



R. Susanne Todd  
Partner

WRITER'S E-MAIL ADDRESS:  
stodd@jahlaw.com

WRITER'S DIRECT DIAL:  
704-998-2306

January 29, 2019

**VIA HAND DELIVERY**

**Mr. Jay Camp, AICP**

Interim Planning Director

**Mary Jo Gollnitz, CZO**

Senior Planner/Zoning Administrator

Town of Matthews

232 Matthews Station Street

Matthews, NC 28105

Re: Rezoning Application filed by Discount Tire Corp. ("Applicant" or "Discount Tire") requesting a change in zoning from B-1(CD) to B-H (CD) for a +/- 1.887 AC site located at 1625 Windsor Square Drive, Matthews, NC and U.S. Highway 74/East Independence Blvd and further identified as Tax Parcel # 193-231-25 (the "Site")..

Dear Mr. Camp and Ms. Gollnitz:

Thank you for meeting with us recently to discuss rezoning the above referenced Site for use by our client, Discount Tire. Discount Tire is being displaced by NCDOT from its current location near the corner of Sardis Road North and Independence Boulevard as a result of substantial road way improvements in that area.

Discount Tire Corporation is a national volume tire retailer. Unlike most of its competitors, Discount Tire only sells, installs, and services tires. Discount Tire does not sell wiper blades or perform State inspections. Nor does it do lube jobs, oil changes, or fix brake pads.

The proposed new Site is the former "Tilted Kilt" restaurant located across E. independence Blvd. from the Windsor Square Shopping Center ("Shopping Center") and adjacent to Red Lobster and Chick-fil-a. The Site also has frontage on both Windsor Square Drive and Independence Pointe Parkway. A hotel on the other side of Independence Pointe Parkway is located "behind" the Site. A full-access intersection currently "connects" these establishments to the Shopping Center, the various restaurants serving as additional out-parcels for the convenience of the Shopping Center's patrons and the community as a whole.

This letter is submitted along with the above referenced Zoning Application to meet the requirements of Paragraph 12 of the *Instructions for filing an Application for a Change in a Zoning Classification* (the "Instructions"). Discount Tire proposes to demolish the vacant restaurant structure and build a new retail/service facility.

The Town of Matthews Land Use Plan 2012-2022 (the "Land Plan") identifies the Site as either in or bordering a Transitioning and Sensitive area along E. Independence Blvd and Independence Pointe Parkway. The Site fronts E. Independence Blvd. making Business-Highway zoning district a logical choice.

With E. Independence Blvd. transitioning to a controlled access freeway, parallel thoroughfares such as Independence Pointe Parkway will have to shoulder the traffic burden from land uses that no longer have direct access to E. Independence. In addition to requiring developments to plan for, and construct access points on alternate roadways other than Independence Blvd, the Land Use Plan also recommends that land uses adjacent to US-74 intersections "must deter significant increases in traffic and traffic patterns." In fact, the Land Plan expressly discourages "further development of impulse retail/commercial uses at these locations", favoring instead "non-residential, destination-oriented uses" as the "most appropriate uses." (See pages 75-76 of the Land Use Plan).

The Site will have access points on Windsor Square Drive and Independence Pointe Parkway. Unfortunately, even at Discount Tire's low prices, purchasing new tires cannot be considered "impulse retail" but rather a destination-based retail use. Furthermore, locating a retail automotive use in and among the various restaurant uses in the immediate vicinity provides the desired "mixed use" sought to support the existing retail centers in the area. (See page 76 of the Land Use Plan).

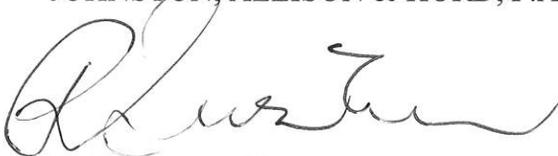
Therefore, the proposed rezoning is consistent with the Land Use Plan as the proposed use supports several policies, guidelines and action items expressed within.

