

MEETING OF THE MINT HILL PLANNING BOARD FEBRUARY 20, 2023 6:30 P.M.

- 1. CALL TO ORDER
- 2. ROLL CALL AND INVOCATION
- 3. APPROVE MINUTES OF THE JANUARY 23, 2023 REGULAR MEETING AND FEBRUARY 2, 2023 CALLED MEETING
- 4. ADDITIONS OR DELETIONS OF AGENDA ITEMS
- 5. REPORTS OF COMMITTEES, MEMBERS, AND STAFF
- 6. OLD BUSINESS
- 7. NEW BUSINESS
 - A. DISCUSSION AND RECOMMENDATION ON #ZC23-1, FILED BY LRH HOLDINGS, LLC, TO REQUEST PERMISSION TO DEVELOP THE PROPERTY FOR A COMMERICIAL/OFFICE BUILDING WITH ASSOCIATED PARKING FRONTAGE TO EXCEED CODE REQUIREMENTS, FOR PROPERTY LOCATED AT 11110 LAWYERS ROAD, TAX PARCEL NUMBER: 135-381-60
 - B. DISCUSSION AND RECOMMENDATION ON <u>#ZC23-2</u>, FILED BY 8235FR, LLC, TO REQUEST REZONING FROM I-G (CZD) TO I-G TO ALLOW SELF STORAGE AND VEHICLE STORAGE, 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
 - C. DISCUSSION AND DECISION ON #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
- 8. OTHER BUSINESS
- 9. ADJOURNMENT

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AGENDA & MINUTES

AGENDAS & MINUTES

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MINUTES OF THE MINT HILL PLANNING BOARD MEETING JANUARY 23, 2023

The Mint Hill Planning Board met in regular session on Monday, January 23, 2023, 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, Roger Hendrix, Chip Todd, and Eric Tyson

Planning Director: John Hoard Commissioner: Patrick Holton Clerk to the Board: Savanna Ocasio

Absent: 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. Hendrix gave the invocation.

ORDER OF BUSINESS

<u>Approval of Minutes for the November 21, 2022 Regular Meeting:</u> Upon the motion of Mr. Fandel, seconded by Mr. Hendrix, the Board unanimously approved the minutes of the November 21, 2022 Planning Board 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 #ZC22-6, Filed by Epcon Communities, to request a Rezoning from R to R (CZD) and B-G to allow a single-family Subdivision for property located at 8612 Fairview Road, Tax Parcel Number: 197-201-14: Planning Director Hoard submitted the following memo to the Board.

EPCON Communities is proposing a single-family residential subdivision containing sixty-six lots. The application includes rezoning 2.78 acres (the portion fronting Fairview Road) to B-G. The applicant is offering to dedicate the 2.78 acres to the Town. 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 (Hwy 218 Subarea Plan): YES

• Downtown Masterplan: N/A

Pedestrian Plan: YES

• Comprehensive Transportation Plan: N/A

Staff Recommendation: FAVORABLE RECOMMENDATION

Bridget Grant, Moore & Van Allen Land Use Consultant, introduced herself stating she was before the Board on behalf of Epcon Communities. She stated her role as a land use consultant was to help the development team navigate through the conditional zoning process; she was not part of the development team. Ms. Grant provided a brief overview of the site stating the 32.84-acre site was located on Fairview Road and Quail Park Drive. Ms. Grant explained the existing zoning and future land use plan identified as mixed residential; mixed residential intended to provide a variety of housing types, not necessarily an increase in density. Ms. Grant stated her team originally came before the Board of Commissioners with a proposal for 67 units of age restricted senior housing on single family lots, also providing 2.78-acre dedication of land at the front of the site for the Town of Mint Hill to use in whatever capacity the developer wanted to as B-G zoning. Ultimately, after initial feedback, the applicant reduced the total number of units to 66 units to get them to two dwelling units per acre layout. The overall revised proposed schematic plan included:

- Commitment to a max of 66 age-restricted units
- Commitment to a dedication of 2.78 acres of B-G zoned land
- Access will be provided off Quail Park Drive
- Aligns with recently adopted land use plan
- Aligns with recently adopted small area plan and anticipated road infrastructure

Ms. Grant reviewed the plan benefits which included:

Age restricted included in the deed restrictions, age-restricted communities generate less traffic
than traditional communities, age-restricted communities had less impact on schools, 60% of the
homes sold in first Courtyard Mint Hill project were existing Mint Hill residents, first community
sold in six weeks, consistent with the adopted land use policy, provided housing walkable to the
park, right-of-way reserved as identified in adopted small area plan, and sidewalks provided along
site's frontage.

Ms. Grant stated anytime a development was looked at, it was a matter of traffic. She stated as a vacant site, they were not generating any traffic. She explained if the site were to be developed under the existing zoning, without the conditional zoning, it would still be zoned as residential; the difference being the applicant was seeking smaller lots which gave them the ability to provide more open space. Ms. Grant provided a trip generation comparison table stating if this development were developed as by-right versus age restricted, age restricted generated 39% less daily trips, 44% less peak morning trips, and 52% less peak evening trips than traditional single-family homes.

Ms. Grant stated the Courtyards at Quail Park expected to be a quality community, catering to the residents wanting to live there. She stated the homes were to be high quality, including amenities (both interior and exterior) accustomed to senior age targeted living. She presented an aerial perspective view showing homes with the signature courtyard which was the private open space included on each lot. Ms. Grant concluded by presenting the Board with a chart comparing the existing zoning of the lot, residential, to the proposed zoning, residential conditional:

R (Residential)

- Highest potential 1.5-2 units/acre (DUA) based on 20,000 sq ft lots
- Maximum of 65 units
- Traffic impacts higher with traditional neighborhood
- School impacts based on traditional neighborhood

R-CZ (Residential Conditional)

- Maximum density of 2 units/acre (DUA)
- 66 units
- Smaller lots/increased open space
- Conditional commitments (including age restricted, 2.78-acre dedication, new street reservation, certainty on architectural quality, decreased traffic, no school impacts, and crosswalk to park)

Mr. Todd thanked Ms. Grant for her presentation. He clarified there were two entrance points and one stub road as shown on the site plan. Ms. Grant said correct. He asked if a Homeowners Association (HOA) would be established by the developer; if so, at what capacity would the community take over. Ms. Grant stated yes, the HOA would be turned over at 98% capacity. Mr. Todd asked if the HOA would be mandatory. Mr. Ken Kardos, Epcon Regional President, answered yes.

Mr. Hendrix commended Ms. Grants presentation. He stated he had a few concerns, first being the wet retention pond. He asked if fencing would be installed around the pond as a safety measure. Ms. Grant stated at this point, they had not identified a fence to go around the pond. Mr. Kardos stated they had done some aluminum fencing around ponds if necessary. He explained the thing to consider was because their homes use side yard courtyards as the homeowners outdoor living space, the backs of the homes were all fenced from one home to the other so typically there was no pedestrian traffic back behind the residential homes; each homeowner would use their side courtyard for outdoor entertainment. He referred to Ms. Grant's presentation stating they typically referred to open space behind the homes fence as passive space; homeowners were not allowed to put anything behind their homes; rarely would anyone find the need to be past that point. Mr. Hendrix stated he was looking at the age requirement and grandchildren, stating the proximity to the park from the retention pond was another concern of his. He asked the applicant to consider installing a fence around the pond as the park was heavily used by children and there was an access point to the pond through the community. Mr. Kardos stated that was something they would take into account. Mr. Hendrix added he was concerned the Board was not presented with plans/requirements from NCDOT on Fairview Road as he did not see a report included in the presentation; he had an issue with approving a project with change being a possibility because of an NCDOT requirement. Ms. Grant thanked Mr. Hendrix for his comments. She stated they received feedback from NCDOT this afternoon, their preliminary response was they would like Epcon to provide a right-hand deceleration lane on Fairview Road, turning into Quail Park Drive, allowing traffic to keep moving freely on Fairview Road; the lane would front the commercial property. Mr. Hendrix clarified this was NCDOT's initial comment.

Ms. Grant said yes, they gave their first comment today in writing; they always reserve the right and will do as they request. Mr. Hendrix stated from the Planning Board standpoint, it was good to see the whole project, so the Board had an idea of what it would end up like versus how it "might" end up.

Mr. Draffen complimented Ms. Grant's presentation.

Mr. Tyson asked what the price point of the homes were. Mr. Kardos stated upper 400's – mid 600's. Mr. Tyson clarified the homes were ranch-style, one story homes. Mr. Kardos stated they offered a bonus room above the garage, but the homes were considered a ranch product. Mr. Tyson asked Mr. Kardos to provide further information about the buffer along Quail Park Drive. Mr. Kardos stated typically, they would install some type of mounding in there and heavy landscaping. He stated they had another existing community a few miles from the proposed community that would show a similar landscape buffer. He explained they tried to focus on the aesthetics of the community, so the buffer would be heavily landscaped.

