



HENDERSON, NYSTROM, FLETCHER & TYDINGS, PLLC

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*ALSO LICENSED IN VIRGINIA (INACTIVE)

October 5, 2018

VIA E-MAIL ONLY

Mayor Paul F. Bailey
 Commissioner John F. Higdon
 Commissioner Chris Melton
 Commissioner Jeff Miller
 Commissioner John R. Urban, AIA
 Commissioner Kress Query
 Commissioner Barbara Dement

mayorbailey@matthewsnc.gov
 jhigdon@matthewsnc.gov
 cmelton@matthewsnc.gov
 jmiller@matthewsnc.gov
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 kquery@matthewsnc.gov
 bdement@matthewsnc.gov

RE: Motions 2018-1 and 2018-2 (SAP-O)

Dear Mayor Bailey and Commissioners:

I am truly sorry that I was unable to attend the public meeting to discuss the proposed SAP-O amendment. My absence resulted from a serious (but now resolved) bout with kidney stones on that date, so your Saturday morning was almost certainly more pleasant than mine!

You are well aware that I represent the Brigman family, that my clients object to the proposed SAP-O amendment and, in particular, its application to the ENT district which largely affects the Brigman property. The amendment has since received significant revisions from the original draft on which I based my earlier criticisms and we are assured by Staff that, through the Downtown and Highway Overlay Districts, the Town has established a regulatory pattern and precedent that the SAP-O now follows.

The latest version of the SAP-O available on the Town website now reads: *Requests for new land disturbing activity will not be approved until the subject property has completed a rezoning action to the Entertainment ENT zoning district unless the use is a use allowed within both the existing zoning district and the ENT zoning district, and meets the site plan layout design criteria at § 153.503.8.F and the building design principles at § 155.503.8.G (emphasis added).*

I find no parallel language in either the Downtown or Highway Overlay Districts. Instead, those Districts require that “permitted uses, uses permitted subject to specific conditions, and accessory uses located within the District shall be determined by the requirements of the underlying zoning district(s).”

I can only conclude, therefore, that the proposed requirements of the SAP-O are not “business as usual” and are not, in fact, consistent with the past practices of the Town.

October 5, 2018

RE: Motions 2018-1 and 2018-2 (SAP-O)

Page 2

Planning Staff also takes the position that the term “land disturbing activity” is used throughout the Matthews UDO and is well understood by Staff to be only triggered where there is an underlying “zoning requirement” so that installation of infrastructure such as water, sewer, roads, and storm water ponds are not included in its application. This is no doubt the practice of Staff, but I find no legal foundation for this position.

First, “land disturbing activity” is undefined in the UDO. North Carolina General Statute § 113A-52 defines “land disturbing activity” as “any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation”. The North Carolina Department of Environmental Quality administers its mandates across the State based on this definition and a landowner would be hard pressed to argue that the requirements of the UDO are anything less. I have asked for an explicit exclusion of water lines, sewer lines, roads, and similar infrastructure from the operation of the Ordinance to eliminate confusion, but that has not been included to my knowledge.

In the most fundamental sense, the proposed overlay district would codify a nonbinding, aspirational, statement of general land use policy, morphing that statement into binding zoning requirements largely lacking the specificity needed to objectively and predictably administer the requirements. The result is that landowners will have great difficulty anticipating how the language will be interpreted and administered and providing planning staff with enormous and inappropriate discretion.

Finally the proposed SAP-O amendment undeniably has the effect of requiring all affected properties to meet the ENT District requirements without providing property owners with the due process required for a change of the existing zoning. Aside from general principals of fairness, this result is legally suspect at the very least.

For all of these reasons, my clients earnestly that the Board of Commissioners defer approval of this ordinance until a comprehensive stakeholder process can be established to more thoroughly review its provisions, and provide the detail required for the proper administration of a zoning ordinance and necessary to give landowners reasonable certainty about the specific regulatory impact on their property.

Respectfully,

HENDERSON, NYSTROM, FLETCHER & TYDINGS, PLLC

A handwritten signature in black ink, appearing to read "Robert E. Henderson", with a long horizontal flourish extending to the right.

Robert E. Henderson

REHden

cc: Ms. Kathi Ingrish, AICP (via e-mail kingrisha@matthewsnc.gov)
Mr. Jay Camp (via e-mail jcamp@matthewsnc.gov)
Ms. Sybil Brigman



Shana Robertson <srobertson@matthewsnc.gov>

Fwd: SAP Overlay District Concerns

1 message

Kathi Ingrish <kingrish@matthewsnc.gov>
To: Shana Robertson <srobertson@matthewsnc.gov>

