

Agenda Item: East Village Rezoning – Public Hearing

DATE: January 8, 2013

FROM: David Nelson

Background/Issue:

The applicant is seeking to convert the parcel from the old Conditional (“C”) zoning designation to an appropriate current zoning category. Given the intent of the original site plan and the development and use of the property, either Neighborhood Business (“B-1 (CD)”) or General Business (“B-2 (CD)”) districts seem most appropriate. The petitioner seeks “B-2 (CD)” designation in order to conform to the adjacent parcels.

Project Summary

Location:	1905 Rice Road Ext.
Parcel Number(s):	193-191-23
Owner:	LLC East Village Shopping Center
Address:	7027 Seton House Lane Charlotte, NC 28277
Current Zoning:	C
Proposed Zoning:	B-2 (CD)
Existing Use:	Business / Office
Surrounding uses:	Business services and retail
Community Meeting	January 3, 2013

Summary of Request

The applicant is seeking to convert the parcel from the old Conditional (“C”) zoning designation to an appropriate current zoning category. Given the intent of the original site plan and the development and use of the property, either Neighborhood Business (“B-1 (CD)”) or General Business (“B-2 (CD)”) districts seem most appropriate. The petitioner seeks “B-2 (CD)” designation in order to conform to the adjacent parcels.

Staff Recommendation

The B-2 zoning category is intended for a high traffic, highway environment. The B-1 zoning category, however, would allow for the continuation of current uses without the additional allowed uses that would be inappropriate for this property. Therefore, staff determines that B-1 is appropriate and recommends approval of rezoning to the B-1 category.

Planning Staff Review

Background

The property consist of one building totaling 15,000 sf. This building was constructed with the ability to house up to 12 tenants.

Details of the Site/Subdivision Plan

Given the unknown specific uses within the site, the property was developed with a parking count to suit general retail requirements (1 space per 200 sf of floor space). This parking requirement is appropriate for rezoning to the B-1 category and the property owner is cognizant of the parking challenges that certain combinations of uses may cause.

An attached sign plan was adopted under the rezoning request of 1998 (#334). This sign plan established a maximum attached sign area as a function of the tenant's studio dimensions. As a result, the conditions for all allowed signs are more restrictive than what would be allowed under a conversion to B-2 (CD), per the requirements of Section 153.152 of the Town of Matthews Zoning Ordinance.

Since one side yard fronts Eastpointe Drive, it is required to retain a side yard of half the setback of the adjacent property. Therefore, the requirement of this side yard is 20ft. The existing side yard is 12 ft. Zoning Ordinance Section 153.272 (A) (2) allows for a deficiency of up to 10 ft. Per this note, the existing side yard of 12 ft is determined to be in conformance.

Summary of Proposed Conditions

Requesting B-2 (CD) zoning classification
Staff recommends B-1 (CD) zoning classification

Outstanding Issues/Staff Comments

None.

PETITION # 594

ZONING PETITION STAFF CHECKLIST**IDENTIFYING DATA**

Name of Owner LLC East Village Shopping Center
Address of Property 1905 Rice Road Ext.
Tax Parcel Number(s) 193-191-23
Date 1/14/2013

GENERAL BACKGROUND DATA

Current Zoning C **Proposed Zoning** B-2 (CD)
Current Use Business / Office **Proposed Use** Business / Office
Property Dimensions
Lot Width +/- 208 ft **Lot Area** 59,549 sf (1.37 acres)
Established front setback, if structure present 40 ft

DIMENSIONAL REQUIREMENTS

Current Zoning C **Proposed Zoning** B-2 (CD)
Lot Area None **Proposed Lot Area** None
Lot Width None **Proposed Lot Width** None
Front Setback 30 ft **Proposed Front Setback** 40 ft
Side Yards 12 ft **Proposed Side Yards** 10 ft,
20 ft along Eastpointe
Rear Yards 12 ft **Proposed Rear Yards** 10 ft
Max. Height 40 ft **Proposed Max. Height** 40 ft
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? 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

If so, explain:

Tax records indicate the owner(s) as: LLC East Village Shopping Center

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? none

Land Use Plan elements that impact the subject property: Eventual conversion of Independence Blvd. to limited-access highway and subsequent connection Rice Road Ext. with Sam Newell Rd. at Rice Rd.

ADDITIONAL CRITERIA FOR CONSIDERATION

1. **What changes have, or are, occurring in the area to justify a change in zoning?**
 Elimination of Conditional (“C”) zoning designation.

