

**AGENDA**  
**BOARD OF COMMISSIONERS SPECIAL MEETING**  
**CLOSED SESSION**  
**JORDAN ROOM, MATTHEWS TOWN HALL**  
**NOVEMBER 14, 2016 – 5:30 PM**

The Board of Commissioners will meet in closed session to discuss personnel matters pursuant to NC GS 143-318.11(a)(6). This meeting is not open to the public.

**AGENDA**  
**BOARD OF COMMISSIONERS MEETING**  
**HOOD ROOM, MATTHEWS TOWN HALL**  
**NOVEMBER 14, 2016 - 7:00 PM**

1. Regular Meeting Called to Order
2. Invocation
3. Pledge of Allegiance
4. Recognize Novant Health Matthews Medical Center for Its Continued Support of Matthews Alive
5. Recognize Students from Charlotte Christian School
6. Presentation by BAPS Charities
7. Items to be Added to the Agenda
8. Recess Regular Meeting for Public Hearings on Applications to Amend the Unified Development Ordinance and Land Use Plan of the Town of Matthews as follows:
  - A. 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
  - B. Zoning Application 2016-651/U-Haul: to change the zoning classification from R-20 Single Family Residential to I-1(CD) and R-20 on that certain property designated as 10530 Monroe Rd and being further designated as Tax Parcel 213-012-38 (Required newspaper notice not published; must be rescheduled)
  - C. Motion 2016-7: East John Street/Outer Loop Small Area Plan (Required newspaper notice not published; must be rescheduled)
9. Reconvene Regular Meeting

10. 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
- 2) 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
- 3) 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
- 4) 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
- 5) 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

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

12. Consent Agenda

- A. Approve Minutes of the October 24, 2016 Board of Commissioners Meeting
- B. Appoint Members to the Parks, Recreation and Cultural Resources Advisory Committee
- C. Approve Revised Preliminary Plat for Stevens Grove
- D. Accept Zoning Application 2016-653: AV8TOR Sportswear Inc.; 500 West John Street, for a change of O(CD) Zoning Conditions and Set Public Hearing Date for December 12, 2016
- E. Cancel Board of Commissioners Meeting Scheduled for December 26, 2016
- F. Adopt Resolution Adding Certain Streets to the Town's Street System
- G. Adopt Ordinance Establishing the Maximum Speed Limit and Posting of Stop Signs in the Hampton Green and Pleasant Ridge Subdivisions
- H. Approve Tax Refunds
- I. Approve Budget Ordinance Amendments to Recognize:
  - 1) Citizen Donation to the Police Department in the Amount of \$75.00
  - 2) Citizen Donations to the Police Explorers Program in the Amount of \$100.00
  - 3) DEA Federal Shared Assets in the Amount of \$9,709.40
  - 4) Grant Proceeds Received from the NC Department of Commerce in the Amount of \$94,340.00

5) Re-appropriate Contingency Funds Towards Tourism Grants in the Amount of \$5,000.00

13. Unfinished Business

- A. Pursue Negotiating Contract for East John Street Design Work
- B. Consider Bid to Purchase Town-Owned Real Property Located at 1021 Matthews-Mint Hill Road

14. New Business

- A. Award Contract for Upfit of Police Department Second Floor
- B. Consider Donation of Real Property Located on Bubbling Well Road; Parcel ID 22702739

15. Mayor's Report

16. Attorney's Report

17. Town Manager's Report

18. Closed Session Pursuant to NCGS 143-318.11(a)(5) to Discuss Possible Acquisition of Real Property Located at 1104 Tank Town Road

19. Adjournment

## Project Summary

<b>Location:</b>	10400 East Independence
<b>Owner(s):</b>	Matthews Festival Limited Partnership
<b>Agent:</b>	Keith MacVean
<b>Current Zoning:</b>	Conditional
<b>Proposed Zoning:</b>	B-1 SCD and BH (CD)
<b>Existing Use:</b>	Shopping Center
<b>Proposed Use:</b>	Same
<b>Community Meeting:</b>	September 27th, 2016

## Summary of Request

The applicant requests an update to the zoning classification on the property as well as approval for the development of two new restaurant outparcels.

## Staff Comment Summary

The requested rezoning is consistent with Town Policy to rezone properties with old Conditional zoning to new categories appropriate for both the site and land use. The applicant also wishes to construct two new restaurant buildings, demolish some of the small shop space and renovate the parking lot. Staff has no major concerns or objections at this time and will continue to work with the owner to address any outstanding issues.

### Planning Staff Review

#### **Background And History**

The Matthews Festival Shopping Center was constructed in 1987 and is part of a broad rezoning effort from the early 1980's that includes many of the developments along 51 from Independence Blvd to Sam Newell Road. Many of these properties including the hospital have already been rezoned out of the old conditional zoning. The Carrabba's site is an independently owned parcel not part of this rezoning request.

#### **Details of the Site Plan**

The site features access from both Independence Blvd and Highway 51. Due to the planned widening of 74, NCDOT will require the easternmost driveway near 51 to be removed. A new location has been approved by NCDOT as shown on the site plan. Current plans call for the shop space adjacent to the former movie theater/fitness club building to be demolished. Two new outparcels, one for a BJ's restaurant and the other for an undetermined restaurant are planned. The owner also intends to renovate the parking lot, bringing all disturbed areas into compliance with parking lot tree requirements. New sidewalks are also planned on the site. A small amount of storm water detention will be created due to a slight increase in impervious area at the site.

#### **Summary of Proposed Conditions**

1. Maximum of 140,600 square feet of space. Current square footage is 127,817.
2. All uses within the B-1 and B-H district allowed in respective zoned areas on plan with the exception of gas station and convenience stores which are prohibited.
3. Existing theater building may remain or be demolished
4. New buildings on site to undergo architectural approval by Town Board with the exception of the BJ's restaurant which has elevations as part of the current rezoning plan
5. Renovations to existing storefronts may occur without Board approval so long as the general character and quality of building materials is maintained.
6. A relocated second driveway from 74 is requested as part of zoning approval

## **Planning Staff Review**

### **Outstanding Issues/Planning Staff Comments**

**(Please see additional comments in staff memos for more detail)**

1. Variances to transitional setbacks and parking in transitional setbacks required for both new outparcel buildings.
2. PCO Concept Plan approval required prior to decision.
3. A Master Sign Plan will be submitted to ensure compliance for existing signs on the site.
4. Public Works has requested pedestrian connections both to 51 and future greenway in vicinity of the Duke substation.
5. Of the ten trees at the existing driveway entrance, only 6 are slated for preservation. Staff to review their overall health.
6. Some additional uses may need to be prohibited in the B-H areas

### **Consistency with Adopted Plans and Policies and Town Vision Statements**

Retail shopping centers are an appropriate land use along US 74 although the Land Use Plan does discuss limiting additional traffic generating developments. The development is almost 30 years old and is adding a nominal amount of square footage to the site and creating very little in the way of new traffic volume.

### **Reports from Town Departments and County Agencies**

#### **Matthews Police**

Two entrances too close together along 74, decel lane recommended

#### **Matthews Fire**

Access roads on either side of driveway median should be 14' wide

#### **Public Works**

Pedestrian connections should be created to future sidewalk along 74 and to 51 as well as to future greenway near Duke substation.

#### **Matthews Parks and Recreation**

No Concerns

#### **Charlotte Mecklenburg Schools**

Not Applicable

#### **Town Arborist**

Reviewing proposed tree save for oaks at driveway entrance closest to Texas Roadhouse.

#### **PCO Concept Plan Approval Required?**

Yes

### Impact Analysis

No impact to Town services is anticipated.

### Projected Financial Impact of the Request

It is difficult to project the financial impact to the Town due to the minimal square footage of space to be added. Perhaps more impactful to the Town is the visual appearance of the renovation of a large scale shopping center. In recent years, the center has seen high vacancy rates and deferred maintenance issues. The improvements to the center could yield a result similar to the improvements to the eastern portion of Windsor Square, which has become a much more attractive development since rezoning in 2010.

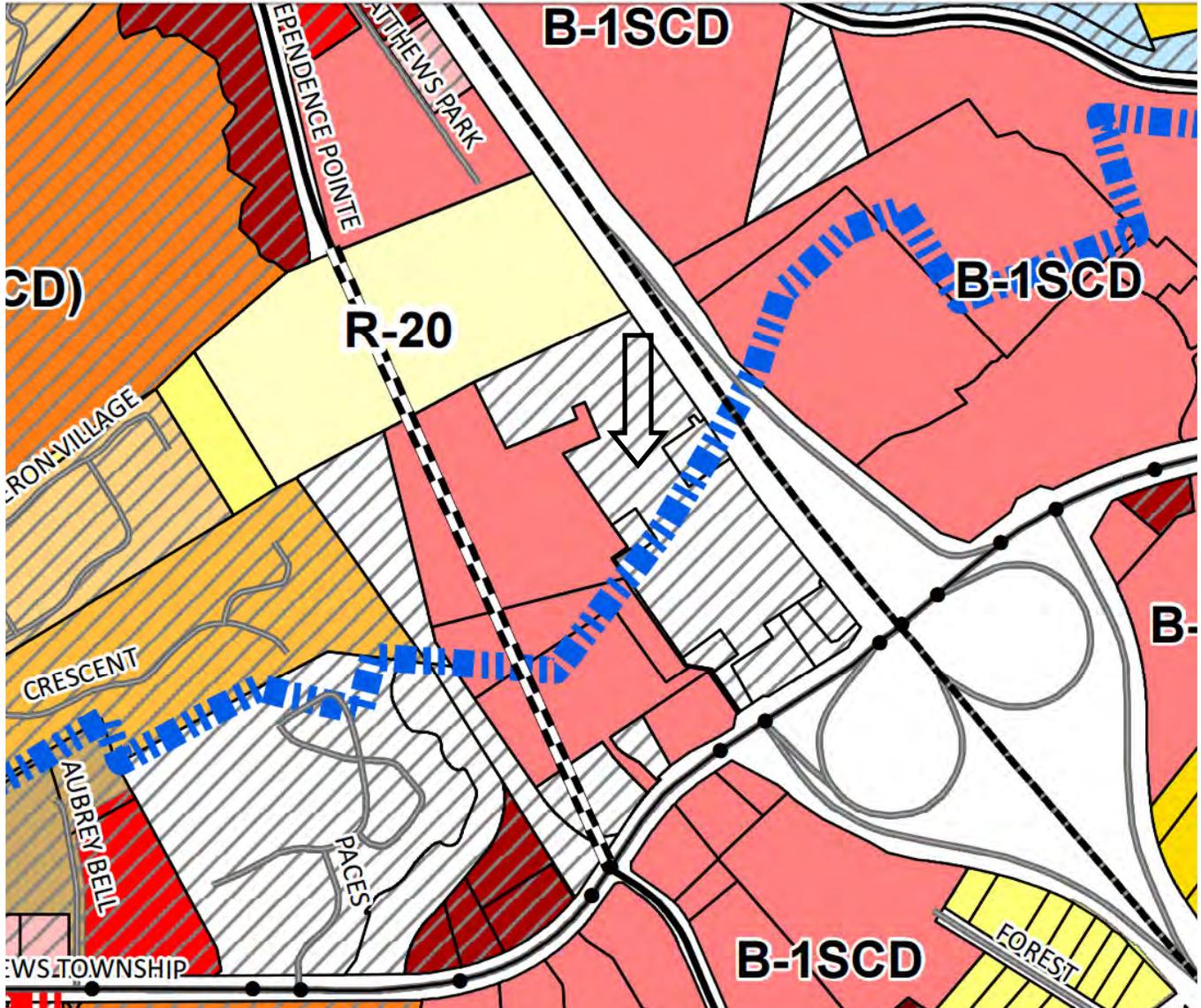
Site Images



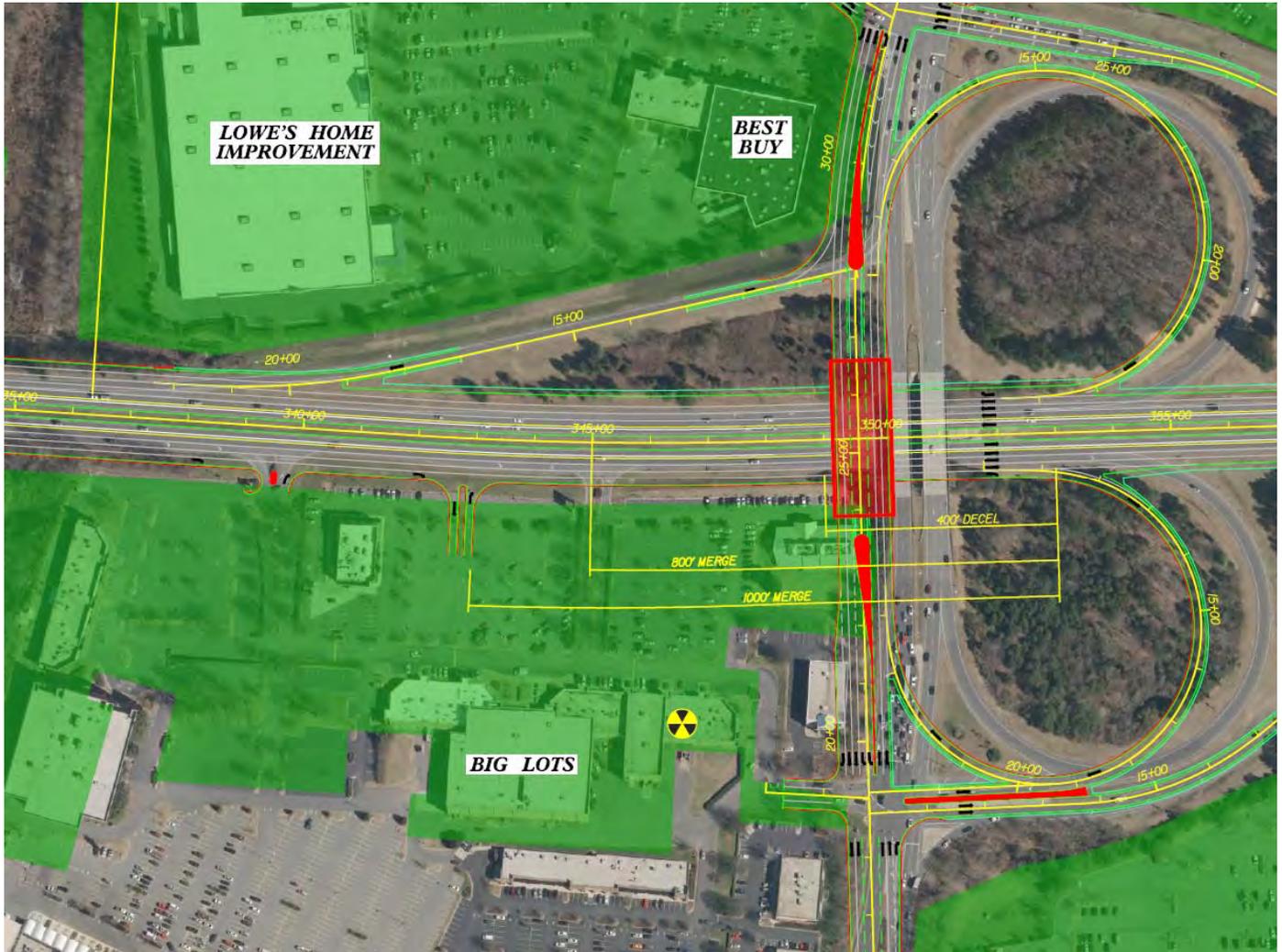
Site Images



Area Zoning



74 Widening Plan Showing Extent of Widening and Relocated Driveway





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.



232 Matthews Station Street  
Matthews, NC 28105  
704.847.4411

**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**

<b>Residential</b>	
Traditional District (no CD)	_____ \$ 400.00
Parallel Traditional District	_____ \$ 600.00
Conditional-only District (R-VS, CrC, SRN, C-MF)	_____ \$ 800.00
<b>Non-residential</b>	
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
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**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?

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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, 9<sup>th</sup> 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

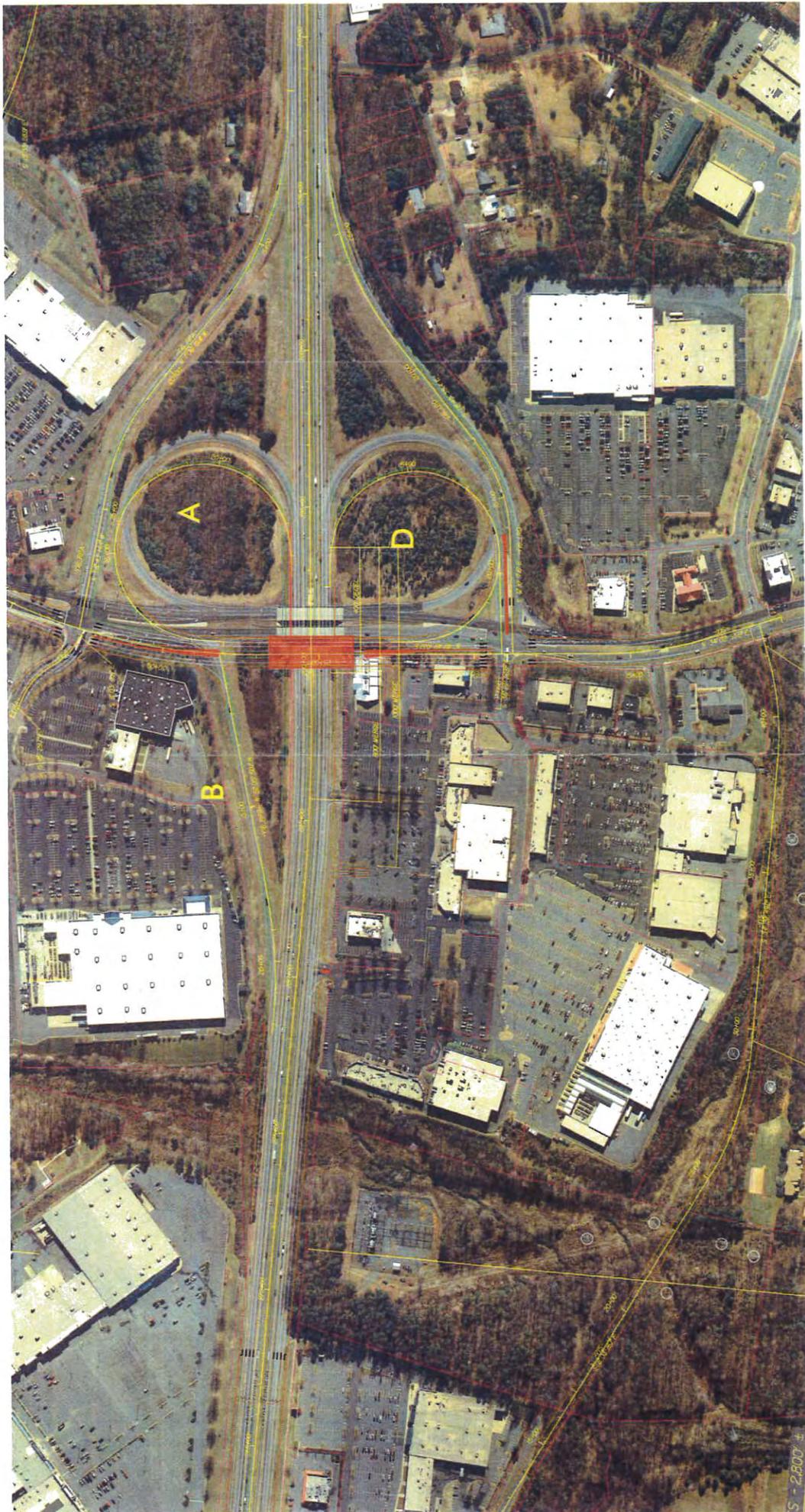
Land Use [ITE Code 820]			Weekday Daily	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Retail	127,817	SF	7,965	112	69	181	339	367	706
<i>34% PM Passby Reduction</i>			-240	0	0	0	-120	-120	-240
<b>Total New Trips</b>			<b>7,725</b>	<b>112</b>	<b>69</b>	<b>181</b>	<b>219</b>	<b>247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

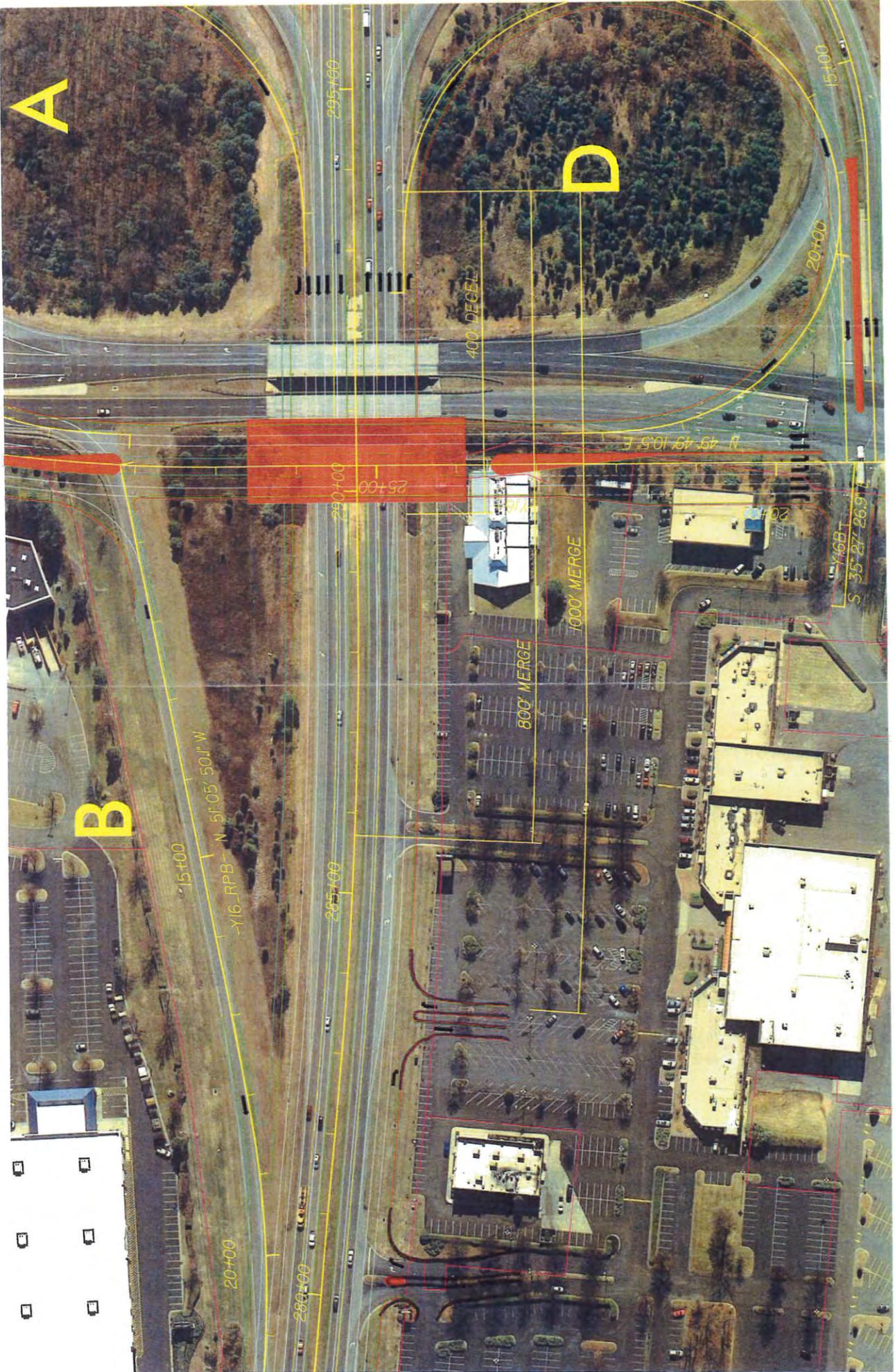
References:

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

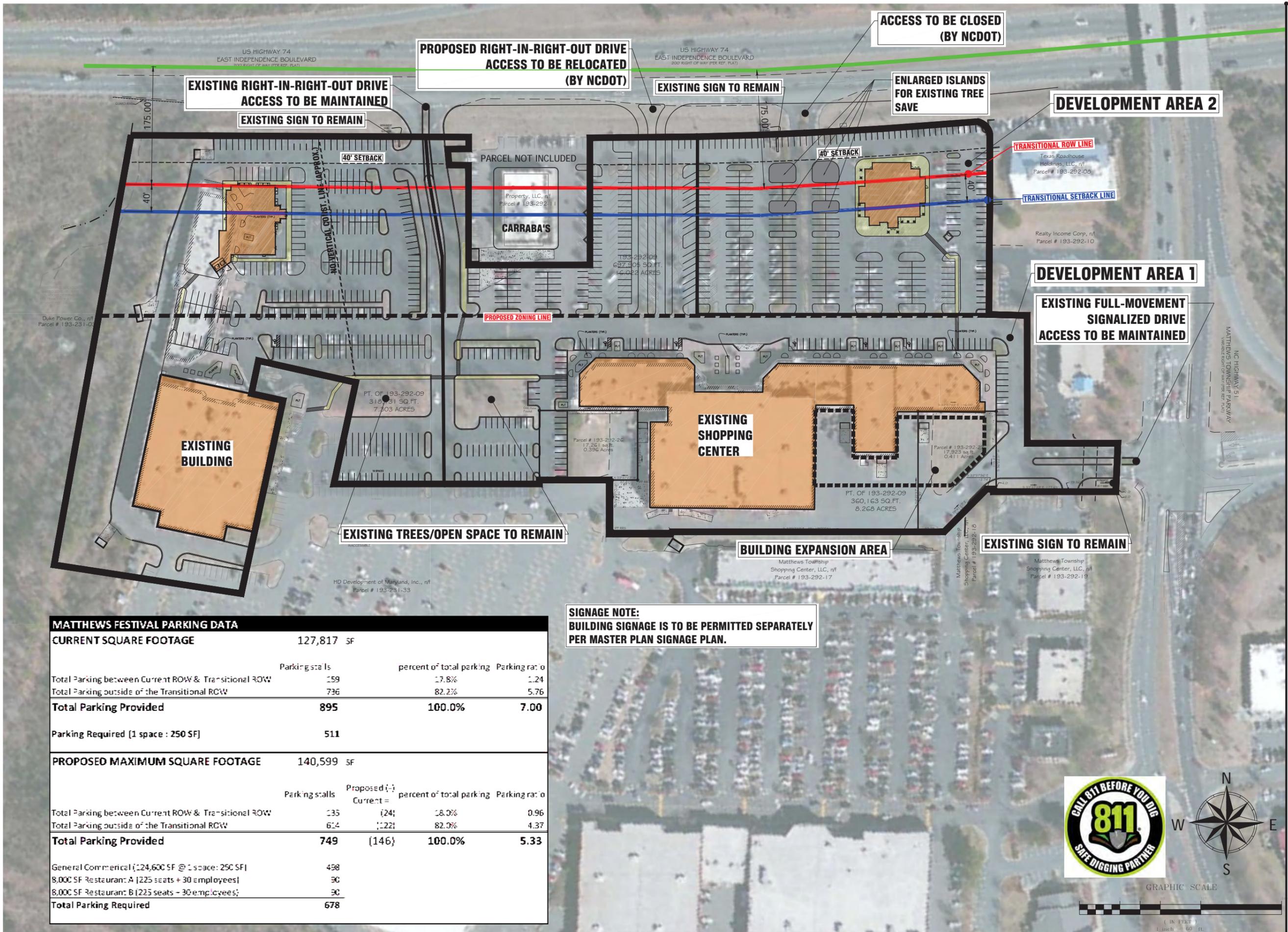
AM peak hour pass-by not applicable per the 2003 ITE Trip Generation Manual.

\* PM Passby taken in accordance with ITE Trip Generation Guidelines









MATTHEWS FESTIVAL PARKING DATA				
<b>CURRENT SQUARE FOOTAGE</b>	127,817 SF			
	Parking stalls	percent of total parking	Parking ratio	
Total Parking between Current ROW & Transitional ROW	159	12.8%	1.24	
Total Parking outside of the Transitional ROW	736	82.2%	5.76	
<b>Total Parking Provided</b>	<b>895</b>	<b>100.0%</b>	<b>7.00</b>	
Parking Required [1 space : 250 SF]	511			
<b>PROPOSED MAXIMUM SQUARE FOOTAGE</b>	140,599 SF			
	Parking stalls	Proposed (-) Current =	percent of total parking	Parking ratio
Total Parking between Current ROW & Transitional ROW	135	(124)	18.0%	0.96
Total Parking outside of the Transitional ROW	614	(122)	82.0%	4.37
<b>Total Parking Provided</b>	<b>749</b>	<b>(146)</b>	<b>100.0%</b>	<b>5.33</b>
General Commercial [124,600 SF @ 1 space: 250 SF]	458			
8,000 SF Restaurant A [225 seats + 30 employees]	30			
8,000 SF Restaurant B [225 seats + 30 employees]	30			
<b>Total Parking Required</b>	<b>678</b>			

**SIGNAGE NOTE:**  
BUILDING SIGNAGE IS TO BE PERMITTED SEPARATELY  
PER MASTER PLAN SIGNAGE PLAN.

Project Number: .....  
 DWG Name: EXHIBIT NEW.dwg  
 Drawing Scale: AS NOTED  
 Date of Project: .....  
 Engineer of Record:  
 Jason Henderson, P.E.  
 South Carolina, P.E. 2246  
 Georgia, P.E. 02011  
 North Carolina, P.E. 02106  
 Alabama, P.E. 23004  
 Louisiana, P.E. 24905  
 Virginia, P.E. 046033338  
**bluewater**  
 civil design  
 bluewater civil design, llc  
 19 Washington Park Suite 100 • Greenville, SC 29601  
 www.bluewatercivil.com • info@bluewatercivil.com

Matthews Festival  
 US Hwy 74  
 Matthews, NC

PLAN REVISION	DATE	ISSUE COMMENT
A	7-26-2016	PRELIMINARY







- |  |   |  |  |
|--|---|--|--|
|  WAINSCOT<br>ARRISCRAFT RENAISSANCE- GA<br>COLOR: MONTECITO             |  FIELD COLOR/EXTERIOR<br>SHERWIN WILLIAMS<br>SW6107 NOMADIC DESERT |  STORE FRONT<br>KAWNEER<br>DARK BRONZE FINISH               |  SPLIT FACE CMU<br>YORK BUILDING MATERIAL<br>STANDARD KHAKI |
|  EXTERIOR PAINT FINISH<br>SHERWIN WILLIAMS<br>SW 2838 POLISHED MAHOGANY |  COMPOSITE SIDING<br>SHERWIN WILLIAMS<br>SW6146 UMBER              |  PARAPET CORNICE<br>SHERWIN WILLIAMS<br>SW6989 GLOSS DOMINO |  |

NOTE: BUILDING MATERIALS SHOWN ARE REPRESENTATIONAL ONLY AND DO NOT REFLECT ENVIRONMENTAL VARIABLES.



## BJ's Restaurant & Brewhouse

Matthews, NC

**SIGNAGE NOTE:**  
BUILDING SIGNAGE IS TO BE PERMITTED  
SEPARATELY PER MASTER PLAN SIGNAGE PLAN.

















- |  |   |  |  |
|--|---|--|--|
|  WAINSCOT<br>ARRISCRAFT RENAISSANCE- GA<br>COLOR: MONTECITO             |  FIELD COLOR/EXTERIOR<br>SHERWIN WILLIAMS<br>SW6107 NOMADIC DESERT |  STORE FRONT<br>KAWNEER<br>DARK BRONZE FINISH               |  SPLIT FACE CMU<br>YORK BUILDING MATERIAL<br>STANDARD KHAKI |
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NOTE: BUILDING MATERIALS SHOWN ARE REPRESENTATIONAL ONLY AND DO NOT REFLECT ENVIRONMENTAL VARIABLES.

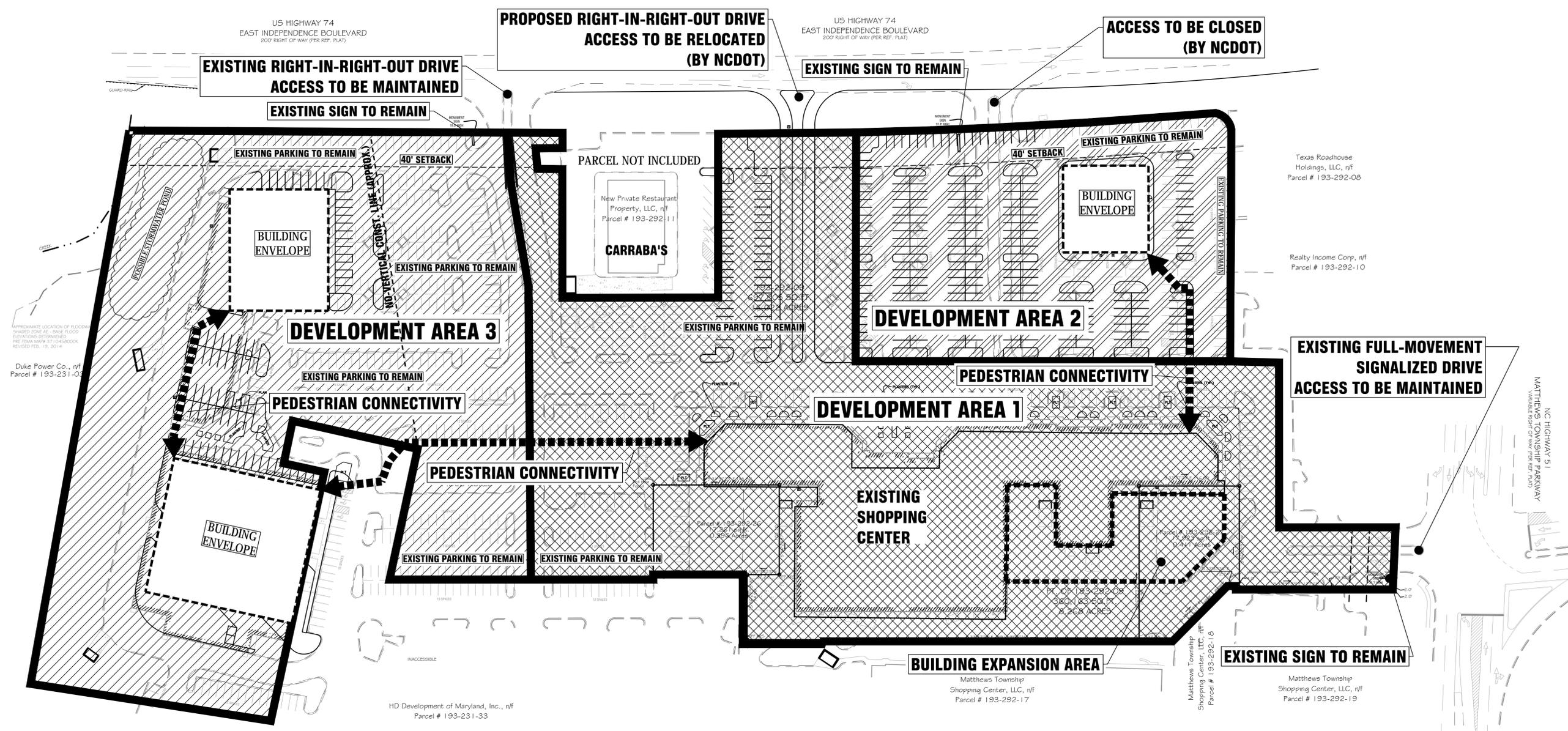


## BJ's Restaurant & Brewhouse

Matthews, NC

**SIGNAGE NOTE:**  
BUILDING SIGNAGE IS TO BE PERMITTED  
SEPARATELY PER MASTER PLAN SIGNAGE PLAN.





APPROXIMATE LOCATION OF FLOOD SHADOW ZONE AE - BASE FLOOD ELEVATION DETERMINED FROM FEMA MAP #1710450000K, REVISED FEB. 16, 2014  
Duke Power Co., n/f  
Parcel # 193-231-03

Texas Roadhouse Holdings, LLC, n/f  
Parcel # 193-292-08

Realty Income Corp, n/f  
Parcel # 193-292-10

HD Development of Maryland, Inc., n/f  
Parcel # 193-231-33

PARCEL NOT INCLUDED  
New Private Restaurant Property, LLC, n/f  
Parcel # 193-292-11

**CARRABA'S**

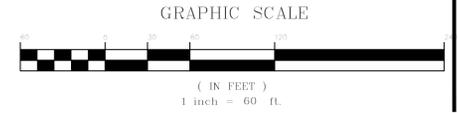
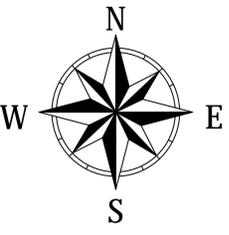
Matthews Township Shopping Center, LLC, n/f  
Parcel # 193-292-17

**EXISTING SHOPPING CENTER**

Matthews Township Shopping Center, LLC, n/f  
Parcel # 193-292-18

Matthews Township Shopping Center, LLC, n/f  
Parcel # 193-292-19

- DEVELOPMENT AREA 1
- DEVELOPMENT AREA 2
- DEVELOPMENT AREA 3

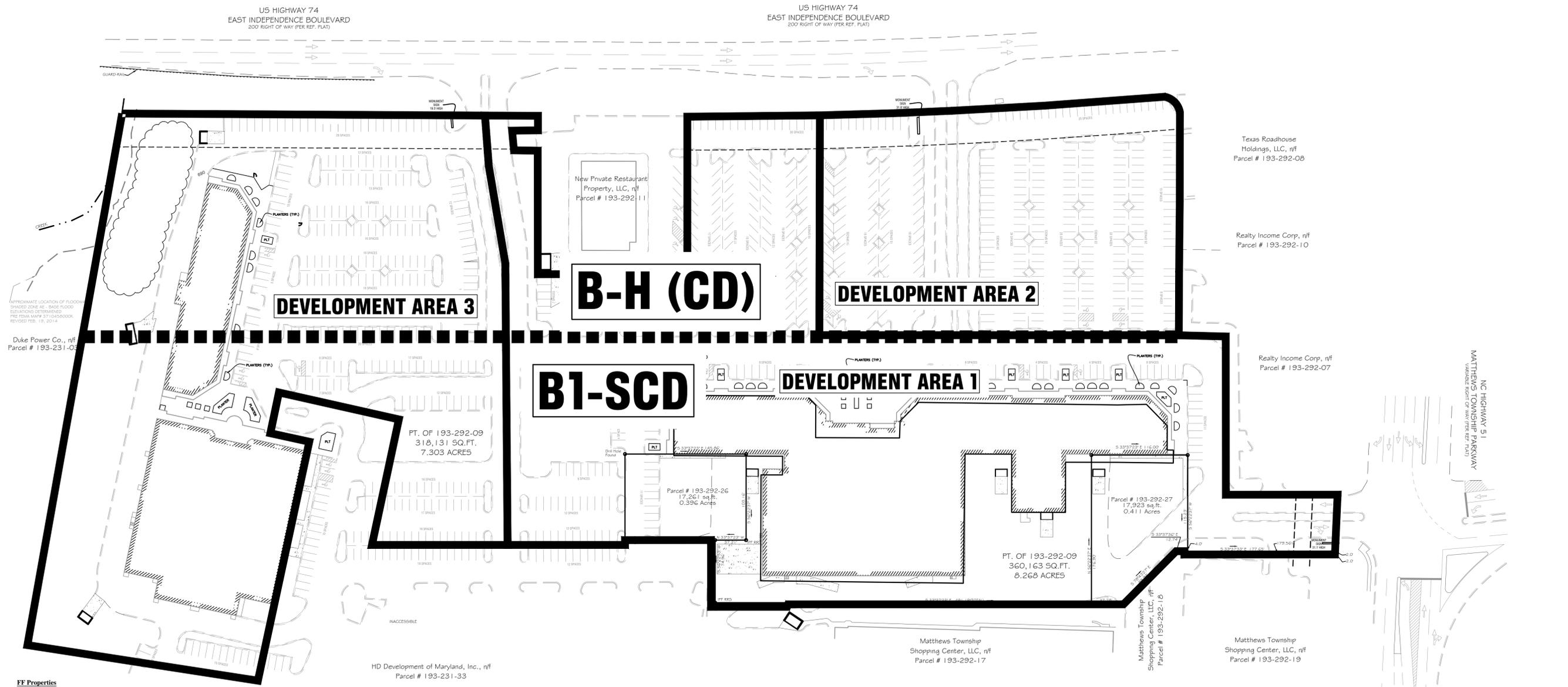


PLAN REVISION	ISSUE DATE	ISSUE COMMENT
A	7-26-2016	PRELIMINARY

TECHNICAL DATA

**RZ-1**





**FF Properties**  
**Development Standards**  
 07/27/16  
**Rezoning Petition No. 2016-000**

**Site Development Data:**

- Acreage: ± 16.91
- Tax Parcel #: 193-292-09, 193-292-27, 193-292-26
- Existing Zoning: C
- Proposed Zoning: B-1SCD and B-H
- Existing Uses: Neighborhood Shopping Center.
- Proposed Uses: Uses permitted by right and under prescribed conditions together with accessory uses, as allowed by the B-1SCD and B-H zoning districts (as more specifically described and restricted below in Section 2)
- Maximum Gross Square Feet of Development: Up to 127,817 square feet of gross floor area of uses allowed by right and under prescribed conditions in the B-1SCD and B-H zoning districts (as more specifically described and restricted below in Section 2 - such restrictions do not permit a convenience store with gasoline sales nor automobile service stations with gasoline sales on the Site).
- Maximum Building Height: As allowed by the Ordinance.
- Parking: As require by the Ordinance will be provided, subject to the Petitioner's ability to utilize the provisions of Section 155.401.1.1 Relief from Minor Nonconformities Requiring Variance Actions During Rezoning From an Outdated Zoning Classification.

**1. General Provisions:**

- a. **Site Location:** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by ZIFF Properties ("Petitioner") to accommodate renovations and additions to the existing neighborhood shopping center known as Matthews Festival on an approximately 16.91 acre site located on the northwest quadrant of the intersection of Independence Boulevard and Matthews Township Parkway in Matthews, NC (the "Site").
- b. **Zoning Districts/Ordinance:** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the Town of Matthews Unified Development Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the portion of the Site zoned B-1SCD shall govern that portion of the Site, and the B-H zoning regulations shall govern for the portion of the Site zoned B-H, subject to the provisions of Section 155.401.1.1 and the ability of the Petitioner to request Exceptions, or Alternative Approvals during the elevation plan approval process.
- c. **Graphics and Alterations:** The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 155.401.5 of the Ordinance.
- d. **Number of Buildings Principal and Accessory:** The total number of principal buildings to be developed on the Site shall not exceed five (5). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building located on the Site.
- e. **Planned/Unified Development:** The Site together with that certain site located adjacent to the Site and designated as Tax Parcel No's. 193-231-33, and 193-292-07, 08, 10, 11, 17, 18, 19 (the "Adjacent Parcels") shall be viewed in the aggregate as a planned/unified development plan (e.g. a shopping center) as to the elements and portions of the Site generally depicted on the Rezoning Plan and those depicted on the applicable approved plans for the Adjacent Parcels. As such, side and rear yards, buffers, building height separation standards, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site and the Adjacent Parcels. The Petitioner and/or owner(s) of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, and public/private street frontage requirements, provided, however, all such separation standards along the exterior boundary of the Site and of the Adjacent Parcels shall be adhered to and all allowed square footage requirements will be regulated by any development limitations set forth in Section 2 below as to the Site taken as a whole and not individual portions or lots located therein.

**2. Permitted Uses & Development Area Limitation:**

- a. The Site may be developed with up to 127,817 square feet of gross floor area of uses allowed by right, and under prescribed conditions together with accessory uses allowed in the B-1SCD and B-H zoning districts, subject, however, to the restrictions and requirements in Section 2.b below.
  - b. The existing theater building located in Development Area 3 may remain or may be demolished and replaced with a new building.
- In no event shall a convenience store with gasoline sales use, or an automobile service station with gasoline sales, be located on the Site.

**3. Access and Transportation:**

- a. Access to the Site will be from Independence Boulevard and Matthews Township Parkway and through the existing Adjacent Parcels in the manner generally depicted on the Rezoning Plan.
- b. The placement and configuration of the vehicular access point is subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the NCDOT in accordance with applicable published standards.
- c. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Town of Matthews in accordance with published standards.

**4. Building Design Guidelines/Architectural Standards:**

- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, metal panels, decorative block and/or wood.
- b. The buildings constructed on the Site will be architecturally compatible with the rest of the shopping center.
- c. The Petitioner may request alternative percentages of the listed materials or types of materials specified in Section 155.503.7.G.2 "Exterior Building Walls" during the site plan and elevation plan approval process.
- d. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.

**5. Streetscape, Buffers, Yards, and Landscaping:**

- a. A 40 foot setback will be established along Independence Boulevard. New buildings will not be allowed in the 40 foot setback established along Independence Boulevard as generally depicted on the Rezoning Plan. Existing parking located in the 40 foot setback will be allowed to remain.
- b. Trees and landscape islands will be provided within the parking areas as required by the Ordinance.
- c. The proposed buildings and uses within the Site will be connected via internal sidewalks.
- d. Screening requirements of the Ordinance will be met.
- e. Above ground backflow preventers will be screened from public view.

**6. Environmental Features:**

- a. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.
- b. The Site will comply with the Matthews Post Construction Ordinance. The Petitioner will submit to the Storm Water Administrator a conceptual storm water plan for approval before the Town Board approval of the Petition occurs.

**7. Signs:**

- a. New signs will be allowed per the Ordinance. Existing non-conforming signs may remain.

**8. Lighting:**

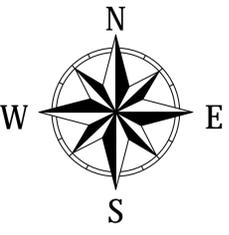
- a. Any new lighting, detached or attached constructed on the Site will comply with the Ordinance.

**9. Amendments to the Rezoning Plan:**

- a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

**10. Binding Effect of the Rezoning Application:**

- a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



GRAPHIC SCALE



Matthews Festival  
 US Hwy 74  
 Matthews, NC

ZONING PLAN

RZ-3

**COMMUNITY MEETING REPORT FOR REZONING PETITION NO. 2016-650**

**Petitioner:** ZIFF Properties  
**Rezoning Petition No.:** 2016-650  
**Property:** ± 16.891 acres located at 10410 East Independence Boulevard, Matthews, NC 28105 (the "Site").

This Community Meeting Report is being filed with the Town of Matthews Planning Department.

**PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:**

The required Community Meeting was held on Tuesday, September 27, 2016, a representative of the Petitioner mailed a written notice of the date, time and location of the Community Meeting to the individuals and organizations set out on **Exhibit A** by depositing the Community Meeting Notice in the U.S. mail on 09/16/2016. A copy of the written notice is attached as **Exhibit B**.

**TIME AND LOCATION OF MEETING:**

The **Community Meeting required by the Ordinance was held on September 27, 2016 at 7:00 PM**, at Town of Matthews Community Center, 100 McDowell Street E, Matthews, NC 28105.

**PERSONS IN ATTENDANCE AT MEETING:**

The sign-in sheet from the required Community Meeting is attached as **Exhibit C**. The Petitioner's representative at the required Community Meeting was Kevin Beringer with Ziff Properties, Inc., and Alex Kelly with Tribek Properties. Also in attendance was Keith MacVean with Moore & Van Allen, PLLC.

**SUMMARY OF ISSUES DISCUSSED AT MEETING:**

**I. Overview of Petitioner's Presentation.**

**Introduction and Overview of Development Plan.**

There were no attendees at the meeting.

This Petition involves a request to rezone the ±16.891 acre Matthews Festival Shopping Center from C to B-1 SCD and B-H(CD). The rezoning request will allow the Petitioner to add additional buildings and square footage to the existing shopping center, enhanced pedestrian connectivity and increased landscape quality. The existing square footage would only be increased by less than 13,000 square feet. The new buildings would be added along Independence Boulevard. The proposed site plan would also allow the small retail building and the previous theater building located on the western side of the Site to be demolished and new buildings to be constructed in their place. The existing theater building could also be renovated and reused by new retail and restaurant tenants.

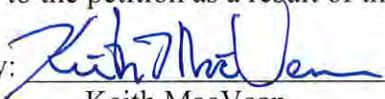
One of the existing driveways to Independence Boulevard will be relocated to accommodate NCDOT's roadway project that will redesign the intersection of Independence Boulevard and Matthews Township Parkway. The number of driveways from the Site to the adjoining public streets will not be increased. Inter-connectivity between the Site and the shopping center to the rear of the Site will be maintained.

**II. Summary of Questions/Comments and Responses:**

There were no attendees at the meeting.

**CHANGES MADE TO PETITION AS A RESULT OF THE MEETING:**

No changes were made to the petition as a result of the community meeting.

Filed and Confirmed by:   
Keith MacVean

cc: Mayor and Members of the Matthews Board of Commissioners  
Jay Camp, Matthews Planning Department  
Christian Chamblee, Ziff Properties  
Alex Kelly, Tribek Properties  
Jeff Brown, Moore & Van Allen, PLLC  
Bridget Dixon, Moore & Van Allen, PLLC  
Keith MacVean, Moore & Van Allen, PLLC

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

**NOTICE TO INTERESTED PARTIES OF A REZONING PETITION**  
**PETITION # 2016-650 – ZIFF Properties**

Subject: Rezoning Petition No. 2016-650  
Petitioner/Developer: ZIFF Properties  
Current Land Use: Shopping Center (Matthews Festival)  
Existing Zoning: C  
Rezoning Requested: B-1 SCD and B-H(CD)  
**Date and Time of Meeting:** **Tuesday, September 27, 2016 at 7:00 p.m.**  
Location of Meeting: Town of Matthews Community Center  
100 McDowell Street E  
Matthews, NC 28105  
Date of Notice: September 16, 2016

We are assisting ZIFF Properties(the “Petitioner”) on a Rezoning Petition recently filed to allow the partial-redevelopment and renovation of the existing shopping center (Matthews Festival), allowing for a much needed re-invigoration of the existing center (the “Site”) located on East Independence Boulevard. We take this opportunity to furnish you with basic information concerning the Petition and to invite you to attend a Community Meeting to discuss it.

**Background and Summary of Request:**

This Petition involves a request to rezone the ±16.891 acre Matthews Festival Shopping Center from C to B-1 SCD and B-H(CD). The rezoning request will allow the Petitioner to add additional buildings and square footage to the existing shopping center, enhanced pedestrian connectivity and increased landscape quality. The existing square footage would only be increased by up 10,000 square feet. The new buildings would be added along Independence Boulevard. The proposed site plan would also allow the small retail building and the previous theater building located on the western side of the Site to be demolished and new buildings to be constructed in their place. The existing theater building could also be renovated and reused by new retail and restaurant tenants.

One of the existing driveways to Independence Boulevard will be relocated to accommodate NCDOT’s roadway project that will redesign the intersection of Independence Boulevard and Matthews Township Parkway. The number of driveways from the Site to the adjoining public streets will not be increased. Inter-connectivity between the Site and the shopping center to the rear of the Site will be maintained.

**Community Meeting Date and Location:**

The Mecklenburg County Tax records indicate that you are an owner of property near the Site. **Accordingly, we are extending an invitation to attend the upcoming Community Meeting to be held on Tuesday, September 27, 2016, at 7:00 p.m. at Town of Matthews Community Center, 100 McDowell Street E, Matthews, NC 28105.** Representatives of the Petitioner look forward to discussing this exciting rezoning proposal with you at the Community Meeting.

In the meantime, should you have questions about this matter, you may call Keith MacVean (704-331-3531) or Jeff Brown (704-331-1144). Thank you.

cc: Mayor and Members of the Matthews Board of Commissioners

Jay Camp, Matthews Planning Department  
Christian Chamblee, Ziff Properties  
Alex Kelly, Tribek Properties  
Jeff Brown, Moore & Van Allen, PLLC  
Bridget Dixon, Moore & Van Allen, PLLC  
Keith MacVean, Moore & Van Allen, PLLC

### Site Location



ZIFF Properties  
Rezoning Petition 2016-650  
Community Meeting – September 27, 2016 @ 7:00p

*No attendees at the meeting*

	<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>	<u>EMAIL ADDRESS</u>
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				



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

TAMPA  
Tel: 813.223.7474  
Fax: 813.229.6553

101 E. KENNEDY BOULEVARD  
SUITE 2700  
TAMPA, FL 33602

WWW.TRENAM.COM

ST. PETERSBURG  
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)



DATE FILED <u>8-31-2016</u>
APPLICATION NUMBER <u>2016-651</u>
<i>For office use only</i>

**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): 21301238

Address of property: 10530 Monroe rd Matthews, NC 28105

Location of property:

Title to the property was acquired on 08/20/2001  
and was recorded in the name of Steve McLendon  
whose mailing address is 317 Bubbling Well RD Matthews NC 28105

The deed is recorded in Book 12571 and Page 866 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: ~~R-100~~ R-20 <sup>RM</sup> Requested zoning classification: ~~T-2~~ T-1(CO) <sup>RM</sup>  
R20

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

Application number  
2016-051  
For office use only

This parcel is surrounding by commercial property.



*Steve McLenlow*  
Signature of property owner (must be original)

\_\_\_\_\_  
Signature of property owner (must be original)

STEVE McLenlow  
Print name of property owner

\_\_\_\_\_  
Print name of property owner

P.O. Box 1858  
Property owner's mailing address

\_\_\_\_\_  
Property owner's mailing address

MATTHEWS N.C. 28106  
Property owner's mailing address, continued

\_\_\_\_\_  
Property owner's mailing address, continued

\_\_\_\_\_  
Property owner's mailing address, continued

\_\_\_\_\_  
Property owner's mailing address, continued

704-844-6974  
Property owner's phone number/email address

\_\_\_\_\_  
Property owner's phone number/email address

\_\_\_\_\_  
Signature of agent (if any)

*Ryan McLenlow Sr.*  
Petitioner other than owner (if any)

\_\_\_\_\_  
Print name of agent

RYAN McLenlow Sr.  
Print name of petitioner

\_\_\_\_\_  
Agent's mailing address

10530 Monroe Rd  
Petitioner's mailing address

\_\_\_\_\_  
Agent's mailing address, continued

MATTHEWS, NC 28105  
Petitioner's mailing address, continued

\_\_\_\_\_  
Agent's mailing address, continued

\_\_\_\_\_  
Petitioner's mailing address, continued

\_\_\_\_\_  
Agent's phone number/email address

704/819-2901 / visioncarolina@gmail.com  
Petitioner's phone number/email address

Application number  
*2016-651*  
For office use only

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."

