

**PLANNING BOARD
APPRECIATION DINNER
TUESDAY MAY 23, 2017
6:00 PM
JORDAN ROOM, MATTHEWS TOWN HALL**

**PLANNING BOARD
REGULAR MEETING
TUESDAY MAY 23, 2017
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES – March 28, 2017
- III. ZONING MOTION 2017-1 – Various Text Amendments to the UDO
- IV. PRESENTATION OF YOUTH VOICE PROJECT – Matheus Sadovsky
- V. ADJOURNMENT

**MINUTES
PLANNING BOARD
TUESDAY, March 28, 2017
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chair Barbara Dement, Members Kress Query, David Wieser, Kerry Lamson, Gregory Lee, Michael Ham, and Jana Reeve; Alternate Members Mike Foster and Raymond Poyner; Town Attorneys Charles Buckley and Craig Buie; Youth Voice Peyton Gate; Planning Director Kathi Ingrish, Senior Planner Jay Camp, Administrative Assistant/Deputy Town Clerk Shana Robertson.

ABSENT: Youth Voice Matheus Sadovsky

CALL TO ORDER

Chairman Barbara Dement called the meeting to order at 7:01 pm.

Chairman Dement welcomed new alternate member Raymond Poyner. Mr. Poyner introduced himself to the Board adding that he moved to Matthews nine months ago and had prior Planning Board experience in Kentwood, Michigan.

APPROVAL OF THE MINUTES

Kress Query motioned to approve the minutes of the February 28, 2017 meeting as submitted. Seconded by Michael Ham and the motion was unanimously approved.

ZONING APPLICATION 2016-654 – Ridge Ministries, 1021 Matthews-Mint Hill Rd and 10835 Independence Pointe Parkway, from B-H(CD) and B-1 to B-1(CD)

Senior Planner Jay Camp reviewed the updates Ridge Ministries had made after the public hearing. Mr. Camp said the petitioner had agreed to widen the sidewalk along Matthews-Mint Hill from eight to ten feet. He said the parking area along Independence Pointe Parkway had been removed from the site plan but the parking will remain until future widening work on Independence Pointe Parkway. Internal connection between the site and adjacent business is being removed allowing one of the two large oak trees to be saved and shifting the detention pond towards Independence Pointe Parkway. Mr. Camp said that there was a commitment from the applicant to dedicate .17 acres of the right of way for the road project. He added that other updates include new elevations showing 44% to 71% masonry.

Kerry Lamson asked if the current entrance would change. Mr. Camp said that the driveway will be removed when the new driveway is added as discussed at the public hearing.

Mr. Query asked if the right of ways were dedicated or reserved for the future road project. Mr. Camp clarified by saying there were two different areas, the 15 feet on Independence Pointe Parkway would be reserved for acquisition and the .17 acres at the corner would be dedicated at time of construction. Construction designs have not been received by the State at this time.

Mr. Poyner asked if the question regarding the property line at Matthews-Mint Hill road was addressed. Planning Director Kathi Ingrish said that it was not known at this time what the correct line is.

Chip Cannon of Urban Design Partners, 1318 Central Ave, Charlotte, NC 28205 was available to answer questions.

Mr. Query asked if there was reasoning to why both future right of ways were not dedicated. Mr. Cannon stated that it is unknown where the alignment will be located. What had been designated as dedicated right of way was based on limited information received from the Town and from NCDOT. Mr. Cannon stated that he had spoken to Scott Cole with NCDOT but there were no design updates to date. Mr. Query asked if the reserved area could be dedicated instead and Mr. Cannon said that he would consult his client for consideration. Mr. Query said that he would be comfortable if the petitioner chose to dedicate both right of ways because it is not known what the road design would be. He added that what was not used would go back to the church.

Mr. Query asked if a time schedule on phases could be supplied. Mr. Cannon shared that phase 1-A would start 6 to 12 months after zoning approval and would include internal building improvements and interior design in buildings 1 and 2 (existing church and Saviour buildings). Phase 1-B would start 6 to 12 months after completion of phase 1-A and would include site work to accommodate the new catering building, the reconfigurations and improvements of the parking lot, relocation of driveway on Independence Pointe Parkway, installation of landscape and front site improvements. This phase may also include cosmetic exterior improvements to the two existing structures. Phase 2-A would begin 12 to 24 months after completion of phase 1-B and contingent on financing. This phase would include the new addition to the south end of the existing church facility and a portion of the site amenities. Phase 2-B would begin 12 to 24 months after completion of phase 2-A and contingent on financing. This phase would include a new auditorium, new lobby, additional educational spaces, and the completion of site amenities. Ms. Dement clarified that this could be a three to five year project and Mr. Cannon said that was correct.

Mr. Cannon reviewed the updated site plans and elevations including the west elevation from Independence Pointe Parkway that was requested by Town Council.

Mr. Query asked if materials were at least 50% brick. Mr. Cannon said that the west elevation facing Independence Pointe Parkway was 71.86% masonry, 58.21% masonry from Matthews-Mint Hill Road, North elevation shows 65.36% masonry, and parking lot side is 44.76%.

