

Print Form



232 Matthews Station Street
Matthews NC 28105

Staff Analysis

Rezoning Petition
Date Revision 1 Revision 2
Public Hearing

REQUEST This petition seeks to rezone the existing outdated Conditional Zoning District (C) to B-1 (CD) the appropriate zoning district for neighborhood business in today's zoning ordinance.

LOCATION 1898 Windsor Square Drive

PROPERTY OWNER RWTJR, LLC

PETITIONER RWTJR, LLC

**AGENT/
REPRESENTATIVE** None

PLANNING STAFF REVIEW

Elements of the Request

To rezone the existing outdated Conditional District (C) zoned property to B-1 (CD) the appropriate zoning district for neighborhood business in today's zoning ordinance. No changes in structure or existing uses are proposed by this conversion.

Does Request Support Adopted Plans and Policies? Yes No
(If no, see unresolved and outstanding issues)

Are any Zoning Variances needed? Yes No

In order to meet minimum parking requirements in today's zoning ordinance for existing uses a zoning variance will be required. See unresolved or outstanding issues and staff recommendation.

Previous Action on this Property

Ordinance 357 approve July 23, 1986.

Existing Improvements on Parcel

One 20,302 sf commercial building

PLANNING STAFF REVIEW CONT'D

Requirement	Meets Requirement?		Staff Recommended Changes?		Changes Made?	
Setbacks and Yards	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Parking	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Landscaping	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Off Site Improvements	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Fire Access	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Connectivity	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Signage	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

PUBLIC INFRASTRUCTURE

Report Received From: _____ **Issues Identified?** _____ **If yes, see outstanding issues** _____

Matthews Fire Department Yes No

LUESA Yes No

CMS Yes No

Matthews P&R Yes No

Is project subject to PCO concept plan approval before zoning decision? Yes No

Traffic impact study received? Yes No

What improvements are recommended and/or committed to?

None.

UNRESOLVED OR OUTSTANDING ISSUES

The existing outdated Conditional Zoning District (follows the zoning ordinance in effect in 1986) requires 51 parking spaces for the existing uses located on the property. The zoning ordinance in effect today requires a minimum of 86 spaces for these uses. There are 56 existing parking spaces on site. Because the parking requirements for the proposed zoning exceeds the 10% deficiency allowed by Section 153.272 of the Zoning Ordinance for the conversion of properties from an outdated zoning classification to the appropriate district in the current ordinance a zoning variance will be required. The zoning variance must be in place prior to a decision on the rezoning request.

STAFF COMMENTS AND RECOMMENDATION

Staff recommends approval of this zoning request contingent on approval of a zoning variance for minimum parking requirements.

PETITION # 568

ZONING PETITION STAFF CHECKLIST

IDENTIFYING DATA

Name of Owner RWTJR LLC
Address of Property 1898 Windsor Square Drive
Tax Parcel Number(s) 193-302-01
Date 04/21/11

GENERAL BACKGROUND DATA

Current Zoning Conditional Proposed Zoning B-1 (CD)
Current Use Neighborhood Business Proposed Use Neighborhood Business
Property Dimensions
Lot Width 200' +/- along Windsor Square Drive Lot Area 1.54 acres
Established front setback, if structure present 40'

DIMENSIONAL REQUIREMENTS

Current Zoning CONDITIONAL Proposed Zoning B-1 (CD)
Lot Area none Proposed Lot Area none
Lot Width none Proposed Lot Width none
Front Setback 40' Proposed Front Setback 40'
Side Yards 10' Proposed Side Yards 4'/35'
Rear Yards none Proposed Rear Yards 10'
Max. Height 35' Proposed Max. Height 40'
Open Space none Proposed Open Space none
Comments: none

MISCELLANEOUS PROVISIONS

If considered necessary, has a copy of the petition been sent by the applicant to the property's fire department for their review? Na – developed property

Date sent na

Is any portion of this property in floodplain? no

Are there any known zoning violations on this site? no

If so, explain: na

Tax records indicate the owner(s) as: **RWTJR LLC**

This application is submitted by: X the owner listed above
 an agent for the owner
 other

If agent or other, what documentation has been provided from owner or is none required?
na

LAND USE PLAN CONFORMANCE

Is there a discrepancy between current or proposed zoning and the Land Use Plan? If so, what is the discrepancy? **Yes** 9Current zoning is a defunct zoning category)

Land Use Plan elements that impact the subject property: **Commercial/retail Objectives and Recommendations (pages 20-21 of the Land Use Plan).**

ADDITIONAL CRITERIA FOR CONSIDERATION

1. **What changes have, or are, occurring in the area to justify a change in zoning?**
Ongoing conversion of all "old Conditional" zoned properties to appropriate zoning categories in today's zoning ordinance.

