

MINUTES
BOARD OF COMMISSIONERS MEETING
JORDAN ROOM, MATTHEWS TOWN HALL
JANUARY 8, 2018 – 5:30 PM

PRESENT: Mayor Paul Bailey; Mayor Pro Tem John Higdon; Commissioners Barbara Dement, Chris Melton, Jeff Miller, Kress Query and John Urban

The Board met to review applications for several advisory committees. The Board will contact applicants for individual interviews in the near future.

MINUTES
BOARD OF COMMISSIONERS MEETING
HOOD ROOM, MATTHEWS TOWN HALL
JANUARY 8, 2018 – 7:00 PM

PRESENT: Mayor Paul Bailey; Mayor Pro Tem John Higdon; Commissioners Barbara Dement, Chris Melton, Jeff Miller, Kress Query and John Urban; Town Attorney Charles Buckley; Assistant Town Manager Becky Hawke; Town Clerk Lori Canapinno

ALSO PRESENT: Senior Planner Jay Camp; Zoning Administrator Mary Jo Gollnitz; Planning Board members Mike Foster, Mike Ham, Kerry Lamson, Raymond Poyner, David Weiser and Youth Voice Matheus Sadovsky

REGULAR MEETING CALLED TO ORDER

Mayor Bailey called the meeting to order at 7:00 pm.

INVOCATION

Mayor Bailey rendered an invocation.

PLEDGE OF ALLEGIANCE

Mayor Bailey led the audience in the pledge.

ITEMS TO BE ADDED TO THE AGENDA

None

INTRODUCTION AND CEREMONIAL SWEARING-IN OF MATTHEWS POLICE CHIEF CLARK PENNINGTON

Police Chief Clark Pennington was introduced to the community. Chief Pennington has over 25 years of law enforcement experience, including 20 years with the Frederick, Maryland Police Department where he has served in the Special Operations Division, as the Special Response Team and Crisis Negotiations Team Commander and as Commander of the Patrol Division and the Criminal Investigations Division. He also served as the Public Information Officer for the Police Department. He is a veteran of the US Army. Chief Pennington was the top candidate after many assessments and interviews, beating out 50 others and showing great leadership and critical thinking skills. The Town is happy to have him in Matthews.

Chief Pennington introduced his family and friends in attendance and noted that his parents raised him to understand service, faith and education. He thanked his friends and family for their support, thanked retired Chief Rob Hunter for his work in building the agency to what it is today and thanked the men and women of the Police Department for being the backbone of the organization.

RECESS REGULAR MEETING FOR PUBLIC HEARINGS ON APPLICATIONS TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF MATTHEWS

Motion by Mr. Melton to recess the regular meeting for public hearings on applications to amend the Unified Development Ordinance. The motion was seconded by Mr. Urban and unanimously approved.

Senior Planner Jay Camp introduced Planning Board members in attendance: Mike Foster, Mike Ham, Kerry Lamson, Raymond Poyner, David Weiser and Youth Voice Matheus Sadovsky.

Zoning Application 2017-668/Matthews Brewing Co: to change the zoning conditions within that certain zoning B-1(CD) District located at 124 W. John Street and being further designated as Tax Parcel 193-262-02, to expand the permitted uses to include micro-brewery; restaurant; and brewpub

Mr. Camp reviewed this request for a change of conditions on this site to accommodate a brew pub. This property was developed in 1957 as the site of the town's first library. The current structure was built in 2001 and is being used as offices and a martial arts facility. The applicants are not seeking any major site changes but are asking for an addition for a patio and architectural enhancements. This site is walkable to the downtown business and shopping core. When this site was rezoned in 2007 the town didn't have a category for brewpubs.

The site plan shows outdoor seating and connections to the sidewalk. There would be glass roll up doors on the north and south elevations and a new access door on the rear elevation. Staff requested additional screening along the residential property and the applicant has since committed to leaving certain landscaping elements in place. The applicant is requesting additional uses as listed in the staff report. Staff has no concerns with the Land Use Plan.

There are a few outstanding items: staff would like the applicant to acknowledge on the site plan that there is a maximum seating capacity of 45 seats indoors and outdoors. This is based on the amount of available parking. Also, the site plan should note that the crepe myrtles are going to be saved and the conditional note regarding lighting should be amended to reflect that changes to outdoor lighting will meet the standards of the outdoor lighting chapter of the UDO.

Mr. Urban asked how staff would regulate the 45-seat limitation. Mr. Camp explained that it would be partly based on good faith and partly monitored and/or issues brought to staff's attention. The expectation is that the operators would honor the seating cap. Mr. Urban continued to discuss the parking, saying that downtown residents could

walk to the site and wouldn't need parking and that this cap seems extremely restrictive to the business. Mr. Melton asked about the large oak tree out front and Mr. Camp noted that the applicant intends to maintain it.

