

**PLANNING BOARD
REGULAR MEETING
TUESDAY OCTOBER 27, 2015
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES – September 22, 2015
- III. ZONING APPLICATION 2015-637 – Text Amendment, Downtown Overlay Building Lot Coverage Requirement
- IV. ZONING APPLICATION 2015-632 – Primrose Child Day Care Facility, 720 Park Center Dr, From I-1 to O(CD)
- V. ZONING APPLICATION 2015-636 – W Browning, 608 Lakenheath Ln, From R-20 to R-15
- VI. ZONING APPLICATION 2015-638 – Text Amendment, Side Yards in I-1 District
- VII. ADJOURNMENT

MEMO

TO: Planning Board Members
FROM: Kathi Ingrish
DATE: October 20, 2015
RE: October 27, 2015 Planning Board Meeting

Who's ready for the cute and scary costumed figures to come a'knockin' at your door?? Oh, yeah, with an extra hour overnight to boot! Before then, we need to meet and eliminate any fearful concerns about what your Board recommends on some zoning cases. Betty plans to be back with us by then.

There were four zoning public hearings before Council this month. In hindsight, we should have encouraged Council to continue the hearing on Primrose School because they are still trying to determine each Council member's preferences so they can revise their site plan and notes accordingly. Once a hearing is closed, that starts the 30-day clock for Planning Board to make a recommendation. If your Board does not make a recommendation within 30 days of the hearing, then it's the same as if you recommended approval. Unfortunately, if the applicant cannot have an as-close-to-final-as-possible site plan for you to review, your Board can only make a determination based on what is presented up to that point in time. It is unfair to your Board, to Council, and to the applicants when you are not be able to see the almost-final layout and notes.

The four pending zoning cases are:

2015-637, a text amendment that may need to be handled before the Primrose (2015-632) application. This application proposes to include a sentence back into the Downtown Overlay section which was in the former Zoning Ordinance. Two sentences were omitted, although as we look at it now, we realize only the second sentence should have been deleted. Staff therefore is supportive of this text change being re-inserted into the UDO, whether it allows 12' (former dimension) or 25' (current proposal) of driveway width be excluded from the calculation of lot coverage along downtown streets.

2015-632 is for Primrose School, a child day care facility at the corner of N Ames St and Park Center Dr. The applicant is seeking a change in zoning from straight I-1, Light Industrial, to O(CD) Office district, which would allow a day care as a permitted use. At the public hearing various Council members had concerns about which street the building fronted, how much parking was provided, what the building would look like from the street, use of on-street parking, and the current width of N Ames Street. The applicant most likely will only be able to provide your Board with a letter or verbal update next Tuesday on their negotiations with individual Council members, so there is nothing new included in this agenda package. Should they turn the building to face Park Center Dr instead of facing Ames St, we do not know if they will need the text change in 2015-637. Planning staff, however, would like to see that text change go into effect whether or not it is needed for this specific case.

N Ames Street in this block is clearly inadequate for regular 2-way travel, and has been on the Town's radar as a location for improvements. The Downtown Master Plan, adopted 2 years ago, includes it in a list of "short-term", a 1 to 3 year schedule, for widening. Although it was listed there as needing to be done in 2014, there was no funding identified, and it remains on the waiting list. One major impediment is a very large oak tree that would have to be destroyed to widen the street. Staff is continuing to research old records to verify right-of-way widths.

2015-636 is for a residential lot at 608 Lakenheath Ln. The lot is zoned R-20 and the owners wish to revise it to R-15. The allowed uses are identical for both zoning categories, and both zoning districts abut this property. The main difference for this lot is the land area within the parcel – the building envelope – where a house can fit. The R-15 district would allow more flexibility in house plan design.

2015-638 is a text amendment to decrease minimum side yards within the I-1 Light Industrial district. The I-1 district is one of our Traditional districts brought forward from the former Zoning Ordinance. The Traditional districts generally were created in the latter half of the last century when suburban layout called for clear division between different land uses. Unless buildings were butted against each other such as in a strip commercial design, each building sat on its own lot with landscaping at the borders to define its own territory. For fire safety purposes, space from one building to the next on the same lot had to be wide enough for a fire truck to maneuver between them, generally at least 10' wide. This proposed text change seeks to allow side yards as narrow as 0' in the I-1 district as long as the adjacent property is a nonresidential zoning designation. Approving this change could allow multiple building parcels zoned I-1 to be subdivided into separate parcels, as well as allow new development of I-1 zoned land with buildings sitting on their side property line, whether or not the adjacent parcel has any development on it. There is no way for us to accurately determine the potential use of this text change.

