

**APPLICATION 2017-676 STAFF REPORT
INFINITI PARKING LOT**

Pre Public Hearing Staff Analysis • February 2018



SUMMARY

Location

9009 East Independence

Ownership/Applicant

CARS DB4 LP

Zoning

Existing: B-H (CD) Proposed: B-H (CD) Change of Conditions

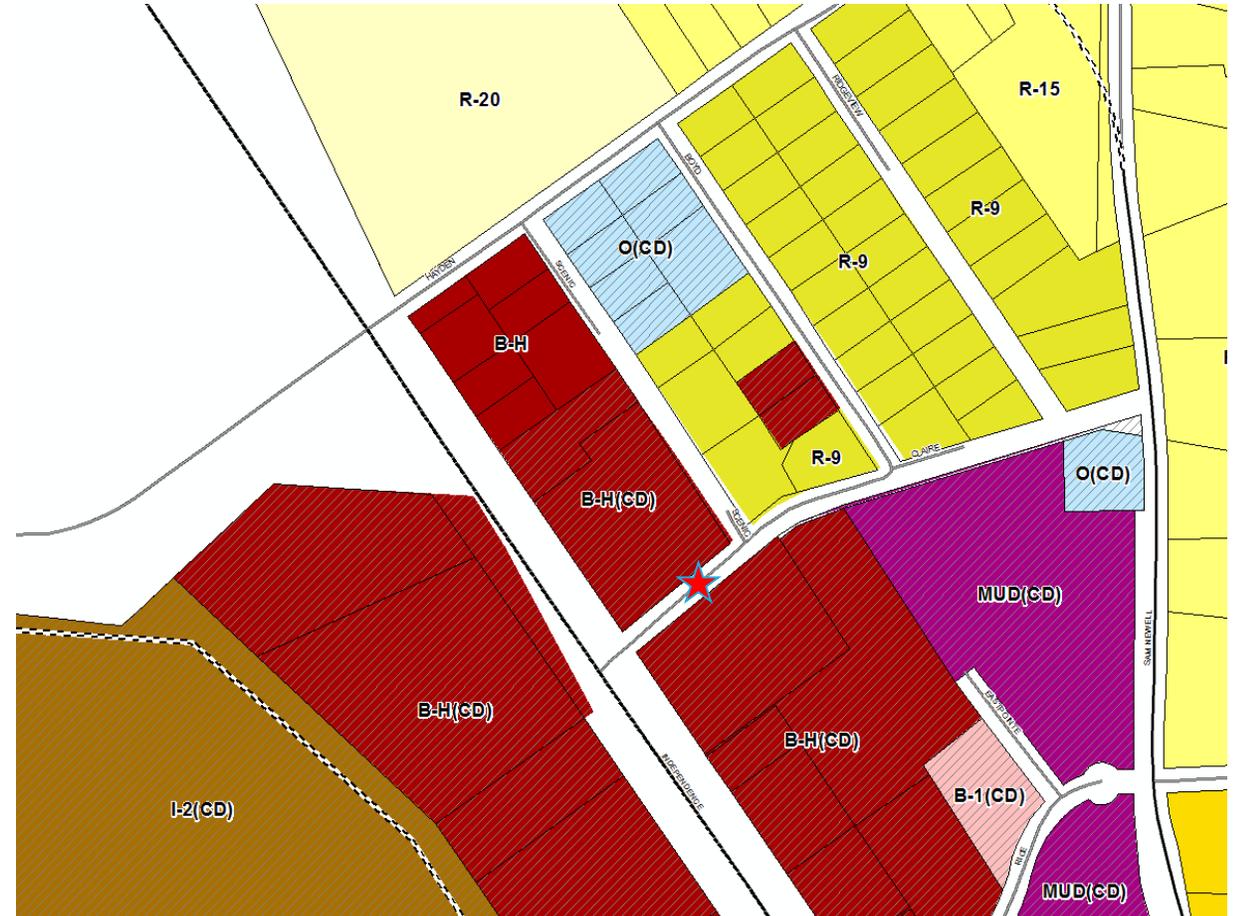
Use

Existing: Automobile sales lot and dealership

Proposed: Addition of carport structures

Request Summary

The applicant seeks a change of conditions to the zoning on the property to allow recently installed metal carport structures to remain at the site.



