

**PLANNING BOARD
REGULAR MEETING
TUESDAY SEPTEMBER 23, 2014
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

- I. CALL TO ORDER
- II. DISCUSSION WITH YOUTH VOICE APPLICANTS
- III. APPROVAL OF MINUTES of August 26, 2014 Meetings
- IV. ZONING MOTION 2014-5 – Spring Park, Several Parcels on Sam Newell Rd and Lakeview Circle, to Allow Zoning District Change From R-VS to R-12
- V. ZONING APPLICATION 2014-614 – East Independence Properties, 1935 Rice Rd (closed day care and vacant land), 9508 (theater) and 9512 (auto towing/repair) Northeast Ct, From Conditional to MUD and B-H(CD)
- VI. ZONING APPLICATION 2014-617 – Pep Boys, 9415 E Independence Blvd, from Conditional to B-H(CD)
- VII. ZONING APPLICATION 2014-616 – Brookechase Properties, 324 E Matthews St, from R-20 to C-MF
- VIII. ZONING APPLICATION 2014-615 – Brookechase Properties and S Knickerbocker, 334 N Ames St, from R-12 and B-1 to C-MF
- IX. ZONING APPLICATION 2014-619 – Text Amendment, Pep Boys, To Allow a New Sign Area Provision for Buildings Between 20,000 and 39,999 sq ft in the Independence Blvd Sign Corridor
- X. ADMINISTRATIVE AMENDMENT – The Fountains Apartments, NC51 At Northeast Pky, Various Site Plan Revisions
- XI. ADMINISTRATIVE AMENDMENT – Erickson Living, Change in Site Plan and Conditional Notes To Allow for Permanent Marketing Center and Minor Note Updates
- XII. SELECTION OF YOUTH VOICE REPRESENTATIVE FOR 2014-2015 SCHOOL YEAR
- XIII. ADJOURNMENT

MEMO

TO: Planning Board Members
FROM: Kathi Ingrish
DATE: September 17, 2014
RE: September 23, 2014 Planning Board Meeting

Labor Day has passed, the daily temperatures aren't quite so high, autumn officially arrives next Tuesday, most vacation trips have become good memories, and school is back in session. Yep, we are settling into our fall routine. It looks like your routine will be quite busy!

One of the first tasks for Planning Board will be to meet this year's three finalists for our Student Voice position. They have been invited to join you at 7 PM next Tuesday for 30 to 45 minutes, to allow you all to get to know each other a bit. The students can then take off while you finish up your filled agenda, and if you are ready, you can select your high school member before adjourning Tuesday evening.

We had several public hearings this month, so your Board now has a full plate of requests to review. First up is the request to essentially "un-zone" land on Sam Newell Road and Lakeview Circle – return it from R-VS with a specific site plan design back to R-15 to match the surrounding residential area.

As at the public hearing, we can review the next four cases out of numerical sequence, but in geographic proximity – two in the East Point development at Independence and Sam Newell, and two in downtown. Since the public hearing we have received new site plan documents for Pep Boys and the two proposed multi-family buildings in downtown. Planning staff have provided updated comments to assist you in finding the latest changes to these requests.

The next case is a text amendment that would allow increased sign sizes for buildings along the US74 corridor. The sign corridor was created to allow extra sign area for only those larger developments – primarily individual superstores or retail centers – to make them easier to spot by drivers on a 45 MPH roadway. Anchor stores and junior anchor stores are often categorized as starting around 40,000 square feet in size, and continuing to major anchors well over 150,000 square feet. Our code today reflects this typical breakpoint by allowing extra sign size for buildings greater than 40,000 square feet. This text amendment would create a considerable increase in sign area for buildings of 20,000 sq ft or larger. Although submitted by, and clearly intended to be used by Pep Boys if adopted, this would potentially allow greater sign area for a number of businesses today and for more buildings in the future. This is a significant departure from the concept of the sign corridor, and would grant a substantial benefit to a business simply due to its placement on Independence Boulevard rather than at another commercial site elsewhere in Matthews.

An Administrative Amendment has been submitted from the developers of the proposed Fountains Apartments at Northeast Parkway and NC51. With more detailed engineering and design, they have shifted driveway entrances, relocated buildings, revised parking, and similar tweaks in order to make their overall plan work better.

Another Administrative Amendment follows up on a UDO text change approved earlier this month. Erickson Living is pursuing a few site plan and conditional note changes to go along with their permanent marketing center, and a couple other minor wording revisions simply due to actions by others that have occurred while the zoning for this site was sitting idle.

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

**MINUTES
PLANNING BOARD
TUESDAY, AUGUST 26, 2014
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chair Tom Lawing; Members Steve Lee, David Pratt, and Eric Welsh; Alternate members Barbara Dement and Michael Ham; Town Attorney Craig Buie; Planning Director Kathi Ingrish; Senior Planner Jay Camp, Planner II Jim King and Zoning Technician/Deputy Town Clerk Mary Jo Gollnitz.

ABSENT: Members Gary Turner, Rob Markiewitz and Eric Johnson; Town Attorney Charles Buckley, and Youth Voice Brian Lee.

CALL TO ORDER

Chairman Tom Lawing called the meeting to order at 7:02 pm.

APPROVAL OF THE MINUTES

David Pratt made a motion and Eric Welsh seconded to have alternate members Barbara Dement and Michael Ham as voting members for this evening's meeting. The vote carried unanimously.

Steve Lee made a motion to approve the minutes of the June 24, 2014 and August 11, 2014 meetings. Eric Welsh seconded and the motion was unanimously approved.

ZONING APPLICATION 2014-618 – Erickson Living, Text Amendment, Allow permanent Marketing Center in a CCRC.

Planning Director Kathi Ingrish reviewed for the Board the proposed text amendment 2014-618 to allow permanent marketing center in a CCRC (Continuing Care Retirement Center). She explained that the provisions in the ordinance allow for several uses that can be on the same campus. The proposed text change will add a statement to the UDO for a permanent marketing center as long as it meets parking and landscaping requirements.

Chairman Lawing asked if this was for all CCRC locations. Ms. Ingrish said that as a text amendment, this would apply to existing and future CCRC locations in an R/I district. There are currently four locations that are zoned for CCRC and one location is asking for the permanent center. Mr. Lawing said that they have not heard any comment from the public on this; whether for or against this use.

Barbara Dement stated that it is vitally important that CCRCs do have these marketing units. There is always turnover and this will allow for new and up to date attraction for incoming residents.

Michael Ham asked if this would require additional parking or other requirements that are not there now. Ms. Ingrish said that this would be considered an office use and require one parking space per 300 gross sq. ft. of office. If the CCRC is adding this building, they would have to add the parking.

Steve Lee asked if there is anything in the text that restricts the building from being a manufactured unit. Ms. Ingrish stated that it could be a manufactured unit and would be reviewed with the specific development.

Mr. Ham wanted to know if the existing CCRC facilities would have to come in for additional approvals if they decide to add one of these buildings to their location. Ms. Ingrish answered yes.

Mr. Lee asked if the UDO had the same type of verbiage for an apartment complex. Ms. Ingrish stated no because they are usually combined with community facilities for the complex. They normally do not have a separate facility just for marketing.

Ms. Dement made a motion to recommend for approval of the CCRC text amendment 2014-618 and it is consistent with the policies for development as outlined by the Matthews UDO. Eric Welsh seconded the motion which carried unanimously.

STREET WIDENING CONCEPTS FOR E. JOHN STREET

Ms. Ingrish said that the Town has results of the survey regarding the widening of E. John Street for the Board. She noted that to date there have been 101 responses. Ms. Ingrish explained that the town is trying to get citizen input regarding the potential road widening. Staff felt that the survey would be easier to receive response from the community rather than having a meeting during the summer months. The proposed widening drawings could not be linked to the survey.

Ms. Ingrish provided a summary of the survey responses. She stated that the first survey question discussed the intersection of Trade and John Street as it is today. The survey answers were not a surprise to staff in that most people found it difficult to cross the intersection on foot.

She continued explaining survey question #2. The highest response was to keep a left turn lane in both directions on Trade. The responses indicate that citizens are cognizant of the impact the possible widening of John Street will have. They did not want the widening if it removed businesses and homes along John Street.

Ms. Ingrish noted that all three towns affected by the widening have concerns about the initial concepts provided by NCDOT. One large concern that staff stated to NCDOT is that you cannot remove buildings in the downtown. There is a reason for bringing the buildings close to the road in the downtown. It provides an ambiance that is more important than speeding cars through town. There are too many cars for the amount of pavement and what do you do with the turning lanes to keep traffic flowing.

She continued reviewing the survey. Question #3 asked for opinions on changes along E. John Street at I-485 interchange. The survey opinions were split, with rebuilding the interchange ramps at the same time as Segment B capturing the largest number. Chair Lawing said that he uses that interchange and he does not see the problem with the ramps. He stated that the backups are not from the ramps; the backups start at Potter Road heading into Union County and at E. John Street. David Pratt agreed with Mr. Lawing's statement.

Ms. Ingrish stated that only 12 respondents to question #4 live along the E. John St. corridor. However, 72% access or exit I-485 from E. John Street. Mr. Lawing said that he uses that interchange because it is easier than going through Matthews.

Ms. Ingrish said that DOT has to accommodate all modes of transportation. Survey question #5 addressed usage of sidewalks along E. John Street. Only 43% will use them occasionally and 39% would not use them. This shows that in our community we need to have people think about walking or bicycling as a viable alternative to using a vehicle.

The last survey question asked if there are other places along E. John Street they would like to see a crosswalk. The response showed almost 70% would like to see a crosswalk near the Post Office. Mr. Welsh asked if this was just a crosswalk and no signal light. Ms. Ingrish said yes and that there may be a light at Greylock Ridge Road. There is currently a 10 ft. wide multi-use sidewalk from the greenway entrance on E. John Street over to Greylock Ridge Rd. There will also be a 10 ft. wide sidewalk along the Sportsplex road and they will want to connect that across John Street to the existing sidewalk. The light will hopefully make it more comfortable at that location to cross the street.

