



**Application: 2014-617 Pep Boys**

**Pre Public Hearing Rezoning Staff Analysis  
August 29, 2014**

## **Project Summary**

<b>Location:</b>	9415 East Independence Blvd.
<b>Parcel No. (s)</b>	193-192-06
<b>Owner:</b>	Pep Boys
<b>Agent:</b>	John Carmichael
<b>Current Zoning</b>	Conditional
<b>Proposed Zoning:</b>	B-H (CD)
<b>Existing Use:</b>	Automotive Accessories and Service
<b>Proposed Use:</b>	Automotive Accessories and Service
<b>Community Meeting:</b>	Occurred August 21, 2014

## **Summary of Request**

The applicant is requesting to rezone the existing Pep Boys property in the East Point development from the old Conditional zoning classification to B-H (CD) which is a current zoning classification 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 of East Point Development between Rice Rd. and Sam Newell Rd. fronting Independence Blvd. was designated as neighborhood commercial. The applicant agrees to apply all the original zoning conditions from the 1988 Conditional zoning and the amended plan from July 11, 1994 in the proposed B-2 (CD) zoning classification (See Attachment A & B for previous conditions) along with a new condition to allow for a future 2,500 square foot addition. 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 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

1. Pending clarification of the conditions for building expansion.
2. Properties within the East Point Development can pursue a shared/multi-tenant free standing sign through a Master Sign Plan.

### **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. Under the Conditional Zoning all the uses allowed in B-1 were allowed on this particular parcel. Since the plan was approved in 1988 many of the more intense land uses such as automotive service were moved from the B-1 designation to the B-2 zoning designation. In the newly adopted UDO the B-2 designation has been changed to B-H with minimal changes to use and dimensional requirements.

Pep Boys is currently undergoing a rebranding of their retail centers and as a part of that rebranding they intend to implement new signage. Pep Boys currently has 374 square feet of sign area attached to the building, which is part of their old Conditional zoning that is specific to each individual sign (size and appearance) and their specific location on the building. The B-H zoning district only allows 80 square feet of sign area attached to the building with a maximum of three signs. The applicant has submitted Text Amendment 2014-619 requesting more sign area for buildings meeting a specific threshold and location within the US 74 Corridor. The text amendment will be handled as a separate agenda item.

The applicant has also indicated in their request that as part of the conditions, that the Town Board consider a possible 2,500 square foot future expansion to the existing structure. The increase would not warrant a traffic study; however, the current parking would not support such an expansion

**Details of the Site Plan**

The site plan only illustrates current conditions and demonstrates that the existing parking will satisfy the parking requirements for the structure that is present today. The site plan does not address future building expansion, additional parking requirements, lighting, or supplemental landscape requirements.

**Outstanding Issues/Staff Comments**

An expansion to the existing building would require 13 additional parking spaces which are not currently provided on site.

**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**

See Memo

**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.

**Impact Analysis**

There will be no financial impact to the Town

**Project Financial Impact of Request**

N/A

## **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.