



DATE FILED	<u>5/31/2011</u>
APPLICATION NUMBER	<u>2011-569</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): 213-01-216 And 213-01-217

Address of property: 10822 And 10812 Monroe Road, Matthews, NC

Location of property:

Title to the property was acquired on November 2, 2002 and August 29, 2003  
and was recorded in the name of J. Douglas & Michele B. Smith  
whose mailing address is 4411 Wycombe Court, Charlotte, NC 28226

The deed is recorded in Book 14335 & 16025 and Page 579 & 79 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: B-1 (CD) Requested zoning classification: B-1 (CD)

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

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The Colchester property has been purchased by Christ Covenant Church for use by Covenant Day School. Though the current zoning (B-1 CD) will remain the same, the possible uses of the property are being revised to better suit a school facility.

J. Douglas Smith  
Signature of property owner (must be original)  
Doug Smith

Print name of property owner  
3300 W. Franklin Street

Property owner's mailing address  
Richmond, VA 23221

Property owner's mailing address, continued

Property owner's mailing address, continued

980-721-6750  
Property owner's phone number/email address  
doug@colchesterplace.com

David Powlen  
Signature of agent (if any)  
David Powlen

Print name of agent  
5815 Westpark Drive

Agent's mailing address  
Charlotte, NC 28217

Agent's mailing address, continued

Agent's mailing address, continued

(704) 561-3472 / dpowlen@littleonline.com  
Agent's phone number/email address

Michele Smith  
Signature of property owner (must be original)  
Michele Smith

Print name of property owner  
3300 W. Franklin Street

Property owner's mailing address  
Richmond, VA 23221

Property owner's mailing address, continued

Property owner's mailing address, continued

704 619 0526  
Property owner's phone number/email address  
michele@colchesterplace.com

Dr. Marni Halvorson  
Petitioner other than owner (if any)

Dr. Marni Halvorson  
Print name of petitioner  
800 Fullwood Lane

Petitioner's mailing address  
Matthews, NC 28105

Petitioner's mailing address, continued

Petitioner's mailing address, continued

828-2385 / mhalvorson@covenantday.org  
Petitioner's phone number/email address



Sworn to and subscribed before me  
this 18<sup>th</sup> day of May, 2011  
Notary Public  
My Commission Expires June 20<sup>th</sup>, 2015

