



DATE FILED <u>7-29-15</u>
APPLICATION NUMBER <u>2015-634</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): 22702605

Address of property: 419 Covenant Church Lane, Matthews, NC 28105

Location of property:

Title to the property was acquired on August 20, 2013
 and was recorded in the name of Christ Covenant Church
 whose mailing address is 800 Fullwood Lane, Matthews, NC 28105

The deed is recorded in Book 28633 and Page 777 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: R-15 Requested zoning classification: R/I

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

Please see separate sheet.

William L. Spitz
Signature of property owner (must be original)

Christ Covenant Church
Print name of property owner
800 Fullwood Lane
Property owner's mailing address
Matthews, NC
Property owner's mailing address, continued
28105
Property owner's mailing address, continued
(704) 814-1010/sspitz@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

B. S.
Signature of agent (if any)
Brian Schoeck
Print name of agent
1065 E. Morehead Street
Agent's mailing address
Charlotte, NC
Agent's mailing address, continued
28204
Agent's mailing address, continued
(704) 998-2252/ bschoeck@jahlaw.com
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

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."

22702602

TAX PARCEL

Christ Covenant Church

PROPERTY OWNER NAME(S)

800 Fullwood Lane

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

22702690

TAX PARCEL

Town of Matthews

PROPERTY OWNER NAME(S)

232 Matthews Station St.

OWNER MAILING ADDRESS

Matthews, NC 28105

OWNER MAILING ADDRESS, CONTINUED

TAX PARCEL

PROPERTY OWNER NAME(S)

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OWNER MAILING ADDRESS, CONTINUED

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PROPERTY OWNER NAME(S)

OWNER MAILING ADDRESS

OWNER MAILING ADDRESS, CONTINUED

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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 blynd@matthewsnc.gov) for verification.

Application submitted to and accepted by the Town of Matthews July 29, 2015

Town Board of Commissioners formally accepts application and sets Public Hearing date August 10, 2014

Notices sent via mail to affected/adjacent property owners on or before August 31, 2014

Protest petition filed with Planning Department by 5:00 pm on n/a

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 September 14, 2015

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 Sept 22, 2015

Town Board of Commissioners approves or denies application October 12, 2015

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

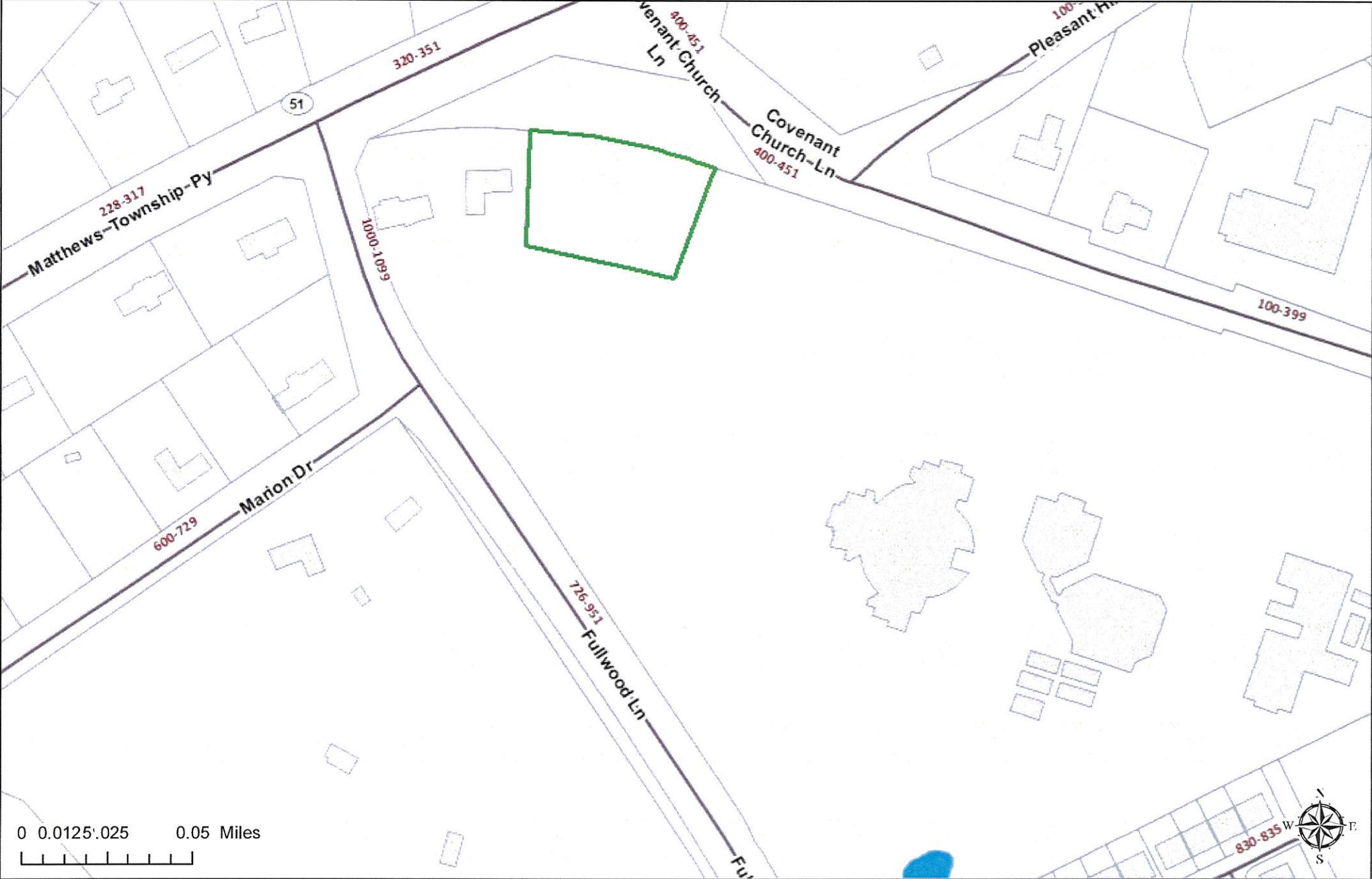
List reason(s) why zoning should be changed:

The subject Property is a 1.132 acre parcel acquired by Christ Covenant Church in 2013 to provide expansion opportunities for its main campus on Fullwood Lane. The Church campus contains 29.35 acres, all zoned R/I and currently includes both worship facilities and Covenant Day School facilities. The subject Property is surrounded on three (3) sides by the Church campus, and on the fourth (4th) by the Town of Matthews community garden site. The subject Property's current zoning designation as R-15 is an outlier for the surrounding uses. Christ Covenant Church is in the process of constructing new church and school facilities on its campus. The rezoning is requested to bring the subject Property in conformity with the surrounding uses and to provide continuity with the existing zoning for the Christ Covenant Church campus.

Polaris 3G Map – Mecklenburg County, North Carolina

2015-634
07-29-2015

Date Printed: 8/4/2015 6:36:59 PM



This map or report 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 or report 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.

B55 - P458

REGISTER OF DEEDS:
CERTIFIED TO BE A TRUE AND CORRECT COPY OF
THE ORIGINAL MAP RECORDED IN
BOOK _____ PAGE _____
DATE: 7/29/2015
BY: DAVID OKENBERRY, REGISTER OF DEEDS
DEPUTY

RECOMBINATION PLAT OF LOTS 1-3, NAGLE SUBDIVISION

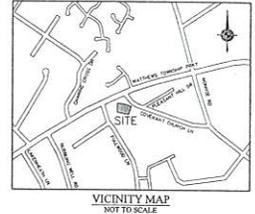
TOWN OF MATTHEWS, MECKLENBURG COUNTY, N.C.
MAP REFERENCE: 26-151
DEED REFERENCE: 26191-990 & 26367-25
TAX PARCEL NO: 227-026-05, -08, & -19
TOTAL AREA
49,309 sq. ft.
1.1320 acres

#201313830

MAP BOOK 55 PAGE 458

Owner: Christ Covenant Church

COVENANT CHURCH LANE
VARIABLE PUBLIC USE



FILED FOR
REGISTRATION
AUG 16 2015
7:15 PM
MECKLENBURG COUNTY, N.C.
REGISTER OF DEEDS

TOWN OF MATTHEWS
O.B. 24862, PG. 98

ZONING:
ZONING RESTRICTIONS AS PER ZONING ORDINANCE
SUBJECT PROPERTY ZONED: R-13
MINIMUM SETBACK: 40 FT
MINIMUM SIDE YARD: 20 FT
MINIMUM REAR YARD: 20 FT
MAXIMUM BUILDING HEIGHT: 15 FT

FOR FURTHER INFORMATION CONTACT THE TOWN
OF MATTHEWS PLANNING DEPARTMENT AT
784-4411.

