

**PLANNING BOARD
REGULAR MEETING
TUESDAY JUNE 23, 2015
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES – June 2, 2015
- III. APPLICATION 2015-630 – Text Amendment, Create Parking Standard for Animal Day Care Kennels and Commercial Kennels
- IV. PUBLIC IMPROVEMENT VARIANCE – Streamside, Sidewalk on 3 Lots in Cul-De-Sac
- V. REVIEW OF UDO
- VI. ADJOURNMENT

MEMO

TO: Planning Board Members
FROM: Kathi Ingrish
DATE: June 18, 2015
RE: June 23, 2015 Planning Board Meeting

Happy summertime heatwave!! I hope you are all surviving the steamy temperatures outside. This agenda package is coming to you later than usual because I have just returned from Arkansas visiting my parents, where I dealt with the heat since their AC was not working and they had a number of projects outside that needed to be done. Fortunately, our agenda does not appear to have anything too "hot" that it will push the temperature any higher, but each item merits some good discussion.

Zoning Application 2015-630 is a text amendment request to create a separate parking standard for animal day care kennels and commercial kennels. Today these uses fall under the general commercial use standard of 1 parking space for each 250 square feet. Planning staff agrees that this general standard may require more parking spaces than would be necessary for kennel uses, so an alternative listing is appropriate for them.

A Public Improvement Variance has been requested for three existing house lots on the cul-de-sac end of Lightwood Drive. The original developer of the subdivision is willing to put up funds equal to the estimated cost of construction, if the Town will then complete the sidewalk. The homebuilder will not return to complete the work. This is an appropriate way to resolve the final issues that prevent the Town from taking over this residential street for maintenance.

In conversation last year between a Commissioner and a Planning Board member, there was the perception that Planning Board and the Board of Adjustment may not be as familiar as they wished to be with the UDO. Town Board therefore included an action item on their 2015 Planning Conference "To-Do" list that both these citizen Boards receive a refresher overview of the UDO. Since our agenda is shorter this month than the past few meetings, it is a good time for us to go over the document. If any of you have specific questions you would like to bring up, please do so.

As always, please let one of us know if you find you will not be in attendance next Tuesday evening. Also, feel free to call or e-mail any of us with questions at any time.

**MINUTES
PLANNING BOARD
TUESDAY, JUNE 2, 2015
7:00 PM
HOOD ROOM, MATTHEWS TOWN HALL**

PRESENT: Chairman Steve Lee; Vice-chair: Rob Markiewitz; Members David Pratt, Eric Welsh, Barbara Dement and Michael Ham; Alternate members David Barley and David Wieser; Town Attorney Charles Buckley; Youth Voice Benjamin Dodson; Planning Director Kathi Ingrish, Planner II/Zoning Administrator Mary Jo Gollnitz, Senior Planner Jay Camp and Zoning Technician/Deputy Town Clerk Betty Lynd.

ABSENT: Member Gary Turner; Youth Voice Sarah Ward

CALL TO ORDER

Chairman Steve Lee called the meeting to order at 7:04 p.m.

Mr. Lee noted that an alternate member needed to be appointed as a voting member due to Mr. Turner's absence. Mr. Markiewitz made a motion to appoint Mr. Barley as a voting member. Mr. Welsh seconded the motion and the motion carried unanimously.

APPROVAL OF MINUTES

Mr. Welsh made a motion to approve the minutes as submitted. Ms. Dement seconded the motion. The motion passed unanimously.

APPLICATION 2015-626 - EVERLANE, MONROE ROAD, FROM R-VS TO R-12MF(CD)

Mr. Lee stated that Mr. Camp would provide a report from staff and the applicant would be given an opportunity to present information and answer questions posed by the board. There would be no public comment period available at this meeting, however public input was received by the Planning Board via the Town website.