Mr. Query asked if the church would be willing to waive their exemption of property tax. Mr. Cannon said that he would need to defer the answer to the Pastor and church representatives. Mr. Query stated that this would be a critical part.

Mr. Ham asked what the use of the current Saviour building would be and Mr. Cannon said that was proposed to be educational rooms, a small church café, and offices.

Mr. Lee asked if the land dedication included proximity damages to the current structure. Town Attorney Charles Buckley said that if structure damage occurs then that cannot be waived due to constitutional right. Mr. Cannon added that in the rezoning conditions, the petitioner would not be constructing anything within that area.

Mr. Ham stated that he agreed with Mr. Query about the tax exempt status. He stated that the petitioner was more than doubling the size of the development and uses. He added that this would cut the tax revenue. Tim Cool spoke from audience stating that they would not waive their tax exempt status. Mr. Cool added that the church already owns most of the property and it is already tax exempt. Mr. Cannon added that the catering business will still occupy some space so that revenue would be there.

Mr. Lamson asked what the setback was from the dedicated line to the new expansion and Mr. Cannon said it was 35 feet per Matthews ordinance.

Mr. Poyner requested clarification on when funding would be available for phase two and if delayed what that might bring. Tim Cool, 4411 Bellwood Ln, Charlotte, NC 28270 stated that any expansion would be contingent on increased income and until the increase in income is received the church cannot commit to more than what is projected. He continued that funding was based on the current growth. Mr. Poyner asked if there was a delay in funding would the plan stay as presented and continue in the future once funding was approved. Mr. Cool said that was the intent.

Mr. Query said that without the exemption of property tax he could not approve.

Mr. Poyner asked if parking requirements were met. Mr. Cool said that they were in compliance and they currently have parking agreements with neighboring businesses.

Ms. Dement questioned the driveway access off of Independence Pointe Parkway and asked if it was possible to relocate the driveway to Matthews-Mint Hill Road. Mr. Cannon said that it may be a safety concern and due to the elevation would not be possible.

Mr. Query motioned to recommend denial due to the loss of revenue to the Town and notwithstanding the fact that it is consistent with the land use plan. Mr. Ham seconded the motion.

Mr. Lamson asked if building one and building two were currently church owned properties and exempt. Mr. Cool said that only building one and the water tower lot that was purchased from the Town were exempt. Mr. Cool said they have a contract to purchase building two and tax exempt status would be applied for with or without approval as it is zoned B-1 which allows their use by right. Mr. Lamson asked where the loss revenue was coming from with a small neighborhood catering business and a parking lot. Mr. Camp said that all zonings undergo an impact analysis and estimated \$2,000 a year tax loss.

Mr. Query asked why they were rezoning what was zoned appropriately. Ms. Ingrish explained that the petitioner was going to a conditional zoning.

Ms. Reeve said that she shared the revenue concern but felt that the time to make that an issue had passed. Tax implication concerns were involved with the sale of the water tower site and during that time is when revenues should have been discussed. Mr. Cool said that the master plan had been the same since the purchase of the water tower site.

Mr. Poyner asked if there were other revenue benefits that the church may bring to the Town. Mr. Cool said that reports and studies had been done that show when a church grows, the local communities don't see any tax loss. Mr. Cool said that data can be provided to the Board if desired.

Mr. Ham said that he felt the project was very nice and well designed. He added that he wanted to recommend approval but worried about the tax loss to the Town.

Mr. Query said that other nonprofits in town have waived their exempt status and this was property related and not church related. He added that with too much nonprofit the Town cannot survive.

Planning Board voted 3 to 4 to recommend denial of the request. That motion did not pass, and no further motion was brought forth. Mr. Lee, Mr. Query, and Mr. Ham were in favor of denial.

ZONING APPLICATION 2016-655 – Lidl/Elizabeth Coffey Outen Trust, 9816 Idlewild Rd, from R-15 to B-1(CD)

Mr. Camp said that no updates were received before the meeting but the applicant had updated information to present.

John Carmichael of Robinson, Bradshaw & Hinson, P.A., 101 N Tryon St, Suite 1900, Charlotte, NC 28246 apologized for not getting updates submitted sooner. He explained that the corporate headquarters were in Germany and it took time to get their approval. Mr. Carmichael reviewed the site, zoning request, and concerns from the public hearing. He continued by addressing the roof color change to a slate grey and passed around a color sample to the Board. Also discussed was the commitment of a sign easement for a Town of Matthews sign and removal of the trellis and seating element. Mr. Carmichael noted that the sign design would be up to the Town. Visuals were presented of road improvements and enhanced landscaping. Mr. Carmichael said that cross easements are being worked on and will be presented to adjacent property owners.

Brian Miller of Bohler Engineering, 1927 N Tryon Street, Charlotte, NC 28203 discussed the landscaping and knee walls that were enhanced to address the Town's concerns. Mr. Miller added that the ten foot wide multi use path will remain.

Ms. Dement stated that she was very happy with the new renderings, loved the landscape, knee walls, Matthews sign, and sidewalk.

Mr. Ham said that he liked what was done with the landscaping. He asked if clarification could be given on the left turn lane from Margret Wallace Road. Mr. Miller said that as part of the Traffic Impact Analysis a left turn lane will

be added to turn strictly into the site. This lane will run 150 feet past the Lidl entrance. Mr. Ham said that would be a great improvement.

