

# **Policy Statement on the Family Entertainment District Consistent, and Coordinating with, the ENT Zoning District Standards and the Family Entertainment District Small Area Plan Adopted by Matthews Board of Commissioners 2-23-15**

*The following policy statement is being adopted separate from the Small Area Plan so that elements within it can be amended on a case-by-case basis as new information is brought forward to justify a change. The policies outlined here reflect the consensus of the Matthews Town Board of Commissioners, following considerable review and opportunity for public input. As development plans may be proposed that do not conform to the parameters given within this policy statement, the applicant may provide a written justification to Planning staff and Town Board outlining the reasons why the particular proposal meets the established vision for the new neighborhood even while not attaining the specific elements of this policy. Town Board may choose to revise the policy and allow the development proposal to move forward on a case-by-case basis.*

## **BACKGROUND**

The Matthews Board of Commissioners met on Monday January 5, 2015 to begin discussing various policy statements they may wish to endorse to best capture the vision for the anticipated new mixed use neighborhood adjacent to the regional Sportsplex. A public input session was held on Feb 2, 2015 asking for opinions on five topic areas.

Many policy parameters for this location have already been formally put into place through the new ENT Family Entertainment zoning district in the UDO and through the Family Entertainment District Small Area Plan. These additional policies are intended to further clarify how the goals and standards already in effect should best be accomplished.

Some of these policies are being included here because there is no “master developer”. If this was being done as a completely private development project, the master developer team would be identifying the specific approach to branding/name/logo design parameters, the phasing of development within the overall area to assure a beneficial ratio, and early preparation for future parking conversion opportunities.

## **POLICY STATEMENT**

The intent of this combined policy statement is: to create a vibrant and unique new area within Matthews rather than another “shopping center”; protect the economic health and development of the downtown area; and, to provide guiding parameters for both immediate development sites and long-term viability for property owners, businesses, residents, and the Town.

### **Maximum “Big Box” Retail**

The Town’s intent therefore is to create the environment for a mix of businesses, especially those with a related recreation and entertainment theme or focus, along with an appropriate ratio of residential, civic/service, and employment opportunities to build a fully-functioning and generally self-sustaining neighborhood.

*The Town recognizes that however this area first starts developing will significantly set the tone for additional buildings and uses. To accomplish the mixed use urban neighborhood as an end result, no single big box retail establishment (merchandise sales as sole or primary/significant activity) should be greater than 70,000 square feet. Most other nonresidential structures housing a single use generally are not anticipated to be greater than this size as well.*

*Hotels with conference centers and movie theaters are specifically exempted from this size limitation; however other single establishments that include a significant portion of their overall business operation as sales of merchandise but also offer substantial non-sales activities that promote recreation or*

*entertainment opportunities to residents and visitors to the area, may provide their request to Town Board for a case-by-case exception to this policy.*

*For single-use larger structures which are allowed by Town Board, their footprint size in relation to surrounding developed or anticipated buildings must be accommodated so that there is a relative and comfortable symmetry, as outlined in the ENT provisions at 155.503.8.C.2. and F.6. Multiple ground floor entrances, different architectural details, step-backs of sections of the front wall, public realm spaces, and/or pedestrian through-building connections will likely be necessary to create the sense of multiple smaller buildings.*

*Commercial buildings greater than 70,000 square feet should be designed to be able to be easily converted to separate first floor businesses at some point in the future as mentioned in 155.503.8.G.1, and the architecture should reflect such future separate business spaces.*

### Guideline for Residential and Commercial Land Use Ratios

The first phase of the Sportsplex, comprised of five artificial turf fields, a new entrance street and related parking, was opened for use in 2013. Mecklenburg County is now in the process of building the second and final phase of the Sportsplex. Already the regional park facility has drawn large crowds for practice and tournament play of soccer, lacrosse, rugby and similar field sports, with the number of attendees often exceeding the amount of available on-site parking. The Sportsplex connector street will extend into the private land adjacent to the park, therefore creating incentive for new development to commence on that privately-owned area designated for a new mixed use neighborhood.

There is also road frontage along Matthews-Mint Hill Road that could be coveted for initial development locations, or newly-added frontage if a section of Independence Pointe Parkway is built into the new neighborhood.

