



MEETING MINUTES

Date: February 1, 2011

Project: Matthews Commerce Center (Rez. Petition #2010-561)

Location: Town of Matthews Planning Department

Meeting Time: 6 p.m.

Attendees: Town of Matthews Commissioner Paul Bailey
Dr. Daniel Schwarz – Blackstone Services
Chip Cannon – Urban Design Partners
Bill Sherrill – ToM Planning Department
Kathi Ingrish – ToM Planning Department

Purpose: To review the current rezoning site plan with Commissioner Bailey

Minutes: The following items were noted for action/revision.

- Revise Permitted Uses as follows:
 - a) (13) Automobile and truck rentals – add wording to exclude vehicles of a certain type or weight as well as box trucks. I've found some information about truck Classes and weights and would like to propose we use Class 3 (14,000 lbs max) as the upper limit. This Class and weight range includes a Ford F-350, GMC Sierra 3500, etc. and is generally a non-commercial use classification for light and medium duty trucks (this info is based on the Gross Vehicle Weight Rating system).
 - b) (21) Boats, retail sales and repair – remove repair
 - c) (36) Funeral homes and crematories – remove crematories
 - d) (56) Repair and service of any article... - we decided this one was OK as-is
 - e) (74) Blacksmith Shops – remove entirely
 - f) (77) Building materials storage...within enclosed buildings... - we decided this one was OK as-is
 - g) (102k) Manufacture of furniture – remove entirely
 - h) (119) Warehousing – OK to leave
 - i) (c)(9) Veterinary hospitals and commercial kennels – remove commercial kennels
 - j) 2.c. – Remove entire second sentence (“However, minor automobile servicing which is incidental and ancillary to the primary use will be allowed.”)
- Add a note limiting all deliveries to regular business hours (not before 7 a.m. and not after 7 p.m.)
- Add a note excluding/limiting overnight or extended truck parking.

- Increase buffer in rear (NW) corner by 20' to square corner (buffer width at north property line will be 40'). We discussed that the ordinance requires a 20' maximum buffer and reviewed the different design options.
- Add note regarding example species to be used in buffer (pines, magnolia, large holly, etc)
- Add note noting the four existing trees near the front of the property (shown on the rezoning plan as "to remain") will be saved
- We discussed how Note 3.b. would apply to the rear of the property – the buildings would be pulled up to the build-to line and no parking or buildings would be allowed between these build-to lines and the private drives.
- We discussed that the ordinance allows buildings up to 35' height and this height can accommodate two story structures. We also pointed out that due to the build-to line forcing the buildings to the front of the parcels that the height wouldn't be pushed against the rear property line.
- We discussed the requirement for an additional site plan and architectural elevation review/approval process during site planning. Each parcel would have to get approval from the Board for site layout and bldg. elevations prior to permit issuance. We also noted that dumpster locations would be a part of this review and approval.

The foregoing conveys our understanding of the items discussed and conclusions reached during the meeting. We assume this information to be correct, unless notice to the contrary is brought to our attention. Please reply as soon as possible with any questions, comments, additions, or corrections. We intend to revise the plans based on the above for resubmittal to the Town on Friday (2/4/11). Thank you.

Chip Cannon, RLA
Partner
Urban Design Partners



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

November 15, 2010

Division 10
District 2

Bill Sherrill
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105

Dear Mr. Sherrill,

NCDOT has reviewed the addendum to the Traffic Impact Analysis developed by Ramey Kemp & Associates for the proposed Monroe Rd Commercial Development. The addendum was an update to a previous study done by Kubilins Transportation. The results of the addendum showed that the development has reduced the proposed number of trips generated by the site. As a result of this reduction, NCDOT will no longer require a TIA for the proposed site. The original study also showed that a right turn lane was needed at the proposed entrance to the site. Due to the reduced trips the right turn lane is no longer needed and will not be required for the developer.

If you have any questions about these results please contact me at 704-596-6900.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Odyński".

Richard Odyński, EI
Assistant District Engineer

Cc: File

From: [Bill Sherrill](#)
To: [L Canapinno](#);
Subject: FW: Petition 2010-561
Date: Monday, November 08, 2010 4:24:14 PM

Bill Sherrill
Senior Planner/Zoning Administrator
Town of Matthews
232 Matthews Station Street
Matthews NC 28105
704/847/4411 x 237
bsherrill@matthewsnc.com



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.

-----Original Message-----

From: Chip Cannon [mailto:Chip@urbandesignpartners.com]
Sent: Monday, November 08, 2010 4:16 PM
To: Bill Sherrill
Cc: kingrish@matthewsnc.com
Subject: Petition 2010-561
Importance: High

Bill,

I just talked to Dan about tonight's public hearing. We would like to request a one-month deferral of the public hearing. I will be in attendance tonight just in case, but we're hoping the board will grant our request for deferral. Thanks...

Chip Cannon, RLA LEED AP
Partner
chip@urbandesignpartners.com



RAMEY KEMP & ASSOCIATES, INC.
8307 University Executive Park Drive, Suite 260
Charlotte, NC 28262
Phone - 704-549-4260 Fax - 704-549-4277
www.rameykemp.com

October 28, 2010

Daniel Schwarz
Blackstowne Development
PO Box 23755
Charlotte, NC 28227
P: 704-849-8181

Reference: Monroe Road Commercial Development
Matthews, North Carolina

Subject: **Traffic Impact Analysis Addendum**

Dear Mr. Schwarz:

The contents of this letter present the findings of an addendum to the Traffic Impact Analysis (TIA) that was conducted for the proposed Monroe Road Commercial Development, to be located on the west side of Monroe Road, north of Matthews Township Parkway in Matthews, North Carolina. The purpose of this addendum is to present the most recent trip generation calculations and determine the need for improvements at the proposed site driveway.

The original TIA was completed in September 2008 by Kubilins Transportation Group. At full buildout, the development was previously proposed to consist of a maximum of 30,000 s.f. of retail space, and 60,000 s.f. of office space. Utilizing these land uses the development was expected to generate approximately 201 trips during the AM peak hour and 429 trips during the PM peak hour, as shown in the original traffic study. Site access was proposed via one site driveway on Monroe Road.

Updated Land Uses and Trip Generation

Based on discussions with the development team, the development is now proposed to consist of multiple buildings with a maximum of 65,100 s.f. of mixed commercial development. Possible land uses include a mix of office, light industrial, and manufacturing. Trips were generated using the 8th Edition of ITE's Trip Generation Manual, ITE land use code 770, Business Park. Table 1, below, illustrates the updated expected trip generation for the proposed development. Printouts of the ITE description of land use 770 and a trip generation report are attached.

