COMMUNITY MEETING REPORT FOR REZONING PETITION NO. 2016-650

Petitioner:	**ZIFF Properties**
Rezoning Petition No.:	**2016-650**
Property:	**± 16.891 acres located at 10410 East Independence Boulevard, Matthews, NC 28105 (the "Site").**

This Community Meeting Report is being filed with the Town of Matthews Planning Department.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:

The required Community Meeting was held on Tuesday, September 27, 2016, a representative of the Petitioner mailed a written notice of the date, time and location of the Community Meeting to the individuals and organizations set out on **Exhibit A** by depositing the Community Meeting Notice in the U.S. mail on 09/16/2016. A copy of the written notice is attached as **Exhibit B**.

TIME AND LOCATION OF MEETING:

The **Community Meeting required by the Ordinance was held on September 27, 2016 at 7:00 PM,** at Town of Matthews Community Center, 100 McDowell Street E, Matthews, NC 28105.

PERSONS IN ATTENDANCE AT MEETING:

The sign-in sheet from the required Community Meeting is attached as **Exhibit C**. The Petitioner's representative at the required Community Meeting was Kevin Beringer with Ziff Properties, Inc., and Alex Kelly with Tribek Properties. Also in attendance was Keith MacVean with Moore & Van Allen, PLLC.

SUMMARY OF ISSUES DISCUSSED AT MEETING:

I. Overview of Petitioner's Presentation.

Introduction and Overview of Development Plan.

There were no attendees at the meeting.

This Petition involves a request to rezone the ±16.891 acre Matthews Festival Shopping Center from C to B-1 SCD and B-H(CD). The rezoning request will allow the Petitioner to add additional buildings and square footage to the existing shopping center, enhanced pedestrian connectivity and increased landscape quality. The existing square footage would only be increased by less than 13,000 square feet. The new buildings would be added along Independence Boulevard. The proposed site plan would also allow the small retail building and the previous theater building located on the western side of the Site to be demolished and new buildings to be constructed in their place. The existing theater building could also be renovated and reused by new retail and restaurant tenants.

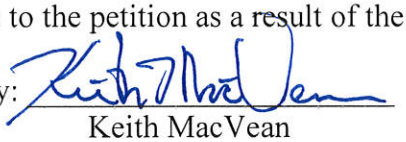
One of the existing driveways to Independence Boulevard will be relocated to accommodate NCDOT's roadway project that will redesign the intersection of Independence Boulevard and Matthews Township Parkway. The number of driveways from the Site to the adjoining public streets will not be increased. Inter-connectivity between the Site and the shopping center to the rear of the Site will be maintained.

II. Summary of Questions/Comments and Responses:

There were no attendees at the meeting.

CHANGES MADE TO PETITION AS A RESULT OF THE MEETING:

No changes were made to the petition as a result of the community meeting.

Filed and Confirmed by: 
Keith MacVean

cc: Mayor and Members of the Matthews Board of Commissioners
Jay Camp, Matthews Planning Department
Christian Chamblee, Ziff Properties
Alex Kelly, Tribek Properties
Jeff Brown, Moore & Van Allen, PLLC
Bridget Dixon, Moore & Van Allen, PLLC
Keith MacVean, Moore & Van Allen, PLLC

2016-650
11/02/2016

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

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

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

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

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

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

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

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

2016-650
11/02/2016

NOTICE TO INTERESTED PARTIES OF A REZONING PETITION
PETITION # 2016-650 – ZIFF Properties

Subject:	Rezoning Petition No. 2016-650
Petitioner/Developer:	ZIFF Properties
Current Land Use:	Shopping Center (Matthews Festival)
Existing Zoning:	C
Rezoning Requested:	B-1 SCD and B-H(CD)
Date and Time of Meeting:	**Tuesday, September 27, 2016 at 7:00 p.m.**
Location of Meeting:	Town of Matthews Community Center 100 McDowell Street E Matthews, NC 28105
Date of Notice:	September 16, 2016

We are assisting ZIFF Properties(the "Petitioner") on a Rezoning Petition recently filed to allow the partial-redevelopment and renovation of the existing shopping center (Matthews Festival), allowing for a much needed re-invigoration of the existing center (the "Site") located on East Independence Boulevard. We take this opportunity to furnish you with basic information concerning the Petition and to invite you to attend a Community Meeting to discuss it.

Background and Summary of Request:

This Petition involves a request to rezone the ±16.891 acre Matthews Festival Shopping Center from C to B-1 SCD and B-H(CD). The rezoning request will allow the Petitioner to add additional buildings and square footage to the existing shopping center, enhanced pedestrian connectivity and increased landscape quality. The existing square footage would only be increased by up 10,000 square feet. The new buildings would be added along Independence Boulevard. The proposed site plan would also allow the small retail building and the previous theater building located on the western side of the Site to be demolished and new buildings to be constructed in their place. The existing theater building could also be renovated and reused by new retail and restaurant tenants.

One of the existing driveways to Independence Boulevard will be relocated to accommodate NCDOT's roadway project that will redesign the intersection of Independence Boulevard and Matthews Township Parkway. The number of driveways from the Site to the adjoining public streets will not be increased. Inter-connectivity between the Site and the shopping center to the rear of the Site will be maintained.

