



DATE FILED 1-30-2018  
APPLICATION NUMBER 2018-678  
*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:

- 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): 19324508 and 19324511

Address of property: 1201 Matthews Township Pkwy at Sam Newell Road

Location of property: Approximately 3.279 acres located on the NW quadrant at the intersection Matthews Township Pkwy and Sam Newell Road in Matthews, Mecklenburg County, North Carolina

Title to the property was acquired on 19324508 acquired 07/13/1982 / 19324511 acquired 12/27/1996  
and was recorded in the name of David W. Hoyle, Jr.  
whose mailing address is 6811 Folger Drive  
Charlotte, NC 28270

The deed is recorded in Book 04555 Page 321 and Page 08873 Page 486 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: R-20 / B-1 Requested zoning classification: B-H (CD)

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

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The current R-20 and B-1 zoning classifications limit the use of this corner for services which support the businesses along Sam Newell Road and Matthews Township Parkway. It is the view of the Applicant that a mix of commercial day-to-day services on this corner addresses those increasing needs for Sam Newell Road, Matthews Township Parkway and those who drive in and out of Downtown Matthews daily for employment. The intent of this Application is to offer a project in which the building emphasizes traditional Matthews architectural and construction materials standards, along with appropriate street landscaping, which will meet the intent of the HO Overlay design requirements. A more detailed response is provided in the herewith enclosed cover letter.

David W. Hoyle, Jr.  
Signature of property owner (must be original)

\_\_\_\_\_  
Signature of property owner (must be original)

David W. Hoyle, Jr.

\_\_\_\_\_  
Print name of property owner

Print name of property owner  
6811 Folger Drive

\_\_\_\_\_  
Property owner's mailing address

Property owner's mailing address  
Charlotte, NC 28270

\_\_\_\_\_  
Property owner's mailing address, continued

704-574-9638 / mjmh5@bellsouth.net

\_\_\_\_\_  
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)

Lat W. Purser, III

\_\_\_\_\_  
Print name of petitioner

Print name of agent  
Lat Purser & Associates, Inc.

\_\_\_\_\_  
Petitioner's mailing address

Agent's mailing address  
4530 Park Road, Suite 410

\_\_\_\_\_  
Petitioner's mailing address, continued

Agent's mailing address, continued  
Charlotte, NC 28209

\_\_\_\_\_  
Agent's mailing address, continued

\_\_\_\_\_  
Petitioner's mailing address, continued

704-519-4220 / lat.purser@latpurser.com

\_\_\_\_\_  
Petitioner's phone number/email address

Agent's phone number/email address

NEWELL CORNER REZONING APPLICATION  
Highway 51 an Sam Newell Road, Matthews, North Carolina

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Adjoining Property Owners (100 feet)

Tax Parcel 19324524  
Ad Bel Ltd  
P.O. Box 1395  
Matthews, NC 28106

Tax Parcel 19324543  
Kiddmd, LLC  
1208 Mann Drive # 100  
Matthews, NC 28106

Tax Parcel 19324544  
Dentec Lab, Inc.  
1208 Mann Drive # 200  
Matthews, NC 28106

Tax Parcel 19324536  
William N. Devore, II  
1212 Mann Drive # 100  
Matthews, NC 28106

Tax Parcel 19324537  
Robert G. Vincent  
1212 Mann Drive # 200  
Matthews, NC 28106

Tax Parcel 19324531  
Maria C. Housiadas  
Chris G. Copsis  
George C. Copsis  
1216 Mann Drive # 100  
Matthews, NC 28106

Tax Parcel 19324532  
Maria C. Housiadas  
Chris G. Copsis  
George C. Copsis  
1216 Mann Drive # 200  
Matthews, NC 28106

Tax Parcel 19324549  
Earthen Skies LLC  
1220 Mann Drive  
Matthews, NC 28106

Tax Parcel 19324534  
Michael W. Lash  
1226 Mann Drive # 100  
Matthews, NC 28106

Tax Parcel 19324535  
Eugene A. Zilber  
Elena I. Zilber  
1226 Mann Drive # 200  
Matthews, NC 28106

