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Staff Analysis

Rezoning Petition 2011-573

Date 9/6/11 Revision 1 [] Revision 2 []

Public Hearing 9/12/11



232 Matthews Station Street
Matthews NC 28105

REQUEST The applicant seeks to rezone a group of of R-15 properties to create a MUD district with 292 apartments and 40,000 sq ft of office space.

LOCATION Stallings & Idlewild Rd

PROPERTY OWNER Idlewild Oaks LLC

PETITIONER Sandstone Group

**AGENT/
REPRESENTATIVE** John Carmichael

PLANNING STAFF REVIEW

Elements of the Request

To rezone a group of R-15 zoned parcels into a mixed use development (MUD District) comprising of 292 multifamily housing units and up to 40,000 square feet of office space.

Does Request Support Adopted Plans and Policies? Yes No
(If no, see unresolved and outstanding issues)

Are any Zoning Variances needed? Yes No

[]

Previous Action on this Property

None

Existing Improvements on Parcel

Pond
House (to be removed)

PLANNING STAFF REVIEW CONT'D

Requirement	Meets Requirement?		Staff Recommended Changes?		Changes Made?	
Setbacks and Yards	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Parking	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Landscaping	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Off Site Improvements	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Fire Access	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Connectivity	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Signage	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

PUBLIC INFRASTRUCTURE

Report Received From: _____ **Issues Identified?** _____ **If yes, see outstanding issues**

Matthews Fire Department	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
LUESA	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
CMS	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Matthews P&R	<input type="checkbox"/>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Is project subject to PCO concept plan approval before zoning decision? Yes No

Traffic impact study received? Yes No

What improvements are recommended and/or committed to?

Left turn lanes for Stallings Rd access and on Idlewild Rd at Stallings Rd.

UNRESOLVED OR OUTSTANDING ISSUES

- A note should be added regarding the commitment to construct left turn lanes
- Sign allowances were recommended to be further restrained from the Ordinance requirements. This has not been addressed.
- Staff recommendation to facilitate better neighborhood feel through better architectural diversity (multiple building typologies and styles) has not been addressed.
- Staff recommends a reduction in density & have not noted such a change in the most recent resubmittal
- PCO-1 Concept Plan Approval is required and not yet received

STAFF COMMENTS AND RECOMMENDATION

Given the above stated outstanding issues, staff does not feel comfortable recommending approval of this project at this time.

PETITION # 573

ZONING PETITION STAFF CHECKLIST

IDENTIFYING DATA

Name of Owner Idlewild Oaks, LLC; Idlewild-Stallings, LLC
Address of Property 4800 Stallings Road, 4948 Stallings Raod, 14532
Idlewild Road
Tax Parcel Number(s) 215-141-05; 215-141-08; 215-141-09; 215-141-19;
215-141-06
Date 08/10/11

GENERAL BACKGROUND DATA

Current Zoning R-15 **Proposed Zoning** MUD-Innovative
Current Use vacant **Proposed Use** Mixed use multi-family residential and office
Property Dimensions
Lot Width 1100' +/- along Stallings Road **Lot Area** 20.5 acres
Established front setback, if structure present none

DIMENSIONAL REQUIREMENTS

Current Zoning R-15 **Proposed Zoning** MUD (INNOVATIVE)
Lot Area 15,000sf **Proposed Lot Area** 30 acres (minimum project area)
Lot Width 80' **Proposed Lot Width** none
Front Setback 40' **Proposed Front Setback** 14' (50' along an interstate
highway)
Side Yards 10' **Proposed Side Yards** none
Rear Yards 55' **Proposed Rear Yards** none
Max. Height 35' **Proposed Max. Height** 45'
Open Space 65% **Proposed Open Space** comprehensive open space
plan required

Comments: Additionally, MUD zoning requires a variable exterior project edge dependent on adjacent zoning and uses as outlined in Section 153.208 (E)(4) of the Zoning Ordinance.

