

AGENDA
BOARD OF COMMISSIONERS MEETING
HOOD ROOM, MATTHEWS TOWN HALL
OCTOBER 10, 2016 - 7:00 PM

1. Regular Meeting Called to Order
2. Invocation
3. Pledge of Allegiance
4. Recognize National Community Planning Month
5. Items to be Added to the Agenda
6. Recess Regular Meeting for Public Hearings on Applications to Amend the Unified Development Ordinance of the Town of Matthews as follows:
 - A. Motion 2016-3: To amend the text of the UDO as a result of recent General Assembly actions including changes to vested rights, clarification of the allowed uses, crematoriums, tennis/racket courts, add specific cross references to certain unique standards for some uses in the R/I districts, illustration of transitional setbacks and clarify screening requirements regarding lots adjacent to a thoroughfare
 - B. Motion 2016-4: To change the zoning from Conditional to O(CD) on that certain property commonly known as Windsor Park and identified as Tax Parcel 193-302-04
 - C. Motion 2016-5: To change the zoning from Conditional to O(CD) on that certain property located at 9404 East Independence Boulevard located near the intersection of Sam Newell and Independence Boulevard and being designated as Tax Parcel 193-192-04
 - D. Motion 2016-6: To change the zoning from Conditional to O(CD) on that certain property located on Sam Newell Road near the intersection of Rice Road and being designated as Tax Parcel 193-191-09
 - E. Zoning application 2016-650/Matthews Festival: To change the zoning classification from Conditional to B-1(SCD) and B-H(CD) on that certain property designated as 10410 East Independence Boulevard located on the northwest quadrant of the intersection of Independence Boulevard and Matthews Township Parkway and being further designated as Tax Parcels 193-292- 09, 26 & 27
7. Reconvene Regular Meeting
8. Planning and Development Business
 - A. Report from Planning Board

B. Planning and Zoning Related Actions:

- 1) Zoning Application 2016-648: Budd Law Group; to change the zoning from R-12 to O(CD) on that certain property belonging to the Pressleys located at 352 East Charles Street and further being designated as Tax Parcel 215-014-08

9. Public Comment (Please sign in to speak at this time. Limited to 4 minutes.)

10. Consent Agenda

- A. Approve Minutes of the September 26, 2016 Board of Commissioners Meeting
- B. Approve Closed Session Minutes of the Board of Commissioners Meetings of August 8, August 22 and September 12, 2016
- C. Appoint Members to Veteran Affairs Committee & Approve Revisions to Veteran Affairs Committee Bylaws
- D. Accept Zoning Application 2016-652/Renfrow Property; Income Investments LLC; Renfrow Property at 10252 Monroe Road, from R-VS to R-12MF(CD) for a Multi-Family and Townhome Development, and Set Public Hearing for December 12, 2016
- E. Set Public Hearing for East John Street/Outer Loop Small Area Plan for November 14, 2016
- F. Approve Budget Ordinance Amendments to Recognize:
 - 1) Grant Revenue Received from FM Global Foundation in the Amount of \$2,000
 - 2) Donations Received for the DARE Program in the Amount of \$368.00

11. Unfinished Business

- A. Consider Employee Pay Compression and Competitiveness
- B. Consider Implementation of Driveway Policy
- C. Review Independence Pointe Parkway Alignment

12. New Business

- A. Consider Request for Alcohol Consumption on Town-Owned Property

13. Mayor's Report

14. Attorney's Report

15. Town Manager's Report

16. Adjournment

PROCLAMATION

IN RECOGNITION OF COMMUNITY PLANNING MONTH 2016

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories; and

WHEREAS, the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning boards and other citizen planners who have contributed their time and expertise to the improvement of the Town of Matthews, North Carolina; and

WHEREAS, we recognize the many valuable contributions made by professional community planners of the Town of Matthews and extend our heartfelt thanks for the continued commitment to public service by these professionals.

NOW, THEREFORE, BE IT RESOLVED THAT, the month of October 2016 is hereby designated as **COMMUNITY PLANNING MONTH** in the Town of Matthews, North Carolina in conjunction with the celebration of National Community Planning Month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Matthews to be affixed this 10th day of October, 2016.

Mayor James P. Taylor

Agenda Item: ZONING MOTION 2016-3, UDO TEXT CHANGES

DATE: September 7, 2016
FROM: Kathi Ingrish

Background/Issue:

This past year, the General Assembly passed a number of bills that require us to reassess existing language in our development codes and make mostly minor technical wording changes. This collection of UDO revisions focuses on several of these required amendments as well as miscellaneous other corrections.

These drafted changes will continue to go through staff review prior to public hearing.

Proposal/Solution:

The sections/topics included in this group of text amendments will result in our UDO being in compliance with several new state statute provisions. Changes here include:

- Additions to state-mandated “vested rights” provisions for “Multi-phased Developments”
- Clarification on why not every potential land use is included in this community’s list of allowed uses
- Revisions on where a crematorium can go, including on the same parcel or an adjacent parcel to a cemetery (even in residential districts)
- Add provision for tennis/racket courts in certain zoning districts (including ENT, in case County Sportsplex chooses to add them in the future)
- Add specific cross references to certain unique standards for some uses in the R/I district
- Add illustration of transitional setback (was in prior Zoning Ordinance, and should have been brought forward into UDO)
- Clarify what screening requirements apply to lots adjacent to a thoroughfare

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Schedule a public hearing on this set of UDO text amendments for October 10, 2016.

Zmot 2016-3 UDO text 9-12-16

2016-3 UDO Text Changes

Chapter 4:

Revise 155.402 Vested Rights to incorporate provisions of SL2016-111 (H483), which amends 160A-385 and 160A-385.1(b) regarding Vested Right for "Multi-phased Developments".

155.402.2. Definitions Add:

Multi-phased development: shall mean a development containing one hundred (100) acres or more that: i) is submitted for site plan approval for construction to occur in more than one phase; and ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval, all as provided by NCGS 160A-385.1(b).

155.402.A. Obtaining a Certificate of Vested Right

* Current text will be renumbered as 155.402.3.A.1.

* New text below will be 155.402.3.A.2:

2. A multi-phased development request for vested right (over one hundred acres) shall be submitted concurrent with a zoning application for a conditional district rezoning. This request will require additional time for staff review, and will not be scheduled for public hearing on the zoning request until the Planning office has verified all necessary information, including what is listed in 155.402.3.C. below and any data unique to the proposed development location, has been satisfactorily submitted. The zoning public hearing will be scheduled no earlier than three (3) months following initial submission. If the proposed development location has been previously zoned to a conditional district through an early designation process, then the request for vested right will be processed as though it is a change of zoning conditions for that zoning district and therefore will follow the same review and approval steps as a zoning action.

155.402.4.D. Duration *Revise current text:*

A vested right shall be approved for a period of two (2) years, **except a vested right for a multi-phase development (100 acres or larger) shall be approved for a period of seven (7) years.** It shall be effective immediately upon approval. Upon issuance of a building permit, the expiration provisions of GS 160A-418 and the revocation provisions of GS 160A-422 shall apply, except that a building permit shall not expire or be revoked due to the running of time while an established vested right is outstanding. **A multi-phased development shall be vested for the entire development to utilize the provisions of this Title in place at the time of zoning and site plan approval for the initial phase of the multi-phased development.**

Additional Background: This state statute provision refines an earlier statute requirement for a minimum 2-year vested rights opportunity for development projects. Because we have utilized the conditional zoning approach that in essence creates a vesting for a longer period, no development has requested the 2-year option. This is being included at this time because it needs to be referenced in our code, should there even be a proposal that would meet the criteria.

Chapter 5:

Expand on "allowed/not allowed" uses explanation:

§155.505 Tables of Allowed Uses *Revise initial paragraph:*

Use of a building, structure or land shall be allowed only in the zoning districts indicated and for the purposes specified in the following Tables of Allowed Uses. Each use is mutually exclusive and does not encompass other uses listed in the Tables. If a use is listed for one or more districts as an allowed use, then it is only allowed in that or those districts, and shall not be allowed within any district which does not indicate it is allowed.

While most land uses will be assumed to be eligible to be located within one or more zoning districts within the Town limits, some land uses may not be listed on these tables. Occasionally a new land use category may become viable, or a new combination of activities prompts a new land use type designation, and amendments may be made to this Title to incorporate new land use categories as the need arises. When a specific use category is not clearly and directly related to a listed use category, and therefore cannot be determined to be considered essentially the same as a listed use, then it is not allowed in the Town without amendment to this Chapter. The Zoning Administrator will interpret whether a land use category fits within a listed category.

Some land use activities have been determined by the Town to not be appropriate for overall community public health and safety, or may create adverse environmental impacts to surrounding properties, such as hazardous waste incinerators. Some unlisted uses have been determined to be injurious or not beneficial to the Town's economic viability, such as billboards that detract from the visual aesthetics of the community. Some uses may be of a density or intensity of development, create a level of noise, lights, odors, or vibrations, or generate inappropriate amounts of traffic that would not be consistent with the land use policies, long range visions, and community values for the Town.

A principal use listed in the Tables in any district denoted by the letter "P" is permitted by right provided all other requirements of state law, this Title, and all other applicable ordinances and regulations of the Town of Matthews have been satisfied. A principal use listed in the Tables of Allowed Uses in any district denoted by the letters "PC" is an allowed use with prescribed conditions and is only allowed subject to the provisions of § 155.506. An accessory use listed in the Tables of Allowed Uses in any district denoted by the letters "Acc" is allowed only when a permitted principal use exists on the same property, and shall not be allowed without the accompanying permitted use. A use of building, structure or land not indicated by either "P", "PC", or "Acc" is not allowed in that district.

Additional Background:

This is being added in response to recent court decisions that are changing the long-held understanding that any use not expressly allowed in a zoning code was not permitted in that jurisdiction. The Constitution and courts have long required that most land uses must be allowed someplace within a community's regulations, but have acknowledged that some uses can be excluded for clear reasons.

* * * *

Clarify provisions for crematorium, based on NCGS 90-210.123

155.505.1 Table of Allowed Uses: Traditional and Parallel Traditional (Residential Districts)

Institutional & Governmental Uses Category:

Cemetery, mausoleum, and columbarium, subject to § 155.506.13 PC in R-20, R-15, R-12, R-9

General Commercial Uses Category:

Crematorium, ~~as an accessory to a funeral home when no dwelling is within 400 feet when located on same lot as a cemetery, subject to 155.506.13~~ PC in R-20, R-15, R-12, R-9

Crematorium, stand alone, subject to 155.506.13 not allowed in any districts on this table

Funeral home na

~~Funeral home with other related service, not including crematorium~~ delete listing from table

155.505.2 Table of Allowed Uses: Traditional and Parallel Traditional (Non-Residential Districts)

Institutional & Governmental Uses Category:

Cemetery, mausoleum, and columbarium, subject to § 155.506.13 PC in R/I and O

General Commercial Uses Category:

Crematorium, ~~as an accessory to a funeral home when no dwelling is within 400 feet~~ when located on same lot as a cemetery or funeral home, subject to 155.506.13 ACC P in B-1, B-3, B-D, B-H and I-1, I-2
 Crematorium, stand alone, or on an adjacent parcel to a cemetery or funeral home only when such parcel is commercially or industrially zoned, subject to 155.506.13 PC in B-1, B-3, B-D, B-H, I-1, I-2
 Funeral home P in O, B-1, B-3, B-H, I-1
~~Funeral home with other related service, not including crematorium~~ delete listing from table

155.505.3 Table of Allowed Uses Conditional Only

Institutional & Governmental Uses Category:

Cemetery, mausoleum, and columbarium, subject to § 155.506.13 PC in R-VS, CrC, SRN, C-MF

General Commercial Uses Category:

Crematorium, ~~as an accessory to a funeral home when no dwelling is within 400 feet~~ when located on same lot as a cemetery or funeral home, subject to 155.506.13 ACC P in MUD, B-1SCD
 Crematorium, stand alone, or on an adjacent parcel to a cemetery or funeral home only when such parcel is commercially or industrially zoned, subject to 155.506.13 PC in B-1SCD
 Funeral home P in C-MF, MUD, TS, B-1SCD
~~Funeral home with other related service, not including crematorium~~ delete listing from table

155.506.13 Cemeteries, Mausoleums, ~~and~~ Columbarium , and Crematorium.

- A. Private or public cemeteries, as a stand-alone use or in association with a place of worship, may be permitted in or near residential neighborhoods, in the R-20, R-15, R-12, R-9, R/I, CrC, O, R-VS, SRN, and C-MF districts, when meeting the following criteria.
- B. STANDARDS.
 - 1. Tombstones, monuments, and open wall columbarium must be located at least twenty five feet (25') from any side or rear lot line which adjoins lots in a residential area and at least ten feet (10') from any side or rear lot line which adjoins all other properties. In any case, they must be at least forty feet (40') from any street right-of-way.
 - 2. Buildings for the maintenance, management, rent, or sale of cemetery lots, burial or remembrance sites, mausoleums, crypts, and columbarium within enclosed structures must be located at least one hundred feet (100') from any lot lines which adjoin lots in a residential area. Otherwise any such buildings must conform to the requirements for principal uses in the district where they are located. **[formerly known as § 153.189]**
- C. CREMATORIUM.
 - 1. Crematorium are allowed per NCGS 90-210.123 (a) and (b) on the same lot as a funeral home or cemetery, or on a parcel adjacent to a cemetery or funeral home use.
 - 2. When on the same lot as a cemetery in any of the districts listed above at 155.506.13.A., the crematorium shall be a minimum of four hundred feet (400') from any adjacent residential dwelling unit.
 - 3. When a cemetery is on property zoned one of the districts listed in 155.402.13.A. above, a crematorium may be located on an adjacent parcel zoned as a commercial or industrial district of B-1, B-3, B-D, B-H, I-1, I-2, or B-1SCD.
 - 4. Crematorium may be allowed in association with a cemetery or funeral home or as a stand-alone use in other districts as listed in the Tables of Allowed Uses at 155.505.

Additional Background: This is being proposed to be included due to a new state statute provision. Since a number of older cemeteries exist within our jurisdiction today in residentially-zoned districts, we need to incorporate the new provisions for crematorium. Funeral homes today are not allowed, and do not exist,

within any residential zoning district. The grayed-out listing above are included to show where these uses are allowed today, and no changes are proposed for them.

* * * *

Mecklenburg County P&R wants to amend the ENT list of allowed rec uses to accommodate anything that may be allowed in a regional park today. The only use that appears may not be included now is indoor or outdoor tennis and racket sports courts, as an allowed use separate from a tennis “club”.

155.505. Tables of Allowed Uses

Revise use listings by splitting one exiting use listing into two categories as follows:

~~Tennis and racket club and racket sports court, commercial, indoor or outdoor P in HUC, C-MF, MUD, TS, B-1SCD, ENT~~

Tennis and racket club, commercial, indoor or outdoor P in HUC, MUD, TS, B-1SCD

Tennis and racket sports courts, indoor or outdoor P in HUC, SRN, C-MF, MUD, TS, B-1SCD, ENT

Additional Background:

The catch-all land use category for most park improvements is this: “Park and playground operated on a noncommercial basis for purposes of public recreation,” which then covers provisions for “one or more . . . court (i.e., basketball, tennis) . . .” with a minimum distance separation and landscaping from adjacent development. This does not apply to the ENT district since it is not intended to create and protect a primarily residential environment.

* * * *

Cross reference standards for certain uses allowed in the R/I district:

155.502.8 Residential/Institutional District (R/I)

B. Lot development and design standards, as outlined in §155.605, and dimensional standards of § 155.604.2, apply to the R/I District. Uses allowed within the R/I district are given in the Table of Allowed Uses at § 155.505.2. Supplementary standards which may be applicable to certain uses within the R/I district are listed at § 155.506., such as but not limited to §155.506.6 Child Care Homes and Child Day Care Facilities, §155.506.7 Institutional Uses In Residential Settings, §155.506.8 Recreational Uses In or Adjacent to Residential Settings, §155.506.13 Cemeteries, Mausoleums, Columbarium, and Crematorium, §155.506.15 Commercial Indoor and /or Outdoor Tennis and Racket Clubs and Associated Swimming Pools, §155.506.16 Continuing Care Retirement Communities (CCRC), §155.506.17 Skilled Care (Nursing Home) Facility, and §155.506.18 Motorcycle Safety Training Course.

Additional Background:

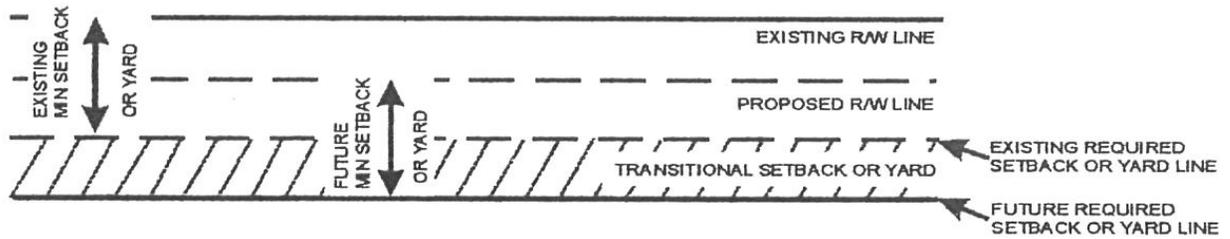
Adding these specific references citations here helps anyone reading the code to know which uses have extra provisions that need to be followed.

Chapter 6:

Add drawing for transitional setback and yard into §155.601.18 (it was part of old 153.095) and should have been included with conversion

§155.601.18 Special Requirements for Lots along Thoroughfares

A. Transitional Setback/Yard Required. Add drawing at end of A.4.:



* * * *

Clarify what screening requirements apply for lots adjacent to thoroughfares.

§155.601.18 Special Requirements for Lots along Thoroughfares

Revise 155.601.18.B. to include previous details about landscape screening along thoroughfares:

~~In all districts screening in accordance with §155.606 must be provided along the rear yard and along the side yard of any lot which abuts a thoroughfare.~~

Either the provisions for site perimeter screening at §155.606.6.A or the provisions for loading area screening at §155.606.6.B must be provided along the rear yard and along the side yard of any lot which abuts a thoroughfare when located within the following districts: all Traditional zoning districts except HUC, and Conditional-Only districts R-VS, CrC, SRN, C-MF, B-1SCD, and AU.

§155.606.2.D Screening

Revise §155.606.2.D. by adding a third category where screening is required:

3. Along all side and rear yard boundaries of properties abutting a thoroughfare in all Traditional zoning districts except HUC, and within Conditional-Only districts R-VS, CrC, SRN, C-MF, B-1SCD, and AU.

§155.606.6.A Site Perimeter Screening

Revise by adding a new second sentence:

Screening is required along all side and rear yard property boundaries abutting an existing residential use or residentially zoned area. Screening on all side and rear yard boundaries when a property abuts a thoroughfare shall use the provisions here or in §155.606.6.B below. Screening shall be designed and installed

§155.606.6.B.1 Loading Area, Service Area or Outdoor Storage Area Screening.

Revise by adding a new second sentence:

Screening around all loading and service areas and all outdoor storage areas which may be visible from a public right-of-way shall be required in all nonresidential districts or for a nonresidential use in a residential district. Screening on all side and rear yard boundaries when a property abuts a thoroughfare shall use the provisions her or in §155.606.6.A above. The screening may be located anywhere on the property. . . .

Additional Background: Screening requirements for side or rear yards that are adjacent to a thoroughfare were provided in the former Zoning Ordinance in lengthy detail (old 153.095(B) through (E)), but were not brought forward into the UDO. The statement now at §155.601.18.B. was intended to be sufficient. While it states that screening is required for any side or rear yard that abuts a thoroughfare, it refers to the Landscape section at 155.606 without giving clarity as to which screening standards apply for these situations.

Project Summary

Location:	10200 Northeast Parkway
Parcel No. (s)	193-302-04
Owner:	Town of Matthews
Agent:	Town of Matthews Planning Staff
Current Zoning	Conditional
Proposed Zoning:	O(CD)
Existing Use:	Windsor Park—Town park
Proposed Use:	Windsor Park—Town park
Community Meeting	N/A

Summary of Request

This property is currently zoned Conditional. A request has been received to obtain an easement over the current park driveway, continuing to the rear of the property line of the park. Approval of the request would allow for placement of communication antennas on an existing Duke Energy transmission tower just beyond the rear property line of the park.

The zoning change will allow continued use of the park and the ability to make further park-related improvements in the future.

Staff Recommendation

Staff recommends approval of the rezoning request as it is consistent with Town policy to convert Conditional zoned properties, to an appropriate contemporary zoning classification. Town staff is initiating the rezoning request because it is Town-owned property.

Planning Staff Review

Background and History

The property was deeded to the Town on October 7, 1988 as part of a large rezoning project. The project included Windsor Square shopping center, Annecy subdivision, along with Windsor Landing apartments and office space on Northeast Pkwy. It also included the construction of Northeast Parkway from Sam Newell Rd to the park site. Since that time the park has been developing with playground equipment, trails, and shelters. The most recent additions were completed in January 2016. They included a zipline and two additional standalone playground equipment features.

The Parks & Recreation department estimates that there is 150 to 200 drop-in visitors per week at Windsor Park.

Details of the Aerial Map

The aerial map shows current improvements and zoning notes that apply to the site.

Summary of Proposed Conditions

There are three conditions requested for the property:

1. Property's only permitted use is for a public park.
2. Park hours are from dawn until dusk.
3. Executed access easement agreement with Duke Energy to cross the park property in order to reach Duke Tower #110 will be a separate document attached to the map.

Outstanding Issues/Staff Comments

None.



Pre Public Hearing Staff Analysis

Consistency with Adopted Plans and Policies and Town Vision Statement

The request is compliant with the Recreation Master Plan and continuation of park, recreational and cultural facility needs throughout Matthews. The request is also consistent with Town policy to rezone properties that are currently zoned Conditional.

Reports from Town Departments and County Agencies

Matthews Police

No concerns.

Matthews Fire

No concerns.

Public Works

No concerns.

Matthews Park and Recreation

Director Corey King, does not anticipate a significant impact to the current use of the park once the Duke Easement agreement is in place.

Charlotte Mecklenburg Schools

Not applicable.

PCO Concept Plan Approval Required

Not applicable.

Charlotte Area Transit

Not applicable.

Impact Analysis

Parks and playgrounds are allowed by right in an O (Office) zoning district. The zoning classification of O (CD) would allow the Windsor Park to continue as currently developed and the ability for future site improvements.

Project Financial Impact if Vacant Land is Developed

Since no improvements are planned, there is no financial impact associated with this request. The property is currently tax exempt and is expected to continue to be tax exempt as public land.



10200 Northeast Parkway

TAX PARCEL NUMBER	19330204
PROPERTY ADDRESSES	10200 Northeast Parkway
EXISTING ZONING	Conditional
PROPOSED ZONING	O (CD)
EXISTING USE	Public Park
PROPOSED USE	Public Park
SITE AREA	5.24 Acres
MAXIMUM BUILDING AREA	N/A
MAXIMUM BUILDING HEIGHT	40 ft
REQUIRED PARKING:	5.24 Ac x 43,560 Sq ft/Ac = 228,254/10,000 = 23 spaces
PARKING PROVIDED:	Approximately 40 spaces
MINIMUM FRONT SETBACK	30 ft
BUILD-TO LINE	N/A
MINIMUM SIDE YARD	8' & 6'
MINIMUM REAR YARD	20 ft
TREE CANOPY	3.62 Acres

Section 155.607.7 Required Parking

5. RECREATION & ENTERTAINMENT USES	REQUIRED BICYCLE PARKING SPACES	REQUIRED MOTOR VEHICLE PARKING SPACES
Park, predominantly passive use		One (1) space per 10,000 square feet of land area, if on-site parking is provided (example: greenways need not incorporate off-street parking)

- Conditional Notes:
1. Property's only permitted use is for public park
 2. Park hours are from dawn until dusk
 3. Executed access easement agreement with Duke Energy to cross the park property in order to reach Duke Tower #110 will be separate document attached to the map.

Subject Property

1 in = 300 ft



05/05/16

MOTION # 2016-4

MOTION TO CHANGE: TEXT
 X DISTRICT BOUNDARIES
(IF A CHANGE IN DISTRICT BOUNDARIES, LIST PARCEL(S) AFFECTED)
 193-302-04 further identified as Windsor Park

PUBLIC HEARING DATE October 10, 2016

PROPOSED ACTION

Change zoning from Conditional to O(CD)

AFFECTED AND/OR ADJACENT PROPERTY OWNERS NOTIFIED by September 26, 2016

ATTACHMENTS INCLUDE tax map outlining the parcel, adjacent property owners within 100ft of the parcel

OTHER COMMENTS: The property is Windsor Park located at 10200 Northeast Parkway. This property is currently in an outdated Conditional zoning category. Staff has received a request from T-Mobile to obtain an easement over the current park driveway and continuing to the rear property line of the park. T-Mobile plans to place antennas on an existing Duke Energy transmission tower just beyond the rear property line of the park.

The zoning change will allow continued use of the park and the ability to make further park-related improvements in the future.

2016-4

2016-4

8-31-2016

MECKLENBURG COUNTY, NC POLARIS 3G DEED REPORT

Date Printed: 09/01/2016

Buffer Distance: 100 Feet

No	Parcel ID	Owner Name	Mailing Address	Legal Description	Deed Book	Deed Page	Land Area
1	19330202A	1. SC WINDSOR ASSOCIATES LP,	340 ROYAL POINCIANA WAY #316 PALM BEACH FL 33480	M21-929	15637	606	33 AC
2	19330202B	1. SC WINDSOR ASSOCIATES LP, 2.C/O JC PENNEY CORPORATION INC,	6501 LEGACY DR PLANO TX 75024	LEASED LAND & BUILDING	27396	591	5.5 AC
3	19330204	1. TOWN OF MATTHEWS,	232 MATTHEWS STATION ST MATTHEWS NC 28105	M21-929	06188	546	5.24 AC
4	19339280	1. WINDSOR LANDING INVESTMENTS I, LLC 2.WINDSOR LANDING INVESTMENTS II, LLC	1900 WINDSOR HILL DR MATTHEWS NC 28105	NA	23192	934	25.53 AC
5	19352101	1. TOWN OF MATTHEWS,	232 MATTHEWS STATION ST MATTHEWS NC 28105	L6 M44-283	18524	198	8.83 AC
6	19352106	1. LOWE'S HOME CENTERS INC, (STORE 1124)	1000 LOWES BLVD MOORESVILLE NC 28117	L1 M36-772	11374	716	15 AC
7	19352107	1. C/O PROPERTY TAX DEPT, 2.IA MATTHEWS SYCAMORE LLC,	P O BOX 9271 OAK BROOK IL 60522	P2 M36-772	25467	963	43.745 AC
8	19352115	1. % PROPERTY TAX DEPT #367, 2.COSTCO WHOLESALE CORP,	999 LAKE DR ISSAYUAH WA 98027	P2 M36-772	13832	458	14.8 AC

This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.