She informed the Board that NCDOT will be meeting with Council on September 8 at 5:30pm. Staff from the three towns along this corridor will meet on August 28 with DOT. A group of design professional from DOT will be in Matthews in mid-September to meet with each of the towns individually. The goal is to have the series of questions from the towns answered at that time. The engineers did not anticipate this slowdown. They know there will be impacts but when you see the specific impacts, there may be an alternative to the proposed changes. The engineers want to get as much information from each town as possible. They are hoping that the towns will be somewhat consistent with their requirements along the corridor.

She continued informing the Board that the center median is currently designed for two lanes wide. She does not anticipate the town ever expanding two more lanes along John Street. However, that is DOT's new standard. She explained the concept of super streets and what the impact would be in the downtown. The town can not see that option working in Matthews' downtown. Staff has asked for that option to be removed from the table.

Steve Lee said that the more he thought of this the more he does not like it. The more lanes the more congestion you will have. You will have more people using the road. The speed limit will still be same. He continued stating that it is not a standard road and not hard to cross. If you make it a super street then he would be scared to cross the road. There will be no less traffic.

Mike Ham stated that you if you build more lanes there will be more traffic. It will be a never ending cycle. He just came back from driving on Old Route 66, and there was dead town after dead town. These towns were vibrant until someone decided getting traffic by the towns quicker was a good idea. He believes that there will be some of the same consequences here in Matthews. A super road will not be helpful to the town.

Mr. Lawing said that he can see the widening past downtown to I-485. He understands the widening of John Street beyond I-485 south. He does not see directing traffic from I-485 through Matthews to 74 or to Charlotte. He lives in downtown Matthews and would rather bypass downtown. He does not feel E. John needs to be widened. Mr. Lee stated that he lives downtown and it is a half hour trip in the morning and 15 minutes of that trip is getting through downtown. He would rather see downtown stay vibrant than rush traffic through. All the investment at the community center, historic buildings, Stumptown Park, and other vital parts of the community would be split off with a divide.

Mr. Welsh agreed that building a super street would create more traffic. Looking at the survey, most respondents stated that they use E. John Street to access I-485. He would rather see changes to sidewalks, bike lanes and encourage other modes of transportation. That helps support the downtown. He knows traffic is a problem, but that will not improve by widening the road. He does have concern about placing too many crosswalks that may create more issues with the traffic.

Ms. Dement said that she feels there may be some solution in the middle. She lives, works and volunteers here. She does not want to see a super street because it will totally destroy the downtown. However, she feels that the town has been remiss in not doing anything for decades and does not want to see that happen again. We can't consider Matthews a sleepy little town anymore; we are an integral part of a bigger traffic problem. She would like to have two lanes going north and south, even if that does mean affecting some of the current businesses. Looking forward, changes that are made today, should maintain the small hometown feel. However, we have to be smart and realistic. She continued stating that the Exxon station could be reconfigured. This would not be comfortable and not easy. We have a problem with all the traffic coming to the squeeze down in downtown. She said that we can't preserve everything but preserve what make sense and vital to our history.

Mr. Ham said that he agrees that something has to change. It is not just about traffic flow. People's attitudes have to change regarding transportation. We can't continue to have 5,000 cars come through with one person in each car. You can't keep building concrete roads. The State is responsible for increasing public transportation and using it. People need to be more pedestrian friendly. These are part of the equation. It is not just widening roads; there is much more to the equation than that.

Mr. Welsh stated that there may be options out there that strike the middle ground. But a lot of these options are so counter to what Matthews is and what it should be. Specifically, impacting parking for the Farmers Market, he has a hard time dealing with that. He said that there are a lot of options and in his opinion some of them do not work.

Ms. Dement said that yes it will have an impact on some particular businesses, but are we keeping other businesses from coming to town and preventing people from stopping. Mr. Lee said that this is an odd situation where this road would be allowing people from Union County a quicker route to get through Matthews. He does not believe that we need to widen this intersection. We don't need to make another Arboretum intersection. Every intersection configuration is as wide as the Arboretum intersection. That intersection is huge and feels like

a major thoroughfare. He does not believe widening will produce more economic development. Ms. Dement said that there is only one lane going out of town and having two lanes would help with the traffic flow.

Mr. Ham said that you could address this via reverse lanes. It works on Monroe Road in Charlotte and at the speedway. This reduces what you have to do to the roads. Mr. Lee asked about a possible traffic circle at the intersection. Ms. Ingrish said that someone had designed a traffic circle which was skewed to the south side of the road. She further noted a parallel road would be Independence Pointe Parkway. The concept for several years has been that Greylock Ridge Road would be extended from E. John Street, go up across railroad tracks, through the Sportsplex and parallel Independence Blvd. Ms. Dement asked where construction on that road stands. Ms. Ingrish said that it is only an approved concept. With the Sportsplex and entertainment district the Town has been pushing the County to construct the road. The Town has been speaking with the railroad for crossing approval. The railroad has given an ok on the preliminary drawings at grade crossing. The Town can now pursue getting more detailed engineering on the crossing. However, the funding has not been determined and the road location on private land connection has not been determined. With no development you can not get exact location of where the road would be. It is a line on a map at this time.

Mr. Lee said that we are going from two lane into one towards Stallings. One of the in-between solutions to the problem is the widening of the area of I-485 to the center of town. That road needs improvements and would make traffic flow better from Union County. He would not add any more lanes.

Ms. Ingrish will find out more from the State and provide it to both Council and this Board. Your comments tonight will be sent to Council. The Transportation Advisory Board comments will also be sent to the Council.

Mr. Pratt asked what the time frame is for the project. Ms. Ingrish said that this is for design plans and environmental assessment. They started looking at a six lane road. That didn't accomplish anything more than a four lane divided road would handle. They have come back with four lane divided with left turns at intersections or no left turns with super street concepts. Mr. Ham asked if they will be doing an Economic Impact Study with public comment before they make decisions. Ms. Ingrish said she did not know. The entire corridor is split into three pieces and could be completed in three sections as separate projects. Mr. Ham asked if the Town could request the study. Ms. Ingrish was not sure if that would be possible.

Mr. Ham said that he saw one comment on the survey stating that it is Matthews job to require additional property for this project. We should remind people that this an NCDOT project. Ms. Ingrish noted that there was the question if DOT could construct what they wanted to regardless of what the Town wanted. Her answer is theoretically yes, they could but if the Town keeps pushing back they will listen to the Town. Ms. Dement asked if the home owners at Greylock knew that the plan would be to connect that street across E. John Street. Ms. Ingrish stated that the connection would help them because it would provide a signalized intersection.

There was no further discussion on this issue.

ADJOURNMENT

Steve Lee made a motion to adjourn. David Pratt seconded and the motion passed unanimously. The meeting adjourned at 7:55 pm.

Respectfully submitted,

Mary Jo Gollnitz
Zoning Technician/ Deputy Town Clerk

Agenda Item: Rezoning 2014-614 Part of East Point Development

DATE: September 10, 2014

FROM: Jim King, Planner II

Background/Issue:

The applicant is requesting to rezone three parcels of East Point. The East Point Development was originally zoned in 1988 to Conditional as a mixed use development. Conditional notes were amended in 1994. The portion between Rice Road and unopened Claire Drive was designated as office use, the interior portion between Rice Rd. and Sam Newell Road was designated as neighborhood commercial and some portions fronting Independence Blvd. and Sam Newell Road were designated as general commercial.

To remain consistent with the zoning plans and allowed uses today, the applicant has requested the following:

1. Childcare/vacant land is proposed to be rezoned to MUD (Parcel A on Site Plan)
2. Movie theater is proposed to be rezoned to MUD (Parcel B on Site Plan)
3. Matthews Towing is proposed to be rezoned to B-H (CD) (Parcel C on Site Plan)

Public Hearing:

There were no concerns at the public hearing for this request, however, the Town Board asked the applicant if they would be willing to fund a portion of the cost to extend Rice Road to Sam Newell Road. The applicant stated that they had no funds to contribute.

Changes since the Public Hearing:

Staff has been working with the applicant to carry forward the 1988 and 1994 approved conditions to the East Point Development. Many of these conditions have either been met or are no longer applicable. Staff and the applicant have updated the prior conditions as follows:

1. The original East Point Conditional plan proposed a mix of business, commercial and service uses that were allowed in the B-1, B-2 and O-9 districts. Some conditions were revised in July 1994. Individual site plans were approved for buildings within the development as they were constructed. As parcels within the original East Point Development Conditional Zoning are converted to contemporary zoning classifications, they will continue to be considered as part of the overall multi-use development site.
2. All road and access points as exist today met design and location standards at time of construction.
3. Any new construction or redevelopment which changes the footprint or site plan elements will be subject to site plan approval by the Town Board of Commissioners.
4. Additional right-of-way up to 50 feet from the existing center line of Sam Newell Road for the future parallel collector road, Northeast Parkway has been dedicated through a subdivision plat. No additional curb cuts will be allowed, with the exception of the existing platted Rice Road, or as individual approvals through a rezoning action.
5. Formerly, the East Point Development conditions only allowed Rice Road to be open at one end at any time. Rice Road may now become a through street and access to Independence Blvd is not required to be closed as a zoning condition once connected to Sam Newell Road.
6. Rice Road shall not be opened to Sam Newell Road until such time the Town and N.C.D.O.T. allow construction.