Chairman Gatz referred to the site plan stating the South end of the property was heavily wooded; he asked how much land would be cleared? Mr. Kardos stated they would do their best to minimize any impact to that natural area, but they would need to clear enough trees to create the dam embankment for the stormwater management pond. Chairman Gatz stated unfortunately, the Town of Mint Hill did not have a tree Ordinance, so the Board depended on the developer and builders to preserve as many trees as possible in this area. Mr. Kardos agreed and encouraged the Board to look at their existing communities as they preserved trees very well compared to most builders.

Chairman Gatz shared his concerns with turning into the proposed subdivision, along with turning left onto Fairview Road. He stated those turning out of this subdivision were going to be 55 and older and although he thought that was a young age, he felt they were developing a crash area. A suggestion of his was to install a median on Fairview Road to prevent left turns. Ms. Grant stated some people preferred full movement with the ability to breakthrough during less peak times so she would like to explore ideas with NCDOT. She stated U-turn movement had become more common as communities grew. Chairman Gatz asked Planning Director Hoard if Mint Hill Police reviewed proposed traffic patterns and made recommendations. Planning Director Hoard said no. Ms. Grant stated NCDOT usually had control.

Chairman Gatz referred to the stormwater pond stating as a child he would fish in the pond unless ran out by security and he felt other children would share the same idea due to its proximity from the park. He stated a fence around the pond may be a requirement. Ms. Grant assumed most of the residents would take ownership of making sure people who were obviously not supposed to be in the age restricted community were not there. She felt the pond would not be visible nor accessible from the public street due to the proposed street frontage. Chairman Gatz confirmed the stormwater basin would act as a pond. Mr. Kardos stated typically retention ponds were designed as an amenity to the community. Chairman Gatz asked if Mr. Kardos would be willing to install a fence around the pond to serve as an extra piece of security to keep people away from it. Mr. Kardos stated they would take a look at installing an aluminum four foot wrought iron type fence around the outside perimeter of the pond. Mr. Kardos asked if the Board would feel comfortable tying the fence into one of the backyard fencings making a U-shape connecting from one of the units fencing. The Board agreed that would make sense. Mr. Kardos stated that was something they would do.

Chairman Gatz asked Mr. Kardos to provide further information regarding the subdivision's amenities. Mr. Kardos stated for a community of this size they would offer a clubhouse with a fitness center, a pool, and pickleball courts.

Mr. Hendrix asked when the applicant expected to receive a concrete plan from NCDOT regarding their traffic plans. Ms. Grant stated she expected the comment they received from NCDOT today to be their final comment until they were in the construction drawings phase; she asked Planning Director Hoard how things were handled historically. Planning Director Hoard stated the applicant would know for certain once NCDOT signed off on the plans. Mr. Hendrix asked at what step did NCDOT generally sign off on plans. Mr. Kardos stated at the end, it was part of the final CD process. Mr. Hendrix stated he understood NCDOT made that decision, and he was not trying to make the decision for them, but he had an issue with not knowing how the traffic pattern was going to be. Chairman Gatz asked how long the turn lane would be. Ms. Grant stated at least 100 feet. Chairman Gatz asked if that was a requirement. Ms. Grant said yes, it was a requirement. She stated when she asked about a potential for a traffic signal there would not be a traffic signal; there was nothing else that indicated there would be something substantive that would change how traffic operated in this area in terms of their recommendation. Mr. Hendrix stated making a left turn onto Fairview Road would be difficult for anyone and everyone.

Mr. Draffen made a favorable recommendation, seconded by Mr. Fandel, and at a 5:1 vote, with Mr. Hendrix voting against, the Board agreed to send a favorable recommendation on the condition that a fence is installed around the pond as suggested, to the Board of Commissioners on #ZC22-6, Filed by Epcon Communities, requesting a rezoning to allow a single-family subdivision located at 8612 Fairview Road, Tax Parcel Number: 197-201-14.

B. Discussion and Recommendation on #ZC22-7, Filed by Lischerong Enterprises and Holdings, to request a Rezoning from R (CZD) to O-A (CZD) to allow construction of two Commercial/Office buildings, property located at 7135 Lebanon Road, Tax Parcel Number: 135-417-47: Planning Director Hoard submitted the following memo to the Board.

Carillion Assisted Living facility was approved by the Board of Commissioner on October 8, 2015. 11.58-acres was rezoned from R to R (CZD). On July 31, 2018, a final plat was recorded, creating the 3.081-acre lot out of the 11.58 property.

The applicant is requesting rezoning for the 3.081-acre property from R (CZD) to O-A (CZD). The proposal includes two commercial/office buildings. 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 (Hwy 218 Subarea Plan): YES

• Downtown Masterplan: N/A

Pedestrian Plan: YES

• Comprehensive Transportation Plan: N/A

Staff Recommendation: FAVORABLE RECOMMENDATION

David Klausman, V3 Southeast, introduced himself stating he was before the Board on behalf of the developer. Mr. Klausman stated this parcel was located North of the Lebanon Road and Margaret Wallace Road intersection, South of Lebanon Elementary School. The parcel itself was just over three acres and primarily wooded. He stated the proposed development had an approximately 7,200 square foot building fronting Lebanon Road, an approximately 10,000 square foot building near the rear of the property, which would be developed during phase two, and associated parking and storm water management on the bottom left corner of the property. They were requesting to rezone the property from R(CD) to O-A (CZD) which would allow the use of office/medical buildings. Mr. Klausman concluded by providing the Board with elevations and a conceptual rendering of similar use buildings the developer previously constructed.

Mr. Draffen asked if the applicant had spoken with NCDOT regarding this proposed project. Mr. Klausman stated he had spoken with NCDOT this afternoon and at a minimum, they required a left turn lane at the entrance of the site and potentially a right turn lane as well. Mr. Draffen asked if an evaluation had been done as far as how far back the left turn lane would go into the intersection of Lebanon Road and Margaret Wallace. Mr. Klausman stated there had been brief discussion in terms of how all three turn lanes would operate, the turn lane North of them as well as the turn lane into Morris Farms subdivision. Per his conversation with NCDOT, a possibility would be a three-lane cross section, but nothing was set in stone. Mr. Draffen stated he was concerned the required left turn lane would impact the intersection at Lebanon Road and Margaret Wallace. Mr. Klausman stated NCDOT's comment would be further looked at.

Mr. Hendrix echoed Mr. Draffen's road concerns.

Mr. Fandel agreed with Mr. Draffen and asked if reorienting the site and pushing the turn lane closer towards Lebanon Elementary School and further away from Margaret Wallace would be a possibility. Mr. Klausman stated he would check with NCDOT to see if Mr. Fandel's suggestion was a feasible alternative.

Mr. Todd asked how many units were in this complex. Mr. Klausman stated the first proposed building was expected to be a dentistry/orthodontics; he was unsure as to how many rooms they had. The second proposed building was to be determined as the developer did not currently have a tenant.

Chairman Gatz referred to the lack of NCDOT plans in both presentations presented and asked Planning Director Hoard how to go about receiving a detailed, full presentation, for Board members to obtain all information. Planning Director Hoard stated it depended on the level of detail the Board was seeking. He explained typically, an applicant coming before the Board presented general information about their plans. If the Board were seeking specifics, which typically came at a later stage, Staff would need to make changes as far as requesting each applicant to submit plans at a certain level before coming to the Board which would be a challenge. He explained applicants at this stage were asking permission to begin the project then once receiving approval from the Board of Commissioners, the applicant dug their heels in to begin refining and construction details but as far as having NCDOT give preliminary comments on paper, he thought that was fair. Historically with larger projects, Staff would try to obtain more clarity from NCDOT as that transportation information affected decision making but for smaller projects, what

comments NCDOT provided was Staff's anticipation but if the Board wanted to move in that direction, he was okay with it.

Mr. Hendrix reiterated the importance of receiving fuller plans and explained the Planning Boards role in decision making stating it affected everyone living in Mint Hill, so the Board needed as much information as possible to make credible recommendations to the Board of Commissioners. Chairman Gatz added NCDOT were the ones to do it, but they were not always correct. He asked Planning Director Hoard if the Board of Commissioners would see the same plans brought before them. Planning Director Hoard stated one of the Board of Commissioners asked the applicant specifically to see NCDOT comments or he would not approve the project so by the Board of Commissioners next meeting, February 9, the applicant should have those comments to show. Chairman Gatz asked what information the Board of Commissioners would see from NCDOT. Planning Director Hoard stated the applicant would convey a plan with a left turn lane signal to the Board. Chairman Gatz said the Planning Board would want to see paper stating NCDOT preliminarily says this project needed a left turn lane shown on a schematic. Planning Director Hoard took responsibility and said going further, he would ask applicants to show NCDOT's comments on plans. Chairman Gatz stated with the Planning Board making unfavorable/favorable recommendations to the Board of Commissioners, he wanted them to be all on the same page with what was being presented so NCDOTs plans were necessity in decision making. Chairman Gatz asked Mr. Klausman if he received an email with NCDOT's preliminary comment. Mr. Klausman stated he had a phone call with the reviewer but would request an email with the reviewer's minimum requirement at this time.

