

## Rezoning Decision: Application 2019-700, 433 East John Street

TO: Mayor and Board of Commissioners

FROM: Jay Camp, Planning Director

DATE: January 8, 2020

### Background/Issue

We have received an illustrative landscape plan (attached) that indicates new landscaping around the property and proposed plant materials. As a reminder, here are the zoning conditions as currently provided by the applicant:

- 1. The applicant will extend the existing screening and landscaping located along Charles Buckley Way, consisting of a partially opaque fence and one row of shrubs and trees, on to East Charles Street. The fence will be at least 6' in height, measured from the ground level to the top of the structure. The fence material will be selected by the applicant.*
- 2. The applicant's truck traffic serving 433 East John Street (Parcel ID 21501406) will not be permitted to queue within the public right of way of Charles Buckley Way or Charles Street.*
- 3. The applicant will relocate its truck traffic access to and from the property as permitted by the Town of Matthews under a permit issued to the applicant on November 11, 2019 and will submit construction drawings of the new access to the Town for Town approval no later than 6 months following approval of its conditional zoning case by the Town. Construction will be completed 12 months after full and complete approval of construction drawings and issuing all permits by the Town allowing construction.*
- 4. When the truck traffic access to and from the property permitted by the Town of Matthews under a permit issued to the applicant on November 11, 2019 is opened for use and the Town of Matthews has issued a certificate of completion to the applicant, the applicant will convert the existing John Street access to and from the property to employee use only and will repair any broken asphalt at this driveway on its property.*
- 5. The applicant will provide a sliding gate at the Charles Buckley Way and Charles Street entrances, as shown on the approved landscape plan.*
- 6. The applicant will provide one row of shrubs and trees, as practicable, on the John Street frontage, to resemble the existing landscaping on Charles Buckley Way.*

**Financial Impact**

None

**Related Town Goal**

Quality of Life and Economic Development/Land Use Planning

**Recommended Action**

Review updated site plan and discuss with applicant what additional outstanding concerns should be addressed.

**DRAFT---FOR APPROVAL**

**STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH POLICIES  
Final Decisions on Zoning-Related Issues**

ZONING APPLICATION # 2019-700  
ZONING MOTION # \_\_\_\_\_  
ADMINISTRATIVE AMENDMENT \_\_\_\_\_

Matthews Board of Commissioners adopts the checked statement below:

- A)  The requested zoning action, as most currently amended, is **approved**, and has been found to be **CONSISTENT** with the Matthews Land Use Plan (or other document(s)), and to be **REASONABLE**, as follows:

**CONSISTENT:** with Matthews Land Use Plan as it allows for the maintenance of an existing use along the corridor.

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**REASONABLE:** The rezoning is reasonable as it establishes a broad list of allowed uses and accomplishes the movement of truck turning movements away from the congested John Street corridor.

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OR

**DRAFT – FOR DENIAL**

- B) \_\_\_\_\_ The requested zoning action, as most currently amended, is **not approved**, and has been found to be **INCONSISTENT** with the Matthews Land Use Plan (or other document(s)), and **NOT REASONABLE**, as follows:

**INCONSISTENT:** The rezoning is inconsistent with the Land Use Plan as it allows an industrial property to continue operation in a predominantly single-family area.

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**NOT REASONABLE:** The rezoning is not reasonable as it still allows truck traffic and loading docks to be located in a residential area of the Town.

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*(In each case, the Statement must explain why the Board deems the action reasonable and in the public interest (more than one sentence). Reasons given for a zoning request being “consistent” or “not consistent” are not subject to judicial review.)*

Date: *January 13, 2020*



Attachment 1: List of Permitted Uses  
Prohibited Uses are Formatted with Strikethrough  
Revised 11.08.19

Institutional & Governmental Uses

- Church and place of worship without size restrictions
- College and university without stadium
- ~~○ College and university with stadium~~
- Cultural Community Center, subject to § 155.506.07
- Fire and/or EMS station, police station
- Public library

Office & Services Uses:

- Bank, credit union, and similar financial service
- Barber shop, beauty salon, nail salon, and similar personal service
- Civic, fraternal, and social club
- Contractor's office without accessory storage
- General and professional office
- Laboratory and research facility, medical, dental or optical
- Office with display of sample merchandise to wholesalers and retailers when the samples are only visible within the building and no sales, inventory or delivery of merchandise from building
- ~~○ Spa Message Service~~