NOTES:

1. ALL CORNERS MONUMENTED AS SHOWN.
2. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE COMMITMENT REPORT & B. PHARR & ASSOCIATES, P.A. DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THE SUBJECT PROPERTY ARE SHOWN HEREON.
3. BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
4. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAY SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
5. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
6. THE PURPOSES OF THIS PLAT IS TO RECOMBINE LOTS 1, 2 & 3 OF THE BEHOLD NAGLE & W.B. BUZARD P. NAGLE SUBDIVISION AS DESCRIBED IN MAP BOOK 26, PAGE 151 AND TO REMOVE THE PROPOSED "R" FROM MAP BOOK 26, PAGE 111. THIS PLAT SUPERSEDES THE PLATS PREVIOUSLY RECORDED IN MAP BOOK 26, PAGE 151 AND MAP BOOK 24, PAGE 111.
7. SITE LOCATED TO NEQ MONUMENT "M 04". ALL DISTANCES ARE HORIZONTAL. CURVED DISTANCES UNLESS OTHERWISE NOTED.

REVIEW OFFICER:

1. Jim Kujala REVIEW OFFICER OF TOWN OF MATTHEWS
CERTIFY THAT THIS MAP COMPLY TO WHICH THIS CERTIFICATION IS APPLIED MEETS
ALL STATUTORY REQUIREMENTS FOR RECORDING.

Jim Kujala 8-16-13
OFFICER DATE

PLANNING STAFF

IN PURSUANT OF THE TOWN OF MATTHEWS SUBDIVISION ORDINANCE THIS PLAT
IS EXEMPT FROM THE 15-DAY DIVISION ORDINANCE

Jim Kujala 8-16-13
PLANNING STAFF DATE

SURVEYOR'S CERTIFICATE:

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG
I, THE UNDERSIGNED SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DATED
REFERENCE: 2014-09-04 & 2014-10-20). THAT THE BOUNDARIES NOT SURVEYED ARE
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OF THIS PLAT. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-30-41
AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL
THIS 7TH DAY OF August, 2015.

THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE
RECOMBINATION OF EXISTING PARCELS & COURSE ORDERED SURVEY OR OTHER
EXCEPTIONS TO THE DEFINITION OF A RECOMBINATION.
Justin F. Croninger 8/16/15
DATE



GRAPHIC SCALE



FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT
LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON
MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED
MARCH 7, 2009.
MAP NUMBER 370310 4580 J

R.B. PHARR & ASSOCIATES, P.A.
SURVEYING & MAPPING
420 HAWTHORNE LANE CHARLOTTE, N.C. 28224 TEL: (704) 376-2156
LICENSE NO. 51141
SCALE: 1"=30' DATE: JULY 9, 2013 FILE NO: XX-381580
JOB NO: 50024
PLOT# 1416251

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O.B. 5356, PG. 505

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O.B. 6652, PG. 652

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N.C. GRID NAD 83
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110.04713' FT
OF 2.99999840

EP (CONTROL CORNER)
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E 1 445 526 83' FT

EA W 54 42 28" W
1.37' FROM CORNER

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784-4411.

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4. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAY SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
5. PHYSICAL IMPROVEMENTS MAY EXIST ON THIS PROPERTY THAT ARE NOT SHOWN HEREON.
6. THE PURPOSES OF THIS PLAT IS TO RECOMBINE LOTS 1, 2 & 3 OF THE BEHOLD NAGLE & W.B. BUZARD P. NAGLE SUBDIVISION AS DESCRIBED IN MAP BOOK 26, PAGE 151 AND TO REMOVE THE PROPOSED "R" FROM MAP BOOK 26, PAGE 111. THIS PLAT SUPERSEDES THE PLATS PREVIOUSLY RECORDED IN MAP BOOK 26, PAGE 151 AND MAP BOOK 24, PAGE 111.
7. SITE LOCATED TO NEQ MONUMENT "M 04". ALL DISTANCES ARE HORIZONTAL. CURVED DISTANCES UNLESS OTHERWISE NOTED.

