

DATE FILED 3/2/2012

APPLICATION NUMBER 2012-586

*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): \_\_\_\_\_ 193-303-11 \_\_\_\_\_ 

Address of property: \_\_\_\_\_ 9727 E. INDEPENDENCE BOULEVARD \_\_\_\_\_

Location of property: \_\_\_\_\_ MATTHEWS, NORTH CAROLINA - MOCKLENBURG COUNTY \_\_\_\_\_

Title to the property was acquired on \_\_\_\_\_ 12-2-11 \_\_\_\_\_

and was recorded in the name of \_\_\_\_\_ CARROLL FAMILY INVESTMENTS, LTD. \_\_\_\_\_

whose mailing address is \_\_\_\_\_ 2340 W. IH-20, SUITE 100 - ARLINGTON, TX 76017 \_\_\_\_\_

The deed is recorded in Book \_\_\_\_\_ 26935 \_\_\_\_\_ and Page \_\_\_\_\_ 51 \_\_\_\_\_ in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: \_\_\_\_\_ CONDITIONAL \_\_\_\_\_ Requested zoning classification: \_\_\_\_\_ B-1 (CD) 

List reason(s) why zoning should be changed (use separate sheet if necessary):  
TO ALLOW MULTI-TENANT SIGNAGE.

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Signature of property owner (must be original)

CARROLL FAMILY INVESTMENTS, LTD.

Print name of property owner

2340 W. IH-20, SUITE 100

Property owner's mailing address

ARLINGTON, TX 76017

Property owner's mailing address, continued

Property owner's mailing address, continued

(817) 467-0505

Property owner's phone number/email address

Signature of property owner (must be original)

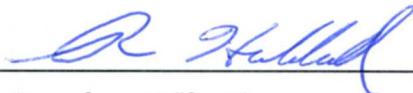
Print name of property owner

Property owner's mailing address

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address



Signature of agent (if any)

Robert Hubbard

Print name of agent

1015 Kaiser Way

Agent's mailing address

Fort Mill, SC 29715

Agent's mailing address, continued

Agent's mailing address, continued

817-454-8305

Agent'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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19330304 / 9721 E. INDEPENDENCE BOULEVARD <sup>2</sup> C

TAX PARCEL

PMPJL, LLC

PROPERTY OWNER NAME(S)

112 EAST WILLIAM DAVID PARKWAY

OWNER MAILING ADDRESS

METARIE, LA 70005

OWNER MAILING ADDRESS, CONTINUED

19330307 / 9701 E. INDEPENDENCE BOULEVARD E

TAX PARCEL

JALARAM HOTELS, LLC

PROPERTY OWNER NAME(S)

9701 E. INDEPENDENCE BOULEVARD

OWNER MAILING ADDRESS

MATTHEW, NC 28105

OWNER MAILING ADDRESS, CONTINUED

19330308 / 9709 E. INDEPENDENCE BOULEVARD A

TAX PARCEL

LOS TRES AMIGOS, INC.

PROPERTY OWNER NAME(S)

116 E. WOODLAWN ROAD

OWNER MAILING ADDRESS

CHARLOTTE, NC 28217

OWNER MAILING ADDRESS, CONTINUED

19330310 / 9715 E. INDEPENDENCE BOULEVARD B

TAX PARCEL

REBPAT LEASING

PROPERTY OWNER NAME(S)

P. O. BOX 240525

OWNER MAILING ADDRESS

CHARLOTTE, NC 28224

OWNER MAILING ADDRESS, CONTINUED

19330311 / "SUBJECT TRACT" D

TAX PARCEL

CARROLL FAMILY INVESTMENTS, LTD.

PROPERTY OWNER NAME(S)

2340 W. INTERSTATE 20, SUITE 100

OWNER MAILING ADDRESS

ARLINGTON, TX 76017

OWNER MAILING ADDRESS, CONTINUED

19330314 / 1725 WINDSOR SQUARE DRIVE E

TAX PARCEL

TMB VENTURES, LLC

PROPERTY OWNER NAME(S)

245 OLD HICKORY ROAD

OWNER MAILING ADDRESS

LOCUST, NC 28097

OWNER MAILING ADDRESS, CONTINUED

19330202 / 9949/10101 E. INDEPENDENCE BLVD.

TAX PARCEL

SC WINDSOR ASSOCIATES, LP

PROPERTY OWNER NAME(S)

340 ROYAL POINCIANA WAY, NO. 316

OWNER MAILING ADDRESS

PALM BEACH, FL 33480

OWNER MAILING ADDRESS, CONTINUED

19330203 / 1700 WINDSOR SQUARE DRIVE

TAX PARCEL

T L & E INVESTMENTS, INC. / ATTN: SAMI I NAFISI

PROPERTY OWNER NAME(S)

7935 COUNCIL PLACE, SUITE 200

OWNER MAILING ADDRESS

MATTHEWS, NC 28106

OWNER MAILING ADDRESS, CONTINUED

**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, extension 224) for verification.

Application submitted to and accepted by the Town of Matthews \_\_\_\_\_ 3-2-12

Town Board of Commissioners formally accepts application and sets Public Hearing date \_\_\_\_\_ 3-12-12

Notices sent via mail to affected/adjacent property owners on or before \_\_\_\_\_ ~~3-26-12~~ 4/30/12

Protest petition filed with Planning Department by 5:00 pm on \_\_\_\_\_ ~~4-3-12~~ 5/9

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 \_\_\_\_\_ ~~4-9-12~~ 5/14

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 \_\_\_\_\_ ~~4-24-12~~ 5/22 2 month

Town Board of Commissioners approves or denies application \_\_\_\_\_ ~~5-14-12~~ 6/11 Gede

**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