Town of Matthews North Carolina

DATE FILED 6-26-19
APPLICATION NUMBER 2019-702
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:

X 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): 215-094-02 and 215-094-06

Address of property: Corner of Mt. Harmony Church Rd. and Independence Commerce Dr. (215-094-02) and, 2050 Independence Commerce Dr. (215-094-06)

Location of property: Parcels located north of Mt. Harmony Church Rd. and South of Stevens Mill Rd.

Title to the property was acquired on Oct. 25, 2018 (215-094-02 and 215-094-06)
and was recorded in the name of BAPS Charlotte, LLC (215-094-02 and 215-094-06)
whose mailing address is 81 Suttons Ln., Piscataway, NJ 08854

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

** Book 33067 at Page 621 (215-094-02 and 215-094-06); Book 32099 at Page 932 (215-094-03)

Present zoning classification: B-D (CD), B-H (CD), I-1(CD)
Requested zoning classifications: R/I (CD)

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

Application number
2019-702
For office use only

The Petitioner is requesting the rezoning of the site to accommodate the development of a building or buildings on the site that will be devoted to church and place of worship uses, and related and accessory uses permitted thereto.

See attached signature pages

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 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)

Print name of agent

Agent's mailing address

Agent's mailing address, continued

Agent's mailing address, continued

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 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
2019-702
For office use only

See Exhibit A Attached Hereto

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

TAX PARCEL
PROPERTY OWNER NAME(S)
OWNER MAILING ADDRESS
OWNER MAILING ADDRESS, CONTINUED

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OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL
PROPERTY OWNER NAME(S)
OWNER MAILING ADDRESS
OWNER MAILING ADDRESS, CONTINUED

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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 June 26, 2019

Town Board of Commissioners formally accepts application and sets Public Hearing date July 8, 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.

_____ 7/9/19

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) _____

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Signature of ___ Property Owner — 7/3/2019. 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) _____

2019-702

[Signature Page of Petitioner and Property Owner (215-094-02 & 215-094-06), BAPS Charlotte, LLC, to Rezoning Application]

BAPS CHARLOTTE, LLC

By: Nik Patel

Mailing Address:
4100 Margaret Wallace Road
Matthews, NC 28105

Phone: (704) 573-0805

Email: cltldcteam@gmail.com

[Signature Page of Petitioner's Agent to Rezoning Application filed by BAPS Charlotte, LLC]

ROBINSON BRADSHAW & HINSON, P.A.

By: Ty Shaffer

Agents: John Carmichael, Ty Shaffer

Mailing Address:
101 N. Tryon St., Suite 1900

2019-702

[Signature Page of Petitioner's Agent to Rezoning Application filed by BAPS Charlotte, LLC]

ROBINSON BRADSHAW & HINSON, P.A.

By: Ty Shaffer

Agents: John Carmichael, Ty Shaffer

Mailing Address:
101 N. Tryon St., Suite 1900
Charlotte, NC 28246

Phone: (704) 377-2536

Email: jcarmichael@robinsonbradshaw.com
tshaffer@robinsonbradshaw.com

2019-702

EXHIBIT A (100' adjacent land owner listing)

Mecklenburg County

Parcel No. 21509403

Edwin Morris O'Tuel
2416 Stevens Mill Road
Matthews, NC 28104

Parcel No. 21509410

Charles Roger Martin
2442 Bain Farm Road
Charlotte, NC 28227

Parcel No. 21509411

Charles Roger Martin
2442 Bain Farm Road
Charlotte, NC 28227

Parcel No. 21509405

PTM Holdings 2 LLC
1070 Shoreline Drive
Stanley, NC 28164

Parcel No. 21509217

Four Whell Investors LLC
6811 Honors Court
Charlotte, NC 28210

Parcel No. 21509221

Sunshine Hotels & Investments LLC
2001 Mount Harmony Church Road
Matthews, NC 28105