7. A berm between nonresidential uses in East Point and residential properties across Sam Newell Road was required by prior zoning conditions. A combination of this berm and landscaping to a height of 10 ft. continues to be a requirement along the Sam Newell Road edge. The berm and landscaping must be maintained by the owners at all times to retain a 10 ft. visual buffer.
8. The 50 ft. landscape buffer along unopened Clair Drive must continue to be maintained and preserved. Any new construction shall maintain a 50 ft. setback from the edge of the 50 ft. landscape buffer.
9. In order to reduce potential emergency response confusion, the given name "Eastpointe Drive" will be changed so it does not duplicate or closely match the name of any other street within Mecklenburg County.
10. While Northeast Court remains a town street all intersecting curb cuts shall have stop signs.
11. As stated in Note 1 above, the original intent of the multi-parcel development site continues to be brought forward. The following properties are part of the multi-parcel development and may pursue a Master Sign Plan which could allow for joint identification signage and bonus sign area. The parcels are as follows:
 - A. 193-191-09, Sam Newell Road, Town of Matthews Property
 - B. 193-191-02, 1935 Rice Road, Former La Petite and vacant land
 - C. 193-191-23, 1905 Rice Road, East Village Shopping Center
 - D. 193-192-23, 9508 Northeast Court, Movie Theater
 - E. 193-192-18, 9331 E. Independence Blvd., Car Wash
 - F. 193-192-11, 9405 E. Independence Blvd., Plaza Appliance Store
 - G. 193-192-06, 9415 E. Independence Blvd., Pep Boys
 - H. 193-192-07, 9507 E. Independence Blvd., Advanced Auto
 - I. 193-192-08, 9512 Northeast Court, Matthews Towing and Automotive
 - J. 193-192-10, 9518 Northeast Court, Cleaners
12. Existing street trees may be replaced pursuant to the approved Street Tree replanting plan filed at the Matthews Planning Department, on a schedule to be approved by the Town Planning office.
13. Conversion to contemporary zoning classifications will not create zoning violations for existing buildings now located within the transitional right-of-way and/or transitional setback, as outlined in Section 155.401.1.1. Revisions to existing on-site improvements or redevelopment shall follow the provisions of 155.401.1.1.2. Setbacks shall be measured from the transitional right-of-way for new development and redevelopment. No required parking is allowed in the transitional right-of-way.

The applicant has also amended their additional conditions presented at the public hearing as follows:

The following condition has been removed:

1. The condition for constructing Rice Road to Sam Newell Road and the ability to pursue a joint sign through a Master Sign Plan have been removed because they are now addressed through the general conditions for East Point.

The following conditions have been revised:

1. Adding limitations to specific uses in the MUD district for daycare and adjacent vacant land (Attachment C in Pre Public Hearing Staff Analysis),
2. Allowing the movie theater to continue operation and should that use cease operation only uses in MUD district shall be allowed.

3. Allowing Matthews Towing and Auto Repair to continue operations with no outside storage and all inventory must be parked in marked spaces. Should the existing business cease, uses allowed in the B-H district with the exception of restaurants with drive through would be allowed. Permitted uses must meet required parking.

Related Town Goal:

Economic Development / Land Use Planning

Agenda Item: Rezoning 2014-617 Pep Boys

DATE: September 16, 2014

FROM: Jim King, Planner II

Background/Issue:

The applicant is requesting to rezone the existing Pep Boys property at 9415 E. Independence Blvd. from old Conditional to B-H (CD) Business Highway. The East Point Development was originally zoned Conditional in 1988. This portion of East Point was designated as neighborhood commercial, which allowed retail sales and automotive services at that time.

Pep Boys is currently rebranding their retail centers and they intend to implement new signage. The old Conditional zoning and site plan approval was specific to the size, appearance and location of the existing signs currently on the building, so a rezoning is required to change the signage. The applicant has submitted a separate text amendment to obtain more sign area for buildings meeting a specific threshold and location within the US 74 Sign Corridor. The text amendment will be handled as a separate agenda item.

Public Hearing:

The only two concerns addressed at the public hearing were the lack of stop signs at driveway entrances along Northeast Court and the possible removal of speed bumps in the Pep Boys parking lot.

Changes since the Public Hearing:

Staff has been working with the applicant to carry forward the 1988 and 1994 approved conditions to the East Point Development. Many of these conditions have either been met or are no longer applicable. Staff and the applicant have updated the prior conditions as follows:

1. The original East Point Conditional plan proposed a mix of business, commercial and service uses that were allowed in the B-1, B-2 and O-9 districts. Some conditions were revised in July 1994. Individual site plans were approved for buildings within the development as they were constructed. As parcels within the original East Point Development Conditional Zoning are converted to contemporary zoning classifications, they will continue to be considered as part of the overall multi-use development site.
2. All road and access points as exist today met design and location standards at time of construction.
3. Any new construction or redevelopment which changes the footprint or site plan elements will be subject to site plan approval by the Town Board of Commissioners.
4. Additional right-of-way up to 50 feet from the existing center line of Sam Newell Road for the future parallel collector road, Northeast Parkway has been dedicated through a subdivision plat. No additional curb cuts will be allowed, with the exception of the existing platted Rice Road, or as individual approvals through a rezoning action.
5. Formerly, the East Point Development conditions only allowed Rice Road to be open at one end at any time. Rice Road may now become a through street and access to Independence Blvd is not required to be closed as a zoning condition once connected to Sam Newell Road.
6. Rice Road shall not be opened to Sam Newell Road until such time the Town and N.C.D.O.T. allow construction.

7. A berm between nonresidential uses in East Point and residential properties across Sam Newell Road was required by prior zoning conditions. A combination of this berm and landscaping to a height of 10 ft. continues to be a requirement along the Sam Newell Road edge. The berm and landscaping must be maintained by the owners at all times to retain a 10 ft. visual buffer.
8. The 50 ft. landscape buffer along unopened Clair Drive must continue to be maintained and preserved. Any new construction shall maintain a 50 ft. setback from the edge of the 50 ft. landscape buffer.
9. In order to reduce potential emergency response confusion, the given name "Eastpointe Drive" will be changed so it does not duplicate or closely match the name of any other street within Mecklenburg County.
10. While Northeast Court remains a town street all intersecting curb cuts shall have stop signs.
11. As stated in Note 1 above, the original intent of the multi-parcel development site continues to be brought forward. The following properties are part of the multi-parcel development and may pursue a Master Sign Plan which could allow for joint identification signage and bonus sign area. The parcels are as follows:
 - A. 193-191-09, Sam Newell Road, Town of Matthews Property
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 - D. 193-192-23, 9508 Northeast Court, Movie Theater
 - E. 193-192-18, 9331 E. Independence Blvd., Car Wash
 - F. 193-192-11, 9405 E. Independence Blvd., Plaza Appliance Store
 - G. 193-192-06, 9415 E. Independence Blvd., Pep Boys
 - H. 193-192-07, 9507 E. Independence Blvd., Advanced Auto
 - I. 193-192-08, 9512 Northeast Court, Matthews Towing and Automotive
 - J. 193-192-10, 9518 Northeast Court, Cleaners
12. Existing street trees may be replaced pursuant to the approved Street Tree replanting plan filed at the Matthews Planning Department, on a schedule to be approved by the Town Planning office.
13. Conversion to contemporary zoning classifications will not create zoning violations for existing buildings now located within the transitional right-of-way and/or transitional setback, as outlined in Section 155.401.1.I. Revisions to existing on-site improvements or redevelopment shall follow the provisions of 155.401.1.I.2. Setbacks shall be measured from the transitional right-of-way for new development and redevelopment. No required parking is allowed in the transitional right-of-way.

The applicant has also amended their additional conditions presented at the public hearing as follows:

1. The conditions for the ability to pursue a joint sign through a Master Sign Plan has been removed because this is now addressed through the general conditions for East point Development.
2. They have removed the condition for a future 2,500 sq. ft. addition.

Related Town Goal:

Economic Development / Land Use Planning

Agenda Item: Rezoning Requests 2014-615 and 2014-616

DATE: September 17, 2014

FROM: Jay Camp

TO: Planning Board

Updates to Rezoning Request 2014-615, Matthews Lofts 2

Since the Public Hearing, the following changes have occurred to the site plan and conditional notes:

1. The Ames Street cross section was revised from a 4' planting strip and 6' sidewalk to 5' for the planting strip and a 5' sidewalk.
2. Recycling was added within the rollout area.
3. An Innovative Request to reduce minimum masonry on the structure from 75% to 60% was added.
4. An Innovative Request was added to reduce the Ames St planting strip from 8' to 5'.
5. An Innovative request is needed to reduce the distance of the privacy fence from the side property line to less than 10'.

Updates to Rezoning Request 2014-616, Town 316

Since the Public Hearing, the following changes have occurred to the site plan and conditional notes:

1. A note was added to clarify that a shared parking agreement will be acquired from either the Town or a nearby property owner.
2. A ROW encroachment agreement request is now referenced for a portion of some parking spaces and landscaping near E Matthews Street.
3. Should the large White Oak tree be removed, the applicant commits to planting a 4" caliper replacement and reconstructing the sidewalk in the area to a typical condition.
4. A new condition was added that the developer will provide storm water storage onsite. This requirement is above and beyond the ordinance requirement as storm water detention is not required for the site. Only properties in excess of 20,000 sq ft of impervious area are required to provide storm water detention.
5. An Innovative request is needed to reduce the distance of the privacy fence from the side property line to less than 10'.

