

## **Agenda Item: MOTIONS 2018-1 and 2018-2, Small Area Plan Overlay Zoning Districts: Text and Map Changes**

**DATE:** November 29, 2018  
**FROM:** Kathi Ingrish

### **Background/Issue:**

- These overlay zoning provisions were drafted in response to Council's desire for Town review of proposed development projects in locations where Small Area Plans have already been adopted.
- The public hearing for these motions was held during Council meetings in June and July, and has been up for possible action each month since then.
- As a corporate body, Town Board has not felt comfortable moving forward to adopt the text and map revisions on all three locations, but has considered initially adopting text and map changes for one location – the Monroe Road Corridor.
- Revised text (Text Option 1) has been prepared that uses the text in Motion 2018-1, and then deletes all references to the other two Small Area Plans.
- A further revised text (Text Option 2) has also been prepared that would only apply to the Monroe Road Small Area Plan, but would also spell out the specific requirements for Overlay compliance as has been requested.
- Town Attorney Charles Buckley has reviewed the two alternate draft texts, and has determined the first one could be acted on as part of Motion 2018-1 if Town Board would choose to do so, while the second alternate text would require starting over with a completely new Zoning Motion.

### **Proposal/Solution:**

- Town Board can consider whether they want to continue any further deliberation on the text and map changes as currently proposed by Motions 2018-1 & 2. Town Board may:
  - Approve Motions 2018-1 & 2 as currently drafted to apply to all three adopted Small Area Plan locations.
  - Deny Motions 2018-1 & 2, and decide at a future time whether to reconsider a similar overlay action for one or more of the adopted Small Area Plan locations.
  - Approve Motions 2018-1 & 2 substituting the alternate text now proposed which applies only to the Monroe Road Small Area Plan location (Text Option 1).
  - Deny Motions 2018-1 & 2 and initiate new Zoning Motions for an alternate text and map change that would apply only to the Monroe Road Small Area location (Text Option 2). A new public hearing date can then be set for these new Motions (again one for the text and a second motion for the map revision) for either January 14 or February 11, 2019.

### **Financial Impact:**

None

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

Quality of Life

Economic Development/Land Use Planning

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

Planning staff recommends denial of Motions 2018-1 & 2, based on the length of time Council has considered this but not taken action. Town Board can initiate a similar Zoning Motion for one or more of the adopted SAP locations at any time in the future.

Zmot 2018-1&2 memo 12-10-18

TEXT OPTION 1: Possible Replacement Text – Deletes References to Other SAPs to Apply Only to Monroe Road

This draft text was prepared as an alternative to Motion 2018-1 which included language for three adopted Small Area Plans. This alternative text deletes any references to the other two adopted Small Area Plan locations, and only would apply to the Monroe Road SAP. As with Motion 2018-1, this text uses the current adopted Highway NC51 Overlay District section of the UDO (155.504.2) as a template. Red text below indicates language that has been changed or added specifically for the proposed new Overlay District. The intent here is to use a consistent format and language within the UDO. For quick reference, some pages in the Matthews Land Use Plan are included in brackets and marked in blue text. These references are for use during the public review of the proposed new text and are not intended to be part of any final adopted language, since page numbers may easily change.

## Zoning Motion 2018-1

### MONROE RD SMALL AREA PLAN OVERLAY DISTRICT

#### 155.504.3. Monroe Road Small Area Plan Overlay District (Monroe-O)

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- A. GENERAL CONCEPT OF OVERLAY. The Monroe Road Small Area Plan Overlay District is established to ensure that the policies and intentions of the adopted Monroe Road Small Area Plan is followed as parcels within the area may develop over time. The Monroe Road Small Area Plan was developed with active participation by a stakeholder group and the general public, and adopted by the Matthews Board of Commissioners as an Appendix to the Matthews Land Use Plan. This Plan creates a vision for future land use and future motorized and non-motorized transportation opportunities for all the land area within the study boundaries, as well as flexibility in specific future land uses and their densities/intensities, while providing direction on what land use focuses are appropriate in which subareas. This Plan places high priority on creating extensive internal and external connectivity, especially for pedestrians. This Monroe Road Small Area Plan Overlay District may be considered to be applied to the geographic area studied at the time of adoption of the Monroe Road Small Area Plan.

Development and improvement of property in the Monroe Road Small Area Plan Overlay District shall comply with the requirements of § 155.504.3. The map symbol and short name for the Monroe Road Small Area Plan Overlay District shall be "Monroe-O District."

- B. MONROE ROAD SMALL AREA PLAN OVERLAY DISTRICT. In addition to the requirements of the underlying zoning district(s), development and improvements in the Monroe Road Small Area Plan Overlay District ("Monroe-O District") shall comply with the following requirements, and where the regulations in this Section are in conflict with the regulations of the underlying zoning district, the regulations in this Section shall prevail:

1. PURPOSE AND INTENT. It is the intent of these regulations that development in the Monroe-O District shall be in harmony with and shall preserve, where appropriate, the natural beauty and character of the existing landscape while allowing new development. Ensuring the attractiveness of uses will in turn contribute to and enhance capital investment, trade, tourism, and the general welfare. Therefore, this district is adopted for the additional purposes of:

- a. Improving the appearance and livability of the community while enhancing its economic vitality.
- b. Preserving and improving property values by creating and maintaining an ecosystem of sustainable development. This assures a management system of renewable natural resources for both the present and future generations.
- c. Encouraging new development and redevelopment consistent with the land development visions established and explained by the adopted Monroe Road Small Area Plan.
- d. Balancing the sometimes opposing Town goals of allowing new construction and land disturbance while protecting and enhancing the environment. Preserving trees and natural ground cover will be strongly monitored as plans are provided for new development

activities, with the understanding that some vegetation loss is inevitable in order to allow new development which will have as significant a long-term economic and social impact on the community as on the Town's environmental vitality.

