



**Staff Analysis**



232 Matthews Station Street  
Matthews NC 28105

Rezoning Petition   
Date  Revision 1  Revision 2   
Public Hearing

**REQUEST** This petition seeks to amend the previously approved petition #570 extending Independence Commerce Drive to intersect with Stevens Mill Road. The lane width has been reduced from 18' to 15'-6" in an effort to minimize challenges to the site.

**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**

Modifications to the extension of Independence Commerce Drive:  
Reduction of lane width from 18' to 15'-6".

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

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

A variance will be needed as this lane width does not correspond with the standards set forth by the Mecklenburg County Land Development Standards Manual.

**Previous Action on this Property**

Zoning Petition #570 approved 09/12/11.

**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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input 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 Subdivision Variance will be needed as this lane width does not correspond with the standards set forth by the Mecklenburg County Land Development Standards Manual.

**STAFF COMMENTS AND RECOMMENDATION**

Staff recommends approval of this zoning request.

PETITION # 579

## ZONING PETITION STAFF CHECKLIST

### IDENTIFYING DATA

**Name of Owner** Evelyn C. Gerdes and Lyndell D. Thompson  
**Address of Property** Independence Commerce Drive  
**Tax Parcel Number(s)** 215-094-02 and 215-094-06  
**Date** 01/9/2012

### GENERAL BACKGROUND DATA

<b>Current Zoning</b>	<b>B-D (CD) and B-2 (CD)</b>	<b>Proposed Zoning</b>	<b>No change</b>
<b>Current Use</b>	<b>Business Distributive and General Business</b>	<b>Proposed Use</b>	<b>No change</b>

**Property Dimensions**

<b>Lot Width</b>	n/a	<b>Lot Area</b>	15 acres
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**Established front setback, if structure present** n/a

### DIMENSIONAL REQUIREMENTS

<b>Current Zoning</b>	<b>B-D (CD)</b>	<b>Proposed Zoning</b>	<b>B-D (CD)</b>
<b>Lot Area</b>	none	<b>Proposed Lot Area</b>	none
<b>Lot Width</b>	none	<b>Proposed Lot Width</b>	none
<b>Front Setback</b>	40'	<b>Proposed Front Setback</b>	40'
<b>Side Yards</b>	10'	<b>Proposed Side Yards</b>	10'
<b>Rear Yards</b>	10' 20' (adjoining res.)	<b>Proposed Rear Yards</b>	10' 20' (adjoining res.)
<b>Max. Height</b>	40'	<b>Proposed Max. Height</b>	40'
<b>Open Space</b>	none	<b>Proposed Open Space</b>	none
<b>Comments:</b>	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? n/a

**Date sent** n/a

**Is any portion of this property in floodplain?** no

**Are there any known zoning violations on this site?** no

ZONING PETITION STAFF CHECKLIST

If so, explain: n/a

Tax records indicate the owner(s) as: Evelyn C. Gerdes and Lyndell D. Thompson

This application is submitted by:  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?  
n/a

**LAND USE PLAN CONFORMANCE**

Is there a discrepancy between current or proposed zoning and the Land Use Plan? If so, what is the discrepancy? No

Land Use Plan elements that impact the subject property: Transportation issues: "... [R]oad projects that will affect the Matthews area include the extension of the parallel collector roads on each side of Independence Boulevard. These roads provide alternative access to businesses along the Independence corridor now, and will be the only access in the future should Independence become a limited access freeway here."

**ADDITIONAL CRITERIA FOR CONSIDERATION**

1. What changes have, or are, occurring in the area to justify a change in zoning?  
Independence Boulevard access to parcels along Independence Commerce Drive will be eliminated in the near future. Extending Independence Commerce Drive to intersect with Stevens Mill Road will reinstate access.

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

Direction	Zoning	Land Use
North	R-15	Residential
Northeast	R-15	Residential
East	I-1 (CD)	Light Industrial
Southeast	I-1 (CD)	Light Industrial
South	B-2 (CD)	General Business
Southwest	B-2	Hotel
West	I-2 (CD)	General Industrial
Northwest	B-2 (CD)	General Business

3. What are development plans in the area – roads, schools, future commercial development, etc.? Access to Independence Blvd will be terminated.

4. Is there a reason the current land use cannot continue to be feasible as it now exists? Yes, closure of Independence Blvd access would isolate the properties.

5. List some potential uses under existing zoning. n/a

6. List some potential uses under proposed zoning. n/a

7. Are any of these uses inappropriate for this location, and if so, why? n/a

8. (A) What is applicant's stated reason for requesting rezoning? "Due to the closure of Independence [Blvd] ... [and] the impervious surface [of Independence Commerce Drive extension] exceeded 20,000 sf. However, no land is available to construct PCCO required stormwater measures."

(B) Comments: none

9. (A) What will be the benefits to the surrounding properties? Improved access

(B) What will be the detriments to the surrounding properties? none

10. Is a traffic study required for this petition? no

If so, what are the recommendations of the study? n/a

11. What does the purpose statement of the proposed zoning district say?

B-D: The purpose of this district is to provide areas in which distributive uses, such as warehouses, office and wholesaling concerns, plus other complementary uses may be established and may be given assurances of wholesome surroundings in the future. The development standards for this district are designed also to aid in preventing the creation of traffic congestion and traffic hazards on highways and to aid in protecting nearby residential areas from detrimental aspects of uses permitted within this district.

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.

PETITION # 2011-579

## 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. The petition reduces the lane width of the approved Zoning Petition #570 from 18' to 15'-6".

### **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 2011-570 approved 09/12/11

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 at 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:

- 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? A variance will be necessary.

If so, what deviations or deficiencies should be noted here? A variance will be necessary.

**NEIGHBORHOOD MEETING**

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

If yes, date of meeting:                      12/20/11

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 152.30 (H) of the Subdivision Regulations requires the road be built to the appropriate standard (Commercial Street Class V – C as stated in the Mecklenburg County Land Development Standards Manual). The petitioner is seeking a reduction of lane width via a Subdivision Variance.
2. 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.