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: __________________________________________

Requested zoning classification: _______________________________________

APPLICATION FOR CHANGE IN ZONING CLASSIFICATION OR CONDITION, PAGE 1
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.

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

Print name of property owner
14611 Barney Drive

Property owner’s mailing address
Charlotte, NC 28227

Property owner’s mailing address, continued

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

Property owner’s phone number/email address

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

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

Agent’s mailing address
309 Post Office Drive

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

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

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

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Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner'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.”

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

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

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

19330310
TAX PARCEL
Showmars of America, Inc.
PROPERTY OWNER NAME(S)
1317 Alfred Street
OWNER MAILING ADDRESS
Charlotte, NC 28211
OWNER MAILING ADDRESS, CONTINUED

19330312
TAX PARCEL
R & M Properties
PROPERTY OWNER NAME(S)
170 Wind Chime Ct.
OWNER MAILING ADDRESS
Raleigh, NC 27615
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 issues 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
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

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

[Signature]
S. Stephen Goodwin, Attorney
Goodwin & Hinson, P.A.

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

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

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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 conformatins 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