Agenda Item: Public Improvement Variance - 720 Lyle Crews Circle and 641 Sam Newell Tax Parcels 193-245-24 and 193-245-08. Request to remove the requirement for a 10-foot side path and planting strip along Highway 51 and Team Rd.

TO: Matthews Board of Commissioners
DATE: June 8, 2022
FROM: Robert Will, Senior Planner

Request Summary:
The applicant has submitted a rezoning request for the above referenced parcels. The purpose of this rezoning request is to accommodate the development of a maximum 45,000 square foot building on the Site that could be devoted to medical, dental, optical offices and clinics and professional and general offices.

The Applicant is requesting a public improvement variance from the requirements of Section 155.707 of the UDO and any other applicable provisions of the UDO to eliminate the requirement to construct and install a planting strip and sidewalk along the Site’s frontages on Team Road and Matthews Township Parkway.

The applicant has submitted four different scenarios for the Boards consideration:
- Option A: meet the ordinance requirements along Hwy 51 and request a six-foot side walk along Team Rd. This will result in about in just over a half-acre of tree clearing.
- Option B: This is request for a 10-foot sidewalk and at the back of curb along Hwy 51 with slightly less tree clearing and impacts to the stream because the sidewalk would narrow to 6 feet and meander at a certain point to avoid extension of the piping under 51. Five-foot side walk along Team Rd.
- Option C: This request would be for a five-foot sidewalk along 51 and would require less tree clearing (about a ¼ of an acre) and would not have a planting stip. Five-foot side walk along Team Rd.
- Option D: No multiuse path along 51 or sidewalk on Teams Rd. Instead, the path would meander close to the proposed building and connect to an internal sidewalk which would take a pedestrian to Team Rd. via Lyle Crews.

See attached exhibits and the formal public improvement request from the applicant.

Staff Recommendation:
Staff supports Option A: approve the installation of a 6-foot sidewalk along Team Rd. (one foot behind the guardrail) and preservation of the 8-foot planting strip (to retain existing street trees) and installation of the 10-foot side path along Highway 51. This recommendation will most likely require a SWIM buffer variance to allow for the extension piping from under Highway 51 and fill to be placed to achieve the appropriate grades for the improvements without a retaining wall.

Recommended Motion/Action
Motion to deny the requested Public Improvement Variance, and discuss different options that would be in the best interest of the town to integrate into the site plan and attach as conditions to the pending rezoning.
February 23, 2022

VIA FEDERAL EXPRESS

Mr. Jay Camp, Planning Director
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105

Re: Public Improvement Variance Request
Flagship Healthcare Properties, LLC
4.35 Acre Site Located on the Northeast Corner of the Intersection of Matthews Township Parkway and Team Road
(Tax Parcel No. 193-245-24 and a portion of 193-245-08)

Dear Jay:

I hope this letter finds you well.

As you know, Flagship Healthcare Properties, LLC (the "Applicant") has filed a Rezoning Application with the Town of Matthews requesting the rezoning of an approximately 4.35 acre site located on the northeast corner of the intersection of Matthews Township Parkway and Team Road (the "Site") from the I-1 and I-1 (CD) zoning districts to the B-3 (CD) zoning district. The purpose of this rezoning request is to accommodate the development of a maximum 45,000 square foot building on the Site that could be devoted to medical, dental, optical offices and clinics and professional and general offices.

Pursuant to Section 155.712 of the Town of Matthews Unified Development Ordinance (the "UDO"), the Applicant respectfully requests a public improvement variance from the requirements of Section 155.707 of the UDO and any other applicable provisions of the UDO to eliminate the requirement to construct and install a planting strip and sidewalk along the Site's frontages on Team Road and Matthews Township Parkway.

The Applicant offers the following in support of the foregoing public improvement variance request:

(1) Constructing and installing the planting strip and sidewalk along the Site's frontages on Team Road and Matthews Township Parkway would require the removal of existing mature trees.
(2) Due to the severe topography of the Site as it relates to Team Road and Matthews Township Parkway (there are steep slopes from Team Road and Matthews Township Parkway down into the Site), large retaining walls would have to be constructed to install the required planting strip and sidewalk.

(3) A protected stream is located between the Site and Team Road and Matthews Township Parkway. The construction and installation of the planting strip and sidewalk would impact the protected stream buffer in some areas.

(4) The Applicant has committed to install a pedestrian access to the interior of the Site from Matthews Township Parkway by way of a sidewalk at the curb cut between the Site and the development proposed on the property located immediately to the east of the Site. This pedestrian access will provide a pedestrian connection from the interior of the site to Matthews Township Parkway, and pedestrians can then walk along Matthews Township Parkway to the east of the Site. Pedestrian access from the Site to the west along Matthews Township Parkway would be impeded by the bridge over the railroad tracks, because that bridge does not accommodate pedestrians.

    The Applicant respectfully requests that this public improvement variance request be considered by the Planning Board at its next available meeting.

    Jay, I am including with this letter a check in payment of the $350 filing fee. I am also enclosing 8 copies of the site plan and a cross section that shows the topography along the Site's frontage on Matthews Township Parkway.

    Thank you as always for your assistance, and please give me a call if you have any questions.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.

