



DATE FILED 12/2/2011
 APPLICATION NUMBER 2011-579
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.

215-094-02 & 215-094-06

Tax parcel number(s): _____

0 Stevens Mill Road & 0 Independence Commerce Drive

Address of property: _____

Intersection of Independence Commerce Drive and Mount Harmony Church Road

Location of property:

Title to the property was acquired on June 19, 1979; March 12, 2004

and was recorded in the name of Lyndell Thompson & Phillip Gerdes; Lyndell Thompson & Lois Thompson

whose mailing address is 5817 Lebanon Road, Charlotte, NC 28227

The deed is recorded in Book 4203 ; 16893 and Page 788; 826 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: B-D(CD) & B-2(CD) Requested zoning classification: B-D(CD) & B-2(CD)

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

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DUE TO THE CLOSURE OF INDEPENDENCE
COMMERCE DRIVE PETITION # 570 WAS SUBMITTED
AND APPROVED BUT THE VARIANCE REQUESTED TO NOT CONSTRUCT
THE SECOND SIDEWALK WAS NOT APPROVED THEREFORE
THE IMPERVIOUS SURFACE EXCEEDED 20,000 S.F. HOWEVER
NO LAND IS AVAILABLE TO CONSTRUCT P.C.C.O REQUIRED
STORMWATER MEASURES AS SUCH MEASURES WOULD ONLY
WORK ON THE EASTERN SIDE OF THE ROADWAY. SUCH
MEASURES WOULD DESTROY THE MARKETABILITY OF A
\$150,000 LOT AND WOULD COST PLUS OR MINUS \$25,000

Signature of property owner (must be original)

Evelyn C. Gerdes
Evelyn C. Gerdes

Print name of property owner

1530 Queens Rd. #601

Property owner's mailing address

Charlotte, NC 28207-2576

Property owner's mailing address, continued

Property owner's mailing address, continued

704/342-3122

Property owner's phone number/email address

Signature of property owner (must be original)

Lynnell D. Thompson

Print name of property owner

LYNELLE THOMPSON

Property owner's mailing address

5817 Lebanon Rd.

Property owner's mailing address, continued

Charlotte, NC 28227

Property owner's mailing address, continued

704-573-3161

Property owner's phone number/email address

Charles Roger Martin

Signature of agent (if any)