21327118

TAX PARCEL

ALAN S LOVETT

PROPERTY OWNER NAME(S)

9815 MCCLENDON CT

OWNER MAILING ADDRESS

MATTHEWS NC 28105

OWNER MAILING ADDRESS, CONTINUED

21301246

TAX PARCEL

DORIN COMARZAN

PROPERTY OWNER NAME(S)

9820 MCCLENDON CT

OWNER MAILING ADDRESS

MATTHEWS NC 28105

OWNER MAILING ADDRESS, CONTINUED

21327111

TAX PARCEL

WILLIAM JENNINGS NAPIER

PROPERTY OWNER NAME(S)

9822 HINSON DR

OWNER MAILING ADDRESS

MATTHEWS NC 28105

OWNER MAILING ADDRESS, CONTINUED

21327112

TAX PARCEL

MICHAEL FOSTER

PROPERTY OWNER NAME(S)

9818 HINSON DR

OWNER MAILING ADDRESS

MATTHEWS NC 28105

OWNER MAILING ADDRESS, CONTINUED

21301236

TAX PARCEL

JOHN DENNISON COTTY

PROPERTY OWNER NAME(S)

10540 MONROE RD

OWNER MAILING ADDRESS

MATTHEWS NC 28105

OWNER MAILING ADDRESS, CONTINUED

21301239

TAX PARCEL

SUBURBAN INVESTMENTS INC

PROPERTY OWNER NAME(S)

SUBURBAN INVESTMENTS INC

OWNER MAILING ADDRESS

MATTHEWS NC 28105

OWNER MAILING ADDRESS, CONTINUED

21327117

TAX PARCEL

MARIA D KLEIN

PROPERTY OWNER NAME(S)

9807 MCLENDON CT

OWNER MAILING ADDRESS

MATTHEWS NC 28105

OWNER MAILING ADDRESS, CONTINUED

21327120

TAX PARCEL

ERNESTINE M KUHR

PROPERTY OWNER NAME(S)

9814 MCLENDON CT

OWNER MAILING ADDRESS

MATTHEWS NC 28105

OWNER MAILING ADDRESS, CONTINUED

## MECKLENBURG COUNTY, NC POLARIS 3G DEED REPORT

Date Printed: 08/31/2016

Buffer Distance: 100 Feet

No	Parcel ID	Owner Name	Mailing Address	Legal Description	Deed Book	Deed Page	Land Area
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2	19355104	1. BASS & HOGAN LLC,	10535 MONROE RD MATTHEWS NC 28105	NA	17449	441	1.016 AC
3	21301236	1. COTTY, JOHN DENNISON 2.THE COTTY FAMILY TRUST, 3.COTTY, FAYE BENTON	10540 MONROE RD MATTHEWS NC 28105	P106-109 &P62-64 M5-49	21049	656	2.48 AC
4	21301238	1. (STEVE MCLENDON TST), 2.MCLENDON, STEVE R/T	317 BUBBLING WELL RD MATTHEWS NC 28105	L110 &111 &P65 &66 M5-49	12571	866	2.27 AC
5	21301239	1. SUBURBAN INVESTMENTS INC,	PO BOX 632 MATTHEWS NC 28106	P67-69&112-114M 5-49 MON	05218	268	2.78 AC
6	21301246	1. COMARZAN, INDIRA 2.COMARZAN, DORIN	9820 MCLENDON CT MATTHEWS NC 28105	L2 M42-13	28021	722	1.358 AC
7	21327110	1. DEFREITAS, KEITH W 2.DEFREITAS, JENNIFER F	9825 HINSON DR MATTHEWS NC 28105	L9B7M19-580 9825 HINSON DR	06112	933	1 LT (0.644 GIS Acres)
8	21327111	1. NAPIER, WILLIAM JENNINGS	9822 HINSON DR MATTHEWS NC 28105	L10 B7 M19-580	11175	856	1 LT (0.525 GIS Acres)
9	21327112	1. FOSTER, MICHAEL 2.FOSTER, MARISA	9818 HINSON DR MATTHEWS NC 28105	L11B7 M19-603	16610	279	1 LT (0.501 GIS Acres)
10	21327117	1. KLEIN, MARIA D	9807 MCLENDON CT MATTHEWS NC 28105	L16 &P17 B7 M19-603	09591	354	1 LT (0.355 GIS Acres)
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12	21327119	1. STEINKE, STEPHANIE L 2.STEINKE, DANA A	9820 MCLENDON CT MATTHEWS NC 28105	L3 M42-13	22804	101	0.53 AC

Application number  
2016-651  
For office use only

### SUMMARY OF THE REZONING PROCESS

*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 8-31-16

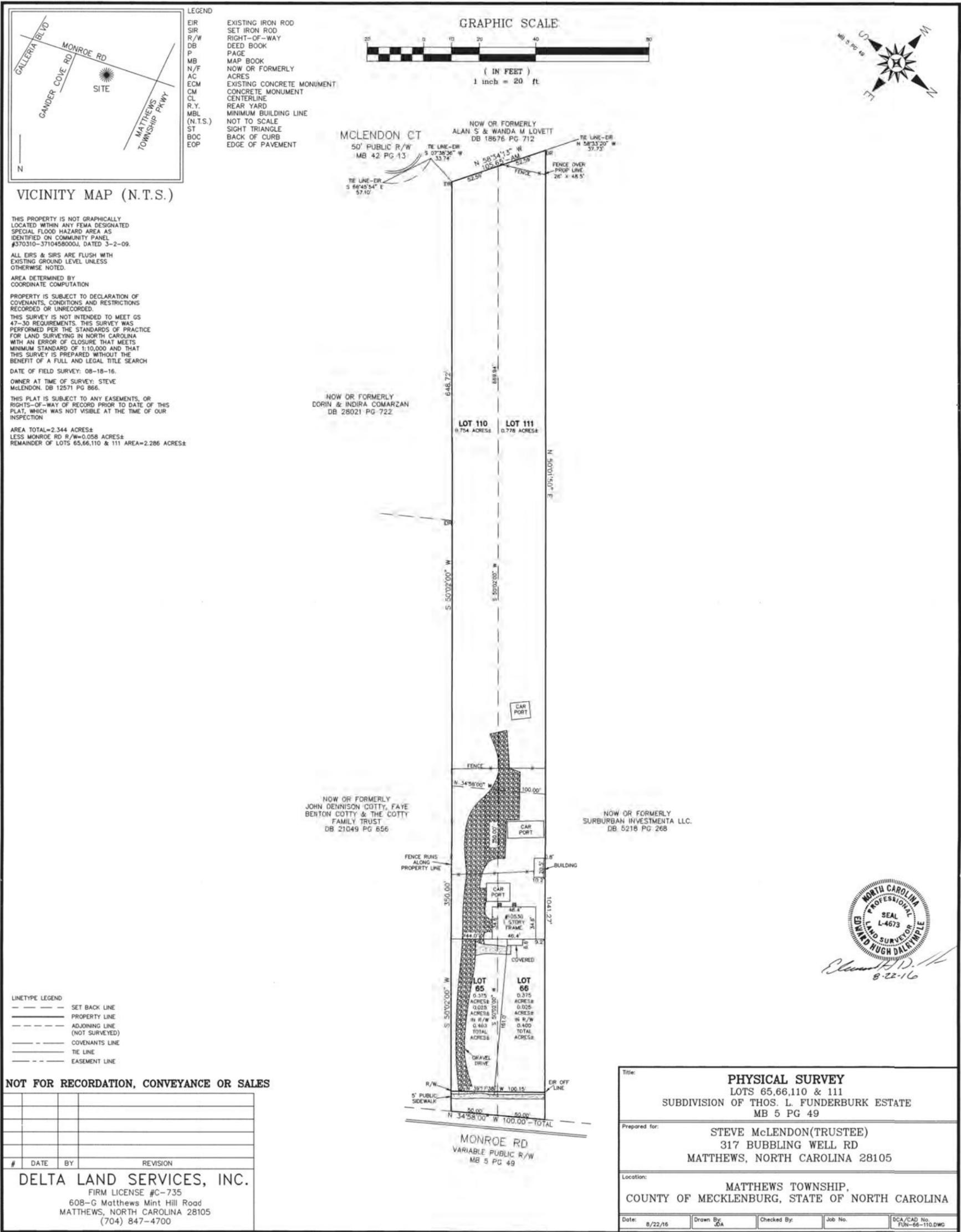
Town Board of Commissioners formally accepts application and sets Public Hearing date 9-12-16

Notices sent via mail to affected/adjacent property owners on or before 10-31-16

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 11-14-16

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 11-22-16

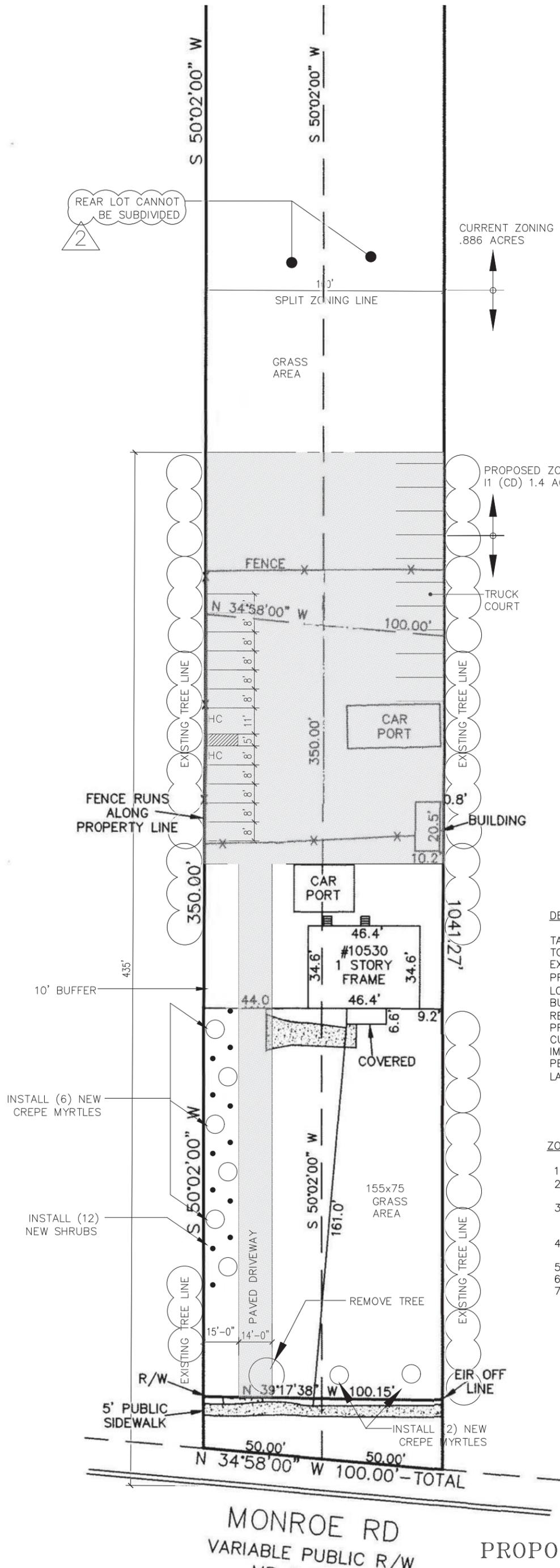
Town Board of Commissioners approves or denies application 12-12-16



ORIGINAL SITE PLAN

CURRENT  
2016-651  
11/02/2016

S.I.O. SHEET NUMBER	ORIG. SITE PLAN	SCALE: AS NOTED	DATE: 8/30/16	DRAWN BY: TNC	SURVEY LOT 65, 66, 110 & 111		REV. DATE
					ORIG. SITE PLAN		



**DEVELOPMENT SUMMARY:**

TAX PARCEL ID# 2130138  
 TOTAL SITE AREA: 2.286  
 EXISTING ZONING: R-20  
 PROPOSED ZONING: I-1 (CD) & R-20  
 LOT SIZE OF I-1 (CD): 1.4 ACRES  
 BUILDING SIZE: 1606 SQ FT  
 REQUIRED PARKING: 1606 / 300 = 6 SPACES (1 SPACE PER 300 SQ FT)  
 PROPOSED PARKING: 8 SPACES  
 CUSTOMER PARKING: 4 SPACES  
 IMPERVIOUS AREA: 19,980 SQ FT  
 PERVIOUS AREA: 32,524 SQ FT  
 LANDSCAPE BUFFER: ADD (6) CREPE MYRTLES ALONG EASTERN PROPERTY LINE  
 ADD (12) SHRUBS ALONG EASTERN PROPERTY LINE  
 ADD (2) CREPE MYRTLES ALONG FRONT PROPERTY LINE

**ZONING / DEVELOPMENT DATA:**

- CHANGE (6) PARKING SPACES TO (12) PARKING SPACES.
- A 10' LANDSCAPE BUFFER WILL BE INSTALLED ALONG THE EASTERN PROPERTY LINE NEW LANDSCAPE BUFFER.
- THE REZONING PLAN IDENTIFIES AN EXISTING BUILDING ENVELOPE. NO NEW BUILDING IS BEING PROPOSED. EXISTING HOUSE WILL UNDERGO RENOVATION FOR COMMERCIAL OCCUPANCY.
- TWO ADDITIONAL CREPE MYRTLES WILL BE INSTALLED ALONG THE FRONT PROPERTY LINE.
- DRIVEWAYS WITHIN 150 FT OF PROPERTY ARE SHOWN ON SHEET 53.
- BUSINESS SIGNAGE WILL BE PERMITTED SEPARATELY.
- REAR LOTS CANNOT BE SUBDIVIDED DUE TO LACK OF LOT FRONTAGE.

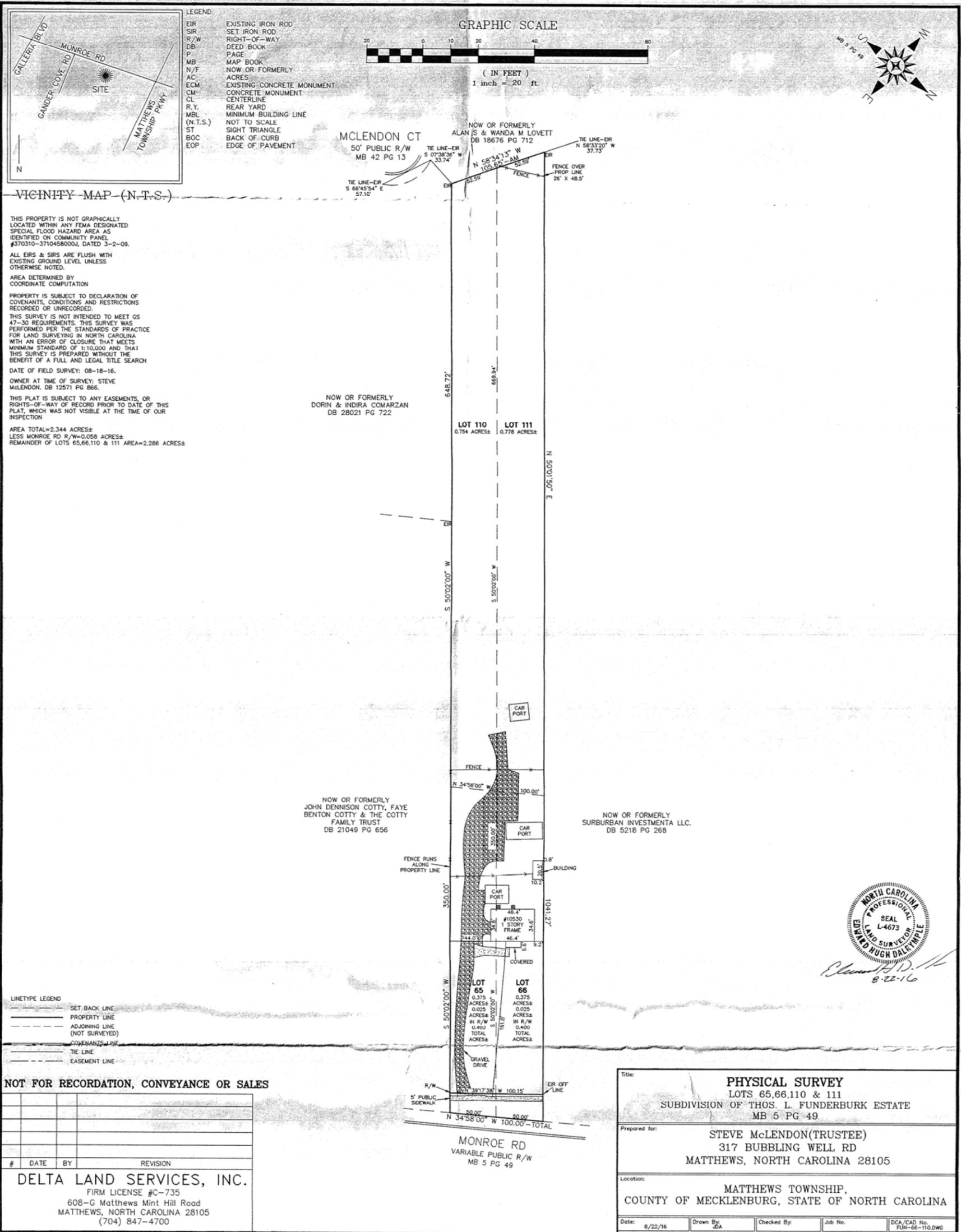
■ = PAVED SURFACE

MONROE RD  
 VARIABLE PUBLIC R/W  
 PROPOSED SITE PLAN

S2.0	ORIG. SITE PLAN	SHEET NUMBER	SCALE: AS NOTED	DATE: 8/30/16	DRAWN BY: TNC	SURVEY LOT 65, 66, 110 & 111		REV.	DATE
						ORIG. SITE PLAN			

CURRENT 2016-651  
 11/02/2016

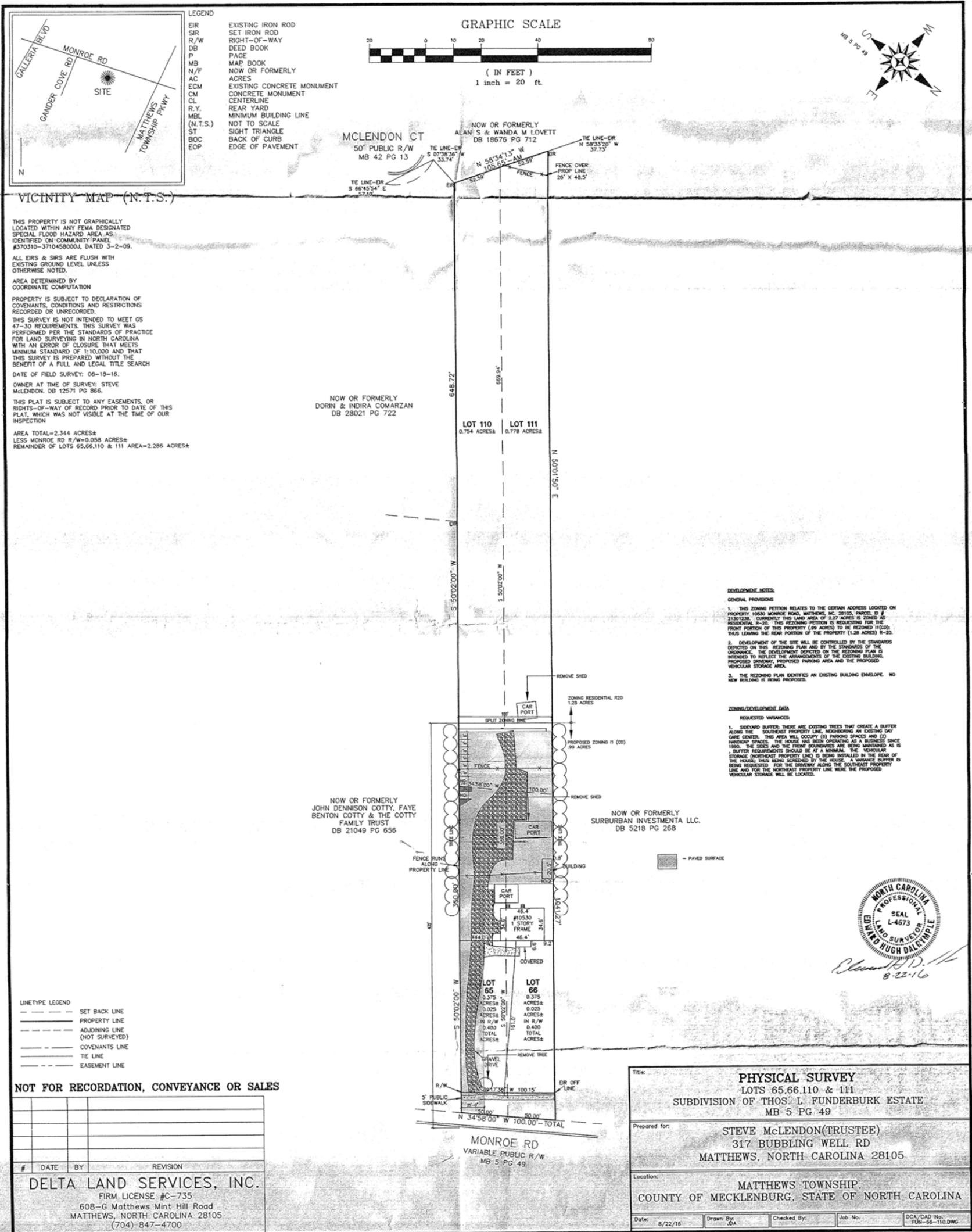
**SUPERCEDED** 2016-651  
8-31-2016



ORIGINAL SITE PLAN

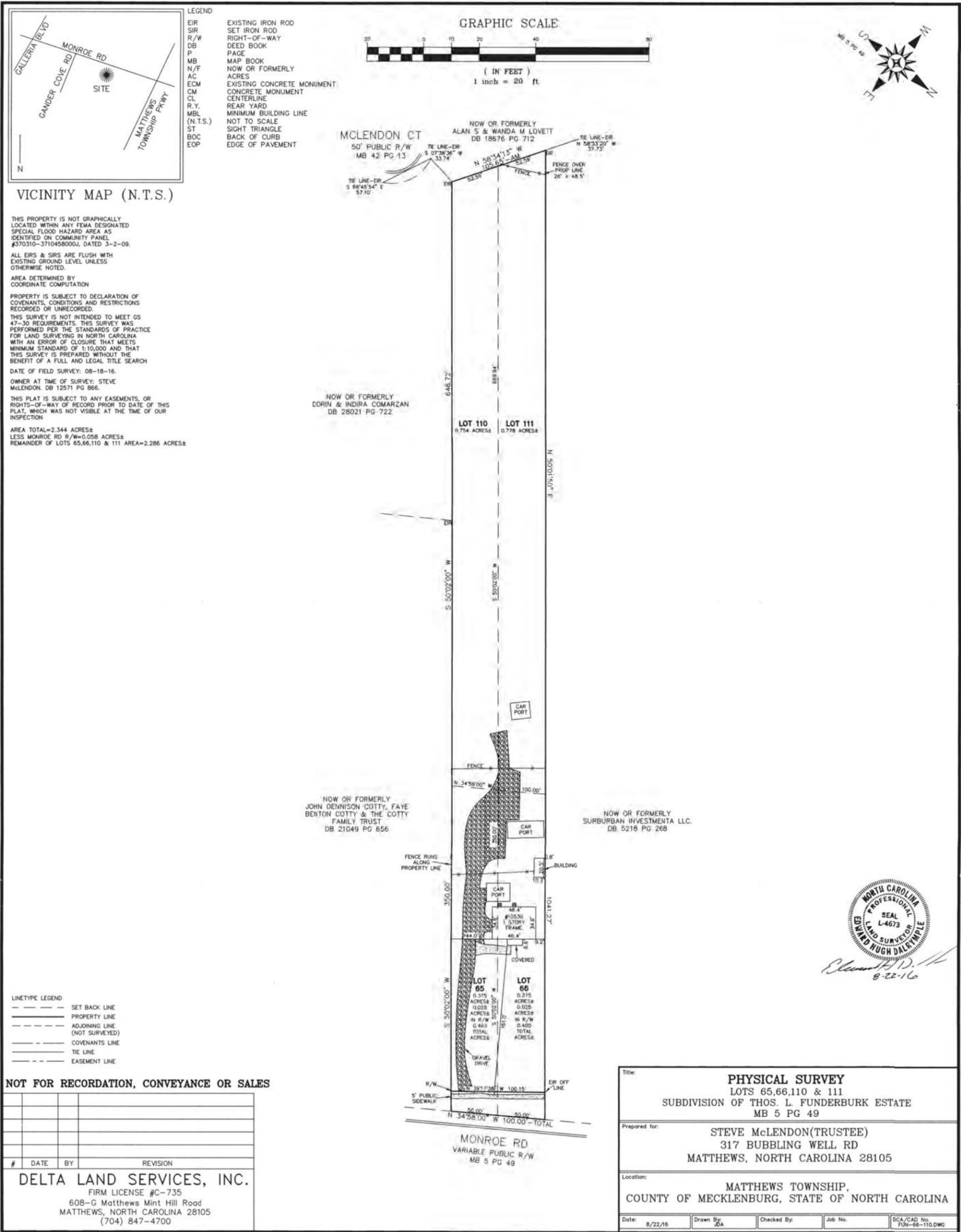
<b>S1.0</b> ORG. SITE PLAN SHEET NUMBER	DATE: 8/30/16 SCALE: AS NOTED	DRAWN BY: TVC	<b>SURVEY LOT 65, 66, 110 &amp; 111</b> <b>ORIG. SITE PLAN</b>	REV. DATE
	SHEET TYPE: AS NOTED	DATE: 8/30/16	DRAWN BY: TVC	REV. DATE

**SUPERCEDED** 2016-651  
8-31-2016



**PROPOSED SITE PLAN**

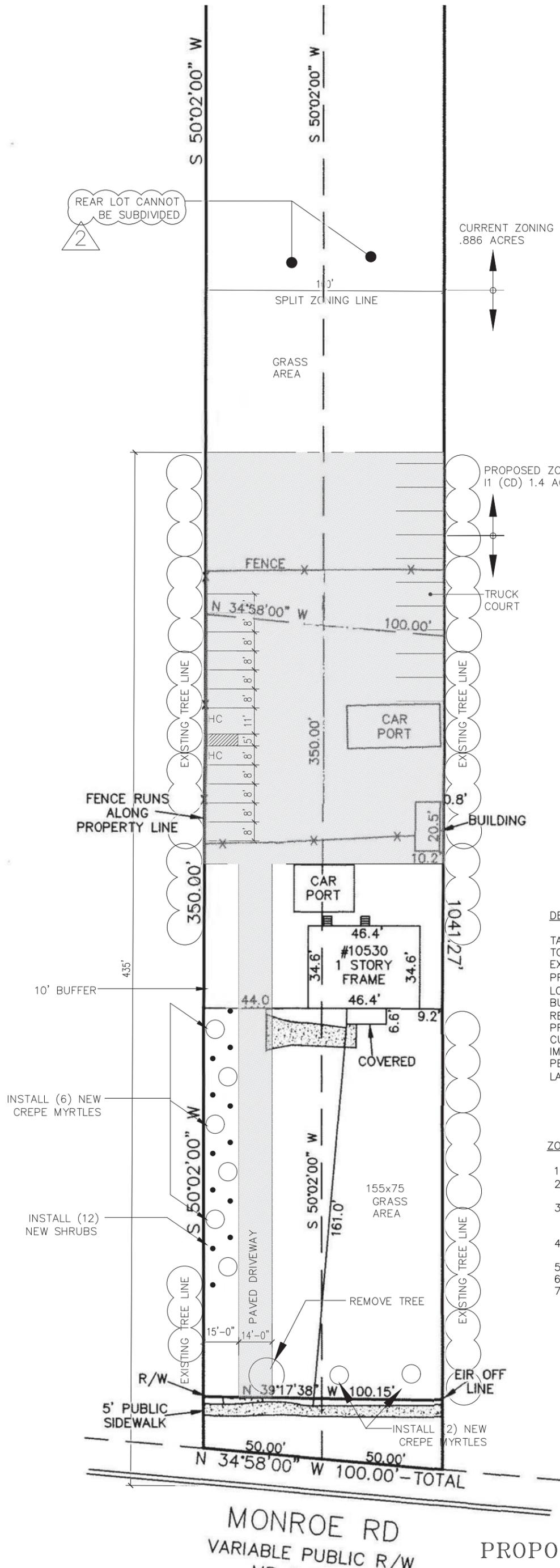
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				ORIG. SITE PLAN		



ORIGINAL SITE PLAN

CURRENT  
2016-651  
11/02/2016

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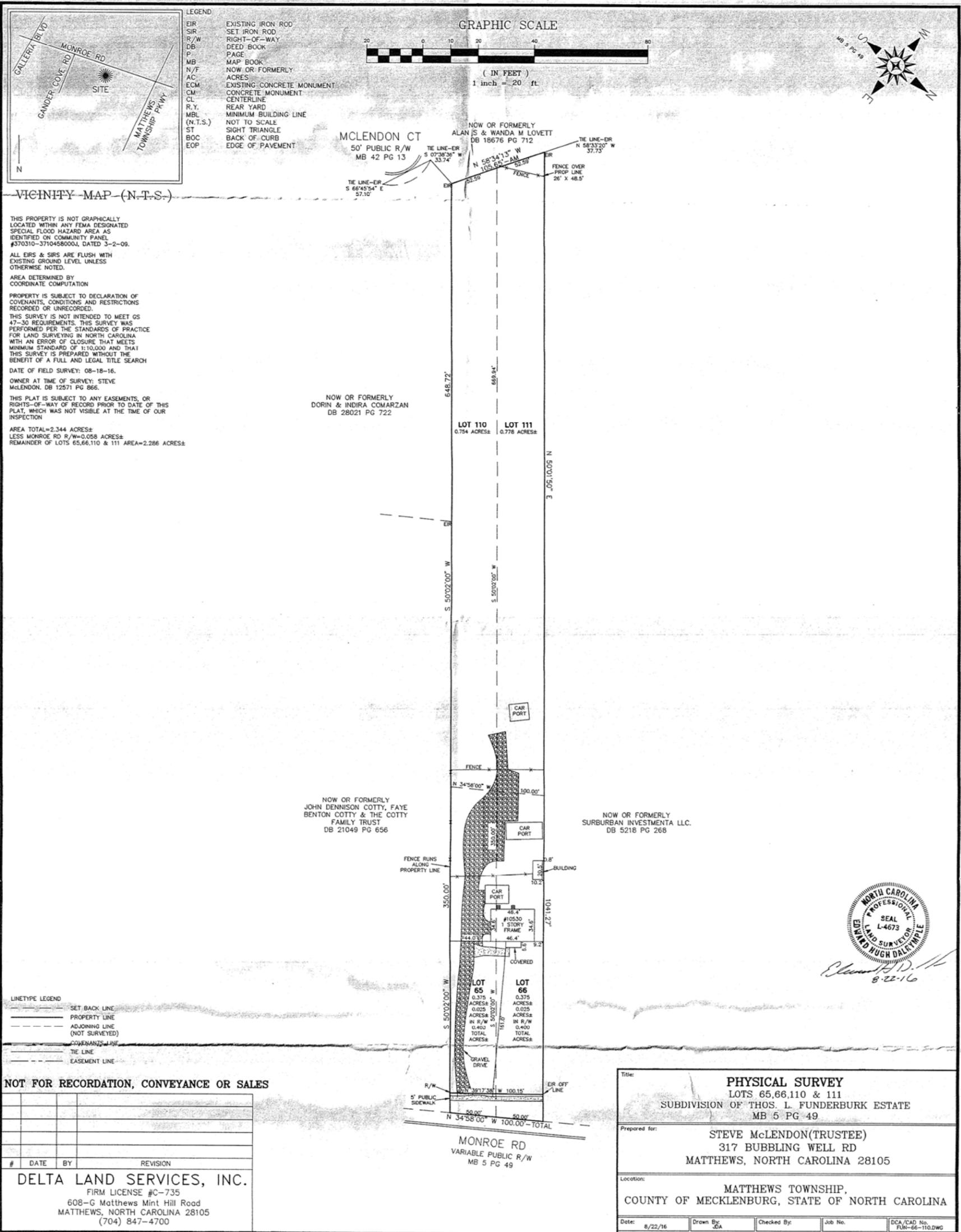
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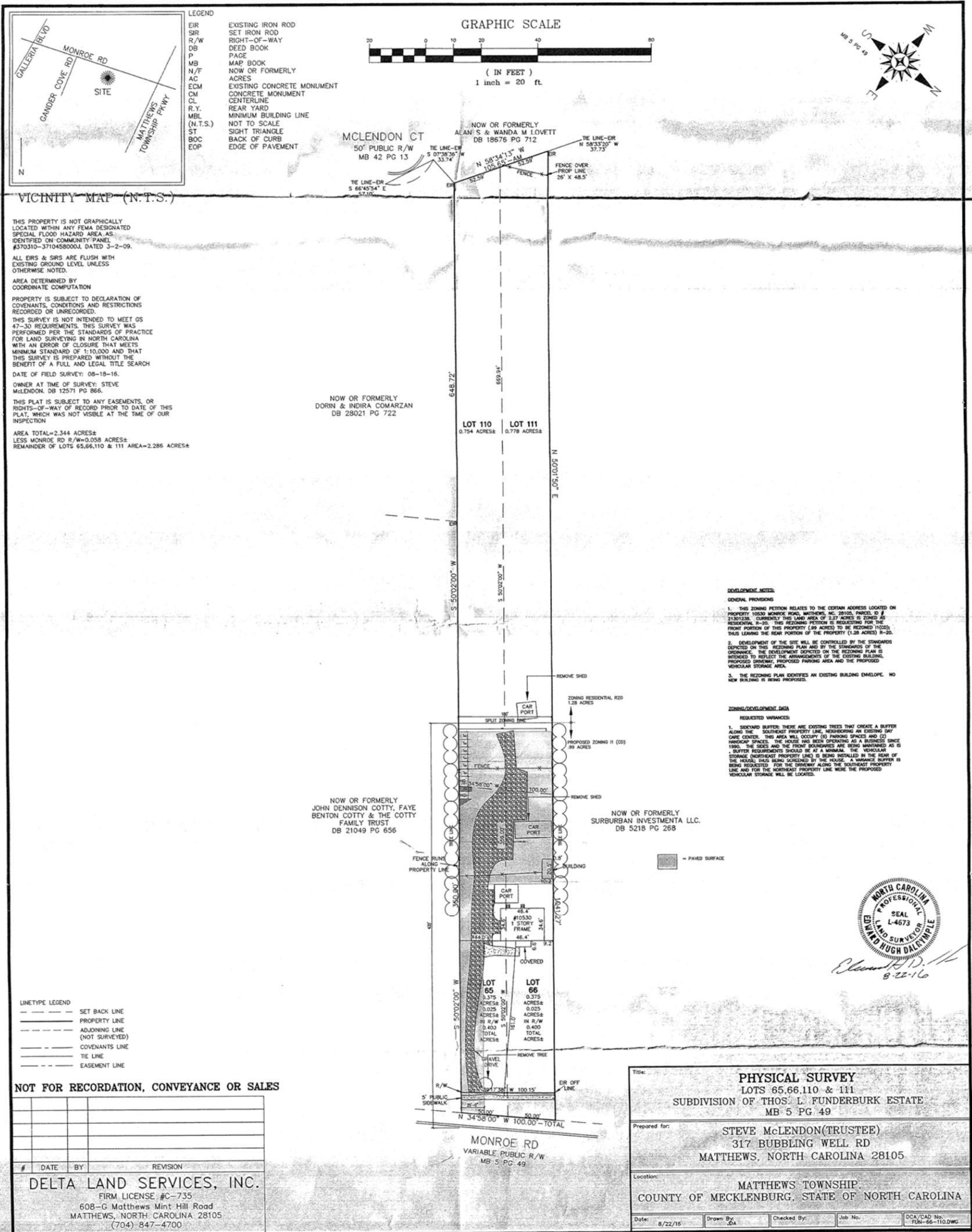
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<b>S1.0</b> ORG. SITE PLAN SHEET NUMBER	SURVEY LOT 65, 66, 110 & 111	REV. DATE
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S.I.O.	DATE: 8/30/16	SCALE: AS NOTED	DRWN BY: TVC	<b>SURVEY LOT 65, 66, 110 &amp; 111</b>	<b>ORIG. SITE PLAN</b>	REV. DATE
	DATE: 8/30/16	SCALE: AS NOTED	DRWN BY: TVC			

# Meeting Minutes

9/15/2016

7:00 PM

Agenda:

Welcome:

Introduction of discussion:

Refer to mailers sent out:

Minutes:

Good evening everyone I am Tenerra McLendon and I currently own the Uhaul franchise that is stationed here currently, our pervious location was just right next door to here at 10512 Monroe Rd ste 101-102 and the UHaul was stationed there for about 5 years. We began getting a lot of complaints from customers about how the property was not kept well and customers started to feel it was not safe to support the business anymore. So, my husband and I made the decision to purchase this current property 10530 Monroe Rd. After we moved the Uhaul here we was notified by the city of Matthews that the zoning on this property was residential and we needed to rezone. We currently have an application on file to rezone are willing to make the necessary changes. We want to insure that we love the city of Matthews and what they stand for and are fully cooperative of the things that has to be done to have this facility meet the necessary requirements. Businesses have been operating out of this property for about 50 years so as you see there has always been a business here. It's our goal to be a great neighbor and provide outstanding service to those in the community. We have a lot of customers who come and support the business and possibly some of you. We have countless reviews stating how they appreciate the Uhaul that's located here because it is so convenient. I do not believe or feel the Uhaul adds any negative to the city of Matthews; Instead the Uhaul actually adds positively, At this time we would love to take any questions or concerns you may have.

Q&A

Dismissal

MECKLENBURG COUNTY, NC POLARIS 3G DEED REPORT

Date Printed: 08/31/2016

Buffer Distance: 100 Feet

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Mailers



Shana Robertson <srobertson@matthewsnc.gov>

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## Fwd: Public Comment on Petition 2016-651

1 message

---

Jay Camp <jcamp@matthewsnc.gov>

Wed, Oct 5, 2016 at 9:05 AM

To: Shana Robertson <srobertson@matthewsnc.gov>, Kathi Ingrish <kingrish@matthewsnc.gov>

Shana,

Here is some public comment on the Uhaul rezoning on Monroe Rd.

----- Forwarded message -----

From: Catherine <cjusticehall@gmail.com>

Date: Wed, Oct 5, 2016 at 5:55 AM

Subject: Public Comment on Petition 2016-651

To: [jcamp@matthewsnc.gov](mailto:jcamp@matthewsnc.gov)

Cc: [kingrish@matthewsnc.gov](mailto:kingrish@matthewsnc.gov)

Jay - I amended my email from last night. Please use below as submitted public comment.  
Thank you!

---

Dear Town of Matthews Planning Department:

I am writing in opposition to rezoning petition 2016-651 (10530 Monroe Road).

I am not in favor of any portion of this site being rezoning to I-1 to allow a U-Haul Rental business to permanently operate on this site.

I understand single family residential is no longer appropriate for the site but would rather see neighborhood business here. The adjacent sites are zoned B-1 and that zoning would be more appropriate for this site as well. If I am reading the map correctly, there is light industrial across Monroe Road and farther south but nothing adjacent or north to this property on Monroe Road in Matthews.

The Monroe Road Small Area Plan identified opportunities to 'make the corridor safer and more aesthetically pleasing to travelers, residents, and businesses alike, and to improve the pedestrian experience.' A U-Haul site would not meet any of these stated opportunities.

In addition (if 'google' is correct), there are two existing U-Haul rental sites in Matthews within close proximity:

- 720 Matthews Mint Hill road (1.9miles from this property)
- 2448 E. John Street (3.4 miles from this property)

As the Matthews Monroe Road corridor is evolving, it is essential that each parcel is thoughtfully considered as part of the evolution. We can do better than U-Haul.

Thank you,

Catherine Hall

--





## **Agenda Item: Motion 2016-7, E John Street/ Outer Loop Area Small Area Plan**

**DATE:** November 9, 2016  
**FROM:** Dillon Lackey, Planner

### **Background/Issue:**

A small area plan has been drafted for a 335 acre portion of largely undeveloped land along the E John Street Corridor. The process for drafting this plan began as a student project in the fall of 2015 with an urban planning class from Wingate University. Following, a joint public input meeting was held with students on December 1, 2015. After the initial meeting, a group of community stakeholders was formed and subsequent meetings were held. After gathering input from stakeholders, a series of three build-out scenarios were drafted and presented at an additional public input session in May of 2016 for feedback. Following, a master consensus build-out and draft text for the plan was developed and presented to the stakeholders for further comment.

The plan focuses on creating a contemporary urban, mixed use, and walkable neighborhood within the study area along with keeping in mind the importance of green space. The document emphasizes the significance of the E John Street widening project, which will likely be followed by utility installation and further interest by developers. The document includes a consensus build-out scenario that designates land use focus areas within the study area. The build-out limits the amount of traditional single family zoning and incorporates a mix of compatible uses. Once in final form and adopted, this small area plan will be an appendix to the Land Use Plan.

### **Proposal/Solution:**

The small area plan document is scheduled for public hearing. The document is ready for comments, suggestions, and concerns from the board and from citizens wishing to speak. The document is available for review at <http://www.matthewsnc.gov/pview.aspx?id=20800&catid=567>

### **Financial Impact:**

None at this time. Dependent upon development of land.

### **Related Town Goal(s) and/or Strategies:**

Quality of Life  
Economic Development/Land Use Planning

### **Recommended Motion/Action:**

Reschedule public hearing of E John Street/ Outer Loop Small Area Plan for December 12th.

# E JOHN STREET/ OUTER LOOP AREA SMALL AREA PLAN

**\* DRAFT \***

Revised: 9-14-16

DL 10-7-16

9-21-16

DL 10-10-16

9-29-16

10-5-16

KI 10-6-16

## INTRODUCTION

The land area around E John Street, south of I-485 and extending up to the CSX rail line, is one of the last large mostly-vacant sectors within the Town of Matthews. In the near future, this property is expected to become prime for development as E John Street/Old Monroe Rd is improved and widened. Planning the future conceptual build-out of this area therefore must be strategic and intentional. This study builds on the recommendations and strategies for this sector set forth in Chapter 4 of the Land Use Plan. This plan will create a vision for appropriate density of development for the study area and will provide recommendations for implementing the vision. This plan also identifies unique opportunities for development here due to the proximity to established neighborhoods, Central Piedmont Community College, the Mecklenburg County Sportsplex, and the future Entertainment District.



## BACKGROUND

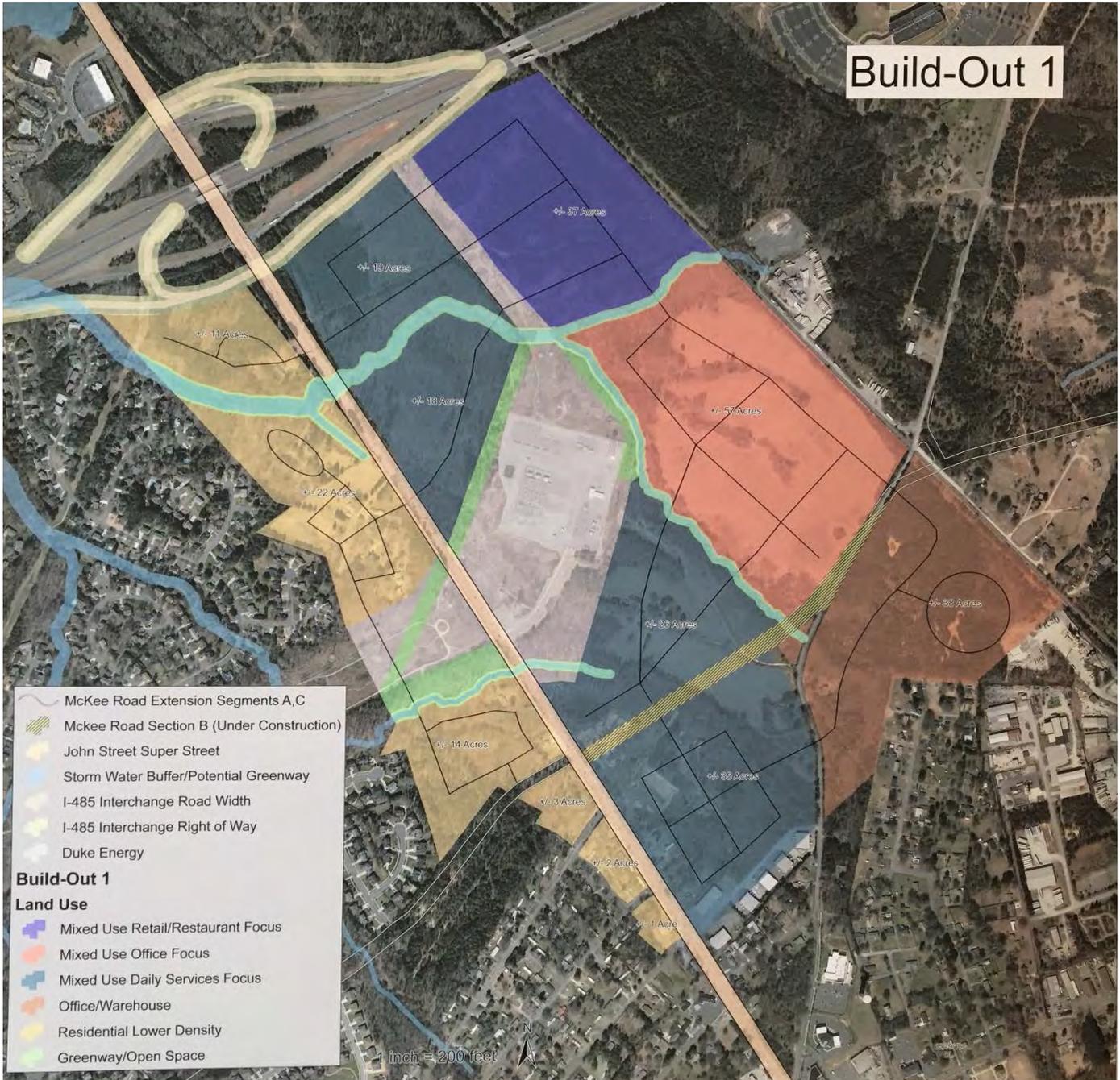
The E John Street/Outer Loop Small Area Plan was determined by the Matthews Town Board of Commissioners in 2015 to be the top priority section of our jurisdiction to have an in-depth study prepared in advance of the expected E John St/Old Monroe Rd widening project. NCDOT intends to widen E John Street from Downtown Matthews to the Mecklenburg-Union County line where the street name changes to Old Monroe Rd as the widening continues to Wesley Chapel-Stouts Road in Indian Trail between the years 2022 and 2024. The Town recognized the need for a more detailed vision of this corridor and its adjacent land area with the impending road project and sought out input from the public and community stakeholders to establish this vision.

On December 1, 2015, a public input session was held at Town Hall, where community members provided their feedback. The vision for the area began unfolding as citizens viewed options of different forms of residential, commercial, and industrial development, as well as various modes of transportation, and possible build-outs of the area. Participants and area residents were also asked to complete an online survey during the month of December which gauged individual preferences on potential styles and densities of development in the area. Below pictured are community members giving analyzing material provided by staff at the December public input session.

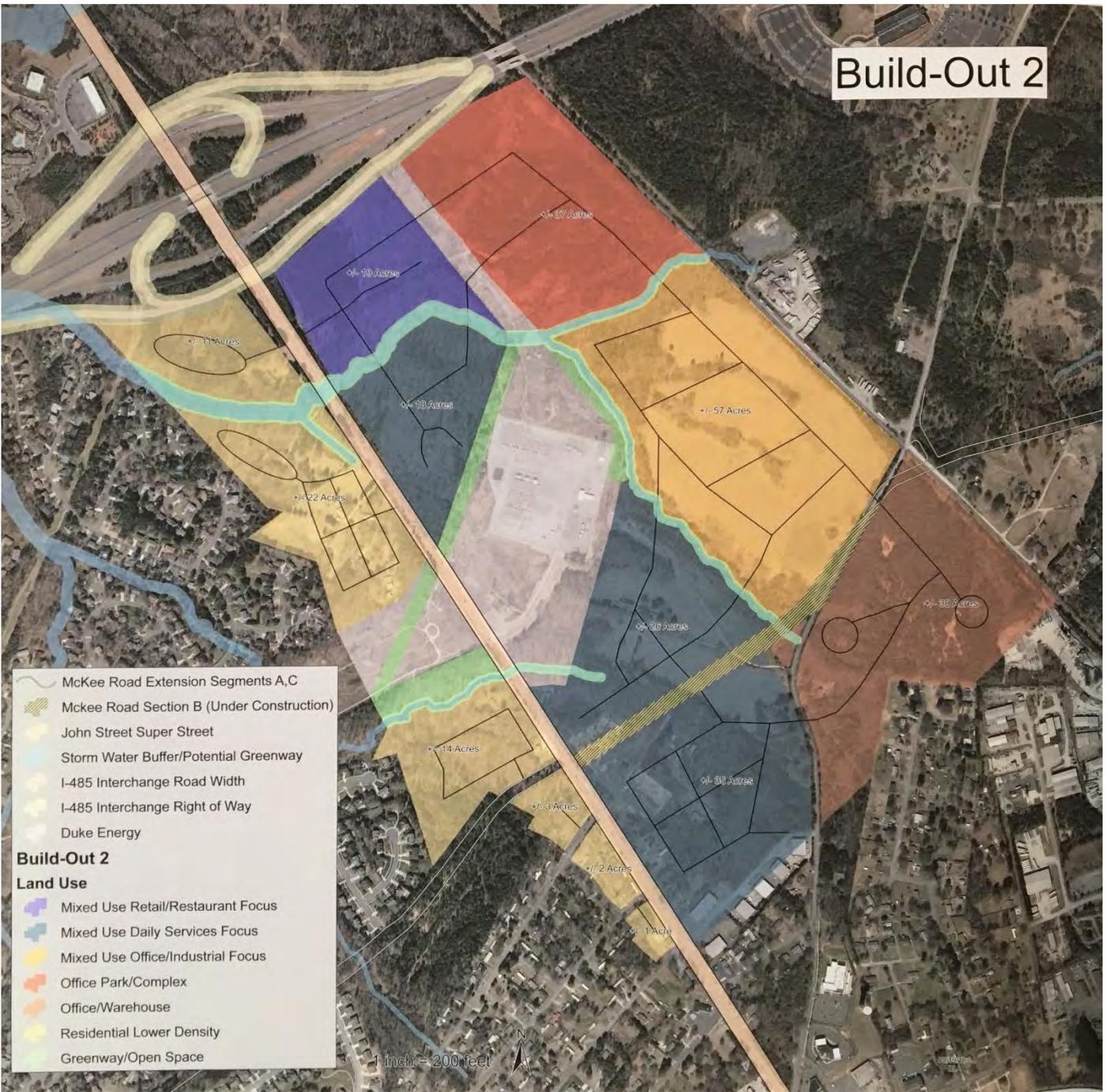


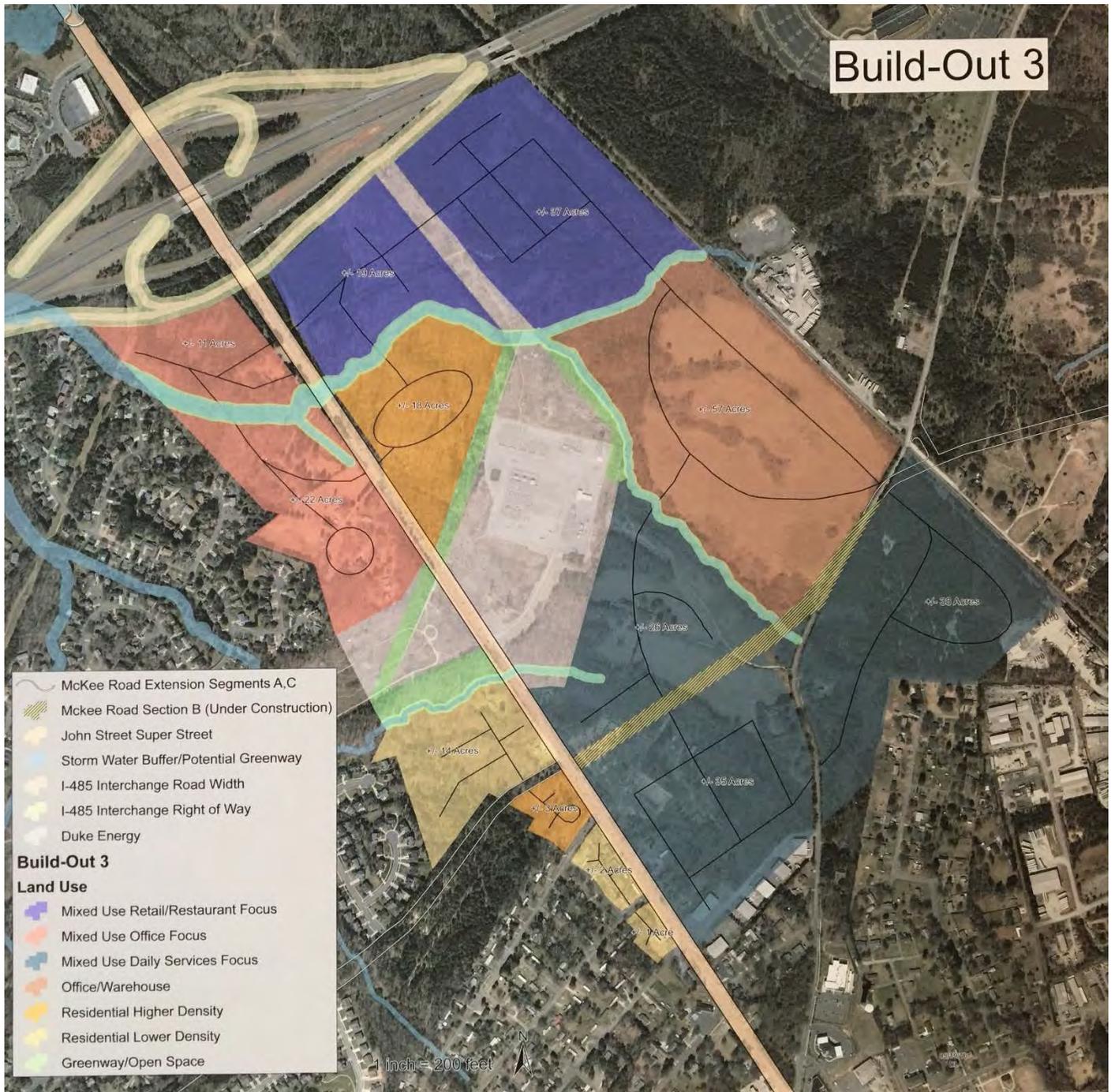
Following out of the December 1<sup>st</sup> session, a community stakeholders committee was formed. The stakeholders met on January 28, 2016 to review the comments and concerns expressed during the public input session and the survey, and discussed the styles of development different groups of people – millennials, baby boomers, families with children – may want here in the future. The stakeholders group met again on March 3 to create a list of guiding principles that set the

direction for the planning process and provided a framework for this plan preparation and recommendations. When the stakeholders met on May 5, they reviewed three “build-out scenarios”, each one showing how a different mix of uses could generally fill up the entire study area. The following maps are of the three proposed build-outs that were presented to the stakeholders group.