It is expected that the proposed development will generate approximately 1,447 daily trips during the average weekday, with approximately 94 trips during the AM peak hour (79 entering, 15 exiting) and 102 trips during the PM peak hour (23 entering and 78 exiting). With the updated land uses, this development is expected to generate significantly less trips than projected in the original traffic study.

**TABLE 1
Site Trip Generation**

Land Use (Code)	Size	Avg. Daily Traffic (vpd)	AM Peak Hour (vph)		PM Peak Hour (vph)	
			Enter	Exit	Enter	Exit
Business Park (770)	65,100 s.f.	1,447	79	15	23	78

Intersection Analysis and Recommendations

An updated analysis of the site driveway intersection was completed utilizing trip distribution and background traffic from the original traffic study as well as the updated site trip generation. Refer to the attached technical appendix for illustrations of the Build 2012 traffic volumes with site traffic as well as printouts of the capacity analysis reports.

Capacity analysis indicates that the minor street approach of the site driveway intersection will operate at LOS C during the AM peak hour and LOS E during the PM peak hour. Analysis was conducted assuming a single-lane approach on the site driveway. No significant queues or delays are expected, and exiting site traffic is expected to be able to utilize gaps in major street traffic created by adjacent signalized intersections.

As shown in the attached volume figures, right turning volumes are expected to be reduced significantly from the previous version of the traffic study, and it is anticipated that a southbound right turn lane will not be warranted at this location. In addition, it is our understanding that there are generally no right turn lanes at unsignalized driveways along this section of Monroe Road. Therefore, the lack of a right turn lane at the proposed site drive would conform with driver expectancy in this area.

The findings of this addendum are that a single lane approach will provide adequate capacity on the proposed site driveway, and that with the reduction in traffic due to the updated land use trip generation, a southbound right turn lane on Monroe Road is no longer warranted.

Please feel free to contact me with any questions or comments regarding this addendum.

Sincerely,



Jacob D. Carpenter, P.E.

Regional Manager
Ramey Kemp & Associates, Inc.

Attachments

Land Use: 770 Business Park

Description

Business parks consist of a group of flex-type or incubator one- or two-story buildings served by a common roadway system. The tenant space is flexible and lends itself to a variety of uses; the rear side of the building is usually served by a garage door. Tenants may be start-up companies or small mature companies that require a variety of space. The space may include offices; retail and wholesale stores; restaurants; recreational areas; and warehousing, manufacturing, light industrial, or scientific research functions. The average mix is 20 to 30 percent office/commercial and 70 to 80 percent industrial/warehousing. General office building (Land Use 710), corporate headquarters building (Land Use 714), single tenant office building (Land Use 715), office park (Land Use 750) and research and development center (Land Use 760) are related uses.

Additional Data

The studies were conducted between the 1980s and the 1990s at sites throughout the United States.

Trip Characteristics

The trip generation for the a.m. and p.m. peak hours of the generator typically coincided with the peak hours of the adjacent street traffic; therefore, only one a.m. peak hour and one p.m. peak hour, which represent both the peak hour of the generator and the peak hour of the adjacent street traffic, are shown for business parks.

Source Numbers

155, 211, 212, 213, 216, 407, 423

Summary of Trip Generation Calculation
For 65.1 Th.Sq.Ft. GFA of Business Park
October 28, 2010

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	22.23	0.00	1.00	1447
7-9 AM Peak Hour Enter	1.21	0.00	1.00	79
7-9 AM Peak Hour Exit	0.23	0.00	1.00	15
7-9 AM Peak Hour Total	1.44	0.00	1.00	94
4-6 PM Peak Hour Enter	0.36	0.00	1.00	23
4-6 PM Peak Hour Exit	1.20	0.00	1.00	78
4-6 PM Peak Hour Total	1.56	0.00	1.00	102
Saturday 2-Way Volume	3.42	0.00	1.00	223
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.
The above rates were calculated from these equations:

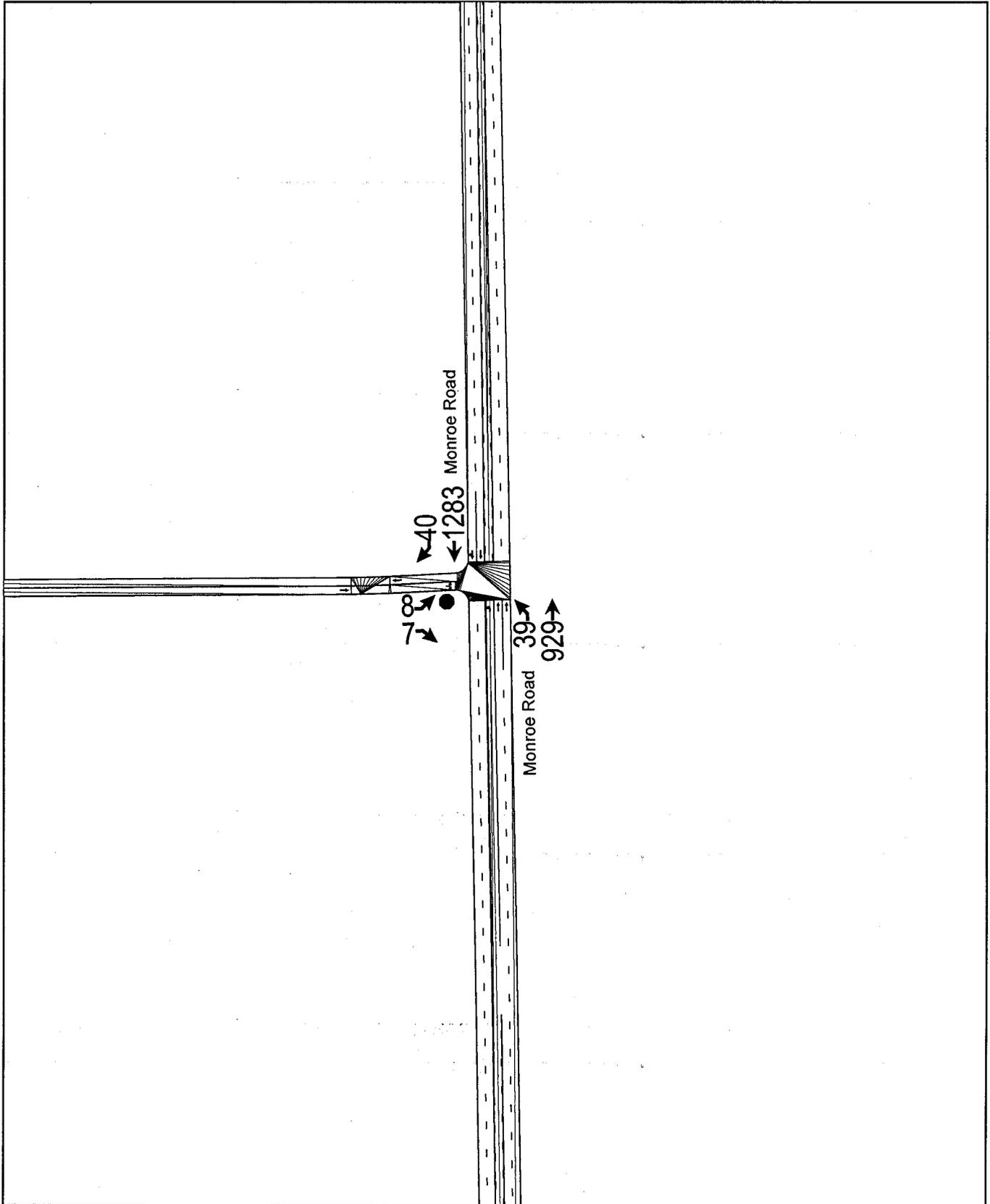
24-Hr. 2-Way Volume: $T = 10.75(X) + 747.41, R^2 = 0.89$
7-9 AM Peak Hr. Total: $LN(T) = .98LN(X) + .45$
 $R^2 = 0.85, 0.84$ Enter, 0.16 Exit
4-6 PM Peak Hr. Total: $LN(T) = .92LN(X) + .78$
 $R^2 = 0.82, 0.23$ Enter, 0.77 Exit
AM Gen Pk Hr. Total: $LN(T) = .98LN(X) + .45$
 $R^2 = 0.85, 0.84$ Enter, 0.16 Exit
PM Gen Pk Hr. Total: $LN(T) = .92LN(X) + .78$
 $R^2 = 0.82, 0.23$ Enter, 0.77 Exit
Sat. 2-Way Volume: $LN(T) = .83LN(X) + 1.94, R^2 = 0.81$
Sat. Pk Hr. Total: 0
 $R^2 = 0, 0$ Enter, 0 Exit
Sun. 2-Way Volume: $LN(T) = .99LN(X) + .27, R^2 = 0.86$
Sun. Pk Hr. Total: 0
 $R^2 = 0, 0$ Enter, 0 Exit

Source: Institute of Transportation Engineers
Trip Generation, 8th Edition, 2008.

TRIP GENERATION BY MICROTRANS

Map - Monroe Road Commercial Development
Volumes

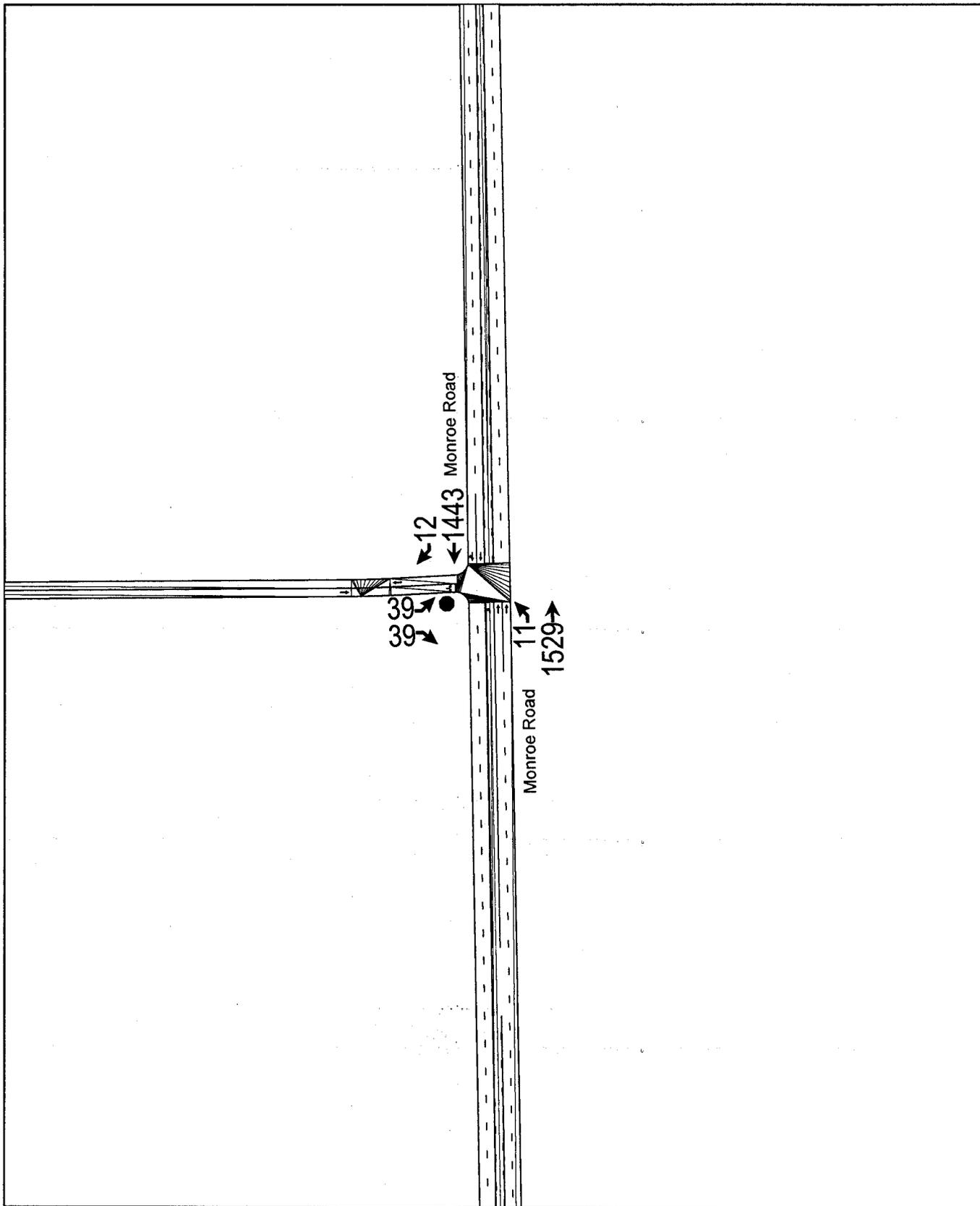
Monroe Road Commercial Development
10/28/2010



