

**PLANNING BOARD  
REGULAR MEETING  
TUESDAY APRIL 26, 2016  
7:00 PM  
HOOD ROOM, MATTHEWS TOWN HALL**

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES – March 22, 2016
- III. ZONING APPLICATION 23016-643 – Primrose School, 720 Park Center Drive, from I-1 to O(CD)
- IV. ADMINISTRATIVE AMENDMENT CONTINUED – Windsor Square Roundabout Revisions
- V. ADMINISTRATIVE AMENDMENT – McEwen-Moore Farmhouse at Royal Park, Moore Rd, Extend Deadline to Obtain CO by 3 Months (to Aug 30, 2016)
- VI. INFORMATION AND DISCUSSION – Park Concept at 10252 Monroe Road
- VII. ADJOURNMENT

**MINUTES  
PLANNING BOARD  
TUESDAY, MARCH 22, 2016  
7:00 PM  
HOOD ROOM, MATTHEWS TOWN HALL**

**PRESENT:** Chair Steve Lee; Members, Barbara Dement, Michael Ham, Kress Query, David Barley, David Wieser; and Alternate members Gregory Lee and Kerry Lamson; Town Attorneys Charles Buckley and Craig Buie; Youth Voice Carley Newton; Planning Director Kathi Ingrish, Senior Planner Jay Camp and Planner/Zoning Administrator Mary Jo Gollnitz.

**ABSENT:** Member David Pratt

**CALL TO ORDER**

Chairman Steve Lee called the meeting to order at 7:00 pm.

Chairman Steve Lee noted that there was one regular member of the Board absent and that one alternate member can be added as a voting member for the evening. David Barley motioned to add Kerry Lamson as a voting member, seconded by Kress Query. The motion passed unanimously.

Chairman Lee stated that there is a request to add a Public Improvement Variance request for Pike Nursery as item #7 on the agenda. Mr. Query made the motion. Kerry Lamson seconded the motion which passed unanimously.

**APPROVAL OF THE MINUTES**

Barbara Dement asked that the third paragraph, second sentence on page five be changed to read: "She mentioned the berm on Rea Road between Hwy 51 and Ballantyne Commons is a good example of a constructed and planted berm screen." Mike Ham stated that he suggested that maybe construction of the internal trail could be an Eagle Scout project not Greg Lee. David Barley noted that in the last paragraph of page five, during that portion of the meeting, he had stated he would like to see in the future a defined tree save area not a suggested tree save area and requested that be added to the minutes.

Mr. Query made a motion to approve the minutes of the February 23, 2016 meeting as amended. Mr. Ham seconded and the motion was unanimously approved.

**MOTION 2016-A – Amendment to Composite Bicycle & Pedestrian Plan**

Planning Director Kathi Ingrish stated that the amendment is a proposal to add improvements into the Bicycle and Pedestrian Plan. This would eliminate a gap between Pleasant Plains Road and Weddington Rd. When NCDOT starts building the managed lanes on I-485, they will be building an interchange on Weddington Rd. A multi-use path on the adopted plan will require NCDOT to accommodate such in their design plans for the interchange. Ms. Ingrish explained that the blue dashed line on the drawings depicted a bicycle path in the Thornblade neighborhood and the red dashed line would be a multi-use path between Thornblade and Weddington Rd at edge of the interchange.

Chairman Lee asked if this is the proposed off ramp for the west bound traffic. Ms. Ingrish answered yes. She further stated that these are not exact locations rather a location somewhere in the vicinity. She stated that NCDOT would accommodate their designs for the paths.

Ms. Dement recommended approval of Motion 2016-A as it is reasonable and in the public's best interest because the changes complement the Composite Bicycle and Pedestrian Plan that was adopted in 2015 closing some of the gaps in connectivity for pedestrians and bicyclists. The motion was seconded by David Weiser. Chair Lee commented that this is great for the community. The motion passed unanimously.

## **MOTION 2016-1 – UDO Text Amendments**

Planning Director Kathi Ingrish stated that the text amendment comprises a variety of corrections including definitions, prescribed conditions, reference numbers, parking requirements and removes the protest petition provisions because of changes in state law. She further noted there are changes to align with the state aesthetic bill and subdivision bond requirements.

She noted that after public hearing discussion, the cell tower provisions were removed because they are not necessary at this time. Ms. Ingrish provided revised school bicycle parking requirements. She noted that this may not be the final format but provides a way to accommodate the reduced bicycle parking when a school does not have a safe way to get the students to and from the school. The proposal gives a 5000 foot dimension to the school that triggers installation of bicycle parking.

Ms. Ingrish explained the different needs a college setting has versus an elementary school for bicycle parking. Chairman Lee asked if it hard to accommodate additional bicycle parking spaces in institutional uses. Ms. Ingrish stated that when you get into a few hundred spaces near a door that are unlikely to be used, is it practical.

Mike Ham stated that he was glad the cell tower language was removed from the amendment. He wanted to know how the Town is currently handling cell towers. Ms. Ingrish stated that the town has regulations in place that are approximately 15 years old. The technology has since substantially changed and staff realizes that updates are needed. There is a student assisting staff with updating text language and it is anticipated the changes will be ready this spring. Ms. Ingrish further noted that the text change would accommodate small cell sites and DAS systems that we do not address in the code today. The UDO currently discusses spacing and height of towers. The proposed text was to accommodate a state tower that has now been determined to be exempt from our ordinance. Mr. Ham said that he has concerns about cell towers going up on every block in town. He understands that there are state and FCC regulations that have to be dealt with.

Ms. Dement asked if anyone is going to the APA Conference because there is going to be information about underground wires at the conference. There are a lot of good things happening and options. Ms. Ingrish said that towers will not go away entirely. The Town has provisions for stealth applications such as in a steeple or bell tower as well as lattice type towers in commercial areas. There are currently five or six commercial towers in our community today. There is a large demand for data and whether that is serviced by more towers or repeaters we don't know. We need to add regulations for the new technology. Discussion continued on the future requirements needed to support cell phones and other devices. Chairman Lee noted that the Planning Board is interested in participating in the discussion regarding communication tower text amendments.

David Barley stated that cell towers could be located on transmission towers through town. Town Attorney Charles Buckley stated that there are regulations in place. He continued noting that each tower goes through a review process. Each time there is a cell tower public hearing it is in the nature of a quasi-judicial process and FCC has stated that you cannot deny a tower based on fears of emissions.

Kerry Lamson asked if the proposed bicycle changes would have any impact on the existing schools. Ms. Ingrish said that it would apply only to new school construction or changes at existing school sites. She did not feel that any of the existing schools would be impacted. Mr. Lamson wanted to know if the use of portable buildings counts toward classrooms. Ms. Ingrish stated that if it is a room where classes are held, then it is considered a classroom. Mr. Lamson wanted to know how the required additional bicycle parking would be handled if a portable building or classroom were added to an existing structure. Ms. Ingrish stated that the permitting process would handle this. Mr. Buckley stated that any application would be required to meet all of the UDO requirements.

Ms. Dement asked if there are any unintended consequences from these regulations if Matthews would separate from CMS. Chairman Lee said that he does live by a school that is connected by the greenway and the use of bicycles is not as successful as you would believe. Mr. Buckley clarified that these are use regulations not ownership regulations. Ms. Dement said she was concerned because the number of children attending the schools may increase. Mr. Barley said that this text change is for new construction.

Mike Ham made a motion to recommend approval of Motion 2016-1 in that it is consistent with the UDO and town transportation plans. Kerry Lamson seconded the motion. Ms. Ingrish asked for the Board to clarify which bicycle parking requirements they are recommending for approval. She noted that the text presented at the Public Hearing is different from what staff is currently suggesting.

Mr. Ham withdrew the motion.

