Agenda Item: Rezoning 2020-720 Lowe’s – Decision – Change in Conditions

DATE: January 11, 2021  
FROM: Darin Hallman, Planner

Background/Issue:

- Lowe’s Hardware is requesting that changes to the conditionally approved site plan. These changes include a 3000 square foot addition for tool rentals, a 1500 square foot addition for caged outdoor storage and the removal of its side parking spaces.

- The applicant is requesting a deferral of the decision date to February 8, 2021 in order to make updates, revisions, and clarification of outstanding issues from the Planning Board meeting on December 22. The Board may grant the deferral or decide to take action.

- Updates since the public hearing:
  - The site plan has been adjusted to add the conditional note to carry forward Sycamore Commons conditional zoning requirements and a note stating that the signage on the building elevations is for illustrative purposes only. A note to increase the build out square footage is still needed.
  - An updated site plan was provided showing the location of large format equipment rentals on the addition side.
  - An issue was raised about the site’s compliance with the Town’s minimum parking requirements. The provided on-site count does not reflect the actual count. (This issue is the primary reason for the deferral request).
  - Planning Board unanimously recommended approval of the rezoning request with notes to keep larger equipment rentals beside the building and to clarify the parking count and requirements.

Proposal/Solution:

- Add a Conditional Note to increase the maximum buildable area from 637,355 square feet to 641,855 square feet.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Land Use Planning

Recommended Motion/Action:

Defer Rezoning Application 2020-720 until February 8, 2021
STATEMENT OF CONSISTENCY WITH LOCAL ADOPTED GROWTH POLICIES
Final Decisions on Zoning-Related Issues

ZONING APPLICATION # 2020-720

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: The rezoning changes in conditions are consistent with the Matthews Land Use Plan as it supports the economic viability of the existing business in a retail center.

REASONABLE: The rezoning is reasonable and in the public interest as it provides an additional service to residents at a central location.

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 is inconsistent with the Land Use Plan along Northeast Parkway as it seeks to reduce the amount of available parking in a side yard whereas the Land Use Plan encourages increasing side and rear parking.

NOT REASONABLE: The rezoning is not reasonable as it increases the intensity of land use located within a congested area of Town.

(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: January 11, 2021
Date: January 4, 2021

To: Mr. Darin Hallman
   Town of Matthews Planning Dept.
   232 Matthews Station Street
   Matthews, NC 28105

RE: SE Charlotte NC - Lowe’s Tool Rental Addition - Zoning Application (2020-720)

Dear Darin,

On behalf of our Client, Lowes Home Centers LLC, we are officially requesting a one-month deferral for the Public Hearing continuance for the subject zoning application. This would move us from January 11th Public Hearing to February 8th Public Hearing.

It was brought to our attention at the 12/22/20 Planning Commission Meeting that there was a discrepancy in the parking counts available and required that had not been previously identified. Subsequent to that meeting, the ability to gather required information to address the discrepancy was impacted by the holiday schedule. A deferral will allow us time to provide an updated plan addressing Planning Commission comments and work with staff on any remaining issues prior to Board Presentation.

If you have any questions or need additional information. I can be reached at (864-672-3426) or via email at tsimmons@fk-inc.com

Sincerely,

Todd Simmons PE.

Project Manager.