

American National llc

3465 S. Arlington Rd, Suite E#183, Akron, OH 44312
Phone and fax 330-294-1077, a-national.com

Surveyor's Legal Description

A tract of land containing 2.12 acres, more or less, situated within the City of Matthews, Mecklenburg County, Alabama, being more particularly described as follows:

Being part of Lot 5 (Map Book 22 at Page 683) of the Mecklenburg County Public Registry, beginning at an iron pin at the intersection of the East right-of-way margin of East Independence Boulevard and the south line of Lot 5 said point being the TRUE POINT OF BEGINNING; thence run along the East right-of-way margin of said East Independence Boulevard, N 33° 24'00" W for a distance of 265.00 feet to an iron pin at the intersection of the East right-of-way margin of East Independence Boulevard and the North line of Lot 5; thence leaving said East right-of-way margin of East Independence Boulevard, run N 56° 36'00" E for a distance of 340.59 feet to an iron pin, said iron pin being the P.C. of a curve to the Right, having a radius of 20.00' and an arc distance of 31.42 feet; thence along said curve to the Right a chord bearing of S 78° 24'31" E and a chord distance of 28.28 feet to an iron pin; thence run S 33° 24'00" E for a distance of 116.33 feet to an iron pin; thence run S 44° 29'23" E for a distance of 33.76 feet to an iron pin on the West right-of-way margin of Northeast Court, said iron pin being the P.C. of a curve to the Left, having a radius of 50 feet and an arc distance of 62.50 feet; thence along said curve to the Left a chord bearing of S 07° 45'27" E and a chord distance of 58.51 feet to an iron pin; thence leaving said West right-of-way margin of Northeast Court, run S 28° 58'30" W for a distance of 92.28 feet to an iron pin; thence run S 56° 36'00" W for a distance of 260.00 feet to a point and back to the TRUE POINT OF BEGINNING.

Being all of Lot 5 as shown on the map of East Pointe, which is recorded in Map Book 22 at Page 683 of the Mecklenburg County Public Registry, together with a parcel of land lying adjacent and contiguous to the southwesterly boundary of said Lot 5, and measuring 265.0 feet in length by 100.0 feet in width, and lying wholly within the right-of-way of U.S. Highway 74.

TOGETHER WITH CERTAIN EASEMENTS for ingress, egress and regress to the above described property and for utility services to be furnished to the property, said easements to be appurtenant to the property herein described and conveyed, and to run with the land, and to be used in common by Grantor, its successors and assigns, and Grantee, its successors and assigns, and all such other parties as are now, or may hereafter become, lawfully entitled to the use of the same, Said easements are more particularly described as follows:

1. An easement in, over, across and upon the street to be known as Northeast Court, to extend from the property line which is the sixth call in the description of the property hereinabove described and conveyed, as set forth on Exhibit A, in a generally eastward direction, to Sam Newell Road; and together with the right to construct and establish a curb cut of such width, and at such location, as Grantee may elect, within the said line which constitutes the sixth call of the description set forth on Exhibit A.

2. An easement for the purpose of placing and maintaining one or more underground water pipelines to serve the above described property, with diameters of up to 8 inches, the same to be located wholly or partly within that certain 30 foot access easement which is located adjacent to the southeasterly corner of the property hereinabove described and conveyed, as shown on the survey by Sam Malone & Associates which is attached hereto and incorporated herein by reference as Exhibit C to this deed, and to connect with an 8 inch underground water pipeline which Grantor shall construct from the boundary of the property herein conveyed and described, within said easement and within Northeast Court, as shown on the map recorded in Map Book 22, Page 683, Mecklenburg Public Registry, and to receive water through such pipelines across all lands of Grantor through which said pipelines shall be constructed.

Containing 92,318.30 sq. ft. or 2.12 acres more or less.

Notes: All field measurements matched record dimensions (Vesting Deed as recorded in Deed Book 5875, Page 675 on file in the Probate Office of Mecklenburg County, North Carolina.) within the precision requirements of ALTA/ACSM specifications unless otherwise shown.

The property shown and described herein is the same property as described in the Title Commitment No. 04-PHI-5083GD of Fidelity National Title Insurance Company bearing an effective date of December 22, 2004.

ALTA/ACSM Land Title Survey

Pep Boys - NC

Independence Blvd
0150
9415 E. Independence Blvd.
Matthews, NC
County of Mecklenburg

Surveyor's Certification

To: Fidelity National Title Insurance Company; The Pep Boys; and American National, llc

The undersigned certifies that to the best of his professional knowledge, information and belief, this map or plat and the Survey on which it is based were made on the date shown below of the premises specifically described in Commitment No. 04-PHI-5083GD dated 12/22/2004 and were made: (i) in accordance with "Minimum Standard Detail Requirements for ALTA, ACSM, and NSPS in 1999"; (ii) in accordance with the "AGREEMENT" and Survey Requirements for Surveys dated 1/5/2005, and includes items 1, 2, 3, 4, 6, 7a, 7b1, 7c, 8, 9, 10, 11a, 13, 14, 15, 16 of Table A specifically defined therein, and (iii) Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that the survey measurements were made in accordance with the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."

Registered Surveyor: Gail W. Maiden
Registered Land Surveyor No. L-4400
In the State of North Carolina
Date of Survey: January 19, 2005
Date of Last Revision: February 4, 2005
Date Printed: February 4, 2005
Network Project No. 20040090-3
Surveyor's Job #: 05052
Prepared By: BLK

Survey Prepared By:
Harvel & Associates, Inc.
2025 Danville Park Drive SW, Suite 6
Decatur, AL 35603
Phone: (866) 353-6383
Fax: (866) 353-6471
Email: dharvel@harvel-associates.com



GAIL W. MAIDEN REG. NO. L-4400

Legend of Symbols & Abbreviations

Table with 2 columns of symbols and their corresponding abbreviations: Overhead Power, Underground Power, Gas Line, Sewer Line, Water Line, etc.

Statement of Encroachments

- A Building encroaches Front Bld Set Back 19.92' X 125.80' X 19.96'
B Out-Building encroaches Rear Bld Set Back 4.29' X 14.09' X 3.70'

Miscellaneous Notes

- MN1 Dimensions on this survey are expressed in feet and decimal parts thereof unless otherwise noted.
MN2 The basis of bearings for this survey is N 56° 36'00" E as the North property line, as evidenced by monuments found, and is the same bearing as shown in Deed Book 5875, Page 675 of the County Probate Office.
MN3 There was no observable evidence of earth moving work, building construction, or building additions within recent months at the time of this survey.
MN4 There was no observable evidence of recent street or sidewalk construction and/or repair at the time of this survey.
MN5 There was no observable evidence of changes in street right-of-way lines or any proposed changes obtainable from the controlling jurisdiction at the time of this survey.
MN6 There was no observable evidence of site use as a solid waste dump, sump or sanitary landfill at the time of this survey.
MN7 Property is accessed from the West via East Independence Boulevard and from the East via Northeast Court, both are public roads.
MN8 There was no evidence of building or street numbers found in field.
MN9 There was no evidence of cemetery or burial grounds located on property.

FLOOD NOTE: By graphic plotting only, this property is in Zone(s) X of the Flood Insurance Rate Map, Community Panel No. 02-04-04 and is not in a Special Flood Hazard Area. By telephone call dated 02-04-06 to the National Flood Insurance Program (800-638-6620) we have learned this community does currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

Notes Corresponding to Schedule B

- 3 Declaration of covenants, conditions and restrictions (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) recorded in Book 5875, Page 675, Mecklenburg County Registry. PLOTTED AND SHOWN
4 Building restriction lines, easements and any other facts as shown on Map or Plat recorded in Plat Book 22, Page 683, Mecklenburg county Registry. PLOTTED AND SHOWN
5 Right(s)-of-way in favor of the City of Charlotte recorded in Book 6151, Page 350, Mecklenburg county Registry. PLOTTED AND SHOWN
6 Easement(s) in favor of Duke Power Company recorded in Book 6241, Page 234, Mecklenburg county Registry. PLOTTED AND SHOWN
7 Judgment in favor of Joshua Ziolkowski docketed in Judgment Book 559, Page 192, in the Office of the Mecklenburg county Clerk of superior Court. NOT LEGIBLE
8 Judgment in favor of Antoine Reid docketed in Judgment Book 461, Page 348, in the Office of the Mecklenburg County clerk of Superior Court. NOT LEGIBLE
9 Judgment in favor of Charles Cause docketed in Judgment Book 533, Page 66, in the Office of the Mecklenburg County clerk of Superior Court. NOT LEGIBLE
10 Title to that portion of the property within the bounds of any public streets, roads or highways. NO PLOTTABLE INFORMATION
11 Terms and conditions of, and rights of others in and to the property subject to, the appurtenant easements more particularly described in Schedule C. NO PLOTTABLE INFORMATION
12 Rights of others in and to the use of easements over Northeast Court for access purposes and rights of others in and to the use of water lines and water pipes as contained in Book 5875, page 675. (See Vesting Deed) BENEFITS SUBJECT SITE
13 Reservation of four easements as contained in Deed from East Independence Properties, a North Carolina General Partnership, to The Pep Boys - Manny, Moe and Jack, dated October 3, 1988, filed October 7, 1988, Book 5875, page 675. (See Vesting Deed) PLOTTED AND SHOWN
14 Restrictive covenant appearing of record in Book 5875, page 675. (See Vesting Deed) PLOTTED AND SHOWN

Utility Notes

- UN1 The location of Utilities shown hereon are from observed evidence of above ground appurtenances only. The surveyor was not provided with underground plans to determine the location of any subterranean uses.
UN2 From observed above ground appurtenances and utility paint markings as shown hereon, electric, telephone, water, sewer and gas lines and/or service is available for the subject property within the public road right of way(s).

Zoning Information

According to the City Planning and Development Department (704)847-4411 on January 20, 2005, the subject property is zoned "C" Conditional District and is subject to the following conditions:
Zoning Classification: "C" Conditional District
Zoning District: City of Matthews
Permitted Use: Retail
Front Setback: 40' from Transitional Right of Way
Rear Setback: 30'
Side Setback: 0'
Max. Building Height: Conditional
Max Gross Density (per acre): None
Parking Ratio: 2 spaces per bay, 1 space per 200 sq. ft. + 1 space per 2 employee.
Required Parking Spaces: 62
Onsite Parking Spaces: 83 Regular, 2 Handicap
REPA Parking Spaces: 0
Total Parking Spaces: 85

Because there may be a need for interpretation of the applicable zoning codes, we refer you to the City of Matthews, and the applicable zoning codes.