If you are a night owl and stayed late enough at the October 12 Council meeting, you heard a brief overview of the draft Downtown Streetscape Improvement Plan. That document is now online for public review, and will have a public hearing in November. You may want to read through the draft document in preparation for the public hearing. We anticipate revisions prior to final adoption, so we want to hear everyone's thoughts and preferences on it.

As always, please let one of us know if you find you will be unable to attend next Tuesday's meeting.

**MINUTES
PLANNING BOARD
TUESDAY, SEPTEMBER 22, 2015
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chairman Steve Lee; Members Barbara Dement, Gary Turner, Alternate David Wieser; Attorney Craig Buie; Youth Voice Carly Newton; Planning Director Kathi Ingrish, Senior Planner Jay Camp, Planner Mary Jo Gollnitz.

ABSENT: Vice Chairman Rob Markowitz, David Pratt, Michael Ham, Eric Welsh, and Alternate David Bailey

MEETING CALLED TO ORDER

Chairman Steve Lee called the meeting to order at 7:05 p.m.

Mr. Turner made a motion to appoint Mr. David Wieser as a voting member for the night's meeting. Ms. Dement seconded the motion and the motion passed unanimously.

APPROVAL OF MINUTES

Ms. Dement made a motion to approve the minutes of the August 18, 2015 and September 8, 2015 meetings. Mr. Wieser seconded that motion and the motion passed unanimously.

ZONING APPLICATION 2015-631 – 11325 E INDEPENDENCE Blvd, From B-H to B-D(CD)

Mr. Camp stated that the public hearing was continued over two months. He reviewed the site plan. The site's main access is Moore Road. There is a second access off E Independence Blvd., but that access has the potential to go away due to road widening. There were some revisions after the first month of public hearing. A note was added to clarify the number of hours that animals could be outdoors. A note was added to indicate that the access on Highway 74 may be eliminated. Hours were given for allowed trash pickup. The building that is currently a feed store encroaches on the applicant's property. Staff has been working with the applicant to address the lot line as well as leave that portion B-H instead of rezoning to B-D(CD). The encroachment is an outstanding issue. The applicant has had issues reaching the adjacent property owners. There are no further updates since the public hearing was closed.

Mark Fee, of 5050 E Galbrath Road, Cincinnati, Ohio, came forward to speak for the applicant. He stated that they are still working on selling a portion of the site to the feed store property owners. The feed store owner is not interested in all of the property, but will be purchasing a portion.

Mr. Lee asked for an update concerning the exterior building materials. Mr. Fee stated the intent is still to maintain the 3 ½ foot wainscoting with a brick bottom. Mayor Pro Tem Query expressed an interest in brick and hardy plank. Mr. Fee stated a concern with the hardy plank's high maintenance. The paint will peel off the hardy plank due to the amount of washing the building will sustain. The metal siding they intend to use mimics hardy plank. The baked enamel will better hold up to the building's maintenance. Mr. Lee stated that in reviewing existing locations, he noticed a variation in roof colors. He asked if the applicant would be willing to explore options. Mr. Fee stated there is flexibility in roof choice. Mr. Lee asked about variations in fencing. Mr. Fee stated the fencing options have gone through an evolution and are flexible as well.

Ms. Dement asked where the dumpster would be located. Mr. Fee indicated on the screen where the privacy fence is extended to conceal the dumpster. Mr. Fee stated they would be okay with enclosing the dumpster as well. Ms. Dement inquired about the location of utility connections. Mr. Fee stated they will also be behind the privacy fence. Ms. Dement stated she thinks this will be a great addition to Matthews.

Mr. Wieser asked if the owner of the feed store is cooperating. Mr. Fee stated that the owner is excited about their business coming and in acquiring the land. They cannot sign a lease with Americana until they own the land. Leaving that portion B-H will keep it a conforming use.

Mr. Turner stated that there has been a lot of discussion along the way concerning this project. He feels that it is an appropriate use for the area and will be appealing to Matthews' citizens. Mr. Lee stated that he understood why the Council was discussing brick veneer due to the height of the walls. However, he feels the ordinance is vague concerning this. The roof and fence variations will open up more options for the Council to discuss.

Mr. Wieser stated that he believed the plan looked appropriate.

Mr. Turner made a motion to recommend approval of application 2015-631 as most currently amended due to its consistency with Matthews Land Use policies. It is reasonable and in the public interest because it is an appropriate use for this property. Ms. Dement seconded the motion and the motion passed unanimously.