Build (2012)
Timing Plan: AM Peak

Map - Monroe Road Commercial Development
Volumes

Monroe Road Commercial Development
10/28/2010



Build (2012)
Timing Plan: PM Peak

Monroe Road Commercial Development
3: Site Drive & Monroe Road

Build (2012)
Timing Plan: AM Peak

						
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Volume (veh/h)	8	7	39	929	1283	40
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	9	8	43	1032	1426	44
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				TWLT	TLTWL	TL
Median storage (veh)				2	2	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	2051	735	1470			
vC1, stage 1 conf vol	1448					
vC2, stage 2 conf vol	603					
vCu, unblocked vol	2051	735	1470			
tC, single (s)	6.8	6.9	4.1			
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3	2.2			
p0 queue free %	95	98	90			
cM capacity (veh/h)	168	362	455			
Direction, Lane #	EB 1	NB 1	NB 2	NB 3	SB 1	SB 2
Volume Total	17	43	516	516	950	520
Volume Left	9	43	0	0	0	0
Volume Right	8	0	0	0	0	44
cSH	224	455	1700	1700	1700	1700
Volume to Capacity	0.07	0.10	0.30	0.30	0.56	0.31
Queue Length 95th (ft)	6	8	0	0	0	0
Control Delay (s)	22.4	13.7	0.0	0.0	0.0	0.0
Lane LOS	C	B				
Approach Delay (s)	22.4	0.6			0.0	
Approach LOS	C					
Intersection Summary						
Average Delay			0.4			
Intersection Capacity Utilization			46.7%		ICU Level of Service	A
Analysis Period (min)			15			

Monroe Road Commercial Development
3: Site Drive & Monroe Road

Build (2012)
Timing Plan: PM Peak

						
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Volume (veh/h)	39	39	11	1529	1443	12
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Hourly flow rate (vph)	43	43	12	1699	1603	13
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				TWLT	TLTWL	TL
Median storage (veh)				2	2	
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	2484	808	1617			
vC1, stage 1 conf vol	1610					
vC2, stage 2 conf vol	874					
vCu, unblocked vol	2484	808	1617			
tC, single (s)	6.8	6.9	4.1			
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3	2.2			
p0 queue free %	68	87	97			
cM capacity (veh/h)	134	324	399			
Direction, Lane #	EB 1	NB 1	NB 2	NB 3	SB 1	SB 2
Volume Total	87	12	849	849	1069	548
Volume Left	43	12	0	0	0	0
Volume Right	43	0	0	0	0	13
cSH	190	399	1700	1700	1700	1700
Volume to Capacity	0.46	0.03	0.50	0.50	0.63	0.32
Queue Length 95th (ft)	54	2	0	0	0	0
Control Delay (s)	39.0	14.3	0.0	0.0	0.0	0.0
Lane LOS	E	B				
Approach Delay (s)	39.0	0.1			0.0	
Approach LOS	E					
Intersection Summary						
Average Delay			1.0			
Intersection Capacity Utilization			53.5%		ICU Level of Service	A
Analysis Period (min)			15			



DATE FILED 9/3/2010
 APPLICATION NUMBER 2010-501
For office use only

**APPLICATION FOR CHANGE IN ZONING CLASSIFICATION
 OR CHANGE IN CONDITIONS
 (SEE FILING INSTRUCTIONS)**

TO: Town of Matthews Board of Commissioners
 Town of Matthews Planning Board
 232 Matthews Station Street
 Matthews, North Carolina 28105-6713

Ladies and Gentlemen:

Your consideration of this petition is requested for:

- A change in zoning classification of the property hereinafter described; or
- A change in conditions to an existing conditional zoning plan.

Tax parcel number(s): 213-012-22; 213-012-23; 213-012-24; 213-012-25; 213-012-26

Address of property: #s 10726; 10742; and 10804 Monroe Road, Matthews, NC 28105

Location of property: The properties are located on the west side of Monroe Road just north of Matthews Township Parkway and south of the City of Charlotte city limits.

Title to the property was acquired on August 14, 2007
 and was recorded in the name of Albemarle Road Land Co., LLC
 whose mailing address is PO Box 23755
Charlotte, NC 28227

The deed is recorded in Book 22671 and Page 325,328,331 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: R-20 Requested zoning classification: I-1 CD

List reason(s) why zoning should be changed (use separate sheet if necessary):

We are seeking a change in zoning to 1-1 (CD) to allow uses that are consistent with the surrounding properties. As currently zoned (R-20), the site is vacant and under utilized and cannot support uses consistent and compatible with other surrounding business uses along this portion of the Monroe Road business corridor. The petition is reasonable and in conformance with the Matthews Land Use Plan: A Guide for Growth 2002-2012. It fosters orderly growth and development by combining several small parcels currently zoned for low-density residential use along a business corridor; it encourages sound land use patterns by creating more consistency and compatibility along the Monroe Road corridor; and it encourages infill development and redevelopment of vacant unused parcels which no longer fit with the surrounding uses and zoning.

Application number
2010-561
9/3/2010
For office use only

Signature of property owner (must be original)

Daniel L. Schwarz for
Albemarle Road Land Co. LLC

Print name of property owner

PO Box 23755

Property owner's mailing address

Charlotte NC 28227

Property owner's mailing address, continued

Property owner's mailing address, continued

704-849-8181

daniel.schwarz@blackstowne.com

Property owner's phone number/email address

Signature of property owner (must be original)

Print name of property owner

Property owner's mailing address

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address

Signature of agent (if any)

James P. Cannon, RLA

Print name of agent

1318 Central Avenue, Suite e6

Agent's mailing address

Charlotte, NC 28205

Agent's mailing address, continued

Agent's mailing address, continued

704-334-3303; chip@urbandesignpatterns.com

Agent's phone number/email address

Petitioner other than owner (if any)

Print name of petitioner

Petitioner's mailing address

Petitioner's mailing address, continued

Petitioner's mailing address, continued

Petitioner's phone number/email address

List all tax parcel numbers, names, and mailing addresses of all property owners subject to notification of this zoning application. Attach additional sheets if necessary.

See item #7 in instruction sheet titled "Instructions for Filing an Application for a Change in Zoning Classification or Change in Conditions for Property located in the Town of Matthews."