10200 Northeast Parkway

TAX PARCEL NUMBER	19330204
PROPERTY ADDRESSES	10200 Northeast Parkway
EXISTING ZONING	Conditional
PROPOSED ZONING	O (CD)
EXISTING USE	Vacant
PROPOSED USE	Public Park
SITE AREA	5.24 Acres
MAXIMUM BUILDING AREA	N/A
MAXIMUM BUILDING HEIGHT	40 ft
REQUIRED PARKING:	See note below
PARKING PROVIDED	N/A
MINIMUM FRONT SETBACK	30 ft
BUILD TO LINE	N/A
MINIMUM SIDE YARD	See note below
MINIMUM REAR YARD	20 ft
TREE CANOPY	12% saved

Section 155.607.7 Required Parking

5. RECREATION & ENTERTAINMENT USES	REQUIRED BICYCLE PARKING SPACES	REQUIRED MOTOR VEHICLE PARKING SPACES
Park, predominantly passive use		One (1) space per 10,000 square feet of land area, if on-site parking is provided (example: greenways need not incorporate off-street parking)

- Conditional Notes:
- Property's only permitted use is for public park
 - Park hours are from dusk until dawn

05/05/16

1 in = 300 ft

Subject Property



Motion: 2016-5
Corner of E Independence Blvd & Sam Newell Rd
Pre Public Hearing Staff Analysis
October 10, 2016



Project Summary

Location:	Corner of E Independence Blvd and Sam Newell Rd
Parcel No. (s)	193-192-04
Owner:	Town of Matthews
Agent:	Town of Matthews Planning Staff
Current Zoning	Conditional
Proposed Zoning:	O(CD)
Existing Use:	Vacant land
Proposed Use:	Vacant land
Community Meeting	N/A

Summary of Request

This property is currently zoned Conditional. The property has been owned by the Town since 1996 in order to protect the right-of-way for future widening of Independence Blvd.

Staff Recommendation

Staff recommends approval of the rezoning request as it is consistent with Town policy to convert Conditional zoned properties, to an appropriate contemporary zoning classification. Town staff is initiating the rezoning request because it is Town-owned property.

Planning Staff Review

Background and History

The Town received this property from Windsor Square property owners in 1996. The Town invited a student horticulture group from the newly opened Butler High School to landscape the site. Since that time the Town has maintained the property and will continue until such time that the property is encompassed as part of the Sam Newell fly-over.

Details of the Aerial Map

No changes are proposed for the site. The aerial map shows the current site as a vacant landscaped parcel.

Summary of Proposed Conditions

Property shall not be developed with any permanent structures.

Property shall be maintained by the Town of Matthews until land is acquired for US 74 Expressway project.

Outstanding Issues/Staff Comments

None.



Pre Public Hearing Staff Analysis

Consistency with Adopted Plans and Policies and Town Vision Statement

The request is consistent with Town policy to rezone properties that are currently zoned Conditional.

Reports from Town Departments and County Agencies

Matthews Police

No concerns.

Matthews Fire

No concerns.

Public Works

No concerns.

Matthews Park and Recreation

No concerns.

Charlotte Mecklenburg Schools

Not applicable.

PCO Concept Plan Approval Required

Not applicable.

Charlotte Area Transit

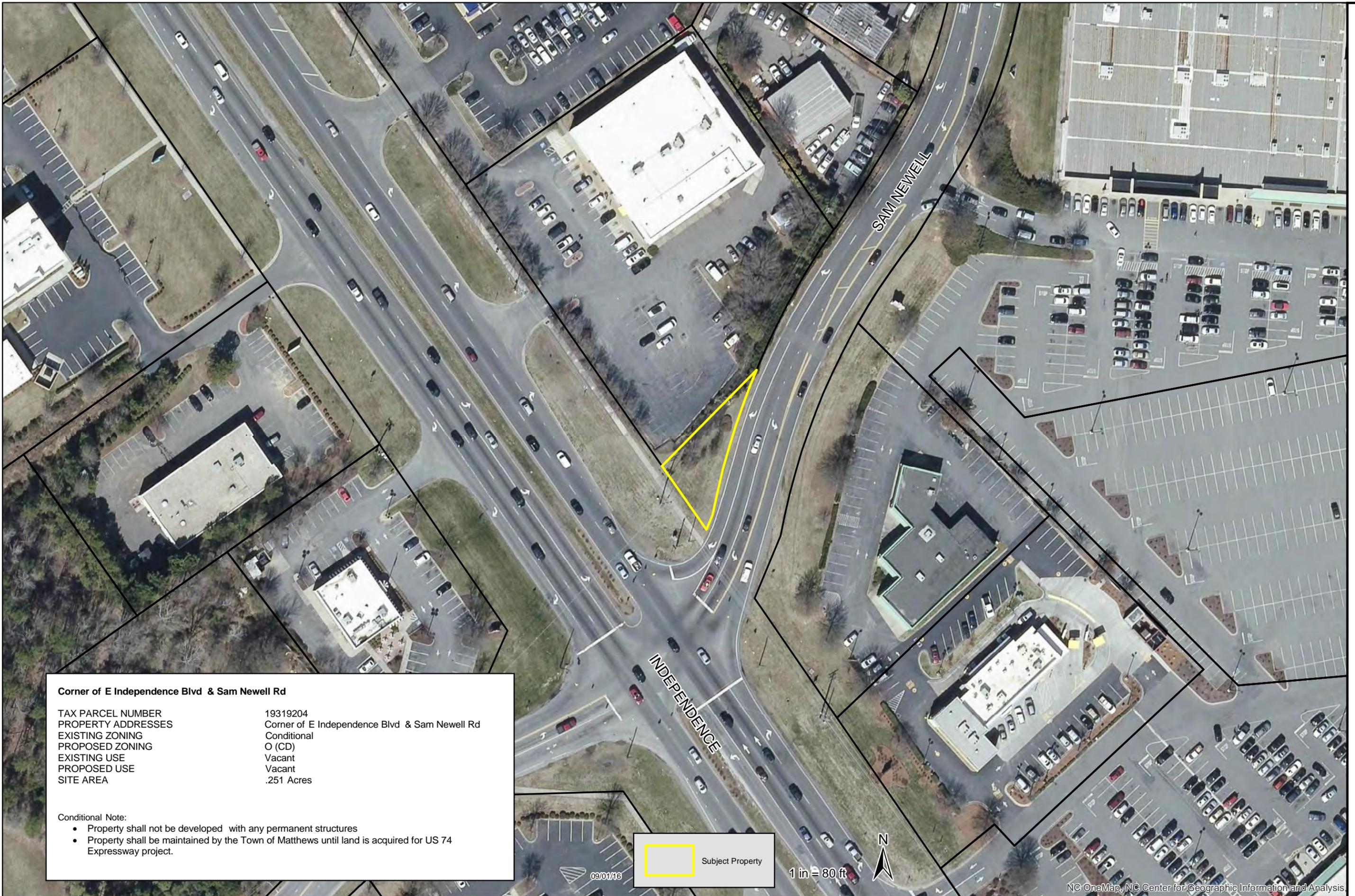
Not applicable.

Impact Analysis

The property will remain vacant and the Town will incur no financial impact due to rezoning of the site.

Project Financial Impact if Vacant Land is Developed

Since no improvements are planned, there is no financial impact associated with this request. The property is currently tax exempt.



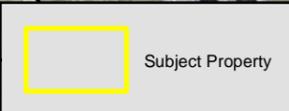
Corner of E Independence Blvd & Sam Newell Rd

TAX PARCEL NUMBER	19319204
PROPERTY ADDRESSES	Corner of E Independence Blvd & Sam Newell Rd
EXISTING ZONING	Conditional
PROPOSED ZONING	O (CD)
EXISTING USE	Vacant
PROPOSED USE	Vacant
SITE AREA	.251 Acres

Conditional Note:

- Property shall not be developed with any permanent structures
- Property shall be maintained by the Town of Matthews until land is acquired for US 74 Expressway project.

09/01/16



1 in = 80 ft





232 Matthews Station Street
Matthews, NC 28105
704.847.4411

MOTION # 2016-5

MOTION TO CHANGE: TEXT
 X DISTRICT BOUNDARIES
(IF A CHANGE IN DISTRICT BOUNDARIES, LIST PARCEL(S) AFFECTED)
193-192-04 corner of Sam Newell and Independence Blvd

PUBLIC HEARING DATE October 10, 2016

PROPOSED ACTION

Change zoning from Conditional to O(CD)

AFFECTED AND/OR ADJACENT PROPERTY OWNERS NOTIFIED by September 26, 2016

ATTACHMENTS INCLUDE tax map outlining the parcel, adjacent property owners within 100ft of the parcel

OTHER COMMENTS: The property is located at 9404 E Independence Blvd. This property is currently in an outdated Conditional zoning category. The property has been owned by the Town since 1996 in order to protect the right-of-way for future widening of Independence. The Town will continue the upkeep on the property until such time that the property is encompassed as part of the Sam Newell fly-over.

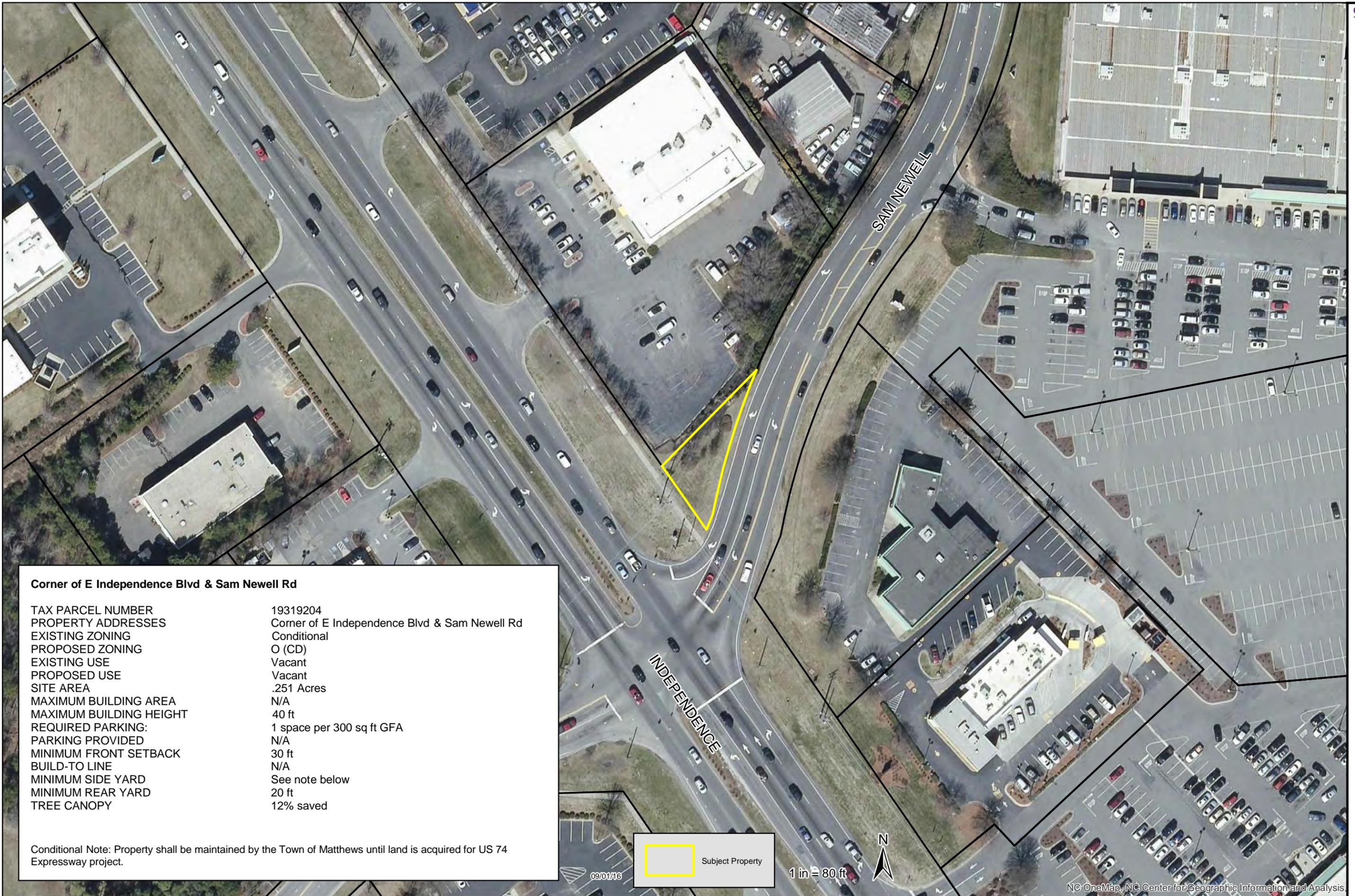
ADJOINING PROPERTY OWNERS

9-28-2016

2016-5

9-28-2016

PARCEL_ID	OWNER_NAME	MAILING_ADDRESS	CITY	STATE	ZIP_CODE
19319204	TOWN OF MATTHEWS,	232 MATTHEWS	MATTHEWS	NC	28105
19319207	% ADVANCE AUTO PARTS, WESTERN AUTO SUPPLY CO,	PO BOX 2710	ROANOKE	VA	24001
19322105	BOYD, GINA PAULETTE BOYD, BRIAN TIMOTHY	179 NIBLICK RD #430	PASO ROBLES	CA	93446
19322106	REALTY INCOME CORPORATION,	ATTN;PM DEPT 1586	SAN DIEGO	CA	92130
19323121	C4 ELION LLC, C/O CROSLAND SOUTHEAST,	201 S COLLEGE ST	CHARLOTTE	NC	28202
19330312	TODD, MICHAEL EUGENE JULIA L TODD,	17900 CULROSS LN	CHARLOTTE	NC	28278

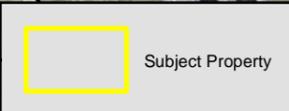


Corner of E Independence Blvd & Sam Newell Rd

TAX PARCEL NUMBER	19319204
PROPERTY ADDRESSES	Corner of E Independence Blvd & Sam Newell Rd
EXISTING ZONING	Conditional
PROPOSED ZONING	O (CD)
EXISTING USE	Vacant
PROPOSED USE	Vacant
SITE AREA	.251 Acres
MAXIMUM BUILDING AREA	N/A
MAXIMUM BUILDING HEIGHT	40 ft
REQUIRED PARKING:	1 space per 300 sq ft GFA
PARKING PROVIDED	N/A
MINIMUM FRONT SETBACK	30 ft
BUILD-TO LINE	N/A
MINIMUM SIDE YARD	See note below
MINIMUM REAR YARD	20 ft
TREE CANOPY	12% saved

Conditional Note: Property shall be maintained by the Town of Matthews until land is acquired for US 74 Expressway project.

09/01/16



1 in = 80 ft



2016-5

Corner of E Independence Blvd & Sam Newell Rd

2016-5



Motion: 2016-6 Sam Newell Rd

**Pre Public Hearing Staff Analysis
October 10, 2016**



Project Summary

Location:	Sam Newell Rd
Parcel No. (s)	193-191-09
Owner:	Town of Matthews
Agent:	Town of Matthews Planning Staff
Current Zoning	Conditional
Proposed Zoning:	O(CD)
Existing Use:	Vacant land
Proposed Use:	Vacant land
Community Meeting	N/A

Summary of Request

This property is currently zoned Conditional. The property has been owned by the Town since 1989. At that time, the parcel was deeded for "public safety" (police/fire department satellite station).

Staff Recommendation

Staff recommends approval of the rezoning request as it is consistent with Town policy to convert Conditional zoned properties, to an appropriate contemporary zoning classification. Town staff is initiating the rezoning request because it is Town-owned property.

It is appropriate to have this site developed in conjunction with adjacent MUD zoned site, so future sale of this lot to a developer is encouraged.

Planning Staff Review

Background and History

The property was deeded to the Town as part of the East Point rezoning in 1987. The property is almost 1 acre and currently vacant. It currently has no access to a public road, since 1987 zoning conditions require a 10' berm between this site and Sam Newell Rd. At that time it was noted that the parcel would be police/fire department satellite station.

Because of the berm along Sam Newell Rd and a strip of land adjacent to the property on Claire Drive, access to the property is limited. The change in zoning will allow for public safety or other Town use on the property in the future, or it may be developed with the adjacent MUD-zoned parcel.

Details of the Aerial Map

The aerial map shows current improvements and zoning notes that apply to the site.

Summary of Proposed Conditions

Berm along Sam Newell Rd shall remain as part of the 1987 rezoning.

Access to the property will be limited through Eastpointe Drive.

Outstanding Issues/Staff Comments

None.



Pre Public Hearing Staff Analysis

Consistency with Adopted Plans and Policies and Town Vision Statement

The request is consistent with Town policy to rezone properties that are currently zoned Conditional.

Reports from Town Departments and County Agencies

Matthews Police

No concerns.

Matthews Fire

No concerns.

Public Works

No concerns.

Matthews Park and Recreation

No concerns.

Charlotte Mecklenburg Schools

Not applicable.

PCO Concept Plan Approval Required

Not applicable.

Charlotte Area Transit

Not applicable.

Impact Analysis

As long as the property remains vacant, no financial impact to the Town due to rezoning of the site.

Project Financial Impact if Vacant Land is Developed

Since no improvements are planned, there is no financial impact associated with this request. The property is currently tax exempt.

If the parcel is sold for private development, then land would be taxed at the appropriate value.



 Subject Property

1 in = 125 ft



08/31/16

Town Property on Sam Newell Road

TAX PARCEL NUMBER	19319109
PROPERTY ADDRESSES	Not available
EXISTING ZONING	Conditional
PROPOSED ZONING	O (CD)
EXISTING USE	Vacant
PROPOSED USE	Any use allowed in zoning category
SITE AREA	.962 Acres
MAXIMUM BUILDING AREA	N/A
MAXIMUM BUILDING HEIGHT	40 ft
REQUIRED PARKING:	1 space per 300 sq ft GFA for general office *dependent upon use
PARKING PROVIDED	N/A
MINIMUM FRONT SETBACK	30 ft
BUILD-TO LINE	N/A
MINIMUM SIDE YARD	8' & 6'
MINIMUM REAR YARD	20 ft
TREE CANOPY	12% save

Conditional Notes:

- o Access to property will be limited through Eastpointe Drive
- o Berm along Sam Newell shall remain in place per original 198 7 rezoning



232 Matthews Station Street
Matthews, NC 28105
704.847.4411

MOTION # 2016-6

MOTION TO CHANGE: TEXT
 X DISTRICT BOUNDARIES
(IF A CHANGE IN DISTRICT BOUNDARIES, LIST PARCEL(S) AFFECTED)
 193-191-09 Sam Newell Rd

PUBLIC HEARING DATE October 10, 2016

PROPOSED ACTION

Change zoning from Conditional to O(CD)

AFFECTED AND/OR ADJACENT PROPERTY OWNERS NOTIFIED by September 26, 2016

ATTACHMENTS INCLUDE tax map outlining the parcel, adjacent property owners within 100ft of the parcel

OTHER COMMENTS: The almost 1 acre property touches Sam Newell Rd. The property is currently vacant and was deeded to the Town as part of a rezoning plan for the East Point Development (Movies 10, Pep Boys, car wash, etc. area) in 1989 for "public safety" use, specifically as a heliport before Novant Health was built in Matthews. This property is currently in an outdated Conditional zoning category.

Because of the berm along Sam Newell, access to the property will be limited through Eastpointe Drive. The change in zoning will allow for public safety or other Town use on the property in the future, or it may be developed with the adjacent MUD-zoned parcel.

2016-6
 2016-6
 8-31-2016

MECKLENBURG COUNTY, NC POLARIS 3G DEED REPORT

Date Printed: 09/01/2016

Buffer Distance: 100 Feet

No	Parcel ID	Owner Name	Mailing Address	Legal Description	Deed Book	Deed Page	Land Area
1	19319102	1. C/O DR FLETCHER KEITH, 2.EAST INDEPENDENCE PROP,	4010 TRIANGLE DR CHARLOTTE NC 28208	M27-960	05695	726	8.233 AC
2	19319103	1. STEWMAN, ANN 2.STEWMAN, JOHN A III	2814 FLINTWOOD LN CHARLOTTE NC 28211	P U/T TR M7-335	01802	077	0.22 AC
3	19319109	1. TOWN OF MATTHEWS,	232 MATTHEWS STATION ST MATTHEWS NC 28105	NA	06001	758	0.962 AC
4	19320309	1. JACKSON, DANIEL 2.CHRISTOPHER,	2321 SAM NEWELL RD MATTHEWS NC 28105	L66 M7 335 RIDGEVIEW RD	05538	558	0.36 AC
5	19320415	1. CHRISTOPHER, 2.JACKSON, DANIEL	2321 SAM NEWELL RD MATTHEWS NC 28105	L78 M7 335 RIDGEVIEW RD	05538	558	0.57 AC
6	19343496	1. LANG, CLAIRE B 2.LANG, MICHAEL A	2124 SAM NEWELL RD MATTHEWS NC 28105	SAM NEWELL RD	04843	373	2.46 AC
7	19343497	1. INC, 2.IGLESIA DE DIOS PENTECOSTAL, MOVIMIENTO INTERNACIONAL	PO BOX 691415 MINT HILL NC 28227	NA	17881	517	3.152 AC
8	19343498	1. INC, 2.IGLESIA DE DIOS PENTECOSTAL, MOVIMIENTO INTERNACIONAL	PO BOX 691415 MINT HILL NC 28227	NA	17881	517	3.64 AC



Subject Property

1 in = 125 ft



08/31/16

Town Property on Sam Newell Road

TAX PARCEL NUMBER	19319109
PROPERTY ADDRESSES	Not available
EXISTING ZONING	Conditional
PROPOSED ZONING	O (CD)
EXISTING USE	Vacant
PROPOSED USE	Fire Station
SITE AREA	.962 Acres
MAXIMUM BUILDING AREA	N/A
MAXIMUM BUILDING HEIGHT	40 ft
REQUIRED PARKING:	See note below
PARKING PROVIDED	N/A
MINIMUM FRONT SETBACK	30 ft
BUILD-TO LINE	N/A
MINIMUM SIDE YARD	*See note below
MINIMUM REAR YARD	20 ft
TREE CANOPY	12% saved

Section 155.607.7 Required Parking

2. INSTITUTIONAL AND MUNICIPAL USES	REQUIRED BICYCLE PARKING SPACES	REQUIRED MOTOR VEHICLE PARKING SPACES
Fire station, Police station	2 or 2% of auto parking	One (1) space per each person on duty on a normal shift

*Side yards not required. If one or more present, each must be at least 4'
Side yards must be a minimum of 20' when adjacent to a residential district

Conditional Note: Access to property will be limited through Eastpointe Drive

Public Hearing Deferral Request for 2016-650 Matthews Festival

DATE: October 5, 2016

FROM: Jay Camp

Background/Issue

The applicant for the Matthews Festival rezoning is still working through numerous site planning issues and is not yet ready for the Public Hearing at this time. A deferral request is attached.

Proposed Solution

Since the Hearing has already been advertised, Council should open and continue the Public Hearing until the November 14th meeting.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Open Public Hearing and continue to the November 14th Town Board meeting.



Jay Camp <jcamp@matthewsnc.gov>

Rezoning Petition No. 2016-650 - by ZIFF Properties - Request for a one Month Deferral of the Public Hearing

1 message

Keith MacVean <macveank@mvalaw.com>

Wed, Sep 28, 2016 at 11:58 AM

To: Jay Camp <jcamp@matthewsnc.gov>

Cc: Alex Kelly <akelly@tribek.com>, "Christian Chamblee (cchamblee@zpi.net)" <cchamblee@zpi.net>, Jeff Brown <brownj@mvalaw.com>

Jay – the Petitioner for Rezoning Petition No. 2016-650 by Ziff Properties would like to request a one month deferral of the Public Hearing on the Petition from October 10th to November 14th. The one month deferral of the public hearing on the Petition will allow the Petitioner time to continue to work on the Site plan comments and issues.

Thank you.

Keith MacVean

Keith H. MacVean | Land Use and Zoning Consultant | keithmacvean@mvalaw.com | 704.331.3531 | Fax: 704.378.1954
Moore & Van Allen PLLC | Suite 4700 | 100 North Tryon Street | Charlotte, NC 28202



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DATE FILED 2016-650
 APPLICATION NUMBER 7-29-2016
For office use only

**APPLICATION FOR CHANGE IN ZONING CLASSIFICATION
 OR CHANGE IN CONDITIONS
 (SEE FILING INSTRUCTIONS)**

TO: Town of Matthews Board of Commissioners
 Town of Matthews Planning Board
 232 Matthews Station Street
 Matthews, North Carolina 28105-6713

Ladies and Gentlemen:

Your consideration of this petition is requested for:

- A change in zoning classification of the property hereinafter described; or
- A change in conditions to an existing conditional zoning plan.

Tax parcel number(s): 193-292-09, 193-292-27, 193-292-26

Address of property: 10410 East Independence Boulevard, Matthews, NC 28105

Location of property: Located on the Northwest quadrant of the intersection of Independence Blvd and Matthews Township Parkway.

Title to the property was acquired on 08/25/2015
 and was recorded in the name of Matthews Festival limited partnership, a South Carolina limited partnership
 whose mailing address is 200 Wingo Way, Suite 100, Mt. Pleasant, SC 29464

The deed is recorded in Book 30233 and Page 670 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: C Requested zoning classification: B-1 SCD and B-H(CD)

List reason(s) why zoning should be changed (use separate sheet if necessary):

Application number
2016-650
For office use only

2016-650
7-27-2016

Please see attachment A

Christian A Chamblee

Signature of property owner (must be original)

Matthews Festival Limited Partnership

Print name of property owner
200 Wingo Way, Suite 100

Property owner's mailing address
Mt. Pleasant, SC 29464

Property owner's mailing address, continued

Property owner's mailing address, continued

843.670.2080. cchamblee@zpi.net

Property owner's phone number/email address

Signature of property owner (must be original)

Print name of property owner

Property owner's mailing address

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address

Keith MacVean

Signature of agent (if any)

Jeff Brown. Keith MacVean and Bridget Dixon

Print name of agent
100 N Tryon Street. Suite 4700

Agent's mailing address
Charlotte, NC 28202

Agent's mailing address, continued

Agent's mailing address, continued

704.331.1144(JB) 704.331.3531(KM) jeffbrown@mvalaw.com, keithmacvean2mvalaw.com

Agent's phone number/email address

Christian Chamblee

Petitioner other than owner (if any)

ZIFF Properties (Attn: Christian Chamblee)

Print name of petitioner
756 Tyvola Road, #113

Petitioner's mailing address
Charlotte, NC 28217

Petitioner's mailing address, continued

Petitioner's mailing address, continued

704.522.0203

Petitioner's phone number/email address

List all tax parcel numbers, names, and mailing addresses of all property owners subject to notification of this zoning application. Attach additional sheets if necessary.

