

**PLANNING BOARD
REGULAR MEETING
TUESDAY OCTOBER 28, 2014
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES of September 23, 2014 Meetings
- III. ZONING APPLICATION 2014-620 – 134 W John St, Reid House, from O-15 to O(CD)
- IV. ISSUES/CONCERNS/IDEAS FROM MEMBERS
- V. ADJOURNMENT

MEMO

TO: Planning Board Members
FROM: Kathi Ingrish
DATE: October 24, 2014
RE: October 28, 2014 Planning Board Meeting

I feel like I just prepared the September agenda package and here it is, (past the) time to send out your October meeting agenda. I'm sorry I let this week speed by so fast without getting this ready for you earlier. At least you won't have an all-nighter like last month.

Actually the only zoning case for your Board this month is to bring the historic Reid House, at W John and Fremont Streets, into a contemporary zoning classification. Since this was the only property zoned O-15 under the prior Zoning Ordinance and we had another, almost identical, Office district that was what all other properties were using, it made sense to eliminate the O-15 zoning district when we adopted the UDO. Just as we are bringing the old Conditional zoned parcels into another zoning district designation that has standards listed in the code book, this action will allow the Reid House to continue operating just as they have been doing, but under a zoning district that best fits their use. There was little discussion and no speakers at the public hearing.

As you know, your Board appointed Ben Dodson as the Youth Voice representative and Sarah Ward as alternate for this school year. They will both be attending your Board meetings and Council joint hearing sessions as often as they can. Since this agenda is short, you may wish to talk further with them about some of the planning and development issues Matthews has been dealing with lately, such as the East John Street widening, downtown redevelopment concepts, the Land Use Plan policies, or any other ideas you or they may have.

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, SEPTEMBER 23, 2014
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

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

CALL TO ORDER

Chairman Tom Lawing called the meeting to order at 6:55 pm. The Board interviewed three candidates for the Youth Voice position. The candidates were Benjamin Dodson, Gabriel Russell, and Sarah Ward.

The Board came back into regular session at 7:17pm.

APPROVAL OF THE MINUTES

Steve Lee made a motion to approve the minutes of the August 26, 2014 meeting as presented. David Pratt seconded and the motion was unanimously approved.

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-15

Planner II David Nelson reviewed the application process for the Board that rezoning request 2014-5 has gone through. The application is to change the zoning from R-VS to R-15. Mr. Nelson continued stating that it encompasses the project formerly known as Spring Park along Sam Newell Rd and Lakeview Circle. He noted that the request came from the majority property owner. The Planning Board recommended initiating action to change the zoning back to the original R-15 zoning.

Chairman Lawing verified that this is the rezoning the Board discussed back in March. Mr. Nelson stated yes, this is now the formal process of rezoning the property.

Tom Lawing recommended Zoning Motion 2014-5 for approval as presented at the public hearing stating it is consistent with the policies for development as outlined by the Matthews Land Use Plan, and/or Town's long-range Vision Statements and other adopted policies. Gary Turner seconded the motion which carried unanimously.

ZONING APPLICATION 2014-614 – East Independence Properties, 1935 Rice Rd, 9508 and 9512 Northeast Ct. from Conditional (C) to MUD and B-H (CD)

Planner II Jim King stated that Independence Properties is requesting application 2014-614 to rezone three properties at the East Point development. He showed which parcels would be changed to the MUD district and which would be B-H (CD) district. He noted that at the public hearing the Town Board did ask if the applicant would be willing to fund a portion of the Rice Rd extension. The 1994 conditions for the development stated that the developer did not have to build the road. Staff has been working with the applicant to make sure all the original conditions and the amended 1994 conditions have been met. He continued stating that they have compiled a list which has 13 conditions total. The ability to pursue a master sign plan has been added to the overall site plan for the development.

Mr. King continued stating that there will be limited uses going forward on the affected properties. The movie theater and Matthews Auto and Towing are allowed to continue operations. If either ceases to exist, then only

uses allowed in the respective districts could be placed there. He further explained other conditions that would be added to the approval. Parking must be adhered to in the B-H (CD) district.

Mike Ham asked if the violations at Matthews Towing, parcel "C", have been resolved. Mr. King said that the Code Enforcement officer has been working with the owner on those issues. He explained that the perimeter planting has been installed and the issue of the tree is being worked on.

Barbara Dement asked if the installation of the connection to Rice Rd could be a condition of the sale of the property. Mr. King said that if the parcel is sold and they redevelop the entire parcel, then site plan approval would need to come before the council. At that time it could be negotiated. Discussion continued on the need for the road connection.

Mr. Ham stated that the applicant has said that they did not have money to open the road extension. Discussion was held regarding the extension of Rice Road.

Attorney Charlie Buckley said that you cannot put a condition on property that is not a party to this action. Ms. Ingrish said that Council has been looking at extending this connection for years. This connection is vital to traffic for the community around there. She continued noting that Council has recently stated that the road connection is a high priority.

Eric Johnson asked how staff plans on addressing a potential change in the location of the road cut. Mr. King said that there is a dedicated right-of-way on the plat and they would have to be aware of this and plan their development around that.

Steve Lee stated that the staff analysis noted the old conditions had not been completed. Will there be a way to make sure they are completed moving forward. Mr. King said that there are conditions such as the berm that will be carried forward. Mr. King showed the parcels that encompass the entire development. Once all the properties are rezoned, there will be the opportunity for a master sign plan. This would allow joint freestanding signs along Sam Newell Rd and Independence Blvd.

Gary Turner recommended that 2014-614 be approved as presented at the public hearing and most currently amended, and that it is consistent with the policies for development as outlined by the Matthews Land Use Plan, and/or Town's long-range Vision Statements and other adopted policies. David Pratt seconded and the motion was approved unanimously.