Fri, Oct 5, 2018 at 3:53 PM

Shana,
to be added to public input on Motion 2018-2

----- Forwarded message -----

From: **Joe Padilla** <Joe.Padilla@rebic.com>

Date: Fri, Oct 5, 2018 at 3:00 PM

Subject: SAP Overlay District Concerns

To: mayorbailey@matthewsnc.gov <mayorbailey@matthewsnc.gov>, jhigdon@matthewsnc.gov <jhigdon@matthewsnc.gov>, bdement@matthewsnc.gov <bdement@matthewsnc.gov>, cmelton@matthewsnc.gov <cmelton@matthewsnc.gov>, jmiller@matthewsnc.gov <jmiller@matthewsnc.gov>, kquery@matthewsnc.gov <kquery@matthewsnc.gov>, jurban@matthewsnc.gov <jurban@matthewsnc.gov>

Cc: Kathi Ingrish (kingrish@matthewsnc.gov) <kingrish@matthewsnc.gov>

Mayor Bailey and Members of the Board,

On behalf of the thousands of home builders, developers, Realtors and commercial brokers REBIC represents in Mecklenburg County, I wanted to provide you with a summary of our concerns with the proposed Matthews SAP-O district, which is on your agenda for consideration this Monday night.

First, the draft language lacks key details about how the Overlay provisions will be implemented, leaving property owners with a significant amount of confusion over how the by-right zoning on their property will be affected. Because the proposed overlay district would essentially codify a nonbinding Small Area Plan, it takes aspirational land use policy and turns them into legally binding zoning requirements, without the requisite details on how those policies would be implemented.

For example, the Monroe Road Small Area Plan calls for allowing 'increased setbacks for employment centers or corporate campuses,' (page 128) but gives no specifics on what these setbacks would be. It also calls for encouraging 'open space through the design of new development and redeveloped parcels,' but includes no details on acreage requirements, open space design or location.

In contrast, I'd encourage you to review the substantial amount of detail included in the draft [Transit-Oriented Development \(TOD\) Overlay](#) now being drafted by the City of Charlotte. This ordinance includes specific building design standards, setback and height requirements, façade details and so on. This level of specificity gives property owners a high level of certainty about what will be required when they submit development plans, and creates a more conducive environment for economic development.

Instead of providing regulatory clarity, the Matthews SAP-O Overlay puts the burden on the property owner to show compliance with a wide range of land use and transportation policies, before they can obtain a development permit for their property. It eliminates their long-held zoning entitlements with ambiguous visioning statements that give planning staff an undue amount of latitude in approving land development throughout the Town of Matthews.

It is REBIC's position that the imposition of this new Zoning Overlay will impose significant land use and development restrictions on hundreds of property owners, dramatically adding cost and regulation that may reduce the economic value of their land. We ask that you defer approval of this ordinance until a comprehensive stakeholder process can be established to more thoroughly review its provisions, and provide the exhaustive detail necessary to give landowners certainty about the specific regulatory impact on their property.

10/05/2018
2018-1&2

Best regards,

Joe Padilla

Executive Director

Real Estate & Building Industry Coalition

1201 Greenwood Cliff, Suite 200

Charlotte NC 28204

(980) 213-1270 (Cell)

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Kathi Ingrish AICP
Planning Director
Town of Matthews
704-847-4411
704-708-1234 direct
kingrish@matthewsnc.gov
www.matthewsnc.gov



10/9/2018

Matthewsnc.gov Mail - Fwd: SAP Overlay District Concerns

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.

10/05/2018
2018-1&2



October 2, 2018

By E-MAIL

Mayor Paul F. Bailey	mayorbailey@matthewsnc.gov
Commissioner John F. Higdon	jhigdon@matthewsnc.gov
Commissioner Chris Melton	cmelton@matthewsnc.gov
Commissioner Jeff Miller	jmiller@matthewsnc.gov
Commissioner Kress Query	kquery@matthewsnc.gov
Commissioner Barbara Dement	bdement@matthewsnc.gov
Commissioner John Urban	jurban@matthewsnc.gov

*Re: Proposed Monroe Road Small Area Plan Overlay District and
Proposed Entertainment District Small Area Plan Overlay District -
Motions 2018-1 and 2018-2, October 8, 2018 Agenda Item*

Sam's Commercial Properties, LLC, SXCW Properties, LLC, and SL&E Investments, LLC (collectively, "Sam's") is the owner of four parcels of property located within the boundaries of the 1) proposed Monroe Road Small Area Plan Overlay District, and 2) proposed Entertainment District Small Area Plan Overlay District (the "Overlay Districts"), and identified as follows:

1. SM306, 10719 Monroe Road, PID 19321102, 1.994 AC, owned by SXCW Properties, LLC – Sam's Xpress Car Wash Property,
2. SM4011, 10701 Monroe Road, PID 19321141, 2.87 AC, owned by Sam's Commercial Properties, LLC – Vacant Property,
3. SM4306, Monroe Road, adjacent to SM306, PID 19321142, 4.076 AC, owned by Sam's Commercial Properties, LLC – Vacant Property, and
4. SM218, 11208 E. Independence Boulevard, PID 21508118, 1.663 AC, owned by SL&E Investments, LLC – 7-Eleven Property.

Two of the Sam's properties are developed. The two undeveloped properties are currently being marketed to prospective purchasers. Sam's did not receive any official notification from the Town of Matthews regarding the proposed Overlay Districts (Motions 2018-1 and 2018-2).

