

**PLANNING BOARD
REGULAR MEETING
TUESDAY NOVEMBER 22, 2016
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES – October 25, 2016
- III. ZONING APPLICATION 2016-650 – Matthews Festival Shopping Center (Portion Facing US74) 10410 E Independence Blvd, from Conditional to B1SCD and B-H(CD)
- IV. PUBLIC IMPROVEMENT VARIANCE REQUEST – 2505 Rice Rd, Request to Waive Construction of All Street Improvements to Existing Street (curb, gutter, storm water drainage, widened pavement)
- V. ADMINISTRATIVE AMENDMENT, CONTINUATION FROM LAST MONTH – Aldi Store, 555 W John St Building Expansion
- VI. RESCHEDULE DECEMBER MEETING DATE
- VII. ADJOURNMENT

MEMO

TO: Planning Board Members
FROM: Kathi Ingrish
DATE: November 16, 2016
RE: November 22, 2016 Regular Planning Board Meeting

Do you enjoy hearing the wind rustling through the fallen leaves? Are you sure that's just the wind, and not some sly turkeys finding good hiding spots before they end up on our families' dining room tables next week? Before anything else tries to hide on us, let's take care of a few planning items.

We only had one zoning public hearing this month, for the front portion of Matthews Festival Shopping Center. This retail area was initially zoned in 1984 and built a couple years later, long before Matthews Township Parkway became "NC51". As you know, we have been trying to get all the properties zoned "Conditional" into an appropriate contemporary zoning district, so the Town would like to see this area's zoning designation updated. At the hearing, the applicants indicated they wanted to relocate one driveway from US74, and planned to create two new "outparcels" close to Independence Blvd which would require removal of the strip of shop spaces on the west edge closest to the Duke Energy substation. The two new buildings may not be proposed to be subdivided into separate lots, which would be the typical process for outparcels, but are proposed to go to B-H(CD) zoning. As an example of an outparcel in another retail center, the Burger King and Verizon shops on NC51 across from Sycamore Commons are separate parcels in front of the shopping center where Hobby Lobby and Ollie's are located. Only the Burger King outparcel is zoned B-H(CD) for a drive-through restaurant (see attachment).

The B-H, or Highway Business district, allows some auto-intensive commercial land uses, including motor vehicle sales, rental, and/or repair, and drive-through restaurants (see attached list of allowed uses). The existing strip of shop spaces paralleling US74 (Big Lots) and the former theater/fitness center building would be rezoned to B1SCD Shopping Center District, and that zoning designation would not allow the above mentioned commercial uses but would allow most other retail activities. The former theater building may or may not be demolished and replaced.

Discussion at the hearing centered on: reducing the allowed uses in both requested zoning districts; the explanation for the suggested relocation of the second driveway; a proposed new access to future Independence Pointe Parkway and whether it would create de facto cut-through movement; and the building elevation and materials for the one proposed new building "outparcel" for a BJ's brewpub. By our code's definition, a "brewpub" is *"an establishment where beer and malt beverages are made on the premises in conjunction with a restaurant or bar and where forty percent (40%) or more of the beer produced on-site is sold on-site. Where allowed by law, brewpubs may sell beer "to go" and/or distribute to off-site accounts."* (See attached background on brewpub provisions, and history on US74 conversion)

Due to the short time between public hearing and Planning Board meeting this month, we anticipate the applicants will provide updated information at your meeting.

A proposed 7-lot single-family subdivision on Rice Road directly across from property the Town intends to develop as a new neighborhood park is requesting a public improvement variance to not have to make any improvements on the existing street. The subdivision is proposing to construct a meandering sidewalk and to create a single shared driveway access point on Rice Road at a location furthest from the curve. The UDO calls for Planning Board to review public improvement variance requests (what we used to call subdivision variances) and send your Board's recommendation to Town Board for final action. This is generally a somewhat subjective issue, and the UDO gives several criteria regarding how to determine a justified hardship or appropriate alternative for your Board to consider before making your recommendation. Public Works staff will provide additional comments in time for your meeting.

Last month your Board reviewed an Administrative Amendment request from Aldi's for a building expansion toward W John Street. You suggested a number of things to the applicant, who agreed to go back and make revisions to their plan. We anticipate having revised plans in time for your meeting next Tuesday.

Typically the Planning Board needs to reschedule the December meeting because it falls on or very close to the Christmas holidays. This year is no exception – although the fourth Tuesday is after Christmas, Town Hall will be closed that day. We therefore need to determine an alternative meeting date (since we know we have a number of hearings slated for next month, and your Board must complete your review within 30 days of close of zoning hearings). Please check your family's calendars and be ready to select another date: preferably Tuesday Dec 20 or Tuesday Jan 3, 2017. If we discover that we cannot anticipate a quorum of Planning Board members on either of these dates, then we will need to look at other days of the week: Monday Dec 19, Wednesday Dec 21, or Wednesday Jan 4.

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

**MINUTES
PLANNING BOARD
TUESDAY, OCTOBER 25, 2016
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

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

ABSENT: Youth Voice Carly Newton

CALL TO ORDER

Chairman Steve Lee called the meeting to order at 7:07 pm.

Gregory Lee introduced his wife, Angela Lee, son Eric Lee and friends Merisaw and Emari. They were in attendance for a Butler High School Civics project.

APPROVAL OF THE MINUTES

Kress Query motioned to approve the minutes of the September 27, 2016 meeting as submitted. Seconded by David Wieser and the motion was unanimously approved.

ZONING MOTION 2016-3 – Text Amendment, Miscellaneous UDO Revisions

Planning Director Kathi Ingrish addressed the changes made per the recommendations at the public hearing. Changes included specific standards for use by the Zoning Administrator for interpretation of land uses that may not be specific to the Table of Allowed Uses. Other changes included a provision for pedestrian walkways to connect through landscape screening areas.

Mr. Query asked if this amendment was to not change the text but to help strengthen interpretations and understandings. Ms. Ingrish said that was correct.

Mr. Query motioned to recommend approval of Motion 2016-3 as it will further enhance the Town of Matthews Unified Development Ordinance (UDO) and is consistent with what is currently in place. Mr. Ham seconded the motion and it was unanimously approved.

ZONING MOTION 2016-4 – Town of Matthews Windsor Park, 10200 Northeast Pky, from Conditional to O(CD)

Planner, Mary Jo Gollnitz reviewed the location of the property and stated that the parcel was owned by the Town. Staff was recommending change in zoning. There had been no changes since the public hearing. Mrs. Gollnitz added that an easement agreement is being requested by Duke Energy and will be used by them and a telecommunication company. The telecommunication company had plans for the placement of an antenna on the existing Duke Energy transmission tower that located next to 10200 Northeast Parkway. Changes to be made will include the removal of one landscape bush, placement of pervious pavers along the easement and fence enclosure with bollard at the easement entrance. The easement agreement is being reviewed by the Town Attorney and will be presented at the November 14, 2016 Council meeting to coincide with the rezoning decision.

Mr. Query asked if the zoning needed to be changed to grant easement access. Mrs. Gollnitz said that the property would need to be rezoned as the property is currently Conditional. Town Board agreed several years ago to convert all Conditional zoned properties to an appropriate contemporary zoning classification. Mr. Query stated that if denying the Motion would restrict the right to a communication tower he would be in support of denial. Mrs.

Gollnitz stated that the two are separate issues and to get the easement agreement in place the rezoning would need to be approved.

Michael Ham asked what changes would be made to the park land. Mrs. Gollnitz stated that removal of one landscape bush, placement of pervious pavers along easement and a fence enclosure with bollard at the easement entrance. No other changes to the park will be made.

Barbara Dement asked if there were any environmental effects. Mrs. Gollnitz stated there would be no effect.

Kerry Lamson asked if the Duke Energy tower was going to be a shared structure. Mrs. Gollnitz stated that what was being asked for was for the easement usage for Duke Energy and the telecommunication company so that they could gain access. All requests of antenna placement onto the Duke Energy existing high tension towers will need to be filed with Town Staff. That would be a step after the rezoning and after the easement request.

Chairman Steve Lee asked if O(CD) was a normal zoning for a park. Mrs. Gollnitz explained that parks are often zoned R/I but due to the size of the park, the uses, the limitations of R/I, and the surrounding nonresidential properties the parcel was more conforming to the O(CD) zoning.

Mrs. Dement asked what the consequence would be if the Board did not recommend approval. Mrs. Gollnitz stated that if denied the easement would not go through and the property would remain zoned Conditional. Ms. Ingrish added that the property would come back with another rezoning action to remove the Conditional zoning classification at a later date.

Mr. Wieser asked if this tower meets UDO requirements for distance from other towers. Mrs. Gollnitz clarified that this was an antenna. Distance requirements did not apply to this structure.

Mr. Lamson asked if there was any cost to the Town in the construction or access once the easement was granted. Mrs. Gollnitz stated that Duke Energy and the communication company would be doing all the installation and upkeep. According to the easement agreement the Town will receive \$500.00 per year the antenna is operational up to \$10,000 total.

Chairman Lee asked if the proposed antenna location was on shopping center property. Mrs. Gollnitz confirmed that it was.

Mr. Query clarified that the agreement was \$500 per year and asked if there was an option to increase that amount. Mrs. Gollnitz stated that the \$500 was not for the antenna but for the easement and most times that amount was less and paid in a one-time lump sum. Mr. Query stated that it will be imposing on the park space and Mrs. Gollnitz agreed that maybe at first but after setup it will be less than once a month.

Mr. Lamson asked if the easement would be returned to the original condition when it became unused in the future. Mrs. Gollnitz stated that there would not be much to return the land to as little was being changed.

Mr. Query asked if it would be a better use to take the one-time lump sum and invest versus spreading the payments out over 20 years. Mrs. Dement agreed with the idea of an upfront investment.

Chairman Lee felt that the zoning will have to change at some point to remove the outdated Conditional zoning and the rezoning will create a financial benefit to town. The property is non-intrusive to a residential population, along a major transportation corridor helping to improve cellular communications within Matthews and seems to be a positive use. Mr. Query agreed with the zoning change and the use but felt that the \$10,000 should be paid in one bulk payment and invested into our open space. Mr. Lamson did not want to see this easement used for a one tower limited use.

Mr. Query asked Ms. Ingrish if the antenna placement is anything that the town has input on or if the federal government ruling has taken that decision making power away. Mrs. Gollnitz and Ms. Ingrish both stated that an application has not been submitted for the antenna placement. There would need to be a three step process, first rezoning, then easement approval, and lastly the application for the communication antenna. Ms. Ingrish

continued that the way the Town's Ordinance is written, there are standards for the antenna and equipment that can be approved administratively by staff but until submitted it is unknown what it involves. The Town Ordinance and policies promote the use of existing structures.

