

**MINUTES  
PLANNING BOARD  
TUESDAY, JANUARY 6, 2015  
7:00 PM  
HOOD ROOM, MATTHEWS TOWN HALL**

**PRESENT:** Chair Tom Lawing; Members Rob Markiewitz, Gary Turner, David Pratt, Steve Lee, Eric Johnson and Eric Welsh; and Alternate members Barbara Dement and Michael Ham; Town Attorneys Charles Buckley and Craig Buie; Youth Voice Benjamin Dodson and Sarah Ward; Planning Director Kathi Ingrish, Senior Planner Jay Camp and Zoning Technician/Deputy Town Clerk Mary Jo Gollnitz.

**CALL TO ORDER**

Chairman Tom Lawing called the meeting to order at 7:00 pm.

Chairman Lawing explained that there is a Public Improvement Variance request for 2014-621 Hylton-Martin request to be added to this evening's agenda. Rob Markiewitz made a motion to add Item #6 to the agenda for a proposed Public Improvement Variance. Eric Johnson seconded the motion. Eric Welsh asked if the variance request needed to be advertised. Planning staff stated no it did not and would explain the reason when the item is discussed during the meeting. The motion carried unanimously.

**APPROVAL OF THE MINUTES**

David Pratt made a motion to approve the minutes of the November 25, 2014 meeting. Steve Lee seconded and the motion was unanimously approved.

**APPLICATION 2014-621 – 1000 and 1100 Blocks of S. Trade St., Hylton-Martin Tracts from R-15 to R-VS**

Senior Planner Jay Camp provided a summary of the changes that have been made to 2014-621 Hylton-Martin subdivision. He stated a summary of a letter sent to Planning Director Kathi Ingrish. He noted that the innovative standards that were requested in the public hearing, have been removed. The request is now straight R-VS rezoning. He continued stating that the applicant is now going to use the standard 6' and 8' side setback which will result in standard lot widths ranging from 60 to 80 feet. There will be larger lot widths to accommodate the size of the homes.

Mr. Camp said that there are six items that have been addressed from the public hearing. There is a deed restricted landscape buffer that has been added, and a commitment to wetland monitoring and testing for two years. He further noted that the travel lanes have been corrected to 12 feet, and the number of lots has been reduced from 47 to 42. Reducing the number of lots has allowed for enlargement of storage capacity for BMP's. He informed the Board that this plan is scheduled for a decision on Monday. Staff is still working on some punch list items with the applicant, especially with the widening of Trade Street.

Mr. Camp stated that one primary concern is with the bulb out at the entrance into the subdivision. Fees in lieu have been discussed with the applicant. Staff has spoken with the applicant regarding the different scenarios for the fees in lieu. The applicant is comfortable with this coming later in the process. Staff has calculated the fees to be approximately \$100,000 or a little more. There may be a desire from the developer to dedicate the trail to the public in the future. However, there are issues, in particular where does the trail go. The developer has had discussions with a property owner off of Woody Creek. If there is interest to connect the trail to the greenway it could possibly be dedicated to the public. If that connection is not made it would only be a neighborhood amenity. Mr. Camp stated that there should be a time frame set for a decision on the trail. Staff suggests that if the connection cannot be made, that there should be a turnaround somewhere on the trail. The trail should not end at a property line.

Mr. Camp then addressed the Public Improvement Variance. He explained that this type of request used to be referred to as a subdivision variance. The Town Board can act on these requests, they are not quasi-judicial actions. He stated that in the R-VS district the maximum cul-de-sac length is 400 feet. The reason for the length is to promote connectivity. The developer is making a connection to another subdivision. He further explained that the developer initially had made a loop road in the subdivision, however due to concerns over wetlands, the revised plan is preferred.

Mr. Camp noted that the variance request should be made as a separate motion. He further noted that the developer has provided updated traffic numbers.

