

Zoning Motion 2019-3

ENTERTAINMENT DISTRICT SMALL AREA PLAN OVERLAY DISTRICT (text and map amendments)

155.504.3. Entertainment District Overlay District (ENT-O)

A. ENTERTAINMENT DISTRICT OVERLAY DISTRICT.

1. General concept. This Overlay District is established to ensure that the policies and intentions of the adopted Entertainment District Small Area Plan are followed as the area develops over time. The Small Area Plan was developed with active participation by stakeholder groups and the general public, and adopted by the Matthews Board of Commissioners becoming an Appendix to the Matthews Land Use Plan. The intent of the Plan is to provide multiple entertainment opportunities (in addition to those available at the Mecklenburg County Regional Sportsplex located within the district) for people of all ages, and to incorporate space for residences, transitory housing, employment, recreation, shopping, dining and daily living services in a compact pedestrian-friendly neighborhood, while accommodating various modes of transportation (including fixed guideway public transit, scheduled to traverse the district in the future).

The 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 while including flexibility in specific future land uses and their densities/intensities, and providing appropriate land use goals. The Plan places priority on creating extensive internal and external connectivity - especially for pedestrians - in recognition of the eventual development of a rapid transit line and station within the district's boundaries.

2. Location and dimensions.
 - a. The Entertainment Overlay District shall be delineated as an overlay on the Official Zoning Map of the Town. The map symbol and short name for the Entertainment District Small Area Plan Overlay District shall be "ENT-O District."
 - b. The ENT-O District incorporates the same geographical boundaries as the adopted Entertainment District Small Area Plan.
 - c. Development and improvement of property in the ENT-O District shall comply with the requirements of § 155.504.3.
3. Purpose and intent. The purpose and intent of these regulations is to guide future development in the ENT-O District so as to be in harmony with and preserve, where appropriate, the natural beauty and character of the existing landscape while allowing appropriate new development to occur. Ensuring the attractiveness of future land uses will in turn contribute to and enhance capital investment, trade, tourism, and the general welfare of both the population of the district and of the larger community. Therefore, this district is adopted for the 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 thereby assuring 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 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 closely 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.

B. UNIQUE CHARACTER

1. The unique character and vision for the Entertainment District led to adoption of the following Principles in the area planning process:
 - a. Create urban scale neighborhood, notably in anticipation of establishment of a future public transit station within the study area.
 - b. Create a diverse mixture of complementary land uses, taking advantage of proximity of the Sportsplex.
 - c. Extend pedestrian friendly features developed within the Sportsplex property throughout the remainder of the district.
 - d. Create unique identity that represents the appeal of the area.
 - e. Practice energy-efficient design.
 - f. Adopt and apply a set of urban design principles that when applied to the built environment will result in an attractive, vibrant, and sustainable community.
2. Permitted uses. Permitted uses, uses permitted subject to specific conditions, and accessory uses located within the ENT-O District shall be determined by the requirements of the underlying zoning district(s).

C. DEVELOPMENT STANDARDS.

In addition to the requirements of the underlying zoning district(s), development and improvements in the ENT-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. Proposed development within the ENT-O District shall be subject to the development standards, design principles and review criteria contained within § 155.503.8.E, F and G.
2. Given the Town's goal of creating an environment for a mix of businesses, no single "big box" retail establishment (defined as merchandise sales as sole or primary activity in excess of 70,000 square feet) shall be allowed. Hotels/conference centers and movie theatres are exempted from this limitation.
3. Residential to commercial ratios: no more than 600 dwelling units are to receive construction permits until at least 40,000 square feet of commercial space is under construction or completed within the District.
4. Commercial to residential ratios: no more than 120,000 square feet of commercial space is to receive construction permits until at least 240 dwelling units are under construction or completed within the district.
5. Right-of-way width for the future Independence Pointe Parkway through the district is to be planned and reserved during the subdivision process for 140-foot width in order to accommodate multi-modal travel, including automobiles, pedestrians, bicyclists, on-street parking and future public transit/fixed guideway, as well as right-of-way amenity features.
6. Transportation networks and connectivity proposed as part of development in the district shall comply with the locational, dimensional, and design requirements as specified in:
 - a. Town of Matthews *Entertainment District Small Area Plan* (2014)
 - b. Town of Matthews *Comprehensive Transportation Plan* (2013)

- c. Charlotte Regional Transportation Planning Organization *Comprehensive Transportation Plan* (2018)
- d. Charlotte Area Transit System *2030 Transit Corridor System Plan* (as updated)
- e. Charlotte Area Transit System design and engineering studies for the Silver Line light rail

In any instance where the above-referenced requirements may be seen to conflict, the more stringent requirement shall be applied to proposed land development.

