

**PLANNING BOARD
REGULAR MEETING
TUESDAY NOVEMBER 28, 2017
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES – October 24 2017
- III. ZONING APPLICATION 2017-667 – Multiple Parcels/Owners, CrC (old) to CrC (new)
- IV. PUBLIC IMPROVEMENT VARIANCE – S Kirkley & B Klein, 400 Block of Jefferson Street, Modify Street Cross Section to 20' Ribbon Pavement and Fees-in-Lieu for Sidewalk
- V. ADMINISTRATIVE AMENDMENT – Traffic Signal on Fullwood Lane
- VI. CANCEL DECEMBER 26, 2017 MEETING
- VII. ADJOURNMENT

MEMO

TO: Planning Board Members
FROM: Kathi Ingrish
DATE: November 14, 2017
RE: November 28, 2017 Regular Planning Board Meeting

Everyone planning to get their share of the turkey? Don't miss out on the seconds (and thirds)! Maybe an extra slice of pumpkin pie for a snack later on? We have a "snack-size" agenda for you this month, with only two items to ponder.

There was one zoning public hearing this month, to begin the process of converting all parcels in the Crestdale Conservation District (CrC) to the updated version of the CrC District. This is essentially the same process we have been undertaking for several years to bring properties zoned "Conditional", an OLD category that has not been brought forward into current zoning codes for a couple decades, to appropriate contemporary zoning designations. In this case of the Crestdale neighborhood, the only difference between the "old" CrC and the "new" CrC is how properties request a use other than a single family detached house. Since the great majority of parcels within the CrC district will have, or want to have, a house on them, the zoning conversion process has essentially no impact on them. Only parcels of land in Crestdale that are large enough to possibly be used for a church, a house with a small storefront, townhouses, or similar uses that have been allowed in Crestdale for years, are the ones that may benefit from the new CrC provisions. The parcels of land included in this particular zoning request do not have any development plans, and many may never request anything more than single family houses. If any of these parcels should, at some time in the future, want to build something other than a house, at that future time they would bring their site plan and elevation drawings to Town Board for review and approval. Planning staff fully supports all parcels within the CrC district go through this zoning update process. Each individual property owner must sign a request before their property can be included in a rezoning case, so you will see multiple requests like this until we get all parcels in Crestdale switched to the "new" CrC designation.

A couple months ago your Board reviewed a request for Public Improvement Variances for the end of Jefferson St across from the historic Outen Pottery site. The projector was malfunctioning at that moment, and it was difficult to explain the request and why it made sense from staff's perspective, and your Board recommended denial. Town Board then denied the request as well. Following that action, the property owners provided further explanation to Town Board members to help them understand the unique difficulties and adverse impacts on the Outen Pottery property unless some relief from the standard suburban street cross section was allowed. Council members discussed this at their 5:30 PM session on October 23, and agreed that some flexibility in street design standards was appropriate here. The property owners were in attendance at that 5:30 meeting to hear the Council discussion, and have now submitted a new Public Improvement Variance request. This time they seek a variance to the Local Residential Street (Class VI) standards, to only build a 20' wide ribbon pavement without curb and gutter, to provide fees-in-lieu for the cost of sidewalk that can be used by the Town at a later date when the Outen Pottery site is further improved or other downtown neighborhood sidewalks are installed. While not a part of the Public Improvement Variance approval, the applicants intend to end Jefferson St with a rotated hammerhead turnaround for cars, garbage trucks, fire trucks, etc. This request meets the intent of our code while closely matches existing improvements in the surrounding neighborhood. Sidewalk in front of the proposed new houses across the street from Outen Pottery will not provide any connectivity since there is no sidewalk on the rest of Jefferson St back out to Main St and there is no opportunity to extend a pedestrian path beyond the dead end.

At this time it appears we can cancel the December 26 meeting without needing to reschedule it.

We hope all of you will be able to attend the December 11 Council meeting for the "changing of the guard" as two Planning Board members are sworn in as elected officials. As always, please let one of us know if you find you will not be in attendance on November 28. Please feel free to call or e-mail any of us with questions at any time.

**MINUTES
PLANNING BOARD
TUESDAY, OCTOBER 24, 2017
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chairman Barbara Dement; Vice-Chairman Kress Query; Members David Wieser, Kerry Lamson, Jana Reeve and Michael Ham; Alternate Member Mike Foster and Raymond Poyner; Youth Voice Matheus Sadovsky; Town Attorney Charles Buckley and Craig Buie; Planning Director Kathi Ingrish; Senior Planner Jay Camp; Planner Mary Jo Gollnitz and Dillon Lackey; Administrative Assistant/Deputy Town Clerk Shana Robertson.

CALL TO ORDER

Chairman Barbara Dement called the meeting to order at 7:02 pm.

APPROVAL OF THE MINUTES

Kress Query motioned to approve the minutes from September 26, 2017. The motion was seconded by David Wieser and unanimously approved.

Motion by Michael Ham to add Alternate Member Mike Foster to serve as a voting member. Mr. Wieser seconded and the motion was unanimously approved.

PUBLIC IMPROVEMENT VARIANCE – Bainbridge (Matthews Ventures/Overcash/ JBOMMH), 1725 and 1705 Matthews-Mint Hill Rd, To Allow Proposed Vehicular Accesses onto (Proposed) Northeast Pky to be Sufficient as the Required Second Access Point to Meet 155.701.C.4.g. (More Than 100 Dwelling Units)

Professional interpreters provided Spanish/English interpretation for this item to attendees.

Senior Planner Jay Camp reviewed the request for a Public Improvement Variance for the access point from Matthews-Mint Hill Road and explained that under the Matthews Unified Development Ordinance, the development's 350 multi-family units would require two access points. Mr. Camp informed the Board that the Public Improvement Variance would be needed for the development rezoning to move forward as designed.

