



DATE FILED	<u>8-1-18</u>
APPLICATION NUMBER	<u>2018-689</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): 193-532-05

Address of property: 2401 Rice Road

Location of property: North side of Rice Road, east of the intersection of Rice Road and Dylan Drive

Title to the property was acquired on May 20, 1997

and was recorded in the name of Sherry Rice Gorham and Kenneth A Rice, Jr.

whose mailing address is 210 Crossandra Avenue, Summerville, SC 29483 and 2158 High Pines Road, Rock Hill, SC 29732

The deed is recorded in Book 2699 at Page 363 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: R-15 Requested zoning classification: R-VS

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

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The Petitioner is requesting the rezoning of this site to accommodate the development of up to 32 one-family detached dwelling units on the site.

Sherry Rice Gorham
Signature of property owner (must be original)

Kenneth A. Rice, Jr.
Signature of property owner (must be original)

Sherry Rice Gorham
Print name of property owner

Kenneth A Rice, Jr.
Print name of property owner

210 Crossandra Avenue
Property owner's mailing address

2158 High Pines Road
Property owner's mailing address

Summerville, SC 29483
Property owner's mailing address, continued

Rock Hill, SC 29732
Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's mailing address, continued

704-618-2722 sherrygorham31@gmail.com
Property owner's phone number/email address

704-794-8737 hope247@comporium.net
Property owner's phone number/email address

JSM
Signature of agent (if any)

KINGER HOMES, LLC
Branch King
By:
Petitioner other than owner (if any)

John Carmichael/Ty Shaffer, Robinson Bradshaw
Print name of agent

Kinger Homes, LLC (c/o Paul Sagadin)
Print name of petitioner

101 North Tryon Street, Suite 1900
Agent's mailing address

1125 East Morehead Street, Suite 108
Petitioner's mailing address

Charlotte, NC 28246
Agent's mailing address, continued

Charlotte, NC 28204
Petitioner's mailing address, continued

Agent's mailing address, continued

Petitioner's mailing address, continued

704-377-8341 jcarmichael@robinsonbradshaw.com
Agent's phone number/email address

704-572-7327 Paul@CustomHomesCarolina.com
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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See Exhibit A Attached Hereto

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

SUMMARY OF THE REZONING PROCESS

Application number

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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 August 1, 2018

Town Board of Commissioners formally accepts application and sets Public Hearing date August 13, 2018

Notices sent via mail to affected/adjacent property owners on or before September 24, 2018

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 October 8, 2018

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 October 23, 2018

Town Board of Commissioners approves or denies application November 12, 2018

EXHIBIT A

Parcel No. 19353204

William Harold Hood
Martha Logan Hood
2339 Rice Road
Matthews, NC 28105

Parcel No. 19343227

Eric Darden
Marsha Fields-Darden
2007 Dylan Dr
Matthews, NC 28105

Parcel No. 19343229

Brandon R. Crumpton
Rosanny Crumpton
2145 Tommy Lane
Matthews, NC 28105

Parcel No. 19343230

Maria Gaines
2149 Tommy Lane
Matthews, NC 28105

Parcel No. 19343231

Angel Douglas
Terrence L. Douglas
2153 Tommy Lane
Matthews, NC 28105

Parcel No. 19353206

Enrica P. Seid
Robert J. Seid
2417 Rice Road
Matthews, NC 28105

Parcel No. 19343201

Town of Matthews
232 Matthews Station St
Matthews, NC 28105

Parcel No. 19353347

Gerald L. Banks
Sylvia R. Banks
2447 Alaqua Ct
Matthews, NC 28105

Parcel No. 19353346

Joseph P. Baker
Kristen D. Baker
Kristen W. Holliday
2441 Alaqua Ct
Matthews, NC 28105

Parcel No. 19353345

Anthony Rainford
Beverly Rainford
2435 Alaqua Ct
Matthews, NC 28105

Parcel No. 19353344

Cheryl W. Streeter
Eric T. Streeter
2429 Alaqua Ct
Matthews, NC 28105

Parcel No. 19353343

James E. Galbreath
Phyllis B. Galbreath
2423 Alaqua Ct
Matthews, NC 28105

Parcel No. 19353342

Kelle Clendenin Faw
McLean Luckenbach Faw
2417 Alaqua Ct
Matthews, NC 28105

Parcel No. 19353341

Diana C. Agudelo
John William Agudelo
2407 Alaqua Ct
Matthews, NC 28105

Parcel No. 19353340

Marlene Quinones
Vincent Quinones
2405 Alaqua Ct
Matthews, NC 28105

Parcel No. 19353348

Gladys C. Lam, Trustee of The LAM
Living Trust, U/A dated June 9, 2016
2809 Ritz Lane
Matthews, NC 28105

Parcel No. 19353349

Moe M. Ho
2817 Ritz Lane
Matthews, NC 28105

Parcel No. 19353154

Matthews Commons Owners' Association Inc.
PO Box 18712
Charlotte, NC 28218

Parcel No. 19353153

Albert F. Sortino
Linda A. Sortino
2525 Ashby Woods Drive
Matthews, NC 28105
Parcel No. 19353152

