

MEMORANDUM

TO: MAYOR AND TOWN BOARD OF COMMISSIONERS
FROM: BILL SHERRILL
RE: ZONING PETITION 2010-561
MATTHEWS COMMERCIAL CENTER
SUBJECT: ZONING PLAN REVISIONS
DATE: FEBRUARY 10, 2011

In response to comments from the Town Board at the February 14, 2011 Board of Commissioners Meeting the Petitioner has revised the proposed zoning plan. Plan changes are as follows:

Site Plan Sheet RZ-2: A portion of the buffer at rear of property closest to residential uses has been increased to 40 feet. This area has been highlighted and identified with the number 5.

Site Plan Sheet RZ-3: The increased buffer area at rear of property is shown on this sheet but is not highlighted.

Site Plan Sheet RZ-4: The increased buffer area is also show on this sheet but not highlighted.

Site Plan Sheet RZ-5: Several changes have been made to the conditional notes on this page and are highlighted with each specific changes identified with a number 5. Changes are as follows:

* Note #2 Permitted Uses: Permitted use #13 has been amended to limit size of truck rentals; Permitted use #21 has been amended to eliminate word “repairs”; Permitted use #36 has been amended to eliminate “crematories”; Between uses #73 and #75 use number #74 Blacksmith Shops was removed; Use #102k furniture was removed; Permitted use C9 was amended to eliminate commercial kennels; and specific notes have been added that identify certain use not to be allowed including gas station; automobile service stations and extended or overnight truck parking.

- Note #11 Screening and Buffers: Items e, f, and j under this section have been amended or added and include the added buffer as identified on Sheet RZ-2 and a commitment to save the four existing trees identified on Sheet RZ-2.
- Note #12 Architectural Controls: Item f has been added to this section limiting deliveries to 7AM to 7 PM.



MECKLENBURG COUNTY
Land Use and Environmental Services Agency
South Office

January 14, 2011

Urban Design Partners, PLLC
Attn: Chip Cannon
1318 Central Ave, Suite E6
Charlotte, NC 28205

Re: Matthews Commerce Center
Approval of Concept Plan
Application # 2947-C

Dear Mr. Cannon:

Please be advised that the Concept Plan Application that you submitted for Matthews Commerce Center has been approved by this Office. This approval is required prior to the approval of your preliminary plan for this project and prior to your submittal of the Storm Water Management Permit Application.

The Planning Department for the Town of Matthews is being notified of this approval by copy of this letter.

If you have any questions, please give me a call at 704-814-4654.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. J. Namin".

M. J. Namin, P. E., CPESC, CPSWQ, CFM
Land Development Project Manager

Attachment (signed Concept Plan Application)

cc: Matthews Planning Department

PEOPLE • PRIDE • PROGRESS • PARTNERSHIP

1311 Matthews Mint Hill Road • Matthews, NC 28105 • (704) 814-0435 • FAX (704) 814-0874
<http://stormwater.charmeck.org>

2010-561
1/27/11

Print Form

Staff Analysis

Rezoning Petition 2010-561
Date 11/02/10 Revision 1 12/08/10 Revision 2
Public Hearing 12/13/10



232 Matthews Station Street
Matthews NC 28105

REQUEST This petition seeks to rezone five existing R-20 zoned parcels to I-1 (CD) to accommodate the development of a commercial business park.

LOCATION 10726, 10742 and 10804 Monroe Road

PROPERTY OWNER Albermarle Road Land Co. LLC

PETITIONER Albermarle Road Land Co. LLC

**AGENT/
REPRESENTATIVE** James P. Cannon

PLANNING STAFF REVIEW

Elements of the Request

A maximum of 65,000 square feet of commercial building space to be constructed on a minimum of three and a maximum of six parcels.

