

**MINUTES
PLANNING BOARD
TUESDAY, FEBRUARY 4, 2014
RESCHEDULED JANUARY 28, 2014
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Vice Chairman Teresa Scott, Steve Lee, Thomas Lawing, Rob Markiewitz, and David Pratt; Town Attorneys Charles Buckley, and Craig Buie; Youth Voice Brian Lee; Planning Director Kathi Ingrish, Jay Camp, Senior Planner, Jim King, Planner II, David Nelson, Planner II, Zoning Technician/Deputy Town Clerk Mary Jo Gollnitz.

ABSENT: Chairman Jim Godfrey and Member Gary Turner.

CALL TO ORDER

Vice Chairman Teresa Scott called the meeting to order at 7:00 pm.

APPROVAL OF THE MINUTES

Rob Markiewitz made a motion to approve the minutes of the December 17, 2013 meeting. Tom Lawing seconded and the motion was unanimously approved.

ZONING APPLICATION #2013-602 The Fountains Matthews Apartments, NC51 and Northeast Pky; B-1SCD to MUD (Innovative)

Senior Planner Jay Camp provided general information and background on the Fountains Matthews Apartments. It is a proposed mix use development with 250 residential units. There was a summary of the changes presented to the Council and Planning Board at the public hearing. Since that time, staff has not received any additional updates from the developer. Staff, Council and the developer are working on responding to concerns that were raised at the public hearing.

Mr. Camp noted there are minor items such as buffers and fences that are being addressed. The Post Construction Ordinance is at the County being reviewed. Currently, there is no new site plan for the Board to review.

Rob Markiewitz asked is there is a specific location that the commercial square footage can be located on the site. Mr. Camp said it would be on the first floor of the live work buildings. He showed the plans with the locations of the buildings containing commercial sections.

Keith MacVean, Moore Van Allen, 100 N. Tryon, Charlotte showed where the free standing non-residential building along Matthews Township was removed from the plan and left as open space. Non-residential uses are now limited to the main street interior of the site. Mr. Markiewitz wanted to make sure he understood that commercial use is restricted to those buildings.

Wyatt Dickson, Proffitt Dickson Partners, Charlotte addressed the Board. He showed the Board where the roof top terrace would be on the internal section of the club building. It will be an open air terrace in lieu of a third floor. There will be a residential unit on either side of the terrace. He continued to describe the building layout.

Tom Lawing asked if there had been any coordination with the Polo Club regarding traffic. Mr. MacVean stated that the Polo Club was well represented at the community meeting. He has also reached out to the Polo Club HOA President but has not heard back from him. Mr. Lawing wanted to know if the minor changes affected traffic patterns. Mr. MacVean said traffic access to the site has not changed. He noted that there was a question at the public hearing regarding an acceleration lane. NCDOT will not allow installation of an acceleration lane.

Steve Lee asked if the first floor uses could all be used as residences. Mr. MacVean explained the live work unit concept. The idea is to work in front with direct access to living space on the other side of unit. It could be used as a two bedroom if the market dictates.

Mr. Lee said that his concern is that the proposal is for mixed use, yet it could end up all residential. Mr. MacVean said yes that is right. Mr. Camp said the purpose and intent of mixed use is to foster different uses. Staff does have concerns regarding the live work units. Live work will not be allowed until April 1st in a MUD and not sure it can be added now to the conditions of the plan. Attorney Buckley noted that it can be written as a condition that shall become effective the date the UDO is enforceable.

David Pratt asked how many children will be in the complex based on the number of bedrooms in an apartment. Mr. MacVean said that they are finalizing their numbers. He said that not more than 10% or 25 units will have three bedrooms. He continued discussing CMS calculations, income of renters, and similar complexes they have developed in other communities.

Teresa Scott asked what the range of rent would be. Mr. Wyatt stated that it would average between \$850 up to \$1500 depending on the size of the unit.