# Build-Out 2





A second public input session was held on May 19 to solicit comments from all interested participants about the three build-out scenarios. Each scenario was at a separate station, with statistics showing how the land values could rise as a result. Visitors were asked to answer specific questions at each station. This included giving opinions on how and where public open space should be provided, and who they would expect to live and work in the study area. The general

consensus was to build a robust greenway and walking pathway network throughout the entire study area, with small parks connected to this network. The citizens also supported finding ways to connect existing adjacent neighborhoods, including Brightmoor and Matthews Plantation, so those residents could also take advantage of the new development to work, shop, dine, exercise, and enjoy active or passive outdoor spaces. Below pictured is a community member placing a to-scale sample park on one of the proposed build-outs. The activity allowed staff to gain insight on where parks would best fit within the study area.



The stakeholders group met on September 22 to review the rough draft of the full study and to discuss the revised consensus build-out scenario, which used the input from the stakeholders and public.

The E John/Outer Loop Small Area Plan has taken the comments and concerns expressed by all participants over the past twelve months to define a long-range vision for how this study area should develop. It is expected that small sections or individual parcels will develop at various times, incrementally building out the overall boundaries. By providing this plan as a “road map”, all current and future property owners will see how their piece of the area fits within the larger design, and how each parcel will be dependent on other parcels around them to adhere to the general concept for build-out.

Below are the guiding principles, as defined by the stakeholders committee in May 2016, which describe the primary intentions of the E John Street/Outer Loop Small Area Plan.

### General Principles

- Create a cohesive vision for all land parcels throughout the study area boundaries.
- Recognize the properties adjacent to E John Street backing up to existing single family neighborhoods need to take extra care to adequately protect and buffer those existing developed sites.
- Involve affected stakeholders and citizens.
- Recognize new development within this study area will require significant expansion and improvement of public utilities and the public street network.
- Continue to build upon the recommendations of the Land Use Plan and other adopted plans and policies.
- Ensure any new development proposals are consistent with adopted policies and zoning actions.
- Incorporate walkability and transit-supportive design.

### Specific Principles

- Identify a mix of land uses within the study area that are consistent with the vision.
- Emphasize pedestrian-friendly design and urban scale form of development as the vision calls for them.
- Create land development strategies that promote the use of alternate travel modes including pedestrians, bicycles and public transportation via development design standards and public infrastructure.
- Recognize the impact new driveway access points may cause as new development occurs on a parcel-by-parcel basis, so that long-term viability of the street network remains safe and allows traffic to flow at an appropriate pace.
- Consider unique uses and development layouts to create desirable new destinations and points of interest within the study area.
- Provide strategies that will promote sustainable development and not reduce the integrity of existing surrounding development.
- Protect and preserve large, healthy tree specimen during the initial site design process, both individually located and groves of trees where they can serve as buffers and screens between uses or against vehicular use areas.

The E John Street Study area encompasses over 335 acres of underdeveloped land. It is bordered by Brightmoor and Matthews Plantation subdivisions to the southwest and the CSX railroad line to the northeast. This area is predominately zoned R-12 single-family residential. This low-density, limited-use zoning classification has remained here in large part because the lack of adequate transportation network and public utilities has made it difficult to develop this sector in more intense ways. Long-time residents in this area have been able to enjoy the rural character while still being in close proximity to shops, services, restaurants, and employment opportunities.

The average land value per acre of land in this area is approximately \$56,000 when factoring in building, land, and feature (other on-site improvements) value. The median home value in this area is \$59,000 and median value for land is \$251,800. There are four properties in this area whose value surpasses \$1,000,000: two properties owned by Duke Energy Company to transport and process electricity and zoned as R-12, one property owned by Lester and Mary Yandle LLC designated as a woodland area and zoned as R-12, and one property owned by Mulvaney Group Ltd and zoned as R-12 Single Family Residential.

In terms of zoning, most of the study area is zoned as R-12 with only a handful of properties being zoned as R-20 or I-1 (C-D). Total property value per acre varies significantly due to structures on the property and many other factors.

Below is a table evaluating properties within the study area and their real property assessed values for tax purposes. These properties are not uniform in size, shape, land use, or development. Based on the information in the table, there are many lower priced properties within the study area. However, there are several properties that are valued at \$500,000+. Many of the properties valued greater than \$500,000 are large tracts of land or are being used by Duke Energy and are unlikely to be altered with any development plan.

Land Value	Number of Properties
\$0-\$100,000	45
\$100,001-\$200,000	12
\$200,001-\$300,000	8
\$300,001-\$400,000	1
\$400,001-\$500,000	1
\$500,000+	8
Total	75

The table below summarizes the tax values of buildings on those properties within the study area that have some permanent structures on them. Less than half of the properties have structures on them. Buildings seem to be fairly uniform in value with only a handful being valued less than \$40,000 or more than \$120,000.

Building Value	Number of Properties
N/A-No Building	46
\$0-\$40,000	7
\$40,001-\$80,000	11
\$80,001-\$120,000	9
\$120,000+	2
Total	75

DRAFT

The Town of Matthews has seen a robust amount of development in recent years and has crossed the population threshold of 30,000 citizens. With growth on the rise, the Town has acted progressively in drafting plans to ensure that quality land uses are designated in areas that are soon to be ripe for development. The land area adjacent to E John Street is over 335 acres of largely undeveloped or underdeveloped property. Lack of utility connection in this area has hindered development. At the center of the study area is the Duke Energy substation, with its transmission lines extending in two directions. While these utility improvements guarantee easy access to electrical power source, they also tend to restrict the types of uses that desire to locate immediately adjacent to them. In a similar way, the CSX freight railroad may hinder certain types of land use from locating nearby.

Due to the amount of acreage covered in this small area plan, it is beneficial to consider a diverse mix of land uses here. The Town has now embraced the concept of a more urban character of mixed use development at a higher density than previous commercial development that occurred in the latter half of the 20<sup>th</sup> century, but only in select locations. This study area is an ideal opportunity to encourage newer arrangements and concentrations of nonresidential uses, along with residential styles other than traditional single-family detached subdivisions with cul-de-sac internal streets.

Since different portions of the study area may allow a good fit with certain nonresidential uses more than others, the study area has been broken into multiple geographic “blocks”, which will focus on certain types of uses. The consensus build-out scenario in this plan illustrates these “blocks” by anticipated land use categories. These “focus” mixed use categories do not automatically exclude other uses, but rather show the intent to have a significant portion of development in their respective blocks be that type of nonresidential use. The mix of uses by focus type, and examples of land uses that would reflect the focus intent, include:

### **Office focus**

Examples of uses that encourage an **Office** focus are: professional service offices and studios, such as for architects, accountants, engineers, real estate agents, doctors, dentists, investment agencies, lawyers, and similar, located within individual small office cottages, stand-alone office buildings, to office parks comprised of several large multi-tenant buildings (an office park or complex which may include supportive non-office uses for the employees there).

### **Retail/Restaurant focus**

Examples of uses that encourage a **Retail/Restaurant** focus are: grocery stores; clothing and shoe stores; department stores; similar places selling merchandise generally incorporating more than 12,000 sq ft of sale floor area; cafeterias; sit-down restaurants; lounges; sports bars; fine dining; all food establishments generally incorporating more than 5,000 sq ft of floor area.

### **Daily Services** focus

Examples of uses that encourage a **Daily Services** focus are: cafes; coffee shops; lunch counters/sandwich shops; fast food providers; ice cream shops; pizza carry-out storefronts; convenience stores; dry cleaners; child day care centers; pet boarding facilities; barber shops; hair or nail salons; spas; live-work units; and similar establishments providing daily or regularly-used items or services to those who live or work nearby; such daily service providers generally being smaller business establishments with between 1 and 5 employees on the largest shift, and often covering no more than 4,000 sq ft in floor area.

### **Production/Distribution** focus

Examples of uses that encourage a **Production/Distribution** focus are: assembly of finished products prior to sale; flex use spaces; equipment/home goods repair activities; light manufacturing that does not emit any unpleasant noise, fumes, or light; storage and distribution of manufactured products, supplies and equipment.

### **Residential** focus

Examples of uses that encourage a **Residential** focus are: cottage clusters of small houses; live-work units; townhomes or rowhouses; multi-family apartment buildings; residential uses on upper stories over nonresidential uses.

### **Greenway/Landscape buffer**

Types of open space styles within this category are: greenway trails alongside creeks; multi use paths for pedestrians and bicyclists located beside streets or between other properties; pocket parks or plazas that may have gardens, benches, public art, and other hardscaping features; and small parks with open lawns or playgrounds.

In addition to the above types of land uses, there are a number of other land use categories that would be appropriate to locate within the study area. Civic uses, such as libraries, community centers, assembly halls, and police or fire substations, and institutional uses such as churches and schools may fit within several of the proposed mixed use focus areas.

Where a “block” on the build-out scenario shows a certain focus, it means that those types of uses should comprise at least thirty percent of the total building floor area once the entire section is developed. That allows a significant amount of other uses to also fit within that block.

The designated focus land use should be the first type of new development to be built within that block. This is because the initial development that occurs within each block of the study area will likely define the development pattern and subsequent development around it, and will influence further development to have a similar or complementary flavor. Therefore, by designating specific focus land use categories, the build-out scenario clearly identifies the vision for the subareas. No specific zoning categories are designated to be established within each “block”. Instead, the land use focus identification assumes any appropriate zoning category may be applied within each subarea. For example, office

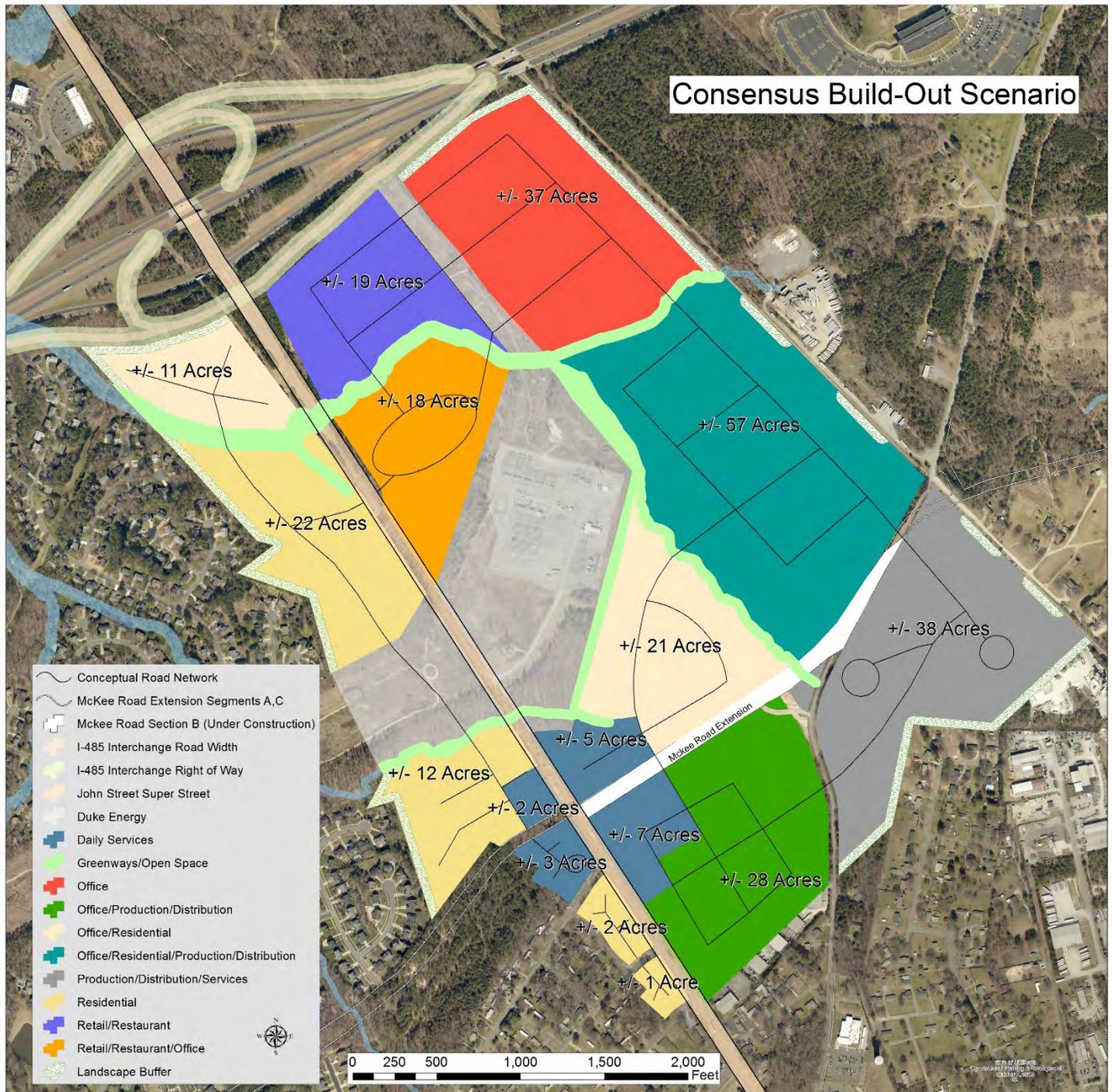
uses may be allowed in the O Office district, the B-1, B-3, and B-H Business categories, and the MUD Mixed Use District.

The land use designations shown in the consensus build-out scenario on page 184 encourages different types of land use intensities to transition smoothly over study area. Greenways can naturally divide separate focus use areas. Where primarily nonresidential focus area will be placed near established low density residential uses, a landscape buffer area is indicated. Less intensive focus uses such as residential and office are therefore placed along the south side of E John Street. Frontage along the north side of E John Street is to be reserved for more intensive restaurant, retail, and daily service usage.

The future four-legged intersection of McKee Road and E John Street will function as a central point of the newly-developing area, and will have the most access to residents within and adjacent to the study area, as well as being an easy access location for visitors to the area. The four quadrants immediately adjacent to this intersection of two major thoroughfares is shown to be a Daily Use focus area.

The land use areas bordering the CSX rail line are designated for the greatest variety of uses. Along I-485 and the railroad, land is designated as an office focus location. Office use is preferred here because this use is generally tolerant of the constant hum of highway traffic and passing trains. The largest tract of land located centrally along the railroad track was designated to allow the largest mix of focus types due to its location in the study area. It is sandwiched between office, residential, and production uses, so its designation is a hybrid of the three. Along the railroad at the Mecklenburg/Union County line production and distribution services are designated. This property borders industrial uses in Union county along with the CSX rail line which makes it optimal for production and warehouse facilities. This area also has potential to utilize the rail line to transport goods to and from the property.

Below is the preferred build-out for the study area



### **E JOHN STREET SMALL AREA PLAN LAND USE ACTION ITEMS:**

- 1. Proposed new development should correspond to the designated focus land use categories within the applicable block on the consensus build-out scenario.*
- 2. Initial development within each block of the conceptual build-out scenario shall conform to the assigned focus land use category(ies), since it will set the tone for further adjacent development.*
- 3. In each land use focus designation, the “focus” type of land use should comprise at least 30% of the overall build-out at each phase of completion.*
- 4. Residential units should be incorporated into buildings in upper floors, such as two stories of office use and one or two stories of residential, when the mix of uses are compatible.*
- 5. New internal street networks and pedestrian pathways should be designed for the larger segment of the study area as individual sites are proposed for development. This is necessary to assure that cross connectivity can be achieved, and is especially important given the limited new curb cut accesses from E John Street.*
- 6. Greenways and other open space locations should be established for the overall study area before any development begins, and any parcel considered for development should then include their segment of the greenway and open space network. This is critical to guarantee the connectivity of the open space system.*
- 7. Landscape buffers identified in the consensus build-out scenario that will be against established single-family neighborhoods, I-485, along the future right-of-way for E John Street, and the CSX rail line should be identified and protected from damage before any development begins. These locations should be protected during all development phases, and guarantees put into effect to preserve them perpetually.*
- 8. A variety of residential styles should be used throughout the study area, to provide good options for new households to find the style they desire.*

It was determined early on in the planning process that creating a unique destination in the study area was a priority. A destination can be defined as a place where people will make a special trip to visit, or a place that is known for a particular purpose. Due to the proximity to two major roadways, E John Street and I-485, with a third one anticipated to be built in the coming decade, Mc Kee Road, this study area is a prime location for unique development. Destinations are achieved by bringing in development that is one of a kind and registers as an asset and a defining place within the greater Matthews community.

### *Destinations:*

Multiple suggestions about potential unique destination uses were provided during stakeholder meetings and public input sessions. These destinations are highly encouraged if an opportunity arises for their development to take place within the study area. Desired destinations include but are not limited to: medical/scientific research park; business incubator or entrepreneur startup facility; arts village; vineyard and/or winery; mixed-use retail facility; botanical garden; or nature preserve. Raffaldini Winery, pictured below, is a destination located in the piedmont of North Carolina. A similar destination may be appropriate within the study area.



### *Placemaking:*

Place-making is an important part of the urban environment as well and is a priority for development that occurs in the study area. The importance of placemaking is fundamental because it creates a memorable identity and atmosphere in the community that people value. Placemaking must include a number of critical elements to be successful, such as public art, quality architectural building design, public open space, and landscaping.

## Public Art

Public art should be considered in the early stages of planning any development. Not every site may be appropriate to showcase a piece of art, but it certainly needs to be integrated into the overall design of a development. Art should be comprised of durable materials that can withstand extreme weather conditions. People especially like public art pieces they can touch or interact with. Children (and many adults too) like to climb, and art pieces can provide that outlet. Public art may be a low wall with places for people to sit between flower boxes, pavement that incorporates designs and colors, wind-blown structures, or common items recreated in oversized ways. This photo shows an example of a prominent piece of public art located in Uptown Charlotte known as the Firebird.



## Architectural Building Design

The Town of Matthews has often stressed the community's desire for new buildings to emphasize a consistent look and feel, and have quality design elements. This traditionally has been accomplished by incorporating brick or stone into building facades, and emulating architectural styles commonly found in the region and in historic small farming communities. Creating new buildings that are in harmony with the character of Matthews does not have to limit architectural design to older or traditional building styles. Materials and architectural elements similar to those found throughout Matthews may be organized in contemporary ways. Inviting doors and windows along building facades where people will walk or drive by enhance passers-by perceptions of their quality. Buildings should not have blank walls in excess of 10 feet wide facing any public access or public view location. Below pictured are examples of craftsman style homes that give character to the community they are in.



### Public Open Space

Land that is not built upon is equally as important in placemaking as the developed portions. Open space should be scattered throughout development and well integrated into the design. Open spaces should be utilized between buildings for parklets, interesting gathering spaces, or otherwise be preserved for natural habitat. Below is an example of a cottage cluster development which includes common open space in the design along with craftsman style architected homes.



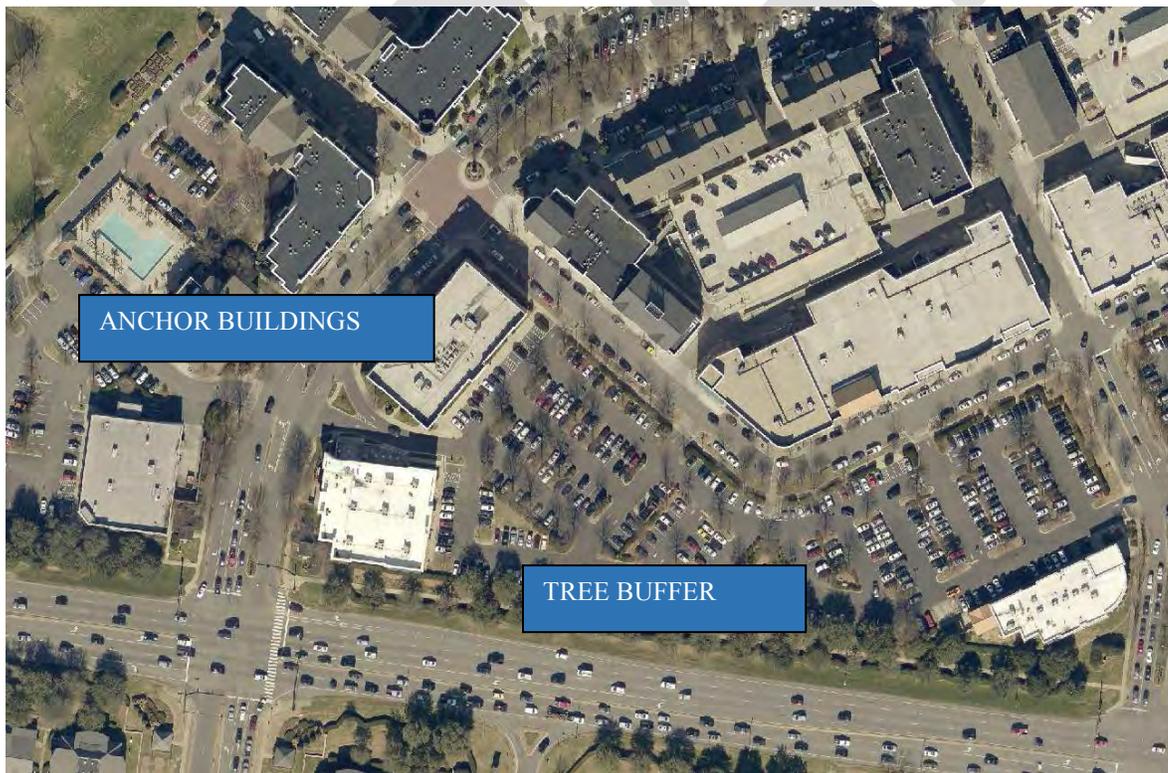
**E JOHN STREET SMALL AREA PLAN DESTINATIONS AND PLACEMAKING ACTION ITEMS:**

- 1) *As development begins throughout the study area, continue to pursue opportunities to incorporate uses that will create unique destinations here. Desired destinations include but are not limited to: medical/scientific research park; business incubator or entrepreneur startup facility; arts village; vineyard and/or winery; mixed-use retail facility; botanical garden; or nature preserve.*
- 2) *Multiple and coordinated elements within the study area should be used to develop and enhance a sense of “place”, including public art, quality architectural building design, public open space, and landscaping.*
- 3) *The architectural elements of each building should incorporate qualities typically found within Matthews for consistency, but can also combine elements in a fresh new way to give individual buildings a contemporary twist.*
- 4) *Buildings should not have blank walls in excess of 10 feet wide facing any public access or public view location.*

The East John Street/Outer Loop area serves as one of the key gateway corridors into the Town and should be developed in a pattern that creates a quality first impression. The future design character of the built environment along both existing thoroughfares and proposed new streets is critical as most of the area is undeveloped today, creating a blank slate for much of the area. While a complementary overall architectural character is desired for the area, individual buildings, especially at intersections, should be multi-story to create a strong presence.

### East John Street Design Concept

East John Street should be developed in a pattern similar to Matthews Township Parkway with an emphasis on tree preservation and enhancement along the road frontage. On mid-block parcels and those without a shared drive or side street immediately adjacent, buildings should generally be located behind the tree save area with parking to the side and rear. Deviation from this layout may be appropriate at intersections or driveways into developments, instead placing buildings close to their direct vehicular and pedestrian travelways. This will allow development along these internal routes to create a “main street” style corridor into the interior of the study area, utilizing anchor buildings up against the internal streets. Parking can then be allowed on E John Street corner lots adjacent to the tree buffer.



### **Focus Use Areas Away from E John Street**

The mixed use focus areas adjacent to I-485 and the CSX railroad may not desire to incorporate as much architectural detail on buildings which are not easily seen by passers-by. These buildings should still exhibit good quality design elements and should still incorporate exterior materials that are consistent with the Matthews community character.

Loading and service areas, warehouse docks, service bays, and similar activity areas necessary for certain uses should be located so as not to be visible from any public street or internal drive used as vehicular or pedestrian access to and between properties. A tree buffer should be created along the edge of I-485 right-of-way where it can, over time, create a visual and noise buffer. Landscaping should also be included in the site plan layout for properties adjacent to the CSX railroad where possible, recognizing the railroad exerts right-of-way control some distance from the tracks. In such cases, large maturing trees may be particularly important within parking lots to create visual relief for workers within the nearby buildings.

### **Architecture and Design**

Image preference surveys were conducted to assess community interest in differing styles and forms of both residential and nonresidential building types. For nonresidential development, mixed use styles of development that incorporated sidewalk dining and quality public spaces rated very highly. Standard suburban style development with parking in the front setback did not score very well. Building heights of no more than three to four stories are preferred. Brick or masonry buildings were preferred to other building materials in many cases.

Residential development characteristics that fared best in the survey were those without street side facing garages and those of more traditional development style. No preference was clear in terms of what housing type was most preferred but images with the appearance of higher quality design scored very well.

## McKee Road Focal Point

The intersection of East John Street and McKee Road presents an opportunity to create a central design theme for the four corners. The goal of this approach is to create a cohesive, master planned intersection that is both attractive and inviting. Design elements at the intersection may include a central architectural theme, enhanced sidewalks with brick inlay, sculptures, public art, monumentation and landscaping that defines the area.



### **E JOHN STREET SMALL AREA PLAN URBAN DESIGN ACTION ITEMS**

- 1) *Properties along E John Street should maintain or create a tree buffer along the road frontage, and parking or vehicular use areas should not be located between new buildings and the tree buffer here. Exceptions may be made for corner lots.*
- 2) *New buildings on parcels not fronting on E John Street should be brought close to the interior public or private streets, with parking to the side or rear.*
- 3) *Buildings at focal points such as intersections and driveway entrances should be multi-story.*
- 4) *Parking should be located to the side and rear of buildings to the greatest extent possible.*
- 5) *Sculpture, public art or other monumentation should be developed at the E John Street/McKee Road intersection on all four corners.*
- 6) *All buildings should have an operable front door with connection to a public street*
- 7) *Utilities should be moved underground as development occurs*
- 8) *Drive thru canopies and gas station canopies should be located behind the principal structure*
- 9) *Mechanical equipment either at ground level or on building rooftops should be screened from view*

There are a relatively small number of public streets within the study area, and they are maintained by the state rather than by the Town of Matthews. They include:

- E John Street – bisects the area from I-485 to the Mecklenburg/Union County line
- McKee Road – a new segment, referred to as McKee Rd Segment B, was built and opened during the time this study was being conducted
- Campus Ridge Road – this roadway angles through the study area, coming from Stallings at the Mecklenburg-Union County line and exiting at the CSX railroad headed toward CPCC Levine campus
- Morningwood Drive – within Eastwood Forest, a small residential neighborhood straddling the County line, now being used as a primary cut-through street from Pleasant Plains Road to E John Street
- Forestmont Drive – within Eastwood Forest, intersecting E John Street
- Friendship Drive – within Eastwood Forest, intersecting E John St at the County line

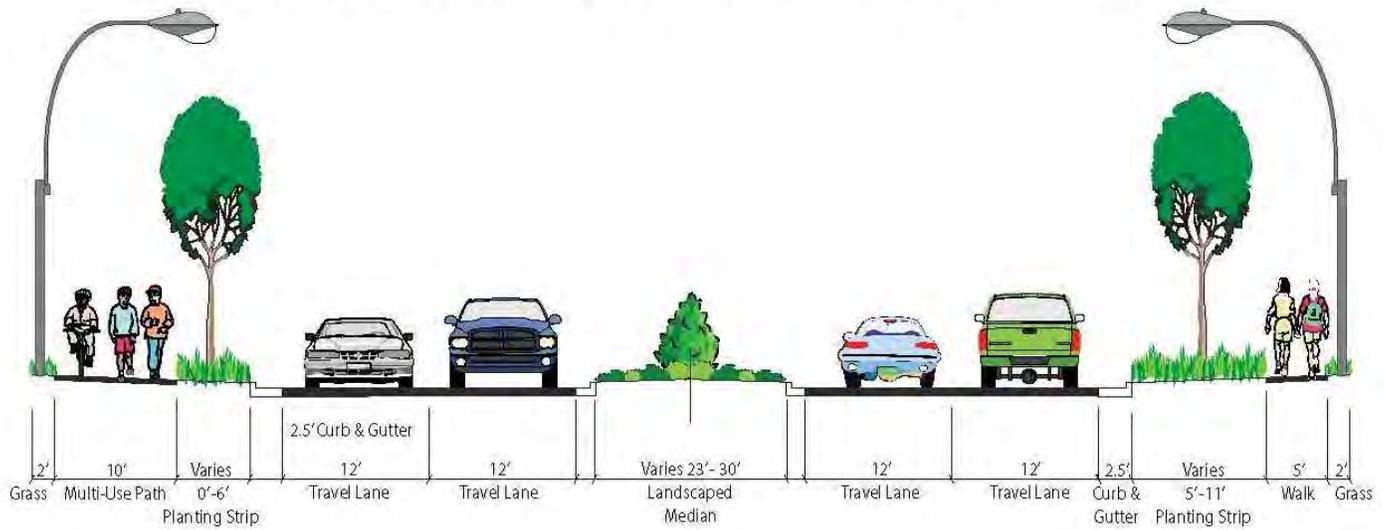
Although I-485 is not included in the study area, planned reconstruction of the interchange at E John Street will intrude into the study area limits on both sides of E John Street. The ramp locations will be spread further from the freeway in order to create new partial loop ramps so all traffic turning from E John onto I-485 will be able to turn right only, and no left turning traffic will back up on E John while waiting for sufficient space to turn across oncoming traffic to enter the ramps.

One property has a private driveway that connects between E John Street and Campus Ridge Road, which customers may use. It is not a public access road, and should not be used as such by the general public.

At this time, there is a short piece of no-longer-needed right-of-way that was part of the former curve in Campus Ridge Road before the new segment of McKee Rd was built. NCDOT may in the future decide to abandon this portion, and turn it over to adjacent property owners. This is not an automatic action, and no timing has been announced for this.

East John Street is the dominant thoroughfare within the study area. Average daily traffic on East John Street within the study area was 27,000 in 2013. It is part of U-4714, an NCDOT road widening project scheduled for additional right-of-way acquisition in 2020 and start of construction in 2022. The expected design is two through lanes in both directions separated by a center planted median. A 5' sidewalk will be located for the full length on the northeast side, while a 10' multi use path will be constructed on the southwest.

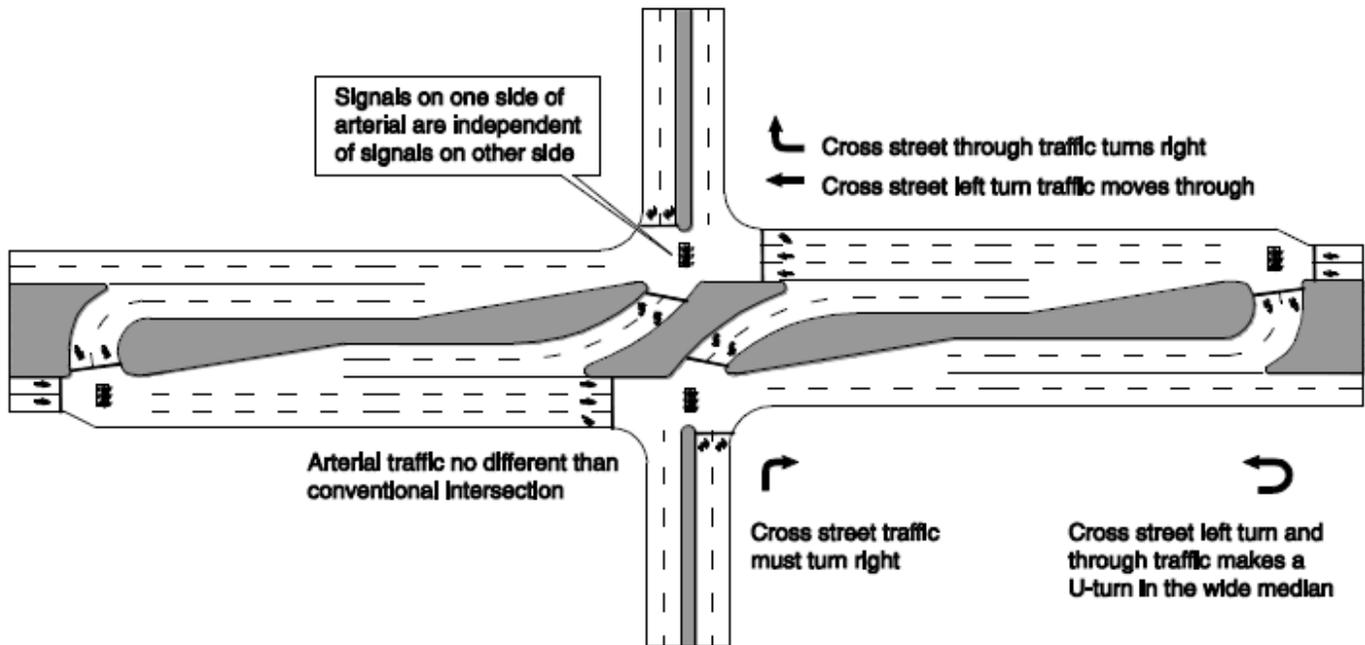
## Preliminary Alternative 1: Four-Lane Median Divided



Source: Atkins Global, NCDOT

This is being designed as a “superstreet”, which precludes most left-turning movements at intersections, and replaces them with U-turn pavements across the grass median beyond the cross streets to reduce the number of vehicle stopping points for through traffic. This means that any new streets or driveways created to connect to E John St will primarily have only right-in/right-out traffic movements. Some locations may become eligible, on a case-by-case basis, to have a left-turn lane created across the center median into the new side street or driveway, and these U-turn movements may become signalized if there is sufficient turning traffic activity.

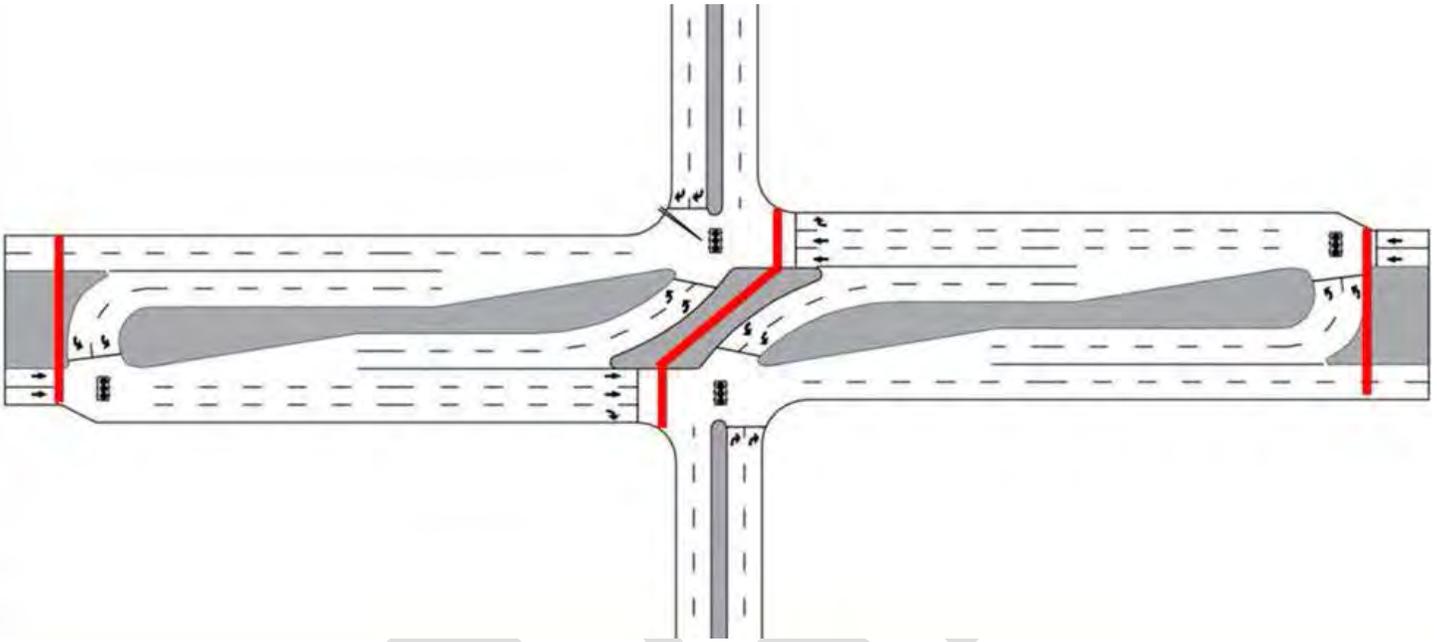
This illustration shows the typical traffic flow on a superstreet.



Source: Atkins Global, NCDOT

The superstreet concept reduces or eliminates most traffic signals, and therefore this street widening project will allow motorized traffic on E John Street to flow without expecting to stop. Pedestrians and bicyclists will therefore need safe opportunities to cross E John Street. Designated crossing locations have not at this time been determined, since there is little development in place today on either side. Pedestrian cross walks may be located near vehicular left-turn/U-turn breaks in the center median, which would allow those not in a motorized vehicle to only cross traffic coming from one direction at a time. Pedestrians and bicyclists would have a center median protected refuge area where they can wait for traffic to clear before continuing on the second half of their street crossing travel pathway. Pedestrian signals may also be added at one or more crossing location.

This illustration shows how a pedestrian/bicycle crossing location can be incorporated into a super street design.



Source: Atkins Global, NCDOT

It is anticipated that McKee Rd Segment A may be built within the next decade, if it receives sufficient points from local and state transportation sectors. Like Segment B just completed, it will initially be constructed with a single through travel lane in each direction, although it can be expanded to multiple lanes in future years. Once built, it will create a four-legged intersection of two major thoroughfares. The superstreet design for E John St does not include improvements for straight-through and left-turning movements for this fourth leg at this time, since funding has not yet been secured. Preliminary design work has been done to assure future revisions at this new traffic generation point, but it is not known at this time exactly how or where further right-of-way or pavement will be needed to accommodate full directional movement for the new intersection.

Longer-term future planning indicates McKee Road Segment C will deviate from the existing Campus Ridge Road pavement to cross over the CSX railroad slightly to the southeast, and then continue beyond the study area as it heads toward US74 and into Union County. It is anticipated but not confirmed at this time that the new crossing will be required to be raised to separate car, bus, and truck traffic from trains.

This illustration shows Segments A, B, and C for McKee Road.



If East John Street is widened into a superstreet before McKee Road Segment A is built, it will disrupt existing travel patterns for many drivers in the area that now use Morningwood Drive between Pleasant Plains Road and E John Street. Since most vehicles use this as a cut-through to I-485 or toward Charlotte, they must attempt to find a slot where they can turn left onto E John Street today. When the superstreet design is built, there will no longer be the opportunity for left turns here. Traffic continuing to use this through street would turn right to travel toward Union County to make a U-turn near Forestmont Drive. Alternatively, those vehicles could utilize Potter Road to the southeast, or they could stay on Pleasant Plains Road toward downtown Matthews. Once McKee Road Segment A is built and open for use, it should take the bulk of current cut-through traffic off of Morningwood Drive.

As new development takes place on both sides of E John Street, there will be increased demand to provide safe pedestrian and bicycle access along this spine roadway. In addition to the sidewalk and multi use path that will parallel

and run beside traffic on E John St, there is a need and expectation that internal multi use paths should be constructed to allow easy non-vehicular movement through all new development sites. Ideally, new individual buildings will be constructed within overall “mini-master” concepts of build-out such that sidewalk and multi use path connections will be well-coordinated.

Vehicles will also need new travel lanes to access new development sites. When three build out scenarios were shown to stakeholders and the public during this study process (see pages 174-176), each one showed a somewhat different general street network layout. The intent was to illustrate there are many possibilities in designing internal street access. New street connections or driveways to E John Street should be limited since only right-in/right-out movements will be possible.

Driveway and street connections to E John Street therefore should be carefully planned to best coordinate their locations for new development sites that will make use of them. For those development sites closest to the future McKee Road/E John Street intersection, primary street connections should be directed to McKee Road, as it will not be as restrictive on turning movements. For the portion of E John Street closest to I-485, NCDOT will maintain a certain distance where new connections are prohibited. This is necessary because there will be traffic signals at the ramps on and off I-485, which may result in some stacking of traffic when the signal is red, and will create more weaving movements on E John Street for traffic entering or exiting the ramps. NCDOT does not allow extra turning, slowing, or accelerating traffic at such points for safety purposes.

Discussions should begin with Duke Energy to determine that company’s preferences on any vehicular and nonvehicular connections across their property edges at the substation, and across their easements for transmission towers on the southwest side of E John Street. Creating these internal pathways will reduce the need for street connections out to E John between the clusters of new development on each side of the spine road. The initial build-out scenarios showed examples of how and where new green spaces and trails could be accommodated to allow good connectivity within and adjacent to Duke Energy parcels, and within the overall study area.

## E JOHN STREET SMALL AREA PLAN TRANSPORTATION ACTION ITEMS

- 1) *Any development proposed within the study should determine where vehicular access points can appropriately be created that can be shared with surrounding further development.*
- 2) *Because driveways and new street intersections into E John Street will be constrained by the E John Street/Old Monroe Road widening project to be constructed in a few years, any desired connections to E John Street must be reviewed by NCDOT and the Town of Matthews to verify proper placement for area development as a whole.*
- 3) *New internal street networks will be necessary to open up interior tracts to development. A skeleton street network shall be designed and must be followed as individual parcels are ready for development. This skeleton street network includes:*
  - a. *new streets parallel to E John Street on both sides;*
  - b. *a new street parallel to the CSX railroad tracks, from I-485 to McKee Rd;*
  - c. *a new street parallel to I-485 connecting the interior blocks along the CSX rail line to E John St between I-485 and the Duke Energy substation; and*
  - d. *new street connections parallel to McKee Rd between McKee and the County line to provide internal connectivity between parcels against the rail line and E John St.*
- 4) *Development at the future four-approach intersection of McKee Road and E John Street should not occur until McKee Road Segment A is under construction, so that new ingress and egress points onto McKee will be operable when new development (businesses and/or residential) is open..*
- 5) *Locations for safe and direct pedestrian and bicycle crossing of E John Street should be identified as early as possible, once new construction along the road is underway. Pedestrian signals should be considered at each marked crosswalk area.*
- 6) *A skeleton greenway and multi use path network for the full study area should be determined prior to individual property development. This network should include: minimum 5' sidewalk on one side and a 10' multi use path on the other side of E John Street, as intended to be constructed at the time of the widening project;*
  - a. *A greenway along the creeks in the study area as illustrated in the build-out scenario;*
  - b. *Connecting trails along edges of the Duke Energy properties to complete connections within the network, as illustrated in the build-out scenario;*
  - c. *Multi use pathways or similar paved trails generally corresponding with the new internal street skeleton network.*

Charlotte Water (formerly Charlotte-Mecklenburg Utility Department) is the primary provider of public potable water and sanitary sewer. The larger residential lots currently have private well and septic systems. The smaller properties are serviced by public sewer and either private wells or Union County Public Water. A large portion of the northeast side of E John Street is not yet developed and therefore there is no public water or sewer system in place.

Charlotte Water provides sewer to the Eastwood Forest Subdivision via an 8" main. The sewer line increases in size to 12" as it moves north (downstream in Brightmoor subdivision) towards I-485 where it discharges into a 16" main that crosses under the interstate.

Charlotte Water has a program for the extension of both water and sewer mains, which are available to new developments. There is a sewer main servicing Central Piedmont Community College (CPCC) Levine Campus outside the study area. It was not designed to accommodate significant additional development, and it likely cannot cross under the CSX railroad rail line at the northeast border of the study area.

Duke Energy has a substation in the center of the study area, and large transmission towers that move power out into the surrounding community. The study area is served by overhead lines consisting of electric, cable and phone. Above ground poles run along both sides of E John Street. Any new development and redevelopment should bury these overhead wires in order to allow for street trees and a more scenic view.

Any new development within the area would be required to meet storm water detention regulations. There are many options available to developers to incorporate the storm water features as an amenity within their overall development sites.

### **E JOHN STREET SMALL AREA PLAN UTILITIES ACTION ITEMS:**

- 1) *Utilities should be buried for all new development and redevelopment.*
- 2) *Any sidewalk or street construction activity should be reviewed to include taking existing overhead lines underground.*
- 3) *Developers need to coordinate their site plan layouts to install sufficient infrastructure in order to service potential growth for their facility as well as future developments.*

The study area includes large tracts of land that are in their natural undisturbed state. This creates opportunities for coordinated placement of open space. The open space could be small spaces suitable for neighborhood flower or vegetable gardens, or large enough to include picnic groves. The consensus build-out scenario illustrates where green corridors should be placed, and park amenities should be stitched to these pedestrian travel corridors.

New development is encouraged to incorporate pocket parks within their plans or to dedicate land to public use. Pocket parks can be used as community gathering spaces to hold pop-up markets, outdoor movies and other passive activities.

The study area is part of the Four Mile Creek Watershed. Tributaries of the creek extend under I-485 along the southwest side of the area and traversing E John Street. The area along the streams are indicated in the build-out scenario as

suitable for greenway trails throughout the study area. The map below shows the Surface Water Improvement and Management (S.W.I.M) buffers, which is protected land for creeks, watersheds, and storm water runoff that potential greenways could follow. One particular tributary flows into a pond on a parcel of land that fronts along E John Street. This could serve as a community park and/or entrance to the greenway system. A pedestrian bridge along this tributary (on the southeast side of E John St) should be installed allowing residents in the neighboring subdivisions walkable access to daily services.



Any new development and redevelopment along the southwest side of E John Street should include a natural buffer adjacent to the Brightmoor subdivision. Additionally, a buffer along I-485 should be left intact for any residential development that will be contiguous to the interstate in order to reduce noise impact to the residents. These buffers will provide additional opportunities to extend greenways and access from residential neighborhoods. Greenways help protect environmentally sensitive areas such as stream buffers, trees and wetlands.

The street network in the study area should incorporate sidewalks and/or multi-use paths on both sides of the streets whenever possible. Providing pedestrian connectivity to neighborhood amenities and daily services will allow residents to be less dependent on vehicular use.

Connecting greenway paths to sidewalk or multi-use path along McKee Road will permit students a safe route to CPMC campus in the future.

NCDOT will be widening E John Street through the study area in several years. The proposed widening plan includes a sidewalk on one side and multi-use path on the other side of the street. These sidewalks and multi-use paths should be connected to other greenways and open spaces within the study area.

**E JOHN STREET SMALL AREA PLAN NATURAL RESOURCES AND OPEN SPACE ACTION ITEMS:**

- 1) *Establish natural buffers along Brightmoor subdivision.*
- 2) *Maintain natural buffer adjacent to Hwy I-485 and residential neighbor in study area.*
- 3) *Create greenways along existing stream buffers.*
- 4) *Provide a pedestrian bridge over stream tributaries to connect neighborhoods to daily services and other amenities.*
- 5) *Developers need install pocket parks and natural areas within their developments.*
- 6) *Explore private – public partnerships to ensure natural resources in the area are used to enhance new development.*

DRAFT

## Build-out 1

Who would live here and work here?

- Work force housing
- Young Families
- Families and Young professionals
- Students and young professionals.
- Family
- A wide variety of people could live here. Work would depend on how land is developed.
- Young Professionals as long as they have access to restaurants, shops, entertainment.
- Young Professionals and retirees looking for a great mixed use opportunity. Density will be key along with great retail, restaurants, and businesses. What a great location to do something special.
- Could be better than Ballantyne.

How would adding some civic uses- school, church, nonprofit organizations, ect.- somewhere within the study area change the use and livability potential of the area as a whole?

- Traffic? Choke from Independence.
- Traffic and schools if Matthews leaves CMS.
- Would affect Traffic.
- Dense Residence with great retail/business use would benefit Matthews- some Civic OK.
- Schools would increase too much traffic. Churches are becoming too large (Elevations).
- Civic uses would be a help. Needed for not just this area but nearby ones as well.

Do these land use designations promote development that will be long lasting and sustainable? Why or why not?

- Could be sustainable if correct businesses are put in.
- No- Need better plan. Residential not good use.
- No, Uses in rear need more exposure on John Street.
- Need Retail/Restaurant as close to CPCC as Possible.
- Yes, if greenway connected housing to services.
- Only if connected to current greenway via tunnel or overpass walkway to connect area to four mile creek.
- Super Street will make need for some small neighborhood services on west side of John St for easy access.
- GREAT opportunity to really create something special and benefit Matthews.
- Need more residential and less office/warehouse.
- Need less residential. More commercial and destinations.
- Yes, diverse use is outstanding.

## Build-out 2

Who would live and work here?

- Same as #1- Work force housing
- Greenway would attract all ages
- Young families
- If done right with attractive amenities, a good mix.
- High income folks only able to purchase homes.
- Single Family's, early adults (20-30 age range)
- Greenway trail connecting to 4 mile creek. Brightmoor needs to be able to access greenway to cut down on traffic.

Is it realistic to assume this build-out can occur over time?

- No. Access issues
- No. access challenges and too much office
- Yes
- Yes
- Depends on accessibility
- Lack of utilities may delay any developers wanting to produce a build-out and possible tenants.
- Lack of utilities and widening of John Street will delay development.
- Park area under power lines would be a nice upgrade over 4 wheelers.
- Yes but depends on Town flexibility to consider tweaking/changing plan to accommodate all developers.

How and where can parks be incorporated into the study area in any build-out scenario?

- Utilize Duke Power easement under and along powerlines. Free land to preserve, connect four mile path to new area via tunnel under 485 and tunnel under easement.
- Closer to density and greenway.
- Parks, greenways should be placed along waterways. Especially if connecting housing to daily use businesses.
- Parks- One acre or less on residential. Large parks to buffer highway and near the streams for natural beauty.
- Small parks along greenway.
- Small parks near greenway and restaurants.
- Parks good for any land use (small).
- There is a park nearby in Stallings.

### Build-out 3

Who would live and work here?

- Work force housing and students from CPCC
- People needing 485 that want walkable local services.
- Maybe!
- Millennials
- Students, Young professionals
- Millennials but could have senior housing.
- Young Professionals and millennials would prefer build-out 3 as long as there was some element of retail.

Does Build-out complement existing surrounding development? Why or why not?

- No, too much office and too much retail in back section
- Yes, Best so far. Greenway connect?
- Yes, best of the three. Need to overlay the CATS plan.
- Lots of opportunity to make it great.
- Need to connect the retail/restaurants to CPCC.
- Best of three.
- Could if done right.
- Yes because Brightmoor needs to be able to access retail and walk and not get in their car. A greenway path would be ideal.

Regardless if the final build-out design, Should there be some landscape (tree) buffers against – Single family residential neighborhoods, I-485, CSX railroad tracks, E John and McKee Rd- As each is Built or widened?

- Yes
- YES YES
- Yes- Heavy landscaping to beautify and buffer noise.
- Yes trees, Visibility question.
- To screen but not to totally hide.
- Yes especially McKee. McKee needs sidewalks.
- Single Family yes. John Street No. John needs to be more like Downtown “old” Matthews.
- E John Beautification.
- Yes, on residential and railroad. Parks could be used to create buffer. Nature, Green space, bike trails, ect. could work.
- Yes there should always be a buffer similar to buffer between neighborhoods that back up to four mile creek pathway.

## Other

What land uses do you think should be included in the study area that are not included in any of the scenarios shown tonight, and why?

- Hotel/meeting to compliment Sportsplex development. How do they work together?
- Are we bike friendly?
- What about a service station for convenience items? Gas?
- Service Station
- Mass transit integration (light rail/buses) needs to be part of the plan.
- Continue four mile creek greenway path into new development area via tunnel under 485.
- Hotel, apartments, retail, dining, daily needs.

Any other comments?

- Low density single family is not functional for growth.
- Build-out #3 is best scenario provided some elements of retail, restaurants, and shopping is accessible by walking trail from Brightmoor.
- Add destinations (this one written twice).
- A great growth of great area.
- Reduce residential development.
- Avoid anything that looks/feels like Independence. It's a corpse
- How do we get people to Downtown Matthews?
- Do not copy Providence Rd at 485! Maybe not any beltway exit. All are too dense and low quality
- Make small, walkable live/work/play neighbors. Heavy on mixed use.



Shana Robertson <sr Robertson@matthewsnc.gov>

Fwd: Comments: McKee Rd.-E. John St. Development

1 message

Dillon Lackey <dlackey@matthewsnc.gov>  
To: Shana Robertson <Srobertson@matthewsnc.gov>

Fri, Jun 3, 2016 at 11:41 AM

Hey Shana,

Can you make sure the comments in this email are added to the compilation that you made from the E John public input session?

Thanks,

Dillon

----- Forwarded message -----

From: Kathi Ingrish <kingrish@matthewsnc.gov>  
Date: Thu, May 26, 2016 at 5:26 PM  
Subject: Fwd: Comments: McKee Rd.-E. John St. Development  
To: Dillon Lackey <dlackey@matthewsnc.gov>

Dillon,

I have looked through his comments and only briefly reviewed the proposed site plan layout. If you haven't already done so, would you please email Mr Withrow and thank him for his comments and let him know they can be further reviewed and considered as the report on this study area is generated over the next few months. You can also let him know we will be putting the scenarios and comments from last Thursday's public input session on our webpage in the next couple of weeks.

Thanks.

