October 1, 2014

VIA HAND DELIVERY

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

Re: Rezoning Application filed by Justin Karas to Rezone a Site located at the Southeast corner of the intersection of E. Independence Boulevard and Sam Newell Road from the Conditional Zoning District to the B-1 (CD) Zoning District (Tax Parcel No. 193-303-12)

Dear Kathi:

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 1.1 acre rezoning site be rezoned from the Conditional zoning district to the B-1 (CD) zoning district to allow it to renovate the existing building, add parking spaces, install new signage, and to remove the rezoning site from an outdated zoning district and place it in the current B-1 (CD) zoning district. The Applicant is not seeking to intensify the development of the rezoning site, other than to allow a potential 1,000 square foot increase in the floor area. The rezoning site would continue to be utilized for a retail/service businesses, namely, a restaurant (without drive through service) and retail sales.

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 renovate the existing building, add parking spaces, install new signage on the building, and to update the zoning designation for the rezoning site to the current B-1 (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.

Very truly yours,

[Signature]

Collin W. Brown
October 1, 2014

Collin W. Brown
collin.brown@klgates.com
T +1 704.331.7531
F +1 704.353.3231

VIA HAND DELIVERY

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

Re: Rezoning Application filed by Justin Karas to Rezone a Site located at the Southeast corner of the intersection of E. Independence Boulevard and Sam Newell Road from the Conditional Zoning District to the B-1 (CD) Zoning District (Tax Parcel No. 193-303-12)

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 Petitioner, Justin Karas, 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 Petitioner seeks to rezone the site to allow it to renovate the existing building, add parking spaces, install new signage on the building, and to rezone the site from the outdated Conditional zoning district to the current B-1 (CD) zoning district. The Petitioner does not seek to intensify the development of the site, other than to allow a potential 1,000 square foot increase in the floor area in the future.

The additional vehicular trips that would be generated by a 1,000 square foot expansion in floor area are not sufficient to warrant the preparation and submission of a traffic study in the Petitioner’s view.

On behalf of the Petitioner, we appreciate your consideration of this request.

Very truly yours,

Collin W. Brown
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): 193-303-12

Address of property: 9803 E. Independence Boulevard, Matthews

Location of property:
Southwest corner of the intersection of E. Independence Blvd. and Sam Newell Road.

Title to the property was acquired on 3-15-1994
and was recorded in the name of Michael and Julia Todd
whose mailing address is 17900 Culross Lane, Charlotte, NC 28278

The deed is recorded in Book 07702 and Page 772, in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: Conditional
Requested zoning classification: B-1 (CD)
List reason(s) why zoning should be changed (use separate sheet if necessary):

The reasoning will allow the building architecture and signage to be updated. Additionally, Petitioner seeks to add on-site parking in order to accommodate a restaurant use. These changes will allow the site to be redeveloped and returned to viable use.

Michael Eugene Todd
Signature of property owner (must be original)

Print name of property owner
17900 Culross Lane

Property owner's mailing address
Charlotte, NC 28278

Property owner's mailing address, continued

Property owner's phone number/email address
704-583-2826
jtodd31@bellsouth.net

Julia L. Todd
Signature of property owner (must be original)

Print name of property owner
17900 Culross Lane

Property owner's mailing address
Charlotte, NC 28278

Property owner's mailing address, continued

Property owner's phone number/email address
704-583-2826
jtodd31@bellsouth.net

Collin W. Brown / Bailey Patrick, Jr.
Signature of agent (if any)

Print name of agent
Hearst Tower, 47th Floor, 214 North Tryon St.

Agent's mailing address
Charlotte, NC 28202

Agent's mailing address, continued

Agent's phone number/email address
704.331-7531 collin.brown@kigates.com

Julin Karas
Petitioner other than owner (if any)

Print name of petitioner
Post Office Box 12515

Petitioner's mailing address
Charlotte, NC 28229

Petitioner's mailing address, continued

Petitioner's phone number/email address
704.796-3720 ju@karashospitality.com
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."

