

**PLANNING BOARD
REGULAR MEETING
TUESDAY JULY 25, 2017
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES – June 27, 2017
- III. PUBLIC IMPROVEMENT VARIANCES – Zoning App 2017-661, 10816 Idlewild Rd,
Revise Connectivity Index Requirement and Maximum Cul-de-sac Length
- IV. ADJOURNMENT

**MINUTES
PLANNING BOARD
HOOD ROOM, MATTHEWS TOWN HALL
TUESDAY, JUNE 27, 2017 - 7:00 PM**

PRESENT: Vice Chair Kress Query; Members Kerry Lamson, Gregory Lee, Michael Ham, and Jana Reeve; Alternate Members Mike Foster and Raymond Poyner; Town Attorney Charles Buckley; Planning Director Kathi Ingrish; Senior Planner Jay Camp; Planner Mary Jo Gollnitz; Town Clerk Lori Canapinno.

ABSENT: Chair Barbara Dement; Member David Wieser; Youth Voices Peyton Gates and Matheus Sadovsky

CALL TO ORDER

Vice Chair Kress Query called the meeting to order at 7:03 pm.

Motion by Mr. Ham to add alternate members Mike Foster and Ray Poyner as voting members. The motion was seconded by Ms. Reeve and unanimously approved.

APPROVAL OF THE MINUTES

Motion by Mr. Lee to approve the minutes of the May 23, 2017 Planning Board meeting. The motion was seconded by Mr. Poyner and unanimously approved.

ZONING APPLICATION 2017-661 – W Kale, 10816 Idlewild Rd, 13.11 Acres, From R-15 to R-VS

Senior Planner Jay Camp gave an update on the request. At the public hearing there was some discussion of the historic barn on site. Staff contacted vendors and was told that moving the barn would be very difficult and expensive. It would have to be completely disassembled and then reassembled with a new structural frame. Staff is working on getting another quote but is not optimistic that the barn can be feasibly moved. There have been no changes to the site plan since the public hearing.

Mr. Lamson noted the previous conversation about exploring more innovation. Mr. Camp agreed that staff would like to see something more innovative on the site but the Board of Commissioners was fairly comfortable with the plan as presented so the applicant is moving forward with no changes in that regard. Mr. Poyner asked about the R-VS designation and Mr. Camp explained that it impacts the number of homes that can be built. R-15 designation would allow for about six or seven fewer homes than R-VS.

Applicant representatives John Carmichael with Robinson Bradshaw, Phil Hayes with Land Investment Resources and Brian Graham with Design Resource Group reviewed the application. Mr. Carmichael noted some changes made as a result of comments received at the public hearing: there is now a commitment to preserve existing trees along the Idlewild Road street frontage; the area subject to wildlife habitat certification will be identified; the minimum number of side load garage lots will be increased from six to eight; the area for the greenway trail will be conveyed to the County; and there will be a pedestrian trail connection constructed from Idlewild Road to Idlewild Road Regional Park, subject to approval by all local government agencies.

Mr. Ham asked about future property owners' knowledge of preservation requirements at the rear of lots 12-19 and Mr. Carmichael explained that the restrictions will be listed on the plat and recorded deeds. Mr. Ham asked about the elevation changes sloping to the rear and Mr. Hayes explained that the road profile will be taken down approximately three feet on the north/Idlewild Road side. There is additional slope between the road and actual

pad sites but the delta won't be as significant as seen today in the raw topography. The lots will slope gradually and some will be marketed as basement lots with two stories in the rear. Mr. Ham noted that property owners' actions will impact the floodplain, particularly with the sloped lots, and asked how the floodplain will be protected. Mr. Hayes explained there will be a clear non-disturbance edge from the back of the backyard. Mr. Ham noted that while some Commissioners prefer side-load garages, he does not because they increase the impervious surface area of the site. He suggested using a combination of pervious and impervious surfaces for those pads. Mr. Hays explained that the builder they use doesn't like those materials, and that they are keeping below the total impervious surface area amount for the entire site. Mr. Ham asked about the future homeowners' association (HOA) and Mr. Hayes explained that the HOA will produce the documents but that the developer will be heavily involved in the process. Mr. Ham asked for HOA restrictions to allow only organic materials to be used by future homeowners and Mr. Hayes clarified that they have already committed to doing that. In addition, due to the natural bent of the project they're planning to have a common lawn maintenance service, which will help with that issue. Mr. Ham asked how this development fits into the Town's bicycle and pedestrian plan and Mr. Camp noted that while there is no opportunity for a cross-connection on that side, staff can review it.