Schedule A Legal Description

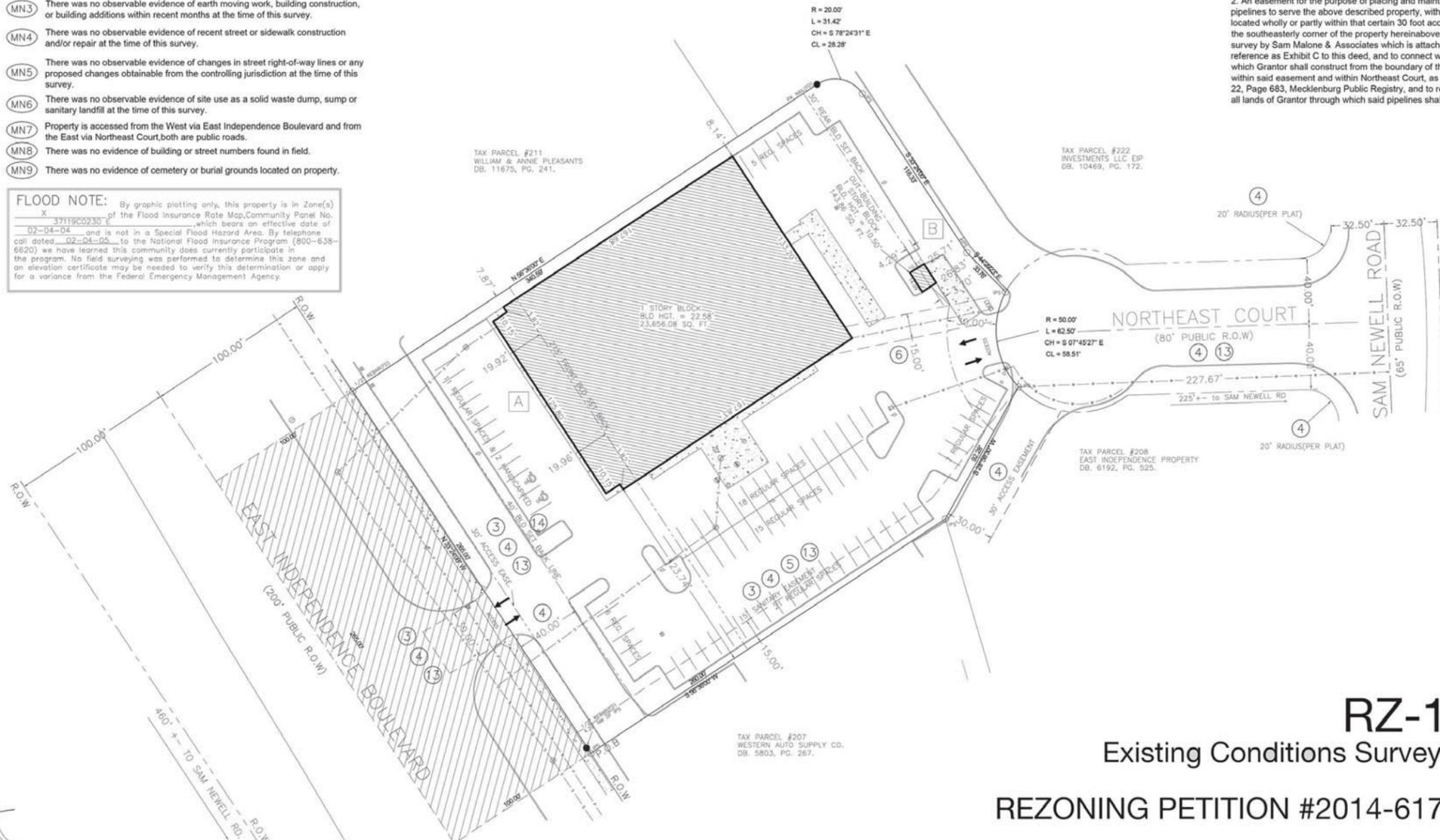
Lying and being in Mecklenburg County, North Carolina, and being more particularly described as follows:

Beginning at a new iron pin in the centerline of U.S. Highway 74, (East Independence Boulevard), said Highway having a right-of-way of 200 feet and said new iron pin being located N 33-24-00 W, 461.10 feet from the centerline intersection with S.R. 3168, (Sam Newell Road); (1) Thence along the aforementioned centerline, N 33-24-00 W, 265.00 feet to a new iron pin being the common corner with the R. Stephen McNair & Fletcher G. Keith property recorded in Deed Book 5895 at Page 726 in the Mecklenburg County Registry; (2) Thence along said property line, N 56-36-00 E, 440.59 feet to a new iron pin passing through a new iron pin on the right-of-way of U.S. Highway 74 at 100 feet; (3) Thence with the arc of a circular curve to the right, having a radius of 20 feet, an arc length of 31.42 feet, a chord distance of 28.28 feet, and a chord bearing of S 78-24-00 E, to a new iron pin; (4) Thence along the line of the aforementioned R. Stephen McNair & Fletcher G. Keith property; S 33-24-00 E 116.33 feet to a point; (5) Thence S 44-29-23 E 33.76 feet to a new iron pin on the right-of-way of Northeast Court, said right-of-way having a radius of 50 feet; (6) Thence along the said right-of-way with an arc of a circular curve to the left, having a radius of 50 feet, an arc length of 62.50 feet, a chord distance of 58.51 feet and a chord bearing of S 07-45-27 E to a new iron pin in said right-of-way; (7) Thence along the line of the Western Auto property recorded in Deed Book 5803 at page 267, S 28-58-30 W 92.28 feet to a new iron pin in said line; (8) Thence along said line S 56-36-00 W, 360.00 feet, passing through a new iron pin on the right-of-way of U.S. Highway 74 (East Independence Boulevard) at 260.00 feet to the point and place of beginning, containing 118,822 square feet, more or less.

Being all of Lot 5 as shown on the map of East Pointe, which is recorded in Map Book 22 at Page 683 of the Mecklenburg County Public Registry, together with a parcel of land lying adjacent and contiguous to the southwesterly boundary of said Lot 5, and measuring 265.0 feet in length by 100.0 feet in width, and lying wholly within the right-of-way of U.S. Highway 74.

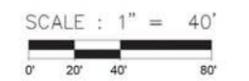
TOGETHER WITH CERTAIN EASEMENTS for ingress, egress and regress to the above described property and for utility services to be furnished to the property, said easements to be appurtenant to the property herein described and conveyed, and to run with the land, and to be used in common by Grantor, its successors and assigns, and Grantee, its successors and assigns, and all such other parties as are now, or may hereafter become, lawfully entitled to the use of the same. Said easements are more particularly described as follows:

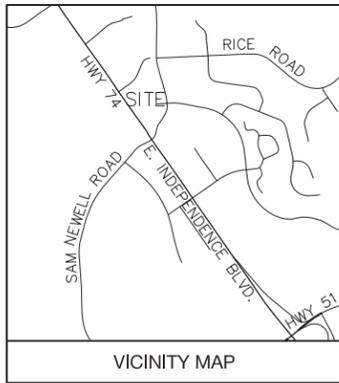
- 1. An easement in, over, across and upon the street to be known as Northeast Court, to extend from the property line which is the sixth call in the description of the property hereinabove described and conveyed, as set forth on Exhibit A, in a generally eastward direction, to Sam Newell Road; and together with the right to construct and establish a curb cut of such width, and at such location, as Grantee may elect, within the said line which constitutes the sixth call of the description set forth on Exhibit A.
2. An easement for the purpose of placing and maintaining one or more underground water pipelines to serve the above described property, with diameters of up to 8 inches, the same to be located wholly or partly within that certain 30 foot access easement which is located adjacent to the southeasterly corner of the property hereinabove described and conveyed, as shown on the survey by Sam Malone & Associates which is attached hereto and incorporated herein by reference as Exhibit C to this deed, and to connect with an 8 inch underground water pipeline which Grantor shall construct from the boundary of the property herein conveyed and described, within said easement and within Northeast Court, as shown on the map recorded in Map Book 22, Page 683, Mecklenburg Public Registry, and to receive water through such pipelines across all lands of Grantor through which said pipelines shall be constructed.



RZ-1 Existing Conditions Survey

REZONING PETITION #2014-617





**CURRENT** 2014-617  
10-9-2014

**DEVELOPMENT SUMMARY**

TAX PARCEL ID #:	19319206
TOTAL SITE AREA:	2.12 Acres
EXISTING ZONING:	C (Conditional)
PROPOSED ZONING:	B-H (CD)
SETBACKS:	See Development Standards
EXISTING USE:	See Development Standards
VEHICULAR PARKING:	
REQUIRED:	62 (See Below)
EXISTING:	85 (See Development Standards)

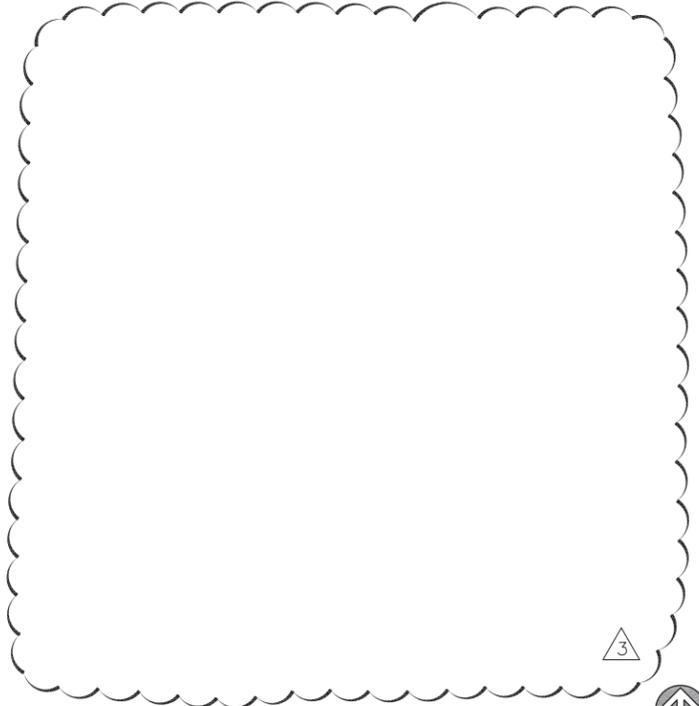
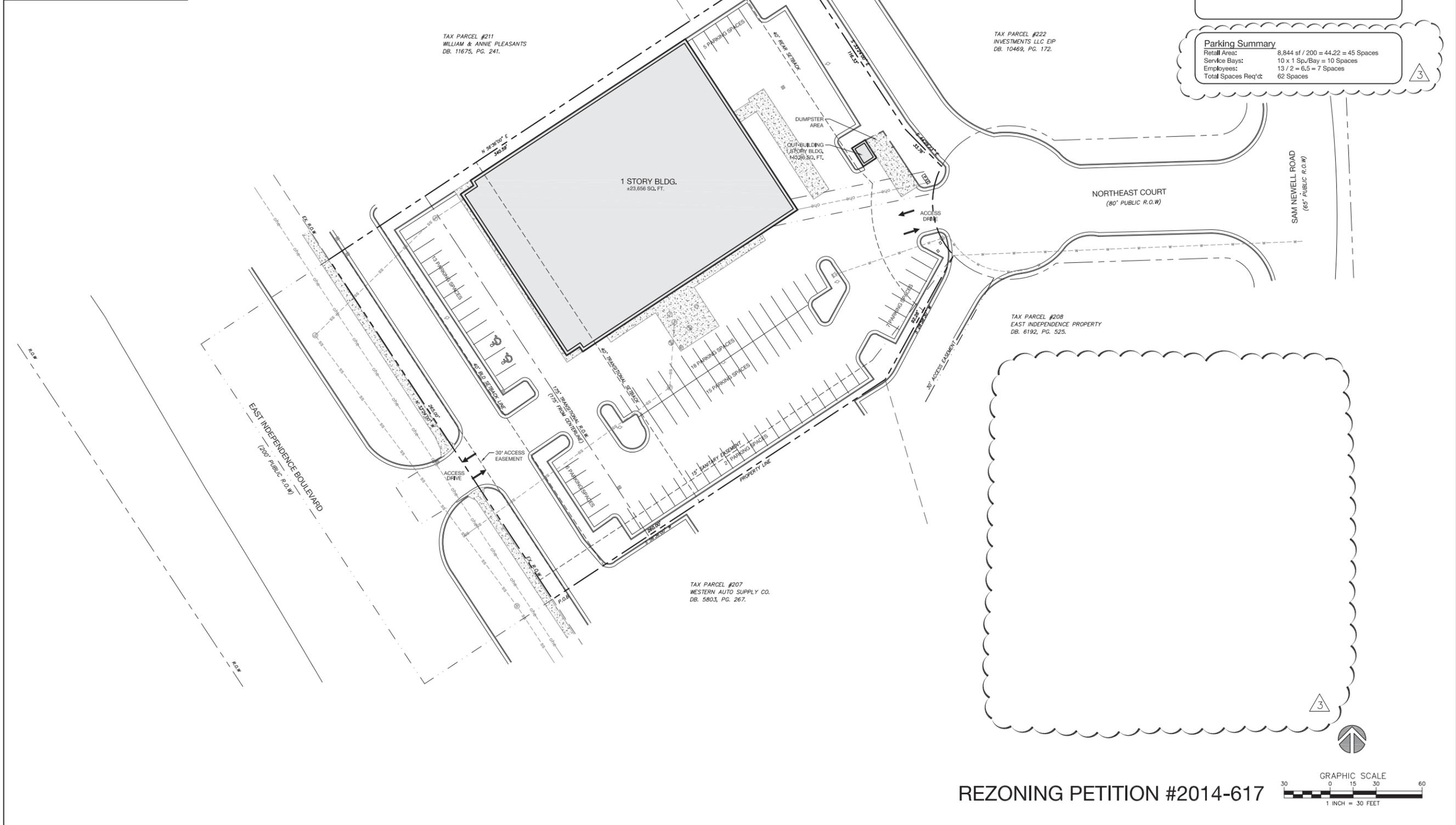
**Parking Summary**

