2013-605
10-7-2013

Robinson Bradshaw

John H. Carmichael
Charlotte Office
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jcarmichael@rbh.com

rbh.com

October 4, 2013

BY HAND DELIVERY

Ms. Kathi Ingrish
Mr. Jay Camp
Town of Matthews
232 Matthews Station Street
Matthews, NC 28105-6713

Re: Rezoning Application filed by QuikTrip Corporation to Rezone an Approximately 5.07 Acre Site Located on the East Side of Monroe Road, North of Industrial Drive, from the I-1 Zoning District to the B-2(CD) and I-1 (CD) Zoning Districts

Dear Kathi and Jay:

This letter is being submitted with the above-captioned Rezoning Application (the "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 Petitioner 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 I-1. Pursuant to the Application, QuikTrip Corporation ("QuikTrip") desires to rezone an approximately 2.16 acre portion of the site designated as Lot 1 on the Rezoning Plan to the B-2(CD) zoning district to accommodate the development of a high quality convenience store with gasoline pump sales, and an approximately 2.91 acre portion of the site designated as Lot 2 on the Rezoning Plan to the I-1(CD) zoning district to allow the development of certain uses permitted in the I-1 zoning district. The proposed I-1(CD) zoning of Lot 2 would be more restrictive than the current I-1 zoning of Lot 2. Lot 1 is located immediately adjacent to Monroe Road, and Lot 2 is located to the rear of Lot 1 and is not adjacent to Monroe Road.

The Matthews Land Use Plan ("the Plan") was adopted by the Matthews Board of Commissioners on December 10, 2012. Although the Plan does not specifically recommend a convenience store with gasoline pump sales on Lot 1 of the site, the conditional rezoning plan submitted by QuikTrip does support some of the policies set out in the Plan.

Land Use Policy Statement No. 6 set out on page 9 of the Plan provides that development that is convenient, effective, interesting and attractive is more likely to retain, and even enhance its economic value. QuikTrip's proposed building and improvements on Lot 1 are aesthetically

appealing and incorporate high quality exterior building materials, such as brick. The quality of QuikTrip's proposed building and other improvements on Lot 1 is ensured by the architectural renderings and the conditional rezoning plan submitted to the Town with the Application. The quality of QuikTrip's proposed development will enhance the economic value of the site and nearby parcels in QuikTrip's opinion.

With respect to the recommendations in the Plan for the Monroe Road corridor, the Plan does not make any specific land use recommendations for the site. The Plan provides that complimentary non-residential uses along Monroe Road are encouraged. QuikTrip submits that its proposed development would be complementary to the existing uses along Monroe Road and to any uses that could be developed along this corridor under the existing zoning classifications.

The Plan further provides that a more cohesive landscape among land uses fronting Monroe Road should be created, and a sidewalk should be constructed on the east side of the road. QuikTrip's conditional rezoning plan and its site perspectives provide for attractive and quality landscaping to be installed along Lot 1's frontage on Monroe Road, and the landscaping would create an attractive streetscape and set the standard along this portion of Monroe Road.

The Plan recognizes that Monroe Road is one of the Town's most traveled, vibrant and economically viable roadways, and that Monroe Road is vital for commuting purposes and access to I-485. QuikTrip's proposed convenience store with gasoline pump sales would serve the many commuters who drive on Monroe Road on a daily basis, and it would enable these commuters and nearby residents and employees of local businesses to procure gasoline and convenience goods at an accessible and convenient location.

The Plan does specifically provide that convenience stores should not be located on the west side of Monroe Road because these parcels of land are adjacent to residential uses, but the Plan does not so provide as to the parcels located on the east side of Monroe Road, such as the site. The site is surrounded by non-residential uses and parcels of land located in non-residential zoning districts.

Finally, as noted above, the I-1(CD) rezoning request with respect to Lot 2 is more restrictive than the current I-1 zoning of Lot 2, and this rezoning request would be consistent with the recommendations of the Plan as well as the zoning of adjacent and nearby parcels of land.

For the reasons cited above, QuikTrip respectfully submits that the proposed rezoning request is supportive of some of the policies set out in the Plan, and that the proposed uses would complement the surrounding area and provide needed services to the community.

