2016-650
12/12/2016

Town of Matthews North Carolina

Shana Robertson <srobertson@matthewsnc.gov>

Fwd: Matthews Festival - Rezoning Petition 2016-650

1 message

Jay Camp <jcamp@matthewsnc.gov> Mon, Dec 12, 2016 at 2:12 PM
To: Shana Robertson <srobertson@matthewsnc.gov>

Can you upload these to the website?

Thanks

---------- Forwarded message ----------
From: **Keith MacVean** <keithmacvean@mvalaw.com>
Date: Fri, Dec 9, 2016 at 2:25 PM
Subject: Matthews Festival - Rezoning Petition 2016-650
To: "mayortaylor@matthewsnc.gov" <mayortaylor@matthewsnc.gov>, "jhigdon@matthewsnc.gov" <jhigdon@matthewsnc.gov>, "cmelton@matthewsnc.gov" <cmelton@matthewsnc.gov>, "jmiller@matthewsnc.gov" <jmiller@matthewsnc.gov>, "jurban@matthewsnc.gov" <jurban@matthewsnc.gov>, "lwhitley@matthewsnc.gov" <lwhitley@matthewsnc.gov>, "jross@matthewsnc.gov" <jross@matthewsnc.gov>
Cc: Jay Camp <jcamp@matthewsnc.gov>, "hblodgett@matthewsnc.gov" <hblodgett@matthewsnc.gov>, Alex Kelly <akelly@tribek.com>, "Christian Chamblee (cchamblee@zpi.net)" <cchamblee@zpi.net>, "Kevin Beringer (kberinger@zpi.net)" <kberinger@zpi.net>, "kingrish@matthewsnc.gov" <kingrish@matthewsnc.gov>

Mayor Taylor, Mayor Pro-tem Higdon and Board of Commissioners: I hope everyone had a great week and are looking forward to the weekend.

On your Monday December 12th Board Agenda is a decision on Rezoning Petition No. 2016-650 by Ziff Properties for Matthews Festival.

Request to Defer the Decision on the Petition:

We are aware of the recommendation by the Planning Department that a decision on the Petition be deferred to allow time for the Petitioner, NCDOT and Town Staff to work on the issue associate with the proposed relocated driveway to Independence Boulevard.

The Petitioner does not feel a deferral of the decision is necessary, and a deferral of the request could have a detrimental impact on the Petitioner's current lease negotiations that are contingent on the zoning approval.

- If NCDOT is no longer willing to issue a driveway permit for the relocated driveway along Independence Boulevard changes to the proposed site plan will be minimal/minor as the area that was to be used for the relocated driveway will be converted to additional parking, as it is used today.

- If the Petition is approved on Monday night; the Petitioner will continue to work with NCDOT and the town staff on the issue associated with this driveway and also commits to working with the two owners of the retail shops located behind Matthews Festival to coordinate access to future Independence Point Parkway after the rezoning petition is approved.

- The loss of this driveway, in the opinion of the Petitioner, will have negative impacts on the portion of the center that relocated driveway would of served, and will most likely result in the loss of leases currently under negotiation that assumed this relocated driveway would occur.

- Except for the request to utilize full size brick on the proposed building elevations for BJ's Restaurant and Brewhouse; the revised site plans submitted to the planning staff this week address all the comments and issues that have been identified (see list below of changes made to the site plan).

Changes to the Petition to address comments and issues:

The following changes have been made to the proposed conditional site plans since the Public Hearing to address comments from the Staff, Planning Board and Board of Commissioners.

- The proposed zoning line for the B-H(CD) zoning district has been reduced to include only the portion of Development Area # 3 where the proposed BJ's Restaurant & Brewhouse and associated parking will be located.

- The Petitioner will also add the following note regarding a possible change to the egress and ingress from Independence Boulevard if NCDOT does not issue a driveway permit for the relocated driveway. The note will read as follows:

  - *If NCDOT does not issue a driveway permit for the relocated driveway to Independence Boulevard the Petitioner will modify the layout of the internal parking areas to reflect changes to the proposed ingress and egress from the Site. The Matthews Planning Director will review the revised internal parking circulation per the requirements of Section 155.401.5 of the Ordinance.*

- Revise the proposed building elevations for the BJ's Restaurant & Brewhouse to utilize brick as the primary building material, and to create a building architecture appropriate for Matthews (see response above regarding the use of full size brick).

- Add a proposed landscape plan for the Site that indicates proposed tree planting areas as well as existing trees on the Site that will be preserved.

- The median on the relocated driveway has been extended to define the right-in movement.

