

## **Decision on Application 2017-664 ENT Mixed-Use**

**DATE: December 6, 2017**

**FROM: Jay Camp**

On 10/24, Planning Board reviewed the rezoning request and voted unanimously to recommend approval. Staff has completed a final review of the plans and noted several items that needed clarity. The applicant has provided the attached email response and a summary is provided here:

1. Note 2.I regarding on street parking on Independence Pointe Parkway. The developer is committing to ground floor retail only if angled parking is allowed or additional parking is provided near the future retail buildings.
2. The public access easements over private streets will include a provision that the Town Board must approve any temporary street closures for festivals or events.
3. A note was added to acknowledge the future Silver Line alignment through the site.
4. The planting strip/sidewalk clear zones at building 6 will be reduced to 13' for the planting strip and 4.5' for the sidewalk. There is an arcade feature with sidewalk under the structure.
5. A note was added to clarify that the applicant will install all proposed traffic improvements shown on the site plan.

The only major changes to the plans are updated building renderings that show better details of the architecture and sheet "RZ.0" that shows hardscape and landscape detail for phase one of the site. The updated architectural drawings are included with this memo.

### **Proposed Solution**

The proposed ENT Mixed-Use project will be the initial phase of development that begins to fulfill the almost 20-year vision for the area around the Sportsplex. Staff has worked with the developer for the better part of 2017 to refine the vision for the area and are confident that it will be a great success.

If Council approves the rezoning request, the attached email from John Carmichael includes note revisions that need to be part of the motion. The revised building elevations should also be included.

### **Related Town Goal(s) and/or Strategies:**

Quality of Life

Economic Development/Land Use Planning

### **Recommended Motion/Action:**

Approve Application 2017-664

**STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH POLICIES  
Final Decisions on Zoning-Related Issues**

ZONING APPLICATION # 2017-664

ZONING MOTION # \_\_\_\_\_

ADMINISTRATIVE AMENDMENT \_\_\_\_\_

Matthews Board of Commissioners adopts the checked statement below:

A)  The requested zoning action, as most currently amended, is **approved**, and has been found to be **CONSISTENT** with the Matthews Land Use Plan (or other document(s)), and to be **REASONABLE**, as follows:

**CONSISTENT:** *The proposed development fulfills the Town vision created in the ENT Small Area Plan for a higher density, mixed-use development that complements the Sportsplex.*

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**REASONABLE:** *The development is in the public interest because it provides new housing options within the Town. New public and private streets will facilitate traffic flow for this development and future development in the ENT District.*

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**OR**

B)  The requested zoning action, as most currently amended, is **not approved**, and has been found to be **INCONSISTENT** with the Matthews Land Use Plan (or other document(s)), and **NOT REASONABLE**, as follows:

**INCONSISTENT:**

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**NOT REASONABLE:**

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**OR**

C)  The requested zoning action, as most currently amended, is **approved**. This action also **concurrently amends** the Matthews Land Use Plan as specifically outlined below. *(Provide explanation of the change in conditions making the Matthews Land Use Plan inconsistent to meet the development needs of the community, and include reference to specific text in Plan document):*

**AMENDMENT TO LAND USE PLAN:**

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**REASONABLE:**

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*(Statement must explain why the Board deems the action reasonable and in the public interest (more than one sentence). Reasons given for a zoning request being "consistent" or "not consistent" are not subject to judicial review.)*



Jay Camp &lt;jcamp@matthewsnc.gov&gt;

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**RE: Last questions on rezoning**

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Jay Camp <jcamp@matthewsnc.gov>  
Draft

Fri, Dec 8, 2017 at 2:19 PM

----- Forwarded message -----

From: **Carmichael, John** <JCarmichael@robinsonbradshaw.com>

Date: Fri, Dec 8, 2017 at 11:38 AM

Subject: RE: Last questions on rezoning

To: Jay Camp &lt;jcamp@matthewsnc.gov&gt;, Wyatt Dixon &lt;wyatt@proffittdixon.com&gt;, "Ashley Peterson (ashley@proffittdixon.com)" &lt;ashley@proffittdixon.com&gt;

Jay, thanks for your email and your time on the phone yesterday. Set out below are our responses to your questions and notes that we will add to the Rezoning Plan as a result of your questions and other matters.