ZONING APPLICATION 2014-617 – Pep Boys, 9415 E Independence Blvd from Conditional (C) to B-H(CD)

Chairman Lawing reminded the Board that there are two applications from Pep Boys and they will be considered separately.

Mr. King stated that this request is part of East Point development, for Pep Boys located on Independence Blvd. They are requesting rezoning from C to B-H (CD). The applicant has agreed to carry forward the revised conditions from two previous rezonings. At the public hearing, the Town Board addressed two items. A speed bump was noted as a concern for parking and there was no stop sign existing the Northeast Court public right-of-way.

Mr. King reviewed the items that have changed on the plan since the public hearing. Pep Boys is looking for the joint master sign plan in the development. The applicant is no longer requesting the 2500 square foot addition to the existing building.

Mr. Lawing asked for clarification on the stop sign location. Mr. King explained that the driveway entrance in the development is a private easement and is maintained by the property owners. He noted the stop sign is where the driveway accesses North East Court.

Mr. Lawing asked if the stop sign at Pep Boys is part of the rezoning. Mr. King said that staff would address the stop sign issue with the applicant. There was additional discussion on stop sign locations. Ms. Ingrish noted that

the stop signs at the Pep Boys entrance would be covered under the general condition notes. She read the conditional note that stated all intersecting curb cuts will have stop signs.

David Pratt asked if there was an issue regarding the parking at this location. Mr. King clarified stating that there was a question about the speed humps impeding the parking. Staff did go on site and verified that there are no speed bumps in the travel isle except in one location.

Mr. Lee stated that the application is to place the property in the B-H zoning district in order to allow more signage. Mr. King clarified that the applicant wishes to change their branding and part of that is changing the sign package. There is no Conditional zoning district in the UDO. For staff to say how much signage is allowed, the property has to be in a zoning classification that is recognized in the ordinance. Mr. Lee said that we are then setting the stage for the text amendment. Mr. Buckley stated that they are working towards changing all the Conditional zonings to the updated districts.

Steve Lee recommended approval of zoning action 2014-617 for approval as presented today, as it is consistent with the policies for development as outlined by the Matthews Land Use Plan. Rob Markiewitz seconded the motion which carried unanimously.

ZONING APPLICATION 2014-616 – BrookeChase Properties, 324 E Matthews St from R-20 to C-MF

Senior Planner Jay Camp addressed the Board. He stated that his memo referenced both Brookechase applications. He noted that application 2014-616 has added a note clarifying the shared parking agreement that will be acquired from the Town or a nearby property owner. BrookeChase Properties are also the owner of Matthews Executive Center across Matthews Street. Mr. Camp continued stating that a right-of-way encroachment agreement for a portion of parking spaces and landscaping along Matthews Street will have to be completed. He showed the area on the site plan. He also updated the Board regarding the large white oak tree on the corner of the property located close to Town Hall. Snyder Tree Care has done an analysis and has determined that the tree is 33% decayed. The decay is on the leaning side of the tree. The recommendation was to remove the tree.

Mr. Camp continued stating that the developers will provide storm water detention on site. This is not required under the town's regulations. Lastly, an innovative request is needed to reduce the distance of the privacy fence from the side property line.

Mr. Ham said that Section 155.401.7 of the UDO discusses the concepts for innovative developments being special; what is so special and innovative about this project. Mr. Camp said that the town has had innovative development standards for approximately 25 years. In this district the project edges are set very broadly. When the project comes in for a rezoning, the Town Board can reduce these setbacks as they see fit. Mr. Ham noted that in Section C of the innovative requirements there is a list of what may be modified. He stated that buffer areas are not listed. Mr. Camp stated that the buffers are still in place. That is not being reduced. The setbacks are being reduced. Mr. Ham asked for clarification of the minimum setback from adjacent residents. Mr. Camp said that within the downtown area there are different standards for CMF projects depending on the location.

Mr. Ham again stated that he did not see the special innovative quality of this project. He continued asking how the eight on street parking spaces are being counted for the project parking requirements. Mr. Camp said that there are 21 spaces on site. In the Downtown Overlay district you can reduce parking requirements by 25% if you are within 400 ft of public parking. In some combination they meet the parking requirements and the question for the Board is to decide if there is enough parking on site and/or off site. Mr. Ham said that with a two story building they could meet all parking requirements on site.

Mr. Ham asked if the Board could require, for example Spartan junipers that grow to 40 ft., along the single family homes abutting the property. Mr. Camp said that the landscape architect could answer the question as to the trees that could appropriately fill the buffer.

Mr. Lawing asked what the parking requirement is for multi-family in the downtown. Mr. Camp said that it varies based on the square footage of the units. He read the applicable section of the UDO for the Board. Mr. Pratt asked how much square footage the units are and the parking requirements. Mr. Camp said that the

calculations are on the plans and 31 spaces are required. Mr. Ham asked why would you want to reduce the parking requirements. Mr. Camp said that the applicant gave an overview of their existing complex and how the parking needs are met. Mr. Camp explained how different areas of town have different needs for parking and how parking impacts projects.

Ms. Dement commented that not everyone is automobile dependent. She provided a scenario about a young doctor walking to work. Residential areas for young professionals to live and walk close to work are needed in Matthews. She believes that a development close to the hospital would be exciting.

Mr. Johnson stated that it is not a unique small piece of land in urban downtown. This scale of development fits the scale of the land. Rob Markiewitz asked if they could put parking underneath the units. Mr. Camp stated that he would defer that question to the developer.

Gary Turner said that parking may be a challenge for the residents that will be there. He asked if parking was permitted behind the building in the library lot, would the Town have any liability. Mr. Camp said that at the public hearing there was discussion on this issue. The parking agreement on public property is a legal question. Mr. Buckley said that there is no public street in the rear of the building. It is a public parking lot and anyone from the public can park there. Discussion continued regarding shared parking agreement requirements and legal risks. Mr. Camp said that on street parking is typical of neighborhoods.