2. LOCATION AND DIMENSIONS.

- a. The Monroe-O District should generally incorporate the same geographical boundaries as the adopted Small Area Plan. In the event there is a desire to revise the boundaries of the adopted study area, an explanation shall be included in any zoning action to add or delete one of more parcels so there is a clear written record why the boundary of the Monroe-O District does not match the study area boundaries.
- b. The Monroe-O District shall be delineated as an overlay on the official zoning map of the Town.
- c. The Monroe-O District shall be applied to the following geographic sector of the Town of Matthews:
  - i. The Monroe Road Corridor study area, on which a Small Area Plan was adopted June 9, 2014 [pages 117 through 138 of the [Matthews Land Use Plan](#)]. The boundaries generally follow the back edge of large parcels fronting the southwest side of Monroe Road between the Charlotte City limits and NC51, and on the northeast side that tracts from Monroe Road to the CSX rail road between the Charlotte City limits and NC51, to match the study area used in the Small Area Plan.

3. PERMITTED USES. Permitted uses, uses permitted subject to specific conditions, and accessory uses located within the Monroe-O District shall be determined by the requirements of the underlying zoning district(s), except where development, expansion, and/or redevelopment would conflict with the policies and goals of the adopted Small Area Plan. Any new proposed development or land disturbing activity on property with previously approved plans are subject to the requirements of the Monroe-O District.

Existing single-family residential principal and associated accessory structures may continue to be used for single-family residential purposes, and such structures may be repaired, remodeled, or expanded for such single-family use within the Monroe-O District. A parcel with an existing single-family house may be divided so that a smaller parcel is formed for the single-family use, when such new lot conforms to underlying zoning dimensional requirements. The remainder of the property may be recorded at the Mecklenburg County Register of Deeds office as a separate parcel or parcels, and any development or change of zoning action may then be initiated that would conform to the requirements of the Monroe-O District.

4. PLAN REVIEW PROCEDURES.

- a. INDUSTRIAL, COMMERCIAL, AND MULTI-FAMILY DEVELOPMENT. No conditional districts, development, rezoning, land disturbing activity, or site improvement activity, may occur within the Monroe-O District without first obtaining approval of a site plan from the Town Planning Department as outlined in § 155.504.3.D. Any change to zoning conditions or zoning districts shall be subject to all provisions of the Monroe-O District, and building or grading permits shall not be issued until a Monroe-O District site plan submittal has been approved, which may match an approved site plan for the site adopted when the parcel underwent a rezoning request to follow the adopted Small Area Plan. All development shall conform to an approved site plan. Any substantial deviation from the approved site plan must be resubmitted for review and approval by the Town Planning Department in accordance with these requirements.
- b. RESIDENTIAL DEVELOPMENT. All new or re-platted single-family residential developments and subdivisions must comply with the minimum open space, tree canopy, pedestrian/bicycle/greenway infrastructure, signage, underground utility, and access standards of the Monroe-O District. Plan review shall be administered through the normal zoning and subdivision review process, supplemented by applicable additional

requirements of the **Monroe-O** District.

**C. HOW THE MONROE-O PROVISIONS WILL BE APPLIED.**

The study of this segment of the Town primarily focused on the opportunity for phased redevelopment and build-out of an existing suburban corridor to become a pleasant multi-modal, mixed use area in form and scale. The expectation is this corridor will convert over time into a pedestrian-friendly and transit-supportive location with office and employment uses along with associated support services or retail uses to surrounding businesses and neighborhoods.

To accomplish this intention, the Monroe-O District will require each new land disturbing activity to indicate how it complies and/or supports the following:

- a. New development, expansion/reuse of current buildings, and redevelopment shall provide written explanation with the site plan to show how the proposed activity conforms to the proposed Land Use Plan map within the adopted Small Area Plan [page 125 of [Matthews Land Use Plan](#)].
- b. Any land disturbing activity shall provide a written explanation with the site plan to show how it conforms to Table 6.1 in the adopted Small Area Plan [page 126 of the [Matthews Land Use Plan](#)] regarding zoning districts for each proposed land use grouping.
- c. Whenever any proposed land disturbing activity may include any portion of a transportation connection as indicated on the adopted Proposed Connections and Improvements map in the Small Area Plan [page 131 of [Matthews Land Use Plan](#)], then a written explanation shall be included with the site plan to explain how that transportation improvement is being accommodated. If the planned development activity does not propose making full improvements within its site during construction, then an explanation shall be provided with the site plan on what future actions will be done and what financial guarantees will be provided at time of this land disturbing activity to assure the transportation improvements will be completed at a designated future phase.
- d. Any land disturbing activity shall provide a written explanation with the site plan to identify the Action Items adopted within the Small Area Plan that are being supported and furthered by the proposed development activity. This includes Action Items for Land Use, Urban Design, Transportation, Utilities, Cultural and Historical, and Natural Resources and Open Space [pages 127 – 129, 132 – 134, and 136 – 137 of [Matthews Land Use Plan](#)].

**D. SITE PLAN SUBMITTAL PROCESS.**

1. **SITE PLAN REVIEW PROCESS AS PART OF A ZONING APPLICATION.** When any land disturbing activity is proposed that requires a change in zoning district or revisions of previously approved zoning conditions, that property shall complete the necessary zoning actions as outlined at 155.401, prior to receiving site plan approval to comply with the Monroe-O. If the zoning documents include sufficient information as will be needed for the Monroe-O site plan compliance, as listed in 155.504.3.D.3 below, then the Planning Office may undertake a review of the Monroe-O compliance documents while the zoning application is being considered, and may be able to send a recommendation for approval of Overlay compliance at the same time as the zoning action is approved. The Monroe-O site plan review may also be submitted to begin at any time after the zoning application has been successfully approved. The Planning Office will review the submission and when determined to be complete, it will be scheduled for review and action by the Board of Commissioners.
2. **SITE PLAN REVIEW PROCESS NOT REQUIRING ANY ZONING ACTION.** When any land disturbing activity is proposed that is in compliance with the current zoning designation on the parcel(s) and therefore does not need any further zoning action, then the site plan documents as listed at 155.504.3.D.3 below shall be submitted to the Planning Office for Monroe-O compliance at such time as the applicant has them ready for review. The Planning Office will review the submission and it is determined to be complete, it will be scheduled for review and action by the Board of Commissioners.