ZONING APPLICATION 2015-633 – 9709 and 9715 Northeast Pky, Windsor Professional Center, From Conditional to O(CD)

Mr. Camp stated there are two buildings currently built and two being proposed. There were two outstanding issues from the public hearing. One was the screening and painting of utilities along Northeast Parkway which are underway. The second was a list of permitted uses. A letter was received by staff stating that the applicant is proposing all uses permitted in the Office district except for 7 uses. These uses were shown to the board.

Mr. Lee stated there was a comment made about window size along Northeast Parkway during the public hearing. Mr. Camp stated the elevations have been revised since then. There will be a slight difference in elevations due to the two different footprints of the building. Mr. Lee asked about gabled roofing for the building closest to Northeast Parkway.

Mr. Chris Hope, of 2617 Rolling Hills Dr, Monroe, was the engineer on the project. He explained that the first two buildings were built in 2005. Two buildings are now being built to match the first two. He stated the two proposed are also meant to match the existing buildings. Matching windows and gables are on the back of the buildings.

Ms. Dement reminded everyone of the public comment concerning the air conditioning units being painted and screened.

Mr. Lee asked about the tree buffer. Mr. Hope stated there are no plans for any tree removal. Mr. Turner asked if this was noted on the site plan. Mr. Hope stated it was.

Mr. Lee asked about signage. Mr. Hope stated there is an existing sign at the entrance now. Tameka McLary, of 17232 Lancaster Hwy, Suite 108, Charlotte stated that the current signage is smaller than what is allowed. However, she stated a desire to increase the signage based on what the new zoning will allow.

Ms. Dement made a motion to recommend approval of application 2015-633 because it is consistent with the Matthews Land Use policies and reasonable and in the public interest due to the proposed addition complementing the current buildings on the property. Mr. Wieser seconded the motion and the motion passed unanimously.

ZONING APPLICATION 2015-634 – 419 Covenant Church Lane, Christ Covenant Church, From R-15 to R/I

Mr. Camp stated there were no updates since the public hearing. The church is looking to rezone this 1+ acres of the Christ Covenant Church campus. Tree clearing is part of an approved site plan for construction of a new school and other updates. Mr. Lee asked the purpose of the rezoning. Mr. Camp stated it would make it consistent with surrounding properties and give them the opportunity to use it for athletic fields, etc. that are available in the R/I district. Mr. Turner asked if the playing fields encroach on the parcel in question. Mr. Camp stated they do not.

Ms. Dement asked about the two existing homes that the church currently uses. Mr. Camp stated he is unsure of the Church's master plan for the site. Mr. Wieser asked if those two homes are a part of this rezoning. Mr. Camp stated no.

Mr. Lee asked if there was a difference in tree preservation between the districts. Mr. Camp stated he believed it was roughly 12%, but staff would calculate the aggregate for the whole 29 acres once this zoning was approved.

Mr. Wieser made a motion to recommend approval of application 2015-634 because it is consistent with the Matthews Land Use policies. It is reasonable and in the public interest because it is being zoned consistently with the adjacent properties. Mr. Turner seconded the motion and the motion passed unanimously.

PUBLIC IMPROVEMENT VARIANCE – 2105 Rice Road, Walking By Faith

Ms. Gollnitz stated this is for Walking By Faith Church at the corner of Sam Newell and Rice Roads. They have presented a proposal for phasing their church onto the currently vacant property. The first phase would be an all purpose building with classrooms. Later, an additional building is proposed to be added. The variance is to request a delay in installing the sidewalk along Sam Newell until the second phase of construction begins. They are also asking for a waiver for the curb and gutter along Sam Newell. The church will install curb and gutter along Rice Road up to their Phase 1 construction line. They are then asking for a delay for the rest until Phase 2 construction begins. This is due to the unknown design for Rice Road when it becomes a 4-leg intersection, and timing of construction of parallel connector roads (Northeast Parkway-Arequippa Drive).

Ms. Dement asked if the site plan left adequate building envelopes and parking after the road construction happens. Ms. Gollnitz stated their buildings should be in an appropriate place. Mr. Lee asked the distance of the phase 1 sidewalk along Rice Road. Ms. Gollnitz stated it was approximately 273 feet. Mr. Lee asked if there was a timeline proposed for phase 2. Ms. Gollnitz stated that would be a question for the applicant.

Mr. Nate Huggins, of 13001 Idlewild Road, representing Walking By Faith Church came forward. He stated there are many questions still in the air concerning road construction. He stated the church did not want to spend money on construction projects that would be removed once road construction began. They are not a large church. They will comply with the ordinance once the road construction plans provide guidance on where to place those public improvements. The church does not have the finances for a bond on the public improvements. Mr. Huggins stated they hoped to break ground on Phase 1 in the next month. Chris Hope is the engineer/architect and the general contractor is in the audience for any further questions. Mr. Huggins also asked the church members to stand.