Upon the motion of Mr. Hendrix, seconded by Mr. Todd, the Board voted to send a favorable recommendation, pending the inclusion of an NCDOT report for the Board of Commissioners to consider based on this project, to the Board of Commissioners on #ZC22-7, Filed by Lischerong Enterprises and Holdings, requesting a rezoning to allow construction of two Commercial/Office buildings, located at 7135 Lebanon Road, Tax Parcel Number: 135-417-47.

Mr. Hendrix clarified the Planning Boards submittal discussion was not aimed at the applicant's project; they were just doing their job.

Other Business: None.

Adjournment: Upon the motion of Mr. Hendrix, seconded by Mr. Todd, and unanimously agreed upon, Chairman Gatz adjourned the meeting at 7:12 p.m.

Savanna Ocasio Program Support Assistant

^{*}A Called Meeting was held on February 2, 2023 to read the consistency statement for #ZC22-6 and #ZC22-7 into the record. The consistency statement was unintentionally omitted from the motion.

MINUTES OF THE MINT HILL PLANNING BOARD FEBRUARY 2, 2023

The Mint Hill Planning Board met in called session on Thursday, February 2, 2023 at 3:00 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: Scott Fandel, Roger Hendrix, and Jennifer Manchester

Chairman Gatz called the meeting to order at 3:06 p.m., ruled a quorum present and the meeting duly constituted to carry on business. Chairman Gatz stated the purpose of this called meeting was to read #ZC22-6 and #ZC22-7 consistency statements into the record.

Mr. Draffen read, and the Board unanimously approved the recommended consistency statement as follows:

#ZC22-6 was found to be consistent with the Land Use Plan. The Land Use Plan (218 Subarea Plan) called for commercial use for the portion of property fronting Fairview Road with the remaining parts planned for Mixed Residential. Mixed Residential was an area characterized by moderate-density development. It was comprised of predominantly single-family detached homes. Therefore, #ZC22-6 was found to be reasonable and in the public interest, based on the information presented and reviewed with this petition.

Mr. Todd read, and the Board unanimously approved the recommended consistency statement as follows:

#ZC22-7 was found to be consistent with the Land Use Plan. The Land Use Plan indicated office/employment for the property. Office/employment was described as mixed-use areas targeted as a primary location of job generating uses in settings that met today's workplace expectations. Therefore, #ZC22-7 was found to be reasonable and in the public interest, based on the information presented and reviewed with this petition.

Adjournment: Upon the motion of Mr. Tyson, seconded by Mr. Draffen, and unanimously agreed upon, Chairman Gatz adjourned the meeting at 3:09 p.m.

Savanna Ocasio	
Program Support Assistant	



STAFF REPORT

CASE# ZC23-1





APPLICATION

CASE:	ZC23-1
EXISTING ZONING:	R DO-B
PROPOSED ZONING:	R DO-B (CZD)
PROPERTY OWNER:	LRH Holdings, LLC
APPLICANT:	LRH Holdings, LLC
LOCATION:	11110 Lawyers Road
PROPERTY ACREAGE	6.020 acres
TAX PARCEL NUMBER(S):	135-381-60
REQUEST:	To develop property with a 41,400 square foot multi-level WORKPLACE BUILDING with associated parking frontage exception to the Downtown Code.





Favorable Recommendation

RECOMMENDATION

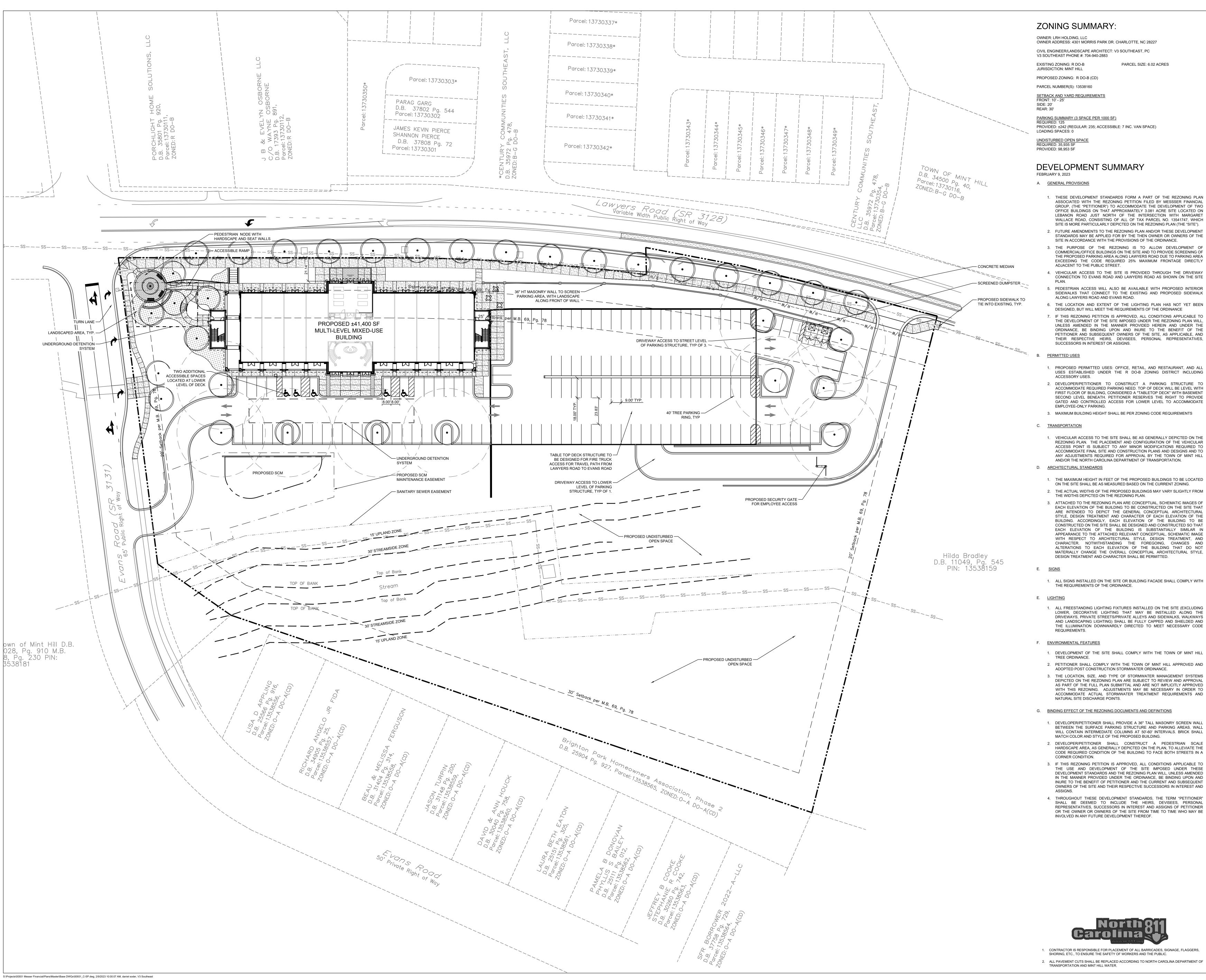
STAFF REPORT

	The applicant is proposing a 41,400 square foot multi-level Workplace limitation.	Building. The application includes an exception to the Downtown Code pertaining to the parking frontage	
	Road improvements based on NCDOT preliminary comments:		
APPLICATION SUMMARY	Proposed access off Evans Rd: Left turn lane storage on Lawyers Rd onto Evans Rd to be incr Signal at Evans Rd & Lawyers Rd intersection Evans Rd to be widened slightly more symmetrically to remov Proposed access off Lawyers Rd: Right-in/Right-out only The existing concrete median is to be extended along Lawyers	e the bump-out at the crosswalk	
	recommendation by the Planning Board. In granting a Conditional Zoning approa. No practical design alternatives exist; and	excluded Uses) may be approved as a Conditional Zoning approval by the Board of Commissioners upon a soval as an exception to these provisions, the Board shall first determine that: d intent of this District as well as Section 1.2 General Building Design Guidelines.	
	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		
	Land Use Plan	YES	
PLAN CONSISTENCY	Downtown Masterplan	YES	
	Pedestrian Plan	Yes	
	Comprehensive Transportation Plan	YES	
STAFF			

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LOCATION MAP





ZONING SUMMARY:

OWNER: LRH HOLDING, LLC OWNER ADDRESS: 4301 MORRIS PARK DR. CHARLOTTE, NC 28227

CIVIL ENGINEER/LANDSCAPE ARCHITECT: V3 SOUTHEAST, PC

EXISTING ZONING: R DO-B PARCEL SIZE: 6.02 ACRES

PROPOSED ZONING: R DO-B (CD)

PARCEL NUMBER(S): 13538160

SETBACK AND YARD REQUIREMENTS FRONT: 10' - 25'

PARKING SUMMARY (3 SPACE PER 1000 SF) REQUIRED: 125

DEVELOPMENT SUMMARY

- 1. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY MESSSER FINANCIAL GROUP, (THE "PETITIONER") TO ACCOMMODATE THE DEVELOPMENT OF TWO OFFICE BUILDINGS ON THAT APPROXIMATELY 3.081 ACRE SITE LOCATED ON LEBANON ROAD JUST NORTH OF THE INTERSECTION WITH MARGARET WALLACE ROAD, CONSISTING OF ALL OF TAX PARCEL NO. 13541747, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (THE "SITE"). 2. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT
- 3. THE PURPOSE OF THE REZONING IS TO ALLOW DEVELOPMENT OF COMMERCIAL/OFFICE BUILDINGS ON THE SITE AND TO PROVIDE SCREENING OF THE PROPOSED PARKING AREA ALONG LAWYERS ROAD DUE TO PARKING AREA EXCEEDING THE CODE REQUIRED 25% MAXIMUM FRONTAGE DIRECTLY
- 4. VEHICULAR ACCESS TO THE SITE IS PROVIDED THROUGH THE DRIVEWAY CONNECTION TO EVANS ROAD AND LAWYERS ROAD AS SHOWN ON THE SITE
- 5. PEDESTRIAN ACCESS WILL ALSO BE AVAILABLE WITH PROPOSED INTERIOR SIDEWALKS THAT CONNECT TO THE EXISTING AND PROPOSED SIDEWALK ALONG LAWYERS ROAD AND EVANS ROAD.
- 6. THE LOCATION AND EXTENT OF THE LIGHTING PLAN HAS NOT YET BEEN DESIGNED, BUT WILL MEET THE REQUIREMENTS OF THE ORDINANCE
- THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE, AS APPLICABLE, AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.

- 1. PROPOSED PERMITTED USES: OFFICE, RETAIL, AND RESTAURANT, AND ALL USES ESTABLISHED UNDER THE R DO-B ZONING DISTRICT INCLUDING
- 2. DEVELOPER/PETITIONER TO CONSTRUCT A PARKING STRUCTURE TO ACCOMMODATE REQUIRED PARKING NEED. TOP OF DECK WILL BE LEVEL WITH FIRST FLOOR OF BUILDING, CONSIDERED A "TABLETOP DECK" WITH BASEMENT SECOND LEVEL BENEATH, PETITIONER RESERVES THE RIGHT TO PROVIDE GATED AND CONTROLLED ACCESS FOR LOWER LEVEL TO ACCOMMODATE

3. MAXIMUM BUILDING HEIGHT SHALL BE PER ZONING CODE REQUIREMENTS

- 1. VEHICULAR ACCESS TO THE SITE SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINT IS SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE AND CONSTRUCTION PLANS AND DESIGNS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE TOWN OF MINT HILL AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
- 1. THE MAXIMUM HEIGHT IN FEET OF THE PROPOSED BUILDINGS TO BE LOCATED ON THE SITE SHALL BE AS MEASURED BASED ON THE CURRENT ZONING.
- 2. THE ACTUAL WIDTHS OF THE PROPOSED BUILDINGS MAY VARY SLIGHTLY FROM THE WIDTHS DEPICTED ON THE REZONING PLAN.
- 3. ATTACHED TO THE REZONING PLAN ARE CONCEPTUAL, SCHEMATIC IMAGES OF EACH ELEVATION OF THE BUILDING TO BE CONSTRUCTED ON THE SITE THAT ARE INTENDED TO DEPICT THE GENERAL CONCEPTUAL ARCHITECTURAL STYLE, DESIGN TREATMENT AND CHARACTER OF EACH ELEVATION OF THE BUILDING. ACCORDINGLY, EACH ELEVATION OF THE BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE DESIGNED AND CONSTRUCTED SO THAT EACH ELEVATION OF THE BUILDING IS SUBSTANTIALLY SIMILAR IN APPEARANCE TO THE ATTACHED RELEVANT CONCEPTUAL, SCHEMATIC IMAGE WITH RESPECT TO ARCHITECTURAL STYLE, DESIGN TREATMENT, AND

CHARACTER. NOTWITHSTANDING THE FOREGOING, CHANGES AND ALTERATIONS TO EACH ELEVATION OF THE BUILDING THAT DO NOT MATERIALLY CHANGE THE OVERALL CONCEPTUAL ARCHITECTURAL STYLE, DESIGN TREATMENT AND CHARACTER SHALL BE PERMITTED.

1. ALL SIGNS INSTALLED ON THE SITE OR BUILDING FACADE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

1. ALL FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, PRIVATE STREETS/PRIVATE ALLEYS AND SIDEWALKS, WALKWAYS AND LANDSCAPING LIGHTING) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED TO MEET NECESSARY CODE

F. <u>ENVIRONMENTAL FEATURES</u>

- 1. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE TOWN OF MINT HILL TREE ORDINANCE.
- 2. PETITIONER SHALL COMPLY WITH THE TOWN OF MINT HILL APPROVED AND ADOPTED POST CONSTRUCTION STORMWATER ORDINANCE.
- 3. THE LOCATION, SIZE, AND TYPE OF STORMWATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORMWATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

G. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- 1. DEVELOPER/PETITIONER SHALL PROVIDE A 36" TALL MASONRY SCREEN WALL BETWEEN THE SURFACE PARKING STRUCTURE AND PARKING AREAS. WALL WILL CONTAIN INTERMEDIATE COLUMNS AT 50'-60' INTERVALS. BRICK SHALL
- 2. DEVELOPER/PETITIONER SHALL CONSTRUCT A PEDESTRIAN SCALE HARDSCAPE AREA, AS GENERALLY DEPICTED ON THE PLAN, TO ALLEVIATE THE CODE REQUIRED CONDITION OF THE BUILDING TO FACE BOTH STREETS IN A CORNER CONDITION.
- 3. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL. UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND
- 4. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE



1. CONTRACTOR IS RESPONSIBLE FOR PLACEMENT OF ALL BARRICADES, SIGNAGE, FLAGGERS, SHORING, ETC., TO ENSURE THE SAFETY OF WORKERS AND THE PUBLIC.

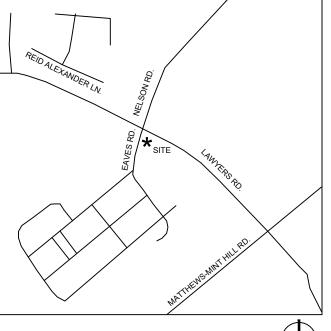
2. ALL PAVEMENT CUTS SHALL BE REPLACED ACCORDING TO NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND MINT HILL WATER.



landscape architecture I planning I civil engineering

MESSER FINANCIAL LAWYERS ROAD

11024 Lawyers Rd. Mint Hill, NC 28227



TOPOGRAPHIC SURVEY DATED SEPTEMBER 29, 2022 PROVIDED BY FREELAND-CLINKSCALES & ASSOCIATES, INC., 201 2ND AVE. EAST.

HENDERSONVILLE, NC 28792. 828.697.6539.