- Provide additional detail on the how pedestrian connections from the Site to the future greenway, Matthews Township Parkway, and between the internal buildings will be achieved.

- Have agreed to restrict the following uses on the Site:

  - Restaurants with accessory drive-through windows.
  - Automobile Sales
  - Dormitories
  - Crematoriums
  - Mini-Storage facility
  - Pet Cemeteries
  - Vending Machines immediately adjacent to building overhangs.

Full Size Brick:

The Petitioner has consulted with BJ's Restaurant and Brewhouse regarding the use of full size brick on its proposed building elevations. As indicated and explained in the attached letter from BJ's the building elevation for the restaurant and brewhouse cannot be modified to include full size brick as requested.

Please feel free to contact me or Alex Kelly (704-577-8471) if you have any questions or need further information. We will be present at your meeting of 12th as well to respond to questions.

Thank you.

Keith

Keith H. MacVean | Land Use and Zoning Consultant | keithmacvean@mvalaw.com | 704.331.3531 | Fax: 704.378.1954
Moore & Van Allen PLLC | Suite 4700 | 100 North Tryon Street | Charlotte, NC 28202

Moore&VanAllen

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Town of Matthews North Carolina

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Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review.

2 attachments

Rezoning Exhibits 12.8.2016.pdf
10119K

BJs Matthews Letter to PC re brick.docx.pdf
1901K

2016-650
12/12/2016

BJ'S RESTAURANTS, INC.

November 29, 2016

Dear Town Commissioners & Planning Board Members:

We have been informed by Alex Kelly, development partner in the Matthews Festival project, of the request for the use of full sized brick in the construction of our BJs Restaurant & Brewhouse. While on the surface, this seems like a simple revision, the alteration will have a ripple affect over the building design, cost and efficiencies.

The main difference between a traditional brick structure and modern construction practices comes in using different framing methods. Our structure has been carefully designed to take into consideration aesthetics, constructability, integrity and efficiency. Our restaurants' exterior walls are constructed from steel and wooden framing, wood sheathing, a building moisture barrier, a stucco scratch coat and finally a single layer of brick veneer. "L" shaped corners are used at all windows and corners giving the appearance of a full brick at these transitions. This method of construction provides superior insulation to full brick construction. It also eliminates seismic concerns.

Further, as the bricks are joined by a traditional mortar with the same amount of brick exposed as any other method, it would be difficult for most people to determine if a structure is constructed with a full brick or a brick veneer. BJ's specifies a 5/8 inch McNear brick. McNear, established in 1868, is one of the oldest brick manufacturer's in the country. McNear uses recycled clay and shale to make their brick products. Neither beauty nor durability is sacrificed by using McNear's products. They produce a more environmentally friendly product that minimizes the impact to our natural resources. The specified McNear brick, manufactured in San Rafael, CA, is made from over 97% POST consumer recycled products and receives the highest possible LEED rating.

BJ's is a leader in restaurant design. We invest heavily in our restaurant's design and function. We have just launched a brand new prototype and we are thrilled to be building one of the first ones in Matthews. . This design is the latest evolution of our Contemporary American Brewhouse aesthetic. As this is a brand new prototype, we do not have any photos yet but, I have enclosed photos of other restaurants where we have used brick veneer including Cary, North Carolina. I hope you will agree that we have been able to achieve the beauty of full brick without compromising energy efficiency, sustainability and durability.

Please let me know if you have any questions or further concerns. Thank you for your service to the city of Matthews. BJ's looks forward to joining your community in the near future.