Tax Parcel 19324539  
Baldwin Office Properties, LLC  
1230 Mann Drive # 100  
Matthews, NC 28106

Tax Parcel 19324541  
RBT III, LLC  
1234 Mann Drive # 100  
Matthews, NC 28106

Tax Parcel 19324542  
Yingming Tian  
Pink He  
1234 Mann Drive # 200  
Matthews, NC 28106

Tax Parcel 19324540  
Hazcolegary, LLC  
1238 Mann Drive # 100  
Matthews, NC 28106

Tax Parcel 19324528  
Accelerant Research, LLC  
1242 Mann Drive # 100  
Matthews, NC 28106

Tax Parcel 19324529  
Urban Architectural Group, PA  
1242 Mann Drive # 200  
Matthews, NC 28106

Tax Parcel 19324545  
YZK Properties, LLC  
1250 Mann Drive # 100  
Matthews, NC 28106

Tax Parcel 19324546  
B&G Investments, LLC  
1250 Mann Drive # 200  
Matthews, NC 28106

Tax Parcel 19324530  
Yu Investments, LLC  
1254 Mann Drive  
Matthews, NC 28106

Tax Parcel 19324550  
Trinity Real Estate Holdings,  
LLC  
1258 Mann Drive # 100  
Matthews, NC 28106

Tax Parcel 19324551  
HLE Properties, LLC  
1258 Mann Drive # 200  
Matthews, NC 28106

Tax Parcel 19324547  
Gary Cooper Properties, LLC  
1262 Mann Drive # 100  
Matthews, NC 28106

Tax Parcel 19324548  
Stanley J. Carpenter  
Susan K. Carpenter  
1262 Mann Drive # 200  
Matthews, NC 28106

Tax Parcel 19329201  
Ad Bel Ltd.  
700 Sam Newell Road  
Matthews, NC 28106

Tax Parcel 19329201  
Ad Bel Ltd.  
710 Sam Newell Road  
Matthews, NC 28106

Tax Parcel 19329212  
Clyde C. Dickinson, Jr.  
c/o CVS Curemo Store  
ACT 4299-01 1 CVS Dr.  
Woonsocket, RI 02895

Tax Parcel 19329212  
Robert T. Dickinson  
c/o CVS Curemo Store  
ACT 4299-01 1 CVS Dr.  
Woonsocket, RI 02895

Application Number

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Tax Parcel 19329212  
Stewart Family Property, LLC  
c/o CVS Curemo Store  
ACT 4299-01 1 CVS Dr.  
Woonsocket, RI 02895

Tax Parcel 19329212  
Stewart Family Property, LLC  
5960 Fairview Road, Suite 200  
Charlotte, NC 28210

Tax Parcel 19338197  
First Citizens Bank & Trust Co.  
Dac50  
P.O. Box 27131  
Raleigh, NC 27611

Tax Parcel 19327120  
Waltrust Properties, Inc.  
200 Wilmot Road  
Deerfield, IL 60015

Tax Parcel 19324306  
Morningstar Office, LLC  
c/o Morningstar Properties, LLC  
725 Park Center Drive  
Matthews, NC 28105

Tax Parcel 19327224  
Charles H. Smith, IV  
9503 Westchire Court  
Matthews, NC 28105

Tax Parcel 19327225  
Robert E. Bray  
Sarah Pruette  
9507 Westchire Court  
Matthews, NC 28105

Tax Parcel 19327226  
Philip C. Frazier  
Cynthia A. Frazier  
9511 Westchire Court  
Matthews, NC 28105

Tax Parcel 19327227  
Thomas A. Tremblay  
Kresenz E. Tremblay  
1746 Colville Lane  
Tega Cay, SC 29708

Tax Parcel 19327228  
Thomas A. Tremblay  
Kresenz E. Tremblay  
1746 Colville Lane  
Tega Cay, SC 29708

Tax Parcel 19327229  
George P. Ziozios  
9523 Westchire Court  
Matthews, NC 28105

Tax Parcel 19327230  
7822 Collins Corporation  
2639 Huntman Way  
Charlotte, NC 28226

Tax Parcel 19327231  
Carmen Ramona Berdecia  
9531 Westchire Court  
Matthews, NC 28105

Tax Parcel 19327232  
Kimberly P. Johnson  
9535 Westchire Court  
Matthews, NC 28105

Tax Parcel 19338C99  
C A Parker Enterprises, Ltd.  
16316 Harbor View Road  
Charlotte, NC 28278

**SUMMARY OF THE REZONING PROCESS**

*APPLICANT:* 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 srobertson@matthewsnc.gov) for verification.

