

**PLANNING BOARD  
REGULAR MEETING  
TUESDAY SEPTEMBER 26, 2017  
7:00 PM  
HOOD ROOM, MATTHEWS TOWN HALL**

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES – August 22, 2017
- III. ZONING MOTION 2017-2 – Various UDO Text Amendments
- IV. ADJOURNMENT

**MINUTES  
PLANNING BOARD  
TUESDAY, August 22, 2017  
7:00 PM  
HOOD ROOM, MATTHEWS TOWN HALL**

**PRESENT:** Chairman Barbara Dement; Vice-Chairman Kress Query; Members David Wieser, Kerry Lamson, and Jana Reeve; Alternate Member Mike Foster; Youth Voice Matheus Sadovsky; Town Attorney Charles Buckley and Craig Buie; Senior Planner Jay Camp; Administrative Assistant/Deputy Town Clerk Shana Robertson.

**ABSENT:** Member Michael Ham; Alternate Member Raymond Poyner; Youth Voice Peyton Gates

**CALL TO ORDER**

Chairman Barbara Dement called the meeting to order at 7:07 pm.

Motion by Mr. Kress Query to add Alternate Member Mike Foster to serve as a voting member. David Weiser seconded and the motion was unanimously approved.

**APPROVAL OF THE MINUTES**

Jana Reeve and Mr. Weiser asked that misspellings of their names be corrected. Mr. Weiser motioned to approve the minutes as corrected of the July 25, 2017 Planning Board meeting. The motion was seconded by Ms. Reeve and unanimously approved.

**ADMINISTRATIVE AMENDMENT – Budd Law Future Office Location, 352 E Charles St, Site Plan Correction for Proper Dimensions**

Senior Planner Jay Camp reviewed the rezoning of 352 E Charles Street with the Board and explained that the engineer who is currently designing the site discovered that the railroad right-of-way was incorrectly depicted on the approved rezoning site plan. He continued that the effect of this error would mean that the entire site must shift back on the parcel about thirteen feet from E Charles Street. Mr. Camp added that this would also affect the placement of the rear parking and detached garage to forty feet from the residentially zoned rear lot versus the previously adopted fifty-three feet.

Mr. Camp said that the forty foot rear yard requested was the minimum allowed and would be compliant with the Town's Unified Development Ordinance. If the Board chose to approve it would need to be conditional of the reaffirmation of a zoning variance that was being heard by the Board of Adjustment on September 7, 2017. The Board of Adjustment had previously granted a variance to a twenty-nine foot maximum build-to line in the Downtown Streetscape Plan. Mr. Camp explained that the variance would allow the building to be constructed no more than three feet behind the railroad right-of-way. With the revised site plan the Board of Adjustment must review the request again.

Mr. Query asked if there were any changes to the existing sidewalk and Mr. Camp said that the only thing being amended was the sidewalk for the new curb cut.

Kerry Lamson asked if this would change the future option to add additional parking to the rear of the property. Mr. Camp said that it would remove that expansion option but he noted that there were eleven surface parking spaces and two garage covered spaces that gave a total count of thirteen. Mr. Lamson asked if the landscaping that was shown on the revised site plan was added or existing. Suzanne McDade of Mosley Architects, 11430 North Community House Road, Suite 225, Charlotte, NC said that it was added for buffering of side and rear yards along with a future landscape plan that will add more buffering to the back parking area.

Mr. Query made a motion to approve the Administrative Amendment pending the approval of a Variance by the Board of Adjustments as it is consistent with Land Use Plan and reasonable because of the railroad vicinity in relationship to the property. Mike Foster seconded and the motion passed unanimously.

**PUBLIC IMPROVEMENT VARIANCE – Jefferson St, 1) Allow Class VI-L, Local Limited Street, Greater than 500 Feet; 2) Waiver of Sidewalk, Curb and Gutter, and Not Being Centered in Right-of-way; and 3) Alternative Design for Turn-around at End of Pavement**

Mr. Camp said Jefferson Street was a dead-end street and the home of the local historical landmark Outen Pottery. From Alexander Street there are two homes fronting Alexander with one of those homes having a rear driveway from Jefferson. There is one home fronting Jefferson that is across from Outen Pottery that will be torn down to make way for this development. Mr. Camp explained that Jefferson Street is an unimproved Town right-of-way with the pavement stopping in the front of the first lot and three Public Improvement Variances were being proposed. The applicant plans to construct six new homes. Elevations are attached to show examples of the style of housing intended.

