

## **Agenda Item: Decision on Rezoning Application 2019-694 Discount Tire**

**DATE:** May 6, 2019  
**FROM:** Mary Jo Gollnitz

### **Background/Issue:**

- On April 23rd, Planning Board voted unanimously to recommend conditional approval of the rezoning request.
- Revised elevations have been submitted and are attached to this memo.

### **Proposal/Solution:**

- Staff believes the rezoning request is appropriate and is supportive; however, several items still remain outstanding from the Public Hearing.
- The applicant has requested a deferral to June 10<sup>th</sup> (attached).

### **Financial Impact:**

None

### **Related Town Goal(s) and/or Strategies:**

Quality of Life  
Economic Development/Land Use Planning

### **Recommended Motion/Action:**

Defer decision on rezoning Application 2019-694 to June 10, 2019.

**DRAFT---FOR APPROVAL**

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

ZONING APPLICATION # 2019-694

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:** with Matthews Land Use Plan and allows a retail use to replace a former restaurant location along US74.

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**REASONABLE:** The rezoning is reasonable because it allows for the vacant restaurant building to be demolished and a new retail building be installed. The rezoning supports the continuation of building a healthy commercial base in Matthews.

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**OR**

**DRAFT – FOR DENIAL**

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 is inconsistent with the Land Use Plan because it is a traffic intense use.

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**NOT REASONABLE:** The rezoning is not reasonable as it would create an expansion of existing retail space on US74 resulting in increased traffic at the site.

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*(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: *May 13, 2019*

April 25, 2019

R. Susanne Todd  
Partner

VIA EMAIL

WRITER'S E-MAIL ADDRESS:  
stodd@jahlaw.com

WRITER'S DIRECT DIAL:  
704-998-2306

Ms. Mary Jo Gollnitz  
Senior Planner/Zoning Administration  
Mr. Jay Camp, Planning Director  
Town of Matthews  
232 Matthews Station Street  
Matthews, NC 28105

Re: Rezoning Application No. 2019-694  
Discount Tire, Applicant

Dear Ms. Gollnitz and Mr. Camp:

Thank you for all the time that you both have devoted to Discount Tire's Rezoning Application No. 2019-694.

As you know, the Public Hearing on our Rezoning Application was held on Monday, April 8, 2019. The Planning Board considered and made a unanimous recommendation for the approval of this Rezoning Application at its April 23, 2019 meeting. Said approval was conditioned on continued efforts by Applicant to address comments made by the Commissioners during the Public Hearing. Under the Town of Matthews Rezoning Schedule, the Board of Commissioners is currently scheduled to render a Decision on this Rezoning Application on Monday, May 13, 2019.

I am writing, on behalf of the Applicant, to respectfully request a deferral of the Board of Commissioners' decision on Rezoning Application No. 2019-694 from the Board of Commissioners' May 13, 2019 agenda to its June 10, 2019 agenda.

Applicant has already addressed some of the Commissioners comments and is working diligently respond to others. Applicant would like the opportunity to thoroughly review revised plans with the Planning Staff in advance of a decision on the Rezoning Application to ensure that the Applicant's Conditional Rezoning Plan is correct. Applicant would also like the opportunity to have discussions with Commissioners in advance of a decision on the Rezoning Application to receive additional input and hopefully, approval.

Thank you for your attention to this matter. Should you have any questions please do not hesitate to reach me directly at 704-998-2306.

Sincerely,



R. Susanne Todd

