



DATE FILED 8/31/2012  
APPLICATION NUMBER 2012-590  
*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): 193-292-17, 193-292-18 and 193-292-19

Address of property: See Exhibit A Attached Hereto

Location of property: See Exhibit A Attached Hereto

Title to the property was acquired on See Exhibit A Attached Hereto  
and was recorded in the name of See Exhibit A Attached Hereto  
whose mailing address is See Exhibit A Attached Hereto

The deed is recorded in Book See Exh. A and Page See Exh. A in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: Conditional Requested zoning classification: B-1 SCD

Application number

2012-5910

For office use only

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

To allow additional tenant signage pursuant to a Master Sign Plan and to rezone the Site from the outdated Conditional zoning district to the B-1 SCD zoning district.

By: Matthews Township Shopping Center, LLC,  
CBRE, Inc., as agent for owner

*Beth Preston, Real Estate Manager*

Signature of property owner (must be original)

Signature of property owner (must be original)

Matthews Township Shopping Center, LLC

Print name of property owner

Print name of property owner

c/o INVESCO Realty Advisors

Property owner's mailing address

Property owner's mailing address

500 Three Galleria Tower, 13155 Noel Road

Property owner's mailing address, continued

Property owner's mailing address, continued

Dallas, Texas 75240

Property owner's mailing address, continued

Property owner's mailing address, continued

704-553-7567

Beth.preston@cbre.com

Property owner's phone number/email address

Property owner's phone number/email address

*John H. Carmichael*  
Signature of agent (if any)

Petitioner other than owner (if any)

John Carmichael, Robinson Bradshaw

Print name of agent

Print name of petitioner

101 North Tryon Street, Suite 1900

Agent's mailing address

Petitioner's mailing address

Charlotte, NC 28246

Agent's mailing address, continued

Petitioner's mailing address, continued

Agent's mailing address, continued

Petitioner's mailing address, continued

704-377-8341 jcarmichael@rbh.com

Agent's phone number/email address

Petitioner's phone number/email address

Exhibit A to Rezoning Application

Property Information

**Parcel No. 193-292-17**

Matthews Township Shopping Center, LLC  
c/o INVESCO Realty Advisors  
500 Three Galleria Tower, 13155 Noel Road  
Dallas, Texas 75240

Address of Property: 1819 Matthews Township Parkway

Location of Property: North side of Matthews Township Parkway west of East Independence Boulevard

Title to Property Acquired on March 26, 1997

Deed is recorded in Book 8993 at Page 829 of the Mecklenburg County Public Registry

**Parcel No. 193-292-18**

Matthews Township Shopping Center, LLC  
c/o INVESCO Realty Advisors  
500 Three Galleria Tower, 13155 Noel Road  
Dallas, Texas 75240

Address of Property: 1811 and 1813 Matthews Township Parkway

Location of Property: North side of Matthews Township Parkway west of East Independence Boulevard

Title to Property Acquired on March 26, 1997

Deed is recorded in Book 8993 at Page 836 of the Mecklenburg County Public Registry

**Parcel No. 193-292-19**

Matthews Township Shopping Center, LLC  
c/o INVESCO Realty Advisors  
500 Three Galleria Tower, 13155 Noel Road  
Dallas, Texas 75240

Address of Property: 1909 Matthews Township Parkway

Location of Property: North side of Matthews Township Parkway west of East Independence  
Boulevard

Title to Property Acquired on March 26, 1997

Deed is recorded in Book 8993 at Page 829 of the Mecklenburg County Public Registry