See item #7 in instruction sheet titled "Instructions for Filing an Application for a Change in Zoning Classification or Change in Conditions for Property located in the Town of Matthews."

Application number

2016-650

For office use only

2016-650
7-27-2016

19323103

TAX PARCEL

Duke Power Company

PROPERTY OWNER NAME(S)

422 South Church Street

OWNER MAILING ADDRESS

Charlotte, NC 28242

OWNER MAILING ADDRESS, CONTINUED

19329207

TAX PARCEL

Realty Income Corp

PROPERTY OWNER NAME(S)

11995 El Camino Real

OWNER MAILING ADDRESS

San Diego, CA 92130

OWNER MAILING ADDRESS, CONTINUED

19352106

TAX PARCEL

Lowe's Home Centers, Inc.

PROPERTY OWNER NAME(S)

PO Box 1111

OWNER MAILING ADDRESS

North Wilkesbro, NC 28656

OWNER MAILING ADDRESS, CONTINUED

19329208

TAX PARCEL

Texas Roadhouse Holdings, LLC

PROPERTY OWNER NAME(S)

6040 Duthchmans Lane, Ste 400

OWNER MAILING ADDRESS

Louisville, KY 40205

OWNER MAILING ADDRESS, CONTINUED

19352107

TAX PARCEL

IA Matthews Sycamore LLC

PROPERTY OWNER NAME(S)

PO Box 9271

OWNER MAILING ADDRESS

Oak Brook, IL 60522

OWNER MAILING ADDRESS, CONTINUED

19329211

TAX PARCEL

New Private Restaurant Properties, LLC

PROPERTY OWNER NAME(S)

2202 N West Shore Boulevard, #470C

OWNER MAILING ADDRESS

Tampa, FL 33607

OWNER MAILING ADDRESS, CONTINUED

19323133

TAX PARCEL

HD Development of Maryland Inc

PROPERTY OWNER NAME(S)

PO Box 105842, Suite 3608

OWNER MAILING ADDRESS

Atlanta, GA 30348

OWNER MAILING ADDRESS, CONTINUED

19329217, 19329218, 19329219

TAX PARCEL

Matthews Township Shopping Center LLC

PROPERTY OWNER NAME(S)

500 N Dearborn Street, Ste 400

OWNER MAILING ADDRESS

Chicago, IL 60654

OWNER MAILING ADDRESS, CONTINUED

SUMMARY OF THE REZONING PROCESS

2016-650
7-27-2016

APPLICANT: Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

PROPERTY OWNERS: These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411 or email srobertson@matthewsnc.gov) for verification.

Application submitted to and received by Town Planning office 07/27/2016

Town Board of Commissioners formally accepts application and sets Public Hearing date 08/08/2016

Notices sent via mail to affected/adjacent property owners on or before 09/26/2016

Public hearing: applicant gives explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning 10/10/2016

Town Planning Board reviews request, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request 10/25/2016

Town Board of Commissioners approves or denies application 11/14/2016

ATTACHMENT A

2016-650
2016-650
7-27-2016

List reason(s) why zoning should be changed:

To update the zoning district for the existing shopping center, rezone the shopping center to the appropriate zoning district called for by the Matthews Unified Development Ordinance and to allow the renovation and partial-redevelopment of the existing shopping center, which will allow the re-invigoration of the existing center.

DOCUMENT CHECKLIST

(PLEASE PRINT)

PROJECT NAME Matthews Festival DATE 07/27/16
 ADDRESS OF PROJECT 10410 East Independence Boulevard, Matthews, NC 28105
 PARCEL ID 193-292-09, 193-292-27, 193-292-26
 CONTACT PERSON Keith MacVean, Moore & Van Slien, LLC
 CONTACT PHONE & EMAIL 704.331.3531, keithmacvean@mvalaw.com

Check below to indicate which item(s) is/are being submitted. If a fee is required, please indicate if a check is enclosed or explain why it is not included.

ZONING APPLICATION **6 HARD COPIES AND SITE PLAN IN PDF FORM WHEN PART OF PETITION**

Residential	
Traditional District (no CD)	_____ \$ 400.00
Parallel Traditional District	_____ \$ 600.00
Conditional-only District (R-VS, CrC, SRN, C-MF)	_____ \$ 800.00
Non-residential	
Traditional District (no CD)	_____ \$ 600.00
Parallel Traditional District	_____ \$ 800.00
Conditional-only (Mixed Use and Nonresidential) Districts	x _____ \$ 1000.00

TEXT AMENDMENT **5 HARD COPIES AND STANDARD FORM MUST BE COMPLETED**

Add any permitted use	_____ \$ 100.00
Any other reason, fewer than three paragraphs affected	_____ \$ 250.00
Any other reason, three or more paragraphs affected	_____ \$ 400.00

ZONING VARIANCE **STANDARD FORM MUST BE COMPLETED**

Residential	_____ \$ 150.00
Non-residential or mixed use	_____ \$ 350.00

ZONING APPEAL **STANDARD FORM MUST BE COMPLETED**

Residential	_____ \$ 150.00
Non-residential or mixed use	_____ \$ 350.00

ZONING INTERPRETATION **STANDARD FORM MUST BE COMPLETED**

Residential	_____ \$ 150.00
Non-residential or mixed use	_____ \$ 350.00

SITE PLAN APPROVAL **5 HARD COPIES AND PDF FILE**

When required by condition of zoning (separate from a zoning application)	_____ \$ 200.00
Approval through EPM (not Preliminary Plat)	_____ \$ 400.00

OTHER SITE PLAN REVIEW **5 HARD COPIES AND PDF FILE**

Change of use or occupancy, parking sufficiency, etc.	_____ \$ 100.00
---	-----------------

DOCUMENT CHECKLIST (page 2)

PUBLIC IMPROVEMENT (SUBDIVISION) VARIANCE 8 HARD COPIES AND PDF IF SITE PLAN IS INVOLVED

_____ \$ 350.00

DOWNTOWN OVERLAY COMPLIANCE REVIEW 5 HARD COPIES AND DRIVEWAY APPLICATION

When separate from other EPM Site Plan reviews _____ \$ 250.00

Abbreviated or minor revision separate from other EPM site review _____ \$ 75.00

HIGHWAY OVERLAY COMPLIANCE REVIEW 5 HARD COPIES AND DRIVEWAY APPLICATION

When separate from other EPM Site Plan review _____ \$ 250.00

Abbreviated or minor revision separate from other EPM Site Plan review _____ \$ 75.00

LANDSCAPE/LIGHTING PLAN REVIEW 5 HARD COPIES AND PDF FILE

Combined Review (separate from other EPM reviews) _____ \$ 250.00

Landscape only (separate from other EPM reviews) _____ \$ 200.00

Lighting only (separate from other EPM reviews) _____ \$ 200.00

Other abbreviated or minor revision (separate from other EPM reviews) _____ \$ 75.00

THIRD OR LATER SUBMITTAL OF ANY ABOVE ACTION

Downtown Overlay, Highway Overlay, or Landscape/Lighting _____ \$ 150.00

ADMINISTRATIVE AMENDMENT 6 HARD COPIES AND PDF FILE IF SITE PLAN IS INVOLVED

Staff review level _____ \$ 50.00

Planning Board or Town Board level _____ \$ 100.00

SIGN PERMIT ZONING COMPLIANCE REVIEW

_____ \$ 25.00 per sign

MASTER SIGN PLAN 4 HARD COPIES AND PDF FILE

Initial Submission _____ \$ 150.00

Revision _____ \$ 75.00

ZONING VERIFICATION LETTER

_____ \$ 20.00

SUBDIVISION

Sketch Plan 6 HARD COPIES AND PDF FILE (also in EPM) _____ \$ 100.00

Preliminary 4 FULL SETS PLUS DRIVEWAY APPLICATION (also in EPM) _____ \$ 400.00

Final 6 HARD COPIES, MYLAR AND PDF FILE (also in EPM)

Minor _____ \$ 50.00

Major _____ \$ 100.00

DRIVEWAY PERMIT REVIEW

Single site _____ \$ 25.00

Blanket _____ \$ 50.00

Is Driveway Permit application being submitted with other plans? If so, what plans?

July 27, 2016

Moore&VanAllen

Town of Matthews Board of Commissioners
Town of Matthews Planning Board
232 Matthews Station Street
Matthews, NC 28105

Keith H. MacVean
Land Use and Zoning Consultant

T 704 331 3531
F 704 378 1954
keithmacvean@mvalaw.com

Moore & Van Allen PLLC

Suite 4700
100 North Tryon Street
Charlotte, NC 28202-4003

Re: Matthews Festival Waiver of Traffic Impact Analysis for Rezoning Petition.

Dear Town of Matthews Board of Commissioners:

We have submitted a rezoning application for the Matthews Festival Shopping Center (10400 E. Independence Blvd.). The rezoning request will allow Ziff Properties the current owner to renovate the existing shopping center.

Under the Town of Matthews regulations for Conditional Rezoning Requests the rezoning petition for the Matthews Festival would require the filing of a Traffic Impact Analysis, however, since the proposed rezoning petition for the Matthews Festival does not add or increase the amount of development on the Site, or add additional driveways to the adjoining streets the Petitioner would like to request a waiver of the requirement to provide a Traffic Impact Analysis for this rezoning petition.

In support of this waiver request we have asked Randy Goddard, a Licensed Traffic Engineer, to prepare a memorandum to support the request for a waiver of the Traffic Study, which is attached to this memo.

If you have any questions or need additional information please feel free to contact me.

Sincerely,



Keith MacVean



MEMORANDUM

Date: July 27, 2016

To: Keith H. MacVean
Land Use & Zoning Consultant
Moore & Van Allen, PLLC

From: Randy E. Goddard, P.E.
Managing Principal
Design Resource Group, PA (C-2165)

Subject: **Matthews Festival Limited Partnership – Matthews Festival Shopping Center Traffic Impact Analysis (TIA) Waiver Request Supporting Information (614-001)**

On behalf of the rezoning petition applicant, Matthews Festival Limited Partnership, Design Resource Group provides the following information to support the request for a waiver of the normally required Traffic Impact Analysis (TIA).

The Town of Matthews, per #11 of their Instructions for Filing a Petition for a Change in Zoning Classification, allows an applicant to provide documentation to support the request to waive a TIA as part of the rezoning submittal package.

Zoning Request:

It is our understanding that Matthews Festival Limited Partnership is requesting a change in the zoning classification from C to B-1 SCD and B-H to make modifications, which includes demolition of existing structures and construct new retail space at the existing Matthews Festival Shopping Center located in Matthews, NC (tax parcels 193-292-09, 193-292-27 & 193-292-26).

The modifications per the attached Schematic Site Plan indicate new construction (additional square footage) within Development Area 2 and demolition and new construction, resulting in less overall commercial square footage in Development Area 3. The existing Matthews Festival Shopping Center is approximately 127,817 SF and it is our understanding that the result of the requested changes within Development Areas 2 and 3, the shopping center will be capped to not exceed the existing square footage.

Location & Existing Access:

The existing Matthews Festival Shopping Center is located within the southwest quadrant of the interchange of Independence Boulevard (US 74) and Matthews Township Parkway (NC 51).



The existing retail center has multiple access locations along each frontage as described below:

- Two right-in/right-out only accesses located along US 74, approximately 550 feet west of NC 51 and 1,120 west of NC 51. Both driveways are channelized internally for approximately 300 feet.
- One full movement signalized access located on NC 51 directly opposite the US 74 eastbound ramps.
- One right-in/right-out/left-in access (unsignalized directional-crossover) on NC 51 located approximately 470 feet south of the full movement signalized access.

Trip Generation:

The daily and peak-hour-trip-generation data for the existing retail center and as proposed will remain unchanged at an estimated 7,725 daily trips, with 181 AM peak hour trips and 466 PM peak hour trips.

The trip generation table utilizing information from Trip Generation, 9th Edition, Institute of Transportation Engineers (ITE), is attached for your information.

NCDOT Project U-2509 & Site Impact:

The North Carolina Department of Transportation (NCDOT) with STIP project U-2509 will provide express lanes within US 74, which as currently planned will re-build the NC 51 interchange with US 74 (see attached overall plan). From the meeting we had with NCDOT staff on March 15, 2016, the current schedule for this project is that it will go to R-O-W acquisition in 2020, with construction in 2022.

The current preliminary plan to reconstruct the interchange will result in the actual bridge structure and NC 51 lanes shifting west into the existing retail center. This is shown in detail on the last attachment that clearly shows the impacts to two existing retail buildings (Texas Roadhouse restaurant and Mattress Firm showroom) and would, in my opinion, require these buildings to be demolished.

Should the buildings and existing businesses not be replaced/relocated within the existing retail center site, the overall trips generated by the site will be reduced by the reduction in commercial square footage.

In addition to the impact to existing structures, the existing full movement signalized access opposite the westbound US 74 ramps will be negatively impacted with the U-2509 project. NCDOT has agreed to re-evaluate this access to ensure it can adequately accommodate the existing retail center and its peak hour trip impact on the traffic signal and adjacent roadway network (traffic study).

Finally, as a result of the planned shift of the interchange to the west, the existing US 74 right-in/right-out only access nearest NC 51 will be shifted to approximately 220 feet west so the overall impact to the center should be minimal; we would expect the future distribution of trips should be very close to current conditions.



2016-650
7-27-2016

Summary:

In summary, the development proposal to reactivate and revitalize the existing Matthews Festival Shopping Center that requires the property to be rezoned will not increase the trip generation beyond what is approved by-right.

The impact of the project U-2509 will in fact most likely reduce overall trips to and from the shopping center (reduction in square footage based on taking by NCDOT of existing businesses) and with the project, NCDOT has agreed to provide a traffic analysis of the only existing signalized access for the center.

We therefore request, based on the information provided above, that a Traffic Impact Analysis (TIA) not be required and ask that Town of Matthews Planning staff to agree with our documentation and support the request by the applicant to waive the TIA.

Please contact me should you have any questions concerning our documentation supporting the request to waive the requirement of a Traffic Impact Analysis.

Attachment: Schematic Site Plan (RZ-2)
Trip Generation Table
U-2509 Overall Plan for US 74 & NC 51 Area
U-2509 Plan Detailing SW Quad with impact to Center

cc: Christian D. Chamblee Matthews Festival Limited Partnership
Alex Kelly Tribek Properties
File

Matthews Festival Shopping Center Trip Generation

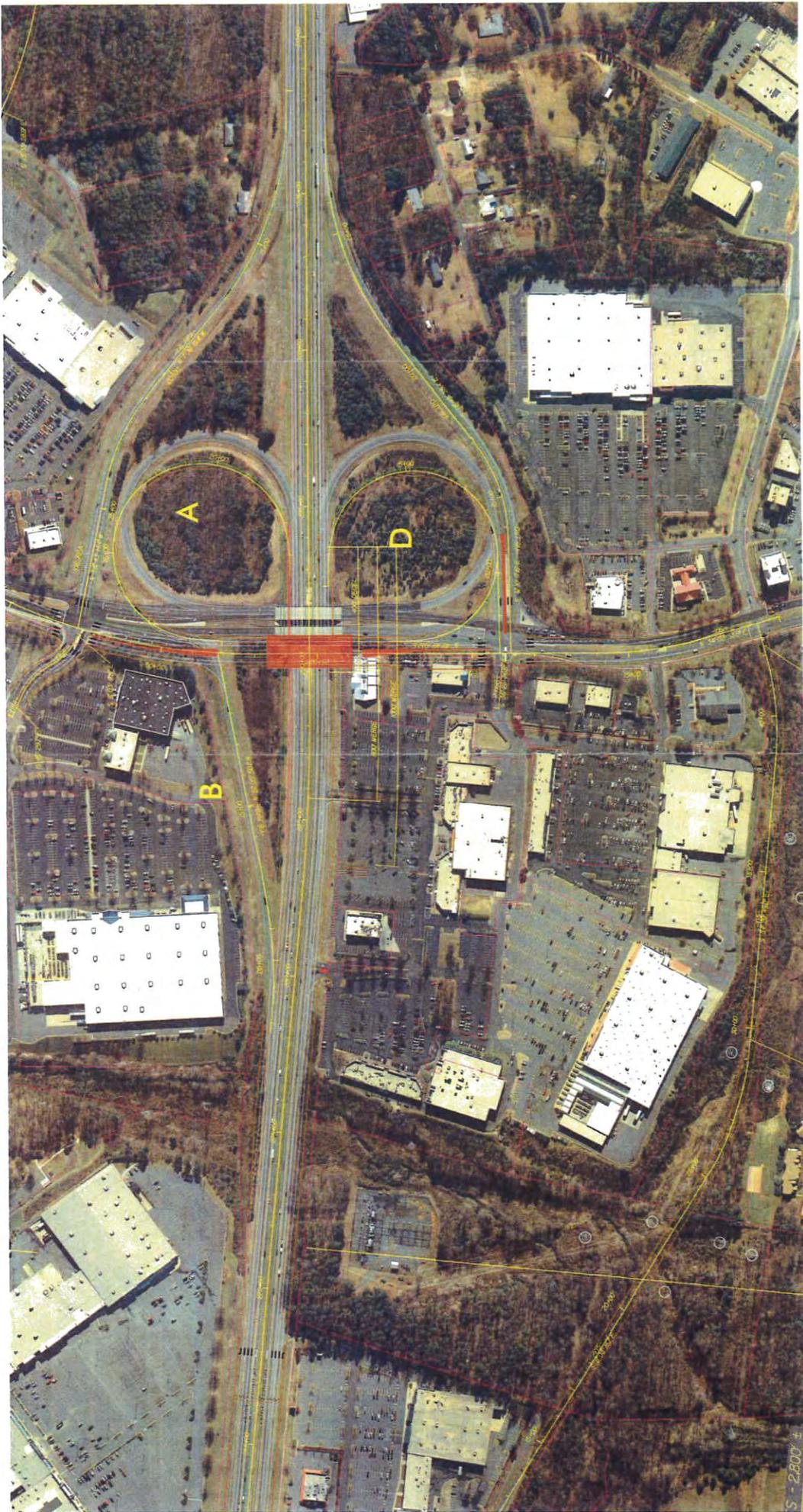
Land Use [ITE Code 820]			Weekday Daily	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Retail	127,817	SF	7,965	112	69	181	339	367	706
<i>34% PM Passby Reduction</i>			-240	0	0	0	-120	-120	-240
Total New Trips			7,725	112	69	181	219	247	466

References:

Trip Generation, 9th Edition, Institute of Transportation Engineers, Washington, DC. 2012.

AM peak hour pass-by not applicable per the 2003 ITE Trip Generation Manual.

* PM Passby taken in accordance with ITE Trip Generation Guidelines





Please reply to: Tampa
101 E. Kennedy Boulevard
2700 Bank of America Plaza
Direct Line: (813)227-7431
Main Office Phone Number: (813) 223-7474
mmaguire@trenam.com

September 26, 2016

Via Federal Express

Town of Matthews Board of Commissioners
232 Matthews Station Street
Matthews, NC 28105

✓ Town of Matthews Planning Board
232 Matthews Station Street
Matthews, NC 28105

Matthews Festival Limited Partnership
200 Wingo Way, Suite 100
Mt. Pleasant, SC 29464

Re: Zoning Application 2016-650 Boulevard (the "Application") and related changes to 10410 E. Independence (Parcel Numbers 193-292-09, 193-292-27, and 193-292-26) (collectively, "Subject Property") owned by Matthews Festival Limited Partnership ("Applicant").

Dear Sirs/Madams:

This firm represents Carrabba's Italian Grill, LLC, a Florida limited liability company ("Carrabba's"), which is the tenant and beneficial user of the property located at 10408 E. Independence Blvd., Matthews, NC 28105 (Parcel Number 193-292-11) (the "Restaurant Property") that is adjacent to the Subject Property. Carrabba's has been authorized by the owner of the Restaurant Property, LCN BLM Las Vegas (Multi) LLC ("LCN"), to deliver this objection to the Application and demand to cease all efforts related to the alteration of the Shopping Center (as defined below) without the consent and involvement of Carrabba's and LCN.

As you may know, the Subject Property and Restaurant Property (collectively, the "Shopping Center") are both subject to, among other recorded documents, those certain Declarations of Easement and Restrictive Covenants recorded at Book 5653, Page 703, and Book 5705, Page 541, of the Public Records of Mecklenburg County, North Carolina (collectively; the "Declarations"), copies of which has been enclosed for your reference. As you will see, the Declarations each prohibit any action which would result in a change to the traffic circulation patterns of the Shopping Center, depictions of which are set forth on the site plans attached thereto.

The Application, particularly the detailed proposed site plan (the "Proposed Site Plan") which will be presented at a hearing on the Application, on its face, clearly alters the traffic circulation pattern by closing the access drive off of Independence Parkway to the distant Southeast of the Restaurant Property and placing a new access drive to the Shopping Center to the immediately adjacent Southeast of the Restaurant Property. In addition to changing the traffic entry points for the Shopping Center, the

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TAMPA, FL 33602

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Tel: 727.896.7171
Fax: 727.820.0835

200 CENTRAL AVENUE
SUITE 1600
ST. PETERSBURG, FL 33701

Town of Matthews Board of Commissioners
Town of Matthews Planning Board
Matthews Festival Limited Partnership
September 26, 2016
Page 2

Proposed Site Plan (a copy of which is enclosed) also includes additional and extensive curbing and barriers which will significantly alter the traffic circulation and free flow of vehicles and pedestrians within the Shopping Center parking lot; the area located immediately to the Southeast of the Restaurant Property being the most heavily and adversely affected.

The Application, while looking for a technical change in zoning, is an attempt to effectively amend the Declaration and the rights afforded to the Restaurant Property thereunder. The Restaurant Property's approval and consent are required for such an amendment, and failure to obtain said approval of the Proposed Site Plan will result in a breach of the Declaration. At no point did any party associated with the Subject Property attempt to communicate with Carrabba's or LCN about the Application to drastically impact and alter the traffic circulation of the Shopping Center.

Accordingly, we must object to the Application and hereby demand Applicant's cessation of all work related thereto, as well as Applicant's attempt to unilaterally amend the Declarations absent the proper parties' consent. Provided Carrabba's and LCN are brought into the fold on the Application and the Proposed Site Plan as it related to the Declaration and Shopping Center, we are happy to discuss the concerns in hopes of reaching an amicable resolution. Failure to do so, however, will force Carrabba's and LCN to pursue all of their legal remedies against Applicant, including injunctive relief. Please have a representative of Applicant contact me at your earliest convenience so that we may begin our work together.

Sincerely,



Michael P. Maguire

Cc: Ronda Stoker (via email)
Karen Anderson-Koplin (via email)
Kirk Dockery (via email)
LCN Capital Partners (via email)
Ziff Properties (via email)

**PLANNING BOARD REPORT
ON THEIR MEETING OF
SEPTEMBER 27, 2016**

FOR TOWN BOARD ACTION:

I. ZONING APPLICATION 2016-648 – Budd law Group 352 E Charles St, From R-12 to O(CD)

Planning Board unanimously recommended approval, conditioned on necessary variance being granted by the Board of Adjustment, and suggestion the site plan be revised to indicate how on-site parking may be expanded in the future. The Board found it consistent with the Land Use Plan.

FOR INFORMATION ONLY:

I. YOUTH VOICE STATUS FOR SCHOOL YEAR 2016-2017

Planning Board reaffirmed their intent to have a second Youth Voice position, which may allow students to continue in a second year and have staggered terms. Board members also confirmed their desire to have Youth Voice members regularly participate during all meetings and to conduct an individual planning-related project. Planning Board members will assist in contacting area high schools to promote their request for new applicants.

**MINUTES
PLANNING BOARD
TUESDAY, September 27, 2016
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chair Steve Lee; Members Kress Query, Michael Ham , David Wieser, Kerry Lamson, and Gregory Lee; Alternate Member Jana Reeve; Town Attorneys Charles Buckley and Craig Buie; Planning Director Kathi Ingrish, Senior Planner Jay Camp, Administrative Assistant/Deputy Town Clerk Shana Robertson.

ABSENT: Member Barbara Dement; Youth Voice Carly Newton

CALL TO ORDER

Chairman Steve Lee called the meeting to order at 7:05 pm.

Chairman Lee noted that due to a vacancy, one alternate needed to be added as a voting member for this evening. Michael Ham motioned to add Jana Reeve as a voting member, seconded by David Wieser. The motion passed unanimously.

APPROVAL OF THE MINUTES

Mr. Ham motioned to approve the minutes of the August 23, 2016 meeting as submitted. Seconded by Kress Query and the motion was unanimously approved.

ZONING APPLICATION 2016-648 – Budd Law Group, 352 E Charles St, From R-12 to O (CD) for Professional Office Use

Senior Planner Jay Camp reviewed the details from the September 12, 2016 public hearing. The proposed rezoning from R-12 to O (CD) will replace the vacant single family residence with a 4,150 square foot office building that will appear similar to a house. Mr. Camp updated the Board on some of the outstanding conditions. The property will meet parking standards due to the Downtown Overlay allowing a baseline 25 percent parking reduction if within 400 feet of public parking. Mr. Camp added that two variances will be requested of the Board of Adjustment at the November 3, 2016 meeting. One will be for the setback due to the location of the CSX right of way at the front of the property. The second variance requested will be for the proposed 18 foot driveway width. A minimum of 24 foot is typically required by Town ordinance.

Kerry Lamson asked Mr. Camp if he would explain why the parking would be compliant. Mr. Camp stated that when the site plan was received it was thought that the accessory structure was a record storage only building. It had since been discovered that the structure will be a detached garage that will hold two enclosed parking spaces with a record storage loft upstairs. At first count, only surface parking was counted. The 2 additional spaces the garage provides brings the parking count to ten spaces. The baseline requirement is one space per every 300 square feet. The 25 percent parking reduction within the Downtown Overlay applies to 352 E Charles as it is within 400 feet of the public parking on Charles Buckley Way.