Retail Area:	8,844 sf / 200 = 44.22 = 45 Spaces
Service Bays:	10 x 1 Sp./Bay = 10 Spaces
Employees:	13 / 2 = 6.5 = 7 Spaces
Total Spaces Req'd:	62 Spaces

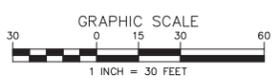


Pep Boys Auto

3111 West Allegheny Ave  
Philadelphia, PA 19132



REZONING PETITION #2014-617



**Pep Boys Auto**

**Rezoning Site Plan**  
9415 Independence Blvd., Matthews, North Carolina

NO.	DATE	BY:	REVISIONS:
1	08/27/14	UDP	PER TOWN COMMENTS
2	09/12/14	UDP	PER TOWN COMMENTS
3	10/09/14	UDP	PER TOWN COMMENTS

Project No: 14-047  
Date: July 2, 2014  
Designed by: udp  
Drawn By: udp  
Scale: 1"=30'  
Sheet No:

**RZ-2**

CURRENT

2014-617  
10-9-2014



URBAN  
DESIGN  
PARTNERS

1318-e6 central ave, # 704,334,3303  
charlotte, nc 28205 # 704,334,3305  
urbandesignpartners.com

DEVELOPMENT STANDARDS

GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING APPLICATION FILED BY THE PEP BOYS-MANNY, MOE & JACK, INC. FOR AN APPROXIMATELY 2.12 ACRE SITE LOCATED ON THE EAST SIDE OF EAST INDEPENDENCE BOULEVARD AND AT THE TERMINUS OF NORTHEAST COURT, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE").
- B. THE DEVELOPMENT AND USE OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE (THE "ORDINANCE"). SUBJECT TO THE EXEMPTIONS FROM THE ORDINANCE REQUIREMENTS SET OUT IN THESE DEVELOPMENT STANDARDS AND ON THE REZONING PLAN PURSUANT TO SECTION 155.401.1(I) OF THE ORDINANCE, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE BUSINESS HIGHWAY (B-H) ZONING DISTRICT SHALL GOVERN THE USE AND DEVELOPMENT OF THE SITE.

EXEMPTIONS PURSUANT TO SECTION 155.401.1(I) OF THE ORDINANCE

- A. PURSUANT TO SECTION 155.401.1(I)(1)(C) OF THE ORDINANCE, THE AMOUNT OF REQUIRED PARKING SPACES ON THE SITE IS HEREBY REDUCED BY 15 PERCENT, AND THE SITE SHALL BE CONSIDERED TO BE IN CONFORMANCE WITH THE ORDINANCE.
- B. THE EXISTING BUILDING LOCATED ON THE SITE ENCROACHES 20 FEET INTO THE TRANSITIONAL SETBACK FROM EAST INDEPENDENCE BOULEVARD AS DEPICTED ON THE REZONING PLAN. HOWEVER, PURSUANT TO SECTION 155.401.1(I)(1)(A) OF THE ORDINANCE, THE EXISTING BUILDING AND THE SITE SHALL BE CONSIDERED TO BE IN CONFORMANCE WITH THE SETBACK REQUIREMENTS OF THE ORDINANCE.
- C. THE ACCESSORY STRUCTURE LOCATED AT THE REAR OF THE SITE ENCROACHES 15 FEET INTO THE SETBACK FROM NORTHEAST COURT AS DEPICTED ON THE REZONING PLAN. HOWEVER, PURSUANT TO SECTION 155.401.1(I)(1)(A) OF THE ORDINANCE, THE ACCESSORY STRUCTURE AND THE SITE SHALL BE CONSIDERED TO BE IN CONFORMANCE WITH THE SETBACK REQUIREMENTS OF THE ORDINANCE.
- D. TO THE EXTENT THAT THE SITE DOES NOT MEET THE LANDSCAPING REGULATIONS OF THE ORDINANCE, THE SITE WILL BE EXEMPT FROM THE INSTALLATION OF NEW LANDSCAPING TO MEET CURRENT STANDARDS PURSUANT TO SECTIONS 155.401.1(I)(1)(D) AND (E) OF THE ORDINANCE.

PERMITTED USES

THE SITE MAY BE DEVOTED TO ANY USE OR USES PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE B-H ZONING DISTRICT, AND TO ANY ACCESSORY USES ALLOWED IN THE B-H ZONING DISTRICT.

MAXIMUM FLOOR AREA

- A. THE TOTAL MAXIMUM GROSS FLOOR AREA ALLOWED ON THE SITE SHALL BE 23,700 SQUARE FEET, WHICH IS THE SIZE OF THE EXISTING BUILDING LOCATED ON THE SITE.

TRANSPORTATION AND PARKING

- A. VEHICULAR ACCESS INTO THE SITE SHALL BE LIMITED TO THE EXISTING ACCESS POINTS WHICH ARE GENERALLY DEPICTED ON THE REZONING PLAN.
- B. ANY USE OR USES LOCATED ON THE SITE SHALL BE REQUIRED TO MEET THE MINIMUM OFF-STREET PARKING REQUIREMENTS OF THE ORDINANCE, PROVIDED, HOWEVER, THAT THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES LOCATED ON THE SITE FOR ANY USE OR USES MAY BE REDUCED BY 15 PERCENT PURSUANT TO SECTION 155.401.1(I)(1)(C) OF THE ORDINANCE.
- C. REQUIRED PARKING MAY BE LOCATED WITHIN THE TRANSITIONAL SETBACK AND THE SETBACK AS DEPICTED ON THE REZONING PLAN.

ARCHITECTURAL STANDARDS

RENOVATIONS OR ALTERATIONS TO THE EXTERIOR PORTIONS OF ANY BUILDING LOCATED ON THE SITE SHALL BE PERMITTED WITHOUT AN AMENDMENT TO THIS REZONING PLAN OR THE APPROVAL OF THE MATTHEWS BOARD OF COMMISSIONERS.

SIGNS

- A. ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.
- B. THE SITE IS LOCATED WITHIN THE EAST POINT DEVELOPMENT. PARCELS WITHIN THE EAST POINT DEVELOPMENT CAN PURSUE A SHARED/MULTI-TENANT FREE STANDING SIGN THROUGH A MASTER SIGN PLAN.

BINDING EFFECT OF THE REZONING APPLICATION

IF THIS REZONING APPLICATION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT AND/OR USE OF THE SITE IMPOSED UNDER THIS REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF APPLICANT AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS, "APPLICANT" AND "OWNER" OR "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF APPLICANT OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

Pep Boys Auto

3111 West Allegheny Ave  
Philadelphia, PA 19132

Pep Boys Auto

Development Standards and Notes  
9415 Independence Blvd., Matthews, North Carolina

NO.	DATE	BY:	REVISIONS:
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 Date: July 2, 2014  
 Designed by: udp  
 Drawn By: udp  
 Scale:  
 Sheet No:

RZ-3

REZONING PETITION #2014-617





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 Phone and fax 330-294-1077, a-national.com

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**ALTA/ACSM Land Title Survey**

**Pep Boys - NC**

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 9415 E. Independence Blvd.  
 Matthews, NC  
 County of Mecklenburg

Surveyor's Certification

To: Fidelity National Title Insurance Company; The Pep Boys; and American National, llc

The undersigned certifies that to the best of his professional knowledge, information and belief, this map or plat and the Survey on which it is based were made on the date shown below of the premises specifically described in Commitment No. 04-PHI-5083GD dated 12/22/2004 and were made: (i) in accordance with "Minimum Standard Detail Requirements for ALTA, ACSM, and NSPS in 1999"; (ii) in accordance with the "AGREEMENT and Survey Requirements for Surveys dated 1/5/2005, and" includes items 1, 2, 3, 4, 6, 7a, 7b1, 7c, 8, 9, 10, 11a, 13, 14, 15, 16 of Table A specifically defined therein, and (iii) Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that the survey measurements were made in accordance with the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."

