

**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:

**APPROVED**  
**11/22/2016**

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

**APPROVED**  
11/22/2016