

**MINUTES
PLANNING BOARD
TUESDAY, NOVEMBER 25, 2014
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chair Tom Lawing; Members Rob Markiewitz, Gary Turner, David Pratt, 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, and Zoning Technician/Deputy Town Clerk Mary Jo Gollnitz.

ABSENT: Members Steve Lee, Eric Johnson and Youth Voice Sarah Ward

CALL TO ORDER

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

APPROVAL OF THE MINUTES

Gary Turner made a motion to approve the minutes of the October 28, 2014 meeting. Tom Lawing seconded and the motion was unanimously approved.

MOTION 2014-7 – Small Area Plan for the Sportsplex and Family Entertainment District

Planning Director Kathi Ingrish explained that the Small Area Plan is the Family Entertainment Area located by the Sportsplex. She informed the Board that the general boundaries are included Matthews-Mint Hill Rd, Independence Blvd, I-485 and Tank Town Rd/Crestdale neighborhood. She continued noting that the County has started Phase 2 of the Sportsplex and described the facility amenities. Some of the area will remain in a natural state. The Sportsplex will be a County Park. Ms. Ingrish noted that there have been tournaments held at the site and the existing five fields are artificial turf that can be used year round. The remaining fields will be a combination of natural grass and artificial turf.

Ms. Ingrish stated that activity will continue to increase at the facility. She stated that there is access to the Sportsplex from Tank Town Road. The road through the park will continue connect to Brigman Rd behind Ashley Furniture. The land between Sportsplex and Matthews-Mint Hill Rd is mostly vacant land and that is scheduled for an urban neighborhood. The Small Area Plan is about this land, focusing on family type of entertainment. There have been multiple plans, studies and visions completed on this land for years. In 2007, Woolpert developed a very detailed plan for this area. Their plan stated the exact locations of uses. Staff has taken a step back from that for the Small Area Plan. The Plan states all the uses allowed in the area including commercial uses, daily need services, theaters and other options. She continued stating that a lot of streets will need to be built. Connectivity including sidewalks will need to be installed to create a good urban environment. This would be an opportunity to have taller buildings than in any other locations in town.

Ms. Ingrish noted that the location is approximately one mile from downtown. The intent is that there will be good connectivity down Matthews-Mint Hill Rd. She further stated that the Town has a CDBG Grant for the Heritage Trail through the Crestdale neighborhood in order to allow for several options to access downtown from the ENT area.

Ms. Ingrish explained that the Small Area Plan is intended to be the vision for how that area should develop. The standards for the development are already in the UDO in the ENT district. Currently ENT zoning cannot be utilized until the Small Area Plan is adopted. Once this is approved, then property owners can ask for ENT zoning classification on their property within that area. Ms. Ingrish reiterated that this plan is general in nature because this has been studied.

Chairman Lawing asked if any new development in the ENT district would have to go through the approval process. Ms. Ingrish stated that in the UDO there is an early designation, or pre-zoning, option. This would allow the change of zoning classification from R-15 to ENT district. No land disturbance could occur until a specific site plan is approved by Council. The Boards have been used to seeing this as one package and if a property

owner uses this option it would be two separate packages. If that is done the Planning Board may or may not see the site plans.

Barbara Dement stated that it has been seven years since the detailed plan has been completed and is staff concerned about it being completed so long ago. Ms. Ingrish stated that the 2007 has great frameworks. There is some concern that you cannot developed as intensely shown in the plan. This neighborhood will developed over time, in phases. Markets will continue to change. There does not need to be a plan that has specific uses located in a specific spot. We know what uses have to be in the ENT district. Whatever development begins, that will influence where the other uses fit in.

