

Project Summary

Location:	9508 & 9512 Northeast Ct. 1935 Rice Rd
Parcel No. (s)	193-191-02; 193-192-22; 193-192-08
Owner:	East Independence Properties
Agent:	Wendy Porter
Current Zoning	Conditional
Proposed Zoning:	MUD (Mixed Use District) for the vacant land, daycare building and movie theater parcels B-H (CD) (Business Highway Conditional) for Matthews Towing and Automotive Repair parcel
Existing Use:	Childcare, Movie Theater, Auto Towing and Repair Services, Vacant
Proposed Use:	Uses in the Office district, Multi-Family, Movie Theater, Auto Towing and Repair Services
Community Meeting	Occurred on July 18, 2014

Summary of Request

The applicant is requesting to rezone three parcels of the East Point development from the old Conditional zoning classification to current zoning classifications as listed in the Town's UDO. The East Point Development was originally zoned in 1988 as a Conditional district to be developed as mixed use development. The portion between Rice Rd. and unopened Claire Dr. was designated to allow uses in the O-15 district (Office), the interior portion between Rice Rd. and Sam Newell Rd. was designated as neighborhood commercial and some portions fronting Independence Blvd. and Sam Newell Rd. were designated as general commercial. As part of the original Conditional zoning individual nor shared multi-tenant sign were not allowed.

Staff Recommendation

Staff recommends approval of the request with the following conditions from the original 1988 Conditional Plan and the amended plan from July 11, 1994 (See Attachment A & B at end of Staff Analysis) along with the proposed conditions as follows:

- A. Adding limitations to specific uses in the MUD district for daycare and adjacent vacant land (See Attachment C),
- B. Allowing the use of a movie theater to continue and should that use cease operation only uses in MUD district shall be allowed,
- C. Allow the Matthews Towing and Auto Repair to continue operations with no outside storage and all inventory must be parked in marked spaces. Should the towing business cease, only uses allowed in the B-H district shall be allowed with the exception of fast food or drive thru.
- D. Should any of these properties be redeveloped, the uses in the underlying zoning district shall be allowed and site plan approval by Town Council is required.
- E. Properties within the East Point Development can pursue a shared/multi-tenant free standing sign through a Master Sign Plan.
- F. Amend conditional note for Rice Rd. Extension as follows:
 - Rice Rd. Extension will be made to Sam Newell at such time the Town deems necessary.
 - Rice Rd. Extension will be a through road and access to Independence Blvd. will not be abandoned once connected to Sam Newell Rd.

Planning Staff Review

Background and History

The Town has been in the process of working with property owners to convert previous Conditional districts to current zoning districts as described in Chapter 5 of the Unified Development Ordinance. Because of the significant difference in use per parcel, there is no one zoning classification that can be assigned as a catch all. The applicant plans to carry forward all the development conditions per the original 1988 Conditional zoning along with the amended conditional plan from July 11, 1994 and add specific conditions to each parcel pertaining to the current use, future use, and redevelopment of these parcels. The Town is currently working towards compliance with Matthews Towing and Repair for an existing violation involving perimeter parking and landscape requirements.

Details of the Site Plan

The site plan illustrates the proposed zoning for each parcel. To remain consistent with the zoning plans and allowed uses today, the petitioner has requested the following:

1. Childcare/Vacant Land is proposed to be rezoned to MUD (Parcel A on Site Plan)
2. Movie theater is proposed to be rezoned to MUD (Parcel B on Site Plan)
3. Matthews Towing is proposed to be rezoned to B-H (CD) (Parcel C on Site Plan)

Consistency with Adopted Plans and Policies and Town Vision Statement

Land uses adjacent to US-74 intersections must deter significant increases in traffic and traffic patterns. Further development of impulse retail/commercial uses is discouraged at these locations. Non-residential, destination-oriented uses are most appropriate uses. Existing retail centers are ideal for redevelopment into mixed use centers.

Reports from Town Departments and County Agencies

Matthews Police

No Concerns

Matthews Fire

No Concerns

Public Works

Memo Attached

Matthews Park and Recreation

No Concerns

Charlotte Area Transit

There is an existing bus stop along Independence Blvd. in front of IHOP. The parcels in question are currently developed and should not have a negative impact on this bus stop.

Pre Public Hearing Staff Analysis

Impact Analysis

Based on staff analysis of numerous apartment communities in Matthews and similar Mecklenburg County locations, 15 dwelling units per acre or less represents a break point where tax value per acre is similar to that of single family zoning. Sites with a density higher than 15 units per acre on average yield a much higher tax value.

One site that we benchmarked was the largest, most recent apartment community in Matthews, Colonial Grand on Sam Newell Rd. That project, with a density of only about 11.5 du/ac returns tax values of about \$842,000/acre. In comparison, a similar product along I-485 in Charlotte in the Arysley development has a higher density and yields. Based on these observations, staff recommends that density should not be arbitrarily reduced and additional nonresidential space should be included to increase average tax value per acre.