19319204
TAX PARCEL
Town of Matthews
PROPERTY OWNER NAME(S)
232 Matthews Station St
OWNER MAILING ADDRESS
Matthews, NC 28105
OWNER MAILING ADDRESS, CONTINUED

19322105
TAX PARCEL
Brian Timothy Boyd, Gina Paulette Boyd
PROPERTY OWNER NAME(S)
179 Niblick Rd #430
OWNER MAILING ADDRESS
Paso Robles, CA 93446
OWNER MAILING ADDRESS, CONTINUED

19319207
TAX PARCEL
Western Auto Supply Co, Advance Auto Parts
PROPERTY OWNER NAME(S)
P.O. Box 2710
OWNER MAILING ADDRESS
Roanoke, VA 24001
OWNER MAILING ADDRESS, CONTINUED

19323121
TAX PARCEL
C4 Elion LLC, c/o Crosland Southeast
PROPERTY OWNER NAME(S)
201 S. College Street #130
OWNER MAILING ADDRESS
Charlotte, NC 28202
OWNER MAILING ADDRESS, CONTINUED

19319208
TAX PARCEL
East Independence Prop c/o Dr Fletcher Keith
PROPERTY OWNER NAME(S)
4010 Triangle Drive
OWNER MAILING ADDRESS
Charlotte, NC 28208
OWNER MAILING ADDRESS, CONTINUED

19323122
TAX PARCEL
R&M Properties
PROPERTY OWNER NAME(S)
170 Wind Chime Court
OWNER MAILING ADDRESS
Raleigh, NC 27615
OWNER MAILING ADDRESS, CONTINUED

19319210
TAX PARCEL
Tae Kyu Park, Oh Sean
PROPERTY OWNER NAME(S)
3216 Old Monroe Road
OWNER MAILING ADDRESS
Stallings, NC 28104
OWNER MAILING ADDRESS, CONTINUED

19330306
TAX PARCEL
McDonalds Corp
PROPERTY OWNER NAME(S)
14644 Barney Drive
OWNER MAILING ADDRESS
Charlotte, NC 28227
OWNER MAILING ADDRESS, CONTINUED
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<td>19330309</td>
<td>SC Windsor Associates LP</td>
<td>340 Royal Poinciana Way #316</td>
<td>Palm Beach, FL 33480</td>
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<td>19330312</td>
<td>Michael Eugene Todd, Julia L. Todd</td>
<td>17900 Culross Lane</td>
<td>Charlotte, NC 28278</td>
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<tr>
<td>19330315</td>
<td>SC Windsor Associates LP</td>
<td>#249 c/o Kohl's Department Stores N56 W17000 Ridgewood Drive</td>
<td>Menomonee Falls, WI 53051</td>
</tr>
</tbody>
</table>

*APPLICATION FOR CHANGE IN ZONING CLASSIFICATION OR CONDITION, PAGE 3*
SUMMARY OF THE REZONING PROCESS

PETITIONER: Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

PROPERTY OWNERS: These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411 or email mlgollnitz@matthewsnc.gov) for verification.

Application submitted to and accepted by the Town of Matthews

October 1, 2014

Town Board of Commissioners formally accepts application and sets Public Hearing date

October 13, 2014

Notices sent via mail to affected/adjacent property owners on or before

November 24, 2014

Protest petition filed with Planning Department by 5:00 pm on

December 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

December 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

December 23, 2014

Town Board of Commissioners approves or denies application

January 12, 2015

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
INDEPENDENCE BLVD.
RESTAURANT SITE

REZONING PLANS FOR
A COMMERCIAL BUILDING
TOWN OF MATTHEWS
PROJECT NUMBER: KAR-14000
DATE: OCTOBER 1, 2014

OWNERS:
KARAS PROPERTIES, LLC
PO BOX 11147
CHARLOTTE, NC 28220
704.796.3720
justin@karasproperties.com

ENGINEER - LANDSCAPE ARCHITECT
McADAMS COMPANY
11301 CARMEL COMMONS BLVD
SUITE 111
CHARLOTTE, N.C. 28226
(704) 527-0800
malcolm@mcadamsco.com

SHEET INDEX
C-1 COVER SHEET
EC-1 ALTA SURVEY
L-1 SITE PLAN