

**MINUTES OF THE MINT HILL PLANNING BOARD MEETING
APRIL 17, 2023**

The Mint Hill Planning Board met in regular session on Monday, April 17, 2023 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

Commissioner: Patrick Holton

Clerk to the Board: Savanna Ocasio

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. Mr. Draffen gave the invocation.

ORDER OF BUSINESS

Approval of Minutes for the March 20, 2023 Regular Meeting: Upon the motion of Mr. Todd, seconded by Mrs. Manchester, the Board unanimously approved the minutes of the March 20, 2023 Regular 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 #ZC23-3, Filed by Gray Family Real Estate, for property located at 11207 Blair Road, Tax Parcel number: 137-153-11, to request to amend the Zoning Plan for Superior Storage, to increase the total storage square footage for Phase 2: Planning Director Hoard submitted the following memo to the Board.

ZC15-1 was approved April 9, 2015. The approved Zoning Plan indicated a 2-phase storage facility development. The storage building square footage for Phase 1 was up to 34,091 and Phase 2 included 22,826 square feet. The architectural elevations submitted with the application indicated full brick structures. On September 8, 2016, an amendment to Phase 1 (ZC16-10) was approved by the Board of Commissioners. The amendment increased the number of buildings for Phase 1 and amended the building materials. The full brick was removed from Phase 1 and replaced with only requiring brick on the end caps of the buildings.

The applicant is seeking an amendment to Phase 2 to increase the building square footage from 22,826 to 30,700 square feet. The applicant plans to use the same building material composition used with Phase 1 (Photos of the Phase 1 buildings are attached)

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 Master Plan: N/A
- Pedestrian Plan: N/A
- Comprehensive Transportation Plan: N/A

Staff Recommendation: Favorable—with the specification that the building material composition used for phase 1 will be replicated for phase 2.

Bill Gray, co-owner of Superior Storage, introduced himself to the Board and began his presentation. He explained to the Board when he originally sought to open Superior Storage, his team went through the rezoning process as the property was zoned as Residential at the time. He stated using foresight, they went ahead and requested zoning approval for Phase 2 for when the time came. He was happy to state five years later, his business was in a position for expansion. Mr. Gray explained Phase 1 of this business was his first foray into the storage business; he came from a different industry. When they submitted their zoning request for phase 2, they thought the square footage they had put in for phase 1 would be adequate. As it turned out, it was a little bit less than ideal for the space they were taking up. In terms of footprint for phase 2, they were using the same exact space; just utilizing it better. He stated they were not expanding in terms of acreage requested to use, they were just merely using that space a little more efficiently.

Mr. Tyson asked if the design for phase 2 would be similar to phase 1. Mr. Gray said yes, the buildings would be identical with brick veneer on the East and West ends of the building as requested during phase 1.

Mr. Draffen thanked Mr. Gray for attending. He asked if this facility would be gated. Mr. Gray said yes, phase 2 would tie into the existing gate allowing access from 6AM-11PM. He explained the facility was well lit as Duke Power installed a few extra light poles than Mr. Gray was expecting. The facility also included motion lights inside of every unit for those working during the night.

Mr. Todd asked if phase 2 consisted of multiple buildings. Mr. Gray stated it would be a total of six buildings. Mr. Todd asked if the buildings would all be the same size. Mr. Gray said no. He explained phase 1 was a 20x100ft pad, with 10-foot-wide units. He was hoping to do the same with phase 2 but due to the setbacks on the North side of property, he had the choice of pushing things in or installing a large brick wall, making it cost prohibitive. With that being said, the pad sizes would differ a small amount with

phase 2. Mr. Todd clarified the proposed buildings would match the photos and plans the Board received. Mr. Gray said yes.

Chairman Gatz stated the elevation was quite different between phases. He asked if they had intentions to grade to even the elevation. Mr. Gray said yes, they planned to grade. He invited Brian Crutchfield, Timmons Group, to speak before the Board to answer grading questions.

Mr. Crutchfield introduced himself to the Board stating Timmons Group was designing this site. He stated as mentioned, the grade did step up the hill a fair amount from current, so they planned to begin at the property line and grade down as quickly as possible to the back of the buildings, terracing the site per building pad with access points in between. He stated the plan presented to the Board showed the drainage system that would capture the water in between the buildings. He added phase 2 would be set at the level of the existing facility.

Chairman Gatz clarified the brick and metal coloring would remain the same for phase 2. Mr. Gray confirmed, stating they would match it as best they could.