Registered Surveyor: Gail W. Maiden  
 Registered Land Surveyor No. L-4400  
 In the State of North Carolina  
 Date of Survey: January 19, 2005  
 Date of Last Revision: February 4, 2005  
 Date Printed: February 4, 2005  
 Network Project No. 20040090-3  
 Surveyor's Job #: 95052  
 Prepared By: BLK

Survey Prepared By:  
 Harvel & Associates, Inc.  
 2025 Danville Park Drive SW, Suite 6  
 Decatur, AL 35603  
 Phone: (866) 353-8383  
 Fax: (866) 353-8471  
 Email: dharvel@harvel-associates.com



**Legend of Symbols & Abbreviations**

— Overhead Power	— Concrete Monument
— Underground Power	— Iron Pin or P/Nail Found
— Overhead Telephone	— Iron Pin or P/Nail Set
— Underground Telephone	— X in Concrete
— Gas Line	P.O.B. — Point of Beginning
— Sewer Line	P.O.C. — Point of Commencement
— Water Line	R.O.W. — Right of Way
— Chainlink Fence	R.C.P. — Reinforced Concrete Pipe
— Guy Wires	C.M.P. — Corrugated Metal Pipe
--- Canopy or Overhang	— Drain Inlet
— Power Pole	— Guy Anchor
— Light Pole	— Manhole
— Traffic Pole	— Electric Manhole
— Primary Transformer	— Telephone Manhole
— Generator	— Storm Sewer Manhole
— Electric Meter	— Sanitary Sewer Cleanout
— Gas Meter	— Sanitary Sewer Manhole
— Gas Valve	— Monitoring Well
— Water Meter	— Filtpost
— Fire Hydrant	— Guard Post
— Telephone Pedestal	— Sign
	— Concrete

**Statement of Encroachments**

- A Building encroaches Front Bid Set Back 19.92' X 125.80' X 19.96'
- B Out-Building encroaches Rear Bid Set Back 4.29' X 14.09' X 3.70'

**Miscellaneous Notes**

- MN1 Dimensions on this survey are expressed in feet and decimal parts thereof unless otherwise noted. Bearings are referred to an assumed meridian and are used to denote angles only. Monument; were found at points where indicated.
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**FLOOD NOTE:** By graphic plotting only, this property is in Zone(s) X of the Flood Insurance Rate Map, Community Panel No. 37119N0230, which bears an effective date of 02-04-04, and is not in a special hazard area by telephone call dated 02-04-05 to the National Flood Insurance Program (800-638-6620) we have learned this community does currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

**Notes Corresponding to Schedule B**

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- 11 Terms and conditions of, and rights of others in and to the property subject to, the appurtenant easements more particularly described in Schedule C. NO PLOTTABLE INFORMATION
- 12 Rights of others in and to the use of easements over Northeast Court for access purposes and rights of others in and to the use of water lines and water pipes as contained in Book 5875, page 675. (See Vesting Deed) BENEFITS SUBJECT SITE
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- 14 RESTRICTED covenant appearing of record in Book 5875, page 675. (See Vesting Deed) PLOTTED AND SHOWN

**Utility Notes**

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**Zoning Information**

According to the City Planning and Development Department (704)847-4411 on January 20, 2005, the subject property is zoned "C" Conditional District and is subject to the following conditions:

Zoning Classification: "C" Conditional District  
 City of Matthews

Permitted Use: Retail

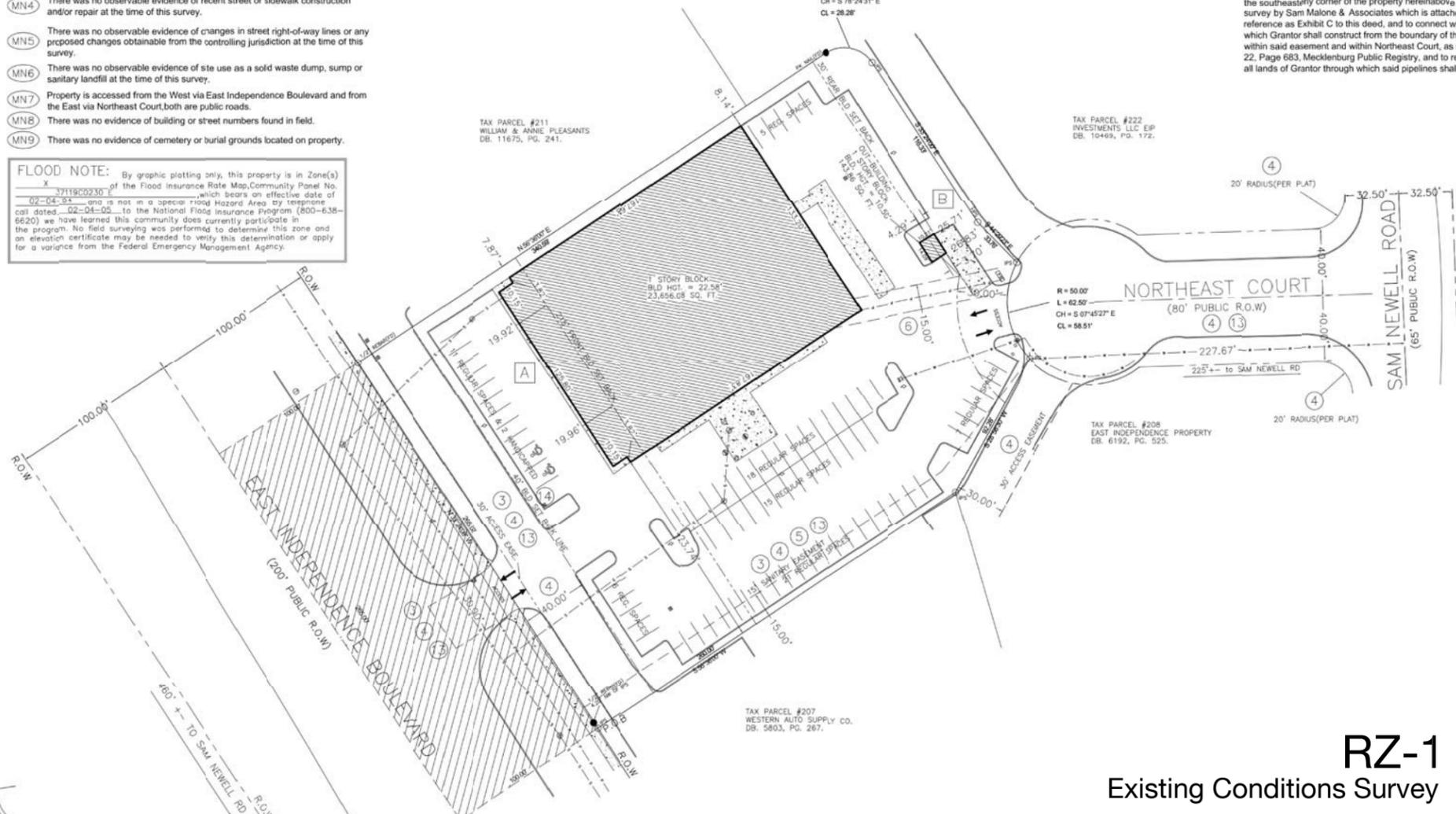
Front Setback: 215' from the centerline of East Independence Blvd  
 Rear Setback: 30'  
 Side Setback: 0'

Max. Building Height: Conditional  
 Max Gross Density (per acre): None

Parking Ratio: 2 spaces per bay, 1 space per employee on largest shift, 1 space per 200 sq. ft. + 1 space per 2 employee.

Required Parking Spaces: N/A  
 Onsite Parking Spaces: 83 Regular, 2 Handicap  
 REA Parking Spaces: 0  
 Total Parking Spaces: 85

Because there may be a need for interpretation of the applicable zoning codes, we refer you to the City of Matthews, and the applicable zoning codes.



**RZ-1**  
 Existing Conditions Survey



**SUPERSEDED**

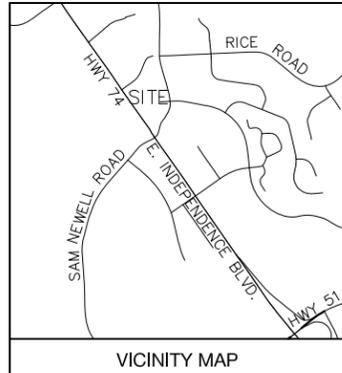
2014-617  
8-27-2014



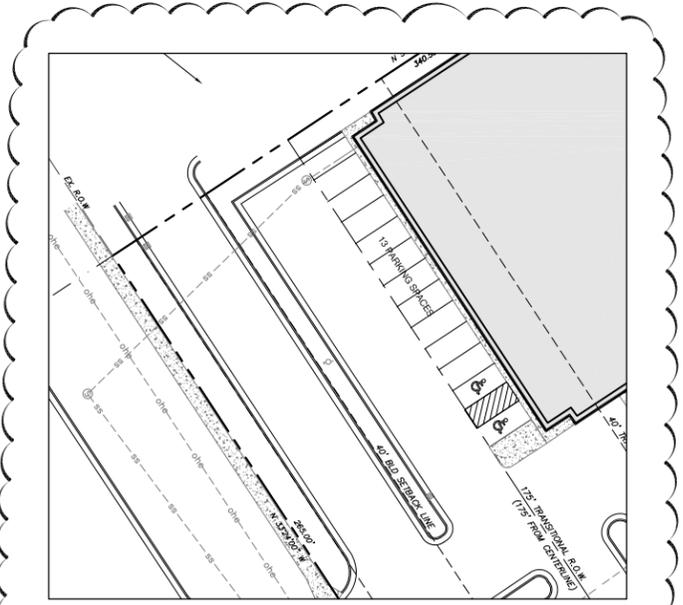
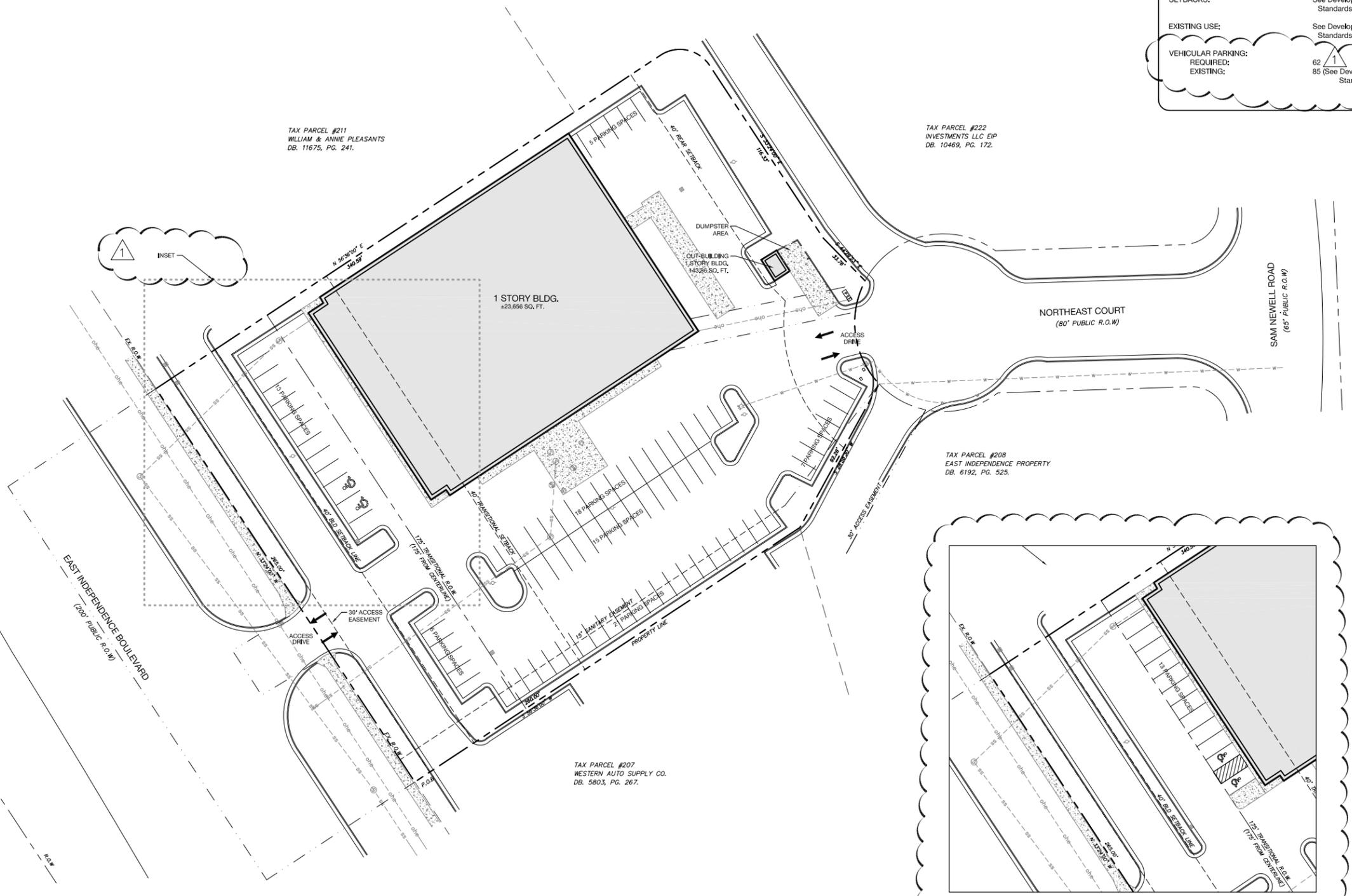
**URBAN  
DESIGN  
PARTNERS**