Sam's opposes the proposed Overlay Districts based on the following identified impacts to the future development or redevelopment of the Sam's properties:

- The proposed Overlay District for Monroe Road will require buildings to be located close to the street edge. This requirement will impact the planned development of Sam's vacant parcel located adjacent to the Sam's Xpress Car Wash at 10719 Monroe Road. If developed in accordance with the proposed requirements using the Point Blank Range property at 10728 Monroe Road as an example, the result will be the creation of a

Page 2 of 2
Town of Matthews
Motions 2018-1 and 2018-2 - Proposed Small Area Plans District Overlays
October 2, 2018

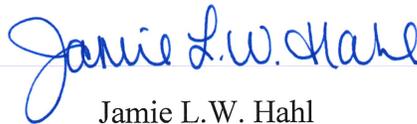
permanent and undesirable visual block of the adjacent, existing Sam's Xpress Car Wash. Sam's is specifically marketing this property under an agreement that any newly constructed buildings will be situated at the rear of the property to preserve the current visibility of the Sam's Xpress Car Wash.

- The plan to preserve the Light Industrial Zoning classification will impact the property owned by Sam's located behind the QuikTrip on Monroe Road. This vacant parcel is currently zoned I-1(CD). Sam's is under contract to sell this property to a church. Because most development in Matthews occurs after property is rezoned, Sam's considers the proposed requirement to preserve the Light Industrial Zoning as inequitable. The option to pursue rezoning must remain available.
- The proposed Overlay Districts site plan and building design criteria requirements, specifically the location of gas station canopies behind the principal structure, development on a more urban scale, and reduced setback requirements will restrict and limit future development opportunities at the Sam's properties.
- Any proposed Overlay District requirement that supersedes underlying zoning requirements is of concern, such as bringing buildings closer to the street.
- Clear guidance regarding whether future development of vacant portions of developed properties will automatically trigger the proposed Overlay Districts requirements is needed.
- An adequate amount of time has not been provided to stakeholders to fully assess proposed requirements, impacts, and legal implications.

Sam's urges the Town of Matthews to **not approve** the proposed Small Area Plan Overlay Districts (Motions 2018-1 and 2018-2). Alternatively, Sam's requests that the Town of Matthews defer any action on this matter for at least twelve (12) months to provide impacted property owners with a reasonable amount of time to review all proposed changes.

Should you have any questions, please contact me at (704) 504-7667 or by email at jhahl@samsholdings.com.

Regards,



Jamie L.W. Hahl
General Counsel
Sam's Holdings



HENDERSON, NYSTROM, FLETCHER & TYDINGS, PLLC

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July 11, 2018

VIA E-MAIL ONLY

Mayor Paul F. Bailey
Commissioner John F. Higdon
Commissioner Chris Melton
Commissioner Jeff Miller
Commissioner John R. Urban, AIA
Commissioner Kress Query
Commissioner Barbara Dement

mayorbailey@matthewsnc.gov
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jurban@matthewsnc.gov
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bdement@matthewsnc.gov

RE: Motions 2018-1 and 2018-2 (SAP-O)

Dear Mayor Bailey and Commissioners:

I represent the Brigman family, owners of by far the largest tract of land impacted by the Entertainment ENT District and the related Small Area Plan Overlay District (SAP-O) now proposed by your Planning Staff and pending before you (Motions 2018-1 and 2018-2). Thank you for allowing me to address you on this subject at the recent public hearing and for your consideration of this letter.

These motions have been described as an effort to “put teeth” into the three small area plans and they would certainly accomplish that. As proposed, this Ordinance prohibits all development (or any other “land disturbing activity”) of my clients’ property until their property is first rezoned to the Entertainment ENT zoning district; not a single improvement may be constructed on the Brigman property as allowed “by right” under existing zoning. Such a requirement effectively accomplishes a rezoning of the Brigman property and does so without the rezoning process required by the Matthews UDO and by North Carolina law.

Some other consequences of this Ordinance may be less apparent. Without first rezoning their property to “ENT”, the Brigmans will be unable to allow construction of a planned sewer extension project across their land for the benefit of other properties, nor may they cooperate in the development of shared storm water retention ponds. The construction of roads or drives across their property will also be impermissible without a rezoning. If the proposed Ordinance were in place when the Brigmans donated their property for the Matthews Sportsplex Parkway (and associated utilities), that would presumably require a prior rezoning of their property. These are only examples of how the proposed Ordinance would operate, since any activity that might be construed as “land disturbing” triggers the rezoning requirement (along with site plans and all the other obligations of the rezoning process).

July 11, 2018

RE: Motions 2018-1 and 2018-2 (SAP-O)

Page 2

All of this is in the context of the extraordinarily complex and sometimes vague standards of the ENT District and an attempt to simultaneously accomplish a conversion of three small area plans from guidelines into mandates in the fell swoop of a single ordinance. This proposal tries to do far too much, far too quickly, and your approval would create an extraordinarily unwise and fundamentally unfair ordinance nearly certain to be challenged. By any measure, it's much too great a price to pay for "more teeth".