Mr. Lamson asked if there was variation on the parking requirement based on the type of business occupying the building. Mr. Camp answered that yes, if the use was a medical office it would be one space for every 200 square feet. The site, as proposed is for general office. Mr. Lamson asked what other potential uses could occupy the space should the owner ever vacate. Mr. Camp stated per the conditional notes, all uses under the office district including real estate offices, law firms, architects, engineers, and salons.

Kress Query asked if Buckley Way was the only public parking within 400 feet of the property and about how many spaces were located within that public parking area. Mr. Camp confirmed that it was the only public parking within the 400 foot area. There are thirteen public parking spaces located on Buckley Way.

Jana Reeve asked if the variance request for the driveway was due to the size and width of the proposed structure. Mr. Camp stated that the intent of the driveway width as well as the detached garage was to keep the residential look and feel of the property. Ms. Reeve asked if the 18 foot width would allow for two way traffic or possible side parking. Mr. Camp stated that driveway parking would create a one-way condition and not allow enough room.

Greg Lee asked if narrowing the width of the driveway was a result of needing a landscape screen or buffer to the property next door. Mr. Camp stated that it was not required to have the buffer but the applicant wanted a planting space for buffer purposes.

Stephanie Cooper, Architect, Indian Trail, NC and Laura Budd of Budd Law Group, 10550 Independence Pointe Pkwy #301, Matthews, NC 28105, provided new details to the Board. Ms. Cooper compared the plan to other similar structures such as Plantation Animal Clinic and The Matthews Help Center. Finishes will include architectural shingles, hardy plank siding, metal roof over porch, vinyl windows and shutters, wooden post columns, a brick base, wooden sign, ramp to front from side of building, and residential front doors.

Mr. Query said he felt the building looked very good and will fit the town character.

Mr. Ham stated that some railing on the front, similar to the Plantation Animal Clinic, may help the building to look more residential.

Mr. Lamson asked about the rear setback and if additional parking could be added with less buffer. Ms. Cooper stated that a tree survey had not been completed yet. The owner is wanting to keep as much green space as possible. Current plans have 80 feet of green space from parking area to property line. Mr. Lamson asked if consideration for more parking could be made. Mr. Ham clarified that parking requirements were met. Mr. Camp stated that they were. Mr. Ham asked if the town was going to ask the applicant to exceed what is required. Mr. Lamson stated that was not his intent. He stated he was concerned of other applications in use. Ms. Cooper stated that there were thoughts of moving the garage structure placement so more area could be made in the future for parking if needed.

Mr. Weiser asked how many employees are expected to occupy the office. Ms. Budd stated that there currently six employees and two part time contractors. One of the six employees works remotely from Colorado and the other five are not in the office at the same time due to court schedules. The business does not have a huge number of walk in clients. She stated that employees were aware that, if approved, some days they will need to use public parking on Buckley Way. Ms. Budd said that she wanted to save as many trees and green space as possible.

Mr. Lamson asked about the ramp at the side of the structure and if there were plans for a side entrance. Ms. Budd stated that she wanted a functional front door but there will be a back entrance that will have a hall that leads to the reception area. Space for a switchback ramp is available at the back entrance.

Chairman Lee stated that street side parking should be looked into for future parking but that he was good with parking as it stands.

Mr. Query felt that parking may be a problem.

Mr. Ham stated that if there is a future problem with parking options were available with the back green space. Mr. Query asked if expansion were to happen would the applicant need to come back to revise the conditional zoning. Mr. Camp stated it would be better to show parking expansion portrayal on the site plan prior to approval as future spaces so the applicant would not need to come back.

Mr. Lee asked if a trash dumpster would be a requirement for the business. Mr. Camp stated that Public Works has reviewed the site plan and typically allow roll out carts for offices of the proposed size. Mr. Lee said that if dumpsters were needed that may impact future parking. Ms. Budd stated that for current use, a dumpster would not be needed nor does it fit with the residential character that she is looking to protect with the property.

Mr. Lamson asked about architectural lighting at the street and building location. Ms. Cooper showed the plans for porch lighting. Mr. Camp stated there is a street light on Charles Street next to property.

Mr. Query made a motion recommending approval subject to showing potential future expanded parking area and that variances are approved. It is consistent with the Downtown Land Use Plan. Mr. Weiser seconded the motion and it was unanimously approved.

YOUTH VOICE STATUS FOR SCHOOL YEAR 2016-17

Planning Director Kathi Ingrish addresses the Board. She reviewed the discussion of July 26, 2016 about adding a second Youth Voice position. Carly Newton did ask, and was granted a second term. Ms. Ingrish asked if the Board felt the position needed to be more structured with a chance for high school students to gain experience from the position. Options for changes included to assign Planning members as student mentors, encourage Youth Voice member participation, and research projects on Planning Board or Town Council issues. Ms. Ingrish stated that the American Planning Association had many ideas and topics regarding projects. Ms. Ingrish also pointed out that October is National Community Planning Month and the Theme will be Civic Engagement. If the Board chose to add another Youth Voice this needed to be advertised soon.

Chairman Lee asked if the Board agreed on adding a second Youth Voice member. All Members agreed. Chairman Lee added that he agrees there needs to be a project and direction for the position. Mr. Lansom asked if this could be a rotating two year term with one new member a year. Ms. Reeve felt the position would better fit for one year so more students could take advantage of the valuable chance. Chairman Lee felt that the term should stay at one year with a second term available upon request. He stated that he also felt there should be a minimum attendance requirement added.

Discussion ensued regarding advertising of the position both within the schools and community, application process, and requirements, and interview committee.

ADJOURNMENT

Mr. Query motioned to adjourn. Seconded by Mr. Wieser and the motion passed unanimously. The meeting adjourned at 8:06 pm.

Respectfully submitted,

Shana Robertson
Administrative Assistant/ Deputy Town Clerk

Decision on Application 2016-648 Budd Law Group at 352 E. Charles Street

DATE: October 5, 2016

FROM: Jay Camp

Background/Issue

At the September 27th Planning Board meeting, the Board unanimously recommended approval of the rezoning request. The applicant still must obtain variances to the front setback and for the driveway width shown on the plan prior to Council making a decision on the request. The Board of Adjustment next meets on November 3rd.

Proposed Solution

Defer decision on Application 2016-648 to the November 14th meeting so that the Board of Adjustment may hear the variance requests.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Defer decision on Application 2016-648 to November 14th 2016.

AGENDA
BOARD OF COMMISSIONERS SPECIAL MEETING
HOOD ROOM, MATTHEWS TOWN HALL
SEPTEMBER 26, 2016 – 5:00 PM

PRESENT: Mayor James Taylor; Mayor Pro Tem John Higdon; Commissioners Jeff Miller, John Ross, John Urban and Larry Whitley; Town Attorney Charles Buckley; Town Manager Hazen Blodgett, Administrative Assistant/Deputy Town Clerk Shana Robertson.

ALSO PRESENT: Assistant Town Manager Becky Hawke; Public Works Director CJ O'Neill; Town Engineer Susan Habina Woolard; Parks, Recreation, and Cultural Resources Director Corey King; Police Chief Rob Hunter; Planning and Development Director Kathi Ingrish; Senior Planner Jay Camp; North Carolina Department of Transportation Deputy Division Engineer Scott Cole; Director of Community Outreach Warren Cooksey; Division Planning Engineer Stewart Basham; Atkins Global Consultants Gina Schaar and Kim Bereis.

ABSENT: Commissioner Chris Melton

The Board of Commissioners met with representatives from the North Carolina Department of Transportation and Town staff to discuss improvements to E John Street.

Scott Cole, Deputy Division Engineer of the North Carolina Department of Transportation addressed the Board. A Power Point presentation (Exhibit #1 hereby referenced and made part of these minutes) was presented by Mr. Cole and Atkins Engineering Consultant Kim Bereis, 12333 Copper Way, Charlotte, NC 28277.

Mayor James Taylor asked if the meeting was for informational purposes by the Department of Transportation and if the Town of Matthews was allowed any decision on the Superstreet component. Mr. Cole answered that the safety and efficiency make Superstreets important to the Department of Transportation. Staff had been contacted and there are plans to improve and add connectivity such as Greylock Ridge, Independence Pointe Parkway, and McKee Rd. The Department of Transportation is willing to reevaluate once those systems come online.

Commissioner John Higdon stated that he felt that having a Superstreet run through downtown Matthews will destroy the character of the town and is not in favor of Section A, from John Street to I-485.

Commissioner Jeff Miller stated that he has no issue with the two lanes in each direction but asked if the intersection at Trade and John would be considered a Superstreet. Mr. Cole stated that the whole corridor is a four lane divided and confirmed the Superstreet proposed entry would be the U-turn bump out just beyond post office.

Mayor Taylor added that there was no issues with the lane count but with the Superstreet verses signalized intersections.

Town Manager Hazen Blodgett stated that he appreciated the time and effort Mr. Cole and his team has put into the safety and movement but wanted to be sure that the character and integrity of the Town would be safe.

September 26, 2016

Commissioner John Urban agreed with protecting the character of the Town and was in favor of a linear park setting on the north side to give more room. Director of Community Outreach, Warren Cooksey stated that was an idea from Town staff regarding conceptual streetscape elements. Mr. Blodgett stated that the Board may want to speak with an outside consultant for guidance on these elements.

Mayor Taylor asked if the Superstreet concept would be forced on the town if decided it would not be the right solution. Mr. Cole answered that the Department of Transportation would work with the town on amicable solution. Safety and lasting design was the number one concern.

Discussion ensued around the printed proposed plans.

**MINUTES
BOARD OF COMMISSIONERS MEETING
HOOD ROOM, MATTHEWS TOWN HALL
SEPTEMBER 26, 2016 – 7:00 PM**

PRESENT: Mayor James Taylor; Mayor Pro Tem John Higdon; Commissioners Chris Melton, Jeff Miller, John Ross, John Urban and Larry Whitley; Town Attorney Charles Buckley; Town Manager Hazen Blodgett, Administrative Assistant/Deputy Town Clerk Shana Robertson.

ALSO PRESENT: Assistant Town Manager Becky Hawke; Finance Director Christopher Tucker; Police Chief Rob Hunter; Sargent William Shaw; Parks, Recreation, and Cultural Resources Director Corey King; Public Works Director CJ O'Neill; Environmental Advisory Committee Chair Gordon Miller

REGULAR MEETING CALLED TO ORDER

Mayor James Taylor called the meeting to order at 7:03 pm.

INVOCATION

Mayor Taylor rendered an invocation.

PLEDGE OF ALLEGIANCE

Mayor Taylor led the audience in the pledge.

ITEMS TO BE ADDED TO THE AGENDA

None

PUBLIC COMMENT

Rochelle Rivas addressed the Board. Mrs. Rivas is running for State Representative for district 103. She was asking for the support of the community. Mrs. Rivas stated that she is not a politician but a mother, wife and local business owner.

September 26, 2016

Chris McVey, 1609 Privette Rd, Matthews, NC 28105 addressed the Board. Ms. McVey was asking for reconsideration on a September 12, 2016 decision requesting exemption from Town Ordinance 93.06 prohibiting alcohol within park facilities for a private event at Squirrel Lake Park. Ms. McVey wished to address some of the concerns regarding enforcement and containment. She stated it would be a small wedding event and she would meet any conditions such as the hiring of an off duty officer. Mayor Taylor thanked Ms. McVey. He explained that the item was not on the agenda for discussion nor was public comment a time for a question or answer session. This request could be added to the agenda by a council member. The decision to disallow an exemption to the ordinance remains in place.

REPORTS FROM BOARDS/COMMITTEES

Environmental Advisory Committee Chair Gordon Miller addressed the Board. Mayor Taylor asked if there was something that could be done regarding the reoccurring missed sanitation pickups. He stated that he has received numerous calls regarding this issue. Mr. Miller said that this was an issue that was being worked on but the problem seems to be the bulk item pickups. He stated that the call center is something new and issues are being worked out.

Commissioner Miller asked for more information on the bulk item pickups. Mr. Miller stated that the bulk truck runs on the same day as regular trash and recycling. Public Works Director CJ O'Neill clarified that bulk items do need to be scheduled but will be picked up if unscheduled items are seen.

Discussion ensued

CONSENT AGENDA

- A. Approve Minutes of the September 12, 2016 Board of Commissioners Meeting**
- B. Approve Amendment to Town Manager's Contract**
- C. Approve Ordinance Restricting Parking on Overcash Drive and Portion of Northeast Parkway Accept Zoning Application 2016-651; U-Haul; 10530 Monroe Road; Tax Parcel ID 21301238; from R-20 to I-1(CD) and R-20 and Set Public Hearing for November 14, 2016**
- D. Approve Budget Amendments to Recognize:**
 - 1) Revenues Raised from Fundraiser at Matthews Alive in the Amount of \$2,742.00**
 - 2) Donation from Matthews Chamber to Police Explorers Program in the Amount of \$445.00**

Motion by Commissioner Higdon to approve consent agenda items A through D2. The motion was seconded by Commissioner Whitley and unanimously approved.

UNFINISHED BUSINESS

RECEIVE UPDATE ON 2016 PLANNING CONFERENCE TO DO LIST

Mr. Blodgett gave update on 2016 to do list. The new Fire Chief will start on October 3, 2016 and items will be delegated to him once he is settled. Mr. Blodgett stated that he will meet with representatives from the Library on September 27, 2016 to talk about the Library maintenance responsibility. Items will be discussed at the Mini Conference on October 1 such as potential park properties, funding models for roads and what the needs are, a parklet space around Dilworth Coffee, and Charlotte Mecklenburg school traffic. A report will be available on the tree save canopy areas at the end of January 2017.

Commissioner Miller asked if the list can be sorted by due date. Mr. Blodgett said that it used to be sorted by date but after changes it was out of order. Mayor Taylor requested that the original due date be left for reference.

September 26, 2016

Commissioner Milton asked about the October 18, 2016 tentative "Let's Talk Traffic" DOT meeting. Mr. Blodgett stated the meeting is still tentative. Commissioner Ross stated that another October roads meeting may be a challenge with the NCDOT John Street campaign. The tentative meeting would be the fourth road meeting in the month of October. The Town may not see large attendance due to oversaturation of road meetings.

NEW BUSINESS

RECEIVE MONTHLY BUDGET REPORT

Finance Director Christopher Tucker addressed the Board. He stated that there is not much to report but he was available for any questions. Mayor Taylor asked if there were any anomalies this early in the fiscal year. Mr. Tucker answered that there was nothing and it had been a spot on first two month.

APPROVE BUDGET ORDINANCE TO MODIFY THE EXPENDITURE BUDGETS TO BE CONSISTENT WITH THE TRANSACTION OF TWO FIRE VEHICLE CAPITAL PURCHASES.

Commissioner Ross motioned to approve the budget ordinance to move the appropriation of \$73,075 from debt into the Transfer to CIP line item. Commissioner Urban seconded the motion and the motion was unanimously approved.

APPROVE BUDGET ORDINANCE TO RECOGNIZE LOAN PROCEEDS AND AN INTERFUND TRANSFER TO THE PURPOSE OF A FIRE VEHICLE CAPITAL PURCHASE

Commissioner Melton motioned to approve budget ordinance to modify the expenditure budgets to be consistent with the transaction of two fire vehicle capital purchases noted in Mr. Tuckers September 21, 2016 memo in the amount of \$446,075. Commissioner Higdon seconded the he motion and the motion was unanimously approved.

APPROVE FINANCING FOR PURCHASE OF FIRE VEHICLE

Commissioner Melton motioned to approve the financing purchase of fire vehicle through BB&T financing for \$405,000. Commissioner Ross seconded the motion and the motion was unanimously approved.

EXEMPT TOWN FROM RFQ PROCESS FOR THE DESIGN OF RICE ROAD PROPERTY

Parks, Recreation, and Cultural Resources Director Corey King addressed the Board. Mr. King reviewed the North Carolina General Statute (or NCGS) 143-64.31 referencing procurement of architectural, engineering and surveying services, which stipulates that local government must announce all requirements for architectural, engineering, surveying to select firms qualified to provide such services on the basis of demonstrated competence and qualification for the type of professional services required. This selection must be made without regard to fee, other than unit price information. Local government would then negotiate a contract for those services at a fair and reasonable fee with the best qualified firm. Mr. King explained an exemption could happen if cost did not exceed \$50,000. This would allow the town to still accept multiple bids just changing from an RFQ (Request for Quote) to an RFP (Request for Price) process.

Commissioner Urban motioned to exempt the Town from NCGS 143-64.31 identifying the cost estimate to be below \$50,000. Commissioner Milton seconded the motion and the motion was unanimously approved.

APPROVE RESOLUTION AUTHORIZING THE UPSET BID PROCESS FOR PURCHASE OF REAL PROPERTY LOCATED AT 1021 MATTHEWS-MINT HILL ROAD

Mr. Blodgett asked that numbers eight and nine be reviewed before approval. They state:

September 26, 2016

8. The Town reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The Town Manager is authorized to execute the instruments necessary to convey the property to Ridge Church. Mr. Blodgett stated that he was not comfortable with the wording of number 9 as it should be a Town Board decision.

Mayor Taylor stated that he thinks the sale of the property is a bad move by the Town. He believed that the Board is looking at the short term view of selling the property and staff had advised strongly against the sale. Mayor Taylor reviewed the need of the property located at 1021 Matthews-Mint Hill Road for the expansion of Independence Pointe Parkway. His main worry is if sold, taxpayers will have to pay, maybe at a higher value, in the future. Mayor Taylor referenced S. Trade Street and the overruns and felt that the Town may be on the hook for similar in regards to Independence Pointe Parkway. Mayor Taylor felt the resolution is flawed and can be worded better. The Mayor wished for the Board to reconsider the sale of the property or to defer the approval until October 10, 2016 so that the town attorney can check the compliance with NC General Statute and fix any discrepancy in wording of the text.

Commissioner Higdon stated that there seemed to be an urgency with the church and asked if there was a way the resolution could be accepted that night. Commissioner Ross clarified that they needed to know as soon as possible if the sale was not going to happen.

Commissioner Urban asked Town Attorney Charles Buckley if a stipulation could be made and property had to be condemned, could the new property owner be held to a contracted sale price same as their purchase price. Mr. Buckley answered that there is no way to make them sale back in the amount that was paid due to property rights.

Commissioner Whitley asked who drafted the resolution. Mr. Blodgett stated that the Town Clerk, Lori Canapinno, created the resolution authorizing upset bid process of real property from a clerk's manual.

Commissioner Ross stated that he was fine with deferring the approval and having the Town Attorney review the document to make sure it was consistent with current verbiage. Commissioner Ross addressed the Mayor's request to reconsider the approval from the September 12, 2016 meeting. He stated that he understood that the Mayor was not at the meeting but the motion passed unanimously. He did not feel the presentation came through clear in the minutes and felt that Ridge Church had a redesign and a vision. The condemning for the future road may not have much of an impact to the church due to the redesign.

Mayor Taylor stated that the parallel road system is very important to the Town of Matthews and the town has advocated to North Carolina Department of Transportation (NCDOT) that during the construction of Independence Boulevard/US-74, this road system be included such as Independence Pointe Parkway. The alignment will come close to or impact part of an existing building. He stated his concern is selling the property and costing tax payers money having to buy the property back at a possible higher rate. Mayor Taylor stated that you have to take the name and face off of the transaction. With the possible rate of purchase being higher the NCDOT could put the Town of Matthews at fault and force Matthews to acquire the property.

Commissioner Whitley stated that he agreed with Mr. Blodgett that item nine on the resolution should be removed to make approval a Board decision. He reviewed the history of asking the petitioners to get an appraisal for review, telling them during predevelopment that the property could not be sold, telling them that the property could be sold but had to open the sale up to all, and warned the petitioner if they win the bid all or some of the property could be taken by NCDOT. Commissioner Whitley stated that with that warning he feels the risk is with whomever wins the bid on the property.

Commissioner Higdon asked Mr. Buckley if the scenario of the NCDOT asking Matthews to pay the difference is plausible. Mr. Buckley stated that the NCDOT could take a stance and back away saying the cost of the project is

September 26, 2016

higher than projected. Mr. Buckley stated that Matthews was not required to put up funds for Trade Street but because of the importance to the town, and that funding part of that construction would change priority, the Town chose to help with the funding.

Commissioner Melton felt that the flawed wording on the resolution could be an opportunity. He stated that the past approval did not feel right and he asked if the Board would take a second look. Commissioner Ross stated that he felt the new plans to acquire the three lots by the church and the new design would be a better end product for long term development. He continued that if the rest of the Board wanted to revisit and add it back to the agenda he would support the decision but the petitioner needed to be present. Commissioner Higdon stated that he did not have issue with waiting until next meeting for a refined resolution. He continued by stating that he felt that the Board would lose a lot of credibility if they were to go back on the ruling. It was his opinion to go forward with the sale.

Commissioner Urban asked for clarification on what the motion would be for authorizing the resolution. Mayor Taylor stated that the motion would be to have the resolution rewritten by the town attorney and have it come back at a later date. At that point, the resolution may or may not pass and depending on that outcome could impact the sale of the property. Mr. Buckley stated that the comment was technically correct. The resolution would authorize moving forward in an upset bid process. Commissioner Whitley also asked for more clarification. Mayor Taylor stated that the sale will never take place unless a resolution to start the process passed. Commissioner Whitley felt that the resolution needed to be corrected to move on to the sale of the property. Commissioner Whitley stated that he would not feel right telling the petitioner that they now could not purchase the property after telling them that they could. Commissioner Miller also had issue with renegotiating the approval to sale.

Mayor Taylor stated that if the majority of Board voted to pass the resolution then he will sign the resolution, but he would vote in opposition of the revised resolution and vote against selling the property. He stated that he would side with staff to protect the tax money of citizens of Matthews and of North Carolina.

Commissioner Melton asked Mr. Buckley how was the resolution not in line with NC General Statute 143-64.31 and 143-64.32. Mr. Buckley stated that without the statute present he could not answer. He did state that the resolution may be fine as it was written but he would like to review to be sure.

Commissioner Urban stated that the North Carolina State Department of Transportation could also make a bid to purchase the property. He continued that he had the same reservations as Mr. Blodgett regarding that the land could be acquired as an investment by someone knowing of the future road. Commissioner Urban felt per Ridge Churches' understanding of the future road land use, he took it on faith that the church would do what was right. Mayor Taylor stated that he would agree based on the individual but is concerned that something could happen where the church would no longer hold the property. The Town could not hold a new owner responsible for what a past owner promised.

Mr. Buckley, after reviewing the General Statute and the wording of the resolution, stated that the entity making the offer must deposit with the Town clerk a sum equal to 5% of the offer in certified funds and that offer has to be published by the Town Clerk. A competing offer has ten days to submit an upset offer. Mr. Blodgett informed the Board that the 5% has been received by the town on Friday, September 23, 2016. Mr. Buckley stated that a notice must now be published and the resolution could be adopted tonight with the deletion of line item 9 that stated if no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The Town Manager is authorized to execute the instruments necessary to convey the property to Ridge Church. A public hearing would not be required. Once the highest bid is received, the Board during a public session would approve the sale of the property.

Mayor Taylor stated that he was comfortable with Mr. Buckley's review and the resolution could be voted on that night as planned with the removal of line item nine.

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Commissioner Whitley motioned to correct the resolution by removing line item nine and move forward with the upset bid process. Commissioner Miller seconded and the motion passed 5-2 with Mayor Taylor and Commissioner Melton in opposition.

CONSIDER ISSUANCE OF DISCHARGE OF FIREARMS PERMIT FOR BOW AND ARROW UPON THE FOLLOWING PROPERTIES:

Police Chief Rob Hunter addressed the Board. Chief Hunter stated that he had five applications that he was bringing to the Board for review.

1) 440 Bubbling Well Road – Porter, Christopher

Chief Hunter stated that the application for 440 Bubbling Well Road was a renewal for the third year in the same location, same applicant, and same conditions as previous years. The application for Mr. Christopher Porter is for the 2016 hunting season, with no issues, concerns, or reports.

Commissioner Higdon stated that he had no issue with the discharging of a firearm for the purpose of deer hunting, He did not feel it was safe being so close to a neighborhood and feels should not be approved.

Commissioner Miller stated that he has two homes in Matthews and both are certified with the National Wildlife Federation as Wild Life Habitats. He continued to say that the Town of Matthews has also earned that distinction being that Matthews parks, churches, and greenways were also Certified Wild Life Habitats. He would not be in support of any of the applications that were being presented.

Commissioner Melton motioned to approve the issuance of discharge of a firearms permit for bow and arrow by Mr. Christopher Porter at 440 Bubbling Well Road. Commissioner Ross seconded the motion and the motion passed 4-3 with Commissioner Whitley, Commissioner Higdon, and Commissioner Miller in opposition.

2) 2206 Kilkenney Hill Road – Leeper, Marian Jr.

Chief Hunter stated that he was not recommending approval of the application for 2206 Kilkenney Hill Road. The location was not owner-occupied but the owner gave permission for use. This was a first time location and applicant. The adjoining residential properties are not fenced, are in close proximity to Four Mile Creek Greenway, and freshly walked trails throughout.

Commissioner Higdon stated that this is in his neighborhood of Ashley Creek. The area being requested is frequently used by neighborhood children with forts and paths that they had created. He felt that this would be a dangerous area to allow bow and arrow discharge.

Commissioner Ross motioned to deny the issuance of discharge of a firearms permit for bow and arrow by Mr. Marian Leeper Jr. at 2206 Kilkenney Hill Road. Commissioner Milton seconded the motion and the motion to deny passed unanimously.

3) 3303 Sam Newell Road – Vandernoord, Ronald & Phifer, David

Chief Hunter stated that this was a first time application and a first time location for 3303 Sam Newell Rd. This location will be for two applicants, Mr. Ronald Vandernoord and Mr. David Phifer. The property owner is the same for the requested area and the surrounding properties. Chief Hunter reviewed the property layout and deer stand placement with the Board.

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Commissioner Higdon asked about the ground placement of the deer stand. Sergeant William Shaw explained that the applicant has a handicap that prevented him from climbing but the layout of the land had the applicants firing at a downward angle to a 20 foot drop. Commissioner Urban asked if both applicants would be using same deer stand location but not same time. Sergeant Shaw stated that would be correct.

Chief stated that the Town of Matthews has one of the strictest background checks on bow and arrow discharge and Sergeant Shaw goes out to every site and follows up regularly to make sure conditions are met.