1318-46 central ave. # 704.334.2303  
charlotte, nc 28205 # 704.334.3305  
urbandesigpartners.com

DEVELOPMENT SUMMARY	
TAX PARCEL ID #:	19319206
TOTAL SITE AREA:	2.12 Acres
EXISTING ZONING:	C (Conditional)
PROPOSED ZONING:	B-H (CD)
SETBACKS:	See Development Standards
EXISTING USE:	See Development Standards
VEHICULAR PARKING: REQUIRED: EXISTING:	62 85 (See Development Standards)

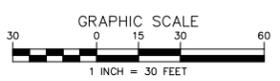


VICINITY MAP



INSET - ALTERNATE PARKING LAYOUT  
SCALE: 1"=30'

REZONING PETITION #2014-617



Pep Boys Auto

3111 West Allegheny Ave  
Philadelphia, PA 19132

Pep Boys Auto

Rezoning Site Plan  
9415 Independence Blvd., Matthews, North Carolina

NO.	DATE	BY:	REVISIONS:
1	08/27/14	UDP	FEE TOWN COMMENTS

Project No: 14-047  
 Date: July 2, 2014  
 Designed by: udp  
 Drawn By: udp  
 Scale: 1"=30'  
 Sheet No:

**RZ-2**

DEVELOPMENT STANDARDS

GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING APPLICATION FILED BY THE PEP BOYS-MANNY, MOE & JACK, INC. FOR AN APPROXIMATELY 2.12 ACRE SITE LOCATED ON THE EAST SIDE OF EAST INDEPENDENCE BOULEVARD AND AT THE TERMINUS OF NORTHEAST COURT, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE").
- B. THE DEVELOPMENT AND USE OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE (THE "ORDINANCE"). SUBJECT TO THE EXEMPTIONS FROM THE ORDINANCE REQUIREMENTS SET OUT IN THESE DEVELOPMENT STANDARDS AND ON THE REZONING PLAN PURSUANT TO SECTION 155.401.1(I) OF THE ORDINANCE, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE BUSINESS HIGHWAY (B-H) ZONING DISTRICT SHALL GOVERN THE USE AND DEVELOPMENT OF THE SITE.

BINDING EFFECT OF THE REZONING APPLICATION

IF THIS REZONING APPLICATION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT AND/OR USE OF THE SITE IMPOSED UNDER THIS REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF APPLICANT AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS, "APPLICANT" AND "OWNER" OR "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF APPLICANT OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

EXEMPTIONS PURSUANT TO SECTION 155.401.1(I) OF THE ORDINANCE

- 1 A. PURSUANT TO SECTION 155.401.1(I)(1)(C) OF THE ORDINANCE, THE AMOUNT OF REQUIRED PARKING SPACES ON THE SITE IS HEREBY REDUCED BY 15 PERCENT, AND THE SITE SHALL BE CONSIDERED TO BE IN CONFORMANCE WITH THE ORDINANCE.
- B. THE EXISTING BUILDING LOCATED ON THE SITE ENCLOSED 20 FEET INTO THE TRANSITIONAL SETBACK FROM EAST INDEPENDENCE BOULEVARD AS DEPICTED ON THE REZONING PLAN. HOWEVER, PURSUANT TO SECTION 155.401.1(I)(1)(A) OF THE ORDINANCE, THE EXISTING BUILDING AND THE SITE SHALL BE CONSIDERED TO BE IN CONFORMANCE WITH THE SETBACK REQUIREMENTS OF THE ORDINANCE.
- C. THE ACCESSORY STRUCTURE LOCATED AT THE REAR OF THE SITE ENCLOSED 15 FEET INTO THE SETBACK FROM NORTHEAST COURT AS DEPICTED ON THE REZONING PLAN. HOWEVER, PURSUANT TO SECTION 155.401.1(I)(1)(A) OF THE ORDINANCE, THE ACCESSORY STRUCTURE AND THE SITE SHALL BE CONSIDERED TO BE IN CONFORMANCE WITH THE SETBACK REQUIREMENTS OF THE ORDINANCE.
- D. TO THE EXTENT THAT THE SITE DOES NOT MEET THE LANDSCAPING REGULATIONS OF THE ORDINANCE, THE SITE WILL BE EXEMPT FROM THE INSTALLATION OF NEW LANDSCAPING TO MEET CURRENT STANDARDS PURSUANT TO SECTIONS 155.401.1(I)(1)(D) AND (E) OF THE ORDINANCE.

PERMITTED USES

THE SITE MAY BE DEVOTED TO ANY USE OR USES PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE B-H ZONING DISTRICT, AND TO ANY ACCESSORY USES ALLOWED IN THE B-H ZONING DISTRICT.

MAXIMUM FLOOR AREA

- A. THE TOTAL FLOOR AREA OF THE EXISTING BUILDING LOCATED ON THE SITE IS 23,700 SQUARE FEET.
- B. THE EXISTING BUILDING LOCATED ON THE SITE MAY BE EXPANDED PROVIDED, HOWEVER, THAT THE MAXIMUM TOTAL FLOOR AREA OF THE BUILDING LOCATED ON THE SITE MAY NOT EXCEED 26,200 SQUARE FEET, THE EXPANSION AREA OF THE BUILDING SHALL MEET THE APPLICABLE SETBACK, SIDE YARD AND REAR YARD REQUIREMENTS OF THE ORDINANCE, AND THE EXPANDED BUILDING AND THE USE OR USES LOCATED THEREIN MEET THE OFF-STREET PARKING REQUIREMENTS OF THE ORDINANCE (AS REDUCED BY 15 PERCENT AS PROVIDED HEREIN).

TRANSPORTATION AND PARKING

- A. VEHICULAR ACCESS INTO THE SITE SHALL BE LIMITED TO THE EXISTING ACCESS POINTS WHICH ARE GENERALLY DEPICTED ON THE REZONING PLAN.
- B. ANY USE OR USES LOCATED ON THE SITE SHALL BE REQUIRED TO MEET THE MINIMUM OFF-STREET PARKING REQUIREMENTS OF THE ORDINANCE, PROVIDED, HOWEVER, THAT THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES LOCATED ON THE SITE FOR ANY USE OR USES MAY BE REDUCED BY 15 PERCENT PURSUANT TO SECTION 155.401.1(I)(1)(C) OF THE ORDINANCE.
- C. REQUIRED PARKING MAY BE LOCATED WITHIN THE TRANSITIONAL SETBACK AND THE SETBACK AS DEPICTED ON THE REZONING PLAN.
- 1 D. IN THE EVENT THAT THE BUILDING LOCATED ON THE SITE IS EXPANDED AS PROVIDED ABOVE, ADDITIONAL PARKING SPACES MAY BE INSTALLED ON THE SITE AS DEPICTED ON THE ALTERNATIVE PARKING LAYOUT ON THE REZONING PLAN.

ARCHITECTURAL STANDARDS

RENOVATIONS OR ALTERATIONS TO THE EXTERIOR PORTIONS OF ANY BUILDING LOCATED ON THE SITE AND THE EXPANSION OF ANY BUILDING LOCATED ON THE SITE SHALL BE PERMITTED WITHOUT AN AMENDMENT TO THIS REZONING PLAN OR THE APPROVAL OF THE MATTHEWS BOARD OF COMMISSIONERS.

SIGNS

ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

**SUPERSEDED**

2014-617  
8-27-2014



URBAN  
DESIGN  
PARTNERS

1318-e6 central ave, # 704,334,3303  
charlotte, nc 28205 # 704,334,3305  
urbandesignpartners.com

Pep Boys Auto

3111 West Allegheny Ave  
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Pep Boys Auto

Development Standards and Notes  
9415 Independence Blvd., Matthews, North Carolina

NO.	DATE	BY	REVISIONS:
1	08/27/14	UDP	FEED TOWN COMMENTS

Project No: 14-047  
 Date: July 2, 2014  
 Designed by: udp  
 Drawn By: udp  
 Scale:  
 Sheet No:

**RZ-3**

REZONING PETITION #2014-617

**American National llc**  
3465 S. Arlington Rd, Suite E#183, Akron, OH 44312  
Phone and fax 330-294-1077, a-national.com

**Surveyor's Legal Description**

A tract of land containing 2.12 acres, more or less, situated within the City of Matthews, Mecklenburg County, Alabama, being more particularly described as follows:

Being part of Lot 5 (Map Book 22 at Page 683) of the Mecklenburg County Public Registry, beginning at an iron pin at the intersection of the East right-of-way margin of East Independence Boulevard and the south line of Lot 5 said point being the TRUE POINT OF BEGINNING; thence run along the East right-of-way margin of said East Independence Boulevard, N 33° 24'00" W for a distance of 265.00 feet to an iron pin at the intersection of the East right-of-way margin of East Independence Boulevard and the North line of Lot 5; thence leaving said East right-of-way margin of East Independence Boulevard, run N 56° 36'00" E for a distance of 340.59 feet to an iron pin, said iron pin being the P.C. of a curve to the Right, having a radius of 20.00' and an arc distance of 31.42 feet; thence along said curve to the Right a chord bearing of S 78° 24'31" E and a chord distance of 28.28 feet to an iron pin; thence run S 33° 24'00" E for a distance of 116.33 feet to an iron pin; thence run S 44° 29'23" E for a distance of 33.76 feet to an iron pin on the West right-of-way margin of Northeast Court, said iron pin being the P.C. of a curve to the Left, having a radius of 50 feet and an arc distance of 62.50 feet; thence along said curve to the Left a chord bearing of S 07° 45'27" E and a chord distance of 58.51 feet to an iron pin; thence leaving said West right-of-way margin of Northeast Court, run S 28° 58'30" W for a distance of 92.28 feet to an iron pin; thence run S 56° 36'00" W for a distance of 260.00 feet to a point and back to the TRUE POINT OF BEGINNING.