I strongly urge you to defer any action and to instead return the proposed Ordinance to your Staff for further study, a more thoughtful treatment of the legal and practical consequences of the proposal, inclusion of substantive and procedural protections for affected property owners and inclusion of the affected property owners in the review process.

Thank you for your consideration of these comments.

Sincerely,

HENDERSON, NYSTROM, FLETCHER & TYDINGS, PLLC



Robert E. Henderson

REHden

cc: Mr. Hazen Blodgett, Town Manager (via e-mail hblodgett@matthewsnc.gov)
Charles R. Buckley, III, Esquire (via e-mail crb3@southcharlottelawfirm.com)
Ms. Kathi Ingrish, AICP (via e-mail kingrish@matthewsnc.gov)

With request for distribution to:

Mr. David Wieser, Chairman
Mr. Kerry Lamson, Vice-Chairman
Ms. Natasha Edwards
Mr. Mike Foster
Mr. Michael Ham
Ms. Jana Reeve
Mr. Mike Rowan
Mr. Larry Whitley

Ms. Sybil Brigman
John H. Carmichael, Esquire (via email jcarmichael@kclh.com)
Mr. Joe Padilla (via email Joe.Padilla@rebic.com)

Small Area Plan Overlay

Val Herbst <vherbst13@yahoo.com>
To planning@matthewsnc.com

6/5/2018 9:08 PM 

To the Planning Board:

Regarding the proposed Small Area Plan Overlay, please do not vote to put this into place. It will adversely impact Brightmoor and other residents. I have lived in Brightmoor since 1990 and have also been a licensed Real Estate Broker since 1992.

Brightmoor is a nice, family community, and it should stay that way. We do not need any development 100' behind us. The subdivision has 2 entrances that end in cul-de-sacs for a reason. Any opening up of the neighborhood to entry by non-residents can bring in undesirables, possible crime, and our property values will most likely plummet.

Please rethink this. 100' is less than the width of 2 houses!

Thank you,

Valerie Herbst
Broker In Charge: NC, SC
Home Office: 704-841-2249
Cell Phone: 704-507-5738
Fax 704-849-8192
E-Mail: vherbst13@yahoo.com

lmalferi@yahoo.com

6/4/2018 1:27 PM

Zoning Motion 2018-2

To planning@matthewsnc.com

Dear Sir or Madam,

As a local taxpayer and homeowner in Brightmoor in Matthews, I am highly concerned about this latest plan.

Our local roads are congested enough as it is with enormous amounts of traffic and I am incredibly upset that housing is being planned next to the long time established Brightmoor neighborhood.

This is unacceptable to homeowners in Brightmoor and both self-serving and short-sided on your part.

Please seriously reconsider this bad idea.

Michael & Lisa Alfieri

FROM THE DESK OF

JIM DEDMON

June 3, 2018

Town of Matthews
Planning

To whom it may concern

I am writing in regards to the Small Area Plan E. John St. and its affect on the Brightmoore neighborhood. I feel the buffers are too small, and will not insulate the neighborhood appropriately. I also do not wish for connectors to the neighborhood be installed since while this concept sounds warm and fuzzy for shopping, etc. it also provides easy access for after bar hours patrons to walk into our family oriented neighborhood and do whatever there drunken hearts may desire. Nor do I wish for any neighbor to suddenly have a public walking trail just outside their window. I would reference the "buffer" along parts of the mc Alpine greenway that literally are non existent between users and homeowners at various points along its trail.

I also feel this project needs to be adjusted accordingly to the current flow of traffic that exists. One of the major property owners, Lat Purser is known for building strip malls and as such would be detrimental to the property values of Brightmoore. The increased density, even with the McKee Road ext. would still create a gridlocked two lane road from Providence Rd. all the way to E. John. The additional traffic from Windsor Run has yet to be felt, but add to that a possible apartment community proposed on Morningwood and you have a prescription for gridlock around Brightmoore.

I personally suspect that much of the four lane expansion of E. John is not so much about traffic control but more in order to facilitate the development of property adjacent to Brightmoore and the profit of those developers, owners and possibly some commissioners who work in the construction field.

Most importantly I don't trust the leadership of our town and the implementation of this project due to the interrelationships that exist between commissioners and land owners, developers, architects. The conflict of interest in this project between commissioners who accepted donations during their campaigns from developers, former chairman of the EDAC who bought property while serving, commissioners who would benefit financially whether through working relationships or other commissions, should be considered unethical and also a conflict of interest.

Anyone who has lived in the Matthews area over the years could be aware of these self serving relationships that have seen certain people profit from the town of Matthews. Whether an architect, realtor, developer, a former chamber president who is turning the town into Mathbrews, NC, all of these relationships breed an air of distrust and profit for some at the expense of what was "our small town feel". I realize this town is growing but many would say it needs to slow down, and we have seen that this can be done by towns such as Cornelius to good effect. I for one agree that the developers who have given so much to our commissioners and mayors re election campaigns, need to be slowed down. I would also say that any commissioner who has accepted

contributions from those developers or lawyers to be elected to the positions they currently hold, should abstain from any vote where this design is concerned due to a conflict of interest.