Applicant Allston Richardson addressed the Board. He discussed the history of the craft brewing industry and is very sustainable. The industry has a \$2 billion economic impact in the US and would be great for Matthews. He explained that this site is at a great location. He would like to paint the building and add glass roll up doors with a visible production area and a beer garden/patio. There would be a fence all around with the big out tree remaining out front and the crepe myrtles along the side.

He said this business will increase economic activity in an area of Matthews that currently lacks growth. They plan to invest almost a half-million dollars into this project and it will encourage people to come to Matthews and spend their dollars in downtown Matthews. They chose Matthews because it's a growing area with a strong culture. The heavy visibility from John Street and close proximity to downtown is appealing, as is the large number of parking spots and easy access to public and alternative transportation. He noted they would have 13 parking spaces on site and public parking right around the corner, and that Uber, Lyft and other forms of alternative transportation are becoming more and more popular.

Ms. Dement asked about the elevation on the side visible from the adjoining Reid House property. Mr. Richardson stated that they don't plan on changing anything there because it's pretty secluded so they didn't show an elevation. They may just add more vegetation. Ms. Dement asked about outdoor speakers on the patio and Mr. Richardson explained that they would comply with the noise ordinance. Mr. Query said it's uncommon for people to say that there's a large amount of parking available downtown and said he's concerned about parking issues and well as noise issues that might adversely affect the Reid House. Mr. Melton asked why Mr. Richardson chose Matthews and Mr. Richardson explained that the culture and the history make Matthews a good location for a microbrewery and they want to demonstrate the culture of Matthews there. Mr. Melton noted that the area they're proposing to locate in is in the historic area and asked how this plan fits into a historic district. Mr. Richardson explained that the site isn't zoned historic and they're one block away from downtown. They plan on showcasing the fact that the site was the location of the original library. Mr. Melton stated that this business would have an effect on parking in downtown Matthews and asked if the applicant would be willing to look into offsite funding, tax increment financing (TIF) or similar. Mr. Richardson said yes.

Mr. Miller said he has no trouble with the business except its proposed location and encouraged the applicant to consider alternate locations. Mr. Urban agreed and noted that this is a transitional area. He doesn't think this high-activity business is suitable to this transitional area. He encouraged the applicant to work with the Matthews Historical Society, noting that the Reid House has weddings and other low-impact events that could be in conflict with a brew pub. Mr. Higdon agreed that this use will likely be too disruptive to the Reid House for his comfort.

Planning Board member Mike Ham asked if the applicant would be willing to limit the use list to only microbrewery and restaurant and Mr. Richardson agreed to that.

Mayor Bailey opened the floor to public comment. Paula Lester, Rebecca Willard and Larry Lester represented the Matthews Historical Foundation (MHF) and spoke against this application. The MHF owns the adjacent property on which the historic Reid House sits. They believe parking will be inadequate and cause patrons to seek other parking spots and impact nearby properties. They also are concerned about noise, particularly any amplified sound system that would negatively impact Reid House activities. They requested that the Board deny this application. Resident Michelle Braun asked about the applicant's track record with implementing microbreweries.

Applicant Allston Richardson responded, explaining that this is their first venture into this industry. He also explained that this is not a bar and would not be serving any liquor drinks. He said there is a big difference between a microbrewery and a bar in terms of noise and ambiance.

This application will be heard by the Planning Board on January 23rd and come back to the Board of Commissioners on February 12.

Zoning Application 2017-669/text: to amend the existing text of the UDO regarding roof-top signs

Mr. Camp reviewed this text amendment which was submitted by the owners of Brakeman's Coffee. A new sign that does not meet the current ordinance was erected without permission. In these situations, staff works with the violators to remedy the situation. The applicants submitted text and staff suggested certain revisions to further clarify the text, which would add standards for signage placed on canopies or lower roof lines of structures. This would be added to UDO section 155.608.14.C and would also add definitions for *canopy* and *canopy signs*. Staff is supportive and would like to continue working with the applicant to refine the text.