Mr. Ham motioned a recommendation for approval of Motion 2016-4as presented as it is consistent with the policies for development as outlined by the Matthews Land Use Plan, the Unified Development Ordinance, and has nominal if any impact on the use of a park. He would like Council to consider whole compensation of \$10,000 be collected with approval of easement agreement. Mr. Lee seconded and the motion was unanimously approved.

ZONING MOTION 2016-5 – Town of Matthews, Corner of Sam Newell Rd and Independence Blvd, from Conditional to O(CD)

Mrs. Gollnitz reviewed the location of the parcel and stated that the vacant property had been owned by the Town since 1996 in order to protect the right-of-way for the future widening of Independence Blvd. The property will continue to be maintained by the Town. Mr. Wieser asked if this was being presented to clean up the Conditional classifications. Mrs. Gollnitz confirmed.

Mrs. Dement moved to recommend approval of Motion 2016-5 as it was consistent with the Town's Land Use Plan and provides for future North Carolina Department of Transportation rights-of-way. Mr. Ham seconded the motion and it was unanimously approved.

ZONING MOTION 2016-6 – Town of Matthews, Vacant Parcel off Sam Newell Rd, from Conditional to O(CD)

Mrs. Gollnitz reviewed the location of the parcel and stated that the vacant property has been owned by the Town since 1989 when it was deeded for a police and fire department satellite station. She stated that there was limited access because of the required condition of a ten foot berm along Sam Newell Rd and a separate strip of land along Claire Dr.

Mr. Query asked the size of the parcel and if it could be used for a neighborhood park. Mrs. Gollnitz answered that the parcel was just under one acre. A park could go in that location but there was no current access to the property. She stated that with the new proposed road being added, the Town may use the property in the future or may sell to be developed with the adjacent MUD-zoned parcel.

Mr. Wieser motioned to recommend approval of Motion 2016-6 as it is consistent with the policies outlined in the Matthews Land Use Plan, long range vision statement, and new road development. Mr. Lamson seconded the motion and it was unanimously approved.

ADMINISTRATIVE AMENDMENT – Aldi, 555 W John St, Building Expansion

Senior Planner Jay Camp reviewed the site location and current zoning of B-1(CD). The Applicant is looking to expand the current building and was requesting to remove the Williamsburg architectural condition. Mr. Camp stated that with the expansion there would still be enough parking as there was cross access parking agreement with neighboring Bruster's Ice Cream. Mr. Camp continued that the only concern of staff would be the signage shown was larger than Town Ordinance would allow. This could be discussed at a staff level. Mr. Camp stated that the Town had been working with Aldi on the architectural elevations. Proposed plans include windows on the front elevation and decorative brick work that will be an improvement on the 2002 building.

Mr. Ham asked if Aldi was in violation of the original condition as there did not seem to be a Williamsburg theme in the architecture. Mr. Camp said that even though the design was subtle it did meet the current condition.

Mr. Query asked Mr. Camp to read into the record Ryan Anderson's letter dated October 11, 2016. The section requested read:

A Conditional Use Permit (CUP) was requested and approved prior to initial construction of the ALDI store which included an architectural design condition for Colonial Williamsburg style architecture. ALDI recently launched their

7.0 Prototype design which is being incorporated at ALDI stores nationwide. To accommodate the proposed addition and improvements associated with the new prototype design, ALDI, Inc. is requesting an administrative amendment to remove the requirement for Colonial Williamsburg style architecture. Although the ALDI 7.0 Prototype will be utilized as the basis for design, architectural features such as brick accents, EIFS cornice, and additional spandrel glazing were incorporated into the proposed design which exceed typical ALDI prototype standards to ensure the building design is complementary to others in the area. Design and construction of the proposed project fits the intent of the ordinance.

Chairman Lee confirmed it was just the front elevation that was scheduled to undergo change.

Mr. Query shared a different Aldi elevation with the Board that was presented to the Town of Waxhaw, NC. He talked about the differences of the two elevations and items that gave the Waxhaw plan more character such as the brick flood line, brick color difference at columns, and window count.

Spencer Schimmel, Aldi Marketing Director of Real Estate, 1985 Old Union Church Rd, Salisbury, NC 28146 stated that he would consider all requests from the Board. Mr. Query stated that this location was one of the main entrances into the Town of Matthews and if the Williamsburg style condition was to be lifted then some of the suggestions would need to be incorporated into the new design. Mr. Query stated that he could not approve without something being brought back showing the suggested changes as he expected something above basic for the Town of Matthews. Mr. Schimmel stated that he was at the meeting to listen to feedback and to work with the Town. Mr. Query asked why something less was presented to Matthews and Mr. Schimmel said that he was unaware that the proposed plan was presented to the town of Waxhaw and that the Waxhaw site was not going to be built but he would go back and present all the suggestions to the Aldi design team.

Mr. Ham said that he was bothered by the original agreed condition that was not carried out with a Colonial Williamsburg style architecture. Mr. Ham wants the Matthews location to have a uniqueness and not look like every other Aldi store. Mr. Shaw stated that the elevation presented was unique to Matthews and not like others with the added number of windows verses a plan brick façade. Mr. Ham added that by incorporating a mural that depicted Matthews on the blank walls, the site would gain more Matthews's character.

Mr. Lamson asked about the 7.0 prototype and how they incorporate the flexibility in design of localized stores. Mr. Schimmel stated that Town Hall and Community meetings are the way the company gets area feedback and suggestions for design. Information is gathered and taken back to the design team to develop a look that meets suggestions with cost limitations. Mr. Schimmel also confirmed that only one wall will be redeveloped and that would be the wall facing the main entrance. Aldi does wish to make that elevation more visually pleasing.

Mr. Query asked if the Board chose to defer, would he be able to return with more offerings at the November 22, 2016 Planning Board meeting.

Mr. Lee asked if the 7.0 prototype purpose was the addition of 3,300 square feet or the exterior façade change. Mr. Schimmel answered that both were the purpose. Images for interior changes could be found at www.aldi.com and 400 to 500 new products will be added to the stores across the nation. Mr. Lee said that he appreciated the branding issue also had concerns with the plain left and right elevations. Mr. Schimmel reviewed that the only area of change would be along W John Street and the other walls were not in the plans to be redesigned.

Mr. Query stated that he did not want the Colonial design totally removed, window awnings such as the ones proposed to Waxhaw, and the signage would need to be compliant with Town Ordinance. He also felt that something needed to be designed for the left and right elevations. Mrs. Dement suggested more cornice work at the roof line and felt the Waxhaw proposal looked more warehouse. She also liked the idea of a mural and maybe an earthquake bar covered by five pointed stars such as designs displayed at Weaver Bennett and Bland, Matthews Dance Studio, and Northend.

Ms. Ingrish stated that the Town had a policy regarding mural placements that would need to be researched. Chairman Lee listed suggestions of the board that included awnings over windows, and contrasting brick design. Chairman Lee asked Mr. Query if he was in favor of only doing the front elevation. Mr. Query stated that he would like the front, left, and right elevations enhanced.

Jana Reeve stated that she liked the design as presented and was more in favor of the Matthews proposal than the Waxhaw design. She did not feel as if the idea of a mural fit into the design or the location and was happy that Aldi wanted to improve the esthetics of the building when they expanded. She asked if the Board would simply look at what was being presented.

Mr. Ham said that he liked the current carriage style lights.

Mr. Query motioned to defer a decision on the Administrative Amendment for Aldi until the November 22, 2016 meeting. Mr. Ham seconded the motion and it was unanimously approved.

ADMINISTRATIVE AMENDMENT – Carotek, 710 Sam Newell Rd, Building Expansion and Relocation of Parking Spaces

Mrs. Gollnitz reviewed the request with the Board. The applicant wished to change the conditions of the I-1(CD) zoned property to install a 4,500 square foot building for manufacturing storage on a current eighteen space parking pad area. The Applicant also wanted to increase parking by adding eighteen spaces on Aubrey Bell Drive, eleven on a private drive located across from the BB&T Bank, and three spaces on the south corner of the property. Mrs. Gollnitz stated that the proposed plan did not cause removal of any trees, will meet the Town Ordinance, and will increase the parking from 109 spaces to 123 spaces.

Mr. Ham asked if Carotek would need to gain permission for the street parking on the private road. Mrs. Gollnitz replied that the private drive is on the Carotek property so no permission would be needed.

Mr. Lamson asked if there were requirements within the Town Ordinance for the width of the private drive to facilitate parking on both sides. Mrs. Gollnitz read into record the parking requirement from the Town's UDO stating that the spaces need to be eight feet wide and twenty-four feet long with a direct access to an aisle or driveway with a nineteen foot width. Carotek would be in compliance because the private streets are thirty-six feet wide.

Mr. Ham asked if there any change to the landscape materials. Mrs. Gollnitz said that there would be no new plantings added and all trees and shrubs would continue to exist.

Mr. Lamson asked if lighting was required on the private drive. Mrs. Gollnitz said that the Town's UDO did not require any.

Tom West of West Engineering, 224 Westinghouse Blvd # 60, Charlotte, NC 28273 addressed the Board and reviewed existing structures and the proposed new structure located on the Carotek property. Mr. West noted the dark brown coloring that will camouflage the building from street view. He described the new addition as a lean-to that would hold large crane like machinery.

Mr. Lamson asked about the doorway access that was in the location of the new addition and if the building could be moved back to further blend with the existing. Mr. West said that the new doorway access and adjoining sidewalk will remain in place. There is a current detention basin in the way and therefore the building could not be moved.

Mr. Query made a motion to approve the Administrative Amendment as it meets and exceeds requirements in the Matthews Unified Development Ordinance and the Land Use Plan, and it will add more parking without removing any landscape materials. Mr. Ham seconded the motion and it was unanimously approved.

YOUTH VOICE SELECTION FOR SCHOOL YEAR 2016-17

Chairman Lee thanked Ms. Ingrish and Mr. Lamson for their work in advertising the Youth Voice position to local schools and social media sources saying how impressed he was with both applicant finalists. Ms. Ingrish stated that she had just reviewed her email messages and there was no notice from the current Youth Voice, Carly Newton, who had previously confirmed she would be in attendance. Chairman Lee asked if one of the applicants, Ms. Peyton Gates, would mind stepping out into the lobby while the information was being discussed.

Mr. Query noted that he did not think he should be allowed to vote because of the family relationship. He added that Ms. Newton has not been in attendance for the past six meetings. He felt that it may be better to appoint both new applicants. All the Board members agreed. Chairman Lee asked Ms. Ingrish what had been communicated to Ms. Newton. Ms. Ingrish noted that she had let Ms. Newton know that attendance was required. Ms. Newton asked if she could serve a second term and she was told that she could. Discussion ensued regarding the current Youth Voice member.

