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Womble Bond Dickinson (US) LLP

555 Fayetteville Street  
Suite 1100  
Raleigh, NC 27601

t: 919.755.2100  
f: 919.755.2150

May 28, 2019

Jay Camp, AICP  
Interim Planning Director  
Town of Matthews  
232 Matthews Station St.  
Matthews, NC 28105  
Via email: [jcamp@matthewsnc.gov](mailto:jcamp@matthewsnc.gov)

Dear Jay:

Please find attached a completed conditional rezoning application.

The following documents are a part of the conditional rezoning application:

1. A completed zoning application;
2. A written explanation how the application is reasonable and in conformance with Town laws, goals and policies;
3. A tax map outlining the land area subject to the application;
4. A list of adjacent property owners using the most current data supplied by the Mecklenburg County Tax Office;
5. A vegetative survey; and
6. A GIS map showing the location of existing buildings and structures.

We understand that the proposed rezoning application does not require a traffic impact study or proposed street cross-sections.

The zoning application references a document entitled "The Matthews Board of Commissioners General Procedures Policy on Zoning and Development Case Appearances Before the Town Board." We have been unable to locate this document on the Town's website. Please provide us a link or copy of this document.

Jay Camp, AICP  
Interim Planning Director  
Town of Matthews  
May 28, 2019  
Page 2



We look forward to working with the Town on this application.

Very truly yours,



John C. Cooke

JCC

Attachments



DATE FILED 2019-5-29  
APPLICATION NUMBER 2019-700  
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): 21501406

Address of property: 433 E John St. Matthews, NC 28105

Location of property: Located between East John Street and East Charles Street, located east of Charles Buckley Way.

Title to the property was acquired on January 15, 2014  
and was recorded in the name of 433 East John Street Corporation  
whose mailing address is PO BOX 1828 HATTIESBURG MS 39403

The deed is recorded in Book 28957 and Page 67 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: Light Industrial (I-1) Requested zoning classification: Light Industrial Conditional I-1 CD

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

Please see additional sheet.

Application number  
  
For office use only



Signature of property owner (must be original)

433 East John Street Corporation

Print name of property owner  
PO BOX 1828

Property owner's mailing address  
HATTIESBURG MS 39403

Property owner's mailing address, continued

Property owner's mailing address, continued

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)

John Cooke

Print name of agent  
555 Fayetteville Street

Agent's mailing address  
Raleigh, NC 27601

Agent's mailing address, continued

Agent's mailing address, continued

919-755-2192/john.cooke@wbd-us.com

Agent's phone number/email address

Petitioner other than owner (if any)

Print name of petitioner

Petitioner's mailing address

Petitioner's mailing address, continued

Petitioner's mailing address, continued

Petitioner's phone number/email address

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

Please see additional sheet.

Application number  
*2019-700*  
For office use only

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

\_\_\_\_\_  
433 East John Street Corporation

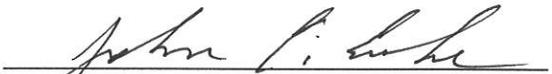
\_\_\_\_\_  
Print name of property owner  
PO BOX 1828

\_\_\_\_\_  
Property owner's mailing address  
HATTIESBURG MS 39403

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

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

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

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

\_\_\_\_\_  
John Cooke

\_\_\_\_\_  
Print name of agent  
555 Fayetteville Street

\_\_\_\_\_  
Agent's mailing address  
Raleigh, NC 27601

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

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

\_\_\_\_\_  
919-755-2192/john.cooke@wbd-us.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)

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

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

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

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

\_\_\_\_\_  
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

2019-700  
For office use only

22701315

TAX PARCEL

FAHM LLC

PROPERTY OWNER NAME(S)

3919 PLEASANT PLAINS RD MATTHEWS NC 28104

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

22701313

TAX PARCEL

DANIELLE CARMEN EARNHARDT

PROPERTY OWNER NAME(S)

448 E JOHN ST MATTHEWS NC 28105

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

22701311

TAX PARCEL

LULA MAE H POPE

PROPERTY OWNER NAME(S)

508 E JOHN ST MATTHEWS NC 28105

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

21501405

TAX PARCEL

CHURCH OF GOD

PROPERTY OWNER NAME(S)

