



December 30, 2013

Ms. Kathi Ingrish
Matthews Planning Director
232 Matthews Station Street
Matthews, NC 28105

RE: Petition 2013-601

Dear Ms. Ingrish:

This letter is to inform you that Berkley Group would like to withdraw zoning petition 2013-601 at this time. It is our desire to take more time to ensure that the spirit of your town and ordinance along with our desire to keep up with technology is represented in our final presentation and proposal.

The demand for wireless services and signal in that area continues to increase dramatically as the use of data is at an all time high and I am convinced that a solution is near that ties together the essential infrastructure need and the spirit and beauty of your area.

We are grateful for the staff and officials at the Town of Matthews for their help with this matter thus far and look forward to continuing that relationship. I anticipate that we will reapply in the second quarter of 2014.

If there are any questions, please contact me. We look forward to attending your wireless 101 meeting on January 8, 2014.

Sincerely,

Bonnie Newell
Berkley Group LLC
704-907-7104

via email/hard copy to follow

Application number
2013-601
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 8-2-2013

Town Board of Commissioners formally accepts application and sets Public Hearing date ~~8-12-2013~~ 9-9-13

Notices sent via mail to affected/adjacent property owners on or before ~~8-26-2013~~ 10-28-13

Protest petition filed with Planning Department by 5:00 pm on ~~9-4-2013~~ 11-6-13

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 ~~9-9-2013~~ 11-11-13*

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 ~~9-24-2013~~ 11-26-13*

Town Board of Commissioners approves or denies application ¹²⁻⁹⁻¹³ ~~10-14-2013~~ *

* Subject to deferral to January 2014

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

BERKLEY GROUP LLC

Ms. Kathi Ingrish
Town of Matthews Planning and Development
232 Matthews Station Street
Matthews, North Carolina 28105

August 2, 2013

RE: Application for Change in Zoning Classification
Elizabeth Lane Elementary

Dear Ms. Ingrish:

Per our discussions over the past few months, please find enclosed the application and related documents requesting the amendment of the existing Conditional Use Permit to allow a communications tower with a maximum height of 120' as a secondary or ancillary use. This is for the immediate use of AT&T but will be built as a multiuser tower and will accommodate any communications company that is in need in the area.

The documents included, in addition to this cover letter are:

-  Ten copies of the proposed engineered and prepared site plan
-  Photo Simulations
-  Envelopes and letters for adjacent neighbors notifying them of the project

Introduction

Berkley Group, LLC respectfully submits this statement in support of its proposal to construct, maintain and manage a multiple (4-5) user wireless communications facility. We are proposing to put this tower on the property of Elizabeth Lane Elementary. As this letter indicates, there is a necessity for the area to improve the wireless infrastructure to the local citizens and enhance their level of communication and most importantly sense of security.

The Technology

PCS is similar to cellular service which has been available to citizens for the past two decades; however, it is enhanced and a more efficient digital service. Wireless communication has more than ever become an extension of our ordinary telephone and utilizes radio waves in place of wires to transmit and receive calls. It is similar to radio and TV broadcasts, but the signals from wireless telephones are much weaker as they provide a signal to a smaller service area.

10612-D Providence Road, PMB 742
Charlotte, NC 28277

Tel 704-892-0688
Fax 704-892-0698

8-2-2013
2013-601

The number of wireless telephone numbers exceed the number of land line phone numbers in this area and have for several years. The popularity of the wireless phones have become such that is often considered an essential service. The demand for these phones to work in all areas is incredible and more explosive than at any time since this technology has been developed. This demand has particularly peaked in the residential areas. The consumer is demanding that their phone and wireless devices work in their car, in the places they work and reside and recreate.

The Proposal

The proposed communications facility will not interfere with either television or radio reception as all carriers are licensed by the FCC to operate on a very specific frequency at a different location on the spectrum. It will not emit noise, glare or odor nor does it have any signs other than those required by the City, State or Federal Government for identification. It will not contribute to traffic congestion since it is visited approximately once a month for routine maintenance. At this point in our preliminary study, the FAA will not require lighting and this tower is less than 200' which is the standard lighting height for all objects. Therefore, this tower will not be lighted unless so designated at a future date by the FAA.