SITE INFORMATION AND BACKGROUND

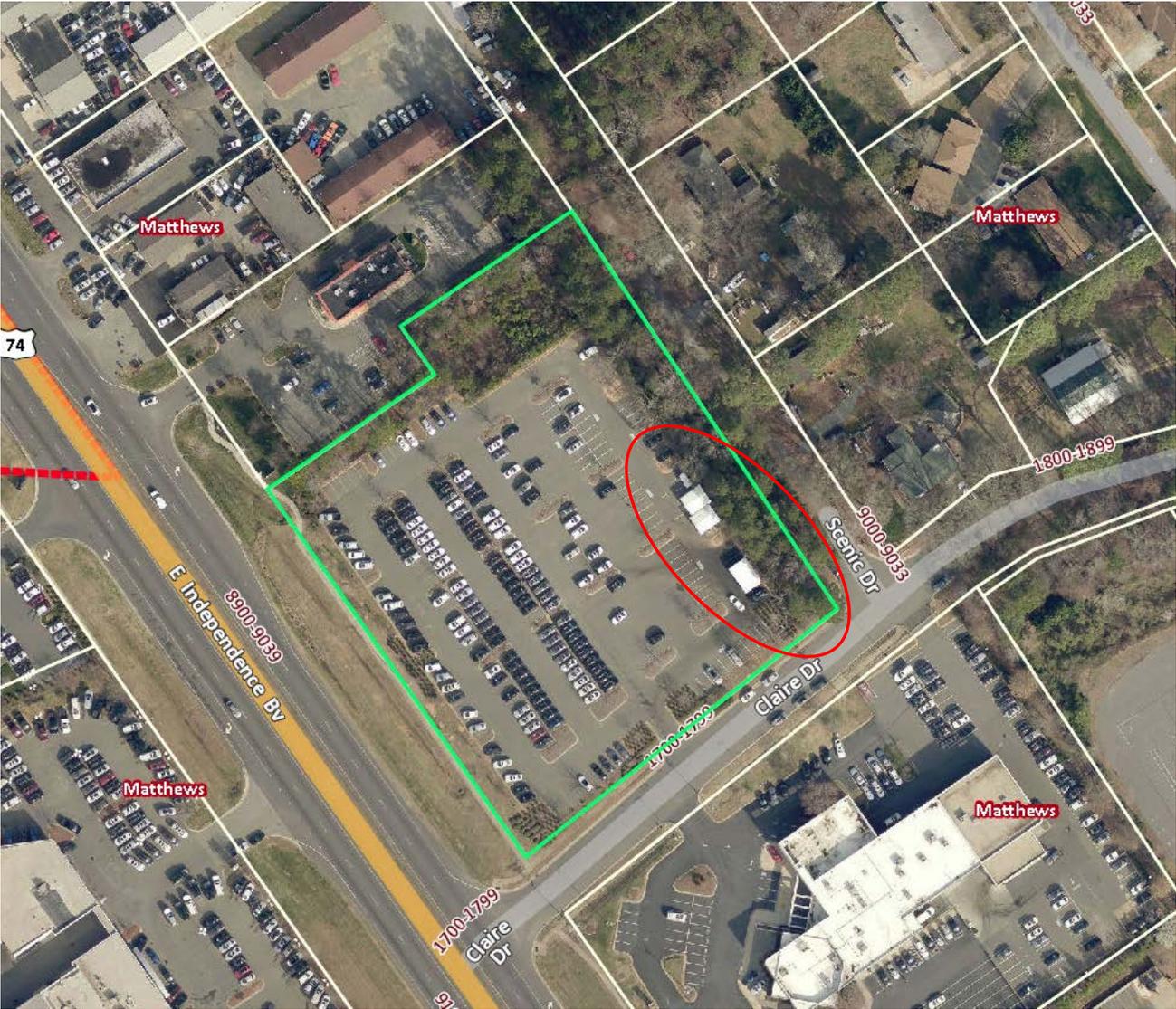
Site Summary

The Infiniti site was originally rezoned to B-H (CD) in 1989. In 2003, a change of conditions request was approved to add the parking lot across Claire Drive to the site plan.