I also feel that the Town of Matthews sending letters regarding this meeting only to those directly affected by this project, and not to all of Brightmoore which could be affected negatively, is another lack of transparency and gives the impression the town did this to avoid opposition. This entire project is in total opposition to the wishes expressed by the majority of Matthews citizens who voiced their opinions and wishes in the last town survey. Once again, the commissioners and their cronies are ignoring the citizens of the town of Matthews.

Jim Dedmon

Comments for Zoning Motion 2018-2

Morgan Lehnhardt <morgan.lehnhardt@gmail.com>
To planning@matthewsnc.com

5/29/2018 9:54 PM 

As a Brightmoor resident with TWO sides of my lot bordering the “study space” for the East John Street/Outer Loop Small Area Plan, I am unequivocally opposed to developing the land adjacent to the Brightmoor neighborhood. I only found out about this plan a few days ago and since then I have been distraught thinking about the effect any development would have on my family and our day-to-day life. (Why residents weren’t officially notified years ago when this planning began is a separate issue.)

The plan itself begins with the statement “The land area around E John Street...is one of the last large mostly vacant sectors within the Town of Matthews”; so why can’t that be celebrated and conserved instead of ruined? Matthews is supposedly a Tree City USA, but the trees all keep getting chopped down just so MORE people can flock to an already overcrowded Charlotte, causing even MORE traffic, and removing any remaining small-town feel that Matthews had. Can we not leave a single inch anywhere undeveloped?

One of the major reasons we bought our house was the quiet, private back yard. Out front is a charming suburban neighborhood with mature trees and friendly neighbors, but out back is an introvert’s dream. It backs up to a wooded area on one side and a nice grassy field with nothing but horses on the other side - meaning no houses or neighbors behind us. We can go into our back yard and not feel like we’re in a subdivision. We can’t even see either of our next door neighbors’ houses from our deck – it’s exactly what we wanted. And you’re planning to take that away.

With that said, assuming that development does eventually move forward some day, my main concern is the buffer between my home and whatever is built on the other side of it. My understanding is that the proposed “landscape buffers”, which are supposed to protect our current privacy and property values, would be 20 feet of undetermined landscaping. A twenty-foot unspecified buffer is a laughable replacement for a natural wooded area and a serene horse field. I highly doubt my property would be worth the same; I know we wouldn’t have been nearly as excited about it when we were house hunting. Granted, the 20-foot figure I heard may not be accurate. Regardless of the size, my main concern is whether or not the potential buffer would actually preserve the feel our current back yard has – the feeling of nature and seclusion. Would the buffer block any and all development from our view, including the view from our second floor windows which we always have open due our beautiful current view of trees, grass, and horses? Would it block the noise from potential cars driving along the new roads, and/or families in their new yards? Anything short of this is insufficient.

Another concern is the inconsistency of the buffers within the maps in the published Small Area Plan (<https://matthewsnc.gov/files/documents/EJohnSAPFinal1318094355012017AM.pdf>). On the Consensus Build-Out Scenario map the areas are simply labeled “landscape buffer”, yet a few pages down on the Conceptual Street and Pedestrian Networks map they are instead referred to as “buffer areas/potential pedestrian networks”. A landscape buffer and a pedestrian walkway are complete opposites; one attempts to protect our current privacy and the other completely removes it. So which is it? Would we be getting a buffer or the exact opposite of a buffer - a direct route for strangers to constantly walk the perimeter of our once-secluded yard?

It should be no surprise that we absolutely do NOT want pedestrians on the edges of our back yard. It’s bad enough if this development actually takes place and we lose the peaceful, natural surroundings that were a huge reason we bought our house, but to then install “pedestrian networks” along the edges of our property would completely negate the point of the buffer and would instead eliminate ANY privacy we have in our own yard. I am confident that many other homeowners bordering the “study space” likely bought those homes for the same reason we bought ours, and they would also like to maintain their current privacy rather than suddenly find themselves living along a walking path. If in the future this project reaches that point, I implore anyone involved in the buffer design to truly consider the desires of the residents bordering this area and not open up our yards and homes to foot traffic, noise pollution, or views of buildings/parking lots.

May 25, 2018

RE: Zoning Motion 2018-2, Proposal to Create New SAP-O Small Area Plan Overlay Districts on the Monroe Road Corridor Small Area Plan, The Entertainment Small Area Plan, and the E John St/Outer Loop Small Area Plan Boundaries

Dear Property Owner,

The Town of Matthews is proposing a new zoning overlay district to be called the **Small Area Plan Overlay**, or **SAP-O**. This is intended to be applied to sections of the municipality where a special future land use study – called a Small Area Plan – has been completed and adopted by the Matthews Board of Commissioners. At this time there are three adopted Small Area Plans which have been added as Appendices to the Matthews Land Use Plan.

