Town of Matthews North Carolina

DATE FILED 2/3/2012

APPLICATION NUMBER 2012-583

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): 21301103 & 21301104

Address of property: 128 & 200 COVENANT CHURCH LN, MATTHEWS, NC

Location of property:

Title to the property was acquired on November 17, 2002 and October 3, 2001
and was recorded in the name of CHURCH CHRIST COVENANT PRESBYTERIAN
whose mailing address is 800 FULLWOOD LN, MATTHEWS, NC 28105

The deed is recorded in Book 07104 & 12732 and Page 270 & 861 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: RICD Requested zoning classification: RICD

Application number
2012-583
For office use only

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

Existing Classroom Conditions:
- 14 regular classrooms of 25 students maximum
- 3 smaller classrooms of 18 students maximum
- 1 very small class of 12 students maximum

Existing classroom can comfortably accommodate 416 students. Therefore, we are requesting a maximum of 420 students.

William L. Spitz

Signature of property owner (must be original)

CHURCH CHRIST COVENANT PRESBYTERIAN

Print name of property owner

800 FULLWOOD LN

Property owner's mailing address

MATTHEWS, NC 28105

Property owner's mailing address, continued

Property owner's mailing address, continued

(704) 847-3505 / info@christcovenant.org

Property owner's phone number/email address

Signature of property owner (must be original)

Print name of property owner

Property owner's mailing address

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address

David Powlen

Signature of agent (if any)

