

## **Rezoning Decision: Application 2019-700, 433 East John Street**

TO: Mayor and Board of Commissioners

FROM: Jay Camp, Planning Director

DATE: December 6, 2019

### **Background/Issue**

We have received no updates at this time. The applicant will attend the 5:30 meeting on 12/9 to further discuss the rezoning request.

### **Proposal/Solution**

Based on conversations staff has had with the applicant, it does not appear that there will be further study of a Charles Street- only access for truck movements at the site. Council will be faced with a decision that will ultimately pit aesthetic concerns along Charles Buckley Way with traffic and safety issues along John Street. To make the best use of time on Monday, it may be best to focus on how to mitigate the impact of the new proposed driveway on Buckley and where additional landscaping could be incorporated onsite. The applicant has already committed to new plantings along Charles Street. It may be possible to incorporate additional landscaping at the corner of Buckley Way and John Street to beautify the entry into downtown Matthews.

### **Financial Impact**

None

### **Related Town Goal**

Quality of Life and Economic Development/Land Use Planning

### **Recommended Action**

Discuss next steps and determine whether or not to defer to the next meeting.

**DRAFT---FOR APPROVAL**

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

ZONING APPLICATION # 2019-700

ZONING MOTION # \_\_\_\_\_

ADMINISTRATIVE AMENDMENT \_\_\_\_\_

Matthews Board of Commissioners adopts the checked statement below:

A)   X   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 as it allows for the maintenance of an existing use along the corridor.**

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**REASONABLE: The rezoning is reasonable as it establishes a broad list of allowed uses and accomplishes the movement of truck turning movements away from the congested John Street corridor.**

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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 as it allows an industrial property to continue operation in a predominantly single-family area.**

