

**MINUTES  
BOARD OF COMMISSIONERS MEETING  
HOOD ROOM, MATTHEWS TOWN HALL  
JUNE 11, 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:** Planning and Development Director Kathi Ingrish; Senior Planner Jay Camp; Zoning Administrator Mary Jo Gollnitz; Planning Board Chair David Weiser, Members Natasha Edwards, Mike Foster and Mike Rowan

**REGULAR MEETING CALLED TO ORDER**

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

**INVOCATION**

Commissioner Dement rendered an invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Bailey led the audience in the pledge.

**ITEMS TO BE ADDED TO THE AGENDA**

None

**PUBLIC COMMENT**

Gina Hoover expressed concern over many issues, including the use of public funds for planning conferences, technology purchases, vehicle reimbursement to the Manager and funding for the Red Brick Partnership. She raised the issue of certain Board members receiving campaign donations and questioned their ethics in doing so. She questioned the need for the employee compensation program included in the proposed budget and the Mayor's communications with her.

**INTRODUCTION OF NEW HUMAN RESOURCES DIRECTOR TONYA MCGOVERN**

Assistant Town Manager Becky Hawke introduced Tonya McGovern, the Town's new Human Resources Director. Ms. McGovern has many years of experience and most recently worked with the City of Charlotte. She earned her position after an intense assessment center process.

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

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

**Zoning Application 2018-677/Margaret Wallace Homes [continued from 4/9/18]:** to change the zoning from R-15 to R-VS on that certain property belonging to LC Hardwood Floors, Inc., and located on the south side of Margaret Wallace Road between Sam Newell Road and Olde Creek Trail, and being designated as 3530, 3534 and 3538 Margaret Wallace Road, and further being designated as Tax Parcel 193-062-07

Senior Planner Jay Camp reviewed this application which began as a request for 36 townhomes and has since been revised to 22 single family homes to better fit the vision the community has for this area. The revised plan calls for a 22-lot subdivision with R-VS zoning with single-width driveways and detached garages in response to the concerns raised regarding narrow lot widths. Due to site constraints there is nowhere for the street to connect to so it ends in a cul de sac. The Land Use Plan doesn't make any specific recommendations for this site but the changeover to single family units is much more in line with the surrounding area. The financial impact is estimated at \$3,850 annually for solid waste pickup and projected tax revenue is \$19,000 per year. Outstanding issues include the need for a Public Improvement Variance for a waiver of connectivity index standards and the need for elevations.

There was some discussion about the changes. Mr. Camp explained that the changes are allowed within the R- VS process as it allows attached and detached homes. Mayor Bailey asked about density and Mr. Camp explained it's a little over three units per acre.

Applicant representative Matt Moreira reviewed the plan for 22 lots with two-story homes on 5,000 square foot lots. The homes would range in size from 1,700 to 2,100 square feet and each would have detached garages, covered front porches, cementitious siding and brick/stone skirts. Some elevations include second-story porches. The size range of these homes is currently lacking in the market. The two-car garages in the rear would have only storage space above the garage, not living space. The development would have one entrance with sidewalks around the cul de sac. Jay Bodner of Drafting & Design Inc. reviewed architectural elements. All houses will be set back at least 18 inches above the back of curb so the brick foundations will be visible. Some will have brick or stone water table. Each will have cementitious siding, a usable front porch with a minimum depth of five feet and every window will be trimmed out.

Mr. Melton asked if this will be a managed community and Mr. Moreira said yes. Mr. Melton asked about open space and Mr. Moreira said there will be one for the mailboxes and one for a park. Mr. Melton requested that they submit the park open space plans before the next meeting. He asked about the homes' price point and Mr. Moreira said they'd start around \$350,000. Ms. Dement said the upper garage attic space looks plain and asked if they'd consider installing windows there. Mr. Bodner said they can add those as needed. Ms. Dement asked if they would consider decreasing the units from 3.4 units per acre to just 3 per acre. Mitch Latham of Latham- Walters Engineering said it would have to drop 10 units to meet that.

Planning Board member Natasha Edwards asked about the structure height and Mr. Bodner explained they'd differ but none would be taller than 35 feet. They'd have a nine-foot first floor and minimum of eight-foot second floor. Mr. Foster asked about setbacks and Mr. Bodner said they'd be the same for all houses. Mayor Bailey asked for an updated student population estimate from Charlotte Mecklenburg Schools (CMS). Mr. Camp said student yields in this area are .6 students per home and staff will request a breakdown of that from CMS.

Mayor Bailey opened the floor to public comment. Liz Carter Parrish expressed her concerns with traffic impact.

There are a couple of different items on this agenda that could impact an already high traffic area. In addition, the school is already overcrowded. She discussed the road backups that occur due to school traffic and questioned how all of that will be addressed. It will impact everyone in that area, not to mention the other rezoning cases.

This application will be heard by the Planning Board on June 26 and come back to the Board of Commissioners for decision on July 9.