Mr. Camp reviewed the three Public Improvement Variances that were being requested. The first was for a Limited Local Street over 500 feet in length. Mr. Camp said that the maximum allowable street length for a Limited Local Street cross section is 500 feet. The total length of the street to the dead end that backs up to Carrington Place is approximately 559 feet. Town Attorney Charles Buckley asked if the right-of-way was planned to be a private or a public road and if it was on the Town's street system. Mr. Camp said that it showed as Town right-of-way. Mr. Buckley suggested checking with Public Works Department and if it is not then it would need to be dedicated and accepted by the Board of Commissioners to make it a public right-of-way.

Mr. Camp said the second request was a waiver of sidewalk, curb and gutter. Mr. Camp explained that the entire neighborhood is currently without sidewalks, curbs and gutters with the exception of sidewalk located on Main Street and a small portion on Ames Street connecting the Avington neighborhood. He added that in speaking to Public Works, staff felt it would be disruptive to the neighborhood to force a modern design like curb and gutter.

Mr. Camp said that the final request would be to modify the cross section. The Local Limited cross section specifies the following: nine foot travel lanes, two foot six inch curb and gutter, four foot planting strip and five foot sidewalk. The proposed modified cross section would create a wider pavement width of twenty feet instead of eighteen feet and eliminate all other improvements.

Mr. Camp said that the typical cross section would remove more trees and come very close to the Outen Pottery kiln. Sidewalks would be just a few feet from the kiln if designed to UDO standards. The road plan, as presented by the applicant, will shift the entire street towards the six home sites and away from Outen Pottery site. He continued by saying that this would preserve fifteen to twenty feet of trees that would otherwise be removed and allow the hammerhead design to stay mostly within the right-of-way. Mr. Camp said that a traditional cul-de-sac design was discussed but it did not feel like a good fit and would impinge into the lots. The proposed design would encroach on the Town owned property by two feet and will need to get Town Board approval. Mr. Camp said that it was presented to the Historic Landmarks Commission and they were comfortable with the design.

Ms. Dement said that she felt that the future of Matthews would include beautiful infill development such as the home styles presented and the demolition of existing older homes for new residential like in Plaza Midwood, Cotswold, Myers Park and Dilworth. She asked what staffs' thought was for not going ahead and putting in curb, gutter and sidewalks when trying so hard for walkability, connectivity, and planning towards the future. She asked if placing it on one side of the street could be an option. Mr. Camp said that the sidewalk aspect would be more important to citizens than curb and gutter. Curb and gutter is a modern design and may be disruptive and take away character of the neighborhood. Ms. Dement referenced the street parking and sidewalks on Charles Buckley Way and felt there may be a creative solution.

Mr. Query said that he agreed with Ms. Dement and had some of the same concerns. He said that he understood that it was an older section of Town but it would need to be modernized for future use. He said that a precedent needed to be set as more infill development will come and you could not make one developer do the Public Improvements and not another. Mr. Query said that the Unified Development Ordinance was in place for a reason. He added that he could see one sidewalk on the Outen Pottery side as it would be a benefit to the Historic Landmark. Mr. Camp asked Mr. Buckley if the applicant required to improve both sides of the street, being an existing street. Mr. Buckley said that there would need to be a dedication and that per code it would only be improvements to their

side of road. Mr. Query suggested that Public Works be consulted to finish the road instead of have it taper in after the proposed improvement.

Ms. Reeve said she agreed with not having the curb and gutter but felt there still needed to be sidewalks. She asked if having a sidewalk without a curb was a safety risk. Mr. Camp said that there were a lot of benefits to curb and gutter such as safety, keeping the cement in place, and reducing cracking. He added that this is a low traffic street and a sidewalk was better than walking in the road.