Gary Turner asked for clarification about the bump out at the entrance to the proposed subdivision. Mr. Camp stated that the main purpose for the bump out was for larger vehicles and busses to turn around. Now with the street connection, traffic can go through the subdivision to the light in Chesney Glen. The applicant has committed to work with the state and town on final design to make sure it is appropriate for the road with the widening of South Trade. Mr. Turner asked if someone could still make U-turns. Mr. Camp said that you will not be prohibited to U-turn however there would not be any provision for the wider turns. Mr. Turner said that he had a concern with the widening of Trade St, this development completion time and Plantation Estates development. He is concerned that traffic will be going through other neighborhoods. Mr. Camp said that Plantation Estates had stipulations as to when their new road would have to be completed, and it would probably be awhile.

Mike Ham said that he wanted to know what the developer is proposing to provide that they would not have to provide if they built buy right. Mr. Camp said that he would defer to the applicant. There is a note that they have enlarged storm water ponds and he is not sure that is above the town's requirements.

Tom Waters with Provident Land Service addressed the Board. He stated that Mark Kime and Dale Stewart with Land Design; Randy Goddard with Design Resource Group; and John Fitzgerald with Live Well Homes were also in attendance.

Mr. Waters stated that the project is designed to have the U-turn active. It is not dependent on the second road that comes onto Fullwood. This U-turn is designed to fully function with the plan. They have made adjustments based on comments received from the Public Hearing and the Board of Commissioners. One of the changes was to widen the entrance by 12 ft. The requirement is for two 12' lanes and they have added the additional "third lane" width. They have done this to make it more comfortable for folks to make the U-turn.

He continued describing how a taper lane has been added for residents leaving the subdivision and the proposed traffic pattern for the entrance/exit. Chairman Lawing asked if the bump out on the plan would still be completed with the widening of S. Trade St. Mr. Waters stated that if this plan is approved, there will not be a bump out; it will be as the new design show this evening. If their plan is not approved, then it will be as previously designed with the bump out.

Mr. Waters continued showing details of the proposed improvements to street connection. He continued stating that they have reduced the development down to 42 homes sites. The majority of the home sites will now be 64 feet wide. This allows for all home sites to comply with the Town's standard side yards requirements. This also allows for some larger lots within the development. He described the location of a new lot, the mail kiosk area and trail head for the community walk. He showed where the trail continued through the development and onto Trade Street.

He continued stating how they have addressed the concern of Glenshannon Road property owners. They have added a 20 foot deed restricted buffer along lots adjoining the neighborhood. If there is an area that is not well forested, they have committed to a tree buffer to fill in the area where the natural area does not exist.

He further noted that the 10 ft retaining wall has been reduced to five feet to help with the grading. He showed the Board where the wall will be placed. He continued stating that five homes will have basements along the greenway. He provided the location of the pocket park and described the amenities for the park. They have added a deed restriction for a 45 ft buffer along Trade Street. They will make every effort to protect the trees as Trade Street is widened. The detention is not intended to be wet ponds. They are committing to 100% brick veneers all around with product accents such as hardy plank or stone.

Randy Goddard with Design Resources Group 2459 Wilkinson Blvd Charlotte addressed the Board. He stated that they provided the original traffic study for this project. He noted that with the reductions of homes they have estimated that the am peak hour trips are reduced from 43 to 39. The pm peak trips would go down from 53 to 48 trips. He continued stating that compared to a by right development, there are only five more trips in the am peak hour and eight more trips in pm peak hour. He stated that they did a traffic count for Chesney Glen neighborhood which has 42 homes. ITE estimated 38 trips in the morning and the actual number is 37 for Chesney Glen.

Eric Welsh asked what time of day and what day of the week were the counts completed. Mr. Goddard stated that he could check and that typically they are completed on Tuesday, Wednesday and Thursdays while school is in session. They count from 7am to 9am in morning and 4pm to 6pm in evening. They take the highest four consecutive fifteen minutes periods during those times to get the peak hour trips.

Steve Lee asked if there is a breakdown of left turns versus right out of the subdivision and what impact that would have on Chesney Glen neighborhood. Mr. Goddard stated that based on the original size of the development, morning peak hour going to the main access point would be eight turning in, exiting would be 22 turning right out, and two turning right coming into the subdivision. At Chesney Glen they estimated one turning right in and 10 turning left out. He noted that at the evening peak at the main entrance 23 turning left in, 14 turning right out and eight turning right in. At Chesney Glen there would be an additional six left turn in and 2 right turn in.