Mr. Query asked if the petitioner would consider a standing seam roof and Mr. Carmichael said that it was not in their prototype. Mr. Query asked if there was a major difference in pricing for the two styles. Don Elliot with Gensler & Associates, 214 N Tryon St, Suite 2320, Charlotte, NC 28202 said there was a substantial difference and the design presented is their prototype design that is being replicated across the US. Ms. Dement asked about the durability of the roof and Mr. Elliot said that it is widely used as roofing material and had a 20 year life span.

Mr. Ham said that he liked the roof and thought the building design was interesting.

Mr. Poyner asked if any stores were currently open. Lindsey Lock, the Development Manager for Lidl, Raleigh, NC gave background information on the Lidl Company. She said that at this time there were no stores open but were under construction and scheduled for opening in Summer 2017. Mr. Ham asked if there was a construction timeline and Ms. Lock said there was not at this time.

Mr. Carmichael added that the signage area would be an easement granted to the Town to build and maintain.

Mr. Ham motioned to recommend approval to zoning application 2016-655 as it was consistent with the Town's Land Use Plan, Unified Development Ordinance, and was a reasonable addition to the economic benefit of Matthews. Mr. Query seconded and the motion passed unanimously.

ZONING APPLICATION 2017-656 – Cameron General Contractors, Text Amendment to Create a Parking Requirement for Multi Family Age-Restricted Housing

Mr. Camp informed the Board that applications 2017-656 and 2017-657 were related. The requested Text Amendment would add to the Matthews Unified Development Ordinance (UDO) a parking standard for age restricted multifamily community that was not classified as a CCRC. The proposal is to use the 1.1 spaces per unit standard that is used in the CCRC. Mr. Camp reviewed other Independent living units around Mecklenburg County. Waltonwood Providence has 91 independent apartments but also offered memory care. Their parking ratio is 1.6 spaces per unit. Mr. Camp stated that this is a little higher due to the staffing of the memory care facility. Willow Grove in Mint Hill allows 0.6 spaces per unit. Mr. Camp said that Mallard Creek was undergoing a rezoning that would propose 1.5 spaces per unit. Shads Landing in north Charlotte has a ratio of 0.7 spaces per unit. Mr. Camp said that based on research of the few communities that were strictly independent living the staff recommendation would be to allow the 1.1 spaces per unit.

Mr. Lamson said that issues may arise on how this is defined. He asked if requirements need to be added on age designation. Mr. Camp said that qualifiers could be attached such as age or the shuttle service to the requirement. Mr. Lamson asked what the current parking requirement is that would have to be complied with and Mr. Camp said that it was based on a sliding scale depending on unit size.

Mr. Ham said that he did not like the comparison of independent multifamily and CCRC and agreed with Mr. Lamson that there is a lack of definition. Mr. Camp asked if amenities like shuttle service, dining, salons would help as qualifiers in showing that residents would be driving less. Mr. Ham said that it would depend on the availability of the shuttle service. Ms. Dement said that in active communities the shuttle and drivers have a weekly schedule. She added that her concern was with couples with two vehicles that still drive a lot. Ms. Dement added that the proposed independent living site would not have as much staff as a CCRC.

Mr. Query said that if the Town is to change the UDO text that more research needed to take place. He added that the size of the units should also be accounted for and not just the unit count.

Ms. Dement stated that the text amendment would change all age restricted locations for Matthews.

Ms. Reeve said that this company had built this type of development all over country and are marketing to a certain clientele. She felt they were familiar with these requirements.

Mr. Lamson said that he felt the description was inadequate.

Ms. Dement asked if any of the examples that Mr. Camp previously gave had similar amenities. Mr. Camp said that Willowgrove at 0.6 seemed to be the closest with a large dining hall, movie theater, and garage storage. Ms. Dement asked if the count given included resident, staff, and visitor parking and Mr. Camp said it did not and those are not broken out separately.

Mr. Query said that he agreed with the others that the text wording needed to be studied and defined better and he did not feel the parking count was enough.

Ms. Ingrish stated that the applicant was available for questions.

Mr. Bob Lewis with Camron General Contractors, 8040 Eiger Drive, Lincoln, NE 68516 stated that many of the people that move into their communities are people who had lost spouses or driving privileges. He said that additional bedrooms and rented garage space were mostly used for resident storage. Mr. Lewis said that the shuttle service had a full time driver that was dedicated to residential transportation both scheduled and unscheduled and that with the average parking requirements for their existing properties was 1.25 per unit. He added that the independent use is new and surveys had been done regarding parking. He said on average utilized parking was shown to be 0.41 spaces per unit count and he presented the Board with aerial photos of existing facilities to demonstrate parking. He suggested maybe adding amenities to the text that would need to be in place. Amenities in place at the proposed site include three meals per day, 24 hour shuttle service, hair salon, bank, gift shop/pharmacy, and fitness professionals all to accommodate those who don't drive.

Mr. Ham said that he would like to see an aerial taken at 10:00 pm.

Mr. Query said that he felt the wording and research needed more study. Ms. Dement said that she could support amending the text to add offered amenities. Mr. Ham said he also felt it needed more background information.