PO BOX 2754 MATTHEWS NC 28106

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

22701314

TAX PARCEL

THOMAS REID YANDLE

PROPERTY OWNER NAME(S)

3615 COUNTRY CLUB DR CHARLOTTE NC 28205

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

22701312

TAX PARCEL

2018-2 IH BORROWER LP

PROPERTY OWNER NAME(S)

PO BOX 13270 SCOTTSDALE AZ 85267

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

21501419

TAX PARCEL

CHURCH OF GOD - MATTHEWS

PROPERTY OWNER NAME(S)

OLD MONROE RD MATTHEWS NC 28105

OWNER MAILING ADDRESS

517 E John St, Matthews NC 28105

OWNER MAILING ADDRESS, CONTINUED

21502311

TAX PARCEL

BHUPINDER SINGH

PROPERTY OWNER NAME(S)

308 CLUBVIEW ST MATTHEWS NC 28105

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

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.

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Application number  
**2019-700**  
For office use only

21501212

TAX PARCEL

LESTER WAYNE TURNER

PROPERTY OWNER NAME(S)

309 CLUBVIEW ST MATTHEWS NC 28105

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

21501407

TAX PARCEL

LIVING TRUST FUNDERBURK THOMAS REVOCABLE

PROPERTY OWNER NAME(S)

831 KILARNEY CT MATTHEWS NC 28104

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

21501423

TAX PARCEL

TOWN OF MATTHEWS

PROPERTY OWNER NAME(S)

232 MATTHEWS STATION ST MATTHEWS NC 28105

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

22701316

TAX PARCEL

BOBBIE PRICE DISHINGER

PROPERTY OWNER NAME(S)

416 E JOHN ST MATTHEWS NC 28105

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

## 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 May 29, 2019

Town Board of Commissioners formally accepts application and sets Public Hearing date June 10, 2019

Notices sent via mail to affected/adjacent property owners on or before August 26, 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 September 9, 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 September 24, 2019

Town Board of Commissioners approves or denies application October 14, 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.

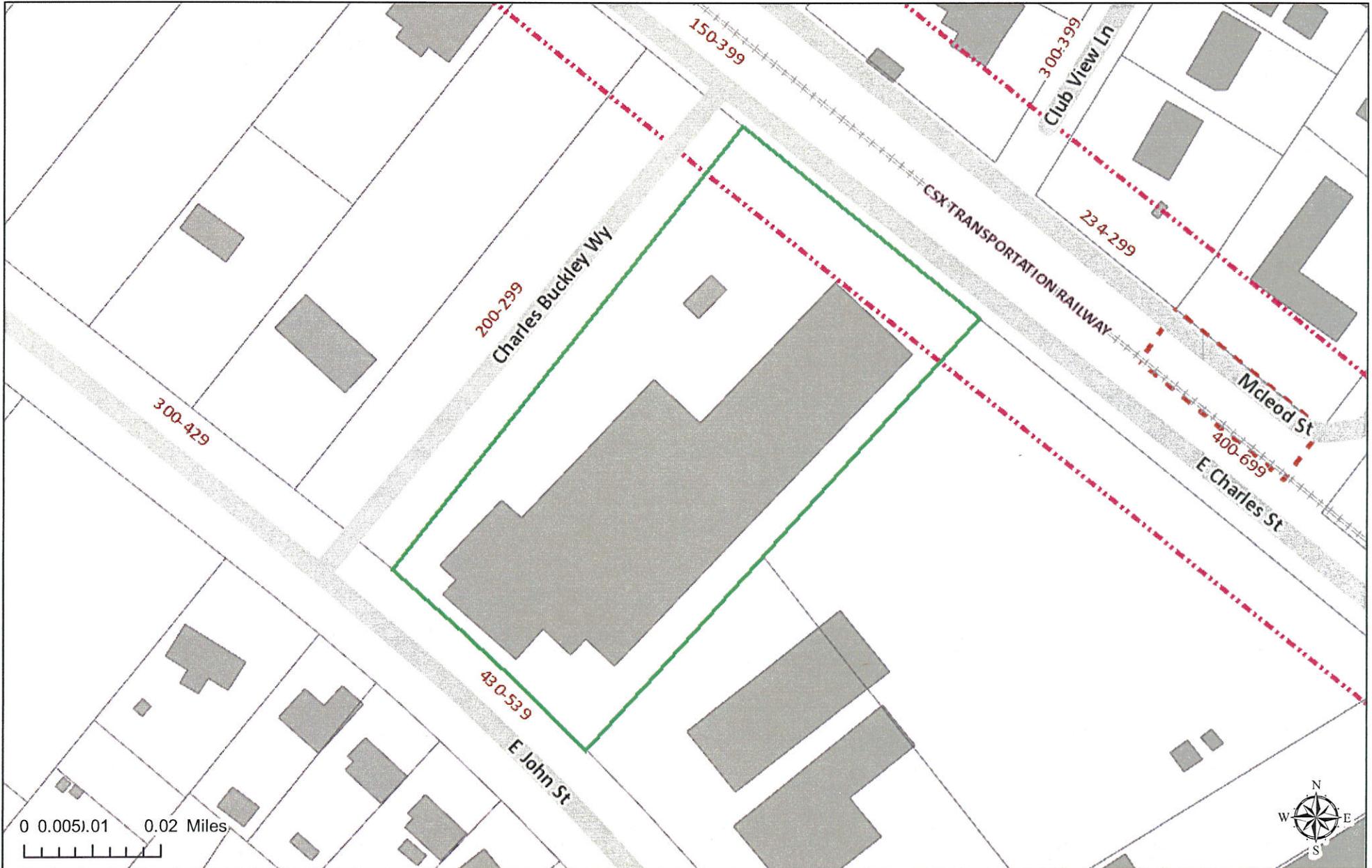
Signature of \_\_\_ Property Owner \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_ Agent for Property Owner \_\_\_\_\_  
\_\_\_ Other (please identify) \_\_\_\_\_