Mr. Lamson asked Mr. Camp if tree mapping had been done that shows what is currently in place. Mr. Camp said that there was not one and Outen Pottery was not as far off the road as it looked. He added that there had been trees cleared for the new homes and the developer is required to present a vegetation survey and show they can meet the tree canopy. Mr. Camp said that the lots have a thirty five foot front setback, which meant the property owners would need to give an easement for the five foot sidewalk.

Mr. Camp said that the existing road was located on private property and away from the Town's right-of-way and staff has been working with the applicant for three to five months on this project.

Mr. Query said that it was a good use of the property and the home elevations were nice and fit with the feel of the Town but he would like to see sidewalks added. Mr. Query added that when Avington was built there was a plan that if this property was ever developed, connectivity would be added for access from the Avington sidewalk end into downtown.

Ms. Dement asked Mr. Camp what the vision was for Outen Pottery and he said that the concept was an Outen Pottery park with the brick kiln, signage, footpaths and trails on the Outen site. School groups may show interest in the park but the plan is to make it more of a neighborhood park. Ms. Dement asked about park parking and Mr. Camp said there would be a small parking lot where the gates were.

Mike Foster said that he felt very strongly about the sidewalks.

Bob Kline of 2937 Patten Hill Drive, Matthews said that he and his business partner, Shawn Kirkley, plan on moving to this area and the feel of that area is very important to them. Mr. Kline said that with the future Outen Park and the higher income homes that they are planning they want the area to be safe. He said that the way the land sits it would be difficult to place the sidewalks and Jefferson Street has very little traffic. Mr. Kline said that the main concern was the trees and he said that most of the trees on the 5 lots were not worth saving but many on the first lot to the left were saved. He added that the narrowing of the road was also to preserve the trees at that location.

Mr. Kline said that Main Street was used as a cut through road and therefore needed a sidewalk but that was the only sidewalk in the neighborhood. Jefferson Street would not see much traffic and the slope of the land, would make it difficult even with grading. He added that putting sidewalks in would take away from the lots and variances would be needed for setbacks.

Mr. Weiser asked if instead of doing a twenty foot road, could he use the standard eighteen and have the extra to use towards sidewalks. Mr. Kline said the sidewalks without gutters and curbs can be looked into but it could take away from tree line. Mr. Kirkley explained that the ditch in the middle where the cedar trees were located was the center of the right-of-way. It was their goal to move the street closer to their side of the right-of-way to preserve the trees and the rear of Outen Pottery.

Mr. Lamson asked if Public Works had looked at the other section of Jefferson to Alexander to finish the improvements. Mr. Camp said that Public Works is aware that the existing street is substandard but they have not looked at improvements. Mr. Lamson said that substandard streets had come up on other projects and said that it was his opinion to look at these issues and funds be set aside.

Ms. Dement asked if the houses could be set back further to accommodate sidewalks and Mr. Kline said he would need to look but the building footprint was maxed out for what they are wanting to accomplish. Ms. Dement said

that she loved the type of homes they were planning and the infill development but she felt that sidewalks and the walkability for residents was important.

Mr. Query motioned to recommend denial of the Public Improvement Variance as it was inconsistent with the Unified Development Ordinance. Mr. Weiser seconded the motion.

Mr. Lamson asked if this was a recommendation to deny all three requests. Mr. Query said that looking at the cross section of the road, you could not accept one piece without the others. Mr. Query said that he felt this needed to go to the Town Commissioners and the Public Works Department about trying to improve the whole street.

The motion to deny was unanimous.

### **YOUTH VOICE UPDATE**

Matheus Sadovsky said that on Sunday, August 19, 2017 he spoke to Dr. Don Reversion who will be submitting Mr. Sadovsky's idea to the Plantation Estates Board on September 6, 2017. Ms. Dement said that Dr. Reversion is a retired ENT surgeon and President of Resident Association.

### **ADJOURNMENT**

Mr. Wieser motioned to adjourn and seconded by Mr. Query. The motion passed unanimously. The meeting adjourned at 8:20 pm.

