



2016-644
4-27-2016

DATE FILED <u>4-27-2016</u>
APPLICATION NUMBER <u>2016-644</u>
<i>For office use only</i>

**APPLICATION FOR CHANGE IN ZONING CLASSIFICATION
OR CHANGE IN CONDITIONS
(SEE FILING INSTRUCTIONS)**

TO: Town of Matthews Board of Commissioners
Town of Matthews Planning Board
232 Matthews Station Street
Matthews, North Carolina 28105-6713

Ladies and Gentlemen:

Your consideration of this petition is requested for:

- A change in zoning classification of the property hereinafter described; or
- A change in conditions to an existing conditional zoning plan.

Tax parcel number(s): 19330312

Address of property: 9601 East Independence Blvd

Location of property:

Title to the property was acquired on March 15, 1994
and was recorded in the name of Michael and Julia Todd
whose mailing address is 17900 Culross Lane, Charlotte NC 28278

The deed is recorded in Book 07702 and Page 772 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: Conditional Requested zoning classification: B-1 (CD)

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List reason(s) why zoning should be changed (use separate sheet if necessary):

Michael E. Todd
Signature of property owner (must be original)

Michael Eugene Todd

Print name of property owner
17900 Culross Lane

Property owner's mailing address
Charlotte NC 28278

Property owner's mailing address, continued

Property owner's mailing address, continued

704-583-2826 skiwylie@gmail.com

Property owner's phone number/email address

Signature of agent (if any)

Print name of agent

Agent's mailing address

Agent's mailing address, continued

Agent's mailing address, continued

Agent's phone number/email address

Julia L. Todd
Signature of property owner (must be original)

Julia L. Todd

Print name of property owner
17900 Culross Lane

Property owner's mailing address
Charlotte NC 28278

Property owner's mailing address, continued

Property owner's mailing address, continued

704-583-2826 skiwylie@gmail.com

Property owner's phone number/email address

Petitioner other than owner (if any)

Print name of petitioner

Petitioner's mailing address

Petitioner's mailing address, continued

Petitioner's mailing address, continued

Petitioner's phone number/email address

List all tax parcel numbers, names, and mailing addresses of all property owners subject to notification of this zoning application. Attach additional sheets if necessary.

See item #7 in instruction sheet titled "Instructions for Filing an Application for a Change in Zoning Classification or Change in Conditions for Property located in the Town of Matthews."

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19319204

TAX PARCEL

Town of Matthews

PROPERTY OWNER NAME(S)

232 Matthews Station Street

OWNER MAILING ADDRESS

Matthews NC 28105

OWNER MAILING ADDRESS, CONTINUED

19319207

TAX PARCEL

Western Auto Supply, Advanced Auto Parts

PROPERTY OWNER NAME(S)

PO Box 2710

OWNER MAILING ADDRESS

Roanoke VA 24001

OWNER MAILING ADDRESS, CONTINUED

19319208

TAX PARCEL

Dr. Keith Fletcher

PROPERTY OWNER NAME(S)

4010 Triangle Drive

OWNER MAILING ADDRESS

Charlotte NC 28208

OWNER MAILING ADDRESS, CONTINUED

19323121

TAX PARCEL

C4 Elion LLC, C/O Crosland Southeast

PROPERTY OWNER NAME(S)

201 South College St #130

OWNER MAILING ADDRESS

Charlotte NC 28202

OWNER MAILING ADDRESS, CONTINUED

19330306

TAX PARCEL

McDonalds Corp

PROPERTY OWNER NAME(S)

14644 Barney Drive

OWNER MAILING ADDRESS

Charlotte NC 28277

OWNER MAILING ADDRESS, CONTINUED

19330309

TAX PARCEL

SC Windsor Associates LP

PROPERTY OWNER NAME(S)

340 Royal Poinciana Way #316

OWNER MAILING ADDRESS

Palm Beach FI 33480

OWNER MAILING ADDRESS, CONTINUED

19330315

TAX PARCEL

SC Windsor Associates LP C/O Kohls Department Stores

PROPERTY OWNER NAME(S)

N56 W17000 Ridgewood Dr

OWNER MAILING ADDRESS

Menomonee Falls WI 53051

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

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SUMMARY OF THE REZONING PROCESS

PETITIONER: Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

PROPERTY OWNERS: These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411 or email blynd@matthewsnc.gov) for verification.

Application submitted to and accepted by the Town of Matthews April 27, 2016

Town Board of Commissioners formally accepts application and sets Public Hearing date May 9, 2016

Notices sent via mail to affected/adjacent property owners on or before ~~May 30, 2016~~ June 27, 2016