The written explanation to create this new zoning overlay district is listed as Zoning Motion 2018-1. The proposal to create boundaries for the new SAP-O overlay district on the three existing Small Area Plan sections of Town is Zoning Motion 2018-2.

A zoning overlay district is a category which is laid on top of parcels of land that are already zoned various ways. For example, we have a Downtown Overlay zoning category today which is applied to properties in the center core of the historic downtown, to newly developed properties along N Trade St in what is now called the North End area, and to older homes on W John Street that have been converted to office uses. Individual properties within the downtown area have various underlying zoning designations – some are zoned for commercial uses, some for offices, some for homes, etc. The Downtown Overlay does not change that underlying zoning, it simply adds provisions that are consistent for the downtown as a whole to protect and enhance the character of the downtown area.

Mecklenburg County tax records identify you as a property owner within one of the three Small Area Plan boundaries, or within 100' of one of these areas. Maps of the three adopted Small Area Plans are attached here. Zoning Motion 2018-2 proposes to place this new zoning overlay designation on all parcels of land within each of these illustrated areas.

Before any zoning change can be adopted, the Town will hold a public hearing on the proposal. The public hearing for Zoning Motions 2018-1 and 2018-2 will be on Monday June 11, 2018 at 7 PM in the Hood Rood at Matthews Town Hall, 232 Matthews Station Street, above the Matthews Library. You are invited to attend this hearing and speak in favor or opposition to the proposed new overlay district. You may also provide comments in writing prior to the hearing at planning@matthewsnc.com or to Matthews Planning & Development, 232 Matthews Station St, Matthews NC 28105. All written comments will be added to the Town *Pending Zoning Cases* webpage to allow anyone interested in it to view everything related to this request.

If you have questions, you may email them to planning@matthewsnc.com, or call 704-847-4411.