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QuikTrip 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 Carmichael

John H. Carmichael

JHC1

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10-7-2013

Town of Matthews North Carolina

DATE FILED 10-4-2013
APPLICATION NUMBER 605
For office use only

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): Portion of 193-211-02

Address of property: 10701 Monroe Road, Matthews, North Carolina

Location of property: East side of Monroe Road, north of Industrial Drive

Title to the property was acquired on August 1, 1988
and was recorded in the name of Quattlebaum Associates, a North Carolina partnership
whose mailing address is c/o Don Quattlebaum, 522 Rice Bluff Road, Pawleys Island, SC 29285

The deed is recorded in Book 05862 at Page 0800 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: I-1 Requested zoning classification: B-2 (CD) & I-1 (CD)

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For office use only

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

QuikTrip would like to rezone the property from the current zoning of IG to a new zoning of B-2. We would like to construct and build a gasoline convenience store near the edge of Matthews in the IG district to service the existing traffic in the area as well as the industrial district. We feel the new proposed zoning of B-2 would fit well in this area. The site is currently connected to a B-1 zoning district, and the site across the street is also zoned B-1. QuikTrip feels this is a great opportunity for not only us, but for the people of Town of Matthews as well.

general partner

Signature of property owner (must be original)

Signature of property owner (must be original)

Quattlebaum Associates (c/o Don Quattlebaum)

Print name of property owner

Print name of property owner

522 rice Bluff Road

Property owner's mailing address

Property owner's mailing address

Pawleys Island, SC 29285

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's mailing address, continued

843-651-0239

Property owner's phone number/email address

Property owner's phone number/email address

John Carmichael

Signature of agent (if any)

Petitioner other than owner (if any)

John Carmichael

Print name of agent

QuikTrip Corporation/John DiBernardo

Print name of petitioner

101 North tryon Street, Ste 1900

Agent's mailing address

3701 Arco Corporate drive, Ste 150

Petitioner's mailing address

Charlotte, NC, 28246

Agent's mailing address, continued

Charlotte, NC 28273

Petitioner's mailing address, continued

Agent's mailing address, continued

Petitioner's mailing address, continued

704-377-2536/jcarmichael@rbh.com

Agent's phone number/email address

704-559-8012/jdibern@quiktrip.com

Petitioner's phone number/email address

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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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2013-605
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See Exhibit A Attached Hereto

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

TAX PARCEL

PROPERTY OWNER NAME(S)

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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

CURRENT 2013-605
10-21-2013

Application number

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 October 4, 2013

Town Board of Commissioners formally accepts application and sets Public Hearing date October 14, 2013

Notices sent via mail to affected/adjacent property owners on or before December 30, 2013

Protest petition filed with Planning Department by 5:00 pm on January 8, 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 January 13, 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 January 28, 2014

Town Board of Commissioners approves or denies application February 10, 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 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.

SUPERSEDED 2013-605 10-7-2013

Application number 2013-605 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 or email mjgollnitz@matthewsnc.gov) for verification.

Application submitted to and accepted by the Town of Matthews October 4, 2013

Town Board of Commissioners formally accepts application and sets Public Hearing date October 14, 2013

Notices sent via mail to affected/adjacent property owners on or before November 25, 2013

Protest petition filed with Planning Department by 5:00 pm on December 4, 2013

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 9, 2013

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 24, 2013

Town Board of Commissioners approves or denies application January 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 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

EXHIBIT A

REZONING APPLICATION FILED BY QUIKTRIP CORPORATION

Adjacent Property Owners

Parcel No. 193-551-02
Family Dollar Stores, Inc.
P.O. Box 1017
Charlotte, NC 28201

Parcel No. 193-211-04
Morningstar Charlotte, LLC
P.O. Box 25025 NC- 08516
Glendale, CA 91201-5025

Parcel No. 193-211-03
JB Harrison Properties, LLC
16909 Jetton Road
Cornelius, NC 28031

Parcel No. 213-012-26
Albemarle Road Land Company, LLC
P.O. Box 23755
Charlotte, NC 28277

Parcel No. 213-012-28
Matthews Power Equipment, LTD
P.O. Box 920
Salisbury, NC 28145

Parcel No. 213-012-29
Shurgard/Morningstar Storage Centers, LLC
P.O. Box 25025 NC-08559
Glendale, CA 91201-5025

Parcel No. 213-012-30
Morningstar Animal Hospital Building and Land, LLC
1332 Ridgecrest Avenue
Burlington, NC 27215

Parcel No. 213-012-31
A & H Realty Co.
c/o Levine Properties
P.O. Box 2439
Matthews, NC 28106

Parcel No. 213-012-34
A & H Realty Co.
c/o Levine Properties
P.O. Box 2439
Matthews, NC 28106