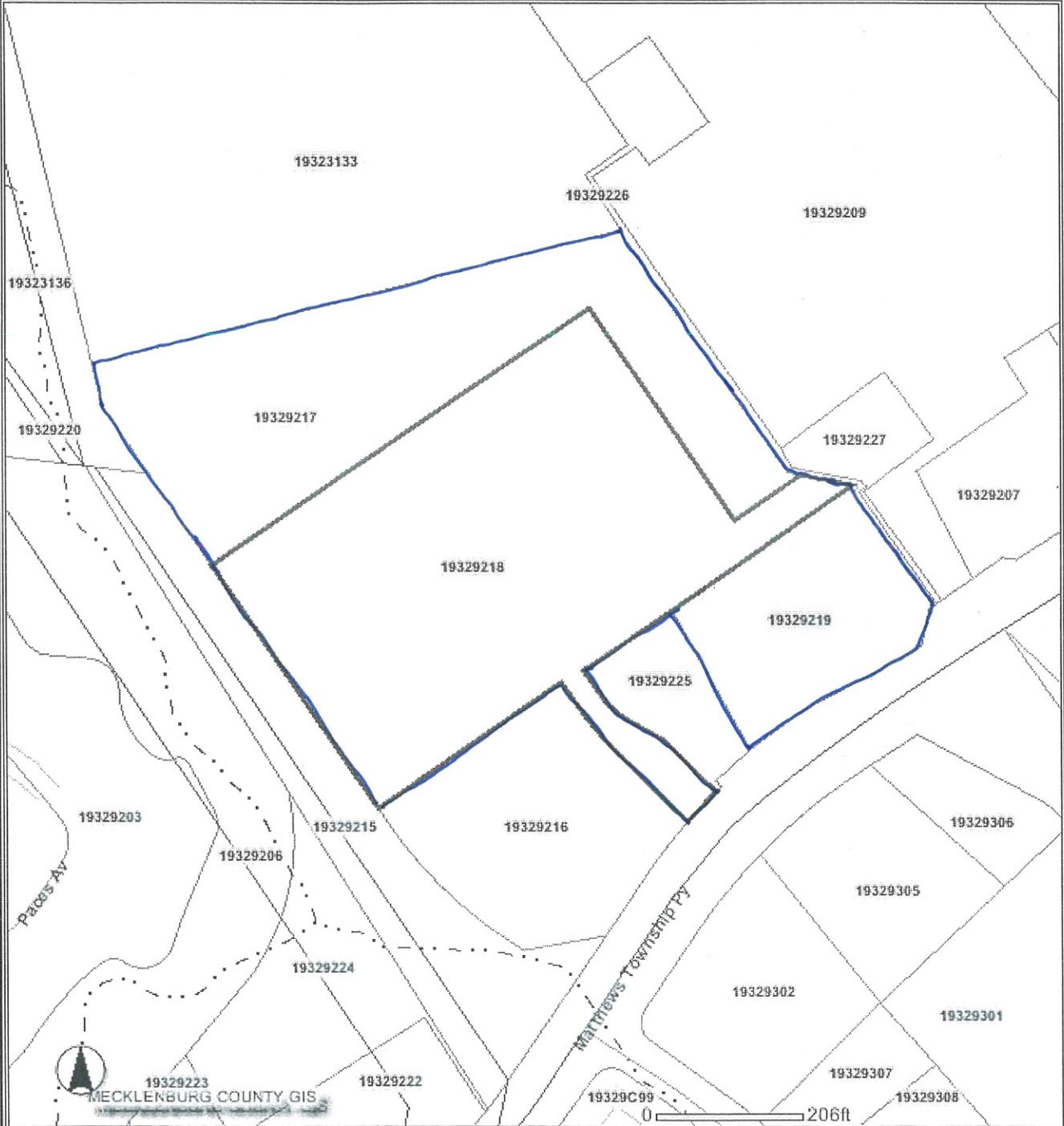
Mecklenburg County, North Carolina

**POLARIS**

Property Ownership Land Records Information System

Date Printed: Fri Jul 27 13:58:24 EDT 2012

**193-292-17, 193-292-18 and 193-292-19**



This map is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

Exhibit B to Rezoning Application

Adjoining Property Owners

Parcel No. 193-292-11

New Private Restaurant Properties LLC  
2202 N West Shore Blvd #470C  
Tampa, FL 33607

Parcel No. 193-292-09

Matthews Center LTD  
18205 Biscayne Blvd.  
Suite 2202  
Aventura, FL 33160

Parcel No. 193-292-26

Matthews Center LTD  
18205 Biscayne Blvd.  
Suite 2202  
Aventura, FL 33160

Parcel No. 193-231-33

HD Development of Maryland, Inc.  
c/o Home Depot USA Inc.  
PO Box 105842  
Atlanta, GA 30348-5842  
Attention: Property Tax Dept. #3608

Parcel No. 193-231-36

Matthews Township Land, LLC  
2800 One First Union Center  
Charlotte, NC 28202

Parcel No. 193-292-20

CRLP Crescent Lane, LLC  
2101 Sixth Av N #750  
Birmingham, AL 35203

Parcel No. 193-292-03

BBR/Paces Commons, LLC  
c/o Babcock & Brown Residential, LLC  
301 S College Street, Suite 3850  
Charlotte, NC 28202

Parcel No. 193-292-06

BNP/PC Annex, LLC  
c/o BNP Residential Prop Inc.  
301 S College Street, Suite 3850  
Charlotte, NC 28202

Parcel No. 193-292-15

Matthews Township Land, LLC  
2800 One First Union Center  
Charlotte, NC 28202

Parcel No. 193-292-24

Dynasty Property Management, Inc.  
1709 Matthews Township Parkway  
Matthews, NC 28105-4658

Parcel No. 193-292-16

State Employees Credit Union  
c/o Jerry Harmon  
PO Box 1469  
Matthews, NC 28106

Parcel No. 193-292-25

John S. Thomas Living Trust  
c/o John W. Thomas (Trustee)  
302 Dogwood Drive  
Gaithersburg, MD 20872-2006

Parcel No. 193-292-27

Matthews Center LTD  
18205 Biscayne Blvd  
Suite 2202  
Aventura, FL 33160

Parcel No. 193-292-07

Realty Income Corp  
PO Box 460069  
Escondido, CA 9205-0069

Parcel No. 193-293-06

Target Corporation Name Change  
c/o Property Tax Deop T-918  
PO Box 9456  
Minneapolis, MN 55440-9456

Parcel No. 193-293-05

TMK II Limited Partnership  
2711 Lemon Tree Lane  
Charlotte, NC 28211

Parcel No. 193-293-02

Fifth Third Bank  
c/o MD 10ATA1 Corp FAC  
38 Fountain Square Plaza  
Cincinnati, Oh 45263

