

MINUTES OF THE MINT HILL PLANNING BOARD MEETING
April 20th, 2015

The Mint Hill Planning Board met in regular session on Monday, April 20th, 2015 at 6:30 p.m. in the John M. McEwen Assembly Room, Mint Hill Town Hall.

ATTENDANCE

Chairman: Tony Long

Members: Mary McMahan, Roy Fielding, Brad Simmons, and Scott Fandel

ETJ Members: Tom Gatz and Roger Hendrix

Planning Director: John Hoard

Commissioners: Mickey Ellington

Clerk to the Board: Candice Everhart

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. Mr. Hendrix gave the invocation.

ORDER OF BUSINESS

Communications: Mr. Hoard presented information to the Board concerning Text Amendment #ZC14-13, to amend the Unified Development Ordinance. The Amendment was passed at the last Board of Commissioners meeting. With that, they've also adopted a policy. When the Town is under contract, at a minimum we will place a sign on that property, as well as notify property owners within a 200' buffer. Anything else that the Board of Commissioners would like to have as notification will be given at their discretion. Also the storage facility building we spoke about in our last meeting was passed by the Board of Commissioners.

Where would I go to see one of these signs, asked Mr. Gatz. Is there a sight you're talking about buying? The only place we have as of now is the new land across from the Mint Hill Athletic Association, which that has already been discussed about being a park, stated Mr. Hoard.

Approval of Minutes of January 20, 2015 Regular Meeting: Upon the motion of Mr. Gatz, seconded by Mr. Simmons, the Board unanimously approved the minutes of March 16th, 2015.

Reports of Committees, Members and Staff: None.

Old Business: None.

New Business:

- A. **Discussion and Decision on Text Amendment, ZC14-14, Family Care Home, to amend the Unified Development Ordinance to establish a minimum distance separation for family care homes and add family care home subdivision option.**

Mr. Hoard stated that this concern was brought up to the Board of Commissioners at their retreat in March. They would like for us to move forward with this. A family care home is basically a home that provides care to no more than six people. North Carolina prohibits municipalities to regulate these. We have to look at it like a single family home residence. The state does allow one exception, that the municipality can regulate distance. We brought this up to the Commissioners at the retreat, and they agreed to put together a distance separation. Any new family care home that would come to us, we would have to make sure that it would be placed at least a half mile from another. That is part one of the Text Amendment. Part two, is what we are calling Family Care Home Subdivision. This is unique and there is a particular developer in this town. If you're not familiar with his product there is a development of his off of Thompson Road. He does not go into existing neighborhoods and buy the houses to accommodate people, but he purchases the land and starts from scratch. He builds this like a development so it meets all of the residential requirements. We had a lot of conversations with him and he would like to build and expand in Mint Hill. We want to allow for someone to come in with a proposal where they would develop the site with multiple homes that would qualify as a subdivision. This would have to go through Conditional Zoning because it is not by-right.

Mr. Gatz asked how can we eliminate some of the risks that come with family care homes? As long as it meets the definition and it meets the requirements of North Carolina and are licensed, we really can't regulate anything. We can enforce the distance separation.

What is the definition of a Family Care Home, asked Mr. Gatz. You have to either have a physical or mental impairment. Drug rehabilitation centers, maternity wards, etc. do not fall under the regulations of a Family Care Home.

Who regulates all of this, asked Mr. Gatz. The State regulates it. There is a license you have to acquire from the State and we can go on their website and look up all licensed facilities in Mint Hill and we can keep track of them that way as well, answered Mr. Hoard.

I overall think it's a good thing. I only have a few concerns. For instance let's say that I'm a developer and I have someone that wants to come in where I've started developing, for good reason, and they want to buy four lots from me and they want to develop Family Care Homes. Is that okay, asked Mr. Gatz. The development has to be owned and developed by the same person or single entity. Therefore in that situation it wouldn't be accepted, stated Mr. Hoard. The main point of this is that it does have to go through conditional zoning.

The way I'm reading this, they have to meet whichever ordinances there are correct, asked Mr. Gatz. Correct. If you're out where there is no water or sewer than you must have an acre size lot, stated Mr. Hoard.

I'm good with A. The B part on the subdivision, is that something the Commissioners have talked about also, asked Mr. Hendrix. Yes, they have seen exactly what you are

seeing. At the retreat it was unanimous for the staff to go forward with this, stated Mr. Hoard.

I know you have a lot of processes for it to go through, but the way you have it written here as four homes it really can be opened up to twenty-four if that's what someone wanted, asked Mr. Hendrix. The way it's written, yes it could, said Mr. Hoard.

