

**PLANNING BOARD
REGULAR MEETING
WEDNESDAY, JULY 28, 2020
7:00 PM
REMOTE MEETING**

The regular meeting of the Planning Board will be conducted remotely using the Zoom virtual meeting platform.

TO WATCH LIVE: The meeting will be available via Zoom. To join from a PC, Mac, iPad, iPhone or Android device, click this URL: <https://zoom.us/j/93170151234>. An account is not necessary to join.

TO LISTEN LIVE: The meeting audio will be available by calling 888-788-0099 (Toll Free) or 877-853-5247 (Toll Free) and entering meeting ID 931 7015 1234

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES – June 23, 2020
- III. REZONING APPLICATION 2020-711, Christlife Church, 1641 Matthews Township
- IV. REZONING APPLICATION 2020-712, Morris Family Investments, N. Freemont St
- V. REZONING APPLICATION 2020-714, Elizabeth Lane Elementary, 121 Elizabeth Ln
- VI. ADJORNMENT

MEMO

TO: Planning Board Members
FROM: Jay Camp
DATE: July 23, 2020
RE: July 28 Regular Planning Board Meeting

Greetings Everyone!

I hope you all are coping well with the summer heat and continuing to stay safe during Covid-19. We have a fairly short agenda and will once again be utilizing the Zoom platform for our meeting. As always, let one of us know if you have any technical difficulties or will be unable to attend. Below is a short summary of our three cases. A full memo describing changes since the Public Hearing and the consistency and reasonableness statements are also attached.

2020-711, Christlife Church, 1641 Matthews Township – This is a fairly simple request to add banquet halls as an allowed use at the property. No changes to the site plan or structure are planned. Staff has reviewed the request and found that the use is compliant with parking requirements.

2020-712, N. Freemont St – Rezoning from O to RVS. This is an unusual rezoning as it is a downzoning from nonresidential to residential. The applicant proposes 3 new single-family homes to complement the Freemont Street Cottages development from 2006 and several other new homes that have been built over the past 10-15 years. Our main concern with the project continues to be drainage along the street. We are awaiting a proposed solution from the engineer for the project.

2020-714, Elizabeth Lane Elementary – When the rezoning for the school was approved in 1995, a boundary was created to determine where mobile classrooms could be located. That boundary was later expanded, with a “sunset” provision added. For the past several years, Charlotte-Mecklenburg Schools has petitioned to keep the current boundary in place to preserve the same number of mobile units on site. This year, CMS requests a 2-year sunset. A new Lansdowne Elementary is currently under construction and school boundaries will be modified when it opens, potentially impacting Elizabeth Lane. Staff supports the 2-year request.

**MINUTES
PLANNING BOARD
TUESDAY, JUNE 23, 2020
7:00 PM
ZOOM VIRTUAL MEETING**

ALL PARTICIPANTS MET REMOTELY

PRESENT: Vice-Chairman Kerry Lamson; Members Mike Foster, Jana Reeve, Natasha Edwards, Mike Rowan, Jonathan Clayton and Jim Johnson; Alternate Members Tom Dorsey and Matt Main; Acting Town Attorney Craig Buie; Planning Director Jay Camp; Senior Planner Mary Jo Gollnitz; Senior Administrative Specialist/Deputy Town Clerk Shana Robertson

CALL TO ORDER

Vice-Chairman Kerry Lamson called the meeting to order at 7:00 pm.

New Member Jim Johnson and Alternate Members Tom Dorsey and Matt Main were introduced and welcomed to the Planning Board.

APPROVAL OF THE MINUTES

Jana Reeve motioned to approve the minutes from the May 27, 2020 Planning Board meeting as presented. Mike Foster seconded the motioned and it was unanimously approved.