Kathi

----- Forwarded message -----

From: Jerry Withrow <jwwithrow1948@gmail.com>  
Date: Wed, May 25, 2016 at 3:34 PM  
Subject: Comments: McKee Rd.-E. John St. Development  
To: DLackey@matthewsnc.gov, Kingrish@matthewsnc.gov, Jerry Withrow <jwwithrow1948@gmail.com>

To: Dillon Lackey  
Cc: Kathy Ingrish

I am Jerry Withrow. I own the following properties in or around Section B of the area of development on East John Street in Matthews.

Monroe Rd.(E.JohnSt.),Meck.Co., NC	227-221-39	20.42 ac.vacant land
2234 E.JohnSt, Ma hews, NC	227-221-38	1.27 ac.vacant land 1/29/2002
Monroe Rd.(E.JohnSt.),Meck.Co., NC	227-221-56	
4500 Morningwood Dr.,Ma hews,		

NC	227-221-33	0.22 ac.vacant land
4506 Morningwood Dr.,Matthews, NC		0.22 ac. Land / mobile home
4512 Morningwood Dr.,Matthews, NC		0.22 ac. Land / mobile home
4916 Morningwood Dr.,Matthews, NC	227-221-15	0.22 ac. Land / mobile home
4922 Morningwood Dr.,Matthews, NC	227-221-14	0.22 ac. Land / mobile home
4928 Morningwood Dr.,Matthews, NC	227-221-13	?? ac. Land- sewer right-of-way

I was not able to come to the community meeting on May 19, 2016 regarding the development of this area. However, I would like to submit my comments on the development plans.

As noted above, I own a 20 acre parcel (227-221-39) and other smaller parcels which lie in the site of the proposed extension of McKee Rd. from Pleasant Plains Road to East John Street. I also own 6 parcels along Morningwood Dr., all of which abut this 20 acre tract.

I am strongly in favor of Option #3- Intensive development on the south side of East John Street at the intersection of East John Street and (future) McKee Road extension.

I have worked with Lat Purser & Associates and Trotter Builders of Charlotte to develop a site plan for my property at that intersection. (See Attached.) This plan would include some components of Option #1- Daily Services such as a bank or pharmacy. Our plan would also include office buildings near the intersection and multifamily residential use further to the western part of the parcel. This type of upscale development would dramatically increase the tax basis for the Town of Matthews.

Thank you for your consideration of my comments.

Jerry Withrow

—

Please note new phone number and new e-mail address

Kathi Ingrish AICP  
 Planning Director  
 Town of Matthews  
 704-847-4411  
 704-708-1234 direct  
[kingrish@matthewsnc.gov](mailto:kingrish@matthewsnc.gov)  
[www.matthewsnc.gov](http://www.matthewsnc.gov)



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Dillon Lackey  
GIS Planner II  
Planning & Development  
Town of Matthews  
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Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review.



McKee-E. John Development.jpg  
1780K

Proposed Zoning: O-9  
 Acres: 3.11  
 Proposed Retail: 15,000 sq ft  
 Parking: 112 Spaces

Total Area in Commercial Development (A-1 & A-4)  
 81,000 sq ft  
 Total Parking in Commercial Development (A-1 & A-4)  
 163 Spaces - 4.56/1000 Parking Ratio



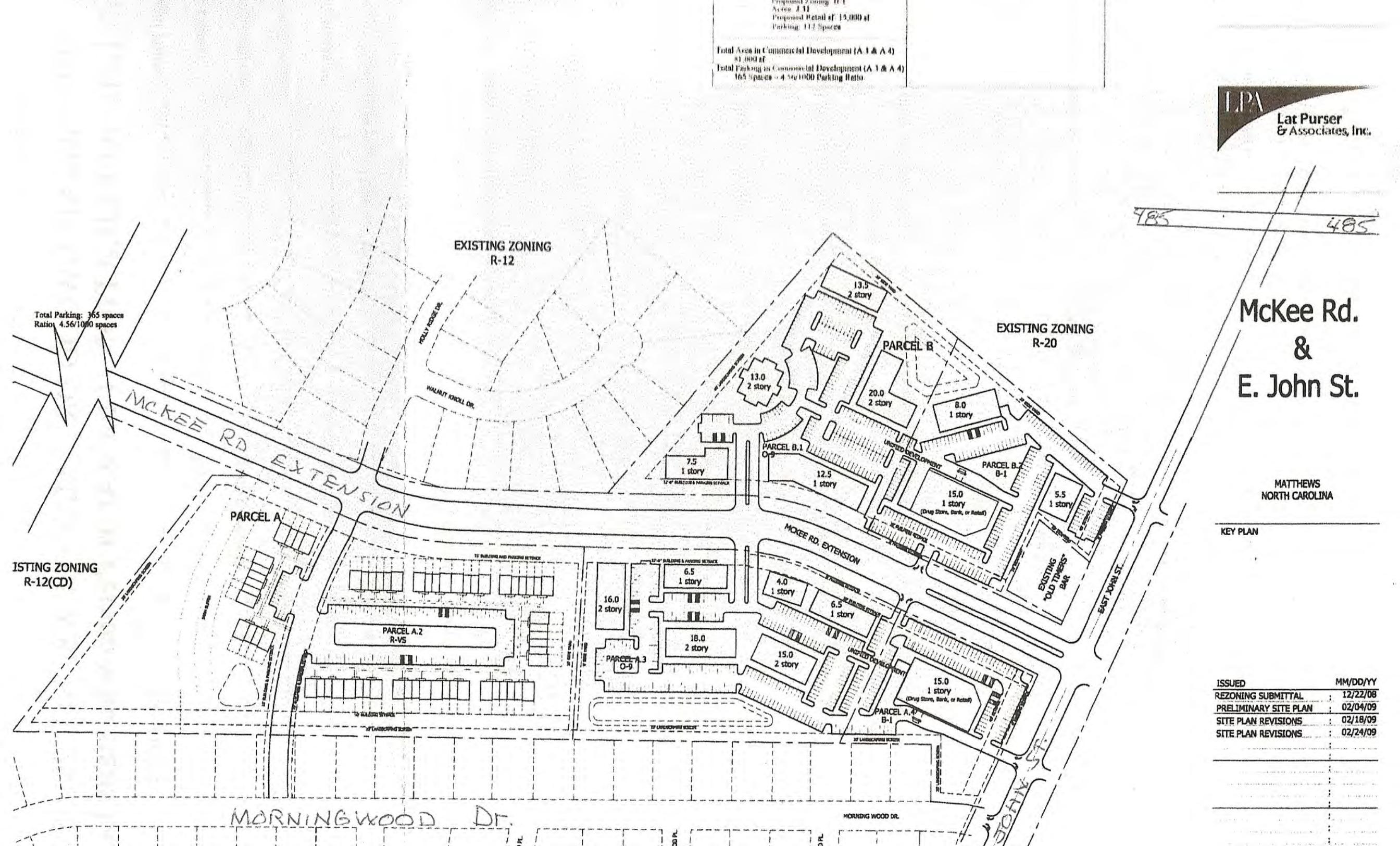
785 485

# McKee Rd. & E. John St.

MATTHEWS  
 NORTH CAROLINA

KEY PLAN

ISSUED	MM/DD/YY
REZONING SUBMITTAL	12/22/08
PRELIMINARY SITE PLAN	02/04/09
SITE PLAN REVISIONS	02/18/09
SITE PLAN REVISIONS	02/24/09



Total Parking: 365 spaces  
 Ratio: 4.56/1000 spaces

EXISTING ZONING  
 R-12(CD)

EXISTING ZONING  
 R-12

EXISTING ZONING  
 R-20

PARCEL A

PARCEL A.2  
 R-VS

PARCEL A.3  
 O-9

PARCEL A.4  
 B-1

PARCEL B

PARCEL B.1  
 O-9

PARCEL B.2  
 B-1

EXISTING  
 OLD TIMERS  
 BAR

MORNINGWOOD DR.

MORNINGWOOD DR.

EAST JOHN ST.

MCKEE RD. EXTENSION

MCKEE RD. EXTENSION

HOLLY HEDGE DR.

WALNUT KNOLL DR.

EAST JOHN ST.

**PLANNING BOARD REPORT  
ON THEIR MEETING OF  
OCTOBER 25, 2016**

**FOR TOWN BOARD ACTION:**

**I. ZONING MOTION 2016-3 – UDO Text Revisions**

Planning Board unanimously recommended approval of text as presented at Planning Board meeting. The Board found it consistent with and expands on the UDO.

**II. ZONING MOTION 2016-4 – Windsor Park, 10200 Northeast Pky, from Conditional to O(CD)**

Planning Board unanimously recommended approval. The Board found it consistent with the Land Use Plan and UDO, and would have nominal impact on the park.

**III. ZONING MOTION 2016-5 – Triangle Parcel at Sam Newell Rd and Independence Blvd, from Conditional to O(CD)**

Planning Board unanimously recommended approval. The Board found it consistent with the Land Use Plan, and benefits future road development.

**IV. ZONING MOTION 2016-6 – 1 Acre Parcel off Sam Newell Rd (off Rice Rd and Eastpoint Dr), from Conditional to O(CD)**

Planning Board unanimously recommended approval. The Board found it consistent with land use plans, long range visions, and future road planning.

**FOR INFORMATION ONLY:**

**I. ADMINISTRATIVE AMENDMENT – Aldi, 555 W John St, Building Expansion and Removal of “Williamsburg” Architectural Details Requirement**

Planning Board deferred action until November 22, 2016.

**II. ADMINISTRATIVE AMENDMENT – Carotek, 701 Sam Newell Rd, Building Expansion and Removal/Relocation of Parking**

Planning Board unanimously approved the request. The Board found it consistent with the Land Use Plan and UDO, and determined it was reasonable because it adds parking without removing any established landscaping materials.

**III. YOUTH VOICE STATUS FOR SCHOOL YEAR 2016-2017**

Planning Board concluded both finalists would be confirmed after speaking with the current member who has not been in attendance for several meetings.

**MINUTES  
PLANNING BOARD  
TUESDAY, OCTOBER 25, 2016  
7:00 PM  
HOOD ROOM, MATTHEWS TOWN HALL**

**PRESENT:** Chair Steve Lee; Members Barbara Dement, 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, Planner Mary Jo Gollnitz, Administrative Assistant/Deputy Town Clerk Shana Robertson.

**ABSENT:** Youth Voice Carly Newton

**CALL TO ORDER**

Chairman Steve Lee called the meeting to order at 7:07 pm.

Gregory Lee introduced his wife, Angela Lee, son Eric Lee and friends Merisaw and Emari. They were in attendance for a Butler High School Civics project.

**APPROVAL OF THE MINUTES**

Kress Query motioned to approve the minutes of the September 27, 2016 meeting as submitted. Seconded by David Wieser and the motion was unanimously approved.

**ZONING MOTION 2016-3 – Text Amendment, Miscellaneous UDO Revisions**

Planning Director Kathi Ingrish addressed the changes made per the recommendations at the public hearing. Changes included specific standards for use by the Zoning Administrator for interpretation of land uses that may not be specific to the Table of Allowed Uses. Other changes included a provision for pedestrian walkways to connect through landscape screening areas.

Mr. Query asked if this amendment was to not change the text but to help strengthen interpretations and understandings. Ms. Ingrish said that was correct.

Mr. Query motioned to recommend approval of Motion 2016-3 as it will further enhance the Town of Matthews Unified Development Ordinance (UDO) and is consistent with what is currently in place. Mr. Ham seconded the motion and it was unanimously approved.

**ZONING MOTION 2016-4 – Town of Matthews Windsor Park, 10200 Northeast Pky, from Conditional to O(CD)**

Planner, Mary Jo Gollnitz reviewed the location of the property and stated that the parcel was owned by the Town. Staff was recommending change in zoning. There had been no changes since the public hearing. Mrs. Gollnitz added that an easement agreement is being requested by Duke Energy and will be used by them and a telecommunication company. The telecommunication company had plans for the placement of an antenna on the existing Duke Energy transmission tower that located next to 10200 Northeast Parkway. Changes to be made will include the removal of one landscape bush, placement of pervious pavers along the easement and fence enclosure with bollard at the easement entrance. The easement agreement is being reviewed by the Town Attorney and will be presented at the November 14, 2016 Council meeting to coincide with the rezoning decision.

Mr. Query asked if the zoning needed to be changed to grant easement access. Mrs. Gollnitz said that the property would need to be rezoned as the property is currently Conditional. Town Board agreed several years ago to convert all Conditional zoned properties to an appropriate contemporary zoning classification. Mr. Query stated that if denying the Motion would restrict the right to a communication tower he would be in support of denial. Mrs.

Gollnitz stated that the two are separate issues and to get the easement agreement in place the rezoning would need to be approved.

Michael Ham asked what changes would be made to the park land. Mrs. Gollnitz stated that removal of one landscape bush, placement of pervious pavers along easement and a fence enclosure with bollard at the easement entrance. No other changes to the park will be made.

Barbara Dement asked if there were any environmental effects. Mrs. Gollnitz stated there would be no effect.

Kerry Lamson asked if the Duke Energy tower was going to be a shared structure. Mrs. Gollnitz stated that what was being asked for was for the easement usage for Duke Energy and the telecommunication company so that they could gain access. All requests of antenna placement onto the Duke Energy existing high tension towers will need to be filed with Town Staff. That would be a step after the rezoning and after the easement request.

Chairman Steve Lee asked if O(CD) was a normal zoning for a park. Mrs. Gollnitz explained that parks are often zoned R/I but due to the size of the park, the uses, the limitations of R/I, and the surrounding nonresidential properties the parcel was more conforming to the O(CD) zoning.

Mrs. Dement asked what the consequence would be if the Board did not recommend approval. Mrs. Gollnitz stated that if denied the easement would not go through and the property would remain zoned Conditional. Ms. Ingrish added that the property would come back with another rezoning action to remove the Conditional zoning classification at a later date.

Mr. Wieser asked if this tower meets UDO requirements for distance from other towers. Mrs. Gollnitz clarified that this was an antenna. Distance requirements did not apply to this structure.

Mr. Lamson asked if there was any cost to the Town in the construction or access once the easement was granted. Mrs. Gollnitz stated that Duke Energy and the communication company would be doing all the installation and upkeep. According to the easement agreement the Town will receive \$500.00 per year the antenna is operational up to \$10,000 total.

Chairman Lee asked if the proposed antenna location was on shopping center property. Mrs. Gollnitz confirmed that it was.

Mr. Query clarified that the agreement was \$500 per year and asked if there was an option to increase that amount. Mrs. Gollnitz stated that the \$500 was not for the antenna but for the easement and most times that amount was less and paid in a one-time lump sum. Mr. Query stated that it will be imposing on the park space and Mrs. Gollnitz agreed that maybe at first but after setup it will be less than once a month.

Mr. Lamson asked if the easement would be returned to the original condition when it became unused in the future. Mrs. Gollnitz stated that there would not be much to return the land to as little was being changed.

Mr. Query asked if it would be a better use to take the one-time lump sum and invest versus spreading the payments out over 20 years. Mrs. Dement agreed with the idea of an upfront investment.

Chairman Lee felt that the zoning will have to change at some point to remove the outdated Conditional zoning and the rezoning will create a financial benefit to town. The property is non-intrusive to a residential population, along a major transportation corridor helping to improve cellular communications within Matthews and seems to be a positive use. Mr. Query agreed with the zoning change and the use but felt that the \$10,000 should be paid in one bulk payment and invested into our open space. Mr. Lamson did not want to see this easement used for a one tower limited use.

Mr. Query asked Ms. Ingrish if the antenna placement is anything that the town has input on or if the federal government ruling has taken that decision making power away. Mrs. Gollnitz and Ms. Ingrish both stated that an application has not been submitted for the antenna placement. There would need to be a three step process, first rezoning, then easement approval, and lastly the application for the communication antenna. Ms. Ingrish

continued that the way the Town's Ordinance is written, there are standards for the antenna and equipment that can be approved administratively by staff but until submitted it is unknown what it involves. The Town Ordinance and policies promote the use of existing structures.

Mr. Ham motioned a recommendation for approval of Motion 2016-4as presented as it is consistent with the policies for development as outlined by the Matthews Land Use Plan, the Unified Development Ordinance, and has nominal if any impact on the use of a park. He would like Council to consider whole compensation of \$10,000 be collected with approval of easement agreement. Mr. Lee seconded and the motion was unanimously approved.

**ZONING MOTION 2016-5 – Town of Matthews, Corner of Sam Newell Rd and Independence Blvd, from Conditional to O(CD)**

Mrs. Gollnitz reviewed the location of the parcel and stated that the vacant property had been owned by the Town since 1996 in order to protect the right-of-way for the future widening of Independence Blvd. The property will continue to be maintained by the Town. Mr. Wieser asked if this was being presented to clean up the Conditional classifications. Mrs. Gollnitz confirmed.

Mrs. Dement moved to recommend approval of Motion 2016-5 as it was consistent with the Town's Land Use Plan and provides for future North Carolina Department of Transportation rights-of-way. Mr. Ham seconded the motion and it was unanimously approved.

**ZONING MOTION 2016-6 – Town of Matthews, Vacant Parcel off Sam Newell Rd, from Conditional to O(CD)**

Mrs. Gollnitz reviewed the location of the parcel and stated that the vacant property has been owned by the Town since 1989 when it was deeded for a police and fire department satellite station. She stated that there was limited access because of the required condition of a ten foot berm along Sam Newell Rd and a separate strip of land along Claire Dr.

Mr. Query asked the size of the parcel and if it could be used for a neighborhood park. Mrs. Gollnitz answered that the parcel was just under one acre. A park could go in that location but there was no current access to the property. She stated that with the new proposed road being added, the Town may use the property in the future or may sell to be developed with the adjacent MUD-zoned parcel.

Mr. Wieser motioned to recommend approval of Motion 2016-6 as it is consistent with the policies outlined in the Matthews Land Use Plan, long range vision statement, and new road development. Mr. Lamson seconded the motion and it was unanimously approved.

**ADMINISTRATIVE AMENDMENT – Aldi, 555 W John St, Building Expansion**

Senior Planner Jay Camp reviewed the site location and current zoning of B-1(CD). The Applicant is looking to expand the current building and was requesting to remove the Williamsburg architectural condition. Mr. Camp stated that with the expansion there would still be enough parking as there was cross access parking agreement with neighboring Bruster's Ice Cream. Mr. Camp continued that the only concern of staff would be the signage shown was larger than Town Ordinance would allow. This could be discussed at a staff level. Mr. Camp stated that the Town had been working with Aldi on the architectural elevations. Proposed plans include windows on the front elevation and decorative brick work that will be an improvement on the 2002 building.

Mr. Ham asked if Aldi was in violation of the original condition as there did not seem to be a Williamsburg theme in the architecture. Mr. Camp said that even though the design was subtle it did meet the current condition.

Mr. Query asked Mr. Camp to read into the record Ryan Anderson's letter dated October 11, 2016. The section requested read:

A Conditional Use Permit (CUP) was requested and approved prior to initial construction of the ALDI store which included an architectural design condition for Colonial Williamsburg style architecture. ALDI recently launched their

7.0 Prototype design which is being incorporated at ALDI stores nationwide. To accommodate the proposed addition and improvements associated with the new prototype design, ALDI, Inc. is requesting an administrative amendment to remove the requirement for Colonial Williamsburg style architecture. Although the ALDI 7.0 Prototype will be utilized as the basis for design, architectural features such as brick accents, EIFS cornice, and additional spandrel glazing were incorporated into the proposed design which exceed typical ALDI prototype standards to ensure the building design is complementary to others in the area. Design and construction of the proposed project fits the intent of the ordinance.

Chairman Lee confirmed it was just the front elevation that was scheduled to undergo change.

Mr. Query shared a different Aldi elevation with the Board that was presented to the Town of Waxhaw, NC. He talked about the differences of the two elevations and items that gave the Waxhaw plan more character such as the brick flood line, brick color difference at columns, and window count.

Spencer Schimmel, Aldi Marketing Director of Real Estate, 1985 Old Union Church Rd, Salisbury, NC 28146 stated that he would consider all requests from the Board. Mr. Query stated that this location was one of the main entrances into the Town of Matthews and if the Williamsburg style condition was to be lifted then some of the suggestions would need to be incorporated into the new design. Mr. Query stated that he could not approve without something being brought back showing the suggested changes as he expected something above basic for the Town of Matthews. Mr. Schimmel stated that he was at the meeting to listen to feedback and to work with the Town. Mr. Query asked why something less was presented to Matthews and Mr. Schimmel said that he was unaware that the proposed plan was presented to the town of Waxhaw and that the Waxhaw site was not going to be built but he would go back and present all the suggestions to the Aldi design team.

Mr. Ham said that he was bothered by the original agreed condition that was not carried out with a Colonial Williamsburg style architecture. Mr. Ham wants the Matthews location to have a uniqueness and not look like every other Aldi store. Mr. Shaw stated that the elevation presented was unique to Matthews and not like others with the added number of windows verses a plan brick façade. Mr. Ham added that by incorporating a mural that depicted Matthews on the blank walls, the site would gain more Matthews's character.

Mr. Lamson asked about the 7.0 prototype and how they incorporate the flexibility in design of localized stores. Mr. Schimmel stated that Town Hall and Community meetings are the way the company gets area feedback and suggestions for design. Information is gathered and taken back to the design team to develop a look that meets suggestions with cost limitations. Mr. Schimmel also confirmed that only one wall will be redeveloped and that would be the wall facing the main entrance. Aldi does wish to make that elevation more visually pleasing.

Mr. Query asked if the Board chose to defer, would he be able to return with more offerings at the November 22, 2016 Planning Board meeting.

Mr. Lee asked if the 7.0 prototype purpose was the addition of 3,300 square feet or the exterior façade change. Mr. Schimmel answered that both were the purpose. Images for interior changes could be found at [www.aldi.com](http://www.aldi.com) and 400 to 500 new products will be added to the stores across the nation. Mr. Lee said that he appreciated the branding issue also had concerns with the plain left and right elevations. Mr. Schimmel reviewed that the only area of change would be along W John Street and the other walls were not in the plans to be redesigned.

Mr. Query stated that he did not want the Colonial design totally removed, window awnings such as the ones proposed to Waxhaw, and the signage would need to be compliant with Town Ordinance. He also felt that something needed to be designed for the left and right elevations. Mrs. Dement suggested more cornice work at the roof line and felt the Waxhaw proposal looked more warehouse. She also liked the idea of a mural and maybe an earthquake bar covered by five pointed stars such as designs displayed at Weaver Bennett and Bland, Matthews Dance Studio, and Northend.

Ms. Ingrish stated that the Town had a policy regarding mural placements that would need to be researched. Chairman Lee listed suggestions of the board that included awnings over windows, and contrasting brick design. Chairman Lee asked Mr. Query if he was in favor of only doing the front elevation. Mr. Query stated that he would like the front, left, and right elevations enhanced.

Jana Reeve stated that she liked the design as presented and was more in favor of the Matthews proposal than the Waxhaw design. She did not feel as if the idea of a mural fit into the design or the location and was happy that Aldi wanted to improve the esthetics of the building when they expanded. She asked if the Board would simply look at what was being presented.

Mr. Ham said that he liked the current carriage style lights.

Mr. Query motioned to defer a decision on the Administrative Amendment for Aldi until the November 22, 2016 meeting. Mr. Ham seconded the motion and it was unanimously approved.

### **ADMINISTRATIVE AMENDMENT – Carotek, 710 Sam Newell Rd, Building Expansion and Relocation of Parking Spaces**

Mrs. Gollnitz reviewed the request with the Board. The applicant wished to change the conditions of the I-1(CD) zoned property to install a 4,500 square foot building for manufacturing storage on a current eighteen space parking pad area. The Applicant also wanted to increase parking by adding eighteen spaces on Aubrey Bell Drive, eleven on a private drive located across from the BB&T Bank, and three spaces on the south corner of the property. Mrs. Gollnitz stated that the proposed plan did not cause removal of any trees, will meet the Town Ordinance, and will increase the parking from 109 spaces to 123 spaces.

Mr. Ham asked if Carotek would need to gain permission for the street parking on the private road. Mrs. Gollnitz replied that the private drive is on the Carotek property so no permission would be needed.

Mr. Lamson asked if there were requirements within the Town Ordinance for the width of the private drive to facilitate parking on both sides. Mrs. Gollnitz read into record the parking requirement from the Town's UDO stating that the spaces need to be eight feet wide and twenty-four feet long with a direct access to an aisle or driveway with a nineteen foot width. Carotek would be in compliance because the private streets are thirty-six feet wide.

Mr. Ham asked if there any change to the landscape materials. Mrs. Gollnitz said that there would be no new plantings added and all trees and shrubs would continue to exist.

Mr. Lamson asked if lighting was required on the private drive. Mrs. Gollnitz said that the Town's UDO did not require any.

Tom West of West Engineering, 224 Westinghouse Blvd # 60, Charlotte, NC 28273 addressed the Board and reviewed existing structures and the proposed new structure located on the Carotek property. Mr. West noted the dark brown coloring that will camouflage the building from street view. He described the new addition as a lean-to that would hold large crane like machinery.

Mr. Lamson asked about the doorway access that was in the location of the new addition and if the building could be moved back to further blend with the existing. Mr. West said that the new doorway access and adjoining sidewalk will remain in place. There is a current detention basin in the way and therefore the building could not be moved.

Mr. Query made a motion to approve the Administrative Amendment as it meets and exceeds requirements in the Matthews Unified Development Ordinance and the Land Use Plan, and it will add more parking without removing any landscape materials. Mr. Ham seconded the motion and it was unanimously approved.

## **YOUTH VOICE SELECTION FOR SCHOOL YEAR 2016-17**

Chairman Lee thanked Ms. Ingrish and Mr. Lamson for their work in advertising the Youth Voice position to local schools and social media sources saying how impressed he was with both applicant finalists. Ms. Ingrish stated that she had just reviewed her email messages and there was no notice from the current Youth Voice, Carly Newton, who had previously confirmed she would be in attendance. Chairman Lee asked if one of the applicants, Ms. Peyton Gates, would mind stepping out into the lobby while the information was being discussed.

Mr. Query noted that he did not think he should be allowed to vote because of the family relationship. He added that Ms. Newton has not been in attendance for the past six meetings. He felt that it may be better to appoint both new applicants. All the Board members agreed. Chairman Lee asked Ms. Ingrish what had been communicated to Ms. Newton. Ms. Ingrish noted that she had let Ms. Newton know that attendance was required. Ms. Newton asked if she could serve a second term and she was told that she could. Discussion ensued regarding the current Youth Voice member.

Chairman Lee stated that he enjoyed meeting both Candidates and felt they would both be great additions. He noted that Ms. Gates was vocal, comfortable and able to express her opinions. Mr. Matheus Sadovsky also was very comfortable, confident, and enthusiastic.

The Board agreed that Ms. Gates and Mr. Sadovsky be awarded the two positions for Youth Voice. Ms. Ingrish noted that she would be out of town with limited access to email for the next week and a half and asked for assistance from Chairman Lee. Chairman Lee stated that in the next week he would contact Ms. Newton before the announcement would be made about the second position.

## **ADJOURNMENT**

Mr. Ham motioned to adjourn. Seconded by Mr. Wieser and the motion passed unanimously. The meeting adjourned at 8:58 pm.

Respectfully submitted,

Shana Robertson  
Administrative Assistant/ Deputy Town Clerk

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

**DATE: November 8, 2016**

**FROM: Jay Camp**

### **Background/Issue**

Planning Board unanimously recommended approval of the rezoning request at their meeting on September 27th. This past Thursday, the Board of Adjustment granted the needed variances to the front setback, lot frontage coverage and a variance to allow the 18' driveway width. Since the Public Hearing, the following changes have occurred:

1. The detached garage is now located at the terminus of the driveway instead of the left side of the rear parking lot.
2. Parking has been increased from 10 to 13 spaces to address concerns that were raised regarding parking.

### **Financial Impact:**

None

### **Related Town Goal(s) and/or Strategies:**

Quality of Life

Economic Development/Land Use Planning

### **Recommended Motion/Action:**

Approve Application 2016-648

**SUGGESTED  
STATEMENTS OF CONSISTENCY AND REASONABLENESS  
Final Decisions on Zoning-Related Issues**

**ZONING APPLICATION # 2016-648**

**Matthews Board of Commissioners makes the following 2 conclusions:**

**1)**      X   The requested zoning action, as most currently amended, **IS CONSISTENT** with the policies for development as outlined by the Matthews Land Use Plan.

**OR**

       The requested zoning action, as most currently amended, **IS NOT CONSISTENT** with the Matthews Land Use Plan and/or other adopted land development policies and plans.

*(A requested zoning can be found "consistent" and not approved, or found to be "not consistent", but approved.)*

**2)**      X   The requested zoning action **IS REASONABLE** and in the public interest because:  
*(ex., may be appropriate with specific surrounding land uses; has been shown that it will not create significant new traffic beyond area roads' capacities; creates/increases desirable use in Town.)*

**The rezoning is appropriate given the surround nonresidential land uses along Charles Street and creates office employment within the Downtown area**

**OR**

       The requested zoning action **IS NOT REASONABLE** and in the public interest because:

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*(Reasons given for a zoning request being "reasonable" or "not reasonable" are not subject to judicial review.)*

Decision Date      11/14/16

**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): 215-014-08

Address of property: 352 East Charles St. Matthews, NC 28105

Location of property:

Title to the property was acquired on 01/07/2003  
and was recorded in the name of Jerry W. Pressley & wife, Judy Pressley, Jerry Pressley, Jr. & wife, Lynn Pressley  
whose mailing address is P.O. Box 2440 Matthews, NC 28106

The deed is recorded in Book 14656 and Page 41-44 in the office of the Register of Deeds for Mecklenburg County.

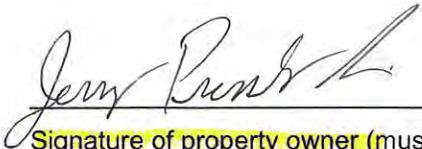
Present zoning classification: R-12 Requested zoning classification: O (CD)

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

Application number  
2016-648  
For office use only

2016-648  
6-1-2016

See attached Exhibit A

  
Signature of property owner (must be original)

Jerry Pressley, Jr.

Print name of property owner  
P.O. Box 2440

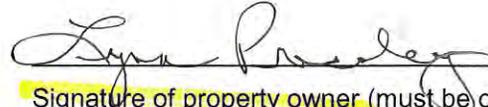
Property owner's mailing address  
Matthews, NC 28106

Property owner's mailing address, continued

Property owner's mailing address, continued

704-821-9554/ pressley@carolina.rr.com

Property owner's phone number/email address

  
Signature of property owner (must be original)

Lynn Pressley

Print name of property owner  
P.O. Box 2440

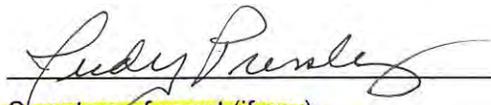
Property owner's mailing address  
Matthews, NC 28106

Property owner's mailing address, continued

Property owner's mailing address, continued

704-821-9554/pressley@carolina.rr.com

Property owner's phone number/email address

  
Signature of agent (if any)  
Property owner

Judy Pressley

Print name of agent  
P.O. Box 2440

Agent's mailing address  
Matthews, NC 28106

Agent's mailing address, continued

Agent's mailing address, continued

704-821-9554/ pressley@carolina.rr.com

Agent's phone number/email address

  
Petitioner other than owner (if any)

Laura H. Budd

Print name of petitioner  
10550 Independence Pointe Pkwy

Petitioner's mailing address  
Ste. 301

Petitioner's mailing address, continued  
Matthews, NC 28105

Petitioner's mailing address, continued

704-841-0760/ lbudd@thebuddlawgroup.com

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

2016-648

For office use only

2016-648

6-1-2016

215-014-07

TAX PARCEL

Thomas Funderburke Rev. Liv. Trust & Mary Funderburke Rev. Liv. Trust

PROPERTY OWNER NAME(S)

831 Kilarney Court

OWNER MAILING ADDRESS

Matthews, NC 28104

OWNER MAILING ADDRESS, CONTINUED

United State Postal Service

TAX PARCEL

P.O. Box 27497

PROPERTY OWNER NAME(S)

Greensboro, NC 27495

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

21501418

TAX PARCEL

Amy Dassoulas, William Moore, Patricia Webb, Steven Moore

PROPERTY OWNER NAME(S)

7423 Mill Pond Dr

OWNER MAILING ADDRESS

Waxhaw, NC 28173

OWNER MAILING ADDRESS, CONTINUED

21501209

TAX PARCEL

Rachel T. McLeod

PROPERTY OWNER NAME(S)

7009 Cinnamon Circle

OWNER MAILING ADDRESS

Mint Hill, NC 28227

OWNER MAILING ADDRESS, CONTINUED

21501208

TAX PARCEL

Frank Williams, II & Kristin Williams

PROPERTY OWNER NAME(S)

P.O. Box 704

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

Application number 2016-648 For office use only
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## SUMMARY OF THE REZONING PROCESS

**PETITIONER:** 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 blynd@matthewsnc.gov) for verification.

Application submitted to and accepted by the Town of Matthews June 1, 2016

Town Board of Commissioners formally accepts application and sets Public Hearing date June 13, 2016

Notices sent via mail to affected/adjacent property owners on or before July 4, 2016

Protest petition filed with Planning Department by 5:00 pm on \_\_\_\_\_

Public hearing: petitioner may give explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning August 8, 2016

Town Planning Board reviews petition, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request August 23, 2016

Town Board of Commissioners approves or denies application September 12, 2016

### GENERAL STATUTE 160A-385: CHANGES.

- (a) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority. To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100-foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.
- (b) Amendments in zoning ordinances shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issued pursuant to GS 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to GS 160A-418 and unrevoked pursuant to GS 160A-422 or (ii) a vested right has been established pursuant to GS 160A-385.1 and such vested right remains valid and unexpired pursuant to GS 160A-385.1



Search By:  Filter By:

Parcel ID:  
21501408

**Search**

Parcel	Owner	Location
21501408	PRESSLEY JERRY W JR	352 E CHARLES ST MATTHEWS
21501408	PRESSLEY JUDY L	352 E CHARLES ST MATTHEWS
21501408	PRESSLEY LYNN	352 E CHARLES ST MATTHEWS

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- [Street Assessment Lookup](#)
- [Street Lighting Lookup](#)
- [Pay Taxes](#)

Tax Bills		Photo	Directions	Polaris Map	Print
Parcel Information		Account	Parent	Previous	
Parcel ID: 21501408		INDIVIDUAL			
Owner(s)		Owner Name	Mailing Address	City/State	
		PRESSLEY JUDY L BY ENTIRETY	PO BOX 2440	MATTHEWS NC 28106	
		PRESSLEY JERRY W JR	PO BOX 2440	MATTHEWS NC 28106	
		PRESSLEY LYNN WIFE	PO BOX 2440	MATTHEWS NC 28106	
Legal Information		Municipality	Date Annexed	Special District	Fire District
Legal P4 B1 M4-17		MATTHEWS		FIRE SERVICE E	MATTHEWS
Total Parcel Assessment		Building	Land	Features	Total
58300		58300	41900	2500	102700
Sales Information		Exemptions	Year Approved	Review Date	Amount
Sale		Exemption			
Jan 7 2003		IMP			
Jan 1 1975		IMP			
Price		Stamp	Qualify	VI Type	Legal Ref.
80000		160	UNDER REVIEW	WARRANTY D	14656-41
0				IMP	02080-224
Grantor					
LITTLE,ROY S					
Land Use		Units	Type	Neighborhood	Assessment
Use		0.55	SMAC	V501	41900
1000					
Building Information		Type	Year	Property Location	
Bldg		RES	1947	352 E CHARLES ST MATTHEWS	
Description					
1 Single-Fam					
Bldg		Story	Units	Total SqFt	Heated SqFt
1		1 STORY	1	1352	1168
Foundation		Ext. Wall	Grade	Value	
CRAWL SPACE		ASB SHNG/SDG -	AVERAGE 01	58300	
Bldg		Heat	Fuel	Fire Place	AC
1		AIR-NO-DUCT	OIL/WD/COAL	1 - FP3	AC-NONE
Fixtures		Bedrooms	Full Baths	3/4 Baths	1/2 Baths
0		3	1	0	0
Sub Area		Description	Size		
Bldg					
1		PORCH - SCREENED - FINISHED	70		
1		PORCH - OPEN - FINISHED	24		
1		PORCH - OPEN - FINISHED	90		
1		BASE (FIRST FLOOR)	1168		
Depreciation		Physical	Functional	Economic	Special
Bldg		AV - 31.00%	- 0.00%	- 0.00%	- 0.00%
1					
Override					
- 0.00%					
Special Features & Yard Items		Type	Quantity	Units	Value
Bldg					
1		GARAGE	1	288.00000	2500
Notes		Notes	Note Date		
Tax Year					
Value Changes		Tax Year	Reason	Changed To	Deferred
Notice Date					
Feb 8 2011		2011	Countywide Revaluation	119500	0
Jan 17 2003		2003	Countywide Revaluation	95100	0
Jan 5 1998		1998	Countywide Revaluation	68180	
Jan 2 1991		1991	Countywide Revaluation	40840	

[Click here for 2011 Pearson Revaluation Review Values per Session Law 2013-362](#)



Search By:  Filter By:

Parcel  None

Parcel ID:  
21501409

Parcel	Owner	Location
21501409	UNITED STATES POSTAL SERVICE	341 E JOHN ST MATTHEWS

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Tax Bills		Photo		Directions		Polaris Map		Print	
<b>Parcel Information</b>									
Parcel ID	21501409	Account	EXEMPT	Parent		Previous	21501409		
<b>Owner(s)</b>									
Owner Name	UNITED STATES POSTAL SERVICE		Mailing Address	PO BOX 27497		City/State	GREENSBORO NC 27495		
<b>Legal Information</b>									
Legal	L3 B1 M4-17	Municipality	MATTHEWS	Date Annexed		Special District	FIRE SERVICE E	Fire District	MATTHEWS
<b>Total Parcel Assessment</b>									
Building	0	Land	340500	Features	0	Total	340500	Exemptions	FEDERAL
<b>Sales Information</b>									
Sale	Price	Stamps	Quality	VI	Type	Legal Ref.	Grantor		
Jan 8 2009	325000	650		IMP	WARRANTY D	24356-672	BONTERRA BUILDERS, L		
Apr 6 2006	215000	430	BLDR SALE	IMP	WARRANTY D	20253-531	HOVIS, JOHN L R/T		
Feb 25 2004	0	0	LESS \$3000	IMP	NON WRNTY	16815-627	LLOYD HOVIS FAMIL TR		
May 8 2002	0		LESS \$3000	IMP	QUIT CLAIM	13571-152	HOVIS,LLOYD T		
Feb 22 2001	0		LESS \$3000	IMP	DEED STAMPS	11951-870	HOVIS FRANCIS HOOKS		
<b>Land Use</b>									
Use	C700	Units	42558.12	Type	SF	Neighborhood	RE02	Assessment	340500
<b>Building Information</b>									
Bldg	Description			Type	Year	Property Location			
						341 E JOHN ST MATTHEWS			
Bldg	Story	Units	Total SqFt	Heated SqFt		Foundation	Ext. Wall	Grade	Value
Bldg	Heat	Fuel	Fire Place	AC	Fixtures	Bedrooms	Full Baths	3/4 Baths	1/2 Baths
<b>Sub Area</b>									
Bldg	Description							Size	
<b>Depreciation</b>									
Bldg	Physical	Functional		Economic		Special	Override		
<b>Special Features &amp; Yard Items</b>									
Bldg	Built	Type	Quantity	Units		Value			
<b>Notes</b>									
Tax Year	Notes				Note Date				
<b>Value Changes</b>									
Notice Date	Tax Year	Reason				Changed To	Deferred		
Jun 1 2009	2009	Change in Zoning and/or Use				358900	0		
Apr 27 2007	2007	Building Demolished				32300	0		
Jan 17 2003	2003	Countywide Revaluation				106900	0		
Oct 1 1998	1998	Equalization of Value				71290			
Jan 5 1998	1998	Countywide Revaluation				82430			
Nov 15 1991	1991	Equalization of Value				54680			
Jan 2 1991	1991	Countywide Revaluation				67120			

[Click here for 2011 Pearson Revaluation Review Values per Session Law 2013-362](#)



Search By:  Filter By:

Parcel ID:  
21501418

**Search**

Parcel	Owner	Location
21501418	DASSOULAS AMY M	401 E JOHN ST MATTHEWS
21501418	MOORE STEVEN C	401 E JOHN ST MATTHEWS
21501418	MOORE WILLIAM H	401 E JOHN ST MATTHEWS
21501418	WEBB PATRICIA M	401 E JOHN ST MATTHEWS

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- Street Lighting Lookup
- Pay Taxes

Tax Bills	Photo	Directions	Polaris Map	Print
<b>Parcel Information</b>				
Parcel ID	Account	Parent	Previous	
21501418	INDIVIDUAL			
<b>Owner(s)</b>				
Owner Name	Mailing Address	City/State		
MOORE STEVEN C	7423 MILL POND DR	WAXHAW NC 28173		
MOORE WILLIAM H	7423 MILL POND DR	WAXHAW NC 28173		
DASSOULAS AMY M	7423 MILL POND DR	WAXHAW NC 28173		
WEBB PATRICIA M		00000		
<b>Legal Information</b>				
Legal	Municipality	Date Annexed	Special District	Fire District
P4 B1 M4-17	MATTHEWS		FIRE SERVICE E	MATTHEWS
<b>Total Parcel Assessment</b>				
Building	Land	Features	Total	Exemptions
60400	34800	0	95200	Exemption
<b>Sales Information</b>				
Sale	Price	Stamps	Qualify	VI
Jul 26 2007	95000	190		IMP
Jan 1 1975	0			IMP
<b>Land Use</b>				
Use	Units	Type	Neighborhood	Assessment
1000	0,47	SMAC	V501	34800
<b>Building Information</b>				
Bldg	Description	Type	Year	Property Location
1	Single-Fam	RES	1940	401 E JOHN ST MATTHEWS
Bldg	Story	Units	Total SqFt	Heated SqFt
1	2.0 STORY	1	1336	1284
Bldg	Heat	Fuel	Fire Place	AC
1	AIR-DUCTED	OIL/WD/COAL	1 - FP3	AC-NONE
<b>Sub Area</b>				
Bldg	Description			Size
1	BASE (FIRST FLOOR)			924
1	PORCH - OPEN - FINISHED			52
1	UPPER STORY - FINISHED			360
<b>Depreciation</b>				
Bldg	Physical	Functional	Economic	Special
1	AV - 31.00%	- 0.00%	TRAF - 10.00%	- 0.00%
<b>Special Features &amp; Yard Items</b>				
Bldg	Built	Type	Quantity	Units
<b>Notes</b>				
Tax Year	Notes		Note Date	
<b>Value Changes</b>				
Notice Date	Tax Year	Reason	Changed To	Deferred
Feb 8 2011	2011	Countywide Revaluation	119800	0
Jan 17 2003	2003	Countywide Revaluation	96300	0
Jan 5 1998	1998	Countywide Revaluation	66370	
Jan 2 1991	1991	Countywide Revaluation	37790	

[Click here for 2011 Pearson Revaluation Review Values per Session Law 2013-362](#)



Search By:  Filter By:

Owner Name  None

Last Name:  First Name:

Neal  Rachel

**Search**

Parcel	Owner	Location
13538753	NEAL RACHEL	7009 CINNAMON CR MINT HILL
21501209	NEAL RACHEL T	409 MCLEOD ST MATTHEWS

Prev Next Page #:  Page Size:

Displaying 1 to 2 of 2 records.



- [iOS Real Estate Lookup App](#)
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- [Business Personal Property](#)
- [Individual Personal Property](#)
- [Street Name Lookup](#)
- [Tax Collections Homepage](#)
- [Tax Bill Lookup](#)
- [Street Assessment Lookup](#)
- [Street Lighting Lookup](#)
- [Pay Taxes](#)

Tax Bills		Photo		Directions		Polaris Map		Print	
<b>Parcel Information</b>		Account		Parent		Previous			
Parcel ID 21501209		INDIVIDUAL							
<b>Owner(s)</b>		<b>Mailing Address</b>		<b>City/State</b>					
Owner Name NEAL RACHEL T		7009 CINNAMON CIR		MINT HILL NC 28227					
<b>Legal Information</b>		Municipality		Date Annexed		Special District		Fire District	
Legal LS T & U M12-257		MATTHEWS				FIRE SERVICE E		MATTHEWS	
<b>Total Parcel Assessment</b>		Features		Total		Exemptions		Amount	
Building 0		0		55800		Year Approved		Review Date	
<b>Sales Information</b>		Price		Stamps		Qualify		Grantor	
Sale Nov 30 1983		0				VI VAC		Type WARRANTY D	
<b>Land Use</b>		Units		Type		Neighborhood		Assessment	
Use 1000		1.04		SMAC		V501		55800	
<b>Building Information</b>		Description		Type		Year		Property Location	
Bldg								409 MCLEOD ST MATTHEWS	
<b>Bldg</b>		Story		Units		Total SqFt		Heated SqFt	
Bldg		Heat		Fuel		Fire Place		AC	
								Fixtures	
								Bedrooms	
								Full Baths	
								3/4 Baths	
								1/2 Baths	
<b>Sub Area</b>		Description						Size	
Bldg									
<b>Depreciation</b>		Physical		Functional		Economic		Special	
Bldg								Override	
<b>Special Features &amp; Yard Items</b>		Built		Type		Quantity		Units	
Bldg								Value	
<b>Notes</b>		Tax Year		Notes		Note Date			
Tax Year									
<b>Value Changes</b>		Tax Year		Reason		Changed To		Deferred	
Notice Date									
Feb 8 2011		2011		Countywide Revaluation		55800		0	
Jan 17 2003		2003		Countywide Revaluation		27900		0	
Jan 5 1998		1998		Countywide Revaluation		22040			
Jan 2 1991		1991		Countywide Revaluation		20000			

[Click here for 2011 Pearson Revaluation Review Values per Session Law 2013-362](#)



Search By: Filter By:  
Owner Name None

Last Name: First Name:  
williams frank

Search

Parcel	Owner	Location
05325253	WILLIAMS FRANK E	2803 BERRY CREEK RD UNINC
21162263	WILLIAMS FRANK E	8956 CHALLIS HILL LN CHARLOTTE
03712409	WILLIAMS FRANK L	4109 HYDE PARK DR CHARLOTTE
21909304	WILLIAMS FRANK L	13408 MALLARD LANDING RD UNINC
21501208	WILLIAMS FRANK M II	227 OLD DEPOT LN MATTHEWS
19510151	WILLIAMS FRANK MCCRADY	14631 BARNEY DR MINT HILL

Prev Next Page 1 of 1 Page Size: 25  
Displaying 1 to 10 of 10 records.



- iOS Real Estate Lookup App
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- Individual Personal Property
- Street Name Lookup
- Tax Collections Homepage
- Tax Bill Lookup
- Street Assessment Lookup
- Street Lighting Lookup
- Pay Taxes

Tax Bills Photo Directions Polaris Map Print

Parcel Information		Account		Parent		Previous	
Parcel ID	21501208	Account	INDIVIDUAL	Parent		Previous	
Owner(s)		Mailing Address		City/State			
Owner Name	WILLIAMS FRANK M II	Mailing Address	PO BOX 704	City/State	MATTHEWS NC 28106		
	KRISTEN W WILLIAMS (H/W)		PO BOX 704		MATTHEWS NC 28106		
Legal Information		Date Annexed		Special District		Fire District	
Legal NA	Municipality MATTHEWS	Date Annexed		Special District	FIRE SERVICE E	Fire District	MATTHEWS
Total Parcel Assessment		Exemptions		Year Approved		Review Date	
Building	143400	Land	57600	Features	8300	Total	209300
Sales Information		Stamps		Legal Ref.		Grantor	
Sale	Jul 25 1995	Price	68000	Qualify	RELATED	VI	IMP
Land Use		Type		Neighborhood		Assessment	
Use	1000	Units	1.08	Type	SMAC	Neighborhood	V501
Building Information		Year		Property Location			
Bldg	1	Description	Single-Fam	Type	RES	Year	1967
Bldg		Heated SqFt		Foundation		Ext. Wall	
1	1	STORY	1	Total SqFt	4961	Heated SqFt	3782
Bldg		Fire Place		Fixtures		Bedrooms	
1	1	AIR-DUCTED	Fuel	ELECTRIC	1 - FP3	AC	AC-CENTRAL
Sub Area		Description		Quantity		Units	
Bldg	1	Description	GARAGE - FINISHED	Quantity	1	Units	150.00000
	1		PORCH - OPEN - FINISHED		1		28.00000
	1		BASE - SEMI-FINISHED		1		560.00000
	1		UTILITY - UNFINISHED		1		400.00000
	1		PORCH - OPEN - FINISHED		1		126080
	1		BASE (FIRST FLOOR)		1		134870
Depreciation		Functional		Economic		Special	
Bldg	1	Physical	AV - 26.00%	Functional	FUNC - 15.00%	Economic	ECON - 15.00%
Special Features & Yard Items		Type		Quantity		Units	
Bldg	1	Built	1967	Type	PATIO	Quantity	1
	1		1982		SHED		1
	1		1967		GARAGE		1
	1		1982		STORAGE		1
	1		1982		SHED		1
Notes		Notes		Note Date			
Tax Year		Notes		Note Date			
Value Changes		Reason		Changed To		Deferred	
Notice Date	Feb 8 2011	Tax Year	2011	Reason	Countywide Revaluation	Changed To	225900
	Jan 17 2003		2003		Countywide Revaluation		186400
	Jan 5 1998		1998		Countywide Revaluation		149950
	Nov 15 1991		1991		Equalization of Value		126080
	Jan 2 1991		1991		Countywide Revaluation		134870

Click here for 2011 Pearson Revaluation Review Values per Session Law 2013-362



Search By:  Filter By:

Parcel  None

Parcel ID:  
21501407

Parcel	Owner	Location
21501407	MARY FUNDERBURK REVOCABLE LIVING TRUST	409 E JOHN ST MATTHEWS
21501407	FUNDERBURK THOMAS REVOCABLE LIVING TRUST	409 E JOHN ST MATTHEWS

Prev Next Page #  Page Size

Displaying 1 to 2 of 2 records.



iOS Real Estate Lookup App  
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Tax Bill Lookup  
Street Assessment Lookup  
Street Lighting Lookup  
Pay Taxes

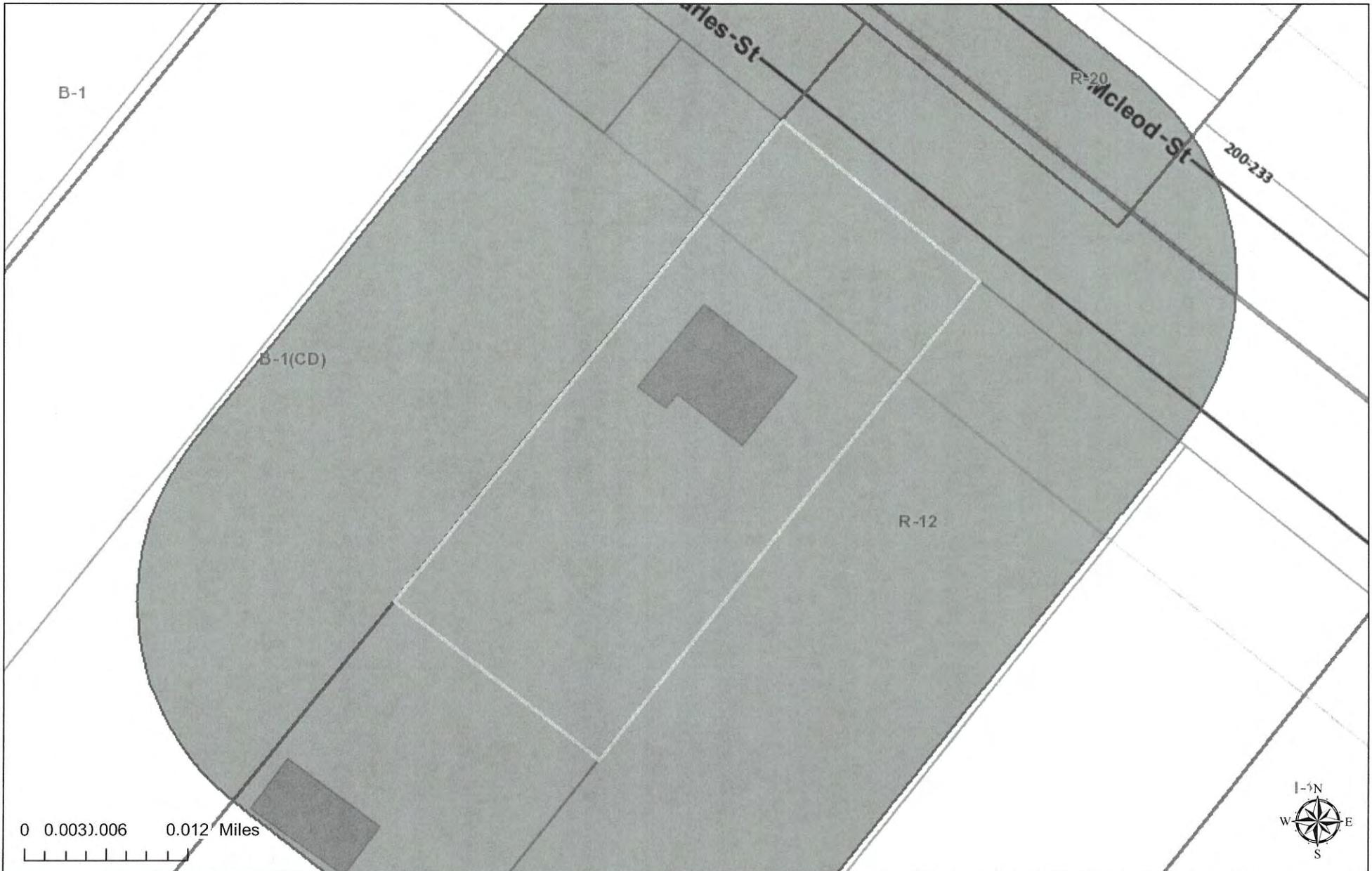
Tax Bills		Photo		Directions		Polaris Map		Print	
Parcel Information		Account		Parent		Previous			
Parcel ID 21501407		INDIVIDUAL				21501407			
Owner(s)		Mailing Address		City/State					
Owner Name FUNDERBURK THOMAS REVOCABLE LIVING TRUST TRUSTEE MARY FUNDERBURK REVOCABLE LIVING TRUST TRUSTEE		831 KILARNEY CT 831 KILARNEY CT		MATTHEWS NC 28104 MATTHEWS NC 28104					
Legal Information		Municipality		Date Annexed		Special District		Fire District	
Legal L5 B1 M4-17		MATTHEWS				FIRE SERVICE E		MATTHEWS	
Total Parcel Assessment		Land		Features		Total		Exemptions	
Building 94500		55400		0		149900		Exemption	
Sales Information		Price		Stamps		Qualify		VI Type	
Sale Nov 14 2006		0				LESS \$3000		IMP WARRANTY D	
Jan 1 1975		0						IMP WARRANTY D	
Land Use		Units		Type		Neighborhood		Assessment	
Use 1000		1.03		SMAC		V501		55400	
Building Information		Description		Type		Year		Property Location	
Bldg 1		Single-Fam		RES		1968		409 E JOHN ST MATTHEWS	
Bldg		Story		Units		Total SqFt		Heated SqFt	
1		1 STORY		1		2107		1652	
Bldg		Heat		Fuel		Fire Place		AC	
1		AIR-DUCTED		GAS		1 - FP3		AC-CENTRAL	
Bldg		Fixtures		Bedrooms		Full Baths		3/4 Baths	
1		0		3		2		0	
Bldg		1/2 Baths		Value					
1		0		94500					
Sub Area		Description		Size					
Bldg 1		BASE (FIRST FLOOR)		1652					
1		PORCH - OPEN - FINISHED		20					
1		UTILITY - UNFINISHED		120					
1		CARPORT - FINISHED		315					
Depreciation		Physical		Functional		Economic		Special	
Bldg 1		AV - 26.00%		- 0.00%		- 0.00%		- 0.00%	
Special Features & Yard Items		Built		Type		Quantity		Units	
Bldg									
Notes		Tax Year		Notes		Note Date			
		2011		Informal Review Request Received		02/17/2011			
Value Changes		Notice Date		Tax Year		Reason		Changed To	
		Feb 8 2011		2011		Countywide Revaluation		173600	
		Jun 20 2003		2003		Reviewed - No change in value		137400	
		Jan 17 2003		2003		Countywide Revaluation		137400	
		Jan 5 1998		1998		Countywide Revaluation		107300	
		Apr 14 1995		1995		Added Air Condition		82140	
		Nov 15 1991		1991		Equalization of Value		79180	
		Jan 2 1991		1991		Countywide Revaluation		98840	

[Click here for 2011 Pearson Revaluation Review Values per Session Law 2013-362](#)

# Polaris 3G Map – Mecklenburg County, North Carolina Buffer

2016-648  
6-1-2016

Date Printed: 5/25/2016 3:02:46 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.

