

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

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES – June 28, 2016
- III. ZONING APPLICATION 2016-644 – Todd, Independence Blvd at Sam Newell Rd next to McDonalds, from Conditional to B-1(CD)
- IV. ZONING APPLICATION 2016-649 – Elizabeth Lane Elementary School, Revise R/I(CD) Conditional Notes and Site Plan to Allow More Area for Modular Classroom Structures
- V. GOALS AND EXPECTATIONS FOR STUDENT VOICE POSITION
- VI. ADJOURNMENT

MEMO

TO: Planning Board Members
FROM: Kathi Ingrish
DATE: July 19, 2016
RE: July 26, 2016 Regular Planning Board Meeting

I'm not going to wish for winter cool-down temperatures even after all this 90+ degree heat and humidity! I moved here a long time ago to escape frigid weather. Besides, some zoning and development issues can heat things up no matter the weather outside, right? Not this month, hopefully.

We held two zoning public hearings earlier this month -- one for the commercial building next to McDonalds in Windsor Square, and one requesting more mobile classroom units at Elizabeth Lane Elementary School. Your Board now needs to review these applications and make recommendations.

The site within Windsor Square tried rezoning a year or so ago for a restaurant that required adding to the building and increasing the parking. The site is too small to add to it, especially when the conversion of US74 and the flyover of Sam Newell Road are possibly starting construction in 6 or so years. At this time, we still do not have sufficient engineering design work done to know what amount of land may be needed from this site for the roadwork, so the property owner here is primarily wanting to get the parcel into a current zoning category that will allow any retail, restaurant, office, or similar business activity to be assured they can use the site and get signs without going through another zoning action. The Town has been working with property owners of sites zoned "Conditional" for several years, because the Town wants to convert all these old zoning locations to contemporary zoning standards. This will be a benefit to the property owners, the tenants, and the Town. No changes were requested at the public hearing.

The R/I(CD) conditional notes from 1995 for Elizabeth Lane School delineated a section of land behind the school building for mobile units. A one-year expansion was approved in 2001, with a sunset provision that ended July 2002. Today we know that there are five existing mobile units outside of the permitted boundaries and CMS needs another 3 mobiles for their anticipated student population for school year 2016-17. There was some discussion at the public hearing about sunset provisions that have been employed in the past. Planning staff has not received any revised notes from CMS to incorporate any sunset clause.

Each summer we invite high school students that live within the Town limits to apply for the Youth Voice position. In past years we have had students who took on a special project and prepared information for the Town. As we get ready to select a Youth Voice representative for the coming school year, I thought it might be helpful for us to talk about how Planning Board and the Youth Voice person can best interact. I have asked Carly Newton, our current Youth Voice, to provide her suggestions to you.

As a reminder, there is no second Town Board meeting in July, but we will have a joint Town Board/Planning Board session on Monday August 1 at 6 PM to discuss improving access to wireless communications – Internet, phone, videos, and more – throughout the Town boundaries. This will be an informal time to hash out ideas. Dinner will be provided.

As always, please let one of us know if you find you will not be in attendance June 28. Also, feel free to call or e-mail any of us with questions at any time.

**MINUTES
PLANNING BOARD
TUESDAY, June 28, 2016
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

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

ABSENT: Youth Voice Carley Newton

CALL TO ORDER

Chairman Steve Lee called the meeting to order at 7:03 pm.

Chairman Lee noted that due to a vacancy, one alternate needed to be added as a voting member for this evening. Kress Query motioned to add Greg Lee as a voting member, seconded by David Wieser. The motion passed unanimously.

APPROVAL OF THE MINUTES

Kress Query motioned to approve the minutes of the April 26, 2016 meeting as submitted. Seconded by Barbara Dement and the motion was unanimously approved.

ZONING APPLICATION 23016-645 – Mecklenburg County Sportsplex, US74 at I-485, from R-20 to ENT

Senior Planner Jay Camp stated that the public hearing was held June 13, 2016. He stated that this is a paper zoning only for the 160 acre county property. There will be no change to phase one or phase two site plans. This rezoning from R-20 to ENT is to bring Sportsplex into compliance with the under construction stadium and the ENT area plan. Mr. Camp stated that the only outstanding comments are with the conditional notes. Staff wants to see detailed information in notes recognizing and the acknowledgement of plans for the future Independence Pointe Parkway.

