



DATE FILED 7/1/2011
APPLICATION NUMBER 2011-573
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): 215-141-05; 215-141-08; 215-141-09; 215-141-19 and 215-141-06

Address of property: See Exhibit A Attached Hereto

Location of property: See Exhibit A Attached Hereto

Title to the property was acquired on See Exhibit A Attached Hereto
and was recorded in the name of See Exhibit A Attached Hereto
whose mailing address is See Exhibit A Attached Hereto

The deed is recorded in Book See Exh. A and Page See Exh. A in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: R-15 Requested zoning classification: MUD-Innovative

Exhibit A to Rezoning Application

Property Information

Parcel No. 215-141-05

Idlewild Oaks, LLC
c/o Steve Sanders
2220 Providence Canyon Drive
Charlotte, NC 28270

Address of Property: Idlewild Road

Location of Property: Near the intersection of Stallings Road and Idlewild Road

Title to Property Acquired on August 10, 2004

Deed is recorded in Book 17602 at Page 603 of the Mecklenburg County Public Registry

Parcel No. 215-141-08

Idlewild Oaks, LLC
c/o Steve Sanders
2220 Providence Canyon Drive
Charlotte, NC 28270

Address of Property: 4800 Stallings Road

Location of Property: Near the intersection of Stallings Road and Idlewild Road

Title to Property Acquired on December 17, 2003

Deed is recorded in Book 16567 at Page 19 of the Mecklenburg County Public Registry

Parcel No. 215-141-09

Idlewild Oaks, LLC
c/o Steve Sanders
2220 Providence Canyon Drive
Charlotte, NC 28270

Address of Property: Stallings Road

Location of Property: Near the intersection of Stallings Road and Idlewild Road

Title to Property Acquired on July 7, 2005

Deed is recorded in Book 19002 at Page 462 of the Mecklenburg County Public Registry

Parcel No. 215-141-19

Idlewild-Stallings, LLC
c/o Tom Lawrence
6000 Fairview Road, Suite 1525
Charlotte, NC 28210

Address of Property: 4948 Stallings Road

Location of Property: Near the intersection of Stallings Road and Idlewild Road

Title to Property Acquired on July 9, 2007

Deed is recorded in Book 22498 at Page 36 of the Mecklenburg County Public Registry

Parcel No. 215-141-06

Idlewild-Stallings, LLC
c/o Tom Lawrence
6000 Fairview Road, Suite 1525
Charlotte, NC 28210

Address of Property: 14532 Idlewild Road

Location of Property: Near the intersection of Stallings Road and Idlewild Road

Title to Property Acquired on July 9, 2007

Deed is recorded in Book 22498 at Page 32 of the Mecklenburg County Public Registry

Application number
For office use only

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

To accommodate the development of a multi-family residential community containing a maximum of ~~200~~ ^{and up to 40,000 square} apartment units and related amenities and common areas. ^{feet of office space. jc} **292**

By: JCSL
Signature of property owner (must be original)

By: [Signature]
Signature of property owner (must be original)

Idlewild Oaks, LLC (c/o Steve Sanders)
Print name of property owner

Idlewild-Stallings, LLC (c/o Tom Lawrence)
Print name of property owner

2220 Providence Canyon Drive
Property owner's mailing address

6000 Fairview Road, Suite 1525
Property owner's mailing address

Charlotte, NC 28270
Property owner's mailing address, continued

Charlotte, NC 28210
Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's mailing address, continued

704-575-0336 ssanders@sandstonegroup.com
Property owner's phone number/email address

704-817-6502 tlawrence@llmanagementinc.com
Property owner's phone number/email address

p.p. JOHN CARMICHAEL
Alicia Pocco
Signature of agent (if any)

By: [Signature]
Petitioner other than owner (if any)

