

## **Agenda Item: Zoning Motion 2019-2**

**DATE:** May 8, 2019  
**FROM:** Jay Camp

### **Background/Issue:**

- In 2018, at the request of the Board, Planning Director Kathi Ingrish prepared a list of parcels with zonings that may not be appropriate from either a current or future land use perspective.
- At the 2019 Planning Conference, staff presented a pared down list of parcels and was directed to move forward with the rezoning process.
- The properties at 433 East John, 1364 Matthews-Mint Hill and 11210 Brigman Road represent the first of several Zoning Motions that will come before the Board in the coming year.

### **433 East John**

The 433 East John Street warehouse is located at the corner of Charles Buckley Way and East John Street. The property is currently zoned I-1. The zoning of surrounding properties is primarily single family residential with the exception of the adjacent church, which is zoned R/I. The approximately 2.5-acre site contains about 45,000 square feet of building space according to tax records.

We have received a letter from the attorney representing the owners of the property with a request to withdraw this property from the zoning motion. The letter indicates that Stronghaven is willing to work with Planning Staff to develop an I-1 (CD) rezoning application for the site. Staff considers the I-1 (CD) designation an appropriate path forward as it would keep the current use in conformance while potentially prohibiting future undesirable reuse of the site.

### **11210 Brigman Road**

This property is currently occupied by AMF Carolina Lanes. The site is 9 acres with about 71,000 square feet of building area. Tax records indicate the structure was built in 1986. The zoning of surrounding properties includes R-15, ENT, and O with some B-H zoning across Brigman Road from the site. The property is located within the ENT Small Area Plan and is envisioned to eventually be a part of the ENT District.

### **1364 Matthews-Mint Hill Road**

This approximately 2.75-acre parcel is vacant, wooded land. Surrounding zoning categories include B-H, R-15 and O. The site is near the future planned grade separation of Matthews-Mint Hill Road over Independence Boulevard. The property is located within the ENT Small Area Plan and is envisioned to eventually be a part of the ENT District.

#### **Financial Impact:**

None

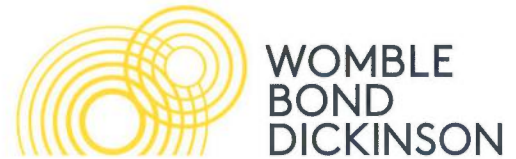
#### **Related Town Goal(s) and/or Strategies:**

Quality of Life

Economic Development/Land Use Planning

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

Hold Public Hearing.



May 7, 2019

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**VIA EMAIL ONLY**

Mayor Bailey and Board of Commissioners  
c/o Mr. Jay Camp, Planning Director  
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Dear Mayor Bailey and members of the Board of Commissioners:

We represent the 433 East John Street Corporation and Stronghaven, Inc., owners of 433 East John Street (Parcel 215-014-06) (the "Property").

Our client was quite surprised to learn that the Town, without advance notice to our client, initiated a petition to downzone the Property from I-1 (Light Industrial) to R-12 (Residential).

Downzonings are controversial. Property owners and advocates of property rights point to them as evidence of governmental heavy-handedness. The General Assembly evidences dislike for downzonings. Respectfully, this proposed downzoning illustrates the reason downzonings are controversial.

According to the Mecklenburg County Tax Records, the buildings on the Property were built in 1960 and 1982. In short, the Property has been used for light industrial uses since at least 1960 and the property owners have regularly paid their taxes to the Town and provided employment opportunities for Town citizens.

The Town, in its Land Use Plan, identified our client as one of the Largest Principal Employers. Town of Matthews Land Use Plan, p. 23. Our client has contributed to the Town for decades, providing revenue, employment opportunities and enhancing the general prospects of the Town. Nevertheless, the Town decided to initiate a downzoning of the Property to a district wholly inappropriate for the Property which will cause our client's uses of the Property to be nonconforming.



As a longstanding Town corporate citizen, our client is disappointed by the downzoning initiative. Accordingly, our client registers its objection to downzoning its Property.

Although disappointed, our client directed us to contact the Town to determine the purpose for the downrezoning. After speaking with Mr. Jay Camp, we understand the Town is concerned with possible future redevelopment of the Property and potential new uses of the Property.