Parcel No. 21509211

Grady Reid Hill
Walter Dean Hill
2403 Medlin Road
Monroe, NC 28112

2019-702

Parcel No. 21509207

W T & Annie W. Hill Family Limited Partnership
2403 Medlin Road
Monroe, NC 28112

Parcel No. 21509401

W T & Annie W. Hill Family Limited Partnership
2403 Medlin Road
Monroe, NC 28112

Parcel No. 21512107

Team Church
2301 Stevens Mill Road
Matthews, NC 28104

Parcel No. 21512152

Dept of Transportation
206 Charter Street
Albemarle, NC 28001

Parcel No. 21512108

Kenneth P. Hoover
Gina S. Hoover
2417 Stevens Mill Road
Matthews, NC 28105

Parcel No. 21512112

Angelia Michelle Hartis
Thomas Keith Hartis
2501 Stevens Mill Road
Matthews, NC 28104

Parcel No. 21512109

2533 Stevens Mill Road LLC
2100 Crescent Ave, Suite 200
Charlotte, NC 28207

2019-702

Parcel No. 21509404

Michael D. Hartis
Teresa S. Hartis
2524 Stevens Mill Road
Matthews, NC 28105

Parcel No. 21509412

Weeks Realty of Carolinas LLC
7018 Camrose Crossing Lane
Matthews, NC 28104

Parcel No. 21509413

Weeks Realty of Carolinas LLC
7018 Camrose Crossing Lane
Matthews, NC 28104

Parcel No. 21509414

Plantation Carolina LLLP
2442 Bain Farm Road
Charlotte, NC 28227-4530

Parcel No. 21509415

Plantation Carolina LLLP
2442 Bain Farm Road
Charlotte, NC 28227-4530

Parcel No. 21509416

MSH Investments LLC
8218 Glamorgan Lane
Matthews, NC 28104

Parcel No. 21509417

MSH Investments LLC
8218 Glamorgan Lane
Matthews, NC 28104

2019-702

Parcel No. 21509418

ESSA Properties LLC
c/o Denise Jackson &
Martin Schepers
17 Remington Road
Ormond Beach, FL 32174

Parcel No. 21509419

H&J Properties of Union County LLC
1129 Flowe Drive
Matthews, NC 28104

Parcel No. 21509420

Plantation South Construction Co
c/o Charles Roger Martin
2442 Bain Farm Road
Charlotte, NC 28227

Parcel No. 21509421

Plantation South Construction Co
c/o Charles Roger Martin
2442 Bain Farm Road
Charlotte, NC 28227

Parcel No. 21509422

Plantation South Construction Co
c/o Charles Roger Martin
2442 Bain Farm Road
Charlotte, NC 28227

Parcel No. 21509423

HMS Consulting and Technologies LLC
2020 Independence Commerce Drive, Suite E & F
Matthews, NC 28105

Parcel No. 21509424

HMS Consulting and Technologies LLC
2020 Independence Commerce Drive, Suite E & F
Matthews, NC 28105