Mrs. Dement stated that she is excited about this new phase as it will fulfill what the Town has been planning. She asked if the town can place a time limit on the construction of Independence Pointe Parkway. Town Attorney Charles Buckley answered that this is a NCDOT (North Carolina Department of Transportation) project and it is scheduled to be built when the Independence expressway is under construction. Because the property owner is Mecklenburg County and not NCDOT you cannot put the burden of a time limit on the property owner.

Mr. Wieser asked about the CATS Silver Line Light Rail and its path through the Sportsplex area. Planning Director Kathi Ingrish answered that all of the proposed plans follow the future Independence Pointe Parkway. Kerry Lamson asked if there is a plan that could be put in place as to where the light rail can best be located. Mr. Camp stated that this could be best achieved by a conditional note regarding the future extension of Independence Pointe Parkway.

Mr. Lamson asked about the other elements of the ENT district for commercial development. Mr Camp answered that the 110 acre areas are privately owned and not part of the 160 acres owned by Mecklenburg County.

Mr. Query asked that within the ENT district, have the areas been pieced together so that we know that they will connect and fit. Ms. Ingrish answers that the ENT zoning is in the Small Area Plan that has been adopted and this zoning does meet that plan.

Mr. Lamson asked what the connecting private areas are currently zoned. Planner Mary Jo Gollnitz gives area zoning, CRC, R-15, R-20. Mr. Camp added that this will be the first ENT district in Matthews and agreed with Mr. Lamson that the surrounding zoned parcels were conducive to the area plan.

Michael Ham said that this is a welcomed rezoning. During the public hearing to create the ENT zone, a comment was heard that it was hoped this would not be treated differently than other zones. Mr. Ham said that he hopes that it is. He has hopes that this district is not just another place to put up subdivisions and apartments but encourage hotels, restaurants, and entertainment venues to be used by this and other communities. The Sportsplex is a great start to this and his wish is that it will encourage other developers. Mr. Camp stated that Ms. Ingrish added guideline standards for the building and development of the ENT district. Mr. Query added that we have come a long way from a proposed garbage dump.

Mr. Query made a motion to recommend approval of Zoning Application 2016-645 – Mecklenburg County Sportsplex, US74 at I-485, from R-20 to ENT as the change in zoning is consistent with the Towns Land Use Plan. Barbara Dement seconded the motion which passed unanimously.

ADMINISTRATIVE AMENDMENT – Eden Hall, Fullwood Lane, Revise Fullwood Lane Wall and Landscaping

Mary Jo Gollnitz gave a brief background on the Eden Hall development. The original approval was in July 2014. After approval, staff noticed that sidewalks and trees along Fullwood were being removed in construction drawings. An Administrative Amendment was requested by past developer for removal and replacement, and was approved with conditions in April 2015.

The new developer has requested that the previous approved wall be moved closer to Fullwood Lane. With the land being at an angle this would move the wall three to ten feet closer to Fullwood Lane. The existing plan shows meandering sidewalks. Mrs. Gollnitz explained and showed the Board the existing landscape plan, and illustrated the wall's proposed movement forward to the right-of-way and property line. The new proposed plan shows the same number of trees and basically the same placement from previous approved landscape design, and the same caliper as requested in last year's Administrative Amendment. Mrs. Gollnitz stated that staff is concerned about the trees between the sidewalk and wall.

Mr. Lamson asked if there were any entrance changes or site view changes with the proposed movement of the wall. Mrs. Gollnitz answered that there was a shift forward and now there is a two foot knee wall within the sight triangle.

Mr. Query asked how many feet towards the street would the wall be positioned. Mrs. Gollnitz said three to ten feet closer with the three feet being at the south end and moving out.

Mr. Wieser asked if the new change would meet the sight triangle requirements of hardscape of two to ten feet. Mrs. Gollnitz said that there has been some discussion. The Town normally does not approve new hardscape within the sight triangle. Town Ordinance requires two to ten feet clear for sight. Mr. Wieser asked if that included shrubbery. Mrs. Gollnitz answered by reading Section 155.601.13.A. of Matthews UDO that states: "*Within a sight triangle, and except as provided in § 155.601.13.B. below, no structure, sign, plant, shrub, tree, berm, fence, wall, mailbox or object of any other kind shall be installed, constructed, set out or maintained so as to obstruct cross visibility at a level between two (2) feet and ten (10) feet above the level of the center of the street intersection.*" The exceptions are for public utilities, fire hydrants, governmental signs and traffic control devices.