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lion to the fullest	extent possible.	
SCALE:	1"= 30'	

DATE: 01.11.2023 MPIC: WLL

REVIEWED BY: CCB DRAWN BY: ALE

PETITION #TBD

REZONING SITE PLAN

REVISIONS:

PROJECT NUMBER: 00931.04

RZ-1

REZONING SKETCH PLAN



1 SOUTH ELEVATION A3.2 SCALE: 3/32" = 1'-0"



NORTH ELEVATION
A3.2 SCALE: 3/32" = 1'-0"

MESSER FINANCIAL 11024 LAWYERS RD. MINT HILL, NC 28227 EXTERIOR ELEVATIONS
RENDER







2 EAST ELEVATION A3.3 SCALE: 3/32" = 1'-0"

EXTERIOR ELEVATIONS REVISIONS: REVIS AND REVISIONS: REVISIONS: REVISIONS: REVISIONS: REVISIONS:
TERIOR ELEVATIONS RENDER RENDER RELIMINARY- Induction and sold property of CAPITAL ARCHITECTURE PLLC and is not to be copied in whole or inside the form and you be upped. In sold property of CAPITAL ARCHITECTURE PLLC and is not to be copied in whole or inside the form and you be upped. In sold property of CAPITAL ARCHITECTURE PLLC and is not to be copied in whole or a following its part of a following in a following its part of a following in a following and in a following its part of a following and in a following its part of a following its part o
TERIOR ELEVATIONS RENDER RELIMINARY- In PRELIMINARY- NOT FOR Project Name of CAPITAL ARCHITECTURE PLLC and is not to be copied in whole or indicated herin may be used on any other project. This drawing is part of a not must be returned to CAPITAL ARCHITECTURE PLLC on request.
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STAFF REPORT

CASE# ZC23-2





APPLICATION

CASE:	ZC23-2
EXISTING ZONING:	I-G and I-G (CZD)
PROPOSED ZONING:	I-G (CZD)
PROPERTY OWNER:	8235FR, LLC
APPLICANT:	8235FR, LLC
LOCATION:	8227 Fairview Road
PROPERTY ACREAGE	20.183 acres
TAX PARCEL NUMBER(S):	139-011-11, 139-011-09, 139-011-23, 139-011-112 and 139-011-47
REQUEST:	Add 2-story storage building and vehicular storage area





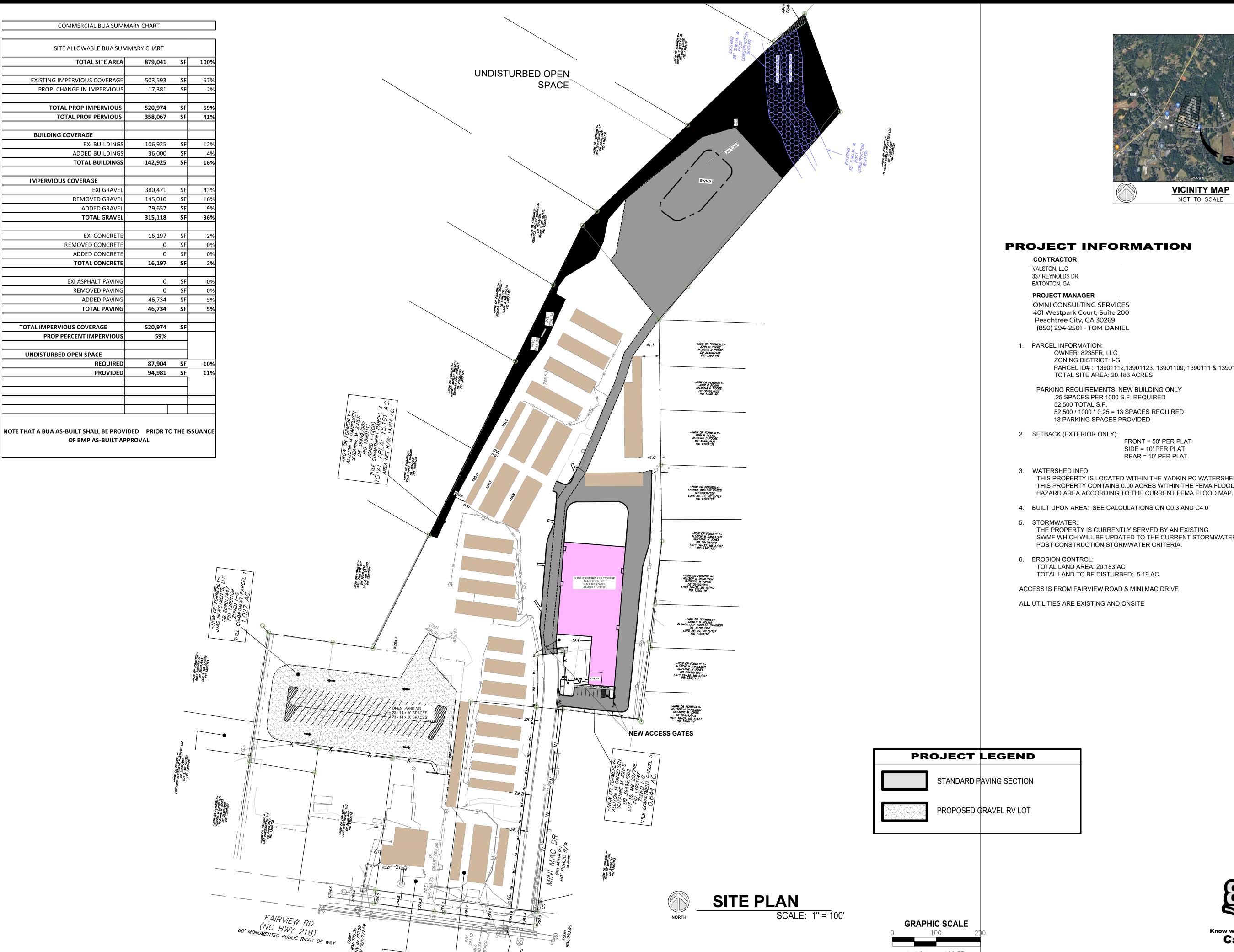
STAFF REPORT

BACKGROUND INFORMATION	The initial rezoning to General Industrial took place in 1981. Through the 1990s several Co	onditional Use Permits were issued to build the storage units.	
	The new owner of the storage facility is seeking conditional zoning approval to add a 52,5 Drive. The applicant is also asking for approval to add an open lot with 46 parking spaces.	00 square foot, two-story climate control building on the vacant property at the end of Mini Mac for storing vehicles.	
APPLICATION	Staff is working with the applicant regarding improvements to Mini Mac Drive.		
SUMMARY	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		
	Land Use Plan	YES	
DI AN CONSISTENCY	Downtown Masterplan	N/A	
PLAN CONSISTENCY	Pedestrian Plan	YES	
	Comprehensive Transportation Plan	N/A	
STAFF RECOMMENDATION	Favorable Recommendation		



LOCATION MAP







PROJECT INFORMATION

OMNI CONSULTING SERVICES 401 Westpark Court, Suite 200 (850) 294-2501 - TOM DANIEL

OWNER: 8235FR, LLC ZONING DISTRICT: I-G PARCEL ID#: 13901112,13901123, 13901109, 1390111 & 13901147

PARKING REQUIREMENTS: NEW BUILDING ONLY .25 SPACES PER 1000 S.F. REQUIRED

52,500 / 1000 * 0.25 = 13 SPACES REQUIRED

FRONT = 50' PER PLAT SIDE = 10' PER PLAT REAR = 10' PER PLAT

THIS PROPERTY IS LOCATED WITHIN THE YADKIN PC WATERSHED THIS PROPERTY CONTAINS 0.00 ACRES WITHIN THE FEMA FLOOD

4. BUILT UPON AREA: SEE CALCULATIONS ON C0.3 AND C4.0

THE PROPERTY IS CURRENTLY SERVED BY AN EXISTING SWMF WHICH WILL BE UPDATED TO THE CURRENT STORMWATER POST CONSTRUCTION STORMWATER CRITERIA.

TOTAL LAND AREA: 20.183 AC TOTAL LAND TO BE DISTURBED: 5.19 AC

ACCESS IS FROM FAIRVIEW ROAD & MINI MAC DRIVE

ALL UTILITIES ARE EXISTING AND ONSITE

1 INCH = 100 FT.



Construction Documents

PREPARED FOR:

CONSULTING

401 Westpark Court

ph: 770.302.1701 fax: 770.818.5663

Peachtree City, Ga 30269

PROJECT MANAGER

SERVICES

Suite 200

VALSTON, LLC 336 GEORGIA AVE SUITE 204 NORTH AUGUSTA, SC

8227 FAIRVI TAX PARCEL MINT HILL, NOR MINI MAC

PROJECT

CLEVE E. DRYDEN, PE 2940 KERRY FOREST PKWY SUITE 101 TALLAHASSEE, FL 32309



DATE: 6-15-22 PROJECT NO. 22103.00 DWG FILE - mini mac master.dwg

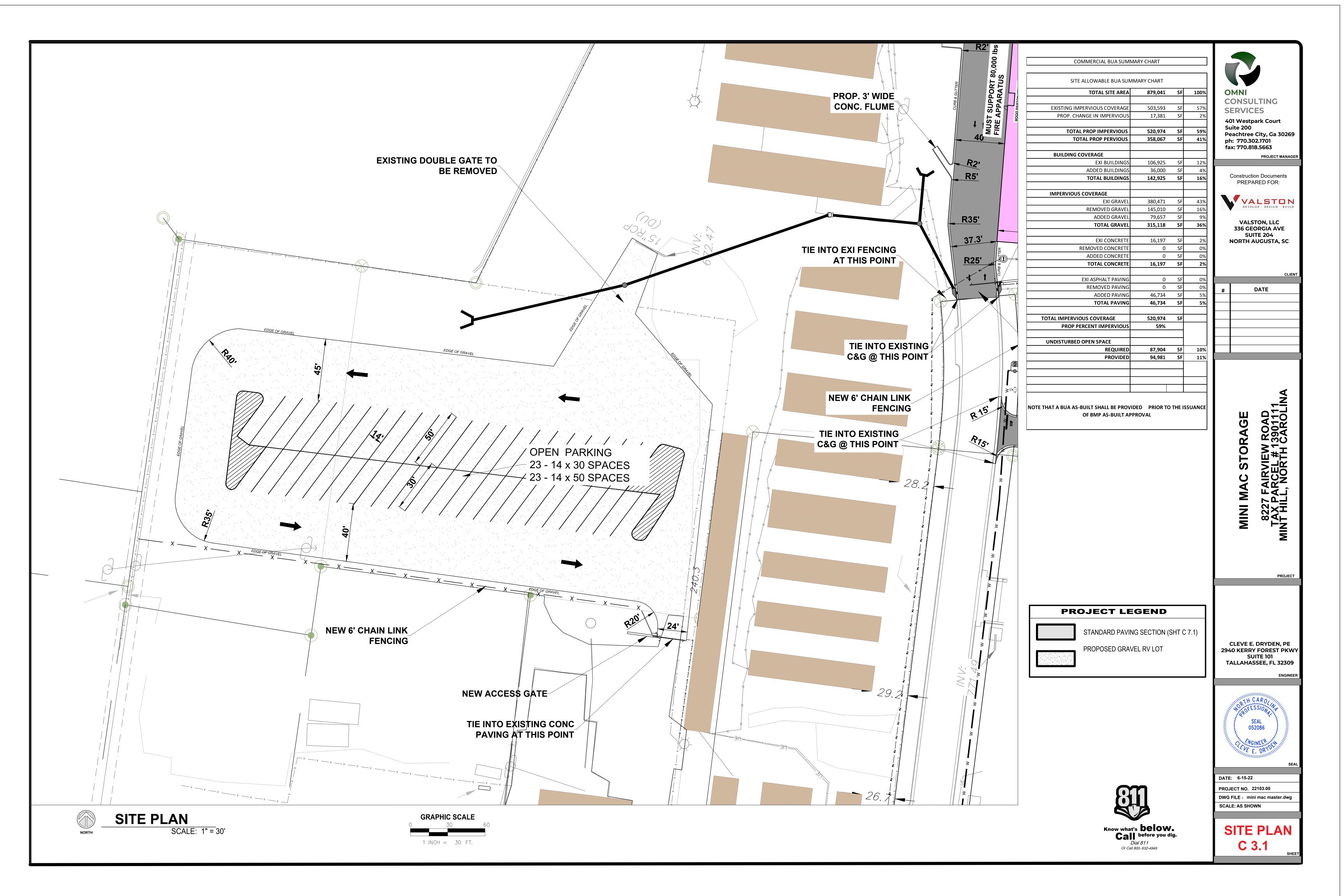
SCALE: AS SHOWN

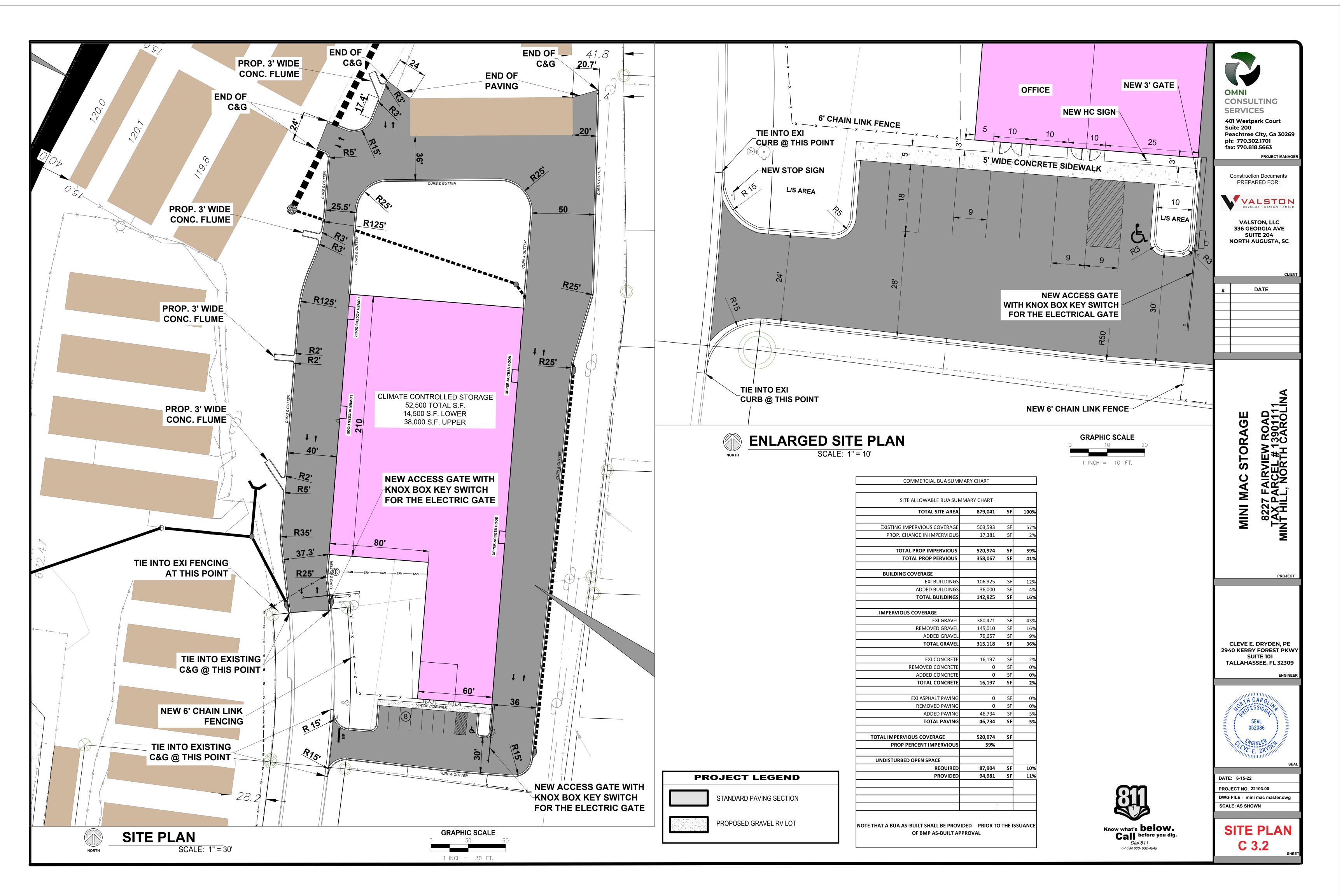
Know what's **below.**Call before you dig.

Dial 811

Or Call 800-632-4949

SITE PLAN C 3.0







SCALE = 1:5

SOUTH ELEVATION







S23-1

McEwen Manor





APPLICATION

CASE:	S23-1
EXISTING ZONING:	R DO-A (CZD)
PROPERTY OWNER:	Stephen McEwen
APPLICANT:	Tim Arey
LOCATION:	11631 Lawyers Road
TAX PARCEL NUMBER(S):	197-011-42, 197-011-45 and 197-011-16
REQUEST:	Major Subdivision Approval (166 lots)



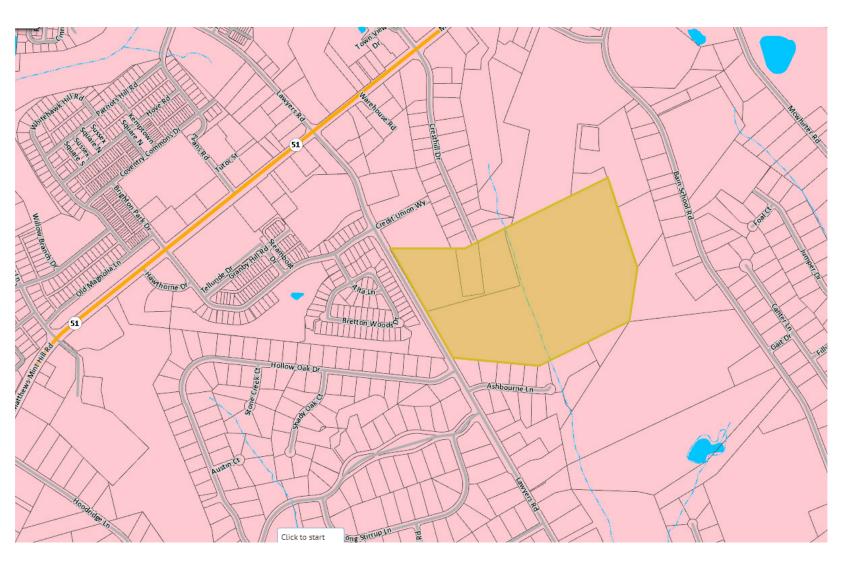


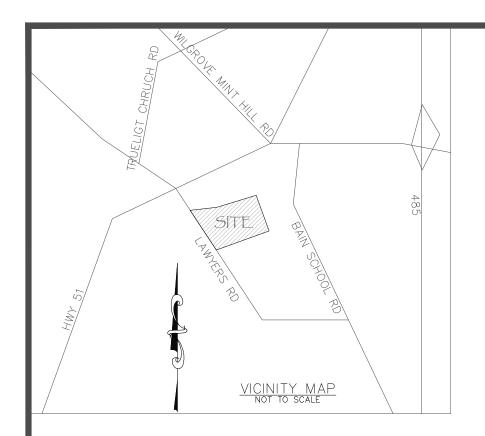
STAFF REPORT

	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.
Staff Analysis	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



LOCATION MAP





BUFFER NOTE:

1) ANY LOT LINES THAT PROJECT INTO THE 100-FT UNDISTURBED POST CONSTRUCTION BUFFER WILL HAVE TO BE SHOWN ON PLATS FOR THE INDIVIDUAL LOTS WITH THE RESTRICTIONS NOTED.