Charles Roger Martin

Print name of agent

2442 Bain Farm Road

Agent's mailing address

Mount Hill, N.C. 28227

Agent's mailing address, continued

Agent's mailing address, continued

704-408-9739

Agent'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

Mecklenburg County, North Carolina

POLARIS

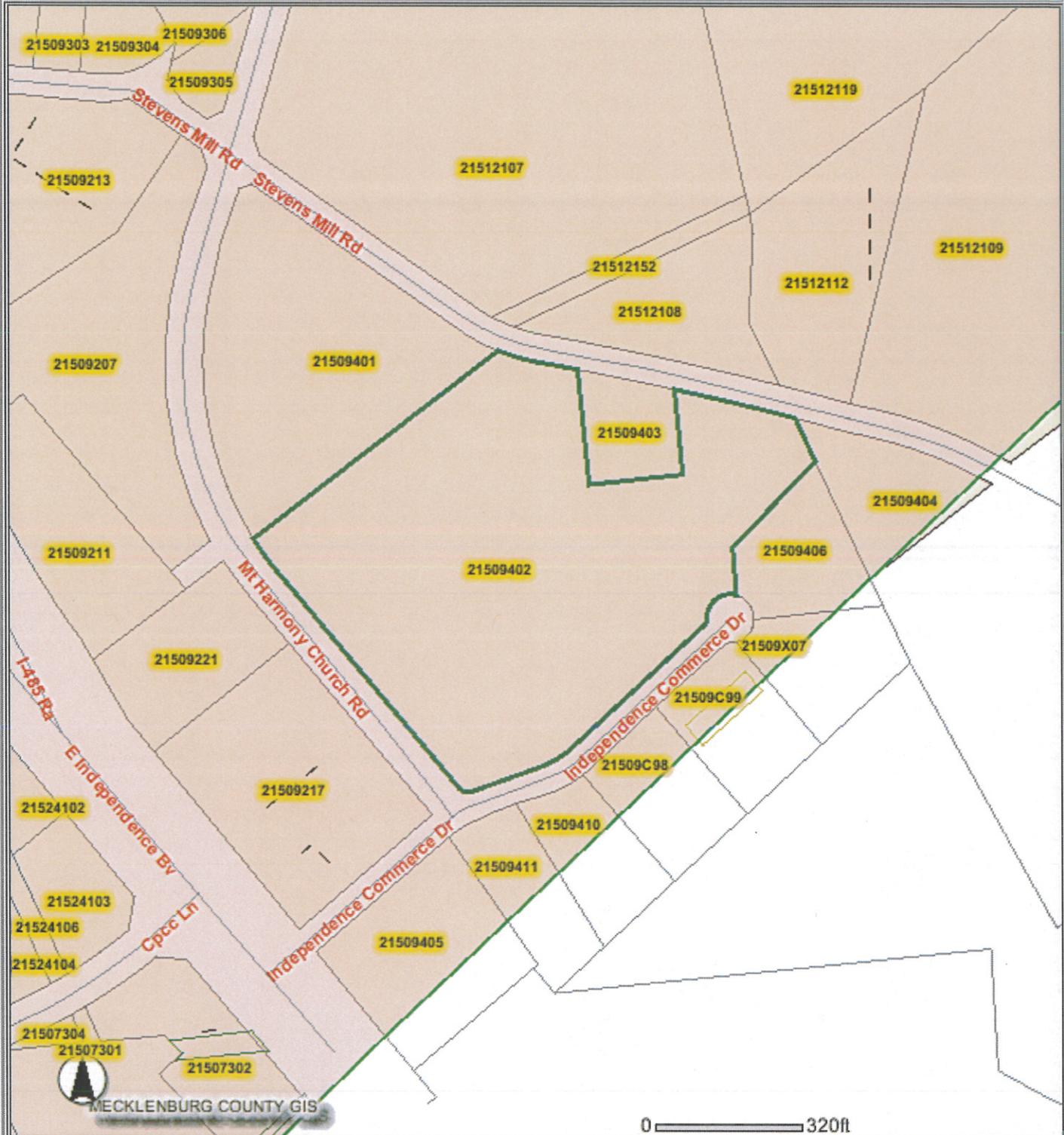
2011-579

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Property Ownership Land Records Information System

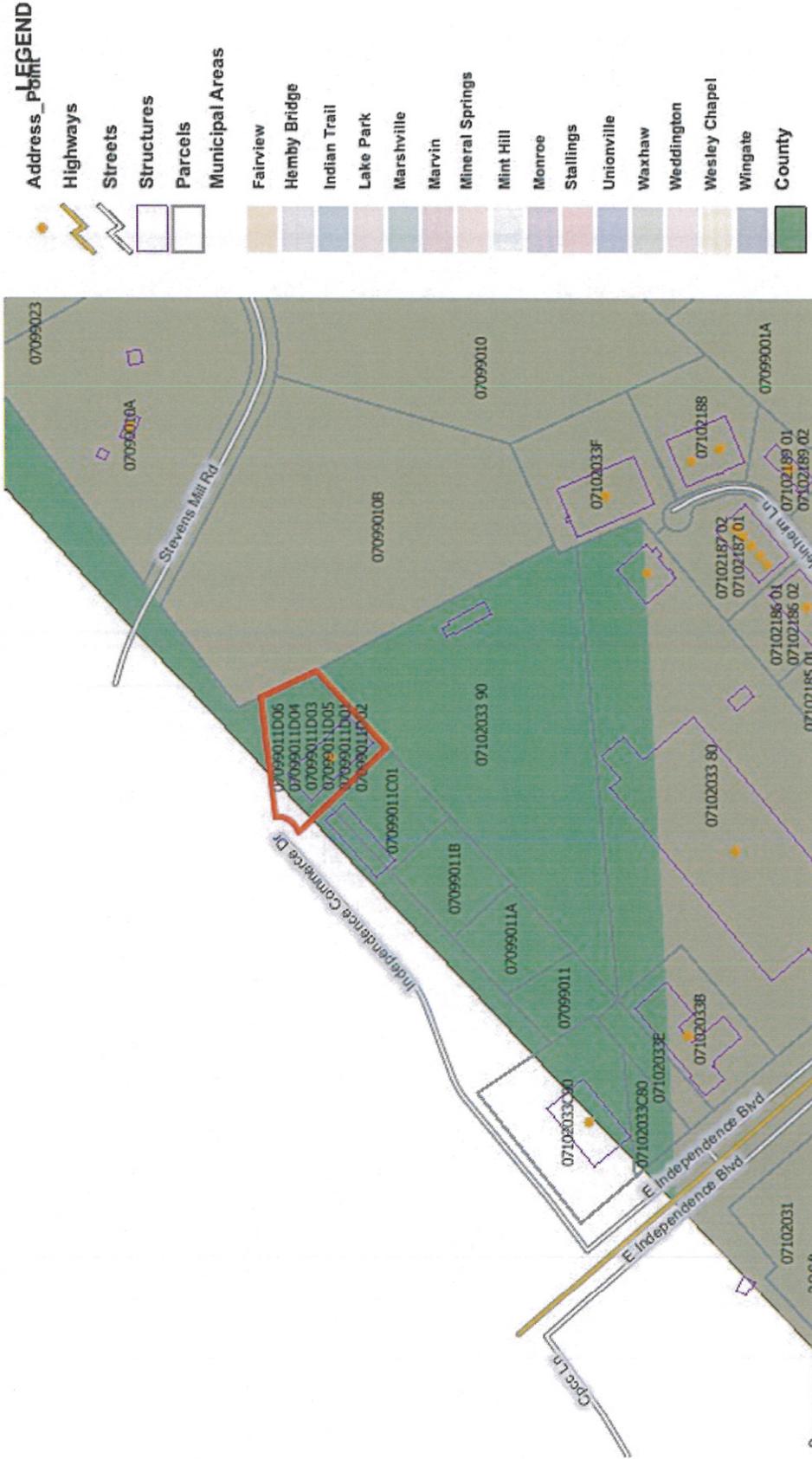
Date Printed: Thu Jan 05 2012 08:47:27 GMT-0500 (Eastern Standard Time)