Mrs. Dement noted that during the original public hearing the citizens of Matthews wanted to keep the natural look of Fullwood Ln. She had a concern of losing that with the wall coming closer to the street and asked to see current elevation plans of the back of the townhome units. Mrs. Gollnitz said that she could get those for her.

Mr. Query agreed with Mrs. Dement's concern and asked if the movement of the wall would increase the lot size or if there was a reason behind the action. Mrs. Gollnitz stated that it would not increase the lots as they have been recorded and can be sold at any time but it would increase the common area space. Mr. Query had concerns that with the increase the residents could feel that the extra area would be owned by them and he referenced Matthews Estates and the greenway.

Mr. Lamson asked if the proposed Amendment would hold the same number and type of landscaping materials as

the original design and if the location of the plantings would shift. Mrs. Gollnitz answered that all were basically the same as last year's Administrative Amendment including placement of trees on the street side.

Chairman Lee asked if someone from staff has looked at this. Mrs. Gollnitz stated that she has looked at the UDO regarding landscape and had the Town Arborist, Ralph Ramsaur, look into the plantings. Mr. Ramsaur has a concern regarding the trees against the wall as there may need to be substitutions in type made for longevity.

Shannon Boling of David Weekly Homes, 11430 N. Community House Rd., Charlotte, NC 28277 addressed the Board. He stated that the time has come to beautify the exterior of the property to reflect the price point of the Eden Hall development. Mr. Boling said that the permitting process had started and David Weekly Homes plan to start building by the middle of summer. He stated they have started working on the walking trail system that had been agreed upon.

Mr. Boling stated that when David Weekly Homes purchased the property from the original developer, Melvin Graham, all plans were approved. The reasoning behind this Administrative Amendment is due to grade change on the property where the wall is currently proposed. Moving the wall back to property line will aid in channeling storm water into the approved and permitted infrastructure. Mr. Boling added that this would keep storm water off the Fullwood side of the wall and thus remove risk of future problems for both sides. Mr. Boling stated that the second reason for moving the wall to property line would be to improve maintenance and ease of the landscaping and irrigation.

Mr. Boling addressed the concerns of the landscape and tree placements on street side and wall side. He stated plantings were ornamental in type and not mature to a size that would cause problems.

Eric Smith with Pace Development Group, 6719-C Fairview Rd., Charlotte, NC 28210 addressed the Board. He noted that all counts, types, and materials for the wall and plantings are to remain the same as previously approved. He stated that the placement of the wall, if approved, will move to the property line. Mr. Smith presented the Board with drawings of the entry, landscape design, and monuments for review. He explained the placement of the monument and the redesign of the knee wall in the sight triangle from 30 inches to 24 per Mrs. Gollnitz's review.

Chairman Lee asked if the trees and landscaping would be inside the public easement with the wall's proposed movement to the property boundary. Mr. Buckley answered that the plantings would be and the Town's Tree Ordinance encourages plantings within the public right-of-way. Mr. Smith added that the area will be maintained by the home owners association and will be in the neighborhood covenants.

Mr. Ham asked if consideration had been made to the depth of mature tree roots and lifting of sidewalks due to growth. Sandy Heard of Dillworth Design Studio, 2033 Springdale Ave, Charlotte NC 28203 responded to the question by saying that some have shallow roots such as maple trees or lace bark elm. Mr. Smith added that it is something that can be worked on. Mrs. Gollnitz added that the Town does have a list of approved trees that has to be met.

Mr. Query agreed with the concern with the roots and destruction of the sidewalk in the future. He also had a concern of moving the wall up to ten feet closer to the street. People will feel the street is getting narrower due to public comment heard during the zoning public hearing. Mr. Query added that because of that public comment he does not feel that the Planning Board should be making the final decision.

Mr. Smith stated that by moving the wall to the property line it made more sense and evened both north and south sections of entrance.

Mr. Query stated that he did feel the meandering sidewalk was people friendly and added a great deal to the esthetics.

Chairman Lee asked what the size of the backyards are now and what they would be with the proposed Amendment. Mr. Boling answered that the shallowest would go from eight to eighteen feet to match what is in place on the other side of entrance.

Mr. Lamson asked about the plantings around the two foot knee wall as per the drawings looks to be above the 24 inch limit. Ms. Heard said that in the drawing, she was using what was common for other areas of 30 inches. Ms. Heard went on to say that the only place she had ever heard to have 24 inch height restrictions within a sight triangle was the Matthews area and went by Charlotte requirements assuming at the time they were the same. Ms. Heard stated that there was not any sight impediment in having the 24 inch knee wall in the sight triangle. Mr. Smith stated that they will review the plant material.