REVIEW OFFICER:

1. Jim Kujala REVIEW OFFICER OF TOWN OF MATTHEWS
CERTIFY THAT THIS MAP COMPLY TO WHICH THIS CERTIFICATION IS APPLIED MEETS
ALL STATUTORY REQUIREMENTS FOR RECORDING.

Jim Kujala 8-16-13
OFFICER DATE

PLANNING STAFF

IN PURSUANT OF THE TOWN OF MATTHEWS SUBDIVISION ORDINANCE THIS PLAT
IS EXEMPT FROM THE 15-DAY DIVISION ORDINANCE

Jim Kujala 8-16-13
PLANNING STAFF DATE

SURVEYOR'S CERTIFICATE:

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG
I, THE UNDERSIGNED SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DATED
REFERENCE: 2014-09-04 & 2014-10-20). THAT THE BOUNDARIES NOT SURVEYED ARE
CLEARLY INDICATED AS DRAWN FROM INFORMATION AS REFERENCED ON THE FACE
OF THIS PLAT. THAT THE RATE OF PRECISION AS CALCULATED EXCEEDS 1:10,000
OF THIS PLAT. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 41-30-41
AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL
THIS 7TH DAY OF August, 2015.

THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE
RECOMBINATION OF EXISTING PARCELS & COURSE ORDERED SURVEY OR OTHER
EXCEPTIONS TO THE DEFINITION OF A RECOMBINATION.
Justin F. Croninger 8/16/15
DATE



GRAPHIC SCALE



FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT
LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON
MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED
MARCH 7, 2009.
MAP NUMBER 370310 4580 J

R.B. PHARR & ASSOCIATES, P.A.
SURVEYING & MAPPING
420 HAWTHORNE LANE CHARLOTTE, N.C. 28224 TEL: (704) 376-2156
LICENSE NO. 51141
SCALE: 1"=30' DATE: JULY 9, 2013 FILE NO: XX-381580
JOB NO: 50024
PLOT# 1416251

LEGEND:

- CP - CALCULATED POINT
- D.B. - DEED BOOK
- EP - EXISTING IRON PIPE
- ER - EXISTING IRON ROD
- EMM - EXISTING METAL MONUMENT
- M.B. - MAP BOOK
- N.G.S. - NATIONAL GEODETIC SURVEY
- N.R. - NEW IRON ROD
- PIN - PARCEL IDENTIFICATION NUMBER
- PG - PAGE
- P.O.B. - POINT OF BEGINNING
- P.O.C. - POINT OF COMMENCEMENT
- PP - POWER POLE
- R.W. - RIGHT-OF-WAY
- PROPERTY LINE
- PROPERTY LINE (NOT SURVEYED)
- RIGHT-OF-WAY
- RIGHT-OF-WAY (NOT SURVEYED)
- ROADWAY
- SETBACK
- POWER LINE

CHRIST COVENANT CHURCH
O.B. 5356, PG. 505

CHRIST COVENANT CHURCH
O.B. 6652, PG. 652

CHRIST COVENANT CHURCH
O.B. 5356, PG. 505

NOT MONUMENT "M 04"
N.C. GRID NAD 83
3.328117' E
110.04713' FT
OF 2.99999840

EP (CONTROL CORNER)
O.B. 5005
N 003 254 21' FT
E 1 445 526 83' FT

EA W 54 42 28" W
1.37' FROM CORNER

CHORD =
S 79 24 37" E
285.74'
RADIUS = 271.13'
ARC = 258.82'

TOWN OF MATTHEWS
O.B. 24862, PG. 98

FILED FOR
REGISTRATION
AUG 16 2015
7:15 PM
MECKLENBURG COUNTY, N.C.
REGISTER OF DEEDS

ZONING:
ZONING RESTRICTIONS AS PER ZONING ORDINANCE
SUBJECT PROPERTY ZONED: R-13
MINIMUM SETBACK: 40 FT
MINIMUM SIDE YARD: 20 FT
MIN