**Zoning Application 2018-680/4 Corners Phase 2:** to change the zoning from R-15 to R-VS on those certain parcels designated as 3033 Sam Newell Road and being further designated as Tax Parcels 193-134-20, 22, 23, 28, 29 & 30

Mr. Camp reviewed this application, which proposes a combination of multiple lots close to the corner of Lakeview Circle and Sam Newell Road and rezoning from R-15 to R-VS with up to 40 single family lots, designed to be very similar in style to the recently-approved first phase of the 4 Corners development across Sam Newell Road. The site plan proposes two access points off Sam Newell Road and Lakeview Circle. No transportation improvements are being proposed as part of this project but will benefit from those included as part of the phase 1 development. The application proposes a combination of alley-load and front-load products with alley-loads in the center of the site and a large open space to the rear. These streets would include the same parking lane concept as phase 1 with 11-foot travel lanes, 5-foot parking lanes and rolled curb. The home elevations are the same as phase 1 with a combination of brick veneer and cementitious product.

Conditions include up to 40 single family homes at 3.4 units per acre; 3.7 acres of common open space; a landscaped berm along Sam Newell Road; and seating and grilling areas along the pond and open space. There is a flexible design standard request for a reduction of rear yards from 30 feet to a minimum of 20 feet and to reduce the public street lane from 12 feet to 11 feet due to the presence of the parking lane. The plan calls for a 9% tree save with the majority of tree save located in the lower corner adjacent to the pond. R-VS infill is considered appropriate for the Sam Newell Road corridor north of Windsor Square. The project would cost approximately \$7,000 annually for solid waste service and would generate about \$47,000 in new Matthews tax revenue. The CMS report indicates this project would generate 11 new students at Crown Point Elementary, 6 at Mint Hill Middle and 7 at Butler High School. Staff recommends that the applicant consider introducing one or two new elevations to provide some architectural variety and recommends a covered structure for the CBU (Cluster Box Unit) mailboxes.

Applicant Adam Fiorenza reviewed the proposed development, explaining it is very similar to the first phase design. He's been able to identify some unique opportunities for the second phase, including participation in the Butterfly Highway program designed to create an environment to address the decline of pollinating species and a wildlife-friendly certification program. They've also had great discussion the Mecklenburg County regarding the greenway connection to Irvins Creek Greenway. They've also been able to identify a way to add an outdoor amphitheater and community garden and the streets will be named after poets. He explained that the second phase is intended to join with the first phase and act as one cohesive community called Four Corners.

Mr. Query asked about porches and Mr. Fiorenza explained they'd vary in size depending on if the home is front or alley-loaded, with a minimum width of five feet. All are designed to be functional. Mr. Urban agreed with staff's recommendation to look at additional elevations. He also asked for clarification of note 5B regarding the removal of trees. He wondered why Mr. Fiorenza didn't want to get phase 1 underway and then seek approval for phase 2 and Mr. Fiorenza explained that they are really looking at these as one community and the logistics are more challenging to handle separately. Both phases would fall under the same HOA. Mr. Urban asked about amenities and Mr. Fiorenza explained that the nearby greenway is the biggest, with the previously-mentioned amphitheater on the back side of phase 1 as well as a playground and community gardens in phase 1. They're also trying to program in some sort of covered pavilion for sun protection.

Mr. Query asked if the clubhouse shown in previous phase 1 designs would be incorporated and Mr. Fiorenza said

no since they wouldn't be able to qualify for the wilderness program if they did so. People are moving away from installing pools and clubhouses in smaller-unit developments like these. Mr. Query disagreed and asked Mr. Fiorenza to investigate that. He also agreed with Mr. Urban's suggestion to build phase 1 first. Mr. Higdon applauded Mr. Fiorenza's efforts for wildlife certifications. Mayor Bailey said this neighborhood has been laid down over a major arterial road in town and includes intersections and he has a problem with that. He didn't support the original zoning and thinks this addition will just create even more problems. Traffic will be a nightmare and Matthews will have to deal with it. Mayor Bailey said he would expect the applicant to install a traffic circle or do something else to help with traffic issues. Mr. Fiorenza explained that DOT examined the application and they're following the DOT recommendations. He also noted the current design will provide an alternative way for Lakeview Circle residents to access Sam Newell Road instead of waiting to turn left. In addition, they need to follow what DOT tells them to do regarding traffic circles or other road improvements. Mayor Bailey said this is unacceptable and he won't be able to support this application without some significant ability to move traffic through this area. He said he couldn't understand why the applicant would come forward with such a huge number of houses in an area that doesn't have roads to service everyone.

Mr. Melton asked about future phases and Mr. Fiorenza said this is all he has planned right now. Planning Board member David Weiser asked about amenities and Mr. Fiorenza explained they'd be shared between the two phases with residents crossing over to phase 1 and back. There will be sidewalks but no way to stop traffic. Sam Newell Road is slated to be widened in the future, so it creates some challenges. Planning Board member Mike Rowan asked about the green space near the pond and Mr. Fiorenza explained there will be seating with benches and fire pits. They may also add some seating and other items to the north side near the BMP pond.

