



DATE FILED 2016-650

APPLICATION NUMBER 7-29-2016

*For office use only*

**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): 193-292-09, 193-292-27, 193-292-26

Address of property: 10410 East Independence Boulevard, Matthews, NC 28105

Location of property: Located on the Northwest quadrant of the intersection of Independence Blvd and Matthews Township Parkway.

Title to the property was acquired on 08/25/2015  
and was recorded in the name of Matthews Festival limited partnership, a South Carolina limited partnership  
whose mailing address is 200 Wingo Way, Suite 100, Mt. Pleasant, SC 29464

The deed is recorded in Book 30233 and Page 670 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: C Requested zoning classification: B-1 SCD and B-H(CD)

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

Application number  
*2016-650*  
For office use only

2016-650  
7-27-2016

Please see attachment A

*Christian A Chamblee*

Signature of property owner (must be original)

Matthews Festival Limited Partnership

Print name of property owner  
200 Wingo Way, Suite 100

Property owner's mailing address  
Mt. Pleasant, SC 29464

Property owner's mailing address, continued

Property owner's mailing address, continued

*843.670.2080. cchamblee@zpi.net*

Property owner's phone number/email address

Signature of property owner (must be original)

Print name of property owner

Property owner's mailing address

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address

*Keith MacVean*

Signature of agent (if any)

Jeff Brown. Keith MacVean and Bridget Dixon

Print name of agent  
100 N Tryon Street. Suite 4700

Agent's mailing address  
Charlotte, NC 28202

Agent's mailing address, continued

Agent's mailing address, continued

704.331.1144(JB) 704.331.3531(KM) jeffbrown@mvalaw.com, keithmacvean2mvalaw.com

Agent's phone number/email address

*Christian Chamblee*

Petitioner other than owner (if any)

ZIFF Properties (Attn: Christian Chamblee)

Print name of petitioner  
756 Tyvola Road, #113

Petitioner's mailing address  
Charlotte, NC 28217

Petitioner's mailing address, continued

Petitioner's mailing address, continued

704.522.0203

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."

Application number  
*2016-650*  
For office use only

2016-650  
7-27-2016

19323103

TAX PARCEL

Duke Power Company

PROPERTY OWNER NAME(S)

422 South Church Street

OWNER MAILING ADDRESS

Charlotte, NC 28242

OWNER MAILING ADDRESS, CONTINUED

19329207

TAX PARCEL

Realty Income Corp

PROPERTY OWNER NAME(S)

11995 El Camino Real

OWNER MAILING ADDRESS

San Diego, CA 92130

OWNER MAILING ADDRESS, CONTINUED

19352106

TAX PARCEL

Lowe's Home Centers, Inc.

PROPERTY OWNER NAME(S)

PO Box 1111

OWNER MAILING ADDRESS

North Wilkesbro, NC 28656

OWNER MAILING ADDRESS, CONTINUED

19329208

TAX PARCEL

Texas Roadhouse Holdings, LLC

PROPERTY OWNER NAME(S)

6040 Duthchmans Lane, Ste 400

OWNER MAILING ADDRESS

Louisville, KY 40205

OWNER MAILING ADDRESS, CONTINUED

19352107

TAX PARCEL

IA Matthews Sycamore LLC

PROPERTY OWNER NAME(S)

PO Box 9271

OWNER MAILING ADDRESS

Oak Brook, IL 60522

OWNER MAILING ADDRESS, CONTINUED

19329211

TAX PARCEL

New Private Restaurant Properties, LLC

PROPERTY OWNER NAME(S)

2202 N West Shore Boulevard, #470C

OWNER MAILING ADDRESS

Tampa, FL 33607

OWNER MAILING ADDRESS, CONTINUED

19323133

TAX PARCEL

HD Development of Maryland Inc

PROPERTY OWNER NAME(S)

PO Box 105842, Suite 3608

OWNER MAILING ADDRESS

Atlanta, GA 30348

OWNER MAILING ADDRESS, CONTINUED

19329217, 19329218, 19329219

TAX PARCEL

Matthews Township Shopping Center LLC

PROPERTY OWNER NAME(S)

500 N Dearborn Street, Ste 400

OWNER MAILING ADDRESS

Chicago, IL 60654

OWNER MAILING ADDRESS, CONTINUED

## SUMMARY OF THE REZONING PROCESS

2016-650  
7-27-2016

*APPLICANT:* 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 srobertson@matthewsnc.gov) for verification.

Application submitted to and received by Town Planning office 07/27/2016

Town Board of Commissioners formally accepts application and sets Public Hearing date 08/08/2016

Notices sent via mail to affected/adjacent property owners on or before 09/26/2016

Public hearing: applicant gives explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning 10/10/2016

Town Planning Board reviews request, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request 10/25/2016

Town Board of Commissioners approves or denies application 11/14/2016

ATTACHMENT A

2016-650  
2016-650  
7-27-2016

List reason(s) why zoning should be changed:

To update the zoning district for the existing shopping center, rezone the shopping center to the appropriate zoning district called for by the Matthews Unified Development Ordinance and to allow the renovation and partial-redevelopment of the existing shopping center, which will allow the re-invigoration of the existing center.

## DOCUMENT CHECKLIST

(PLEASE PRINT)

PROJECT NAME Matthews Festival DATE 07/27/16  
 ADDRESS OF PROJECT 10410 East Independence Boulevard, Matthews, NC 28105  
 PARCEL ID 193-292-09, 193-292-27, 193-292-26  
 CONTACT PERSON Keith MAcVean, Moore & Van Sllen, LLC  
 CONTACT PHONE & EMAIL 704.331.3531, keithmacvean@mvalaw.com

Check below to indicate which item(s) is/are being submitted. If a fee is required, please indicate if a check is enclosed or explain why it is not included.