Respectfully submitted,

Shana Robertson  
Administrative Assistant/Deputy Town Clerk

## MEMO

TO: Planning Board Members  
FROM: Kathi Ingrish  
DATE: September 20, 2017  
RE: September 26, 2017 Regular Planning Board Meeting

It's that time of year when we need to keep life here locally rolling along in between watching the huge hurricanes churning out in the ocean. The single zoning text motion for your review should not churn up any storms this month.

This is a group of text changes that for the most part reflect the need for small corrections to the UDO. They include:

- An updated statement for the appropriate NCDOT representative to sign on record plats.
- Re-insert a missing pathway dimension within cottage cluster developments.
- Correct the term "subdivision variance" to "public improvement variance".
- Correct the tree-to-car dimensional requirement for parking lots for consistency within the code.
- Provide new language for developments choosing to utilize the "low-density" options in the PCO (Chapter 8), so that over time the built-upon area limits are not inadvertently exceeded.
- Reduce the minimum financial requirement for Landscape Guarantee bonds.
- Add new provisions for "big box" design standards.
- Be consistent within the code on street naming process.
- Add a definition for "internet sweepstakes facility" and add prescribed conditions these uses must follow should they be located within Matthews.

One small revision was made following comments from Town Board at the public hearing, and that is to include an inflation factor on the Landscape Guarantee bonds.

We did not spend time at the public hearing going over the actual proposed additions involving built-upon area, or the design guideline details for big boxes. Town Board was comfortable that your Board would review these and make any comments if you felt they were necessary. I received emails from two County LUESA staff members who work closely with all the Mecklenburg County Towns' storm water regulations, and both said they had no further thoughts about the proposed built-upon area text changes. They offered good assistance to us in the months prior to this Zoning Motion being presented to you.

We should be back into a consistent fall routine. As always, please let one of us know if you find you will not be in attendance next week. Also, feel free to call or e-mail any of us with questions at any time.

## Zoning Motion 2017-2 Miscellaneous UDO Text Amendments

The proposed revisions here are either revising current wording or adding new language to current sections. New text is indicated by blue font and current text to be deleted is indicated in blue font with a line through it. Text in orange font is suggested in response to comments by Town Board members during the public hearing 9-11-17.

### 1) Required NCDOT Certificate Statement

NCDOT has developed a new certificate they need to have signed on all plats that include any state road. The surveyor preparing the plat drawing is responsible for including the statement on the original mylar so it can be sent to NCDOT office for signature prior to recordation.

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

- B. 8. ~~NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, PROPOSED SUBDIVISION ROAD CONSTRUCTION STANDARDS CERTIFICATE. (This Certificate is required when the proposed subdivision has frontage along a street under the jurisdiction of the North Carolina Department of Transportation.)~~

APPROVED:

\_\_\_\_\_  
Date \_\_\_\_\_ District Engineer

- B. 8. DIVISION OF HIGHWAYS DISTRICT ENGINEER CERTIFICATE

I hereby certify that the right-of-way dedication along the existing state maintained roadway(s) shown on this plat is approved and accepted as public right-of-way by the North Carolina Department of Transportation Division of Highways.

\_\_\_\_\_  
District Engineer Date

Only North Carolina Department of Transportation approved structures are to be constructed on public right-of-way.

### 2) Cottage Cluster minimum pedestrian path dimension missing

In the UDO draft at public hearing in 2013 there was a dimension given of 5' here. In continuing to make final corrections, some dimensions in the draft that were written out as "five (5) feet" were in the process of being revised to "five feet (5)". In this paragraph the earlier word/number order deleted but the corrected word/number sequence was not replaced. This has only now been discovered and needs to be added back into the text.

155.506.22.B.5.h.

GROUND SPACES AND PEDESTRIAN PATHWAYS BETWEEN DWELLING UNITS. The open land between dwellings in a group used as pedestrian access to one or more dwellings shall remain generally clear of

obstructions for passage of people and delivery of goods. These spaces shall be designed and maintained to provide a clearly delineated pedestrian passageway at least **five feet (5')** in width. . . .