Mr. Turner said that it is a great building and asked if planning staff is satisfied with storm water. Mr. Camp said that the developer will be working with the public works department on approval. He explained that around Town Hall there is flooding during a heavy rain and hopefully this will help.

Rob Markiewitz asked about the lighting requirements. Mr. Camp said that they will have to meet the lighting ordinance standards which protects lighting overflow into to adjoining properties. He continued to explain the ordinance. Mr. Markiewitz asked what the feedback from the neighbors was at the public hearing. Mr. Camp said that neighbors asked about future development and concerns about traffic. Mr. Ham stated that the neighbors were also concerned about the view looking down into their homes. Mr. Camp showed the Board a comparison of the height of Town Hall and the proposed units.

Eric Welsh stated that concern had been raised at the public hearing about the dumpsters being visible from Town Hall. Mr. Camp said he would like the applicant to address that issue. He continued stating that they will have recycling in the enclosure. Mr. Camp said that there was also a concern raised regarding a fire truck being able to turn in the property. He stated that the building will be sprinkled and building can be accessed on all four sides. The fire chief had no concerns with accessing the building.

Mr. Welsh asked for clarification about a parking space being lost. Mr. Camp said that the one indicated on the plan Mr. Welsh was referencing will be part of the encroachment agreement which has to be approved by the Town Board.

Chip Cannon with Urban Design Partners, 1318 Central Ave, Charlotte NC, addressed the Board. Mr. Ham asked they could incorporate screening tall enough so the neighbors will not complain. Mr. Cannon said yes, that there are many options that will be suitable. They definitely want to provide the screening and what is provided on the plans is above the ordinance requirements. They will have all evergreen trees as opposed to just shrubs.

Mr. Markiewitz asked about parking underneath versus a huge surface area. Mr. Cannon stated that it is costly and it makes the project unfeasible.

Mr. Johnson asked how they are marketing this project and is downtown an advantage. Gary Smith owner of BrookeChase Properties spoke to the Board. He explained that they have several units already here. He discussed how they use the term lofts versus apartments and the outlets they use. Mr. Johnson said that this is trend setting in Matthews and we are on the edge of doing things differently here. Discussion continued on how they get the work to the public.

Mr. Welsh noted how this project is geared towards a different demographic. He continued asking where the bike racks and electric charging stations would be. Mr. Cannon said that the ordinance requires four bike spaces and they will be there. Mr. Welsh asked again about the dumpster issue. Mr. Cannon explained that they could look into covering that area. They will be using the smaller rollouts and they will look into covering the area.

Steve Lee asked what vacancy rate they have at their current facilities and what vacancy rate do they expect in this location. Mr. Smith said he hopes to be 100% capacity. He continued stating that it changes month to month. There will be time so they stagger anniversaries in order to spread out vacancies. He continued explaining the process of trying to keep the vacancy rate low. You have to have the right amount of residents to support other services that are needed in Matthews.

Mr. Lee asked if the amenities will be shared between BrookeChase Properties. Mr. Smith stated that these units will have access to them. He described all the amenities that are available. He noted that the proposed project has an outside patio. Mr. Lee asked if the ability to share amenities is in the proposal. Mr. Smith said that as long as he owns the properties they will be shared.

Mr. Ham asked for a description of the pocket park. Mr. Cannon said that it is passive. He described the residents' patio in detail. There will be a retaining seating wall a typical urban setting with a little lawn area.

Mr. Markiewitz asked if they would consider adding an electrical charging station. Mr. Smith said that he did not know how much they cost. Mr. Markiewitz said that he knows there is one charging station coming. However, if you want to be innovative, if you have the spots to charge they will get the battery cars. Mr. Smith said he would find what it takes to place a charging station in. Mr. Smith said that he would commit to provide conduit in order to have ability for future installation.

Mr. Markiewitz asked if you have shared parking, how many ADA parking spots are required. Mr. Cannon explained the Federal requirements for ADA parking. He stated that up to 25 parking spaces on site require one van accessible space. Mr. Markiewitz said that the proposal is required to have 31 spaces; therefore he thought they should have more ADA parking spaces. Mr. Cannon stated that he would check the compliance standard for ADA. He continued noting that they will provide the required ADA space.

Mr. Ham stated that he supports the charging stations being placed on the property.

Eric Johnson motioned to recommend approval of rezoning request 2014- 616 as presented at the public hearing and most currently amended, citing it is consistent with the policies for development as outlined by the Matthews Land Use Plan, and/or Town's long-range Vision Statements and or other adopted policies; with the condition that the developer explore the potential for a car charging station, require the placement of the conduit underground for a future charging station, to look into the necessity for a second car accessible handicap spot, and to look into coverage for the dumpster area. Rob Markiewitz seconded the motion which carried unanimously.

ZONING APPLICATION 2014-615 – BrookeChase Properties and S Knickerbocker, 334 N Ames St from R-12 and B-1 to C-MF

Senior Planner Jay Camp addressed the Board. He noted that zoning application 2014-615 has the same design team, BrookeChase Properties. He showed the overview of the North End district and described the buildings in the area. The proposed site is approximately one-half acre that currently has a residence on the property. He stated that the proposed project is a 24 unit apartment building consisting of one bedroom units.

He continued stating the changes from the hearing include the widening of the road and extending the curb along Ames Street. The planting strip has been changed to five feet and the sidewalk will also be five feet in width. The developer has added recycling to the rollout area behind the building. They have asked to reduce the minimum masonry from 75% to 60%. They have requested reducing the planting strip from eight feet to five feet in width.

Mr. Camp explained the parking layout for the project. He noted that there are 32 spaces on site; the property line is being redrawn to include existing spaces from another BrookeChase development. Park Center is a private drive and this project would abut to North End. Chairman Lawing asked if this is different from a shared parking arrangement. Mr. Camp stated that by redrawing the property line they have 32 spaces on site. However, if they wish to share parking it would be all part of one development.

