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DATE FILED	<u>6/1/2012</u>
APPLICATION NUMBER	<u>2012-589</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.

227151-12,-13,-14,-21,-22,-23,-24,-25

Tax parcel number(s): _____

738-914 South Trade Street

Address of property: _____

NW Corner of South Trade Street and Fullwood Road

Location of property:

Title to the property was acquired on 10/10/2008

and was recorded in the name of Acts Retirement Life Communities, Inc.

whose mailing address is 375 Morris Road, West Point, PA 19486

The deed is recorded in Book 24185 and Page 724 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: R/I (CD) Requested zoning classification: R/I (CD)

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

The proposed rezoning will allow the Petitioner to build a continuing care retirement community that provides additional housing options for residents, in a manner that is compatible with the surrounding area.

Application number
2012-589
For office use only



Signature of property owner (must be original)

SEVING U.P. REAL ESTATE

Print name of property owner
Acts Retirement Life Communities, Inc.

Property owner's mailing address
375 Morris Road, West Point, PA 19486

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address



Signature of agent (if any)
Single Source Design-Build
Robert J. Romano

Print name of agent
Bob Romano, AIA 704.586.2433 (phone)

Agent's mailing address
8845 Red Oak Blvd

Agent's mailing address, continued
Charlotte, NC 28217

Agent's mailing address, continued

bromano@singlesourcedesignbuild.com

Agent'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

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

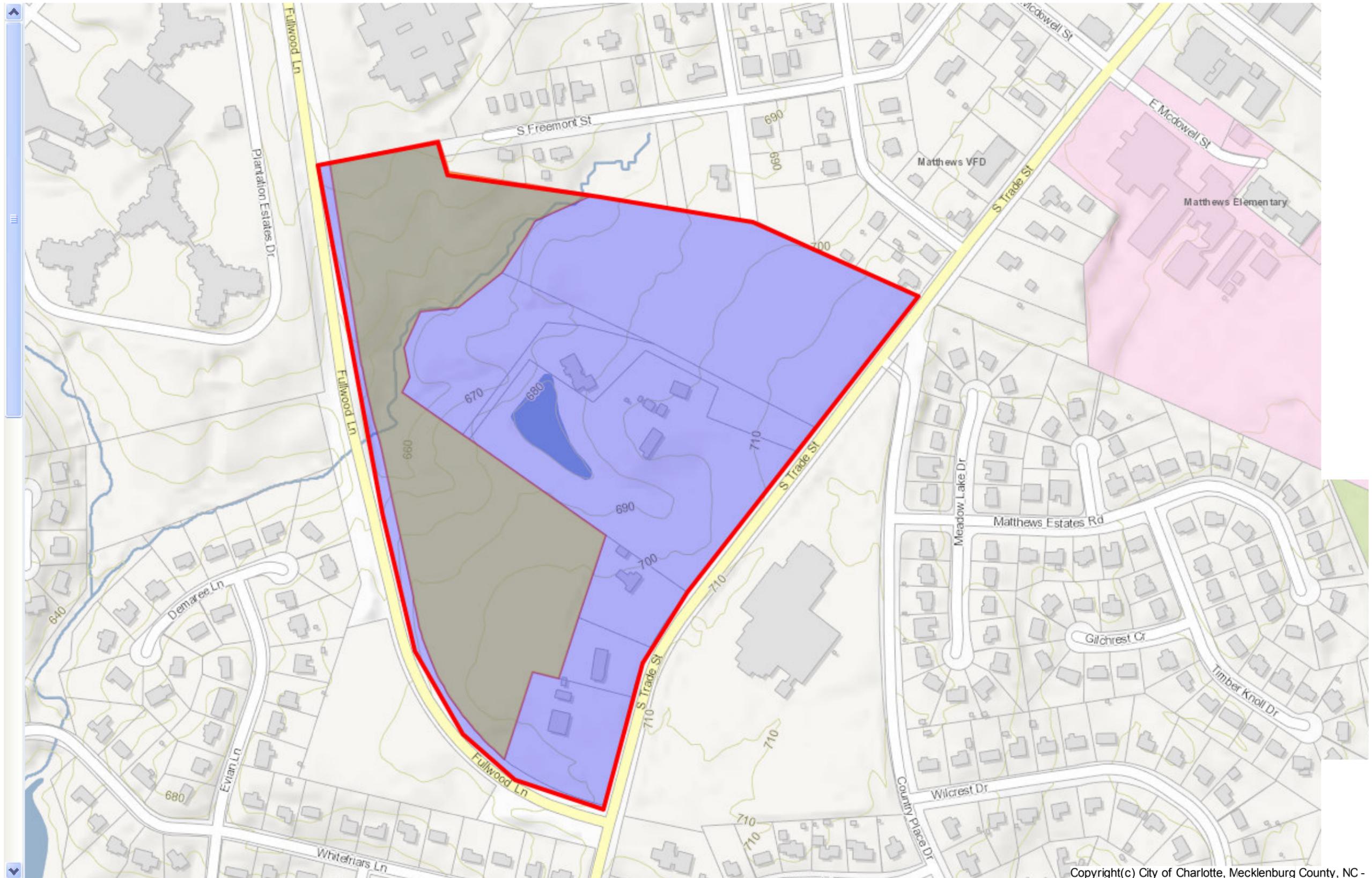
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Find Address (e.g. 600 E 4TH ST), Parcel (e.g. 12502601) , or Intersections (e.g. Ballantyne Commons Pkwy & Rea Rd)