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

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

# Polaris 3G Map – Mecklenburg County, North Carolina 2019-700

Date Printed: 5/30/2019 10:01:17 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.

womblebonddickinson.com

John C. Cooke  
Partner  
Direct Dial: 919/755-2192  
Direct Fax: 919/755-6083  
[John.cooke@wbd-us.com](mailto:John.cooke@wbd-us.com)



2019-700  
WOMBLE  
BOND  
DICKINSON

Womble Bond Dickinson (US) LLP

555 Fayetteville Street  
Suite 1100  
Raleigh, NC 27601

t: 919.755.2100

f: 919.755.2150

**VIA FEDERAL EXPRESS**

May 29, 2019

Jay Camp, AICP  
Interim Planning Director  
Town of Matthews  
232 Matthews Station St.  
Matthews, NC 28105-6713

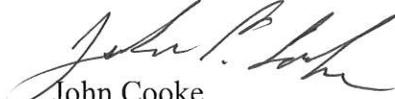
Dear Jay:

Please find enclosed my original signature for the Rezoning Application.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

**Womble Bond Dickinson (US) LLP**

  
John Cooke

JCC/avrs

Enclosure

## Justification Statement to Stronghaven Light Industrial Conditional Rezoning Application

This conditional rezoning request for 433 East John Street Corporation is reasonable and in conformance with adopted development goals and policies of the Town of Matthews.

433 East John Street (The Property) is operated by Stronghaven Incorporated. Stronghaven, is in the business of manufacturing packing and operates in two different locations in the Town, one location at 11135 Monroe Road and the other at the subject property. According to the Mecklenburg County Tax Records, the property on Monroe Road has a tax value of \$1.1M and the subject property has a tax value of \$2.1 M. So the combined tax value of our client's property in the Town is \$3.2M dollars. Last year, alone, our client paid the Town of Matthews over \$38,000.00 in taxes. Stronghaven has operated a substantial warehouse and office on the subject property since 1995.

The Mecklenburg County Tax Records indicate that the buildings on our client's property were constructed in the 1960s and in 1982. Clearly, these buildings are not residential by design and use. Therefore, it seems reasonable to conclude the property has been used for light industrial uses for over fifty (50) years and this use continues today.

Stronghaven has made investments in this property to improve and update it to ever changing world of business, and the property owner intends to continue the existing uses and operations of the Property.