Chairman Lee stated that he enjoyed meeting both Candidates and felt they would both be great additions. He noted that Ms. Gates was vocal, comfortable and able to express her opinions. Mr. Matheus Sadovsky also was very comfortable, confident, and enthusiastic.

The Board agreed that Ms. Gates and Mr. Sadovsky be awarded the two positions for Youth Voice. Ms. Ingrish noted that she would be out of town with limited access to email for the next week and a half and asked for assistance from Chairman Lee. Chairman Lee stated that in the next week he would contact Ms. Newton before the announcement would be made about the second position.

ADJOURNMENT

Mr. Ham motioned to adjourn. Seconded by Mr. Wieser and the motion passed unanimously. The meeting adjourned at 8:58 pm.

Respectfully submitted,

Shana Robertson
Administrative Assistant/ Deputy Town Clerk



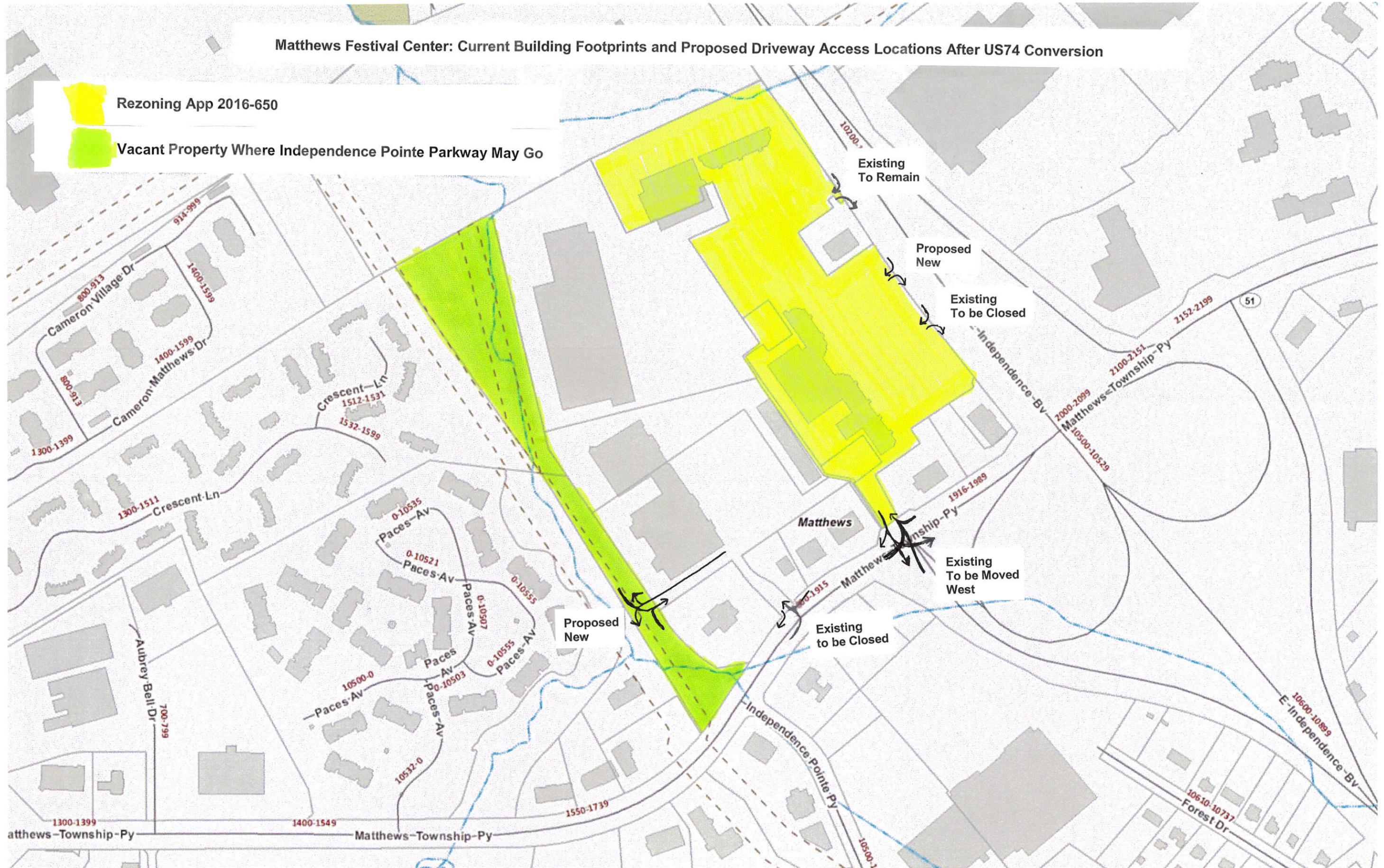
Example of a shopping center outparcel with different zoning designation – Matthews Corners on NC51 at US74 Off-Ramp

Matthews Festival Center: Current Building Footprints and Proposed Driveway Access Locations After US74 Conversion



Rezoning App 2016-650

Vacant Property Where Independence Pointe Parkway May Go



Brewpub Provisions in Matthews UDO as May Be Applicable at Matthews Festival if Located in Either the B1SCD or B-H(CD) Zoning Districts

155.506.45 Alcohol and Alcoholic Beverages, Wine, and Beer.

- A. The production of any beverages with alcoholic content may be accomplished at many scales, for personal use and as a hobby, or for commercial sale, and can be allowed in different settings based on the size of the operations. Microbreweries and brewpubs may be allowed in the HUC, B-1, B-3, B-H, I-1, I-2, B-1SCD, MUD, TS, and ENT districts with prescribed conditions. Distilling of alcoholic beverages be permitted in the I-1 and I-2 districts when adhering to the requirements listed here.
- B. STANDARDS
1. In the HUC district a brewpub cannot exceed five thousand (5,000) square feet gross floor area. A microbrewery in the HUC district shall not exceed five thousand (5,000) square feet gross floor area.
 2. In the B-1, B-3, I-1, B-1SCD, MUD, TS, and ENT districts a brewpub or microbrewery cannot exceed seven thousand five hundred (7,500) square feet gross floor area.
 3. In the HUC, MUD, TS, and ENT districts microbreweries shall have a tap room that is oriented to the street or main pedestrian entrance of the business. A minimum of five hundred (500) square feet shall be provided for the tap room and this area shall be open to the public for business at least twenty five percent (25%) of the time each week the microbrewery is operating.
 4. No loading or distribution activities shall take place outside the enclosed building of a microbrewery between the hours of 9:00 PM and 7:00 AM when the microbrewery is located within five hundred feet (500') of any dwelling unit or institutional use in existence at the time the microbrewery receives a Certificate of Occupancy.
 5. All microbreweries and brewpubs shall comply with the Town Noise Control Ordinance, Title 92A.
 6. The distilling of alcohol and alcoholic beverages in the I-1 district shall not exceed three thousand (3,000) square feet gross floor area. Manufacturing facilities greater than three thousand (3,000) square feet shall only be in the I-2 district.
 7. Any distilling or manufacturing of alcohol and alcoholic beverages shall be separated by a minimum of five hundred feet (500') from any dwelling unit in existence at the time the manufacturing facility receives any related building permit for construction or upfit.
 8. No manufacturing of alcohol and alcoholic beverage shall produce or create any noxious smells or odors detectable to the public from the public right-of-way.

155.103.C. Definitions

Brewpub: shall mean an establishment where beer and malt beverages are made on the premises in conjunction with a restaurant or bar and where forty percent (40%) or more of the beer produced on-site is sold on-site. Where allowed by law, brewpubs may sell beer "to go" and/or distribute to off-site accounts.

Background on Proposed Road Changes Along US74 and Extension of Independence Pointe Parkway

The concept of US74 between uptown Charlotte and I-485 becoming some form of freeway or expressway has been in place for over 3 decades

The Town of Matthews and the City of Charlotte, through the metropolitan area transportation planning organization (what today is CRTPO), adopted the "parallel collector road network" on each side of US74 in 1984; this includes Independence Pointe Parkway - Krefeld Drive on the southwest side of US74, and Northeast Parkway - Arequipa Drive on the northeast side of US74

A very large rezoning case which included Matthews Festival Shopping Center occurred just prior to the formal adoption of the parallel collector street system; due to the timing, the right-of-way for Independence Pointe Parkway was not able to be protected and reserved when the shopping center (Home Depot) was built, and no zoning conditions were added regarding closure of US74 driveways when the highway conversion would take place

Although not exactly following the suggested alignment of Independence Pointe Parkway, there is undeveloped land in separate parcels behind the Matthews Festival Shopping Center that may become a portion of the road extension

The Town of Matthews has been diligent since the mid-1980s to call for alternative vehicular access points for properties fronting US74 when going through conditional rezoning actions; many of the properties along the road have zoning notes requiring closure of Independence driveways when the highway becomes limited access and/or when the parallel collector road gets built

When the first segment of the US74 conversion began, the expectation was the entire length would have no direct driveway accesses, only ramps at interchanges; Charlotte land use policy said that auto-oriented uses would not be appropriate fronting and having access directly from Independence Freeway

Over time, that policy directive changed as sections of Independence Blvd in Charlotte fought to retain greater driveway connectivity, and Charlotte land use policy later was revised to allow and encourage higher intensity uses such as auto dealerships to remain along Independence Blvd and have access to it

The recent design work/environmental study being done for the last 6 mile segment of the US74 conversion is in preparation for right-of-way acquisition slated for 2020 and construction expected to start in 2022

Driveway consolidation/elimination has been a point of clearly stated concern from Town and City staff members; NCDOT and their consultants realize the two jurisdictions want better review of access points, although they have made some decisions on a case-by-case basis already, based on individual property owner or developer requests

Town staff has requested NCDOT and their consultants to consider a possible new connection from the rear of Matthews Festival Shopping Center to the extension of Independence Pointe Parkway; the only viable location would be beside the Harris Teeter where their drive-through pharmacy window is located, due to severe terrain and tight curvature elsewhere

As currently proposed, the bridge for NC51 over US74 must be replaced because it is not wide enough at grade level to allow the additional traffic lanes on US74; in order to allow NC51 traffic to continue to flow, a new bridge will be constructed beside the existing one to the northwest (Texas Roadhouse side)

This new bridge location will require relocating a segment of NC51 beyond both current signalized ramp intersections – for Matthews Festival Shopping Center and Sycamore Commons Shopping Center

