



DATE FILED	<u>8/31/2012</u>
APPLICATION NUMBER	<u>591</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.

19330306

Tax parcel number(s): _____

9607 East Independence Blvd, Matthews, North Carolina 28105

Address of property: _____

East of the Sam Newell Road and East Independence Blvd intersection, at the GIS ID # 19339396.

Location of property:

Title to the property was acquired on January 10, 1989

and was recorded in the name of McDonald's Corporation

whose mailing address is 14611 Barney Drive, Charlotte, NC 28227

The deed is recorded in Book 5944 and Page 45 in the office of the Register of Deeds for Mecklenburg County.

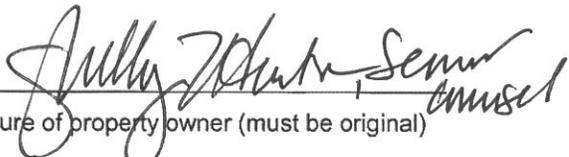
Present zoning classification: Conditional District Requested zoning classification: B-2

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

The existing site is a "conditional district." The Town is supporting all the parcels in this shopping center to be re-zoned to a B-2 zoning designation for uniform development and flexible future modifications, as required. The owner is up-fitting/refitting it's restaurants nationwide to improve customer service and curb-side aesthetics to modernize it's operations. The modernization of the facility, as can be seen in the attachments, will enhance the overall property values in the area, provide adequate lighting, parking and maximize safe and timely traffic flow in and around the restaurant. The planned zoning change will not materially endanger the public health or safety.

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Signature of property owner (must be original)
McDonald's Corporation

Signature of property owner (must be original)

Print name of property owner
14611 Barney Drive

Print name of property owner

Property owner's mailing address
Charlotte, NC 28227

Property owner's mailing address

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's mailing address, continued
630-623-7636

Property owner's mailing address, continued

Property owner's phone number/email address

Property owner's phone number/email address

Signature of agent (if any)
S. Stephen Goodwin, Jr.

Petitioner other than owner (if any)

Print name of agent
Goodwin & Hinson, P.A. 

Print name of petitioner

Agent's mailing address
309 Post Office Drive

Petitioner's mailing address

Agent's mailing address, continued
Indian Trail, NC 28079 

Petitioner's mailing address, continued

Agent's mailing address, continued
704-684-0031/sgoodwin@goodwinhinson.com

Petitioner's mailing address, continued

Agent's phone number/email address

Petitioner's phone number/email address

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630-623-7636

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Signature of agent (if any)

S. Stephen Goodwin, Jr.

Petitioner other than owner (if any)

Print name of agent

Goodwin & Hinson, P.A.