Stronghaven proposes this rezoning to continued existing and future operations associated with its business on the Property while limiting future uses unrelated to Stronghaven's business.

The Town's Unified Development Ordinance ("UDO") describes the zoning district, Light Industrial (I-1), as a district "established to create and protect industrial areas for the provision of light manufacturing and the distribution of products at wholesale." Stronghaven's operations fit within the stated purpose of of the I-1 zoning district.

The Town's Land Use Plan supports this rezoning application. Industrial land uses are an integral part of the Town's composition of land uses, contributing towards the Town's tax base and providing employment opportunities. The Town's Land Use Plan acknowledges this, noting "a mix of regional and local industrial center contributes a significant portion to the Town's strong tax base" (Land Use Plan page 34).

The Land Use Plan discusses industrial land uses further, and expresses favoritism for light industrial land use: "The Town acknowledges and supports a shift toward growth of light industrial uses in its jurisdiction. Light industrial uses tend to be less employee intensive, commonly using automated packaging, warehousing and distribution facilities. Benefits of light industrial land uses include employment opportunities and expansion of new technologies." The Town has several Action Items regarding industrial land uses, many of which are concerned with heavy industrial land uses or industrial land uses that are damaging to the environment, or produce excessive pollution. Stronghaven is a light industrial user and does not produce

excessive pollution or harmful environmental impacts. Two action items specifically apply to the Stronghaven property, with applicant responses in italics:

6. Encourage the growth of light industrial land uses and flex office spaces.

*The rezoning allows continued operation of Stronghaven, a light industrial user.*

7. Encourage additional buffering measures at industrial sites that border other land uses.

The Property is bordered by three roads (East John Street, Charles Buckley Way and Charles Street). Vegetative buffering exists where the property is adjacent to a non-public transportation use, the Matthews Church of God. No building modifications are proposed with this rezoning and the buffer will remain.

The Property is located within one of the Town's designated Transitioning and Sensitive Areas, the East John Street Gateway. With respect to land use, the Plan states the following regarding the East John Street Gateway, "Between the I-485 interchange area and downtown, adjacent land should remain its current, mostly residential use, supporting and maintaining the existing land use."

This application seeks to allow the existing land use to be maintained. Additionally, the Area Plan acknowledges that East John Street is currently over capacity, and that "Development along and adjacent to East John Street must consider potential impacts to traffic congestion." This rezoning will not increase the transportation demand as currently exists.

Simply, this rezoning application preserves the current uses of the Property to permit Stronghaven to continue to provide revenue to the Town without making significant demands on the Town for services, employment opportunities and limits other uses so that re-development of the Property would not cause more congestion along East John Street.

The conditions proposed by 433 East John Street Corporation are attached as Addendum 1 of this Justification Statement.

## Addendum 1 - Stronghaven's List of Zoning Conditions

1. Subject to verification by the Town's Zoning Administrator that prohibiting these uses does not limit, adversely affect or interfere with current uses, operations, buildings and structures located on the Property, the applicant will prohibit the following uses on the Property.

### General Commercial Uses

- a. Alcohol and alcoholic beverage, wine, and beer production and sales, subject to § 155.506.45
- b. Armory for meetings and training of military organizations
- c. Auction house
- d. Crematorium, when located on same lot as a cemetery or funeral home, subject to 155.506.13
- e. Crematorium, stand alone, or on an adjacent parcel to a cemetery or funeral home only when such parcel is commercially or industrially zoned, subject to 155.506.13
- f. Drive-up service window, subject to § 155.506.33
- g. Gas station with convenience store, subject to § 155.506.49
- h. Gas pump without convenience store
- i. Internet sweepstakes, or adult gaming facility § 155.506.50
- j. Laundry and dry cleaning establishment not to exceed 4,500 sq. ft. gross floor area
- k. Laundry and dry cleaning establishment not to exceed 10,000 sq. ft. gross floor area
- l. Motor vehicle service facility limited to oil change, tire rotation and replacement, and similar minor maintenance service, all activity taking place within the building, not over 3 service bays and no overnight vehicle storage
- m. Motor vehicle repair garage including engine overhaul, body and paint shop and similar operations
- n. Motor vehicle, passenger, and motorcycle, new and used, sales and rental
- o. Motor vehicle, commercial or recreational, new and used, sales and rental
- p. Nursery, commercial, with or without greenhouse
- q. Outdoor equipment and machinery, sales and repair
- r. Outdoor sales in conjunction with a permanent business, subject to § 155.506.36
- s. Pet cemetery, including any accessory structure
- t. Secondhand goods, retail sales without outside storage, unless otherwise listed
- u. Selling from a semitruck without a cab, subject to § 155.506.36
- v. Solar collector installation, subject to § 155.506.48
- w. Towing operation with vehicle storage only within an enclosed structure
- x. Utility trailer, not exceed a loading capacity of 500 cubic feet, sales and rental