MISCELLANEOUS PROVISIONS

If considered necessary, has a copy of the petition been sent by the applicant to the property's fire department for their review? yes

Date sent 08/09/11

Is any portion of this property in floodplain? no

Are there any known zoning violations on this site? no

If so, explain: na

Tax records indicate the owner(s) as: Idlewild Oaks, LLC; Idlewild-Stallings, LLC

This application is submitted by: the owner listed above
 an agent for the owner
 other

If agent or other, what documentation has been provided from owner or is none required?
na

LAND USE PLAN CONFORMANCE

Is there a discrepancy between current or proposed zoning and the Land Use Plan? If so, what is the discrepancy? No nonresidential uses except institutional uses should be considered at or near the interchange at Idlewild Road. (Land Use Plan page 45)

Land Use Plan elements that impact the subject property: Transition strips and areas - "I-485: Independence Boulevard to Idlewild Road." (Pages 45-46).

ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?
Silver Oaks Zoning approval – Moderate density single-family detached and single-family attached across Stallings Road from site. (Approved in 2009, development is not yet underway).

2. What are adjacent properties zoned, and what are adjacent land uses?

Direction	Zoning	Land Use
North	R-VS	vacant - Silver Oaks
Northeast	R-VS	vacant - Silver Oaks
East	R-15	vacant
Southeast	R-15	single-family residential (across I-485)
South	R-15	single-family residential (across I-485)
Southwest	R-15	single-family residential
West	R-VS	vacant - Silver Oaks
Northwest	R-VS	vacant - Silver Oaks

3. What are development plans in the area – roads, schools, future commercial development, etc.? Silver Oaks residential project approved in 2009 but not yet underway.

4. Is there a reason the current land use cannot continue to be feasible as it now exists?
na - vacant land

5. List some potential uses under existing zoning. Dwellings, one family detached; Parks and Playgrounds; Family Care Home; Churches; Room Renting; Bed and Breakfast Guest Homes; Child Day Care Homes; Accessory Apartments.

6. List some potential uses under proposed zoning. The same uses as permitted in the B-1 District 153.060 and multi-family development.

7. **Are any of these uses inappropriate for this location, and if so, why?** Commercial uses as permitted in the B-1 District are not appropriate at this location and are not consistent with Land Use Plan Recommendations.
8. **(A) What is applicant's stated reason for requesting rezoning?** "To accommodate the development of a multi-family residential community containing a maximum of 292 apartment units and related amenities and common areas and up to 40,000 square feet of office space."
- (B) Comments:** none
9. **(A) What will be the benefits to the surrounding properties?** Quality residential/office development could provide stimulus for development of the adjacent approved but not yet developed Silver Oaks project.
- (B) What will be the detriments to the surrounding properties?** Some increase in overall traffic in area.
10. **Is a traffic study required for this petition?** yes
- If so, what are the recommendations of the study?**
- At the intersection of Idlewild Road and Stallings Road
- An eastbound right-turn lane on Idlewild Road with a minimum of 75 feet of storage.
 - A westbound left-turn lane on Idlewild Road with a minimum of 300 feet of storage.
- At the intersection of Idlewild Road and Stallings Road
- An extension of the westbound left-turn on Idlewild Road to accommodate 500 feet of storage
- At the intersection of Stallings Road and Driveway 1
- A southbound left-turn lane on Stallings Road with a minimum 75 feet of storage.
- At the intersection of Stallings Road and Driveway 2
- A southbound left-turn lane on Stallings Road with a minimum 75 feet of storage.
- Additionally, a concrete monolithic island is recommended to be constructed along Idlewild Road to restrict left turns into and out of Driveway 3 on Idlewild Road.
11. **What does the purpose statement of the proposed zoning district say?** The purpose of the MUD District is to create the opportunity for master planning of large sites for mixed use and/or multi-use developments. The MUD District is intended to be used on large sites with unique locational criteria such as at interstate interchanges, interchanges of major highways and/or transit stations. The MUD District offers an opportunity for creative site development, planning and design standards while ensuring appropriate land use relationships to surrounding areas.
12. **Will this proposal meet the intent of the above purpose statement?** yes

OUR TOWN – *Our Vision*

1. Small Town Feeling and Identity Matthews has kept its small town feeling and identity, while continuing to grow. Attractive neighborhoods, a variety of churches, quality schools and an outstanding medical center make for a full service community. Above all, people feel safe and secure here. Streets in Matthews exude a small town charm -

overarching street trees, attractive landscaping, understated signage, and wide, shaded sidewalks. Small parks and natural areas dot the community. Retail parking lots, once viewed as "seas of asphalt", have been broken up, softened, and shaded with landscaped islands and perimeter buffers. Matthews has avoided "anywhere USA" franchise-style development. Instead, buildings, old and new, honor the 100-year-plus heritage of the community. New buildings are largely of modest height and scale, and are finished in traditional wood and brick architectural themes.

