

Agenda Item: Zoning Motions 2018-1 and 2018-2, Small Area Plan Overlay District Text and Map Changes

DATE: August 7, 2018
FROM: Kathi Ingrish

Background/Issue:

- Town Board expressed concern about development occurring by right in an area with an adopted Small Area Plan that was inconsistent with the Town's adopted vision for the area.
- The Small Area Plan Overlay District (SAP-O) was drafted in response to this concern.
- The SAP-O would become the third zoning Overlay district in Matthews. The Downtown Overlay and the Highway 51 Overlay both were created following a detailed study of a specific geographic subsection of the Town limits, and both call for the special design standards in the respective Overlays to supersede the underlying zoning district standards in order to create a cohesive ambiance for the designated area.
- The proposed text for the Small Area Plan Overlay likewise calls for certain design criteria to be followed for the three locations where Small Area Plans have already been adopted: the Monroe Rd Corridor, the Entertainment District, and E John/Outer Loop Area.
- The proposed text in Motion 2018-1 has been revised following the Planning Board meeting to eliminate the need for parcels within the Entertainment Small Area to rezone to the ENT zoning category as long as any new uses are also allowed in the ENT, and they conform to the site plan and building design criteria of the ENT zoning district.
- There are multiple potential uses listed as allowed without further zoning approval that can be placed on parcels within the Entertainment District using the current underlying zoning, so there is no basis for a "taking".
- The Small Area Plans for all three subsections of Town call for a wide variety of uses which may be allowed under multiple zoning designations, so property owners will not be required to rezone their parcels before any development can occur.
- A question has been raised about the term "land disturbing activity". Because that term occurs 43 times throughout the UDO, any further definition and explanation about it needs to cover how it is used throughout the UDO, not just within the proposed SAP-O text. Therefore, a separate text amendment can be considered, and is in the process of being drafted. Decades of past development reviews by County and Town staff has not produced any confusion regarding how this term is applied, and it is not viewed as a concern here.

Proposal/Solution:

- The provisions of the three adopted Small Area Plans are incorporated into development proposals by the vast majority of developers and property owners already, so this new Overlay district will have minimal impact on them.
- If adopted, the new Overlay would add an extra review that can be incorporated into other review procedures as is commonly done today for the other Overlay districts, thereby limiting any time delay for developers/property owners.
- This added review submission is primarily composed of statements from the developer/property owner explaining how the proposed development will meet the design standards for that specific subsection of the community.
- The submission documents are generally items already part of the design work for the proposed project.
- Adopting the new Overlay text (Motion 1) and applying it to the three adopted Small Area Plan sections of Town (Motion 2) will provide the Town with better implementation of the visions and goals of the Small Area Plans, while still allowing considerable design discretion within the individual projects.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Approve Zoning Motion 2018-1 new text to create the Small Area Plan Overlay (SAP-O) District.

Approve applying the SAP-Overlay to the three geographical locations where an adopted Small Area Plan is in place:

The Monroe Road Corridor, the Entertainment District, and the E John St/Outer Loop area.

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

MOTIONS 2018-1 and 2018-2 Creation of Small Area Plan Overlay Zoning District – Text and Zoning Map Additions

Matthews Board of Commissioners adopts the checked statement below:

A) X The requested 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 creation of the Small Area Plan Overlay is consistent with the goals of adopted Matthews Land Use Plan since it would assist in guaranteeing a review for compliance with adopted goals in each Small Area Plan.

REASONABLE: It is reasonable and in the public interest to add standards in the UDO to assure compliance to the adopted Small Area Plans, and to apply these standards which are unique to each of the adopted areas. This will improve consistent development patterns in each of the Small Area boundaries.

OR

C) X The requested action, as most currently amended, is **not approved**, although it has been found to be **CONSISTENT** with the Matthews Land Use Plan (or other document(s)), it is **NOT REASONABLE**, as follows:

CONSISTENT: The creation of a new zoning overlay district is consistent with the goals of adopted Matthews Land Use Plan and its adopted Small Area Plans in the Appendices.

NOT REASONABLE: It is not reasonable to review plans for new development or redevelopment in certain sections of Town to conform to already adopted policies. A sufficient amount of new development within the adopted Small Area Plan locations will conform to the adopted goals without further review.

(In each case, the Statement must explain why the Board deems the action reasonable and in the public interest (more than one sentence). Reasons given for a request being “consistent” or “not consistent” are not subject to judicial review.)

Date August 13, 2018