Ms. Scott said she has concerns about vehicles coming out from Northeast Parkway at Matthews Mint Hill Road and whether they will be up to speed at the right in right out access of the development. Randy Goddard of Design Research Group, Charlotte, informed the Board that the traffic turning right out from the complex will fill the gap that is created by the signal at Northeast Parkway. Without the signal you would have constant traffic along the road. Youth Voice Brian Lee said that at the Wal-Mart there is a right in and right out with constant traffic on Independence and he believes that with the traffic signal it is much safer getting on to the road.

Mr. Lawing recommended approving zoning application 2013-602 as presented at the public hearing and most currently amended, it is consistent with policies for development as outlined by the Matthews Land Use Plan, and Town's long-range Vision Statements, and other adopted policies or plans. Specifically, the Board has not seen a 100% complete plan but they have been told by staff the changes are minor and not substantial. Mr. Markiewitz seconded the motion which carried unanimously.

ZONING APPLICATION #2013-603, Goddard Day Care, 9631 Northeast Pky; Conditional to O-9(CD)

Planner II David Nelson presented the Goddard Day Care rezoning request. He explained that the public hearing was held in October 2013 and continued to January 2014. The rezoning request is to bring an old Conditional zoning into a current zoning of O-9(CD). The changes that have been made from the public hearing include identifying where a future sign can be placed. The second change was to get a sign detail. Mr. Nelson showed the sign rendition to the Board. The sign will be 38 square feet in size and in O-9 Districts you are allowed up to 50 sq. ft. for signage. The current Conditional zoning allows 25 sq. ft. for signage and staff feels the size expansion is a reasonable compromise to increase the sign size closer to the straight O-9 District.

Rob Markiewitz motioned to approve zoning action 2013-603 as presented at public hearing and as most currently amended, it is consistent with the policies for development as outlined by the Matthews Land Use Plan, and Town's long-range Vision Statements, and other adopted policies or plans. David Pratt seconded the motion. Brian Lee asked if the sign would be lighted. Mr. Nelson said no. The vote carried unanimously.

ZONING APPLICATION #2013-604, Former PetsMart, 1815 Windsor Square Dr; Conditional to B-1(CD)

Planner II David Nelson briefed the board on the rezoning request for PetsMart from the old Conditional zoning to a current zoning designation of B-1(CD) (Neighborhood Business). At the public hearing Mayor Taylor requested that staff review the list of uses and remove those that are not appropriate for this specific site. Mr. Nelson said that he is coordinating the changes with the Mayor but did not have a complete list as of this time.

Teresa Scott asked if there is anyone currently interested in the property. Mr. Nelson said that staff is unaware of any interested parties at this time.

Mr. Markiewitz asked if there will be a reduction of signage. Mr. Nelson said yes the signage will be reduced. Originally the plan was approved with multiple tenants in mind; therefore the allotment was 200 square feet. Under the B-1 District, the sign allotment will be up to 80 sq ft for wall signage. Planning Director Kathi Ingrish clarified for the board that the Conditional zoning was approved with specific signage. Every time the business wished to change their sign, they would have to come back for a zoning action. This rezoning takes away the requirement to have to come back to the Town when a sign change is needed.

Mr. Markiewitz asked if the board needed the list of uses before making a recommendation. Mr. Buckley noted that the list is being worked on; however, if there are uses the board does not want those can be included in the motion. Discussion continued about uses and motion requirements.

Mr. Lawing asked how many uses are there in the B-1 District. Mr. Nelson said there are over 100 uses in the Business Districts, but not all apply to the B-1 District. Mr. Markiewitz asked if they could see the current list. Mr. Nelson read the list of uses that will not be allowed if the rezoning is approved for this site.

Mr. Lawing asked if staff had looked at all the B-1 District uses not just the eliminated uses from the previous approval. Mr. Nelson answered yes and that there were no exceptions previously listed. Mr. Markiewitz asked if funeral homes had been included in the stricken list. Mr. Nelson said that it was not in the current prohibited use list.