ZONING MOTION 2020-1 – Unified Development Ordinance Text Amendment for Outdoor Illumination

Senior Planner Mary Jo Gollnitz said this was a staff initiated request to change the outdoor illumination text within the Matthews Unified Development Ordinance (UDO). Ms. Gollnitz said that during the June 8, 2020 Public Hearing questions were raised regarding the lack of lighting in certain areas of parking lots. The concern was with the suggested reduction of footcandles (FC) at the property lines and if it could cause additional dark spots and lack of safety. Ms. Gollnitz said that staff had researched neighboring communities and found that Charlotte and Mint Hill had no specific requirements, Huntersville required 1.0 FC limit to adjacent properties or public roads, and Indian Trail required 1.0 FC residential and 2.0 FC for commercial.

Ms. Gollnitz reviewed the text as it was presented at the Public Hearing. Ms. Gollnitz reported that staff was comfortable bringing the commercial requirement FC limit back up to 2.0 of initial illumination at the property line or as proposed to 1.0 FC. Ms. Gollnitz said that most of the changes were to bring the text up to date with current technology.

Mr. Lamson clarified that staff wished to leave the text as how it was presented at the Public Hearing. This would reduce the 2.0 FC to 1.0 FC. Ms. Gollnitz said that the reason staff reduced the FC to 1.0 was to be proactive and not reactive. Ms. Gollnitz explained that the Town had limited staff with only one Code Enforcement Officer and it would be easier to change text. She added that staff was not comfortable with spillover onto neighboring properties.

Natasha Edwards said that she understood, over time, the lights would get dirty and dim based on their age and how often they were cleaned. Ms. Edwards asked if the text was referring to only commercial when it was against residential. Ms. Gollnitz clarified that it was commercial when it was against any property.

Mr. Lamson said that in the UDO there were setbacks and minimums of where these lights were to be placed. He said that he was comfortable with staffs review and discussion with developers. Mr. Lamson asked if the review would include the illumination standard and if that could be increased. Ms. Gollnitz said that they would not be about to increase the illumination but they could decrease.

Mike Rowan asked if the FC limitation included street lighting, general outdoor sport fields, or the Downtown district. Ms. Gollnitz said that it did but this amendment would be for new development. Discussion was held on the safety

at N Trade Street and the need for better lighting.

Ms. Reeve motioned that Zoning Motion 2020-1, Unified Development Ordinance Text Amendment for Outdoor Illumination be recommended for approval as presented at the Public Hearing and had been found to be consistent with the Matthews Land Use Plan because it updated text language to match current technology requirements and it provides additional definitions in order to assist developers in understanding the regulations. The text amendment was found to be reasonable because it promotes public safety through best practice standards. Ms. Edwards seconded the motion and it passed unanimously.

ADMINISTRATIVE AMENDMENT – Creek Bend Monument Sign

Ms. Gollnitz reviewed approved rezoning petition 2017-661 for the Creek Bend subdivision and the conditional notes regarding the entrance monument. Ms. Gollnitz explained to the members of Planning Board that staff felt that the new proposed monument sign did not meet the intent of the approved conditional notes 10.A and 10.B. Ms. Gollnitz discussed the 2017 approved entrance monument that was designed to resemble two rustic gazebos with a roof and seating. The applicant was now proposing a two foot knee wall on both sides of the street entrance and a single column sign on the park side of the subdivision along Idlewild Road. The proposed sign will be constructed of a stone base and column with a single hanging Creek Bend identifier attached.

Ms. Gollnitz said staff felt that because the entrance monument was an intricate part of the subdivision and design, Planning Board should review the request and make a recommendation to the Board of Commissioners for their decision on July 13, 2020

Mr. Lamson asked if other commitments such as obtaining a certification from HAWK, the use of ecofriendly building materials, or the construction of the connection trail had been satisfied. He added that the rustic charm and high-end styles were selling points for the rezoning. Ms. Gollnitz said that the developer had met a majority of those commitments.

Mr. Lamson said the gazebos were planned on both sides of the neighborhood entrance according to the site plan. Mr. Lamson added that he remembered a lot of discussion about turn lanes and a variance for curb and gutter. Mr. Lamson said that he also recalled a stone rustic fence that was planned and presented to the public during the community meetings. He asked what the status of that fence was. Ms. Gollnitz said that the conditional note stated that the fence was optional. Ms. Gollnitz said that staff had approved a landscape plan that was submitted and it showed a fence. Ms. Gollnitz added that staff recently had discussions with the developer and if the fence was not being constructed, a revised landscape plan would need to be submitted to the Town.

