

## **Rezoning Decision: Application 2019-707, Brace YMCA**

TO: Mayor and Board of Commissioners

FROM: Jay Camp, Planning Director

DATE: February 5, 2020

### **Background/Issue**

At the January 28, 2020 meeting of the Matthews Planning Board, the board voted unanimously to recommend approval of the rezoning. The motion stated that the applicant should continue to evaluate the height of lighting poles and that the Board did not recommend the trail connection to Gray Fox Lane.

Since the Public Hearing, the applicant has made the following significant changes to the conditional notes. The full conditional notes are attached to this memo for review.

1. Commitment to screening in excess of code requirement for a portion of the property line. A "windscreen" with a 90% privacy factor may be installed at the option of the applicant.
2. A sidewalk connection is now shown from the parking lot to the new field area.
3. Outdoor lighting will have a maximum height of 50' and hours from 8:00 AM to 9:00 PM.
4. No amplified sound shall be allowed in the outdoor recreation envelope.

### **Proposed Solution**

Staff is comfortable with the plan as currently designed with the exception of the omission of the pedestrian connection to Gray Fox Lane. Understanding concerns regarding parking in the neighborhood, staff has proposed an alternate that would take the trail to a terminus point at the Weddington Road multiuse path. The path would run outside of the chain link fence, preventing access directly into the recreation envelope. It is also possible that a portion of the trail could be located within the new right of way for the interchange. Please see the attached map for reference. Staff recommends an easement for future construction as the most appropriate solution.

### **Financial Impact**

None

### **Related Town Goal**

Quality of Life and Economic Development/Land Use Planning

### **Recommended Action**

Approve Application 2019-707

**DRAFT---FOR APPROVAL**

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

ZONING APPLICATION # 2019-707  
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:** with Matthews Land Use plan. The proposed change of conditions allows the YMCA to relocated sports fields that are to be removed as a result of the construction of a new I-485 interchange. The rezoning is consistent with the Land Use Plan as it allows for the continued R/I usage of property that is specifically referenced in the Matthews Land Use Plan

**REASONABLE:** The rezoning is reasonable as it provides for a similar number of sports fields as currently exists while providing screening and limits on lighting and sound to mitigate the impact to adjoining residential properties.

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OR

**DRAFT – FOR DENIAL**

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:** The rezoning is inconsistent with the Land Use Plan as it would create noise and light pollution to adjoining properties in a way inconsistent with the action items in the Land Use Plan.

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**NOT REASONABLE:** The rezoning is not reasonable as it removes the existing undeveloped area and places high activity sports fields at a close distance to residentially used properties.

