

Agenda Item: Decision on Application 2018-678 Newell Corners/Circle K

DATE: August 8, 2018
FROM: Jay Camp

Background/Issue:

- In May, Planning Board voted 6-1 to recommend denial of the rezoning request citing inconsistency with the Matthews Land Use Plan.
- On August 2, the Board of Adjustment unanimously denied a request to modify certain design standards for gas stations.
- The project has thus far received 2 deferrals; a 30-day deferral of the Public Hearing and a 60-day deferral of the decision. Since the project cannot be constructed as currently depicted and since the PCO Concept Plan is not yet under review, additional deferrals would be required if the project is not withdrawn or denied.
- Town staff remains opposed to the proposed Highway 51 median cut to provide access to the gas station when other uses do not need this access. NCDOT has not stated that the median cut would be approved if only for one or two businesses. The list of allowed uses in B-H has not been revised, meaning that car sales, car repair and other potentially undesirable uses at the property could occur.

Proposal/Solution:

- Planning Staff remains opposed to the use at the corner and agrees with the Planning Board recommendation and conclusion. Any revision to site plans or elevations would not alter Planning Board or staff recommendation at this time.
- A mixed-use development with office and a small retail component is the most appropriate use for this highly visible location near the heart of the community and would complement the existing adjoining development. We recommend that the applicant withdraw the request and return with a development proposal that better fits the community vision for the general area. There are numerous uses other than gas stations that would be appropriate for the site.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Deny Rezoning Request for Application 2018-678 at 1201 Matthews Township Parkway.

DRAFT---FOR APPROVAL

**STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH POLICIES
Final Decisions on Zoning-Related Issues**

ZONING APPLICATION # 2018-678
ZONING MOTION # _____
ADMINISTRATIVE AMENDMENT _____

Matthews Board of Commissioners adopts the checked statement below:

A) The requested zoning action, as most currently amended, is **approved**, and has been found to be **CONSISTENT** with the Matthews Land Use Plan (or other document(s)), and to be **REASONABLE**, as follows:

CONSISTENT: PROJECT DOES NOT MEET ALL UDO STANDARDS AND CANNOT BE APPROVED AS CURRENTLY DESIGNED.

REASONABLE: PROJECT DOES NOT MEET ALL UDO STANDARDS AND CANNOT BE APPROVED AS CURRENTLY DESIGNED.

OR

B) _____ The requested zoning action, as most currently amended, is **not approved**, and has been found to be **INCONSISTENT** with the Matthews Land Use Plan (or other document(s)), and **NOT REASONABLE**, as follows:

INCONSISTENT: The rezoning would allow a zoning category and use typically only found along the US74 corridor and Monroe Road corridor. The development would allow new median cuts and allow strip commercialization, both of which are specifically discouraged in the Matthews Land Use Plan.

NOT REASONABLE: The rezoning is not reasonable and would cause additional traffic congestion and safety issues due to the high volume of traffic and proximity to a major intersection.

(In each case, the Statement must explain why the Board deems the action reasonable and in the public interest (more than one sentence). Reasons given for a zoning request being "consistent" or "not consistent" are not subject to judicial review.)

Date **August 13, 2018**