Mike Ham said that he has concerns that if all these uses are allowed in the ENT and the first development will direct how development will occur, this is reactive rather than proactive and he does not see how this could be beneficial to the community. Ms. Ingrish stated that it is a valid concern. She continued that the Council at times has wanted to be more specific and then not as specific. It is the current position coming from the Council. She noted that if you do not have 24 hour residents nearby, the small businesses cannot rely only on visitors to thrive. Matthews is maxed out in size and can only grow upwards. She explained the idea of a healthy balance of residential units and commercial business. Mr. Ham stated that he does not have problem with higher density, other than allowing someone else determining location and infrastructure that is necessary. Ms. Ingrish stated that the plan shows a main spine network of streets and ENT district has specific requirements for the streets. There are no sewer or water services in that area currently and developers understand they need to complete the infrastructure.

Mr. Buckley said that the Town of Matthews does not handle water and sewer. He stated that CMUD has their specific requirements. He continued stating that the developer will be responsible for the installation of infrastructure. Ms. Ingrish added that the first developers may be required to place longer extensions and possibly looking for cost share. CMUD has a payback program. She explained that storm water is reviewed by both the county and town.

Rob Markiewitz asked is there a limitation on height of structures; and is there a set ratio of single housing to multi-family housing. Ms. Ingrish said that the dimensional standards are in already the UDO. The balance of land uses is not in the ordinance nor in the Small Area Plan. She explained that she has informed Council that it should be handled as policy. She noted that whatever starts getting built and is not 100% in keeping with the Council's vision, it will skew the rest of the development. There was further discussion on examples of how this would affect the ENT district. There was also discussion on how developers will submit pro forma information to the Council.

Eric Welsh stated that he understands the flexibility in setting policy, is there a risk to the ultimate vision with the possibility of policy changing year to year. Ms. Ingrish said that she agrees with his concerns. There are policies that need to be considered immediately and others that can wait until later. There should be an initial recommended balance of land uses. There was no discussion at the public hearing.

Mr. Welsh asked if it makes it more difficult for developers being that it is part of a policy rather than a plan. Attorney Buckley said that this is why you make your motion being consistent. The Small Area Plan is the vision of how you want Matthews to develop in that area. Any future zoning applications, you would make the recommendation whether or not it is consistent with this plan. Ms. Ingrish stated the options that the Board has in making recommendations.

Mr. Lawing asked if policies are not in the Land Use Plan, can they still be considered in making the consistency statement. Mr. Buckley stated that you could have one good thing that could upset the balance of the area. He further explained how the policies affect their recommendations and decisions. There was continued discussion on how the Board should be using the required consistency statements.

Gary Turner asked for clarification on what development proposals will or will not come to the Planning Board. Ms. Ingrish said that it depends on if the developer has asked for early designation. If they have ENT zoning in place, then they come back with the site plan, which would go just to Council. If they ask for both rezoning and site plan that would come to the Planning Board.

Mr. Ham stated that he is worried about losing predictability on how the area will be developed out. He sees the first developer determining what it will look like. Ms. Ingrish agreed and said that is why she is encouraging Council to set policies immediately. She noted that the policies could be included in the Small Area Plan. Council wanted the Plan adopted in order for developers to start submitting requests for ENT plans.

Mr. Markiewitz noted that once they come in with their plans it turns into quick decisions and the Board may not know what they want. Ms. Dement stated that this is a scenario of short term decisions causing long term consequences. Her concern is that in 10 to 15 years the consequences will be there that may not be responsible. Mr. Buckley stated that the first step is having a plan. There has to be something in place to show the overall vision of the area.

David Pratt asked if the policies can be added to the plan. Mr. Buckley said yes. He continued saying they could ask for a rezoning now without the plan in place. Mr. Ham said that he would really like to see more specifics in the plan rather than the broad first step. Mr. Buckley explained that a land use plan is a vision. It is not the tool that implements. The underlying zoning and other development plans are what dictates what goes there.

Mr. Pratt asked if a hotel wanted to locate in this area, would they come before the Planning Board. Ms. Ingrish said that the property is not currently zoned to allow for a hotel and they would have to come through rezoning to the ENT district. If they are bringing in the site plan at the same time, the Board would review it the same way they have always done for rezonings. Mr. Pratt asked if the Small Area Plan was approved would they have go through this same process. Ms. Ingrish said yes. The Small Area Plan allows the process to start. Until the Plan is adopted, you cannot ask for the ENT classification. They could ask for another zoning classification but would probably not receive that because the Land Use Plan states that this geographic area should be the ENT district.