Kerry Lamson asked if the requested Public Improvement Variance was only for the Bainbridge rezoning and Mr. Camp said that it was and if the rezoning was denied, the variance would be void. Mr. Camp said that staff had been working with the developer and a second access was considered but with the plans for townhome units on the site, the curvature of the road, and the closeness to the main entrance the second access would provide minimal improvement.

Mr. Query said that through the years he had always asked developers for two accesses, two ways in and two ways out, for emergency safety. He added that completing Northeast Parkway would solve the issue.

Mr. Foster asked if Northeast Parkway was a confirmed thoroughfare and Mr. Camp said that it is fully funded with an estimated start in 2021 and completion about 2023.

Applicant representatives Keith MacVean of Moore & Van Allen, Matt Villmer of Weaver, Bennett & Bland, Randy Goddard of Design Resource Group and Chuck Travis of Housing Studio were available to the Board for questions. Raymond Poyner asked what the development time frame was and Mr. MacVean said that Bainbridge had hopes to start construction in late 2018 with an eighteen month build time. He said by that time NCDOT's design build schedule should be underway leaving about a three year gap between the multi-family completion and the U-2509 completion. Mr. MacVean said that there had been many conversations with NCDOT regarding building the parallel connectors sooner to provide relief during construction but the decision had not yet been made by NCDOT.

Mr. Ham asked what qualified the request or how there was a hardship to constitute a variance. Mr. MacVean said that the property was unique due to the fact that the parcel will be split by Northeast Parkway and created a different

circumstance that the Town Ordinance did not anticipate. He continued that once Northeast Parkway was complete the development would be in compliance offering four access points versus the two that are required. Mr. MacVean reviewed the issues with adding a second access off of Matthews-Mint Hill Road.

Mr. Query said that he still had a problem with just one access and the second access that was looked at was a worse condition with the high school and current road congestion. He said that the only solution that he saw was for Northeast Parkway to be completed. He asked if the applicant was planning on being reimbursed by NCDOT for the portion of Northeast Parkway that the developer planned to build and Mr. MacVean said that the portion of Northeast Parkway and the fire lanes that were requested, will be built and funded by Bainbridge. Mr. Query said that if a fire did happen the residents would be blocked in. Mr. Query added that without Northeast Parkway being completed he did not see a way the project could survive.

Ron Perera Development Manager with the Bainbridge Companies said that the variance would be a temporary condition until the extension of Northeast Parkway is completed by NCDOT. He said that the NCDOT had offered in writing that the U-2509 project would be completed and added that the project start date had been moved up twice, was fully funded, and was a design build project.

Mr. Query said that there were no guarantees and he still did not feel that safety for the residents would be met in an emergency situation unless the full road was constructed.

Ms. Dement asked if they would review the conversation of possibly receiving a reimbursement from NCDOT. Mr. Perera said that Bainbridge and Town staff had met with NCDOT on several occasions. Discussions were had regarding Bainbridge building Northeast Parkway as part of the development and be reimbursed. This would have included also the right-of-way acquisition for two parcels that were held by two separate owners. NCDOT said that with the U-2509 project having full funding, they did not feel like there was a lot of gap between the 2020 development completion and the U-2509 2020 start. He continued that the NCDOT would have to separate out Northeast Parkway from the project, set a separate timeline, environmental study, bidding, and funding. Mr. Perera said that NCDOT had no interest in doing that with the small time gap. Other road improvements would be done by NCDOT to Matthews-Mint Hill Road including a possible roundabout at Northeast Parkway. He added that Bainbridge would also be doing road improvements including a right turn lane from Matthews-Mint Hill Road and Moore Road, a temporary traffic signal, signage, and restriping.

Mr. Lamson said that he agreed with Mr. Query on the safety aspect and asked about a temporary second access from Matthews-Mint Hill. Mr. Perera said that Northeast parkway essentially could act as a second access in case of an emergency situation. He added that to add a second access from Matthews-Mint Hill would remove the Townhouses from the design and put the drive on a curve. He said that that option was not beneficial and the entrance at Northeast Parkway was wide enough to be two entrances for fire access.

Planning Director Kathi Ingrish said that the Matthews Unified Development Ordinance Section 155.701.C.4.g stated that a median-divided vehicular access point counts as a single vehicular access point when determining required number of access points. Mr. MacVean said that they were not meaning Northeast Parkway to be two entrances but to give temporary access during emergency situations.

Jana Reeve asked if there was a timeframe for the proposed roundabout on Matthews-Mint Hill Road and if that is a confirmed design. Mr. MacVean said that the roundabout or signalization of the intersection is part of the NCDOT's U-2509 project that also included Northeast Parkway. He said that NCDOT is currently doing traffic analysis and would not be making a design determination until the study was complete. Mr. MacVean said that until the NCDOT project completion, the intersection would be temporarily signalized.

Mr. Wieser clarified that road improvements would be done regardless of the decision of a roundabout or traffic signal and Mr. MacVean said that was correct.

Mr. Foster asked when they were projecting the first tenants. Mr. Perera said that if rezoning was approved, earliest construction start date would be the end of 2018 and unit occupancy would begin in late 2019 or early 2020. Mr. Foster said that this could be a two year gap between the completion of the development and the completion of US 74 and the connector roads. Mr. Foster asked staff if each side of Northeast Parkway was a different development,

would the access count be compliant. Mr. Camp said that it would if the development was under 100 units. Mr. Camp added that the US 74 project is a design build process so there was no time table on what roads would be built first.

Mr. Ham asked who would own Northeast Parkway when completed. Mr. MacVean said that after Bainbridge built the proposed section, the right-of-way would be dedicated to The Town of Matthews or NCDOT. He added that the road would be built to Matthews and NCDOT standards.