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

None

Existing Improvements on Parcel

2 vacant residential structures and 2 accessory buildings

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 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	<input checked="" type="checkbox"/>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
LUESA	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
CMS	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Matthews P&R	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is project subject to PCO concept plan approval before zoning decision?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Traffic impact study received?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
What Improvements are recommended and/or committed to?	<div style="border: 1px solid black; padding: 5px;"> * Construct Access "A" into the site with one ingress and two egress lanes. </div>		

UNRESOLVED OR OUTSTANDING ISSUES

1. The Petitioner has included a conditional note that identifies uses from the I-1 list of permitted uses that will not be allowed at this location. A list of only those uses to be permitted at this location would be easier to understand and administer.
 2. PCO Concept plan approval by Mecklenburg County LUESA is required prior to a zoning decision by the Town Board of Commissioners. The Petitioner has met with LUESA staff and anticipates submittal of PCO Concept Plans by 12/10/10.

STAFF COMMENTS AND RECOMMENDATION

The development concept proposed by this petition is appropriate for this location and is consistent with Land Use Plan recommendations for this area. Staff recommends approval of this zoning request upon approval of PCO Concept Plans (PCO-1) by Mecklenburg County LUESA.

CONDITIONAL DISTRICT ZONING PETITION STAFF CHECKLIST

Attach to:

ZONING PETITION STAFF CHECKLIST IF A CHANGE IN ZONING DISTRICT

Name of Petitioner: Albermarle Road Land Co. LLC
Address of Property: 10726, 10742, and 10804 Monroe Road
Tax Parcel Number(s): 213-012-22; 213-012-23; 213-012-24; 213-012-25; 213-012-26
Name/Address of Owner if Different: Albermarle Road Land Co. LLC, PO Box 23755, Charlotte, NC 28227

DIMENSIONS

Actual property dimensions from site plan:

Lot width	400ft +/- along Monroe Road
Lot area	4.45 acres
Front setback	20'
Side yards	10'
Rear yards	20'
Max height	35'
Open Space	not given

DESCRIPTION OF REQUEST

This petition seeks to rezone five existing R-20 zoned parcels to I-1 (CD) to accommodate the development of a commercial business park.

SITE PLAN DATA

1. **What existing structures are on this property?** 2 vacant residential structures and 2 accessory buildings
2. **What is current land use?** vacant
3. **Does this plan show:**
 - A. ___ specific lots with buildings.
 - Will additional site plan review by the Town be required? **When?**
 - B. X___ a generalized development plan.
 - Will individual site plan approval by Town Board be necessary on a lot-by-lot basis? **Yes, site plan and building elevation approval by Town Board of Commissioners required prior to development of each parcel.**
 - C. ___ a change in conditions to earlier zoning site plan.
 - What previous approved plan(s) will this amend, if approved?

4. **What changes or expansions of land use are proposed?** Development of a business/office park
 5. **What new structures or additions are proposed?** Up to six new commercial structures.

CURBCUTS

Number of curbcuts on site plan: 1

Distance between closest curbcuts on property and/or adjacent property: 160ft +/- from adjacent property line

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.

Are zoning conditions being met? yes

PARKING AND LOADING

Proposed land use: business park

How is parking calculated for this use in the Zoning Ordinance? Based on use: retail, office, restaurant, or other.

Number of parking spaces required? Unknown (specific uses for individual parcels have not been determined).

Number of parking spaces proposed? Conceptual illustrations display parking arrangements. Specific parking to be provided as part site plan approval by Town Board of Commissioners for each lot prior to development.

Square footage of structure(s): 65,000 SF maximum

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? Cannot be determined until specific development plans have been determined for each lot.

SIGNS

Number of signs proposed attached: not given **detached:** not given

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: 1 joint business and/or identification sign, freestanding, not to exceed 100 square feet and 3 attached signs per

business establishment not to exceed 80 square feet total.