**EXHIBIT A**

We are requesting office (OCD) zoning

We are requesting a rezoning in an effort to facilitate development of the downtown area on East Charles St. The purpose of rezoning 352 East Charles Street from residential to office conditional is for The Budd Law Group to open an office in downtown Matthews. The ½ acre parcel is adjacent to a vacant lot, a rental home, and the rear of the Matthews Post Office. Across the street are the railroad tracks. A natural boundary line between residential and business is the new Charles Buckley Way which recently opened.



STUBBS | ARCHITECTURE  
richard@stubbsarchitecture.com  
407-782-4482

GENERAL NOTES:  
1. EXISTING SITE CONDITIONS ARE BASED ON THE SURVEY PREPARED BY Q.N. HUNEYCUTT: L-1103 - DATED 9/28/04.

**PROJECT SUMMARY**

**PROJECT LOCATION:** 352 E CHARLES ST. MATTHEWS, NC 28105  
**OWNER(S):** PRESSLEY, JUDY L PRESSLEY, JERRY W PRESSLEY, LYNN  
**APPLICANT:** LAURA BUDD  
**CURRENT ZONING:** RESIDENTIAL - R-12  
**PROPOSED ZONING:** OFFICE - O (CD)  
**EXISTING USE:** SINGLE FAMILY RESIDENCE  
**PROPOSED USE:** PROFESSIONAL OFFICE

**SUMMARY REQUEST**

The applicant requests a rezoning of the existing property from Residential - R-12 to Office - O (CD). An addition will be constructed on the rear of the existing building and the property will be used as legal offices for The Budd Law Group.

**SUMMARY OF PROPOSED CONDITIONS**

The existing single family residence is 1,177sf, was built in 1947 and has a shingled roof with a gable at each end. The existing house has wood siding with a brick base.

The applicant proposes to remove the existing residence as it will not serve to function as an office due to building size, The Americans with Disabilities Act, available electric service, and existing mechanical unit size and efficiency.

The new structure will contain 3,150sf on the ground floor and a 1,000sf second story loft area. The architectural style of the new structure will be residential in nature and scale.

There will be a new 18'-0" concrete access drive to the parking area in the rear of the building. There will be 13 parking spaces, one of which is handicap accessible.

There will be an ADA compliant ramp on the north side of the building.

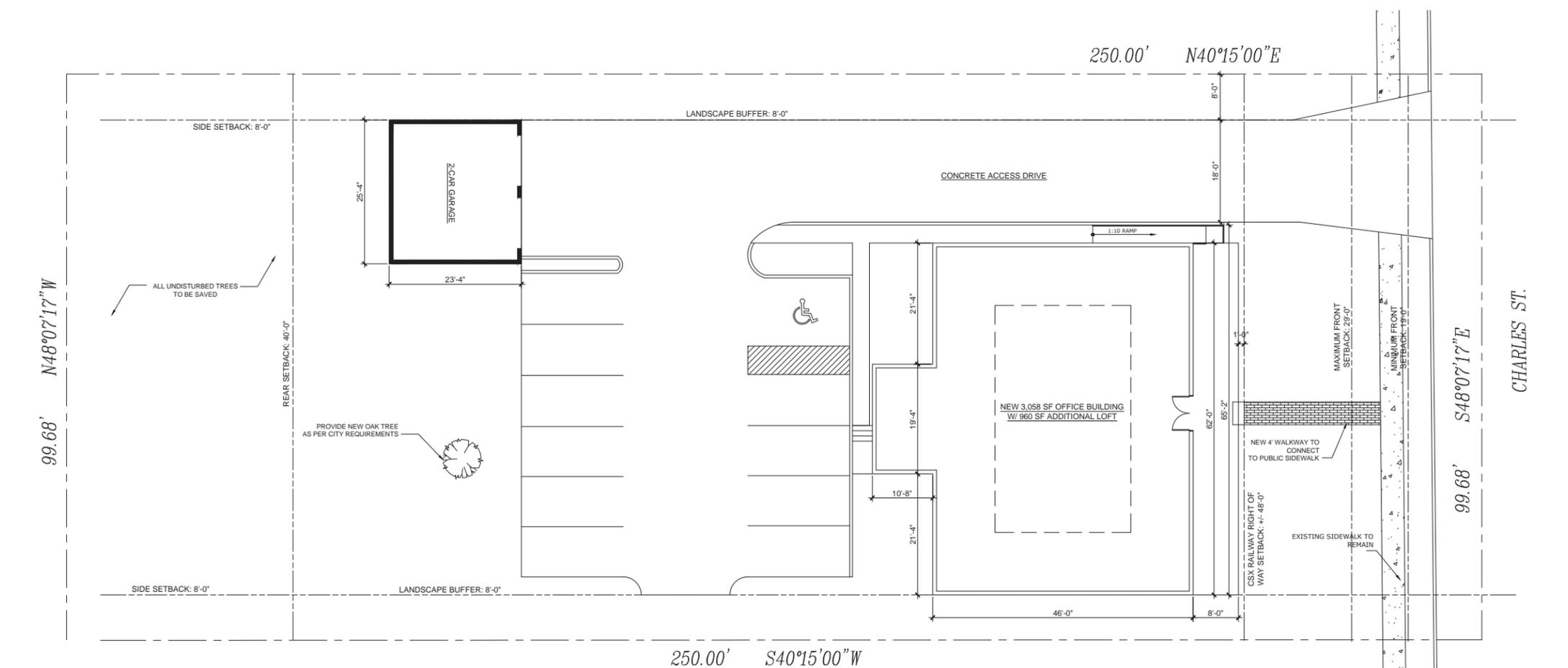
All uses in Office are allowed.

Lot Size: 0.57 Acres  
Parcel ID: 21501408  
Required Parking: 10 Spaces  
Proposed Parking: 13 Spaces

**Required Setbacks**  
Front: 19'-0" Minimum  
29'-0" Maximum  
NOTE: There is a CSX Right of Way setback of +/- 48'-0" from the front property line as noted on the site plan. Exact location of setback to be verified by surveyor.

Side: 8'-0" Minimum

Rear: 40'-0" Minimum



1 SITE PLAN

SCALE: 3/32" = 1'-0"

The Budd Law Group  
Offices  
352 E Charles St.  
Matthews, NC 28105

**Revisions**

No.	Description	Date

**PROPOSED SITE PLAN**

Drawn:  
Checked:  
Date: 11/3/16

**RZ-2**

Project #: 2016.30



9-21-2016



**STUBBS | ARCHITECTURE**  
richard@stubbsarchitecture.com  
407-782-4482

GENERAL NOTES:  
1. EXISTING SITE CONDITIONS ARE BASED ON THE SURVEY PREPARED BY Q.N. HUNEYCUTT: L-1103 - DATED 9/28/04.

**PROJECT SUMMARY**

**PROJECT LOCATION:** 352 E CHARLES ST. MATTHEWS, NC 28105

**OWNER(S):** PRESSLEY, JUDY L  
PRESSLEY, JERRY W  
PRESSLEY, LYNN

**APPLICANT:** LAURA BUDD

**CURRENT ZONING:** RESIDENTIAL - R-12

**PROPOSED ZONING:** OFFICE - O (CD)

**EXISTING USE:** SINGLE FAMILY RESIDENCE

**PROPOSED USE:** PROFESSIONAL OFFICE

---

**SUMMARY REQUEST**

The applicant requests a rezoning of the existing property from Residential - R-12 to Office - O (CD). An addition will be constructed on the rear of the existing building and the property will be used as legal offices for The Budd Law Group.

---

**SUMMARY OF PROPOSED CONDITIONS**

The existing single family residence is 1,177sf, was built in 1947 and has a shingled roof with a gable at each end. The existing house has wood siding with a brick base.

The applicant proposes to remove the existing residence as it will not serve to function as an office due to building size, The Americans with Disabilities Act, available electric service, and existing mechanical unit size and efficiency.

The new structure will contain 3,150sf on the ground floor and a 1,000sf second story loft area. The architectural style of the new structure will be residential in nature and scale.

There will be a new 18'-0" concrete access drive to the parking area in the rear of the building. There will be 7 parking spaces, one of which is handicap accessible.

There will be an ADA compliant ramp on the north side of the building.

All uses in Office are allowed.

Lot Size: 0.57 Acres  
Parcel ID: 21501408  
Required Parking: 6 Spaces

**Required Setbacks**  
Front: 19'-0" Minimum  
29'-0" Maximum  
*NOTE: There is a CSX Right of Way setback of +/- 48'-0" from the front property line as noted on the site plan. Exact location of setback to be verified by surveyor.*

Side: 8'-0" Minimum  
Rear: 40'-0" Minimum



The Budd Law Group  
Offices  
352 E Charles St.  
Matthews, NC 28105

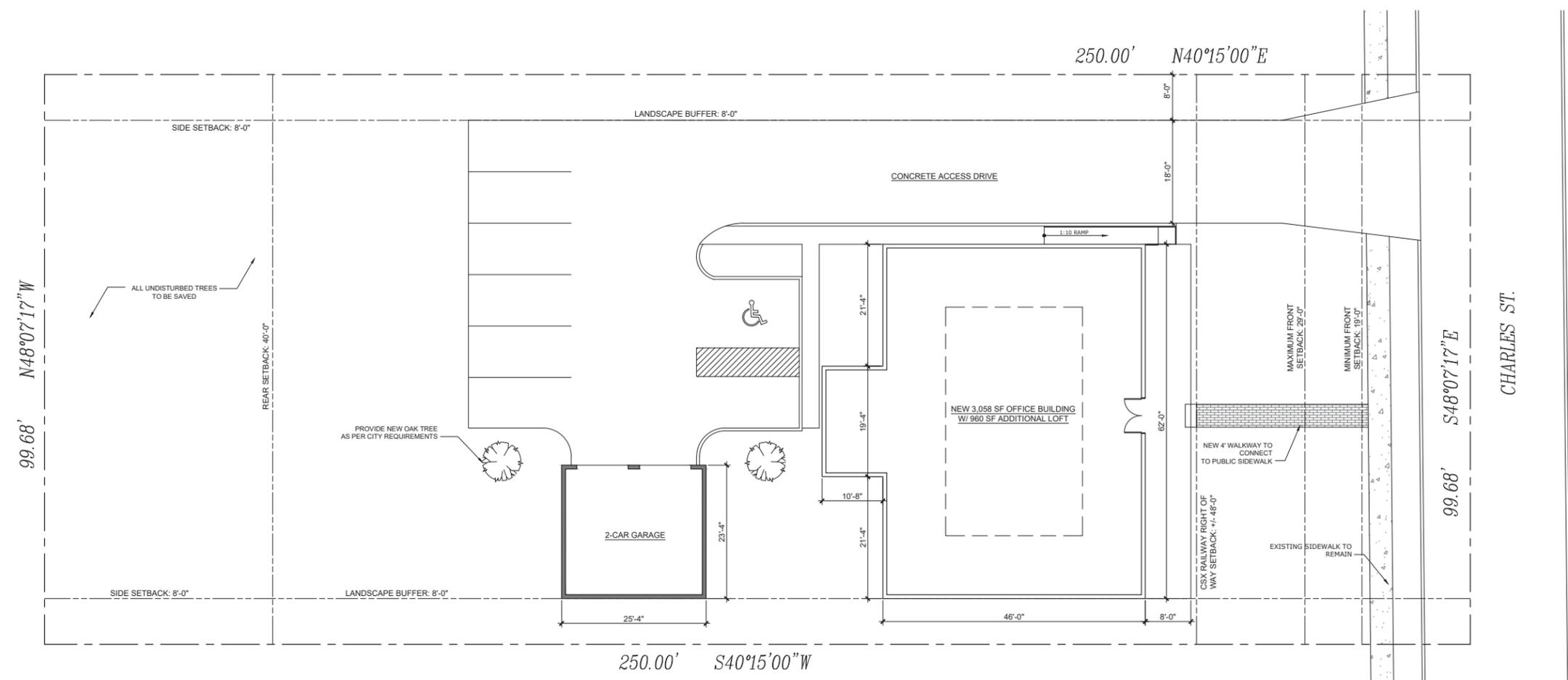
Revisions

No.	Description	Date

**PROPOSED SITE PLAN**

Drawn: RS  
Checked:  
Date: 8/31/16

**RZ-2**  
Project #: 2016.30



**1 SITE PLAN**

SCALE: 3/32" = 1'-0"



**STUBBS | ARCHITECTURE**  
richard@stubsarchitecture.com  
407-782-4482

GENERAL NOTES:  
1. EXISTING SITE CONDITIONS ARE BASED ON THE SURVEY PREPARED BY Q.N. HUNEYCUTT: L-1103 - DATED 9/28/04.

**PROJECT SUMMARY**

**PROJECT LOCATION:** 352 E CHARLES ST. MATTHEWS, NC 28105  
**OWNER(S):** PRESSLEY, JUDY L PRESSLEY, JERRY W PRESSLEY, LYNN  
**APPLICANT:** LAURA BUDD  
**CURRENT ZONING:** RESIDENTIAL - R-12  
**PROPOSED ZONING:** OFFICE - O (CD)  
**EXISTING USE:** SINGLE FAMILY RESIDENCE  
**PROPOSED USE:** PROFESSIONAL OFFICE

**SUMMARY REQUEST**

The applicant requests a rezoning of the existing property from Residential - R-12 to Office - O (CD). An addition will be constructed on the rear of the existing building and the property will be used as legal offices for The Budd Law Group.

**SUMMARY OF PROPOSED CONDITIONS**

The existing single family residence is 1,177sf, was built in 1947 and has a shingled roof with a gable at each end. The existing house has wood siding with a brick base.

The applicant proposes to remove the existing residence as it will not serve to function as an office due to building size, The Americans with Disabilities Act, available electric service, and existing mechanical unit size and efficiency.

The new structure will contain 3,150sf on the ground floor and a 1,000sf second story loft area. The architectural style of the new structure will be residential in nature and scale.

There will be a new 18'-0" concrete access drive to the parking area in the rear of the building. There will be 7 parking spaces, one of which is handicap accessible.

There will be an ADA compliant ramp on the north side of the building.

All uses in Office are allowed.

Lot Size: 0.57 Acres  
Parcel ID: 21501408  
Required Parking: 6 Spaces

**Required Setbacks**

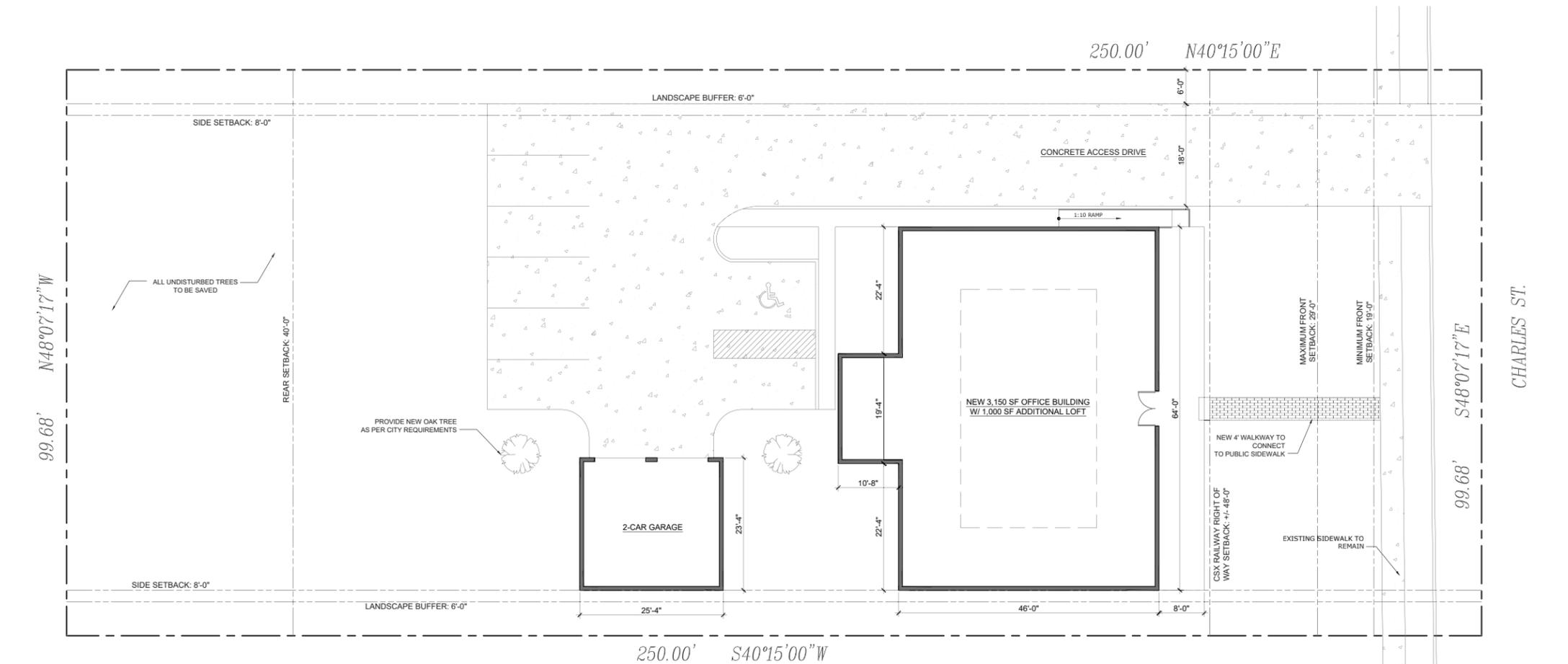
Front: 19'-0" Minimum

29'-0" Maximum

NOTE: There is a CSX Right of Way setback of +/- 48'-0" from the front property line as noted on the site plan. Exact location of setback to be verified by surveyor.

Side: 8'-0" Minimum

Rear: 40'-0" Minimum



**1 SITE PLAN**

SCALE: 3/32" = 1'-0"

The Budd Law Group  
Offices  
352 E Charles St.  
Matthews, NC 28105

**Revisions**

No.	Description	Date

**PROPOSED SITE PLAN**

Drawn: RS  
Checked:  
Date: 8/31/16

**RZ-2**

Project #: 2016.30



**STUBBS | ARCHITECTURE**  
richard@stubbsarchitecture.com  
407-782-4482

**GENERAL NOTES:**  
1. EXISTING SITE CONDITIONS ARE BASED ON THE SURVEY PREPARED BY Q.N. HUNEYCUTT: L-1103 - DATED 9/28/04.

**PROJECT SUMMARY**

**PROJECT LOCATION:** 352 E CHARLES ST. MATTHEWS, NC 28105  
**OWNER(S):** PRESLEY, JUDY L  
PRESLEY, JERRY W  
PRESLEY, LYNN  
**APPLICANT:** LAURA BUDD  
**CURRENT ZONING:** RESIDENTIAL - R-12  
**PROPOSED ZONING:** OFFICE - O (CD)  
**EXISTING USE:** SINGLE FAMILY RESIDENCE  
**PROPOSED USE:** PROFESSIONAL OFFICE

**SUMMARY REQUEST**

The applicant requests a rezoning of the existing property from Residential - R-12 to Office - O (CD). An addition will be constructed on the rear of the existing building and the property will be used as legal offices for The Budd Law Group.

**SUMMARY OF PROPOSED CONDITIONS**

The existing single family residence is 1,177sf, was built in 1947 and has a shingled roof with a gable at each end. The existing house has wood siding with a brick base.

The applicant proposes to remove the existing residence as it will not serve to function as an office due to building size, The Americans with Disabilities Act, available electric service, and existing mechanical unit size and efficiency.

The new structure will contain 3,150sf on the ground floor and a 1,000sf second story loft area. The architectural style of the new structure will be residential in nature and scale.

There will be a new 18'-0" concrete access drive to the parking area in the rear of the building. There will be 7 parking spaces, one of which is handicap accessible.

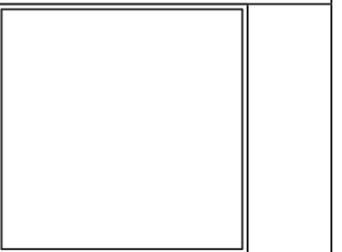
There will be an ADA compliant ramp on the north side of the building.

All uses in Office are allowed.

Lot Size: 0.57 Acres  
Parcel ID: 21501408  
Required Parking: 6 Spaces

**Required Setbacks**  
Front: 19'-0" Minimum  
29'-0" Maximum  
**NOTE:** There is a CSX Right of Way setback of +/- 48'-0" from the front property line as noted on the site plan. Exact location of setback to be verified by surveyor.

Side: 8'-0" Minimum  
Rear: 40'-0" Minimum



The Budd Law Group  
Offices  
352 E Charles St.  
Matthews, NC 28105

**Revisions**

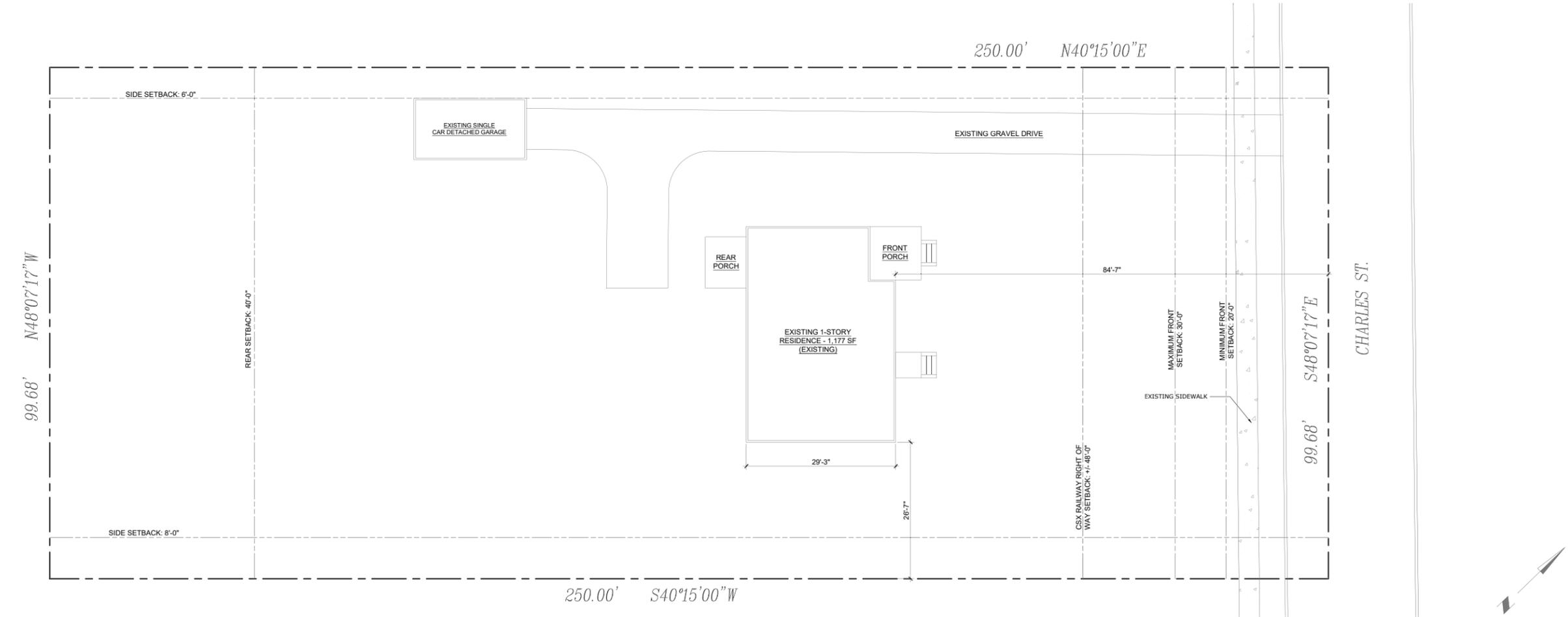
No.	Description	Date

**EXISTING SITE PLAN**

Drawn: RS  
Checked:  
Date: 8/31/16

**RZ-1**

Project #: 2016.30



**1 EXISTING SITE PLAN**

SCALE: 3/32" = 1'-0"

MAX RIDGE HT.: 33'-0"

SECOND FLOOR: 12'-0"

FIRST FLOOR ROOF: 10'-0"

FIRST FLOOR: 0'-0"



**1 FRONT ELEVATION**

SCALE:  $\frac{1}{8}'' = 1'-0''$



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richard@stubbsarchitecture.com  
407-782-4482

THE BUDD LAW GROUP  
352 E Charles St.  
Matthews, NC 28105

DATE: 9/2/16  
DRAWN: RS  
PROJECT: 2016.30

**SK-03**

**SIA**  
**STUBBS | ARCHITECTURE**  
 richard@stubbsarchitecture.com  
 407-782-4482

GENERAL NOTES:  
 1. EXISTING SITE CONDITIONS ARE BASED ON THE SURVEY PREPARED BY Q.N. HUNEYCUTT: L-1103 - DATED 9/28/04.

**PROJECT SUMMARY**

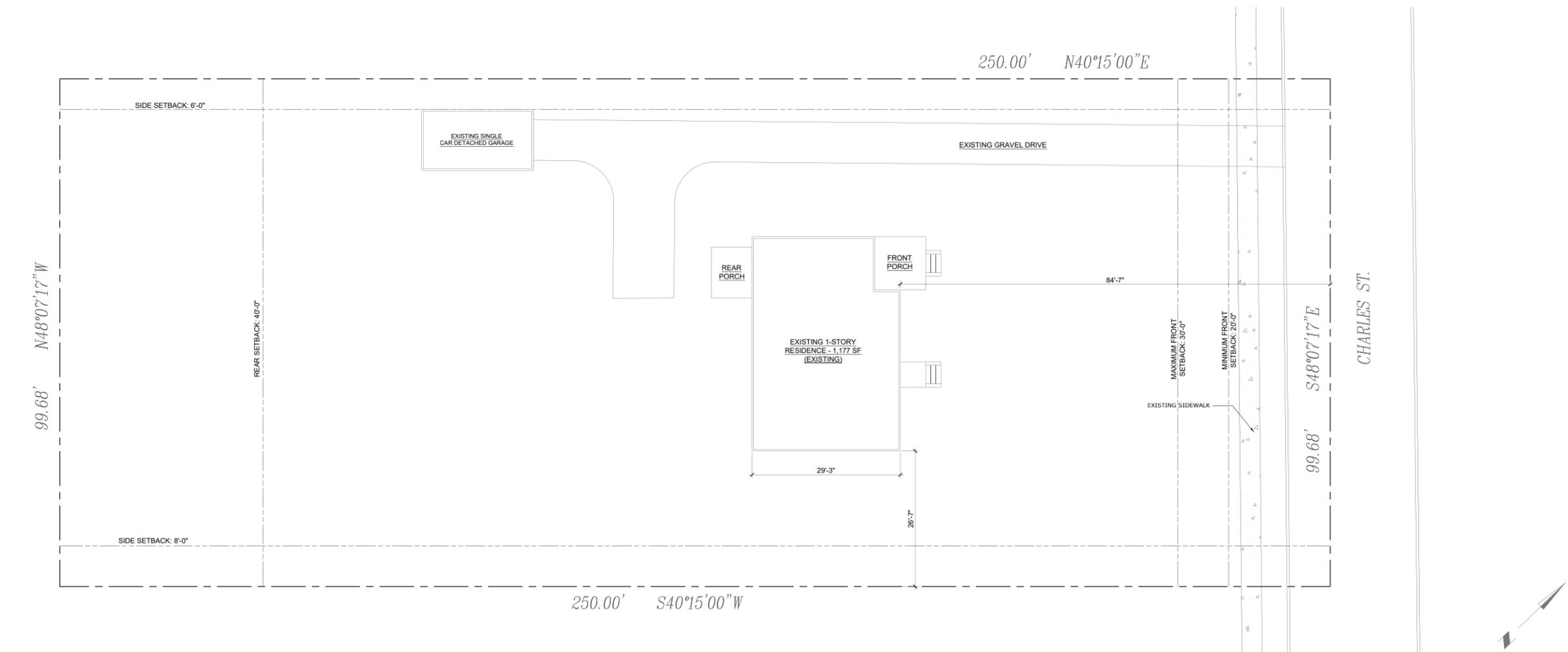
**PROJECT LOCATION:** 352 E CHARLES ST. MATTHEWS, NC 28105  
**OWNER(S):** PRESSLEY, JUDY L  
 PRESSLEY, JERRY W  
 PRESSLEY, LYNN  
**APPLICANT:** LAURA BUDD  
**CURRENT ZONING:** RESIDENTIAL - R-12  
**PROPOSED ZONING:** OFFICE - O (CD)  
**EXISTING USE:** SINGLE FAMILY RESIDENCE  
**PROPOSED USE:** PROFESSIONAL OFFICE

**SUMMARY REQUEST**

The applicant requests a rezoning of the existing property from Residential - R-12 to Office - O (CD). An addition will be constructed on the rear of the existing building and the property will be used as legal offices for The Budd Law Group.

**SUMMARY OF PROPOSED CONDITIONS**

The existing single family residence is 1,177sf, was built in 1947 and has a shingled roof with a gable at each end. The existing house has wood siding with a brick base and the new construction will match this architectural style.  
 The applicant proposes to add an additional 1,350 sf to the rear of the building and redesign the front elevation with a new covered porch. The new roof will be redesigned and replaced with the rear addition.  
 There will be a new 21'-6" concrete access drive to the parking area in the rear of the building. There will be 6 parking spaces, one of which is handicap accessible.  
 There will be an ADA compliant ramp on the north side of the building.



**1 EXISTING SITE PLAN**

SCALE: 3/32" = 1'-0"

The Budd Law Group  
 Offices  
 352 E Charles St.  
 Matthews, NC 28105

**Revisions**

No.	Description	Date

**EXISTING SITE PLAN**

Drawn: RS  
 Checked:  
 Date: 5/31/16

**RZ-1**  
 Project #: 2016.30



**STUBBS | ARCHITECTURE**  
richard@stubbsarchitecture.com  
407-782-4482

**GENERAL NOTES:**  
1. EXISTING SITE CONDITIONS ARE BASED ON THE SURVEY PREPARED BY Q.N. HUNEYCUTT: L-1103 - DATED 9/28/04.

**PROJECT SUMMARY**

**PROJECT LOCATION:** 352 E CHARLES ST. MATTHEWS, NC 28105  
**OWNER(S):** PRESSLEY, JUDY L  
PRESSLEY, JERRY W  
PRESSLEY, LYNN  
**APPLICANT:** LAURA BUDD  
**CURRENT ZONING:** RESIDENTIAL - R-12  
**PROPOSED ZONING:** OFFICE - O (CD)  
**EXISTING USE:** SINGLE FAMILY RESIDENCE  
**PROPOSED USE:** PROFESSIONAL OFFICE

**SUMMARY REQUEST**

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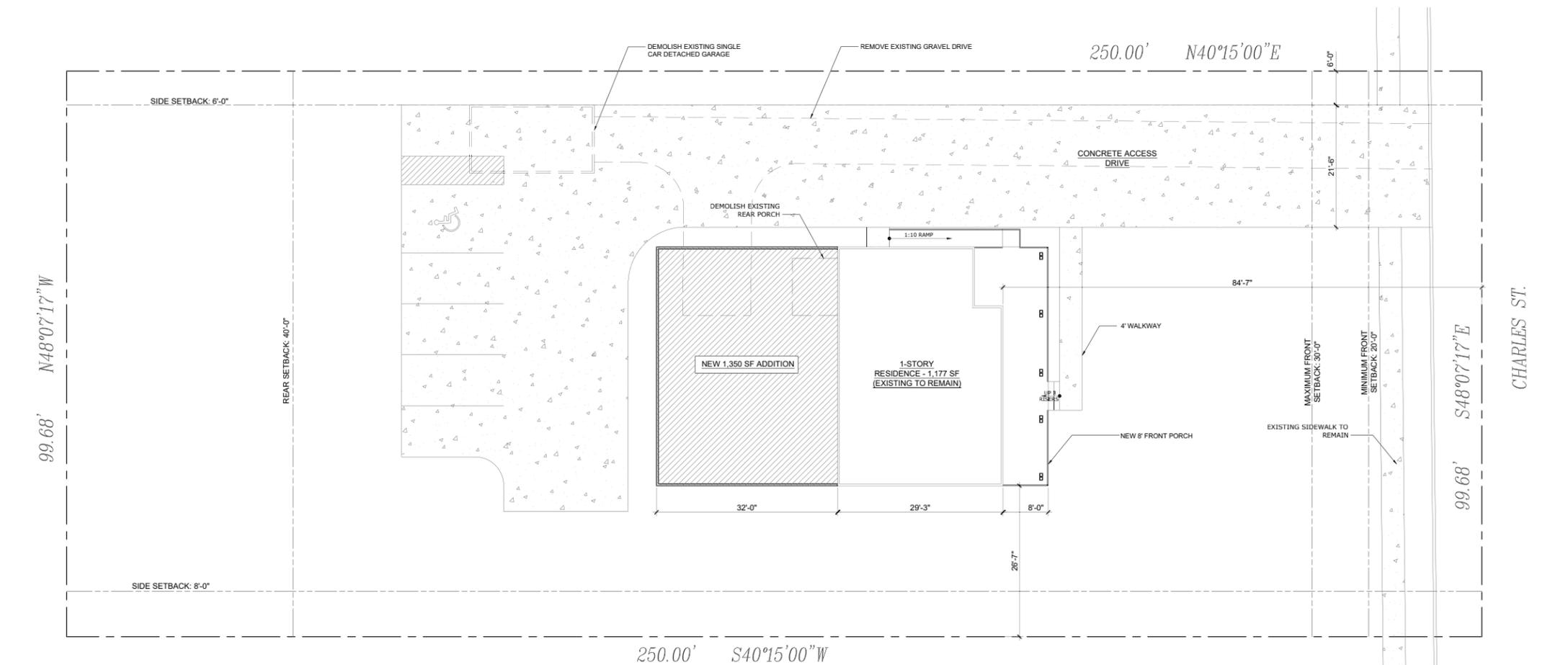
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**1 SITE PLAN**

SCALE: 3/32" = 1'-0"

The Budd Law Group  
Offices  
352 E Charles St.  
Matthews, NC 28105

**Revisions**

No.	Description	Date

**PROPOSED SITE PLAN**

Drawn: RS  
Checked:  
Date: 5/31/16

**RZ-2**

Project #: 2016.30



STUBBS | ARCHITECTURE  
richard@stubbsarchitecture.com  
407-782-4482

GENERAL NOTES:  
1. EXISTING SITE CONDITIONS ARE BASED ON THE SURVEY PREPARED BY Q.N. HUNEYCUTT: L-1103 - DATED 9/28/04.

**PROJECT SUMMARY**

**PROJECT LOCATION:** 352 E CHARLES ST. MATTHEWS, NC 28105

**OWNER(S):** PRESSLEY, JUDY L  
PRESSLEY, JERRY W  
PRESSLEY, LYNN

**APPLICANT:** LAURA BUDD

**CURRENT ZONING:** RESIDENTIAL - R-12

**PROPOSED ZONING:** OFFICE - O (CD)

**EXISTING USE:** SINGLE FAMILY RESIDENCE

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All uses in Office are allowed.

Lot Size: 0.57 Acres  
Parcel ID: 21501408  
Required Parking: 10 Spaces  
Proposed Parking: 13 Spaces

**Required Setbacks**  
Front: 19'-0" Minimum  
29'-0" Maximum  
NOTE: There is a CSX Right of Way setback of +/- 48'-0" from the front property line as noted on the site plan. Exact location of setback to be verified by surveyor.

Side: 8'-0" Minimum  
Rear: 40'-0" Minimum



The Budd Law Group  
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Revisions

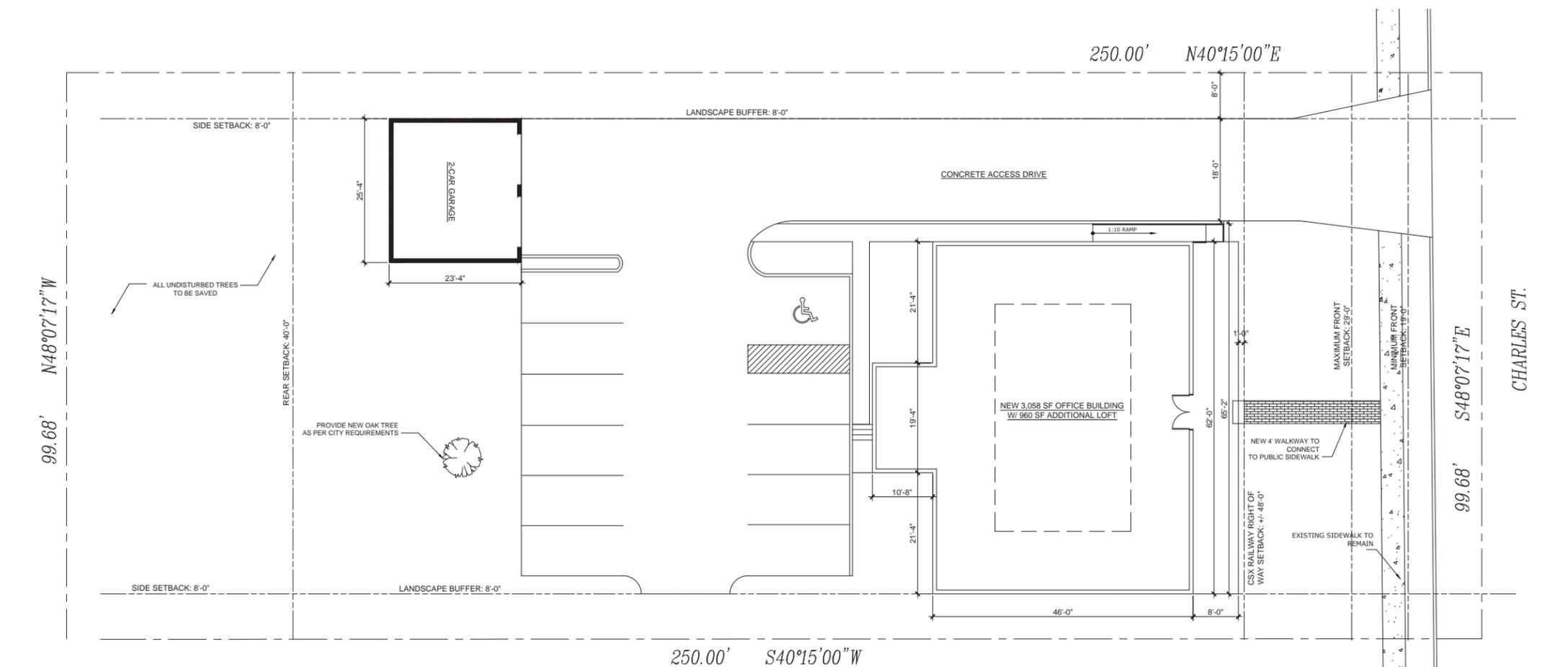
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PROPOSED SITE PLAN

Drawn:  
Checked:  
Date: 11/3/16

**RZ-2**

Project #: 2016.30



1 SITE PLAN

SCALE: 3/32" = 1'-0"



9-21-2016



**STUBBS | ARCHITECTURE**  
richard@stubbsarchitecture.com  
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Required Parking: 6 Spaces

**Required Setbacks**

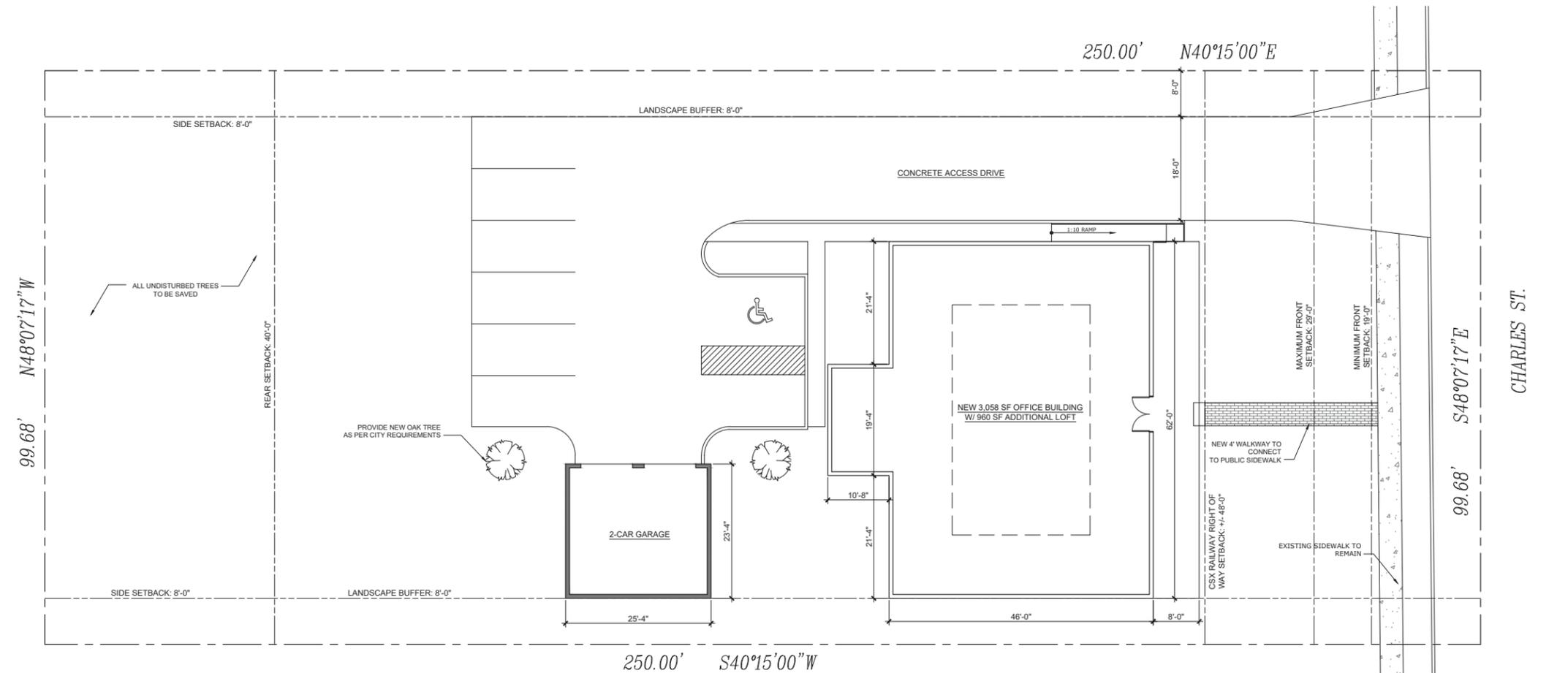
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The Budd Law Group  
Offices  
352 E Charles St.  
Matthews, NC 28105

**Revisions**

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Drawn: RS  
Checked:  
Date: 8/31/16

**RZ-2**  
Project #: 2016.30



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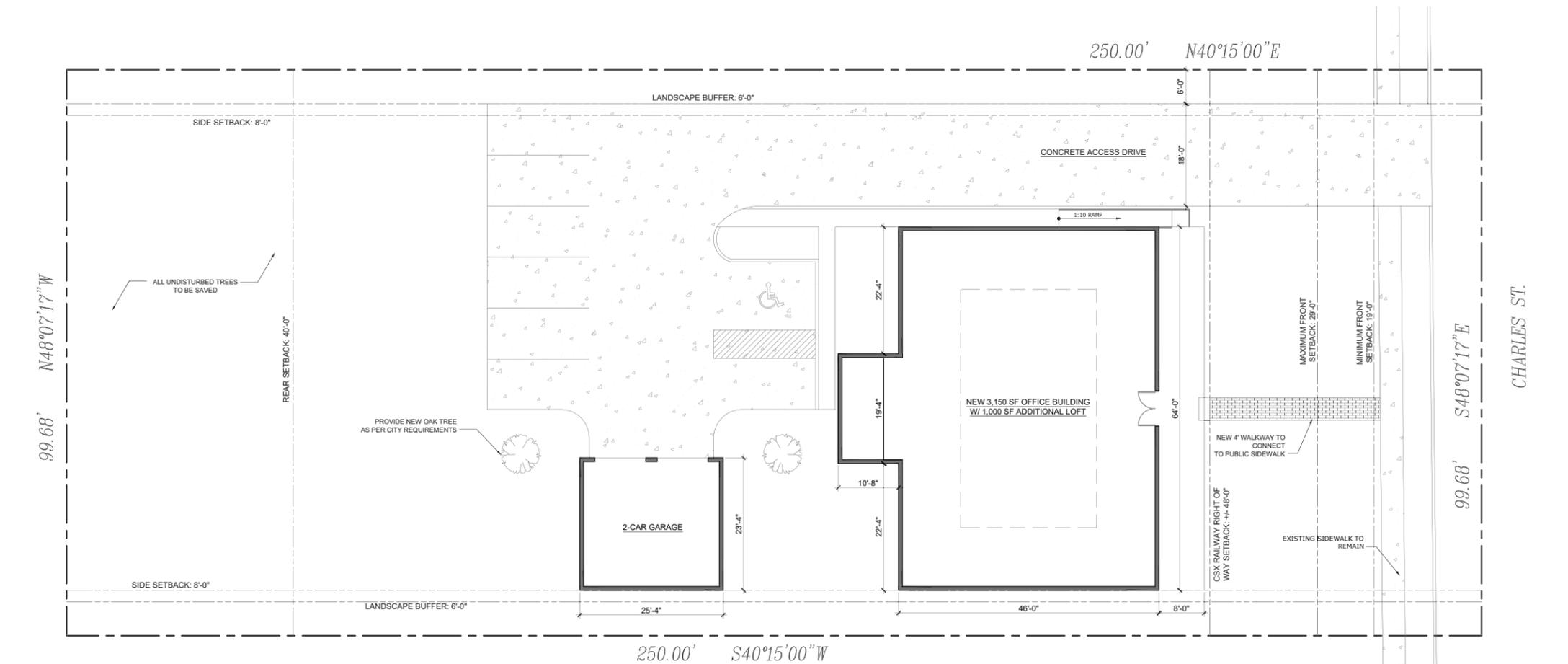
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**RZ-2**

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**PROJECT SUMMARY**

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**OWNER(S):** PRESLEY, JUDY L; PRESLEY, JERRY W; PRESLEY, LYNN  
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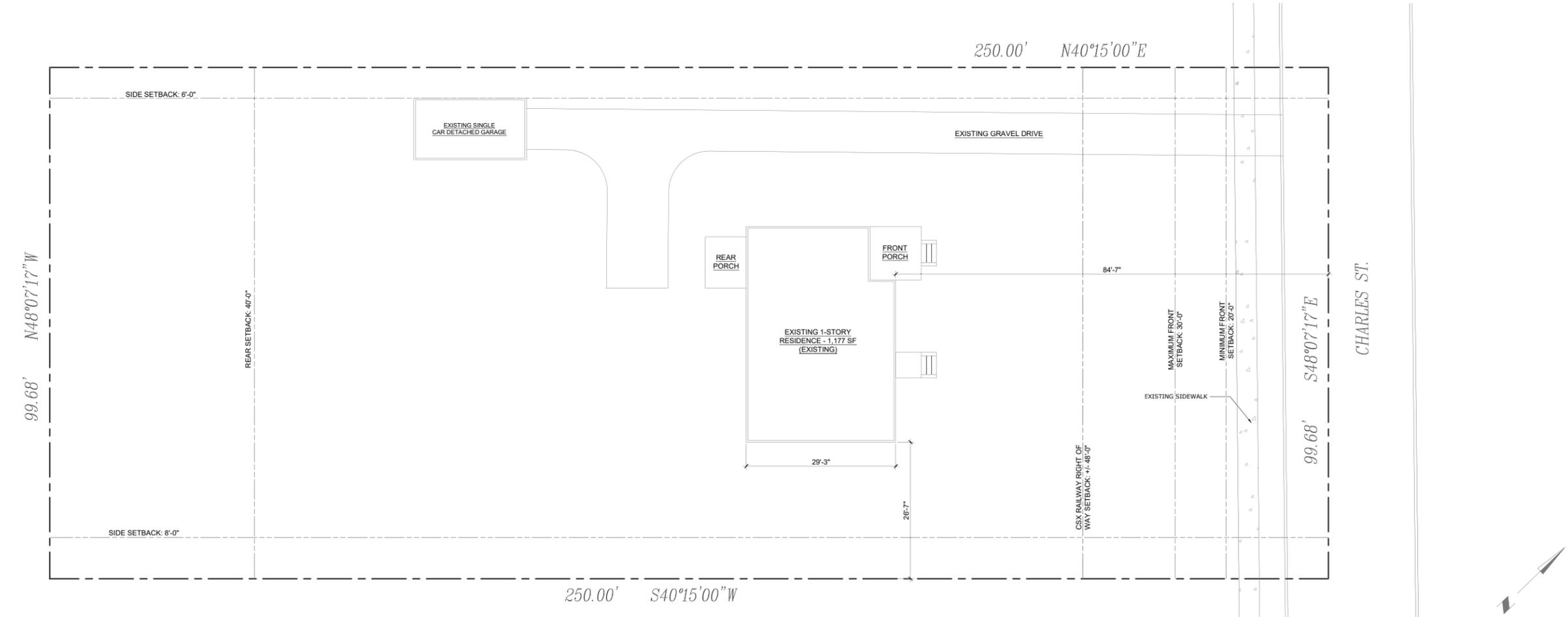
No.	Description	Date

**EXISTING SITE PLAN**

Drawn: RS  
Checked:  
Date: 8/31/16

**RZ-1**

Project #: 2016.30



**1 EXISTING SITE PLAN**

SCALE: 3/32" = 1'-0"

MAX RIDGE HT.: 33'-0"

SECOND FLOOR: 12'-0"

FIRST FLOOR ROOF: 10'-0"

FIRST FLOOR: 0'-0"



**1 FRONT ELEVATION**

SCALE: 1/8" = 1'-0"



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richard@stubbsarchitecture.com  
407-782-4482

THE BUDD LAW GROUP  
352 E Charles St.  
Matthews, NC 28105

DATE: 9/2/16  
DRAWN: RS  
PROJECT: 2016.30

**SK-03**

**SIA**  
**STUBBS | ARCHITECTURE**  
 richard@stubbsarchitecture.com  
 407-782-4482

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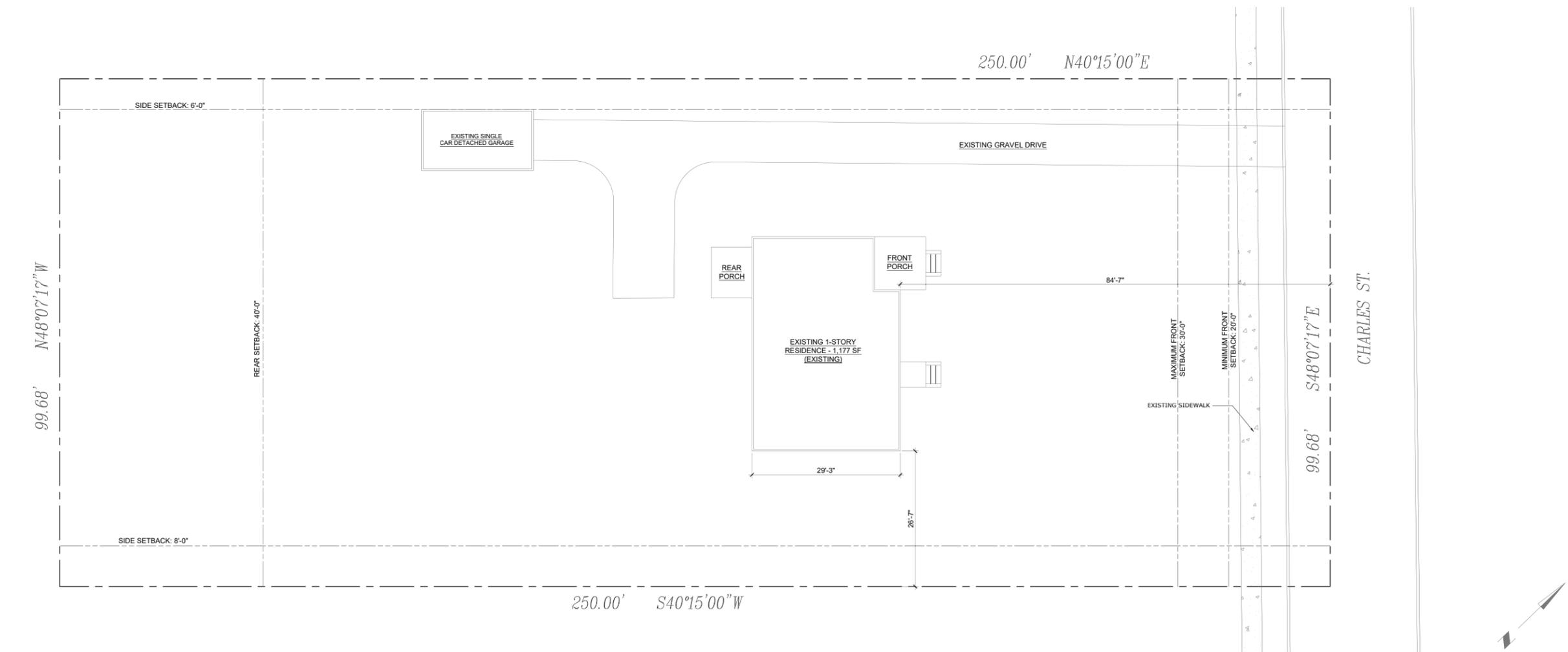
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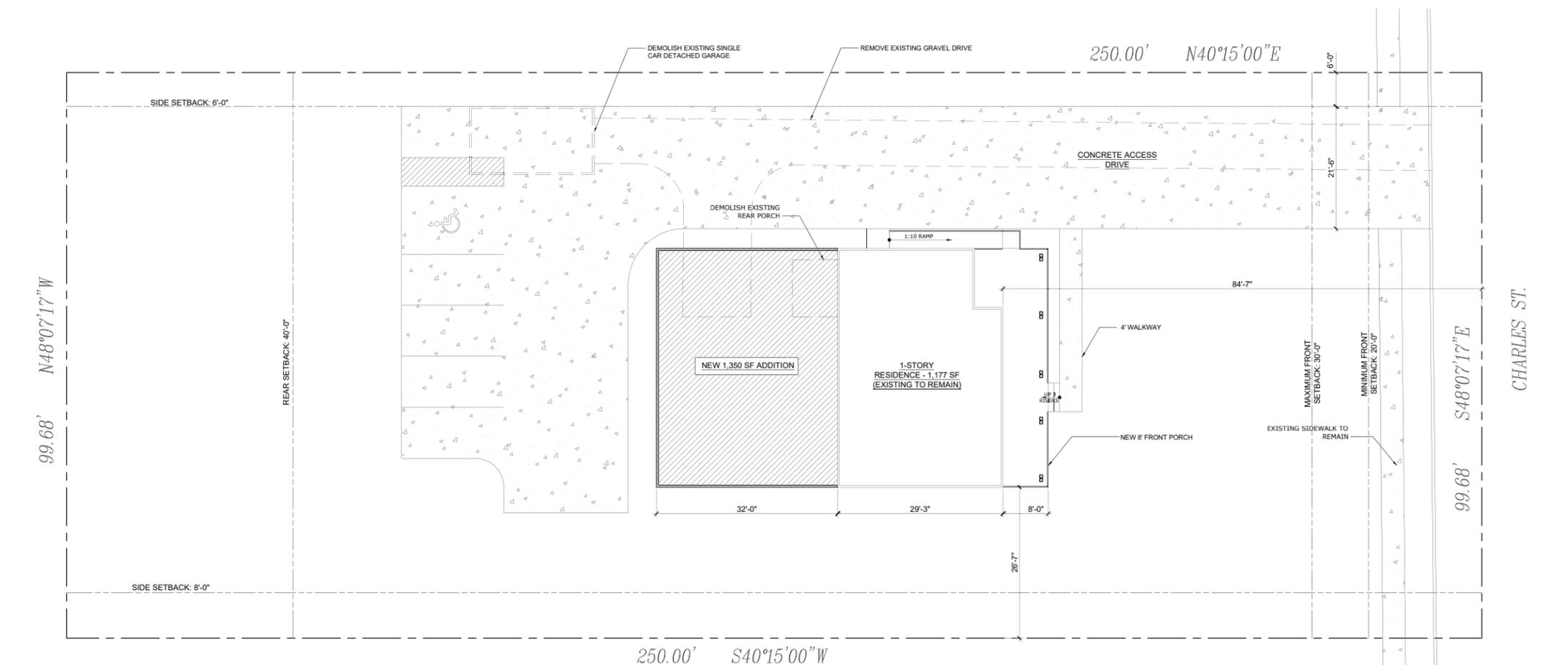
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The Budd Law Group  
Offices  
352 E Charles St.  
Matthews, NC 28105

**Revisions**

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**PROPOSED SITE PLAN**

Drawn: RS  
Checked:  
Date: 5/31/16

**RZ-2**

Project #: 2016.30

## Project Summary

<b>Location:</b>	352 East Charles Street
<b>Owner(s):</b>	Jerry Pressley & Wife, Judy Pressley, Jerry Pressley Jr. & Wife, Lynn Pressley
<b>Agent:</b>	Susan Irvin
<b>Current Zoning:</b>	R-12
<b>Proposed Zoning:</b>	O(CD)
<b>Existing Use:</b>	Single Family Home
<b>Proposed Use:</b>	Office Building
<b>Community Meeting:</b>	July 21, 2016

## Summary of Request

The applicant intends to replace the vacant single family residence with a 4,150 square foot office building that will appear similar to a house.

