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:
X 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): 227-601-09; 227-601-10; 227-601-11; 227-601-12; and a portion of 227-601-05

Address of property: 1900 McKee Road (a portion of the property conveyed under the deed referenced below)

Location of property: Near the intersection of McKee Road and Pleasant Plains Road, roughly bounded by McKee Road to the south, St. Andrews and Timothy Fincher's property to the west, and Plantation Ridge and Pleasant Plains Road to the North.

Title to the property was acquired on December 10, 2010
and was recorded in the name of Land Holding, LLC

whose mailing address is c/o Chuck Buttle, PNC Bank, N.A., 1900 E. 9th St., Mail Code B-7-YB13-22-1, Cleveland, OH 44114

The deed is recorded in Book 25136 and Page 326-337 in the office of the Register of Deeds for Mecklenburg County.
Present zoning classification: R/I (CD)Requested zoning classification: R-VS (Innovative) and R-20(CD)
List reason(s) why zoning should be changed (use separate sheet if necessary)

The existing zoning limits the use of the property to a large-scale retirement community accommodating 1250 units. The zoning request will accommodate the development of a neighborhood of up to 209 one-family detached dwellings. The proposed rezoning is consistent with adopted land use plans and is compatible with adjoining residential uses.

Signature of property owner (must be original)

**Land Holding, LLC**

*Charles Buttle*

Print name of property owner

c/o Chuck Buttle

Property owner's mailing address

PNC Bank, N.A.

Property owner's mailing address, continued

1900 E. 9th St. Mail Code B7-YB13-22-1

Property owner's mailing address, continued

Cleveland, OH 44114

Property owner's phone number/email address

**Bailey Patrick, Jr./Collin Brown**

Signature of agent (if any)

Print name of agent

**Hearst Tower, 47th Floor, 214 North Tryon Street**

Agent's mailing address

Charlotte, NC 28202

Agent's mailing address, continued

Agent's phone number/email address

(704) 331-7454 (BP); (704) 331-7531 (CB)

bailey.patrick@klgates.com

collin.brown@klgates.com

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)

**Standard Pacific Homes**

Print name of petitioner

6701 Carmel Road, Suite 425

Petitioner's mailing address

Charlotte, NC 27226

Petitioners' mailing address, continued

Petitioners' phone number/email address

(704) 750-6040

BBennett(a)stanpac.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."

**SEE EXHIBIT A**

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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 March 29, 2013
Town Board of Commissioners formally accepts application and sets Public Hearing date April 8, 2013
Notices sent via mail to affected/adjacent property owners on or before May 24, 2013

Protest petition filed with Planning Department by 5:00 pm on June 5, 2013
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 June 10, 2013

Town Planning Board reviews petition, information, and comments from the public hearing, then makes recommendation to the Board of Commissioners on whether to approve or deny the request June 25, 2013

Town Board of Commissioners approves or denies application July 8, 2013

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
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.
Proposed Rezoning at 1900 McKee Road:
Statement Regarding Consistency with Adopted Plans and Policies

Date March 27, 2013

Although the Town of Matthews Land Use Plan 2012-2022 (the “Plan”) does not make specific recommendations related to the subject property (presumably because the current R/I zoning which only accommodates development of a large retirement community, was in place when the Plan was being developed), Standard Pacific’s proposal complies with all six of the Land Use Policy Statements set forth in the Plan:

1. “Provide a range and variety of housing styles in Matthews.” The Plan recognizes that there are few large tracts of undeveloped land and recommends that “Matthews provide housing styles acceptable to, and desired by, current and future residents.”

   Although Standard Pacific’s plan proposes a relatively low density (2.59 DUA, which is consistent with most traditional single-family neighborhoods in the area), the R-VS district and innovative standards allow Standard Pacific to offer a variety of lot sizes (ranging from 40 feet in width to over 74 feet in width) and housing types. Also, the design flexibility of the innovative standards will make it possible to deliver high-end homes on smaller sized lots which will be attractive to homeowners that are looking for premium housing without the upkeep associated with large lots.

2. “Encourage a mix of land uses in appropriate and well-planned locations throughout the community.” The proposed rezoning does not include any non-residential uses, but the site’s close proximity to existing retail shopping centers and the Siskey YMCA makes it possible for future homeowners to access nearby shopping, dining and entertainment venues without having to drive.

3. “Ensure a range of transportation options and encourage alternative modes where appropriate.” The rezoning plan includes three potential vehicular or pedestrian connections to adjoining properties creating an opportunity to continue build an interconnected street network. The Rezoning Plan also provides for sidewalks throughout the site as well as an additional pedestrian connection to the new sidewalk proposed on McKee Road. Additionally, the rezoning plan anticipates a possible dedication, to the Town or other entity, of an area within the Duke Energy power line easement for a greenway connection or trail system.
4. “Encourage compact building design and urban style development to achieve more efficient use of space where appropriate.” Instead of requiring unnecessarily large lot sizes, the R-VS district and the use innovative standards allow Standard Pacific to concentrate homes in appropriate areas while providing protected landscape areas around the perimeter of the site, pockets of internal open spaces, and large areas of passive open spaces that can be enjoyed by the entire community.

5. “Preserve open space, natural beauty, and environmentally sensitive areas.” The rezoning plan provides for 16.15 acres of dedicated open space. Also, the site plan is designed to feature the stream and existing pond as amenities.

6. “Establish Matthews as a distinctive, attractive, high-quality community.” Standard Pacific retained LandDesign, one of the most respected site design firms in the country, to develop a site plan with exactly these characteristics. In addition to the many site design elements already mentioned, the rezoning plan provides for many small features, like planting areas within each cul-de-sac, that will set this community apart. Also, Standard Pacific has committed to architectural standards and conceptual elevations to ensure that the homes it builds on the property will be consistent with the high standards set by Matthews.

Finally, the plan states that “R-VS infill and redevelopment opportunities are encouraged on established, residentially zoned land, so long as the development complements the existing character of its surroundings.” The Site’s current use and the uses which surround it on all sides are residential in nature and as a consequence the proposed mixture of one-family detached homes is consistent and compatible with the existing neighborhood.

We will continue to work with members of the community, Planning Staff, Planning Board, and you to ensure that Standard Pacific’s proposed development will be asset to the Town of Matthews.