Mr. Query pointed out that the other parts of Northeast Parkway were built by other developments to provide multiple access points. He added that the Parkway was built to state specifications and dedicated to the Town. Mr. MacVean said that they could not build all of Northeast Parkway as the road would fall on other parcels that were not owned by Bainbridge. Conversations were had with the owners of those properties and they were not interested or wanted higher prices. Mr. Perera added that Bainbridge looked forward to and anticipate the completion of the road as it would give the residents the ability to walk or bike to the nearby shopping center. He added that Bainbridge would have liked to build the remainder of the road but due to the timing of the NCDOT project and complications with other property owners it did not work out.

Mr. Query made a motion to recommend denial of the Public Improvement Variance as it does not meet the Unified Development Ordinance. Mr. Lamson seconded the motion with Ms. Dement, Mr. Lamson, and Mr. Query in favor. Mr. Foster, Mr. Ham, Mr. Wieser, and Ms. Reeve were opposed. The Motion to deny failed.

Mr. Ham made a motion to recommend approval of the Public Improvement Variance as it meets the requirements of a variance and is consistent with policies outlined by the Matthews Land Use Plan that the action items of Northeast Parkway say that the Town should require developers to build portions of Northeast Parkway in conjunction with adjacent land development, and consider well-designed infill development, such as multi-family uses where appropriate and compatible with existing development. Mr. Wieser seconded the motion. Mr. Foster, Mr. Ham, Mr. Wieser, and Ms. Reeve were in favor. Ms. Dement, Mr. Lamson, and Mr. Query were opposed. The Motion to recommend approval passed.

ZONING APPLICATION 2017-663 – Bainbridge (Matthews Ventures/Overcash/ JBOMMH), 1725 and 1705 Matthews-Mint Hill Rd, From R-12, O(CD), R-MH, RU, and B-H to R-12MF(CD) For a 350-Unit Multi-Family Development

Professional interpreters provided Spanish/English interpretation for this item to audience members.

Mr. MacVean reviewed the details of the rezoning and said that since the public hearing there had been many changes including: clarifying that the construction of Northeast Parkway would have turn lanes and would be designed with grasscrete to allow fire vehicle access; details of pocket parks and public access easements; additional details of the building elevations, materials, and colors used; a commitment to preserve the log cabin that is located on the property or allow it to be preserved by donating and moving the structure, or using the materials in the design of the clubhouse; commitment to install a temporary signal at the intersection of Northeast Parkway and Matthews-Mint Hill Road; a commitment to work with the residents at Oakhaven that had been agreed upon by 100% of the residents at the site. Mr. MacVean said that they had also worked with NCDOT on the construction of Northeast Parkway and the pedestrian crossing. Agreements had been made with Bellasera neighborhood to include a 100' landscape buffer with some added new landscaping, black metal fencing, and easements for drainage to a water retention pond. He added that sidewalk connections had also been added but NCDOT will not allow crosswalks going across Matthews-Mint Hill Road. Mr. MacVean reviewed the revised elevations and addition of interior corridors and elevators, clubhouse porches, and a full, four sided, clubhouse elevation.

Mr. Query asked if the brick was only on the front. Mr. MacVean said that the building fronts facing the public streets will have a minimum of 50% masonry with all other sides having a minimum of 30% masonry and added that it was the same that was presented at the Public Hearing. Mr. Query asked how many elevators each building had and Mr. Perera said there was two located in Building one, and one in Building two. He added that the standard count depended on the number of units in a building. Mr. Query asked why they did not finish Northeast Parkway to the property line and if they would consider delaying construction until after the road was complete. Mr. Perera said that

the thoroughfare did not serve any purpose being built to the property line. Mr. Query asked about the dedication of the right-of-way if the construction by NCDOT coincides with that of Bainbridge. Mr. Perera said that the idea behind that was if NCDOT accelerated their project and construction coincided, Bainbridge was willing to dedicate the balance of the right-of-way. He added that if there was a gap, the right-of way acquisition would be the same as any other property owner. Mr. MacVean added that another reason that the road stopped at the entrance was due to not having a place to turn fire vehicles around with the median drive.

Mr. Poyner asked for more information on the pocket parks and the lighting. Mr. MacVean reviewed the park locations along Matthews-Mint Hill Road and the furniture, landscaping, and hardscapes. Lighting will be at a pedestrian scale.

Mr. Lamson asked for an update on the Oakhaven Mobile Home Park. Mr. MacVean reviewed what was presented at the public hearing, the transition research, and the agreed and endorsed transition plan. Matthew Villmer of Weaver Bennett & Bland said that he was representing the Overcash family and that they had 100% approval from the residents.

Ms. Dement asked if the traffic signals would be on mast arms or pole wires. Mr. MacVean said that they were hopeful that the signal that goes in would only be temporary but research was done and the mast arm signal would cost around \$100 thousand to \$200 thousand depending on the size. He added that they looked at other signals around town and most were pole and wire. Mr. Perera reviewed photos that were taken at traffic signals at Matthews-Mint Hill, Independence Pointe Parkway, and Sam Newell and Northeast Parkway. He said that they do not believe the light would be permanent after the NCDOT completes their road project but if it is they will consider the mast arm design. Mr. Perera added that a condition could be added to escrow funds in case the roundabout was not built.

Mr. Ham reviewed the NCDOT response regarding the hybrid pedestrian beacon and asked if it could still be added against NCDOT's advice. Mr. MacVean said that NCDOT told them that it would not be allowed. Mr. Ham said that he suggests that the applicant look at adding a pedestrian bridge or tunnel to help residents to safely cross. He added that he knew these options were expensive but if the rent costs were increased by just \$25, the tunnel could be paid for in a small amount of time. Mr. MacVean said that the suggestions would be looked into.