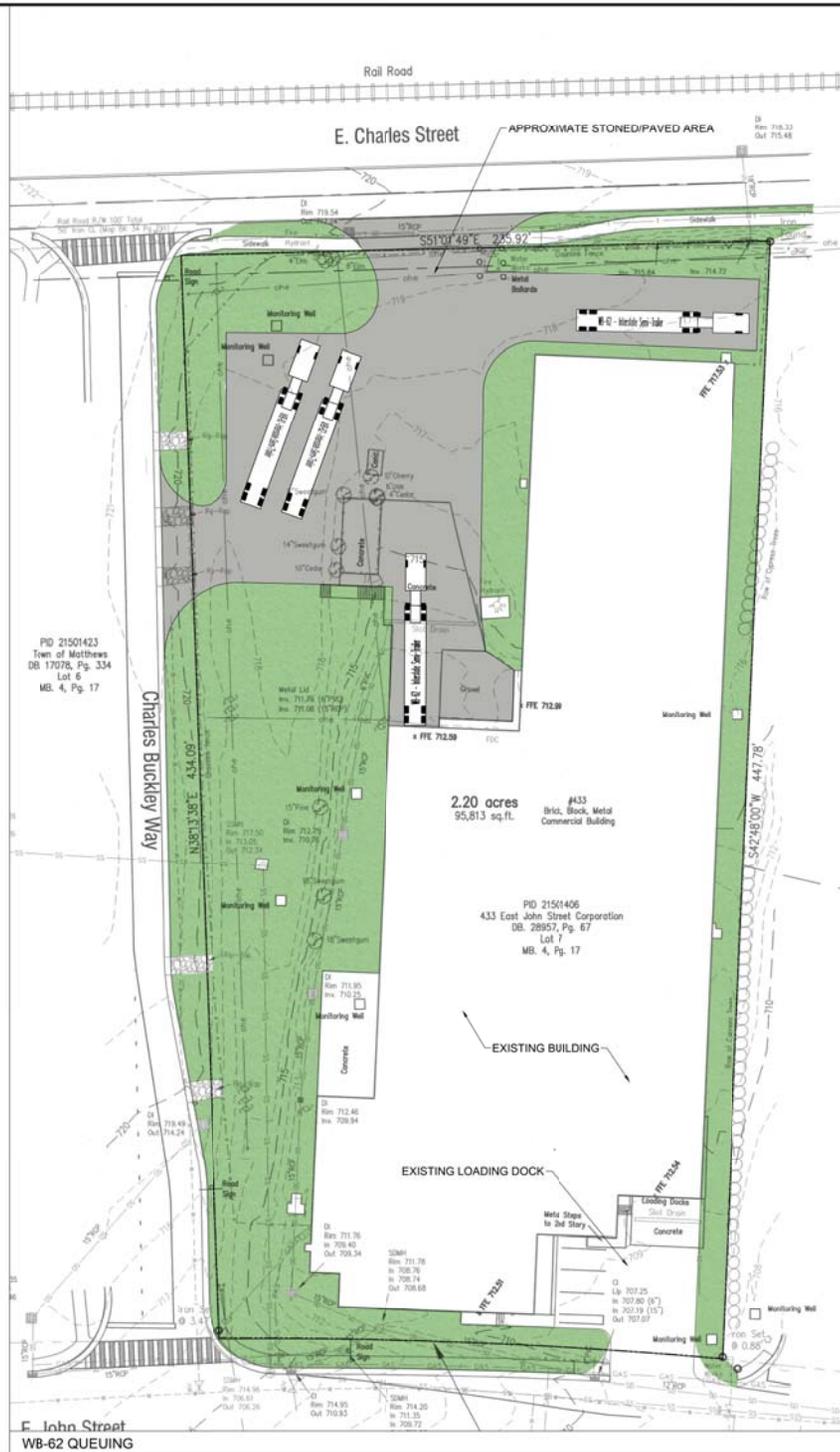
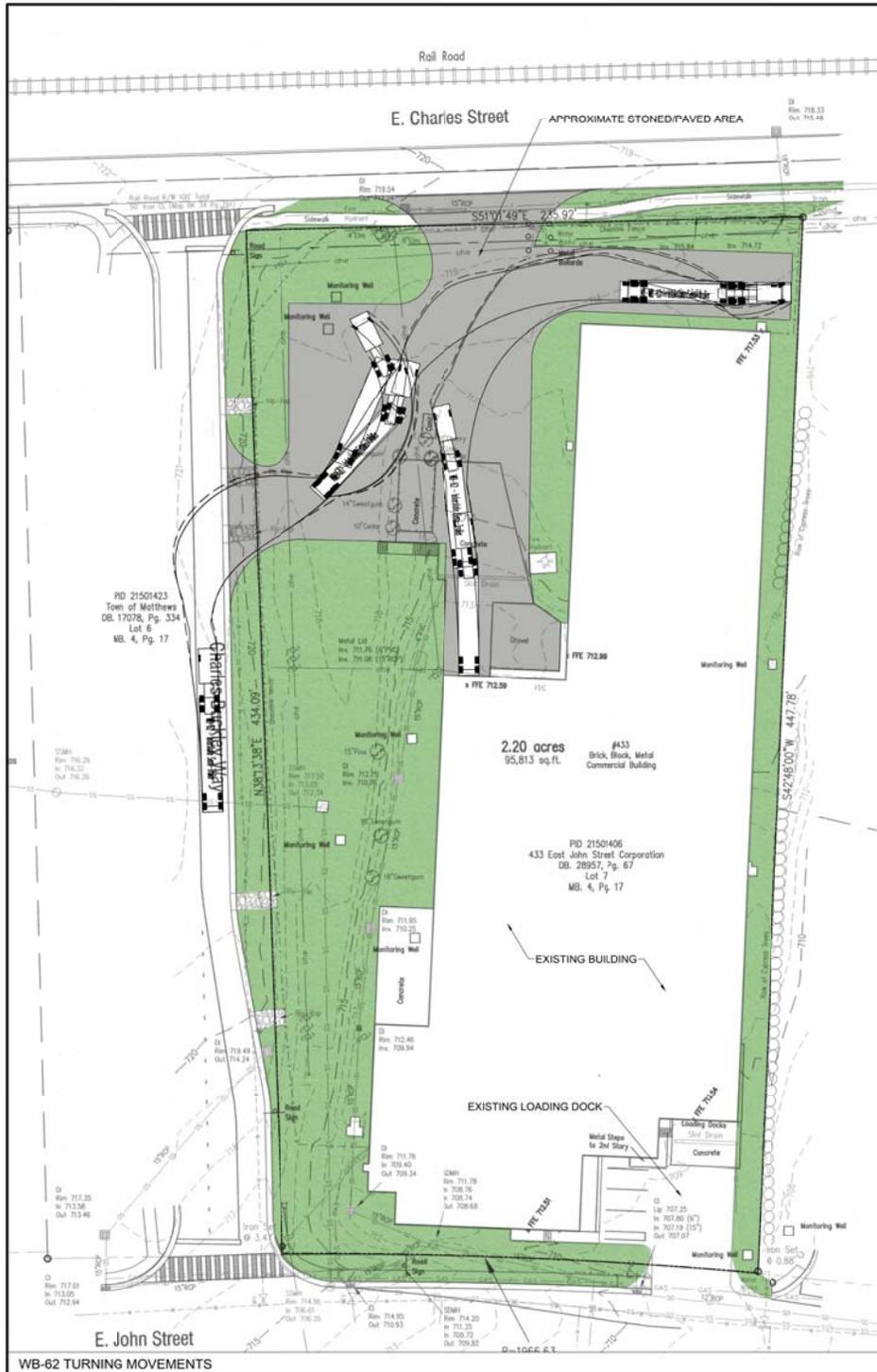
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**NOT REASONABLE: The rezoning is not reasonable as it still allows truck traffic and loading docks to be located in a residential area of the Town.**