Mr. Query asked what the parking count would be if they were falling under the multifamily requirement. Mr. Camp said he did not have the unit size and could not calculate.

Mr. Lamson motioned for a ten minute recess and Mr. Ham seconded the motion. Recess was taken at 8:56pm

Meeting resumed at 9:07pm

Mr. Camp said that during recess he calculated that the applicant would need to have 1.8 parking spaces based on unit size if placed under the current multifamily parking requirement. He added that in the recommendation, staff would be comfortable with referencing the CCRC and amenities required to use the ratio.

A motion by Mr. Ham to recommend disapproval citing that not enough information was available to define the text amendment and it was not consistent with Land Use Plan and UDO. Mr. Lamson seconded and added that he believed the current text was inadequate and the Town needed something in place and better defined. The motion to deny passed unanimously.

ZONING APPLICATION 2017-657 – Resort Lifestyle Communities/Williams Business Properties, 1700 Weddington Rd, from R-15 to R-12MF(CD) and R-15

Mr. Camp briefed the Board on updates since the Council hearing. The applicants had agreed to grant an easement for future greenway development and committed to protect the creek during construction. Façade will include 50% brick. Mr. Camp continued that the air conditioning units will not face the street and are not hotel style units. Mr. Camp stated that the applicant had agreed to use the Fire Chief's recommended MFPA 13R sprinkler system in the building wings and using the NFPA13 in the core building. Anticipated calls for service were revised by Chief Kinniburgh to 50 calls for service for Fire and EMS.

Mr. Lamson asked Mr. Camp why a waiver for a traffic study was granted. Mr. Camp said that for traffic studies they use an ITE number that is a traffic engineering standard. This is a land use code for how many trips per day a use generates. Mr. Camp said that the age restricted use had lower trip generation of one car per peak hour more than what the current zoning would allow in single-family development. Mr. Camp said that the property was zoned R-15 with no conditions so it could be built out as a 400 seat capacity church or 23 single family homes by right.

Mr. Lewis said that he is committed to 50 to 55% brick and hardy plank. He added that his company are the owners and operators of the property and build for a long service life. Mr. Lewis said that they will commit to building the trail by continuing from the NCDOT portion at Trade Street and travel to Weddington Road. Mr. Lewis reviewed traffic concerns by stating that age restricted communities are a low generator of traffic in the AM/PM peak hours because the residents don't work or take kids to school. He added that there are 35 fulltime employees with shifts staggered throughout day. Mr. Lewis said that all residential units have traditional air conditioning units. Ten PTAC units are connected to the building drainage system and are located in common area stairwells.

Mr. Query asked where air units were housed and Mr. Lewis said that the compressors were built into the apartment with a vent for air exchange. He added that each unit had their own water heater, furnace and air conditioning units.

Ms. Dement asked if there were plans for lights or rest areas along the greenway and Mr. Lewis said that they have not yet started the detail design.

Mr. Ham asked where the closest development with two or more stories was located. Mr. Lewis said that the property sits seven to eight feet below the existing roadway and surrounded by single family detached homes with a 500 foot buffer.

Mr. Lamson said that this proposed plan was a great solution for the site but asked about the greenway placement within the SWIM buffer. Mr. Lewis said that there will be permitting required for protecting the stream and wetlands and he said his company is committed. Mr. Lamson asked about the elevation and water runoff and Mr. Jason Dolan of Bloc Design, 1310 S Tryon Street, Suite 111, Charlotte, NC 28203 said that they would meet the detention and water quality requirements. There will be an underground detention facility located in the parking area and off site storm drainage that is being piped around the building and emptied in the same location.

Mr. Lamson asked how many parking garages and parking spaces were provided. Mr. Dolan said there was a total of 156 including garages.

Mr. Lewis said this project would have an annual tax revenue of \$77,000 with no impact on schools.

Mr. Lamson liked this application and its use on a difficult property but had concerns about the three story height at the corner of Trade and Weddington and had concerns about the parking.

Ms. Dement said that this would fill a need in the community and she felt the building and greenway were attractive.

Mr. Lamson asked Mr. Camp if 1.8 was the parking factor that would be applied with the current UDO and calculate to around 240 parking spots. Mr. Camp said that was correct if being compared to an apartment style use. Mr. Lamson asked the applicant if the parking could be adjusted and Mr. Lewis said that it could not due to difficulties of the site.

Mr. Ham recommend denial of zoning petition 2017-657 as presented, as it was not consistent with the current UDO and Land Use Plan based on parking requirements. Mr. Lamson seconded and the motion to deny passed unanimously.

ZONING APPLICATION 2017-658 – Matthews Event Center/Four Lakes LLC, 1201 Four Lakes Dr and 10720, 10728, and 10736 Forest Dr, from BD(CD) and R-15 to B-1(CD)

Mr. Camp reviewed the revised parking showing 52 spaces, up from 42 on site. Also revised was the dumpster location, a six foot privacy fence between residential homes, and landscaping. Mr. Camp said that Mr. Lamson had questioned the Town's Noise Ordinance. Mr. Camp explained that the Police department administers the Noise

Ordinance and he had information for the Board that was obtained from Matthews Police Chief, Rob Hunter. Mr. Camp reviewed the decibel requirement for night time uses for business establishments. He said that Sunday through Thursday from 8 am to 9 pm it would be 85 decibels measured at the property line, after 9pm and to 2am it would be 60 decibels measured at the property line. On Friday and Saturday from 8 am to 11 pm it would be 85 decibels measured at the property line, after 11pm and to 2am it would be 60 decibels measured at the property line. Mr. Camp added that this is a wedding style event center with live music or DJ services.

