



DATE FILED <u>7-30-14</u>
APPLICATION NUMBER <u>2014-620</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): 193-262-01

Address of property: 134 W. John St.

Location of property:

Title to the property was acquired on December 23, 1987  
and was recorded in the name of Matthews Historical Foundation, Inc.  
whose mailing address is P.O. Box 1117 Matthews, NC 28106

The deed is recorded in Book 5671 and Page 566 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: O-15 (Office) Requested zoning classification: O-CD (Office Cond.)

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

To rezoning the property from the previous O-15 (office) to O (office) in the current UDO  
SEE Attachment for list of conditions

Signature of property owner (must be original)

Signature of property owner (must be original)

Print name of property owner

Print name of property owner

Property owner's mailing address

Property owner's mailing address

Property owner's mailing address, continued

Property owner's phone number/email address

Property owner's phone number/email address

X Paula Lester for MHF

Signature of agent (if any)

Petitioner other than owner (if any)

PAULA LESTER

Print name of agent

Print name of petitioner

P.O. Box 1117

Agent's mailing address

Petitioner's mailing address

1335 SEA MIST CT.

Agent's mailing address, continued

Petitioner's mailing address, continued

MATTHEWS, NC 28106

Agent's mailing address, continued

Petitioner's mailing address, continued

704-847-7610

Agent's phone number/email address

Petitioner's phone number/email address

phlnc@carolina.rr.com

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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See Attachment A

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

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

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OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

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PROPERTY OWNER NAME(S)

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OWNER MAILING ADDRESS

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

OWNER MAILING ADDRESS, CONTINUED

## Attachment A

Properties within 100 ft. Buffer of Subject Property					
Parcel No.	Property Owner	Mailing Address	City	State	Zip
193-261-04	JIMAANA PROPERTIES, INC	130 LIBRARY LN	MATTHEWS	NC	28105
193-261-06	HOPE FOUNDATION THE GRACE &	7825 BALLANTYNE COMMONS PY	CHARLOTTE	NC	28227
	FOUNDATION INC MATTHEWS HISTORICAL	#230			
193-262-01	FOUNDATION INC MATTHEWS HISTORICAL	PO BOX 1117	MATTHEWS	NC	28105
193-262-02	ABHAI SINGH RATHORE	3020 POPLAR HILL RD	CHARLOTTE	NC	28270
193-262-10	MARY L PHILLIPS	PO BOX 265	MATTHEWS	NC	28106
227-024-22	DAVID REA LEMMOND	617 WATSON ST	DAVIDSON	NC	28036
227-024-23	DDA DAWG HOLDINGS LLC	2501 DANBURY ST	CHARLOTTE	NC	28211
227-024-41	MATTHEWS PRESBYTERIAN CHURCH, INC	PO BOX 97	MATTHEWS	NC	28106

Additional Properties within 200 ft. Buffer					
193-262-03	SAMUEL P JR MALONE	20120 NORMAN COLONY RD	CORNELIUS	NC	28031
193-262-04	MATTHEWS MARKET PLACE LLC	10033 STRIKE THE GOLD LN	WAXHAW	NC	28173
193-262-06	NICK J MILLER	1216 REVERDY LN	MATTHEWS	NC	28105
193-262-07	KING TUT PROPERTIES LLC	2717-D320 MATTHEWS TWSP PKWY	MATTHEWS	NC	28105
193-262-09	NEST DEVELOPMENT LLC	201 WEST CHARLES ST	MATTHEWS	NC	28105
193-262-11	KLEINBERG AL INC	1420 ANTIOCH CHURCH RD	MATTHEWS	NC	28105
193-262-12	REED HOLDINGS INC	165 NORTH TRADE ST	MATTHEWS	NC	28105
193-262-13	NEST DEVELOPMENT LLC	201 WEST CHARLES ST	MATTHEWS	NC	28105
193-262-14	" "	" "	MATTHEWS	NC	28105
193-262-15	PERIGEE.NET CORPORATION	195 WEST CHARLES S	MATTHEWS	NC	28106
227-024-21	S R LEMMOND	617 WATSON ST (listed on previous table)	DAVIDSON	NC	28036

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**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 or email [mjgollnitz@matthewsnc.gov](mailto:mjgollnitz@matthewsnc.gov)) for verification.

Application submitted to and accepted by the Town of Matthews July 30, 2014

Town Board of Commissioners formally accepts application and sets Public Hearing date August 11, 2014

Notices sent via mail to affected/adjacent property owners on or before September 29, 2014

Protest petition filed with Planning Department by 5:00 pm on October 8, 2014

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 October 13, 2014

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 October 28, 2014

Town Board of Commissioners approves or denies application November 10, 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

August 4, 2014

Matthews Historical Foundation  
134 W. John St.  
Matthews, NC 28105

Town of Matthews Planning Dept.  
232 Matthews Station St.  
Matthews, NC 28105

Mr. King:

The Matthews Historical Foundation would like to request that our property located at 134 W. John Street be rezoned from R-15 (Office) to O (CD) Office – Conditional District as recognized in the recently adopted Matthews Unified Development Ordinance (UDO). We would like to impose certain conditions on the property to protect its historical integrity. The proposed conditions are as follows:

**1. Expansions**

There shall be no expansions to the existing historical Reid House or other structures on the property without prior approval of the Matthews Historical Foundation or the Charlotte-Mecklenburg Historic Landmarks Commission.

**2. Exterior Alteration and/or Demolition**

There shall be no exterior alterations or demolition of the Reid House or other structures on the property without prior approval of the Matthews Historical Foundation or the Charlotte-Mecklenburg Historic Landmarks Commission.

**3. Special Event / Rentals**

Special events and rental of the property shall be allowed to continue as previously approved by the Town of Matthews

**4. Uses**

Listed below are a list of permitted uses for the "O" zoning district, and those uses deemed inappropriate for the Reid House have been stricken from the list below:

**A. Single family detached**

- ~~B. Two family Duplex~~
- ~~C. College/University without stadium~~
- ~~D. Fire/EMS/Police~~
- ~~E. Public Library~~
- ~~F. Bank, Credit Union, Similar Financial Use Barber Shop, Beauty Shop, Nail salon, Similar Personal services~~
- ~~G. Civic, fraternal, Social Club~~
- ~~H. Contractors Office, no outside storage~~
- I. General and Professional Office**
- ~~J. Laboratory and Research facility, medical, dental, optical~~
- ~~K. Medical, dental, optical, clinic or office~~
- L. Museum and art gallery non-commercial**
- ~~M. Office with sample merchandise to wholesalers and retailers~~
- ~~N. Spa, message service~~
- ~~O. Telephone exchange~~
- ~~P. Commercial School for art, science, trades, or professions without sales~~
- ~~Q. Copy Printing and photo processing~~
- ~~R. Florist shop~~
- ~~S. Funeral Home~~
- ~~T. Funeral Home with other related service not including crematorium~~
- U. Museum or art gallery**
- ~~V. Post Office~~
- W. Social gathering, seminar, reception which is ancillary to principal use**
- ~~X. Studio for art, gymnast, designer, photographer, music, sculptor~~
- ~~Y. Park or playground not otherwise mentioned~~
- ~~Z. Public utility transmission lines~~
- ~~AA. Right of way~~

We hope you will consider these conditions as part of our request and should you have any questions please do not hesitate contacting us at (704) 847-7610

Thanks,



Paula Lester  
Matthews Historical Foundation