General Commercial Uses

- ~~○ Alcohol and alcoholic beverage, wine, and beer production and sales, subject to § 155.506.45~~
- Animal grooming facility, subject to § 155.506.42
- ~~○ Armory for meetings and training of military organizations~~
- ~~○ Auction house~~

- Bakery, retail including manufacturing of goods for sale on the premises only
- Ballroom, banquet or meeting/catering hall
- Brewery
- Brewpub, subject to § 155.506.45
- ~~○ Building material storage and wholesale and retail sales without outside storage~~
- Call center
- Commercial school and school providing adult training in any of the arts, sciences, trades, or professions, without retail sales of merchandise
- Commercial or catering kitchen, without on-site customer/client food service
- ~~○ Communications tower and antenna, subject to § 155.506.41~~
- Copy, printing and photo processing
- ~~○ Crematorium, when located on same lot as a cemetery or funeral home, subject to 155.506.13~~
- ~~○ Crematorium, stand alone, or on an adjacent parcel to a cemetery or funeral home only when such parcel is commercially or industrially zoned, subject to 155.506.13~~
- ~~○ Drive-up service window, subject to § 155.506.33~~
- ~~○ Exterminator, pest control~~
- Florist shop
- ~~○ Funeral home~~
- ~~○ Funeral home with other related service, not including crematorium~~
- ~~○ Gas station with convenience store, subject to § 155.506.49~~
- ~~○ Gas pump without convenience store~~
- ~~○ Greenhouse, commercial, without retail sales~~
- ~~○ Heliport~~
- ~~○ Internet sweepstakes, or adult gaming facility § 155.506.50~~
- ~~○ Kennel, animal day care, subject to § 155.506.42~~
- ~~○ Kennel, commercial, subject to § 155.506.42~~
- ~~○ Laundry and dry cleaning establishment not to exceed 4,500 sq. ft. gross floor area~~

- ~~○ Laundry and dry cleaning establishment not to exceed 10,000 sq. ft. gross floor area~~
- Microbrewery, subject to § 155.506.45
- ~~○ Mini storage facility~~
- ~~○ Motor vehicle service facility limited to oil change, tire rotation and replacement, and similar minor maintenance service, all activity taking place within the building, not over 3 service bays and no overnight vehicle storage~~
- ~~○ Motor vehicle repair garage including engine overhaul, body and paint shop and similar operations~~
- ~~○ Motor vehicle, passenger, and motorcycle, new and used, sales and rental~~
- ~~○ Motor vehicle, commercial or recreational, new and used, sales and rental~~
- Museum or art gallery
- ~~○ Nursery, commercial, with or without greenhouse~~
- ~~○ Outdoor equipment and machinery, sales and repair~~
- ~~○ Outdoor sales in conjunction with a permanent business, subject to § 155.506.36~~
- Parking lot and parking garage/structure
- ~~○ Pet cemetery, including any accessory structure~~
- Post Office
- Professional, financial, personal and recreational service not otherwise listed
- Radio and television station
- ~~○ Repair and servicing, indoors only, of any article the sale of which is permitted in the district, except as otherwise listed~~
- Restaurant, lounge and nightclub without drive-thru or drive-in service
- Retail sales, general merchandise, unless otherwise listed
- ~~○ Secondhand goods, retail sales without outside storage, unless otherwise listed~~
- ~~○ Selling from a semitruck without a cab, subject to § 155.506.36~~
- Sign printing
- ~~○ Solar collector installation, subject to § 155.506.48~~
- ~~○ Specialty sales establishment with substantial on-site assembly, processing, packaging, and/or distribution, and processes sales for off-site customers, subject to § 155.506.39~~

- Studio for gymnast, artist, designer, photographer, musician, sculptor, and similar
- ~~Towing operation with vehicle storage only within an enclosed structure~~
- ~~Upholstering in a workroom setting not to exceed 1,500 sq. ft. of gross floor area~~
- ~~Utility trailer, not exceed a loading capacity of 500 cubic feet, sales and rental~~
- ~~Veterinary clinic or hospital, subject to § 155.506.42~~

### Recreation & Entertainment Uses

- ~~Amusement, commercial outdoors, including miniature golf, golf course, golf driving range, ride, slide, waterpark, paintball course and similar commercial enterprise requiring physical dexterity, except as regulated elsewhere, subject to § 155.506.40~~
- ~~Arcade, game room~~
- ~~Archery or firearms range, indoor only, subject to § 155.506.47~~
- ~~Athletic or sports fields, ballfields, in a concentration of three or more, and similar outdoor physical recreation facility intended for use by teams of participants~~
- Park and playground, not otherwise listed
- ~~Skateboard facility, subject to § 155.506.40~~