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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: *December 9, 2019*



**Bloc Design**  
2923 S. Bryan Street, Suite 320  
Charlotte, NC 28203  
phone: 704-940-2883  
www.bloc-nc.com



**Stronghaven Containers**  
A Division of Stronghaven

NO.	DATE	DESCRIPTION

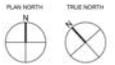
DATE: 10/19/18  
DRAWN BY: NTV  
CHECKED BY: WEL  
PROJECT NUMBER: 0809-02  
SCALE: 1" = 30'  
TITLE: CONCEPTUAL VEHICLE ACCESS PLAN OPTION 1



**NOT FOR CONSTRUCTION**

**STRONGHAVEN INDUSTRIAL**

433 E. John Street  
Matthews, NC 28105  
(Parcel ID: 215-01-406)



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WORKING: **CS-101**



Approximate Location of Proposed Driveway Access on Charles Buckley Way

Attachment 1: List of Permitted Uses  
Prohibited Uses are Formatted with Strikethrough  
Revised 11.08.19

Institutional & Governmental Uses

- Church and place of worship without size restrictions
- College and university without stadium
- ~~○ College and university with stadium~~
- Cultural Community Center, subject to § 155.506.07
- Fire and/or EMS station, police station
- Public library

Office & Services Uses:

- Bank, credit union, and similar financial service
- Barber shop, beauty salon, nail salon, and similar personal service
- Civic, fraternal, and social club
- Contractor's office without accessory storage
- General and professional office
- Laboratory and research facility, medical, dental or optical
- Office with display of sample merchandise to wholesalers and retailers when the samples are only visible within the building and no sales, inventory or delivery of merchandise from building
- ~~○ Spa Message Service~~

General Commercial Uses

- ~~○ Alcohol and alcoholic beverage, wine, and beer production and sales, subject to § 155.506.45~~
- Animal grooming facility, subject to § 155.506.42
- ~~○ Armory for meetings and training of military organizations~~
- ~~○ Auction house~~

- Bakery, retail including manufacturing of goods for sale on the premises only
- Ballroom, banquet or meeting/catering hall
- Brewery
- Brewpub, subject to § 155.506.45
- ~~○ Building material storage and wholesale and retail sales without outside storage~~
- Call center
- Commercial school and school providing adult training in any of the arts, sciences, trades, or professions, without retail sales of merchandise
- Commercial or catering kitchen, without on-site customer/client food service
- ~~○ Communications tower and antenna, subject to § 155.506.41~~
- Copy, printing and photo processing
- ~~○ Crematorium, when located on same lot as a cemetery or funeral home, subject to 155.506.13~~
- ~~○ Crematorium, stand alone, or on an adjacent parcel to a cemetery or funeral home only when such parcel is commercially or industrially zoned, subject to 155.506.13~~
- ~~○ Drive-up service window, subject to § 155.506.33~~
- ~~○ Exterminator, pest control~~
- Florist shop
- ~~○ Funeral home~~
- ~~○ Funeral home with other related service, not including crematorium~~
- ~~○ Gas station with convenience store, subject to § 155.506.49~~
- ~~○ Gas pump without convenience store~~
- ~~○ Greenhouse, commercial, without retail sales~~
- ~~○ Heliport~~
- ~~○ Internet sweepstakes, or adult gaming facility § 155.506.50~~
- ~~○ Kennel, animal day care, subject to § 155.506.42~~
- ~~○ Kennel, commercial, subject to § 155.506.42~~
- ~~○ Laundry and dry cleaning establishment not to exceed 4,500 sq. ft. gross floor area~~

- ~~○ Laundry and dry cleaning establishment not to exceed 10,000 sq. ft. gross floor area~~
- Microbrewery, subject to § 155.506.45
- ~~○ Mini storage facility~~
- ~~○ Motor vehicle service facility limited to oil change, tire rotation and replacement, and similar minor maintenance service, all activity taking place within the building, not over 3 service bays and no overnight vehicle storage~~
- ~~○ Motor vehicle repair garage including engine overhaul, body and paint shop and similar operations~~
- ~~○ Motor vehicle, passenger, and motorcycle, new and used, sales and rental~~
- ~~○ Motor vehicle, commercial or recreational, new and used, sales and rental~~
- Museum or art gallery
- ~~○ Nursery, commercial, with or without greenhouse~~
- ~~○ Outdoor equipment and machinery, sales and repair~~
- ~~○ Outdoor sales in conjunction with a permanent business, subject to § 155.506.36~~
- Parking lot and parking garage/structure
- ~~○ Pet cemetery, including any accessory structure~~
- Post Office
- Professional, financial, personal and recreational service not otherwise listed
- Radio and television station
- ~~○ Repair and servicing, indoors only, of any article the sale of which is permitted in the district, except as otherwise listed~~
- Restaurant, lounge and nightclub without drive-thru or drive-in service
- Retail sales, general merchandise, unless otherwise listed
- ~~○ Secondhand goods, retail sales without outside storage, unless otherwise listed~~
- ~~○ Selling from a semitruck without a cab, subject to § 155.506.36~~
- Sign printing
- ~~○ Solar collector installation, subject to § 155.506.48~~
- ~~○ Specialty sales establishment with substantial on-site assembly, processing, packaging, and/or distribution, and processes sales for off-site customers, subject to § 155.506.39~~