Sincerely,

Joan Leguay

Joan Leguay
BJ's Restaurants, Inc.
Director of Property Development

RESTAURANT
BJ's
BREWHOUSE
3924
RESTAURANT
Hair cuttery

EXIT
PIRANHA
OASIS
EXIT

NOTE: RESTAURANT was STILL UNDER CONTRUCTION at TIME OF THESE PICTURES

2016-650
12/12/2016

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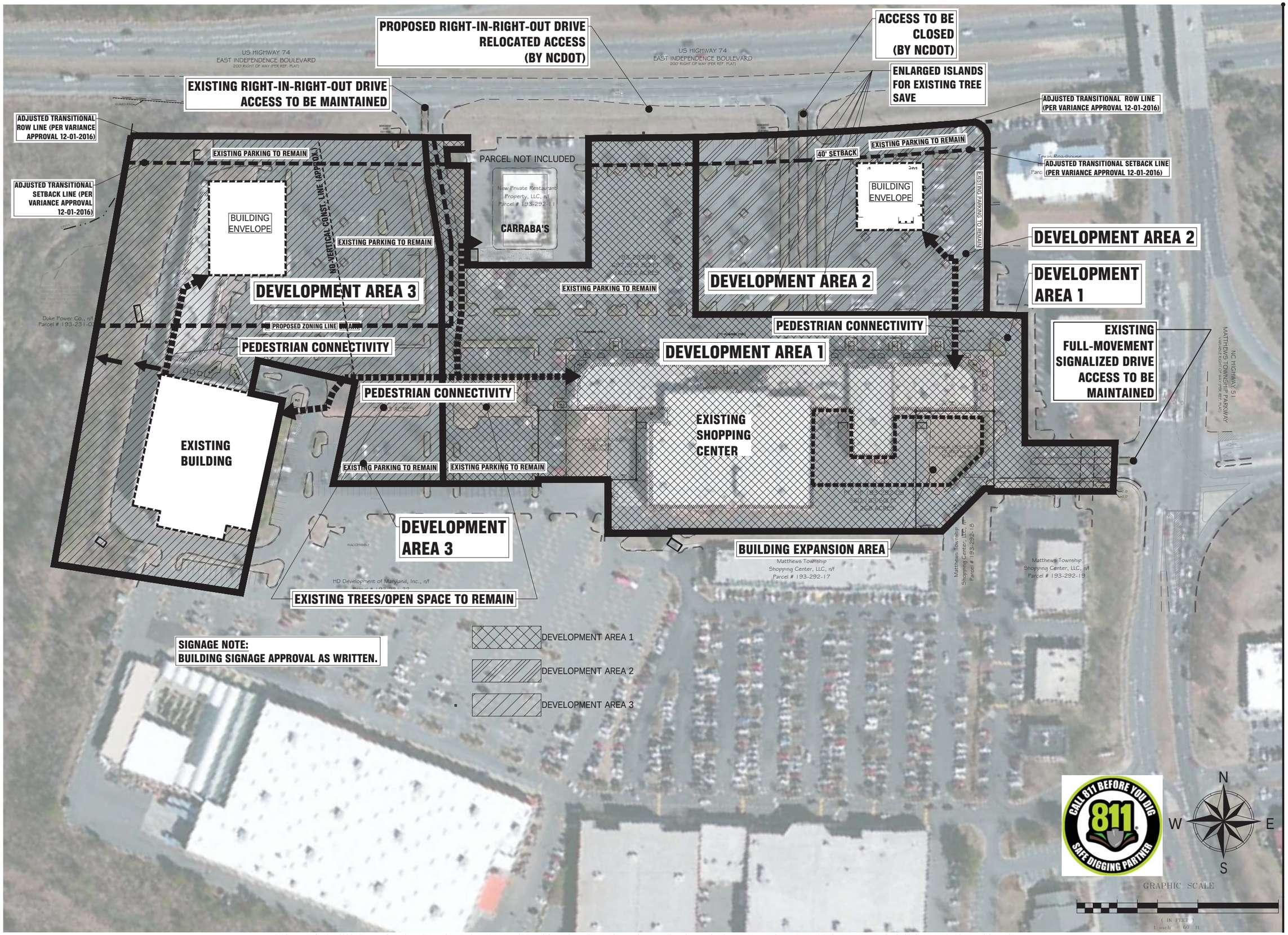
12/12/2016



Project Number: ----
DWG Name: EXHIBIT NEW 2.dwg
Drawing Scale: as noted
Date of Project: ----
Engineer of Record:
Jason Henderson, P.E.
South Carolina PE# 22400
Georgia PE# 037711
North Carolina PE# 035306
Alabama PE# 32054
Louisiana PE# 38695
Virginia PE# 0402053238

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Certificates of Authorization:
SC C04212 - GA PEF005865
NC P0868 - AL CA4065E

Matthews Festival
US Hwy 74
Matthews, NC

PLAN REVISION	ISSUE DATE	ISSUE COMMENT
A	7-26-2016	PRELIMINARY
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TECHNICAL DATA