Application number
2010-561
9/3/2010
For office use only

21301228

TAX PARCEL

Matthews Power Equip. Limited and James Mulligan

PROPERTY OWNER NAME(S)

PO Box 920

OWNER MAILING ADDRESS

Salisbury, NC 28145

OWNER MAILING ADDRESS, CONTINUED

21301229

TAX PARCEL

Shurgard/Morningstar Storage and Dept. Centers LLC

PROPERTY OWNER NAME(S)

PO Box 25025

OWNER MAILING ADDRESS

Glendale, CA 91201

OWNER MAILING ADDRESS, CONTINUED

21327402

TAX PARCEL

Evelyn Cicely Forde

PROPERTY OWNER NAME(S)

418 Neill Ridge Road

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21327403

TAX PARCEL

María L. Espinoza

PROPERTY OWNER NAME(S)

7068 SW 53 Lane

OWNER MAILING ADDRESS

Miami, Florida 33155

OWNER MAILING ADDRESS, CONTINUED

21327404

TAX PARCEL

Thomas G. Erb and Nancy A. Erb

PROPERTY OWNER NAME(S)

406 Neill Ridge Road

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21301201

TAX PARCEL

Covenant Day School, Inc.

PROPERTY OWNER NAME(S)

800 Fullwood Road

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21301217

TAX PARCEL

John D. Smith and Michelle T. Smith

PROPERTY OWNER NAME(S)

4411 Wycombe Court

OWNER MAILING ADDRESS

Charlotte, NC 28226

OWNER MAILING ADDRESS, CONTINUED

21301216

TAX PARCEL

J. Douglas Smith and Michele B. Smith

PROPERTY OWNER NAME(S)

4411 Wycombe Court

OWNER MAILING ADDRESS

Charlotte, NC 28226

OWNER MAILING ADDRESS, CONTINUED

List all tax parcel numbers, names, and mailing addresses of all property owners subject to notification of this zoning application. Attach additional sheets if necessary.

See item #7 in instruction sheet titled "Instructions for Filing an Application for a Change in Zoning Classification or Change in Conditions for Property located in the Town of Matthews."

Application number
2010-561
9/3/2010
For office use only

19321139

TAX PARCEL
MSC Matthews Annex LLC and Public Storage Inc.
PROPERTY OWNER NAME(S)
PO Box 25025
OWNER MAILING ADDRESS
Glendale, CA 91201
OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL
PROPERTY OWNER NAME(S)
OWNER MAILING ADDRESS
OWNER MAILING ADDRESS, CONTINUED

19321103

TAX PARCEL
JB Harrison Properties LLC
PROPERTY OWNER NAME(S)
18201 Capstan Greens Road
OWNER MAILING ADDRESS
Cornelius, NC 28031
OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL
PROPERTY OWNER NAME(S)
OWNER MAILING ADDRESS
OWNER MAILING ADDRESS, CONTINUED

19321102

TAX PARCEL
Quattlebaum Associates
PROPERTY OWNER NAME(S)
522 Rice Bluff Road
OWNER MAILING ADDRESS
Pawley's Island, SC 29585
OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL
PROPERTY OWNER NAME(S)
OWNER MAILING ADDRESS
OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL
PROPERTY OWNER NAME(S)
OWNER MAILING ADDRESS
OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL
PROPERTY OWNER NAME(S)
OWNER MAILING ADDRESS
OWNER MAILING ADDRESS, CONTINUED

Application number
2010-561
9/3/2010
For office use only

SUMMARY OF THE REZONING PROCESS

PETITIONER: Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

PROPERTY OWNERS: These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411, extension 224) for verification.

Application submitted to and accepted by the Town of Matthews _____ September 3, 2010

Town Board of Commissioners formally accepts application and sets Public Hearing date _____ September 13, 2010

Notices sent via mail to affected/adjacent property owners on or before _____ October 25, 2010

Protest petition filed with Planning Department by 5:00 pm on _____ November 3, 2010

Public hearing: petitioner may give explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning _____ November 8, 2010

Town Planning Board reviews petition, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request _____ November 23, 2010

Town Board of Commissioners approves or denies application _____ December 13, 2010

GENERAL STATUTE 160A-385: CHANGES.

- (a) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority. To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100-foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.
- (b) Amendments in zoning ordinances shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issued pursuant to GS 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to GS 160A-418 and unrevoked pursuant to GS 160A-422 or (ii) a vested right has been established pursuant to GS 160A-385.1 and such vested right remains valid and unexpired pursuant to GS 160A-385.1

Adjacent Properties (and Properties within 100 Feet)

- 1) PID #21301228
Matthews Power Equipment Limited and James Mulligan
PO Box 920
Salisbury, NC 28145
- 2) PID #21301229
Shurgard/Morningstar Storage and Department Centers LLC
PO Box 25025
Glendale, CA 91201
- 3) PID #21327402
Evelyn Cicely Forde
418 Neill Ridge Road
Matthews, NC 28105
- 4) PID #21327403
Maria L. Espinoza
7068 SW 53 Lane
Miami, Florida 33155
- 5) PID #21327404
Thomas G. Erb and Nancy A. Erb
406 Neill Ridge Road
Matthews, NC 28105
- 6) PID #21301201
Covenant Day School, Inc.
800 Fullwood Road
Matthews, NC 28105
- 7) PID #21301217
John D. Smith and Michelle T. Smith
4411 Wycombe Court
Charlotte, NC 28226
- 8) PID #21301216
J. Douglas Smith and Michele B. Smith
4411 Wycombe Court
Charlotte, NC 28226
- 9) PID #19321139
MSC Matthews Annex LLC and Public Storage Inc.
PO Box 25025
Glendale, CA 91201

10) PID #19321103
JB Harrison Properties LLC
18201 Capstan Greens Road
Cornelius, NC 28031

11) PID #19321102
Quattlebaum Associates
522 Rice Bluff Road
Pawley's Island, SC 29585



Date: September 3, 2010

To: Kathi Ingrish, Planning Director
Town of Matthews Planning Department
Matthews Town Hall
232 Matthews Station Street
Matthews, NC 28105

Re: Monroe Road Business Park Rezoning Petition

Dear Kathi,

I would like to thank you for the opportunity to submit this rezoning petition request for my Client's properties on Monroe Road in the Town of Matthews. The 4.4-acre site is located on the west side of Monroe Road just north of the intersection with Matthews Township Parkway. The project consists of 5 contiguous parcels which make up the entire site. The project program includes development of a business park with 3-6 individual for-sale or for-lease parcels. The development will be geared towards business uses as allowed under the I-1 zoning district with a focus on employment opportunities. We understand the Town's sensitivity to strip centers and auto-oriented uses, therefore are excluding several typical uses that would be found in the B-2 district (i.e. gas stations, auto garages and repair shops). We are also proposing a design that will encourage multi-building, multi-parcel development served from a single access point from Monroe Road. We believe this type of development will be compatible with the surrounding uses and context and will create a new model for light industrial growth in the Town of Matthews. If this petition is approved, the result will result in several residential properties which are currently "donut holes" in the land use pattern being changed to business oriented properties, compatible with the existing surrounding land uses along a major business corridor.