Mr. Urban noted the additional road network that is planned south of this site – the Circumferential Road tie in - and said everyone needs to understand that plan before consideration of the Mayor's proposed traffic circle. DOT will need to come back with more information and he would like to see that marked on the plan.

Mayor Bailey opened the floor to public comment. Leonard Dechant lives on Lakeview Circle and has significant concerns, including the split zoning, traffic, sidewalks and water runoff. He believes this project will not be good for the people living nearby or the town.

This application will be heard by the Planning Board on June 26 and come back to the Board of Commissioners for decision on July 9.

**Zoning Application 2018-681/Tanfield Drive:** to change the zoning from R-15 to R-9(CD) on that certain property belonging to Charlie and Grace Choe and being located at the terminus of Tanfield Drive, north of Rice Road, and further identified as Tax Parcel 193-434-99

Mr. Camp reviewed this proposal for an 11-lot subdivision at the end of the stub street on Tanfield Drive. The vacant property is currently zoned R-15 and the applicant proposes R-9(CD) to match the existing adjoining R-9 properties. This plan would extend the stub street with a large planting strip and street trees. The lots would be 60 feet wide with 30-foot front setbacks and there would be a large open space in the back for the storm water pond. A sewer pump station is tucked into the back of the property. The Fire Department has requested the proposed turnaround at the end of the street for fire trucks.

Elevations show front-load homes with primarily brick veneer or cementitious siding. Vinyl would not be permitted. The elevations include some vaguely Craftsman-style design elements. A 17% tree save is proposed. R-9 is the most appropriate zoning here given the connection to the existing R-9 neighborhood. The annual cost for solid waste service would be approximately \$1,925 and the project is estimated to generate \$10,000 per year in Matthews tax revenue. A total of seven new students are projected: three at Crown Point Elementary School, two at Mint Hill Middle School and two at Butler High School. Mr. Melton asked for more detailed financial impact information from

CMS regarding the estimated student count.

Applicant representative Jon Carmichael of Robinson Bradshaw reviewed the plan for this 4.7-acre subdivision to accommodate 11 single family detached homes. The plan calls for a 10-foot-wide planting strip and five-foot-wide sidewalk on both sides of the street, a 17% tree save area, storm water pond, fire truck turnaround and mail kiosk. Architectural commitments include brick veneer and cementitious siding, with each home to include overhangs, brackets and tapered columns, a covered front porch with a minimum depth of six feet and a step of at least 12 inches. The front building lines will be staggered and the garage will be set back from the porch on each home. The two-car garages will each have two separate garage doors.

Mr. Miller asked the applicant to revise the elevations to reflect the raised porches. Mr. Urban asked for the street trees to be extended on both sides of the street all the way out to the entry point on Tanfield Drive, to attain a more cohesive look between the two sections and to help gentrify the existing section.

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

This will be heard by the Planning Board on June 26 and come back to the Board of Commissioners for decision on July 9.

**Zoning Application 2018-682/Rice Road:** to change the zoning from R-15 to R-VS on that certain parcel belonging to Sherry Gorham and Kenneth Rice and being designated as 2401 Rice Road and further designated as Tax Parcel 193-532-05

Mr. Camp noted the applicant's request to continue the public hearing to July 9 to allow more time to address concerns heard at the community meeting and hold another community meeting before presenting to the Board.

Motion by Mr. Urban to continue the public hearing to July 9, 2018. The motion was seconded by Ms. Dement and unanimously approved.

Mayor Bailey opened the floor to public comment for anyone unable to attend the July 9<sup>th</sup> meeting. No one spoke in favor of or opposition to this application.

**Zoning Application 2018-684/Elizabeth Lane Elementary:** to change the existing conditions in that certain R-1(CD) zoning district and being Elizabeth Lane Elementary School and further designated as Tax Parcel 227- 034-91, to extend the sunset clause on certain mobile classrooms to August 2019

Ms. Dement explained that she will be recusing herself from this item as required since she own property adjacent to the site in question.

Zoning Administrator Mary Jo Gollnitz reviewed this request for a one-year extension of the sunset clause for eight mobile classroom units at Elizabeth Lane Elementary School. The school has been zoned R-1(CD) since 1995 and that zoning included an area for mobile classrooms and facilities. Charlotte-Mecklenburg Schools (CMS) received approval to enlarge that area in 2001 with sunset clauses. The Board of Commissioners' last sunset clause approval was in 2017. That request included conditions for CMS to provide a queuing study and to work with the Town regarding potential use of vacant land on the site. The request this year is to renew the sunset clause for one more year. A queuing study has been provided but CMS has not addressed the issue of the vacant property. Recommendations from the queuing study call for an off-duty police officer funded by CMS to direct traffic in the am and pm peak hours, and to implement the same arrival plan in the afternoon as in the morning to alleviate queuing traffic along Elizabeth Lane.