FUTURE GREEWAY NOTE:

1) DEVELOPER TO COORDINATE WITH TOWN OF MINT HILL ON LOCATION AND DESIGN OF POTENTIAL GREENWAY ALONG CREEK. CONSTRUCTION OF ANY GREENWAY MAY NOT PROCEED UNTIL AN RTAP HAS BEEN SUBMITTED AND APPROVED BY BOTH THE TOWN OF MINT HILL AND MECKLENBURG

EASEMENT EASEMENT 0.5%-2.0% CROSS SLOPE NOTES:

1. TRAIL WIDTH SHALL BE A MINIMUM OF 10' WITHIN A 20' PERMANENT MAINTENANCE EASEMENT. TRIAL MAINTENANCE WILL BE THE RESPONSIBILITY OF THE HOA.

- 2. TRAIL SHALL BE CLEARED AND GRUBBED OF VEGETATION USING A SKID STEER WITH MAXIMUM BUCKET WIDTH OF $10-{\rm FT}$.
- 3. CARE SHALL BE TAKEN TO PRESERVE TREES WITH A CALIPER GREATER THAN 4-INCHES (AS MEASURED AT EYE LEVEL). THE TRAIL MAY MEANDOR WITHIN THE PROPOSED 20-FT EASEMENT TO ACCOMODATE.
- 4. TRAIL SURFACE TO BE CONSTRUCTED TO TOWN OF MINT HILL RECOMMENDATIONS.
- 5. TRAIL SHALL HAVE A CROSS SLOPE BETWEEN 0.5% AND 2.0%.

OPEN SPACE 0.25 AC

10' GREENWAY TRAIL SECTION

COMMON OPEN SPACE (COS) CALCULATIONS:

COS REQUIRED = NUMBER OF BEDROOMS X 500 SF

LOTS WITH 3 BEDROOM UNITS: 122

LOTS WITH 4 BEDROOM UNITS: 44

TOTAL NUMBER OF BEDROOMS: 542

COS REQUIRED = 542 X 500 SF = 271,000 SF OR 6.22 ACRES

COS PROVIDED:

PARK: 0.94 ACRES

DOG PARK: 0.63 ACRES

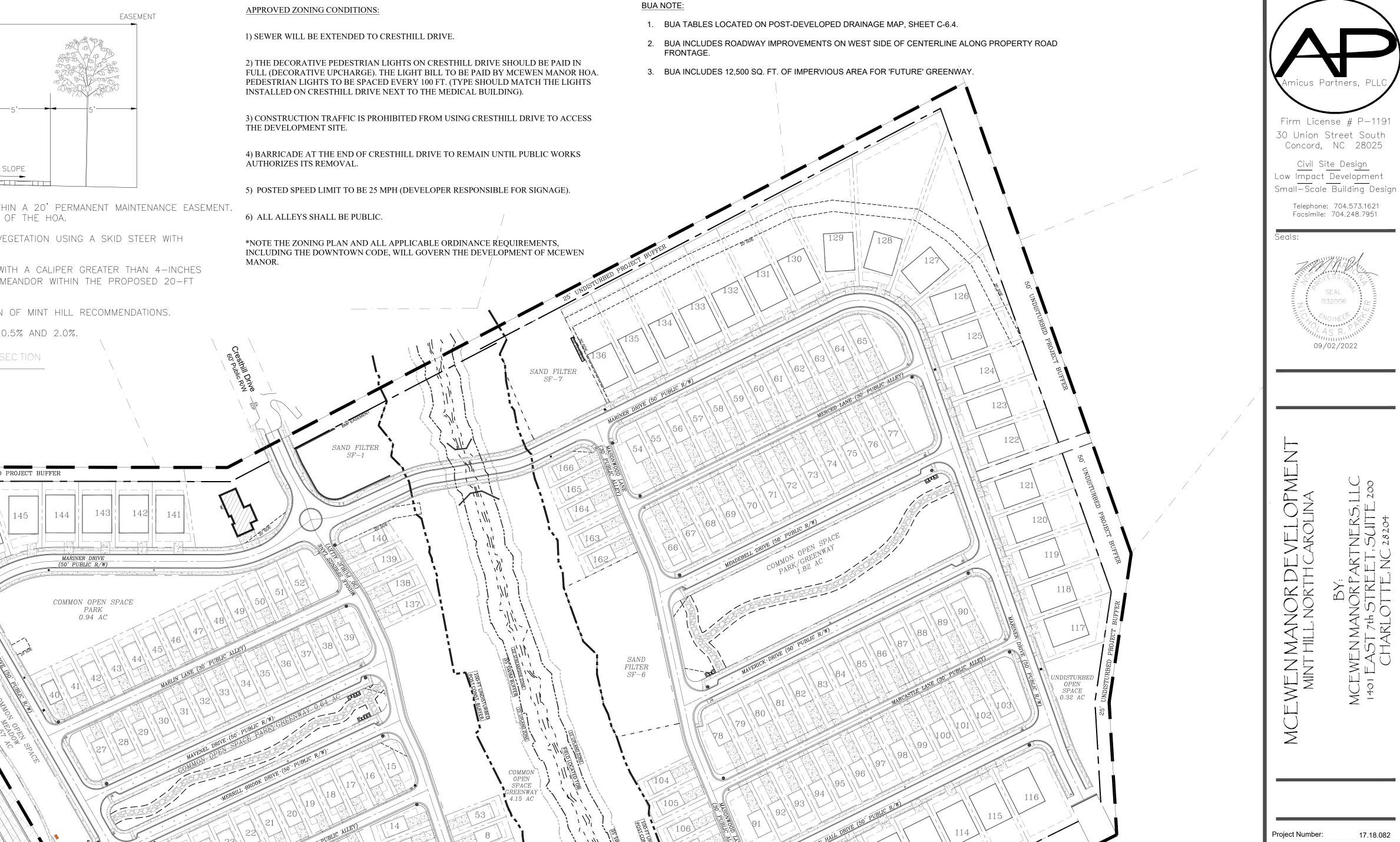
MEADOW: 0.57 ACRES

PARK/GREENWAY: 1.82 ACRES LF OF GREENWAY: 3,406 LF X 16 FT = 54,496 SF OR 1.25 ACRES

GREENWAY: 4.15 ACRES

TOTAL COS PROVIDED = 9.36 ACRES > 6.22 ACRES, THEREFORE O.K.