RZ-1

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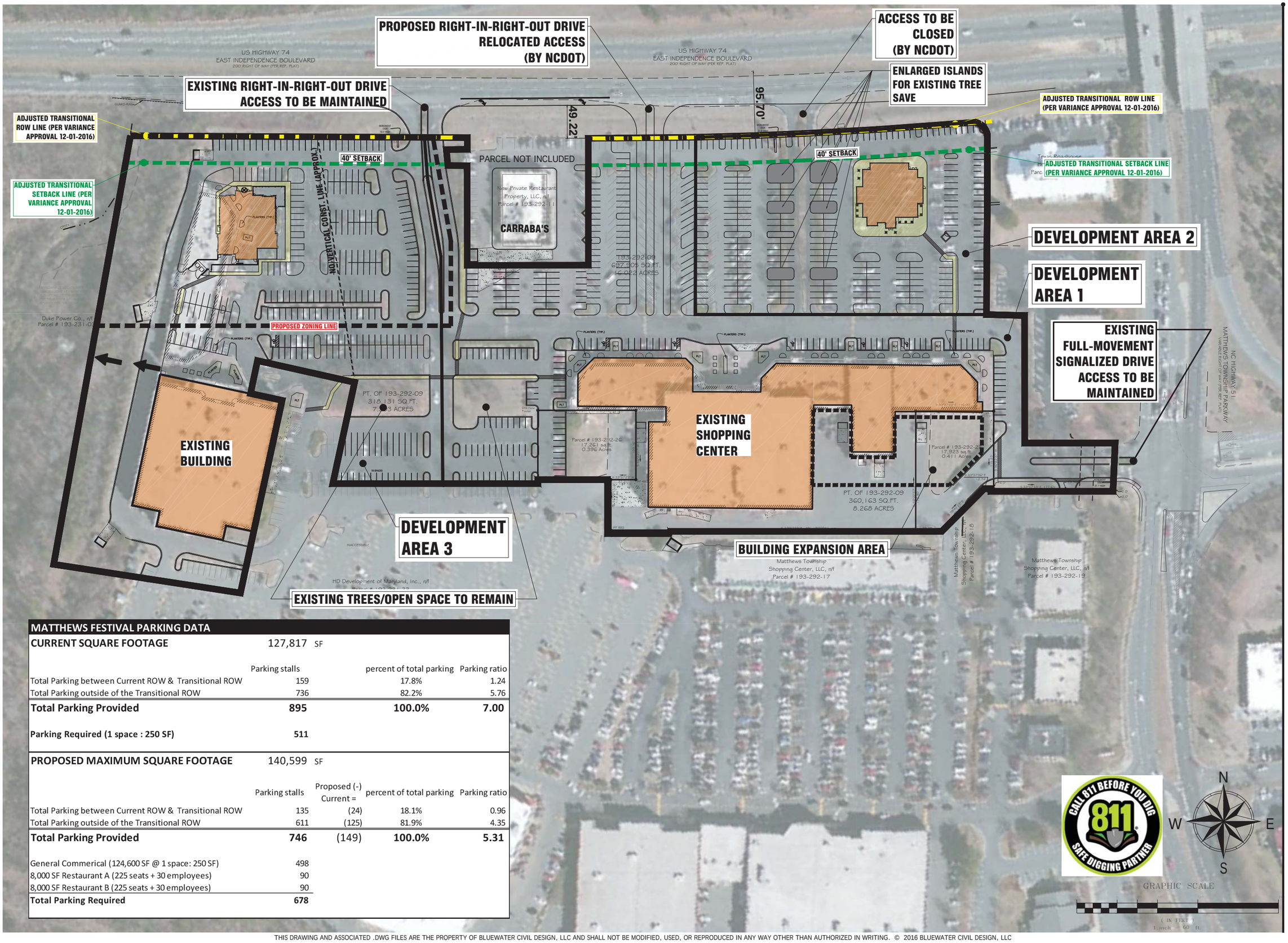

MATTHEWS FESTIVAL PARKING DATA

CURRENT SQUARE FOOTAGE	127,817 SF			
	Parking stalls		percent of total parking	Parking ratio
Total Parking between Current ROW & Transitional ROW	159		17.8%	1.24
Total Parking outside of the Transitional ROW	736		82.2%	5.76
Total Parking Provided	**895**		**100.0%**	**7.00**
Parking Required (1 space : 250 SF)	**511**			

PROPOSED MAXIMUM SQUARE FOOTAGE	140,599 SF			
	Parking stalls	Proposed (-) Current =	percent of total parking	Parking ratio
Total Parking between Current ROW & Transitional ROW	135	(24)	18.1%	0.96
Total Parking outside of the Transitional ROW	611	(125)	81.9%	4.35
Total Parking Provided	**746**	(149)	**100.0%**	**5.31**
General Commerical (124,600 SF @ 1 space: 250 SF)	498			
8,000 SF Restaurant A (225 seats + 30 employees)	90			
8,000 SF Restaurant B (225 seats + 30 employees)	90			
Total Parking Required	**678**			

Project Number: ----
DWG Name: EXHIBIT NEW 2.dwg
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Engineer of Record:

Jason Henderson, P.E.
South Carolina PE# 22400
Georgia PE# 030711
North Carolina PE# 031306
Alabama PE# 32054
Louisiana PE# 39595
Virginia PE# 0402053238

