MINUTES
PLANNING BOARD
TUESDAY, July 26, 2016
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL

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

ABSENT: Member Michael Ham; Youth Voice Carly Newton

CALL TO ORDER

Chairman Steve Lee called the meeting to order at 7:04 pm.

APPROVAL OF THE MINUTES

Kress Query motioned to approve the minutes of the June 28, 2016 meeting as submitted. Seconded by Barbara Dement and the motion was unanimously approved.

ZONING APPLICATION 2016-644 – Todd, Independence Blvd at Sam Newell Rd next to McDonalds, from Conditional to B-1(CD)

Senior Planner Jay Camp stated that there had been no changes since the public hearing. Mr. Camp reviewed the public hearing and mentioned Town Council suggested uses under the B-1(CD) could be restricted. As proposed all businesses within the B-1(CD) table of uses would be permitted.

Chairman Lee asked if this rezoning was Town initiated. Mr. Camp answered that the Town of Matthews does not recognize the Conditional zone within current zoning districts in the Unified Development Ordnance. This change in zoning would not just benefit the property owner but the Town of Matthews.

Kerry Lamson asked if the 42 parking spaces that the property holds may influence or impact the uses of potential businesses. Mr. Camp stated that it would be a limiting factor as to the category of business use. Mr. Camp stated that the town was comfortable with the number of parking spaces for the property.

Mr. Lamson asked regards to access, if property was a leased property from Windsor Square or individual ownership. Mr. Camp answered that the ownership was held by an individual but relies on Windsor Square cross access as property has no access to a public street.

Mr. Query stated that parking would be controlled by what was in the ordinance for each type of business. Mr. Camp confirmed and added that the new zoning would allow for business to occupy that building until the time where Independence widening could affect it. The goal is to make it easier for the property owner to lease the space.

Chairman Lee referred back to the withdrawn rezoning of same property for Newks restaurant chain. That showed a demand for parking greater than the average use. Chairman Lee questioned that if the proposed B-1(CD) zoning was approved, and another demand was made for parking, how that would that be handled. Mr. Camp stated that if certain factors were satisfied, there are allowances in the code for shared use parking. This is currently being used with Longhorns located at 9950 E Independence Boulevard.

Mr. Query recommend approval of Zoning Application 2016-644 as the change in zoning will relive a hardship for property owners. Seconded by Mrs. Dement and the motion was unanimously approved.

ZONING APPLICATION 2016-649 – Elizabeth Lane Elementary School, Revise R/I(CD) Conditional Notes and Site Plan to Allow More Area for Mobile Classroom Structures

Mr. Query motioned to recuse Mrs. Dement on Zoning Application 2016-649 as she is an adjoining property owner. Seconded by Mr. Lamson and the motion was unanimously approved.

Mr. Camp stated that there had been no changes since the public hearing and representatives from Charlotte-Mecklenburg Schools were available to address any concerns.

Mr. Lamson asked for a chronological history of the revisions and the original sunset. Mr. Camp stated that the original rezoning for Elizabeth Lane Elementary occurred in 1995. The 1995 plan included a dedicated area for mobile classrooms to the east of the main school building. In 2001, CMS requested a change of conditions to enlarge the mobile classroom area to allow for 3 new units and to bring two existing units within the mobile classroom envelope for a total of up to 17. The approved 2001 change of conditions contained a sunset provision that required the units to be removed by July 1, 2002.

Mr. Lamson asked if Elizabeth Lane Elementary was currently non-compliant due to the expired sunset provision. Mr. Camp stated that it was difficult to say as satellite imagery shows continuous mobile units at the site since 2001. The Town was unaware of the additions or reductions as no notification was given from the school system. Currently there are five units that are outside of the original/current boundary. Mr. Camp continued that the five are currently in violation.

Mr. Lamson clarified that the current zoning and conditions are reverted back to those approved in 1995. Mr. Camp stated that was correct and it will be up to the Town Board to bring this to compliance. The conditions are not based on the number of units but the space where the units are placed.

David Wieser asked where the placement would be of the additional units that are proposed and if that placement would be outside the 1995 revised boundary. Mr. Camp presented the site plan to the board and pointed out the area of the proposed units.

Chairman Lee clarified that the school system could be creative and stack units to meet the original conditions. Gregory Lee asked if other schools in the Matthews area may also be in violation. Planning Director Kathi Ingrish answered that sunset provisions were used at Butler High School based on the number of mobile units unlike the area restrictions of Elizabeth Lane. Crown Point is a conditional zoning but no specifics were made on the modular units. Matthews Elementary is a straight zoning so there are no limitations.

Mr. Lamson asked if more modular units could fit in the new proposed area than the petitioner was currently requesting. Mr. Camp stated that it does appear that more could fit and that would be something that the Town Board could specify in the conditional notes.

Mr. Query asked if the Planning Board could now speak to the petitioner.

Peggy Hey, Executive Director of Facility Planning and Management and Carol Stafford, Chef Operations Officer for Charlotte-Mecklenburg School, 3301 Stafford Drive, Charlotte, NC 28208 addressed the Board. Ms. Hey said that she did not have any additional information to add but was happy to answer questions the Board may have.

Mr. Query asked if there was a way to make the mobile units more secure in regards to outside access. Ms. Hey stated that the doors stay locked and cameras were in place. Mr. Query pointed out that the Town Council had asked how the units were going to be outfitted to keep the children inside safe. Mr. Query felt that there is a big security risk as the modular units are separate from the main building and no one would be watching those cameras at all time. He asked what would prevent a violent crime from happening. Ms. Stafford stated that Charlotte-Mecklenburg School currently have over 1,100 active mobile classrooms. No plan is currently in place to put security access locks on these units as funding is not available. Mr. Query felt that without proper security in place the mobile buildings are vulnerable to attack and did not want to compromise the safety of children.