Mr. Camp explained that the proposal is for a 298 unit multifamily development. The project began as a 320 unit proposal. The basics of the project have not changed since the public hearing was held. There are still two access points for the development. There is one on Nolley Court to the signal at Galleria Boulevard and a second onto Monroe Road. The entrance is flanked by two main buildings. Since the public hearing, the developer has reintroduced some carriage buildings that are typically one-story garage apartments. Towards the rear of the development the buildings are being given more of a townhome appearance. Revised plans were submitted by the developer on May 29, 2015. Density was brought down to approximately 13 units per acre by the unit reduction. The developer has committed to 50% brick on the exterior units. An elevator has been added to one of the buildings. A proposed multiuse path has been moved further into the property, bringing it closer to the buildings within the development. The detention ponds have been converted to dry ponds. There was a concern over the current school capacity without the addition of this development. The development will increase the capacity by 6% for the elementary school and 1% for the middle and high school. A consistency summary with the Monroe Small Area Plan was provided within the staff memo.

Mr. Ham asked what the setbacks would be for the development. Mr. Camp stated that the minimum setback for the frontage would be 35 feet. Mr. Ham asked if these buildings met that requirement and Mr. Camp stated that the most current submitted plans were still under review.

Mr. Welsh asked Mr. Camp to address the height of the buildings and the current height limits. Mr. Camp stated that these are 3 story apartments with a pitched roof. The elevations of the project show a very high attic on the buildings. Staff takes an average based on the midpoint of the gable as opposed to the peak. The height range for this project is between 45-47 feet and therefore the developer has also submitted a text amendment to address building heights within the R-12MF district that is on the agenda for this meeting. The amendment will address how yards will change based on building height.

Mr. Lee stated that he did not get an idea on the intended density from the Monroe Small Area Plan. Mr. Camp stated that it would be a maximum of 16 units per acre.

Ms. Dement stated that she appreciated the consistency summary provided to the board concerning the Monroe Small Area Plan. One consistency that should be pointed out is their dedication to the historical cemetery. It will be open to the public and parking provided for visitors. There are also inconsistencies that need to be addressed. The first inconsistency is that the Monroe Small Area Plan recommends mixed residential use, described as detached single family homes, townhomes, and attached condos. This does not mention apartment dwellings. The second inconsistency is the plan states that the board should not entertain a request that causes a significant increase in traffic. Ms. Dement felt it was important for the board to be reminded of those issues. Mr. Camp stated that the Monroe Small Area Plan does list some types of mixed residential housing, but it does not state that all of those housing types are required. "Condo" here does not necessarily delineate ownership versus rental. We are not discussing whether it is a for rent or for sale product.

Mr. Welsh asked about what is intended by the interconnected transportation system. Mr. Camp stated that transportation will consist of pedestrian facilities and roadways for vehicles. The pedestrian facility will be the multiuse pathway. Interconnected means one development flows into another without having to get back onto the main roadway to enter the adjacent property. There is a single family home community in the back of this development and there is no logical way to connect to it. Future connectivity could be looked at with the adjacent apartment complex. That is the only further connectivity the applicant could provide. Mr. Welsh asked if the town had completed any further research since the public hearing on the traffic study and whether there had been a change in staff's perspective on the document. Mr. Camp stated that the applicant's traffic engineer is in attendance and any concerns presented to the staff by public concerning traffic were forwarded to the applicant.

Ms. Dement reiterated that she believed that the term condo did dictate ownership of the dwelling. Mr. Camp stated that from a zoning perspective a development is looked at for density as opposed to ownership. A condo complex and an apartment complex can look identical. Ms. Dement stated that the difference between rental and ownership is how the property is maintained over time. Mr. Camp stated that two single family homes could be adjacent to each other and one could be a rental while the adjacent is lived in by the owners. It still presents the same amount of density which is what staff considers when reviewing a plan.

Mr. Barley asked for the total acreage of the property. Mr. Camp stated that it is approximately 21 acres.

Mr. Welsh asked if apartments have been approved on Monroe Road since the small area plan's enactment. Mr. Camp stated this would be the first.

Mr. Lee asked if he was correct in assuming this was one of the few parcels that could entertain a residential use. Mr. Camp stated that was correct. It is intended to preserve industrial uses on the other side of Monroe Road.

The applicant, Matt Poindexter, of 401 Hawthorne Lane, Suite 110-230, Charlotte, NC 28204, came forward to speak. This property is 21.68 acres that is currently undeveloped. One of the first disclosures made to use was the historically protected cemetery. The cemetery is in disrepair and it contains trash and fallen trees. Mr. Poindexter stated that they are committed to cleaning up the site. There will be a decorative fence along the perimeter as well as a decorative entryway to the cemetery, with parking provided for the public.

