

**Staff Analysis**

Rezoning Petition

Date  Revision 1  Revision 2

Public Hearing



232 Matthews Station Street  
Matthews NC 28105

**REQUEST** This petition seeks to amend the existing BD(CD) zoning to extend Independence Commerce Drive to intersect with Stevens Mill Road to provide alternative access due to the pending closure of access to US74 from Independence Commerce Drive to accommodate the Monroe By-Pass.

**LOCATION** Independence Commerce Drive

**PROPERTY OWNER** Evelen C. Gerdes and Lyndell D. Thompson

**PETITIONER** Evelyn C. Gerdes and Lyndell D. Thompson

**AGENT/  
REPRESENTATIVE** Roger Martin

**PLANNING STAFF REVIEW**

**Elements of the Request**

Extension of Independence Commerce Drive to intersect with Stevens Mill Road

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

**Are any Zoning Variances needed?**  Yes  No

A zoning variance to allow a 4' planting strip instead of the required 8' on both sides of the street and a Subdivision Variance will be required to allow sidewalk on only one side. Sidewalks are required on both sides of all streets.

**Previous Action on this Property**

Zoning Petition 177 approved 01/06/1992.

**Existing Improvements on Parcel**

Three commercial buildings

**PLANNING STAFF REVIEW CONT'D**

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

**UNRESOLVED OR OUTSTANDING ISSUES**

1. A zoning variance from landscape requirement to provide 8' planting strips on both sides of all commercial streets needed prior to zoning decision by Town Board of Commissioners
2. A Subdivision variance will be required for sidewalk on only one side of Independence Commerce Drive as proposed.
3. Post Construction StormwaterPCO-1 approval required prior to zoning decision by the Town Board of Commissioners.

**STAFF COMMENTS AND RECOMMENDATION**

Staff recommends approval of this zoning request.

## CONDITIONAL DISTRICT ZONING PETITION STAFF CHECKLIST

**Attach to:**

**ZONING PETITION STAFF CHECKLIST IF A CHANGE IN ZONING DISTRICT**

**Name of Petitioner:** Evelyn C. Gerdes and Lyndell D. Thompson  
**Address of Property:** Independence Commerce Drive  
**Tax Parcel Number(s):** 215-094-02 and 215-094-06  
**Name/Address of Owner if Different:**

### **DIMENSIONS**

Actual property dimensions from site plan:

<b>Lot width</b>	750ft +/- along Mt Harmony Church Road, and 780+/- along Stevens Mill Road
<b>Lot area</b>	21.03 acres
<b>Front setback</b>	40ft
<b>Side yards</b>	varies
<b>Rear yards</b>	10ft
<b>Max height</b>	40ft
<b>Open Space</b>	not given

### **DESCRIPTION OF REQUEST**

This petition seeks to amend the existing zoning plan to extend Independence Commerce Drive to intersect with Stevens Mill Road

### **SITE PLAN DATA**

- What existing structures are on this property?**  
3 commercial buildings located partially in Mecklenburg County (Town of Matthews) and partially in Union County.
- What is current land use?**  
Industrial/Business Park
- Does this plan show:**
  - 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?**  
Zoning Petition 177 approved 01/06/92

4. **What changes or expansions of land use are proposed?**  
 Extention of Independence Commerce Drive to connect with Stevens Mill Road
5. **What new structures or additions are proposed?**  
 none

**CURBCUTS**

**Number of curbcuts on site plan:** 4 -- 2 existing on Independence Commerce Drive, 1 future on Mt Harmony Church Road and 1 new, the intersection created by the extension of Independence Drive with Stevens Mill Road.

**Distance between closest curbcuts on property and/or adjacent property:** 20ft

**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. Original zoning plan prohibits curb cuts along Stevens Mill Road.

**Are zoning conditions being met?** yes

**PARKING AND LOADING**

**Proposed land use:**

Petition is to extend Independence Commerce Drive. No other changes in land use are proposed.

**How is parking calculated for this use in the Zoning Ordinance?** na

**Number of parking spaces required?** na

**Number of parking spaces proposed?** na

**Square footage of structure(s):** na

**Number of employees on shift of greatest employment:** na

**Will this use require a loading dock or zone?** na

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

**SIGNS**

**Number of signs proposed attached:** na. Petition is for extension of street. **detached:** na.

**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:** na

**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
- X \_\_\_ 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? Both zoning variance and subdivision variance appear to be necessary based on proposed cross section.

If so, what deviations or deficiencies should be noted here? Both zoning variance and subdivision variance appear to be necessary based on proposed cross section.

**NEIGHBORHOOD MEETING**

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

If yes, date of meeting: 06/27/11

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? Yes

Is the explanation consistent with adopted plans? yes

If not, what is the discrepancy? n/a

**ADDITIONAL REQUIREMENTS OR COMMENTS:**

1. Section 152.50(D)(1) of the Subdivision Regulations requires sidewalks on both sides of all streets and Section 153.075(F)(1) of the Zoning Ordinance requires 8' planting strips for streetscape landscaping. The site plan and proposed cross section show a 4' planting strip and 5' sidewalk on one side of the proposed street extension to match existing Independence Commerce Drive. The petitioner needs to revise conditional note #3 to clearly acknowledge the need for the two variances.

2. The Zoning Variance must be in place prior to zoning action by the Town Board of Commissioners. The Subdivision Variance can be requested as part of the subdivision process and need not be in place prior to zoning action. If the subsequent subdivision variance request fails then sidewalks would be required on both sides of the street. The petitioner needs to provide a time frame for initiating the subdivision process with a commitment to provide sidewalks on both sides of the street should the subdivision variance fail to be approved.
3. Post Construction Stormwater (PCO-1) approval is required prior to zoning decision by the Town Board of Commissioners.
4. Existing Parcel 215-094-06 is part I-1(CD) zoned and part BD(CD) zoned with part of BD(CD) zoned parcel 215-094-02 to be combined with parcel 215-094-06 to accommodate the extension of Independence Commerce Drive. The property owner should consider a future zoning request to rezone parcel 215-094-06 to a single zoning category.