There was some discussion of signage on pitched roofs and canopies. Mr. Camp explained that the phrase *incidental roof line* was added to help clarify the intent of this text. Mr. Miller noted this business is in a repurposed former residence and believes they are working with what they have in a tasteful manner. Mr. Melton asked if staff would have considered this text revision if the Brakeman's sign had not been installed. Mr. Camp explained that staff had not contemplated this type of signage before but thinks it would be good to have special signage for this area – staff does not want to put downtown businesses at a disadvantage. Mr. Melton noted that the Board has seen other applicants request signs and get turned down and wondered what they should say to those business that did the right thing and asked first. Mr. Camp said that relaxing rules are generally seen as good for all businesses and that this revision, if approved, is potentially an opportunity for other businesses in downtown to install similar signage. This is the first time in Mr. Camp's memory that a business installed a sign without approval in which the type of sign was something that was lacking in the ordinance and that staff would agree with. Mr. Urban questioned possible unintended consequences, such as signs placed on upper floors of multistory buildings. Mr. Camp noted that staff had contemplated adding language to require the canopy to be located over the entryway. Staff will continue to work on the language to stave off possible abuses. Mr. Urban suggested limiting it to canopies over first floor entryways.

Planning Board member Mike Ham worried that this will open a can of worms later and said the applicants should simply move the letters down. Planning Board member Mike Foster agreed, saying the Brakeman's sign looks ok to him but would look better if the letters were attached to the fascia rather than above. Mr. Ham asked if fines are being implemented while the illegal sign is in place. Mr. Camp explained that in cases like this, staff stays enforcement while applicants work through the process.

Applicant Mark Moore apologized for installing the sign without verifying the ordinance, saying it was not done out of malice. They're very picky about everything, including their signs, and he doesn't think it would look better if it was lowered or lit. They went out of their way to be innovative and really like the unique sign. He said their building is 100 years old and the sign suits it.

Mayor Bailey opened the floor to public comment. Jim Johnson spoke in favor, saying that Mr. Moore and his team have worked very hard and what they've done with Brakeman's has brought good to the downtown. He thinks the sign is attractive and appreciates that staff and the Board is trying to help.

Town Attorney Charlie Buckley noted that this is a text amendment, which would affect the UDO across the entire downtown overlay and is not site-specific.

This application will go to the Planning Board on January 23rd and come back to the Board of Commissioners for decision on February 12th.

Zoning Application 2017-670/4 Corners: to change the zoning from R-15 to R-VS, SRN and R-15(CD) on those certain properties being designated as Tax Parcels 193-151-04, 05, 14, 16, 17, 18, 22, 28 & 29, and further being properties located along Sam Newell Road and Keziah Road

Mr. Camp reviewed this application for a 26-acre assemblage. The existing zoning on all parcels is R-15 and the applicants are proposing R-VS, SRN and R-15(CD) for up to 120 single family homes and townhomes. Multiple zoning categories are being requested due to a 15-acre cap on the R-VS and SRN categories. About four acres would be dedicated to the Town for park and open space. Access points include Roads A and F along Sam Newell Road and Roads B and H on Keziah Road. There are eight parcels involved with the bulk of the development on Sam Newell Road with townhomes midway down on Keziah Road. The plan includes five new public street connections and access on Keziah Road. The plan calls for 106 lots but 120 would be allowed as currently requested. Those 14 additional lots would be composed of townhomes only.

Mr. Camp reviewed the site plan. Front-load townhomes are shown at the center of the site with alley-access townhomes and single family homes elsewhere. That is a very attractive home design and staff is happy that the applicants are proposing this mixture of styles of homes and access points. The R-VS portion of the plan includes open space areas and the clubhouse with a natural area to the back of the site and greenway. It includes the alley-load homes with alley access and townhomes with alley access. The SRN or small residential portion of the plan is the northernmost portion of the site and includes the balance of the townhomes, alley access homes and the townhome component on Keziah Road.

Conditions include the following: per NCDOT requirement there will be a left turn lane improvement at entrance A; a five-foot sidewalk along Sam Newell Road; some significant widening along Keziah Road on the applicants' frontage to create two 11-foot travel lanes as one enters from Sam Newell Road and an additional 11-foot lane connecting to the townhome portion; a neighborhood walking trail along the creek will be publicly accessible; four acres will be dedicated to the Town for future park or open space usage. The plan calls for an eight to ten foot-wide natural surface walking trail which will eventually connect down to the Irvins Creek Greenway. The plan calls for a 12% tree save area – 4% higher than the minimum requirement. The Land Use Plan does state that R-VS is appropriate for this portion of Sam Newell Road; the SRN category didn't exist when the Land Use Plan was written so there is no reference to that but it is similar to the R-VS district.

Mr. Camp noted that this is the best R-VS application the Town has received in terms of meeting the intent of the designation with a variety of housing styles, compact building design, etc. The service impact would be primarily through solid waste pickup with a \$21,000 impact to the Town. Staff estimates an annual increase in tax revenue of about \$93,000 from this project.

Outstanding issues include the following: the applicants just today submitted some architectural elevations and a color site plan. A condition note does need to be added for the R-15(CD) portion; staff suggests a note calling for the parcel to be used for park or tree mitigations purposes or similar; clarify greenway trail surfaces; clarifications that driveways have to be at least 20 feet in depth behind the sidewalk.