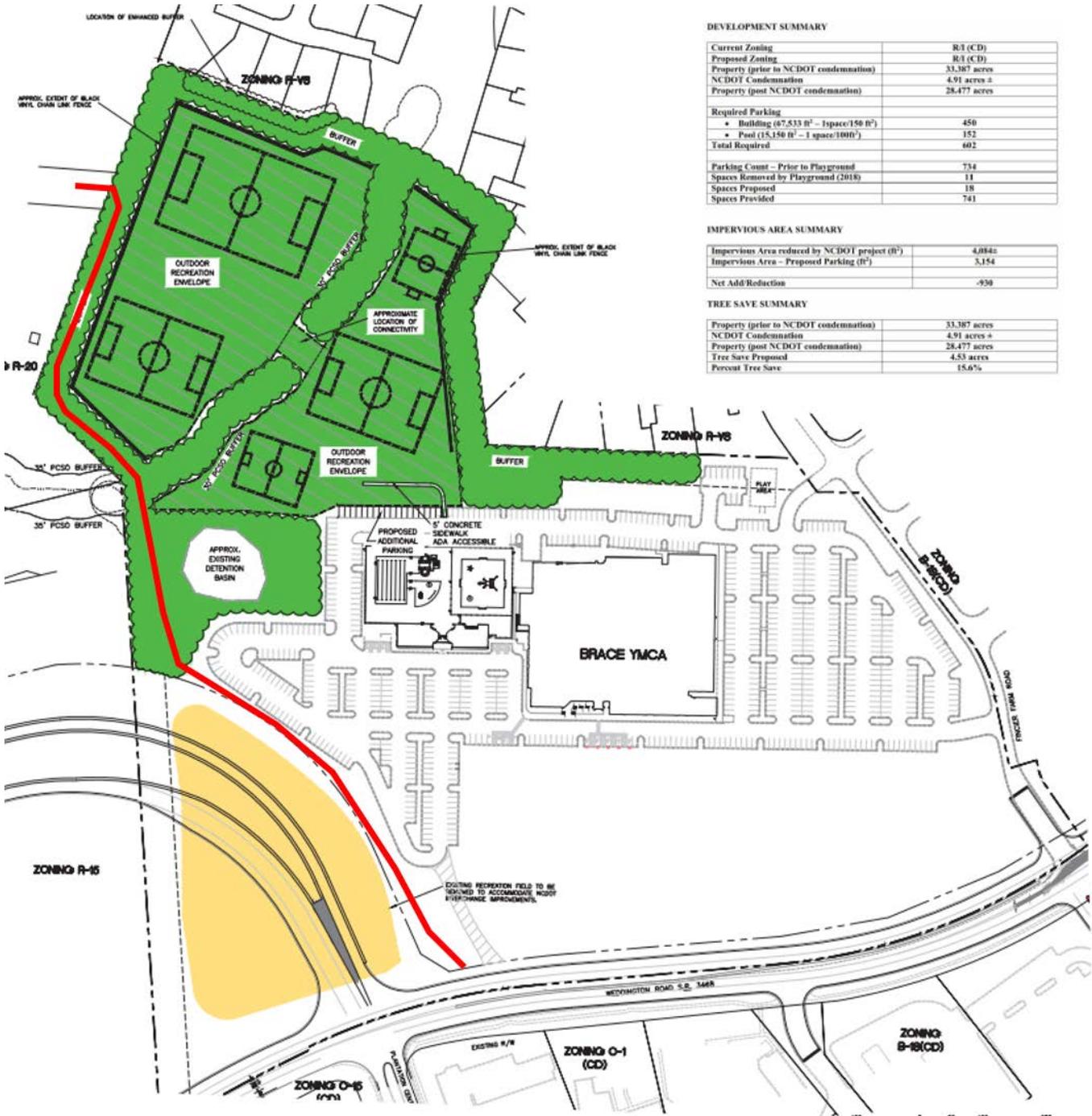
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*(In each case, the Statement must explain why the Board deems the action reasonable and in the public interest (more than one sentence). Reasons given for a zoning request being “consistent” or “not consistent” are not subject to judicial review.)*

Date: February 10, 2020

**Alternate Trail Easement Location (Denoted as red line)**



**DEVELOPMENT SUMMARY**

Current Zoning	R-1 (CD)
Proposed Zoning	R-1 (CD)
Property (prior to NCDOT condemnation)	33.367 acres
NCDOT Condemnation	4.91 acres ±
Property (post NCDOT condemnation)	28.477 acres
Required Parking	
• Building (67,533 ft <sup>2</sup> – 1 space/150 ft <sup>2</sup> )	450
• Pool (15,150 ft <sup>2</sup> – 1 space/100 ft <sup>2</sup> )	152
Total Required	602
Parking Count – Prior to Playground	734
Spaces Removed by Playground (2018)	11
Spaces Proposed	18
Spaces Provided	741

**IMPERVIOUS AREA SUMMARY**

Impervious Area reduced by NCDOT project (ft <sup>2</sup> )	4,084
Impervious Area – Proposed Parking (ft <sup>2</sup> )	5,154
Net Add/Reduction	-930

**TREE SAVE SUMMARY**

Property (prior to NCDOT condemnation)	33.367 acres
NCDOT Condemnation	4.91 acres ±
Property (post NCDOT condemnation)	28.477 acres
Tree Save Proposed	4.53 acres
Percent Tree Save	15.6%