In October 2017, Town Code Enforcement issued a Notice of Violation to address the carpports that have been added to the site. According to the 2003 conditional plan, no additional structures are permitted. The applicant submitted the current change of conditions request to bring the site into compliance.

Previous Zoning Actions

Rezoning from Office to B-1 (CD) in 2007



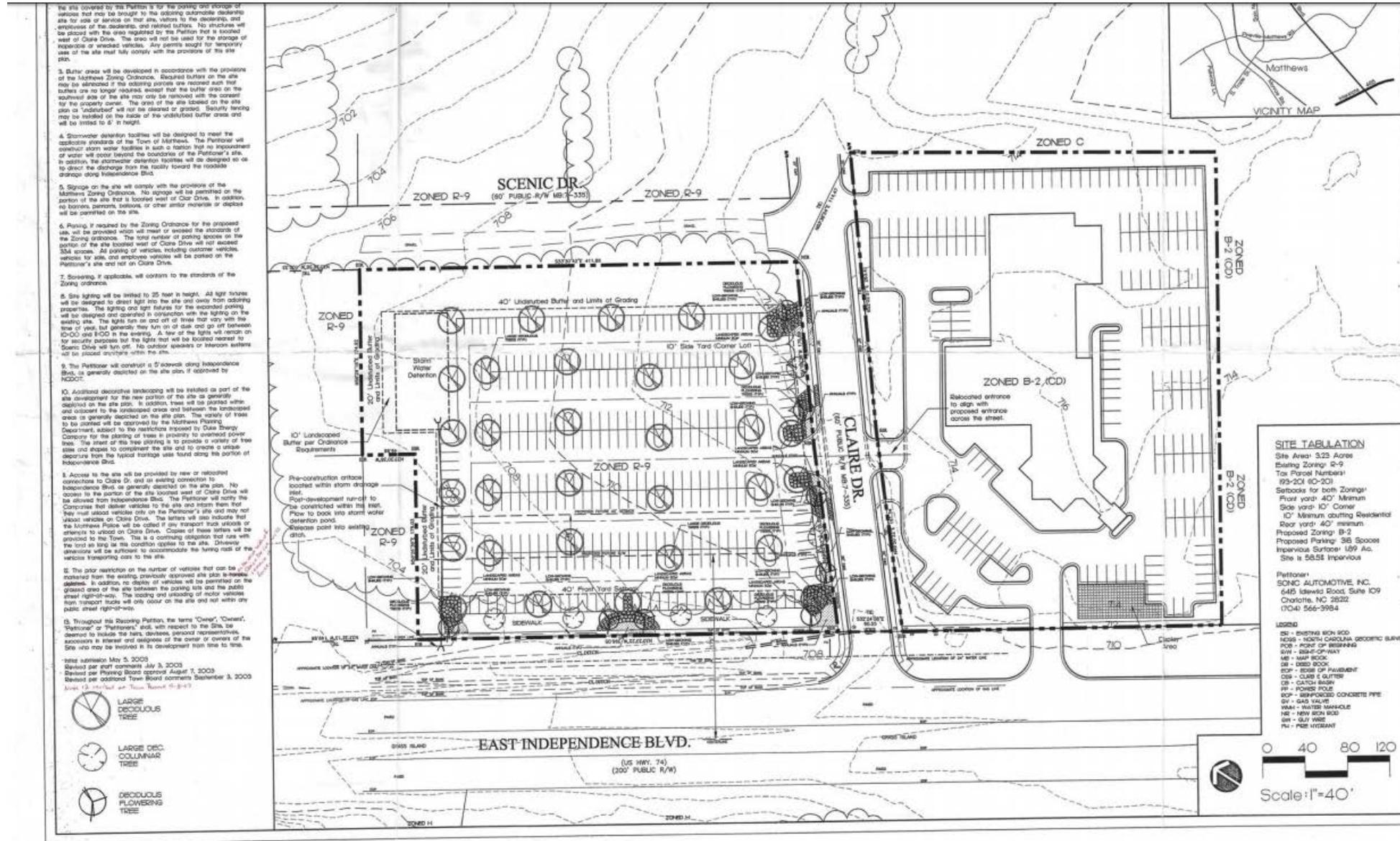
SITE AERIAL



SITE IMAGES



EXISTING APPROVED SITE PLAN



APPROVED
SONIC AUTOMOTIVE, INC.
East Independence Boulevard
Technical Data Sheet

SEAL
 NORTH CAROLINA
 PROFESSIONAL ENGINEER
 #308
 DATE: 4/2/09

SITE TABULATION
 Site Area: 3.23 Acres
 Existing Zoning: R-9
 Tax Parcel Number: 79-201 80-201
 Subplots for both Zoning:
 Plot yard: 40' Minimum
 Side yard: 10' Corner
 10' Minimum existing Residential
 Rear yard: 40' minimum
 Proposed Zoning: B-2
 Proposed Parking: 36 Spaces
 Impervious Surface: 199 Ac.
 Site is 58.58 Impervious

LEGEND
 SB - EXISTING BUSH
 NCB - NORTH CAROLINA GEORGIC BURNER
 POB - POINT OF BEGINNING
 SIB - SIDE OF RIGHT-OF-WAY
 MB - MAP BOOK
 DB - DEED BOOK
 RCB - RECORD OF PAYMENT
 CCB - CLARE & CLUTTER
 CB - CATCH BASIN
 PP - POWER POLE
 RCB - REINFORCED CONCRETE PIPE
 GV - GAS VALVE
 WMB - WATER METER BOX
 NB - NEW BUSH
 MB - MAP BOOK
 PU - PUE URGENT

Scale: 1"=40'

DATE: 4/2/09
 DRAWN BY: JHEK
 SCALE: 1/4"=1'-0"
 PROJECT NUMBER: 08048
 SHEET NUMBER: 1

1. The site covered by the Partition is for the parking and storage of vehicles that may be brought to the existing automotive dealership area for sale or service on that site, vehicles to be delivered, and employees of the dealership, and related facilities. No structures will be placed with the area regulated by the Partition that is located west of Clare Drive. The area will not be used for the storage of inventory or unlicensed vehicles. Any permits sought for temporary uses of the site must fully comply with the provisions of this site plan.