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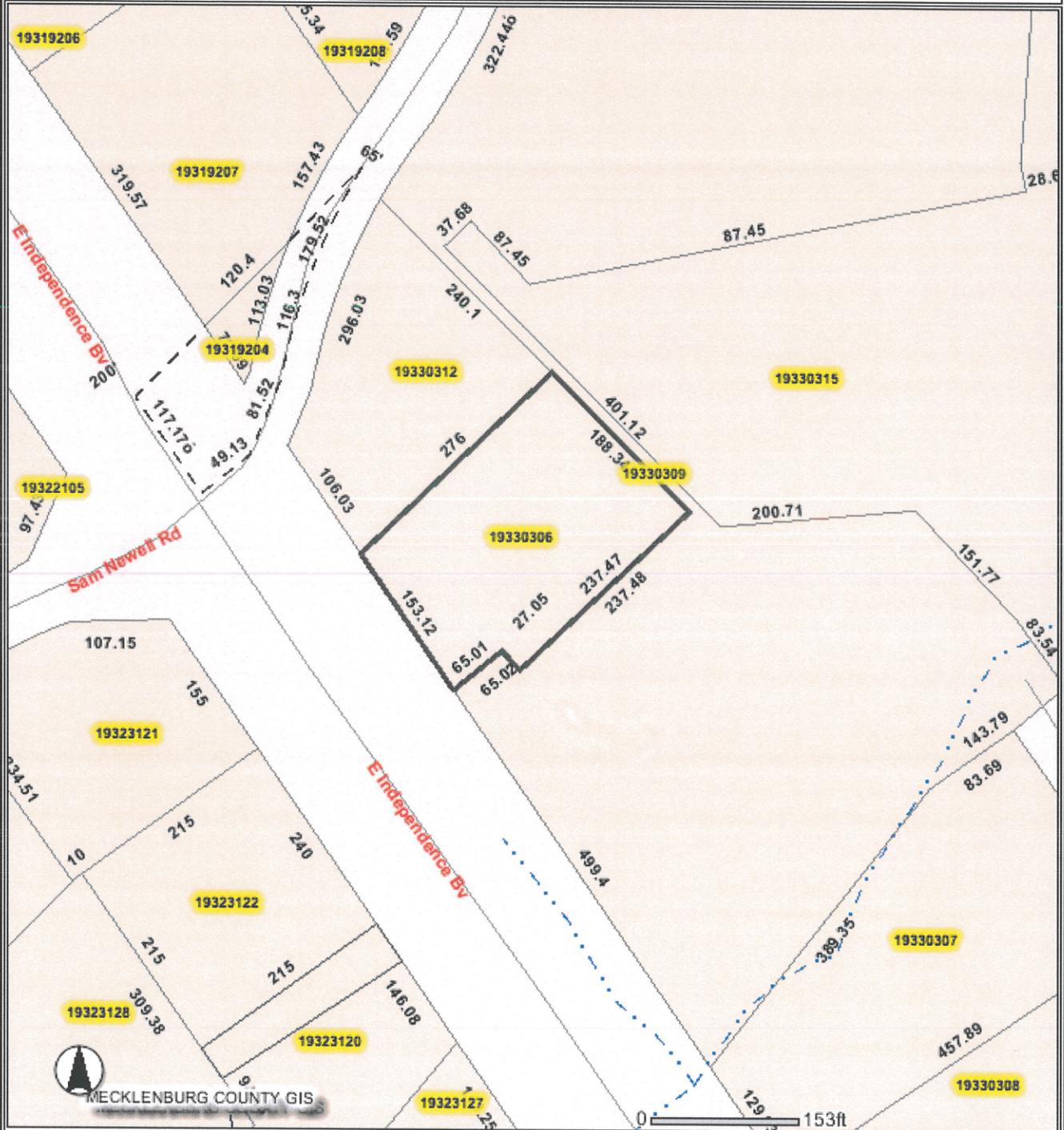
Petitioner's mailing address, continued

Petitioner's phone number/email address

Mecklenburg County, North Carolina
POLARIS
 Property Ownership Land Records Information System

Date Printed: Thu Aug 30 11:38:50 EDT 2012

Tax Map 19330306



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.

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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19330309

TAX PARCEL

SC Windsor Associates, LP

PROPERTY OWNER NAME(S)

340 Royal Poinciana Way #316

OWNER MAILING ADDRESS

Palm Beach, FL 33480

OWNER MAILING ADDRESS, CONTINUED

19330315

TAX PARCEL

SC Windsor Associates, LP & #249 c/o Kohl's

PROPERTY OWNER NAME(S)

N56 W17000 Ridgewood Drive

OWNER MAILING ADDRESS

Menomonee Falls, WI 53051

OWNER MAILING ADDRESS, CONTINUED

19323121

TAX PARCEL

WJB Realty, LP and Blockbuster, Inc.

PROPERTY OWNER NAME(S)

3000 Redbud Boulevard PO Box 1623

OWNER MAILING ADDRESS

McKinney, TX 75069 Englewood, CO 80155

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

19330312

TAX PARCEL

Michael E. & Julia L. Todd

PROPERTY OWNER NAME(S)

4931 Lindstrom Drive

OWNER MAILING ADDRESS

Charlotte, NC 28226-7943

OWNER MAILING ADDRESS, CONTINUED

19323120

TAX PARCEL

Showmars of America, Inc.