Mr. Higdon asked if this included a request to add to the current number of mobile units and Ms. Gollnitz said no. Mr. Miller said a report indicates that the mobile classroom doors are propped open in good weather and questioned why this would be allowed in light of potential safety concerns. He also requested a commitment from CMS to agree to the queuing study recommendations.

CMS Chief Operations Officer Carol Stamper addressed the Board. Mr. Melton asked about CMS's alternate plans if this sunset clause is not approved. Ms. Stamper said it would require either student reassignment or a boundary change since there are approximately 160-170 students served by those units and it's unlikely that the principal could redistribute all of them in the brick and mortar school. Mr. Melton said he wasn't laying the entire blame on CMS but said CMS and the Town needs to work together on a long-term, viable solution to add brick and mortar classrooms to this school and remove the mobile units. Ms. Stamper noted the school bond that was passed allows for a relief school for Lansdowne Elementary scheduled for 2021 that will relieve some students from Elizabeth Lane Elementary but acknowledged that it would likely not significantly relieve Elizabeth Lane Elementary.

Mr. Urban asked for a commitment on the potential joint use of the vacant portions of the campus, perhaps in the next three to six months. If that occurs he is willing to extend the sunset clause as everyone works together to resolve crowded school issues. Mr. Miller asked about security issues relating to propped-open doors and students opening the doors when entry is requested from outside. School Principal Crystal Lail explained that the school uses the entire campus in its education process – using outdoor learning is part of what they do and students are outside so keeping doors open is acceptable.

Mayor Bailey opened the floor to public comment. George Young said there are no good immediate solutions to crowded schools but he feels this process has dragged on too long. Traffic is severe in this area because of the school and he said the Board should consider not renewing the sunset clause until a detailed plan to fix the issue is made public. He discussed the issue of possible disconnect between the Board approving zoning actions that lead to new residents while struggling with school overcrowding and costs associated with ender-end homes and the schools to which those homeowners send their children. He said Matthews students should have access to a local public school and hoped CMS representatives understand that the Matthews Board is just trying to do the right thing.

This will be heard by the Planning Board on June 26 and come back to the Board of Commissioners for decision on July 9.

Ms. Dement rejoined the Board.

**Motion 2018-1:** UDO text amendment to create the Small Area Plan Overlay

Mayor Bailey stated that there has been some public confusion regarding this and the following item (Zoning Motions 2018-1 and 2018-2). The Small Area Plans in question were created in 2014 and 2017. The issues at hand now are overlays that would allow the Town to enforce items in the plans.

Planning and Development Director Kathi Ingrish explained that she will discuss the two zoning motions together as motion 1 is the new text that would be added to the Unified Development Ordinance (UDO) and motion 2 is the map change to add the overlay zoning category to these three different places.

Ms. Ingrish explained there are three areas involved that have existing Small Area Plans: Monroe Road between Highway 51 and the Charlotte limits, the Sportsplex/Family Entertainment District and the East John Street/outer loop covering both sides of John Street from 485 to the county line and northeast up to the CSX rail line. If adopted the proposed text would be applied to these areas. This would apply an overlay district to each of the three areas with adopted policies, plans and action steps that the Town wants to see when new development or redevelopment

happens. It would not change any underlying zoning or affect any current properties unless they sought to be redeveloped. They're intended to ensure that the policies are followed as new development comes in. This process is the same as used for the existing the Downtown Overlay and Highway 51 Overlay.

The overlay would require parcels in the Monroe Road Small Area Plan to follow the land use concepts with mixed residential, commercial and industrial development. It would also call for tree buffers and pedestrian walkways to allow for safe connectivity throughout the area. There are other policy statements in the plan that should be followed. The Entertainment District Small Area Plan has similar policy statements and the overlay would require new development to rezone to the ENT district and develop portions of the primary transportation network when the new development includes a section of it. The East John Street/outer loop area suggests different areas of the overall area to focus on different land uses, so some areas might be residential, some might be more commercial, some might be more of a production/distribution/light industrial/manufacturing type.

Mr. Melton noted that the Small Area Plans were adopted in 2014 and 2017 and asked about difference between a Small Area Plan and an overlay. Ms. Ingrish explained that the Small Area Plan is a policy document that says what the Town wants to see as development occurs in a specific area and the overlay sets the requirements. The Small Area Plans include recommendations in policy, but if something comes in without needing a rezoning action they may not even be aware of the policy. With an overlay it would be addressed. She noted that even with the overlays they may not be followed 100% to the letter depending on circumstances but the developers will be looking at them and show how they're addressing the issues. Town Attorney Charles Buckley clarified that the Small Area Plans are like the Land Use Plan – they're policies. The overlay district will be the zoning control mechanism used to implement the policy. Mr. Melton asked if staff was aware of and projects or zoning applications coming in that will be affected by these overlays. Ms. Ingrish explained that staff is aware there is some interest in the three areas but nothing has been brought to staff at this time.