On behalf of Discount Tire and Johnston, Allison & Hord, we appreciate your guidance and look forward to working with you both towards the successful completion of this rezoning project.

Should you have any questions or comments, please feel free to contact me directly at 704.998.2306.

Sincerely,

JOHNSTON, ALLISON & HORD, P.A.



R. Susanne Todd

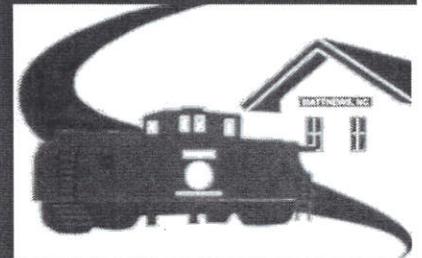
cc: Don Thrailkill, Discount Tire (via email)  
Suzanne DiMaio, Discount Tire (via email)



# Town of Matthews

## Land Use Plan

# 2012 - 2022



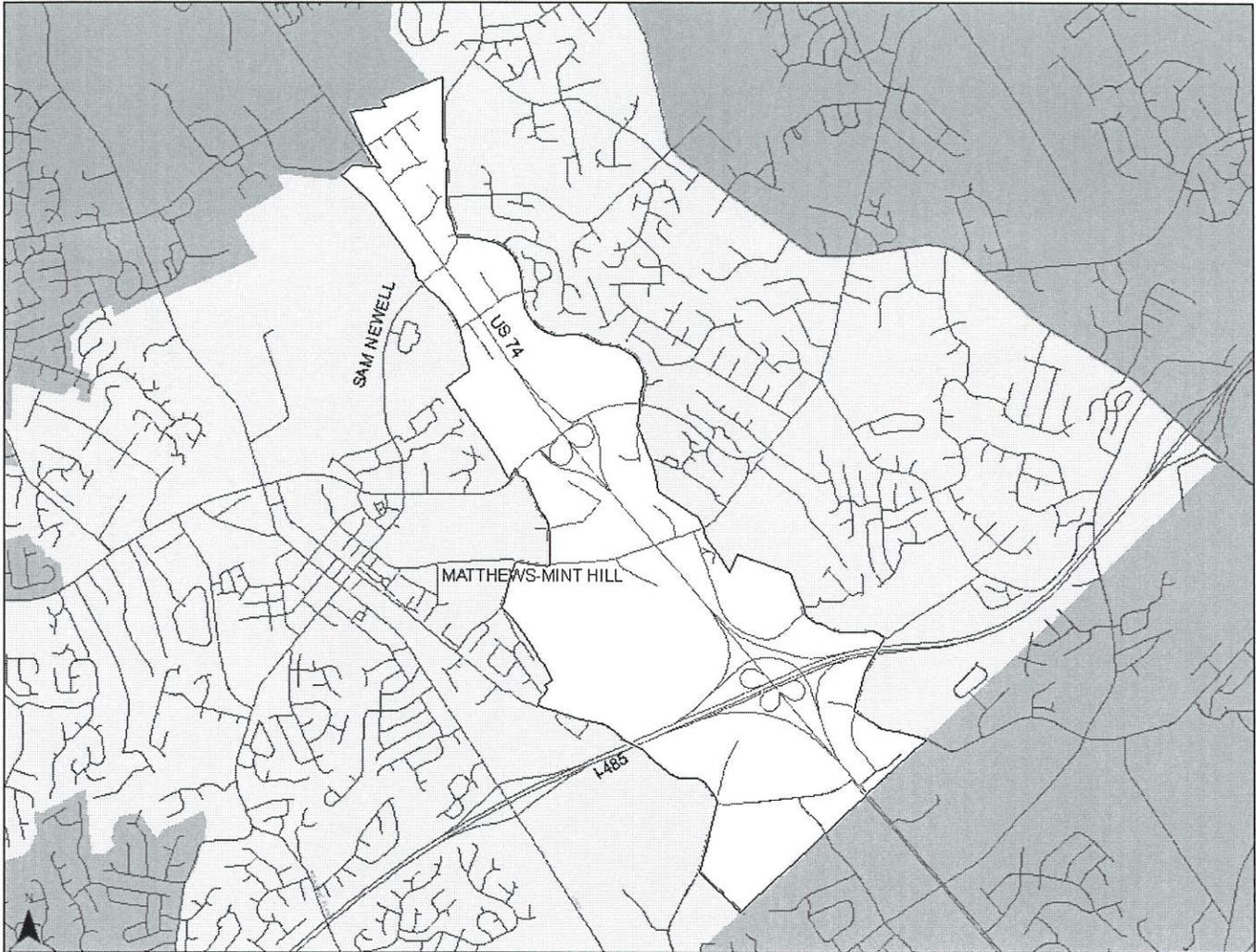
Recommended by Matthews Planning Board on November 28, 2012  
Adopted by Matthews Board of Commissioners on December 10, 2012