David Powlen

Print name of agent

5815 Westoark 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

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

(704) 708-2385 / mhalvorson@covenantday.org

Petitioner's phone number/email address

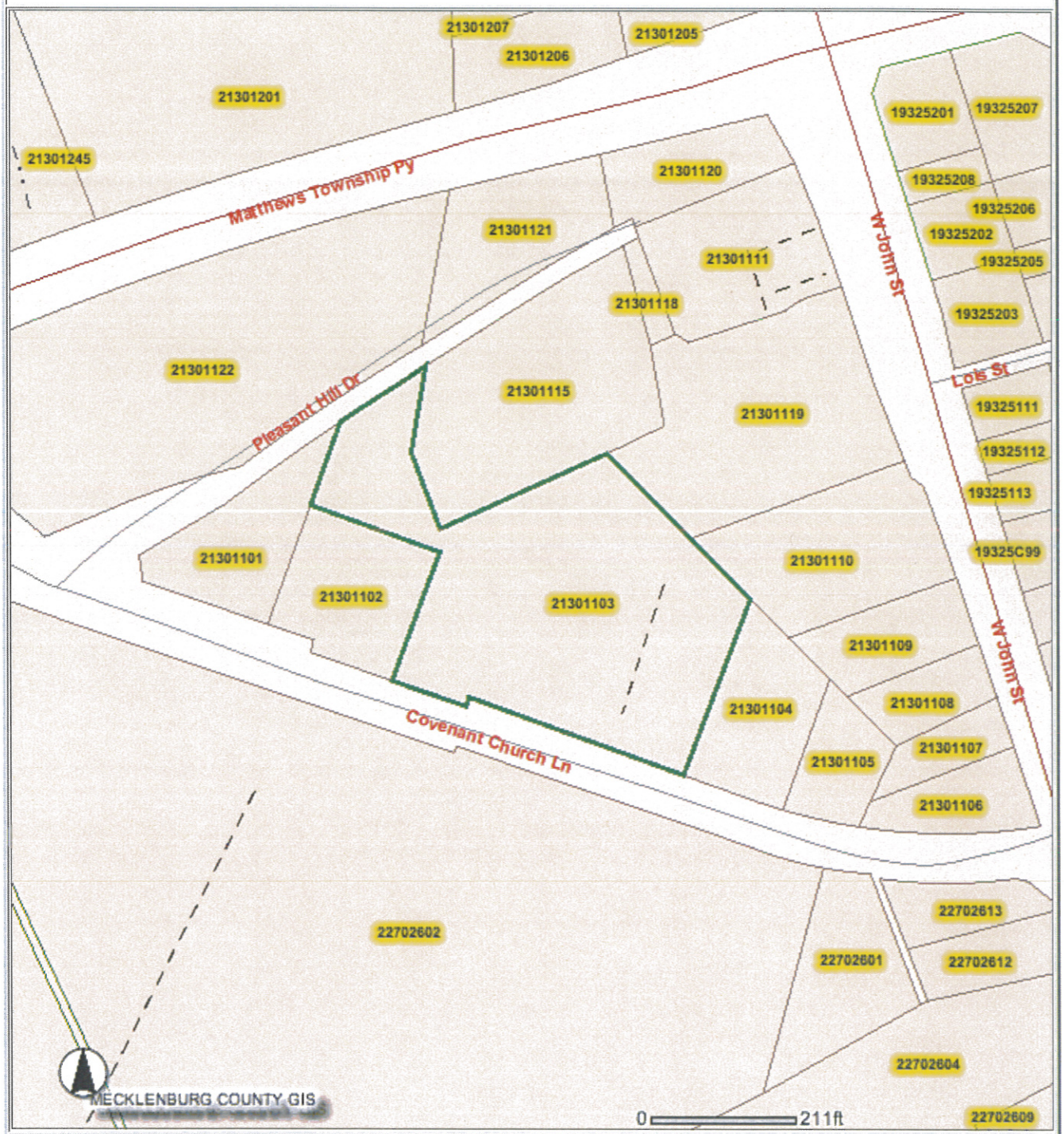
Mecklenburg County, North Carolina

POLARIS

Property Ownership Land Records Information System

Date Printed: Fri Feb 03 2012 15:37:51 GMT-0500 (Eastern Standard Time)

21301103 & 21301104



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 aformentioned 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."

Application number
2012-583
For office use only

22702602
TAX PARCEL

TRST CHRIST COVENANT CHURCH PCA
PROPERTY OWNER NAME(S)

305 COVENANT CHURCH LN
OWNER MAILING ADDRESS

MATTHEWS, NC 28105
OWNER MAILING ADDRESS, CONTINUED

21301105
TAX PARCEL

CHRIST COVENANT CHURCH
PROPERTY OWNER NAME(S)

800 FULLWOOD LN
OWNER MAILING ADDRESS

MATTHEWS, NC 28105
OWNER MAILING ADDRESS, CONTINUED

21301110
TAX PARCEL

ALDI (NC) LLC
PROPERTY OWNER NAME(S)

1985 OLD UNION CHURCH RD
OWNER MAILING ADDRESS

SALISBURY, NC 28146
OWNER MAILING ADDRESS, CONTINUED

21301101
TAX PARCEL

PRESBYTERIAN CHURCH CHRIST COVENANT
PROPERTY OWNER NAME(S)

305 PINEVILLE-MATT RD
OWNER MAILING ADDRESS

MATTHEWS, NC 28105
OWNER MAILING ADDRESS, CONTINUED

21301109
TAX PARCEL

ALICE E RUSSELL
PROPERTY OWNER NAME(S)

PO BOX 234
OWNER MAILING ADDRESS

MATTHEWS, NC 28106
OWNER MAILING ADDRESS, CONTINUED

21301102
TAX PARCEL

PRESBYTERIAN CHURCH CHRIST COVENANT
PROPERTY OWNER NAME(S)

304 COVENANT CHURCH LN
OWNER MAILING ADDRESS

MATTHEWS, NC 28105
OWNER MAILING ADDRESS, CONTINUED

21301108
TAX PARCEL

KATHERINE WOOD HENNING
PROPERTY OWNER NAME(S)

7283 WOODSIDE CT
OWNER MAILING ADDRESS

DENVER, NC 28037
OWNER MAILING ADDRESS, CONTINUED

21301122
TAX PARCEL

COVENANT DAY SCHOOL INC
PROPERTY OWNER NAME(S)

800 FULLWOOD RD
OWNER MAILING ADDRESS

MATTHEWS, NC 28105-2661
OWNER MAILING ADDRESS, CONTINUED

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
2012-583
For office use only

21301115

TAX PARCEL

CHURCH CHRIST COVENANT PRESBYTERIAN

PROPERTY OWNER NAME(S)

800 FULLWOOD RD

OWNER MAILING ADDRESS

MATTHEWS, NC 28105-2661

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

21301119

TAX PARCEL

ALDI(N C) LLC

PROPERTY OWNER NAME(S)

1985 OLD UNION CHURCH RD

OWNER MAILING ADDRESS

SALISBURY, NC 28146

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

21301121

TAX PARCEL

CHURCH CHRIST COVENANT PRESBYTERIAN

PROPERTY OWNER NAME(S)

800 FULLWOOD RD

OWNER MAILING ADDRESS

MATTHEWS, NC 28105-2661

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

Application number
2012-583
For office use only

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 February 3, 2012

Town Board of Commissioners formally accepts application and sets Public Hearing date February 13, 2012

Notices sent via mail to affected/adjacent property owners on or before February 27, 2012

Protest petition filed with Planning Department by 5:00 pm on March 7, 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 March 12, 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 March 27, 2012

Town Board of Commissioners approves or denies application April 9, 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 issues 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