Susanne Todd, with Johnston, Allison & Hord 1065 E Morehead St Charlotte NC 28204 spoke on behalf of CPCC. She stated that Ms. Ingrish sent the proposed text amendment discussing the 5000 linear feet bicycle friendly improvement requirements. She stated that they have reviewed the modification and appreciate the proposed criteria. She continued stating that they have concerns with the examples that were attached. They do not believe that the 5000 feet has a nexus to achieve bicycle ride ability from a destination to CPCC. She provided examples of how a development would meet the distance requirement of 5000 feet with public improvements but would not serve as a valid purpose for installation of bicycle parking. They are hoping to speak with Ms Ingrish to have a better understanding of the goal for the text change.

Ms. Todd continued stating that the up-fit requirement of one year was a concern. The "u" shape bicycle parking spaces are not difficult to install, however, the ordinance does require one-half of the spaces be covered. If there are improvements that trigger the requirements of the ordinance, they would be required to put in 145 covered spaces. She stated that it could be a significant cost to CPCC. She stated that a recent installation of covered bicycle parking at UNC Charlotte cost \$100,000. She continued explaining CPCC's funding process for any capital improvement project.

Steve Lee asked how many students on average are there per classroom at CPCC. Kent Reid 1325 E Fourth Charlotte with CPCC stated that on average they have 28 to 32 students per classroom. Mr. Lee asked how many classrooms are at the Matthews campus. Mr. Reid stated that the new facility has 29 classrooms. Mr. Lee asked if there is covered bicycle parking at other campuses. Mr. Reid answered yes, where they can make them part of the buildings. They have not built a specific structure dedicated to cover bicycle parking.

Mr. Ham asked how many bicycle parking spaces were installed at the covered parking at UNCC. Jeff Smith with Bulla Smith Design Engineering 1347 Harding Place Charlotte addressed the Board. He stated that Hunt Hall at UNC Charlotte was the most recent dorm built. There was no code requirement yet they chose to add 30 covered bicycle parking spaces. They matched campus aesthetics of brick based, metal copings and tops, which cost just under \$100,000 for 30 spaces. Mr. Ham stated that CPCC would not have to go to that extent in order to meet the requirements in Matthews. Mr. Smith stated that other campuses will not go to that extreme. It would need to keep rain off the bicycles and there are other alternatives that are not so costly. There was further discussion on cost of covered bicycle parking and requirements for aesthetics.

David Weiser asked if the proposed new building design incorporates covered bicycle parking. Mr. Reid stated that they are in design development and would look for possible areas along the eaves, because they are already over budget. They would try to add onto a new building or existing buildings. Mr. Ham asked what it would cost to build 75 car spaces. Mr. Reid stated that there would not be any reduction of parking if bicycle parking is added.

Mr. Query state that he doesn't feel that covering the bicycle parking is unreasonable. Mr. Ham stated that we are looking at ways to get cars off the road. The upside far outweighs the one time cost.

Greg Lee asked if the CATS bus service runs out to the campus. Mr. Reid stated yes that the service recently started. Mr. Lee wanted to know if there was a shelter for the bus riders. Mr. Reid stated that there is a standard CATS shelter there.

Ms. Dement wanted to know how many bicycles are parked on campus now. Ms. Todd stated that Ms. Remerus spoke at the Public Hearing stating that she occasionally sees one bicycle. It is a difficult place to access with a bicycle even as much as we encourage the use of bicycles. Given the lack of expected use, of having half of 145 spaces covered spaces is a cost.

Mr. Buckley stated the Board needs to deal with the UDO proposed amendment items. The Board is being asked to consider the original text, the revised text or something different. This is a text amendment and is not site specific. Chairman Lee clarified that the paragraph under discussion is the red paragraph which is a revision presented by staff.

Mr. Query said that it is reasonable and this must be viewed for all schools. He continued stating that you will find more people riding bicycles when the cost of gas goes up. If this had been in effect when other schools were built there would be more children riding their bicycles to school. Mr. Lamson said that we are struggling with a variable that doesn't make good sense. He understands what staff is trying to do and some additional work may be necessary.

Chairman Lee understands that this is text that could be around for 20 years. If we don't accommodate bicycle parking they won't be used. Mr. Lamson stated that he is uncomfortable with the revised language.

Mr. Ham asked if the text paragraph in red is adopted, what would be the option for a school to come back to the town if they are not using or needing the bicycle parking. Ms. Ingrish said that they could ask for variance or text change to modify the requirements for spaces or timing. The reason that the change is proposed within this package is because the current requirement is too much for all the schools. Staff is trying to fine tune the requirements.

Mr. Query said that this is a living document that we are trying to make a compromise on. He feels it is better to err on the higher side of the requirements. He provided an example of how the text can be changed to accommodate the schools. Chairman Lee asked what CPCC would be required to install based on the red text. Ms. Ingrish stated that it would be one per classroom of the new building and that would be 29. She said that once the development in the one mile area would happen then they would have to install the additional spaces within one year, assuming the text has not been changed.

Ms. Dement stated that she is concerned that when we are reviewing text changes we have to take faces and name away from it. If the text doesn't match a specific institution or business then they need to come back to the board to have it addressed. We have to be forward thinking.

David Barley wanted a clarification asking that if a new 10 classroom building is added to a campus the requirements will apply. Ms. Ingrish answered yes. Mr. Barley asked if staff is comfortable enforcing these proposed requirements. Ms. Ingrish stated that staff would know when a new building would be built because of the review process. Mr. Barley continued stating that saying someone could ask for a variance is implying there is something wrong with the text. Mr. Ham stated that a variance is not easy to get. Ms. Dement said no one on this board takes this lightly. Mr. Ham stated that there will be specific parties that won't be able to meet this requirement.

Mr. Query asked for clarification that this is a reduction of requirements currently in our ordinance. Ms. Ingrish stated that that is correct. Chairman Lee stated that another amendment is possible. He feels that staff has provided a middle ground.

Mr. Query made a motion to recommend approval of the entire UDO changes including the new language for the bicycle parking standards submitted this evening by staff, which is the red type and the combination of amendments to the UDO are consistent with the Land Use Plan. Mr. Ham seconded the motion. Ms. Ingrish asked that the motion also clarify the deletion of the provisions of the cell towers.

The motion passed with a five to two vote. David Barley and Kerry Lamson were opposed to the motion.

### **Zoning Application 2016-642 – CPCC Expansion Site, CPCC Lane, From R/I and R-20 to B-3(CD)**

Senior Planner Jay Camp provided a brief overview of CPCC's proposed rezoning request. He said that it is for a 365 space parking lot to serve a planned new classroom building at the campus. He showed the old alignment for Tank Town Rd and the portion of the area to serve the classroom building. The building is planned for construction in 2018. He continued stating that the campus currently has approximately 4000 students. There was no feedback from the public hearing and there are no changes to the plan.

Ms. Dement asked if there are any maximum parking requirements in our ordinance before you are required to build a parking deck. Mr. Camp answered no. The UDO does incorporate the concept of parking rooms. There will be a large green space down the middle of the lot. Ms. Dement stated that there is so little undeveloped land left in Matthews that she does not like to see just a parking lot. Mr. Camp explained that they are no constraints at this time for land and staff does encourage structured parking if financials would work for the school.

Chairman Lee asked that Mr. Camp explain the B-3 zoning of minimum versus maximum height. The B-3 zoning was originally proposed because it would allow for a 50 foot classroom building height. Only parking is allowed based on the current conditional note.

Mr. Query asked if there would be a central area down the middle of the parking to allow for a protected walking area. Mr. Camp stated that not to his knowledge. He showed where a central crosswalk would be and the green area. It is human nature for one to take the shortest path. He is not sure that NCDOT would allow for a second crosswalk on a dead-end road.