Mr. Lawing asked who has petitioned to have the property rezoned. Ms. Ingrish explained that the property owner applied and the Town would like to get this old Conditional zoning to a current zoning. Mr. Nelson is taking the lead for the property owner. Ms. Ingrish said that staff could show the allowed uses and go through the list with the board. Mr. Pratt asked if there were some uses that were not allowed. Ms. Ingrish explained that there are several in a list that applies to the entire shopping center. The board reviewed and discussed the list of allowable uses in the B-1 District.

Mr. Markiewitz made a motion to approve zoning action 2013-604 as presented at public hearing and as most currently amended, it is consistent with the policies for development as outlined by the Matthews Land Use Plan, and Town's long-range Vision Statements, and other adopted policies as specified being the recommendation from the Mayor to staff and recommendation from the Planning Board to include all B-1 uses except the following not allowed: #4 Dormitories; #5 Farms; #7 Golf courses, public and private; #8 Orphanages, Children's Homes, and similar non-profit; #10 Room renting; #11 Trailer, overnight camping and recreational vehicles; #30 Bus passenger stations; #82 Municipal reservoirs; #83 Railroad rights-of-way; #87 Dwellings; #96 Clairvoyant entertainment businesses; #41 Fertilizer, packaged retail sales; #44 Funeral homes and crematoriums; #74 Trailers, utility or hauling retail sales and rental sales; #90 Heliport, medically-related; Under prescribed conditions #25 Water storage; #26 Demolition Disposal Site; and under Accessory uses #5 Petroleum Storage. Mr. Lawing wanted to clarify that use #5 is under accessory uses. Mr. Lee seconded the motion and the motion carried unanimously.

ZONING APPLICATION #2013-605, QuikTrip, 10701 Monroe Rd; I-1 to B-2(CD)

Senior Planner Jay Camp explained that staff had received revised plans for QuikTrip application 2013-605 recently. He went over changes for the board noting that the property has now been divided in order to provide lot frontage for the back portion of the property. Street trees will remain where feasible and the new plan shows a 10' x 10' pad for a bus stop in front. There had been a question as to the monument sign being shared; that has been resolved and the sign will only be used by the applicant. The property owner and Town Board are working on reducing the list of uses for lot #2 based on comments from the public hearing. The site does not meet the layout requirements that will be in effect with the UDO on April 1. The site deviates from the UDO and the Monroe Road Small Area Plan.

Mr. Lee asked for further explanation on the UDO affecting this site. Mr. Camp stated that gas stations have historically been difficult to approve in Matthews. The UDO allows for gas stations in the I-1 District with design requirements. The requirements primarily dictate layout, circulation, and frontage. The building cannot be pushed behind the canopy.

Mr. Markiewitz wanted to know if the revised plans included a concrete median in Monroe Road. Mr. Camp noted that the median is not in the plan; however there is a "pork chop" island for right in right out access of the gas station.

Ms. Scott believed that there had been discussion about a grassy median within the Small Area Plan along Monroe Road. Mr. Camp said NCDOT would require more space to allow for a green median and retrofitting the existing road would be difficult.

Ms. Scott said that her concerns are driving looking along the road seeing gas stations with giant canopies. There is no clear direction as to vehicle movement within these sites either. Her other comment is in regards to the proposed Small Area Plan. She asked if it would be possible to bring the store to the front at the corner of the lot and move the canopy to the side and back.

John Carmichael, representing QuikTrip and John Dibernardo with QuikTrip addressed the Planning Board. Mr. Carmichael said that it is possible to change the layout of the site as Ms. Scott suggests. He continued stating that QuikTrip prefers to have the access points into the building up front. Current design allows for parking on either side of the building with entrances in order for people to access the building without interfering with vehicles at the gas pumps.