2. Well-Planned, Functional Transportation System A system of improved arterial roads, combined with traffic calming measures downtown, have successfully diverted non-local, commuter traffic away from downtown Matthews. These improvements were part of a comprehensive transportation plan, pushed through as a priority with State and regional funding. Trade and John Streets have especially benefited, and are now better able to serve patrons of downtown shops, restaurants and other attractions, as well as local residents. The character of these and most other town streets reflect a more pedestrian-friendly environment. A new mass transit service, with several stops in Matthews, provides a useful alternative for those seeking a stress free trip to and from Charlotte.

3. Walkable and Bikeable Community Matthews continues to work toward becoming a very walkable and bikeable community. New streets, as well as improvements to existing streets, are designed for multiple users (motorists, bicyclists, and pedestrians) -according to the level of traffic intended. Most streets have sidewalks on both sides; many larger streets have bike lanes. Designated crosswalks are evident throughout Matthews, especially in the downtown area. In general, there is a high level of connectivity between streets, sidewalks, bikeways, walking trails, and greenway trails. Parking lots are also connected to allow shoppers to go from store to store without entering the highway. This continuous system provides for a multitude of driving, walking and bicycling alternatives. Cul de sacs are employed sparingly, in favor of fully connected neighborhood streets.

4. Vibrant, Pedestrian-Friendly Downtown Downtown Matthews has gained even more prominence as the social and cultural heart of the community. The downtown has become a true destination in the region, with a reputation for quality restaurants, quaint shops, boutiques and other thriving businesses. Sidewalks and streets are filled with people of all ages day and night, drawn by the historic character and beauty of the area, the human scale of its buildings and public spaces, and a constantly changing venue of arts and entertainment offerings. New, moderate-density housing at the edge of the downtown and in the upper floors of downtown buildings provides support to merchants and twenty-four hour security for downtown visitors. The Town government has been proactive in creating a physical, financial, and regulatory environment especially conducive to small business development in the downtown area.

5. Extensive Park and Open Space System As the community has grown, Matthews has steadily added to its system of parks and open space. Several larger park and open space areas have come about, through advanced planning and property acquisition by the Town. Many smaller park and open space areas have been created as part of the Town's routine development approval process. Tools such as cluster development, open space incentives, conservation easements, and land dedication (or fees in lieu of land dedication) have ensured that new developments provide for their fair share of park and open space areas. In addition, an extensive system of greenway trails, primarily adjoining area streams, connects many schools, parks, open spaces, and neighborhoods in Matthews.

6. Locally Controlled, Neighborhood Schools Schools in Matthews have been planned well in advance of growth to avoid overcrowding and the need for mobile classrooms. Instead of building large, impersonal schools, new smaller schools have been located and designed to serve and be accessible to the local areas around them. Rather than functioning as single purpose "factories to educate children", schools in Matthews, whether public or private, serve as true neighborhood centers, providing meeting space for community gatherings, recreational events and other functions. As part of this trend toward smaller, community-oriented schools, oversight of public schools in Matthews has shifted from regional governance to town governance.

7. Healthy Town Financial Footing By facilitating compact growth and efficient development patterns, Matthews has continued to deliver quality municipal services for a tax rate below regional averages. In addition, the Town has been able to maintain a healthy balance of quality residential development and compatible commercial development—thereby affording the Town a favorable tax base. Impact fees and infrastructure improvements, paid for by developers, have been successful in offsetting the costs of additional infrastructure and services brought about by growth-induced demand. This has lessened reliance upon existing property tax payers to pay for growth.