Being all of Lot 5 as shown on the map of East Pointe, which is recorded in Map Book 22 at Page 683 of the Mecklenburg County Public Registry, together with a parcel of land lying adjacent and contiguous to the southwestern boundary of said Lot 5, and measuring 265.0 feet in length by 100.0 feet in width, and lying wholly within the right-of-way of U.S. Highway 74.

TOGETHER WITH CERTAIN EASEMENTS for ingress, egress and regress to the above described property and for utility services to be furnished to the property, said easements to be appurtenant to the property herein described and conveyed, and to run with the land, and to be used in common by Grantor, its successors and assigns, and Grantee, its successors and assigns, and all such other parties as are now, or may hereafter become, lawfully entitled to the use of the same. Said easements are more particularly described as follows:

1. An easement in, over, across and upon the street to be known as Northeast Court, to extend from the property line which is the sixth call in the description of the property hereinabove described and conveyed, as set forth on Exhibit A, in a generally eastward direction, to Sam Newell Road; and together with the right to construct and establish a curb cut of such width, and at such location, as Grantee may elect, within the said line which constitutes the sixth call of the description set forth on Exhibit A.
2. An easement for the purpose of placing and maintaining one or more underground water pipelines to serve the above described property, with diameters of up to 8 inches, the same to be located wholly or partly within that certain 30 foot access easement which is located adjacent to the southeasterly corner of the property hereinabove described and conveyed, as shown on the survey by Sam Malone & Associates which is attached hereto and incorporated herein by reference as Exhibit C to this deed, and to connect with an 8 inch underground water pipeline which Grantor shall construct from the boundary of the property herein conveyed and described, within said easement and within Northeast Court, as shown on the map recorded in Map Book 22, Page 683, Mecklenburg Public Registry, and to receive water through such pipelines across all lands of Grantor through which said pipelines shall be constructed.

Containing 92,318.30 sq. ft. or 2.12 acres more or less.

Notes: All field measurements matched record dimensions (Vesting Deed as recorded in Deed Book 5875, Page 675 on file in the Probate Office of Mecklenburg County, North Carolina.) within the precision requirements of ALTA/ACSM specifications unless otherwise shown.

The property shown and described herein is the same property as described in the Title Commitment No. 04-PHI-5083GD of Fidelity National Title Insurance Company bearing an effective date of December 22, 2004.

**ALTA/ACSM Land Title Survey**

**Pep Boys - NC**

Independence Blvd  
0150  
9415 E. Independence Blvd.  
Matthews, NC  
County of Mecklenburg

Surveyor's Certification

To: Fidelity National Title Insurance Company; The Pep Boys; and American National, llc

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Date of Survey: January 19, 2005  
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Network Project No. 20040090-3  
Surveyor's Job #: 95052  
Prepared By: BLK

Survey Prepared By:  
Harvel & Associates, Inc.  
2025 Danville Park Drive SW, Suite 6  
Decatur, AL 35603  
Phone: (866) 353-8383  
Fax: (866) 353-8471  
Email: dharvel@harvel-associates.com



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**Notes Corresponding to Schedule B**

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**Zoning Information**

According to the City Planning and Development Department (704)847-4411 on January 20, 2005, the subject property is zoned "C" Conditional District and is subject to the following conditions:

Zoning Classification: "C" Conditional District  
City of Matthews

Permitted Use: Retail

Front Setback: 215' from the centerline of East Independence Blvd  
Rear Setback: 30'  
Side Setback: 0'

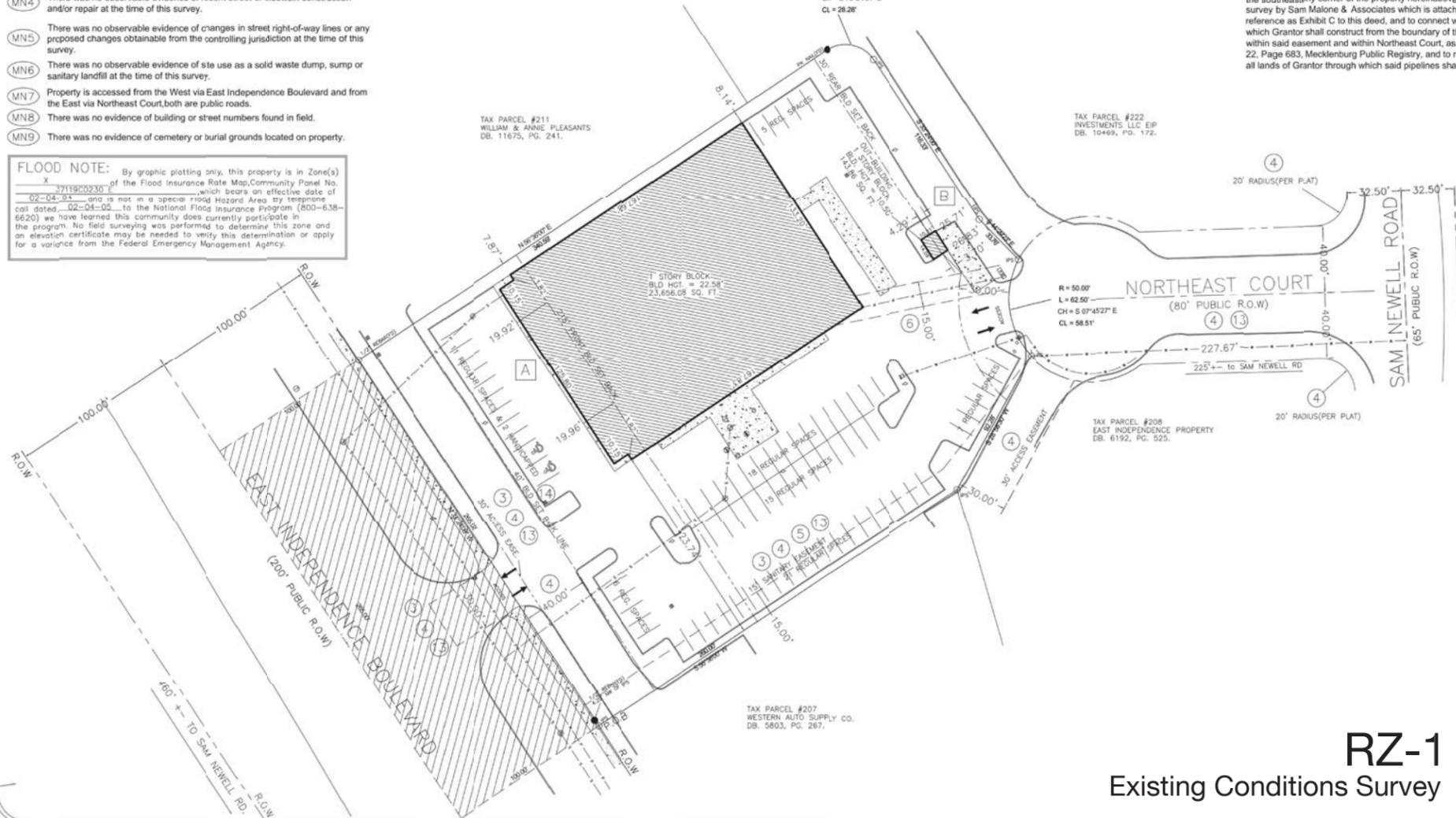
Max. Building Height: Conditional

Max Gross Density (per acre): None

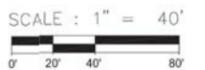
Parking Ratio: 2 spaces per bay, 1 space per employee on largest shift, 1 space per 200 sq. ft. + 1 space per 2 employees.

Required Parking Spaces: N/A  
Onsite Parking Spaces: 83 Regular, 2 Handicap  
REAR Parking Spaces: 0  
Total Parking Spaces: 85

Because there may be a need for interpretation of the applicable zoning codes, we refer you to the City of Matthews, and the applicable zoning codes.



**RZ-1**  
Existing Conditions Survey







DEVELOPMENT STANDARDS

GENERAL PROVISIONS

- A. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Application filed by The Pep Boys-Manny, Moe & Jack, Inc. for an approximately 2.12 acre site located on the east side of East Independence Boulevard and at the terminus of Northeast Court, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site").
- B. The development and use of the Site will be governed by the Rezoning Plan, these Development Standards and the applicable provisions of the Town of Matthews Unified Development Ordinance (the "Ordinance"). Subject to the exemptions from the Ordinance requirements set out in these Development Standards and on the Rezoning Plan pursuant to Section 155.401.1(f) of the Ordinance, the regulations established under the Ordinance for the Business Highway (B-H) zoning district shall govern the use and development of the Site.

BINDING EFFECT OF THE REZONING APPLICATION

If this Rezoning Application is approved, all conditions applicable to the development and/or use of the Site imposed under this Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and inure to the benefit of Applicant and the current and subsequent owners of the Site and their respective successors in interest and assigns. Throughout these Development Standards, the terms, "Applicant" and "owner" or "owners" shall be deemed to include the heirs, devisees, personal representatives, successors in interest and assigns of Applicant or the owner or owners of the Site from time to time who may be involved in any future development thereof.

EXEMPTIONS PURSUANT TO SECTION 155.401.1(f) OF THE ORDINANCE

- A. The number of required off-street parking spaces for the current use of the Site is 96 parking spaces as provided in the Parking Summary. However, pursuant to Section 155.401.1(f)(1)(c) of the Ordinance, the amount of required parking spaces on the Site is hereby reduced by 15 percent from 96 parking spaces to 82 parking spaces, and the Site shall be considered to be in conformance with the Ordinance.
- B. The existing building located on the Site encroaches 20 feet into the transitional setback from East Independence Boulevard as depicted on the Rezoning Plan. However, pursuant to Section 155.401.1(f)(1)(a) of the Ordinance, the existing building and the Site shall be considered to be in conformance with the setback requirements of the Ordinance.
- C. The accessory structure located at the rear of the Site encroaches 15 feet into the setback from Northeast Court as depicted on the Rezoning Plan. However, pursuant to Section 155.401.1(f)(1)(a) of the Ordinance, the accessory structure and the Site shall be considered to be in conformance with the setback requirements of the Ordinance.
- D. To the extent that the Site does not meet the landscaping regulations of the Ordinance, the Site will be exempt from the installation of new landscaping to meet current standards pursuant to Sections 155.401.1(f)(1)(d) and (e) of the Ordinance.

PERMITTED USES

The Site may be devoted to any use or uses permitted by right or under prescribed conditions in the B-H zoning district, and to any accessory uses allowed in the B-H zoning district.

MAXIMUM FLOOR AREA

- A. The total floor area of the existing building located on the Site is 23,700 square feet.
- B. The existing building located on the Site may be expanded provided, however, that the maximum total floor area of the building located on the Site may not exceed 26,200 square feet, the expansion area of the building shall meet the applicable setback, side yard and rear yard requirements of the Ordinance, and the expanded building and the use or uses located therein meet the off-street parking requirements of the Ordinance (as reduced by 15 percent as provided herein).