### ZONING APPLICATION 6 HARD COPIES AND SITE PLAN IN PDF FORM WHEN PART OF PETITION

|   |                    |
|---|--------------------|
| Residential   |                    |
| Traditional District (no CD)                              | _____ \$ 400.00    |
| Parallel Traditional District                             | _____ \$ 600.00    |
| Conditional-only District (R-VS, CrC, SRN, C-MF)          | _____ \$ 800.00    |
| Non-residential   |                    |
| Traditional District (no CD)                              | _____ \$ 600.00    |
| Parallel Traditional District                             | _____ \$ 800.00    |
| Conditional-only (Mixed Use and Nonresidential) Districts | x _____ \$ 1000.00 |

### TEXT AMENDMENT 5 HARD COPIES AND STANDARD FORM MUST BE COMPLETED

|  |                 |
|--|-----------------|
| Add any permitted use                                  | _____ \$ 100.00 |
| Any other reason, fewer than three paragraphs affected | _____ \$ 250.00 |
| Any other reason, three or more paragraphs affected    | _____ \$ 400.00 |

### ZONING VARIANCE STANDARD FORM MUST BE COMPLETED

|                              |                 |
|------------------------------|-----------------|
| Residential                  | _____ \$ 150.00 |
| Non-residential or mixed use | _____ \$ 350.00 |

### ZONING APPEAL STANDARD FORM MUST BE COMPLETED

|                              |                 |
|------------------------------|-----------------|
| Residential                  | _____ \$ 150.00 |
| Non-residential or mixed use | _____ \$ 350.00 |

### ZONING INTERPRETATION STANDARD FORM MUST BE COMPLETED

|                              |                 |
|------------------------------|-----------------|
| Residential                  | _____ \$ 150.00 |
| Non-residential or mixed use | _____ \$ 350.00 |

### SITE PLAN APPROVAL 5 HARD COPIES AND PDF FILE

|   |                 |
|---|-----------------|
| When required by condition of zoning (separate from a zoning application) | _____ \$ 200.00 |
| Approval through EPM (not Preliminary Plat)                               | _____ \$ 400.00 |

### OTHER SITE PLAN REVIEW 5 HARD COPIES AND PDF FILE

|   |                 |
|---|-----------------|
| Change of use or occupancy, parking sufficiency, etc. | _____ \$ 100.00 |
|---|-----------------|

DOCUMENT CHECKLIST (page 2)

**PUBLIC IMPROVEMENT (SUBDIVISION) VARIANCE 8 HARD COPIES AND PDF IF SITE PLAN IS INVOLVED**

\_\_\_\_\_ \$ 350.00

**DOWNTOWN OVERLAY COMPLIANCE REVIEW 5 HARD COPIES AND DRIVEWAY APPLICATION**

When separate from other EPM Site Plan reviews \_\_\_\_\_ \$ 250.00

Abbreviated or minor revision separate from other EPM site review \_\_\_\_\_ \$ 75.00

**HIGHWAY OVERLAY COMPLIANCE REVIEW 5 HARD COPIES AND DRIVEWAY APPLICATION**

When separate from other EPM Site Plan review \_\_\_\_\_ \$ 250.00

Abbreviated or minor revision separate from other EPM Site Plan review \_\_\_\_\_ \$ 75.00

**LANDSCAPE/LIGHTING PLAN REVIEW 5 HARD COPIES AND PDF FILE**

Combined Review (separate from other EPM reviews) \_\_\_\_\_ \$ 250.00

Landscape only (separate from other EPM reviews) \_\_\_\_\_ \$ 200.00

Lighting only (separate from other EPM reviews) \_\_\_\_\_ \$ 200.00

Other abbreviated or minor revision (separate from other EPM reviews) \_\_\_\_\_ \$ 75.00

**THIRD OR LATER SUBMITTAL OF ANY ABOVE ACTION**

Downtown Overlay, Highway Overlay, or Landscape/Lighting \_\_\_\_\_ \$ 150.00

**ADMINISTRATIVE AMENDMENT 6 HARD COPIES AND PDF FILE IF SITE PLAN IS INVOLVED**

Staff review level \_\_\_\_\_ \$ 50.00

Planning Board or Town Board level \_\_\_\_\_ \$ 100.00

**SIGN PERMIT ZONING COMPLIANCE REVIEW**

\_\_\_\_\_ \$ 25.00 per sign

**MASTER SIGN PLAN 4 HARD COPIES AND PDF FILE**

Initial Submission \_\_\_\_\_ \$ 150.00

Revision \_\_\_\_\_ \$ 75.00

**ZONING VERIFICATION LETTER**

\_\_\_\_\_ \$ 20.00

**SUBDIVISION**

**Sketch Plan 6 HARD COPIES AND PDF FILE (also in EPM)** \_\_\_\_\_ \$ 100.00

**Preliminary 4 FULL SETS PLUS DRIVEWAY APPLICATION (also in EPM)** \_\_\_\_\_ \$ 400.00

**Final 6 HARD COPIES, MYLAR AND PDF FILE (also in EPM)**

Minor \_\_\_\_\_ \$ 50.00

Major \_\_\_\_\_ \$ 100.00

**DRIVEWAY PERMIT REVIEW**

Single site \_\_\_\_\_ \$ 25.00

Blanket \_\_\_\_\_ \$ 50.00

Is Driveway Permit application being submitted with other plans? If so, what plans?

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July 27, 2016

**Moore&VanAllen**

Town of Matthews Board of Commissioners  
Town of Matthews Planning Board  
232 Matthews Station Street  
Matthews, NC 28105

**Keith H. MacVean**  
Land Use and Zoning Consultant

T 704 331 3531  
F 704 378 1954  
keithmacvean@mvalaw.com

**Moore & Van Allen PLLC**

Suite 4700  
100 North Tryon Street  
Charlotte, NC 28202-4003

**Re: Matthews Festival Waiver of Traffic Impact Analysis for Rezoning Petition.**

Dear Town of Matthews Board of Commissioners:

We have submitted a rezoning application for the Matthews Festival Shopping Center (10400 E. Independence Blvd.). The rezoning request will allow Ziff Properties the current owner to renovate the existing shopping center.

Under the Town of Matthews regulations for Conditional Rezoning Requests the rezoning petition for the Matthews Festival would require the filing of a Traffic Impact Analysis, however, since the proposed rezoning petition for the Matthews Festival does not add or increase the amount of development on the Site, or add additional driveways to the adjoining streets the Petitioner would like to request a waiver of the requirement to provide a Traffic Impact Analysis for this rezoning petition.

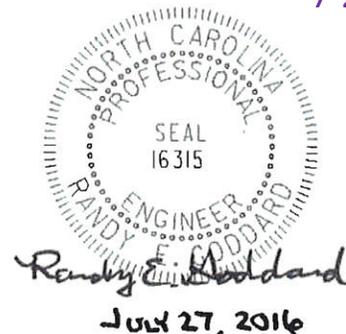
In support of this waiver request we have asked Randy Goddard, a Licensed Traffic Engineer, to prepare a memorandum to support the request for a waiver of the Traffic Study, which is attached to this memo.