Mr. Miller said he thinks it's a good idea to give the Town the enforceability to follow the Small Area Plans as opposed to allowing projects to be built by right. Mr. Urban asked if there was a need to revise anything considering potential DOT changes to 51 and West John Street. Ms. Ingrish explained that plans will have to be updated over time but that the Silver Line will have more of an impact than the 51 project. Mr. Urban asked how the recently-approved plan from Wyatt Dixon worked with the overlay and Ms. Ingrish explained that project is already meeting it. Mr. Urban then said that he heard from a potentially-affected property owner who said they were overwhelmed by these concepts and they asked if this item could be continued to another date so they could attend and have more time to understand the process. Mr. Higdon said he trusts staff but would support a continuance to ensure enough time to understand the entire process and documents. Mr. Melton agreed.

Mayor Bailey opened the floor to public comment. Joe Padilla, Executive Director of REBIC (Real Estate & Building Industry Coalition) said he represents commercial developers and home builders and has concerns about the scope of this proposal. The Town would be going effectively from a policy guideline to a series of locked-in zoning requirements on a massive swatch of the town's geography. He said it would be valuable to review and dissect each of the small area plans. REBIC is concerned about vested rights if these become requirements. He requested the Board continue the public hearing to allow more time to fully review the issues.

Jim Dedmon lives in the Brightmoor neighborhood and he expressed concerns about the potential impact on John Street and the Brightmoor neighborhood, saying the buffers are too small and will not properly insulate the neighborhood. He doesn't want bar patrons to walk into his neighborhood after hours or for any of his neighbor to suddenly have a public walking trail placed outside their home. One of the major property owners in the area is Lat Purser who is known for building strip malls. The additional traffic of future development will surround the area with gridlock and traffic problems. He said the Board should direct people to downtown merchants if they want to develop more shopping opportunities. He questioned the decisions of elected officials who accepted campaign donations from developers and said he doesn't trust what's going on. He fears for his neighborhood and its property values.

George Young said Mr. Padilla raised some interesting points and hopes the Board will take some time to review all the issues. He noted that the Board has great responsibility, and this is a decision that could have significant, long-lasting impacts. He suggested reviewing and voting on each overlay separately – perhaps one per year.

Jeff Deeker said his property is within 99 feet of the affected property and he didn't receive any notice. The Brightmoor HOA was not notified either.

Jerry Withrow asked about road development and Town manager Hazen Blodgett explained the funding to extend McKee Road to Pleasant Plains Road is there and the project will move forward in 2020 or 2021.

Bob Henderson represents the Brigman family, who own property in the ENT district. He only recently learned of this and says a much closer look is necessary because there are several items that will have a much more profound impact than staff may think. For example, the requirement that proposed streets be "accommodating" is unclear and property owners need to know exactly what that means. The Board has been told that no existing zoning is being changed but any ground-disturbing activity will trigger rezoning. He asked the Board to slow the process down and fully review all these items.

Morgan Lehnhardt said two sides of her lot border the study space and she would be very saddened to see the land get developed. She expressed concerns about the buffer between her property and any future development, saying she doesn't want to see any buildings or light from her property or hear any vehicles or noise from the new properties. She questioned the plan for a pedestrian network, saying she wants to maintain her current level of privacy and absolutely does not want any strangers along the edges of her property.

Motion by Mr. Melton to continue the public hearing to July 9, 2018. The motion was seconded by Mr. Miller and unanimously approved.

**Motion 2018-2:** Zoning map amendment to create three (3) locations of the Small Area Plan Overlay

This item was discussed along with Zoning Motion 2018-1.

Motion by Mr. Urban to continue the public hearing to July 9, 2018. The motion was seconded by Mr. Higdon and unanimously approved.

Mayor Bailey opened the floor to public comment for anyone unable to attend the July 9<sup>th</sup> meeting. No one spoke in favor of or opposition to this application.

**RECONVENE REGULAR MEETING**

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

**PLANNING AND DEVELOPMENT BUSINESS**

**REPORT FROM PLANNING BOARD**

Planning Board Chair David Weiser gave a report on the Board's activities of May 22, 2018 (Exhibit #1 hereby referenced and made a part of these minutes).

## PLANNING AND ZONING RELATED ACTIONS

**Zoning Application 2018-679/McKee Glen**: to change the zoning from R-20 to R-VS on that certain property located on the north side of McKee Road east of Carrington Forest Lane and being designated Tax Parcels 227- 60-107 & 108

Mr. Camo noted that the Post Construction Ordinance (PCO) Concept Plan has been approved so this item is now able to be voted on.