## 2a. INDEPENDENCE BOULEVARD (US 74)

Since its inception in the 1950s, Independence Boulevard (the eastern Mecklenburg County segment of US-74) has constantly evolved in an attempt to keep pace with urban and suburban development across the region. The next planned manifestation contains two elements of significant impact:

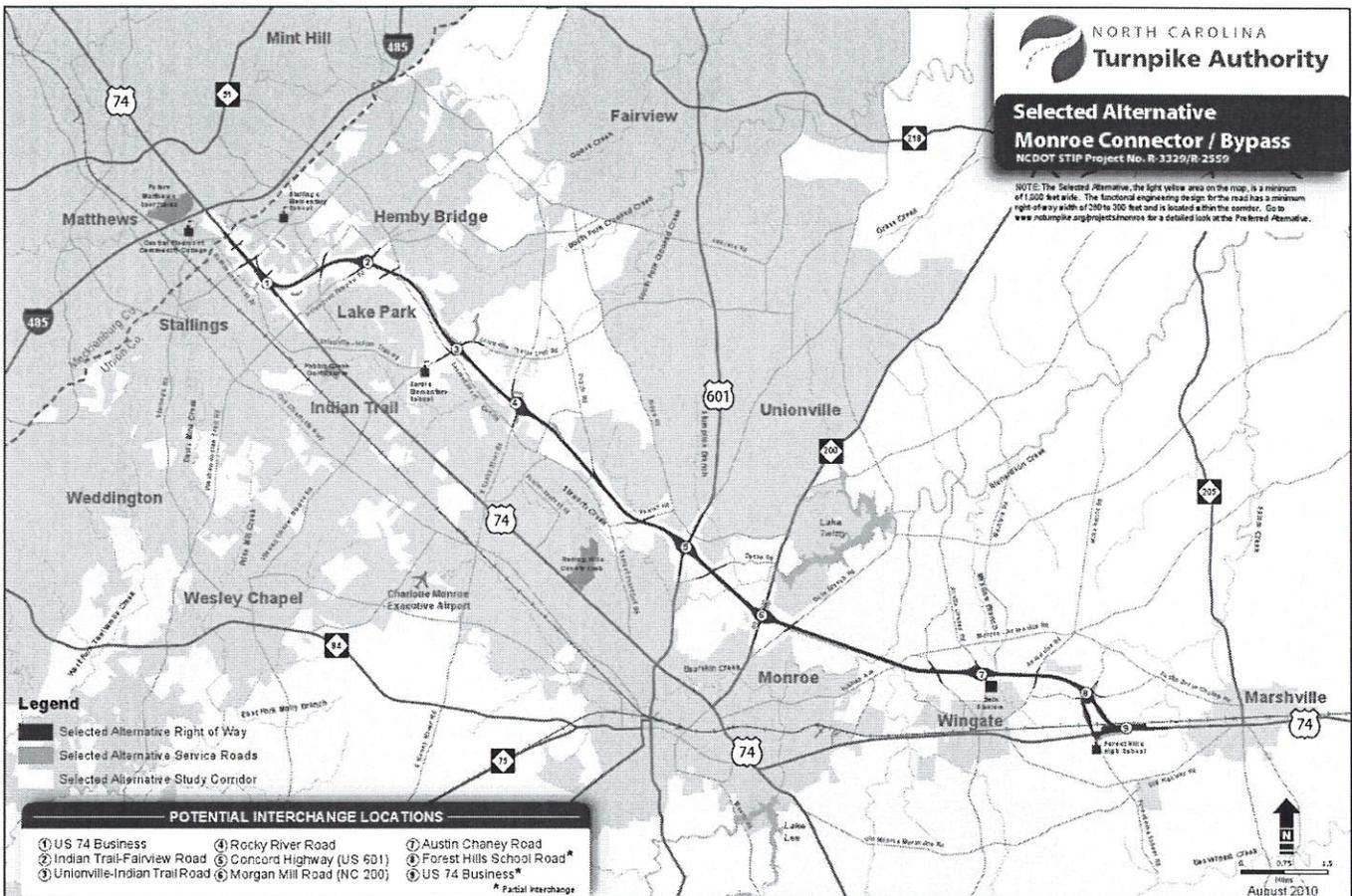
- Monroe Connector / Bypass
- US 74 Improvements