Application submitted to and received by Town Planning office January 31, 2018

Town Board of Commissioners formally accepts application and sets Public Hearing date February 12, 2018

Notices sent via mail to affected/adjacent property owners on or before March 26, 2018

Public hearing: applicant gives explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning April 9, 2018

Town Planning Board reviews request, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request April 24, 2018

Town Board of Commissioners approves or denies application May 14, 2018

LPA

**Lat Purser  
& Associates, Inc.**

January 31, 2018

Mr. Jay Camp, Senior Planner  
Town of Matthews  
232 Matthews Station Street  
Matthews, North Carolina 28105

Re: Application for Change in Zoning Classification for an approximately 3.381-acre site located on the northwest quadrant at the intersection of Matthews Township Parkway (Highway 51) and Sam Newell Road from its current R-20/B-1 zoning classifications to the B-H zoning classification

Dear Jay:

This letter is being submitted as part of the above captioned Application for Change in Zoning Classification pursuant to the requirements of Paragraph 14 of the Instructions for Filing an Application for a Change in Zoning Classification or Change in Conditions for Property in the Town of Matthews (the "Instructions") and Section 155.401.1 of the Town of Matthews Unified Development Ordinance ("UDO"). Paragraph 14 of the Instructions requires the Applicant to submit documentation regarding the land use recommendations for the Site as set out in adopted land use plans and a statement as to how this rezoning proposal complies with such recommendations. Additionally, Paragraph 14 requires the Applicant to submit a written statement that outlines the purpose and objective of the proposed development, the particular development standards being modified and the design features and amenities of the proposed development which make the proposal worthy of approval.

Pursuant to this Rezoning Application, the Applicant, Lat Purser & Associates, Inc., on behalf of David W. Hoyle, Jr., Owner, seeks to rezone the Site from its current R-20 and B-1 zoning districts to the B-H zoning district, with all applicable HO Highway 51 Overlay ("HO District") conditions as addressed in Section 155.504.2 of the UDO in order to allow the use of a convenience gas station at this corner. This location is well placed to accommodate the need for the easily accessible and efficient purchase of gasoline and food items for those individuals working and residing along Sam Newell Road, for those traveling Matthews Township Parkway, and for those exiting Downtown Matthews in the course of their workday commutes and day-to-day activities. The existing dimensions of the 2-parcel tract, shown on the Boundary Survey, will be reconfigured such that the parcels lay out as two usable pads, as shown on the enclosed site plan. Although a use for the second pad has not been identified at this time, the intention is to consider uses permitted in the B-H zoning classification being requested.

Jay Camp  
January 31, 2018  
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Additionally, the Applicant requests an exemption from the Town of Matthews TIA requirement, per conversations between the Applicant's traffic engineer and NCDOT, in

which NCDOT waived its option to request a TIA provided the Developer agreed to certain improvements along one of the roadways. Documentation to this effect is included in this submittal.

The Town of Matthews Land Use Plan 2012 – 2022 states that non-residential mixed uses are best located along major and minor thoroughfares, and further provides land use policy guidance for gateway and corridor properties. The proposed use identified for the Site meets these requirements. Set out below is a description of the current intended use for to the Site and how the proposed development adheres to land use policies.

#### Land Use Plan: Sidewalks

The proposed project adheres to virtually all of the Sidewalk Action Items outlined in the Land Use Plan. The Applicant's extension of the existing sidewalk along Sam Newell Road will continue a meandering sidewalk system down and around the corner of the intersection and then west along Matthews Township Parkway. With the development of this initial of the two proposed parcels, the meandering sidewalk will continue along the length of the frontage as far as the driveway curb cut at the western end of the convenience store parcel, thus supporting the Town's efforts to *"install sidewalks on all major thoroughfares"*. The design layout will provide the *"separation of the sidewalk from the road via planting strips"*.