If you have any questions or need additional information please feel free to contact me.

Sincerely,



Keith MacVean



## MEMORANDUM

Date: July 27, 2016

To: Keith H. MacVean  
Land Use & Zoning Consultant  
Moore & Van Allen, PLLC

From: Randy E. Goddard, P.E.  
Managing Principal  
Design Resource Group, PA (C-2165)

Subject: **Matthews Festival Limited Partnership – Matthews Festival Shopping Center Traffic Impact Analysis (TIA) Waiver Request Supporting Information (614-001)**

On behalf of the rezoning petition applicant, Matthews Festival Limited Partnership, Design Resource Group provides the following information to support the request for a waiver of the normally required Traffic Impact Analysis (TIA).

The Town of Matthews, per #11 of their Instructions for Filing a Petition for a Change in Zoning Classification, allows an applicant to provide documentation to support the request to waive a TIA as part of the rezoning submittal package.

### Zoning Request:

It is our understanding that Matthews Festival Limited Partnership is requesting a change in the zoning classification from C to B-1 SCD and B-H to make modifications, which includes demolition of existing structures and construct new retail space at the existing Matthews Festival Shopping Center located in Matthews, NC (tax parcels 193-292-09, 193-292-27 & 193-292-26).

The modifications per the attached Schematic Site Plan indicate new construction (additional square footage) within Development Area 2 and demolition and new construction, resulting in less overall commercial square footage in Development Area 3. The existing Matthews Festival Shopping Center is approximately 127,817 SF and it is our understanding that the result of the requested changes within Development Areas 2 and 3, the shopping center will be capped to not exceed the existing square footage.

### Location & Existing Access:

The existing Matthews Festival Shopping Center is located within the southwest quadrant of the interchange of Independence Boulevard (US 74) and Matthews Township Parkway (NC 51).



The existing retail center has multiple access locations along each frontage as described below:

- Two right-in/right-out only accesses located along US 74, approximately 550 feet west of NC 51 and 1,120 west of NC 51. Both driveways are channelized internally for approximately 300 feet.
- One full movement signalized access located on NC 51 directly opposite the US 74 eastbound ramps.
- One right-in/right-out/left-in access (unsignalized directional-crossover) on NC 51 located approximately 470 feet south of the full movement signalized access.

### **Trip Generation:**

The daily and peak-hour-trip-generation data for the existing retail center and as proposed will remain unchanged at an estimated 7,725 daily trips, with 181 AM peak hour trips and 466 PM peak hour trips.

The trip generation table utilizing information from Trip Generation, 9<sup>th</sup> Edition, Institute of Transportation Engineers (ITE), is attached for your information.

### **NCDOT Project U-2509 & Site Impact:**

The North Carolina Department of Transportation (NCDOT) with STIP project U-2509 will provide express lanes within US 74, which as currently planned will re-build the NC 51 interchange with US 74 (see attached overall plan). From the meeting we had with NCDOT staff on March 15, 2016, the current schedule for this project is that it will go to R-O-W acquisition in 2020, with construction in 2022.

The current preliminary plan to reconstruct the interchange will result in the actual bridge structure and NC 51 lanes shifting west into the existing retail center. This is shown in detail on the last attachment that clearly shows the impacts to two existing retail buildings (Texas Roadhouse restaurant and Mattress Firm showroom) and would, in my opinion, require these buildings to be demolished.

Should the buildings and existing businesses not be replaced/relocated within the existing retail center site, the overall trips generated by the site will be reduced by the reduction in commercial square footage.

In addition to the impact to existing structures, the existing full movement signalized access opposite the westbound US 74 ramps will be negatively impacted with the U-2509 project. NCDOT has agreed to re-evaluate this access to ensure it can adequately accommodate the existing retail center and its peak hour trip impact on the traffic signal and adjacent roadway network (traffic study).

Finally, as a result of the planned shift of the interchange to the west, the existing US 74 right-in/right-out only access nearest NC 51 will be shifted to approximately 220 feet west so the overall impact to the center should be minimal; we would expect the future distribution of trips should be very close to current conditions.



2016-650  
7-27-2016

**Summary:**

In summary, the development proposal to reactivate and revitalize the existing Matthews Festival Shopping Center that requires the property to be rezoned will not increase the trip generation beyond what is approved by-right.

The impact of the project U-2509 will in fact most likely reduce overall trips to and from the shopping center (reduction in square footage based on taking by NCDOT of existing businesses) and with the project, NCDOT has agreed to provide a traffic analysis of the only existing signalized access for the center.

