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): 19323129

Address of property: 9601 INDEPENDENCE POINTE PARKWAY, MATTHEWS, NC 28105

Location of property: CORNER OF SAM NEWELL RD & INDEPENDENCE POINTE PKWY

Title to the property was acquired on DECEMBER 31, 1993
and was recorded in the name of
SQUIRES REALTY INC.
whose mailing address is
916 PECAN AVE
CHARLOTTE, NC 28205

The deed is recorded in Book 7615 and Page 228 in the office of the Register of
Deeds for Mecklenburg County.

Present zoning classification: B1(CD)  Requested zoning classification: BH(CD)
List reason(s) why zoning should be changed (use separate sheet if necessary):

PER TABLE 505.2-5 IN TOWN OF MATTHEWS DEVELOPMENT ORDINACE, MOTOR VEHICLE SERVICE

FACILITY IS A "PREMITEMRT RIGHT BY USE" FOR THIS SITE ZONED B-1, HOWEVER, IT STIPULATES

THAT THE BUILDING CANNOT EXCEED 3 BAYS.

WE ARE REQUESTING A ZONING CLASSIFICATION CHANGE TO BH(CD) WHICH WOULD ALLOW FOR 14

BAYS.

WE FEEL THIS SHOULD BE ALLOWED BECAUSE ALL SERVICE BAYS WILL BE ACCESSED VIA AN

INTERNAL DRIVE AISLE SERVICED BY (2) OVERHEAD DOORS ON EXTERIOR OF BUILDING. THIS

ELIMINATES THE LOOK OF MULTIPLE SERVICE BAYS/OH DOORS, AND ALLOWS EXTERIOR OF

BUILDING TO RETAIN STOREFRONTS AND OVERALL BUSINESS RETAIL LOOK. FURTHER, EXTERIOR

OF EXISTING ALL-EIFS BUILDING WILL BE DRESSED UP WITH EXTENSIVE ARCHITECTURAL BRICK

VENNEER ELEMENTS ENHANCING THE BUILDING'S LOOK.

X

Signature of property owner (must be original)

ARLEN R. EARNEY, SR.

Print name of property owner

916 PECAN AVE

Property owner’s mailing address

CHARLOTTE, N.C. 28205

Property owner’s mailing address, continued

Property owner’s mailing address, continued

704-376-5655

Property owner’s phone number/email address

Signature of agent (if any)

Denny Gappens (ai Design Group)

Print name of agent

330 S. Tryon St, Suite 500

Agent’s mailing address

Charlotte, NC 28202

Agent’s mailing address, continued

Agent’s mailing address, continued

704-731-8080, dgappens@aidginc.com

Agent’s phone number/email address

Signature of property owner (must be original)

Print name of property owner

Property owner’s mailing address

Property owner’s mailing address, continued

Property owner’s mailing address, continued

Property owner’s phone number/email address

Petitioner other than owner (if any)

Brad Woodie

Print name of petitioner

6500 S. Blvd

Petitioner’s mailing address

Charlotte, NC 28217

Petitioner’s mailing address, continued

Petitioner’s mailing address, continued

704-576-1748, bwoodie@woodiesautoservice.com

Petitioner’s phone number/email address
<table>
<thead>
<tr>
<th>Tax Parcel Number</th>
<th>Owner Name(s)</th>
<th>Property Owner Name(s)</th>
<th>Mailing Address</th>
<th>Owner Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>19322101</td>
<td>John Ellis Justice</td>
<td></td>
<td>1637 Sam Newell Rd</td>
<td>Matthews NC 28105-7572</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Owner Mailing Address, Continued</td>
</tr>
<tr>
<td>19322105</td>
<td>Brian Timothy Boyd, Gina Paulette Boyd</td>
<td></td>
<td>179 Niblick Rd #430</td>
<td>Paso Robles CA 93446</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Owner Mailing Address, Continued</td>
</tr>
<tr>
<td>19323106</td>
<td>Robin W Griffith, K Martin III Waters, Karl Martin Waters</td>
<td></td>
<td>1230 Scotland Ave</td>
<td>Charlotte NC 28207</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Owner Mailing Address, Continued</td>
</tr>
<tr>
<td>19323122</td>
<td>M Properties R &amp;</td>
<td></td>
<td>170 Wind Chime Ct</td>
<td>Raleigh NC 27615</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Owner Mailing Address, Continued</td>
</tr>
<tr>
<td>19323128</td>
<td>Inc Apple Eight Hospitality</td>
<td></td>
<td>814 E Main St</td>
<td>Richmond VA 23219</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Owner Mailing Address, Continued</td>
</tr>
</tbody>
</table>
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."

19323130
TAX PARCEL
CITY OF CHARLOTTE
% REAL ESTATE DIVISION
PROPERTY OWNER NAME(S)
600 EAST 4TH STREET
OWNER MAILING ADDRESS
CHARLOTTE NC 28202-2844
OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL
PROPERTY OWNER NAME(S)
OWNER MAILING ADDRESS
OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL
PROPERTY OWNER NAME(S)
OWNER MAILING ADDRESS
OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL
PROPERTY OWNER NAME(S)
OWNER MAILING ADDRESS
OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL
PROPERTY OWNER NAME(S)
OWNER MAILING ADDRESS
OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL
PROPERTY OWNER NAME(S)
OWNER MAILING ADDRESS
OWNER MAILING ADDRESS, CONTINUED

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 mjgollnitz@mathewsnc.gov) for verification.

Application submitted to and accepted by the Town of Matthews

NOVEMBER 26, 2014

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

DECEMBER 8, 2014

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

JANUARY 26, 2015

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

FEBRUARY 4, 2015

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

FEBRUARY 9, 2015

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

FEBRUARY 24, 2015

Town Board of Commissioners approves or denies application

MARCH 9, 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 issues pursuant to GS 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to GS 160A-418 and unrevoked pursuant to GS 160A-422 or (ii) a vested right has been established pursuant to GS 160A-385.1 and such vested right remains valid and unexpired pursuant to GS 160A-385.1
A Revised Record Map

showing

Lots 3 - 10

EAST WALK

PHASE TWO

Town of Matthews, Meck. Co., N.C.

the property of

Southern National Bank of North Carolina

Date: June 29, 1993

SURVEYED BY:

SAM MALONE & ASSOCIATES

CIVIL ENGINEERING - LAND SURVEYING
RESIDENTIAL & COMMERCIAL

SIGNED BY:

SAM MALONE, P.E.

July 4, 1993

# 98002839

Map Book 25, Page 651

GRAPHIC SCALE

1.000" = 1.00'
A Revised Record Map
showing
Lots 3 - 10
EAST WALK
PHASE TWO
Town of Matthews, Meck. Co., N.C.
the property of
Southern National Bank of North Carolina

Date: June 29, 1993

Surveyed by:
SAM MALONE & ASSOCIATES
CIVIL ENGINEERS - LAND SURVEYING
RESIDENTIAL & COMMERCIAL

SUPERCEDED 2014-624
11-25-2014