Ms. Dement stated that she has voted against these in the past due to the desire of the walkable community. However, she stated that she approved of this because the church was being good stewards of their finances as well as taking care in the installation of the improvements. Mr. Lee stated he understood the request due to the upcoming changes surrounding the property. The Town Board may want a more definitive timeline on phase 2 construction. Mr. Wieser stated that a timeline would be appropriate due to the current issues the town is having with sidewalk installation.

Ms. Dement made a motion to recommend approval of the public improvement variance for the waiver and delay of sidewalk and curb and gutter installation. It is reasonable and in the public interest to have these improvements installed when there is guidance on where to place them. It is consistent with Matthews Land Use policies. Mr. Wieser seconded the motion and the motion passed unanimously.

ADMINISTRATIVE AMENDMENT.

Mr. Camp stated that this was an Administrative Amendment for the Park Place Townhomes on Sadie Drive. The first phase was completed just before the recession. The units did not sell well. A buyer has come in and bought five lots to complete the development. The owner wants to modify the elevations from the original. These units will not have a private courtyard. To alleviate this, they are proposing a courtyard along Sadie Drive as a potential outdoor space. The applicant could not be present at this meeting.

Ms. Dement asked about fencing materials. Mr. Camp stated that it will resemble iron fencing. Ms. Dement stated that this could be a charming use of the property. She asked about an HOA. Mr. Camp stated there is an

active HOA but he was not sure if a property management company was being used. Mr. Lee stated the current buildings look nice as well.

Mr. Turner made a motion to approve the Administrative Amendment. It is consistent with the Matthews Land Use policies. It is reasonable and in the public interest to complete the development. Ms. Dement seconded the motion and the motion passed unanimously.

ADJOURNMENT

Mr. Turner made a motion to adjourn the meeting at 8:00 p.m. Ms. Dement seconded the motion and the motion passed unanimously.

Respectfully submitted,

Betty Lynd
Administrative Assistant/Deputy Town Clerk

DRAFT

October 21, 2015

VIA EMAIL

Mr. Jay Camp
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105

Re: Rezoning Application No. 2015-632 filed by Primrose School Franchising Company Requesting the Rezoning of an Approximately 1.2 Acre Site Located on the West Side of Park Center Drive Between Matthews Township Parkway and North Ames Street from the I-1 zoning district to the O (CD) zoning district (Tax Parcel No. 193-243-07)

Dear Jay:

I hope this letter finds you well.

As you know, Rezoning Application No. 2015-632 is on the Planning Board's October 27, 2015 agenda for recommendation. As you are also aware, there are six outstanding site plan issues relating to the conditional rezoning plan that are identified in the Staff Analysis.

At the Public Hearing on October 12, 2015, the Applicant received comments from Town Board Members and some interested citizens regarding the orientation of the proposed building, and the comments were that the building should face Park Center Drive. There were additional comments that were made that concerned matters unrelated to the outstanding site plan issues identified in the Staff Analysis. In an effort to attempt to address the comments received at the Public Hearing, the Applicant is working on revisions to the conditional rezoning plan that will have the proposed building facing Park Center Drive. The Applicant is working on additional revisions as well. Unfortunately, these revisions cannot be completed by today. The Applicant will share the revised conditional rezoning plan with all interested parties as soon as it has been completed.

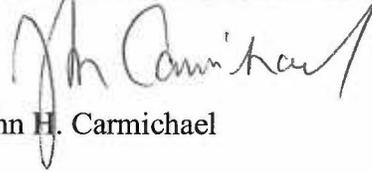
Additionally, as you and I discussed recently, the Applicant will not be filing a revised conditional rezoning plan today to address the outstanding site plan issues identified in the Staff Analysis since it is working on the above described revisions to the conditional rezoning plan, and because the Applicant will not be pursuing the approval of the conditional rezoning plan that was presented at the Public Hearing that oriented the building to North Ames Street. We understand that the Planning Board will have to act on the conditional rezoning plan that was presented at the Public Hearing.

Mr. Jay Camp
October 21, 2015
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We will attend the Planning Board meeting on October 27, 2015 to answer any questions.
Thank you as always for your assistance.

Sincerely,

ROBINSON BRADSHAW & HINSON, P.A.

A handwritten signature in black ink, appearing to read "John H. Carmichael". The signature is written in a cursive style with a large, stylized initial "J".

John H. Carmichael

JHC1/lh