2. Buffer areas will be developed in accordance with the provisions of the Matthews Zoning Ordinance. Required buffers on the site may be abridged if the abutting parties are recorded such that buffers are no longer required, except that the buffer area on the southern side of the site may only be removed with the consent of the property owner. The area of the site labeled on this site plan as "undisturbed" will not be cleared or graded. Security fencing may be installed on the inside of the undisturbed buffer areas and will be limited to 6' in height.

3. Stormwater detention facilities will be designed to meet the applicable standards of the Town of Matthews. The Partitioner will construct storm water facilities in such a fashion that no impoundment of water will occur beyond the boundaries of the Partitioner's site. In addition, the stormwater detention facilities will be designed so as to direct the discharge from the facility toward the roadside drainage along Independence Blvd.

4. Storage on the site will comply with the provisions of the Matthews Zoning Ordinance. No storage will be permitted on the portion of the site that is located west of Clare Drive. In addition, no trailers, permits, trailers, or other similar vehicles or objects will be permitted on the site.

5. Parking, if required by the Zoning Ordinance for the proposed use, will be provided which will meet or exceed the standards of the Zoning Ordinance. The total number of parking spaces on the portion of the site located west of Clare Drive will not exceed 334 spaces. All parking of vehicles, including customer vehicles, vehicles for sale, and employee vehicles will be located on the Partitioner's site and not on Clare Drive.