2019-702

Parcel No. 21509425

HMS Consulting and Technologies LLC
PO Box 2749
Matthews, NC 28106

Union County

Parcel No. 07102033E

Plantation Carolina LLLP
2442 Bain Farm Road
Mint Hill, NC 28227

Parcel No. 07102033C80

PTM Holdings 2 LLC
1070 Shoreline Drive
Stanley, NC 28164

Parcel No. 07102033C90

PTM Holdings 2 LLC
1070 Shoreline Drive
Stanley, NC 28164

Parcel No. 07099011

Charles Roger Martin
2442 Bain Farm Road
Charlotte, NC 28227

Parcel No. 07099011A

Charles Roger Martin
2442 Bain Farm Road
Charlotte, NC 28227

Parcel No. 07102033 90

McGee Corporation
PO Box 1375
Matthews, NC 28106

2019-702

Parcel No. 07099010B

Johnny Lewis Starnes
2801 Stevens Mill Road
Matthews, NC 28104

Parcel No. 07099011D01

Charles Roger Martin
2442 Bain Farm Road
Charlotte, NC 28227

Parcel No. 07099011D02

Roger C. Hendrix
Karen M. Hendrix
8835 Ira Flowe Road
Charlotte, NC 28227

Parcel No. 07099011D03

Roger C. Hendrix
Karen M. Hendrix
8835 Ira Flowe Road
Charlotte, NC 28227

Parcel No. 07099011D04

Gail K. Hamilton