Ms. Dement asked about the light pollution and Mr. Camp said that the applicant would have to adhere by the Town's outdoor lighting regulations.

Mr. Lamson asked Mr. Camp what the distance was from the outdoor pavilion to the closest residential property. Mr. Camp said that it was around 300 feet. Mr. Lamson said that it was his understanding from the Noise Ordinance that you could not be closer than 300 feet to any R-15 land use regardless of application. He added that he wished to ask the applicant about hours of operation for the night time events.

Ms. Reeve asked what traffic on US74 noise decibel was measured. Mr. Camp said that ambient noise is tough to measure.

Mr. Chip Cannon said that the applicant did commit to the privacy fence and to work with the Public Works department to install up to four no parking signs, a speed table along Forest Drive, and no left turn signs at the site exit. A shared parking agreement is being worked on with the business across the street for overflow. Attendance had been lowered to 150 people maximum and will be increased to 200 once shared parking is agreed upon. Mr. Cannon said that in accordance with the Noise Ordinance, an agreement could be made with the applicant to limit use of the outdoor area to specific times.

Mr. Weiser asked if the onsite 52 parking spaces would be enough for 150 persons per event and Mr. Cannon said that it met and exceeded the Town parking requirements.

Mr. Ham asked what types of events were anticipated at the site. Mr. Cannon said it would be used for weddings, class reunions, corporate retreats, birthday parties, social events, Boy Scout functions.

Mr. Lamson asked if special permitting would be needed for the beer and wine tasting room. Mr. Cannon said that it was looked at as an option and permitting would be obtained. Mr. Lamson asked about delivery trucks, event tables, chairs, and storage. Mr. Cannon said some items will be available in onsite storage, there will be a prep kitchen for caterers, and small box truck delivery.

Mr. Lamson motioned to recommend approval subject to getting answers on the Noise Ordinance application on amplified music as the application is consistent and reasonable with the Matthews Land Use Plan. Ms. Reeve seconded the motion and it passed unanimously.

ZONING APPLICATION 2017-659 – Viking Partners Matthews Corners, 2308 Matthews Township Pky, to Revise B-1SCD Conditions on Size and Site Plan of Retail Center

Mr. Camp presented the Board with the updated site plan and elevations. He reviewed the site and the changes in the color palate, the increased landscaping, and the addition of red brick in place of the previously submitted grey. Mr. Camp said that the applicant also committed to changing the side elevation facing Northeast Parkway and is also committed to adding a left turn lane, and sidewalk at time of permitting or can do a fee-in-lieu due to the Northeast Parkway DOT projected construction.

Mr. Lamson asked if there was any information about the other outparcel that was proposed. Mr. Camp said that was a speculative building and would require approval by Town Board.

Keith MacVean with Moore & VanAllen PLLC 100 N Tryon Street, Suite 4700, Charlotte, NC 28202 reviewed the 19 acre property and past approved rezoning. He stated that the current application for rezoning would add a total of 38,000 additional sqft and would bring the total to just over 200,000 sqft. Mr. MacVean showed the Board the

additional landscaping locations for screening of the parking behind the Marshall's building and screening against Northeast Parkway. He continued by reviewing the fee-in-lieu option for the possible five years before the State starts construction on Northeast Parkway. Improvements to pedestrian connectivity have been added from the Academy Sports location to the Marshall's building with a six foot raised sidewalk with a four foot landscape area. Mr. MacVean said that the discussed pedestrian connection from Northeast Parkway along Matthews Township Parkway could not be committed to at this time due to the large ditch section along the road. He reviewed the revised elevations that showed red brick in place of the grey. Mr. MacVean said the front is 40% brick and the side is 46%.

Ms. Dement asked if the new landscaping in the parking lot would have any type of irrigation, Mr. MacVean said that it would not.

Mr. Weiser asked if the elevations were the same as what was being constructed in Rock Hill, SC. Mr. John Keen said that he had not seen the store there but the branding, floor layout and finishings would be the same.

Mr. Query asked if the applicant could raise the percentage of brick to 50. Mr. Keen said that raising the amount of brick used would not give the contrast and visual variety. Image of other buildings in the Matthews Corner development were shown with portions of brick.

Mr. Ham said that a lot of what was discussed during the public hearing had been addressed. He said that the landscaping for the side of the building looked very good and he was glad that a strong retailer would be moving into the HH Gregg abandoned location to revive the shopping center.

Ms. Reeve asked if there was a way to add a stop sign or a painted stop bar in the parking lot area closer to Marshall's. She added that it was a very long speedway and when pulling out of the Marshall's area and the addition of the pedestrian walkway it could be a dangerous area. Chris Cannellini of Bohler Engineering 1927 S Tryon Street, Suite 310, Charlotte, NC 28203 said that a stop sign could be added. Ms. Reeve asked if there was an elevation looking from Northeast Parkway. She said she was wanting to see how the landscaping would look. Mr. MacVean said there would be low lying landscaping to hide the bottom areas and intermittent trees.