3. SITE PLAN SUBMITTAL REQUIREMENTS. Site plan submittal for any development activity shall include but not be limited to:
  - a. A vicinity map clearly establishing the location of the project with readily recognizable landmarks.
  - b. A development summary including total acres in development, proposed uses, total building square footage, required parking, and provided parking spaces, total impervious surface area, and the percentage of lot covered by impervious surface. This information shall be supplied in table form on the site plan.
  - c. An accurate drawing of property boundaries.
  - d. Existing topography, water courses and water bodies, floodplains and floodways, or other areas that would require extensive clearing and grading or alteration for development.
  - e. Identification and location of all existing site improvements, including streets, water, sewer, storm drainage, buildings, and other significant site features and any existing or former easements (driveway, street, utility, construction, etc.) which may have cleared vegetative matter, and/or could allow clearing or grading.
  - f. Proposed location, type, and size of each sign to be employed on the site.
  - g. Location of proposed buildings, driveways, and parking areas.
  - h. Location of trash dumpsters and required screening.
  - i. Grading, drainage, erosion and sedimentation control, layout, and utility plans.
  - j. Landscaping Plan to include:
    - i. **Vegetation survey as outlined at §155.606.8. The canopy drip line of all large-maturing trees at least eight inches (8'') DBH, and all dogwoods, redbuds and American hollies at least four feet (4') high shall be delineated. A brief assessment of the above inventoried trees, indicating major deformity, disease, and or damage may be included. Where groves of the protected trees exist that will not be removed or disturbed, it is permitted to label the grove as such on the plan drawing, stating the approximate number of protected trees and species mix, without specifying data of each individual tree.**
    - ii. Locations, species, and size of all protected trees proposed for removal shall be shown in outline form using a dashed line for the canopy drip line. Reasons for removing protected trees shall be explicitly stated on the Landscaping Plan.
    - iii. Locations, dimensions, and square footage of required buffer strips and parking lot landscaping.
    - iv. Details of required landscaping, showing species, dimensions, and spacing of planted materials and the use and protection of existing vegetation.
    - v. Proposed timeline for landscaping.
  - k. Name of the project, owner, name and address of engineer, architect, planner or landscape architect, scale, date, and north arrow.
  - l. Minor changes or additions to existing development or approved plans may submit an abbreviated site plan. An abbreviated site plan shall be allowed when the proposed change is physically limited to only a contained portion of the site. An abbreviated site plan shall include, but shall not be limited to, items a, b, e, g, j, and k in this Section. The Planning Director shall determine when an abbreviated site plan may be submitted for a detailed site plan and what items must be included. **An abbreviated plan will follow the approval process of an Administrative Amendment at §155.401.5.A.**
4. **ADDITIONAL MISCELLANEOUS STANDARDS. The following standards shall also apply to development and land disturbing activities within any Monroe-O designated location.**

- a. PRESERVATION OF EXISTING SITE VEGETATION. In addition to any required landscape areas on non single-family developments, it is the intent of the Monroe-O District regulations to retain existing vegetation on the site at the time of development or any other land disturbing activity. In any required landscape buffer, and in any location within the site that will not be disturbed, all deciduous and coniferous trees at least eight inches (8”) caliper shall be considered protected. Elsewhere on the site, trees of these sizes and larger are encouraged to be preserved and incorporated into the development plan.
- b. ADEQUATE SIGHT TRIANGLES REQUIRED. At all points of egress from off-street parking areas to a road and at corners of road intersections, unobstructed visibility shall be maintained in accordance with the requirements of Mecklenburg County LUESA and the regulations adopted by the North Carolina Department of Transportation, in “*Subdivision Roads: Minimum Construction Standards*” (May 1, 1983) and any subsequent amendments, or the regulations adopted by the Town of Matthews, whichever are the greater.
- c. LANDSCAPE MAINTENANCE. The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance and protection of all landscaping existing or hereafter installed which shall be maintained in a healthy growing condition. Maintenance shall include watering, weeding, mowing, fertilizing, treating, mulching, pruning, removal and replacement of dead or diseased trees and shrubs on a regular basis so as to present a neat and well-kept appearance at all times. Trees and shrubs are to be maintained in their natural form, and should not be pruned or shaped inconsistent with their species natural growth habits.
- d. ACCESS POINTS AND TRAFFIC MOVEMENT ALONG DESIGNATED THOROUGHFARES AND RAPID TRANSIT ROUTES WITHIN THE DISTRICT. Traffic service and land access are necessary but sometimes conflicting functions of a transportation network. Although major roadways may provide both traffic service and land access, access may be controlled to avoid jeopardizing the primary traffic service function or to provide improved safety, especially for pedestrians and bicyclists. The following provisions are intended to protect the public interest and safety of all users by achieving reasonable access control of certain thoroughfares. Existing or future thoroughfares subject to these standards include Monroe Road in the Monroe Road Corridor Plan, as well as the Silver Line light rail alignment.
  - i. The term “access control” refers to all techniques intended to minimize the traffic interference associated with driveway access or transit line crossings, whether the use is commercial, industrial, or residential.
  - ii. Whenever a tract proposed for a multiple lot or multiple use development borders on a thoroughfare or the Silver Line alignment, the development shall provide one or more vehicular access points to public streets other than the designated thoroughfare or directly over the Silver Line alignment, unless compliance with this requirement is not reasonably practicable due to the size or shape of the tract to be developed. The Monroe-O site plan, any conditional zoning site plan, and any final plat creating the development shall indicate a limitation on driveway access to the thoroughfare or across the Silver Line alignment for those lots which have alternative access.
  - iii. For lots having more than five hundred feet (500’) of frontage on a thoroughfare, driveways shall be no closer than five hundred feet (500’). For a lot having less than five hundred feet (500’) of frontage on a thoroughfare, one (1) driveway onto that thoroughfare may be allowed if the primary transportation network plans for the area would be satisfied. Whenever possible, a minimum distance of two hundred feet (200’) must be maintained between adjacent driveways, and shared driveways for multiple lots should be used to the greatest extent possible. In those instances, a wider driveway may be permitted, conditioned on NCDOT and/or Town approval.
  - iv. Ingress to and egress from a corner lot or reverse frontage lot adjacent to a