TABLE OF ALLOWED USES: TRADITIONAL AND PARALLEL TRADITIONAL DISTRICTS 155.505.2

USES BY GROUPING	
RESIDENTIAL USES	B-H
Accessory residential use and structure clearly incidental to the permitted principal residential use	ACC
Dormitory for senior high and post secondary school operated by and located on the principal site of the institution served.	P
Limited food and beverage sales in neighborhood common facility, subject to § 155.506.14	PC
Propane storage or other home fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters	ACC

INSTITUTIONAL & GOVERNMENTAL USES	
	B-H
Adult care home	P
Adult day care facility	P
Assisted living facility	P
Church and place of worship without size restrictions	P
College and university without stadium	P
Cultural Community Center, subject to § 155.506.07	P
Fire and/or EMS station, police station	P
School, elementary, middle, and senior high, public and private	P
Skilled Nursing Facility, subject to § 155.506.17	PC

OFFICE & SERVICE USES	
	B-H
Bank, credit union, and similar financial service	P
Barber shop, beauty salon, nail salon, and similar personal service	P
Civic, fraternal, and social club	P
Contractor's office without accessory storage	P
General and professional office	P
Laboratory and research facility, medical, dental or optical	P
Medical, dental, optical office and clinic	P
Museum and art gallery operated on a noncommercial basis	P
Office with display of sample merchandise to wholesalers and retailers when the samples are only visible within the building and no sales, inventory or delivery of merchandise from building	P
Spa, massage service	P
Telephone exchange	P

GENERAL COMMERCIAL USES	
	B-H
Alcohol and alcoholic beverage, wine, and beer production and sales, subject to § 155.506.45	PC
Animal grooming facility, subject to § 155.506.42	PC
Armory for meetings and training of military organizations	P
Auction house	P

GENERAL COMMERCIAL USES	B-H
Bakery, retail including manufacturing of goods for sale on the premises only	P
Ballroom, banquet or meeting/catering hall	P
Boat and watercraft sales, new and used	P
Brewpub, subject to § 155.506.45	PC
Building material storage and wholesale and retail sales without outside storage	P
Call center	P
Car wash	P
Coin operated laundry	P
Commercial school and school providing adult training in any of the arts, sciences, trades, or professions, without retail sales of merchandise	P
Commercial or catering kitchen, without on-site customer/client food service	P
Communications tower and antenna, subject to § 155.506.41	PC
Copy, printing and photo processing	P
Crematorium, as an accessory to a funeral home when no dwelling is within 400 feet	ACC
Crematorium, stand alone	P
Drive-up service window, subject to § 155.506.33	ACC
Florist shop	P
Funeral home	P
Funeral home with other related service, not including crematorium	P
Gas station with convenience store, subject to § 155.506.49	PC
Gas pump without convenience store	ACC
Heliport	P
Installation and servicing of accessory equipment (i.e. audio, security, navigational, etc.) for vehicles sold within an enclosed building with internal storage only	P
Internet sweepstakes facility	P
Kennel, animal day care, subject to § 155.506.42	PC
Laundry and dry cleaning establishment not to exceed 4,500 sq ft gross floor area	P
Laundry and dry cleaning establishment not to exceed 10,000 sq ft gross floor area	P
Manufactured home sales	P
Microbrewery, subject to § 155.506.45	PC
Mini storage facility	P
Mobile vendor, subject to § 155.506.43	PC
Motel and hotel	P
Motor vehicle service facility limited to oil change, tire rotation and replacement, and similar minor maintenance service, all activity taking place within the building, not over 3 service bays and no overnight vehicle storage	P
Motor vehicle repair garage including engine overhaul, body and paint shop and similar operations	P
Motor vehicle, passenger, and motorcycle, new and used, sales and rental	P
Motor vehicle, commercial or recreational, new and used, sales and rental	P
Motorcycle safety training course, subject to § 155.506.18	
Musuem or art gallery	P

GENERAL COMMERCIAL USES		B-H
Nursery, commercial, with or without greenhouse		P
Outdoor equipment and machinery, sales and repair		P
Outdoor sales in conjunction with a permanent business, subject to § 155.506.36		PC
Parking lot and parking garage/structure		P
Pet cemetery, including any accessory structure		P
Post Office		P
Professional, financial, personal and recreational service not otherwise listed		P
Radio and television station		P
Repair and servicing, indoors only, of any article the sale of which is permitted in the district, except as otherwise listed		P
Restaurant, lounge and nightclub without drive-thru or drive-in service		P
Restaurant with drive-thru or drive-in service		P
Retail sales, general merchandise, unless otherwise listed		P
Secondhand goods, retail sales without outside storage, unless otherwise listed		P
Selling from a semitruck without a cab, subject to § 155.506.36		PC
Sign printing		P
Solar collector installation, subject to § 155.506.48		ACC/PC
Specialty sales establishment with substantial on-site assembly, processing, packaging, and/or distribution, and processes sales for off-site customers, subject to § 155.506.39		PC
Studio for gymnast, artist, designer, photographer, musician, sculptor, and similar		P
Towing operation with vehicle storage only within an enclosed structure		P
Upholstering in a workroom setting not to exceed 1,500 sq. ft. of gross floor area		P
Utility trailer, not exceed a loading capacity of 500 cubic feet, sales and rental		P
Veterinary clinic or hospital, subject to § 155.506.42		PC

RECREATION & ENTERTAINMENT USES		B-H
Amusement, commercial outdoors, including miniature golf, golf course, golf driving range, ride, slide, waterpark, paintball course and similar commercial enterprise requiring physical dexterity, except as regulated elsewhere, subject to § 155.506.40		PC
Arcade, game room		P
Bowling alley		P
Community recreation center, fitness/health center, gymnasium, YMCA, and similar use with multiple physically involved activities, primarily indoor, can take place concurrently		P
Ice or roller rink		P
Park and playground, not otherwise listed		P
Skateboard facility, subject to § 155.506.40		PC
Theater, housed within an enclosed structure		P

INDUSTRIAL & MANUFACTURING USES		B-H
Mail order facility		P
Manufacturing, processing, assembling of components into completed craft or custom made items in facilities not exceeding 3,000 sq. ft.		P

MISCELLANEOUS USES		B-H
Auction sale of real and personal property located on site for the purpose of liquidating assets, subject to § 155.506.43.		ACC
Accessory use, clearly incidental to the principal permitted use or structure on the lot		ACC
Community Garden		P
Donation Drop-Off Facility		ACC
Electric and gas substation, sewage treatment plant and control house, pump and lift station, water storage tank, well lot and similar use, subject to § 155.506.11		PC
Farm, urban, subject to § 155.506.19		PC
Garage sale, yard sale, and similar, subject to § 155.506.43		ACC
On-site demolition disposal site, subject to § 155.506.37		PC
On-site demolition disposal site, accepting off-site material, subject to § 155.506.37		PC
Parking for uses permitted within the district		ACC
Propane storage or other fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters		ACC
Public utility transmission and distribution lines		P
Railroad right-of-way		P
Short term temporary use or festival of civic or nonprofit nature, subject to § 155.506.44		PC
Sidewalk sale, end of season sale, clearance sale, subject to § 155.506.43		ACC
Temporary building and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, the temporary use to be terminated upon completion of construction, issuance of Certificate of Occupancy, or invalidation of building permit (see also § 155.506.43.C.4)		ACC
Temporary, self-contained storage unit, subject to § 155.506.20		ACC
Temporary use for business purpose, subject to § 155.506.43		PC
Transit stop shelter, subject to § 155.506.34		PC
Transit station (bus, rail, etc.)		P
Utility equipment stand, meter, box, and backflow preventer for single or groups of parcels		ACC
Vending machine, immediately adjacent to building under overhang only		P

(Am. Ord. 2025A, passed 6-9-14; Am. Ord 2059, passed 12-8-14; Am. Ord. 2083, passed 5-11-15)

TABLE OF ALLOWED USES: CONDITIONAL-ONLY DISTRICTS 155.505.3

USES BY GROUPING

INSTITUTIONAL & GOVERNMENTAL USES

B-1SCD

Fire and/or EMS station, police station	P
Heliport, medically related	P
Public library	P
School, elementary, middle, and senior high, public and private	P

OFFICE & SERVICE USES

B-1SCD

Bank, credit union, and similar financial service	P
Barber shop, beauty salon, nail salon, and similar personal service	P
Civic, fraternal, and social club	P
Contractor's office without accessory storage	P
General and professional office	P
Laboratory and research facility, medical, dental or optical	P
Medical, dental, optical office and clinic	P
Museum and art gallery operated on a noncommercial basis	P
Office with display of sample merchandise to wholesalers and retailers when the samples are only visible within the building and no sales, inventory or delivery of merchandise from building	P
Spa and massage service	P
Telephone exchange	P

GENERAL COMMERCIAL USES

B-1SCD

Alcohol and alcoholic beverage, wine, and beer production and sales, subject to § 155.506.45	PC
Animal grooming facility, subject to § 155.506.42	PC
Armory for meetings and training of military organizations	P
Auction house	P
Bakery, retail including manufacturing of goods for sale on the premises only	P
Ballroom, banquet or meeting/catering hall	P
Boat and watercraft sales, new and used	P
Brewpub, subject to § 155.506.45	PC
Building material storage and wholesale and retail sales without outside storage	P
Call center	P
Car wash	P
Coin operated laundry	P
Commercial school and school providing adult training in any of the arts, sciences, trades, or professions, without retail sales of merchandise	P
Commercial or catering kitchen, without on-site customer/client food service	P
Communications tower and antenna, subject to § 155.506.41	PC
Copy, printing and photo processing	P

GENERAL COMMERCIAL USES	B-1SCD
Drive-up service window, subject to § 155.506.33	ACC
Exterminator, pest control	P
Florist shop	P
Funeral home	P
Funeral home with other related service, not including crematorium	P
Gas station with convenience store, subject to § 155.506.49	PC
Installation of tires sold within an enclosed building of at least 145,000 sq. ft. with internal storage only, limited to 7,250 sq. ft.	P
Installation and servicing of accessory equipment (i.e. audio, security, navigational, etc.) for vehicles sold within an enclosed building with internal storage only	P
Kennel, animal day care, subject to § 155.506.42	PC
Laundry and dry cleaning establishment not to exceed 4,500 sq ft gross floor area	P
Laundry and dry cleaning establishment not to exceed 10,000 sq ft gross floor area	P
Live work unit	P
Microbrewery, subject to § 155.506.45	PC
Mini storage facility	P
Mobile vendor, subject to § 155.506.43	PC
Motel and hotel	P
Motor vehicle service facility limited to oil change, tire rotation and replacement, and similar minor maintenance service, all activity taking place within the building, not over 3 service bays and no overnight vehicle storage	P
Musuem or art gallery	P
Nursery, commercial with or without greenhouse	P
Outdoor sales in conjunction with a permanent business, subject to § 155.506.36	PC
Parking lot and parking garage/structure	P
Pet cemetery, including any accessory structure	P
Post Office	P
Professional, financial, personnal and recreational service not otherwise listed	P
Radio and television station	P
Repair and servicing, indoors only, of any article the sale of which is permitted in the district, except as otherwise listed	P
Restaurant, lounge and nightclub without drive-thru or drive-in service	P
Retail sales, general merchandise, unless otherwise listed	P
Secondhand goods, retail sales without outside storage, unless otherwise listed	P
Selling from a semitruck without a cab, subject to § 155.506.36	PC
Sign printing	P
Solar collector installation, subject to § 155.506.48	ACC/PC
Specialty sales establishment with substantial on-site assembly, processing, packaging, and/or distribution, and processes sales for off-site customers, subject to § 155.506.39	PC
Studio for gymnast, artist, designer, photographer, musician, sculptor, and similar	P
Upholstering in a workroom setting not to exceed 1,500 sq. ft. of gross floor area	P