Parcel No. 193-211-31
GS Investments, Inc.
P.O. Box 397
Newton, NJ 07860

Parcel No. 213-012-24
Albemarle Road Land Company, LLC
P.O. Box 23755
Charlotte, NC 28277

Parcel No. 213-012-25
Albemarle Road Land Company, LLC
P.O. Box 23755
Charlotte, NC 28277

Parcel No. 213-012-35
ACMAWAM Properties, LLC
10600 Monroe Road
Matthews, NC 28105

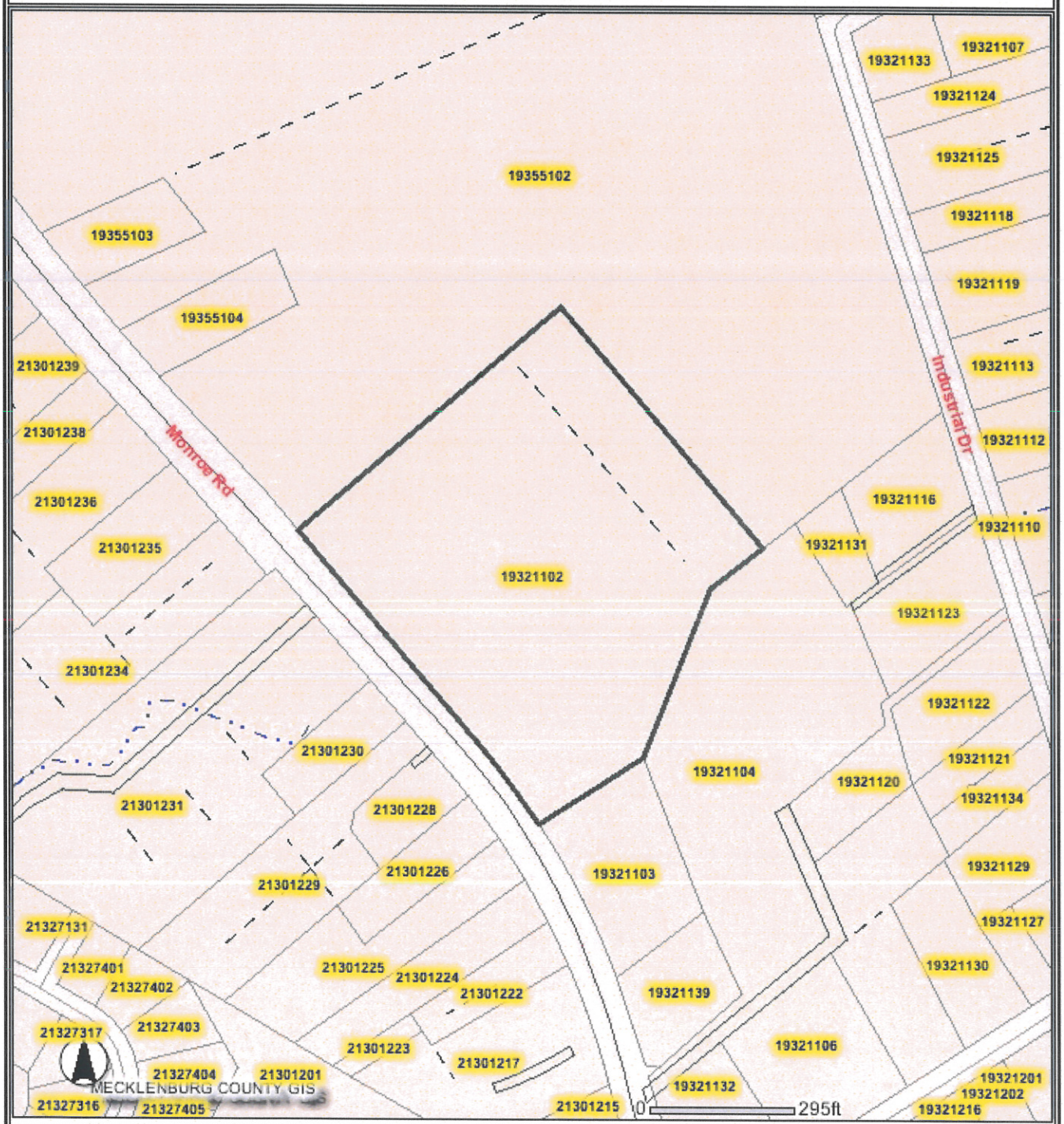
2013-605
10-7-2013

Mecklenburg County, North Carolina

POLARIS

Property Ownership Land Records Information System

Date Printed: Thu Oct 3 17:42:21 EDT 2013



This map 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 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.