Mr. Lamson asked if any work had been done yet regarding the wildlife habitat certification and Mr. Hayes explained that they have a specialist botanist currently working on the site inventory. They are also in the process of contacting Carol Buie-Jackson of HAWK to discuss the process. They already know they meet the requirements; the next step is to see how they can enhance the environment to create stronger support for the existing flora and fauna. Mr. Lamson recommended looking into the North Carolina Wildlife Federation's certification program as well. He then stated his concern about the cost associated with maintaining the certification since only 29 households would be there to maintain it. He recommended that the developer fund the system instead. Mr. Lamson said he still doesn't see much innovation in this project and doesn't see the need for R-VS zoning rather than R-15. He suggested a few innovative provisions such as the installation of a greywater recycling system for drip irrigation, rainwater collectors at each home, and inclusion of pervious surfaces. Mr. Hayes agreed that it would be easy under standard zoning to accomplish a standard development but they are trying to craft the building pads into the site and leave as many existing trees as possible. They're not just saving trees around the perimeter but on the interior as well. This is a much more expensive form of development than just scraping a site and having an additional 6-7 lots would allow them to do it. In addition, this methodology will create a better environment with natural space.

Mr. Ham asked about the potential future widening of Idlewild Road and how much of the tree area will be lost. Mr. Graham explained that there is a 50 foot right of way (ROW) dedication for the future widening and there will still be 55 feet of tree save area beyond the dedicated ROW.

Mr. Carmichael noted that a fence along Idlewild Road was discussed at the public hearing. He wanted to point out that it will be installed where the trees allow for it, which means that there may be some areas with no fencing. This is in response to a Commissioner's request to improve the aesthetics of that front area.

Mr. Camp noted that there were comments at the public hearing about the separate property at the rear of this site which is not part of the rezoning request. The discussion about wildlife habitat includes this area, which means that they need to be referred to as offsite improvements. Town Attorney Charles Buckley confirmed that and Mr. Carmichael agreed that the conditional notes will refer to them as such.

Planning Director Kathi Ingrish followed up on an earlier comment and noted that the Town does not allow driveways to be counted as having pervious surface material because they require ongoing maintenance and County inspections, so it's not possible on private areas. That is the reason why staff isn't calling for pervious surface materials. She also noted that there is more than adequate space for R-VS minimum lot size; she recommended that the developer consider reducing the lots closer to the R-VS minimums and minimize or remove the portions that could fall into the preserved area.

Mr. Query asked about covenants to protect the tree save area on the north side and Mr. Hayes explained that they have done a tree survey so they know what's there, the covenants will restrict what the property owners can do and the HOA will be diligent. Mr. Query then asked if they will commit to 50-60% brick on the homes and Mr. Hayes said they will not; the builder uses more stone than brick and uses a lot of variation in the front components. Mr. Query asked about the fencing materials along the road and Mr. Hayes said they don't have exact materials yet but it would likely be stacked stone with stained split rail fencing, with approximately 20-30 feet between stone stacks. Mr. Query asked if they will commit to the type of fence material by the time they come back to the Board of Commissioners and Mr. Hayes said they will. Mr. Query said he won't support the project without the brick commitment.

Motion by Mr. Ham to recommend approval of zoning application 2017-661 with the concerns as stated by the Planning Board because the project is consistent with Unified Development Ordinance and with the surrounding neighborhoods and will add to the quality of life in Matthews. The motion was seconded by Mr. Lamson and passed 6-1 with Foster, Ham, Lamson, Lee, Poyner and Reeve in favor and Query in opposition.

ZONING APPLICATION 2017-662 – CMS, Elizabeth Lane Elementary School, Extension of Time for Certain Mobile Units to Remain Onsite

Mr. Camp reviewed the changes to the site plan, which has been cleaned up to show only the original 1995 boundary and the 2017-18 school year boundary, which encompasses the eight mobile classrooms and restroom units which are outside the original boundary. He noted staff's concern with the sunset provision language and recommends it be as clear as possible. Under *future review* it should say *sunset provision* and should state, "Approval of the eight mobile units outside the original 1995 boundary expires August 1, 2018." There does not need to be any other verbiage under that note. A note was added regarding discussion with Park and Rec, County staff and the Town regarding future use of the vacant areas of the campus as well as a note regarding a queuing study to be performed during this school year as discussed at the public hearing.

Charlotte Mecklenburg Schools (CMS) Executive Director of Facilities Planning and Management Peggy Hey reviewed the site and explained that the mobile units are around 800 square feet each and that a chart indicating when they were placed on the site was shown at the public hearing. She will get that information to the Board before the next meeting.