### Recreation & Entertainment Uses

- a. Amusement, commercial outdoors, including miniature golf, golf course, golf driving range, ride, slide, waterpark, paintball course and similar commercial enterprise requiring physical dexterity, except as regulated elsewhere, subject to § 155.506.40

- b. Archery or firearms range, indoor only, subject to § 155.506.47
- c. Athletic or sports fields, ballfields, in a concentration of three or more, and similar outdoor physical recreation facility intended for use by teams of participants

Industrial & Manufacturing Uses

- a. Blacksmith shop
- b. Bus and transit vehicle repair and storage
- c. Laundry and dry cleaning establishment greater than 10,000 sq. ft. gross floor area
- d. Recycled material, collection, processing and packaging within an enclosed structure

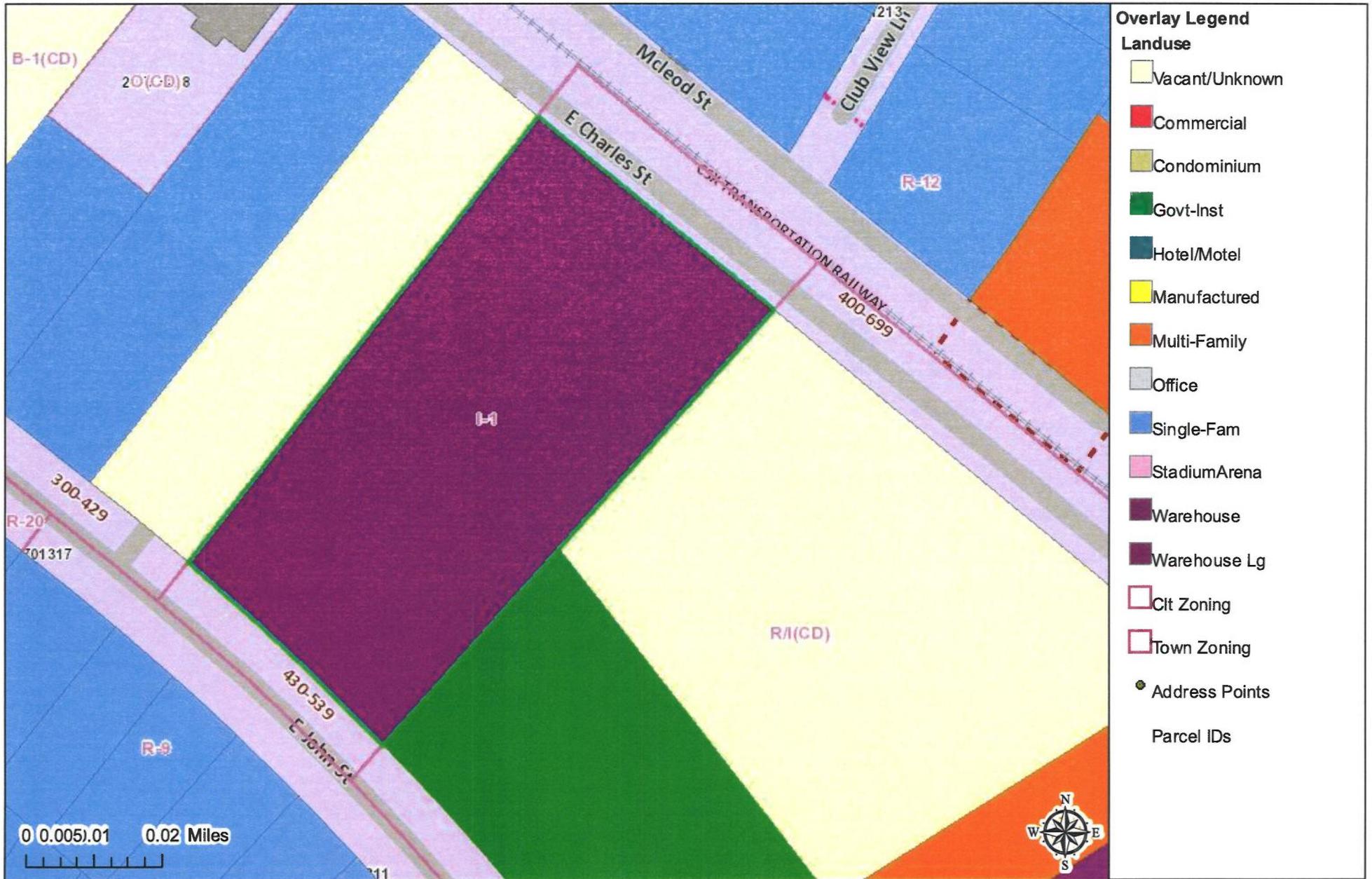
Miscellaneous Uses

- a. Auction sale of real and personal property located on site for the purpose of liquidating assets, subject to § 155.506.43.
  - b. Donation Drop-Off Facility
