

MINUTES OF THE MINT HILL PLANNING BOARD MEETING
March 2nd, 2015

The Mint Hill Planning Board met in regular session on Monday, March 2nd, 2015 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Tony Long
Members: Mary McMahan
ETJ Members: Roger Hendrix and Tom Gatz
Planning Director: John Hoard
Commissioners: Mickey Ellington
Clerk to the Board: Candice Everhart
Absent: Scott Fandel, Roy Fielding, Brad Simmons

CALL TO ORDER AND INVOCATION

Chairman Long called the meeting to order at 6:30 p.m., declared a quorum present and the meeting duly constituted to carry on business.

ORDER OF BUSINESS

Communications: None.

Approval of Minutes of January 20, 2015 Regular Meeting: Upon the motion of Mr. Gatz, seconded by Mrs. McMahan, the Board unanimously approved the minutes of January 20, 2015.

Reports of Committees, Members and Staff: None.

Old Business:

- A. **Decision and Recommendation on Text Amendment #ZC14-13, Filed By Town of Mint Hill, to Amend the Unified Development Ordinance (UDO), Section 2.4, Terms Defined in this Ordinance and Section 5.2, Table of Principle Permitted Uses:** Mr. Hoard stated, as a recap what the Parks currently require is Conditional Zoning. Staff recommends that we remove that and by doing that it would allow parks byright. This would only be the parks owned by the Town. I don't have much more detail than I did at the last meeting because the details will come from the Board of Commissioners. They will decide on what they would like to do with public involvement.

Further information gained regarding the request for Text Amendment was obtained through *opinions/comments/questions (in Italics) from the Board* to Mr. Hoard as follows:

Mr. Gatz asked, what does the existing ordinance say? The existing ordinance uses the term Park, so any kind of park you could imagine. It requires Conditional Zoning in a residential district.

You're asking us to change the verbiage which has that in it to an open checkbook? Yes. In the long run the Board of Commissioners is going to decide what terms will be adopted, stated Mr. Hoard.

I would think to turn it down if it is as stated here. If that's how you feel then you can make a recommendation to not adopt the way they're suggesting here. We feel that the Board would be responsible enough to involve the public as much as possible.

If you're going to take a piece of property, how are you going to notify the people of what you are doing? The way it was written is that you were going to get rid of the notification process. Is that correct? Yes. The Town has already acquired land and said this is going to be a Park. Through the rezoning process we are required to notify the adjacent property owners within a 200' perimeter. With this change they wouldn't be required to notify anyone. They could decide to notify people with 200' or within 1000'. It would be up to the Board to decide that.

With all byrights, there is no notification required correct? Correct. There's no requirement.

Why are we so adamant about not notifying people? Initially this started out as an option for the County Parks. From there we have branched off to the Town Parks. This speeds thing up to not have to go through the rezoning. More than that though, is the redundancy that we want to avoid. If we leave it the way it is now, basically we have to approve ourselves to do something we were already going to do.

The only problem I have is that, I as a land owner would like to know if there was going to be a park built next to me. Is that taking care of the citizens? We would think that the elected officials, elected by the people, would involve the public how they needed to be involved.

Mr. Hendrix asked, is this something that has been adopted by Mecklenburg County and how they do their parks? Mecklenburg County goes to each municipality. Each Town or City has their own requirements.

I understand wanting to avoid the repetition, but I think there needs to be a notification. We thought of highlighting some minimum notification, but that would be imposing a particular type of process on this Board and future Boards. There are all types of degrees of parks.

This would affect everything that is not byright situation, because byright you wouldn't have to do a notice now, correct? There is no byright park. Anything that we could classify as a park, as of now, would have to be rezoned.

What they are doing is that Parks will now be byright, asked Mr. Gatz. Only if it is Town owned, stated Mr. Hoard.

Not if it's Mecklenburg County, asked Mrs. McMahan. Correct. Mecklenburg County, a church, the Athletic Association, they would all have to go through the procedures for conditional zoning with the minimum notification and minimum public involvement.

I'm just curious as to why this was pulled out over all of the Ordinances, stated Mr. Hendrix. This was originally crafted because we've spent months going back and forth with Mecklenburg County about the 200 acres they want to acquire from us. Initially it started out as a text amendment like this, were you don't have to go through conditional zoning and only have to require certain standards. As we went further in this process, we added the Town in there. It's been brought up now because everything with Mecklenburg County as well as the park we will be building.

My concern is not with today's Board, but with future Boards, stated Mr. Hendrix. A future Board technically could change this too if they wanted to.

I do think as a citizen of Mint Hill that I would want to know if there is going to be a dog park, or ball fields, or lights put up, stated Mrs. McMahan.

Roy was concerned with lack of involvement from the cities, making sure that the surrounding citizens are getting what they want out of a park, stated Mr. Gatz. Yes, I remember him saying that. Notification is only to the neighbors and not all of the citizens in Mint Hill. Therefore someone who would be living directly by the park may have different feelings about it compared to someone on the other side of the Town.

If this Board was to not vote affirmative for this, what happens, asked Mr. Long. This will go to the Board of Commissioners next Thursday, March 12. They will make a decision on it then.

I think this is a bigger issue for them than it is for us, stated Mr. Hendrix.

Mr. Hendrix, seconded by Mr. Gatz, motioned to recommend approval of the Staff recommendation. Mr. Long asked for those in favor, which the majority of the Board agreed, and Mrs. McMahan opposed. The motion carried to recommend approval of recommendation on ZC14-13 Town Parks Text Amendment.

New Business: None.

Other Business: None

Adjournment: Upon the motion of Mr. Hendrix, seconded by Mrs. McMahan, and unanimously agreed upon, Chairman Long adjourned the meeting at 6:55 p.m.

Candice Everhart, Program Support
March 4th, 2015