Ms. Dement asked if there is an elevation drawing. Mr. Camp said there is no scaled drawing, but there are black and white elevations. Mr. Welsh asked what the material is on the building. Mr. Camp stated that 60% brick and stucco which is similar in style to the existing buildings. Mr. Markiewitz stated that the existing builds appear to be more than 60% brick. Mr. Camp asked the architect what the ratio is on the existing brick and red stucco buildings. The response was approximately 40 to 50% red brick.

Steve Lee asked if Park Center Drive would ever be added to Matthews street network. Mr. Camp said that the street functions as a public street now with cut-through traffic. There have been discussions with the property owner regarding this issue. When it was first developed it functioned well as a private street. Mr. Lee said that there is no sidewalk by the angled parking. Mr. Camp showed where the existing sidewalks and crosswalks are located.

Mr. Lawing asked if there are future plans to widen Ames Street. Mr. Camp said that it is in the Downtown Plan to widen, it is a matter of funding. He described the property line issues, location of trees and other concerns along the street. Staff does recognize that it does need to be widened.

Ms. Dement said we need to think about how Ames and Fremont Streets are narrow. She asked if the streets could be changed to one-way streets to move traffic more safely for pedestrians. She continued discussing connections and one-way streets to be innovative for urban areas.

Mr. Welsh stated that at the public hearing there were a lot of comments regarding privacy issues from neighbors. He wanted to know about the buffer that is planned along the neighboring single family homes. Mr. Camp stated that the design has not changed and that the developer could address that issue.

Mr. Lawing asked if the fire department was fine with this project, especially because there is a private drive. Mr. Camp said that the Chief had previously stated that he had no concerns with this project.

Ms. Dement said that this development feels like it is too close to the adjacent homes. She appreciates the emails and understands the concerns from the existing homeowners. She noted that she reviewed the long term goals and the Downtown plan before making a decision. We cannot stop all new development. Is there other property where this development can be located? Mr. Camp said that the R-VS homes consist of 11 or 12 homes. They are surrounded by non-residential zoning. He further described the surrounding area. If you look back to traditional design, single family homes existed next to an apartment building, for mix of housing styles within the neighborhoods. When they first moved there they were urban pioneers and adding other residents is complimentary to the homes.

Mr. Turner said that the use and building fits very well. However, this building is on a smaller lot than some single family homes on this street. The building is at the crest of a hill. It is going to appear larger. There is no transition from three stories to single family housing. It is a great building, but he feels this is not the right spot. He has a hard time with this. Mr. Camp said that staff has looked at possibly increasing screening. He showed where the developer could lose two parking spaces but he was not sure if the property is still viable to develop.

Mr. Ham said that it looks like they could screen three sides. He is not worried about the front. However, the sides can be screened with plants that are tall to the sides and back. He feels that there is an obligation to protect what people bought into in the area. They have a right to an expectation of what they bought into. One by one the families would move out. We have an obligation to them. Whether they built on too small a lot, you can't go back and correct that.

Chairman Lawing said he is also torn. It is a good development for the long term plan. The topography is different than the other lots. Parking is not an issue here. He continued stating that he is trying to balance the apartment urban living concept with this location.

Chip Cannon with Urban Design Partners again addressed the Board. Mr. Johnson asked how much additional cost a parking structure would be in this area. Mr. Cannon said that he uses a figure from a project about 10 years ago and at that time a large parking garage would cost \$25,000 per space to do structured parking. He believes that it could go above \$40,000 per space now. He looks for opportunities to park into grade change and not building a structure. Unfortunately there is no grade change here so you will be building all structure.

Mr. Welsh asked if there was consideration to go from three story building to a two story. Gary Smith said no not this time. Mr. Lawing said that the property lines were going to change for the additional parking spaces. Mr. Smith said that the angle parking will be moved from Matthews Gateway to meet the parking requirements for this project. They have 1.35 spaces of parking per unit. These are all one bedroom units. He explained his calculation and they should have plenty of parking.

Mr. Lawing said that since the existing on street parking spaces have been incorporated into the project, then would the project need two onsite ADA parking spaces. Mr. Cannon said he will check into the requirements, and they would place the handicap spaces that are required. They have plenty of spaces. He showed the Board where the second ADA space would be located.

Mr. Welsh asked that the developer to explain the buffer. Mr. Cannon described all the buffer trees and the variety. He showed where they have extra space to place evergreens along the fence to provide benefit to the neighbors and wrapped around the corners. He said that the trees would be placed to meet the requirements of the ordinance.

Mr. Ham asked about the plantings along Park Center Drive. Mr. Cannon explained that they have two frontages on this property. He said that they want the building to have a presence along both streets. They want to have life on both streets. They have foundation plantings that are typical of the neighboring buildings.

Mr. Ham asked if the parking lot could incorporate pervious surface to help with the drainage and make it more attractive. Mr. Cannon said they could look into it and noted the expense involved in that. Mr. Ham responded that it has a pay back in the attractiveness and the way the neighbors perceive the parking. Mr. Cannon noted that the trash trucks may have an issue with the pervious surfaces.

Mr. Lawing asked where the trash trucks will be handling their services. Mr. Cannon showed on the map the possible access points for the trash trucks. Mr. Ham asked if they took the rollouts to Park Center Drive, you would not have the problem with pervious surface. There was additional discussion regarding location of the collection area and parking surface.

Ms. Dement asked about the garden shed and rollout location. She asked if they could move these two items away from the neighbors. Mr. Cannon said he knows that some of the residents were concerned about the closeness of the rollouts. Mr. Lawing asked if they could move the rollouts toward Park Center Drive and force the garbage trucks to use that area. Mr. Cannon said that they could probably relocate those.

