Agenda Item: Zoning Motion 2021-745, UDO Text Amendment to the ENT-O

DATE: February 14, 2022
FROM: Darin Hallman, Planner

Background/Issue:

- The applicant is proposing changes to the residential to commercial ratios set within the Entertainment District Overlay District (ENT-O). The current text limits the number of residential units that may be built until at least 40,000 sq feet of commercial space is built.

- The text provides four changes. A definition of new commercial space. An exemption to the required ratio, and two expressed clarifications

- The definition would clarify that the new commercial is anything built after the adoption of the ENT-O.

- The exemption would allow additional residential projects if they included some commercial space with the project. The commercial aspect would need to be both at least 500 square feet per acre of the project and at least 25 square feet of commercial space per dwelling unit

- Clarification is provided that, once the 40,000 square feet is met, no new commercial space would be required, and that the commercial space under construction does not need to be occupied to count toward the 40,000 sq.ft.

Proposal/Solution:

The Policy Statement on the Family Entertainment District does state:

“To provide a guideline for how development can initially begin as multiple separate projects by separate individuals, the following ratios of residential to commercial are offered. It is understood that the exact amounts listed here may not work as a result of separate projects within the neighborhood, but they provide a clear example of the maximum amount of either residential or commercial development that should take place before the other also is provided within the area.”

Related Town Goal(s) and/or Strategies:

Quality of Life
Economic Development/Land Use Planning
Policy Statement on the Family Entertainment District
Family Entertainment District (Small Area Plan)

Recommended Motion/Action:

Hold the public hearing on the attached text change
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 the sole or primary activity in excess of 70,000 square feet) shall be allowed. Hotels/conference centers and movie theaters 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)
   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.
Residential to commercial ratios: no more than 600 dwelling units are to receive construction permits until at least 40,000 square feet of new commercial space is under construction or completed within the District. “New commercial space” as used herein shall be defined as commercial space constructed or under construction in the ENT District after the date on which the ENT-O District was adopted. Notwithstanding the foregoing, a project may receive construction permits and certificates of occupancy for dwelling units prior to the date on which 40,000 square feet of new commercial space has been completed or is under construction in the District if such project includes not less than (1) an average of at least 500 square feet of new commercial space per acre of the project and (2) an average of at least 25 square feet of commercial space per residential unit of the project. When a total of 40,000 square feet of new commercial space has been constructed or is under construction there shall be no further requirement for new commercial space prior to issuance of construction permits for dwelling units. For all purposes herein, new commercial space shall be required to be completed or under construction, but it shall not be required to be occupied in the calculation of the residential to commercial ratio.
3) Residential to commercial ratios: no more than 600 dwelling units are to receive construction permits until at least 40,000 square feet of new commercial space is under construction or completed within the District.

   a) "New commercial space" as used herein shall be defined as commercial space constructed or under construction in the ENT District after the date on which the ENT-O District was adopted.

   b) Notwithstanding the foregoing, a project may receive construction permits and certificates of occupancy for dwelling units prior to the date on which 40,000 square feet of new commercial space has been completed or is under construction in the District if such project includes not less than:

      (i) an average of at least 500 square feet of new commercial space per acre of the project, and;

      (ii) an average of at least 25 square feet of commercial space per residential unit of the project.

   c) When a total of 40,000 square feet of new commercial space has been constructed or is under construction there shall be no further requirement for new commercial space prior to issuance of construction permits for dwelling units.

   d) For all purposes herein, new commercial space shall be required to be completed or under construction, but it shall not be required to be occupied in the calculation of the residential to commercial ratio.

*Underline red shows new text*
Policy Statement on the Family Entertainment District
Consistent, and Coordinating with, the ENT Zoning District Standards
and the Family Entertainment District Small Area Plan

Adopted by Matthews Board of Commissioners 2-23-15

The following policy statement is being adopted separate from the Small Area Plan so that elements within it can be amended on a case-by-case basis as new information is brought forward to justify a change. The policies outlined here reflect the consensus of the Matthews Town Board of Commissioners, following considerable review and opportunity for public input. As development plans may be proposed that do not conform to the parameters given within this policy statement, the applicant may provide a written justification to Planning staff and Town Board outlining the reasons why the particular proposal meets the established vision for the new neighborhood even while not attaining the specific elements of this policy. Town Board may choose to revise the policy and allow the development proposal to move forward on a case-by-case basis.

BACKGROUND
The Matthews Board of Commissioners met on Monday January 5, 2015 to begin discussing various policy statements they may wish to endorse to best capture the vision for the anticipated new mixed use neighborhood adjacent to the regional Sportsplex. A public input session was held on Feb 2, 2015 asking for opinions on five topic areas.