Sincerely,



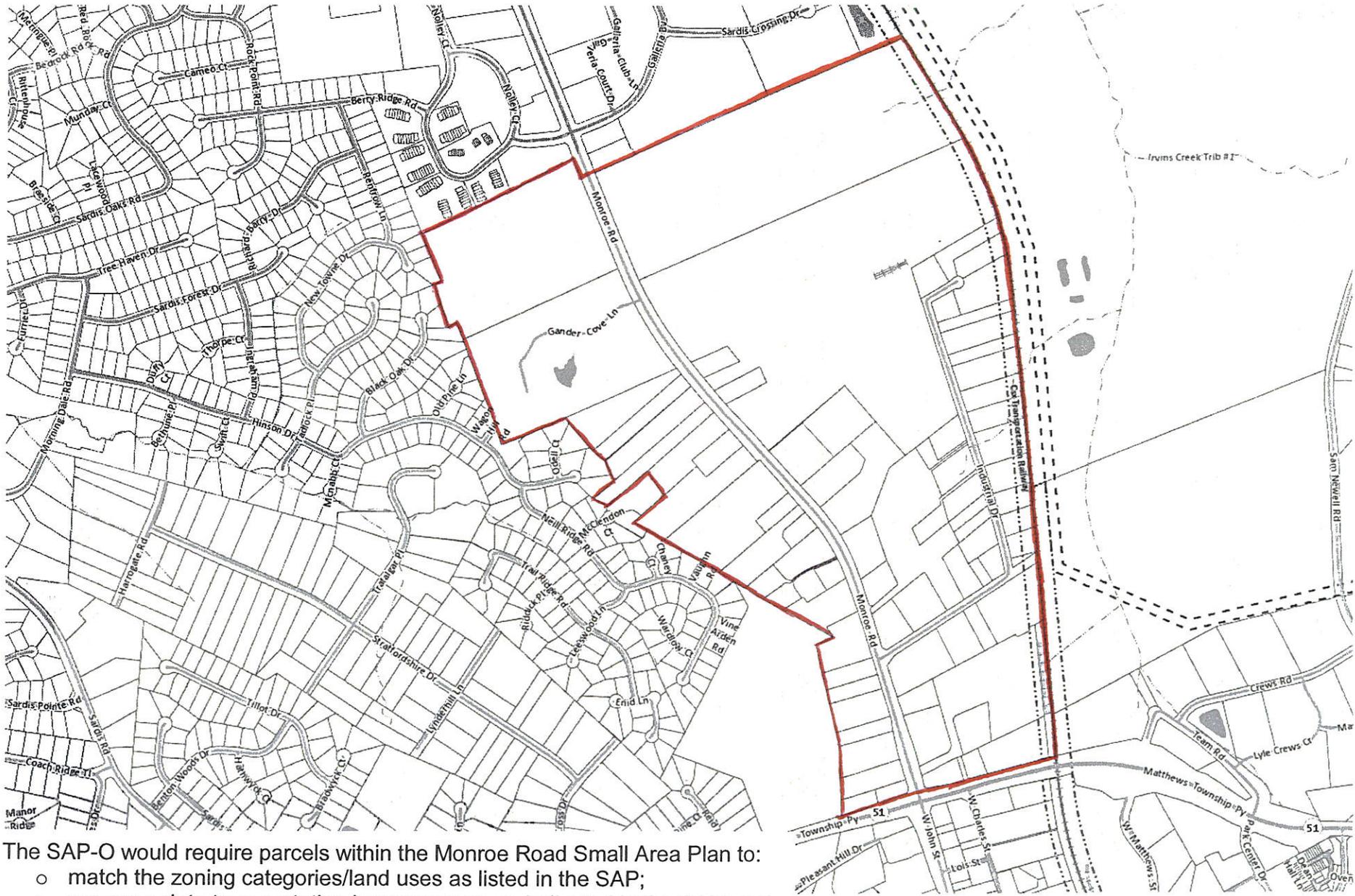
Kathi Ingrish AICP
Planning Director

Mot 2018-2 po mail notice

Monroe Road Small Area Plan

Adopted 6-9-14

See pages 118 through 139 of the [Matthews Land Use Plan](#)



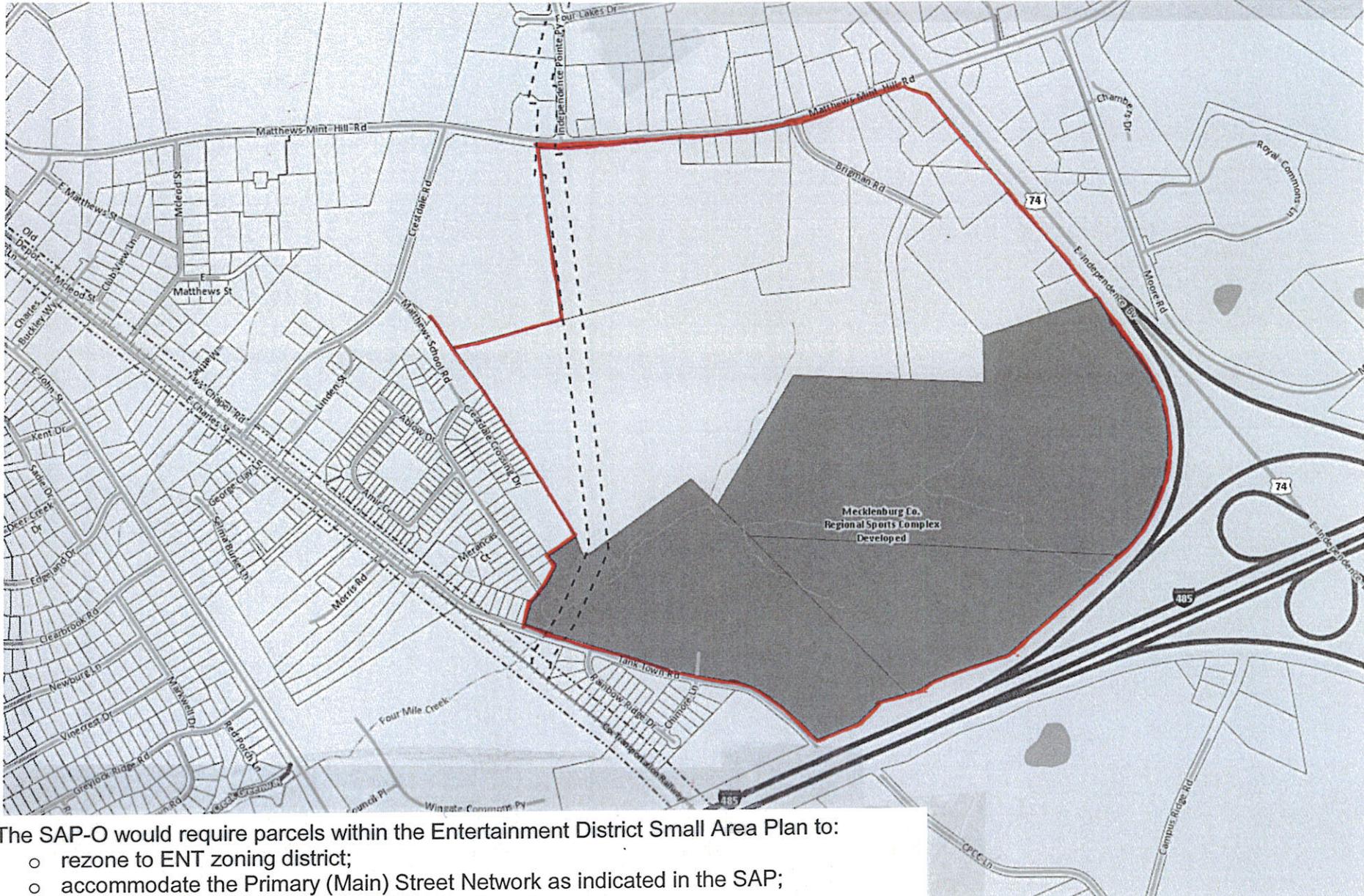
The SAP-O would require parcels within the Monroe Road Small Area Plan to:

- match the zoning categories/land uses as listed in the SAP;
- accommodate transportation improvements as indicated in the SAP; and
- adhere to the Action Items (policies) listed in the SAP.