Mr. Poindexter presented the board with the previously approved plan, which consisted of 96 dwelling units. Mr. Poindexter stated that the currently approved plan is no longer feasible economically and that there is little interest from buyers in developing the property using the 96 unit plan. The site will need to be rezoned in order to be developed. There have been several potential buyers that have proposed retail strip centers, big box stores, as well as affordable housing apartments. Mr. Poindexter summarized their new proposed plan.

The undisturbed tree space is greatly over what is required by the town and is almost double of what the previously approved plan called for. The development includes triple the amount of open space from the previously approved plan. The rear yard on the new plan is almost five times what is required by the rezoning. There must be a connector onto Nolley Court from our development. Mr. Poindexter stated that Police Chief Hunter is in support of the connector and its potential safety benefits. The development will now include an

opportunity to turn left from the main entrance to Monroe Road. This will hopefully reduce the traffic that will choose the Nolley Court connector. The landscape buffers have been increased from the previously approved plan to further shield the development from adjacent properties.

Mr. Poindexter stated that the Monroe Road Small Area Plan called for development to be multistory in design as well as front facing. The development meets that as well as the interconnected transportation and shared recreation space components. The development will also include the first section of a multiuse pathway that will extend to NC 51. Legacy Apartments is excited to join that path and this will be a great greenway system for the community. There is undisturbed tree save space next to Sardis Forest. An easement has been allotted for the Town of Matthews to install a monument sign welcoming residents to the town. Everlane's position of the term condo is that it should be multi-family. The project is 48 units less than what could be consistent with the small area plan. This unit reduction was due to public and board input. The apartments will be luxury apartment homes with extensive amenities.

There was some concern from the public that crime would increase due to development. All residents will be screened for criminal records as well as financial stability to afford the rent. The buildings closest to the property lines will be two story. The garages will be one story along the property lines. The closest building to the rear property line is 220 feet 5 inches from the property line.

Mr. Poindexter explained that it is his position that there is a need for apartments in Matthews. Although Matthews represents about 5% of the land area in Charlotte, Matthews only represents 2% of Charlotte's apartment inventory. The average apartment occupancy in Matthews is 94.8%.

Mr. Poindexter stated that Mayor Taylor asked for a comparison of the properties surrounding the proposed project. The Galleria Village Apartments has 28.57 units per acre. The Sardis Forest Patio Homes are 9.42 units per acre, however, the proposed project has approximately the same bedrooms per acre as this community. The Legacy Matthews Apartments has 13.26 units per acre. The proposed project will be 13.74 units per acre. The proposed project and Legacy Matthews Apartments contain three story buildings. A text amendment has been proposed to ask for a building height increase to allow them to give residents a higher ceiling within the apartments and create a more luxury feel.

Traffic has been a major concern for residents. In addition to the improvements previously shown, a further traffic improvement that is being proposed to give dual left eastbound turn lanes from Galleria Boulevard onto Monroe Road if permitted by CDOT and NCDOT. Mr. Poindexter noted that this change was not requested or required by the traffic impact analysis, NCDOT, or the Town of Matthews Public Works Department.

Mr. Lee asked if the Nolley Court access is across a property that will not be owned by the development. Mr. Poindexter stated that the current owner of the property gained an access easement that allows for the connector. Mr. Lee asked what the buffer from the patio homes would be once the road is created. Mr. Poindexter stated approximately 60 feet from the edge of road to first building. Mr. Lee asked if there will be sidewalks. Mr. Poindexter stated new sidewalk will connect to the multiuse path. Mr. Lee asked if there had been dialogue with Legacy Matthews concerning the path. Mr. Poindexter stated they are very excited to continue the path once it is in development. Legacy Matthews is adamantly against creating vehicular connectivity.

Mr. Lee asked if any research was done concerning crime impact. Mr. Poindexter stated there has been little or no crime at the Crest at Greylyn Apartments, however he could not speak to crime at the Legacy Matthews Apartments. He further stated that Police Chief Hunter has not expressed concern in conversation about potential crime increase on the property or along the multiuse path.