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PLAN REVISION	ISSUE DATE	ISSUE COMMENT
A	7-26-2016	PRELIMINARY

SCHEMATIC PLAN

RZ-2

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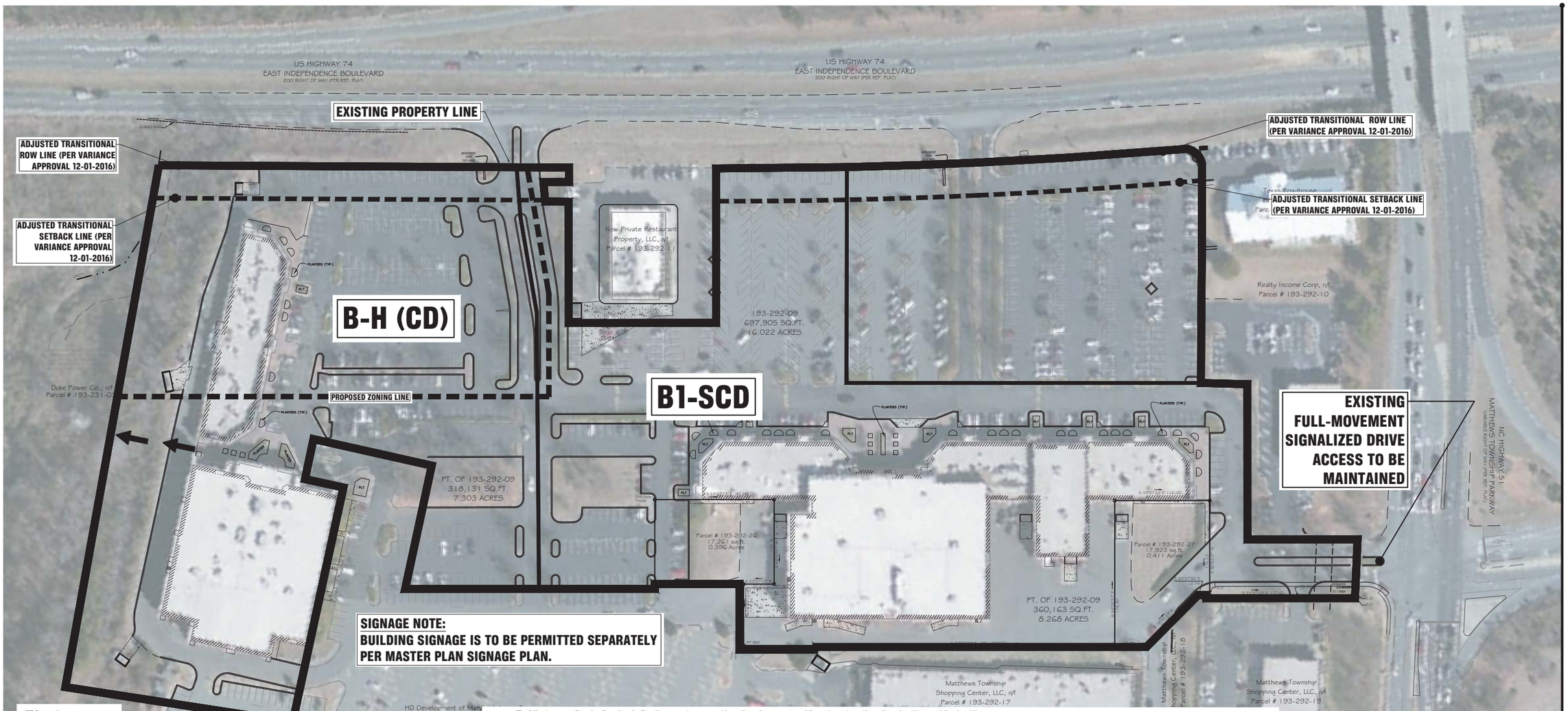

SIGNAGE NOTE:
BUILDING SIGNAGE IS TO BE PERMITTED SEPARATELY PER MASTER PLAN SIGNAGE PLAN.