Commissioner Urban motioned to approve the issuance of discharge of a firearms permit for bow and arrow by Mr. David Phifer at 330 Sam Newell Road expiring January 1, 2017. Commissioner Melton seconded the motion and the motion passed 5-2 with Commissioners Whitley and Miller in opposition.

Commissioner Melton motioned to approve the issuance of discharge of a firearms permit for bow and arrow by Mr. Ronald Vandernoord at 330 Sam Newell Road expiring January 1, 2017. Commissioner Ross seconded the motion and the motion passed 5-2 with Commissioners Whitley and Miller in opposition.

4) Parcel # 21514110; Stallings Road – Bolster, Dave & Helms, Michael Scott

Chief Hunter reviewed the application. The application was a renewal for the third year in the same location. The applicants are first year requests for Mr. David Bolster and Mr. Michael Scott Helms. The location of the property is undeveloped Renfrow property being leased to applicants by property owner Mr. David Blackley. The property is to the left of Stallings Rd and to the right of I-485. The location of discharge is 663 feet from the nearest resident.

Commissioner Ross motioned to approve the issuance of discharge of a firearms permit for bow and arrow by Mr. David Bolster at parcel 21514110 expiring January 1, 2017. Commissioner Urban seconded the motion and the motion passed 5-2 with Commissioners Whitley and Miller in opposition.

Commissioner Ross motioned to approve the issuance of discharge of a firearms permit for bow and arrow by Mr. Michael Scott Helms at parcel 21514110 expiring January 1, 2017. Commissioner Melton seconded the motion and the motion passed 5-2 with Commissioners Whitley and Miller in opposition.

5) Parcel # 21525424; Phillips Road – Bolster, Dave & Helms, Michael Scott

Chief Hunter reviewed the application. The application was a renewal for the third year in the same location. The applicants are first year requests for Mr. David Bolster and Mr. Michael Scott Helms. The location of the property is undeveloped Renfrow property being leased to applicants by property owner Mr. David Blackley. The property is to the left of Philips Road and to the right of I-485. The location of discharge was 662 feet from nearest resident with a 12 foot high tree stand. Chief Hunter stated that an adjoining property owned requested that the application not be approved due to a family dog that liked to play in the woods.

Chief Hunter stated that one of the conditions of this property as well as all the others is when the property is in use signs are to be posted in and around all property. If approved he would ask the applicant to post signs at adjoining pet owners property to give the property notice.

Commissioner Melton motioned to approve the issuance of discharge of a firearms permit for bow and arrow by Mr. David Bolster at parcel 21525424 expiring January 1, 2017. Commissioner Urban seconded the motion and the motion passed 5-2 with Commissioners Whitley and Miller in opposition.

Commissioner Ross motioned to approve the issuance of discharge of a firearms permit for bow and arrow by Mr. Michael Scott Helms at parcel 21525424 expiring January 1, 2017. Commissioner Urban seconded the motion and the motion passed 5-2 with Commissioners Whitley and Miller in opposition.

Mayor Taylor thanked Chief Hunter and Sergeant Shaw for all the work and research that they do for each application.

Commissioner Ross asked if a template could be made for letters to adjoining property owners. Chief Hunter said that a template could be created.

MAYOR'S REPORT

Mayor Taylor thanked Mayor Pro Tem Higdon for filling in during the last meeting. He also stated that for the October meeting he should have a report on Matthews Alive.

ATTORNEY'S REPORT

None

TOWN MANAGER'S REPORT

None

ADJOURNMENT

Motion by Commissioner Higdon to adjourn. The motion was seconded by Commissioner Ross and unanimously approved. The meeting adjourned at 9:23 pm.

Respectfully submitted,

Shana Robertson
Administrative Assistant/Deputy Town Clerk

Appointments and Revisions to Bylaws of the Veteran Affairs Committee

TO: Mayor and Board of Commissioners
DATE: September 29, 2016
FROM: Rad Pate

Background/Issue:

The Veteran Affairs Committee bylaws allow for up to twenty appointed members. One member has recently resigned due to health issues and staff has received two applications from interested parties. The Committee has also recommended several changes to the bylaws to more accurately reflect its needs.

Proposal/Solution:

1. Accept the resignation of member Raymond Gaskins.
2. The committee chair has reviewed the applications and recommends appointing Ms. Dessi Dufresne and Mr. Joseph Bochicchio to the Veteran Affairs Committee.
3. Revise the bylaws as follows:
 - Change the name to the Matthews Veterans *Advisory* Committee
 - Add the positions of Secretary and Treasurer
 - Revise the required quorum from a simple majority to eight (8)

Financial Impact:

None

Related Town Goal:

Quality of Life: To maintain a small town identity by providing a vibrant downtown, pedestrian friendly community, extensive greenway system, and recreation and cultural activities.

Recommended Action:

Accept the resignation of Raymond Gaskins, appoint Dessi Dufresne and Joseph Bochicchio to the Committee and approve the recommended bylaw revisions.



232 Matthews Station Street
Matthews, NC 28105
704.847.4411

APPLICATION FOR BOARDS AND COMMITTEES

The Board of Commissioners of the Town of Matthews sincerely appreciates the interest of all citizens in the Town wishing to serve on advisory committees and urges the public to nominate qualified persons for these positions.

ADVISORY BOARD/COMMITTEE/COMMISSION(S) ON WHICH APPLICANT WISHES TO SERVE:

- | | |
|--|---|
| Appearance/Tree Committee | Parks, Recreation and Cultural Resource Advisory Committee |
| Board of Adjustment | Planning Board |
| Economic Development Advisory Committee | Special Needs Advisory Committee |
| Environmental Advisory Committee | Transportation Advisory Committee |
| Historic Preservation Advisory Committee | <input checked="" type="checkbox"/> Veteran Affairs Committee |

APPLICANT INFORMATION

NAME: Joseph M. Bochicchio

HOME ADDRESS: 2007 Trigger Drive, Indian Trail, NC 28079

PRIMARY PHONE NUMBER: 704-907-8327 home mobile business

EMAIL ADDRESS: joe@law4veterans.com

OCCUPATION: veterans disability lawyer

BUSINESS ADDRESS: 6025 Blakeney Park Dr. suite 130 charlotte, NC 28277

BUSINESS EMAIL: joe@law4veterans.com BUSINESS PHONE: 704-543-2294

REASON(S) FOR WISHING TO SERVE ON THIS/THESE BOARD(S)? To assist in the Matthews Veteran's Commission's efforts, and to also assist in board protocol and legal matters that may from time to time come before the board.

NUMBER OF HOURS AVAILABLE PER MONTH FOR THIS SERVICE: 10

EDUCATION: BSBA finance, MBA finance, Juris Doctor

BUSINESS AND CIVIC EXPERIENCE/SKILLS: Former commerical banker, CEO & gen'l counsel for tech company, private legal practice focusing on financial matters and Veteran's disability/claims before VA

AREAS OF EXPERTISE/INTEREST/SPECIAL SKILLS: Veteran's law, bankruptcy, finance. Interests include off-road expeditions, cooking, ornamental ironwork.

SIGNATURE:  DATE: 9/26/16

I understand that this application will be kept in active status for two years from date of application.



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704.847.4411

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The Board of Commissioners of the Town of Matthews sincerely appreciates the interest of all citizens in the Town wishing to serve on advisory committees and urges the public to nominate qualified persons for these positions.

ADVISORY BOARD/COMMITTEE/COMMISSION(S) ON WHICH APPLICANT WISHES TO SERVE:

- Appearance/Tree Committee
- Board of Adjustment
- Economic Development Advisory Committee
- Environmental Advisory Committee
- Historic Preservation Advisory Committee
- Parks, Recreation and Cultural Resource Advisory Committee
- Planning Board
- Special Needs Advisory Committee
- Transportation Advisory Committee
- Veteran Affairs Committee

APPLICANT INFORMATION

NAME: Jessi Dufresne
 HOME ADDRESS: 2103 Hadley Ct - Matthews 28105
 PRIMARY PHONE NUMBER: 704 699 5320 Home Mobile Business
 EMAIL ADDRESS: ddufresne@carolina.rr.com
 OCCUPATION: Financial Advisor
 BUSINESS ADDRESS: PO Box 2193, ²⁸¹⁰⁶ 206 W Matthews St ²⁸¹⁰⁵
 BUSINESS EMAIL: jessi.dufresne@edwardjones.com BUSINESS PHONE: 704 847 1499

REASON(S) FOR WISHING TO SERVE ON THIS/THESE BOARD(S)? I was asked by two board members, they feel my previous board experience could be used on this board since it is so new. After this weeks meeting I feel I could make a difference and it would be rewarding to help Vets.
 NUMBER OF HOURS AVAILABLE PER MONTH FOR THIS SERVICE: 6-8 hours

EDUCATION: Business - UNCC

BUSINESS AND CIVIC EXPERIENCE/SKILLS: Red Brick Partnership Board, Habitat Board, Chamber Board (twice), First Thursday committee

AREAS OF EXPERTISE/INTEREST/SPECIAL SKILLS: Marketing, events, organization
My contacts in the community could help the board get in front of many different organizations...

SIGNATURE: Jessi Dufresne DATE: 9/9/16

I understand that this application will be kept in active status for two years from date of application.

Return to: Town Clerk Lori Canapinno • lcanapinno@matthewsnc.gov • (p) 704-708-1222 (f) 704-845-1964



VETERANS AFFAIRS ADVISORY COMMITTEE BYLAWS

ARTICLE I - NAME

The name of this committee shall be the Town of Matthews Veterans Affairs Advisory Committee (VAC).

ARTICLE II - MISSION STATEMENT

The mission of the Veterans Affairs Advisory Committee is to promote a strong, healthy, and cooperative relationship between the Town of Matthews and service members, veterans and their families; to recognize the role played by veterans in the defense of this country; to promote equal and inclusive opportunities for veterans and their families in all aspects of society; and to identify and support all individuals and organizations that contribute to this mission.

ARTICLE III – ROLE OF THE VETERANS ADVISORY AFFAIRS COMMITTEE

The role of the Veterans Affairs Advisory Committee, hereafter referred to as the VAC, is to act in an advisory capacity to the Town's Board of Commissioners and staff on matters of interest and importance to service members, veterans and their families. The VAC may also:

- a) Serve as a centralized point of contact for veterans and their families to bring matters of interest to the attention of the Town;
- b) Advise the Board of Commissioners on matters related to patriotic holidays, ceremonies, or other special events and assist the staff in planning these events;
- c) Advise the Board of Commissioners on how to best increase the participation and effectiveness of veterans in local government;
- d) Increase awareness of education, employment and other community resources available to veterans and separating members of the military; and
- e) Facilitate the integration of veterans into all aspects of local community life by recognizing them as a valuable resource available within the community.

The VAC may become involved in other tasks as requested by the Board of Commissioners or Town staff. Additional subcommittees or task forces may be created as needed.

ARTICLE IV - MEMBERSHIP

Potential VAC members must demonstrate a clear relationship to the military and its interests and an understanding of its needs. Past service in the armed forces of the United States, while not an expressed requirement, is a highly valued asset for those interested in serving as members. Employment within, or association with, institutions or agencies with military-specific interests, or whose intent is serving the military community in whole or part is also desirable for those considering membership on the VAC. The VAC actively encourages active representation from each of the local veteran-service organizations. Services of the members of the VAC shall be voluntary and members will serve without compensation. There is no residency requirement for the VAC.

ARTICLE V - TERMS

The VAC shall consist of a minimum of five (5) and a maximum of twenty (20) members who have been duly appointed by the Board of Commissioners for designated terms. The terms, described as follows, shall begin with the calendar year 2016. Members shall be appointed to two year terms beginning on January 1 and expiring on December 31. Members may serve an unlimited number of terms.

If a vacancy on the VAC occurs by reason of death, resignation, or any other cause, the seat shall be filled, upon recommendation of the staff liaison and VAC Chairperson, by the Board of Commissioners in an expeditious manner for the duration of the unexpired term.

ARTICLE VI – OFFICERS AND STAFF

Section 1 – Officers: the officers of the VAC shall consist of a Chairperson and a Vice Chairperson. Elections shall take place in January.

Section 2 – Chairperson: the Chairperson shall be elected by a majority vote of the membership of the VAC from among its members. The term of the Chairperson shall be for one year and until a successor is elected, beginning with the first regular January meeting of each calendar year. The Chairperson shall be eligible for re-election.

The Chairperson (unless absent or excused), shall chair each meeting of the VAC and shall be a full voting member. The Chairperson shall decide upon all points of order and procedure unless otherwise directed by a majority of the VAC in session at the time. The Chairperson shall represent the VAC when called upon by the Board of Commissioners, staff or as directed by the VAC.

Section 3 - Vice-Chairperson: a Vice-Chairperson shall be elected from among the members in the same manner and for the same term as the Chairperson. The Vice-Chairperson shall serve as Acting Chairperson in the absence of the Chairperson and in such capacity, shall have the same powers and duties as the Chairperson. The Vice-Chairperson shall be eligible for re-election.

Section 4 – Secretary: a Secretary shall be elected from among the members in the same manner and for the same term as the Chairperson.

Section 5 – Treasurer: a Treasurer shall be elected from among the members in the same manner and for the same term as the Chairperson.

Section 64– Staff: a Town staff member will act as liaison to the VAC. The staff liaison is considered a non-voting position and serves as staff to the VAC.

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ARTICLE VII - MEETINGS

Section 1 – Open Meetings Law: the VAC shall be considered a "public body" and is subject to all rules and regulations for public bodies contained in North Carolina's Open Meetings Law.

Section 2 - Regular Meetings: the regular meetings of the VAC shall be held on an established and announced schedule with general intent to hold a monthly meeting, held at an appropriately accessible venue. All meetings shall be open to the public. Notice of meetings with information on agenda items shall be supplied before each meeting to all members. The Chairperson shall have the discretion to add or forego certain monthly meetings when necessary and meetings may be cancelled with written notice to the Town Clerk if there is no business to conduct.

Section 3 - Special or Called Meetings: special meetings of the VAC may be called at any time for the purpose of addressing urgent matters, the delay of which could prove detrimental to the success of the issue. Notice of the time and place of a called meeting shall be given to all members and the media at least forty-eight hours prior to the

meeting by the Chairperson or staff liaison. The Chairperson or staff liaison will attempt to contact each member of the VAC as soon as possible after a special or called meeting is set.

Section 4 – Quorum: a quorum of the VAC shall be required to open any meeting and to conduct business. A quorum shall ~~be defined as a simple majority of the currently appointed~~ consist of eight (8) members ~~and is necessary to take any official action.~~

ARTICLE VIII - ATTENDANCE

In order for the VAC to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. Any member who shall fail to attend at least 75% of the regular and special meetings of the VAC during any one-year period may be removed. The Chairperson shall notify the Town Board of Commissioners of any member who shall so fail to attend. The vacancy can be filled, upon recommendation of the Committee liaison and Chairperson, by the Town Board of Commissioners.

ARTICLE IX – RULES OF CONDUCT FOR MEMBERS

In order to avoid the appearance of conflict of interest, members of the Committee shall refrain from voting on issues that have a direct and narrow fiduciary effect on an organization by whom they are employed or for whom they serve as director. Members of the Committee shall be prohibited from applying for or receiving grants from the Town as individuals.

ARTICLE X - VOTING, ORDER OF BUSINESS

Section 1 – Voting: voting, at the discretion of the Chairperson, shall be by voice or show of hands. All matters to be voted on by the VAC shall be by a duly made motion and second. It is the duty of all VAC members present at a meeting to vote on all issues coming before the VAC unless such member has been specifically excused from voting on an issue. Any non-excused member who abstains from voting shall be counted as having cast a "yes" vote.

Section 2 - Conduct of Meetings: all meetings shall be open to the public. The order of business at meetings shall generally be as follows:

- a) Open Meeting & Declare a Quorum
- b) Approval of Minutes
- c) Old Business
- d) New Business
- e) Adjournment

The Chairperson shall have the authority to amend the order of business at any meeting. Items of business for discussion at the meeting shall appear on the agenda.

ARTICLE XI – ADOPTION AND AMENDMENTS

These bylaws are adopted by a majority vote of the Mayor and Town Board of Commissioners and shall at all times be consistent with all other ordinances of the Town of Matthews and the State of North Carolina. These bylaws may be amended by the Board of Commissioners.

Adopted this ~~14th-10th~~ day of ~~December~~October, ~~2015~~2016.

Mayor James Taylor

Town Clerk Lori Canapinno



DATE FILED 9-28-16
APPLICATION NUMBER 2016-652
For office use only

**APPLICATION FOR CHANGE IN ZONING CLASSIFICATION
OR CHANGE IN CONDITIONS
(SEE FILING INSTRUCTIONS)**

TO: Town of Matthews Board of Commissioners
Town of Matthews Planning Board
232 Matthews Station Street
Matthews, North Carolina 28105-6713

Ladies and Gentlemen:

Your consideration of this petition is requested for:

- A change in zoning classification of the property hereinafter described; or
- A change in conditions to an existing conditional zoning plan.

Tax parcel number(s): 213-231-01

Address of property: 10252 Monroe Road

Location of property: West side of Monroe Road, south of Galleria Boulevard and north of Gander Cove Lane

Title to the property was acquired on Various acquisition dates and instruments.
and was recorded in the name of Evelyn Renfrow Rogers, Thomas A. Browne, Jr., Merrie Jane B. Pierce and Linda Renfrow Rick

whose mailing address is c/o Evelyn Renfrow Rogers, 7427 Matthews-Mint Hill Road, Suite 105-279, Mint Hill, NC 28277

The deed is recorded in Book * and Page * in the office of the Register of Deeds for Mecklenburg County.

* Title received through various instruments.

Present zoning classification: R-VS Requested zoning classification: R-12 MF (CD)

List reason(s) why zoning should be changed (use separate sheet if necessary):

Application number
2016-652
For office use only

The Applicant is requesting that this approximately 21.46 acre site be rezoned to accommodate the development of a residential community on the site that would be comprised of a maximum of 230 multi-family dwelling units and a maximum of 20 townhome style dwelling units, for a total of 250 dwelling units.

Signature of property owner (must be original)

Evelyn Renfrow Rogers

Print name of property owner

7427 Matthews-Mint Hill Road

Property owner's mailing address

Suite 105-279

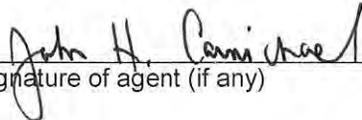
Property owner's mailing address, continued

Mint Hill, NC 28227

Property owner's mailing address, continued

704-578-0749 EvelyneRogers@aol.com

Property owner's phone number/email address



Signature of agent (if any)

John Carmichael, Robinson Bradshaw

Print name of agent

101 North Tryon Street, Suite 1900

Agent's mailing address

Charlotte, NC 28246

Agent's mailing address, continued

Agent's mailing address, continued

704-377-8341 jcarmichael@rbh.com

Agent's phone number/email address

Thomas A. Browne, Jr.

By: _____, Attorney in Fact
Signature of property owner (must be original)

Thomas A. Browne, Jr.

Print name of property owner

2910 Forest Park Drive

Property owner's mailing address

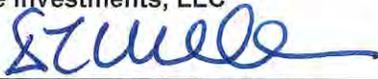
Charlotte, NC 28209

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address

Income Investments, LLC

By: 

Petitioner other than owner (if any)

Income Investments, LLC

Print name of petitioner

c/o Dustin Mills, Vice-President

Petitioner's mailing address

2217 Stantonsburg Road

Petitioner's mailing address, continued

Greenville, NC 27834

Petitioner's mailing address, continued

252-916-2691 dustin@tdgnc.com

Petitioner's phone number/email address

List reason(s) why zoning should be changed (use separate sheet if necessary):

Application number
2016-652
For office use only

The Applicant is requesting that this approximately 21, ~~66~~ acre site be rezoned to accommodate the development of a residential community on the site that would be comprised of a maximum of 230 multi-family dwelling units and a maximum of 20 townhome style dwelling units, for a total of 250 dwelling units.


Signature of property owner (must be original)

Evelyn Renfrow Rogers
Print name of property owner

7427 Matthews-Mint Hill Road
Property owner's mailing address

Suite 105-279
Property owner's mailing address, continued

Mint Hill, NC 28227
Property owner's mailing address, continued

704-578-0749 EvelyneRogers@aol.com
Property owner's phone number/email address

Signature of agent (if any)

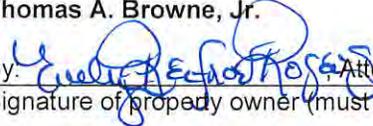
John Carmichael, Robinson Bradshaw
Print name of agent

101 North Tryon Street, Suite 1900
Agent's mailing address

Charlotte, NC 28246
Agent's mailing address, continued

Agent's mailing address, continued

704-377-8341 jcarmichael@rbh.com
Agent's phone number/email address

Thomas A. Browne, Jr.
By:  Attorney in Fact
Signature of property owner (must be original)

Thomas A. Browne, Jr.
Print name of property owner

2910 Forest Park Drive
Property owner's mailing address

Charlotte, NC 28209
Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address

Income Investments, LLC

By:
Petitioner other than owner (if any)

Income Investments, LLC
Print name of petitioner

c/o Dustin Mills, Vice-President
Petitioner's mailing address

2217 Stantonsburg Road
Petitioner's mailing address, continued

Greenville, NC 27834
Petitioner's mailing address, continued

252-916-2691 dustin@tdgnc.com
Petitioner's phone number/email address

Application number
2016-652
For office use only

List reason(s) why zoning should be changed (use separate sheet if necessary):

The Applicant is requesting that this approximately 21.66 acre site be rezoned to the R-12 MF (CD) zoning district to accommodate the development of a residential community on the site that would be comprised of a maximum of 230 multi-family dwelling units and a maximum of 20 townhome style dwelling units, for a total of 250 dwelling units.

Merrie Jane B. Pierce

By: *[Signature]* Attorney in Fact
Signature of property owner (must be original)

Merrie Jane B. Pierce
Print name of property owner

8525 Strawberry Lane
Property owner's mailing address

Charlotte, NC 28277
Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address

Signature of agent (if any)

Print name of agent

Agent's mailing address

Agent's mailing address, continued

Agent's mailing address, continued

Agent's phone number/email address

Linda Renfrow Rick

By: *[Signature]* Attorney in Fact
Signature of property owner (must be original)

Linda Renfrow Rick
Print name of property owner

3000 Violet Drive, Apartment B
Property owner's mailing address

Charlotte, NC 28205
Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address

Petitioner other than owner (if any)

Print name of petitioner

Petitioner's mailing address

Petitioner's mailing address, continued

Petitioner's mailing address, continued

Petitioner's phone number/email address

List all tax parcel numbers, names, and mailing addresses of all property owners subject to notification of this zoning application. Attach additional sheets if necessary.

See item #7 in instruction sheet titled "Instructions for Filing an Application for a Change in Zoning Classification or Change in Conditions for Property located in the Town of Matthews."

Application number

2016-652
For office use only

See Exhibit A Attached Hereto

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

SUMMARY OF THE REZONING PROCESS

Application number

2016-652
For office use only

APPLICANT: Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

PROPERTY OWNERS: These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411 or email srobertson@matthewsnc.gov) for verification.