Our petition request is reasonable and in conformance with the adopted development goals and policies of the Town of Matthews. The proposed development is consistent with the *Matthews Land Use Plan: A Guide for Growth 2002-2012*. It falls in line with the Land Use Plan goals and objectives and directly promotes the following goals of the Land Use Plan:

- Fosters orderly growth and development by combining several small parcels which are currently zoned for residential use along a business corridor. In its submitted form, the plan calls for connectivity to adjacent business parcels.
- Encourages sound land use patterns by creating more consistency and compatibility along the Monroe Road corridor.
- Encourages infill development and redevelopment of vacant unused parcels which no longer fit with the surrounding uses and zoning.

Our plan also supports the document's goals for the transitional area along Monroe Road between the Charlotte City Limits and NC51. It incorporates several parcels, has a shared driveway access point which allows for connection to other adjacent properties, and does not include strip-center type design.

We believe our petition request is very much in keeping with the goals, objectives, and desires of the Town of Matthews. It will allow a quality project that supports the planning and design strategies of the Town, while providing an asset to its citizens and a great improvement to the existing conditions in the area. Thank you for your consideration. Please let me know if you have any questions or concerns or if we can be of further assistance.

Best Regards,



James P. Cannon, RLA
Partner
Urban Design Partners



Date: September 3, 2010

To: Kathi Ingrish, Planning Director
Town of Matthews Planning Department
Matthews Town Hall
232 Matthews Station Street
Matthews, NC 28105

Re: Monroe Road Business Park Traffic Study Waiver Request

Dear Kathi,

I would like to thank you for the opportunity to submit our rezoning petition request for my Client's properties on Monroe Road in the Town of Matthews. As a part of a rezoning petition application the Town requires a traffic study be included as part of the submittal package. Alternately the Town allows for the applicant to request a waiver of the study "by providing documentation that the amount of newly generated traffic would not be of sufficient volume to warrant a full traffic study"; we are seeking this waiver with this letter and are supporting this request with a September 2008 traffic study of the same site which is being submitted as part of our application.

My Client has submitted with our application a copy of a traffic study for the same project site performed in September 2008. This study was performed by Kubilins Transportation Group, Inc. for the Fountainhead Office Park rezoning request (petition submitted October 3, 2008). The study was based on criteria for that project which included approximately 65,000 square feet of office and business uses. This use and size information is very close to what is included in our current rezoning, therefore the information and results provided in the 2008 study will be very close to what would be generated from a new study based on this current rezoning petition. The amount of newly generated traffic from the current petition would not be of sufficient volume difference from the original petition (and traffic study) to warrant a new study after only two years.

Additionally, there have been no major changes in the adjacent areas along Monroe Road. There have been no substantial new developments which might drastically affect the outcome of a new study. To our knowledge, there have also been no changes to the traffic patterns or traffic controls along Monroe Road since the 2008 study was performed.

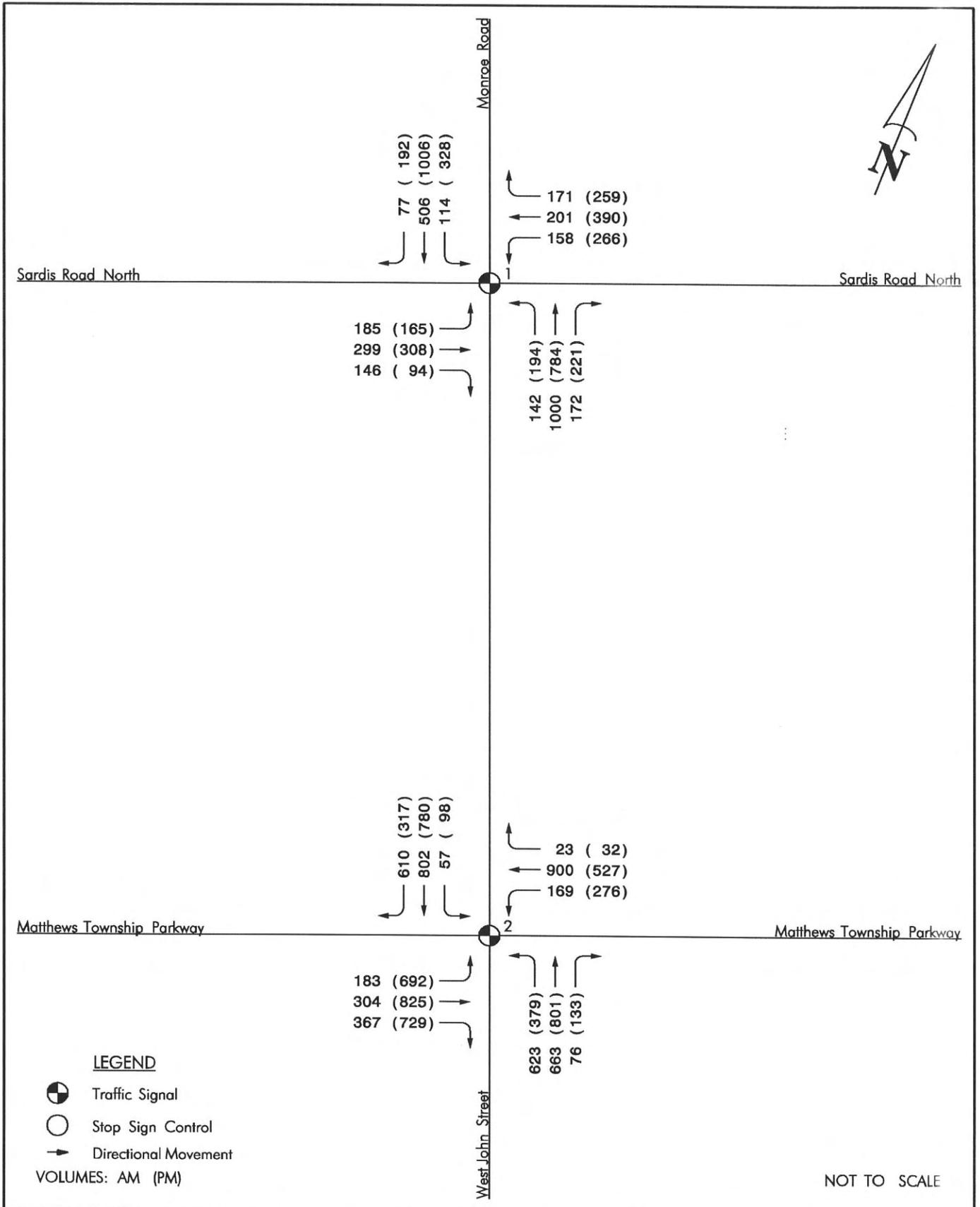
Lastly, we are not asking for a waiver of the traffic study requirement in its entirety...we have submitted a study and are simply requesting a waiver from having to provide a NEW traffic study for the same site and same general criteria.