Mr. Lamson asked if there is a tree save percentage for this zoning. Mr. Camp stated that there is. He believes it is 12%. For the time being the remainder of the property is wooded and they will be well over the requirement. If the balance of the property were to be developed there would be calculation requirements to verify that they meet the ordinance requirements. Mr. Lamson asked if there isn't anything that could be done now to define a buffer area. Mr. Camp stated that a conditional note requiring a buffer along I-485 could be suggested.

Mr. Lamson asked if the parking lot would be lighted, how tall the poles would be and if they will be down lit. Mr. Camp stated that they would have to meet the zoning ordinance lighting requirements. Mr. Lamson asked what the distance from the parking lot is to buildings. He is concerned about security with the longer walking distances. Mr. Reid stated that they provide video surveillance at all parking lots. The parking lot will have lighting and cameras are monitored by dispatch on a 24 hour basis. There will also be blue phones for security with the hot button.

Greg Lee asked why B-3 zoning is being requested versus the R/I zoning. Mr. Camp stated that R/I districts do not allow stand-alone parking lots. Mr. Camp stated that it was 500 feet from the edge of the right of way to the new building.

Mr. Ham commented that he wishes the language to be changed to percent of tree removal and not tree save. He stated that he looked at the elevation map and that it appears the land is level with current road; when you cut and grade what would the elevation be to the parking lot. Mr. Smith stated that the center of the parking lot is roughly 5 ft below the road elevation. There will not be a substantial amount of cut and fill. Mr. Ham asked if they could make a combination of impervious and pervious surfaces so the water could naturally run to where it needs to go. Mr. Smith said that the soil types are not as friendly as in the coastal region. He explained how the water runs and discharges. Mr. Ham asked that they look into the possibility of using pervious surface.

Ms. Todd asked that a condition be placed on the site plan stating that they are complying with the current ordinance requirement for bicycle parking. They are showing 10 per classroom for a total of 290 with half being covered. They would like to incorporate the new text amendment requirement into the existing site plan.

Mr. Ham recommended approval of Zoning Application 2016-642 CPCC Parking with the addition of a condition that the bicycle parking standards so stipulated in the new UDO changes be applied if adopted, and finds the request is consistent with the UDO and plans for education and transportation. Mr. Query seconded the motion and it carried unanimously.

### **Administrative Amendment - Windsor Square Roundabout Design Revisions**

Planning Director Kathi Ingrish presented the Administrative Amendment for Windsor Square. She stated that the roundabout is in the Windsor Square Shopping Center near the gas station. She showed a drawing with the easement requirements for the driveway access. She continued describing the area in detail. She noted that the gas station property was purchased from the shopping center and there is an easement agreement in place for

ingress and egress to the gas station. She continued noting that there are two driveways for access in and out near the roundabout area. They wish to make changes to the easement area in order to create new access points. The roundabout was created with specific design requirements as part of a previous conditional zoning action. Therefore any revision has to go through some Town approval process. It does not rise to the level of a full rezoning action. This is an Administrative Amendment that the Planning Board may make a decision or it can be forwarded to the Council for action. The Town Council is aware of this issue.

Mr. Ham stated that he is confused because the gas station has three access points to a parking lot. Ms. Ingrish stated yes that is correct. Chairman Lee stated that the access point is so close to the roundabout that it seems risky.

Mr. Wieser wanted to know if there would be access to make a left hand turn into the gas station. He believes that is dangerous. Mr. Ham stated that the current access is access into both parking lot and gas station.

Anthony Fox with Parker Poe Adams & Bernstein 401 S Tryon St, Ste 3000 Charlotte addressed the Board. He stated that Craig Mueller with Windsor Square and the engineer will also be assisting with information regarding this case. Mr. Fox stated that part of this is to restore the access prior to the roundabout. He provided background regarding the curb cut along US 74. There is conflict between the owners of the Exxon Service Station and the shopping center. He continued stating that there is parking before the entrance to the service station. Part of the request is to restore the easement and correct the situation.

Craig Mueller representing SC Windsor Square LLC 1814 Windsor Sq. Dr. Matthews stated that he agrees with the concerns the Board has already noted. There is an access point in a different location; however it is not a legal access point that benefits the Exxon Station. He continued noting that they could eliminate that access point. The easement agreement does provide the gas station with the right to access the entry point along the drive.

He showed the easement agreement area and access points on the site plan. He stated that the gas station is not willing to work a compromise for the situation. He understands that the dispute is not the Board's issue. They are here today to restore the access rights and clear up the easement agreement. There was a curb cut that was moved for the roundabout to be installed and mitigate any safety issues.

Chairman Lee asked if there is any plan to block that access point outside the easement agreement. Mr. Mueller answered no. Mr. Ham said that he is uncomfortable because of the left turn access. He would be more comfortable if this were a right in right out only. He noted that he feels it is a dangerous. Mr. Mueller stated that he does not know if that would resolve the issue. Chairman Lee clarified asking Mr. Ham if he is suggesting a pork chop. Mr. Ham said yes because of safety issues. Chairman Lee asked if the gas station is asking for a specific design movement in the easement agreement. Mr. Mueller stated no they are not. The shopping center is trying to move the new curb cut as far away from roundabout while keeping it in the easement area. He provided some additional background on the easement agreement. Discussion continued on where access currently exists, options, and concerns about safety in allowing full movement.

Mr. Lamson wanted clarification that the applicant was asking the board to solve a problem he has with the gas station owner on an easement. Mr. Mueller answered yes. Mr. Lamson asked what recourse the shopping center has if this issue is not solved this evening. Mr. Mueller stated that they could be sued. Mr. Ham asked if there is another option to solve this by having a more permanent agreement. Mr. Mueller stated that they have offered this and the gas station turned it down.

Mr. Fox stated that this is an Administrative Amendment for the site plan and has been reviewed by Matthews staff with little comments. The only concern was getting fire equipment through the roundabout. The existing curb cut will remain open and provide additional access to the gas station. Mr. Fox stated the he hears the board's concerns regarding traffic safety. They could add signage which would state "no left turn out".

Greg Lee asked if the fire and police have commented on this issue. Ms. Ingrish said both fire and police had the same concerns about traffic going through the roundabout and existing traffic from the gas station. Greg Lee asked is someone from the gas station was present to speak this evening. Mr. Mueller said no.

Mr. Query asked if the applicant could make changes to the access. Mr. Mueller said that the easement area has to have access. He continued explaining what they have reviewed. He said that the engineer is comfortable that a left out does work. Mr. Query said that he would only consider a right in right out only. A sign does not work. Chairman Lee said consistency and reasonable does not fit in this case. He continued noting that this could be forwarded to the Town Board. Mr. Query said that he would deny this unless the applicant is willing to change the proposal.

Mr. Mueller stated that the changes in the parking lot redesign was spurred by getting access off of Independence and securing JC Penney as an anchor tenant in 2010. He continued providing some additional background on the shopping center development.

Mr. Fox stated that his client is restricted to provide ingress and egress within the easement area. He understands that adding the signage may not be sufficient, but if they added a road hump to slow traffic leaving the roundabout that would be a way to avoid accidents. Mr. Ham asked if the gas station was part of this in 2010 and why has it taken six years to come to this point. Mr. Mueller said he does not know the answer. He was not present when the agreement was made.

The Board and Mr. Mueller further discussed options for making the access agreement palatable and safe for all. Mr. Lamson asked if they could remove all the parking spaces along the easement agreement and were there any other options. Mr. Mueller said that the gas station must agree to the changes. Mr. Fox said that the gas station owner is enforcing the current easement that he has. He is not willing to amend the agreement because he feels there is a violation. Mr. Mueller presented additional solutions for the easement access. Mr. Ham brought forward suggestions to resolve the issue. Discussion continued on providing a resolution.

Chairman Lee asked if Mr. Mueller was in a position to make changes this evening. Ms. Ingrish provided a resolution removing some of the parking spaces and redesigning one curb. Mr. Mueller and Ms. Ingrish discussed how the change could solve the problem.

