Agenda Item: Public Improvement Variance – 9508 Northeast Court and 1939 Rice Road

DATE: November 5, 2021
FROM: Jay Camp

Background/Issue:

- This request is in conjunction with the previously approved site plan and public improvement variance at 1939 Rice Road. In 2020, Council approved a site plan and a public improvement variance to delete the curb and gutter for a length of approximately 650’ along Sam Newell Road.

- The developer, Elida Properties, has acquired the former movie theater site and is creating a development on both sites. The requested public improvement variance would remove the curb and gutter on the remaining frontage along Sam Newell Road for an additional +/- 825. The total requested removal of curb and gutter for the project is about 1,500’.

- In September, Planning Board recommended approval of the request. The Public Works Department has reviewed the request and is also in favor.

Proposal/Solution:
Due to the uncertainty of the planned NCDOT improvements in the area, installation of curb and gutter on this NCDOT maintained road is not recommended at this time. All other improvements, including street trees and a 10’ multiuse path, will be installed.

Recommended Motion/Action
Approve Public Improvement Variance for 9508 Northeast Court and 1939 Rice Road.
September 21, 2021

VIA HAND DELIVERY

Mr. Jay Camp, Planning Director
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105

Re: Public Improvement Variance Request
Elida Properties, LLC
15.039 Acre Site Located on Sam Newell Road (Tax Parcel Nos. 193-191-02 and 193-192-22)

Dear Jay:

I hope this letter finds you well.

Elida Properties, LLC (the “Applicant”) will be submitting a request for site plan approval for an approximately 15.039 acre site (the “Site”) located on Sam Newell Road (Tax Parcel Nos. 193-191-02 and 193-192-22) in Matthews. The Site is zoned MUD (CD) and the development and use of the Site are subject to the terms and conditions of the approved rezoning plan relating to Rezoning Application No. 2014 614 (the “Approved Plan”).

As depicted on the site plan that will be submitted for approval by the Applicant, the Applicant is proposing to devote the Site to a mixed use, pedestrian friendly and walkable development that will be comprised of up to 251 multi-family dwelling units and up to 78,500 square feet of office, retail and restaurant uses that are allowed under the Approved Plan, and to any incidental and accessory uses associated therewith that are allowed in the MUD zoning district.

Pursuant to Section 155.712 of the Town of Mathews Unified Development Ordinance (the “UDO”), the Applicant respectfully requests a public improvement variance from the requirements of Section 155.707 of the UDO and any other applicable provisions of the UDO. More specifically, the Applicant respectfully requests the following:
A public improvement variance to eliminate any requirement to construct curb and gutter along the Site's frontage on Sam Newell Road.

A factor in this request is that the North Carolina Department of Transportation's project (U-2509) will, as we understand it, construct curb and gutter along the Site's frontage on Sam Newell Road. Curb and gutter constructed by the Applicant along Sam Newell Road would be eliminated by the North Carolina Department of Transportation in connection with its project.

The Applicant respectfully requests that this public improvement variance request be considered by the Planning Board at its September 28, 2021 meeting.

Jay, I am including with this letter a check in payment of the $350 filing fee and six copies of a site plan that depicts the proposed development and the Site's frontage along Sam Newell Road.

Thank you as always for your assistance, and please give me a call if you have any questions.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.

John H. Carmichael