Colonial Matthews

Units 216
Acres: 18.83
Density: 11.5 du/ac
Total Value: \$16,026,500
Per acre value: \$842,000
Per unit value \$74,000

Colonial Aysrley

Units: 209
Acres: 9.8
Density: 21.3 du/ac
Total Value: \$16,866,200
Per acre value \$1,721,040
Per unit value \$80,000

Project Financial Impact if Vacant Land is Developed

A portion of the site is currently developed while approximately 6.4 acres behind the childcare facility is currently vacant. There are no development plans at this time. Should the vacant land be developed for multi-family the following would be the estimated tax return.

Units: 100
Acres (Entire Site) 8.2
Acres (Vacant): 6.4
Density: 15.7 du/ac
Total Estimated Value (Sales Price): \$8,000,000
Per acre value \$1,250,000

Estimated Annual Local Taxes: \$25,500

*The above are estimates of potential tax generation based on research by the Planning Department. The tax assessor's office will ultimately determine the value of the property

ATTACHMENT A:

Conditional Notes from the Original 1988 Rezoning

1. This conditional District Plan proposes a mix of office, business, commercial and service uses that are allowed in B-1, B-2, and O-9 districts. The development of this site will provide a service oriented business district for the Town of Matthews.
2. All proposed road and access points will be designed to N.C.D.O.T. standards and the location of such roads and access points will meet all standards for optimum safety and traffic flow.
3. If legally permissible, proposed individual parcel development will be preceded by a site plan for that parcel, showing building placement, parking and traffic circulation patterns, buffer design, and specific uses, to the Town Council for approval.
4. The proposed collector road will be designed under the guidance of N.C.D.O.T. and the Engineering Department of Mecklenburg County. The exact location has not yet been determined, however the developer of this project, by this plan, will dedicate additional Right-of-Ways as required.
5. The developer commits to the construction of Rice Road extension and improvements to the intersection of Rice Road and Sam Newell Road, as well as the intersection with Independence Blvd.
6. The developer will provide engineering plans for the site grading and erosion control for total site prior to any construction. All development will meet Mecklenburg County Standards. Individual site development plans will be submitted as users begin their plans.

Natural Vegetation in the buffer will be left undisturbed where possible.

NOTE : Many of these old conditions have already been met or do not apply to the subject property. Staff is working with the applicant to identify the applicable conditions to carry forward.

ATTACHMENT B:

Conditional Notes as Amended July 11, 1994

1. First westbound drive entrance (Western Auto) on Independence is no longer restricted to right-in only.
2. Dedication of additional right-of-way on Sam Newell Road for future collector road realignment will be recorded on a subdivision plat within six months of approval date above (January 11, 1995).
3. Developer is no longer responsible for the construction of Rice Road connection to Sam Newell Road at unknown time in future when Independence access is closed.
4. Landscaping of required 10 foot berm against Sam Newell Road right-of-way is to be complete as each parcel that includes part of the berm is developed. Berm must be maintained by owner at all times (to 10 feet).
5. Additional pavement on Sam Newell Road from (unopened) Claire Drive to right-turn lane for North East Court no longer required. Additional right-of-way equal to 50 feet from the existing centerline along this portion shall be dedicated through a subdivision plat within six months of approval (January 11, 1995).
6. The required undisturbed landscape buffer along unopened Claire Drive must continue to be preserved.
7. All references to East Point Drive as a cul-de-sac off Rice Road Extension are deleted.
8. Remaining utilities must be installed – water line in Rice Road Extension still unfinished – within six months of plan approval by CMUD.
9. Sidewalk, curb and gutter as were previously required on the project side of Independence must be completed within six months of approval date (January 11, 1995).
10. Sidewalk on both sides of Rice Road Extension must be completed and the road must be shown on a recorded subdivision map within six months of approval (January 11, 1995).
11. Revised plans for improvements to Sam Newell Road, as shown on the “Driveway Permit” drawings dated/revised 6-8-94 are approved, and construction must be completed within six months of driveway permit approval.

ATTACHMENT A:

MUD uses to be allowed for previous daycare facility and adjacent vacant land

1. Children's home, foster care facility and similar non-profit institution providing domiciliary care for children
2. Dwelling, multi-family, single building on a lot
3. Dwelling, multi-family, multiple building complex
4. College and university without stadium
5. Fire and/or EMS station, police station
6. Public Library
7. Bank, credit union, and similar financial service
8. Barber shop, beauty salon, nail salon, and similar personal service
9. Civic, fraternal, and social club
10. Contractor's office without accessory storage
11. General professional office
12. Laboratory and research facility, medical, dental, or optical
13. Medical, dental, optical office and clinic
14. Museum and art gallery operated on a noncommercial basis
15. 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
16. Spa and massage service
17. Telephone exchange
18. Commercial school and school providing adult training in any arts, sciences, trades, or profession, without retail sales of merchandise
19. Copy, printing and photo processing
20. Nursery, commercial with or without greenhouse
21. Post office
22. Florist shop
23. Funeral home
24. Funeral home with other services, not including crematorium
25. Studio for gymnast, artist, designer, photographer, musician, sculptor, and similar