2040 Independence Commerce Drive Suite C
Matthews, NC 28105

Parcel No. 07099011D05

Viscount Holdings LLC
PO Box 1439
Matthews, NC 28106

Parcel No. 07099011D06

Viscount Holdings LLC
PO Box 1439
Matthews, NC 28106

2019-702

Parcel No. 07099011C01

Plantation Carolina, L.L.L.P.
2442 Bain Farm Road
Charlotte, NC 28227

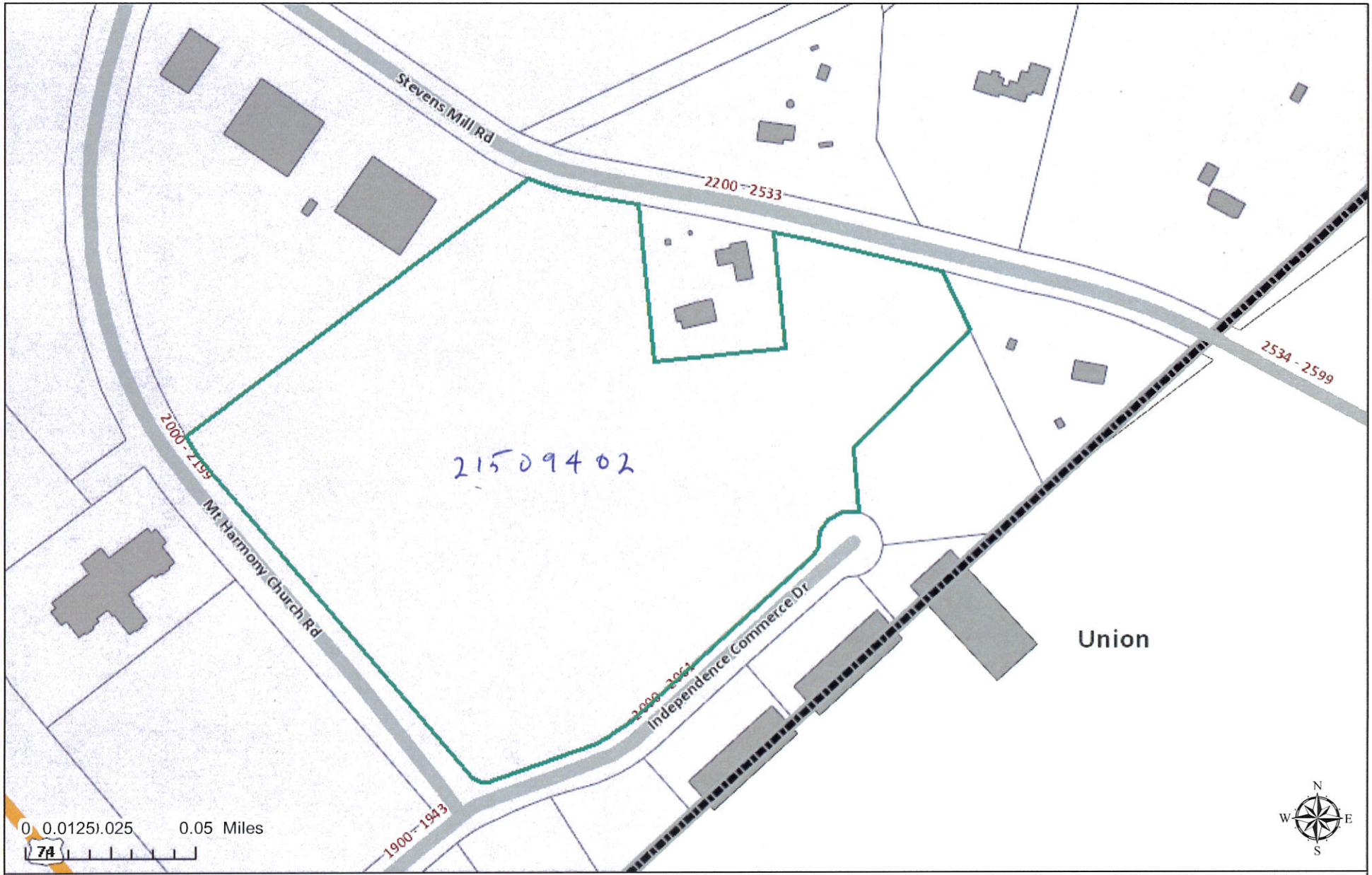
Parcel No. 07099011B

Plantation Carolina, L.L.L.P.
2442 Bain Farm Road
Mint Hill, NC 28227

2019-702

Polaris 3G Map – Mecklenburg County, North Carolina

Date Printed: 6/20/2019 6:17:08 PM

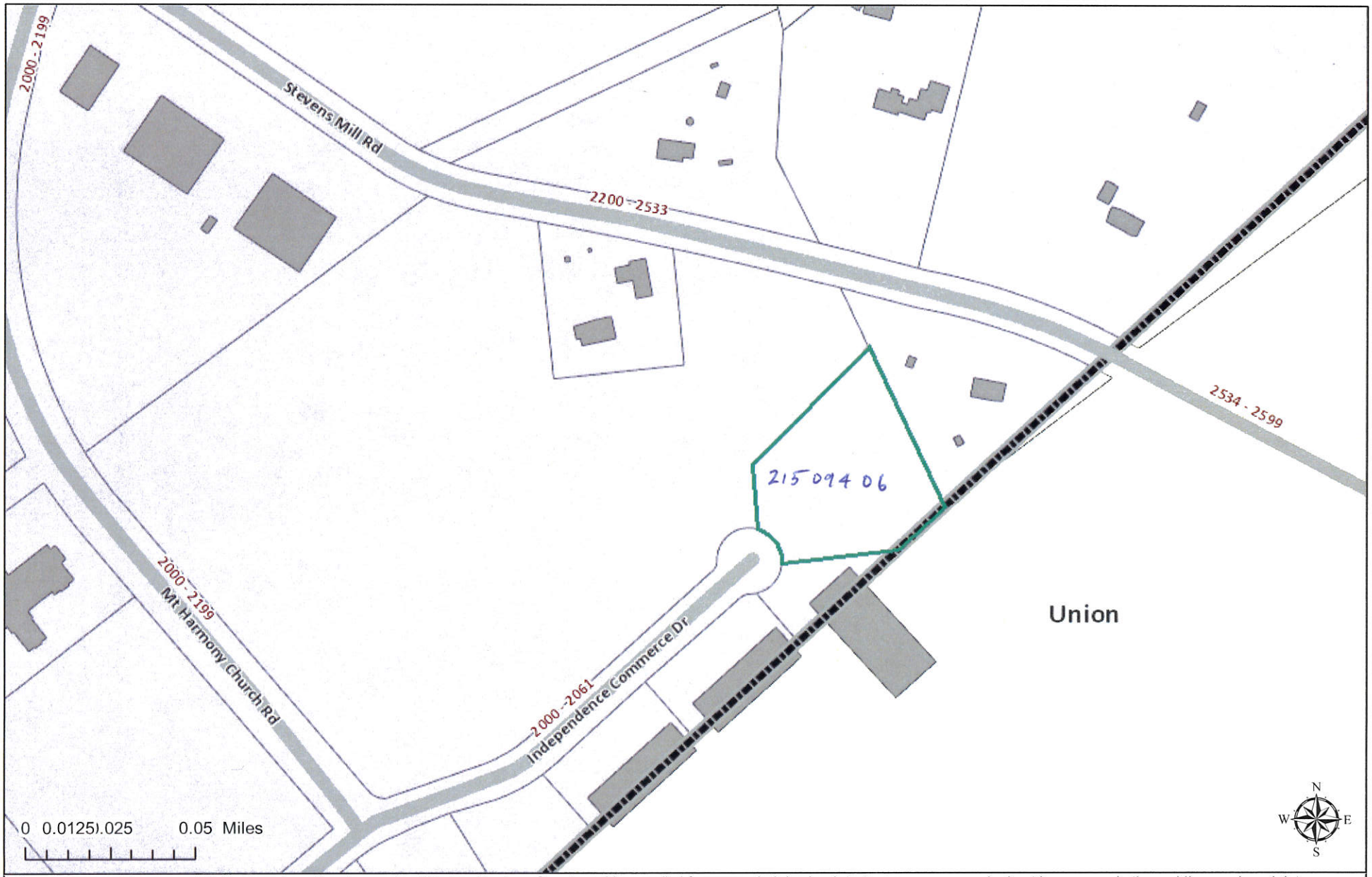


This map or report is prepared for the inventory of real property within Mecklenburg County and is compiled from recorded deeds, plats, tax maps, surveys, planimetric maps, and other public records and data. Users of this map or report are hereby notified that the aforementioned public primary information sources should be consulted for verification. Mecklenburg County and its mapping contractors assume no legal responsibility for the information contained herein.

