



DATE FILED <u>3/2/2012</u>
APPLICATION NUMBER <u>2012-587</u>
<i>For office use only</i>

**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): 213-012-45

Address of property: Matthews Township Parkway

Location of property: North side of the intersection of Matthews Township Parkway and Covenant Church Lane

Title to the property was acquired on 9/30/2011
and was recorded in the name of Lennar Carolinas, LLC.
whose mailing address is 14120 Ballantyne Corporate Lane #400
Charlotte, N. C. 28277

The deed is recorded in Book 26780 and Page 22 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: R-20 Requested zoning classification: R-VS

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

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We are requesting a rezoning in order to facilitate the development of the +/- 12 Acre tract with limited access to a density of +/-3 units per acre. The adjacent tracts are developed. However, a stub road has been included to facilitate a future connection.

Signature of property owner (must be original)

Lennar Carolinas, LLC.

Print name of property owner

14120 Ballantyne Corporate Lane

Property owner's mailing address

Charlotte, N. C. 28277

Property owner's mailing address, continued

Property owner's mailing address, continued

704-542-8300 Thomas.Johnson@Lennar.com

Property owner's phone number/email address

Signature of agent (if any)

Thomas Johnson

Print name of agent

14120 Ballantyne Corporate lane

Agent's mailing address

Charlotte, N. C. 28277

Agent's mailing address, continued

Agent's mailing address, continued

704-542-8300 Thomas.Johnson@Lennar.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."

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21302211

TAX PARCEL

JAMES M. WOODWARD AND DORIS M. WOODWARD

PROPERTY OWNER NAME(S)

317 MATTHEWS TOWNSHIP PARKWAY

OWNER MAILING ADDRESS

MATTHEWS, NC 28105-1527

OWNER MAILING ADDRESS, CONTINUED

21302212

TAX PARCEL

THOMAS E. NORMAN AND RITA J. NORMAN

PROPERTY OWNER NAME(S)

P. O. BOX 2367

OWNER MAILING ADDRESS

MATTHEWS, NC 28106

OWNER MAILING ADDRESS, CONTINUED

21302205

TAX PARCEL

FREDDIE J. FLEMING AND SUSAN R. FLEMING

PROPERTY OWNER NAME(S)

308 CHARING CROSS DRIVE

OWNER MAILING ADDRESS

MATTHEWS, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21302243

TAX PARCEL

TAMMY M. PRICE

PROPERTY OWNER NAME(S)

100 CHARING CROSS DRIVE

OWNER MAILING ADDRESS

MATTHEWS, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21302204

TAX PARCEL

ANN B. NIKOPOULOS

PROPERTY OWNER NAME(S)

324 CHARING CROSS DRIVE

OWNER MAILING ADDRESS

MATTHEWS, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21302203

TAX PARCEL

CHARLIE S. PISTOLIS AND IRENE K. PISTOLIS

PROPERTY OWNER NAME(S)

400 CHARING CROSS DRIVE

OWNER MAILING ADDRESS

MATTHEWS, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21302202

TAX PARCEL

R. LEE MYERS AND LUCINDA S. MYERS

PROPERTY OWNER NAME(S)

P.O. BOX 36385

OWNER MAILING ADDRESS

CHARLOTTE, NC 28236-6385

OWNER MAILING ADDRESS, CONTINUED

21327335

TAX PARCEL

OLIVER P. MCCONDEREE AND SUSAN M. MCCONDEREE

PROPERTY OWNER NAME(S)

401 SCARBOROUGH LANE

OWNER MAILING ADDRESS

MATTHEWS, NC 28105

OWNER MAILING ADDRESS, CONTINUED

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21327334

TAX PARCEL

RONALD D. SIMMONS AND WANDA ANN

PROPERTY OWNER NAME(S)

400 SCARBOROUGH LANE

OWNER MAILING ADDRESS

MATTHEWS, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21327333

TAX PARCEL

JOHN D. STEPHAN AND DONNAJO B. STEPHAN

PROPERTY OWNER NAME(S)

406 SCARBOROUGH LANE

OWNER MAILING ADDRESS

MATTHEWS, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21301201

TAX PARCEL

COVENANT DAY SCHOOL, INC.

PROPERTY OWNER NAME(S)

800 FULLWOOD ROAD

OWNER MAILING ADDRESS

MATTHEWS, NC 28105-2661

OWNER MAILING ADDRESS, CONTINUED

21301122

TAX PARCEL

COVENANT DAY SCHOOL, INC.

PROPERTY OWNER NAME(S)

800 FULLWOOD ROAD

OWNER MAILING ADDRESS

MATTHEWS, NC 28105-2661

OWNER MAILING ADDRESS, CONTINUED

2270271

TAX PARCEL

BARARA P. BJORK

PROPERTY OWNER NAME(S)

200 MARION DRIVE

OWNER MAILING ADDRESS

MATTHEWS, NC 28105-1527

OWNER MAILING ADDRESS, CONTINUED

22702690

TAX PARCEL

TOWN OF MATTHEWS

PROPERTY OWNER NAME(S)

232 MATTHEWS STATION STREET

OWNER MAILING ADDRESS

MATTHEWS, NC 28105

OWNER MAILING ADDRESS, CONTINUED

22702602

TAX PARCEL

TRUST CHRIST COVENANT CHURCH PCA

PROPERTY OWNER NAME(S)

305 COVENANT CHURCH LANE

OWNER MAILING ADDRESS

MATTHEWS, NC 28105

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

SUMMARY OF THE REZONING PROCESS

PETITIONER: 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, extension 224) for verification.

Application submitted to and accepted by the Town of Matthews _____ 3/2/2012

Town Board of Commissioners formally accepts application and sets Public Hearing date _____ 3/12/2012

Notices sent via mail to affected/adjacent property owners on or before _____ 3/26/2012 4/30/12

Protest petition filed with Planning Department by 5:00 pm on _____ 4/3/2012 5/9/12

Public hearing: petitioner may give explanation of why s/he wishes to have property rezoned and neighboring owners may ask questions and voice opinions on the proposed zoning _____ 4/9/2012 5/14/12

Town Planning Board reviews petition, information, and comments from the public hearing, then makes a recommendation to the Board of Commissioners on whether to approve or deny the request _____ 4/24/2012 5/22/12

Town Board of Commissioners approves or denies application _____ 5/14/2012 6/11/12

GENERAL STATUTE 160A-385: CHANGES.

- (a) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority. To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100-foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.
- (b) Amendments in zoning ordinances shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issued pursuant to GS 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to GS 160A-418 and unrevoked pursuant to GS 160A-422 or (ii) a vested right has been established pursuant to GS 160A-385.1 and such vested right remains valid and unexpired pursuant to GS 160A-385.1