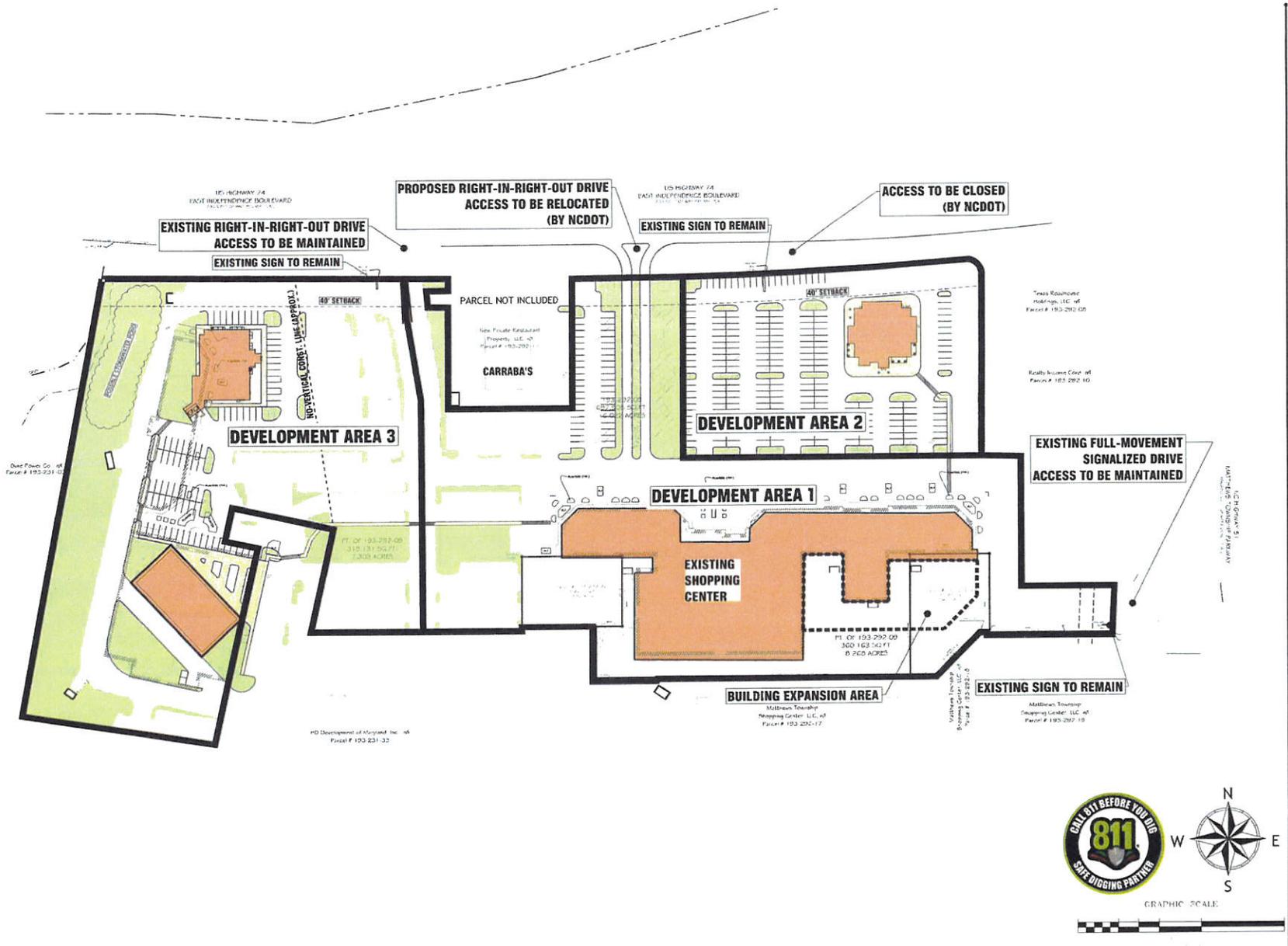
We therefore request, based on the information provided above, that a Traffic Impact Analysis (TIA) not be required and ask that Town of Matthews Planning staff to agree with our documentation and support the request by the applicant to waive the TIA.

Please contact me should you have any questions concerning our documentation supporting the request to waive the requirement of a Traffic Impact Analysis.

Attachment: Schematic Site Plan (RZ-2)  
Trip Generation Table  
U-2509 Overall Plan for US 74 & NC 51 Area  
U-2509 Plan Detailing SW Quad with impact to Center

cc: Christian D. Chamblee  
Alex Kelly  
File

Matthews Festival Limited Partnership  
Tribek Properties



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Matthews Festival Shopping Center Trip Generation

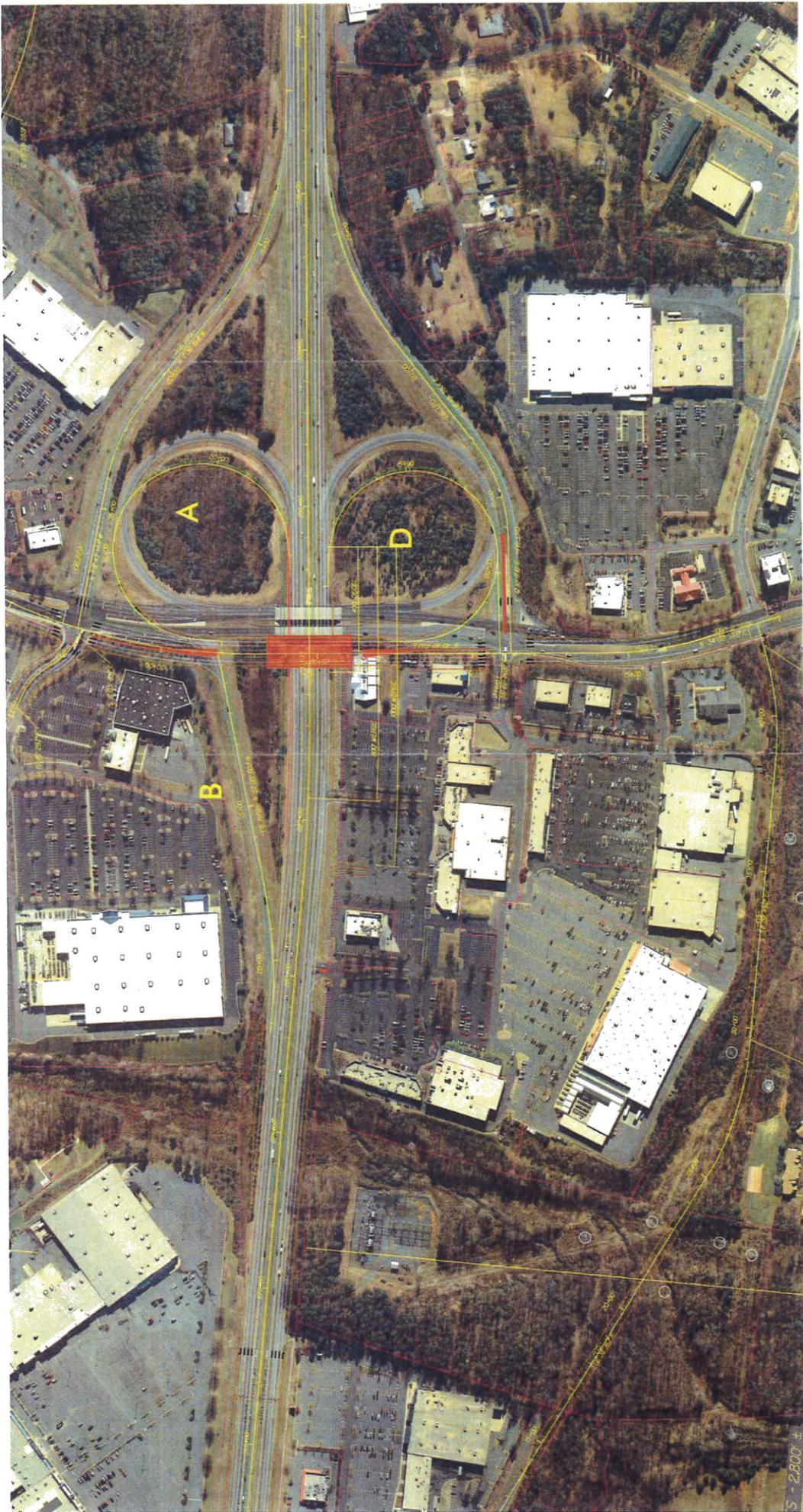
| Land Use [ITE Code 820]        |         |    | Weekday<br>Daily | AM Peak Hour |           |            | PM Peak Hour |            |            |
|--------------------------------|---------|----|------------------|--------------|-----------|------------|--------------|------------|------------|
|                                |         |    |                  | Enter        | Exit      | Total      | Enter        | Exit       | Total      |
| Retail                         | 127,817 | SF | 7,965            | 112          | 69        | 181        | 339          | 367        | 706        |
| <i>34% PM Passby Reduction</i> |         |    | -240             | 0            | 0         | 0          | -120         | -120       | -240       |
| <b>Total New Trips</b>         |         |    | <b>7,725</b>     | <b>112</b>   | <b>69</b> | <b>181</b> | <b>219</b>   | <b>247</b> | <b>466</b> |