Application submitted to and received by Town Planning office September 28, 2016

Town Board of Commissioners formally accepts application and sets Public Hearing date October 10, 2016

Notices sent via mail to affected/adjacent property owners on or before November 28, 2016

Public hearing: applicant gives explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning December 12, 2016

Town Planning Board reviews request, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request December 27, 2016

Town Board of Commissioners approves or denies application January 9, 2017

EXHIBIT A to REZONING APPLICATION

Adjacent Property Owners

Parcel No. 19310133

Fifth Third Bank
38 Fountain Square
MD10ATA1 Corp
Cincinnati, OH 45263

Parcel No. 19310130

Galleria Partners I, LLC
8514 McAlpine Park Drive #190
Charlotte, NC 28211

Parcel No. 19355101

Monroe Road Holdings LP
10401 Monroe Road
Matthews, NC 28105

Parcel No. 19355102

Monroe Road Holdings LP
10401 Monroe Road
Matthews, NC 28105

Parcel No. 21323102

Legacy Matthews LLC
c/o Peter Nintcheff
25101 Chagrin Bv Ste 300
Beechwood, Ohio 44122

Parcel No. 21322203

National Retail Properties LP
450 South Orange Ave Ste 900
Orlando, Florida 32801

Parcel No. 21322175

Jon H. Friesell, Trustee
Marcia M. Friesell, Trustee
Friesell Family Revocable Trust
PO 350
Aptos, CA 95001

Parcel No. 21322247

Dorothe Keller Schmidt
9104 Nolley Ct Apt A
Charlotte, NC 28270

Parcel No. 21322248

Charles E. Napier
Vicki L. Napier
2035 Brook View CT
Weddington, NC 28104

Parcel No. 21322249

Allison Rector
9104 C Nolley CT
Charlotte, NC 28270

Parcel No. 21322250

Deborah D. Wilson, Trustee
Ricky Lee Wilson, Trustee
1042 Wilson Valley Drive
Marion, NC 28750

Parcel No. 21322251

William G. Helms
9104 Nolley Ct Apt E
Charlotte, NC 28270

Parcel No. 21322252

Florence W. Stanley Family Trust
Florence W. Stanley
9104 Nolley Ct Apt F
Charlotte, NC 28270

Parcel No. 21322253

Brenda W. Whitley
9104 Nolley Court Apt G
Charlotte, NC 28270

Parcel No. 21322254

Arthur Charles Hooker, Jr.
406 W 9th Street Unit 204
Charlotte, NC 28202

Parcel No. 21322255

Kathleen Meloy
9104 Nolley Court Apt I
Charlotte, NC 28270

Parcel No. 21322299

Sardis Forest Patio Homes Association
PO Box 10503
Charlotte, NC 28212

Parcel No. 21322256

Heather Graham
9108 Nolley Court #A
Charlotte, NC 28270

Parcel No. 21322257

Joan W. Mussel White
1243 Mill Race Lane
Matthews, NC 28104

Parcel No. 21322258

Denice Valentine-Boone
3514 Wylie Meadow Lane
Charlotte, NC 28269

Parcel No. 21322259

Louise Marie Broderick
Robert Broderick
9108 Nolley Court Unit B
Charlotte, NC 28270

Parcel No. 21322260

Tracey P. Hudson
9108 Nolley Court Apt E
Charlotte, NC 28270

Parcel No. 21322261

Gray Harr Properties LLC
PO Box 220395
Charlotte, NC 28222

Parcel No. 21322268

Brunhilde S. Schmid
Raimund K. Schmid
143 N Sardis View Lane
Charlotte, NC 28270

Parcel No. 21322267

John R Martin
9112 Nolley Court Apt B
Charlotte, NC 28270

Parcel No. 21322266

Karen A. Gorski
9112 Nolley Court Apt C
Charlotte, NC 28270

Parcel No. 21322265

Dora Price Steinek
Karl Lawson Steinek
Steinek Family Trust
7537 Surreywood Pl
Charlotte, NC 28270

Parcel No. 21322264

Katherine J. Windley
9112 Nolley Court Apt E
Charlotte, NC 28270

Parcel No. 21322263

Mary E. Carnes
9112 Nolley Court Apt F
Charlotte, NC 28270

Parcel No. 21322262

Brenda C. Porter
Gary D. Porter
126 Norcross Lane
 Mooresville, NC 28117

Parcel No. 21322269

Geraldine McCoy
9120 Nolley Court Apt A
Charlotte, NC 28270

Parcel No. 21322270

Norvel Jean Hogsed
9120 B Nolley Ct
Charlotte, NC 28270

Parcel No. 21322271

Craig A. Carr
9120 Nolley Ct Apt C
Charlotte, NC 28270

Parcel No. 21322272

A Charlene Bush
9120 Nolley Court Apt D
Charlotte, NC 28270

Parcel No. 21322273

Linda C. Hall
9120 Nolley Court Apt E
Charlotte, NC 28270

Parcel No. 21322274

Michael James Callahan
Marybeth Greziak
9120 Nolley Court Apt F
Charlotte, NC 28270

Parcel No. 21322281

Sylvia May Brice
9128 Nolley Court Unit A
Charlotte, NC 28270

Parcel No. 21322280

Joseph A. Williams
9128 Nolley Court Unit B
Charlotte, NC 28270

Parcel No. 21322279

Liam J. Newnan
Christine A. Splaine
9128 Nolley Court Apt C
Charlotte, NC 28270

Parcel No. 21322278

Jordan G. Ray
9128 Nolley Court #D
Charlotte, NC 28270

Parcel No. 21322277

Michael James Whittington
9128 Nolley Court Apt E
Charlotte, NC 28270

Parcel No. 21322276

William Edward McClellan, Jr.
9128 Nolley Court Apt F
Charlotte, NC 28270

Parcel No. 21322275

Patricia L. Gignilliat
9128 Nolley Court #G
Charlotte, NC 28270

Parcel No. 21322298

Sardis Forest Patio Homes Association
PO Box 10503
Charlotte, NC 28212

Parcel No. 21324111

Kenneth R. Kissiah
1437 Renfrow Lane
Charlotte, NC 28270

Parcel No. 21324112

Mary Gail Kieklak
Norbert A Kieklak
1443 Renfrow Lane
Charlotte, NC 28270

Parcel No. 21324113

Bernie W. Stogner
Carolyn N. Stogner
9114 New Towne Drive
Matthews, NC 28105

Parcel No. 21324114

Chase Martin Clemens
Madeline Leigh Clemens
9108 New Towne Drive
Matthews, NC 28105

Parcel No. 21324115

Jeremy J. Dreyer
Sandra R. Dreyer
9100 New Towne Drive
Matthews, NC 28105

Parcel No. 21324116

Bob Hudson
Brenda Hudson
Trustees under the Hudson Family Legacy Trust
9101 New Towne Drive
Matthews, NC 28105

Parcel No. 21324165

Penelope A. Pezdirtz
1024 Back Oak Drive
Matthews, NC 28105

Parcel No. 21324166

Adam Woodcock
Amanda Woodcock
1016 Black Oak Drive
Matthews, NC 28105

Parcel No. 21324167

Norman Larry Cross
Hazel Elizabeth Cross
1010 Black Oak Drive
Matthews, NC 28105

Parcel No. 21324168

Joerg Kuehni
Lynda D. Kuehni
1008 Black Oak Drive
Matthews, NC 28105

2016-652

Parcel No. 21324182

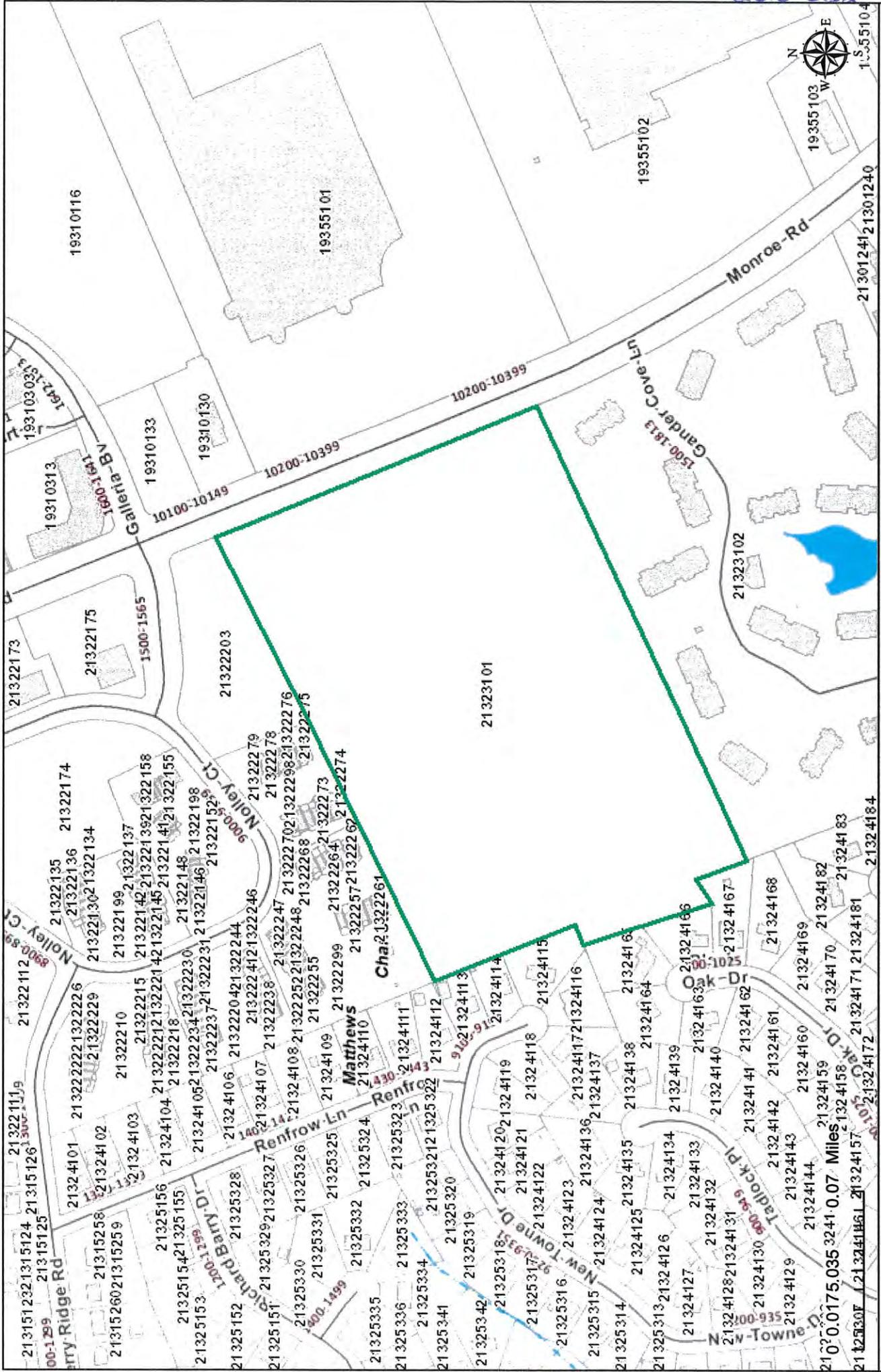
Justin D. Ridge
Sharon M. Ridge
811 Old Pine Lane
Matthews, NC 28105

Parcel No. 21324183

Cuba R. Singleton
1916 Nash Road
Wingate, NC 28174

Polaris 3G Map – Mecklenburg County, North Carolina

Date Printed: 9/27/2016 5:40:08 PM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

2016-652

2016-652



September 28, 2016

jcarmichael@robinsonbradshaw.com
704.377.8341 : Direct Phone
704.373.3941 : Direct Fax

BY HAND DELIVERY

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

Re: Rezoning Application filed by Income Investments, LLC Requesting the Rezoning of an Approximately 21.66 Acre Site Located on the West Side of Monroe Road, South of Galleria Boulevard and North of Gander Cove Lane, From the R-VS Zoning District to the R-12 MF (CD) Zoning District (Tax Parcel No. 213-231-01)

Dear Kathi:

I hope this letter finds you well.

This letter is being submitted with the above-captioned Rezoning Application pursuant to the requirements of Paragraph 13 of the Instructions for Filing an Application for a Change in a Zoning Classification (the "Instructions"). As you are aware, Paragraph 13 of the Instructions requires the Applicant to submit documentation regarding the land use recommendations for the subject site as set out in adopted land use plans and a statement as to how this rezoning proposal complies with such recommendations.

The subject site contains approximately 21.66 acres and it is located on the west side of Monroe Road, south of Galleria Boulevard and north of Gander Cove Lane. The site is currently zoned R-VS and pursuant to this Rezoning Application, the Applicant is requesting that the site be rezoned to the R-12 MF (CD) zoning district to accommodate the development of a residential community on the site that would contain a maximum of 250 multi-family dwelling units. A minimum of 20 of the multi-family dwelling units would be required to be townhome style multi-family dwelling units. Therefore, the site would contain more than one housing style.

The Town of Matthews Land Use Plan 2012-2022 (the "Land Plan") and the Monroe Road Small Area Plan (the "Area Plan") provide land use policy guidance for the site. Set out below is a description of the land use policies contained in the Land Plan and the Area Plan that relate to the site and the proposed development, and how this proposed development furthers such policies.

- This residential community would provide an alternative housing style to the traditional single family homes that are predominant in the Town of Matthews as encouraged by the Land Plan. (See page 8 of the Land Plan).
- As seen from the Applicant's conditional rezoning plan, the development would have a compact design and buildings would front Monroe Road with parking to the rear and side of these buildings, resulting in an urban form of development. (See page 9 of the Land Plan).
- Although the development would have a compact design and an urban form, a significant amount of open space and tree preservation areas would be provided along the western portion of the site. (See page 9 of the Land Plan).

- In the Applicant's view, this residential community would be appropriately located on a major thoroughfare, and it would provide a different residency type (renter) in the Town of Matthews. (See Strategy 1E and 1F on page 10 of the Land Plan).
- This residential community would meet the Town's acknowledged need for more diverse housing options, and the Land Plan provides that land fronting on thoroughfares are prime sites for such housing options. (See pages 43 and 46 of the Land Plan).
- This residential community would meet the policy that the Town should shift toward higher density, urban multi-family developments. (See page 45 of the Land Plan).
- The site is located in the Monroe Road/West John Street Transitioning and Sensitive Area under the Land Plan. Page 93 of the Land Plan provides that land on the west side of Monroe Road abuts single family neighborhoods, and steps must be taken to protect these adjacent single family neighborhoods from commercial impacts. Developments on these parcels must substantially buffer rear property lines to minimize noise and light pollution at adjacent residential lands. Uses which involve excessive noise, light and/or traffic are prohibited here. As seen from the Applicant's conditional rezoning plan, a generous buffer in the form of open space and tree preservation areas is provided at the rear of the site adjacent to the existing single family neighborhood. Additionally, the Applicant does not believe that the proposed residential community would generate an excessive amount of noise, light and/or traffic.
- This residential community would have an urban design form, buildings would be multi-story, buildings would front Monroe Road and surface parking would be located to the rear and side of the buildings that front Monroe Road. (See page 120 of the Area Plan).
- The Area Plan recommends mixed residential for the site, which is intended to support a mix of housing types from detached single family homes to attached condo and townhomes. The Area Plan provides that densities should not exceed 16 units per acre. Although the Area Plan does not specifically mention multi-family dwelling units in the above description of mixed residential, the Applicant submits that the proposed multi-family dwelling units are appropriate for this site because the proposed buildings would be similar to buildings containing attached condos and buildings containing townhomes. The only difference would be the form of ownership. Moreover, the density of this proposed residential community would be 11.54 dwelling units per acre, which is less than the maximum of 16 units per acre noted in the Area Plan. Additionally, the Applicant is of the opinion that this proposed residential community is appropriate for the site because the site is located on a major thoroughfare across from commercial development, a townhome community is located to the north of the site and a multi-family community is located to the south of the site. Finally, the substantial buffer that would be provided along the western portion of the site should mitigate any impacts of this proposed residential community on the existing single family neighborhood located to the west of the site in the Applicant's view. (See pages 124 and 125 of the Area Plan).
- This proposed residential community would meet Action Items 2 and 9 on page 126 of the Area Plan in the Applicant's view.

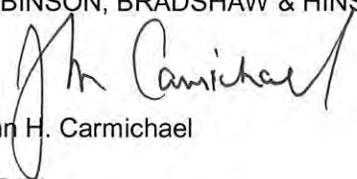
Ms. Kathi Ingrish, Planning Director
September 28, 2016
Page 3

Kathi, the Applicant, Chip Cannon and I look forward to working with you, Jay and the Town on this rezoning request.

Should you have any questions or comments, please do not hesitate to call me.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.



John H. Carmichael

JHC1/h

STATE OF NORTH CAROLINA

LIMITED POWER OF ATTORNEY

COUNTY OF MECKLENBURG

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE DEFINED IN CHAPTER 32A OF THE NORTH CAROLINA GENERAL STATUTES WHICH EXPRESSLY PERMITS THE USE OF ANY OTHER OR DIFFERENT FORM OF POWER OF ATTORNEY DESIRED BY THE PARTIES CONCERNED.

KNOW ALL MEN BY THESE PRESENTS that the undersigned, do hereby constitute and appoint EVELYN RENFROW ROGERS, our true and lawful attorney-in-fact, for us and in our name, place and stead in any way which we could do if we were personally present with respect to the following matters as each of them is defined in Chapter 32A of the North Carolina General Statutes to the extent that we are permitted by law to act through an agent.

Our attorney-in-fact shall have the power to prepare, execute, verify and fill in our names and on our behalf, any and all types of documents relating to the sale of the property consisting of 21.45 acres, more or less, designated as Tax Parcel 213-231-01 including deeds, real estate closing statements, lien waivers, affidavits, amendments or certificates associated with selling, managing or dealing with said real property

The foregoing clauses shall be deemed and construed to enumerate specific acts and powers which are exercisable for us and in our stead by our attorney-in-fact. Our attorney-in-fact shall keep full and accurate records of all transactions in which said attorney-in-fact acts as our agent and shall keep full and accurate records of all our real and personal property in her hands and the disposition thereof. An inventory and accounting shall be rendered to us, as principals, at such times as we may require. However, no accounting or inventory must be filed with the Clerk of Superior Court, pursuant to North Carolina General Statutes, Section 32A-11, as such requirement is waived.

This Power of Attorney is executed pursuant to the provisions of Chapter 32A of the North Carolina General Statutes; and we do hereby declare that it is our intention that this Power of Attorney shall not be affected by our subsequent incapacity or mental incompetence.

This Power of Attorney shall remain in full force and effect until revoked and terminated by any of the following:

- 1. Our death.
- 2. The registration in the office of the Register of Deeds of an instrument of revocation described in North Carolina General Statutes, Section 32A-13(2).

We ratify, adopt and affirm all acts done by our herein appointed attorney-in-fact, within the scope of authority given, as fully and to the same extent as if by us personally done and performed.

IN TESTIMONY WHEREOF, We have hereunto set our hands and seals, this 18 day of NOV, 2015.

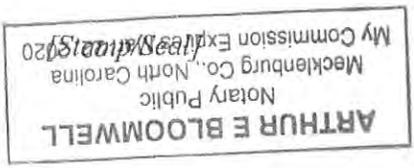
Thomas A. Browne, Jr.
 Thomas A. Browne, Jr.

Kathleen Browne
 Kathleen Browne

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Arthur E Bloomwell, a Notary Public for Mecklenburg County, North Carolina, certify that THOMAS A. BROWNE, JR. and wife, KATHLEEN BROWNE personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal this 18 day of NOV, 2015.



Arthur E Bloomwell
 Notary Public - Arthur E Bloomwell
 (Type Name)
 My Commission Expires: 03/22/2020

IN TESTIMONY WHEREOF, We have hereunto set our hands and seals, this
19th day of November, 2015.

Merrie Jane B Pierce
Merrie Jane B. Pierce

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Gina Salvo, a Notary Public for Mecklenburg County, North Carolina, certify that MERRIE JANE B. PIERCE personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal this 19 day of November, 2015.



Gina Salvo
Notary Public - Gina Salvo
(Type Name)

My Commission Expires: April 22, 2020.

DRAWN BY AND MAIL TO:

HAMLIN L. WADE (ROD 24)
Ruff, Bond, Cobb, Wade & Bethune, L.L.P.
831 E. Morehead St., Suite 860
Charlotte, NC 28202

IN TESTIMONY WHEREOF, We have hereunto set our hands and seals, this 18th day of November, 2015.

Linda Renfrow Rick
Linda Renfrow Rick

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Cecil W Mann Jr., a Notary Public for Mecklenburg County, North Carolina, certify that LINDA RENFROW RICK personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal this 18th day of November 2015.

[Stamp/Seal]

Cecil W Mann Jr.
Notary Public - Cecil W Mann Jr.
(Type Name)

My Commission Expires: March 20, 2017

IN TESTIMONY WHEREOF, We have hereunto set our hands and seals, this 23 day of NOV, 2015.

Charles Avery Rogers, Jr.
Charles Avery Rogers, Jr.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Rebecca Morris, a Notary Public for Mecklenburg County, North Carolina, certify that CHARLES AVERY ROGERS, JR. personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal this 23 day of NOV, 2015.

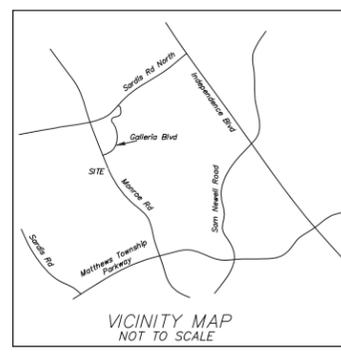


Rebecca Morris
Notary Public - Rebecca Morris
(Type Name)
My Commission Expires: 26 May 2019

2016-652 2016-652
9-28-2016 9-28-2016

21 NCAC 56.1604- MAP CERTIFICATION
I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (TITLE REFERENCES AS SHOWN ON PLAT); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM TITLE REFERENCES AS SHOWN ON PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY MEETS OR EXCEEDS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
THIS _____ DAY OF _____ 20____
PROFESSIONAL LAND SURVEYOR

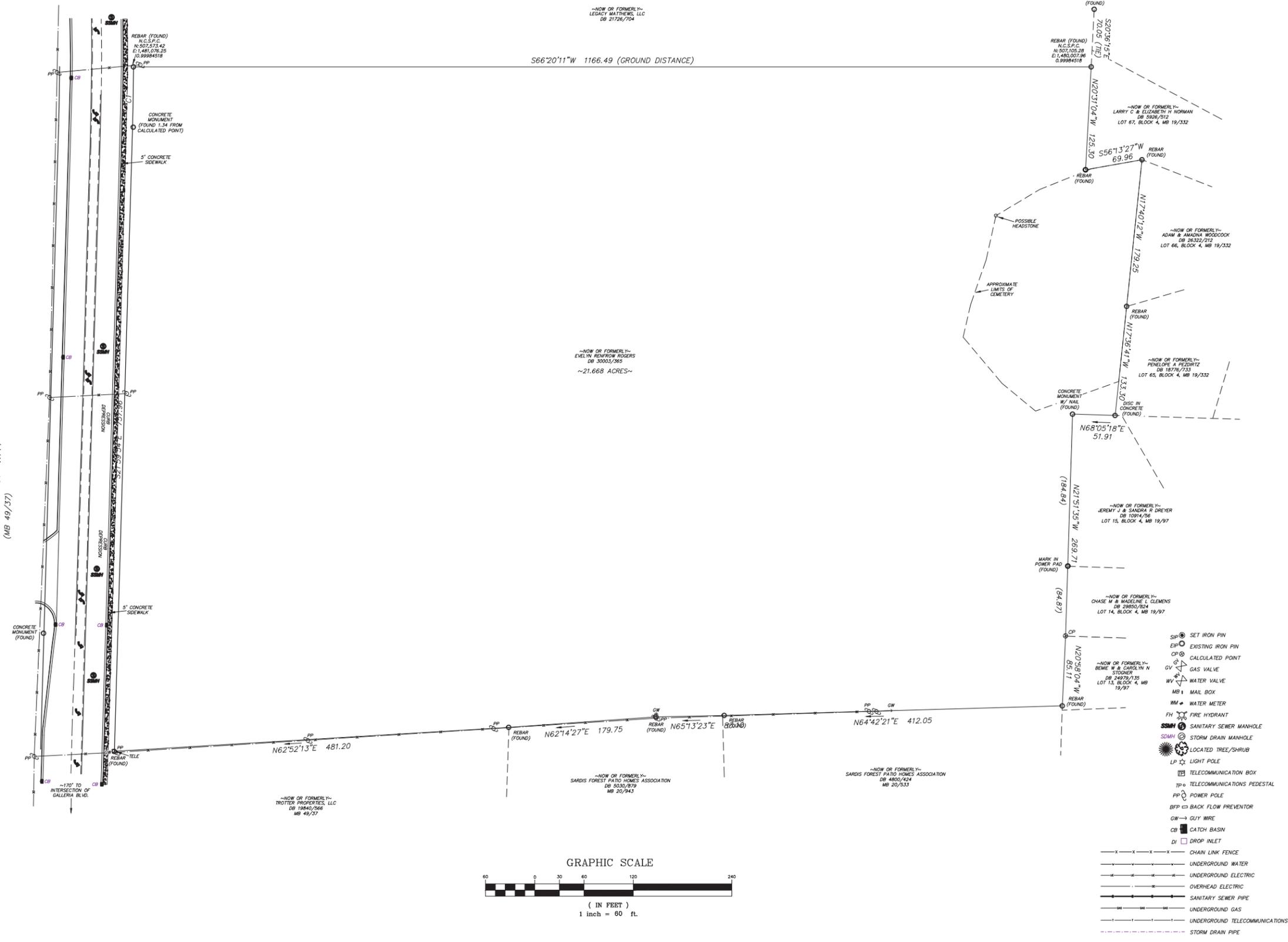
SCALE: 1" = 60'
2016\BAT\MONROE 21ac
2016\VA\MONROE 21ac
DRAWN BY: MB
CHECKED BY: HW
FIELD WORK: BG/MB
JANUARY 8, 2016
REVISIONS:
DATE



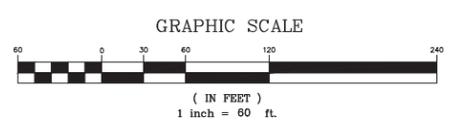
CURVE TABLE				
CURVE	RADIUS	LENGTH	BEARING	CHORD
C1	2909.79	74.30	S22°43'47"E	74.30

- LEGEND:
- EIP = EXISTING IRON PIN
 - OP = OLD IRON PIPE
 - SIP = SET IRON PIN
 - PWR = POWER PAD
 - PM = POWER METER
 - GM = GAS METER
 - AC = AIR CONDITIONING
 - TELE = TELEPHONE PEDESTAL
 - CATV = CABLE TELEVISION
 - WM = WATER METER
 - R/W = RIGHT OF WAY
 - PP = POWER POLE
 - LP = LIGHT POLE
 - CO = SEWER CLEAN OUT
 - YI = YARD INLET
 - FES = FLARED END SECTION
 - CB = CATCH BASIN
 - SDE = STORM DRAINAGE EASEMENT
 - SSE = SANITARY SEWER EASEMENT
 - SMH = STORM DRAIN MANHOLE
 - SSMH = SANITARY SEWER MANHOLE
 - BC = BACK OF CURB
 - OE = OVERHEAD ELECTRICITY

MONROE ROAD
90' PUBLIC RIGHT OF WAY
(MB 49/37)

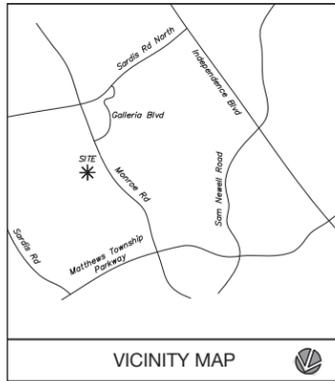


- NOTES:
- IRON PINS SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
 - PROPERTY ZONED: R-VS (SETBACKS ARE SUBJECT TO AN INTERPRETATION FROM THE ZONING BOARD).
 - TAX PARCEL NUMBER 21323101.
 - DEED REFERENCE: DB 30003 PG 363.
 - BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
 - THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 3710458000K, WITH A DATE OF IDENTIFICATION OF 02/19/2014.
 - THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, RIGHTS-OF-WAY, OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN. SURVEY MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
 - AREA COMPUTED BY COORDINATED METHOD.
 - NO NCGS MONUMENT FOUND WITHIN 2000'.
 - UTILITY LOCATIONS SHOWN ARE LOCATED BASED ON SITE CONDITIONS AT THE TIME OF SURVEY. CONTRACTORS ARE TO HAVE ALL UTILITIES ACCURATELY MARKED PRIOR TO CONSTRUCTION.
 - THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
 - CLASS OF SURVEY: A-URBAN LAND SURVEY
 - POSITIONAL ACCURACY: 0.2'
 - TYPE OF GPS FIELD PROCEDURE: RAPID STATIC, ONLINE POSITION USER SERVICE
 - DATES OF SURVEY: 1/7/15
 - DATUM/EPOCH: NAD 83 (2011), EPOCH 2010
 - PUBLISHED/FIXED-CONTROL USE: CORS SITES DH3838, DG5755, DG7404
 - GRID MODEL: GEOID 124; NAVD 88
 - COMBINED GRID FACTOR(S): 0.99984518
 - UNITS: US SURVEY FEET



CAROLINA SURVEYORS, INC.
P. O. BOX 267 PINEVILLE, N. C. 28134 - 0267
HUGH E. WHITE, J.T., N.C.R.L.S. & S.R.L.S. 889 - 7801
CERTIFICATE OF AUTHORIZATION N.C.C.-1242 SC-886