1. Applicant will revise Note 2.I. to provide as follows:

A minimum of 80 percent of the net leasable floor area of the ground floors of those buildings designated as Building 8 and Building 9 on Sheet RZ2.0 of the Rezoning Plan shall be devoted to non-residential uses. Notwithstanding the foregoing, if angled on-street parking is not permitted by the North Carolina Department of Transportation ("NCDOT") and/or the Town of Matthews on the Parkway Extension (as defined below) adjacent to Building 8 and Building 9, or if parking cannot be provided on the Site within 150 feet of Building 8 and Building 9 that would be devoted to and serve the non-residential uses, then the entire ground floors of Building 8 and Building 9 may be devoted to residential uses at the option of Applicant.

2. I am advised that the intent has always been that these spaces would be available for future conversion at the option of Applicant.

3. We will revise Note 4.C. so that it provides as follows:

Public access easements shall be provided to allow public vehicular traffic to utilize the internal private streets, and any such public access easements shall be noted on the relevant plats to be recorded. After the completion of a private street and the recording of the relevant plat for such private street, in the event that Applicant desires to close or block such private street on a temporary basis, Applicant shall obtain the approval of the Town of Matthews to do so, and Applicant and the Town of Matthews shall follow the same procedures of the Town of Matthews for the temporary closure of a public street.

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4. With respect to the future extension of the Silver Line Light Rail, Applicant will revise Note 4.F. to provide as follows:

For the ten (10) year period commencing on the date of the approval of this Rezoning Application by the Board of Commissioners and expiring on the tenth (10th) anniversary of the date of such approval, Applicant shall reserve for right of way for that portion of the future Independence Pointe Parkway Extension to be located on the Site (the

“Parkway Extension”) and that portion of the future extension of the Silver Line Light Rail to be located on the Site that portion of the Site that is more particularly depicted on the Rezoning Plan as “Future Independence Pointe Parkway Extension” (the “Future Independence Pointe Right of Way”). More specifically, the Future Independence Pointe Right of Way shall be reserved (but not dedicated) for future acquisition by NCDOT or the Town of Matthews as applicable in connection with the construction of the Parkway Extension and the Silver Line Light Rail extension by others.

5. With respect to the sidewalks, Applicant would like to include the following new Note 5.C:

Notwithstanding the terms of paragraphs 5.A and 5.B above, to accommodate a ground level arcade on Building 6, a minimum 13 foot wide planting strip shall be provided between Building 6 and the back of curb on the adjacent New Private Street A, and a sidewalk with a minimum 4 foot, 6 inch wide clear zone shall be provided in the arcade underneath the balconies of Building 6.

6. With respect to transportation improvements, the following new Note 4.N will be added:

Prior to the issuance of a certificate of occupancy for the last building constructed in Phase 1, Applicant shall construct and install the transportation improvements depicted on the Rezoning Plan.

Thanks Jay. Please let me know if you have any questions.

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**John H. Carmichael**

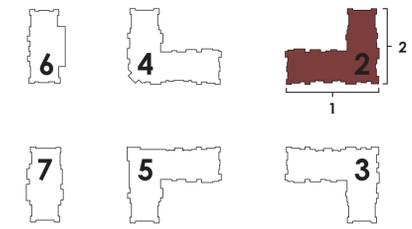
Robinson Bradshaw

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[jcarmichael@robinsonbradshaw.com](mailto:jcarmichael@robinsonbradshaw.com)  
[robinsonbradshaw.com](http://robinsonbradshaw.com)

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② BLDG 2 - EAST ELEVATION  
1/8" = 1'-0"



① BLDG 2 - SOUTH ELEVATION  
1/8" = 1'-0"