Mr. Ham asked if the plans have changed from the original plans on the percentage of tree canopy calculations. Mr. Waters said that he cannot speak directly to any discrepancies. He stated that they have added 20 feet by 800 feet of tree canopy along the backs of home sites and defined tree save on the front.

Mark Kime with Land Design addressed the Board. He explained that the land disturbance number does allow for them to remove the detention pond and right-of-way in order to calculate the tree save. He believes that is where the discrepancy is. He continued that they are just under 25% on the tree save. Mr. Ham asked how the tree save is being determined; by size, species, etc. Mr. Kime said that they are not calculating the areas that are deed restricted. They are only counting the areas that are around the water features that are on site. They have not completed any surveys at this time.

Mr. Ham asked if there will be any side loading garages on some of sites. Mr. Waters stated yes. Mr. Ham said that this design adds 400 sq. ft. of impervious surface and asked if that has already been added to the storm retention calculations. Mr. Kime said that they are working on the calculations now and estimate 8000 to 9000 square feet of impervious surface per unit. Mr. Ham asked if there is a way to reduce the imperious surface. Mr. Waters said that they are designing the sites as conventional side load garages and he agreed that there is more concrete with the side load garages. Mr. Ham asked if they would consider looking at pervious pavement options. Mr. Waters stated that they could look into that; however would not commit to such at this time.

Mr. Ham asked if the developer looked at other design plans beside single family homes, such as cluster development or town houses which would reduce the amount of land required. Mr. Waters said that there have been town homes plans presented previously and were not met favorably. They are presenting an environmentally sensitive plan that would bring single family homes. He noted that it is in everyone's interest to save the trees on site. Unfortunately the widening of Trade Street will be taking trees out. Mr. Ham asked if there will be trees left on any of the lots. Mr. Waters noted which lots would have trees saved in the back yards.

Mr. Ham said that the property elevation have a significant drop from front to back and that is a lot of cut and fill. He continued asking what the elevations would look like for the home sites. Mr. Waters stated that with the exception of the five basement lots, almost all the homes will be built several feet above the street in order to allow for proper drainage of the sites.

Eric Johnson asked if they feel the location of the mailbox kiosk is a plus or minus. Mr. Waters said that it is now required in new developments. He understands that all single family communities have to do a centralized mailbox. They are making the mail kiosk into a positive for the neighborhood. The streets are plenty wide

throughout the development for parallel parking and they are adding two additional bump outs to park at the kiosk.

Barbara Dement stated that there is a stub street behind lot number 7 and wanted to know if they had considered making the connection. Mr. Waters stated that they did consider that and found out that the stub comes half onto their property and the other half belongs to the Methodist Church. The Town elected to give away the five foot strips several years ago. There is no public dedicated stub street that comes to the property line.

Town Attorney Charlie Buckley said that the Town closed the street a long time ago. Ms. Dement asked if the town still maintained that section of Sagemont Ave. Mr. Buckley stated no; the Town abandoned that portion of the road.

Ms. Dement asked Mr. Waters if he had any connection to Waters Construction Co. and the abandoned property across from Reverdy Lane. Mr. Waters stated not at all. Ms. Dement asked if the Town could expect this to be built out. Mr. Waters stated that it is his expectation for the project. They have developed several communities in Matthews.

Mr. Lawing asked about timing of this project and timing of other projects within the area including the widening of Trade Street. Mr. Waters stated that if the project is approved they would like to have this community engineered and brought on board close to the time that Trade Street is opened. He understands that the completion of Trade Street is scheduled for April of 2016. That is when they would have their section of the street completed. Mr. Lawing said that he is looking at the overall area with all the projects going congesting the area. Mr. Waters continued to discuss the traffic and proposed projects in the vicinity.

Mr. Welsh asked for further explanation on the storm water detention for the subdivision. Mr. Waters stated that it will not be wet ponds. There will be planting that is appropriate for water to come into a grassy area and be filtered as designed.

Mr. Lawing asked if the variance for the cul-de-sac needed to be approved before the recommendation on the overall subdivision project. Mr. Buckley said that the Board should handle the variance first.