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
- ___ 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? no

If so, what deviations or deficiencies should be noted here? na

NEIGHBORHOOD MEETING

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

If yes, date of meeting: October 27, 2010

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? no

ADDITIONAL REQUIREMENTS OR COMMENTS:

1. The petitioner has provided a list of uses not to be allowed at this location from the I-1 list of permitted uses. A list of only those uses permitted at this location would be easier to understand and administer.
2. PCO Concept plan approval by Mecklenburg County LUESA is required prior to a zoning decision by the Town Board of Commissioners. The petitioner has met with LUESA staff and anticipates submittal of PCO Concept Plans by 12/10/10.

3. On 10/29/10 the petitioner provided an addendum to the traffic impact analysis provided with the application. The addendum showed a reduction in the number of trips by the site from the original TIA completed in 2008. Based on the information provided in the addendum NCDOT determined that a TIA will no longer be required and the right turn lane recommended in the original TIA will not be required (See NCDOT letter from Richard Odynski dated November 15, 2010).

Print Form



232 Matthews Station Street
Matthews NC 28105

Staff Analysis

Rezoning Petition

Date Revision 1 Revision 2

Public Hearing

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PLANNING STAFF REVIEW

Elements of the Request

A maximum of 65,000 square feet of commercial building space to be constructed on a minimum of three and a maximum of six parcels.

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

None

Existing Improvements on Parcel

2 vacant residential structures and 2 accessory buildings

PLANNING STAFF REVIEW CONT'D

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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?

- * Construct Access "A" into the site with one ingress and two egress lanes.
- * Construct a new southbound right turn lane on Monroe Road with 100 feet of storage and a 100 foot bay taper.

UNRESOLVED OR OUTSTANDING ISSUES

See attached.

STAFF COMMENTS AND RECOMMENDATION

See attached.

ZONING PETITION 2010-561

Staff Analysis Attachment

UNRESOLVED OR OUTSTANDING ISSUES

1. While it is understood that in today's market the petitioner needs to have some flexibility in permitted uses for the proposed Monroe Road Business Park, there are many uses from the I-1 list of permitted uses other than those already identified by the petitioner that may not be suited to this location. Staff has recommended that the petitioner further review the I-1 permitted use tables and limit permitted uses to those uses appropriate for this site. Many I-1 permitted uses would not be appropriate in scale for the 4.45 acres site or compatible with nearby commercial or residential development. Uses that would generate significant traffic increases in the area and/or increase noise levels that could impact nearby residential neighborhoods would not be appropriate here. A list of potential uses that would be allowed at this location is included for reference as part of this staff analysis.
2. In order to provide flexibility in site development the petitioner has proposed to comply with Post Construction Stormwater requirements on a lot-by-lot basis with the development of each lot rather than unified facilities for the entire site. PCO Concept Plan approval by Mecklenburg County LUESA is required prior to a zoning decision by the Town Board of Commissioners. The Town Public Works department has expressed concern that lots as shown on the site plan may be too small to do proper PCO and supports a unified facility for the site. It has not yet been determined that LUESA will permit the lot-by-lot approach for this location.
3. On 10/29/10 the petitioner submitted an addendum to the traffic impact analysis provided with the application that revised traffic count information based on current proposed development density resulting in the elimination of the recommendation for a right-turn lane into the site. The addendum has been sent to Mecklenburg County LUESA and NCDOT for review and evaluation. A commitment to the installation of the recommendations of the Traffic Impact Analysis needs to be provided in a conditional note on the site plan with improvements shown on plan.
4. This petition is contingent upon approval of a zoning text amendment to allow a 20ft setback in place of the required 40ft minimum setback as required by the I-1 Zoning District.

