility is seeking conditional zoning approval to add a 52,500 square foot, two-story climate control building on the vacant property at the end of Mini Mac Drive. The applicant is also asking for approval to add an open lot with 46 parking spaces for storing vehicles. Staff is working with the applicant regarding improvements to Mini Mac Drive.

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.

Plan Consistency:

- Land Use Plan: YES
- Downtown Masterplan: N/A
- Pedestrian Plan: YES
- Comprehensive Transportation Plan: N/A

Staff Recommendation: FAVORABLE RECOMMENDATION

Planning Director Hoard asked the applicant to present.

Tom Daniel, ModBox Program Manager, introduced himself to the Board and began his presentation. Mr. Daniel shared the following goals:

- Bringing their entire stormwater system up to current Mecklenburg County code
- Revitalizing the entire site by removing/relocating existing exterior storage located where the proposed multi-story climate building was to be located
- Relocating and revitalizing their main entrance, office, and exterior parking
- Clean up the construction laydown yard and exterior fencing

Mr. Daniel provided an architectural rendering of the proposed climate-controlled storage building to the Board. He stated rather than building vertical due to topography, they were going to build into the slope to avoid visual obstructions for neighbors to the East; visible units would be heavily landscaped. Mr. Daniel presented an enlarged parking area showing the Board the proposed access gate which sat approximately 200 feet from Fairview Road to allow plenty of stack ability for boats and RV's. He added he was working with Staff to clean up Mini Mac Drive along with the installation of a cul-de-sac near the

proposed climate-controlled storage building allowing those who missed the office to turn around conveniently.

Mr. Tyson commended Mr. Daniel's presentation. He asked if the climate-controlled storage building were to be accessible 24/7. Mr. Daniel said the building would most likely not be accessible 24/7 due to its proximity to residential homes. Mr. Tyson referred to the climate-controlled storage building elevations asking if the berm showed currently existed between the property and residential homes. Mr. Daniel stated they were already below approximately 10 feet from existing residential homes to plan East and planned to lower the site even more. Mr. Tyson asked if mature landscape existed along the proposed building. Mr. Daniel stated there was an existing power line running directly along the property lines between ModBox and residential properties which had mature trees along the fence line; additional evergreens would be planted.

Mr. Draffen thanked Mr. Daniel for his presentation. He clarified the existing buildings on the proposed plans were beige colored. Mr. Daniel confirmed. Mr. Draffen clarified Mini Mac Drive would be extended. Mr. Daniel confirmed stating a cul-de-sac would be created rather than the current dead-end. Mr. Draffen asked if the existing power line was a distribution or transmission line. Mr. Daniel stated the distribution power line serviced ModBox and nearby residential properties.

Chairman Gatz asked Mr. Daniel to show the Board the proposed access gate. Mr. Daniel showed the Board using his cursor. Chairman Gatz clarified the proposed access gate came off the Fairview Road entrance. Mr. Daniel confirmed. He stated that was not their primary entrance as they wanted two full access points to allow circulation of vehicles. Chairman Gatz clarified the primary access point was located near the office building. Mr. Daniel stated the primary access point would be at the end of Mini Mac. Chairman Gatz confirmed the proposed cul-de-sac would be large enough to accommodate emergency apparatus.

Mr. Draffen made a favorable recommendation, seconded by Mr. Tyson, and the Board unanimously agreed to send a favorable recommendation to the Board of Commissioners on #ZC23-2, Filed by 8235FR, LLC, to request rezoning to allow self storage and vehicle storage. The recommended consistency statement was as follows:

#ZC23-2 was found to be consistent with the Land Use Plan. The Land Use Plan indicated Industrial-Light. Light industrial areas were intended to support a mix of innovative businesses that could benefit from the collocation of related complimentary industries. The mix of uses range from light industrial operations and makerspaces to supporting office, retail, and service uses. Therefore, #ZC23-2 was found to be reasonable and in the public interest, based on the information presented and reviewed with this petition.

C. Discussion and Decision on #S23-1, McEwen Manor Subdivision, Filed by Tri Pointe Homes, for Preliminary Subdivision approval, property located at 11631 Lawyers Road, Tax Parcel number(s): 197-011-42, 197-011-45, and 197-011-16: Planning Director Hoard submitted the following memo to the Board.

Rezoning approval was granted by the Board of Commissioners on September 10, 2020. The site was rezoned from R to R DO-A (CZD). On March 10, 2022, the Board of Commissioners authorized an amendment to the Zoning Plan, converting the alleys to public alleys.

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 Recommendation: FAVORABLE RECOMMENDATION

Planning Director Hoard stated the Board should be familiar with this subdivision, McEwen Manor, as it was approved in 2020. The subdivision then came back before the Board in 2022 to convert the private alleys to public alleys along with a few minor changes, including the addition of a traffic circle at the connection of Cresthill Drive and McEwen Manor. Planning Director Hoard stated although this rezoning received approval, the Planning Board was required to authorize the subdivision. He presented the up-to-date site plan pointing out the applicant was working through challenges with the addition of a greenway along the creek as it was not presented in the current plan. The applicant would return before the Board at a later date with the greenway included on the site plan.

Mr. Todd clarified the applicant proposed three entrance points, two off Lawyers Road and one off Cresthill Drive. Planning Director Hoard confirmed.

Mr. Draffen asked what conclusion was made on the water and sewer services in the alleys. Planning Director Hoard stated that was resolved when the alley changes were made. At this point, the applicant had to wait for the start of a sewer project, projected to begin this summer, and would then begin.

Chairman Gatz asked the applicant if there were turn lane restrictions at the Lawyers Road entrance. Wes Shull, Arey Properties, stated the North entrance allowed right turns only.

Upon the motion of Mr. Tyson, seconded by Mr. Todd, the Board unanimously approved #S23-1, McEwen Manor, Filed by Arey Properties, for Preliminary Subdivision approval, property located at 11631 Lawyers Road, Tax Parcel number(s): 197-011-42, 197-011-45, and 197-011-16.

Other Business: None.

Adjournment: Upon the motion of Mr. Todd, seconded by Mr. Draffen, and unanimously agreed upon, Chairman Gatz adjourned the meeting at 7:06 p.m.

Savanna Ocasio
Program Support Assistant