Mr. Lee said that looking at all the development in the surrounding area, does the developer have any contingency plans for soil movement off site. Mr. Waters stated that their intention is to balance on site.

Rob Markiewitz said that he is concerned about safety with the widening of Trade Street, sidewalk at the U-turn; and increased pedestrian traffic in the area. He asked if there will be a crosswalk installed in the intersection of the subdivision. Mr. Waters said that the plans for Fullwood and Chesney Glen have elements to cross Trade Street. He showed the Board where new sidewalks and crosswalks will be located. There was further discussion on pedestrian traffic across the main entrance to the subdivision and options for crossing. Mr. Waters stated that the stop sign location at the exit of the subdivision is based on NCDOT requirements.

Gary Turner asked what material the easement between lots 4 and 5 would be. Mr. Waters stated that path would be either paved or concrete to match the community sidewalks.

Mr. Welsh asked for clarification if there would be a crosswalk at the main entrance to the subdivision. Mr. Waters said no.

Mr. Waters noted that this property is land locked by the church; Country Place and the Chesney Glen subdivisions. He continued stating the when you look at a 42 home site single family community with an opportunity to have two exits/entrances with one at a traffic light is a great advantage. The cul-de-sac length is a little longer than the Town's standard but it is pulled back from the natural wetland. There is no other land plan that works on this tract of land for public single family residential streets. Environmentally it is best to hold that cul-de-sac short.

Mr. Markiewitz asked if there are sidewalks in the community. Mr. Waters said five feet wide on both sides throughout the community.

Ms. Dement asked if Chief Hunter's concerns regarding the decel lanes were addressed in this realigned plans. Mr. Waters said that there were no changes made to the Trade Street plans. Ms. Dement asked about changing the street names. Mr. Waters said that they will be handling that issue.

Mr. Ham asked for clarification on the increasing the length of cul-de-sac would minimize the impact on the environment. Mr. Waters stated that the original plan showed no cul-de-sac and that the street crossed over the creek. The cul-de-sac version makes more sense environmentally rather than a loop street.

Mr. Welsh asked what the applicant is will do to for connectivity issues of the greenway. Mr. Waters stated that they will be happy to work on fees in lieu if something cannot be developed that is beneficial for the Town.

Chairman Lawing asked that the Board to move Item #6 for the Public Improvement Variance to Item #2 and discuss the issue at this time of the meeting. Rob Markiewitz motioned to move the agenda item; Steve Lee seconded. The motion carried unanimously.

### **Public Improvement Variance – 1000 and 1100 Blocks of S Trade Street, Hylton-Martin Tracts, Length of Cul-De-Sac**

Senior Planner Jay Camp said that there is no additional information from what was provided earlier in the meeting. Mr. Lawing asked if planning staff had any reservations regarding the additional length. Mr. Camp explained that typically there is a limit to dead-end streets that have no way in or out. However, there are two access points for this subdivision. A typical grid system does not fit well on this property. He continued noting that there is a 50 foot drop from front to back and a wetland that runs through the middle of the site. Staff feels this is a reasonable solution to protect the wetlands and there is no major harm because of the relatively small size of the subdivision.

Mr. Lawing asked if there has been any variances before for cul-de-sac length. Ms. Ingrish said this has been in the Code for a long time and they have been approved before. Mr. Lawing asked if there have been any problems with the approved locations. Ms. Ingrish responded no.

Chairman Lawing said that the petition did provide his information earlier in the meeting regarding the cul-de-sac. He asked if the Board had any additional questions.

Mr. Lawing asked for clarification on the note stating that this tract of land is not addressed in the Land Use Plan. Mr. Camp explained that there are certain quadrants of the town that give specific suggested uses for those highlighted areas. This particular tract is not specifically referenced. The surrounding area is predominantly single family homes, therefore this is appropriate.

Eric Welsh moved to recommend approval of the Public Improvement Variance as presented. David Pratt seconded the motion which carried unanimously.