Mr. Query asked Attorney Buckley if this board has the right to defer a decision and have this come back to them. Mr. Buckley said yes, this is not a zoning petition so there is no time limit. Mr. Fox said they have heard the Board's comments and if you want to defer this until the next meeting they are agreeable to this. Mr. Mueller would prefer that it stay with the Planning Board.

Mr. Weiser asked if they would have an agreement with the gas station at that time. Mr. Buckley stated that is a civil matter and not for this board to be concerned with.

Chairman Lee said that if they work with staff and addressed the safety concern the Board would be glad to review the amendment next month.

Ms. Dement stated that at the top there is ingress and egress across from the current access agreement area. She wanted to know what the distance of those curb cuts were from the roundabout and if that has caused any problems. Mr. Mueller did not believe there were any safety issues in that location. There was additional discussion regarding traffic through the shopping center.

Mr. Barley asked that the Town engineer or other professional engineers review options provided by the applicant. Mr. Buckley suggested that a history of accidents on the access that Ms. Dement mentioned also be provided. Mr. Mueller stated that they will look into additional options and other comparisons that may resolve the situation.

Mr. Query made a motion to defer a decision until next month when the applicant can bring alternate solutions/options to the board. Barbara Dement seconded and it carried unanimously.

#### **Public Improvement Variance – Pike Nursery SWIM Buffer**

Senior Planner Jay Camp provided some background on the Pike Nursery Public Improvement Variance request. He said that SWIM buffers are a water quality initiative that Mecklenburg County put into place and Matthews adopted in 2000. They are meant to help with runoff during heavy rain events. Matthews does not

typically allow impacts to the SWIM buffers. Greenways, sewer projects, perpendicular crossings such as driveways, bridges and streets are allowed. The property rezoning was approved in December 2015 and Pike Nursery has purchased the property. They are currently going through the permitting process. They are finalizing the easement agreement with the Town for driveway access. The issue brought to staff is that there are concerns about SWIM buffer impact of approximately 8 ft. on the side closest to Levine Center and 10 ft. on the side toward NC 51.

Kress Query asked if the county had ruled on this request. Mr. Camp stated Director of Water Quality Rusty Rozelle was not in favor of the proposed impact to the SWIM buffer. Chairman Lee asked if the county has provided any opinion on the proposed mitigation. Mr. Camp stated that they would prefer this area be stabilized and left alone.

Mike Ham asked when the applicant got the rezoning approval did they state that they would be coming for a variance. Mr. Camp stated that no they did not. There was a difference in calculation based on how these areas are treated in Matthews versus Charlotte. Mr. Camp said that there is a perception in Matthews that you bulldoze first and then ask for forgiveness. The applicant is currently held up in permitting.

Ty Shaffer with Robinson Bradshaw 101 N Tryon St Charlotte addressed the board. He stated that they appreciate the staff and Planning Board adding this to their agenda. John Carmichael also with Robinson Bradshaw, Mike Chapman with Pike Nursery, Chase and Carlton Burton with Burton Engineering are all present. He showed the overview of the property. He continued stating that the rezoning request was approved in December 2015 and is now zoned B-1(CD). The goal is to develop and operate Pike Nursery on the site. He explained that Armstrong Garden Center Inc. is the parent company. He showed the site plan and described the overall site constraints. There are significant topographical challenges that are driving this variance. He noted that 37% of the site is taken up by buffer and 27% is used for tree save. The applicant is requesting a recommendation that they be granted a public improvement variance from adherence to the applicable SWIM buffer in two locations. They believe these are necessary in order to use the site.

He continued stating that the applicant has worked with the engineers to provide a mitigation proposal. There are no stream impacts. He noted that they are requesting relief from UDO Section 155.704.2.C. The applicant is requesting to install retaining walls and to modestly expand the fill into the SWIM buffer at two locations. The ordinance does allow for variance requests. The standards for granting the variance are listed in Section 155.712. He reviewed the guidelines for granting the variance request.

Carlton Burton 4233 Denbigh Dr. Charlotte stated that he takes full responsibility for the issue regarding the buffer. They have worked with Rusty Rozelle over the years on several issues. He continued stating that Charlotte and other municipalities do not have the variance process in their ordinances. In Charlotte they can negotiate with you. He overlooked this. It was on the rezoning plan and we anticipated being able to negotiate. They had an initial meeting with the County and it was not caught at that time. This is an important piece and that is why they are here.

He showed the Board the two areas that are in question. He showed that the end of the parking lot and pipe are together. They were looking to add the retaining wall in order to plant a required tree for parking. The wall was 8 to 9 feet and once this issue was discovered, they reduced the wall to 3 to 5 feet in height. They have also reduced the parking by using compact spaces. They are not in favor of compact spaces but they are the furthest away from the store.

Mr. Burton then discussed the area near the greenhouses. He explained the typical product and how the greenhouse size has been reduced. He further described the original proposed wall and path along the back of the site for circulation. There would be plant display with a number of trees in larger containers. They would like to place curb along the perimeter in order to pipe the runoff into the sand basin for filtering and treatment. They do need outdoor storage.

He continued explaining how they are working with Mr. Rozelle's office on solving the issues. They currently have an impact with fill. He understands that Mr. Rozelle would not support encroachment into the buffer. They will work with Pike to come to a solution. He further described the area and requirements of Matthews UDO. He noted that there is a 10' impact to the upland zone and the SWIM buffer is 35'.

He continued describing the overall site plan. He stated that they will be approximately 8' into the buffer in another location. They plan to place trees outside which would be 3 deep over 10 feet in length along the back that will be for sale. It is not a buffer but this is unusual because of the product on site.

He continued stating that all roof water will come down into pipes and go into the basins. He showed the mitigation plan. They will work with Rusty Rozelle for any mitigation that is acceptable to their group. They feel that they have a good plan. He stated that if this is not approved there are monetary considerations. They have already lost approximately 25% of greenhouse space. They would lose parking and have to place parking in the loading and dumpster area. They are trying to keep the loading area as clear as possible.

Chairman Lee asked if he could address the mitigation plan. He understands that the site has constraints on all sides. Mr. Burton stated that there is no piping in the buffer only 800 or 900 sq. ft. of asphalt and the retaining walls. Chairman Lee stated that you are capturing the runoff in the basins on site. Mr. Burton stated that the buffers do provide filtering and stream bank protection. That is the reason for the natural vegetation.

Mr. Ham stated that he was concerned by the letter that without the variance you would not be able to provide the 30000 sq feet of greenhouse. The courts have consistently said that the town has to allow for a reasonable return on property. It bothers him that before the purchase all the due diligence should have been done.

Mr. Barley asked how many parking spaces are provided on site. Mr. Burton answered that it is 75. Mr. Barley asked how many are required. Mr. Burton stated 75. Mr. Barley asked how much greenhouse space they would lose if the variance was not granted. Mr. Burton stated approximately 1,700 square feet.

Mr. Lamson asked if they could run the greenhouse parallel to the buffer instead of pointed toward the buffer. Is there a possibility or option to change this? Mike Chapman 3555 Kroger Blvd Duluth GA 30019 spoke to this. He stated that the greenhouses have purlins, which are the bottoms of the gable ends that have to go from column to column. It is a square system and to make the angle end would be difficult. Mr. Lamson stated that it is approximately 6' infringement and if you are storing large trees in that area, if you cut 2' off, does that remove you from the buffer. Mr. Chapman stated that there is some flexibility but that you have to maintain 12' lengths on the buildings. They continued to discuss options for reducing some of the greenhouses. Mr. Burton stated that the structural engineers for the greenhouses did review this.