Mr. Smith explained that there will be a six foot privacy fence and if there are windows on the shed they will be lower than the fence. He said they could place a low pith roof and there should not be that much activity at the building. Mr. Lawing clarified stating that the rollouts were his concern. Mr. Cannon explained where the fence ties into the buffer edge. Mr. Smith said that he is sure the rollouts could be moved. He continued explaining that either way you come into the town you will see the building. It will be a nice statement.

Mr. Lee asked if they will be using a rollout for each unit. Mr. Smith explained the process of their monitoring how often they need to be picked up. Mr. Smith said that the rollouts are like the ones you have at your house. Mr. Cannon stated that there will be 10 rollouts on site. Mr. Smith said the management company handles moving the rollouts for the garbage pickup and how often they require emptying.

John Urban 1232 Mann Drive, Urban Architectural Group spoke to the Board. He said that he was very passionate at the public hearing. They have been working on the Land Use Plan for ten years. There is a compromise position as a stepping stone. You don't have buffers in an urban environment. However if you decide that we are not ready for this, he is sure they can plant to hide the building.

He continued describing potential future development in the area with restaurants, houses and midrise buildings. He said that Brighton Park in Mint Hill is the best example he could compare this to. He understands that we are not there. He believes that they can properly buffer the building. This building will match the two story height across the street. If we are trying to create place they have to keep the parapets inline and hold the street edges. He continued describing what could go in the area and different possibilities for development. He showed the Board the parcel that is a 1/3 acre in size that is zoned office on Freemont Street. He discussed what could go on that property by right. The enclave can survive and people could live in this urban environment. He provided examples of other communities that have embraced the urban environment. There is a way to meet the needs of the adjoining property owners. Parking underneath will be a tremendous cost. The design of the building has full porches. The windows facing Mr. Dailey are high so if you are in the room you have to jump up to see down into the neighbors. The building was designed with the urban environment in mind. He stated that the Board had some good suggestions.

Mr. Lawing asked if they were going to change this to town homes instead of apartments. Mr. Urban stated that depending on market conditions that is an extremely high possibility. There was discussion on the three story condos that were built.

Mr. Turner stated that Mr. Urban designs an outstanding product. He understands the concept of mixed use buildings in this location. He asked how to offset some of the impacts on this single family neighborhood. Mr. Urban responded stating said that the buffering at North End is a good example. The buffering has grown to approximately 25 feet. That is a good stepping stone to being neighborly. He continued discussing the dynamics of the area around the project. There is one home owner backing up to parking. That will be the thickest and heaviest buffer area. That is the easiest thing for the developer to do at this time.

Ms. Dement stated that the buffer is a great transition for the area and the homes do not have privacy now because they are so close together. Mr. Urban noted that the existing homes are 8 to 10 feet away from each other. They continued to discuss the buffer and possible development that can be located on the project site.

Mr. Markiewitz asked for clarification on the elevation comparison. Mr. Urban explained how the height differs and structure of residential buildings versus a commercial office building. Mr. Markiewitz asked if the building will be greater in height than the existing commercial building. Mr. Urban stated that if there is a buffer there that is heavily landscaped it will not matter. The building will not be a large blob. He described the architecture of the proposed building.

Mr. Lee asked about lighting. Mr. Urban explained the existing lighting ordinance requirements. He stated that he has worked on several projects with staff and they are very familiar with the regulations. He continued noting that there will be lower lighting levels.

Mr. Johnson asked if the Mint Hill project is similar in scale to this proposed project. Mr. Urban stated yes. The Mint Hill project buildings have pitched roofs so they are about 8 to 9 feet taller. He recommended that the Board go look at the development. Mr. Lee stated that in Brighton Park the 3 story condos serve as a buffer between commercial and single story residential. Mr. Urban said we do not know what the industrial zone on the other side of this project site could be developed into. Ten years down the road the community may want more connectivity and free flowing access.

Mr. Smith said that he hears the Board's concerns and he has spoken with the neighbors since the public hearing. Matthews Gateway is straight B-1 and there are no conditions. He is committed to doing a good job. They have gone way beyond the minimum buffer requirements. Across the street is a vacant lot and in his mind it is the most aggressive and intensive zoning. He continued noting how this will complement Matthews well. This will be another beautiful building. He respects the neighbors and this is much more appropriate use. The town needs this type of project. He stated that all the business in Gateway and downtown need this type of support. The coffee shop closes early because there is no business. The property taxes will increase greatly on this property. They are sensitive to the neighbors and will do anything they can to appease them and will make sure it is buffered well.

Eric Welsh said that he is torn about this decision and there are compelling arguments on both sides. He is concerned about the buffer area being a necessity. He feels the screening at the bottom is essential. He drove the area and he originally thought they were shoehorning the building into the site. He continued stating that this is a big building and it may be the right building. He supports these projects. However, it is a very big building close to the property lines.

The Board discussed what conditions that would be added to the motion. Chairman Lawing stated buffering on the south-bottom left quadrant, incorporate a second ADA space next to existing ADA space, incorporate the eight spaces to the site plan, and to see if rollout trash could be positioned further from the houses without impacting the site view from the road. Mr. Ham stated that the applicant look into pervious surfacing of the parking lot to help with water runoff from property. David Pratt asked if they were going to eliminate two parking spaces off end closest to homes in order to allow for more buffering. Mr. Lawing asked what the current distance of the buffer is to the parking lot. Mr. Camp stated that it is approximately 15 to 18 feet. Mr. Pratt asked if they lost the two spaces would that ruin the tenant to parking ratio. The applicant answered no.

Eric Johnson stated that the rationale and thought process for all these conditions is to further the transition to urban living in Matthews and support of the master plan.