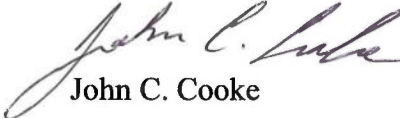
Our client's current plan is to continue the same or similar uses of the Property as exist today. Mr. Camp indicated that a conditional light industrial rezoning petition would address the Town's concerns. Our client is a good corporate citizen and prefers cooperation over controversy. Therefore, our client is willing to work with the Town of Matthews' Planning Department preparing a conditional light industrial rezoning petition that eliminates some of the uses generally permitted in the Industrial-1 District and present this petition to the Board of Commissioners for consideration.

Accordingly, our client requests the Town to withdraw the downzoning petition initiated by the Town, allowing the Planning Department and our client to work together crafting an Industrial-I condition zoning petition for the Board's consideration.

Thank you for your kind consideration of this request. In the event the Board declines to withdraw the downzoning, we request that the public hearing for the downzoning is postponed and reserve our client's rights and remedies.

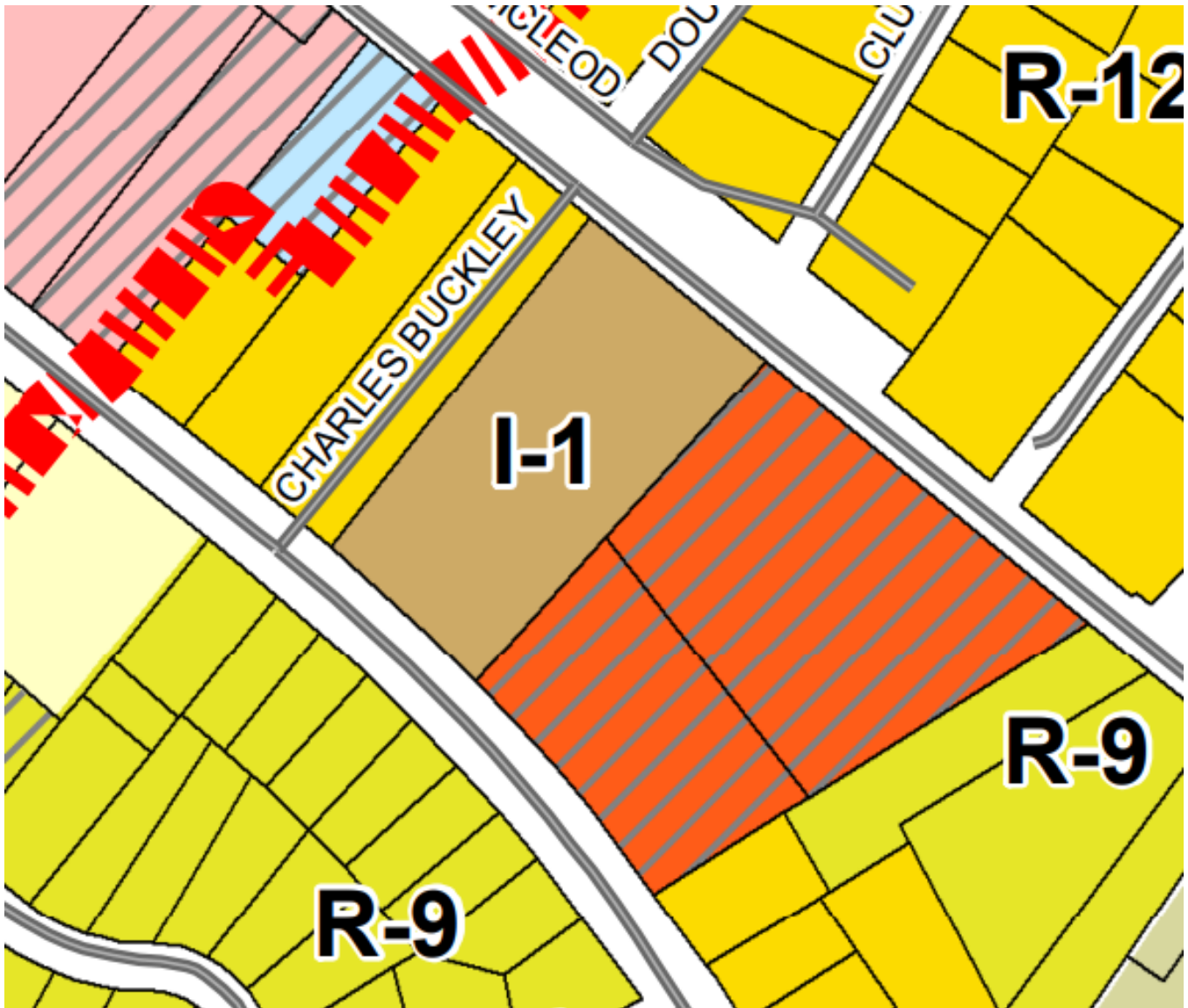
Very truly yours,

**Womble Bond Dickinson (US) LLP**

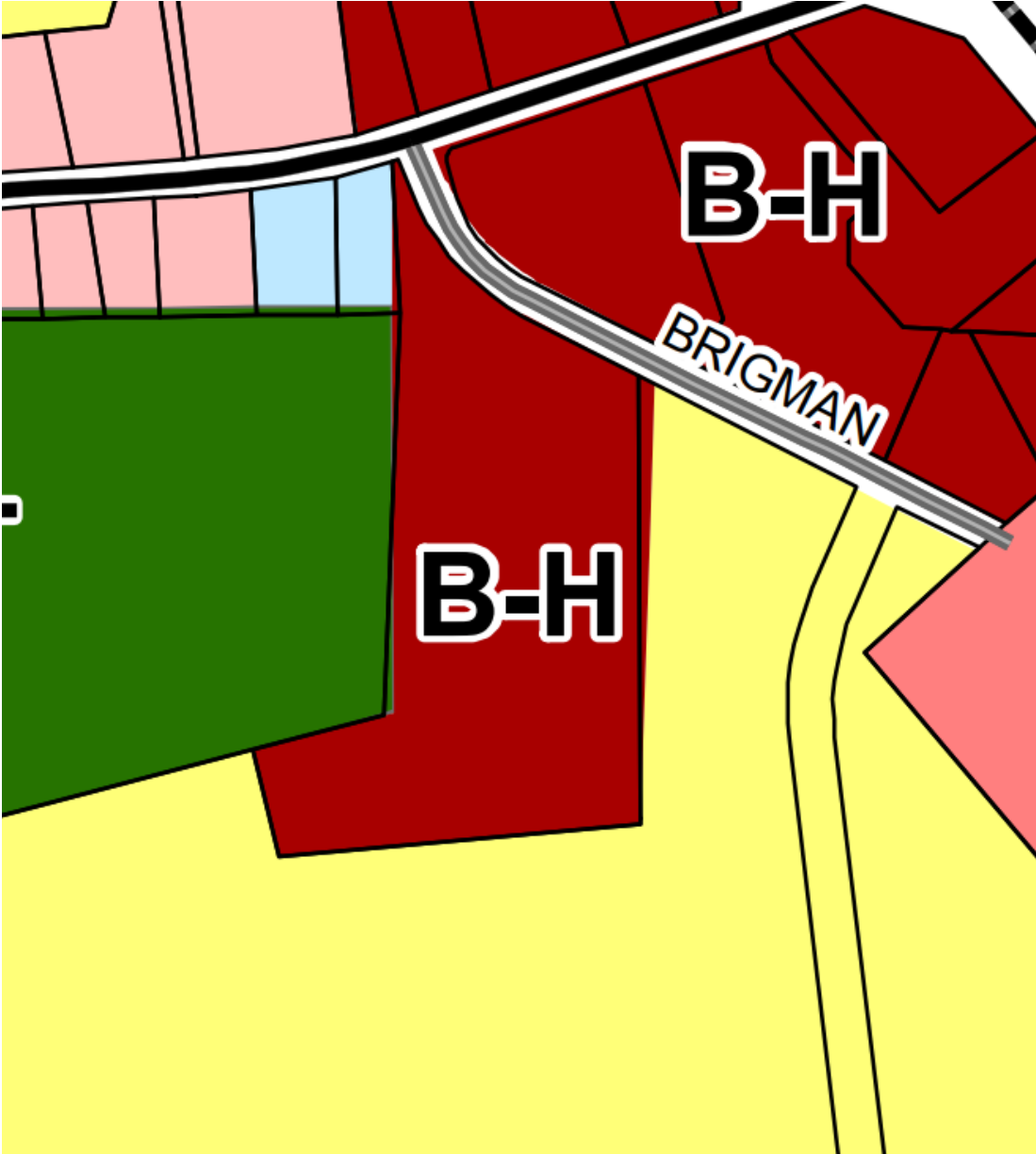
  
John C. Cooke

JCC/cba

433 East John Street



11210 Brigman Road



**1364 Matthews-Mint Hill Road**