### 3) Terminology Correction

*What used to be called a “subdivision variance” is now termed a “public Improvement variance”. We have found one reference that was not updated.*

#### 155.701.A.1. RIGHT-OF-WAY.

A proposed street right-of-way must be of sufficient width to accommodate the required cross section. However, the right-of-way shall not be less than the standards listed below unless allowed through the Flexible Design Provisions at § 155.401.7 or through a **subdivision public improvement** variance outlined at § 155.712.

### 4) Dimensional Correction for Consistency

*When we revised the landscaping provisions last time, we changed how far a parking space could be from a tree. It used to be 60’ either within or outside of the parking filed, but was reduced to 40’ maximum. This separation dimension is repeated in the NC51 Highway Overlay district, but was not dropped from 60’ to 40’ when the change was made across all zoning districts. To eliminate confusion, we need to make this correction in the Highway Overlay section.*

#### 155.504.2.B.11.b

INTERIOR LANDSCAPING REQUIRED. Interior landscaping is defined as the landscaping required within the perimeter of the parking lot, including the planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles, except those with no parking spaces located on either side. . . . No parking space shall be located more than **sixty feet (60’) forty feet (40’)** from a tree either in an island or outside of the parking lot.

### 5) Built Upon Area (BUA) trades

*Staff has experienced a series of plat revisions in one subdivision that was designed to be at the maximum “low-density” limit, which would not require the developer to install storm water controls. After initial platting, homebuilders and new homeowners subsequently have wanted to exceed their individual land coverage allowances, requiring repetitive swaps of “built-upon area” (BUA) from one lot to another, which will prove very difficult for everyone to follow over time. This amendment proposes to limit the opportunity for such lot by lot swaps of BUA. New text is proposed to be added explaining final plat requirements, and cross references are provided here for Catawba and Yadkin District low density provisions. Developers still have some flexibility but are made aware before the subdivision is designed that they will not be able to swap out BUA once parcels are platted. The intended goal here is to protect both the new owners within the subdivision and all landowners downstream from the subdivision from flooding.*

#### 155.803.C.1.c.

c. For projects with twenty-two to twenty-four percent (22 – 24%) built upon area, the maximum built upon area limit shall not be modified on any parcel that is included on a recorded final plat. If additional open land is subsequently required in order to maintain the BUA limit established when the first plat was recorded for the subdivision or development site: a parcel on a previously recorded plat within the same subdivision may be revised to become common open space or dedicated as permanent open and unbuildable land; or two lots may be replatted and recorded to become a single parcel, with a written note on the plat explaining the reason and stating that the two lots may not be subsequently separated or further revised.

155.803.D.1.c.

c. For projects with nine to ten percent (9 – 10%) built upon area, this maximum built upon area limit shall not be modified on any parcel that is included on a recorded final plat. If additional open land is subsequently required in order to maintain the BUA limit established when the first plat was recorded for the subdivision or development site: a parcel on a previously recorded plat within the same subdivision may be revised to become common open space or dedicated as permanent open and unbuildable land; or two lots may be replatted and recorded to become a single parcel, with a written note on the plat explaining the reason and stating that the two lots may not be subsequently separated or further revised.

155.803.G.

DEED RECORDATION AND INDICATIONS ON PLAT. The approval of the storm water management permit shall require an enforceable restriction on property usage that runs with the land, such as plat, recorded deed restrictions or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans. This or these documents must be recorded at the Register of Deeds and at a minimum include the following:

1. The location of all designated Undisturbed Open Space for a site shall be recorded at the Register of Deeds Office identified on a plat as “Undisturbed Open Space.”

2. Streams and buffer boundaries including the delineation of each buffer zone must be specified on all surveys and record plats.

3. The applicable operations and maintenance agreement pertaining to every structural BMP shall be referenced on the final plat and shall be recorded with the Mecklenburg County Register of Deeds Office upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the Mecklenburg County Register of Deeds Office so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles. A copy of the recorded maintenance agreement shall be provided to the Storm Water Administrator within fourteen (14) days following receipt of the recorded document.

4. A maintenance easement shall be recorded for every structural BMP to allow sufficient access for adequate maintenance.