Mr. Query said he is concerned about security at mobile units and asked if CMS would commit to installing at least a sight glass at the door on each unit so that teachers can see who is outside. Ms. Hey said she can commit to having the CMS police chief continue discussions with the Matthews police chief about security and will commit to that installation if both of them agree it is required. Discussion ensued regarding security provisions and protocols.

Mr. Lamson asked for the typical mobile unit's square foot per student ratio and Ms. Hey estimated it would be around 15 square feet per student for classroom space. Mr. Lamson said that is likely not happening in this scenario. He asked about maintenance and Ms. Hey explained that there was lots of work done. Each has its own HVAC units and they, along with the schools, get deep cleaned over summer vacation and longer breaks as well as regular cleaning during the school year. The units are managed just like any other properties with maintenance requests being handled as necessary.

Mr. Foster asked about the long-term answer and Ms. Hey explained that CMS' capital needs list has been accepted by the County commissioners. It calls for a replacement of Landsdowne Elementary School, which would alleviate the Elizabeth Lane Elementary overcapacity issues. This requires a bond to be passed this fall. If the bond does not pass then CMS will do the following, in order: ensure that all available parts of each school building is being used; consider more mobile classroom installations; consider boundary changes; build an

addition at affected campus(es); build a relief school or otherwise add classrooms for relief. Mr. Foster said he can understand the need for balance if the explosive residential growth of the area slows or stops in the next few years.

Mr. Ham echoed the frustration expressed by Commissioners, stating Matthews won't get permanent solutions if annual extensions are continuously approved. Permanent solutions are last on the list and he doesn't believe CMS is very serious about a long term solution at this school. Ms. Hey noted that some options are very expensive and CMS has to try all other options first. Elizabeth Lane Elementary is low on the needs assessment compared to other facilities. Mr. Lamson requested a listing of refurbishments for each mobile unit. He also recommended information regarding proactive management alongside future sunset provision extension requests. Mr. Query asked if a boundary change would move Elizabeth Lane Elementary students to Landsdowne and Ms. Hey said that was unknown at this time.

Motion by Mr. Query to recommend approval of a one year extension to the sunset provision as it is reasonable and consistent with the Land Use Plan. The motion was seconded by Mr. Poyner and unanimously approved.

PUBLIC IMPROVEMENT VARIANCE – 10328 Idlewild Road, 13 Lot Subdivision, Request to Waive Construction of Curb and Gutter Along Idlewild Road Frontage

Planner Mary Jo Gollnitz reviewed this request relating to a by-right subdivision of approximately 7.78 acres along Idlewild Road. The applicants are requesting a variance to waive installation of curb and gutter along Idlewild Road. There is no curb and gutter in the area and there is a plan to widen Idlewild Road in the future. The developer will install sidewalk along the frontage at the back of the future right of way and will extend the sidewalk to the nearby park entrance. The sidewalk will be replaced by NCDOT when the road is widened. Public Works has recommended approval of this request.

Mr. Ham said he was concerned with the possibility of cars going off the road, particularly due to the large amount of deer in the area. Mr. Ham also questioned if the road widening would actually occur since it's not currently budgeted. Ms. Ingrish explained that it will be and there are pieces of it in Charlotte and in Union County that are going to be done in the next few years.

Applicant representative Mark Freeman explained that there would be a damming effect if the curb and gutter was installed. This would lead to water flowing off and isn't the appropriate way of handling runoff.

Motion by Ms. Reeve to recommend approval of the public improvement variance. The motion was seconded by Mr. Foster and passed 6-1 with Query, Foster, Lamson, Lee, Poyner and Reeve in favor and Ham in opposition.

ADMINISTRATIVE AMENDMENT – Fullwood Station, Request Additional New House Elevations be Allowed

Ms. Gollnitz reviewed this request to add new elevations to the Administrative Amendment previously approved in April 2016, which allowed seven house designs with different front facades. The new request would add three house styles with two and three different options each. These are very similar in design to those previously approved and the applicants would still have to meet all the requirements of the rezoning action.

David Weekly Homes Charlotte Division President Mark Gibbs reviewed the request, explaining that they design new products every time they build a community - their goal is to never repeat a facade in a community. Allowing more elevations will give the neighborhood even more of a custom feel.

Mr. Lamson said these elevations are the first with three car garages, which often eliminates the front porch and are not very attractive. Mr. Gibbs explained that this is popular – people have preferred the three car garages so they're trying to be responsive to the marketplace. Mr. Lamson asked for a number of homes in the development that will have usable front porches. Mr. Gibbs noted that David Weekly Homes is not the same builder that was involved in the previous discussion with the Board; however he does know that of the five sold so far, two have the larger front porch. This community has covered porches in the back which are more livable.