Mr. Melton asked the Board to consider the impact of not only this application but other residential projects discussed tonight as well as two approved in December, stating that these constitute significant financial impacts to CMS. He said the Board isn't helping the overcrowding situation but rather approving projects that push children into mobile classroom trailers. Mr. Miller said the dollar values associated with CMS and per-student costs seems drastically inflated. He noted that Matthews taxes cover the town and items that are in the Board's control while county taxes should cover CMS, and the taxes generated by these new homes should cover that. Mr. Higdon noted that some of the costs relate to building new infrastructure. Mr. Query said he has a problem with this idea of letting CMS control what this Board does by not adding the needed infrastructure.

Applicant representative Sara Shirley of American Engineering reviewed the recent changes to the proposed plan. Mr. Urban noted discussion at a previous meeting talked about flipping the units around and focusing on the green space. After some discussion Ms. Shirley said the applicant would add a water feature to the green space as an interesting feature and to help buffer noise.

Mr. Urban said the project has come a long way but he's disappointed that Mecklenburg County-required PCO has caused issues with some previously-discussed potential options.

Motion by Mr. Urban to approve Zoning Application 2018-679 as most currently amended, as it is consistent with the Land Use Plan in that it provides for an R-VS development with open space for resident use and meets the Land Use Plan goal of allowing residential infill development along McKee Road, and that is it reasonable because the rezoning creates new housing opportunities and preserves a portion of a large grove of mature trees along McKee Road. The motion was seconded by Mr. Query.

The motion to approve passed 5-2 with Bailey, Dement, Miller, Query and Urban in favor and Higdon and Melton in opposition.

**Zoning Application 2017-674/Mt. Harmony Townhomes**: to change the zoning classification from R-15 & R-20 to R-15(CD) & R-VS on that certain property located in the northwest quadrant of the intersection of Stevens Mill Road and Mt. Harmony Church Road, and being designated as Tax Parcels 215-093-02, 03, 04, 06 & 07

Motion by Mr. Urban to approve Zoning Application 2017-674 as most recently amended as it is consistent with the Matthews Land Use Plan and provides a well-designed R-VS development with both front-loaded and alley-loaded townhomes with open space for residential use and is reasonable because the rezoning creates new housing opportunities in an area of Matthews with few options today. The motion was seconded by Mr. Miller.

Mr. Urban noted his disagreement with some of the issues raised by some Commissioners and the Planning Board. This project has been deliberated a lot and he has contacted Lynn Hair, the Stallings Planning Director, to discuss the Stallings Land Use Plan and how this particular site could be seen as an adjunct to what Stallings is planning to do. Along that corridor of Stevens Mill Road is single family, detached, attached, townhomes and multifamily units.

This site would be fairly remote from those initially but there's an elementary school down the road with a smaller mixed village of housing, commercial and a Park and Recreation center, which would be a good adjunct to this site. This site is so isolated from a commercial venue that the development of commercial and mixed-use development will be further up on Highway 74. It is unlikely that this property would rezone to commercial or similar since it would have to jump over the existing Hill Sand and Gravel plant. It's problematic. Regarding the fence: Mr. Query, the applicant, the Hughes family and he walked the site and discussed options. Mr. Urban proposed moving the berm much closer to the townhomes, which would allow the berm length to be shorter but still be planted the same. Due to grading and topography, the five-to-six-foot-high berm would appear closer to nine feet tall from the Hughes' property. What he proposed would actually increase the tree save area and enlarges the buffer to the Hughes' property. Mr. Query agreed with Mr. Urban's comments.

Applicant representatives John Carmichael of Robinson Bradshaw and Shaun Tooley of Land Design addressed the Board. Mr. Carmichael discussed the proposed berm, which would be six feet high on the townhome side but would look taller from the Hughes' property due to grading. The berm would allow more tree save to the west of the berm. Leyland cypresses would be planted as per Ms. Hughes' request. The Hughes also discussed having the applicant remove three trees and limbing up one more near the common property line; the applicant will do whatever the Board feels is best regarding that. If the Board prefers a fence instead of a berm then Ms. Hughes requested it be vinyl. The applicant will commit to the fence or berm based on the Board's preference.

Mr. Urban amended his motion to reflect the inclusion of the berm as presented this evening with the addition of the removal of three trees and limbing up of one more also as presented this evening. Mr. Query seconded the amended motion.

There was additional discussion of the berm, size of the townhome rear yards and runoff issues. Ms. Dement lauded the alternate proposal and believes the berm will also be preferred by the future townhome owners as it will act as a better sound buffer than just a fence. Mr. Query noted that moving the berm doesn't encroach on the townhomes' rear yards. Mr. Higdon expressed his concerns with the level of density in this area and how it will compromise the roads, adding a burden to the existing area residents.

The amended motion to approve passed 5-2 with Bailey, Dement, Miller, Query and Urban in favor and Higdon and Melton in opposition.

**Zoning Application 2018-678/Newell Corners**: to change the zoning from R-20 and B-1 to B-H(CD) on that certain 3.279 acres parcel located on the NW quadrant at the intersection of Matthews Township Parkway and Sam Newell Road and being property belonging to David W. Hoyle, Jr., and designated as 1202 Matthews Township Parkway

Mr. Urban noted his ongoing automatic recusal from this item due to his position as an adjacent property owner. He can not participate in any deliberations on this item.