Mr. Draffen noticed grading down behind the existing facility and asked for an explanation. Mr. Crutchfield stated the reason for grading was to tie grating and swale into the existing facility. He added once they daylight that ditch around the west side, no further grading would take place for phase 1. Mr. Draffen stated he was curious as to why the grading was extended so far to the South. Mr. Crutchfield stated he and his team would take a closer look as some of the grading Mr. Draffen referenced was completed during phase 1. He stated the contours on the proposed site plan would need to be tied into, but likely not to the extent shown.

Mr. Todd made a favorable recommendation, seconded by Mr. Draffen, and the Board unanimously agreed to send a favorable recommendation contingent upon the specifications, building material, and composition used for phase 1 be replicated for phase 2, to the Board of Commissioners on #ZC23-3, Filed by Gray Family Real Estate, to request to amend the Zoning Plan for Superior Storage, to increase the total storage square footage for Phase 2. The recommended consistency statement was as follows:

#ZC23-3 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, #ZC23-3 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 #ZC23-4, Filed by Ed Bowers, for property located at 4500 Morris Park Drive, Tax Parcel number: 135-301-04, to request a Conditional Zoning to construct a new building next to the existing building: Planning Director Hoard submitted the following memo to the Board.

SP81-4 was approved on December 10, 1981. The special use permit allowed construction of a 15,000 square foot office/warehouse building. SP97-4 was approved on April 24, 1997. The Special Use Permit allowed a 15,000 square foot warehouse space addition. The B-D district initially required a special use permit for new development. Following the adoption of the Unified Development Ordinance, the Special Use Permit was abandoned and replaced with Conditional Zoning. The current ordinance requires conditional zoning approval to allow development in the B-D district.

The applicant is requesting conditional zoning approval to construct a new building next to the existing building.

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 Master Plan: N/A
- Pedestrian Plan: N/A
- Comprehensive Transportation Plan: N/A

Staff Recommendation: Favorable.

Ken Helfing, Helfing Law Firm, introduced himself to the Board and began his presentation. Mr. Helfing stated he worked at 4500 Morris Park alongside Orlando Hernandez, who owned the property in question. He stated Mr. Hernandez was the epitome of the American Dream as he experienced unfortunate hardship growing up, and now owns a multi-million-dollar commercial aircraft parts business. Mr. Hernandez purchased the property in question in 2017, bringing his business from Miami to the Carolina's. Mr. Helfing explained a large pad sat to the right of the existing building which Mr. Hernandez currently utilized as a vegetable garden. He would now like to further grow his business with the addition of a 12,000 sq. ft. facility made up of four units, referred to as flex space, office front, with warehouse located in the rear. He stated the proposed brick façade building would match the existing Morris Park businesses.

Mr. Todd clarified the proposed facility had a two-story floor plan. Mr. Helfing confirmed. Mr. Todd asked what the appearance of the building would be compared to the existing buildings in the business park. Frank Arooji, general contractor, introduced himself to the Board and proceeded with answering Mr. Todd's question, stating he had been working alongside Mr. Hernandez on designing the proposed building to be identical to those existing in the business park. Mr. Helfing added the two-story building would likely not tower over existing buildings due to the location of the proposed building as it would sit further from other businesses, near the rear of the business park.

Mr. Draffen asked the height of the proposed building. Mr. Arooji stated the building was designed to slope from front to rear, rear measured 20ft and front measured approximately 32ft. Mr. Draffen clarified

the property was currently a grass area. Mr. Arooji confirmed, stating this property was purchased with the understanding of the possibility to expand under a rezoning request. Mr. Draffen asked Planning Director Hoard if the area of the proposed building was considered impervious during the time of the existing building approval. Planning Director Hoard said yes. Mr. Draffen asked when the retention pond was permitted as he was curious if the BMP was going to be able to provide the water quality requirements. Planning Director Hoard stated the applicant was not subject to the postconstruction Ordinance, but they did have a detention facility in the back which he sent to Mecklenburg County's plan reviewer who did not find an issue with the well-kept older detention facility. He stated an added BMP was not necessary as the detention was sized to accommodate future expansion. Mr. Arooji added prior to the design phase, he hired a civil engineer to study the property to confirm the possibility of this project.

Mr. Tyson asked which elevation faced Matthews-Mint Hill Road. Mr. Helfing stated the East elevation; if seen from Matthews-Mint Hill Road, the brick façade would be viewed, not the loading dock. Mr. Tyson clarified the loading dock would be the only part of the building without brick. Mr. Helfing explained the proposed building was originally three-sided brick, but Mayor Simmons suggested all four sides of the building be bricked to match the rest of the business park. Mr. Hernandez agreed with his suggestion. Mr. Tyson asked if this expansion would allocate employment. Mr. Helfing stated no as the building units would be rented out to others, but Mr. Hernandez had considered several possibilities.

