



DATE FILED 8/31/2012
 APPLICATION NUMBER 2012-592
 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): 193 - 251 - 10

Address of property: 547 West Charles Street

Location of property: South East of Intersection with West Charles Street and Lois Street.

Title to the property was acquired on 11-17-2008
 and was recorded in the name of Plantation Carolina L.L.P.
 whose mailing address is 2442 Bow Farm Road
Matthew, N.C. 28227

The deed is recorded in Book 24259 and Page 881 in the office of the Register of Deeds for Mecklenburg County.

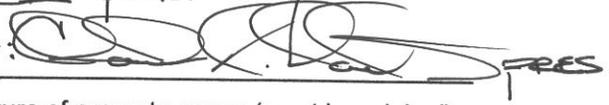
Present zoning classification: R-20 Requested zoning classification: BDC40

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

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1. To allow for compatible zoning with surrounding properties
 2. To allow development pursuant to Matthews Downtown Overlay (Precinct #2) Ordinance
 3. To allow continued re-development of the West Charles Street Corridor.
 4. To provide business space for small business.
- Plantation Carolina L.L.P. BY: 

Signature of property owner (must be original)

Signature of property owner (must be original)

Plantation Carolina L.L.P.

Print name of property owner

2442 Bain Farm Road

Print name of property owner

Property owner's mailing address

Mint Hill, N.C. 28227

Property owner's mailing address

Property owner's mailing address, continued

74-408-9739

Property owner's phone number/email address

MARTIN - ROGER B2950 ATT-LET

Property owner's phone number/email address

Signature of agent (if any)

Petitioner other than owner (if any)

Print name of agent

Print name of petitioner

Agent's mailing address

Petitioner's mailing address

Agent's mailing address, continued

Petitioner's mailing address, continued

Agent's mailing address, continued

Petitioner's mailing address, continued

Agent's phone number/email address

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

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193-251-05

TAX PARCEL

RICHARD PERDIN

PROPERTY OWNER NAME(S)

18709 NAUTICAL PRIDE #306

OWNER MAILING ADDRESS

CORNELIUS, N.C. 28031

OWNER MAILING ADDRESS, CONTINUED

193-251-01

TAX PARCEL

RANDOLPH RATTERREE

PROPERTY OWNER NAME(S)

PO. Box 1828

OWNER MAILING ADDRESS

MATTHEWS, N.C. 28105

OWNER MAILING ADDRESS, CONTINUED

193-252-04 AND 193-252-03

TAX PARCEL

BRECOLE INVESTMENTS

PROPERTY OWNER NAME(S)

1136 VILLA TRACE PL.

OWNER MAILING ADDRESS

CHARLOTTE, N.C. 28277

OWNER MAILING ADDRESS, CONTINUED

193-251-11

TAX PARCEL

SANORA PRIVATTE ROBINSON

PROPERTY OWNER NAME(S) 556 W. JOHN ST

~~1439 LONCHLEAF ST~~

OWNER MAILING ADDRESS 28105

MATTHEWS, N.C. ~~28104~~

OWNER MAILING ADDRESS, CONTINUED

193-251-12 AND 193-251-13

TAX PARCEL

D. S. PRIVATTE AND MARGARET S. PRIVATTE

PROPERTY OWNER NAME(S)

P.O. Box 61

OWNER MAILING ADDRESS

MATTHEWS, N.C. 28106-0061

OWNER MAILING ADDRESS, CONTINUED

193-251-44

TAX PARCEL

PLANTATION CAROLINA L.L.P.

PROPERTY OWNER NAME(S)

2442 BAIN FARM ROAD

OWNER MAILING ADDRESS

MOUNT AILEN, N.C. 28227

OWNER MAILING ADDRESS, CONTINUED

193-251-42

TAX PARCEL

KEVIN KILLIAN

PROPERTY OWNER NAME(S)

1314 LARKRIDGE DR.

OWNER MAILING ADDRESS

WAXHAW, N.C. 28173

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 AUGUST 31ST 2012

Town Board of Commissioners formally accepts application and sets Public Hearing date SEPTEMBER 10TH 2012

Notices sent via mail to affected/adjacent property owners on or before OCTOBER 29TH 2012

Protest petition filed with Planning Department by 5:00 pm on NOVEMBER 7TH 2012

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 NOVEMBER 12TH 2012

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 NOVEMBER 27TH 2012

Town Board of Commissioners approves or denies application DECEMBER 10TH 2012

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

August 30, 2012

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

Re: Rezoning petition for 547 West Charles Street

Dear Mr. Camp

Pursuant to rezoning submission instructions I offer this explanation for the above petition.

The above address (Mecklenburg County tax parcel # 193-251-10) lies within Precinct Two of the Matthews Downtown Overlay District and may generally be thought to be a candidate for rezoning to an office category.

My intent, from my purchase date in 2008 until recently, was to build a structure for office use. However, as I have continued to evaluate the economy, location of the property, and adjacent uses, I have concluded that this parcel must have flexibility of use that office zoning does not allow under Matthews zoning.

We have therefore designed a building that will fool everyone into believing it is a professional office building while offering the flexibility of additional uses under the Matthews (BD) zoning category. As you and I have discussed, I know I am losing the medical office use available under office zoning, but if that becomes a needed category I will address that later. We will have medical ratio parking as the site plan is now designed.

Due to existing adjacent uses, which will apparently exist for a long time, the potential professional office users are diminished as they are sensitive to their surroundings. My conversations with professional users reflect their additional demand for main road visibility.

While I still very much believe that this is a premiere site, I believe the long term best interest of Matthews is for me to build a high quality building that "belongs" in the Downtown Overlay District but may have additional use options.

I believe the architecture fits the "District" and will compliment existing and future development on West John Street and West Charles Street.

I would propose to eliminate the following allowed BD uses under the Matthews Zoning Code page V-7: #s 2,4,5,11,12,18,28,32,43,53,64,82,83,84,85,86,87,and 95.

Thank you for your time and assistance in this rezoning.

Very truly yours,


Charles Roger Martin