GENERAL COMMERCIAL USES		B-1SCD
Veterinary clinic or hospital, subject to § 155.506.42		PC

RECREATION & ENTERTAINMENT USES		B-1SCD
Archery or firearms range, indoor only, subject to § 155.506.47		PC
Arcade, game room		P
Bowling alley		P
Community recreation center, fitness/health center, gymnasium, YMCA, and similar use with multiple physically involved activities, primarily indoor, can take place concurrently		P
Ice or roller rink		P
Indoor commercial recreation not otherwise listed		P
Park and playground, not otherwise listed		P
Swimming pool, as a stand alone facility, indoor or outdoor, or outdoor as part of a recreational facility, public or private		P
Tennis or racket club and racket sports court, commercial, indoor or outdoor		P
Theater, housed within an enclosed structure		P
Theater, outdoor stage facility		ACC

MISCELLANEOUS USES		B-1SCD
Auction sale of real and personal property located on site for the purpose of liquidating assets, subject to § 155.506.43.		ACC
Accessory use, clearly incidental to the principal permitted use or structure on the lot		ACC
Community Garden		P
Donation Drop-Off Facility		ACC
Electric and gas substation, sewage treatment plant and control house, pump and lift station, water storage tank, well lot and similar use, subject to § 155.506.11		PC
Farm, urban, subject to § 155.506.19		PC
Garage sale, yard sale, and similar, subject to § 155.506.43		ACC
On-site demolition disposal site, subject to § 155.506.37		PC
Parking for uses permitted within the district		ACC
Propane storage or other fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters		ACC
Public utility transmission and distribution lines		P
Railroad right-of-way		P
Short term temporary use or festival of civic or nonprofit nature, subject to § 155.506.44		PC
Sidewalk sale, end of season sale, clearance sale, subject to § 155.506.43		ACC
Temporary building and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, the temporary use to be terminated upon completion of construction, issuance of Certificate of Occupancy, or invalidation of building permit (see also § 155.506.43.C.4)		ACC

MISCELLANEOUS USES		B-1SCD
Temporary, self-contained storage unit, subject to § 155.506.20		ACC
Temporary use for business purpose, subject to § 155.506.43		PC
Transit stop shelter, subject to § 155.506.34		PC
Transit station (bus, rail, etc.)		P
Utility equipment stand, meter, box, and backflow preventer for single or groups of parcels		ACC
Vending machine, immediately adjacent to building, under overhang only		P

(Am. Ord. 2025A, passed 6-9-14; Am. Ord. 2059, passed 12-8-14; Am. Ord. 2083, passed 5-11-15)



Public Improvement Variance – Rice Road Subdivision

DATE: November 14, 2016

FROM: Mary Jo Gollnitz, Planner II

Bobbie Fisher is subdividing a ± 6.583 acre tract of land along Rice Road. The property is zoned R-15 and the minor subdivision is being developed by right. The property is owned by Rice Road LLC. The applicant is requesting a Public Improvement Variance to waive the installation of curb and gutter along Rice Rd. Section 155.707.A.6 states that a developer must construct all the public improvements within the street right-of-way.

The developer proposes to install a meandering sidewalk within a 20' frontage buffer of the subject property. Rice Road is a town maintained road, generally 2 narrow lanes with no shoulders. Curb and gutter are not currently installed continuously along Rice Road, but exist where each subdivision has been developed since the 1980's. A map of the area is attached. The property owner and developer wish to keep as many trees as possible along Rice Road and provide a natural buffer for the future homeowners.

Along this side of Rice Rd to the west of the subject property towards Sam Newell Rd, it is approximately 1300 feet to where sidewalk and curb and gutter occur (Annecy II subdivision). To the northeast, there are no road improvements until the intersection of Idlewild Rd. Across the street from the subject property, there is sidewalk the entire length of the street, with intermittent curb and gutter along Annecy, Jessica Park, South Windsor, Southwoods, and Julian Meadows subdivisions.

Public Works Director CJ O'Neill does not recommend approval of the variance request. All other subdivisions along Rice Road have installed curb and gutter as well as widened pavements. His comments are attached.

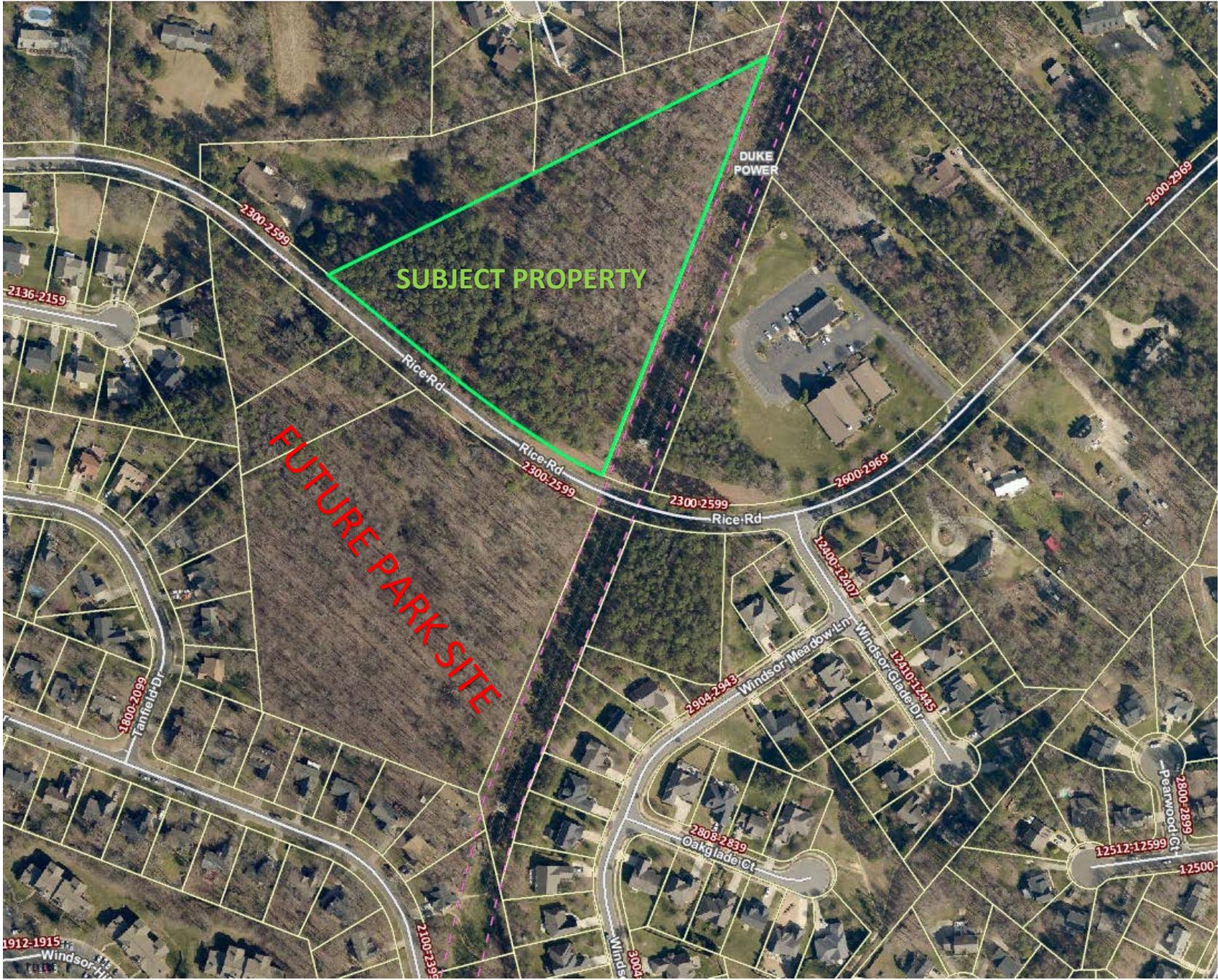
Matthews Unified Development Ordinance Section 155.712.A directs the Planning Board to determine if unnecessary hardships or practical difficulties may result from the strict compliance of the regulations. The Planning Board needs to receive evidence on the following criteria to recommend a variance to required public improvements:

1. The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or
2. The difficulty or hardship from the application of these regulations would prevent the owner from making reasonable use of the property; or
3. The granting of a variance would permit the preservation of an historic structure or site; or
4. The granting of a variance would permit the preservation of a mature grove of hardwood trees or a significant specimen tree.