STAFF COMMENTS AND RECOMMENDATIONS

The development concept proposed by this petition is appropriate for this location and is consistent with the Land Use Plan recommendations for this area. However, because of insufficient information available on critical unresolved issues Planning Staff cannot recommend approval of this petition at this time. While staff supports the proposed development concept many I-1 listed uses are not appropriate here. The uncertainty of the acceptability of the proposed method for meeting Post Construction Ordinance requirements and the recent proposed addendum to the Traffic Impact Analysis and the time necessary for review and comments from Mecklenburg County LUESA and NCDOT make it unlikely that sufficient information will be available to properly address these unresolved issues prior to the Public Hearing, the Planning Board Meeting on November 23, 2010 or possibly by the potential December 13, 2010 zoning decision date. To avoid the probability of a Planning Board recommendation based on incomplete information and the likelihood that a zoning decision deferral may also be necessary, Planning Staff recommends that the Town Board of Commissioners defer the Public Hearing or open the hearing and continue it at their December 13, 2010 meeting.

List of I-1 Uses Proposed for Zoning Application #2010-561, Matthews Commerce Center

§ 153.062 INDUSTRIAL DISTRICTS.

(B) *Permitted uses.* The following uses are permitted by right in industrial districts as noted.

- (1) Arboretum.
- (2) Colleges and universities.
- (4) Farms, either in conjunction with or separate from dwellings, which may conduct retail sales of products produced on the premises.
- (5) Fraternal organizations.
- (6) Golf courses, public and private, for daytime use only.
- (7) Parks and playgrounds, operated on a noncommercial basis for purposes of public recreation.
- (8) Trailer, overnight camping (stored unoccupied on a lot).
- (9) Trailer, overnight camping (within an overnight camping trailer park).
- (11) Armories for meetings and training of military organizations.
- (12) Auction sales.
- (13) Automobile and truck rentals.
- (14) Automobile laundries.
- ~~(15) Automobile repair garages, including engine overhaul, body and paint shops, and similar operations.~~
- ~~(16) Automobile service stations, providing minor adjustments, minor repairs, and lubrication to any type of motor vehicle.~~
- (17) Automobiles, new and used, retail and wholesale sales, including accessory repair and service facilities.
- (18) Banks.
- (19) Beauty shops and barber shops.
- (20) Blueprinting and photostating.
- (21) Boats, retail sales and repair.
- (22) Buildings for the display of sample merchandise.
- (23) Bus passenger stations.
- (24) Cafeterias.
- (25) Civic organizations.
- (26) Clinics, medical, dental, and doctor offices.
- (27) Commercial schools and schools providing adult training in any of the arts, sciences, trades, and professions.
- (28) Contractors' offices, excluding accessory storage.
- (29) Exterminators.
- (30) Fabric samples assembly.
- (31) Feed, retail sales.
- (32) Fences and fence material, retail sales.
- (33) Fertilizer, packaged retail sales.
- (34) Florist shops.
- (35) Frozen food lockers.
- (36) Funeral homes and crematories.
- (37) Government office buildings and public utility office buildings such as telephone exchanges and similar uses.
- (38) Laboratories for research and testing of products.
- (39) Laboratory, dental, medical and optical.
- (40) Laundries and dry cleaning establishments not to exceed 4,500 square feet of gross floor area.
- (42) Locksmiths and gunsmiths.
- (43) Mail order houses.
- (44) Marinas.
- (45) Mobile home sales.
- (46) Motels, motor courts, and hotels.