Chairman Gatz stated he noticed building materials (steel) on site when he visited. Mr. Helfing stated Mr. Hernandez purchased those materials prior to Covid-19 with the intention of beginning to build but a few hurdles regarding zoning came up which brought Mr. Helfing before the Board. Mr. Arooji echoed Mr. Helfing.

Mr. Todd asked for an idea of potential clients. Mr. Helfing stated he did not know of any at this time.

Mr. Draffen made a favorable recommendation, seconded by Mr. Tyson, and the Board unanimously agreed to send a favorable recommendation provided the rear elevation consist of brick to match the existing facility, to the Board of Commissioners on #ZC23-4, Filed by Ed Bowers, to request a Conditional Zoning to construct a new building next to the existing building. The recommended consistency statement was as follows:

#ZC23-4 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, #ZC23-4 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 #S23-6, Chasewood Subdivision, Filed by Tom Plat, American Engineering, for Preliminary Subdivision approval, property located at 11000 Coble Road, Tax Parcel number: 139-131-02: 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 Recommendation: Staff recommends approval.

Planning Director Hoard stated the proposed by-right subdivision was located in Mecklenburg County's Extraterritorial Jurisdiction (ETJ). He stated the applicant was working with Mecklenburg County's Fire Marshal and Fire Chief on fire matters but as he understood, that would be worked out; those details would be spelled out on the engineering plans. Planning Director Hoard invited the applicant to come before the Board.

Tom Plat, American Engineering, introduced himself to the Board. He stated this proposal was previously approved in 2008 but due to the economy, the project was bailed on. Mr. Plat stated the total proposed lot count had not changed since then. He stated the plans received a driveway permit and approval on the first iteration which brought him before the Board. Mr. Plat stated minimal changes were made to the lots to conform to current standards as they had changed since 2008. He stated the proposed subdivision would be on a well and septic system, allowing a minimum lot size of 40,000 square feet. The site was currently farmland; they planned to preserve as much of the existing tree canopy and vegetation as possible. Mr. Plat stated he and his team were proud of the plan presented.

Mr. Tyson asked for further information regarding the watershed shown on the presented plan. Mr. Plat stated he did not believe it was a jurisdictional stream as they were not doing any impacts that would warrant submittal coordination with the USA Army Corps of Engineers. He explained they had been asked by Mecklenburg County Stormwater to analyze that with a hundred plus one storm event which was provided in their engineering calculations and flood study plan. The low point on site was located in the top right of the site plan and the high point was located in the top left; they planned to keep majority of that drainage pattern as existing but the site was large enough that there was no significant impact to existing topography. Mr. Plat stated two dry ponds and one wet pond would be on site, also serving as fire protection.

Mr. Draffen asked if the subdivision roads would have curb and gutter or ditch section roadways. Mr. Plat stated curb and gutter, including storm structures. He added the subdivision roads would be maintained by NCDOT. Mr. Draffen clarified the site had two dry ponds. Mr. Plat confirmed stating BMP one and two were located to the right of the site, BMP three (wet pond) was located near the center of the site; all three ponds met detention requirements. Mr. Draffen asked the purpose of the access easement coming off of proposed James Query Road. Mr. Plat stated this request was made by Mecklenburg County Fire Marshal to provide a redundant form of egress for fire protection.

Mr. Todd asked Planning Director Hoard to further explain the concerns from Mecklenburg County Fire Marshal. Planning Director Hoard stated due to the property being on well water, there was concern about not having an adequate water supply if a fire truck were to be on site. As he understood, there was an agreement in which the fire department would connect their hose to an onsite pond to extract water. Mr. Todd asked if the fire department were comfortable with that decision. Planning Director Hoard stated the fire department was comfortable with stating the detail was required, but they had not seen the details; this condition would be stated on the construction plans. Mr. Plat stated the details were slightly insignificant but the main intent of narrowing down a spec product was having a vertical turbine pump that could adequately draw water from the pond. Planning Director Hoard stated the Fire Marshal notes on the overall site plan were standard requirements; what he clarified was not in the notes.

Chairman Gatz shared his concerns regarding the one egress onto Coble Road as this was not a well-maintained road. He asked what the timeframe was for building this subdivision. Mr. Plat stated ideally, they would like to have permits in hand to break down before the end of the year. He stated after conversations with NCDOT and Mecklenburg County and Mint Hill Fire, the plan proposed was sufficient. He added they were stubbing out for two future connections to the North.

