Agenda Item: Administrative Amendment

DATE: October 13, 2017
RE: Town 316 Apartments
FROM: Mary Jo Gollnitz, Planner

Background/Issue:

The developer of Town 316 (also known as Towns 324), BrookeChase Properties, is requesting an Administrative Amendment to their approved Rezoning Application 2014-616. The subject property is next to Town Hall and is scheduled for a 24 unit apartment building. The request includes providing a new development summary and changing three conditional notes, and site plan. Requested changes are:

- on RZ-3, Note #1 under Parking changing from 22 to 21 on-site parking and from providing two parking spaces on E Matthews St to one space
- on RZ-3, Note #3 under Parking being deleted, it is no longer applicable
- on RZ-3, Under Signs, a second note is being added that was required of rezoning approval which was inadvertently left off
- on RZ-2, New Development Summary to match the note changes and proposed construction
- on RZ-2, Correct notations on site plan itself to match above parking changes

The approved rezoning plan shows 22 required parking spaces on-site and two spaces along E Matthews St. While the construction plans were being reviewed, Public Works staff would no longer allow one parking space to back out across the public sidewalk along E Matthews St. Additionally, only one parking space can be constructed along E Matthews.

Matthews UDO states that all required parking be on-site. The developer has not changed the number of apartment units for the site. However, the size of the apartment units has been corrected to reflect building standards determination of living space. Therefore only 27 parking spaces are required. The UDO allows for a 25% parking reduction in the Downtown Overlay, bringing the on-site requirement to 21 spaces.

Because no off street parking space will now back across the public sidewalk, no encroachment agreement is necessary. Note #3 under parking is being removed from the approved rezoning.

Staff reviewed the meeting minutes for the rezoning. The developer agreed to a request from Town Council for placement of two signs on-site regarding off-site parking information. The note was never included on the approved plans. The developer is adding that note under Signs.

Lastly, the Development Summary is being corrected to match the changed parking requirements.

Matthews UDO provides three levels of approvals for Administrative Amendments; staff review, Planning Board Action, and Board of Commissioners action. The Planning Board may approve a request for an Administrative Amendment, or may refer the request for change to the Board of Commissioners for decision. The Board of Commissioners then can determine whether to hold a public input session prior to taking action or take action at their next meeting.

Recommended Motion/Action:

Staff recommends that the Planning Board approve the requested changes.

Planning Board action requires a statement for both Consistency and Reasonableness be made. They are provided for your convenience.
October 11, 2017

Kathi Ingrish, Planning Director
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105

RE: Request for Administrative Amendment

Dear Ms. Ingrish,

BrookeChase Properties would like to request an Administrative Amendment to the approved Rezoning Petition #2014-616 Towns 324 project, dated November 10, 2014. Below are the details of the request.

1. Page RZ-2/Summary Block; Insert unit heated square footage calculations. Updated parking calculation to reflect actual heated square footage of units.
2. Page RZ-3/Parking/Note #1; Change off-street parking from 22 to 21 spaces and change two proposed on-street spaces to one.
3. Page RZ-3/Parking/Note #3; Delete
4. Page RZ-3/Signs; Add #1 as prefix to existing note. Add note #2 to read; Provide two (2) on-site signs with information regarding off-site parking. These signs should indicate the times referenced on the recorded easement with the Town for parking behind town hall.

Thank You for your consideration. Please do not hesitate to contact me with any questions.

Sincerely,

Garry Smith
BrookeChase Properties, LLC
APPROVED REZONING 2014-616

DEVELOPMENT STANDARDS

General Provisions

1. Unless more stringent standards are established by the Rezoning Petition Plan of these Development Standards, all development standards established under the Town of Matthews Zoning Ordinance (the "Ordinance") for the CMP zoning district classification, subject to the otherwise applicable development standards set out below, shall be deemed to be in connection with the development taking place on the Site.

2. The Petitioner will assume the responsibility of ensuring or maintaining an existing on-site parking garage. If not required as a part of the development of the Project, the Petitioner will install such a garage at a future date. The cost of the garage will be included in the site plan.