Mr. Ham stated that 82% of the trees on the property will be cut down. Southern states have cut down over 10 million hectares of trees. Mr. Ham suggested that Planning staff start to take a cumulative tree save impact instead of the individual impact of each project. Mr. Ham asked what kind of trees would be close to the apartment buildings. Mr. Poindexter stated that they will follow Planning staff guidance.

Mr. Lee asked if the amenities are something that are committed to by the development. Mr. Poindexter stated they are.

Mr. Welsh stated that the traffic study places emphasis on the Monroe access, but Nolley Court is not addressed as much. He stated that if his family moved into the area, they would be hesitant to make a left onto Monroe Road out of the apartment complex. He stated that his concern is that the reality of more traffic going onto Nolley Court has not been addressed fully. Mr. Poindexter stated that vehicles from the complex will be on Nolley Court for roughly 30-40 feet to use Galleria Boulevard. At the A.M. peak time, a worst case scenario would be to add 63 cars within that hour. At P.M. peak time the impact will be much less.

Ms. Dement asked what was considered the A.M. and P.M. peak times. Mr. Randy Goddard of Design Resource Group, who created the traffic study, stated that traffic counts were taken from 7-9 a.m. and 4-6:30 p.m. and the highest four consecutive 15 minute periods were considered the peak hour. The trip generation numbers are based on ITE (Institute of Traffic Engineering) numbers for apartment complexes.

Mr. Welsh asked where the swim club would be. Mr. Poindexter pointed to the location on the traffic diagram. He stated that they did not want to create a safety hazard for the swim club and he could not see a logical reason why cars would constantly pass in front of that building. Mr. Markiewitz and Mr. Welsh stated the area becomes congested during swim event times. Mr. Poindexter stated that an open dialogue is welcomed with the swim club to minimize traffic flow in that direction.

Mr. Markiewitz stated that the Monroe Road Small Area plan was created to make sure there was the right balance of property uses within the area. He stated that he felt like the scale is tipping towards apartment homes instead of community. He asked for a position on the transiency of tenants versus a development of long-time owners. Mr. Poindexter stated that they are trying to create a luxury product and are flanked by several housing types including apartments. Residential use is the right product type for this area due to increased pedestrian activity. There are vacant retail spaces within the area that could benefit from that increased foot traffic. The residents could be long or short term residents. They hope to create long term residents because they enjoy living within the development. Mr. Markiewitz stated that more people will move out of apartments versus units that are owned. Mr. Poindexter stated that the increased need for apartments are reflective of national trends to not obtain homeownership right out of college or for young professionals.

Ms. Dement stated that Galleria Village complex is not in Matthews, but in Charlotte. She asked if there were any parameters in the Unified Development Ordinance for the total amount of apartment dwellings allowed within the Town of Matthews. Mr. Camp stated that we do not. The resident count has just crossed 30,000 residents. With just over 1900 apartment units, we are still a predominantly single family home community. Ms. Dement stated that the proposed development is beautiful, but she feels that Matthews' residents enjoy more of a single family home type. Her further concern is consistent with Mr. Markiewitz about the proportion of single family versus apartment homes. Ms. Dement stated that if the exact same proposal was presented, but with ownership, it would change her mind on the development. Mr. Poindexter asked Mr. Buckley if ownership was appropriate to weigh in the recommendation process. Mr. Buckley stated he could not comment on that statement. Mr. Poindexter stated he felt that ownership is an exclusionary term because all residents do not have the means to purchase.

Mr. Ham asked if the developer had considered setting aside a portion of the units to be for sale. Mr. Poindexter stated that financing was difficult to obtain for developing condos, but they were open to these units being converted to condos in the future.

Mr. Welsh asked if there had been any consideration given to mixed used buildings instead of pure apartment buildings. Could there be storefronts on the first floor? Mr. Poindexter stated that had been studied, but was not their company's traditional business model. There is not a demand for additional retail space due to the current vacant retail space. Mr. Welsh stated that residential units on the property would provide the resident traffic to those storefronts. Mr. Poindexter stated that the storefronts would also generate more traffic from people that do not live on the property.

Mr. Welsh asked about further clarification on the impact of Charlotte Mecklenburg Schools. Mr. Poindexter stated that the previously approved plan would have created a greater impact than the current plan. The previous plan would have created 7 more students than the current proposal. Mr. Welsh stated that the current plan would still have a burden on already crowded schools. He asked if there had been a discussion with CMS

concerning arrangements on how that burden would be handled. Mr. Poindexter stated that those discussions are ongoing but not complete.

