

## **Agenda Item: Application 2013-602**

**DATE:** February 6, 2014  
**RE:** Decision on Application 2013-602, Fountains Matthews  
**FROM:** Jay Camp, Senior Planner

### **Background/Issue:**

At the February 4, 2014 meeting of the Matthews Planning Board, Application 2013-602 was recommended for approval by a unanimous vote. There are a number of outstanding issues with the project that need resolution prior to a decision. As of the writing of this memo, we do not yet have updated plans to review and cannot verify if these items have all been addressed. Following is a list of outstanding/unresolved issues:

1. The note regarding the open space area needs to be further clarified to explain what will be developed and who can use it. To contribute to the mixed-use design of the project, it should be a publicly accessible area that is managed by Fountains Matthews.
2. The note regarding the live/work units needs revision. The note should first indicate that as of the effective date of the UDO, live/work will be permitted. In addition, the current notes place no stipulation that live/work is required to be located on the site. For the development to meet the purpose and intent of the Mixed-Use District, some commercial or live/work should be a mandatory requirement of the zoning plan. As an alternative, the note could reflect that if after 24 months from completion of the project, it has not been deemed viable to incorporate live/work, the owners may elect to rezone to a purely residential zoning category.
3. The fence to be placed between Bella Sera and the project should be set back from the property line to meet the requirements of the landscape chapter
4. The Innovative Request is appropriate only if the encroachment of the BMP ponds does not impact the root zones of trees in the Highway Overlay District
5. We have received an email from Mecklenburg County indicating that there are no concerns that the PCO will impact the overall site plan. A formal Concept Plan is typically required prior to a decision but the Board still may choose to approve the rezoning.

### **Related Town Strategy:**

28. (Ec Devt/Land Use Planning) To streamline the development process to make Matthews "open for business" and explore giving staff responsibility for the detailed plan review.

### **Recommended Motion**

Approve Rezoning Application 2013-602 (Pending Resolution of Outstanding Issues)