## DEVELOPMENT STANDARDS

~~January 21~~ February 3, 2020

### **1. GENERAL PROVISIONS**

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by Young Men’s Christian Association of Greater Charlotte (the “Applicant”) for an approximately 33.887 acre site located on the northeast corner of the intersection of Weddington Road and Fincher Farm Road, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the “Site”). The Site is comprised of Tax Parcel No. 227-562-01.
- B. The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the Town of Matthews Unified Development Ordinance (the “Ordinance”). Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the R/I zoning district shall govern the use and development of the Site.
- C. The Brace Family YMCA is located on the Site. Pursuant to this Rezoning Application, the Applicant is requesting a change of conditions to the approved R/I (CD) conditional rezoning plan for the Site to accommodate the replacement of an existing athletic field on the Site with two new athletic fields in a different location on the Site that together will be approximately the same size as the existing athletic field being replaced. The replacement of the relevant athletic field is required because the North Carolina Department of Transportation (“NCDOT”) is condemning and acquiring the relevant athletic field in connection with NCDOT’s interchange project. The change of conditions will also accommodate additional on-site parking spaces in close proximity to the two new athletic fields.
- D. The development depicted on the Rezoning Plan is intended to reflect the arrangement of proposed uses on the Site but the final configuration, placement and size of individual site elements may be altered or modified within the limits prescribed by the Ordinance and the standards established by the Rezoning Plan and these Development Standards during the design development and construction phases.
- E. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner or owners of the Site in accordance with the provisions of Chapter 4 of the Ordinance. Minor alterations or changes to the Rezoning Plan and/or these Development Standards are subject to Section 155.401.5 of the Ordinance.

### **2. PERMITTED USES**

- A. The Site may only be devoted to a Young Men’s Christian Association facility (or a facility operated by a comparable organization) that contains, among other things, indoor

and outdoor recreational uses, and to any incidental or accessory uses in connection therewith that are permitted in the R/I zoning district.

**3. MAXIMUM GROSS FLOOR AREA**

- A. A maximum of 82,000 square feet of total heated gross floor area may be located on the Site. The maximum 82,000 square feet of total heated gross floor area includes the 11,000 square foot expansion area previously approved for the Site.

**4. DIMENSIONAL STANDARDS**

- A. The development of the Site shall comply with the applicable dimensional standards of the R/I zoning district.
- B. The Brace Family YMCA is an existing facility on the Site. Therefore, to the extent that any existing uses, structures or buildings located on the Site do not meet the dimensional standards of the R/I zoning district, any such uses, structures or buildings will be considered to be legal, non-conforming uses, structures or buildings.

**5. ARCHITECTURAL AND DESIGN STANDARDS**

- A. Attached hereto are schematic architectural renderings of the elevations of the proposed 11,000 square foot building expansion and these schematic architectural renderings are intended to depict the general conceptual architectural style and character of the proposed building expansion. Accordingly, the proposed building expansion shall be designed and constructed so that it is substantially similar in appearance to the attached schematic architectural renderings. Changes and alterations which do not materially change the overall conceptual architectural style and character are permitted based upon final design/construction drawings.
- B. The maximum height of any building located on the Site shall be 40 feet.
- C. The two new athletic fields to be located within the outdoor recreation envelope on the northeast portion of the Site may each contain, from time to time, youth soccer fields. A conceptual layout of the youth soccer fields is depicted on the Rezoning Plan. Notwithstanding the conceptual layout, the layout, sizes and locations of the youth soccer fields on the two new athletic fields may be changed by the Applicant.
- D. Pedestrian access from the parking lot on the Site to the two new athletic fields to be located within the outdoor recreation envelope shall be provided. Set out on the Rezoning Plan is a schematic depiction of a pedestrian connection from the parking lot on the Site to the two new athletic fields to be located within the outdoor recreation envelope. The actual location of this pedestrian connection may be modified or revised during the design development and construction phases, and it may be modified or revised thereafter by the Applicant.