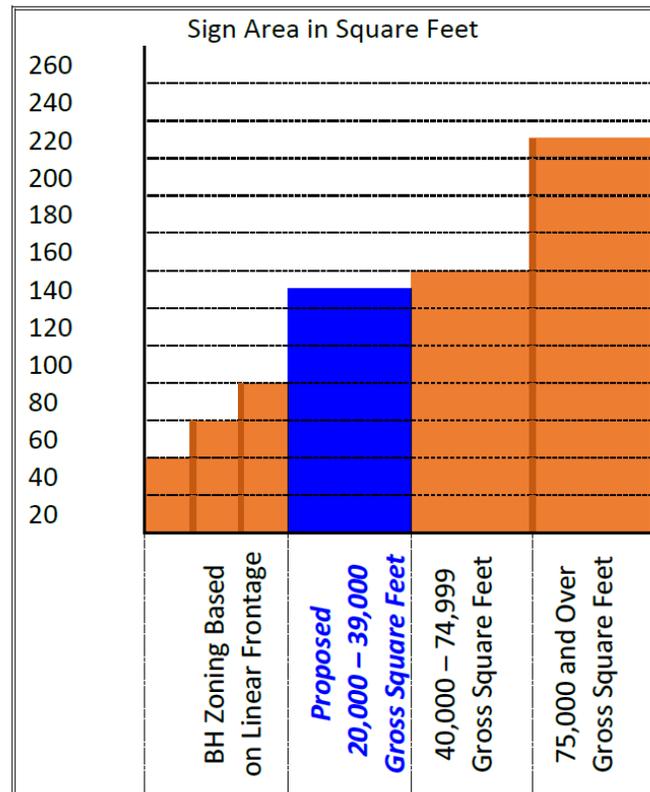
Agenda Item: Text Amendment 2014-619 US 74 Sign Corridor

DATE: September 17, 2014

FROM: Jim King, Planner II

Background/Issue:

Pep Boys is requesting a text amendment to the Independence Blvd. Sign Corridor to allow increased size on attached signs on structures 20,000 to 39,999 square feet. Pep Boys is currently in the process of rezoning their property from the old Conditional zoning to B-H (CD). They are doing this in order to rebrand their image from the late 80's with new building façade treatment and new signage. Under the old Conditional zoning and site plan approval, Pep Boys was allowed approximately 374 square feet of attached sign area which is distributed in multiple signs on the front and side of the building. The conditional approval is specific to each individual sign (size and appearance) and its location on the building. The B-H zoning allows 80 square feet of sign area with a maximum of three signs. Since then, the Town Board has reduced unusually generous sign area allocations of old Conditional zoning on a case by case basis to be more consistent with business-zoned parcels elsewhere in town.



The graph above illustrates sign area currently allowed and proposed

The request is to amend Section 155.608.16 (B) (5) Table 1 by adding a provision that allows properties with single-users greater than 20,000 square feet in the B-1, B-3, B-H, MUD, TS, ENT, and B-1 SCD to have up to 3 attached identification signs and a total maximum sign area of 135 square feet and to amend the text in Section 155.608.16 (B) (1) (a) to reduce the gross building square footage threshold from 40,000 to 20,000 gross square feet.

Public Hearing:

Staff stated that they could not support the request as submitted. The greater size provisions of the sign corridor are intended only for large anchor retailers and centers.

Changes since the Public Hearing:

The applicant has reduced the requested sign area from 145 sq. ft. down to 135 sq. ft. with a maximum of 100 sq. ft. allowed on the front building façade and a max of 35 sq. ft. on the side façade.



EXISTING CONDITION - FRONT



PROPOSED RENDERING - FRONT

**Verify All Dimensions Prior to Fabrication*

The illustrations above were presented at the public hearing to demonstrate the existing signs and what they would like to install. The top picture shows the existing signage on the front which is considered three signs with the following sign areas as calculated by the applicant from left to right: 26.4 sq. ft.; 122 sq. ft.; and 39.3 sq. ft. totaling 187.7 sq. ft. on the front of the building. The bottom picture shows the placement of two signs, both on the front roof which is not allowed per the Matthews UDO and the measurement of the proposed Pep Boys sign is inconsistent with the way the signs are measured.

This text amendment, if approved, will be applicable to all structures that fall within the defined criteria, not just Pep Boys. Staff understands Pep Boys desire to have a legible sign, however, this can be achieved by other means such as the use of a different font with minimal if any increase in sign area.

Agenda Item: Administrative Amendment – Fountains Matthews

DATE: September 12, 2014

FROM: Jim King, Planner II

Background/Issue:

The Fountains Matthews conditional zoning and site plan was approved by the Town Board of Commissioners on February 10, 2014. Proffitt Dixon Partners, the developer for Fountains Matthews is ready to move forward with permitting and has made some minor changes to the approved plan that require an Administrative Amendment.

SUMMARY OF MODIFICATIONS

The following points explain the changes from the Approved Plan to the Current Plan. Please note that the letter below highlighting a specific modification corresponds with the attached “Schematic Site Plan Comparison” exhibit.

A. Combined two Buildings (B&C in Approved Plan) into one Building (now Building B).

This adjustment is intended to create a more vibrant and energized “main street” (Private Street A) by bringing the live-work units and club closer together.

B. Northeast Parkway access drive is relocated to meet NCDOT requirements.

The entrance to Fountains Matthews from Northeast Parkway creates a “bridge-like” drive utilizing retaining walls, sidewalks, fences & stone/brick columns. Ponds flanking either side of the entrance will have fountains.

C. Added Parking spaces and realigned configurations

Parking engineering design, they chose to better accommodate parking demand and distribution. They added more parking and relocated units from Building A to Buildings B and D. They also added parking around all sides of Building D.

D. Adjusted Garage building locations.

Garages F and H have been relocated to make them available to all buildings.

E. Adjusted Building D location.

Building D has shifted due to the relocated driveway off Northeast Parkway, the detention pond, and to allow for access for emergency vehicles. The added parking will be screened from Northeast Parkway with enhanced landscaping.

F. Ponds- number decreased from 4 to 2.

While the previous plan showed four ponds, once the current site was engineered it was determined that only two are needed. The non-essential ponds were eliminated as they did not work with the grading plan and drainage flow. They have added an outdoor patio & terrace area with a fire pit, grills and entertaining area to enhance the most prominent corner of the project.

G. Highway Overlay Buffer

The Highway Overlay Buffer extended too far along Northeast Pkwy on the Rezoning Plan and has been corrected.

H. Dog Park

They have added a dog park as an amenity to the south side of the project between parking and 50' undisturbed buffer adjacent to the Bella Sera neighborhood. They have added conditions that no dog be left unattended and that hours be limited between 6 am and 11 pm.

On September 10, 2014 Fountains Matthews updated the Bella Sera community regarding the revised plans and received no negative comments. Please refer to meeting summary attached.



Proffitt Dixon Partners
3155 Greenwood Cliff
Suite 150
Charlotte, NC 28204

September 10, 2014

Bella Sera Neighborhood
Bella Sera Villas Homeowners Association
Bella Sera Villas HOA Board of Directors

Care of:
Mr. Larry Foster
2856 Bellasera Wy
Matthews, NC 28105

Subject: Meeting Follow up and Fountains Matthews Plan tweaks

Dear Larry,

As always, thank you so much for your and the board's time last week to walk through the plan adjustments to the Fountains Matthews plan. The presentation we shared with you is the same basic "update" presentation we will make to the Town Planning Board on September 23rd.

I wanted to take a minute to memorialize some of the items that we discussed.

1. We shared the building and NE Parkway driveway adjustments inside the "development envelope" of the project including the connection of Buildings B&C into a single building.
2. We discussed the garage buildings relocation within the "development envelope" as well.
3. We shared the location of the fenced off-leash dog park which connects to the walking trail at the back of our property. It will lie outside of the undisturbed buffer. We will enforce the following two specific provisions to ensure that there is limited to no impact to the Bella Sera neighborhood:
 - a. At no time will any dogs be allowed to be left unattended by their owner in the dog park.
 - b. Hours of use will be limited to between 6am and 11pm.
4. Easement to tie in our perimeter fence to yours. I have asked our attorney, Joe Teague with Johnston Allison and Hord, to reach out to the Bella Sera attorney to quickly address any questions about this proposed easement. The Town of Matthews is requiring Bella Sera's approval of this fence connection as part of their plan review.

Our plan is to begin construction in October. We will keep you apprised of our progress and I would like to schedule a meeting with you to introduce the contractor's on-site team to you. It's important that you also have a direct contact for the on-site work in the event that you cannot reach me directly.

We very much appreciate your support and we value your feedback. It is our desire to be good neighbors to your entire neighborhood.