*Independence Boulevard bisects the Town of Matthews.*

### Monroe Connector / Bypass

The North Carolina Turnpike Authority will construct a US-74 bypass in Union County. The recommended alignment would begin in Marshville and terminate in Stallings. Aside from minor widening for access ramps, no deviation from the existing roadway would be inside Town limits. Under the planned alignment, US-74 would be widened to a 260' right of way from I-485 in Matthews to Stallings Road in Stallings. In the face of numerous regulatory setbacks, a timeline for construction of the bypass is currently unknown.



The planned alignment for the Monroe Connector / Bypass

## US-74 Improvements

The US-74 roadway improvements have been in the planning stages since the mid-1980s. In February 2007, the Mecklenburg-Union Metropolitan Planning Organization (MUMPO) approved a project to upgrade the US-74 corridor from Idlewild Road in Charlotte to I-485 in Matthews. These improvements will involve closing most access points along the roadway, thus transitioning US-74 into a limited access freeway. Part of the CATS Southeast Transit Corridor Rapid Transit route will operate on a dedicated lane along this roadway (in Charlotte). This project is unfunded with no scheduled completion date.

To account for closing access points, two alternate collector roadways, Northeast Parkway and Independence Pointe Parkway, are being constructed on either side of US-74. Both roadway projects are developer-driven and, therefore, only partially completed. These roadways function independently of US-74, providing access to adjacent land uses. As US-74 transitions to a limited access freeway, these roadways will replace US-74 as collector roadways for local traffic. Both roadways are minor thoroughfares in the MUMPO Thoroughfare Plan.

Due to zoning requirements, new developments must plan for and construct driveways on these alternate roadways and allow driveway closure along US-74 when road construction begins. The Town encourages primary access points to be located along the alternate roadways.

Land uses adjacent to US-74 intersections must deter significant increases in traffic and traffic patterns. Further development of impulse retail/commercial uses is discouraged at these locations. Non-residential, destination-oriented uses are most appropriate uses. Existing retail centers are ideal for redevelopment into mixed use centers.

**See also: Independence Pointe Parkway Area; Northeast Parkway Area; US 74 / I-485 Interchange Area.**

### INDEPENDENCE BOULEVARD ACTION ITEMS:

1. *Encourage the completion of alternate collector roadways.*
2. *Prohibit development which is solely dependent on access along US-74.*
3. *Require developers to locate primary access driveways along alternate roadways.*
4. *Prohibit expansion of impulse/commercial land uses along US-74.*
5. *Promote non-residential, destination-based land uses along US-74.*
6. *Encourage redevelopment of existing retail centers into mixed use concepts.*

### 2c. INDEPENDENCE POINTE PARKWAY

Independence Pointe Parkway will become a local alternate for US-74, providing needed access points when US-74 transitions to a limited access freeway. The Charlotte Area Transit System (CATS) Southeast Rapid Transit Corridor has been planned to operate on the thoroughfare. Four transit stations could be constructed in Matthews. A possible fifth station on Sardis Road North in Charlotte would impact the Town due to its proximity to the Town limits.