Mr. Higdon asked about the four acres that won't be developed and Mr. Camp explained that it's a nice parcel with open space prairie that slopes down toward the creek in the back. There are some utility lines too. It's mostly floodplain but a portion is buildable. Mr. Melton asked about the impact to the school system. Mr. Camp explained that they have received a schools report and will distribute it to the Board. Mr. Melton asked about solid waste service and Mr. Camp explained that the Town would service the community. Mr. Melton asked about the number of linear feet/miles of roadway would be added; staff will have to get that information to the Board. Mr. Melton asked about other impacts to the Town such as Police and Fire service. Mr. Camp noted that it is difficult to gauge the cost of police and fire services. Those services are incremental. Solid waste is the most tangible with a cost of about \$175 per house.

Mr. Urban noted that the plan states that the Town may construct sidewalks and in another section states that the applicants will build five-foot sidewalks. Mr. Camp explained that the UDO includes requirements for curb, gutter and sidewalk for all existing streets with frontage with the exception of major thoroughfares with a planned future widening. Sam Newell Road will be widened and so sidewalk, curb and gutter can't be required there. All of the new streets will require sidewalk as part of this development. Mr. Camp noted that the Town has a multiuse path planned in the CIP but which side of the road it will be placed on has not yet been determined. Staff is still working on that.

Mayor Bailey asked about the future Circumferential Road. Mr. Camp explained that it will tie in to Sam Newell Road a few hundred feet south of this property. It'll come in from Independence Boulevard and connect to existing Sam Newell Road and Sam Newell will be realigned at Margaret Wallace Road.

Applicant representative Adam Fiorenza and designer Mark Mitchell addressed the Board. Mr. Fiorenza reviewed the community concept, explaining that baby boomers and millennials alike are looking for high-quality rental properties for a hands-off lifestyle. Mr. Mitchell reviewed the design and explained their intent to provide places to gather and commune with neighbors, connect with nature and offer exercise opportunities outside of the home. The neotraditional design offers simple elements with architectural styles based on the family farmhouse. The plans have elements of brick, vertical siding, both front and rear load garages and architectural shingle roofs. The streetscape would be varied. The intent is to provide a nice streetscape along Sam Newell Road with the single family homes and townhomes in the interior. All of the units have garages and the 12% tree save area would be along the site perimeter.

Mr. Query asked about brick coverage and Mr. Mitchell explained they would prefer to not have the whole façade be brick. Each residence would have a brock band water table and chimney elements and some brick facades go vertical but they don't have a percent calculation available. Mr. Query asked for that information to be shared as soon as possible. Mr. Query then asked if the plans submitted were the final versions and Mr. Mitchell stated they are representational elevations that are close but not the final versions. Mr. Melton said not having the final elevations available for review at the public hearing makes him nervous and cautioned the applicants against bringing conceptual designs just to get them approved and then coming back with different elevations for an Administrative Amendment. Mr. Fiorenza confirmed there would be no vinyl siding. The applicants are still working with the utilities but they would prefer to have the utilities buried underground.

Mr. Melton asked for more information regarding school impacts. Mr. Fiorenza noted that CMS shows an increase from 96% to 98% capacity at Crown Point Elementary School; from 128% to 129% at Mint Hill Middle School and from 111% to 112% at Butler High School.

Mr. Urban commented that the community house isn't really a focal element on the site plan and he expected that it would be. He said that he likes the concept but wondered why the townhomes aren't loosened up to respond to the greenway. He suggested making the plan more casual in nature with a bending road and townhomes along the greenway. He commented on the need to link the townhomes in the upper right section of the site with the rest of the community, perhaps with pedestrian pathways, a bridge connection or turning the buildings to address the others. He also recommended having raised porches rather than slab and separating the front loading two-car garage doors into two separate doors. He recommended adding berms and landscaping along Sam Newell Road to give privacy to the backs of the homes along that road. He suggested compromising with a mix of elevations with one or two all brick to offset all the board and batten product.

Mr. Urban noted that the proposed density is like any other single family residential development so it's not overly burdensome. He asked if the community could have private trash pickup and Mr. Buckley explained that the units would be like any other residences and likely shouldn't be treated any differently just because they're rental units. Mr. Urban requested confirmation of that. Mr. Urban then asked if the applicants would consider designating the 16 units off to the side or others as workforce housing. He noted it might work in this particular development if the square footage of those units is reduced.

Mr. Fiorenza responded to some of the issues raised. He noted that the intent of the community house location is to provide visual impact for the community and it will be seen as people travel down the main street. The community garden and trail are near there and it will help create a sense of community. They will look at Mr. Urban's suggestion to loosen up the area and also explained that there is a pedestrian bridge labeled on the new materials. The intent is not to make those homes feel like they're a standalone community. He also explained that the 800-square foot footprint is intended as workforce housing but not labeled as such because he doesn't like the term.