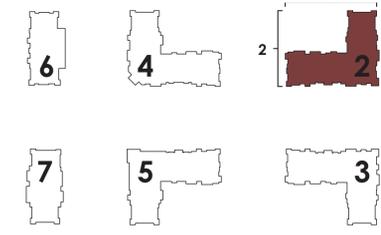
FOR PUBLIC HEARING  
APPLICATION # 2017-664

MATTHEWS MIXED USE  
CONDITIONAL REZONING  
PROFFITT DIXON PARTNERS | MATTHEWS, NORTH CAROLINA  
ARCHITECTURAL ELEVATIONS

REVISIONS:  
A- 09/27/2017 - PER TOWN COMMENTS  
B- 11/29/2017 - PER TOWN COMMENTS

DATE: 08/02/2017  
DRAWN BY: LDI  
CHECKED BY: RIP  
O.C. BY: AILEY VARES  
PROJECT #: 1017034

SHEET #:  
**RZ5.0**



2 BLDG 2 - WEST ELEVATION  
1/8" = 1'-0"



1 BLDG 2 - NORTH ELEVATION  
1/8" = 1'-0"

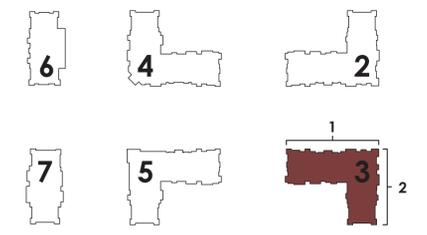
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CHECKED BY: RP  
O.C. BY: ALE VARES  
PROJECT #: 1017034

SHEET #:  
**RZ5.1**



② BLDG 3 - EAST ELEVATION  
1/8" = 1'-0"



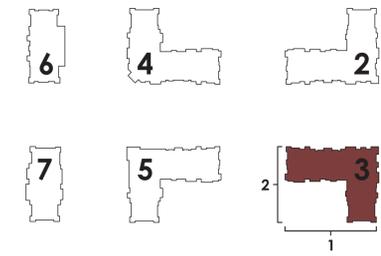
① BLDG 3 - NORTH ELEVATION  
1/8" = 1'-0"

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O.C. BY: PAILE VARES  
PROJECT #: 1017034  
SHEET #:  
**RZ5.2**



② BLDG - WEST ELEVATION  
1/8" = 1'-0"



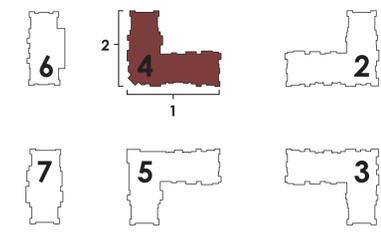
① BLDG 3 - SOUTH ELEVATION  
1/8" = 1'-0"

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DRAWN BY: LDI  
CHECKED BY: RJP  
O.C. BY: PAILE VARNES  
PROJECT #: 1017034  
SHEET #:  
**RZ5.3**



② BLDG 4 - WEST ELEVATION  
1/8" = 1'-0"



① BLDG 4 - SOUTH ELEVATION  
1/8" = 1'-0"

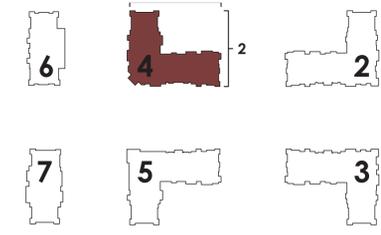
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O.C. BY: PAILEY VARNES  
PROJECT #: 1017034

SHEET #:  
**RZ5.4**



② BLDG 4 - EAST ELEVATION  
1/8" = 1'-0"



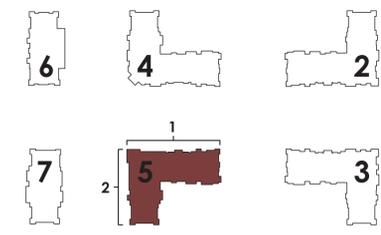
① BLDG 4 - NORTH ELEVATION  
1/8" = 1'-0"