[Signature]

John H. Carmichael

Enclosures
OPTION A

35' STREAM BUFFER
15'
UPLAND ZONE
20'
STREAM SIDE BUFFER

PROPOSED BUILDING
F.F.E. = 703.00

EXISTING GRADE
TOP OF BANK
2:1 SLOPE
BOTTOM OF SLOPE W/ 8' PLANTING STRIP AND 10' MULTI-USE PATH

APPROX. 17.5' STORM PIPE EXTENSION REQUIRED
APPROX. 15' STORM PIPE EXTENSION REQUIRED
APPROX. 8' STORM PIPE EXTENSION REQUIRED

APPROX. 0.50 AC OF CLEARING REQUIRED ALONG HWY 51

PROPOSED GRADE
CAST IN PLACE CONCRETE RETAINING WALL W/ HANDRAIL
5' SIDEWALK

APPROX. 0.03 AC OF CLEARING REQUIRED ALONG TEAM RD

PROPOSED GRADE
8' PLANTING STRIP
10' MULTI-USE PATH W/ 3' SHOULDER

APPROX. 17.5' STORM PIPE EXTENSION REQUIRED
APPROX. 15' STORM PIPE EXTENSION REQUIRED
APPROX. 8' STORM PIPE EXTENSION REQUIRED

APPROX. 0.50 AC OF CLEARING REQUIRED ALONG HWY 51

2' SHOULDER BEYOND RETAINING WALL

10' MULTI-USE PATH W/ 2 SHOULDER

PROPOSED BUILDING
F.F.E. = 703.00

EXISTING GRADE
35' SWIM/ PCCO BUFFER

5' SIDEWALK
RETAINING WALL
2' SHOULDER BEYOND RETAINING WALL

APPROX. 0.03 AC OF CLEARING REQUIRED ALONG TEAM RD

PROPOSED GRADE
CAST IN PLACE CONCRETE RETAINING WALL W/ HANDRAIL
5' SIDEWALK
OPTION B

**PLAN VIEW**

- **NC HIGHWAY 51** (Matthews Township Pkwy.)
- **TEAM ROAD**
- Proposed Grade
- Cast in Place Concrete Retaining Wall with Handrail
- 5' Sidewalk
- Proposed Building Height
  - Only shown for reference.
- Existing Grade
  - 35' Swim/PCCO Buffer
  - 35' Stream Buffer
  - 20' Upland Zone
  - 15' Stream Side Buffer
  - Appro. 15' Storm Pipe Extension required for 10' Multi-use Path Option

**CROSS SECTION AT TEAM RD (LOOKING NORTH)**

- 5' Sidewalk
- 2' Shoulder beyond Retaining Wall
- Approx. 0.03 AC of clearing required along Team RD

**CROSS SECTION AT HWY 51 WITH 6' SIDEWALK AT BACK OF GUARDRAIL (LOOKING WEST)**

- Approx. 0.48 AC of clearing required along HWY 51

**PROPOSED BUILDING**

- F.F.E. = 702.00

**PROPOSED PARKING**

- 229 Spaces
OPTION C

TEAM ROAD

PROPOSED PAVING
720 SPACES

NC HIGHWAY 51 (MATTHEWS TOWNSHIP PKWY)

PROPOSED BUILDING
F.F.E. = 705.00

EXISTING GRADE
TOP OF BANK
2:1 SLOPE

B-B
CROSS SECTION AT HWY 51 WITH 5' SIDEWALK AT BACK OF GUARDRAIL (LOOKING WEST)
APPROX. 4.5' STORM PIPE EXTENSION REQUIRED
6' SIDEWALK AT BACK OF GUARDRAIL
5' SIDEWALK AT BACK OF GUARDRAIL W/ 2' SHOULDER
BOTTOM OF SLOPE W/ 5' SIDEWALK AT BACK OF GUARDRAIL
APPROX. 0.24 AC OF CLEARING REQUIRED ALONG HWY 51

TEAM RD

PROPOSED GRADE
CAST IN PLACE CONCRETE RETAINING WALL W/ HANDRAIL
5' SIDEWALK
PROPOSED BUILDING HEIGHT ONLY SHOWN FOR REFERENCE.

EXISTING GRADE
35' SWIM/ PCCO BUFFER

A-A
CROSS SECTION AT TEAM RD W/ 5' SIDEWALK (LOOKING NORTH)
5' SIDEWALK
2' SHOULDER BEYOND RETAINING WALL
APPROX. 0.03 AC OF CLEARING REQUIRED ALONG TEAM RD
APPROX. 0.24 AC OF CLEARING REQUIRED ALONG HWY 51

2' SHOULDER BEYOND RETAINING WALL

TEAM RD

APPROX. 0.03 AC OF CLEARING REQUIRED ALONG TEAM RD
APPROX. 0.24 AC OF CLEARING REQUIRED ALONG HWY 51

MULTI-USE PATH PLAN & SECTIONS

Preliminary
NOT FOR CONSTRUCTION

Matthews MOB
Matthews, NC
11/30/2022

Sheet Title:
Sheet No:
Revisions:
Date:
Project No:
Seals:

Corp. NC License: F-1320
Matthews MOB
Hwy 51 & Sam Newell
Matthews, North Carolina
17.000433
05.18.22

MULTI-USE PATH PLAN & SECTIONS
RZ-3.2C
OPTION D