The applicant has requested a 60-day deferral to continue working on this application.

Motion by Mr. Melton to defer this to August 13, 2018. The motion was seconded by Mr. Higdon.

Mr. Miller commented on the businesses already in existence near this site and questioned why a new convenience store that would be located behind trees is not acceptable at a gateway to downtown. He doesn't agree with previous comments that the proposed use and design isn't appropriate for this intersection. Mr. Query said he doesn't think the architecture shown is what the town wants to see there. He would also prefer to see store pushed down to the second lot rather than being sited on the corner.

The motion to defer to August 13 was unanimously approved (6-0 with Urban recused).

**Zoning Application 2018-683/Crestdale:** to change the zoning from the old CrC district to the new CrC district on that certain property designated as 811 Matthews School Road and being designated Tax Parcel 215-032-10; and 112 George Clay Lane and being designated Tax Parcel 215-041-40

Motion by Mr. Melton to approve Zoning Application 2018-683 as presented in Ms. Gollnitz's memo dated June 1, 2018, as it is reasonable because the rezoning will remove the properties from the special use requirements no longer available in Matthews and bring the properties into a current zoning classification compatible with the surrounding properties and it is consistent with the Land Use Plan in that it encourages a mix of land uses in appropriate and well-planned locations, provides a range of housing styles, and protects and preserves the character of the Crestdale neighborhood. The motion was seconded by Mr. Query and unanimously approved.

**Elevation & Site Plan Approval** – Covenant Pediatrics

Mayor Bailey explained that he lives 134 feet away from the property line in question so he is outside of the boundary and is not required to recuse himself from this decision. Mr. Urban explained that his architectural firm was involved with this site when it was planned for Nemo's Reef. That business withdrew and Covenant Pediatrics came in, so he needs to be excused from participating in this action.

Motion by Mr. Melton to excuse Mr. Urban from participating in this decision. The motion was seconded by Mr. Query and unanimously approved.

Motion by Mr. Higdon to approve the site plan and elevations as presented once parking requirements have been verified, per Ms. Gollnitz's memo dated June 6, 2018, as it is reasonable because it will provide a needed service and is consistent with the Land Use Plan. The motion was seconded by Mr. Melton and unanimously approved (6-0 with Urban excused).

Motion by Mr. Query to allow Mr. Urban to rejoin the meeting. The motion was seconded by Mr. Higdon and unanimously approved.

**Administrative Amendment** - Lidl

Motion by Mr. Higdon to approve the Administrative Amendment to allow the architectural and site plan changes as requested, as it is consistent with the Matthews Land Use Plan and despite the changes maintains the general appearance of the original zoning action, and is reasonable because the request makes only a modification to the architecture and store size while retaining the overall site layout and architectural theme, so the general look and feel of the site will remain unchanged from the original proposal. The motion was seconded by Mr. Query.

There was some discussion of the changes. Mr. Camp clarified that the applicant has requested a deferral to allow time to continue working with the Board on additional changes.

Mr. Melton made a substitute motion to defer the decision to July 9, 2018 to allow the applicant to make additional modifications. The motion was seconded Mr. Urban.

Mr. Higdon questioned the need for such intense scrutiny, saying the Board is getting very prescriptive and this is why the town is sometimes described as difficult to work with. He believes the applicants have done a good job of accommodating many of the Board's previous comments. Mayor Bailey said he believes the requested changes result in an inferior design and he's open to the deferral to see if the applicants can do more.

The motion to defer to July 9 was unanimously approved.

## REPORTS FROM BOARDS/COMMITTEES

Information from the Metropolitan Transportation Committees and draft minutes from the Economic Development Advisory Committee were submitted.

## CONSENT AGENDA

- A. Approve Minutes of the May 29, 2018 Board of Commissioners Regular Meeting
- B. Approve Town Attorney's Annual Contract
- C. Cancel July 23, 2018 Board of Commissioners Regular Meeting
- D. Approve Contract for Sidewalk Construction on Matthews-Mint Hill Road
- E. Approve Temporary Street Closure Request for Christ Covenant Church/Covenant Day School
- F. Approve Contract for School Resource Officer for Carmel Christian School
- G. Approve Designation of Veteran/Purple Heart Recipient Parking Spaces in Certain Locations
- H. Approve Resolution for Fire Cost Recovery Services
- I. Accept Zoning Applications 2018-686: BrookeChase Properties LLC; 269 South Trade Street; from R-20 to R-VS, and Set Public Hearing for August 13, 2018; and 2018-687: Mecklenburg County ABC Board; 1625 Windsor Square Drive; B-1(CD) Change of Conditions, and Set Public Hearing for July 9, 2018
- J. Approve Budget Ordinance Amendments to Recognize:
  - 1) Federal Proceeds Received for the Police Department in the Amount of \$3,400.00
  - 2) HIDTA Proceeds Received for the Police Department in the Amount of \$5,398.00
  - 3) HIDTA Proceeds Received for Reimbursements in the Amount of \$615.00
  - 4) Loan Proceeds Received to Purchase Fire Truck in the Amount of \$529,498.00
  - 5) Controlled Substance Tax Assessment Revenues in the Amount of \$5,875.00
  - 6) Donations Received for Fire & EMS Department in the Amount of \$1,628.00

Motion by Mr. Melton to approve consent agenda items A through J6. The motion was seconded by Mr. Query and unanimously approved.