## 6. SCREENING, LANDSCAPING AND BUFFERS

- A. Screening, landscaping and buffers shall conform to the standards of the Ordinance.
- B. The Site shall comply with the tree preservation requirements of the Ordinance. Tree preservation areas may occur in the areas generally depicted on the Rezoning Plan.
- C. A minimum 50 foot wide buffer shall be established along those portions of the Site's boundary lines that are more particularly depicted on the Rezoning Plan. This minimum 50 foot wide buffer shall remain undisturbed, provided, however, that Applicant may install supplemental trees and shrubs within this minimum 50 foot wide buffer.
- D. In those areas of the 50 foot wide buffer where the existing trees and shrubs do not meet the site perimeter screening requirements of Section 155.606.6 of the Ordinance, Applicant shall install supplemental trees and shrubs to bring such areas into compliance with the site perimeter screening requirements of Section 155.606.6 of the Ordinance.

E. Notwithstanding paragraph D above, that portion of the 50 foot wide buffer located adjacent to those parcels of land designated as Tax Parcel Nos. 227-172-26, 227-172-27 and 227-172-25 shall meet the tree and shrub standards set out on the Rezoning Plan. These tree and shrub standards exceed the requirements of Section 155.606.6 of the Ordinance.

F. Applicant shall install a minimum 6 foot tall, black, vinyl coated, chain link fence within the outdoor recreation envelope as depicted on the Rezoning Plan. Applicant ~~shall~~may, at its option, install and maintain a green windscreen on the 6 foot tall, black, vinyl coated, chain link fence that has a 90% privacy factor. A picture of the green windscreen product is set out on the Rezoning Plan.

## 7. TRANSPORTATION AND PARKING

- A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by the Town of Matthews and/or NCDOT.
- B. Vehicular parking shall be provided on the Site in accordance with the requirements of the Ordinance.
- C. The alignments of the internal drives and parking areas to be located on the Site are subject to any minor modifications or alterations required during the design development and construction permitting processes.
- D. Applicant shall designate and reserve a minimum of 25 parking spaces that are located in closest proximity to the entrance into the expansion area located on the south elevation thereof (exclusive of handicap parking spaces) for use solely by families with small

children. The Applicant shall install appropriate signage to designate and reserve the parking spaces as described above.

- E. The proposed new parking spaces and the associated new drive aisle depicted on the Rezoning Plan shall be paved.
- F. The existing, northernmost vehicular access point on Weddington Road for the Site will be eliminated in connection with NCDOT's interchange project.

## **8. LIGHTING**

- A. All outdoor lighting installed on the Site after the approval of this Rezoning Application shall comply with the applicable requirements of the Outdoor Illumination provisions of the Ordinance set out in Section 155.609 thereof. Any existing outdoor lighting on the Site shall not be required to comply with the requirements of the Ordinance.
- B. The outdoor athletic field lighting fixtures to be installed to illuminate the two new athletic fields to be located within the outdoor recreation envelope on the northeast portion of the Site shall comply with Section 155.609.10.C of the Ordinance.
- C. The mounting height of the outdoor athletic field lighting fixtures to be installed to illuminate the two new athletic fields to be located within the outdoor recreation envelope on the northeast portion of the Site shall not exceed 50 feet from finished grade.
- D. The hours of operation for the outdoor athletic field lighting fixtures to be installed to illuminate the two new athletic fields to be located within the outdoor recreation envelope on the northeast portion of the Site shall not exceed 8:00 AM to 9:00 PM.
- E. Set out on the Rezoning Plan is a conceptual layout of the outdoor athletic field lighting fixtures to be installed to illuminate the two new athletic fields to be located within the outdoor recreation envelope on the northeast portion of the Site. Minor adjustments or alterations to the locations of the outdoor athletic field lighting fixtures shall be permitted during the design development and construction document phases.

## **9. SIGNS**

- A. Any new signs installed on the Site shall comply with the requirements of the Ordinance.

## **10. SOUND AMPLIFICATION**

- A. Outdoor sound systems or other types of sound amplifiers may not be utilized within the outdoor recreation envelope.

## **11. BINDING EFFECT OF THE REZONING APPLICATION**

- A. If this Rezoning Application is approved, all conditions applicable to the development and/or use of the Site imposed under this Rezoning Plan will, unless amended in the

manner provided under the Ordinance, be binding upon and inure to the benefit of Applicant and the current and subsequent owners of the Site and their respective successors in interest and assigns. Throughout these Development Standards, the terms, "Applicant" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Applicant or the owner or owners of the Site from time to time who may be involved in any future development thereof.