Mr. Query said that the rest of Northeast Parkway was a Town road and asked Ms. Ingrish if there was any reason that the new section could also be Town maintained. Ms. Ingrish said that just like Independence Pointe Parkway, pieces could remain town streets but the intent was that both of the parkways would be built and turned over to NCDOT. She added that discussions have not been had yet to this matter.

Mr. Query said that a lot of conversations about pedestrian safety are being had and he agreed with Mr. Ham. Mr. MacVean said that the developer would be willing to signalize the crossing if NCDOT would allow. Ms. Dement asked if the signalization would be imbedded in the raised walkway or overhead and Mr. MacVean said that they had not gotten that far but wanted the best solution.

Mr. Wieser asked if a raised crosswalk was a NCDOT option and Mr. MacVean said that it was not considered but could definitely be discussed.

Ms. Reeve asked if the Oakhaven residents knew that the relocation package would entail them moving into new schools and Mr. MacVean said that affordable housing in good school districts was difficult at this time.

Mr. Query asked about the workforce housing consideration. Mr. Perera said that based on projected rents, they were falling between 70-110% of the area median income and would be de facto workforce housing. He added that affordable housing is a different issue and the municipality would need an affordable housing program that would provide monitoring and certification. Mr. Perera said that without an affordable housing program they would not be able to offer affordable housing. Mr. Query asked if some units could be added that were more affordable and Mr. Perera said that due to the Federal Fair Housing Guidelines, discounted units or units that were different in materials used or finishings could not be offered to some and not others.

Mr. Wieser motioned to recommend approval of the rezoning of 2017-663. The requested zoning action, as most currently amended, is consistent with the policies for development as outlined by the Matthews Land Use Plan, because action items for Northeast Parkway say the Town should "require developers to build portions of Northeast Parkway in conjunction with adjacent land development" and to "consider well-designed infill developments, such as multi-family uses where appropriate and compatible with existing development". This recommendation is subject to the Public Improvement Variance also being approved as discussed this evening. Mr. Foster seconded the motion.

Mr. Ham asked that the crosswalks be addressed with the Commissioners.

Mr. Query said that he is opposed to the high density being developed in an area without the road being finished as it could put the residents in danger.

The motion to approve passed with a vote of four to three with Ms. Dement, Mr. Lamson, and Mr. Query in opposition.

ZONING MOTION 2017-3 – Tree Protection and Landscaping Chapter Revisions

Planner Dillon Lackey presented the changes that were recommended during the Public Hearing. He said that staff had reviewed and were working on fine tuning the verbiage so he was not able to present the full finished version. Changes that are available for review are incentives for a 5% reduction in parking for additional tree save with a caliper of eight inches or greater. Mr. Lackey noted that it was six inches but increased to be consistent with other parts of the ordinance. Other changes included additional tree islands in the 10% incentive category that one tree island would give a reduction of two parking spaces. Tree canopy requirements were increased for HUC, C-MF, and TS to 5%; MUD, ENT, SRN was increased to 10%; and O, B-1, B-3, B-D, and AU increased to 15%. The remaining zoning districts were left unchanged as they were consistent with other communities. Mr. Lackey also reviewed that adding "detached" to single family to the wording for the addition of trees in front, rear or side yards.

Mr. Ham asked why the number was reduced for trees and Mr. Lackey said that with the trend that staff was seeing of dense development and larger homes on smaller lots, these numbers were more practical. Mr. Ham asked if this change was in the Town's interest or the developer. Mr. Lackey said that it was a compromise and would reduce the need for variances. Mr. Ham said that he was not in favor of this change.

Mr. Lackey reviewed other changes: calculation of tree canopy size for large maturing trees; renaming Payment in Lieu program that builds the tree canopy fund; Mediation provision in PCO was removed; and an explanation was given for the Tree Canopy Fund.

Mr. Foster asked if this was reviewed by the Tree and Appearance Board and Ms. Dement said that Mr. Lackey had tried several times.

Mr. Ham said that he had a lot of problems, adding the payment in lieu section as it reinforces the view that land can be altered to fit design and not the design to fit the landscape. He added that Matthews did not need more development but quality developments and Matthews cannot pride itself on being a Tree City if they only protect 15-20% of trees. Mr. Ham said that he was oppose this section.

Mr. Lamson said that the developers were making a payment in lieu of 50% of the requirement. He asked why this was only 50%. Mr. Lackey said there was no precedence for that but it was modified from what the City of Charlotte does. Mr. Lamson said he would be more comfortable with a higher set of minimum requirements. Mr. Lackey said that the purpose of the Tree Canopy Fund was to plant more trees in a site that was more sustainable.

Ms. Dement asked if Charlotte had been successful. Mr. Lackey said that they had been having issues but that was due to the influx in density and no fault to the developers or the fund. Ms. Dement asked if there were any comparable towns with something like this in place and Mr. Lackey said that Chapel Hill had a Tree Canopy Fund.

Mr. Ham said that this was not natural to 100 years ago and felt that you could not remove a forest that had its own ecosystem and replant.

Mr. Lackey said that he had aerial data from the county GIS department for 2016 that showed a 53.6% tree canopy. Mr. Foster asked if there were projections of how the information presented may change the percentage and Mr. Lackey said that he had not run any projections.

Mr. Lackey said that the recommended action from staff would be to approve with conditions. He added that payment in lieu needed to be looked at more.

Mr. Ham motioned to recommend approval of zoning motion 2017-3 because it is consistent with the Land Use Plan and policies of the Town of Matthews with the condition that Section 155.606.7.A.4 be revised to be more difficult and stringent, and by its adoption it is reasonable given the nature of the regulation to provide a better tree canopy for the Town of Matthews. Ms. Reeve seconded the motion and the motion passed unanimously.