## NEW BUSINESS

### CONSIDER ADOPTION OF FY 2018-19 GENERAL FUND AND TOURISM BUDGET ORDINANCE, CAPITAL OUTLAY/EQUIPMENT PLAN AND FEE SCHEDULE

Town Manager Hazen Blodgett reviewed the budget process. After a number of work sessions and cuts based on Board feedback, he is recommending a 1.5 cent tax rate increase. This will cover the proposed budget items including ten additional fire fighters, two new telecommunicators, a new landscape technician and the implementation of the employee classification plan. The 1.5 cent tax rate increase equates to an additional \$45 per year in the tax bill for a \$300,000 house. Staff recommends approval.

Motion by Mr. Melton to approve the fiscal year 2018-19 general fund and tourism budget ordinance, capital outlay/equipment plan and fee schedule as recommended. He said he supports this budget, which could be called the public safety budget or the employee budget. He credited Fire & EMS Chief Kinniburgh with identifying some issues that need fixing. He noted that he is not necessarily in favor of some components of the budget, but when

people talk about the small-town feel of Matthews that is due the vast majority of time to the employees and the work they do, and it's time to support them. The motion was seconded by Mr. Query, who added his thanks to Chief Kinniburgh for bringing information to the Board's attention. The Fire Department has saved the town a lot of money over the years and this increase is small in comparison.

The motion to approve the budget passed 6-1 with Bailey, Higdon, Dement, Melton, Query and Urban in favor and Miller in opposition.

Mr. Higdon noted that this budget does not include a pay increase for the elected officials.

#### **MAYOR'S REPORT**

Mayor Bailey reported on his upcoming presentation to the Chamber of Commerce and the veteran appreciation breakfast being held by Mount Moriah. All are invited to attend.

#### **ATTORNEY'S REPORT**

Mr. Buckley noted that this marks his 41<sup>st</sup> contract with the Town of Matthews and thanked the Board for their continued support.

#### **TOWN MANAGER'S REPORT**

None.

#### **ADJOURNMENT**

Motion by Mr. Miller to adjourn. The motion was seconded by Mayor Bailey and unanimously approved. The meeting adjourned a 10:29 pm.

Respectfully submitted,

Lori Canapinno Town  
Clerk

**PLANNING BOARD REPORT  
ON THEIR MEETING OF  
MAY 22, 2018**

**FOR TOWN BOARD ACTION:**

**I. ZONING APPLICATION 2017-674 – Corner of Stevens Mill Rd and Mt Harmony Church Rd, R-15 and R-20 to R-15(CD) and R-VS**

Planning Board voted unanimously to recommend approval with changes offered by applicant subsequent to the public hearing, and with the condition that the plan would revert back to at-grade additional screening and 6' privacy fence as shown at the 5-14-18 public hearing. Applicants agreed to this condition. Planning Board found this request as amended to be consistent with the Land Use Plan, it addresses housing needs, and it preserves trees.

**II. ZONING APPLICATION 2018-678 – D Hoyle, Corner of Sam Newell Rd and NC51, R-20 and B-1 to B-H(CD)**

Planning Board voted 6 to 1 to recommend denial, and found it inconsistent with the Land Use Plan, it did not support the gateway into downtown, and did not match the NC51 corridor vision.

**III. ZONING APPLICATION 2018-683 – K Young and G Still, 811 Matthews School Rd and 112 George Clay Lane, CrC (old) to CrC (new)**

Planning Board unanimously recommended approval, finding it consistent with the Land Use Plan as it brings additional parcels into conformity with the UDO.

**IV. MOTION 2018-A – Amend Downtown Master Plan Text and Graphics Regarding Future Alignment of Andrew Caroline Drive**

Planning Board voted unanimously to recommend approval of the text and graphics revisions to revise the conceptual alignment of this future street, and request Town Board to set a public hearing on this for June 25, 2018. The Board found it consistent with the Land Use Plan and felt the revisions bring the future street into consistency with the UDO.

**V. ADMINISTRATIVE AMENDMENT – Lidl, Corner of Idlewild and Margaret Wallace Roads, Revisions to Site Plan and Architecture**

Planning Board provided comments and concerns to the applicants and referred it on to the Board of Commissioners for final action on a 5 to 2 vote.