D. SITE PLAN SUBMITTAL PROCESS.

All development and other site improvement activity in the ENT-O District is subject to submittal and approval of a site plan from the Town Planning & Development Department as outlined in §155.504.2.B.5. Any substantial deviation from a previously approved site plan must be resubmitted for review and approval by the Town Planning & Development Department in accordance with these requirements.

1. In addition to the above, site plans submitted for development within the ENT-O District shall contain the following:
 - a. Landscaping Plan. It is the intent of the Overlay Districts to the greatest extent possible retain existing vegetation on development sites at the time of development. Landscaping plan to consist of:
 - 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 and determined to be "protected". 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 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.
 - b. Adequate sight triangles and sight distance. At all points of egress from off-street parking areas and other vehicular site access points to public roads as well as at corners where public roads intersect, 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. This section applies both in instances where both site access/driveways intersect with public roads, and where two public roads intersect with one another.
 - c. Site access control. The design of an efficient, attractive, and safe transportation network as part of proposed development is essential both to the development's success and the larger community's continued viability. Periodically the goal of moving vehicular traffic quickly and efficiently to, from, and through a development site can work at cross-purposes to providing safe and reasonable site access to motorists, pedestrians, and bicyclists, or to other goals the development intends to achieve. Major roadways and

public transit fixed guideways (both existing and planned) may serve the greater area's transportation needs well, but without careful planning this may come at the expense of the quality of the proposed development.

For the purpose of this section, the term "site access control" refers to techniques intended to minimize traffic interference associated with development site driveway access or transit line crossings. The following provisions are intended to create a balance among all site users by achieving reasonable site access control to and from these roadways and guideways:

- i. When a development site borders or is bisected by an existing or proposed thoroughfare or proposed public transit fixed guideway, the development shall provide at least one vehicular site access point to a public street other than to that thoroughfare (or guideway), unless compliance is not reasonably practicable. Full movement access to and from the thoroughfare cannot be guaranteed. Primary or exclusive site access should not be provided which crosses the proposed fixed guideway.
 - ii. When a development site contains in excess of 500 feet (500') of frontage on a thoroughfare, proposed driveways shall be no closer than 500 feet (500') from one another.
 - iii. When a development has less than 500 feet (500') of frontage on a thoroughfare, one driveway shall be allowed onto the thoroughfare if the primary transportation network plans for the area would in that manner be satisfied.
 - iv. Whenever possible, a minimum distance of 200 feet (200') should be maintained between adjacent driveways, both within the development site and between the site and adjacent properties (shared driveways between adjoining parcels is encouraged, and should be used to the greatest extent possible).
 - v. Ingress/egress to/from corner and reverse frontage lots adjacent to thoroughfares shall be limited to the street with the more minor roadway classification.
2. **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 ENT-O. If the zoning documents include sufficient information as will be needed for the ENT-O site plan compliance, as listed in § 155.504.3.D., then the Planning & Development Department may undertake a concurrent review of the ENT-O compliance documents while the zoning application is being considered, and may be able to approve the Overlay compliance as soon as the zoning action is approved. The ENT-O site plan review may also be submitted to begin at any time after the zoning application has been successfully approved.
 3. **SITE PLAN REVIEW PROCESS NOT REQUIRING ZONING ACTION.** When 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 shall be submitted to the Planning & Development Department for ENT-O compliance at such time as the applicant has them ready for review.
- E. **Overlay Compliance Plan.** Since the ENT-O District originated from development and adoption of a Small Area Plan that contain a series of development goals, guidelines, and expectations, submittal of an Overlay Compliance Plan is required. This Compliance Plan is to be prepared by applicants of proposed development and is intended to provide a detailed description of how the development proposal intends to address any applicable goals, principles, or implementation action items for the

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development site and its environment contained within the applicable Small Area Plan, (or other relevant Town of Matthews or Mecklenburg County adopted planning policies). The Compliance Plan shall be submitted together with the proposed development Site Plan to the Planning & Development Department and is subject to review by the Planning & Development Director.