Parcel No. 193-311-43

PI Commercial Properties, LLC  
148 Milestone Way  
Suite C  
Greenville, SC 29615

Parcel No. 193-311-42

Jillco Holdings LLC  
c/o BK Corp  
PO Box 020783  
Miami, FL 33102-0783

## SUMMARY OF THE REZONING PROCESS

Application number

2012-590

For office use only

*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 August 3, 2012

Town Board of Commissioners formally accepts application and sets Public Hearing date August 13, 2012

Notices sent via mail to affected/adjacent property owners on or before August 27, 2012

Protest petition filed with Planning Department by 5:00 pm on September 5, 2012

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 September 10, 2012

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 September 25, 2012

Town Board of Commissioners approves or denies application October 8, 2012

### 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.



John H. Carmichael  
Charlotte Office  
704.377.8341 Direct Phone  
704.373.3941 Direct Fax  
jcarmichael@rbh.com  
rbh.com

August 3, 2012

**BY HAND DELIVERY**

Ms. Kathi Ingrish, Planning Director  
Town of Matthews  
232 Matthews Station Street  
Matthews, NC 28105

Re: Rezoning Application Filed by Harris Teeter, Inc. to Rezone an Approximately 12.064 acre Site within Matthews Township Shopping Center from the Conditional Zoning District to the B-1 SCD Zoning District (Tax Parcel Nos. 193-292-17, 193-292-18 and 193-292-19)

Dear Kathi:

In connection with the above captioned Rezoning Application, and pursuant to Section 10 of the Instructions for Filing an Application for a Change in a Zoning Classification or Change in Conditions for Property in the Town of Matthews, I hereby request, on behalf of the Applicant, Harris Teeter, Inc., a waiver of the required traffic study. In support of this request, the Applicant respectfully submits the following for consideration.

The subject site is a portion of the Matthews Township Shopping Center and is currently developed with 134,927 square feet of commercial and retail uses. Pursuant to this rezoning request, the Applicant seeks to rezone the site to allow additional signage to be placed on the buildings located on the site, and to rezone the site from the outdated Conditional zoning district to the current B-1 SCD zoning district. Pursuant to this rezoning request, the Applicant does not seek to intensify the development of the site, other than a potential 2,500 square foot increase in floor area in the future.

The additional vehicular trips that would be generated by a 2,500 square foot increase in floor area are not sufficient to warrant the preparation and submission of a traffic study in the Applicant's view.

On behalf of the Applicant, we appreciate your consideration of this request.

Sincerely,

ROBINSON BRADSHAW & HINSON, P.A.

A handwritten signature in black ink, appearing to read "John H. Carmichael".

John H. Carmichael

3130665v1 22581.00011



John H. Carmichael  
Charlotte Office  
704.377.8341 Direct Phone  
704.373.3941 Direct Fax  
jcarmichael@rbh.com  
rbh.com

August 3, 2012

**BY HAND DELIVERY**

Ms. Kathi Ingrish  
Planning Director  
Town of Matthews  
232 Matthews Station Street  
Matthews, NC 28105

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(Tax Parcel Nos. 193-292-17, 193-292-18 and 193-292-19)

Dear Kathi:

This letter is being submitted with the above-captioned Rezoning Application pursuant to the requirements of Paragraph 13 of the Instructions for Filing an Application for a Change in a Zoning Classification or Change in Conditions for Property in the Town of Matthews (the "Instructions"). As you are aware, Paragraph 13 of the Instructions requires the Applicant to submit documentation regarding the land use recommendations for the site as set out in adopted land use plans and a statement as to how this rezoning request complies with such recommendations.

The site subject to this rezoning request is an approximately 12.064 acre site located within the Matthews Township Shopping Center (the "Site"). The Site is developed with commercial and retail uses, including a Harris Teeter grocery store and a Stein Mart.

Pursuant to this Rezoning Application, the Applicant is seeking to rezone the Site to allow additional signage to be placed on the buildings located on the Site, and to rezone the Site from the outdated Conditional zoning district to the current B-1 SCD zoning district. Other than a potential 2,500 square foot addition to the existing floor area located on the Site, the Applicant is not seeking to increase the intensity of the development located on the Site.

The Matthews Land Use Plan (the "Plan") provides land use recommendations for the Site and the area in which the Site is located. Specifically, Section XII (2)(D) appears to recognize the existing commercial and retail development of the Site and the surrounding area and to support the same.

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Ms Kathi Ingrish  
August 3, 2012  
Page 2

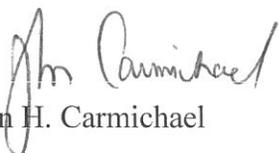
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Accordingly, since this Rezoning Application seeks to rezone the Site to the B-1 SCD zoning district and to allow commercial and retail uses permitted in such district, the Applicant submits that this rezoning request is consistent with the land use recommendations of the Plan.

The Applicant and I look forward to working with you and the Town of Matthews on this rezoning request.

Sincerely,

ROBINSON BRADSHAW & HINSON, P.A.

  
John H. Carmichael

JHC1//lh