Mr. Welsh asked if the cemetery had been surveyed. Mr. Poindexter said the property was surveyed prior to historical designation.

Mr. Barley asked if there was any indication if CDOT or NCDOT would approve the previously mentioned traffic improvements. Mr. Poindexter stated that they have reached out to both but have not received comment back.

Mr. Barley asked if there was something about the site that did not allow internal tree preservation. Mr. Poindexter stated that they focused on perimeter tree save in order to create good buffers for the adjacent property owners. Therefore, much of the development was pushed to the interior of the site.

Mr. Barley said speaking to the density of surrounding developments, Galleria has several options for access and Legacy has the traffic signal. The density of the property does not bother him as much as traffic does.

Mr. Lee asked if Mr. Poindexter has considered a right in/right out only option on Monroe Road. The left turn is a safety hazard and risk. Mr. Poindexter stated that they are not opposed to stopping the left turn, but that will cause more traffic to push towards Nolley Court.

Mr. Welsh asked if the traffic study was based on the number of residents within the apartment complex, or their visitors as well. Mr. Goddard stated that the numbers are based off of ITE (Institute of Traffic Engineering) that takes into account many apartment projects surveyed over time. These numbers should take into account visitors to the project as well.

Mr. Lee stated that the board should discuss compliance to the Monroe Small Area Plan. There are not too many vacant parcels left for residential development and this is one that fits. Mr. Ham stated that residential is called for. Mr. Markiewitz stated that the numbers presented for available rental units showed complexes with 50 plus units, although there are many rental homes within single family communities. Mr. Lee stated that rental homes are harder to track. Mr. Ham suggested that the board also look at the number of single family homes for sale. There may not be a shortage of single family homes. Mr. Lee stated that one note in favor of the applicant is that they have addressed most if not all of the concerns presented by the public and the Town Board. Monroe Road is a major thoroughfare. This type of use is not a poor fit for this being a major transportation corridor. It provides housing for a wide range of demographics. Mr. Ham stated the Town is running out of land and it is important to look at a cumulative impact rather than an individual impact for each project. Mr. Lee stated his primary concern was with safety. Monroe Road is state owned and therefore we do not have the full ability to address all the concerns.

Mr. Pratt stated that it was important to remember that the transient renters being discussed were potential homeowners within Matthews. Renting has its good and bad points.

Mr. Markiewitz asked if there were any potential changes to Monroe Road in the future. Mr. Camp stated that Monroe Road is already five lanes. The state's plans focus on John Street within downtown to Monroe, NC. Those plans are six to eight years out.

Mr. Welsh stated that he was not as troubled by the mentioned transiency of the residents. He stated that he would love to see mixed use, but that would impact the traffic and safety issue. He further stated his concern about a left turn onto Monroe Road. He did not believe that the traffic study has not satisfied his concerns. The swim club is not an issue that has been addressed enough. Mr. Lee stated that those are all concerns that will have to be addressed no matter what type of development is proposed. Mr. Welsh stated that 298 units is a big jump from what the previously plan proposed. Mr. Lee stated that there may not be an easy solution even with a lower density development.

Mr. Ham asked if it was feasible to place another light at the development. Mr. Poindexter stated it would not.

Mr. Ham made a motion to recommend approval based on the petition's consistency with the Unified Development Ordinance. Mr. Markiewitz made a substitute motion to recommend denial of the petition because

it is not consistent with the Land Use Plans based on concerns of Matthews residents including safety and balancing the health of the community.

Mr. Welsh asked Mr. Buckley if it was possible to do a motion recommending approval subject to further analysis and work to satisfy concerns of the board. Mr. Buckley stated that it would be possible. Mr. Markiewitz questioned whether it would be possible to mitigate all the risks presented at this meeting. Mr. Welsh stated that the left hand turn could be prohibited. Mr. Markiewitz stated that the left turn is one of several safety issues that would need to be addressed. Mr. Ham stated that recommendation of approval would be conditional to those issues being resolved to the satisfaction of commissioners. Mr. Welsh asked if he were to offer that motion, could those issues be addressed in time.