Mr. Ham wanted clarification asking that if this plan passes, all the property owners could ask for ENT designation without development. He continued saying that they would not have to come back to Planning Board. Ms. Ingrish said yes, but they would have to go before Council for approval of their site plan including elevations. The advantage is that they know which zoning district the property is zoned and the set of standards in the UDO to follow in order to come in for review.

Mr. Lawing stated that the UDO already stated that this area should be ENT district. The decision is already made for this area to be ENT. Mr. Ham said that the Board will never see the development plans nor be able to make a recommendation on the site plans. Mr. Lawing stated that if it meets the zoning requirements this Board does not see the plans.

David Pratt made a motion to bring in Alternates Barbara Dement and Mike Ham to vote for this evening's meeting. Eric Welsh seconded the motion which passed unanimously.

Ms. Ingrish stated that this will become an appendix to the Land Use Plan.

Tom Lawing recommended approval of application 2014-7 Small Area Plan as an addendum to the Land Use Plan as it 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.

Mr. Welsh asked that a recommendation be added to the motion for the policies to be decided as quickly as possible. He continued noting that this board will not be involved and it will go to Council with pressure to turn things around quickly. He is concerned that development will occur in the manner they hope it will. Ms. Ingrish stated that yes you can add that into the motion.

Mr. Welsh stated that along with the motion for approval that the Board recommends to Council that the larger policy issues that have been debating this evening be decided as soon as possible. He continued stating that an amendment be added to the Plan as soon as possible.

Mr. Markiewitz asked that as a Board do they want to see these policies to provide input and is it part of their role. Ms. Ingrish said that Council can ask for their input, and if it is an addendum to the Small Area Plan, then it will have to come before the Planning Board.

Mr. Lawing changed his motion to include Mr. Welsh's addition. Mike Ham seconded the motion which carried unanimously.

MOTION 2014-8 – Miscellaneous Text Amendments to UDO

Planning Director Kathi Ingrish stated that there are miscellaneous items that need to be updated into the UDO. Ms. Ingrish explained that there was discussion regarding the word innovative at the Public Hearing. She continued stating that it often refers to a specific process called Innovative Development Process. There are standards in the UDO both for the site plan and how the buildings will look. She further explained how the Innovative Development Process worked. She noted that the word innovative has been a stumbling block for several people.

Ms. Ingrish stated that the text suggestion is to change the term from Innovative Development to Flexible Design. The definition is to take those standards and flex them to suit your development. It doesn't mean that you automatically receive approval of the design changes. Changing the word innovative to flexible 42 times in the UDO will clarify the meaning. There are eleven other times that innovative appears by itself in the code and it does have the dictionary meaning. Those will stay as is.

She continued stating that in the Flexible Design Process staff is requesting revisions be made. One is adding parking partially within the sight triangle could be requested. She provided three examples of these instances and explained why each one was justified.

The other suggestion is to allow flexibility of other building design principles. She explained that this is a general statement covering other things that could be requested. She provided an example of this. If we are going to have this process, make it available for different scenarios that could come up.

She continued stating that the list of uses in R/I would change to allow athletic or sports fields as main use and not just an accessory use. This will allow MARA to come into compliance from the old Rural district and into the R/I zoning classification.

She stated that there was a statement regarding changeable copy signs in the old Zoning Ordinance that was inadvertently left out of the UDO. Other items are clarifying the sign tables and adding details regarding alleys. We want to create standards for that and be consistent with the street requirements.

Ms. Dement asked where the suggested 40% or more increase in Section 155.405.4 and 155.701.C came from. Ms. Ingrish said that it is to allow the ability to make minor changes to an existing site without making it come into total compliance. The 40% is in the nonconforming section of the UDO and that is why it is listed in these sections. Ms. Dement said that it seems that the number seems large, being that it is almost half.