He agreed that the views off of Sam Newell Road need to look nice, but the challenge is that no one knows yet which side of the road the multiuse path is going. They can control their area and it will be heavily landscaped and likely fenced as well. All of the homes will have 24 inch raised porches. Mr. Mitchell said the garage doors can be changed to two carriage doors. Mr. Urban agreed that the traditional two car garage in the motor court would be acceptable but anything seen from the street needed two doors and Mr. Mitchell agreed to that. Mr. Fiorenza said they will have to review their options for brick and they will look at options for trash pickup.

Mr. Higdon asked about the community garden area. Mr. Fiorenza didn't know the exact size but said it would be based on demand as it's set to be individual garden plots. Mr. Ham asked about bicycle access to nearby Idlewild Park and Mr. Fiorenza explained that it could be accessed by bike via the greenway. Mr. Ham recommended consulting with HAWK (Habitat and Wildlife Keepers) on how to create the best wildlife corridor there. Mr. Fiorenza said they anticipate having as little impact as possible but they will talk to HAWK. Mr. Lamson asked for more details on the sidewalk, curb and gutter and Mr. Fiorenza explained that their sidewalks will be installed with curb and gutter at their expense. The stretch on Sam Newell needs to be discussed with NCDOT.

Mayor Bailey opened the floor to public comment. Daniel Braun of Lakeview Circle said he just learned about this recently and isn't sure if he is in favor or against the project. He has concerns regarding density, traffic and public transportation. School traffic is significant in the mornings and afternoons near Crown Point Elementary and adding 120 units will only increase that. He asked if bus stops would be added for these renters. Finally, he wanted more information about the widening of Sam Newell Road and suggested delaying this development project until the road work is done.

Bud Grammer of Lakeview Circle expressed concerns regarding the financial stability of the project and its potential impact on the area's homes. If the recession hits as expected in mid-2020 then this development could be affected and there is a potential for foreclosure. That could adversely affect the economics of the home values of everyone else in the area. Elayne and Martin Fortgang of Lakeview Circle expressed concerns about traffic, explaining that they were in an accident when an impatient driver tried to bypass a slow garbage truck and drove into their lane. They asked the Board to consider the residents who already live in the area before adding more cars. Bob Atkinson of Lakeview Circle said the project is beautiful and well-designed but is being planned for the wrong location. He expressed concerns about high turnover, possible changing standards and negative aspects of renters.

Phil McKeown of Lakeview Circle expressed concerns regarding wildlife, high density and renters. He doesn't believe there is a market for this rental-only plan and that it won't draw the type of people the developers think it will. He also expressed concerns about the potential future second phase located at the old Spring Park project site across the road. Nate Atwood of Lakeview Circle said the concept doesn't fit well in this area and he has concerns about the rental aspect. He believes this could cause him and his neighbors to lose a lot of value in their homes. He would be more supportive of for-sale single family residential development. He is also concerned about potential future development across the street and traffic issues as well as the school capacity numbers. He then expressed his belief that communication about this project has been lacking.

Mr. Fiorenza responded, saying that he believes he and these speakers have two very different views of the project. He discussed current renter demographics versus those of decades ago, explaining that home ownership is on the decline across the county and that if these units were for sale they'd be priced around \$300,000. He noted that credit risk and decline does happen when the developer puts in the wrong thing but he is completely comfortable with the plans for this community. He noted that the development is four units per acre. He noted they have done a

traffic study and do understand the concerns relating to traffic. They designed multiple access points for the community to help with that. Finally, he acknowledged that he has the land on the other side of the street under contract – that was not something that was hidden. There are no plans before the Board for that land.

Mr. Miller addressed the comment regarding communication, explaining that this process is occurring just as it should. The current Board members were elected in November and first learned about this project in December. This meeting is the public hearing held to hear all of the comments. The Board does everything it can to protect and preserve Matthews.

Mr. Urban suggested continuing the public hearing to allow time for all of the elevations and other items to be submitted.

Motion by Mr. Urban to continue the public hearing to February 12, 2018. The motion was seconded by Mr. Melton and unanimously approved.