Mr. Ham reiterated his motion to approve with consistency to the UDO and the Monroe Small Area Plan because they call for more housing within the area. No second was given.

Mr. Markiewitz made a motion to recommend not approving the petition because it is not consistent with the land use plans and because there are significant safety concerns. Ms. Dement seconded the motion. The vote was 4-3 with Mr. Lee, Mr. Pratt, and Mr. Ham in opposition.

At this time, a five minute recess was taken to allow for the public to exit.

APPLICATION 2015-627 – MATTHEWS CHURCH OF GOD, 517 E JOHN STREET, FROM R-12 AND I-1 TO R/I(CD)

Ms. Gollnitz explained that this rezoning is for the Matthews Church of God to allow for new signage along E John Street and to place notes on the approved plans for potential future parking. Since the public hearing, the applicant has discussed an alternate access along E Charles Street. This is due to the road widening work along E John Street which would eliminate left turn movements. Ms. Gollnitz read a letter submitted to staff by the applicant on May 21, 2015 detailing the request to reserve an alternate access. The potential future parking spaces are part of the request to prevent the church from having to come back through an additional approval process. The location of the alternate access has not been determined. Staff has also suggested that the applicant may want to ask for adjacent property access in addition to the alternate access along E Charles Street.

Mr. Ham asked if the zoning change was necessary for signage. Ms. Gollnitz stated the new signage the church is requesting is internally illuminated, therefore necessitating the zoning change. Mr. Ham asked if the rezoning petition is granted, what other things could happen on the property. Ms. Gollnitz stated other church activities as well as expansion.

Mr. Buckley asked if this was a conditional plan, how the applicant would be allowed to make any by right changes. Mr. Barley asked if there were any conditions on the plan. Ms. Gollnitz stated there are minimal conditions on the plan. Mr. Buckley stated if the applicant changed the footprint being shown on the plan, there would be an additional approval process. Ms. Gollnitz stated that was correct.

Mr. Buckley asked for clarification of the language of the request for the alternate access. Ms. Gollnitz read the church's submitted letter again. Mr. Buckley stated that the board could approve the request for a condition for an alternate access to be constructed once the access to E John Street was changed. This alternate access would not be constructed at the discretion of the church.

Ms. Dement asked if the alternate access could be constructed now. That would be a benefit for the church. Ms. Gollnitz stated they could, but when the community meeting was held, a neighbor was concerned about the additional traffic being directed onto E Charles Street. The applicant said they would not do it until their current access was affected and they would like to keep that promise to the neighbors.

Ms. Amy Griffin of 517 E John Street in Matthews, a Deacon of the church, came forward to answer questions from the board. Mr. Lee asked if Ms. Griffin understood the board's discussion concerning the alternate access. Ms. Griffin stated that the church was hopeful to be the one to determine when the second access was needed. Mr. Buckley stated that future discretion doesn't lay solely with the property owner. The loss of turning access

on E John Street would trigger the new access to E Charles Street. It would be a mandatory action at that time. Ms. Griffin stated that they were in agreement and the church was not interested in creating that second driveway at this time due to neighbors' concerns.

Ms. Ingrish suggested that to allow for the option, but not making it mandatory, sometimes site plans just have an arrow that dictate should the adjacent property be redeveloped where the access would occur. Should full access be lost on E John Street, then the church would have those options.

Mr. Ham asked if the board could just say should the E John Street access be lost, the church would be required to provide alternative access and not dictate the location, which would leave options available. Ms. Ingrish stated that is not what the applicants want. They do not want to be required to provide another access, they just want the ability to create one.

Ms. Dement made a motion that the request is consistent with Matthews Land Use policies and recommended that the request be approved including a condition that if access is limited along E John Street, an alternate driveway could be permitted onto E Charles Street. Mr. Markiewitz seconded the motion. The motion passed with a unanimous vote.

APPLICATION 2015-628 – PROVIDENT HOMES, TEXT AMENDMENT, SUBDIVISION NAMES

Ms. Ingrish stated the current ordinance does limit use of names or words if used more than two times within the county. Staff tries to look within Matthews to count the occurrences. The most current language of the request was submitted shortly after the public hearing. The text amendment would allow the use of words that have already been used two other places within the county when there is historical alliance to the words. This would go before Board of Commissioners for final decision.