TRANSPORTATION AND PARKING

- A. Vehicular access into the Site shall be limited to the existing access points which are generally depicted on the Rezoning Plan.
- B. Any use or uses located on the Site shall be required to meet the minimum off-street parking requirements of the Ordinance, provided, however, that the required number of off-street parking spaces located on the Site for any use or uses may be reduced by 15 percent pursuant to Section 155.401.1(f)(1)(c) of the Ordinance.
- C. Required parking may be located within the transitional setback and the setback as depicted on the Rezoning Plan.

ARCHITECTURAL STANDARDS

Renovations or alterations to the exterior portions of any building located on the Site and the expansion of any building located on the Site shall be permitted without an amendment to this Rezoning Plan or the approval of the Matthews Board of Commissioners.

SIGNS

All signs installed on the Site shall comply with the requirements of the Ordinance.

Pep Boys Auto

3111 West Allegheny Ave  
Philadelphia, PA 19132

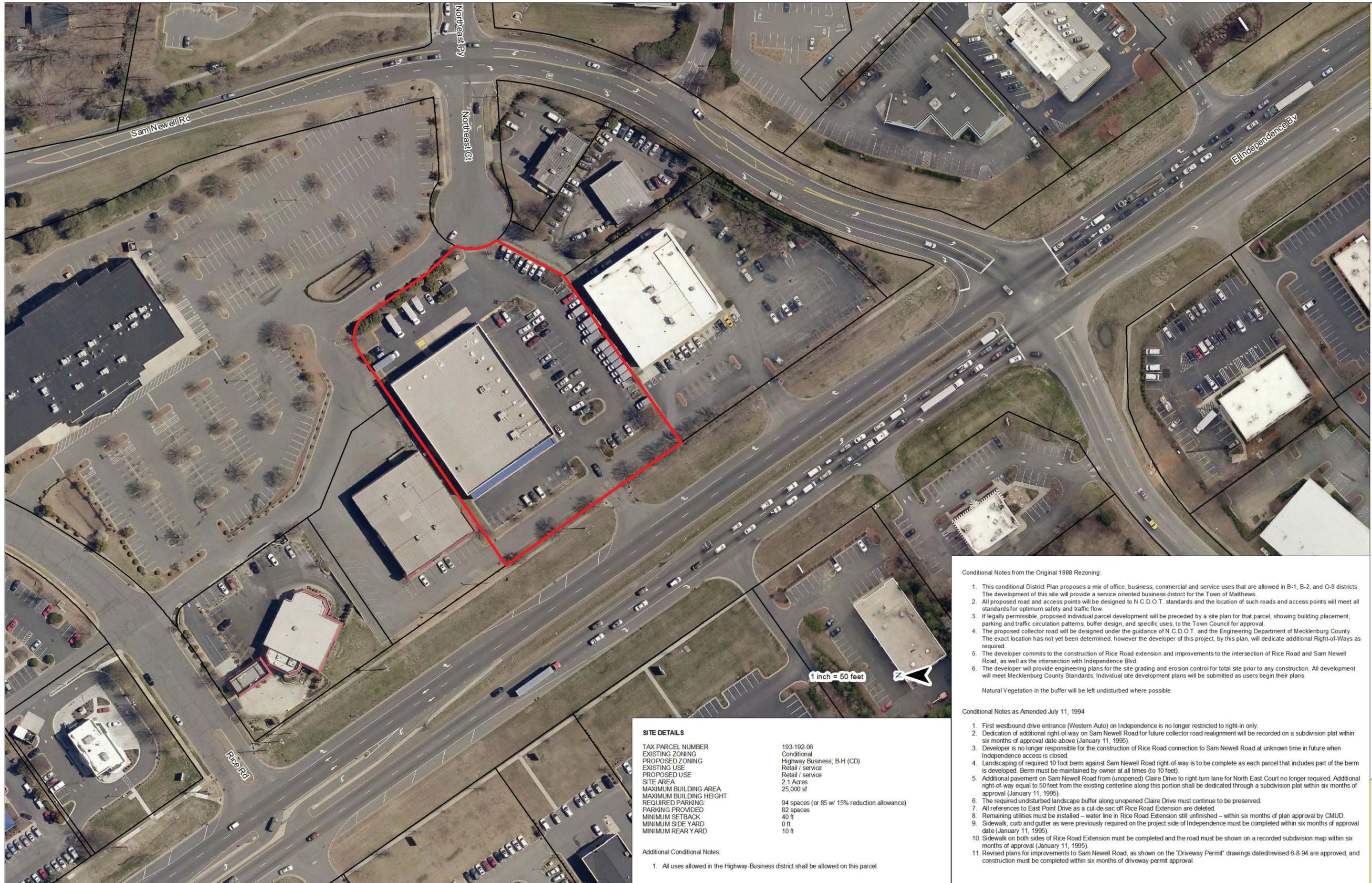
Pep Boys Auto

Development Standards and Notes  
9415 Independence Blvd., Matthews, North Carolina

NO. DATE BY: REVISIONS:

Project No: 14-047  
Date: July 2, 2014  
Designed by: udp  
Drawn By: udp  
Scale:  
Sheet No:

**RZ-3**



2014-617

PEP BOYS - 9415 EAST INDEPENDENCE BLVD

2014-617

**SITE DETAILS**

TAX PARCEL NUMBER	193-192-06
EXISTING ZONING	Conditional
PROPOSED ZONING	Highway Business, B-H (CD)
EXISTING USE	Retail / service
PROPOSED USE	Retail / service
SITE AREA	2.1 Acres
MAXIMUM BUILDING AREA	25,000 sf
MAXIMUM BUILDING HEIGHT	94 spaces (or 85 w/ 15% reduction allowance)
REQUIRED PARKING	82 spaces
PARKING PROVIDED	40 ft
MINIMUM SETBACK	0 ft
MINIMUM SIDE YARD	0 ft
MINIMUM REAR YARD	10 ft

**Additional Conditional Notes:**

1. All uses allowed in the Highway-Business district shall be allowed on this parcel.

**Conditional Notes from the Original 1988 Rezoning:**

1. This conditional District Plan proposes a mix of office, business, commercial and service uses that are allowed in B-1, B-2, and O-9 districts. The development of this site will provide a service oriented business district for the Town of Matthews.
2. All proposed road and access points will be designed to N.C.D.O.T. standards and the location of such roads and access points will meet all standards for optimum safety and traffic flow.
3. If legally permissible, proposed individual parcel development will be preceded by a site plan for that parcel, showing building placement, parking and traffic circulation patterns, buffer design, and specific uses, to the Town Council for approval.
4. The proposed collector road will be designed under the guidance of N.C.D.O.T. and the Engineering Department of Mecklenburg County. The exact location has not yet been determined, however the developer of this project, by this plan, will dedicate additional Right-of-Ways as required.
5. The developer commits to the construction of Rice Road extension and improvements to the intersection of Rice Road and Sam Newell Road, as well as the intersection with Independence Blvd.
6. The developer will provide engineering plans for the site grading and erosion control for total site prior to any construction. All development will meet Mecklenburg County Standards. Individual site development plans will be submitted as users begin their plans.

Natural Vegetation in the buffer will be left undisturbed where possible.

**Conditional Notes as Amended July 11, 1994**

1. First westbound drive entrance (Western Auto) on Independence is no longer restricted to right-in only.
2. Dedication of additional right-of-way on Sam Newell Road for future collector road realignment will be recorded on a subdivision plat within six months of approval date above (January 11, 1995).
3. Developer is no longer responsible for the construction of Rice Road connection to Sam Newell Road at unknown time in future when Independence access is closed.
4. Landscaping of required 10 foot berm against Sam Newell Road right-of-way is to be complete as each parcel that includes part of the berm is developed. Berm must be maintained by owner at all times (to 10 feet).
5. Additional pavement on Sam Newell Road from (unopened) Claire Drive to right-turn lane for North East Court no longer required. Additional right-of-way equal to 50 feet from the existing centerline along this portion shall be dedicated through a subdivision plat within six months of approval (January 11, 1995).
6. The required undisturbed landscape buffer along unopened Claire Drive must continue to be preserved.
7. All references to East Point Drive as a cul-de-sac off Rice Road Extension are deleted.
8. Remaining utilities must be installed - water line in Rice Road Extension still unfinished - within six months of plan approval by CMUD.
9. Sidewalk, curb and gutter as were previously required on the project side of Independence must be completed within six months of approval date (January 11, 1995).
10. Sidewalk on both sides of Rice Road Extension must be completed and the road must be shown on a recorded subdivision map within six months of approval (January 11, 1995).
11. Revised plans for improvements to Sam Newell Road, as shown on the "Driveway Permit" drawings dated/revised 6-8-94 are approved, and construction must be completed within six months of driveway permit approval.

July 2, 2014

**VIA HAND DELIVERY**

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

Re: Rezoning Application filed by The Pep Boys-Manny, Moe & Jack, Inc. to Rezone an Approximately 2.12 Acre Site Located on the East Side of East Independence Boulevard and at the Terminus of Northeast Court from the Conditional Zoning District to the B-H (CD) Zoning District (Tax Parcel No. 193-192-06)

Dear Kathi:

I hope this letter finds you well.

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 (the "Instructions"). As you are aware, Paragraph 13 of the Instructions requires the Applicant to submit documentation regarding the land use recommendations for the rezoning site as set out in adopted land use plans and a statement as to how this rezoning proposal complies with such recommendations.

The rezoning site is currently zoned Conditional. Pursuant to this Rezoning Application, the Applicant is requesting that the 2.12 acre rezoning site be rezoned from the Conditional zoning district to the B-H (CD) zoning district to allow it to re-brand its existing store by installing new signage on its building, and to remove the rezoning site from an outdated zoning district and place it in the current B-H (CD) zoning district. The Applicant is not seeking to intensify the development of the rezoning site, other than to allow a potential 2,500 square foot increase in the floor area in the future. The rezoning site would continue to be utilized for a retail/service business, namely, an auto service facility.

The rezoning site is located within an existing commercial development on an existing commercial corridor, East Independence Boulevard. The Town of Matthews Land Use Plan 2012-2022 (the "Plan") does not appear to make any specific land use recommendations for the rezoning site. However, the Plan does appear to recognize the existing commercial land uses along the relevant portions of East Independence Boulevard and the commercial land use of the rezoning site.

Since this Rezoning Application does not seek to change the land use of the rezoning site and will maintain its existing commercial land use, and since the primary purposes of this rezoning request are to allow the Applicant to re-brand its existing store by installing new signage on its building and to update the zoning designation for the rezoning site to the current

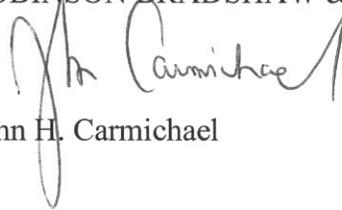
5300353v1 24040.00011

B-H (CD) zoning district, the Applicant respectfully submits that the proposed rezoning request is consistent with the Plan and supportive of the Town of Matthews' land use policies.