- thoroughfare shall be limited to the more minor thoroughfare or local street.
- v. Emergency access driveways may be created, using the separation requirements listed above, where specifically included as part of approved zoning conditions in a conditional zoning district and designed to meet NCDOT or Town requirements. Emergency access driveways shall primarily use a solid subsurface with natural cover, such as porous block subsurface and grass cover, and may be crossed with a removable or breakaway barricade, gate, chain, bollards, or other method to prevent general public use.
  - vi. Departures from the foregoing standards may be authorized through a Public Improvement Variance or Flexible Design Standards when the Town determines, upon the advice of the NCDOT, that a particular development design or technique can achieve a satisfactory level of access control consistent with the objectives of this Section.
- e. UNDERGROUND UTILITIES REQUIRED. All utilities under the control of the property owner or developer shall be placed underground. Utilities such as water, sewer, natural gas, telephone, cable, etc., shall only be located in the portion of the required street front landscape area that does not have existing trees that can be protected or will not have newly planted trees. If a variance to this provision is requested, the applicant must demonstrate how trees and tree roots will be protected from damage during construction or future maintenance/repair.
  - f. APPEAL. In a case where an individual parcel has been rendered virtually unusable due to establishment of these Monroe-O requirements, there may be grounds for a variance or appeal, provided that all other conditions set forth in this section are met. In granting any such variance or appeal, the Town Board of Adjustment may require the applicant to compensate in equivalent landscaping improvements any vegetative matter that is lost through an alternative site layout.

\*\*\* Also need to add a statement in §155.401.5.A. as given below. \*\*\*

### **155.401.5 Administrative Amendment Approval, and Site Plan and/or Elevation Plan Review and Approval**

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Changes to approved plans and conditions of development in Parallel Traditional Districts and Conditional-Only Districts will be treated the same as changes to the zoning map and will be processed as an amendment as provided in §§ 155.401.1 and 155.401.4. However, some minor changes or additional details in response to previously approved zoning conditions in these conditional districts may be approved through one of the procedures listed here. Site plan and/or elevation plan review and approval may also be a requirement for certain identified uses allowed in some zoning districts as a use “under prescribed conditions” in the Tables of Allowed Uses at § 155.505.

- A. ADMINISTRATIVE AMENDMENT. Minor changes in the detail of the approved plan which will not alter the basic relationship of the proposed development to adjacent property, will not alter the uses permitted or increase the density or intensity of development, or will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site may be approved as an Administrative Amendment. Other minor revisions to previously approved zoning actions, such as changes to a Small Area Plan Overlay compliance site plan, may be designated to also follow the procedures listed here.

Possible Replacement Text – Deletes References to Other SAPs and Adds Specific Requirements for Monroe Rd Corridor Only

This draft text was prepared as an alternative to Motion 2018-1 which included language for three adopted Small Area Plans. This alternative text deletes any references to the other two adopted Small Area Plan locations, and only would apply to the Monroe Road SAP. As with Motion 2018-1, this text uses the current adopted Highway NC51 Overlay District section of the UDO (155.504.2) as a template (black text). Red text below indicates language that has been changed or added specifically for the proposed new Monroe-O Overlay District. The intent here is to use a consistent format and language within the UDO. For quick reference, some pages in the Matthews Land Use Plan are included in brackets and marked in blue text. These references are for use during the public review of the proposed new text and are not intended to be part of any final adopted language, since page numbers may easily change.

## Zoning Motion 2019-X

### MONROE ROAD SMALL AREA PLAN OVERLAY DISTRICT

#### 155.504.3. Monroe Road Small Area Plan Overlay District (Monroe-O)

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- A. GENERAL CONCEPT OF OVERLAY. The Monroe Road Small Area Plan Overlay District is established to ensure that the policies and intentions of the adopted Monroe Road Small Area Plan is followed as parcels within the area may develop over time. The Monroe Road Small Area Plan was developed with active participation by a stakeholder group and the general public, and adopted by the Matthews Board of Commissioners as an Appendix to the Matthews Land Use Plan. This Plan creates a vision for future land use and future motorized and non-motorized transportation opportunities for all the land area within the study boundaries, as well as flexibility in specific future land uses and their densities/intensities, while providing direction on what land use focuses are appropriate in which subareas. This Plan places high priority on creating extensive internal and external connectivity, especially for pedestrians. This Monroe Road Small Area Plan Overlay District may be considered to be applied to the geographic area studied at the time of adoption of the Monroe Road Small Area Plan.

Development and improvement of property in the Monroe Road Small Area Plan Overlay District shall comply with the requirements of § 155.504.3. The map symbol and short name for the Monroe Road Small Area Plan Overlay District shall be "Monroe-O District."

- B. MONROE ROAD SMALL AREA PLAN OVERLAY DISTRICT. In addition to the requirements of the underlying zoning district(s), development and improvements in the Monroe Road Small Area Plan Overlay District ("Monroe-O District") shall comply with the following requirements, and where the regulations in this Section are in conflict with the regulations of the underlying zoning district, the regulations in this Section shall prevail:
1. PURPOSE AND INTENT. It is the intent of these regulations that development in the Monroe-O District shall be in harmony with and shall preserve, where appropriate, the natural beauty and character of the existing landscape while allowing new development. Ensuring the attractiveness of uses will in turn contribute to and enhance capital investment, trade, tourism, and the general welfare. Therefore, this district is adopted for the additional purposes of:
    - a. Improving the appearance and livability of the community while enhancing its economic vitality.
    - b. Preserving and improving property values by creating and maintaining an ecosystem of sustainable development. This assures a management system of renewable natural resources for both the present and future generations.
    - c. Encouraging new development and redevelopment consistent with the land development visions established and explained by the adopted Monroe Road Small Area Plan.
    - d. Balancing the sometimes opposing Town goals of allowing new construction and land

disturbance while protecting and enhancing the environment. Preserving trees and natural ground cover will be strongly monitored as plans are provided for new development activities, with the understanding that some vegetation loss is inevitable in order to allow new development which will have as significant a long-term economic and social impact on the community as on the Town's environmental vitality.