Are they good with making that process come through them, asked Mr. Hendrix. Even if someone did come forward and say they want 200 family care homes they do have to go through conditional zoning. That gives the Board the chance to say that is too much, stated Mr. Hoard.

The current development, who is it operated by, asked Mr. Hendrix. The one I'm referring to on Thompson Road is owned by a company called Unlimited Possibilities, stated Mr. Hoard.

Mr. Fielding asked, is the initial contact with the County? It can be, but ultimately they would have to receive a license from the State, answered Mr. Hoard.

If we have a family care facility, then we can't have one within another half mile radius correct, asked Mr. Fielding. Correct, stated Mr. Hoard.

I get a little concerned when it says four or more. I feel like there should maybe be a limit, stated Mr. Fielding. We can certainly add a cap to that if you would all like. Four is just a number I came up with, but is not set in stone, said Mr. Hoard.

Does each family care home have to be run by one individual or can there be multiple, asked Mrs. McMahan. The way this is worded is that it would have to be owned by one company, stated Mr. Hoard.

My concern is that these employees are very minimally paid. If one family care home is short staffed then there will be ruckus when they have to leave to go to another one. That is why I could see a cap being set at four or five, stated Mrs. McMahan. Also, do family care homes have buses going in to take them on field trips or events? What we've seen is that family care homes are usually less disruptive than a regular subdivision. With your typical house there is a lot more traffic. Again, this does require conditional zoning. My opinion would be, other than to mandate a cap, to let the Board and the Town make the decision if or when it would be brought forward. We may say ten, but what if someone had eleven and it makes sense for their plan. That was the thought process, stated Mr. Hoard.

I would like, if its okay, to get the Board to think of what they would like to see as far as some definitive wording and decisions, stated Mr. Long. That's fine. I think a lot of the issues are from the wording with the State and licensing requirements. We have no control over those decisions, stated Mr. Hoard.

Someone must have some information about these homes and what is a good number for a cap. If someone came in and said they want twelve, does it make sense to have twelve, asked Mr. Gatz.

Having twelve on Thompson versus twelve on Lebanon would make a big difference throughout the zoning process, because of lot size and the impact on the community while being built, stated Mr. Simmons.

If Part A is adopted as a text amendment, would that preclude the one out on Thompson road if he wanted to build another one, asked Mr. Hendrix. His model is about scale, so this would impact him quite a bit. He would love to expand, but the half mile distance would eliminate that to an extent, stated Mr. Hoard.

My concern is when you open up an avenue for a State authorized situation. How can we retain any say over that, asked Mr. Hendrix. As far as Part B goes, if push comes to shove, someone says we shouldn't be able to do that, than we can just determine to scratch it. We are creating another option with this part to be a development option that would be considered on a conditional zoning procedure. If someone wanted to challenge us on that than our argument is that this is a development option. The only way this works is if the conditional zoning is intact. We feel that this is something that the Town would like to consider with a company like Unlimited Possibilities, said Mr. Hoard.

For every six occupants there has to be a caregiver correct, asked Mr. Gatz. There has to be a caregiver per house and they have to be providing a service to mentally or physically impaired individuals. There has to be access to a medical professional as well, stated Mr. Hoard.

James Scruggs, from Unlimited Possibilities, just did a presentation to the Kiwanis two weeks ago. He told us that he has a CAN in every other home between six and eight hours a day and they do have access to a doctor. The doctor comes on sight x amount of hours per month and they do take them back and forth to their doctors appointments, stated Mr. Simmons.

Mr. Fielding said, the first part of this, the only decision we are making is to put in the half mile radius. I personally would recommend us hold on Part B for a little bit, and maybe we can hear from the gentleman with Unlimited Possibilities. If he is doing a great job as it is, maybe we can look into what he does and set some of those decisions as standards. If we start to specify architectural requirements, or materials and quality, we feel that may set us up for more of a challenge, stated Mr. Hoard.

That's fine. I'm referring to the standard of care for the residents, stated Mr. Fielding. There is a requirement, but it is outside of Mint Hill. Family Care Homes are required to meet standards set forward by the State, answered Mr. Hoard.

I would like to see the standards and see if that's something we agree with for these subdivisions or if we want to have our own added to that as well, stated Mr. Fielding. I can bring you that information, stated Mr. Hoard.

Mr. Gatz made a motion to table the text amendment, and asked to have Mr. Scruggs, who made the presentation to Kiwanis, come before the Board and give us a presentation to educate us on this issue. Mr. Hendrix seconded the motion and the Board unanimously agreed.

Other Business: None

Adjournment: Upon the motion of Mr. Fielding, seconded by Mr. Simmons, and unanimously agreed upon, Chairman Long adjourned the meeting at 7:08 p.m.

Candice Everhart
Program Support Assistant