John Carmichael, Robinson Bradshaw
Print name of agent

Sandstone Group (c/o Steve Sanders)
Print name of petitioner

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

2220 Providence Canyon Drive
Petitioner's mailing address

Charlotte, NC 28246
Agent's mailing address, continued

Charlotte, NC 28270
Petitioner's mailing address, continued

Agent's mailing address, continued

Petitioner's mailing address, continued

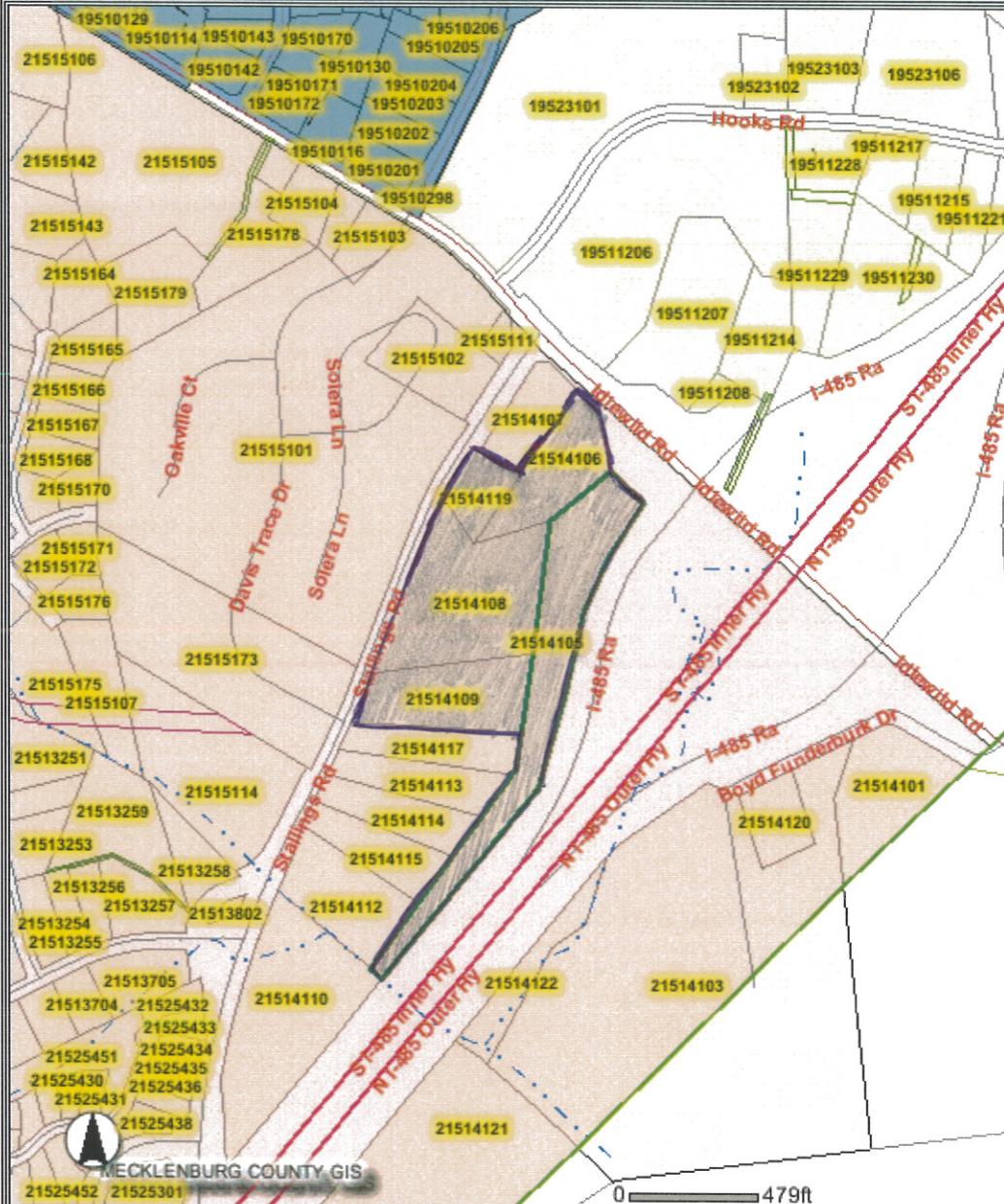
704-377-8341 jcarmichael@rbh.com
Agent's phone number/email address

704-575-0336 ssanders@sandstonegroup.com
Petitioner's phone number/email address

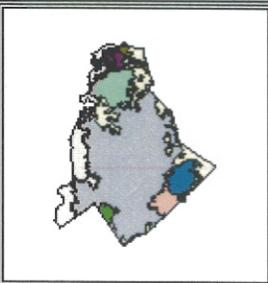
Mecklenburg County, North Carolina
POLARIS
Property Ownership Land Records Information System

