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 04556 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):

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.

Signature of property owner (must be original)

David W. Hoyle, Jr.
Print name of property owner
6811 Folger Drive
Property owner's mailing address
Charlotte, NC 28270
Property owner's mailing address, continued

Property owner's mailing address, continued

704-574-9638 / mjmh5@bellsouth.net
Property owner's phone number/email address

Signature of agent (if any)

Lat W. Purser, III
Print name of agent
Lat Purser & Associates, Inc.
Agent's mailing address
4530 Park Road, Suite 410
Agent's mailing address, continued
Charlotte, NC 28209
Agent's mailing address, continued

704-519-4220 / lat.purser@latpurser.com
Agent's phone number/email address
NEWELL CORNER REZONING APPLICATION
Highway 51 an Sam Newell Road, Matthews, North Carolina

Adjoining Property Owners (100 feet)

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

Tax Parcel 19324536
William N. Devore, II
1212 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 19324535
Eugene A. Zilber
Elena I. Zilber
1226 Mann Drive # 200
Matthews, NC 28106

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

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

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

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

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

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

Tax Parcel 19324534
Earthen Skies LLC
1220 Mann Drive
Matthews, NC 28106

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

Tax Parcel 19324549
Michael W. Lash
1226 Mann Drive # 100
Matthews, NC 28106

Tax Parcel 19324542
Haz colegary, LLC
1238 Mann Drive # 100
Matthews, NC 28106

Tax Parcel 19324540
RBT III, LLC
1234 Mann Drive # 100
Matthews, NC 28106

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

Tax Parcel 19324546
Accelerant Research, LLC
1242 Mann Drive # 100
Matthews, NC 28106

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

Tax Parcel 19324551
B & G Investments, LLC
1250 Mann Drive # 200
Matthews, NC 28106

Tax Parcel 19324550
Stanley J. Carpenter
Susan K. Carpenter
1262 Mann Drive # 200
Matthews, NC 28106

Tax Parcel 19329201
700 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 19324544
Dentec Lab, Inc.
1208 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 19324534
Michael W. Lash
1226 Mann Drive # 100
Matthews, NC 28106

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

Tax Parcel 19324542
Accelerant Research, LLC
1242 Mann Drive # 100
Matthews, NC 28106

Tax Parcel 19324546
B & G Investments, LLC
1250 Mann Drive # 200
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 19329201
Ad Bel Ltd.
700 Sam Newell Road
Matthews, NC 28106

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

Tax Parcel 193272120
Waltrust Properties, Inc.
200 Wilmot Road
Deerfield, IL 60015

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

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

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

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

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

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

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

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

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

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

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

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

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
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.
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
Jay Camp
January 31, 2018
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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.

Uniform 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
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.

[Signature]

Lat W. Purser, III
CEO / Chairman

Enclosures