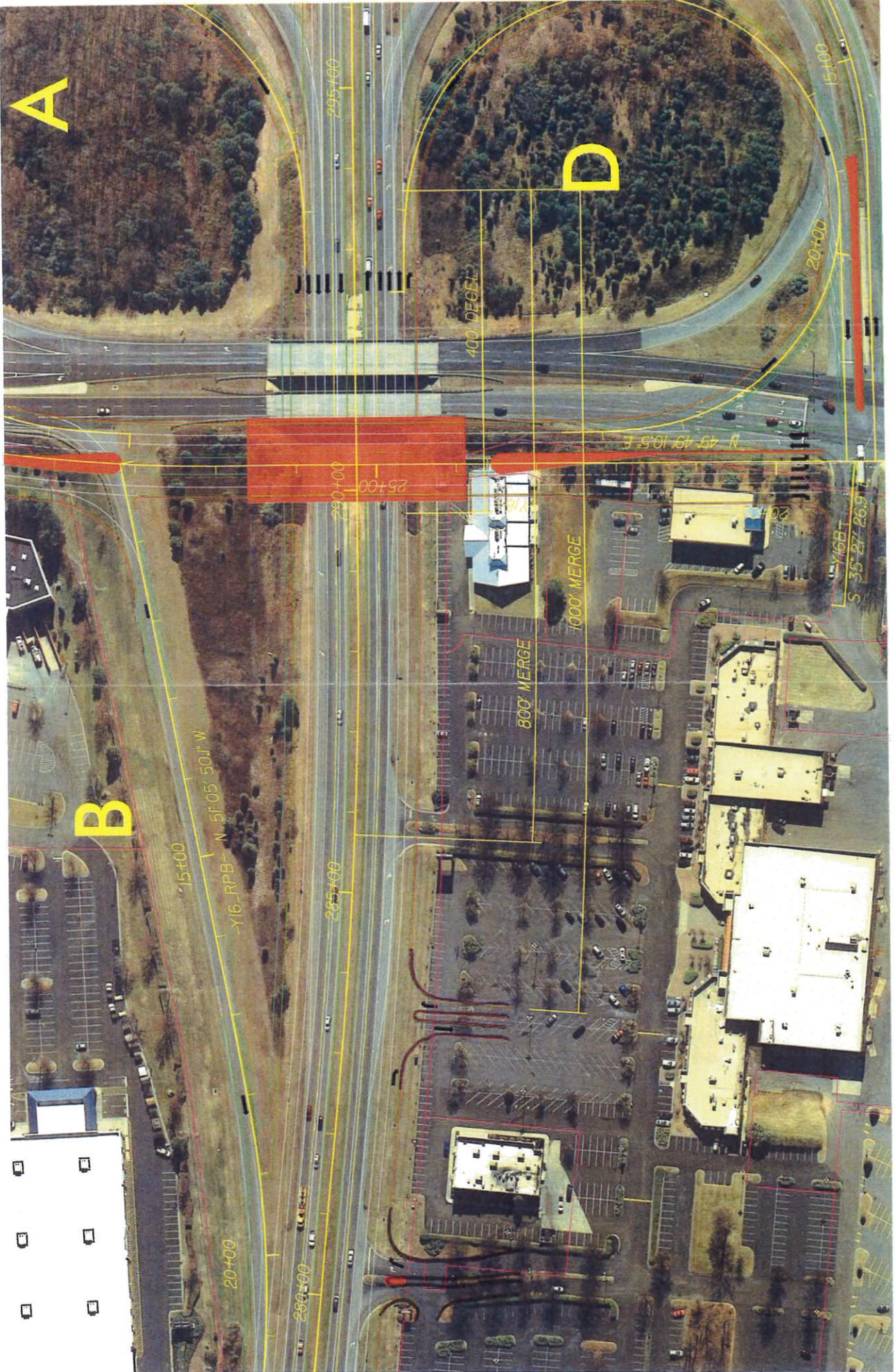
References:

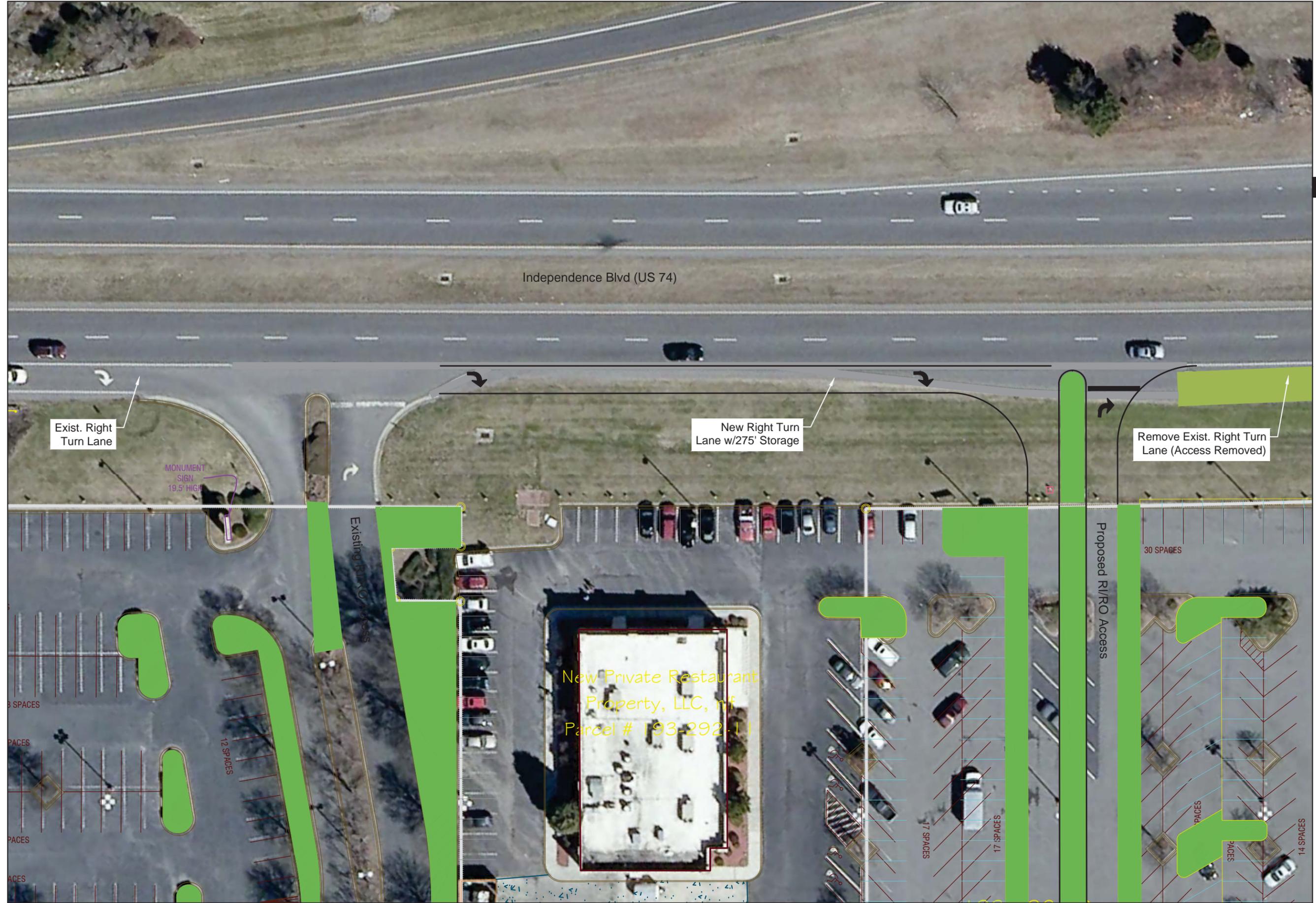
Trip Generation, 9th Edition, Institute of Transportation Engineers, Washington, DC. 2012.

AM peak hour pass-by not applicable per the 2003 ITE Trip Generation Manual.

\* PM Passby taken in accordance with ITE Trip Generation Guidelines

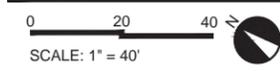






**MATTHEUS FESTIVAL**  
MATTHEUS, NC

**CONCEPTUAL  
IMPROVEMENTS**



PROJECT #: 614-001  
DRAWN BY: JCZ  
CHECKED BY: REG

NOVEMBER 2016

REVISIONS:



- 

BRICK VENEER  
MCNEAR BRICK  
COLOR: RAWHIDE (BRK-1)
- 

BRICK VENEER  
MCNEAR BRICK  
COLOR: SEPIA (BRK-2)
- 

STORE FRONT  
KAWNEER  
DARK BRONZE FINISH
- 

SPLIT FACE CMU  
YORK BUILDING MATERIAL  
STANDARD MOJAVE
- 

COMPOSITE SIDING  
ALLURA  
COLOR: MAPLE
- 

PARAPET CORNICE  
SHERWIN WILLIAMS  
SW6989 GLOSS DOMINO

NOTE: BUILDING MATERIALS SHOWN ARE REPRESENTATIONAL ONLY AND DO NOT REFLECT ENVIRONMENTAL VARIABLES.