A BOUNDARY AND TOPOGRAPHICAL SURVEY SHOWING PROPERTY ON
MONROE ROAD
(NEAR THE INTERSECTION OF GALLERIA BLVD)
SURVEYED FOR: URBAN DESIGN PARTNERS, PLLC
AREA: 21.668 ACRES
TOWN OF MATTHEWS, MECKLENBURG COUNTY, NORTH CAROLINA



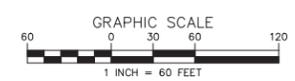
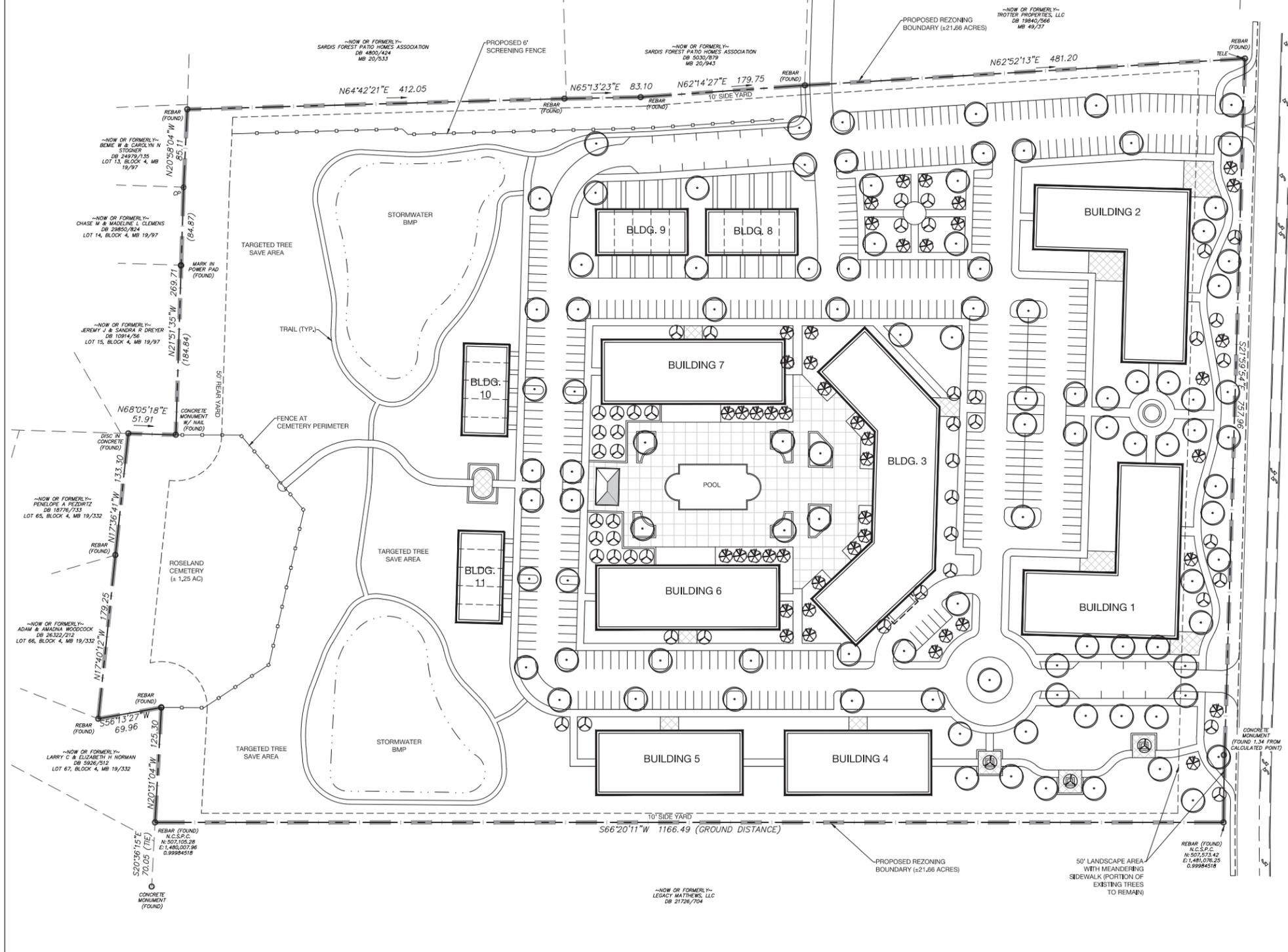
2016-652
9-28-2016

DEVELOPMENT SUMMARY	
TAX PARCEL ID #:	21323101
TOTAL SITE AREA:	± 21.66 ACRES
EXISTING ZONING:	R-VS
PROPOSED ZONING:	R-12 MF(CD)
PROPOSED UNITS:	230 UNITS
APARTMENTS:	20 UNITS
TOWNHOME:	250 UNITS
TOTAL:	
PROPOSED DENSITY:	11.5 D.U.A.
VEHICULAR PARKING:	
SURFACE:	388 SPACES
GARAGE:	20 SPACES
TOTAL:	408 SPACES (1.6/UNIT)



DEVELOPMENT STANDARDS

- GENERAL PROVISIONS
 - These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by Income Investments, LLC ("Applicant") for an approximately 21.66 acre site located on the west side of Monroe Road between Galleria Boulevard and Gander Cove Lane, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). The Site is comprised of Tax Parcel No. 213-231-01.
 - The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the Town of Matthews Unified Development Ordinance (the "Ordinance"). The regulations established under the Ordinance for the R-12 MF zoning district shall govern the use and development of the Site.
 - The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and the improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard and perimeter landscaping requirements set forth on this Rezoning Plan and the development standards, provided, however, that any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan.
- PERMITTED USES
 - The Site may be devoted only to a residential community comprised of a multi-family dwelling, multiple building complex and to any incidental and accessory uses associated therewith that are allowed in the R-12 MF zoning district. Incidental and accessory uses may include, without limitation, a leasing and management office and amenities such as a fitness center and a swimming pool.
 - The townhome style multi-family dwelling units may be converted to for sale dwelling units at the option of Applicant provided that all applicable requirements of the Ordinance are satisfied.
- DEVELOPMENT LIMITATIONS
 - A maximum of 250 multi-family dwelling units may be located on the Site.
 - A minimum of 20 multi-family dwelling units shall be townhome style multi-family dwelling units.
 - At a minimum, townhome style multi-family dwelling units shall be located in those buildings designated as Buildings 8, 9, 10 and 11 on the Rezoning Plan.
- DIMENSIONAL STANDARDS
 - Development of the Site shall comply with the dimensional standards of the R-12 MF zoning district set out in the Ordinance.
- TRANSPORTATION AND PARKING
 - Vehicle access shall be as generally depicted on the Rezoning Plan. The placement and configuration of each vehicular access point are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the North Carolina Department of Transportation and/or the Town of Matthews.
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 - Internal sidewalks and pedestrian connections shall be installed within the Site as generally depicted on the Rezoning Plan.
 - A pedestrian trail shall be installed within the tree save areas located on the western portion of the Site as generally depicted on the Rezoning Plan. This pedestrian trail may be constructed of concrete, asphalt or some other hard surface.
- TREE PROTECTION AND LANDSCAPING
 - The development of the Site shall comply with the Tree Protection and Landscaping requirements of the Ordinance.
 - Applicant shall install a minimum 50 foot wide landscape area along the Site's frontage on Monroe Road. Existing trees 24 inches and greater in caliper shall be preserved within this landscape area, however, smaller trees and vegetation and underbrush may be removed at the option of Applicant to allow views and safe passage through the landscape area. Supplemental trees and shrubs may be installed in this landscape area by Applicant. The minimum 8 foot sidewalk may be located within the minimum 50 foot wide landscape area.
- ARCHITECTURAL STANDARDS
 - The maximum height in stories of any building constructed on the Site shall be 3 stories.
 - The maximum height in feet of any building constructed on the Site shall be 45 feet.
- SIGNS
 - All signs installed on the Site shall comply with the requirements of the Ordinance.
- BINDING EFFECT OF THE REZONING APPLICATION
 - If this Rezoning Application is approved, all conditions applicable to the development and/or use of the Site imposed under this Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Applicant and the current and subsequent owners of the Site and their respective successors in interest and assigns. Throughout these Development Standards, the terms, "Applicant" and "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Applicant or the owner or owners of the Site from time to time who may be involved in any future development thereof.



Mr. Dustin Mills
Mr. Mike McCarthy
Income Investments, LLC
Tat Development Group
2217 Stantonsburg Road
Greenville, NC 27635

Renfrow Site
Rezoning Site Plan
Matthews, North Carolina

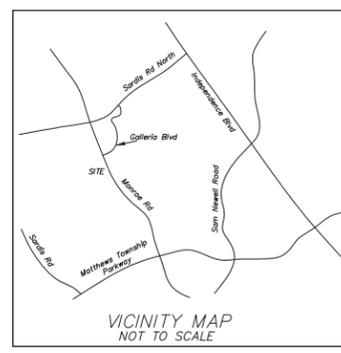
NO.	DATE	BY	REVISIONS:

Project No: 15-129
Date: 09/28/16
Designed by: udp
Drawn By: udp
Scale: 1"=60'
Sheet No:
RZ-1

2016-652 2016-652
9-28-2016 9-28-2016

21 NCAC 56.1604- MAP CERTIFICATION
I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (TITLE REFERENCES AS SHOWN ON PLAT); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM TITLE REFERENCES AS SHOWN ON PLAT; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY MEETS OR EXCEEDS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).
THIS _____ DAY OF _____ 20____
PROFESSIONAL LAND SURVEYOR

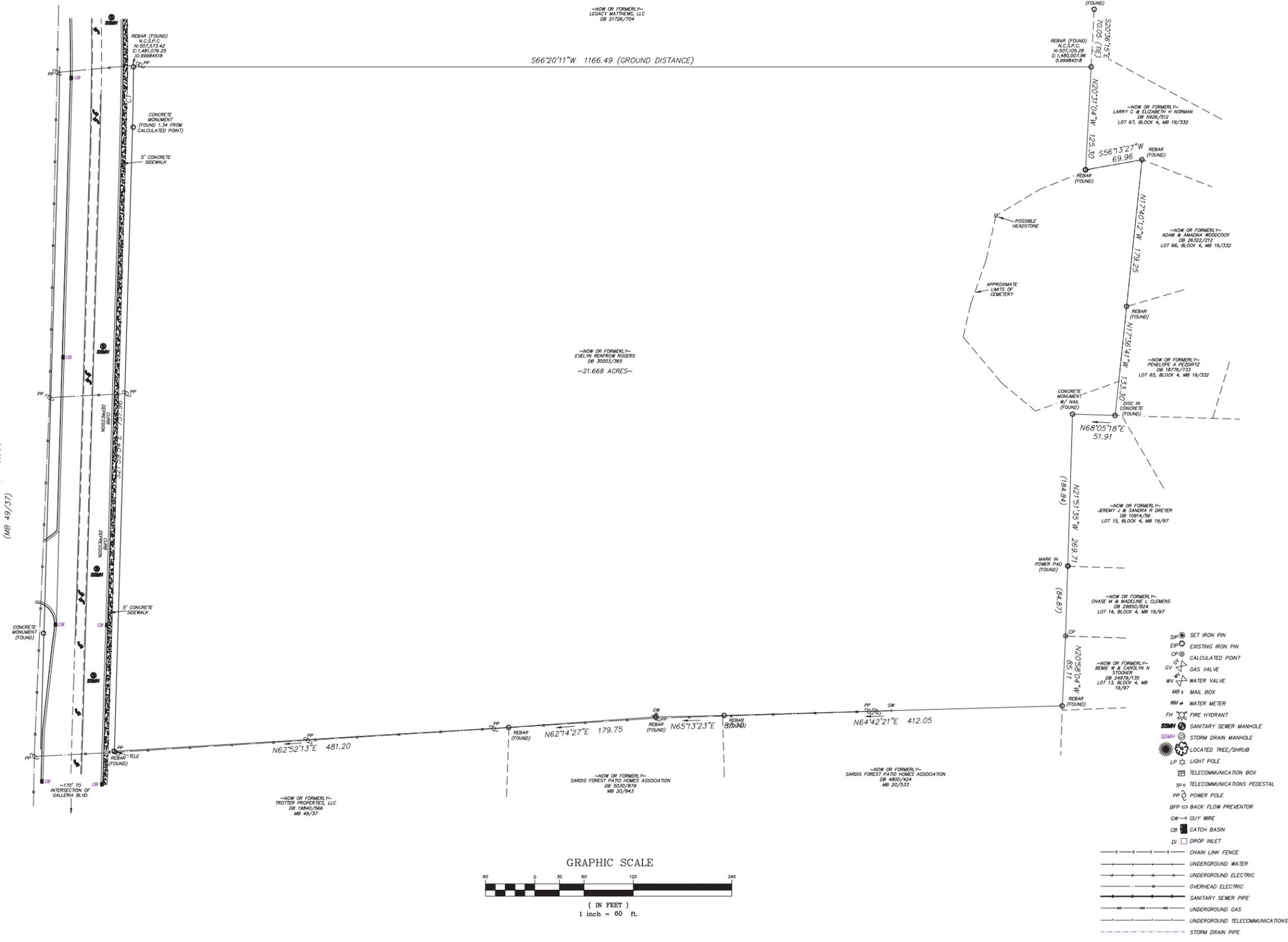
SCALE: 1" = 60'
2016\BAT\MONROE 21ac
2016\VA\MONROE 21ac
DRAWN BY: MB
CHECKED BY: HW
FIELD WORK: BG/MB
JANUARY 8, 2016
REVISIONS:
DATE



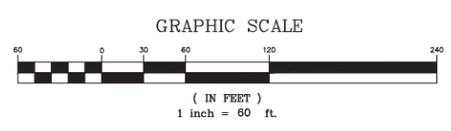
CURVE TABLE				
CURVE	RADIUS	LENGTH	BEARING	CHORD
C1	2909.79	74.30	S22°43'47"E	74.30

- LEGEND:
- EIP = EXISTING IRON PIN
 - OP = OLD IRON PIPE
 - SIP = SET IRON PIN
 - PWR = POWER PAD
 - PM = POWER METER
 - GM = GAS METER
 - AC = AIR CONDITIONING
 - TELE = TELEPHONE PEDESTAL
 - CATV = CABLE TELEVISION
 - WM = WATER METER
 - R/W = RIGHT OF WAY
 - PP = POWER POLE
 - LP = LIGHT POLE
 - CO = SEWER CLEAN OUT
 - YI = YARD INLET
 - FES = FLARED END SECTION
 - CB = CATCH BASIN
 - SDE = STORM DRAINAGE EASEMENT
 - SSE = SANITARY SEWER EASEMENT
 - SMH = STORM DRAIN MANHOLE
 - SSMH = SANITARY SEWER MANHOLE
 - BC = BACK OF CURB
 - OE = OVERHEAD ELECTRICITY

MONROE ROAD
90' PUBLIC RIGHT OF WAY
(MB 49/37)

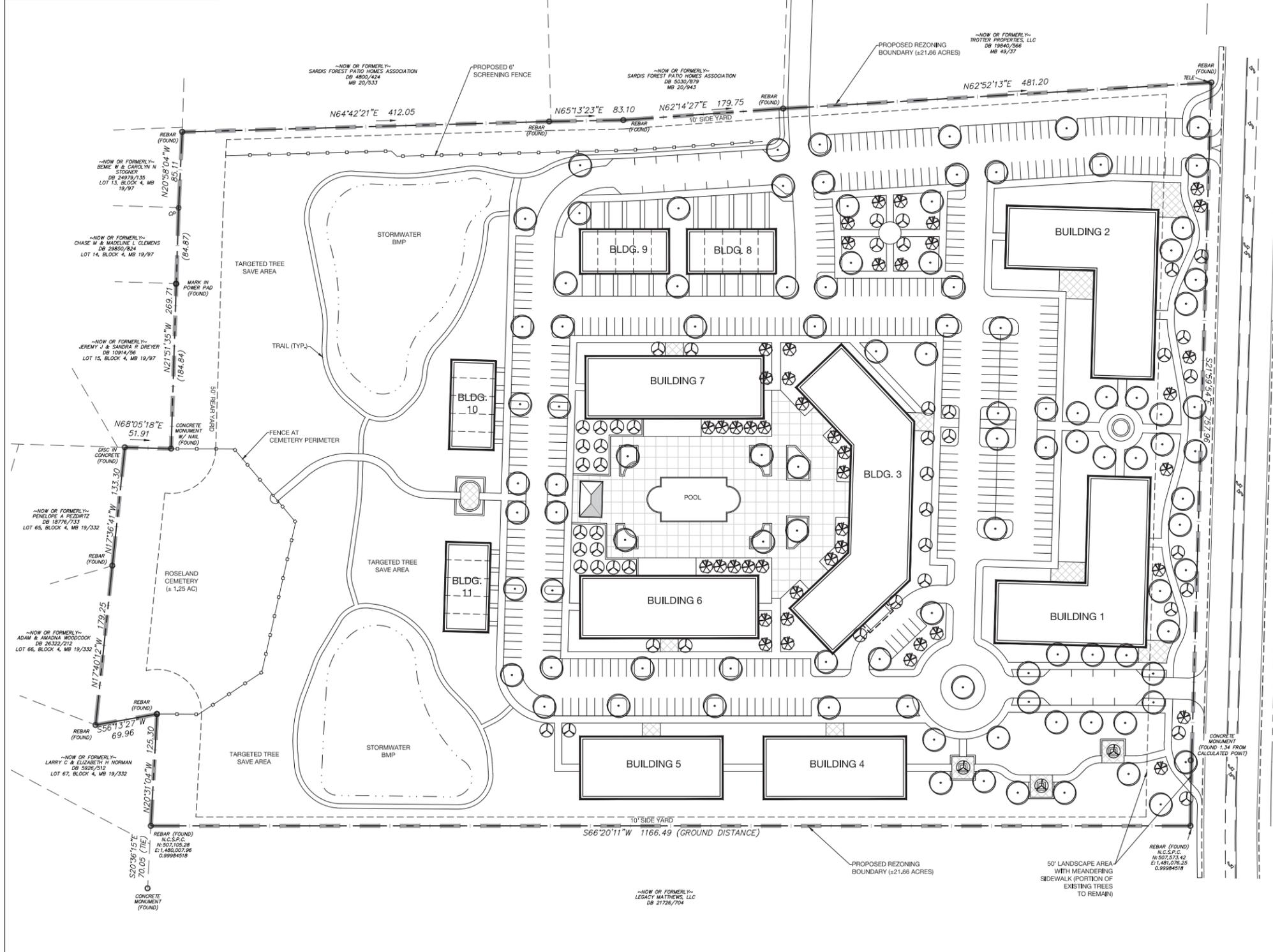
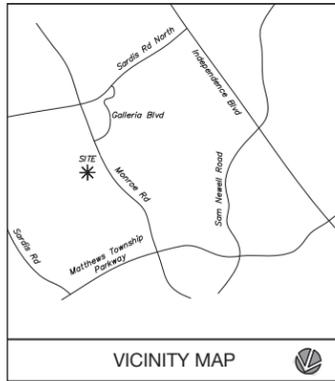


- NOTES:
- IRON PINS SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
 - PROPERTY ZONED: R-VS (SETBACKS ARE SUBJECT TO AN INTERPRETATION FROM THE ZONING BOARD).
 - TAX PARCEL NUMBER 21323101.
 - DEED REFERENCE: DB 30003 PG 363.
 - BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
 - THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 3710458000K, WITH A DATE OF IDENTIFICATION OF 02/19/2014.
 - THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, RIGHTS-OF-WAY, OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN. SURVEY MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
 - AREA COMPUTED BY COORDINATED METHOD.
 - NO NCGS MONUMENT FOUND WITHIN 2000'.
 - UTILITY LOCATIONS SHOWN ARE LOCATED BASED ON SITE CONDITIONS AT THE TIME OF SURVEY. CONTRACTORS ARE TO HAVE ALL UTILITIES ACCURATELY MARKED PRIOR TO CONSTRUCTION.
 - THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
 - CLASS OF SURVEY: A-URBAN LAND SURVEY
 - POSITIONAL ACCURACY: 0.2'
 - TYPE OF GPS FIELD PROCEDURE: RAPID STATIC, ONLINE POSITION USER SERVICE
 - DATES OF SURVEY: 1/7/15
 - DATUM/EPOCH: NAD 83 (2011), EPOCH 2010
 - PUBLISHED/FIXED-CONTROL USE: CORS SITES DH3838, DG5755, DG7404
 - GEOD MODEL: GEOD 124; NAVD 88
 - COMBINED GRID FACTOR(S): 0.99984518
 - UNITS: US SURVEY FEET



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SURVEYED FOR: URBAN DESIGN PARTNERS, PLLC
AREA: 21.668 ACRES
TOWN OF MATTHEWS, MECKLENBURG COUNTY, NORTH CAROLINA



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TOTAL SITE AREA:	± 21.66 ACRES
EXISTING ZONING:	R-VS
PROPOSED ZONING:	R-12 MF(CD)
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1315-e6 central ave. P 704.334.3303
charlotte, nc 28205 F 704.334.3305
urbanpartners.com

Mr. Dustin Mills
Mr. Mike McCarthy

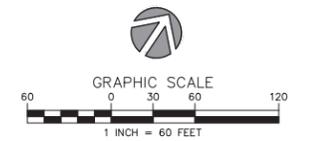
Income Investments, LLC
Tat Development Group
2217 Stantonsburg Road
Greenville, NC 27835

Renfrow Site

Rezoning Site Plan

Matthews, North Carolina

NO.	DATE	BY	REVISIONS:



Agenda Item: Set Public Hearing Date for E John St/Outer Loop Small Area Plan

DATE: October 5, 2016
FROM: Kathi Ingrish

Background/Issue:

Last fall, the Town Planning & Development Department coordinated with a class at Winthrop University to provide background data on a section of our jurisdiction for which we were initiating a small area plan study. That area included both sides of E John Street between I-485 and the Mecklenburg/Union County line and extending up to the CSX railroad tracks. That study involved two public input sessions, an online public opinion survey, an active stakeholder group to review and provide direction for the study, and the compilation of various "build-out" scenarios to illustrate the potential development over time of the entire sector.

Proposal/Solution:

Input from citizens and the stakeholder group was incorporated into the final draft document. It is now ready for a formal review and approval process. To begin this process, a public hearing date needs to be set for November 14, 2016. The final draft plan is available on the Town website for anyone interested in it to review and provide comments even before the public hearing. If there are further changes desired as a result of the hearing, those changes will be made and posted to the website as quickly as they can be completed. The Planning Board will have the opportunity to review and make a recommendation at the November 22 meeting, which would allow the document to return to Council for a final action on December 12, 2016.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

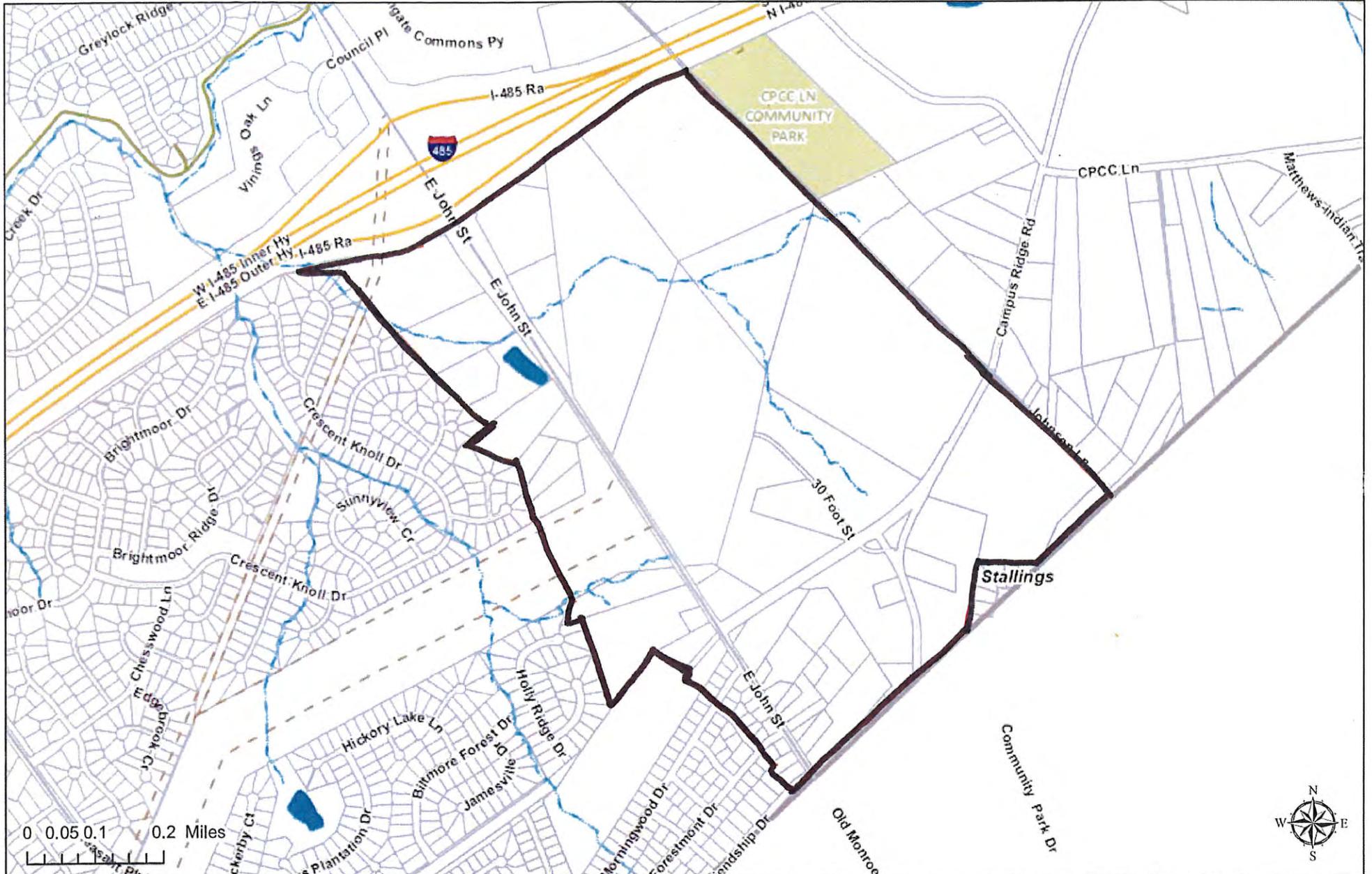
Recommended Motion/Action:

Set a public hearing for the E John Street/Outer Loop Small Area Plan for Monday, November 12, 2016.