Zoning Application 2017-671/Mount Moriah: to change the zoning from CrC(old) to CrC(new) on those certain properties designated as 305, 381, 403 and 407 Crestdale Road and 617 Matthews Chapel Road, and further being properties designated as Tax Parcels 215-021-10, 11, 15 & 65

Zoning Administrator Mary Jo Gollnitz reviewed this request to rezone from the old CrC to the new CrC zoning designation. This includes the Mount Moriah Missionary Baptist Church, the community building and one single family residential unit. The parcels have the original CrC special use zoning from 1998 and staff is trying to rezone the Crestdale properties to remove the Special Use Permit aspect and get it into modern CrC zoning. This also includes the revised master plan for the church. A section had been listed as condos and has been changed to call for apartments instead. It also includes a future phase for a care facility. The rezoning is for a phased process. Any new development would follow the CrC district standards and site plan and elevations would come before the Board for approval. Mr. Buckley noted that the most significant change here is to remove the Special Use Permit quasi-judicial process and move it to a modern legislative process like any other zoning case.

Mayor Bailey opened the floor to public comment. No one spoke in favor of or opposition to this application.

This application will go to the Planning Board on January 23rd and come back to the Board of Commissioners for decision on February 12th.

Motion 2017-4: to amend the text of the UDO to revise standards for communication towers and antennas and corresponding definitions regarding wireless facilities including small cell sites and Distributed Antennae Systems (DAS)

Ms. Gollnitz reviewed these revisions, noting that Matthews' Utility and Public Right of Way Policy was adopted by the Town last fall in anticipation of this text amendment. The text proposes a hierarchy of different communication facilities. Many of the revisions are due to the requirements of NCGA House Bill 310. State law allows regulation only on private property and Town-maintained public rights of way (ROW). The Town can't disallow small cell sites in the ROW any more with the exception of on historic properties. The text also adds a section to allow an increase in height due to federal regulations and eliminates the annual notification requirement since that information was never submitted and it can't be enforced. The text encourages the use of existing utility poles and other existing structures for placement. Staff is still doing research on an issue regarding the size of the equipment. The equipment boxes currently can be up to 28 cubic feet, which is the size of a refrigerator. This is a requirement of HB 310 and staff is looking to see if any mitigation options are allowed, such as requiring the equipment to be buried.

Mr. Higdon asked if this was no more restrictive than what is required by law and Ms. Gollnitz said yes. Mr. Higdon questioned the removal of the annual notification requirement and asked if they could be fined for not submitting the necessary information. Mr. Buckley will look into the Town's options for fines or other penalties.

Mayor Bailey opened the floor to public comment. No one spoke in favor of or opposition to this application.

This application will go to the Planning Board on January 23rd and come back to the Board of Commissioners for decision on February 12th.

Zoning Application 2017-672/Hanna: to change the existing Conditional District to B-1(CD) on that certain property designated 9808 Northeast Parkway and further designated as Tax Parcel 193-303-05

Ms. Gollnitz reviewed this application which seeks to rezone this property on Northeast Parkway out of the old Conditional designation it was given as part of a mod-1980s zoning action along with Windsor Square. The site currently houses the Hanna chiropractic office and a vacant pad which was rezoned in 1996. The applicants are proposing to construct a building on the vacant pad which will be similar to the existing structure. They are requesting additional uses in addition to medical office on that pad. The new building would share the existing driveway and monument sign. This application is consistent with town's policy to update old Conditional zonings.

The applicants' list of proposed allowed uses is included in the staff report. Ms. Gollnitz noted that the applicants chose not to request certain uses and the lot size won't allow some other uses. The allowed uses would remain even if the property was sold, until such time as another rezoning action was approved. Ms. Dement suggested also disallowing funeral home as a use due to the lot size.

Planning Board member David Weiser asked about a parking study and Ms. Gollnitz explained that the parking is suitable for the new 3,000 square foot building, although there is some variability depending on the specific use. They would have to meet the current parking requirements for the chosen use. Mayor Bailey asked about the drive-up service window use and Ms. Gollnitz explained that would be something like a CVS with a pharmacy window rather than a restaurant drive through with an order kiosk and queuing lane.

Applicants Dr. John Hanna and Dr. Mechelle Hanna addressed the Board, explaining that they wish to construct a building for a business that will enhance their existing business. Ms. Dement asked if they would agree to strike the funeral home use due to parking and traffic concerns and they agreed to do so. Mr. Urban noted that the plan that was approved 20 years ago has a preponderance of vinyl and he requested that the new building use vinyl sparingly, such as only as a trim around windows. He would prefer to see a cementitious product like Hardiplank used instead. Mr. Query asked for a new elevation for the proposed new building before the next meeting. Mayor Bailey asked if the applicants would consider striking the motor vehicle service facility from the use list. Dr. J. Hanna agreed to all three requests.

Mayor Bailey opened the floor to public comment. No one spoke in favor of or opposition to this application.

This application will go to the Planning Board on January 23rd and come back to the Board of Commissioners for decision on February 12th.