6. Signage, if applicable, will conform to the standards of the Zoning Ordinance.

7. Site lighting will be limited to 25 feet in height. All light fixtures will be designed to direct light into the site and away from adjoining properties. The lighting and operation of the proposed parking will be designed and operated in conjunction with the lighting on the site. The lights will be on at all times and will remain on the time of day, but generally they will turn on at dusk and go off between 10:00 and 8:00 in the evening. A few of the lights will remain on for security purposes but the lights that will be located nearest to Scenic Drive will turn off. No outdoor speakers or television systems will be installed on the site.

8. The Partitioner will construct a 5' sidewalk along Independence Blvd, as generally depicted on the site plan, if approved by NCDOT.

9. Artificial decorative landscaping will be installed as part of the site development for the new portion of the site as generally depicted on the site plan. In addition, trees will be planted within and adjacent to the landscaped area and between the landscaped area as generally depicted on the site plan. The variety of trees to be planted will be approved by the Matthews Planning Department, subject to the restrictions imposed by Duke Energy. Copies for the planting of trees in proximity to overhead power lines and spaces to complement the site and to create a unique departure from the typical landscape will be based upon the portion of Independence Blvd.

10. Access to the site will be provided by new or relocated structures to Clare Drive and an existing connection to that Independence Blvd as generally depicted on the site plan. No independent access to the portion of the site located west of Clare Drive will be allowed from Independence Blvd. The Partitioner will notify the Commission that delivery vehicles to the site and inform them that they must unload vehicles only on the Partitioner's site and may not unload vehicles on Clare Drive. The letters will also indicate that the business hours will be posted if any transport truck vehicles or services to unload on Clare Drive. Copies of these letters will be provided to the Town. This is a continuing obligation that runs with the land and as long as this condition applies to the site. Drivers will be required to accommodate the turning radii of the vehicles transporting cars to the site.

11. The prior restriction on the number of vehicles that can be parked from the existing previously approved site plan to be removed. In addition, the number of vehicles will be permitted on the graded area of the site between the parking lots and the public street right-of-way. The loading and unloading of motor vehicles from transport trucks will only occur on the site and not within any public street right-of-way.

12. Throughout this Partition, the terms "Owner", "Owner", "Partitioner" or "Partitioner's" shall, with respect to the Site, be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of the owner or owners of the property. Site may be involved in the development from time to time.

Initial submission May 5, 2009
 Revised per staff comments July 3, 2009
 Revised per Planning Board approval August 7, 2009
 Revised per additional Town Board comments September 3, 2009
 Book 13 of 13 of the Town Board 8-9-09

LEGEND
 LARGE DECIDUOUS TREE
 LARGE DEC. COLUMNAR TREE
 DECIDUOUS FLOWERING TREE

SUMMARY OF PROPOSED CONDITIONS

1. Five metal carports will be allowed on the property
2. Storage of damaged or wrecked vehicles is prohibited
3. Previous zoning conditions are included with the current application with new conditions to address the carport structures
4. Future Council approval of new structures on site.

LAND USE PLAN AND ADOPTED POLICIES

Land Use Plan

While the Land Use Plan does not make a specific recommendation for this property, automobile dealerships are an expected land use along Independence Boulevard in both Matthews and adjacent jurisdictions.

Consistency

An automobile dealership is consistent with Land Use Plan goals for this corridor.

INDEPENDENCE BOULEVARD ACTION ITEMS:

1. *Encourage the completion of alternate collector roadways.*
2. *Prohibit development which is solely dependent on access along US-74.*
3. *Require developers to locate primary access driveways along alternate roadways.*
4. *Prohibit expansion of impulse/commercial land uses along US-74.*
5. *Promote non-residential, destination-based land uses along US-74.*
6. *Encourage redevelopment of existing retail centers into mixed use concepts.*

STAFF COMMENTS AND OUTSTANDING ISSUES

Planning Department

1. Applicant has confirmed that no washing of vehicles will occur on the property. This note should be added to the conditional plan.
2. The applicant has applied for building permits with Mecklenburg County.
3. Applicant should clarify what activities are allowed on the parcel where the carports are located and define what detailing activities occur on the site.
4. Note 14 regarding future approval of new structures by Council should be clarified. The plan as proposed does not allow any additional structures.

Police

No Concerns

Fire

No concerns

Public Works

No concerns

Parks and Rec

No concerns