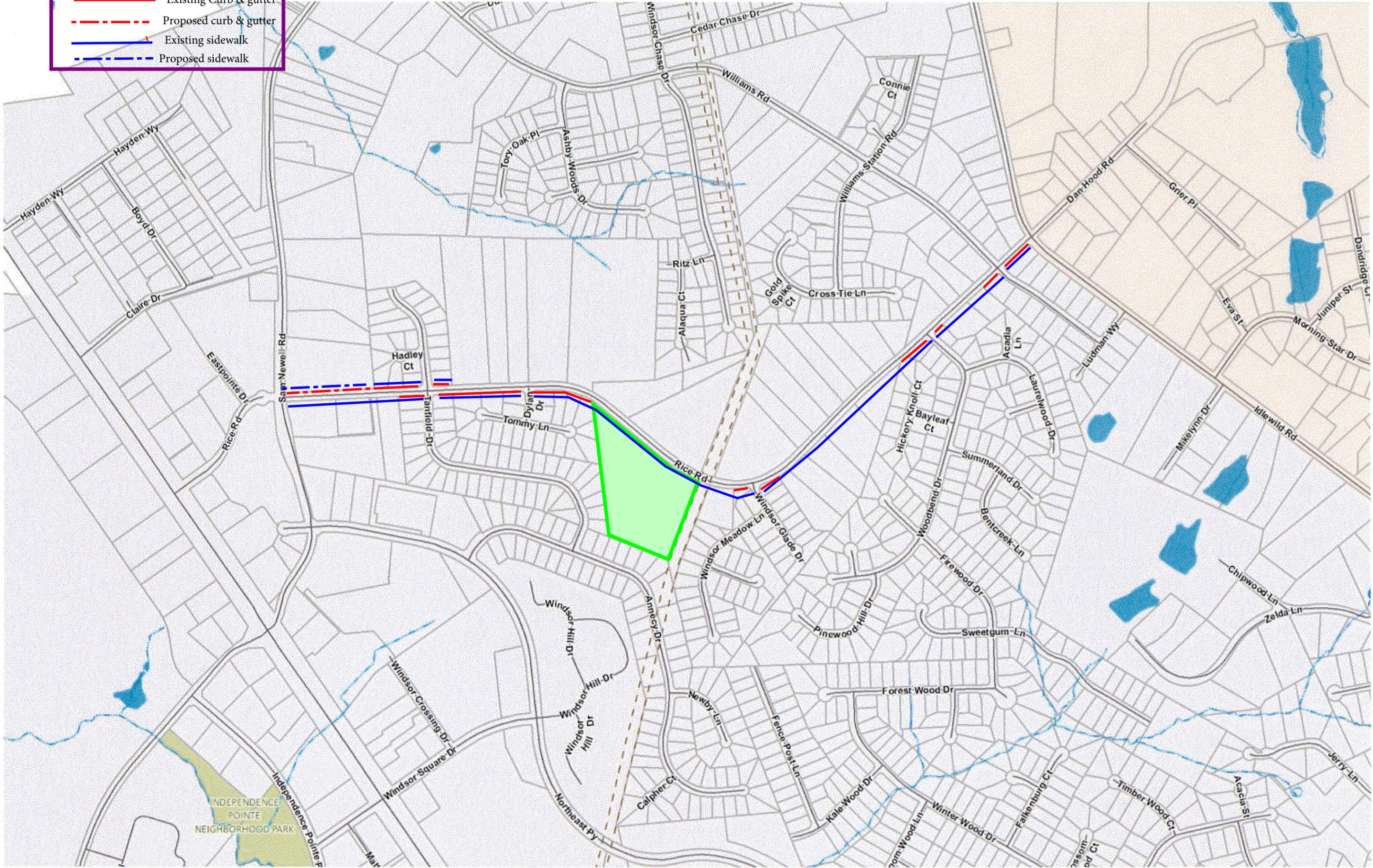
The Planning Board's recommendation will then go to the Board of Commissioners for final decision.

Comments:

Fire, Police, Public Works, Parks and Recreation, and Planning staff consensus is that a single access driveway to the property is safer than 7 driveways because the property is located on a curve in Rice Road. The Fire Department requests that no wall or fence be installed along Rice Road frontage in order to insure hose and ladder access through tree buffer area. Town Engineer Susan Habina Woolard suggested that the developer straighten the sidewalk in order to remove the minimal number of trees from the road frontage. The developer has been made aware of these issues. They have stated that they will not install the fence (this can be indicated on final plat) and will review straightening the sidewalk. If the variance request is denied, the sidewalk will need to be placed in front of the tree line in the right-of-way.



- Existing Curb & gutter
- - - Proposed curb & gutter
- Existing sidewalk
- - - Proposed sidewalk





RE: By Right Subdivision

1 message

CJ O'Neill <cjoneill@matthewsnc.gov>

Thu, Nov 17, 2016 at 2:41 PM

To: Mary Jo Gollnitz <mjgollnitz@matthewsnc.gov>, Rob Hunter <rhunter@matthewsnc.gov>, Corey King <cking@matthewsnc.gov>, Rob Kinniburgh <rkinniburgh@matthewsnc.gov>

I am not in favor of granting a variance on the curb and gutter. Every existing subdivision along Rice Road has been required to put in curb and gutter as well as to widen Rice Road an additional 7.5' to their side of the road. Rice Road was taken over by NCDOT in 1998. The ultimate cross-section at that time was two 11' travel lanes, a 15' center turn lane, 2'6" curb and gutter, 4' planting strip and 5' sidewalk. This cross-section has been maintained by all the new development since that time, the most recent being Julian Meadows. I also plan to require our Park on Rice Road to construct the same cross section.

I do like the idea of a treed buffer between the road and houses, but that can be behind the sidewalk. Please let me know if you have any more questions.

Thanks,

CJ

C.J. O'Neill, PE
Public Works Director



Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review.

From: Mary Jo Gollnitz [mailto:mjgollnitz@matthewsnc.gov]
Sent: Friday, November 11, 2016 3:10 PM
To: Chief Rob Hunter; CJ O'Neill; Corey King; Rob Kinniburgh
Subject: By Right Subdivision

Gentlemen,

Good afternoon.

Attached is a copy of a sketch plan for a new 7 lot by right subdivision. Please let me know if you have any concerns with this request (emergency access, etc).

They are asking for a Public Improvement Variance from installation of curb and gutter along the road. That will be heard at the November 22 Planning Board meeting and then Town Board in December.

Yes their sidewalk goes onto road...they will be addressing that.

Corey, this property is across from the park property---do you have any concerns about driveway location?

Please let me know if you have any concerns before Wednesday Nov 16th.

Thank you all and have a great weekend.

Mary Jo Gollnitz, CZO
Planner II/Zoning Administrator
Planning and Development
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105
Town Hall (704) 847-4411
Direct line (704) 708-1229
Fax (704) 845-1964
mjgollnitz@matthewsnc.gov
www.matthewsnc.gov



Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review.

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7859 / Virus Database: 4664/13382 - Release Date: 11/10/16

October 31 2016

Town of Matthews
232 Matthews Station Street
Matthews NC 28105

Subject: Rice Road Preliminary Subdivision @ (Parcel Number 19353207)
Request for Variance for Curb and Gutter

Dear Matthews Township Board,

We have prepared this letter in order to request a variance from the "Curb and Gutter" requirement for the proposed subdivision.

We are requesting a variance to omit the curb and gutter to the proposed subdivision to allow the neighborhood to maintain a tree-lined buffer along the front of the neighborhood. This will allow us to save as many trees as possible and will also allow the sidewalks to meander thru the property tree save area.

It is our goal to save as many tree as possible for the proposed seven lots. No trees, other than those located within a building envelope, within a proposed street, driveway or parking area, or within a utility easement, will be removed to keep the natural look of the subdivision

We hope that you will agree that the requested curb and gutter variance is justified and acceptable to the Town of Matthews. If you should have any questions during your review, please don't hesitate to contact me at (704) 226-6884

Sincerely,

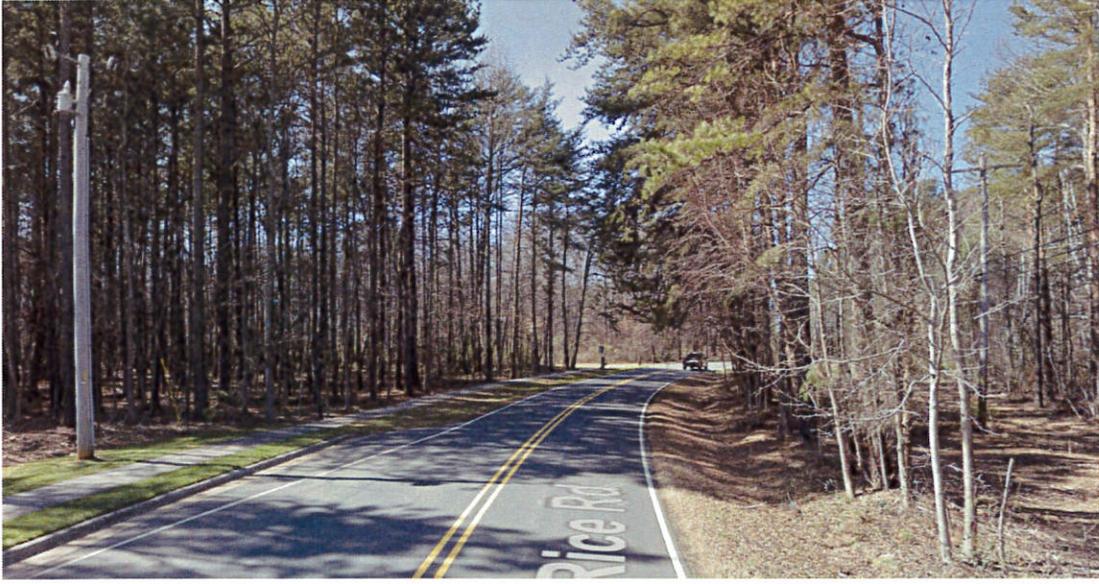
A handwritten signature in cursive script, appearing to read "Bobbie Anderson Fisher". The signature is written in black ink and is positioned above the printed name.