- Studio for gymnast, artist, designer, photographer, musician, sculptor, and similar
- ~~Towing operation with vehicle storage only within an enclosed structure~~
- ~~Upholstering in a workroom setting not to exceed 1,500 sq. ft. of gross floor area~~
- ~~Utility trailer, not exceed a loading capacity of 500 cubic feet, sales and rental~~
- ~~Veterinary clinic or hospital, subject to § 155.506.42~~

### Recreation & Entertainment Uses

- ~~Amusement, commercial outdoors, including miniature golf, golf course, golf driving range, ride, slide, waterpark, paintball course and similar commercial enterprise requiring physical dexterity, except as regulated elsewhere, subject to § 155.506.40~~
- ~~Arcade, game room~~
- ~~Archery or firearms range, indoor only, subject to § 155.506.47~~
- ~~Athletic or sports fields, ballfields, in a concentration of three or more, and similar outdoor physical recreation facility intended for use by teams of participants~~
- Park and playground, not otherwise listed
- ~~Skateboard facility, subject to § 155.506.40~~

### Industrial & Manufacturing Uses

- ~~Bakery and baking plant including manufacturing, wholesale and retail~~
- ~~Blacksmith shop~~
- ~~Bottling and canning works for nonalcoholic beverage including distribution~~
- ~~Bus and transit vehicle repair and storage~~
- Distilling or manufacturing of alcohol and alcoholic beverage, subject to § 155.506.45
- ~~Laundry and dry cleaning establishment greater than 10,000 sq. ft. gross floor area~~
- ~~Mail order facility~~
- ~~Manufacturing, processing, assembling of components into completed craft or custom-made items in facilities not exceeding 3,000 sq. ft.~~

- Manufacturing, light, which may include the assembly or processing of predominantly previously prepared materials into finished products or parts and the packaging of such materials, all contained within an entirely enclosed building and no detectable noise, dust, glare, odors, vibration, smoke or steam, fire hazard, or other noxious emission shall exit the building except as otherwise listed
- ~~Metal product fabricating, processing, and manufacturing, and machine shop with out — blast furnace or drop forge~~
- ~~Packing shed, fruit and vegetable~~
- ~~Recycled material, collection, processing and packaging within an enclosed structure~~
- ~~Sign manufacturing~~
- Warehouse, distribution facility within enclosed building
- ~~Wholesale sales with or without retail sales~~

#### Miscellaneous Uses

- Accessory use, clearly incidental to the principal permitted use or structure on the lot
- ~~Auction sale of real and personal property located on site for the purpose of liquidating assets, subject to § 155.506.43.~~
- Community Garden
- ~~Donation Drop-Off Facility~~
- ~~Electric and gas substation, sewage treatment plant and control house, pump and lift station, water storage tank, well lot and similar use, subject to § 155.506.11~~
- Farm, urban, subject to § 155.506.19
- ~~Garage sale, yard sale, and similar, subject to § 155.506.43~~
- ~~On site demolition disposal site, subject to § 155.506.37~~
- ~~On site demolition disposal site, accepting off site material, subject to § 155.506.37~~
- Parking for uses permitted within the district/No overnight parking

- ~~Propane storage or other fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters~~
- ~~Public utility transmission and distribution lines~~
- ~~Railroad right-of-way~~
- ~~Short term temporary use or festival of civic or nonprofit nature, subject to § 155.506.44~~
- ~~Sidewalk sale, end of season sale, clearance sale, subject to §155.506.43~~
- Temporary building and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, the temporary use to be terminated upon completion of construction, issuance of Certificate of Occupancy, or invalidation of building permit (see also § 155.506.43.C.4)
- ~~Temporary, self contained storage unit, subject to § 155.506.20~~
- ~~Temporary use for business purpose, subject to § 155.506.43~~
- ~~Transit station (bus, rail, etc.)~~
- ~~Transit stop shelter, subject to § 155.506.34~~
- Utility equipment stand, meter, box, and backflow preventer for single or groups of parcels
- ~~Vending machine, located outside the required setback~~
- ~~Vending machine, immediately adjacent to building under overhang only~~

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Date: *November 25, 2019*