The Applicant and I look forward to working with you on this rezoning request. Should you have any questions or comments, please do not hesitate to call me.

Sincerely,

ROBINSON BRADSHAW & HINSON, P.A.



John H. Carmichael

JHC1/lh

July 2, 2014

**VIA HAND DELIVERY**

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

Re: Rezoning Application filed by The Pep Boys-Manny, Moe & Jack, Inc. to Rezone an Approximately 2.12 Acre Site Located on the East Side of East Independence Boulevard and at the Terminus of Northeast Court from the Conditional Zoning District to the B-H (CD) Zoning District (Tax Parcel No. 193-192-06)

Dear Kathi:

I hope this letter finds you well.

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, The Pep Boys-Manny, Moe & Jack, Inc., a waiver of the required traffic study. In support of this request, I respectfully submit the following for consideration.

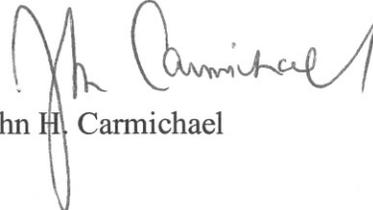
Pursuant to this rezoning request, the Applicant seeks to rezone the site to allow it to re-brand its existing store by installing new signage on its building, and to rezone the site from the outdated Conditional zoning district to the current B-H (CD) zoning district. The Applicant does not seek to intensify the development of the site, other than to allow a potential 2,500 square foot increase in the floor area in the future.

The additional vehicular trips that would be generated by a 2,500 square foot expansion 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.



John H. Carmichael

JHC1/lh

5298727v1 24040.00011



DATE FILED <u>7-2-14</u>
APPLICATION NUMBER <u>2014-617</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.

Tax parcel number(s): 193-192-06

Address of property: 9415 East Independence Boulevard

Location of property: Between East Independence Boulevard and Northeast Court

Title to the property was acquired on October 3, 1988

and was recorded in the name of The Pep Boys-Manny, Moe & Jack, Inc.

whose mailing address is 3111 West Allegheny Avenue, Philadelphia, Pennsylvania 19132

The deed is recorded in Book 5875 and Page 0675 in the office of the Register of Deeds for Mecklenburg County.

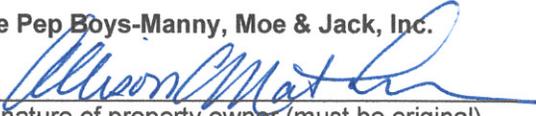
Present zoning classification: Conditional Requested zoning classification: B-H (CD)

Application number  
*2014-617*  
For office use only

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

The property owner and applicant is re-branding its stores, and a purpose of the rezoning request is to accommodate new signage and changes to the building elevations. An additional purpose of this rezoning request is to rezone the site from the outdated Conditional zoning district to the B-H (CD) zoning district.

**The Pep Boys-Manny, Moe & Jack, Inc.**

By:   
Signature of property owner (must be original)

Signature of property owner (must be original)

The Pep Boys-Manny, Moe & Jack, Inc.

Print name of property owner

Print name of property owner

c/o Allison C. Mathern, P.E.

Property owner's mailing address

Property owner's mailing address

3111 West Allegheny Avenue

Property owner's mailing address, continued

Property owner's mailing address, continued

Philadelphia, PA 19132

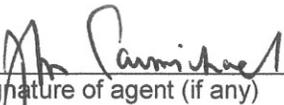
Property owner's mailing address, continued

Property owner's mailing address, continued

215-430-9667 Allison\_Mathern@pepboys.com

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)

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

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

2014-617  
For office use only

2014-617

7-3-2014

See Exhibit A Attached Hereto

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

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OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

Listing of Property Owners within 100 feet

Tax Parcel Number 193-221-12

CMC Acquisition Company A LLC  
c/o Dave E. Parsons  
6600 AAA Drive  
Charlotte, NC 28212

Tax Parcel Number 193-221-13

OHM Hotels Matthews LLC  
Attn: Alkesh Patel  
1348 Matthews Township Py  
Suite 200  
Matthews, NC 28105

Tax Parcel Number 193-221-06

Realty Income Corporation  
PO Box 460069  
Escondido, CA 92046-0069

Tax Parcel Number 193-192-07

Western Auto Supply Co  
%Advance Auto Parts  
PO Box 2710  
Roanoke, VA 24001

Tax Parcel Number 193-192-08

East Independence Prop  
c/o Dr. Fletcher Keith  
4010 Triangle Drive  
Charlotte, NC 28208

Tax Parcel Number 193-192-10

Oh Sean  
Tae Kyu Park  
3216 Old Monroe Road  
Stallings, NC 28104

Tax Parcel Number 193-192-22

EIP Investments LLC  
4010 Triangle Drive  
Charlotte, NC 28208

Tax Parcel Number 193-192-11

Pleasants Holdings I LLC  
PO Box 18624  
Charlotte, NC 28218

Application number  
*2014-617*  
For office use only

**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 July 2, 2014

Town Board of Commissioners formally accepts application and sets Public Hearing date July 14, 2014

Notices sent via mail to affected/adjacent property owners on or before August 25, 2014

Protest petition filed with Planning Department by 5:00 pm on September 3, 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 September 8, 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 September 23, 2014

Town Board of Commissioners approves or denies application October 13, 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.

# Polaris 3G Map – Mecklenburg County, North Carolina

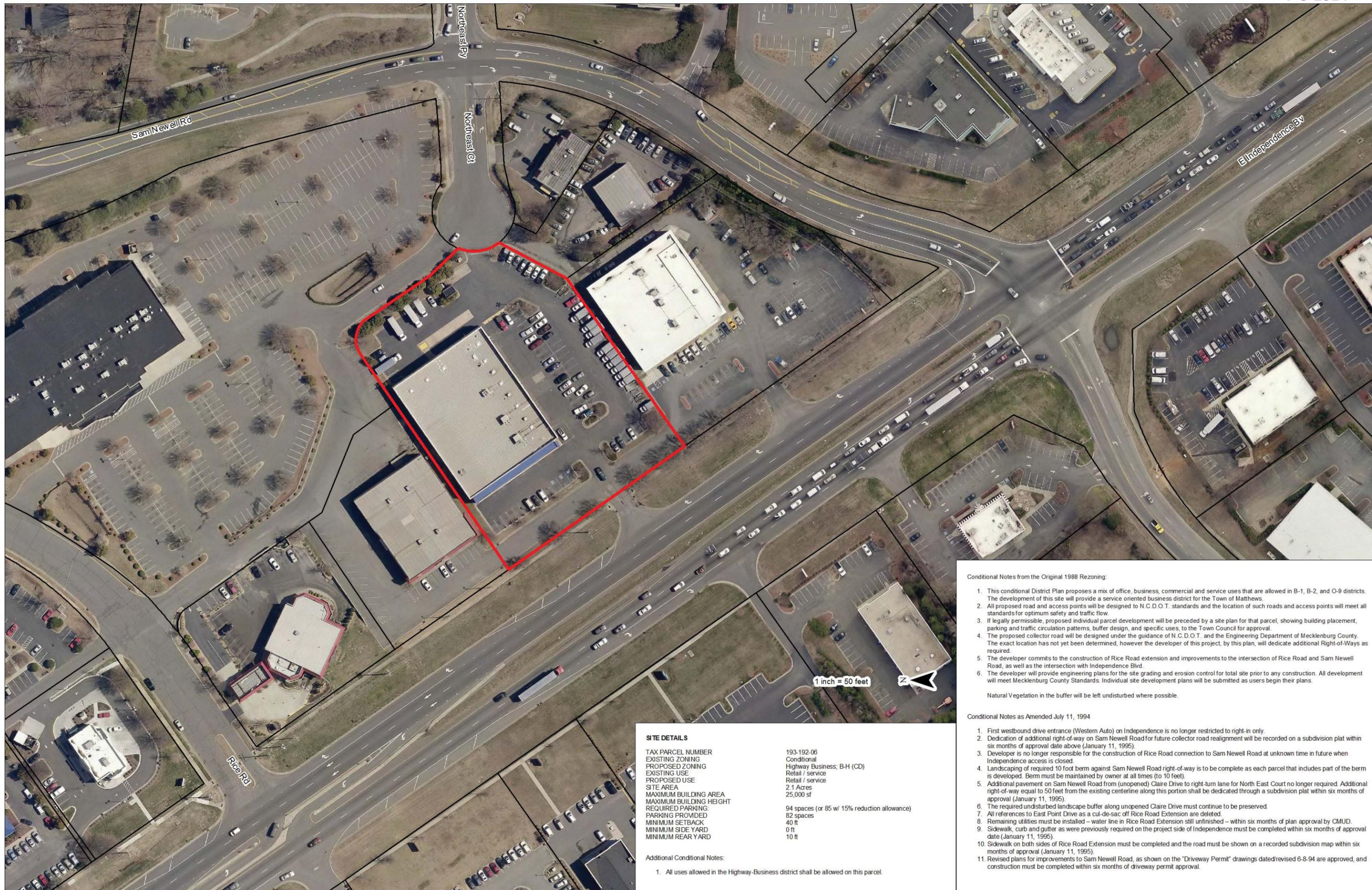
## Rezoning Site

2014-617  
7-3-2014

Date Printed: 7/2/2014 9:33:04 AM



This map or report 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 or report 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.



2014-617

PEP BOYS - 9415 EAST INDEPENDENCE BLVD

2014-617

SITE DETAILS	
TAX PARCEL NUMBER	193-192-06
EXISTING ZONING	Conditional
PROPOSED ZONING	Highway Business, B-H (CD)
EXISTING USE	Retail / service
PROPOSED USE	Retail / service
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MAXIMUM BUILDING HEIGHT	94 spaces (or 85 w/ 15% reduction allowance)
REQUIRED PARKING	82 spaces
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MINIMUM SETBACK	0 ft
MINIMUM SIDE YARD	0 ft
MINIMUM REAR YARD	10 ft

Additional Conditional Notes:

- All uses allowed in the Highway-Business district shall be allowed on this parcel.

- Conditional Notes from the Original 1988 Rezoning:
- This conditional District Plan proposes a mix of office, business, commercial and service uses that are allowed in B-1, B-2, and O-9 districts. The development of this site will provide a service oriented business district for the Town of Matthews.
  - All proposed road and access points will be designed to N.C.D.O.T. standards and the location of such roads and access points will meet all standards for optimum safety and traffic flow.
  - If legally permissible, proposed individual parcel development will be preceded by a site plan for that parcel, showing building placement, parking and traffic circulation patterns, buffer design, and specific uses, to the Town Council for approval.
  - The proposed collector road will be designed under the guidance of N.C.D.O.T. and the Engineering Department of Mecklenburg County. The exact location has not yet been determined, however the developer of this project, by this plan, will dedicate additional Right-of-Ways as required.
  - The developer commits to the construction of Rice Road extension and improvements to the intersection of Rice Road and Sam Newell Road, as well as the intersection with Independence Blvd.
  - The developer will provide engineering plans for the site grading and erosion control for total site prior to any construction. All development will meet Mecklenburg County Standards. Individual site development plans will be submitted as users begin their plans.
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