2. LOCATION AND DIMENSIONS.

- a. The Monroe-O District should generally incorporate the same geographical boundaries as the adopted Small Area Plan. In the event there is a desire to revise the boundaries of the adopted study area, an explanation shall be included in any zoning action to add or delete one of more parcels so there is a clear written record why the boundary of the Monroe-O District does not match the study area boundaries.
- b. The Monroe-O District shall be delineated as an overlay on the official zoning map of the Town.
- c. The Monroe-O District shall be applied to the following geographic sector of the Town of Matthews:
  - i. The Monroe Road Corridor study area, on which a Small Area Plan was adopted June 9, 2014 [pages 117 through 138 of the [Matthews Land Use Plan](#)]. The boundaries generally follow the back edge of large parcels fronting the southwest side of Monroe Road between the Charlotte City limits and NC51, and on the northeast side that tracts from Monroe Road to the CSX rail road between the Charlotte City limits and NC51, to match the study area used in the Small Area Plan.

3. PERMITTED USES. Permitted uses, uses permitted subject to specific conditions, and accessory uses located within the Monroe-O District shall be determined by the requirements of the underlying zoning district(s), except where development, expansion, and/or redevelopment would conflict with the policies and goals of the adopted Small Area Plan. Any new proposed development or land disturbing activity on property with previously approved plans are subject to the requirements of the Monroe-O District.

Existing single-family residential principal and associated accessory structures may continue to be used for single-family residential purposes, and such structures may be repaired, remodeled, or expanded for such single-family use within the Monroe-O District. A parcel with an existing single-family house may be divided so that a smaller parcel is formed for the single-family use, when such new lot conforms to underlying zoning dimensional requirements. The remainder of the property may be recorded at the Mecklenburg County Register of Deeds office as a separate parcel or parcels, and any development or change of zoning action may then be initiated that would conform to the requirements of the Monroe-O District.

4. PLAN REVIEW PROCEDURES.

- a. INDUSTRIAL, COMMERCIAL, AND MULTI-FAMILY DEVELOPMENT. No conditional districts, development, rezoning, land disturbing activity, or site improvement activity, may occur within the Monroe-O District without first obtaining approval of a site plan from the Town as outlined in § 155.504.3.E. Any change to zoning conditions or zoning districts shall be subject to all provisions of the Monroe-O District, and building or grading permits shall not be issued until a Monroe-O District site plan submittal has been approved, which may match an approved site plan for the site adopted when the parcel underwent a rezoning request to follow the adopted Small Area Plan. All development shall conform to an approved site plan. Any substantial deviation from the approved site plan must be resubmitted for review to the Planning Department for Town approval in accordance with these requirements.
- b. RESIDENTIAL DEVELOPMENT. All new or re-platted single-family residential developments and subdivisions must comply with the minimum open space, tree canopy, pedestrian/bicycle/greenway infrastructure, signage, underground utility, and access

standards of the **Monroe-O** District. Plan review shall be administered through the normal zoning and subdivision review process, supplemented by applicable additional requirements of the **Monroe-O** District.

**C. HOW THE MONROE-O PROVISIONS WILL BE APPLIED.**

The study of this segment of the Town primarily focused on the opportunity for phased redevelopment and build-out of an existing suburban corridor to become a pleasant multi-modal, mixed use area in form and scale. The expectation is this corridor will convert over time into a pedestrian-friendly and transit-supportive location with office and employment uses along with associated support service or retail uses to surrounding businesses and neighborhoods.

To accomplish this intention, the Monroe-O District will require each new land disturbing activity to indicate how it complies and/or supports the following:

1. New development, expansion/reuse of current buildings, and redevelopment shall provide written explanation with the site plan to show how the proposed activity conforms to the proposed Land Use Plan map within the adopted Small Area Plan [page 125 of [Matthews Land Use Plan](#)].
  - a. Indicate what subarea land use category is indicated on the map (Commercial Mixed Use, Employment Center, etc.).
  - b. State how the proposed development will conform to that category.
2. Any new development, expansion/reuse of current buildings, and redevelopment shall provide a written explanation with the site plan to show how it conforms to Table 6.1 in the adopted Small Area Plan [page 126 of the [Matthews Land Use Plan](#)] regarding zoning districts for each proposed land use grouping.
  - a. Identify proposed land use or uses and what zoning district is proposed for them.
  - b. Compare that proposed zoning category to the zoning districts listed for the applicable subarea in Table 6.1.
3. Whenever any proposed land disturbing activity may include any portion of a transportation connection as indicated on the adopted Proposed Connections and Improvements map in the Small Area Plan [page 131 of [Matthews Land Use Plan](#)], then a written explanation shall be included with the site plan to explain how that transportation improvement is being accommodated.
  - a. If the planned development activity does not propose making full improvements within its site during construction, then an explanation shall be provided with the site plan on what future actions will be done and what financial guarantees will be provided at time of this land disturbing activity to assure the transportation improvements will be completed at a designated future phase.
4. Any land disturbing activity shall provide a written explanation with the site plan to identify the Action Items adopted within the Small Area Plan that are being supported and furthered by the proposed development activity. This includes Action Items for Land Use, Urban Design, Transportation, Utilities, Cultural and Historical, and Natural Resources and Open Space as further outlined in 155.504.3.D. below. [pages 127 – 129, 132 – 134, and 136 – 137 of [Matthews Land Use Plan](#)].

**D. ACTION ITEM RESPONSES.**

1. Conformance to Land Use Action Items. Indicate whether each of the following applies to the subject development site. If it does, explain how it meets the Action Item, or why it cannot meet that Action Item.
  - a. When redeveloping existing strip retail, replace it with multi-story mixed use buildings.
  - b. Create a more pedestrian friendly environment on and around the development site by:
    - i. Bringing building(s) closer to the street.
    - ii. Placing parking to side and rear of building(s).
    - iii. If not present along entire street frontage of development site, completing the sidewalk network.
    - iv. When constructing new or enlarging existing buildings, making new development a minimum of two stories in height.
    - v. Incorporating green and open space into design.

- vi. When the development site is zoned I-1 Light Industrial, protecting and promoting existing industrial areas with no direct relationship to Monroe Road or along Industrial Drive.
- c. Explain how the proposed new development will create a cohesive landscape plan and built form among all development for site fronting Monroe Road.
- d. For parcels zoned I-1 Light Industrial, state whether the development site will retain that zoning category. If rezoning is proposed to another category, explain why, and explain how a rezoning will impact surrounding and contiguous to other I-1 zoned parcels.
- e. If the development site is within the subarea designated for future “employment center”, indicate the proposed front setback for building(s), and whether structured parking will be provided.
- f. For development sites backing up to single-family residential development, incorporate a minimum fifty foot (50’) vegetative buffer.
- g. If the proposed development includes retail, explain how it will not be strip retail or a big box.
- h. If the proposed development will include any drive through service windows and/or a gas station canopy, explain how these architectural elements will be located behind the principal structure and out of view from the public street.