## Staff Comment Summary

The proposed building is designed in an office cottage style that will resemble a traditional single family home. This is a design that has worked well for other new infill structures in downtown such as the Matthews Help Center and the two story office building at 534 West John Street. Due to the railroad right-of-way, a variance will be required to located the home further from the street than the streetscape plan requires. Planning Staff are generally pleased with the proposal and consider it a quality infill development on the fringe of the downtown area.

### Planning Staff Review

#### **Background And History**

The property currently consists of a single family home built in 1947. The home is referenced in the Matthews Heritage Property Inventory but is not under consideration for designation as a landmark. The Historic Preservation Action Committee is aware of the proposed demolition and has not requested that the home be saved. This is the last property within the Downtown Overlay along East Charles Street

#### **Details of the Site Plan**

The proposed new office building and driveway will be located in roughly the same location as the current home and gravel drive. Parking is located to the rear per code and also includes covered parking within a detached new 2 car garage.

#### **Summary of Proposed Conditions**

1. Up to 4,150 sq ft of office space
2. All uses allowed within the Office zoning district are allowed

## **Planning Staff Review**

### **Outstanding Issues/Planning Staff Comments**

**(Please see additional comments in staff memos for more detail)**

1. As depicted, the site does not meet code for parking. Either the building square footage must be reduced or additional parking spaces added.
2. A variance will be required for the front setback due to the location of the CSX right of way at the front of the property.
3. We have not yet received architectural plans for the property and cannot comment on compliance with the downtown overlay design requirements.
4. The proposed 18' driveway does not meet code. A minimum of 24' is typically required. A variance is required for driveways less than 24' in width.
5. No building elevations have been submitted for the side and rear portions of the building.
6. Utility services to new building should be underground. Existing connection to home is overhead electrical.
7. The driveway is too close to the side property line and will require a zoning variance.

### **Consistency with Adopted Plans and Policies and Town Vision Statements**

The Land Use Plan does not make a specific recommendation for the site, however, office is an appropriate use for this portion of the downtown area. The layout conforms with the standards within the Downtown Overlay and the architecture appears to meet current design standards.

### **Reports from Town Departments and County Agencies**

#### **Matthews Police**

No concerns

#### **Matthews Fire**

No concerns

#### **Public Works**

Proposed driveway should be 24' minimum where it connects to Charles Street to provide safe ingress/egress.

#### **Matthews Parks and Recreation**

No Concerns

#### **Charlotte Mecklenburg Schools**

Not Applicable

#### **Town Arborist**

Three to four dying trees should be removed throughout the site and two white oaks near the front of the current home will need to be removed. Staff will request trees to be removed to be labeled on subsequent plans.

#### **PCO Concept Plan Approval Required?**

No

### **Impact Analysis**

No impact to Town services is anticipated.

### **Projected Financial Impact of the Request**

Current Matthews taxes on the site amount to \$350 per year, or about \$700 per acre. The proposed development is similar in size, scale and construction to the new office building at the corner of Lois and Charles Street that was constructed in 2014. Local taxes on that property amount to \$2,000 annually. Therefore, the proposed development will increase local Matthews taxes from \$350 annually to approximately \$2,000 annually/\$4,000 per acre.

**Site Images**

**View From Charles Street**



**View to residential property that fronts East John St**



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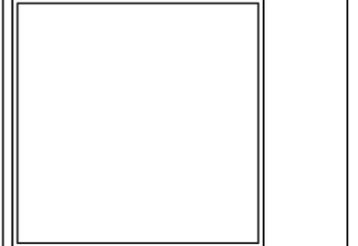
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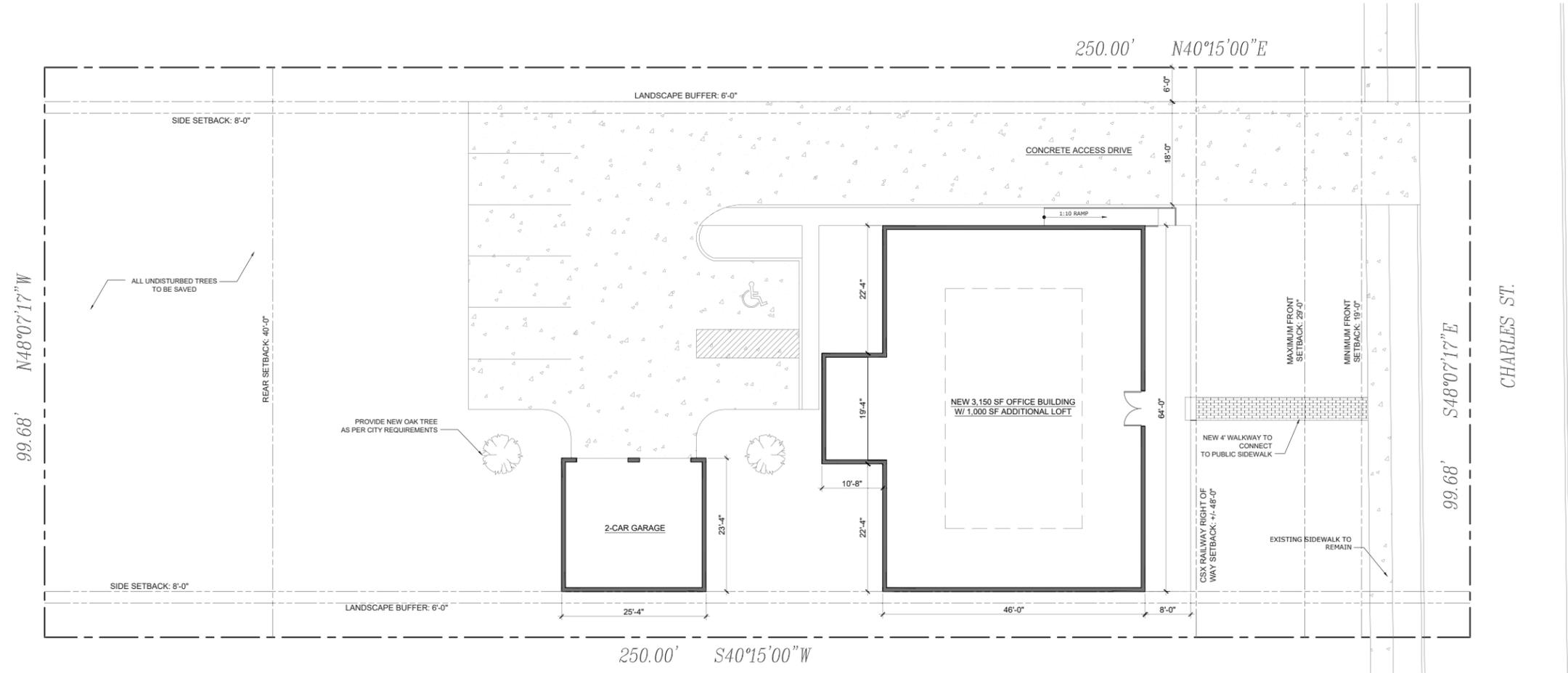
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Drawn: RS  
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**RZ-2**

Project #: 2016.30



**1 SITE PLAN**

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MAX RIDGE HT.: 33'-0"

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FIRST FLOOR ROOF: 10'-0"

FIRST FLOOR: 0'-0"



**1 FRONT ELEVATION**

SCALE:  $\frac{1}{8}'' = 1'-0''$



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DATE: 9/2/16  
DRAWN: RS  
PROJECT: 2016.30

**SK-03**

## **MINUTES OF COMMUNITY MEETING**

Date: July 21, 2016

Time: 3pm

Location: 352 E. Charles St. Matthews, NC 28105

Purpose: Community Meeting for Re-Zoning of Property

Meeting began at 3pm. At approximately 3:15pm, Frank Williams and his wife, Kristin arrived. They reviewed the site plan and the prospective sketch of the front exterior of the building. Mr. Williams commented on the size of the lot and size of the building, and suggested a detached garage structure be added.

Also present at the meeting were Stephanie Cooper, one of the project architects, Judy Pressley, one of the current owners, and Laura Budd, the buyer and petitioner to answer questions about the plans and re-zoning.

The meeting adjourned at 4pm.

7/8/16

**THE BUDD LAW GROUP, PLLC**  
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Matthews, NC 28105  
[www.thebuddlawgroup.com](http://www.thebuddlawgroup.com)  
Telephone: 704-841-0760  
Facsimile: 704-844-8936

**Laura H. Budd, Attorney**  
[lbudd@thebuddlawgroup.com](mailto:lbudd@thebuddlawgroup.com)

**Kris A. Wampler, Attorney**  
[kwampler@thebuddlawgroup.com](mailto:kwampler@thebuddlawgroup.com)

July 8, 2016

**VIA US MAIL**

Mr. James Taylor, Mayor  
Town of Matthews  
232 Matthews Station St.  
Matthews, NC 28105

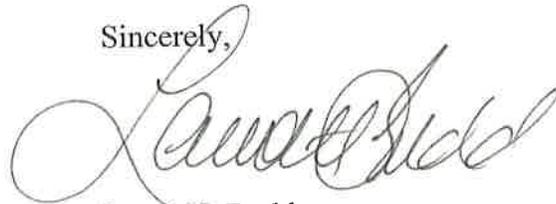
Dear Mr. Taylor,

I hope you are well and that you are enjoying your summer. This letter is to notify you of the upcoming community meeting regarding the rezoning of 352 E. Charles Street, Matthews, North Carolina, 28105. The meeting is scheduled for Thursday July 21, 2016 at 4:00pm at 352 E. Charles St. Matthews, NC 28105. Please feel free to drop by to ask any questions or request additional information.

If you have any questions or would like additional information before the actual meeting – do not hesitate to contact our office. We are eagerly looking forward to becoming a part of your community.

Thank you.

Sincerely,



Laura H. Budd  
Attorney and Owner

/dvj

Enclosure

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[lbudd@thebuddlawgroup.com](mailto:lbudd@thebuddlawgroup.com)

**Kris A. Wampler, Attorney**  
[kwampler@thebuddlawgroup.com](mailto:kwampler@thebuddlawgroup.com)

July 8, 2016

**VIA US MAIL**

433 East John Street Corp.  
c/o Hood Container Corp.  
P.O. Box 1828  
Hattiesburg, MS 39403

To Whom it May Concern;

I hope you are well and that you are enjoying your summer. This letter is to notify you of the upcoming community meeting regarding the rezoning of 352 E. Charles Street, Matthews, North Carolina, 28105. The meeting is scheduled for Thursday July 21, 2016 at 4:00pm at 352 E. Charles St. Matthews, NC 28105. Please feel free to drop by to ask any questions or request additional information.

If you have any questions or would like additional information before the actual meeting – do not hesitate to contact our office. We are eagerly looking forward to becoming a part of your community.

Thank you.

Sincerely,



Laura H. Budd  
Attorney and Owner

/dvj  
Enclosure

7/13/16

**THE BUDD LAW GROUP, PLLC**  
10550 Independence Pointe Parkway, Suite 301  
Matthews, NC 28105  
[www.thebuddlawgroup.com](http://www.thebuddlawgroup.com)  
Telephone: 704-841-0760  
Facsimile: 704-844-8936

**Laura H. Budd, Attorney**  
[lbudd@thebuddlawgroup.com](mailto:lbudd@thebuddlawgroup.com)

**Kris A. Wampler, Attorney**  
[kwampler@thebuddlawgroup.com](mailto:kwampler@thebuddlawgroup.com)

July 8, 2016

**VIA US MAIL**

Thomas Funderburke Rev. Living Trust  
Mary Funderburke Rev. Living Trust  
831 Kilarney Court  
Matthews, NC 28104

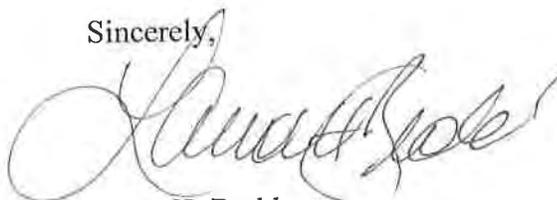
Dear Mr. and Mrs. Funderburke,

I hope you are well and that you are enjoying your summer. This letter is to notify you of the upcoming community meeting regarding the rezoning of 352 E. Charles Street, Matthews, North Carolina, 28105. The meeting is scheduled for Thursday July 21, 2016 at 4:00pm at 352 E. Charles St. Matthews, NC 28105. Please feel free to drop by to ask any questions or request additional information.

If you have any questions or would like additional information before the actual meeting – do not hesitate to contact our office. We are eagerly looking forward to becoming a part of your community.

Thank you.

Sincerely,



Laura H. Budd  
Attorney and Owner

/dvj  
Enclosure

7/8/16

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**Kris A. Wampler, Attorney**  
[kwampler@thebuddlawgroup.com](mailto:kwampler@thebuddlawgroup.com)

July 8, 2016

**VIA US MAIL**

Frank Williams, II & Kristin Williams  
P.O. Box 704  
Matthews, NC 28105

Dear Mr. and Mrs. Williams,

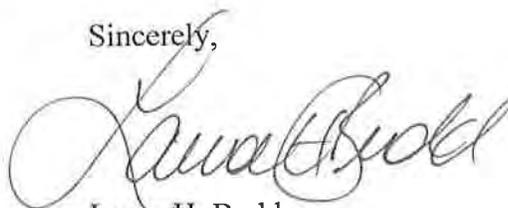
I hope you are well and that you are enjoying your summer. This letter is to notify you of the upcoming community meeting regarding the rezoning of 352 E. Charles Street, Matthews, North Carolina, 28105. The meeting is scheduled for Thursday July 21, 2016 at 4:00pm at 352 E. Charles St. Matthews, NC 28105. Please feel free to drop by to ask any questions or request additional information.

If you have any questions or would like additional information before the actual meeting – do not hesitate to contact our office. We are eagerly looking forward to becoming a part of your community.

Have a good day.

Thank you.

Sincerely,



Laura H. Budd  
Attorney and Owner

/dvj

Enclosure

**THE BUDD LAW GROUP, PLLC**  
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Matthews, NC 28105  
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7/8/16

**Laura H. Budd, Attorney**  
[lbudd@thebuddlawgroup.com](mailto:lbudd@thebuddlawgroup.com)

**Kris A. Wampler, Attorney**  
[kwampler@thebuddlawgroup.com](mailto:kwampler@thebuddlawgroup.com)

July 8, 2016

**VIA US MAIL**  
US Postal Service  
P.O. Box 27497  
Greensboro, NC 27495

To Whom It May Concern;

I hope you are well and that you are enjoying your summer. This letter is to notify you of the upcoming community meeting regarding the rezoning of 352 E. Charles Street, Matthews, North Carolina, 28105. The meeting is scheduled for Thursday July 21, 2016 at 4:00pm at 352 E. Charles St. Matthews, NC 28105. Please feel free to drop by to ask any questions or request additional information.

If you have any questions or would like additional information before the actual meeting – do not hesitate to contact our office. We are eagerly looking forward to becoming a part of your community.

Thank you.

Sincerely,



Laura H. Budd  
Attorney and Owner

/dvj  
Enclosure

2016-648  
9-2-2016

**THE BUDD LAW GROUP, PLLC**  
10550 Independence Pointe Parkway, Suite 301  
Matthews, NC 28105  
[www.thebuddlawgroup.com](http://www.thebuddlawgroup.com)  
Telephone: 704-841-0760  
Facsimile: 704-844-8936

7/8/16

**Laura H. Budd, Attorney**  
[lbudd@thebuddlawgroup.com](mailto:lbudd@thebuddlawgroup.com)

**Kris A. Wampler, Attorney**  
[kwampler@thebuddlawgroup.com](mailto:kwampler@thebuddlawgroup.com)

July 8, 2016

**VIA US MAIL**

Amy Dassoulas  
William Moore  
Patricia Webb  
Steven Moore  
7423 Mill Pond  
Waxhaw, NC 28173

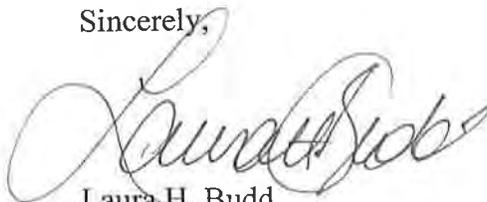
Dear Family,

I hope you are well and that you are enjoying your summer. This letter is to notify you of the upcoming community meeting regarding the rezoning of 352 E. Charles Street, Matthews, North Carolina, 28105. The meeting is scheduled for Thursday July 21, 2016 at 4:00pm at 352 E. Charles St. Matthews, NC 28105. Please feel free to drop by to ask any questions or request additional information.

If you have any questions or would like additional information before the actual meeting – do not hesitate to contact our office. We are eagerly looking forward to becoming a part of your community.

Thank you.

Sincerely,



Laura H. Budd  
Attorney and Owner

/dvj  
Enclosure

2016-648  
9-2-2016

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7/8/16

**Laura H. Budd, Attorney**  
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**Kris A. Wampler, Attorney**  
[kwampler@thebuddlawgroup.com](mailto:kwampler@thebuddlawgroup.com)

July 8, 2016

**VIA US MAIL**  
Rachel T. Neal  
7009 Cinnamon Circle  
Mint Hill, NC 28227

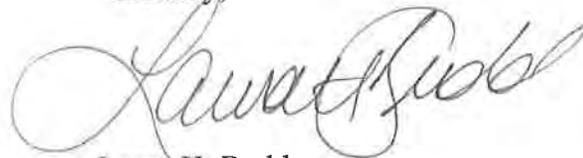
Dear Ms. Neal,

I hope you are well and that you are enjoying your summer. This letter is to notify you of the upcoming community meeting regarding the rezoning of 352 E. Charles Street, Matthews, North Carolina, 28105. The meeting is scheduled for Thursday July 21, 2016 at 4:00pm at 352 E. Charles St. Matthews, NC 28105. Please feel free to drop by to ask any questions or request additional information.

If you have any questions or would like additional information before the actual meeting – do not hesitate to contact our office. We are eagerly looking forward to becoming a part of your community.

Thank you.

Sincerely,



Laura H. Budd  
Attorney and Owner

/dvj  
*Enclosure*

July 21, 2016

2016-648

9-2-2016

Name

Phone #

Address

Frank + Kristen Williams 704-534-7432

227 Old Depot Ln

Matthews, NC

28105

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

**DATE:** November 7, 2016  
**FROM:** Kathi Ingrish

### **Background/Issue:**

This group of proposed text revisions responds to actions during the past year by the General Assembly or recent court decisions. Most of these result in minor technical wording changes. A few other items included here focus on other miscellaneous corrections. Since the public hearing, two additional text segments have been incorporated to further clarify our procedures. Planning Board has recommended approval of the text package as revised and presented to them.

### **Proposal/Solution:**

The sections/topics included in this group of text amendments 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.
- Clearly explain that pedestrian pathways may extend through required landscaping.

### **Financial Impact:**

None

### **Related Town Goal(s) and/or Strategies:**

Quality of Life

Economic Development/Land Use Planning

### **Recommended Motion/Action:**

Approve Motion 2016-3, finding it consistent with local plans and policies and that it is reasonable.

**SUGGESTED  
STATEMENTS OF CONSISTENCY AND REASONABLENESS  
Final Decisions on Zoning-Related Issues**

ZONING MOTION # \_\_\_\_\_ 2016-3 \_\_\_\_\_

Matthews Board of Commissioners makes the following 2 conclusions:

1)  The requested zoning action, as most currently amended, **IS CONSISTENT** with the policies for development as outlined by the Matthews Land Use Plan, and the UDO

**OR**

\_\_\_\_\_ The requested zoning action, as most currently amended, **IS NOT CONSISTENT** with the Matthews Land Use Plan and/or other adopted land development policies and plans.

*(A requested zoning can be found "consistent" and not approved, or found to be "not consistent", but approved.)*

2)  The requested zoning action **IS REASONABLE** and in the public interest because:  
*(ex., may be appropriate with specific surrounding land uses; has been shown that it will not create significant new traffic beyond area roads' capacities; creates/increases desirable use in Town.)*

These text amendments allow the Matthews UDO to conform to recent state law changes and recent court decisions.

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**OR**

\_\_\_\_\_ The requested zoning action **IS NOT REASONABLE** and in the public interest because:

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*(Reasons given for a zoning request being "reasonable" or "not reasonable" are not subject to judicial review.)*

Decision Date 11-14-16

## **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    **Revisions following public hearing shown in RED**

### **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. **Criteria for interpretations on land uses are given at 155.203.C.**

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 . . . .

§155.203 The Town Zoning Administrator

*Add criteria for Zoning Administrator to use when determining if a proposed use is allowed in a specific district:*

**C. CRITERIA TO CONSIDER FOR INTERPRETATIONS. The Zoning Administrator or designated assistant shall use the following criteria, where applicable, when making a determination on how to interpret a given land use category:**

- 1. Has the Zoning Administrator received a detailed written description of all the desired and expected activities to take place within the given use, and do these activities match, or very closely compare in their land use impacts to another land use category already defined?**
- 2. Is there a general catch-all land use category that clearly would allow the given use in the requested zoning district?**
- 3. Is the development intensity of the given use the same as or very similar to another land use category already stated within this Title?**
- 4. How may newly generated traffic, noise, light, vibration, odor, or other potential impacts on surrounding parcels and the adjacent neighborhood very closely match any land use category already stated within this Title?**
- 5. Does the given land use type have the same potential environmental impacts as another land use category already determined by the Town as inappropriate to be located within close proximity to residential and institutional land uses?**

*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.*

*Additional criteria at 155.203.C. will strengthen the explanation on why some uses may not yet be in the tables of allowed uses, and how they may be evaluated.*

\* \* \* \*

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:*

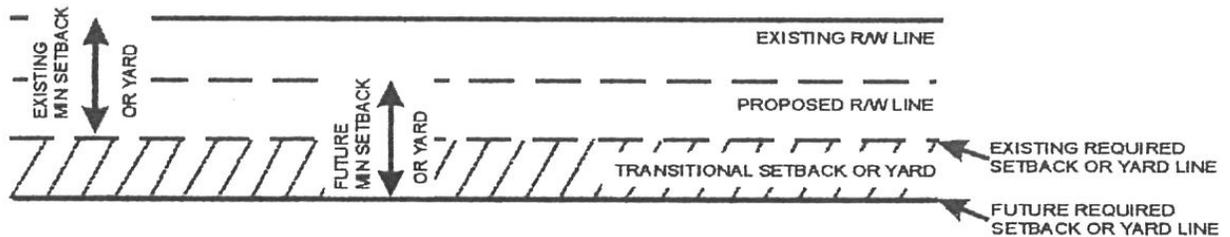
*Adding these specific references citations here helps anyone reading the code to know which uses have extra provisions that need to be followed.*

**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. . . .

Proposed additional text changes per comments at public hearing:

*Add clarification that pedestrian paths may be located through perimeter planting or screening:*

155.606.4 Perimeter Planting

I. When a public-use pedestrian pathway is proposed to be located along a non-street property line of a parcel, or shared by more than one parcel along non-street property lines, the pathway may be located on top of the lot line and/or within the 15' perimeter planting area. Such pathway, however, shall not require removal of any existing trees over eight inches (8") DBH, and grading or other land disturbing activity for such pathway shall not take place within more than twenty percent (20 %) of the protected tree's dripline, unless construction methods to protect the tree are approved by the Town Landscape Manager.

155.606.6 Screening

C. SCREENING STANDARDS.

6. When a public-use pedestrian pathway is proposed to be located along or near a property line of a parcel that is required to install and maintain screening, the pathway shall generally be located at least ten feet (10') to the interior side of the property line. Required amounts of planting material must be provided, although they may be located on both sides of the pedestrian path. This pathway shall not require removal of any existing tree over eight inches (8") DBH, and grading or other land disturbing activity for the pathway shall not take place within more than twenty percent (20%) of the protected tree's dripline, unless construction methods to protect the tree are approved by the Town Landscape Manager. When a pedestrian pathway crosses through a required screening, the crossing opening shall be at an angle between thirty and 70 degrees (30° to 70°), or in such a way as to not create a direct vision opening from the residential property or public right-of-way.

*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.*

*Rather than add this clarification only for screening adjacent to thoroughfares, this proposed amendment will clarify allowance for pedestrian pathways along any internal property lines.*

## 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:

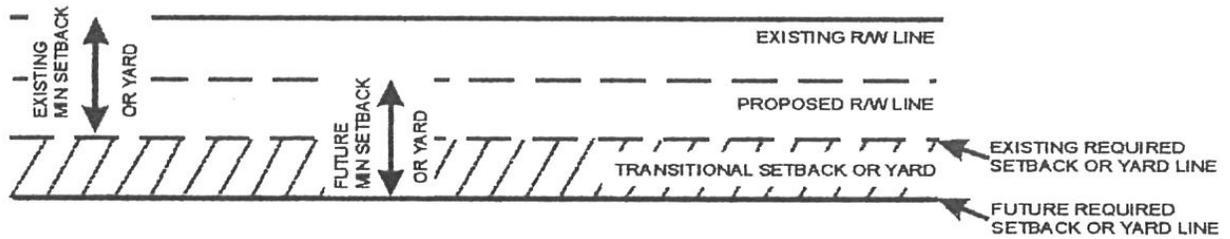
Adding these specific references citations here helps anyone reading the code to know which uses have extra provisions that need to be followed.

## **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.*

## 2016-3 UDO Text Changes    **Revisions following public hearing shown in RED**

### **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. **Criteria for interpretations on land uses are given at 155.203.C.**

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 . . . .

§155.203 The Town Zoning Administrator

*Add criteria for Zoning Administrator to use when determining if a proposed use is allowed in a specific district:*

**C. CRITERIA TO CONSIDER FOR INTERPRETATIONS. The Zoning Administrator or designated assistant shall use the following criteria, where applicable, when making a determination on how to interpret a given land use category:**

- 1. Has the Zoning Administrator received a detailed written description of all the desired and expected activities to take place within the given use, and do these activities match, or very closely compare in their land use impacts to another land use category already defined?**
- 2. Is there a general catch-all land use category that clearly would allow the given use in the requested zoning district?**
- 3. Is the development intensity of the given use the same as or very similar to another land use category already stated within this Title?**
- 4. How may newly generated traffic, noise, light, vibration, odor, or other potential impacts on surrounding parcels and the adjacent neighborhood very closely match any land use category already stated within this Title?**
- 5. Does the given land use type have the same potential environmental impacts as another land use category already determined by the Town as inappropriate to be located within close proximity to residential and institutional land uses?**

*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.*

*Additional criteria at 155.203.C. will strengthen the explanation on why some uses may not yet be in the tables of allowed uses, and how they may be evaluated.*

\* \* \* \*

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:*

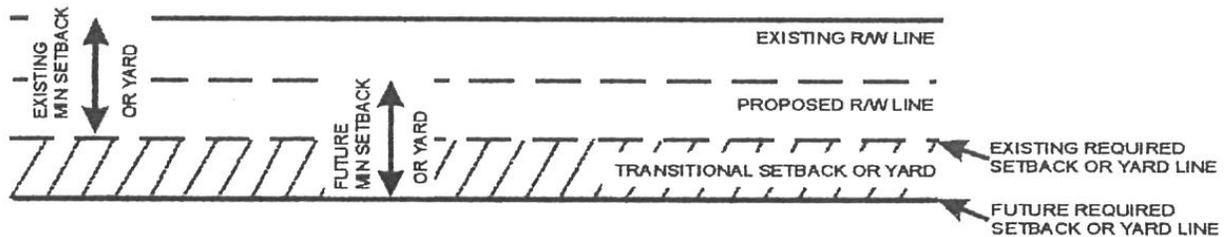
*Adding these specific references citations here helps anyone reading the code to know which uses have extra provisions that need to be followed.*

**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. . . .

Proposed additional text changes per comments at public hearing:

*Add clarification that pedestrian paths may be located through perimeter planting or screening:*

155.606.4 Perimeter Planting

I. When a public-use pedestrian pathway is proposed to be located along a non-street property line of a parcel, or shared by more than one parcel along non-street property lines, the pathway may be located on top of the lot line and/or within the 15' perimeter planting area. Such pathway, however, shall not require removal of any existing trees over eight inches (8") DBH, and grading or other land disturbing activity for such pathway shall not take place within more than twenty percent (20 %) of the protected tree's dripline, unless construction methods to protect the tree are approved by the Town Landscape Manager.

155.606.6 Screening

C. SCREENING STANDARDS.

6. When a public-use pedestrian pathway is proposed to be located along or near a property line of a parcel that is required to install and maintain screening, the pathway shall generally be located at least ten feet (10') to the interior side of the property line. Required amounts of planting material must be provided, although they may be located on both sides of the pedestrian path. This pathway shall not require removal of any existing tree over eight inches (8") DBH, and grading or other land disturbing activity for the pathway shall not take place within more than twenty percent (20%) of the protected tree's dripline, unless construction methods to protect the tree are approved by the Town Landscape Manager. When a pedestrian pathway crosses through a required screening, the crossing opening shall be at an angle between thirty and 70 degrees (30° to 70°), or in such a way as to not create a direct vision opening from the residential property or public right-of-way.

*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.*

*Rather than add this clarification only for screening adjacent to thoroughfares, this proposed amendment will clarify allowance for pedestrian pathways along any internal property lines.*



## **Agenda Item: Decision on Motion 2016-4 Windsor Park Rezoning**

**DATE:** November 7, 2016  
**FROM:** Mary Jo Gollnitz, Planner

### **Background/Issue:**

At the October 25, 2016 Planning Board meeting, the Board unanimously recommended approving the rezoning request for Windsor Park from Conditional to O(CD) (Office Conditional District). The property is located at 10200 Northeast Parkway. There have been no changes to the proposed conditional notes since the public hearing.

An access easement agreement will be reviewed by the Town Board as a separate action at the Board's December meeting. The easement agreement is not part of the rezoning action. The Planning Board did ask that the Town Board consider requesting a one-time payment for the proposed access easement agreement instead of yearly payments.

### **Proposal/Solution:**

Planning Board unanimously recommended approval of Motion 2016-4.

### **Financial Impact:**

None

### **Related Town Goal(s) and/or Strategies:**

Quality of Life  
Transportation

### **Recommended Motion/Action:**

Approve Motion 2016-4 as presented at public hearing.

**SUGGESTED  
STATEMENTS OF CONSISTENCY AND REASONABLENESS  
Final Decisions on Zoning-Related Issues**

**ZONING MOTION #** \_\_\_\_\_ **2016-4** \_\_\_\_\_

**Matthews Board of Commissioners makes the following 2 conclusions:**

**1)**     The requested zoning action, as most currently amended, **IS CONSISTENT** with the policies for development as outlined by the Matthews Land Use Plan, and/or Town's long-range Vision Statements, and/or other adopted policies/plans (as specified below)

**OR**

\_\_\_\_\_ The requested zoning action, as most currently amended, **IS NOT CONSISTENT** with the Matthews Land Use Plan and/or other adopted land development policies and plans.

*(A requested zoning can be found "consistent" and not approved, or found to be "not consistent", but approved.)*

**2)**     The requested zoning action **IS REASONABLE** and in the public interest because:  
*(ex., may be appropriate with specific surrounding land uses; has been shown that it will not create significant new traffic beyond area roads' capacities; creates/increases desirable use in Town.)*

The rezoning will bring the property into a current zoning classification and allow the property to remain a park.

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**OR**

\_\_\_\_\_ The requested zoning action **IS NOT REASONABLE** and in the public interest because:

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*(Reasons given for a zoning request being "reasonable" or "not reasonable" are not subject to judicial review.)*

Decision Date    November 14, 2016

**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 (C)
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



<b>10200 Northeast Parkway</b>	
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 Windsor Park**

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



**Project Summary**

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



## **Agenda Item: Decision on Motion 2016-5 Corner of E Independence Blvd & Sam Newell Rd Rezoning**

**DATE:** November 7, 2016  
**FROM:** Mary Jo Gollnitz, Planner

### **Background/Issue:**

At the October 25, 2016 Planning Board meeting, the Board unanimously recommended approving the rezoning request for corner of E Independence Blvd & Sam Newell Rd from Conditional to O(CD) (Office Conditional District). The property is further identified as Mecklenburg County Tax Parcel #193-192-04.

There have been no changes to the rezoning request since the public hearing.

### **Proposal/Solution:**

Planning Board unanimously recommended approval of Motion 2016-5.

### **Financial Impact:**

None

### **Related Town Goal(s) and/or Strategies:**

Transportation

### **Recommended Motion/Action:**

Approve Motion 2016-5 as presented at public hearing.

**SUGGESTED  
STATEMENTS OF CONSISTENCY AND REASONABLENESS  
Final Decisions on Zoning-Related Issues**

**ZONING MOTION #** \_\_\_\_\_ **2016-5** \_\_\_\_\_

**Matthews Board of Commissioners makes the following 2 conclusions:**

**1)**     The requested zoning action, as most currently amended, **IS CONSISTENT** with the policies for development as outlined by the Matthews Land Use Plan, and/or Town's long-range Vision Statements, and/or other adopted policies/plans (as specified below)

**OR**

\_\_\_\_\_ The requested zoning action, as most currently amended, **IS NOT CONSISTENT** with the Matthews Land Use Plan and/or other adopted land development policies and plans.

*(A requested zoning can be found "consistent" and not approved, or found to be "not consistent", but approved.)*

**2)**     The requested zoning action **IS REASONABLE** and in the public interest because:  
*(ex., may be appropriate with specific surrounding land uses; has been shown that it will not create significant new traffic beyond area roads' capacities; creates/increases desirable use in Town.)*

The rezoning will ensure property is available for fly over of Sam Newell Rd over US 74.

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**OR**

\_\_\_\_\_ The requested zoning action **IS NOT REASONABLE** and in the public interest because:

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*(Reasons given for a zoning request being "reasonable" or "not reasonable" are not subject to judicial review.)*

Decision Date    November 14, 2016



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.

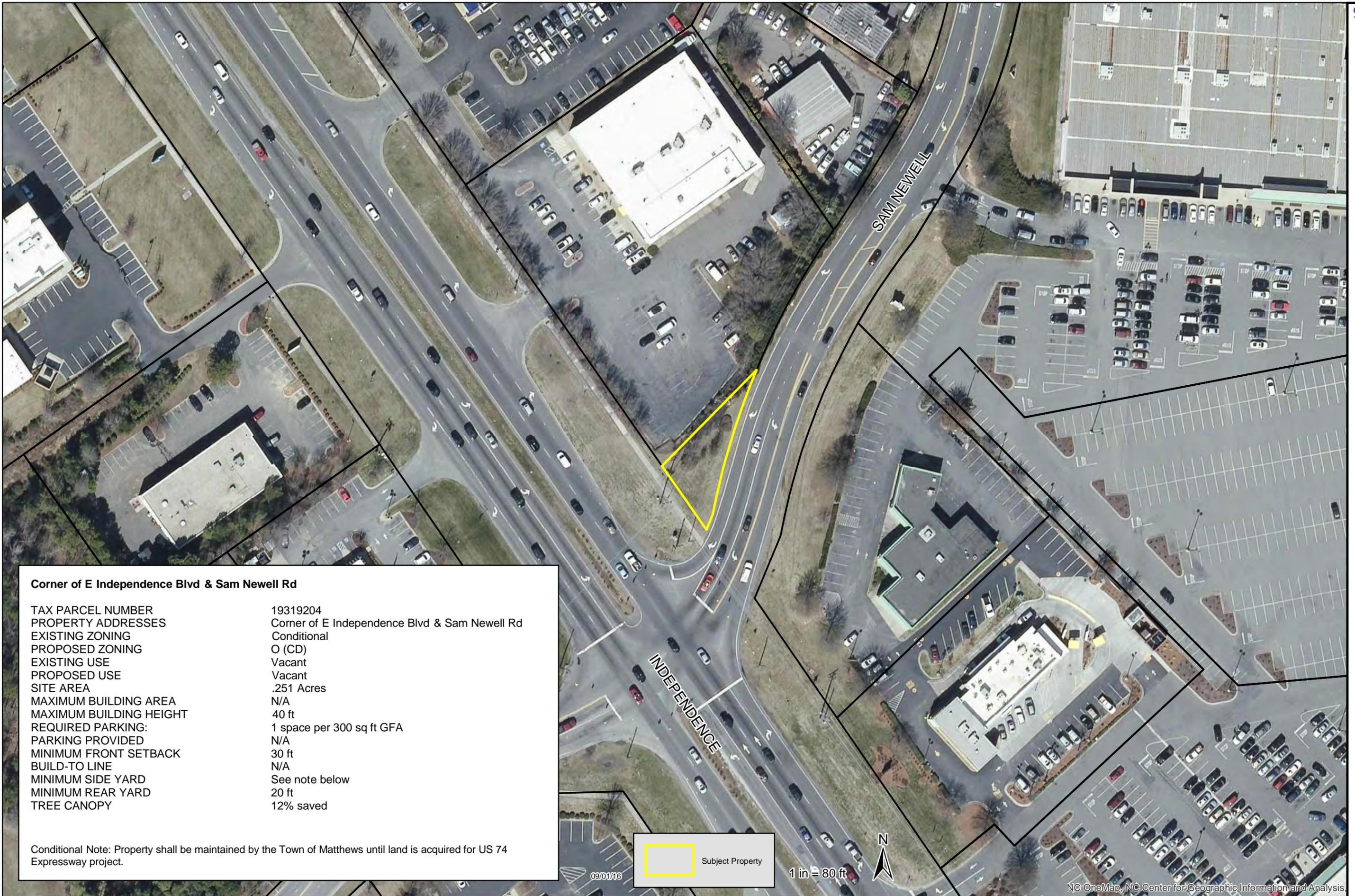
## ADJOINING PROPERTY OWNERS

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

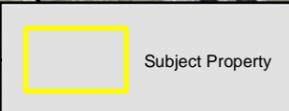


**Corner of E Independence Blvd & Sam Newell Rd**

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



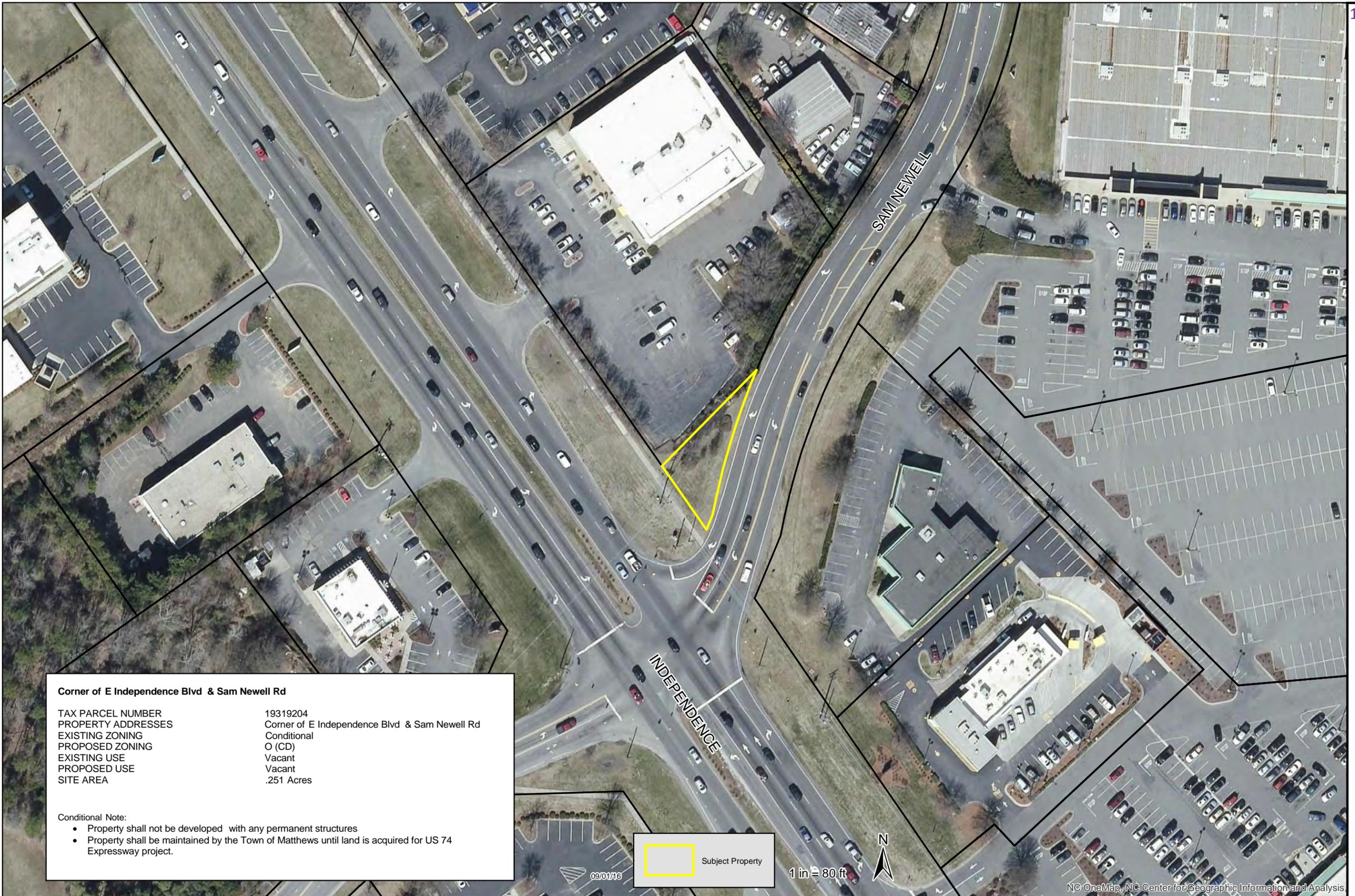
1 in = 80 ft



2016-5

Corner of E Independence Blvd & Sam Newell Rd

2016-5



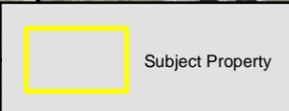
**Corner of E Independence Blvd & Sam Newell Rd**

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



2016-5

Corner of E Independence Blvd & Sam Newell Rd

2016-5



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



## Project Summary

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

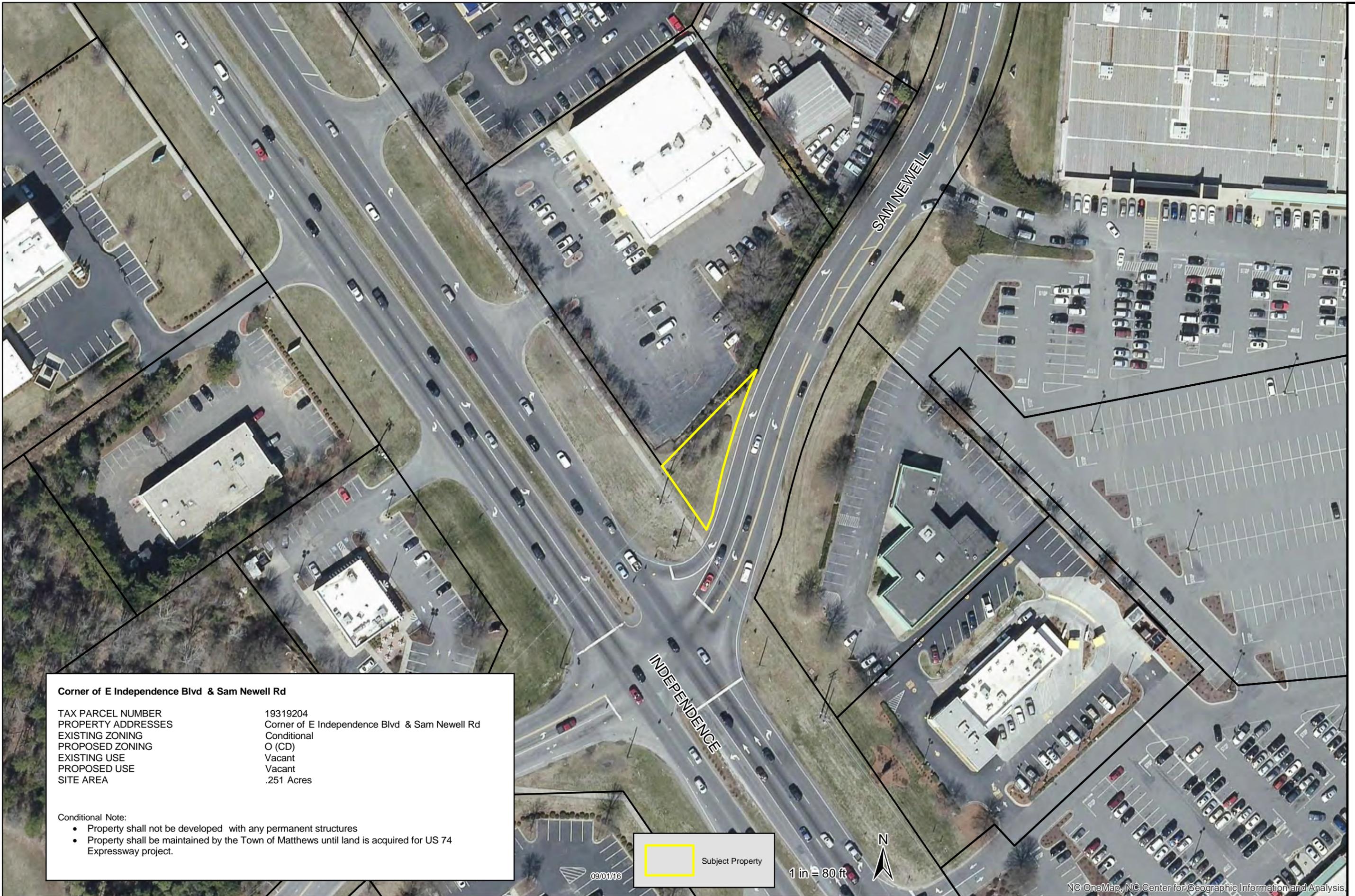
Not applicable.

### **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.



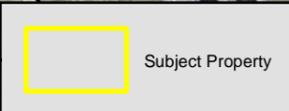
**Corner of E Independence Blvd & Sam Newell Rd**

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





## **Agenda Item: Decision on Motion 2016-6 Sam Newell Rd, Parcel #193-191-09 Rezoning**

**DATE:** November 7, 2016  
**FROM:** Mary Jo Gollnitz, Planner

### **Background/Issue:**

At the October 25, 2016 Planning Board meeting, the Board unanimously recommended approving the rezoning request for Sam Newell Rd from Conditional to O(CD) (Office Conditional District). The property is located Sam Newell Rd and further identified as Mecklenburg County Tax Parcel #193-191-09.

There have been no changes to the rezoning request since the public hearing.

### **Proposal/Solution:**

Planning Board unanimously recommended approval of Motion 2016-6.

### **Financial Impact:**

None

### **Related Town Goal(s) and/or Strategies:**

Quality of Life  
Transportation

### **Recommended Motion/Action:**

Approve Motion 2016-6 as presented at public hearing.

**SUGGESTED  
STATEMENTS OF CONSISTENCY AND REASONABLENESS  
Final Decisions on Zoning-Related Issues**

**ZONING MOTION #** \_\_\_\_\_ **2016-6** \_\_\_\_\_

**Matthews Board of Commissioners makes the following 2 conclusions:**

**1)**     The requested zoning action, as most currently amended, **IS CONSISTENT** with the policies for development as outlined by the Matthews Land Use Plan, and/or Town's long-range Vision Statements, and/or other adopted policies/plans (as specified below)

**OR**

\_\_\_\_\_ The requested zoning action, as most currently amended, **IS NOT CONSISTENT** with the Matthews Land Use Plan and/or other adopted land development policies and plans.

*(A requested zoning can be found "consistent" and not approved, or found to be "not consistent", but approved.)*

**2)**     The requested zoning action **IS REASONABLE** and in the public interest because:  
*(ex., may be appropriate with specific surrounding land uses; has been shown that it will not create significant new traffic beyond area roads' capacities; creates/increases desirable use in Town.)*

The rezoning will bring the property into a current zoning classification and is compatible with surrounding zoning  
classifications.

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**OR**

\_\_\_\_\_ The requested zoning action **IS NOT REASONABLE** and in the public interest because:

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*(Reasons given for a zoning request being "reasonable" or "not reasonable" are not subject to judicial review.)*

Decision Date    November 14, 2016



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

2016-6

# Town Property on Sam Newell Road

2016-6



 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



**Motion: 2016-6 Sam Newell Rd**

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



## **Project Summary**

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



**Town Property on Sam Newell Road**

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PROPOSED ZONING	O (CD)
EXISTING USE	Vacant
PROPOSED USE	Any use allowed in zoning category
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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

08/31/16

**MINUTES**  
**BOARD OF COMMISSIONERS MEETING**  
**HOOD ROOM, MATTHEWS TOWN HALL**  
**OCTOBER 24, 2016 – 5:30 PM**

**PRESENT:** Mayor James Taylor; Mayor Pro Tem John Higdon; Commissioners Chris Melton, Jeff Miller, John Ross, John Urban and Larry Whitley; Town Manager Hazen Blodgett, Town Clerk Lori Canapinno

**ALSO PRESENT:** Assistant Town Manager Becky Hawke; Public Works Director CJ O'Neill; Planning and Development Director Kathi Ingrish; Police Chief Rob Hunter; Fire & EMS Chief Rob Kinniburgh; Parks, Recreation & Cultural Resources Director Corey King; Finance Director Chris Tucker

The Board met with staff to review departmental quarterly reports.