- (47) Motorcycle, retail sales and repair.
- (48) Nurseries and green houses, retail.
- (49) Offices.
- (50) Optician.
- (51) Parking lots and parking structures, commercial.
- (52) Second hand goods, retail sales.
- (53) Post offices.
- (55) Printing and photo processing.
- (56) Repair and service of any article, the sale of which is permitted in the district, except as otherwise indicated in the list.
- (57) Restaurants, lounges, and nightclubs without drive-through services.
- (58) Restaurants with drive-in service.
- (59) Retail sales, businesses and professional, financial, personal, and recreation services.
- (60) Sign manufacturing.
- (62) Social and social service organizations.
- (63) Studios for artists, photographers, designers, musicians, sculptors, and gymnasts.
- (64) Theaters, housed within an enclosed structure.
- (65) Tourist homes.
- (66) Trailers, overnight camping, retail and wholesale sales, rental and repair.
- (67) Trucks, retail and wholesale sales, and rental, including accessory service and repair but not including tractor and trailer units.
- (68) Vending machines, located out-of-doors, subject to yard and setback requirements for the respective districts.
- (72) Assembly of previously prepared parts into a finished product, except as otherwise restricted on this list.
- (73) Bakeries and baking plants, including manufacturing, wholesale and retail.
- (74) Blacksmith shops.
- (75) Book binding.
- (76) Bottling and canning works for soft drinks.
- (77) Building materials storage and wholesale and retail sales, including lumber, brick, tile, stone, concrete, cement, and similar materials within enclosed buildings, tanks, and similar structures.
- (78) Building materials storage yards and wholesale and retail sales, including lumber, brick, tile, stone, concrete, cement, and similar materials.
- (82) Commercial outdoor amusement, such as miniature golf, rides, slides, commercial beaches, and similar commercial enterprises, except as regulated elsewhere in this list.
- (84) Crating services.
- (85) Dairy products processing, bottling, and distribution.
- (88) Engraving, excluding textile engraving.
- (89) Engraving, including textile engraving.
- (90) Food processing, excluding poultry and animal slaughtering and dress
- (93) Garment manufacturing, limited to cutting and assembly from previously manufactured textile material.
- (94) Greenhouses and nurseries involving retail and wholesale sales.
- (97) Ice manufacture, storage, and sales, involving greater than 150 square feet of gross floor area.
- (98) Laundries and dry cleaning plants.
- (99) Leather goods manufacture, excluding the tanning and curing of hides.
- (102) Manufacture of:
 - (a) Boats.
 - (b) Candy and confectioneries.
 - (c) Caskets.
 - (d) Chalkboard.

(e) Coffee, tea, and spices.
(f) Cosmetics and perfumes.
(g) Electrical, chemical, or mechanical equipment.
(h) Emery cloth and sandpaper.
(i) Excelsior and fiber.
(j) Felt.
(k) Furniture.
(l) Handicrafts, including carving, jewelry making, pottery making, weaving,
and similar uses.

(m) Ink.
(n) Insulation materials, manufacture and sales.
(o) Jewelry and buttons.
(p) Oilcloth and linoleum.
(q) Paper products, cardboard, and building board, excluding pulp mill
manufacturing facilities.

(r) Pharmaceutical products.
(s) Reed and rattan products.
(t) Sweeping compound.
(u) Windows and doors.
(103) Metal products fabricating, processing, and manufacturing, and machine shops
without blast furnaces or drop forges.

(105) Packing sheds, fruit and vegetable.
(106) Plastics products, fabrication or assembly from previously prepared plastics
materials.
(108) Plating work.
(110) Repair of any goods, equipment, and vehicles, the manufacture, assembly, or
sales of which are permitted in that district.
(112) Theaters, outdoor type, drive-in.
(113) Tin and sheet metal shops
(114) Tire recapping and retreading.
(116) Trucks (tractor and trailer units), retail and wholesale sales and rental, including
accessory service and repair.

(118) Upholstering.
(119) Warehousing.
(120) Wholesales and storage.
(121) Woodworking shops and cabinet making shops.
(122) Public utility transmission and distribution lines.
(123) Radio and television stations and/or offices.
(124) Railroad rights-of-way.
(125) Telephone booths.
(126) Temporary buildings and storage of materials in conjunction with construction of
a building on a lot where construction is taking place or on adjacent lots, those temporary uses to
be terminated upon completion of construction.

(127) Trailer park, overnight camping.
(128) Assembly of paper products, cardboard products, and building board.
(129) Heliport, medically-related.
(130) Mini-storage facility.
(131) Towing operation, with vehicle storage only within an enclosed structure.
(133) Clairvoyant entertainment businesses when no closer than 500' to a residentially
zoned or used property and when the minimum straight line distance is 1,000' between two
clairvoyant entertainment businesses.