Date Printed: Fri Jul 1 11:26:30 EDT 2011

Tax Parcel 21514105



- Legend**
- Selected Features
 - Charlotte-Douglas Airport
 - Open Space
 - Airport Terminal
 - Runway
 - Parcel Number Labels
 - County Boundary
 - Utility ROW
 - Railroad ROW
 - Tax Parcel Easements
 - Miscellaneous Parcel Lines
 - Original Lot Lines
 - Private Roads
 - Private Roads
 - Pipelines
 - Condo Outlines
 - Condo Outlines
 - Parcel Lines in other county
 - Rights of Way in other county
 - Air Rights Parcels
 - Streets**
 - Interstates
 - Major Roads
 - Minor Roads
 - Streams**
 - Streams
 - Water Bodies**
 - Water Bodies
 - Jurisdictions**
 - Charlotte
 - Cornelius
 - Davidson
 - Huntersville
 - Matthews
 - Mecklenburg
 - Mint Hill
 - Pineville
 - Stallings
 - Tax Parcels



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.

215-141-05
06
08
09
19

Exhibit B to Rezoning Application

Adjoining Property Owners

Parcel No. 215-141-10

Franklin M. Renfrow
P.O. Box 67
Matthews, NC 28106-0067

Parcel No. 215-141-12

Kenneth P. Outen and Doris Elaine Outen
4600 Stallings Road
Matthews, NC 28105

Parcel No. 215-141-15

Margaret S. Childers and Kimberly Childers Edwards
4608 Stallings Road
Matthews, NC 28105

Parcel No. 215-141-14

Margaret S. Childers and Kimberly Childers Edwards
4608 Stallings Road
Matthews, NC 28105

Parcel No. 215-141-13

George H. Francis and Sue Elias Francis
4624 Stallings Road
Matthews, NC 28105

Parcel No. 215-141-17

Jack Brewer and Joyce Brewer
4700 Stallings Road
Matthews, NC 28105

Parcel No. 215-141-07

Billy Hugh Sustar
13039 Lawyers Road
Charlotte, NC 28227

Parcel No. 215-141-21

Franklin M. Renfrow
P.O. Box 67
Matthews, NC 28106-0067

Parcel No. 215-141-22

Department of Transportation
716 W. Main Street
Albemarle, NC 28001-4626

Parcel No. 215-141-03

Jerry M. Funderburk and Irma L. Funderburk
14901 Boyd Funderburk Drive
Matthews, NC 28105

Parcel No. 215-141-20

Gerald L. Funderburk
14910 Boyd Funderburk Drive
Matthews, NC 28104

Parcel No. 215-141-01

Gerald L. Funderburk
14910 Boyd Funderburk Drive
Matthews, NC 28104

Parcel No. 195-112-13

Land Investments, LLC
P.O. Box 31786
Charlotte, NC 28231

Parcel No. 195-112-08
Department of Transportation
716 W. Main Street
Albemarle, NC 28001-4626

Parcel No. 195-112-14
R.T. Steele and Alicia J. Steele
14623 Idlewild Road
Matthews, NC 28105

Parcel No. 195-112-07
Richard D. Johnson and Elizabeth Lee Johnson
19039 Mountainview Drive
Cornelius, NC 28031

Parcel No. 195-112-06
Billy Hugh Sustar
13039 Lawyers Road
Charlotte, NC 28227

Parcel No. 195-231-01
Betty Sustar Cookston
13039 Lawyers Road
Charlotte, NC 28227

Parcel No. 215-151-11
Valley-Silver Oaks, LLC
598 Indian Trail Road
208
Indian Trail, NC 28079

Parcel No. 215-151-02
Valley-Silver Oaks, LLC
598 Indian Trail Road
208
Indian Trail, NC 28079

Parcel No. 215-151-01
Valley-Silver Oaks, LLC
598 Indian Trail Road
208
Indian Trail, NC 28079

Parcel No. 215-151-73
Valley-Silver Oaks, LLC
598 Indian Trail Road
208
Indian Trail, NC 28079

Parcel No. 215-132-58
Franklin M. Renfrow
P.O. Box 67
Matthews, NC 28106-0067

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 July 1, 2011

Town Board of Commissioners formally accepts application and sets Public Hearing date July 11, 2011

Notices sent via mail to affected/adjacent property owners on or before August 29, 2011

Protest petition filed with Planning Department by 5:00 pm on September 7, 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 September 12, 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 September 27, 2011

Town Board of Commissioners approves or denies application October 10, 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.