Ms. Dement called for a break at 9:13 pm and called the meeting back to order at 9:21 pm

PUBLIC IMPROVEMENT VARIANCE – Profitt Dixon/L & L Investment Corp, 1100 Matthews-Mint Hill Rd, To Waive Requirement for Third Vehicular Access Point for More Than 350 Residential Units

Mr. Camp reviewed the variance request to waive the requirement for a third access point. Mr. Camp said that the first phase of the project is 360 units. He added that it was ten units more than the maximum for two access points onto a public street. The ultimate size of the project is 570 residential units. Mr. Camp said that the temporary access would be twenty feet wide, paved driveway off of Matthews-Mint Hill Road similar to the one in place at Matthews United Methodist Church. Mr. Camp said that the Town is planning on moving one of the only Town maintained traffic signals from Crestdale Road to the intersection of Matthews-Mint Hill and Independence Pointe Parkway possibly by the end of 2017. The construction of the continuation of Independence Pointe Parkway is similar to the schedule to Northeast Parkway as it is part of the NCDOT project U-2509 that would be a design build project with a start date of 2020 to 2021 and a 2023 to 2024 completion date.

Mr. Ham asked where the third access point would be built. Mr. Camp reviewed the conceptual plan of Independence Pointe Parkway. Mr. Ham asked about the privately held property and asked if those properties would need to be purchased or taken. Mr. Camp said that with the value of the property and the Town Ordinance that developments would need to connect to stub streets, the future accesses were not a concern.

Mr. Foster asked for clarification of where the future access points were and Mr. Camp showed the access points and said that as soon as Independence Pointe Parkway was built they would be over what was required.

John Carmichael with Robinson Bradshaw, 101 N Tryon Street, Suite 1900, Charlotte, NC 28246 introduced himself and Wyatt Dixon with Proffitt Dixon; Jeff Osborn with Osborn Engineering; and Andrew Eagle with Randy Camp and Associates. Mr. Carmichael said that the Public Improvement Variance would allow two access points to support a development that could contain up to 570 multi-family development units in two phases until the third access point became available. Mr. Carmichael reviewed the 35 acre site that was part of the entertainment district. He added that the hardship lies as there are no stub streets to the west, east, or south to connect. The property fronts Matthews-Mint Hill Road with a width of 850 feet for access points. Mr. Carmichael added that the variance would be an interim condition.

Mr. Ham asked if this was a self-imposed hardship by adding the additional ten residential units. Mr. Carmichael said that it was a 35 acre parcel and the Town's vision was to have an urban dense environment. Mr. Ham said that if they built 350 units with two access points they would be conforming.

Wyatt Dixon with Proffitt Dixon 1355 Greenwood Cliff, Suite 150, Charlotte, NC 28204 said that the Ordinance required connection to a public street and their goal was to set the framework for the ENT district vision. He added that they had no plans to clear-cut the site. He added that the site was complicated by the sewer line. When extended, it will follow the same path as Independence Pointe Parkway. Mr. Dixon said that once the other phases are developed one of two things will happen, NCDOT will build Independence Pointe Parkway or they will build it. He said that Matthews ordinance was unique in requiring a third access.

Andrew Eagle with Randy Camp and Associates Engineering 88307 University Executive Park Drive, Suite 260, Charlotte said that he did not know of any other Town or City Ordinances, in his experience, that required a third access point. Mr. Eagle said that NCDOT required 600 feet between driveways and the property's 810' of frontage ruled out that possibility.

Mr. Lamson asked about fire access. Jeff Osborn, 610 E Morehead Street, Charlotte, NC said that the driveway would be built for two way access and there is adequate movement around all sites. Full site layout was reviewed for the Board.

Mr. Wieser asked if discussion had been had with NCDOT regarding pedestrian safety. Mr. Dixon said that the applicants and staff had both spoken to NCDOT and requests were made to reduce speed limits, grant on street parking, access points and pedestrian crossings. Mr. Dixon said that this all overlaps the CATS Silver Line and room had been left in the road spacing to accommodate the future light rail.

Mr. Pointer asked what the time frame was and Mr. Dixon said that with perfect scheduling, construction and permitting would begin in July of 2018 and the first phase of 355 units and clubhouse would be 12 to 14 months until completion.

Ms. Reeve asked if the second phase would wait on the completion of Independence Pointe Parkway and Mr. Dixon said that the developer would build the road if construction was ready to start on the second phase before NCDOT finished the road.

Ms. Dement motioned to recommended approval of the proposed Public Improvement Variance to waive the requirement for a third vehicular access point for more than 350 residential units as it was reasonable for the temporary situation until completion of Independence Pointe Parkway. Mr. Wieser seconded the motion.

Mr. Ham said that he was not going to oppose the Public Improvement Variance but he felt that they don't meet the requirements for a variance.

Mr. Query said that he felt the same way as Mr. Ham but this would start the development of the ENT district that the Town had envisioned for over 20 years.

The motion to approve passed unanimously.

ZONING APPLICATION 2017-665 – Proffitt Dixon, UDO Text Changes To Be Applied to Development Within the ENT District

Mr. Camp and Mr. Carmichael reviewed the revised text changes that were presented to the Board. Changes included staff recommendations to have the maximum build-to line only when a lot had multiple street frontages; referencing Section 155.606.7 tree canopy for the ENT district; allowing private street where 90% is residential but built to public street standards with a public access easement to be provided to the Town.

Mr. Lamson asked who would be responsible for the maintenance of the private streets and Mr. Dixon said that the roads would be 100% maintained through the development. Mr. Buckley said that private streets would not be publicly maintained.

Mr. Carmichael clarified that these provisions were only for the ENT district.

Mr. Camp said that other changes included a reduced 25ft X 25ft sight triangle and to be included on platted streets; flexible tree canopy design standards; eliminate border planting requirement; and eliminate the separation between brew pubs and dwelling units.

Mr. Carmichael said that they were withdrawing the change to the undisturbed open space, the ENT parking spaces, and were asking for the Public Improvement Variance so did not want to pursue a change to the access point requirements.