(C) *Uses under prescribed conditions.* The following uses are permitted subject to the
conditions governing each use as specified in the appropriate sections.

- (1) Cemeteries, public and private.
- (2) Churches, synagogues, and related uses.

- (3) Community recreation centers.
- (4) Country clubs and swimming clubs, operated on a noncommercial membership basis.
- (5) Fire stations.
- (6) Sewage treatment plants, control houses, pump and lift stations and similar uses.
- (7) Police stations.
- (8) Drive-in service window as an accessory part of the principal structure or operation subject to the requirements listed in § 153.178.
- (9) Veterinary hospitals and commercial kennels.
- (11) Electric and gas substations.
- (12) Electric and telephone poles supporting hardwire systems and communications antennas or communications towers.
- (13) Telephone repeater stations and huts.
- (14) Water storage tanks.
- (15) Demolition disposal site.
- (16) Temporary uses when such uses are allowed as permanent uses in the district, and short-term temporary uses of seven days or less duration which are of a civic or nonprofit nature, or a festival of local, national or historic significance.
- (17) Transit stop shelters.
- (18) Farm type enterprises when not considered as being part of bona fide farms, such as dairies, plant nurseries, green houses, fruit or vegetable packing sheds, the sale of fruit, vegetables and similar farm products, tobacco storage and similar uses.
- (19) Amusements, commercial outdoors, limited to par-3 golf courses, golf driving ranges and archery ranges.
- (20) Outdoor sales in conjunction with a permanent business.

(D) *Accessory uses.* The following accessory uses are permitted in industrial districts.

- (1) Accessory residential structures and uses, clearly incidental to the permitted principal use.
- (2) Petroleum storage as an accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Underwriters.
- (3) Parking for uses permitted in the district.
- (4) Petroleum storage underground as an accessory to permitted automobile service stations, subject to the Fire Prevention Code of the National Board of Underwriters.
- (5) Vending machines for cigarettes, candy, soft drinks and similar items, and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building or buildings.
- (6) Accessory uses, clearly incidental to the permitted principal use or structure on the lot.
- (8) A temporary, self-contained storage unit, not including trailers for office use, which is intended to be picked up and moved to various locations on demand. Prior to placement, the property and/or business owners providing the storage unit at a specific site are required to register it with the Town Planning Department, showing a scale drawing of its placement in relation to driveways, any existing buildings, fences, or landscaping, street rights-of-way, and any neighboring drives or street intersections within 150' of the proposed placement location. Maximum time a temporary storage unit shall be placed on an occupied parcel is 90 days.

PETITION # 561

ZONING PETITION STAFF CHECKLIST

IDENTIFYING DATA

Name of Owner Albermarle Road Land Co., LLC
Address of Property 10726 Monroe Road
Tax Parcel Number(s) 213-012-22; 213-012-23; 213-012-24; 213-012-25;
213-012-26
Date 11/02/10

GENERAL BACKGROUND DATA

Current Zoning R-20 Proposed Zoning I-1 (CD)
Current Use vacant land/structures Proposed Use Business Park
Property Dimensions
Lot Width 400' +/- Lot Area 4.45 acres
Established front setback, if structure present 30 feet

DIMENSIONAL REQUIREMENTS

Current Zoning R-20 Proposed Zoning I-1 (CD)
Lot Area 20,000sf Proposed Lot Area none
Lot Width 90ft Proposed Lot Width none
Front Setback 50ft Proposed Front Setback 40ft
Side Yards 12ft Proposed Side Yards 10ft
Rear Yards 60ft Proposed Rear Yards 20ft
Max. Height 35ft Proposed Max. Height 35ft* For buildings and structures
greater than 35 feet in height, side and rear yards must be increased one foot for every two feet
of building height over 35 feet.
Open Space 70% 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? yes
Date sent 09/10/10
Is any portion of this property in floodplain? no
Are there any known zoning violations on this site? no

If so, explain: na

Tax records indicate the owner(s) as: Albermarle Road Land Co., LLC

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?
na

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:

TRANSITION STRIPS AND AREAS

Monroe Road: Charlotte City Limits to NC51 – West Side (pages 32-33)

*Matthews Board of Commissioners and the Planning Board should anticipate requests for zoning changes here. Due to the small size of most individual lots, zoning requests will not be successful unless they: incorporate several parcels, have shared driveway access points, provide excellent landscape buffering to the rear, include streetscape planting that complements recently installed plant materials and preferably exceeds minimum zoning standards, and do not have straight building frontage parallel or perpendicular to the road giving the impression of a strip center.