5. When the proposed development project is utilizing the low density provisions indicated at § 155.803.C.1. within the Catawba District and proposes a Built Upon Area (BUA) between twenty-two and twenty-four percent (22 - 24%), then the maximum built upon area limit shall not be modified on any parcel once that parcel is included on a recorded plat. Any record plat for a development utilizing the low density option and having a built upon area of twenty-two to twenty-four percent (22 – 24%) shall include a written note explaining no parcel on the plat may be revised in size or built upon area restrictions, except as allowed at §155.803.C.1.c, or to correct technical mistakes made in the original record plat.

6. When the proposed development project is utilizing the low density provisions indicated at § 155.803.D.1. within the Yadkin District and proposes a Built Upon Area (BUA) between nine and ten percent (9 – 10%), then the maximum built upon area limit shall not be modified on any parcel once that parcel is included on a recorded plat. Any record plat for a development utilizing the low density option and having a built upon area of nine to ten percent (9 – 10%) shall include a written note explaining no parcel on the plat may be revised in size or built upon area restrictions, except as allowed at §155.803.D.1.c, or to correct technical mistakes made in the original record plat.

7. The specific recordation and deed restriction requirements as well as notes to be displayed on final plats and deeds shall be contained in the Administrative Manual.

## 6) Landscape Bond Amount

*We received a request to reconsider the minimum of \$20,000 as the value of existing preserved trees on a site when calculating a Landscape Guarantee bond. The amount of \$20,000 per acre was added to the former Zoning Ordinance in 2007 during a comprehensive update of the Landscape chapter. This amount was also the minimum amount the County required for bonds in the past. The County has*

*reduced the minimum bond to \$12,000 for construction work along with requiring 125% of the cost of uncompleted elements. What we have discovered is that the County does not necessarily follow what the Matthews UDO calls for in determining the Landscape Guarantee, so by requiring the project landscaper to provide all the figures, it should become more consistently applied. As proposed here, the bond amount could be reduced, especially when there are few preserved trees on a small building site.*

155.606.13.H.

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 retail cost 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);~~ and the labor costs for installation, plus an amount equal to twenty-five percent (25%) of the combined amount of the factors listed here. Values shall be calculated using The Guide for Plant Appraisal (current edition), published by the Council of Tree and Landscape Appraisers (current edition). The project landscaper shall be responsible for providing these figures to the Town and County. 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 § 155.405.10.C.3.

## 7) Big Box Standards

*In the UDO the Town adopted general design guidelines for all zoning districts that outline certain improvements that are desirable or undesirable. The paragraphs at § § 155.602 and 155.603 “encourage” developers to follow them when building within the Traditional zoning categories, and these directives are required in certain Conditional-Only districts that are intended to create a modern small-scale urban environment. The future Family Entertainment neighborhood has very specific limitations on the size of potential “big box” retail facilities in its Small Area Plan and Policy Statement. We received a request from a Commissioner to consider adding more provisions for “big boxes”. The following language would be a way to begin the process of expressing what the Town wants followed in all zoning districts. Specific size and bulk provisions are provided here as a starting point for discussion, and can be revised per Council preference before anything is adopted.*

### 155.603.2 Exterior Building Walls

Exterior building walls shall generally reflect and complement the traditional materials and construction techniques of the Charlotte region on all sides of any structure which may be visible from the public realm. They should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in building form and the articulation of details. All building materials to be used shall express their specific properties. For example, heavier more permanent materials (masonry) support lighter materials (wood).

Buildings constructed for commercial uses, particularly retail, which are predominately or wholly single story facilities, need to pay particular attention to the impact of their bulk and length along public street frontages. In order to improve the appearance from the public realm, these buildings should break up any expanses of blank walls with the use of exterior materials changes, a shift in wall location so that the frontage is not on a single plane parallel to the street, window and door openings, architectural design elements, and similar visually obvious detail changes that break up the horizontal expanse of plain wall. To the greatest extent possible, single story buildings greater than thirty thousand square feet (30,000 sq ft) and/or with a front elevation longer than one hundred feet (100') facing the public realm should utilize some architectural and visual variety to reduce the appearance of a single monolithic structure when initially designed or renovated for retail use.