Mr. Barley asked what spurred this request. Ms. Ingrish stated that a property wants to use Fullwood Station along S Trade Street. They are the applicant for this text amendment. Both "Fullwood" and "station" have been used twice and would need justification. There is a second similar situation that is considering the need to use this text amendment should it be adopted. Ms. Ingrish stated that the intent of a text amendment is to use it in many situations and staff feels it could be useful. Mr. Pratt reiterated that it would need to go before the Town Board for final decision.

Mr. Barley made a motion to recommend approval of application 2015-628 as currently submitted and that it is consistent with the Town's Land Use Plan and policies due to the ability to continue using historically significant language. Mr. Pratt seconded the motion and it carried unanimously.

APPLICATION 2015-629 – EVERLANE, TEXT AMENDMENT, R-12MF BUILDING HEIGHT

Ms. Ingrish stated that in the past twenty years single family residential districts were limited to the 35 foot height. In the past decade, certain districts have seen an increase in their maximum building height. This request is for the R-12MF district. This proposed change would say that 35 feet is still the automatic height limit, however you can go up to 45 feet if you bring in the side and rear yards 1 foot for every added 1 foot of height.

Mr. Lee asked how many parcels were currently zoned R-12MF. Ms. Ingrish stated approximately a dozen. Many are already developed.

Mr. Ham asked if there are no properties that are empty or very few, what does this text amendment accomplish. Ms. Ingrish stated that the applicant is Everlane development and they are requesting it to benefit their development proposal.

Ms. Dement asked about the property on Sam Newell. Ms. Ingrish stated that the Colonial Grand property sits higher off the road and therefore the buildings seem higher than the 35 foot maximum. Ms. Ingrish explained that building height is based on the average of the front building line grade and up to the roof depending on what type of roof is proposed.

Mr. Ham stated he was not opposed to the idea, he just wanted to know how many properties this text amendment would affect. Ms. Ingrish stated there are several more multifamily categories as opposed to years past when the R-12MF and R-15MF were the only ones in existence. These additional multifamily districts already operate on the sliding scale. This would make the R-12MF districts comparable to those.

Mr. Lee stated there are comparable communities in North Carolina that follow similar requirements.

Mr. Lee made a motion to recommend approval based on the application's consistency with the Matthews land use policies because current building methods include a higher ceiling height and thus require a shift in building height. Also there are other districts within the UDO that operate on the sliding scale. Mr. Welsh seconded the motion and the motion passed unanimously.

ADMINISTRATIVE AMENDMENT-THE CROSSING SHOPPING CENTER, INDEPENDENCE BLVD AT WINDSOR SQUARE DRIVE, Add Allowed Exterior Building Material, Revise for Multiple Tenants, and Change Façade Elevations

Ms. Gollnitz stated that this is a decision for the Planning Board. The conditional zoning plan was approved in 1990. Revisions were approved in 1996. In 1997, a request was granted for the change in elevations, building material, and sign limits for the center building when it was split into multiple tenants. Earlier this year, Mecklenburg County approved a building permit for an exterior upfit. Matthews Staff asked for the applicant to submit a change in conditions to match what they are doing to come back into compliance. This application will add stone veneer to the list of approved building materials, change the elevation facade, and allow the management company to reduce the size of suites in order to accommodate multiple tenants. A Master Sign Plan will go before the Town Board on June 8, 2015 to allow the left and right sections to follow the same sign footage requirements as the center section to allow multiple tenants as well.

Ms. Dement stated that visually the elevation changes look so much better than the current building.

Mr. Ham asked if this was the same shopping center where Guitar Center is located. Ms. Gollnitz stated that was correct. The other end of the building may also be built to the proposed elevations.

Mr. Lee stated that the plans look to be a vast improvement. Ms. Gollnitz reiterated that it was not the applicant's error that brought this about.

Mr. Pratt moved to approve the Administrative Amendment because it is reasonable and consistent with the Matthews Unified Development Ordinance and Matthews Land Use policies because it is architecturally and aesthetically pleasing. Mr. Barley seconded the motion. The vote was unanimous.

ADJOURNMENT

Mr. Pratt made a motion to adjourn the meeting at 9:46 p.m. Mr. Barley seconded the motion and the motion passed unanimously.

