Agenda Item: Zoning Motion 2020-719, UDO Text Amendment to Revise Text on Outdoor Sales in B-1SCD Zoning District

DATE: December 14, 2020
FROM: Darin Hallman

Background/Issue:

- The applicant is requesting that trailers used for the sale of outdoor goods be allowed year-round.
- Home Depot would like to have the straw trailers available year-round without a time limitation.

Proposal/Solution:

- The provided text limits changes only to the B-1SCD (Shopping Center District)
- These changes are further limited to hardware or home improvement stores uses
- Trailers are limited to front and rear of the building
- Sale of available goods are limited to that of agricultural, garden and landscaping supplies and materials
- The text includes the following limitations since Planning Board meeting:
  - Only 3 trailers are allowed on the property at anytime
  - Trailers may not be located within a yard abutting a public street
  - Payment transactions must be conducted at the store register, not at the semi-truck trailer

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life
Economic Development/Land Use Planning

Recommended Motion/Action:

Staff recommends approval of Zoning Motion 2020-719 to amend the prescribed conditions of outdoor storage.
DRAFT – FOR APPROVAL

STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH POLICIES

Final Decisions on Zoning-Related Issues

ZONING APPLICATION # ______________________________
ZONING MOTION # ____________2020-719______________________________
ADMINISTRATIVE AMENDMENT _______________________________

Matthews Board of Commissioners adopts the checked statement below:

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

CONSISTENT: The zoning text amendment is consistent with the Matthews Land Use Plan as it supports the economic viability of the existing business in a retail center.

REASONABLE: The zoning text amendment is reasonable as it provides benefit to the surrounding community by increasing the selection of retail available year-round.

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)), as follows:

INCONSISTENT: The zoning text amendment is inconsistent with the Land Use Plan along Independence Boulevard as it does not prohibit expansion of impulse/commercial land uses along US-74

NOT REASONABLE: The zoning text amendment is not reasonable because it causes a visual detriment to the neighbors by allowing a temporary occurrence year-round.

(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 14, 2020
Text Change Application 2020-719

Revisions to Language Based on November 24, 2020 Planning Board Recommendation of Approval with Conditions

Changes from text submitted to Planning Board

*This page showcases proposed changes since the Public Hearing. See next page for final draft of text amendment*

HUC, B-1, B-3, BD, B-H, I-1, I-2, MUD, TS, and ENT Districts:

The occasional or intermittent sale of goods from a semi-truck trailer without a cab, or from a temporary greenhouse or tent, for a short-term sale shall not exceed one hundred twenty (120) days during a calendar year. Any semi-truck, temporary greenhouse, or tent used as a part of outdoor sales shall not be located within any required front setback, any required parking, any driveway or any internal vehicular or pedestrian circulation areas.

B-1SCD Districts:

The occasional or intermittent sale of goods from a semi-truck trailer without a cab, or from a temporary greenhouse or tent, for a short-term sale shall not exceed one hundred twenty (120) days during a calendar year. Notwithstanding the foregoing, ancillary only to a permanent retail hardware or home improvement store, sale of agricultural, garden and landscaping supplies and materials from a semi-truck trailer without a cab shall be permitted year-round, but shall be limited subject to the following limitations: i) must be located to the side or rear of the building; ii) may not be located within any required yard abutting a public street; iii) payment transactions must be conducted at the store register, not at the semi-truck trailer; and iv) no more than three (3) semi-truck trailers without a cab may be used on a single property. Any semi-truck, temporary greenhouse, or tent used as a part of outdoor sales shall not be located within any required front setback, any required parking, any driveway or any internal vehicular or pedestrian circulation areas.
Text Change Application 2020-719

Revisions to Language Based on November 24, 2020 Planning Board Recommendation of Approval with Conditions

Final Text Changes

UDO Section 155.506.36.B.6 is to be amended as follows. Red underline text indicates added text. Unformatted text notes no change occurred.

155.506.36.B.6:

HUC, B-1, B-3, BD, B-H, I-1, I-2, MUD, TS, and ENT Districts:

The occasional or intermittent sale of goods from a semi-truck trailer without a cab, or from a temporary greenhouse or tent, for a short-term sale shall not exceed one hundred twenty (120) days during a calendar year. Any semi-truck, temporary greenhouse, or tent used as a part of outdoor sales shall not be located within any required front setback, any required parking, any driveway or any internal vehicular or pedestrian circulation areas.

B-1SCD Districts:

The occasional or intermittent sale of goods from a semi-truck trailer without a cab, or from a temporary greenhouse or tent, for a short-term sale shall not exceed one hundred twenty (120) days during a calendar year. Notwithstanding the foregoing, ancillary only to a permanent retail hardware or home improvement store land use, the sale of agricultural, garden and landscaping supplies and materials from a semi-truck trailer without a cab shall be permitted year-round, subject to the following limitations: i) must be located to the side or rear of the building; ii) may not be located within any required yard abutting a public street; iii) payment transactions must be conducted at the store register, not at the semi-truck trailer; and iv) no more than three (3) semi-truck trailers without a cab may be used on a single property. Any semi-truck, temporary greenhouse, or tent used as a part of outdoor sales shall not be located within any required front setback, any required parking, any driveway or any internal vehicular or pedestrian circulation areas.