*A completed Independence Pointe Parkway will double as the Southeast Transit Corridor.*

Land near each station should be designed to support and encourage mass transit. These transit supportive developments should create the density required to sustain a rapid transit route. In turn, these densities will increase demand for more commercial and residential development demand.

To prepare for this development, the Town partnered with CATS to create the *Town of Matthews Transit Station Area Joint Development Principles and Policy Guidelines* document. Though much uncertainty remains regarding specifics of implementation, such as CATS's final determination as to the mode of transit, the station locations identified therein by Matthews are logical for either bus or rail. This plan guides successful implementation of transit supportive developments. One upcoming development is the Family Entertainment District, which exemplifies the principles stated in the joint plan. Therefore, it is in the Town's best interest to allow mixed-use and higher-density uses in these areas to solidify the eventual implementation of this plan. Such transit supportive developments should emphasize the use of multi-modal transportation and encourage mass transit connections in the future.

Martin Marietta, a heavy industrial rock quarry, operates on a portion of the proposed alignment. The quarry has dedicated future right-of-way for the construction of part of Independence Pointe Parkway. The centerline may shift due to results of further engineering studies, updates to the quarry reclamation plan, and / or the determination that additional right of way is needed to accommodate traffic.

This roadway is a minor thoroughfare on the MUMPO Thoroughfare Plan. The roadway is largely unconstructed and disconnected. No funding exists for roadway extension; construction will be development-driven.

**See also: US 74 Area; Family Entertainment District; Sam Newell Area; US 74 / 485 Interchange Area.**

**INDEPENDENCE POINTE PARKWAY ACTION ITEMS:**

1. *Require developers to build portions of Independence Pointe Parkway in conjunction with adjacent land development.*
2. *Create provisions for a transit-supportive zoning district.*
3. *Rezone applicable land to allow for transit-supportive development.*
4. *Require vacant land abutting the Park and Ride facility to develop as transit-supportive uses.*
5. *Require land at the Martin Marietta quarry to be redeveloped for office, specialty-retail, civic/public or service uses when reclaimed.*
6. *Develop desired streetscape renderings of Independence Pointe Parkway including landscape, sidewalks, bike lanes, signage, and lighting.*
7. *Consolidate driveways and limit curb cuts and median breaks along Independence Pointe Parkway.*
8. *Require the location of utilities underground.*
9. *Encourage parking at the side or rear of properties.*
10. *Prohibit parking at the front of properties.*
11. *Relocate loading zones and service entrances at the rear of properties.*

**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, VA 24018

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

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

Application number  
**2019-694**  
For office use only

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

The Petitioner is requesting a zoning change to allow for retail sales of general merchandise (to include the sale of tires) and any accessory uses incidental thereto, including the installation, service and indoor storage of tires.

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

FGLW Properties, LLC

\_\_\_\_\_  
Print name of property owner  
5030 Woodmont Drive SW

\_\_\_\_\_  
Property owner's mailing address  
Roanoke, VA 24018

\_\_\_\_\_  
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

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

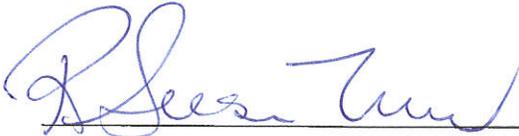
\_\_\_\_\_  
Print name of property owner

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

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

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

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



\_\_\_\_\_  
Signature of agent (if any)

R. Susanne Todd

\_\_\_\_\_  
Print name of agent  
Johnston, Allison & Hord

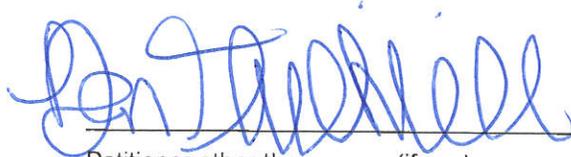
\_\_\_\_\_  
Agent's mailing address  
1065 East Morehead Street