### Industrial & Manufacturing Uses

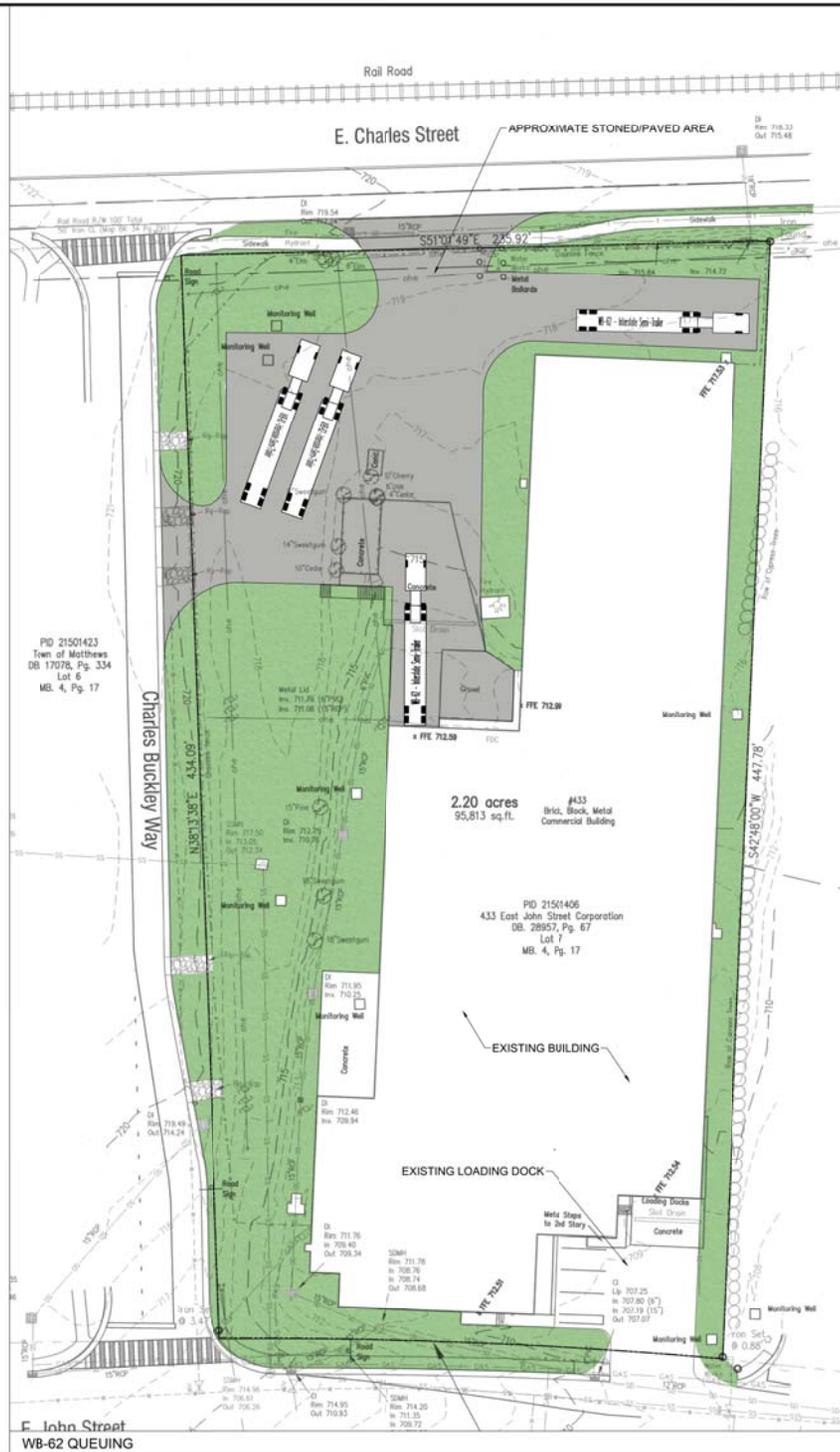
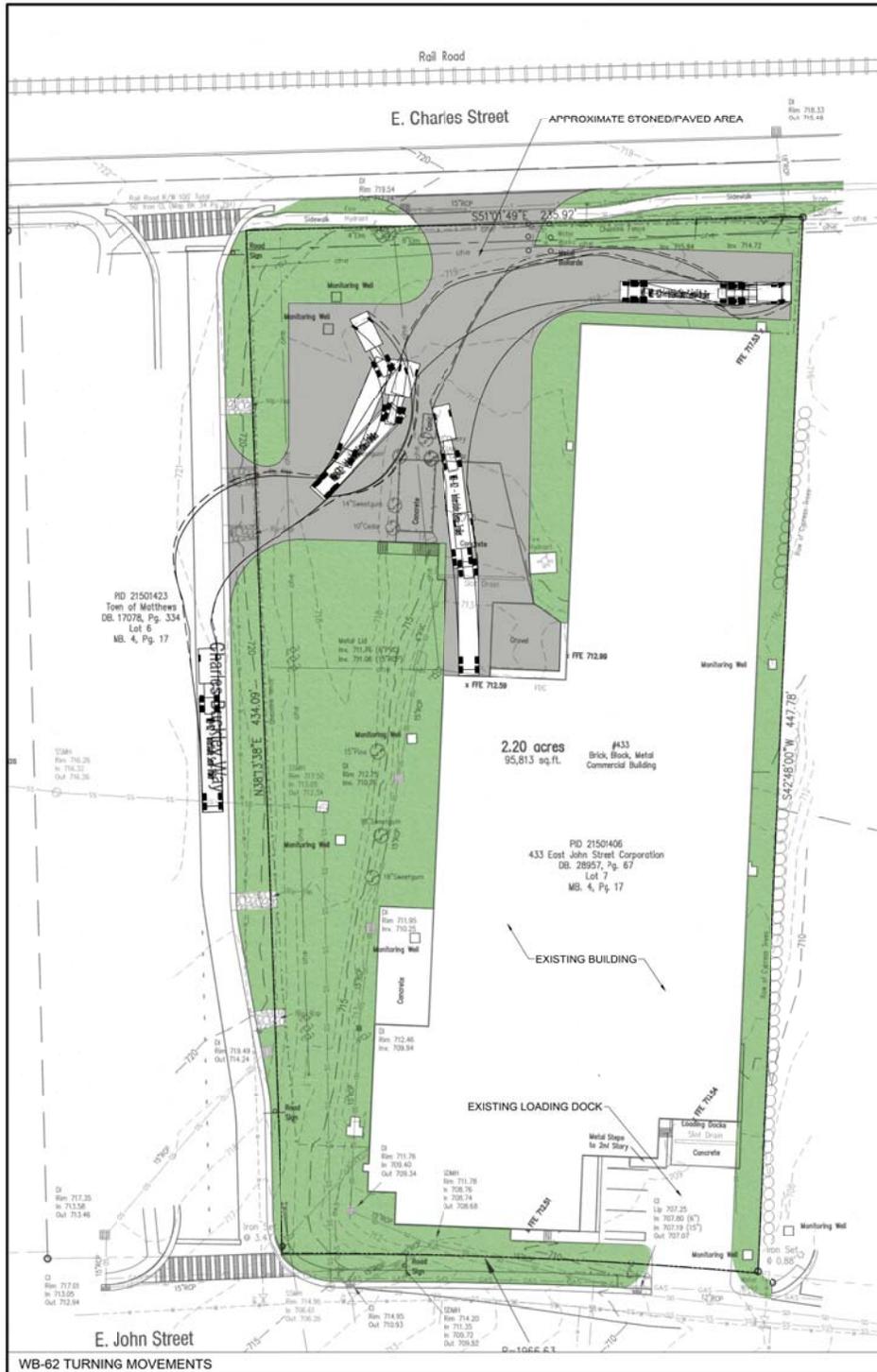
- ~~Bakery and baking plant including manufacturing, wholesale and retail~~
- ~~Blacksmith shop~~
- ~~Bottling and canning works for nonalcoholic beverage including distribution~~
- ~~Bus and transit vehicle repair and storage~~
- Distilling or manufacturing of alcohol and alcoholic beverage, subject to § 155.506.45
- ~~Laundry and dry cleaning establishment greater than 10,000 sq. ft. gross floor area~~
- ~~Mail order facility~~
- ~~Manufacturing, processing, assembling of components into completed craft or custom-made items in facilities not exceeding 3,000 sq. ft.~~