21509402 & 21509406



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.

GoMAPS - Union County NC Public Access



This map is prepared for the inventory of real property found within Union County, NC and is compiled from recorded deeds, plats, 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 of the information contained on this map. Union County and the mapping companies assume no legal responsibilities for the information contained on this map.

Thursday,
January 5
2012

Grid based on the North Carolina State Plane Coordinate System
All dimensions in feet

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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21509402

TAX PARCEL

Lyndell Thompson & Phillip Gerdes

PROPERTY OWNER NAME(S)

5817 Lebanon Road

OWNER MAILING ADDRESS

Charlotte, NC 28227

OWNER MAILING ADDRESS, CONTINUED

21509406

TAX PARCEL

Lyndell & Lois Thompson

PROPERTY OWNER NAME(S)

5817 Lebanon Road

OWNER MAILING ADDRESS

Charlotte, NC 28227

OWNER MAILING ADDRESS, CONTINUED

21509207, 21509401

TAX PARCEL

WT & Annie Hill Family Limited Partnership

PROPERTY OWNER NAME(S)

1720 Medlin Road

OWNER MAILING ADDRESS

Monroe, NC 28112

OWNER MAILING ADDRESS, CONTINUED

21509217

TAX PARCEL

Joe William Ingram Jr

PROPERTY OWNER NAME(S)

8508 Park Road # 103

OWNER MAILING ADDRESS

Charlotte, NC 28210

OWNER MAILING ADDRESS, CONTINUED

21509221

TAX PARCEL

Cevina Investments Inc

PROPERTY OWNER NAME(S)

5210 Addington Ct

OWNER MAILING ADDRESS

Charlotte, NC 28277

OWNER MAILING ADDRESS, CONTINUED

21509403

TAX PARCEL

Earl & Dylinda Seamon

PROPERTY OWNER NAME(S)

2416 Stevens Mill Road

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21509404

TAX PARCEL

Michael & Teresa Hartis

PROPERTY OWNER NAME(S)

2524 Stevens Mill Road

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21509410, 21509411

TAX PARCEL

Charles Roger Martin

PROPERTY OWNER NAME(S)

2442 Bain Farm Road

OWNER MAILING ADDRESS

Charlotte, NC 28227

OWNER MAILING ADDRESS, CONTINUED

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21509412, 21509413

TAX PARCEL

Weeks Realty of Carolinas LLC

PROPERTY OWNER NAME(S)