[Results](#) | [Map Content](#)

[Measure](#)

- Housing Code Cases
- Housing Demolish Cases
- Fire Stations
- Fire Response Areas
- Police Districts
- Council Districts
- Solid Waste Collection
- Neighborhood ...
 - Neighborhoods (NSAs)
 - Child DayCare 400Ft Buffer
 - Code Enforcement Service Ares
 - HouseCharlotte Eligible Area
 - Group Home 800Ft Buffer
 - Neighborhood Action Plan
 - House Locational Policy
 - Neighborhood Matching Grant Eligible Geography
 - Business Investment Grant
 - Business Corridor Revitalization Geography
 - Urban Process Zone
 - New Market Tax Credit
- Stormwater ...
 - Storm Structures
 - Storm Channels
 - Storm Connectivity
 - Storm Pipes
 - Topo 10ft
 - Watershed
- Transportation ...
 - Light Rail Stations
 - Collector Streets
 - Light Rail Line



Village at Plantation Estates
List of Ajoining Property Owners

PID	Owner	Address	City	State	ZIP
22721225	MATTHEWS UNITED METHODIST CHURCH (TRUSTEES)	PO BOX 518	Matthews	NC	28106
22721227	MATTHEWS UNITED METHODIST CHURCH (TRUSTEES)	PO BOX 518	Matthews	NC	28106
22734239	BRIAN M SR EHLERS AND LUCILLE EHLERS	100 WHITEFRIARS LN	Matthews	NC	28105
22734238	WADE IVEY TAPP AND KIMBERLY JOHNS TAPP	108 WHITEFRIARS LN	Matthews	NC	28105
22734237	MICHAEL A CANTELM I AND DIANE M CANTELM I	116 WHITEFRIARS LN	Matthews	NC	28105
22734236	KYUNG HWAN AN AND HWA YOUNG AN	124 WHITEFRIARS LN	Matthews	NC	28105
22734224	CHRIS CAMPBELL AND JILL CAMPBELL	905 EVIAN LN	Matthews	NC	28105
22734222	DAVID C. SHROYER AND LESLEY G. SHROYER	202 DEMAREE LN	Matthews	NC	28105
22734221	WARREN G BENDER AND SUSAN C BENDER	204 DEMAREE LN	Matthews	NC	28105
22702618	WESSEL'S NURSING HOME OF MATTHEWS INC	600 FULLWOOD RD	Matthews	NC	28105
22702743	PETITIONER				
22702744	PETITIONER				
22702209	JAMES J MCGEE, JR	449 S FREEMONT ST	Matthews	NC	28105
22702208	DELL H SCHELL AND PATRICIA M SCHELL	441 FREEMONT ST	Matthews	NC	28105
22702207	RALPH S MESSERA AND BRENDA C M	401 FREEMONT ST	Matthews	NC	28105
22702206	RALPH S MESSERA AND BRENDA C M	401 FREEMONT ST	Matthews	NC	28105
22702232	JIMANA PROPERTIES LLC	130 LIBRARY LN	Matthews	NC	28105
22702231	JIMANA PROPERTIES LLC	130 LIBRARY LN	Matthews	NC	28105
22702205	JIMANA PROPERTIES LLC	130 LIBRARY LN	Matthews	NC	28105
22702203	JAMES R SIMPSON	1512 JACK DAVIS RD	Monroe	NC	28112
22702201	AANA LISA TRUST JOHNSON AND (AANA LISA JOHNSON TST)	733 PLANTATION ESTATES DR #B411	Matthews	NC	28105
22702202	WILLIAM HENRY CLAYTON	300 S TRADE ST	Matthews	NC	28105
22721106	BROOKECHASE PROPERTIES LLC	PO BOX 578	Matthews	NC	28106
22721806	JAI NAMKOONG AND KYOUNG HYE NAMKOONG	602 MEADOW LAKE DR	Matthews	NC	28105
22721805	BRIAN R SWANSON AND LISA C SWANSON	606 MEADOW LAKE DR	Matthews	NC	28105
22721275	TOWN OF MATTHEWS	232 MATTHEWS STATION ST	Matthews	NC	28105

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 1, 2012

Town Board of Commissioners formally accepts application and sets Public Hearing date _____ June, 11, 2012

Notices sent via mail to affected/adjacent property owners on or before _____ July 30, 2012

Protest petition filed with Planning Department by 5:00 pm on _____ August 8, 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 _____ August 13, 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 _____ August 28, 2012

Town Board of Commissioners approves or denies application _____ September 10, 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