How that initial development is configured will set the tone for the entire new neighborhood, so it is critical that there is a required ratio of land uses to be built within the neighborhood from the start. Therefore a maximum residential-to-commercial construction is provided, as well as a maximum commercial-to-residential.

*To provide a guideline for how development can initially begin as multiple separate projects by separate individuals, the following ratios of residential to commercial are offered. It is understood that the exact amounts listed here may not work as a result of separate projects within the neighborhood, but they provide a clear example of the maximum amount of either residential or commercial development that should take place before the other also is provided within the area.*

*If a proposed project site within the new neighborhood desires to get Town Board approval early in the build-out process and it would exceed one of these parameters, that project request may be brought to Town Board with a written justification on why it would be a good addition to the area at that particular time of build-out, and explain how it would not overload one land use sector in the neighborhood to the detriment of the greater vision of the mixing of land uses. Town Board may at that time determine whether to amend the specific ratios listed here.*

*\*\* Residential to Commercial ratio guideline: No more than 600 dwelling units should receive building permits for construction until at least 40,000 square feet of commercial is under construction or completed. More than 40,000 square feet of nonresidential construction is allowed in this initial phase. This "commercial" allocation should ideally include an assortment of small shops, restaurants, services, and employment sites. The "commercial" in place at the time the 601<sup>st</sup> residential unit is issued a building permit must not be one establishment, and preferably not only two businesses, so that the loss of one establishment will not create a significant/total loss of commercial activity.*

*\*\* Commercial to Residential ratio guideline: Similarly, no more than 120,000 square feet of commercial should receive building permits until at least 240 dwelling units are under construction. This will assure the area does not develop as a purely nonresidential area, lacking the 24-hour activity and “eyes on the street” that are provided with a residential component intertwined in it.*

### Public Art

The ENT district provisions give substantial focus on the “public realm” aspects of the new neighborhood. “Public realm” is defined in the UDO as “all areas dedicated to the public or privately owned but designed and accessible to the public, including but not limited to public streets, sidewalks, pedestrian pathways, bicycle or multi-modal pathways, and other public right-of-ways, civic greens, squares, plazas, and parks, and which space may be reasonably assumed to be within view of persons in these areas, or within view of buildings, vehicles, or rooftops adjacent to or near such areas”.

One key element in successful design of outdoor places in which people will enjoy spending time is public art. The Town of Matthews has recently established a public art program for the downtown area, and it is possible that the ENT district may be included in that program for new public art placed within Town or public property.

In the downtown and in the new Family Entertainment District, the Town wants to be sure art pieces meet “community” standards for decency while still allowing artistic license for the designers.

*When new artwork is proposed for Town or other public property, or in a location where Town funding is involved, that artwork shall follow the established Town program procedures for review.*

*When new artwork is planned for placement in a private property location that will be clearly visible from a public street, pedestrian walkway, or other public property, (the public realm), then the complete Town program procedures do not apply; however, a concept plan for that artwork should be sent to the Matthews Parks, Recreation & Cultural Resources Advisory Board for their advance review and determination as acceptable for public display. As explained in the Town’s current public art program, “[i]t will not be the responsibility of the panel to determine if the artwork is ‘good or bad’ artwork – but to determine if the work is suitable for display”. The Advisory Board will only determine whether the proposed art to be used in a setting where families and children are likely to experience it is appropriate from a decency perspective.*

*The Town program directs this Advisory Board to identify art pieces that may be “deemed offensive, vulgar, or crude”. If the Advisory Board makes such a conclusion, they will work with the artist and property owner to revise the piece so that it can be considered as meeting community standards of decency.*

### Plan For Future Parking Options

The UDO provides a reduced set of parking standards for certain locations, such as the ENT district, that exhibit an urban scale and are mixed use in character. This means the required parking in the ENT district will be less than is required in more traditionally suburban commercial and multi-family locations in Matthews.

The ENT provisions in the UDO call for planning for both immediate and long-term parking options. While many separate surface parking lots may be sufficient for development as it takes place while the new neighborhood is building out, there is an expectation of future demand and opportunity for even-denser development when much of the now-vacant or under-utilized land is filled with buildings and pavement. This infill and intensification may not come into play for many years, but should be acknowledged and planned for early on.