Mr. Burton noted that they have already mitigated and they take the concerns of this board and Council seriously. There will be no runoff leaving the site. Mr. Lamson asked for clarification of the tree in the front. Mr. Burton stated that the tree is to meet the requirement of the UDO to have a tree within a certain distance from every parking space. Mr. Lamson was concerned about placing a wall in the buffer in order to place one tree. Mr. Burton noted that they wish to be a good example for the Town in what is planned. They wish to keep the tree in that location.

Chairman Lee explained that this board will only provide a recommendation to the Town Board and this dialogue is helpful.

John Carmichael stated that this is a unique site. It has two streams with SWIM buffers on both sides and a highway overlay district. He understands that there is a 25 foot drop from the Levine Center down to the property. He continued discussing the difference between the granting a variance from a Board of Adjustment and the standards set out for this Public Improvement Variance. He did point out that they have met parking compliance. They have tried to provide a solution without asking for the variance. If the variance is denied, they do have a solution for parking however it is not optimal. There is no design solution for the greenhouses.

Mr. Query said that he does appreciate that this is a hard site to develop. The town has been trying to get someone to development this property for a while. He doesn't have a problem with the variance. Steve Lee asked what the surface was under the greenhouses. Mr. Chapman stated that it is asphalt.

Mr. Carmichael asked that the recommendation note that the variance would be subject to mitigation set by Mr. Rozelle's office or greater. Mr. Buckley stated that whatever Rusty Rozelle requires the applicant will comply to. Mr. Lamson stated that he feels a nursery would be the best to keep runoff under control.

Mr. Ham said that he likes Pike Nursery and is glad they will be locating there. However he doesn't like a variance request after the initial approval of a site. Chairman Lee believes that they have been very transparent. A nursery seems to be a good use for the site.

Mr. Buckley stated that this board makes a recommendation and that at least one of the four variance standards in the ordinance be included in the motion.

Kress Query recommend the Town Board grant the public improvement variance based on the relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question and that is a true statement. Secondly the difficulty or hardship from the application of these regulations would prevent the owner from making reasonable use of the property and that is truly applicable. Barbara Dement seconded. The motion carried six to one with Mr. Barley opposing.

## **ADJOURNMENT**

David Weiser made a motion to adjourn the meeting which was seconded by Mike Ham. The motion passed unanimously. The meeting adjourned at 9:40 pm.

Respectfully submitted,

Mary Jo Gollnitz  
Planner/Zoning Administrator

DRAFT

MEMO

TO: Planning Board Members  
FROM: Kathi Ingrish  
DATE: April 20, 2016  
RE: April 26, 2016 Regular Planning Board Meeting

What happened to “April showers bring May flowers”? I’m happy to see the sun but I also know we need the rain now and again so the “May flowers” will come into full bloom. I hope your springtime is full of bright sunshine and appreciated rain, whatever form they take! We’ve got a couple topics for you to ponder at this month’s meeting.

One zoning public hearing was held a couple weeks ago for a proposed day care facility at the corner of Park Center Drive and N Ames Street. This is the same location and same day care company as requested rezoning here several months ago before pulling the application out of consideration. They have now developed a different site plan layout and are ready to move forward. This site is at the fringe of the downtown area along one street that is a nonresidential and mixed use street that is a connector to NC51, Park Center Drive, and a formerly dead end street that has both residential and nonresidential uses along it. With the exception of the small cluster of houses on N Ames and N Fremont Streets and the townhomes on NC51 beside the Walgreen store, all the uses bounded by NC51, N Trade Street and the railroad tracks are nonresidential or multi-family uses. N Ames Street used to be the access to a house on the subject property that had been converted to the Country Inn restaurant and meeting facility. The adjacent parcel also has a converted old house on it, used for many years as office/distribution center or salon, and zoned since the late 1980s for an additional warehouse building. In the next two blocks of N Ames are additional nonresidential uses including a child day care facility that is almost completely dependent on on-street parking spaces for child drop-off and pick-up without any queuing issues. Park Center Drive and the new North End District have developed in accordance with the Town’s Downtown Master Plan, to both expand the geographic size of the central business district and to create more of an interconnected street grid. Concerns expressed here, during both this request and the previous one, involve the inadequate Town street improvements on N Ames Street, whether a child day care is the appropriate use at this location, and the architectural details of the building and surrounding fence.

At this time, we have not received any revised drawings or notes, however, we anticipate the applicants may provide some suggested revisions at your meeting. This means staff will not have much opportunity to review the changes prior to your meeting.

Last month your Board discussed the request by Windsor Square shopping center property owners to create a new internal drive access near the roundabout to satisfy the property owners of the gas station outparcel. When the center was first developed, the shopping center owners created legal access easements around the gas station site, and the changes made for the roundabout impacted the immediate access to one of these easements. The shopping center owners are requesting this change in the expectation this will satisfy the gas station owners and they will not go to court over it. The Town is not involved in the legal dispute, but because the layout of the roundabout was determined through a conditional zoning action, any changes to the roundabout must first be approved by the Town. At the conclusion of last month’s meeting, Windsor Square property owners agreed to bring back drawings showing proposed alternatives. These have been submitted and are ready for your Board’s continued deliberation. Because this is completely on private property, the Town Public Works Director does not feel it is appropriate for him to provide a professional engineer opinion on the alternatives. As last month, the Police Chief suggests there be a limit on height of landscape materials in the planting bed at the turning curb line.

I happened to pull up a memo I prepared for your Board a year ago, and it had some discussion about Royal Park’s request to extend the time the healthcare company had to obtain a Certificate of Occupancy for the historic farmhouse on Moore Road. This is once again on your Board’s agenda, this time asking for a 3 month extension. Liberty Healthcare operates Royal Park rehab and long-term care on Moore Road, and their conditional rezoning called for them to move

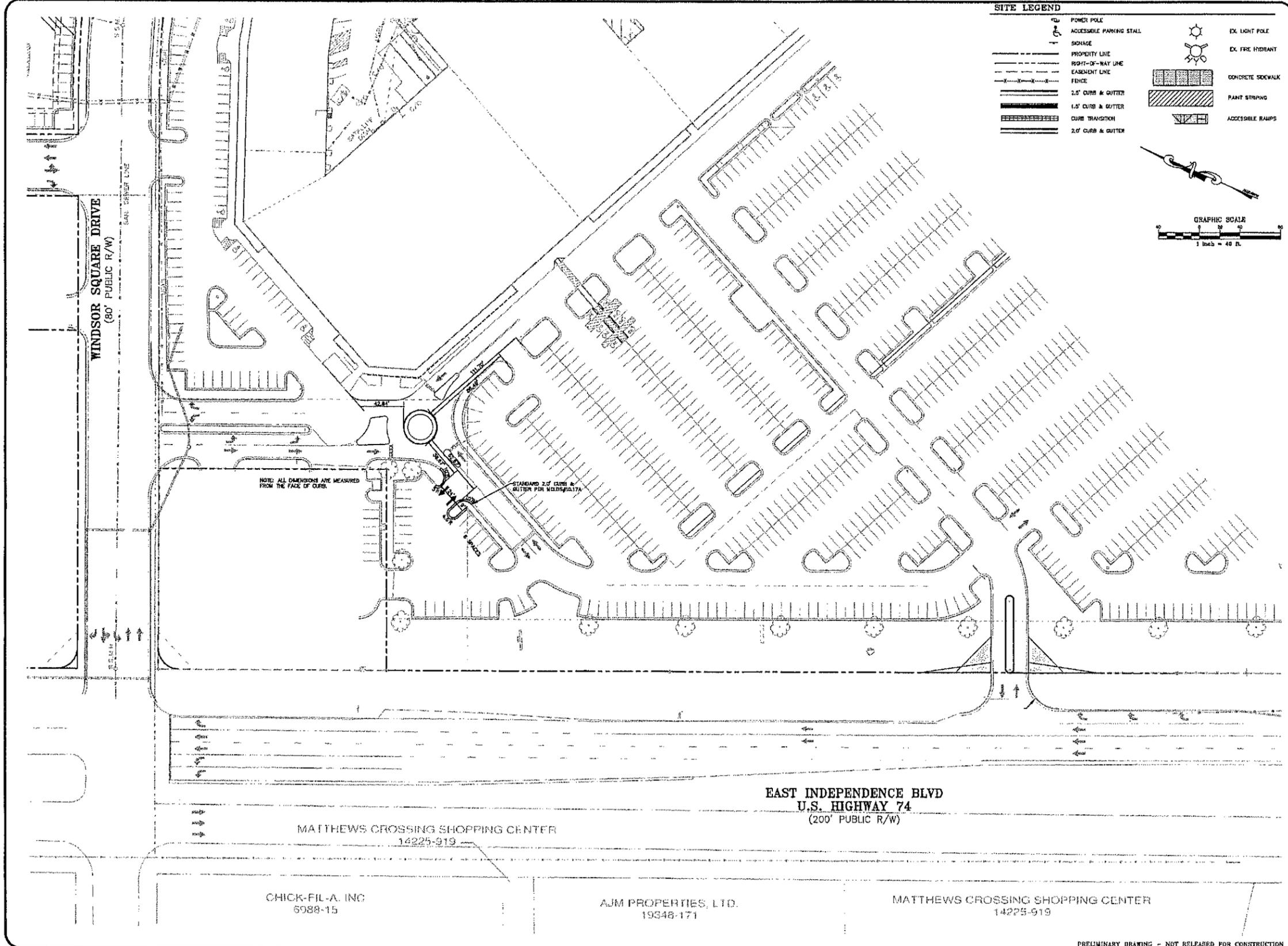
and repair the historically designated farmhouse and get someone occupying it within three years of the first building permit issuance. That 3 year clock went through May 30, 2015, and was allowed to be extended for one year, to May 30, 2016. This most recent request is to allow a three month extension until August 30, 2016.