2. Conformance to Urban Design Action Items. Indicate whether each of the following applies to the subject development site. If it does, explain how it meets the Action Item, or why it cannot meet that Action Item.

- a. When different façade materials are to be used, identify the heavier material that will be applied at grade level.
- b. Describe spacing of windows at no greater than sixteen feet (16’) horizontally along otherwise blank walls. Describe how proposed single story buildings are designed so they will not appear wide from the public street.
- c. For proposed buildings intended for multiple uses, explain what types of uses that would generate more intensive activity are on the ground floor while less intensive uses would be on upper floors.
- d. For proposed buildings facing and easily visible from Monroe Road, describe how the building height and façade are proportional for that front façade.
- e. For proposed buildings fronting on Monroe Road, the buildings should occupy sixty percent (60%) of the lot width.
- f. For development sites fronting Monroe Road, describe how massing and scale are complementary to other buildings along Monroe Road.
- g. For development sites fronting on or easily visible from Monroe Road, explain that no side or rear elevation will face Monroe Road and all mechanical equipment will be out of view from Monroe Road. If this criteria is not confirmed, indicate why it is not possible.

3. Conformance to Transportation Action Items. Indicate whether each of the following applies to the subject development site. If it does, explain how it meets the Action Item, or why it cannot meet that Action Item.

- a. Provide written statement from CATS indicating there is or will be a bus stop in front of

- the development site that needs a bulb-out for buses, a dedicated turn out lane, and/or a decorative shelter. If any of these improvements are desired, describe what the development will provide, or why no provision is included in development plans.
- b. For development sites backing up to single-family residential, identify any potential location for an alternate vehicular entrance/access and/or a pedestrian connection to the Sardis Forest neighborhood. State what improvements toward such connectivity will be part of the proposed development.
  - c. For present/former Family Dollar property, explain any efforts made toward discussing with the Town of Matthews and the City of Charlotte an extension of Industrial drive to Galleria Blvd.
  - d. Identify what efforts have been made to create connectivity between and within developments. For parcels touching Covenant Day properties where an alley is proposed on the Proposed Connections and Improvements map, explain what is being provided in the development design plans to accommodate such connection now or in future.
  - e. For development sites along Industrial Drive, install sidewalk, curb and gutter.
  - f. For development sites on Monroe Road that touch the single-family neighborhood, include plans for a multi use path that will connect to adjacent parcels on both sides.
4. Conformance to Utilities Action Items. Indicate whether each of the following applies to the subject development site. If it does, explain how it meets the Action Item, or why it cannot meet that Action Item.
- a. Confirm that all utilities within control of the property owner or developer will be buried.
  - b. When sidewalk or street construction activity is included in development plans, include taking existing overhead utilities underground.
5. Conformance to Cultural and Historical Action Items. Indicate whether each of the following applies to the subject development site. If it does, explain how it meets the Action Item, or why it cannot meet that Action Item.
- a. On the parcel that includes the Roseland Cemetery, explain efforts to work with the Mecklenburg County Landmarks Commission and Matthews Historical Foundation to restore and preserve, and prohibit disturbance to the cemetery site.
  - b. On the parcel where the water tower is located, evaluate the structural integrity and explain efforts to preserve it.
6. Conformance to Natural Resources and Open Space Action Items. Indicate whether each of the following applies to the subject development site. If it does, explain how it meets the Action Item, or why it cannot meet that Action Item.
- a. Explain how open space is designed into new development and redevelopment.
  - b. Explain how underground storm water storage will be included in development, or explain why it is not part of the development plans.
  - c. Explain what options are available to include a pocket park within the proposed development.

E. SITE PLAN SUBMITTAL PROCESS.

1. **SITE PLAN REVIEW PROCESS AS PART OF A ZONING APPLICATION.** When any land disturbing activity is proposed that requires a change in zoning district or revisions of previously approved zoning conditions, that property shall complete the necessary zoning actions as outlined at 155.401, prior to receiving site plan approval to comply with the Monroe-O District. If the zoning documents include sufficient information as will be needed for the Monroe-O site plan compliance, as listed in 155.504.3.E.3 below, then the Planning Office may undertake a review of the Monroe-O compliance documents while the zoning application is being considered, and may be able to send a recommendation for approval of Overlay compliance at the same time as the zoning action is approved. The Monroe-O site plan review may also be submitted to begin at any time after the zoning application has been successfully approved. The Planning Office will review the submission and when determined to be complete, it will be scheduled for review and action by the Board of Commissioners.
2. **SITE PLAN REVIEW PROCESS NOT REQUIRING ANY ZONING ACTION.** When any land disturbing activity is proposed that is in compliance with the current zoning designation on the parcel(s) and therefore does not need any further zoning action, then the site plan documents as listed at 155.504.3.E.3 below shall be submitted to the Planning Office for Monroe-O compliance at such time as the applicant has them ready for review. The Planning Office will review the submission and when it is determined to be complete, it will be scheduled for review and action by the Board of Commissioners.
3. **SITE PLAN SUBMITTAL REQUIREMENTS.** Site plan submittal for any development activity shall include but not be limited to:
  - a. A vicinity map clearly establishing the location of the project with readily recognizable landmarks.
  - b. A development summary including total acres in development, proposed uses, total building square footage, required parking, and provided parking spaces, total impervious surface area, and the percentage of lot covered by impervious surface. This information shall be supplied in table form on the site plan.
  - c. An accurate drawing of property boundaries.
  - d. Existing topography, water courses and water bodies, floodplains and floodways, or other areas that would require extensive clearing and grading or alteration for development.
  - e. Identification and location of all existing site improvements, including streets, water, sewer, storm drainage, buildings, and other significant site features and any existing or former easements (driveway, street, utility, construction, etc.) which may have cleared vegetative matter, and/or could allow clearing or grading.
  - f. Proposed location, type, and size of each sign to be employed on the site.
  - g. Location of proposed buildings, driveways, and parking areas.
  - h. Location of trash dumpsters and required screening.
  - i. Grading, drainage, erosion and sedimentation control, layout, and utility plans.
  - j. Landscaping Plan to include:
    - i. **Vegetation survey as outlined at §155.606.8.** The canopy drip line of **all large-maturing trees at least eight inches (8") DBH, and all dogwoods, redbuds and American hollies at least four feet (4') high** shall be delineated. A brief assessment of the above inventoried trees, indicating major deformity, disease, and or damage may be included. Where groves of the protected trees exist that will not be removed or disturbed, it is permitted to label the grove as such on the plan drawing, stating the approximate number of protected trees and species mix, without specifying data of each individual tree.
    - ii. Locations, species, and size of all protected trees proposed for removal shall be shown in outline form using a dashed line for the canopy drip line. Reasons for removing protected trees shall be explicitly stated on the Landscaping Plan.