2. **What are adjacent properties zoned, and what are adjacent land uses?**

Direction	Zoning	Land Use
North	Conditional	Retail/Petsmart
Northeast	Conditional	Apartment Community
East	Conditional	Apartment Community
Southeast	Conditional	Apartment Community
South	Conditional	Windsor Square SC
Southwest	Conditional	Windsor Square SC
West	Conditional	Windsor Square SC
Northwest	Conditional	Retail/Sam's Club

3. **What are development plans in the area – roads, schools, future commercial development, etc.?** Recently approved new driveway access to Windsor Square Shopping Center.

4. **Is there a reason the current land use cannot continue to be feasible as it now exists?**
no

5. **List some potential uses under existing zoning.** B-1 list of uses from the zoning ordinance in effect at time "old Conditional" zoning was approved for Windsor Square.

6. **List some potential uses under proposed zoning.** B-1 list of uses from current zoning ordinance (lists of uses are similar with current B-1 uses more restrictive).

7. **Are any of these uses inappropriate for this location, and if so, why?** no

8. **(A) What is applicant's stated reason for requesting rezoning?** "This zoning request seeks to convert this property from the defunct "old conditional" zoning district to an appropriate category for neighborhood business, B-1 (CD), in today's zoning ordinance."

(B) Comments: none

9. **(A) What will be the benefits to the surrounding properties?** add

- (B) What will be the detriments to the surrounding properties? none
10. Is a traffic study required for this petition? add
If so, what are the recommendations of the study? add
11. What does the purpose statement of the proposed zoning district say? The purpose of this district is to create and protect business centers for the retailing of merchandise such as groceries, drugs, and household items and for the provision of professional services for the convenience of dwellers of nearby residential areas.
12. Will this proposal meet the intent of the above purpose statement? yes

OUR TOWN – *Our Vision*

1. Small Town Feeling and Identity Matthews has kept its small town feeling and identity, while continuing to grow. Attractive neighborhoods, a variety of churches, quality schools and an outstanding medical center make for a full service community. Above all, people feel safe and secure here. Streets in Matthews exude a small town charm - overarching street trees, attractive landscaping, understated signage, and wide, shaded sidewalks. Small parks and natural areas dot the community. Retail parking lots, once viewed as "seas of asphalt", have been broken up, softened, and shaded with landscaped islands and perimeter buffers. Matthews has avoided "anywhere USA" franchise-style development. Instead, buildings, old and new, honor the 100-year-plus heritage of the community. New buildings are largely of modest height and scale, and are finished in traditional wood and brick architectural themes.

568 2. Well-Planned, Functional Transportation System A system of improved arterial roads, combined with traffic calming measures downtown, have successfully diverted non-local, commuter traffic away from downtown Matthews. These improvements were part of a comprehensive transportation plan, pushed through as a priority with State and regional funding. Trade and John Streets have especially benefited, and are now better able to serve patrons of downtown shops, restaurants and other attractions, as well as local residents. The character of these and most other town streets reflect a more pedestrian-friendly environment. A new mass transit service, with several stops in Matthews, provides a useful alternative for those seeking a stress free trip to and from Charlotte.

3. Walkable and Bikeable Community Matthews continues to work toward becoming a very walkable and bikeable community. New streets, as well as improvements to existing streets, are designed for multiple users (motorists, bicyclists, and pedestrians) -according to the level of traffic intended. Most streets have sidewalks on both sides; many larger streets have bike lanes. Designated crosswalks are evident throughout Matthews, especially in the downtown area. In general, there is a high level of connectivity between streets, sidewalks, bikeways, walking trails, and greenway trails. Parking lots are also connected to allow shoppers to go from store to store without entering the highway. This continuous system provides for a multitude of driving, walking and bicycling alternatives. Cul de sacs are employed sparingly, in favor of fully connected neighborhood streets.

4. Vibrant, Pedestrian-Friendly Downtown Downtown Matthews has gained even more prominence as the social and cultural heart of the community. The downtown has become a true destination in the region, with a reputation for quality restaurants, quaint shops, boutiques and other thriving businesses. Sidewalks and streets are filled with people of all ages day and night, drawn by the historic character and beauty of the area, the human scale of its buildings and public spaces, and a constantly changing venue of arts and entertainment offerings. New, moderate-density housing at the edge of the downtown and in the upper floors of downtown buildings provides support to merchants and twenty-four hour security for downtown visitors. The Town government has been proactive in creating a physical, financial, and regulatory environment especially conducive to small business development in the downtown area.

5. Extensive Park and Open Space System As the community has grown, Matthews has steadily added to its system of parks and open space. Several larger park and open space areas have come about, through advanced planning and property acquisition by the Town. Many smaller park and open space areas have been created as part of the Town's routine development approval process. Tools such as cluster development, open space incentives, conservation easements, and land dedication (or fees in lieu of land dedication) have ensured that new developments provide for their fair share of park and open space areas. In addition, an extensive system of greenway trails, primarily adjoining area streams, connects many schools, parks, open spaces, and neighborhoods in Matthews.