Mr. Lamson asked for clarification on the exit and entry on Matthews Township Parkway and Northeast Parkway. He felt that putting a pedestrian walk through what has been used as a cut through may be dangerous. He asked if there was a way to give the other side of the center where Hobby Lobby was located an exit onto Northeast Parkway. Mr. MacVean said that would call for restructuring the parking lot and losing quite a few required spaces. Ms. Dement said that the cross pedestrian access was requested by the Commissioners and when more cars parked in that area it may help the cut through traffic.

Mr. Query said that he did like the look of the building but asked if the brick could be increased. Mr. Keen said that he could come to a compromise and give an average of 50% of the combined facades.

Mr. Lamson asked about other renovations that are planned. Steven Horner 1843 Lincoln Ave, Cincinnati, OH said that no other façade changes were scheduled at this time besides a rear change to the Hobby Lobby loading dock.

Mr. Query motioned to recommend approval to 2017-659 as the application is consistent and reasonable with the current Land Use Plan and the UDO with a condition of having a total average of 50% masonry brick and adding a stop sign in the parking lot. Mr. Ham seconded the motion and it was unanimously approved.

SCHEDULE BOARD DINNER SESSION

Ms. Ingrish supplied two dates, April 25th and May 23rd, for a possible 6:00 pm dinner for the Planning Board members. At the time of the discussion there were no cases scheduled for the April date. May has one confirmed zoning application. Ms. Dement said that this might be a good time for the Youth Voice members to give an update on what their project will be and a presentation at the June meeting. Ms. Reeve said this may be a good time to update the Planning Board picture.

All members agreed to the May 23rd dinner session at 6:00 pm at Town Hall.

ADJOURNMENT

Mr. Weiser motioned to adjourn and seconded by Ms. Reeve. The motion passed unanimously. The meeting adjourned at 10:26 pm.

Respectfully submitted,

Shana Robertson
Administrative Assistant/ Deputy Town Clerk

DRAFT

Zoning Motion 2017-1 UDO Text Revisions

All proposed changes are indicated by *red font*.

1) Add new definitions for differing types of senior housing:

155.103.C. Age- and Mobility-Limited Senior Housing shall mean a building or complex of buildings with 24/7 on-site management designed and intended for occupancy by older persons age 55 and up, as provided by exemption to the federal Fair Housing Act. Such location will include multiple dwelling units with some common walls and/or floors (duplex, townhouse, condominium, mutli-family, or similar styles) where the units are intended for senior citizen individuals or couples who can no longer, or choose to no longer, drive personal vehicles on a regular, daily basis. Such residents do not require hospitalization, skilled nursing care, memory care, or assisted living oversight for recurring tasks as bathing, medications, dressing, or personal financial management. Individual dwelling units typically are studios, or one- or two-bedroom in layout, and shall include a living space, bathroom, area for sleeping, and area for food preparation. A resident's occupancy arrangement with the site shall include at least one meal per day in a congregate dining facility contained within the building or complex, and some form of scheduled transportation for residents. Examples of other services that may typically be made available include: all meals, housekeeping, linen service, laundry, medical alert system, pharmacy, banking, organized social activities, and concierge services.

Independent Living shall mean dwelling units designed for use by older persons who are mentally and physically capable of taking care of themselves on a regular basis, are under single management or cooperative, and that may be located within a Continuing Care Retirement Community (CCRC). Restriction of residency by age must meet provisions of the Fair Housing Act. These units are grouped together and provided with some level of common maintenance, recreational facilities, and security. A variety of additional amenities geared for older persons may also be made available for the residents.

2) Match time for training at fire depts. in residential districts to 9PM deadline for construction noise in Noise Ordinance:

155.506.7 Institutional Uses In Residential Settings.

B. STANDARDS.

2. Fire and/or EMS stations and police stations, due to their shift work schedule, the number of employees and citizens who may visit the site, larger vehicle size and or volume of traffic throughout a twenty four (24) hour day, use of sirens for emergency response, and speed of exiting vehicles, are generally not compatible with tranquility of a residential neighborhood environment.
 - a. They shall only be allowed in the listed residential districts when they front directly on a Class IV or higher street and have their main entrance and exit on that thoroughfare street.
 - b. There shall be twenty feet (20') of landscape screening between any parking area and any non-streetside property when it is residentially zoned or used.
 - c. Exterior lighting shall comply with the provisions in § 155.609.
 - d. Any scheduled activities that are open to the public or employee/volunteer training exercises shall be held between the hours of 8:00 AM and ~~10:00~~ 9:00 PM.

3) Add cross references regarding Landscape Guarantees:

155.405.1 Contents of the Sketch Plan, Preliminary Plan and Final Plat

A. REQUIRED INFORMATION.

PROPOSED CONDITIONS

Tree maintenance and /or replacement guarantee, in accordance with § 155.405.10 and § 155.606.13.H.