- iii. Locations, dimensions, and square footage of required buffer strips and parking lot landscaping.
    - iv. Details of required landscaping, showing species, dimensions, and spacing of planted materials and the use and protection of existing vegetation.
    - v. Proposed timeline for landscaping.
  - k. Name of the project, owner, name and address of engineer, architect, planner or landscape architect, scale, date, and north arrow.
  - l. Minor changes or additions to existing development or approved plans may submit an abbreviated site plan. An abbreviated site plan shall be allowed when the proposed change is physically limited to only a contained portion of the site. An abbreviated site plan shall include, but shall not be limited to, items a, b, e, g, j, and k in this Section. The Planning Director shall determine when an abbreviated site plan may be submitted for a detailed site plan and what items must be included. **An abbreviated plan will follow the approval process of an Administrative Amendment at §155.401.5.A.**
4. **ADDITIONAL MISCELLANEOUS STANDARDS. The following standards shall also apply to development and land disturbing activities within any Monroe-O designated location.**
- a. **PRESERVATION OF EXISTING SITE VEGETATION.** In addition to **any** required **landscape areas** on non single-family developments, it is the intent of the **Monroe-O** District regulations to retain existing vegetation on the site at the time of development or any other land disturbing activity. In any required landscape buffer, and in any location within the site that will not be disturbed, all deciduous and coniferous trees at least **eight inches (8")** caliper shall be considered protected. Elsewhere on the site, trees of these sizes and larger are encouraged to be preserved and incorporated **into the development plan.**
  - b. **ADEQUATE SIGHT TRIANGLES REQUIRED.** At all points of egress from off-street parking areas to a road and at corners of road intersections, unobstructed visibility shall be maintained in accordance with the requirements of Mecklenburg County **LUESA** and the regulations adopted by the North Carolina Department of Transportation, in "*Subdivision Roads: Minimum Construction Standards*" (May 1, 1983) and any subsequent amendments, or the regulations adopted by the **Town of Matthews**, whichever are the greater.
  - c. **LANDSCAPE MAINTENANCE.** The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance and protection of all landscaping existing or hereafter installed which shall be maintained in a healthy growing condition. Maintenance shall include watering, weeding, mowing, fertilizing, treating, mulching, pruning, removal and replacement of dead or diseased trees and shrubs on a regular basis so as to present a neat and well-kept appearance at all times. Trees and shrubs are to be maintained in their natural form, and should not be pruned or shaped inconsistent with their species natural growth habits.
  - d. **ACCESS POINTS AND TRAFFIC MOVEMENT ALONG DESIGNATED THOROUGHFARES AND RAPID TRANSIT ROUTES WITHIN THE DISTRICT.** Traffic service and land access are necessary but **sometimes** conflicting functions of a **transportation network.** Although major roadways may provide both traffic service and land access, access **may** be controlled to avoid jeopardizing the primary traffic service function **or to provide improved safety, especially for pedestrians and bicyclists.** The following provisions are intended to protect the public interest and safety of **all** users by achieving reasonable access control **of certain thoroughfares. Existing or future thoroughfares subject to these standards include Monroe Road in the Monroe Road Corridor Plan, as well as the Silver Line light rail alignment.**
    - i. The term "access control" refers to all techniques intended to minimize the traffic interference associated with driveway access **or transit line crossings,** whether the use is commercial, industrial, or residential.
    - ii. Whenever a tract proposed for a **multiple lot or multiple use development** borders

- on a thoroughfare or the Silver Line alignment, the development shall provide one or more vehicular access points to public streets other than the designated thoroughfare or directly over the Silver Line alignment, unless compliance with this requirement is not reasonably practicable due to the size or shape of the tract to be developed. The Monroe-O site plan, any conditional zoning site plan, and any final plat creating the development shall indicate a limitation on driveway access to the thoroughfare or across the Silver Line alignment for those lots which have alternative access.
- iii. For lots having more than five hundred feet (500') of frontage on a thoroughfare, driveways shall be no closer than five hundred feet (500'). For a lot having less than five hundred feet (500') of frontage on a thoroughfare, one (1) driveway onto that thoroughfare may be allowed if the primary transportation network plans for the area would be satisfied. Whenever possible, a minimum distance of two hundred feet (200') must be maintained between adjacent driveways, and shared driveways for multiple lots should be used to the greatest extent possible. In those instances, a wider driveway may be permitted, conditioned on NCDOT and/or Town approval.
  - iv. Ingress to and egress from a corner lot or reverse frontage lot adjacent to a thoroughfare shall be limited to the more minor thoroughfare or local street. Monroe Road shall be considered the more minor thoroughfare than NC51.
  - v. Emergency access driveways may be created, using the separation requirements listed above, where specifically included as part of approved zoning conditions in a conditional zoning district and designed to meet NCDOT or Town requirements. Emergency access driveways shall primarily use a solid subsurface with natural cover, such as porous block subsurface and grass cover, and may be crossed with a removable or breakaway barricade, gate, chain, bollards, or other method to prevent general public use.
  - vi. Departures from the foregoing standards may be authorized through a Public Improvement Variance or Flexible Design Standards when the Town determines, upon the advice of the NCDOT, that a particular development design or technique can achieve a satisfactory level of access control consistent with the objectives of this Section.
- e. UNDERGROUND UTILITIES REQUIRED. All utilities under the control of the property owner or developer shall be placed underground. Utilities such as water, sewer, natural gas, telephone, cable, etc., shall only be located in the portion of the required street front landscape area that does not have existing trees that can be protected or will not have newly planted trees. If a variance to this provision is requested, the applicant must demonstrate how trees and tree roots will be protected from damage during construction or future maintenance/repair.
  - f. APPEAL. In a case where an individual parcel has been rendered virtually unusable due to establishment of these Monroe-O requirements, there may be grounds for a variance or appeal, provided that all other conditions set forth in this section are met. In granting any such variance or appeal, the Town Board of Adjustment may require the applicant to compensate in equivalent landscaping improvements any vegetative matter that is lost through an alternative site layout.