The proposed facility will consist of a 120'-foot monopine with a small lightning rod. At its base will be an 8' security fence with landscaping. The tower is made of galvanized steel and will painted a brown (bark) color. The needles are custom designed and the antennae are mounted in a way that conceals themselves at the needle level. The tower will always be fenced and secured. As stated earlier, the tower will be unmanned and will only be visited monthly for routine maintenance. **We are requesting a waiver from the traditional traffic study required for typical zoning cases as this has little to no impact on traffic.** It will meet all landscaping, buffering and general requirements of the City of Matthews ordinance. The landscaping of this tower and its base will be based on whatever the City would recommend, however, in an effort to preserve the natural environment we would hand clear the perimeter of the leased area which would leave a nice stand of natural vegetation. We will ensure that the landscape is a minimum of the requirement of the city. The facility will comply with the strict guidelines of the FCC and FAA, which are designed to protect public safety.

The siting of this tower is on one of the largest and a prestigious parcels in the area. The Town of Matthews has been planned well for many, many years and with this we did not enter into locating a tower lightly. We have worked for nearly two years and think we have the best solution to resolve a technology gap with an appropriate aesthetic solution.

We have included numerous studies and letters to support our application of which we are happy to answer any questions.

Conclusion

We appreciate the opportunity to provide what we deem an essential service to the residents and those passing by this area of Matthews.

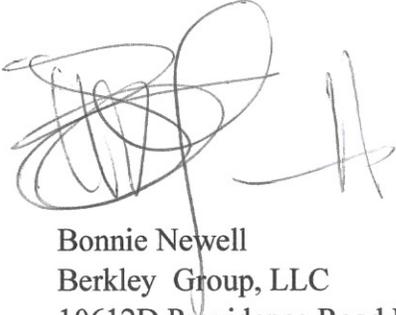
10612-D Providence Road, PMB 742
Charlotte, NC 28277

Tel 704-892-0688
Fax 704-892-0698

2013-601
8-2-2013

In selecting our site we were conscientious of what surrounding neighbors and townspeople would think. We were sensitive to the best of our ability and have proposed a very innocuous, low profile solution to fulfilling a need in the community.

We thank you for reviewing our information and appreciate your consideration for our request.



Bonnie Newell
Berkley Group, LLC
10612D Providence Road PMB 742
Charlotte, North Carolina 28277
704-907-7104
b_newell@bellsouth.net

10612-D Providence Road, PMB 742
Charlotte, NC 28277

Tel 704-892-0688
Fax 704-892-0698
2013-601
8-2-2013



DATE FILED <u>8-2-2013</u>
APPLICATION NUMBER <u>2013-601</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): 22703491

Address of property: 121 Elizabeth Lane Matthews, NC 28105

Location of property: Approximately 27 acres located at the intersection of Elizabeth Lane and Pineville Matthews Road.

Title to the property was acquired on December 5, 1994
 and was recorded in the name of Charlotte Mecklenburg Board of Education
 whose mailing address is 701 East Second St. Charlotte, NC 28202

The deed is recorded in Book 7992 & 8106 and Page 678 & 145 in the office of the Register of Deeds for Mecklenburg County.

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

Application number
2013-601
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List reason(s) why zoning should be changed (use separate sheet if necessary):

We are seeking to amend the existing CUP to allow for the development, and construction of a communications tower and all supporting equipment and buildings, with a maximum height of 120', to be located as a secondary or ancillary use to the existing school site.


Signature of property owner (must be original)

Signature of property owner (must be original)

Charlotte Mecklenburg Board of Education

Print name of property owner

Print name of property owner
3301 Stafford Drive

Property owner's mailing address

Property owner's mailing address
Charlotte, NC 28208

Property owner's mailing address, continued

Property owner's mailing address, continued
Attn: Dennis LaCaria

Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address

980-343-6880 dennis.lacaria@cms.k12.nc.us

Property owner's phone number/email address


Petitioner other than owner (if any)

Signature of agent (if any)