\_\_\_\_\_  
Agent's mailing address, continued  
Charlotte, NC 28204

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

704-998-2306 stodd@jahlaw.com

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



\_\_\_\_\_  
Petitioner other than owner (if any)

Discount Tire Company (c/o Don Thraikill)

\_\_\_\_\_  
Print name of petitioner  
20225 North Scottsdale Road

\_\_\_\_\_  
Petitioner's mailing address  
Scottsdale, Arizona 85255

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

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

480-606-5781 dthraikill@discounttire.com

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

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

The Petitioner is requesting a zoning change to allow for retail sales of general merchandise (to include the sale of tires) and any accessory uses incidental thereto, including the installation, service and indoor storage of tires.

Application number  
**2019-694**  
For office use only

J. Jettie Galer  
Signature of property owner (must be original)

FGLW Properties, LLC

Print name of property owner  
5030 Woodmont Drive SW

Property owner's mailing address  
Roanoke, VA 24018

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

Signature of agent (if any)

R. Susanne Todd

Print name of agent  
Johnston, Allison & Hord

Agent's mailing address  
1065 East Morehead Street

Agent's mailing address, continued  
Charlotte, NC 28204

Agent's mailing address, continued

704-998-2306 stodd@jahlaw.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)

Discount Tire Company (c/o Don Thrailkill)

Print name of petitioner  
20225 North Scottsdale Road

Petitioner's mailing address  
Scottsdale, Arizona 85255

Petitioner's mailing address, continued

Petitioner's mailing address, continued

480-606-5781 dthrailkill@discounttire.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."

Application number

2019-694

For office use only

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

**EXHIBIT A****100' LISTING FROM TAX PARCEL NUMBER 193-231-25**9715 E. Independence Blvd., Parcel No. 19330310

Rebpat Leasing  
P.O. Box 240525  
Charlotte, NC 28224

9721 E. Independence Blvd., Parcel No. 19330304

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

9727 E. Independence Blvd., Parcel No. 19330311

ECP, LLC  
107 Trinity Ct.  
Lynchburg, VA 24502

1700 Windsor Square Dr., Parcel No. 19330203

Sam's Investments VIII, LLC  
7935 Council Pl.  
Matthews, NC 28105

9801 E. Independence Blvd., Parcel No. 19323123

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

9902 E. Independence Blvd., Parcel No. 19323135

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

9900 Matthews Park Dr., Parcel No. 19323137

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

9920 E. Independence Blvd., Parcel No. 19323104

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

9905 Matthews Park Dr., Parcel No. 19323134

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

**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 Jan 29 2019

Town Board of Commissioners formally accepts application and sets Public Hearing date February 11, 2019

Notices sent via mail to affected/adjacent property owners on or before March 25, 2019

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 8, 2019

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 23, 2019

Town Board of Commissioners approves or denies application May 13, 2019

*The Matthews Board of Commissioners General Procedures Policy on Zoning and Development Case Appearances Before the Town Board*, initially adopted October 8, 2018, explains the Board of Commissioners' expectations that this application is ready for public review and action, and that the above schedule can be followed without delays. By signing below, the property owner(s) and all other parties involved in preparing and presenting this zoning application indicate they have read and understand their responsibility to submit complete and accurate documents in a timely manner throughout the review process. Late or missing (new or revised) documents may limit the applicants opportunity to present updated information, which may result in an unfavorable decision.

Signature of J. Jutter Galee  Property Owner 1/24/19 Date 1/24/19  
 Agent for Property Owner  
 Other (please identify) \_\_\_\_\_

Signature of R. Sevens  Agent for Property Owner 1/29/18 Date  
 Property Owner  
 Other (please identify) \_\_\_\_\_

