



1201 Crews Road
Matthews, N.C. 28105
704-847-4069

Memorandum

From: Chief Rob Hunter
To: Kathi Ingrish, Planning Director
Date: February 7, 2012
Subject: Traffic Safety Issue at Windsor Square

Approximately two weeks ago, while patrolling through the Windsor Square Shopping Center, I observed the newly-installed traffic island, located in the shopping center's main entrance from Windsor Square Drive, as it approached the newly-installed traffic circle. While I was not aware of this intended construction, I believe the potential traffic movement and/or safety implications should have been discussed.

As designed and installed, I do believe the island structure and location will result in potential traffic safety issues. Specifically, due to its location in relation to the egress from the parking area extending from the front of Ci Ci's Pizza, it is my opinion that the island extends too far across that parking lot egress. I believe that motorists attempting to turn left from that parking area back into the main shopping center area (J.C. Penny's) will face either great difficulty maneuvering around the tip of that island, or, I fear, will misunderstand the configuration and will proceed in the wrong direction / travel lane into the traffic circle.

Additionally, it appears that motorists attempting to exit the Exxon parking lot attempting to turn left towards Windsor Square Drive will also be impaired by the tip of the island. In conversations with the property manager, she was also concerned with these possibilities. While she said they had discussed installing some warning signs ('Wrong Way') along the building-side edge of the sidewalk, she feared that those signs would inhibit any fire trucks attempting to enter the property through the tight traffic circle (she believed, and I concur, that fire trucks will likely have to drive upon the wrong lane of the traffic island and traffic circle to access the main parking lot due to its tight configuration.)

I am bringing this to your attention as I became aware of another public hearing on this project scheduled for next Monday. I am available should you have any questions.

The employees of the Matthews Police Department strive to promote a safe community by preventing crimes and reducing the fear of crime, while treating all individuals fairly and with respect.

Our members will demonstrate honesty, professionalism and integrity, while building the partnerships necessary to enhance the safety of our community.

Print Form

Staff Analysis

Rezoning Petition
Date Revision 1 Revision 2
Public Hearing



232 Matthews Station Street
Matthews NC 28105

REQUEST The applicant seeks to rezone a portion of the Windsor Square shopping center from Conditional to B-1 SCD

LOCATION Independence Blvd at Windsor Square Dr

PROPERTY OWNER SC Windsor Square LP

PETITIONER SC Windsor Square LP

AGENT/ REPRESENTATIVE Charles W Bennett, Weaver Bennett & Bland P.A.

PLANNING STAFF REVIEW

Elements of the Request

The applicant seeks to rezone the property to B-1 SCD in accordance with both Town policy regarding old Conditional zonings and a commitment made during a previous rezoning to begin the process. Site changes consist only of a 3,600 sq ft building addition to the front of the future JC Penney store. The most substantial regulatory change to the site in moving to the B-1 SCD category is the parking calculation. Under the current zoning, parking is calculated at 1/300 while B-1 SCD is 1/200. While this creates a minor nonconformity in terms of the total number of parking spaces, the recent text amendments in 153.272 allow for a deficiency of up to 15% thus eliminating the need for variances.

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

Are any Zoning Variances needed? Yes No

Previous Action on this Property

Most recent action was rezoning approval on 9.13.10. Dozens of rezonings have occurred over the past 20+ years.

Existing Improvements on Parcel

+/- 322,000 sq ft retail center & associated parking

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 type="checkbox"/> No
Parking	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Signage	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input 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	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
LUESA	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
CMS	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Matthews P&R	<input type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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?

No improvements are recommended at this time.

UNRESOLVED OR OUTSTANDING ISSUES

- A signage inventory is underway to determine if all existing signs are in compliance with current codes. A master sign plan may be submitted as a remedy to bring any nonconformities into compliance.
- Police and Fire have identified concerns regarding the recently installed roundabout.

STAFF COMMENTS AND RECOMMENDATION

Staff recommends approval of this rezoning application. The rezoning is in accordance with Town policy to rezone old Conditional zoned properties into appropriate new categories. The B-1 SCD category is the most logical current zoning designation for this property.

PETITION # 580

ZONING PETITION STAFF CHECKLIST

IDENTIFYING DATA

Name of Owner SC Windsor Associates LP

Address of Property 9949 &10101 E. Independence

Tax Parcel Number(s) 193-303-02,

Date 1/16/12

GENERAL BACKGROUND DATA

Current Zoning C (Conditional) Proposed Zoning B-1 SCD

Current Use Restaurant & Retail Proposed Use Restaurant & Retail

Property Dimensions

Lot Width 1,456'

Lot Area 33 acres

Established front setback, if structure present 200'

DIMENSIONAL REQUIREMENT

Current Zoning CONDITIONAL Proposed Zoning B-1 (CD) & B-2 (CD) ON PARCEL C

Lot Area None Proposed Lot Area None

Lot Width None Proposed Lot Width None

Front Setback 50' Proposed Front Setback 50'

Side Yards None Proposed Side Yards None

Rear Yards 10' Proposed Rear Yards 10'

Max. Height 40' 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? No

Date sent

Is any portion of this property in floodplain? A very small portion of the undeveloped eastern portion of the site is impacted by water quality buffers

Are there any known zoning violations on this site? No

If so, explain: na

Tax records indicate the owner(s) as: SC Windsor Associates LP

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? Signatures

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, the land use plan generally indicates retail and restaurant uses as appropriate for the US 74 corridor.