Mr. Dibernardo said that lot circulation is one of their concerns. They provide wider lanes, more space between canopy to building and more space between canopy and road than other gas stations. When you do away with the driveway, you funnel all traffic in one entrance/exit. Ms. Scott mentioned that in Davidson there is a gas station that the building is on the corner of the lot with access in front for pedestrians and access in the back on two sides for vehicles. It is not a QuikTrip but it looks more in conjunction with what this area of Matthews should look like. She continued describing the building in Davidson, the proposed canopy size and how this will affect one of the entrances into Matthews.

Mr. Dibernardo described the design of the proposed building that will have brick columns in the canopy noting that you can see through the canopy to the store. He showed the building elevations stating that if they move the building you would see brick and gutters from the road. He understands that the new UDO would require the building to back up to the street. Ms. Ingrish said that there are requirements for certain architecture also in the UDO. It could not be the standard corporate design building. Mr. Camp noted that there is only one QuikTrip turned 90 degrees that he is aware of which is in Harrisburg. Mr. Dibernardo said that the Harrisburg store is at an intersection so it could be turned.

Mr. Lee asked if you turn the building sideways could you accommodate the right in right out only. His understanding from the public hearing is that Family Dollar was not happy with the egress point so close to their driveway. Chip Cannon with Urban Design Partners addressed the board. He stated that they did look at moving the driveway closer to the full movement driveway, and they start to run into conflicts. Mr. Carmichael said that you could turn the building and move it back further into the site and possibly preserve the driveway. There was discussion on the building design, canopy, how much of canopy can be seen based on orientation and streetscape.

Mr. Cannon stated that turning the building was brought up during the public hearing. He continued noting that if they did turn the building sideways that the back of the building would be visible from Monroe Road. He provided a visual of what the building would like from Monroe Road at 90 degrees to the street.

Mr. Markiewitz said that part of the Small Area Plan concerns traffic along Monroe Road. He understands that the traffic study was done during July; however when school is in session, traffic can double. He asked if the 11000 visits to the store per day is realistic. Mr. Dibernardo said that the count means 5500 cars per day. Mr. Markiewitz said that the bus stop is being added and traffic is terrible along this road already; this project will make it worse. Randy Goddard with Design Research Group who provided the traffic study for QuikTrip spoke to the board. He stated that 66% of the trips generated by the site is traffic that is already on the road. Mr. Markiewitz said that if 10% of the people already on the road go in and out of the site, you are adding to the congestion. Discussion continued about traffic patterns and NCDOT requiring right turn lanes into the site.

Mr. Lawing said that he was not aware of an added right turn lane on the plan. Mr. Dibernardo said that it was a comment received from NCDOT today for the other half of the development for Sam's Mart. It is not part of QuikTrip site but the shared driveway. Discussion continued regarding the traffic along Monroe Road and the potential right-in turn lane. Mr. Goddard noted that the turns into the site have to provide adequate radius for the tankers that will be servicing the site.

Mr. Markiewitz asked if this road was considered a high accident road. Planner II Jim King said that there were 580 accidents that happened away from signalizations on Monroe Road over a ten year period. Mr. Markiewitz stated that mitigation for accidents in the area needs to be addressed. Mr. Lee asked about landscape medians. Mr. King stated that suggestion had come from public workshop for the Small Area Plan. Citizens had stated concern of the suicide lane and a proposal for a study to have a landscaped median or divided median in the area.

Mr. Lawing asked about the landscaping along the road on the site, will that allow the store to be seen from the street. Mr. Cannon said that the trees would be limbed up to maintain a level of openness between the wall and the canopy. He knows that QuikTrip is particular about their sites and level of visibility. Mr. Dibernardo stated that they limit their window coverage to 20%.