8. Firm and Fair Growth and Development Process The town government of Matthews has continued to advance a firm and fair process for managing growth and development. Through its land use plan and development ordinances, the Town has set clear policies and standards to assure quality development. The Town enforces these standards diligently and consistently. The Town's development review process emphasizes effective communication and consensus among all parties, including the Town Council, the Planning Board, the Town staff, the developer, other Town advisory boards, and the public. The Town requires that necessary infrastructure, including especially adequate roads, schools, open space and greenways, sidewalks, and drainage, must be in place prior to the occupancy of the new development it serves.

573 9. Balanced, Compatible Commercial Development Town leaders have navigated a careful course, balancing the need for sustained economic development against the potential threats to the community from over-commercialization. Small, locally owned shops have been especially encouraged by a zoning and regulatory environment conducive to small business. Both small and large businesses alike have been required to take on development forms that blend easily into a small town setting and image. Previously vacant commercial and industrial buildings have been renovated and adapted for use as cultural facilities, retail enterprises, office and institutional use, innovative housing, and as small business development centers. Policies have been implemented to prevent indiscriminate abandonment and prolonged vacancies of "big boxes" left behind for "bigger boxes".

10. Quality Residential Development Matthews has remained mostly a low density, single-family residential community. Within this context, housing innovations have evolved to address two key issues: (1) traffic congestion and (2) quality affordable housing. To cut down on the growth in traffic, walkable neighborhoods convenient to appropriate, pedestrian-scaled areas, as well as transit services, have been favored over automobile-dependent, cookie-cutter subdivisions. The affordable housing needs of service workers, senior citizens, young couples, and others have been met through a variety of housing forms compatible with single family neighborhoods (rather than typical large complexes of apartments, condominiums or institutional housing). New and old neighborhoods alike are well maintained, having benefited from the town's strategic location, sustained economic prosperity, and overall quality of life.

11. Destination for Arts and Culture Matthews has solidified its position as a major destination for arts and culture in the Charlotte region. Appreciation for the arts and culture begins with value placed on the unique heritage of the area, exemplified by the preservation of historic buildings and landmarks throughout the community. Cultural activities include a broad selection of traditional and contemporary art forms, festivals, concerts, plays, movies, sporting venues, and cross-cultural events. Young and old, as well as people from many ethnic backgrounds, are drawn to a constantly changing array of indoor and outdoor events. It is this great variety of offerings that has given Matthews an outstanding reputation in the cultural and social landscape of the region.

12. Healthy, Sustainable Environment In managing its growth, Matthews has worked to minimize adverse impacts to the region's air and water quality. The Town's growth policies and development standards have reduced automobile dependency; many residents of Matthews are able to walk or bicycle to most daily activities. Matthews' walkable neighborhoods and nearby services are designed to generate less traffic and require shorter distances to shop or work. Streams and drainage ways passing through Matthews receive less storm water runoff and pollution due, in part, to policies on tree preservation, landscaped parking areas, and vegetated buffer strips adjoining stream channels and roadsides. Solid waste levels have been substantially reduced through area-wide recycling efforts.

CONDITIONAL DISTRICT ZONING PETITION STAFF CHECKLIST

Attach to:

ZONING PETITION STAFF CHECKLIST IF A CHANGE IN ZONING DISTRICT

Name of Petitioner: Idlewild Oaks, LLC; Idlewild-Stallings, LLC
Address of Property: 4800 Stallings Road; 4948 Stallings Road; 14532 Idlewild Road
Tax Parcel Number(s): 215-141-05; 215-141-08; 215-141-09; 215-141-19; 215-141-06
Name/Address of Owner if Different: Idlewild Oaks, LLC, c/o Steve Sanders, 2220 Providence Canyon Drive, Charlotte, NC 28270 and Idlewild-Stallings, LLC, c/o Tom Lawrence, 6000 Fairview Road, Suite 1525, Charlotte, NC 28210

DIMENSIONS

Actual property dimensions from site plan:

Lot width	1,800ft +/- along Stallings Road
Lot area	20.5 acres
Front setback	14ft on Idlewild Road and 25' on Stallings Road
Side yards	varies 5' to 35'
Rear yards	35'
Max height	45'
Open Space	80%

DESCRIPTION OF REQUEST

This petition seeks to rezone the existing R-15 zoned parcel to MUD (Innovative) to accommodate a mixed use district to include 292 residential apartments and up to 40,000 square feet of office space.