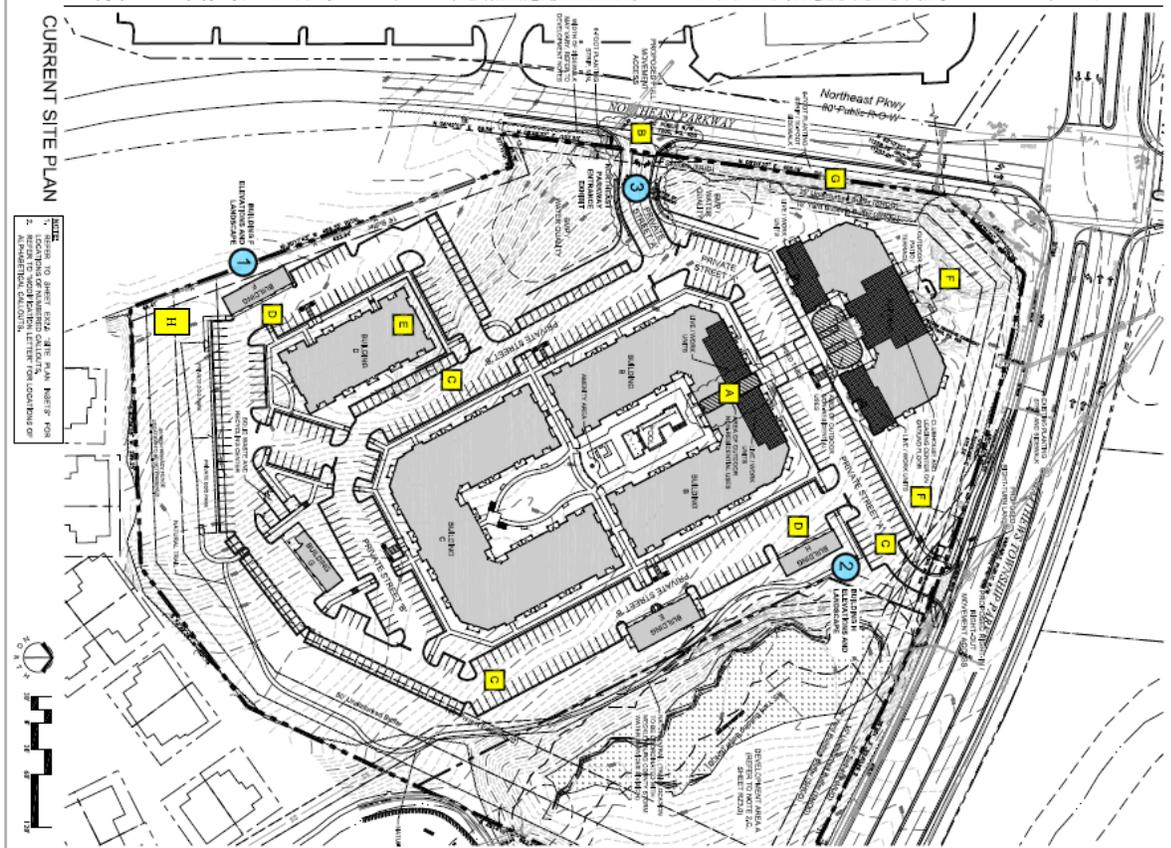
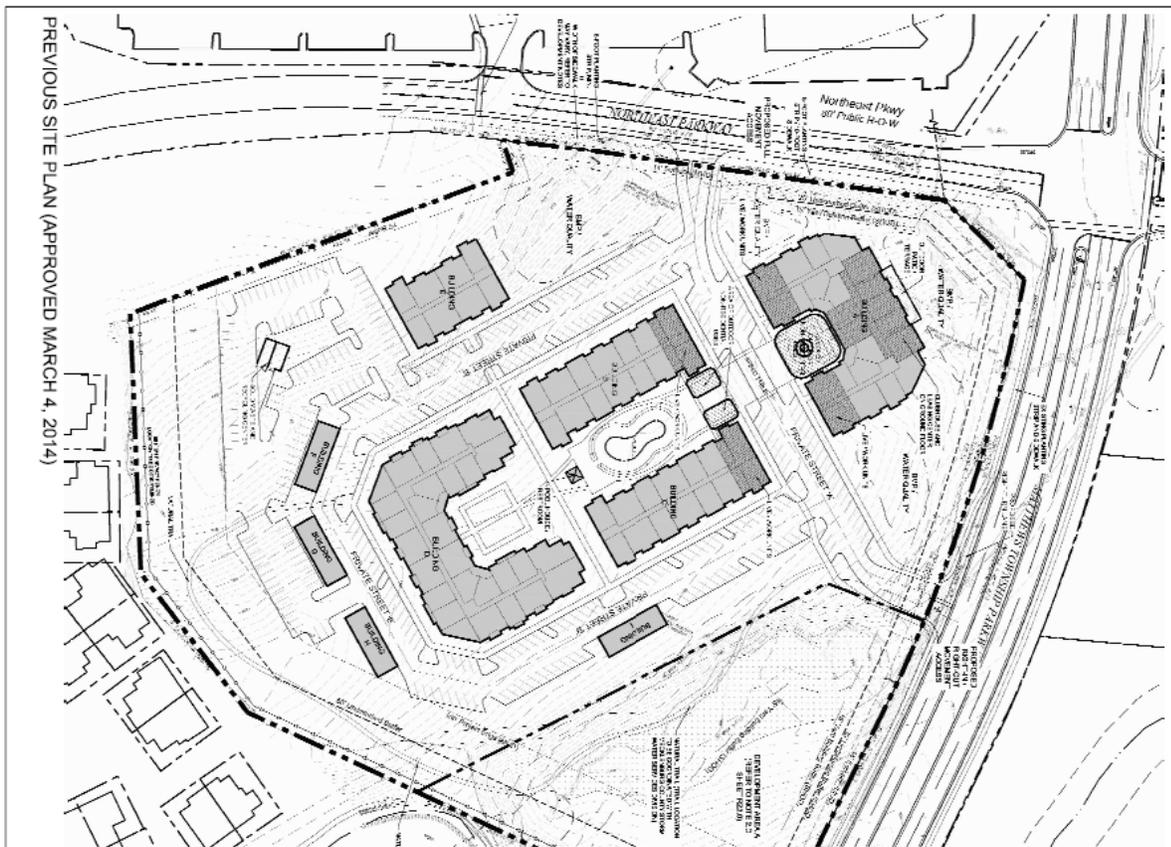
Thank you again to you, your neighbors, and your board members for your support of Fountains Matthews. We look forward to being good neighbors for a long time to come.

Sincerely,



Wyatt Dixon
Managing Principal
Proffitt Dixon Partners

Cc: Mr. Ken Walsh, JLL
Mr. Joe Teague, Johnston Allison & Hord, PA
Mr. Jim King, Town of Matthews Planning Department
Mr. Jay Camp, Town Of Matthews Planning Department
Mr. Will Andrews, Proffitt Dixon Partners
Mr. Stuart Proffitt, Proffitt Dixon Partners



DATE: 06/07/14
 DRAWN BY: JLD
 CHECKED BY: JLD
 PROJECT: 13-602

REVISIONS:

SHEET NO:
EX1.0

FOUNTAINS MATTHEWS
 CONDITIONAL REZONING
 PROFIT: DIXON PARTNERS | MATTHEW, NORTH CAROLINA

www.matthewsnc.gov

FOR PUBLIC HEARING
 APPLICATION # 2013-602

LandDesign

228 N Graham Street, Charlotte, NC 28203
 V. 704.333.8333 | F. 704.333.3246
 www.LandDesign.com
 License #C-2606

Youth Voice for Matthews Planning Board Application

Are you interested in sharing your thoughts and expectations about how Matthews should develop in the future? If Matthews is your home today and you can envision ways to make it a great place into the next decade and beyond, then we want you! Consider becoming the "Youth Voice" on the Matthews Planning Board.

Name Benjamin Dodson

Address 1306 Sweetgum Lane, Matthews, NC 28105

Phone number [REDACTED]

E-mail address [REDACTED]

Name of high school Levine Middle College High School

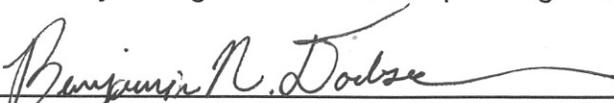
Expected graduation date June 2016

I will commit to attending Planning Board meetings each 4th Tuesday and Town Board of Commissioners meetings each 2nd Monday of the month through May. (Meetings start at 7 PM and are located in the Hood Room, Matthews Town Hall, 232 Matthews Station Street.)

My parents/guardians are aware of and support my application for this position.

Please write a short explanation why you are interested in this position.

My name is Benjamin Dodson and I would gladly serve as the Youth Voice for the Matthews Planning Board. I believe I would bring an valuable skill set to the Matthews Planning Board. I have served as a representative for my church's youth on our church council in addition to a nation demonination-wide event. If chosen, I would put all of my efforts into this position as I have done before with other positions. Last school year, I served as Student Body President at Queen's Grant High School in Matthews and initiated several new programs for students. I have initiative and I am willing to try new things. This school year, I am an 11th grade student at Levine Middle College High School where I earn high school and college credits simoultaneously at the Levine campus of Central Piedmont Community College. This advanced school setting requires independence and accountibilty which I have shown I possess. I beleive it would be a great oppertunity for me to serve as the Youth Voice on the Matthews Planning Board as I plan on one day having a career in urban planning. Thank you for your consideration.


signature

Complete and return to: Kathi Ingrish AICP, Planning Director, at Town Hall, or e-mail to kingrish@matthewsnc.gov

Youth Voice for Matthews Planning Board Application

Are you interested in sharing your thoughts and expectations about how Matthews should develop in the future? If Matthews is your home today and you can envision ways to make it a great place into the next decade and beyond, then we want you! Consider becoming the "Youth Voice" on the Matthews Planning Board.

Name Gabriel Russell

Address 2805 Cross Tie Ln Matthews, NC, 28105

Phone number [REDACTED]

E-mail address [REDACTED]

Name of high school David W. Butler High School

Expected graduation date June 2017

I will commit to attending Planning Board meetings each 4th Tuesday and Town Board of Commissioners meetings each 2nd Monday of the month through May. (Meetings start at 7 PM and are located in the Hood Room, Matthews Town Hall, 232 Matthews Station Street.)

My parents/guardians are aware of and support my application for this position.

Please write a short explanation why you are interested in this position.

I am interested in becoming a Youth Representative for the Matthews Planning Board as a way to share my ideas about the future of the Town of Matthews. In 2007, my family and I moved to Matthews from East Charlotte. Since then, Matthews has been my home and will likely continue to be after completing college and beginning my career. The decisions made now will likely affect Matthews for years to come.

I am interested in Political Science and Local Government and see myself in a career in this field in the future. I think the experience that I will gain and the opportunities I will be afforded will offer me the chance to grow and expand my knowledge. I am also interested in public service and think this will be a great opportunity to serve my community.

Gabriel Russell

signature

Complete and return to: Kathi Ingrish AICP, Planning Director, at Town Hall, or e-mail to kingrish@matthewsnc.gov

Youth Voice for Matthews Planning Board Application

Are you interested in sharing your thoughts and expectations about how Matthews should develop in the future? If Matthews is your home today and you can envision ways to make it a great place into the next decade and beyond, then we want you! Consider becoming the "Youth Voice" on the Matthews Planning Board.

Name: Sarah Ward

Address: 1100 Sunnyview Cir., Matthews, NC 28105

Phone number: [REDACTED]

E-mail address: [REDACTED]

Name of high school: Butler

Expected graduation date: 2018

I will commit to attending Planning Board meetings each 4th Tuesday and Town Board of Commissioners meetings each 2nd Monday of the month through May. (Meetings start at 7 PM and are located in the Hood Room, Matthews Town Hall, 232 Matthews Station Street.)