Philip Hayes, Land Investment Resources, 3440 Toringdon Way, Charlotte 28277, reviewed with the Planning Board members a slide presentation (Exhibit A attached and made part of these minutes). Mr. Hayes said that during the rezoning, he was working with Bonterra home builders. It was Bonterra's concept to have the two gazebos at the entrance of the neighborhood. Mr. Hayes said that after the rezoning, Bonterra was acquired by AV Homes and AV Homes was acquired by Taylor Morrison. Mr. Hayes told the Board that Taylor Morrison did not want to build on the site and the site was currently under contract with Century Homes.

Mr. Hayes said that the request for change was due to there not being enough room at the entrance without disturbing the privacy of the first two home in the neighborhood. He added that with only 29 homes in the neighborhood there were concerns regarding maintenance, liability, and potential vandalism. Mr. Hayes reviewed the updated landscape plan and the proposed landscaped berm, knee wall and monument signage.

Mr. Foster asked if the fence was going to be constructed. Mr. Hayes said that they were going to prepare a new landscape plan for the berm and added enhancement to the tree save area. A fence would not be built. Mr. Foster asked how tall the berm was planned to be. Mr. Hayes said that the UDO limited the berm not to exceed six feet in height.

Mr. Main asked if the gazebos were part of a public space requirement. Mr. Hayes said that it was just a feature that Bonterra wanted in the design of community. Mr. Clayton said that Brandon Oaks had an entrance gazebo and they could have just wanted to mimic the design.

Mr. Lamson asked if there was a reason that the monument sign was just being placed on one side of the entrance. Mr. Hayes said that the design was presented by Century Homes.

Ms. Edwards asked if with the one monument sign, could the name of the neighborhood be read from both sides. Mr. Hayes said that they believe that the single sign will be visible from both directions.

John Maxwell, Land Investment Resources, 3440 Toringdon Way, Charlotte 28277 said that a fair amount of right of way to the state for Idlewild Road and that equates to less space for entrance monuments. Mr. Maxwell said that the new proposal will provide a better screening for the first couple of homes than the gazebo design.

Ms. Edwards said that she preferred the new version and felt that the gazebos were not needed on Idlewild Road. Ms. Edwards added that the residents would not use those structures and they would be useless to the community.

Ms. Reeve said that she agreed with Ms. Edwards and the two gazebos did not fit with the small subdivision and what was being presented was an improvement.

Mr. Foster motioned that Administrative Amendment for the monument sign at Creek Bend subdivision, be recommended for approval. The request was found to be consistent with the Matthews Land Use Plan and the Towns long range plan as there was no significant impact to neighboring properties, allowed for subdivision signage, and had a positive impact to adjoining properties. Ms. Reeve seconded the motion and it was unanimously approved

ELECTIONS

Ms. Reeve nominated Mike Foster for Planning Board Chairman and Mr. Clayton seconded. Mike Foster was unanimously approved for Planning Board Chairman

Mr. Clayton nominated Kerry Lamson for Vice Chair. Mr. Lamson said that he welcomed the nomination but asked if anyone else would like a turn in the Vice Chairman position. Natasha Edwards said that she would like the position of Vice Chairman. Mr. Lamson motioned to appoint Ms. Edwards as Vice Chairman and Mr. Foster seconded the motion. The motion passed unanimously.

ADJOURNMENT

Mr. Clayton motioned to adjourn and Mr. Johnson seconded. The motion passed unanimously and the meeting adjourned at 7:56 pm.

Respectfully submitted,

Shana Robertson
Senior Administrative Specialist/Deputy Town Clerk

Rezoning Application 2020-711, Christlife Church

TO: Matthews Planning Board Members
DATE: July 28, 2020
FROM: Mary Jo Gollnitz, Senior Planner

Background/Issue:

During the Public Hearing for 2020-711 Christlife Church, several questions regarding the Table of Permitted Uses regarding catering businesses and alcoholic sales were brought to light.