Land Use Plan elements that impact the subject property: None

ADDITIONAL CRITERIA FOR CONSIDERATION

1. What changes have, or are, occurring in the area to justify a change in zoning?

The Conditional category is being removed from all parcels in the Town with the consent of each property owner

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

Direction	Zoning	Land Use
North	C	Retail Restaurant
Northeast	C	Apartments
East	B-1SCD	Retail Restaurant
Southeast	B-1SCD	Retail Restaurant
South	C	Retail Restaurant
Southwest	R-20/B-1SCD	Power Substation, Retail/Restaurant
West	B-1 (CD), B-2 (CD)	Restaurant

Northwest

C, B-1 (CD)

Gas Station, Retail

3. What are development plans in the area – roads, schools, future commercial development, etc.?
The area is primarily built out; long term conversion of Independence to limited access highway, which may impact Windsor Square Dr.

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. Retail/Restaurant

6. List some potential uses under proposed zoning. Same

7. Are any of these uses inappropriate for this location, and if so, why? All existing uses are appropriate for the B-1 SCD category.

8. (A) What is applicant's stated reason for requesting rezoning? Conversion of the Conditional districts to appropriate categories in accordance with Town policy
(B) Comments: none

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?

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

Neighborhood Business District: B-1. 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. Standards are so designed that uses within this district may be soundly and permanently developed and maintained in such a way as not to be harmful to adjacent properties.

General Business District: B-2. The purpose of this district is 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. This type of district will be located generally adjacent to major thoroughfares.

11. Will this proposal meet the intent of the above purpose statement? Yes

OUR TOWN – Our Vision

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.

573 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".

CONDITIONAL DISTRICT ZONING PETITION STAFF CHECKLIST

Attach to:

ZONING PETITION STAFF CHECKLIST IF A CHANGE IN ZONING DISTRICT

Name of Petitioner: SC Windsor Associates LP
Address of Property: 9715 & 9721 E. Independence & 1725 Windsor Square
Tax Parcel Number(s): 193-303-04,193-303-10, 193-303-14
Name/Address of Owner if Different:

DIMENSIONS

Approximate property dimensions from site plan: (All entries are for Parcels B, C and E, respectively)

Lot width	1,456'
Lot area	33 acres
Front setback	50'
Side yards	None
Rear yards	10'
Max height	40'
Open Space	Not given

DESCRIPTION OF REQUEST

The applicants seek to replace the existing Conditional zoning category with B-1 SCD zoning.

SITE PLAN DATA

- What existing structures are on this property?** An approximately 322,085 sq ft retail center
- What is current land use?** Retail & Restaurant
- Does this plan show:**

A. **Specific lots with buildings. Yes**

Will additional site plan review by the Town be required? No

B. _____ **a generalized development plan.**

Will individual site plan approval by Town Board be necessary on a lot-by-lot basis? No

C. _____ **a change in conditions to earlier zoning site plan.**

What previous approved plan(s) will this amend, if approved?

Original zoning action approved on 6/5/87

Numerous rezoning requests have allowed for changes to signage over the years

What changes or expansions of land use are proposed? There are no proposed changes to the land uses

on these parcels. All buildings are to remain at this time.

What new structures or additions are proposed? A small 3,600 sq ft bump out of the future JC Penney building is planned.

CURBCUTS

Number of curbcuts on site plan: 6
Distance between closest curbcuts on property and/or adjacent property: +/- 160'

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 per street frontage on any street except those where access is otherwise limited or controlled.

Are zoning conditions being met? Yes

PARKING AND LOADING

Proposed land use: Restaurant, Retail

How is parking calculated for this use in the Zoning Ordinance? One space per each three seats plus one space per each two employees on greatest shift, 1 space per 200 sq ft floor area for retail

Number of parking spaces required? 1,610

Number of parking spaces proposed? 1,477* (Reduction allowed via text amendment allowing 10% reduction to parking)

Square footage of structure(s): 322,085

Number of employees on shift of greatest employment: Not given

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: 3 per building allowed **detached:** Shared monument allowed

Size(s) of attached signs: Various, master sign plan to be submitted

Which way do attached signs face? North, East, South, West

Location of detached signs: Monuments facing Independence & Northeast

Size(s) of detached signs: To be submitted with Master Sign Plan

Zoning conditions for signs: See Master Sign Plan

LANDSCAPING AND OVERLAY REQUIREMENTS FOR SUBSEQUENT STAFF REVIEW

This property is subject to landscaping provisions as found in: 153.075

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? Yes

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

NEIGHBORHOOD MEETING

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

What, if any, changes are proposed by the petitioner as a result of the meeting? N/A

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? No

Is the explanation consistent with adopted plans?

If not, what is the discrepancy?

ADDITIONAL REQUIREMENTS OR COMMENTS:

An updated Master Sign Plan should be provided to account for existing and future signage allotments.