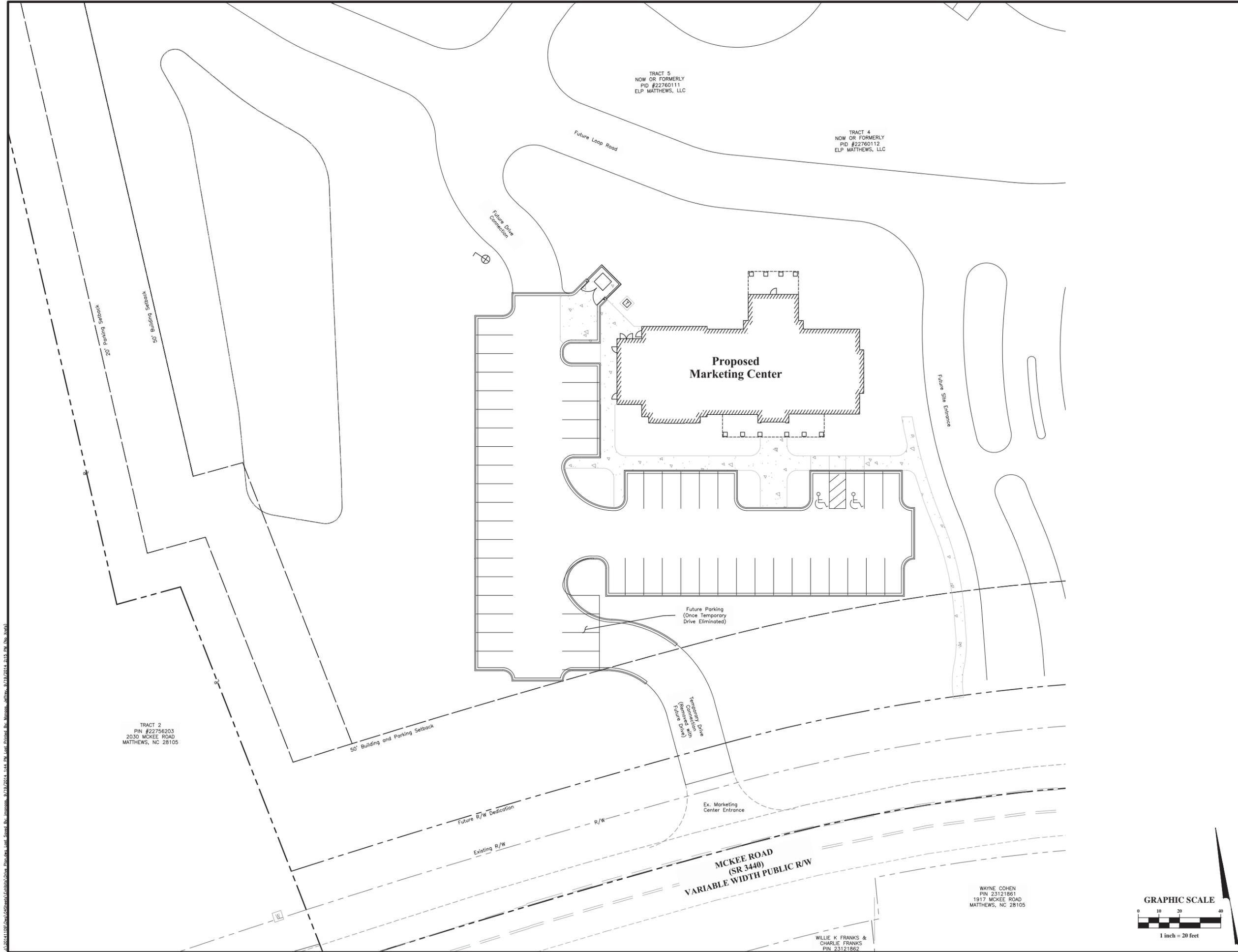
My parents/guardians are aware of and support my application for this position.

Please write a short explanation why you are interested in this position.

I am interested in making a difference in my community and learning more about how a town is run. It would be cool to learn more about politics and maybe spark an interest for the future. I think I can provide insight to how teens feel about certain issues and make a positive impact.

_____ *Sarah Ward* _____ signature

Complete and return to: Kathi Ingrish AICP, Planning Director, at Town Hall, or e-mail to kingrish@matthewsnc.gov



Developer/Owner:

EMHT
 Evans, Meacham, Hambleton & Tilton, Inc.
 Engineers • Planners • Architects • Interiors
 321 Matthews Blvd., Ste. 100 • Charlotte, NC 28202
 Phone: 704.661.8888 • Fax: 704.661.7000
 www.emht.com

Project Title:
MARKETING CENTER AT THE ERICKSON RETIREMENT COMMUNITY

Date:
 August 15, 2014
 August 25, 2014
 September 8, 2014
 September 10, 2014

Issued for:
 Initial Submission
 Bid Set
 Second Plan Review
 Addendum 01

Project Number: 20141109

Sheet Title:
SITE LAYOUT PLAN

Scale: 1"=20'

Sheet Number: **C4.0**

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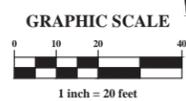
TRACT 2
 PIN #22756203
 2030 MCKEE ROAD
 MATTHEWS, NC 28105

TRACT 5
 NOW OR FORMERLY
 PID #22760111
 ELP MATTHEWS, LLC

TRACT 4
 NOW OR FORMERLY
 PID #22760112
 ELP MATTHEWS, LLC

WAYNE COHEN
 PIN 23121861
 1917 MCKEE ROAD
 MATTHEWS, NC 28105

WILLIE K. FRANKS &
 CHARLIE FRANKS
 PIN 23121862



**ERICKSON LIVING RETIREMENT COMMUNITY
DEVELOPMENT STANDARDS**
Original Rezoning Approval: August 27, 2007
Administrative Amendment Proposed by Erickson Living Properties: ~~August~~
13September 10, 2014

1. General Provisions

.01 These amended and revised Development Standards form a part of the revised Rezoning Plan (the "Rezoning Plan") associated with the Rezoning Petition filed Erickson Retirement Communities dated August 17, 2007, as amended and revised ~~August 13~~ September 10, 2014, by Erickson Living Properties, LLC ("Petitioner"), to accommodate development of a Continuing Care Retirement Community on an 81.5 acre site located on the north side of McKee Road west of its intersection with Pleasant Plains Road (the "Site").

Development of the Site will be governed by the Rezoning Plan (consisting of plan sheet numbers C1.0 through C1.2 and L1.1 through L1.10), these Development Standards and Elevations A1.1 and A1.2 which accompany the Rezoning Plan and the applicable provisions of the Matthews Zoning Ordinance (the "Ordinance").

Unless the Rezoning Plan, these Development Standards or the accompanying Elevations A1.1 and A1.2 establish more stringent standards, the regulations established under the Ordinance for the RI District as those requirements existed on February 25, 2014, shall govern all development taking place on the Site.

The exact alignments of internal streets and driveways have not been determined and are subject to final design and engineering plans. Accordingly, minor modifications or alterations of these alignments may take place during design development and construction phases.

The exact locations of buildings and parking areas have also not been determined. The Petitioner therefore reserves the flexibility to make adjustments to the precise building sizes and locations shown on the Rezoning Plan during final design changes. However, placements of buildings shall be generally consistent with the locations depicted on the Site Plan and they shall satisfy all other Ordinance Standards as those requirements existed on February 25, 2014.

.02 The architectural renderings depicted on the Elevations A1.1 and A1.2 accompanying the Rezoning Plan are intended to portray the character of the elevations for the community and residential buildings to be constructed on the Site. See Paragraph 6 below for the Design Standard established for these buildings. While it is not feasible to establish the exact design of each building, the character and materials will be consistent with the buildings shown on Elevations A1.1 and A1.2.

.03 The Petitioner agrees to dedicate the 20+ acre parcel forming a part of the Fincher Farm which is located at the intersection of McKee Road and Pleasant Plains Road that is not included in its Rezoning Petition, to the Town of Matthews. This parcel is depicted on the Rezoning Plan as the "Park Parcel." If the provisions of Matthews Subdivision Ordinance for dedication of open space and recreational land is applicable (Section 152.32), Petitioner

reserves the right to claim credit for all or such part of this dedication as may be required to satisfy these provisions.

.04 The Petitioner commits to a single payment of \$3,000,000 toward the extension of McKee Road, or toward any other roadway improvement that the Town of Matthews deems most important and beneficial to Erickson Communities and other residents in the vicinity of the Erickson project. This payment will be made at the time of issuance of the first building permit for the first residential building constructed on the Site.

.05 The Petitioner and its successors and assigns shall be obligated to pay ad valorem property taxes on its Continuing Care Retirement Community (including the assisted living units and the long term skilled nursing care units) in perpetuity to the Town of Matthews and the County of Mecklenburg even if its successor is a not-for-profit 501(c)(3) entity and even if the Continuing Care Retirement Community might otherwise be fully or partially exempted from the payment of any such taxes. This obligation may be accomplished through use of a Payment in Lieu of Taxes program or such other method or procedure as Matthews' Town Attorney may recommend.

.06 The Petitioner commits to a single payment of \$1,000,000 to the Town of Matthews for use by its Parks, Recreation, and Cultural Resource Department for the construction and/or improvement and/or maintenance of new or existing public parks in its system. This payment will be made at the time of the issuance of a certificate of occupancy for the first residential building constructed on the Site.

.07 The Petitioner agrees to grant to the Town of Matthews an easement over a portion of the Site for its proposed Matthews-Charlotte-Union greenway path which would run under or adjacent to the power transmission lines and over the eastern and southeastern portions of the Site outside Petitioner's parking lot, subject to the Town's providing it with a liability insurance policy covering the Petitioner against liability arising from greenway activities.