	BLOCK LENGTH TABLE	
BLOCK	DESCRIPTION	LENGTH
MACON HALL DRIVE	MARINER DRIVE TO MARLIN LANE	288 FT
MACON HALL DRIVE	MARLIN LANE TO MAVENEL DRIVE	110 FT
MACON HALL DRIVE	MAVENEL DRIVE TO MERRILL BROOK DRIVE	151 FT
MACON HALL DRIVE	MERRILL BROOK DRIVE TO MARINER LANE	111 FT
MACON HALL DRIVE	MARINER LANE TO MIDDLE SPRINGS LANE	627 FT
MACON HALL DRIVE	MIDDLE SPRINGS LANE TO MASONWOOD LANE	361 FT
MACON HALL DRIVE	MASONWOOD LANE TO MARINER DRIVE	609 FT
MARINER DRIVE	LAWYERS ROAD TO MACON HALL DRIVE	135 FT
MARINER DRIVE	MACON HALL DRIVE TO MIDDLE SPRINGS LANE	644 FT
MARINER DRIVE	MIDDLE SPRINGS LANE TO MASONWOOD LANE	520 FT
MARINER DRIVE	MASONWOOD LANE TO MERCED LANE	706 FT
MARINER DRIVE	MERCED LANE TO MEADEBELL DRIVE	162 FT
MARINER DRIVE	MEADEBELL DRIVE TO MAVERICK DRIVE	193 FT
MARINER DRIVE	MAVERICK DRIVE TO MARCASTLE LANE	161 FT
MARINER DRIVE	MARCASTLE LANE TO MACON HALL DRIVE	161 FT
MARINER DRIVE	MACON HALL DRIVE TO END OF PHASE	145 FT
MAVENEL DRIVE	MACON HALL DRIVE TO MIDDLE SPRINGS LANE	588 FT
MERRILL BROOK DRIVE	LAWYERS ROAD TO MACON HALL DRIVE	135 FT
MERRILL BROOK DRIVE	MACON HALL DRIVE TO MIDDLE SPRINGS LANE	556 FT
MEADEBELL DRIVE	MASONWOOD LANE TO MARINER DRIVE	579 FT
MAVERICK DRIVE	MASONWOOD LANE TO MARINER DRIVE	605 FT
MARLIN LANE	MACON HALL DRIVE TO MAVENEL DRIVE	602 FT
MALONE LANE	MACON HALL DRIVE TO MAVENEL DRIVE	532 FT
MIDDLE SPRINGS LANE	MARINER DRIVE TO MARLIN LANE	133 FT
MIDDLE SPRINGS LANE	MARLIN LANE TO MAVENEL DRIVE	100 FT
MIDDLE SPRINGS LANE	MAVENEL DRIVE TO MERRILL BROOK DRIVE	152 FT
MIDDLE SPRINGS LANE	MERRILL BROOK DRIVE TO MALONE LANE	133 FT
MIDDLE SPRINGS LANE	MALONE LANE TO MACON HALL DRIVE	357 FT
MASONWOOD LANE	MARINER DRIVE TO MERCED LANE	161 FT
MASONWOOD LANE	MERCED LANE TO MEADEBELL DRIVE	159 FT
MASONWOOD LANE	MEADEBELL DRIVE TO MAVERICK DRIVE	204 FT
MASONWOOD LANE	MAVERICK DRIVE TO MARCASTLE LANE	159 FT
MASONWOOD LANE	MARCASTLE LANE TO MACON HALL DRIVE	161 FT
MERCED LANE	MASONWOOD LANE TO MARINER DRIVE	582 FT
MARCASTLE LANE	MASONWOOD LANE TO MARINER DRIVE	608 FT
CRESTHILL DRIVE	CRESTHILL CONNECTION TO MARINER DRIVE	347 FT



SAND FILTER

DOG PARK 0.63 AC

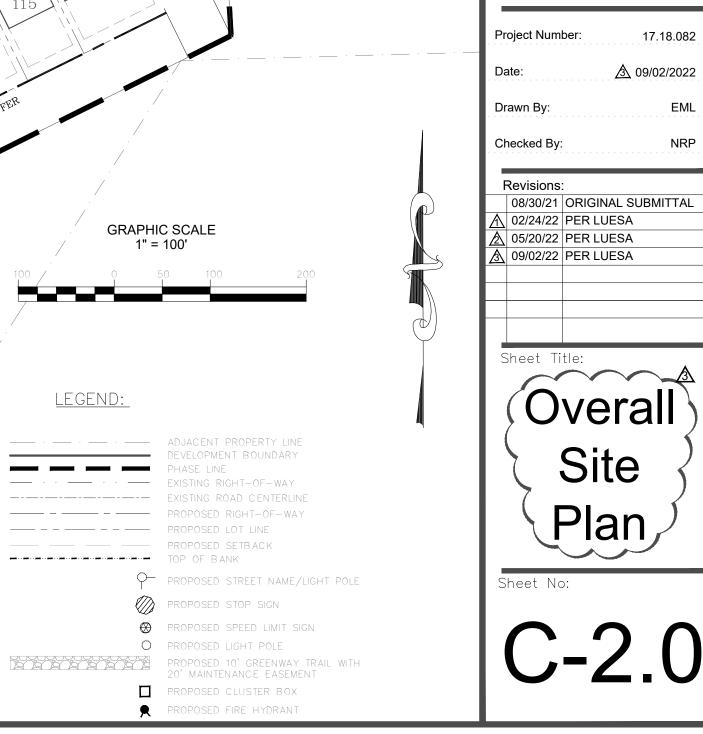
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CENTER AT 81/1.

IT'S THE LAW.

BEFORE YOU DIG STOP. CALL THE NO ONE-CALL

FILTER SF-3



Telephone: 704.573.1621 Facsimile: 704.248.7951

09/02/2022

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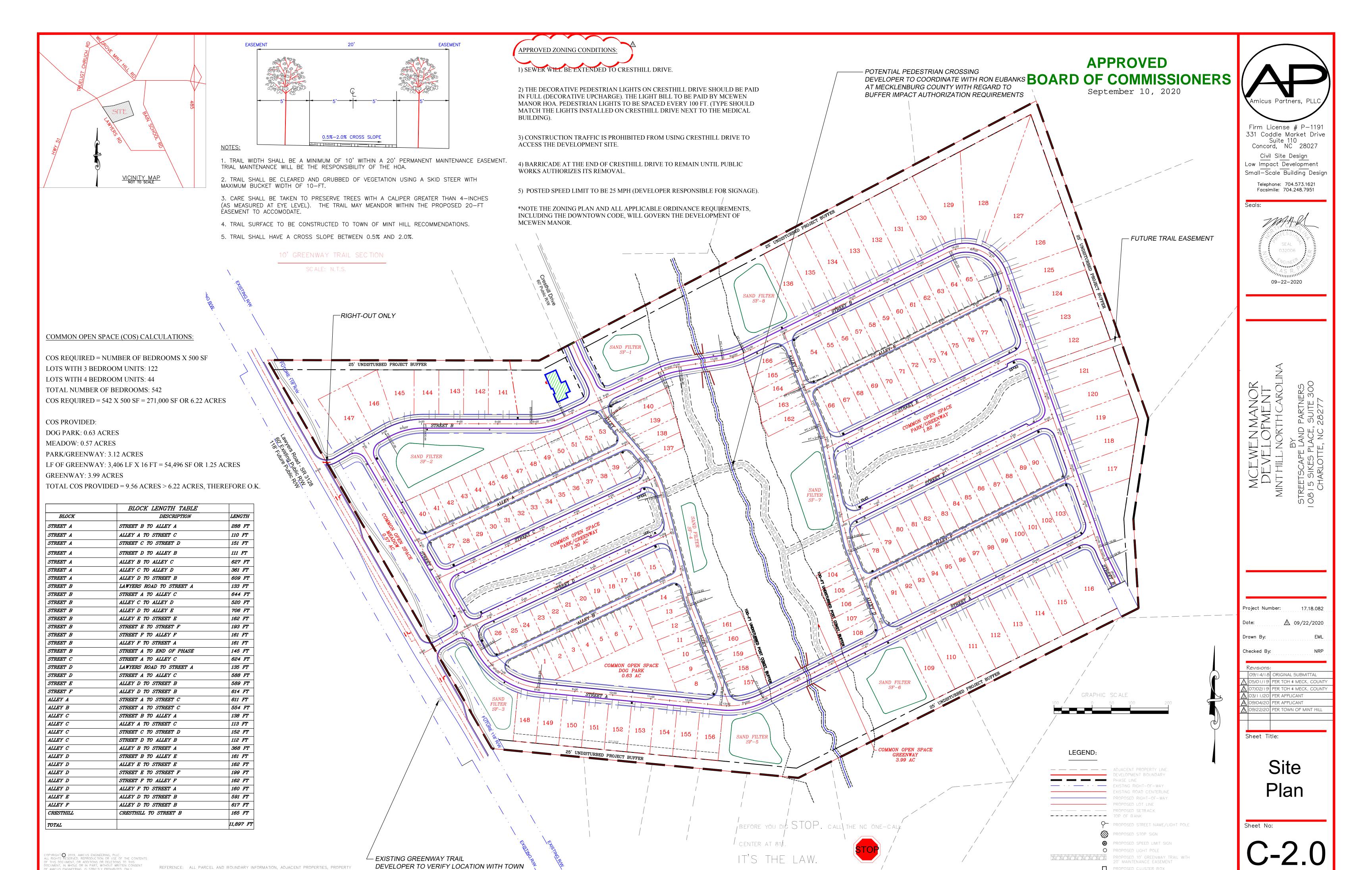
17.18.082

08/30/21 ORIGINAL SUBMITTAL

02/24/22 PER LUESA ♦ 05/20/22 PER LUESA ⚠ 09/02/22 PER DEVELOPER

Overall Tree Planting/

PROPOSED TREE SAVE AREA/UNDISTURBED OPEN SPAC



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