Colleen K. Crittenden
2521 Ashby Woods Drive
Matthews, NC 28105

Parcel No. 19353151

CSHP One, L.P.
8665 East Hartford Drive
Suite 200
Scottsdale, AZ 85255

Parcel No. 19353150

Sarah L. Demaison
2513 Ashby Woods Drive
Matthews, NC 28105

Parcel No. 19353149

Mai Tuyet Thi Nguyen
Thai Tri Tang
2509 Ashby Woods Drive
Matthews, NC 28105

Parcel No. 19353148

Philip W. Bartscher
Virginia R. Bartscher
2505 Ashby Woods Drive
Matthews, NC 28105

Parcel No. 19353147

Heera Adhikari
Om Kanta Adhikari
2501 Ashby Woods Drive
Matthews, NC 28105

ROBINSON BRADSHAW

August 1, 2018

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

BY HAND DELIVERY

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

Re: Rezoning Application filed by Kinger Homes, LLC Requesting the Rezoning of an Approximately 13.596 Acre Site Located on the North Side of Rice Road, East of the Intersection of Rice Road and Dylan Drive, From the R-15 Zoning District to the R-VS Zoning District (Tax Parcel No. 193-532-05)

Dear Jay:

In connection with the above-captioned Rezoning Application (the "Application"), I am writing to convey the Applicant's thoughts as to how the residential community proposed under the Application meets the intent of Section 155.503.1 of the Town of Matthews Unified Development Ordinance (the "Ordinance"). More specifically, I am writing to convey how the site can accommodate the increased density, how the proposed residential community exhibits a thoughtful, imaginative use of the land and how it demonstrates reasonable and appropriate land use relationships, both within the development itself and with surrounding areas adjacent to the development.

In terms of the site accommodating the proposed density, the Applicant respectfully submits that the proposed residential community is a low to moderate density development, and that the site can accommodate the proposed density. The overall density of the proposed residential community is 2.35 dwelling units per acre. Additionally, the primary vehicular access point into and out of the site would be from Rice Road, and Rice Road provides easy access to Sam Newell Road and Idlewild Road.

Regarding whether or not the proposed residential community exhibits a thoughtful, imaginative use of the land, the Applicant has worked with the existing grades and contours of the site in designing the proposed development so as to limit the amount of grading and land disturbance, which will allow the Applicant to offer meaningful tree protection and open space areas on the site, as well as preserving a stream buffer. Also, I am advised by the Applicant's engineer that the proposed density of 32 dwelling units is not the maximum number of dwelling units that the site could accommodate under the R-VS zoning classification.

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With respect to whether or not the proposed residential community demonstrates reasonable and appropriate land use relationships, both within the development itself and with surrounding areas adjacent to the development, the Applicant submits that the proposed residential community does in fact demonstrate appropriate land use relationships with adjoining parcels of land. This proposed residential community would contain one-family detached dwelling units, which is consistent with and complementary to the adjacent land uses, which are one-family detached dwelling units.

Second, since the entire site would be a single family residential community, the proposed development would have appropriate land use relationships within the site.

In closing, the Applicant is of the opinion that this proposed residential community would offer a unique housing opportunity in the Town of Matthews.

Jay, thank you for your assistance, and please do not hesitate to contact me with any questions or comments.
Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A

A handwritten signature in black ink, appearing to read "Ty Shaffer". The signature is written in a cursive, somewhat stylized font.

Ty Shaffer

11050323

ROBINSON
BRADSHAW

August 1, 2018

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

BY HAND DELIVERY

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

Re: Rezoning Application filed by Kinger Homes, LLC Requesting the Rezoning of an Approximately 13.596 Acre Site Located on the North Side of Rice Road, East of the Intersection of Rice Road and Dylan Drive, From the R-15 Zoning District to the R-VS Zoning District (Tax Parcel No. 193-532-05)

Dear Jay:

I hope this letter finds you well.

This letter is being submitted with the above-captioned 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 subject site contains approximately 13.596 acres and is located on the north side of Rice Road, east of the intersection of Rice Road and Dylan Drive, and the site is designated as Tax Parcel No. 193-532-05. The site is currently zoned R-15 and pursuant to this Rezoning Application, the Applicant is requesting that the site be rezoned to the R-VS zoning district to accommodate the development of a maximum of 32 one-family detached dwelling units on the site.

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 east of the Sam Newell Road Transitioning and Sensitive Area that is defined in the Land Plan. Although the Land Plan does not appear to make any specific land use recommendations for the site, the Land Plan does contain policy statements and action items that appear to support the development proposed under 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.

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- This proposed residential community would add to and enhance the range and variety of housing styles available in the Town of Matthews as encouraged by the Land Plan. (See Policy # 1 on page 8 of the Land Plan and Strategy 1A on page 10 of the Land Plan). This proposed residential community would provide quality one-family detached dwelling units on lots smaller than the traditional 1/3 acre or larger lot generally found in the Town of Matthews. Smaller lots continue to increase in popularity, as residents seek to limit the amount of maintenance that is required for their lots.
- This proposed development would further the residential land use action item in the Land Plan to “provide a variety of housing styles, densities and locations” in the Town of Matthews. (See Action Item No. 1 on page 46 of the Land Plan).
- Although, as noted above, this site is located east of the Sam Newell Road Transitioning and Sensitive Area, the site is located to the east of the intersection of Rice Road and Sam Newell Road, and the Land Plan recommends for the Sam Newell Road Transitioning and Sensitive Area that the Town of Matthews consider alternative-style housing as infill development near the intersection of Rice Road and Sam Newell Road.

Jay, the Applicant and I look forward to working with you, Kathi and the Town on this rezoning request.

Should you have any questions or comments, please do not hesitate to call me.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A



Ty Shaffer

11050320