- Manufacturing, light, which may include the assembly or processing of predominantly previously prepared materials into finished products or parts and the packaging of such materials, all contained within an entirely enclosed building and no detectable noise, dust, glare, odors, vibration, smoke or steam, fire hazard, or other noxious emission shall exit the building except as otherwise listed
- ~~Metal product fabricating, processing, and manufacturing, and machine shop with out — blast furnace or drop forge~~
- ~~Packing shed, fruit and vegetable~~
- ~~Recycled material, collection, processing and packaging within an enclosed structure~~
- ~~Sign manufacturing~~
- Warehouse, distribution facility within enclosed building
- ~~Wholesale sales with or without retail sales~~

#### Miscellaneous Uses

- Accessory use, clearly incidental to the principal permitted use or structure on the lot
- ~~Auction sale of real and personal property located on site for the purpose of liquidating assets, subject to § 155.506.43.~~
- Community Garden
- ~~Donation Drop-Off Facility~~
- ~~Electric and gas substation, sewage treatment plant and control house, pump and lift station, water storage tank, well lot and similar use, subject to § 155.506.11~~
- Farm, urban, subject to § 155.506.19
- ~~Garage sale, yard sale, and similar, subject to § 155.506.43~~
- ~~On site demolition disposal site, subject to § 155.506.37~~
- ~~On site demolition disposal site, accepting off site material, subject to § 155.506.37~~
- Parking for uses permitted within the district/No overnight parking

- ~~Propane storage or other fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters~~
- ~~Public utility transmission and distribution lines~~
- ~~Railroad right-of-way~~
- ~~Short term temporary use or festival of civic or nonprofit nature, subject to § 155.506.44~~
- ~~Sidewalk sale, end of season sale, clearance sale, subject to § 155.506.43~~
- Temporary building and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, the temporary use to be terminated upon completion of construction, issuance of Certificate of Occupancy, or invalidation of building permit (see also § 155.506.43.C.4)
- ~~Temporary, self contained storage unit, subject to § 155.506.20~~
- ~~Temporary use for business purpose, subject to § 155.506.43~~
- ~~Transit station (bus, rail, etc.)~~
- ~~Transit stop shelter, subject to § 155.506.34~~
- Utility equipment stand, meter, box, and backflow preventer for single or groups of parcels
- ~~Vending machine, located outside the required setback~~
- ~~Vending machine, immediately adjacent to building under overhang only~~



**Bloc Design**  
2923 S. Bryan Street, Suite 320  
Charlotte, NC 28203  
phone: 704-940-2883  
www.bloc-nc.com



landscape architecture | planning | civil engineering

NO.	DATE	DESCRIPTION

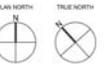
DATE: 02/18  
PROJECT: 21501423  
DRAWN BY: NTV  
CHECKED BY: WLL



**NOT FOR CONSTRUCTION**

**STRONGHAVEN INDUSTRIAL**

433 E. John Street  
Matthews, NC 28105  
(Parcel ID: 215-01-406)



DATE: 02/18	SPIC: WLL
DRAWN BY: NTV	CHECKED BY: WLL
PROJECT NUMBER: 21501423	
SCALE: 1" = 30'	
TITLE: CONCEPTUAL VEHICLE ACCESS PLAN OPTION 1	

CS-101



REZONING 2019-700

433 E JOHN ST CORP  
STRONGHAVEN

REZONING 2019-700

Streets

Subject Parcels

TAX PARCEL NUMBERS	21501406
PROPERTY ADDRESSES	433 E John St
EXISTING ZONING	I-1 (Light Industrial)
PROPOSED ZONING	I-1 (CD) (Light Industrial Conditional District)
SITE AREA	2.45 acres
MINIMUM LOT WIDTH	N/A
MAXIMUM BUILDING HEIGHT	40 <sup>(4)</sup>
MINIMUM FRONT SETBACK	40/20 <sup>(15)</sup>
MINIMUM CORNER SIDE YARD (STREETSIDE) <sup>(17)</sup>	10
MINIMUM REAR YARD, ADJACENT TO OTHER DISTRICT <sup>(16)</sup>	20

(4) Structures may exceed the maximum height provided the required side and rear yards are increased 1 ft for each foot or fraction of a foot in height over the given maximum when adjacent to a residential district, or 1 ft for each two feet in height over the maximum given limit when adjacent to all nonresidential districts.  
 (15) Front setbacks may be reduced when meeting the provisions established at § 155.502.15.  
 (17) See § 155.601.11 for further standards when a lot adjoins a railroad, waterfront, or thoroughfare.

1 in = 79 ft

MJC 5/29/2019