  - c. Electric and gas substation, sewage treatment plant and control house, pump and lift station, water storage tank, well lot and similar use, subject to § 155.506.11
  - d. On-site demolition disposal site, subject to § 155.506.37
  - e. On-site demolition disposal site, accepting off-site material, subject to § 155.506.37
  - f. Propane storage or other fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters
  - g. Public utility transmission and distribution lines
  - h. Railroad right-of-way
  - i. Temporary, self-contained storage unit, subject to § 155.506.20
  - j. Transit station (bus, rail, etc.)
2. In the event the Board of Commissioners does not defer action on the pending rezoning of the Property commenced by the Town, this application and all conditions shall be withdrawn automatically.

# Polaris 3G Map – Mecklenburg County, North Carolina

## 433 E John Street Tax Parcel Land Use

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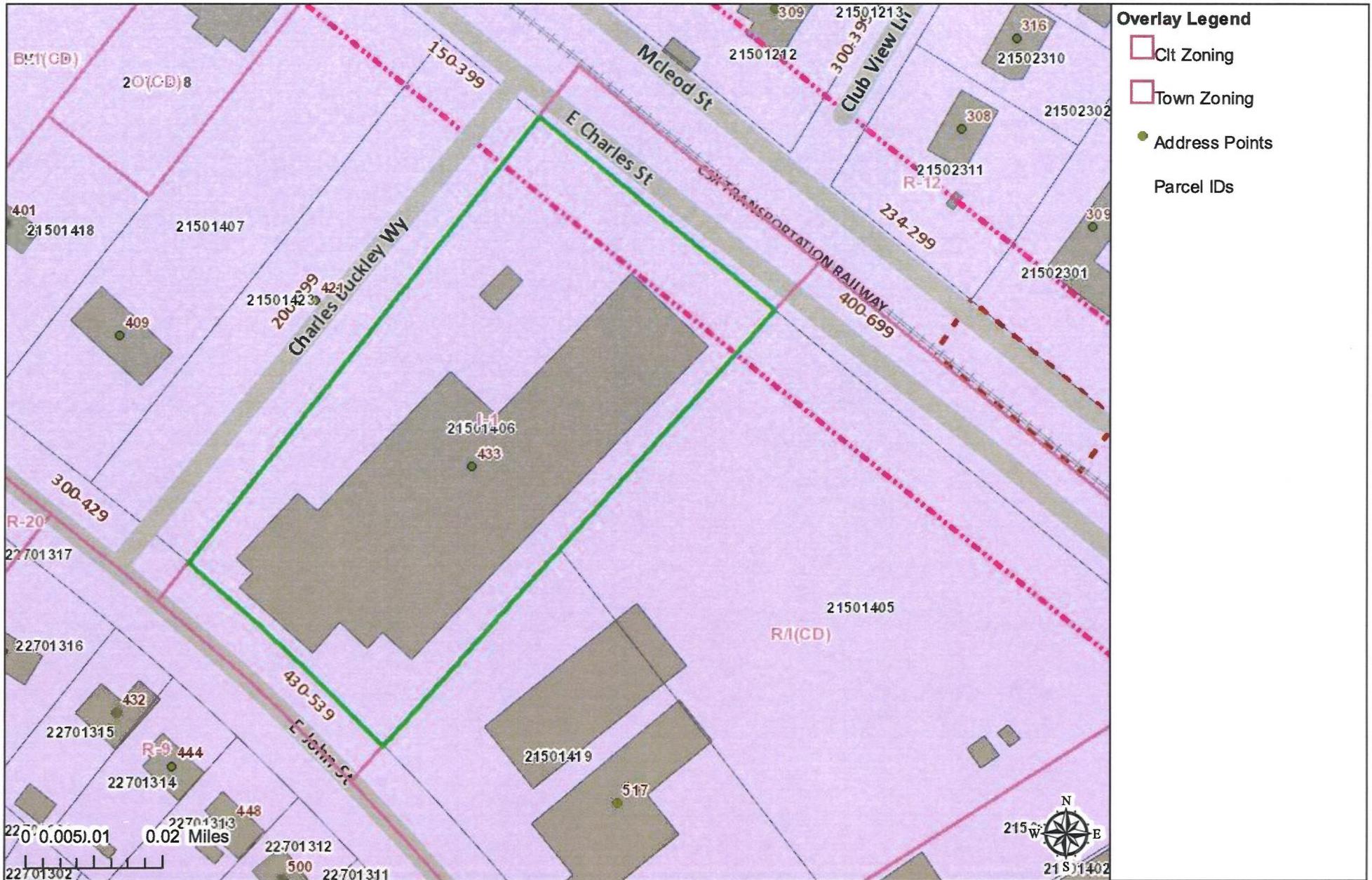