Mr. Markiewitz recommend denial of zoning action 2013-605 as reviewed and most currently amended, it is not consistent with the policies for development as outlined by the Matthews Land Use Plan, or Monroe Road Small Area Plan and Town's long-range Vision Statements, and other adopted policies. He feels that it is not consistent because of the traffic and building issues. Mr. Lawing said that he felt traffic is an issue however the building issue could be resolved. Ms. Scott seconded the motion. The motion failed with a 2 to 3 vote.

The Board discussed their concerns with traffic, building orientation, and other uses that may generate more traffic volume on Monroe Road. Mr. Lee stated that he opposes the proposed current orientation of the building. He feels that a redesign of the building to give a nice façade along Monroe Road could be achieved.

Mr. Lee recommended approval of zoning action 2013-605 as reviewed by the Planning Board and as most currently amended, it is not, but could be consistent, with the policies for development as outlined by the Matthews Land Use Plan, if the following recommendation was applied; the orientation of the building be rotated 90 degrees. Mr. Pratt seconded the motion.

Mr. Markiewitz asked to verify that the 90 degrees would have the back of the building viewed from Monroe Road. He questioned that the Board is advocating seeing the back of the building. Mr. Lee said the back of the building will be facing Family Dollar and seen going into Matthews and the side will be seen from the road. Mr. Lawing said that the view depends on where you are. Discussion continued on the orientation of the building on the site. The Board further discussed the traffic issues. Mr. Lawing and Mr. Lee discussed the orientation of the building.

Mr. Buckley said that if the Board is going to add conditions to the approval, they have to ask applicant if they agree with the conditions. Ms. Scott asked if the applicant is willing to meet the condition of turning the building and canopy 90 degrees. Matthew Miller with QuikTrip said that he could not make that decision. It would have to be approved by the corporate offices. He stated that they try to hide all their vendor trucks from the customers when they deliver to the stores. He knows that corporate offices will not like the condition but they will certainly consider the requested change. The other concern is circulation around the building. He is certain that they will not turn the building completely backwards. QuikTrip does not consider building in municipalities where they must turn the building to the back of the street due to safety reasons. They want the building facing the road in order that you can see inside the store in the middle of the night.

Mr. Pratt asked how they solved the rear access in the Harrisburg building. Mr. Miller said that trucks drive along the side street and park in the parking lot with the customers. QuikTrip prefers having the delivery trucks not be visible and away from customers. They will present the recommendation to their corporate office. Mr. Miller continued noting that in Harrisburg there is parking on three sides of the building. The proposed turned location does not allow for parking along Monroe Road. Mr. Carmichael wanted the board to clarify if they want the building just turned or also moved up to the street. Ms. Scott stated that the idea for the area is to make it more pedestrian friendly. There was discussion about parking based on the building location.

Mr. Dibernardo showed the site in Harrisburg to the board. He said that they have three sides and provides a safe corridor for customers. Mr. Pratt asked questions about the vendor access and parking at the Harrisburg store. The Board discussed consideration of building location and parking based on the store built in Harrisburg. Mr. Pratt asked if the building were moved back from the street more, would that be more acceptable to them. Mr. Dibernardo said that they would have to review all the design options. The Board discussed alternate options.

Mr. Lee modified his motion. He recommended approval of zoning action 2013-605 as reviewed by the Planning Board, it is not consistent but could be consistent with the Land Use Plan if the proposed building and canopy is rotated 90 degrees and the rear of the proposed building contained some architectural features. Mr. Pratt seconded the amended motion. The motion carried 4 to 1.

ZONING APPLICATION #2013-606, Text Amendment, Add Home Baking as a Permitted Customary Home Occupation

Planner II Jim King presented the proposed text amendment to add Home Baking to Customary Home Occupation. He stated that the UDO which has been adopted does allow for this use. The current ordinance is not specific to this use. The applicant is trying to move forward with her home bake business before the UDO is in effect. The amendment would allow for low risk package foods and is compatible with North Carolina Department of Agriculture.