SITE PLAN DATA

- What existing structures are on this property?** none
- What is current land use?** vacant land
- Does this plan show:**
 - specific lots with buildings.**
Will additional site plan review by the Town be required? no **When?** na
 - a generalized development plan.**
Will individual site plan approval by Town Board be necessary on a lot-by-lot basis?
 - a change in conditions to earlier zoning site plan.**
What previous approved plan(s) will this amend, if approved?

4. **What changes or expansions of land use are proposed?** Development of a multi-family residential apartment complex and up to 40,000 square feet of office space.
5. **What new structures or additions are proposed?** 9-11 residential apartment buildings; 7 multi-bay garage buildings and 2 office buildings.

CURBCUTS

Number of curbcuts on site plan: 3 - two on Stallings Road and one on Idlewild Road

Distance between closest curbcuts on property and/or adjacent property: 25ft +/-

Are curb cuts connecting to:

NCDOT maintained road.

Town maintained road.

Private street.

Thoroughfare designated on MUMPO Thoroughfare Plan.

Zoning conditions for curbcuts: All lots or parcels are entitled to at least one driveway construction per street frontage on any street, except those along which access is otherwise limited or controlled. Requests for two driveways will be accepted only for lots with a street frontage of 350 feet or more.

Are zoning conditions being met? yes

PARKING AND LOADING

Proposed land use: multi-family residential and office

How is parking calculated for this use in the Zoning Ordinance? 1 space per 300 square feet of gross floor area for all non-residential uses; 1 space for each residential unit of 1,249 square feet or less and 1.25 space for each residential unit of 1,250 square feet or more.

Number of parking spaces required? 426-499 (varies dependent on size of residential units (unit size data not given))

Number of parking spaces proposed? 529

Square footage of structure(s): 40,000 square feet for office buildings, not given for multi-family structures

Number of employees on shift of greatest employment: na

Will this use require a loading dock or zone? yes

If so, is it designed so it will not interfere with parking areas, driveways, streets or sidewalks?

Location of required off-street loading area not given.

SIGNS

Number of signs proposed attached: not given **detached:** not given

Size(s) of attached signs: na

Which way do attached signs face? na

Location of detached signs: na

Size(s) of detached signs: na

Zoning conditions for signs: 2 freestanding signs maximum 240 square feet each sign and 3 attached signs per establishment 100 square feet total.

LANDSCAPING AND OVERLAY REQUIREMENTS FOR SUBSEQUENT STAFF REVIEW

This property is subject to landscaping provisions as found in:

- X Landscaping Chapter of Zoning Ordinance
- Highway Overlay
- Downtown Overlay
- Screening Requirements for lots with rear yards or side yards abutting a thoroughfare.
- This property is exempt from landscape requirements.

Have any plans been provided with sufficient detail to determine that landscaping or overlay provisions appear in general to be met? yes

If so, what deviations or deficiencies should be noted here? none

NEIGHBORHOOD MEETING

Has the required neighborhood/community informational meeting been held? yes

If yes, date of meeting: August 12, 2011

What, if any, changes are proposed by the petitioner as a result of the meeting? no

LAND USE PLANS

Has the applicant provided an explanation of how the petition will comply with adopted land use plans covering the geographical location of the Conditional Petition? yes

Is the explanation consistent with adopted plans? See following comments.

If not, what is the discrepancy? The land use plan identifies alternative styles of house as appropriate in areas such as adjacent to interstate highways. Alternative styles of housing have been typically interpreted to mean single family styles attached and detached as permitted in the R-VS Zoning District. The petitioner makes the argument that this location is not suitable for single family development and that the proposed multi-family community is an appropriate alternative style of housing for the site.

Regarding non-residential uses in this area, the Land Use plan provides that only institutional uses should be considered. The peititoner is of the opinion that the office component is appropriate adjacent to I-485 and fronting Idlewild Road and that it provides another transitional use and buffer from I-485 and Idlewild Road to the residential uses to the west of the site.

ADDITIONAL REQUIREMENTS OR COMMENTS:

See staff analysis.