



February 26, 2014

Rezoning Submittal: Planning and Development
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105

■
Suite 440
2000 South Boulevard
Charlotte, North Carolina
28203

Re: McClintock Heating and Cooling Rezoning Submittal

To whom it may concern:

On behalf of our client, KANDR Investments, LLC, enclosed please find the proposed rezoning package for the McClintock Heating and Cooling Facility located at 1253 Matthews Mint Hill Road in Matthews, NC. This package proposes a change in rezoning from B-1 (nonconforming) to B-D (CD).

As indicated on the enclosed rezoning site plan, McClintock Heating and Cooling plans to install a 30'x80' two story office building adjacent to the existing warehouse located on site. The warehouse and associated concrete ramp and loading dock will remain, and the proposed building will require additional parking, sidewalks, landscape areas, and the conversion of the existing parking field into an asphalt parking lot. In order for this development to occur, the property will need to be rezoned to match the property use. After review of the Town of Matthews UDO and Zoning Code, B-D, the Distributive Business District, appears to be the most accurate zoning for this parcel and its uses.

The proposed parking and building areas as they are shown on the rezoning site plan increase the impervious area on-site by approximately 17,500 SF. The existing building and concrete ramp and loading dock were built prior to the year 2000 and will not be impacted by this design. The new impervious on site shall remain below 20,000 SF and should not trigger PCCO requirements. Based on this, no stormwater management or treatment area has been shown on site.

We trust this meets your needs at this time, but please feel free to contact me at (704) 333-5131 with any questions or concerns.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in blue ink that reads "Kate Triplett".

Kate Triplett, P.E.



DATE FILED 2-26-2014
APPLICATION NUMBER 2014-613
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): 19328220

Address of property: 1253 MATTHEWS MINT HILL RD, MATTHEWS, NC 28105

Location of property:

Title to the property was acquired on FEBRUARY 8, 2007
and was recorded in the name of KANDR INVESTMENTS, LLC
whose mailing address is P.O. BOX 503, MATTHEWS, NC 28106

The deed is recorded in Book 21754 and Page 848 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: B-1(non-conforming) Requested zoning classification: B-D (CD)

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

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See attached documentation.

Robin A. McClintock
Signature of property owner (must be original)

Kimberly R. McClintock
Signature of property owner (must be original)

Robin A McClintock
Print name of property owner

Kimberly R McClintock
Print name of property owner

Property owner's mailing address
P.O. Box 503, Matthews, NC 28106
Property owner's mailing address, continued

Property owner's mailing address
P.O. Box 503, Matthews, NC 28106
Property owner's mailing address, continued

Property owner's mailing address, continued
704-321-1048

Property owner's mailing address, continued
704-321-1048

Property owner's phone number/email address

Property owner's phone number/email address

Signature of agent (if any)

Petitioner other than owner (if any)

Print name of agent

Print name of petitioner

Agent's mailing address

Petitioner's mailing address

Agent's mailing address, continued

Petitioner's mailing address, continued

Agent's mailing address, continued

Petitioner's mailing address, continued

Agent's phone number/email address

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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19328226

TAX PARCEL

ROBERT S. HUDGINS V

PROPERTY OWNER NAME(S)

9317 HUNTING CT.

OWNER MAILING ADDRESS

MATTHEWS, NC 28105

OWNER MAILING ADDRESS, CONTINUED

19328228

TAX PARCEL

BEATY ENTERPRISES LTD

PROPERTY OWNER NAME(S)

P.O. BOX 7224

OWNER MAILING ADDRESS

CHARLOTTE, NC 28241-7224

OWNER MAILING ADDRESS, CONTINUED

19328236

TAX PARCEL

BEATY ENTERPRISES LTD

PROPERTY OWNER NAME(S)

P.O. BOX 7224

OWNER MAILING ADDRESS

CHARLOTTE, NC 28241-7224

OWNER MAILING ADDRESS, CONTINUED

19328221

TAX PARCEL

EMANUEL PROPERTIES LLC

PROPERTY OWNER NAME(S)

2280 NW 16TH ST.

OWNER MAILING ADDRESS

POMPANO BEACH, FL 33069

OWNER MAILING ADDRESS, CONTINUED

19328242

TAX PARCEL

CHAPS HOLDINGS LLC / % MARTHA HAGER

PROPERTY OWNER NAME(S)

17008 BELLE ISLE DR.

OWNER MAILING ADDRESS

CORNELIUS, NC 28031

OWNER MAILING ADDRESS, CONTINUED

21508117

TAX PARCEL

JOHN L. OWN III / JOAN C. OWEN

PROPERTY OWNER NAME(S)

P.O. BOX 3410

OWNER MAILING ADDRESS

MATTHEWS, NC 28106

OWNER MAILING ADDRESS, CONTINUED

21508121

TAX PARCEL

MARY LAZAROU / PAUL LAZAROU

PROPERTY OWNER NAME(S)

1240 MATTHEWS-MINT HILL RD.

OWNER MAILING ADDRESS

MATTHEWS, NC 28105-2305

OWNER MAILING ADDRESS, CONTINUED

21508119

TAX PARCEL

HARRY C. GRIMMER / ELISE R. GRIMMER

PROPERTY OWNER NAME(S)

8720 LAKE CHALLIS LN.

OWNER MAILING ADDRESS

CHARLOTTE, NC 28226-2663

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 mjgollnitz@matthewsnc.gov) for verification.

Application submitted to and accepted by the Town of Matthews February 26, 2014

Town Board of Commissioners formally accepts application and sets Public Hearing date March 10, 2014

Notices sent via mail to affected/adjacent property owners on or before April 28, 2014

Protest petition filed with Planning Department by 5:00 pm on May 7, 2014

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 May 12, 2014

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 May 27, 2014

Town Board of Commissioners approves or denies application June 9, 2014

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