Bobbie Anderson Fisher



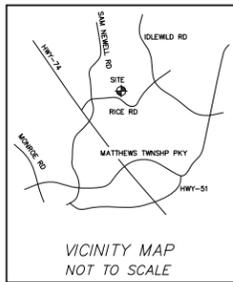




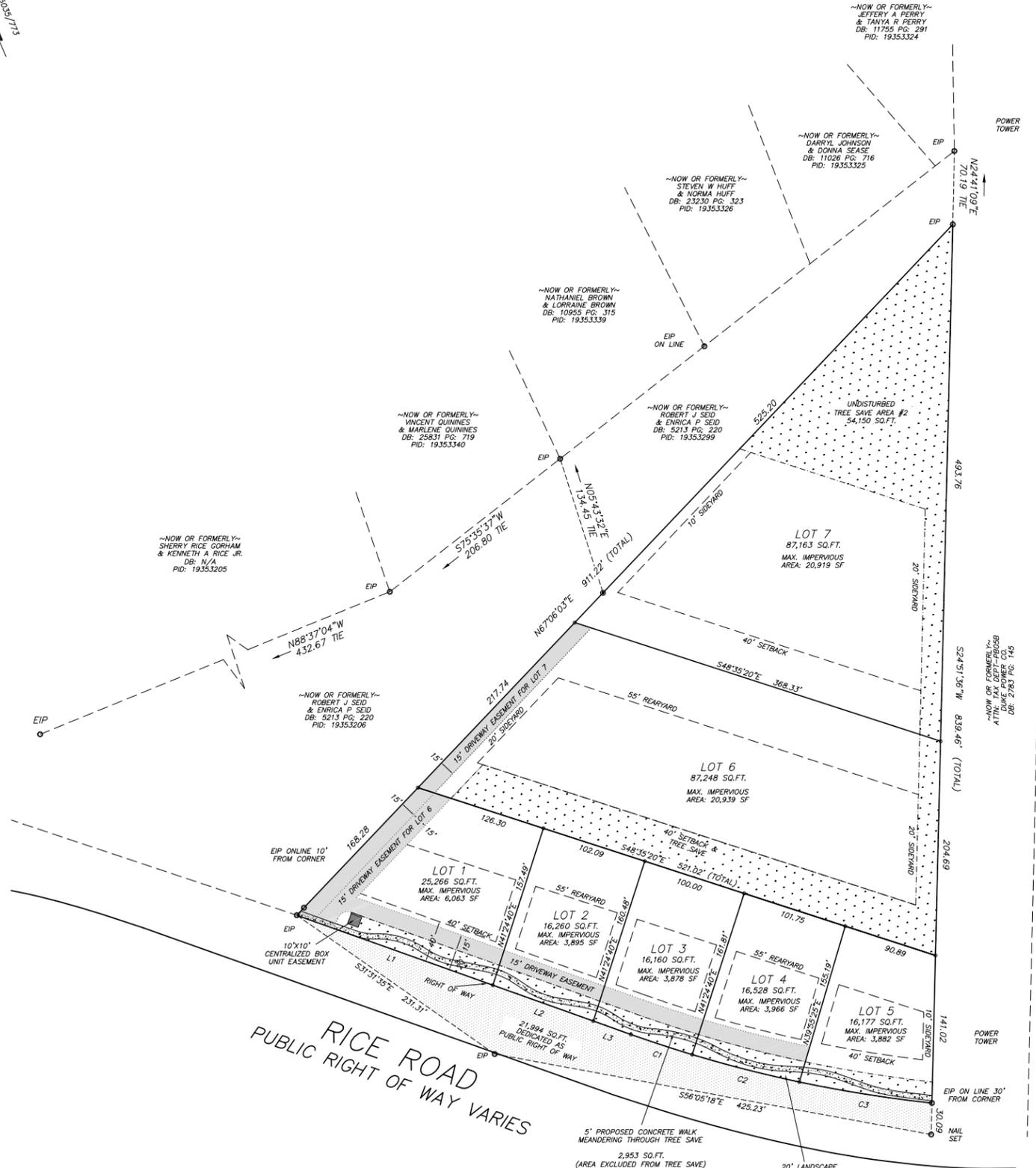








- LEGEND:**
- EIP = EXISTING IRON PIN
 - OIP = OLD IRON PIPE
 - SIP = SET IRON PIN
 - PWR = POWER PAD
 - PM = POWER METER
 - GM = GAS METER
 - AC = AIR CONDITIONING
 - TELE = TELEPHONE PEDESTAL
 - CATV = CABLE TELEVISION
 - WM = WATER METER
 - R/W = RIGHT OF WAY
 - LP = LIGHT POLE
 - CO = SEWER CLEAN OUT
 - YI = YARD INLET
 - FES = FLARED END SECTION
 - CB = CATCH BASIN
 - SDE = STORM DRAINAGE EASEMENT
 - SSE = SANITARY SEWER EASEMENT
 - SOMH = STORM DRAIN MANHOLE
 - SSMH = SANITARY SEWER MANHOLE
 - BC = BACK OF CURB
 - OE = OVERHEAD ELECTRICITY
 - CP = COVERED PORCH
 - SET IRON PIN
 - EXISTING IRON PIN
 - CALCULATED POINT
 - GAS VALVE
 - WATER VALVE
 - MAIL BOX
 - WATER METER
 - FIRE HYDRANT
 - SANITARY SEWER MANHOLE
 - STORM DRAIN MANHOLE
 - LOCATED TREE/SHRUB
 - LIGHT POLE
 - TELECOMMUNICATION BOX
 - TELECOMMUNICATIONS PEDESTAL
 - POWER POLE
 - BACK FLOW PREVENTOR
 - GUY WIRE
 - CATCH BASIN
 - DROP INLET
 - CHAIN LINK FENCE
 - STORM DRAIN PIPE
 - OVERHEAD ELECTRIC
 - SANITARY SEWER PIPE
 - BOUNDARY LINE
 - TIE LINE
 - RIGHT OF WAY
 - ADJOINING LINE (NOT SURVEYED)

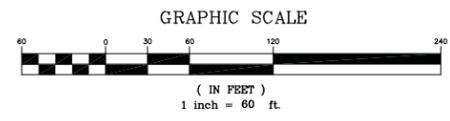


TOTAL AREA: 286,766 SQ.FT. (6.583 ACRES)
 (-) DEDICATED RIGHT OF WAY: 21,994 SQ.FT. (0.505 ACRE)
 NET AREA: 264,772 SQ.FT. (6.078 ACRES)
 REQUIRED TREE SAVE AREA: 52,954 SQ.FT. (20.08) (1.215 ACRES)
 PROVIDED TREE SAVE AREA: 62,863 SQ.FT. (23.78) (1.444 ACRES)

EXISTING SITE INFORMATION
 6.583 ACRES TOTAL
 (286,770 SF)
 -NOW OR FORMERLY-
 RICE RD, LLC.
 DB: 15035 PG: 773
 PID: 19353207

LINE TABLE			
LINE	BEARING	LENGTH	
L1	S46°54'38"E	199.34	
L2	S46°54'38"E	102.13	
L3	S46°54'38"E	38.28	

CURVE TABLE				
CURVE	RADIUS	LENGTH	BEARING	CHORD
C1	1263.58	61.75	S48°23'38"E	61.74
C2	1263.58	106.02	S52°11'51"E	105.99
C3	1263.58	128.65	S57°31'04"E	128.59



- NOTES:**
- IRON PINS SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
 - PROPERTY ZONED: R-15
 MINIMUM SETBACK 40'
 MINIMUM SIDE YARD 10'
 MINIMUM REAR YARD 55'
 - TAX PARCEL NUMBER 19353207.
 - DEED REFERENCE: DB 15035 PG 773.
 - BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
 - THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 3710459100K, WITH A DATE OF IDENTIFICATION OF 2/19/2014.
 - THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, RIGHTS-OF-WAY, OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN. SURVEY MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
 - AREA COMPUTED BY COORDINATED METHOD.
 - NO NCGS MONUMENT FOUND WITHIN 2000'.
 - UTILITY LOCATIONS SHOWN ARE LOCATED BASED ON SITE CONDITIONS AT THE TIME OF SURVEY. CONTRACTORS ARE TO HAVE ALL UTILITIES ACCURATELY MARKED PRIOR TO CONSTRUCTION.
 - THIS PROPERTY IS SUBJECT TO 24% IMPERVIOUS AREA RESTRICTIONS.
 - THIS PROPERTY IS SUBJECT TO 20% TREE SAVE RESTRICTIONS.
 - ALL LOTS SHOWN ARE INTENDED TO BE SELECTIVE CLEARED.

REVISIONS:	SCALE: 1" = 60'
DATE	2007/04/V.RICE
	2007/V.RICE
	DRAWN BY: TW
	CHECKED BY: HW
	FIELD WORK: RN,GH
	OCTOBER 31, 2016

CAROLINA SURVEYORS, INC.
 P.O. BOX 267 PINEVILLE, N.C. 28134 - 0287
 HUGH E. WHITE, J.T., NCRLS & SCRLS 889 - 7601
 CERTIFICATE OF AUTHORIZATION NC-C-1242 SC-886

A SKETCH PLAN FOR PROPERTY ON
RICE ROAD
 (NEAR THE INTERSECTION OF WINDSOR GLADE RD)
 OWNER: RICE ROAD, LLC
 AREA: 6.583 ACRES TOTAL
 TOWN OF MATTHEWS, MECKLENBURG COUNTY, NORTH CAROLINA

Aldi Administrative Amendment for Architectural Guideline Changes

DATE: November 17, 2016

FROM: Jay Camp

Background/Issue

This afternoon, staff received updated elevation drawings for the Aldi store on West John Street. The front and left side elevations have been modified in response to comments received from Planning Board last month. The architectural details include some of the features of the previously referenced Waxhaw prototype and include contrasting brick details, a water table, parapet height change on the right side of the building and some brickwork changes to the overall front of the building. Changes are also now proposed on the left side to integrate the new design on that more visible elevation.

In response to questions about the Administrative Amendment process at the Council meeting on Monday, I've attached the UDO section that explains what changes are eligible. There is a sliding scale where staff approves mostly minor changes while Planning Board or Town Board approve more significant changes. This request, to amend the "Williamsburg" design clause for a single building was something staff felt comfortable with due to the fact that building elevation approval is still part of the request.

At this time, the applicant does not wish to seek changes to the "Williamsburg" design language from the conditional zoning plan and simply seeks approval of this building design and confirmation that it meets the intent of the original design requirement.

Board, the Board of Commissioners may adopt an ordinance approving, modifying, or rejecting the amendment. [formerly § 153.265.B]

4. ADDITIONAL CRITERIA FOR ZONING MAP AMENDMENTS.

a. When considering an application to amend the zoning map to any Traditional classification, the Planning Board or Board of Commissioners will not evaluate the application based on any specific proposal for the use or development of the property. The applicant will refrain from using any graphic materials or descriptions of the proposed development except for those which would apply to any use permitted by the requested classification. [formerly § 153.265.C]

b. Following formal acceptance of an application by the Board of Commissioners, the applicant may propose further adjustment to the application which results in a more restrictive zoning district, or applicant may amend the proposed conditions in a conditional zoning district that do not alter the requested underlying proposed district designation. ('72 Code, § 24-1303) (Ord. No. 477, passed 2-8-88; Ord. No. 1524, passed 12-11-06) [formerly § 153.267]

E. WITHDRAWAL OF APPLICATIONS. Applications for amending the zoning map or amending conditions of a previously approved conditional zoning district may be withdrawn by the applicant at any time up to and including fifteen (15) days prior to the initially-scheduled hearing date. It is generally not the intent of the Board of Commissioners to permit withdrawal of applications within fifteen (15) days prior to the hearing date. However, after that time, requests to withdraw an application must be filed with the Planning Office. On the day of the hearing the Commissioners will decide if the withdrawal will be allowed. The Board of Commissioners may approve a request for withdrawal if it finds that there are substantial circumstances which warrant favorable consideration and that the withdrawal will not be detrimental to the interests of citizens affected by the application. Application fees are non-refundable. [formerly § 153.267]

155.401.5 Administrative Amendment Approval, and Site Plan and/or Elevation Plan Review and Approval

Changes to approved plans and conditions of development in Parallel Traditional Districts and Conditional-Only Districts will be treated the same as changes to the zoning map and will be processed as an amendment as provided in §§ 155.401.1 and 155.401.4. However, some minor changes or additional details in response to previously approved zoning conditions in these conditional districts may be approved through one of the procedures listed here. Site plan and/or elevation plan review and approval may also be a requirement for certain identified uses allowed in some zoning districts as a use “under prescribed conditions” in the Tables of Allowed Uses at § 155.505.