Ms. Heard stated that the main thing to convey is the grade change. The area with the three foot movement did not need as much storm water direction as the area with the ten foot movement due to the slope of the land.

Mr. Query felt that because this is a main entryway into Town and was a concern for the citizens during the public hearing, this Administrative Amendment needed to be referred to Town Council for final decision. Chairman Lee agreed and asked was there anything that the Planning Board would recommend to Town Council. Mr. Query stated that his concern was the perception the citizens may have with moving the wall ten feet closer to the road. Mrs. Dement stated that the Town encourages walkability and the meandering sidewalk does help promote that. Mr. Query stated that he liked the looks of the sidewalk but the wall is his main concern. Mr. Lamson stated that he liked the change and saw that it fixed a problem of water runoff and erosion. Mr. Ham agreed with Mr. Lamson that it was an improvement for storm water control that he felt was important. Chairman Lee said that while he felt that the Administrative Amendment was the right thing to do he did not feel comfortable in making that decision.

Mr. Query made the motion to refer the Administrative Amendment to the Town Council for decision. Mr. Ham seconded the motion which passed unanimously.

UPDATE AND COMMENT SESSION ON VARIOUS LONG-RANGE TRANSPORTATION PLANNING PROJECTS

Ms. Ingrish reviewed the June 27, 2016 Council meeting where the proposed new CTP (Comprehensive Transportation Plan) was presented. The CTP will replace the Thoroughfare Plan for the CRTPO (Charlotte Reginal Transportation Planning Organization). The CTP is a new document plan being put together by CRTPO that includes Mecklenburg, Iredell, and Union counties. Ms. Ingrish explained that the CTP is an all-encompassing transportation ideal plan including roads, sidewalks, public rail, bicycle, multi-use paths, and public transportation. Each community was able to add their projects, both current and future, to this 40 year vision plan. Public meetings will be held in the near future. Ms. Ingrish went on to explain that it is important to have an adopted plan or they may never be a reality. The CTP (40 year plan) will feed into the MTP (20 year Plan) that will feed into the TIP (5 year plan).

Mr. Query stated that he liked the fact that anyone can go to the CRTPO web site and voice concerns and problems on any transportation situation. Chairman Lee asked if the Town's approved plans would be lessened due to it being a larger organization. Mrs. Dement added that Mayor Jim Taylor is the chair of the CRTPO and that is great as it gives the Town of Matthews a strong voice.

Mr. Lamson asked if the CTP system would be something that was going to require continuous maintenance, with all having the ability to add transportation concerns. Ms. Ingrish explained that Town Staff have entered all adopted plans, street by street, into the CTP but all are encouraged to reiterate. Mrs. Dement stated the real time feedback is a great feature of the system.

Ms. Ingrish asked for comments from the members of the Board who attended the CATS Silver Line workshop.

Mr. Ham felt the Silver Line meeting was very helpful and that CATS took into consideration some past issues that were voiced.

Greg Lee stated that he was surprised by some of the resistance that was heard. Mr. Lee added that the rail is a huge opportunity for development. Where the line goes is where the development will be and the Town may be able to direct that line of development. With the old rail and the new rail it gives Matthews a uniqueness with demographics. Balance of old and new, young and old is very exciting.

Mr. Query asked about two current projects, Idlewild roundabout and Trade Street.

Ms. Ingrish noted that the Idlewild roundabout was a NCDOT project. The NCDOT right-of-way acquisition had slowed down due to property owner negotiations. Utility companies cannot move lines until property is acquired. Ms. Ingrish added that the intersection will need to be totally closed for 6 weeks so this would need to be done during school break.

Ms. Ingrish explained that NCDOT will be handling the last segment of the project. The culvert between MARA and Weddington Road is waiting on an updated environmental certificate from the Federal Government and the hope is for a December 2016 start date.

Ms. Ingrish gave an update on the tree canopy preservation and expansion. Information will be sent soon to the Tree and Appearance Advisory Board and there will likely be future UDO text changes.

Ms. Ingrish gave update on other UDO text changes to come regarding cell towers and small cell sites. She said that staff and a Winthrop student have been researching policy and regulation changes. Reports will be sent out soon for Council input.

ADJOURNMENT

Mr. Ham motioned to adjourn. Seconded by Mr. Wieser and the motion passed unanimously. The meeting adjourned at 8:28 pm.

Respectfully submitted,

Shana Robertson
Administrative Assistant/ Deputy Town Clerk