Protest petition filed with Planning Department by 5:00 pm on N/A

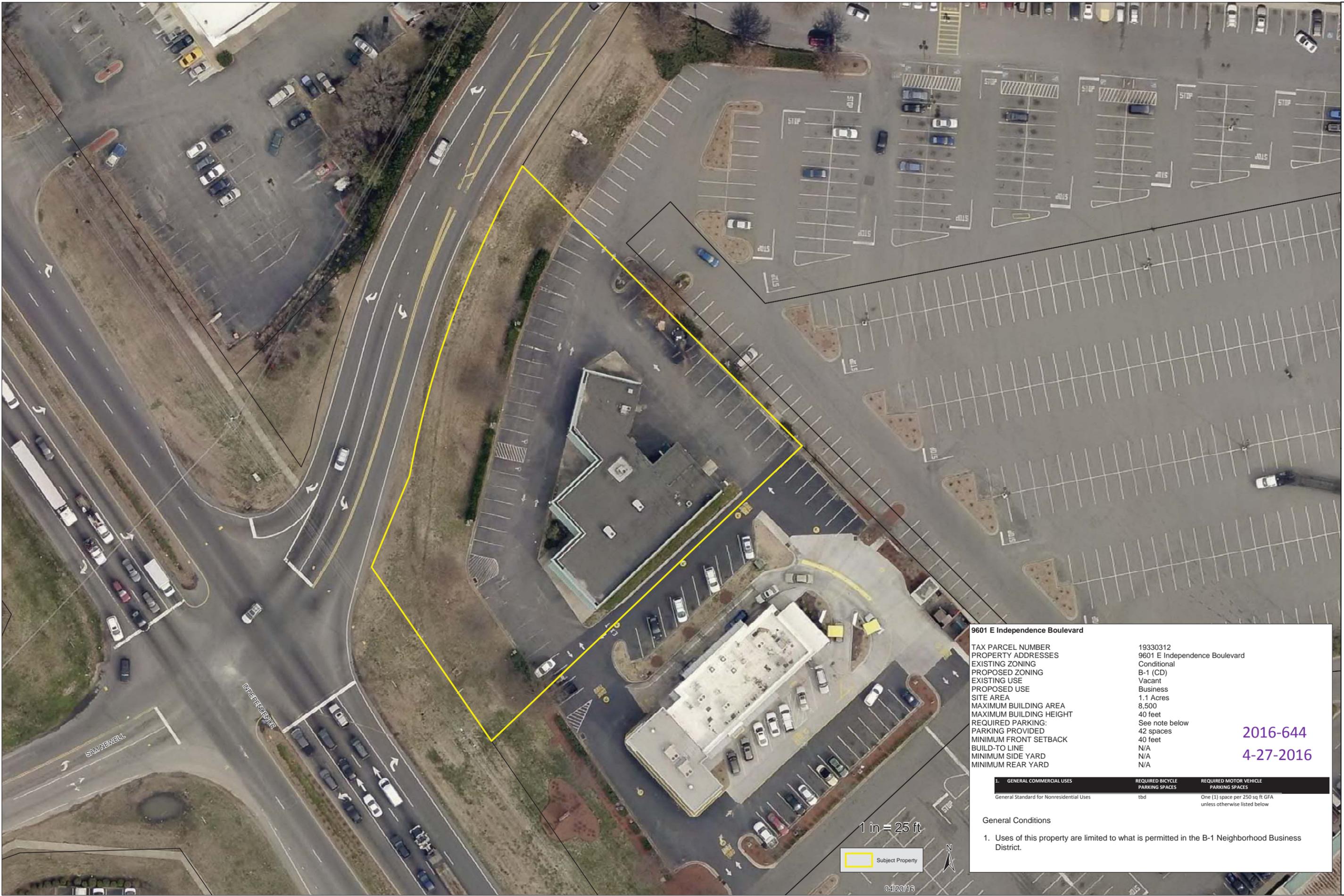
Public hearing: petitioner may give explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning July 11, 2016

Town Planning Board reviews petition, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request July 26, 2016

Town Board of Commissioners approves or denies application August 8, 2016

GENERAL STATUTE 160A-385: CHANGES.

- (a) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority. To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100-foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.
- (b) Amendments in zoning ordinances shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issued pursuant to GS 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to GS 160A-418 and unrevoked pursuant to GS 160A-422 or (ii) a vested right has been established pursuant to GS 160A-385.1 and such vested right remains valid and unexpired pursuant to GS 160A-385.1



2016-644

9601 E Independence Blvd

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9601 E Independence Boulevard

TAX PARCEL NUMBER	19330312
PROPERTY ADDRESSES	9601 E Independence Boulevard
EXISTING ZONING	Conditional
PROPOSED ZONING	B-1 (CD)
EXISTING USE	Vacant
PROPOSED USE	Business
SITE AREA	1.1 Acres
MAXIMUM BUILDING AREA	8,500
MAXIMUM BUILDING HEIGHT	40 feet
REQUIRED PARKING:	See note below
PARKING PROVIDED	42 spaces
MINIMUM FRONT SETBACK	40 feet
BUILD-TO LINE	N/A
MINIMUM SIDE YARD	N/A
MINIMUM REAR YARD	N/A

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1. GENERAL COMMERCIAL USES	REQUIRED BICYCLE PARKING SPACES	REQUIRED MOTOR VEHICLE PARKING SPACES
General Standard for Nonresidential Uses	tbd	One (1) space per 250 sq ft GFA unless otherwise listed below

General Conditions

- Uses of this property are limited to what is permitted in the B-1 Neighborhood Business District.

1 in = 25 ft

Subject Property

04/20/16