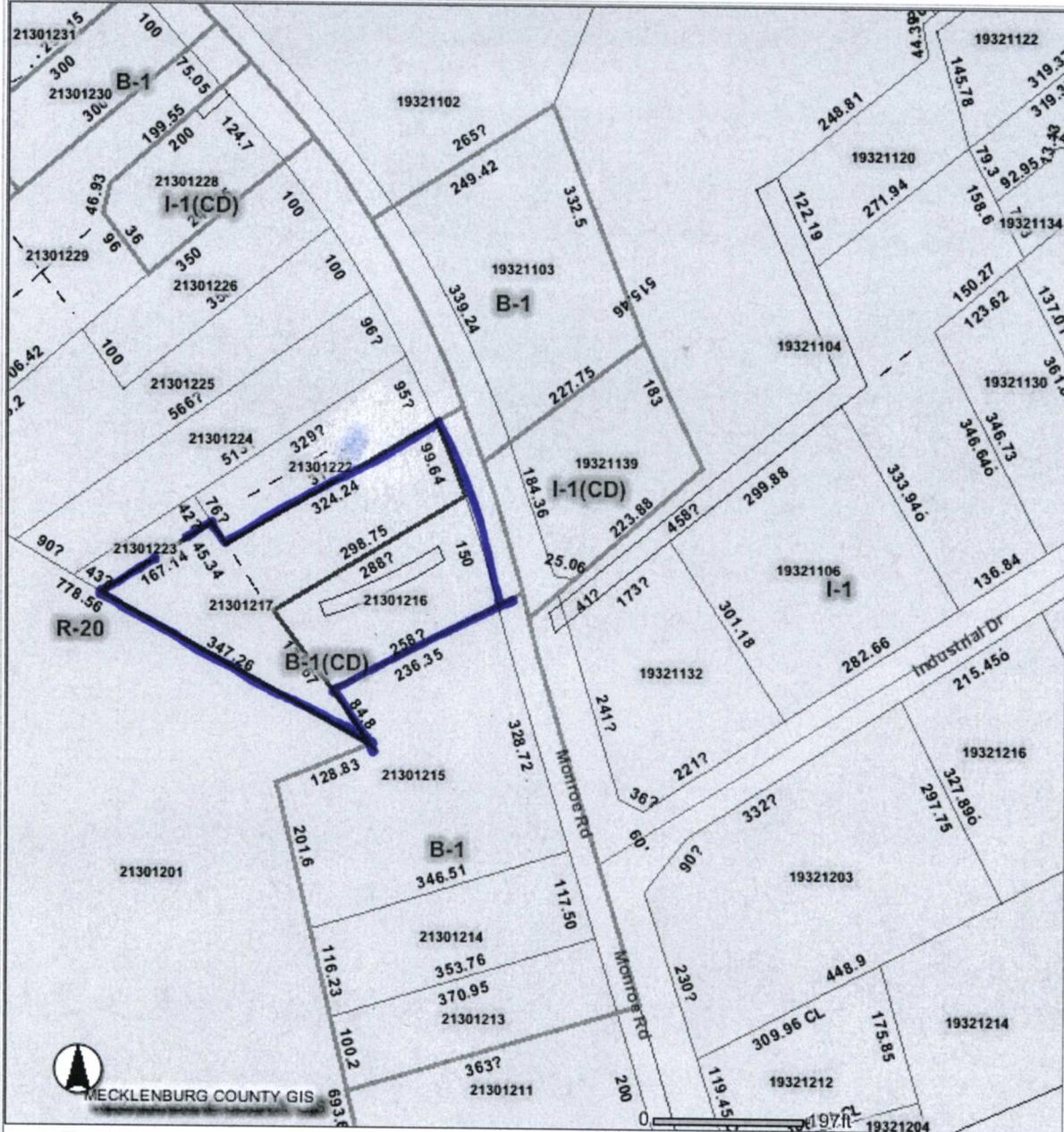
Mecklenburg County, North Carolina

**POLARIS**

Property Ownership Land Records Information System

Date Printed: Tue Jun 07 2011 08:27:27 GMT-0400 (Eastern Daylight Time)

**2011-569**



**Total Measure Line Length: 464.51 Feet Total Measure Acreage: 0.01471317736132633 Acres**

This map 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 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.

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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**19321103**

TAX PARCEL

**JB Harrison Properties, LLC**

PROPERTY OWNER NAME(S)

**18201 Capstan Greens Road**

OWNER MAILING ADDRESS

**Cornelius, NC 28031**

OWNER MAILING ADDRESS, CONTINUED

**19321132**

TAX PARCEL

**Kroustalis Investments, LLC**

PROPERTY OWNER NAME(S)

**114 Sardis Plantation Drive**

OWNER MAILING ADDRESS

**Matthews, NC 28105**

OWNER MAILING ADDRESS, CONTINUED

**21301201**

TAX PARCEL

**Covenant Day School**

PROPERTY OWNER NAME(S)

**800 Fullwood Road**

OWNER MAILING ADDRESS

**Matthews, NC 28105**

OWNER MAILING ADDRESS, CONTINUED

**21301222**

TAX PARCEL

**Albemarle Road Land Company, LLC**

PROPERTY OWNER NAME(S)

**P.O. Box 23755**

OWNER MAILING ADDRESS

**Charlotte, NC 28227**

OWNER MAILING ADDRESS, CONTINUED

**19321104**

TAX PARCEL

**Morningstar Charlotte, LLC**

PROPERTY OWNER NAME(S)

**P.O. Box 25025 NC-08516**

OWNER MAILING ADDRESS

**Glendale, CA 91201-5025**

OWNER MAILING ADDRESS, CONTINUED

**19321139**

TAX PARCEL

**MSC Matthews Annex, LLC & Public Storage, Inc.**

PROPERTY OWNER NAME(S)

**P.O. Box 25025**

OWNER MAILING ADDRESS

**Glendale, CA 91201-5025**

OWNER MAILING ADDRESS, CONTINUED

**21301215**

TAX PARCEL

**CCC Real Estate, LLC**

PROPERTY OWNER NAME(S)

**9110 Skipaway Drive**

OWNER MAILING ADDRESS

**Waxhaw, NC 28173**

OWNER MAILING ADDRESS, CONTINUED

**21301223**

TAX PARCEL

**Albemarle Road Land Company, LLC**

PROPERTY OWNER NAME(S)

**P.O. Box 23755**

OWNER MAILING ADDRESS

Charlotte, NC 28227

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 \_\_\_\_\_ June 3, 2011

Town Board of Commissioners formally accepts application and sets Public Hearing date \_\_\_\_\_ June 13, 2011

Notices sent via mail to affected/adjacent property owners on or before \_\_\_\_\_ June 27, 2011

Protest petition filed with Planning Department by 5:00 pm on \_\_\_\_\_ July 6, 2011

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 \_\_\_\_\_ July 11, 2011

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 \_\_\_\_\_ July 26, 2011

Town Board of Commissioners approves or denies application \_\_\_\_\_ August 8, 2011

**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