It should be noted that the densest tree preservation area on this site is along Sam Newell Road, which then narrows somewhat as it turns and continues to run along Matthews Township Parkway. It is the belief of the Applicant that these tree preservation areas, with under canopy landscaping, will *"support the construction of sidewalks that make pedestrian travel a pleasant experience"*.

#### Land Use Plan: NC 51 Corridor

As stated in the Land Use Plan for the NC 51 Corridor, the Town has created a zoning category *"to maintain and preserve the scenic beauty and character of the landscape along the roadway while allowing orderly and functional development. The overlay standards enable this roadway to function as an efficient thoroughfare and a gateway corridor"*.

Having addressed the aesthetics of the Site development above, the Applicant also perceives the balancing need for easily accessible, convenient day-to-day services for the area immediately outside of Downtown Matthews and the commercial and proposed high density residential needs along Sam Newell Road. These services would include not only gas, and the typical convenience store fast-buy items, but also ready to eat, made to order

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and take out foods for on or off-premises consumption. This expanded quick meal concept is part of Circle K's new prototype.

Matthews' existing gas stations are neither convenient nor easily accessible for either the anticipated growth in the immediate area or the corridor traffic along Matthews Township Parkway. An added consideration is the fact that NCDOT plans to reroute traffic in future improvements will likely trigger the closing of at least one of the existing stations.

Unified Development Ordinance: Section 155.603 Buildings – General Urban Design Principles

Importantly, the proposed project will adhere to Matthews' demonstrated desire to emphasize traditional design and materials in the project building. Sub-Section 155.603.2 Exterior Building Walls states that,

*“Exterior building walls shall generally reflect and compliment the traditional materials and construction techniques of the Charlotte region on all sides of any structure which may be visible from the public realm. They should express the construction techniques and structural constraints of traditional, long-lasting, building materials.....”*

*Buildings constructed for commercial uses, particularly retail, which are predominately or wholly single story facilities, need to pay particular attention to the impact of their bulk and length along public street frontages. In order to improve the appearance from the public realm, these buildings should break up any expanses of blank wall with the use of exterior material changes, a shift in wall location so that the frontage is not on a single plane parallel to the street, window and door openings, architectural design elements, and similar visually obvious detail changes that break up the horizontal expanse of plain wall.”*

The UDO language goes on to say that these general design principles are particularly important for buildings of 30,000 square feet or greater. Although the subject building is less than 5,000 square feet, Circle K has incorporated these guidelines into its design and construction. The building will be the same prototype as the existing Circle K in Belmont, elevations of which are included in this package to serve as an example, and will be constructed of brick on all four sides, with design breaks in the length of all walls, multi-paned false windows on both side elevations, and a pitched roof. The canopy will be of similar design and construction.

Because the building footprint is less than 5,000 square feet, the structure is not of sufficient size to accomplish 60%/40% screening, as requested of a convenience facility under Section 155.506.49 of the Unified Development Ordinance for Matthews. Accordingly, the Applicant requests a waiver of the requirements outlined in Section 155.506.49 Gas (Fueling) Station with Convenience Store / Sub-Section B / Standards / Item 1, which requires a structure on a corner lot be located along the setback or build-to

Jay Camp  
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lines of both streets, at least forty percent (40%) on one and at least sixty percent (60%) on the other. The required Application for a Zoning Variance and filing fee are also attached here.

We look forward to working with the Town of Matthews to provide a needed service which complies with the Town's long-range plans for responsible growth, and also meets the aesthetic objectives of traditional building design and maintenance of the character of the landscape along the roadways.

Please do not hesitate to contact me with any questions or need for clarification which may come up in your review.

Sincerely,

LAT PURSER & ASSOCIATES, INC.



