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 - 251 - 10

Address of property: 547 West Charles Street

Location of property: South east of intersection with West Charles Street and Lois Street.

Title to the property was acquired on 11-17-2008
and was recorded in the name of Plantation Carolina L.L.L.P.
whose mailing address is 2442 Raw Farm Road
Mint Hill, N.C. 28227

The deed is recorded in Book 24259 and Page 881 in the office of the Register of Deeds for Mecklenburg County.

Present zoning classification: R-20          Requested zoning classification: B0C0
List reason(s) why zoning should be changed (use separate sheet if necessary):

1. To allow for compatible zoning with surrounding properties
2. To allow development pursuant to Matthews Downtown Overlay (Precinct #2) Ordinance
3. To allow continued re-development of the West Charles Street Corridor.
4. To provide business space for small business.

Signature of property owner (must be original)

Print name of property owner
2442 Bain Farm Road
Property owner's mailing address
Mint Hill, N.C. 28227
Property owner's mailing address, continued

Property owner's mailing address, continued

Property owner's phone number/email address
MARTIN - ROGER B952 ATT - NET

Signature of agent (if any)

Print name of agent

Agent's mailing address

Agent's mailing address, continued

Agent's mailing address, continued

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
<table>
<thead>
<tr>
<th>TAX Parcel</th>
<th>PROPERTY OWNER NAME(S)</th>
<th>OWNER MAILING ADDRESS</th>
<th>OWNER MAILING ADDRESS, CONTINUED</th>
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<tbody>
<tr>
<td>193.251-05</td>
<td>Ricardo Pearson</td>
<td>Cornelius, N.C. 28031</td>
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<tr>
<td>193.251-01</td>
<td>Randolph Batterbee</td>
<td>Matthews, N.C. 28105</td>
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<td>193.251-02</td>
<td>Precole Investments</td>
<td>Charlotte, N.C. 28217</td>
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<td>193.251-11</td>
<td>Sandra Privette Robinson</td>
<td>Matthews, N.C. 28105</td>
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<tr>
<td>193.251-12</td>
<td>L. S. Privette</td>
<td>Matthews, N.C. 28106</td>
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<tr>
<td>193.251-13</td>
<td>Margaret S. Privette</td>
<td>Matthews, N.C. 28106</td>
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<tr>
<td>193.251-44</td>
<td>Plantation Carolina L.L.P.</td>
<td>2442 Bear Farm Road</td>
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<tr>
<td>193.251-42</td>
<td>Kevin Killian</td>
<td>Larkridge Dr.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Matthews, N.C. 28173</td>
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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, extension 224) for verification.

Application submitted to and accepted by the Town of Matthews ________________

Town Board of Commissioners formally accepts application and sets Public Hearing date ________________

Notices sent via mail to affected/adjacent property owners on or before ________________

Protest petition filed with Planning Department by 5:00 pm on ________________

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 ________________

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 ________________

Town Board of Commissioners approves or denies application ________________

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
August 30, 2012

Mr Jay Camp, Senior Planner  
Town of Matthews  
232 Matthews Station Street  
Matthews N.C. 28105  

Re: Rezoning petition for 547 West Charles Street  

Dear Mr. Camp  

Pursuant to rezoning submission instructions I offer this explanation for the above petition.  

The above address (Mecklenburg County tax parcel # 193-251-10) lies within Precinct Two of the Matthews Downtown Overlay District and may generally be thought to be a candidate for rezoning to an office category.  

My intent, from my purchase date in 2008 until recently, was to build a structure for office use. However, as I have continued to evaluate the economy, location of the property, and adjacent uses, I have concluded that this parcel must have flexibility of use that office zoning does not allow under Matthews zoning.  

We have therefore designed a building that will fool everyone into believing it is a professional office building while offering the flexibility of additional uses under the Matthews (BD) zoning category. As you and I have discussed, I know I am losing the medical office use available under office zoning, but if that becomes a needed category I will address that later. We will have medical ratio parking as the site plan is now designed.  

Due to existing adjacent uses, which will apparently exist for a long time, the potential professional office users are diminished as they are sensitive to their surroundings. My conversations with professional users reflect their additional demand for main road visibility.  

While I still very much believe that this is a premiere site, I believe the long term best interest of Matthews is for me to build a high quality building that “belongs” in the Downtown Overlay District but may have additional use options.  

I believe the architecture fits the “District” and will compliment existing and future development on West John Street and West Charles Street.  

I would propose to eliminate the following allowed BD uses under the Matthews Zoning Code page V-7: #s 2,4,5,11,12,18,28,32,43,53,64,82,83,84,85,86,87, and 95.  

Thank you for your time and assistance in this rezoning.  

Very truly yours,  

Charles Roger Martin