Entertainment District Small Area Plan

Adopted 12-4-14

See pages 140 through 171 of the [Matthews Land Use Plan](#)



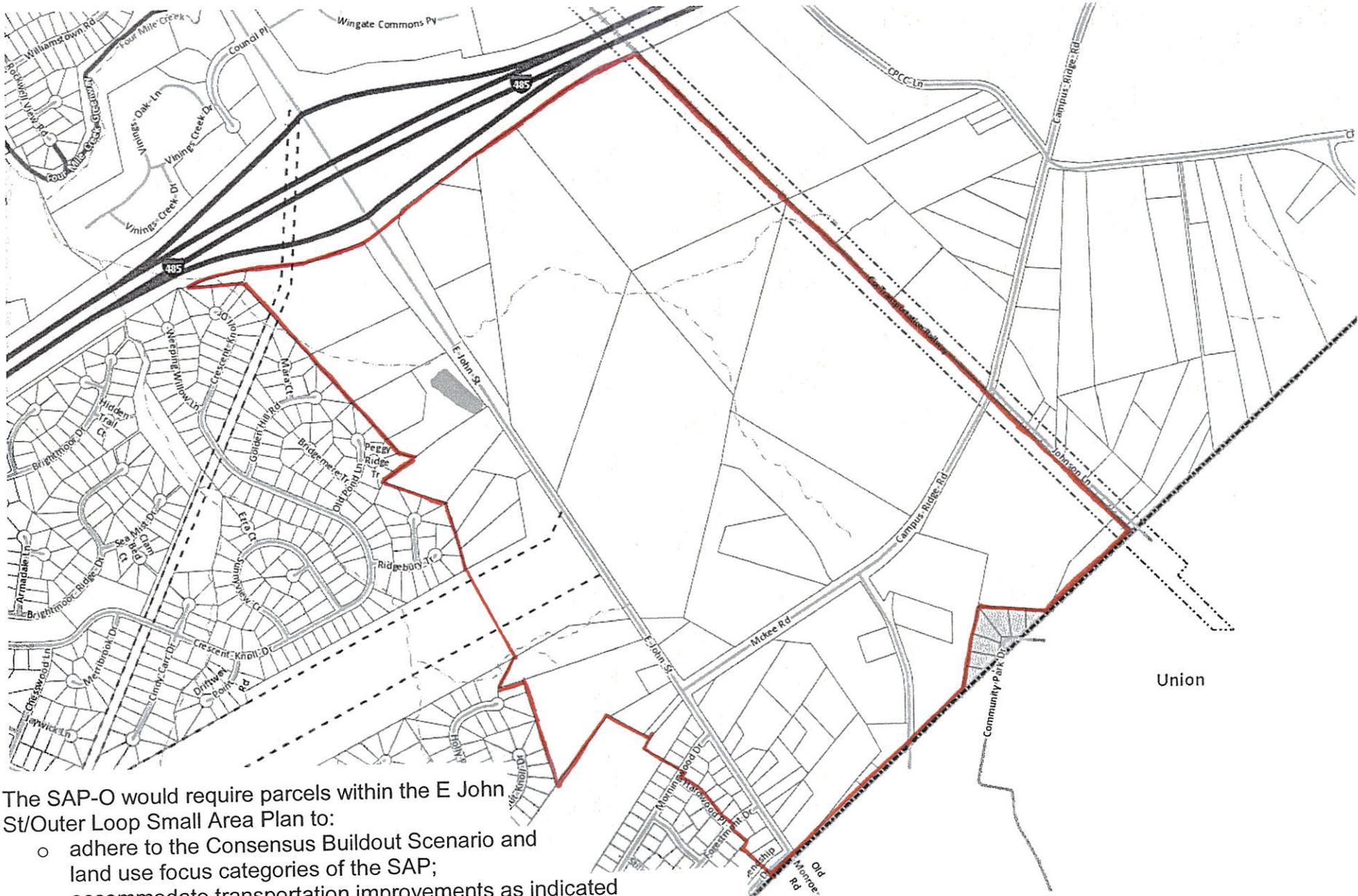
The SAP-O would require parcels within the Entertainment District Small Area Plan to:

- rezone to ENT zoning district;
- accommodate the Primary (Main) Street Network as indicated in the SAP;
- accommodate the future light rail alignment; and
- include explanation how the development would meet the adopted Policy Statement of 2-23-15.

E John St/Outer Loop Small Area Plan

Adopted 1-9-17

See pages 172 through 207 of the Matthews Land Use Plan



The SAP-O would require parcels within the E John St/Outer Loop Small Area Plan to:

- adhere to the Consensus Buildout Scenario and land use focus categories of the SAP;
- accommodate transportation improvements as indicated in the Conceptual Streets and Pedestrian Networks in the SAP; and
- adhere to the Action Items (policies) listed in the SAP.