Many policy parameters for this location have already been formally put into place through the new ENT Family Entertainment zoning district in the UDO and through the Family Entertainment District Small Area Plan. These additional policies are intended to further clarify how the goals and standards already in effect should best be accomplished.

Some of these policies are being included here because there is no “master developer”. If this was being done as a completely private development project, the master developer team would be identifying the specific approach to branding/name/logo design parameters, the phasing of development within the overall area to assure a beneficial ratio, and early preparation for future parking conversion opportunities.

POLICY STATEMENT
The intent of this combined policy statement is: to create a vibrant and unique new area within Matthews rather than another “shopping center”; protect the economic health and development of the downtown area; and, to provide guiding parameters for both immediate development sites and long-term viability for property owners, businesses, residents, and the Town.

Maximum “Big Box” Retail
The Town’s intent therefore is to create the environment for a mix of businesses, especially those with a related recreation and entertainment theme or focus, along with an appropriate ratio of residential, civic/service, and employment opportunities to build a fully-functioning and generally self-sustaining neighborhood.

The Town recognizes that however this area first starts developing will significantly set the tone for additional buildings and uses. To accomplish the mixed use urban neighborhood as an end result, no single big box retail establishment (merchandise sales as sole or primary/significant activity) should be greater than 70,000 square feet. Most other nonresidential structures housing a single use generally are not anticipated to be greater than this size as well. Hotels with conference centers and movie theaters are specifically exempted from this size limitation; however other single establishments that include a significant portion of their overall business operation as sales of merchandise but also offer substantial non-sales activities that promote recreation or
entertainment opportunities to residents and visitors to the area, may provide their request to Town Board for a case-by-case exception to this policy.

For single-use larger structures which are allowed by Town Board, their footprint size in relation to surrounding developed or anticipated buildings must be accommodated so that there is a relative and comfortable symmetry, as outlined in the ENT provisions at 155.503.8.C.2. and F.6. Multiple ground floor entrances, different architectural details, step-backs of sections of the front wall, public realm spaces, and/or pedestrian through-building connections will likely be necessary to create the sense of multiple smaller buildings.

Commercial buildings greater than 70,000 square feet should be designed to be able to be easily converted to separate first floor businesses at some point in the future as mentioned in 155.503.8.G.1, and the architecture should reflect such future separate business spaces.

**Guideline for Residential and Commercial Land Use Ratios**

The first phase of the Sportsplex, comprised of five artificial turf fields, a new entrance street and related parking, was opened for use in 2013. Mecklenburg County is now in the process of building the second and final phase of the Sportsplex. Already the regional park facility has drawn large crowds for practice and tournament play of soccer, lacrosse, rugby and similar field sports, with the number of attendees often exceeding the amount of available on-site parking. The Sportsplex connector street will extend into the private land adjacent to the park, therefore creating incentive for new development to commence on that privately-owned area designated for a new mixed use neighborhood.

There is also road frontage along Matthews-Mint Hill Road that could be coveted for initial development locations, or newly-added frontage if a section of Independence Pointe Parkway is built into the new neighborhood.

How that initial development is configured will set the tone for the entire new neighborhood, so it is critical that there is a required ratio of land uses to be built within the neighborhood from the start. Therefore a maximum residential-to-commercial construction is provided, as well as a maximum commercial-to-residential.

To provide a guideline for how development can initially begin as multiple separate projects by separate individuals, the following ratios of residential to commercial are offered. It is understood that the exact amounts listed here may not work as a result of separate projects within the neighborhood, but they provide a clear example of the maximum amount of either residential or commercial development that should take place before the other also is provided within the area.

If a proposed project site within the new neighborhood desires to get Town Board approval early in the build-out process and it would exceed one of these parameters, that project request may be brought to Town Board with a written justification on why it would be a good addition to the area at that particular time of build-out, and explain how it would not overload one land use sector in the neighborhood to the detriment of the greater vision of the mixing of land uses. Town Board may at that time determine whether to amend the specific ratios listed here.

**Residential to Commercial ratio guideline:** No more than 600 dwelling units should receive building permits for construction until at least 40,000 square feet of commercial is under construction or completed. More than 40,000 square feet of nonresidential construction is allowed in this initial phase. This “commercial” allocation should ideally include an assortment of small shops, restaurants, services, and employment sites. The “commercial” in place at the time the 601st residential unit is issued a building permit must not be one establishment, and preferably not only two businesses, so that the loss of one establishment will not create a significant/total loss of commercial activity.