Mr. Query motioned to recommend approval of Application 2017-665 as described in the meeting, to be applied to development within the ENT district as it is consistent with the ENT regulations and reasonable as it puts into a working document the development of the ENT district. Mr. Ham seconded and the motion passed unanimously.

ZONING APPLICATION 2017-664 – Proffitt Dixon/L & L Investment Corp, From I-1 to ENT for Mixed Use Development: 1) Overall General Layout; 2) First Phase Site and Elevation Approval for Up to 360 Multi-Family Units; and 3) Flexible Development Standards for Use of Private Streets, Block Lengths, Building Design Criteria, Etc.

Mr. Camp said that there were still some technical items to be reviewed by Mecklenburg County and meetings were continuing with the applicant, Town staff and NCDOT about the CATS Silver Line light rail, Independence Pointe Parkway and the Town taking over portions of the road. Mr. Camp said that staff did not have any major concerns with the overall site plan and architecture but there were a few updates to the conditional notes.

Mr. Carmichael said that he was working on finalizing the development notes. He said that since the public hearing, Mr. Dixon had meet with CATS about the Silver Line. Mr. Carmichael said that the applicant would commit 80% of the first floor of two of the buildings being non-residential. He continued that a streetscape package was being refined and will be part of the approval package.

Mr. Dixon reviewed the streetscape design and said that the idea was to create different nodes. Designs include planting strips and added concrete band behind parking spaces to develop character, street trees, social greens, urban plaza, pool area with club amenities, outdoor kitchen area, and a boardwalk to travel to the Sportsplex. He added that they want to create a unique experience that is uniquely Matthews.

Mr. Ham said that the Entertainment District is designed to be a destination for all people of Matthews and beyond. He asked what the plan for parking was. Mr. Dixon said that they exceed Matthews standard of parking spaces per unit. He added that within the ENT district there was a concept of a shared parking agreement, stating that as things are built out in the district, it would function like an urban core. Mr. Dixon added that when the Silver Line is developed, the station location would include a park and ride facility. Mr. Ham asked if the parking count was also taking into account the restaurants and Mr. Dixon said that they were.

Mr. Wieser asked about the parking that was depicted on the opposite side of Independence Pointe Parkway and the safety of pedestrians crossing. Mr. Dixon said that they have requested from NCDOT a reduced speed limit of 25 mph, a crosswalk, and on street parking. Mr. Ham suggested pedestrian underpasses.

Mr. Dixon said that the elevations of buildings have not changed since the public hearing. Chuck Travis with the Housing Studio said that the applicant had committed to use 40% masonry brick or stone blended. He said that they preferred to use the brick in large panels because brick can only be used to a maximum height of 35 ft. Mr. Query asked about the areas that were not part of the blended stone and brick and Mr. Travis said that cementitious materials would be used. Mr. Query asked about elevators and Mr. Travis said that they were planning one per building attached to the residential lobby areas. Mr. Travis added that 65 units could be served by one elevator.

Mr. Query said that he liked the look of buildings. Ms. Dement said that she agreed and she liked the way the project appeared. Mr. Dixon said they wanted to create a strong springboard for the ENT district.

Mr. Lamson asked about the traffic study and Mr. Travis said that they are working on getting that revised after their meeting with NCDOT.

Mr. Ham asked if the ENT 10% tree save was including what was currently in place or new plantings. Jeff Osborn with Osborn Engineering said that the phase one site would have a much higher tree save than the 10% required by the town. Mr. Osborn added that future phases will depend on what can be saved at that time and how much new planting would be needed.

Mr. Wieser motioned to recommend approval of zoning motion 2017-664 Proffitt Dixon/L & L Investment Corp, from I-1 to ENT for mixed use development as the requested zoning action, as most currently amended, is consistent with the policies for development as outlined by the Matthews Land Use Plan, because the Land Use Plan includes the adopted Small Area Plan for the Family Entertainment District that calls for higher density and urban scale development in a layout similar to what has been proposed. The adopted policy statements for the ENT area allow up to 600 dwelling units to begin in the area before any nonresidential is under construction, and Phase 1 of this request is less than 600 units and is reasonable as it meets the vision of the master plan of the ENT. Ms. Reeve seconded the motion and it passed unanimously.

ADMINISTRATIVE AMENDMENT – Revise Site Plan and Conditional Notes for C-MF Multi-Family Development on Matthews Station and Matthews Streets, Towns 324

Planner Mary Jo Gollnitz reviewed the multi-family Town 324 development that is proposed to be located in the lot next to Town Hall. Ms. Gollnitz said that when the rezoning was approved in November of 2014, parking was approved for one space to back over a sidewalk and two other spaces on street that would not fit but one vehicle. Once the developer started the site plan approval process, the Town Engineer did not feel comfortable with the parking and the liability caused by pulling out over a pedestrian sidewalk. Ms. Gollnitz said that the site required 27 parking spaces minus a 25% reduction for the Downtown Overlay. This would bring the total required parking to 21 onsite spaces that the development would meet. She added that this would move the one space away from the sidewalk and reduce the two on street spaces to be just one. Ms. Gollnitz said that an Administrative Amendment was being asked to make changes on RZ-3 to reduce the parking from 22 spaces to 21, to remove the third note on the approved site plan as it would not be needed with the change in parking, and add a note that was left off after the rezoning approval. On RZ-2 changes would include notations to match the proposed parking changes and a new development summary to match the note changes and proposed construction.

Mr. Ham asked where the residents would park and Ms. Gollnitz said that there were 21 spaces on site and there is an easement agreement with the Town to use the Town Hall parking lot during non-business hours. Mr. Ham asked how that would be enforced and Ms. Gollnitz said that it was something that was being discussed.