3. The Petitioner will install two signs indicating access on-street parking spaces on the public side of the building.

4. (Three Remands)

Permitted Uses

1. The Site may be developed to a maximum of 24 multi-family dwelling units and is any individual or accessory use in connection therewith which is permitted by right or under the otherwise applicable Development Standards.

2. The Petitioner reserves the right to reduce the total number of units from 24 by considering a combination of units in two-building units. The number of bedrooms will not exceed the total number of Dwarkas for the Project.

Setbacks and Yards

All buildings constructed within the Site shall satisfy or exceed the setback, rear and side yard requirements set forth in the Rezoning Site Plan and/or in the Zoning Ordinance.

Access/Drive Access

1. Vehicle access to the Site from East Matthews Street and the Town Hall Must be determined by the Petitioner to be consistent with the Ordinance and shall be set forth in the Rezoning Site Plan.

2. All vehicular access points shall be installed in accordance with the site plan and shall be shown on the Rezoning Site Plan. All vehicular access points shall be approved by the Town of Matthews.

3. As shown on the Rezoning Site Plan, the internal road shall accommodate regular traffic only. Access into the site will be from East Matthews Street, existing from the site.

4. The Petitioner will request an access agreement from the Town of Matthews for use of the existing main road on the site between the Town Hall and Matthews.

Structural Treatments/Improvements

1. The undersurface treatment with stucco and asphalt, stucco, and asphalt lining of Matthews Street will be in keeping with the site plan and shall conform to the Ordinance.

2. Sidewalks shall be installed throughout the Site as generally depicted on the Rezoning Site Plan, the location of the stucco sidewalks are subject to minor modifications and shall be installed and incur the adjacent improvements as required by the Town of Matthews.

3. If the existing tree area is removed from the Site, it shall be replaced with at least 10 trees in a buffer area and 20 trees overall to maintain the existing tree canopy.

Common Open Space/Public Park

1. The Petitioner will provide a common open space on the southern end of the Site as generally depicted on the Rezoning Site Plan. A common open space will be the primary program of the redeveloped Site.

2. At a maximum, the open space area shall contain walks, benches and rest tables and shall have a minimum of 50 feet of open space along Matthews Street as generally depicted on the Rezoning Site Plan.

Signs

All signs erected on the Site shall satisfy the requirements of the Matthews Sign Ordinance.

Architectural Commitments

1. The maximum height of any building located on the Site shall be 40 feet.

2. The building elevations shall include a minimum of 40 percent of light and air.

3. Attached signs are a source of aesthetic/architectural discordance of the proposed building to be constructed on the Site. These recommendations are intended to define the innovative architectural style and character of the buildings to be constructed on the Site. Minor changes and alterations which do not materially change the general architectural style and character are permitted based upon final design and engineering changes.

Parking

1. As provided in the Development Standards, a minimum of 22 parking spaces shall be provided on the Site. As shown on the Site Plan, a total of 20 parking spaces will be provided within the Site, which may also be used for the rezoning required number of parking spaces.

2. The Petitioner will request to enter into a shared parking agreement with the State of North Carolina for the parking spaces on the Site Plan.

3. The Petitioner shall require a right of way and easement agreement to allow parking spaces within the Matthews Street right-of-way.
DEVELOPMENT SUMMARY

TOWN:

TOTAL SITE AREA: .536

EXISTING ZONING: R-20

PROPOSED ZONING: C-MF (INNOVATIVE)

PROPOSED USE: MULTI-FAMILY (APARTMENT, 24 UNITS)

DENSITY: 44.8 UNITS/ACRE

VEHICULAR PARKING:

REQUIRED:

W/O BALCONY

550-669 SF UNITS: 14 SPACES (1/UNIT x 14 UNITS)

700-899 SF UNITS: 13 SPACES (1.25/UNIT x 10 UNITS)

TOTAL: 27 SPACES

EXISTING: 8 SPACES (ON STREET)

PROPOSED:

ON-SITE: 21 SPACES

ON-STREET: 1 SPACE

TOTAL: 30 SPACES

BICYCLE PARKING:

REQUIRED: 4 SP. (1 SP. PER 6 UNITS)

REZONING PETITION #2014-616
General Provisions  
1. Unless more stringent standards are established by this Rezoning Site Plan or these Development Standards, all development standards established under the Town of Matthews Zoning Ordinance (the “Ordinance”) for the C-MF zoning district classification, subject to the conditions in the C-MF zoning district, shall apply to the Site.  