#### 155.603.4 Windows and Doors

The placement, type, and size of windows and doors help to establish the scale and vitality of the public realm. For nonresidential and mixed use buildings, they allow interplay between the business interiors and the street or public realm space. For residential buildings, they foster “eyes on the street” surveillance which provides for security and safety in the area. Windows should be divided by multiple panes of glass. This helps the window “hold” the surface of the façade, rather than appearing like a “hole” in the wall, an effect produced by a large single sheet of glass.

When larger single-story buildings are initially designed for commercial retail uses, they should include windows along at least forty percent (40%) of the length of the façade facing the public realm and should provide placement for future door openings for eventual reuse by multiple users. “Larger buildings” refers to single story buildings greater than thirty thousand square feet (30,000 sq ft) and/or with a front elevation longer than one hundred feet (100’) facing the public realm.

*For purposes of determining what may be appropriate dimensions to qualify as a “big box”, here are some comparisons. Existing retail locations have been measured off aerial photographs and proposed new structures have been estimated from zoning site plans. **None of these are accurate measurements.***

<u>Retail facility</u>	<u>Building frontage length</u>	<u>Building square footage</u>
Mattress Firm @ Matthews Festival	70’	6,840
CVS, NC51 @ Sam Newell	150’	11,230
Walgreens, NC51 @ N Trade	125’	14,310
Former Consignment 1 <sup>st</sup> , IPP @ Sam Newell	96’	16,350
Michaels @ Sycamore Commons	160’	23,600
Proposed Lidl, Margaret Wallace @ Idlewild	300’	36,240
Harris Teeter @ Matthews Festival	265’	58,270
Proposed Academy Sports, NE Pky	285’	62,600
Kohl’s @ Windsor Square	380’	96,110
Target, NC51 @ IPP	395’	123,120

#### 8) Street Name Review Process – Match Elsewhere in Code

*Revise process for street names to match prior change made at § 155.405.4.P to how a street name is confirmed.*

#### 155.405.6.C.2.

Within thirty (30) days for a Minor Subdivision, or forty five (45) days for a Major Subdivision, from the date of receipt of the Sketch Plan by the Planning Office the Plan Review Committee shall review, comment and approve the Sketch Plan only if all requirements of this Title are met. ~~All proposed street names and the~~ The proposed subdivision name shall be sent to Mecklenburg County Land Use and Environmental Services Agency and local emergency agencies for comments. ~~All proposed street names shall be reviewed by Matthews Planning, Public Works, Police, and Fire & EMS Departments before being submitted to Mecklenburg County for final approval.~~ If necessary, the subdivider shall submit additional information and/or a revised Sketch Plan, as required, to the Planning Office. Within thirty (30) days from the date of receipt of the revised Sketch Plan or such additional information by the Planning Office the Plan Review Committee shall review the revised Sketch Plan or such additional information and, if all issues have been satisfactorily resolved, the Plan Review Committee shall approve the Sketch Plan with or without conditions.

#### 9A) Add Definition

We have provisions to allow “internet sweepstakes facilities” in the B-H and I-1 zoning districts as a use by right. Required minimum parking provisions reference this type of use as having one “patron station, computer, or gaming equipment station” for each customer. Although we are still awaiting final judicial action on these types of facilities, it may be helpful for us to add a definition to our code now.

**Internet Sweepstakes Facility, or Adult Gaming Facility:** shall mean any establishment, or use within a commercial establishment, deemed legal by state law, featuring one or more electronic devices, computers, or gaming equipment stations, skill-base or otherwise, which are available for patron use and which reward patrons with cash, other monetary payments, goods or certificates for services or merchandise which are redeemable for cash, merchandise, or other monetary payment on or off premises and including online redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. State of North Carolina sanctioned lottery functions shall not be considered as internet sweepstakes or adult gaming facilities for the purposes of the Title.

**Arcade, Amusement:** shall mean a business establishment which provides an assortment of equipment and devices such as pinball and other electronic games, often requiring insertion of coins or tokens to begin the play sequence, for amusement purposes only, and not including bingo games, children’s mechanical rides, or devices that sell merchandise, nor does an Amusement Arcade include any gambling devices, computers or software programs offering games of chance not allowed by law, or defined here in this Title as an Internet Sweepstakes or Adult Gaming Facility.