2032 Independence Commerce Drive

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21509414, 21509415

TAX PARCEL

Plantation Carolina LLLP

PROPERTY OWNER NAME(S)

2442 Bain Farm Road

OWNER MAILING ADDRESS

Charlotte, NC 28227

OWNER MAILING ADDRESS, CONTINUED

21509416, 21509417

TAX PARCEL

MSH Investments LLC

PROPERTY OWNER NAME(S)

8218 Glanmorgan Lane

OWNER MAILING ADDRESS

Matthews, NC 28104

OWNER MAILING ADDRESS, CONTINUED

21509418

TAX PARCEL

Green Street V LLC c/o Danny Hunter

PROPERTY OWNER NAME(S)

4500 Cameron Valley Parkway #100

OWNER MAILING ADDRESS

Charlotte, NC 28211

OWNER MAILING ADDRESS, CONTINUED

21509419

TAX PARCEL

H&J Properties of Union County LLC

PROPERTY OWNER NAME(S)

1129 Flowe Drive

OWNER MAILING ADDRESS

Matthews, NC 28104

OWNER MAILING ADDRESS, CONTINUED

21509420, 21509421, 21509422

TAX PARCEL

Plantation South Construction c/o Charles Roger Martin

PROPERTY OWNER NAME(S)

2442 Bain Farm Road

OWNER MAILING ADDRESS

Charlotte, NC 28227

OWNER MAILING ADDRESS, CONTINUED

21509423, 21509424

TAX PARCEL

Lone Wolf Industries LTD

PROPERTY OWNER NAME(S)

PO Box 457

OWNER MAILING ADDRESS

Indian Trail, NC 28079

OWNER MAILING ADDRESS, CONTINUED

21509425

TAX PARCEL

JRA Property & Land Management

PROPERTY OWNER NAME(S)

101 E. Matthews Street, Suite 500

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

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21512107

TAX PARCEL

Team Church

PROPERTY OWNER NAME(S)

2301 Stevens Mill Road

OWNER MAILING ADDRESS

Matthews, NC 28104

OWNER MAILING ADDRESS, CONTINUED

21512108

TAX PARCEL

Kenneth & Gina Hoover

PROPERTY OWNER NAME(S)

2417 Stevens Mill Road

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

21512112

TAX PARCEL

Thomas K & Angela M Hartis

PROPERTY OWNER NAME(S)

2501 Stevens Mill Road

OWNER MAILING ADDRESS

Matthews, NC 28104

OWNER MAILING ADDRESS, CONTINUED

21512152

TAX PARCEL

Department of Transportation

PROPERTY OWNER NAME(S)

206 Charter Street

OWNER MAILING ADDRESS

Albemarle, NC 28001

OWNER MAILING ADDRESS, CONTINUED

07099011D01 (Union County)

TAX PARCEL

Roger Martin

PROPERTY OWNER NAME(S)

2442 Bain Farm Road

OWNER MAILING ADDRESS

Charlotte, NC 28227

OWNER MAILING ADDRESS, CONTINUED

07099011D02, 07099011D03 (Union County)

TAX PARCEL

Roger & Karen Hendrix

PROPERTY OWNER NAME(S)

8835 Ira Flowe Road

OWNER MAILING ADDRESS

Charlotte, NC 28227

OWNER MAILING ADDRESS, CONTINUED

07099011D04 (Union County)

TAX PARCEL

Gail Hamilton

PROPERTY OWNER NAME(S)

2040 Independence Commerce Drive, Suite C

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

07099011D05, 07099011D06 (Union County)

TAX PARCEL

Viscount Holdings LLC

PROPERTY OWNER NAME(S)

2040 Independence Commerce Drive, Suite D

OWNER MAILING ADDRESS

Matthews, NC 28105

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 DECEMBER 2ND, 2011

Town Board of Commissioners formally accepts application and sets Public Hearing date DECEMBER 12TH, 2011

Notices sent via mail to affected/adjacent property owners on or before DECEMBER 26TH, 2011

Protest petition filed with Planning Department by 5:00 pm on JANUARY 4TH, 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 JANUARY 9TH, 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 JANUARY 24TH, 2012

Town Board of Commissioners approves or denies application FEBRUARY 13TH, 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