2. The Petitioner will evaluate the feasibility of installing an electric car charging station. If not installed as a part of the development of this Project, the Petitioner will install underground conduit for a future electric car charging station. The Town of Matthews Director of Public Works must approve the placement and configuration of the conduit for a future electric car charging station.

3. The Petitioner will install two rigid planting beds surrounding the existing oak tree (as further described in note #4 under Screening and Landscaping) at the east and west sides of the Site, respectively. The planting beds shall contain soil and shall be generally depicted on the Rezoning Site Plan. The Petitioner agrees to maintain the planting beds until mature trees are planted within them as required by the Ordinance.

4. The Petitioner will coordinate final design and amount of storage provided with the Town’s Public Works department during the construction document and permitting phase of the Project. The Town may adjust the amount of Landfill Storage provided by the Petitioner as required.

Storm Water  
1. Stormwater conveyance and management shall be the responsibility of the Petitioner. The Petitioner will coordinate with the Town’s Public Works department during the construction document and permitting phase of the Project.

2. All stormwater discharges from the Site shall be collected and conveyed to a continuous publicly maintained stormwater management facility, as generally depicted on the Rezoning Plan.

3. The Petitioner will coordinate with the Town’s Public Works department during the construction document and permitting phase of the Project.

Screening and Landscaping  
1. All screening and landscaping shall remain as approved and shall remain. The streetscape treatment along East Matthews Street shall conform to the Ordinance.

2. The Petitioner will remove the existing tree at the West corner of the site to allow for necessary grading of the site to accommodate the Drive.  Removal or improvement of the existing condition and shall remain.  The streetscape treatment along East Matthews Street shall conform to the Ordinance.

Innovative Development Standards  
This petition seeks the approval and use of innovative development standards in order to create a safe nighttime environment.  The pedestrian scale, freestanding lighting fixtures will be uniform in design, and the final spacing of such lighting fixtures shall be determined by the Petitioner. The Town of Matthews Director of Public Works must approve the pedestrian scale freestanding lighting future plans and the Town Council must approve the pedestrian scale freestanding lighting future plans.

1. The Petitioner will install a wood-dressed shakes screen fence along the rear property line of the Site. This fence shall be 5’ off of the rear property line.

2. As depicted on the Rezoning Site Plan, the Petitioner shall install vegetation and landscaping along the rear perimeter of the Site.

3. The Petitioner will remove the existing tree at the West corner of the site to allow for necessary grading of the site to accommodate the Drive. Removal of the existing tree shall be as described in note #4 under Screening and Landscaping. The Petitioner will coordinate with the Town’s Public Works department during the construction document and permitting phase of the Project.

4. The Petitioner will request to enter a Right of Way Stabilization Agreement to allow planting of shrubs and trees within the E. Matthews Street Right Of Way as generally depicted on the Rezoning Plan.

5. Trash and recycling service will be provided by the Petitioner. Refuse containers will be stored within an enclosure as generally depicted on the Rezoning Plan. The Petitioner will evaluate the feasibility of providing a roof-type structure over the enclosure to screen the containers from view from Town Hall.
STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH POLICIES
Final Decisions on Zoning-Related Issues

ADMINISTRATIVE AMENDMENT _____Town 316 (also known as Towns 324)

Matthews Planning Board adopts the checked statement below:

A) __X___ 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)) as follows:
    it promotes the continued development of additional housing units in the Downtown area as described in the Downtown Master Plan.

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:

(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 ____October 24, 2017__________________