Zoning Application 2017-673/Eden Hall: to change the existing conditions in that certain RVS District on that certain parcel commonly referred to as Eden Hall and located off Fullwood Lane to change the condition allowing 41 townhomes to 31 single-family homes

Mr. Camp reviewed this request to revise conditions. The original plan called for 90 townhomes and this request would revise that to 49 townhomes and 31 single family homes for a total of 80 units. The orientation of the garages

does not change for any of the units. If approved the applicants would need to revise the plat maps. Some home elevations have been provided but staff does not yet have the elevations for the Marion Drive section. The applicant will be developing custom plans for those with rear load garages. The single family unit elevations that have been provided are very similar to the townhome design. The impact to traffic due to this change will add approximately nine cars per hour; the impact to CMS is estimated at eight additional students.

Mr. Query asked about the elevations and Mr. Camp confirmed that all the criteria will be the same and staff has requested that the conditional note from the 2014 zoning action be brought forward. Planning Board member Mike Ham asked if the impervious surface area will change and Mr. Camp explained that it will be similar as there will be fewer driveways. Staff still needs to run the exact numbers.

Applicant representative Shannon Boling, Land Manager for David Weekly Homes addressed the Board. He explained that the single family homes would be provided the same maintenance as the townhomes except for roof maintenance. The brock material would be the same and colors, etc. would be restricted via private Homeowner Association documents. They have already sold 12 homes in the community so if this request is approved the remaining balance would be 37 townhomes and 31 single family homes. They are seeing a lot of interest in the perimeter lots and from people who want larger square footage and the higher price point.

Mr. Higdon said he was initially very against cutting down so many trees but he is now very impressed with the landscaping on this site, calling it one of the best in town. Mr. Urban requested that the applicants submit the outstanding elevations. He also recommended raising the porches to ensure a usable depth of at least six feet and asked that the two car garages be split with separate doors.

Mr. Boling explained that the units with the front doors facing Marion Drive are rear load, drive under units. They're redesigning so residents would come into the garage from the alley. They're still working on that and are probably four months away from being able to submit those plans.

Planning Board member Kerry Lamson asked if the landscaping would be treated any differently for the single family homes. Mr. Boling said no. Mr. Lamson asked if there would be any treatment along the street along Marion Drive and Mr. Boling said they decided against a wall and instead will just have the front doors open onto Marion Drive. Mr. Lamson asked about the front setback and Mr. Boling said it hadn't changed. Mr. Lamson is concerned about the front landscaping and streetscape. Mr. Boling said they will look into that. Planning Board member Ray Poyner asked about the traffic impact and Mr. Camp confirmed the expected increase to be relatively small. Mr. Boling noted that they're not planning on changing any of their target demographics and will remain an age-targeted community.

Mayor Bailey opened the floor to public comment. No one spoke in favor of or opposition to this application. This application will go to the Planning Board on January 23rd and come back to the Board of Commissioners for decision on February 12th.

Zoning Application 2017-675/CrC2: to change the zoning from CrC(old) to CrC(new) on those certain properties being designated as Tax Parcels 215-021-01, -07, -49, -50, 215-031-04, -05, -10, 215-032-13, 215-041-37 and -45, and further being properties located along Matthews Chapel Road, Crestdale Road, Linden Street, Matthews School Road, George Clay Lane and East Charles Street

Ms. Gollnitz reviewed this application, similar to Zoning Application 2017-671, to rezone to the current CrC district to remove the requirements of the Special Use Permit and convert to a modern zoning category. The properties are held by several owners. They are not seeking to change any of the existing conditions at this time.

Mayor Bailey opened the floor to public comment. No one spoke in favor of or opposition to this application.

This application will go to the Planning Board on January 23rd and come back to the Board of Commissioners for decision on February 12th.

RECONVENE REGULAR MEETING

Motion by Mr. Higdon to reconvene the regular meeting. The motion was seconded by Mr. Miller and unanimously approved.

PLANNING AND DEVELOPMENT BUSINESS

Revised Master Sign Plan – Matthews Festival Shopping Center

Ms. Gollnitz reviewed the request to revise the Master Sign Plan (MSP) for the portion of the Matthews Festival Shopping Center facing Independence Boulevard, which includes the multi-tenant strip housing Big Lots, the former theater section and the two future outparcels. The request is to revise the MSP to allow signage on the rear of the tenant space for the *endcap* and *primary tenant over 5,000 square feet* units. The existing MSP references signs on a sign band area and there is no sign band on the rear of the space. The revised MSP includes the applicants' own restrictions on details such as logos and scripts. The request does not include any changes in the total sign area allowed in the existing MSP.

Motion by Mr. Miller to approve the Master Sign Plan as presented. The motion was seconded by Mr. Urban and unanimously approved.