Respectfully submitted,

Betty Lynd
Zoning Technician/ Deputy Town Clerk

Agenda Item: 2015-630, Text Amendment to Table of Required Parking, Section 155.607.7.B.4

DATE: June 17, 2015
FROM: Mary Jo Gollnitz, Planner II

Background/Issue:

Current parking requirements for animal day care kennels and commercial kennels state that one (1) space per 250 sq ft of gross floor area is required. An animal day care facility wishes to locate their business at 10714 Independence Pointe Parkway (previously occupied by Technocom), and has proposed a new parking standard be created for these animal facilities. This text amendment, if approved, would apply to any and all animal kennel facilities.

The applicant is requesting an addition to UDO Section 155.607.7.B.4 Table of Required Parking Spaces of one (1) space per 1,000 sq ft of private access area plus one (1) space per 400 sq ft of public access area. The text amendment request does include bicycle parking requirements of 2 spaces or 10% of auto parking.

Proposal/Solution:

The applicant has provided multiple examples from other locations showing size, number of kennel spaces, and parking spaces (attachments). As a comparison, if Matthews current parking requirements are applied to the 10,203 sq ft Lake Norman example provided by the applicant, with 102 kennels and service areas (private access areas), it would require 41 parking spaces. The proposed text amendment for the former Technocom example, at 12,287 would require 16 parking spaces. Neighboring communities' parking requirements average approximately 1 space per 350 gross floor area and/or number of employees, which would call for 35 parking spaces for the former Technocom site.

Animal Day Care Kennels and Commercial Kennels are typically short term parking use. The proposed amendment would allow for more appropriate parking requirements for the specified use.

Recommendation:

Staff recommends approval of the text amendment as submitted. Review application 2013-630, Text Amendment to the UDO Table of Required Parking Section 155.607.7.B.4, discuss if the requested text provides an appropriate method to calculate needed parking for kennel uses and forward a recommendation to Town Council.

Agenda Item: Public Improvement Variance – Lightwood Dr, Streamside Subdivision

DATE: June 18, 2015

FROM: Mary Jo Gollnitz, Planner II

Background/Issue:

Simmons & Beyer I, LLC is requesting a Public Improvement Variance for the installation of sidewalk along a portion of Lightwood Dr. The property is zoned R-15 and the subdivision was approved in 2005. Lots 10, 11 and 12 in the cul-de-sac of Lightwood Drive were sold to Brookwood Homes between 2007 and 2011. Houses were constructed on the lots and certificates of occupancy were issued without sidewalks being installed in front of the homes.

A representative of the original developer, Simmons & Beyer, has contacted the property owners regarding this request. We have received letters supporting the variance request from two of the property owners (attached). Simmons & Beyer have stated that they estimate the sidewalk would cost \$1,000 to install. They are willing to pay the Town of Matthews the \$1,000 in lieu of installing the sidewalk along the cul-de-sac.

Until the sidewalks are completed, the Town cannot accept the street for Town maintenance. Although it was the responsibility of the developer and/or builder to have the sidewalk in place prior to Certificates of Occupancy being issued, somehow that was overlooked at the time. The home builder will not complete the sidewalks now. Without the variance receiving approval, the existing sidewalk will continue to have gaps. The front yards of these occupied home lots are sloped and landscaped, so installing sidewalk now will require some changes to the final topography of the front yards.

Matthews Unified Development Ordinance Section 155.712.A allows the Planning Board to determine if unnecessary hardships result from the strict compliance of the regulations, and it may recommend to the Board of Commissioners approval of a variance to these regulations.

Proposal/Solution:

Public Works has stated that they do not have any issues with the variance request. It is in the neighborhood's and the Town's best long-term interests to complete the sidewalks and have the street accepted for maintenance. The original developer's offer to provide the estimated costs to the Town for the work is an appropriate way to resolve the issue. Allow the Public Improvement Variance request for installation of sidewalk along 1342, 1346, and 1347 Lightwood Drive.

Recommendation:

Staff suggests that the Planning Board forward a favorable recommendation for the Public Improvement Variance as submitted to the Board of Commissioners.

1395 Lightwood Dr, Matthews, North Carolina
Address is approximate





1399 Lightwood Dr, Matthews, North Carolina
Address is approximate