I am waiting for more details from Liberty Healthcare, so have included in this agenda package the initial email I received, and will send the follow-up material as soon as we get it.

We have received comments from a newly-formed group of residents in the Sardis Forest/Monroe Road area, suggesting the undeveloped tract of land across from Family Dollar corporate offices become a Town park. This site was involved in a rezoning action for an apartment complex last year, and new developers have indicated to Town Board they intend to submit a new rezoning application as soon as their one-year waiting period is up this summer. The Town's Park and Recreation Master Plan calls for 7 new "neighborhood" parks be spread out across the Town limits, including this area. A "neighborhood" park is classified as being 7 to 15 acres, serving a population of about 5,000 residents located in a ½ to 1 mile radius around the park. With this site being 21+ acres, at the boundary between Matthews and Charlotte, and surrounded on three sides by nonresidential or multi-family development, access to a park here would need to be created through the Sardis Forest community but not through the historic cemetery. There is more land here than needed for a neighborhood park, and the Parks, Recreation & Cultural Resources Department has determined this is not a preferred location for a Town park. One option might be to incorporate land around the cemetery for passive park use, to further buffer the historic site from any development that may take place on the remainder of the site. Your Board is receiving this for information and discussion purposes only; there is no Town-initiated proposal at this time for your Board to review.

On Tuesday evening, you will meet the newest member of our Planning & Development family – someone you may recognize. Shana Robertson has been the Town Hall receptionist for the past few years, and she has been promoted to Administrative Assistant/Deputy Town Clerk in our office. We are so happy to have her join us, and you will start seeing her name regularly pop up in your inbox.

As always, please let one of us know if you find you will not be in attendance March 24. Also, feel free to call or e-mail any of us with questions at any time.



**SITE LEGEND**

	POWER POLE		EX. LIGHT POLE
	ACCESSIBLE PARKING STALL		EX. FIRE HYDRANT
	STORAGE		CONCRETE SIDEWALK
	PROPERTY LINE		PAINT STRIPING
	RIGHT-OF-WAY LINE		ACCESSIBLE RAMPS
	EASEMENT LINE		
	FENCE		
	2.5' CURB & GUTTER		
	1.5' CURB & GUTTER		
	CURB TRANSITION		
	2.0' CURB & GUTTER		

GRAPHIC SCALE  
1 inch = 40 ft.

**THE JOHNS & MCDAMMS COMPANY, INC.**  
11201 Central Commerce Blvd.  
Charlotte, North Carolina 28226  
11000 West O-Drive  
PO Box 722-0000 Charlotte, NC

**MCDAMMS**

REVISIONS:

OWNER:  
SC WINDSOR SQUARE, LLC  
1414 WINDSOR SQUARE DRIVE  
MATTHEWS, NORTH CAROLINA, 28105

**WINDSOR SQUARE**  
NEW DRIVEWAY AND PARKING MODIFICATIONS  
MATTHEWS, NORTH CAROLINA

ENTRANCE EXHIBIT

PROJECT NO.	BCC-10000
PLAN NO.	BCC10000-S1
PREPARED BY	BOP
DRAWN BY	SAW
SCALE	1"=40'
DATE	03-01-16
SHEET NO.	EX-1

**MCDAMMS**

CHICK-FIL-A, INC.  
5088-15

AJM PROPERTIES, LTD.  
19348-171

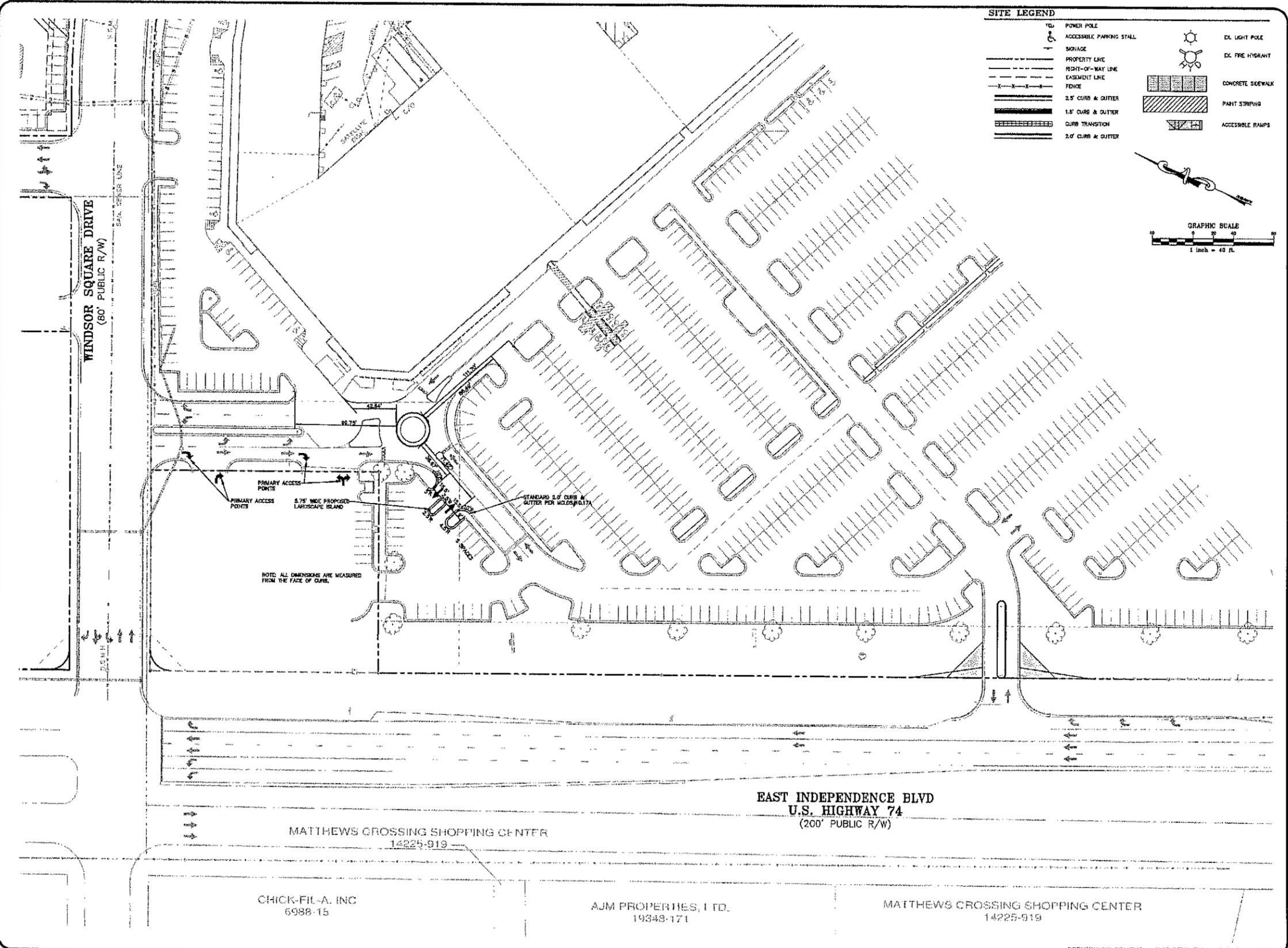
MATTHEWS CROSSING SHOPPING CENTER  
14225-919