Chairman Lawing said he is concerned about the sound of the garbage trucks that will come near the buffer and the 15 to 18 foot buffer is not enough. Mr. Pratt said that if the parking spaces are removed, the garbage trucks would have to go over to Park Center Drive. Mr. Lee said that removing the two spaces is not a negative to the development and adds additional buffer, as long as the property management company can work with the trash company.

Mr. Welsh asked what the minimum height of the screening is along the side where the garden shed will be located. Mr. Camp stated a minimum of 3 feet for shrubs at time of planting. Mr. Camp said that for evergreen trees it is 6 feet minimum height at time of planting. Mr. Ham asked the applicant to verify that they will be planting evergreens that grow quickly. Mr. Cannon stated yes. Mr. Welsh wanted to know what the height would be on those evergreens. Mr. Cannon said the evergreens would mature to the 18 to 20 foot range minimum. That would be at 5 years depending on growing conditions. The planting would be in the 6 to 10 foot range.

Chairman Lawing repeated the conditions for the applicant: to consider pervious surface, the buffer on the lower left of the drawing would be trees maturing to 18 to 20 feet which is more than the ordinance requires, consider moving rollouts to right with proper buffer, look at adding second ADA space, and look at removing two spaces at bottom along the neighboring home property lines. There was discussion regarding the property line extension to include eight parking spaces along Park Center Drive. It was clarified that that property line has already been included in the plan.

Mr. Urban asked if they could add the second ADA space and only remove one parking space that is closest to the garden shed. Mr. Pratt said that he would be fine with that compromise if there is additional buffering. Mr. Welsh stated that he would like that added as a requirement. The applicants stated that they would agree to that condition.

Steve Lee recommended approval of zoning application 2014-615 as presented at the public hearing and most currently amended, with the following conditions: require the applicant remove one parking spot nearest to the garden shed and add additional buffer in that location, consider moving rollouts to the right toward Park Center Drive, add a second ADA parking space next to existing space, consider adding vegetation with mature height no less than 18 to 20 feet on the south side buffer between residents, and applicant look into the feasibility of pervious parking material to keep storm water on site; and is consistent with the policies for development as outlined by the Matthews Land Use Plan, and Town's long-range Vision Statements. Eric Johnson seconded the motion. Six members voted in favor. Gary Turner abstained which is considered an affirmative vote.

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

Planner II Jim King said that Pep Boys is requesting a text amendment to the Highway 74 sign corridor. He explained that the applicant initially asked for a total sign area of 145 square foot for buildings between 20,000 and 39,999 sq. ft. The applicant revised the application to 135 sq. ft. total sign area with the maximum front façade area not to exceed 100 sq. ft. Staff stated at the public hearing that they could not support the request because the greater size sign provisions were intended for anchor or retail centers. Mr. King continued noting that the visual presentation is conceptual only. The sign illustrations presented do not comply with the UDO sign regulations. He explained the issues with the conceptual drawings. He informed the Board that because this is a text amendment, the text would affect any property along the Hwy 74 Corridor that could meet the building threshold. He stated that they are trying to make their sign copy legible.

Mr. Lawing asked for clarification. He wanted to make sure that this would be for all the structures along the Independence corridor. Mr. King answered yes. He noted that the text amendment could affect 8 to 11 structures along the Hwy 74 corridor. Attorney Buckley reminded the Board that they need to look at the text amendment in general, not site specific.

Mr. Ham asked if the other properties in this corridor looked similar to the existing Pep Boys signage. He noted that it is an improvement. They are asking for substantially less signage than they have now but more than what is currently allowed by the ordinance. Mr. Buckley said that you will have to make a decision and consider what these standards would look like along this corridor. You cannot consider site specific and ask is it in the best interest of Matthews to have new corridor standards.

Mr. Lawing asked what the allowance is currently for 40,000sq ft. buildings. Mr. King said it is 150 sq. ft. and it is 80 sq. ft. for a 20,000 sq. ft. building in up to three signs. Mr. Lawing clarified that the text amendment is to approximately double the signage allowed for buildings ranging from 20,000 to 39,999.

Mr. Lawing asked if the text had changed when the UDO was adopted or was it always that way. Mr. King said that there were minimal changes in the UDO signage.

Mr. Lee asked if they leave the zoning the way it currently is, would they be allowed 374 sq. ft. of signage. Mr. King stated that if they do not move forward with the rezoning request, they would not be able to change the signs in any fashion. The signs are part of a specific site plan approval. Mr. Lee stated if they receive the rezoning and the Board does not approve the text amendment, could they ask for a variance later on. Mr. King said they could ask for a variance, however they would have to prove practical hardship. Staff did discuss the variance with the applicant, however the applicant felt it would be better to go with the text amendment.

Mr. Ham said if the Board does not approve the text amendment, there is a business that cannot be seen by people driving by. He noted that he is not in favor of a lot of signs however it is difficult to say keep the 374 sq. ft. of signage because we don't want the 135 square foot signage.

Mr. Lee asked if there is allowance for free standing signage on the property. Mr. King explained the existing conditions did not allow for the development to have a freestanding sign. He further stated that through the rezoning of East Point properties, they could pursue a joint freestanding sign as part of the master sign plan. Mr. Buckley reminded the Board that the text change would apply to any applicant.

Mr. Lee stated that the building is hard to see and he is not a fan of more signage. A different form of signage might help them and not knowing what other buildings would be impacted, he is not in favor of the text.

Mr. Welsh asked if pursuing a monument sign is an option for the applicant. Mr. King stated that the applicant's property must first be rezoned and then with the new conditions they can pursue a monument sign under the master sign plan.

Mr. Markiewitz said that it seems to be a planning issue. He continued asking if staff could draft allowance and exceptions on the Independence corridor. Mr. King said that it would still be a text amendment. He continued explaining that the sign allotment is based on the different zoning districts. If the rezoning request is allowed and includes the increase in signage you are creating a variance with the rezoning. You cannot exceed the requirements of the ordinance with a conditional zoning approval.