Berkley Group LLC - J. Fischer / B. Newell

Print name of agent

Print name of petitioner
10612-D Providence Road PMB 742

Agent's mailing address

Petitioner's mailing address
Charlotte, NC28277

Agent's mailing address, continued

Petitioner's mailing address, continued

Agent's mailing address, continued

Petitioner's mailing address, continued

Agent's phone number/email address

704-845-0625 joannfischer@carolina.rr.com

Petitioner's phone number/email address

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

2013-601

For office use only

See Attached list

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

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OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

TAX PARCEL

PROPERTY OWNER NAME(S)

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

22703422	RANDOLPH AND KAREN COOPER	107 BOWEN CT	MATTHEWS	NC	28105	L12 M27-586	09315	799	1 LT
22703423	GREGORY A BLEVINS	108 BOWEN CT	MATTHEWS	NC	28105	L11 M27-586	27795	520	1 LT
22703425	LYNN AULICK AND VIVIAN AULICK	501 CLAIRVIEW LN	MATTHEWS	NC	28105	L9 M27-586	21510	245	1 LT
22703426	MARTHA M DUNN	509 CLAIRVIEW LN	MATTHEWS	NC	28105	L8 M27-586	09026	912	1 LT
22703427	BARBARA G MCCALL	515 CLAIRVIEW LN	MATTHEWS	NC	28105	L7 M27-586	21986	15	1 LT
22703428	SHIPING YANG AND XIAOPENG LIU	521 CLAIRVIEW LN	MATTHEWS	NC	28105	L6 M27-586	21218	21	1 LT
22703429	LIEN T BRAGG	525 CLAIRVIEW LN	MATTHEWS	NC	28105	L5 M27-586	09537	493	1 LT
22703437	GARDIS PLANTATION ASSOCIATION	1515 MOCKINGBIRD LN STE 414	CHARLOTTE	NC	28209-3298	C/A M27-586	10925	386	1 LT
22703491	EDUCATION CHARLOTTE MECKLENBURG BOARD OF	701 E 2ND ST	CHARLOTTE	NC	28202-2825	NA	07992	678	27 AC
22703576	CHARLES C IDOL AND MARION W IDOL	201 ROSEDALE LN	MATTHEWS	NC	28105	L35 M27-586	22118	615	1 LT
22703577	DAVID R STYKA AND RHONDA STYKA	205 ROSEDALE LN	MATTHEWS	NC	28105	L34 M27-586	09950	796	1 LT
22703602	BENJAMIN M CLARK AND LORI ANN CLARK	306 WILLOW BROOK DR	MATTHEWS	NC	28105	L1 M41-203	26152	872	1 LT
22703603	MIN CHEN AND ZHAOJUN WU	740 SWANCROFT LN	MATTHEWS	NC	28105	L45 M41-203	18118	406	1 LT
22703604	JOHN HOFLAND AND DEBORAH HOFLAND	732 SWANCROFT LN	MATTHEWS	NC	28105	L44 M41-203	23919	796	1 LT
22703605	HARRY A PALEFSKY AND DEBORAH A PALEFSKY	724 SWANCROFT LN	MATTHEWS	NC	28105	L43 M41-203	19526	826	1 LT
22703606	ZHOU QIANG CHEN AND YI MEI LIN	716 SWANCROFT LN	MATTHEWS	NC	28105	L42 M41-203	22788	859	1 LT
22703607	JAMES J HUNTER AND JACQUELINE B HUNTER	708 SWANCROFT LN	MATTHEWS	NC	28105	L41 M41-203	19831	690	1 LT
22703608	VICKIE HUEY-YI WANG	700 SWANCROFT LN	MATTHEWS	NC	28105	L40 M41-203	18197	467	1 LT
22703609	SUBRAMANIAN KALYANASUNDARAM AND GOMATHY T KALYANASUNDARAM	642 SWANCROFT LN	MATTHEWS	NC	28105	L39 M41-203	25782	403	1 LT
22703610	JOE MAXWELL L/T LEE AND LINDA E L/T LEE	636 SWANCROFT LN	MATTHEWS	NC	28105	L38 M41-203	27426	536	1 LT
22703611	JAMES J CURLEY AND JULIA CURLEY	630 SWANCROFT LN	MATTHEWS	NC	28105	L37 M41-203	25592	118	1 LT
22703616	ASSOCIATION INC ELIZABETH PLACE HOMEOWNERS AND % HAWTHORNE MANAGEMENT	2221 PARK RD	CHARLOTTE	NC	28203	COS M41-203	17740	945	1 LT
22703667	ASSOCIATION INC ELIZABETH PLACE HOMEOWNERS AND % HAWTHORNE MANAGEMENT	2221 PARK RD	CHARLOTTE	NC	28203	COS M41-203	17740	945	1 LT
22732158	ROY ALTON JR CADENHEAD AND MARY SUZANNE L	801 MANSARD CT	MATTHEWS	NC	28105	L4 B4 M20-913	09807	802	1 LT