EAST INDEPENDENCE BLVD  
U.S. HIGHWAY 74  
(200' PUBLIC R/W)

MATTHEWS CROSSING SHOPPING CENTER  
14225-919

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION





**SITE LEGEND**

POWER POLE	DC LIGHT POLE
ACCESSIBLE PARKING STALL	DC FIRE HYDRANT
SMUDGE	CONCRETE SIDEWALK
PROPERTY LINE	PART STRIPING
RIGHT-OF-WAY LINE	ACCESSIBLE RAMPS
EASEMENT LINE	
FENCE	
2.5' CURB & GUTTER	
1.5' CURB & GUTTER	
CURB TRANSITION	
2.0' CURB & GUTTER	

TERESA R. MCADAMS  
 COMPANY, INC.  
 11501 Central Commerce Blvd.  
 Suite 111  
 Charlotte, NC 28226  
 License No. C-00080  
 (800) 752-3666 or McAdamsCo.com



REVISIONS:


OWNER:  
 SC WINDSOR SQUARE, LLC  
 1814 WINDSOR SQUARE DRIVE  
 MATTHEWS, NORTH CAROLINA, 28106

**WINDSOR SQUARE**  
 NEW DRIVEWAY AND PARKING MODIFICATIONS  
 MATTHEWS, NORTH CAROLINA  
 OVERALL ENTRANCE EXHIBIT-D

PROJECT #	SCC-10000
PLANNING #	SCC10000-S1
DESIGNED BY	BGP
DRAWN BY	SAW
SCALE	1"=40'
DATE	03-01-16
SHEET NO.	EX-1D

CHICK-FIL-A, INC  
 6988-15

AJM PROPERTIES, I TD.  
 19348-171

MATTHEWS CROSSING SHOPPING CENTER  
 14225-919

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



April 21, 2016

Ms. Kathi Ingrish  
Planning Director  
Town of Matthews Planning and Development  
232 Matthews Station Street  
Matthews, NC 28105

Re: Rezoning Petition No. 2011-575  
McEwen-Moore Farmhouse

Dear Ms. Ingrish:

I hope this letter finds you well. Liberty Healthcare Properties of North Carolina, LLC (“Liberty”) is the owner of the approximately 48.39 acre site (the “Site”) subject to Rezoning Petition No. 2011-575. As you are aware, the McEwen-Moore Farmhouse (the “Farmhouse”) is located on a portion of the Site, and the approved conditional rezoning plan relating to Rezoning Petition No. 2011-575 imposes several conditions on Liberty relating to the Farmhouse.

At the Board of Commissioners Meeting dated May 11, 2015, Liberty was granted an Administrative Amendment for a one year extension. The new date to obtain a CO is required by May 30th, 2016. Liberty has been working diligently to get the McEwen-Moore Farmhouse CO by May 30th, but believes they will be behind schedule by 3 months.

Here is a time line of what steps Liberty has done to try to meet this deadline:

May, 2015 – Doug Whitman of Liberty engaged with Tim Kurmaskie (architect) about obtaining plans to renovate Farmhouse to obtain CO  
September, 2015 – Doug Whitman of Liberty received and accepted proposal from Tim Kurmaskie regarding plans  
October, 2015 – Doug Whitman received plans from Tim Kurmaskie  
November, 2015 – Timothy Walsh and Hunter Diefes of Liberty took over project management of Farmhouse  
November, 2015 – Determined Farmhouse would be renovated for use as office space for a Liberty affiliated home health agency  
January, 2016 – Liberty received Certificate of Appropriateness from Historic Landmarks Commission  
January, 2016 – Hunter and Timothy met with prospective general contractors regarding the renovations  
February, 2016 – Liberty received finalized plans from Tim Kurmaskie to put out for contractor bid  
March, 2016 – Liberty picked Collier-Love Builders, Inc. as general contractor regarding Farmhouse renovations  
April, 2016 – Tim Kurmaskie, on behalf of Liberty, submitted OnSchedule application with a project number of 364789

April, 2016 – Liberty applied and received updated Certificate of Appropriateness regarding updated plans

Per Mr. McCoy of Collier-Love Builders, Liberty needed to have a permit by April 1<sup>st</sup> to get a CO by May 30th. He stated, depending on inspections, there are at least 40 days of work to be done. Mr. McCoy expects the project to take at least 8 weeks.

Liberty has also received an updated Certificate of Appropriateness, dated 4/15/2016. Liberty does not anticipate a problem completing the scope of work prior to the 6 month Certificate of Appropriateness limitation.

As stated in the timeline, Liberty plans to renovate the Farmhouse and lease it out to the Charlotte Liberty Home Health Agency office, which is currently located at Kings Pointe Shopping Center.

As of the date of this letter, Liberty has not obtained a Certificate of Occupancy for the Farmhouse. However, Liberty has received and accepted a general contractor bid for renovations, applied for permits, and found an occupant for the Farmhouse. Liberty will pursue a certificate of occupancy for the Farmhouse, but respectfully requests additional time to obtain a certificate of occupancy.

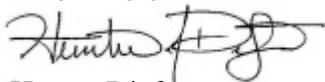
In accordance with our previous communications with you, Liberty is respectfully requesting an administrative amendment to the Plan to revise Note G under “Historic Landmark” to require that the certificate of occupancy for the Farmhouse be issued on or before August 31, 2016. More specifically, Liberty respectfully requests that Note G under “Historic Landmark” be amended to provide as follows:

No later than August 31, 2016, the Petitioner shall complete repairs and improvements to the interior of the relocated Farmhouse sufficient to enable a certificate of occupancy to be issued for the Farmhouse. To evidence compliance with this requirement, the Petitioner shall obtain a certificate of occupancy for the Farmhouse no later than August 31, 2016. In making any interior repairs or improvements, the Petitioner shall comply with the requirements of paragraph E(3) above.

Ms. Ingrish, we appreciate the Town’s consideration of this request, and please let me know if you require any additional information.

Thank you for your assistance.