- Alcoholic beverages will only be served in conjunction with any catering event held within the building.
- The term “bar” was only used in the interior site plan as a reference to where a servicing area would be for any event.
- Matthews Unified Development Ordinance defines brewpub as:
an establishment where beer and malt beverages are made on the premises in conjunction with a restaurant or bar and where forty percent (40%) or more of the beer produced on-site is sold on-site. Where allowed by law, brewpubs may sell beer “to go” and/or distribute to off-site accounts.
- The applicant has agreed to delete the use of funeral homes and brewpub from the Table of Permitted Uses for this property. An updated list is attached.

Recommended Action:

Staff recommends the Planning Board review rezoning request 2020-711 and suggests forwarding a favorable recommendation for Christlife Church to the Board of Commissioners with approved changes to Table of Permitted Uses.

DRAFT---FOR APPROVAL

**STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH POLICIES
Planning Board Recommendation on Zoning-Related Issues**

ZONING APPLICATION # _____ **2020-711** _____
ZONING MOTION # _____
ADMINISTRATIVE AMENDMENT _____

Matthews Planning Board adopts the checked statement below:

A) The requested zoning action, as most currently amended, is recommended for **approval**, and has been found to be **CONSISTENT** with the Matthews Land Use Plan (or other document(s)), as follows:

CONSISTENT: with Matthews Land Use Plan and allows a retail use to the existing building. Allowable uses have been removed that would not be compatible with neighboring properties.

REASONABLE: The rezoning is reasonable because it allows for the building to house a banquet facility for meetings and other events in close proximity to local businesses that would otherwise have to look outside of Matthews for such facilities.

OR

B) The requested zoning action, as most currently amended, is **not approved**, and has been found to be **INCONSISTENT** with the Matthews Land Use Plan (or other document(s)), and **NOT REASONABLE**, as follows:

INCONSISTENT: The rezoning is inconsistent with the Land Use Plan because it increases traffic along an already busy thoroughfare.

NOT REASONABLE: The rezoning is not reasonable as it would create an expansion of existing retail space within a condensed site.

(In each case, the Statement must explain why the Board deems the action reasonable and in the public interest (more than one sentence). Reasons given for a zoning request being "consistent" or "not consistent" are not subject to judicial review.)

Date: *July 28, 2020*

Purple highlights are Uses deleted after Public Hearing of July 13, 2020
 Yellow highlights are Planning Staff deletions prior to Public Hearing

TABLE OF ALLOWED USES: TRADITIONAL AND PARALLEL TRADITIONAL DISTRICTS	
USES BY GROUPING	
RESIDENTIAL USES	B-H
Accessory residential use and structure clearly incidental to the permitted principal residential use	ACC
Dormitory for senior high and post secondary school operated by and located on the principal site of the institution served.	P
Limited food and beverage sales in neighborhood common facility, subject to § 155.506.14	PC
Propane storage or other home fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters	ACC
INSTITUTIONAL & GOVERNMENTAL USES	B-H
Adult care home	P
Adult day care facility	P
Assisted living facility	P
Church and place of worship without size restrictions	P
College and university without stadium	P
Cultural Community Center, subject to § 155.506.07	P
Fire and/or EMS station, police station	P
School, elementary, middle, and senior high, public and private	P
Skilled Nursing Facility, subject to § 155.506.17	PC
OFFICE & SERVICE USES	B-H
Bank, credit union, and similar financial service	P
Barber shop, beauty salon, nail salon, and similar personal service	P
Civic, fraternal, and social club	P
Contractor's office without accessory storage	P
General and professional office	P
Laboratory and research facility, medical, dental or optical	P
Medical, dental, optical office and clinic	P
Museum and art gallery operated on a noncommercial basis	P
Office with display of sample merchandise to wholesalers and retailers when the samples are only visible within the building and no sales, inventory or delivery of merchandise from building	P
Spa, massage service	P
Telephone exchange	P
GENERAL COMMERCIAL USES	B-H
Alcohol and alcoholic beverage, wine, and beer production and sales, subject to § 155.506.45	PC
Animal grooming facility, subject to § 155.506.42	PC
Armory for meetings and training of military organizations	P
Auction house	P
Bakery, retail including manufacturing of goods for sale on the premises only	P
Ballroom, banquet or meeting/catering hall	P
Boat and watercraft sales, new and used	P