Ms. Dement noted that the rear area of this strip needs to be cleaned up. Mr. Miller agreed, adding that there are issues with the loading dock and parking islands. Ms. Gollnitz noted that the owners are currently trying to work with the other property owners to improve the traffic pattern in that area.

PUBLIC COMMENT

Aana Lisa Whatley spoke about the unified resolution regarding East John Street which will be discussed later in this agenda. She said Indian Trail and Stallings don't have the same interests as Matthews and that Matthews will be more adversely affected by the road project than the other communities. She urged the Board to deny the resolution.

REPORTS FROM BOARDS/COMMITTEES

Minutes from the Environmental Advisory Committee were submitted. Mr. Higdon asked if staff could post information to citizens to educate them that the town doesn't pick up leaves off public roads. Mr. Miller suggested having that addressed by Code Enforcement.

CONSENT AGENDA

- A. Approve Minutes of the December 11, 2017 Board of Commissioners Regular Meeting
- B. Approve Minutes of the December 19, 2017 Board of Commissioners Special Meeting/New Member Orientation

- C. Accept Zoning Application 2017-676, CARS-DP4, LP/Infiniti of Charlotte; 9009 E. Independence Boulevard; B-H(CD) Change of Conditions, and Set a Public Hearing for February 12, 2018
- D. Approve Mileage Reimbursement to Mayor Bailey in the Amount of \$130.54
- E. Cancel February 26, 2018 Board of Commissioners Meeting
- F. Set Public Hearing for February 12, 2018 on Revisions to Ordinance Chapter 52; Storm Water Pollution
- G. Appoint Charleen Thompson to Matthews Veterans Advisory Committee
- H. Approve Budget Ordinance Amendment to Recognize Insurance Proceeds in the Amount of \$631.20

Motion by Mr. Miller to approve consent agenda items A through H. The motion was seconded by Mr. Higdon and unanimously approved.

UNFINISHED BUSINESS

CONSIDER REVISED UNIFIED RESOLUTION FOR NCDOT U-4717 (E. JOHN STREET) DESIGN STANDARDS

Ms. Hawke noted this was deferred from the November 27th meeting. As requested, the sentence, “*Ensure the street style and character of OMR through the corridor remains unified*” was removed. The proposed draft now includes the sentence, “*Matthews requests that NCDOT evaluate innovative traffic configurations and design.*”

Mr. Higdon appreciated the work done but still believes the Board should not approve the resolution. Mr. Miller agreed, saying there are several other transportation projects that should be finished first before this one is started. Mr. Melton said he can't support this resolution when Matthews, Indian Trail and Stallings each have unique and dissimilar needs.

Mr. Urban said it's a policy statement that doesn't hold the Town to anything. The NCDOT will ultimately make the final decision on what happens with this project so Matthews needs to look above all of this and try to build better relationships with the neighboring towns who have requested that Matthews sign onto this resolution. He noted that Matthews is trying to engage with these neighbors via The Quad and refusing this resolution could harm those relationships. Mr. Higdon said there are other issues that can be worked on jointly but this road project is too important and could jeopardize Matthews now. The resolution calls for a unified corridor and that is not what Matthews actually wants, so signing it won't benefit Matthews at all. Mayor Bailey said the resolution feels like a demand letter and he would prefer to sit down with DOT and see what can be done. Mr. Urban suggested – should this resolution be denied - that Mayor Bailey should contact the other mayors directly to discuss the issue and explain why the Board won't approve signing the joint resolution. Mayor Bailey agreed.

Motion by Mr. Melton to deny approval of the revised unified resolution for NCDOT U-4714 design standards. The motion was seconded by Mr. Miller and passed 6-1 with Bailey, Dement, Higdon, Melton, Miller and Query in favor and Urban in opposition.

NEW BUSINESS

APPOINT COMMISSIONER TO LEVINE SENIOR CENTER BOARD OF DIRECTORS

Motion by Mayor Bailey to appoint Mr. Melton as the Board of Commissioners representative on the Levine Senior Center Board of Directors. The motion was seconded by Mr. Query and unanimously approved.

MAYOR'S REPORT

None

ATTORNEY'S REPORT

None

TOWN MANAGER'S REPORT

Ms. Hawke presented Mr. Miller with a *Stamp of Excellence*. The *Stamp of Excellence* program is a staff-driven program designed to recognize employees who provide exceptional public service. Mr. Miller was recognized for his assistance to a Spanish-speaking citizen when no other employees were available for interpretation.

ADJOURNMENT

Motion by Mr. Query to adjourn. The motion was seconded by Mr. Higdon and unanimously approved. The meeting adjourned at 11:42 pm.

Respectfully submitted,

Lori Canapinno
Town Clerk