**MINUTES**  
**BOARD OF COMMISSIONERS MEETING**  
**HOOD ROOM, MATTHEWS TOWN HALL**  
**OCTOBER 24, 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, Town Clerk Lori Canapinno

**ALSO PRESENT:** Assistant Town Manager Becky Hawke; Public Works Director CJ O'Neill; Planning and Development Director Kathi Ingrish; Police Chief Rob Hunter; Fire & EMS Chief Rob Kinniburgh; Parks, Recreation & Cultural Resources Director Corey King; Finance Director Chris Tucker

**REGULAR MEETING CALLED TO ORDER**

Mayor Taylor called the meeting to order at 7:00 pm.

**INVOCATION**

Cub Scout Jack Kaiser rendered an invocation.

**PLEDGE OF ALLEGIANCE**

Scouts from Cub Scout Pack 502 led the audience in the pledge.

## **ITEMS TO BE ADDED TO THE AGENDA**

None

### **PRESENTATION OF PROCLAMATION RECOGNIZING NOVEMBER AS PANCREATIC CANCER AWARENESS MONTH**

Mayor Taylor presented the proclamation to Tom Gill of the Pancreatic Cancer Action Network. Mr. Gill described his family history with the disease and urged everyone to educate themselves on it. Information - including common symptoms of pancreatic cancer - is available online at [pancan.org](http://pancan.org).

### **RECOGNIZE NORTH CAROLINA REPRESENTATIVE BILL BRAWLEY**

Mayor Taylor recognized North Carolina Representative Bill Brawley and thanked him for his efforts to secure funding for improvement projects in downtown Matthews. Representative Brawley's support resulted in the receipt of state funding which will be used for sidewalk improvement and downtown redevelopment projects. Representative Brawley discussed his experience and efforts to improve the way state funding is allocated for road projects, stating that he has been very pleased with the way the Town has developed its road network. He complimented Matthews as being at the forefront of the area towns due to the Boards' long range planning efforts.

### **RECOGNIZE LANDSCAPE MANAGER RALPH RAMSAUR**

Mayor Taylor recognized Landscape Manager/Town Arborist Ralph Ramsaur for his work with the town. Mr. Ramsaur has gone above and beyond the call of duty on so many occasions. The public and the Board are very appreciative of those efforts. Mr. Ramsaur thanked the Board and explained that he loves his work.

### **PRESENTATION FROM MATTHEWS ALIVE**

Mayor Taylor described the Matthews Alive committee as by far one of the most professional, hardworking, well-trained....

He introduced Matthews Alive Committee Chairwoman Barbara Cody. Ms. Cody introduced and thanked the members of the Matthews Alive board: Treasurer Carol Lawrence, Secretary Marsha Marks, Social Media Chair Julie Bee, Family Fun Director Jim Weisberg, NPO Director Lisa Terrell, Hospitality Director Kay Weisberg, Food Vendor Director Kara Cutie, Logistics Coordinator Joe Culpepper, Parade Coordinator Angie Lee and Arts and Crafts Director David Crow. She also thanked title sponsor Novant Health, all the other sponsors, and the Town employees who work on the event. She noted that the entire festival rests on the shoulders of Executive Director Lee Anne Moore. Ms. Moore thanked the very many volunteers, town staff, sponsors and nonprofits involved in making Matthews Alive happen. She noted that this past year's weather resulted in a loss of Friday activity, but even with that, a total of \$108,047.00 was raised and will be distributed back to the participating nonprofit organizations.

Mayor Taylor noted this years' total means that over \$1.5 million has gone back to the area nonprofits in the past twenty four years. He thanks everyone for their hard work and expressed excitement for the Matthews Alive 25<sup>th</sup> anniversary in 2017.

## **PUBLIC COMMENT**

Ridge Church Pastor Chris Brown addressed the Board. He spoke about Ridge Church's desire to purchase town-owned property on Matthews-Mint Hill Road, stating that the church understands there is a lot to consider when making decisions like this and that the church is fully committed to working in coordination with the Town and the North Carolina Department of Transportation (NCDOT) in developing that corner of the property. The church is seeking the opportunity to take control of its future, and hopes that the Board chooses to value a faith community over dirt, pavement and power lines. The church is fully aware of the risks involved and is willing to absorb that risk. He asked the Board to stand by its earlier decision and complete the sale of the property to Ridge Church.

## **REPORTS FROM BOARDS AND COMMITTEES**

Minutes from the Appearance and Tree Board, Mayor's Task Force on Education and Historic Preservation Advisory Committee were submitted. Mr. Urban noted the Appearance and Tree Board's discussion about a butterfly garden at the Levine Senior Center and suggested working with Pike Nursery on that. Mr. Miller asked about the status of a proposed butterfly garden at Fountain Rock Park.

## **CONSENT AGENDA**

- A. Approve Minutes of the October 1, 2016 Board of Commissioners Special Meeting**
- B. Approve Minutes of the October 10, 2016 Board of Commissioners Regular Meeting**
- C. Approve Disposal of Surplus Property**
- D. Approve Budget Amendments to Recognize:**
  - 1) Donations to Police Explorers Program in the Amount of \$450.00**
  - 2) Task Force Funds Received by the Police Department from the US Secret Service in the Amount of \$2,004.00**

Motion by Mr. Melton to approve consent agenda items A through D2. The motion was seconded by Mr. Ross and unanimously approved.

## **UNFINISHED BUSINESS**

### **RECEIVE UPDATE ON 2016 PLANNING CONFERENCE TO DO LIST**

Town Manager Hazen Blodgett reviewed the list. Mr. Whitely asked about the staff diversity training and Mr. Blodgett explained it will be scheduled in late November or early December. Mr. Ross asked for an update on economic development and Mr. Blodgett explained that he plans to bring something to the Board after talking more with the various agencies involved. Mr. Ross asked for that discussion to come well in advance of the next Planning Conference so it can be discussed again in detail then. Mayor Taylor asked for information regarding the upcoming diversity program as soon as possible.

### **ACCEPT BID TO PURCHASE TOWN-OWNED REAL PROPERTY LOCATED AT 1021 MATTHEWS-MINT HILL ROAD**

Mr. Blodgett summarized the process so far, stating that the Town went through the upset bid process with one bid in the amount of \$41,600 received from Ridge Church. Staff continues to recommend against selling the

property due to the unanswered questions about road right of way. Mayor Taylor noted that two emails were received from interested parties today that recommend against selling the property. Mr. Blodgett noted that staff did not seek out those letters.

Motion by Mr. Higdon to accept the bid from Ridge Church to purchase the property for \$41,600. The motion was seconded by Mr. Miller.

Mr. Urban made a substitute motion to defer the decision to the November 14, 2016 meeting. The motion was seconded by Mr. Melton.

Mr. Ross asked about the reason for deferral and Mr. Urban explained that while he is extremely supportive of the church, he has questions about the technical merits of the proposed rezoning plan associated with the church's expansion. He noted that he should have started reviewing those issues earlier but that he is concerned about parking at the site, describing his analysis of the future need for 180 spaces when only 111 spaces would be available. He is ready to sell the property but thinks they won't be able to meet the parking requirements for the rezoning. He wants to take the time to review the numbers and see if the parking numbers can be resolved.

Mr. Ross said he is committed to honoring the Board's commitment to the church but also wants to honor his commitment to the Board in which members agreed to allow a deferral if a Commissioner requested one so they could seek more answers. Mr. Ross noted that at the end of the day they need to think about what the answers mean. There is an alternate plan that has not been officially filed and perhaps that plan could be shared with everyone before the next meeting.

Mr. Higdon said the 800 pound gorilla is that no one knows for certain where the Independence Pointe Parkway alignment will be. To make a decision based on assumptions is not wise. He will respect a deferral request but will side with what the Board has already promised to the Church.

Mr. Whitley said he knows about the agreement to honor deferral requests to allow more time to research, but that issues has already been researched. The Board has already agreed to place the property for sale, a resolution was issued and only one bid was received. He believes this should not be an unfinished business item but rather a consent agenda item since the decision on the sale shouldn't even be up for a vote. This is the fourth time it's been up and it speaks to the Board member's integrity. He said when one gives a person their word they should stick with it, and that the church should be allowed to do what they want. The church has requested numerous times to be given the opportunity because they know where they stand. He said the Board knows everything it needs to know and he thinks it's unethical to put the decision off again. Mr. Ross said he respected Mr. Whitley's position but that it is offensive to have his integrity called into question. The Commissioners made a commitment to agree to a deferral if one felt strongly enough to request one. He noted that the final sale of the property always had to come back to the Board for a final vote, so it's not a surprise and it's not wrong that it's back on the agenda. Mr. Melton echoed Mr. Ross's comments and noted that the Board passed an official organizational resolution that calls for a deferral to be granted if a Commissioner offers evidence or just cause in the request. Discussion ensued regarding parking and the seating capacity of the church. Mr. Urban discussed some of the issues related to the future zoning case and said that he owes it to the citizens to find answers to those questions.

Mayor Taylor said he will support the motion to defer and will support a future motion to not sell the property as it is not in the best interest of the town to sell the property. The DOT has said that, staff has said that and now property owners across the street, who have a vested interest in developing the larger conceptual plan that includes the Family Entertainment Area have said that. The Independence Point Parkway project is extremely important to the town because it will be difficult to cross Independence Boulevard once it's completed. Making a decision that could potentially delay or derail the Independence Pointe Parkway project is not in the town's best interest. He clarified the process to sell the property and noted that the action tonight was part of the legal

requirement that the sale come back to the Board for final approval. Nothing underhanded or sneaky has gone on and there should be no reason to question the integrity of the Board.

Discussion ensued regarding the church's potential future rezoning request. Mayor Taylor noted that no application has been submitted yet to the Town. They have presented a predevelopment design which may or may not be what actually happens. The Board needs more information as to what that final project looks like before an educated decision is made on the disposition of that property. Mr. Whitley said his issue is that the church has been through the upset bid process and the property is now theirs to receive. The final approval by the Board should be a consent item and not up for further discussion.

Mr. Miller stated that the church's project is not going to shut down Independence Point Parkway or its expansion. If anyone else wanted to purchase the water tower property they should have participated in the upset bid process. He stated that someone is bringing in Wyatt Dixon, the Brigman family, Mr. Brawley and others and feeding information to Mr. Urban to campaign against this. Mayor Taylor said he interpreted the letter from the Brigman family representative to be that they are concerned about any potential delay of the alignment of Independence Pointe Parkway into the larger tract of land. Nothing indicated their desire to acquire the water tower property. Mayor Taylor said he does not want to sell the property to anyone including the Brigmans. Mr. Urban explained that his conversations with staff started long before those emails come in, and he said he was at odds with those owners for coming out at the last minute to express their opinion as well. He stated he would like to work with the church representatives, their civil engineer and Town staff to discuss this project before the next meeting.

The Board continued to discuss the church's plans and information received during the predevelopment conference a few months ago versus an official zoning application. Mayor Taylor noted that the only items the Board has officially seen is the approved plan from 2013. There may be a compromise opportunity to get some sort of commitment from the church if the road was to encroach on the property. He said that the church has expressed its eagerness to work with DOT, but DOT has stated they've had no contact yet with the church or its representatives. It's difficult to know what to believe. Mr. Whitley said that if Board members didn't do their homework then that's not the fault of the church. The item in question is about the sale of the property, not the future zoning action. Mr. Miller said the Board is putting Ridge Church in a very difficult position when a deferral comes and they are asked to provide drawings before they even own the property. Mayor Taylor noted that the normal process is that applicants request rezoning actions before they purchase properties – the sale is contingent upon a successful rezoning action. That is how the process usually works, at least here in Matthews.

The motion to defer to November 14, 2016 passes 5-2 with Taylor, Higdon, Melton, Ross and Urban in favor and Miller and Whitley in opposition.

## **CONSIDER IMPLEMENTATION OF DRIVEWAY POLICY**

Planning and Development Director Kathi Ingrish noted this topic was first discussed at the October 1<sup>st</sup> mini planning conference and discussion continued at the October 10<sup>th</sup> regular meeting. The intent is to draft a policy regarding the approval process for driveway curb cuts on certain Town-maintained thoroughfares where future road improvements have been identified.

The policy would affect portions of Moore Road, Matthews-Mint Hill Road, Northeast Parkway and Independence Pointe Parkway. These are all minor thoroughfares. In addition, if certain roads are determined by the Public Works Director to be Class III-C commercial collectors, then portions or all of these streets would also fall under the policy: Crestdale Road, East Charles Street, Tank Town Road, Fullwood Lane, Covenant Church Lane and Sports Parkway. The policy would be applied under certain conditions: if the property is going through a conditional zoning process, then the driveway location could be approved as part of the rezoning action; or if no

rezoning case or site plan approval is required then this policy would be used. The policy would include specific criteria that would indicate conflict with future road improvement projects.

The policy would be implemented upon a development request for a driveway cut that falls under the plan's conditions. Public Works Department staff would review the request; if staff determines there is a conflict with future road projects then the application would be denied. The applicant could then revise their request to avoid conflicting with the future road improvements or appeal to the Board of Commissioners. The Board would hear appeals on a case-by-case basis.

Mr. Melton asked about Administrative Amendments and Ms. Ingrish explained that the policy would be used if the Administrative Amendment included a driveway cut that hadn't already been approved by the Board of Commissioners.

Mr. Higdon asked for clarification of the term "future roads." Ms. Ingrish explained the policy would be used for anything that would affect known/planned road improvements. It could be a 15-20 year horizon; similar to the long-range planning that staff has been done for Independence Boulevard improvements.

Mr. Ross asked why the draft statement includes a determination by the North Carolina Department of Transportation (NCDOT) when the policy would affect only Town roads. Ms. Ingrish explained that it is because the future road projects in question are almost always going to be NCDOT-funded projects. Mr. Ross said he would be more comfortable using "and/or" so that NCDOT wouldn't be required to opine on every single application.

Mr. Urban wanted everyone to be clear that this is a policy, not the Unified Development Ordinance, which means that the Board can adopt the policy but is not required to abide by it. That allows for the Board's consideration during the appeal process if there are no other options available to the developer – the Board would be able to allow a curb cut when the policy would otherwise disallow it. He also suggested that the policy's language be revised to be more understandable to the average person.

Mr. Miller stated this policy was being discussed at a very sensitive time, and since it could affect Ridge Church then to him it doesn't seem appropriate, and questioned why it was coming up now at the same time the Ridge Church decision is being discussed. He also said the criteria listed that indicate conflict means that it would be difficult for any request to be approved. He thinks this is a sign that the Town is becoming more unfriendly to businesses. Mayor Taylor noted that this item was discussed at the mini planning conference and that staff was asked by the Board to bring it back to a regular meeting as soon as possible.

Discussion ensued. Mr. Ross noted that a denial by staff still would allow the applicant the chance to appeal to the Board. Mayor Taylor agreed and said the policy would be an opportunity for staff to guide applicants to a better project. He believed most applications and problems would be addressed by staff and likely few would ever need to be appealed.

Motion by Mr. Ross to approve the driveway policy as presented in the memo from Ms. Ingrish dated October 18, 2016, with the draft policy to include a revision in the language so NCDOT does not need to opine on a road related to a state road project. The motion was seconded by Mr. Melton.

Mr. Higdon said it seemed like this would take power away from staff and asked why the Board wouldn't want Public Works staff to make the final decision. Mr. Melton suggested leaving it as recommended and seeing if it becomes a problem. Mayor Taylor said he saw Mr. Higdon's point but thinks the policy would give staff guidance versus having staff make arbitrary decisions. Also, policies are living documents that can be changed if necessary, such as if the Board became inundated with appeals. Mr. Buckley noted that constitutional due process rights are maintained with the implementation of the appeal process.

The motion to approve the policy was approved 4-3 with Taylor, Melton, Ross and Urban in favor and Higdon, Miller and Whitley in opposition.

## **NEW BUSINESS**

### **RECEIVE MONTHLY BUDGET REPORT**

Finance Director Chris Tucker reported no major concerns at the end of the first quarter. Tax revenues are starting to come in and staff is finalizing the submission of financial statements to the Local Government Commission.

Mayor Taylor requested the inclusion of details such as VIN, serial number, asset tag number, etc. in future surplus property disposal reports.

### **AWARD TOURISM GRANTS**

Parks, Recreation and Cultural Resources Advisory Committee Vice Chair Gretchen Reid presented the committee's recommendations. She discussed the group's thoughts behind the recommendations, explaining that the goal is to increase tourism opportunities – the "heads in beds" goal to encourage visitors to stay in town and spend money. She noted some additional funding opportunities that would be beneficial if additional funds were made available.

Motion by Mr. Miller to approve a total of \$68,000 in tourism grant funds to the recipients and in the amounts recommended by the Parks, Recreation and Cultural Resources Advisory Committee as listed in the October 20<sup>th</sup> memo from Corey King. This includes the bonus allocation items as recommended. The motion was seconded by Mr. Higdon and unanimously approved.

### **APPROVE \$500,000 FUNDING FOR PEDESTRIAN WALKWAYS AND SIDEWALKS**

Public Works Director CJ O'Neil; presented information on proposed pedestrian sidewalk projects using the \$500,000 grant funds allocated by the NC General Assembly.

Discussion ensued. Consensus was that the first priority was project #5, which would extend a five foot wide sidewalk from the hospital's property line toward Matthews Station Street. The cost is estimated at \$352,000. By consensus the Board agreed that remaining funds should be used for project #1; segment 1, which would fill in a missing section of sidewalk on West John Street from South Ames Street to Irwin Lane. The cost is estimated at \$155,000.

Motion by Mr. Melton to approve project #5 (Matthews-Mint Hill Road; hospital to Matthews Station Street) as recommended in the October 20<sup>th</sup> email from Mr. O'Neill; any remaining funds are to be put toward project #1 (segment 1: West John Street from South Ames Street to Irwin Lane); and to explore grant opportunities through the Transportation Alternative Program. The motion was seconded by Mr. Ross and unanimously approved.

### **CONSIDER CONSULTANTS' WORK ON EAST JOHN STREET PEDESTRIAN DESIGN**

Mr. O'Neill summarized the issues: NCDOT wants to widen East John Street, but their goal is to move traffic while the Town is also concerned with issues relating to pedestrians, bicyclists and aesthetics. This is one of the most

significant projects to affect Matthews in the last twenty years. DOT is willing to work with the Town on those issues but they've issued a tight timeline – until the end of this year – to devise a comprehensive list of design elements for inclusion in their plans. Staff doesn't have the expertise and so is requesting the ability to hire experts to do that work. Mayor Taylor said it is worth it to ask DOT to extend the timeline to early 2017 to allow more time for this design work to be done.

Mr. Higdon asked if there was any way that the Town could stop the overall widening work from occurring in Matthews. Mayor Taylor explained that from everything he knows something will be built there, although it may not be a superstreet as currently planned. The Town needs to provide alternatives that may be acceptable to DOT. It's not in Matthews' best interest to simply refuse and offer no alternatives. Mr. Higdon described an alternative with the addition of a few full movement intersections as essentially a superstreet. Mayor Taylor noted that both Stallings and Indian Trail are staunchly in support of the project. Mr. Higdon said the Town should push back against the plan, which would essentially put another Highway 74 in the middle of the town. Discussion continued regarding possible changes. Mayor Taylor said he was comfortable with spending more if necessary to get competent, qualified bidders.

Motion by Mr. Urban to authorize staff to send out an RFQ for engineering/design firms and return to the Board with a contract ready for approval; with the design elements as listed in the October 19<sup>th</sup> memo from Kathi Ingrish. The motion was seconded by Mr. Melton and unanimously approved.

#### **CONSIDER DISCHARGE OF FIREARMS PERMIT FOR BOW AND ARROW FOR PROPERTY LOCATED AT 249 HICKORY HILL ROAD – JONES, CRAIG**

Police Chief Rob Hunter explained this is a first-time application for both the applicant and the property. The site is a 12.97 acre parcel at the dead end of Reverdy Lane. The applicant, Craig Jones, owns the property development company that owns the land. There are rental residential homes located on the upper portion of the property and the activity would take place on the lower portion. The elevation differences from the proposed point of discharge to the rental unit is about 20-20 feet. The site has significant topographic changes and the discharge area sits essentially in a bowl. There are no children living in the rental units and the applicant would be required to personally notify all residents and post signs when activity would take place. Neither the applicant nor the Police Department has received any comments or questions from adjoining property owners. This is a very undeveloped area and it's sparsely wooded except at the base where the discharge activity would take place. There is a barbed-wire fence that has been there for many years and it runs the entire length of the property.

Sergeant Bill Shaw reviewed the map and photos of the property and explained that there are a lot of deer in the area. He noticed an obvious browse line – the area up to which animals eat most or all of the foliage. It is currently rut season and deer are everywhere. Chief Hunter noted that the department has received a few calls about a deer with an arrow in it in this area. There is someone in the area discharging without a permit and they will be charged when found.

Based on the conditions recommended in Chief Hunter's memo dated October 18<sup>th</sup>, staff finds that this activity can be conducted safely.

There was some discussion of the notification process and exact verbiage used in the memo regarding the activity taking place.

Motion by Mr. Melton to approve the discharge of firearms permit, with the conditions listed in Chief Hunter's memo dated October 18<sup>th</sup> for Craig Jones at 249 Hickory Hill Road. The motion passed 5-2 with Taylor, Higdon, Melton, Ross and Urban in favor and Miller and Whitley in opposition.

**APPROVE ACQUISITION OF PORTION OF REAL PROPERTY LOCATED AT 1104 TANK TOWN ROAD**

Mr. Blodgett explained that a twenty foot right of way section of this area will be part of the Crestdale Heritage Trail and the remaining sixty foot section would be used for right of way for the future extension of Greylock Ridge Road. The appraised value of the combines eighty feet is \$254,000. CDBG funds will pay the \$60,300 for the twenty foot section and the remaining \$193,700 would come from the general fund. This is a great opportunity to get the trail and future road right of way.

Mr. Buckley noted the difficulty in identifying and contacting the many heirs and explained that it is in the Town's best interest to move forward now with all of the heirs identified and agreeable to the purchase. He noted that the Board had requested that he find out what it would cost to purchase the entire 9.7 acre parcel. The owners are going to list it for \$1.5 million but would sell it to the Town for \$1.25 million. Staff recommends purchasing only the eighty feet as previously described. Discussion ensued regarding the purchase of the entire parcel versus a portion thereof.

Motion by Mr. Ross to authorize the Town Attorney and Town Manager to finalize the sale of eighty feet of right of way for \$254,000 and authorize the Town Manager to sign the necessary conveyance documents. The motion was seconded by Mr. Higdon and unanimously approved.

**MAYOR'S REPORT**

None

**ATTORNEY'S REPORT**

None

**TOWN MANAGER'S REPORT**

None

**ADJOURNMENT**

Motion by Mayor Taylor to adjourn. The motion was seconded by Mr. Ross and unanimously approved. The meeting adjourned at 10:29 pm.

Respectfully submitted,

Lori Canapinno  
Town Clerk

## **Appointment to Parks, Recreation and Cultural Advisory Committee**

DATE: November 10, 2016

FROM: Corey King, Parks, Recreation & Cultural Resource Department Director

**Background/Issue:** Currently there is one vacancy on the Parks, Recreation and Cultural Resource Advisory Committee. A second member of the committee recognized that other commitments have made it a challenge to attend meetings and participate regularly. This member offered to step down from the committee if another citizen showed interest in joining. That opportunity has presented itself over the past month.

A total of seven applications were reviewed for consideration of appointment to the Matthews Parks, Recreation & Cultural Resource Advisory Committee. Six of the applicants met with staff, the committee chair and vice chair and the full advisory committee reviewed each application. Each applicant interviewed showed various elements that would be a welcome addition to the committee, although only two positions are available. Consensus was that Dawn Reid and Matthew Loof are the two individuals they would recommend for appointment to the P&R advisory committee.

The Advisory Committee and staff also thank Matt Jones for his years of service as a member of the Parks and Recreation advisory committee.

**Proposal/Solution:** Remove Matt Jones as a member of the Parks, Recreation & Cultural Resource Advisory Committee, and appoint Dawn Reid and Matthew Loof to the Parks, Recreation & Cultural Resource Advisory Committee for a two year term, with options to renew.

**Financial Impact:** None

**Related Town Goal:** Create an informed citizenry by providing relevant information about the Town and enhancing communication between department staff and citizens.

**Recommended Motion:** Remove Matt Jones as a member of the Parks, Recreation & Cultural Resource Advisory Committee, and appoint Dawn Reid and Matthew Loof to the Parks, Recreation & Cultural Resource Advisory Committee for a two year term, with options to renew



## **Agenda Item: Stevens Grove Subdivision Revised Preliminary Plat (formerly Arborfield Subdivision)**

**DATE:** November 7, 2016  
**FROM:** Mary Jo Gollnitz, Planner II

### **Background/Issue:**

Pursuant to § 155.405.7.B.3 of the Matthews Unified Development Ordinance, the Preliminary Plan of a proposed subdivision is forwarded to the Board of Commissioners within 30 days following the determination that all required standards have been met. The Board of Commissioners shall approve or approve with conditions the Preliminary Plan. If the Preliminary Plan is conditionally approved, the minutes of the Board of Commissioners meeting shall state the measures necessary for the Final Plat to be approved.

Developer Matthews Arborfield LLC, has submitted a revised Preliminary Plat for Stevens Grove Subdivision (third submission). The revised plan adds a new  $\pm 5.17$  acre lot in order to allow the developer additional built upon area for the proposed home sites. The new preliminary plan eliminates two cul-de-sacs on Shelton Oaks Court and Margaret Ridge Drive and reconfigures them into one "hammerhead" cul-de-sac (see attached maps). The revised preliminary request will not affect Phase I of the subdivision that is already being developed.

Approval of the preliminary plat allows the developer/property owner to grade the land and begin development. About the subdivision:

- development remains a 50 lot subdivision
- subdivision is now being created from 5 original lots totaling  $\pm 40.46$  acres
- Phase III line around indicates additional land added to the subdivision
- additional land included in subdivision is currently Suzette Lefebvre property, parcel #227-061-46,1516 Glenn Valley Dr (lot #50)
- additional land will allow developer to construct larger homes
- additional property provides extra undisturbed open space and tree save area to the subdivision
- new road/cul-de-sac reconfiguration allows lots #22 – 24 to be larger lots
- "hammerhead" cul-de-sac will be named Shelton Oaks Court
- "hammerhead" cul-de-sac will have mountable islands to allow fire apparatus and garbage truck maneuverability
- development is by right, R-15 district
- public improvements will be installed including sidewalk and curb and gutter
- subdivision is being accessed from Arborfield Drive (except lot 50)
- subdivision is adjacent to the City of Charlotte limits at Echo Forest apartments (along Pineville-Matthews Rd) and Hugh Forest Subdivision. There is no access to either of these locations.
- developer cannot get building permits or sell lots until final plat(s) are recorded
- final plat for Phase I (lots 1- 12) has already been approved

**Proposal/Solution:**

The attached preliminary plat does meet all the R-15 requirements and conditions that are necessary for approval. The proposed preliminary plat complies with the Matthews UDO.

**Financial Impact:**

There will be 48 new homes added to the tax base, one less than previously approved.

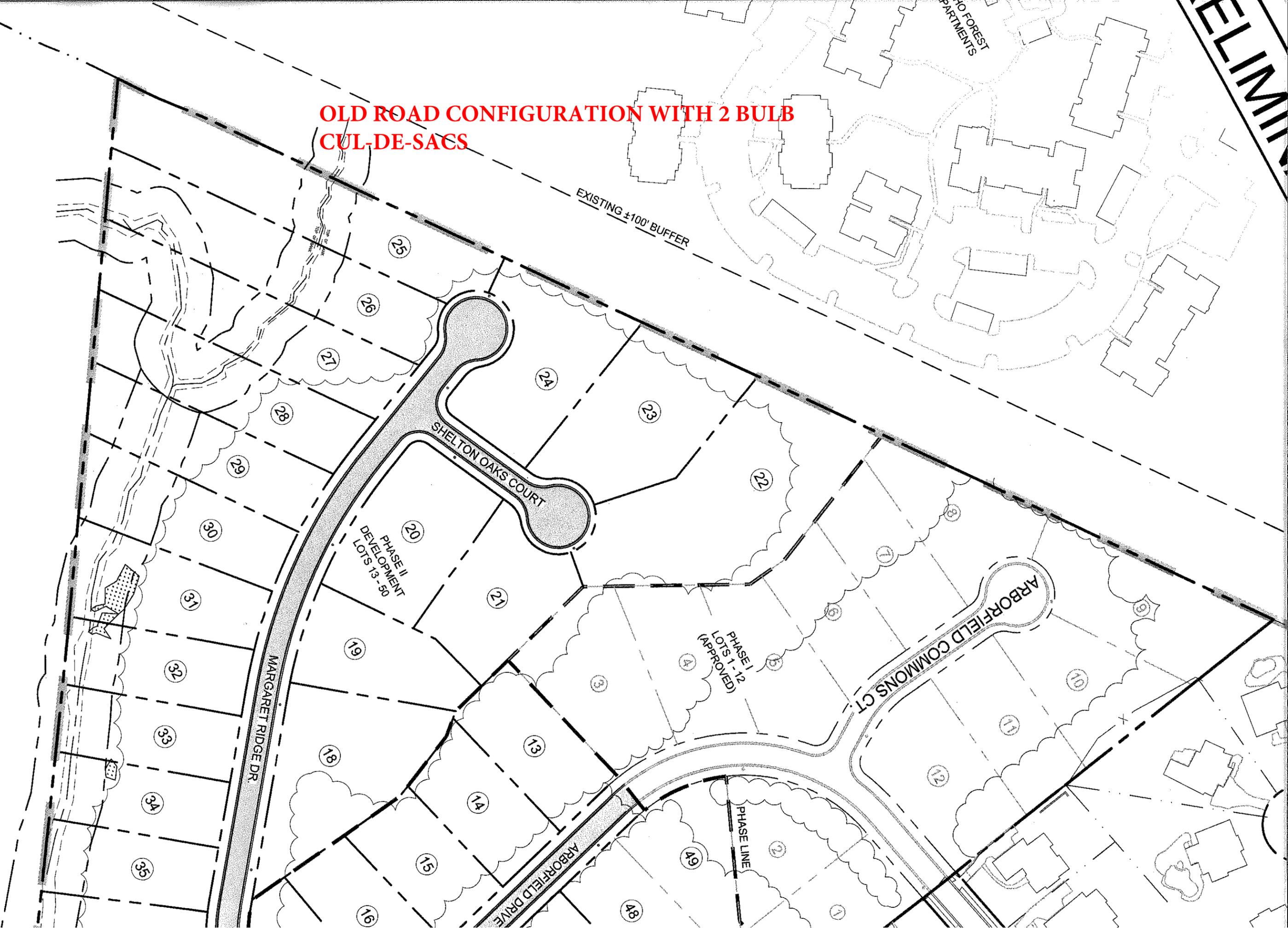
**Related Town Goal(s) and/or Strategies:**

Economic Development/Land Use Planning: to enhance the quality of life of the citizens by aggressively pursuing a balanced tax base; and by planning for orderly growth and development.

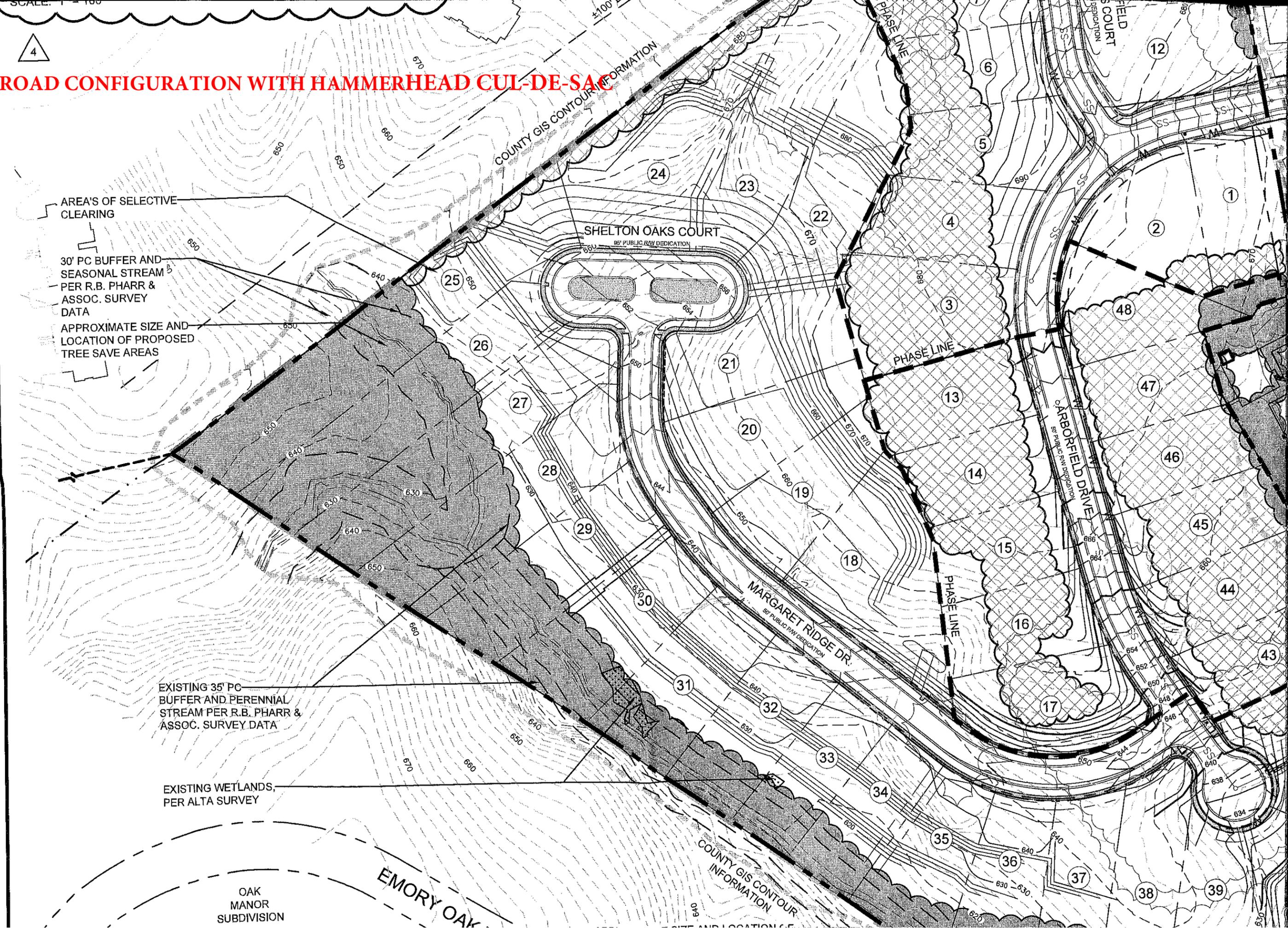
**Recommended Motion/Action:**

Staff recommends approval of the preliminary plat as presented.

**OLD ROAD CONFIGURATION WITH 2 BULB  
CUL-DE-SACS**



# NEW ROAD CONFIGURATION WITH HAMMERHEAD CUL-DE-SAC



AREA'S OF SELECTIVE CLEARING

30' PC BUFFER AND SEASONAL STREAM PER R.B. PHARR & ASSOC. SURVEY DATA

APPROXIMATE SIZE AND LOCATION OF PROPOSED TREE SAVE AREAS

EXISTING 35' PC BUFFER AND PERENNIAL STREAM PER R.B. PHARR & ASSOC. SURVEY DATA

EXISTING WETLANDS, PER ALTA SURVEY

OAK MANOR SUBDIVISION

EMORY OAK

COUNTY GIS CONTOUR INFORMATION

COUNTY GIS CONTOUR INFORMATION

SHELTON OAKS COURT  
85' PUBLIC R/W DEDICATION

MARGARET RIDGE DR.  
80' PUBLIC R/W DEDICATION

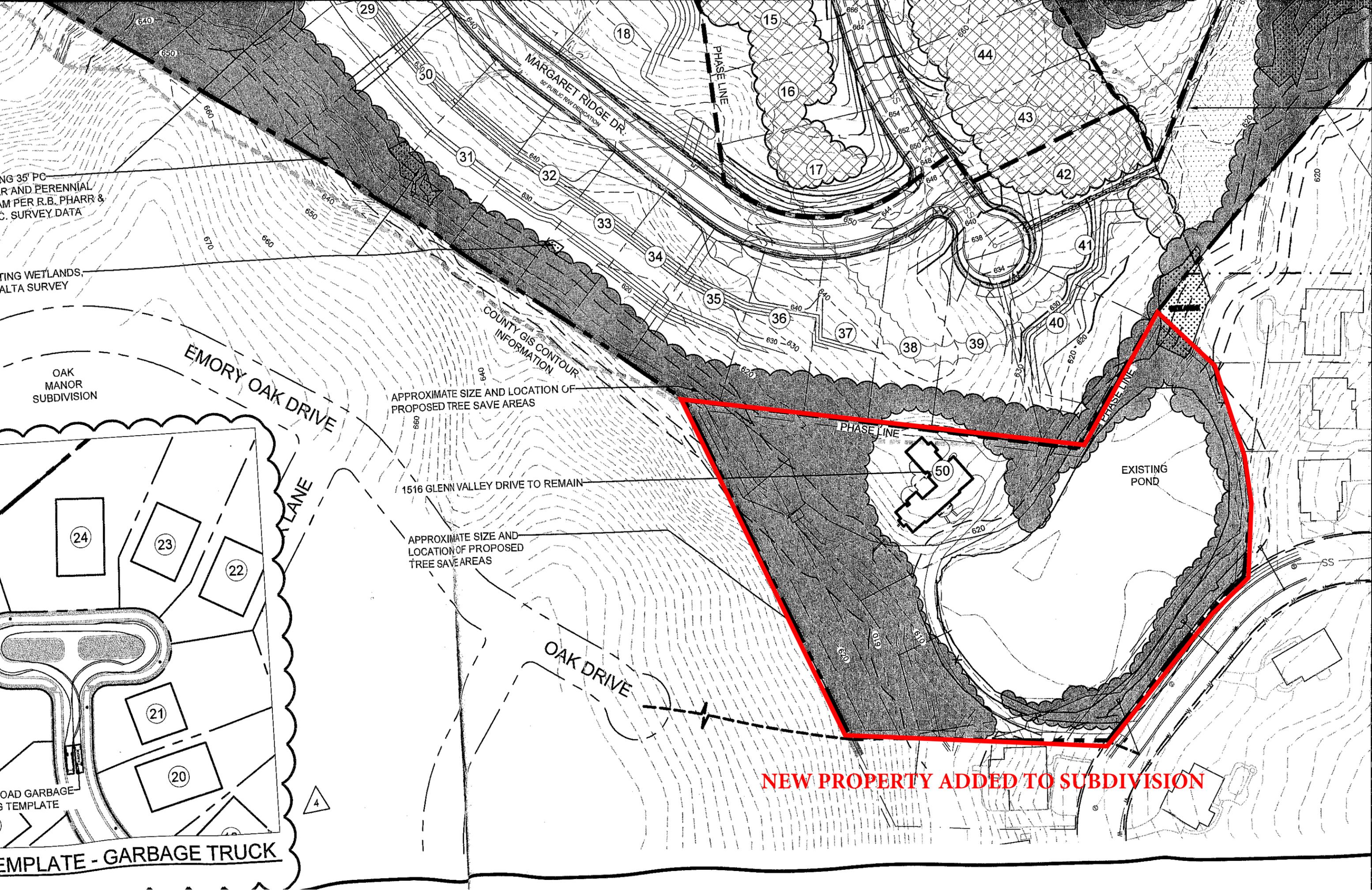
ARBORFIELD DRIVE  
80' PUBLIC R/W DEDICATION

PHASE LINE

PHASE LINE

PHASE LINE

FIELD COURT  
85' PUBLIC R/W DEDICATION



ING 35' PC  
R AND PERENNIAL  
M PER R.B. PHARR &  
C. SURVEY DATA

EXISTING WETLANDS,  
ALTA SURVEY

OAK  
MANOR  
SUBDIVISION

EMORY OAK DRIVE

LANE

MARGARET RIDGE DR.  
50' PUBLIC R/W DEDICATION

APPROXIMATE SIZE AND LOCATION OF  
PROPOSED TREE SAVE AREAS

1516 GLENN VALLEY DRIVE TO REMAIN

APPROXIMATE SIZE AND  
LOCATION OF PROPOSED  
TREE SAVE AREAS

OAK DRIVE

PHASE LINE

PHASE LINE

PHASE LINE

EXISTING  
POND

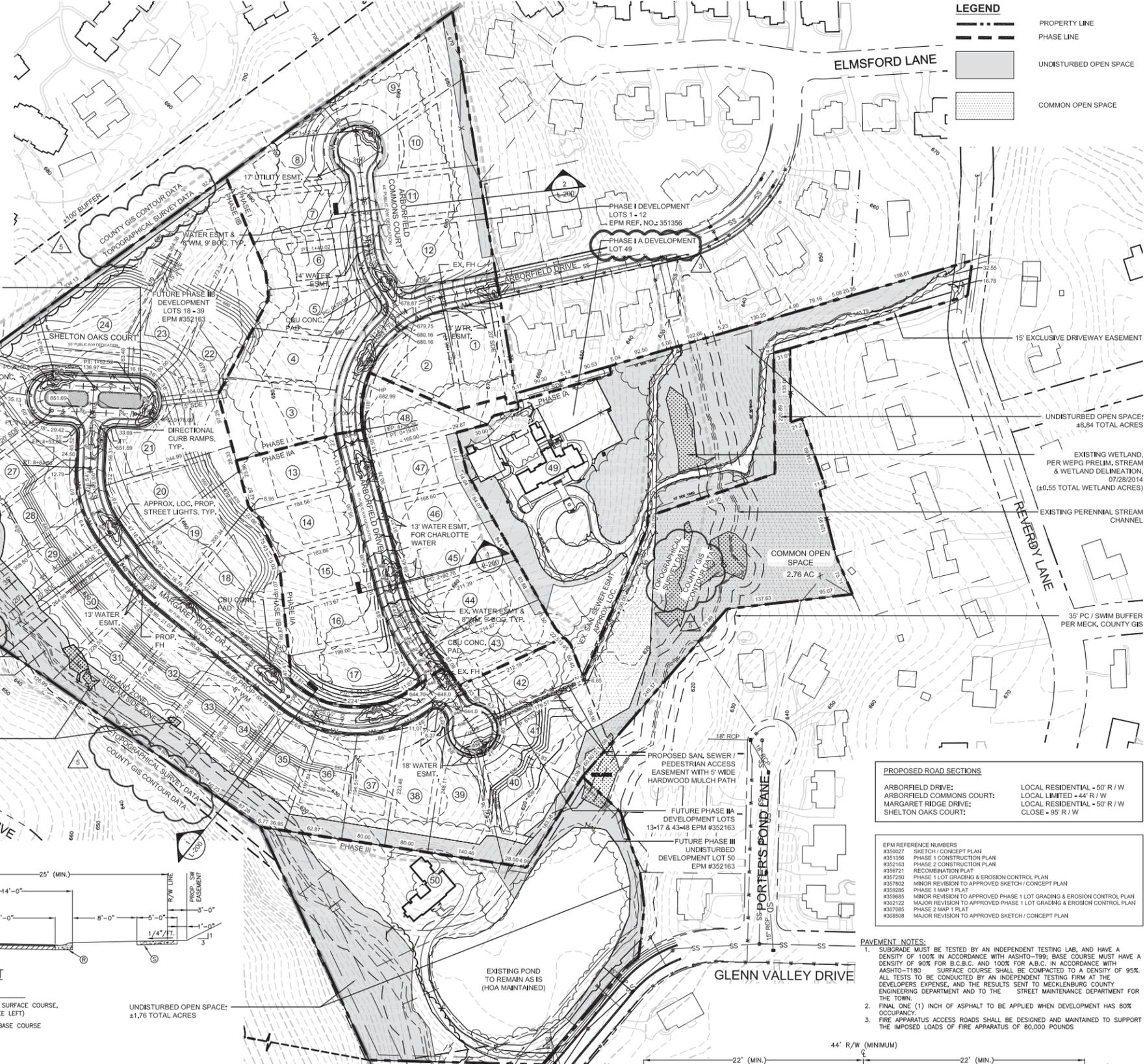
**NEW PROPERTY ADDED TO SUBDIVISION**

ROAD GARBAGE  
TRUCK TEMPLATE

TEMPLATE - GARBAGE TRUCK

4

PARCEL #	AREA (SF)	PARCEL #	AREA (SF)	PARCEL #	AREA (SF)
1	20716.29	18	31597.07	35	19974.45
2	18144.36	19	19338.87	36	17375.24
3	23897.40	20	20935.30	37	16488.31
4	18264.16	21	22951.10	38	19896.53
5	18813.66	22	27619.11	39	20349.43
6	16073.72	23	34376.62	40	23840.42
7	18088.15	24	38784.91	41	22862.02
8	19473.33	25	47069.93	42	19085.05
9	26863.37	26	33345.41	43	18851.60
10	20172.41	27	33869.09	44	17063.93
11	17613.30	28	32996.45	45	15709.52
12	22972.43	29	27004.62	46	16248.81
13	17930.79	30	26219.12	47	15000.46
14	16281.95	31	22876.52	48	17882.34
15	15844.89	32	20341.07	49	204054.86
16	16726.34	33	16644.72	50	170838.13
17	22369.24	34	16852.24		



**DEVELOPMENT DATA:**

TAX PARCEL ID:	22706103, 22706146, 22706163, 22706283, 22706284, 22706532, 22706533, 22706534, 22706535, 22706536, 22706537, 22706538, 22706539, 22706540, 22706541, 22706546
TOTAL SITE AREA:	±40.46
TOTAL ACREAGE IN NEW LOTS:	±24.22
ZONING:	R-15
PROPOSED USE:	LOW DENSITY, SINGLE-FAMILY
LOTS PROPOSED:	OVERALL: 50 Lots
DENSITY PROPOSED:	OVERALL: 1.24 DU / AC
	MIN. LOT SIZE: 15,000 SF
	±15,000 SF (LOT 47)
	40' (MIN. @ SETBACK)
	80'
	10'
	15'
	35'
HOA MAINTAINED OPEN SPACE	
REQUIRED OPEN SPACE:	48 LOTS x 1/8 ACRE = 1.37 ACRES
PROVIDED OPEN SPACE:	±2.76
PROPOSE FEES-IN-LIEU FOR EACH NEW SINGLE-FAMILY LOT INSTEAD OF LAND DEDICATION FOR PUBLIC RECREATION	
TOTAL ACRES:	±40.46
TOTAL CURRENT TAX VALUE (LAND ONLY):	\$2,455,300
TAX VALUE PER ACRE:	\$60,684.63
TOTAL NEW BUILDING LOTS:	48
NUMBER OF ACRES REQUIRED FOR LAND DEDICATION	1.37
(±) ACRE PER NEW LOT	±0.37
ESTIMATED FEE IN-LIEU OF LAND DEDICATION	\$83,224.63
ESTIMATED FEE PER LOT (BASED ON 46 LOTS)	\$1,809.23
FLOOD PLAIN PANEL NO.:	3710447900K - DATED 02/19/2014

**UNDISTURBED OPEN SPACE CALCULATION (LESS THAN 24% BUILT UPON AREA):**

TOTAL SITE AREA:	±40.46 AC
MINIMUM 25% UNDISTURBED OPEN SPACE REQUIRED:	±10.12 AC
UNDISTURBED OPEN SPACE PROVIDED:	±10.64 ACRES OR 26.30%

**GENERAL NOTES:**

- THIS PROJECT PROPOSES TO DEVELOP UNDER "LOW DENSITY" WATER QUALITY REQUIREMENTS, AND AS SUCH, BUILT-UPON AREA (BUILDINGS, PAVING, ETC.) ARE LIMITED. CURRENTLY, EACH LOT IS ALLOCATED 45,931 SF OF BUILT-UPON AREA (BUA). MAXIMUM, LARGER LOTS MAY BE GRANTED A HIGHER ALLOCATION AS APPROPRIATE, BUT THAT PAVING MUST BE REMOVED FROM THE BUA ALLOCATION FOR THE REMAINING LOTS.

PROPOSED BUA (INFRASTRUCTURE; INCLUDES 15' X 8' DRIVEWAY APRON)	±118,464 SF
TOTAL ACREAGE:	±40.46 AC
BUA TO REMAIN:	±1,38 AC
NET ACREAGE:	±39.10 AC
24% BUA AVAILABLE:	±9.38 AC
BUA USED IN RW + LOT 50 ALLOCATION**:	±2.83 AC
NET BUA FOR LOTS:	±6.55 AC
PROPOSED # OF NEW LOTS*:	48
BUA AVAILABLE PER LOT:	±5,947 SF
% OF PROPOSED IMPERVIOUS:	±24.00%

\* 910 REVERDY LANE (LOT 49) IS EXCLUDED FROM LOT COUNT BECAUSE IT PROPOSES NO NEW BUA.  
\*\* ±516 GLENN VALLEY DRIVE (LOT 50) ALLOCATED 5,000 SF NEW OR FUTURE IMPERVIOUS.

- BUILDER SHALL PREPARE AND SUBMIT AN AS-BUILT IMPERVIOUS SURVEY FOR EACH LOT PRIOR TO C.O.
- AN OVERALL BUA SURVEY SHALL BE PROVIDED AND NOTED ON THE UNDISTURBED OPEN SPACE EASEMENT PLAT
- DEVELOPER SHALL PREPARE AND SUBMIT AN AS-BUILT SURVEY FOR THE PROPOSED RIGHT-OF-WAY FOR PUBLIC DEDICATION.
- PROJECT TO BE SEWERED BY CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT (CMUD)
- COMMON AREAS WILL BE OWNED/MAINTAINED BY THE HOA.

30' PC BUFFER PER R.B. PHARR & ASSOC. SURVEY DATA

EXISTING WETLAND PER ALTA SURVEY

EXISTING SEASONAL STREAM PER R.B. PHARR & ASSOC. SURVEY DATA

EACH LOT TO RECEIVE WATER METER AND 4" SEWER LATERAL

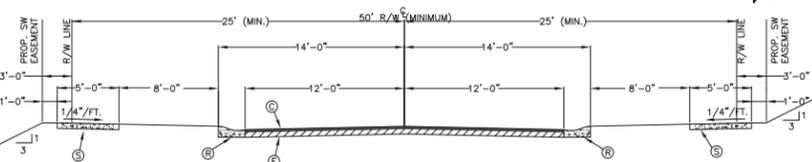
UNDISTURBED OPEN SPACE: ±8.84 TOTAL ACRES

35' PC / SWIM BUFFER PER R.B. PHARR & ASSOC. SURVEY DATA

EXISTING PERENNIAL STREAM

EXISTING WETLANDS PER ALTA SURVEY (±0.55 TOTAL WETLAND ACRES)

SECOND MEANS OF INGRESS / EGRESS DEEMED NOT FEASIBLE PER MEETING WITH RANDY FRAZIER, COUNTY FIRE MARSHALL ON SEPTEMBER 29, 2016 DUE TO THE SITE'S TOPOGRAPHY AND LANDLOCKED CHARACTER



**RESIDENTIAL STREET**

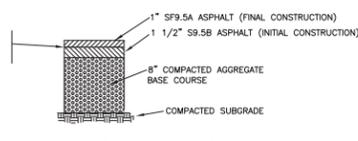
**NOTES:**

- THE CROWN (TRANSVERSE SLOPE) FOR TYPICAL SECTION ON THIS SHEET IS 3/8" PER FOOT.
- ELEVATION OF SIDEWALK SHALL BE NO LESS THAN 6" OR MORE THAN 18" ABOVE THE ROADWAY CROWN.

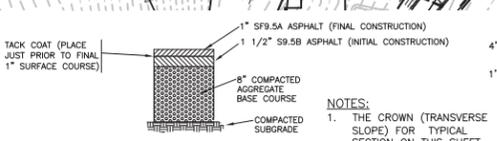
**PAVEMENT SCHEDULE**

- 2.5" BITUMINOUS CONCRETE SURFACE COURSE, TYPE S9.5B AND S9.5A (SEE LEFT)
- 8" COMPACTED AGGREGATE BASE COURSE
- 2'-0" VALLEY GUTTER
- 4" CONCRETE SIDEWALK

UNDISTURBED OPEN SPACE: ±1.76 TOTAL ACRES



**TYPICAL PAVEMENT SECTION**



**TYPICAL PAVEMENT SECTION**

**1 MATTHEWS TYPICAL LOCAL RESIDENTIAL STREET SECTION**  
SCALE: NTS

**2 MATTHEWS TYPICAL LOCAL LIMITED RESIDENTIAL STREET SECTION**  
SCALE: NTS

**PROPOSED ROAD SECTIONS**

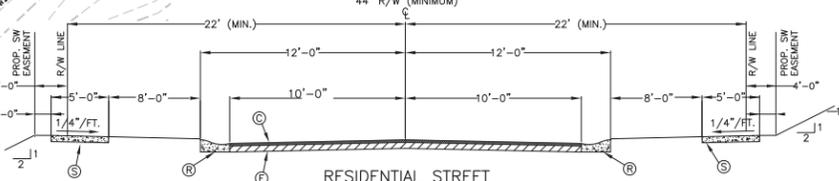
ARBORFIELD DRIVE:	LOCAL RESIDENTIAL - 50' R / W
ARBORFIELD COMMONS COURT:	LOCAL LIMITED - 44' R / W
MARGARET RIDGE DRIVE:	LOCAL RESIDENTIAL - 50' R / W
SHELTON OAKS COURT:	LOCAL - 95' R / W

**EPM REFERENCE NUMBERS**

#350027	SKETCH / CONCEPT PLAN
#351356	PHASE 1 CONSTRUCTION PLAN
#352163	PHASE 2 CONSTRUCTION PLAN
#356721	RECOMBINATION PLAT
#357290	PHASE 1 LOT GRADING & EROSION CONTROL PLAN
#357802	MINOR REVISION TO APPROVED SKETCH / CONCEPT PLAN
#359285	PHASE 1 MAP 1 PLAT
#359685	MINOR REVISION TO APPROVED PHASE 1 LOT GRADING & EROSION CONTROL PLAN
#362122	MAJOR REVISION TO APPROVED PHASE 1 LOT GRADING & EROSION CONTROL PLAN
#367085	PHASE 2 MAP 1 PLAT
#368508	MAJOR REVISION TO APPROVED SKETCH / CONCEPT PLAN

**PAVEMENT NOTES:**

- SUBGRADE MUST BE TESTED BY AN INDEPENDENT TESTING LAB, AND HAVE A DENSITY OF 100% IN ACCORDANCE WITH AASHTO-199; BASE COURSE MUST HAVE A DENSITY OF 90% FOR B.C.B.C. AND 100% FOR A.B.C. IN ACCORDANCE WITH AASHTO-1180. SURFACE COURSE SHALL BE COMPACTED TO A DENSITY OF 95%. ALL TESTS TO BE CONDUCTED BY AN INDEPENDENT TESTING FIRM AT THE DEVELOPERS EXPENSE, AND THE RESULTS SENT TO MECKLENBURG COUNTY ENGINEERING DEPARTMENT AND TO THE STREET MAINTENANCE DEPARTMENT FOR THE TOWN.
- FINAL ONE (1) INCH OF ASPHALT TO BE APPLIED WHEN DEVELOPMENT HAS 80% OCCUPANCY.
- FIRE APPARATUS ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS OF 80,000 POUNDS



**RESIDENTIAL STREET**

**PAVEMENT SCHEDULE**

- 2.5" BITUMINOUS CONCRETE SURFACE COURSE, TYPE S9.5B AND 1" S9.5A (SEE LEFT)
- 8" COMPACTED AGGREGATE BASE COURSE
- 2'-0" VALLEY GUTTER
- 4" CONCRETE SIDEWALK

This Plan Is A Preliminary Design. NOT Released For Construction.