ADDITIONAL CRITERIA FOR CONSIDERATION

1. **What changes have, or are, occurring in the area to justify a change in zoning?**
The area is in transition from an area of small lots with multiple zoning categories and uses to an area where individual lots are assembled for compatible commercial uses often through a change in zoning.

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

Direction	Zoning	Land Use
North	R-20 & I-1 (CD)	vacant commercial building Mini-storage facility
Northeast	I-1	vacant industrial building
East	B-1	Employment Security office
Southeast	B-1	Employment Security office
South	B-1 (CD)	Former retail nursery
Southwest	R-20	Warner Park
West	R-20	Warner Park
Northwest	R-20	Park, mini-storage facility

3. **What are development plans in the area – roads, schools, future commercial development, etc.?** No planned changes in nearby area.

4. **Is there a reason the current land use cannot continue to be feasible as it now exists?**
na - vacant land and structures

5. **List some potential uses under existing zoning.** Dwellings, one family detached; Parks and playgrounds; Family Care home; Churches and related uses with less than

400 seating capacity; Fire stations; Schools with up to 100 students; Bed and Breakfast guest homes; Child day care homes; Accessory apartments.

6. **List some potential uses under proposed zoning.** Parks and Playgrounds; Automobile and truck rentals; Automobile repair garages; Banks; Boats retail sales and repair; Funeral homes and crematories; Laboratory, dental, medical and optical; Laundries and dry cleaning establishments not to exceed 4,500 square feet; Restaurants with drive-in service; Social and social service organizations; Building materials storage yards; Laundries and dry cleaning plants; Warehousing; Mini-storage facility; Sewage treatment plants; Veterinary hospitals and commercial kennels.
7. **Are any of these uses inappropriate for this location, and if so, why?** Automobile sales and repair, restaurants with drive-in services and other uses that would generate significant traffic increases in area and any uses that increase noise levels that may impact nearby residential neighborhoods.
8. **(A) What is applicant's stated reason for requesting rezoning?** "We are seeking a change in zoning to allow uses that are consistent with the surrounding properties. As currently zoned the site is vacant, and under-utilized and cannot support uses consistent and compatible with other surrounding business uses along this portion of the Monroe Road business corridor."
(B) Comments: none
9. **(A) What will be the benefits to the surrounding properties?** The proposed development would consolidate several small vacant residentially zoned properties and would allow for development more consistent with area development.
(B) What will be the detriments to the surrounding properties? Some uses allowed within the I-1 Zoning District could have a negative impact on nearby residential neighborhoods.
10. **Is a traffic study required for this petition?** yes
If so, what are the recommendations of the study?
- Construct Access "A" into the site with one ingress and two egress lanes.
 - Construct a new southbound right turn lane on Monroe Road with 100 feet of storage and a 100 foot bay taper.
11. **What does the purpose statement of the proposed zoning district say?** The purpose of this district is to create and protect industrial areas for the provision of light manufacturing and the distribution of products at wholesale. The standards established for this district are designed to promote sound, permanent light industrial development and also to protect nearby residential areas from the undesirable aspects of industrial development.
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.

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.

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.

561 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.