6. Locally Controlled, Neighborhood Schools Schools in Matthews have been planned well in advance of growth to avoid overcrowding and the need for mobile classrooms. Instead of building large, impersonal schools, new smaller schools have been located and designed to serve and be accessible to the local areas around them. Rather than functioning as single purpose "factories to educate children", schools in Matthews, whether public or private, serve as true neighborhood centers, providing meeting space for community gatherings, recreational events and other functions. As part of this trend toward smaller, community-oriented schools, oversight of public schools in Matthews has shifted from regional governance to town governance.

7. Healthy Town Financial Footing By facilitating compact growth and efficient development patterns, Matthews has continued to deliver quality municipal services for a tax rate below regional averages. In addition, the Town has been able to maintain a healthy balance of quality residential development and compatible commercial development—thereby affording the Town a favorable tax base. Impact fees and infrastructure improvements, paid for by developers, have been successful in offsetting the costs of additional infrastructure and services brought about by growth-induced demand. This has lessened reliance upon existing property tax payers to pay for growth.

The Conversion of “old Conditional” zoned properties to appropriate zoning categories supports this vision statement.

8. Firm and Fair Growth and Development Process The town government of Matthews has continued to advance a firm and fair process for managing growth and development. Through its land use plan and development ordinances, the Town has set clear policies and standards to assure quality development. The Town enforces these standards diligently and consistently. The Town's development review process emphasizes effective communication and consensus among all parties, including the Town Council, the Planning Board, the Town staff, the developer, other Town advisory boards, and the public. The Town requires that necessary infrastructure, including especially adequate roads, schools, open space and greenways, sidewalks, and drainage, must be in place prior to the occupancy of the new development it serves.

Two existing small business will benefit from the conversion to an appropriate zoning category.

9. Balanced, Compatible Commercial Development Town leaders have navigated a careful course, balancing the need for sustained economic development against the potential threats to the community from over-commercialization. Small, locally owned shops have been especially encouraged by a zoning and regulatory environment conducive to small business. Both small and large businesses alike have been required to take on development forms that blend easily into a small town setting and image. Previously vacant commercial and industrial buildings have been renovated and adapted for use as cultural facilities, retail enterprises, office and institutional use, innovative housing, and as small business development centers. Policies have been implemented to prevent indiscriminate abandonment and prolonged vacancies of “big boxes” left behind for “bigger boxes”.

10. Quality Residential Development Matthews has remained mostly a low density, single-family residential community. Within this context, housing innovations have evolved to address two key issues: (1) traffic congestion and (2) quality affordable housing. To cut down on the growth in traffic, walkable neighborhoods convenient to appropriate, pedestrian-scaled areas, as well as transit services, have been favored over automobile-dependent, cookie-cutter subdivisions. The affordable housing needs of service workers, senior citizens, young couples, and others have been met through a variety of housing forms compatible with single family neighborhoods (rather than typical large complexes of apartments, condominiums or institutional housing). New and old neighborhoods alike are well maintained, having benefited from the town's strategic location, sustained economic prosperity, and overall quality of life.

11. Destination for Arts and Culture Matthews has solidified its position as a major destination for arts and culture in the Charlotte region. Appreciation for the arts and culture begins with value placed on the unique heritage of the area, exemplified by the preservation of historic buildings and landmarks throughout the community. Cultural activities include a broad selection of traditional and contemporary art forms, festivals, concerts, plays, movies, sporting venues, and cross-cultural events. Young and old, as well as people from many ethnic backgrounds, are drawn to a constantly changing array of indoor and outdoor events. It is this great variety of offerings that has given Matthews an outstanding reputation in the cultural and social landscape of the region.

12. Healthy, Sustainable Environment In managing its growth, Matthews has worked to minimize adverse impacts to the region's air and water quality. The Town's growth policies and development standards have reduced automobile dependency; many residents of Matthews are able to walk or bicycle to most daily activities. Matthews' walkable neighborhoods and nearby services are designed to generate less traffic and require shorter distances to shop or work. Streams and drainage ways passing through Matthews receive less storm water runoff and pollution due, in part, to policies on tree preservation, landscaped parking areas, and vegetated buffer strips adjoining stream channels and roadsides. Solid waste levels have been substantially reduced through area-wide recycling efforts.