Rob Markiewitz asked about a citizen's question from the Public Hearing regarding the traffic from this project going through Chesney Glen. Mr. Waters said that she was concerned the trees not being quality. They have committed to place trees behind her for a buffer. Mr. Markiewitz said that she was also concerned about her ability to get out of her driveway. Mr. Waters said that it has been a dead-end street 20 years and she is comfortable not having to worry about traffic. Once the street is connected, she will need to understand it is not a private dead-end street. Mr. Markiewitz asked if there needs to be a speed bump or stop sign to allow for good visibility. Mr. Waters said that they have a loop and park that creates a small street as a natural calming device. A stop sign currently exists at that location.

Mr. Ham said that the neighbors brought up the question of habitat of the deer. This would improve the deer habitat because they eat in open areas and transition areas. If the wildlife corridors are left open and not fenced off, the deer will remain. Raccoons, owls, woodpeckers and other wild life will be lost. He continued stating that we forget that in saving 25% of the trees, we lose 75%. Trees and green growth provide all the oxygen in our atmosphere. He continued explaining storm runoff from the loss of the tree canopy. He further noted the

problem of erosion from the loss of the tree canopy. He stated that there is a significant problem from the loss of trees and impervious surface. He continued noting the overall loss of tree canopy since Colonial times and his concern of the loss in the trees on all properties.

Mr. Welsh noted that he liked the changes that were made from the public hearing and the applicant was receptive to public comments. There are well thought through changes. Mr. Lawing said that the major concern he has is the overall impact on Trade Street corridor. He appreciates what the applicant has addressed. He continued stating that he liked the quality of homes and single family instead of duplex. He believes that it will add value to the area. His concern is timing with the Trade Street widening.

Mr. Lee said that he agrees about the concerns of the loss of tree canopy. The developer has addressed concerns and is being thoughtful in conserving open space. He continued stating that single family homes within walking distance in town is a good balance to all the additional senior living being built. Mr. Ham noted that this plan is a vast improvement from the original submittal.

Mr. Markiewitz asked if the Board needs to address the trail connection. Mr. Waters said that it is shown as concept only. He stated that there is a nine month opportunity to connect the trail through the neighborhood. Eric Welsh asked if that at end of nine months, if the connectivity occurs, does that allow it to become a public area. Mr. Waters stated that yes that is their intention. He continued stating that it is not their intention to violate the property owner's privacy and rights. If there is a possibility to make the connection that is pleasing to all involved they will pursue that. Otherwise they will terminate the trail within the subdivision.

Mr. Buckley stated that this Board can only provide the opportunity for trail connection. He continued stating that it will be up to the Town Board to accept or not accept for public dedication. There can be no binding commitment under this application. Mr. Welsh asked if they can bind the developer to make the dedication to the town if an agreement is reached. Also, ask the developer to move forward using best efforts to strike a deal with the home owner. Mr. Waters stated that the Chesney Glen Subdivision does not have any sidewalks. The connection would allow that neighborhood to come through the greenway to the sidewalks and access downtown. It could benefit both communities.

There was discussion regarding how to place the time allotment into the motion. Ms. Ingrish stated that there should not be any reference to dedication. Rather it should mention the possibility of connection or the tract would be terminated in providing the nine month window. The applicant did acknowledge agreement to the stipulation.

Mr. Ham asked that two other conditions be added to the motion. Mr. Ham asked that the developer look at limiting the use of fertilizer to protect the wetlands. Additionally, he requests that the developer seriously consider the use of a combination of pervious and imperious surfaces on the side loading driveways.

Rob Markiewitz motioned that zoning application 2014-621 is recommended for approval and that it is consistent with the policies for development as outlined in the Matthews Land Use Plan and Town's long-range Vision Statement, with the conditions that a nine month window will be provided to the developer to explore opportunities to connect the trail at any location to Chesney Glen; and explore the use of pervious material on side load garage driveways. Eric Johnson seconded the motion. It is reasonable because it can provide a healthy mix of land uses in the community and particularly will attract families to Matthews. The motion carried unanimously.