Tom Lawing motioned to recommend approval of text amendment 2013-606 as presented at public hearing and as most currently amended, 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 or plans. Teresa Scott seconded the motion. Ms. Scott noted that it was a good idea and allows the growth of small business. The motion carried unanimously.

MOTION #2014-1, Text Amendment, Revise Effective Date of FEMA Flood Maps to February 19, 2014

Planning Director Kathi Ingrish presented the proposed text amendment. She stated that the date needs to be changed in the current ordinance and UDO.

Rob Markiewitz motioned to recommend approval of text amendment 2014-1 as presented at public hearing and as most currently amended, it is consistent with the policies for development as outlined by the Matthews Land Use Plan, and Town's long-range Vision Statements. Mr. Pratt seconded the motion and it carried unanimously.

SKETCH PLAN, Quattlebaum Associates, 10701 Monroe Road

Planner II Jim King showed the proposed sketch plan to the board noting that it is a minor subdivision. He stated that the owners are wishing to divide a 12 acre tract into two separate lots. There are two separate contracts on the property. The subdivision will provide separation for the property that is being rezoned. There will be a cross access easement on the property and provide better definition for the legal description. Comments will be received from Planning Board, and then the applicant will complete the final plat. If submission of the final plat is completed before April 1st, it will go to Town Board for approval. If the final plat is submitted after April 1st, then it will be approved by staff in accordance with the UDO.

Mr. Lawing wanted to know if tract "A" on the map was the rezoning that was discussed earlier in the meeting. Mr. King said yes. He pointed out that it is QuikTrip and the other tract is for Sam's Mart. Mr. Buckley stated that this is just for the Board's information only.

Mr. Lawing asked about the right turn lane that was earlier discussed. Mr. Buckley said that NCDOT will tell the applicant if they have to put the turn lane in or not, but the board could recommend such improvement.

Mike Hill with Sam's Mart addressed the board and stated that NCDOT sent an email to their consultant stating they wanted to see a traffic study completed and the right-hand deceleration lane might be needed depending on the study results. The turn lane would be on their property and the cross access drive between their property and QuikTrip will be on Sam's Mart property.

Ms. Scott asked if the access driveway would be the length of the property. Mr. Hill said that it will stop approximately 20 feet short of the property line end in order to give QuikTrip access to that drive. Ms. Scott asked if Sam's Mart will be selling gas on this site. Mr. Hill answered that they have several different entities and this site will be a car wash next to QuikTrip.

There was discussion regarding the slope easement notation along the road listed on the sketch plan.

Mr. Lawing asked about tract "A" having a front and back part and if the other tract will be further subdivided. Mr. Hill stated that they are currently subdividing for their carwash component. They have not yet determined whether they will further subdivide the property. Mr. King noted that if either QuikTrip or Sam's Mart wish to further subdivide, they would have to come back before this board for further review.

Mr. Buckley stated that the presentation is for the board's information. Ms. Scott thanked the applicant.

FOR INFORMATION

Ms. Ingrish informed the board that the current Zoning Ordinance has had a provision stating that if a conditional zoning has been approved and nothing has happened on the site for three years, it can come back to Planning Board for a report. The report is then forwarded to Town Council and they could consider taking subsequent action to remove that conditional zoning. She stated that there is a RVS Zoning on Sam Newell near Lakeview Circle and Crown Point Elementary School called Spring Park. The property was going to have public and private streets and houses fronting on a commons with alley access. The development was approved prior to the recession and never developed. The owner has submitted a request to initiate taking the zoning back to single family zoning district. The letter was received too late for this evening's agenda and will be on the Planning Board's February agenda.

ADJOURNMENT

Mr. Lee made a motion to adjourn. Mr. Pratt seconded and the motion passed unanimously. The meeting adjourned at 9:10 pm.

Respectfully submitted,



Mary Jo Gollnitz
Zoning Technician/ Deputy Town Clerk