FF Properties
Development Standards
12-07-16

Rezoning Petition No. 2016-500

Site Development Data:

--**Acreage**: ± 16.91
--**Tax Parcel #**: 193-292-09, 193-292-27, 193-292-26
--**Existing Zoning:** C
--**Proposed Zoning:** B-1SCD and B-H
--**Existing Uses:** Neighborhood Shopping Center.
--**Proposed Uses:** Uses permitted by right and under prescribed conditions together with accessory uses, as allowed by the B-1SCD and B-H zoning districts (as more specifically described and restricted below in Section 2)
--**Maximum Gross Square feet of Development:** Up to 140,600 square feet of gross floor area of uses allowed by right and under prescribed conditions in the B-1SCD and B-H zoning districts (as more specifically described and restricted below in Section 2 - such restrictions do not permit a convenience store with gasoline sales nor automobile service stations with gasoline sales, automobile sales, dormitories, crematoriums, mini-storage facilities, pet cemeteries, vending machines immediately adjacent to building overhangs, and restaurants with accessory drive-through windows on the Site).

--**Maximum Building Height:** As allowed by the Ordinance.
--**Parking:** As require by the Ordinance will be provided, subject to the Petitioner's ability to utilize the provisions of Section 155.401.I.1 Relief from Minor Nonconformities Requiring Variance Actions During Rezoning From an Outdated Zoning Classification.
The Matthews Board of adjustment granted a variance that allows parking spaces located in the transitional right-of-way to be counted toward meeting the minimum parking requirements of the UDO (the variance hearing was held on 12/1/16).

1. **General Provisions:**

a. **Site Location**. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by ZIFF Properties ("Petitioner") to accommodate renovations and additions to the existing neighborhood shopping center known as Matthews Festival on an approximately 16.91 acre site located on the northwest quadrant of the intersection of Independence Boulevard and Matthews Township Parkway in Matthews, NC (the "Site").

b. **Zoning Districts/Ordinance**. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the Town of Matthews Unified Development Ordinance (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the portion of the Site zoned B-1SCD shall govern that portion of the Site, and the B-H zoning regulations shall govern for the portion of the Site zoned B-H, subject to the provisions of Section 155.401.1.1 and the ability of the Petitioner to request Exceptions, or Alternative approvals during the elevation plan approval process.

c. **Graphics and Alterations**. The schematic depictions of the uses, parking areas, sidewalks, structures and buildings, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 155.401.5 of the Ordinance.

d. **Number of Buildings Principal and Accessory**. The total number of principal buildings to be developed on the Site shall not exceed five (5). Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal building located on the Site.

e. **Planned/Unified Development**. The Site together with that certain site located adjacent to the Site and designated as Tax Parcel No's. 193-231-33, and 193-292-07, 08, 10, 11, 17, 18, 19 (the "Adjacent Parcels") shall be viewed in the aggregate as a planned/unified development plan (e.g. a shopping center) as to the elements and portions of the Site generally depicted on the Rezoning Plan and those depicted on the applicable approved plans for the Adjacent Parcels. As such, side and rear yards, buffers, building height separation standards, and other similar zoning standards will not be required internally between improvements and other site elements located on the Site and the Adjacent Parcels. The Petitioner and/or owner(s) of the Site reserve the right to subdivide the portions or all of the Site and create lots within the interior of the Site without regard to any such internal separation standards, and public/private street frontage requirements, provided, however, all such separation standards along the exterior boundary of the Site and of the Adjacent Parcels shall be adhered to and all allowed square footage requirements will be regulated by any development limitations set forth in Section 2 below as to the Site taken as a whole and not individual portions or lots located therein.

2. **Permitted Uses & Development Area Limitation:**

a. The Site may be developed with up to 140,600 square feet of gross floor area of uses allowed by right, and under prescribed conditions together with accessory uses allowed in the B-1SCD and B-H zoning districts, subject, however, to the restrictions and requirements in Section 2.b below.

b. The existing theater building located in Development Area 3 may remain or may be demolished and replaced with a new building

c. The following uses will not be allowed on the Site: (i) a convenience store with gasoline sales, or an automobile service station with gasoline sales; (ii) automobile sales; (iii) dormitories; (iv) crematoriums; (v) mini-storage facilities; (vi) pet cemeteries; (vii) restaurants with accessory drive-through window(s); (viii) and vending machines immediately adjacent to building overhangs.

3. **Access and Transportation:**

a. Access to the Site will be from Independence Boulevard and Matthews Township Parkway and through the existing Adjacent Parcels in the manner generally depicted on the Rezoning Plan.

b. The placement and configuration of the vehicular access point is subject to any minor modifications required to accommodate final site development and construction plans and to any adjustments required for approval by the NCDOT in accordance with applicable published standards.

c. If NCDOT does not issue a driveway permit for the relocated driveway to Independence Boulevard the Petitioner will modify the layout of the internal parking areas to reflect changes to the proposed ingress and egress from the Site. The Matthews Planning Director will review the revised internal parking circulation per the requirements of Section 155.401.5 of the Ordinance.

d. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the Town of Matthews in accordance with published standards.