A. ADMINISTRATIVE AMENDMENT. Minor changes in the detail of the approved plan which will not alter the basic relationship of the proposed development to adjacent property, will not alter the uses permitted or increase the density or intensity of development, or will not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site may be approved as an Administrative Amendment.

1. STAFF REVIEW AND APPROVAL. Upon receiving an application for an Administrative Amendment, the Planning Director shall review the specific proposed changes to previously approved zoning conditions to verify the level of revision requested. When the proposed changes are limited to no more than two (2) note or drawing changes as allowed through the Administrative Amendment process, the Planning Director may approve the changes. The Planning Director may determine the request be reviewed by the Planning Board for action.

2. PLANNING BOARD ACTION. The Planning Board shall review any request for Administrative Amendment submitted to the Board from the Planning Director. The Planning Director shall provide the Planning Board with an explanation of the requested revisions to previously approved zoning conditions, and a recommendation of action. The Planning Board may approve a request for an Administrative Amendment, or may refer the request for change to the Board of Commissioners for decision.

3. BOARD OF COMMISSIONERS ACTION. When the Planning Board refers a request for Administrative Amendment, the Board of Commissioners shall determine whether the impact of the proposed changes, while meeting the standard of minor changes as provide here, would be sufficient to provide an opportunity for public input prior to action. The Board of Commissioners may schedule a public input session or require the applicant to hold a community meeting. Notice of the public input session or community meeting shall be sent by the applicant by first class mail to all persons

File Name: N:\24\320184 - MATTHEWS, NC 40320\320184 - EXTERIOR ELEVATIONS.DWG Author: PYSHEMICH, ADAM Pkg Date: 10/11/2016

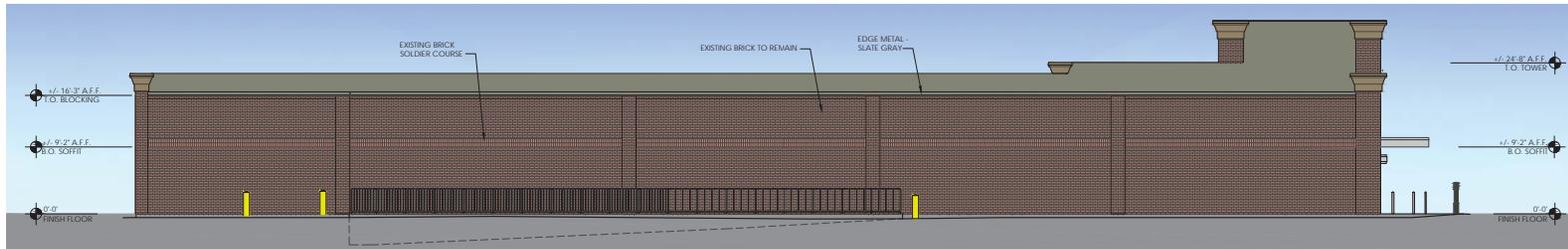
Original Design from October Meeting



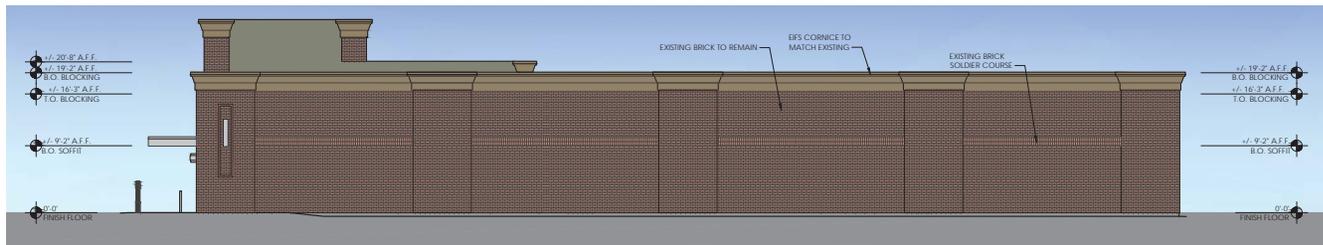
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3 Left Elevation
SCALE: 1/8" = 1'-0"



2 Rear Elevation
SCALE: 1/8" = 1'-0"



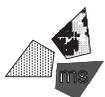
1 Right Elevation
SCALE: 1/8" = 1'-0"

Signage			
DESCRIPTION	QUANTITY	SQ. FT. PER SIGN	TOTALS
TOWER SIGN	2	74.9	149.8
FOOD MARKET SIGN	2	21.3	42.6
TOTAL SIGNAGE			192.4

SIGNAGE IS SHOWN FOR REFERENCE ONLY AND SHALL BE UNDER SEPARATE PERMIT SUBMITTAL.

Issued:	Date:
A Concept No. 3	10/11/16
B	
C	
D	
Revisions:	Date:
1	
2	
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7	
8	
9	

DO NOT SCALE PLANS
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phone 614.898.7100
fax 614.898.7570

DRAWN BY: MYG
REVIEWED BY: MJB

Seal



ALDI Inc.
STORE #05
555 West John Street
Matthews, NC 28105

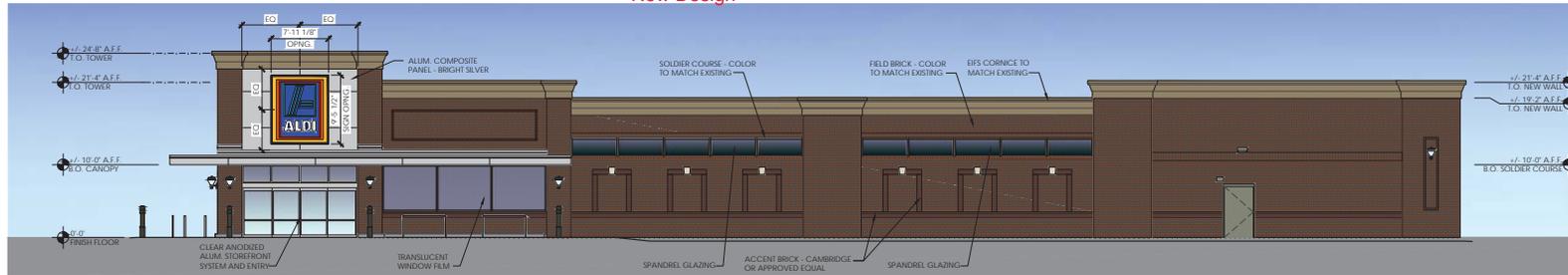
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Exterior Elevations
Drawing Name:

ms Project No.
40320-84
Type: V1.0-R-EXP

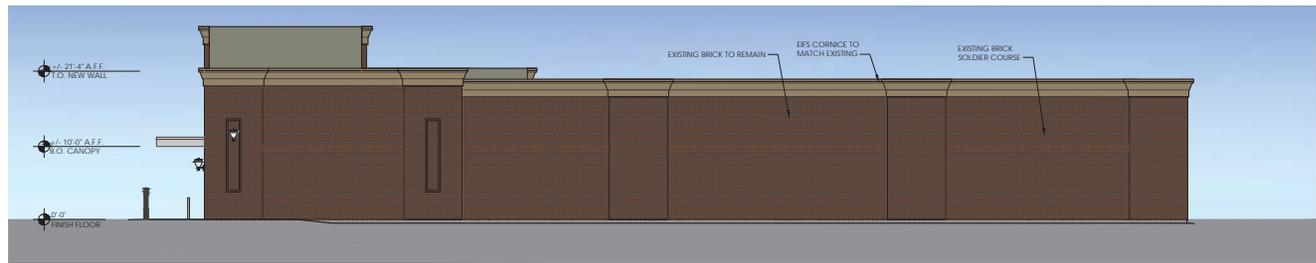
DRAWINGS ARE BASED ON V.S. 0 PROTOTYPE RELEASED ON 11.01.13
A-201
Drawing No.

New Design



4 Front Elevation
SCALE: 1/8" = 1'-0"

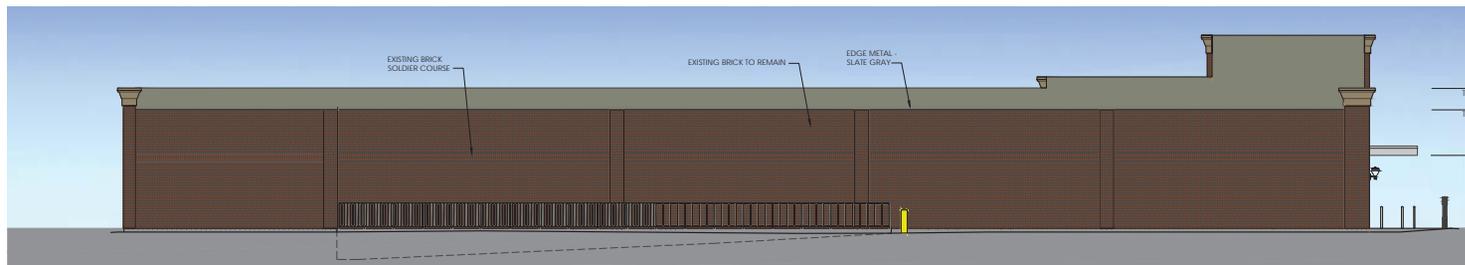
Signage			
DESCRIPTION	QUANTITY	SQ. FT. PER SIGN	TOTALS
TOWER SIGN	2	74.9	149.8
TOTAL SIGNAGE			149.8
SIGNAGE IS SHOWN FOR REFERENCE ONLY AND SHALL BE UNDER SEPARATE PERMIT SUBMITTAL.			



3 Side Elevation
SCALE: 1/8" = 1'-0"



2 Side Elevation
SCALE: 1/8" = 1'-0"



1 Rear Elevation
SCALE: 1/8" = 1'-0"

Issued:	Date:
A	Concept No.3
B	
C	
D	
Revisions:	Date:
1	
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B	

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DRAWN BY: NAL

REVIEWED BY: AFP

Seal

PROFESSIONAL OF RECORD:
ERIC BLIZONDO No. 10032
EXP. DATE: 06/30/2017



ALDI Inc.
STORE #05
555 West John Street
Matthews, NC 28105
Mecklenburg County
Project Name & Location:

Exterior Elevations
Option C
Drawing Name:

ms Project No. 40320-84

Type: V1.07 ELW

DRAWINGS ARE BASED ON V.S. 0 PROTOTYPE RELEASED ON 08.05.16

A-201

Drawing No.

Composite

New



Old