CONDITIONAL DISTRICT ZONING PETITION STAFF CHECKLIST

Attach to:

ZONING PETITION STAFF CHECKLIST IF A CHANGE IN ZONING DISTRICT

Name of Petitioner: RWTJR, LLC
Address of Property: 1898 Windsor Square Drive
Tax Parcel Number(s): 193-302-01
Name/Address of Owner if Different:

DIMENSIONS

Actual property dimensions from site plan:

Lot width	200ft +/- along Windsor Square Drive
Lot area	1.54 acres
Front setback	40ft
Side yards	4ft/35ft
Rear yards	10ft
Max height	40ft
Open Space	not given

DESCRIPTION OF REQUEST

This petition seeks to rezone the existing defunct Conditional Zoning District to B-1 (CD) the appropriate zoning district within today's zoning ordinance

SITE PLAN DATA

- What existing structures are on this property?** 1 existing 20,302sf commercial structure
- What is current land use?** restaurant/pool hall and dance studio
- Does this plan show:**
 - X specific lots with buildings.**
Will additional site plan review by the Town be required? **When?**
 - a generalized development plan.**
Will individual site plan approval by Town Board be necessary on a lot-by-lot basis?
 - a change in conditions to earlier zoning site plan.**
What previous approved plan(s) will this amend, if approved?
- What changes or expansions of land use are proposed?** none
- What new structures or additions are proposed?** none

CURBCUTS

Number of curbcuts on site plan: 1 - existing (site has additional access from Windsor Square Shopping Center).

Distance between closest curbcuts on property and/or adjacent property: 120ft +/-

Are curb cuts connecting to:

NCDOT maintained road.

Town maintained road.

Private street.

Thoroughfare designated on MUMPO Thoroughfare Plan.

Zoning conditions for curbcuts: All lots or parcels are entitled to at least one driveway construction per street frontage on any street, except those along which access is otherwise limited or controlled.

Are zoning conditions being met? yes

PARKING AND LOADING

Proposed land use: restaurant/indoor recreation

How is parking calculated for this use in the Zoning Ordinance? 1 space for each 3 seating accomodations plus 1 space for each 2 employees for restaurant use and 1 space per 150 square feet of gross floor area for the dance studio.

Number of parking spaces required? 86

Number of parking spaces proposed? 56 existing spaces (see additional requirements/comments)

Square footage of structure(s): 20,302

Number of employees on shift of greatest employment: 4 (Rackem location)

Will this use require a loading dock or zone? yes

If so, is it designed so it will not interfere with parking areas, driveways, streets or sidewalks? yes

SIGNS

Number of signs proposed attached: not given **detached:** not given

Size(s) of attached signs: na

Which way do attached signs face? na

Location of detached signs: na

Size(s) of detached signs: na

Zoning conditions for signs: 1 freestanding sign, 100 square feet maximum and 3 attached signs, 80 square feet total per establishment.

LANDSCAPING AND OVERLAY REQUIREMENTS FOR SUBSEQUENT STAFF REVIEW

This property is subject to landscaping provisions as found in:

X Landscaping Chapter of Zoning Ordinance

Highway Overlay

Downtown Overlay

- Screening Requirements for lots with rear yards or side yards abutting a thoroughfare.
- This property is exempt from landscape requirements.

Have any plans been provided with sufficient detail to determine that landscaping or overlay provisions appear in general to be met? The existing landscaping on site meets the requirements for the rezoning of the property from an outdated zoning category to B-1 (CD).

If so, what deviations or deficiencies should be noted here? Na.

NEIGHBORHOOD MEETING

Has the required neighborhood/community informational meeting been held? yes

If yes, date of meeting: 04/28/11

What, if any, changes are proposed by the petitioner as a result of the meeting? none

LAND USE PLANS

Has the applicant provided an explanation of how the petition will comply with adopted land use plans covering the geographical location of the Conditional Petition? Na. (no changes in structure or existing permitted uses are proposed by this conversion from an outdated zoning category to B-1 (CD)). The existing structure and permitted uses are consistent with adopted land use plans.

Is the explanation consistent with adopted plans? Na.

If not, what is the discrepancy? Na.

ADDITIONAL REQUIREMENTS OR COMMENTS:

The existing Conditional Zoning District (follows the zoning ordinance in effect in 1986) requires 1 parking space per 4 seats for restaurants ($102 \text{ seats} / 4 \text{ seats} = 26 \text{ spaces}$ for Rackem location) and 1 space for each 300 square feet of gross floor area for other uses ($7440 \text{ sf} / 300 \text{ sf} = 25 \text{ space}$ for the dance studio), for a total of 51 required parking spaces. The proposed B-1 zoning would require 1 space for each 3 seating accommodations plus one space for each 2 employees on shift of greatest employment (for a total of 36 spaces for the Rackem location) and 1 space per 150 square feet of gross floor area for the dance studio (50 spaces), for a total of 86 required spaces. Because the parking requirements of the proposed B-1 (CD) zoning district exceeds the 10% deficiency allowed by Section 153.272 of the Zoning Ordinance for the conversion of properties from an outdated zoning classification to the appropriate district in the current ordinance a zoning variance will be required. The zoning variance must be in place prior to a decision on the rezoning request.