4. **Building Design Guidelines/Architectural Standards:**

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, stucco, EIFS, metal panels, decorative block and/or wood.

b. The new buildings constructed on the Site will be architecturally compatible with the rest of the shopping center. The specific building elevations for the new building proposed within Development Area 2 will be submitted to the Matthews Board of Commissioners for approval. The building elevation for the new building proposed within Development Area 3 along Independence Boulevard has been included with this rezoning petition. If the former theater building is demolished and a new building constructed the specific building elevations will be submitted for Board Approval.

c. Changes and renovations to the exterior appearance of the existing buildings will be allowed as long the renovations and changes continue to utilize brick and/or masonry building materials as a principal building material and the general style, quality and architectural theme of the center is maintained. These changes to the existing buildings facades will not require Board approval.

d. The Petitioner may request alternative percentages of the listed materials or types of materials specified in Section 155.503.7.G.2 "Exterior Building Walls" during the site plan and elevation plan approval process.

e. HVAC and related mechanical equipment will be screened from public view and from view of adjacent properties at grade.

5. **Transitional R/W, Streetscape, Buffers, Yards, and Landscaping:**

a. The Petitioner has been granted a variance by the Matthews Board of Adjustment on 12/1/16 that allows parking located in the transitional r/w to be used to meet the minimum parking requirements of UDO. The Board of Adjustment also granted a variance on 12/1/16 that allows the required 40 foot building setback to be measured from the existing right-of-way line of Independence Boulevard. Therefore, the required 40 foot building setback along Independence Boulevard will be measured from the existing right-of-way line as generally depicted on the Rezoning Plan.

b. New buildings will not be allowed in the 40 foot setback as measured from the existing right-of-way line of Independence Boulevard as approved by the Matthews Zoning Board of Adjustment ruling granted on 12/1/16.

c. Trees and landscape islands will be provided within the new parking areas as required by the Ordinance. Street trees will be installed along the Site's frontage on Independence Boulevard.

d. All new parking spaces will meet the dimensional requirements of the Ordinance.

e. A minimum of six (6) of the existing trees located in landscape islands of the existing driveway to Independence Boulevard that is to be closed will be preserved as generally depicted on the Rezoning Plan.

f. The existing open space/landscape areas located between Development Area 3 and Development Area 1 will be preserved and enhanced as generally depicted on the Rezoning Plan.

g. The proposed buildings and uses within the Site will be connected via internal sidewalks. An internal sidewalk will also connect the Site to Matthews Township Parkway and to the northern property line for a future connection to a possible Irvins Creek Greenway. The design and location of the proposed internal pedestrian connections will be reviewed by the Matthews Public Works department at the time of permitting.

h. Screening requirements of the Ordinance will be met.

i. Above ground backflow preventers will be screened from public view.

6. **Environmental Features:**

a. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge points.

b. The Site will comply with the Matthews Post Construction Ordinance. The Petitioner will submit to the Storm Water Administrator a conceptual storm water plan for approval before the Town Board approval of the Petition occurs.

2. **Signs:**

a. New signs will be allowed per the Ordinance and will be installed after the completion of the rezoning petition. Existing non-conforming signs may remain.

b. A master signage package for the Site will be submitted for review and approval.

3. **Lighting:**

a. Any new lighting, detached or attached constructed on the Site will comply with the Ordinance.

4. **Amendments to the Rezoning Plan:**

a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable Development Area portion of the Site affected by such amendment in accordance with the provisions of Chapter 6 of the Ordinance.

5. **Binding Effect of the Rezoning Application:**

a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

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Engineer of Record:

Jason Henderson, P.E.
South Carolina PE# 22406
Georgia PE# 030711
North Carolina PE# 035306
Alabama PE# 32054
Louisiana PE# 38985
Virginia PE# 0402053238

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Certificates of Authorization:
SC C04212 - GA PEF005865
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US Hwy 74
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CALL 811 BEFORE YOU DIG
811
SAFE DIGGING PARTNER

N
W E
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GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.

ZONING PLAN

RZ-3

FRONT ENTRY ELEVATION

RIGHT ELEVATION

REAR ELEVATION

LEFT ELEVATION

BRICK VENEER
MCNEAR BRICK
COLOR: RAWHIDE (BRK-1)

BRICK VENEER
MCNEAR BRICK
COLOR: SEPIA (BRK-2)

STORE FRONT
KAWNEER
DARK BRONZE FINISH

SPLIT FACE CMU
YORK BUILDING MATERIAL
STANDARD MOJAVE

COMPOSITE SIDING
ALLURA
COLOR: MAPLE

PARAPET CORNICE
SHERWIN WILLIAMS
SW6989 GLOSS DOMINO

BUILDING SIGNAGE TO BE PERMITTED SEPARATELY PER MASTER SIGNAGE AGREEMENT.