Polaris 3G Map – Mecklenburg County, North Carolina

Study Area Boundaries

Date Printed: 11/17/2015 4:45:30 PM



This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

ORDINANCE NO. _____

BUDGET ORDINANCE AMENDMENT

ORDINANCE AMENDING THE BUDGET FOR THE TOWN OF MATTHEWS, NORTH CAROLINA FOR FISCAL YEAR 2016-2017

BE IT ORDAINED by the Board of Commissioners of the Town of Matthews, North Carolina that the following amendments are made to the Budget Ordinance for the fiscal year ending June 30, 2017.

SECTION 1: To amend the General Fund, the Revenues are to be changed as follows:

		<u>INCREASE</u>	<u>DECREASE</u>
10000001-4912	Grant Revenue	\$2,000.00	

SECTION 2: To amend the General Fund, the Expenditures are to be changed as follows:

		<u>INCREASE</u>	<u>DECREASE</u>
10434000-5260	Supplies	\$2,000.00	

SECTION 3: The purpose of this amendment is to recognize grant revenue received from FM Global Foundation for tablets for the Fire Dept.

SECTION 4: Copies of the budget amendment shall be delivered to the Budget Officer and the Finance Officer for their direction.

Adopted this the 10th day of October 2016.

James P. Taylor, Mayor

Lori Canapinno, Town Clerk

ORDINANCE NO. _____

BUDGET ORDINANCE AMENDMENT

ORDINANCE AMENDING THE BUDGET FOR THE TOWN OF MATTHEWS, NORTH CAROLINA FOR FISCAL YEAR 2016-2017

BE IT ORDAINED by the Board of Commissioners of the Town of Matthews, North Carolina that the following amendments are made to the Budget Ordinance for the fiscal year ending June 30, 2017.

SECTION 1: To amend the General Fund, the Revenues are to be changed as follows:

		<u>INCREASE</u>	<u>DECREASE</u>
10000001-4420	DARE PROGRAM	\$100.00	
10000001-4420	DARE PROGRAM	\$100.00	
10000001-4420	DARE PROGRAM	\$168.00	

SECTION 2: To amend the General Fund, the Expenditures are to be changed as follows:

		<u>INCREASE</u>	<u>DECREASE</u>
10431400-5231	DARE PROGRAM	\$368.00	

SECTION 3: The purpose of this amendment is to recognize donations received for THE DARE program.

SECTION 4: Copies of the budget amendment shall be delivered to the Budget Officer and the Finance Officer for their direction.

Adopted this the 10th day of October 2016.

James P. Taylor, Mayor

Lori Canapinno, Town Clerk

MEMORANDUM

To: Mayor and Board of Commissioners

From: Hazen Blodgett, Town Manager and Becky Hawke, Assistant Town Manager

Date: 10/5/2016

RE: Market Adjustments to Relieve Pay Compression across Town Departments and Adjust Pay Grades for Certain Positions in Police Department

Background/Issue:

At the Mini-Planning Conference held on October 1, 2016, the Mayor and Board of Commissioners received a detailed report titled, "Pay Compression across Town Positions and Competitiveness of Police Department Pay." The report identified increasing turnover rates among full-time employees, pay compression within certain positions across all Town departments, as well as the lack of competitiveness of police officer pay compared to the local job market that is negatively impacting recruitment and retention efforts.

During discussion by the Mayor and Board of Commissioners at the Conference, some Board members supported a market adjustment for a police officer that would increase their pay by three pay grades (from a Grade 15 to a Grade 18), with corresponding increases to pay grades for certain other law enforcement positions to maintain equity between positions in the pay plan. This support is over and above the original recommendation of Town staff to increase pay for police officers by two pay grades (from a Grade 15 to a Grade 17), with corresponding increases to pay grades for certain other law enforcement positions to maintain equity between positions in the pay plan. However, the majority of the Board did not voice a consensus for the three pay grade increase so Board action is requested on the original recommendation. Town staff also believes a jump of three pay grades may have additional unintended consequences on the equity of the entire Town Pay Plan and would strongly recommend an increase of two pay grades now and then additional consideration in 12 months.

Proposed Solution:

The report includes recommendations for relieving pay compression across all Town departments. As of today's date, 17 positions are identified as being compressed in pay. This pay compression can be relieved and these employees can be appropriately placed in their pay grade for \$34,300 annually.

The report also includes a recommendation to relieve pay compression and make a market adjustment to the pay grades for certain positions in the police department in order to make the Town of Matthews more competitive with the other departments in Mecklenburg and Union Counties. The adjustments to the pay grades would be as follows:

Position	Current		Proposed		# of Pay Grades Increased
	Grade	Pay Range	Grade	Pay Range	
Police Officer	15	\$34,122-\$51,184	17	\$37,621-\$56,430	2
Investigator	16	\$35,829-\$53,743	18	\$39,502-\$59,251	2
Master Police Officer	17	\$37,621-\$56,430	19	\$41,476-\$62,214	2
Corporal	18	\$39,502-\$59,251	20	\$43,549-\$65,324	2
Sergeant	21	\$45,727-\$68,590	22	\$48,013-\$72,020	1
Captain	25	\$55,582-\$83,373	25	\$55,582-\$83,373	0
Police Chief	32	\$78,209-\$117,313	32	\$78,209-\$117,313	0

Recommendations were made to relieve pay compression in the police department, complete a market adjustment to police department positions as outlined above, and then appropriately place all employees into their new pay grades. To do this as of today's date, 20 positions will receive an adjustment for a total cost of \$75,600 annually.

Fiscal Impact:

If approved January 1, 2017, \$54,950 in increased salary expenses plus associated fringe benefits will be incurred in the current fiscal year. These expenses can be funded from the approved F.Y. 2016-17 Annual Budget.

Ongoing, \$109,900 in increased salary expenses plus associated fringe benefits will be incurred annually and will be included in the proposed F.Y. 2017-18 Annual Budget.

Related Town Goals and Strategies:

Operational Performance and Public Safety

Staff Recommendation:

- 1) Approve the Town of Matthews Pay Plan, as proposed in the attachment, which includes market adjustments for certain police department positions by either one or two pay grades.
- 2) Approve the allocation of existing F.Y. 2016-17 Annual Budget funds to relieve pay compression and complete a market adjustment for identified positions in the police department effective January 1, 2017 for \$37,800. The full year cost of \$75,600 will be included in the proposed F.Y. 2017-18 Annual Budget.
- 3) Approve the allocation of existing F.Y. 2016-17 Annual Budget funds to relieve pay compression across all Town departments effective January 1, 2017 for \$17,150. The full year cost of \$34,300 will be included in the proposed F.Y. 2017-18 Annual Budget.
- 4) Reassess competitiveness and market placement for all Town positions in 12 months.

TOWN OF MATTHEWS
List of classes arranged by grade FY 2016-2017
(Effective January 1, 2017)

CLASS	GRADE	ANNUAL MINIMUM	HOURLY MINIMUM <i>(Based on 2080 hours unless otherwise noted)</i>	ANNUAL MAXIMUM	HOURLY MAXIMUM <i>(Based on 2080 hours unless otherwise noted)</i>
	1	17,234	8.2856	25,851	12.4283
	2	18,096	8.6999	27,143	13.0497
CULTURAL CENTER ATTENDANT RECREATION LEADER SCHOOL CROSSING GUARD SEASONAL MAINTENANCE WORKER SEASONAL RECREATION LEADER SPECIAL EVENTS TEAM MEMBER	3	19,001	9.1349	28,501	13.7024
RECREATION PROGRAMMER BUS DRIVER/SEASONAL RECREATION LEADER CULTURAL CENTER LEADER SEASONAL RECREATION SUPERVISOR SPECIAL EVENTS TEAM LEADER	4	19,950	9.5915	29,926	14.3874
	5	20,948	10.0711	31,422	15.1068
	6	21,995	10.5746	32,993	15.8620
	7	23,095	11.1033	34,642	16.6550
	8	24,251	11.6589	36,375	17.4881
	9	25,462	12.2414	38,194	18.3624
	10	26,735	12.8534	40,103	19.2804
	11	28,072	13.4963	42,109	20.2446
MAINTENANCE WORKER OFFICE ASSISTANT POLICE RECORDS CLERK	12	29,476	14.1712	44,214	21.2567
ANIMAL CONTROL OFFICER BUILDING MAINTENANCE TECHNICIAN EQUIPMENT OPERATOR TELECOMMUNICATOR – 84 HOUR SCHEDULE	13	30,950	14.8798 14.1712	46,424	22.3193 21.2566
HORTICULTURALIST/DESIGN TECHNICIAN PROPERTY CONTROL TECHNICIAN SENIOR EQUIPMENT OPERATOR SENIOR TELECOMMUNICATOR – 84 HOUR SCHEDULE	14	32,497	15.6236 14.8797	48,747	23.4359 22.3201
ADMINISTRATIVE ASSISTANT ADMINISTRATIVE ASSISTANT/DEPUTY TOWN CLERK CODE ENFORCEMENT OFFICER EQUIPMENT TECHNICIAN FINANCE TECHNICIAN FIREFIGHTER/EMT – 96 HOUR SCHEDULE	15	34,122	16.4049 13.6708	51,184	24.6075 20.5063
BUILDING MAINTENANCE SUPERINTENDENT HUMAN RESOURCES SPECIALIST PUBLIC WORKS ADMINISTRATIVE OFFICER	16	35,829	17.2253	53,743	25.8379
POLICE OFFICER PARKS MANAGER FIRE/EMS LIEUTENANT – 96 HOUR SCHEDULE POLICE OFFICER – 84 HOUR SCHEDULE	17	37,621	18.0868 15.0724 17.2256	56,430	27.1301 22.6084 25.8382
FINANCE SPECIALIST POLICE INVESTIGATOR POLICE RECORDS MANAGER	18	39,502	18.9912	59,251	28.4859

CULTURAL RECREATION MANAGER (E)	19	41,476	19.9405	62,214	29.9105
ENGINEERING PROJECT MANAGER			16.6165		24.9256
FIRE/EMS CAPTAIN– 96 HOUR SCHEDULE					
FLEET MANAGER					
MASTER POLICE OFFICER			18.9908		28.4862
MASTER POLICE OFFICER – 84 HOUR SCHEDULE					
PUBLIC WORKS SUPERVISOR					
RECREATION PROGRAM MANAGER (E)					
POLICE CORPORAL	20	43,549	20.9369	65,324	31.4057
POLICE CORPORAL – 84 HOUR SCHEDULE			19.9400		29.9102
IT SUPPORT TECHNICIAN					
PLANNER					
LANDSCAPE MANAGER/ARBORIST (E)	21	45,727	21.9840	68,590	32.9759
RISK MANAGER					
STREET SUPERINTENDENT (E)			20.9374		31.4058
TOWN CLERK					
INFORMATION TECHNOLOGY MANAGER (E)	22	48,013	23.0834	72,020	34.6251
SENIOR PLANNER (E)					
SPECIAL EVENTS MANAGER (E)					
POLICE SERGEANT			21.9839		32.9761
POLICE SERGEANT – 84 HOUR SCHEDULE					
COMMUNICATIONS DIRECTOR (E)	23	50,415	24.2378	75,621	36.3562
	24	52,935	25.4495	79,402	38.1740
FIRE & EMS DEPUTY CHIEF (E)	25	55,582	26.7221	83,373	40.0830
POLICE CAPTAIN (E)					
	26	58,361	28.0584	87,540	42.0867
PARKS, REC & CULTURAL RESOURCE DIRECTOR (E)	27	61,279	29.4609	91,918	44.1915
TOWN ENGINEER (E)	28	64,343	30.9339	96,513	46.4007
FINANCE DIRECTOR (E)					
	29	67,559	32.4802	101,339	48.7207
FIRE/EMS CHIEF (E)	30	70,937	34.1043	106,406	51.1569
PLANNING DIRECTOR (E)					
PUBLIC WORKS DIRECTOR (E)					
	31	74,484	35.8099	111,727	53.7147
POLICE CHIEF (E)	32	78,209	37.6003	117,313	56.4006
	33	82,119	39.4804	123,178	59.2203
ASSISTANT TOWN MANAGER (E)	34	86,226	41.4546	129,338	62.1818
TOWN MANAGER	35	90,536	43.5271	135,804	65.2903

Pay Grades
Adopted 6-23-08
*Amended 7-1-09
*Amended 4-11-11
*Amended 8-30-11
*Amended 11-29-11
*Amended 4-23-12
*Amended May 14, 2012
*Amended June 25, 2012
*Amended August 13, 2012
*Amended October 15, 2012
*Amended February 11, 2013
*Amended May 23, 2013
*Amended June 24, 2013
*Amended September 27, 2013
*Amended October 14, 2013
*Amended December 20, 2013
*Amended June 22, 2014
*Amended August 25, 2014
*Amended July 13, 2015
*Amended December 09, 2015
*Amended March 28, 2016
*Amended April 6, 2016

Agenda Item: Consider Driveway/Curb Cut Policy

DATE: October 6, 2016

FROM: Kathi Ingrish

Background/Issue:

As mentioned during the October 1 mini planning conference, municipal governments do not have many tools anymore to guide new development from adversely impacting future road projects. In an effort to come up with new tools, we have proposed the option of the Town Board of Commissioners adopting a policy regarding property owners' and developers' requests for new, expanded, or relocated curb cuts on streets where specific road improvements are anticipated. Avoiding improvements to private properties now that will only be removed when the road project commences may also encourage developers to plan their property layout to accommodate the future road changes before constructing the site in a way that cannot remain in the future. The intent is to reduce the cost to taxpayers – whether the future land acquisition is paid from Town, CATS, State, or other local governments' funds.

For example, in the past quarter century the Town has been able to limit curb cuts onto Independence Boulevard through the conditional zoning process. Today the large retail centers and many other commercial businesses along that corridor have guaranteed provisions for vehicular access to alternate streets. These sites were built knowing that at some time in the future, they would lose any driveway accesses to Independence directly, but would have access to Sam Newell Road, Matthews Township Parkway, Independence Pointe Parkway, or Northeast Parkway. However, properties along Independence that did not have to go through any conditional zoning process did not provide themselves with future alternate access points.

Whether business properties have zoning restrictions or not, they will all be approached by NCDOT in the coming years regarding their driveway access points on US74. Some businesses that did not design to allow future alternate access may not like the driveway access NCDOT offers – maybe a shared drive further from their front door, or not on US74 at all. NCDOT will have to pay some “damages” for any driveway on US74 they close, but because so many large sites were restricted in driveway locations by the rezoning process, there are not nearly as many driveways for NCDOT to pay for as might otherwise be necessary.

Proposal/Solution:

Council may wish to consider developing and adopting a policy statement that would limit new curb cut approvals along those Town-maintained roads where future road projects are known to be coming. This policy would assist in defining parameters for new site plan layouts for all properties along these routes. This would essentially reduce or eliminate potential future conflict points, while emphasizing the Town's intent of creating good cross connectivity between development sites.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Consider the attached draft policy statement, revise as desired, and then adopt the final statement.

Driveway policy memo 10-10-16

Draft Policy Statement:

Driveway permits for new, widened, or relocated curb cuts are generally handled as an administrative review and approval process within the Matthews Public Works Department. There may be certain circumstances, however, that require additional standards prior to any approval, to assure they will not create inappropriate location of driveways or street intersections onto a thoroughfare¹ which is planned to have further improvements made on it.

It is the Town Board of Commissioners' direction that improvements on individual private properties not create increased costs to the public taxpayers in the future to remove or relocate such improvements and/or to pay "damages" where such potential conflicts can be foreseen.

In such situations, it shall be the policy of the Town of Matthews to not approve a new curb cut unless and until there is a written determination by Matthews staff and/or NCDOT engineers that a requested curb cut will be able to remain in place without further change after the planned road improvements. This policy shall be applied to Town-maintained streets only. When the review process determines one or both the following statements are true, then the request for a curb cut shall be denied.

- 1. It is reasonable to conclude that allowing a requested curb cut as proposed will increase costs to the public (Town, State, and/or Federal governments) to acquire necessary right-of-way, construction or utility easements.*
- 2. It is reasonable to conclude that the proposed development requesting a new curb cut already has, or can reasonably obtain, one or more alternate ingress and egress access points without this curb cut location.*

To make these determinations, sufficient information from the applicant shall be required so that the following criteria can be verified:

- Will the planned thoroughfare improvement work disturb the curb line/edge of pavement where the new curb cut is proposed?*
- Is it expected that the planned thoroughfare improvement will require a change of grade for the curb line/edge of pavement at the location where the new curb cut is proposed?*
- Does the planned thoroughfare improvement anticipate closing or relocating any drives or intersecting streets where the new curb cut is proposed?*
- Will the planned thoroughfare improvement increase necessary road right-of-way at the location where the new curb cut is proposed?*
- Does the property requesting the new curb cut have any other road frontage where a curb cut can be placed instead?*
- Can the property requesting the new curb cut share a curb cut with one or more other parcels, now or in the future?*
- Will the property requesting the new curb cut be utilizing land area for parking, storm water detention, structures, or similar permanent improvements within the space close to the existing edge of thoroughfare that may need to be removed for thoroughfare improvement in the future?*
- Will the proposed new curb cut have pavement entering the private property without any curves greater than 15 degrees, any turning movements, or any parking spaces, for a minimum distance equivalent to the future additional right-of-way plus future required front setback plus any anticipated easement area that may be necessary for a change of grade at time of the future road project?*

Where the above analysis clearly concludes the requested new curb cut can be assumed to increase future taxpayer costs for removal or relocation, the curb cut shall be denied, and an appeal may be made to the Town Board of Commissioners. Where the above analysis can clearly determine the proposed development site cannot be built, expanded, and/or renovated without the requested new curb cut, then the private development may appeal to the Town Board of Commissioners for an exception to this policy.

¹ Thoroughfare, for purposes of this policy, shall mean any street designated on an adopted thoroughfare plan or any street which is an extension of any street on a thoroughfare plan and which extends into the area not covered by a thoroughfare plan. The terms thoroughfare and arterial are used synonymously and indicate streets which are designated as Class I, II, III, III-C, or IV.

Independence Pointe Parkway Alignment Update

DATE: October 7, 2016
TO: Mayor and Board of Commissioners
FROM: C.J. O'Neill, PE- Public Works Director
Hazen Blodgett, Town Manager

Background / Issue

Independence Pointe Parkway serves as a minor thoroughfare, parallel to US 74, which will become increasingly important for transportation mobility needs resulting from the US 74 widening project by NCDOT.

Current plans for the US 74 widening project extend Independence Pointe Parkway through the Family and Entertainment (ENT) District, over I-485, and terminating at McKee Road. Due to possible development in the area, Town staff requested that CRTPO staff quickly develop an alignment for the extension of Independence Pointe Parkway south of Matthews-Mint Hill Road, which was brought to the Board on August 29, 2016. This was done so that the Board might be better informed about ramifications to the Ridge Church property and the water tower property owned by the Town on Matthews-Mint Hill Road.

Since then, staff has had time to do additional research on likely cross-sections for Independence Pointe Parkway and determine the best alignment for its future extension over I-485. In the ENT District, the Small Area Plan calls for a cross section of this road to have 12-foot through lanes in each direction, 5-foot bike lanes in each directions, 8.5-foot on-street parking, curb and gutter, 6-foot planting strips, a 5-foot sidewalk in one side and a 10-foot multi-use path on the other side. In addition, it calls for a 30-foot buffer between the road's right-of-way and the existing easement for the high-tension towers that run roughly parallel to the road through this area. Since that time, CATS has also developed a draft preferred alignment for the Silver Line light rail system through this area. Please see the attached maps and cross sections for details.

The current schedule for purchasing right-of-way for Independence Boulevard and the parallel road system, which include Independence Pointe Parkway, is in 2020. Based on our current knowledge, it is likely that this right-of-way would include taking the current Ridge Church building and a portion of the water town property currently owned by the Town. If Ridge Church purchased the water tower property, they would likely proceed with expanding their facility. This would mean that four years from now, NCDOT would have to expend significantly more money to purchase back this property as well as the expanded church facility.

Proposals / Solutions

Based on the projected impacts to these properties by the proposed road, staff recommends that the Town not move forward with the sale of the water tower property. This can be done either by halting the process before accepting bids, or by rejecting all bids once they are received.

However, if the Board is committed selling this property, staff recommends delaying the sale until we are further along in the conditional rezoning process. As part of the rezoning, staff would like to see Ridge Church voluntarily donate the portion of their property that would be impacted by Independence Point Parkway realignment.

Fiscal Impact

The estimated current value of the water tower property is approximately \$41,600. This will be income that the town will not receive if the sale does not move forward.

Related Town Goals and Strategies

Transportation: to identify, plan, design, fund, and build transportation facilities that efficiently and effectively serve the community in a cost effective and environmentally sensitive manner.

Recommended Action

Based on the projected impacts to these properties by the proposed road, staff recommends that the Town not move forward with the sale of the water tower property.

attachments

Independence Pointe Parkway
Future Alignment

Silver Line
Future Alignment

Current Ridge Church

Water Tower Site

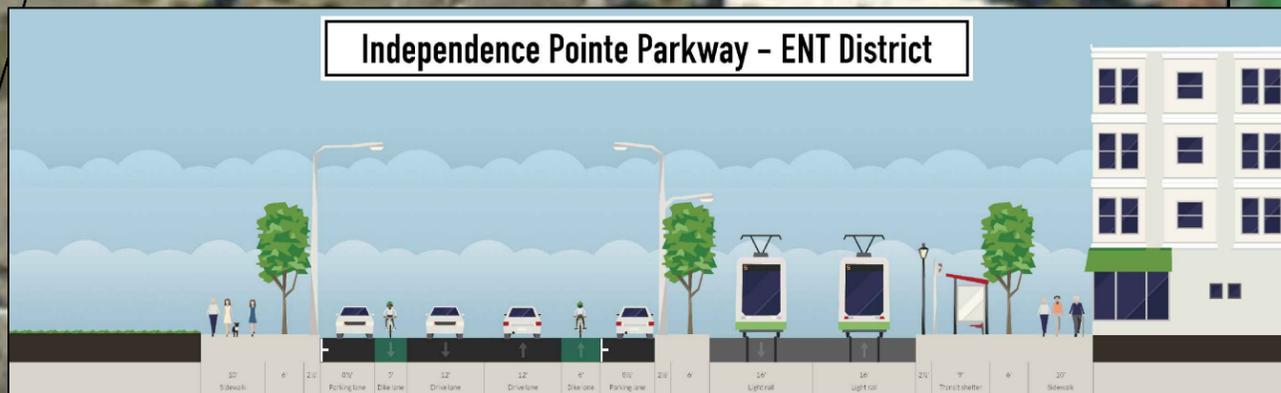
rwall

51

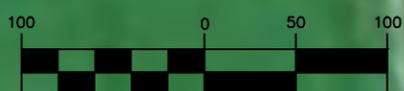
High Tension Towers (Typ.)

30' Buffer

Matthews Mint



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

REVISION	DATE	DESCRIPTION	BY

DESIGNED BY: CJO
DRAWN BY: CJO
CHECKED BY: CJO

DATE: 10/6/16
SCALE: 1" = 100'



Independence Pointe Parkway
Future Alignment

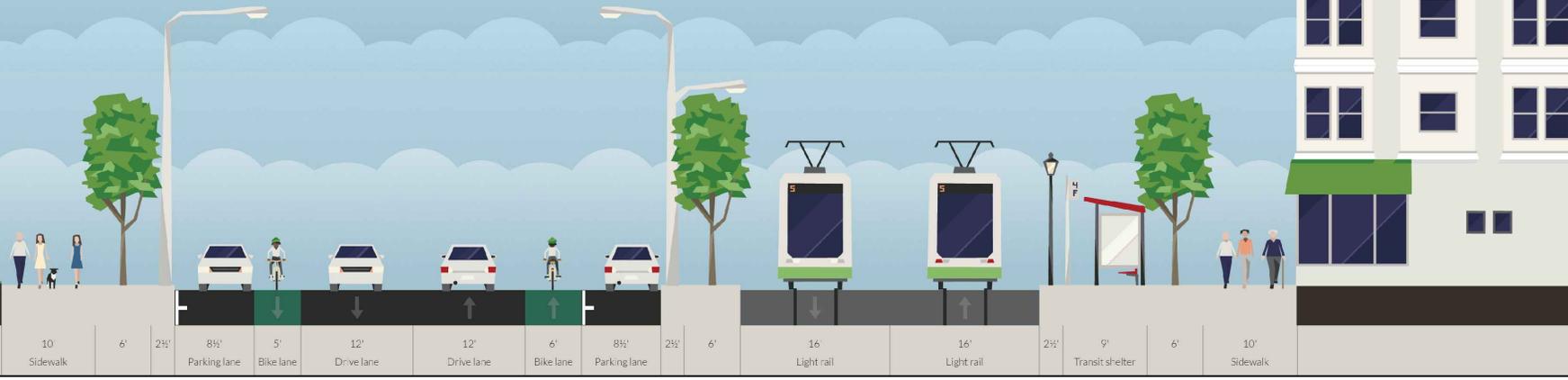
TOWN OF MATTHEWS

DRAWING NO.: 1 of 1

Independence Pointe Parkway



Independence Pointe Parkway - ENT District



Consider Request to Allow Beer and Wine Garden on Town-Owned Property

TO: Mayor and Board of Commissioners
DATE: October 5, 2016
FROM: Hazen Blodgett, Town Manager

Background/Issue:

The Red Brick Partnership has requested the use of the Town-owned grassy lot on Matthews Station Street [parcel ID 21501234] for a beer and wine garden for their November 3, 2016 First Thursday event. This location is not a public park nor does it include any public right of way so the Town's existing permit and approval processes do not apply to this request.

Proposal/Solution:

The Red Brick Partnership requests approval to install a temporary beer and wine garden on the lot in conjunction with November's First Thursday events.

- Beer & wine only (no liquor)
- Event will be contained within temporary safety fencing placed entirely within the confines of the lot with one entrance/exit point – see attached map
- Red Brick Partnership members will check IDs and give wristbands to attendees at the entrance
- The Red Brick Partnership will apply for the ABC permit
- The activity will run from 5 - 9 pm

Fiscal Impact:

None

Related Town Goals:

Quality of life: to maintain our small-town identity by providing a vibrant downtown, pedestrian-friendly community, and cultural activities.

Recommended Motion/Action:

Approve the request to allow the sale and consumption of beer and wine on Town-owned property for the Red Brick Partnership's event on November 3, 2016 with the conditions listed above.

The garden will be completely enclosed with safety fencing. The single entry/exit point will be manned by members of the Red Brick Partnership.