PROPERTY OWNER NAME(S)

1317 Alfred Street

OWNER MAILING ADDRESS

Charlotte, NC 28211

OWNER MAILING ADDRESS, CONTINUED

19323122

TAX PARCEL

R & M Properties

PROPERTY OWNER NAME(S)

170 Wind Chime Ct.

OWNER MAILING ADDRESS

Raleigh, NC 27615

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

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 _____ August 30, 2012

Town Board of Commissioners formally accepts application and sets Public Hearing date _____ September 10, 2012

Notices sent via mail to affected/adjacent property owners on or before _____ October 29, 2012

Protest petition filed with Planning Department by 5:00 pm on _____ November 7, 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 _____ November 12, 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 _____ November 27, 2012

Town Board of Commissioners approves or denies application _____ December 10, 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



Shelly Z. Hurta
Senior Counsel
McDonald's Corporation
One McDonald's Plaza
Oak Brook, Illinois 60523
Direct Dial Number (630) 623-7636
Email: shelly.hurta@us.mcd.com

September 17, 2012

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

Re: Rezoning Application Filed by McDonald's Corporation to Rezone an Approximately 1.2 ac Site located at 9607 E. Independence Blvd (Tax Parcel Number 19330306) from Conditional Zoning District to B-2 Zoning District

Dear Ms. Ingrish:

In connection with the above 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, please accept this letter as McDonald Corporations approval of the proposed change and naming S. Stephen Goodwin, attorney with Goodwin & Hinson, P.A. as its agent for the purposes of this rezoning application.

We appreciate your consideration of this request.

Sincerely,

McDonald's Corporation

A handwritten signature in black ink, appearing to read "Shelly Z. Hurta".

Shelly Z. Hurta
Legal Remodel Team Lead
U.S. Legal Department



Teresa Cook
Legal Administrative Assistant

Direct Dial: 630-623-2465
Facsimile: 630-623-7370
email address: teresa.cook@us.mcd.com

September 17, 2012

VIA FED EX
and email: sgoodwin@goodwinhinson.com

S. Stephen Goodwin
Goodwin & Hinson, PA
309 Post Office Drive
Indian Trail, North Carolina 28079

Re: Matthews, NC
9607 E. Independence Blvd.
L/C: 032-0331 – File #09249

Dear Mr. Goodwin:

Enclosed please find one original Application for Change in Zoning Classification or Change in Conditions for the above-referenced location which has been executed on behalf of McDonald's Corporation. Also enclosed is one original letter to Town of Matthews wherein McDonald's Corporation authorizes you as its agent for purposes of the zoning application.

Should you have comments or questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Teresa Cook".

Teresa Cook
Legal Administrative Assistant

/tc
Enclosure

cc: Jami Hays (w/enclosure) (via email)
Doreen Evans (w/enclosure) (via email)
Nadimi Payman (w/enclosure) (via email)



S. STEPHEN GOODWIN, JR.
 WESLEY S. HINSON

 SHELLEY K. LEVINE*
 WESLEY F. FAULK*

*ALSO ADMITTED IN SOUTH CAROLINA

Ms. Kath Ingrish, Planning Director
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 Zoning District

Dear Ms. Ingrish:

In connection with the above 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, McDonald's Corporation, a waiver of the required traffic study. In support of this request, the Applicant respectfully submits the following for consideration.

The subject site has been located at the above location since at least 1989 and has been used as a McDonald's restaurant continuously since that time. This rezoning request does not seek to intensify the development of the site, only to update the façade and traffic pattern within the site. No additional vehicular trips would be generated as a result of this zoning change.

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

Sincerely,

GOODWIN & HINSON, P.A.

S. Stephen Goodwin



S. STEPHEN GOODWIN, JR.
WESLEY S. HINSON

SHELLEY K. LEVINE*
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Dear Ms. Ingrish:

In connection with the above 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, please accept this letter in response to explain how this request is reasonable and consistent with the conformations of adopted development goals and policies of the Town of Matthews.

Representatives of McDonald's Corporation have held several meetings with the town planning department to discuss the proposed expansion of the convenience store and it is our understanding this issue will meet the requirements of the current zoning ordinances.

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

Sincerely,

GOODWIN & HINSON, P.A.

S. Stephen Goodwin