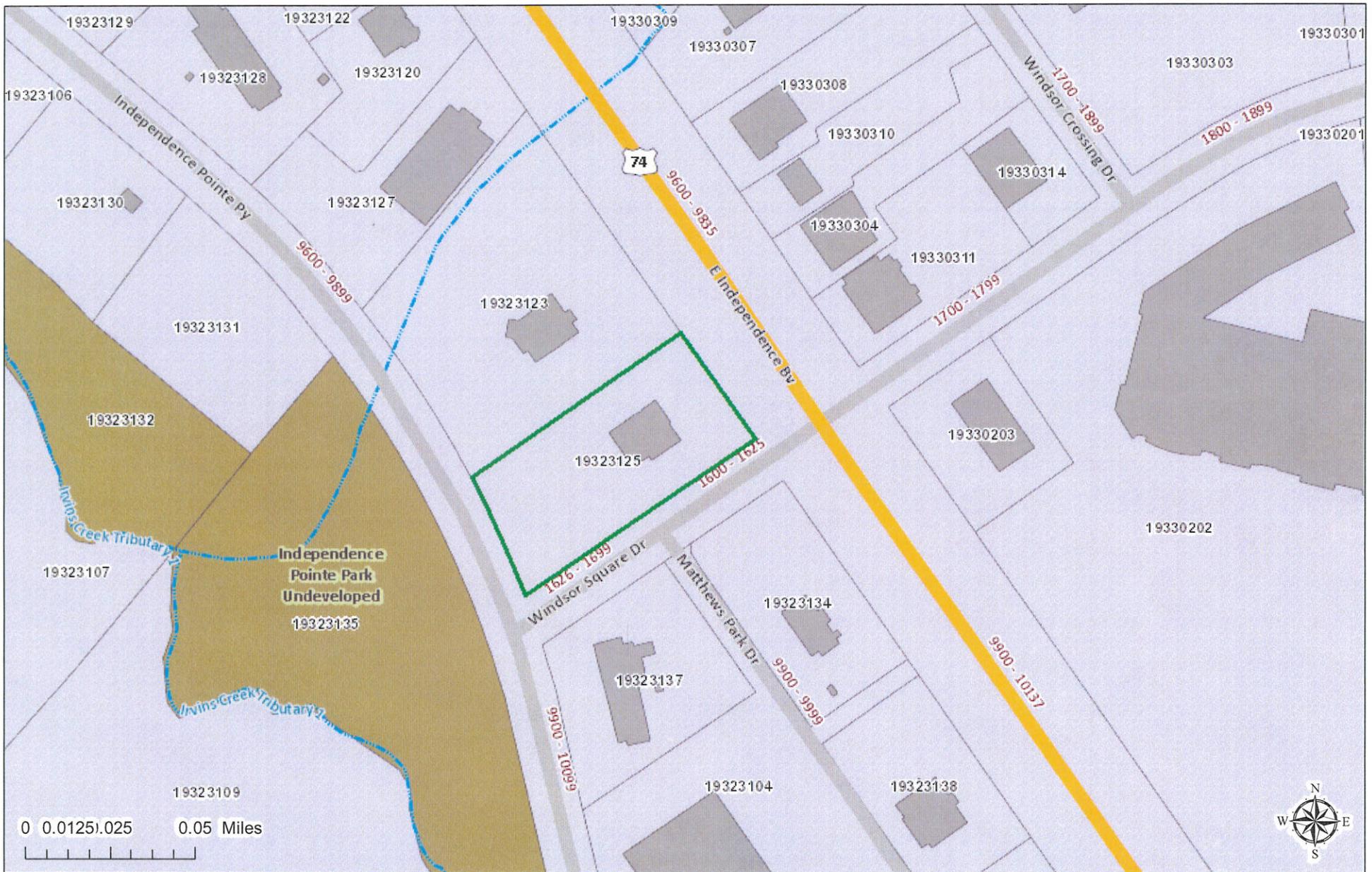
Signature of \_\_\_\_\_  Property Owner \_\_\_\_\_ Date \_\_\_\_\_  
 Agent for Property Owner  
 Other (please identify) \_\_\_\_\_

2019-694

# Polaris 3G Map – Mecklenburg County, North Carolina

## Parcel No. 19323125

Date Printed: 1/25/2019 10:29:54 AM



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.