

**MINUTES
PLANNING BOARD
TUESDAY, OCTOBER 28, 2014
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chair Tom Lawing; Members Rob Markiewitz, Gary Turner, Steve Lee, Eric Johnson and Eric Welsh; and Alternate member Barbara Dement; Town Attorneys Charles Buckley and Craig Buie; Youth Voice Benjamin Dodson and Sarah Ward; Planning Director Kathi Ingrish, Planner II Jim King, and Zoning Technician/Deputy Town Clerk Mary Jo Gollnitz.

ABSENT: Member David Pratt and Alternate member Michael Ham

CALL TO ORDER

Chairman Tom Lawing called the meeting to order at 7:00 pm. He introduced and welcomed Youth Voice representatives.

APPROVAL OF THE MINUTES

Ms. Dement asked to have the minutes reworded on page 6 paragraph 8. Steve Lee made a motion to approve the minutes of the September 23, 2014 meeting as amended. Eric Welsh seconded and the motion was unanimously approved.

ZONING APPLICATION 2014-620 – Reid House 134 W. John Street from O-15 to O (CD)

Planner II Jim King reviewed for the Board the proposed rezoning request O-15 to O (CD) for the Reid House located at 134 W John Street. He stated that there was no comments or concerns raised at the Public Hearing. The applicant is seeking a change from O-15 to O (CD) to bring the property into the current zoning classifications. The O zoning district dimensional requirements are not as strict as the O-15. There are limited permitted uses for the property. Expansions, demolition or alterations to the property must be approved by Matthews Historical Foundation or Charlotte-Mecklenburg Historic Landmarks Commission. He stated that special events may occur as currently happen on the property. Staff recommends approval of the rezoning.

Mr. Markiewitz asked what the difference is between museum and art gallery non-commercial versus museum or art gallery. Mr. King explained that they are two different museum classifications, one being commercial and one would not.

Rob Markiewitz recommended zoning application 2014-620 for approval as presented at the public hearing and/or 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 other adopted policies. Gary Turner seconded the motion which carried unanimously.

ISSUES/CONCERNS/IDEAS FROM MEMBERS

Chairman Lawing wanted to express his appreciation to all the Board members for their time, effort, and comments at the last meeting. He noted that several Town Council members commented that the Planning Board had done a good job with the discussions.

Eric Johnson asked if there is a retreat planned in the near future. Ms. Ingrish explained that the Town Board holds their annual planning conference the last week of February. In the past the Planning Board has been invited. She continued noting that the Council has discussed meeting with the Planning Board annually or bi-annually. She has not heard when that may happen. This board can request the meeting. She stated that Council often has a 5:30 pm meeting regarding a particular topic that you may want to be part of.

Barbara Dement asked about the case load from the last meeting. She asked if there is any way to cap the application requests in order for the Board to do due diligence. She provided a couple of suggestions in handling a large number of applications. Chairman Lawing asked if you can restrict someone from submitting an application.

Attorney Charlie Buckley said that you cannot restrict someone from submitting an application. He further noted that the Planning Board has 30 days from the date the Council refers the application to them to respond. Failure to respond is considered an affirmative recommendation. Because of the time limitation this Board cannot choose which application to review when. Ms. Dement stated that maybe they could call a special meeting and split the applications in order to appropriately review the items. There was further discussion regarding the process in place for submitting applications. Mr. Buckley noted that he does not remember a Planning Board meeting lasting this long with so much substance.

Eric Johnson said he could see development coming into Matthews because of the UDO being in place. It was noted that development in general has picked up. Ms. Ingrish said that there were so many zoning cases years ago that Council created a third meeting a month to hear the cases. At that time there was not the 30 day requirement for reviewing rezoning applications.

Ms. Ingrish stated that at Council meeting last night it was mentioned that with the previous Council there was not a lot of discussion on issues at the Public Hearing. The Council would wait until decision time and bring up questions. She continued stating that the Planning Board and Council should ask questions at the public hearing. The more issues that are brought up at the hearing the more likely they will get resolved by the time it comes to the Planning Board when it should be the final product.

Eric Welsh stated that questions occur to him after the applicant has spoken. Can the Planning Board ask questions at that point? Ms. Ingrish said that it is a joint hearing between both boards and the Mayor should be able to recognize you. Mr. Buckley said yes as long as the public hearing is open you still have a right to ask questions.

Gary Turner asked if there is any update on the widening on John Street. Ms. Ingrish stated that there were some additional concept changes where Greylock Ridge and Campus Ridge Roads connect. In both situations NCDOT proposes super street configurations. Ms. Ingrish explained the concern with the Greylock Ridge configuration. Discussion continued regarding funding of the John Street project, other road projects and design changes.

Eric Johnson asked if the State, in the process of acquiring right-of-way, will allow the town to have development rights to the leftover land. He continued asking what would be the best approach for the Town to guide the development in these instances. Ms. Ingrish stated that she does not believe there has been anything like that in the past. The State has in the past placed an uneconomic remnant up for sale or offered it to an adjacent property owner. There was additional discussion regarding the town working with NCDOT. Mr. Buckley noted that the State is subject to the local zoning unlike the federal government.

Ms. Dement asked when the Board does a rezoning change, such as QuikTrip, why is there is no scrutiny for someone to come next door and develop however they wish. Mr. Buckley explained that QuikTrip was rezoned as a legislative conditional district within the boundaries defined in the application. The carwash next door was not a part of that application. That piece of property already had zoning and if they can do a particular use under the current zoning it is considered by right. They must comply with the text in the UDO. There was further discussion regarding overlay districts, conditional districts and performance standards. Ms. Ingrish stated that one example is Erickson Senior Living Center which was zoned R/I (CD) before the recession. She noted that there were lengthy detailed conditions in the approval. The company folded that had submitted the application, but those conditions are still in place for the new developer.

ADJOURNMENT

Steve Lee made a motion to adjourn the meeting. Eric Johnson seconded the motion which passed unanimously. The meeting adjourned at 7:35 pm.

Respectfully submitted,



Mary Jo Gollnitz
Zoning Technician/ Deputy Town Clerk