Considering all the above information, we believe our waiver request is reasonable. Thank you for your consideration. Please let me know if you have any questions or concerns or if we can be of further assistance.

Best Regards,

A handwritten signature in blue ink, appearing to read "J. Cannon", is written over the "Best Regards," text.

James P. Cannon, RLA
Partner, Urban Design Partners



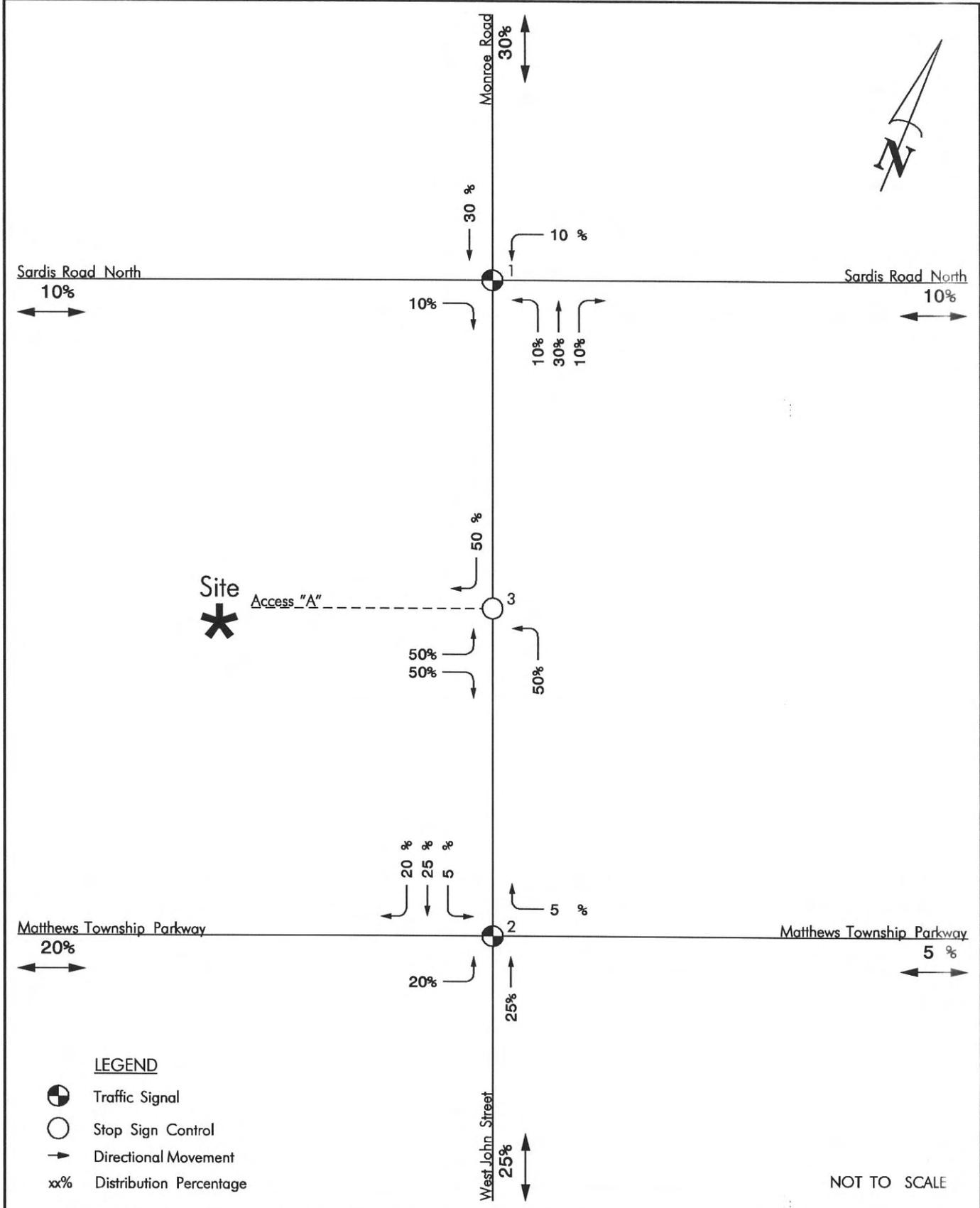


Table 1: Trip Generation

Land Use	Area		Daily	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
2010 Phase I									
Retail (LUC 820, Equations)	13,500	SF	1,848	29	18	47	80	87	167
Office (LUC 710, Equations)	51,500	SF	800	97	13	110	23	113	136
Phase I Subtotals			2,648	126	31	157	103	200	303
<i>Internal Capture</i>	<i>retail</i>		-65	0	0	0	-2	-3	-5
	<i>office</i>		-65	0	0	0	-3	-2	-5
<i>PassBy Reduction (Daily / PM Retail)</i>	34%	35%	-606	0	0	0	-27	-29	-56
Phase I Totals			1,912	126	31	157	71	166	237
2012 Full Buildout									
Retail (LUC 820, Equations)	30,000	SF	3,105	46	30	76	136	147	283
Office (LUC 710, Equations)	60,000	SF	900	110	15	125	25	121	146
Full Buildout Subtotals			4,005	156	45	201	161	268	429
<i>Internal Capture</i>	<i>retail</i>		-109	0	0	0	-3	-4	-7
	<i>office</i>		-109	0	0	0	-4	-3	-7
<i>PassBy Reduction (Daily / PM Retail)</i>	34%	35%	-1,019	0	0	0	-47	-50	-97
Full Buildout Totals			2,768	156	45	201	107	211	318

References:

Trip Generation, 7th Edition, Institute of Transportation Engineers, Washington, DC. 2003.

AM peak hour pass-by & internal capture not applicable per the 2003 ITE Trip Generation Manual.

