

Decision on Application 2016-657 Resort Lifestyle Communities

DATE: April 7, 2017

FROM: Jay Camp

Background/Issue

Planning Board recommended denial of the request primarily due to the unresolved parking requirement issue. If not for the parking concern, Planning Board had a generally favorable response to the request. In addition, Chief Kinniburgh has updated the calls for service estimate to 50 calls annually from the 15-25 call estimate provided prior to the Public Hearing.

Since the Public Hearing, the following substantial changes have occurred to the site plan and building elevations:

1. Maximum units reduced from 140 to 127.
2. Revised building elevations have been provided with building material percentages.
3. The applicant has committed to constructing greenway through the site to Weddington Road and will use County Park and Recreation standards for construction.

Proposed Solution

The development has received an approved PCO Concept Plan from Mecklenburg County. A list of the proposed limitations that are to be placed on the +/- 3.5 acres of land to be dedicated to the Town is attached to the end of this memo. There are three minor changes that should be made to the conditional notes.

1. The NFPA sprinkler system reference in the conditional notes should add the specific "13" reference.
2. The 16' greenway easement should be 20' per UDO requirement.
3. The site plan note on RZ 102 regarding greenway construction should eliminate the word "future" as the developer will be building the trail at the time of construction.

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Approve Application 2016-657

**SUGGESTED
STATEMENTS OF CONSISTENCY AND REASONABLENESS
Final Decisions on Zoning-Related Issues**

ZONING APPLICATION # 2016-657

Matthews Board of Commissioners makes the following 2 conclusions:

1) X The requested zoning action, as most currently amended, **IS CONSISTENT** with the policies for development as outlined by the Matthews Land Use Plan.

OR

 The requested zoning action, as most currently amended, **IS NOT CONSISTENT** with the Matthews Land Use Plan and/or other adopted land development policies and plans.

(A requested zoning can be found “consistent” and not approved, or found to be “not consistent”, but approved.)

2) X The requested zoning action **IS REASONABLE** and in the public interest because:
(ex., may be appropriate with specific surrounding land uses; has been shown that it will not create significant new traffic beyond area roads’ capacities; creates/increases desirable use in Town.)

The development provides a new housing option in Matthews for those with limited mobility that are not yet ready for assisted living or cannot afford the upfront cost and long term commitment associated with most CCRC’s. The low trip generation, lack of school impact, and compact design of the site yield a development that is complementary to the neighborhood and greater Matthews area.

OR

 The requested zoning action **IS NOT REASONABLE** and in the public interest because:

(Reasons given for a zoning request being “reasonable” or “not reasonable” are not subject to judicial review.)

Decision Date 4/10/17

Deed Restrictions for Town Land Dedication

As depicted on Technical Data Sheet, RZ-102, Petitioner proposes a land dedication for the area located northwest of Four Mile Creek to the Town of Matthews for the Four Mile Creek greenway extension, subject to the following deed restrictions: (1) limitation on changes to topographic and vegetative characteristics of the dedicated land; (2) limitation on changes to the pathway and flow of Four Mile Creek, including changes for irrigation purposes; (3) limitation on any improvements including, but not limited to, water features and playgrounds being constructed on or placed within the dedicated land; other than the installation of periodic waste bins, dog stations and a greenway trail of similar dimensions and materials as other greenway trails in the area (no fencing or lighting placed along the trail unless lighting fixtures and lumens are approved by Petitioner and their successors and/or assigns); (4) limitation on location, materials and measurements of greenway signage; (5) requirement to maintain dedicated area; (6) restriction of any utilities above and below ground running through the dedicated property, including, but not limited to, cell towers or antennas; (7) limitation on certain uses of the greenway i.e., no festivals, gatherings, events, or uses creating a nuisance; (8) limitation on motorized vehicles or equipment on the dedicated property, except for those of the Town and its agents; and (9) Petitioner reserves utility easements across the dedicated property