155.405.10. Subdivision Improvement Guarantees

C. GUARANTEE REQUIREMENTS.

3. TYPE 3 GUARANTEE. The amount of Type 3 Guarantees shall be determined as follows:

a. TREE MAINTENANCE AND REPLACEMENT GUARANTEE. Where the improvements required by this Title include a future guarantee for tree maintenance and/or replacement, the approval of the Final Plat shall be subject to the subdivider filing a surety bond, cash bond, or irrevocable letter of credit with the Town in an amount to be determined by the Town to guarantee tree life and health for three (3) years. Upon conclusion of the three (3) year period, written notice shall be given to the Town by the subdivider, at which time the Town Public Works Director shall cause an inspection of the trees within thirty (30) days of the date of the notice, and upon satisfactory completion, shall authorize in writing the release of the surety given. See also Section 155.606.13.H.

155.606.13. Landscape Maintenance Standards

H. LANDSCAPE ESTABLISHMENT GUARANTEE. Prior to the issuance of a Certificate of Occupancy, proper maintenance of the planted and preserved trees and shrubs during the landscape establishment period shall be guaranteed by a Landscape Establishment Guarantee from the property owner to the Town. The bond amount shall be equal to the value of the new trees, plus the lesser of twenty thousand dollars (\$20,000) for the preserved trees, or the actual value of preserved trees as calculated in accordance with The Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers (current edition). The bonding period shall be for a three (3) year period commencing from the date of successful inspection of the installation and preservation as being in compliance with the approved Landscape Plan for the site. See also Section 155.405.10.C.3.

4) Update reference to private stable prescribed conditions:

155.506.2 Equestrian-Oriented Subdivisions.

B. STANDARDS

3. Private stables for less than four (4) horses on residential lots must be located in accordance with the requirements for accessory structures.

Change “accessory structures” to “private stables at 155.506.12”.

5) Add a footnote to dimensional tables at § 155.604.1, .2, and .3 regarding side/rear yards adjacent to thoroughfares.

(17) See § 155.601.11 for further standards when a lot adjoins a railroad, waterfront, or thoroughfare.

This footnote will be added to these side or rear yard row headings, as may appear in each table:

- Minimum side yard, interior (ft)
- Minimum corner side yard (streetside) (ft)
- Minimum rear yard (ft)
- Minimum rear yard, adjacent to residential (ft)
- Minimum rear yard, adjacent to other districts (ft)

6) Revise terminology to include any local governmental unit (i.e., County Sportsplex).

155.608.6. **Special Criteria for Signs Other Than Primary Identification and Advertising.**

L. Signs established by government agencies, including but not limited to wayfinding signs and building/site historical markers, providing public instruction, warning, historical details, directions, or similar messages on public or private property. Such signs shall be located so as not to obstruct cross-visibility at intersections or driveways. When off-premise signs for ~~municipal~~ **local government** uses are located on private property, a sign easement documenting the property owner's permission shall be required. The maximum sign area for an off-premise wayfinding monument sign shall be forty (40) square feet and shall not exceed seven feet (7') in total height. Wayfinding signs not to exceed forty (40) square feet in sign area may be part of a gateway or gazebo structure without respect to any height limit for sign or its support structure. Off-premise wayfinding signs elevated on streetside posts shall meet NCDOT standards for ground clearance, and shall not exceed twenty four (24) square feet in sign size, exclusive of ornamental trim. Government established signs included in this category other than wayfinding signs shall not exceed eight (8) square feet. Freestanding kiosks or wall displays in the downtown or in the ENT district intended to provide current information to the public about the immediate vicinity, including but not limited to directory maps, upcoming events, and related information regarding area streets, businesses and public amenities, authorized by the Town at specific locations shall not exceed twenty-four (24) square feet in sign area.

7) Update terminology to reflect new transportation planning – MPO's Thoroughfare Plan being effectively replaced with new CRTPO Comprehensive Transportation Plan (CTP)

155.103.C. DEFINITION

Thoroughfare Plan: shall mean ~~the~~ a map and any attendant documents approved by the **Town of Matthews** or Mecklenburg County Board of Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. **This is a general term used to describe officially adopted documents explaining intended future road improvements.**

Comprehensive Transportation Plan, or CTP: shall mean the map(s) and attendant documents approved by the **Matthews Board of Commissioners** for locations within the Town of Matthews, or such documents and maps approved by the **Charlotte Regional Transportation Planning Organizations (CRTPO)** for the applicable region. Such documents may include expectations for improvements to existing or future roads, public transit, bicycle facilities, pedestrian facilities, greenways and multi use paths, and rail.

Charlotte Regional Transportation Planning Organization, or CRTPO: shall mean the federally designated Metropolitan Planning Organization (MPO) for the Charlotte Urbanized Area. The Charlotte Regional Transportation Planning Organization (CRTPO) consists of voting representatives from counties and municipalities within the designated region, including the Town of Matthews. It is the CRTPO's responsibility to coordinate transportation policy for local governmental jurisdictions within the Charlotte Urbanized Area.

155.405.1.

D. COMPLIANCE WITH OFFICIAL PLANS. When a proposed subdivision embraces any part of a proposed thoroughfare, school, park, or recreation site, or other public facility which has been designated in the officially adopted plan of the Town or CRTPO, that planned facility shall be platted and designated by the subdivider in the location shown on the plan in accordance with § 155.405.4.L, § 155.405.4.M, § 155.405.4.N, and § 155.405.4.O.