Motion by Mr. Foster to approve the Administrative Amendment as it is reasonable and consistent with the Land Use Plan, includes brick and stone finishes and the elevations are similar to what has been already approved. The motion was seconded by Ms. Reeve and unanimously approved.

PUBLIC IMPROVEMENT VARIANCE – 10816 Idlewild Road, Zoning Application 2017-661, Request to Waive Construction of Curb and Gutter Along Idlewild Road Frontage

Mr. Camp reviewed this request which is associated with zoning application 2017-661. This is similar to the prior Idlewild Road request – the applicant is requesting a variance to the requirement for curb and gutter along Idlewild Road due to the future road widening. This site will still have 55 feet of trees at the frontage.

Mr. Query noted this is a bigger development than the one associated with the other variance request, and asked if a turn lane could be installed. Mr. Graham explained that they discussed the issue with NCDOT and a turn lane isn't required. Ms. Ingrish noted that center left turn lanes generally aren't required by NCDOT unless there are 50 or more homes. Mr. Ham noted that the nearby Candalon and Habersham neighborhoods both have turn lanes and it would be more consistent if this applicant installed the curb and gutter along with a right turn lane. Ms. Ingrish noted that those were installed by the developer when the subdivisions were built due to different requirements at that time. Mr. Buckley noted that the state would have to agree with any such installation since Idlewild Road is state-owned.

Motion by Mr. Poyner to recommend approval of the public improvement variance. The motion was seconded by Mr. Lamson and passed 6-1 with Query, Foster, Lamson, Lee, Poyner and Reeve in favor and Ham in opposition.

MISCELLANEOUS

Mr. Lee announced his resignation from the Planning Board. Mr. Query thanked Mr. Lee for his service to the Town.

ADJOURNMENT

Motion by Mr. Ham to adjourn. The motion was seconded by Ms. Reeve and unanimously approved. The meeting adjourned at 8:50 pm

Respectfully submitted,

Lori Canapinno
Town Clerk

MEMO

TO: Planning Board Members
 FROM: Kathi Ingrish
 DATE: July 17, 2017
 RE: July 25, 2017 Regular Planning Board Meeting

It's hot. It's sticky. It's summer. It's time for a short Planning Board meeting.

We have two Public Improvement Variance requests for Zoning Application 2017-661 property at 10816 Idlewild Road:

1) The UDO calls for a minimum Connectivity Index for new neighborhoods. This is a calculation showing how well the new proposed street network integrates into the existing surrounding development, and/or allows continuous future connectivity for cars and people. In the R-VS zoning district, the minimum required Index is 1.3. The layout of the proposed new subdivision here only rate 1.0, so there is a gap of 0.3 between proposed and required numbers. The UDO gives opportunities to tweak these numbers somewhat. The required Connectivity Index (1.3) can be reduced if certain criteria are met, and the actual proposed layout can receive bonus ratings for offering certain elements. In this situation, the Applicants can show how 2 reductions can be applied, and one bonus, making the calculations now a minimum required figure of 1.225 and an actual proposed rating of 1.025, making the gap 0.2.

155.701.C.4.c. CONNECTIVITY INDEX	
Minimum Connectivity Index required for R-VS:	1.3
Reductions applied:	
Adjacent development w/ no street stub-outs	-0.05
SWIM buffer 50' or wider	<u>-0.025</u>
Revised Minimum Connectivity Index	1.225
Actual Connectivity Index for proposed development	1.0
Bonus applied:	
Ped-bike path	<u>+0.025</u>
Revised Index for proposed development	1.025

The variance requested is to allow the Connectivity Index of 1.025 be sufficient at this site.

2) The UDO stipulates maximum length for cul-de-sac street segments by zoning category. For the R-VS district, the maximum distance as measured from the center point of the closest intersection to the center point of the turnaround is 400 feet. As designed, this proposal measures just over 500 feet.

The variance requested is to allow the additional distance along the cul-de-sac segment by an extra 100+ feet.

We know this is a busy vacation season, so as always, please let one of us know if you find you will not be in attendance July 25. Also, feel free to call or e-mail any of us with questions at any time.

July 13, 2017

VIA EMAIL

Ms. Kathi Ingrish
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105

Re: Rezoning Application No. 2017-661
Land Investment Resources, LLC, Applicant
Public Improvement Variances

Dear Kathi:

I hope this letter finds you well.