Very truly yours,



Hunter Diefes  
Director of Financial Planning  
Liberty Healthcare Properties of North Carolina, LLC

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## McEwen-Moore House Occupancy Extension

1 message

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**Timothy J. Walsh** <TWalsh@libertyhcare.com>

Wed, Apr 13, 2016 at 2:17 PM

To: "kingrish@matthewsnc.gov" <kingrish@matthewsnc.gov>

Cc: "mjgollnitz@matthewsnc.gov" <mjgollnitz@matthewsnc.gov>, Hunter Diefes <HDiefes@libertyhcare.com>

Hello Ms. Ingrish:

I hope this letter finds you well. Liberty Healthcare Properties of North Carolina, LLC is the owner of the approximately 48.39 acre site subject to Rezoning Petition No. 2011-575. As you are aware, the McEwen-Moore Farmhouse is located on a portion of the Site, and the approved conditional rezoning plan relating to Rezoning Petition No. 2011-575 imposes several conditions on Liberty relating to the Farmhouse.

At the Board of Commissioners Meeting dated May 11, 2015, Liberty was granted an Administrative Amendment for a one year extension. The new date to obtain a CO is required by May 30<sup>th</sup>, 2016. Liberty has been working diligently to get the McEwen-Moore Farmhouse CO by May 30th, but Liberty believes they will be behind schedule by 3 months. Liberty's architect, Architect Kurmaskie Associates Inc., has submitted the OnSchedule application with a project number of **364789**. Attached also shows a Certificate of Appropriateness from the Historic Planning Commission for the Farmhouse.

As you can see, Liberty is pursuing a certificate of occupancy for the Farmhouse, but respectfully requests an administrative amendment to the Plan. We would like to request a 3 month extension. This extension is needed due to the length of time it takes to obtain permits, along with the broad renovations needed to obtain a CO for the Farmhouse.

Thank you for your assistance. Please let me know if you have any other questions, and I look forward to hearing from you.

Regards,

***Timothy J. Walsh***

Financial Analyst

Liberty Healthcare Management, Inc.

2334 S. 41st St

Wilmington, NC 28403

W: (910)-332-1982



**CERTIFICATE OF APPROPRIATENESS**

**CERTIFICATE NUMBER: 16-01**

**DATE ISSUED: 1/19/16**

**ISSUED TO:**

**Hunter Diefes**

**NAME OF LANDMARK:**

**McEwen-Moore Farmhouse**

**ADDRESS OF LANDMARK:**

**2015 Moore Road  
Matthews, NC 28105**

**TAX PARCEL NUMBER:**

**21510309**

**ADDRESS OF APPLICANT:**

**2334 S. 41<sup>st</sup> Street  
Wilmington, NC 28403**

**APPLICANT'S TELEPHONE NUMBER: (910) 512-0155**

The Historic Landmarks Commission has reviewed the proposed activity and has found the following aspects to be in compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and, therefore, has found them to be appropriate:

Renovations to the house, as described in the attached plans and Scope of Work.

This Certificate of Appropriateness is valid for a period of six (6) months from the date of issuance. Failure to procure a building or demolition permit with a six-month period will be considered as a failure to comply with this Certificate, and the Certificate will become invalid. If a building or demolition permit is not required, the approved activity must be completed within a six-month period from the date of issuance. This Certificate can be renewed by the Historic Landmarks Commission upon written request for the applicant with a valid reason for failure to comply with the six-month deadline. This Certificate in no way removes the responsibility of the owner of a structure in a local historic district to obtain a Certificate of Appropriateness from the Charlotte Historic District Commission.

By: , Preservation Planner, Charlotte-Mecklenburg Landmarks Commission.

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## Please Forward to Planning Board - 22 acres on Monroe Road

1 message

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Catherine <cjusticehall@gmail.com>

Wed, Apr 13, 2016 at 11:11 PM

To: jcamp@matthewsnc.gov, kingrish@matthewsnc.gov

Cc: cking@matthewsnc.gov, Diane Baker <d-baker@mindspring.com>, Elizabeth McCollom <eamccollom@gmail.com>, "Suchoza, Irene" <isuchoza@bergmannpc.com>, FlorenceStanley <flo0910@carolina.rr.com>, Catherine Hall <cjusticehall@gmail.com>

Jay and Kathy - Please forward this to Matthews Planning Board. Thank you!

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Dear Matthews Planning Board,

We are reaching out to you regarding the 22acre property on Monroe Road across from Family Dollar Corporate Headquarters. Although there has been no formal petition for rezoning, we anticipate it will be coming soon so we are proactively emailing you.

We have formed an advocacy group which is committed to a formal exploration of a park option that will benefit the Town of Matthews and its citizens for years to come. Our committee members met with Jay Camp and Corey King last week to discuss potential ideas.

Our members also attended the Matthews Parks and Recreation Advisory Committee meeting this evening to present our ideas and to open further dialogue. The Advisory Committee has kindly agreed to review our information and discuss with their group over upcoming weeks.

Our ongoing research and discussions regarding this tract continue to highlight its unique properties:

- Contains a historically designated cemetery which is a Matthews cultural landmark. Restoration of this cemetery with an educational component should be a primary focus of any project slated for this site (rather than an afterthought at the back of an apartment complex).
- Is the largest tract of remaining undeveloped land on Monroe Road. We have an opportunity to preserve 22acres of land which would be a fitting gateway to Matthews -Tree City USA.
- Can provide connectivity to McAlpine Greenway and the Monroe Road Small Area Plan multi-purpose path. Also lies within proximity of Carolina Threads Trail.
- Meets the Matthews Parks and Recreation guideline for a neighborhood park which is designated for this area as part of the 2005 Parks and Recreation Master Plan.

Several of us attended the pre-consultation development hearing on March 28th where Taft Development group presented their proposal for a 280+ unit apartment complex.

The concerns that were expressed during last year's rezoning process by citizens, Matthews Planning Board, and Matthews Town Council remain with this project: it will result in a dramatic increase in traffic on an overburdened Monroe Road corridor. As Mr. Blodgett indicated in his memo regarding the 2015 citizen survey, "By far, the greatest challenge facing Matthews is traffic" with 73% of Matthews residents expressing concern about traffic.

Additional factors to consider.

- Several recent developments on Fullwood and Trade Street have resulted in clear cutting tracts of land. Here we have an opportunity to preserve diminishing tree canopy.
- Uncertainty of Family Dollar Headquarters. With the Dollar Tree acquisition, part or all of the distribution center and corporate headquarters could relocate. This would be a more fitting future site for an apartment complex (if traffic concerns lessen and the market demands).
- An area apartment complex (Matthews Pointe) reported to us that they are experiencing higher vacancy rates over

the last few months and anticipate this will rise with opening of Fountain of Matthews and M Street at Meridian (both located within 3miles of this property-an additional 500+ rental units).

- Although a park of this size was not included in the Monroe Road Small Area Plan, the plan does state that 'parks and open spaces can provide other benefits such as protecting stream buffers, mature tree stands, wetlands, and other environmental areas.'

We are requesting to speak with the property owners to determine if there is interest in exploring alternate land use options.

We are also reaching out to Matthews area groups including HAWK and Matthews Historical Society to dialogue about cemetery restoration and importance of land preservation in urban areas.

We wanted to bring you up to speed on this citizen effort rather than waiting to update you during the rezoning process so you would have time to consider alternate land use ideas.

We are challenging all stakeholders to think creatively about what will most benefit future citizens and to reject thinking that an apartment complex is the only and inevitable project for this site.

Thank you,

Catherine Hall, on behalf of:

**Matthews Monroe Road Advocates**

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## addendum - 22 acres - Please Forward to Planning Board

1 message

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Catherine <cjusticehall@gmail.com>

Thu, Apr 14, 2016 at 6:29 AM

To: jcamp@matthewsnc.gov, kingrish@matthewsnc.gov

I neglected to mention two key points in my first email.

1. Part of our exploration includes researching potential funding sources for land acquisition and restoration of the historic cemetery.
2. If you are able and willing to share any initial feedback on our idea, we are very interested in hearing it. We are learning as we go and we value your opinion.

Apologies for the extra email.

Catherine Hall, on behalf of  
**Matthews Monroe Road Advocates**