Lat W. Purser, III  
CEO / Chairman

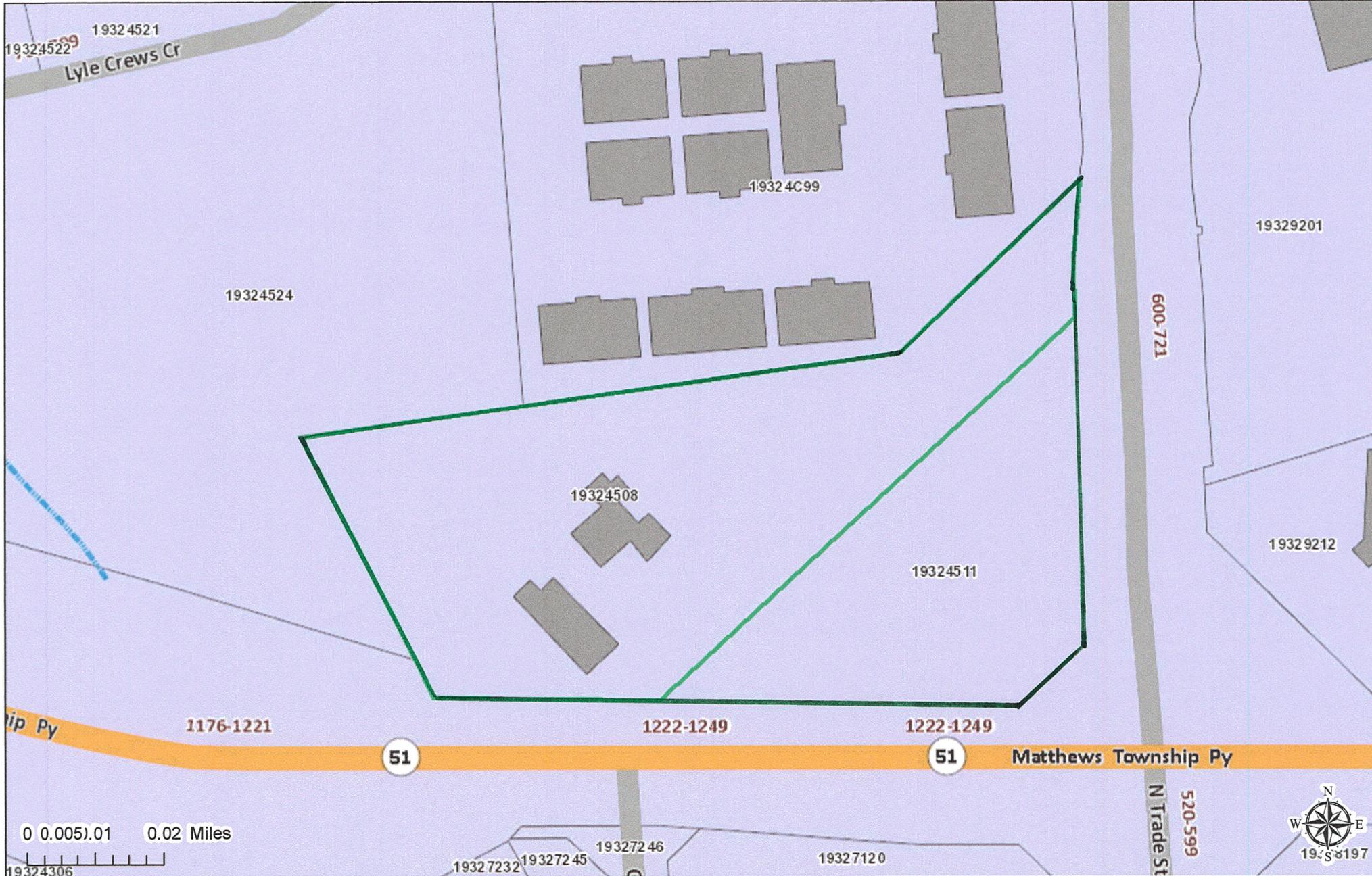
Enclosures

# Polaris 3G Map – Mecklenburg County, North Carolina

## NEWELL CORNER

2018-678  
1/30/2018

Date Printed: 1/27/2018 1:23:59 PM



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.