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# Polaris 3G Map – Mecklenburg County, North Carolina

## 433 E John Street Parcel ID/Address #

Date Printed: 5/24/2019 12:10:32 PM



**Overlay Legend**

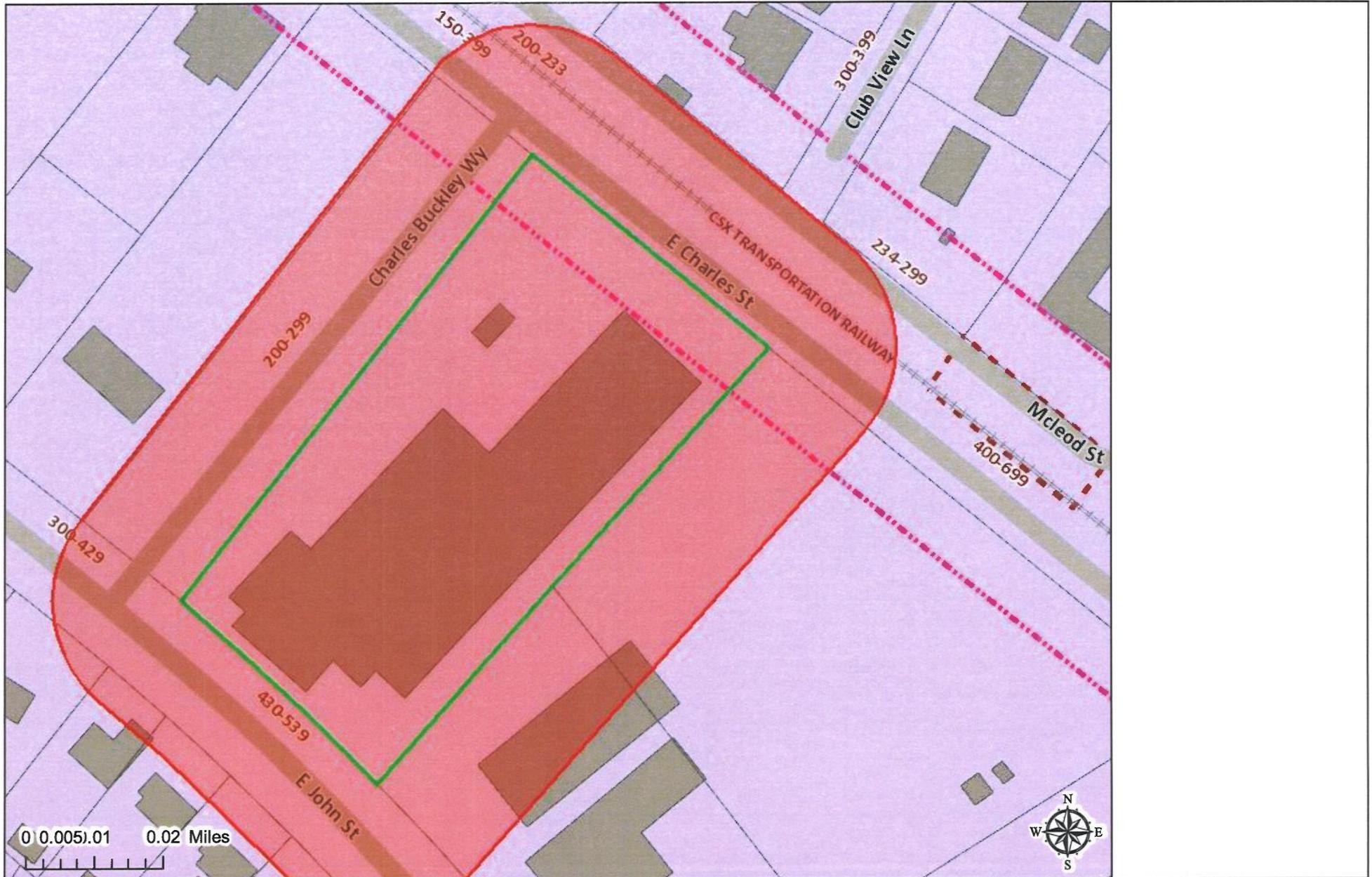
- City Zoning
- Town Zoning
- Address Points
- Parcel IDs