Analyst: Kublins Transportation Group, Inc.

Date: Sep-08

Phase I

Name of Dvlpt: Fountainhead Office Park TIA

Time Period: Daily

Land Use A: Retail

ITE LU Code			
Size		13,500	
	Total	Internal	External
Enter	924	37	887
Exit	924	28	896
Total	1848	65	1783
%	100.00	3.52	96.48

Demand

3%	28
----	----

Balanced

28

Demand

15%	60
-----	----

Demand

4%	37
----	----

Balanced

37

Demand

22%	88
-----	----

Demand

11%	102
-----	-----

Balanced

0

Demand

33%	0
-----	---

Demand

9%	83
----	----

Balanced

0

Demand

38%	0
-----	---

Land Use B: Office

ITE LU Code			
Size		51,500	
	Total	Internal	External
Enter	400	28	372
Exit	400	37	363
Total	800	65	735
%	100.00	8.13	91.88

Demand

0%	0
----	---

Balanced

0

Demand

0%	0
----	---

Demand

2%	8
----	---

Balanced

0

Demand

3%	0
----	---

Land Use C: Residential

ITE LU Code			
Size		0	
	Total	Internal	External
Enter	0	0	0
Exit	0	0	0
Total	0	0	0
%	#DIV/0!	#DIV/0!	#DIV/0!

Net External Trips for Multi-Use Development

	Land Use A	Land Use B	Land Use C	Total	Internal Capture %
Enter	887	372	0	1259	
Exit	896	363	0	1259	
Total	1783	735	0	2518	
Single-Trip Gen. Est.	1848	800	0	2648	4.91

Analyst: Kublins Transportation Group, Inc.
Date: Sep-08

Phase I

Name of Dvlpt: Fountainhead Office Park TIA
Time Period: PM Peak Hour

Land Use A: Retail

ITE LU Code			
Size 13,500			
	Total	Internal	External
Enter	80	2	78
Exit	87	3	84
Total	167	5	162
%	100.00	2.99	97.01

Demand

3%	3
----	---

Balanced

3

Demand

31%	7
-----	---

Demand

2%	2
----	---

Balanced

2

Demand

23%	26
-----	----

Demand

12%	10
-----	----

Balanced

0

Demand

31%	0
-----	---

Demand

9%	7
----	---

Balanced

0

Demand

53%	0
-----	---

Land Use B: Office

ITE LU Code			
Size 51,500			
	Total	Internal	External
Enter	23	3	20
Exit	113	2	111
Total	136	5	131
%	100.00	3.68	96.32

Demand

0%	0
----	---

Balanced

0

Demand

0%	0
----	---

Demand

2%	2
----	---

Balanced

0

Demand

2%	0
----	---

Land Use C: Residential

ITE LU Code			
Size 0			
	Total	Internal	External
Enter	0	0	0
Exit	0	0	0
Total	0	0	0
%	#DIV/0!	#DIV/0!	#DIV/0!

Net External Trips for Multi-Use Development

	Land Use A	Land Use B	Land Use C	Total	Internal Capture %
Enter	78	20	0	98	
Exit	84	111	0	195	
Total	162	131	0	293	
Single-Trip Gen. Est.	167	136	0	303	3.30

Analyst: Kublins Transportation Group, Inc.
Date: Sep-08

Phase I+II (Full Buildout)

Name of Dvlpt: Fountainhead Office Park TIA
Time Period: Daily

Land Use A: Retail

ITE LU Code			
Size 30,000			
	Total	Internal	External
Enter	1553	62	1490.5
Exit	1553	47	1505.5
Total	3105	109	2996
%	100.00	3.51	96.49

Demand

3%	47
----	----

Balanced

47

Demand

15%	68
-----	----

Demand

4%	62
----	----

Balanced

62

Demand

22%	99
-----	----

Demand

11%	171
-----	-----

Balanced

0

Demand

33%	0
-----	---

Demand

9%	140
----	-----

Balanced

0

Demand

38%	0
-----	---

Land Use B: Office

ITE LU Code			
Size 60,000			
	Total	Internal	External
Enter	450	47	403
Exit	450	62	388
Total	900	109	791
%	100.00	12.11	87.89

Demand

0%	0
----	---

Balanced

0

Demand

0%	0
----	---

Demand

2%	9
----	---

Balanced

0

Demand

3%	0
----	---

Land Use C: Residential

ITE LU Code			
Size 0			
	Total	Internal	External
Enter	0	0	0
Exit	0	0	0
Total	0	0	0
%	#DIV/0!	#DIV/0!	#DIV/0!

Net External Trips for Multi-Use Development

	Land Use A	Land Use B	Land Use C	Total	
Enter	1490.5	403	0	1893.5	
Exit	1505.5	388	0	1893.5	
Total	2996	791	0	3787	
Single-Trip Gen. Est.	3105	900	0	4005	Internal Capture %
					5.44

Analyst: Kublins Transportation Group, Inc.
Date: Sep-08

Phase I+II (Full Buildout)

Name of Dvlpt: Fountainhead Office Park TIA
Time Period: PM Peak Hour

Land Use A: Retail

ITE LU Code			
		Size 30,000	
	Total	Internal	External
Enter	136	3	133
Exit	147	4	143
Total	283	7	276
%	100.00	2.47	97.53

Demand

3%	4
----	---

Balanced

4

Demand

31%	8
-----	---

Demand

2%	3
----	---

Balanced

3

Demand

23%	28
-----	----

Demand

12%	18
-----	----

Balanced

0

Demand

31%	0
-----	---

Demand

9%	12
----	----

Balanced

0

Demand

53%	0
-----	---

Land Use B: Office

ITE LU Code			
		Size 60,000	
	Total	Internal	External
Enter	25	4	21
Exit	121	3	118
Total	146	7	139
%	100.00	4.79	95.21

Demand

0%	0
----	---

Balanced

0

Demand

0%	0
----	---

Demand

2%	2
----	---

Balanced

0

Demand

2%	0
----	---

Land Use C: Residential

ITE LU Code			
		Size 0	
	Total	Internal	External
Enter	0	0	0
Exit	0	0	0
Total	0	0	0
%	#DIV/0!	#DIV/0!	#DIV/0!

Net External Trips for Multi-Use Development

	Land Use A	Land Use B	Land Use C	Total	
Enter	133	21	0	154	
Exit	143	118	0	261	
Total	276	139	0	415	
Single-Trip Gen. Est.	283	146	0	429	Internal Capture %
					3.26