

## **Agenda Item: Rezoning Re-application Request for 1625 Windsor Square Dr**

**DATE:** February 6, 2019  
**FROM:** Jay Camp

### **Background/Issue:**

- In August 2018, the Board of Commissioners denied the rezoning request for an ABC store at 1625 Windsor Square Drive. The effect of denial of a rezoning application is an automatic one year waiting period for new applications. However, the Board of Commissioners can waive this requirement if it is found that there is a substantial change from the previous request.
- Discount Tire seeks to raze the current building and construct a new store and has filed a new rezoning application. The application is currently on the consent agenda and can be accepted if the waiver is granted. If the waiver is not granted, the item must be removed from the consent agenda.
- Planning Board recommended by unanimous vote that the waiver should be granted.

### **Proposal/Solution:**

- Staff is supportive of the waiver request as the project is entirely different in comparison to the previous rezoning.

### **Financial Impact:**

None

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

Quality of Life

Economic Development/Land Use Planning

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

Allow Rezoning Re-application at 1625 Windsor Square Dr.

January 11, 2019

**Via Hand Delivery**

Mr. Jay Camp, Senior Planner  
Town of Matthews  
232 Matthews Station Street  
Matthews, NC 28105

RE: Request for Waiver of One (1) Year Waiting Period for Submission of Application for Rezoning of approximately 1.887 acre site located 1625 Windsor Square Drive (former Tilted Kilt location) (the "Site").

Dear Mr. Camp:

Rezoning Application 2018-687 was filed on May 30, 2018 requesting a change in conditions to allow the Site to be used for the operation as an ABC store for the purchase and sale of alcoholic beverages..

The Matthews Board of Commissioners denied Rezoning Application 2018-687 on August 13, 2018.

Discount Tire is a national, privately owned company that sells tires, and only tires. It also installs and rotates the tires it sells. Discount Tire does not perform State inspections, change oil, install brake pads, or even replace wiper blades.

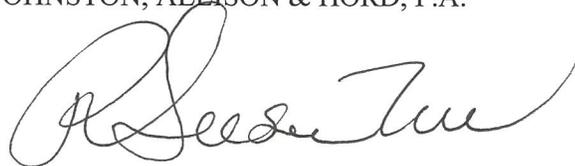
Discount Tire desires to submit a rezoning application to allow use of the Site for the retail sale and service of tires.

Section 155.401.1 (G) prohibits resubmittal of a rezoning application which has been denied wholly or in part within one year from the date of the Board of Commissioners denial, *except if, after a report from the Planning Board, the Commissioners determine that there have been substantial changes in circumstances, or conditions not discovered or not possible during the previous zoning action, which may relate to the request.*

On behalf of our client Discount Tire, we respectfully request a waiver of the one year waiting period based on substantial changes in circumstances related to the new proposed use of the Site.

Should you have any questions, please do not hesitate to contact me at 704.998.2306.

JOHNSTON, ALLISON & HORD, P.A.



R. Susanne Todd