Mr. Query said that he spoke to the developer's engineer and it was possible to squeeze in another parking spot but staff was trying to eliminate some due to safety. Ms. Gollnitz said that was correct.

Mr. Wieser said that with the reduction under the Downtown Overlay the developer would still be meeting the requirement and Ms. Gollnitz said that was correct but the issue was that the original rezoning that was approved by Town Council showed 22 spaces. She said those notes needed to match up before development.

Mr. Query motioned to approve the five changes as described in the Administrative Amendment as they have been found to be consistent with the Matthews Land Use Plan as it promotes the continued development of additional housing units in the Downtown area as described in the Downtown Master Pan. Mr. Wieser seconded and the motion to approve passed with Mr. Ham in opposition.

ADJOURNMENT

Ms. Reeve motioned to adjourn and Mr. Query seconded. The motion passed unanimously. The meeting adjourned at 11:06 pm.

Respectfully submitted,

Shana Robertson
Administrative Assistant/Deputy Town Clerk

11/5/17

Matthews City Council

232 Matthews Station Street
Matthews, NC 28105

RE: Jefferson Street Variance Request

To whom it may concern:

I am writing to ask for some Public Improvement Variances in hopes that it benefits all parties involved. The variances included are:

Local Street

Modify the 50 foot local street cross section to 20 foot pavement. No curb and gutter. Fee in lieu of sidewalk for the south side of Jefferson Street for the length of our project.

These variances are required if there is any chance we can complete the Jefferson Street project. The street calls for a 50 foot right away, but unfortunately that right away doesn't conform to the local street and neighborhood. We are also requesting a rotated hammerhead with the turn around portion facing the Outen Mill property (see attached plans).

Thank you all so much for your time and dedication to our wonderful town. We really appreciate you putting this project back on the table for discussion. We plan on putting a beautiful product that will, no doubt, make all of you proud. We really need your help to getting this approved so we can starting working on this project. If there are any modifications needed or anything else we can do, please let us know.

Sincerely,

Shawn Kirkley

Kirkley Ent.

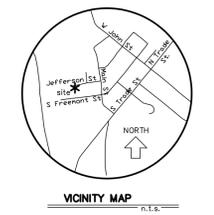
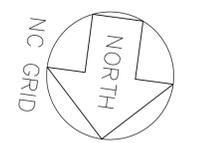
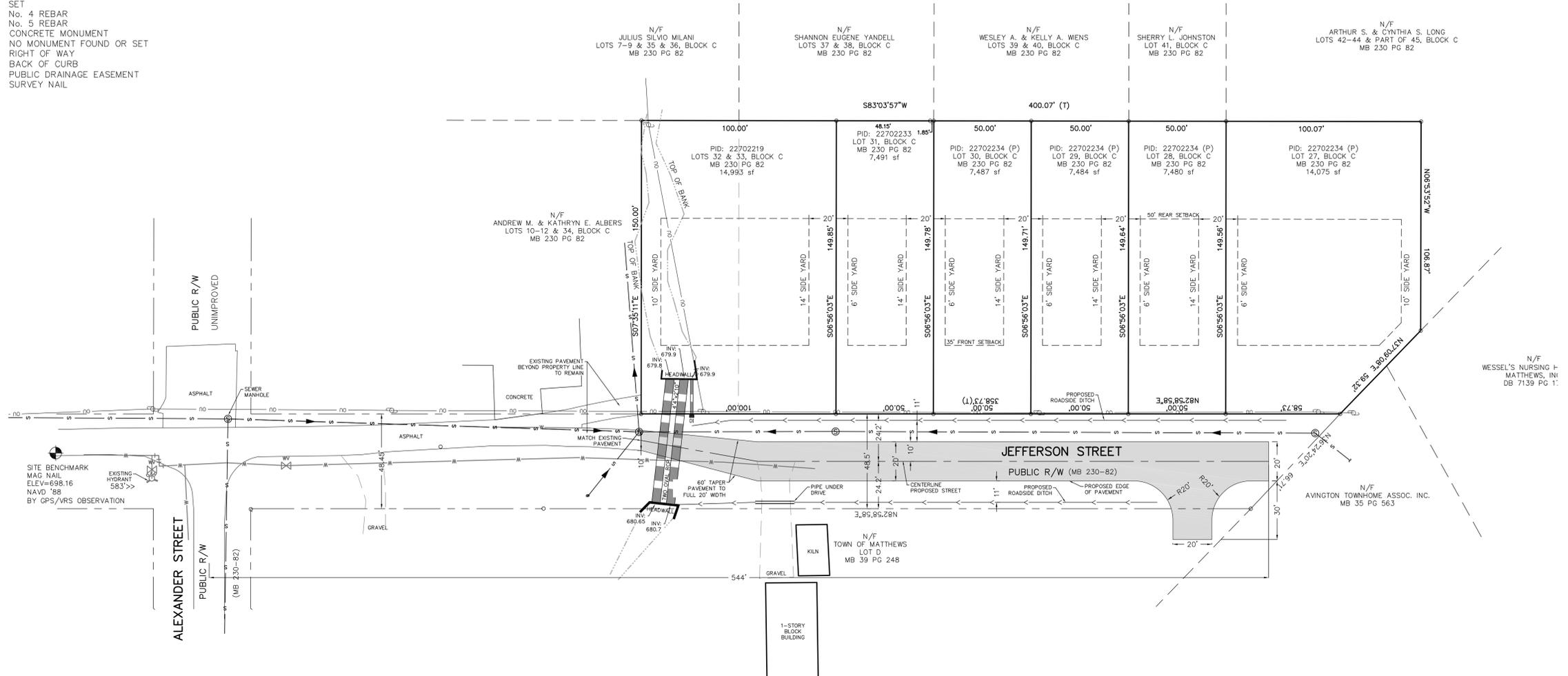
&