BJ's Restaurant & Brewhouse

Matthews, NC

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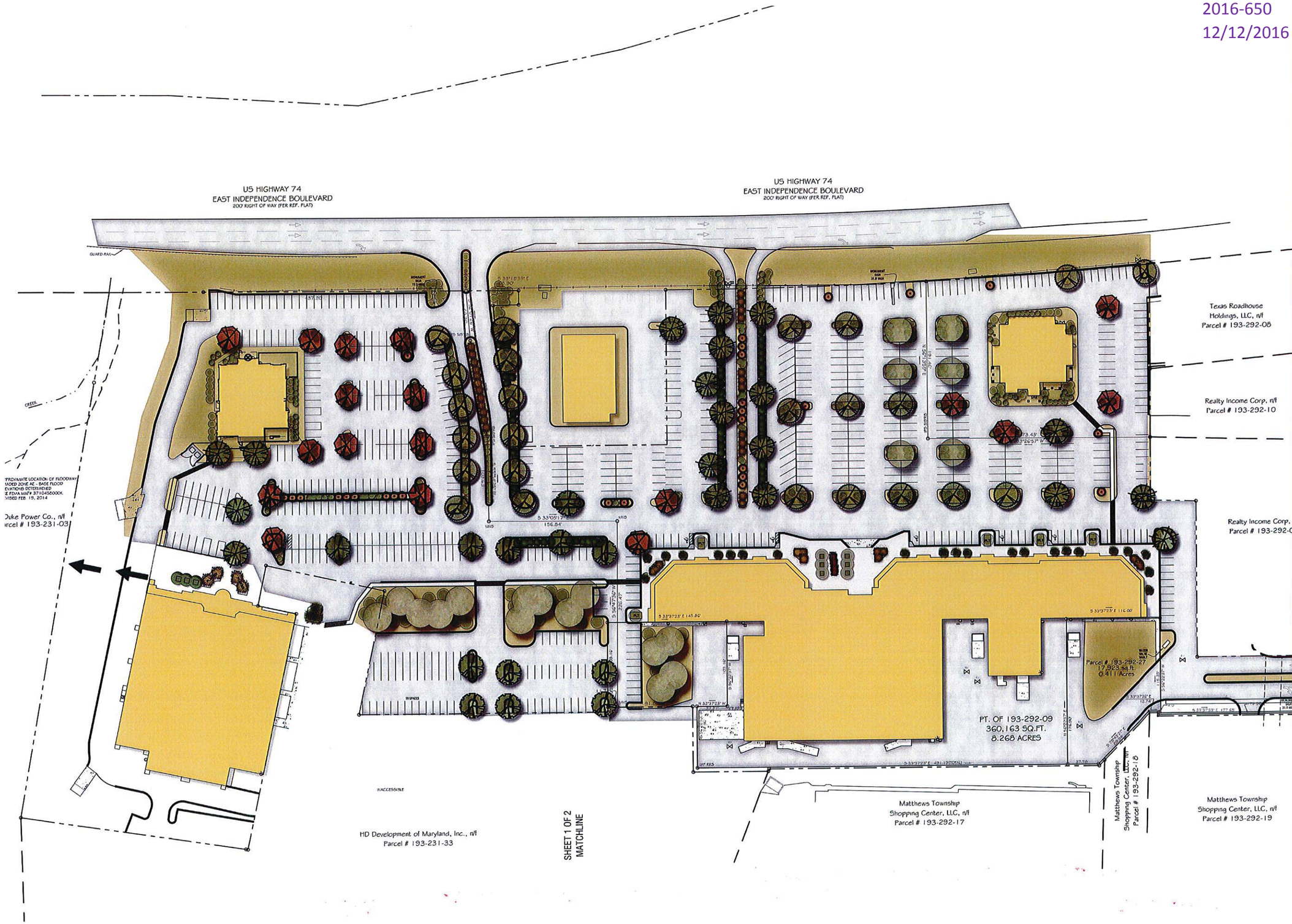
2016-650
12/12/2016



McLeod
Landscape Architects, LLC
100 West Washington Street
Suite 400
Greenville, SC 29601
(864) 370-3635

SEALS

REVISIONS

Matthews Festival Re-Zoning Plan
Matthews North Carolina

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DATE	November 2016
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SHEET	L1.0

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Nov 17, 2016 at 10:50 by pmcleod