.08. Unless the Petitioner is required to utilize a part or all of this portion of the Site to satisfy open space requirements or provisions of the Town's Post-Construction Ordinance, the Petitioner further agrees to enter into conversations with the Town of Matthews to explore the possibility of granting an easement or making a dedication to the Town for that part of the Site which lies within that portion of the Duke Energy power line easement that falls outside the area encompassing the greenway path, subject to a mutually agreeable arrangement providing for the maintenance and upkeep of this area by the Town and providing Erickson with a liability insurance policy protecting it from and against liability arising from such other public activities on this portion of the Site.

2. Permitted Uses

.01 Primary Use:

The primary permitted use shall be a Continuing Care Retirement Community as defined in section 153.007 of the Ordinance.

.02 Accessory Uses:

Accessory uses shall be permitted in any structure so as long as such uses are accessory to the Continuing Care Retirement Community use (i.e. meaning that they may be used by the residents, employees, business invitees, and guests of the facility but shall not be open to or marketed for use by those outside the community). Such accessory uses are referenced in section 153.195(A)(6) of the Ordinance.

3. Density, Height, Lot and/or Setback Commitments

.01 There shall be a maximum of 900 hundred (900) independent dwelling units, a combined maximum total of one hundred twenty (120) assisted living units and long term skilled nursing care units, and the associated community buildings.

a. In an effort to strive to coordinate the development taking place on the Site with anticipated future roadway improvements, development will be phased. Petitioner agrees to limit the occupancy of independent dwelling units on the Site to two hundred fifty (250) units per calendar year, beginning with the year 2015, with the understanding that to the extent that less than two hundred fifty (250) such units are occupied in a given year the difference or shortfall may be carried forward to future years and developed and occupied in addition to the two hundred fifty (250) units applicable to the particular calendar year involved. This phasing requirement shall only apply to independent dwelling units and not to the development of assisted living units, long term skilled nursing care units or community buildings.

.02 Total impervious surface coverage shall not exceed 50% of the total acreage of the Site.

.03 The maximum height limit for residential buildings shall be no more than four (4) stories above grade, with walkout (basement) permitted for no more than 50% of each Residential Building's footprint. (A walkout is defined as a level below grade (basement) as defined by the building code). Maximum height for all buildings shall be 60 feet. Structures that exceed maximum height shall meet the requirements set forth in the Ordinance. Architectural elements, like chimneys, parapets and cupolas may exceed this height limitation in conformance with Section 153.076 of the Ordinance. Roof top mechanical equipment shall be screened from off site visibility in accordance with the Ordinance. Building height will be determined from average front grade plane to average roof plane, per Section 153.007 of the Ordinance. Walkouts are not considered as a story above grade, if the above noted 50% threshold is not exceeded.

.04 The building and pavement setback from McKee Road and Pleasant Plains Road shall be 50 feet.

.05 The minimum building setback from the northern, eastern, and western property lines shall be 50 feet and parking setbacks from the northern, eastern and western property lines shall be 20 feet.

.06 All parking setbacks shall be landscaped in accordance with the requirements of the Ordinance or as depicted on the Rezoning Plan, whichever results in the greatest landscape cover.

4. Access, Loading and Parking

.01 Parking requirements shall be a minimum of 1.1 spaces for each independent living unit plus one space per two employees on shift of greatest employment. This parking requirement includes all resident, nursing, staff, visitor and special event parking. The buildings and associated parking will be constructed in phases. A development plan demonstrating compliance with the applicable parking requirements will be filed for each phase of the project.

.02 All parking lots shall be curbed except as required by ADA requirements.

.03 All parking spaces shall satisfy the dimensional requirements set forth in section 155.607.3 of the Matthews Unified Development Ordinance as those requirements existed when the UDO was adopted on December 9, 2013.

.04 Internal private drives shall be utilized within the development. All private drives shall satisfy the requirements of the Ordinance and the Town Engineer's requirements for strength and durability. Private drives shall be a minimum of 24 feet wide, provided however, fire apparatus access drives shall be 26 feet wide.

5. Vehicular Access/Roadway Improvements

.01 All access points shall be subject to the review and approval of the Town of Matthews and NCDOT. There shall be vehicular access to McKee Road through a gated boulevard style entrance. Emergency access shall be provided from McKee Road and/or the Pleasant Ridge Subdivision (Options A and C shown on the Rezoning Plan; Option B deleted as part of the amended and revised plans). Emergency access roads are intended for emergency access upon the occurrence of a catastrophic event that would bar emergency vehicles from entering the main entrance of the campus. All emergency access points will be equipped with Knox Boxes to ensure entry for emergency vehicles.

.02 The portion of McKee Road abutting the Site shall be improved with curb gutter and sidewalk and widened in accordance with the Town of Matthews Subdivision Ordinance. There shall be a five foot wide concrete walk along the north side of McKee Road along the frontage of the Site with a planting strip between the curb and sidewalk, all as generally depicted on Sheet C1.1. The sidewalk will be constructed inside the additional right-of-way being dedicated to NCDOT.

.03 The Petitioner agrees to dedicate to NCDOT by quitclaim deed the additional right-of-way along McKee Road necessary to provide for a minimum of 50 feet of right-of-way along the Site from the centerline prior to the issuance of ~~any~~ building permit for the first residential building constructed on the Site. Such dedication is subject to a reservation for any necessary utility easements.

.04 No occupancy permits for any building other than the ~~temporary~~ Marketing Center may be issued for development taking place on the Site until the public right-of-way improvements listed below have been completed, subject to NCDOT approval:

- Stripe an eastbound left-turn lane on McKee Road with 150 feet of storage and a 15:1 bay taper.
- Construct the proposed access road with two exiting lanes (separate right and left) and a single entrance lane.
- Construct a westbound right turn lane on McKee Road with 150 feet of storage and a 20:1 bay taper.

~~.05 The Petitioner agrees pay to the Town of Matthews a fee equal to the cost of constructing~~

.05 As long as adequate right-of-way is available, the Petitioner agrees cause the construction of a single north bound left turn lane on Pleasant Plains Road with 425 feet of storage, a 15:1 bay taper, and 45:1 through lane taper(s). The ~~actual amount of the construction cost shall be jointly determined by the Town and the Petitioner but~~ shall include road widening, sidewalks, curbs, pedestrian crossing, and associated improvements necessary to construct the left turn lane. Unless an extension is otherwise approved by the Planning Director, ~~this amount~~the construction shall be ~~paid to the Town of Matthews~~completed prior to the issuance of a Certificate of Occupancy for any building other than the Marketing Center for the Site.

6. Design Standards for Continuous Care Retirement Community

.01 Materials:

- Buildings shall be constructed in substantial compliance with the architectural renderings set forth in Elevations A1.1 and A1.2 Masonry products such as brick, decorative block, and limestone stucco stone (equal to or better than Stone Products Corporation, type: Ohio limestone) must be used on a minimum of 50% of each elevation of all Residential Buildings or Independent and Assisted /Skilled Nursing levels. Similarly, the above referenced materials must be used on a minimum of 80% of each elevation of all Community Buildings. “Each elevation of all (Residential / Community) Buildings” is defined as the entire exterior surface area and does not include windows and doors in calculating the minimum percentage of material required. Bridges and enclosed walkway links are excluded from this requirement.
- EIFS or Stucco may be used as an accent material provided it does not exceed 10% of the exterior façade material for each elevation, excluding bridges and links.
- Concrete or masonry foundations should only have ±8 inch exposure above finished grade before the primary exterior finish materials begin.
- Exterior Cladding: Traditional materials, most commonly found on similar building types. These exterior materials shall be comprised of one or more of the following:
 - a. Hardi-plank or equivalent.

- b. Wood lap siding, composite lap siding and cedar shake siding painted or stained.
 - c. Translucent composite /glass panels
- Scale
 - a. Structure shall be designed to harmonize with the landscape.
 - b. The scale of each building may be aided through the use of articulated building elements, such as porticos, dormers, recesses, awnings and other such elements, which help break up the building mass.
- Wall Articulation/Fenestration
 - a. In addition to using building elements to articulate the building mass, individual walls must be articulated with fenestration, pattern, or structural expression on all sides of each structure.
 - b. The amount of fenestration should be proportional with the amount of solid facade.
 - c. Four-sided architecture will be provided; however the percentage of exterior building materials does not have to be exactly equal, provided that the building's façade percentage approximates the overall requirement.

7. Additional Landscaping, Buffering, Connectivity , Screening and Water Quality Commitments

.01 Landscaping

- All landscaping shall be in accordance with the requirements of the Ordinance as those requirements existed on February 25, 2014, or as depicted on the Rezoning Plan, whichever results in the greatest landscape cover.

• Landscape buffers along McKee Road and west/north/east property lines required by the Ordinance shall be installed prior to the issuance of a Certificate of Occupancy for any building adjacent to the landscaped area other than the Marketing Center for the Site. ~~Any required landscaping and buffers required~~ Interior site plantings for the Marketing Center will be ~~installed along with the construction of the Marketing Center~~ in compliance with the Town of Matthews UDO section 155.606.

- Landscape buffer along the western boundary of the Site will be extended from the existing tree line to the south along the entire length of the Village of St. Andrews project's common property line, with the exception of the pedestrian connection location to the Village of St. Andrews project. This buffer will yield 100% opacity within 3 growing seasons to a height of at least 12 feet above relative grade with plant material.
- The Petitioner commits to coordinate with the Planning Staff of the Town of Matthews any removal of vegetation from these buffer areas, and agrees that any such removal shall be in accordance with the following standards:

- (1) Trees and shrubs may be hand pruned only. No heavy equipment or vehicles shall be allowed in these areas.
- (2) Any plant material removed, shall be cut flush with the ground. No disturbance of the soil shall be permitted, except that the soil may be disturbed in connection with the installation of additional trees and shrubs, installation of utility lines for public or private uses, the temporary sidewalk described under Section 7.03 below and in conjunction with the removal of the existing drive in this area.
- (3) Weeds and vines may be removed.
- (4) Only trees with calipers of less than two inches and dead or diseased trees and materials and underbrush may be removed, and there may be no tree limb removal from other trees, with the exception of dead or diseased limbs.
- (5) Mulch may be applied to these areas.