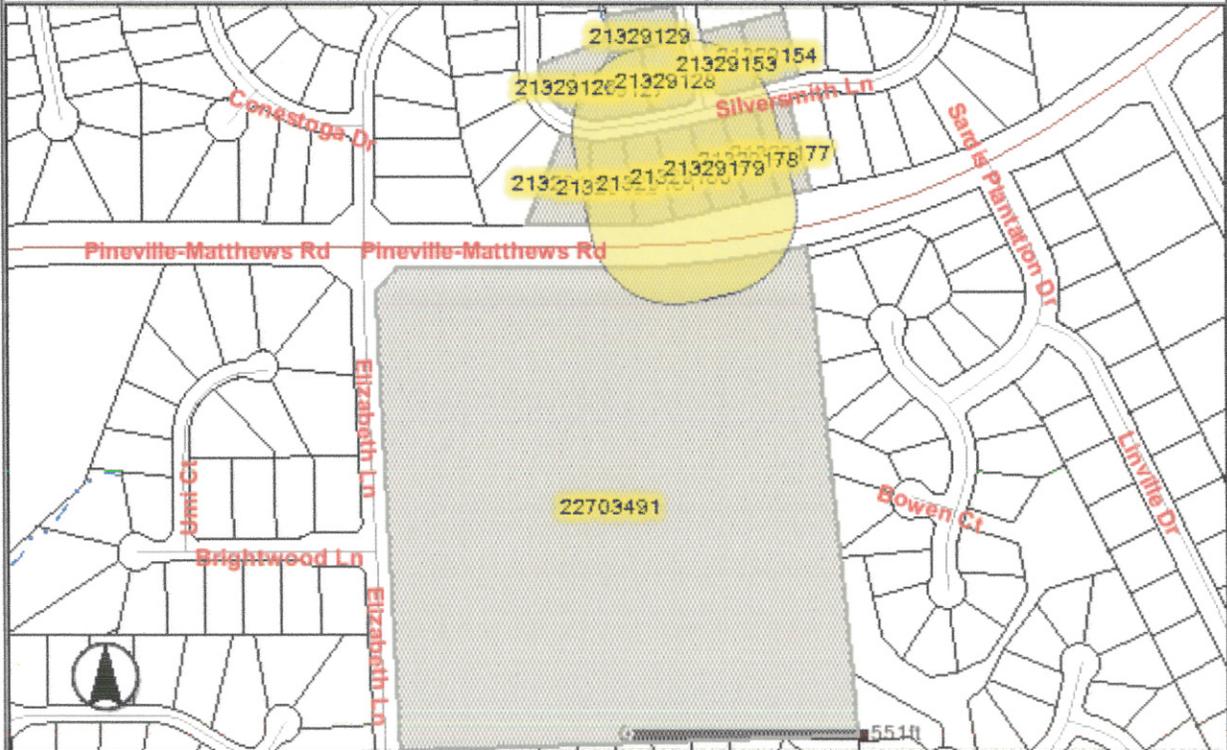
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N/A

dup.