Mr. Lawing clarified that whether they change the zoning or not, they cannot change the signage without the text amendment. Mr. King said that you cannot change what is allowed in the UDO through a conditional rezoning. You can place more restrictions than what is in the ordinance.

Mr. Lawing asked for clarification on a sentence in the staff report. Mr. King provided an example of Pet Smart to explain the movement from Conditional zoning to conventional rezoning, where the applicant must meet the required signage specified in the UDO. There was additional discussion regarding the sign requirements.

Mr. Markiewitz asked if there is any way the text amendment could address new construction versus existing buildings. Mr. Markiewitz said that you will have other retailers with the same issue and they are trying to figure out what signage will look like. Mr. King stated that if the Board wishes to add more limitations they could ask the applicant to incorporate such in the amendment.

Ms. Ingrish provided a background on the process of Conditional rezonings and how specific amount of signage was incorporated into site developments. She explained that over the last 10 to 15 years every time a tenant wanted to change a sign they had to go through a rezoning process. Council has been working to bring the large sign areas into conformity with the rest of the community. She continued noting that there is only a handful left in town with extra signage area and the applicant happens to be one. This text amendment addresses only the Independence Corridor. The Independence Corridor signage has been designed for larger facilities.

Mr. Turner asked to see the proposed drawings that was included with the amendment. Mr. King said that the illustrated sign shown would not be comply with the ordinance. He explained the reason the signage would not be allowed. Mr. Buckley stated that applicant is not seeking a sign permit specific. They are asking for a text amendment only. He further stated that you cannot ask what specific signage they are looking to install.

Mr. Welsh said that you could use this for visual purposes. If the Board approved the text amendment you would see a sign relatively that size on buildings similar in size. Mr. Buckley stated that this visual is not accurate. Mr. Ham asked if the Board could go see the other buildings this would affect. Mr. Buckley stated that the Board had to make a decision this evening. The Board does not have the ability to defer the decision to another meeting. There was additional discussion regarding the signage allotment currently allowed and the proposed text amendment allotment.

Mr. Buckley noted that the Board is determining the vision for signage along Independence Corridor for this size of establishment. Mr. Lawing asked for further explanation of the graphic presentation provided by staff. Mr. King clarified that along the Independence Corridor the signage is specific to square footage. The signage for the underlying district is based on linear frontage.

Mr. Ham said that when we visualize Independence Blvd, we must keep in mind that it will become a super highway. Mr. Buckley said yes and would this amendment be better for Matthews or leave it as it presently is.

Mr. Markiewitz asked if the text amendment could be changed to split the difference in size. Mr. Lawing stated that, yes the road will be changed to super highway, however it may not be time yet to change. Mr. Lee stated that he trusts planning staff when they created the ordinance. Staff was asked what their recommendation is. Mr. King stated that they do not support the text amendment as it was originally submitted.

Mr. Pratt asked if decision is a yes or no and can we change it. Mr. Buckley explained that the Board can only change the amendment if applicant agrees to change the petition. You would have to ask the applicant if he has some other thought that might be pertinent to this petition.

John Carmichael, 1010 N Tryon Charlotte NC 28246 addressed the Board. He said that he wanted to stress that under the current proposal the maximum signage on front of the building is 100 sq. ft. The area would go from 80 to 100 sq. ft. and the remaining 35 sq. ft. would go on the side of the building. That is not a significant increase on the front of the building.

He continued stating that there is gap in the signage chart. A building that is 1000 sq. ft. is treated the same as a building that is 39,999 sq. ft. for the amount of signage. If their 20,000 sq. ft. building had six tenants, they could have six signs of 80 sq. ft. each. This will apply to single users between 20,000 to 39,999 sq. ft. only in

Independence Sign Corridor. If they were not in a unified development they could have a freestanding sign by right and have 80 sq. ft. They can pursue a shared monument sign, but he is not sure if that would be possible. He continued stating that with respect to the exhibit with the sign, it was to show what the square footage would look like. It is hard to write an ordinance and think of every eventuality. You are in a development and treated like a 1000 sq ft. user. He respects that the planning staff disagrees with him. This is a good time to review the chart.

Mr. Lawing stated that one thing he sees wrong with the sign chart is that it goes from linear footage to square footage on the other side. He feels that the linear footage on Independence should determine your signage. Mr. Carmichael stated that they could only get 80 feet under any scenario. There was further discussion regarding the signage chart provided. Ms. Ingrish noted that on Independence most of the signage is 80 sq. ft. because of the lot sizes. Mr. Carmichael said that they are seeking to add the single users between 20,000 to 39,999 sq. ft. for all parcels in the Independence Corridor.

Mr. Lee asked if the applicant would accept a lesser number. He clarified asking if they would accept less than 135 sq. ft. total. Mr. Carmichael said they need the 100 sq. ft. on front. Mr. Lee said he is looking for options.

Mr. Markiewitz made a motion recommending approval of text amendment 2014-619 as presented at the public hearing and most currently amended, that it is consistent with the policies for development as outlined by the Matthews Land Use Plan, and Town's long-range Vision Statements. Mr. Lawing asked for the specific changes that were agreed upon at the public hearing. Mr. King clarified for the Board that the request was for 135 sq. ft. total with a maximum of 100 sq. ft. on front of buildings 20,000 to 39,999 on Independence Corridor. The motion was seconded by Mr. Turner seconded. Eric Welsh and Steve Lee opposed. The motion carried 5 – 2.

ADMINISTRATIVE AMENDMENT – The Fountains Apartments, NC51 at Northeast Pky, Various Site Plan Revisions

Wyatt Dickson with Proffitt Dixon 1355 Greenwood Cliff, Suite 150, Charlotte, NC 28204 explained that the Fountains were approved in February and would like to start construction in October.