Mr. Draffen asked if the subdivision would be on a community well or individual. Mr. Plat stated individual well for each lot. He stated another note Mecklenburg County was adamant about making was making sure each individual lot was tested for soil for the perk test and individually permitted. Mr. Draffen asked if it was possible to convert BMP two and three into a wet pond to accommodate the addition of a dry hydrant for fire purposes. Mr. Plat stated potentially, but those ponds fit well there and were best for stormwater given their elevations. He added given the spacing of the hydrants proposed, they were able to meet the fire spacing requirement. Mr. Draffen clarified a water system would be installed in the development to support the fire hydrants. Mr. Plat confirmed stating they were proposing multiple fire hydrants on site including on Coble Road. Mr. Draffen asked what the purpose of individual wells servicing the homes if the hydrants were fed by a water system on site. Mr. Plat stated the individual wells provided drinking water.

Chairman Gatz asked the size of the pond the pumps would be installed in. Mr. Plat stated the pond was relatively small compared to the others; the pond would serve both fire protection and stormwater management.

Mr. Draffen clarified the pond had the volume of water to sustain 1500 gallons for one hour. Mr. Plat confirmed, stating the pond had been analyzed and sized preliminarily. Mr. Draffen asked if easements would be provided around the hammerheads until they could be eliminated from the connections made in the future. Mr. Plat stated they would provide the easements.

Chairman Gatz asked if curb and gutter would extend onto Coble Road. Mr. Plat stated their discussions with NCDOT had not requested curb and gutter on Coble Road. He stated ultimately the water was going into the ditch section on their side of the road so curb and gutter would most likely complicate that; they were just having a ditch section and sidewalks along the road. Chairman Gatz asked Planning Director Hoard if what was provided met previously approved ETJ subdivisions regarding ditches. Planning Director Hoard stated yes, NCDOT rarely requested curb and gutter on State/ETJ maintained roads. He added NCDOT had voiced to local municipalities they would no longer maintain sidewalks, putting the municipality in a position of should they have their maintenance workers maintain sidewalks in the ETJ;

that conversation was still being had. Mr. Plat stated a pocket installment similar to theirs was obsolete until adjacent properties were developed. He stated he had recently seen notes being added to plans specifically sequencing the installment of curb and gutter and sidewalk to stating the area should be graded but to not build until the parcel was annexed into city limits; he was unsure if that would apply to this case. Planning Director Hoard stated there were several options they would discuss.

Mr. Draffen asked if sidewalks would be required internally. Planning Director Hoard said yes, on all streets. Chairman Gatz clarified curb and gutter would be included internally as well. Mr. Plat stated curb and gutter would be on both sides, sidewalks on one side. Mr. Draffen asked Planning Director Hoard if NCDOT required a turn lane on Coble Road. Planning Director Hoard stated NCDOT did not suggest any road improvements. Mr. Draffen clarified a permit was not required from the USA Army Corps of Engineers to cross the creek on site. Mr. Plat stated as he understood a permit was not required for impacts to that stream; it would be a stream buffer impact with Mecklenburg County Stormwater which was currently under review. Mr. Draffen stated if it were a swim buffer, he was sure it was going to be a jurisdictional stream; the creek would be impacted to build the road across. Planning Director Hoard stated when Mecklenburg County's plan reviewer reviews sketch concept plans, he would normally inform the developer they needed to contact the USA Army Corps of Engineers so if the plan reviewer did not point that out, he did not think there was a requirement. Mr. Plat stated the project sat for a while until he essentially took ownership of it so if any impacts warranted a permit, he would abide.

Upon the motion of Mr. Tyson, seconded by Mr. Todd, the Board unanimously approved #S23-6, Chasewood Subdivision, Filed by Tom Plat, American Engineering, for Preliminary Subdivision approval, property located at 11000 Coble Road, Tax Parcel number: 139-131-02

Other Business: Mr. Todd asked Planning Director Hoard where the Town Comprehensive plan currently stood. Planning Director Hoard stated at this time, the comprehensive plan was primarily used for the development community. He explained the Land Use Plan served as usage reference for those interested in developing land in the Town. The goals mentioned on the plan had been in place and would continue to be in motion. He added the 218-subarea plan sparked interest in several property owners, the only complication being sewer connectivity. Mr. Todd commended the work done to the Veteran's Memorial Park soccer fields. Planning Director Hoard referenced the downtown subarea plan stating few conversations had been had regarding the plan as a lot of the land downtown was owned by the Town, but the Town was not at the place of selling at this time.

Adjournment: Upon the motion of Mr. Todd, seconded by Mrs. Manchester, and unanimously agreed upon, Chairman Gatz adjourned the meeting at 7:24 p.m.

Savanna Ocasio
Program Support Assistant