### BJ's Restaurant & Brewhouse

Matthews, NC

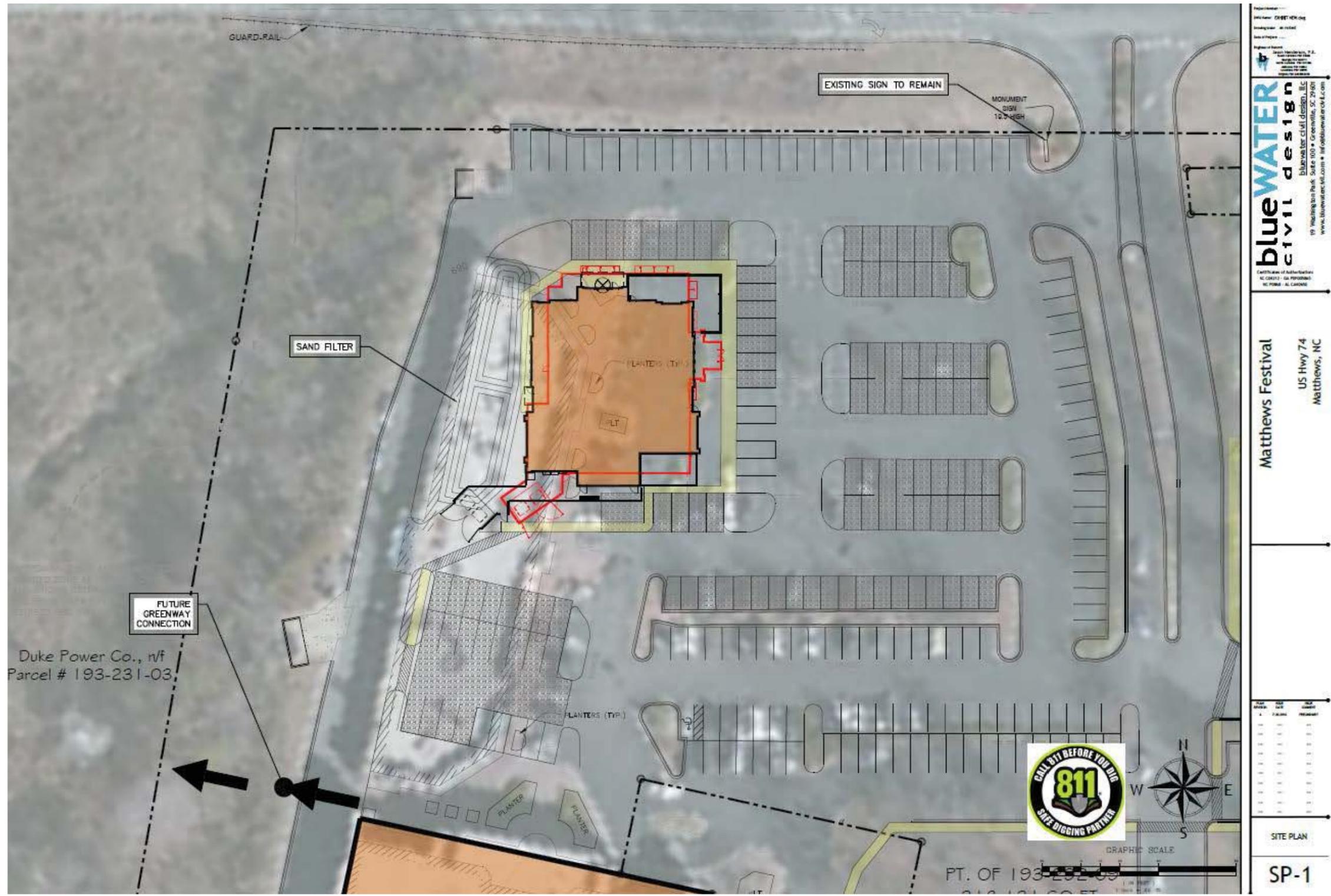


Copyrighted artwork. BJ55.K205 11.17.2015

**PER COMMENT FROM TOWN COMMISSION: Petitioner has revised the façade of the BJ's Restaurant & Brewhouse implementing a substantial amount of brick on all sides of the building**



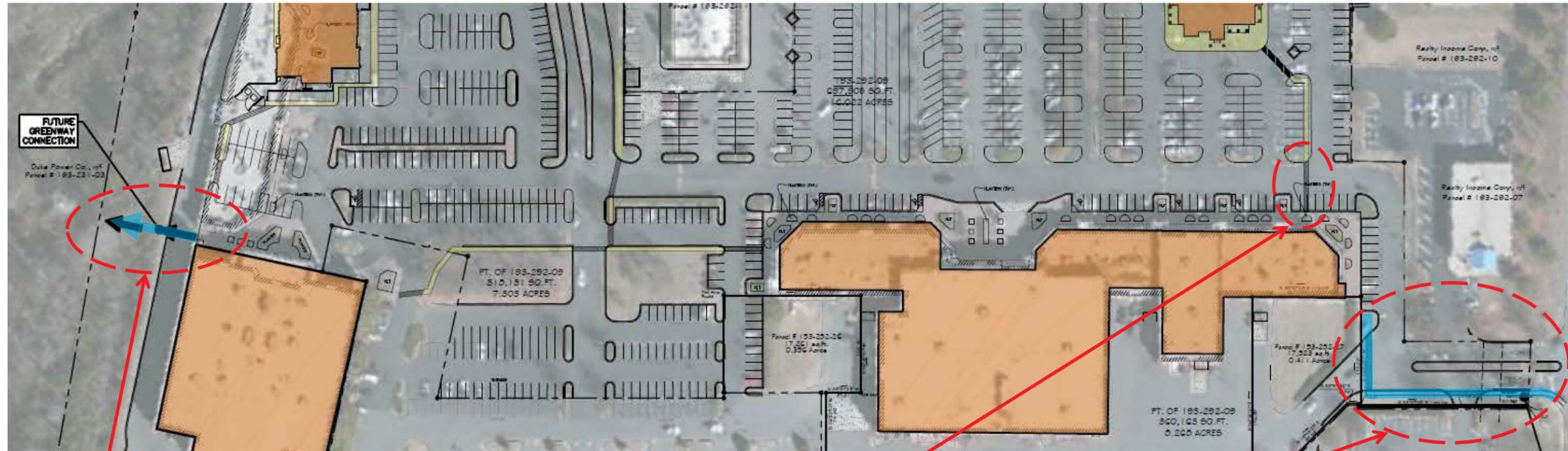
Proposed Elevations-Western Frontage Building  
Matthews Festival  
Matthews, North Carolina



**PER COMMENT FROM TOWN COMMISSION: Petitioner has corrected the site plan to include the appropriate orientation of the BJ's Restaurant & Brewhouse building to match the revised building elevations.**



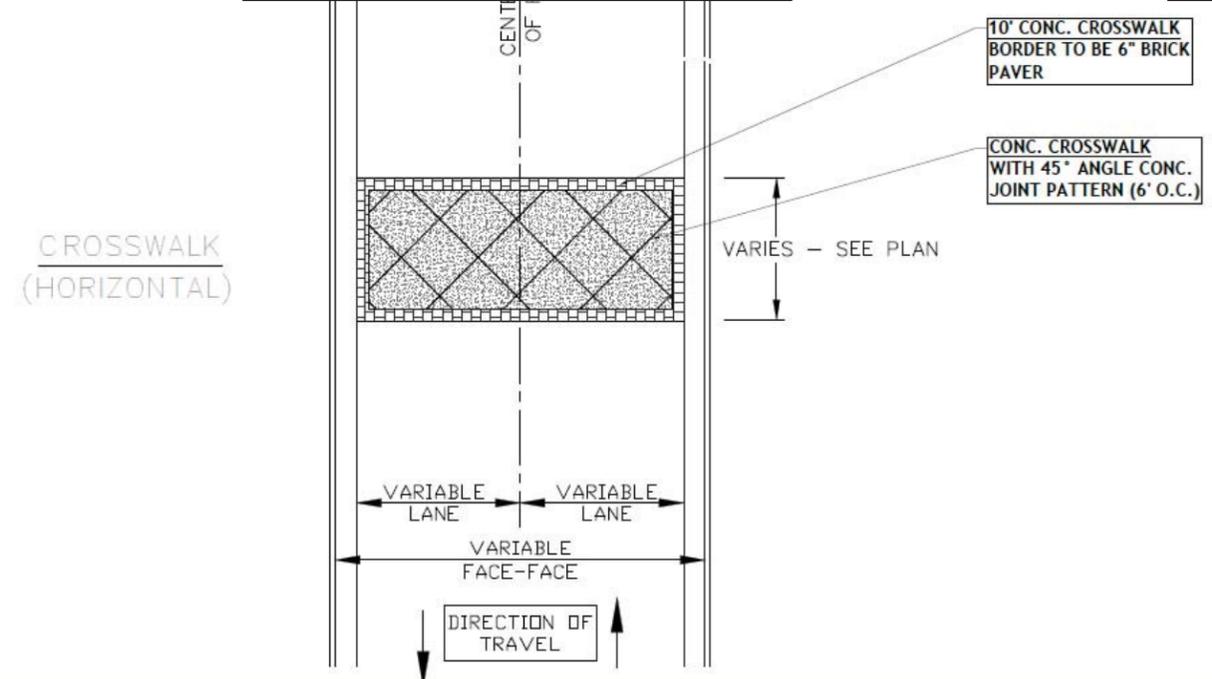
Site Plan –BJ's Restaurant & Brewhouse Area  
Matthews Festival  
Matthews, North Carolina