Community Meeting Date and Location:

The Mecklenburg County Tax records indicate that you are an owner of property near the Site. **Accordingly, we are extending an invitation to attend the upcoming Community Meeting to be held on Tuesday, September 27, 2016, at 7:00 p.m. at Town of Matthews Community Center, 100 McDowell Street E, Matthews, NC 28105.** Representatives of the Petitioner look forward to discussing this exciting rezoning proposal with you at the Community Meeting.

In the meantime, should you have questions about this matter, you may call Keith MacVean (704-331-3531) or Jeff Brown (704-331-1144). Thank you.

cc: Mayor and Members of the Matthews Board of Commissioners

Jay Camp, Matthews Planning Department
Christian Chamblee, Ziff Properties
Alex Kelly, Tribek Properties
Jeff Brown, Moore & Van Allen, PLLC
Bridget Dixon, Moore & Van Allen, PLLC
Keith MacVean, Moore & Van Allen, PLLC

Site Location

2016-650
11/02/2016

ZIFF Properties
Rezoning Petition 2016-650
Community Meeting – September 27, 2016 @ 7:00p

No attendees at the meeting

	NAME	ADDRESS	TELEPHONE	EMAIL ADDRESS
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2016-650
9/27/2016

TRENAM LAW

Please reply to: Tampa
101 E. Kennedy Boulevard
2700 Bank of America Plaza
Direct Line: (813)227-7431
Main Office Phone Number: (813) 223-7474
mmaguire@trenam.com

September 26, 2016

Via Federal Express

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

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

Matthews Festival Limited Partnership
200 Wingo Way, Suite 100
Mt. Pleasant, SC 29464

Re: Zoning Application 2016-650 Boulevard (the "Application") and related changes to 10410 E. Independence (Parcel Numbers 193-292-09, 193-292-27, and 193-292-26) (collectively, "Subject Property") owned by Matthews Festival Limited Partnership ("Applicant").

Dear Sirs/Madams:

This firm represents Carrabba's Italian Grill, LLC, a Florida limited liability company ("Carrabba's"), which is the tenant and beneficial user of the property located at 10408 E. Independence Blvd., Matthews, NC 28105 (Parcel Number 193-292-11) (the "Restaurant Property") that is adjacent to the Subject Property. Carrabba's has been authorized by the owner of the Restaurant Property, LCN BLM Las Vegas (Multi) LLC ("LCN"), to deliver this objection to the Application and demand to cease all efforts related to the alteration of the Shopping Center (as defined below) without the consent and involvement of Carrabba's and LCN.

As you may know, the Subject Property and Restaurant Property (collectively, the "Shopping Center") are both subject to, among other recorded documents, those certain Declarations of Easement and Restrictive Covenants recorded at Book 5653, Page 703, and Book 5705, Page 541, of the Public Records of Mecklenburg County, North Carolina (collectively; the "Declarations"), copies of which has been enclosed for your reference. As you will see, the Declarations each prohibit any action which would result in a change to the traffic circulation patterns of the Shopping Center, depictions of which are set forth on the site plans attached thereto.

The Application, particularly the detailed proposed site plan (the "Proposed Site Plan") which will be presented at a hearing on the Application, on its face, clearly alters the traffic circulation pattern by closing the access drive off of Independence Parkway to the distant Southeast of the Restaurant Property and placing a new access drive to the Shopping Center to the immediately adjacent Southeast of the Restaurant Property. In addition to changing the traffic entry points for the Shopping Center, the

Proposed Site Plan (a copy of which is enclosed) also includes additional and extensive curbing and barriers which will significantly alter the traffic circulation and free flow of vehicles and pedestrians within the Shopping Center parking lot; the area located immediately to the Southeast of the Restaurant Property being the most heavily and adversely affected.

The Application, while looking for a technical change in zoning, is an attempt to effectively amend the Declaration and the rights afforded to the Restaurant Property thereunder. The Restaurant Property's approval and consent are required for such an amendment, and failure to obtain said approval of the Proposed Site Plan will result in a breach of the Declaration. At no point did any party associated with the Subject Property attempt to communicate with Carrabba's or LCN about the Application to drastically impact and alter the traffic circulation of the Shopping Center.

Accordingly, we must object to the Application and hereby demand Applicant's cessation of all work related thereto, as well as Applicant's attempt to unilaterally amend the Declarations absent the proper parties' consent. Provided Carrabba's and LCN are brought into the fold on the Application and the Proposed Site Plan as it related to the Declaration and Shopping Center, we are happy to discuss the concerns in hopes of reaching an amicable resolution. Failure to do so, however, will force Carrabba's and LCN to pursue all of their legal remedies against Applicant, including injunctive relief. Please have a representative of Applicant contact me at your earliest convenience so that we may begin our work together.

Sincerely,

Michael P. Maguire

Cc: Ronda Stoker (via email)
Karen Anderson-Koplin (via email)
Kirk Dockery (via email)
LCN Capital Partners (via email)
Ziff Properties (via email)