GENERAL PROVISIONS

A. THESE DEVELOPMENT STANDARDS APPLY TO ALL DEVELOPMENT ASSOCIATED WITH THE DEVELOPMENT SITE, AS DEFINED IN SECTION 1.1 OF THE ZONING ORDINANCE.

B. THE EFFECT OF THE DENIAL OF AN APPLICATION FOR DEVELOPMENT OR THE GRANT OF A VARIANCE TO THESE STANDARDS ON THE DEVELOPMENT SITE SHALL NOT AFFECT THE DEVELOPMENT OF ANY OTHER PROPERTY OWNED BY THE SAME PERSON OR ENTITY.

EXCEPTIONS PURSUANT TO SECTION 1.1(A)(1) OF THE ZONING ORDINANCE

A. PURSUANT TO SECTION 1.1(A)(1) OF THE ZONING ORDINANCE, THE AMOUNT OF REQUIRED PARKING SPACES ON THE SITE IS MANDATORY AND IS TO BE CONSIDERED AS A REQUIREMENT OF THE SITE.

B. THE EXISTING BUILDING LOCATED ON THE SITE ENCROACHES 20 FEET INTO THE TRANSITIONAL SETBACK FROM THE REAR SHEDLINE AS DEPICTED ON THE REZoning PLAN. THIS EXISTING BUILDING ENCROACHES INTO THE REZoning PLAN, WHICH IS REQUIRED TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE.

C. THE ACCESSORY STRUCTURE LOCATED AT THE REAR OF THE SITE ENCROACHES TO THE NORTHEAST FROM THE TRANSITIONAL SETBACK AS DEMONSTRATED ON THE REZoning PLAN. THIS STRUCTURE ENCROACHES INTO THE REZoning PLAN, WHICH IS REQUIRED TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE.

D. TO THE EXTENT THAT THE SITE DOES NOT MEET THE LANDSCAPING REQUIREMENTS OF THE ZONING ORDINANCE, THE SITE WILL BE CONSIDERED FROM THE ZONING BOARD OF REVIEW TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCE.

PERMITTED USES

THE SITE MAY BE DIVIDED INTO ANY USES OR USES PERMITTED BY RIGHT OR UNDER PROFESSIONAL CONDITIONS IN THE ZONING DISTRICT, AS TO ANY OTHER USES PERMITTED BY THE ZONING DISTRICT.

MAXIMUM FLOOR AREA

A. THE TOTAL MINIMUM GROSS FLOOR AREA ALLOWED ON THE SITE SHALL NOT EXCEED 20% OF THE TOTAL BUILDING AREA PERMITTED ON THE SITE.

TRANSPORTATION FACILITIES

A. 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 OF LAND LOCATED ON THE SITE SHALL BE SUBJECT TO MEET THE MINIMUM DEVELOPMENT REQUIREMENTS OF THE ZONING ORDINANCE. HOWEVER, THOSE REQUIREMENTS MAY BE MODIFIED OR REPEATED ON THE SITE FOR EASE OF ACCESS TO THE INCOME DAYS OF THE ZONING ORDINANCE.

C. REQUIRED PARKING MAY BE LOCATED WITHIN THE TRANSITIONAL SETBACK AND THE SITE AS DEPICTED ON THE REZoning PLAN.

ARCHITECTURAL STANDARDS

RENOVATIONS OR ALTERATIONS TO THE EXISTING BUILDINGS ON ANY HOUSING UNIT LOCATED ON THE SITE SHALL BE APPROVED WITHOUT ANY ADDITIONAL PERMITS OR PERMISSIONS FOR ALTERATIONS OR REPAIRS AS DEPICTED ON THE APPROVAL OF THE PLANNING BOARD OF REVIEW.

REZONING PETITION #2014-617

CURRENT

2014-617
10-9-2014

U R B A N D E S I G N
P A R T N E R S

Development Standards and Notes

RZ-3
REZONING PETITION #2014-617
Rezoning Site Plan RZ-2

DEVELOPMENT SUMMARY

| TAX PARCEL ID: 19319206 |
| TOTAL SITE AREA: 2.12 Acres |
| EXISTING ZONING: C (Conditional) |
| PROPOSED ZONING: B-H (CD) |
| EXISTING USE: See Development Standards |
| VEHICULAR PARKING: |
| REQUIRED: 96 |
| PROPOSED: 85 (See Development Standards) |

PROJECT No: 14-047

Designed by: urbandesignpartners.com

Scale: 1" = 30'

July 2, 2014

Pep Boys Auto
3111 West Allegheny Ave
Philadelphia, PA 19132

SUPERSEDED 2014-617
7-3-2014
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. 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(I)(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(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 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 maximum 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 and the expansion of any building located on the Site shall be permitted subject to 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.
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
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 rebrand 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.

[Signature]

John H. Carmichael

JHC1/lh

5298727v1 24040.00011
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:

   X   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)
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]

Signature of property owner (must be original)

The Pep Boys-Manny, Moe & Jack, Inc.
Print name of property owner

c/o Allison C. Mathern, P.E.
Property owner’s mailing address

3111 West Allegheny Avenue
Property owner’s mailing address, continued

Philadelphia, PA 19132
Property owner’s mailing address, continued

215-430-9667 Allison_Mathern@pepboys.com
Property owner’s phone number/email address

[Signature]

Signature of agent (if any)

John Carmichael, Robinson Bradshaw
Print name of agent

101 North Tryon Street, Suite 1900
Agent’s mailing address

Charlotte, NC 28246
Agent’s mailing address, continued

Agent’s mailing address, continued

704-377-8341 jcarmichael@rbh.com
Agent’s phone number/email address

Petitioner other than owner (if any)

[Signature]

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."

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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
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.