

Agenda Item: Rezoning 2014-617 Pep Boys

DATE: October 13, 2014

FROM: Jim King, Planner II

Background/Issue:

The applicant is requesting to rezone the existing Pep Boys property at 9415 E. Independence Blvd. from old Conditional to B-H (CD) Business Highway. The East Point Development was originally zoned Conditional in 1988. This portion of East Point was designated as neighborhood commercial, which allowed retail sales and automotive services at that time.

Pep Boys is currently rebranding their retail centers. Under the old Conditional zoning, they cannot change any signs without a new zoning action. The applicant has submitted a separate text amendment for their sign. This rezoning is simply to convert the site to a current zoning district bringing forward the applicable conditions.

Public Hearing:

The only two concerns addressed at the public hearing were the lack of stop signs at driveway entrances along Northeast Court and the possible removal of speed bumps in the Pep Boys parking lot.

Planning Board Recommendation

The Planning Board recommended approval with the revised conditions.

Changes since the Public Hearing:

Staff has been working with the applicant to carry forward the 1988 and 1994 approved conditions to the East Point Development. Many of these conditions have either been met or are no longer applicable. Staff and the applicant have updated the prior conditions as follows:

1. The original East Point Conditional plan proposed a mix of business, commercial and service uses that were allowed in the B-1, B-2 and O-9 districts. Some conditions were revised in July 1994. Individual site plans were approved for buildings within the development as they were constructed. As parcels within the original East Point Development Conditional Zoning are converted to contemporary zoning classifications, they will continue to be considered as part of the overall multi-use development site.
2. All road and access points as exist today met design and location standards at time of construction.
3. Any new construction or redevelopment which changes the footprint or site plan elements will be subject to site plan approval by the Town Board of Commissioners.
4. Additional right-of-way up to 50 feet from the existing center line of Sam Newell Road for the future parallel collector road, Northeast Parkway has been dedicated through a subdivision plat. No additional curb cuts will be allowed, with the exception of the existing platted Rice Road, or as individual approvals through a rezoning action.
5. Formerly, the East Point Development conditions only allowed Rice Road to be open at one end at any time. Rice Road may now become a through street and access to Independence Blvd is not required to be closed as a zoning condition once connected to Sam Newell Road.
6. Rice Road shall not be opened to Sam Newell Road until such time the Town and N.C.D.O.T. allow construction.

7. A berm between nonresidential uses in East Point and residential properties across Sam Newell Road was required by prior zoning conditions. A combination of this berm and landscaping to a height of 10 ft. continues to be a requirement along the Sam Newell Road edge. The berm and landscaping must be maintained by the owners at all times to retain a 10 ft. visual buffer.
8. The 50 ft. landscape buffer along unopened Clair Drive must continue to be maintained and preserved. Any new construction shall maintain a 50 ft. setback from the edge of the 50 ft. landscape buffer.
9. In order to reduce potential emergency response confusion, the given name "Eastpointe Drive" will be changed so it does not duplicate or closely match the name of any other street within Mecklenburg County.
10. While Northeast Court remains a town street all intersecting curb cuts shall have stop signs.
11. As stated in Note 1 above, the original intent of the multi-parcel development site continues to be brought forward. The following properties are part of the multi-parcel development and may pursue a Master Sign Plan which could allow for joint identification signage and bonus sign area. The parcels are as follows:
 - A. 193-191-09, Sam Newell Road, Town of Matthews Property
 - B. 193-191-02, 1935 Rice Road, Former La Petite and vacant land
 - C. 193-191-23, 1905 Rice Road, East Village Shopping Center
 - D. 193-192-23, 9508 Northeast Court, Movie Theater
 - E. 193-192-18, 9331 E. Independence Blvd., Car Wash
 - F. 193-192-11, 9405 E. Independence Blvd., Plaza Appliance Store
 - G. 193-192-06, 9415 E. Independence Blvd., Pep Boys
 - H. 193-192-07, 9507 E. Independence Blvd., Advanced Auto
 - I. 193-192-08, 9512 Northeast Court, Matthews Towing and Automotive
 - J. 193-192-10, 9518 Northeast Court, Cleaners
12. Existing street trees may be replaced pursuant to the approved Street Tree replanting plan filed at the Matthews Planning Department, on a schedule to be approved by the Town Planning office.
13. Conversion to contemporary zoning classifications will not create zoning violations for existing buildings now located within the transitional right-of-way and/or transitional setback, as outlined in Section 155.401.1.1. Revisions to existing on-site improvements or redevelopment shall follow the provisions of 155.401.1.1.2. Setbacks shall be measured from the transitional right-of-way for new development and redevelopment. No required parking is allowed in the transitional right-of-way.

The applicant has rescinded their request to add 2500 square feet of building.

Related Town Goal:

Economic Development / Land Use Planning