Petitioner further agrees to temporarily fence tree save areas to minimize the possibility of damaging the trees involved.

.02 Buffering

- Unless the Petitioner submits and the Planning Director approves, an alternate treatment along portion of McKee Road and Pleasant Plains Road, installation of the eight foot high berm and associated plant material along McKee and Pleasant Plains Roads will be installed prior to the issuance of a Certificate of Occupancy for any building other than the Marketing Center for the Site.

.03 Connectivity

- A five foot wide sidewalk will be installed along McKee Road on property frontage the Petitioner controls and along the Cauthen properties, (tax parcel numbers 22760107 and 22760108). The sidewalk along McKee Road will be constructed inside the existing right-of-way if an agreement to construct the sidewalk in its future location cannot be secured through the owner(s) of the aforementioned property. If the sidewalk is not able to be constructed in the existing right-of-way of McKee Road, the Petitioner agrees to construct a temporary sidewalk in the 20 foot setback along the rear of the Cauthen property, between the Petitioner's fence and the property line. This sidewalk will provide connectivity to Pleasant Plains Road through the sidewalk which currently runs along the northern margin of this road.
- A pedestrian connection will be provided from the Erickson Campus to the nearby shopping center, if Erickson Communities is able to secure any

required authorization from the Village of St. Andrew. This connection has been illustrated on the Rezoning Plan (Sheet L1.10).

.04 Screening

- Screening of Mechanicals: No materials, supplies, equipment or products shall be stored on any portion of the Site outside the permitted structures. Mechanical equipment or other utility hardware on ground, or buildings shall be screened from view with plant materials.
- AUnless the Petitioner submits and the Planning Director approves an alternate treatment along portions of McKee Road, a 6 foot tall black metal ornamental picket fence shall be installed along the McKee Road frontage and western and northern property lines along the alignment generally depicted on the Rezoning Plan. Installation of fencing shall not be required in conjunction with construction of the Marketing Center. (Sheet L1.2)
- A 6 foot tall black vinyl coated chain link fence shall be installed around the balance of the boundary of the site along the alignment generally depicted on the Rezoning Plan. (Sheet L1.2)
- All perimeter fencing shall be located outside of required screening areas.

.05 Water Quality

- Petitioner will provide storm water management system which will meet water quality and ground water recharge requirements.
- The Petitioner will comply with the Town of Matthews' new Storm Water Post Construction Ordinance (Effective date June 30, 2007).
- The Petitioner will comply with the recommendation of Charlotte Mecklenburg Storm Water Services, Water Quality Program Manager, Rusty Rozzelle, and provide additional peak control for the 50 year and 100 year, 6 hour storms.
- The Petitioner has eliminated 200 Independent Living Units and associated impervious parking and drive areas from the plans dated August 17, 2007. The reduction of impervious areas will result in an increase in groundwater recharge from the August 2007 Plan and the removal of some previously illustrated bioretention basin locations. The existing vegetation within the Tree Preservation Area shown at the northwestern corner of the site on Sheets C.1.1 and C.1.2 will not be disturbed as part of this development.

8. Dumpster, Lighting, Outdoor Display Areas and/or other Environmental Commitments

- .01 All interior private street lighting shall not exceed 20 feet in height.
- .02 External lighting shall be cut-off type fixtures.
- .03 All types of parking, pedestrian and other lighting shall be on poles or mounted on individual units, and shall be of the same type and style.

.04. Light poles for the loop road and the parking lots shall satisfy the following standards:

- Loop Road –Poles no taller than 20 feet- Bronze color square metal pole, shoe box type luminaire with shield for property line lumination cutoff, 250 watt metal halide (or LED equivalent), poles 110 feet – 120 feet apart
- Parking Lots-Poles not taller than 16 feet - Bronze color square metal pole, shoe box type luminaire with shield for property line lumination cutoff, 175 watt metal halide (or LED equivalent), poles 65 feet – 75 feet apart

.05 Landscape uplighting from a concealed source shall be permitted.

.06 All lights shall be arranged to reflect light away from any exterior street or adjacent property.

.07 No colored lights shall be used to light the exterior of the buildings.

.08 In addition to the proceeding commitments, all outdoor lighting shall comply with the provisions of Section 155.609 of the Matthews UDO as they existed on December 9, 2013.

.09 Waste and Refuse:

- All dumpsters for waste and refuse shall be containerized and screened from view on three sides by a solid masonry wall, wood fence, vegetation or materials compatible with building materials and at least 6 inches taller than the height of the dumpster. The fourth side shall contain a durable gate made of metal, resin or similar material, and shall also be at least 6 inches taller than the height of the dumpster.

.10 Storage and Equipment and Services Areas:

- No area of the Site will be used for outdoor storage except within designated refuse areas. No materials, supplies, equipment, or products shall be stored, or permitted to remain, on any portion of the Site outside of any permitted structure or approved storage area.
- Mechanical equipment or other utility hardware on the ground, or buildings shall be screened to its full height from public view with materials harmonious with the building.

9. Graphics and Signage Commitments

.01 A master signage plan will be created for the Site but is not required for signage associated with the Marketing Center. The master signage plan will include the project entrance sign to be located in the boulevard island, entrance walls to be located to the right and left of the vehicular entrance and the following interior site signs: directional signs, speed limit signs and stop signs. Illustrations of these signs are depicted on Sheets L1.3, and L 1.8. The locations of the project entrance sign and entrance walls are depicted on Sheet L 1.1 and Sheet L 1.7.

.02 All primary identification signage shall be of appropriate size to provide adequate exposure on continuous right-of-ways to allow passing traffic to easily identify and locate the campus. One primary sign shall be located on McKee Road. Sign and shall comply with the applicable intersection visibility requirements as depicted on the Rezoning Plan. (Sheet L1.3)

.03 All signage and graphics shall conform to the Matthews Graphics and Sign Requirements.

.04 An appropriate number of secondary directional double-faced signs shall be permitted within the internal campus vehicular traffic routes.

.05 The overall design of signage and graphics shall be of a unified appearance and shall be compatible with the overall campus architectural character with respect to materials and colors, and no signs shall be internally illuminated.

.06 Up to four (4) flag poles may be located on the Site, to be limited to the U.S. Flag, State of North Carolina flag, Town of Matthews flag and corporate identity flag. Maximum height for flag poles shall be 35-feet. The locations of these flags on the site will be shown on and approved as part of the Master Signage Plan and/or Site Zoning Plan.

.07 Prior to the approval of the Master Signage Plan and in conjunction with the development of the Marketing Center, signage may be permitted as long as the size and location of the signage complies with the requirements of Section 155.608 of the UDO.

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10. Fire Protection

.01 Adequate fire protection in the form of fire hydrants will be provided as needed to comply with the Town of Matthews and County Fire Marshal's specifications. Plans for each building will be submitted to the Fire Marshal's office for approval before the construction of that building commences.

.02 The italicized language below was approved as part of the original 2007 rezoning. While the Petitioner is willing to abide by these provisions, some requirements may no longer be feasible in light of Matthews' current policies. Therefore, the Petitioner and Town shall reach a mutually agreeable arrangement that is consistent with the spirit and intent of the original language.

All first responding members of the retirement community's security department shall function as volunteer members of Matthews Rescue & EMS. When a call to 911 is received on Erickson property and is dispatched by the County, a County ambulance will still respond, but instead of an off-site Town EMS vehicle responding, Erickson's on-site personnel will respond by company vehicle, on foot, or cart. The on-site Erickson EMS responders will communicate to the County using Town radios purchased by Erickson, estimated to be \$20, 900. Equipment, to be owned by the Town, consists of: 3 each - radios (1 spare); 6 each - pagers, 2 each - Medical Equipment (includes AEDs). Erickson personnel will function as Matthews EMS personnel and will fall under the authority of the Town during the call response. The responding personnel will complete a Town incident call report which will be turned in as per

protocol and entered into the Town's report system. All responding personnel will follow the department's standard operating procedure and County protocols.

.03 Petitioner commits to paying a **Fire Impact Fee** for each residential, community, and assisted living/ skilled nursing building (RB, CB, and RG) - 13 buildings total - of \$20,000/each, due and payable at the time of the issuance of the building permit for each such building

.04 The locations and extents of fire apparatus access drives shown on the Rezoning Plan (Sheet C1.1) were derived from recommendations from Mecklenburg County and Matthews Fire Department officials. Fire apparatus drive locations will be approved by Matthews Fire Department Officials during the construction document approval process. Minor modification of drives may take place during design development and construction phases.

11. Miscellaneous Commitments

.01 Utilities:

All new utility lines including water service, electricity, telephone and gas, and their connections or feeder lines shall be placed underground. Where feasible, all above ground utility boxes shall be placed at the rear lot lines or shall be sufficiently screened.

12. Amendments to Rezoning Plan

.01 Future amendments to the Rezoning Plan, these Development Standards, and the accompanying Representative Elevations A1.1 and A1.2 may be applied for by the then Owner or Owners of the Site involved in accordance with the applicable provisions of the Ordinance.

13. Binding Effect of the Rezoning Documents and Definitions

.01 If this Rezoning Petition is approved, all conditions applicable to development of the Site imposed under the Rezoning Plan, these Development Standards, and the accompanying Representative Elevations A1.1 and A1.2 will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and the current and subsequent owner or owners of the Site and their respective successors in interest and assigns.

.02 Throughout these Development Standards, the terms, "Petitioners" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the Petitioners or the owner or owners of the Site from time to time who may be involved in any future development thereof.

Summary report:
Litéra® Change-Pro TDC 7.5.0.127 Document comparison done on
9/11/2014 4:07:59 PM

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Intelligent Table Comparison: Active	
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Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
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