Brewpub, subject to § 155.506.45	PC
Building material storage and wholesale and retail sales without outside storage	P
Call center	P
Car wash	P
Coin operated laundry	P
Commercial school and school providing adult training in any of the arts, sciences, trades, or professions, without retail sales of merchandise	P
Commercial or catering kitchen, without on-site customer/client food service	P
Communications tower and antenna, subject to § 155.506.41	PC
Copy, printing and photo processing	P
Crematorium, when located on same lot as a cemetery or funeral home, subject to 155.506.13	P
Crematorium, stand alone, or on an adjacent parcel to a cemetery or funeral home only when such parcel is commercially or industrially zoned, subject to 155.506.13	PC
Drive up service window, subject to § 155.506.33	AGG
Florist shop	P
Funeral home	P
Gas station with convenience store, subject to § 155.506.49	PC
Gas pump without convenience store	AGG
Heliport	P
Hotels, subject to § 155.506.32	PC
Hotel, Extended Stay, subject to § 155.506.32	PC
Installation and servicing of accessory equipment (i.e. audio, security, navigational, etc.) for vehicles sold within an enclosed building with internal storage only	P
Internet sweepstakes, or adult gaming facility § 155.506.50	PC
Kennel, animal day care, subject to § 155.506.42	PC
Laundry and dry cleaning establishment not to exceed 4,500 sq ft gross floor area	P
Laundry and dry cleaning establishment not to exceed 10,000 sq ft gross floor area	P
Manufactured home sales	P
Microbrewery, subject to § 155.506.45	PC
Mini storage facility	P
Mobile vendor, subject to § 155.506.43	PC
Motor vehicle service facility limited to oil change, tire rotation and replacement, and similar minor maintenance service, all activity taking place within the building, not over 3 service bays and no overnight vehicle storage	P
Motor vehicle repair garage including engine overhaul, body and paint shop and similar operations	P
Motor vehicle, passenger, and motorcycle, new and used, sales and rental	P
Motor vehicle, commercial or recreational, new and used, sales and rental	P
Motorcycle safety training course, subject to § 155.506.18	PC
Museum or art gallery	P
Nursery, commercial, with or without greenhouse	P
Outdoor equipment and machinery, sales and repair	P

Outdoor sales in conjunction with a permanent business, subject to § 155.506.36	← PC
Parking lot and parking garage/structure	P
Pat. cemetery, including any accessory structure	P
Post Office	P
Professional, financial, personal and recreational service not otherwise listed	P
Pushcart vending, subject to § 155.506.43	
Radio and television station	P
Repair and servicing, indoors only, of any article the sale of which is permitted in the district, except as otherwise listed	P
Restaurant, lounge and nightclub without drive-thru or drive-in service	P
Restaurant with drive thru or drive-in service	P
Retail sales, general merchandise, unless otherwise listed	P
Secondhand goods, retail sales without outside storage, unless otherwise listed	P
Selling from a semitruck without a cab, subject to § 155.506.36	← PC
Sign printing	P
Solar collector installation, subject to § 155.506.48	ACC/PC
Specialty sales establishment with substantial on-site assembly, processing, packaging, and/or distribution, and processes sales for off-site customers, subject to § 155.506.39	PC
Studio for gymnast, artist, designer, photographer, musician, sculptor, and similar	P
Towing operation with vehicle storage only within an enclosed structure	P
Upholstering in a workroom setting not to exceed 1,500 sq. ft. of gross floor area	P
Utility trailer, not exceed a loading capacity of 500 cubic feet, sales and rental	P
Veterinary clinic or hospital, subject to § 155.506.42	PC
RECREATION & ENTERTAINMENT USES	
	B-H
Amusement, commercial outdoors, including miniature golf, golf course, golf driving range, ride, slide, waterpark, paintball course and similar commercial enterprise requiring physical dexterity, except as regulated elsewhere, subject to § 155.506.40	← PC
Arcade, game room	P
Bowling alley	P
Community recreation center, fitness/health center, gymnasium, YMCA, and similar use with multiple physically involved activities, primarily indoor, can take place concurrently	P
Ice or roller rink	P
Park and playground, not otherwise listed	P
Skateboard facility, subject to § 155.506.40	PC
Theater, housed within an enclosed structure	P
INDUSTRIAL & MANUFACTURING USES	
	B-H
Mail order facility	P

