

**PLANNING BOARD
SPECIAL MEETING
MONDAY AUGUST 11, 2014
6:50 PM
HOOD ROOM, MATTHEWS TOWN HALL**

- I. CALL TO ORDER
- II. ADMINISTRATIVE AMENDMENT – ACTS, Village at Plantation Estates, Add Language to Conditional Note #34 Regarding Timing of New Hampton Green Street Connector
- III. ADJOURNMENT

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Village at Plantation Estates

*12-10-12
approved*

2012-589

26. The Petitioner reserves the right to demolish the existing brick wall along South Trade Street to install road improvements, greenway trails/sidewalks, and/or landscape improvements. The existing concrete monument will be donated to the Town of Matthews for reuse at an off-site location.
27. There is an existing pond on the site. The Petitioner may, during the construction of the site, drain, clean and redesign this pond to better accommodate storm water and develop a more attractive open space and open space amenity. As a result, the final location and dimensions of the pond may be modified during construction.
28. Project wide water quality features, including storm water detention facilities, will be designed to meet the applicable standards of the Town of Matthews, including the Phase 2 controls (post- construction) standards.
29. SWIM buffers will be provided in accordance with the Mecklenburg County Ordinance requirements.
30. Throughout this Rezoning Petition, the terms "Owner", "Owners", "Petitioner" or "Petitioners", shall, with respect to the Site, be deemed to include the heirs, devisees, agents, personal representatives, successors in interested and assignees of the owner or owners of the Site who may be involved in its development from time to time.
31. The Petitioner will install a 5 foot wide sidewalk along South Trade Street in front of the two existing adjacent house lots from the ACTS property line on the North side toward Main Street.
32. The Petitioner will install a traffic signal at the Fullwood Lane driveway entrance as part of Phase III or at the time that the Fullwood Lane driveway is constructed. This mast style traffic signal shall be green for Fullwood Lane cars and change only on demand for the 2 driveways after a 3 minute delay.
33. The Petitioner will pay property taxes in a manner similar to the taxes paid by Plantation Estates to the Town of Matthews and the County of Mecklenburg even though the Village at Plantation Estates is a not-for-profit 501(c)(3) entity and even if the Continuing Care Retirement Community might otherwise be fully or partially exempted from the payment of any such taxes. As such, the Petitioner reserves all rights and privileges accorded to any other property tax payer. This may be accomplished through use of a Payment in Lieu of Taxes program or such other method as mutually agreed upon.
34. To enhance traffic flow in the area, the Petitioner commits to working with the Town of Matthews and the Residents of Hampton Green to provide the Hampton Green Neighborhood with a road connection to Fullwood Lane from Whitefriars Lane. The Petitioner will bear the reasonable cost of the property acquisition and the construction of this off-site Community benefit. This benefit will be installed prior to the issuance of the first Certificate of Occupancy for the Village at Plantation Estates and shall be coordinated with the South Trade Street and Fullwood Lane Intersection Road Project. The connector road shall comply with the neighborhood street standard in the Town of Matthews of 26'-0" wide when measured from the back of curb to the other back of curb. The Petitioner will also bear the reasonable cost of a similar monument sign at Fullwood Lane for the Hampton Green Neighborhood.
35. The Petitioner will bury the existing overhead utilities (or abandon where appropriate) that are located along the South Trade Street frontage of the Site Plan parcel.



**Administrative Amendment
Village at Plantation Estates
Zoning Application 2012-589
Approved by Town Board 12-10-12**

Note #34 as currently written:

34. To enhance traffic flow in the area, the Petitioner commits to working with the Town of Matthews and the Residents of Hampton Green to provide the Hampton Green neighborhood with a road connection to Fullwood Lane from Whitefriars Lane. The Petitioner will bear the reasonable cost of the property acquisition and the construction of this off-site Community benefit. This benefit will be installed prior to the issuance of the first Certificate of Occupancy for the Village at Plantation Estates and shall be coordinated with the South Trade Street and Fullwood Lane Intersection Road Project. The connector road shall comply with the neighborhood street standard in the Town of Matthews of 26'-0" wide when measured from back of curb to the other back of curb. The Petitioner will also bear the reasonable cost of a similar monument sign at Fullwood Lane for the Hampton Green Neighborhood.

Issue: The neighborhood's private covenants do not allow a lot within the neighborhood to be used for any purpose other than a house, so these covenants must be changed before the road can be built. In the event there are legal entanglements that would delay completion of this new street segment, it could impact the company's ability to get financing for the senior housing project.

The proposed amendment is to add language to this note #34 to allow time flexibility on completion of the street.

Under the UDO, an Administrative Amendment may now be handled at any one of three different levels: 1) Planning Director/staff for simple one item corrections
2) Planning Board
3) Town Board, with or without additional public input/

Because this impacts a complete neighborhood, it is appropriate that this be reviewed at a level where public input is possible, if determined to be appropriate – at a Town Board meeting. For that to happen, it needs to be referred to Town Board by Planning Board.

Suggested additional text in Note #34:

The deadline for the Petitioner to install the connector road (prior to issuance of the first Certificate of Occupancy for the Village at Plantation Estates) will be postponed if a legal action is commenced that seeks to enjoin installation or use of the connector road. If such a legal action is resolved (through a condemnation or otherwise) so as to allow for installation and use of the connector road, then the Petitioner must thereafter complete installation of the connector road as soon as reasonably possible.

DRAFT

Planning Board
Special Meeting
Monday, August 11, 2014 6:55 PM
Hood Room

Present: Chair Town Lawing; Members Rob Markiewitz, Steve Lee, David Pratt, Gary Turner, Eric Welsh, Eric Johnson; Alternate Members Michael Ham, Barbara Dement; Town Attorney Charlie Buckley; Planning Director Kathi Ingrish

Absent:

_____ called the meeting to order at 6:55 PM.

(Explain reason for abstaining from vote, and vote to allow member to be excused from deliberation and voting, if necessary)

Planning Board members considered the Administrative Amendment request from ACTS for additional language to be added to Conditional Note #34 for the Village at Plantation Estates. Note #34 explains the commitments for a street extension in Hampton Green subdivision to Fullwood Lane, to be constructed by the Petitioner (ACTS). The proposed additional language reads:

"The deadline for the Petitioner to install the connector road (prior to issuance of the first Certificate of Occupancy for the Village at Plantation Estates) will be postponed if a legal action is commenced that seeks to enjoin installation or use of the connector road. If such legal action is resolved (through a condemnation or otherwise) so as to allow for installation and use of the connector road, then the Petitioner must thereafter complete installation of the connector road as soon as reasonably possible."

Because this note involves a new street connection for the neighborhood of Hampton Green, Planning Board understands the need to allow Town Board to participate in any revisions. Planning Board therefore prefers to refer this request to Town Board, as provided for in the UDO at 155.401.5.

_____ moved to refer the Administrative Amendment to Town Board.

_____ seconded.

The motion passed unanimously.

The motion passed on a _____ to _____ vote, with

_____ opposing.

_____ abstaining.

Motion to adjourn by _____, seconded by _____ and unanimously approved at 7:00 PM.