



DATE FILED 5-30-18  
APPLICATION NUMBER 2018-687  
*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): 193-231-25

Address of property: 1625 Windsor Square Drive

Location of property: Northwest corner of the intersection of Windsor Square Drive and East Independence Blvd.

Title to the property was acquired on May 9, 2012

and was recorded in the name of FGLW Properties, LLC

whose mailing address is 5030 Woodmont Drive, SW, Roanoke, Virginia 24018

The deed is recorded in Book 27336 at Page 931 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: B-1 (CD) Requested zoning classification: B-1 (CD)\*\*  
\*\*Change of Conditions

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

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The Petitioner is requesting a change of conditions to the existing conditional rezoning plan for the site to add retail sales (including an ABC Store) as a permitted use on the site.

**FGLW PROPERTIES, LLC**

By: Frank Galer  
Signature of property owner (must be original)

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

**FGLW Properties, LLC (c/o Frank Galer)**

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

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

5030 Woodmont Drive, SW  
Property owner's mailing address

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

Roanoke, Virginia 24018  
Property owner's mailing address, continued

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

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

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

540-580-4606 ffgaler@gmail.com  
Property owner's phone number/email address

\_\_\_\_\_  
Property owner's phone number/email address

**THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD**

John Carmichael  
Signature of agent (if any)

By: Jason Hughes  
Petitioner other than owner (if any)

John Carmichael, Robinson Bradshaw

The Mecklenburg County Alcoholic Beverage Control Board (c/o Jason Hughes)

\_\_\_\_\_  
Print name of agent

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

101 North Tryon Street, Suite 1900  
Agent's mailing address

3333 North Tryon Street  
Petitioner's mailing address

Charlotte, NC 28246  
Agent's mailing address, continued

Charlotte, NC 28206  
Petitioner's mailing address, continued

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

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

704-377-8341 jcarmichael@robinsonbradshaw.com  
Agent's phone number/email address

jason.hughes@meckabc.com  
Petitioner's phone number/email address

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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See Exhibit A Attached Hereto

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

**SUMMARY OF THE REZONING PROCESS**

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*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 MAY 30, 2018.
- Town Board of Commissioners formally accepts application and sets Public Hearing date JUNE 11, 2018.
- Notices sent via mail to affected/adjacent property owners on or before JUNE 25, 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 JULY 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 JULY 24, 2018.
- Town Board of Commissioners approves or denies application AUGUST 13, 2018.

**Exhibit A—100' listing from tax parcel number 193-231-25**Parcel No. 19330310

Rebpat Leasing  
PO Box 240525  
Charlotte, NC 28224

Parcel No. 19330304

PMPJL, LLC  
c/o Perry S. Brown  
9811 West Tributary Lane  
Boise, ID 83714

Parcel No. 19330311

Carroll Family Investments LTD  
2340 Interstate 20 West Suite 100  
Arlington, TX 76017

Parcel No. 19330203

S L & E Investments, LLC  
Attn: Sami I. Nafisi  
7935 Council PL Suite 200  
Matthews, NC 28105

Parcel No. 19323123

LS Santa Fe, LLC  
SS Santa Fe, LLC  
c/o Deep River Partners  
PO Box 49579  
Greensboro, NC 27419

Parcel No. 19323135

Mecklenburg County  
c/o Finance Department  
600 E 4<sup>th</sup> Street, 11<sup>th</sup> Floor  
Charlotte, NC 28202

Parcel No. 19323137

SNS Properties, LLC  
9900 Matthews Park Drive  
Matthews, NC 28105

Parcel No. 19323104

The Crossing Shopping Center Matthews, NC Limited Partnership  
10250 Constellation Blvd Suite 2850  
Los Angeles, CA 90067

