

Decision on Application 2016-658 Matthews Event Center

DATE: April 5, 2017

FROM: Jay Camp

Background/Issue

Planning Board recommended approval of the request on March 28th while voicing concern over potential noise impacts to adjacent homes.

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

1. 52 parking spaces are shown on the site plan.
2. A 6' privacy fence is shown adjacent to the resident homes nearest the outdoor event building.
3. The applicant has committed to no outdoor amplified sound after 9pm Sunday – Thursday and none after 11pm Friday and Saturday. The site still must complete with the decibel requirements in the Noise Ordinance.

Proposed Solution

In the attached memo, Chief Hunter has suggested that amplified sound be capped after certain hours and the applicant has agreed to this voluntary restriction.

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Approve application 2016-658 pending approval of the PCO Concept Plan.

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

ZONING APPLICATION # 2016-652

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 proposal creates a step down from the more intense nonresidential uses surrounding the neighborhood and will preserve the tree canopy at the site while providing a unique event venue not found in Matthews today.

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

Memorandum

From: Chief Rob Hunter
To: Jay Camp, Town Planner
Date: April 4, 2017
Subject: Review of Proposed Site Plan

Regarding: 2017-658 Matthews Event Center

After a complete review of the applicant and the requested location, I find / recommend the following:

- No concerns / recommendations with proposed site / location
- Concerns / recommendations with proposed site / location (see below)

Comments: While we do not have specific concerns about the proposed use or location, because the proposed use would include amplified sounds outdoors, I'd offer the following comments / observations for the Board's considerations:

- The proposed business would fall within the following section of our Noise Ordinance: *92A.07 Outdoor Amplification & Music at Commercial Establishments*
- This section provides for 'higher' sound decibel levels and extended hours of allowed acoustic and/or amplified sound, as noted below:

Table 1 – Sunday through Thursday

8:00am – 11:00pm	11:00pm – 2:00am
85 dB(A)	60 dB(A)

Table 2 – Friday through Saturday

8:00am – 11:00pm	11:00pm – 2:00am
85 dB(A)	60 dB(A)

- The decibel levels are significantly higher as most businesses of this type have very limited distances between the amplification equipment and the property lines

The employees of the Matthews Police Department strive to promote a safe community by preventing crimes and reducing the fear of crime, while treating all individuals fairly and with respect.

Our members will demonstrate honesty, professionalism and integrity, while building the partnerships necessary to enhance the safety of our community.

- The standards for all other Business / Commercial Amplified Sounds (primarily convenient stores, ambient sidewalk music in shopping centers, etc.) are as follows:

Daytime Hours	Nighttime Hours	Measurement
60 dB(A)	Not Permitted	As measured at nearest public right-of-way

Considerations: Depending upon the location of the sound equipment relative to the adjacent residential property lines, it is reasonable that the decibel levels at the property lines may be considerably less than those allowed under this section. Considerations may include requesting a commitment as to the hours of operation, the hours of acoustic / amplified sounds, and/or the decibel levels of those sounds.

If you have any questions, please let me know.

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