Some parcels may have sufficient land area initially employed as surface parking pavement that could be converted to greater building coverage in the future if alternate parking can be secured. The 2007 Woolpert conceptual build-out plan identified two specific locations for initial use as a shared surface parking lot, with both capable of being converted later as vertical mixed use with commercial shops at the street frontages and structured parking in the interior and on multiple levels – a parking deck wrapped with businesses. These two locations were identified as adjacent to the stadium within the Sportsplex and across Independence Pointe Parkway from the future transit station.

Advance planning for, and incorporating, transit within this neighborhood makes good economic sense on many levels. Establishing a reliable transit connection from this neighborhood to uptown Charlotte and other locations within the metro area encourages more people to come to the Family Entertainment District and spend time and money, whether within the Sportsplex or at various entertainment- and recreation-focused businesses. A transit system with easy access to station here will encourage new neighborhood residents to rely less on personal vehicles and more on use of the public transit system for their daily commuting needs, and for keeping strong connections to friends and activities located elsewhere in the greater Charlotte vicinity.

This may allow for further reductions in minimum parking requirements for development sites (existing and new) within the Family Entertainment District in the future, again allowing some further intensification to be possible.

*The Town is interested in determining how best to plan now to allow options for shared and structured parking. One potential scenario may include employing state statute provisions for special assessments to build funds for structured parking. (See more on this below.)*

*Another option is to establish future trigger situations that would require development of structured parking plans:*

- *When CATS approves an extension of a mass transit mode other than local or express bus to the proposed transit station location;*
- *When Mecklenburg County approves an ongoing joint-use agreement for at least 200 parking spaces for stadium use;*
- *When at least 400,000 square feet of nonresidential development, at least 1,000 dwelling units, or a mix of residential overnight lodging and/or nonresidential uses totaling at least 500,000 square feet have permits issued for construction.*

*Sharing parking lots and spaces with adjacent or nearby businesses and uses that typically have high and low parking demand at different times may be a way to reduce total pavement that will be regularly underutilized a portion of the 24-hour day. Property owners and/or business owners may pursue shared parking agreements to guarantee shared parking between them for a predetermined minimum length of time.*

*Other options for converting from surface to structured parking may also be brought to the attention of Town Board at any time. It is understood that as each parcel within the new neighborhood is designed for a specific development project, the private ownership team will determine both immediate/short-term parking accommodations as well as long-term alternative parking opportunities. Property owners/developers may also bring innovative concepts to Town Board to request reduction of required parking in exchange for some other publicly-beneficial improvement.*

### Aesthetic Elements for a Unique Neighborhood

The Town of Matthews has long known that this geographic location can be built to different densities and different visual criteria not in place anywhere else in the town limits, since it is somewhat disconnected from other existing developed areas. The ENT district provisions in the UDO (at 155.503.8.C.2) requires any development proposed along Matthews-Mint Hill Road and against the Crestdale neighborhood to respect the existing

development and design appropriate transitions. This means that at these sensitive edges new construction should be considerate of their building width, height, and bulk, so as not to appear to overwhelm what is immediately outside the boundaries.

The UDO, at 155.503.8.C.3, also states there shall be an clearly spelled out 'overall architectural theme and design': "Because the ENT District creates an opportunity for a concentrated location of development unlike any other site within the Town, an overall set of architectural elements and site design amenities to "brand" the area may be appropriate. The specific elements shall be determined by the Town Board of Commissioners prior to construction of any buildings or improvements. Details may include specific exterior building materials to be incorporated within structures, maximum dimensions of surface parking lots, street lighting and other street furniture, landscape species and hardscape elements, placement of public art, gateway and internal directory signage design, greenway and pedestrian trail cross sections, mandatory inclusion/location of pedestrian connectivity, street cross sections, and similar public area amenities that may benefit from being internally consistent. Exterior boundary pedestrian amenities extending to surrounding locations may also be incorporated into the required design themes for the ENT District."