Manufacturing, processing, assembling of components into completed craft or custom made items in facilities not exceeding 3,000 sq. ft.	P
MISCELLANEOUS USES	
Auction sale of real and personal property located on site for the purpose of liquidating assets, subject to § 155.506.43.	ACC
Accessory use, clearly incidental to the principal permitted use or structure on the lot	ACC
Community Garden	P
Donation Drop-Off Facility	ACC
Electric and gas substation, sewage treatment plant and control house, pump and lift station, water storage tank, well lot and similar use, subject to § 155.506.11	PC
Farm, urban, subject to § 155.506.19	PC
Garage sale, yard sale, and similar, subject to § 155.506.43	ACC
On-site demolition disposal site, subject to § 155.506.37	PC
On-site demolition disposal site, accepting off-site material, subject to § 155.506.37	PC
Parking for uses permitted within the district	ACC
Propane storage or other fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters	ACC
Public utility transmission and distribution lines	P
Railroad right-of-way	P
Short term temporary use or festival of civic or nonprofit nature, subject to § 155.506.44	PC
Sidewalk sale, end of season sale, clearance sale, subject to § 155.506.43	ACC
Temporary building and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, the temporary use to be terminated upon completion of construction, issuance of Certificate of Occupancy, or invalidation of building permit (see also § 155.506.43.C.4)	ACC
Temporary, self-contained storage unit, subject to § 155.506.20	ACC
Temporary use for business purpose, subject to § 155.506.43	PC
Transit stop shelter, subject to § 155.506.34	PC
Transit station (bus, rail, etc.)	P
Utility equipment stand, meter, box, and backflow preventer for single or groups of parcels	ACC
Vending machine, immediately adjacent to building under overhang only	P
(Am. Ord. 2025A, passed 6-9-14; Am. Ord 2059, passed 12-8-14; Am. Ord. 2083, passed 5-11-15; Am. Ord 2141, passed 4-11-16; Am. Ord 2188, passed 6-12-17; Am. Ord. 2264, passed 10-9-17; Am. Ord 2388, passed 5-13-19; Am.	

Application 2020-712 Morris Family Investments, LLC

TO: Matthews Planning Board Members
DATE: July 22, 2020
FROM: Robert Will, Senior Planner

During the Public Hearing, several questions for the proposed rezoning were raised. Issues and concerns that were noted at the July 13th hearing included:

- Storm water designs for the impacted portion of Freemont St. have not been completed and staff has concerns over runoff to adjacent properties.
- The scale of the proposed home design is larger than that of surrounding residences. Also noted was that the proposed elevations would not have a front porch.
- The applicant is proposing 5 foot side setbacks using the flexible design standards that are permitted in the R-VS zoning district. Otherwise the side setbacks would have to be 6 feet.
- From an email comment received after the public hearing there was also a concern expressed over the limited parking for autos, with only a one-car garage and limited driveway space.

Staff feels the rezoning is appropriate and suggests that the Planning Board forward a favorable recommendation for the rezoning request to the Board of Commissioners with the condition the applicant continues to address the concerns voiced at the Public Hearing.