Kathi, as you know, Land Investment Resources, LLC (the “Applicant”) filed a Rezoning Application (Rezoning Application No. 2017-661) with the Town of Matthews requesting the rezoning of an approximately 13.11 acre site (the “Site”) located on the west side of Idlewild Road, just north of the intersection of Idlewild Road and Kale Lane (a portion of Tax Parcel No. 193-161-10), from the R-15 zoning district to the R-VS zoning district. The purpose of this rezoning request is to accommodate the development of a residential community on the Site that could contain up to 29 one-family detached dwelling units.

The Public Hearing on this rezoning request was held on June 12, 2017, and the Planning Board considered this rezoning request at its June 27, 2017 meeting. The Town Board of Commissioners is scheduled to render a decision on this Rezoning Application on August 14, 2017.

Pursuant to Section 155.712 of the Town of Matthews Unified Development Ordinance (the “Ordinance”), the Applicant respectfully requests the following two additional public improvement variances relating to Rezoning Application No. 2017-661, which public improvement variance requests are also described on the Applicant’s conditional rezoning plan.

A. Connectivity Index Variance

Under Section 155.701.C.4.c. of the Ordinance, a minimum connectivity index of 1.3 is required in the R-VS zoning district. The residential community proposed under Rezoning Application No. 2017-661 has a connectivity index of 1.0.

However, under Section 155.701.C.4.c. of the Ordinance, certain index reductions and index bonuses are provided. The 0.05 reduction for adjacent development with no street stub-outs and the 0.025 reduction for stream/SWIM buffers 50 feet or wider apply to the Site and reduce the required connectivity index for the Site to 1.225. Additionally, the Site's 1.0 connectivity index is increased by 0.025 to 1.025 by virtue of the ped/bike path that would be provided. Therefore, the gap between the adjusted required connectivity index of 1.225 and the adjusted connectivity index for the Site of 1.025 is .20. As a result, the Applicant is requesting a public improvement variance to reduce the required connectivity index for the site from 1.225 to 1.025. In support of this request, the Applicant respectfully shows the following.

There are significant impediments to connectivity to adjacent parcels of land. Specifically, environmental constraints in the form of floodplain and a creek are located along the northern and western boundaries of the Site, and an existing single-family residential neighborhood is located next to the southern boundary of the Site. Moreover, Idlewild Road Regional Park is adjacent to the northern boundary of the Site and a portion of the western boundary of the Site, and the Irvins Creek Greenway is located adjacent to the remaining portion of the western boundary of the Site. As a result, there are not any opportunities to provide connections to adjacent parcels of land.

Additionally, under the Applicant's rezoning plan, tree protection areas are located along the northern, western and southern boundaries of the Site, and along portions of the eastern boundary of the Site next to Idlewild Road.

Finally, a second vehicular connection to Idlewild Road could be problematic due to the distance of a second vehicular connection from the proposed vehicular entrance into the Site.

B. Cul-de-Sac Length Variance

Under Section 155.701.C.4.d. of the Ordinance, the maximum cul-de-sac length in the R-VS zoning district is 400 feet. Under the rezoning plan, the proposed residential community would have a cul-de-sac with a length of approximately 513 feet. Accordingly, the Applicant is requesting a public improvement variance to allow the proposed cul-de-sac length. In support of this request, the Applicant respectfully shows the following.

As noted above, there are significant impediments to providing street connections to adjoining parcels of land, and the Applicant is proposing tree save areas along the northern, western and southern boundaries of the Site, and along portions of the eastern boundary of the Site. These factors result in the use of a cul-de-sac in this proposed residential community. In

Ms. Kathi Ingrish

July 13, 2017

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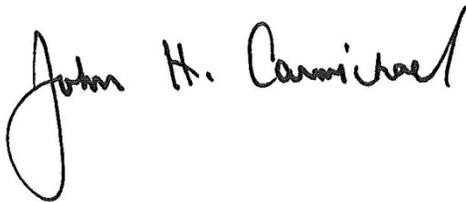
view of the environmental constraints and tree save areas in the developable portions of the Site, the Applicant respectfully submits that the proposed cul-de-sac has an appropriate design.

The Applicant respectfully requests that these two additional public improvement variance requests be considered by the Planning Board at its July 25, 2017 meeting.

Thank you.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.

A handwritten signature in black ink that reads "John H. Carmichael". The signature is written in a cursive style with a large, looping initial "J".

John H. Carmichael

JHC1/lh

cc: Mr. Phil Hayes (via email)
Mr. Brian Graham (via email)