155.405.4.

C. EXTENSION OF EXISTING STREETS. The proposed street system shall extend streets on their proper projections at the same or greater width than the minimum required by these regulations. Emphasis will be placed on the adopted Comprehensive Transportation Plan or thoroughfare plan and any adopted small area plans in the determination of street extensions and connections.

155.405.4.

O. THOROUGHFARE RIGHTS-OF-WAY. Whenever a tract of land to be subdivided includes any part of any arterial street shown on ~~any thoroughfare plan adopted by the Town Board of Commissioners~~ the adopted Comprehensive Transportation Plan, the right-of-way for the arterial street shall be platted and dedicated or reserved in accordance with Chapter 7.

155.504.2. Highway NC51 Overlay District (HO)

B. HIGHWAY NC51 OVERLAY DISTRICT.

2. LOCATION AND DIMENSIONS.

- b. The HO District shall be located on both sides of an existing or proposed major thoroughfare within the Town's zoning jurisdiction and shall be not less than five hundred feet (500') and not more than one thousand feet (1,000') deep measured from the edge of the existing or proposed right-of-way. The HO District shall follow identifiable boundaries whenever possible and shall be delineated as an overlay on the official zoning map of the Town. When a new right-of-way has been established by an approved ~~Thoroughfare Plan~~ Comprehensive Transportation Plan, the district boundaries shall be calculated from the newly established right-of-way.

155.601.18 Special Requirements for Lots along Thoroughfares

A. TRANSITIONAL SETBACK/YARD REQUIRED.

- 1. DETERMINATION OF TRANSITIONAL SETBACK/YARD. The required setbacks and/or streetside yards prescribed for each zoning district which abut a proposed, but not yet constructed thoroughfare, shall be measured from the proposed right-of-way line established for each

street classification as designated on ~~a the~~ Town or ~~regional Thoroughfare Plan~~ CRTPO Comprehensive Transportation Plan.

2. USE OF TRANSITIONAL SETBACK/YARD. A transitional setback or yard shall also be applied for each parcel which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare as designated by the adopted ~~Thoroughfare Plan~~ Comprehensive Transportation Plan, this Title, or other adopted document which identifies the intended right-of-way dimensions. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for (i) those uses which are prohibited in the required setbacks or yards elsewhere in this Title, or (ii) to satisfy any minimum parking requirements if parking is not allowed in the setback or yard by the particular zoning district. The transitional setback or yard (the area between the existing required setback/yard and the line established when measured from the future widened right-of-way) may be used for parking only when such parking exceeds the minimum parking requirements. At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses constructed after July 10, 2000, which are within the transitional setback or yard that are not otherwise permitted in the setback or yard by the zoning district regulations. The property owner shall have one year from the date of right-of-way acquisition to remove any such uses.

155.701. Streets

B. ARTERIAL STREET RIGHT-OF-WAY (CLASS I, II, III, III-C, OR IV). Whenever a tract of land to be subdivided or developed includes any part of an arterial street shown on ~~any thoroughfare plan adopted by the Town Board of Commissioners~~ the Comprehensive Transportation Plan and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the arterial street must be platted in the location and to the width specified in the plan. . . .

1. FREEWAYS AND EXPRESSWAYS. Whenever a tract of land to be subdivided or developed includes any part of the proposed right-of-way as shown on ~~a Thoroughfare Plan adopted by the Board of Commissioners~~ the Comprehensive Transportation Plan adopted by CRTPO, or adopted by the North Carolina Board of Transportation, and whenever those proposed rights-of-way have been further defined by acceptable locational procedures sufficient to identify property to be affected, the right-of-way for the freeway or expressway shall be reserved and remain undeveloped pending future acquisition by the State of North Carolina or other governmental unit. . . .

C. DESIGN CRITERIA.

2. COMPLIANCE WITH ADOPTED STREET PLANS. The street layout shall conform to the arrangement, width and location of public streets indicated on the adopted ~~Thoroughfare Plan,~~ Comprehensive Transportation Plan (CTP), and/or small area plan that includes a street network layout, when one or more exists for the area. Whenever a tract of land included within any proposed development plan embraces any part of the street system as designated on the ~~Thoroughfare Plan,~~ CTP, or small area plan, the development shall be required to dedicate and plat the right-of-way, and shall be responsible for the cost and the installation of the improvements in accordance with the Town's standards for roadways. . . .
4. VEHICULAR CONNECTIVITY.
 - a. STREET ARRANGEMENT. Streets should be designed and located so that they relate to the topography, preserve natural features such as streams and tree growth and provide for adequate public safety and convenience,

and shall adhere to ~~any the~~ approved ~~Thoroughfare Plan~~, CTP or small area plan that includes a street network layout. . . .

f. CROSS ACCESS. . . .

When cross access is deemed impractical by the Public Works Director on the basis of severe topography, environmental constraints or vehicular safety factors, and is not detailed by the ~~Thoroughfare Plan~~, CTP, or any small area plan which includes a street network layout, the requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses. . . .