2019-702

Polaris 3G Map – Mecklenburg County, North Carolina

Date Printed: 6/20/2019 6:16:14 PM



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2019-702

ROBINSON
BRADSHAW

June 26, 2019

TShaffer@robinsonbradshaw.com
704.377.8142 : Direct Phone
704.339.3442 : Direct Fax

VIA HAND DELIVERY

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

Re: Rezoning Application filed by BAPS Charlotte, LLC (the "Applicant") requesting a change in zoning classification for an approximately 16.31 acre site located along Independence Commerce Drive between Mt. Harmony Church Road and Stevens Mill Road (Tax Parcel Nos. 215-094-02 and 215-094-06)

Dear Jay:

I hope this letter finds you well. We have been engaged by the Applicant in connection with its request for a change in zoning classification (the "Rezoning Application") for two parcels containing approximately 16.31 acres and located along Independence Commerce Drive between Mt. Harmony Church Road and Stevens Mill Road (the "Site"). The Site is designated as Tax Parcel Nos. 215-094-02 and 215-094-06.

The Site is currently zoned a mixture of B-D(CD), B-H(CD), I-1(CD), and LI. The Applicant is requesting a change in zoning classification for the Site to the R/I (CD) zoning district to accommodate development of a church and place of worship, and any incidental and accessory uses associated therewith that are allowed in the R/I zoning district.

This letter is being submitted with the 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 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 US 74/485 Interchange Transitioning and Sensitive Area. 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 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.

- The proposed use is a destination-oriented use. The Land Plan provides that "[d]estination-oriented uses are ideal for development" in each of the "quadrants of the US-74/I-485 interchange" (see p. 87).

- The proposed use is consistent with the action items in the Land Plan, which recommend promotion of institutional uses in this area (see p. 88, Action Item #15).

Additionally, the proposed development is consistent and compatible with surrounding existing religious institution uses in the area.

On behalf of the Applicant, we look forward to working with the Town on this rezoning request. Should you have any questions or comments, please do not hesitate to call us.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.

Ty Shaffer

cc: John Carmichael

12229076

2019-702

ROBINSON
BRADSHAW

TShaffer@robinsonbradshaw.com
704.377.8142 : Direct Phone
704.339.3442 : Direct Fax

June 26, 2019

VIA HAND DELIVERY

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

Re: Rezoning Application filed by BAPS Charlotte, LLC (the "Applicant") requesting a change in zoning classification for an approximately 16.31 acre site located along Independence Commerce Drive between Mt. Harmony Church Road and Stevens Mill Road (Tax Parcel Nos. 215-094-02 and 215-094-06)

Dear Jay:

I hope this letter finds you well. The site subject to this Rezoning Application (the "Site") contains approximately 16.31 acres located along Independence Commerce Drive between Mt. Harmony Church Road and Stevens Mill Road. The Site is designated as Tax Parcel Nos. 215-094-02 and 215-094-06. The Site is currently zoned a mixture of B-D(CD), B-H(CD), I-1(CD), and LI. The Applicant is requesting a change in zoning classification for the Site to the R/I (CD) zoning district to accommodate development of a church and place of worship, and any incidental and accessory uses associated therewith that are allowed in the R/I zoning district.

To the extent that a traffic impact analysis would otherwise be required under Section 10 of the Instructions for Filing an Application for a Change in a Zoning Classification or Change in Conditions for Property in the Town of Matthews, the Applicant respectfully requests a waiver of the required traffic study. The vast majority of traffic generated by the use requested for the Site will be on weekends, and thus will not impact workday traffic counts.

On behalf of the Applicant, we appreciate your consideration of this request. Should you have any questions or comments, please do not hesitate to call us.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.

Ty Shaffer

cc: John Carmichael

12229068