He showed the Board the approved plans and a new proposed plan. He stated that there has been no change to the intensity of the development and the number of units has stayed the same. He continued stating that the garage building has been relocated. He explained that when they started the engineering, they realized that they needed better distribution of the parking. He described the elevations of the garage. He showed the second garage had been moved closer to NC 51. They understand the sensitivity of the location, so they have designed it have more architectural movement. He described the planting and elevations for the location.

He continued noting that the carriage house footprint grew. It is all brick in accordance with the approved plan. There was incorrect distance from one entrance to NC 51. He noted that it was stated correctly in the traffic report, however it did not show up correctly on the plan. It is now consistent with NCDOT requirements. He showed where the entrance had moved to, where the detention pond moved and the building shift along the Northeast Parkway side.

He provided a detailed visual of the Northeast Pkwy entrance into the development. A representative of the signage was provided. He stated that the second 50ft buffer would have outdoor recreational activities. He said that they needed to expand the area for dogs to run. It is not a kennel. They have met with Bellasera neighborhood and provide their board this presentation and some changes have been made as a result of the meeting. He explained the rules on the dog run.

He stated that one building has been reduced in size and parking was not sufficient based on the market needs. They took two building and made it into a “u” shape building which has provided a better streetscape. There are eight live work units and there is a 7000 sq. ft. amenity space in this building. The original plan had angled parking and they have changed it to head in parking. In the revised plan they used compact spaces in accordance with the UDO requirements to minimize impact to the project.

He finished stating that they originally had four ponds, and the final engineering determined that two wet ponds were not necessary. They have added an outdoor fire pit, cooking/grill and patio because of the additional

space. He clarified that when Northeast Pkwy was constructed, the Highway Overlay buffer area was cleared of trees.

Mr. Lee said that the pond with the fountain located along NC51 was an appealing design. Mr. Dixon said that the grade difference from the sidewalk to the pond would have been approximately 14ft and you would not have seen it. They have added the recreational space instead at that location.

Attorney Buckley asked Ms. Ingrish if this is appropriate under the UDO for an Administrative Amendment. Ms. Ingrish said yes and that the number of items included is beyond what staff could approve. Mr. Buckley noted that some of these items would have not been allowed as an Administrative Amendment under the old ordinance.

Mr. Lawing asked if the roof top patio was still in the plans. Mr. Dixon said it has been moved to another building and still exists. It is inward facing. Mr. Lawing then asked about the change in parking. Mr. Dixon said that it has changed to head in parking on both sides. He said that for every 10 spaces of head in parking, you would get 8 spaces of angled parking. They did not want the development to be under parked. Discussion was held on the width of the internal roadway. Mr. Dixon said that parking spaces and roadway are consistent with the code requirements.

Mr. Johnson commented that this is much more urban than suburban and he feels they did a great job.

David Pratt approved the Administrative Amendment as presented, and it is consistent with the policies for development as outlined by the Matthews Land Use Plan. Rob Markiewitz seconded the motion which carried unanimously.

ADMINISTRATIVE AMENDMENT – Erickson Living, Change in Site Plan and Conditional Notes to Allow for Permanent Marketing Center and Minor Note Updates

Planning Director Kathi Ingrish provided a copy of the highlighted changes for the Board. She stated that there are changes beyond the scope that staff could approve; therefore it is appropriate to come before the Planning Board.

She continued stating that this is a follow-up to the text amendment by Council to allow for a permanent marketing center within a CCRC. The site plan shows the location of the permanent building. They will use an existing driveway at first. The existing driveway is not the location of the permanent main entrance driveway. The marketing center will use a driveway that will be going away. This will be the only access into the site and a sign will be needed. Once the permanent access is installed, the marketing center will be accessed internally. At that time the signage will be redone through a master sign plan.

She further stated that there are updates based on time changes. The left turn lane from McKee Rd onto Pleasant Plains Rd that was going to be installed by the Town, along with further road projects, will probably not happen at the same time. The property owners will now place the left turn lane at their expense.

She informed the Board that she spoke with the applicants concerning the rewording of note 9.07 regarding the temporary freestanding sign and access. They need to have a sign for the marketing center.

Chairman Lawing asked about note 7.04 mentioning the decorative fence which is originally called for, will not be installed with the temporary driveway. He continued asking if this meant that the fence will go back up after the permanent drive is installed. Ms. Ingrish said that part of the note states that they may request some further change of the decorative fence for parts of the development. Mr. Lawing said that before this Administrative Amendment request, they would have to install the fence. Ms. Ingrish said yes. They are requesting not to install it in the temporary drive location. They would have to install the fence unless they ask for something else later on.

Mr. Markiewitz said it should be used unless something else is approved. Mr. Lawing said that at a later time they may ask to change it. Ms. Ingrish stated that she has not spoken specifically with the applicant regarding this. Mr. Lawing asked if the temporary signage can be 40 sq. ft. Ms. Ingrish said that is the underlying zoning maximum.

Chairman Lawing made a motion to approve the Administrative Amendment as submitted on the addendum with note 9.07 and it is consistent with the policies for development as outlined by the Matthews Land Use Plan, and Town's long-range Vision Statements. David Pratt seconded the motion which carried unanimously.

SELECTION OF YOUTH VOICE REPRESENTATIVE FOR 2014-2015 SCHOOL YEAR

The Board discussed the Youth Voice applicants that they interviewed earlier in the evening. A consensus of the Board was to have Benjamin Dodson serve as the Youth Voice for the 2014-15 school year and Sarah Ward be an alternate representative.

ADJOURNMENT

Rob Markiewitz made a motion to adjourn. Eric Johnson seconded and the motion passed unanimously. The meeting adjourned at 11:12 pm.

Respectfully submitted,

Mary Jo Gollnitz
Zoning Technician/ Deputy Town Clerk