\*\*\* Also need to add a statement in §155.401.5.A. as given below. \*\*\*

### **155.401.5 Administrative Amendment Approval, and Site Plan and/or Elevation Plan Review and Approval**

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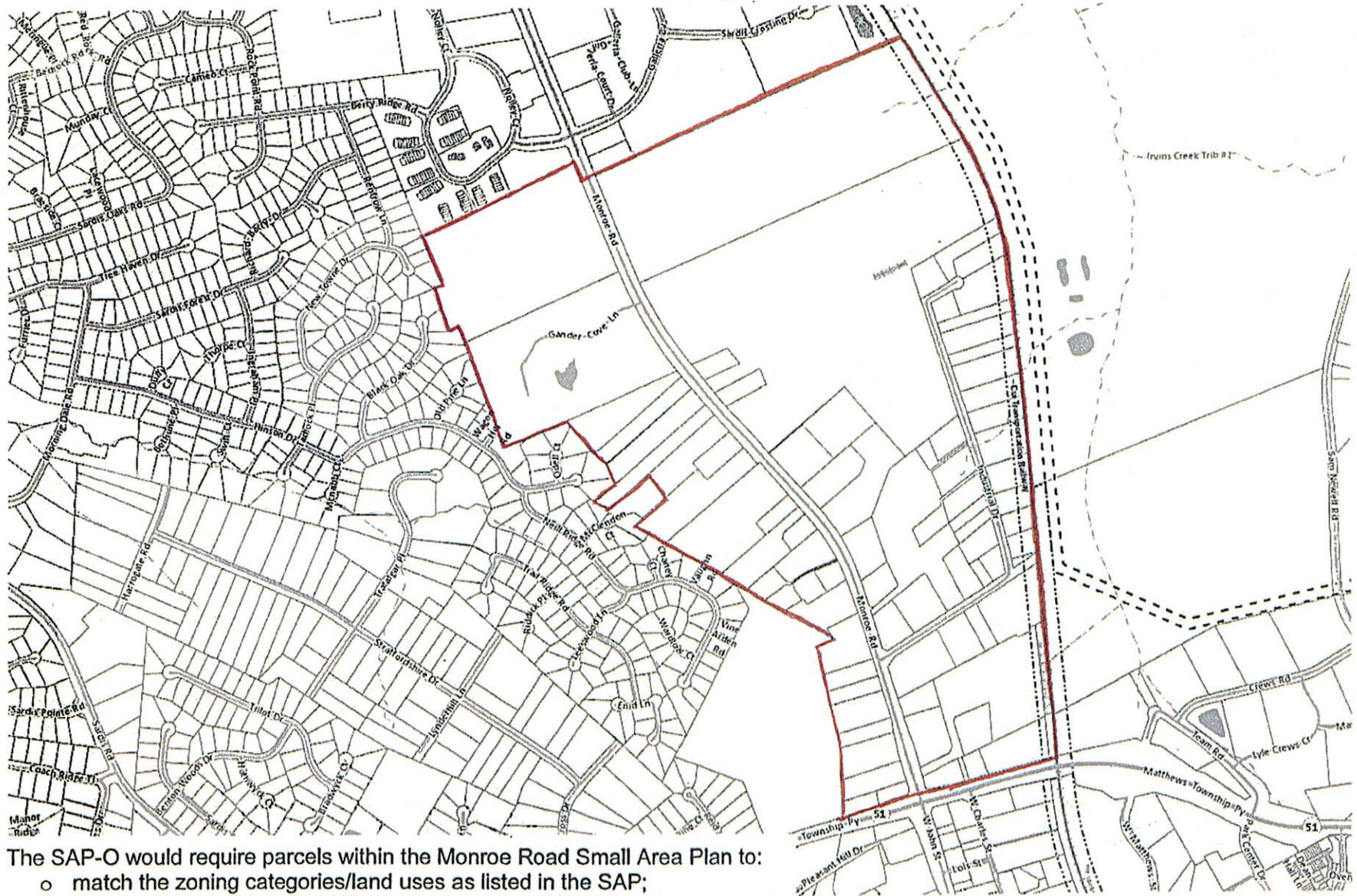
Changes to approved plans and conditions of development in Parallel Traditional Districts and Conditional-Only Districts will be treated the same as changes to the zoning map and will be processed as an amendment as provided in §§ 155.401.1 and 155.401.4. However, some minor changes or additional details in response to previously approved zoning conditions in these conditional districts may be approved through one of the procedures listed here. Site plan and/or elevation plan review and approval may also be a requirement for certain identified uses allowed in some zoning districts as a use “under prescribed conditions” in the Tables of Allowed Uses at § 155.505.

- A. ADMINISTRATIVE AMENDMENT. Minor changes in the detail of the approved plan which will not alter the basic relationship of the proposed development to adjacent property, will not alter the uses permitted or increase the density or intensity of development, or will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site may be approved as an Administrative Amendment. **Other minor revisions to previously approved zoning actions, such as changes to a Small Area Plan Overlay compliance site plan, may be designated to also follow the procedures listed here.**

# Monroe Road Small Area Plan

Adopted 6-9-14

See pages 118 through 139 of the Matthews Land Use Plan



- The SAP-O would require parcels within the Monroe Road Small Area Plan to:
- o match the zoning categories/land uses as listed in the SAP;
  - o accommodate transportation improvements as indicated in the SAP; and
  - o adhere to the Action Items (policies) listed in the SAP.