22732159	DAVID MICHAEL POSSAGE	809 MANSARD CT	MATTHEWS	NC	28105- 5625	L3B4M20-879 809 MANSARD CT	07428	149	1 LT
22732160	CHAD M ASVESTAS AND KRISTIN M ASVESTAS	323 ROSE ARBOR LN	MATTHEWS	NC	28105	L2 B4 M20-913	14706	109	1 LT
22732162	ELISA B WALDMAN AND MARKUS D CLACKUM	3826 RALEIGH ST	CHARLOTTE	NC	28206	L24 M22-72	11253	882	1 LT
22732177	EDGER J JOHNSON	102 UMI CT	MATTHEWS	NC	28105- 2610	L9M22-72 102 UMI CT	11667	735	1 LT
22732178	MICHAEL E SNEAD AND BONNIE D SNEAD	100 UMI CT	MATTHEWS	NC	28105- 2610	L8M22-72 100 UMI CT	07182	445	1 LT
22732179	JOHN BRADSHAW AND JENNIFER BRADSHAW	101 UMI CT	MATTHEWS	NC	28105- 2603	L7 M22-72	07754	400	1 LT
22732185	JAMES LANGLEY AND REBECCA LANGLEY	800 BRIGHTWOOD LANE	MATTHEWS	NC	28105	L1 M22-72	20857	467	1 LT

Mecklenburg County, NC POLARIS
Property Ownership Land Records Information System
Adjoining Owner's Report
 Buffer Distance: 200 Feet
 6/26/2013 10:30:45 AM

[Click Here to Open Owner's List \(Comma-Delimited\)](#)



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.

Parcel ID	Owner Name	Mailing Address	City	State	ZIP	Legal Description	Deed Book	Deed Page	Land Area
N/A 21329126	TIMOTHY R FARRINGTON AND DIANA C LIND	532 SILVERSMITH LN	CHARLOTTE	NC	28270	L68 B3 M20-276	24796	585	1 LT
N/A 21329127	JEFFREY SCOTT HUDSON AND LEE ALLISON HUDSON	512 SILVERSMITH LN	CHARLOTTE	NC	28270	L67 B3 M20-49	11164	659	1 LT
N/A 21329128	JOHN MARC CLEVELAND AND MARY E CUTRERA	500 SILVERSMITH LN	CHARLOTTE	NC	28270	L66B3M20-234 500 SILVERSMITH L	14450	195	1 LT
N/A 21329129	DEAN W RANK AND KRISTEN M RANK	8028 GROCKETT LN	CHARLOTTE	NC	28270	L65 B3 M20-234	09567	105	1 LT
N/A 21329153	KRISTEN MONACO JOHNSON AND DEREK K. JOHNSON	442 SILVERSMITH LN	CHARLOTTE	NC	28270	L41 B3 M20-234	21080	337	1 LT
N/A 21329154	JEFFREY A GRANZEN AND NANCY L GRANZEN	436 SILVERSMITH LN	CHARLOTTE	NC	28270	L40 B3 M20-234	63351	113	1 LT
21329177	CARL WILLIAM FREDRICK III SCHROEDER AND MONICA SCHROEDER	437 SILVERSMITH LN	CHARLOTTE	NC	28270	L17 B3 M20-234	21094	351	1 LT
21329178	DOUGLAS MOORE AND SANDRA LEGGIO MOORE	3519 MILL POND RD	CHARLOTTE	NC	28226	L16 B3 M20-234	28235	950	1 LT
21329179	PATRICK N SADEK	449 SILVERSMITH	CHARLOTTE	NC	28270	L15 B3 M20-234	12389	432	1 LT

		LN							
21329180	NEAL P TAYLOR AND AMANDA K TAYLOR	501 SILVERSMITH LANE	CHARLOTTE	NC	28270- 0872	L14B3M20-234 501 SILVERSMITH L	21111	563	1 LT
21329181	CHARLES M MUMPOWER AND LYDIA R MUMPOWER	507 SILVERSMITH LN	CHARLOTTE	NC	28270	P13B3M20-49 507 SILVERSMITH LN	04850	524	1 LT
21329182	PAUL DOUGLAS CANUP AND JANIS CORDER CANUP	513 SILVERSMITH LN	CHARLOTTE	NC	28270	P12 B3 M20-49	05276	518	1 LT
21329183	KRISTIE L WOJTON AND KELLY A WOJTON	519 SILVERSMITH LN	CHARLOTTE	NC	28270	P11 B3 M20-49	24751	545	1 LT
22703491	EDUCATION CHARLOTTE MECKLENBURG BOARD OF	701 E 2ND ST	CHARLOTTE	NC	28202- 2825	NA	07992	678	27 AC

N/A

N/A

N/A

N/A

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- (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