Bob Klein

FreeHold Realty

LEGEND

O	PROPERTY CORNER
(F)	FOUND
(S)	SET
#4b	No. 4 REBAR
#5b	No. 5 REBAR
CM	CONCRETE MONUMENT
NMFS	NO MONUMENT FOUND OR SET
R/W	RIGHT OF WAY
b/c	BACK OF CURB
P.D.E.	PUBLIC DRAINAGE EASEMENT
MAG	SURVEY NAIL



DRAWING ISSUE & REVISION STATUS

ISSUE DATE	BY	DESCRIPTION
07.20.2017	CHH	FIRST ISSUE
11.15.2017	CHH	owner comments



08.07.17



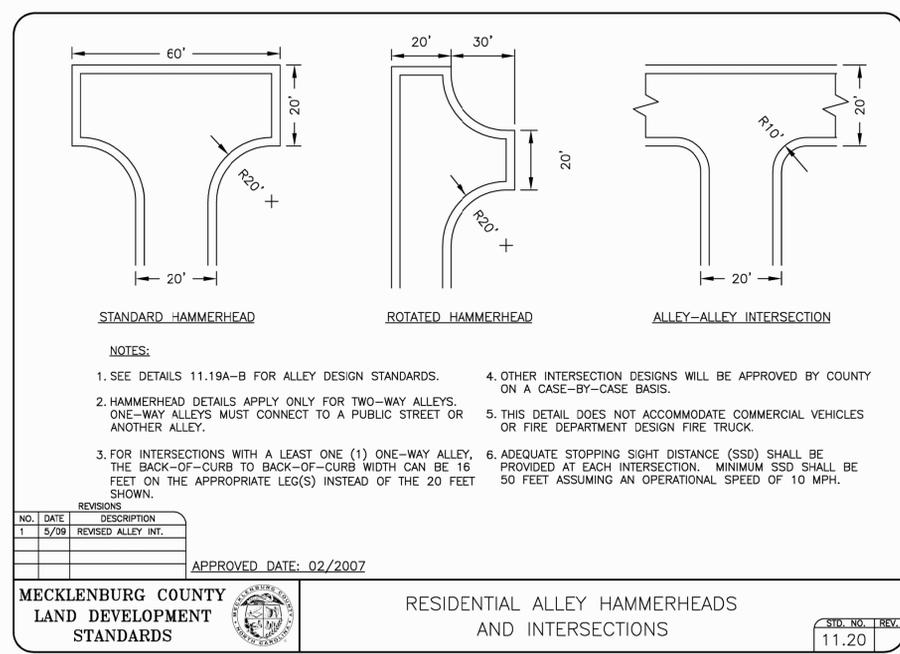
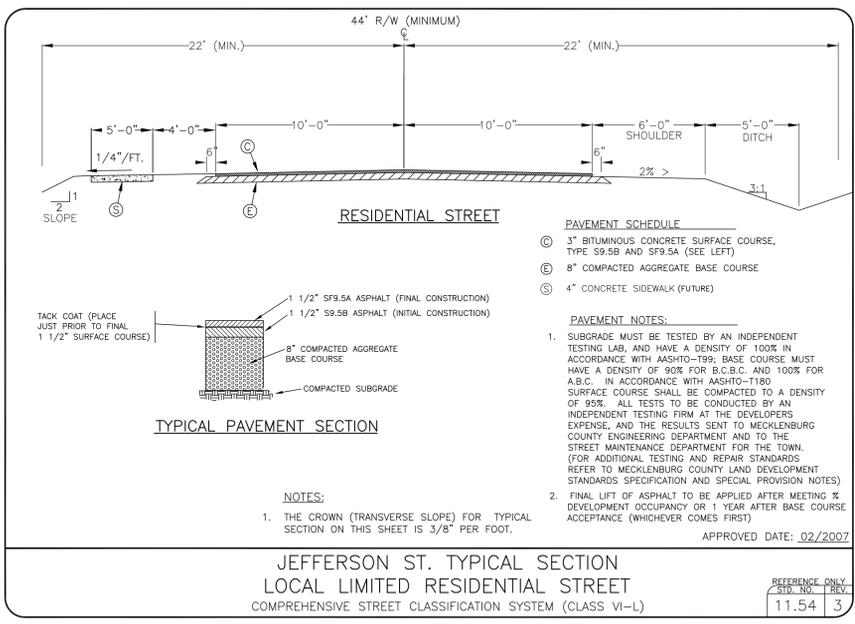
4000 Stuart Andrew Boulevard
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P.O. Box 11386 28220-1386
(704) 527-6626 Fax 527-9640
email: postmaster@lucas-forman.com



PROJECT NAME
JEFFERSON STREET IMPROVEMENTS
TOWN OF MATTHEWS, MECKLENBURG COUNTY, N.C.

SHEET NAME
PRELIMINARY SITE PLAN

SUBMITTED BY DBG	DESIGNED BY CHH	DRAWN BY CHH
JOB NUMBER 17056	DATE 08.01.17	SHEET NUMBER
FILE NUMBER 689	DWG FILE NAME 17056SITE3	C03.0



NOTES:
 ADDRESS: SIX LOTS ON JEFFERSON ST, MATTHEWS NC (SOME PARCELS HAVE NOT BEEN ASSIGNED AN ADDRESS)
 TAX PARCELS: 22702219, 22702233, 22702234, 22702235, 22702236, 22702237.
 GROSS AREA: 1.35 AC
 ZONING: R-12
 R-12 DEVELOPMENT STANDARDS:
 MIN WIDTH: 70'
 MIN SETBACK: 35'
 MIN REAR YARD: 50'
 MIN SIDE YARD: 10'
 MIN AREA: 12000 SF

SIDEWALK SHOWN IN CROSS SECTION IS FUTURE CONSTRUCTION