Future Greenway Connection

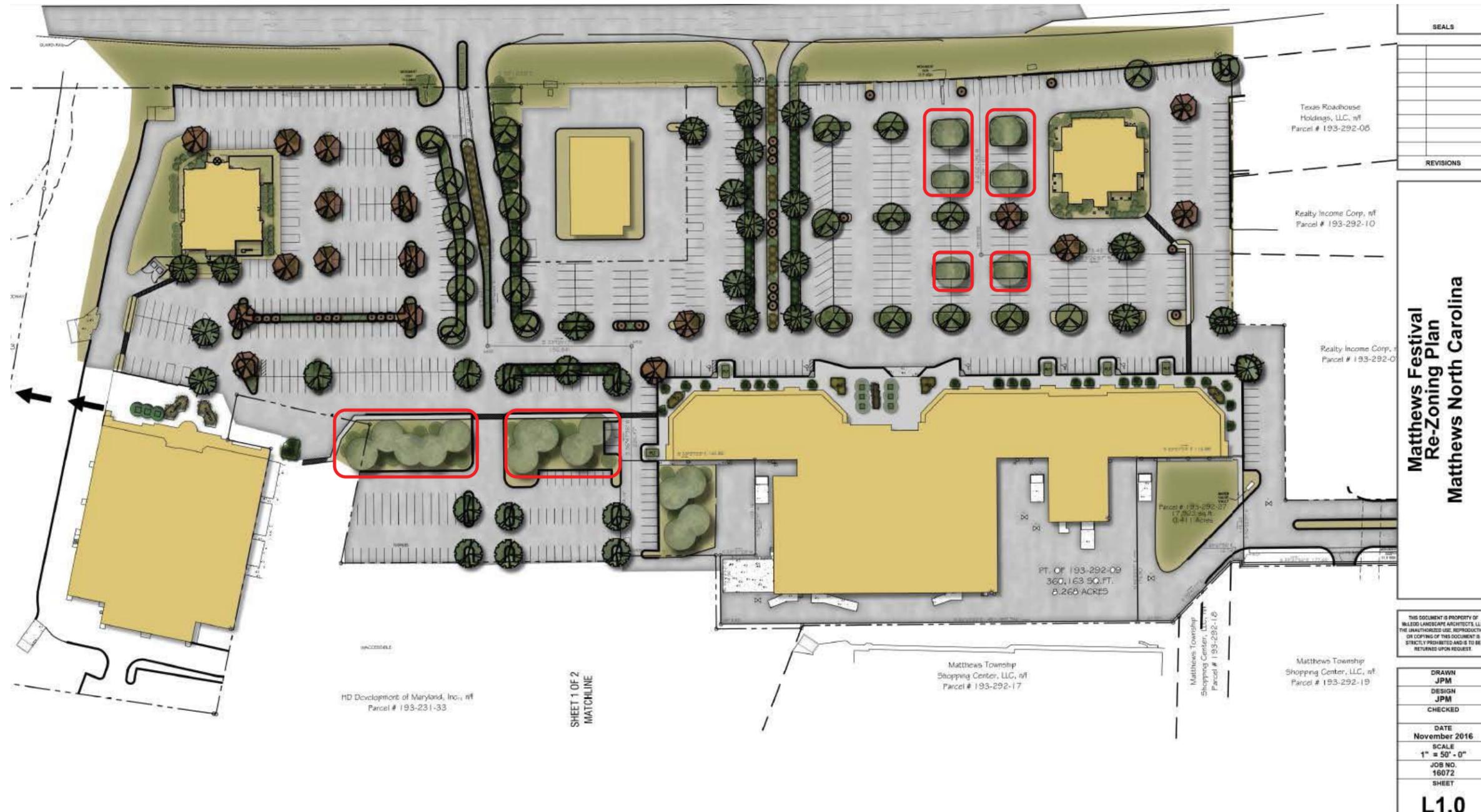
Pedestrian Crossing Detail

Hwy 51 Pedestrian Connection



**PER COMMENT FROM TOWN COMMISSION:** Petitioner has included pedestrian access to Highway 51 and has committed to connection to the future proposed greenway., Petitioner will inlay using quality materials (brick, pavers, stamping) all pedestrian road crossings to futher enhance pedestrian safety.





 Locations of Tree Preservation/Tree Save

**PER COMMENT FROM TOWN COMMISSION:** Petitioner has completed a landscape plan for the entire Shopping Center and plans to implement a substantial overhaul of the landscaping vision. The plan includes saving 6 oak trees in the northeastern side (positioned around the current access drive being relocated) of the property and maintaining two (2) tree groves within the southwestern quadrant of the site.











- |  |   |  |  |
|--|---|--|--|
|  WAINSCOT<br>ARRISCRAFT RENAISSANCE- GA<br>COLOR: MONTECITO             |  FIELD COLOR/EXTERIOR<br>SHERWIN WILLIAMS<br>SW6107 NOMADIC DESERT |  STORE FRONT<br>KAWNEER<br>DARK BRONZE FINISH               |  SPLIT FACE CMU<br>YORK BUILDING MATERIAL<br>STANDARD KHAKI |
|  EXTERIOR PAINT FINISH<br>SHERWIN WILLIAMS<br>SW 2838 POLISHED MAHOGANY |  COMPOSITE SIDING<br>SHERWIN WILLIAMS<br>SW6146 UMBER              |  PARAPET CORNICE<br>SHERWIN WILLIAMS<br>SW6989 GLOSS DOMINO |  |

NOTE: BUILDING MATERIALS SHOWN ARE REPRESENTATIONAL ONLY AND DO NOT REFLECT ENVIRONMENTAL VARIABLES.



**BJ's Restaurant & Brewhouse**  
Matthews, NC

**SIGNAGE NOTE:**  
BUILDING SIGNAGE IS TO BE PERMITTED  
SEPARATELY PER MASTER PLAN SIGNAGE PLAN.