0' 100' 200' 400'  
SCALE: 1"=100'

**REVISIONS:**

No.	Date	By	Description
1	9/28/15	SDW	EPM REVIEW COMMENTS - 03/11/2015
2	12/09/15	SDW	EPM REVIEW COMMENTS - 11/19/2015
3	8/15/16	SDW/DRW	RTAP SUBMITTAL - 8/15/2016
4	10/10/16	SDW	RTAP RE-SUBMITTAL - 10/10/2016
5	10/26/16	SDW	TOWN REVIEW COMMENTS - 10/10/2016



**STEVENS GROVE**  
TOWN OF MATTHEWS, MECKLENBURG COUNTY,  
NORTH CAROLINA  
MATTHEWS ARBORFIELD, LLC  
121 WEST TRADE STREET, 28TH FLOOR  
CHARLOTTE, NC 28202

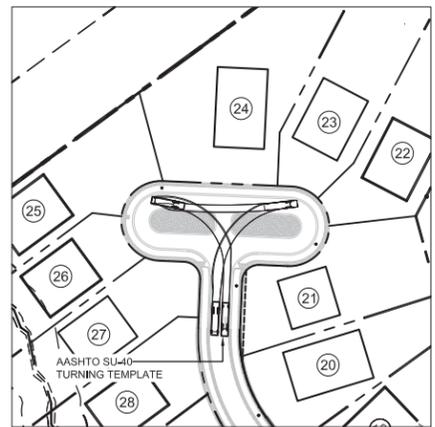
**PRELIMINARY PLAT**



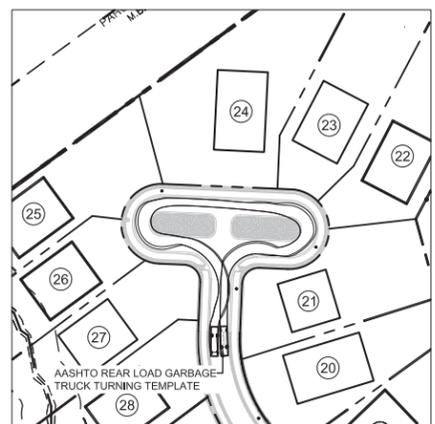
CORPORATE CERTIFICATIONS  
NO. PE-C-2039 N.C.L.A.-C-353  
SC.ENG. NO. 3599 S.C.L.A. NO. 211

Project Manager: MDL  
Drawn By: SDW  
Checked By: SSW  
Date: 08/15/2015  
Project Number: 14025  
Sheet Number:

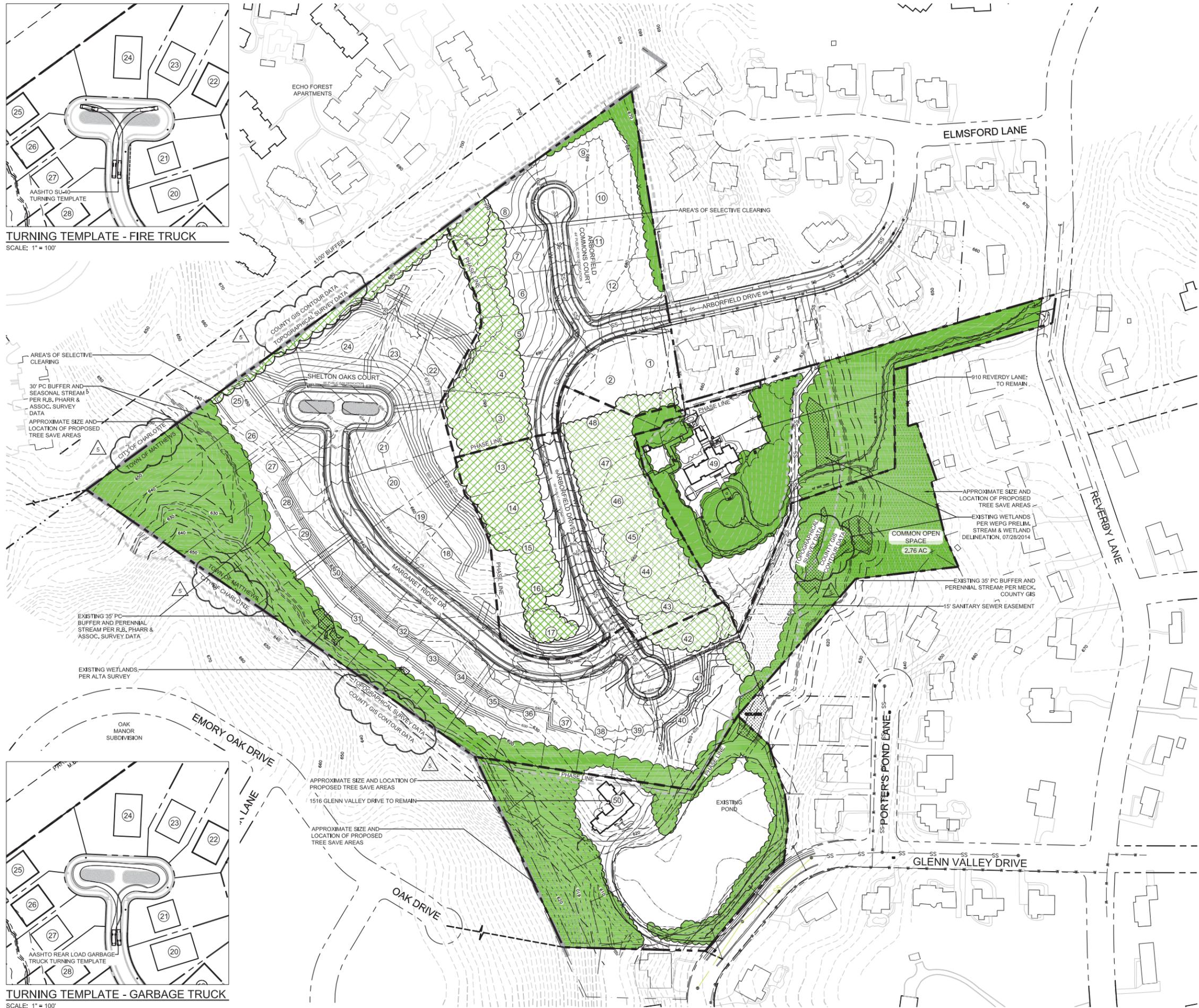
**L-200**



**TURNING TEMPLATE - FIRE TRUCK**  
SCALE: 1" = 100'



**TURNING TEMPLATE - GARBAGE TRUCK**  
SCALE: 1" = 100'



**GENERAL NOTES:**

1. APPLICANT HAS AGREED TO OBSERVE THE DRAINAGE FEATURE FLOWING WITHIN AND ADJACENT TO THE WESTERN AND SOUTHERN PROPERTY BOUNDARY WITH THE TOWN OF MATTHEWS ENGINEER TO DOCUMENT EXISTING STREAM BANK CONDITIONS PRIOR TO THE BEGINNING OF CONSTRUCTION OF THE SUBJECT PROPERTY, APPLICANT AND THE TOWN ENGINEER WILL OBSERVE THE DRAINAGE FEATURE ONCE THE INITIAL ROAD PAVING IS COMPLETE (MINUS CURB AND GUTTER) TO DETERMINE IF ANY ABNORMAL DEGRADATION HAS OCCURRED DUE SOLELY TO THE PERMITTED DEVELOPMENT ON THE PROPERTY. IF STREAM BANK DEGRADATION IS OBSERVED IN SPECIFIC AREAS ON THE SUBJECT PROPERTY AND DETERMINED TO BE THE RESULT OF APPLICANT'S PERMITTED DISTURBANCE, THEN APPLICANT WILL EMPLOY THE SERVICES OF A CERTIFIED WETLANDS OR STREAM RESTORATION SPECIALIST TO RE-STABILIZE THE BANKS IN THOSE AREAS AND TO DOCUMENT THE REPAIRS FOR THE TOWN OF MATTHEWS
2. CLEARING LIMITED TO AREAS OF INFRASTRUCTURE AND LIMITS OF DISTURBANCE, SELECTIVE CLEARING TO OCCUR ON LOTS AS SHOWN
3. MASS GRADING NOT PROPOSED FOR THIS PROJECT. SOME ADDITIONAL LOT GRADINGS MAY BE REQUIRED TO PREPARE LOTS FOR BUILDER
4. PROJECT WILL UTILIZE SOIL EROSION AND SEDIMENTATION CONTROL BEST MANAGEMENT PRACTICES IN ACCORDANCE WITH STATE OF NORTH CAROLINA AND MECKLENBURG COUNTY TO LIMIT EXCESS WATER AND SEDIMENTATION FROM LEAVING THE PROJECT SITE

**TREE CANOPY REQUIREMENTS**

**OVERALL TREE CANOPY REQUIREMENTS**

REQUIRED TREE CANOPY (R-15): 20%

CALCULATED TREE CANOPY AREA (SA - U) x 0.2 = RTC

SA: TOTAL SITE AREA (SQUARE FEET)

U: ANY UTILITY EASEMENTS, ROAD RIGHTS-OF-WAY, OR OTHER AREA ALLOWED TO BE EXCLUDED (SQUARE FEET)

RTC: REQUIRED TREE CANOPY (SQUARE FEET)

(SA - U) x 0.2 = RTC

1,576,104 x 0.2 = RTC

RTC = 315,221 SF

PRESERVED TREE CANOPY PROVIDED: ±548,492 SF

PHASE I NEWLY PLANTED TREES: 37 x 2,000 SF = 74,000 SF

PHASE II NEWLY PLANTED TREES: 88 x 2,000 SF = 176,000 SF

TOTAL TREE CANOPY PROVIDED: ±724,492 SF

**LEGEND**

	PROPERTY LINE
	PHASE LINE
	COMMON OPEN SPACE (±120,226 SF)
	PROPOSED TREE SAVE AREAS (±438,492 SF)
	SELECTIVE CLEARING (±238,039 SF)

APPROXIMATE SIZE AND LOCATION OF PROPOSED TREE SAVE AREAS

EXISTING WETLANDS PER WEPG PRELIM. STREAM & WETLAND DELINEATION, 07/28/2014

EXISTING 35' PC BUFFER AND PERENNIAL STREAM PER MECK. COUNTY GIS

15' SANITARY SEWER EASEMENT

EXISTING POND

30' PC BUFFER AND SEASONAL STREAM PER R.B. PHARR & ASSOC. SURVEY DATA

APPROXIMATE SIZE AND LOCATION OF PROPOSED TREE SAVE AREAS

EXISTING 35' PC BUFFER AND PERENNIAL STREAM PER R.B. PHARR & ASSOC. SURVEY DATA

EXISTING WETLANDS PER ALTA SURVEY

APPROXIMATE SIZE AND LOCATION OF PROPOSED TREE SAVE AREAS

1516 GLENN VALLEY DRIVE TO REMAIN

APPROXIMATE SIZE AND LOCATION OF PROPOSED TREE SAVE AREAS

310 REVERDY LANE: TO REMAIN

COMMON OPEN SPACE 2.76 AC

This Plan Is A Preliminary Design. NOT Released For Construction.

0' 100' 200' 400'

SCALE: 1" = 100'

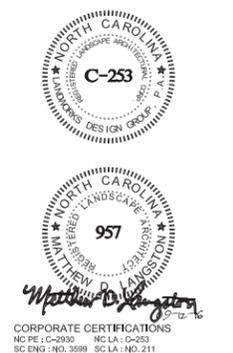
REVISIONS:

No.	Date	By	Description
1	9/28/15	SDW	EPM REVIEW COMMENTS - 03/11/2015
2	12/09/15	SDW	EPM REVIEW COMMENTS - 11/19/2015
3	8/15/16	SDW/DRW	RTAP SUBMITTAL - 8/15/2016
4	10/10/16	SDW	RTAP RE-SUBMITTAL - 10/10/2016
5	10/26/16	SDW	TOWN REVIEW COMMENTS - 10/10/2016

**Landworks**  
Design Group, P.A.  
7821 Little Avenue, Suite 111  
Charlotte, NC 28226  
704-941-8104 Fax: 704-941-8104

**STEVENS GROVE**  
TOWN OF MATTHEWS, MECKLENBURG COUNTY,  
NORTH CAROLINA  
MATTHEWS ARBORFIELD, LLC  
121 WEST TRADE STREET, 28TH FLOOR  
CHARLOTTE, NC 28202

**SUBDIVISION CLEARING PLAN**



Project Manager: MDL  
Drawn By: SDW  
Checked By: SSW  
Date: 08/15/2015  
Project Number: 14025  
Sheet Number:



DATE FILED 11-1-2016  
 APPLICATION NUMBER 2016-653  
*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): 193-251-19

Address of property: 500 WEST JOHN ST, MATTHEWS, NC 28105

Location of property:

Title to the property was acquired on AUSTIN SPORTSWEAR, INC  
 and was recorded in the name of AUSTIN SPORTSWEAR, INC  
 whose mailing address is 1200 HOME PLACE, MATTHEWS, NC 28105

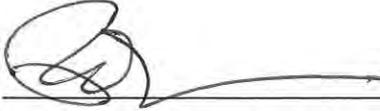
The deed is recorded in Book 22389 and Page 029 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: O(CD) Requested zoning classification: O(CD)

Application number  
**2016-653**  
For office use only

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

- CHANGE SIGNAGE TO HISTORIC LANDMARK GUIDELINES  
AND TOWN UDO REQUIREMENTS (~~50~~ 50 SQ FT)
- ADDITIONS PER ATTACHED / CHANGES TO CD  
AND COMPLIANCE
- SAFETY OF ACCESS FOR EMPLOYEES / GUESTS



Signature of property owner (must be original)

Paul Jamison

Print name of property owner

same

Property owner's mailing address

Property owner's mailing address, continued

Property owner's mailing address, continued

704-819-0010 / PAUL@MYJAMISONHOMES.COM

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

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

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

2016-053

For office use only

See attached

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

Application number  
2016-653  
For office use only

## SUMMARY OF THE REZONING PROCESS

*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 NOVEMBER 2, 2016

Town Board of Commissioners formally accepts application and sets Public Hearing date NOVEMBER 14th, 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 DEC 27th, 2016 ?

Town Board of Commissioners approves or denies application JANUARY 9th, 2016

2016-653

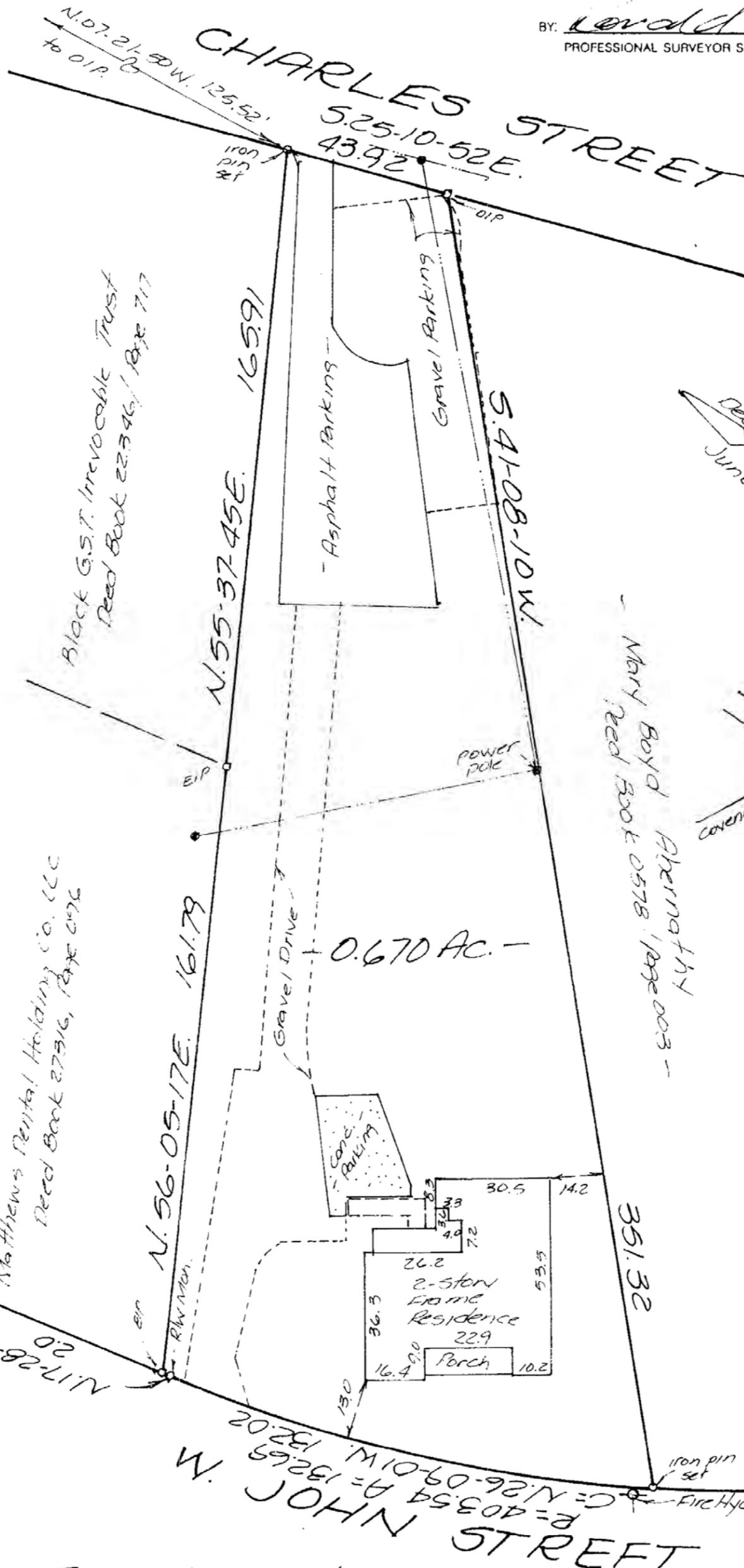
PARCEL_ID	OWNER_NAME	MAILING_ADDRESS	CITY	STATE	ZIP_CODE
19325107	PCM HOLDINGS LLC,	PO BOX 67 MATTHEWS NC 28106	MATTHEWS	NC	28106
19325109	MEETZE, WILLIAM SCOTT BLACK GST IRREVOCABLE TRUST,	2616 KIRKHOLM MATTHEWS NC 28105	MATTHEWS	NC	28105
19325116	BRECOLE INVESTMENTS LLC,	11136 VILLA TRACE PL CHARLOTTE NC 28277	CHARLOTTE	NC	28277
19325117	MATTHEWS DENTAL HOLDING COMPANY LLC,  C/O THOMAS D GRIMES,	4 RIDGELAND ST PINEHURST NC 28374	PINEHURST	NC	28374
19325118	AV8TOR SPORTSWEAR, INC,	1200 HOME PLACE MATTHEWS NC 28105	MATTHEWS	NC	28105
19325119	ABERNATHY, MARY BOYD	2017 FAIR FOREST DR MATTHEWS NC 28105	MATTHEWS	NC	28105
19325120	FIDLER, WILLIAM VICTOR JR JULIA DOROTHEA S,	424 W JOHN ST MATTHEWS NC 28105	MATTHEWS	NC	28105
19325134	BLACK GST IRREVOCABLE TRUST,  MEETZE, WILLIAM SCOTT	2616 KIRKHOLM MATTHEWS NC 28105	MATTHEWS	NC	28105
21301106	C/O CAROLINAS CANCER CARE,  TOKA PROPERTIES LLC,	4200 CAMERON OAKS DR CHARLOTTE NC 28211	CHARLOTTE	NC	28211
21301107	CASSIDY LIVING TRUST THE,	3546 LAWRENCE RD ORANGE PARK FL 32065	ORANGE PARK	FL	32065
22702613	David Lee Kinney	2758 LAKE SHORE RD 5 DENVER	DENVER	NC	28037



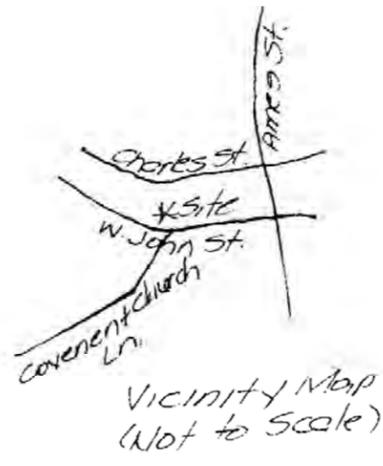
THIS IS TO CERTIFY THAT ON THE 3rd DAY OF October 2016, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT, AND THAT THE PROPERTY LINES AND IMPROVEMENTS ARE SHOWN HEREON. THE RATIO OF PRECISION AS CALCULATED IS 1: 20,000 FT. + OF PERIMETER SURVEYED. AREA COMPUTED BY COORDINATE METHOD. PROPERTY MAY BE SUBJECT TO ANY OTHER RESTRICTIONS, EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.

2016-653  
11/01/2016

BY: Ronald F. Hyatt  
PROFESSIONAL SURVEYOR STATE OF NORTH CAROLINA



Deed Book 22389, Page 029  
June 18, 2007



Black G.S.T. Irrevocable Trust  
Deed Book 22346, Page 717

Matthews Rental Holding Co. LLC  
Deed Book 27316, Page 076

Mary Boyd Abernathy  
Deed Book 0578, Page 003

Boundary & Physical SURVEY OF  
LOT IN Matthews TOWNSHIP Meck. COUNTY, NORTH CAROLINA IN THE CITY OF Matthews  
ON W John Street HOUSE No. 500 SHOWN AS LOT NO. \_\_\_\_\_ IN BLOCK No. \_\_\_\_\_  
ON MAP OF \_\_\_\_\_ MAP RECORDED IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
DEED RECORDED IN BOOK 22389 PAGE 029 OFFICE OF THE REGISTER OF DEEDS FOR \_\_\_\_\_ COUNTY, N.C.  
THE PROPERTY OF Av8tor Sportswear, Inc.  
TO BE CONVEYED TO \_\_\_\_\_

SCALE 1" = 40 Ft.  
DATE 10/03/2016

RONALD F. HYATT, NCPLS  
6120 HUGGINS DAIRY ROAD  
MARSHVILLE, NC 28103

LEGEND  
RW = RIGHT-OF-WAY  
C/L = CENTERLINE  
EIP = EXISTING IRON PIN  
BROKEN SCALE  
P/L = PROPERTY LINE

**PROJECT SUMMARY:** 500 West John Street,  
Mathews, NC 28105

**Owners:** Av8lor Sportsware INC

**Applicant:** Paul Jamison

**Current Zoning:** Office - O(CD)

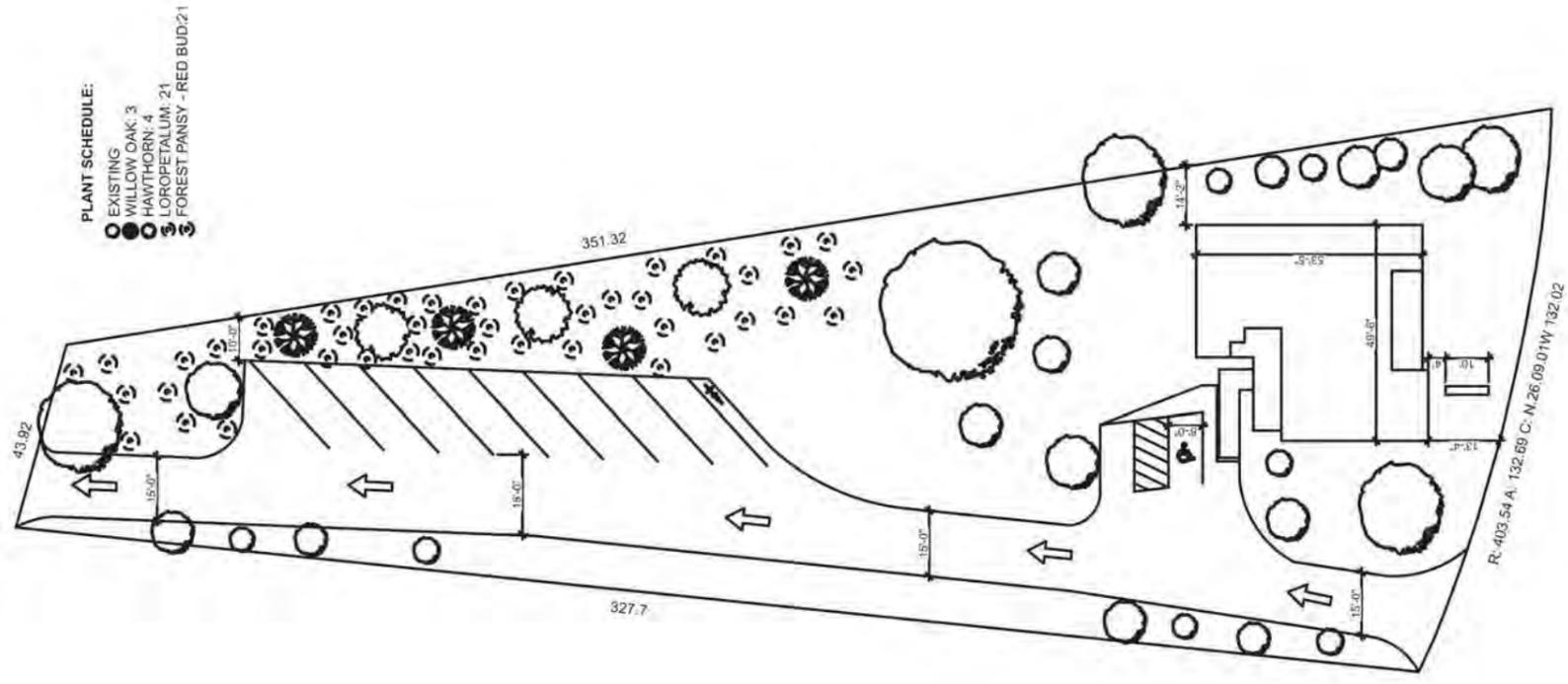
**Existing Use:** Office

**Proposed Zoning:** Office - O(CD)

**Proposed Use:** Office

**Summary Request:**

- Change signage to Historic Landmark Guidelines and Town UDO Requirements -- 50 SQFT.
- Additions per attached/changes to CD and compliance.
- Safety of access for employees and guests.



1 SITE PLAN  
SCALE 1" = 20'

500 WEST JOHN STREET  
MATTHEWS, NC  
28105

MARK	DATE	DESCRIPTION

PROJECT NO:  
DATE:  
DRAWN BY:  
COPYRIGHT

SHEET TITLE

Site Plan

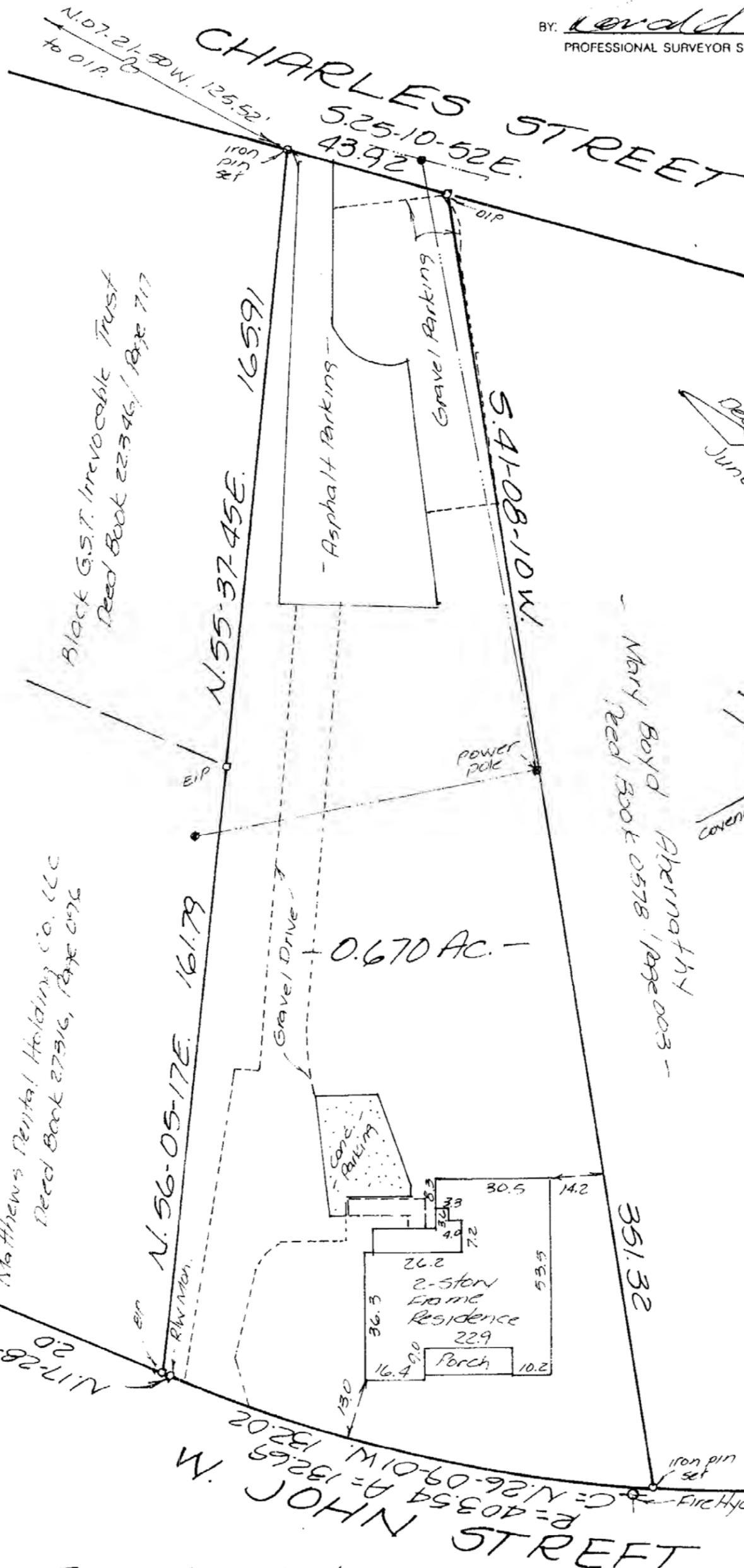
A-2

SHEET 2 OF 7

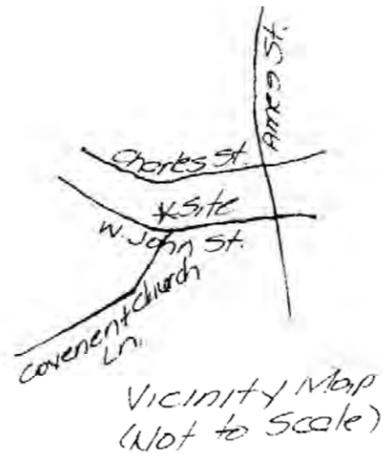
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2016-653  
11/01/2016

BY: Ronald F. Hyatt  
PROFESSIONAL SURVEYOR STATE OF NORTH CAROLINA



Deed Book 22389, Page 029  
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Boundary & Physical SURVEY OF  
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THE PROPERTY OF Av8tor Sportswear, Inc.  
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SCALE 1" = 40 Ft.  
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MARSHVILLE, NC 28103

LEGEND  
RW = RIGHT-OF-WAY  
C/L = CENTERLINE  
EIP = EXISTING IRON PIN  
BROKEN SCALE  
P/L = PROPERTY LINE

RESOLUTION ADDING STREETS TO THE TOWN'S STREET SYSTEM

PURSUANT, to Article 15 of Chapter 160A of the General Statutes of North Carolina, the Board of Commissioners of the Town of Matthews hereby adopts this resolution to add to the Town's street system from the Hampton Green Subdivision:

Talbot Court from Whitefriars Lane to Fullwood Lane

FURTHER, PURSUANT, to Article 15 of Chapter 160A of the General Statutes of North Carolina, the Board of Commissioners of the Town of Matthews hereby adopts this resolution to add to the Town's street system from the Pleasant Ridge Subdivision:

Kings Manor Court from Pleasant Plains Road to End  
Hamlet Court from Kings Manor Court to End

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Matthews, North Carolina, that it hereby adds Reid Hall Lane and Pleasant Pine Court in the Reid Hall Subdivision to the Town's street system.

RESOLVED, this the 14th day of November 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

ORDINANCE NO. \_\_\_\_\_

ESTABLISHING SPEED LIMIT  
AND POSTING OF STOP SIGNS

AN ORDINANCE ESTABLISHING A MAXIMUM SPEED LIMIT ON STREETS AND THE  
POSTING OF STOP SIGNS ON CERTAIN STREETS WITHIN THE TOWN OF  
MATTHEWS

BE IT ORDAINED, by the Town Board of Commissioners of the Town of Matthews,  
North Carolina:

SECTION 1. That the maximum speed limit for the hereinafter designated streets within  
the Town of Matthews is hereby set at 25 M.P.H.:

Kings Manor Court  
Hamlet Court

SECTION 2. That stop signs shall be posted as follows on streets within the Town of  
Matthews:

Talbot Court at Whitefriars Lane  
Talbot Court at Fullwood Lane  
Kings Manor Court at Pleasant Plains Road  
Kings Manor Court at Hamlet Court

SECTION 3. That this Ordinance shall become effective upon the placement of a 25  
M.P.H. speed limit sign and/or the placement of stop signs on the above-designated streets.

This the 14<sup>th</sup> day of November 2016.

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles R. Buckley, III  
Town Attorney

## MEMORANDUM

To: Mayor and Board of Commissioners  
From: Shelley Kerns, Finance Department  
CC: Hazen Blodgett, Town Manager  
Date: November 7, 2016  
Re: Tax Refunds

---

The Interlocal Agreement between Mecklenburg County and the Town of Matthews states they bill and collect the Ad Valorem taxes for Matthews. Upon collection, the County remits those to the Town. Matthews is responsible for issuing the refund if an adjustment occurs on the tax bill after the payment has been received. Refunds are issued for various reasons.

Mecklenburg County Tax Office has submitted the attached list of taxpayers for refunds. The list reflects the tax year, taxpayer, location, adjustment made and reason for adjustment, along with the refund amount. G.S. 105 requires that tax refunds or releases shall be approved by the governing body.

These reports reflect tax appeals, settlements, and adjustments made, as received from the Mecklenburg County Tax Office.

Total returns: \$3,071.64

Recommendation: The Mayor and Board of Commissioners approve the tax refunds.

Tax Year	Bill Number	Parcel #	Refund Recipient Name	Address Line 1	City	State	Zip Code	Refund Amount (\$)	Total Interest if pd by 11/23/2016 (\$)
2011	0002047767-2011-2011-0000-00	22706243	ARCADIA HOMES INC	315 MAIN ST SUITE E	PINEVILLE	NC	28134	16.34	7.44
2016	0002002073-2016-2013-0000-00	21510206	LIBERTY HEALTHCARE PROPERTIES OF	2334 S 41ST ST	WILMINGTON	NC	28403	78.75	0.00
2016	0002002073-2016-2014-0000-00	21510206	LIBERTY HEALTHCARE PROPERTIES OF	2334 S 41ST ST	WILMINGTON	NC	28403	52.50	0.00
2016	0002002073-2016-2015-0000-00	21510206	LIBERTY HEALTHCARE PROPERTIES OF	2334 S 41ST ST	WILMINGTON	NC	28403	28.11	0.00
2012	0002047767-2012-2012-0000-00	22706243	WITT, DARRIN	1349 WYNDMERE HILLS LN	MATTHEWS	NC	28105	16.34	5.97
2015	0002047767-2015-2014-0000-00	22706243	WITT, DARRIN	1349 WYNDMERE HILLS LN	MATTHEWS	NC	28105	333.69	31.70
2013	0002047767-2013-2013-0000-00	22706243	WITT, DARRIN	1349 WYNDMERE HILLS LN	MATTHEWS	NC	28105	1,163.32	319.91
								1,689.05	365.02

Tax Year	Bill Number	Parcel #	Refund Recipient Name	Address Line 1	City	State	Zip Code	Refund Amount (\$)
2016	0002002073-2016-2013-0000-00	21510206	LIBERTY HEALTHCARE PROPERTIES	2334 S 41ST ST	WILMINGTON	NC	28403	147.03
2016	0002002073-2016-2014-0000-00	21510206	LIBERTY HEALTHCARE PROPERTIES	2334 S 41ST ST	WILMINGTON	NC	28403	135.72
2016	0002002073-2016-2015-0000-00	21510206	LIBERTY HEALTHCARE PROPERTIES	2334 S 41ST ST	WILMINGTON	NC	28403	133.23
2014	0002004104-2014-2014-0000-01	21526105	PHELPS, STUART D	13700 IDLEWILD RD	MATTHEWS	NC	28105	100.88
2013	0002050543-2013-2013-0000-00	22723427	SANGERMANO, NICHOLAS V	12000 OL MONROE RD	MATTHEWS	NC	28105	34.29
								551.15

Tax Year	Bill Number	Parcel #	Source Type	Adjustment #	Adjustment Reason	Date of Adj.	Refund Recipient Name	Address Line 1	Address Line 2	City	State	Zip Code	Refund Amount (\$)
2014	0008009538-2014-2014-0000-00		BUS	550278	Over Assessment	8/18/2016	VANDERBILT MORTGAGE AND FINANCE INC	PO BOX 9800		MARYVILLE	TN	37802	56.12
2015	0008009538-2015-2015-0000-00		BUS	550279	Processed In Error	8/18/2016	VANDERBILT MORTGAGE AND FINANCE INC	PO BOX 9800		MARYVILLE	TN	37802	52.96
2015	0002047767-2015-2015-0000-00	22706243	REI	549220	Adjustment	8/1/2016	WITT, DARRIN	1349 WYNDMERE HILLS LN		MATTHEWS	NC	28105	357.34
													466.42

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>
10000001-4820	POLICE DONATIONS	\$75.00	

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

		<u>INCREASE</u>	<u>DECREASE</u>
10431400-5233	COMMUNITY POLICING	75.00	

SECTION 3: The purpose of this amendment is to recognize a donation received from a citizen.

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

Adopted this the 14th day of November 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>
10000001-482001	POLICE EXPLORERS	\$50.00	
10000001-482001	POLICE EXPLORERS	\$50.00	

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

		<u>INCREASE</u>	<u>DECREASE</u>
10431400-5234	YOUTH PROGRAMS	\$100.00	

SECTION 3: The purpose of this amendment is to recognize donation from citizens for the Police Explorers 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 14th day of November 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>
10000001-441802	HIDTA Shared Proceeds	\$1,843.63	
10000001-441802	HIDTA Shared Proceeds	\$4,127.18	
10000001-441802	HIDTA Shared Proceeds	\$3,738.59	

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

		<u>INCREASE</u>	<u>DECREASE</u>
10431200-5271	Federal Seized Funds	\$9,709.40	

SECTION 3: The purpose of this amendment is to recognize shared proceeds received through DEA Task Force

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

Adopted this the 14th day of November 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>
46000001-491601 PW217    NC DEPT COMM GRANT	\$ 94,340.00	

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

	<u>INCREASE</u>	<u>DECREASE</u>
46451000-6802 PW217    DOWNTOWN PROJECTS	\$94,340.00	

SECTION 3: The purpose of this amendment is to recognize grant proceeds received from the N.C. Dept. of Commerce.

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

Adopted this the 14th day of November 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 Tourism Fund, the Revenues are to be changed as follows:

INCREASE      DECREASE

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

INCREASE      DECREASE

12613404-573010	Contingency		\$5,000
12613404-5730	Tourism Grants	\$5,000	

SECTION 3: The purpose of this amendment is to re-appropriate Contingency funds towards Tourism Grants;

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

Adopted this the 14th day of November 2016.

---

James P. Taylor, Mayor

---

Lori Canapinno, Town Clerk

## **Pursue Negotiating Contract for East John Street Design Options**

DATE: November 9, 2016  
TO: Mayor and Board of Commissioners  
FROM: Susan Habina-Woolard, PE – Town Engineer

### **Background/Issue**

The NCDOT project U-4714 E John St/Old Monroe Road will widen the road to four lanes from Trade St into Union County. In order to get revisions that may make the widened road more appealing and safe, and protect the gateway into our downtown area, NCDOT requested the Town procure consulting services for design options. The Town Board approved staff to request qualifications from outside firms at the October 24 Board Meeting.

The proposed scope of the engineering and design services being requested is attached, including the list of design- related activities staff anticipates completing in-house.

### **Proposal/Solution**

Two responses to the Request for Qualifications (RFQ) were received. The staff selection team reviewed both response packages independently then came together to discuss the responses. Staff has selected VHB as the best qualified firm for the project. Staff is familiar with the consultant's work and think that the firm is well-qualified to do the anticipated work.

### **Financial Impact**

This work is not in the current budget. It is estimated that the work will cost in the range of \$50,000, which will come from the General Fund.

### **Related Town Goal(s) and/or Strategies**

- To identify, plan, design, fund and build transportation facilities that efficiently and effectively serve the community in a cost-effect and environmentally-sensitive manner.
- To maintain our small town identity by providing a vibrant downtown, pedestrian friendly community, extensive greenspace system, and recreational and cultural activities.
- To innovatively provide a well-planned, well-maintained and aesthetically pleasing infrastructure, that adds long-term value and offers efficient access to the Town and surrounding communities.

### **Recommended Motion/Action**

Authorize staff to negotiate prices and enter into contract with the selected firm.

## **Design Elements along John Street in Matthews – Engineering/Design Firm Scope of Services Request**

### *Between Mecklenburg/Union County line and I-485:*

- Identify locations for safe pedestrian/bicycle crossing(s) with or without signals; include general design layout (Z-path, direct 90<sup>0</sup> crossing to road pavement, etc.). This will involve trip generation calculations.
- Offer alternatives (landscaping, hardscaping elements, signage, other) that may assist in discouraging vehicular speeding

### *Between I-485 and Charles Buckley Way:*

- Identify location(s) and design of for safe and signalized pedestrian/bicycle crossing where multi-use trail changes from south to north side of widened roadway. This will involve trip generation calculations.
- Offer alternatives that may assist in discouraging vehicular speeding, including reducing roadway design speed
- Offer options for linear park setting on north side where all houses are shown as to be removed – lighting, and relocation of overhead electric wires and poles; may include underground electric, provision of buffer against established Fullwood Trace neighborhood

### *Between Buckley Way and Ames Street:*

- Provide center median treatment options, including: possible ground cover in places; patterned/colored alternate paving material; narrow vertical elements to create a sense of boundary; lighting fixtures (pedestrian level and street lighting)
- Identify alternatives to large truck turn-around bulb area across from Buckley Way/PostOffice
- Develop options for treatment of space between curb and sidewalk pedestrian flow area – to create a sense of separation without an in-ground planting strip
- Offer treatment options for crosswalks at Trade Street, including protected pedestrian refuges mid-way across John Street

## **Design Elements along John Street in Matthews – Town Staff Projects**

### *Between Mecklenburg/Union County line and I-485:*

- Design options for center median landscaping with lighting
- Design planting strip (between curb and sidewalk or multi-use path) landscaping treatment to increase the sense of separation between motorized vehicles and pedestrians/bicycles

### *Between I-485 and Charles Buckley Way:*

- Design options for center median landscaping with lighting to indicate a transition area into historic downtown area
- Design planting strip (between curb and sidewalk or multi-use path) landscaping treatment; give special attention to remaining homes on south side

## **Design Aspects to be Included in a memorandum of Understanding with NCDOT**

- Options for treatment of 4-way intersections, to allow full movement: McKee Rd, and Greylock Ridge Rd
- Redesign of center median between Trade and Ames Streets to allow full movements at Ames, and to reduce the likelihood of full taking of Plantation Animal Clinic

## **Accept Bid to Purchase Town-Owned Real Property**

TO: Mayor and Board of Commissioners  
DATE: November 9, 2016  
FROM: Hazen Blodgett, Town Manager

### **Background/Issue:**

The Town owns real property located at 1021 Matthews-Mint Hill Road, also known as the water tower property. This property's current value has been assessed at \$41,600. The Town received an offer to purchase the property from Ridge Church in the amount of \$41,600. On September 26, 2016 the Board approved a resolution authorizing the upset bid process for the purchase of this property. The advertised period ended on October 17 and no other bids were received.

NCDOT plans indicate that the future Independence Pointe Parkway alignment will impact this site. The current schedule calls for right of way purchasing in 2020.

Ridge Church has scheduled a Pre-submission meeting with planning staff on Monday, November 14. Attached is a rendering of a site plan for the Ridge Church property distributed last week. This rendering is non-binding.

### **Proposal/Solution:**

The Town has fulfilled the obligations of the upset bid process and Ridge Church has submitted the sole bid. If the Board chooses to move forward with the sale of the property it should accept Ridge Church's bid of \$41,600 and authorize the Town Attorney and staff to close on the bid.

### **Fiscal Impact:**

If the Board moves forward with the sale the Town will receive \$41,600 for the property.

### **Related Town Goals:**

Economic Development/Land Use Planning: to enhance the quality of life of the citizens by aggressively pursuing a balanced tax base by targeting businesses that will contribute sustainable, environmentally sensitive development and by planning for orderly growth and development.

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

### **Recommended Motion/Action:**

The consensus of the Board has been to move forward with the plan to sell the site. Therefore, the Board can accept Ridge Church's bid of \$41,600 and authorize the Town Attorney and staff to close on the property.



**Subject:** Award Contract for Upfit of Police Department 2<sup>nd</sup> Floor

TO: Hazen Blodgett, Town Manager  
 DATE: November 7, 2016  
 FROM: Ralph S. Messera, Special Projects

**Background/Issue:**

The Board of Commissioners authorized the Town to seek bids for the up-fit of the second floor of the police Department Building to add additional offices, storage rooms and a training room. The Town entered into an agreement with Overcash and Demmitt Architecture to prepare plans for the project. The bids solicited were based upon a construction project of approximately 4,050 square feet, which included both new construction and upfit of three existing work spaces & adjoining existing hallway.

On October 27 the Town received bids for the project, Bids received were as follows:

<u>Firm</u>	<u>Bid</u>	<u>HUB%</u>
Godfrey Construction	\$283,490	23%
Integrated Property Maintenance	\$312,305	10%
Progressive Construction	\$372,200	10%
Price and Hill	\$347,220	0%
Rummage Construction	\$327,410	0%

We included a goal of 10% of the project going to Historically Underutilized Businesses (HUB) on the state HUB list. As a point of information, Godfrey Construction was the general contractor for the original building up-fit in 2000.

**Proposal/Solution:**

Recommend award of contract to the firm of Godfrey Construction in the amount of \$283,490.

**Fiscal Impact:**

The following budget is recommended:

Architectural Services (ODA Contract)	\$ 14,000
Construction (Godfrey Bid)	\$283,490
County Permitting	\$ 5,000
Contingency – 5%	\$ 14,350
Project Oversight and Coordination (Messera)	<u>\$ 2,500</u>
Total Budget Amount	\$319,340

## **Related Town / Police Department Goals:**

*To attract and retain the best employees through quality training;*

*To effectively and efficiently enhance and utilize our resources to provide the best level of public safety services that is expected by our community.*

## **Recommended Motion/Action:**

Motion to award a contract to Godfrey Construction Company in the amount of \$283,490 for the up-fit of the second floor of the Matthews Police Department, to direct the Town Finance Officer to prepare the necessary budget documents, to direct the Town Attorney to prepare the necessary contract documents, and authorize the Town Manager to sign all necessary documents to effect this project.



## **Consider Donation of Real Property Located on Bubbling Well Road: Parcel ID 22702739**

DATE: November 9, 2016

FROM: Corey King, Parks, Recreation & Cultural Resource Department Director

**Background/Issue:** Genesis Management Resources owns the property at 533 Bubbling Well Road in Matthews. The property is adjacent to the Plantation Estates community, owned by Adult Communities Total, Services (ACTS). A representative of the company contacted Town staff to inquire about the Town's interest in obtaining ownership of the property through donation. The Genesis Management Resources representative pointed out that their company does not have a desire to continue ownership of the property.

Currently, there are no plans for recreation or other public use of the property. Previously, there were ideas of a trail connection from Plantation Estates through this site connecting to Bubbling Well, continuing to a connection on Highway 51. An alternate route was selected, without the need for this property for a trail connection. A significant portion of the property is located within a surface water improvement and management (SWIM) buffer, eliminating the possibility of construction on the site. Staff does not recognize a public benefit related to acquiring this parcel. The adjacent property owner(s) would likely be best suitors to acquire this property for their private use.

**Proposal/Solution:** Staff does not recommend acquisition of this property for public use.

**Financial Impact:** Potential tax implications with the property becoming publicly owned as opposed its current status as private.

**Related Town Goal:** Financial Performance: To provide financial resources in a prudent and responsible manner.

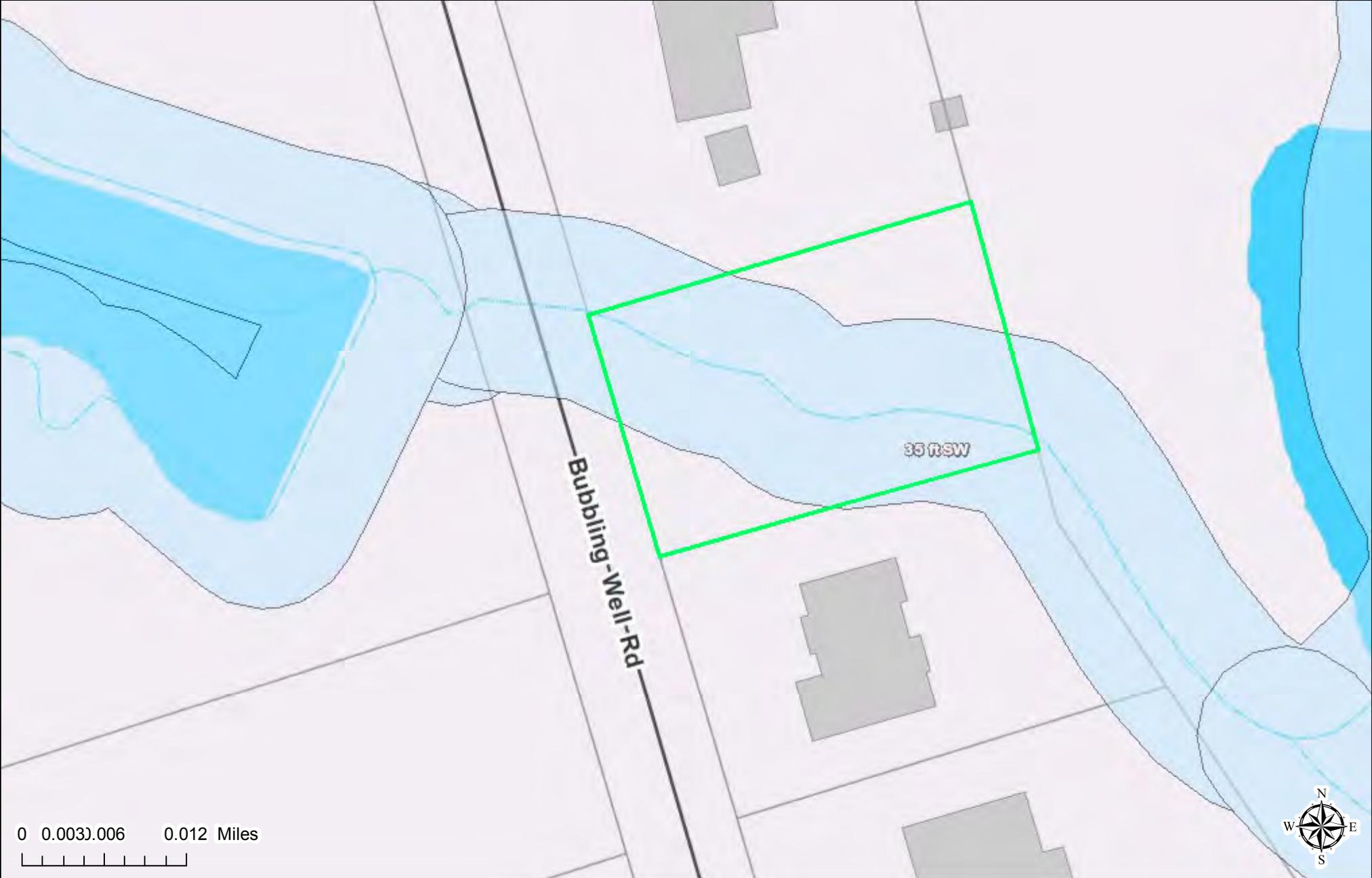
**Recommended Motion:** To decline acceptance of property along Bubbling Well Road, parcel ID 22702739, as a donation from Genesis Management Resources.

# Bubbling Well Road: Parcel ID 22702739



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.

Bubbling Well Road:  
Parcel ID 22702739



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# Bubbling Well Road: Parcel ID 22702739



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