Tom Lawing asked for clarification on where the number was derived from. Ms. Ingrish stated that in the provisions for nonconforming properties 40% is the cutoff when the property could not be redeveloped.

Mr. Ham said that he appreciates Ms. Ingrish and staff changing the term from innovative to flexible design. Ms. Ingrish stated that the term Innovative Development has been in the ordinance since the 1980s and was brought forward and expanded.

Mr. Markiewitz asked if we would go back and look at changes over the years, do we have any examples of what 40% would mean to a property. Ms. Ingrish stated that she could not think of any property that this would have affected. Ms. Dement said that her feeling is that anything over 20 to 30% is excessive. She feels that it may compromise the visions and goals of the Town. Mr. Lawing could not think of a subdivision that this would have happened. Once a subdivision is approved it includes all the land. Ms. Dement said that her subdivision, Sardis Plantation the original neighborhood was built 30 years ago and her house was built 15 years later. Mr. Lawing said that it could have been in the original plan but built much later.

Ms. Dement also noted that Section 155.502.15.C allowing the minimum setback to be reduced by 50% seemed large. She referenced the Animal Clinic impairing the road widening along John Street because it is so close to

the road. Ms. Ingrish said that was another text that was adopted by Council into the old zoning Ordinance that failed to be included into the UDO. She continued that this was for I-1 only and adopted about seven years ago. The affected properties are primarily along Monroe Road. This provides the developer another 20 feet of area in exchange for no parking upfront. Ms. Dement agreed that it was a good exchange. Her concern is for future road widening or sidewalk additions. Ms. Ingrish said that I-1 setback is 40 feet and the 50% reduction would make it 20 foot setback at which the Point Blank Range is being built. She also stated than any development requesting I-1 would be a conditional zoning that this Board would review.

The Board continued to discussing the text change requests. Ms. Ingrish said that the 40% is referencing individual properties, such as a church, that are already developed on a site and allowing them to expand without having to go back to build sidewalk along the entire road frontage. She clarified that it is not just subdivisions, it is also for individual developments. Mr. Ham asked if the buildings would have to meet setbacks and other dimensional requirements. Ms. Ingrish stated yes and that the 40% only refers to the public improvements. Staff did not want the trigger for public improvements to be too low.

Tom Lawing recommended motion 2014-8 for approval of the text amendment as presented this evening. It 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. Rob Markiewitz seconded the motion which carried unanimously.

SCHEDULE ALTERNATE DECEMBER MEETING DATE

Planning Director Kathi Ingrish explained that the December Planning Board meeting is currently scheduled for December 23rd. Ms. Ingrish said that there will be two cases coming to the Planning Board from Public Hearings in December. She suggested that the Board wait until January 6 to hold their meeting in order to give the applicants time to make changes if needed from the public hearing. After poling the Board, it was agreed upon to hold the meeting January 6, 2015.

ADDITIONAL INFORMATION

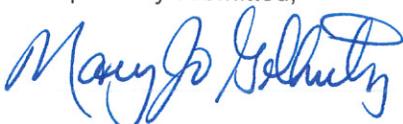
Ms. Ingrish stated that she met with a representative from the Local Government Federal Credit Union. They provide scholarships for programs at the School Of Government that Board members might be interested in attending. The Town does have some funds available for Planning Board members to attend training programs. There is also a scholarship for high school students that may be interested in pursuing a Planning Program.

The Board was reminded that December 8th is a joint meeting to discuss the design for the conversion of Independence Blvd through Matthews. They are looking at managed lanes to help move traffic and the Monroe Bypass is proposed as toll road that could continue through Matthews into Charlotte. Ms. Ingrish stated that NCDOT is looking at letting bids out on the project in 2021. Ms. Ingrish further explained proposed flyovers, parallel collector roads, and possible double decker lanes that will be shown at the meeting.

ADJOURNMENT

Rob Markiewitz made a motion to adjourn the meeting. Eric Welsh seconded the motion which passed unanimously. The meeting adjourned at 8:25 pm.

Respectfully submitted,



Mary Jo Gollnitz
Zoning Technician/ Deputy Town Clerk