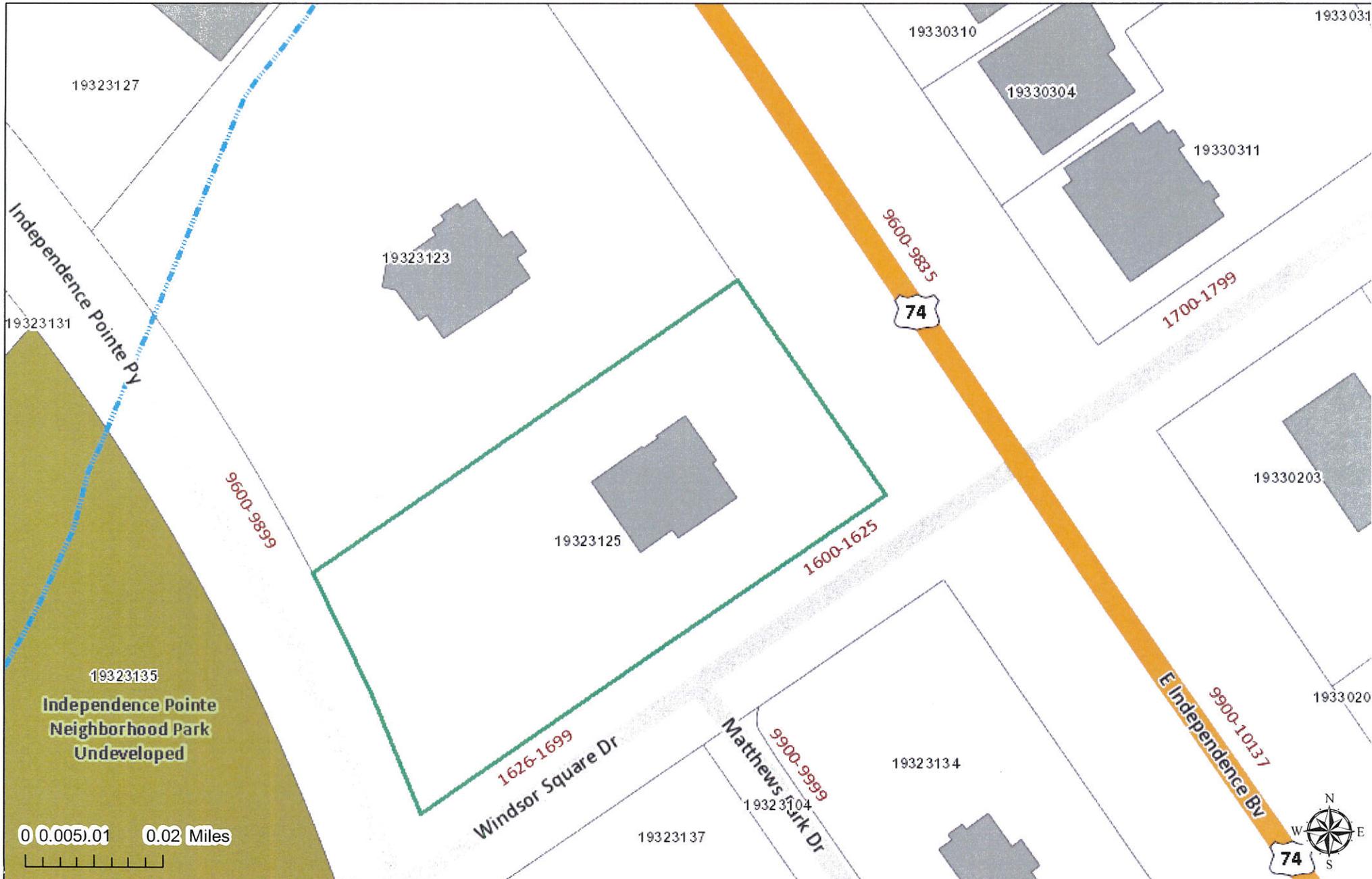
Parcel No. 19323134

Chick-Fil-A, Inc.  
5200 Buffington Road  
Atlanta, GA 30349

# Polaris 3G Map – Mecklenburg County, North Carolina

2018-087

Date Printed: 3/18/2018 9:21:46 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.

ROBINSON  
BRADSHAW

JCarmichael@robinsonbradshaw.com  
704.377.8341 : Direct Phone  
704.373.3941 : Direct Fax

May 30, 2018

**BY HAND DELIVERY**

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

Re: Rezoning Application filed by The Mecklenburg County Alcoholic Beverage Control Board (the "ABC Board" or "Applicant") requesting a change in conditions for an approximately 1.887 acre site located on the northwest corner of the intersection of Windsor Square Drive and U.S. Highway 74/E. Independence Blvd. (1625 Windsor Square Drive, Tax Parcel No. 193-231-25)

Dear Jay:

I hope this letter finds you well. We have been engaged by the ABC Board in connection with its request for a change in conditions for the parcel located at 1625 Windsor Square Drive. This letter is being submitted with the above-captioned Rezoning Application pursuant to the requirements of Paragraph 12 of the Instructions for Filing an Application for a Change in a Zoning Classification (the "Instructions"). As you are aware, Paragraph 12 of the Instructions requires the Applicant to submit documentation regarding the land use recommendations for the subject site as set out in adopted land use plans and a statement as to how this rezoning proposal complies with such recommendations.

The subject site contains approximately 1.887 acres and is located on the northwest corner of the intersection of Windsor Square Drive and U.S. Highway 74/E. Independence Blvd.; the site is designated as Tax Parcel No. 193-231-25. The site is currently zoned B-1 (CD) and pursuant to this Rezoning Application, the Applicant is requesting a change in conditions to add retail sales as a permitted use in order to accommodate the operation of an ABC Store in the existing building on the site.

The Town of Matthews Land Use Plan 2012-2022 (the "Land Plan") provides land use policy guidance and recommendations for parcels of land located in the Town of Matthews. The site is located in the Independence Boulevard (US 74) Transitioning and Sensitive Area and borders the Independence Pointe Parkway Transitioning and Sensitive Area, both of which are defined in the Land Plan. Although the Land Plan does not appear to make any specific land use recommendations for the site, it does contain policy statements and action items that appear to

Mr. Jay Camp, Senior Planner  
May 30, 2018  
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support the use that the Applicant proposes in this Rezoning Application. Set out below is a brief description of these policy statements and action items and how this proposed development furthers such policy statements and action items.

- This proposed use would preserve the primary access point to the site from Windsor Square Drive, an alternative roadway to U.S. 74 (see Action Item #3 on page 76 of the Land Plan).

- Although the Land Plan disfavors “expansion of impulse retail/commercial uses” adjacent to U.S. 74 (See page 76 of the Land Plan; see also Action Item #4), placing this use in this location and in the existing commercial structure is consistent with the Land Plan’s statement of the Town’s desire to reverse the negative impacts of “the steady decline of retail establishments on the east side of Mecklenburg County” (see page 24 of the Land Plan) and its call for the reuse of existing commercial structures (see, e.g., page 33 of the Land Plan calling for the reuse of big boxes).

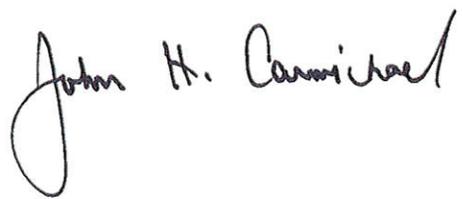
Additionally, the site is located within a retail center, and the use would be consistent and compatible with the existing uses located in the retail center.

Jay, along with the ABC Board, we look forward to working with you, Kathi and the Town on this rezoning request.

Should you have any questions or comments, please do not hesitate to contact us at your convenience.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.



John Carmichael

JHC

cc: Ty Shaffer