DRAFT---FOR APPROVAL

**STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH POLICIES
Planning Board Recommendation on Zoning-Related Issues**

ZONING APPLICATION # 2020-712

ZONING MOTION # _____

ADMINISTRATIVE AMENDMENT _____

Matthews Planning Board adopts the checked statement below:

- A) The requested zoning action, as most currently amended, is **approved**, and has been found to be **CONSISTENT** with the Matthews Land Use Plan (or other document(s)), and to be **REASONABLE**, as follows:

CONSISTENT: with Matthews Land Use Plan which encourages residential close to the downtown urban core.

REASONABLE: The rezoning is reasonable because it allows for residential use of the property which is adjacent to other single family residential, rather than the office use for which it is currently zoned.

OR

- B) The requested zoning action, as most currently amended, is **not approved**, and has been found to be **INCONSISTENT** with the Matthews Land Use Plan (or other document(s)), and **NOT REASONABLE**, as follows:

INCONSISTENT: The rezoning is inconsistent with the Land Use Plan because of the stormwater impacts to surrounding properties.

NOT REASONABLE: The rezoning is not reasonable as it would place three homes on a parcel better suited to only two single family units.

(In each case, the Statement must explain why the Board deems the action reasonable and in the public interest (more than one sentence). Reasons given for a zoning request being "consistent" or "not consistent" are not subject to judicial review.)

Date: July 22, 2020

Agenda Item: Rezoning 2020-714 Elizabeth Lane – Change in Conditions

TO: Matthews Planning Board Members
DATE: July 28, 2020
FROM: Darin Hallman, Planner

Charlotte-Mecklenburg Schools has requested that the current mobile unit boundary extension be extended for an additional 2 years. The current boundary extension allows for the addition of 9 mobile unit structures, which include 8 mobile classroom units and 1 mobile restroom unit. These would be required to be removed when the boundary extension expires in August 2020.

A queuing study and plan were completed and implemented last year. The implemented stacking pattern would be carried forward with the current proposal.

There are plans currently under way to build a new school to help alleviate enrollment pressure on Elizabeth Lane Elementary.

From the public meeting, there were questions regarding the safety and upkeep of the mobile classrooms and the ramps and walkways. CMS noted that they had made repairs to wood panels and washed-out gravel areas. CMS has also taken safety precautions to add wide-angle peep holes to the exterior doors for teaches, add a new emergency exit ramp leading to the playground, and re-routing student pedestrian traffic between the units and main building to make use of a secondary entrance. There was also some conversation about past discussions and plans to build an addition. However, it was noted that for one reason or another, these plans had not been feasible.

Staff suggests that the Planning Board forward a favorable recommendation of zoning Application 2020-714 Change in conditions

DRAFT – FOR CONSIDERATION

**STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH POLICIES
Planning Board Recommendation on Zoning-Related Issues**

ZONING APPLICATION # 2020-714

ZONING MOTION # _____

ADMINISTRATIVE AMENDMENT _____

Matthews Planning Board adopts the checked statement below:

A) _____ The requested zoning action, as most currently amended, is recommended for **approval**, and has been found to be **CONSISTENT** with the Matthews Land Use Plan (or other document(s)), as follows:

CONSISTENT: The proposed zoning change allows Matthews students to continue attending Elizabeth Lane Elementary School.

REASONABLE: the request allows for the continued usage of additional mobile classrooms at Elizabeth Lane Elementary and helps ensure that Matthews students attend a local school while CMS determines a best permanent solution for use of the mobile units.

OR

B) _____ The requested zoning action, as most currently amended, is **not approved**, and has been found to be **INCONSISTENT** with the Matthews Land Use Plan (or other document(s)), as follows:

INCONSISTENT: The rezoning is inconsistent with the projected size of the school when the rezoning was first approved in 1995.

NOT REASONABLE: the use of mobile classrooms at Elizabeth Lane Elementary School have been used for over 20 years to assist with overcrowding.

(In each case, the Statement must explain why the Board deems the action reasonable and in the public interest (more than one sentence). Reasons given for a zoning request being “consistent” or “not consistent” are not subject to judicial review.)

Date: *July 28, 2020*