Mr. Lamson asked for a description of modular units such as age, unit size, number of windows and doors. Ms. Hey responded that most are sourced from other campuses. The units are around 800 square feet and house around 25 children. Ms. Hey stated that older units can be refurbished and interiors updated.

Mr. Lamson asked about the units on site at Elizabeth Lane Elementary regarding the age and where they are on the schedule for updates. Ms. Hey said that information could be gathered and provided to Mr. Camp. Mr. Lamson also asked the age range of students in those modular units. Ms. Hey stated that the class assignments for the modular class rooms was at the discretion of the school principal.

Mr. Lamson stated that he did not see any request in the plan for additional restrooms. Ms. Hey said the three units being added did not require the addition of another restroom unit. Mr. Lamson asked then about future years and how that might change with the growth of the school. Ms. Stafford replied that they did not know. The Charlotte-Mecklenburg School Board approved for the upcoming year a student weighted staffing formula that increased drastically the number of teachers. This plan is a large factor in the increase in classrooms. Ms. Stafford recognized this was a long term need. The district's need is well above two million dollars. She stated that there is no funding now or in the near future for this school.

Mr. Lamson stated that a permanent solution could not be given without a long term goal. Ms. Stafford stated that in most areas of the district there are no zoning restrictions on placement of mobile classrooms.

Mr. Wieser asked if any there were any plans to extend the brick and mortar of the school. Ms. Stafford stated that the school is not in the capital needs assessment plan. The current conditions of Elizabeth Lane Elementary did not make the list for funding.

Mr. Query asked what the cost of the addition would be compared to the cost of new modular units. Ms. Hey answered that the price range of a unit, including furniture, transportation, site work, utilities could cost $70,000 to $80,000. Construction only of brick and mortar ranges from $180-$200 per square foot. Mr. Query stated that his major concern is the safety of the children

Chairman Lee asked about the expired sunset clause and if that would be addressed before the hearing date. Ms. Hey stated that this is something that she did want to address but was looking for a little feedback and direction from the Board regarding the wants and timelines. Chairman Lee stated that the Planning Board's recommendation to the Town Council will be based on the land use. What was in violation will be up to the Council and discussion would be documented as to how the Planning Board reached its recommendation.

Mr. Lamson asked about the potential of the land and wanted to have plans addressed in regard to what could be done with the space in a three to five year plan. Ms. Safford agreed that a plan was needed to see what the space could accommodate and look for a longer term solution. The solution of a brick and mortar addition in this 3 to five year planning will not be funded and will not be realistic for Elizabeth Lane Elementary.

Mr. Lamson asked if CMS would study the school needs including: replace/rehab older units, adding security, and control access. Ms. Stafford stated that plans would need to be made and logistics in place as these requests would take time. Some could be done during a summer break while other items longer. Ms. Stafford added that another possible idea would be to replace a single unit with 10 classroom module. This could take a year and have to be set in place before single units could be moved away. She added that this may not be a solution as there is not enough land for all units, new and old, at once.

Mr. Lamson asked about the surplus land behind the elementary school as well as the neglected maintenance issue. Ms. Hey clarified that the ten acres that is listed as surplus are heavily wooded. The property is also not favorable due to its far distance from main campus. Ms. Hey added maintenance issues are being addressed after coming to her attention.

Mr. Query asked if there was a backup plan in place if the action was denied. Ms. Hey informed the board that art and music rooms, and the cafeteria stage would be transformed into traditional classrooms and the Art and Music

teachers would travel from class to class. If the other five units are removed class sizes would increase and boundary lines would possibly need to be redrawn next school year.

Mr. Lamson asked what would be a reasonable time for review. Ms. Hey stated that her team was already working on this and should have ideas within a six month time frame.

Chairman Lee stated that he understands the effort and the challenges.

Mr. Lamson added that if the application were conditional with providing a specific set of plans within a specific time frame and working with the Town on those goals, approval would be more easily accepted by the Board with a sunset provision. Town Attorney, Charlie Buckley, suggested that if the school board does come back with a sunset to make the expiration of that application to be after the end of the school year.

Mr. Query made a recommendation for denial of application 2016-649 as it is not consistent with Matthews Land Use Plan. Mr. Weiser seconded, and the motion passed with three votes to two.

GOALS AND EXPECTATIONS FOR STUDENT VOICE POSITION

Mr. Wieser motioned to reinstate Mrs. Dement. Seconded by Mr. Query and the motion was unanimously approved.

Discussion was had regarding the Planning Board's Youth Voice position. Current Youth Voice member, Carly Newton, has asked for a second term. Ms. Ingrish asked the members of the Planning Board how they felt about a second term and if they felt there should be more direction. Ms. Ingrish also inquired what the board might like to see from the position. The Board supported allowing youth voice representation to serve a second school year. Suggestions were made about adding a second member on staggered year cycles, encouraging personal interest projects, and assigning Board members as mentors.

ADJOURNMENT

Mr. Query motioned to adjourn. Seconded by Mr. Lee and the motion passed unanimously. The meeting adjourned at 8:26 pm.

Respectfully submitted,

Shana Robertson
Administrative Assistant/ Deputy Town Clerk

Approved
8/23/2016