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

Direction	Zoning	Land Use
North	C	Daycare
Northeast	C	Movie Theatre
East	C	Movie Theatre
Southeast	C	Movie Theatre
South	B-2 (CD)	Hotel
Southwest	B-2 (CD)	Hotel
West	B-2 (CD)	Retail
Northwest	B-2 (CD)	Retail

3. **What are development plans in the area – roads, schools, future commercial development, etc.?** Elimination of access from Independence Blvd. and connection to Sam Newell Rd.

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

5. **List some potential uses under existing zoning.** “Business / Office” per previously approved site plan. There is no clearly defined list of allowed uses.

6. **List some potential uses under proposed zoning.**

B-2: Auto sales, auto repair, drive-thru.

B-1: neighborhood business, business / office services.

7. **Are any of these uses inappropriate for this location, and if so, why?** Most uses distinct to B-2 would be inappropriate due to the fact the property is not fronting, adjacent to, or even visible from a major thoroughfare.

8. **(A) What is applicant’s stated reason for requesting rezoning?** To conform with existing zoning categories in the current ordinance.

(B) Comments:

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

(B) What will be the detriments to the surrounding properties? N/A

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-2: "To create and protect business areas for the retailing of merchandise and for carrying on professional and business services, and in some cases, wholesaling services for a large population.

B-1: "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*

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".

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: Richard Roskind
Address of Property: 1905 Rice Road Ext.
Tax Parcel Number(s): 193-191-23
Name/Address of Owner if Different: LLC East Village Shopping Center

DIMENSIONS

Actual property dimensions from site plan:

Lot width	208 ft
Lot area	59,549 sf
Front setback	66 ft
Side yards	12 ft along Eastpointe Drive 13 ft
Rear yards	40 ft
Max height	1-story, unknown height
Open Space	None

DESCRIPTION OF REQUEST

This rezoning seeks to convert the zoning designation from the outdated Conditional (“C”) district to a designation relevant in the current zoning ordinance. Given the intent of the original site plan and the development and use of the property, either Neighborhood Business (“B-1 (CD)”) or General Business (“B-2 (CD)”) districts seem most appropriate. The petitioner seeks “B-2 (CD)” designation in order to obtain the same development opportunities allowed on adjacent East Point properties.

SITE PLAN DATA

- What existing structures are on this property?** One L-shaped building totaling 15,000 sf
- What is current land use?** Business / Office
- Does this plan show:**
 - X specific lots with buildings.**
Will additional site plan review by the Town be required? No **When?** N/A
 - a generalized development plan.**
Will individual site plan approval by Town Board be necessary on a lot-by-lot basis? No
 - X a change in conditions to earlier zoning site plan.**
What previous approved plan(s) will this amend, if approved? 1998-334

4. **What changes or expansions of land use are proposed?** None planned, but B-2 would allow for additional uses.
5. **What new structures or additions are proposed?** None

CURBCUTS

Number of curbcuts on site plan: 2

Distance between closest curbcuts on property and/or adjacent property: 17 ft

Are curb cuts connecting to:

NCDOT maintained road.

Town maintained road.

Private street.

Thoroughfare designated on MUMPO Thoroughfare Plan.

Zoning conditions for curbcuts: 1 per street front.

Are zoning conditions being met? Yes.

PARKING AND LOADING

Proposed land use: B-2 (CD)

How is parking calculated for this use in the Zoning Ordinance? 1 space per 200 sf of floor space

Number of parking spaces required? 75

Number of parking spaces proposed? 76

Square footage of structure(s): 15,000 sf

Number of employees on shift of greatest employment: N/A

Will this use require a loading dock or zone? No

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

SIGNS

Number of signs proposed attached: 1 per tenant, 2 per corner tenant **detached:** 1

Size(s) of attached signs: max 80 sf

Which way do attached signs face? Away from front and/or side of building

Location of detached signs: In front setback along Rice Road Ext.

Size(s) of detached signs: max 100 sf

Zoning conditions for signs: Freestanding: 1 sign max; 100 sf max
Attached: 3 signs per establishment max; 80 sf max

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.

Have any plans been provided with sufficient detail to determine that landscaping or overlay provisions appear in general to be met? Observation of existing conditions.

If so, what deviations or deficiencies should be noted here? None.

NEIGHBORHOOD MEETING

Has the required neighborhood/community informational meeting been held? Yes.

If yes, date of meeting: January 3, 2013.

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? None.

ADDITIONAL REQUIREMENTS OR COMMENTS:

The B-2 zoning category is intended for a high traffic, highway environment. The B-1 zoning category, however, would allow for the continuation of current uses without the additional allowed uses that would be inappropriate for this property.