CONDITIONAL DISTRICT ZONING PETITION STAFF CHECKLIST

Attach to:

ZONING PETITION STAFF CHECKLIST IF A CHANGE IN ZONING DISTRICT

Name of Petitioner: Albermarle Road Land Co. LLC
Address of Property: 10726, 10742, and 10804 Monroe Road
Tax Parcel Number(s): 213-012-22; 213-012-23; 213-012-24; 213-012-25; 213-012-26
Name/Address of Owner if Different: Albermarle Road Land Co. LLC, PO Box 23755, Charlotte, NC 28227

DIMENSIONS

Actual property dimensions from site plan:

Lot width	400ft +/- along Monroe Road
Lot area	4.45 acres
Front setback	20'
Side yards	10'
Rear yards	20'
Max height	35'
Open Space	not given

DESCRIPTION OF REQUEST

This petition seeks to rezone five existing R-20 zoned parcels to I-1 (CD) to accommodate the development of a commercial business park.

SITE PLAN DATA

- 1. What existing structures are on this property?** 2 vacant residential structures and 2 accessory buildings
- 2. What is current land use?** vacant
- 3. Does this plan show:**
 - A. specific lots with buildings.**
Will additional site plan review by the Town be required? Yes **When?**
Site plan and building elevation approval by Town Board of Commissioners required prior to development of each parcel.
 - B. a generalized development plan.**
Will individual site plan approval by Town Board be necessary on a lot-by-lot basis?
 - C. a change in conditions to earlier zoning site plan.**
What previous approved plan(s) will this amend, if approved?

4. **What changes or expansions of land use are proposed?** Development of a business/office park
5. **What new structures or additions are proposed?** Up to six new commercial structures.

CURBCUTS

Number of curbcuts on site plan: 1

Distance between closest curbcuts on property and/or adjacent property: 160ft +/- from adjacent property line

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.

Are zoning conditions being met? yes

PARKING AND LOADING

Proposed land use: business park

How is parking calculated for this use in the Zoning Ordinance? Based on use: retail, office, restaurant, or other.

Number of parking spaces required? Unknown (specific uses for individual parcels have not been determined).

Number of parking spaces proposed? Conceptual illustrations display parking arrangements. Specific parking to be provided as part site plan approval by Town Board of Commissioners for each lot prior to development.

Square footage of structure(s): 65,000 SF maximum

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? Cannot be determined until specific development plans have been determined for each lot.

SIGNS

Number of signs proposed attached: not given **detached:** not given

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: 1 joint business and/or identification sign, freestanding, not to exceed 100 square feet and 3 attached signs per

business establishment not to exceed 80 square feet total.

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
- ___ 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? no

If so, what deviations or deficiencies should be noted here? na

NEIGHBORHOOD MEETING

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

If yes, date of meeting: October 27, 2010

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? no

ADDITIONAL REQUIREMENTS OR COMMENTS:

1. There are many uses from the I-1 list of permitted use in addition to those already identified by the petitioner that may not be suited to this location. Permitted uses should be further limited to those uses that are appropriate for this specific development and location.
2. PCO Concept plan approval by Mecklenburg County LUESA is required prior to a zoning decision by the Town Board of Commissioners. Has this approval process been initiated? See Public Works comments regarding PCO requirements.

3. On 10/29/10 the petitioner provided an addendum to the traffic impact analysis provided with the application. This addendum has been sent to Mecklenburg County LUESA and NCDOT for review and evaluation.
4. A commitment to installation of recommendations of the Traffic Impact Analysis needs to be provided in a conditional note on the site plan.
5. This petition is contingent upon approval of a zoning text amendment to allow a 20ft setback in place of the required 40ft minimum setback as required by the I-1 Zoning District.

PUBLIC WORKS COMMENTS:

1. Individual parcels as shown may be too small to do proper PCCO – Yet a small facility full site could do better job – Should be a unified PCCO facility.
2. Public Works opposed to private streets.
3. Show street entrance cross-section per traffic study design.
4. Show right turn decel lane per traffic study.

FIRE DEPARTMENT COMMENTS:

1. Hydrants should be adequate so hose lay is no longer than 750'.