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

X  A change in conditions to an existing conditional zoning plan.

Tax parcel number(s):  Change in classification: 215-094-03; Change in conditions: 215-094-02 and 215-094-06

Address of property:  2416 Stevens Mill Road (215-094-03); 2021 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  Nov. 22, 2019 (215-094-03); Oct. 25, 2018 (215-094-02 and 215-094-06) and was recorded in the name of  BAPS Charlotte LLC

whose mailing address is  4100 Margaret Wallace Road, Matthews, NC 28105

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

** Book 34062 at Page 320 (215-094-03); Book 33067 at Page 621 (215-094-02 and 215-094-06)

Present zoning classification:  R-15 (215-094-03); R/I (CD) (215-094-02 and 215-094-06)
Requested zoning classifications:  R/I (CD)
List reason(s) why zoning should be changed (use separate sheet if necessary):

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 page
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)

See attached signature page
Print name of agent

Agent’s mailing address

Agent’s mailing address, continued

Agent’s mailing address, continued

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)

See attached signature page
Print name of petitioner

________________________________________
Print name of petitioner

________________________________________
Petitioner’s mailing address

________________________________________
Petitioner’s mailing address

________________________________________
Petitioner’s mailing address, continued

________________________________________
Petitioner’s mailing address, continued

________________________________________
Petitioner’s phone number/email address

APPLICATION FOR CHANGE IN ZONING CLASSIFICATION OR CONDITION, PAGE 2
**See Exhibit A Attached Hereto**

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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@mathewsncc.gov) for verification.

Application submitted to and received by Town Planning office  December 31, 2019

Town Board of Commissioners formally accepts application and sets Public Hearing date  January 13, 2020

Notices sent via mail to affected/adjacent property owners on or before  February 24, 2020

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  March 9, 2020

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  March 24, 2020

Town Board of Commissioners approves or denies application  April 13, 2020

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  

Signature of Property Owner  

Signature of Property Owner  

Date  

Agent for Property Owner  

Agent for Property Owner  

Agent for Property Owner  

Other (please identify)  

Other (please identify)  

Other (please identify)  

1/6/20  

Date  

Date  

Date  

APPLICATION FOR CHANGE IN ZONING CLASSIFICATION OR CONDITION, PAGE 4
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Signature of __ Property Owner __ Date ____________________________ 1/6/2020

Signature of __ Property Owner __ Agent for Property Owner __ Other (please identify) ____________________________ Date ____________________________

Signature of __ Property Owner __ Agent for Property Owner __ Other (please identify) ____________________________ Date ____________________________

APPLICATION FOR CHANGE IN ZONING CLASSIFICATION OR CONDITION, PAGE 4
BAPS CHARLOTTE, LLC

By: Nik Patel

Mailing Address:
4100 Margaret Wallace Road
Matthews, NC 28105

Phone: (704) 573-0805

Email: cltltdcteam@gmail.com
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
EXHIBIT A (100’ adjacent land owner listing)

Mecklenburg County

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

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

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

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

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

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

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
December 31, 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 and change in conditions for an approximately 17.325 acre site located along Independence Commerce Drive between Mt. Harmony Church Road and Stevens Mill Road (Tax Parcel Nos. 215-094-03; 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 and change in conditions (the "Rezoning Application") for three parcels containing approximately 17.325 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. 215-094-03 (change in zoning classification) and 215-094-02 and 215-094-06 (change in conditions).

The Site is currently zoned a mixture of R-15 and R/I (CD). The Applicant is requesting a change in zoning classification for Parcel No. 215-094-03 from the R-15 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. The Applicant also is requesting a change in conditions for the approved R/I (CD) site plan for Parcel Nos. 215-094-02 and 215-094-06 in order to incorporate the new parcel into the overall site plan.

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 "destination-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
December 31, 2019

VIA HAND DELIVERY

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

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Dear Jay:

I hope this letter finds you well. The site subject to this Rezoning Application (the "Site") contains approximately 17.325 acres located along Independence Commerce Drive between Mt. Harmony Church Road and Stevens Mill Road. The Site is designated as Tax Parcel Nos. 215-094-03 (change in zoning classification) and 215-094-02 and 215-094-06 (change in conditions). The Site is currently zoned a mixture of R-15 and R/I (CD). The Applicant is requesting a change in zoning classification for Parcel No. 215-094-03 from the R-15 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. The Applicant also is requesting a change in conditions for the approved R/I (CD) site plan for Parcel Nos. 215-094-02 and 215-094-06 in order to incorporate the new parcel into the overall site plan.

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