*Within the new neighborhood, there should be specific thematic elements used repetitively for architectural or public realm amenities, in order to establish a separate identity unique for this neighborhood. As listed in both the UDO and the Small Area Plan, there are a number of street furniture, landscaping, and hardscaping elements which may be called on to give this area its unique identity, and which will be required to be included in all new development, as explained below.*

All public rights-of-way:

- *Street trees: slippery elm; London plane; ginkgo; and hackberry*
- *Street lights: TBD*
- *Pedestrian-scale light posts: low-level bollards consistent with chosen street light fixture*
- *Street name sign brackets/toppers: OK to create a logo or topper unique to the new neighborhood*
- *Benches: must have backrest with slats or contoured for comfort*
- *Trash containers and tree grates: consistent in color and style with other chosen street furnishings*
- *Gateway entrance signs: to include unique neighborhood logo/name (if/when selected)*
- *Public parking signage: must be consistent color and general style of street light posts*
- *Cross walk pavement marking: color or pavement marking/stamping to clearly identify cross walk location apart from street pavement*

All public realm locations:

- *Above listed items: at least 2 of the above must be incorporated into any private property developed as a public realm space (plaza, pocket park, mid-block walkway, etc.)*
- *Internal wayfinding (directory or directional) signage: must be consistent color and general style of street light posts, and must incorporate neighborhood logo/name if one is selected*
- *Pavement other than street-side walkways: assortment of pavement colors, textures, stamping, patterns, etc. to create visual contrast to adjacent building walls*
- *Landscaping: greenery essential in as many places as possible to break up the appearance of impervious surfaces*
- *Outdoor furnishings: assortment provided to encourage people to come and sit, people-watch, play, visit, eat, or relax*
- *Public art: visual or textural interest; preference for interactive pieces that people can touch or climb or otherwise experience; preference for understandable and identifiable pieces with curves and smooth surfaces, encouraging people to sit and climb*

- *Outdoor plazas and open spaces: utilize surrounding built environment – walls, trees, other features – to enclose the open area in order to create a sense of an outdoor “room”, a sense of enclosure without complete physical or visual separation for the nearby street*

Architectural thematic elements:

*Each new structure within the neighborhood should include at least three of the following:*

- *Simple clean and contemporary lines*
- *Change of exterior materials*
- *Change of plane along wide building frontages at average of 20’ lengths; such changes of wall/vertical distance from public walkway should be at least 3’*
- *Extensive use of doors and windows on first floor fronting any public street or public realm area*
- *Use of other decorative features to create visual interest and to make walking beside a wall a comfortable and appealing activity*
- *Upper floor balcony or rooftop space to increase the sense of life and activity on the street*

Future Funding/Financing Process to Recoup Some Costs for Public Infrastructure

The Town of Matthews acknowledges that without many existing streets or utilities within the proposed new neighborhood, there will be considerable investment required to create the desired urban scale blocks filled with multi-story mixed use buildings. The Town Board of Commissioners will consider requests to participate in some joint effort to expand funding options, such as a synthetic TIF, where the base tax base of yet-to-be developed will be the standard used by Town and County for a specific period of time to go to each jurisdiction’s general funds and the tax based on any increase in land/building value will be dedicated to repayment of initial infrastructure costs. Other possible joint funding scenarios may be proposed by developers at any time, and will be assessed to determine the Town and /or County’s willingness and ability to participate.

*If sufficient land is being developed by a single developer, or if a group of developers/property owners join together to pursue construction of significant public infrastructure improvements within the new neighborhood, and they request the Town Board to assist in the recapture of funds to reimburse their expenditures, Town Board may at that time pursue with the developers/owners either a Tax Increment grant program (TIG) or a Special Assessment Improvement District (SAID), as either may be legislatively available.*

Branding the New Neighborhood with Name and/or Logo

When a development project is conceived by the private sector, whether a residential subdivision, multi-family complex, business park, retail center, etc. it is generally submitted for governmental approvals with a unique name already applied to it. This new neighborhood does not have a single developer or owner at this time, nor has any previous “working” name been coined for it. Often a new development site will utilize historical data or proposed new activity to generate the area’s name, and these may be ways to assist in creating a unique moniker for this area as well.

*Town Board may choose to pursue establishing an identifying unique name and/or logo for this new neighborhood at any time. The Town will accept ideas from anyone and keep a list of suggestions, so that when Town Board is ready to make a selection, they will have a composite list of previously submitted ideas.*