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# Polaris 3G Map – Mecklenburg County, North Carolina

## 433 E John Street 100' Notification

Date Printed: 5/24/2019 11:47:25 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.

PARCEL_ID	OWNER_NAME	MAILING_ADDRESS	CITY	STATE	ZIP_CODE	PROPERTY_ADDRESS
21501405	CHURCH OF GOD,	PO BOX 2754	MATTHEWS	NC	28106	420 E CHARLES ST E MATTHEWS
21501406	433 EAST JOHN STREET CORPORATION,  C/O HOOD CONTAINER CORPORATION,	PO BOX 1828	HATTIESBURG	MS	39403	433 E JOHN ST MATTHEWS
21501407	FUNDERBURK THOMAS REVOCABLE, LIVING TRUST MARY FUNDERBURK REVOCABLE, LIVING TRUST	831 KILARNEY CT	MATTHEWS	NC	28104	409 E JOHN ST MATTHEWS
21501419	CHURCH OF GOD - MATTHEWS,	OLD MONROE RD	MATTHEWS	NC	28105	517 E JOHN ST MATTHEWS
21501423	TOWN OF MATTHEWS,	232 MATTHEWS	MATTHEWS	NC	28105	421 E JOHN ST MATTHEWS
22701311	POPE, LULA MAE H	508 E JOHN ST	MATTHEWS	NC	28105	508 E JOHN ST MATTHEWS
22701312	C/O INVITATION HOMES,  2018-2 IH BORROWER LP,	PO BOX 13270	SCOTTSDALE	AZ	85267	500 E JOHN ST MATTHEWS
22701313	EARNHARDT, DANIELLE CARMEN EARNHARDT, JACOB	448 E JOHN ST	MATTHEWS	NC	28105	448 E JOHN ST MATTHEWS
22701314	YANDLE, THOMAS REID	3615 COUNTRY	CHARLOTTE	NC	28205	444 E JOHN ST MATTHEWS
22701315	FAHM LLC,	3919 PLEASANT	MATTHEWS	NC	28104	432 E JOHN ST MATTHEWS
22701316	DISHINGER, BOBBIE PRICE	416 E JOHN ST	MATTHEWS	NC	28105	416 E JOHN ST MATTHEWS