#### **ZONING APPLICATION 2014-622 – 9603 E Independence Blvd., Former Gateway Computers/CMS District offices from Conditional to B-1(C-D) for Restaurant and Retail Use**

Senior Planner Jay Camp presented Zoning Application 2014-622. He stated that the current site plan is all that has been provided to staff. Since the Public Hearing and the December 8, 2014 meeting with NCDOT, staff believes that Newks corporate office have turned away from this site. When the loss of visibility and the loss of left turn, it will no longer be a corner site that restaurants desire. He continued stating that through email

discussions with the agent Colin Brown, staff understands the proposed added parking would no longer be requested to be built. The building upfit would not be completed and the request would go back to the existing building. Staff have asked for new site plans and have not received any new information from the applicant or his representatives. The applicant is not present at this evening's meeting. He further noted that this places staff in a difficult position, because the Town's policy is to rezone out of Conditional districts to appropriate zoning classifications. Staff fundamentally supports the rezoning, however, staff feels the Board does not have complete information to make a decision.

Chairman Lawing asked for clarification on the Board's options for a decision. Mr. Buckley stated that if they don't make a recommendation it is considered a recommendation of approval. Mr. Lawing asked that if they recommend denial, the Board of Commissioners could approve with new information. Mr. Camp noted that this site is scheduled for numerous variance requests at the Board of Adjustment on Thursday. Some of those variances may not be necessary. Staff is recommending that the Town Board defer their decision on Monday. Mr. Camp mentioned that the applicant would like to renovate the façade with appropriate locations for signage.

Chairman Lawing asked that what is presented is what staff believes the changes will be. Mr. Camp stated that it is what the applicant's intentions are, but no revised site plan has been received from the applicant.

Mr. Turner asked if the Board votes on the site plan as submitted or can they defer. Ms. Ingrish clarified stating that State Statutes specify that the Planning Board has thirty days from Public Hearing to make a decision. If the Board does not take action it is deemed a recommendation for approval. The Board has to take some action tonight. There was further discussion on the options and implications of the Board's recommendations. There was discussion on the reasonability statement regarding the application.

Mr. Ham asked that at the Public Hearing there was a question regarding a shared parking agreement. He continued asking if there are agreements in place that can be utilized for shared parking. Ms. Ingrish said that the individual property owners in that shopping center have agreements in place. However the agreements are not what our ordinance would allow for zoning compliance. People are going to park wherever they find a parking space. They are allowed to do that because the properties have cross access. She continued stating that for zoning purposes the parking standards and location cannot be met.

Chairman Lawing asked the Board to consider whether or not they have enough information on the plan to make a decision without asking the applicant questions. The Board felt they could not. Ms. Ingrish explained that the consistency statement is all the Board needs to consider on a rezoning. The consistency and reasonableness is for Administrative Amendments.

Tom Lawing recommended disapproval of Zoning Action 2014-622 as presented, stating it is not consistent with the policies for development as outlined in the Matthews Land Use Plan and Town's long-range Vision Statement because of lack of information. Eric Welsh seconded the motion which was unanimously approved.

### **Administrative Amendment – Novant Hospital, Revisions for Women's Center Expansion and Entrance**

Senior Planner Jay Camp presented the Administrative Amendment for Novant Hospital. He stated that in 2010 the hospital went from Conditional zoning to RI/CD zoning district. At that time, a master plan was developed for the hospital site. It was presented as general development areas, with no specific location for specified buildings. He continued describing the hospital site and the proposed expansion request. The applicant is asking for a two story building expansion of the women's center that would include a covered vehicle drop off. The hospital is well over parked.

Staff has no concerns with parking. The addition is within the overall footprint and is not encroaching on any of the side yards. The hospital now knows what and where they are going to expand and needs the Administrative Amendment to their master plan.

Steve Lee motioned to approve the Administrative Amendment for Novant Hospital for expansion for the women's center, stating it is consistent with the policies for development as outlined in the Matthews Land Use Plan and it is reasonable and in the public's interest because it is completely contained within the site and a complementary use. Gary Turner seconded the motion which passed unanimously.

#### **ADJOURNMENT**

Steve Lee made a motion to adjourn the meeting. Gary Turner seconded the motion which passed unanimously. The meeting adjourned at 8:25 pm.

Respectfully submitted,



Mary Jo Gofnitz  
Zoning Technician/ Deputy Town Clerk