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O.C. BY: PAILEY VARNES  
PROJECT #: 1017034  
SHEET #:  
**RZ5.5**



② BLDG 5 - WEST ELEVATION  
1/8" = 1'-0"

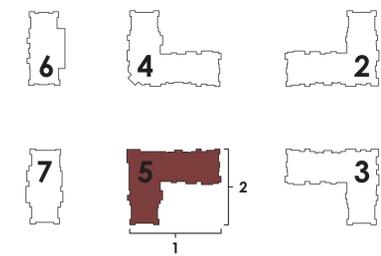


① BLDG 5 - NORTH ELEVATION  
1/8" = 1'-0"

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② BLDG 5 - EAST ELEVATION  
1/8" = 1'-0"



① BLDG 5 - SOUTH ELEVATION  
1/8" = 1'-0"

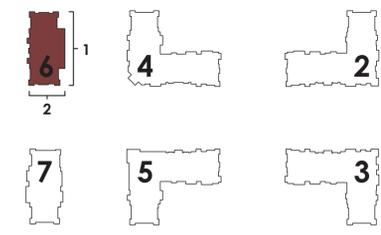
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DATE: 08/02/2017  
DRAWN BY: LDI  
CHECKED BY: RP  
PLOT BY: AILEY VARRIS  
PROJECT #: 1017034

SHEET #:  
**RZ5.7**



② BLDG 6 - SOUTH ELEVATION  
1/8" = 1'-0"



① BLDG 6 - EAST ELEVATION  
1/8" = 1'-0"



**LandDesign.**  
CREATING PLACES  
THAT MATTER.  
223 N. Graham St.  
Cary, NC 27513  
704.333.3205  
NC Engineering Firm License # C-0658

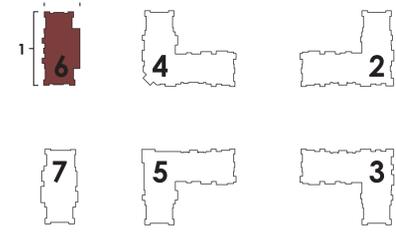
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PROFFITT DIXON PARTNERS | MATTHEWS, NORTH CAROLINA  
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DATE: 08/02/2017  
DRAWN BY: LDI  
CHECKED BY: RIP  
SCALE: VARIES  
PROJECT #: 1017034

SHEET #:  
**RZ5.8**



② BLDG 6 - NORTH ELEVATION  
1/8" = 1'-0"



① BLDG 6 - WEST ELEVATION  
1/8" = 1'-0"



**LandDesign.**  
CREATING PLACES  
THAT MATTER.  
223 N. Graham St.  
Cary, NC 27513  
704.333.3205  
NC Engineering Firm License # C0658

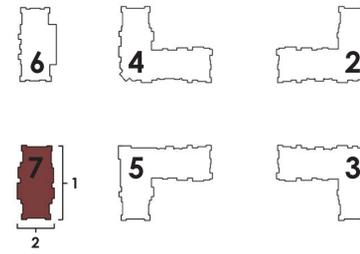
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CHECKED BY: RJP  
SCALE: VARIES  
PROJECT #: 1017034

SHEET #:  
**RZ5.9**



② BLDG 7 - SOUTH ELEVATION  
1/8" = 1'-0"



① BLDG 7 - EAST ELEVATION  
1/8" = 1'-0"

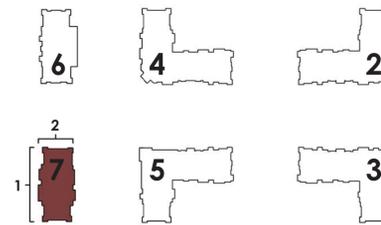
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P.O. BY: SAILE VARIES  
PROJECT #: 1017034

SHEET #:  
**RZ5.10**



② BLDG 7 - NORTH ELEVATION  
1/8" = 1'-0"



① BLDG 7 - WEST ELEVATION  
1/8" = 1'-0"