9B) Internet Sweepstakes Facility as a “Use Under Prescribed Conditions”

As mentioned above, the UDO allows internet sweepstakes facilities in two zoning categories by right. Since some uses also allowed in these districts may be sensitive to immediate proximity to this use, this revision would place some parameters on these uses to limit potential conflicts.

155.505.2 Table of Allowed Uses

General Commercial Uses	B-H	I-1
Internet sweepstakes, or adult gaming facility	☞ PC	☞ PC

155.506.50 Internet Sweepstakes or Adult Gaming Facility

A. An internet sweepstakes or adult gaming facility may be a stand-alone business or a section of space within another commercial use which offers customers the opportunity to participate in electronic activities at patron stations that may result in rewards of money, merchandise or services of more than negligible value (i.e., not children’s toys or novelties), on- or off-premise or online, when any such rewards may not be legally available to minors. Such uses are considered a principal use regardless of the area they take up within a building. These uses may be located within the B-H and I-1 districts when meeting the standards listed here.

B. Standards.

1. Any internet sweepstakes or adult gaming facility shall not operate in the same building where any place of worship, any public or private elementary, middle or high school, any child day care facility, any adult day care facility, or any other internet sweepstakes or adult gaming facility is located.
2. Any internet sweepstakes or adult gaming facility shall be placed at least five hundred feet (500’) in a straight line distance from any existing use listed in §155.506.50.B.1 immediately above.
3. Each area within a building devoted to internet sweepstakes or adult gaming shall be open and visible, and have direct access from the front interior of the business. Entrance door(s) to the business location shall remain unlocked while patrons are, or may be, on the premises.
4. No internet sweepstakes or adult gaming facility shall allow or condone any persons under the age of eighteen (18) to participate in any activity at the patron stations, or to supervise operation of equipment.

## **Zoning Motion 2017-2 Miscellaneous UDO Text Amendments**

### 1) Required NCDOT Certificate Statement

NCDOT has begun requiring a new statement.

### 2) Cottage Cluster minimum pedestrian path dimension missing

During final draft corrections in 2013, somehow the dimension of five feet for a walking path between houses in a cottage cluster development was not inserted.

### 3) Terminology Correction

During final draft corrections in 2013, staff missed changing “subdivision” variance to “public improvement” variance.

### 4) Dimensional Correction for Consistency

Landscaping Chapter calls for a tree within 40’ of any parking space – this was reduced from 60’ in previous Zoning Ordinance. During final draft corrections in 2013, staff missed revising the Highway Overlay provisions from 60’ to 40’ to be consistent across the Ordinance.

### 5) Built Upon Area (BUA) trades

Occasionally new subdivisions want to develop just slightly under the maximum allowed impervious surface without adding storm water detention facilities, and then home builders and/or new homeowners want to add more to their lot than has been allocated. To reduce the long-term problems of verifying the allowed “Built Upon Area” is not exceeded, these text revisions will apply for those developments starting off at just slightly under the maximums.

### 6) Landscape Bond Amount

Per request from a Commissioner, staff is proposing a reduction in the minimum required amount a developer must submit for a three-year Landscape Guarantee bond.

### 7) Big Box Standards

Per request from a Commissioner, staff is proposing added language that provides some building design guidelines for “big box” structures. This proposes using the breakpoints of 30,000 sq ft or 100’ in building frontage as a “big box”, but alternative dimensions can replace these if desired.

### 8) Street Name Review Process – Match Elsewhere in Code

Town Board approved a text change a couple years ago to how street names are determined. Another section of the UDO also mentions steps in the street naming process, and should be internally consistent.

### 9) Internet Sweepstakes Facility Definition and as a “Use Under Prescribed Conditions”

A) This use is currently listed in the Table of Allowed Uses in the B-H and I-1 zoning districts, although pending court case has limited such uses from opening. Staff proposes a new definition be added for this land use.

B) While continuing to allow this use in the B-H and I-1 districts, change it from allowed by-right to allowed under prescribed conditions.